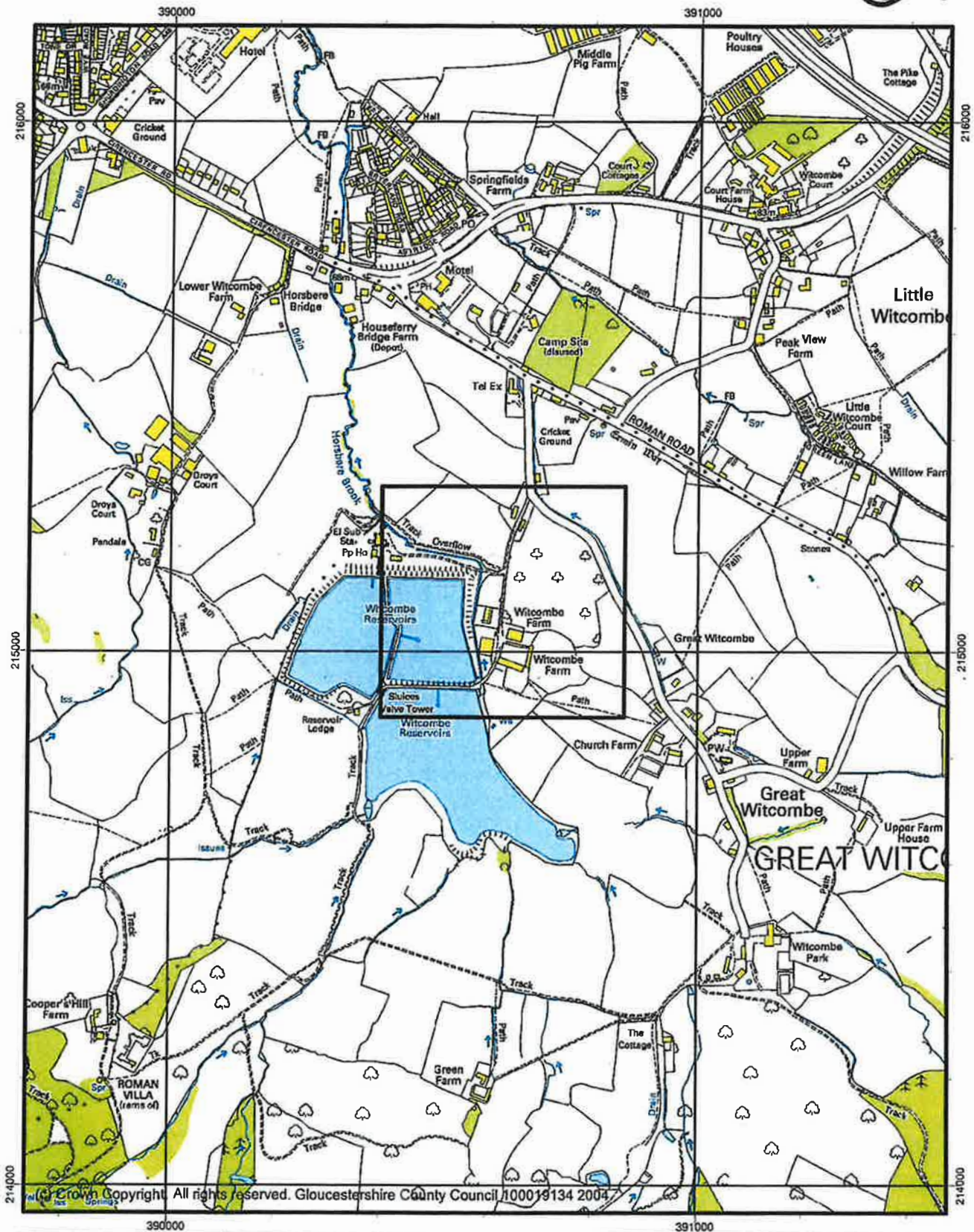


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6A



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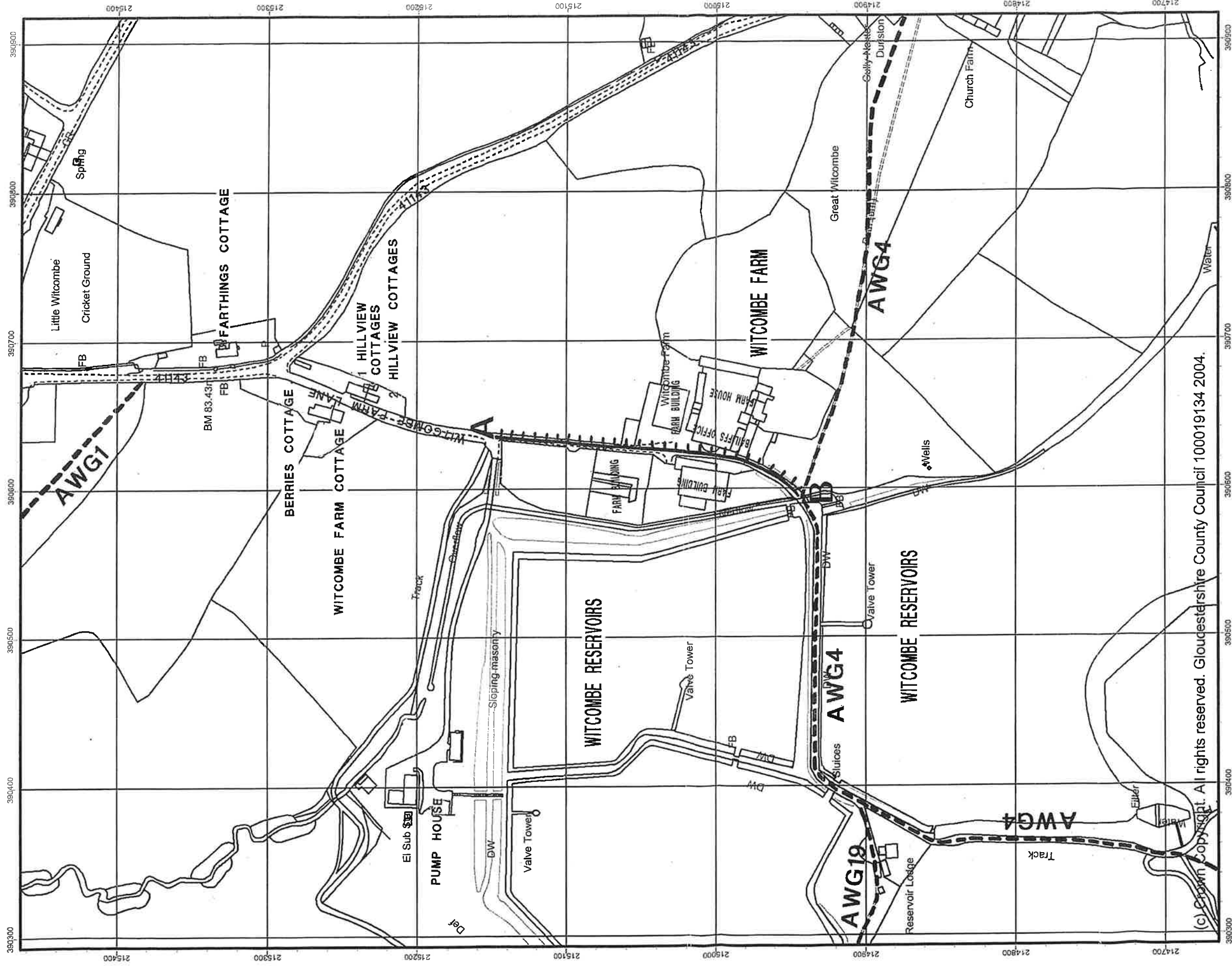
DRAWN BY: S.BURGE
SCALE: 1:10,000
DATE: 27/02/07
DRAWING NO:



LOCATION MAP OF WITCOMBE FARM

PARISH OF GREAT WITCOMBE

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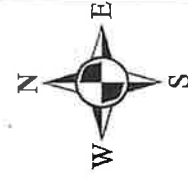
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SCALE: 1:2,500

DATE: 27/02/07

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MAP SHOWING CLAIMED FOOTPATH THROUGH WITCOMBE FARM
PARISH OF GREAT WITCOMBE

KEY

PUBLIC FOOTPATH

CLAIMED FOOTPATH

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6B

**APPLICATION FOR A MODIFICATION ORDER TO ADD A PUBLIC FOOTPATH THROUGH WITCOMBE FARM
PARISH OF GREAT WITCOMBE**

SUMMARY OF PUBLIC PATH EVIDENCE FORMS SUBMITTED IN 2005

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
1	Dr Nicholas James Gilbert	Wychbury Great Witcombe Glos. GL3 4TS	1975 to 2005	Several times a week in 70s, 90s and until 2002 (approx.) when signs were posted. Less often in 1980s	On foot from home to visit parents in Little Witcombe and to Witcombe Reservoirs for leisure and to walk the dog	Witness notes signs erected about 3 years ago at points A and B saying 'Witcombe Estate, Private Land, No Public Right of Way'. Witness was told in 2005 by telephone not to use the claimed footpath. In May 2005 he was given permission to use the path on one occasion as the alternative footpath was obstructed by a horse. He notes another sign at point A saying 'Private Road, No Unauthorised Vehicles'. Witness respected landowners request not to use the claimed path in 2001 during the foot and mouth epidemic.	Witness has marked out the claimed path on the map
2	Mr James Oliver Gilbert	Pasaderas Little Witcombe Glos. GL3 4SS	1975 to 2004	Many times a year	On foot from home to Witcombe Reservoirs and to Roman Villa and woods for bird watching and walks	Witness says he and his wife have not used the claimed path in 2005 and feel the loss of a safe walk to the reservoirs and observing the birds in their retirement. He never thought he needed permission to use the path.	Witness has marked out the claimed path on the map which follows route submitted by applicant
3	Mrs Evelyn Dawson Gilbert	Pasaderas Little Witcombe Glos. GL3 4SS	1975 to 2004	Daily during the early years but always frequently	On foot past the reservoirs onto Roman Villa with children and grandchildren for leisure and exercise	Witness notes having her name and address taken by the lady running the stables at the farm when using the path after the restriction signs went up, on the request of the landowner. She says she has used the path for many years and never been stopped until the notices were put up.	Witness has marked out the claimed path on the map which follows route submitted by applicant

