

Our ref AB/HEA/DP/065801/00004

Your ref 573/11/101(1)

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4 July 2007

Dear Sarah

Claimed path at Great Witcombe - Dr Gilbert's appeal

I refer to our recent email exchanges and now enclose the Landowner's comments on the Claimant's grounds of appeal and would be grateful if you could forward these comments on to the Secretary of State for Environment, Food and Rural Affairs.

I am also enclosing two letters and two further evidence forms from local residents with personal knowledge of the use of the path during the claim period. I understand from the correspondence with DEFRA that the Secretary of State will take further evidence into account in the determination of this appeal and I would be grateful if you could forward these or a summary of this further evidence along with your submissions on the appeal.

I understand from my client that she anticipates that there will be further evidence forms provided although I appreciate that after the expiry of the 21 day deadline, it is possible that these may not be taken into account.

Please could you let me know when the Council makes its submission to the Secretary of State and please may we see a copy of this in due course.

With kind regards.

Yours sincerely

Anne Bennett
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for and on behalf of Charles Russell LLP

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Comments on Claimant's grounds of appeal against a refusal to make a modification order for an additional public footpath through Witcombe Farm, Gloucestershire

It is accepted that the claim made by Dr Gilbert was procedurally correct and comprised a considerable number of evidence forms.

It is a matter of fact that the Officer's recommendation was to make an order. However, the Committee is entitled to come to a different decision from that recommended by its Officers provided it has sound reasons for doing so.

The Claimant comments on the constitution of the Committee. However, the Committee was quorate and entitled to take the decision. It was clear that the members of the Committee properly considered the written report of the Officer as well as the presentation by the Public Rights of Way Officer at the meeting. The Committee also had the benefit of legal advice from the Council's solicitor who was in attendance throughout the meeting.

The issue of whether a Member has a conflict of interest is entirely a matter for the Member herself to determine. Where a Committee Member is in any doubt as to whether she has a conflict, it is proper that she should not participate in the decision making. It is entirely irrelevant whether the senior lawyer present at the meeting concurred with her view.

The Committee having considered the report and the verbal and video presentation proceeded to debate the application in some detail before taking its decision.

The Committee's grounds for refusal

1 The poll organised by the then Chairman of the Great Witcombe Parish Meeting was just one part of the evidence considered by the Committee. It is not accepted that this poll was given undue weight. It was clear that the Members were aware both by virtue of the Officer's written report and verbal presentation and indeed the content of its debate that the success or failure of the claim was dependent upon evidence of user.

The Appellant states that a number of the respondents to the poll were "employees or lessees of the Landowner". Since the ballot was undertaken in secret the Appellant does not know who participated in this nor were participants were not under any pressure as a result of any alleged relationship to the Landowner.

As a matter of fact the Game keeper and his wife were not employees of the Landowner in any event and it is unknown whether he participated in the ballot.

Clearly the Parish Clerk could only undertake such a poll within the boundaries of the Parish however we would stress that it is likely that such local people would have the better knowledge as to the use and status of the path than those from more distant

Parishes such as many of those supporting the claim. Only a very small number of evidence forms in support of the Claim were provided by residents of the nearest settlements of Witcombe, Little Witcombe, Bentham, Birdlip or Brockworth.

However, the undertaking of this poll served to ensure that all local residents within the Parish were aware of the claim and alerted them to the possibility of adding to the sum of evidence on either side. To that extent we submit that this is a valuable part of the evidence that the Members were entitled to consider in reaching their decision.

- 2 The Appellant's point is unclear. The documentary evidence considered by the County Archivist clearly indicated that a route existed as a physical feature but provided no evidence to support the existence of highway rights on that route. This was clearly set out in the report and was accepted by Members of the Committee. The Bryants' Map was drawn up before the existence of the reservoirs and therefore it is highly likely that the track indicated was merely the access to the Farm house which dates back to c. 1600.

The Appellant appears to accept this. It was clear from the debate that the extent of user evidence was the determining factor in reaching the decision but it is right and proper that the Committee should have considered whether it accepted the Officer's recommendation in respect of the documentary evidence.

- 3 As stated above, the Committee considered the very detailed Officer's report and presentation at the meeting, undertook a thorough debate of the issues and concluded that the order should not be made.

The members are entitled to take their own informed view which may differ from their professional officers provided they have good grounds for doing so.

Our client advises us that none of the Committee Members are personally known to her or her family and totally refutes the suggestion that there was any influence on the part of her family either by virtue of political affiliation or any other means that could have affected the Committee's decision in this matter. Furthermore she is greatly affronted by such a suggestion.

The Appellant refers to "previous generations having represented the [Conservative] Party in Parliament". The Landowner's father in law was indeed an MP but retired some 45 years ago and deceased 32 years ago. We consider this to have no relevance to the Claim or the Appeal.

We consider that the Appellant's allegations are entirely scurrilous and unfounded and would draw attention to complete lack of evidence to support these assertions.

- 4 The Appellant has produced a number of evidence forms claiming use of the path up to and including the 1950s.

The National Parks Act 1949 required County Councils to survey and prepare a draft map showing on it footpaths, bridleways and roads used as public paths which in their opinion were reasonably alleged to be public rights of way at the relevant date of the survey. The surveying authority had a duty to consult with District and Parish Councils and the Parish Councils were required to call a parish meeting to consider the information to be provided. If the route was as well used as the evidence submitted by the Appellant indicates it is indeed surprising that the Parish did not ensure that this path was included in the draft definitive map at that stage.

We have located the minute of the Parish Meeting dated 31st March 1951 which records that the maps showing the public rights of way in the Parish were submitted to the Parish and were approved with modifications and returned to the Cheltenham Rural District Council in compliance with the provisions of the 1949 Act. Despite the claimed use by several of the evidence forms no application was made to add this route to the Definitive Map.

We therefore consider that this is a relevant factor that the Members are entitled to take into account when weighing the evidence.

