



Ms L Maiik
c/o John Copland & Son
77 High Street
Sheerness
ME12 1TY

Highway Records & DMMO
Gloucestershire County Council
Block 5, 6th Floor West
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email: jaci.harris@gloucestershire.gov.uk
Phone: 01452 328982

Case Officer: Mrs J Harris

Our Ref: 573/11/212(6)(7)(8)(9)(10)

Your Ref:

Date: 17 July 2024

Dear Ms Maiik,

S53, Wildlife & Countryside Act 1981: Definitive Map Modification Order Application Additional Footpaths at land adjacent to Bramble Lane, Stonehouse

Gloucestershire County Council has received five applications, based upon the user evidence submitted by 242 individuals, to add a number of public footpaths across land adjacent to Bramble Lane in Stonehouse Parish to the Definitive Map (legal record of the public rights of way in the County). Please find enclosed a map showing the claimed routes, marked ABC, BD, EFKO, OQT, NK, JO, MO, LO, PQ, UH, GI & RS, a summary of the user evidence, a Landowner/ Occupier Evidence Statement, a Statement of Truth and an information sheet about the process.

Gloucestershire County Council has a duty under section 53 of the Wildlife and Countryside Act 1981 to consider all applications to modify the legal record.

I understand you are a landowner affected by the claimed routes and am contacting you to give you the opportunity to comment.

Please note the Council can only consider 'legally relevant' evidence in deciding whether to modify the Definitive Map & Statement, and applications must be determined on the basis of evidence as to whether rights exist or not, as opposed to whether the claimed right of way would be a good or a bad thing. Therefore, we are looking for evidence of:

- The existence of the way - whether there is documentary evidence which shows that a right of way for the public exists, or a history of use by members of the public sufficient to show that a right of way exists; or conversely, whether and when any such use has been challenged either verbally or by the route being blocked, etc. (and by whom);
- The status of the way - whether there is evidence to show that the way has been used by walkers, cyclists, horse-riders, horse & carriage, or motor traffic, etc., and if so, the extent and frequency of that use; and
- The precise route of the way.

The following factors cannot be taken into account:

- The suitability of the way for the use being claimed;
- The effect on the environment or on amenities in the area;
- The existence (or not) of other rights of way in the immediate area.

In order to formally comment on the application, I would ask that you complete and return to me the enclosed Landowner/ Occupier Evidence Statement and Statement of Truth, providing copies

of any relevant photographs or documents by **Friday 30 August 2024**. Following the investigation of the applications, the Council will decide whether there is sufficient evidence to show that any of the claimed routes have been dedicated as public rights of way.

Important: Modification Order applications could result in legal Orders being made to change the Definitive Map. Any responses submitted in respect of any of the applications will form part of the published record and may be made available to anyone who requests it (including any other landowner/occupier affected by the application and their representative); this will include certain personal data. The way we use your data, and your rights is available on our Privacy Notice available at <https://www.gloucestershire.gov.uk/prow/definitive-map-and-associated-registers>.

Meanwhile, if you have any queries about these applications, or the Definitive Map Modification Order process, please do not hesitate to contact me using the contact details at the start of this letter.

Yours sincerely



Mrs J Harris
Asset Data Officer (PROW Definitive Map)
Highway Records

Encs.

Linda Maiik
Spring Valley Farm and Windmill Farm
c/o Coplands Solicitors, 77 High Street, ME12 1TY.

Attn: Mrs Jaci Harris
Asset Data Officer (PROW Definitive Map)
Highways Records & DMMO
Gloucestershire County Council
Shire Hall, Gloucestershire, GL1 2TH.

Dear Jaci,

Re: DMMO Application, Ref: 573/11/212(6)(7)(8)(9)(10)

Further to my son, Mr Kay Nagai's initial response on my behalf, (late 10th October/early 11th Oct.), please find attached, 56 pages of our further preliminary response to the DMMO applications and I understand you need all further responses by 8th November 2024. Please let me know if any of the attached document is unclear or if further details would assist.

We object to all paths applied for and will provide substantial evidence to refute all claims. I deny any of the footpaths applied for qualify.

* The attached gives some background to quarrying in the 1920s and 1960s which caused large sections of public rights of way MST30, MST62 and MST28 to be blasted away, obstructed and impassable; therefore deviation paths emerged. Following reinstatement of the definitive PROW MST30 and MST62 in 2023, deviation paths & permissive paths were withdrawn and I believe this prompted unhappiness, followed by STC's DMMO applications.

* Our initial response provided copy objection letters to TVG submitted by members of the public, family members of the former farmer, Mr Martin Fletcher and a former STC and SDC Councillor, to Gloucestershire County Council (GCC), in response to an application by the same applicant, Stonehouse Town Council (STC) for registration of virtually my entire land as a town or village green (TVG). That TVG application is running concurrently with this DMMO application. This is bizarre; I believe this weakens both applications.

* I am also surprised that either of the DMMO and TVG applications were submitted at all, in light of the following:

a) **THREE** applications for Asset of Community Value were submitted by the same applicants, STC, to Stroud District Council (SDC) in 2015 and 2016; All three applications failed. The detailed evidence in STC's ACV's applications (including evidence questionnaires completed by members of the public) submitted that "**just TWO public footpaths are used across my land by the public**".

b) The area of land within their application was "The Verney" known as "Doverow Hill", the West and North areas, from Bramble Lane to Doverow Woods, entirely excluding my land to the South East (Windmill fields, accessed from MST27 and Browns Lane, ie. Excluding the land with U-H, G-I, Q-T-A-D applications). STC had no interest in my Windmill Fields and many members of the public have told me they thought those fields were private and they had never seen them being used by the public.

c) In 2016, SDC concluded that the land was mostly overgrown and **only one single footpath could be identified** along the southern fence of my main field.

SDC's Refusal Decision followed careful analysis of the submissions by STC, the public, the Landowner and detailed inspection of the land.

SDC's officer reported: ***"The site is currently vacant and overgrown. It rises steeply to the east, with irregular sharp slopes forming a valley in the middle. The southern edge of the site is relatively well maintained and the route of the footway running east is clearly discernible.."***

d) The fact that in 2015 and 2016, STC submitted that there were only two public footpaths and SDC concluded that there was only one (the part of my land that MST30 traverses only), contradicts STC's claims submitted in their DMMO applications.

e) The fact that SDC report and STC acknowledge that large sections of the land are overgrown and inaccessible except for two (or one) footpaths also contradicts STC's DMMO applications.

f) The fact that STC declare in their evidence and in STC's own published meeting minutes that most of the application land, (being the entirety of Doverow Hill, or the part I refer to as Spring Valley Farm), other than the [one or] two footpaths is "obviously" "not in public use" also contradicts STC's applications.

g) Since 2016, after STC's three failed applications for ACV, STC have actively promoted use of my land through:

- i) STC's publication of a new, incorrect footpath map, intentionally misrepresenting public footpaths (correspondence to follow),
- ii) STC's publication of Stonehouse's arboretum plans, which promotes fighting the landowner and the cutting of my fences (further correspondence to follow).
- iii) STC's councillors involvement in promoting and running a "Walking Festival" which includes routes across my land. Shortly after the walks in 2023, my fences were cut prolifically in up to 12 places and regularly since then; the cutting of my fences has actively been promoted online. Directly following their 2024 walk on PROW on my land, my fences were vandalised and set alight by the public, they gloated online.
- iv) STC's misrepresentation of public footpaths, encouragement of the public to disregard my signs and misrepresentation of facts generally about myself has led to the current situation whereby my fences are regularly vandalised, often weekly and sometimes daily, all people associated with my land are verbally abused, several have been assaulted in connection with fence work and repairs, in particular, those working on public rights of way.

Further responses with evidence to follow.

The DMMO applications contradict the applicant's own evidence from 2015, 2016 and in their published meeting minutes; I believe they should be invalidated or refused.

Thank you for your kind attention,

Yours sincerely,

L. Maiik, *MSc Eng, BSc Hons*

Landowner, Spring Valley Fields, Windmill Fields, Cay's Hill ("The Verney")



Office
Use only



Gloucestershire
COUNTY COUNCIL

PUBLIC RIGHT OF WAY LANDOWNER / OCCUPIER STATEMENT

PLEASE KEEP A COPY FOR YOUR OWN RECORDS

APPLICATION

Windmill Farm, Spring Valley Farm, Cays Hill,

“The Verney”

(also referred to as Doverow Hill, Verney Fields)

REFERENCE

□ 573/11/212 (6)(7)(8)(9)(10)

NAME

Linda Maiik

ADDRESS

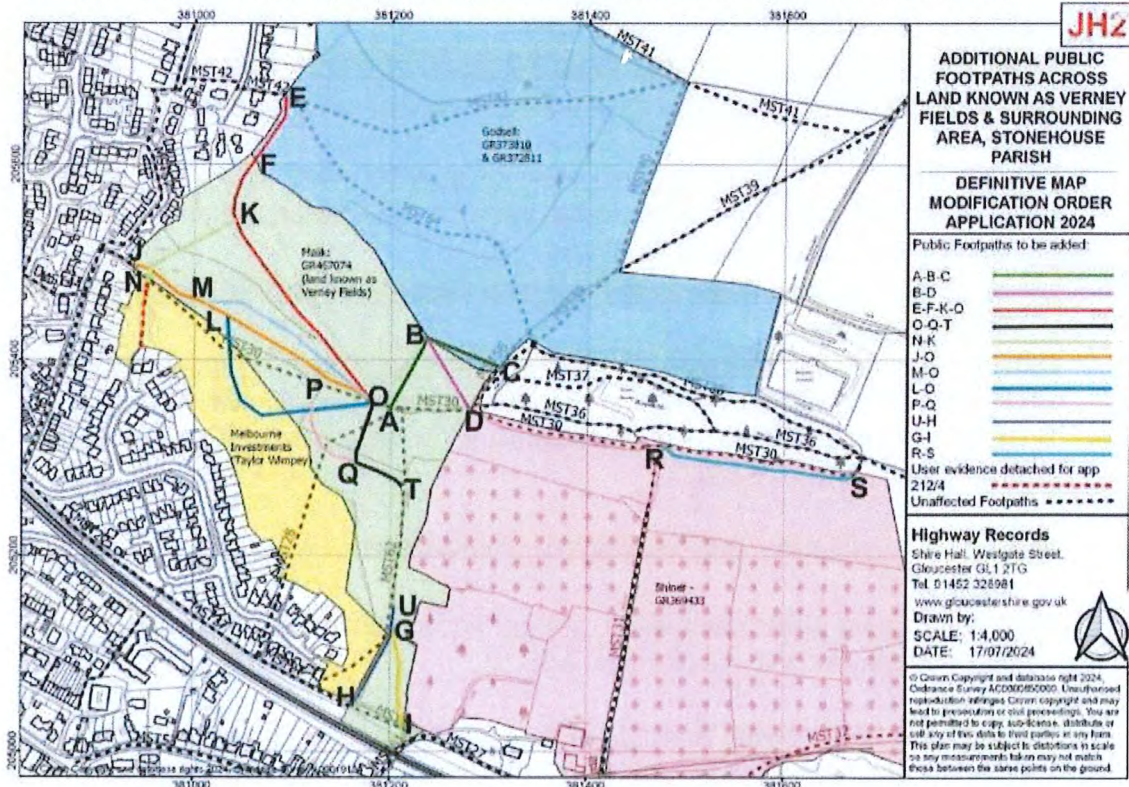
c/o Coplands Solicitors, 77 High Street

Sheerness

POSTCODE

ME12 1TY

- Please indicate on the enclosed plan the boundary of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route.



- 2 Please state the nature of your interest in the land over which the alleged public right of way is claimed: **Freehold (sole owner)**
- 3 Please give details and dates of ownership or occupation: **March 2023 to Present**
- 4 What is the land affected by the claimed route used for? (i.e. grazing animals, growing crops, residential garden, business use etc.)
Has the use varied? If so please give details of when and how:

2023 to Present: Preparing & taming the overgrown land for agricultural use; Areas planted with fruit trees (several rows of newly planted fruit trees were torn up & vandalised by members of public); Fencing out public to reduce ASB & protect trees from vandalism. Sycamore Maple tapping in winter for British Maple Syrup.

Previous:

Roman: Coastal shipping watch trail along high ridges (historic references to trail on high vantage points monitoring shipping going towards Glevum [Roman name for Gloucester]).

Dark ages: farmed by monastery monks.

Medieval: Ridge & furrow, oxen ploughed crop furrows.

1700s: Windmill on windy slopes, Orchardng & grain on southern parts, pasture grazing northern parts, sluice gates & water pasture in lower valley.

1839: Farmland, Orchards & Brick making: Brick Kiln Orchard (*source: Tithe map of 1839, Industrial Archaeology Journal, 1997*)

1862: Landowner fenced out public due to criminal activities (theft of timber / firewood), public rioted to cut up the fences (used by some as a tradition of cutting fences).

1891: Farmland & Quarrying, Brick making: Stonehouse Brick & Tile Company Ltd. Cays Hill quarried.

1891: Farmland & Quarrying, Brick making: Manufacturing plant number 1 constructed. Included a 22ft Boiler, high pressure engine (cylinder 14 bore, 30 stroke) & machinery.

1898: Farmland & Quarrying, Brick making: Brickmaking expanded; plant number 2 constructed; it included further buildings and machinery: a new steam engine, boiler, brickmaking machinery & drying plant; kilns.

1920/21: Quarrying blasted away the public right of way MST28.

1945-57: Farmland & Quarrying, Brickmaking expanded: plant no. 3, 5 more kilns & monorail.

To 1963: Farmland & Quarrying, Brick making: upgraded kilns, machinery, engines.

1963-1968: Farmland, tenanted for cattle grazing & New ownership formed "The Stonehouse Brick and Tile Co (1963) Ltd."

1960s: Quarrying blasted away the lower section of public right of way MST62.

Deviated footpaths.

1967: Quarrying blasted away the public right of way MST30. Deviated footpaths.

1973+ Part of land sold to Taylor Wimpey for houses (Rosedale estate)

The remainder continued to be used as farmland for cattle grazing. Quarried areas scrubbed over (*source: Sibley*).

until 2013: Tenanted for cattle grazing (farmer died 2013)

2013 to February 2023: Untenanted. Overgrown, scrubbed over, brambled. Countryside Stewardship subsidiaries, ASB, etc

2020: COVID Lockdowns, Boris 'go explore the countryside', increased dog walkers & footfall, creating many wandering paths.

Are you aware of any right of way/other use (i.e. private or public) on the route applied for? **Yes**

a) Agricultural Tracks, Tractor Paths, used primarily by agricultural vehicles.

A-B, B-D, J-O, M-O, E-F-K-O, O-Q-T, G-I, H-U.

Because large parts of the land have a tendency to overgrow seasonally, people wander along where a vehicle last flattened a course of least resistance through the dense ground cover.

b) Grid:

(i) Underground High Voltage Powerline easement to National Grid
(under ground (G-I, B-D)

(ii) Overhead High Voltage Powerline wayleave to National Grid
(over A-B-C, B-D, J-K, E-F-K-O)

c) Public Right of Way: MST30, MST62, MST27

MST30 (N-O-D), MST62 (U-T-A), MST27 (H-I)

5. Do you hold any **deeds** or **maps of the land**, or tenancy agreements or **letters** that might be useful in this investigation? If yes, please provide copies.

Yes *Deeds, maps & letters will be supplied (to follow).

6. Have you ever seen people using the route?

Yes prior to obstruction, for:

A-B but Not to C (challenged at B as they were climbing over locked gate, welded shut).

O-Q-T (challenged as they were climbing over locked gate),

G-I (challenged as they were climbing over locked gate & stock-proof barbed wire fence);

J-O, M-O, O-L (permissive, deviated MST30)

H-U (permissive, deviated MST62)

All persons were informed where the PROW was for future use & given permission to walk on the most direct course to return to PROW.

If YES, were they **on foot**, on bicycle, on horseback, using a motor vehicle?

If so please give details. (Over what period, how frequent, has the route varied)

On foot.

(1) A-B-C: varying routes. This path did **not** extend along the complete course for any qualifying length of time; A-B existed as part of other withdrawn permissive paths, but B-C was rarely present & almost never existed.

A-B first came into footpath use through force in 2006 (gate B was lifted off it's hinges), but then continued on to other places afterwards, rarely to C.

This route only occasionally continued to C when PROW MST56 was impassible due to the surface conditions in wet weather, being very steep & slippery, or a fallen Ash tree obstruction, (it came into use as a **right to deviate** onto other land occupied by the same tenant farmer / occupant). This route was rarely used as it is very steep & not preferred over PROW MST30 to Doverow Woods.

Because the original toboggan slope on Cays Hill was blasted out for the clay brickworks, permission for access was given to Wycliffe Students by Sibley to sledge if winter snowfall permitted, from B-A-Q (stopping halfway short of Q), Sibley was the founder of Wycliff & a former farmer tenant of the land; this permission was honoured during heavy snow, but this was such a rare occurrence, it became obsolete when the overgrowth did not permit a good surface for sledging.

(2) B-D: This path never ran on B-D (purple line), which is the line of the grid's underground power line.

A parallel tractor path ran along a curve further down the slope (not the line of the route applied for), but terminated further South, at a vehicle crossing point through the hedge; this vehicle route did Not connect on to D until after 2017.

In 2018, the digger which laid the underground powerline left the surface very uneven & this route was unused for c. 6 to 9 months until it weathered.

(3) E-F-K-O: Infrequent use on several varying courses (mostly wandering at will, variations dependent on ground cover overgrowth). Intermittent use, only used after a tractor had driven over it, which flattened a course.

Briefly terminated at O only in 2006. During all other years it joined onto the line of M-O at different, varying places (crossing the stream at varying different wandering courses, sometimes near a cattle trough), sometimes further West, sometimes further East, the termination point never consolidated & always consisted of several more varying, wandering courses to join M-O. The F-K stretch also varied on at least 2 routes, depending on where the tractor last drove;

In 2006, the path at point K went along a more direct, higher point on the slope, around a group of trees, where it remained for some years until this more direct shortcut variation scrubbed over.

The route as a whole was rarely used as it was very steep & slippery in winter; it goes through vigorous dense nettle & bramble patches;

Especially between **2013-2019** the route did not survive throughout the year without vehicles driving through; it would overgrow in May and through the summer & then re-emerge in winter when the ground cover wilted & persons unknown clipped back bramble.

