PROOF OF EVIDENCE JANE GODSELL

Uriah (Rye) Godsell and myself purchased two fields:

1. (outlined in green on the landowner form plan) on 18 April 2013, known from here as "Reservoir", which has claimed route B-C in it.

2. (outlined in pink on the landowner form plan) on 25 April 2019, referred to from here as "Sid's", which has a claimed route E-F in it.

Claimed Route B-C in Reservoir

1. Background

Field purchased 18/04/2013

Crops grown:	Maize in 2013, 2014 and 2025
	Grass for Silage and grazing 2015- 2024, 2026
Bird seed mix:	Part of field including B-C 2022-2026

[redacted] Martin had not encouraged walkers although he had installed a stile at point B as he got fed up with people cutting his fences to gain access where they wanted to walk. This is referenced in an open letter from Joyce Fletcher and emails to Jemma Brown at GCC from their grandchildren David Jones and Lorna Jones in support of the land being agricultural and describing the difficulties in getting walkers to stay on the footpaths **See Attachment 1**. When we purchased the field there was little activity around the point B where there was an old wooden gate and a stile. There is no evidence on Google Earth of its use as a route- See **Attachment 4 in Landowners Statement**. My husband removed the stile in 2018. Some people would walk across the Reservoir field, accessed from point B, but not necessarily walking from B to C, and if I saw them and was close enough I would challenge them, usually if working in that field, or a neighbouring field, or when walking my dog which I have been doing there since 2013.

When maize crops are tall (2013, 2014 and 2025) and when grass is long before it is cut for silage (approx. 3 times every year up to 2019 excluding 2013 and 2014) it is very difficult to walk through the crops. **See Attachment 4 in Landowners Statement**. Since March 2020 most of B-C is difficult to get through for the majority of the year as there is a tall, dense bird seed mix growing: **See Attachment 5 in Landowners Statement.**

At no point did we allow walkers to use the route B-C.

2. Actions Taken

2.1 Challenges to Walkers

If I saw people walking off the definitive paths in Reservoir field I asked them to keep to the footpaths. Entry by some walkers was by force at point B which then made a way for others to follow. However there was not a clear route taken from point B to C, and I stopped walkers in different areas of the Reservoir Field.

This is relied upon to dispute both the fact and the quality of any alleged continuous public use along a defined line.

Whenever I saw people off the footpaths I would ask them to keep to official footpaths. Sometimes I allowed them to continue their route as a one-off allowance given after the challenge but it was made clear to them that any continuation was not permission per se and I gave express instructions not to repeat it so that it was clear I had no intention to dedicate any new routes; other times I turned them around, asking them to return to the footpath. It depended on their attitude when asked to keep to footpaths. The excuses made by walkers include: they didn't see the signs for the public footpath route; they want a different route for their dogs to stop them getting bored; they wish to avoid meeting other dogs; they have always walked where they liked; they don't see a good reason why they should keep to the public footpaths.

On one occasion Maidenhill school staff took their children on a cross country run which included B-C which was 2017 or 2018. I rang the school requesting that their staff review public rights of way before taking pupils on a route that was not a right of way, and that they should educate their pupils on this issue. They agreed to keep to definitive paths which I believe has happened since then.

We usually have a good relationship with staff from Wycliffe college and the school staff visit us before they plan a run, just out of courtesy to inform us. I then always offer to ensure cattle are not grazing fields where they will be crossing, just to be extra safe for the pupils. However in early 2019 Wycliffe college students were taken on a cross country run and crossed the Reservoir field to access our farm track and were a long way off the definitive path. They were not on a route from B to C but elsewhere in the field. I spoke to the school staff expressing my dissatisfaction; following this the organiser of the run along with a senior member of staff came round the next day with a bouquet of flowers as an apology and a promise that it would not happen again, which to my knowledge it has not.

This is relied upon to dispute both the fact and the quality of any alleged continuous public use along a defined line.

2.2 Fencing/Gates

See Clarification Note submitted 3/7/26 for correction of dates at Point B.

In July 2018 Western Power Distribution put in a new underground 33kVA electricity cable at Point B; this work started in May 2018. Western Power dug a trench across the Reservoir field up to the gate at point B. **See Attachment 2** Digger in the gateway at B. They removed the gate and discarded it into the field next door. They installed a junction box in the trench with a 90 degree bend in it. The cables went through point B. **See Attachment 3** - the trench seen from Verney Fields looking up to point B. There was a large hole where the gateway had been, at point B, for joining 3 x 50mm cables. There was no access possible at this time as the area was fenced off for safety reasons, for at least a week in July 2018 **See Attachment 4**. Fencing around trench. Therefore the route has not been continuously accessible until 2019 as claimed. **See Attachment 5** Point (B) marked on Western Power Underground Cables Plan, signed after work was completed in September 2018.

