

Our ref AB/HEA/SC/065801/00004

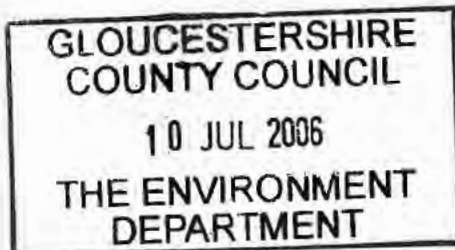
Your ref 573/11/101(1)

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7 July 2006

Dear Ms Burge

**Wildlife and Countryside Act 1981, Section 53  
Application for Modification Order for an Additional Public Footpath through Witcombe Farm,  
Parish of Great Witcombe**

Thank you for your letter of 30<sup>th</sup> May enclosing a summary of the documentary evidence with attachments provided by the County Archivist and requesting that my client send in comments on the application by 10<sup>th</sup> July 2006.

My client has asked me to forward the following by way of comment on the application:

- 1 Landowner's comments on the summary of evidence form submitted in support of the application for Modification Order.
- 2 The Landowner's comments on the summary of documentary evidence provided by the County Archivist. It is our view that there is no evidence that the route has at anytime been recorded as a public right of way.
- 3 Statements by Michael Teesdale, Arnold Price, Kevin Higginbotham, Tony Dielt and Irene Cross who all have personal knowledge of the claimed path.
- 4 Letter from Mr Francis Baxendale a Trustee of the Witcombe Estate.
- 5 14 evidence forms submitted on behalf of the Landowner given by local people who have first hand knowledge of the path.

The above evidence is provided by a wide variety of witnesses with first hand evidence of the use of this claimed path. The witnesses include employees, family members, neighbours and others that frequent either the reservoirs or the farm yard. This represents a substantial volume of evidence to counter the Claimant's evidence and we would submit that the quality of this evidence far outweighs that set out in the forms provided by Dr Gilbert. In particular we would stress that the majority of the evidence forms countering the claim show that the witnesses have a full and first hand knowledge of the site during the

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## CHARLES RUSSELL

claim period.

It is our view that little weight should be accorded to many of the Claimant's evidence forms on the basis of dubious credibility. Many of those completing these forms live some distance from the site and it is therefore most unlikely that they routinely walk the path as they have claimed. My client has set out full comments on each of the Claimant's evidence forms in the documents referred to above.

My client has not prepared a statement on her own behalf as we have taken the view that this would just repeat matters that have been covered in her comments on the Claimant's evidence in support of this claim. However, we can confirm that she is very happy to provide a statement if you think this would assist the Committee in determining the claim and would be very happy to answer any queries that you may have on any of the enclosed documents or generally.

I trust that the enclosed evidence will enable the Council to prepare a full report to the Public Rights of Way Committee in due course with a recommendation that no order be made. I should be obliged if you could provide me with a copy of the draft report as soon as this is available.

In the meantime if you have any queries please do not hesitate to contact me.

Yours sincerely

Anne Bennett  
for and on behalf of Charles Russell LLP

cc Mrs C Hicks-Beach

**LANDOWNERS' COMMENTS ON THE SUMMARY OF EVIDENCE FORMS SUBMITTED IN  
2005 IN SUPPORT OF THE APPLICATION FOR A MODIFICATION ORDER TO ADD A  
PUBLIC FOOTPATH THROUGH WITCOMBE FARM, PARISH OF GREAT WITCOMBE.**

**1 Dr N J Gilbert**

Dr Gilbert claims to have used the path several times per week during the 1970s when he was living at his parents' house at Pasaderas. However he fails to mention the periods of time during which he was not resident in Great Witcombe, for example when he was at College. After he moved to his house at Wychbury he claims that he used the path to visit his parents. However the route between his house and his parents' house would not take him along the claimed route but rather along the village road. Recreational walks to the reservoir would have been along the footpath AWG/4 which starts at a point opposite his house.

He would not have cause to use the claimed path and neither the Landowner nor any of her employees, neighbours or other users of the yard and stables have ever seen him using the path nor given him permission to use the claimed path.

The Landowners' evidence and that of several other witnesses shows that particularly during the 1990s a number people were outside in the yard for large parts of the day, particularly when Cheltenham Ladies' College were using the stables and yard but despite this none of them has seen Dr Gilbert use the path.

The physical condition of alternative routes is of no relevance to this claim nor are issues of security and suitability of the claimed path. The only relevant issue is that throughout the period of their ownership Mrs Hicks Beach and the late Mr Hicks Beach have always challenged anyone using the path without their express permission. However, Dr Gilbert has not used the path other than on one occasion in 2005 when permission was given.

Dr Gilbert fails to mention that throughout the 1970s there were signs at point A and fails to mention that during the 1970s the track was gated at point A.

**2 James Gilbert**

James Gilbert is the father of the applicant although he is well known to the Landowner he has never been seen walking the claimed path. The most direct route from Pasaderas to the reservoirs and the Roman Villa is along the RUPP, EBW/14 and footpaths EBW/15 and EBW/16. He has never been seen by any of the employees or other users of the yard or stables and has never been given permission.

**3 Evelyn Gilbert**

Evelyn Gilbert is the mother of the applicant. Mrs Gilbert is not known to the Landowner and has never been seen walking the claimed path. One of the Landowner's neighbours Mr Diett has seen her regularly walking her dogs to the claimant's house at Wychbury along the village road but not along the claimed path. The same points apply as noted in 2 above.

#### **4 Moira Gilbert**

Moira Gilbert is the claimant's wife. The Landowner has seen Mrs Gilbert walking daily from her house at Wychbury to the reservoirs along footpath AWG/14. To visit her in-laws she would use the village road.

#### **5 Anne Vickery**

The Landowner recalls seeing Mrs Vickery very occasionally using the claimed path to deliver the Church magazine. This does not constitute using the path as of right. Normally she is seen walking on the village road to the Church. To access the reservoirs or Roman Villa her natural route would be along EBW/14, EBW/15, EBW/16. She has no cause to use the claimed path nor have any of the Landowner's family, employees or other users of the stable and yard seen her do so other than for the purpose of delivering the Church magazine.

#### **6, 7 & 9 Scott McNeill, Ann McNeill, Valerie Mason**

None of these people have been seen using the claimed path nor has any group been seen by either the Landowner, her employees, neighbours or other users of the stable and yard. It is unclear where route of the "circular walk" is. It is likely that it is a route along the numerous dedicated public rights of way.

#### **8 Michael Roberts**

The Landowner has not seen this man use the path. The Landowner believes he has tried to use the claimed path on one occasion when he was stopped by one of the bailiffs and given permission due to the condition of the alternative footpath on that particular occasion.

#### **10 Iris German**

The Landowner has never seen this lady use the claimed path however as she is in her late 70s, had she asked permission to use the path this would probably have been given.

#### **11 Mary Heggie**

Neither the Landowner nor any of her family, employees, neighbours or other users of the stable or yard have ever seen this lady use the path.

#### **12 Carole Neal**

Neither the Landowner nor any of her family, employees, neighbours or other uses of the stable or yard have ever seen this lady use the path. Mrs Neal claims to use the path to walk to the Church but the route from Brockworth to the Church would take one along AWG/4 and not the claimed path.

**13 Sheila Watts**

Neither the Landowner nor any of her family, employees, neighbours or other uses at the stable or yard have ever seen this lady use the path. In addition Mrs Watts is 85 years old and it would seem to be an exceptionally long walk from Brockworth to the reservoirs.

As is noted in the statement Anthony Diett there is no available car parking at the farm, only at the Church or Twelve Bells pub.

**14 Mr and Mrs Peachy**

The Landowner recalls that these people attempted to use the path once only but were stopped by the Landowner's son Freddie. The Landowner is not aware that they have used the path on any other occasion. They confirm the Landowner's evidence that visitors such as fishermen and the Cheltenham Ladies College have been given permission to use the path.

**15 Gary John**

Neither the Landowner nor any of her family, employees, neighbours or other uses of the stable or yard have ever seen this man use the path. The claimed route is not on the route between Brockworth and Cranham. The Landowner considers that it would be unusual for a 17 year old to have walked for pleasure at least twice a week.

**16 Adam Hostler**

Neither the Landowner nor any of her family, employees, neighbours or other uses at the stable or yard have ever seen this man use the path. The Landowner believes the "circular walk" referred to is along existing public rights of way.

**17 Mary Organ**

The Landowner states that Mrs Organ's late husband was farm manager of the Witcombe Estate and she and her husband lived at "Clovelly" a tied cottage. Mr Organ died in 1969. Soon after this Mrs Morgan moved out of the property. Any use of the claimed path by her was as the farm manager's wife and as a tenant not as of right.

She is now over 80 and well known to the Landowner but has not been seen walking at the Farm for over 30 years.

## **18 Maureen Pither**

Mrs Pither is disabled and cannot walk far. The Landowner confirmed her account that infrequently, possibly 5 times in the 25 years, she has driven elderly people along the claimed path to the reservoirs but on each occasion has sought and been given permission to do so.

During a recent telephone conversation she confirmed that if she ever wished to use the path, she would ask permission

Mrs Pither has not and the Landowner believes would not be able to walk the path due to her infirmity.

## **19 Anthony Pither**

The Landowner's farm is operated in partnership with Mr Pither's neighbouring farm. Mr Pither therefore regularly drives around the fields on Witcombe Farm. He is active in the Church and during summer months the Landowner has seen him use the footpath AWG/4 between his house and the Church. The Landowner does not recall Mr Pither using the path other than on one occasion. Any use of the path was not as of right but with permission by virtue of the partnership arrangements for farming the two farms.

## **20 & 42 Mr & Mrs Ruddleston**

The Landowner has met these people on one occasion in approximately March 2005 but neither the Landowner nor any of the users or employees at the farm have seen them use the path at all. If they travel to Great Witcombe by car from their home in Berkeley they would have parked by the Church. The walk to the reservoirs from the Church is along AWG/4 and not the claimed route.

## **21 Miss V Cooper**

Neither the Landowner nor any of her family, employees, neighbours or other users at the stable or yard have ever seen this lady use the path. The Landowner recalls asking Miss Cooper to leave the reservoirs which are private property. It is unclear why she is at the Cricket Club so regularly.

## **22 David Cooper Jnr**

Neither the Landowner nor any of her family, employees, neighbours or other users at the stable or yard have ever seen this Mr Cooper use the path. However, in 2005 he tried to walk up the claimed path but was turned back by the Landowner's son Freddie. The Landowner and her family and employees are always polite and point out the public rights of way. It is denied that Mr Hicks Beach was either drunk or confrontational.

**23 David Cooper**

Mr Cooper is well known to the Landowner but neither the Landowner nor any of her family, employees, neighbours or other uses at the stable or yard have ever seen him use the path. He acknowledges that many people are stopped from using the path and many have been granted permission.

**24 Lynne Cooper**

Mrs Cooper is well known to the Landowner. At some time prior to 1998 the late Mr Hicks Beach gave Mrs Cooper permission to use the path. However, because she routinely ran through the yard with her dogs on the loose that permission was rescinded by the Landowner's son Freddie. Since that time she has not been allowed to use the path but has been seen using the public rights of way.

**25 Christopher Cooper**

The Landowner has not seen Mr Cooper since he was a baby. Neither the Landowner nor any of her family, employees, neighbours or other uses at the stable or yard have ever seen Mr Cooper use the path. It is noted that he has not stated on the evidence form the number of times that he claims to have used the claimed path.

**26 Richard Cooper**

Neither the Landowner nor any of her family, employees, neighbours or other uses at the stable or yard have ever seen Mr Cooper use the path. The Landowner met Richard Cooper once as a child. Issues of security are not relevant to claims of this type. It is noted that the witness has not marked the route on the map. The Landowner believes Mr Cooper is mistaken as to the route he has used.

**27 Miriam Beard**

Neither the Landowner nor any of her family, employees, neighbours or other uses at the stable or yard have ever seen Mrs Beard use the path other than on one occasion when the Landowner believes she attempted to walk the path but was turned back.

**29 Ruth Hepburn**

The late Mr Hicks Beach gave Mrs Hepburn permission to use the path to bring her children to the reservoirs to see the ducks. This would have been in the early/mid 1990s but she has not been seen for many years.

**28 Duncan Hepburn**

Neither the Landowner nor any of her family, employees, neighbours or other users at the stable or yard have ever seen Mr Hepburn use the claimed path. The Landowner states that her late husband gave permission to certain individuals to use the path but no such "freedom was granted to the locals" as is claimed by Mr Hepburn.