It only began to consolidate as a single footworn path in 2020, during COVID Lockdown, with heavier footfall.

I have never seen anyone use E-F-K-O; it scrubbed over in dense nettles & brambles up to 7-8ft in height.

(4) J-N: Point "N" is alongside MST30, it was the nearest stile to the obstructed MST30 which was fenced across in 1967 by the Stonehouse brickworks; J-N Right to Deviate around an Obstruction on land in the same ownership.

(5) N-K: Varying wandering courses (wandering at will to various curiosities), not a consolidated set route. Path originally started at J in 1999, went on the West side of the Transformer pole, directly towards the centre of the large Oak tree; it then split into mixed wandering courses following stream-bed to M-O or various wandering courses to E-F-K-O (red line).

In 2005, N-K no longer started at J; it now branched 25m further along J-O (Orange line), on the East side of the Transformer pole, around the East edge of the large Oak, towards the West side of a smaller Oak behind the large Oak tree, it then split into several wandering trails, up the streambed, joining EFKO, (red line) much further East, towards the South line of hawthorns, wandering around them (several trails to the red line), into a coppice, towards Bramble Lane houses. In 2006, it had moved to the East side of the smaller Oak, splitting into paths after, one of which now resembling N-K joining the displaced* red line West of the Hawthorn line.

*In 2006 the red line, E-F-K-O ran along a different course, further North; the E-F section ran higher.

In 2013, N-K began near the transformer pole & then back the West side of the smaller Oak.

In 2017, there were considerably more than 6 wandering paths towards both Oak trees; the path beyond the Oak appears to be consolidated, because the rest of the land too overgrown for wandering.

In April 2018, there were still multiple wandering paths, it consolidated into a single path in June 2018, but became at least 2 wandering paths again in April 2019. The first stretch is through a dense nettle patch, I believe it cannot sustain a path with such low usage & disappeared & reappeared because people kept wandering over to the 2 Oak trees randomly.

2020: There was one heavily footworn path & 2 wandering paths towards the smaller Oak in 2020; the heavier COVID Lockdown footfall managed to etch the path on the West, which then consolidated the path until 2023 when it scrubbed over in dense nettle.

(6) O-Q-T: Until 2013, the gate in the hedgerow was locked at Point "Q".

After 2014, the gate was lifted off its hinges by member(s) of the public & laid or flung on the north side, on the right (East). There are historic bent nails above the hinges to stop it lifting off & historic barbed wire wrapped around the hinge, indicating user-by-force.

Several people were seen climbing over it when it was shut. The gate hinge was intentionally broken & was refitted in 2023.

This path first came into use as a **right to deviate** on to other land in the same ownership when a Sycamore tree fell at point T which blocked MST62. The tree was cleared within the year, but the surface of MST62 overgrew in bramble & was impassible until 2014.

(7) P-Q: This path is very new, it began to emerge as a faint trace in 2018.

It did not exist before 2018. It is a COVID lockdown path; it only consolidated as a footworn path in 2020. It has never had much use & disappeared when the ground cover (nettles, bramble & thistle) made the resistance too much to wade through.

(8) J-O: Right to Deviate around an Obstruction on land in the same ownership.

Obstructions:

a) Quarried away definitive line (N-L)

b) Four fences across the definitive line.

i) Fences were placed over the definitive line as follows:

- i) 1967 (between J-N on definitive)
- ii) 1967 (before L on definitive)
- iii) 1968 (by P on definitive)
- iv) 1968 (after L on definitive & blocking deviations using L)
- v) 1973 (between L-P referred to as the hypotenuse on definitive, also renewed across J-N on definitive & across L blocking deviation).

Maps showing the above refer under Q.18.

The clay quarry for the Stonehouse Brick & Tile Works had been expanding rapidly since its founding & especially as demand increased in wartime with MOD contracts for factories & munition stores.

By 1921, the quarrying had obliterated PROW MST28.

The quarrying continued expanding towards PROW **MST62 until the lower section was quarried away** in the 1960s. In its final years, 1967-1968, the quarry expanded Northwards until it quarried away the edge of the field referred to as 'The Verney' (which was also owned by the Brick & Tile Co), MST30, which ran along the edge of this field, was partially quarried away in 1967 (recorded in Parish Council minutes, Nov 15 1967). This quarried section was fenced out of The Verney.

The section of **MST30 that was quarried away** is between "N" and "L" on MST30.

The field edge fence was moved North as the quarry expanded & a deviated path came to exist alongside the new field edge.

Some older members of the community told us they '*remembered the earth eating machines getting closer & closer to the footpath (MST330) until it was gone, blasting out chunks of the hill*' (evidence to be provided). Many older members of the community who signed User Evidence Statements claiming to have used J-O, simply remember walking a path along the field edge; It is a confusing scenario because the field edge has changed (moved Northwards); the definitive line of the PROW MST30 falls on the South side of the new fence (on the quarried away section), while the path they remember was on the field edge; logically they drew it on the field edge; a confusing situation, which is not obvious unless studied in detail together with the later stages of quarry expansion.

A deviated path ran initially from J-L (along orange path), where it rejoined MST30 at L. In 1968, the section of MST30 between L-P within a parcel of The Verney was fenced off, where they cleared the boundary trees & hedge, then began blasting this section into the quarry; **the deviated path then extended to P** & later, further to O, which is referred to as 'the permissive path', better defined as deviated MST30. By the end of 1968, the quarrying ceased before expanding fully into this newly cleared area.

In 1973, the owner sold off the Brickworks to a Taylor Wimpey subsidiary, to redevelop into the Rosedale Estate. As part of the sale, one of the conditions was for the purchaser to install & maintain a fence along the quarry edge on a marked out position. This fence closed off the cliff viewpoint previously visible from the original MST30. This further created a further **obstruction** to the section of MST30 between L-P, which was later fence cut by people wanting the view from the cliff on the high point where MST30 formerly ran (this

path is L-O, also a deviated MST30). The section of MST30 between L-P found itself in a small 1 acre triangular parcel, fenced on all sides, without any stiles; this triangular piece was too small to graze cattle, not remerged with the field & over time wooded over in Ash & Sycamore, one Oak, with a quickly establishing dense floor of bramble. Initially people started cutting the fence at point L so that they could return to the definitive MST30 (on the cliff edge) & see the view, before continuing along MST30, as they remembered it, exiting at P (another fence cut near MST30, which was fenced across on the definitive line, in 1968), the triangle's hypotenuse fence (1973) is not standing today, it was vandalised, visible sections are flattened & cut in places.

Past farmers kept repairing & closing both points "L" & "P", over & over, frustrated that cattle were escaping through these cut points, eventually they just put in a stile at L, which old repeated fence repairs clearly shows was heavily contested.

P was an open fence cut gap in 2023 (I believe it had a stile within it which broke).

In 2023, MST30 was reinstated properly on its original definitive line. The quarried sections were particularly slippery & dangerous, as it was the bare clay that was used to make bricks. The Cotswold Wardens levelled & overlaid these sections with gravel on-top of drainage mat & perforated soakaway drains in 2024, finally making it safe & formally reinstating MST30. L-P on MST30 was also reinstated & cleared of fence obstructions & overgrowth, opened up in 2023.

(9) L-O / L-P-O: Deviated MST30. As above, point L, P & hypotenuse fence were closed off by 1973 across the definitive line, they were persistently cut by the public to gain access to MST30, which had a vantage point view over the Severn Estuary from over the cliff edge. MST30 L-P overgrew over time, resulting in a deviated shape that changed over time, to navigate around the obstruction of bramble & scrub (which scrubbed closer to the cliff edge, until this route followed closely along the cliff edge). The cliff at point L on MST30, no longer has a view, as the young trees have grown above it; today, the view is only visible further along, (a member of the public has placed a bench overlooking the current view).

Therefore this path also falls under Right to Deviate around an obstructed MST30.

(10) M-O: Deviated MST30. The alternative M-P on J-O (orange line) is very steep & up a slanted bank. The path has a considerable crossfall because it isn't well etched into the slope (the original well-etched line being MST30). The whole slope is very slippery in wet weather because of the crossfall & gradient whilst ascending steep banks. M-O is a collection of several varying tractor paths at a lower level in the valley, on flatter ground (less crossfall). The shape of M-O varied significantly depending on where a tractor last drove & there have been several curved routes in some years. In 1999, there were 5 curved paths in addition to J-O - deviated MST30. In 2005, 2006 & 2013, there were 2 curved paths in addition to J-O - deviated MST30. In 2014, the middle of the 3 paths began to overgrow & it was healed over with flora by 2017. No more vehicles drove over this area after 2013.

M-O is a wandering deviation around J-O when the equivalent has poor slippery surface conditions, J-O is a deviated MST30 - so essentially a wandering deviated deviation.

(11) U-H: This path first came into use as a **right to deviate** on to other land in the same ownership, MST62 was obstructed, the section of MST62 parallel was quarried away completely as above & fenced off by previous owner (at the time the same owner as the Stonehouse Brick & Tile Works).

The quarried section of MST62 was formally reinstated in 2023 by Cotswold Volunteer Wardens, who helped put in steps, handrail, ROW waymarkers & cleared bramble overgrowth. The deviated path has since been withdrawn.

(12) G-I: Infrequent use on several varying courses.

U-H was preferred, as G-I was often very slippery from constant agricultural use, there was & is a mud pooling area at the bottom of the slope on the southern point from heavy use as vehicle turning; only really used when a tractor had freshly driven over it.

Gate at point 'I' has been lifted off of hinges many times, old nails above hinges were bent out the way, to lift it off by force. In 2023, we fitted a more substantial anti-lift on it, but people kept climbing over the gate or the fence (videos to provide). We fixed barbed above the gate to stop forced access, as the gate is fragile & people climbing it were breaking it.

The route was originally not a diagonal, but more of a curve, reflecting a vehicle needing to turn to exit or enter through the gate, due to towing a trailer / cattle / bales; it was an agricultural track, Not a footpath.

The more direct diagonal line first appeared in 2005, from a vehicle driving without towing anything being able to turn into a more direct route (at this point, it looks freshly driven on, two wheel tracks & not footworn). In 2006, the curve is still in vehicle use, but the diagonal has faded to a single footworn track. It remained as two routes (curve & diagonal direct) until 2014 when the curve fell out of use.

In 2018, a digger laying underground power lines left the surface very uneven & unfavourable. It remained mostly un-walked until weathered through, by 2020, re-emerging as a COVID Lockdown path.

In 2019, the diagonal is faded, looking virtually unused & flora recovered; meanwhile U-H was visibly footworn in comparison. Route G-I re-emerged a year later in 2020 with the heavy COVID Lockdown foot traffic.

7. Have you, or others with your authority, ever stopped or turned back anyone using the route, or made it known to them that the route was not public?
- a) Yes, owner
 - b) Yes, family of owner
 - c) Yes, contractors for owner
 - d) Yes, previous owner
 - e) Yes, previous tenants

If YES, how was this done? What was said and by whom? What was the response / reaction?

Prior to our ownership:

People have stated they were challenged by a farmer.

The previous farmers mention challenging people & their abusive responses (evidence: letters provided to GCC objecting to TVG & previous farmers statement, detailing the aggression by some of the public; refer letters by: family of Martin Fletcher, the previous farmer, N. Clements, member of public stopped by farmer, etc.).

During our ownership:

We have stopped people seen climbing over gates & fences, informed persons where the PROW is & directed them onto it, provided members of public with an OS map the PROWs. Most people politely apologised & said they would use the correct path in future; a few mentioned those routes were overgrown or impassible or had not been useable for many years (to which we said we & Gloucestershire CC were improving them).

Most people's responses are polite & pleasant, with conversations about the land, nature, wildlife, our interests, animals, farming, trees, what we hope to do with land, etc.

A few people's responses (1 per 10 walkers) were hostile, violent or aggressive, shouting, including the following:

- 'It's our land, it's not your land'
- 'we have the right to roam wherever we f***ing like'
- 'I will free roam wherever I please'
- 'I'll walk wherever I like'
- 'there's people like you in Dartmoor...'
- 'the farmer / Sibley said I could walk here'
- 'leave me alone / don't talk to me'
- 'we've been cutting fences here since 1862 to fight the landowner'
- 'you stole this land from us'
- 'this land is rightfully ours'
- 'it's council land / public land... they said so'
- 'you're vandals'
- 'who are you to tell me what to do'
- 'I don't take orders from tree killers'
- 'you're not old enough to be able to tell me where I can go'
- 'try stop me and I'll fight you / hurt you'
- 'I will f*** you up'
- 'ugghhhh'
- 'NO NOT YOU'
- 'OUTRAGEOUS'
- 'I'm going where my dog goes'
- 'go f*** yourself'
- 'I'll bring my pitchfork next time'

'I'm walking here so you can't build on it / to prevent development / stop you from your plans'
 'the council said I could walk wherever I want'
 'councillor [name] said to treat the land as mine'
 'councillor [name] said if I use it, we the people will take it away / back from you filthy greedy developers'
 'councillor [name] said you'll build 400 houses here if I don't walk here'
 'councillor [name] says you're cutting down all the trees'
 'councillor [name] says I have a right to all the trees'
 'councillor [name] says you'll kill everything here'
 'you're horrible people'
 'councillor [name] said to walk where I like, it will be ours'
 'council said this land will be ours soon enough'
 'council told me to walk here'
 'go back to where you came from'
 'leave our country'
 'you're foreign / you're not from here'
 'you're just a chink'
 'the Chinese restaurant's on the High Street'
 'you're Putin'
 'you're a nazi'
 'this is hitler's farm'
 'go to Auschwitz / concentration camp'
 'I'll fight you in the trenches'
 'go back to Russia'
 'who let YOU be in charge of my country'
 'I came here to give you a f***ing piece of my mind'
 'council told us to fight for our right to roam'
 'right to roam, f*** you'
 'you going to take this land with you when you die, are you?'
 'I will bury you in Doverow Woods with the other 7 bodies 'I'll put you in the ground'
 'There are 6 bodies in Doverow Woods, you'll be number 7'
 'my dog will bite you, [dog name] attack them, go on, good boy'
 'go to hell you stupid cow / b**ch'
 'how about you get off our land instead'
 'I'm not going anywhere'
 "I'll go injure myself so I can sting you"
 'If you don't remove the barbed wire fence, I'll deliberately injure myself so I can sue you"
 'councillor [name] told us we should fight the landowner'
 'councillor [name] said ...'

etc. etc... There have been hundreds more such violent, aggressive responses. Some people violently tried to strangle, force a neck-hold, punch, push over, beat with cane, threaten & intimidate my family and several contractors.

What was said and by whom?

"by whom" to be provided separately on request; many have filled out UE statements on behalf of the applicant. Many police crime references and investigations ongoing. Some police community resolutions for assault and for harassment against persons who have completed UE statements. Details to be provided if required.

[If YES, please please ensure you complete question 22]

8. Has the way you have used this land made the claimed route(s) difficult or impassable at any time? If YES, please state how and when

Yes

Prior to our ownership:

Cattle Farming: Most people avoided walking amongst the cattle, through overgrowth (particularly nettle, thistle & bramble) as the thick ground cover is difficult to walk through in some seasons; baling & silage.

Many of these routes had locked gates on them, with anti-lift measures (such as historic nails above hinges, barbed wire wrapped around hinges), very many fence repairs across fence cuts on the claimed routes. Barbed wire over some gates.

During our ownership

Fences & drainage ditches along most PROWs, to keep people on PROWs and exclude them from grazing areas.

More anti-lift measures on gates. More gates & stockproof fences.

Anti-climb grease on gates to stop climbing over.

Fence repairs across cut points.

Removed permissive stiles once the PROW equivalent was passible. Locked gates.

Barbed over gates to stop climbing. Filling areas with sheared overgrowth / greenwaste piles, blocking with fallen trees & branches. Planting hedges in hedge gaps or where hedge had been vandalised. Reinforcing fences with more barbed.

Planted rows of fruit trees (several of which were destroyed).

Placed Caravans in repeat fence cut points (one was arsoned, burnt to the ground).

Drains & ditches flooded to form new pond (allowed pond to fill with rain).

Allowed fields to wild over with native flora - wild grasses / wildflowers / bramble / nettle.

9. Has anyone ever asked you for permission to use the claimed route(s)?
[If YES, please ensure you complete question 23]

Yes

10. Have you ever given permission to anyone to use the claimed route(s), other than your employee(s)?
[If YES, please ensure you complete question 23]

Yes

11. Have you ever erected / locked any gates or placed any other obstructions along the claimed route(s)?

Yes

If YES,

(a) Please describe the type / nature of the gate or obstruction, and mark the location(s) on the attached plan.

A: fenced off with stock-proof fencing (sheep-net + 2 lines barbed wire), 2ft drainage ditch; keeping people on MST30.

B: gate was already welded shut, previously there was a locked wooden gate.

Gap in fence repaired with barbed, gate was anti-climb greased, double 2ft ditch was dug to make it impassible & allow hedge to grow as windbreak.

D: fenced off with stock-proof fencing (sheep-net + 2 lines barbed wire), 2ft drainage ditch; keeping people on MST30.

F: gate boarded over to stop climbing over, greased & barbed in 2023, previously gate hinge has anti-lift prevention, gate has barbed over top to stop climbing. F-K-O filled with bramble sheared overgrowth.

G: Fenced off MST27, stock-proof fencing (sheep-net + 2 lines barbed wire), 2ft drainage ditch; keeping people on MST27

H: fenced off, stock-proof fencing (sheep-net + 2 lines barbed wire), 2m flooded drainage pond soak away; to keep people on MST27.

I: Gate at point 'I' has been lifted off of hinges many times, there were bent nails above hinge, we put a more substantial anti-lift on it in 2023, but people kept climbing over it or the fence (videos to provide), we put barbed above gate as gate is fragile & people climbing it were breaking it. Fenced off MST27, sheep-net + 2 lines barbed, 2ft drainage ditch; keeping people on MST27.

J: fenced off, horse-mesh + 1 line barbed, 2ft drainage ditch; keeping people on MST30. Filled with branches & greenwaste. Caravan was later place to obstruct repeat fence cut.

L: heavily repaired fence cut, filled with barbed & sheep-net, 2m Blackthorn hedge planted in front of it.

M: 2ft drainage ditch.

N: fenced off, horse-mesh + 1 line barbed, 2ft drainage ditch; keeping people on MST30. Filled with branches & greenwaste.

