SUMMARY
PROOF OF EVIDENCE OF:

Jaci Harris
Highway Records Officer (DMMO)
Gloucestershire County Council

TITLE OF ORDER:

Wildlife and Countryside Act 1981
The Definitive Map and Statement of Public Rights of Way for Gloucestershire
Additional Public Footpaths Across Land Known as Verney Fields & Surrounding Area
Stonehouse Parish
Modification Order 2025

PLANNING INSPECTORATE REFERENCE:

ROW3377321

1.1 My name is Jaci Harris. I am a Highway Records Officer for Gloucestershire County Council ("GCC") and have been responsible for investigating and processing Definitive Map Modification Order ("DMMO") applications since 2015.

1.2 This Summary Proof of Evidence supports GCC's request that the Inspector, acting on behalf of the Secretary of State, confirms the *Wildlife and Countryside Act 1981, The Definitive Map and Statement of Public Rights of Way for Gloucestershire, Additional Public Footpaths across land known as Verney Fields and surrounding area, Stonehouse Parish, Modification Order 2025* ("the Order").

2. Background

2.1 On 4 July 2023, Stonehouse Town Council submitted five applications under section 53(2)(b) of the Wildlife and Countryside Act 1981, relying upon the event contained in section 53(3)(c)(i), namely the discovery of evidence showing that a right of way not recorded on the Definitive Map and Statement subsists or is reasonably alleged to subsist.

2.2 The applications sought the addition of public footpaths across land known locally as Verney Fields and surrounding land. For the purposes of GCC's investigation, the claimed routes were divided into twelve sections: A–B, B–D, O–Q–T, N–K, J–O, M–O, L–O, P–Q, U–H, G–I, E–F–K–O and B–C.

3. Investigation and Making of the Order

3.1 GCC commenced its investigation on 17 July 2024. Consultation was undertaken with landowners, neighbouring landowners, user groups, statutory consultees and other interested parties. Four Landowner Evidence Forms were received, together with consultation responses and a last-minute letter of objection submitted on behalf of a landowner dated 9 December 2024.

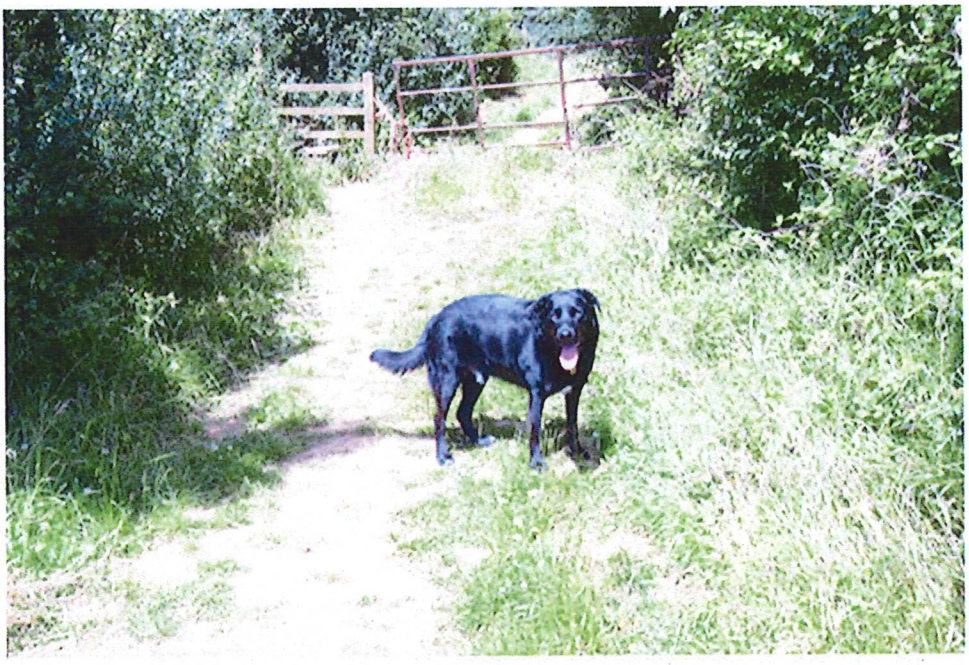
3.2 Having considered the evidence, relevant legislation and case law, the Commons and Rights of Way Committee resolved on 10 December 2024 that the statutory event under section 53(3)(c)(i) had occurred and that a modification order should be made. The Order was sealed on 14 January 2025 and advertised on 22 January 2025. Fourteen representations were received, including five objections. As the objections were not withdrawn, the Order was referred to the Secretary of State for determination.