**30 Sybil Knight**

Neither the Landowner nor any of her family, employees, neighbours or other users of the stable or yard have ever seen Mrs Knight use the claimed path. The Landowner states that the school was given specific express permission to undertake nature walks.

**31 Penelope Canbilen**

The Landowner does not know Mrs Canbilen but assumes her to be the claimant's sister. The Landowner, her late husband, her employees and other users of the yard have never let unknown horse riders use the path there has never been a bridleway sign such as she refers to and this is not mentioned in any other evidence submitted.

Neither the Landowner nor any of her family, employees, neighbours or other users at the stable or yard have ever seen Mrs Canbilen walk or ride the path.

**32 Louise Taylor**

The Landowner believes this to be a sister of the claimant. The late Mr Hicks Beach up until 1983 stopped Mrs Taylor on many occasions from walking her dog along the claimed path. She was advised to use the public footpath. She acknowledges that those who use the path do so with express permission of the Landowner.

Issues of suitability of alternative routes or need are not relevant to claims of this type.

**33 Julian Comrie**

The current Landowner's in-laws and predecessors in title granted permission to the Gloucestershire Wildlife Trust members to use the path on foot and with vehicles. This permission still subsists today. Please see the evidence of Mr Mike Teesdale and Mr John Metcalfe.

**34 Rosemary Hellerman**

Mrs Hellerman is well known to the Landowner. She is now over 80 years old. Neither the Landowner nor any of her employees, neighbours or other users of the yard and stables have ever seen Mrs Hellerman use the claimed path. If she used the claimed path to visit the previous occupiers of Witcombe Farm House this was not used as of right but rather as a visitor/invitee to the farm. In any event the route from her house would naturally be along the public right of way

EBW/14 and EBW/15. The Landowner believes she would not have not reason to use the path other than to visit the farmhouse,

**35 Mary Hostler**

The Landowner's late husband granted permission to Mrs Hostler to drive or walk up the claimed path to paint at the reservoirs, which for a number of years she did regularly.

She has not used the path at all for a number of years other than on one occasion when she was permitted to use it as she describes.

**36 Olivia Dell**

Mrs Dell lives opposite AWG/4 which leads to the reservoirs, Roman Villa and Coopers Hill. The Landowner has seen her using this route. Only on one occasion has she been seen on the claimed path when she was advised by the Landowner that the way was private.

**37 Angela Hendy**

The Landowner saw Mrs Hendy once in 2005 when she used the path with Mrs Seawright. With permission? Other than that the Landowner and her neighbours, employees and other uses of the yard have never seen Mrs Hendy use the path.

**38 John Miles**

Neither the Landowner, her family, her neighbours, employees nor other uses of the yard have ever seen Mr Miles use the path.

**39 & 40 Edward Pope and Beryl Pope**

Mr & Mrs Pope were given permission by the current Landowner's mother-in-law the late Mrs Hicks Beach to use the path. This is acknowledged by their evidence. Both now live in Spain and rarely use the path now but do so with the current Landowner's permission.

**41 Susan Willis**

Ms Willis acknowledges that she used the path with permission from the previous tenant. The Landowner confirms that she and her late husband have given her permission to walk and sometimes ride along the path. Her use of the path is not as of right.

**42 Simon Ruddleston**

See number 20.

**43 Pat Willis**

Mrs Willis is known to the Landowner but neither the Landowner nor her family, neighbours, employees or other uses of the yard have never seen Mrs Willis use the claimed path.

**44 Pat Curtis**

Mrs Curtis is known to the Landowner. She used to come to the farm when her daughter's pony was stabled there with Cheltenham Ladies College but she did not use the path as a footpath. The natural and quickest route from her house to the reservoirs is by using public right of way AWG/4.

**45 Rev. John Thornton**

The Landowner recalls that Rev. Thornton used the path when leading the procession for the annual Rogation Service.

The Landowner grants permission to the Church for this annual event. Other than this Rev. Thornton has not been seen using the path by the Landowner or her family, neighbours, employees and other uses of the yard.

The route from the Rectory to the reservoir is along public right of way AGW/4.

**46 John Pye**

The Landowner has not seen Mr Pye use the claimed path and nor have any of her family, neighbours, employees and other uses of the yard.

**47 Bob Miles**

Neither the Landowner nor her family, neighbours, employees or other uses of the yard have ever seen Mr Miles use the path. If travelling to Great Witcombe from Stroud he would have to park at the Church from which the route to the reservoirs is along AWG/4.

From Little Witcombe it is not necessary to use the claimed path to reach the woods.

**48 Eunice Straley**

Contrary to Mrs Straley's evidence from the Landowner employed her as a tutor for her son in 1979 to 1980. She visited the farm during the course of her employment and on several occasions afterwards to enquire about the Landowner's son's progress. She used the path as an invitee/visitor to the farm.

She also visited when accompanied by the Landowner to visit the ponies.

She did not use the path for recreational purposes and other than these occasions mentioned above has not been seen using the path by the Landowner, her family, neighbours, employees or other users of the yard.

#### **49 Pete Bradshaw**

The Landowner believes Mr Bradshaw is not authorised to give evidence on behalf of the Gloucestershire Wildlife Trust but only as an individual.

Please note the evidence particularly of Mike Teesdale and Tony Metcalfe. Permission is given to the Gloucestershire Wildlife Trust to use the path with or without vehicles. The Landowner does not know Mr Bradshaw but believes he may have visited as part of a group which was given permission. His use of the path was not as of right.

#### **General Points**

- 1 Despite the fact that many of the evidence forms allege usage during the 1970s almost none mention that the access was at that time gated at point A even though the form specifically asks about obstructions. (See the evidence of Arnold Price as to details of the gate). This casts doubt on the veracity of their evidence as to use during 1970s.
- 2 The evidence submitted by walkers from Brockworth must be viewed with some caution. Brockworth is some [ ] miles from the claimed path. There is an adequate and practicable "circular walk" along public rights of way without using the claimed path. The route from Brockworth to the reservoirs, the Roma Villa or the Church do not involve use of the claimed path. The Landowner believes the evidence of these walkers to be confused.
- 3 There have been a number of signs erected at point A over the years. The evidence given by so called regular walkers of the route appears to be contradictory and confusing with regard to the existence of signs at this point. The Landowner considers that this casts doubt of the veracity of their evidence, which in many cases claims extremely regular usage. The Landowner would expect more precise recollection from people claiming to use the path so regularly.
- 4 Several of the witnesses are close family members and therefore their evidence is not entirely independent of the claimant. This may affect the weight that should be accorded to such evidence.

**LANDOWNER'S COMMENTS ON THE SUMMARY OF DOCUMENTARY EVIDENCE REPORT  
BY THE COUNTY ARCHIVIST – APPLICATION FOR MODIFICATION ORDER TO ADD A  
PUBLIC FOOTPATH THROUGH WITCOMBE FARM, PARISH OF GREAT WITCOMBE**

*Tithe map 1837, first edition 1":1 mile Ordnance Survey Map, 1817*

The Landowner understands that such maps generally did mark roads quite accurately. It is assumed that the track was not in existence at that time.

*Bryant map of Gloucestershire, 1824*

The route shown on this map does not follow the route claimed by the Claimant. The existence of this alternative route, whatever its status, can have no evidential value in showing the existence of the claimed route.

*Ordnance Survey 25":1 mile, 1884 edition, sheet number 38/4,10*

This seems to be the first documentary record of a physical track along the claimed route but since the route is shown as closed at both ends and the status is undefined, the Landowner considers that this is merely evidence of the private access to the Witcombe Farm.

*Private Estate Maps, D2607*

Although no copy has been provided, from the description it appears the claimed route is not shown on this map only the existing footpath to the south of the reservoir.

*D2299/L79-1929*

This provides evidence that a physical track along the claimed route existed in 1929 but the description in the sales particulars clearly describes rights that had been granted in respect of use of this route. The Corporation of Gloucester made an annual payment for exercising the right whilst the owner of Witcombe Wood had the benefit of private rights of way for the purpose of transporting timber. Neither of these uses establish any public rights of way which must be exercised as of right and not under licence.

*Parish Council's and District Council's Files*

The lack of information in the Parish Council's file or the files of the District Council indicate that no highway rights existed along the claimed route.

*County Surveyors' papers relating to survey of footpath under the National Parks and Access to Countryside Act 1949.*

Again the route is not claimed during the course of this survey.

The Landowner concludes from the County Archivist's summary of documentary evidence that there are no grounds for amendment of the Definitive Map on the basis of documentary evidence.

Statement of Anthony Maurice Diett

I am Anthony Maurice Diett of Berries Cottage, Farm Lane, Great Witcombe, Gloucestershire, GL3 4TP. My property is shown edged red on the attached plan.

I have lived at Berries Cottage for 27 years and throughout that time I have frequently worked from home.

From the study, dining room and two of the bedrooms at my property I have a clear view of access point A. In addition, the kitchen at the property opens into the dining room and access to point A can be seen from the kitchen via the dining room window. I can also see the claimed path from most parts of the garden. From the front windows of the property I have a clear view of the approach road to the claimed path along which any users of the path must traverse to access the claimed route.

In addition I keep a large schnauzer dog as a guard dog. The dog is in the garden all day every day, including weekends, until dark. The dog alerts me to any passers by so that I am always aware of users of the road.

Over the years I have seen both Mrs Hicks Beach and the bailiffs turning people back on occasions when they have attempted to walk the claimed path.

Many of the people claiming to have used the path are known to me but I have never seen these people use the claimed path despite my regular surveillance of the route.

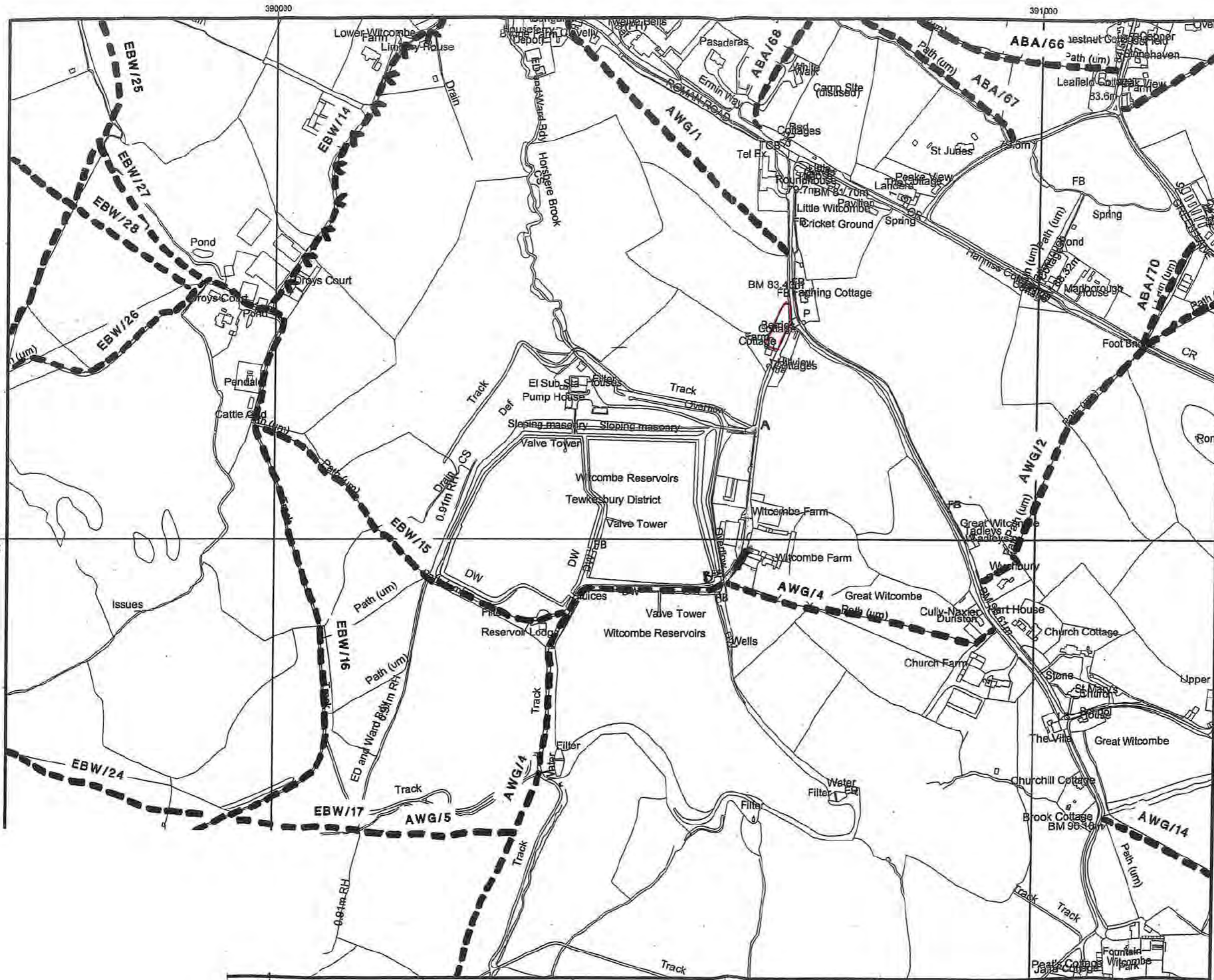
The road to the front of my property is a single track road and there is no car parking. Any people from outside the village that wished to use the path would have to park either at the Church or the Twelve Bells pub. I have never seen any vehicles parked on the grass verge nor in the passing place or accesses.