O: fenced off, sheep-net + 2 lines barbed, 2ft drainage ditch; keeping people on MST30. Caravan was later place to obstruct fence cut.

P: fence repaired with 5 lines of barbed cattle fence, caravan was later place to obstruct fence cut (which was burnt out).

Q: locked gate reinstated.

T: Fenced off MST62, sheep-net + 2 lines barbed, double 3ft drainage ditch; keeping people on MST62.

U: Fenced off MST62, sheep-net + 2 lines barbed

(b) Over what period was the obstruction(s) present? (please give months and years where dates are known, e.g. 1959 – 1965 or Sept 2015 to present)

Prior to our ownership, obstructions or evidence of prior obstructions / forced access for points: **B, D, L, F, P, Q, I.**

MST27 & MST62 were fenced c. May-June 2023

MST30 was fenced c. June 2023.

For both MST30 & MST62, parallel permissive paths were left open to allow alternative while Cotswold Wardens formally reinstated the quarried away sections of the PROW equivalent. These were left open until we received considerable abuse & assault & vandalism (ASB).

- (c) Within the period given at 12(b), how often was the gate locked / obstruction present (i.e. permanently, when livestock were moved)

Gates **F, B, D, Q, I & H** were always kept locked, even prior to our ownership; some were forced through often, before & after our purchase. B was welded shut.

12. If you have ever erected any notices or signs, please indicate (if details are known)

- (a) Their wording?

1980's to 2013: References to signs that pre-date our ownership (see letters, refer previous farmer's family's letters). Some signs were found, such as "Private" & "Permissive".

2023-2024: Our signs:

Private Farm, Private Land, Keep Out, Please keep to PROW (map provided), Please respect countryside code (list of requests, re: litter, dog foul, fires, dogs on lead...etc), keep to permissive path / tractor trail, please keep away from dangerous tree, danger slippery surface, wet concrete please use permissive path instead, please keep to footpath, please keep out of wildlife area, please keep out of wetland area, not a footpath. PROW MST30, PROW MST27, PROW MST62 – each with arrows & place names which it leads to. PROW definitive highway Map at all entry points. Permissive path, check signs if open or closed. Permissive path closed due to ASB / abuse. Permissive path closed so we can work on farmland without public abuse. Wildlife info. Plant / tree info. History info. Reader bench + Romeo & Juliette swings this way (permissive path). Ridgeway steps MST30.

- (b) When they were erected?

From March 2023 & frequently, as they were destroyed by knives, blade, hammer, axe, graffiti...etc some flung into bushes (videos available), trees, overgrowth, flung off cliffs. (photos available)

- (c) Where were they erected?

At all entry points, field boundary crossings, junction, notice board, gates, stiles, fence cut points, fence climbed over points, vandalism points, near dangerous trees, on bench, on stake in ground as needed.

- (d) Did you ever maintain or replace them? If so, when?

Yes, frequently and repeatedly as they were destroyed by knives, blade, hammer, axe, graffiti...etc some flung into bushes, trees, overgrowth, flung off cliffs.

- (e) The length of time that they remained in place?

Vandalised or stolen as soon as they're positioned, except when placed under CCTV.

- (f) Was there any response / reaction from people?

Some people said there's nothing wrong with them, it's just a map & the countryside code. Most people didn't mind.

A loud minority said they didn't like them, didn't like being told what to do, didn't like that the land was private. Most signs were vandalised & destroyed as above

(including many prior to ownership, some were flung, found under overgrowth). Other farmers reported similar experience.

Stonehouse Town Council made their disgust with my signs an agenda item; They told the public to disregard my signs & do whatever they like. All 40+ signs were vandalised, renewed several times and all vandalised.

I have videos of some Stonehouse Town Council members and others vandalising &/or stealing all signs that they could find.

(g) Do you have any photos of previous or existing notices or signs?

Yes – will forward photos separately.

Do you have any receipts for works carried out (**such as for erecting / repairing fencing or gates**); **photos of notices**; **letters of permission or police reports, etc., that relate to the claimed route which might be useful in this investigation?** ... - please provide copies

Yes To forward asap: receipts, photos & other data for: Fencing, Gates, Notices, signs, Police reports re: damage & confrontations from stopping people. (Videos also available).

13. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980 or Section 15(A) of the Commons Act 2006?

Yes: Section 31(6) - 13/06/2023 – Ref: 777 – Spring Valley Farm & Windmill Farm

14. **Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the route now being claimed was not dedicated as a highway?**

Yes / To confirm

If YES, when?

Notified ROW Area officer & principal ROW officer of permissive footpaths, issues with non-footpaths. incl. sign damage, etc. To confirm if this was formal notice. To provide details separately.

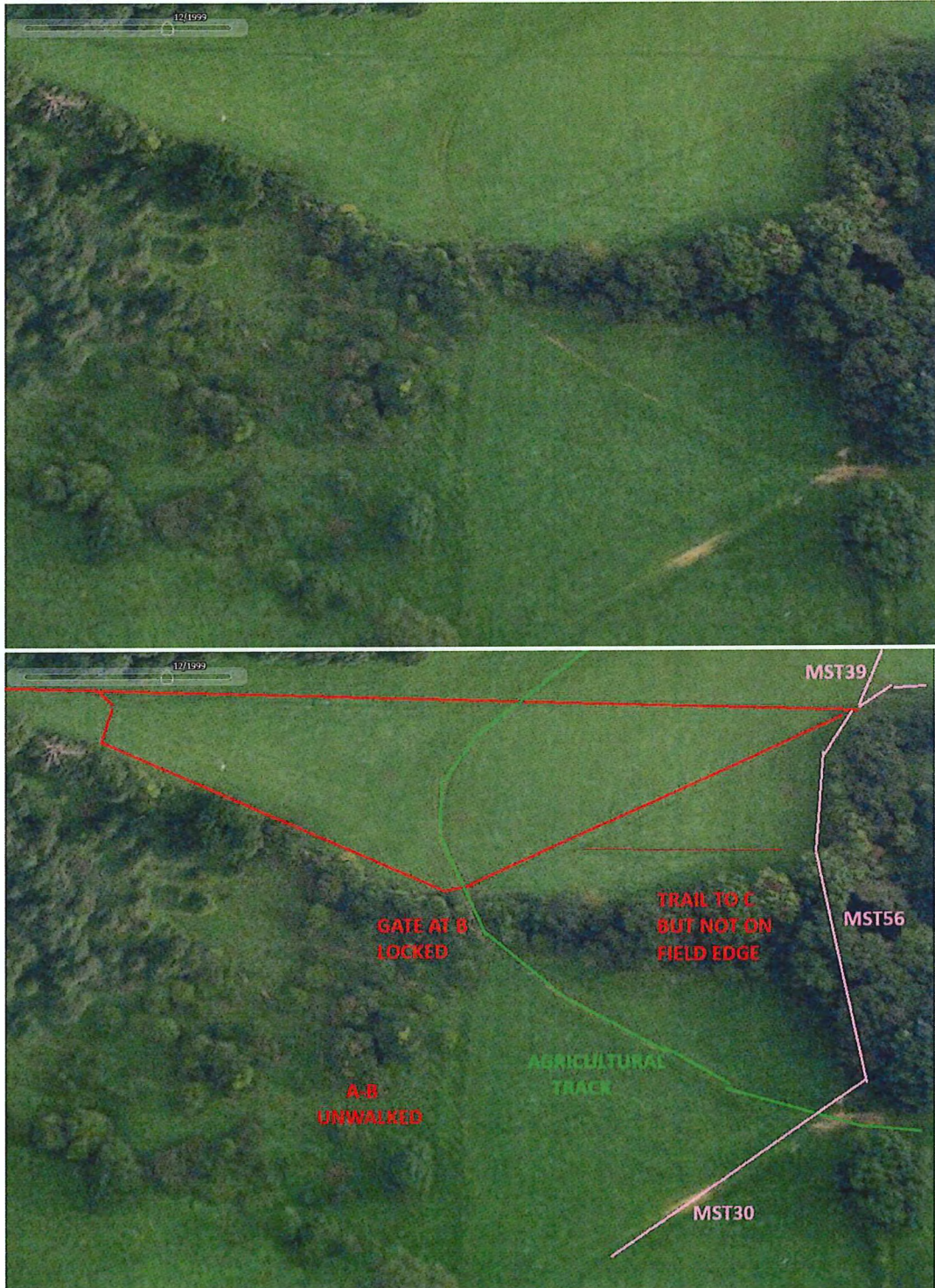
15. Would you be willing to give evidence at a Local Public Inquiry?

Yes

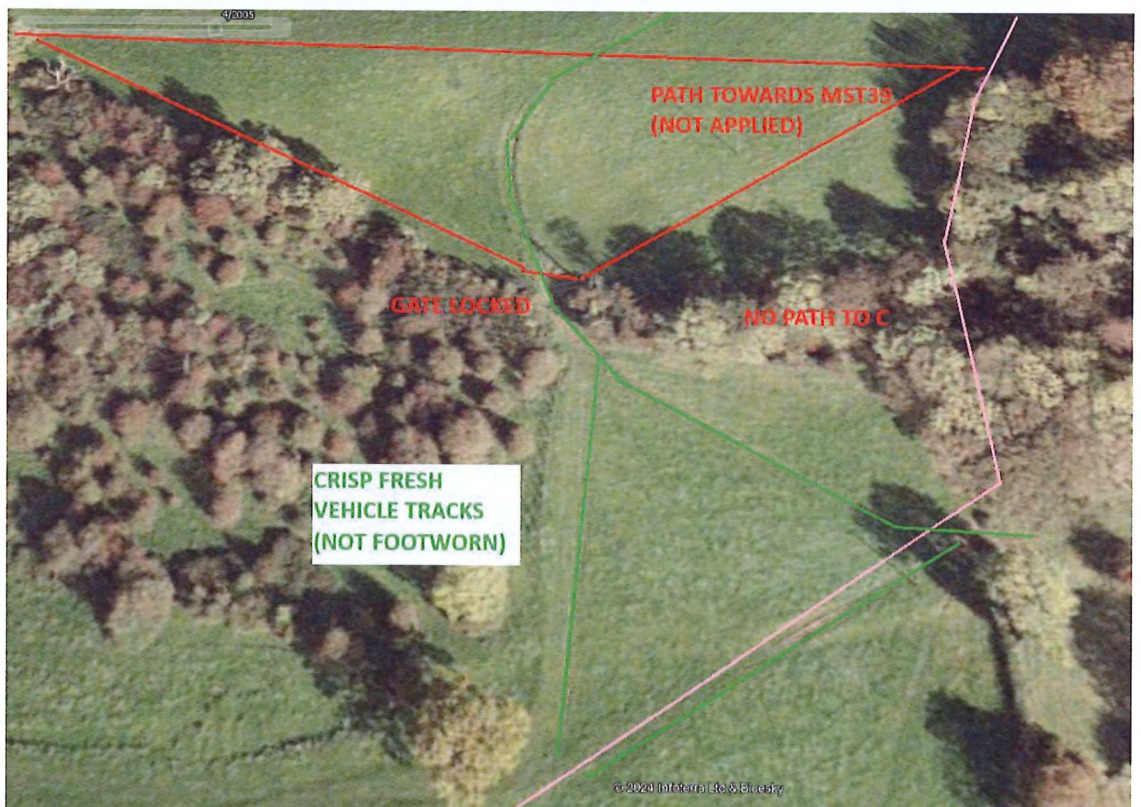
16. Please give any further particulars or comments

A-B-C

- i) **varying / wandering** (beyond A-B)
- ii) A-B existed by force since 2006, as part of other routes (17 years), although gate was lifted off by force eg. in 2006 when first appeared footworn. Refer 2006 aerial image.
- iii) B-C rarely existed, only existed in wet weather as part of **Right to Deviate** around MST56 (obstructed by poor surface & sometimes fallen Ash limbs). A-B-C – Rarely ran to point C



Above: 1999: Agricultural Track in Green.
Gate at B is Locked.
A-B is unwalked.
Lightly used wandering trail to C is not on field edge.
There is a path which leads to MST39.



Above: 2005:

- A – B: Not footworn. Crisp Fresh Vehicle Tracks in Green unwalked
- B: Gate locked.
- C: No path to C. (Footpath towards MST39)
- A-B-C does not exist.

A-B-C 2006



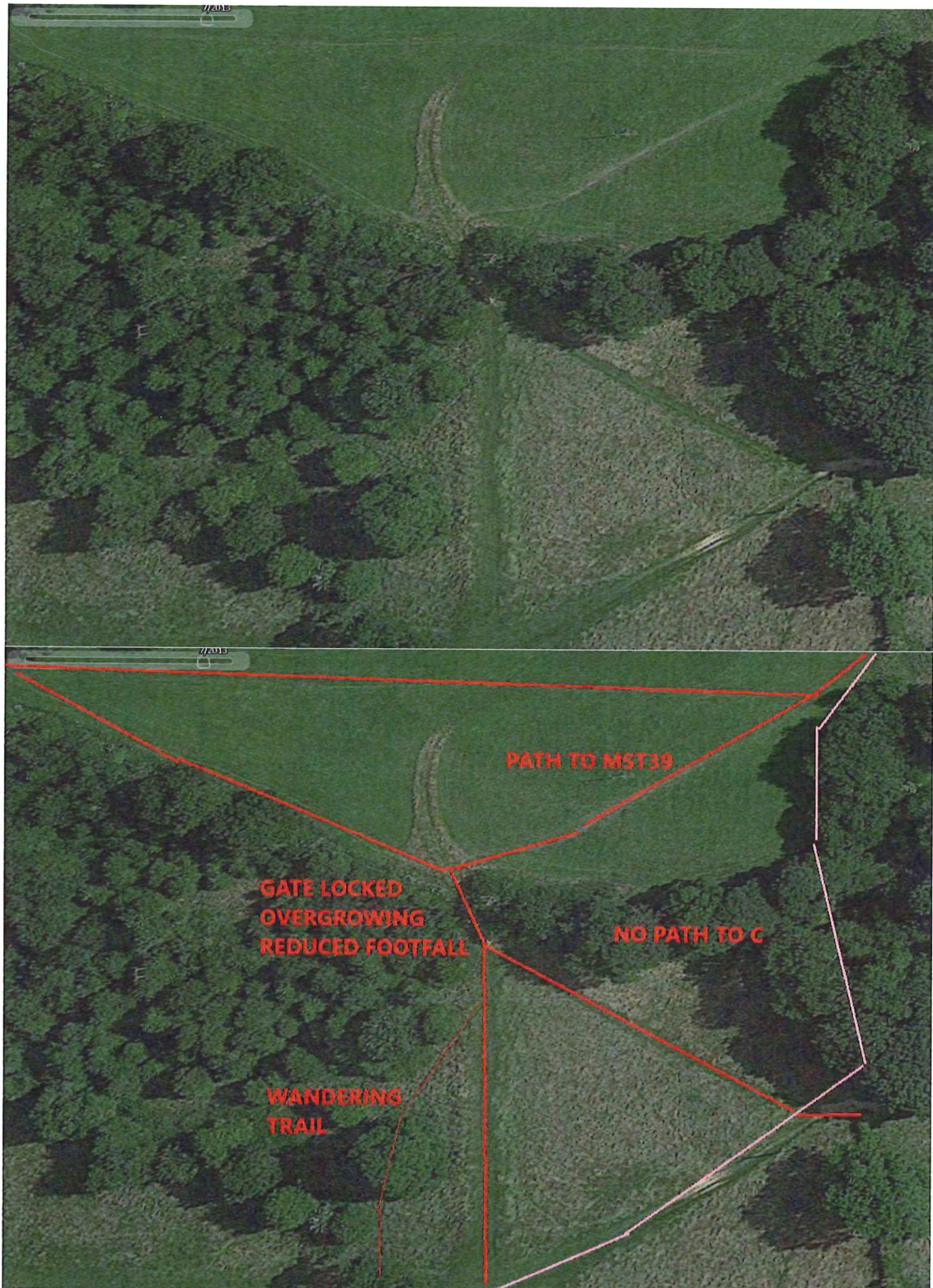
Above: **2006:**

Heavy use agricultural track in **Green**

A – B: Footworn path on left side of gate **BECAUSE** the gate is lifted off its hinges.

No path to C or to MST39 (instead they are descending A-B through lifted off gate from Northwest)

A-B-C 2013



Above: **2013**

A – B: Light foot use + additional wandering Trail.

At B: Gate is locked. Overgrowing. Reduced Footfall due to overgrowth.

No path to C, path to MST39

A-B-C, 2014



Above: **2014**

A-B-C faint trail, negligible use due to overgrowth at B & corn field crops obstructing the field North.

The faint use or wandering trails appear more used by animals, deer, foxes or badgers rather than people, given how overgrown & unnavigable gate B is.

At B, gate is locked. North field has cropped corn. Reduced to wandering trails. Very faint path to C, no path to MST39

In other years, either B – MST39 or B – C were in use, rarely both, in this year neither seem used at all.

A-B-C, 2017



Above: **2017**

A-B-C does not exist on full course.

