

PROOF OF EVIDENCE OF:

Dr Nicholas J Gilbert

Title of Order:

S53 of the Wildlife & Countryside Act 1981
Definitive Map of Public Rights of Way for Gloucestershire
(Additional Length of Footpath at Witcombe Farm)
(Parish of Great Witcombe) Order 2009

Planning Inspectorate Reference:

ROW/3354782
Public Inquiry: 6 October 2026

INTRODUCTION

1. My name is Nicholas J. Gilbert.

2. [REDACTED]

I wish to state to this Public Inquiry that...

3. My [REDACTED] when I was fifteen. The previous occupant of the house, Mr Len Huggins, informed my parents that the claimed route was the way that people went to the reservoirs and beyond. Subsequently, as a family with a dog, we walked this way often.
4. Witcombe Farm was occupied by the Pagets in the 1970's. They saw us and never raised any objection.
5. I attended the local Comprehensive School and met friends who walked this way with me. [REDACTED] (User Evidence no.15), and I would walk the claimed route with our dogs several times per week, often over to Cranham a few miles away. We would usually return via the claimed route as well.
6. Between 1975 – 1980, I walked that way over 100 times per year (not counting return journeys).

7. In 1981, the [REDACTED] family moved into the farm and they didn't show any sign of minding the walkers who passed that way. Indeed it is charming that my mother, [REDACTED] Gilbert (User Evidence no.3) and [REDACTED] (User Evidence no.23) both recall in their additional statements [REDACTED] asking them to take care not to walk on the daffodils in the verges [GCC Submission ref.9.3 P35 + 54]. I only recall seeing [REDACTED] occasionally.
8. I went to Birmingham University in September 1980, which was only an hour away and I would ride my motorbike home every few weekends and go for walks to the reservoirs with the family dog. I also came home to stay during the Summer, Christmas and half term holidays.
9. So from 1980-1985, I estimate that I used the path about 25 times per year.
10. After qualifying as a doctor in 1985, I spent five years in Hereford. It only took me an hour, even in my Morris Minor, to make the frequent trips home. I walked the claimed route with my parents and their dog, and my future wife.
11. Between 1986-1990, I estimate that I walked the route 15 times per year.
12. In 1990, I took up a partnership in a GP practice in Gloucester, where I also worked as [REDACTED] and I lived with my parents in Little Witcombe for the best part of a year and walked the route frequently.
13. In 1991, we moved to Abbeymead, Gloucester - about three miles away from the reservoirs. We continued to walk the route with our children when visiting my parents, about 15 times per year.
14. In 1997, we lived with my parents again for nearly a year until we bought a house in Great Witcombe in March 1998, where we still live. Having our own dog, and three young children, we needed to walk most days.
15. I would also run that way with our dog, Stanley, and sometimes stop to chat with [REDACTED]. At the time he had a Giant Schnauzer named Grommit. It is disappointing that Tony denies seeing me, and having all of those chats. [GCC Submission ref.9.2 P13 para 6].
16. I received a phone call from [REDACTED] in Spring 2005, asking me not to continue to use that route. This came as quite a surprise, because we had always regarded it as if it was a right of way.
17. From 1997 until 2005, I estimate using this route about 75 times per year.

18. I have sought permission to use the claimed route temporarily on two occasions since the claimed period. The first in May 2005 when there was a horse obstructing one of the stiles on route AWG/4; and the second in 2023, because two horses were galloping around one of the fields through which route AWG/4 passes and I had my young grandson with me.
19. The Landowner comments that, "Recreational walks to the reservoir would have been along the footpath AWG/4..."[GCC Submission ref.9.2 P3, para 1]. Until 1998, we would have been walking from my parents' house: *Pasaderas* in Little Witcombe, from where the claimed route is the most direct path to the reservoirs. But even when we moved to Great Witcombe, we would continue to use the claimed path because recreational routes do not have to be the quickest or the most direct. We would sometimes walk to the reservoirs via the claimed route and return via AWG/4, or another route.
20. The Landowner comments that none of her employees, neighbours or other users of the yard, including members of Cheltenham Ladies College, have seen me use the path [GCC Submission ref.9.2 P3 para 3]. I doubt if most of them would have known who I am, so I'm not sure how they could say that they didn't see me.
21. The Landowner says that I failed to mention the sign at point A, which was present in the 1970's [GCC Submission ref.9.2 P3 para 5]. This is incorrect - in my public path evidence form, answering question 6 (regarding notices) I have stated that there was a sign near point 'A' saying, "Private Road, No unauthorized Vehicles." I go on to say that it is unclear if the latter refers to the route in question, or to the road to the pumping station, which leaves point 'A' at a right angle [GCC Submission ref.15.1 P1 (question 6)].
22. The Landowner also says that I fail to mention that during the 1970's the track was gated at point 'A' [GCC Submission ref.9.2 P3 para 5]. I did not see a gate during the time I walked the claimed route. Some of the witnesses supporting the application do recall seeing a gate, but the majority does not. The answer to this discrepancy lies in the statement given by the Landowner's witness and employee, Arnold Price, who lived nearest to point 'A', "Up until the 1970's there was always a gate across the farm entrance at point 'A'. This was removed when farm machinery used was too wide to access through the gate." [GCC Submission ref.9.2 P17].
23. It is clear from this then, that there had been a gate, but that it had been removed by 1975, when I began walking that way. So there is no conflict of evidence. There is certainly no discrepancy between the opposing witnesses either, since none of them mention a gate, except for Mr Price.
24. It is stated that members of the Gloucestershire Wildlife Trust (GWT) were given permission to use this way to access Witcombe reservoirs, though opposing witness, Mr

[REDACTED] says that this permission was for committee members. I asked [REDACTED] to clarify this point in 2009 but she replied, "I think Mark might have said something" and didn't elaborate further. When I wrote to her to try to gain further clarification I did not receive a reply. I am not aware that those prevented from using the claimed path have been asked whether they were members of GWT or not, myself included.

25. My wife commenced a family membership of GWT in January 2005, but not for any reason connected to this footpath claim and we have not sought to use the route because of any apparent permission related to it, since we feel that ourselves and many others have used it as of by right for longer than the qualifying period. Furthermore, any permission could be denied or rescinded at any time.
26. When I was elected chairman of Great Witcombe Parish Meeting in 2009, I had an opportunity to view the Parish records and minutes of meetings. I was able to see that when there had been a countryside effort to consult on rights of way in 1951, The Parish Meeting minutes record that there were only three attendees: [REDACTED]
[REDACTED] There is no record of the wider community having been consulted. This is relevant because one of the reasons why the Commons and Rights of Way Committee (CROW) gave for refusing my initial application in 2007 was that there had been an opportunity to do so in the 1950's. However, this cannot be regarded as canvassing the opinion of the community.
27. I have walked along the claimed path for thirty years, variously with my wife, [REDACTED] (User Evidence no.4), [REDACTED] (User Evidence no.31) and Louise Taylor (User Evidence no.32), my parents, [REDACTED] (User Evidence no.2) and [REDACTED] (User Evidence no.3), [REDACTED] my school friend [REDACTED] (User Evidence no.15), and others too numerous to mention.

STATEMENT OF TRUTH

I hereby certify that, to the best of my knowledge and belief, the facts I have stated are true and correct.

Signed: [REDACTED]

Date: 14th August 2026

NB: You should keep a copy of the completed Statement