During all the 27 years of my residence at Berries Cottage there have always been signs erected at point A. These signs indicated that the route was private although I cannot remember in detail what the various signs actually said. The green signs currently erected at points A and B were erected approximately 4 or 5 years ago although I believe the sign at point B has had to be replaced several times since then.

Signed.....

Dated.....2/7/06.....


Witnessed.....



**PARISH OF  
GREAT WITCOMBE**

**PLEASE MARK ON  
MAP THE PATH  
YOU WISH TO CLAIM**

- KEY**
- EXISTING FOOTPATH  

  - EXISTING ROAD USED  
AS A PUBLIC PATH  


**PUBLIC RIGHTS OF WAY**  
 Shire Hall, Westgate Street,  
 Gloucester GL1 2TG  
 Tel: 01452 425576  
 www.gloucestershire.gov.uk

**DRAWN BY: S BURGE**  
**SCALE: 1:5,000**  
**DATE: 15/05/2005**  
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Statement of Michael Teesdale

I am Michael Teesdale of 6 Cherrywood Gardens, Tuffley, Gloucester, GL4 0AE.

I have been a member of the Committee responsible for the management of the Witcombe Reservoirs Nature Reserve since about 1986. Between 1992 and 2002 I was the chairman of this Committee. We managed the reserve on behalf of Gloucestershire Wildlife Trust.

I have always visited the reservoirs regularly and between 1986 and 1996 I visited approximately once a week and then more latterly since that date approximately once per month. The purposes of my visits were to carry out surveys and for bird watching. I was usually at the reservoirs for between one and two hours on each of these visits.

The Nature Reserve is shown edged red on the attached plan. From this land the claimed path at point B can be clearly seen. During my visits to Witcombe reservoirs I have frequently seen people walking the public right of way along the causeway to point B and from there to Witcombe Church along footpath number AWG/4.

I believe that members of the Hicks Beach family have given permission for certain people to walk along the claimed path through Witcombe Farm. Indeed the Committee Members have been given express permission by Mrs Hicks Beach to use the claimed path as they understood that there was no right of way.

I am also aware that from time to time people who have attempted to drive through the farm were challenged by members of the Hicks Beach family and were turned back. In particular I recall that on one occasion a visitor to the reservoir parked a car on the track and claimed that he had a right to park there. He was challenged by the late Mr Hicks Beach. He complained to the Wildlife Trust, but he was not using the specified access in their guide book.

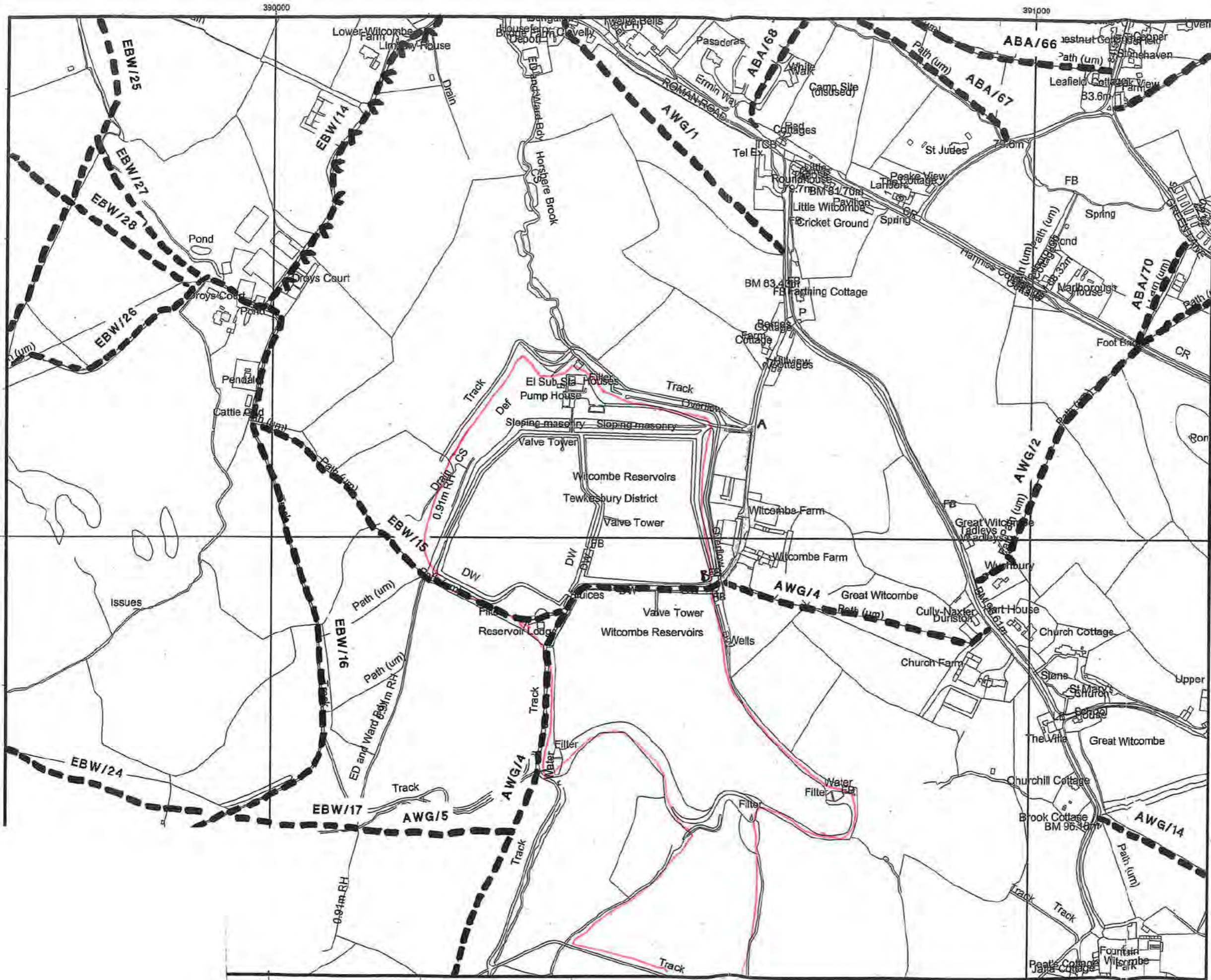
I am aware that there have been a number of signs in place at point A, the entrance to the private road, although I have no knowledge as to when or by whom these signs were erected.

The Members of the Committee believe that the path is a private road and no public rights of access are permitted. This is why the Committee Members have sought and been given permission to use the path by the owners.

Signed.....

Dated.....*22-2-2006*.....

Witnessed..



**PARISH OF GREAT WITCOMBE**

**PLEASE MARK ON MAP THE PATH YOU WISH TO CLAIM**

**KEY**

- EXISTING FOOTPATH
- EXISTING ROAD USED AS A PUBLIC PATH

**PUBLIC RIGHTS OF WAY**  
 Shire Hall, Westgate Street,  
 Gloucester GL1 2TG  
 Tel: 01452 425576  
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Statement of Arnold Price

My name is Arnold Price and I live at Witcombe Farm Cottage, Witcombe, Gloucestershire.

I have resided at this property since 1962 but I have been employed as a farm worker on the Witcombe Farm since 1956.

During the course of my employment I am regularly working in the yard adjoining the claimed path. My normal working hours are Monday to Friday 7.30 am to 4.30pm but I am also a regular visitor to Witcombe Farm at weekends when I routinely deliver newspapers to Mrs Hicks-Beach and help out generally on the farm.

My house is shown edged red on the attached plan. My property fronts the approach road to the claimed path. From the front windows of my house I can see passers by and from the garden of my property I can see the claimed path.

The road on which my house fronts is the only access to the claimed path at point A.

In all the years that I have worked at Witcombe Farm and lived at Witcombe Farm Cottage the only people that have used the claimed path have done so with the express permission of members of the Hicks-Beach family. In particular I am aware that the Church has been given permission to use the path for the annual Rogation service.

I am aware that on many occasions people attempting to use the claimed path have been turned back by members of the Hicks-Beach family or by the bailiffs, the yard manager or other users of the yard.

The sign currently erected indicating that the route is a private road has been in place for approximately 25 to 30 years and was erected by the Witcombe Estate although I do not remember specifically when it was erected or by whom.

The green signs currently erected at points A and B were erected approximately 4 to 5 years ago. However there have always been signs in place at point A restricting access to the claimed path.

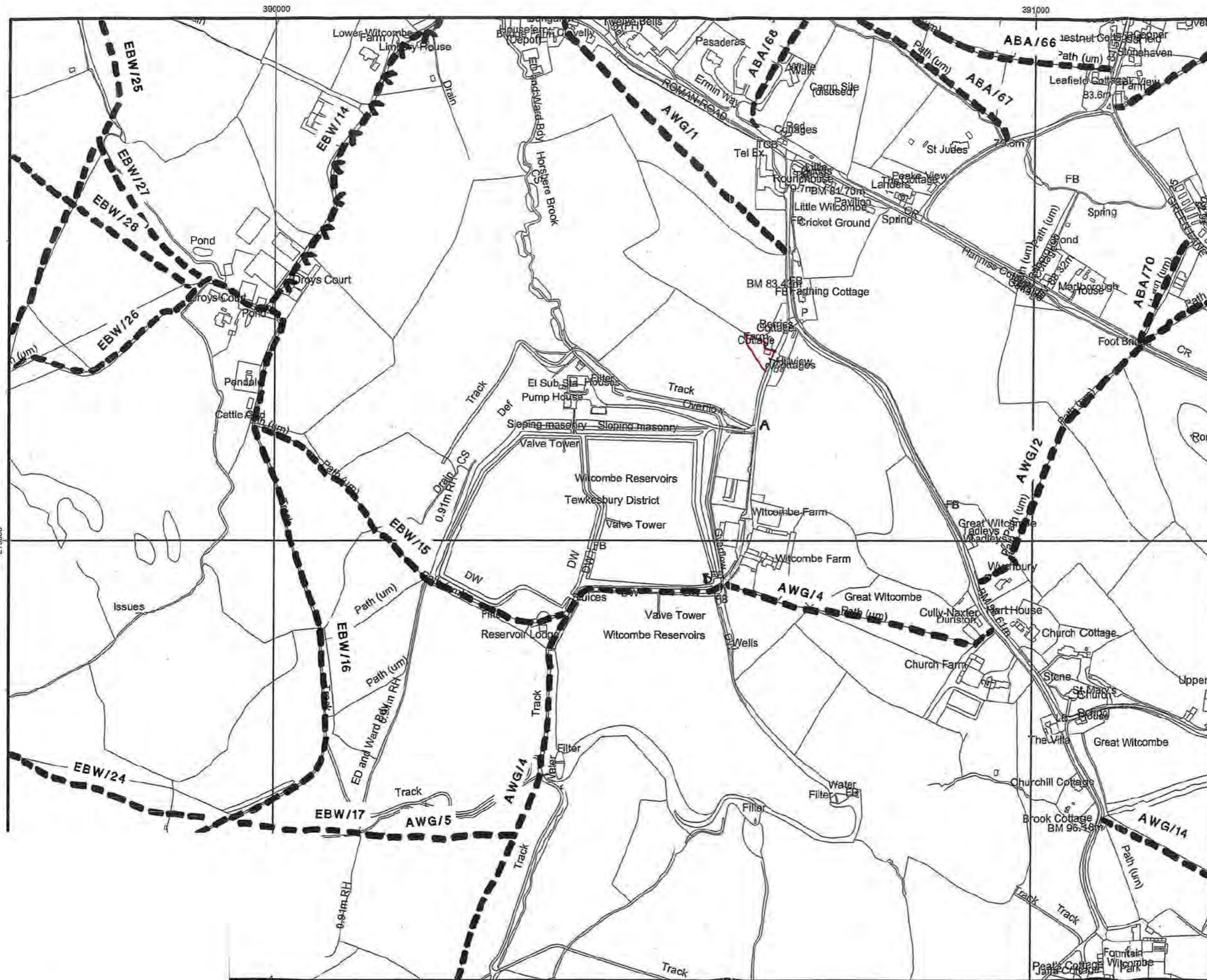
Up until the 1970s there was always a gate across the farm entrance at point A. This was removed when the farm machinery used was too wide to access through the gate.