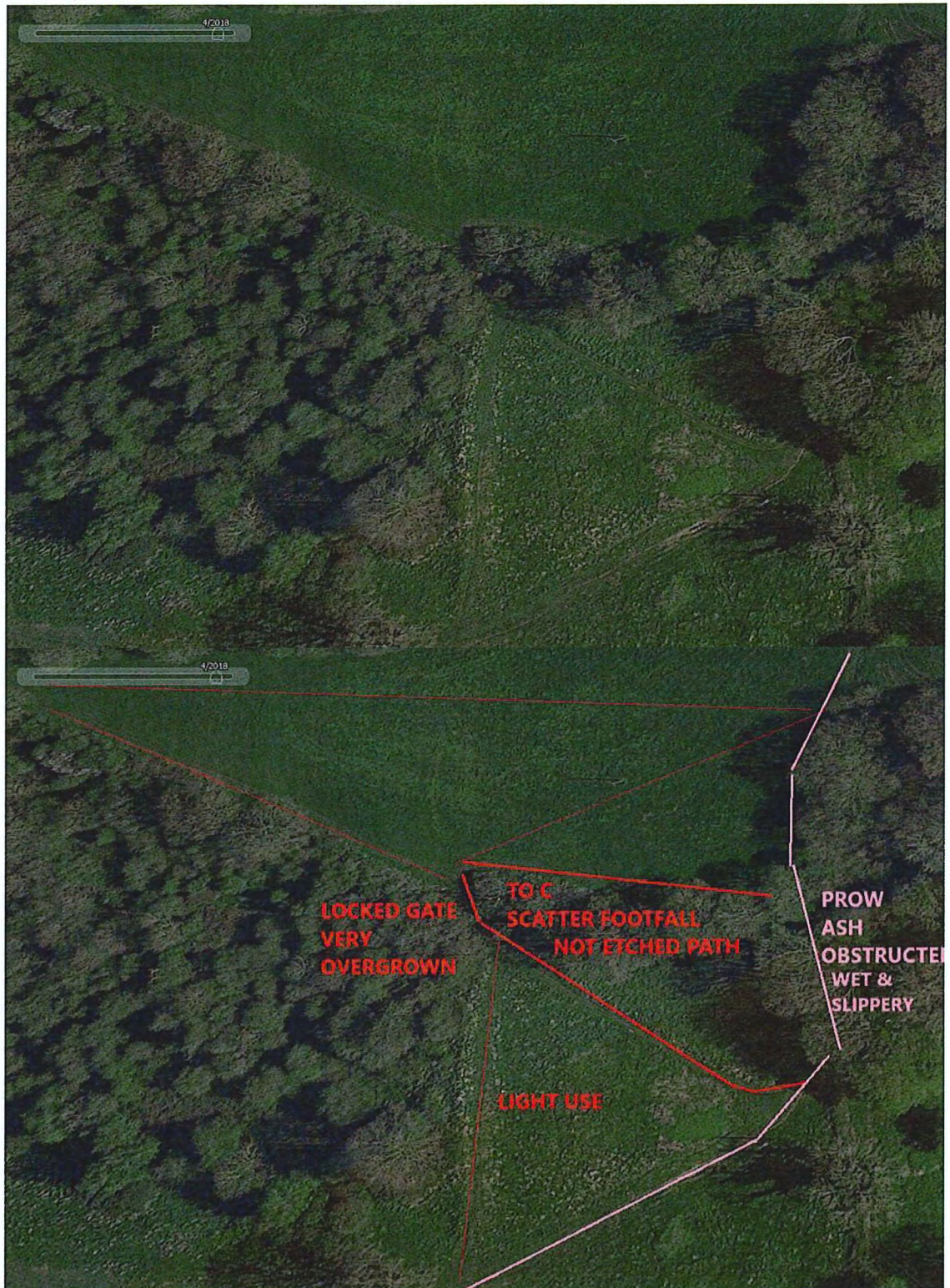
At B Gate is locked. Very overgrown, deterring people.

Trails look lightly used.

No path to C.

A-B-MST39 light use.

A-B-C, 2018



Above: **2018**

At B: Locked gate, very overgrown.

A – B: light use

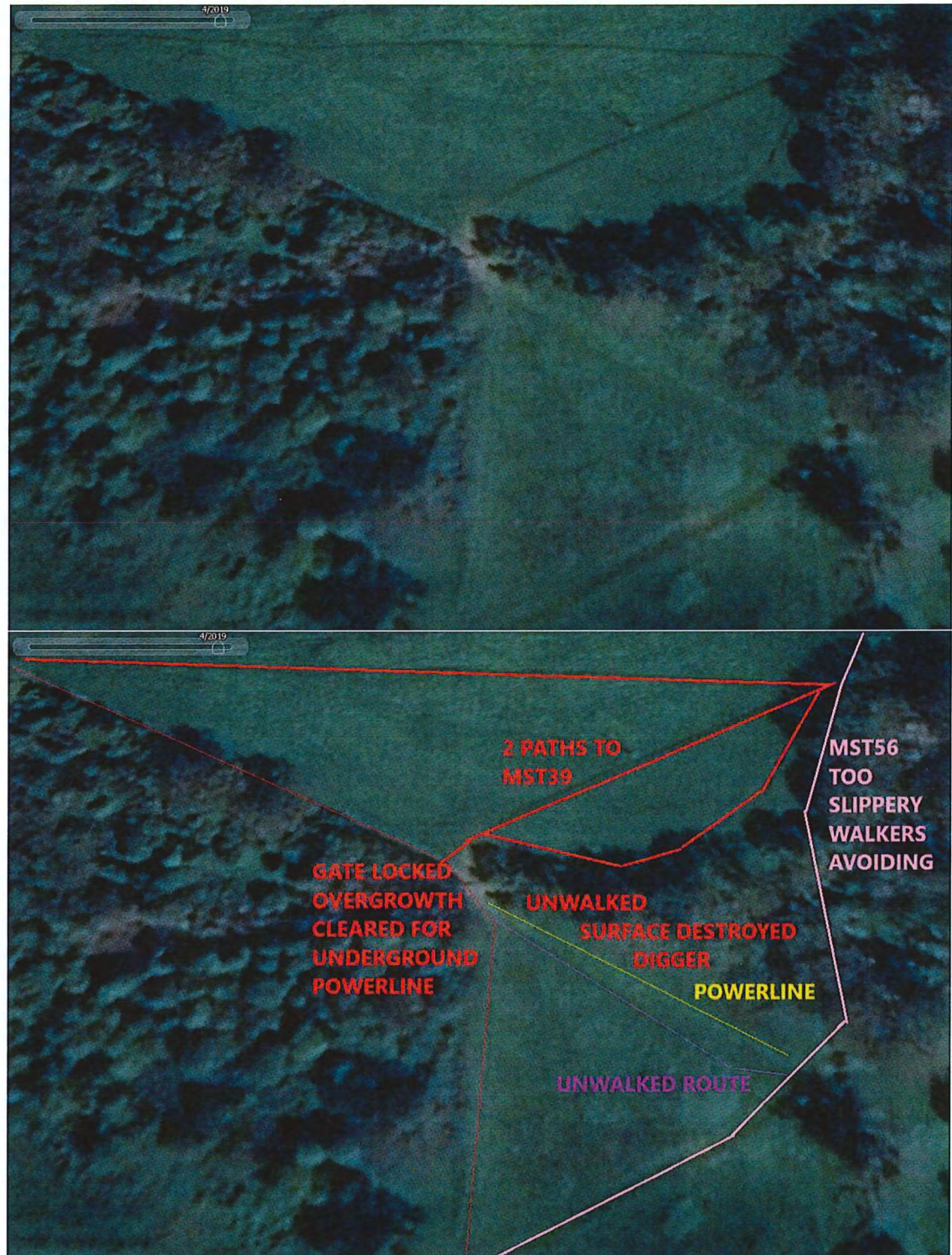
To C, scatter footfall, not etched path.

Ash tree obstructs PROW MST56, wet slippery & steep.

A-B-C, 6/2018



A-B-C, 2019





COVID Lockdown paths/trails wandering everywhere

**2006: People started using A-B when Locked Gate at B was lifted off it's hinges.
Locked & 'lifted off' view below.**

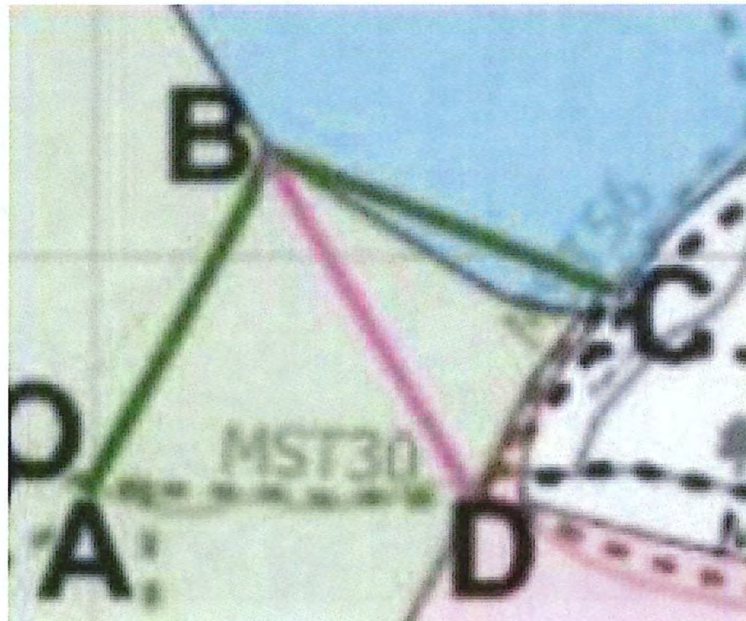
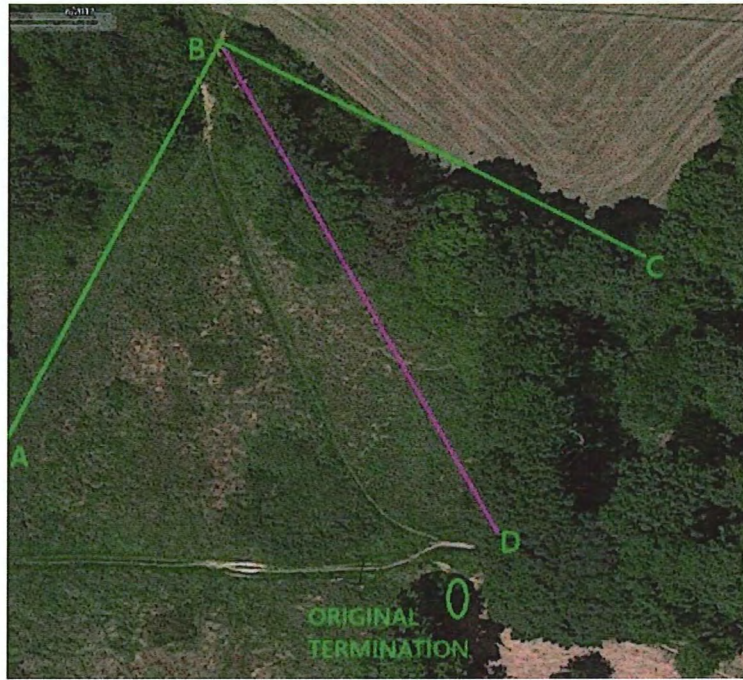


Above Left: 2005
Gate locked, unwalked 2005

Above Right: 2006
Gate lifted off hinges.
A-B path heavily footworn for first time;
Doesn't appear footworn again until
COVID Lockdown.
Therefore User by force. 2006

B-D (grid line)

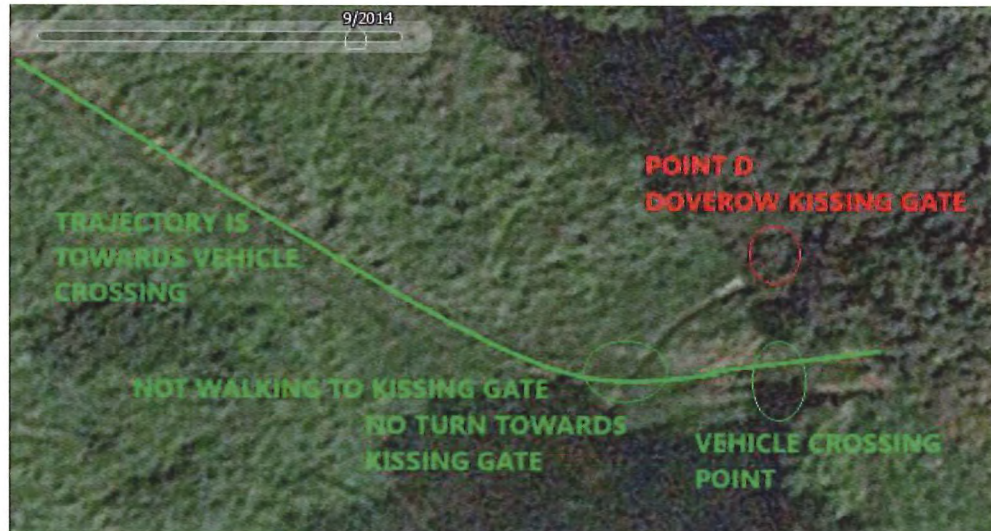
- i) **Varying** termination points (but not originally D as applied for, only connected to D in 2017).
- ii) B-D is **Not on the line applied for**; the former agricultural track (below) has a **different trajectory**, it is more curved, partial disused section of a longer agricultural track;
Track formed by agricultural vehicles. Its trajectory lines up with vehicle crossing point, Not Doverow Kissing Gate.



B-D contd.

- iii) Before 2017, B-D termination point was originally Not D, but was the vehicle gate South in hedgerow (long since overgrown).

Below 2014.



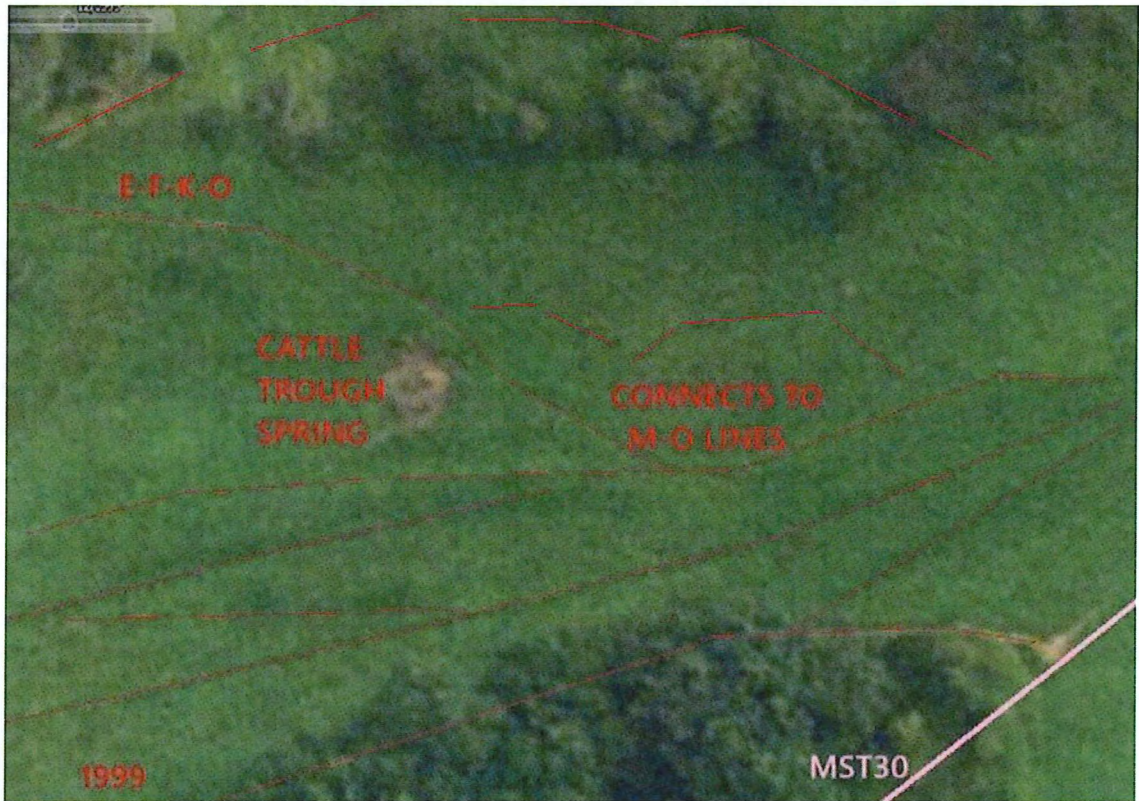
- iv) The alignment of the agricultural track is with a vehicle crossing point (Not "D"), i.e: it was clearly an agricultural vehicle track, not a footpath.
- v) The termination point changed to D only years later, after the vehicle crossing point through the hedge overgrew, the trajectory changed curving towards D in 2017 & after.
- vi) Note above: that where it crosses MST30, the course does not attempt to turn towards D in 2014, no one was walking towards D. In 2017 people walking to D altered it's termination point, as below.

Below 2017



- vii) **Incomplete route**: originally used as an agricultural track (vehicle scar etched well beyond into field North). Later, c. 2017 it was foot-trodden on disused part of an agricultural route towards North field, remainder of a route long since disused, ploughed & closed off.
- viii) Obstructed in 2018 for 6-9 months by digger following laying of underground powerline.

- i) **varying** termination points (joining varying / wandering through & around a trough to different points on the lines of M-O, Not O except in one year, 2006, when people avoided cattle at trough), wandering around cattle trough spring, looks unused / little used in 2005.



1999. This shows the trails branching from the "M-O" lines, towards a cattle trough spring; it does Not start at O (Oak tree).



2005 (above) shows cattle & No foot-use.
2006 (below) shows trails wandering away from & avoiding the cattle.

2006



The route did Not exist alongside grazing cattle in 2005.

The presence of cattle prevented & deterred people from walking around the spring / trough - the cows favourite resting spot.

2006 shows **wandering at will** trails; persons avoided walking near cattle around spring, instead they walked on wandering trails closer to the trees, on North slopes towards a big oak.

E-F-K-O contd.



2013 above. 2014 below.

Cattle no longer grazing. Aerial photos show wandering at will trails around a spring / cattle trough; then wandering on & around a few trees.



E-F-K-O contd.**2006 to 2013 – route ran on different courses:**

Varying courses: inconsistent courses: for several years between 2006 & 2013, trails ran on a different, more-direct trajectory (on different vehicle flattened routes), until the more direct course overgrew; then reverted back to applied route.