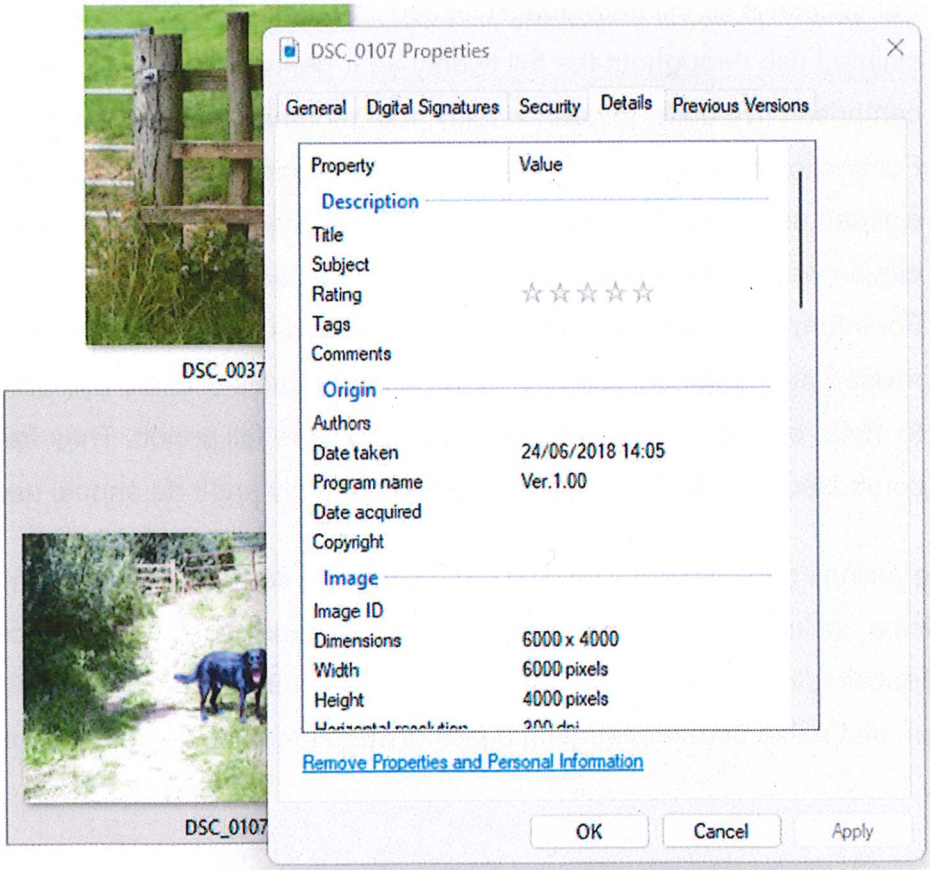
3.3 The full evidence and my analysis are set out in **GCC's Statement of Case, submission document 03.1.** I continue to rely upon the analysis and conclusions contained in that document, subject to the revised statutory twenty-year period affecting sections A–B and B–C following further clarification from Mr and Mrs Godsell. This Proof therefore concentrates upon the matters remaining in dispute and avoids unnecessary repetition.

4. The Godsell Evidence and Point B

4.1 The evidence concerning the gate and stile at Point B has changed over time. The original Landowner Statement stated that a stile had remained beside the gate until 2020. An amendment referred to its removal during Western Power works in early 2019. A subsequent Clarification Note dated 3 July 2026 stated that the stile and old gate were removed before Western Power works started in July 2018, that a welded gate was installed in 2020 and that a high-tensile fence was erected shortly afterwards.

4.2 A photograph supplied by Mr Lawrence, together with its electronic property information, shows that the stile in position (point B) on 24 June 2018.





4.3 The original assessment treated the section 31(6) deposit lodged on 20 August 2019 as the event bringing the public's right into question. At that time, the Foot and Mouth restrictions imposed in 2001 were considered to have interrupted the continuity of public use, and dedication at common law was therefore considered over the 18-year period 2001 to 2019.

4.4 Following the High Court decision in *R (Roxlena Ltd) v Cumbria County Council* [2025], the temporary Foot and Mouth restrictions no longer constitute an interruption to the statutory period. GCC initially revised its assessment to consider presumed dedication over the period 1999 to 2019. However, if the stile was removed in 2018, that removal is capable of constituting the earlier event bringing the public's right into question. I therefore invite the Inspector to consider the twenty-year period immediately preceding that removal, namely 1998 to 2018.

