

PUBLIC PATH EVIDENCE FORM

You should be aware that your reply may be used in the production of an Agenda item to go to the appropriate County Council Panel and as such would be designated a "background paper" and kept available for public inspection for a period of four years. Information contained in the form may also be sent to any landowner or occupier affected by the application.

Name: ANTHONY PITHER
Address: PENDALE FARM DROYS COURT BROCKWORTH GLOUCESTER
Telephone Number: [REDACTED] (01362)
Date of Birth: [REDACTED] 34 Occupation: [REDACTED]

1. Description of Path:

From: SOUTH of BERRIES Cottage To: WITCOMBE RESERVOIRS AS MARKED IN 'RED' ON MAP
Believed Status of Path (eg footpath): FOOT PATH

2. Usage:

Have you used the above path? YES
If so, (a) During which years? 1960 - 2002
(b) Where were you going to and from? BIRDIP ROAD (ERMIN WAY) TO RESERVOIRS AT WITCOMBE
(c) For what purpose? LEISURE - BIRD WATCHING
(d) How many times a year? MONTHLY
(e) By what means (eg on foot, on horseback)? FOOT
(f) What is the (approximate) width of the path you have used? COUNTRY LANE WAY

3. Route:

Has the way always run over the same route? If not give details and dates of any changes
YES

4. Stiles:

Have there to your knowledge ever been any Stiles on the path? No
If so, give details including location

5. Gates:

Have there to your knowledge ever been any gates on the path? No
If so, give details including location

6. Notices:

Have there to your knowledge ever been notices on the path? YES
If so, where were they and what did they say? PRIVATE ROAD No PUBLIC RIGHT OF WAY

7. **Obstructions:**  
Have you ever known any obstructions on the path?..... No  
If so, please give details including location.....

8. **Verbal Notice:**  
(a) Were you ever told by an owner or tenant of the land crossed by the path or anyone in their employment that the path was not public?..... YES..... If so, give details:

I WAS TOLD BY Mrs HICKS-BIRCHAM WHEN WALKING  
FOOTPATH WHICH PASSES HER GARDEN TOWARDS  
WITLUMBE CHURCH ABOUT 3 YEARS AGO

(b) Have you ever been stopped or turned back when using the way?..... No  
If so, state when and give details:.....

(c) Were you working for any owner or occupier of land crossed by the path at the time you used it or were you a tenant of any such owner?..... NO

If so, did you ever receive instructions from him regarding the use of the way by the public?  
.....

If so, what were they? .....

(d) Have you ever been given permission to use the path?..... No

9. **Other Information:**  
Please give any other information that you think is relevant IN THE PAST IT SEEMED

TO BE A VERY BUSY FOOTPATH USED BY LOCAL  
PEOPLE FROM THE VILLAGE AND CAN SEE NO REASON  
WHY IT SHOULD BE CLOSED

(continue on a separate sheet if necessary)

10. **Declaration:**  
I hereby declare that to the best of my knowledge and belief my answers to the above questions are true.

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

\*Please delete 

Signature:..... Date: 5/06/05

Witness to Signature:..... 

# GLOUCESTERSHIRE COUNTY COUNCIL

## PUBLIC PATH EVIDENCE FORM

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Name: Rosemary Jean B. Hellerman  
Address: The Haven, Coopers Garden, Coopers Hill, Bracknock, Glos  
Telephone Number: [REDACTED] GL3 45B  
Date of Birth: [REDACTED] 1925 Occupation: [REDACTED]

### 1. Description of Path:

From: Public footpath across Wilcombe Reservoir To: Lane leading from Wilcombe Church in a westerly direction  
Believed Status of Path (eg footpath): It has always been a public right of way footpath and I have used it for the past 70 years.

### 2. Usage:

Have you used the above path? Yes - many times  
If so, (a) During which years? 1930s - 2003  
(b) Where were you going to and from? Down fields from my home on Coopers Hill on rights of way Farm (Pagets), the old rectory and to enjoy the fresh air & the walk  
(c) For what purpose? leisure and visiting old friends.  
(d) How many times a year? In summer several times a week. I used to cycle with two Cullis girls from Guide meetings to their home on it  
(e) By what means (eg on foot, on horseback)? foot, bicycle, Reservoir  
(f) What is the (approximate) width of the path you have used? Wide enough for farm trackers - latterly cars, landrovers & horse boxes

### 3. Route:

Has the way always run over the same route? If not give details and dates of any changes .....  
Yes

### 4. Stiles:

Have there to your knowledge ever been any Stiles on the path? None  
If so, give details including location.....