6C

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
4	Mrs Moira Janet Gilbert	Wychbury Great Witcombe Glos. GL3 4TS	1984 to 2005	Several times a week since moving to Great Witcombe in 1997, less from 1984 to 1997	On foot from home or in-laws house, Pasaderas, to reservoirs for leisure and walking the dog	Witness notes signs erected about 3 years ago at points A and B saying 'Witcombe Estate Private Land, no public right of way'. Witness says she needs to use the path when other routes are impassable due to horses, electric fences and floods	Witness has marked out the claimed path on the map which follows route submitted by applicant
5	Mrs Anne Vickery	Woodleigh, Horseferry Bridge Little Witcombe GL3 4SX	1968 to 2005	At least once a week up until the end of the 1990s	On foot from home to Witcombe Reservoirs for leisure and to enjoy the countryside	Witness notes signs posted on each end of the claimed path saying 'Witcombe Estate, Private Land, No Right of Way'. She notes being followed on one occasion by Freddie Hicks Beach when walking along the claimed path to deliver a church magazine to Celia Hicks Beach and on another occasion when walking from Roman Villa to the reservoir he arrived on his quad bike to find out where she was going.	Witness has marked out the claimed path on the map which follows route submitted by applicant
6	Scott McNeill	40 Lasne Crescent Brockworth	1985 to 2005	Ten times a year	From home as a circular walk for leisure	Witness notes signs posted in 2002 at points A and B saying 'Witcombe Estate, Private Land, No Public Right of Way' and also notes an older sign at north end of path saying 'Private Road, No Unauthorised Vehicle'. Witnesses says he and the Brockworth walkers have used the claimed path as part of a circular walk for many years.	Witness has marked out the claimed path on the map which follows route submitted by applicant

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
7	Ann McNeill	40 Lasne Crescent Brockworth	1983 to 2005	12 or more times a year	Circular walks from Brockworth for leisure with children	Witness notes signs posted about 3 years ago at both ends of claimed path saying 'Witcombe Estate, Private Land, No Public Right of Way' and another sign at north end of path saying 'Private Road, No Unauthorised Vehicles' although she says this could refer to a different path. Witness belongs to a walking group which has used the claimed path for many years.	Witness has marked out the claimed path on the map which follows route submitted by applicant
8	Michael George Roberts	34 Lasne Crescent Brockworth GL3 4UX	1970 to 2005	35 times a year approximately	On foot from Brockworth to Witcombe via the reservoir and vice versa for exercise and dog walking	Witness notes signs in the last few years saying 'Witcombe Estate, Private Land, No Public Right of Way'. He claims that when using the claimed path he was told to go back and use an alternative path but he refused stating reasons such as mud, safety etc. He was then allowed to continue.	Witness has marked out the claimed path on the map which follows route submitted by applicant
9	Valerie Mason	Cartref 1 Shurdington Road Brockworth GL3 4PU	1982 until notice appeared	At least once a month	On foot from home on frequent walks via the reservoirs for pleasure	Witness notes a 'Private Road' sign with an arrow pointing across a muddy field to be used as an alternative path, which, she says is often a quagmire due to the horses kept in the field. Witness claims she thought a right of way had been established by many years of use.	Witness has marked out the claimed path on the map which follows route submitted by applicant

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
10	Iris Olivia German	86 Castle Hill Drive Brockworth GL3 4NX	1980 until notice appeared	Many times a year	From the Twelve Bells to the reservoirs in the 1980s and from home to the reservoirs from 1990s onwards for walking and bird watching	Witness states that until the notices appeared on the claimed path, all Brockworth and Witcombe residents have known it to be public. She says the alternative footpath is on a slippery slope in a field where horses graze making the mud very deep and thinks local people would like a peaceful walk to the causeway.	Witness has marked out the claimed path on the map which follows route submitted by applicant
11	Mrs Mary Heggie	33 Court Road Brockworth	1982 to 2001	15 times a year	On foot for Sunday walks	Witness notes a sign indicating that the footpath went over a stile and through a field. She claims that in 2001 she was told that the right of way was over a stile and through the field.	Witness has marked out the claimed path on the map which follows route submitted by applicant
12	Carole Neal	16 Moorfield Road Brockworth	1970 to present (2005)	Once a month	On walking trips to Witcombe Church, the reservoirs, Droys Court etc	Witness notes a sign saying 'Witcombe Estates, Private Land, No Public Right of Way'. She adds that she has walked the claimed path freely for almost 40 years.	Witness has marked out the claimed path on the map which follows route submitted by applicant
13	Mrs Sheila Watts	29 Court Road	1978 to present day	Several times a year	On foot, rambling	Witness notes a sign telling walkers to go via a field and was given a verbal notice to use the alternative path over the stile and through the field.	Witness has marked out the claimed path on the map which follows route submitted by applicant

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
14	Mr and Mrs A. E. Peachey	11 Green Gardens Brockworth GL3 4NH	Occasionally over 31 years	Occasionally	From Brockworth to Witcombe Reservoirs, to Coopers Hill and back to Brockworth for walks	Witnesses note a "very obstructive landowner on a quad bike!" They claim this Spring they were stopped by the landowner and read the Riot Act to. They were eventually allowed to pass through the farm but had to agree not to claim for any injuries that may occur on the land. Witnesses say the owner allows paying visitors such as fishermen and the Cheltenham Ladies College to use his land. They state that for less able walkers the claimed path is a safe access point.	Witness has marked out the claimed path on the map which follows route submitted by applicant
15	Gary Dennis John	Green Acres The Knoll Cranham Gloucester GL4 8HR	1970 to 1995	At least twice a week during 1977-78. Over 100 times per year	On foot from house in Brockworth to friends houses in Cranham for pleasure, walking the dog and athletic training	Witness recalls gates across the claimed path that were closed when cattle was being moved but then opened for the public to pass through. He says the people at the farm were always friendly and never stopped anyone from using the path. Witness says he is amazed anyone could suggest the path is not a right of way and that he and his family have used it hundreds of times.	Witness has marked out the claimed path on the map which follows route submitted by applicant but extending northwards to Hillview Cottages and southwards along AWG4
16	Mr Adam Paul Hosler	Romanhurst Birdlip Hill Witcombe GL3 4SN	1971 to 1978 and 1995 to 2005	About 25 times a year between 1971 and 1978. About 10 times a year between 1995 and 2005	On foot as part of a circular walk from house to Buckholt Wood, to reservoir and onto Little Witcombe for pleasure and running	Witness notes a sign on the claimed path saying 'Witcombe Estate, Private Land, No Public Right of Way' in recent years. He stopped using the path when signs were put up.	Witness has marked out the claimed path on the map which follows route submitted by applicant

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
17	Mrs Mary Organ	1 Lea Road Brockworth GL3 4JD	1950s to 2001	As often as time permitted	On foot and by car from home in Brockworth to the reservoirs for bird-watching, dog walking and nature walks	Witness notes a gate on the claimed path when calves or cows were using it and a sign on a post saying 'Private Road Only'. She says the path has been used for many years and the bridleway used to go into the Woods by Tiny Well and across to Birdlip or Coopers Hill.	Witness has marked out the claimed path on the map which follows route submitted by applicant
18	Mrs Maureen Pither	Pendale Farm Droys Court Brockworth Glos.	1950s, 1960s and onwards	Infrequently	On foot (or by car when transporting elderly or disabled people) from Witcombe to the reservoirs to see the wildlife	Witness notes a recent sign saying 'Private Road'. She was given permission to use the path with the annual Church Rogation Service. Witness claims she has seen many people using the path and didn't know it is not already a public right of way.	Witness has marked out the claimed path on the map which follows route submitted by applicant
19	Anthony Pither	Pendale Farm Droys Court Brockworth GL3 4TN	1960 to 2002	Monthly	From Birdlip Road (Ermin Way) to the reservoirs at Witcombe for leisure and bird-watching	Witness notes a sign saying 'Private Road, No Public Right of Way'. He claims he was given a verbal warning by Mrs Hicks Beach when walking the path towards Witcombe Church about 3 years ago. Witness states that the path was used a lot by local people in the past.	Witness has marked out the claimed path on the map which follows route submitted by applicant
20	Mrs Caralyn Ruddleston	The Granary Breadstone Berkeley Glos.	Nov. 1986 to Feb. 2005	45 times a year	From Great Witcombe to reservoirs and onto Roman Villa	Witness states the "single track road" has been used by walkers, dog owners and horse riders for a great many years.	Witness has marked out the claimed path on the map which follows route submitted by applicant

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
21	Miss V Cooper	Clovelly Great Witcombe GL3 4ST	1984 to 2005	Several times per week	From the cricket ground up to the reservoir	Witness notes a sign saying 'No Public Right of Way' posted 3 years ago. She was asked to move while sitting next to the reservoir by "some woman from the Hicks Beach fan club". She says she has been pleasantly greeted by the occupier of the land over the past 20 years.	Witness has marked out the claimed path on the map which follows route submitted by applicant
22	David Cooper Jnr.	75 Andover Road Tivoli Cheltenham	1985 to 2005	Several	On foot from home to Roman Villa to reservoirs to cricket pitch and back home for exercise and health benefits	Witness has noticed a sign in the past year. He was given a verbal notice by a man possibly called Frankie who had been drinking and appeared to want confrontation. Witness states he has used the path for 19 years and was on 'greeting' terms with the occupiers. He says there has been over 20 years uninterrupted use of the path.	Witness has marked out the claimed path on the map which follows route submitted by applicant
23	David Cooper	Clovelly Great Witcombe Glos.	1960 to 2005	Approximately 20 times a year	On foot from family home at Horseferry Bridge, Witcombe	Witness notes signs at each end of the path saying 'Private, No Public Right of Way'. He comments that he has never encountered problems when using the path but is aware of many people being stopped. He says it is constantly used by fishermen and people using the stables. Witness has always regarded the path as a public right of way.	Witness has marked out the claimed path on the map which follows route submitted by applicant

