



monmouthshire
sir fynwy

Monmouthshire County Council
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NP26 9AN

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Mrs E. Greatorex-Davies
The Poplars
Whitelye
Catbrook
Monmouthshire
NP16 6NP

The person dealing with this matter is:

Miss Mandy Mussell

Tel/Ffôn:

01633 644813

Fax/Ffacs:

01633 644800

E-mail:

mandymussell@monmouthshire.gov.uk

Our Ref/Ein Cyf:

R&C/Mod request Tintern Moor Farm

Your Ref/Eich Cyf:

Date/Dyddiad:

1 November 2013

Dear Mrs Greatorex-Davies

RE: Proposed claim for a Public Rights of Way from C51-4 to existing public footpaths 14, 108 and 111 in the Community of Tintern.

I refer to our telephone call regarding the claim to record a public right of way on the Definitive Map and Statement between C51-4 and existing public footpaths 122, 111 and 141 in the community of Tintern. Please find attached the relevant forms for an application to be made to Monmouthshire County Council for a public path to be added to the definitive map for public rights of way.

The following forms are to be completed by the applicant prior to the authority carrying out the order making procedure.

- Certificate i and ii, should be completed and returned to the Authority once the notices (*Certificate iii*) have been served on all the landowners concerned.
- Evidence forms and plans that have been filled in and marked up by the public should also be returned. It is advisable that all users have made use of the same route as indicated on the maps you submit with certificates i & iii. The maps attached to the evidence forms need to be signed and dated by the individual completing the form.
- Certificate ii, should include address details of the property owners that have received the notice.
- Certificate iii, has to be served on all the landowners over which the path runs and any other landowners whose land abuts the claimed path.
- If any landowners are not known then I will arrange for a copy of certificate iii to be erected on the path once the claim has been lodged with this authority.

Please note that I have included maps for certificates i & iii. Please mark, in a bold dark line, on these maps the route of the public right of way that you wish to claim.

Please note that a claim for a public right of way is only likely to be successful if the public have used this route without force, stealth or permission. Also, the Wildlife and Countryside Act 1981 does not allow the County Council, as surveying authority, when deciding cases regarding the modification of the Definitive Map and Statement, to take into account need, nuisance or suitability. The only matter to be considered is what rights, if any, already exist. You may also send this authority any other relevant documentary evidence that you feel will support the claim for public rights.

Definitive Map Modification Orders are about whether rights already exist or not and does not consider whether rights should be created or removed. The suitability of a way for users who have a right to use it, or the nuisance that they all alleged to cause, or to be likely to cause, are therefore irrelevant.

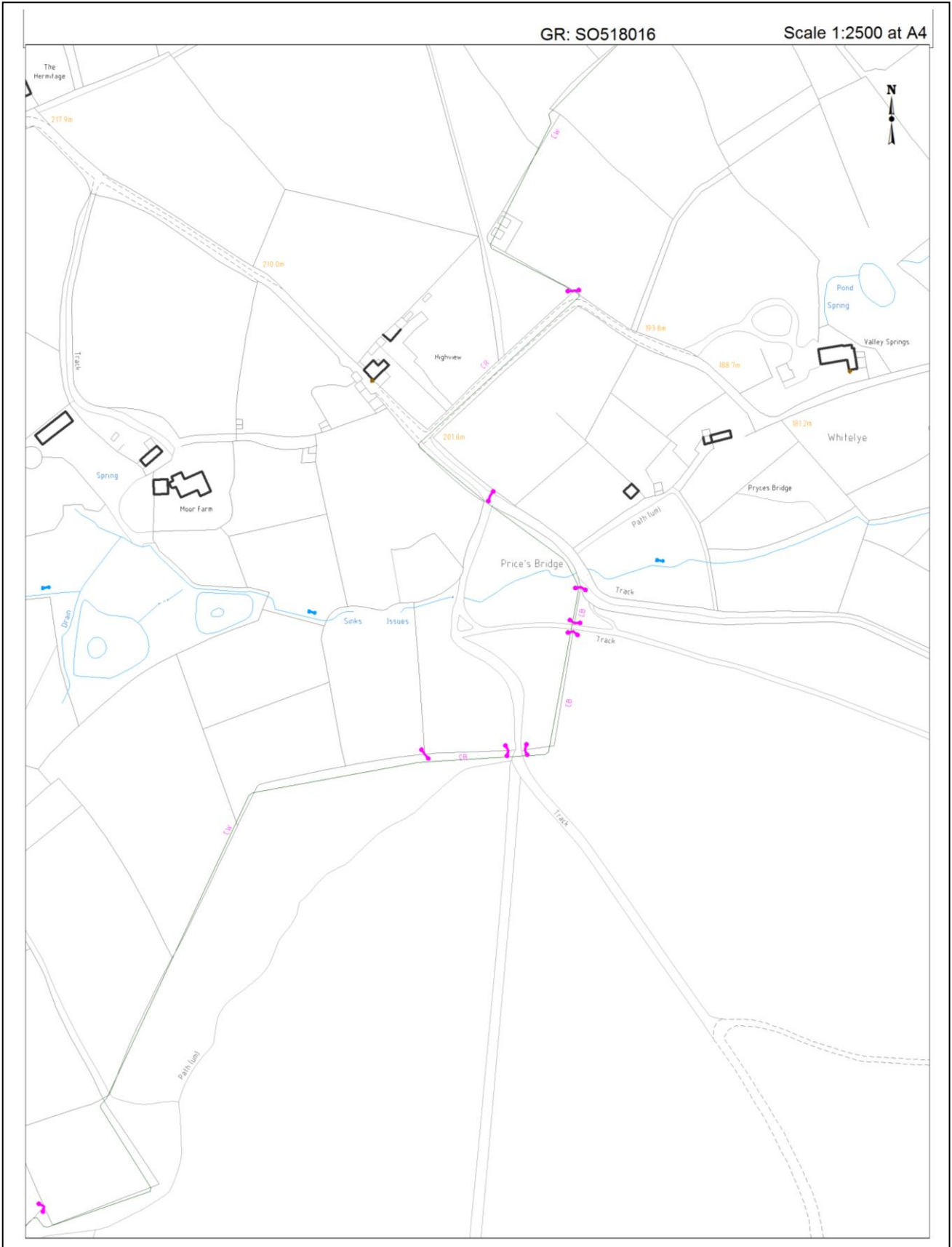
I hope that this information assists you, please do not hesitate to contact me if you need additional Evidence Forms.

Yours sincerely,

Mandy Mussell

**Public Rights of Way Officer (Definitive Map)
For Corporate Director –Regeneration & Culture**

**01_13MOD_PB: Application Letter to Mrs E. Greatorex-Davies
1st November 2013
Appendix 6.1**



01_13MOD_PB: Application Letter to Mrs E. Greatorex-Davies
1st November 2013
Appendix 6.2

Copy of the Working Map of Public Rights of Way, checked against the Definitive map of Public Rights of Way and subsequent Legal orders. This is without prejudice to unrecorded rights of which the council are unaware and may be proven to exist under the Wildlife and Countryside Act 1981, Section 53.