The applicant is known to me as are many of the other people claiming to have used the path. However despite my presence on site and living nearby I have not seen any of these people walking the claimed path. In particular I note that Tony Pither who is well known to me claims to have used the path but I can see no cause for him to use the path nor have I ever seen him do so.

Signed.....

Dated...5/2/2006.....

Witnessed.....



**PARISH OF  
GREAT WITCOMBE**

**PLEASE MARK ON  
MAP THE PATH  
YOU WISH TO CLAIM**

**KEY**

- EXISTING FOOTPATH
- EXISTING ROAD USED  
AS A PUBLIC PATH

**PUBLIC RIGHTS OF WAY**  
Shire Hall, Westgate Street,  
Gloucester GL1 2TG  
Tel: 01452 425576  
[www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk)

**DRAWN BY: S BURGE**  
**SCALE: 1:5,000**  
**DATE: 15/05/2005**  
**DRAWING NO:**

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Statement for Irene Cross

I am Irene Cross of 1 Hillview Cottages, Great Witcombe, Gloucestershire, GL3 4TR.

I have lived at 1 Hillview Cottages for the last six years. My property is shown edged red on the attached plan. It fronts onto the approach road to the claimed path along which any users of the path must traverse to access the claimed route.

I am normally in the house most days all day. I only go out approximately once or twice per week. From the kitchen, living room and my bedroom I have a clear view of the road and can see any passers by.

Normally there are a number of horse riders using the road travelling to and from the stables at Witcombe Farm.

None of the persons named on the summary of evidence forms provided by the Highway Authority are personally known to me. However, although I have occasionally seen one or two walkers pass my property this usage is nothing approaching the scale of use described in the evidence forms. I have no personal knowledge as to whether these occasional users had been given permission by the Hicks Beach family to use the path or whether they were turned back.

So far as the notices are concerned, I am aware that there are notices erected at points A and B on the plan but I have no information as to when these were erected or by whom.

Signed.....

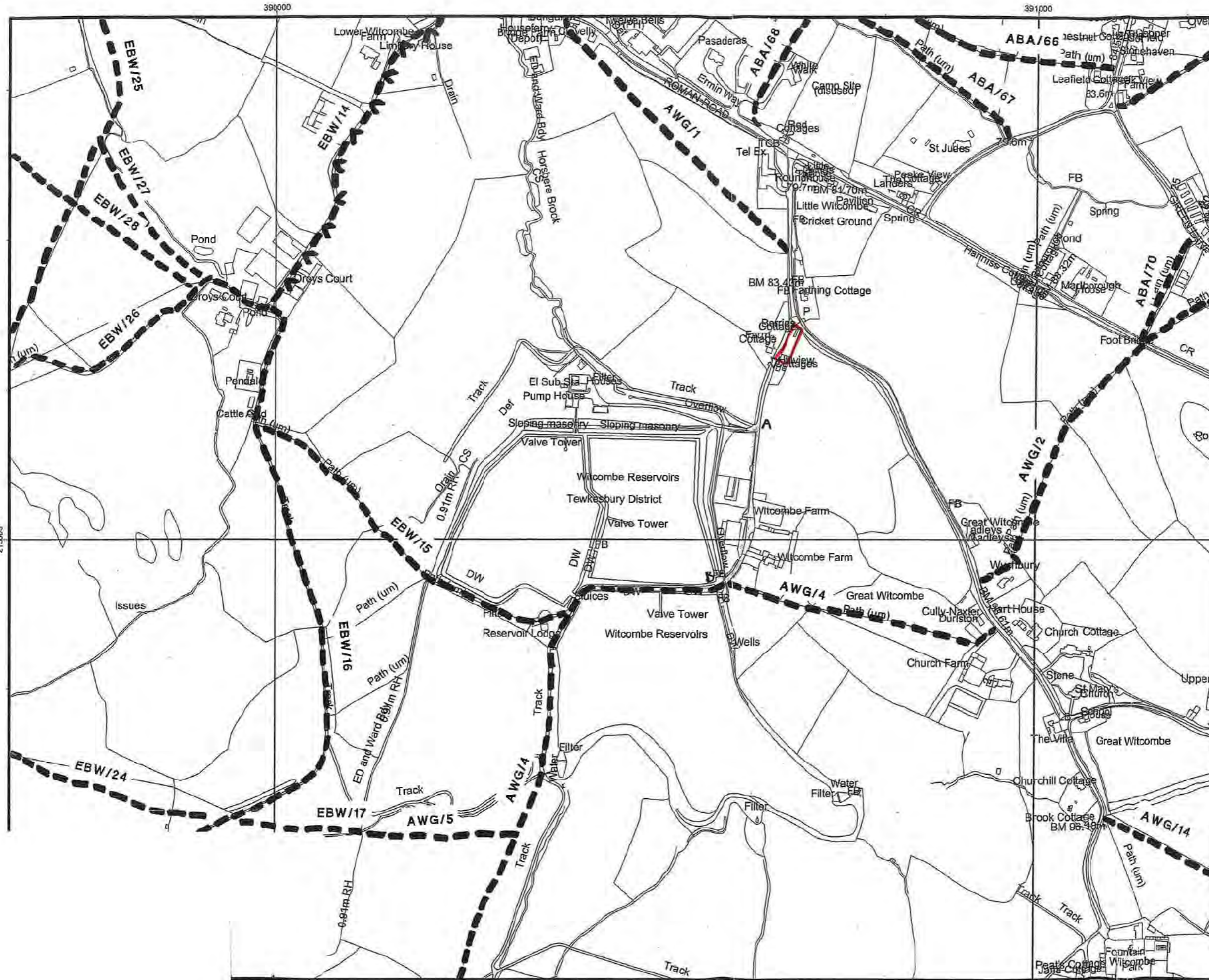


Dated.....

30-1-06

Witnessed.....








**PARISH OF  
GREAT WITCOMBE**

**PLEASE MARK ON  
MAP THE PATH  
YOU WISH TO CLAIM**

**KEY**

EXISTING FOOTPATH  


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 AS A PUBLIC PATH  




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Statement of Kevin Higginbotham

I am Kevin Higginbotham of 50 Pennsylvania Avenue, Cheltenham, GL5 7JP.

I have been a regular visitor to Witcombe Farm. For the past 30 years I have fished at Witcombe Reservoirs approximately once or twice per week, generally on a Tuesday or Thursday. On each of these visits I would spend approximately five or six hours at the reservoir during which time I had a clear view of the claimed path at point B shown on the attached plan.

In addition for the last seven years I have been employed by the Witcombe Estate as an honorary bailiff. This requires my presence at the site office between the hours of 7.30am and 4pm on Sundays, Mondays and Tuesdays.

The office is located adjacent to the claimed path and is shown on the attached plan edged red. It has a window facing onto the claimed path.

The office is open and manned for 34 weeks of the year. As an honorary bailiff I am responsible for issuing permits to fishermen who come to fish at the lakes. In addition there are a number of season ticket holders who also call at the office to sign in and out.

During the visits to the Reservoir for fishing I saw many people using the public right of way marked at AWG/4 on the plan at point B and along the southern edge of the reservoir. However, only occasionally did I see walkers on the claimed path and these people were always turned back by either a member of the Hicks Beach family or the bailiffs in the office. Over the past seven years I have had cause during the course of my employment as honorary bailiff to turn back a number of people who attempted to walk the claimed path.

I am aware that certain people have been given permission to use the path by the Hicks Beach family. In particular the Church has permission use the path on Rogation Day once a year.

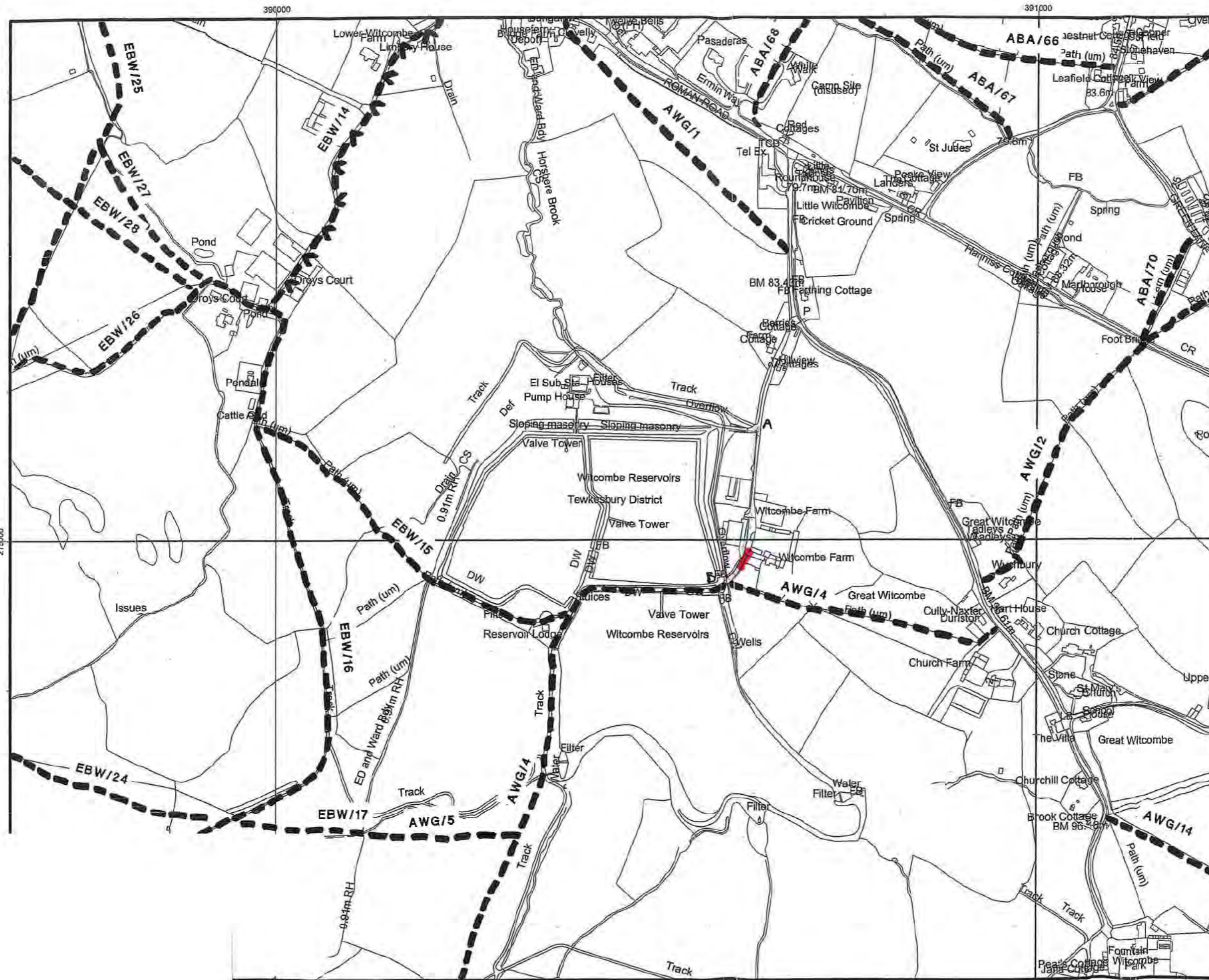
In all the years that I have visited Witcombe Farm there have always been signs in place at point A indicating that the road was private. I do not recall the details of the wording of the various signs that have been in place over the years.

Signed 

Dated.....

*1/7/06*

Witnessed. 



