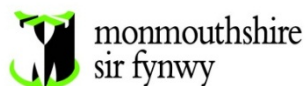


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 21 January 2019

Notice of meeting

Licensing and Regulatory Committee

Tuesday, 29th January, 2019 at 2.00 pm,
Council Chamber, County Hall, Usk.

AGENDA

Item No	Item	Pages
1.	Apologies for absence	1 - 438
2.	Declarations of interest	
3.	DEFINITIVE MAP MODIFICATION ORDERS, PRICES BRIDGE, WHITELYE, TRELLECH	

Paul Matthews

Chief Executive / Prif Weithredwr

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

B. Strong
J. Higginson
A. Easson
J. Pratt
D. Evans
A. Webb
S.B. Jones

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Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

SUBJECT: DEFINITIVE MAP MODIFICATION ORDERS, PRICES BRIDGE, WHITELYE, TRELLECH

DIRECTORATE: TOURISM, LEISURE AND CULTURE

MEETING: RIGHTS OF WAY ADVISORY PANEL SUB-COMMITTEE -

DATE: 29th JANUARY 2019

DIVISION/WARDS AFFECTED: TRELLECH/TINTERN

1. PURPOSE:

- 1.1. Under Section 53(2) of the WCA 1981, the Council is required to consider and determine cases with a view to making an order under section 53 of the WCA 1981 to change the Definitive Map and Statement (DM&S).
- 1.2. The purpose of the report is to consider all the evidence and decide whether or not to add the alleged restrict byways to DM&S for Monmouthshire. The routes to be added are shown on the draft consultation map (Appendix 1), in the community of Trellech, Whitelye (location plan Appendix 2).
- 1.3. The Authority is acting in a quasi-judicial capacity and must reach a decision based on the evidence presented. We are not required to resolve conflicts in the evidence and there may well be evidence on both sides of the issue. We must weigh up the evidence using the test of the 'balance of probabilities', and, if on this balance, it is reasonable to conclude that the evidence shows that change should be made, we must do so. Although officers have considered the evidence, and made a recommendation based on their appraisal, members must themselves consider the evidence and reach their own conclusions. If a modification order is made anyone has a right to object. The matter would then be determined by the Planning Inspectorate for Wales.

2. RECOMMENDATIONS:

- 2.1. Members are invited to consider evidence provided and to advise the Cabinet Member for Operations Management whether they agree that rights of way that are not shown on the Definitive Map and Statement subsists, or is reasonably alleged to subsist, over the Routes and that the status of those ways are not restricted byways but instead bridleways.
- 2.2. If this is agreed then to advise the Cabinet Member for Operation Management to make two Definitive Map Modification Orders as detailed. Order One: Under section 53(2)(b), subsection (3)(c)(i) of the Wildlife and Countryside Act 1981 for the Routes, A-B-C-C1, to classify them as bridleways, numbers 503, 504 and 505 Trellech (382). Order Two: Under section 53(2)(b), subsection (3)(c)(i) of the Wildlife and Countryside Act 1981 for the Routes, B-E-F, C-E and C1-D, to classify them as bridleways, numbers 501A, 501 and 501B, Trellech (382) and 506 Tintern (381).

3. KEY ISSUES:

- 3.1. Mrs Greatorex-Davies submitted a claim to register the Route, A-B-C-D, as public restricted byways.
- 3.2. Furthermore, under section 53 of the WCA 1981 where the Authority has a duty to keep the DM&S under continuous review, the Route, B-E-F and C-E will also be added to the DM&S.
- 3.3. Mr J. Griffin progressed the claim with the Secretary of State. The Planning Inspector directed the Authority to determine the Order by the 13th November 2018 (Appendix 2).

- 3.4. A pre-order consultation was carried out on the 18th April 2018 to the 25th May 2018 and evidence investigated.
- 3.5. There is one objector, Mr & Mrs Talbot of Moor Farm, to the registration of the Routes on the DM&S on the grounds that the land is in private ownership and that the Routes are for private use.
- 3.6. Privacy, suitability or current maintenance of the route, are not matters which can be considered under WCA legislation.
- 3.7. If the objections made are sustained it is likely that the claim will go to the Planning Inspector for determination.

4. REASONS:

- 4.1. There are 36 user evidence forms, a number of historical documents and legislation that when taken together shows the routes are reasonably alleged to exist. There is very little evidence to support public horse drawn cart use. Based on the totality of the evidence, Officers believe the routes to be bridleways and not restricted byways as submitted by the applicants.

5. RESOURCE IMPLICATIONS:

- 5.1. The County Council is under a duty to investigate applications. The consideration of the application by officers falls within existing budgets.
- 5.2. The decision is one that must be taken on strict legal tests:
 - If the application is not determined in accordance with the tests this could lead to a successful legal challenge by way of Judicial Review.
 - In the event that an order is made and there are objections the Planning Inspectorate for Wales would consider the matter by way of written representations, hearing or public inquiry. The decision taken by the investigating officer and the Rights of Way Advisory Panel is a decision based on legal tests and the above costs cannot be a consideration in the determination of the application.

6. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING):

- 6.1. The Order if made will neither positively nor negatively impact on the well-being goals or the sustainable development principals.

7. CONSULTEES:

- 7.1. Corporate Management Team, Rights of Way Advisory Panel Members (Licensing and Regulatory Committee), Select Committee Chairmen, Cabinet Members, Local Member, Head of Finance and Head of Legal Services.

8. BACKGROUND PAPERS:

- 8.1. Draft and Consultation map (Appendix 1)
- 8.2. Location map (Appendix 2)
- 8.3. Report, Glossary and Appendixes bundle (Appendix 3)
- 8.4. Future Generation Evaluation (Appendix 4)

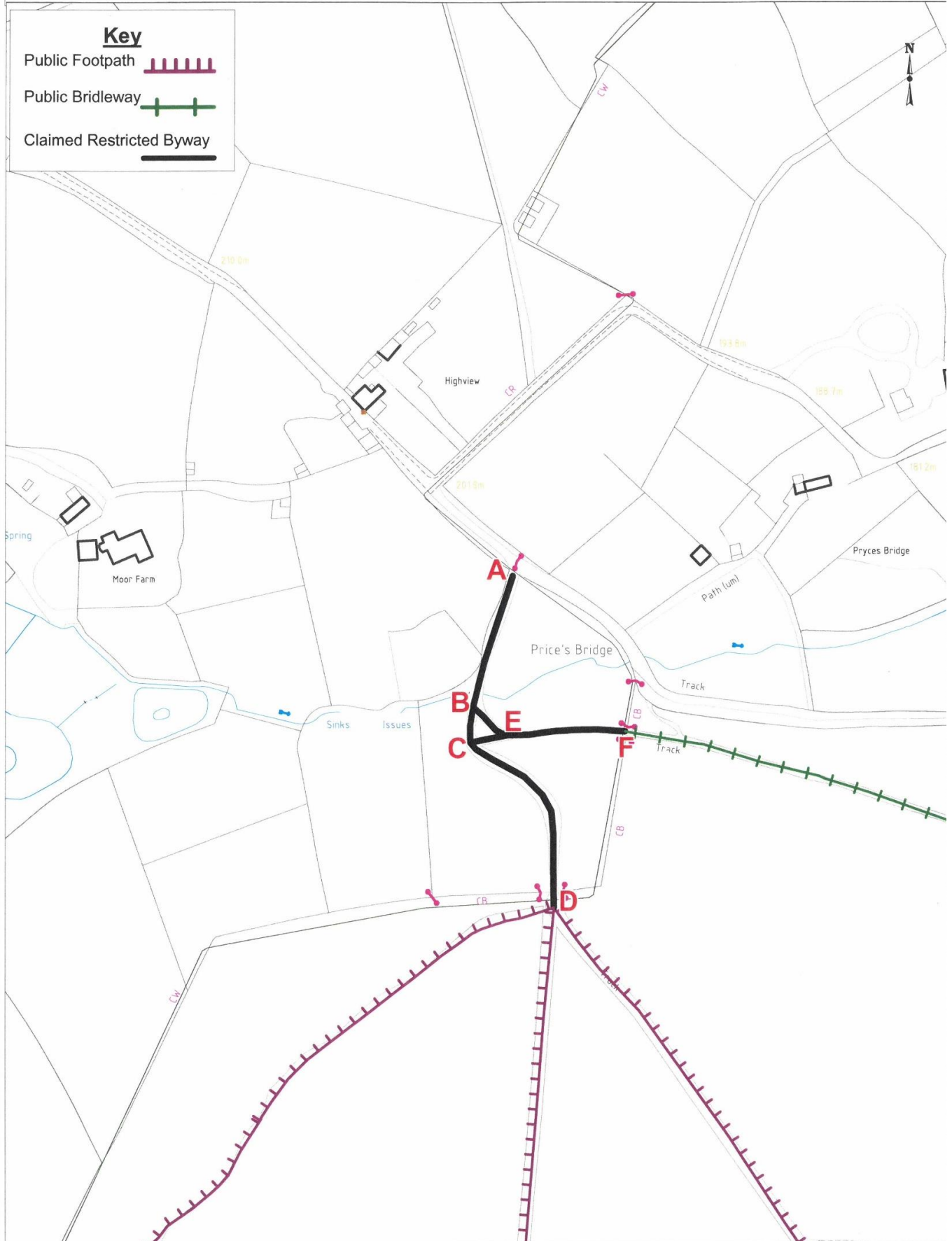
9. AUTHOR: Ruth Rourke Principal Countryside Access Officer

10. CONTACT DETAILS: E-mail: ruthrourke@monmouthshire.gov.uk | Tel: 01633 644860

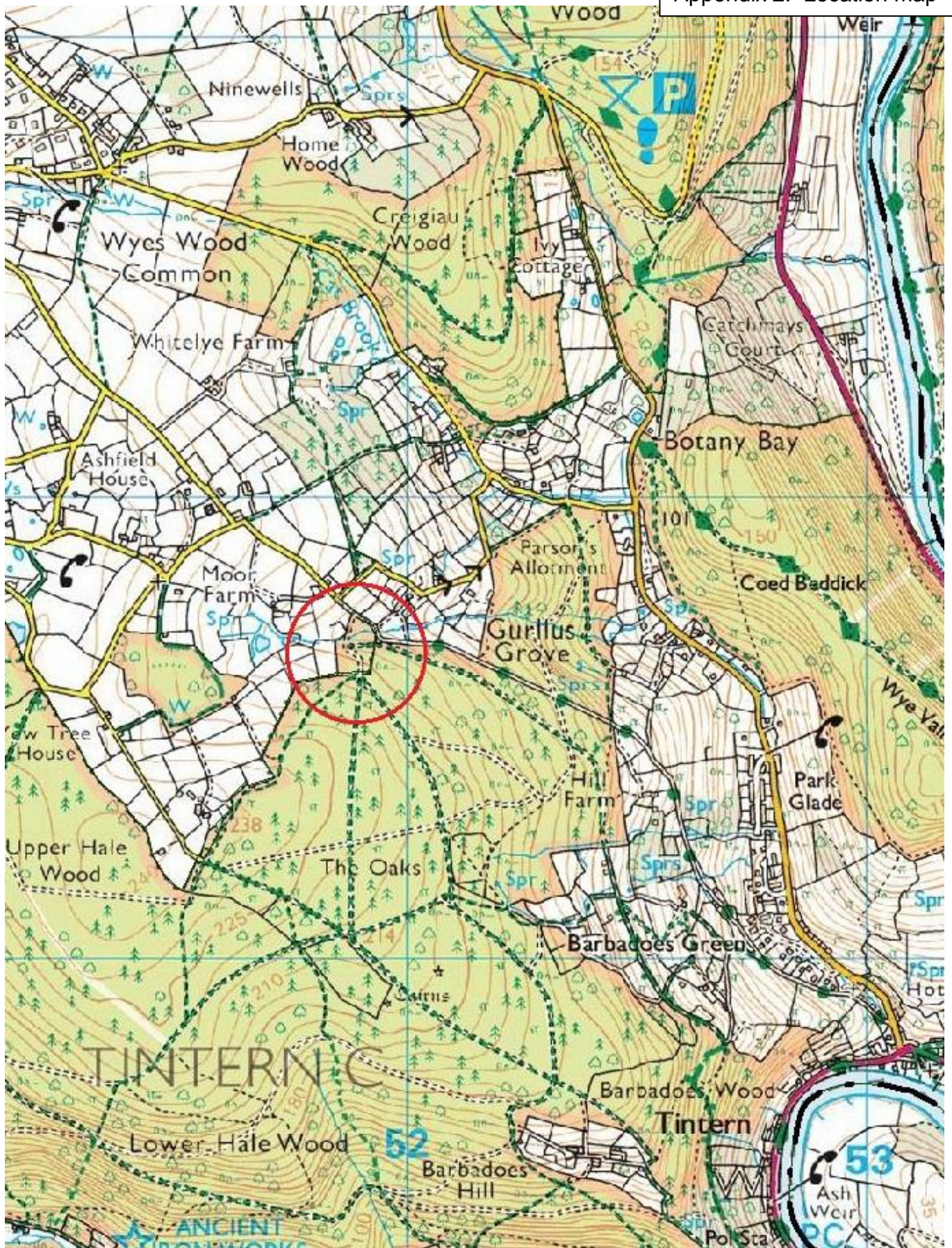
Consultation Plan

GR: SO518017

Scale 1:2000 at A4



Appendix 2: Location map



Appendix 2: Location map

Appendix 3

Report:

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Glossary:

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Appendixes bundle:

Monmouthshire County Council

Countryside Access



**Report
Committee Report
Definitive Map Modification Order**

**01_13Mod 'PricesBridge'
In the community of Trellech**

JANUARY 2019

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Glossary

BOAT.....	Byway Open to All Traffic
BR	Bridleway
BT.....	British Telecom
CRB.....	Cart Road Bridleway
CRF	Cart Road Footpath
CROW 2000	Countryside and Rights of Way Act 2000
DEFRA	Department for Environment, Food & Rural Affairs
DMMO	Definitive Map Modification Order
DM&S	Definitive Map and Statement
FP.....	Footpath
GRO	Gwent Record Office
HA 1980	Highways Act 1980
LOS	List of Streets
MCC	Monmouthshire County Council
MPV	Mechanically Propelled Vehicles
NRW.....	Natural Resources Wales
NERC 2006	Natural Environment and Rural Communities Act 2006
NPACA 1949.....	National Parks and Access to the Countryside Act 1949
OSS.....	Open Spaces Society
PRO	Public Record Office [KEW]
PROW	Public Rights of Way
RB	Restricted Byway
RUPP	Road Used as Public Path
WCA 1981	Wildlife and Countryside Act 1981

Definitive Map Route Definitions

1. Section 66 of the WCA 1981 (by reference to Part II of the Countryside and Right of Way Act 2000) defines routes in the following terms:
 - a. “footpath” means a highway over which the public have a right of way on foot only;
 - b. “bridleway” means a highway over which the public have a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway; (Note: certain provisions allowing pedal cyclists on bridleways were also added by the Countryside Act 1968);
 - c. “restricted byway” means a right of way on foot, on horseback or leading a horse, and a right of way for vehicles other than mechanically propelled vehicles;
 - d. “byway open to all traffic” means a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used;
2. Also of relevance are the following definitions of routes which do not, or no longer, appear on the DM&S.
 - a. A “green lane” is a term with no legal meaning. It is a physical description of an unsurfaced track, normally hedged, and often, but not always, of some antiquity. It may be a footpath, bridleway or carriageway or may carry no public right of way;
 - b. A road used as a public path (RUPP) is a category of way that was recorded on Definitive Maps between 1949 and 2006. The DM&S for Monmouthshire used the non-statutory terms that sub-divide RUPPs into cart road footpaths (CRF) and cart road bridleways (CRB).

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1. Introduction: Definitive Map Modification Order

BACKGROUND

- 1.1. An application has been received from Mrs Greateorex-Davies, the clerk of Tintern Community Council under Section 53(2) of the Wildlife & Countryside Act 1981 (WCA). The application, dated the 11th December 2013, is to modify Definitive Map and Statement (DM&S) of Monmouthshire by adding a restricted byway in the Community of Trellech on the boundary with the Community of Tintern (Appendix 1.1 location map).
- 1.2. An assessment of the evidence was made and it was pointed out to the Applicant that another route was also referred to. Subsequently, Mrs Greateorex-Davies confirmed the inclusion of the other route alignment, “from the East to connect with ‘Route A’”, in her letter dated 6th August 2014 (Appendixes 1.2 & 1.3). This means that two routes referenced as ‘Route A’ and ‘Route B’ are both being claimed as restricted byways (Appendix 1.4).
- 1.3. The effect sought by the Application, if successful, is therefore to add the Route, A-B-C-D (‘Route A’) given that the legal requirements under the WCA 1981 schedule 14 have been complied with. Furthermore, under section 53 of the WCA 1981 where the Authority has a duty to keep the DM&S under continuous review, the Route, B-E-F and C-E (‘Route B’) will also be added to the DM&S if the Definitive Map Modification Order is confirmed (Appendix 1.5).
- 1.4. The purpose of the report is to consider all the evidence and decide whether or not to add the alleged restrict byways to DM&S for Monmouthshire.

AIM OF REPORT

- 1.5. The aim of this report is to set out the relevant evidence and legal tests including the weight that can be given to that evidence in accordance with section 53 of the Wildlife and Countryside Act 1981 to reach a determination on whether or not to make two Definitive Map Modification Orders (DMMO).

2. Legal Framework

- 2.1. The Authority is acting in a quasi-judicial capacity and must reach a decision based on the evidence presented. There is no requirement to resolve conflicts in the evidence and there may well be evidence on both sides of the issue. The evidence must be weighed up using the tests of “**subsists or is reasonably alleged to subsist**” and on the ‘**balance of probabilities**’, and, if on this **balance**, it is reasonable to conclude that the evidence shows that the Routes are to be added, then this must be done. Although, this report has considered the evidence, and made a recommendation based on assessment, members must themselves consider the evidence and reach their own conclusions. If modification orders are made anyone has a right to object. The matter would then be determined by the Planning Inspectorate for Wales.

Definitive Map Route Definitions

- 2.2. Footpaths, bridleways, restricted byways and byways open to all traffic are generally referred to as public rights of way and are public highways. The Routes being considered are for restricted byway status which is defined under section 66(1) of the Wildlife and Countryside Act 1981 as being a highway over which the public has a right of way on foot, or horseback or leading a horse, and a right of way for vehicles other than mechanically propelled vehicles.

Continuous Review of the Definitive Map and Statement (DM&S)

- 2.3. Under section 53 of the Wildlife and Countryside Act 1981 the duty of the Authority is to make Definitive Map Modification Orders (DMMO) to modify the DM&S as soon as reasonably practicable on the occurrence of certain specified events under section 53(3). Monmouthshire County Council are responsible for the preparation and the continuous review of the DM&S under section 53(2) of the WCA 1981.

Wildlife and Countryside Act 1981 section 53(2)

(2) as regards every definitive map and statement, the surveying authority shall:

- a) as soon as reasonably practicable after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in subsection (3); and*
- b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of those events, by order make such modification to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.*

- 2.4. The application, Route A-B-C-D, is considered under section 53(2)(b) of the WCA 1981 and the event as specified in section 53(3)(c)(i). The other Route B-E-F and C-E, is

considered under section 53(2)(b) of the WCA 1981 and the event as specified in section 53(3)(c)(i) as shown below in italics.

Wildlife and Countryside Act 1981 section 53(3)

(3) The event referred to in subsection (2) is as follows –

(c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows –

(i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;

- 2.5. With regard to the standard of proof needed under 53(3)(c)(i), an order must be made if there is reasonable allegation in favour of the existence of public rights. After publication such an order can however only be confirmed if, on the balance of probability, the alleged rights can still be shown to exist despite objections. Thus, if the tests appear to have been satisfied, yet there remains a conflict of credible evidence which cannot be reconciled, the Authority is obliged to make an order.
- 2.6. The basis of the discovery of evidence may be documentary or user evidence and can be considered alternatively to continuous use or alongside it.
- 2.7. The Authority is required to assess whether the event giving rise to the need to modify the Definitive Map & Statement has occurred by identifying an instance whereby the existence of the rights were challenged (in other words “called in to question”) and then apply the statutory foundation included in the Highways Act 1980 section 31(HA s.31) or by identifying an inference of dedication at common law.

Statutory Tests

Highways Act 1980 section 31(1)

(1) Where a way over any land, other than a way of such a character that use of it by the public could not give rise at Common Law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a Highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

- 2.8. The above section contains numerous considerations that should be applied in determining applications. The Sub-committee should be guided by those that may be relevant to this application. Below are extracts from section 31(1) Highways Act 1980, along with a brief outline as to their effect.

- i) ***...other than a way of such a character that use of it by the public could not give rise at Common Law to any presumption of dedication...***

It is a principle of common law that use cannot give rise to acquisition of rights if that use has been on the basis of a criminal offence (e.g. where use has been unlawful).

- ii) ***...actually enjoyed...***

Sufficient use of the way must be shown for the required period.

- iii) ***...by the public...***

The use must be shown to have been by the public at large. Private use by employees, tenants or a particular category of people cannot qualify.

- iv) ***...as of right...***

The House of Lords in *Sunningwell*¹ decided that “as of right” means “if by right”. For use to give rise to a presumption of dedication it must be as “if by right”. That is without force, secrecy or permission (*nec vi, nec clam, nec precario*).

- v) ***...without interruption...***

Interruption means actual or physical stopping by the landowner or someone acting on their behalf. This interruption must have been made with the intent to prevent the public using a way. Interruption occurring for an unrelated purpose, such as building works or car parking, will not qualify.

- vi) ***...for a full period of 20 years...***

The time period to be considered under the Highways Act 1980 is 20 year use prior to the date the way was called into question.

- vii) ***... no intention during that period to dedicate it.***

The intention not to dedicate must be supported by demonstration of overt acts that have been taken and sufficiently communicated to the public so that the public at large are aware. Circumstances such as a letter between a landowner and the Council or a clause in a tenancy agreement would not be sufficient to show a lack of intention to dedicate.

- 2.9. If the criteria under section 31(above) are not met, the Authority should consider whether it can be reasonably alleged that a route has been dedicated under Common Law.

¹ *R v Oxfordshire County Council ex parte Sunningwell Parish Council* (HL) [1999] UKHL 28 [2000] 1 AC 335 [1999] 3 All ER BBE

The Establishment of Highways

- 2.10. Subject to a small number of exceptions, before any highway over a strip of land can come into being there must be an act of dedication by the landowner followed by public acceptance. In disputes public acceptance is demonstrated in user evidence forms and other historical documentation that are submitted in support of claims.

Common Law Tests

- 2.11. Common Law dedication differs from the statutory provision in so much as it does not require a minimum of 20 years to be shown. Instead the shorter the period under consideration the more compelling the evidence of obvious public use and acceptance of the owner needs be displayed. Capacity to dedicate must also be shown. That is a landowner must be identified.
- 2.12. Documentary evidence may be useful in determining whether the Routes were ever previously considered to be public. Section 32 of the Highways Act 1980 provides for “any map, plan or history of the locality or other relevant document” to be tendered in evidence of the existence or status of public rights of way.

Highways Act 1980 section 32

(32) A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

Extinguishment of Public Rights for Mechanically Propelled Vehicles (MPV)

- 2.13. The Natural Environment and Rural Communities Act section 67(1) came into force in Wales on 16th November 2006 and had the effect of extinguishing public motor vehicular rights over every way that was not already shown on the DM&S, or was shown only as a footpath, bridleway or restricted byway.
- 2.14. This was, however, subject to certain exceptions contained in subsection 67(2).

Natural Environment and Rural Communities Act 2006 Subsection (67)(2)

67(2) Subsection (1) does not apply to an existing public right of way if -

- a) it is over a way whose main lawful use by the public during the period of 5 years ending with commencement was use for mechanically propelled vehicles,*
- (b) immediately before commencement it was not shown in a definitive map and statement but was shown in a list required to be kept under section 36(6) of the Highways Act 1980 (c. 66) (list of highways maintainable at public expense),*
- (c) it was created (by an enactment or instrument or otherwise) on terms that expressly provide for it to be a right of way for mechanically propelled vehicles,*
- (d) it was created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used by such vehicles, or*
- (e) it was created by virtue of use by such vehicles during a period ending before 1st December 1930.*

2.15. In the current case it will therefore be necessary to consider whether public vehicular rights were, or would have been, extinguished as a result of NERC Act 2006. This is detailed in Chapter 13.

Open Access

2.16. The current case is also subject to Open Access regulations (Countryside and Rights of Way Act 2000 (CRoW)) which identified open access land in Wales. Under these regulations it would not be necessary to register public rights of way over land that is designated as Open Access Land. The Forestry Commission (Natural Resources Wales) in 2005 with the knowledge that they owned the OS parcel 1524 (1901 OS map) included this area as Open Access.

DMMO Process

2.17. The DMMO process seeks to ensure public rights are correctly recorded as they exist and is an exercise in modifying the DM&S to reflect such a position. It is not within the remit of the order to give consideration to other factors such as need, nuisance or suitability (though aspects of these facts may assist where they constitute evidence of past use). The effect of amenity, antisocial behavior or other such circumstances relating to the way is unable to be taken into account. The process is not to decide whether a way is desirable at a given location but whether a way has been established through dedication and acceptance by the public.

2.18. In determining the current Application, consideration must therefore be given to whether the documentary evidence and user evidence provided is sufficient to show

that the Routes are, or reasonably alleged to be, public rights of way based on the discovery of evidence under subsection 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

- 2.19. In *Todd v Secretary of State for the Environment, Food and Rural Affairs* (2004) it was held that in the case of an Application under subsection 53(3)(c)(i) (addition of a way to the map), in deciding whether to make an Order, the test to be applied is not whether the evidence establishes that a right of way exists, but whether a right of way can reasonably be alleged to exist. Even though the Sub-committee may consider that the evidence is insufficient to establish that the rights of way exist they must make the Order if it is reasonable to do so.

3. Land Owner Notification

- 3.1. The Applicant has stated that a notice (Appendix 3.2) has been served on Mr and Mrs Talbot of Moor Farm thereby confirming that the requirement of the Wildlife and Countryside Act 1981 (WCA) Schedule 14, Paragraph 2 has been complied with for the Route, A-B-C-D. The affected landowners have been notified with the application certificate (iii) and the accompanying map (Appendixes 3.3 & 3.4).
- 3.2. The Applicant believes that Mr and Mrs Talbot are the only landowners because of their actions in changing the physical nature of the area and reported verbal responses.
- 3.3. Mr and Mrs Talbot, on 13th April 2018, received the draft and consultation map (Appendix 1.5) notifying them of all the Routes being investigated.
- 3.4. Legislation stipulates that the Authority has a duty to keep the DM&S under continuous review and as the Routes, B-E-F and C-E link with the Route, A-B-C-D they were all included in the pre-order consultation.
- 3.5. It is also demonstrated in Chapter 7 that both the relevant department and the Director of Legal Services for Natural Resources Wales (NRW) have also been consulted.
- 3.6. Mr and Mrs Talbot confirmed, in an email dated 25th May 2018, that they do hold the title deeds to the land.

4. Land Registry

- 4.1. Title Deed number WA426587 is for the land edged by a red line on the plan (Appendix 4.1) and entries on the registered title (Appendixes 4.2 & 4.3) dated the 25th June 2015 indicate Mr Robin James Talbot and Mrs Gillian Talbot as being the proprietors since 2nd February 1989.
- 4.2. The land over which the Routes A-C-B [A-B-C-D] and C-D [B-E-F and C-E] cross has been the subject of a land dispute between Mr and Mrs Talbot of Moor Farm and Natural Resources Wales (NRW). NRW having sought legal advice eventually negotiated an agreement with Mr and Mrs Talbot to settle out of court.
- 4.3. The discrepancy over the extent of land ownership is not going to be investigated and resolved under the legislation pertaining to public rights of way. Although, OS parcel number 1524 is marked on the 1901 and 1921 Ordnance Survey maps it is not referenced in the 1988 Transfer Documents and the 1934 Conveyance. See table below.

TIME LINE for landownership of 1921 OS parcel 1524 (OS p1524)

4.4. Land registry number WA462587

Date	Context	Inclusion or exclusion of OSp 1524
2018/ 2017	The Talbots state ownership inclusion of (OSp1524)	inclusion
2015	Land Registry mark edge red inclusion of (OSp1524) Land Registry tint pink marks exclusion of (OSp1524) The 2015 Land registry refers to the 1934 Conveyance. The 2015 Land registry states: The land coloured blue is tinted pink on filed plan. (Appendix 4.1 to 4.3).	inclusion and exclusion
2013	The Talbots overtly obstruct routes/land	inclusion
2013	Submission of DMMO routes cross over OSp1524	
1997	Forestry Commission submits Statutory Declaration and includes (OSp1524) signed by Magistrates Court.	inclusion
1988	Transfer Documents excludes (OSp1524) in list. Plan is rendered poorly showing incorrect colouring of area coloured blue.	exclusion
1934	Conveyance 31 st August 1934 excludes (OSp1524) in list. Furthermore, the plan also excludes (OSp1524).	exclusion
1924	Forestry Commission Statutory Declaration states ownership commenced between 1924 and 1974 and includes (OSp1524).	inclusion

- 4.5. Nevertheless, it remains possible to determine that public rights exist over land that is held privately.
- 4.6. This means that the owner of the land would have to reinstate the public rights of way to their original alignment, width and nature if it is proven that public rights of way exist. The original alignment and width would be that which is illustrated on the 1920s Ordnance Survey maps (Fig. 8.16 (not to scale)) as these are the base maps for the Definitive Map.

5. Statutory Declaration Section 31(6) HA1980

- 5.1. Research has shown that the Forestry Commission (now NRW) submitted a Deposit Statement and plans on the 7th/8th August 1997 and then a Statutory Declaration on the 16th September 1997 under section 31(6) of the Highways Act 1980 (Appendixes 5.1 to 5.4).
- 5.2. The 16th September 1997 Forestry Commissions (NRW) Statutory Declaration states that they were the landowner from any date between 1924 and 1974 up to the submission date. The documentation also states that the Forestry Commission (NRW) has continuing responsibility of the land by promising to lodge at six year intervals further declarations. When using the dates 1924 and 1974 it shows that the Forestry Commission (NRW) has been the landowner for a lengthy period.
- 5.3. Investigation of this 1997 Statutory Declaration confirms that it is valid.
- i) The Act specifies a scale of not less than 1:10,560 which is the minimum recommended. Although, there is no scale recorded on the 1997 deposit maps, when measured they are about 1:10,000 which is greater in scale than 1:10560.
 - ii) The deposit is signed and dated 7th August 1997 acknowledged as received by the Public Rights of Way Officer (Appendix 5.1).
 - iii) The relevant deposited map (Appendix 5.2) shows the alignments of all public rights of way highlighted purple, green or brown. However, the deposit gives no key in which to identify the alignments marked by bold black solid or broken lines.
 - iv) The 1997 deposit of statement and maps, dated as received by Mr R. McAlister on the 7th August 1997, follows the required legislative form.
 - v) Legislation directs that two submissions must be made separately a few days apart. Therefore, the Forestry Commission (NRW) has submitted the Statutory Declaration, signed and dated the 16th September 1997 (Appendix 5.3), along with the relevant statements of ownership and reference made to their acknowledgement of the existing public rights of way highlighted on the deposited maps made on the 8th August 1997 [sic 7th].
- 5.4. The section 31(6) Statutory Declaration submitted in 1997 influences the claim as it interrupts the continuous 20 year period between 2013 and 1993.
- 5.5. Furthermore, when the 1997 Statutory Declaration was made, the Forestry Commission (NRW) stated that they would lodge similar declarations at six year intervals. Research has revealed that these promised submissions are not evident on file.

- 5.6. However, legislation introduced Open Access Land in 2005. The Forestry Commission (NRW) knowing that they were the landowner designated OS parcel 1524 (1901 OS map) along with the whole woodland and other areas as Open Access Land. The effect of this designation was to dedicate the land thus making the whole area available to the public as long as it was only on foot. The Forestry Commission (NRW), having made this formal dedication, had no need to renew the Statutory Declaration and no additional submissions were made.
- 5.7. This means that the 20 year period, 2013 to 1993, is interrupted for six years from 1997 to 2003 and due to the designation of Open Access Land in 2005 a further interruption occurred covering the period, 2005 to 2013.
- 5.8. In their reply to the 2018 pre-order consultation, Mr and Mrs Talbot have stated that they need to obtain information from the Solicitors' Regulation Authority regarding their Statutory Declaration that was made with the solicitor at the time [2013] who has now ceased trading.
- 5.9. The Council does not hold a full authorised copy of Mr and Mrs Talbot's Statutory Declaration but is aware that they were advised, in 2013, that this legislative procedure was available to them if they wished to pursue it.
- 5.10. The period for 20 year continuous uninterrupted use of the Routes, A-B-C-D; B-E-F and C-E, is from 1997 to 1977. Thirty-six out of the 47 user evidence forms, submitted with the 2013 Application cover this period.

6. User Evidence Forms & Other Submissions

User Evidence Forms

- 6.1. The user evidence forms including an accompanying map are typically submitted along with an application to register a public right of way on the Definitive Map and Statement (DM&S).
- 6.2. In this report there are effectively two routes. Although the application notified the landowner of only one route, A-B-C-D, the witness evidence indicates the existence of another connecting route, B-E-F and C-E.
- 6.3. The Authority did not mark in red the alignments of the Routes, A-B-C-D, B-E-F and C-E, even though the majority of maps attached to the user evidence forms are marked as compiled by 'mussell.m'. The Application letter (Appendix 6.1 to 6.3) demonstrates that two maps were sent out specifying that one was for information showing existing rights of way and the other was blank for respondents to mark the alignments of the Routes they used. In this Application some respondents have marked on the information map a bold red line depicting the Routes. A number of the user evidence forms have utilised this information map which in this Report is considered acceptable.
- 6.4. Forty-seven DMMO evidence forms have been submitted to the Authority in support of the Routes, A-B-C-D, B-E-F and C-E (Fig. 1.3). The use is described from 1942 onwards where out of the 47 respondents, 46 used the Routes during the 20 year period from 1993 to 2013.
- 6.5. The references made by respondents concerning landownership are not relevant to whether public rights may or may not already exist.
- 6.6. However, research has shown that the Forestry Commission (NRW) submitted a Deposit of Statement and plans on the 7th/8th August 1997 followed by a Statutory Declaration on the 16th September 1997 under section 31(6) of the Highways Act 1980 (Appendixes 5.1 to 5.4). Consequently, the 20 year period (1993 to 2013) has been interrupted by that 1997 Statutory Declaration. Therefore, the period investigated will now be from 1977 to 1997.
- 6.7. This means that out of the 47 evidence forms there are 36 respondents who report having used either one or all of the Routes between 1977 and 1997.
- 6.8. Thirty-six user evidence forms along with comments, Appendixes 6.4 to 6.39.6 have been investigated.

- 6.9. The user evidence forms show that none of the respondents is an owner or tenant or an employee of the landowner.
- 6.10. Furthermore, the various and specific questions regarding notices and signs reveals that none of the 36 respondents report seeing any signage or notices stating that the Routes were not open or in any way declaring the private nature of the OS parcel 1524 (1901 OS map). In other words the Routes being investigated were all open and freely available for use.
- 6.11. The user evidence along with timeline chart (Appendix 6. 40) reveals that out of the 36 respondents there are:
- i) 36 that report using the Routes on foot. Of these 36 people, 19 describe in their evidence forms that they used all the Routes on foot and 4 describe using the Route, A-B-C-D only. This leaves 13 users who have attached a map marking the Routes even though they do not specifically describe them on their evidence forms.
 - ii) 36 responders have submitted maps along with their evidence forms. Of these 36, 32 have marked all the Routes while 4 have marked only Route, A-B-C-D. Of the 36 responders who have all signed and dated their forms there are 14 that have additionally signed and/or dated their map.
 - iii) 9 users also report use of the Routes with vehicles. Of these 9 people, 5 report using all the Routes with a vehicle; 1 reports using the Route, A-B-C-D only; while 3 do not specify which routes used.
 - iv) 3 users report having seen horse drawn vehicles; 2 of the 3 do not specify the frequency of this type of use while 1 reports seeing her friends Dad on a horse & trap once.
 - v) 5 users report use of the Routes on horseback. Of these 5 people, 3 report using all the Routes on horseback; 2 report using the Route, A-B-C-D only.
 - vi) Further to the horse riding usage there are reports of cyclist using the Routes. The Countryside Act 1968 allows for cyclist to use a bridleway and not a footpath. Therefore bicycle use of the Routes is included with horse riding use. There are 9 responders who state that they have cycled the Routes.
 - vii) 9 users, of whom 5 report using all the Routes on a bicycle; 4 report using the Route, A-B-C-D only.
 - viii) This means that there is a total of 8 responders either horse riding or cycling on all the Routes.
 - ix) Additionally, there are 9 responders of the 36 that report seeing horse riders using the Routes. Therefore, in total there are 16 responders that report the Routes being used to the level required for bridleway rights.

- 6.12. This shows overall that all 36 people who provided user evidence have walked the Routes. Of the 36 responders; 3 have ridden horses; 5 have cycled and 5 have driven motorised vehicles over all the Routes.
- 6.13. The reported use of motor vehicles can no longer be taken as evidence to establish public vehicular rights, owing to the Natural Environment and Rural Communities Act 2006 (NERC 2006) in respect of claims submitted for the registration of byways open to all traffic after the 19th May 2005.

OTHER SUBMISSIONS:

Proforma

- 6.14. Mr Herbert George Sadler submitted on the 5th January 2015 a “Proforma” (Appendix 6.41 to 6.41.5) designed by interested parties to assist him in providing evidence.
- 6.15. The “Proforma”, when compared with the formal user evidence forms omits important details such as date of birth, the place of local residence and the period in which the Routes were used. Besides, the “Proforma” contains leading statements, such as “to get back the land or open the paths”. His statement of his use of the footpath 381/122/1 is not the Route marked on his map, A-C-B [A-B-C-D]. For these reasons his evidence cannot be taken into account. Furthermore, after writing to him, requesting that he completes a user evidence form, I was contacted and told that he had passed away in April 2016.

Letters

6.16. **Mrs Greateorex-Davies**

- i) Mrs Greateorex-Davies replied on 6th August 2014 to the assessment report (point 1.2) by submitting additional statements from Mr J Griffin, Mr and Mrs J Simpson and Mr R Woods (Appendixes 6.42 to 6.45 respectively).

Comment

- ii) Mr J Griffin’s addition is not used as it is outside of the 1977 to 1997 period. Mr and Mrs Simpson’s and Mr R Woods’ additions have been incorporated within their evidence.