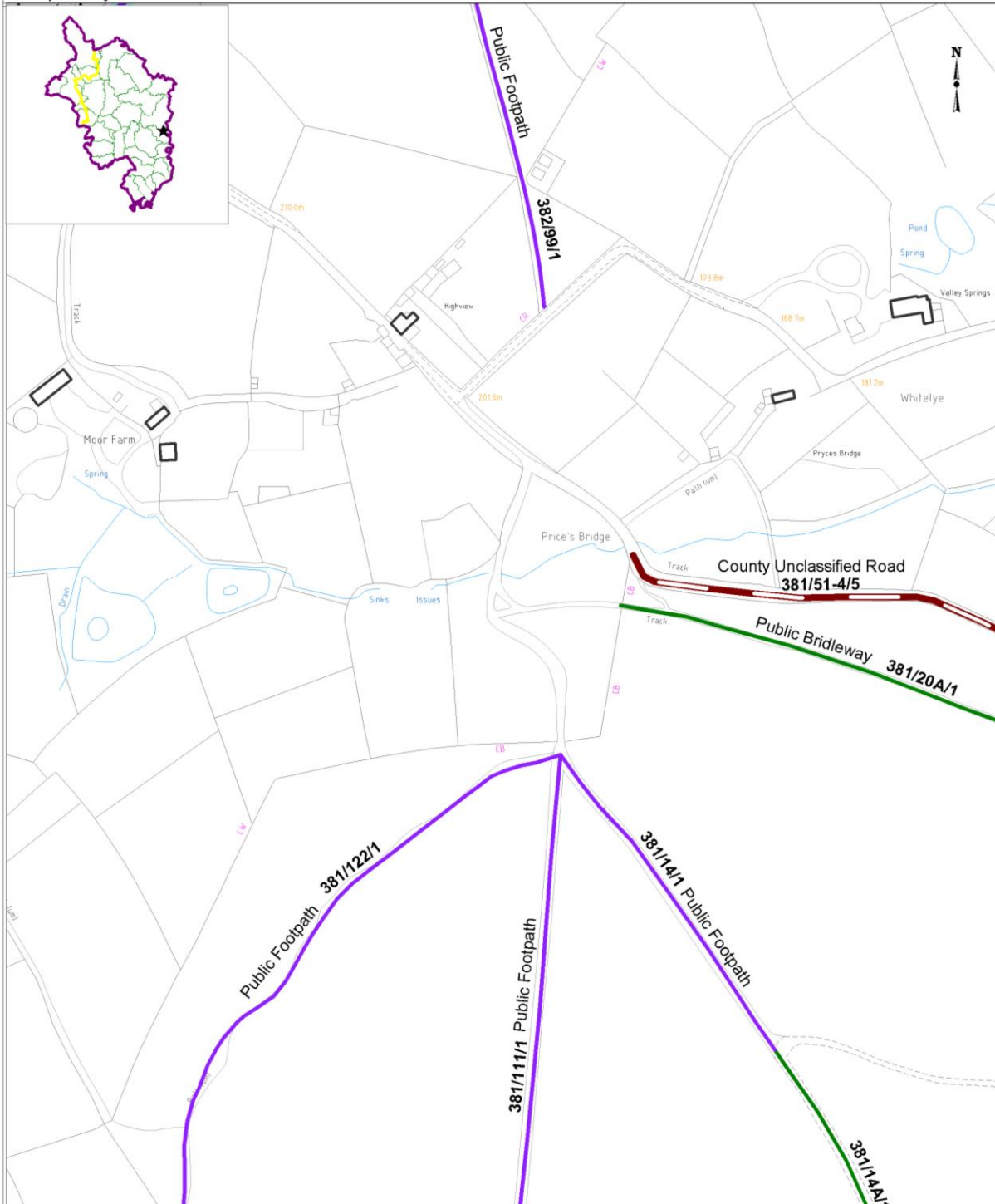
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

Scale 1:2500 at A



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01_13MOD_PB: Application Letter to Mrs E. Greatorex-Davies
1st November 2013
Appendix 6.3

Summary & comments: Mrs D Penny

1.1. Mrs D Penney [1], reports walking for pleasure along the Route from the county unclassified road C1-5 [sic] C51-9 [CAMS 381/51-4] to existing footpaths 122, 111 & 14 Tintern for a period from 1986 to 2013. Although this covers 27 years, only 11 years are relevant for the 1977 to 1997 period. An interview was conducted and she has marked on a map provided all the Routes she walked (Appendix 6.4.9).

- (i) During this period she has lived in the area and believed that she has always had a right to use route A-B-C-D. She states that from October to Easter she used the Route 180 times a year and from Easter to October she walked the Route 60 times a year.
- (ii) She reports that in 2013 she was recently given permission by the owner. The reason the owner gave was that they owned the way.
- (iii) She continues to describe the Route as a defined track that has always run over the same alignment and that she has kept to this track that has, to her knowledge, never had gates, locked gates or stiles across it.
- (iv) She recalls footpath signs indicating the way in the past and describes the track as a pleasant route into the woods linking up with many other paths.
- (v) She has also noticed that the Route which has been used by local inhabitants and holiday makers alike has now been made totally impassable by foot. The alternative path around this area is very restricting.

Comments

- (vi) Mrs D Penney states that she has walked the Route but does not specify whether or not she believes the status of the Route is either a footpath, bridleway, byway open to all traffic or restricted byway.
- (vii) The ownership of the Route does not in of itself prevent the public from claiming the existence of a public right of way. There exists numerous public rights of way over private land.
- (viii) The reference made to the verbal permission granted to the use of the Route is in conjunction with the time frame when physical obstructions were built to prevent it. These two events join up to become the single event that obstructed the public rights of way forcing the submission of the Application.
- (ix) Mrs D Penney's evidence is based on her walking activities, her observation of footpath signs and other walkers. Therefore, this submission supports public footpath rights.

PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to the Corporate Director – Environment, FAO Public Rights of Way Definitive Map Officer, Monmouthshire County Council, County Hall, Cwmbran, NP44 2XH, together with a plan showing the alleged public path clearly marked.

IMPORTANT

If your use of the way is especially relevant to the claim an Officer from Monmouthshire County Council will contact you in order to take a more detailed statement from you.

WARNING

Please take the time to answer the questions carefully and in full. If it becomes apparent that a witness has kept back any information, the value of that witness's evidence may be questioned. This may cause the witness's case to fail. Incomplete evidence can result in the holding of unnecessary public inquiries and the waste of your public money.

SECTION A: GENERAL

1. Full Name:

Address:

Tel No:

Date of Birth:

SECTION B: DETAILS OF THE ROUTE

2 DESCRIBE ROUTE OF WAY:

From C1-5

To 381/122, 111 & 14

I believe status of route is (* please delete where appropriate) *Footpath/ *Bridleway/ *Byway open to all traffic/ *Restricted Byway

As shown on the attached plan marked in red between the Points _____

PLEASE BE AS PRECISE AS POSSIBLE

3. Have you used the above way? YES / NO

If you have used only part of the way, would you mark the part which you used on the plan.

(a) For what purpose? (e.g. pleasure, to school/work)

pleasure

01-13 DP 1 of 6

(b) Where you were going (to and from)?

Home to home

(c) During which years did you use the way?

From 1986 - present time

(d) How many times a year? Please be as precise as you can. Was it seasonal?
(If different use at different periods, please give approximate dates of various use.)

Approx 180 times a year during Oct - Easter

Easter to Oct - 60 times a year.

