

Wychbury
Great Witcombe
Glos. GL3 4TS
26/10/06

Dear Miss Burge,

RE: Application for a modification order for a footpath through
Witcombe Farm. Ref: 573/11/101(1)

Thank you for sending me the results of your archivist's findings regarding historical maps of the area and then the landowner's solicitor's comments and their witness statements.

What follow are my comments on the archivist's findings, then my comments on the nineteen witness statements for The Landowner. After that I have commented on The Landowners views, claims and presumptions about the fifty witnesses who support the modification order request.

I have had an opportunity to speak to most of the supportive witnesses about The Landowner's comments and they were quite astounded by the landowner's denials of their evidence. Consequently I have received a further twenty-four statements on behalf of twenty seven of the same witnesses (some of them couples) specifically addressing comments made by The Landowner which, as you will see, are strongly rebuffed. These extra statements are enclosed and further statements are expected from Mrs. Eunice Straley and Mr. Christopher Cooper and will follow shortly under separate cover.

I also enclose a sheet containing a list of the names of the fifty witnesses who have walked the claimed path and the number of years over which they have done so.

Also enclosed is a photocopy of the back page of a brochure issued by The Gloucestershire Wildlife Trust entitled, 'The Wildflowers of Witcombe Reservoirs Nature Reserve' to show a map and explanation of how to reach the reservoirs.

In the following paragraphs I refer to the subject path variously as, 'The Claimed path', or 'route', or 'The disputed path' or 'route', and, in doing so, I am describing that pathway which is shown on the enclosed map as running between points 'A' and point 'B' and highlighted in green.

By any standards, the body of evidence presented, including the forty-nine public path evidence forms on behalf of fifty witnesses (one was completed jointly) and the twenty four additional statements (some extending to four pages and all witnessed) represents a significant depth of feeling by a cross-section of society which deserves to be heard and acted upon.

I appreciate that this must involve yourself and others at The County Council in a lot of work and I am sorry that this has become necessary but I am most grateful for your attention.

Comments On The Archivist's Findings

With regard to The Archivist's findings I would make the following comments: Although my application for a modification order is based on usage by a great many people over a long period of time, rather than on historical documentation, it is interesting to see that The County Council's archivist has noted that on the Ordnance Survey map 25": 1 mile, 1884 edition, "The majority of the claimed route is shown as a feature on the ground by a single pecked line" and "A short section of the claimed route at the southern end is shown by double-pecked lines".

I note also that path AWG/4 is not shown on this map. This is the footpath from the reservoirs to The Church at Great Witcombe. Even though this is not shown at all on this map, The Landowner does not dispute that it exists, illustrating the vagaries of historical documents.

On the even older, "Bryant" map of Gloucestershire, 1824, the archivist says that, "A route is shown which appears to follow a similar alignment to that of the claimed route, but runs to the east of Witcombe Farm."

He/She notes that it is indicated as a lane or bridleway.

Note that this map pre-dates the construction of the reservoirs and, since regular access would be required to such a major development, it seems entirely likely that this route may have been moved to avoid traffic having to circle around Witcombe Farm to access the reservoirs. In that case there would have been no merit in maintaining the existing route to the east of the farm.

The route is also shown on sales particulars of Witcombe Estate from 1929.

Whilst there are variations in the way the claimed route is depicted over the years, there seems little doubt that a route existed and I aim to demonstrate that this route has been used extensively for at least several decades and with the knowledge of the tenant farmer and The Landowner, her family, employees, neighbours and users of the stable and yard.

Firstly I will comment on the nineteen witness statements entered by The Landowner's Solicitors.

1 Angela Buxton

Mrs. Buxton lives about quarter of a mile from the claimed route and would not be able to observe activity along it.

Her father's opinion about a farm's value is hardly relevant but betrays a prejudice which is also evident from her comments and which hardly makes her an impartial witness.

Mrs. Buxton says that the route is unnecessary since there are already three others. What she omits to mention is that her husband, Mr. Trevor Buxton, who is unfortunately reliant on a wheelchair, could manage none of these routes and relies upon the special permission of the landowner to pass along the claimed route, a privilege bestowed upon only a chosen few.

2 Trevor Buxton

Mr. Buxton has been resident in the village for only thirteen years, whereas the claimed period of usage extends back to the 1930s. As stated above, he has been given permission to use the claimed route and yet would not wish this to be available to others.

3 Andrew Hicks Beach

Andrew is a son of the landowner. He states that he went to boarding school from the age of ten and therefore it is difficult to know how much time he actually spent at the farm and as a witness.

4 Fred Hicks Beach

Fred is the younger son of the landowner and was born in 1980 and would not therefore have been able to witness the use of the path during the 30's 40's 50's 60's 70's and much of the 80's. He claims to have never seen me walk the route prior to moving to the village (in early 1998) and that after that time I have tried and been stopped. This is at variance with his mother's statement that, " Dr. Gilbert has not used the path other than on one occasion in 2005 when permission was given. Infact, both of these statements are incorrect since I have used the route on many occasions, often running with my dog, and I have

only been told to stop in May 2005 when I received a telephone call from Fred Hicks Beach.

Prior to this I have seen him and Mrs. Hicks Beach on numerous occasions as I walked along the claimed path between points 'A' and 'B'.

Another contradiction is evident in that Mr. Fred Hicks Beach lists Mrs. E. Gilbert amongst those persons who are known to him, yet the statement from the landowner, his mother, Mrs. Celia Hicks Beach, says that she is not known to the landowner.

Most of Fred Hicks Beach's additional comments are comprised of presumption and conjecture but without any evidence.

5 Terri Lawlor

Terri Lawlor is an employee and states that, "Everyone knew there was not a footpath to the reservoir through the farm".

Clearly this is not the case since I have presented evidence from fifty people, which directly challenges that statement.

6 Roger Walker

Mr. Walker works as a gardener once weekly, "When necessary", since 1987. The garden belonging to Witcombe Farm is quite far removed from the claimed pathway, and only a small section of the pathway near point B would be visible, and then from a distance of about fifty yards.

Mr. Walker says that, "I have seen the Bayliffs and Hicks-Beechs turn people away!" (his spellings). He does not say which people or when, nor how he saw this happening from a garden, which is not well situated to view the Bailiffs office or most of the pathway.

7 Pamela Cowley

Mrs. Cowley says that she is aware that the owner turned people back but she does not say who or when and, since she does not know any of the fifty witnesses who say they have walked the claimed route, her testimony appears rather inconsequential.

8 Georgina Davies

Mrs. Davies was an employee for only five years. She only knows two of the fifty witnesses, one of whom no longer walked the route by then.

9 Carol Diett

Mrs. Diett confirms that she has seen me using the claimed route on more than one occasion "(mostly running with his dog)".

This contradicts her own husband's statement, since he claimed not to have seen anyone. It also contradicts The Landowners assertion that I had not used the route other than on one occasion in 2005.

Mrs. Diett also confirms that she has seen Miss V. Cooper, again contradicting the statement of the landowner.

Mrs. Diett says, "I cannot recall seeing large numbers of people walking along the lane toward the private road "(A-B).

I think this statement misunderstands that the witnesses are not claiming to have walked the route en masse, nor in a constant stream, but as individuals or small groups over many years, including since before Mrs. Diett lived there.

10 Anthony Diett

Mr. Diett knows many of the people who have given witness statements claiming to have used the route but he denies seeing any of them ever use the claimed path.

As stated above, his testimony is at variance with that of his own wife and his neighbour opposite, Rex Cross.

Several witnesses have said that they have spoken to Anthony Diett as they passed his house and two have even walked down the claimed route with him!

I myself have stopped to talk to him over his garden fence on numerous occasions, partly to let my dog socialize with his Giant Schnauzer, "Grommet". I am disappointed and quite perplexed that he has decided to testify otherwise.

11. Lucy Wakefield

Lucy Wakefield is the landowner's daughter and was born in 1975, after many people had already walked the claimed route for over twenty years. Lucy states that, "It seems more than coincidental that those claiming the footpath have put forward identical replies". Bearing in mind that they were all answering the same questions on a pro-forma I don't think that anyone reading the replies, plus supplementary statements, can be left in any doubt as to the authenticity of the forms, nor that they reflect genuinely held feelings. I do not employ any of them, rent land to them, lease stables to them or grant fishing rights to them, nor have any power to allow them to walk to the reservoirs.

12 K. Knight

Mr. Knight worked for the estate part-time as a bailiff. He does not state whom he knows but says that he has seen groups walking the path on many occasions.

13 Rex Cross

Mr. Cross lives directly opposite Mr. Anthony Diett yet, whereas Mr. Diett says he has not seen any of the witnesses walking along the claimed path, Mr. Cross confirms that he has.

Mr. Cross states that he is opposed to access such as the one claimed and sites the experiences of a colleague, making it clear that he has a prejudicial opinion.

14 Arnold Price

Mr. Price is a very longstanding employee and tenant of The Landowner and therefore depends on her not only for his job but also his house. He claims not to have seen any of the witnesses walk the claimed route but some of them have testified that they have seen him.

15 John Metcalf

Mr. Metcalf was employed by Severn Trent from 1976 until 1999 and visited the site once a month. It is likely he would have been attending the pumping station, which is several hundred yards downhill, and at a right angle from point A, and so I'm not convinced that he would have been able to witness very much.

16 Anne Bennett

Anne Bennett states that she is a close friend of the landowner and, "Cannot believe that the usage was such". Well there are fifty people who have testified that it was used as such.

17 Kevin Higginbotham

Mr. Higginbotham has been employed as the honorary bailiff for the last seven years, and therefore after most of the witnesses claimed to have walked the route in question.

18 Irene Cross

Irene Cross has lived in Hillview cottages for the last six years and so, once again, would not have been present when most of the witnesses have claimed to use the route.

19 Michael Teesdale

Mr. Teesdale was present at the reservoirs for one to two hours per week between 1986 and 1996, which means that he was not present for most of the time.

He says that, as a committee member of Gloucestershire Wildlife Trust he believed that the path was a private road and no public rights of access was permitted.

The Landowner's comments about one of the witnesses and founding members of the nature reserve, Mr. Julian Comrie states that, "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 in vehicles. This permission still subsists today."

I enclose a copy of a page from a brochure issued by Gloucestershire Wildlife Trust which shows a map of the reservoirs and says the following: *How to get to Witcombe Reservoirs Nature Reserve – Witcombe Reservoirs are near Brockworth Gloucester, Follow the OLD A417 to The Twelve Bells Pub, turn right for Birdlip. Do not take cars beyond farm entrance. Footpaths always open but permit needed from Trust for rest of reserve.*

Clearly, by stating, 'Do not take cars beyond the farm entrance'; the implication is that one could then walk through the farm (along the claimed path) to the reservoirs – otherwise what point would there be in parking near the farm entrance?

The reference to a permit only applies for those wishing to proceed from the reservoir causeway, onto the actual reservoir banks.

.....

I will address The Landowner's comments as they pertain to each of the witnesses supporting the claim and I will use the same numbering system as The Landowner. Please note that there are fifty such witnesses but Mr. And Mrs. Peachy have been counted as one because they filled in a joint evidence form.

1. Dr. N.J. Gilbert.

The Landowner states that, "He fails to mention the periods of time he was not resident in Great Witcombe, for example when he was at college."