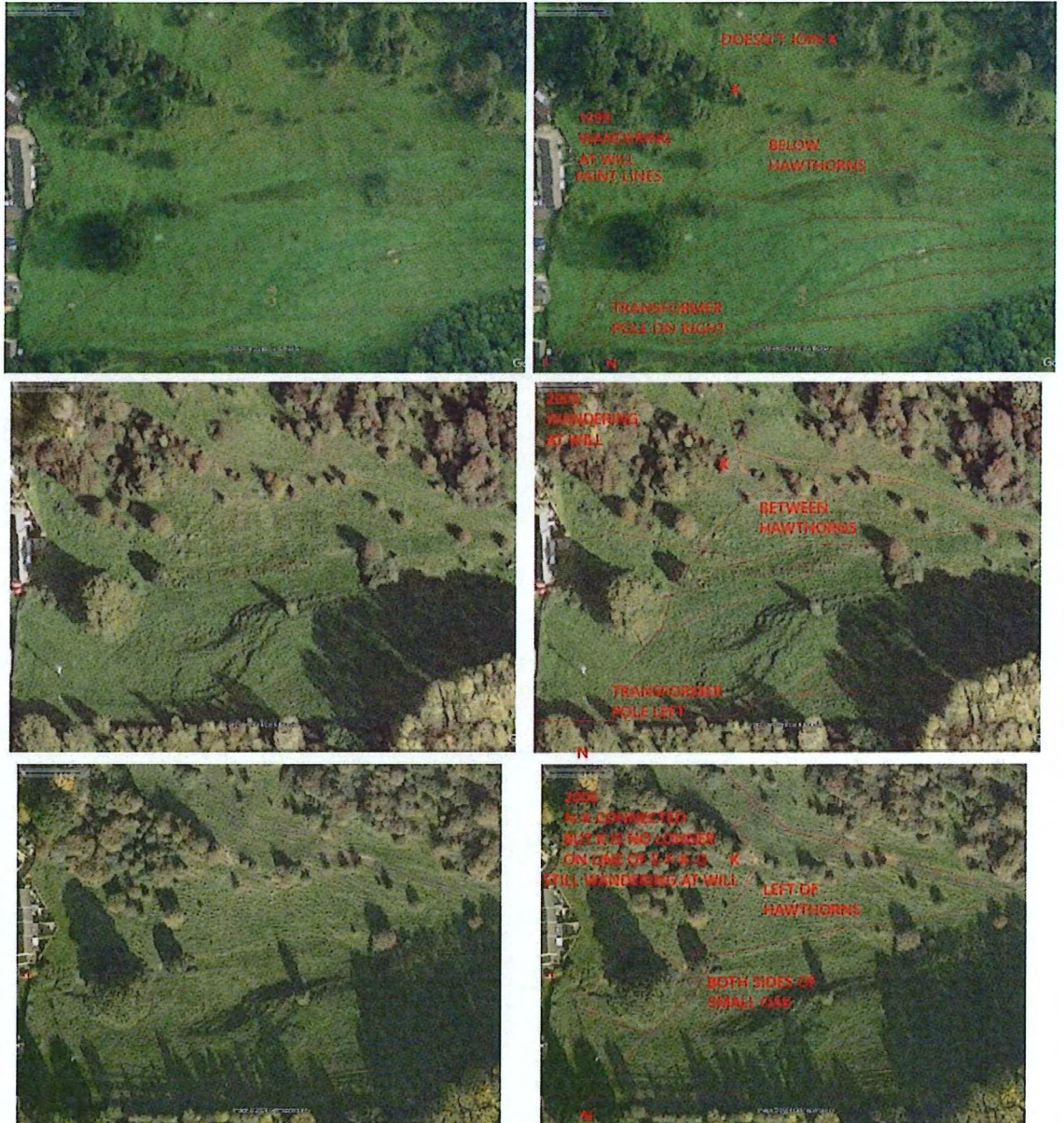
Infrequent use, **Wandering at will.** Because seasonally, ground cover heavily scrubbed over, the few walkers using this course walked or wandered along where agricultural vehicle last drove, flattening a course. This course was not always capable of surviving on its own, it was not walkable throughout the year.

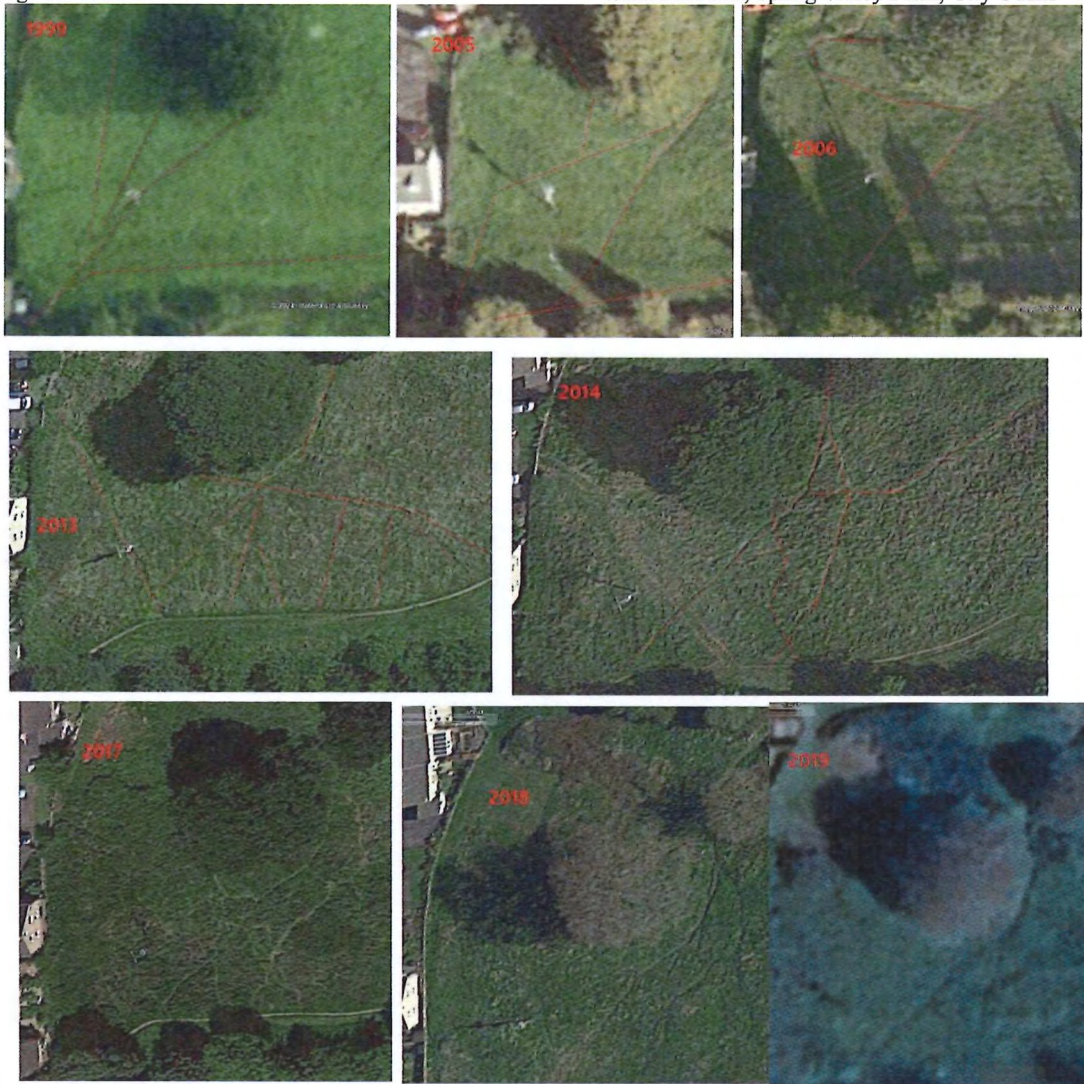


- ii) **Intermittent** or seasonal, The route as a whole was rarely used through the year as very steep & slippery in winter.
- iii) Route goes through vigorous dense nettle & bramble patches, it didn't survive year around on it's own without vehicles driving through (after 2013), it would overgrow in May through summer & then re-emerge in autumn when the ground cover wilted & persons unknown periodically clipped back bramble / other flora obstructing route at times, it would be too muddy & slippery by spring.
- iv) It only began to consolidate as a single more-footworn path in 2020 (COVID Lockdown with heavier footfall)

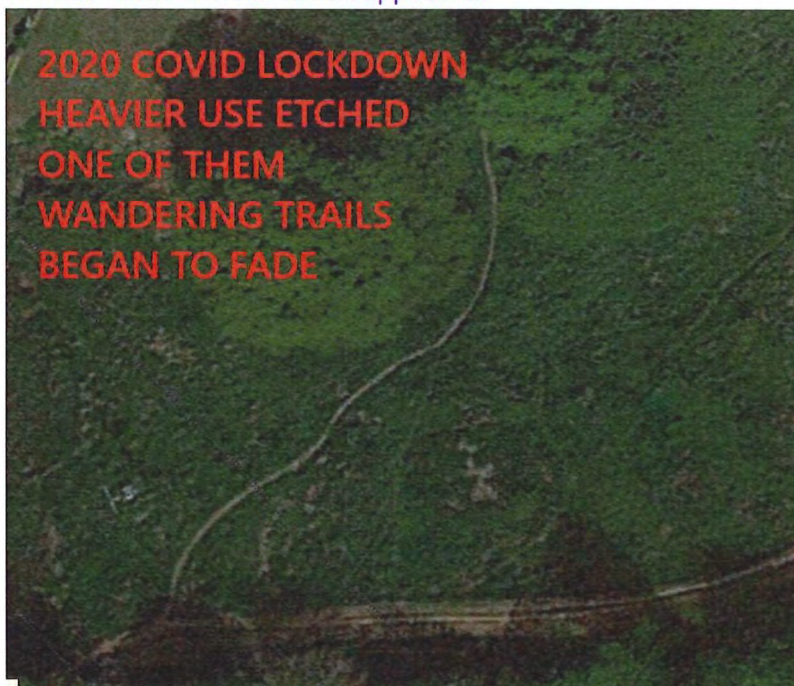
N-K

- i) Various wandering courses, **wandering at will** to or around various curiosities, not on a consistent route.
- ii) Varying start points, originally started at J (1999), through the years several different **wandering** trails to the 2 Oak trees branched off from J-O (Orange line).
- iii) Varying termination points, course varied after smaller Oak, some ran up stream bed towards M-O, some joined E-F-K-O at varying points, but not in one place.
- iv) Varying courses, wandering trails pass Transformer Pole on West side or East side in different years, trajectory to which Oak tree varied in different years, passed smaller Oak on West side or East side in different years before branching into several much smaller trails, trails wandered around line of Hawthorn not having an obvious merge point for some time.



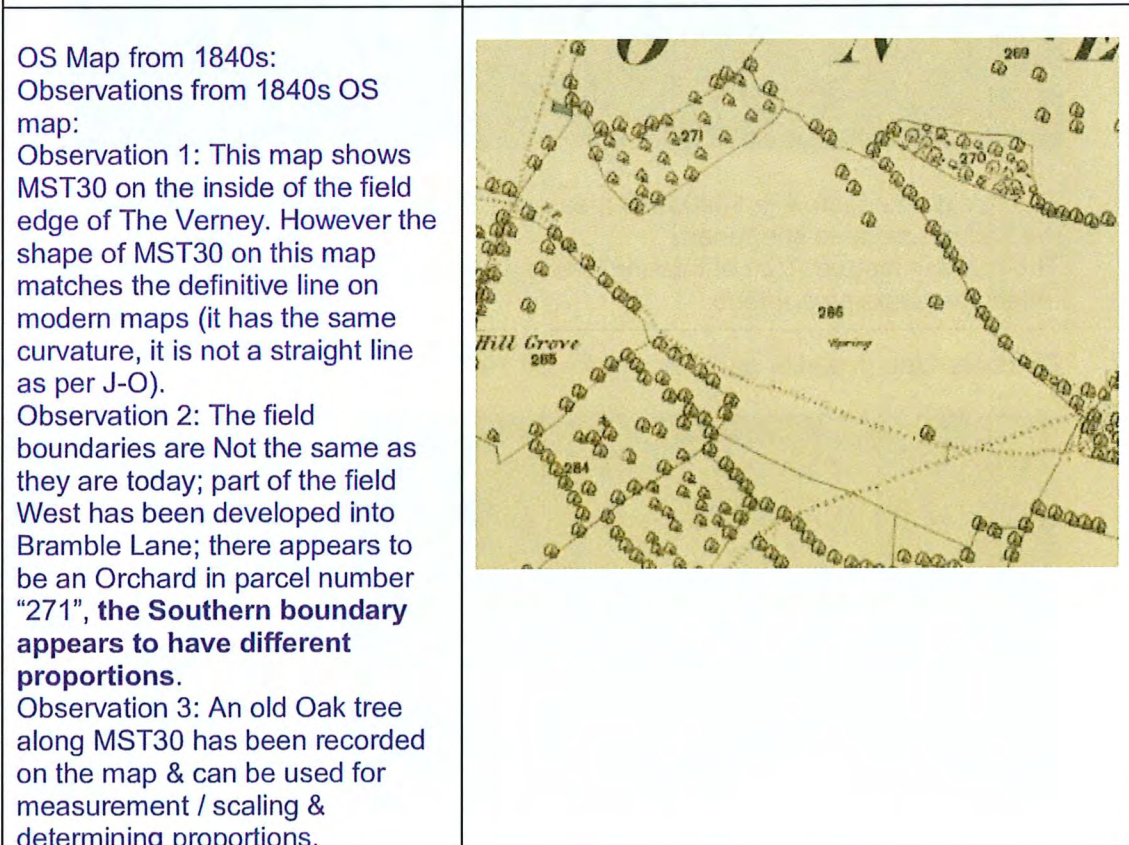
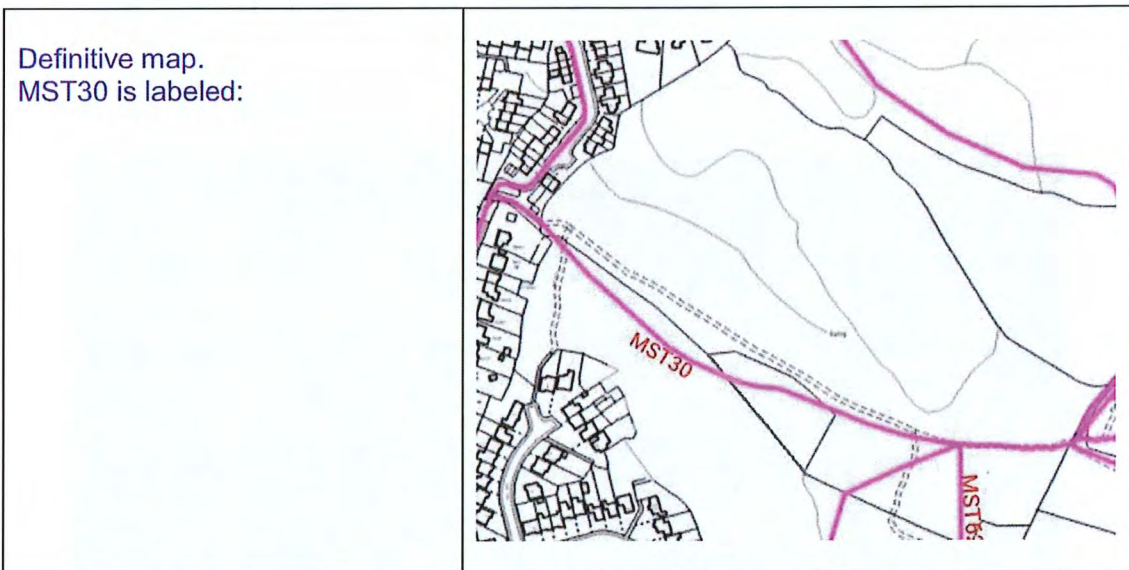


- v) 2017 & 2018 clearly show **wandering at will**. It only began to consolidate as a single more-footworn path in 2020 during COVID Lockdown with heavier footfall. Since 2023 it has disappeared.

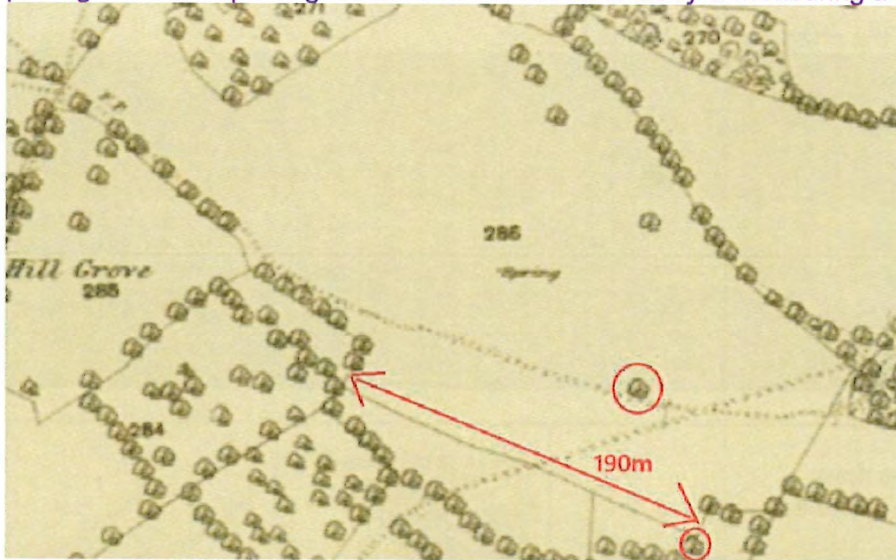


“The Verney”, its Southern boundary & how MST30 ended up fenced out of it.

a) This is the shape of The Verney today:

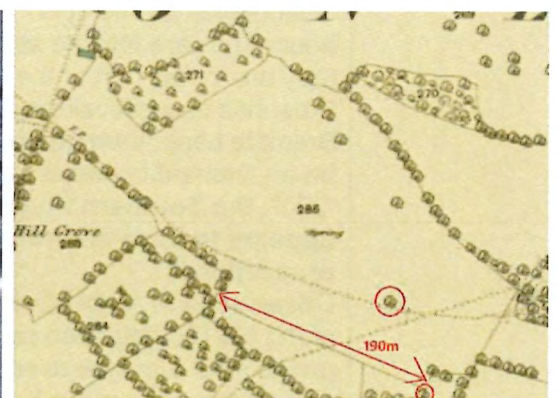
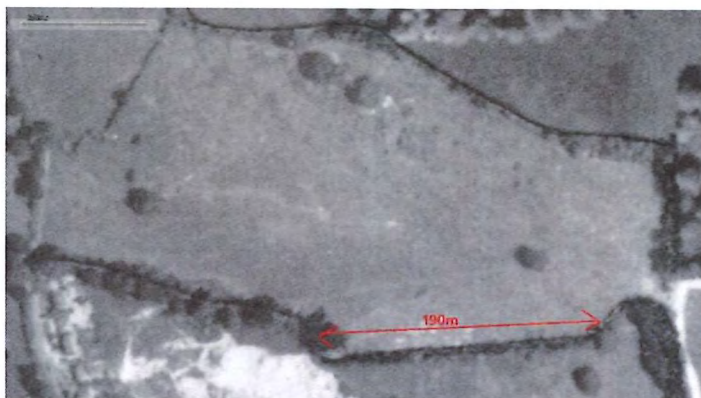


"The Verney", its Southern boundary & how MST30 ended up fenced out of it. contd.
Interpreting the old Map using features which still exist today & measuring a hedgerow.