- 5 Existence or otherwise of a gate at "point A" was merely cited by the Committee as an example of the discrepancies in the recollection of the Claimant's user evidence. Again, this is a matter that the Committee should quite properly consider. The Landowner believes it is not disputed that the sign at Point A stating "Private Road" has been in place throughout the claim period.
- 6 The Rambler's Association describes itself as an organisation which "campaigns to open all public rights of way in England and Wales and to ensure that the existing rights of way network is protected as part of our national heritage". As such, it is surprising that the Association were not able to provide any support to the Appellant in his claim. We consider that the failure of the Rambler's Association to support this claim in any way is a significant factor that was properly taken into account by the Committee. Indeed the Landowner states that she has a good working relationship with the Ramblers' Association in dealing with the definitive routes across her land however she has never been approached by the Rambler's Association in connection with the status or use of the claimed route.

The Appellant refers to the fact that 50 "witnesses" have been produced by the Claimant. The Landowner has previously submitted her comments on the veracity of these

statements and the weight that should be accorded thereto. The Committee must consider not just the quantity of evidence but also the quality of such evidence. Indeed, our client could have produced a significant number of additional witness statements to present to the Committee, however, it was felt that the quality of our client's evidence was so significantly superior to the evidence forms produced by the Appellant that this was unnecessary. The Landowner can provide further evidence from first hand witnesses to show that this route has been used only with permission.

The grounds of appeal refer to the existence of other paths to Witcombe Reservoirs which lie over "difficult terrain which is not infrequently flooded". Our client has never denied the existence of the other definitive paths nor have any steps been taken to prevent lawful use of these paths. As noted above she has a good working relationship with the Rambler's Association and Rights of Way Officers at the Highway Authority. The Landowner states that the terrain over which these paths cross is predominantly flat and all the horses kept in the fields crossed by the paths do not pose any threat to the users of the path unless attacked by dogs. However, the suitability or condition of these routes is of no relevance whatsoever to the claim. Where maintenance issues arise these are resolved. There is no duty upon our client or the Highway Authority to provide a metalled route to the reservoir.

However, it is clear from the evidence provided by our client that the access to the reservoirs via the claimed route has been permitted and will continue to be so for specific and authorised users and purposes. In particular the Landowner has on many occasions given permission for the elderly or infirm to access the reservoirs via the claimed route and fully intends to continue to grant such permission to those that have difficulty in using the definitive routes.

We have no doubt that the County Council will respond to the Appellant's allegations as to the propriety of the proceedings at the Committee. As a matter of fact the Appellant no longer holds office as Chair of the Parish Meeting. This position is now held by the Landowner.

The Officer's report notes that the Landowner moved to Witcombe farmhouse in August 1981 and that the Landowner's late husband ran the Estate from 1958 until his death in 1998 when the role was taken on by the Landowner and her son. However the report fails to record that the role of running the Estate requires daily involvement with the affairs of the Estate including a daily familiarity with the activity in and around the Farm yard and Farm house. Whilst not actually resident in the farm house itself during the period prior to 1981 the Landowner and her late husband were well aware that Jim Paget their farm manager did not allow public access through the farm yard without express permission

and on the authority of the Estate owner. During this period the Landowner's late husband was working from the farm. Between 1975 and 1981 the Landowner and her family lived in another house on the estate which overlooked the Reservoirs.

The Landowner considers that the Officer's report does not accord appropriate weight to the evidence submitted by the Landowner. This evidence is provided by many people who have actually lived or worked in close proximity to the claimed path and have first hand knowledge of the use of the route, in many cases on a daily basis.

The Landowner therefore considers that the Committee reached the correct decision in resolving not to make the Order having considered the quality of the user evidence provided.

[REDACTED]
Witcombe
Gloucester.

GL3 [REDACTED]

To whom it may concern.

I have lived on Witcombe Estate for 36 years and have always known the road to Witcombe Farm was not a right of way or public footpath. My family have been given permission to use the route and know that other people have also been given permission.

I cannot see why another footpath is wanted as there are plenty already.

[REDACTED]

[REDACTED]
Birdly's Hill
Witcombe
Gloucester
GL3 [REDACTED]

To whom it may concern.

I moved to Witcombe, at the age of 3, 36 years ago. My family have always know the road to Witcombe Farm was a private road and not a footpath. There has been a sign at the begin of it for as long as I can remember. My family were given permission to use it and I believe other people have also.

[REDACTED]

CLAIMED FOOTPATH AT WITCOMBE FARM

NAME: C. J. THOMPSON

ADDRESS: THE KEEPERS COTTAGE, WITCOMBE PARK
BARDOLIC
GLOUCESTER

TELEPHONE NUMBER: [REDACTED]

DATE OF BIRTH: [REDACTED] 07

OCCUPATION: [REDACTED]

1 How many years have you been resident at your current address? 27 YRS

2 Does your property have a clear view of the path shown on the plan annexed? NO

3 If so, from which part of your property can you see the path? (e.g. from the window, garden, etc.)

4 Have you ever been employed by the Witcombe Estate? NO

5 What was the nature of your employment? But I do house sitting & dog walking on regular basis

6 During which years were you in this employment? N/A

7 Please indicate the hours/days you were working on the Estate (in particular please indicate whether you were on site at weekends) N/A

8 Which of the persons named on the summary of evidence forms provided by the Highway Authority are known to you? UNKNOWN

9 Have you seen any of the named persons walking the path? N/A

10 Have you seen any groups walking the path? e.g. ramblers' groups etc. Please give details of dates, frequency etc. NO

11 Have you ever given permission for any such use by individuals or groups? If so, please give details..... NO

12 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose.....

NOT AWARE OF ANY SUCH PERSONS / GROUPS
but aware family do's give permission

13 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc.....

YES ON MANY OCCASIONS
WHILST HOUSE SITTING

14 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom?.....