In fact, I have stated on my public path evidence form that I walked the path, "Less often in 1980's whilst doing medical training". Actually I trained at Birmingham University and came home frequently at weekends and, of course, during half terms and summer holidays etc.

Even during other periods when I was not resident I have visited my parents in Little Witcombe and taken walks to The Reservoirs, though my main time of usage was in the latter half of the 1970's, the early part of the 1990's when I lived again with my parents and from 1997 when I lived with my parents prior to moving to my current address in Great Witcombe in 1998.

The Landowner is misleading when she says, "He claims that he used the path to visit his parents. However the route between his house and his parents would not take him along the claimed route but along another village road."

My evidence form says nothing about using the claimed route to visit my parents. I used to live with my parents and subsequently visited them and *then* walked from their house to the reservoirs along the claimed route.

The Landowner further states that, "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."

This statement of, "No cause" betrays the Landowner's lack of understanding as to how important this pathway has been to myself and many others over the years as the optimum route for accessing the reservoirs and the countryside beyond. She only writes about walking between one place and another in a functional sense and has not grasped the notion that people walk for pleasure and that the reservoirs are a local beauty spot and nature reserve and a natural route to access the beech woods on The Cotswold Escarpment.

As for no one seeing me: One of her own witnesses, Carole Diett has identified me as walking the claimed route.

Furthermore Mrs. Hicks Beach contradicts herself in her own statement: In paragraph two she says, "Neither The Landowner nor any of her employees, neighbours or other users of the yard and stables have ever seen him using the path..."

Then, in paragraph four, she says, However, Dr. Gilbert has not used the path other than on one occasion in 2005 when permission was given." One of these statements must be incorrect but, infact, they both are! I have been seen by Mrs. Hicks Beach and Freddie Hicks Beach and many other people at the stables over the years. However none of the employees would have known my name and so, if asked if they had seen 'Dr. Gilbert' walking the claimed route they would undoubtedly have responded negatively, although I would doubt very much whether most of the people who have worked at or used the tables have actually even been asked.

It is noteworthy that The Landowner considers the condition of the alternative routes, "Of no relevance " and yet her submission contains many instances of suggesting that such and such a person would have used another route eg: When talking about Mr. James Gilbert she says, "The most direct route from Pasaderas to the reservoirs and The Roman Villa is along RUPP, EBW/14 and footpaths EBW/15 and EBW/16. " Surely in suggesting an alternative route, the question of whether it is physically passable or hazardous is relevant?

2. James Gilbert

My father has written a four page supplementary addition to his original evidence form, in response to The Landowner's comments about him. He has included detailed memories of changes that have taken place over the years along the route of the claimed path and I feel that anyone reading it will be left in no doubt that these are genuine experiences which make The Landowner's assertion that he has never been seen walking the claimed path quite difficult to believe. Indeed he recollects seeing both The Landowner and her late husband on some of his walks.

3. Evelyn Gilbert

My mother has submitted an additional three-page statement in which she confirms that she has walked this route for over twenty years until 2004 when she was challenged for the first time. Up until then she had seen, and been seen by, the bailiff, Mr. Mark and Mrs. Celia Hicks Beach, Mr. Arnold Price, Mr. Rex Cross and Mr. and Mrs. Diett, all of whom claim never to have seen her.

4. Moira Gilbert

My wife has provided an additional statement describing her walks over the claimed route and how she was even given two trout by the bailiff on one occasion! She has also provided a photograph, which was actually taken by myself and shows her walking, towards and very close to point A, with a Bassett Hound, in approximately 1985.

5. Anne Vickery

Mrs. Vickery has submitted an additional statement to refute The Landowner's suggestion that she only used the claimed route to deliver the church magazine. Mrs. Vickery has made it clear that most of her walks were made for pleasure and were unconnected with delivery of the magazine.

6. 7. & 9. Scott McNeill, Ann McNeill, Valerie Mason.

Since The Landowner or her employees know none of these persons, it is difficult to see how they can claim not to have seen them.

Mrs. Mason has submitted a further statement to support her original evidence form.

8. Michael Roberts

Mr. Roberts has written a further statement to insist that, contrary to The Landowner's claim to have seen him only once (in 2005), that he has walked the claimed route for over thirty-five years prior to this.

10. Iris German

Mrs. German is not known to The Landowner who, nevertheless, states that she has not seen her walk the claimed route. She assumes that she would have been given permission because of her age, even though she does not say this about other witnesses who are older than Mrs. German and even though she would have been in her early fifties when she began walking the claimed path.

Mrs. German has submitted an additional three-page statement to stress that she, and others with whom she walked, are claiming usage of the claimed path for over 25 years.

11. Mary Heggie

Mrs. Heggie is another who has not been seen by The Landowner or her employees, even though they do not know who she is.

Mrs. Heggie has submitted a further statement to re-iterate that she has indeed walked the claimed route and was under the impression that it was a public right of way.

12 Carol Neal

The Landowner presumes that Mrs. Neal would have walked along path AWG/4 even though Mrs. Neal stated on her original evidence form that she walked the claimed route and marked it in yellow on the attached map!

Mrs. Neal has written a further submission to explain that she walked the claimed path as part of a 'Round trip'. This seems to be a concept alien to The Landowner who appears obsessed with people walking in straight lines, whatever the obstacles.

13 Sheila Watts

The Landowner states that, "Mrs. Watts is eighty five years old and it would seem to be an exceptionally long walk from Brockworth to the reservoirs"

Mrs. Watts is understandably upset by this patronizing statement and has written an additional submission in which she says that she has walked the claimed path for twenty-five years and of course, was not always eighty-five. In fact she is now eighty-six and still does walk over five miles comfortably.

14 Mrs.T.R. Peachey

Mrs. Peachey has sent a further submission to reiterate her and her husband's original statement in which they said they had walked the claimed path for thirty-one years, which contradicts The Landowner's claim that they did so only once.

15 Gary John

Once again The Landowner has used the stock statement: "Neither The Landowner nor any of her family, employees, neighbours or other users of the stable or yard have ever seen this man use the path".

When one considers that they do not know who he is then it is not surprising. Yet I have walked the claimed path with Mr. John on many

occasions with our dogs, when we were younger, and he lived in Brockworth.

Mr. John has supplied an additional statement to clarify why he used the route.

16 Adam Hostler

Once again nobody has apparently seen, "This man" use the claimed path. Mr. Hostler has lived in the village for most of his life and he has supplied an additional statement to insist that he has been seen using the claimed path by people at Witcombe Farm.

17 Mary Organ

The Landowner says that Mrs. Organ's husband was farm manager at Witcombe Estate and, as such, she would have had permission to walk the claimed path by virtue of being a tenant.

However, Mrs. Organ has informed me that the land either side of the claimed path was rented to Mr. Jim Paget, who lived at Witcombe Farm at the time and so Mrs. Organ's husband, or herself, had no reason to use the claimed route for business and did so only for pleasure.

Mrs. Organ's husband died in 1969 and after that she was in no way employed by The Landowner. She did stay in her tied cottage for a further ten years and subsequently moved to her current address in Brockworth, from where she continued to use the claimed path occasionally until approximately 1995.

18 Maureen Pither

"Mrs. Pither is disabled and cannot walk far" is the bald statement of The Landowner, who also claims that Mrs. Pither confirmed that she would ask permission to use the path.

Mrs. Pither has provided an additional statement to inform The Landowner that she has not always been disabled and has walked for miles around the area in the fifties, sixties and seventies. Mrs. Pither is also clear that she did not ask permission to use the claimed path and was unhindered in doing so over many years.

19 Anthony Pither

The Landowner claims that Mr. Pither has only used the claimed route on one occasion and that it was by virtue of a partnership arrangement due to shared farming interests.

Mr. Pither has provided an additional statement to say that he has walked the claimed route for leisure, bird watching and with friends, which had nothing to do with any farming interests.

20 & 42 Mr. And Mrs. Ruddleston

The Landowner says that Mr. and Mrs. Ruddleston have not been seen using the claimed path and presumes to know which path they would take instead. Mr. Simon Ruddleston has provided an additional statement confirming the inaccuracy of The Landowner's statement and explaining that he and Mrs. Ruddleston lived in or near Great Witcombe from 1987 until 1996 and regularly walked the disputed route and saw members of the Hicks Beach family as they did so.

21 Miss V. Cooper

Please note that The Landowner's statement that none of her neighbours "Have ever seen this lady use the path" is contradicted by one of her own witnesses: Mrs. Carole Diett, who confirms that she has seen, "Number 21" using the path in question. Perhaps The Landowner's lawyers should have spotted that inconsistency!

22 David Cooper Jnr

Mr. David Cooper Jnr has walked the claimed route over a twenty-year period and was only asked to turn back in 2005. Up until then he had not had any problems in walking along it.

23 Mr. David Cooper

Mr. Cooper has written a three page supplementary statement because, according to The Landowner, nobody has ever seen him walking the claimed path. Mr. Cooper is adamant that he has done so for over forty years and, moreover, "Exchanged pleasantries" with the late Mr. Mark Hicks Beach and Mrs. Celia Hicks Beach. He has walked that way with a dog, pushchair and children as often as twice a week. He describes some details of the farmyard and also recollects talking to Mr. and Mrs. Diett on occasions as he passed, although their statements do not acknowledge this.

24 Mrs. Lynne Cooper

The Landowner states that her late husband gave Mrs. Cooper permission to use the claimed route in 1998 but that this was subsequently withdrawn.

Mrs. Cooper has supplied an additional statement in which she denies that this course of events ever occurred but she does confirm that, in walking the claimed route for at least thirty-three years she did see and speak to Mr. Mark Hicks Beach and was seen by Mrs. Hicks Beach. Lynne Cooper also remembers speaking often to Mr. and Mrs. Diett, both of whom have not mentioned this in their statements.

25 Christopher Cooper

It is clear from Mr. Cooper's public path evidence form that he was a regular walker of the claimed path between 1975 and 2005. I spoke to him on 25/10/06 when he confirmed that he used the claimed path frequently, especially during his childhood. He is sending me a written confirmation of this, which I will forward to you.

26 Richard Cooper

The Landowner thinks that Mr. Cooper, "Is mistaken as to the route he has used." This is despite stating on his public path evidence form that he walked from Hillview Cottages to Witcombe Reservoir for over twenty years. This can only have been through usage of the claimed path. Other members of his family have also walked the same route. It is frankly clutching at straws to try and claim that he doesn't know where he has been, especially since he is a Police Sergeant!

27 Miriam Beard

Mrs. Beard adheres to her original statement that she walked the claimed route from 1991 – 2004. The Landowner's submission states that, " On one occasion when The Landowner believes she attempted to walk the path but was turned back".

This does not tell us when or by whom Mrs. Beard was 'Believed' to have been turned back.

28 & 29 Duncan and Ruth Hepburn

Duncan and Ruth Hepburn have provided a joint additional statement and photographs. They refute the assertion that Mr. Hepburn has not used the claimed path and the photographs show their family and friends approaching point A and then at Point B on the disputed route. It is clear from these photographs that they are relaxed and not in anyway covert about their use of the path.

30 Sybil Knight

The Landowner once again uses the stock sentence, doubtless recommended by her lawyers, "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".