She also stated in her letter that:

- iii) *“We would like Route B(C to D)[B-E-F and C-E] to be added to the claim as this is clearly the natural line of the currently accepted right of way from the East to connect with Route A and had been mentioned because it was in daily use. Indeed, there was a sign at the point it meets Route A (point C)[C] pointing to “Barbadoes Green”, again indicating a path accepted by the authorities. Also, this section is marked in red on the Ordnance Survey map indicating that they thought this was a path with public access.”*

Comment

- iv) Both the north/south alignment (Route A [A-B-C-D]) and the east/west alignment (Route B [B-E-F and C-E]) have been included on a map as part of the pre-order consultation process.
- v) The acceptance of the Route, B-E-F and C-E, by both the Local Authority and the Forestry Commission, in installing a fingerpost at point [C] indicates their belief that a public right of way existed, although this has no weight as the Route is not registered on the Definitive Map and Statement (DM&S). This is detailed in Chapter 9.
- vi) The Ordnance Survey map indicating the Route, B-E-F and C-E, does not prove public access. The Ordnance Survey maps have a disclaimer that states:

“Public rights of way shown on this map have been taken from local authority definitive maps and later amendments. The map includes changes notified to Ordnance Survey by 1st Feb 2005. Rights of way are liable to change and may not be clearly defined on the ground. Please check with the relevant local authority for the latest information. The representation on this map of any other road, track or path is no evidence of the existence of a right of way”.
- vii) It is possible that Ordnance Survey received false information from the Local Authority.

6.17. Mr J Griffin

- i) Mr John Griffin, a local resident, has furthered this Claim for and on behalf of Mrs Greateorex-Davies, the clerk to Trellech United Community Council, by making representation, under Paragraph 3(2) of Schedule 14 of the Wildlife and Countryside Act 1981, on the 22nd August 2017. His purpose was to seek direction to be given to Monmouthshire County Council (MCC) to determine an application for an Order, under section 53(2) of the WCA 1981. The Planning Inspector directed that MCC should determine the Claim by the 13th November 2018.

THE ANALYSIS OF THE EVIDENCE FORMS

6.18. The validity of user evidence forms:

i) Signing and dating of forms

All 36 respondents signed and dated their forms. Some of them had not dated and signed their maps although any doubt can be dismissed as the maps and forms were securely attached to each other.

ii) A clear description of the Routes

All 36 respondents give a clear description of the Routes either as a reply to question 2 or in reply to question 26 of the evidence form. In respect of their maps some of them have added markings in clarification.

iii) Clarity on how the Routes were being used

All 36 respondents clearly state how and when they used the Routes.

iv) Errors and omissions

- a) Although some users have not signed and dated their attached maps, all 36 respondents have signed and dated their forms and most have stated that they are prepared to attend a public inquiry.
- b) Not every respondent has used the same route description. Some county unclassified road numbers are incorrect. However, the Routes have been shown on their maps attached to their signed and dated evidence forms.
- c) Some questions have not been answered which indicates that they are not applicable to that particular respondent. An example is the question regarding gates and whether or not they are locked. If the response is that the Routes are not gated, it follows that there are no gates available to lock.
- d) Every respondent has given name, address, date of birth and occupation.
- e) Therefore, the overall response from all 36 users is that no omissions have occurred.

v) Lack of clarity

- a) All 36 respondents have been clear on both their forms and attached maps. The user evidence shows public usage of all the Routes.
- b) Therefore, no lack of clarity has been observed.

vi) Serious inconsistencies

- a) Mr Flashman's response appears to have serious inconsistencies. However, this is clarified when reference is made to an assisting location map where it is obvious that he is referring to the county unclassified road C51-9[CAMS381/51-4] for much of his response.

vii) Possible collusion between witnesses

- a) The evidence forms taken together show displeasure at the overt destruction and obstruction of the Routes carried out by the owners of Moor Farm.
- b) However, the main content of each evidence form remains personal and relevant to the respondent's use of the Routes.
- c) There are some answers where collaboration is noted, such as, in the description/location of routes which has only served to highlight obvious family relations. These are: Mr and Mrs Koek; Mr & Mrs Simpson and their two children Miss C Simpson and Mr SMT Simpson; Mr A Townsend and his daughter Miss J Townsend; Mr J Phillips and Mrs G Phillips; Mr and Mrs Verdigi.

- d) When all the information within the evidence forms is taken together and compared it is judged that collaboration is minimal and is not detrimental to the Claim.

viii) Other anomalies

- a) The county unclassified road CAMS 381/51-4 marked on some of the user evidence forms and maps has also been referenced as county unclassified road C51-9 and, in error, C51-1. Chapter 10 details two highway maps that show the road passing over Prices Bridge to have been given different reference numbers. For the purpose of this Report the road is referenced as C51-9[CAMS 381/51-4].
- b) Differences are noted between the submitted user evidence maps. Some of them show the Routes marked by bold red lines on a blank map while others have marked them in red on the information map, either of which is considered acceptable in this Report. (See 6.2.)

CONSIDERING THE WEIGHT OF THE USER EVIDENCE

6.19. The user evidence needs to be tested in order to decide what evidential weight to place on them. As with historical documentation, user evidence that is tested generally carries significantly more weight than untested evidence.

- i) The user evidence submitted in support of the Claim consists of 36 completed forms made by different people, each for varying periods that are more or less than 20 years which, when taken together, covers the qualifying minimum of 20 years. Furthermore, the immediate family relations have been noted where possible. Although this has occurred, there remains a cross section of different families and family members who have both lived in and been visitors to the area.
- ii) The reporting of trades-people, the postman and the Forestry Commission workers using the Routes in motorised vehicles cannot be taken to establish public vehicular rights. However, in this instance the postman, Mr D Mayo, also reports walking the Routes for pleasure and this aspect of his use of the Routes can be taken into account.
- iii) Out of the 36 respondents, 15 state that they wandered freely and the reporting of this type of use cannot establish public rights. However, out of the 15 who wandered freely, six both kept to the path and wandered freely. This leaves 9 who wandered freely in the area. Therefore it is deduced that 27 users kept to the Routes.

- iv) Until as recently as 2017 none of the respondents was aware of the extent of Open Access Land and their use of it for recreational activities. Therefore, their use of the Routes from the 28th May 2005 when the Countryside and Rights of Way Act (CROW) came into force, clearly identifying Open Access Land in Wales, cannot give rise to a presumption of dedication for specific route alignments.
- v) The overall inspection of all 47 user evidence forms and the examined 36 forms has revealed that each form was completed with sufficient detail and individuality to show the use of the Routes. Furthermore, all 36 forms when compared show that they have been answered accurately. Of the 36 responders 9 were interviewed confirming their previous submissions, answering further questions and where asked marked on another blank map all the Routes their used.
- vi) In the main the 36 users have clearly stipulated the start and end dates for their specific period of use. However, if a start or end date is not clear this has been clarified by other questions answered on the form and where possible also derived from the respondent's date of birth and the date of signature.
- vii) The 36 respondents have, in the majority, clearly addressed their period of use and how they have used the Routes. Some have given precise details of use and frequency. For example, weekly and/or seasonally.
- viii) The majority of respondents report no difficulty in negotiating the Routes other than when the obstructions were placed across them by Mr & Mrs Talbot of Moor Farm whose actions brought the Routes into question.
- ix) One or two respondents have recorded encountering boulders across the Routes. This is significant because not all the users report the boulders and one user describes them as small rocks and some trees which were easily moved. This action does imply that someone (perhaps the Forestry Commission) was attempting on a regular basis to prevent the vehicular use of the Routes. It is evident that this placement of boulders across the Routes was not permanent.
- x) In this case an overall picture has emerged from the comparison of the user evidence against the historical Ordnance Survey maps, aerial photographs and site photographs with the result that no obvious differences exist between the respondent's recollection and these sources of information. This adds weight to the user evidence examined.

CONCLUSION OF ANALYSIS AND WEIGHT OF USER EVIDENCE

- 6.20. The use of the Routes is described from 1942 onwards where out of the 47 respondents, 46 used them during the 20 year period from 1993 to 2013.
- 6.21. Due to the Forestry Commission submitting a Statutory Declaration on the 16th September 1997 under section 31(6) of the Highways Act 1980 the 20 year period (1993 to 2013) is interrupted. Therefore, the period investigated is from 1977 to 1997.
- 6.22. This means that out of the 47 evidence forms there are 36 respondents who report having used either one or all of the Routes between 1977 and 1997.

PUBLIC VEHICULAR RIGHTS LOST

- 6.23. All 36 users believed that they had a right to use the Routes for: walking, cycling, horse riding or in or on motorised vehicles. The 9 who report use of the Routes in motor vehicles can no longer be taken as evidence to establish public vehicular rights, owing to the NERC Act 2006.

PUBLIC RESTRICTED BYWAY RIGHTS ARE NOT SUPPORTED

- 6.24. Out of the 36 there are only three people who report seeing other users on horse drawn carts. There are no users stating that they have used the Routes with horse drawn carts. The pre-order consultation letter provided the definition of restricted byways however no one has replied in connection with this type of use.

PUBLIC BRIDLEWAY RIGHTS

- 6.25. Five users report use of the Routes on horseback. Of these 5 people, 3 report using all the Routes on horseback; 2 report using the Route, A-B-C-D only.
- 6.26. Nine cyclists of whom 5 report using all the Routes by bicycle; 4 report wandering freely.
- 6.27. This means that there is a total of 8 responders either horse riding or cycling on all the Routes.
- 6.28. Additionally, there are a further 9 responders of the 36 that report seeing horse riders using the Routes. Therefore, in total 16 responders report the Routes being used to the level required for bridleway rights.

PUBLIC FOOTPATH RIGHTS

- 6.29. Thirty-six users reporting use of the Routes on foot. Of these 36 people, 19 report using all the Routes on foot and 4 report using the Route, A-B-C-D only. This leaves 13 users of whom have attached a map marking the Routes even though they do not specifically describe them on their evidence forms.
- 6.30. Thirty-six responders have submitted maps along with their evidence forms. Of these 36, 32 have marked all the Routes while 4 have marked only Route, A-B-C-D. Of the

36 responders who have all signed and dated their forms there are 14 that have additionally signed and/or dated their map.

6.31. An examination of the evidence of the 36 responders reveals that:

- i) Mr Neale whose period of use is limited to less than 1 month must be excluded, which leaves 35.
- ii) Mr Flashman's evidence must be excluded as in most of his answers he refers to county unclassified road C51-9[CAMS 381/51-4] which passes his home. This leaves 34.
- iii) 15 respondents have wandered freely in the woodland area. 6 of the 15 have stated they have both kept to the paths and wandered freely. 9 of the 15 report having wandered freely.
- iv) Due to the area being mostly woodland there is the legitimate capability of both keeping to the paths and wandering freely. Therefore, this means that out of the 34 respondents there is a further reduction of 9 people who have wandered freely.
- v) This leaves 25 witnesses whose evidence supports the Claim. This number is sufficient to represent the people as a whole/the community in general.

Overall results

6.32. Taken together this user evidence demonstrates 20 years of continuous uninterrupted use over the Routes, A-B-C-D and B-E-F and C-E (Fig. 1.3).

- i) This means that of the 25 witnesses, 8 also report vehicular use of the Routes which no longer counts towards public vehicular rights.
- ii) Of the 25, 3 report seeing horse drawn carts whose evidence is not as supportive as actual users of this type.
- iii) Of the 25, 4 state they have used all the Routes on horseback; 3 of 4 have used both Routes; 1 of 4 have used Route A-B-C-D only. Of the 25, 5 state they have used the Routes on bicycle; 4 of 5 have use both Routes; 1 of 5 has used Route A-B-C-D only. Of the 25, 7 reporting having seen other horse riders; 6 of the 7 were walkers who had witnesses seeing horse riders on all the Routes. This means there is a total of 16 witnesses supporting bridleway rights.
- iv) There are 25 witnesses who report having walked the Routes. Of the 25, 6 report having both kept to the path and wandered freely which is legitimate use in a woodland area. Of the 25, 19 have used both Routes; 4 of 25 have used route A-B-C-D only.

6.33. The overall result of the analysis shows that there is sufficient evidence to support, horse riding, cycling and walking for the Routes, A-B-C-D and B-E-F and C-E (Appendix 1.5).

7. Pre-Order Consultations

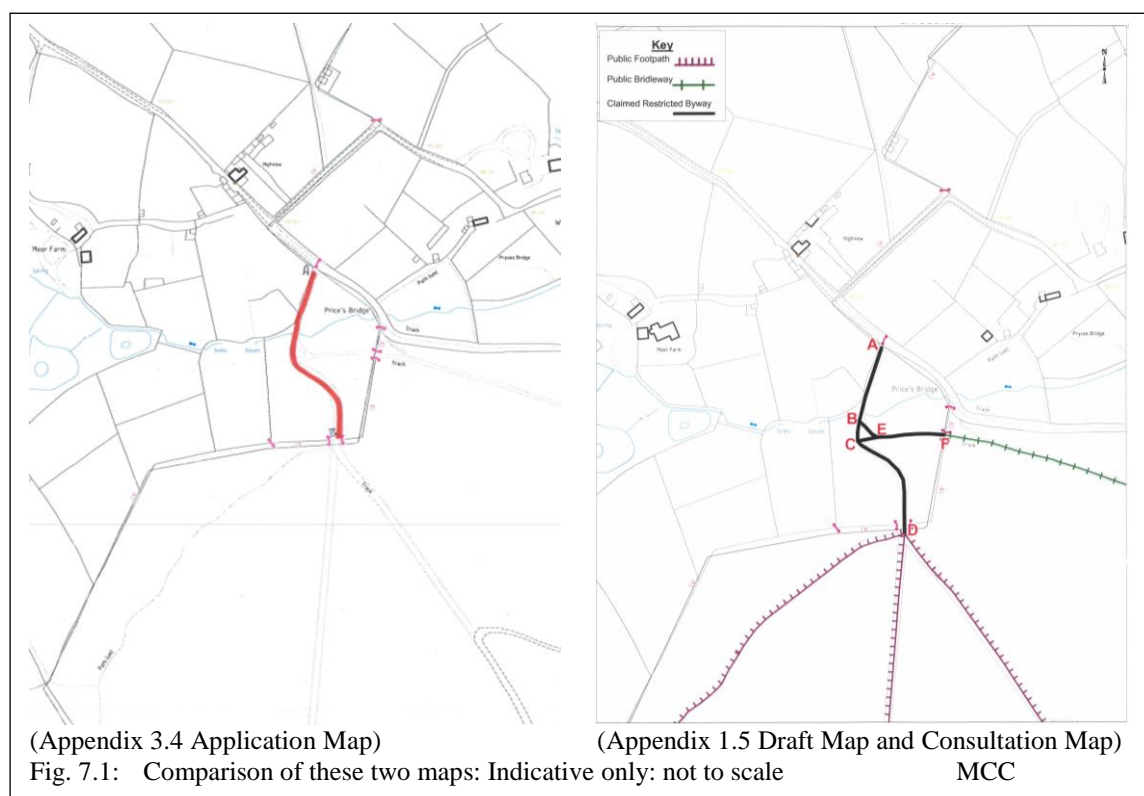
- 7.1. The period of the pre-order consultation for the Definitive Map Modification Order to register the Routes, A-B-C-D, B-E-F and C-E, as a restricted byway, on the Definitive Map and Statement (DM&S) ran from the 13th April 2018 to the 25th May 2018. (Appendix 7.1 to 7.2)

Pre-Order Consultation results dated 2018			
1	Matthew Lewis	Head of Countryside	No reply
2	Ruth Rourke	Countryside Access Officer	Continuous input.
3	Kate Stinchcombe	Biodiversity Officer	No reply
4	Claire Williams	Legal Services	Continuous input
5	Paul Keeble	Highways	No reply
6	Debby Blakebrough	Councillor Trellech	No reply
7	Ann Webb	Councillor for St Arvans	No reply
8	Ann Davison	Clerk Trellech Community Council	No reply
9	Elizabeth Greatorrex-Davies	Clerk Tintern Community Council/1 st lead Applicant	No reply
10	John Giffin	2 nd lead Application Administer	No objection
11	A Underwood	The British Horse Society	No reply
12	C Hunter	Open Spaces Society	No reply
13	Sir/Madam	The Byways and Bridleway Trust	No reply
14	S Wheeler	Natural Resources Wales	No objection
15	J Askew	Tread Lightly	No reply
16	A Thomas	Ramblers	No objection
17	D Wyatt	Green Lane Association	No reply
18	G Owen	CTC National Cycle Charity	No reply
19	Sir/Madam	LARA	No reply
20	Sir/Madam	ACU Auto-Cycle Union Ltd	No reply
21	Sir/Madam	British Telecom	No objection
22	Sir/Madam	National Grid plant location	No objection
23	Rachel Humphreys	Welsh Water	No objection
24	Paul Fitzpatrick	Western Power Distribution	No objection/No affect to apparatus
25	Mr & Mrs Talbot	Moor Farm	Objection
26	Sir/Madam	Director of Legal services Natural Resources Wales	No reply

7.2. Mr and Mrs Talbot, the owners of Moor Farm, have objected to the DMMO that registers the Routes, A-B-C-D, B-E-F and C-E, as restricted byways to the DM&S (Appendixes 7.3 to 7.5).

Their grounds of objection are that:

- i) *“We have a copy of DMMO submitted by this person on behalf of Tintern Community Council and copied to us on the 17th December 2013 and dated 11th December 2013 but it does not agree with the Consultation Plan attached to your letter. The form copied to us shows only one path - currently marked on your plan as running from A to D.”* (See the comparison below Fig. 7.1)
- ii) *“Historically Public Rights of Way have run around the edge of our land but not across it. (see Maps attached).”* (Appendixes 7.3 & 7.5).
- iii) *“There are ‘tracks’ across our land that are part of our farm but these are not Public Rights of Way as confirmed by Monmouthshire County Council.”*



Comments

- iv) The 11th December 2013 Application map (Appendix 3.4) shows the consultation plan route A-B [A-B-C-D] only.
- v) Under the Council’s duty to review the Definitive Map and Statement if other ways join the route being investigated are also not shown on the map then these are also investigated. The 2018 pre-order consultation map included all the Routes being investigated (Fig.1.3) (repeated in Fig.7.1 above). The Authority will be dealing with this objection by processing two Orders.

- vi) The alignment of the Routes, A-B-C-D, B-E-F and C-E, are not recorded on the Definitive Map and Statement. This does not mean that public rights do not already exist. Definitive Map Modification Orders may be made if it is determined that, on the balance of probabilities, public rights already exist. The historical documentation leading to the publication of the Definitive Map and Statement is detailed in Chapter 9.
- vii) The alignment of 'tracks' is detailed in Chapter 8 – Historical map evidence. The 'tracks' do not serve Moor Farm but are instead connecting through routes that provide access to all the forestry lands in the region that are managed by Natural Resources Wales. There are other ways north of point A that directly serve Moor Farm.

7.3. No other pre-order consultation objections have been lodged by any other person or organisation.

8. Historical Map Evidence

- 8.1. The Highways Act 1980 section 32 states that a court or other tribunal before determining whether a route has or has not been dedicated as a highway shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight that is considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

The Enclosure Awards

- 8.2. The Enclosure Awards, are legal documents enacted by Parliament that record the ownership and distribution of land enclosed. Besides land ownership, enclosure awards and maps also record the landed endowments of churches, common or waste land, schools and charities, the existence of roads, rights of way, drainage, and the ownership of boundaries, different types of land tenure and liability to tithe.
- 8.3. Enclosure Awards as evidence, when considering Definitive Map Modification Orders, hold substantial legal weight as it was these Awards that created the network of roads and ways, and in some cases extinguished old ones. Furthermore, the Enclosure Awards went through an extraordinary consultation process prior to being settled in the courts. These Awards are the legal event which irrefutably declares the right of way to exist at that date. This means that only a legal stopping-up order would rebut the claim of the existence of a road or way shown within an Enclosure Award.
- 8.4. The 1810 Enclosure Awards for the communities of Llandogo, Trellech and Tintern from the Gwent Record Office and Map M record the area being investigated.

- 8.5. The extract of 1810 Enclosure Award (Fig. 8.1) shows a route marked by a bold red line along with the label “No. CLII [152] Public Footway or path 4 feet” that crosses the land that is referenced as lot 349 and is owned by His Grace the Duke of Beaufort.

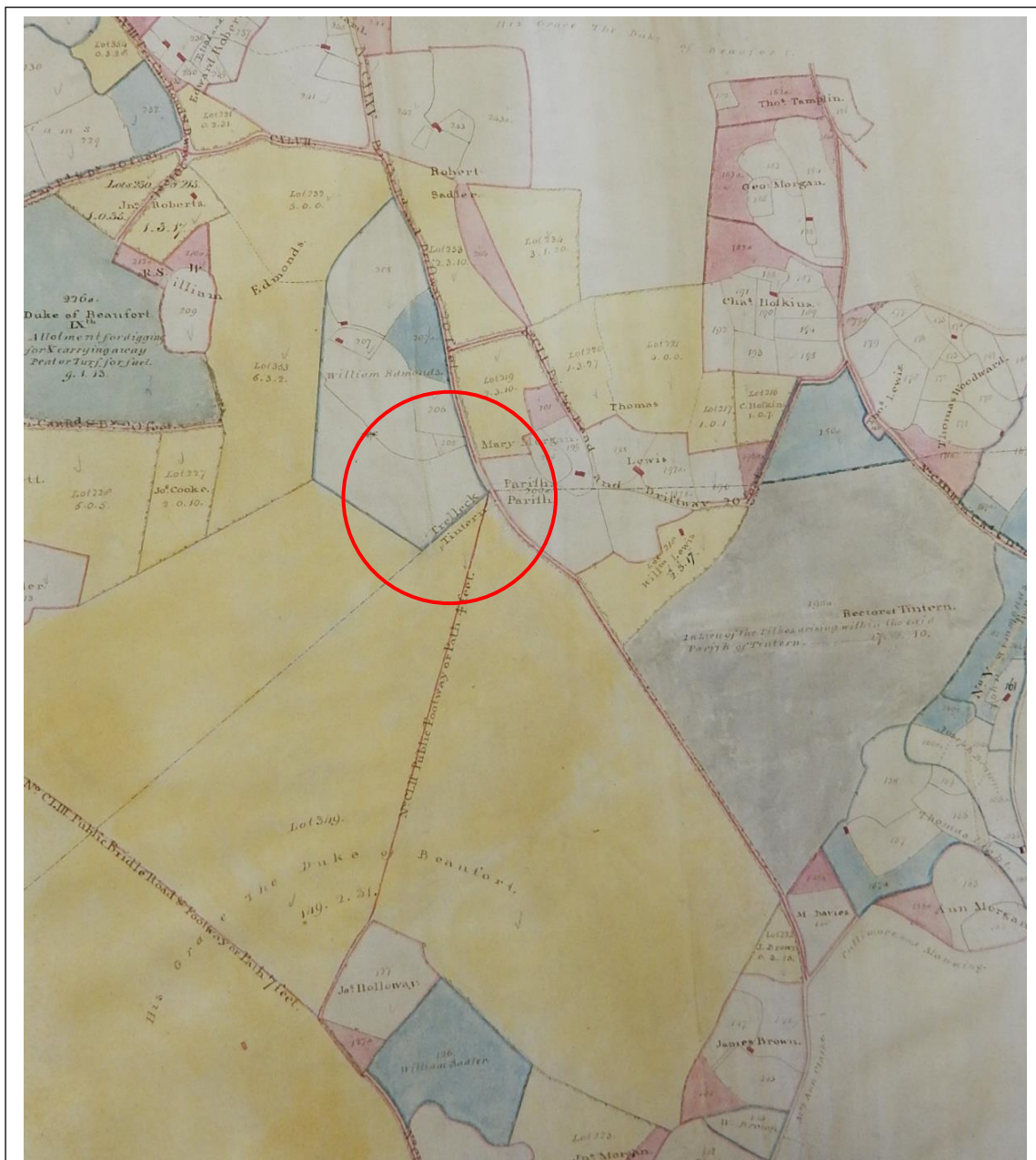
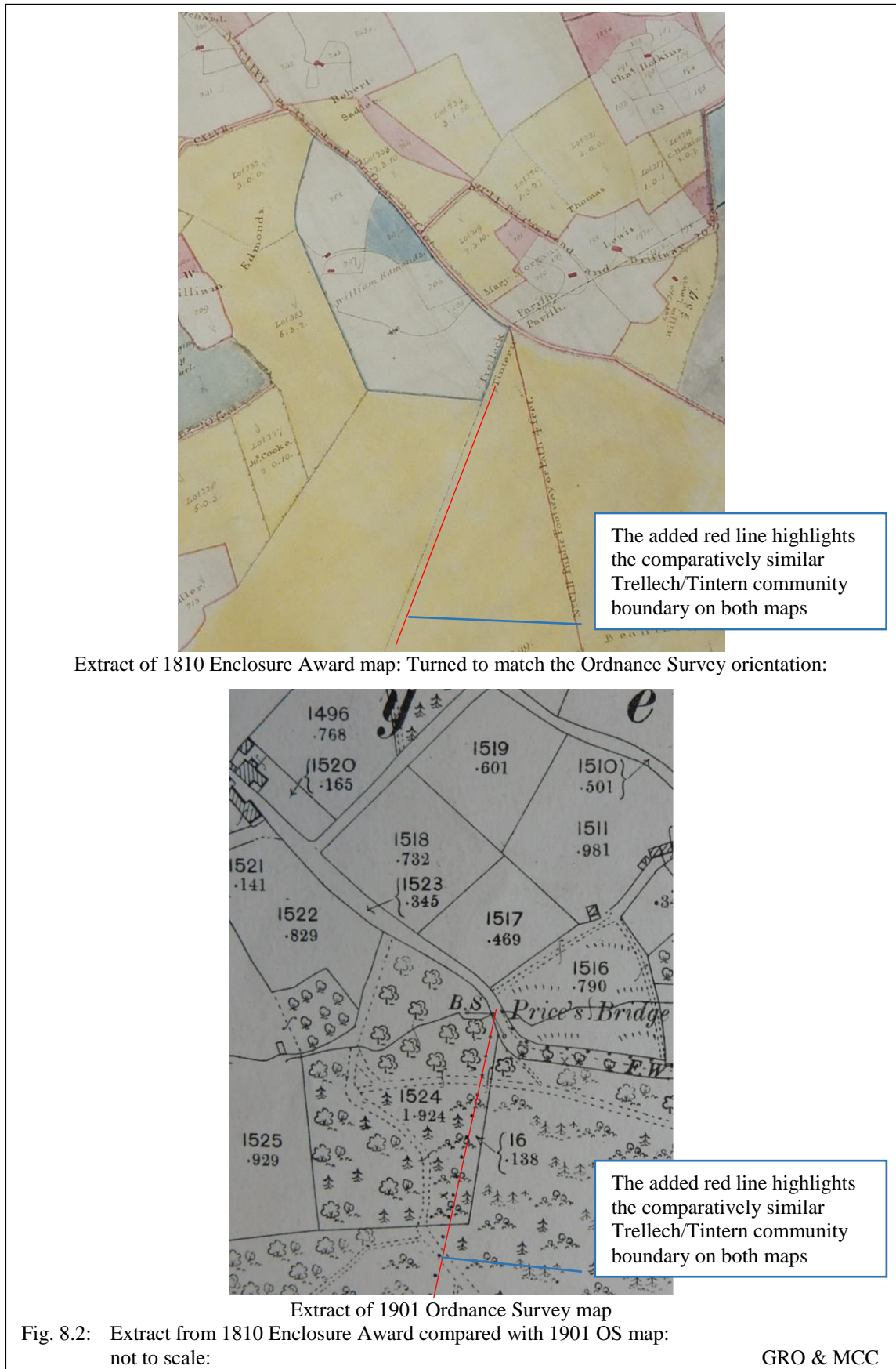


Fig. 8.1: Extract from 1810 Llandogo, Trellech and Tintern Enclosure Award: not to scale:

GRO

- 8.6. This extract of the 1810 Enclosure Award also shows the boundary line for the Trelleck and Tintern Communities to be in a position that has not changed over the years. This boundary between the communities is the nearest point of reference that gives the approximate location for the Routes, A-B-C-D, B-E-F and C-E, being investigated (the Routes).

- 8.7. A comparison between the extract of the Enclosure Award is made with and extract of the 1901 OS map (Fig. 8.2) and this confirms that the Routes are not shown on the Enclosure Award as either “public” or “private” ways.



- 8.8. Additionally, the location of the public footway marked on the Enclosure Award where it joins another route at the Tintern/Trellech Parish boundaries may be similar to the location of the “gateway” documented in the Definitive map statement detailed in Chapter 9 point 9.29.

The 1823 Price's Map

- 8.9. The 1823 Price's Map (Fig. 8.3) is an eighteenth and nineteenth century commercial map generally produced for wealthy people who would use them for business purposes, for travel in the area and to transport goods to and from the River Wye. Therefore, the ways shown on them may generally be considered to have been available for use and regarded as public highways. However, in this instance the scale of this document, 6 inch to a statute mile, is too small to illustrate the Routes.

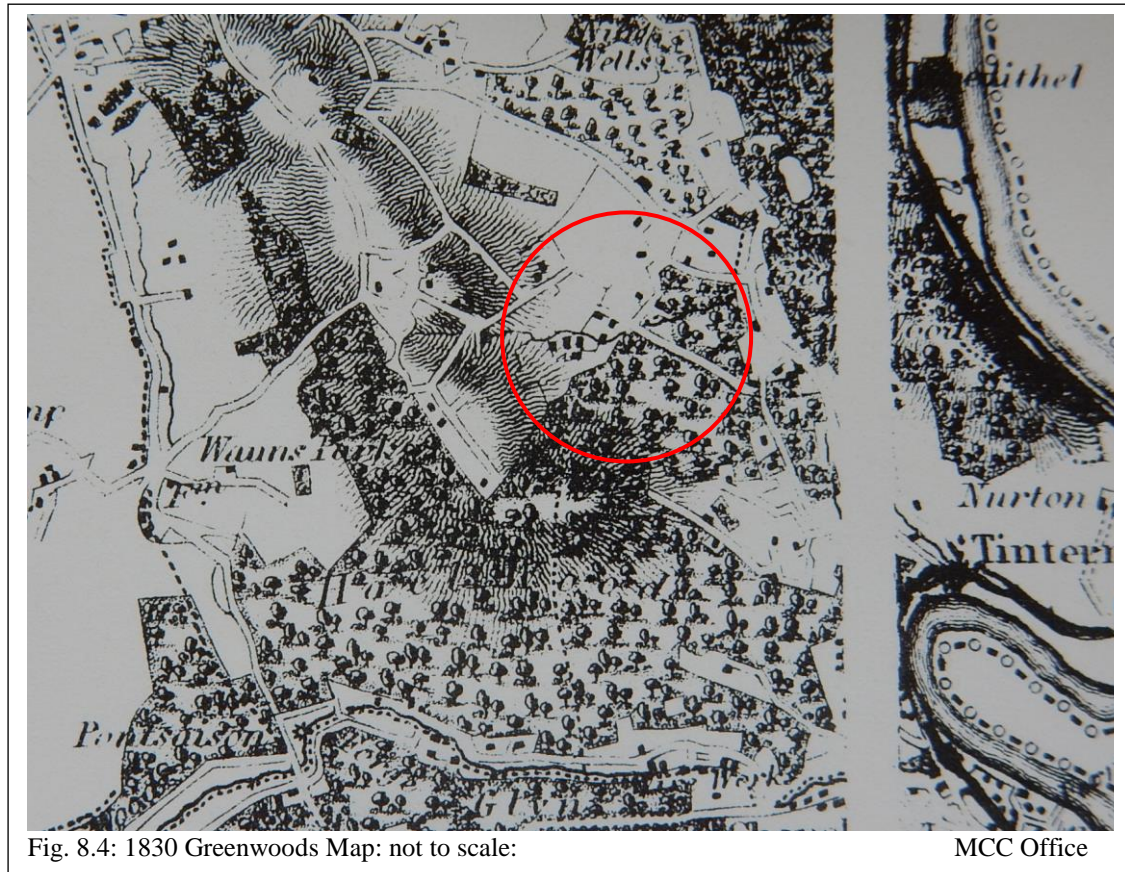


MCC Office

The 1830 Greenwoods Map

8.10. The Greenwoods map (scale 1 inch to statute mile), published in 1830 (Fig. 8.4), for a similar commercial purpose as the Price's map again does not illustrate the Routes. It is known that the Greenwoods Map is a poorer copy than that of the other mapping. The 1830 commercial maps do not usually extend to the detail required for the depiction of footpaths.

8.11. The Routes are not shown and this suggests that they are probably footpaths. However, all the historical documents need to be taken together, and on the balance of probabilities, a determination of public status is reached.



The 1830 David and Charles Map

8.12. The David and Charles Map (scale 1 inch to statute mile), Sheet 68 dated 1 May 1830 (Fig.8.5), like the previous maps does not show the Routes. Again the scale of this map is too small to show footpaths. This means that the alignments that are shown are probably roads having higher public rights than that of footpaths.

8.13. There is a road passing through the property know later as Moor Farm which proceeds south-westwards passing other homes to connect with another road in the southwest. The depicted road is not on the alignment of the Routes being investigated. Comparison of this map with other Ordnances Survey maps shows that the Routes being investigated lie further south than the Moor Farm road illustrated on the David and Charles Map.

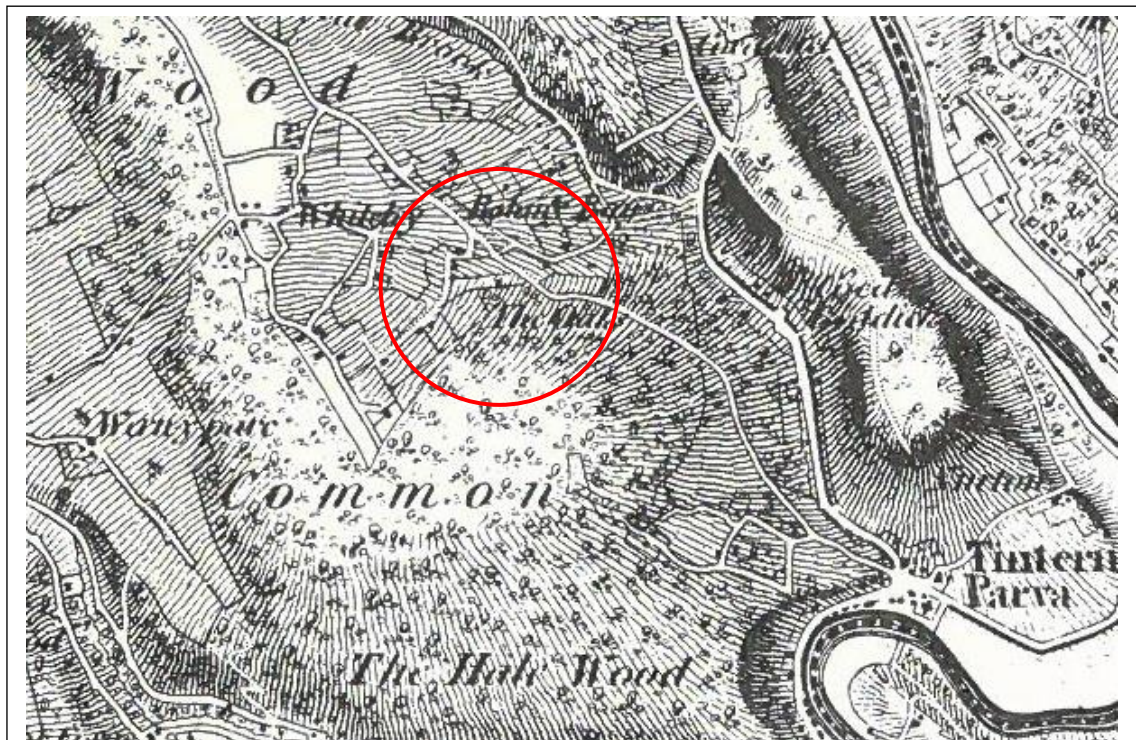


Fig. 8.5: 1830 David and Charles Map: Sheet 68 BRISTOL: not to scale:

MCC

The 1830 Cassini Map

8.14. The 1830 Cassini Map 172 (scale 1:63,360) (Fig.8.6), being a facsimile of the Ordnance Survey Sheets 34, 35, 43 and 44 published between 1828 and 1831, shows similar alignments for roads and markings as illustrated on the David & Charles Map.

8.15. The Cassini Map like the David & Charles Map shows a road passing through the property known later as Moor Farm (Fig. 8.6) but again does not illustrate the Routes being investigated.



Fig. 8.6: 1830 Cassini Map:

Sheet 162 GLOUCESTER & FOREST OF DEAN: not to scale

MCC

The 1830 Ordnance Survey Map

8.16. The 1830 Ordnance Survey Map (scale 1 inch to statute mile) (Fig. 8.7), is the base map to the Cassini and David & Charles Maps and is known to be more accurate in the depiction of physical features surveyed.

8.17. The Ordnance surveyors were given the duty to mark all the physical features that they encountered whether public or private but were not to concern themselves with, or enquire into, rights of way.

8.18. The David/Charles, Cassini and 1830 OS maps show a road running south-west from Botany Bay past Moor Farm and other various properties marked by tiny black rectangles. When comparison is made with later OS maps the Moor Farm road lies north of the Routes being investigated.



8.19. All the 1830 maps discussed so far are of a scale that only enables the depiction of roads that are shown to cross east and west connecting The Oaks with the Common. When these 1830 maps are compared with other mapping data sets it suggests that minor routes such as footpaths were not physical features that could be recorded at the scale of 1 inch to a statute mile whereas the roads that are depicted are either, byways open to all traffic, restricted byways or bridleways.

The 1835 Highways Act.

8.20. A public highway is established when any way has been dedicated and accepted by the public at large. A way which was a public highway before the passing of the 31st August 1835 Highways Act is repairable by the parish without the formalities prescribed in Section 23 of this 1835 Act.

8.21. The 1835 Act deals mainly with the responsibility of maintenance for “*roads, occupation ways and horsepaths not footpaths*”. This means that the issue of public maintenance does not clarify the public status of any route and it is false to assume that because a way is shown on a pre-1830s map that it is an ancient public highway automatically implying higher public rights.