YES AT START OF FARM
PROPERTY ROAD. (PRIVATE PROPERTY)

15 Please give any other information that you think is relevant (continue on a separate sheet if necessary).....

IN THE 27 yrs I have lived here
I have always been aware that it was
not a public footpath but permission was granted
by the family to various people to use road.

16 **Declaration:**

I hereby declare that to the best of my knowledge I believe 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 as appropriate).

Signature:.....

Date: 02-07-09

Witness:.....

CLAIMED FOOTPATH AT WITCOMBE FARM

NAME: MRS R. J. THOMPSON

ADDRESS: THE KEEPER'S COTTAGE
BIRDLI? CLOUDEST? WITCOMBE PARK

TELEPHONE NUMBER: [REDACTED]

DATE OF BIRTH: [REDACTED] 1957

OCCUPATION: [REDACTED] T

- 1 How many years have you been resident at your current address? 27 yrs
- 2 Does your property have a clear view of the path shown on the plan annexed? NO
- 3 If so, from which part of your property can you see the path? (e.g. from the window, garden, etc.) N/A
- 4 Have you ever been employed by the Witcombe Estate? NO
I have sat & dog walk for family
- 5 What was the nature of your employment? N/A
- 6 During which years were you in this employment? N/A
- 7 Please indicate the hours/days you were working on the Estate (in particular please indicate whether you were on site at weekends) N/A
- 8 Which of the persons named on the summary of evidence forms provided by the Highway Authority are known to you? UNSEEN
- 9 Have you seen any of the named persons walking the path? N/A
- 10 Have you seen any groups walking the path? e.g. ramblers' groups etc. Please give details of dates, frequency etc. N/A

11 Have you ever given permission for any such use by individuals or groups? If so, please give details.....

NO

12 Are you aware that any such persons or groups were given permission? If so, please give details as to who was given permission, by whom, when and for what purpose.....

NOT AWARE OF ANY SUCH PERSONS OR GROUPS
but family does grant permission

13 Have you ever prevented anyone from using the path by turning them back? Please give details as to when/who/date etc.....

Yes
whilst house sitting

14 Are you aware of any notices on the path? If so, where were they, what did they say, when were they erected and by whom?.....

Yes at start of road

15 Please give any other information that you think is relevant (continue on a separate sheet if necessary).....

I have always been aware that the road leading to farm is not a public footpath but I know the family does grant permission occasionally

16 **Declaration:**

I hereby declare that to the best of my knowledge I believe 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 (delete as appropriate).

Signature: [Redacted]

Date: 02-07-09

Witness: [Redacted]

WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53
SCHEDULES 14 AND 15
APPEAL BY DR NICK GILBERT
CLAIMED LENGTH OF PUBLIC FOOTPATH THROUGH WITCOMBE FARM
PARISH OF GREAT WITCOMBE

SUBMISSION ON BEHALF OF GLOUCESTERSHIRE COUNTY COUNCIL

1. Details of Appeal

This is an appeal lodged by Dr Nick Gilbert against the decision of the Commons and Rights of Way Committee dated 20 March 2007 that no Modification Order be made to add a public footpath through Witcombe Farm between points A and B (on the map attached) to the Definitive Map of Public Rights of Way.

The report and accompanying documents will be attached to this submission.

2. Description

The application is for an additional length of public footpath through Witcombe Farm, which commences from point A on the aforesaid map at its junction with unclassified road number 41143 (Witcombe Farm Lane) and runs in a generally south south-westerly direction for approximately 210 metres to its junction with public footpath AWG/4 at point B. When the path was inspected in September 2005 and February 2007 there were three notices at point A of the claimed footpath, the first stating "Private road. No unauthorised vehicles", the second stating "Witcombe Estate. Private land. No public right of way" and the third giving information about fly-fishing for trout at the reservoirs, produced by the Cotswold Fishery. The claimed path, as it commences from point A, has a width of approximately 3 to 3.5 metres widening to approximately 4.5 metres as it approaches point B. The surface of the claimed path is made up of unevenly distributed areas of tarmac and gravel, but towards point B the coverage of the tarmac is more complete. The path runs through Witcombe Farm, between the barns and farm buildings and past the Farm House and Office, which has a notice stating, "Smile. You're on CCTV". It meets public footpath AWG/4 at Witcombe Reservoirs. At point B there are two public footpath finger posts indicating public footpath AWG/4 which runs in a east to west direction. A notice was also present during the inspection in September 2005, identical to that at point A, stating "Witcombe Estate. Private Land. No public right of way". When the site was inspected in February 2007 this had been removed. There is also a notice on the claimed path indicating the easterly extension of AWG/4, saying "Footpath". At the time of inspection in September 2005, part of this notice had been broken off.

3. Background

The matter first came to the County Council's attention when the Appellant contacted the Public Rights of Way Unit on 16 May 2005 with regards to adding a length of public footpath to the Definitive Map of Public Rights of Way. He was provided with an information and application pack on 17 May 2005. On 27 May 2005 the Appellant contacted the Public Rights of Way Unit to request a further 20 Public Path Evidence Forms, which were sent to him on 31 May 2005. On 27 June 2005 the Appellant requested a further 18 Public Path Evidence Forms and a 'Form of Certificate of Service of Notice'. These were sent to him the same day.

4. Application

An application for a Modification Order dated 6 September 2005 was submitted by the Appellant, Dr Nick Gilbert – a local resident. At the time of the application, the Appellant was a member of the Gloucestershire Wildlife Trust and the Ramblers' Association, but submitted the application acting as an individual. Forty-nine completed Public Path Evidence Forms with attached maps showing the claimed footpath were submitted in support of the application on behalf of fifty named witnesses. These are attached to this submission at 'C'.