Well, let's examine that statement more closely: Mrs. Knight says she has used the path since 1935. I wonder whether The Landowner has actually traced back everyone who has worked in the farm or yard, and asked all of the neighbours who once lived nearby, over the last seventy years (because Mrs. Celia Hick Beach has only lived at Witcombe farm since 1981) and, if she has found all of those people, what has she asked

them? "Have you seen Sybil Knight walk this way?" Would they know who she is?

I'm afraid it is painfully obvious that this trite statement, which has been used wholesale for twenty-three of the witnesses for the claimed route, is simply untenable.

The Landowner also states that the school was given permission to undertake nature walks. Whilst Mrs. Knight did make some of these walks with the school, she did actually leave school and walked the claimed route for many years thereafter, often with her dog.

31 Penelope Canbilen

Mrs. Canbilen is my sister and is one of three witnesses (the others being Pat Curtis and Sue Willis) who refer to having ridden their horses along the claimed route. She has made an additional four-page statement in which she explains that she has met and spoken to Mrs. Celia Hicks Beach, Fred Hicks Beach and the late Mr. Mark Hicks Beach, as well as staff working at the stables. She has also spoken to Mr. and Mrs. Diett and Arnold Price, none of whom acknowledge this.

32 Louise Taylor

Mrs. Taylor is my other sister and has provided an additional statement to refute The Landowner's assertion that the late Mr. Mark Hicks Beach stopped her from using the claimed route and, infact, she has never spoken to either him or Mrs. Hicks Beach.

33 Julian Comrie

An explanatory letter was attached to Mr. Comrie's original public path evidence form.

The Landowner states that Mr. Comrie would have been able to use the path because permission had been granted to Glos. Wildlife Trust members to visit the nature reserve. However, this does not take into account the fact that Mr. Comrie helped to set up the nature reserve on behalf of Glos. Wildlife Trust in 1971, but had already been walking the claimed path, 15-20 times per year, from 1968, three years prior to the foundation of the nature reserve.

34 Rosemary Hellerman

The Landowner kindly points out that Mrs. Hellerman is now over eighty years old, as if she has always been that age. In fact she has walked the claimed path as long as seventy years ago. Although the Landowner tries to claim that her usage was only to see the then tenant farmer, and therefore as a visitee, it is clear from Mrs Hellerman's public path

evidence form that she visited various other people in Great Witcombe and also just walked for leisure.

35 Mary Hostler

Mrs. Hostler has used the claimed path from 1971 until 1997 and has not stated in her evidence that permission was given to her to use it, other than on one particular day in 1997.

36 Mrs. Olivia Dell (now Laker Dell)

Mrs. Laker Dell denies The Landowner's claim that she has only used the claimed route on one occasion and has provided an additional statement to insist that, since she moved to Great Witcombe in 1984, she has regularly used the claimed path. Furthermore, she had seen the late Mr. Mark Hicks Beach and spoken to him and gives an example of such an occasion. She has also seen Mrs. Celia Hicks Beach whilst using the path.

37 Angela Hendry

Mrs. Hendry says in her public path evidence form that she has walked the claimed route since 1947 and was only told not to go that way in November 2004, some fifty seven years later!

38 John Miles

The Landowner says that she has never seen Mr. Miles walk the claimed path. Mr. Miles has provided an additional statement to re-iterate that he has done so on many occasions and, what is more, that he has had conversations with Mrs. Hicks Beach and, he details one such conversation on 27/04/03!

39 & 40 Mr. and Mrs. Pope

Mr. and Mrs. Pope have both walked the claimed path for over fifty years. They met Diana Hicks Beach (since deceased) who was The Landowner's mother-in-law, at sometime in the 1970's/1980's, whilst walking and, during a conversation, she said that, of course, they could continue to use the claimed path. It should be noted however, that they had both already walked the claimed path for over twenty years prior to this permission being granted.

Incidentally, The Landowner has stated that, "Both now live in Spain..." Mrs. Pope tells me that this is completely untrue (indeed I spoke to her on 23/10/06 on the telephone at her house in Little Witcombe) and that they occasionally travel to France for up to three weeks but are still local residents.

41 Susan Willis

Susan Willis used the claimed path from 1964 and was given permission to do so by the then Tennant farmer. He has not lived there for twenty-three years but she has continued to use the claimed path and does not mention in her statement about any permission from the current Landowner or her late husband.

42 Simon Ruddleston (see number 20)

43 Pat Willis

The Landowner says, in her stock way, that no one has ever seen Mrs. Willis use the claimed path. This, despite the fact that Mrs. Willis says she has used it from 1937 until 1999 – sixty-two years!

44 Pat Curtis

The Landowner says that Mrs. Curtis only used the claimed path to tend to her pony at the stables at Witcombe Farm.

Mrs. Curtis has provided an additional statement in which she says that she used the claimed path from the mid 1950's until 2002 and that her daughter's pony was only stabled there in 1998/99. Consequently, the vast majority of the times that she used the path were unconnected with any use of the stables.

45 Rev. John Thornton

The Landowner says that The Rev. Thornton only used the claimed path when leading the procession for The Annual Rogation Service.

The Rev. Thornton has submitted an additional statement to explain that many of his contemporaries who would have vouched for his usage of the route are now deceased. Nevertheless he is adamant that he has used the claimed route for walks and not just for this annual procession.

46 John Pye

The Landowner says she or her employees etc have not seen Mr. Pye use the claimed route even though he has stated on his public path evidence form that he has walked it since the 1960's.

Once again it is probable that The Landowner is making this claim without knowing who the witness is.

47 Bob Miles

Once again The Landowner is telling people where she thinks they would have walked. However, Mr. Miles is quite clear that between 1955 and 1997 he walked, for leisure, from his then home in Little Witcombe, along the claimed path to the reservoirs, then up to the woods above and along to Birdlip, which would form the basis of a pleasant circular route.

48 Eunice Straley

The Landowner says that Mrs. Straley only used the path during the course of her employment as a tutor to Andrew Hicks Beach.

Mrs. Straley will submit a further statement to dismiss this claim. She was only acting in this capacity for four months in 1980 and has been walking the claimed path for many years before, and since then.

49 Pete Bradshaw

Mr. Bradshaw is the current warden for Gloucestershire Wildlife Trust, which oversees the nature reserve at the reservoirs. Although The Landowner's solicitors say that permission is given to The Wildlife Trust to use the claimed path, Mr. Bradshaw tells me that, in practice, he and his staff have encountered difficulties in trying to do so.

General Points

With regard to the Landowner's claim that there was once a gate at point 'A', Mr. Arnold Price, The Landowner's own witness, and longstanding employee and tenant, says, "Up until the 1970's there was a gate across the farm at point A. This was removed when the farm machinery used was too wide to access through the gate."

Consequently it seems that most of the witnesses would not have encountered a gate, which would have been absent by the seventies. Furthermore, even when it was present it may well have been open all the time and so not noticeable to those using the claimed route. In any case, it is clear that for over thirty years a gate has not been present.

2. The Landowner says that the evidence from people in Brockworth must be viewed, "With Caution" and, finds it so unlikely that they might choose to use the claimed route, that she considers them to be, "Confused". I should point out that she is, at a stroke, condemning no less than eighteen people to such confusion. This is quite an audacious 'diagnosis' considering that she only knows four of them!

The fact is that Brockworth is only approximately one mile from Great Witcombe and the latter is natural walking country, with the reservoirs as a highlight. It is surprising to me that The Landowner finds it so difficult to imagine that people might walk for several miles along a variety of paths, including the claimed one, simply for enjoyment and not just to reach a destination.

3. The signs at point 'A' and 'B' that currently say, "*Witcombe Estate, Private Land, No public right of way*" have only been posted since about 2002. The Landowner's witness Mr. Arnold Price confirms this. Prior to that there was a white sign saying, "*Private Road, No unauthorized vehicles*" at point A and which is still present.

Mr. Price estimates that this was placed there about 25-30 years ago though he is uncertain exactly how long.

The hedges in which this latter sign was placed were usually overgrown (It is noticeable how this has changed since this claim for a modification order was made) and it may well have been obscured at times.

Furthermore it was placed near point 'A' where there is another road running to the reservoir pumping station, and it is not entirely clear to which road the sign refers. Finally, the fact that it says, "Private Road" and specifically refers to "Vehicles" would not preclude there being a right of way to walk there. After all some houses have public rights of way through their gardens and whilst the land is private, there is still a public right of way through it.

My point would seem to be confirmed by The Landowner's own action of placing the newer signs with the specific mention of, "No public right of way", which were not there before 2002.

4. The Landowner points out that several of the witnesses I have presented are close family members and that therefore their evidence is not independent. It is true that my wife, Mrs. Moira Gilbert, my two sisters, Penelope Canbilen and Louise Taylor and my parents, Mr. James and Mrs. Evelyn Gilbert are close to me. I can also name two close friends in Mr. Gary John and Mr. Adam Hostler. Anyone weighing this evidence must make their own mind up about it's independence, but I would be surprised if there is any other conclusion than that these people have their own, genuinely held concerns and are expressing these freely and without any undue influence by myself.

I would also point out that of the remaining forty-two witnesses: twenty-four; I had never met before, and a further ten; I barely knew.

What is more, none of the witnesses are employed by me nor rent houses or land off me.

Compare this to the nineteen witnesses presented by The Landowner: Three children, two of whom would not even have been born for much of the period of usage, six employees (including one who is also a tenant), one lessee, one declared close friend, three who have been given permission to use the claimed route and two who have declared a prejudice against public rights of way through farms – that's sixteen who could be said to have connections with or dependencies on The Landowner or who have a pre-existing grudge. It is also worth noting that five of the witnesses have been present for less than ten years, some as little as five years.

All of the fifty witnesses supporting the modification order have walked the claimed route on many occasions over an extended period of time. Indeed, of the fifty witnesses, **forty have walked the claimed route over a period of at least twenty years.** Of those, ten have walked it for more than fifty years, including two who were walking the claimed route over seventy years ago!

I enclose a breakdown of the actual figures, which make impressive reading and amount to an enormous weight of evidence that I find it difficult to believe The Landowner will be able to refute, however hard her lawyers try to do so.

5. I hope that it is clear from reading the fifty original public path evidence forms and the additional twenty-four (plus two to come) submissions, that these people have walked along the claimed path between points 'A' and 'B' over several decades and in some cases from as early as the 1930's. They did so because it was an accepted thing to do and because so many other people did the same (there are many others who could have given evidence but who, for various reasons, did not). They walked singly or in groups, some with dogs, others with children in pushchairs and others went on horseback. Indeed Mrs. Organ recounted to me going that way in a pony and trap many years ago.

This practice continued until about 2002 when there was a sea change in attitude by The Landowner and most of the walkers have subsequently been accosted at various times since then, many in 2004/2005.

One of the Landowner's witnesses, Mr. K. Knight offers a possible insight into the reason for the change in attitude when he states, "Matters came to a head following the passing of the so called, 'Right to Roam' (*The Countryside and Rights Of Way Act, 2000*)..."

Whatever the reason, there was a definite change of policy by The Landowner and local people (and I include people from Great Witcombe, Little Witcombe and Brockworth) who had hitherto walked the claimed route at their leisure, found that they were no longer allowed to do so.

The Landowner has sought to make pretence that this was always the case and that people were never allowed to walk the claimed path. She and her family deny seeing over half of the witnesses, even those who they would not be able to name if they did see them.