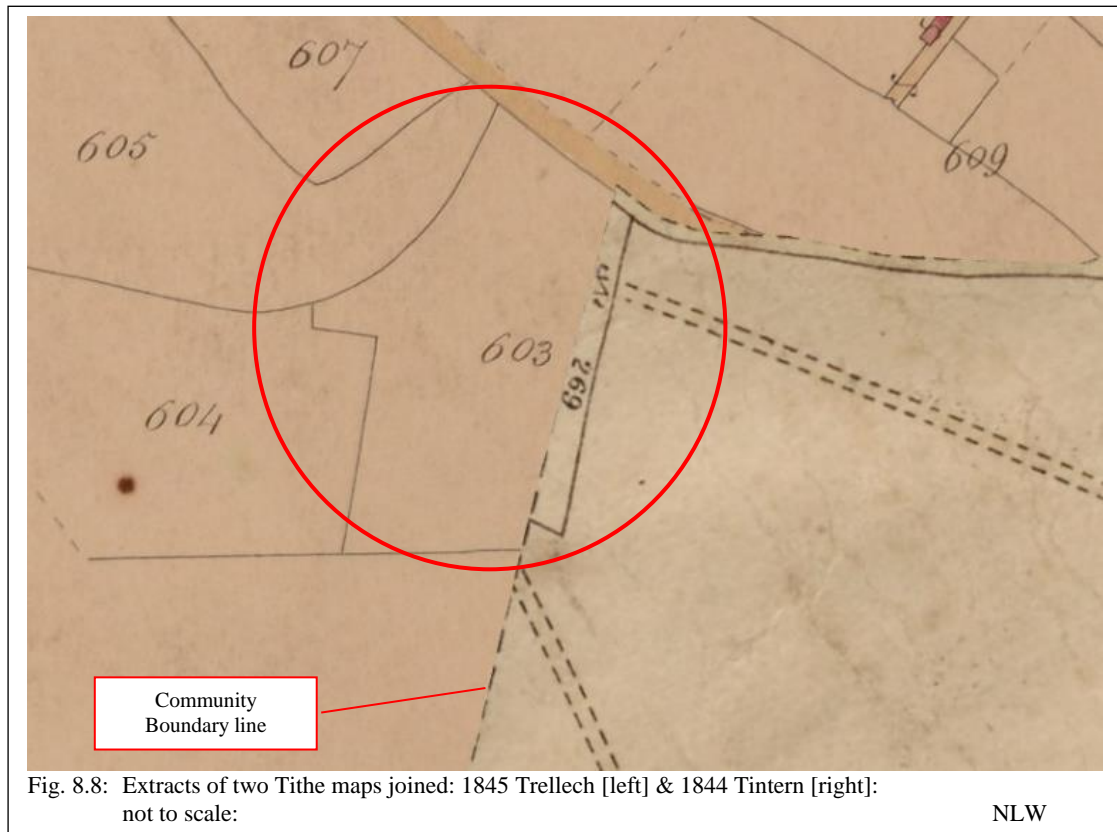
8.22. All the historical maps prior to 1835 do not show the Routes being investigated. This does not mean that no public rights of way exist as other historical mapping, published at a different scale, may show the Routes and these documents taken together, on balance, may support higher public rights.

The Tithe Maps

8.23. The Tithe Maps hold significant evidence for public rights of way as routes are shown shaded and without apportionment numbers, therefore separating those ways from the purpose of the tithe maps which was to take a tithe/tax from the profits of arable land. The lack of tithe apportionment numbers means that the strip of land, the basis of the route alignment, was not in any individual ownership and was not arable and therefore did not produce a product that was taxable.

8.24. The Tithe maps relevant for the investigation into the Routes, A-B-C-D, B-E-F and C-E, are Trellech dated 11th March 1845 and Tintern dated 17th January 1844. For the purposes of finding the location of the Routes an extract of both the Trellech and Tintern Tithe maps has been joined at the boundary between the communities (Fig. 8.8).

8.25. The 1845 Trellech Tithe map (Fig. 8.10), **does not** show the Routes while the 1844 Tintern Tithe map (Fig. 8.9) **does** show the Routes. It is noted that the 1845 Trellech Tithe map does not depict the continuation of the Routes crossing over the community boundary.



8.26. This does not mean that public rights do not exist as other historical maps and user evidence may suggest that public rights do already exist but were not depicted on the Trellech Tithe map.

8.27. The 1844 Tintern Tithe map (Fig. 8.9), shows the continuation of the Routes. There are a number of interesting comparisons that may have influence:

- i) The 1845 Trellech Tithe map drawn up after the 1844 Tintern Tithe map was not transposed correctly.
- ii) The Routes on the 1844 Tintern Tithe map show that this Tithe map has been carefully surveyed suggesting that routes did continue over the community boundary.
- iii) The Routes illustrated on the Tintern Tithe map are a copy of the route alignments shown on all the Ordnance Survey maps (detailed later in this report).
- iv) The 1844 Tintern Tithe map also marks plot number 269 and this is not repeated over the boundary. The 1845 Trellech Tithe map instead shows plot number 603. On the Tintern Tithe map the Route runs through plot number 269 and the separate parcels are linked by a symbol that is called a brace.
- v) There are no such braces across the Trellech/Tintern boundary and this suggests that the boundary was the division for differing land ownerships.
- vi) The plot boundary lines do not join, again illustrating the different rendering of the maps.

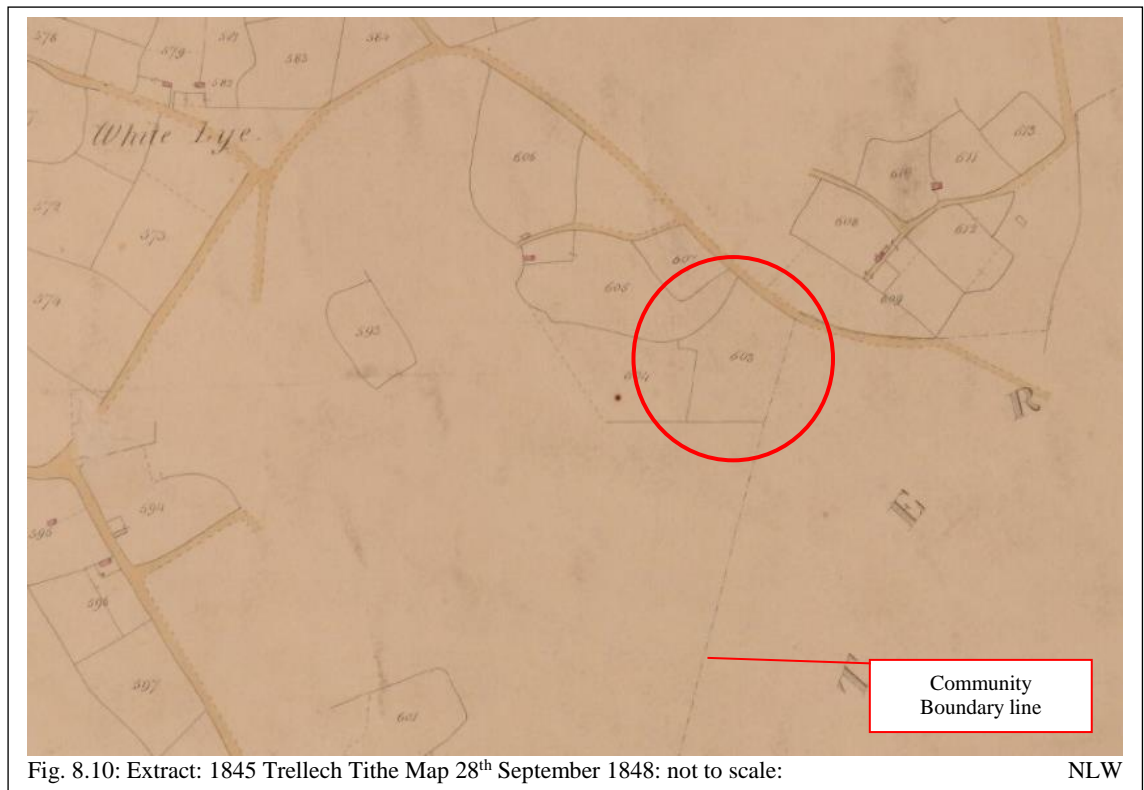


Fig. 8.9: Extract: 1844 Tintern Tithe Map: not to scale:

NLW

- vii) Furthermore, when roads are shaded on the tithe map data sets and the same alignments shaded on the highways maps, it is understood that the shaded routes are public rights of way usually at a status higher than that of footpaths. It is difficult to conclude if the Routes are shaded on the Tintern Tithe map.

8.28. The Routes cross land that is in the Parish/community of Trellech which are not illustrated on the 1845 Trellech Tithe map (Fig. 8.10). Therefore this document does not support public rights.



The Ordnance Survey Maps and Conventional Signs

8.29. The Ordnance Surveyors were given the duty to depict all physical features that were encountered and not to consider whether public or private rights existed. The marking of a way on Ordnance Survey maps does not specify whether it is private or public.

The 1881 Ordnance Survey map

8.30. The 1881 Ordnance Survey (OS) map, Sheet 21:13, scale 1:2500, surveyed 1880 & 1881 (Fig. 8.11), shows the Routes marked by two broken parallel lines on the same alignment as the 1844 Tintern Tithe map.

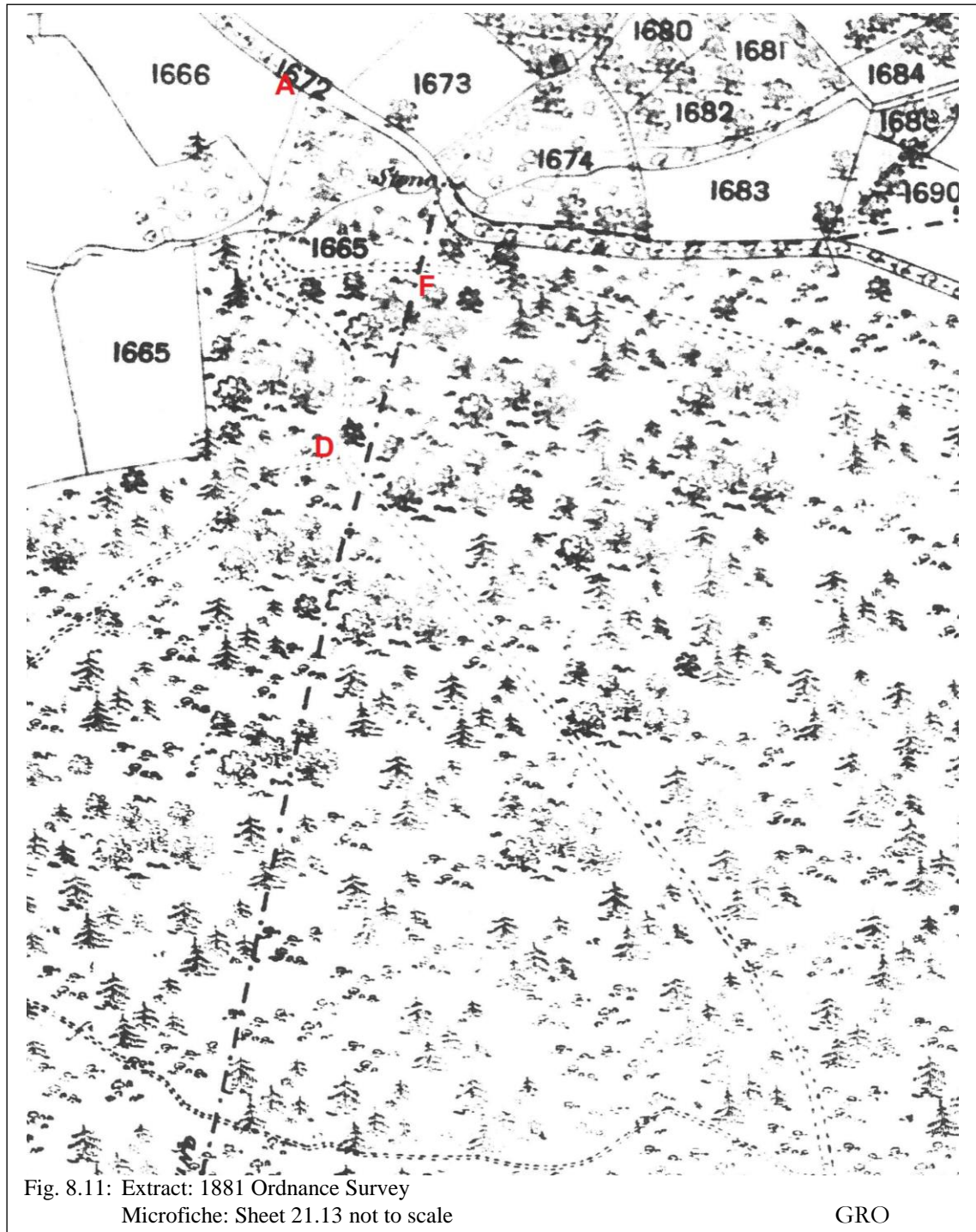


Fig. 8.11: Extract: 1881 Ordnance Survey
Microfiche: Sheet 21.13 not to scale

GRO

The 1886 Ordnance Survey map, scale 1:10560

8.31. The 1886 Ordnance Survey (OS) map, Sheet 21, six inch to one Statute Mile, surveyed 1880 & 1881 (Fig. 8.12), shows the Routes marked by two broken parallel lines on the same alignment as the 1844 Tintern Tithe map.

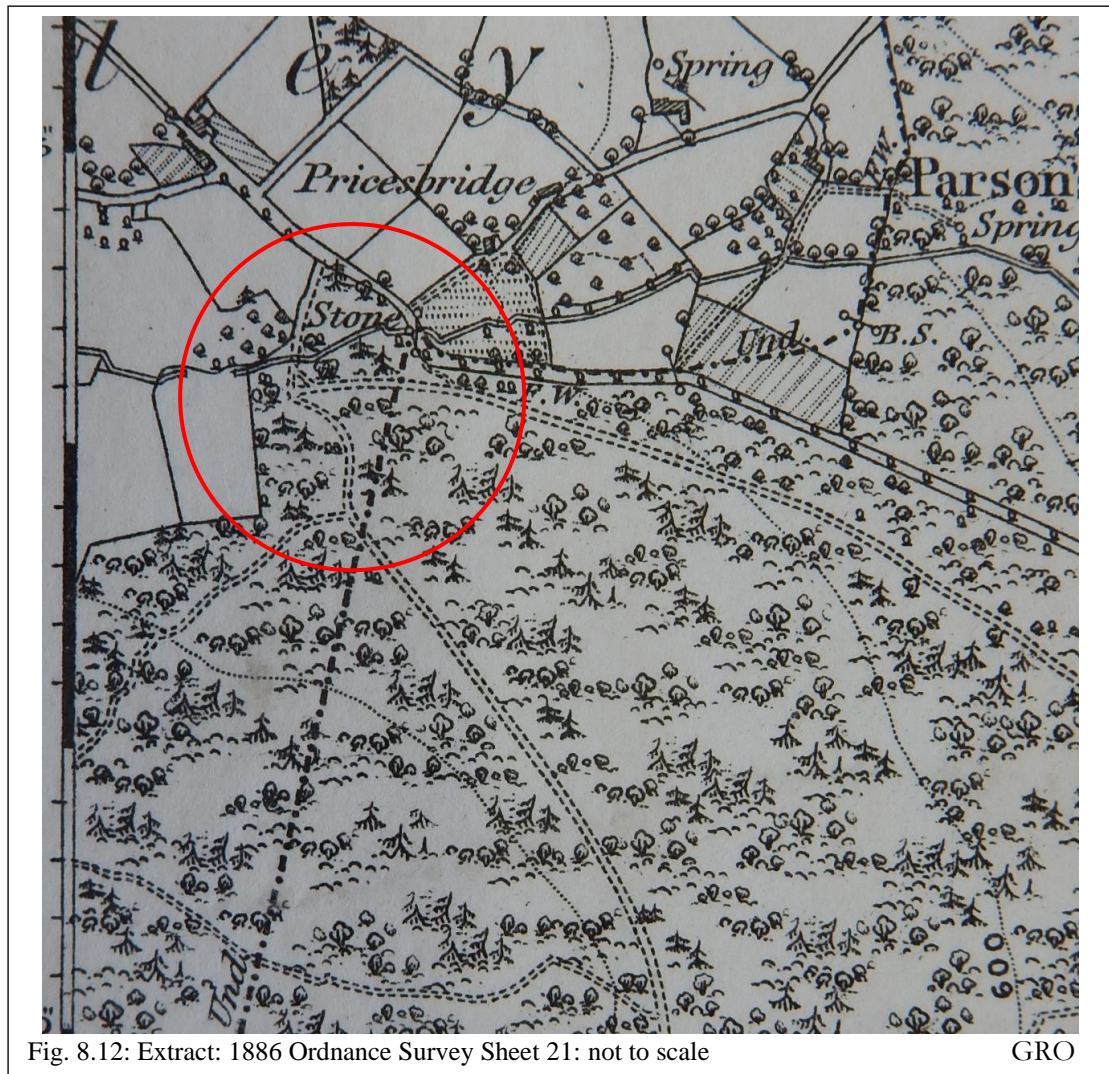


Fig. 8.12: Extract: 1886 Ordnance Survey Sheet 21: not to scale

GRO

The conventional signs and symbols

8.32. The conventional signs and symbols (Fig. 8.13) used for the six inch maps have been kept as standard over the years. The Routes are indicated by two broken parallel lines that represent an “unfenced main road”.

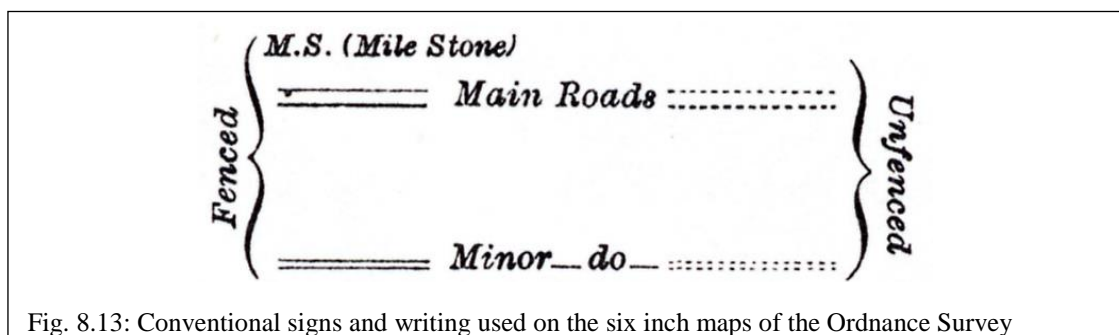


Fig. 8.13: Conventional signs and writing used on the six inch maps of the Ordnance Survey

The 1886 Ordnance Survey map scale 1:2500

8.33. The 1886 Ordnance Survey map, Sheet 21, scale 1:2500, surveyed 1880 & 1881, (Fig. 8.14) shows the southern part of the Route, A-B-C-D, on a similar alignment and in greater detail. The section of the Route shown is again illustrated by two broken parallel lines indicating an “unfenced main road”.

8.34. The parcel of land (referred to here as 1665a) is not surrounded by a solid black boundary line marking the extent of the parcel. The section of the Route marked is on the same alignment as the 1886 OS map (Fig.8.12).

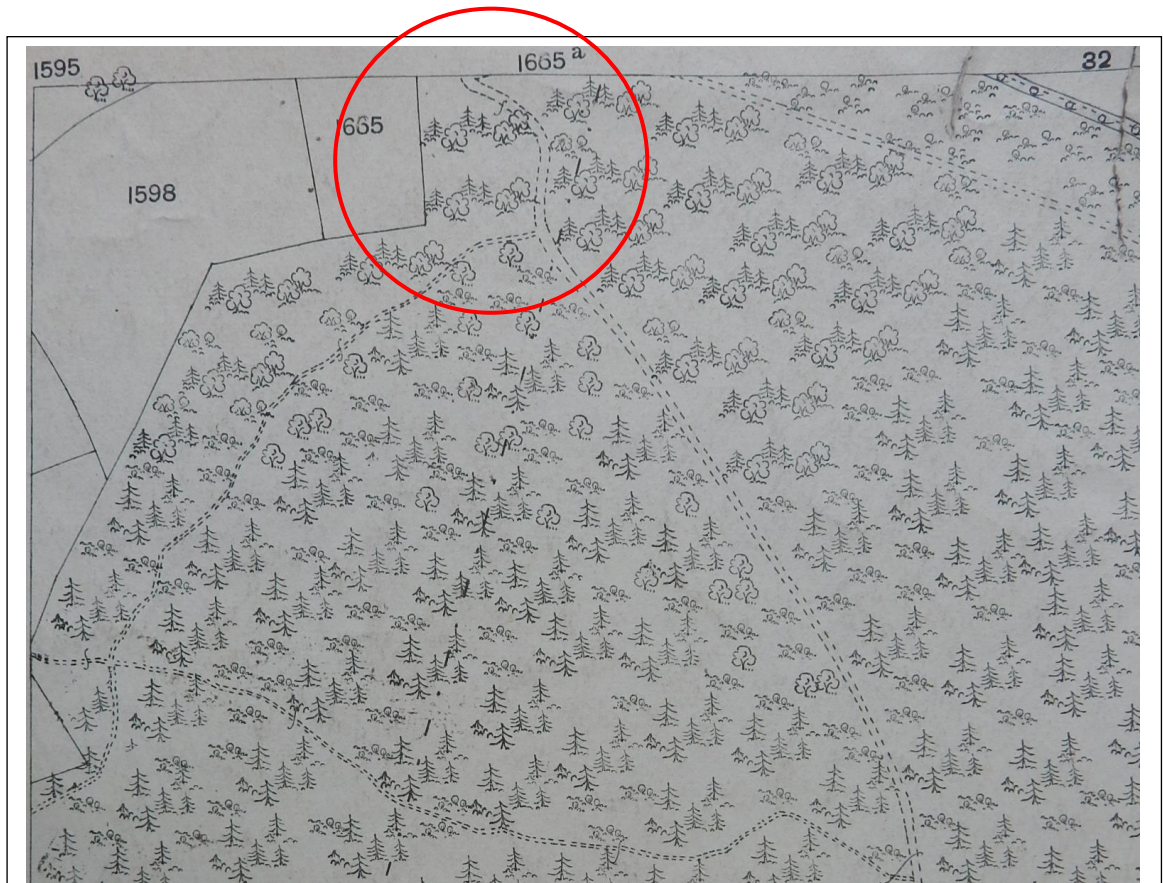


Fig. 8.14: Extract: 1886 Ordnance Survey Sheet 21.13: not to scale:

MCC

The 1901 Ordnance Survey map

8.35. The extract of the 1901 Ordnance Survey map Sheet 21:13 (Fig. 8.15) shows the whole area. The Routes are marked by two parallel broken black lines, indicating an “unfenced main road”.

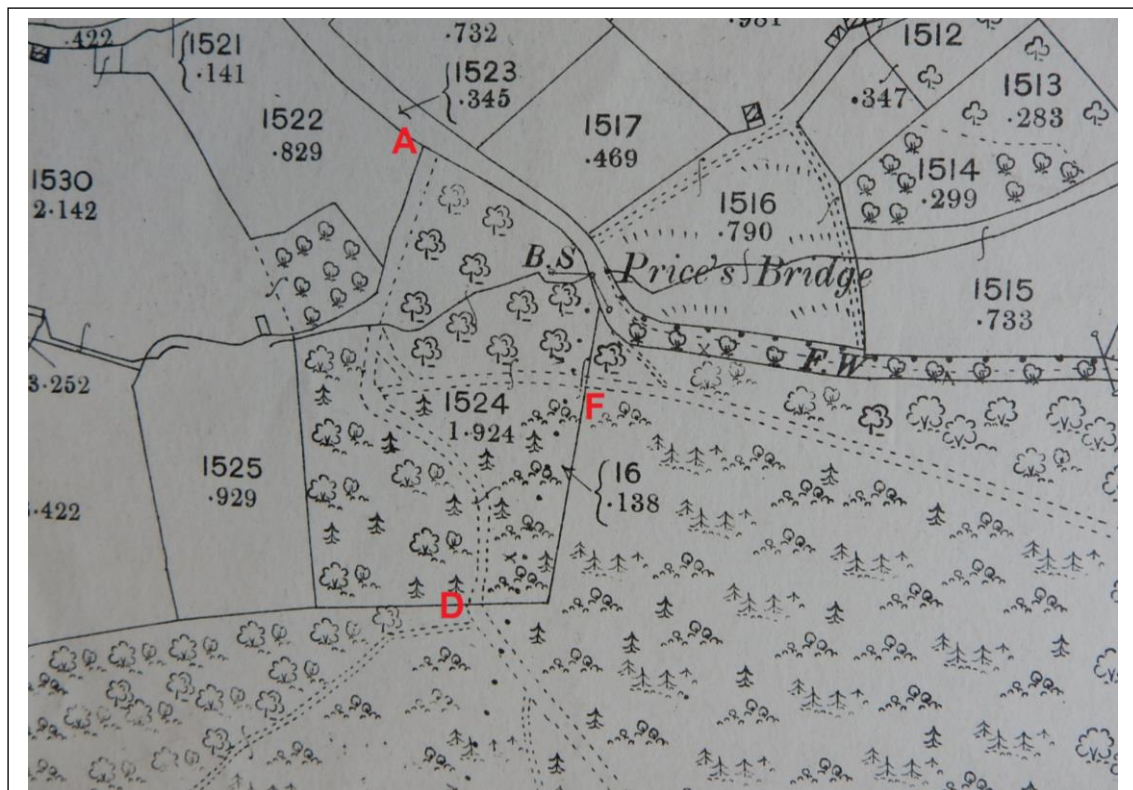


Fig. 8.15: Extract: 1901 Ordnance Survey Sheet 21.13 not to scale:

GRO

8.36. The parcel of land previously referred to as 1665a is now number 1524. The 1901 Ordnance Survey Map is the first map that records parcel number 1524. The parcel numbers 16 and 1524 are surrounded by a solid black line marking the boundary extent. All the Routes marked are on the same alignment as the previous 1886 OS maps.

8.37. The conventional signs and writings help with interpretation of the maps (Fig 8.13). The parallel solid lines, when associated with roads, are fenced main or minor roads and parallel broken lines mean unfenced main or minor roads. Therefore, it can be extrapolated that a solid line means a barrier of some type and a broken line means a change in surface.

8.38. Furthermore, this OS map has similar parcel divisions that have already been detailed on the Tithe maps. The OS map parcel 1524 is parcel 603 on the Trellech Tithe map and OS map parcel 16 is parcel 269 on the Tintern Tithe map. The rendering of the parcel divisions from 1844 to 1921 has remained constant regardless of the solid line that marks the property boundary that is reflected on the Enclosure Award map (Fig. 8.1).

8.39. This means that on the 1901 Ordnance Survey Map Sheets 21:13 (Fig. 8.15) there are solid black lines at points A, D and F that cross the Routes which may represent a type of barrier. However, the evidence submitted by the 36 users (Chapter 6) referenced in the report do not refer to any barriers that cross the Routes. This means that the feature represented by this line was no longer visible between the years 1946 to 2013.

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The 1921 Ordnance Survey map

8.40. The 1921 Ordnance Survey map sheet 21:13 (Fig. 8.16) again has similar linear markings to all the previous OS maps discussed.

8.41. However, on this OS map there are more braces which link all smaller areas of land divided by either the Routes or the stream to parcel number 1524.

8.42. The 1921 Ordnance Survey map is not the first to record parcel number 1524. This parcel number is significant as it is **not** referred in the 1934 conveyances and the documents for the 1988 sales particulars.

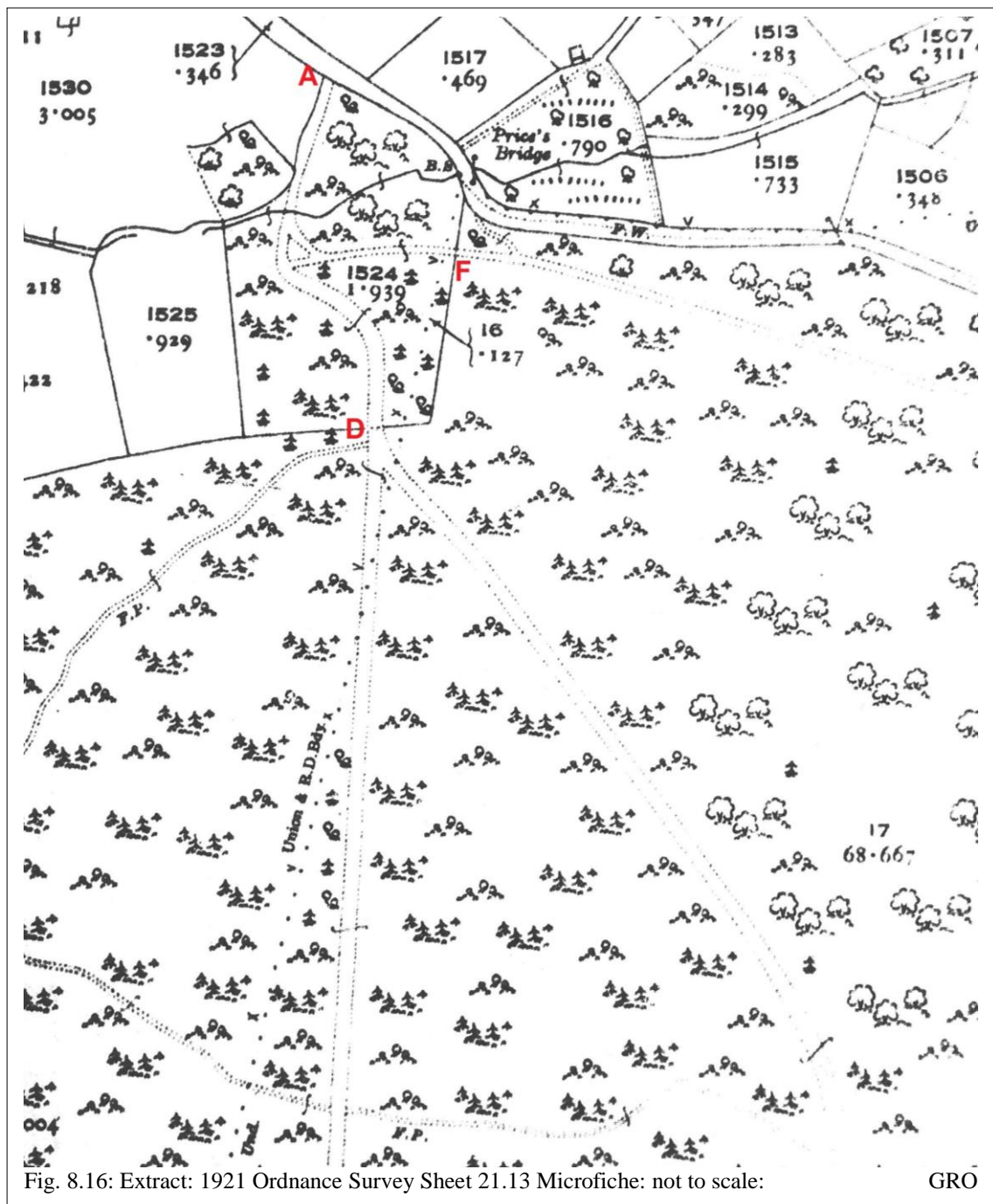


Fig. 8.16: Extract: 1921 Ordnance Survey Sheet 21.13 Microfiche: not to scale:

GRO

- 8.43. All the Ordnance Survey maps show the Routes as marked by two parallel broken lines suggesting a higher status other than that of footpath. However, these marks and conventional signs depicting the alignment of the Routes does not clarify the status for either bridleway, restricted byway, byway open to all traffic or county unclassified road.
- 8.44. Moreover, the Ordnance Surveyor's duty was to depict all physical features that were encountered during the task and not to determine whether or not a way shown was public or private. It is therefore possible that some of the ways depicted on the Ordnance Survey maps may prove to be private for a particular type of user and public for another type user.

8.45. The 1910 Finance Act Maps provided for the levy and collection of a duty on the increment value of all land in the United Kingdom. Under this system, private owners were required to surrender to the State part of the increase in the site value of their land, which resulted from the expenditure of public money on communal developments such as roads, common land or public services.

8.47. The Finance Act maps record the extent of landownership which provided for the levy of various tax duties on lands. These Finance Act records also help with the status of any routes that are in question.

[illegible]

GRO

- 8.49. The additional working copy of the Finance Act map shows that the 'sold' plot has now been coloured green and numbered as plot 84 (Fig.8.18)



Fig. 8.18: Extracts from 1910 Finance Act Map – working copy:
Sheet 21.13: not to scale

GRO

- 8.50. The two working map sheets 20.16 and 21.13 (Fig. 8.19) have been joined and show the east and west extent of plot 84.



Fig. 8.19: Extracts from 1910 Finance Act Map – working copy:
Sheets 20.16 and 21.13: not to scale

GRO

8.51. The Register Book that accompanies the Finance Act Map, for this area, lists the plot numbers for the land. The Routes being investigated cross over plot number 84 and on this record there is no reference made against column 25 for “Public Rights of Way or User” (Fig. 8.20 and Appendix 8.1)

Fig. 8.20: Extract from 1910 Finance Act Register: GRO

Plot No.	Owner Name	Description of Property	Estimated Annual Value	Original Value	Original Full Rate Value	Original Full Rate Value (after deduction)
82	130 Fisher H	Robert Fisher, Church	1 3 1 2	1 3 1 2	1 3 1 2	1 3 1 2
83	132 Thomas Albert E	John Thomas, Church	3 - 2 5 2	3 - 2 5 2	3 - 2 5 2	3 - 2 5 2
84	134 Nicholas Wt Robert	Robert Nicholas, Church	12 4 10 4	12 4 10 4	12 4 10 4	12 4 10 4
85	136 Nicholas Jane (et)	John Nicholas, Church	1 - 1 1 -	1 - 1 1 -	1 - 1 1 -	1 - 1 1 -
86	137 Henry Anne	Henry Anne, Church	3 5 2 12	3 5 2 12	3 5 2 12	3 5 2 12
87	139 Peter Jack	Henry Thomas, Church	6 5 4 26	6 5 4 26	6 5 4 26	6 5 4 26
88	141 Philip John	Philip John, Church	4 2 2 5 2	4 2 2 5 2	4 2 2 5 2	4 2 2 5 2
89	143 Henry S	Henry S, Church	4 2 2 5 2	4 2 2 5 2	4 2 2 5 2	4 2 2 5 2

8.52. The 1910 Finance Act evidence does not give any support to either public vehicular, restricted byway, bridleway or footpath rights.

8.53. Normally when roads are left uncoloured or “white out” and this data set is compared with the highway data set the evidence shows that roads left uncoloured on the Finance Act mapping are coloured on the Highways mapping which suggests higher public rights.

8.54. The evidence for “Public Rights of Way or User” (column 25) lists a monetary deduction in the calculation of tax for each property and is recorded in the Register and Field books. If there is a figure in this column then this shows public bridleway or footpath rights while vehicular rights are supported by the mapping data set if roads are shown uncoloured.

8.55. When the 1910 Finance Act records are combined with the 1840s Tithe maps and the 1810 Enclosure Award the evidence suggests that there are no recorded public rights.

8.56. However, all the Ordnance Survey maps illustrate the Routes as “unfenced main roads” which is greater in status than footpath. The depiction of these physical features suggests that higher rights might exist.

9. The Definitive Map and Statement

- 9.1. The Routes, A-B-C-D, B-E-F and C-E, being investigated pass over land that lies solely in the Trellech Community. However, in this instance as the Routes cross over the boundary with Tintern the Definitive Map & Statement (DM&S) for both communities has been examined.
- 9.2. The DM&S for the area of Monmouthshire has a “Relevant” date of 1 July 1952. It was published on the 16 November 1967 and is now kept under continuous review by Monmouthshire County Council.
- 9.3. The County Council was required under section 27 of the National Parks and Access to the Countryside Act 1949, to carry out a survey and define all those footpaths, bridleways and roads used as public paths which it considered were public. The process of producing the DM&S went through three stages, Draft, Provisional and Definitive.
- 9.4. The former County of Monmouthshire (Gwent) carried out this task by sending a map to every Community Council. The Community Councils were asked to walk every path and provide details of them. A public meeting had to be held which resulted in local people recommending alterations at this stage.

The Tintern community survey map

- 9.5. The Tintern community survey maps have been retained whereas some of the Trellech community survey maps have not been retained. However, the Tintern survey map illustrates the alignments of ways that have through the process of the compilation of the Definitive Map been described and listed in the Statements for Trellech. These Statements are detailed in point 9.24 to 9.29.
- 9.6. The Tintern community survey map (Fig 9.1) shows the alignment of the cart road footpath (CRF) 112 continuing directly under the community boundary and seemingly not utilising the physical features of the Routes as shown on the OS base map. The arrow indicating CRF 112 conceals those physical features depicted on the OS map. Additionally, the community bold black boundary line mostly obscures the marking of the alignment of CRF 112. It is the arrow and the number marked that indicates that the alignment of the cart road footpath lies beneath the boundary line.
- 9.7. Although, the alignment of CRF 112 lies beneath the boundary mark and does not utilise the physical features depicted on the OS map for the Routes, it does not mean that there are no public rights over them. User evidence, historical maps and further investigation into the process leading up to the publication of the Definitive Map and Statement will

show that public rights did cross over the parcel of land (1524) and link with the public maintained highway C51-9[CAMSC51-4].