### 5. Gates:

Have there to your knowledge ever been any gates on the path? No  
If so, give details including location.....

### 6. Notices:

Have there to your knowledge ever been notices on the path? None until recently in 2000's  
If so, where were they and what did they say? Always a sign - please road used by Water Board staff to get to power station. We never went down there.

7. **Obstructions:**  
Have you ever known any obstructions on the path?..... None  
If so, please give details including location.....

8. **Verbal Notice:**  
(a) Were you ever told by an owner or tenant of the land crossed by the path or anyone in their employment that the path was not public?..... No..... If so, give details:

(b) Have you ever been stopped or turned back when using the way?  
If so, state when and give details:..... No

(c) Were you working for any owner or occupier of land crossed by the path at the time you used it or were you a tenant of any such owner?..... No  
If so, did you ever receive instructions from him regarding the use of the way by the public?  
..... No  
If so, what were they? ..... No

(d) Have you ever been given permission to use the path?..... Not required. We always used it as a right of way.

9. **Other Information:**  
Please give any other information that you think is relevant .....

To close this path has prevented local walkers using it. I used it fairly regularly leading walks for Girl Guides & the community. I was very surprised when (continue on a separate sheet if necessary) it was closed by the Hicks Beach! Now that I am older I do not walk as well or as far as I used to. so

10. **Declaration:** do not frequent this area.

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

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

\*Please delete

Signature:..... [Redacted] Date: 18.6.05

Witness to Signature:..... [Redacted]



gateway to reservoir on alternative footpath EBW/15



Style with single-plank bridge beyond it on alternative path EBW/15



Electric fence across alternative path Aug 99





gateway to reservoir on alternative foot path EBW/15



Style with single-plank bridge beyond it on alternative path EBW/15



Electric fence across alternative path Aug 9



Part of applied for footprint showing easy access.



Style on footprint Area



Flooded footprint AUG 4





Single-plank bridge on EBR/15

Horses on alternative path AUG 4



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

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



55

GLOUCESTERSHIRE  
COUNTY COUNCIL  
23 MAY 2007  
THE ENVIRONMENT  
DEPARTMENT

17.9

**defra**  
Department for Environment  
Food and Rural Affairs

Environment Directorate  
Gloucestershire County Council  
Shire Hall  
Gloucester  
GL1 2TH

**National Rights of Way Casework Team**  
Citygate  
Gallowgate  
Newcastle upon Tyne  
NE1 4WH

Switchboard: 0191 201 3300  
Fax: 0191 202 3744  
Direct line - Kathleen Drinkeld: 0191 202 3672  
Direct line - Laurence Wilson: 0191 202 3647

Your ref: 573/11/101(1)  
Our ref: NATROW/T1600/529A/07/32  
Date: 18 May 2007

Email: [national.rightsofway.casework@gone.gsi.gov.uk](mailto:national.rightsofway.casework@gone.gsi.gov.uk)

Dear Sir or Madam

**WILDLIFE AND COUNTRYSIDE ACT 1981  
APPEAL UNDER PARAGRAPH 4(1) OF SCHEDULE 14  
GLOUCESTERSHIRE COUNTY COUNCIL'S REFUSAL TO MODIFY THE  
DEFINITIVE MAP TO ADD A FOOTPATH AT WITCOMBE FARM, GREAT  
WITCOMBE, GLOUCESTERSHIRE**

I refer to the appeal by Dr N J Gilbert against your authority's decision of 20 March 2007 not to make an order under section 53(2) of the above Act to modify the definitive map and statement.

A copy of the appellant's grounds of appeal is attached and I would be grateful for a statement setting out the authority's reasons for refusing the application, together with any supporting documents and a copy of the definitive map for the area. It would be helpful if you could confirm that the enclosed information submitted by the appellant correctly describes and shows the route as considered by the authority.

I should be grateful if you would also inform all others with an interest that an appeal has been made, and invite them to submit evidence on it. If they wish to submit evidence they should do so within 21 days of receipt of your letter. You should forward any such material to me with your authority's material. Any evidence will be copied to the appellant and taken into account by the Secretary of State in reaching his decision. Any comments which the appellant makes on your statement will be forwarded to you for your comments.