However The Landowner has only lived at Witcombe Farm since 1981 and so can have little idea of what happened during the time before this. After this time she and her late husband knew full well that people were walking the claimed path and did nothing to stop it.

Conclusion

The Landowner has stated, in her submitted comments about me, that I have not used the claimed route apart from once in 2005. This begs the question: Why am I applying for a modification order to a pathway she says I have only used once? I have never applied for a modification order on any other path and I certainly have plenty to occupy my time without looking for work. It is entirely implausible that I would seek to alter the status of a path that I didn't use.

Furthermore, The Landowner claims that twenty-nine of the witnesses for the modification have never used the claimed path either! So why would they take the trouble to complete detailed public path evidence forms and, in many cases, supply additional statements, to support the modification of a path that they have apparently never walked?

Clearly this is not logical or at all likely.

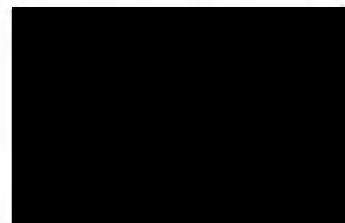
The detailed rebuttals of The Landowner's evidence discussed above casts considerable doubt on the reliability of The Landowner's own evidence and that of many of her witnesses.

We now have a situation where there is firm testimony from fifty respectable people claiming usage of the claimed path, forty of them for over twenty years.

I think this is irrefutable evidence, which I have presented as best I can, though I do not have any legal training, and I do hope that The Landowner's lawyers will not be allowed to exert undue influence on this case and obscure the truth of the matter.

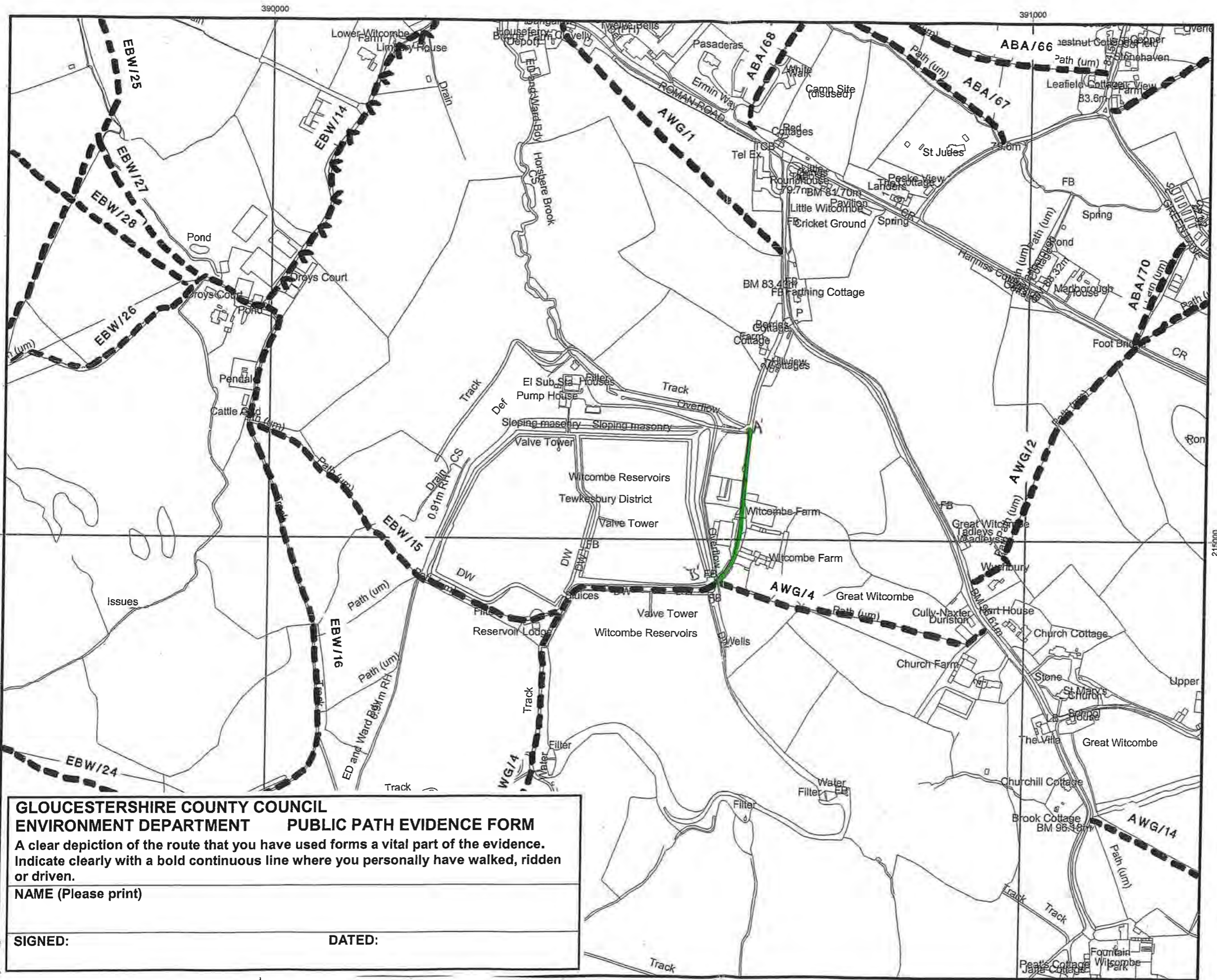
Thank you once again for your kind attention,

Dr. Nick Gilbert MBChB MRCP DRCOG



Period over which each person walked the claimed path



| | | | |
|------------------|----------|------------------|---------|
| N. Gilbert | 30 years | R. Cooper | 20years |
| J. Gilbert | 30 | M. Beard | 13 |
| E. Gilbert | 30 | D. Hepburn | 8 |
| M. Gilbert | 20 | R. Hepburn | 8 |
| A. vickery | 37 | S. Knight | 70 |
| S. McNeill | 20 | P. Canbilen | 30 |
| A. McNeill | 22 | L. Taylor | 30 |
| M. Roberts | 35 | J. Comrie | 7 |
| V. Mason | 20 | R. Hellerman | 70 |
| I. German | 22 | M. Hostler | 26 |
| M. Heggie | 19 | O. Laker Dell | 18 |
| C. Neal | 35 | A. Hendy | 58 |
| S. Watts | 25 | J. Miles | 55 |
| T. Peachey (Mrs) | 30 | E. Pope | 50 |
| G. John | 25 | B. Pope | 50 |
| A. Hostler | 34 | S. Willis | 19 |
| M. Organ | 50 | S. Ruddleston | 18 |
| M. Pither | 50 | P. Willis | 39 |
| A. Pither | 42 | P. Curtis | 51 |
| S. Ruddleston | 18 | R. Thornton | 40 |
| V. Cooper | 21 | J. Pye | 40 |
| D. Cooper Jr. | 20 | B. Miles | 42 |
| D. Cooper | 45 | E. Straley | 35 |
| L. Cooper | 30 | P. Bradshaw | ? |
| C. Cooper | 30 | A. Peachey (Mr.) | 30 |



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
DRAWING NO:

This map is reproduced from (or based upon) the Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (c) Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gloucestershire County Council 100019134 2004.

GLOUCESTERSHIRE COUNTY COUNCIL
ENVIRONMENT DEPARTMENT PUBLIC PATH EVIDENCE FORM

A clear depiction of the route that you have used forms a vital part of the evidence. Indicate clearly with a bold continuous line where you personally have walked, ridden or driven.

NAME (Please print) _____

SIGNED: _____ DATED: _____

①

Witness Statement

Statement of EUNICE E. STRALEY

This statement (consisting of 7... pages each signed by me) is true to the best of my knowledge and belief.

Dated the 30/10/06

Signature

With reference to Andrew Hides Beach's statement, I wish to clarify the fact that I taught him only from April - July 1980 at my own home, and was a self-employed tutor (registered with the Inland Revenue as such). Therefore, I have at no time been an employee of the Hides Beach family. I had many other pupils during that year, and I was also employed in Further Education. I did not teach Andrew in 1979; (I was teaching full-time elsewhere).

Another discrepancy in Andrew's comments is that he states he has not seen me 'for a number of years'. The last time I saw him was a few months ago, when he visited The Goss Hands Garage in Brockworth. We acknowledged each other, and he then conversed with his former work colleagues. (He worked here on night shifts until the garage stopped 24-hour opening, so I saw him regularly for many years).

I made one mistake on the original form. We moved to Brockworth in 1956 (not 1958) so all our walking along the road in question dated from 1956.

Signature ...

Signature witnessed by

Witness Statement

Statement of EUNICE E. STRALEY

This statement (consisting of ...7... pages each signed by me) is true to the best of my knowledge and belief.

Dated the 30/10/06

Signature [Redacted]

The remainder of my statement is accurate to the best of my knowledge, and therefore Andrew's final comments are untrue.

My family (my parents, sister and brother) and, at times accompanying friends and relatives, regularly walked along the road in question from 1956, as already mentioned. My parents continued to walk along this road until shortly before they passed away (1993 + 1995). In 1995, my brother drove my mother from point 'A' to a little way past point 'B' to the bridge, marked 'P' on some maps to view the scenery and eat lunch, as my mother was very ill at the time. No one told them to move at any time during the hour or so they were there.

During the 1990s, my brother also walked along the road in question to 'video' (with a camcorder) the two ospreys, which returned two or three years running, as well as many other serious bird

Signature ... [Redacted]

Signature witnessed by [Redacted]

Witness Statement

Statement of EUNICE F. STRALEY

This statement (consisting of 7... pages each signed by me) is true to the best of my knowledge and belief.

Dated the 30/10/06

Signature [Redacted]

watchers, who also came with binoculars and cameras. I was already here and met him on his arrival.

Regarding Freddie Hicks Beach's comments re people (walking this route) who come from other areas, I would like to point out that most families did not possess cars in the 1950s and 1960s, and so many people walked considerable distances for pleasure.

At various times, ^{on our walks along the road in question,} we met and chatted to the following people: Lucy Hicks Beach (usually on her horse & always very friendly); Andrew Hicks Beach (always friendly once asked us in for tea & asked us to return); Maureen & Tony Pittler; the Pagettes (who lived at Witcombe Farm); John Treasure and most, if not all, of the other fishermen and a blonde lady fisherwoman (she worked for a jeweller's), as well as Ron, the bailiff, (once he called Mark Hicks Beach on the phone to call the police, as a strange man was following me). A police chase then followed up to the Roma villa, ^{(while} I returned along the road in question). Ron also gave me permission to walk inside all the reservoirs

Signature [Redacted]

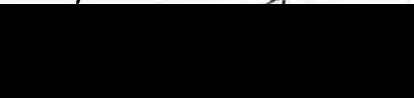
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Witness Statement

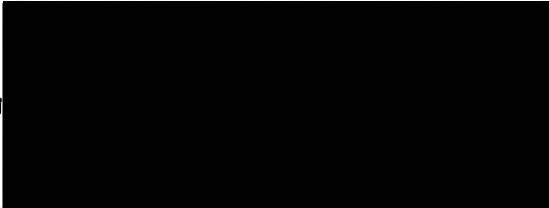
Statement of EUNICE E. STRALEY

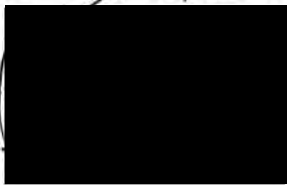
This statement (consisting of 7... pages each signed by me) is true to the best of my knowledge and belief.