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
24	Mrs Lynne S. Cooper	Clovelly Great Witcombe Glos.	1975 to 2005	Several times a week	On foot to reservoirs from Horseferry Bridge Farm and then Clovelly for leisure and running	Witness notes a sign in the last few years saying 'Private Land, No Public Right of Way'. She says Mark Hicks-Breach allowed access but his son Freddie told her in early 2002 that it is private land. She says people have been traumatised by the aggressive attitude of the landowners and only a few people have been given permission to use the path such as paying fishermen and those using the owners holiday properties.	Witness has marked out the claimed path on the map which follows route submitted by applicant
25	Christopher Cooper	10 Redhouse Way Priory Vale Swindon SN25 2AZ	1975 to 2005		Formerly to and from home in Witcombe and latterly from relatives at Clovelly for leisure walking	Witness notes signs at each end of the claimed path saying 'No Public Right of Way'. He says he has used the path for many years and was surprised to see the notices.	Witness has marked out the claimed path on the map which follows route submitted by applicant
26	Richard Cooper	18 Hermitage Street Cheltenham	1980 to 2005	10 to 15 times a year	From Witcombe Village to reservoirs and beyond	Witness claims he has walked the path many times a year without challenge, often saying hello to the occupants. He comments that the more people using the path legitimately, the more this will discourage criminals.	Witness has not marked the map

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
27	Mrs Miriam Joyce Beard	The Cottage Green Lane Little Witcombe GL3 4TY	1991 to 2004	4 to 6 times a year	Walking in the countryside for pleasure	Witness notes a sign located south of Hillview Cottages saying 'No Unauthorised Vehicles'. She says during the summer of 2004 she was stopped by someone at Witcombe Farm and told to turn and go over a stile to the right near the farm. Witness had always assumed the path was a right of way. The alternative path is difficult with loose horses, fencing, hedges and stiles.	Witness has marked out the claimed path on the map which follows route submitted by applicant
28	Duncan Hepburn	Marlborough House Birdlip Hill Witcombe GL3 4SN	1993 to 2001	20 to 30 times a year and weekly during 97/98	On foot to Witcombe Reservoirs and onto St Mary's Church for leisure and exercise with friends, visitors and children	Witness notes signs saying 'Witcombe Estate, Private Land, No Right of Way' put up 3-4 years ago all over the area and not just on path. He says he has spoken with the Hicks Beaches whilst walking the path. Witness states that since Mr Hicks Beach died, the freedom previously granted to the locals using the path has been restricted.	Witness has marked out the claimed path on the map which follows route submitted by applicant
29	Ruth Hepburn	Marlborough House Birdlip Hill Witcombe	1993 to 2001	20 or more times a year and during 97/98 a few times a week	On foot to Witcombe Reservoirs and onto St Mary's Church with friends, family, visitors and children to look at view and for exercise	Witness notes signs saying 'Witcombe Estate, Private Land, No Right of Way' at both ends of the claimed path and at other locations on the estate put up 3-4 years ago. She says she has spoken to the Hicks Beaches to say hello whilst using the path.	Witness has marked out the claimed path on the map which follows route submitted by applicant

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
30	Sybil Ida Knight	Glaisdale Astridge Road Witcombe Glos.	1935 to 2005	Frequently years ago	On foot past the reservoir onto Roman Villa Road walking the dog, nature walks and for leisure	Witness notes a sign put up 3 years ago saying 'No Public Right of Way'. She says she has always known the claimed path as a right of way and her father used it repeatedly during the early nineties.	Witness has marked out the claimed path on the map which follows route submitted by applicant
31	Penelope J Canbilen	Pasaderas Little Witcombe Glos. GL3 4SS	1975 to 2005	Many times a week	On foot and horse-back to woods or Roman Villa for recreation and to exercise horses and dogs	Witness notes a 'Bridleway' sign roughly where 'No Public Right of Way' sign is now. She says she was turned back when using the way after the restriction signs went up by the lady running the stables. Witness claims Mr Mark Hicks Beach used to say hello as she used the path. She adds that this was the main bridle route to the woods in the 1970s and 1980s.	Witness has marked out the claimed path on the map which follows route submitted by applicant
32	Louise Mary Taylor	Berthon House Mamhilad Pontypool Monmouthshire NP4 0JF	1975 to 2005	Several times a week until 1983 when she moved. Now regularly when visiting	On foot and horse back from Pasaderas in Little Witcombe to Witcombe Reservoirs and Woods for leisure	Witness notes a sign in the last 3 years saying 'Witcombe Estates - No Right of Way'. She claims that until 3 years ago she was seen by the owners regularly and not turned away. Witness has used the path since she was 10 years old and has happy memories associated with it. She says the alternative route is longer and can be difficult to negotiate due to stiles and horses. She states the claimed route is still used by people who pay the owners for use of the stables and fishing facilities. She believes it should be open to the general public.	Witness has marked out the claimed path on the map which follows route submitted by applicant

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
33	Julian K Comrie	Greenway House Greenway North Curry Taunton Somerset TA3 6NH	1988 to 1975 and occasionally later	15 to 20 times a year	On foot or sometimes by car to Witcombe Reservoirs for bird- watching and to visit the nature reserve	Witness notes a 'Gloucestershire Trust Nature Reserve' sign at the claimed path. From 1967-1975 witness was a member of the GTNC (Glos. Trust for Nature Conservation) and worked on establishing a nature reserve at the reservoirs with the Water Board. He had unimpeded access to the reservoirs via the path by foot and car during this time.	Witness has marked out the claimed path on the map which follows route submitted by applicant
34	Rosemary Jean Hellerman	The Haven Tea Garden Coopers Hill Brockworth GL3 4SB	1930s to 2003	Several times a week during the summer	On foot and by bike from Coopers Hill to visit friends at Witcombe Farm, The Old Rectory and walks for leisure	Witness notes a 'Private Road' sign for the road used by the Water Board staff. She says she has always believed the path to be a right of way and was very surprised when it was closed by Mrs Hicks Beach.	Witness has marked out the claimed path on the map which follows route submitted by applicant
35	Mary Hosler	11 Ansdell Drive Brockworth GL3 4BT	1971 to 1997	About once a month	Usually by car to Witcombe Reservoir to paint as she is an amateur artist. Sometimes by foot for a walk	Witness notes a sign at the beginning of the path saying 'Private Property, No Right of Way', which has been there a few years. She says the last time she used the path in the car she was stopped and told not to park the car on the path. She was told that the path is not a right of way, but was given permission to use it that one time. She has not been back since.	Witness has marked out the claimed path on the map which follows route submitted by applicant

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
36	Olivia Dell	The Villa Great Witcombe Glos. GL3 4TS	1984 to 2002	50 times a year	On foot to Roman Villa and the reservoir for pleasure	Witness notes a sign at the north end of the path saying 'Private Land, No Public Access' put up about 2 years ago. She was warned recently by Mrs Hicks Beach not to use the path through the farmyard but to go through the field. Witness says she had always said 'good day' to the owners when using the path, so assumed it was public.	Witness has marked out the claimed path on the map which follows route submitted by applicant
37	Mrs Angela Hendry	6 The Crescent Brockworth Gloucester	1947 to 2005	About 15 times a year	A circular walk from Brockworth, via the reservoirs to Roman Villa for recreation	Witness notes a sign saying 'Private Road, No Vehicles' at the claimed path. She was told by a man in the fishing office that the route was not a right of way (around Nov. 2004) but she refused to turn back. Witness states she cannot take her grandson to the reservoirs via the alternative paths, as they are not suitable for prams/pushchairs.	Witness has marked out the claimed path on the map which follows route submitted by applicant
38	John Gregory Miles	1 Astor Close Brockworth Glos. GL3 4AS	Late 1940 to present	Over 20 times a year	On foot for various trips to the reservoirs, Roman Villa and Coopers Hill etc	Witness notes recent signs posted on each end of the claimed path saying 'Witcombe Estate, Private Property. Witness states that over the last 3 years he has been stopped or told not to use the path by the landowner and has turned back due to verbal abuse. He says he has always used the path and felt welcome until about 3 years ago.	Witness has marked out the claimed path on the map which follows route submitted by applicant

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
39	Edward W Pope	Peake View Cottage Little Witcombe Gloucester GL3 4SW	1950 to 2004	Often with young family but less lately	On foot from home to Witcombe Reservoirs and surrounding countryside	Witness notes a sign at the northern end of the claimed path saying 'Private Road, No Unauthorised Vehicles'. He states he was given permission to use the path many years ago by Mrs Diana Hicks Beach. Witness says he has lived in the village for over 50 years and always used the path.	Witness has marked out the claimed path on the map which follows route submitted by applicant
40	Mrs Beryl Inez Pope	Peake View Cottage Little Witcombe Glos. GL3 4SW	1950 to 2004	Often when family was young, less lately	On foot from home to reservoirs and adjoining countryside for enjoyment	Witness notes a sign at the entrance to the Water Board property saying 'Private Road, No Unauthorised Vehicles'. She was given permission to use the path some time ago by Mrs Diana Hicks Beach. Witness claims she has used the path for over fifty years.	Witness has marked out the claimed path on the map which follows route submitted by applicant
41	Susan Willis	113 Abbotswood Road Brockworth Glos. GL3 4PD	1964 to 2003	3 to 4 times a week until 1988, then weekly	On foot and horse-back from home into Witcombe Woods to exercise horses and walking the dog	Witness notes a sign saying 'Witcombe Estate, Private Land, No Public Right of Way'. She says that the previous tenant gave her permission to use the path.	Witness has marked out the claimed path on the map which follows route submitted by applicant
42	Mr Simon Ruddleston MRICS	The Granary Breadstone Berkeley Glos.	1986 to 2005	30 times a year (average)	On foot from Great Witcombe to the reservoirs and to Witcombe Roman Villa for leisure	Witness states the claimed path has been used for many years by locals and non locals for recreational walks to the reservoirs and onto the Cotswolds	Witness has marked out the claimed path on the map which follows route submitted by applicant but extending northwards to Berries Cottage