The straight hedgerow in 1840s OS measured 190m; in modern times, it measures 115m, the hedge has been shortened.
The missing feature, 75m of missing hedge, has been drawn on to the photo above, to reflect the same proportions.

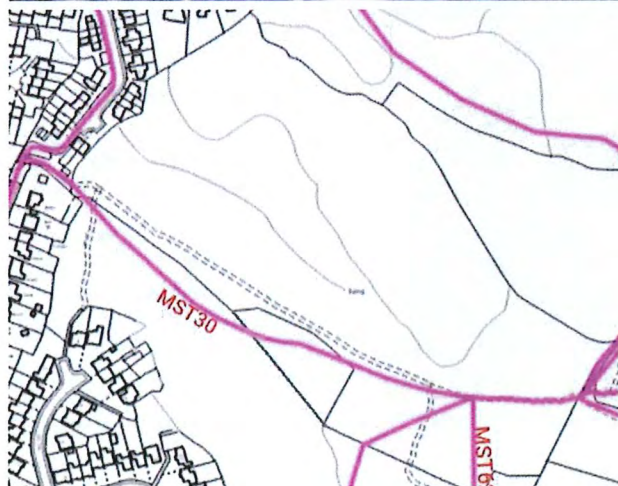
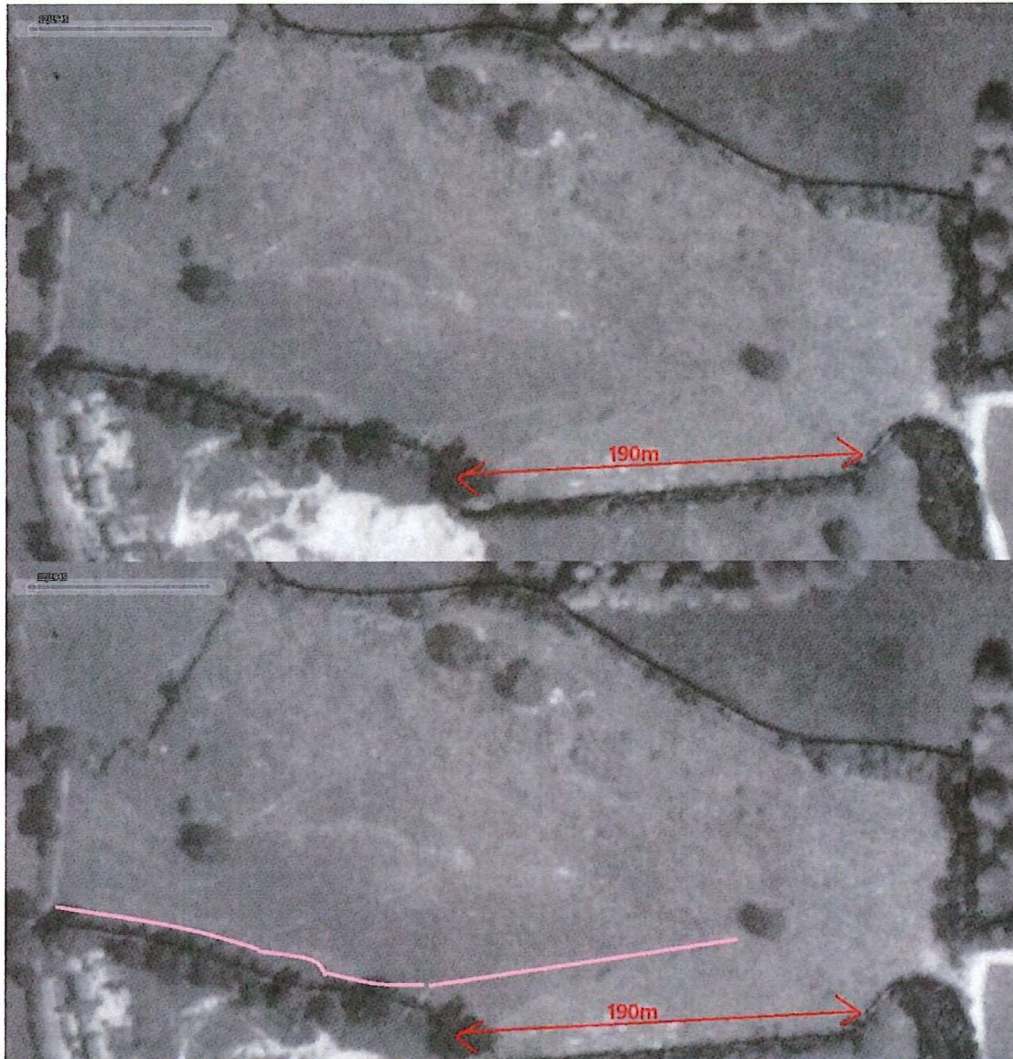
Compare Map to earlier aerial imagery from 1945



"The Verney", its Southern boundary & how MST30 ended up fenced out of it. contd.

The 1945 aerial image below, reflects the proportions in the 1840s OS map. It seems the southern boundary of "The Verney" was cleared for the quarry expansion. This makes sense as today, there are no trees of old age, or any that are similar to those visible in 1945.

Notice that on 1945 aerial image, MST30 is visible & its course runs along the inside of The Verney'
The shape of MST30 also matches the shape on the modern definitive map (curved definitive line of MST30, not straight line of J-O).

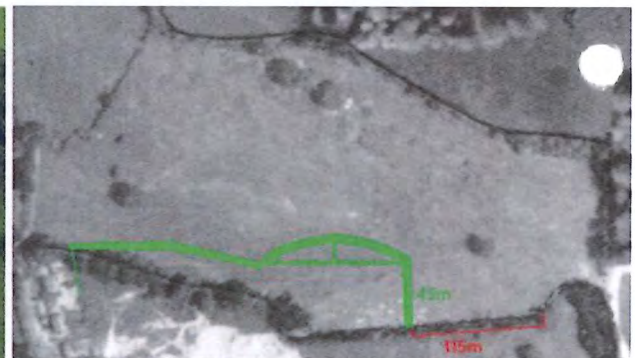
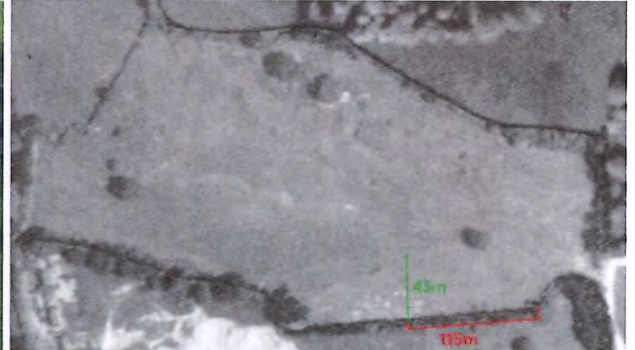


Pink line – definitive line of MST30 is curved

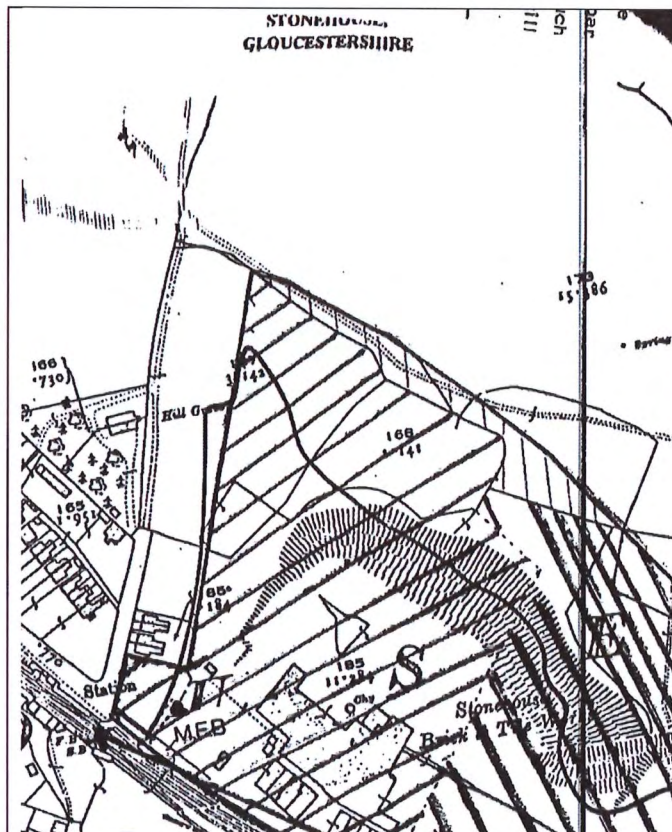
Dashed line – deviated MST30 is straight J-O (orange line)

“The Verney”, its Southern boundary & how MST30 ended up fenced out of it. contd.

The missing features which are now present today are drawn onto the 1945 aerial image. The proportions are drawn accurately, by measuring & cross referencing, using the known features present in both ages (old notable trees & hedges)



The Southern boundary has changed historically such that MST30 was fenced out of “The Verney”

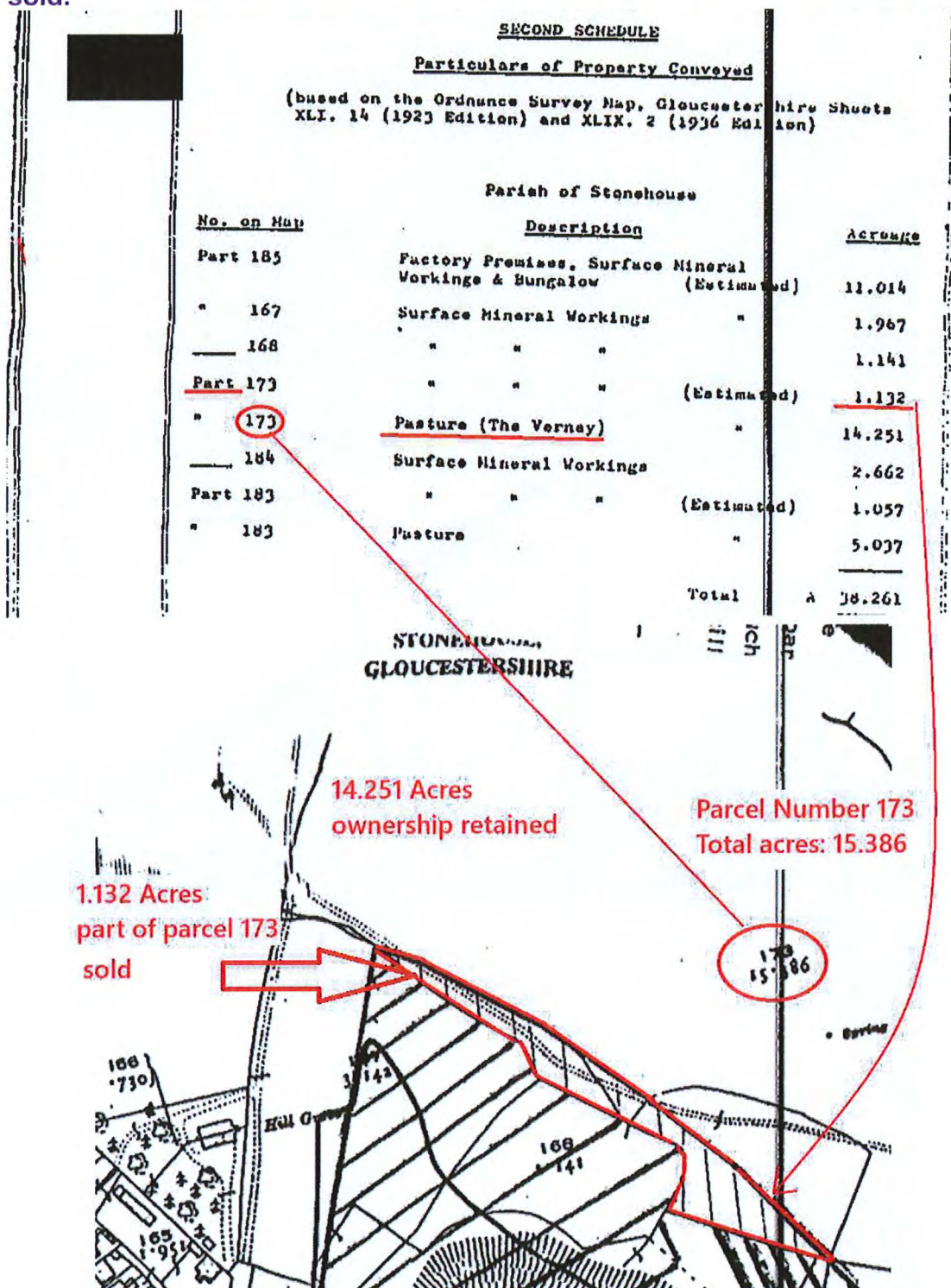


Left: Conveyance map from 1973 which details the fence boundary changes.

The previous owner of The Verney was Stonehouse Brick & Tile Co.; they sold off the hashed area in 1973, whilst retaining ownership of The Verney.

"The Verney", its Southern boundary & how MST30 ended up fenced out of it. contd.

The 1973 Conveyance details "Part of parcel number 173" of 'The Verney' sold.



The sale schedule lists 1.132 acres conveyed, whilst retaining 14.251 acres.

1.132 sold
 + 14.251 retained
 = 15.383 acres....
 = the original acreage of
 "The Verney".

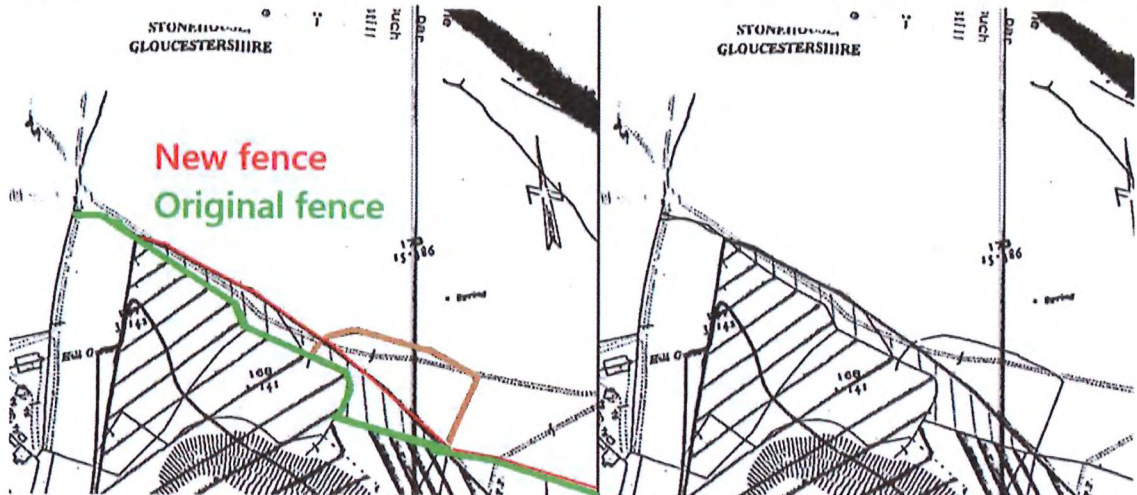
This 1.132 acre section of The Verney, sold in 1973, contained part of MST30, which included MST30 N-L. MST30 between N-L was quarried away in 1967.

"The Verney", its Southern boundary & how MST30 ended up fenced out of it. contd.

Green fence line: Original boundary of The Verney, 1840s.

Red fence line: Current boundary of The Verney, 1973 to date.

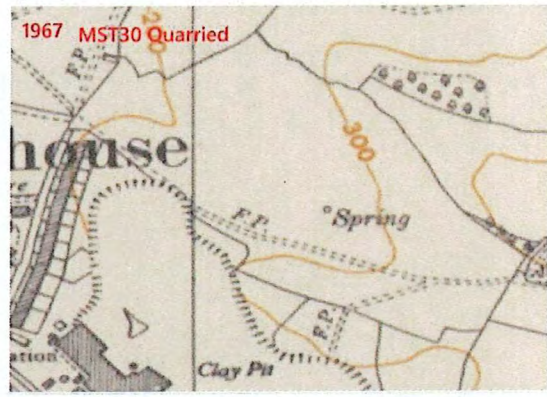
Both Green & Red fence lines on conveyance map evidence boundary change; MST30 is enclosed, in part, with fences on both sides.



The **brown fence line** predated the sale; this stockproof fence was installed in 1968 to exclude cattle from an area they planned to quarry away; to provide a stockproof fence so that the old boundary trees & hedge could be cleared, for the brickworks to blast this area into the quarry. (Quarrying ceased before advancing up to the brown line, see quarry expansion on later page).

The dip in the fence line is a boundary relic of where the 1st deviated form of MST30 re-joined MST30 at L.

Obstructions on MST30 & how the deviated paths evolved. 1st obstruction, Quarry



NOV 15 1907

Parish Council Meeting

Present Westcott, Sibly, Anderson Hill C
Hill J.H. Jolley, Norris, Black, Pike
Smith

The minutes of the Parish meeting were
read (Meeting held Oct 14)

Minutes of the Old Parish Council meeting
were read & confirmed

Gasp Hill footpath X

C Hill moved the resolution standing in his name
to consider the encroachment of the Brick & Tile Co
in respect to the right of way up Gasp Hill.

After discussion, C L Smith moved & AR Black
seconded to amend the resolution by adding
the following words " and that the Parish Council
"appoint a Committee to consult the Brick &
Tile Co to see if a mutually satisfactory
"arrangement can be made"

This was carried unanimously.