Dated the 30/10/06

Signature 

He has, unfortunately, now passed away. I also met, and often chatted to, the bailiff in the new office (next to Witcombe Farm); Kate Edge (the artist to whom Mark Hicks Beach gave permission to sit inside the Nature Reserve reservoir); Sybil Knight; Rosemary Hellerman; Hannah Wardle (on her house); a lady who used to work at Cheltenham Nutrition Centre (with her baby); Susan & Pat Willis (who lived next to Anne Vickery); Rev. John Thornton and his artist wife; Angela Johnson (on her house); Jane Hodgkins; the Coopers (Lyne was often running as well); Mary Hostler; and Celia Hicks Beach with whom I have often had a conversation, especially during the 1930s, when I regularly took my children along the road in question, for many years in a pushchair (which was not, in any way, designed to go across fields - it would have been impossible). When our

Signature 

Signature witnessed by 

Witness Statement

Statement of EUNICE F. STRALEY

This statement (consisting of 7 pages each signed by me) is true to the best of my knowledge and belief.

Dated the 30/10/06

Signature [Redacted]

elder son started school, I remember her asking me where he was! He was about three when she invited us in to see the horses, when we were actually walking along the actual road. I often asked her about her children & once she told me that Lucy had a severe back injury and was stuck ^{in hospital} somewhere in Africa. She had wanted Lelia to go out there, but she told me she couldn't go to her daughter. She also discussed Andrew's degree, and said that he always answered the maths questions in different ways from the 'average' ones. At no time did she ever tell me not to walk along the road in question.

Sometimes, we did a circular walk from Brockwors up Coopers Hill (seeing and chatting to the Rickards, the Hellemans, the Ellis family, Katherine Johnstone and Flo (Ken) & Stan Crocker, before dropping down to Cooper Hill Farm, the Roman Villa, Witcombe Reservoirs and back along the road in question. We often saw the Mextons at Coopers Hill Farm until around the late 1970s, or around

Some of the 'friends with whom I walked (from their homes in Witcombe & Bantlam) included Anne Vickery, Madeline Steinhardt & Moira Gilbert. My husband & I also sometime

Signature [Redacted]

Signature witnessed by [Redacted]

Witness Statement

Statement of EUNICE E. STRALEY

This statement (consisting of 7... pages each signed by me) is true to the best of my knowledge and belief.

Dated the 30/10/06

Signature [Redacted]

Talked to Carol + Tony Diett (Berries Cottage) during the 1980s (who obviously do not remember our names) on our way along the road to Witcombe Farm. We discovered that Carol is friendly the ex-wife of one of our friends. They also told us about their son being offered a sports scholarship by Cheltenham College, which they refused. I also met Tony while I was walking around the inside of the reservoir (permission from Ron the bailiff for me, as mentioned above). On one occasion Tony had a row with another bailiff, who told him to get off the Reservoir land, which he refused to do. Once he also told me about their burglary when they had had some valuables stolen, but said they were particularly upset that their son's first tooth was also taken. They then got a schnauzer dog. My husband + I also chatted to them about their vegetable growing. When our children arrived, my husband's hours increased, so he did a little less walking, but I continued to walk almost daily with the children, during the day, Monday - Friday when the Dietts were at work so they would not have seen me/us walk most of the time from 1990 - 2005.

On our way along the same road, we often chatted to the couple (who have now died) in Farthing Cottage, and the couple in the cottage opposite Berries Cottage (who have also died) + talked about their lovely gardens.

Signature ... [Redacted]

Signature witnessed by [Redacted]

Witness Statement

Statement of EUNICE E. STRALEY

This statement (consisting of 7 pages each signed by me) is true to the best of my knowledge and belief.

Dated the 30/10/06

Signature [Redacted]

We also chatted to the occupants of the adjoining cottage, but never saw anyone in the residence next to Berries Cottage. When our children were small, we usually parked our car between The Round House and Farthing Cottage and walked past Berries Cottage and further on along the road in question, or we parked by the reservoir just past the four cottages, at point A on the map, on the right. We then unloaded the pushchair and walked along the road to the reservoirs.

I walked along this road many times specifically to photograph the scenery (these images have been included in my photography exhibitions), and quite often after work when it was dark.

In summary, no one has ever told any member of our family, or our friends, not to walk along the road in question. As so few people living along this road claim to have seen any regular walkers, then the people who have been walking along it for so long have obviously not been intrusive.

The Hicks Beach family did not move to Witcombe Farm until around 25 years after my family + I started walking here, so cannot know who walked there for this period. Since then, they cannot possibly have been on 24-hour watch, seven days a week (for 25 years) so how can they know everyone who has walked along the road in question, how often anyone has done so, especially in cases such as mine, where I have walked along this road for 49 years?

Signature [Redacted]

Signature witnessed by [Redacted]

Witness Statement

Statement of Mr JAMES O. GILBERT.

This statement (consisting of 4... pages each signed by me) is true to the best of my knowledge and belief.

Dated the 29th September 2006

Signature ... [REDACTED]

In this statement I have used "I" throughout, but it should be understood that quite frequently I was accompanied by others.

As a Chartered Electrical Engineer I moved with my employer, The Central Electricity Generating Board, now British Energy, from the Midlands to their new headquarters at Barrwood, Gloucester, in July 1974. We bought our house, Pasadena, Little Witcombe, on 1st January 1975 and have, therefore, lived here for over 31 years.

Over this considerable period I have walked a wide variety and combinations of routes in this area, but my often favoured walk for convenience, variety of interest and sustainability, particularly with pushchairs and toddlers, was to the Witcombe reservoirs along footpath A-B through Witcombe Farm.

From 1975 I walked the footpath A-B through Witcombe Farm many times without hindrance for the period of about 10 years that it was occupied by tenant farmers, Mr & Mrs Paget. During this early period my attention was drawn to the engine noise and soot blackened exhaust marks on the wall of the farm outbuilding which housed an electric generator.

Later on when Mr Mark and Mrs Celia Hicks Beech moved into Witcombe Farm they converted the electric generator building into a reservoir fishing office.

Sometimes I would walk outward along the claimed footpath through Witcombe Farm and beyond the reservoirs and return by a different route, and at other times I would walk outward on another route and return along the claimed footpath through Witcombe Farm. Sometimes, particularly if I ^{had} grandchildren in pushchairs or

Signature ... [REDACTED]

Signature witnessed by ... [REDACTED]

Witness Statement

Statement of Mr JAMES O. GILBERT

This statement (consisting of 4... pages each signed by me) is true to the best of my knowledge and belief.

Dated the 29th September 2006

Signature ... [redacted]

as toddlers, or if I had my dog with me and there were animals in the fields immediately beyond the reservoirs, I would walk outward along the claimed footpath through Witcombe Farm to the reservoirs and turn back at Reservoir House and retrace ~~and~~ my steps back home along the claimed footpath through Witcombe Farm.

When walking along the claimed footpath the farmyard dogs would sometimes bark and come towards me, particularly if I had my dog with me. They never bit my dog which would be on a lead, but they made enough noise to alert the occupants of farm, stables and yard.

The 12 years period, 1988 to 2000 spanned the birth and early years of my 8 grandchildren. In succession during this period, I have occasionally ^{walked} with them in pushchair or as toddlers along the claimed footpath through Witcombe Farm to the reservoirs. This sometimes involved an even spaced journey when feeding the horses in the orchard with carrots and carrying bread for the ducks on the reservoirs.

On some of my walks I have come across other people similarly enjoying the walk along the claimed footpath through Witcombe Farm.

When Mr Mark Hicks Beech has passed me in his car along the claimed footpath he has politely acknowledged me as I stepped aside.

Mrs Celia Hicks Beech has also seen me along the claimed footpath when passing in her car.

When walking the claimed footpath I have sometimes seen Mrs Celia Hicks Beech going about her business on

Signature .. [redacted] Signature witnessed by .. [redacted]

Witness Statement

Statement of Mr JAMES O. GILBERT.

This statement (consisting of .4... pages each signed by me) is true to the best of my knowledge and belief

Dated the 29th September 2006

Signature

the farm and I feel sure that she has seen me.

I have also been seen along the claimed footpath through Witcombe Farm on several occasions by the Landowners tractor driver of many years, Mr Arnold Price, who always greeted me in an obdious and friendly manner. Arnold often does work for the Landowner outside the main farm complex and travels the claimed path frequently to and from the outside roads.

I have exchanged friendly greetings, "good morning", etc, with some of the employees of the yard & stables, VIZ: wheeling a barrow across the claimed footpath at the Witcombe Farm end, or leading a horse across the claimed footpath in the same area.

Witcombe Farm suddenly looked so bare when they cut down the old large oak tree which dominated the view when approaching along the claimed footpath. This coincided with the building of the line of cow sheds alongside the claimed footpath. I saw Mr Mark Hicks Beech more than usual during these construction works.

They also built a concrete silo for animal feed on what was previously a large dung heap along the claimed footpath.

On the same side of the claimed footpath they then built an indoor horse riding school. Subsequently, during some of my walks along the claimed footpath I have leaned on the half ~~of the~~ door of the indoor riding school for considerable lengths of time watching the pupils on horses perform to the requirements of the riding instructor.

A later addition I can recall are the 2 small gardens, one on both sides of the claimed footpath at the farm end. A number of ornamental small animals

Signature

Signature witnessed by ...

Witness Statement

Statement of Mr JAMES O. GILBERT.

This statement (consisting of .4.. pages each signed by me) is true to the best of my knowledge and belief.

Dated the 29th September 2006

Signature . [Redacted]

are inserted amongst the plants.

On one occasion I paused along the claimed footpath and spoke briefly to one of the people harvesting the fruit from the orchard for making perry.

In 2004 my wife and daughter told me that as they walked along the claimed footpath through Witcombe Farm they had been asked for their names by the lady in charge of the stables. This lady said that the Landowner had told her that 3 people had already been prosecuted, one of them being a senior citizen.

My wife and daughter and I haven't walked along the claimed footpath through Witcombe Farm since this challenge and it would seem reasonable to believe that if a challenge had been made at any time earlier then we would have stopped walking the claimed footpath correspondingly earlier.

One thing is certain that up until this challenge in 2004 I have walked many times along the claimed footpath A-B through Witcombe Farm and I have been seen by Mr Mark and Mrs Celia Hicks Beech, and a number of their employees and although they have had opportunities to challenge me they did not do so.

In the light of my foregoing explanation it is ludicrous that the Landowner can make such a blanket statement that none of her family or any of her employees have seen me walking along the claimed footpath. Some of the employees wouldn't know me, and there has been a considerable turnover in employees over the many years that I walked the claimed path.

Signature ... [Redacted]

Signature witnessed by ... [Redacted]

(1)

Witness Statement

Statement of EVELYN DAWSON GILBERT

This statement (consisting of ³ pages each signed by me) is true to the best of my knowledge and belief.

Dated the 26th SEPTEMBER 2006

Signature [Redacted]

When we purchased Parades, Little Witley in 1975 we were told of a walk to Witley reservoirs via route A-B through Witley Farm. As members of the R.S.P.B and keen walkers we very soon made it one of our regular walks

During the 1980's and 1990's I would regularly walk my dog and one or more grandchildren along path A-B. At no time until 2004 was I challenged and told the road was closed to walkers rather than vehicles. I have always been clearly evident to workers and family members and over the years there have been many opportunities and also the man sitting in the farmyard office, to say something. Mr Arnold Price, who drives the tractor, would always acknowledge me as we passed along the path. We have occasionally taken visiting friends and relatives to see the reservoirs, some quite elderly, there being no way they could have crossed fields. And still we have never been challenged.