When Western Power left the site in 2018 we fenced the gateway off with sheep netting and barbed wire. The barbed wire and sheep netting was continuously cut and I persistently replaced it until we gave in as it was a risk for stock escaping. This information is corroborated by Richard Gardner, contractor, **Attachment 6.**

In 2020 we replaced it with a metal gate and my husband welded this shut. The area to the side of the gate was fenced with sheep netting and barbed wire. This too was cut. Shortly afterwards, due to repeated vandalism, we employed a contractor to install a high tensile sheep netting fence with two strands of barbed wire around the field, continuing up to a wooden fence post adjacent to the gate. Between the fence post and the gate were lengths of barbed wire and an established hedge. The barbed wire was cut by vandals and they also cut the hedge to make a gap for people to squeeze past the gate. This is witnessed in a statement from Richard Gardner, contractor, **Attachment 6**. I attempted to replace this barbed wire 3 or 4 times over a period of about 2 months but gave up eventually as it was always removed and a gap left. The gap was not large enough to be an issue for cattle escaping fortunately.

This is an example of an interruption and obstructions which would affect any continuity of use claimed.

The practical steps (locked boundary, welded gate, fencing at B) we took should indicate we wished to prevent dedication. Physical boundary control at points B and including the B gate being locked are inconsistent with any contention that the route was freely available "as of right".

2.3 Section 31(6) Declaration.

A Section 31(6) Declaration was deposited in August 2019. This was a formal step to prevent dedication of informal paths.

2.4 Improving Official Footpaths

In 2019 my husband and I started to improve the official footpaths on our farm. We replaced all the stiles with kissing gates where possible; we received help with installation from the Cotswold Voluntary Wardens, but materials were at our own expense. We marked all the Rights of Way with circular signs and posts along the routes. This included the footpaths in the Reservoir and adjacent fields.

The public now has better access to Doverow woods than ever before; this is despite the fact that Stonehouse Town Council advertised that access to Doverow woods would be restricted if the new paths were not created and therefore residents should submit evidence stating all the paths they have walked. See attachment 3 with Landowners Statement, which is an anonymous article put in the Randwick Runner, a weekly newsletter for the Parish of Randwick, which I believe came from Stonehouse Town Council. I understood from some Stonehouse residents that the information put through their doors by the Town Council also stated that access to Doverow woods would be restricted if they did not complete the survey.

'2.5 Signs

I put up signs in April 2019 at points where walkers had been seen, such as at point B, stating there was no right of way and requesting walkers keep to footpaths - these were quickly removed/destroyed by unknown persons. I put up replacement signs stating the same request which were also removed within days of being put up. The signs were A4 printed and laminated, attached with pull ties and erected at points B and F.

I received a letter from a resident from Stonehouse who explained that people took exception to the signs asking them to keep to footpaths and they would not take notice of them as she had seen a lot of negative correspondence about them on social media. She suggested that I put up a sign explaining some of the difficulties for cow health when dogs are allowed to foul the grass and can cause cows to abort. I put up signs with this information in 2020, asking people to keep to the official footpaths and the signs remained in place for several months: **Attachment 1 in Landowner's Statement**

The area with bird seed in was ring fenced in 2022 with stakes and electric wire and signs put on the fence and at point B asking the public to keep out to protect the birds. The signs were ripped down over a period of a several months.

3. Sustainability

The Report suggests that there are no sustainability issues. The path B-C runs through an area we have designated now for 3 years as a bird seed area for wild birds. It acts as a corridor between the Doverow Woods and woodland in Sid's next door. To create a new footpath in this field would disturb the birds and negate a lot of the advantages of the bird feeding area.

Claimed Route E-F in Sid's

4. Background

Field purchased 25/4/2019

Crops Grown: Permanent Grass

[redacted] Sibly family in many years by Martin had not encouraged walkers although he had installed a stile at point F as he got fed up with people cutting his fences to gain access where they wanted to walk. This is referenced by Joyce Fletcher - See **Attachment 1** Letter from Joyce Fletcher. Sid Oakhill and his partner Karen Gwinnett sold us the field we call "Sid's" in 2019. They were both frustrated from asking walkers to keep to the official footpaths and Karen had got to the point where she didn't like going to check her cattle because of the attitude of walkers when she asked them to keep to the footpaths. **See Attachment 7** Letters from Sid Oakhill (a) and Karen Gwinnett (b) describing issues with walkers straying from public footpaths during their ownership and their practice of asking walkers to remain on footpaths.

Sid's field is permanent grass and only used for grazing cattle, with occasional cuts of hay. Cattle enter the field in about April, are removed when the grass is reduced and return periodically until late autumn depending on the weather.

Point F was not a gateway open to the public; any prior step/stile fell into disrepair and was not replaced; the boundary does not open

Brambles and wet conditions have made portions of E–F–K–O difficult or impassable at times, undermining any consistent, defined use of a route.

I have stopped many walkers since we purchased the field, usually when walking my dog through the field. I have asked them to keep to footpaths but have faced aggressive behaviour and repeated vandalism when doing so.

At no point have we allowed walkers to use the route E-F.

We attempted to block informal alternative routes within Sid's field, which is inconsistent with permissive or dedicated access.