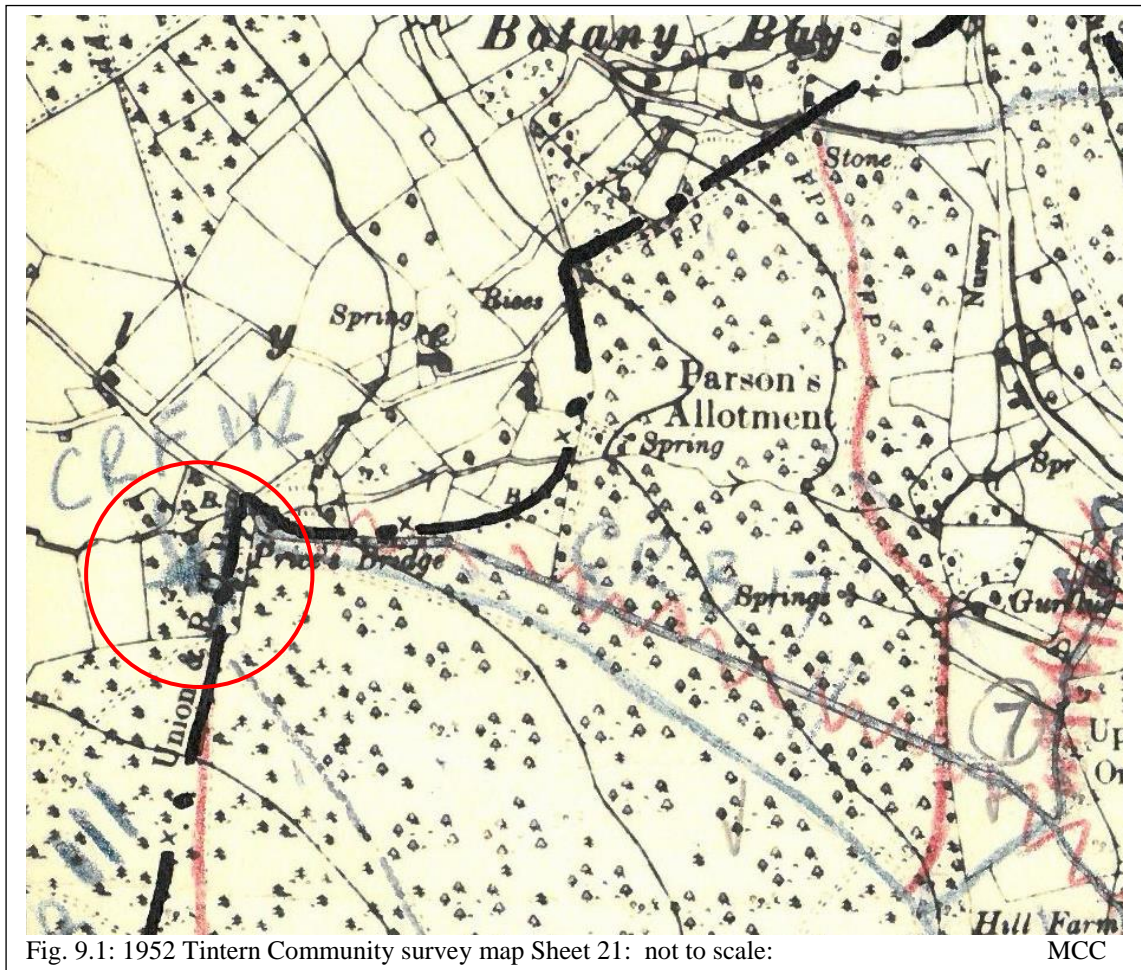


Fig. 9.1: 1952 Tintern Community survey map Sheet 21: not to scale:

MCC

The Draft Definitive Map

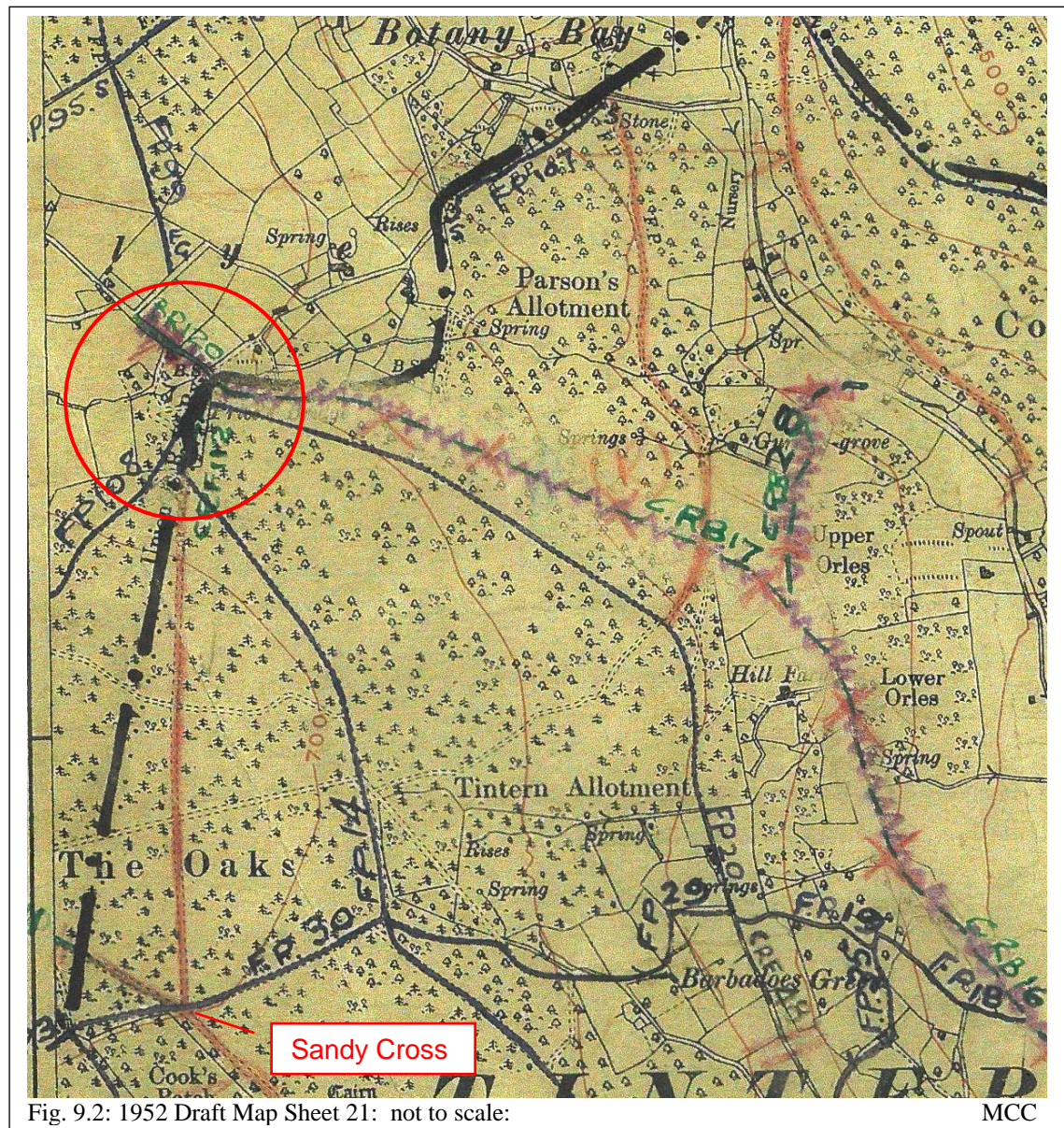
9.8. The Draft Definitive Map was deposited in all District Offices and also at County Hall. Notice of its publication and where it could be inspected was given in local papers and the London Gazette. A period (not less than four months) was allowed for representations and objections to be made to the Council in relation to the paths shown or omitted on the draft plans and statements. The Draft Map was published on the 16th December 1952 and 12 years later the Provisional map was published on the 17th September 1965. During this period any user who was not satisfied with decisions could appeal to the Secretary of State who appointed a representative to hear appeals and come to a decision.

9.9. As a result of the first consultation the Draft Definitive Map has a number of working marks recording changes made. There are red crosses that remove the alignments of ways marked in blue or green and there are red lines that add the alignments of omitted public rights of way.

9.10. The Draft Definitive Map, 16th December 1952, (Fig. 9.2) does not show the alignment of the Routes, A-B-C-D, B-E-F and C-E, marked by red or blue lines. This means that firstly the Trellech and Tintern surveyors did not consider the Routes to be used by the

public and that secondly there is no evidence of anyone else coming forward, during the 12 year consultation period, to add the Routes.

9.11. The markings on the Draft Definitive Map (Fig.9.2) indicate that while some ways crossed over the community boundary others seem to be obscured by the bold black boundary line. There are two ways that cross the parcel of land (1524). One is footpath (FP) 108 Trellech. The other is the green dashed mark for cart road footpath (CRF) 112 that is partly concealed by the bold black boundary line. However, the reference number in green, “CRF112”, signifies its alignment and existence.



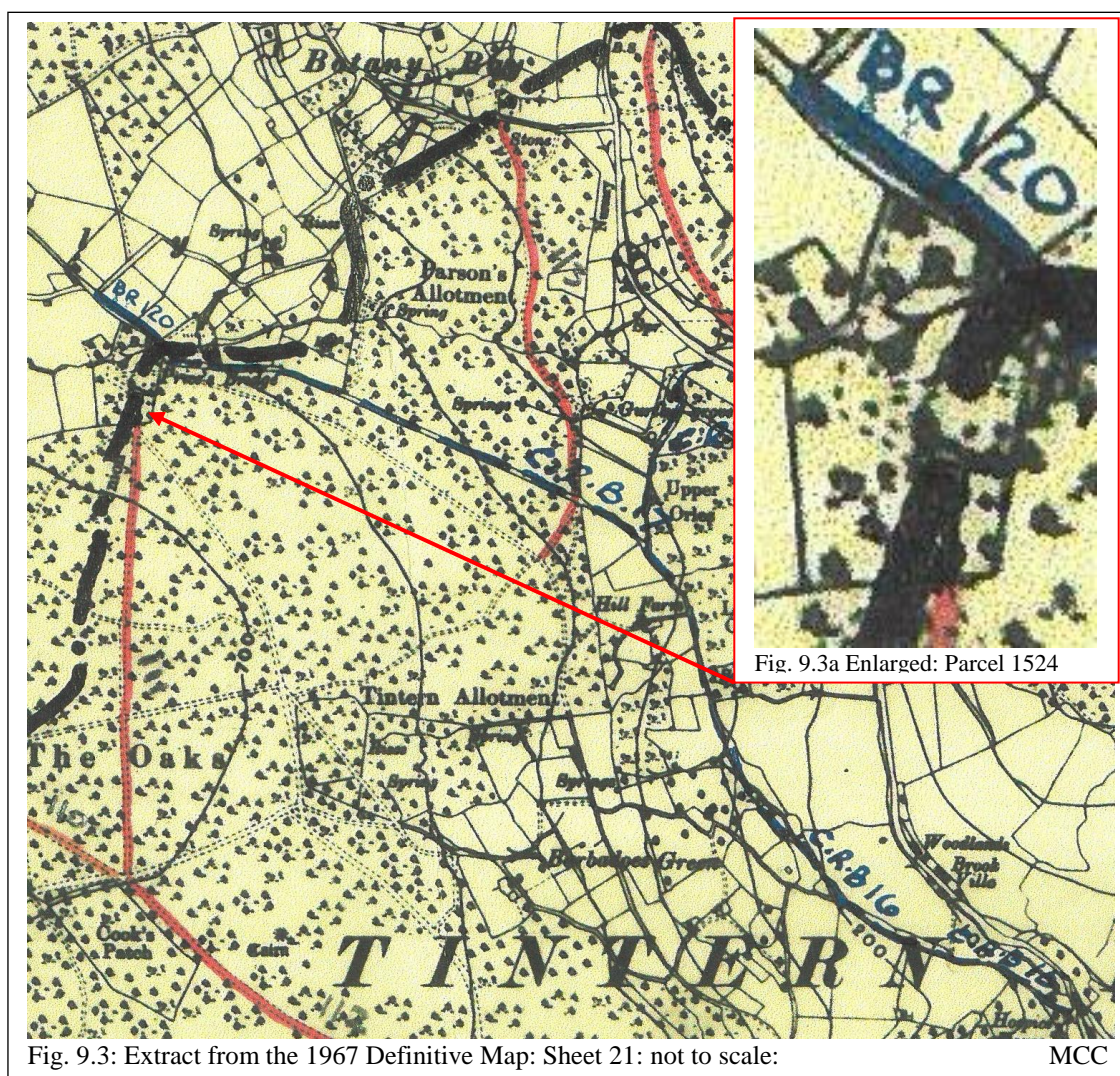
9.12. The alignment of CRF112 does not use the physical features illustrated on the OS base map for “unfenced main roads”. On both the Survey and Draft Definitive maps: the boldness of the community boundary mark; the density of the forest; the scale of the mapping 1:10560, have come together forcing a drafting error.

- 9.13. The Draft Definitive Map shows blue lines for public footpaths; green lines for bridleways and broken green lines for Cart Road Footpaths (CRF) and Cart Road Bridleways (CRB). The red lines mark the alignments of ways that were added as a result of the Draft Map publication and consultation.
- 9.14. The Draft Definitive Map shows that the surveyors believed that public rights crossed over the parcel of land (1524) to join with Bridleway (BR) 120 and Cart Road Bridleway (CRB) 17 even if they did not use the physical features denoted on the OS base map. Furthermore after research, the road marked as BR120 and CRB17 was found to already be recorded on the highways "List of Streets" therefore this alignment is shown as being crossed out.
- 9.15. All the markings on the Draft Definitive Map show that consultations and investigations were carried out which resulted in the additions and deletions of the alignments of various ways that excluded the Routes being investigated. The reasons for omitting the Routes, A-B-C-D, B-E-F and C-E, has not been found. This does not mean that public rights do not exist over them.
- 9.16. It is evident from the Draft Definitive Map that public rights did cross over the parcel of land (1524) and that the combination of both the Draft and the Additions and Deletions maps show that a technical error has occurred.

The Additions and Deletions Map

9.17. The Additions and Deletions Map (Fig.9.3) records the alignments of ways to be added in red and those to be deleted in blue. On closer inspection the Routes being investigated and any other alignments of ways are not marked in red or blue over the parcel of land (1524). Furthermore, although there is a bold black boundary line this would not hide any other coloured lines if marked. This indicates that both FP108 and CRF112 Trelleck [Trellech] should, in keeping with the process for the compiling of the Definitive Map, be retained and copied to the Provisional Definitive Map.

9.18. The additions and deletions files for both Trellech and Tintern communities has been examined and there is no mention from either the Parish/Community Councils, the Forestry Commission or for that matter anyone else requesting the removal of FP 108 or CRF 112 Trelleck[Trellech].

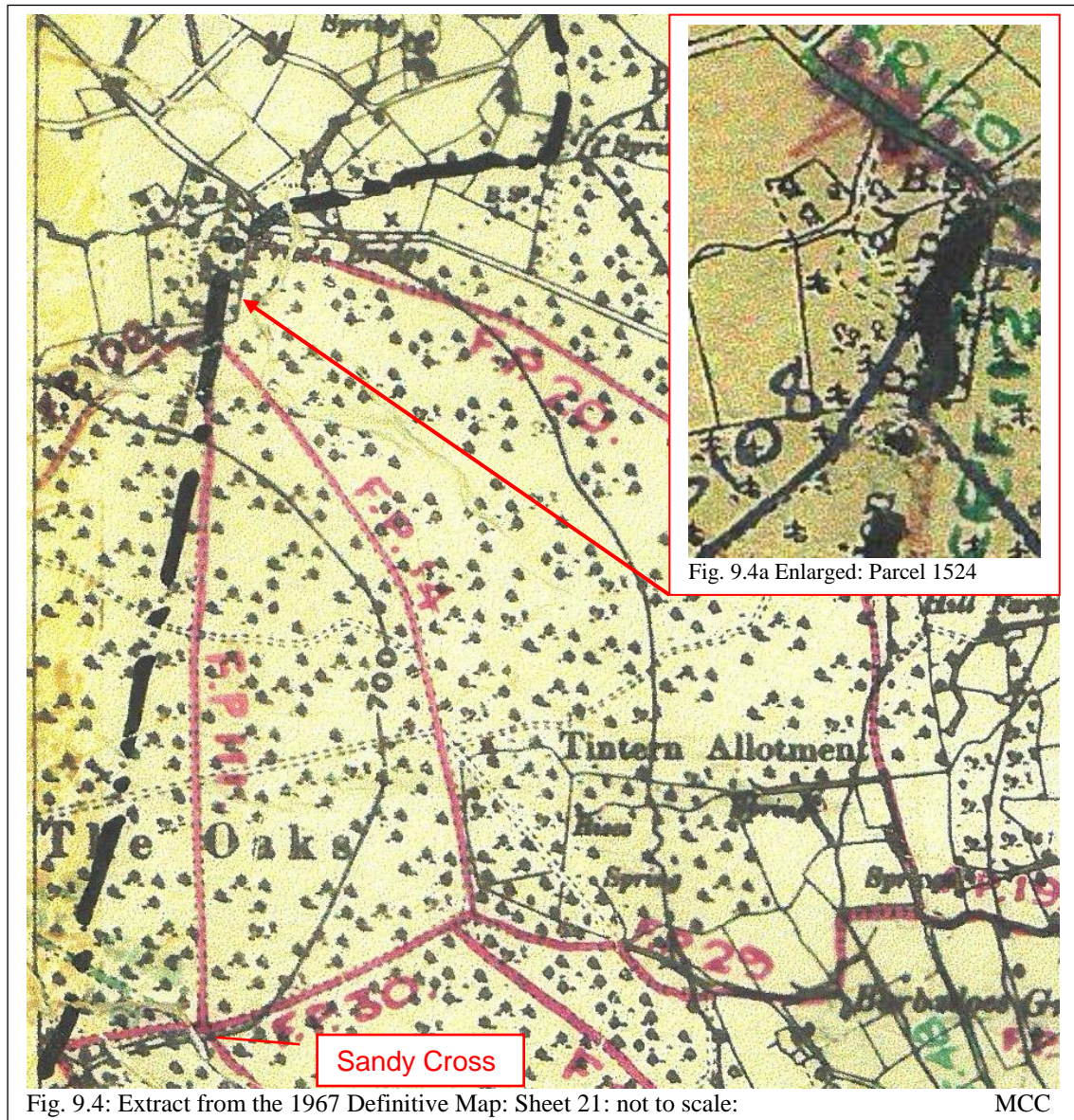


9.19. Once all appeals and objections to the Draft Definitive Map and Statement had been processed the Provisional Definitive Map and Statement was published on the 17th September 1965. The Provisional Map was deposited for a period of 28 days and in this

case no appeals were made and the title “Provisional” on some of the map sheets was changed to “Definitive”. The Definitive Map was published on the 3rd November 1967.

The Definitive Map

9.20. The Definitive Map shows no markings for the Routes, A-B-C-D, B-E-F and C-E (Fig. 9.4). Registered public rights of way in the area are marked by bold pink [legally purple] lines for footpaths; solid green lines for bridleways and broken green lines for roads used as public paths (now restricted byways).



9.21. The Definitive Map (Fig. 9.4) does not show FP108 and CRF112 to have been copied from the Draft Definitive Map. This demonstrates that the process for complying the Definitive Map was not followed and therefore a drafting error has occurred.

9.22. Furthermore, no process was demonstrated on the Additions and Deletions Map for the removal of FP108 and CRF 112. The Draft Definitive Map (Extract Fig. 9.4a) shows FP108 to pass over the parcel of land (1524) to join CRF112 at the community boundary line. Cart Road Footpath (CRF) 112 has not been depicted at all on the Definitive Map.

Additionally, the bold black boundary line is not as prominent on the Definitive Map therefore it is obvious that no coloured lines have been hidden.

- 9.23. The Definitive Map is conclusive evidence in respect of public rights of way registered. However, not all public rights are recorded and, as reported here, FP108 has been copied on the Definitive Map incorrectly while CRF112 has been omitted without adhering to the processes as indicated by the Additions and Deletions Map. The limited scale of the OS base mapping, the location of the bold black boundary line and the location of the Routes within woodland has made it difficult to illustrate the alignments of public rights of way in the area.

The Definitive Map Statements

- 9.24. The Definitive Map Statement gives a brief description of each way (Appendixes 9.1 to 9.4). The public rights of way footpaths 14, 20 & 111 Tintern reach the community boundary and end with no connection, while footpath 108 Trellech is depicted to join FP 14 Tintern.

- 9.25. The Statement for Footpaths (FP) 10, 11, 12, 13 & 14 Tintern: (Appendix 9.1)

“From Tintern Road, Halewood Lane to Whitelye” (In use over 50 years; Muriel Eva Hayward, Gothic Cottage Tintern member Tintern Parish council 18/8/1950 R.R. Thomas Tintern Parish Council 18/8/1950.)

- i) The statement in italics does not give any detail other than describing a route between Tintern via Halewood Lane and on to Whitelye. This infers a connection to Whitelye itself and does not describe the way as ending at the Parish (Community) boundary or at the solid line that marks a boundary feature on the OS mapping.
- ii) There are other Definitive Map Statements that refer to community boundary lines or physical features such as walls or fences.

- 9.26. The Statement for Footpaths (FP) 18, 19 & 20 Tintern: (Appendix 9.1)

“From Trelleck Road via Sawyers Place to Barbadoes” (In use over 50 years; Muriel Eva Mayward, Gothic Cottage Tintern, member Tintern Parish council 18/8/1950 R.R. Thomas Tintern Parish Council 18/8/1950.)

- i) The statement in italics only describes the way commencing at Trelleck Road (R2 Trelleck-Botany Bay Road) then continues via Sawyers Place to Barbadoes (Green). This statement is too abbreviated as it only makes reference to the alignments for footpaths 18 and 19 and does not detail which path it joins at the termination of FP 19. Although the description does not include FP20 Tintern, the way has not been deleted from the Definitive Map.

9.27. The Statement for Footpath (FP) 111 Tintern: (Appendix 9.2)

“From its junction with FP30 north through The Oaks to join FP.14 and CRF 112.”

- i) There is no separate Statement for Cart Road Footpath (CRF) 112 Tintern. However, there is a Statement for Footpath (FP) 112 Tintern (Appendix 9.2) that bears no relation to CRF 112.
- ii) There is a statement for CRF 112 Trelleck [Trellech]. (See point 9.29)
- iii) This demonstrates that a technical error was made during the process of assembling the DM&S and highlights the fact that either the Draft or Definitive maps and/or statements have been copied incorrectly or not at all.

9.28. The Statement for Footpath (FP) 108 Trelleck[Trellech]: (Appendix 9.3)

“Prices Bridge: When you come to end of Council Road by Forest View Whitelye at Forestry Store Sheds you turn left and walk N.E. you go right through the wood till you come to cartway you go over this and go on down about 80 yards till you come to one more cartway you pass over this and walk 20 yards then you come on to the Whitelye to Tintern land[e] and boundary mark at Prices Bridge” (Used by the Public for 60 years; A Sadler, Forest View, Whitelye.)

- i) This statement in italics describes FP108 shown on the Draft Definitive Map (Fig. 9.2) and does not reflect anything depicted on the Definitive Map (Fig. 9.3). This description shows that even though there is a solid line representing a wall or fence at the boundary of parcel 1524 the footpath continued through this feature, over the land, crossed two cartways and ended at the ‘Whitelye to Tintern land[e]’ at the boundary stone (BS) which is marked on the OS map.
- ii) Additionally, this statement shows that FP108 did not end at the parcel boundary.
- iii) The Routes, A-B-C-D, B-E-F and C-E, are clearly described as “cartways”. In the terminology of the time there were “roads used as public paths” designated as cart road bridleways (CRB) or cart road footpaths (CRF). It is evident from this description that the Routes were in existence in the early 1950s and this suggests that the Routes provided access to forestry land.
- iv) Furthermore, there is no evidence during each stage of the process prior to the publication of the DM&S to suggest that the Routes were considered as public rights of way. In other words no markings are made over the Routes on the Draft Map other than the FP108 and CRF112 Trellech and there are no markings on the Additions and Deletions map either adding and/or removing alignments of all the routes that cross the land. When all of this information is taken together it shows that a drafting error has occurred. Moreover, the lack of markings made on the Draft, Additions & Deletions maps does not mean that there are no public rights.

9.29. The Statement for Cart Road Footpath (CRF) 112 Trelleck [Trellech]; (Appendix 9.4)

“You go through gateway at Prices Bridge and go over the stream and take the upper Road of the two and go on up for 100 yards then you go up the ride and keep on till you get to Sandy Cross and when you are walking this ride you are on the boundary of Trelleck and Tintern and going to Sandy Cross you are going south.”

- i) It appears from this description that CRF 112 Trellech marked on the Draft Definitive Map does not follow the alignment described. The described route may mean the Route, A-B-C-D.
- ii) The phrases “...gateway at Price’s Bridge” and “...over the stream” imply that the gate is north-north-west of Price’s Bridge. The presence of a “gateway” did not prevent use of the route described. Moreover, the recently submitted user evidence forms do not report there being any “gateway”.
- iii) The phrase “...take the upper Road of the two” implies there are two roads and this is confirmed by the statement for FP108 Trellech and that “the upper Road” means the Route, A-B-C-D.
- iv) The local name “Sandy Cross” is described in the statement as being in the south. There are five existing public rights of way that join at this location and “Sandy Cross” is indicated on Figs. 9.2 and 9.4.
- v) The phrase “...walking this ride” is difficult to interpret. The word ‘ride’ could be a misspelling for the word ‘road’ or could refer to ‘bridleway’ and the routes used for horse ‘riding’. A more likely interpretation is the middle English word ‘ridding’ meaning a ‘clearance’, which at this location could mean a ‘fire break’ on the Tintern/Trellech boundary.
- vi) This Statement is evidence to support the continuation of CRF112 on an alignment that follows the Trellech/Tintern boundary line. This means that a way should be added which would link with RB 110 Tintern. The examination of the DM&S reveals an omission showing another technical drafting error.

9.30. Throughout this process there have been no letters from the Forestry Commission disagreeing with the alignments depicted on the Draft Definitive Map for the ways FP108 and CRF 112 Trellech.

9.31. Although, the DM&S is conclusive evidence as to ways recorded thereon it has been demonstrated here that a number of errors have occurred during the assembly process.

9.32. Both the Draft and Definitive Map Statements describe the existence of FP108 and CRF112 Trellech. This indicates an anomaly on the Definitive Map that shows the additional ways, U-V-W-X-Y and Y-Z-D (Fig. 9.5), have not been copied correctly.

Therefore, other Definitive Map Modification Orders should be made to correct this error and possibly upgrade and/or add other routes that continue south of point D.

- 9.33. The omission of the Routes, A-B-C-D, B-E-F and C-E, from all the documents used in the compilation of the DM&S does not prevent their registration. The user evidence along with Ordnance Survey mapping suggests that, on balance, public rights existed, and Definitive Map Modification Orders for the Routes, A-B-C-D, B-E-F and C-E, should be made.

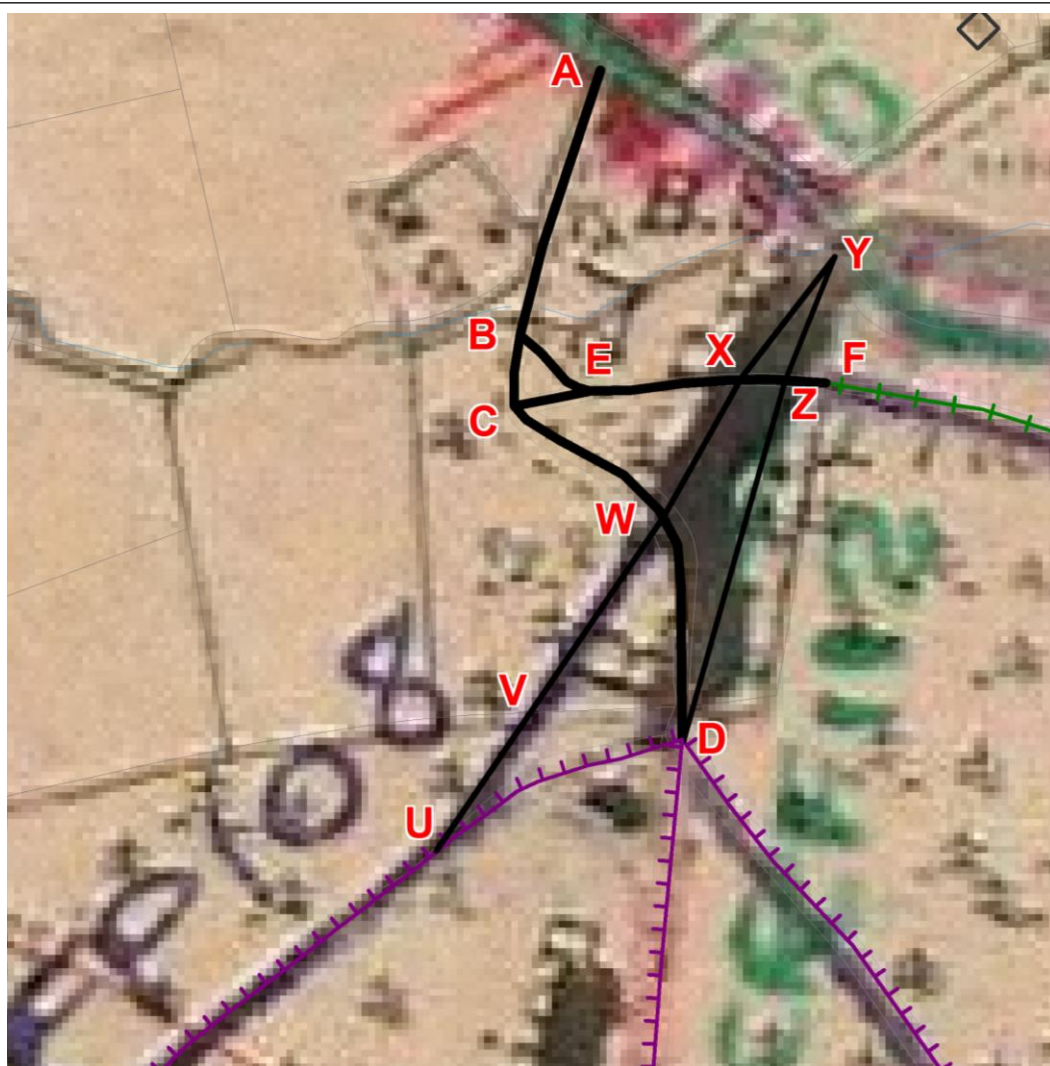


Fig. 9.5: Extract: Combination of Draft Definitive Map and digitised route alignments:
not to scale:

MCC

10. The Highway Records

10.1. Both the 1st April 1949 and current “List of Streets” do not record the Routes, A-B-C-D, B-E-F and C-E, as county unclassified highways. The extent of the highway that is shown on an extract of the 1949 Highway Map (Fig. 10.1) depicts the road alignment C51-4.

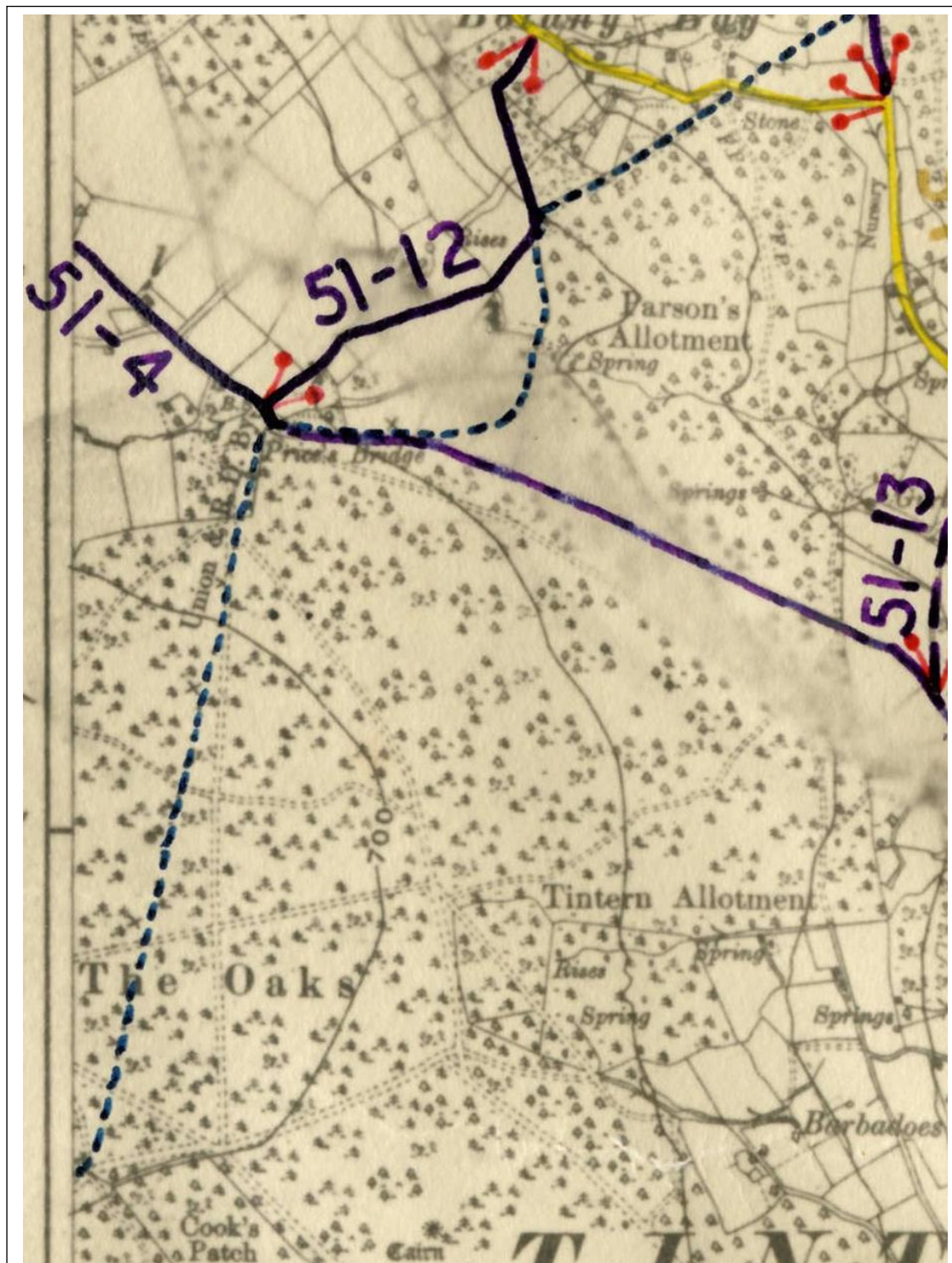


Fig. 10.1: Extract from the 1949 Highways book: Sheet SO 21 NW&SW: not to scale:

MCC

10.2. The highways record does not add any further information in support of the Routes being investigated.

10.3. The undated Highway Map (Fig. 10.2) records the same road. However, it is now referred to as C51-9 (Tintern Road). These two highway records show the road passing over Price's Bridge to have been given different reference numbers.

10.4. Both the highway maps do not include the Routes that lead into the wood and forest.

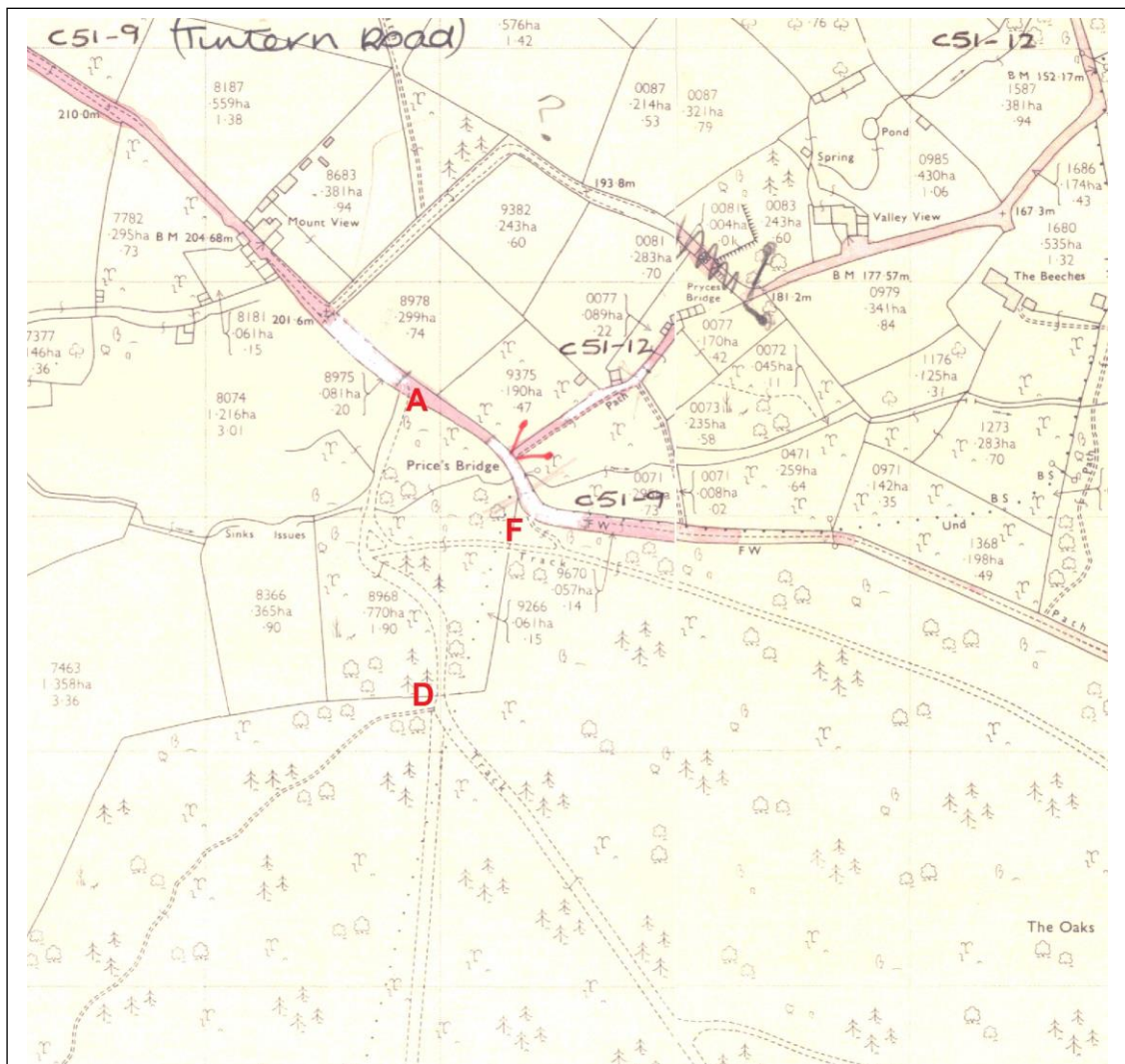


Fig. 10.2: Extract from the undated Highway maps Tank (2):
Sheets 5001-5101(441) & 5201-5301(442): not to scale:

MCC

11. Aerial photographs

11.1. The Aerial Photograph dated 2010 (Fig. 11.1) taken from the Countryside Access management system (CAMS) along with the overlay of the topographical lines shows the alignment of the Routes, A-B-C-D, B-E-F and C-E. The canopy of trees, although dense has a break in it between the marks B-E and C-E. This highlights the significance of the Routes as access to the woodland.



Fig. 11.1: Extract from the 2010 Aerial photographs (CAMS): not to scale:

MCC

11.2. The 2010 aerial photograph showing more of the surrounding area (Fig. 11.2) shows that the Route A-B-C-D is distinctive regardless of the tree canopy.

11.3. It is also noticeable that the way proceeding south of point D is more distinctive than the unclassified county road C51-9[CAMS381/51-4] that continues generally south eastwards from point A. This suggests that the Route, A-B-C-D, was a significant access to the forest and a link to the existing three public rights of way that converge at point D.