**PARISH OF  
GREAT WITCOMBE**

**PLEASE MARK ON  
MAP THE PATH  
YOU WISH TO CLAIM**

**KEY**

EXISTING FOOTPATH

-----

EXISTING ROAD USED  
AS A PUBLIC PATH

- - - - -

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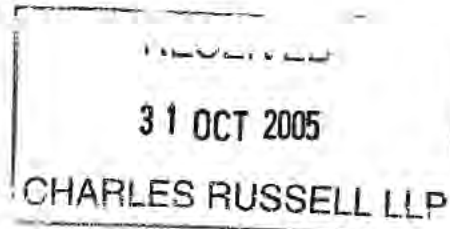
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**SHEEPWASH COTTAGE  
ALDINGBOURNE  
Near CHICHESTER  
WEST SUSSEX  
PO20 3TT**

**EASTERGATE** 

28<sup>th</sup> October 2005

Anne Bennett  
Charles Russell LLP  
Compass House  
Lypiatt Road  
Cheltenham  
Gloucestershire GL50 2QJ



Your ref: AB/HEA/SC/065801/00004  
My ref: Per/Wit/2005/2

Dear Ms Bennett

**Claimed Footpath at Witcombe Farm**

I refer to your letter of 25<sup>th</sup> October enclosing a form for possible completion. I regret that the form is not relevant to my position in relation to the Witcombe Estate, however the following information may, I hope, be helpful.

I have been a very frequent visitor to Witcombe since 1961, having been a close friend of Mrs Celia Hicks Beach's late husband, Mark, and of the whole family. Since Mr Paget moved out of Witcombe Farm and Mark and Celia moved in, I have both visited and stayed at Witcombe Farm on numerous occasions. From 1988 until 2005 I served as a Trustee of the Witcombe Trust and was active, in an advisory role, in all Estate matters. Following Mark's death in 1997, I was an Executor of his Will. I do, therefore, have a considerable knowledge of the Estate. In my experience, at no time have persons, other than visitors to Witcombe Farm, the livery stables or the fishing, used the stretch of drive, now claimed as a footpath, for that purpose. Certainly, I was always aware that it was *not* a public footpath and I cannot believe that usage was such that I would not have been aware, or been made aware at Estate meetings, that it was being used by persons not having a right of passage for the purposes I have stated above.

Yours sincerely

  
Francis H. Baxendale.

**CLAIMED FOOTPATH AT WITCOMBE FARM**

NAME: John Anthony Metcalfe  
ADDRESS: 3, Knapp Cottage, Knapp Lane,  
Brimscombe, Stroud, Glos GL5 2TJ  
TELEPHONE NUMBER: [REDACTED]  
DATE OF BIRTH: [REDACTED] 1941  
OCCUPATION: [REDACTED]


- 1 Please specify the period of your employment by Severn Trent Water .....  
August 1976 - September 1999
- 2 What was your job title and the nature of your duties?.....SENIOR TECHNICIAN -  
CAPITAL SCHEMES.....RESPONSIBLE FOR THE CORRECT RUNNING OF THE  
ESTATES SECTION AND CAPITAL MAINTENANCE GROUP
- 3 How often did you visit the reservoirs at Witcombe in the course of your employment?  
Was this throughout the period of your employment? ..USUALLY ONCE A MONTH  
BUT MORE FREQUENT WHEN WORK ON SITE
- 4 Please indicate the hours/days you were working at the reservoirs? (In particular indicate  
whether you were on site at weekends) ..MONDAY TO FRIDAYS 8.30 to 5.30pm
- 5 What is your involvement with Gloucestershire Wildlife Trust?.....MEMBER OF  
THE MANAGEMENT COMMITTEE FOR WITCOMBE NATURE RESERVE
- 6 During which years were you involved with the Trust? ..AROUND 1980 until present day
- 7 Please indicate the hours/days you were at the reservoirs in connection with your  
involvement with the Trust? (in particular please indicate whether you were on site at  
weekends).....EVENINGS THROUGHOUT THE WEEK AND ON  
SATURDAYS & SUNDAYS
- 8 Are you familiar with the claimed path? Please specify why you are familiar (e.g. have  
you used the path/been granted permission to use it/could see the path from the  
Reservoirs) ..YES.....Historically the estate has vigorously  
defended the fact that the path was not a public right of way  
and there are a number of letters on file with Severn  
Trent Water from members of the public going back  
over 20 years

- 9 Are any of the persons named on the summary of evidence form provided by the Highway Authority known to you?..... NONE - but on the many occasions I have been at the Reservoirs very few people have been observed using the path.
- 10 Have you seen any of the named persons walking the path?..... No
- 11 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose..... Glocesteshire Wildlife Trust over the years have organised sponsored walks starting at Wikeombe to prevent disturbance to the fishing, permission was given to walk through the farm yard for that day only.
- 12 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc..... No. Only passed on information to people who wished to visit the Nature Reserve that they should use the public footpath starting at Wikeombe Church.
- 13 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom? I am aware there has been a sign "Private Road for a long 20 years and recently in the last couple of years a new sign "Private Land No Public Right of way."
- 14 Please give any other information that you think is relevant (continue on a separate sheet if necessary).....

15 **Declaration:**

I hereby declare that to the best of my knowledge I believe my answers to the above questions are true.

I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on the matter if this should prove to be necessary (please delete as appropriate).

Signature:..... 

Date:..... 14 November 2005

Witness:..... 

CLAIMED FOOTPATH AT WITCOMBE FARM

NAME: REX CROSS  
ADDRESS: 1 HILLVIEW COTTAGES GREAT WITCOMBE  
GL10 3 GL13 4TR  
TELEPHONE NUMBER: [REDACTED]  
DATE OF BIRTH: [REDACTED] 47  
OCCUPATION: HAWKIER

- 1 How many years have you been resident at your current address?..... 9
- 2 Does your property have a clear view of the path shown on the plan annexed?..... NO
- 3 If so, from which part of your property can you see the path? (e.g. from the window, garden, etc.)..... N/A
- 4 Have you ever been employed by the Witcombe Estate?..... NO
- 5 What was the nature of your employment?..... N/A
- 6 During which years were you in this employment?..... -1-
- 7 Please indicate the hours/days you were working on the Estate (in particular please indicate whether you were on site at weekends)..... 11
- 8 Which of the persons named on the summary of evidence forms provided by the Highway Authority are known to you?..... ONLY FIVE OF THE NAMES ARE KNOWN TO ME
- 9 Have you seen any of the named persons walking the path?..... OCCASIONALLY PRIOR TO THE SIGNING
- 10 Have you seen any groups walking the path? e.g. ramblers' groups etc. Please give details of dates, frequency etc..... YES BUT ONLY ABOUT 4 TO 5 TIMES A YEAR



11 Have you ever given permission for any such use by individuals or groups? If so, please give details..... NO.

12 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose..... NOT AWARE

13 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc..... NO.

14 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom?..... ESTIMATE 2002  
W.I.C.M.P.E. ESTATE NO. PUBLIC RIGHT OF WAY.

15 Please give any other information that you think is relevant (continue on a separate sheet if necessary)..... SEPARATE SHEET SUPPLIED.

16 **Declaration:**

I hereby declare that to the best of my knowledge I believe my answers to the above questions are true.

I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on the matter if this should prove to be necessary (please delete as appropriate).

Signature:..... [Redacted]

Date:..... 3-12-05.

Witness:..... [Redacted]



The additional comments I would like to make are that if everyone looked at the bigger picture of this issue, clearly there is a down side to allowing free access to all walks of life.

For example, a colleague of mine is in the process of having to purchase a useless piece of land adjacent to his property. This is solely to prevent someone trying to make an unofficial access into a permanent one. He has been forced to take this action and unnecessary expense because he can no longer tolerate the continual damage to his fencing also to vehicles + bottles, cans and general litter along with unpleasant behaviour and abuse, loose running dogs and all that goes with them., this is not fiction it is today's reality.

I guarantee without exception, that none of the names listed who are all genuine respectable people would want an increase in this type of behaviour close to their home and property. It has been indicated that there is a high strength of feeling in this matter; it is not all one way. I think a wider view would be helpful here. I would hope everyone concerned has only the protection of the area and it's wildlife as their priority and some peace of mind for residents, as opposed to personal influences.

I speak with some experience, as I myself have owned a property with a public right of way through it.

**REX CROSS**

1 Hillview Cottage



**CLAIMED FOOTPATH AT WITCOMBE FARM**

NAME: MR. A. PRICE  
ADDRESS: WITCOMBE FARM COTTAGE  
WITCOMBE  
GLOS.  
TELEPHONE NUMBER: [REDACTED]  
DATE OF BIRTH: [REDACTED] 39  
OCCUPATION: [REDACTED]

- 1 How many years have you been resident at your current address? 43 YEARS
- 2 Does your property have a clear view of the path shown on the plan annexed? YES
- 3 If so, from which part of your property can you see the path? (e.g. from the window, garden, etc.) GARDEN
- 4 Have you ever been employed by the Witcombe Estate? YES
- 5 What was the nature of your employment? FARM WORKER
- 6 During which years were you in this employment? 1956 UNTIL PRESENT
- 7 Please indicate the hours/days you were working on the Estate (in particular please indicate whether you were on site at weekends). MON - FRI - 4.30 - 4.30  
ON SITE AT WEEKENDS
- 8 Which of the persons named on the summary of evidence forms provided by the Highway Authority are known to you? DR. N. GILBERT. MR. J. GILBERT.  
MRS. E. GILBERT. MRS. M. GILBERT. MARY ORGAN  
MAUREEN PITHER. TONY PITHER. DAVID COOPER
- 9 Have you seen any of the named persons walking the path? NO
- 10 Have you seen any groups walking the path? e.g. ramblers' groups etc. Please give details of dates, frequency etc. NO

1 AB\CH1\347394.1

LYNNE COOPER. SYDII KNIGHT. ROSEMARY HELLERMAN  
OLIVIA DELL, EDWARD POPE. BERYL POPE. SUSAN WILLIS.  
PAT WILLIS. JOHN THORNTON. JOHN PYE.

11 Have you ever given permission for any such use by individuals or groups? If so, please give details..... NO.

12 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose..... NO.

13 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc..... NO.

14 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom? YES. BOTTOM OF DRIVE. ERECTED 25 YEARS AGO. PRIVATE

15 Please give any other information that you think is relevant (continue on a separate sheet if necessary)..... ALWAYS KNOWN AS NOT A FOOTPATH. ONLY ACCESS TO FARM.

16 **Declaration:**

I hereby declare that to the best of my knowledge I believe my answers to the above questions are true.

I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on the matter if this should prove to be necessary (please delete as appropriate).

Signature:..... [Redacted]

Date:..... 27/10/2005.

Witness:..... [Redacted]

**CLAIMED FOOTPATH AT WITCOMBE FARM**

NAME: MR K. KNIGHT  
ADDRESS: 20. Poole Ground  
Highnam GLOS GL2 8NA.  
TELEPHONE NUMBER: \_\_\_\_\_ EX DIRECTORY.  
DATE OF BIRTH: [REDACTED]  
OCCUPATION: [REDACTED]

- 1 How many years have you been resident at your current address? 14
- 2 Does your property have a clear view of the path shown on the plan annexed? N/A
- 3 If so, from which part of your property can you see the path? (e.g. from the window, garden, etc.) N/A
- 4 Have you ever been employed by the Witcombe Estate? NO
- 5 What was the nature of your employment? Voluntary BAILIFF
- 6 During which years were you in this employment? Voluntary 8 YEARS 24 YEARS WEEK-END SAT ONLY
- 7 Please indicate the hours/days you were working on the Estate (in particular please indicate whether you were on site at weekends) SINCE RETIRING - THURS, FRI, SAT, VOLUNTARY SPRING + AUTUMN 8<sup>AM</sup>-6<sup>PM</sup> and 8-8 Summer
- 8 Which of the persons named on the summary of evidence forms provided by the Highway Authority are known to you? A NUMBER of PEOPLE
- 9 Have you seen any of the named persons walking the path? YES, WHEN I<sup>M</sup> ON DUTY, there's NOT MANY WALKERS that I DON'T MISS, I SPEAK to them ABOUT the PRIVATE ROAD AND I ASK HAVE they MISSED the SIGN AND CAN they NOT READ.
- 10 Have you seen any groups walking the path? e.g. rambler's groups etc. Please give details of dates, frequency etc. YES - ON MANY OCCASION'S.

11 Have you ever given permission for any such use by individuals or groups? If so, please give details.....  
.....  
.....  
.....

12 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose..... THATS DOWN TO  
MRS. C-HICKS - BEACH + FAMILY  
.....  
.....

13 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc..... YES  
.....  
.....


14 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom?..... YES Refer TO LETTER  
.....  
.....

15 Please give any other information that you think is relevant (continue on a separate sheet if necessary)..... LETTER ENCLOSED  
.....  
.....  
.....