(e) By what means (i.e. foot, horse, pedal cycle, cart, motor cycle, motor vehicle)

Foot

(f) Is the way, or was it, a short cut for you? If so why?

Is the way

4. (a) When using the path where did you live? If different places for different periods please give dates - in years.

4. (b) If you rode a horse

(i) where did you stable/keep it and ride it from? Please give dates in years.

(ii) At what time of the day was it your custom to ride? Please be as precise as possible.

5. If you were riding, did you ever use the way with the hunt?

6. (a) When using it, did you believe you had a right to do so?

Yes

(b) What made you think you had a right?

I had always used it.

7. Have you ever been given permission (whether or not you actually asked for it) to use the way? If so by whom and to do what?

By the owner recently as she mentioned she owned the way.

01-13 DP 2 of 6

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? Yes
9.	Has the way always run over the same route? YES / NO If it has altered, give details and dates. Please mark any changes, which you experienced on the plan. In the last couple of weeks Oct 2013
10.	Did you keep to the path claimed or wander freely between start and finish? Keep to the path
11.	To your knowledge have there ever been any gates or stiles on the way? If so where were they and when did you see them? Please mark them on the plan No
12.	If gates, were any ever locked? If so, say where and when, and by whom? Please mark them on the plan. /
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? Please mark them on the plan. one near the way - Footpath sign
14.	Do you remember any other notices or signs on or near the way? If so what did they say? Where and when did you see them? Please mark the plan to show location of any signs. Foot path signs in the past
15.	If you have ever been an owner or tenant of land crossed by the way or a worker for him or her, please give names and dates. If not, write "NO". No
16.	If you were a tenant or employee, did you receive any instructions as to the use of the way by the public? If so, what were they? /
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? /

01-13 DP 3 of 6

18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way? <p style="text-align: center;">No</p>
19.	Did you ever encounter any obstructions not already described (in 12 above)? <p style="text-align: center;">No</p>
20.	Have you ever been stopped or turned back or do you know if this has happened to anyone else? If so, please say, how, where and when this was, and by whom. <p style="text-align: center;">No</p>
21.	Have you seen other people using the way in the same manner as yourself? Where they your companions? If so, how many were there and when was it? Please give what details you can. <p style="text-align: center;">Yes - Countless amounts of locals and visitors to the area people</p>
22.	If you were riding or walking have you ever seen anyone driving motor or horse drawn vehicles? If so, what did you see and how often? <p style="text-align: center;">No</p>
23.	If you ever did so, when did you last drive, or were a passenger in, a vehicle that went through the way? What type of vehicle was it? <p style="text-align: center;">No</p>
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who? <p style="text-align: center;">Yes</p>
25.	If you have ceased using the way, please say why. <p style="text-align: center;">It now has obstructions preventing access to the way and is impassable by foot.</p>

OL13 DP 4 of 6

26. If you wish to give any further particulars, please do so here, or continue on a separate sheet.

This has always been a pleasant route into the woods linking up with many other paths and is used by ~~be~~ most of the local inhabitants of the area and holiday makers alike. Now it has been made totally impassable and the alternative path around this area is very restricting.

27. Did someone write down your answers on this form for you? If so, please give his/her name and address..

28. **IMPORTANT!** Strike out words to answer this.

I am/ ~~am not~~ willing to attend a hearing or public inquiry to stand by what I have written and to answer questions there if this should be necessary

SECTION C: IMPORTANT DECLARATION

Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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

Signed:

Date: 15th Nov 2013

01_13 DP 5 of 6



[1] Mrs D Penny,

Please confirm that this is your name and address.

INTERVIEW QUESTIONS CONDUCTED ON THE.....2019

In your reply to question 3c you state you have walked from home to home. Please mark the route/s you have walked on the unmarked map placed before you today. (see above date).

You report seeing footpath signs. Are the Fingerposts as they are in the pictures I am showing you? Have the Fingerposts always been there? Please mark the location of these on the map.

Please sign and date the map after you have marked it.

You report that you walked the Routes for pleasure and encountered many people. Can you recall any other types of users?

Forestry workers, post office van, tractor rally, Mary & Jim Simpson in their landrover, Garry Jones used a JCB.

In this case I am particularly researching the period between 1977 and 1997. You state that you lived in Claypool Cottage at that time. Can you recall where you walked during that period particularly?

See attached map, routes shown in green.

You report that you believed you had a right to use the way as you had always used it. Please confirm you used all the Routes as marked on your attached map. What made you believe you had a right to use the Routes?

Nothing to prevent use prior to 2013. We were unaware that it was owned privately.

The period 1977 to 1997 is being researched. Do you recall anyone giving you permission during your earlier, 11 year, period of use from 1986 to 1997 while you lived in Claypool Cottage?

No

Do you recall any signposts in the area? If you can recall signposts please mark them on the plan. Can you describe the signposts?

A wooden fingerpost with two directional fingers which pointed down the County Rd and left.
Second fingerpost was also wooden and has now been removed.

I hereby certify that to the best of my knowledge and belief the replies to the above questions that are recorded here are true.

Sign Counter Officer 1: Sign Officer 2: Sign Date ..16.1.18.

Print name:

Dease Penny

AMANDA MUSSELLI

K. Rourke

Do you have anything further to add regarding the Routes?

Moved here ~~to~~ in 1985.

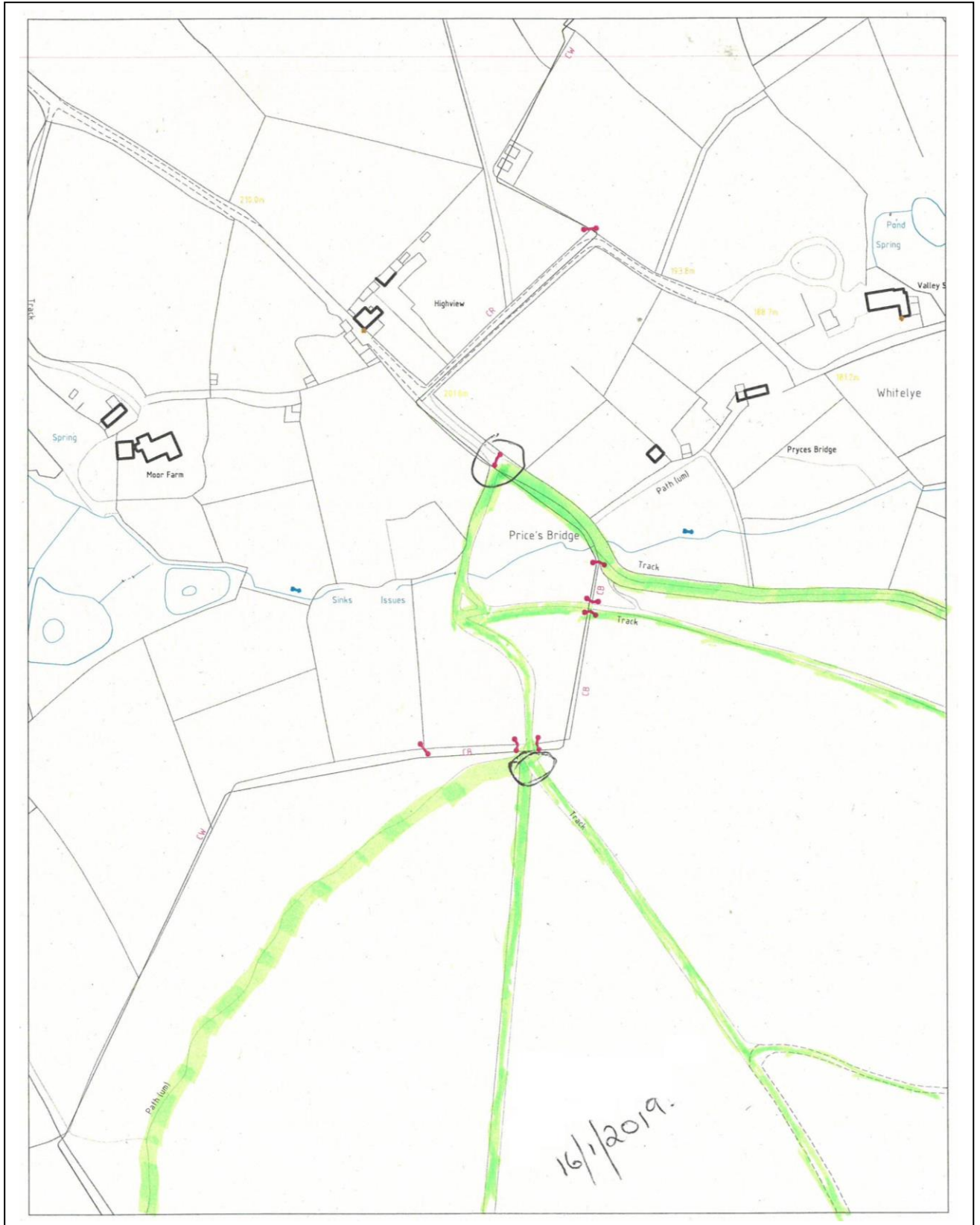
I hereby certify that to the best of my knowledge and belief the reply to the above question that is recorded here is true.