Fig. 11.2: Extract from the 2010 Aerial photographs (CAMS): not to scale:

MCC

12. Site photographs

- 12.1. Mr J T Simpson[14] took photographs of the area in November 2013; on the 7th and 31st January 2014 (Appendixes 12.1 to 12.3)
- 12.2. Photograph 1: November 2013: (Appendix 12.1) shows the unclassified county road C51-9[CAMS381/51-4]. The photograph shows a way-marker post for the promoted route known as “Tread & Trot Tintern’s Hidden History”.
- 12.3. Photograph 2: November 2013: (Appendix 12.1) shows the unclassified county road C51-9[CAMS381/51-4]. The photograph shows a way-marker post for the promoted route known as “Tread & Trot Tintern’s Hidden History”.
- 12.4. Photograph 3: November 2013: (Appendix 12.1) shows the Route between points A & B. The boundary of Moor Farm shown as a wall with a wooden fence is at a different level than that shown for the Route.
- 12.5. Photograph 4: November 2013: (Appendix 12.1) shows the Route between point A & B. The Route is a sunken and wide track. No evidence of prevention to walkers or horse riders.
- 12.6. Photograph 5: November 2013 (Appendix 12.1) shows the Route between points B & E. There is evidence of a culvert shown over the stream.
- 12.7. Photograph 6: November 2013 (Appendix 12.1) shows the Route between points B & C. The Route is wide and level. Although the photograph shows a few tree branches no physical obstructions prevent the use of the Route for horse riders or walkers.
- 12.8. Photograph 7: November 2013 (Appendix 12.1) shows the Route between points C and D. The Route is wide and level but is obstructed by three tree trunks reported to be felled as part of the obstruction to the alleged right of way.
- 12.9. Photograph 8: November 2013 (Appendix 12.1) shows the Route between points C and D. The Route is wide and level but is obstructed by two large tree trunks reported to be felled as part of the obstruction to the alleged right of way. The surface of the Route is sunken and wide with the evidence of a stone surface.
- 12.10. Photograph 9: November 2013 (Appendix 12.2) shows the Route between points C and D. The Route is wide, sunken and has a rock and stone surface. There is some wear and tear down the centre of the Route from water/rainfall. The sign reads “Warning Forest Operations”.

- 12.11. Photograph 10: November 2013 (Appendix 12.2) shows the Route between points C and D. The Route is wide, sunken and has various large boulders across it. There are two observations made from this photograph. Firstly, the boulders have been negotiated by passing them on the left hand side as shown in the photograph. Secondly, the boulders could be climbed over and maybe an experienced horse rider could jump this obstruction. Furthermore, the red and white tape, although perhaps a warning to indicate the hazard, has not deterred users. Water seems to be eroding the central line of the Route further exposing a rock and stone surface.
- 12.12. Photograph 11: November 2013 (Appendix 12.2) shows the Route at point D. The fingerpost indicates the footpath (FP) 108 Trellech going out towards the left of the picture. There are boulders; red and white tape between two small tree branches and a mound of earth across the route at point D. These obstructions have been negotiated by passing them on the right. Both this photograph and photograph 1 show that no gates or signage were erected to notify the public of the privacy of the land at points A and D.
- 12.13. Photograph 12: November 2013 (Appendix 12.2) shows the Route at point F. The Route has red and white tape across it. Additionally, the surface of the Route has been recently disturbed and the level changed that has formed an obstruction to wheeled vehicles. The sign states: "Warning Forest Operations". The photograph shows no permanent signage notifying the public of the privacy the Route and land to prevent use beyond point F.
- 12.14. Photograph 13: 31st January 2014 (Appendix 12.3) shows the Route between points A and B. The photograph shows that a felled tree has partly blocked the Route. However, this is not enough to prevent horse riders, cyclist and walkers.
- 12.15. Photograph 14: 7th January 2014 (Appendix 12.3) shows the Route near point B. The photograph reveals a half-buried pipe across the Route surface. The photograph indicates that the pipe has not been able to cope with the water flow for a long time. This stream and half-buried pipe do not prevent any type of usage of the Route.
- 12.16. Photograph 15: 7th January 2014 (Appendix 12.3) shows the Route near points B. The photograph shows the stream affecting the surface of the Route. In the distance there are 2 to 3 tree trunks blocking the Route.
- 12.17. Photograph 16: 7th January 2014 (Appendix 12.3) shows the Route at point D. The Route, D to C, has been obstructed by numerous felled trees. The Fingerpost indicates the start of FP 108 Trellech directing walkers to proceed out towards the left of the photograph. The surface of all the public rights of way that join at point D has been

disturbed by heavy motor vehicle use. There are no gates, notices or signs at the access indicating private ownership of the land.

- 12.18. Photograph 17: 7th January 2014 (Appendix 12.3) shows the forestry track and the nature of the ways through the forest prior to the obstruction of the Routes and the felling of the trees in the area.
- 12.19. Photograph 18: 31st January 2014 (Appendix 12.3) shows the Route at point F. The Route is obstructed by a large mound of earth and tree debris. The way-marker post in the foreground indicates a “Tread & Trot” way directing users to turn right.
- 12.20. Photograph 19: 31st January 2014 (Appendix 12.3) does not show the Route being investigated but instead indicates the continuation of the “Tread & Trot” way that has a steep slope before it joins with the existing unclassified county road C51-9[CAMS 381/C51-4].
- 12.21. The “Tread & Trot” way-markers on the posts are for the promoted route known as “Tread & Trot Tintern’s Hidden History”. The alignment of this promoted route that turns right in the photographs 18 & 19 near point F has some significance due to the report of an encounter between the MCC Officers and the landowner of Moor Farm (Mr Talbot). When the promoted “Tread & Trot” way was being designed in 2011, Mr Talbot informed MCC officers that the alignment for the way could not utilise the Route, A-B-E-F through his land.
- 12.22. All the photographs were taken in 2013/2014 when Mr Talbot was creating barriers across the Routes, A-B-C-D, B-E-F and C-E. Parts of some of the photographs show that the Routes were wide sunken access tracks in and through the forest.
- 12.23. There is no evidence of permanent gates, notices or signs that inform the public of the private nature of the land and access roads.

13. The Natural Environment and Rural Act 2006

- 13.1. The regulations associated with restricted byways (RB) and roads used as public paths (RUPPs) came into force on the 11th May 2006 in Wales through the Countryside and Rights of Way Act 2000 (Commencement No. 8 & Transitional Provisions [Wales] Order 2006). The Natural Environment and Rural Communities Act 2006 (NERC) sections 66-72 Part 6 followed and came into force in Wales on the 16th November 2006.
- 13.2. A guide for local authorities, enforcement agencies, rights of way users and practitioners compiled by DEFRA for Part 6 of NERC and Restricted Byways is used in this Chapter to test whether or not the Act applies in this case.
- 13.3. The 2006 NERC Act flow charts, illustrating the process for determining public rights of way for mechanically propelled vehicles (MPVs) over any given way, are included on Appendixes 13.1 to 13.3. The NERC Act sub-sections that do apply to the Routes, A-B-C-D, B-E-F and C-E (the Routes), have been repeated and commented on below.

Testing of the Claim against the NERC Act 2006

- 13.4. Section 67(1) extinguished, on commencement, public motor vehicular rights over every highway that was not already shown on the definitive map and statement, or was shown only as a footpath, bridleway, or restricted byway. In effect the public rights of way for mechanically propelled vehicles have been extinguished over every highway not already shown on the definitive map and statement.
- 13.5. If this Section 67(1) were left with no further explanation it would mean that not only are public vehicular rights extinguished along the Routes but also virtually the whole of the existing highway network including other highways such as county unclassified roads. However, Subsection 67(2) introduces a series of exceptions to protect certain highways from such extinguishment under Subsection 67(1). **Any route that qualifies under one or more of these exceptions would not have its public rights of way for mechanically propelled vehicles extinguished.**
- 13.6. Subsection 67(2)(a) excepts ways that have been lawfully used more by motor vehicles than by any other user types in the five years preceding commencement. The intention here is to except highways that are part of the 'ordinary roads network'. It is not incumbent on the local highway authority to undertake a detailed investigation or survey of "main lawful use" on every way.

Comment

- i) *The Authority did not have any record of motor vehicle use for the Routes before this claim was made. The user evidence forms submitted in support of the Claim report that there were nine motor vehicle users among the 36 forms examined. The Routes have been used by motor vehicles as access for deliveries made by the postman and others; a local resident moving hay bales and wooden fencing for agricultural purposes; and for forestry management purposes. This reported private motor vehicle usage is minimal in comparison to any other user type.*

- 13.7. Subsection 67(1) says that an existing public right of way for mechanically propelled vehicles is extinguished if the Route is over a way which, immediately before commencement, was not shown in a definitive map and statement or was shown in a definitive map and statement only as a footpath, bridleway or restricted byway. However, this is only subject to the exceptions under subsections 67(2) to (8).

Comment

- i) *The Routes are not registered on the Definitive Map and Statement. Therefore, without the exceptions of subsections 67(2) & (3), the public mechanically propelled vehicular rights are extinguished.*
- ii) *Nevertheless, the exceptions under subsection 67(2) to (8) need to be applied prior to determination and if any **one or more** of the exceptions does apply then public mechanically propelled vehicular rights are not extinguished and would remain.*

The flow charts (Appendixes 13.1 to 13.3) illustrating the process of determining whether or not a public right of way for Mechanically Propelled Vehicles (MPVs) over any given way are extinguished by section 67 of the Natural Environment and Rural Communities (NERC) Act 2006 are helpful aids:

- 13.8. **Subsection 67(2)(a) states that public MPV rights are extinguished unless the main lawful use by the public during the period of 5 years ending with commencement was use for MPVs**

Comment

- i) *Other than the private vehicular use reported by responders on their evidence forms there is no record of “main lawful” vehicular use of the Routes made by the public during the period ending on the 11th May 2006.*
- ii) *This means that under subsection 67(2)(a) public MPV rights are extinguished.*

- 13.9. **Subsection 67(2)(b) states that public MPV rights are extinguished unless, immediately before commencement it was not shown in a definitive map and statement but was shown in a list required to be kept under section 36(6) of the Highways Act 1980(c.66) (list of highways maintainable at public expense)**

Comment

- i) *The Routes are not on the list of highways maintainable at public expense known as the “List of Streets”.*
- ii) *This means that under subsection 67(2)(b) public MPV rights are extinguished for all the Routes investigated.*

13.10. Sub-Section 67(2)(c) states that public MPV rights are extinguished unless the way is created (by an enactment or instrument or otherwise) on terms that expressly provide for MPVs.

Comment

- i) *The Routes are depicted on the 1886, 1881, 1920 and 1921 Ordnance Survey Maps and marked as “unfenced main roads”. There is no symbol “FP” marked alongside the Routes depicted on the OS maps. The Surveyors were instructed to only record the physical features they encountered and not to determine whether private or public rights existed over them.*
- ii) *The OS marks for “unfenced main roads” indicates that the Routes were possibly created to provide for forestry management purposes. This type of management would require large vehicles for wood extraction and for these reasons access roads were created for private use.*
- iii) *Although, the OS maps depict the Routes as “unfenced main roads” the marking of these physical features on the documents has no legal powers. This means that under subsection 67(2) (c) public MPV rights are extinguished.*

13.11. Sub-Section 67(2)(d) states that public MPV rights are extinguished unless the way was created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used by MPVs.

Comment

- i) *The Routes are shown on the OS documentation as “unfenced main roads” and although probably used by heavy motor vehicles for forestry management the creation of them was not made “by the virtue of any enactment” and therefore they were not constructed under any enacted powers.*
- ii) *Therefore, public MPVs rights are extinguished.*

13.12. Sub-Section 67(2)(e) states that public MPV rights are extinguished unless the way was created by virtue of use by such vehicles during a period ending before 1st December 1930.

Comment

- i) *It is difficult to establish if the Routes were “created by virtue of use by public vehicles during a period ending before 1st December 1930” as motor vehicle use only became common in 1918 after the First World War.*

- ii) *The gathering of vehicular user evidence for the 12 years between 1918 and 1930 in support of public MPV rights that were created by virtue of use is not possible. Moreover, 20 years of uninterrupted vehicular use is required under section 53(3) of the WCA 1981.*
- iii) *Therefore, public MPVs rights are extinguished.*

13.13. Sub-Section 67(3)(a) states that public MPV rights are extinguished unless a DMMO application for a byway open to all traffic is made under Section 53(5) of the WCA 1981 before 19 May 2005 (Wales).

Comment

- i) *The Definitive Map Modification Order (DMMO) application for this Report, to register the Routes as restricted byways was submitted in 2013 which is after the 19th May 2005 “cut off” date.*
- ii) *Therefore, public MPVs rights are extinguished.*

13.14. Sub-Section 67(6) states that public MPV rights are extinguished unless a valid application under section 53(5) of the WCA 1981 Act is made in accordance with paragraph 1 of Schedule 14 to that Act.

Comment

- i) *The 2013 DMMO application is valid but does not meet the tests under subsection 67(3)(a).*
- ii) *Therefore, public MPV rights are extinguished.*

Conclusion

13.15. Although the OS maps illustrate the Routes as “unfenced main roads” (point 13.10) which suggests vehicular status, the OS surveyors were instructed not to enter into the determination of whether private or public rights existed. This means that, under subsections 67(2) to 67(8) of the NERC Act 2006, it has been demonstrated that not any of the exceptions are met. Therefore **public mechanically propelled vehicle rights are extinguished.**

14. Summary

- 14.1. In considering the Application the Council cannot take into account need, nuisance or suitability. The only matter to be considered is what public rights, if any, **already** exist. Although suitability cannot be taken into account it may be a factor in deciding whether or not certain types of use by the public would, in fact, have been likely or possible in the past.
- 14.2. The valid Application submitted by Mrs Greateorex-Davies on the 11th December 2013 is supported by 47 user evidence forms, one proforma and various site photographs claiming the use of the Routes, A-B-C-D, as restricted byways under section 53(3)(c)(i).
- 14.3. Mr and Mrs Talbot of Moor Farm, have been informed of the Claim.
- 14.4. Legislation stipulates that the Authority has a duty to keep definitive map and statement under continuous review. In carrying out this duty all the submitted documents were investigated and it was noted that additional Routes, B-E-F and C-E, had been included. All the Routes, A-B-C-D, B-E-F and C-E, have been detailed in the pre-order consultation letter (Chapter 7).
- 14.5. Mr and Mrs Talbot obstructed the Routes in 2013 and this brought the public rights into question. Prior to this they also attended MCC offices to dispute the removal of a fallen tree lying across one of the Routes in February 2011 which they claimed was theirs and that MCC had no right to remove. This suggests that 20 year period is interrupted in 2011. The next 20 year period is from 2011 to 1991.
- 14.6. However, the Statutory Declaration detailed in Chapter 5 (Appendix 5.1 to 5.4) submitted by the Forestry Commission and witnessed by the Magistrates Court in 1997 interrupts both the 20 year periods, 2013 to 1993 and 2011 to 1991. This means that the period for 20 year continuous uninterrupted use of the Routes is from 1997 to 1977.
- 14.7. The dispute and errors made in relation to the landownership of OS parcel 1524 (1901 OS map) detailed in Chapter 4, have obscured the accuracy of who was responsible for the area.
- 14.8. However, the Forestry Commission's 1997 Statutory Declaration, signed before the Magistrates Court, shows that they were the sole landowners during the 20 year period, 1977 to 1997, that has been examined. Therefore, the Forestry Commission held the capability to dedicate the Routes and were aware of the public use thereby submitting the Statutory Declaration in 1997. The Forestry Commission may have submitted the

declaration but did not erect any permanent gate or signage at, point A, the entrance to the woodland.

- 14.9. Furthermore, legislation introduced Open Access Land in 2005. The Forestry Commission, knowing that they were the landowner of OS parcel 1524 (1901 OS map), designated it along with the rest of the woodlands in the area as Open Access Land. The effect of this designation was to dedicate the land thus making the whole area available to the public as long as it was only on foot. The Forestry Commission, having made this formal dedication, had no need to renew the Statutory Declaration and no additional submissions were made.
- 14.10. The issues surrounding the landownership do not prevent the registration of public rights of way on the DM&S and the 20 year period 1997 to 1977 is investigated. There are 36 respondents who provided user evidence during this period.
- 14.11. The 36 user evidence forms have been examined and all users believed that they had a right to use the Routes either, walking, cycling, horse riding, or in or on motorised vehicles.
- 14.12. Although there are two users who record trees/stones across the Routes these could easily be moved if in a vehicle or negotiated if by another type of usage. This has been demonstrated in the site photographs. The remaining 34 witnesses report no permanent gates, obstructions or signs to prevent use.
- 14.13. At various locations in the area the Routes are reported to have had fingerposts directing users to "Barbadoes Green". It is unknown when these fingerposts were installed by Gwent County Council but no objection or removal of them was made by the Forestry Commission.
- 14.14. All 36 respondents walked the Routes; only 3 of the 36 used the Routes on horseback; only 5 on a bicycle and only 5 have used a motorised vehicle. There are three people who report seeing a horse drawn cart.
- 14.15. The examination of the user evidence shows that the total of 36 user evidence forms has been reduced to 25. These 25 respondents were both local and visitors to the area. When all their submissions are taken together it demonstrates that the Routes have been used for a continuous uninterrupted period of 20 years.

14.16. The explanation in reaching the number of 25 respondents:

- i) Mr Neale whose period of use is limited to less than 1 month adds no weight to the overall usage of the Routes. Therefore his evidence has been discounted which leaves 35 users.
- ii) Mr Flashman's evidence must be excluded as in most of his answers he refers to county unclassified road C51-9 which passes his home. This leaves 34.
- iii) 15 respondents have "wandered freely" in the woodland area. 6 of the 15 have stated they have both "kept to the paths" and "wandered freely" and 9 of the 15 report having "wandered freely".
- iv) Due to the area being mostly woodland there is the legitimate capability of both "keeping to the paths" and "wandering freely". Therefore, this means that out of the 34 respondents there is a further reduction of 9 people who have "wandered freely".
- v) This leaves 25 witnesses whose evidence supports the Claim. This number is sufficient to represent the people as a whole/the community in general.

14.17. Taken together this user evidence demonstrates 20 years of continuous uninterrupted use over the Routes, A-B-C-D, B-E-F and C-E (Fig. 1.3).

- i) This means that of the 25 witnesses, 8 also report vehicular use of the Routes which no longer counts towards public vehicular rights.
- ii) Of the 25, 3 report seeing horse drawn carts whose evidence is not as supportive as actual users of this type.
- iii) Of the 25, 4 state they have used the Routes on horseback; 3 of 4 have used all Routes; 1 of 4 have used Route A-D only. Of the 25, 5 state they have used the Routes on bicycle; 4 of 5 have use both Routes; 1 of 5 has used Route A-D only. Of the 25, 7 reporting having seen other horse riders; 6 of the 7 were walkers who had witnesses seeing horse riders. This means there is a total of 16 witnesses supporting bridleway rights.
- iv) There are 25 witnesses who all report having walked the Routes. Of the 25, 6 report having both "kept to the path" and "wandered freely" which is legitimate use in a woodland area. Of the 25, 19 have used both Routes; 4 of 25 have used Route A-B-C-D only.

14.18. The overall results of the analysis of the user evidence shows sufficient evidence to support, horse riding, cycling and walking for the Routes. Taken together this user evidence demonstrates 20 years of continuous uninterrupted use over the Routes, A-B-C-D, B-E-F and C-E (Fig: 1.3).

- 14.19. The pre-order consultation that ran from the 13th April 2018 to the 25th May 2018 resulted in only one objection which was made by Mr and Mrs Talbot of Moor Farm.
- 14.20. Their grounds for objection are that: the submission plan [map] passed to them as part of their notification is different to the pre-order consultation plan [map] (Fig. 7.1); the historically public rights of way have run around the edge of their land but not across it; the tracks that cross their land are part of the farm and are not public rights of way as confirmed by the Authority.
- 14.21. These grounds of objection are not relevant. The assessment of the submission showed that all the Routes, A-B-C-D, B-E-F and C-E, were supported by user evidence and the applicant confirmed that all of them should be added to the DM&S. The pre-order consultation for Definitive Map Modification Orders, Chapter 7, shows that the required people, associations and organisations, including landowners and any adjacent landowners, were consulted.
- 14.22. The DM&S does not record all public rights of way. However, it is possible under the Wildlife and Countryside Act 1981 to register routes if they subsist or are reasonably alleged to subsist and may therefore be determined that, on the balance of probabilities, public rights already exist.
- 14.23. Any disagreement on landownership is not a subject for this Report. The Claim to officially recognise traditional usage by the public, of which both parties have been fully aware, overrides whatever may eventually be decided in respect of landownership.
- 14.24. The 1810 Enclosure Award, the 1823 Price's Map, the 1830s Greenwoods Map, David and Charles Map, Cassini Map and 1830 Ordnance Survey Map do not show the Routes being investigated.
- 14.25. The 1830 maps are at a scale that only enables the depiction of roads and this suggests that minor routes such as footpaths were not physical features that could be recorded while roads that are depicted could be either, byways open to all traffic, restricted byways or bridleways.
- 14.26. The Highways Act 1835 deals mainly with the responsibility of maintenance for "*roads occupation ways and horsepaths not footpaths*". However, as the 1830 mapping that pre-dates 1835 does not show the Routes there is no responsibility for their maintenance. This does not mean that no public rights exist as other documentary and in this instance user evidence may support public rights.

- 14.27. The 1844 Tintern Tithe map shows the Routes to be similar in alignment to the 1886-1921 Ordnance survey maps. While the 1845 Trellech Tithe map does not show the Routes. The Routes cross land that is in the parish/community of Trellech and are not illustrated on the 1845 Trellech Tithe map therefore this document does not support public rights.
- 14.28. The 1881, 1886, 1901 and 1921 Ordnance Survey Maps show the Routes as “unfenced main roads”. Ordnance Surveyors were given the duty of recording the physical features that they encountered and were not to “*inquire into whether or not a way was either private or public*”. However, it is possible to have both private and public rights over the same alignment.
- 14.29. The 1910 Finance Act maps, registers and field books do not depict or record the Routes. Therefore, this data set does not support public rights. When these records are compared and combined with the 1840s Tithe maps and the 1810 Enclosure Award it suggests that, on the balance of probabilities, no public rights exist over plot 1524 (1901 OS map).
- 14.30. The Definitive Map (Fig. 9.4) does not show the Routes marked as registered.
- 14.31. However, the process for the compiling of the Definitive Map and Statement, detailed in Chapter 9, shows that a technical error has occurred. The omission of public rights of way is evidenced in the Definitive Map Statements which has also been forced by the boldness of the Tintern/Trellech community boundary line marked on all the maps.
- 14.32. Contrary to Mr & Mrs Talbot’s declaration that ‘*no routes cross their land*’, both the Draft and Definitive Map Statements describe two public rights of way, Footpath FP108 and Cart Road Footpath CRF112 (restricted byway) that cross over OS parcel 1525 (1901 OS map). This demonstrates an anomaly on the DM&S in that the ways, U-V-W-X-Y and Y-Z-D (Fig. 9.5), have not been copied correctly. This anomaly will be investigated at a later stage.
- 14.33. Furthermore, these statements describe the Routes, A-B-C-D, B-E-F and C-E, as both “cartways” and as “roads”. The mention of the Routes in the Statements supports higher rights and not footpath rights. However, on one hand the mention of the Routes in the Statements does not confirm either their public or private status. Then on the other hand the fact that the Routes are described and passed over by two descriptions suggests that at the time they were regarded as private access tracks and not included along with other public rights of way to be recorded.
- 14.34. The Highway Records do not add any further information in support of the Routes, A-B-C-D, B-E-F and C-E.

- 14.35. Although the aerial photographs show a dense tree canopy, the Routes are partially visible. This suggests that the Route, A-B-C-D, was an access to the forest and also joined with other registered public rights of way across the community boundary.
- 14.36. The site photographs taken in 2013/2014 by Mr J T Simpson[14] show that some of the Routes were wide sunken access tracks in and through the forest. Also there is no evidence in the photographs of any permanent gates or signage informing the public of the private status of OS parcel 1524 (1901 OS map) crossed by the Routes.
- 14.37. The Natural Environment and Rural Act 2006 demonstrates that, under subsections 67(2) to 67(8), not any of the exceptions are met. Therefore public mechanically propelled vehicle rights are extinguished.

15. Conclusion

- 15.1. In conclusion the historical OS maps indicate higher rights by referencing them as “unfenced main roads” and five respondents report their vehicular use of all the Routes. The NERC Act 2006 extinguishes public vehicular rights therefore the Routes cannot be registered as byways open to all traffic (BOAT). The designations that are available are public restricted byways (RB), bridleways (BR) and footpaths (FP).
- 15.2. The rarity of reported horse and cart use does not support classifying the Routes as public restricted byways.
- 15.3. The evidence submitted in support of this Claim shows that the Routes have regularly been used by the public mainly for walking, cycling and horse-riding thereby suggesting public bridleway (BR) rights.
- 15.4. All the evidence demonstrates that the Routes were “actually enjoyed”; “by the public”; “as of right”; “without interruption” and “for a full period of 20 years” (the statutory requirement). Furthermore, within the 20 years from 1977 to 1997, there is no real evidence that the Forestry Commission had made any overt effort to clearly communicate to the public that they had “no intention during that period to dedicate” the Routes claimed.
- 15.5. These conclusions mean that two Definitive Map Modification Orders should be made to register public bridleway rights over the Routes, A-B-C-D, B-E-F and C-E (Appendix1.5).

16. Recommendation

16.1. Members are invited to consider evidence provided and to advise the Cabinet Member for Operations Management whether they agree that a right of way that is not shown on the Definitive Map and Statement subsists or is reasonably alleged to subsist over the Routes and the status of those ways are not restricted byways but instead bridleways.

If this is agreed then to advise the Cabinet Member for Operation Management to make two Definitive Map Modification Orders as detailed.

16.2. Order One:

Under section 53(2)(b), subsection (3)(c)(i) of the Wildlife and Countryside Act 1981 for the Routes, A-B-C-C1, to classify them as bridleways, numbers 503, 504 and 505 Trellech (382).

16.3. Order Two:

Under section 53(2)(b), subsection (3)(c)(i) of the Wildlife and Countryside Act 1981 for the Routes, B-E-F, C-E and C1-D, to classify them as bridleways, numbers 501A, 501 and 501B, Trellech (382) and 506 Tintern (381).

Authors: Mandy Mussell, Definitive Map Officer and R. Rourke, Principal Countryside Access Officer

Contact Details: Telephone: Ext 4813

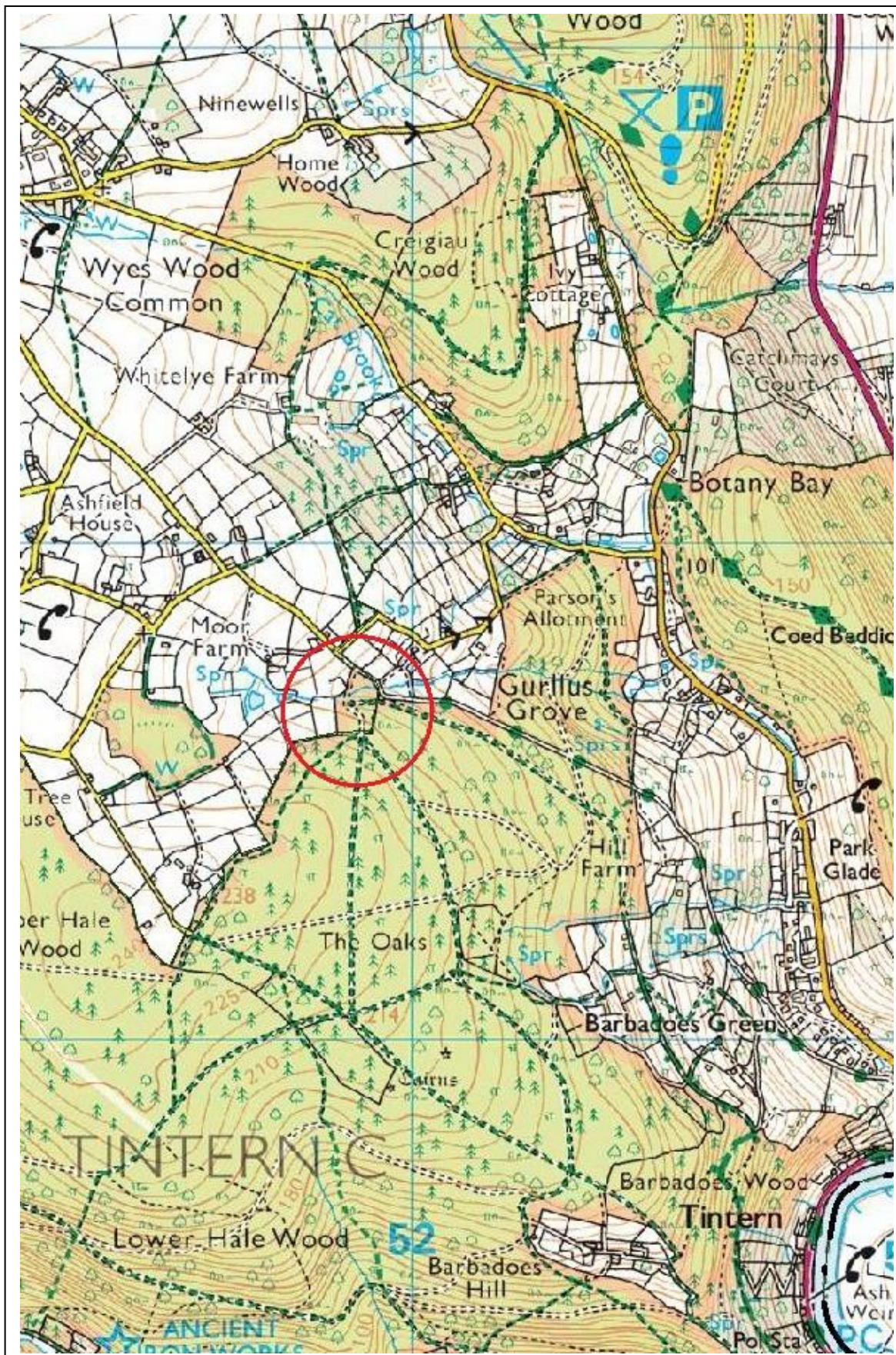
Email: mandymussell@Monmouthshire.gov.uk

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**01_13MOD_PB:
APPENDIXES**

Subject	Appendix number
Location plan.....	1.1
Mrs Greatorex-Davies [Applicant] Letter 6th August 2014	1.2 & 1.3
Evidence map.....	1.4
Draft & Consultation map.....	1.5
DMMO Application certificate (i)	3.1
DM DMMO Application certificate (ii)	3.2
DMMO Application certificate (iii).....	3.3
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Land registry 25 th June 2015: WA462587	4.1 to 4.3
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Application letter and maps to Mrs E. Greatorex-Davies: 1 st November 2013	6.1 to 6.3
User Evidence Forms:	
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Pre-Order consultation Letter: 13 th April 2018.....	7.1 to 7.2
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Extract of the 1910 Finance Act Register - Trellech	8.1
Definitive Map Statements: Tintern	9.1 to 9.2
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Site Photographs with direction plan: C to E: dated August 2016	12.1 to 12.3
The Natural Environment and Rural Communities Act 2006 flow chart.....	13.1 to 13.3

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01_13MOD_PB: Location plan
Appendix 1.1

TINTERN COMMUNITY COUNCIL

6th August 2014

Mandy Mussell
Public Rights of Way Officer
Monmouthshire County Council
P. O Box 106
Caldicot, NP26 9AN

12 AUG 2014

Dear Mandy,

Claim for a Public Right of Way – Pryce's Bridge to The Oaks

Thank you for your letter dated 22nd May 2014 and for your helpful advice. However, we are, for the following reasons, surprised by your assertion that the claim is weak:-

1. The path in question is shown on maps going back to the 1800s. This indicates that there must have been at least pedestrian traffic along this route for a long time. Moreover, the oldest inhabitants of the village and surroundings attest to continuous and unhindered movement along this path for many years until recently blocked by the landowner. I have been speaking to a Mr. Colin Crockett (who now lives in Gloucester) who was born at Moor Farm 74 years ago and lived there until his early 20's. He said he always assumed the path in question was a public right of way as he used it regularly while he lived there. I have given him a form to fill in but he has not yet returned it to me.
2. The path connects three recorded rights of way which are unconnected without use of the two paths in question. Common sense suggests that anyone who has used the three recorded rights of way must have used the paths in question. Until recently, waypost signs existed and had been renewed in the last 10 years, on the edge of the owners land, indicating routes along the disputed paths. Whoever was responsible for these signs, MCC or the Forestry Commission, also obviously believed these were routes in public use.
3. We believe it is the policy of the Government and MCC to maintain public access wherever possible, and certainly where long established, and should make a presumption under the law of the public's right for continued access. Although, as you point out at para 2.6, policy has no bearing on the success or failure of the claim, we would expect MCC to pursue this

vigorously using the relevant law. We are not aware that the landowner has given any good reason for blocking this path.

You requested further specific evidence and we provide it as follows:

Para 1.5 – We would like Route B (C to D) to be added to the claim as this is clearly the natural line of the currently accepted right of way from the East to connect with Route A and has been mentioned because it was in daily use. Indeed, there was a sign at the point it meets Route A (Point C) pointing to “Barbadoes Green”, again indicating a path accepted by the authorities. Also, this section is marked in red on the Ordnance Survey map indicating that they thought this was a path with public access.

Para 3.8 – We attach Mr Griffin’s marked up plan as requested and further comments from him.

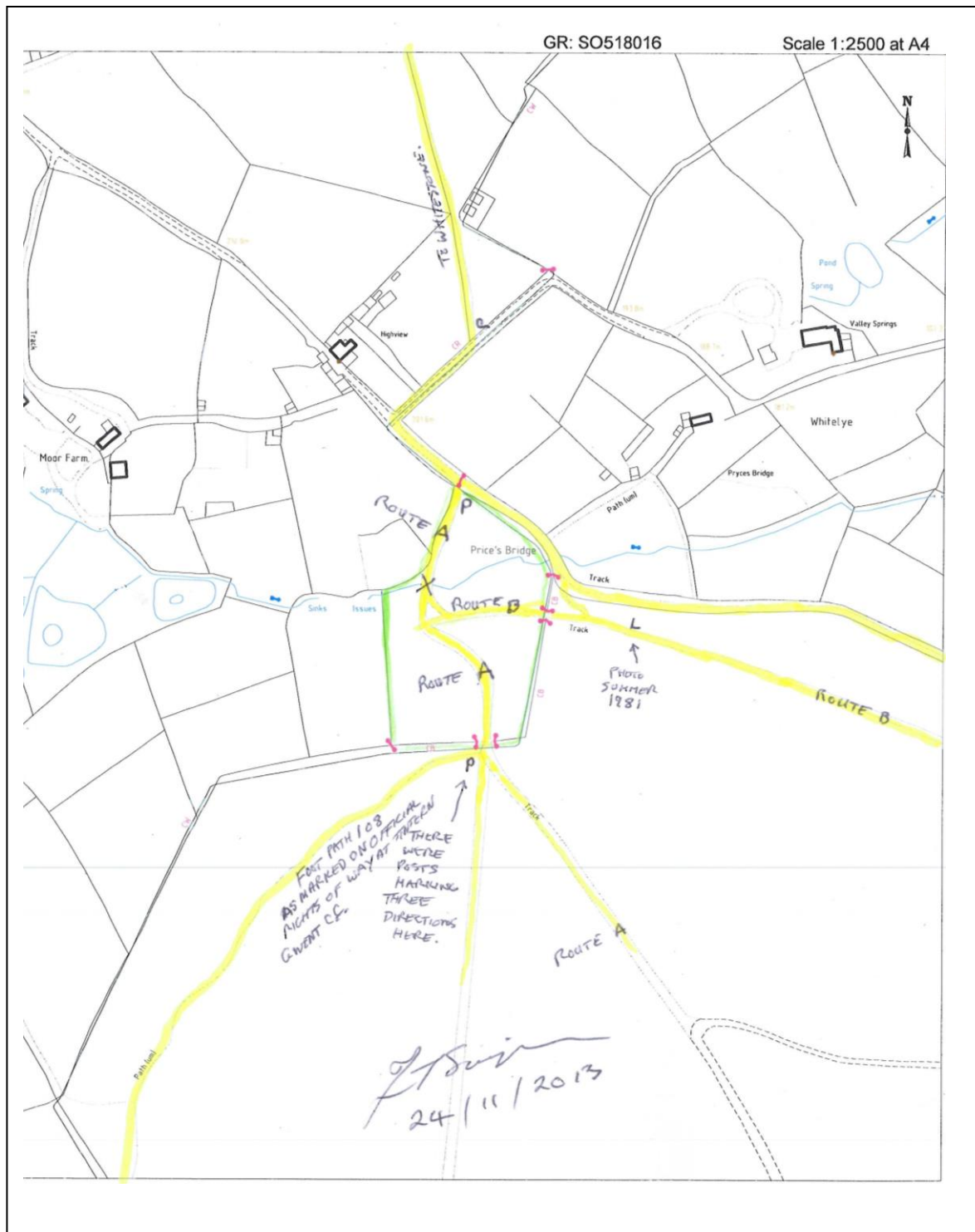
Paras 3.20 and 3.21 – You should note that users of Route B (C-D) (4 users evidence) must also have used Route A (A-B) for access or egress unless they returned and retraced their steps having reached Route A. This is clearly illogical, so use of Route B implies use of Route A. Therefore, Route A has in effect 2 plus 4 users giving evidence.

As further evidence that blockages were not intended to prevent access Mr Griffin is prepared to report that fallen trees across the path have, in the past, been quickly removed to unblock the path.