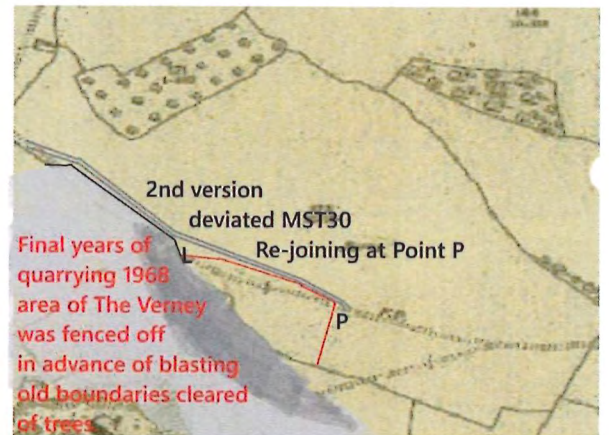
The following were appointed a Committee for
the purpose Sibly, Westcott, Black, Hill C, Norris
Smith

... to ascertain if

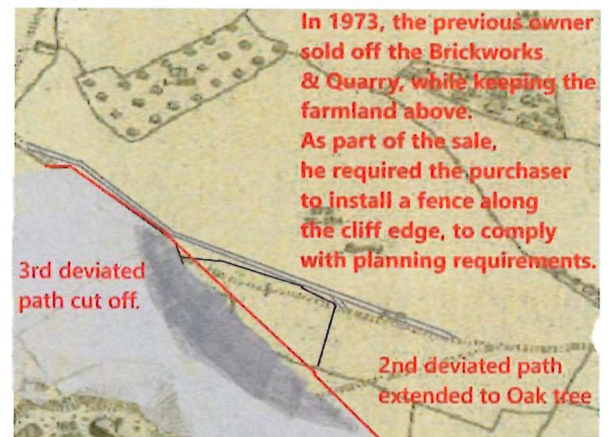
Above, 1967 Parish Council minutes record Stonehouse Brick & Tile Co quarrying away footpath.



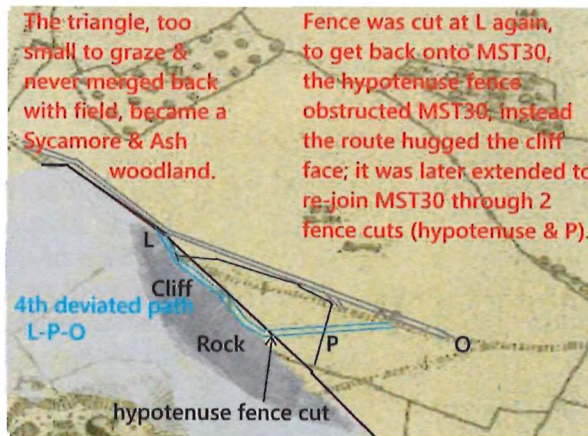
Left, LiDAR, Ground surface radar, showing outline of quarry today in red, definitive MST30 in pink.



The deviated path was No longer on a high point, People cut fence Point L to get back on old MST30, so they could see view from cliff.



In 1973, the previous owner sold off the Brickworks & Quarry, while keeping the farmland above. As part of the sale, he required the purchaser to install a fence along the cliff edge, to comply with planning requirements.



The triangle, too small to graze & never merged back with field, became a Sycamore & Ash woodland.

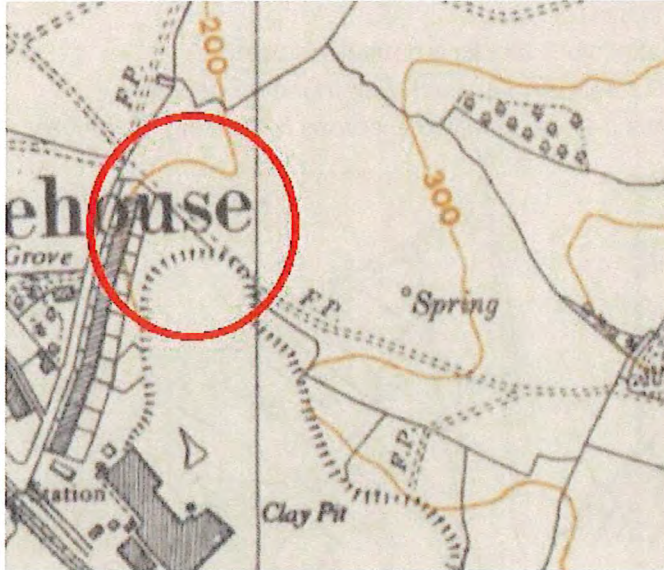
Fence was cut at L again, to get back onto MST30, the hypotenuse fence obstructed MST30, instead the route hugged the cliff face; it was later extended to re-join MST30 through 2 fence cuts (hypotenuse & P).



Through the decades, farmers grazing cattle, have repaired the fences repeatedly, at both points L and P, frustrated with the breaches to their cattle fence. J-O & L-P-O are both deviated from MST30, deviating around quarried sections & fenced off sections.

MST30 obstructions, Right to deviate

- ii) Quarry obstruction in 1967 between N-L on MST30; the footpath was blasted off the cliff edge into the clay pit. The fence was displaced North on the quarry edge, field boundary displaced north as quarry expanded. Route used in 1967 was J-L-MST30



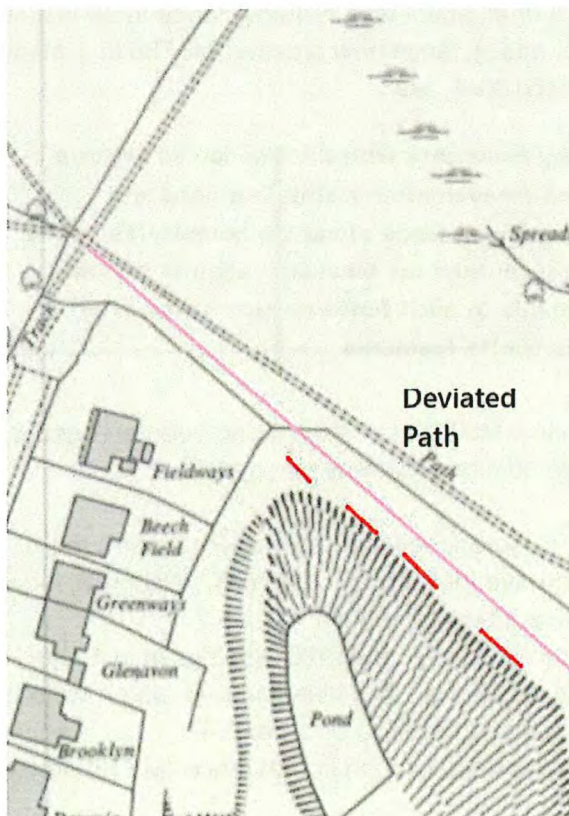
OS MAP 1976 (6 inch to mile)

The quarry obstructed MST30. OS map shows quarrying crossed the fence line of The Verney & quarried away the definitive line of MST30.

The lighter single dashed line (circled red), instead of double hash, suggests displaced deviated course was still forming; map shows MST30 obstructed; it does not yet show a deviated version (the 25 inch OS below shows deviated version).

OS MAP 1976 (25 inch to mile)

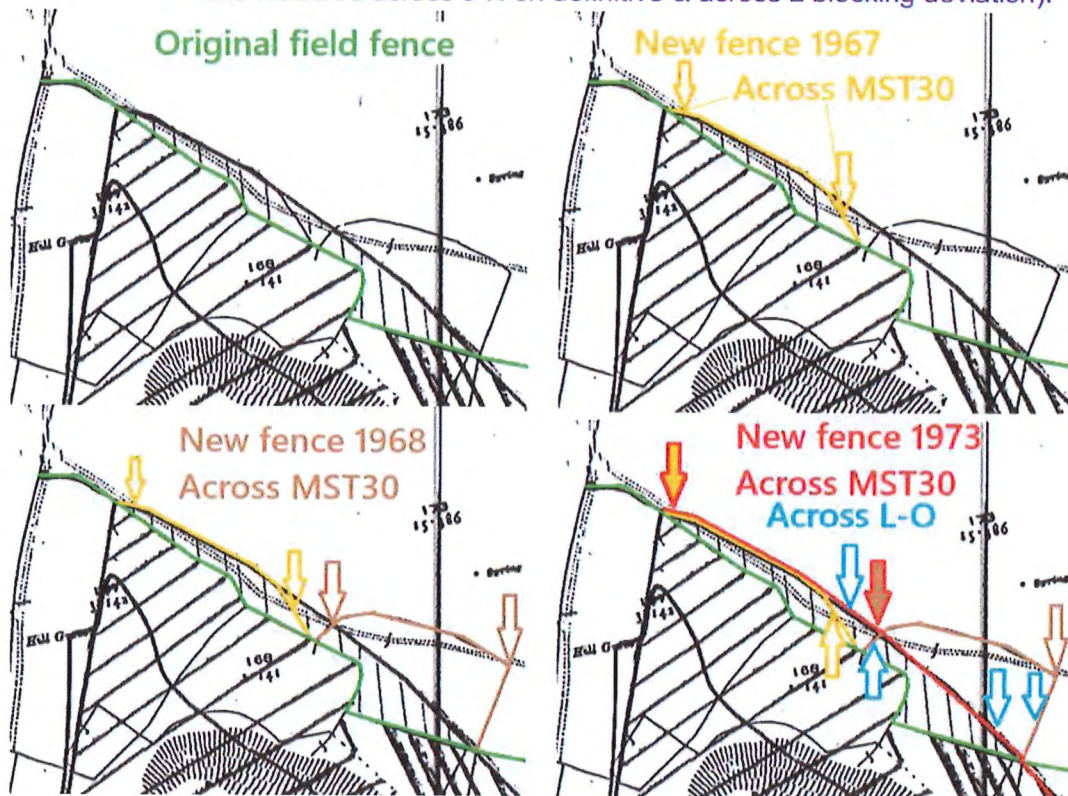
Annotations - definitive line of MST30 in Pink, old field fence dashed red line. Shows the fence repositioned (last house on Verney Road, Fieldways' boundary fence is on the same trajectory as the original fence of The Verney, illustrated red dashed line) Map shows quarry extended up to old field edge (the old fence pre-1967 is not shown on map, annotated with red dash, is redundant & parts missing, possibly fell into the active quarry, would have been along top of depicted quarry edge), but not yet quarrying away the definitive line up to new fence. The map suggests the fence is shown to have already been installed in new position (across MST30 definitive line blocking J-N) in advance of quarrying; this conflicts with the above map, where quarrying had crossed MST30, but does not show the fence moved yet.



The Brickworks could not have known the extent of quarry expansion prior (how much would be quarried), or where to reposition the new fence line prior to blasting out the edge of The Verney. My understanding is that the quarry displaced the fence, this map suggests the fence was moved in advance of MST30 quarrying, unfortunately neither map has a survey month date so it cannot be stated definitively which obstruction happened first. It is likely that the Brickworks did Not allow the OS surveyor recording the 25 inch at the time, to accurately re-survey the active quarry site that year, which was dangerous & rapidly changing with current quarrying at the time of survey, the surveyor instead would have used the last survey with quarry extent prior to 1967.

Fence Obstructions across the definitive line of MST30 & across early deviations:

- iii) Fences were placed over the definitive line as follows:
- vi) 1967 (between J-N on definitive)
 - vii) 1967 (before L on definitive)
 - viii) 1968 (by P on definitive)
 - ix) 1968 (after L on definitive & blocking deviations using L)
 - x) 1973 (between L-P referred to as the hypotenuse on definitive, also renewed across J-N on definitive & across L blocking deviation).



Fence Obstructions 1973 (sale of adjacent land required fence to be installed along quarry edge & along set route), fence now crossed MST30 in 4 places. Route used in 1973 was J-P-MST30 / J-O

2. THE Purchaser hereby covenants with the Vendor as follows :-

- (1) To erect forthwith and forever after maintain a good and sufficient stock proof boundary fence along the boundaries of the land hereby conveyed (other than the boundary against the said railway line) and to provide in such fence proper stiles at all points where it crosses public footpaths

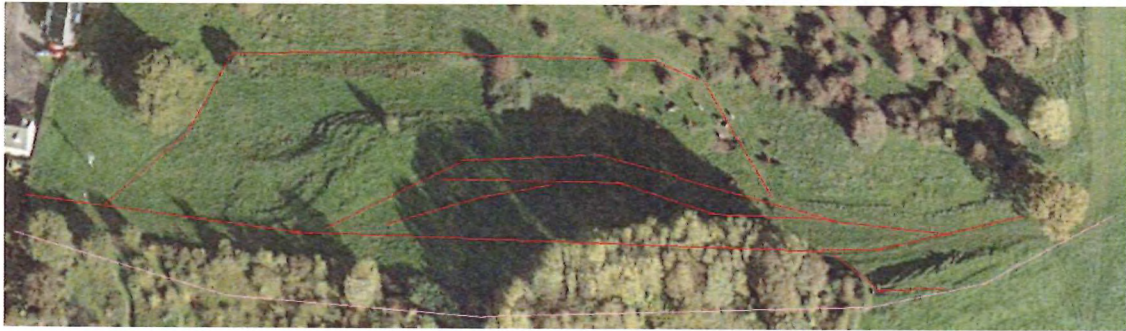
No stiles were put along definitive MST30, because it had been quarried & obstructed, the new path deviated along the new fence (J-O).

- iv) The fence was cut at Point L, Hypotenuse fence & Point P to return to L-P of MST30, so that walkers would have the view from the cliff, which was the view which MST30 used to have from its vantage point.
- v) MST30 L-P overgrew with scrub as it was not grazed (enclosed in 1 acre triangular field, later becoming woodland). The blue line L-O ran on various courses over time as scrub obstructed MST30 between L-P.
- vi) Point P was the only crossing point cut through in that fence (MST30 fenced across on that length).

- vii) MST30 was reinstated in 2023 & paths that arose under Right to Deviate were withdrawn.
- viii) Prior to the definitive footpath being reinstated, the public were cutting the fences to get from the field back onto the high point of MST30; since this Application was made, the public have been cutting the fences to get from MST30 into the field.
- ix) J-O was never well etched into the hillside crossfall & migrated in different years, following the flattened path made where a vehicle had last driven through, or just **Wandering At Will**. This resulted in several parallel curved routes, including M-O & others.

M-O Multiple Lines, Wandering: 1999





M-O Multiple Lines, Wandering: 2005





2017 onwards: it was more consistently 2 routes because the field ground cover overgrew, cattle no longer grazed & vehicles stopped driving through, flattening new courses, but this demonstrates that these routes varied a lot, wandering in some years across 3-5 varying paths (or wandering trails).

The route J-O varied, migrating down the slope, 1999, 2005, 2013



J-O, M-O, J-L, ground surface radar - LiDAR

Attached LiDAR below - ground surface radar.

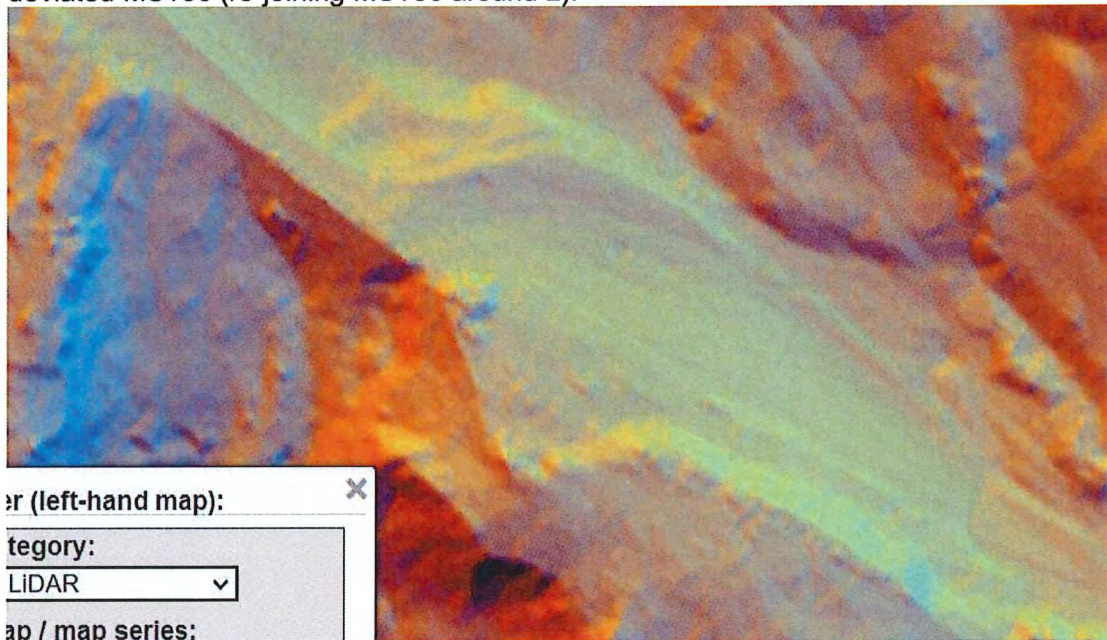
Several surface scars are visible at different levels of the slope. These were used in different years as varying deviated versions of MST30; there are at least 5 very noticeable ones, while possibly 7 if including the fainter ones (wandering).

These came into use when a vehicle flattened a route, then when the vehicle next drove through, the last trail would overgrow & heal over often switching to a different route. From the ground alone, it would be very difficult to realise how much these routes varied & how many variants there have been, it's only visible when seen altogether as surface scars.

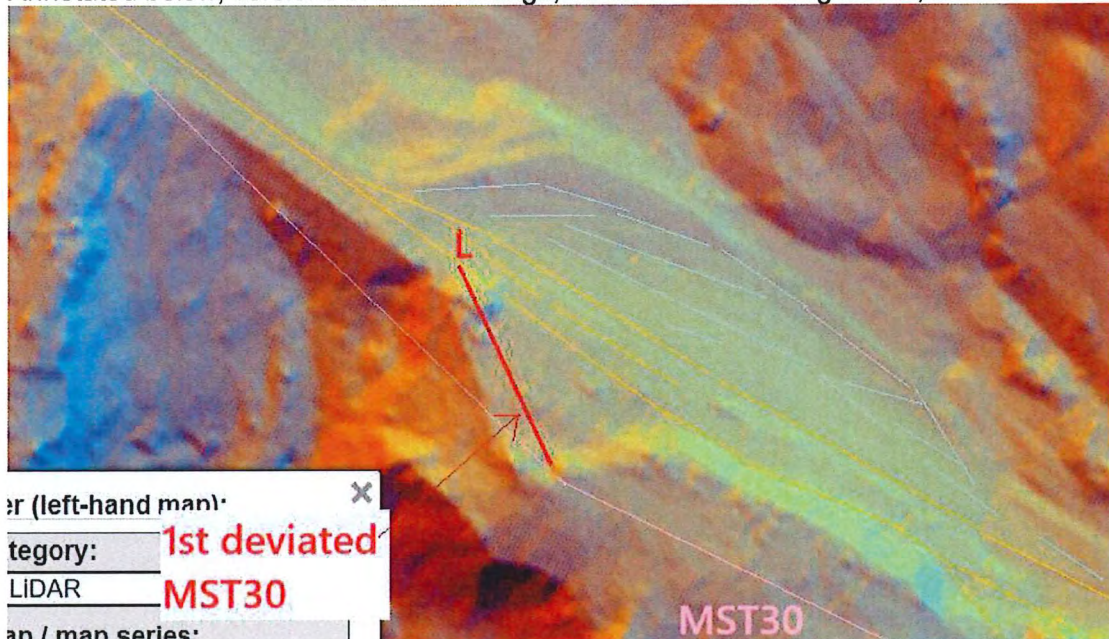
2-3 etched trails, these could have been J-O in different years.