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
43	Mrs P. A. Willis	1 Gannet Close Brockworth Glos. GL3 4UT	1937 to 1999	As a child, often. During later years about twice a year	On foot from house to reservoirs for exercise and pleasure	Witness notes a gate just past the turning to the Pump House and a sign towards the Pump House saying 'Private'.	Witness has marked out the claimed path on the map which follows route submitted by applicant
44	Mrs Patricia Curtis	Marlborough Cottage Birdlip Hill Witcombe Glos. GL3 4SN	1950s to 2001/02 as a footpath. 1955 to 1980s as a bridleway	Weekly (or more often in the summer)	On foot or horse-back to Witcombe Reservoirs and beyond to Witcombe Woods and other paths for dog walking, horse riding and leisure walks	Witness notes a gate into the reservoir in 1950s/60s. She also notes a sign saying 'Witcombe Estate. Private Land. No Public Right of Way'. Witness says in 1994/95 she was turned back when using the path as a bridleway. She was given permission to use it in 1999-2000 when her horse was at the livery at Witcombe Farm. Witness continued to use the path on foot after 1994/95 with no verbal restrictions until the signs were erected in 2002.	Witness has marked out the claimed path on the map which follows route submitted by applicant
45	Rev. John Thornton	24 Spencer Close Hucclecote Gloucester GL3 3EA	1962 to 1991 and 1991 to 2003		Professionally on foot during church Rogation Processions. Recreationally on foot to visit reservoirs	Witness notes a gate at the entrance to Witcombe Farm that has been removed. He also notes a sign in 2003 saying 'Witcombe Estate, Private Land, No Right of Way'. Witness was once Rector of Great Witcombe and many church-goers used the path. It was also walked during Church Rogation Processions. Recreationally, the witness has regularly used the path as access to the reservoirs.	Witness has marked out the claimed path on the map which follows route submitted by applicant

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
46	John Pye	4 Pillcroft Road Witcombe Gloucester	1960s to present day	Several times a year	On foot from Witcombe Village to the reservoirs and beyond	Witness says he used the path for many years before he understood that there was a problem.	Witness has marked out the claimed path on the map which follows route submitted by applicant
47	Bob Miles	5 Parliament Close Stroud Glos. GL5 1DQ	1955 to 1997	1072 times a year during the 50s and 60s. Less frequently during 70s, 80s and 90s	On foot from Little Witcombe to the woods and onto Birdlip for leisure and recreation	Witness has not noticed any obstructions on the claimed path.	Witness has marked out the claimed path on the map which follows route submitted by applicant
48	Eunice Elizabeth Straley	2 Church Close Cranham Gloucester GL4 8HT	1957 to 2005	Often on a daily basis, except during college term-time for 4 years and during foot and mouth epidemic in 2001 for 19 months	On foot to Witcombe Reservoirs for leisure, walking the dogs, pleasure, exercise and fresh air and for other purposes i.e., church, nature study etc.	Witness notes signs at both ends of the claimed path saying 'Witcombe Estate, Private Land, No Public Right of Way'. She says after Mrs Hicks Beach moved into the farm in the early 80s, she saw the witness and her family walking the path and conversed with them. Witness has never been told not to use the path. She says the alternative route is impassable at times and precludes disabled people.	Witness has marked out the claimed path on the map which follows route submitted by applicant

No	Name	Address of Witness	Period of time covered	Frequency of Use	Purpose of Use	Other Remarks	Comments (by Director of Environment)
49	Peter Bradshaw of Gloucestershire Wildlife Trust (GWT)	Church House Standish Glos. GL10 3EU	1971 to 2005	Various times throughout year	GWT staff and members use the road as access to the nature reserve by foot for work and leisure	Witness notes a sign saying 'Witcombe Estate, Private Land, No Public Right of Way' and another saying 'Private Road - No Unauthorised Vehicles'. GWT have a right of access through their agreement with Severn Trent but some members have been refused access.	Witness has marked out the claimed path on the map following route submitted by applicant and other routes

**APPLICATION FOR A MODIFICATION ORDER TO ADD A PUBLIC FOOTPATH THROUGH WITCOMBE FARM
PARISH OF GREAT WITCOMBE**

SUMMARY OF EVIDENCE FORMS AND WITNESS STATEMENTS OPPOSING THE APPLICATION, SUBMITTED IN 2006

NAME	ADDRESS	HOW DOES WITNESS KNOW THE CLAIMED FOOTPATH?	HOW LONG HAS WITNESS KNOWN THE CLAIMED FOOTPATH?	DOES WITNESS HAVE A CLEAR VIEW OF CLAIMED FOOTPATH?	HAS WITNESS SEEN ANY MEMBERS OF THE PUBLIC OR GROUPS USING THE CLAIMED FOOTPATH?	HAS WITNESS TURNED ANYONE BACK FROM USING THE CLAIMED FOOTPATH?
Anthony Maurice Dielt	Berries Cottage, Farm Lane, Great Witcombe	Witness lives on the approach road to point A.	27 years.	Clear view of point A from witness's property and view of claimed footpath from witness's garden.	Witness has never seen any of the witnesses who submitted Public Path Evidence Forms using the claimed footpath.	No.
Michael Teesdale	6 Cherrywood Gardens, Tuffley	Witness is a member of the Committee responsible for the management of the Witcombe Nature Reserve on behalf of the Glos. Wildlife Trust.	1986 to 1996 (visiting approx. once a week), 1996 onwards (approx. once a month).	Clear view of point B.	Witness notes people attempting to drive through Witcombe Farm from time to time.	No.
Arnold Price	Witcombe Farm Cottage, Witcombe	Witness lives on approach road to point A and is employed as a farm worker at Witcombe Farm.	Lived at property since 1962. Worked at Witcombe Farm since 1956.	Clear view of approach road and claimed footpath from witness's house and garden. Works in the yard adjoining the claimed path Mon to Fri from 7:30am to 4:30pm.	Witness has never seen any of the witnesses who submitted Public Path Evidence Forms using the claimed footpath.	No.
Irene Cross	1 Hillview Cottages, Great Witcombe	Witness lives on the approach road to point A.	Last 6 years.	Clear view of the approach road to the claimed footpath.	Witness has occasionally seen one or two walkers pass her property. She does not know if this is with permission.	No.