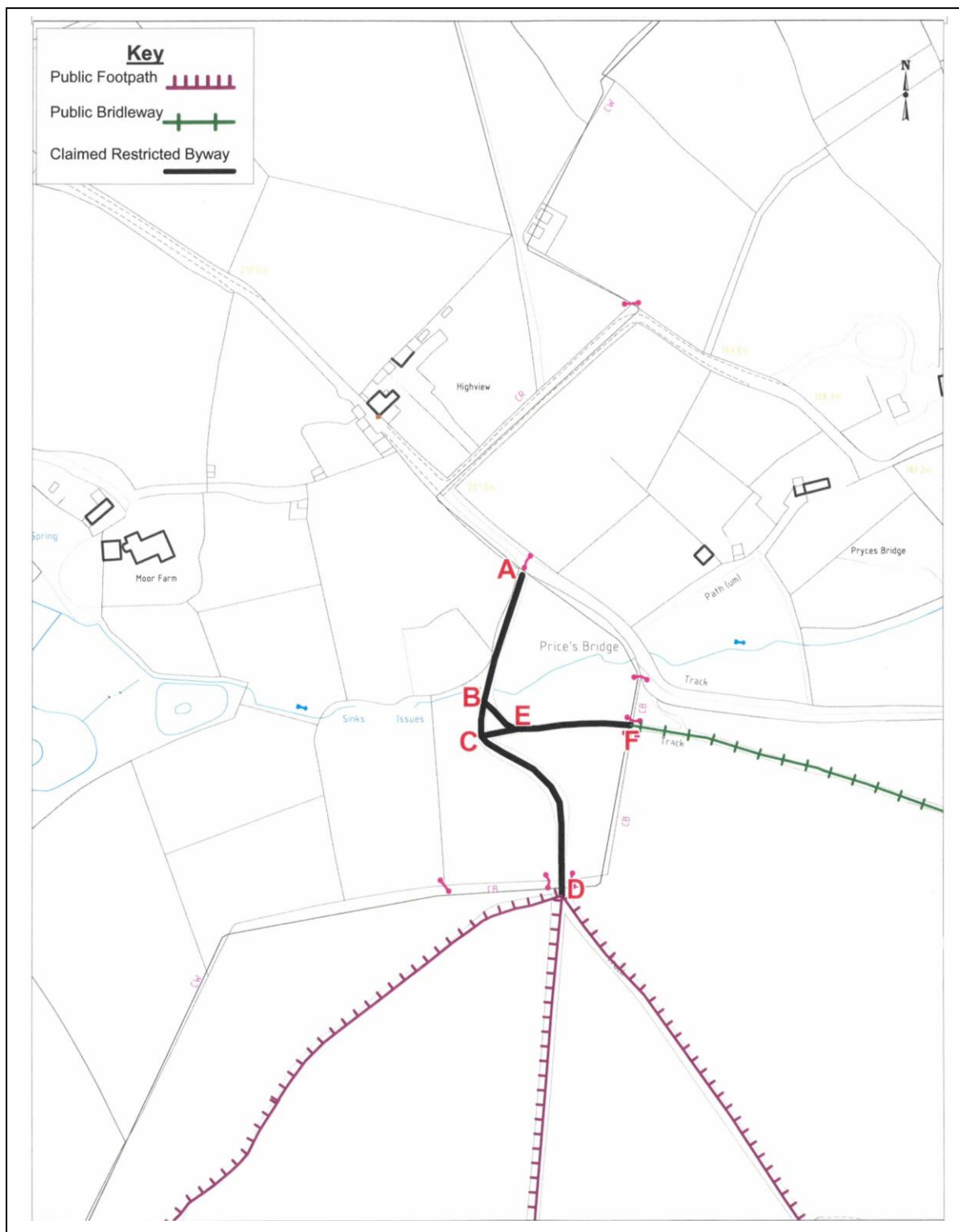
Also enclosed is a further evidence form filled in by Mr. D Hoskins. I hope the enclosed letter is of further help to you.

Yours sincerely,

Elizabeth Greatorex-Davies (Clerk to TCC)



**01_13MOD_PB: Mrs Greatorex-Davies: - Evidence Map
Appendix 1.4**



**01_13MOD_PB: Draft and Consultation Map
Appendix 1.5**

WILDLIFE & COUNTRYSIDE ACT 1981
APPLICATION FOR MODIFICATION ORDER

CERTIFICATE (i)

Monmouthshire County Council Definitive Map and Statement

To: Monmouthshire County Council

of: County Hall, Cwmbran.

We TINTERN COMMUNITY COUNCIL

of THE POPLARS, WHITELEY, CATBROOK,

CHEPSTOW, MONMOUTHSHIRE, NP16 6NP

hereby apply for an order under Section 53(2) of the Wildlife & countryside Act 1981
modifying the definitive map and statement for the area by:-
(*delete as appropriate)

*Adding/ ~~*removing the~~ *footpath / *bridleway / ~~*byway open to all traffic~~ / *restricted
byway.

from CS1-4

to footpaths 381, 122, 111 & 14

and as shown on the map annexed hereto.

We attach copies of the following documentary evidence (including statements of
witnesses) in support of this application (please list documents below):

Public Rights of Way Evidence Forms
Copy of 1821 Enclosure Awards Map
Copy of 1881 Edition of OS map

Dated: 11 / 12 /2013

Signed: Elizabeth Gantrex-Jones
Clerk to Tintern Community Council

Please return to: Definitive Map Officer
Countryside Services
Planning Department
Monmouthshire County Council
County Hall
PO Box 106
Calidcot
NP26 9AN

WILDLIFE & COUNTRYSIDE ACT 1981
CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION
FOR MODIFICATION ORDER

CERTIFICATE (ii)

Monmouthshire County Council Definitive Map and Statement

To: Monmouthshire County Council

of: County Hall, Cwmbran.

I/We CLERK TO TINTERN COMMUNITY COUNCIL

of THE POPLARS, WHITELEY, CATBROOK,

CHEPSTOW, NP16 6NP

hereby certify that the requirements of paragraph 2 of schedule 14 to the Wildlife & Country side Act 1981 have been complied with.

Dated: 11 / 12 / 2013

Signed: Elizabeth Gendron-Davies
on behalf of Tintern Community Council

Notices served on the following persons/bodies:-

1. MR & MRS R. TALBOT, MOOR FARM, WHITELEY, NP16 6NP
2.
3.
4.
5.
6.

Please return to: Definitive Map Officer
Countryside Services
Planning Department
Monmouthshire County Council
County Hall
PO Box 106
Calidcot
NP26 9AN



COPY

WILDLIFE & COUNTRYSIDE ACT 1981
NOTICE FOR MODIFICATION ORDER

CERTIFICATE (iii)

Monmouthshire County Council Definitive Map and Statement

To: MR. & MRS. R. TALBOT
of: MOOR FARM, WHITELEY, CATBROOK,
CHEPSTOW, MONMOUTHSHIRE, NP16 6UP

Notice is hereby given on the 12 / 12 / 2013 (date)

We TINTERN COMMUNITY COUNCIL
c/of THE POPLARS, WHITELEY, CATBROOK

Made application to Monmouthshire County Council, County Hall, Cwmbran, that the definitive map and statement for the area be modified by:-

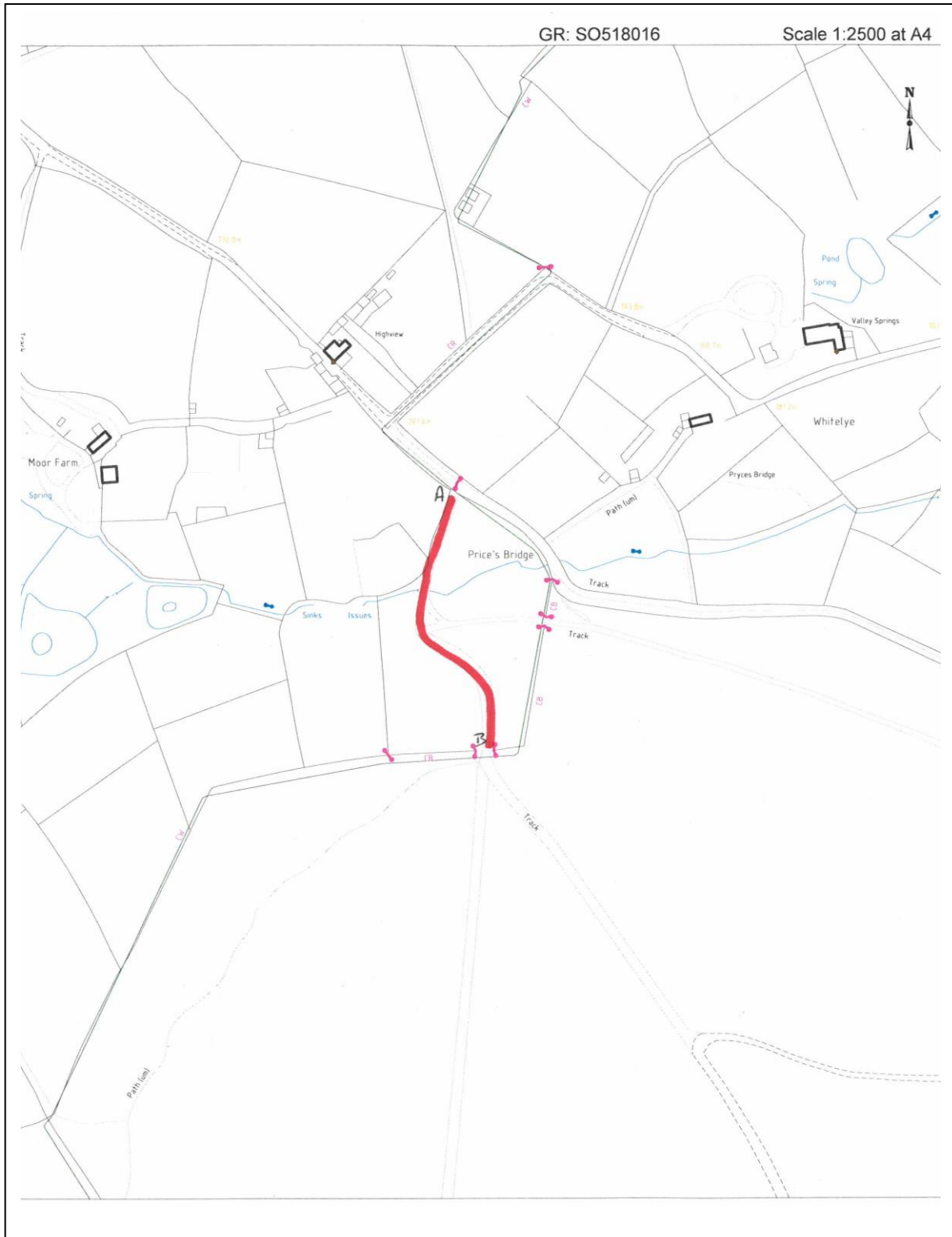
(*delete as appropriate)

*Adding/ ~~*removing the~~ ~~*footpath~~ / ~~*bridleway~~ / ~~*byway open to all traffic~~ / ~~*restricted byway~~

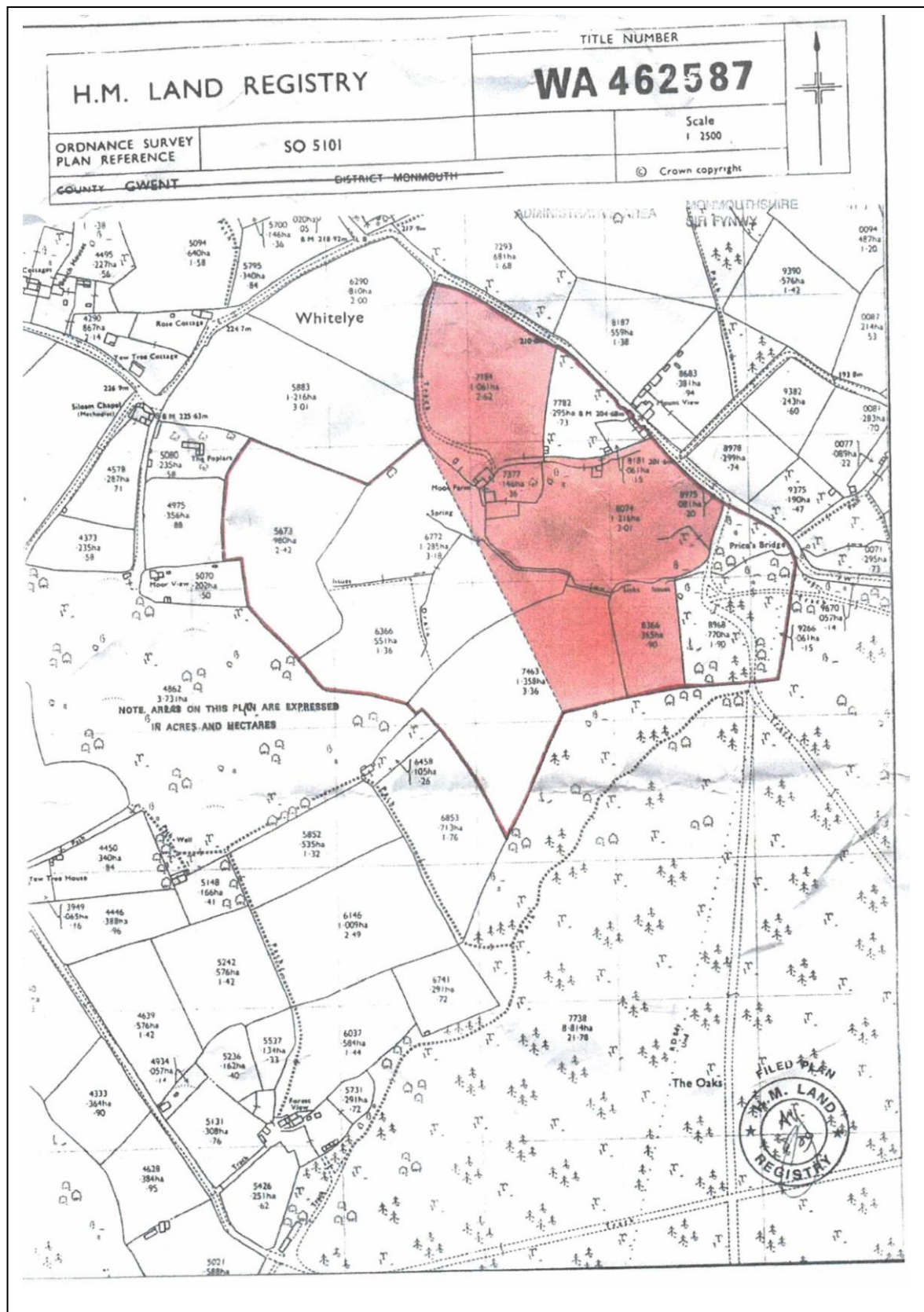
From C51-4
to Footpath 381/122, 381/111 & 381/14

Dated: 11 / 12 / 2013

Signed: ESTHER DAWES



01_13MOD_PB: Definitive Map Modification Order Application Map
11th December 2013
Appendix 3.4



01_13MOD_PB: Land registry: 25 June 2015: WA462587 Title deed plan
Appendix 4.1

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Applications are pending in HM Land Registry, which have not been completed against this title.

Maer copi swyddogol electronig or gofrestr yn dilyn y neges hon.

Sylwch mai hwn ywr unig gopi swyddogol a ddarparwn. Ni fyddwn yn darparu copi swyddogol papur.

Mae ceisiadaun aros iw prosesu yng Nghofrestrfa Tir EM nad ydynt wedi eu cwblhau yn erbyn y teitl hwn.

HM Land Registry Cofrestrfa Tir EM



Official copy
of register of
title
Copi
swyddogol o
gofrestr teitl

Title number / Rhif teitl
WA462587

Edition date / Dyddiad yr
argraffiad 19.03.2015

This official copy shows the entries on the register of title on 25 JUN 2015 at 13:37:40.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 12 Jul 2018.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Wales Office.

Mae'r copi swyddogol hwn yn dangos y cofnodion yn y gofrestr teitl ar 25 MEHEFIN 2015 am 13:37:40.

Rhaid dyfynnu'r dyddiad hwn fel y "dyddiad y chwilir ohono" mewn unrhyw gais am chwiliad swyddogol sy'n seiliedig ar y copi hwn.

Y dyddiad ar ddechrau cofnod yw'r dyddiad y gwnaethpwyd y cofnod yn y gofrestr.

Cyhoeddwyd ar 12 Gorffennaf 2018.

Dan adran 67 Deddf Cofrestru Tir 2002, mae'r copi hwn yn dderbyniol fel tystiolaeth i'r un graddau'r gwreiddiol.

Gweinyddir y teitl hwn gan Gofrestrfa Tir EM Swyddfa Cymru.

A: Property Register / Cofrestr Eiddo

This register describes the land and estate comprised in the title.

Mae'r gofrestr hon yn disgrifio'r tir a'r ystad a gynhwysir yn y teitl.

MONMOUTHSHIRE/SIR FYNWY

- 1 (02.02.1989) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Moor Farm, Whitelye, Trelleck.
- 2 (02.02.1989) There are excluded from the land tinted pink on the filed plan the mines and minerals excepted by the Conveyance dated 4 December 1934 referred to in the Charges Register:-

"Except the mines minerals stone and other substrata within under and upon the land coloured blue on the said plan which belong to the Crown subject to the right of the Crown to search for work dress use raise and carry away the mines mineral stone and other substrata under the said lands coloured blue on the said plan making reasonable compensation for any injury to the surface of the said lands and to any buildings thereon by the exercise of such right."

NOTE: The land coloured blue is tinted pink on the filed plan.
- 3 (02.02.1989) By a Transfer dated 7 November 1988 made between (1) Catherine Brown and (2) Robin James Talbot and Gillian Talbot the land

1 of 2 / 1 o 2

Title number / Rhif teitl WA462587

A: Property Register continued / Parhad or gofrestr eiddo

in this title was transferred subject as follows:-

"Subject further to the rights of the Coal Commission to the mines and minerals (if any) in and under all the said land."

B: Proprietorship Register / Cofrestr Perchnogaeth

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Mae'r gofrestr hon yn nodi'r math o deitl ac yn enwi'r perchennog. Mae'n cynnwys unrhyw gofnodion sy'n effeithio ar yr hawl i waredu.

Title absolute/Teitl llwyr

1 (02.02.1989) PROPRIETOR: ROBIN JAMES TALBOT and GILLIAN TALBOT of Whitelye Farm, Trelleck, Gwent.

C: Charges Register / Cofrestr Arwystlon

This register contains any charges and other matters that affect the land.

Mae'r gofrestr hon yn cynnwys unrhyw arwystlon a materion eraill sy'n effeithio ar y tir.

1 (02.02.1989) By a Conveyance dated 4 December 1934 made between (1) Fanny Richards (Vendor) and (2) William John Williams (Purchaser) the land in this title was conveyed subject as follows:-

"Subject also to the right of the Crown to hunt shoot course and sport of the said lands coloured blue on the said plan."

NOTE: The land coloured blue is tinted pink on the filed plan.

End of register / Diwedd y gofrestr

2 of 2 /2 o 2



**DEPOSIT OF STATEMENT AND PLAN
SECTION 31 (6) OF THE HIGHWAYS ACT 1980**

To: Monmouthshire County Council
County Hall
Cwmbran
Gwent

NP6 3AZ

Ffôn/Tel: 01633 400205
Ffacs/Fax: 01633 400135

Rheolwr Rhanbarthol Coedwigo
Forest District Manager
Paul Sherrington

1. The Forestry Commission acquired the land shown on the attached maps outlined in black between 1924-1974.

The land so delineated is currently in the ownership of the Forestry Commission.

2. No additional ROW are dedicated on Forestry Commission land other than those ROW marked as follows:

Brown - which have been dedicated as highways with vehicular status;
Green - which have been dedicated as bridleways;
Purple - which have been dedicated as footpaths.

3. Following your agreement with the accompanying ROW's, it is the intention of S E Wales Forest District to submit a statutory declaration to Monmouthshire County Council within a six year period from whence the accompanying maps were submitted.

4. This deposit shall comprise this statement and 14 accompanying maps.

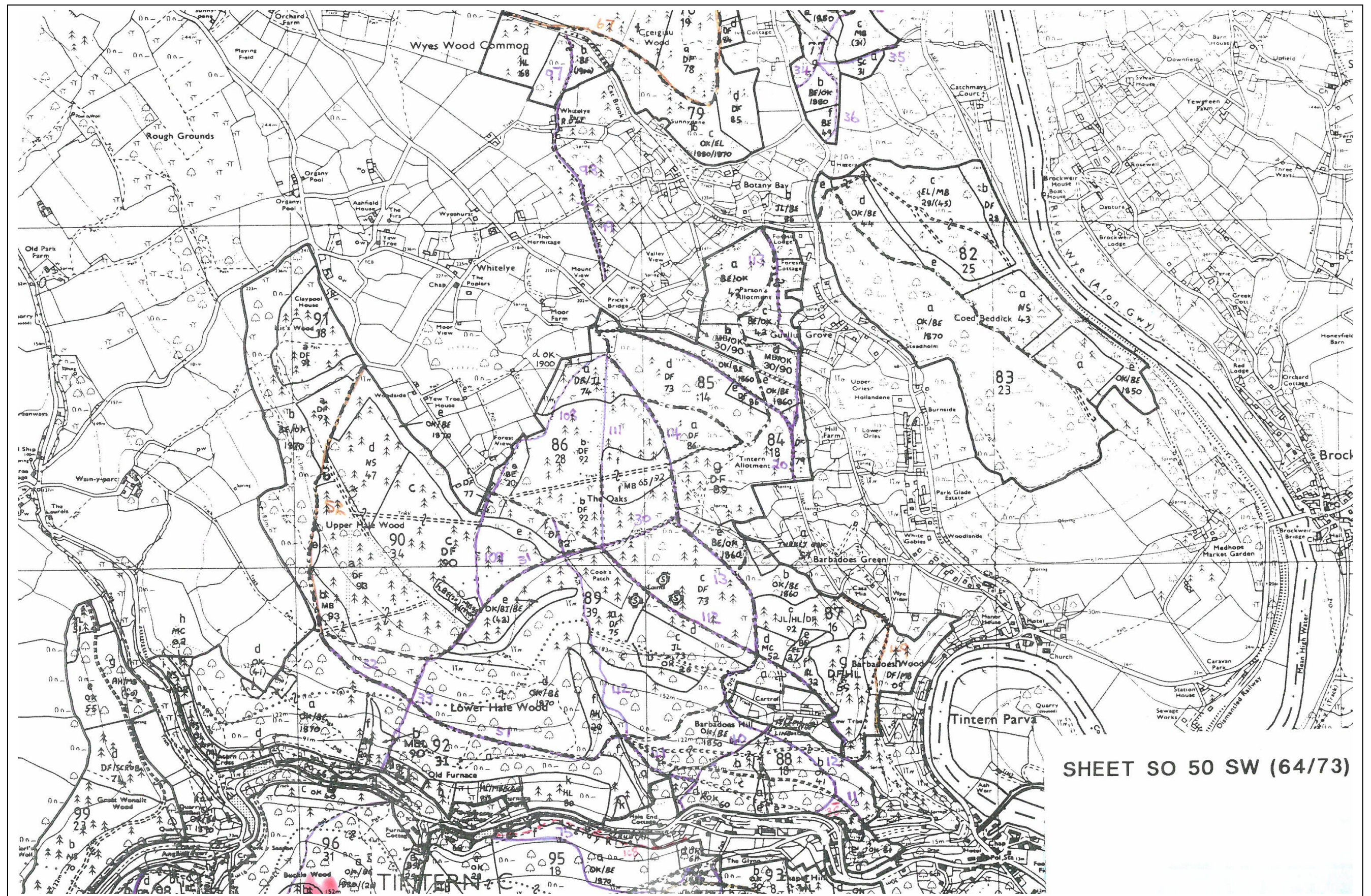
Signed: *[Signature]* **Forest District Manager**
(for and on behalf of Forest Enterprise)

Received by: *R. J. McAllister* *Rights of Way Officer*
(on behalf of Monmouthshire County Council)

on this day the *7th* of *August* 19*97*.

Mae'r Fenter Goedwigaeth yn gyfrifol am reoli'r coedwigoedd a'r iroedd y mae'r genedl yn berchen arnynt. Ymhlith ei hamcanion y mae cynhyrchu a chyflenwi pren ar gyfer diwydiant, diogelu bywyd rhydd yn ei choedwigoedd a darparu amrywiaeth eang o gyfleoedd hamddena.

Forest Enterprise is responsible for the management of forests and woodlands owned by the nation. Its objectives include the production and supply of timber for the wood using industry, the conservation of wildlife in its forests and the provision of wide ranging recreation opportunities.



Deemed dedication of rights of way in Monmouthshire County Council

STATUTORY DECLARATION

SECTION 31 (6) OF THE HIGHWAYS ACT 1980

COPY

I, Colin Pearce, Forest District Manager of S E Wales Forest District, Wentwood, Llanvaches, Newport, Gwent on behalf of the Forestry Commission DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. The Forestry Commission, 231 Corstorphine Road, Edinburgh EH12 7AT acquired the land shown on the attached maps, outlined in black between 1924 and 1974. The land so delineated is currently in the ownership of the Forestry Commission.
2. On 8th August 1997 I deposited maps 1 to 14 of this document with Mr R J McAllister of Monmouthshire County Council being the appropriate Council, and state that no additional rights of way are dedicated on Forestry Commission land other than those rights of way marked as follows:

Brown - which have been dedicated as highways with vehicular status;

Green - which have been dedicated as bridleways;

Purple - which have been dedicated as footpaths.
3. No additional ways have been dedicated over the land edged black on the plan accompanying this declaration other than those highways with vehicular status, bridleways and footpaths marked in the appropriate colour on the plan accompanying this declaration. At the present time the Forestry Commission has no intention of dedicating any more public rights of way over its property.

AND I MAKE this solemn declaration on the 16th day of September 1997 conscientiously believing it to be true and by virtue by the Statutory Declarations Act 1835.

Declared at Chepstow Magistrates Court

Signed: Colin Pearce (on behalf of Forestry Commission)

Date: 16/9/97

Before me

[Signature]
Justice of the Peace

**01_13MOD_PB: Forestry Commission - 16th September 1997
HA1980 s31(6) Statutory Declaration
Appendix 5.3**

Menter Coedwigaeth Forest Enterprise



yn rhan o'r Comisiwn Coedwigaeth
an executive agency of the Forestry Commission

Our Ref: L18
17th September 1997

Monmouthshire County Council
County Hall
Cwmbran
Gwent

FAO Mr R J McAllister



Cymru
Rhanbarth Goedwigo
de Ddwyrain Cymru
Wentwood
Llanfaches
Casnewydd, Gwent

Wales
South East Wales
Forest District
Wentwood
Llanvaches
Newport, Gwent

NP6 3AZ

Ffôn/Tel: 01633 400205
Ffacs/Fax: 01633 400135

Rheolwr Rhanbarthol Coedwigo
Forest District Manager
Paul Sherrington

Dear Mr McAllister

DEEMED DEDICATION OF RIGHTS OF WAY SECTION 31(6) OF THE HIGHWAYS ACT 1980

I refer to our recent meeting when I deposited a statement and plan with you under the above act.

On the 16th September 1997 a Statutory Declaration was made by Mr C J Pearce (Forest District Manager of S E Wales Forest District) at Chepstow Magistrates Court. A copy of this declaration is enclosed. The effect of this is to negative any intention to dedicate which might otherwise be presumed or implied from public use. It is the intention of Forest Enterprise to lodge similar declarations at six year intervals.

This declaration has no effect in denying the existence of public rights of way shown on the definitive maps, including deemed dedication by virtue of 20 years user before the statement was deposited with you.

Forest Enterprise will be willing to rectify any mistakes which you may have identified on the maps which were deposited with you.

S E Wales Forest District office is due to close at the end of this month. Your contact point for the future will be Forest Enterprise, Resolven, Nr Neath, West Glamorgan, Tel: 01639 710221.

Yours sincerely

Sally Tansey
For and on Behalf of
Forest District Manager

CAMS 00314
STAT DEC

15/9/1997.

Mae'r Fenter Goedwigaeth yn gyfrifol am **reoli'r** coedwigoedd a'r coetiroedd y mae'r genedl yn berchen anynt. Ymhlith ei hamcanion y mae **cynhyrchu** a chyflenwi pren ar gyfer diwydiant, diogelu bywyd **gwyllt** yn ei choedwigoedd a darparu amrywiaeth eang o **gyfleoedd** hamddena.

Forest Enterprise is responsible for the **management** of forests and woodlands owned by the nation. Its objectives include the **production** and supply of timber for the wood using industry, the **conservation** of wildlife in its forests and the provision of wide ranging **recreation** opportunities.



monmouthshire
sir fynwy

Monmouthshire County Council
PO Box 106, Caldicot,
NP26 9AN

Cyngor Sir Fynwy
Blwch SP 106, Caldicot
NP26 9AN

Tel/Ffôn: 01633 644644
Fax/Ffacs: 01633 644666

E-Mail/Ebost: contact@monmouthshire.gov.uk
Web/Gwefan: www.monmouthshire.gov.uk

Mrs E. Greateorex-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:

1 November 2013

Date/Dyddiad:

Dear Mrs Greateorex-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.

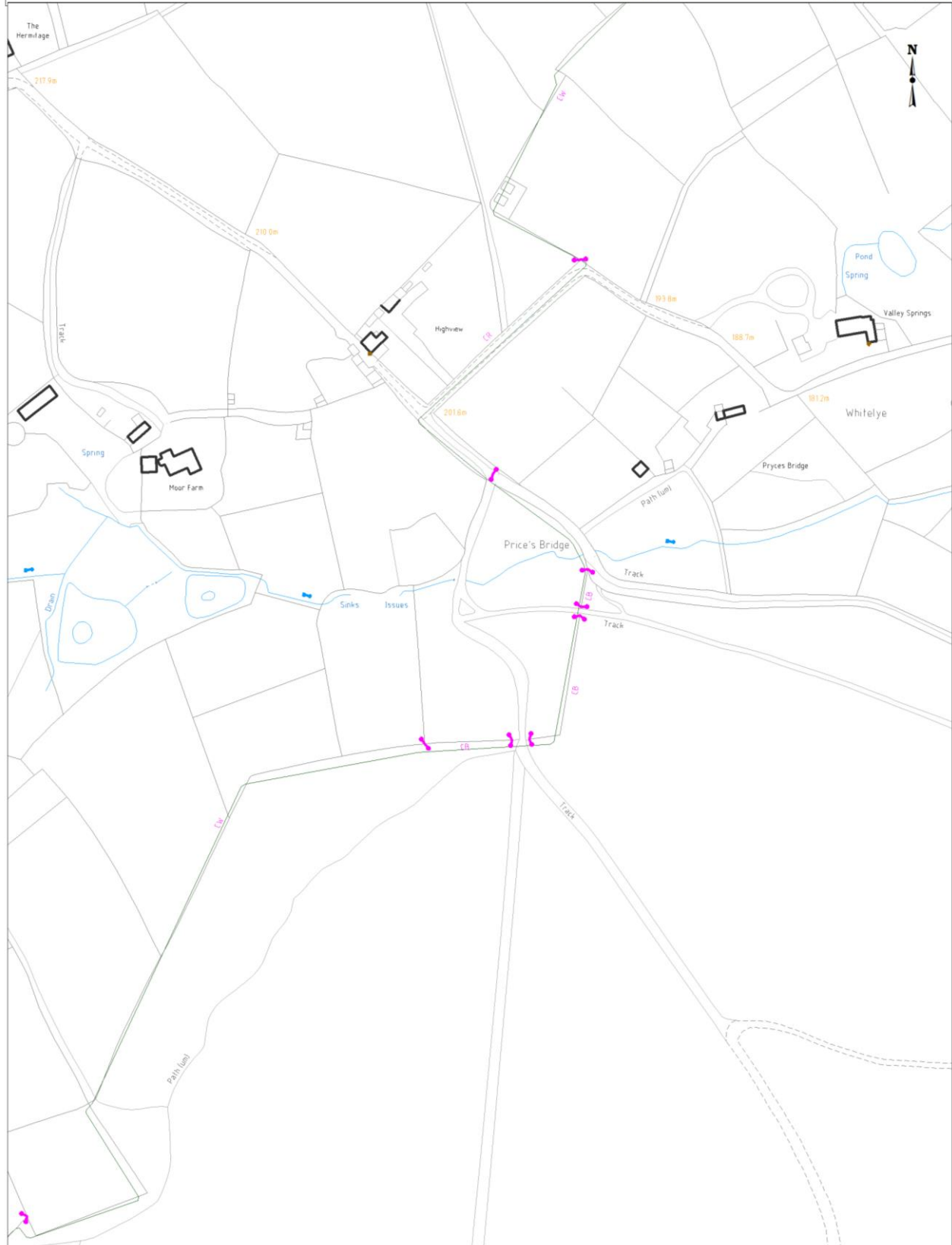
I hope that this information assists you, please do not hesitate to contact me if you need additional Evidence Forms.

Yours sincerely,

Mandy Mussell

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

**01_13MOD_PB: Application Letter to Mrs E. Greateorex-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.

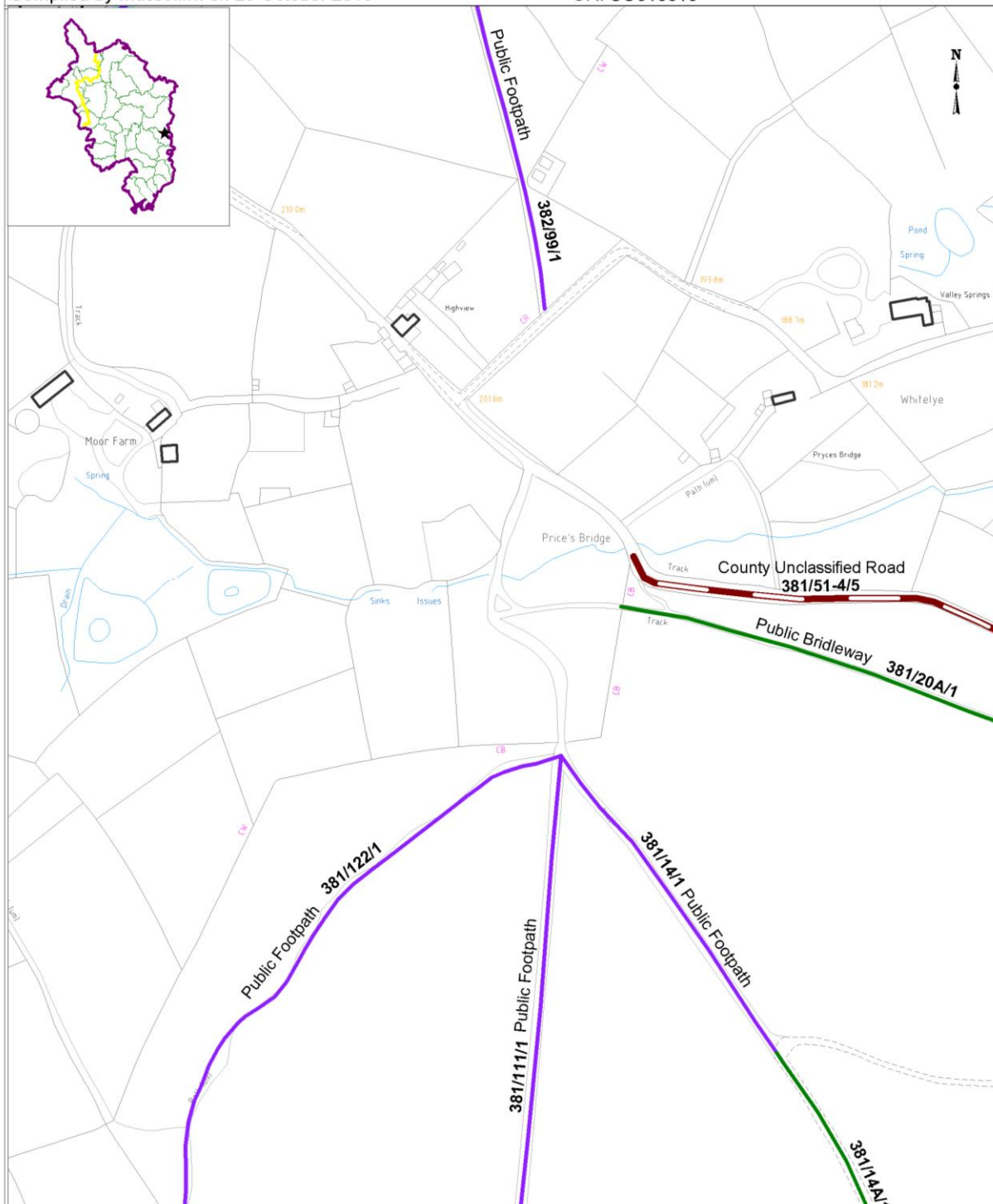
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



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. Greateorex-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.

17 DEC 2013

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? <div style="text-align: center;">yes</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="text-align: center;">In the last couple of weeks Oct 2013</div>
10.	Did you keep to the path claimed or wander freely between start and finish? <div style="text-align: center;">Keep to the path</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;">No</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;">/</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> <div style="text-align: center;">one near the way - Footpath sign</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="text-align: center;">Foot path signs in the past</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;">No</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;">/</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;">/</div>

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? 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? 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 - Countless amounts of people locals and visitors to the area
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? Yes
25.	If you have ceased using the way, please say why. It now has obstructions preventing access to the way and is impassable by foot.

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

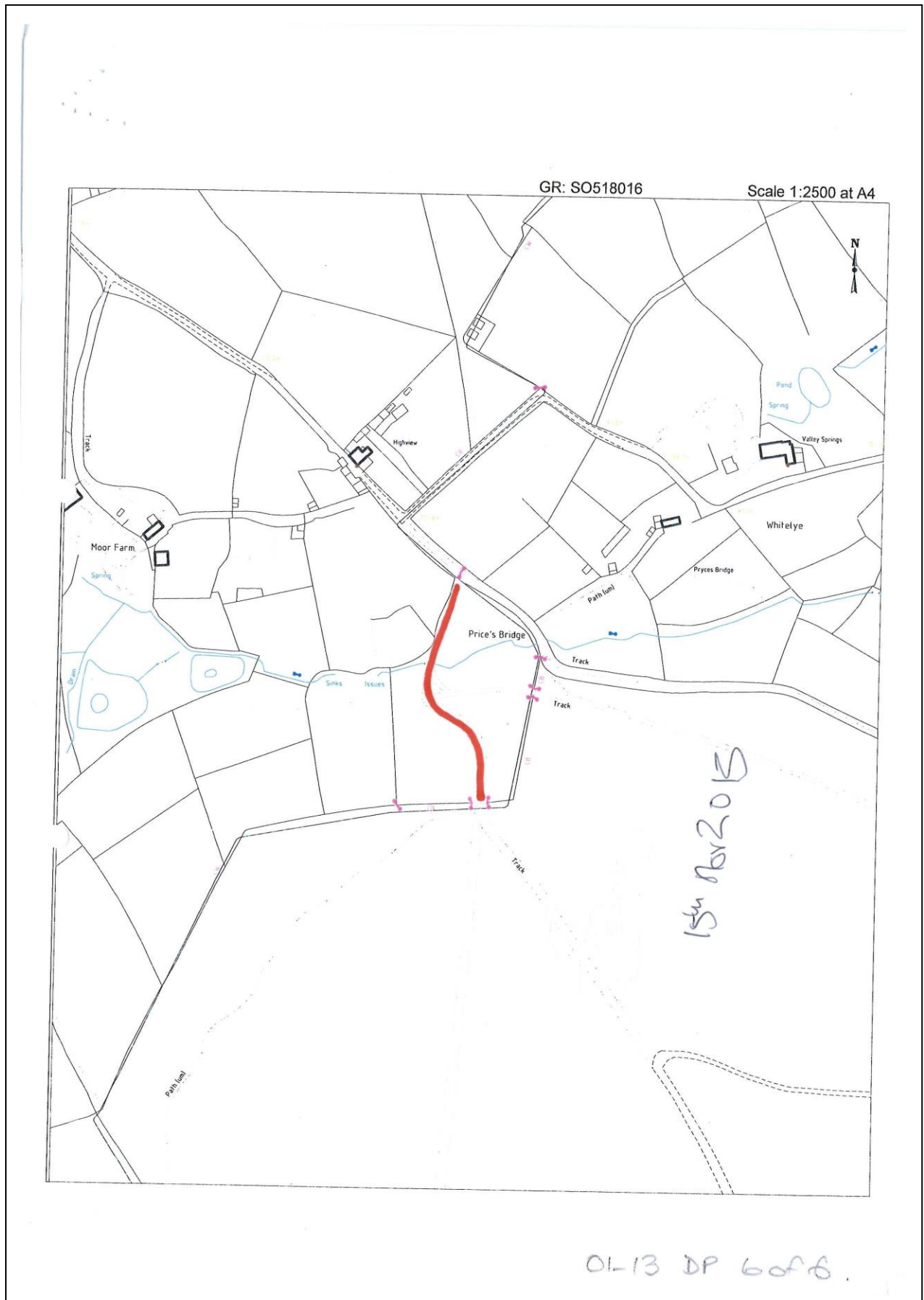
Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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 Date16/1/18.