3 + several wandering etched trails, these could have been M-O in different years.

There is also the trace scar of where J-L rejoined MST30 whilst using the 1st version of the deviated MST30 (re-joining MST30 around L).



Annotated below, versions of J-O in Orange, versions of M-O in light blue, MST30 in Pink



Surface scars have been annotated (above), their presence show how these have varied.

Red scar, where J-L re-joined MST30 while the 1st version of deviated MST30 was in-use.

Orange are scars associated to be route J-O in different years.

Turquoise are scars associated to be route used as M-O in different years.

These deviated routes all varied / wandered.

An interesting insight into a neighbour's view of the brickworks in 1954 is given by the headmaster of Wycliffe College, W Sibley, writing in the Wycliffe Star (19)

"Some of us seeing a great cliff of rock and earth and clay where there were once green fields down which we could toboggan, and hearing the daily blasting which means another piece of Doverow gone for ever, are tempted to regard the Stonehouse Brick and Tile Company with rather mixed feelings. Yet we must all recognise that this company is rendering to the reconstruction of England and it is worth noting that scholars are far from being the only educational output of Stonehouse . During the present year facing bricks made at Stonehouse have been used in new buildings of schools and colleges so wide apart as the University College of North Wales at Bangor, Exeter University College, New Didsbury College at Westbury on Trym, Aylesbury Secondary Modern School and the High Wycombe College of Further Education in Buckinghamshire".

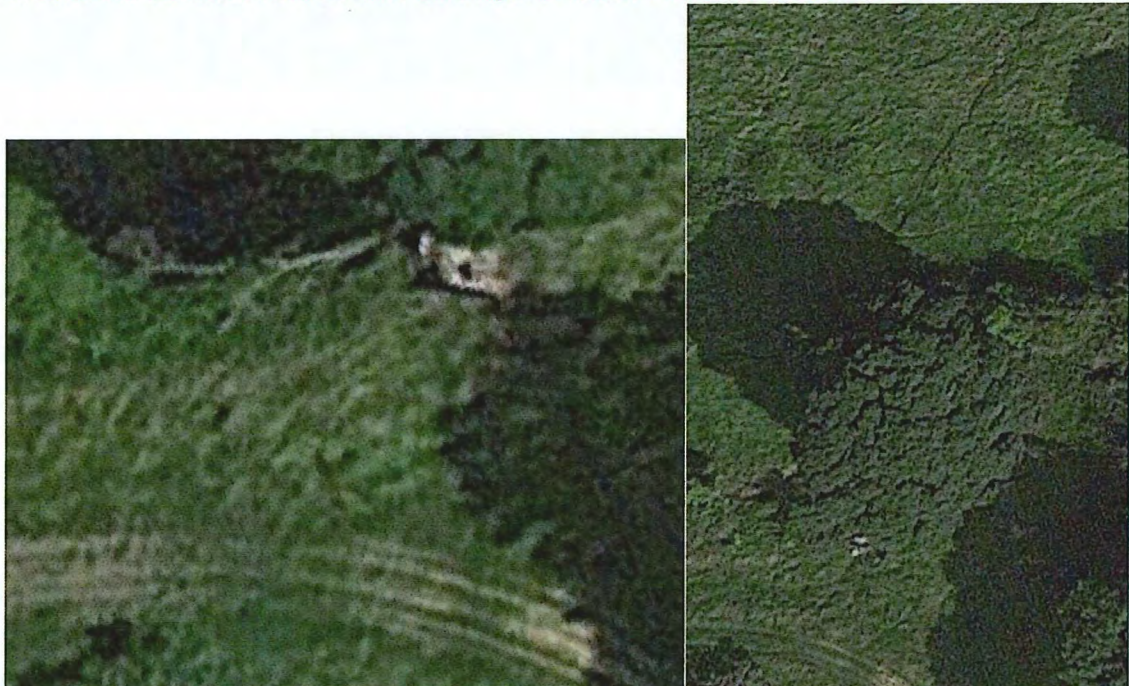
<https://gsia.org.uk/sites/reprints/1997/gi199714.pdf>

O-Q-T

- i) **User-by-Force**, Point Q in hedgerow was always a locked gate until 2013, when it was lifted off of the hinges & broken (evidence of prior anti-lift measures). People climbed over gate over years & were challenged.



Left – locked gate in 2005 & in other years. Right: locked gate in 2013, people are going around via obsolete MST28 stile as a right to deviate around obstructed MST62.



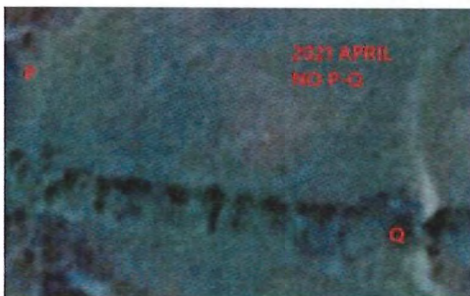
Left - 2013 fallen Sycamore blocking definitive line of MST62

Right – 2014 fallen Sycamore cleared & MST62 in use again

- ii) Route was used as **Right to deviate**, when point T on MST62 was obstructed by large fallen Sycamore tree, bramble also grew up from along hedgerow & hindered use of MST62 beyond T when the land was unfarmed between 2013-2023 (although most years show MST62 as in use, apart from fallen tree in 2013, declining in some years due to thicker / overgrown ground cover).

P-Q – COVID PATH

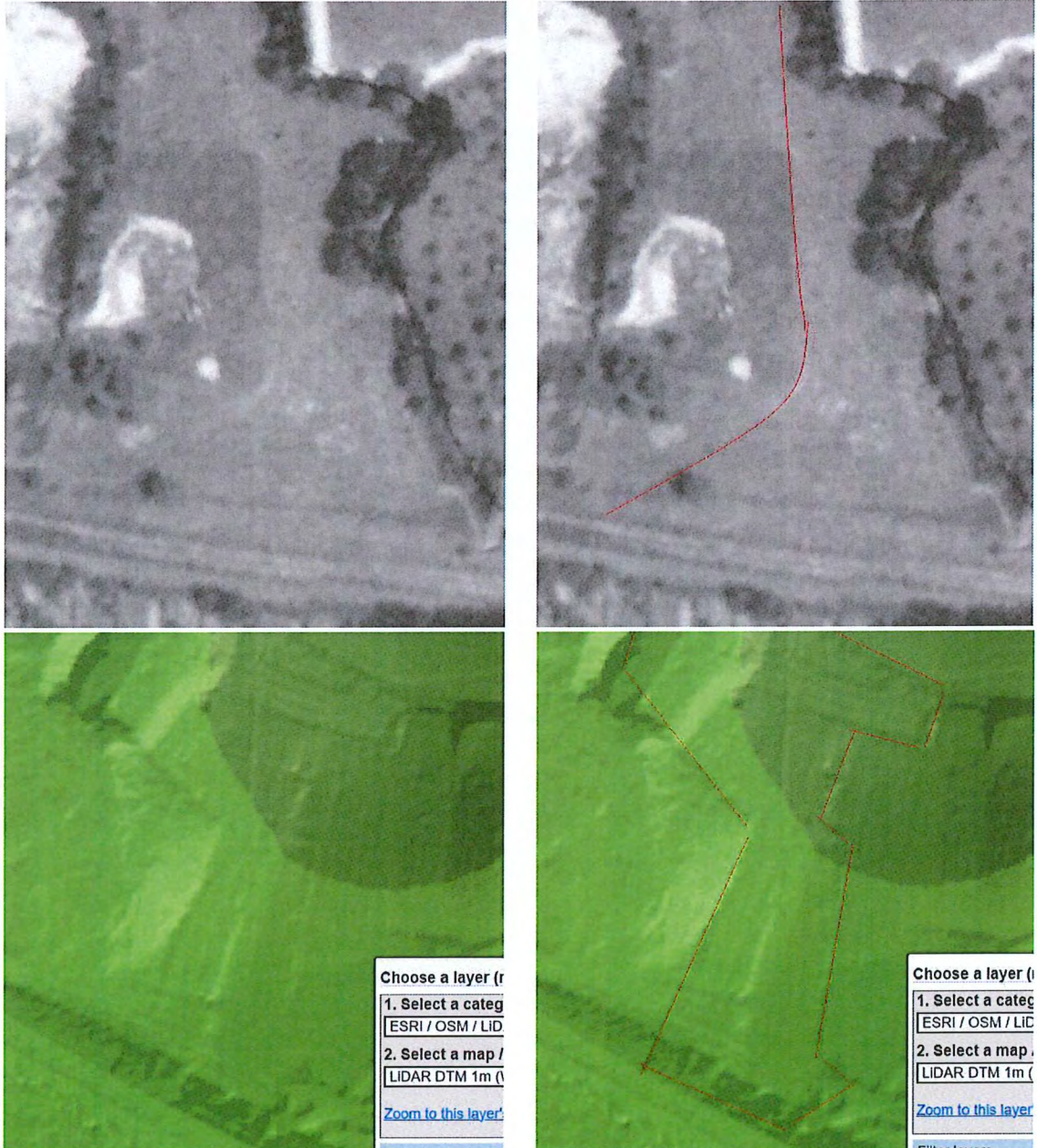
- i) This path has no historical merit, used mainly in 2020. It first emerged from faint **wandering at will** trails in 2018, it remained a few barely identifiable wandering trails & did Not consolidate into a single footworn path & often disappeared completely due to resistance against dense nettle, thistle & bramble.
- ii) It only consolidated as a footworn path briefly in 2020 COVID Lockdown with heavy footfall & faded / vanished after.



U-H

- i) **Right to deviate, MST62 obstructed by quarry & fence.**
- ii) The section of MST62 parallel to U-H, was quarried away (ref. history of Stonehouse Brick & Tile Works). This is a deviated path following the field-edge alongside the relocated cattle fence as the quarry expanded. MST62 was fenced off from the quarry edge at point U/G until recently reopened in 2023.
- iii) MST62 was reinstated in 2023 & paths that arose under Right to Deviate were withdrawn.

1945 MST62 prior to quarrying away



LIDAR of MST62 shows quarrying obstructed lower part of MST62.

U – H (contd.) – MST62 Obstructed.

Below refers to quarrying at the South Eastern end, the area with MST62.

The new company found trading in the mid 1960's to be very difficult. There was very stiff competition from the very large producers such as the London Brick Company. There has been the suggestion made that the Stonehouse company closed because they ran out of suitable clay and the bricks made from the available clay resulted in sub-standard bricks. However, the problem of the lime in the bricks had been effectively overcome by using clay of excellent quality from the far south eastern end of the site. In any case, the production of the 'Class B' engineering bricks and 'commons' was not affected in the same way that the facing bricks were.(20) The difficult economic climate in the mid-1960's brought production to a complete halt several times. In 1967 David Hurdiss became the production manager of the works but this was to last only one year. In early 1968 the family decided to close their operation at Stonehouse and concentrate on their other brickworks. It took several months to dispose of the stockpile of some 3 million bricks.(20) After closure some of the main buildings were used for a few years by various small firms.(17,23)

Source: <https://gsia.org.uk/sites/reprints/1997/gi199714.pdf>

G-I AGRICULTURAL TRACTOR ROUTE AND GRID UNDERGROUND CABLE LINE

- i) **Varying** courses (curve & diagonal), both were originally created by agricultural vehicle; the large curve at the gate was from an agricultural vehicle towing a trailer (turn angle), the diagonal was from vehicle without tow.
- ii) UH was used very much more than GI, which is very slippery with vehicles driving over it frequently; it was often obstructed in wet weather by very muddy pooling water at the bottom.
- iii) In 2018, the surface was destroyed by a digger laying high voltage underground powerlines, leaving the ground very uneven. The route was unusable afterwards, until weathered through in 2020 (COVID).
- iv) In 2019, it was mostly unused, the ground cover flora had healed over & it was obstructed by bramble in the north end, whilst U-H had a very heavily footworn trail.
- v) It was mechanically topped before being advertised for tenancy a year later.
- vi) This route was resurrected a year later in 2020 with the heavy COVID Lockdown foot traffic.



1999

2005

2006

2013

1999 – Appears as curved agricultural track, (wide-angle turn into gate with trailer)
 2005 – Curved agricultural track heavily used. There is a fresh lighter vehicle track on the diagonal (vehicle without tow), it does Not appear walked as fresh crisp vehicle tracks.
 2006 – Curved agricultural track heavily used. Diagonal is now reduced from wheel prints to a footworn footpath on south half.
 2013 – Curved agricultural track has begun healing over. Diagonal appears little used in comparison to U-H.



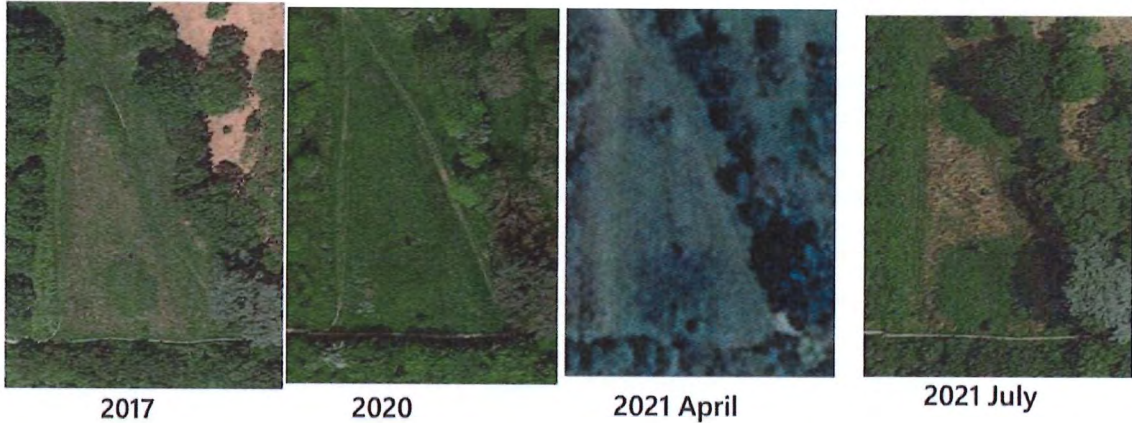
2014

2017

2018

2019

2014 - Curved agricultural track has healed over. Diagonal appears little used in comparison to U-H. Diagonal still has trajectory of curved track until it sharply turns to gate.
 2017 - Diagonal appears similarly footworn to U-H. Diagonal still has trajectory of curved track until it sharply turns to gate.
 2018 – Diagonal appears to be narrowing, scrubbing in parts.
 2019 – Appears unused, the bare earth has healed over. Digger had turned over the earth in 2018 to lay underground powerline.



2020 – Heavy, wide footfall from COVID Lockdown has made path re-emerge on more direct, straighter course, without the sharp turn present when it was branching from the curved agricultural track (compare with 2017, the bottom 2/3rds are in a different).

2021 April – Diagonal has narrowed to thin trail, no longer footworn, light footfall.

2021 July – Diagonal has begun healing, north end has bramble encroaching over it (detering people descending that way).

If you provide answers to any of the following questions, any personal details you provide will initially be redacted from public view.

However, please be aware that the information may later be disclosed either where the person it relates to consents to disclosure, or where the OMA is required to disclose it because of a statutory requirement to do so or as part of legal proceedings.

17. If you are a tenant or licensee of the land, please advise the name and address of your landlord.

N/A (Owner)

18. The OMA wishes to be sure that everyone who might be affected by this application has been contacted. Do you know the names and addresses of anyone else who owns or occupies the land affected by the route? If so, please give their contact details.

[REDACTED]
(Please redact if publishing. Contact details to be provided separately)

19. It may assist our investigation if we are able to contact any previous owners of the land. Do you know the name / address of any previous owners or occupiers? If so, please give their contact details.

[REDACTED]
(Please redact if publishing. contact details to be provided separately)

20. In respect of question 8, please indicate the number of occurrences you stopped or turned people back, stating the identity of the people (if known) and the dates. (How many, when, what was the reason for stopping them, etc.)

Dozens of times (dates & photos by separate email. Videos available.)

Reasons include: people climbing over gates / fences, if they were abusing land / vandalising something / dog defecating / dog out of control or chasing wildlife.

Several of the people known, including people who have filled out UES, several unknown. *(Details to follow separately)*

21. In respect of questions 10 and 11, please give details of the identity of anyone you have given permission to use the claimed route and for what purpose, (e.g. for use on foot, horseback, bike or motor vehicle), together with their address if known.

Please continue on another page and attach to this form if required.

a. How many people have you given permission, and have you permitted a certain type of use:

Type of User	Number of people
On foot	Several, to return to PROW via most direct route. A few for picking blackberries or pears. Two to retrieve their off-lead dog, which escaped footpath (unlocked gate).
Bicycle	0
Horseback	0
Horse & Cart	0
Motor Vehicle	0

b. For each user (or groups of user), please specify:
i) Who did you give permission to and what is their relationship to you?
Contractors, workers, family, unknown member of public

(ii) Was the permission given verbally, or in writing? **Verbal**

(iii) When was permission given, and how long was the permission for?
(i.e. indefinite; that day only; did it need to be renewed?)

Unknown members of public:

One off permission - to return to PROW on most direct route asap.

That day only - A few for picking blackberries / pears.

*One off permission - 2 to retrieve their off lead dog, which escaped footpath
(Others: details to follow).*

c. Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you and brief details of what was said.

Yes: (Summary below, details to follow.)

- a) *Refused access to persons wanting access to shoot deer & rabbits.*
- b) *Refused access to persons wanting to do activities believed to be destructive or leave a lot of mess.*
- c) *Refused permission for permissive paths to persons verbally abusive in person or on facebook, persons wanting to control or interfere with use of our private farmland.*

End of questions.

Please return the completed form to:

Highway Records (Modification Orders), Gloucestershire County Council, Shire Hall, Westgate Street, Gloucester, GL1 2TG.