5. User Evidence

5.1 The evidence demonstrates substantial public use during the revised period:

- For section A–B, 55 individuals claimed use dating back to 1958, of whom 23 claimed use throughout the full twenty-year period. Their stated frequencies comprised five daily, thirteen weekly, four monthly and one annual user.
- For section B–C, 41 individuals claimed use dating back to 1958, of whom 19 claimed use throughout the full period. Their frequencies comprised four daily, eleven weekly, three monthly and one annual user.
- For information, although not within Mr and Mrs Godsell's ownership over this revised period, for section E–F–K–O, 40 individuals claimed use dating back to 1948, of whom 16 claimed use throughout the full period. Their frequencies comprised four daily, seven weekly, four monthly and one annual user.

5.2 The actions relied upon by Mr and Mrs Godsell to demonstrate a lack of intention to dedicate, including the welded gate, replacement fencing, signage and section 31(6) deposit, all post-date the expiry of the revised 1998 to 2018 period. They are therefore incapable of demonstrating a lack of intention to dedicate during that period.

5.3 The suggestion that users were challenged and directed back to the recorded public rights of way is inconsistent with the user evidence. Of the 96 individuals claiming use of sections A–B and B–C, 95 stated that they had never been stopped or turned back. The remaining witness referred only to the Foot and Mouth restrictions, which, following *Roxlena*, do not constitute an interruption of use.

5.4 Sections A-B and B-C form part of the twelve Order routes which cross and interconnect over the same area and possess substantially similar characteristics. Witnesses described using the routes between 1948 and 2023 for recreation, dog walking and general exercise. None asserted use as an owner, tenant or employee of a landowner. Their use is therefore relied upon as use by members of the public, rather than use pursuant to a private right or permission.

5.5 Accordingly, the revised evidence concerning the removal of the stile at point B does not undermine the Order. If accepted, it provides an alternative basis for presumed dedication under section 31 of the Highways Act 1980 over the period 1998 to 2018. The extensive user evidence supports my conclusion that use of sections A–B and B–C was as of right and without interruption throughout that period.

6. Remaining Objections

6.1 No further Statements of Case or Proofs of Evidence have been received from the remaining objectors. I therefore continue to rely upon my detailed responses in **GCC submission document 03.1.**

6.2 My position regarding alleged use by force remains unchanged. In relation to Point B, the claimed cutting of stock fencing falls outside the revised statutory period of 1998 to 2018 and cannot support an objection that use during that period was by force.

6.3 Although the concurrent Town and Village Green application concerns sports and pastimes and may include recreational wandering, 242 individuals identified linear routes across the five applications. GCC also relies upon aerial photographs from 1999 to 2023 and photographs taken on 1 March and 3 May 2023 as supporting evidence of those linear routes.

6.4 Right to deviate – MST30. It is acknowledged that further investigation has established that the stile lies on the boundary of Ms Maiik's land and that MST30, from this point, for a distance of approximately 13m, crosses land in her ownership. The previous statement concerning different ownership affecting section J-O is therefore withdrawn. This correction does not materially alter the assessment of the case however, as the user evidence does not support the claimed deviation from MST30.

6.5 I otherwise rely upon my existing responses concerning the alleged failure to assess conflicting evidence, the Asset of Community Value decision, satellite imagery and tractor marks, other references to deviation around obstructions, and the evidential basis for the recorded widths.

7. Conclusion

7.1 In conclusion, I consider that the extensive, credible and consistent evidence demonstrates regular public use of all twelve claimed routes, as of right and without interruption, over the relevant statutory periods of 2003 to 2023 for the land shaded green and yellow and 1998 to 2018 for the land shaded blue.

7.2 There is no evidence of overt action by the respective landowners during those periods sufficient to communicate to the public a lack of intention to dedicate. The documentary evidence is neutral but does not conflict with the evidence supporting dedication.

7.3 I therefore conclude that public footpaths A–B, B–D, O–Q–T, N–K, J–O, M–O, L–O, P–Q, U–H, G–I, E–F–K–O and B–C subsist as shown on the Order Plan. GCC respectfully invites the Secretary of State to confirm the Order as made.

Statement of Truth

I, Jaci Harris, confirm that the contents of this Proof of Evidence are true to the best of my knowledge and belief and represent my professional opinion.

Signature. [redacted] ..... **Date.** 19-10-2026