Print name:

Denise Penny

AMANDA MUSSELL

K. Rourke

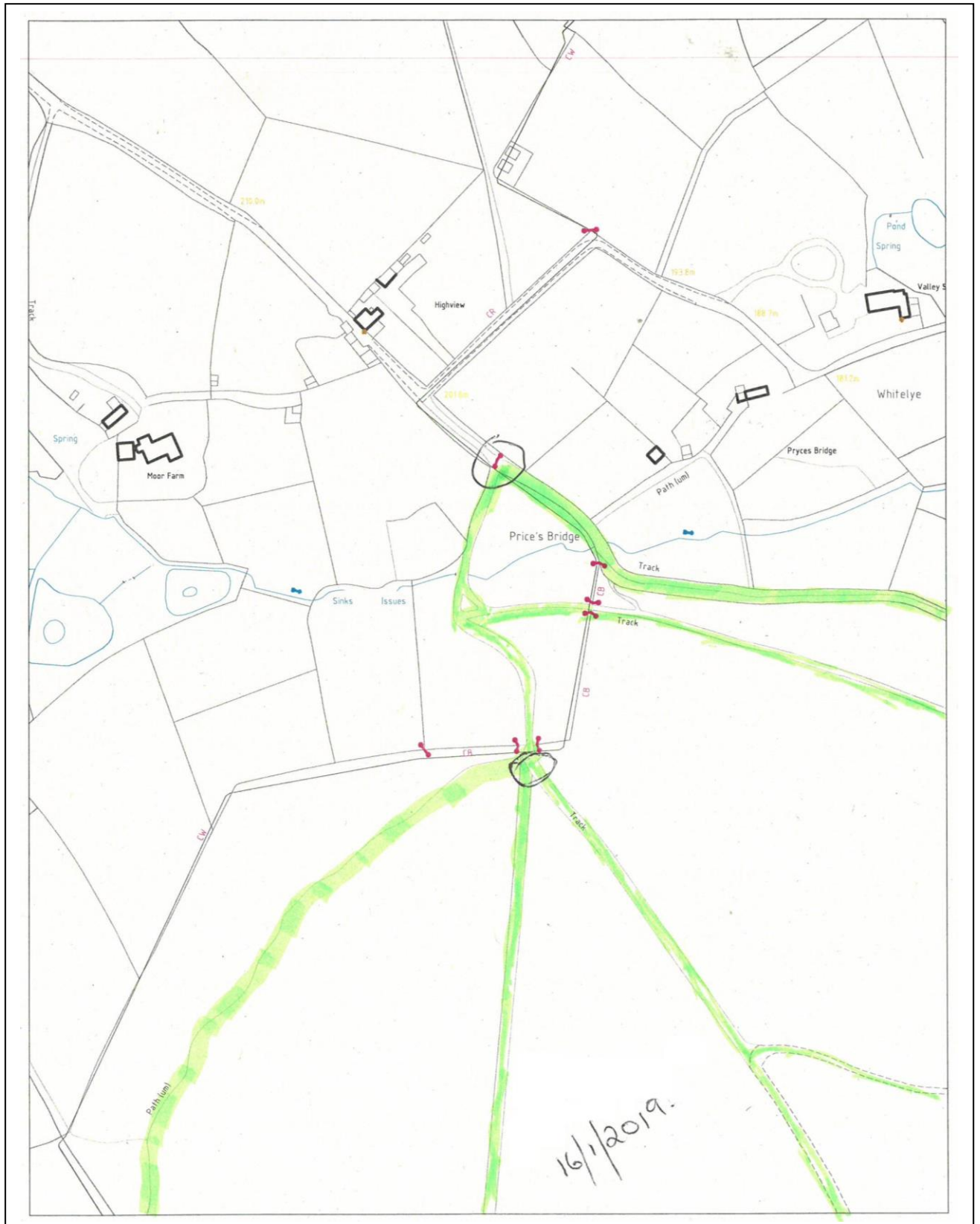
Do you have anything further to add regarding the Routes?

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*



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.

17 DEC 2013

2

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)? <i>Whitely to various parts of the surrounding wood- also to Tintern.</i>
(c)	During which years did you use the way? <i>1994 to present day.</i>
(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.) <i>On average about five times a week, i.e. about 250 times a year.</i>
(e)	By what means (i.e. foot, horse, pedal cycle, cart, motor cycle, motor vehicle) <i>Foot & horse.</i>
(f)	Is the way, or was it, a short cut for you? If so why? <i>No, had already assumed it was a public right of way.</i>
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. <i>All times of day.</i>
5.	If you were riding, did you ever use the way with the hunt? <i>No</i>
6.	(a) When using it, did you believe you had a right to do so? <i>Yes</i> (b) What made you think you had a right? <i>Marked on Landranger OS Map, Tintern Community Council Public Rights of Way Map & Footpath Finger Post. 1921 Enclosure Award Map</i>
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? <i>No. Had always been led to believe it was a footpath</i>

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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? <u>YES/NO</u> If it has altered, give details and dates. Please mark any changes, which you experienced on the plan.	On the 1821 Enclosure Award Map it is clearly marked as a Public Footpath, No. CLII.
10.	Did you keep to the path claimed or wander freely between start and finish?	Yes
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.	None
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.	Yes. To Barbadoes Green & The Oaks. on 3 Points on plan marked X.
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.	No
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?	N/A
17.	If you were an owner or tenant, did you recognise that the way was a public right of way?	As the path is marked as a Restrictive Byway on the Tintern 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.

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

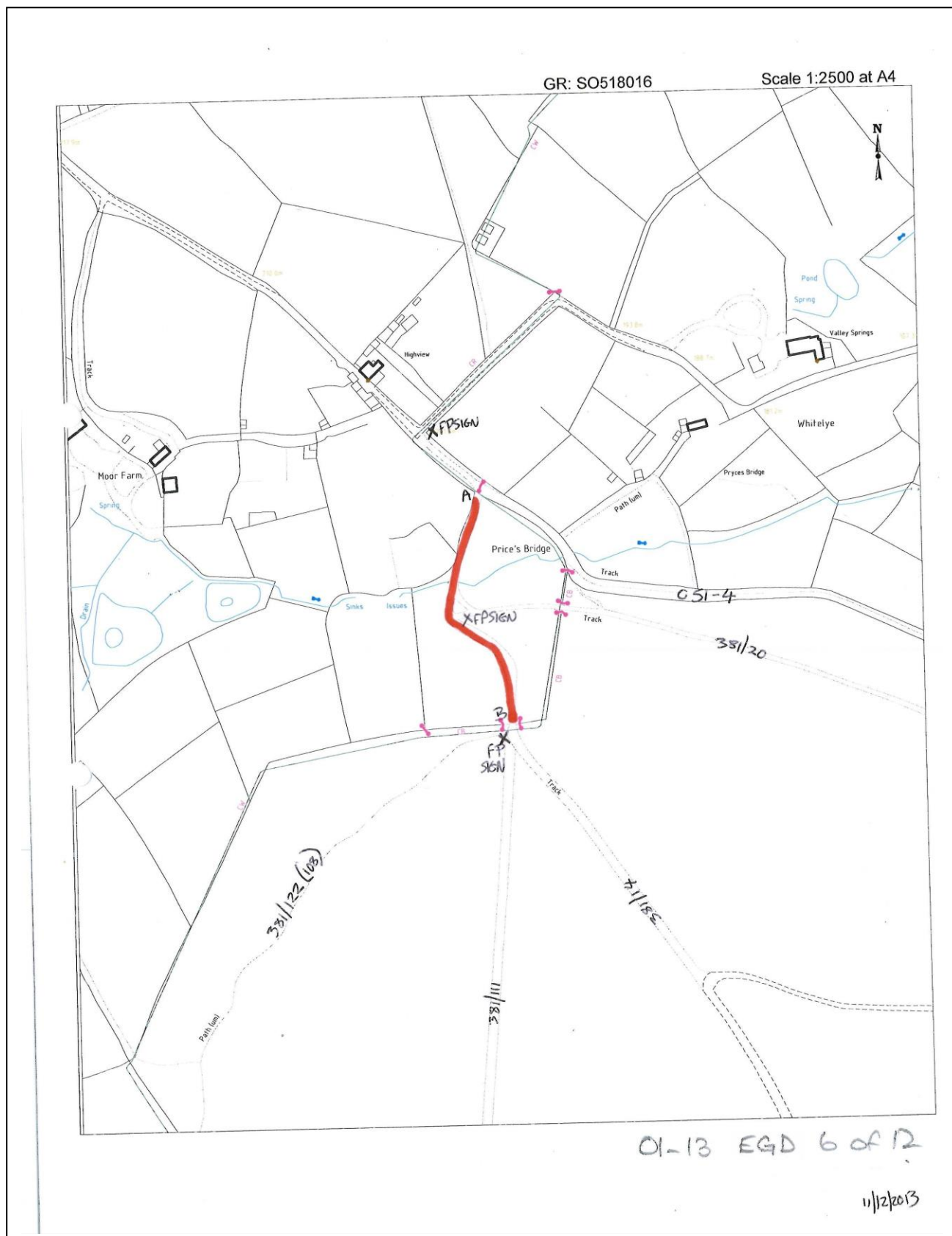
Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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

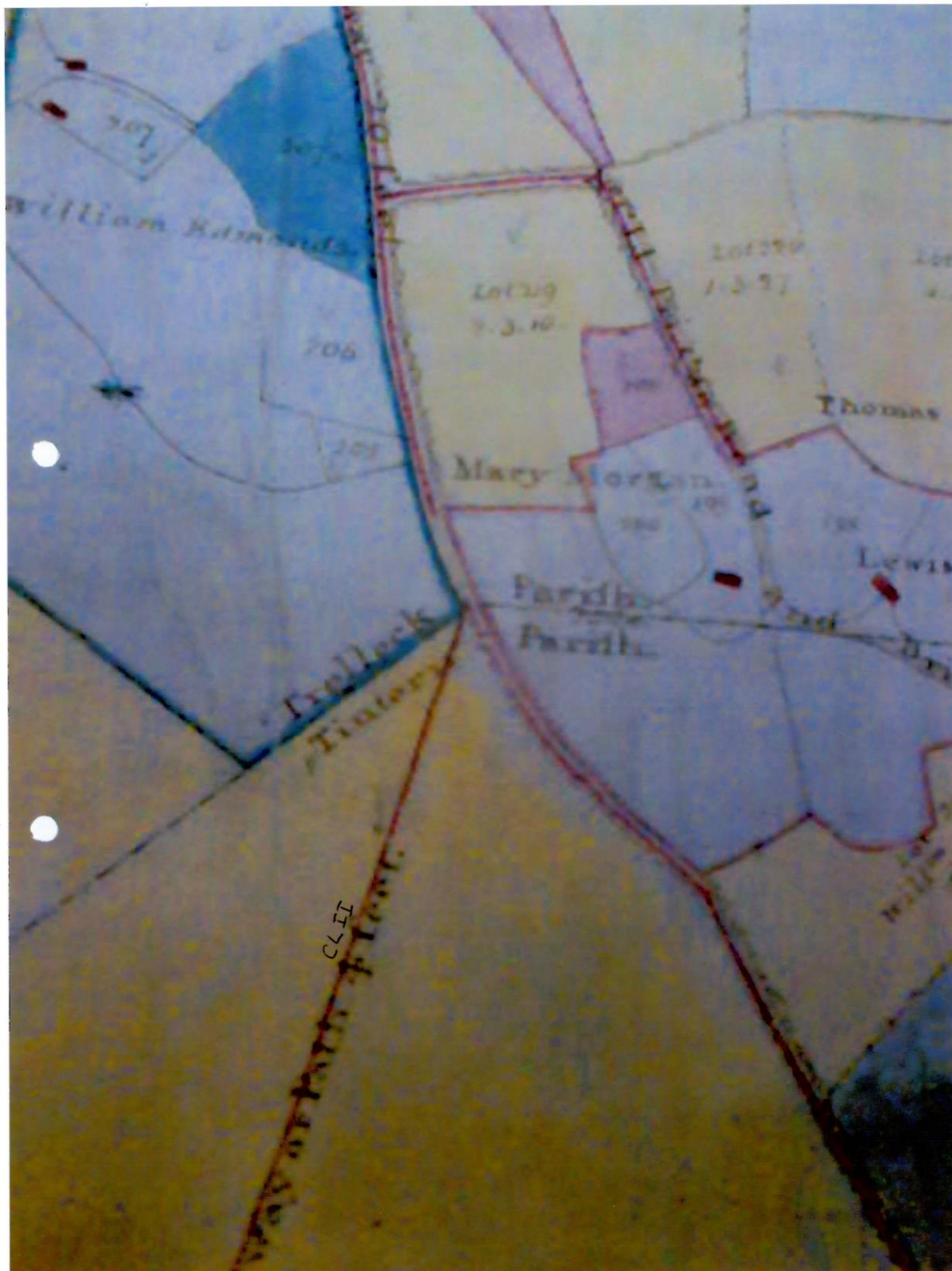
Signed:

Date: 11/12/2013

01-13 EGD 5 of 12



Enlarged Version of COPY OF ENCLOSURE AWARD MAP 1821

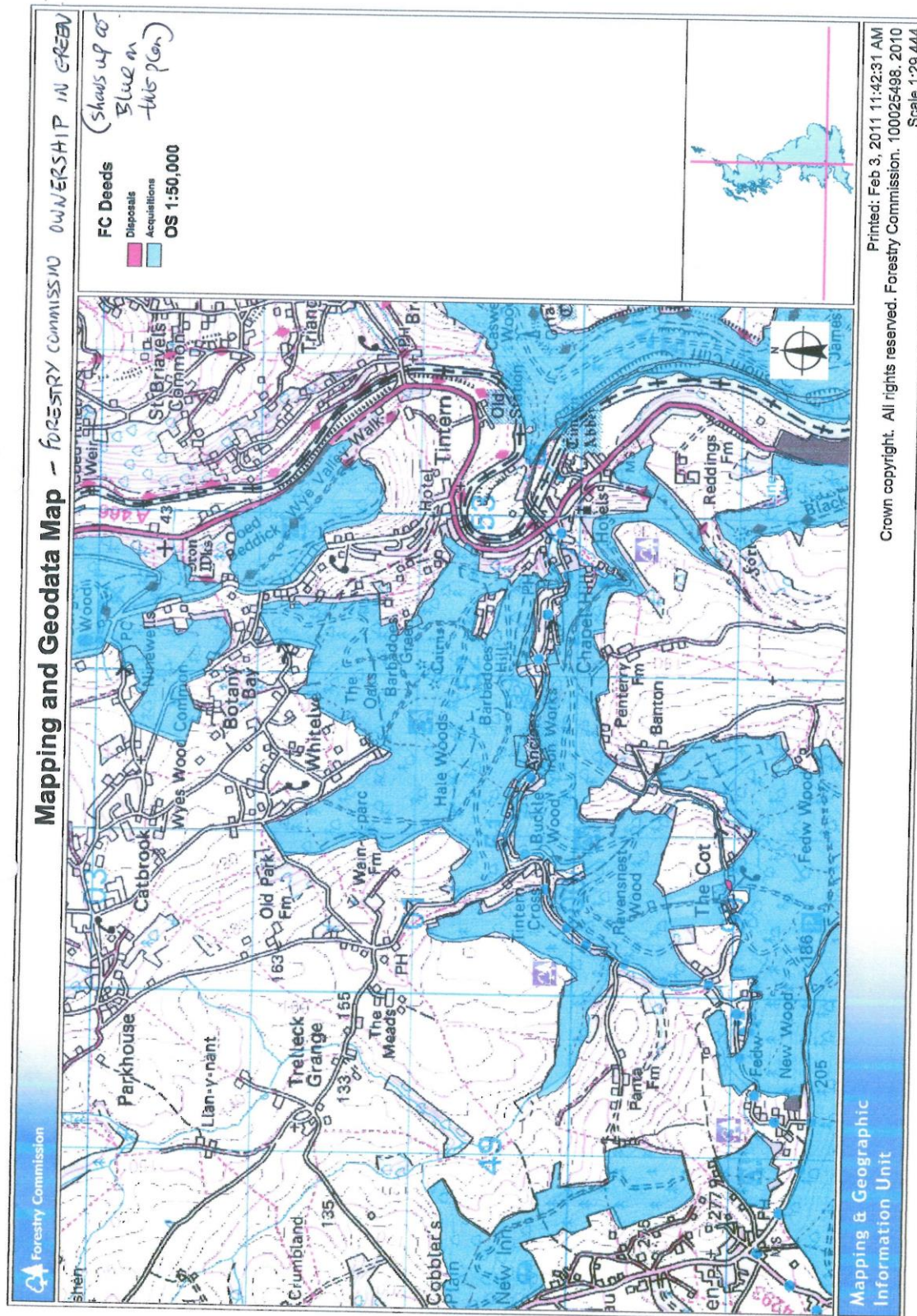


01-13 EGD 7 of 12

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



Compiled by Garner.r on 5 November 2013

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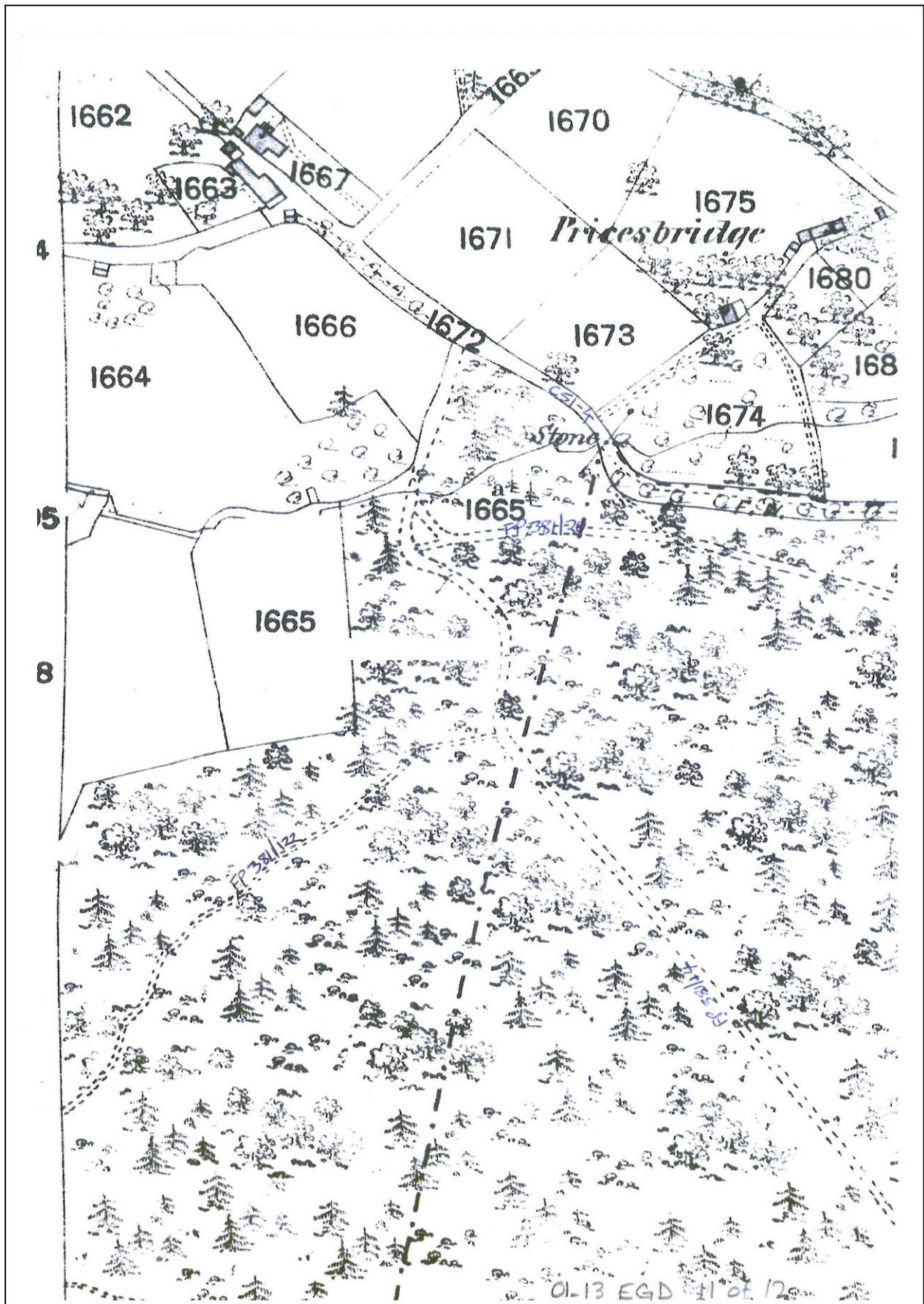
Scale 1:5000 at A4

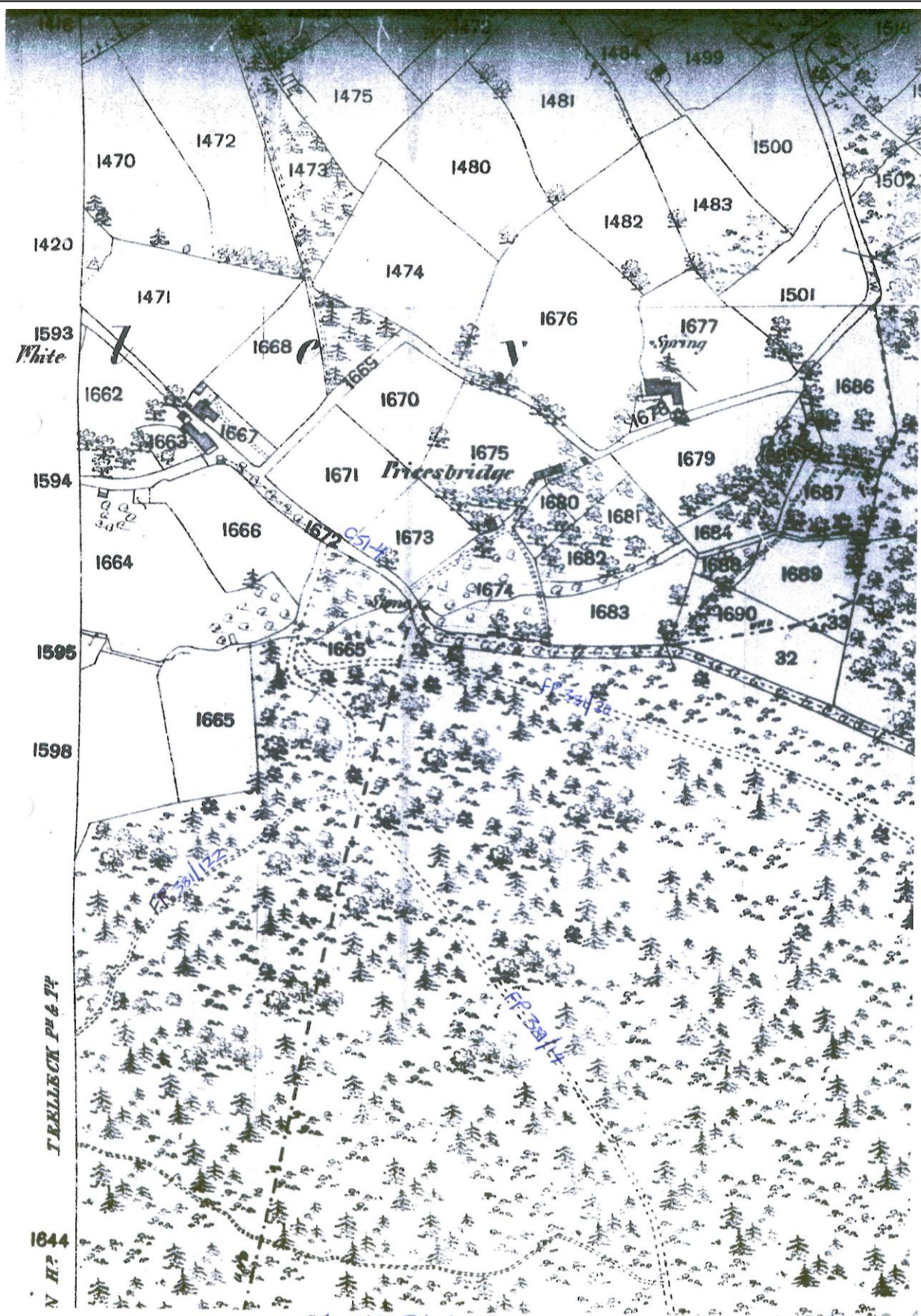


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01-13 EGD 10 of 12





[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?

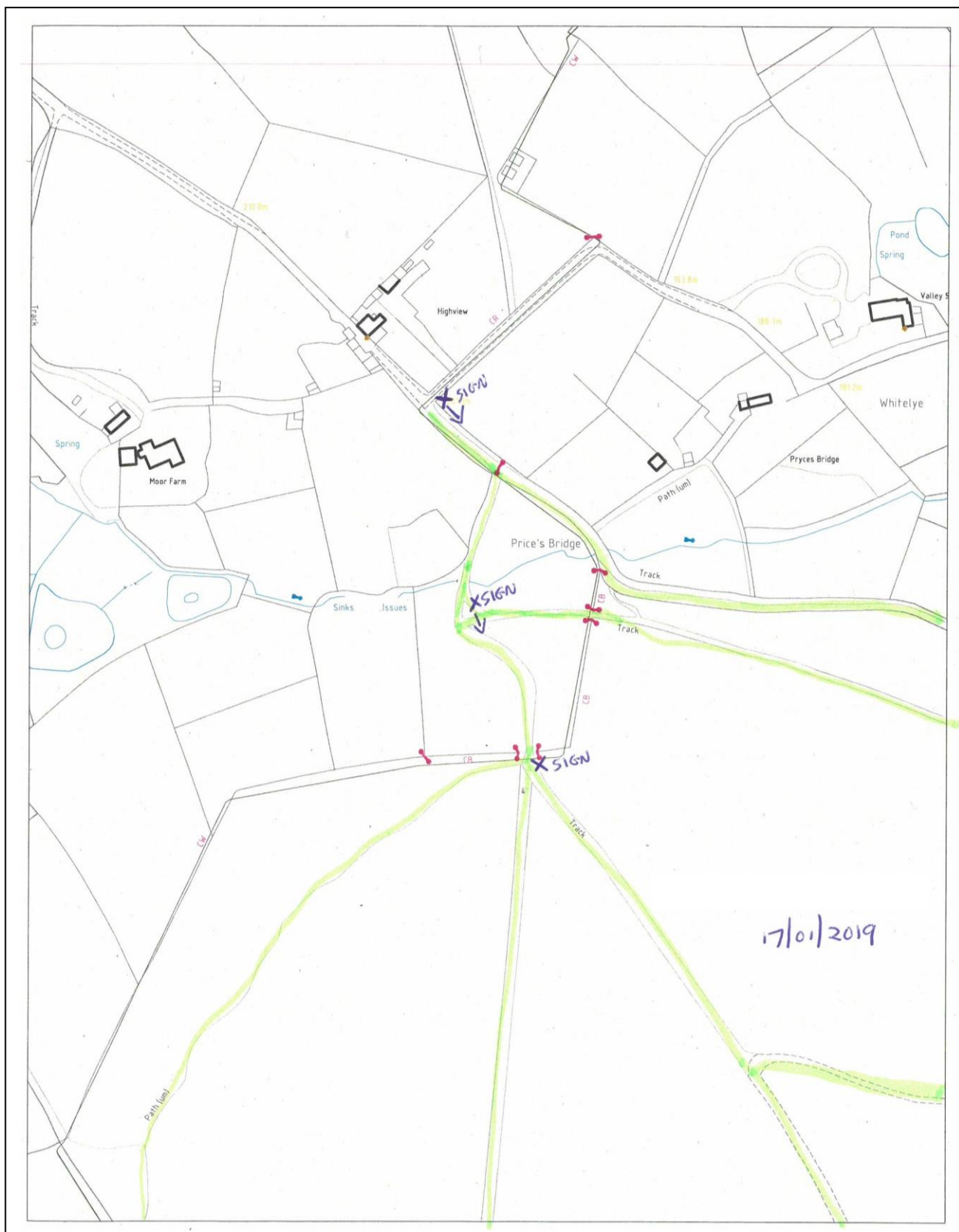
That the path was well used. I remember the vintage tractor rally going through there. It was a pleasant nice open track.

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



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.

17 DEC 2013

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, Monmouth, County Hall, Cwmbran, NP44 2XH, together with a plan showing the 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 Evenings 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? YES / NO <i>Yes</i>
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> <i>Always the same route, but now suddenly changed.</i>
10.	Did you keep to the path claimed or wander freely between start and finish? <i>Keep to the foot path.</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? <u>Please mark them on the plan</u> <i>No gates or stiles</i>
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; height: 20px;">  </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 Blakesl.</i> <i>There were Post on the main foot path which</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? <u>Please mark the plan to show location of any signs.</u> <i>Bridleway & foot path signs removed suddenly</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". <div style="text-align: center; height: 20px;">  </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; height: 20px;">  </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; height: 20px;">  </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)? <i>There is an obstruction Now mound of earth, rocks, digger, Trees Pushed over.</i>
20.	Have you ever been stopped or turned back or do you know if this has happened to anyone else? <i>NO</i> If so, please say, how, where and when this was, and by whom. <i>NO</i>
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. <i>Yes most have use this foot path as it was a pleasant walk.</i>
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? <i>NO</i>
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? <i>NO</i>
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who? <i>NO</i>
25.	If you have ceased using the way, please say why. <i>This footpath 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.</i>

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



01-13 RR
6 of 6

Summary & comments: Mr F Neale

1.1. Mr F Neale [4], reports walking and jogging for pleasure by using the Route from point A to point B on map (Appendix 6.7.6) for a period from August 1997 to 2013. Although this covers 16 years, only four months are relevant for the 1977 to 1997 period.

- (i) During this period he has lived in the area and always believed that he had a right to use it believing the status of the Route to be footpath, bridleway or restricted byway. He adds that he had seen footpath signs erected by the Council.
- (ii) He states that the Routes are clearly defined tracks that were about “*15ft wide at its narrowest*” and has always run over the same alignment which he used at least 2 to 3 times a week.
- (iii) He reports that he has kept to the Route and has never encountered gates, locked gates or stiles across it.
- (iv) He recalls a sign at the junction with the county unclassified road, point A, and does not remember any other notice or signs on or near the way.

Comments

- (v) Mr F Neale states that he used the Route and marks on the map in blue between points A and B. This does not represent all the Routes being claimed. Mr F Neale’s evidence only covers the Route between points A and B.
- (vi) This evidence form has conflicts between the description of the Route and his map. The description of the Route “*From point A to point B on map (C1-5)* [should be county unclassified road C51-9[CAMS381/C51-4] *FP’s 318/122, 111 and 14*”. The blue line marked on his map does not join FPs 318/122, 111 and 14 that commence at point D on the draft plan (Fig. 1.3).
- (vii) Furthermore, the Forestry Commission submitted a section 31(6) Deposit of Statement and plan for the area on the 8th August 1997 and later the Statutory Declaration on the 16th September 1997. Therefore Mr F Neale’s evidence is further reduced to at least a month due to the Statutory Declaration being submitted in August/September 1997.
- (viii) For these reasons Mr F Neale’s evidence does not give substantial proof of use.

17 DEC 2013

4

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 POINT A TO POINT B ON MAP (C1-5)

FP's 381/122, 111 & 14

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

01-13 FN 1066

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

TO TINTERN & TO TRELLECH CHURCH

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

FROM AUGUST 1997.

(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.)

AT LEAST 2 OR 3 TIMES A WEEK.

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

BY FOOT

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

NO A DIRECT ROUTE TO THE ABOVE PLACES.

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

(16 YEARS)

4. (b) If you rode a horse

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

N/A

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

N/A

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

N/A

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

ABSOLUTELY

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

FOOTPATH SIGNS ERECTED BY THE COUNCIL

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.

01-13 FN 2066

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: center; margin-top: 10px;"> ABSOLUTELY AT LEAST 15 FOOT WIDE AT ITS NARROWEST </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="text-align: center; margin-top: 10px;"> N/A </div>
10.	Did you keep to the path claimed or wander freely between start and finish? <div style="text-align: center; margin-top: 10px;"> YES </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: 10px;"> NONE </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: 10px;"> N/A </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> <div style="text-align: center; margin-top: 10px;"> YES - SEE PLAN </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="text-align: center; margin-top: 10px;"> NO </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: 10px;"> NO </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: 10px;"> N/A </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: 10px;"> N/A </div>

01-13 FN 3 of 6

18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way? N/A
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? If so, please say, how, where and when this was, and by whom. YES. THE FOOTPATH IS NOW BLOCKED BY TREES AND STONES WITHIN THE LAST MONTH.
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. THIS IS A REGULAR ROUTE FOR PEOPLE LIVING IN THE HAMLET OF WAITLEY TO EXERCISE THEIR DOGS AND TO 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? 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? No
25.	If you have ceased using the way, please say why. It It is not possible to use as it is blocked.

01-13 FN 4 of 6

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

I AM LEAN TO BELIEVE THAT MR TALBOT
OF MOOR FARM HAS RECENTLY DECIDED HE
NOW OWNS THE LAND AND HAS DECIDED TO
RESTRICT ACCESS.

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 FN 5 of 6

GR: SO518016

Scale 1:2500 at A4



01_13 FN 6 of 6

Summary & comments Mr & Mrs Koek van Lieshout

1.2. Mr & Mrs Koek van Lieshout [5 & 6], report walking dogs, and cycling for pleasure and for also visiting neighbours by using 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 1997 to 2013. Although this covers 17 years, only 6 months are relevant for the 1977 to 1997 period.

- (i) During this period they have lived in the area and always believed that they had a right to use all the Routes. Mr Koek van Lieshout believes the status of the Route to be a footpath/bridleway while Mrs Koek van Lieshout believes the status of the Route to be a footpath even though she witnessed horse riders using it several times.
- (ii) Mr W Koek van Lieshout has used the Route four times a week while Mrs L Koek van Lieshout has use the Route five times a week. They both report seeing signposts for footpath and bridleway that made them believe that they had the right to use the Routes and therefore no permission was needed.
- (iii) Mr W Koek van Lieshout reports wandering freely while Mrs Koek van Lieshout states that she kept to the path. They both report seeing footpath and bridleway signs but do not remember any other notice or signs on or near the way.
- (iv) They both report walking the Route with each other, friends and family when on holiday. Mrs Koek van Lieshout reports seeing ramblers about 4 times a week and horse riders on several occasions.

Comments

- (v) Mr and Mrs Koek van Leishout's evidence is based on: their walking; his cycling; her observation of horse riders and their reference to footpath/bridleway signs. Therefore, their 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, 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 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)

*pleasure + visiting neighbours.
walking the dogs, cycling*

01-13 WK 1 of 6

(b)	Where you were going (to and from)? <i>from home and back home</i>
(c)	During which years did you use the way? <i>1997 - 2013</i>
(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.) <i>4 times a week</i> <i>1997 - 2005</i> <i>2005 - 2013</i>
(e)	By what means (i.e. foot, horse, pedal cycle, cart, motor cycle, motor vehicle) <i>foot + pedal cycle</i>
(f)	Is the way, or was it, a short cut for you? If so why? <i>no</i>

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

5.	If you were riding, did you ever use the way with the hunt? <i>✓</i>
----	---

6.	(a) When using it, did you believe you had a right to do so? <i>yes</i> (b) What made you think you had a right? <i>sign posted as a footpath and bridleway</i> <i>lots of people using it</i>
----	--

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? <i>no permission needed, public footpath.</i>
----	---

01-13 WK 2 of 6

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? YES / NO If it has altered, give details and dates. <u>Please mark any changes, which you experienced on the plan.</u>
10.	Did you keep to the path claimed or wander freely between start and finish? <i>wander freely</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? <u>Please mark them on the plan</u> <i>No</i>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> <i>—</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? <u>Please mark them on the plan.</u> <i>no</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? <u>Please mark the plan to show location of any signs.</u> <i>signs footpath and bridleway has always been there</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>—</i>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? <i>—</i>

01-13 WK 30A6

18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way? <i>no</i>
19.	Did you ever encounter any obstructions not already described (in 12 above)? <i>no</i>
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. <i>no</i>
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. <i>my spouse, friends & family on holiday, neighbours, walkers, family living in the same area</i>
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? <i>no</i>
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? <i>-</i>
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who? <i>No. never seen the people who live next to it</i> <i>I recognised and always believed it was forestry land, the track leading to the way was well maintained and I improved</i>
25.	If you have ceased using the way, please say why. <i>the way is blocked now by obstructions, have to walk around it, almost impossible, muddy slippery, cycling impossible Now!!</i>

0113 WK 4 of 6

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

This track has even been improved approximately 4 years ago widened and well maintained. Almost every walk, cycle tour from and to my home is over this way. Because of the obstructions the track has become like a dead end. My spouse would even use this way almost daily, sometimes even twice.