The Appellant also submitted a letter with comments with the completed application. In the letter he explains that he has walked the claimed footpath through Witcombe Farm frequently since 1975 when the farm was occupied by tenant farmers, Mr and Mrs Padget, and that it was also used as a bridleway. He continued using the path without challenge when the landowners, the late Mr Mark Hicks Beach and the current landowner, Mrs Celia Hicks Beach took up residence at the farm a few years later. He comments that approximately a year after the foot and mouth epidemic in 2001, notices were erected at both ends of the path stating 'Witcombe Estate. Private land. No public right of way', and people began to be told not to walk along the path. The Appellant himself was contacted by telephone in May 2005 by the landowner and requested not to use the path. This letter is included within the Appellant's submission with his grounds for appeal.

5. Consideration of the application and reasons for refusal

The application was considered by Members of the Commons and Rights of Way Committee at their meeting held on 20 March 2007. A copy of the report and accompanying documents is annexed to this submission at 'A'. This sets out details of the application, user evidence, documentary evidence, observations by the landowner / local Councils / user groups and other consultees, and legal comments and conclusions. The latter is set out in Section 14 of the report.

The report concludes in paragraph 14.32 that there is a conflict in evidence between that supplied by the Appellant and the users of the

claimed footpath and the evidence of the landowner and witnesses opposing the application. However, it was the view of the Officers that the Appellant had produced credible evidence of public enjoyment of the path through Witcombe Farm for over 20 years and as a result of this, under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 a right of way is reasonably alleged to subsist. Therefore it was recommended to the Committee that an Order should be made to add the claimed footpath to the Definitive Map.

Members discussed the evidence that had been submitted both in support and opposition to the application and raised a number of points and questions which are set out below.

Members asked whether Severn Trent Water or the Fishing Club had a right to use the claimed path. The answer was not known, however it was explained to Members that any use of such would have been with permission and would not have constituted a public right. As had been set out earlier in the report, Gloucestershire Wildlife Trust did have permission to use the claimed path to access the reservoirs and therefore any evidence in support of the application from members of the Gloucestershire Wildlife Trust was not taken into account when deciding whether public rights had come into being.

Members asked whether any further comments had been received from the Ramblers' Association. They were surprised that the Ramblers' Association had not been able to find any user evidence to support the claimed footpath. The Officers explained that, as well as sending an official consultation letter in October 2005, they had contacted Mrs J Byrne, Mid-Gloucestershire Group Footpath Secretary of the Ramblers' Association by telephone prior to the Committee meeting to ask if they had any evidence to support the application. Mrs Byrne said that she would consult the members of the Ramblers' Association with regards to this, but no further response was received in time for the Committee meeting.

Members felt that the results of the survey carried out by Great Witcombe Parish Meeting (annexed to this submission at 'F') indicated that the majority of people who lived in the Parish of Great Witcombe who had responded thought that the claimed footpath was private and were against the application to make it a public right of way. The results of this survey are set out in section 12 of the report. The Members noted that there was animosity within the community of Great Witcombe concerning usage of the route. In response to this, the Officers explained that the user evidence in support of the application had been received from a wider area than the parish of Great Witcombe, and the opinions of those who did not live in the parish were not reflected within the results of the survey. In addition, it was pointed out to the Members that the decision should be based on the available evidence rather than whether the claimed footpath is a good or bad idea.

Members noted that there was no documentary evidence to support the application or shed light on the status of the claimed footpath. The Officers pointed out that it is not necessary to have both user and documentary evidence to support a Modification Order application.

Members felt that if the claimed footpath carried public rights, it would have been claimed when the Definitive Map was produced in the 1950s. It was pointed out to the Members that the reason the legislation to make a Modification Order application under Section 53 of the Wildlife and Countryside Act 1981 was enacted, was to allow the map to be altered on the discovery of evidence, such as where paths were not claimed as public rights of way when the Definitive Map was being produced, or paths over which public rights had come into being since then.

Members discussed the conflicting evidence between that submitted in support of the application and that in opposition to the application. They acknowledged that the evidence shows a lot of use of the claimed footpath, however the landowner and employees of Witcombe Farm deny seeing the majority of users. The Members accepted that there is case law in place to deal with applications where there is conflicting evidence, for example, *Bagshaw v Norton* (High Court, 1994) and *R v. Secretary of State for Wales ex parte Emery* (Court of Appeal, 1997), which are discussed in paragraph 14.26 of the report.

Members looked at the inconsistencies in the evidence submitted in support of the application, for example, the existence of a gate at point A of the claimed footpath. They felt that the evidence was confused as some of the users had noted a gate on their public path evidence form, whereas others had not.

The Members were informed that if they refused the application the Applicant could appeal to the Secretary of State and an independent Inspector would make a decision on the application. However, the Members were told that their decision should be based on the evidence available and on the balance of probabilities test.

6. Comments on the Appellant's Grounds of Appeal

At the time of his appeal, the Appellant was Chairman of Great Witcombe Parish Meeting but submitted the appeal as an individual.

The Public Rights of Way Unit informed the Appellant of the Committee's decision by letter dated 20 March 2007. The letter pointed out that the Appellant had a right of appeal and the Notice would have to be served on both the Secretary of State and the County Council within 28 days of receipt.

Notification of the appeal was given by letter dated 9 April 2007. The formal appeal form and accompanying 'Grounds for appeal' statement was received by the Public Rights of Way Unit on 2 May 2007 and the Unit was

asked to respond on the appeal by letter dated 18 May 2007 from the National Rights of Way Casework Team at DEFRA.

The Appellant makes six main points in his grounds for appeal. The Appellant's detailed grounds for appeal are set out by way of a statement annexed to his appeal form. The paragraph numbering used in the Appellant's grounds for appeal will be adopted for the purposes of this response:

1) Parish Survey

The survey was carried out by the then Chairman of the Great Witcombe Parish Meeting, Mr T. Buxton, by means of sending a letter to each household within the Parish of Great Witcombe with an individual unnamed reply slip for each person eligible to vote. This allowed everyone in the Parish to register an anonymous vote. Although Mr Buxton later gave evidence in opposition to the claimed footpath, the survey was carried out in his capacity as Chairman, and his individual views do not appear to have been used to influence the public's vote.