5. Actions Taken

5.1 Improvements

After we purchased the field, from April 2019, we were aware of walkers straying from the paths so decided to improve the correct routes for the rights of way before cutting off any existing routes used by walkers. My husband cleared the existing definitive routes (MST64 and MST42); we replaced the existing stiles with kissing gates and marked Rights of Way at the boundaries with circular markers and erected posts within the field with footpath arrows, to improve use of definitive routes

5.2 Blocking alternative routes

Point F was occasionally used to get to the Verney field but only at certain times of year as the field from F to K and K to O was full of brambles in the summer and very wet in the winter. There was never to our knowledge a gateway here at Point F but just a wooden barrier and step which was climbed. We let the step rot and tried to block the exit.

I tried to prevent access at point F in 2019 by putting a wooden rail across the top of the boundary with barbed wire. This was frequently cut and left in the field so I regularly replaced it – initially every week, but that became very tedious so was less frequent after that, usually before cattle went into the field. In 2023 when Verney Fields were in new ownership, the new owners reinforced the fencing at point F, using a solid wooden board and I fixed more barbed wire on top. This barrier remained in place for about a year but then was sawn off and removed, and the barbed wire was cut and removed. I have since replaced the top rail and it remains in place for now.

The photograph submitted with the GCC statement of case shows this point F. However it is a misleading photo as barbed wire has been put across the top of the post many times aswell as wooden rails, which have all been destroyed by vandals. The practical steps (post and rail fencing at F along with barbed wire) we took should indicate we wished to prevent dedication.

Physical boundary control at point F (including the F boundary being non-opening) are inconsistent with any contention that the route was freely available "as of right".

5.3 Challenges to Walkers

I have stopped walkers and asked them to keep to the footpaths on all our fields around the farm from 2006 to current date, when they were not walking on definitive rights of way. In particular, I challenged walkers in Sid's field from 2019 as there were often walkers off the public footpaths. Some walkers apologised and agreed to keep to the public footpaths. Others argued, some were aggressive, but in all cases we insisted that they keep to the public footpaths in future. I stopped at least one walker per week, for the first year, most of their identities are not known although sometimes the same people are repeatedly challenged. The excuses given are the same range as in the Reservoir field. Some of the people I stopped in this field have been much more aggressive and argumentative than elsewhere on our farm. There were several

points where we erected fences to try to prevent unauthorised access and the fences were repeatedly cut and discarded. We set up wildlife cameras to try to identify the culprits but after seeing a video of one very angry man lashing at a fence in this field with a metal bar (**see Attached** Video 1), we decided to change tactics as we had not realised the extent of some people's anger at the fences. We put back gates instead of fences at the critical points such as point B above and made sure they would not open so the boundaries were secure. This policy seemed to work for us although we accept that with Ms Malik buying the field next door, a lot of the anger of the walkers became focused on their attempts to keep walkers to definitive rights of way on their land. I have continued to ask people to keep to the footpaths when I have seen them away from public footpaths, up to the current day.

Such conduct is inconsistent with acquiescence in a public right. I dispute any user evidence suggesting long-term, uninterrupted and unchallenged use as this is inconsistent with (i) the physical constraints and (ii) the regular challenges I have made and measures taken to keep the public to the definitive routes.

5.4 Signs

The same signs as in the Reservoir field were erected in Sid's at boundaries where walkers had been seen off the public footpaths, and where we had replaced destroyed fences. I printed a number of copies and laminated them. They remained in place for a very short time, usually less than 24 hours before being cut and thrown down or removed. I replaced the signs about 3 times each before giving in as they were removed very quickly. I believe this is probably why many of the walkers have claimed not to have seen signs in the field stating there was no right of way and asking them to keep to footpaths.

6. Permissive Path

When we heard that Stonehouse Town Council wanted to create new footpaths in Sid's field I attended a number of Council meetings. At one, Councillor Rachel Armstrong was asked to speak to us about the possibility of creating a permissive path. She, another councillor and the clerk met with us and looked at the areas of the field which were in question. We agreed to consider the option of a Permissive path, when it was known who were the purchasers of the neighbouring Verney field. However no further discussions were invited and the next step we knew about was the plan to make a Modification Order in both fields.
This consideration of a permissive arrangement demonstrates that, where access is contemplated, it is on a managed/permissive basis, not by dedication.

Section 31(6) Declaration.

A Section 31(6) Declaration was deposited in August 2019. This is a formal and strong evidence of lack of intention to dedicate additional rights across our land.

7. Summary

Our predecessors and ourselves have all attempted to keep walkers to the definitive paths in both fields; fence cutting and aggressive behaviour has been a common theme throughout both Martin Fletcher's tenancy, and our own ownership. The reluctance of walkers to keep to the definitive paths has also been a common theme throughout, including when Sid Oakhill and Karen Gwinnett owned the field.

Since we took ownership of the fields we made enormous improvements to the correct definitive routes in both fields and attempted to block informal alternatives; we faced aggressive behaviour and repeated vandalism when doing so, which is inconsistent with permissive or dedicated access.

'I believe that the facts stated in this Proof of Evidence are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.'

Signed [redacted] Dated 18/10/24