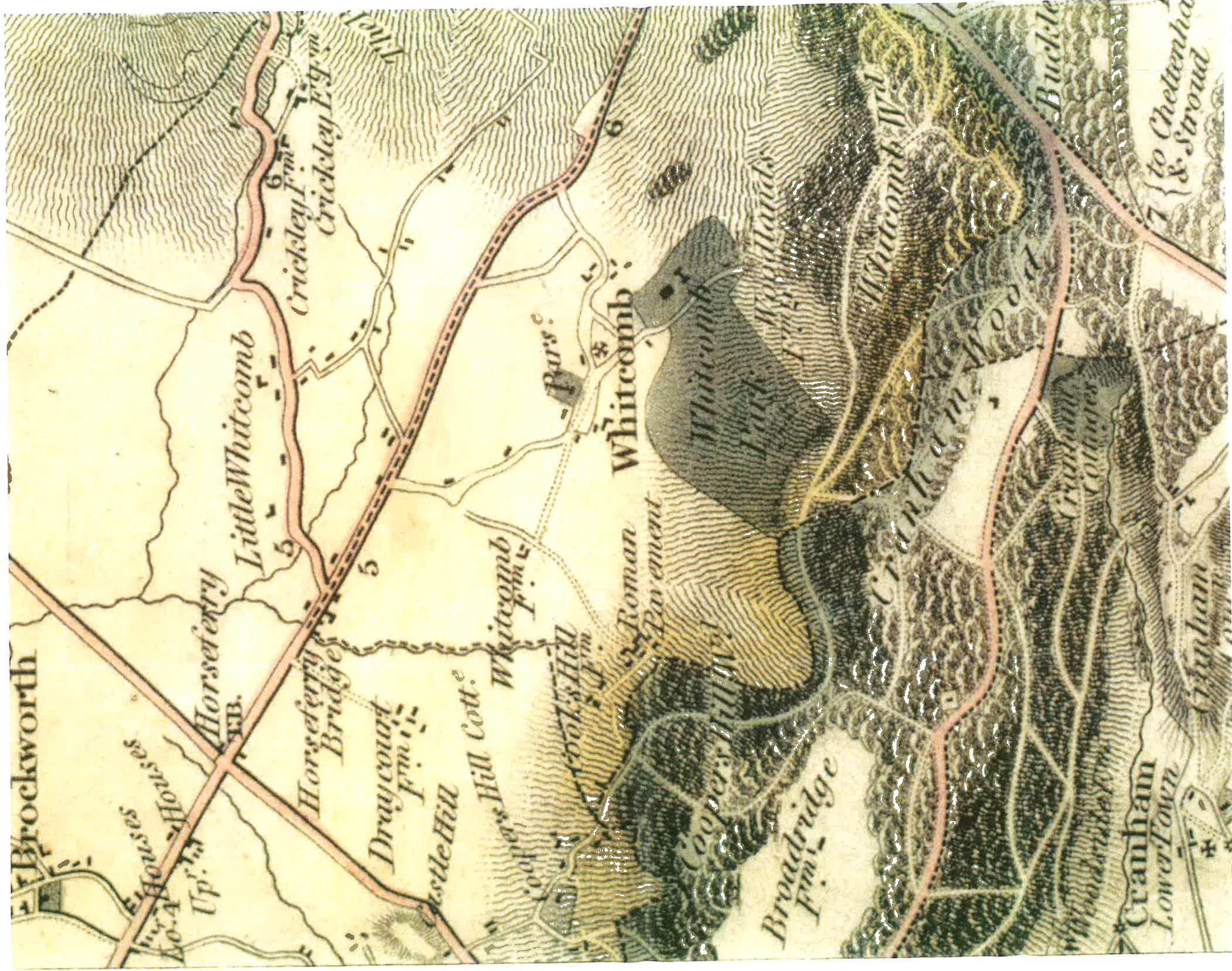
6D

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Kevin Higginbotham	50 Pennsylvania Avenue, Cheltenham	Witnesses visits Witcombe Reservoirs to fish and is been employed by Witcombe Farm as a bailiff	Last 30 years (when fishing at reservoirs). Last 7 years (as a bailiff at Witcombe Farm).	Clear view of point B from the reservoirs when fishing once or twice a week for 5-6 hours). Works in farm office adjacent to claimed footpath from Sun to Mon from 7:30am to 4pm.	Witness has occasionally seen walkers on the claimed path who were always turned back.	Witness has turned back a number of people over the past 7 years.
Francis H. Baxendale	Sheepwash Cottage, Aldingbourne, West Sussex	Witness has been a close friend of the late Mr Mark Hicks Beach. Witness served as a Trustee of the Witcombe Trust and was an Executor of Mr Hicks Beach' will.	Since 1961 (as a visitor). From 1988 to 2005 (as a Trustee of the Witcombe Trust).	N/A	Witness states that in her experience at no time have persons other than visitors to Witcombe Farm, the livery stables or the fishing, used the claimed footpath for that purpose.	N/A
John Anthony Metcalfe	3 Knapp Cottage, Knapp Lane, Brimscombe, Stroud	Witness was employed by Severn Trent Water and is a member of the Management Committee for Witcombe Nature Reserve on behalf of Glos. Wildlife Trust.	From 1976 to 1999 (as an employee of Severn Trent Water). From 1980 to present as a Committee member.	Witness does not say if he had a clear view, but worked at Witcombe Reservoirs approx. once a month when employed by Severn Trent Water, and during evenings throughout the week including Sat and Sun with the GWT.	Witness states that he has seen very few people using the claimed footpath.	Witness has only passed on information to people wishing to visit the Nature Reserve that they should use the public footpath.

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Rex Cross	1 Hillview Cottages, Great Witcombe	Witness lives on approach road to point A.	9 years.	No.	Witness states that he has occasionally seen some of the witnesses who submitted Public Path Evidence Forms using the claimed footpath before the restriction notices were erected.	No.
Mr K. Knight	20 Poole Ground, Highnam	Witness is a voluntary bailiff at Witcombe Farm. He was also a fisherman at Witcombe Reservoirs.	20 years.	Witness says that when on duty there are not many walkers that he misses. He works at the farm from Thurs to Sat, from 8am-6pm in the spring and autumn and 8am to 8-9pm in the summer.	Witness states that he has seen members of the public walking the claimed footpath and groups walking the path on many occasions.	Witness always speaks to walkers about the private road and asks them if they have missed the restriction notices.
Mrs Georgina Davies	The Malt House, Ampney Crucis, Cirencester	Witness was employed as the stable manager at Witcombe Farm.	1990 to 1995	Witness worked in the yards situated on either side of the claimed footpath from Tues to sun, 8am-7pm, and also rode her horse at Witcombe Farm on Mondays.	Witness has not seen any of the witnesses who submitted Public Path Evidence Forms using the claimed footpath.	Witness states that between 1990 and 1995 she regularly turned people back, both walking and in cars.
Mrs Pamela Cowley	59 Millham Road, Bishops Cleeve, Cheltenham	Witness was the housemistress at Cheltenham Ladies College.	Since 1975 (visiting) Predominantly from 1990 to 1999	Witness was at Witcombe Farm almost every day with girls from the college who came for riding lessons.	Witness has not seen any of the witnesses who submitted Public Path Evidence Forms using the claimed footpath.	No.

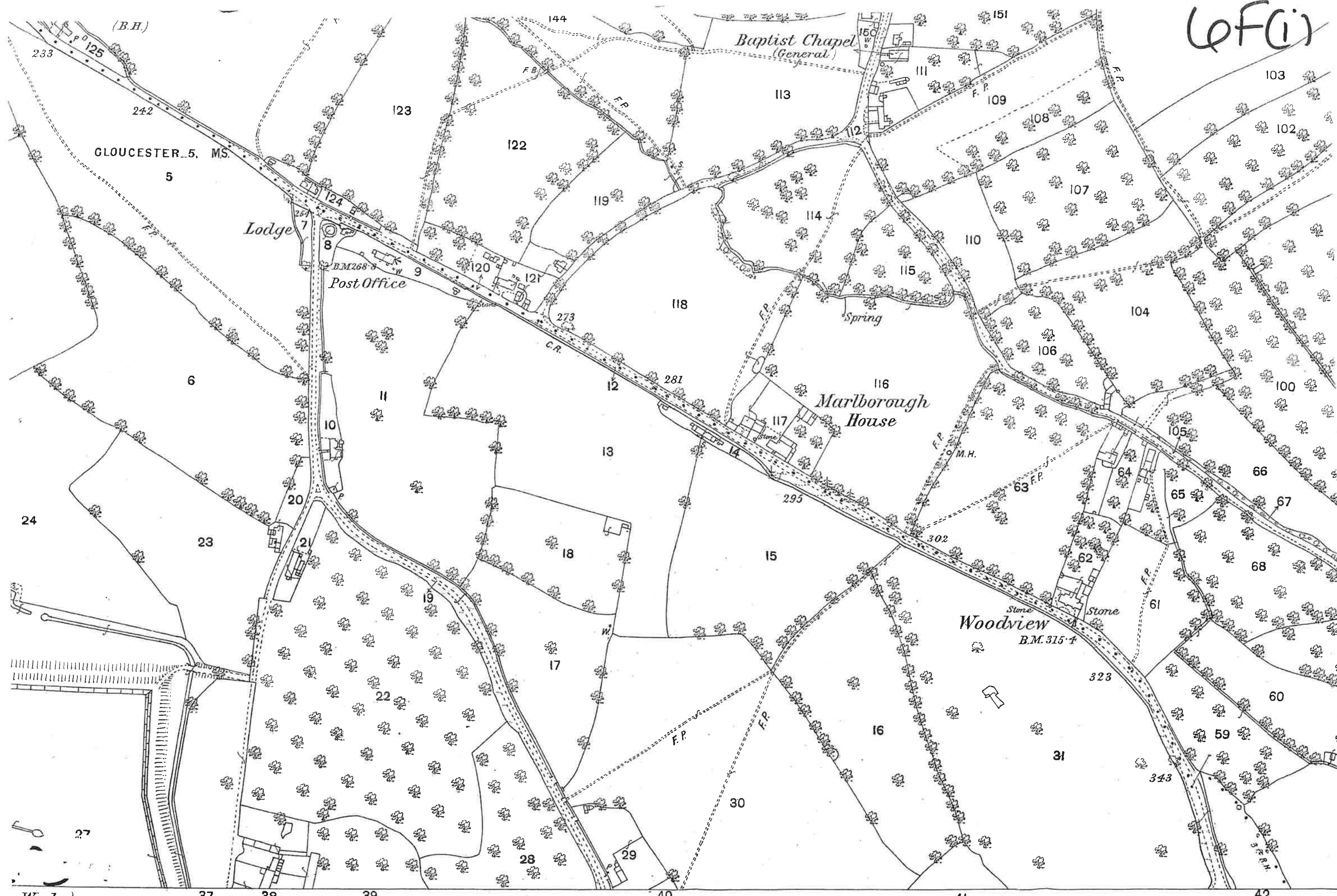
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Lucy Wakefield	The Barn House, Marston Meysey, Wilts	Witness is the landowner's daughter and lived at Witcombe Farm.	1975 until 1995 and then from 1999 to 2002.	Clear view of claimed footpath from Witcombe Farm.	Witness states that anyone she has seen has been turned back by the owners or their representatives.	Witness states that if she was aware of people using the claimed footpath she would turn them back and explain it was private property.
Carole Ann Dielt	Berries Cottage, Farm Lane, Great Witcombe	Witness lives on the approach road to point A.	27 years.	Clear view of claimed footpath from witness's garden and the road.	Witness has seen Dr Gilbert and Miss V. Cooper (only once) using the claimed footpath. She has also seen the Church Procession use the path once a year.	Witness states that she has always advised anyone enquiring that the claimed footpath is not a right of way.
Mr Roger Walker	11 Derwent Close, Brockworth	Witness was employed by Witcombe Farm as a gardener.	1987 to 2005.	Witness does not say but worked at Witcombe Farm weekly or "when necessary".	Witness has not seen any of the witnesses who submitted Public Path Evidence Forms using the claimed footpath.	Witness states that he has at various times turned people back.
Terri Lawlor	23 Fairhaven Avenue, Brockworth	Witness lived in Witcombe and worked for the estate at the age of 14. He then worked at the farm as a helper.	Since age 14 (1947 approx.)	Witness does not say but worked at Witcombe Farm from 1975, 5-6 days a week.	Witness has not seen any of the witnesses who submitted Public Path Evidence Forms using the claimed footpath.	No.