I should also be grateful if you would make the appellant's grounds of appeal and accompanying documents, and any other evidence, including your authority's statement, available for public inspection at your authority's offices. Please confirm that you are willing to do this in your reply.

Your statement and supporting documents and any evidence from interested parties should be submitted to me in **duplicate** within 8 weeks of the date of this letter.



1597

If necessary an officer of the Department will make a site inspection.

I would be grateful if you could confirm the safe receipt of the enclosed documents.

Yours sincerely



**LAURENCE WILSON**

**The Ramblers' Association**  
Working for walkers



25 JUN 2007

10

Gloucestershire Area  
**17.10**  
Mid Gloucestershire Group  
Footpath Secretary

Mrs J. M. Byrne



Up Hatherley  
Cheltenham

Glos (redacted)

email : (redacted)

21st June 2007

DEFRA  
National Rights of Way Casework Team  
Government Office for the North East  
Citygate  
Gallowgate  
Newcastle upon Tyne  
NE1 4WH

Your ref : NATROW/T1600/529A/077/32

For the attention of Laurence Wilson

Dear Sir,

**Appeal against Refusal to Grant a Modification Order for an Additional Public Footpath through Witcombe Farm, Gloucestershire.**

On behalf of the local Rambler's Association Group, I should like some additional emails and letters to be considered in this case. The letters are from two of our walks leaders and the emails are from local bird watchers some of whom are also Ramblers. I have not walked the lane in question but have used the paths through the fields to reach the reservoirs and can agree that they are very rough and the horses can be intimidating. The lane would allow disabled people and those less mobile to watch the birds on the reservoirs more closely and enjoy this countryside.

If this case comes to a Hearing or Public Inquiry, I am sure that with more time I could find more people to give evidence as to use of this lane for more than 20 years before the path was closed.

Yours sincerely,



Mrs J. M. Byrne,  
Mid Glos Group Footpath Secretary

Pittville  
Cheltenham

18/6/07

Dear Till,

As a member of the Ramblers Association I have walked from Whitcombe Farm Lane through Whitcombe Farm to the Reservoir before the gate stopped access. This was particularly useful during the winter months when the footpaths adjacent to the Reservoir are often very wet and muddy. I sincerely hope we can be granted the right of public access to this route which has been available in the past.

Yours faithfully,

[REDACTED]  
CHELTENHAM  
[REDACTED]

18.6.2007

TEL [REDACTED]  
TO WHOM IT MAY CONCERN

I confirm that from time to time over a period of many years rambling I have walked along the farm track at WITCOMBE FARM (OS EXP 179 - 905150 to 905154) between WITCOMBE RESERVOIRS and the lane from the Birdlip Road to Great Witcombe.

I was challenged by the farmer only on the last occasion in August/September 2004 whilst checking out my planned route for a walk I was leading for Cotswold Rambling Club on 23-Sep 2004.

I have not had occasion to walk it since as I chose an alternative route in order to avoid any possible unpleasantness when leading the party -

I had no reason to suppose this track was not a public route until then.

[REDACTED]

DIANA LEE

## Main Identity

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**From:** "Steve Owen" <[REDACTED]>  
**To:** "Jill Byrne" <[REDACTED]>  
**Sent:** 19 June 2007 23:01  
**Subject:** Re: Witcombe

Peter Dymott asked me to email you about access to Witcombe Res. Certainly when I first started birding in the area in the mid 1980's access was not a problem. I often walked down the main track past the farm to the causeway and assumed it was a right of way. Everyone seemed very happy about access. I admit in the last few years I have not visited the area so much being put off by the signs and general air of hostility.

Best wishes

Steve Owen ( Former Chairman North Cotswold Ornithological Society )

Steve Owen  
[REDACTED]

Winchcombe,  
Glos [REDACTED]

----- Original Message -----

**From:** [Jill Byrne](#)  
**To:** [Steve Owen](#)  
**Sent:** Tuesday, June 19, 2007 12:14 AM  
**Subject:** Re: Witcombe

Dear Steve

Thanks for the email and helpfull evidence. Could you please repeat it without any Dear Jill and include at the end your name and address. With your permission I will send the email off with the others as evidence of public enjoyment of the path for over 20 years. The Chairman of Great Witcombe is applying to have the path added to the Definitive Map, I really hope he gets it.