MR MARK Hicks Beach did once lean out of his car to ask me to be careful not to step on the daffodils they had planted on the verge either side of the path. However

Signature ... [Redacted] Signature witnessed by ... [Redacted]


(2)

Witness Statement

Statement of EVELYN DAWSON GILBERT

This statement (consisting of pages each signed by me) is true to the best of my knowledge and belief.

Dated the 26th SEPTEMBER 2006

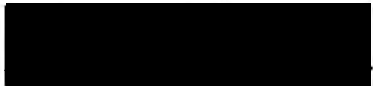
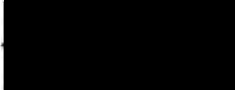
Signature 

when he passed me he would usually acknowledge me with a nod of his head.

Mrs Celia Hicks Beach I have seen many times spoken to briefly, when passing through the farmyard. Sometimes her dogs would run out and she would call them back, however, she at no time stopped me walking path A-B. Most of my time walking through the farmyard I would not see her. Mrs Hicks Beach says she doesn't know me, however I feel

certain she does recognise me and does know where I live and that I am the wife of James Gilbert, who she says she does know.

Mr and Mrs Antony Dielt say they have never seen me walk path A-B passing their house. I have certainly passed their house many many times. I have stood at their garden gate and had conversations with them, they have witnessed me walking to and from path A-B and I have actually walked with them through the farm along path A-B. They have spoken to myself and my daughter on

Signature  Signature witnessed by 

Witness Statement

Statement of EVELYN DAWSON GILBERT.

This statement (consisting of pages each signed by me) is true to the best of my knowledge and belief.

Dated the 26th SEPTEMBER 2006

Signature

Evening walks during the summer months. MR + MRS DEET both worked during the time I walked this route and I would not expect them to always see me passing their house.

MR Cross states he has never seen me walking past his property on my way to the reservoirs along path A-B. I have occasionally seen MR Cross in his garden. I do not know him personally, I wonder if he would recognise me by name? However I did know his parents when they lived at the cottage and I would have an occasional chat with his mother, particularly if I had a grandchild with me in a pushchair. I would also pass the time of day with MR Cross senior. I have watched with interest the changes around the farm over the years the taking down of an oak tree along the path A-B. Erection of a concrete silo, cattle shed, indoor riding area, stabling for the riding school, fishery office. I have enjoyed my walks via path A-B in all seasons without being challenged until 2004.

Signature

Signature witnessed by

Witness Statement

Statement of Mrs. Moira J. Gilbert

1/2

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief.

Dated the 24th October 2006

Signature [Redacted]

It is true to say that I am the claimant's wife, but I know that I have a right to a view on this matter, since it has affected me personally.

I met my future husband in July 1984 and from that date, whilst visiting my future-in-laws at 'Pasadero', I often walked along the path in question, from point A to point B, through the farmyard, as this was the most convenient route to the reservoirs, the Roman Villa and up onto the Cotswold way.

From 1988 onwards I walked that way with toddlers and babies in pushchairs, since it was the only feasible way to visit the reservoirs and to feed the ducks. I lived at 'Pasadero' from February 1990 to November 1991 and then again from 1997 until March 1998 and during those periods walked regularly with the children through the farmyard to the reservoirs unchallenged.

Signature [Redacted]

Signature witnessed by [Redacted]

Witness Statement

Statement of Mrs. Moira J. Gilbert.

2/2

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief.

Dated the 24th October 2006

Signature .. [redacted]

Since moving to Great Witcombe in March 1998 I have continued to walk along the path with friends. I was only stopped once earlier this year by Mrs. Hicks Beach, but was let through when I explained that the horses were congregated around the stile and that it was impossible and dangerous to walk along footpath ANGL4 with my dog.

Over the course of my walks from A to B I have seen and talked to the bauliff at the fishermans office, who even gave me two trout on one occasion. I have also seen Tony and Carol Dielt and various people at the stables, but I have ~~never~~ not been told I should not walk this route until earlier this year.

Attached is a photograph of me taken by my future husband with my future-in-laws dog approaching point A on my way to Point B

Signature .. [redacted]

Signature witnessed by ... [redacted]

Witness Statement

Statement of

MRS ANNE VICKERY

This statement (consisting of ... pages each signed by me) is true to the best of my knowledge and belief.

Dated the 27/9/06

Signature

I did for a short time deliver the church magazine to Mrs Hicks Beach until another person took over that job. However I regularly walked the path in question when Mr and Mrs Pagett occupied Reservoir Farm and after when Mr and Mrs Hicks Beach moved there when my children were growing up. After I retired in 2000 I walked there with Mrs Louice Straley who now lives in Bramham. She would drive down to my house and then we would go round the official paths of the estate which included public road 'A' to public road 'B'. If Mr and Mrs Hicks Beach were not living at the Reservoir Farm when Mr and Mrs Pagett were there how did they know who walked along the path in question?

Signature

Signature witnessed by

Witness Statement

Statement of MICHAEL ROBERTS

This statement (consisting of ...!... pages each signed by me) is true to the best of my knowledge and belief.


Dated the 25/9/2006.

Signature 

PRIOR TO JUNE 2005 WHEN THE BAYLIFF GAVE ME PERMISSION TO USE THE PATH, I HAVE USED THIS ROUTE UNHINDERED FOR OVER THIRTY FIVE YEARS. THIS INCLUDES WALKING BOTH WAYS THROUGH THE FARM, CYCLING TO THE RESERVOIR AND MANY YEARS AGO DRIVING TO THE RESERVOIR.

I HAVE NEVER MET THE LANDOWNER SO I DONT KNOW HOW I COULD BE NAMED.

Signature 

Signature witnessed by 

Witness Statement

Statement of Valerie Mason
re Public road south of Hillview Cottos to Witcombe Reservoirs

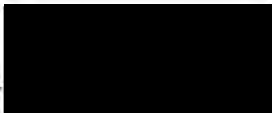
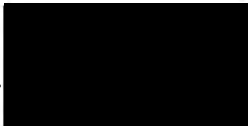
This statement (consisting of ...1... pages each signed by me) is true to the best of my knowledge and belief. ^{caused by}

Dated the 4.9.06

Signature 

I can personally vouch for the veracity of some of the people who signed the Public Path petition regarding access to Witcombe Reservoirs. I walked with a group of them for many years & often used the access road. We were barked at by dogs on several occasions & people saw us. Are they suffering from selective memories? The 85 year old lady is known to me and still walks 3 or 4 miles with the Brodsworth Walking Group. I do not see what is to be gained by trying to besmirch our evidence. It is obvious that this is the most direct route to the Reservoirs and as such has been used for recreational purpose by local people for many years.

Another seemingly obvious point is that we have caused no annoyance to the present incumbents or they would have noticed us!

Signature  Signature witnessed by ... 

Witness Statement

Statement of IRIS O. GERMAN RE: CLOSURE OF ROAD TO WALKERS BETWEEN
WITCOMBE RESERVOIR CAUSEWAY AND THE SEVERN TRENT ACCESS ROAD

This statement (consisting of 3... pages each signed by me) is true to the best of my knowledge and belief.

Dated the 16th SEPTEMBER, 2006

Signature [redacted] Chairman, Rights of Way Committee, Brockworth Parish Council.

I am so indignant regarding personal comments made by the Landowner about the people who had raised a petition for the reinstating of the above mentioned short stretch of roadway as a public right of way. We are claiming use of this roadway by local people for over 25 years prior to the closure in 2001. Why was this a private hearing? No petitioners were invited to refute the statements made by the Landowner.

I have not used, or tried to use, this stretch of roadway since the notices of "NO ACCESS" appeared because I am not in the habit of trespassing! If the Landowner had not seen any of the petitioners walking the roadway before closure, why has it been closed? According to the Landowner's statements none of us has ever used it! Has any damage ever been caused by walkers? If older people are to be allowed to use it (statement by Landowner regarding myself) this should be indicated on the notice and we will come prepared with our proof of old age!

Since the closure, when walking with Glos. USA walking group on the footpath through the field overlooking the cottages, the mud caused by horses having been in the field and around the stiles went over the tops of our walking boots. We walk throughout Gloucestershire and rarely encounter these conditions. Because of this, and the difficulty everyone experienced with the stile at the causeway end of the field, Mrs. Jim Hunt contacted the G.C.C. Footpaths Officers.

Signature [redacted] Signature witnessed by

Witness Statement

Statement of IRIS O. GERMAN

This statement (consisting of ...3... pages each signed by me) is true to the best of my knowledge and belief.


Dated the 16th SEPTEMBER, 2006

Signature .. 

A meeting was arranged at the site, with Mr. Jim Hunt, myself and the G.C.C. Footpaths Officers attending. The field had dried up on this day but the officers declared the stile and surrounding slope to be in a dangerous condition, with brambles surrounding the stile and a slippery slope where steps should be. Therefore, it was entirely due to the intervention of the Footpaths Officers that the stile was cleared of vegetation and the steps rebuilt. When horses are in the field we do not like walking amongst them. I was bitten by a horse when young and could not possibly enter a field with horses.

The Landowner does not know me. How can she claim never to have seen me on the roadway before access was denied to walkers? Actually, over the 15 years leading to 2001 I was never alone when walking along it - always with a walking group or with my family. As the walking group comprised of at least 10 people it proves how quiet and disciplined we were if the Landowner never saw us! Other locals have walked the now denied roadway for many more years than myself. I cannot understand why the Landowner was allowed to make statements relating to the petitioners without them being present.

When arriving at the Causeway over the reservoirs, after walking from the Cotswood Way direction, why should one have to walk an extra mile across fields in order to reach the Twelve Bells restaurant? Visitors to the Twelve Bells would find it interesting to walk along the roads to look at the bridge from the causeway.

Signature .. 

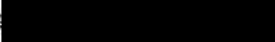
Signature witnessed by

Witness Statement

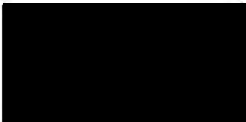
Statement of IRIS O. GERMAN

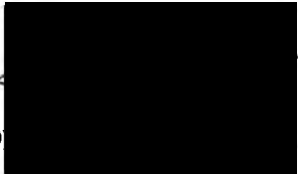
This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief.

Dated the 16th SEPTEMBER, 2006

Signature 

Not everyone would be equipped with walking boots or wellingtons in order to negotiate a muddy field. Not everyone can climb over stiles. Many people are intimidated by horses, as I am.

Signature . 


Signature witnessed by 

Witness Statement

Statement of Mary Heggie

This statement (consisting of ...!... pages each signed by me) is true to the best of my knowledge and belief.


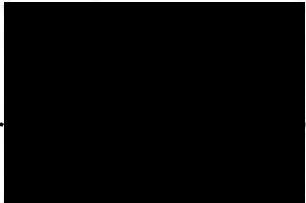
Dated the 9th September 2006

Signature 

I have always walked, along what I thought was the right of way, along the road from Witcombe Farm to Millview Cottages.