16 **Declaration:**

I hereby declare that to the best of my knowledge I believe my answers to the above questions are true.

I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on the matter if this should prove to be necessary (please delete as appropriate).

Signature:..... 

Date:..... 28 OCTOBER 2005

Witness:..... 

K. Knight, Esq.  
20, Poole Ground  
Highnam  
Gloucestershire  
GL2 8NA

28<sup>th</sup> October, 2005

I have been going to Witcombe for about twenty years; initially as a fisherman and then, in later years, as a bailiff. From the start it was well known that the entrance to the farm was (and is) a private road.

As a bailiff, my days are Thursday, Friday and Saturday. During early spring and late autumn my hours are 8:00 a.m. to 6 p.m. In summer my hours are from 8:00 a.m. until 8-9:00 p.m. I frequently have to turn people back, informing them that it is a private road. Some individuals are fine and accept this information equably whilst others are highly abusive.

Most Ramblers stay on the footpaths – of which there are sufficient on the estate. However, some people like to wear sandals and even high-heeled shoes which are not very appropriate or suitable for walking on the footpaths. It is these kind of individuals who are instead favouring the road and who comprise the bulk of those who stray from the footpaths on the estate.

Matters came to a head following the passing of the so-called 'Right to Roam' (*The Countryside and Rights of Way Act, 2000*) when there seemed to be huge numbers of people walking wherever they wanted and equally convinced that they had a given right to go where they pleased. Consequently, additional signage was implemented clearly stating:

Witcombe Estate  
Private Land  
No Public Right of Way.

How would these people feel to find us walking around or through their property?

CLAIMED FOOTPATH AT WITCOMBE FARM

NAME: MRS GEORGINA DAVIES  
ADDRESS: THE MANT HOUSE AMPNEY  
CRUCIS GRENCESTER GL7 5EY  
TELEPHONE NUMBER: [REDACTED]  
DATE OF BIRTH: [REDACTED] 66  
OCCUPATION: [REDACTED]

1 How many years have you been resident at your current address? 4

2 Does your property have a clear view of the path shown on the plan annexed? NO

3 If so, from which part of your property can you see the path? (e.g. from the window, garden, etc.) NO

4 Have you ever been employed by the Witcombe Estate? YES

5 What was the nature of your employment? RAN RIDING / STABLE MANAGER

6 During which years were you in this employment? 1990 - 1995

7 Please indicate the hours/days you were working on the Estate (in particular please indicate whether you were on site at weekends) TUESDAY - SUNDAY

8am - 7pm LIVED IN WITCOMBE FARM WHEN FAMILY AWAY.  
ON YARD ON MONDAY UNOFFICIALLY TO RIDE MY HORSE.

8 Which of the persons named on the summary of evidence forms provided by the Highway Authority are known to you?

Rev John Thomas  
Eunice Stanley ne (Eggie)

9 Have you seen any of the named persons walking the path?

NO

10 Have you seen any groups walking the path? e.g. ramblers' groups etc. Please give details of dates, frequency etc. from 1990 - 1995

I have NOT WITNESSED THEM WALKING THE  
PATH IN QUESTION - IF I HAD SEEN THEM,  
ATTEMPT TO I WOULD HAVE TURNED THEM  
BACK.

11 Have you ever given permission for any such use by individuals or groups? If so, please give details.....

No

12 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose.....

NOT AWARE OF ANY PERMISSIONS

13 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc.....

BETWEEN 1990-95 I REGULARLY TURNED PEOPLE BACK AND AWAY BOTH WALKERS + CARS

14 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom?.....

THE ROAD HAS ALWAYS HAD A NOTICE THAT IT IS A PRIVATE ROAD

15 Please give any other information that you think is relevant (continue on a separate sheet if necessary).....

AS I WAS WORKING ON THE YARDS EITHER SIDE OF THE ROAD BEFORE THE FISHING OFFICE I WAS USUALLY THE FIRST PERSON TO NOTICE + TURN BACK PEOPLE WHO WERE TRESPASSING ON THE ROAD OR USING THE FISHING CAR PARK TO PARK THEIR CARS SO THEY COULD LEAVE THEM + GO FOR A WALK

16 Declaration:

I hereby declare that to the best of my knowledge I believe my answers to the above questions are true.


I am/~~am not~~ willing to attend a Hearing, Public Inquiry or Court to give evidence on the matter if this should prove to be necessary (please delete as appropriate).

Signature: [Redacted]

Date: 1 / 11 / 05

Witness: .....

The Malt House  
Ampney Crucis  
Cirencester  
GL7 5RY



3 November 2005

**To Whom it may concern:**

I was employed by the Witcombe Estate from August 1990 up until and including March 1995. I was employed to look after the horses which were based at Witcombe Farm. The nature of my job meant that I spent my day in and around the yards which are situated on either side of the private road which leads to Witcombe Farm.

In the time that I was based at Witcombe Farm I was never aware that walkers were allowed to use the road, in fact I was often the first point of contact that people would make and I always refused access. If I was not the first point of contact, the Bailiff would turn them back when they walked past his office. The Office was positioned on the road so the bailiff could monitor the number of fishermen and identify them – each fisherman has to report to the Bailiff on arrival and departure. It is extremely unlikely that a walker would be able to pass this office without being turned away. There is a sign on the road approaching Witcombe Farm that clearly states that the road is private, we would refer any unauthorised person to this and ask them to leave.


When Mr and Mrs Hicks Beach went on their family holiday I lived at the farm and one of the primary reasons for this was to monitor the road leading to the walkway, occasionally we would get youths who would come up at night drinking. At this point we would call the police and the youths would be removed for trespassing. I am sure that police records will bear this out.

During the five years that I spent at Witcombe Farm the only people that we allowed access beyond the fishing office were the Severn Trent workers who were monitoring the reservoir, and the paid up Fishermen of whom the majority were well known to me. I am frankly amazed that anyone can claim to have walked freely on this road, as personally I have never known a better policed private road.

If you have any further questions I can be contacted on the number above, and will be happy to attend a public hearing.

Yours faithfully

Georgina Davies



**CLAIMED FOOTPATH AT WITCOMBE FARM**

NAME: PAMELA COWLEY (Mrs)

ADDRESS: 59, Millham Road,  
Bishops Cleeve,  
Nr. Cheltenham, Gloucestershire, GL52 8BE

TELEPHONE NUMBER: [REDACTED]

DATE OF BIRTH: [REDACTED] 1938

OCCUPATION: [REDACTED]

1 How many years have you been resident at your current address? Two

2 Does your property have a clear view of the path shown on the plan annexed? No

3 If so, from which part of your property can you see the path? (e.g. from the window, garden, etc.) N/A

4 Have you ever been employed by the Witcombe Estate? No

5 What was the nature of your employment? N/A

6 During which years were you in this employment? N/A

7 Please indicate the hours/days you were working on the Estate (in particular please indicate whether you were on site at weekends) N/A

8 Which of the persons named on the summary of evidence forms provided by the Highway Authority are known to you? See question 15

9 Have you seen any of the named persons walking the path? No

10 Have you seen any groups walking the path? e.g. ramblers' groups etc. Please give details of dates, frequency etc. No

11 Have you ever given permission for any such use by individuals or groups? If so, please give details..... N/A

12 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose..... No

13 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc.....

14 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom? As it is not my property I am not in a position to turn people back but am aware that the owner has done so.

15 Please give any other information that you think is relevant (continue on a separate sheet if necessary)... I have visited Witoube Farm for thirty years. However since 1990 until 1999 I was at the farm nearly everyday with girls from College who came for riding lessons. College ran the riding school and as it is a boarding school the girls needed chaperoning all the time. As Salina Housemistress it was my duty to make sure the girls were safe from personal risk. In my opinion a private is private and was extremely grateful to Mrs. Mickel Beach for their help in protecting these vulnerable girls!

16 **Declaration:** I hereby declare that to the best of my knowledge I believe my answers to the above questions are true.

I am/~~am not~~ willing to attend a Hearing, Public Inquiry or Court to give evidence on the matter if this should prove to be necessary. (please delete as appropriate).

Signature: [Redacted]

Date: 27<sup>th</sup> October 2005

Witness: [Redacted]

**CLAIMED FOOTPATH AT WITCOMBE FARM**

NAME: Lucy Wakefield  
ADDRESS: The Barn House, Marlston Meppers  
WILTS SN6 6LQ  
TELEPHONE NUMBER: [REDACTED]  
DATE OF BIRTH: [REDACTED] 75  
OCCUPATION: [REDACTED]

- 1 How many years have you been resident at your current address? In 2002. Up until then I lived
- 2 Does your property have a clear view of the path shown on the plan annexed? —
- 3 If so, from which part of your property can you see the path? (e.g. from the window, garden, etc.) At Witcombe Farm from entire property
- 4 Have you ever been employed by the Witcombe Estate? No
- 5 What was the nature of your employment? —
- 6 During which years were you in this employment? —
- 7 Please indicate the hours/days you were working on the Estate (in particular please indicate whether you were on site at weekends) —
- 8 Which of the persons named on the summary of evidence forms provided by the Highway Authority are known to you? DR N Gilbert, Mr M Gilbert, Mr Vickery, Mrs M ORGAN, Mr M Pithers, A.P.H., D Hepburn, R Hepburn, D. Dett, Rev Thomson, Eunice Straley
- 9 Have you seen any of the named persons walking the path? Anyone I have seen walking this path has always been politely asked not to by owners or their representatives. There always witnessed this being carried out - It has always been a private road and only those with prior agreement can pass through it.
- 10 Have you seen any groups walking the path? e.g. ramblers' groups etc. Please give details of dates, frequency etc. No

I moved from G. Witcombe here all my life apart from time at university + a short time in London this spanned 1995-1999. I moved from Witcombe in 2002

11 Have you ever given permission for any such use by individuals or groups? If so, please give details.....

NO

12 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose.....

I am aware that on a few occasions, and for specific reasons Mr/Mrs HB have given permission.

13 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc.....

Yes. If I was aware of anyone using the path I would explain it was private property & ask them to turn back (date + time) + numerous to mention over the past 30 yrs

14 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom?.....

Yes, PRIVATE ROAD

15 Please give any other information that you think is relevant (continue on a separate sheet if necessary).....

It seems to me more than coincidental that those claiming the footpath have put forward identical replies and that none of the people claiming, some of who I know well, have ever witnessed walking the path.

16 **Declaration:**

I hereby declare that to the best of my knowledge I believe my answers to the above questions are true.

I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on the matter if this should prove to be necessary (delete as appropriate).

Signature:.....

[Redacted Signature]

Date:.....

26 October 2005

Witness:.....

[Redacted Witness]

**CLAIMED FOOTPATH AT WITCOMBE FARM**

NAME: CAROLE ANN DIETT

ADDRESS: BELLEVUE COTTAGE, FARM LANE

GREAT WITCOMBE, GLOUCESTER GL3 4TP

TELEPHONE NUMBER: [REDACTED]

DATE OF BIRTH: [REDACTED] 52

OCCUPATION: [REDACTED]

1 How many years have you been resident at your current address? 27 YEARS

2 Does your property have a clear view of the path shown on the plan annexed? YES

3 If so, from which part of your property can you see the path? (e.g. from the window, garden, etc.) GARAGE ROAD

4 Have you ever been employed by the Witcombe Estate? NO

5 What was the nature of your employment? N/A

6 During which years were you in this employment? N/A

7 Please indicate the hours/days you were working on the Estate (in particular please indicate whether you were on site at weekends) N/A

8 Which of the persons named on the summary of evidence forms provided by the Highway Authority are known to you? ~~OR~~ NOS. 1, 2, 3, 4, 18, 19, 21, 22, 23, 24, 25, 26, 30, 32, 36, 45,

9 Have you seen any of the named persons walking the path? SEE SEPARATE SHEET

10 Have you seen any groups walking the path? e.g. ramblers' groups etc. Please give details of dates, frequency etc. YES - ANNUAL PROCESSION ONCE A YEAR

11 Have you ever given permission for any such use by individuals or groups? If so, please give details..... N/A

12 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose.....

YES - PERMISSION TO CROSS BY HICKS-BEAUT FAMILY

13 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc.....

HAVE ALWAYS ADVISED ANYONE ENQUIRING THAT THERE IS NO PUBLIC RIGHT OF WAY

14 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom?.....