Regards

----- Original Message -----

**From:** [Steve Owen](#)  
**To:** [REDACTED]  
**Sent:** Monday, June 18, 2007 2:47 PM  
**Subject:** Witcombe

Dear Jill

Peter Dymott asked me to email you about access to Witcombe Res. Certainly when I first started birding in the area in the mid 1980's access was not a problem. I often walked down the main track past the farm to the causeway and assumed it was a right of way. Everyone seemed very happy about access. I admit in the last few years I have not visited the area so much being put off by the signs and general air of hostility.

Best wishes

Steve Owen ( Former Chairman North Cotswold Ornithological Society )

## Main Identity

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**From:** "Peter Dymott" <[REDACTED]>  
**To:** "Jill Byrne" <[REDACTED]>  
**Sent:** 18 June 2007 12:31  
**Subject:** Right of Way at Witcombe

### Witcombe Reservoir Right of Way

I visited Witcombe reservoir regularly from 1956 on, often in the company of T O James. We always went there along the short lane past the orchard to Witcombe Farm. We often parked either in the farmyard or on the beginning of the causeway. In the Annual Report of the Cheltenham and District Naturalists' Society I see that he saw Common Terns there on 8 August 1956. In later reports I see that a Ruff was seen there on 7 September 1958, a Black Tern on 24 August 1959, a Wood Sandpiper on 5 August 1960 (M Smart) and an Arctic Tern on 27 April 1960. I continued to visit the reservoir first by bicycle and later by car without hindrance until 1970 when I married, had children and so did little birding

I resumed birding in 1984 and at some time when visiting the Reservoir was asked to park in the anglers' car park on the right hand side of the lane about 70 metres short of the farm. Some time later I was asked to park elsewhere so I parked on the verge of the road leading to Great Witcombe by the orchard belonging to the Witcombe Farm and walked along the disputed lane to the farm.

In the mid 1980s the North Cotswolds Ornithological Society initiated Quarterly Walks scheme for monitoring bird numbers. My route was along the disputed lane, across the causeway, up into past the Roman Villa to Witcombe Wood and back down into Great Witcombe. I executed this route regularly and for several years and was never challenged.

I see from the North Cotswolds Ornithological Society Newsletter for October 1999 that the NCOS had a field meeting at the reservoir. We parked "on the verge of the lane leading to Great Witcombe at SO 908153, about 50 metres south east of the turning to Witcombe Farm at 9.30" on 27 October. Parking there it is apparent that we expected to walk directly to Witcombe Farm and we probably did so.

The alternative footpath to the causeway from Great Witcombe is a miserable path on Lias clay and during the winter particularly unpleasant. This is aggravated by the poor drainage in the field adjacent to the causeway which is often a quagmire. One gets the impression that the landowner would prefer one not to use the path at all. This contrasts with the previous occupiers of the farm who would chat with one.

Peter Dymott.

at [REDACTED] Swindon Lane, Swindon Village, Cheltenham

**Main Identity**

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**From:** "H Beale" [REDACTED]  
**To:** "Byrne Jill" [REDACTED]  
**Sent:** 15 June 2007 12:26  
**Subject:** Witcombe right of way

From the time I first came to Cheltenham in 1969 my wife and I very frequently took our two infants to the reservoir at Witcombe. We used to park on the verge and walk through the farmyard. We would take my parents when they visited us from Somerset and also Mrs. Claydon, the widow of my old Headmaster. We would then walk between the reservoirs and up the hill. My parents are dead now and Mrs. Claydon is 95 and has lost her memory but I can assure you that we did this very often. I would also take a group of around fifteen pupils of Cheltenham G.S. (now Pate's G.S.) of which I was Deputy Head on birding visits in the school minibus on an occasional Wednesday afternoon. The North Gloucestershire Naturalists Society also used to have field meetings there. About fifteen members would be a regular number as I recall. I think one or two people were allowed to drive through the farmyard if they were disabled. Dennis Mardle, (dead now,) was one member I recall in this situation. I remember particularly one meeting where we saw a yellow wagtail and heard a wood warbler, the only time I can remember hearing one in the Cotswolds. I'm afraid I cannot remember when this had to stop because of a notice saying there was no right of way. The archives of the GNS will have records of field meetings. I think I stopped taking pupils there from the school around 1978, but that was because my other commitments prevented my doing so. I now use the footpath from the church. This is of course impossible for the disabled. I hope this is helpful and will try to contact the GNS for you. Bob Beale

ADDRESS

[REDACTED]

CHEL TENHAM

[REDACTED]