Sign Counter Officer 1: Sign *[Signature]* Officer 2: Sign Date

Print name:

Deaise Penney

| AMANDA MUSSELL



01_13MOD_PB: INTERVIEW QUESTION SHEETS: 2019 – DP (1)
Appendix 6.4.9

Summary & comments: Mrs E Greatorex-Davies

1.1. Mrs E Greatorex-Davies [2], is the clerk of Tintern Community Council and was the original applicant who compiled and submitted the claim to register the Route from the county unclassified road C51-9 [CAMS 381/51-4] to existing footpaths 122, 111 & 14 Tintern (A-B-C-D) on the Definitive Map and Statement as a restricted byway. She reports walking and horse riding for pleasure along route, A-B-C-D, for a period from 1994 to 2013. Although this covers 19 years, only 3 years are relevant for the 1977 to 1997 period. An interview was conducted and she has marked on a map provided all the Routes she used (Appendix 6.5.15).

- i) During this period she has lived in the area and always believed that she had a right to use route A-B-C-D, as it was marked on an OS map, a Public Rights of Way map issued by the local Authority and also the presence of fingerposts. For these reasons she recognized the Route as a public right of way. She recounts using the Route about five times a week, i.e. approximately 250 times a year.
- ii) She describes the way as a defined track that has always run over the same route which she has kept to and has to her knowledge never had gates, locked gates or stiles across it.
- iii) She recalls three footpath signs indicating the way to Barbadoes Green and The Oaks.
- iv) She reports that during 20 years of use she had only been told once by Mrs Talbot, at the beginning of November 2013, that they were “closing the path as it was on their land and they were shortly to be felling some trees” on it.
- v) As part of her submission Mrs E Greatorex-Davies has included the 1821 Enclosure Award maps (Appendix 6.5.8 & 6.5.9) that shows clear historical evidence of a footpath and having spoken to the Forestry Commission also submits a copy of the ownership boundaries of the Commission’s land (Appendix 6.5.10). From this document it appears that the area of land, plot number 1665 on the 1881 OS map, is within the Commission’s ownership and control. This is supported by Mrs E. G-Davies reporting that the Commission had on several occasions done work in this area, including rebuilding the historic pipework bridge on the path (known as Pryce’s Bridge).

Comments

- vi) Although the 1821 Enclosure Award map does record a ‘public footway or path’, the alignment depicted is not similar to that recorded on the 1881 OS map and therefore, does not support the alleged public right of way. The details of the Enclosure Award are fully investigated in Chapter 8.

- vii) Mrs E Greatorex-Davies also refers to the 1988 sale particulars for Moor Farm which is not included with the submission. The reference here to land ownership, although helpful, is not an issue that the Authority is able to resolve. The land registry documents are detailed in Chapter 5.
- viii) The evidence submitted by Mrs E Greatorex-Davies is based on: her belief that the status of the Route is a restricted byway; her own use of the Route was either by walking or horse riding; her observation of direction signs and other walkers. Therefore, this submission supports public bridleway rights.

PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to the Corporate Director – Environment, FAO Public Rights of Way Definitive Map Officer, Monmouthshire County Council, County Hall, Cwmbran, NP44 2XH, together with a plan showing the alleged public path clearly marked.

IMPORTANT

If your use of the way is especially relevant to the claim an Officer from Monmouthshire County Council will contact you in order to take a more detailed statement from you.

WARNING

Please take the time to answer the questions carefully and in full. If it becomes apparent that a witness has kept back any information, the value of that witness's evidence may be questioned. This may cause the witness's case to fail. Incomplete evidence can result in the holding of unnecessary public inquiries and the waste of your public money.

SECTION A: GENERAL

1. Full Name:
Address:

Tel No:
Date of Birth:

SECTION B: DETAILS OF THE ROUTE

2 DESCRIBE ROUTE OF WAY:

From C51-4
To Footpath 381/122, 111 & 14

I believe status of route is (* please delete where appropriate)*Footpath/*Bridleway/*Byway open to all traffic/*Restricted Byway

As shown on the attached plan marked in red between the Points A & B

PLEASE BE AS PRECISE AS POSSIBLE

3. Have you used the above way? YES / ~~NO~~
If you have used only part of the way, would you mark the part which you used on the plan.
(a) For what purpose? (e.g. pleasure, to school/work) Pleasure

01-13 EGD 1 of 12

(b) Where you were going (to and from)?

Whitelge to various parts of the surrounding wood-
also to Tintern.

(c) During which years did you use the way?

1994 to present day.

(d) How many times a year? Please be as precise as you can. Was it seasonal?
(If different use at different periods, please give approximate dates of various use.)

On average about five times a week, i.e. about
250 times a year.

(e) By what means (i.e. foot, horse, pedal cycle, cart, motor cycle, motor vehicle)

Foot & horse.

(f) Is the way, or was it, a short cut for you? If so why?

No, had already assumed it was a public right of way.

4. (a) When using the path where did you live? If different places for different periods
please give dates – in years.

4. (b) If you rode a horse

(i) where did you stable/keep it and ride it from? Please give dates in years.

(ii) At what time of the day was it your custom to ride? Please be as precise as
possible.

All times of day.

5. If you were riding, did you ever use the way with the hunt?

No

6. (a) When using it, did you believe you had a right to do so?

Yes

(b) What made you think you had a right?