It is correct that the survey only allowed inhabitants of Great Witcombe parish to express their opinions on the Modification Order application and that a number of people who completed Public Path Evidence Forms in support of the application live outside the parish. For example, the majority of those who submitted Public Path Evidence Forms live in the neighbouring parish of Brockworth, and a number of users live in other areas of Gloucestershire or further afield. Therefore the survey did not take into account the opinions of everyone with an interest in the application.

It is also correct that Modification Order applications are based on evidence as to whether the claimed rights exist on a route and matters such as whether the claimed route would be a good or bad thing cannot be taken into account.

2) Lack of Documentary Evidence

Section 32 of the Highways Act 1980 states that when determining whether a way has been dedicated as a highway or determining the date of such dedication, a Surveying Authority shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence. Therefore, when investigating a Modification Order application, the Public Rights of Way Unit will commission a full report into certain historical documents in the County Records Office to see if there is any evidence as to what public rights may exist over a claimed route. This is carried out whether the application is based on user evidence or documentary evidence.

The Bryant Map of Gloucestershire dated 1824, shows a route following a similar alignment to that of the claimed footpath, as

discussed in the report in paragraphs 11.3 and 14.29. Commercial maps such as Bryant were not produced under statutory authority or by public body and although they can provide supporting evidence of public rights of way by showing the existence of routes as physical features, independently they are of little evidential value.

It was explained to the Members that it is not a necessity for a Modification Order application to be supported by both user and documentary evidence and that they should make a decision as to the outcome of the application on the balance of all evidence.

3) *Conflict of Evidence*

The Committee's attention was drawn to the case of *Bagshaw / Norton*, 1994, which is described in paragraph 14.26 of the report. Test B (that a right of way is reasonably alleged to subsist) applies to applications where "a reasonable person having considered all the relevant evidence available could reasonably allege a right of way to subsist". The case of *R v. Secretary of State for Wales ex parte Emery*, 1997, concluded that if there is "conflicting evidence which could only be tested or evaluated by cross-examination an order would seem to be appropriate". It was pointed out to the Members that in this case there was conflicting evidence between the Landowner and the Appellant. However, in the Officers view the Appellant had produced credible evidence of public enjoyment of the claimed path for over 20 years and therefore under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981, a right of way was reasonably alleged to subsist.

4) *No Previous Applications*

Section 53 of the Wildlife and Countryside Act 1981 imposes a duty on the County Council to keep the Definitive Map and Statement under continuous review. This is in place to allow applications to be made to add rights of way to the Definitive Map that were not included when the Definitive Maps were produced in the 1950's. The County Council must consider all applications made to modify the Definitive Map and Statement, which are accompanied by evidence that the Map or Statement should be altered.

5) *Existence of Gate at Point A*

Paragraph 14.18 of the report discusses the inconsistencies in user evidence with regards to the existence of a gate at the Witcombe Farm Lane end of the claimed footpath. It is not known exactly when the gate was removed but evidence suggests that it was the early 1970s. The report explains that six supporting witnesses who began using the claimed path before 1971 noted the gate in their Public Path Evidence Forms, whereas a further sixteen witnesses who also used the path prior to 1971 did not.

Paragraph 14.18 of the report supports the Appellant's case that the gate may have been open at all times and thus not noticeable.

The report also agrees with the Appellant, that the presence of a gate does not preclude the existence of a right of way, and if the gate were closed it is the purpose for which it was closed that is relevant.

6) Consultation with the Ramblers' Association

As well as consulting all local authorities whose area includes the land to which the application relates before determination of a Modification Order application, as set out in Schedule 14 of the Wildlife and Countryside Act 1981, the Public Rights of Way Unit will also consult any user group who may be affected by an application.

It was pointed out to the Members that it is not critical for user groups such as the Ramblers' Association to submit evidence in support of an application or even comment on an application. The decision should be made on the evidence available.

7. Comments by the Land Owner/Occupier

In its letter of 18 May 2007, the National Rights of Way Casework Team for DEFRA asked the County Council to inform all others with an interest that an appeal has been made and to invite them to make comments on the appeal.

The Public Rights of Way Unit duly contacted Ms Anne Bennett, solicitor for the current owner of Witcombe Farm, Mrs Celia Hicks Beach by letter dated 29 May 2007.

Ms Anne Bennett contacted the Public Rights of Way Unit by email dated 1 June 2007, confirming the receipt of the letter and asking if this was an opportunity to produce new evidence. The Public Rights of Way Unit responded to Ms Bennett by email dated 1 June 2007, suggesting that she seek advice from the National Rights of Way Casework Team at DEFRA. Ms Bennett contacted the Public Rights of Way Unit again by email that same day to say that she had spoken to Laurence Wilson from the National Rights of Way Casework Team, who recommended that she should send in any further evidence provided that it does not stray from the original issues. She confirmed that she would be meeting her client to prepare a response to the appeal.

Ms Bennett contacted the Public Rights of Way Unit by telephone on 5 June 2007 to ask if it would be possible to extend the deadline by which comments should be submitted. It was explained to Ms Bennett by email on the same day that she could send comments directly to the National Rights of Way Casework Team and would therefore not have to submit comments to the Public Rights of Way Unit within the 21-day time period.

Ms Bennett confirmed that she would try to submit comments to the Public Rights of Way Unit, but any additional evidence would be sent direct to the National Rights of Way Casework Team.

Ms Bennett submitted evidence on behalf of the landowner of Witcombe Farm, Mrs Celia Hicks Beach, dated 4 July 2007, which is annexed to this submission at 'G'. The evidence consists of a statement titled 'Comments on Claimant's grounds of appeal against a refusal to make a modification order for an additional public footpath through Witcombe Farm, Gloucestershire', two letters from local residents of Great Witcombe stating that the claimed footpath has always been private and any use has been with the permission of the landowner and two evidence forms from further local residents giving evidence against the application. In her covering letter, Ms Bennett says that she anticipates further evidence forms will be provided giving evidence against the application, and acknowledges that after the expiry of the 21-day deadline, further evidence might not be taken into account.