WHITE SIGN ERECTED MANY YEARS AGO SAYING "PRIVATE ROAD" GREEN SIGN AT OTHER END OF POINT A+B SAYING "WILCOMBE ESTATE PRIVATE LAND - NO ACCESS WITHOUT PERMISSION" & "WILCOMBE ESTATE PRIVATE LAND"

15 Please give any other information that you think is relevant (continue on a separate sheet if necessary).....

SEE SEPARATE SHEET

ESTATE PRIVATE LAND NO RIGHT OF WAY " APPROX 3 YEARS AGO

16 **Declaration:**

I hereby declare that to the best of my knowledge I believe my answers to the above questions are true.

I am/~~am not~~ willing to attend a Hearing, Public Inquiry or Court to give evidence on the matter if this should prove to be necessary (please delete as appropriate).

if available.

Signature:.....

Date: 22.11.05

Witness:.....

CAROLE ANN DIETT

Berries Cottage

Farm lane

Gr Wilcombe, Glos.

Q9.

Of those known to me, I have only seen the following walking the path :-

- No. 1 - Dr Nicholas Gilbert (mostly running with his dog)
- No 21 - Once only.
- No 45 - Saw him once outside our property leaning over the hedge of house opposite to make a rude comment to one of the occupants. He did not continue on down the road afterwards & turned back to return to the Vicarage.

CAROL ANN DIETT  
Berries Cottage  
Farm Lane  
Gr Wilcombe, Glos.

Q.15

We have lived in farm lane, Gr Wilcombe for 24 years. My husband and I spend a great deal of time in the garden and are able to observe the movement of traffic and pedestrians up and down the lane very easily. In addition, some ten years ago following a burglary we purchased a very large dog who is very good at letting us know when there are people walking past the property when we are indoors.

I can honestly say that I cannot recall seeing large numbers of people walking along the lane towards the private road leading to the reservoirs either recently or in the past. I am, however, aware that many people do use the designated footpath. Some while ago our son carried out a survey as part of his Geography 'A' level coursework on the use of this footpath and it was clearly well used. When he did this he was granted permission from Mrs Hides Beach to erect notice boards on the shires and also to monitor the footfall on a regular basis. We were very grateful to Mrs Hides Beach for her co-operation in what turned out to be a very successful exercise.

I can see that accessing the shire at Point B on the map may be difficult for some people but this could very easily be rectified. I am sure that if approached the Ramblers Association could include this in their ongoing programme of improvement of footpaths and shires.

CAROL ANNE DIECK.

Q15 (continued)

I am absolutely stunned by the number of people completing the questionnaires who claim to use this stretch of road on a regular basis, either now or in the past. This is simply not true, believe me - I live here!

**CLAIMED FOOTPATH AT WITCOMBE FARM**

NAME: MR Roger Walker

ADDRESS: 11, DORSET CLOSE  
BLOCKWORTH GLOS. GL3 4JG.

TELEPHONE NUMBER: [REDACTED]

DATE OF BIRTH: [REDACTED] 1956.

OCCUPATION: [REDACTED]

1 How many years have you been resident at your current address? 5.

2 Does your property have a clear view of the path shown on the plan annexed? N/A.

3 If so, from which part of your property can you see the path? (e.g. from the window, garden, etc.) N/A.

4 Have you ever been employed by the Witcombe Estate? YES.

5 What was the nature of your employment? GARDENER.

6 During which years were you in this employment? 1987 - 2005.

7 Please indicate the hours/days you were working on the Estate (in particular please indicate whether you were on site at weekends).  
within NECESSARY - (WEEKLY)

8 Which of the persons named on the summary of evidence forms provided by the Highway Authority are known to you? None.

9 Have you seen any of the named persons walking the path? No.

10 Have you seen any groups walking the path? e.g. ramblers' groups etc. Please give details of dates, frequency etc. No.

11 Have you ever given permission for any such use by individuals or groups? If so, please give details.....  
No.

12 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose.....  
No.

13 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc.....  
ON VARIOUS TIMES

14 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom?..... YES  
WITCOMBE ESTATE PRIVATE PROPERTY

15 Please give any other information that you think is relevant (continue on a separate sheet if necessary).  
DURING MY TIME UP AT WITCOMBE  
I HAVE SEEN THE RAYLIFFS AND THE  
HICKS-BEECHS TURN PEOPLE AWAY.

16 **Declaration:**

I hereby declare that to the best of my knowledge I believe my answers to the above questions are true.

I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on the matter if this should prove to be necessary (please delete as appropriate).

Signature: [Redacted]

Date: 8/12/05

Witness:

**CLAIMED FOOTPATH AT WITCOMBE FARM**

NAME: TERRI LAWLOR  
ADDRESS: 23 FAIRHAVEN AVE  
BLACKWORTH  
ELDS. ELS 454  
TELEPHONE NUMBER: [REDACTED]  
DATE OF BIRTH: [REDACTED] 33  
OCCUPATION: \_\_\_\_\_

1 How many years have you been resident at your current address? 27 yes

2 Does your property have a clear view of the path shown on the plan annexed? No

3 If so, from which part of your property can you see the path? (e.g. from the window, garden, etc.)  
SEE NOTE

4 Have you ever been employed by the Witcombe Estate? YES

5 What was the nature of your employment? HELP

6 During which years were you in this employment? 1975 - 2005

7 Please indicate the hours/days you were working on the Estate (in particular please indicate whether you were on site at weekends)  
HAVE BEEN TILL 2002

8 Which of the persons named on the summary of evidence forms provided by the Highway Authority are known to you? ANNE VICKERY, MARY ORCAN  
MAUREEN & TONY PITHER, LYN COOPER  
SYDIL KNIGHT, ROSEMARY HELLERMAN, OLIVIA DELL,  
SUSAN WILLIS, PAT WILLIS, JOHN THORNTON, JOHN PYE EUNICE

9 Have you seen any of the named persons walking the path? STRALEY  
NO ONE

10 Have you seen any groups walking the path? e.g. ramblers' groups etc. Please give details of dates, frequency etc.  
NO, THEY GO THE PROPER WAY

11 Have you ever given permission for any such use by individuals or groups? If so, please give details.....  
..... No .....

12 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose.....  
..... No .....

13 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc.....  
..... No .....

14 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom?.....  
..... YES, PRIVATE ROAD .....

15 Please give any other information that you think is relevant (continue on a separate sheet if necessary).....  
.....  
.....  
.....

16 **Declaration:**  
I hereby declare that to the best of my knowledge I believe my answers to the above questions are true.  
I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on the matter if this should prove to be necessary (please delete as appropriate).  
Signature:..... [Redacted]  
Date:..... 26.10.05 .....

I have lived in "Witcombe"  
since 1945 until 1978 then I  
moved to Snowcraven.

I worked for the estate when  
I was young (14) for the Rogets  
at "Witcombe Farm". Everyone knew  
there was not a footpath to the  
reservoir through farm. The foot-  
-path was always from Witcombe School  
farm which I attended. In Dec 1975  
I worked for Mark & Celia Hs. for  
five & six days a week. Mark &  
Celia moved to "Witcombe Farm" in  
1981 and I still work there now.

I have seen Mark & Celia and  
the fishing bailliffs tell many  
people it is not a footpath through  
their farm. However I do know  
that some people as in discolled,  
or elderly, have been given permission

to go through farm. It is  
really annoying when you get  
people who bring their dogs with  
them, and then let them off their  
leads, they actually go into the  
reservoirs.

CLAIMED FOOTPATH AT WITCOMBE FARM

NAME: FRED HICKS BEACH  
ADDRESS: WITCOMBE FARM, GREAT WITCOMBE, LLOS, GL3 4TR  
TELEPHONE NUMBER: [REDACTED]  
DATE OF BIRTH: [REDACTED] 1980  
OCCUPATION: [REDACTED]

- 1 How many years have you been resident at your current address? 25
- 2 Does your property have a clear view of the path shown on the plan annexed? Yes
- 3 If so, from which part of your property can you see the path? (e.g. from the window, garden, etc.) From most aspects of the property
- 4 Have you ever been employed by the Witcombe Estate?
- 5 What was the nature of your employment?
- 6 During which years were you in this employment?
- 7 Please indicate the hours/days you were working on the Estate (in particular please indicate whether you were on site at weekends)
- 8 Which of the persons named on the summary of evidence forms provided by the Highway Authority are known to you? Dr. N. Gilbert, Mrs. J. Gilbert, Mrs. E. Gilbert, Mrs. J. Gilbert, Mrs. A. Vickery, Mrs. M. Pithers, Mr. A. Pithers, Mrs. Cooper, Mr. D. Cooper, Duncan Hepburn, Olivia Dell, Rev. John Thornton, Eunice Stanley
- 9 Have you seen any of the named persons walking the path? Dr. N. Gilbert
- 10 Have you seen any groups walking the path? e.g. ramblers' groups etc. Please give details of dates, frequency etc. Rogation Service - (once a year)

11 Have you ever given permission for any such use by individuals or groups? If so, please give details. I am aware permission has been given for rogation service and some villagers who have asked for permission are to illness.

12 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose. As Above

13 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc. Yes, when I have seen people I have stopped them and informed them it is not a footpath and given advice to where it is.

14 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom? Yes. Three notices: private Road - This sign has been in location over 25 years, two other signs starting no public right of way.

15 Please give any other information that you think is relevant (continue on a separate sheet if necessary). please see separate sheet.

16 **Declaration:**

I hereby declare that to the best of my knowledge I believe my answers to the above questions are true.

I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on the matter if this should prove to be necessary (please delete as appropriate).

Signature: [Redacted]

Date: 21.11.88

Witness:

From a young age I have witnessed my parents, fishing bailiffs and yard staff informing people that there was no footpath through the farm. People would be stopped as soon as they were seen to be trying to travel up or down the road. As I have grown up in the farm house for 25 years I am confident that any person that walked up the road would have been stopped and spoken too. I too, have stopped people that have walked through the farm and informed them it was not a footpath.

I have spoken to Dr Gilbert on a number of occasions since he moved to the village 6 years ago. Prior to this I have no recollection of him ever attempting to walk up through our farm. Certainly since he moved to the area he has attempted to walk or run through with his dog and he has been stopped.

Dr Gilbert often walks wherever he feels he wants to often with his dog off the lead and has caused problems with our game keeper on a number of occasions while he was out on vermin control. He resents the fact that people are required to stick to footpaths and has the attitude that he has a god given right to walk wherever he feels he wishes.

The farm and the fishery office are based directly on the road and have wide vision of the claimed route enabling anybody in the office and farm to stop anybody walking down the road. The horse yard is often busy with at least one member of staff being on site from 7:00am and if people were to walk up they would also stop them if the bailiff was engaged.

I know that the only people that went unchallenged were people that worked for Severn Trent, fisherman or persons that have been given permission. Dr Gilbert seems to resent that some people have had the good manners to call prior to going for a walk to ask if they could possibly park there because their disabilities stop them from climbing a stile.

Over the last few months we have been aware of people attempting to walk through the farm and when stopped they claimed to have done so for 20 years or more. A coincidence I believe with Dr Gilbert's application and an increased number of people that I have certainly never seen in my life before. It is also strange that they are not from the local area and often carrying maps which is a little contradictory if they are trying to claim they have walked that route for such a long time. These people have also refused to give their names. It is also strange that so many of the applications are received either from Dr Gilbert and his family or the Cooper family and then a number of applications from people outside of Great Witcombe, surely it would be the direct villagers that would have used the track most frequently if they have believed they could do so.

All the people that claim to have walked up the road for 25 years unchallenged are either suffering from a condition of memory loss in my view or are of the same attitude as Dr Gilbert and feel that they too have a right to walk anywhere they wish rather than sticking to the numerous footpaths that are open for everyone to use.

I am more than happy to answer any more questions on this.