Marked on Landranger OS Map, Tintern Community Council
Public Rights of Way Map & Footpath Finger Post.
1921 Enclosure Award Map

7. Have you ever been given permission (whether or not you actually asked for it) to
use the way? If so by whom and to do what?

No. Had always been led to believe it was a footpath

01-13 EGD 2 of 12

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <i>Yes</i>
9.	Has the way always run over the same route? <u>YES</u> /NO If it has altered, give details and dates. Please mark any changes, which you experienced on the plan. <i>On the 1821 Enclosure Award Map it is clearly marked as a Public Footpath, No. CLII.</i>
10.	Did you keep to the path claimed or wander freely between start and finish? <i>Yes</i>
11.	To your knowledge have there ever been any gates or stiles on the way? If so where were they and when did you see them? Please mark them on the plan <i>No</i>
12.	If gates, were any ever locked? If so, say where and when, and by whom? Please mark them on the plan. <i>None</i>
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? Please mark them on the plan. <i>Yes. To Barbadoes Green & The Oaks. on 3 Points on plan marked X.</i>
14.	Do you remember any other notices or signs on or near the way? If so what did they say? Where and when did you see them? Please mark the plan to show location of any signs. <i>No</i>
15.	If you have ever been an owner or tenant of land crossed by the way or a worker for him or her, please give names and dates. If not, write "NO". <i>No</i>
16.	If you were a tenant or employee, did you receive any instructions as to the use of the way by the public? If so, what were they? <i>N/A</i>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? <i>As the path is marked as a Restrictive Byway on the Interim Community Public Rights of Way map dated 9th October 2009 & also marked on current OS maps I recognised it as a public right of way.</i>

01-13 EGD 3 of 12

18. Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way?

No

19. Did you ever encounter any obstructions not already described (in 12 above)?

No

20. Have you ever been stopped or turned back or do you know if this has happened to anyone else?

Only once

If so, please say, how, where and when this was, and by whom.

At the beginning of November Mrs. Talbot told me that they were closing the path as it was on their land & they were shortly to be felling some trees on it.

21. Have you seen other people using the way in the same manner as yourself? Where they your companions? If so, how many were there and when was it? Please give what details you can.

Many local residents use this path on a regular basis & most times I have walked the route I meet someone. Chepstow Vintage Tractor Club used to use the route once annually on their official rally.

22. If you were riding or walking have you ever seen anyone driving motor or horse drawn vehicles? If so, what did you see and how often?

No

23. If you ever did so, when did you last drive, or were a passenger in, a vehicle that went through the way? What type of vehicle was it?

N/A

24. Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who?

The owners of High View, Pryor Bridge & The Beecher, plus employees of the Forestry Commission.

25. If you have ceased using the way, please say why.

It now has three bunds at each entrance & is also blocked with brash from fallen trees, making it difficult to negotiate.

01-13 EGD 4 of 12

26. If you wish to give any further particulars, please do so here, or continue on a separate sheet.

On checking the 1821 Enclosure Award Map there is clear evidence of a footpath (CLII) on the attached copy plan & this appears to join up with FP 381/14 on the Working Definitive map of Public Rights of Way & on the 1881 Edition of the OS Map.

On speaking with the Forestry Commission & obtaining a copy of the ownership boundaries of their land they appear to own the area of land marked OS No. 1665 on the 1881 OS Map over which the disputed path runs. Their representative informed me they had only registered ownership of their land about 6 years ago so some boundaries had not been updated. Since we have lived here the FC have on several occasions done work in this area, including rebuilding the historic pipework bridge on the path (known as Pryce's Bridge).

As this area of land was not on the sale particulars of Moor Farm in 1988 it was obviously claimed when the Talbots registered ownership of Moor Farm in August 1989. The Land Registry informed me that when someone registers title they only go by what information they are given, unless land in question shows up as owned by another party.

27. Did someone write down your answers on this form for you? If so, please give his/her name and address..

No

28. **IMPORTANT!** Strike out words to answer this.

I am/ am not willing to attend a hearing or public inquiry to stand by what I have written and to answer questions there if this should be necessary

SECTION C: IMPORTANT DECLARATION

Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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

Signed: _____ Date:11/12/2013.....