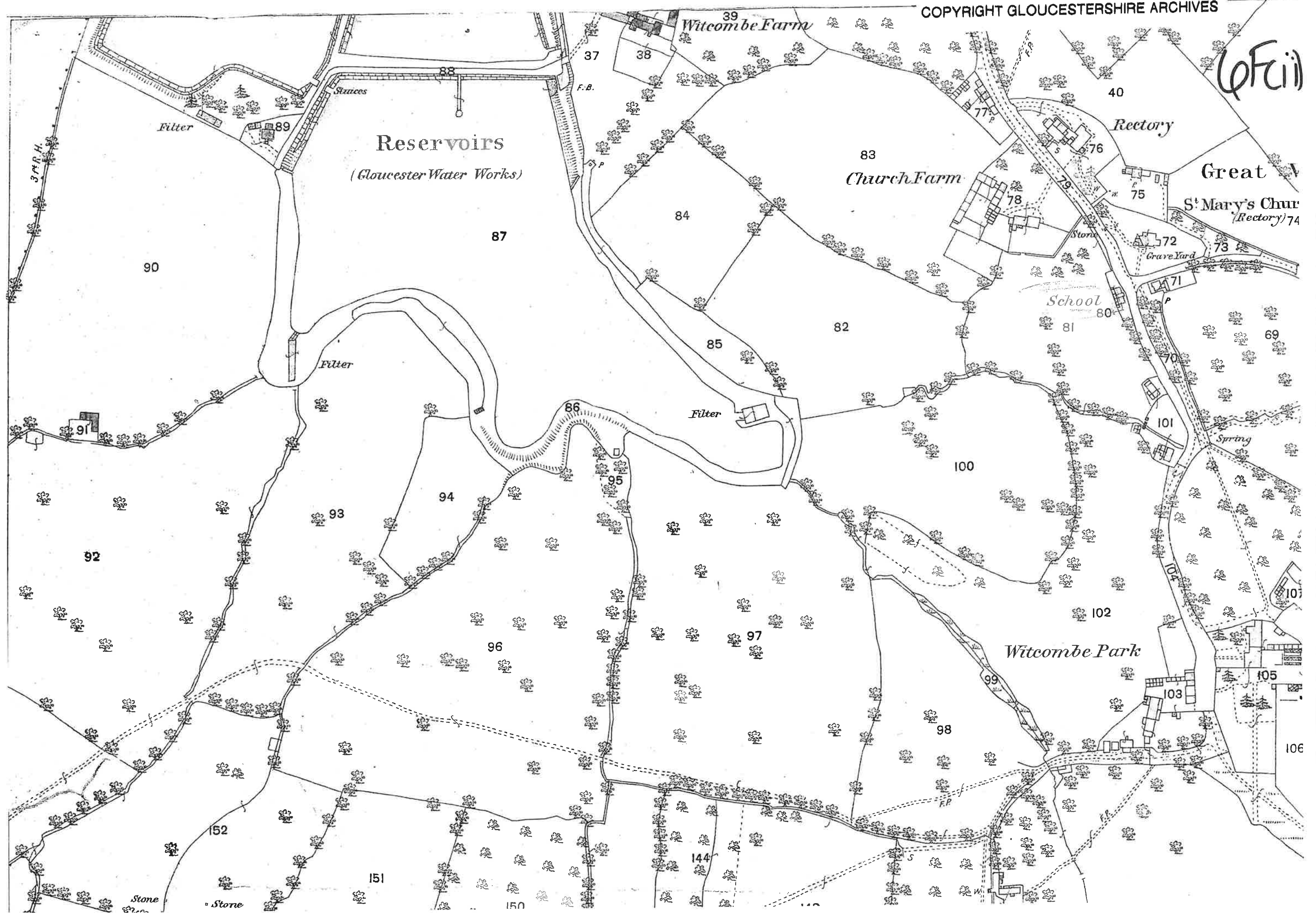
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Fred Hicks Beach	Witcombe Farm, Great Witcombe	Witness is the landowner's son and lives at Witcombe Farm.	25 years.	Clear view from most aspects of the property.	Witness notes seeing Dr Gilbert walk the claimed footpath and also the Rogation Service once a year.	Witness has stopped people and informed them the claimed footpath is not public.
Andrew Hicks Beach	Witcombe Farm, Great Witcombe	Witness is the landowner's son and lives at Witcombe Farm.	24 years.	Clear view from windows and drive.	Witness has not seen any of the witnesses who submitted Public Path Evidence Forms using the claimed footpath but notes seeing the Church Service, fishermen and horse riders using the path.	Witness states that he has stopped people occasionally, over many years.
Trevor Buxton	The Round House, Great Witcombe	Witness visited the reservoirs to fish.	Since 1967/68.	Not known.	Witness states he has never seen anyone walking between points A and B other than anglers, horse riders, fishery personnel or the late Mark Hicks Beach and Celia Hicks Beach.	Witness has not stopped anyone but has informed enquirers that the claimed footpath is not a right of way after checking with Gloucestershire County Council.
Angela Buxton	The Round House, Great Witcombe	Witness does not say.	Witness does not say.	Not known.	Witness states that she has not seen any groups walking the claimed footpath.	No.



6E

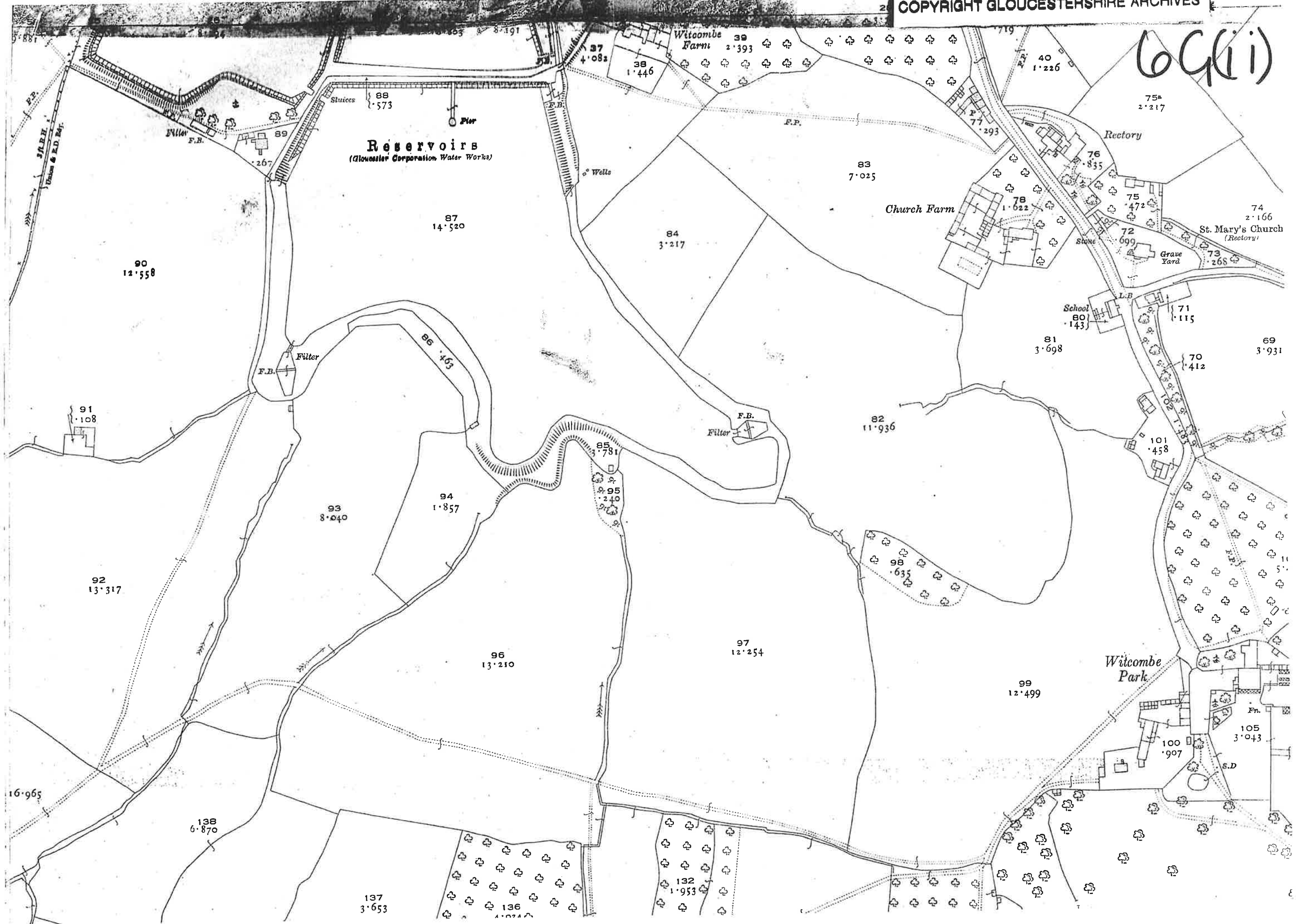
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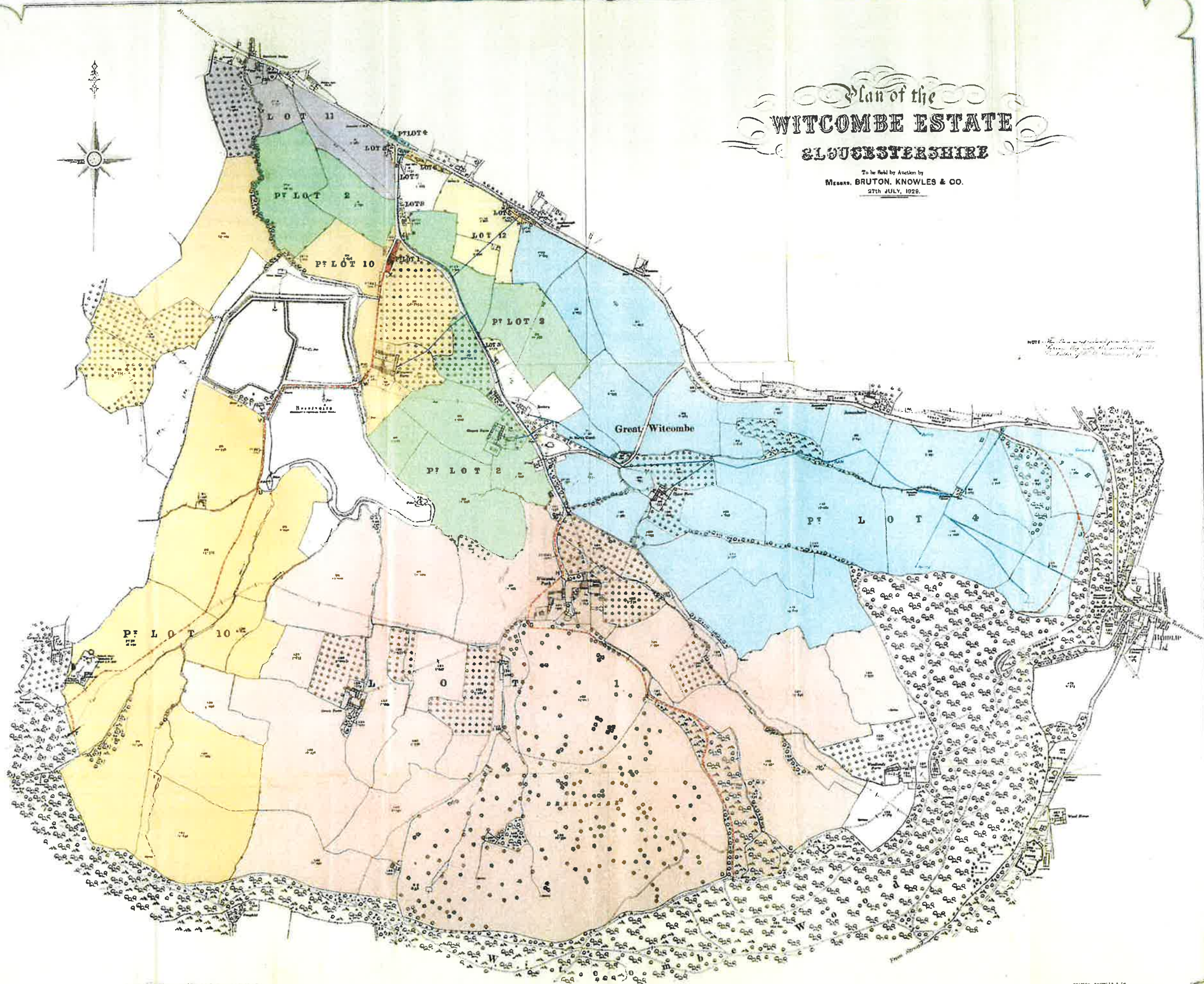
BROCKWORTH PH