8. Comments by others with an interest

Following the directions of the letter of 18 May 2007 from the National Rights of Way Casework Team at DEFRA, the Public Rights of Way Unit duly contacted user groups to inform them that an appeal had been made and inviting them to submit comments on the appeal. Those contacted were Mrs J Byrne, Mid-Gloucestershire Group Footpath Secretary for the Ramblers' Association, the Director of Development Services at Tewkesbury Borough Council, Councillor Vines, County Councillor for the Great Witcombe area and Rosie Cliffe, Conservation Manager for the Gloucestershire Wildlife Trust.

Mrs Byrne submitted evidence in support of the application to add the claimed footpath to the Definitive Map, dated 22 June 2007. The evidence consists of five witness statements claiming use of the footpath before it was closed. In her covering letter, Mrs Byrne confirms that she has already sent a copy of this evidence directly to Laurence Wilson of the National Rights of Way Casework Team.

No responses from others with an interest in the appeal have been received.

9. Conclusion

The Committee had delegated powers to take such decisions and in this case the Committee resolved that the application to add a public footpath through Witcombe Farm should be refused.

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

List of enclosures (two copies of each)

- A. Joint report of the Group Director: Environment and the Head of Legal and Democratic Services considered by the Commons and Rights of Way Committee on 20 March 2007.
- B. Minutes from the Commons and Rights of Way Committee held on 20 March 2007, approved on 18 June 2007 (Item 14).
- C. Forty-nine Public Path Evidence Forms with attached maps submitted by the applicant on 6 September 2005 (note: some markings made on original maps may not show up on copies).
- D. Comments and evidence submitted by Ms Anne Bennett of Charles Russell Solicitors on behalf of the landowner of Witcombe Farm dated 7 July 2006.
- E. Comments and evidence submitted by the applicant dated 26 October 2006.
- F. Survey carried out by Great Witcombe Parish Meeting dated 30 November 2005.
- G. Comments and evidence on the 'Claimant's grounds of appeal' submitted by Ms Anne Bennett of Charles Russell Solicitors on behalf of the landowner of Witcombe Farm dated 4 July 2007.
- H. Original Definitive Map, 1:10,560. OS map base SO 91 NW (1954) and SO 91 SW (1955).

Submission to the Planning Inspectorate

Application for a Definitive Map Modification Order to add a length of public footpath through Witcombe Farm, Parish of Great Witcombe, Gloucestershire (573/11/101(1))

Appendices to Gloucestershire County Council's Submission to DEFRA, 11 July 2007 regarding Appeal against decision of Gloucestershire County Council's Commons and Rights of Way Committee, 20 March 2007 -Covering list to show location in submission to Planning Inspectorate

| Appendix | Title | Submission document number |
|----------|--|----------------------------|
| A | Commons & Rights of Way Committee Report 20 March 2007 | 4 & 4.1 |
| B | Minute of Committee meeting 20 March 2007, approved on 18 June 2007 (item14) | 17.2 |
| C | Forty-nine Public Path Evidence Forms with attached maps submitted by the applicant 6 September 2005 | 15 |
| D | Comments and evidence submitted by Charles Russell Solicitors on behalf of landowner, 7 July 2006 | 9.2 |
| E | Comments and evidence submitted by applicant, 26 October 2006 | 9.3 |
| F | Survey, Great Witcombe Parish Council, 30 November 2005 | 4.1 (6J&6K) |
| G | Comments & evidence submitted on behalf of landowner 4 July 2007 | 17.11 |
| H | Original Definitive Map, 1:10,560. OS Map bas SO91 NW (1954) and SO 91 SW (1955) | 4.1 (6I) |

GLOUCESTERSHIRE
COUNTY COUNCIL
31 JUL 2007
THE ENVIRONMENT
DEPARTMENT

Ms S Burge
Public Rights of Way
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 - [REDACTED]

Direct line - [REDACTED]

Email: national.rightsofway.casework@gone.gsi.gov.uk

Your ref: 573/11/101(1)
Our ref: NATROW/T1600/529A/07/32
Date: 27 July 2007

Dear Ms Burge

**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**

Thank you for your letter of 11 July 2007 enclosing your authority's statement and associated documents in connection with the above appeal. I am sending a copy to the appellant for any comments and will write to you again in due course.

I enclose for your information a copy of correspondence submitted to us on this matter by the Ramblers' Association. I should be grateful if you would send me within 21 days any comments you may wish to make on these representations.

I would remind you that you are requested to 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.

Yours sincerely

[REDACTED]

LAURENCE WILSON

Enc



11 SEP 2007 *rec*

Wychbury
Great Witcombe
Glos GL3 4TS
[REDACTED]

10/09/07

Dear Sir,

REF: NATROW/T1600/529A/07/32

Firstly may I thank you for the extension to the deadline kindly granted by Jan Robinson, since I was out of the country for most of July and August.

This case has certainly accumulated a considerable volume of paperwork and I hope that this sheer bulk will not conceal the important points. Thus, although I do not wish to unnecessarily add more paper, I do feel I should respond to some of the comments made by the landowner's legal team, since there are inaccuracies within them, and then briefly highlight some important considerations, even though they may well have been covered in earlier documentation.

1. The landowner's solicitor, Anne Bennett, does not accept that the poll conducted by the then chairman, Mr. Trevor Buxton (subsequently a witness for the landowner) was given undue weight by The Commons and Rights of way committee though she does suggest that, "This is a valuable part of the evidence that the members were entitled to consider in reaching their decision". In actual fact this poll does not constitute *evidence* at all but merely the opinions of an unrepresentative group of forty-three people. The poll was not conducted by a recognized polling organisation and the results are not available for scrutiny. The question which the poll asked was, "I am in favour of / against the proposed right of way modification".