01-13 EGD 5 of 12



01-13 EGD 6 of 12

11/12/2013

Enlarged Version of COPY OF ENCLOSURE AWARD MAP 1821

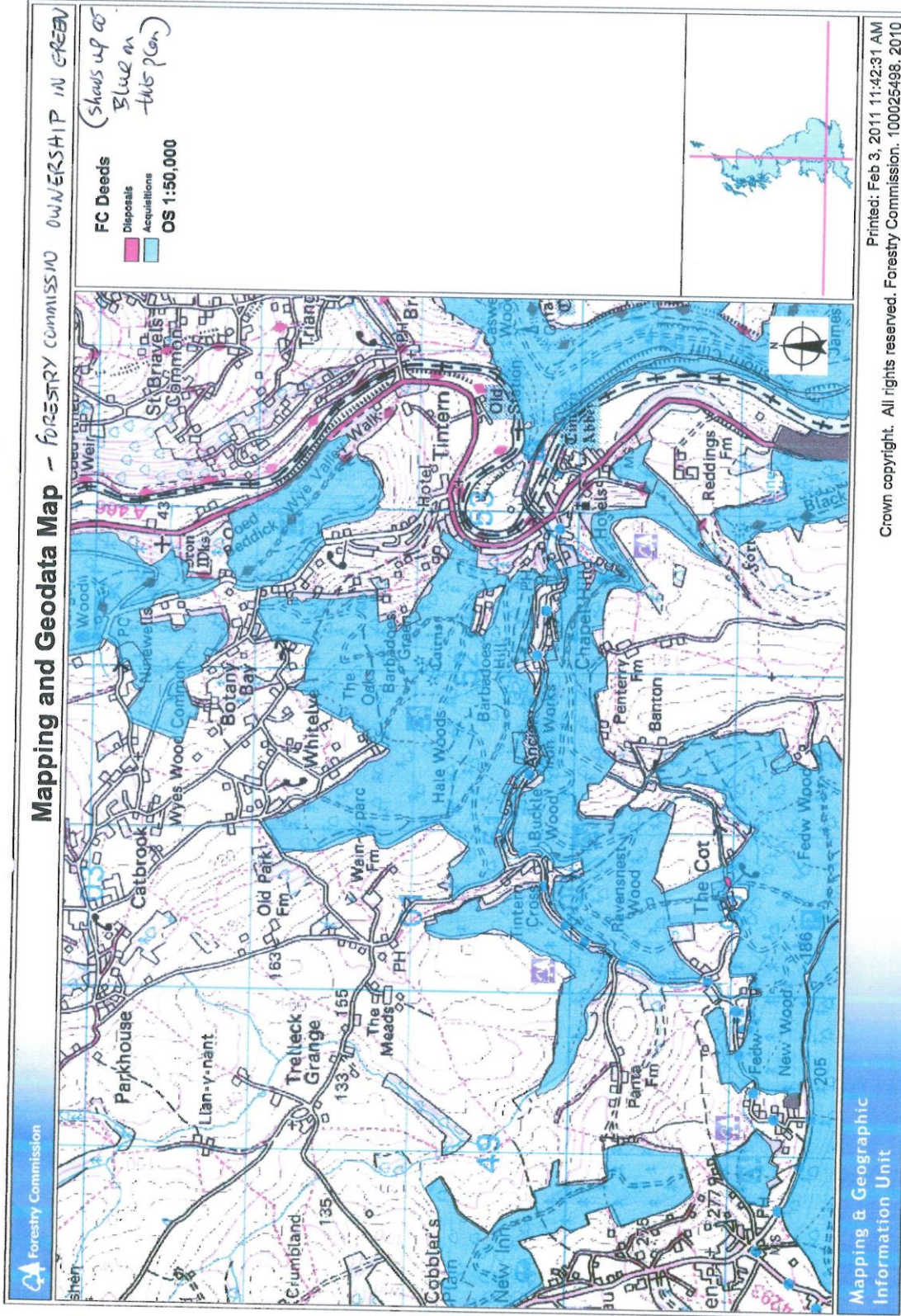


01-13 EGD 7 of 12

COPY OF ENCLOSURE AWARD MAP 1821



01-13 EGD '8 of 12



01-13 EGD 9 of 12

Copy of the Working Map of Public Rights of Way, checked against the Definitive map of Public Rights of Way and subsequent Legal orders. This is without prejudice to unrecorded rights of which the council are unaware and may be proven to exist under the Wildlife and Countryside Act 1981, Section 53.

Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



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GR: SO519016

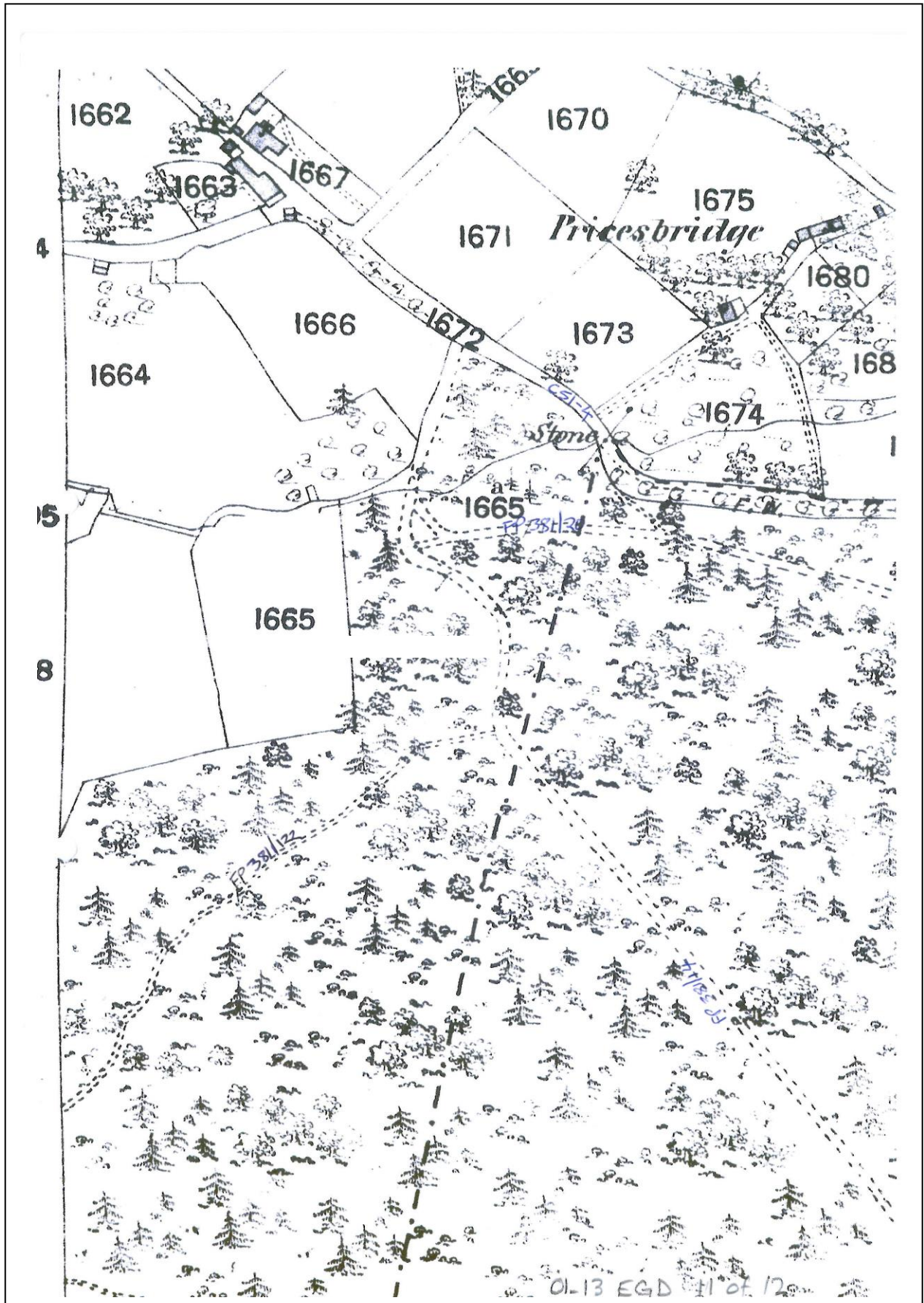
Scale 1:5000 at A4

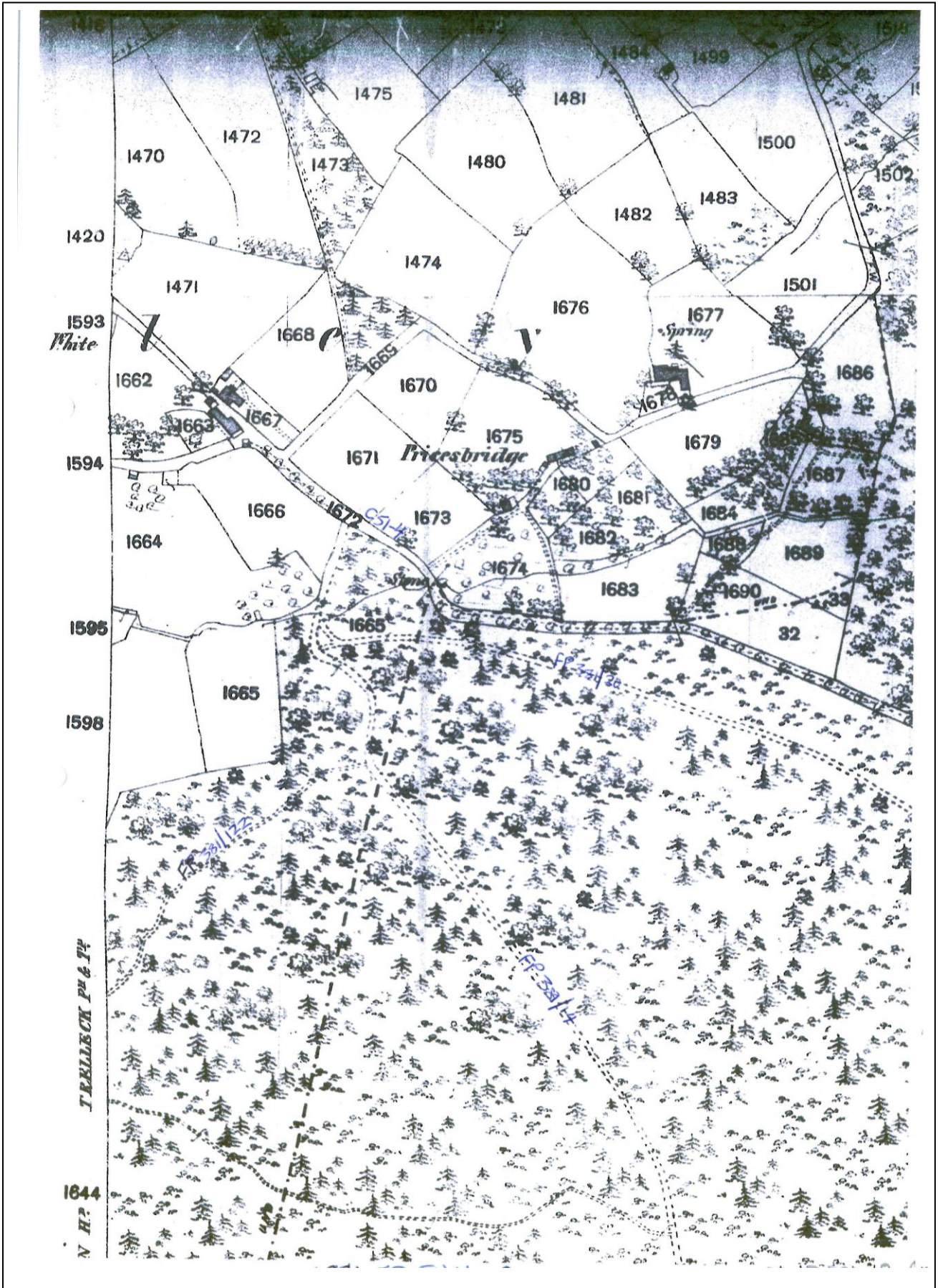


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01-13 EGD 10 of 12





[2] Mrs E Greatorex-Davies

Please confirm that this is your name and address. ✓

INTERVIEW QUESTIONS CONDUCTED ON THE 17th January 2019

In your reply to question 2 you refer to a single route between points A and B.

If you have used other routes please mark these indicating which routes you have ridden on horseback and if different those you have walked on the unmarked map placed before you today.

(see above date). All of the routes marked green I have walked and ridden on horseback. ✓

Please sign and date the map after you have marked it.

You state that you believe the status of the route to be a restricted byway. This is contrary to your statement that; "you had always been led to believe it was a footpath".

What do you believe the status for the Routes might be? I believe the route is a bridleway for use by walkers and horseriders.

How, what or who led you to believe that the route was a footpath?

The signs and maps led me to believe the route was a bridleway. It was a popular route.

The period 1977 to 1997 is being researched. You report that you moved to the area in 1994. What do you recall when you first moved there?

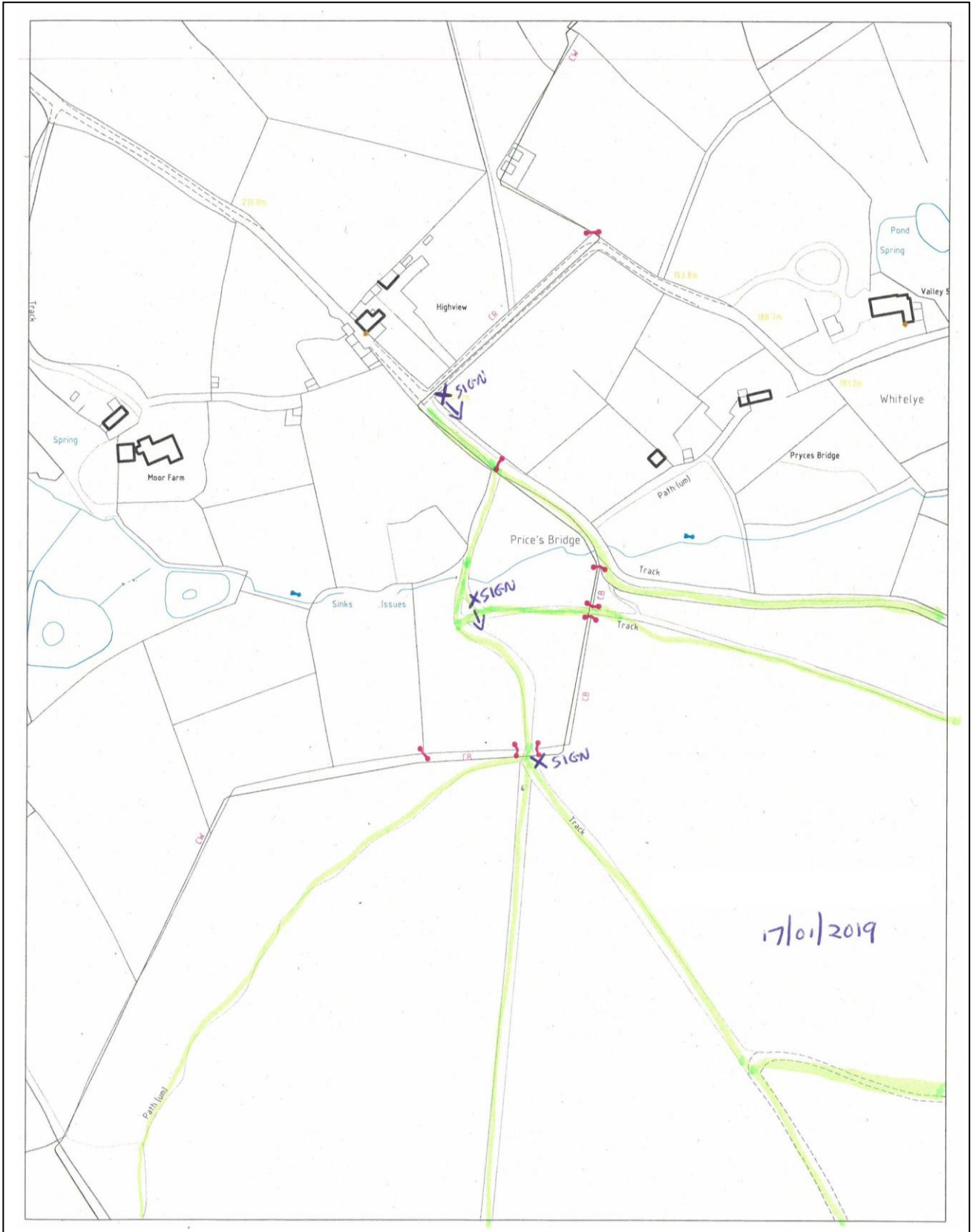
That the path was well used. I remember the vintage tractor rally going through there. It was a pleasant nice open track.

Do you recall any signposts in the area? If you can recall signposts please mark them on the plan. Can you describe the signposts?

All dark brown wood signs and shown on plan. Direction of arrows marked on plan.

I hereby certify that to the best of my knowledge and belief the replies to the above questions that are recorded here are true.

Sign Counter Officer 1: Sign Musell Officer 2: Sign R. Rowke Date 17/1/2019
Print name: E-J GREATOREX-DAVIES | AMANDA MUSSELL | RUTH ROWKE



01_13MOD_PB: INTERVIEW QUESTION SHEETS: 2019 – EGD (2)
Appendix 6.5.15

Summary & comments: Mrs R Rogers

1.1. Mrs R Rogers [3], reports walking dogs, horse riding, cycling and walking for pleasure along the Route from the county unclassified road C51-9 [CAMS 381/51-4] to existing footpaths 122, 111 & 14 Tintern (A-B-C-D) for a period from 1995 to 2013. Although this covers 18 years, only 2 years are relevant for the 1977 to 1997 period.