6Hci

Plan of the
WITCOMBE ESTATE
GLOUCESTERSHIRE

To be sold by Auction by
Messrs. BRUTON, KNOWLES & CO.
27th JULY, 1929.



NOTE - The Plan is published for information only and is not to be taken as a guarantee of accuracy.

NOTE - The Plan is published for information only and is not to be taken as a guarantee of accuracy.

BRUTON, KNOWLES & CO.
Estate Agents, Gloucestershire & Gloucester.

SCALE: 5 CHAINS TO ONE INCH.

Witcombe Farm occupies an excellent position close to the markets at Gloucester and is suitable for dairying and for the raising of young stock and sheep. There are about 21 acres of orcharding and the pasture land is of good quality and well supplied with water.

This lot is let on an annual Lady-day tenancy to Mr H. Paget at a rent of £219 4s. 0d. a year and the cottage is let to Mr Berry at a rent of £8 a year making a total rental of £227 4s. 0d. a year.

This lot is subject to tithe rent charge amounting according to the tithe apportionment to £25 14s. 0d. a year and to a land tax of £1 16s. 0d.

The Corporation of Gloucester have a right of way over the roadway "W" "X" and make a payment of 10/- a year to the tenant of Witcombe Farm and also supply materials in respect of the maintenance of the road.

The water supply to the farmhouse and buildings is obtained by means of a service pipe from the main coming from Witcombe Park. The purchaser of this lot shall maintain such service pipe from its connection with the main and shall have the right to enter upon lot 2 for the purpose of maintaining or renewing the pipe so far as it passes through that lot on payment of compensation to the owner of lot 2 for any damage done by the exercise of such right.

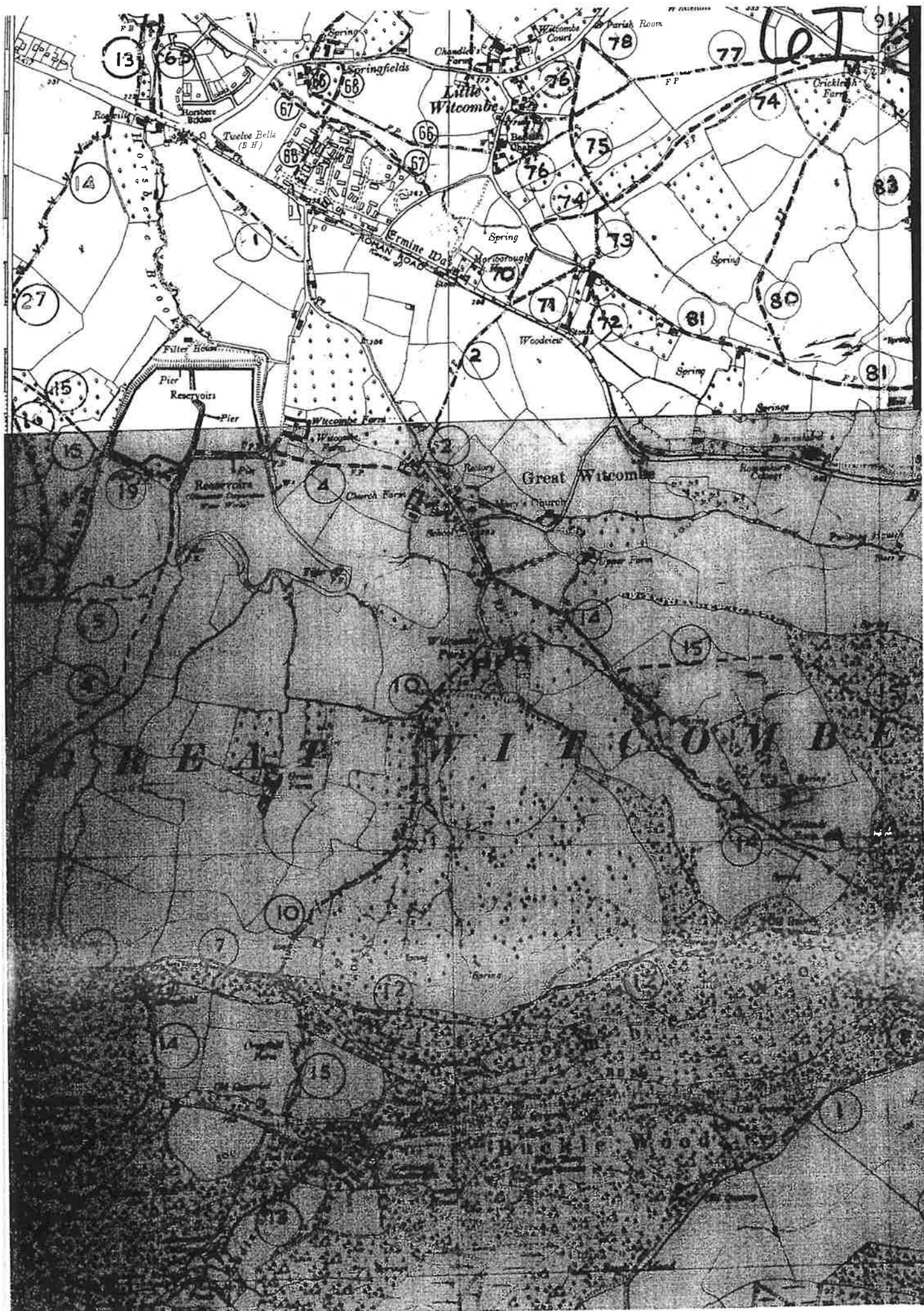
The water supply to the two cottages shown on No. 20 on the sale plan is obtained from the tank and pump forming part of lot 1, and the owners or occupiers shall have the right to a continuance of such supply from this source so far as it is available.

The purchaser of this lot in respect of the rights mentioned shall pay to the owner of Witcombe Park a rent of £6 a year.

A culvert from the roadside ditch passes through Nos. 22 and 2A on the sale plan and through part of lot 1, being No. 21 on the sale plan, and provides a supply of water for the field, No. 2A, and the adjoining field on lot 2, No. 6. The purchaser of this lot shall maintain the culvert or other works in connection therewith so far as it is situate on his land or on part of lot 1, making good all damage caused on that lot.

A right of way not exceeding 18 ft. in width is reserved for the owner of Witcombe Wood for the removal of timber over the roadway shown on the sale plan approximately between the points "T" "U" "V" "W" "X" by a red broken line. No timber shall be hauled out of the wood on to this land but the right of way shall be used for loaded timber only. The owner of Witcombe Wood shall make good any damage done by the removal of timber or pay compensation in lieu thereof.

The purchaser of this lot shall maintain the boundary fence between this lot and the woodland adjoining, the property of the vendor.



GREAT WITCOMBE PARISH MEETING

The local administrative body for the civil parish of Great Witcomb
Chairman: Trevor Buxton, B.Sc.(Hons), C.Eng., M.I.Mech.E.
The Round House, Great Witcombe, Nr. Gloucester, GL3 4SP
Tel: [REDACTED] Fax: [REDACTED]
Vice Chairman: Mrs. Celia Hicks Beach

2nd November, 2005

«Name1»
«Name2»
«Name3»
«Name4»
«Address1»*

Dear Parishioner(s),

re: Public Right of Way – Application for Modification

An official application has been made to Gloucestershire County Council for a Modification Order to add a length of public footpath to the Definitive Map of Public Rights of Way.

The application, made by Dr. Nick Gilbert, is to add what the GCC term “a footpath through Witcombe Farm, which runs from Witcombe Farm Lane” [by the Severn Trent entrance junction] “in a generally South to South-Westerly direction for approximately 200m to its junction with the existing public footpath AWG4” [by the stile near the reservoir overflow]. “This is marked A to B on the enclosed map”.

GCC say further that “Modification Order applications have to be supported by evidence that the claimed route is a Public Right of Way or that it carries the rights that are claimed. There are two sorts of evidence – user and documentary. User evidence may be submitted when the public has walked or ridden a route for a continuous period of twenty years or more as of right: in this case, the applicant has supplied evidence of use” [by a number of people]. Documents supplied by GCC do not show the route in question to be a Public Right of Way at this time and the understanding is that it never has been so designated.