Of those given the opportunity to vote, 19% were for and 32% against with 49% who did not vote. In total, 43 people responded. Consequently the lawyer's statement that "We would stress that it is likely that such local people would have the better knowledge as to the use and status of the path than those from more distant parishes..." is quite unfounded since the poll did not ask for any information on usage or status and neither did it present any.

She is also entirely wrong in saying that, "Only a very small number of evidence forms in support of the claim were provided by residents of the nearest settlements of Witcombe, Little Witcombe, Bentham, Birdlip or Brockworth."

I have just counted through the evidence forms, which I submitted, and have the following figures for where people are currently resident. I append a breakdown of these, but in summary:

Great Witcombe; 7, Little Witcombe; 12, Brockworth; 19 and elsewhere; 12. Please note that all of those whose addresses are currently 'elsewhere', were originally resident in either The Witcombes or Brockworth except for Mr Comrie (Cheltenham) and Mr. Bradshaw (Standish) but have since moved away.

Therefore the lawyer's assertion that most of those providing supportive evidence are not local is clearly very wide of the mark – and quite misleading to those considering the evidence.

It is also the case that those living in neighbouring villages such as Little Witcombe and Brockworth, some of whom live in closer proximity to the footpath than some of those in the existing poll, were not given an opportunity to partake.

With regard to the anonymity of the ballot, the landowner's lawyer also erroneously states that, "The appellant does not know who participated in this...." In fact, although the results of the poll were anonymous, it is a matter of record in the then chairman's notes, which now form part of the parish meeting records, that the names of those who cast a vote were recorded and so I do know that a high proportion of the respondents to the poll were employees or lessees of the landowner.

Her statement that the gamekeeper is not an employee of the landowner is startling. I imagine she is referring to some technicality by which he is employed by the estate, rather than by Mrs. Hicks Beach in person, but it seems most unlikely that he would look after the pheasant breeding pens and patrol the estate without payment, or that she would allow him to live in one of her houses, if he did not work for her!

The Public Rights of Way Section at Gloucestershire County Council informed me at an early stage that the outcome of this case would depend solely on user evidence, that is to say the testimony of actual usage of the path in question, and that *opinion* would not be a consideration.

This might
refer to
'state of
other evidence'

Doc, owner, users. RWV of 'opinion' note.

I strongly contend that this poll does not constitute anything other than the opinions of some people and that these opinions should not be compared to actual evidence, presented on witnessed forms, regarding actual usage of the footpath over many years by fifty people (now fifty five).

2. I will not dwell again on the various maps, which do show the existence of a path, except to say that the legal advice to the meeting was, " It is not necessary to have both user and documentary evidence to support a modification application."

3. The lawyer refers to "allegations" made by myself and, "The lack of evidence to support these assertions."

Actually I have simply stated facts:

The three members of the Commons and rights of way committee went against the advice of their own Joint Report of The Group Director: Environment and The Head of Legal and Democratic services.

They all belong to The Conservative Party.

The landowner's family have in the past represented the same party.

One of the three members of the committee is also a landowner. I have not made any accusations of interference by the landowner but simply wondered whether this has been a truly representative process or whether there is the potential for bias, however unintentional that may be.

4. With regard to why the application was not made in the 1950's, the solicitor says she has identified the minutes of a Parish Meeting from 31st March 1951, which shows that 'The Parish' approved maps showing public rights of way with modifications.

I am pleased that the lawyer has drawn attention to this meeting since it serves to highlight how decisions were taken in those days. I am looking at the minutes in The Parish Meeting records from 31st March 1951 and I see that only three people were present: Major W.W. Hicks Beach M.P. (Chairman) Mrs. D. Hicks Beach and Mrs. Cox.

The minutes are hand written on two sides of paper (smaller than A4) and the minute regarding the public rights of way says the following:

"A map showing the public rights of way in the Parish was submitted to the meeting and approved subject to certain modifications.

The Chairman was instructed to forward the map as approved to the clerk to the Cheltenham Rural District Council so as to comply with the provisions of the Survey of Public Rights of Way National Parks and access to the Countryside acts 1949."

We are not told what the 'Modifications' were and there is no evidence that the minutes of the meeting were disseminated in any way. I am certainly unaware of any questionnaire or poll conducted by the chairman at that time!

Essentially therefore, the public rights of way in Great Witcombe Parish were determined by The Hicks Beach Family themselves and without consultation with the wider community.

Sarah Burge from Glos. County Council has pointed to legislation that is now in place, but which was not in the 1950's, which now imposes duties on the County Council to keep the definitive map under regular review.

In any case the only need for anyone to challenge the status of the path has occurred since access was withdrawn after 2001 and that is the reason why this application has occurred now and not at any other time.

5. It is quite clear from the evidence that any gate that was in place at point "A" had disappeared by the early 1970's (evidence of landowner's own witness, Mr. Arnold Price deceased) and that hitherto, it was not locked or a source of impediment.

The presence of a gate does not preclude there being a right of way. Neither does the presence of a sign (often hidden in a hedge) stating "Private Road, no unauthorized vehicles" especially when it is not clear which road it is referring to.

6. The Commons and Rights of way committee were concerned about a lack of response to the committee by The Rambler's Association and readily took this to mean that they had no interest and could not produce anyone who had walked the pathway in question.

I am surprised that my presentation of evidence from fifty people, deemed to be "A considerable number", by the solicitor for the landowner, Anne Bennett, was felt by the committee to be insufficient, but you now have a letter from Mrs. J. M. Byrne, Mid. Glos. Group Footpath Secretary who has produced a further five persons who have walked the pathway in question from The Ramblers.

The landowner's solicitor has produced a further four pieces of information which is, perhaps a good place to start an examination of the opposing evidence.