- (i) During this period she has lived in the area and believed that she has always had a right to use Route A-B-C-D as the way was marked as a bridleway and footpath. She further reports that she believed the status of the Route to be a footpath/bridleway which she used daily at all times of the year.
- (ii) She continues to describe the Route as a defined track that has always run over the same alignment and that she has kept to this track that has to her knowledge never had gates, locked gates or stiles across it.
- (iii) She recalls bridleway and footpath signs indicating the way in the past.
- (iv) She has also noticed that the Route is used by most of the local inhabitants of the area as it was a pleasant walk that was recently improved by levelling off and adding a layer of gravel. She reports having stopped using the way as it is now blocked and hopes that it will be restored to its former beauty.

Comments

- (v) Mrs R Rogers' evidence is based on: her horse riding and walking; her observation of both bridleway and footpath signs; encountering other walkers. Therefore, her evidence supports public bridleway and footpath rights.

PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to the Corporate Director – Environment, FAO Public Rights of Way Definitive Map Officer, Monn
2XH, together with a plan sh
cil, County Hall, Cwmbran, NP44
path clearly marked.

IMPORTANT

If your use of the way is especially relevant to the claim an Officer from Monmouthshire County Council will contact you in order to take a more detailed statement from you.

WARNING

Please take the time to answer the questions carefully and in full. If it becomes apparent that a witness has kept back any information, the value of that witness's evidence may be questioned. This may cause the witness's case to fail. Incomplete evidence can result in the holding of unnecessary public inquiries and the waste of your public money.

SECTION A: GENERAL

1. Full Name:
Address:

Tel No:
Date of Birth:

SECTION B: DETAILS OF THE ROUTE

2 DESCRIBE ROUTE OF WAY:

From C 51-4
To Footpath 381/122, 111 & 114.

I believe status of route is (* please delete where appropriate) *Footpath/ *Bridleway/ *Byway open to all traffic/ ~~*Restricted Byway~~

As shown on the attached plan marked in red between the Points

PLEASE BE AS PRECISE AS POSSIBLE

3. Have you used the above way? YES/NO
If you have used only part of the way, would you mark the part which you used on the plan.
(a) For what purpose? (e.g. pleasure, to school/work)
walking dogs, horse riding, cycling and walks

01-13 RR 1 of 6

(b) Where you were going (to and from)?

Circuit walk from my House

(c) During which years did you use the way?

Daily. 18 years

(18)

(d) How many times a year? Please be as precise as you can. Was it seasonal? (If different use at different periods, please give approximate dates of various use.)

All times of year

(e) By what means (i.e. foot, horse, pedal cycle, cart, motor cycle, motor vehicle)

(f) Is the way, or was it, a short cut for you? If so why?

No Not A Short Cut

4. (a) When using the path where did you live? If different places for different periods please give dates - in years.

4. (b) If you rode a horse

(i) where did you stable/keep it and ride it from? Please give dates in years.

Keep horse

frequently.

(ii) At what time of the day was it your custom to ride? Please be as precise as possible.

Morning or Afternoon

Evensings in the Summer

5. If you were riding, did you ever use the way with the hunt?

No

6. (a) When using it, did you believe you had a right to do so?

Yes

(b) What made you think you had a right?

Way was marked Bridle way and footpath

7. Have you ever been given permission (whether or not you actually asked for it) to use the way? If so by whom and to do what?

No

It said footpath & Bridle way no permission needed.

01-13 RR 2 of 6

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <div style="text-align: right; margin-top: 5px;"><i>Yes</i></div>
9.	Has the way always run over the same route? YES / NO If it has altered, give details and dates. <u>Please mark any changes, which you experienced on the plan.</u> <div style="margin-top: 5px;"><i>Always the same route, but now suddenly changed.</i></div>
10.	Did you keep to the path claimed or wander freely between start and finish? <div style="text-align: center; margin-top: 5px;"><i>Keep to the foot path.</i></div>
11.	To your knowledge have there ever been any gates or stiles on the way? If so where were they and when did you see them? <u>Please mark them on the plan</u> <div style="text-align: center; margin-top: 5px;"><i>No gates or stiles</i></div>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> <div style="text-align: center; margin-top: 5px;"><i>_____</i></div>
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? <u>Please mark them on the plan.</u> <i>is now Blahref.</i> <div style="margin-top: 5px;"><i>There were post on the main foot path which</i></div>
14.	Do you remember any other notices or signs on or near the way? If so what did they say? Where and when did you see them? <u>Please mark the plan to show location of any signs.</u> <div style="margin-top: 5px;"><i>Bridle way & foot path signs removed suddenly</i></div>
15.	If you have ever been an owner or tenant of land crossed by the way or a worker for him or her, please give names and dates. If not, write "NO". <div style="text-align: center; margin-top: 5px;"><i>No</i></div>
16.	If you were a tenant or employee, did you receive any instructions as to the use of the way by the public? If so, what were they? <div style="text-align: center; margin-top: 5px;"><i>_____</i></div>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? <div style="text-align: center; margin-top: 5px;"><i>_____</i></div>

01-13 RR 3 of 6

18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way?	
19.	Did you ever encounter any obstructions not already described (in 12 above)?	There is an obstruction now made of earth, rocks, digger, trees pushed over.
20.	Have you ever been stopped or turned back or do you know if this has happened to anyone else?	NO
	If so, please say, how, where and when this was, and by whom.	NO
21.	Have you seen other people using the way in the same manner as yourself? Where they your companions? If so, how many were there and when was it? Please give what details you can.	Yes most use this foot path as it was a pleasant walk.
22.	If you were riding or walking have you ever seen anyone driving motor or horse drawn vehicles? If so, what did you see and how often?	NO
23.	If you ever did so, when did you last drive, or were a passenger in, a vehicle that went through the way? What type of vehicle was it?	NO
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who?	NO
25.	If you have ceased using the way, please say why.	This foot path is now blocked, I have used the man made alternative route but a danger to walk sinking mud, tree stumps, not safe for horses to pass this way. I do not call this a foot path.

OL13 RR 4 of 6

26. If you wish to give any further particulars, please do so here, or continue on a separate sheet.

I have lived in the area for nearly 20 years, I have walked this track daily & ridden my horse, this track ie foot path was recently improved by leveling off, ~~and~~ adding a layer of gravel, now it is like a crime scene. The alternative path is so muddy you sink a mile and loss of tree stumps, not safe for horses, I used to enjoy walking & riding this path, to me this is still the right of way, which is now blocked off and there were always foot path signs up and they have been moved. This foot path a lovely walk, and, I wish, ~~it~~ or should I say I hope it will stay a foot path. I hope the foot path will be restored to its former beauty.

27. Did someone write down your answers on this form for you? If so, please give his/her name and address.. No

28. **IMPORTANT!** Strike out words to answer this.

I am/ am not willing to attend a hearing or public inquiry to stand by what I have written and to answer questions there if this should be necessary

SECTION C: IMPORTANT DECLARATION

Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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

Signed:

Date: 13-11-2013

01-13 RR 5 of 6

