

added: 'There was virtually no right of way to the left [i.e. the Order route] although I expect it to be well used now that Morrisons new store has opened.' One user noted that a gap was left in the post and chain fence separating the car park from London Road to let pedestrians get to the pelican crossing.

17. Seven witnesses called by the County Council gave oral evidence to the inquiry, and two further proofs of evidence were provided by people who were too ill or infirm to appear. All those who gave oral evidence were adamant that they had used the Order route, although some agreed that they had followed other routes in addition to get across the car park. In cross examination one witness, who had lived in Hadleigh for very many years, was asked whether it was the case that there were several potential routes through the car park and that he just got through as best he could, to which he replied: 'Of course'. Other witnesses were asked about their destinations after using the cut-through. In some cases it seemed to me that their evidence was not entirely convincing because the Order route (rather than, for example, a route reaching London Road at the north-east corner of the Crown car park) would not have been an obvious choice for them to get from home to the stated destination or vice versa, and they gave no clear reason why they had walked round a longer route than was necessary. I was left in no significant doubt that all the witnesses had used the Order route, or at least a line or lines within it, but I conclude that a significant proportion of the use attested to was of other routes through the car park.
18. There is contemporaneous documentary evidence of the use of the cut-through between London Road and the High Street from around the time it was blocked in 1994. The Chief Executive of the Borough Council reported to the Highways Committee in March 1994 the erection of a fence, '...which blocked the traditionally used pedestrian way from the High Street to London Road. Whilst this was not a public footpath on the Definitive Map, it had been utilised for many years, and following the receipt of a number of written complaints, it was possible that the Council would be able to provide sufficient evidence to establish that a public right of way existed'. The issue was discussed further at a Committee meeting on 6 December 1994 when it was minuted that: 'The three witnesses (a councillor and two highway officers) had revealed that they could not be precise as to one defined route as various routes had been taken.' An associated plan shows three diverging lines leading from B towards London Road, one approximating to the Order route, the others reaching London Road further to the east.
19. In August 1994 the County Librarian wrote to the Chief Executive of the County Council that they were experiencing a problem with a pathway, 'between the library and the adjoining public house' which was, 'used by members of the public as a throughway'. A plan was attached to show the path in question. Its position may be seen on the appended Order map, as the narrow strip enclosed by a pair of lines immediately adjacent to the eastern side of the library, just touching the bottom right hand corner of the letter 'B'. This is not within the Order route, but to its west, within the curtilage of the library.
20. A number of photographs of the area were put in evidence, most of which showed little of significance. An aerial photograph from 1988, however, showed the Order route north of B obstructed by parked cars. One witness who had used the Order route for many years stated that this was atypical. He stated that the Order route was rarely obstructed.