In 2001 a sign was put up indicating that the footpath went through the fields, finishing almost opposite the church, then back along the road to Millview Cottages.

Until that time we had always used the road on our Sunday walks

Signature ..  Signature witnessed by .. 

Witness Statement

Statement of MRS. C. M. NEAL

This statement (consisting of ... pages each signed by me) is true to the best of my knowledge and belief.

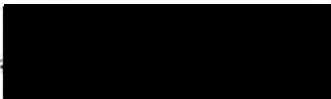
Dated the 24/9/06

Signature 

Since the closure of this footpath in 2001, I have not walked this area due to the appearance of the 'No Access' notices.

Under the 'Right to Roam Act' which came into law on 31/10/05, this closure is surely 'illegal'.

If this closure is upheld, where will the next one occur, and the next, etc. etc.?

Signature 


Signature witnessed by 

Witness Statement

Statement of Mrs T. R. Peachey

This statement (consisting of ...!... pages each signed by me) is true to the best of my knowledge and belief.

Dated the 20.09.06

Signature 

I reiterate our previous statement; we would like to use this route, but are unhappy about the confrontations it entails. It seems the landowners are afraid of litigation against them.

Surely a compromise can be reached? The first part of the lane to the reservoirs is shown on the O.S. maps as "Other route with public access" couldn't this be extended with signs such as: "Access by permission of landowner - at your own risk"

It is a shame that less abled are unable to visit the reservoirs.

Signature 


Signature witnessed by 

Witness Statement

Statement of **GARY DENNIS JOHN OF GREENACRES, THE KNOW, CRANHAM, GLOUCESTER GL48T.**


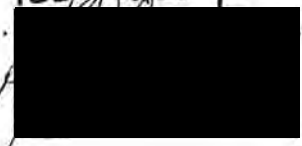
This statement (consisting of pages each signed by me) is true to the best of my knowledge and belief.

Dated the **11th September 06**

Signature 

Further to my submission regarding the path from Hillview Cottages to Witcombe Reservoirs I wish to add the following comments. I have read the comments on Form JAB/CHI/366024.1 with interest, I answer as follows.

- 1) I have never been introduced or ever met (to the extent of knowing any names) any members of the Hichsbeach Family or any of their staff. As I do not know any of them, how can they possibly know me. If they don't know me then how can they say I have never been along that path, this is clearly a very misguided statement on their part and fails any scrutiny.
- 2) In answer to the comment about being on route from Brockworth, I would walk with my border collie to Witcombe and would meet up with my friend Wick Gilbert and his Bassett Hound. We would then walk to the Black Horse at Cranham, thus exercising the dogs and enjoyment for us. If the landowner wishes to dispute this I am still in contact with both the landlords family and bar staff who worked there at the time. I was also Gloucester County Champion at cross country and this route was part of my training program of 160 miles per week

Signature  Signature witnessed by ... 

Witness Statement

Statement of **ADAM PAUL HOSSLER**

This statement (consisting of ...**1**... pages each signed by me) is true to the best of my knowledge and belief.

Dated the **4th September 2006**

Signature .. 

I write to refute the statement made by the Landowner that neither she nor her family, employees, neighbours or other users at the stable or yard have ever seen me use the path. Over the years, on many occasions I have seen and been seen by different people whilst using the path and have never been told by any of them that the path was not a public right of way. Indeed, I had not realised until recently that it was not, having grown up from age 11 years ~~to~~ using the path as if it was!

I would also like to confirm to the Landowner that the "circular walk" I referred to in my original evidence form, does pass along the path in question and does not, as the Landowner believes, follow existing public rights of way.


Signature ..  Signature witnessed by 

Witness Statement

Statement of MAUREEN FITHER.

This statement (consisting of ...!... pages each signed by me) is true to the best of my knowledge and belief.

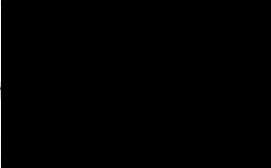
Dated the 1st October, 2006.

Signature  (18)

I wish to correct statements in the synopsis given about Farm lane Footpath which I made earlier.

NO I did not ask permission to walk or drive + park my car along this path — I was unaware for years that this was a Private Road. No-one asked me to or stopped me from doing so. It appeared it was o.k. to use it then. I was not the only person to do so. My disability has got worse but at the time 50's, 60's + 70's I walked miles around the Valley and on Cooper's Hill happily.

Signature 

Signature witnessed by 

Witness Statement

Statement of ANTHONY DITLER

This statement (consisting of pages each signed by me) is true to the best of my knowledge and belief.

Dated the 28/9/06

Signature .. 

ALTHOUGH I HAVE OPERATED A PARTNERSHIP WITH THE LANDOWNER IN RECENT YEARS - I STILL WALK THE FOOT-PATHS TO THE CHURCH AND HAVE AT TIMES DURING WINTER TIME OWING TO STATE OF HORSE FIELDS IN WHICH THE FOOT PATH GOES, TAKEN THE ROUTE THROUGH THE FARM.

CERTAINLY IN PAST TIMES I USED TO WALK THROUGH FARM TO RESOUCE. FOR WEISURE AND BIRD-WATCHING, ESPECIALLY WITH FRIENDS WHO WALK ON THE BIRDLIP ROAD NEAR THE END OF THE LANDOWNERS ROAD. ENTRANCE.

Signature .. 

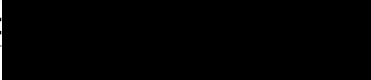
..... Signature witnessed by 

Witness Statement

Statement of SIMON RUDDLESTON Bsc(Hons) MRICS

The statement (consisting of 1 page each signed by me) is true to the best of my knowledge and belief.

Dated the 23rd September 2006

Signature  MR S. RUDDLESTON Bsc (HONS) MRICS

The landowners' statement is wholly inaccurate. We moved away from the area in 2003 and have not been walking in the area since that date.


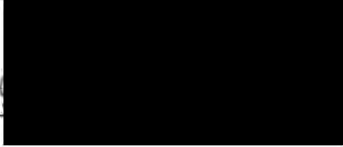
From 1987 to 1996 we lived on the A417 just outside Great Witcombe. During this period we, together with friends and family regularly walked along the disputed route to the reservoirs and continued on a footpath loop for which access has also been stopped.

From 1997 to 2003 we lived at The Coach House in the centre of Great Witcombe, walking along the disputed route on a regular basis and on occasions members of the Hicks Beach family passed in their vehicles.

On a sunny weekend there might be many tens of visitors walked along the road and in a loop along footpaths also now signposted "private land – no access!"

It was at a particular point in time during 2002 to 2003 that the land owners spend weekends 'in wait' to strongly inform walkers to vacate their land.

I strongly support the application for the route in question to be designated a public right of way.

Signature  Signature witness by... 

Witness Statement

Statement of DAVID COOPER

This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief.

Dated the

29/9/06

Signature

It is clearly very difficult to prove my usage of the path. All I can do is reiterate that I have consistently walked the route for well over 40 years.

In the early years it was when Mr Paget occupied the farm, and it really was a working farm in those days, definitely Wellington Boots required! Following Mr Paget I regularly saw Mr Mark Hicks Beach, often in his vehicle and always exchanged pleasantries with him, the only occasions he ever got annoyed was if anyone stood on the daffodils which lined the entire route during the spring.

When our dog was alive my wife and I, and on occasions we could persuade our children, used the path at least twice per week and the dog lived for 18 years. In the field on the left hand side as you approach the farm, close to the equestrian building, there were some very unusual birds/poultry. To this day I am not sure exactly what they were, but they were

Signature

Signature witnessed by

Witness Statement

Statement of DAVID COOPER

This statement (consisting of ...3... pages each signed by me) is true to the best of my knowledge and belief.

Dated the 29/9/06

Signature

around for many years. We were always greeted at the farm by a 'snappy' terrier, presumably belonging to the Hicks Beach family who would follow very close to your ankles! Furthermore, we would constantly stop and talk to Mr Tony Dielt, and occasionally Mrs Dielt, who was often working on his garden and would always be greeted by his rather large dog. Our sons were of similar ages and we often shared school and sporting anecdotes.

From the early 1990's I also used the path along with several other people most Sundays as an access route to Witcombe Woods and the Cotswold Way for our regular runs.

I am somewhat surprised that Mrs Hicks Beach has never seen me use the path, I can recall at least two occasions when I have met her close to the farm, although I cannot recall ever meeting Mr Freddie Hicks Beach. However, I am aware how rare it is to be seen or see other people. This year alone I have run through the 'reservoir' public paths at least once per week and

Signature

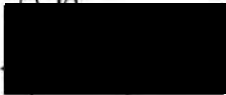
Signature witnessed by

Witness Statement

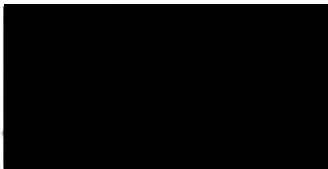
Statement of DAVID COOPER

This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief.

Dated the 29/9/06

Signature 

I have not seen Mrs Hicks Beach, Mr Freddie Hicks Beach or any member of staff on any occasion. Looking back, I do not feel there was any problem using the path until after the death of Mr Mark Hicks Beach, indeed, I did not even realise it was not a public path until recent years. I have no desire to create ill feeling and I realise the concerns of the Hicks Beach family but I have used this path regularly throughout my life and would like to continue to do so.

Signature 

Signature witnessed by ... 

Witness Statement

Statement of Mrs. Lynne Sheron Cooper

This statement (consisting of ... 1 pages each signed by me) is true to the best of my knowledge and belief

Dated the 23-9-06

Signature

I have walked the path in question for at least 33 yrs, Jim & Kath Paget were the previous ^{occupants} ~~owners~~ of the farm. I continued to do so when Mark Hicks Beach took ownership & regularly exchanged pleasantries, he never gave me permission, I always assumed it was a right-of-way. In the early 1990s we moved to Witcombe & regularly walked & ran the path often with a group of friends who can verify this. At that stage we did own an elderly very soft natured collie cross who always accompanied us on walks & runs & it was one one occasion that Celia Hicks Beach was walking close to the reservoir house with at least three pass four dogs all loose & the border which was muzzled "tamed" into my dog - this is when I was ordered to have my dog on a lead.

Tony & Carol Rieth we often spoke to on our return journey & I can remember Alexander (their son) needing information for a school project relating to Mother runner dietary needs, which we were more than happy to help him with.

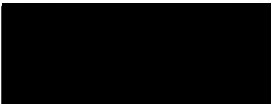
As a final statement I would like to say how sad it is that so many people, many villagers have been deprived to enjoy the joys & beauty of the reservoirs - life really is too short!

Signature ...

Signature witnessed by ...

7th October 2006

D & R HEPBURN
Marlborough House
Birdlip Hill
Witcombe
Glos. GL3 4SN



Gloucestershire County Council

To whom it may concern

Re: Application for a public Right of Way to the Reservoirs at Great Witcombe

We write in response to the statements given by the Hicks Beach's following the submission of our Public Path Evidence Form's in June 2005.

We would like to clarify the following:-

The statement that the late Mr Hicks Beach gave Ruth Hepburn permission to use the path to bring her children to the reservoir, is somewhat misleading.