**CLAIMED FOOTPATH AT WITCOMBE FARM**

NAME: ANDREW HICKS BEALH  
ADDRESS: WITCOMBE FARM, GREAT WITCOMBE, GLOUCESTER  
GL34TR  
TELEPHONE NUMBER: [REDACTED]  
DATE OF BIRTH: [REDACTED] 1970  
OCCUPATION: [REDACTED]

- 1 How many years have you been resident at your current address? 24
- 2 Does your property have a clear view of the path shown on the plan annexed? YES
- 3 If so, from which part of your property can you see the path? (e.g. from the window, garden, etc.) REAR WINDOWS AND DRIVE
- 4 Have you ever been employed by the Witcombe Estate? No
- 5 What was the nature of your employment? -
- 6 During which years were you in this employment? -
- 7 Please indicate the hours/days you were working on the Estate (in particular please indicate whether you were on site at weekends). -
- 8 Which of the persons named on the summary of evidence forms provided by the Highway Authority are known to you? Mrs Eunice Straley, Mr A Pether, Mrs Morgan, Mrs M Pether, Olive A Dell, Rev J Thornton
- 9 Have you seen any of the named persons walking the path? No
- 10 Have you seen any groups walking the path? e.g. ramblers' groups etc. Please give details of dates, frequency etc. No, except for Church Service, and Fishermen and Horse Riders

11 Have you ever given permission for any such use by individuals or groups? If so, please give details. No

12 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose. No I AM AWARE THAT SOME PEOPLE HAVE BEEN GIVEN PERMISSION TO USE THE ROAD BY THE LANDOWNERS

13 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc. OCCASIONALLY OVER MANY YEARS

14 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom? YES - PRIVATE ROAD SIGN

15 Please give any other information that you think is relevant (continue on a separate sheet if necessary). SEE ATTACHED NOTE

16 **Declaration:**

I hereby declare that to the best of my knowledge I believe my answers to the above questions are true.

I am ~~not~~ willing to attend a Hearing, Public Inquiry or Court to give evidence on the matter if this should prove to be necessary (please delete as appropriate).

Signature: [Redacted]

Date: 29th Oct 2005

Witness: [Redacted]

New Text Document.txt

As I suffer from severe Dyslexia. Between the years 1979-1980 I was taken away from school, and had a private tutor by the name of Eunice E Straley (Formally Eunice E Eggle).

In september 1980, I went to a Dyslexic Boarding School in Somerset. Eunice Straley from time to time would call into the house, to see how I was getting on. I once asked her into the house for a cup of tea.

I have not seen her for a number of years.

As to her comments, I find them notably misleading, and mostly tailored to mislead others, and give a totally false impression of the Hicks Beach family and the situation in general.

Chairman of Parish Meeting

**CLAIMED FOOTPATH AT WITCOMBE FARM**

NAME: TREVOR BUXTON  
ADDRESS: THE ROUND HOUSE,  
GREAT WITCOMBE,  
NR. GLOUCESTER, GL3 4SP  
TELEPHONE NUMBER: [REDACTED]  
DATE OF BIRTH: [REDACTED] 1933  
OCCUPATION: [REDACTED]

1 How many years have you been resident at your current address? 13 YEARS

2 Does your property have a clear view of the path shown on the plan annexed? No

3 If so, from which part of your property can you see the path? (e.g. from the window, garden, etc.)

4 Have you ever been employed by the Witcombe Estate? No

5 What was the nature of your employment?

6 During which years were you in this employment?

7 Please indicate the hours/days you were working on the Estate (in particular please indicate whether you were on site at weekends)

8 Which of the persons named on the summary of evidence forms provided by the Highway Authority are known to you? Nicholas Gilbert, James Gilbert, Evelyn Gilbert, Alison Gilbert, Ewanice Stealy, David Cooper (Snr), Lynne Cooper, Ruth Hepburn, Duncan Hepburn, Oliver Laker, James Laker, Simon Ruddleson, Carolyn Ruddleson, Anne Vickery, Norman Pitter, Tony Pitter, and others.

9 Have you seen any of the named persons walking the path? I have never, to my recollection, ever seen anyone between points A and B, other than anglers, horse riders, fishing personnel, or the late Frank Hicks Beach and Mr Colin Hicks Beach.

10 Have you seen any groups walking the path? e.g. ramblers' groups etc. Please give details of dates, frequency etc. No

11 Have you ever given permission for any such use by individuals or groups? If so, please give details. No

12 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose. I AM AWARE THAT THE LANDOWNERS MAY, AT THEIR DISCRETION, GIVE PERMISSION TO ANYONE. IN FACT, AT MY REQUEST, THEY HAVE GIVEN ME PERMISSION TO USE THE ROUTE IN MY ELECTRIC VEHICLE SINCE I AM DISABLED

13 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc. No

14 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom? I saw the notice, shortly after it was put in place about 3 years ago, near the Deven, Stant road junction. It said that the straight-on route, A to B, was a Private Road. I understood it had been put there by, or on behalf, of Whitcombe Road Estates

15 Please give any other information that you think is relevant (continue on a separate sheet if necessary) In about 1967/68, I came to Great Whitcombe to look for trout in the reservoir. I was told then that the route up to them was not a Right of Way but a private road, open only to access for anglers. I have always understood that to be the case. Around 1999, I was asked, in my capacity of Chairman of Great Whitcombe Parish Meeting, if it was a Right of Way. In order to be sure, I checked with Gloucestershire County Council, who confirmed that it was not. This was the answer I gave to all enquirers, both then and subsequently. (Please see continuation below).

16 **Declaration:** I hereby declare that to the best of my knowledge I believe my answers to the above questions are true.

I  am not willing to attend a Hearing, Public Inquiry or Court to give evidence on the matter if this should prove to be necessary. (Please delete as appropriate).

Signature: [Redacted]

Date: 5th November, 2005.

Witness: [Redacted]

Continuation of Page 15 - There is no doubt in my mind that the route offers a very convenient and attractive short cut between points A and B. Several people completing the evidence forms state that they had permission to traverse the route: these people appear to have accepted that permission was necessary and that no Right of Way existed. Ordnance Survey maps confirm this. The fact that other people say they have walked the route without being stopped morally, to my mind, means that they were able to trespass successfully without being caught. I cannot see how earlier considerable permission or successful trespass can be used to justify the imposition of Right of Way status on what the owners say is a private road. [Redacted] 5/11/05 [Redacted]

**CLAIMED FOOTPATH AT WITCOMBE FARM**

NAME: MRS. ANGELA BUXTON

ADDRESS: THE ROUND HOUSE, GREAT WITCOMBE,  
N.R. GLOUCESTER GL3 4SP

TELEPHONE NUMBER: [REDACTED]

DATE OF BIRTH: [REDACTED] 46

OCCUPATION: [REDACTED]

- 1 How many years have you been resident at your current address? 13 years.
- 2 Does your property have a clear view of the path shown on the plan annexed? NO
- 3 If so, from which part of your property can you see the path? (e.g. from the window, garden, etc.)  
.....  
.....
- 4 Have you ever been employed by the Witcombe Estate? NO
- 5 What was the nature of your employment? /
- 6 During which years were you in this employment? /
- 7 Please indicate the hours/days you were working on the Estate (in particular please indicate whether you were on site at weekends).  
.....  
.....
- 8 Which of the persons named on the summary of evidence forms provided by the Highway Authority are known to you?  
.....  
.....
- 9 Have you seen any of the named persons walking the path?  
.....  
.....
- 10 Have you seen any groups walking the path? e.g. ramblers' groups etc. Please give details of dates, frequency etc. NO

11 Have you ever given permission for any such use by individuals or groups? If so, please give details.....

No

12 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose.....

13 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc.....

No

14 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom?

YES, I AM AWARE OF NOTICES ON THE PATH, ONE NEAR SEUGENT TREAT ENTRANCE AND ONE NEAR THE RESERVOIR. THEY HAVE BEEN IN PLACE FOR ABOUT FOUR YEARS, THEY WERE PUT THERE BY THE HICKS-BEACH FAMILY.

15 Please give any other information that you think is relevant (continue on a separate sheet if necessary).

AT NO TIME HAS THERE BEEN A RIGHT OF WAY THROUGH WITCOMBE FARM YARD, AND I CAN SPEAK FROM YEARS OF KNOWLEDGE GOING BACK TO MY GRANDFATHER'S TIME WHEN HE USED TO VISIT WITCOMBE FARM ON FARMING BUSINESS AND THAT WAS IN THE 1880'S.

~~Continued on a separate sheet~~ CONTINUED ON A SEPARATE SHEET

16 **Declaration:**

I hereby declare that to the best of my knowledge I believe my answers to the above questions are true.

I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on the matter if this should prove to be necessary (please delete as appropriate).

Signature:.....

8th November 2005

Witness:.....

MY FATHER USED TO SAY A FARM'S VALUE ALSO DECREASES WITH A PUBLIC FOOTPATH GOING THROUGH A FARM YARD. IT IS A BUSINESS AND WORK PLACE AND YOU DON'T WANT ANY TOM, DICK OR HARRY TRAIPSING THROUGH.

CONSIDERING THERE ARE ALREADY THREE PUBLIC FOOTPATHS TO THE RESERVOIR, ONE FROM NEAR THE CHURCH - ONE FROM THE ROMAN VILLA AND ONE FROM DROYS COURT, I DON'T SEE THE NEED TO MESS UP SOMEONE'S PROPERTY WITH ANOTHER ONE.

THREE IS ENOUGH.

---



8th. November 2005

Ms Anne Bennett  
Charles Russell Solicitors  
Compass House  
Lypiatt Road  
Cheltenham  
Glos. GL50 2QJ

Miss Burge

01452 425522

573/11/101 (1)

12 October 2005

E-Mail: [sarah.burge@gloucestershire.gov.uk](mailto:sarah.burge@gloucestershire.gov.uk)

Dear Ms Bennett

**Wildlife and Countryside Act 1981, Section 53  
Modification Order Application for an Additional Public Footpath  
through Witcombe Farm  
Parish of Great Witcombe**

I enclose a copy of the Landowner Evidence Form and attached map that has been sent to your client, Mrs Hicks-Beach of Witcombe Farm.

I also enclose the Summary of Public Path Evidence Forms and copies of three further Public Path Evidence Forms and attached maps that have recently been forwarded to me by the applicant, Dr Gilbert.

Should you have any further queries concerning the above application please do not hesitate to contact me.

Yours sincerely

**Sarah Burge  
Public Rights of Way**

Mrs C Hicks-Beach  
Witcombe Farm  
Great Witcombe  
Gloucestershire

Miss Burge

01452 425522

573/11/101 (1)

12 October 2005

E-Mail: [sarah.burge@gloucestershire.gov.uk](mailto:sarah.burge@gloucestershire.gov.uk)

Dear Mrs Hicks-Beach

**Wildlife and Countryside Act 1981, Section 53  
Modification Order Application for an Additional Public Footpath  
through Witcombe Farm  
Parish of Great Witcombe**

Gloucestershire County Council has received an Application for a Modification Order to add an additional length of public footpath to the Definitive Map of Public Rights of Way.

The application is to add a footpath from Witcombe Farm Lane heading in a generally south-westerly direction for approximately 200m to its junction with public footpath AWG4 and marked A to B on the attached map. I enclose a map showing the position of the claimed path.

As I understand that you are an owner of land either crossed by or adjacent to the claimed path, I am writing to you so that you may have the chance to comment on the application and the evidence submitted. I would be grateful if you could let me know whether you have any observations to make on this application.

Modification Order applications have to be supported by evidence that the claimed route is a public right of way or that it carries the rights that are claimed. There are two sorts of evidence: user and documentary. User evidence may be submitted when the public has walked or ridden a route for a continuous period of twenty years or more as of right. In this case, the applicant has submitted forty-eight completed public path user evidence forms in support of the application. I have enclosed a summary of these evidence forms.

As part of our investigation, we also direct the County Archivist to check certain historical documents in the County Record Office for evidence as to what public rights of way may

exist over the claimed route. I will send you a summary of the Archivist report in due course.

Further information on evidence and the weight which may be attached to it is contained in the Countryside Agency booklet "A guide to definitive maps and changes to public rights of way" which I enclose. Also enclosed for your information are leaflets giving information on the Definitive Map, Modification Orders and on Documentary Evidence.

I also attach a copy of our standard "Landowner Evidence Form" – you do not have to complete this form but it is intended to assist you to state your case if you wish. However, I should be grateful if you could confirm the extent of your landownership. Could you please outline this in red on the attached map and return it to me at the above address.

As is our normal procedure, a copy of your observations on this application and the supporting evidence will be sent to the applicants for their comment. Your comments will also of course be included in the report that will go before the County Council's Commons and Rights of Way Committee. Members of the Rights of Way Committee will consider the application solely on the basis of the available evidence and decide whether or not on balance the claimed right exists. Environmental considerations or the effect on property interests are not matters that the Committee can take into account. You should therefore direct your comments to the evidence contained in the public path evidence forms.

I would appreciate receiving your comments, in writing, by Friday 2<sup>nd</sup> December 2005, at the latest, to guarantee their inclusion within the Report that will be considered by the County Council Commons and Rights of Way Committee.

Should you have any further queries concerning the above application please do not hesitate to contact me.

Yours sincerely

**Sarah Burge**  
**Public Rights of Way**