

Dear Ian,

ROW/DMM/00305

Definitive Map of Public Rights of Way for Gloucestershire (Additional Length of Public Footpath at Witcombe Farm) (Parish of Great Witcombe) Order 2009 (ROW/3354782)

Thank you for your e mail, which was sent at 6.30pm on Friday 2nd October, just one working day before the start of the public inquiry. It contains four new objections to the claimed route from Karen Gyde (1), Jane Bisco (2), Joanne Dunford (3) and Heather McLain (4).

The four statements are very similar and repeat largely the same points as each other, suggesting that this represents a contrived attempt to develop a new argument. None of those making the statements comment on whether the claimed route has been used for over twenty years, but instead discuss the welfare of horses, riders and the public, who are viewed as conveyers of disease and a threat to security.

My application is not for a re-routing or diverting of a path, but an official recognition of one, which my evidence shows has been used by people for many years. During all of that time, Witcombe Farm has had stabling for horses and there have been horse trailers and sometimes tractors on site. Heather McLain (objector 4) says, "Nothing has materially changed since the previous application was rejected in 2009." Leaving aside the fact that my application was not rejected in 2009, she is right that things have not changed and I do not recall any of the drama outlined by the four people making statements: about horses terrified of umbrellas and rustling clothing, loose children, wild dogs or disease-ridden passers by feeding horses with toxic substances.

If the horses are so sensitive, it makes me wonder why the heavy machinery, trailers, quad bikes and so forth, which the objectors say are a risk to the public, are so well tolerated by the horses. Moreover, it begs the question why the owners allow some people, including those with dogs, to pass through the yard with permission. Surely, if there is such a risk it must apply to those people who are favoured by the Landowner with such permission and also the fishermen, the workers from Severn Trent and members of the Gloucestershire Wildlife Trust who use this route regularly and without incident.

The Landowner owns a number of fields, which commonly contain horses or cattle, and through which run public rights of way including AWG/4. In the Landowner's comments on claimant's grounds of appeal (17.11 P4 of the document but P 5 on the website – para 2), the Landowner states that, "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."

Many farms throughout the country have public rights of way running through them, including Droy's Court Farm, next door to the Landowner's estate.

On the subject of rural crime, I would make three points: firstly, I do not think that serious criminals would be aware of, nor care whether there is a public right of way present or not. They could already survey the farmyard from the existing footpath AWG/4 or they could use a drone. Secondly, I have always thought that having members of the public such as the supportive witnesses walking through the farm actually enhances security rather than detracts from it. I'm sure that Mr Fred Hicks Beach can confirm that I have contacted him on a number of occasions when I have been walking around the estate and informed him of people riding motorbikes through the woods, escaped cattle, an injured deer or a fallen tree. Thirdly, none of this bears any relevance to my claim that this route has been used as of by right for over twenty years by many people and should be instated as public right of way.

This is clearly a desperate attempt to move the goalposts from one of proving usage of the claimed route to one of public safety and presents an unrealistic portrayal of how busy Witcombe Farm is. I have walked route AWG/4 on a daily basis recently and from there I can look down the entire length of the claimed route. For most of the time there is no sign of people, horses or machinery and it presents a tranquil scene.

The picture presented by the four statements, as a place full of hazards bears no resemblance to reality and is not born out by historical usage of the path over many years, which occurred without significant incident. If a person did commit a crime then they would need to be dealt with by the criminal justice system as happens in society in general. This should not affect the rights of law-abiding citizens.

In conclusion, the concerns expressed can be considered and weighed, but ultimately they have no bearing on my application, which is based on many (safe) years of usage of this route.

Yours faithfully,

Dr Nicholas J Gilbert

5/10/26