It is not mentioned that all four persons making these new statements are tenants of The Hicks Beach estate. All live a considerable distance away from the reservoir, the other side of the village, and therefore, would rarely be present to witness usage of the footpath.

Mr. and Mrs. Thompson simply say they have not seen anyone walking the claimed footpath, although they don't know any of the people who claim to have done so. Is this really significant evidence; from people who do not live close enough to the property to see the footpath anyway? They do not state how often they attend the farm or, over what period of time, but say that they look after the dog whilst the landowner is away. Since the landowner and her sons are not all away very often then this can, at best be regarded as occasionally.

The Biggs state an opinion that they think that the footpath was not a public right of way but do not live close enough to actually bear witness and provide no evidential details.

The landowner's solicitor attempts to overcome the lack of quantity of evidence for her client by claiming that, "Our client's evidence is significantly superior to the evidence forms produced by the appellant". However she does not attempt to explore this easily made remark any further, which is something I would like to do.

Of the forty-nine witnesses I have presented, five are family members and two are friends. Of the remaining forty-two witnesses; I had never met twenty-four of them before and I barely knew ten of them. None of them rent land or houses off me or depend on me for employment. Indeed some of the people giving evidence approached me, either by telephone or by knocking on my front door, requesting to be involved because they had heard about my planned application. Now there are a further five witnesses identified by The Ramblers, who are also unknown to me.

Usually it is not easy to organise people (I used to run a neighbourhood watch scheme that foundered due to lack of enthusiasm) but if you would kindly read some of the forty-nine original evidence forms and the subsequent additional submissions of twenty-four of them, some running to four pages, and one even to seven pages (Mrs. Eunice Straley) it is hard not to be impressed by the detail and the passion with which the evidence is given.

It is also the case that there were a number of local individuals who expressed their support for my footpath application, but because they have dealings with The Hicks Beach family, they feel unable to put pen to paper.

The depth of evidence is quite overwhelming: Forty people have walked this path for over twenty years and, of those, ten have walked it for more than fifty years.

Compare this to the landowner's evidence: Of the nineteen originally submitted, three are her children, six employees, one a lessee, one a declared close friend, three have been given permission to walk the said route and two have declared a prejudice against public footpaths through farms.

Add to this the inaccuracies in the lawyer's own submissions, not least concerning the localities from where the supporting witnesses are drawn, and I would argue that the quality of the evidence for the modification is far the better.

As an example please take the evidence for the landowner of Mrs. Irene Cross, who has only lived in her house since 2000. We know the path was closed in 2001, so she is only able to give evidence for a year. Let's look at the evidence she gives: None of the witnesses supporting the application are known to her, but she admits to seeing one or two walkers pass by her property (on the approach road to the footpath) and she does not know if they were given permission or turned back.

Is it any wonder that she did not see many people walking that way when the path was closed shortly after she moved in?

In short, her evidence is flimsy to say the least, except that she does confirm that some people walked the route, whereas Mr. Tony Diett, who lives opposite Mrs. Cross and who is another witness for the landowner, denies seeing anyone use the route at all, which also contradicts the evidence given by his own wife, Mrs. Carol Diett, and, Mr. Rex Cross and also several witnesses supporting the footpath who say they have even walked the footpath with him!

Compare the quality of that evidence to this of Mr. John Miles, a local man, and one of the few who can say they attended Witcombe School (closed in the late 1950's) who was previously unknown to me, and who gives evidence that he has walked the route at least twenty times a year since the 1940's and yet the landowner and her witnesses claim never to have seen him do so. Mr. David Cooper, has walked the path regularly for over forty years and none of the landowners witnesses have apparently seen him do so either.

I have walked the path for thirty years and I have only apparently been seen on one occasion, in 2005, when I was asked to stop.

The landowner and her family have only resided at Witcombe Farm since the 1980's and the children would have been very young then, and so their testimony must be seen in this context.

Clearly there is conflicting evidence between the landowner's witnesses and those supporting the application, and this was seen as very important by those on the Commons and Rights of Way Committee and used as reason to refuse the application. They did not appear to weigh the evidence appropriately or logically.

Why would I apply for a modification order to a pathway if I had only used it once and, more importantly, why would forty-nine (now fifty -four) people, most of whom I'd never met before, support me in doing so with lengthy, witnessed evidence forms. They come from all walks of life: one is a retired vicar. Surely it beggars belief to imagine that these people are all giving false testimony since they have no vested interest. Compare this to the evidence given by the opponents of the application.

I therefore urge you to look for the truth in this case and grant this appeal so that these people, many of them elderly, can walk to this local beauty spot, since many of them simply cannot negotiate the other difficult routes left to them.

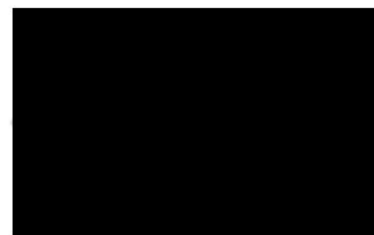
I have previously sent photographs to The Footpaths Department at Gloucestershire County Council to demonstrate the difficulties in accessing the reservoirs by the other available routes. I will only enclose two of those photographs today, not as evidence, but in order to demonstrate why the footpath being applied for is so important. Please note that these photographs were taken two years ago, well before the recent floods!

On a minor point, the Landowner's solicitor has pointedly stated that I no longer hold office as The Chair of The Parish Meeting. This is true and unsurprising, since I decided not stand for re-election.

I thank you for your kind attention in considering this weight of material and look forward to the outcome, still firm in the belief that the best evidence will prevail.

Yours sincerely,

Dr. Nick Gilbert MBChB MRCP DRCOG



Enclosures:

A print out of the original fifty witnesses showing how many years they have walked the path and, in freehand, where they live.

Two photographs taken of the alternative pathways to Witcombe Reservoirs after some rain, showing the difficulty with access.

Period over which each person walked the claimed path

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