Gloucestershire County Council have written to me to say that their Rights of Way Committee will consider and decide upon the matter, “solely on the basis of the available evidence”, to be submitted in a report - including comments made on behalf of Great Witcombe Parish Meeting. I have been asked to make those comments on behalf of our Parish and, being of the opinion that it would not be right for me to do so purely off my own bat, I must ask each and every one of you to let me know your own views. In the same way as I deal with Planning Applications, I propose to submit a summary of all views expressed, but without revealing the names or particular viewpoints of anyone contributing to those opinions. You may, of course, write directly to the Committee, but you may expect to find your letter is then considered to be open to general inspection.

I am concerned to avoid colouring your views in any way but would suggest that you have to weigh the following factors:

1. A Public Right of Way confers a **right** upon **anyone** – local or otherwise – to walk along a footpath so designated at any time they choose. The land owner has no right to restrict anyone in any way, provided they remain on the designated path. The user may take a pram, pushchair, or wheelchair, where it is practicable to do so, and a dog (which must be under close control, especially near livestock, and also strictly confined to the footpath).

Cycling is **not** permitted. Any obstruction may be removed or circumvented sufficiently to allow passage without trespass. It is the responsibility of a user to take his or her litter away. A user may halt on a footpath to rest, sit down, look at views, or take photographs.

2. Where no legal Right of Way exists, a footpath user **must** leave if requested to do so by the land owner or his/her representative. At the same time, a landowner may, at his/her own discretion, give permission to use the footpath to anyone they choose: obviously, he/she may remove that permission, again at his/her own discretion, particularly if such permission is abused.

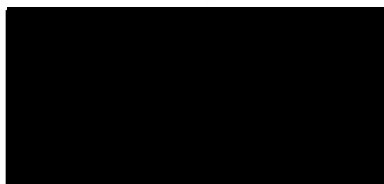
Dr. Gilbert and his supporters feel that such an attractive and convenient route should be open for use by anyone, including people outside the Parish or immediate area; they submit that this has been the case in the past. Use of the route should not be left solely at the discretion of the landowner. They also feel that the stile on footpath AWG4, near the reservoir, presents particular difficulties – unsurmountable for some users.

Mrs. Hicks Beach and Witcombe Park Estates feel that they must be allowed to retain control over usage of a route which they say is not an actual footpath but a private drive and farmyard and which passes through the middle of both residential and active business premises, with implications regarding insurance, privacy, animal, equipment and user safety. Since it has never been a Public Right of Way, anyone using it in the past should only have been doing so with their permission or that of earlier landowners and any possible implication, intended or otherwise, of upgrading an existing “footpath” is misleading. They are concerned about the all-embracing nature of Public Right of Way status which, they feel, leaves them vulnerable to unknown users for 24 hours a day when adequate alternative footpath access to the reservoir area already exists - which may be augmented in needy cases by their discretionary permission.

Would you all please consider your own attitude **very carefully, bearing in mind both sides of the problem**, and let me know your opinion by completing an accompanying reply slip, each of which will be found inside a named reply envelope, folding and returning it, sealed in that envelope, to me at The Round House by Monday, 21st November at the latest, so that I can make a fair and justifiable reply to Gloucestershire County Council by their specified deadline. They may be returned by just dropping them through The Round House letterbox, or by post. Upon receipt, each unopened envelope will be checked by myself for authenticity against the Electoral Roll: later, all envelopes received by midday, 21st November, will be opened, the envelopes discarded, and the folded, unread reply slips put aside for counting and retention. By this method, no-one will know how anyone else has voted but the retained slips will be available for record purposes.

I look forward to receiving your replies and thank you for your anticipated cooperation,

Yours sincerely,
For Great Witcombe Parish Meeting,



Trevor Buxton,
Chairman

If your name appears at the top of this letter, without a note to the contrary, this signifies that it also appears on the current Electoral Roll and that you are legally entitled to vote at any Great Witcombe Parish Meeting or for any Parish Survey.

OK

1. "Those wishing to enjoy the beautiful scenery are no threat to the estate and certainly as I get older, the simple access to walk through is appreciated",
2. "I cannot see any justification for opening up a new public footpath from A to B on the map for any user at any time of day or night. To my mind there are adequate footpaths in the said area, that provide areas for people to walk and enjoy the views etc. If it did happen I feel it would be an open invitation to burglars and access for people to get to the reservoirs for swimming and vandalism",
3. "Improving the stile on the footpath AWG4 would be very easy and may go some way to resolving the problem",
4. "Considering there are already three public footpaths to the reservoir, I don't see the need to mess up someone's property with yet another one",
5. "It has never been the case that this route has been used in the past",
6. "There seems to be ample footpaths already",
7. "This is a private drive through a farmyard and should remain so",
8. "There are adequate walks around the area without impinging on peoples' privacy who live there. The reservoir would be open to people who may misuse it, and could create problems if people swim there",
8. "I do support the notion that the footpath through Witcombe Farm should be a public Right of Way. This is notwithstanding the (reasonable) concerns of Witcombe Park Estate.
My decision is influenced by (but not entirely dependent upon) the fact that the path across the muddy fields, AWG4, the styles referred to, including the need to scramble up a steep muddy and brambled bank to reach the path over the reservoir is wholly unacceptable as an alternative to the new proposition. Had the former been maintained and made easier, the new proposition might have attracted less merit – but the Estate is evidently hostile to ramblers even those recognisable as local residents! If only the Estate management understood this!"
9. "I have walked the public footpaths of Great Witcombe for 21 years. This includes walking through Great Witcombe farm yard. I have continued to walk through the farm yard with my children and pet dog when the other routes to the reservoir have
 - a) unruly horses blocking my way,
 - b) severely flooded, churned up fields,
 - c) overgrown and difficult to negotiate styles.The reservoirs are in an area of outstanding natural beauty and I feel nobody should be denied access to them".
10. "Thank you for your letter concerning the public right of way application. Our views on the matter are that we feel we are very fortunate and privileged to live in this relatively unspoilt environment. It is with great concern that we anticipate

problems from this proposed action, not least, vehicle parking and litter for which there are no facilities.

Even with limited access through Farm Lane we have experienced theft, aggressive behaviour and as we recall more seriously injury to animals. All this from a yob culture this country now produces at a prolific rate. This being a fact of modern day living, why any local people would want to jeopardise this very special place is beyond our belief. Therefore, we are rigorously against the proposal.

We should add that this is not a selfish attitude to take, for the genuine walker with good intentions there is existing access to the area in question, in our view the alternative holds to high a price to be considered".

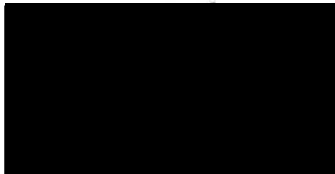
All the above were received as a result of my letter asking for individual opinion and they are retained on file if verification is required. The last three items, 8, 9 and 10, are letters, where I should feel it necessary to obtain the permission of the authors if their origin was sought by anyone.

As you might expect, I also received much correspondence (including photographs) from both Dr. Gilbert and Mrs. Hicks Beach, putting their points of view; I should imagine you will have received similar copies. I do not consider these to be part of my general request for a vote on the matter; however, they, too, remain on file.

I trust that you will consider that the foregoing gives you an overall picture which truly reflects the views of the Parish as a whole.

If you feel you need further input, I shall do my best to oblige,

Yours faithfully,
for Great Witcombe Parish Meeting,



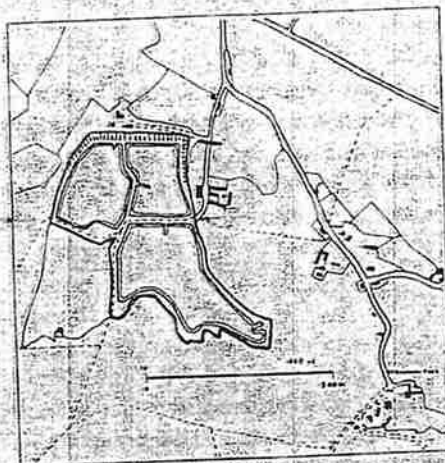
Trevor Buxton,
Chairman.

60L

How to get to

Witcombe Reservoirs Nature Reserve

Witcombe Reservoirs are near Brockworth, Gloucester. Follow the OLD A417 to the Twelve Bells Pub, turn right for Birdlip. Do not take cars beyond farm entrance. Footpaths always open but permit needed from Trust for rest of Reserve.



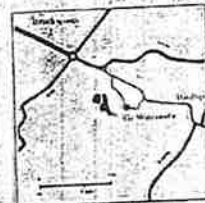
Witcombe Reservoirs

Map Ref: SU060152

Area: 16ha/200a

Location: Water Inside

Access: Public footpaths and
reservoirs open access
remainder of reserve by permit
only



Tenure: Agreement with Severn-Trent
Water

Local History: Twelve Bells, Great
Witcombe (Whitbread)

The Gloucestershire Wildlife Trust has over 80 Nature Reserves covering all the major habitat types in the county. The majority of these are open to the public and are marvellous places for young and old alike to discover the excitement and beauty of nature and to remind ourselves of what we are losing. Our Nature Reserves Handbook can be purchased from the Conservation Centre.

The Wildlife Trust is a Charity which depends entirely on members to continue its work of conserving wildlife habitats and providing wildlife events. Please ask for a membership leaflet - we need your support!

*Gloucestershire Wildlife Trust, Dulverton Building, Robinswood Hill
Country Park, Reservoir Rd, Gloucester GL4 6SX
Tel. 01452-383333 Fax 01452-383334*

The Gloucestershire Trust for Nature Conservation is registered in England as a Charity No.232580

(dMci)



Mora Gilbert, née Cowie, walking toward
Point A. Circa 1985. [REDACTED]

(6Mci)



ON ROUTE TO THE RESERVOIRS.



ON THE RESERVOIRS



ROUTE TO BE TAKEN BEHIND ME



ON THE BOATWALKS.