The late Mr Hicks Beach only ever spoke to Ruth Hepburn once at a meeting with a group of other people at his house, he never spoke privately to Ruth again. Our first child was not born until late 1994, and the second in 1997, by which time he had already past away so he did not know her when she had children.

As documented in the Public Path Evidence Form's we ceased to use the route in 2001 when the signs first went up. This does now constitute many years, in which Ruth was unable to use the route.

With regard to the statement that nobody has seen Mr Hepburn use the path, this is untrue but possibly understandable. The family, neighbours and employee's all rely on the estate for employment, although the Landowner's son 'Freddie' certainly has seen Duncan and others use the route, as I do recall moving out of the way for his car to come down the road on one occasion.

We still live within Witcombe and now own a property, which has a footpath running the length of our fields. The path can be seen from our garden and from one window in the house. I know that many locals us the path on a regular basis but we would struggle to tell you which one's we have seen if any.

The Hicks Beach's house and garden only overlook the last 20 yards or so of the route in question before it turns back into a right of way again. Therefore there would only be a few moments for anybody to be seen from the house or garden using the route.

....over

Members of Gloucester Landlords Association
who are affiliated to the National Federation of Residential Landlords

2/.

In the many times using the route it was very uncommon to see anybody, and the only people you would have been likely to see were those using the stables and horse facilities.

Unfortunately they had to leave a few years ago when their rent was significantly increased, and I would not now know how to contact them.

As documentary evidence of our use of the route in question, the enclosed pictures show Duncan & Ruth and a number of different friends with small children, prams and pushchairs using the route to the reservoirs, and on the reservoirs. These pictures were taken in 1997 & 1998.

If further statements are required from these people they can be provided if require.

Yours faithfully

A large black rectangular redaction box covering the signature area.

Duncan & Ruth Hepburn

Witness Statement

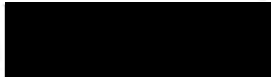
Statement of Mrs Penelope of Cambilen

1/4

This statement (consisting of 4 pages each signed by me) is true to the best of my knowledge and belief.

Dated the 20.09.2006

Signature



The landowner's lawyers point out that I am related to the claimant, who is my brother. I would like to point out that this does not make me less of an individual or make what I state any less true. Perhaps they are hoping it somehow diminishes the overall number of people stating that they have walked this path!

I have not only walked alone, or in company, with children, dogs and others on a habitual basis, but have also ridden for many years through the route in question. In fact, I have probably passed that way more than most people because I had horses to exercise

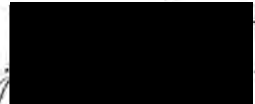
I could go into great detail, from 1975 onwards, about my trips over the route and the various developments that have taken place around the farms during this period to evidence them. But perhaps most pertinent is that I have met, spoken to and been acknowledged, on foot and on horseback by Mrs Celia Hicks Beach and Mr F. Hicks Beach. Although, it must be pointed out that Mr. F. Hicks Beach would only have been old enough to take any active role in very recent years. Mr. Mark Hicks Beach saw me frequently and was always pleasant. Indeed, until his death he was very much the one in charge around the yard and he was often out and around. However, he never took issue with either myself or anyone else I saw passing through. This was probably because he had a long history in the area and knew that it was the natural route for those going to the reservoirs and beyond.

(continued)

Signature



Signature witnessed by



Witness Statement

Statement of Mrs Penelope of Cambles

2/4

This statement (consisting of 4 pages each signed by me) is true to the best of my knowledge and belief.

Dated the 20.09.2006

Signature

The tenant farmers, Mr and Mrs Pagett, were frequently around when I rode and walked through in the earlier years. As I have previously explained, even though another rider complaining about the behaviour of one of their dogs caused them to have it put down, which upset them greatly, they never tried to prevent people passing through.

I have chatted to the various people who have helped to run the fishery and the stables, with no suggestion from anyone that I should not be there. There has been a fair turnover of people working for the landowner and anyone very recent certainly would not have seen me, as I have not used the route since this issue arose.

Mrs Celia Hicks Beach, in particular, but also Mr. F. Hicks Beach have been out around the yard, usually accompanied by an assortment of dogs, or in vehicles as I have passed through. Neither of them has ever challenged me on this route when they have clearly seen me, spoken briefly to me, or slowed down as they have driven past. The defence amounts to claiming ignorance of ever having seen me to be able to deny me permission. I can not state too strongly that this is not the case.

The Dielt family claim that they have never seen me pass by this route. This is wholly untrue! They are in the habit of cultivating their garden and are, therefore, frequently in

Signature

Signature witnessed by

Witness Statement

Statement of Mrs Penelope of Carsiler

3/4

This statement (consisting of 4 pages each signed by me) is true to the best of my knowledge and belief.

Dated the 20.09.2006

Signature

the garden. They have, almost without exception, spoken to me as I have passed by, clearly on the road in question; it passes right in front of their house. What is more, their large Schnauzer dog, Commit, would often be told by them to stop barking at me and my dogs. I have even walked over the route, either in front of them or behind them, keeping our distance because of our respective dogs.

Arnold Price knows very well that I have walked and ridden along the route, as he has lived in his house much longer than his other neighbours have lived in theirs. Years ago his lassie collie used to come out when we went past. Even to this day he always waves hello. Countless times he has driven along in a tractor down ^{the lane} as I, or we, stood aside. I have been in the farmyard on a number of occasions when he has been discussing something or organizing work with Mr. Mark Hucks Beach. His position as an employee must make things difficult!

It is claimed that unknown horse riders have never been allowed this way and that I am one of them. This is derisible! This route was always the accepted and most heavily used route by all of the riders wishing to access Witcombe Woods from below. Whether they came from Bentham, Shurdington, the Witcombes or elsewhere, this was 'the' route. It was

Signature ..

Signature witnessed by

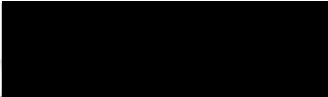
Witness Statement

Statement of Mrs Penelope of Cambles

4/4

This statement (consisting of 4 pages each signed by me) is true to the best of my knowledge and belief.

Dated the 20.09.2006

Signature 

known by all of the riders and nobody, either by word or gesture, suggested we should not ride through. The only other route up to the woods is 'Punishment Hill', as the riders call it, which was usually avoided hitherto, except for descending. I should think it highly unlikely that the majority of riders going through would have been known to the landowner, or previously the tenant farmers. But, never-the-less, access was never an issue until very recently!

Signature



Signature witnessed by



Witness Statement

Statement of

Louise Mary Taylor

This statement (consisting of ... pages each signed by me) is true to the best of my knowledge and belief.

Dated the 24.9.06

Signature

In response to the statement by Celia Hicksbeach which makes the claim that I was asked on many occasions by her husband to stop using the footpath to Wilcombe reservoirs, I can only repeat my earlier statement that on no occasion was I ever asked to stop walking that way. I have never personally met or spoken to Celia Hicksbeach or her late husband and am somewhat surprised, as a consequence, to read that she remembers me so well.

Signature

Signature witnessed by

Witness Statement

Statement of Olivia Laker Dell

This statement (consisting of ... pages each signed by me) is true to the best of my knowledge and belief.

Dated the 11. September 2006

Signature [Redacted]

Over the many years since I have lived here ^{since 1984}, I have consistently used the footpath through the farm yard to complete a circular walk up into the woods and down the road from the Roman Villa, cutting across through the reservoirs, through the farm yard, past the beautiful perry orchard and up the road to the church. Often I would walk very early in the morning, sometimes I have seen Celia Hicks Beach walking her dogs about 7.15 a.m. and often Mark Hicks Beach who was always civil and said 'good morning'. On a few occasions he would ask me if I had seen Celia's dog's who had run off and I was able to tell him where they were. He never told me not to walk through the yard, or anywhere else on his land, even though I had opposed his efforts to change the valley into a golf course.

Signature [Redacted]

Signature witnessed by [Redacted]

Witness Statement

Statement of JOHN GREGORY MILES.

This statement (consisting of .1... pages each signed by me) is true to the best of my knowledge and belief.

Dated the 18th SEPT 2006

Signature [Redacted]

I HAVE WALKED THE PATH ON MANY OCCASIONS IN RECENT YEARS TO VIEW THE BIRDS ON THE RESERVOIR. ON MANY VISITS I HAD A CONVERSATION WITH MRS HICKS-BEACH ABOUT VARIOUS ASPECTS OF WILLOWBE LIFE PAST & PRESENT. I DO NOT BELIEVE THAT MRS HICKS-BEACH KNEW MY NAME AS I NOW LIVE IN BRACKENWELL.

THE ONLY OCCASION I CAN PUT A DEFINITE DATE TO IS 27.04.2003 (FROM MY BIRD RECORDS) WHEN I TOLD MRS HICKS BEACH I HAD SEEN A RARE BLACK TERN AT THE RESERVOIR ON THAT DAY. SHE ASKED ME NOT TO SPREAD THE NEWS AS SHE DID NOT WANT THE CROWDS TO TURN UP TO SEE IT AS HAD HAPPENED WHEN THERE WAS A OSPREY THERE.

Signature ... [Redacted]

Signature witnessed by [Redacted]

Witness Statement

Statement of Mrs. Patricia Curtis

This statement (consisting of ... pages each signed by me) is true to the best of my knowledge and belief.

Dated the 9.9.06.

Signature [Redacted]

Re. Path/Kare South of Hillview Cottages to Reservoir (Bridge Entrance) Gt. Witcombe.

I used the above route as a footpath from the mid 1950's until 2002 when a 'NO PUBLIC RIGHT OF WAY' sign was erected. I have not attempted to use the Path since then as I was told by other users that anyone using the Path would be challenged and asked to leave.

In addition to using the Path for walks I also rode the route as a Bridleway for more than 20 years.

Please note that I continued to use the Path as a footpath both prior to and after my daughters pony was stabled at Witcombe Farm in 1998/9. I sometimes used AWG/4 in conjunction with the Path to make a circular route/walk.

This statement reiterates my Public Path Evidence Form - completed in June 2005.

Signature [Redacted]

Signature witnessed by [Redacted]

Witness Statement

Statement of Rev John Thornton - Rector of Great Witlecombe 1962-1991

This statement (consisting of pages each signed by me) is true to the best of my knowledge and belief.

Dated the September 12, 2006 (supplement to evidence dated 03 06 05)

Signature

As a response to my statement about personal use of footpaths (dated 03 06 05) in the vicinity of the Witlecombe Estate the Hicks Beach family state "that the Rev. John Thornton has not been seen using the paths by the landowner or Asr family, neighbours & other users of the yard"

It does not surprise me. During the years 1962-1991 when I constantly used all the footpaths on the estate in the course of pastoral visits to the residents - I do not recall meeting members of the Hicks Beach family at all. So I did not see any of them!

As to the footpath on the causeway across the Witlecombe Reservoir - this was (+ is) a bridle way. I regularly met local people riding their ponies and horses over the causeway on the bridle way which is also a public footpath - Deborah & Annabel Pope, Sally Hope, Bridget Furness & others

As to the neighbours of Witlecombe Farm - Percy Cullis who lived in the Reservoir died before I left Witlecombe, Frank Barnfield, Arthur & Mrs Long, Mrs & Mrs Cross have all died & Ben & Mrs Stiggins formerly of Lupton Cottage has also long since left Witlecombe.

So the new residents in the neighbouring dwelling can hardly know me, let alone recognise me.

Signature

Signature witnessed by