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

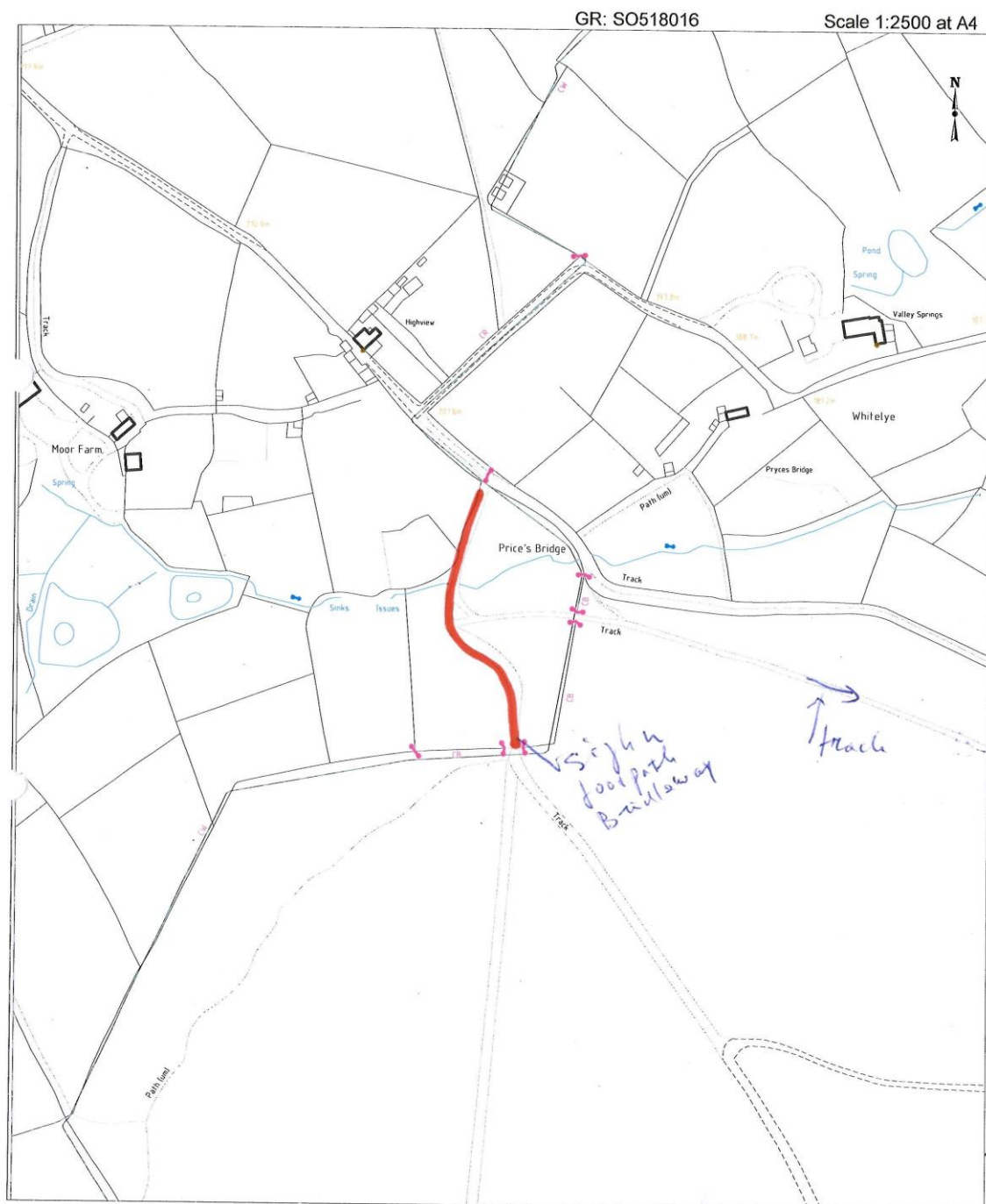
Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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

Signed: .

Date: 14-11-2013

01-13 WK 5 of 6



01-13 WK 6 of 6,

17 DEC 2013

6

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:

occupation: _____

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 the dogs, cycling

01-13 LKVL 1 of 6

(b) Where you were going (to and from)?	from Home and back home
(c) During which years did you use the way?	1997 - 2013
(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.)	5 times a week 1997 - 2005 about 4 month a year 2005 - 2013 the whole 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?	no
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?	there where signs as footpath and bridleway lots of people using 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?	NO it was public footpath

01-13 LKVL 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="font-size: 1.2em; color: blue; margin-top: 10px;">Definately</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>
10.	Did you keep to the path claimed or wander freely between start and finish? <div style="color: blue; margin-top: 10px;">on the path</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="color: blue; margin-top: 10px;">No</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="color: blue; margin-top: 10px;">No gates</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> <div style="color: blue; margin-top: 10px;">yes, signs footpath and bridleway always been there</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? <div style="color: blue; margin-top: 10px;">✓ <u>Please mark the plan to show location of any signs.</u></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="color: blue; margin-top: 10px;">No</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="color: blue; margin-top: 10px;">✓</div>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? <div style="color: blue; margin-top: 10px;">✓</div>

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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)? No
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. 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. my husband - family - neighbors, friends - Ramblers about 4 times a week
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? Several times people where riding on horses
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? never
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who?
25.	If you have ceased using the way, please say why. Because it is blocked

01-13 LKVL 4 of 6

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

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

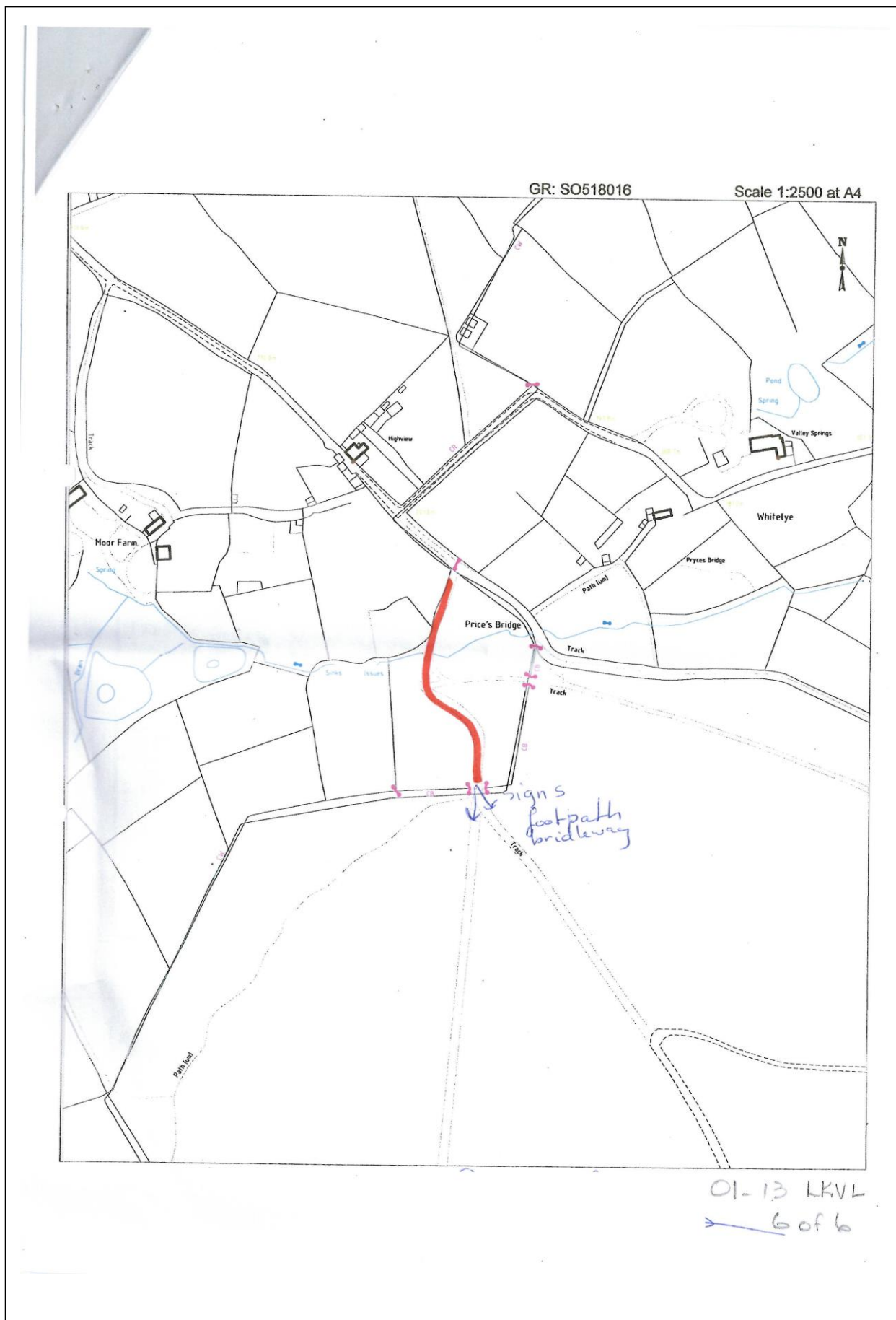
Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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

Signed: _____

Date: 15-11-2013

01-13 LKVL 5 of 6



Summary and comments Mrs M Simpson

1.1. Mrs M. Simpson [11], wife to Mr J Simpson (14), reports frequently walking for pleasure and being a passenger in her husband's vehicle driving along all the Routes marked yellow and red on her plan attached (Appendix 6.10.7). She reports using all these routes for a period from 1965 to 2013. Although this covers 48 years, only 20 years are relevant for the 1977 to 1997 period.

- (i) During this period she has lived in the area and always believed that she had a right to use all the Routes. She reports that from 1965 and more regularly since 1981 she walked from home in all directions for relaxation, visiting friends and also with visitors for pleasure.
- (ii) She further describes the way as a defined track that has always run over the same route 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 there always being several fingerpost signs but does not recall exactly what they said.
- (iv) An interview was conducted and she has marked on a map provided the locations of fingerposts and where she encountered 20 Ramblers (Appendix 6.10.9).
- (v) Since 1981 she has seen the Routes being used by family members, local residents, others and on one occasion she recalls 20 ramblers. Mrs Simpson reports that her husband and sons have driven this route. The local vintage tractor club used to come through annually and also the Forestry Commission contractors have also driven the Route.
- (vi) She remembers that her husband or another family member have occasionally moved rocks, fallen trees or branches to the side of the Route so that they may pass.
- (vii) She further states that when they bought a local property in 1981 the vendor Mr Walter Saunders told them that they could take a vehicle from the property through the forest and come out at Mount View (now Highview) as he had always done and gone back by returning into the woods, continuing through Whitelye Farm, then to Whitestone, then to Cleddon and Maryland.
- (viii) Mrs Simpson reports that her husband had travelled this route driving a tractor. However, the Routes has recently been blocked off and is now obstructed.

Comments

- (ix) The use of the Routes by the Vintage Tractor Club and the contractors for the Forestry Commission was private. This type of use does not support public vehicular rights.

- (x) Mrs M Simpson confirms that Mr W. Saunders was in his mid-70's when he sold his property to them in 1981. She presumes that he has now passed away. Therefore, it is not possible to obtain a statement from him. She reiterates that *"He [Mr Saunders] passed on the information as someone who had used the Route and believed it to be a public vehicular way without the need for any permission"* and is unable to confirm if he is related to Mr B Saunders, another respondent.
- (xi) The evidence submitted by Mrs M Simpson is based her own use of the Route either: walking; being a passenger; driving a vehicle; her observation of direction signs; other walkers (20 ramblers) and vehicular users.
- (xii) Mrs M Simpson's reporting of vehicular use and other vehicular events and users, although interesting, can now (due to the NERC Act 2006) no longer be used to establish public vehicular rights. Therefore, this evidence supports only public footpath rights.

17 DEC 2013

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 C 51-4

To Footpath 381/122 111 & 114

These routes marked by clerk to T.C.C. please see plan M.S.

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 MS 1 of 6

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

FROM MY HOME IN ALL DIRECTIONS, WHEN
WALKING FOR RELAXATION OR VISITING FRIENDS
AND RETURNING AND WITH VISITORS FOR PLEASURE

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

SINCE 1965 BUT MORE REGULARLY ^{M.S.} SINCE
1981

(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.)

ROUGHLY WEEKLY SOMETIMES MORE
OFTEN SOMETIMES LESS DEPENDING
ON WEATHER AND CIRCUMSTANCES.

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

USUALLY ON FOOT BUT HAVE BEEN A PASSENGER
IN A VEHICLE.

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

YES, DEPENDING ON WHERE I WAS GOING

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.

N/A

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

N/A

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

N/A

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?

IT WAS A WELL USED ROUTE

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

01-13 MS 20A6

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. <u>Please mark any changes, which you experienced on the plan.</u>	RECENTLY BLOCKED OFF
10.	Did you keep to the path claimed or wander freely between start and finish?	WE OFTEN GO STRAIGHT THROUGH THE FOREST UNTIL WE JOIN THE PATH AND THEN FOLLOW 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? <u>Please mark them on the plan</u>	NO
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u>	N/A
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>	THERE HAVE ALWAYS BEEN SIGNS BUT I DON'T REMEMBER EXACTLY WHAT THEY SAID.
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>	THERE HAVE ALWAYS BEEN SEVERAL FINGER POSTS IN THIS AREA
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?	NO
17.	If you were an owner or tenant, did you recognise that the way was a public right of way?	N/A

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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)?

OCCASIONALLY ROCKS OR A FALLEN TREE OR BRANCHES WHICH MY HUSBAND OR A FAMILY MEMBER ALWAYS MOVED TO THE SIDE SO THAT WE COULD PASS.

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.

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.

SINCE 1981
YES, A FAMILY MEMBERS, LOCAL RESIDENTS AND OTHERS I DIDN'T RECOGNISE. ON ONE OCCASION I REMEMBER ABOUT 20 RAMBLERS.

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?

YES, MY HUSBAND AND SONS HAVE DRIVEN THIS ROUTE AND THE LOCAL VINTAGE TRACTOR CLUB USED TO COME THROUGH ANNUALLY FORESTRY COMMISSION CONTRACTORS HAVE ALSO DRIVEN IT.

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?

I WAS A PASSENGER IN MY HUSBANDS LAND ROVER DISCOVERY IN SPRING/EARLY SUMMER 2013

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

FORESTRY COMMISSION WORKERS.

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

NOW OBSTRUCTED

01-13 MS 4 of 6

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

When we bought
in 1981 the vendor
told us that we were able to take
a vehicle through
the forest and come out at
as he had
always done and go back into the
woods and continue through Whitelgo
Farm and out to Whitestone and
on to Cleddon and Mayland.
My husband has travelled this
route driving a tractor.

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

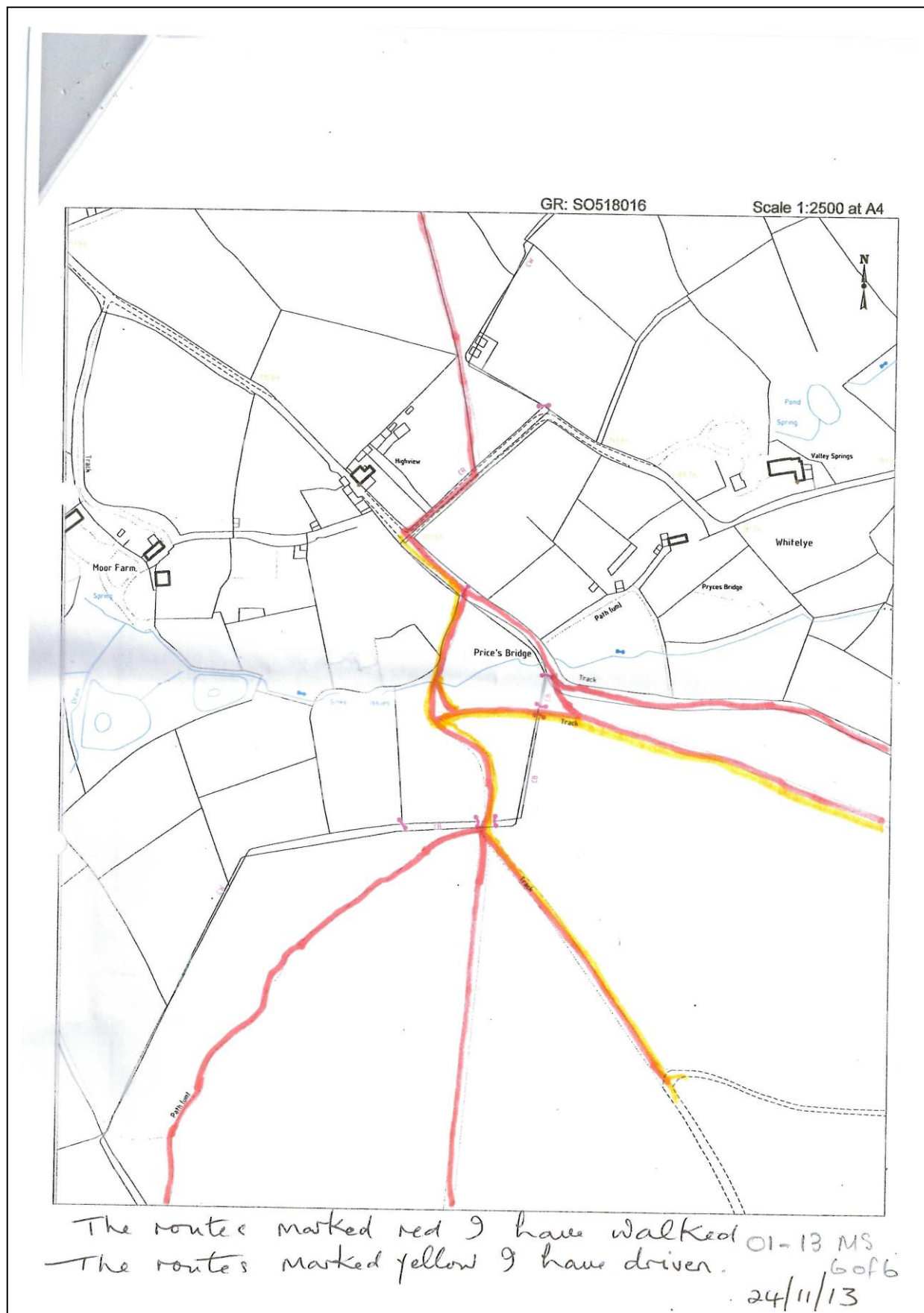
SECTION C: IMPORTANT DECLARATION

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: 24/11/13

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[11] Mrs M Simpson

Please confirm that this is your name and address.

INTERVIEW QUESTIONS CONDUCTED ON THE 17 September 2019

Thank you for marking a blank map showing all the routes you have used walking and in a vehicle.

In reply to questions 13 & 14 you speak about signage. Can you recall the location of these signs even if you can't recall what they said?

If so please mark them on the plan. — marked on plan

If you recall the finger posts can you describe them?

One sign said to "prices bridge". There were 2 fingerposts close together in the location shown on the plan. The posts were wooden and they rotted off.

The period 1977 to 1997 is being researched. You report that you have lived in the area from 1965. What do you recall regarding the routes during this time period?

There were no signs on the routes saying the ways were not public or indicating that they should not be used.

You report that on one occasion you remember seeing 20 ramblers. This is a significant number of people therefore are you able to recall your location at that time?

Marked on plan.

When you were out walking do you recall any other types of users that you may have encountered?

Motorbikes, used the route regularly. Cyclists also used the paths. Mike Taylor used the way on horse and cart pony and trap.

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. Rowhe Date 17.11.19

Print name:

M. SIMPSON

AMANDA MUSSELL

R. Rowhe

Summary & comments Mr R Woods

- 1.1. Mr R Woods [12], reports using the Routes marked by red lines on his plan (Appendix 6.11.8) by walking and using a motorcycle and side car for pleasure and visiting neighbours and friends in and around Barbadoes Hill area for a period from 1978 to 2013. This covers 35 years of which 19 years are relevant for the 1977 to 1997 period.
- i) He reports having lived in the area and that from 1978 he had used the Routes daily mainly on foot, *"sometimes for dog-walking, sometimes for access."* He reports also using a motorcycle with sidecar, *"which was an agricultural machine and not an off-road toy usually carrying hay bales or fencing materials"*.
 - ii) Mr Woods reports that several years ago Mr Talbot explained to him that the land was his and that on the number of occasions they had met, Mr Talbot made no objection to Mr Woods using the Routes while out dog walking.
 - iii) He further states that Mr and Mrs Talbot have not objected to him walking and that he never met them when using a vehicle. Mr Woods reports that the Routes have always been along a defined track that has run over the same alignment which he kept to and that he has never encountered gates, locked gates or stiles across it.
 - iv) He recalls a sign at the junction with the county unclassified road but does not recall what the sign said. He occasionally encountered ramblers, dog walkers, cyclists, motorcyclists, a quad bike and also horse riders. Additionally, he recognised Mr & Mrs Talbot using the Route.

Comments

- v) The agricultural vehicle that Mr Woods reports using was driven on the Route which was the most direct way to neighbours for carrying hay bales or fencing materials. He confirms that he was not an employee.
- vi) Mr Woods adds that he encountered 3 or 4 times in 30 years that large boulders were placed mid-track. He assumed they were placed there by the Forestry Commission to deter off-road 4x4 enthusiasts.
- vii) Mr Woods states that in reference to his belief in his rights to use the track, *"the Route is obviously ancient and well used. Two tracks run parallel. The lane from Hill Farm to Whitelye is, in places too narrow for anything wider than a pack horse therefore I used the wider route assuming it has been in use by carts for centuries. I acted according to what I thought was reasonable rather than worrying myself about Rights of Way. In any case, Mr and Mrs Talbot did not object as I have stated already in answer 6b (Appendix 6.11.3)."*

viii) His reporting of his motor vehicular use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights. Therefore, his evidence is based on his walking activities and his observation of other walkers, cyclists and horse riders and supports public bridleway rights.

17 DEC 2013

12

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 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 DON'T KNOW

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 and access to
 and around Barbadoes Hill-

01-13 RW 1 of 7

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

See 3 a

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

1978 to the present - 35 years

(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.)

Daily - sometimes for dog walking,
sometimes for access.

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

Foot mainly. Also motorcycle and sidecar - which was

(f) Is the way, or was it, a short cut for you? If so why? an agricultural machine,
Yes, it cut off a corner. not an off-road toy.

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?

Mr Talbot explained to me, several years ago, that it was

(b) What made you think you had a right? his land. He made no
objection to me using it. He met on a number of
occasions when dog-walking.

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?

See 6 Mrs Mr Talbot have not objected to me walking.
I have never met them when using a vehicle.

01-13 RW 2 of 7

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: center; margin-top: 10px;">Yes</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>
10.	Did you keep to the path claimed or wander freely between start and finish? <div style="text-align: center; margin-top: 10px;">I kept to the path / track.</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: 10px;">No</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>
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> <div style="text-align: center; margin-top: 10px;">Yes - marked ⊗. I cannot remember the wording.</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>
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: 10px;">No</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?
17.	If you were an owner or tenant, did you recognise that the way was a public right of way?

01-13 RW 3 of 7

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; color: blue;">No</p>	
19.	Did you ever encounter any obstructions not already described (in 12 above)? <p style="text-align: center; color: blue;">No</p>	
20.	Have you ever been stopped or turned back or do you know if this has happened to anyone else? <p style="text-align: center; color: blue;">No</p>	
	If so, please say, how, where and when this was, and by whom.	
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="color: blue;">Yes, occasionally. They were not my companions. I have met rambles, dog walkers, cyclists and motorcyclists. Also</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="color: blue;">Yes, occasionally off-road motorcyclists Once, a quad.</p>	horse riders including Mr Talbot
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="color: blue;">Six or seven years ago. A motorcycle and sidecar with a platform carrying farm fencing materials</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="color: blue;">Yes Mrs & Mr R Talbot.</p>	
25.	If you have ceased using the way, please say why. <p style="color: blue;">It is now blocked.</p>	

01-13 RW 4 of 7

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

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

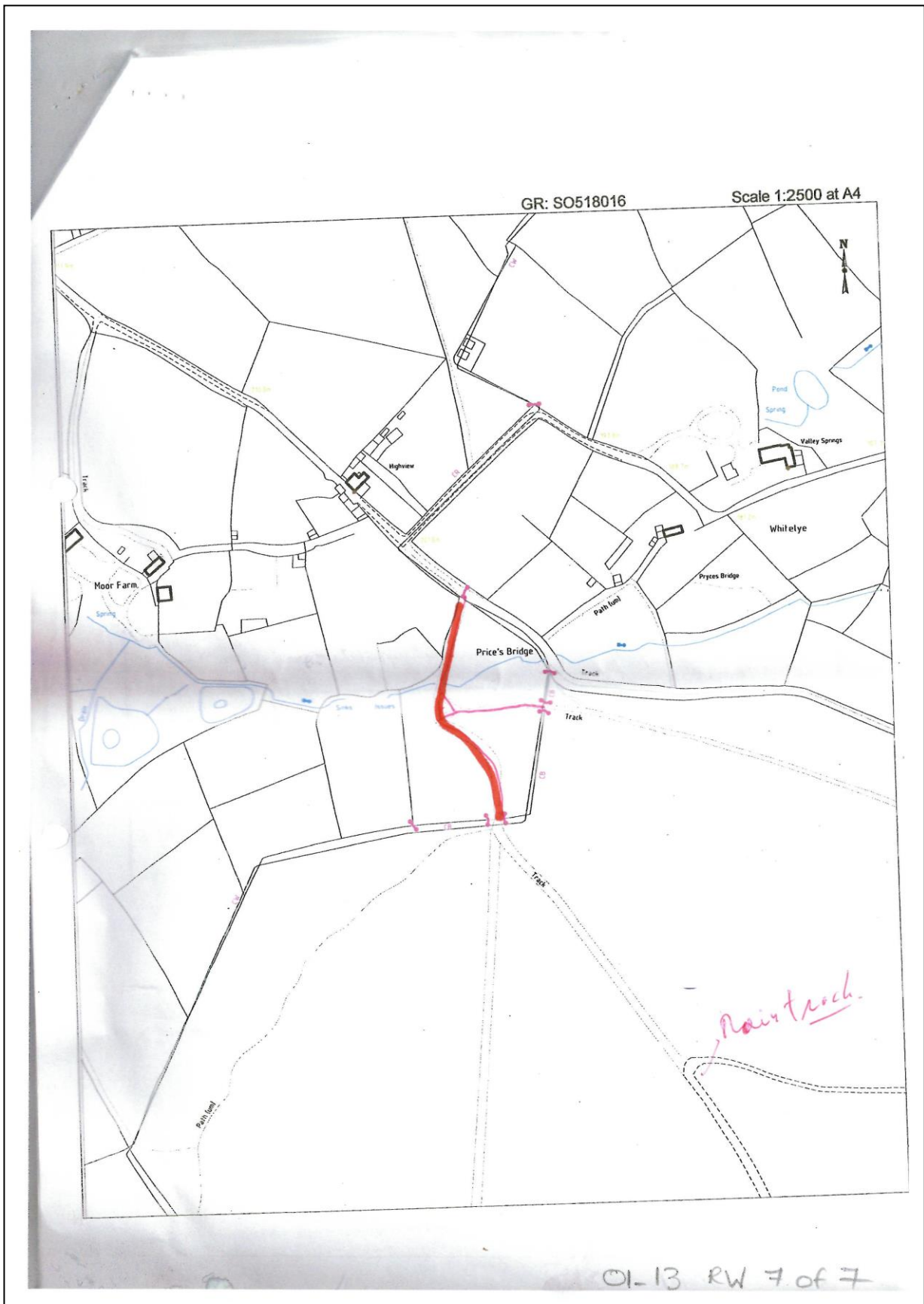
Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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

Signed: ..

Date:16th Nov 2013.....





Summary & comments Mr B Saunders

1.1. Mr B Saunders [13], reports walking for pleasure and to visit his son by travelling the Routes frequently for a period from 1970 to 2013. Although this covers 43 years, there are 20 years that are relevant for the 1977 to 1997 period. An interview was conducted and he has marked on a map provided all the locations on the Routes where he encountered walkers and horse riders (Appendix 6.12.9).

- i) During this period he has lived in the area and always believed that he had a right to use both Routes. He further reports using the Routes on average twice a month since 1966.
- ii) He further describes the Routes as a defined track that has always run over the same alignment and that he has kept to this path that has never had gates, locked gates or stiles across it.
- iii) He recalls a fingerpost directing to Barbadoes Green that has been removed, “*this year*” (2013) and has noticed that the Route is used occasionally by other walkers and sometimes riders.
- iv) Mr Saunders further reports that:

“The attached map (Appendix 6.12.6) I have marked is copied from the 1881 edition of the Ordnance Survey sheet XXV-4 [25-4], and clearly shows the tracks that have now been blocked. I have noted the current Parish Boundary which coincided with the new earth/stone bunds/dykes across the tracks. It would appear that the rights of way have not been fully recorded because of a split in responsibilities between adjacent parishes. The blocked track is well formed with a small stream culverted where the track crosses it – obviously intended as a cart track”.

Comments

- v) Mr Saunders states he has walked the Routes on average twice per month and during these occasions he does not report the existence of any obstructions such as rocks, fallen trees or tree branches.
- vi) His evidence is based on his walking activities; his observation of both directional fingerpost and seeing other walkers and sometimes horse riders. Therefore, his 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, 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.

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 ROAD/TRACK SOUTH EAST OF "HIGHVIEW"
To PATHS/TRACKS 381/122, 381/111, 381/14, 381/20

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 C

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)

AMB PLEASURE
TO VISIT

(via 381/20, 48 and 49)

01-13 BDTS 1 of 6

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

WHITELEY TO BARBAROS GREEN

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

1970 TO 2013

(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.)

TWICE A MONTH

(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?

NO

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?

CLEAR TRACK, NO DISCERNIBLE BOUNDARY
(OTHER FARMS/TRACKS LACK RIGHT OF WAY IDENTIFICATION)

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

01-13 BDTS 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. <u>Please mark any changes, which you experienced on the plan.</u>
10.	Did you keep to the path claimed or wander freely between start and finish? YES
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> NO. IN FACT THERE USED TO BE A FINGERPOST DIRECTED TO BARBADOS GREEN
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> -
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> YES. UNTIL THIS YEAR - TO BARBADOS GREEN
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> YES.
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? NO
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? No.

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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? No If so, please say, how, where and when this was, and by whom.
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 . OCCASIONAL OTHER WALKERS, SOMETIMES RIDERS .
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? No
25.	If you have ceased using the way, please say why. IT IS SO BARRICADED THAT IT IS DIFFICULT TO CLIMB OVER THE BONDS/DIKES .

01-13 BDTs 4 of 6

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

The attached map that I have marked is copied from the 1881 edition of the Ordnance Survey sheet XXV-4, and clearly shows the tracks that have now been blocked. I have noted the current Parish Boundary which coincided with the new earth/stone hunds/dikes across the tracks.

It would appear that the rights of way have not been fully recorded because of split responsibilities between adjacent parishes.

The blocked track is well formed with a small stream culverted where the track crosses it — obviously intended as a cart track.

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

28. 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: 30 November 2013

CI-13 BDTs 5 of 6

[13] Mr B Saunders

Please confirm that this is your name and address. ✓

INTERVIEW QUESTIONS CONDUCTED ON THE 17th January 2019

Thank you for clearly marking your map with a number of different details. However, you report seeing other walkers and horse riders can you recall where you encountered them? — See plan.

If so please mark this location on the attached blank map and sign and date it.

You have marked "3. Barriers" circling points A, B and C. When did these barriers appear and what type of barriers were they? Please describe them.

Mound of earth across tracks and boundary and now there (about 2013) is a wire fence. These were put there recently by The Talbots. There were no barriers, gates or other type of obstruction before this and the tracks were clear and open for use.

In questions 13 and 14 you say yes to finger posts and other notices or signs. You recall the fingerpost to Barbadoes Green and two other single finger posts. Marking on your map the "Site of Previous Fingerpost to Barbadoes Green". [point C on the consultation map]. ✓
Can you describe these finger posts?

The one at the junction said "Barbadoes Green". The fingerposts were wooden.

Can you clarify what other notices or signs you saw, if any?

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 *AMM* Officer 2: Sign *R. Rourke* Date 17/1/19

Print name:

BARRY SAUNDERS

AMANDA MUSSELL

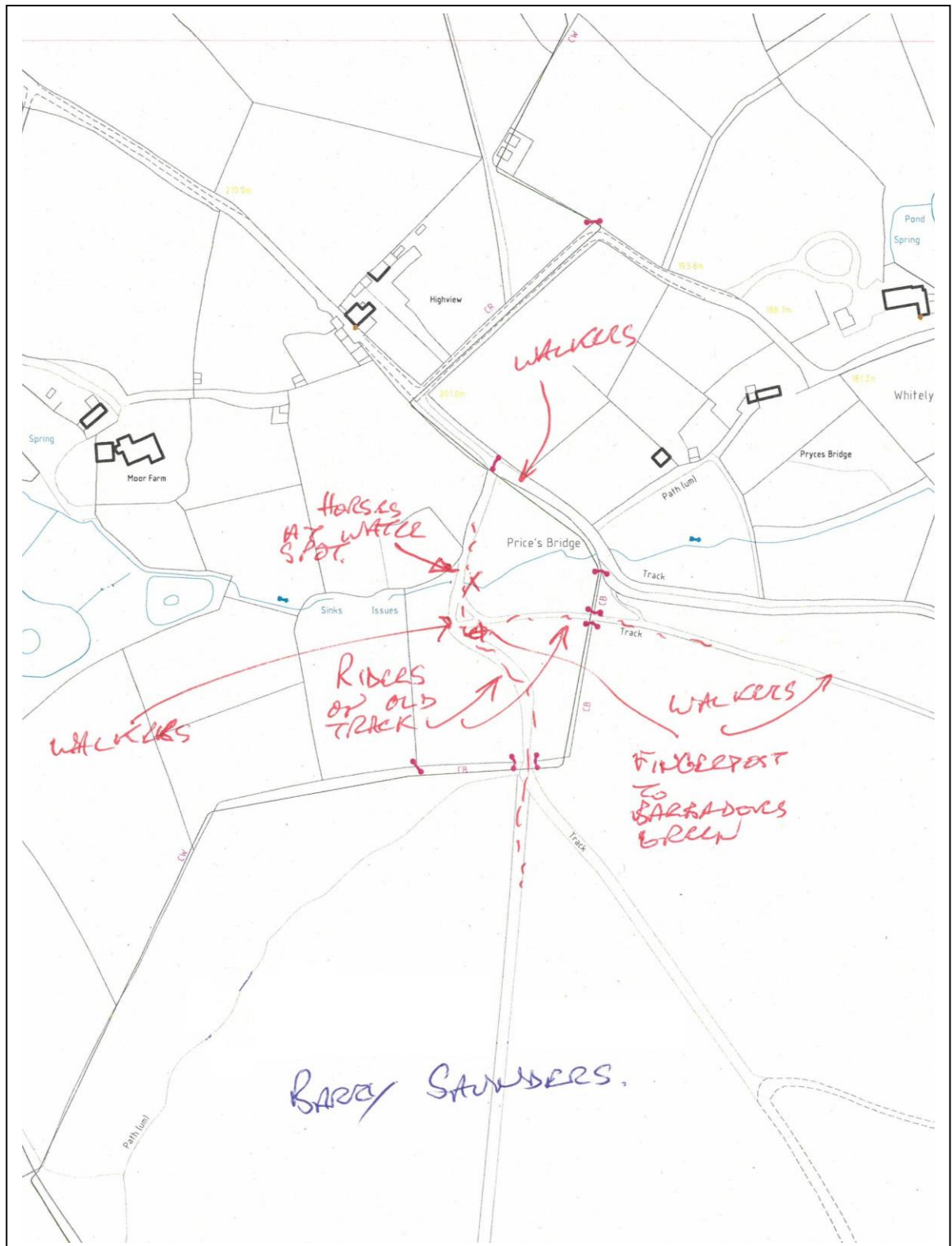
R. ROURKE

Do you have anything further to add regarding the Routes?

Stone paved track with a bridge (culvert with arch)
and was obviously a roadway. ~~list~~

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 *thuse* Officer 2: Sign *R. Rourke* Date *17/1/2019*
Print name: *BARRY SAUNDERS* *AMANDA MUSSEY* *RUTH ROURKE*



Summary & comments Mr J T Simpson

1.1. Mr J T Simpson [14], husband to Mary Simpson (11), reports using routes A and B (Appendix 6.13.7) for pleasure and to pass and re-pass at his convenience as sometimes he needed to avoid bad road conditions. He reports using the Routes as a short cut for a period from 1965 to 2013. Although there is no specific end date recorded on the evidence form, it does represent 48 years from 1965 to 2013, of which 20 years are relevant for the 1977 to 1997 period.

- (i) During this period he has lived in the area and believed that he has always had a right to use routes which he reports using regularly, usually on foot or in a mechanically propelled vehicle (MPV) and sometimes on a pedal cycle.
- (ii) He continues to describe the Route as clearly defined metalled tracks that have always run over the same alignment which he has kept to when in a vehicle. However, when walking or riding a bicycle he wandered freely believing it to be forestry land and to his knowledge he never encountered gates, lock gates or stiles. He continues to report that he occasionally encountered a fallen tree or rock that he always moved aside.
- (iii) He recalls way-marking posts at the point where footpath 108 (FP 108 Trelleck (now Tintern 122)) joins Barbadoes to Whitelye track and marked "P" on his plan (Appendix xx.x). He further reports that he is not sure regarding any other notices or signs on or near the way as he is too familiar with the area and knows his way.
- (iv) He states that he has seen: Mr Woods with his motorbike side car moving sheep; his sons using their motorcycles and three wheelers; the neighbours; the Forestry Commission contractors; and also Mr H Allen with his tractor.
- (v) Mr Simpson reports that he last used the Routes in the summer of 2013 in a land rover and was told by a Mr W Koek, a regular walker in the area, that public access across the piece of land had been closed.
- (vi) Mr Simpson finally reports that:

"I have been familiar with the tracks in the Tintern Forest most of my life and they include the tracks marked yellow on the attached map. (Appendix 6.13.7). I used many of these tracks at various times in the course of my everyday life and since I moved to Forest View, Whitelye, the previous owner Mr Saunders reminded me that he use to drive over the yellow routes, on map attached, with a motor vehicle. I have removed fallen trees and stones occasionally and I recall the Forestry Commission contractors working in the area, marked

green, and also repaired the track where the Prices Bridge stream crosses with pipes shown with an X. I believe 10 to 15 years ago the Forestry Commission responsible was Llandovery, and the work I believe was done under the direction of Mr A. McCloud or Mr I. Blake. I have always roamed freely in that piece of land, marked in green, without let or hinderance[sic]. I also believe that the Forestry Commission planted the area, marked in green, after felling the big Douglas Firs. I no [know] the Route between P and P on plan has been used by the local vintage tractor club for their annual road run."

Comments

- (i) Mr J T Simpson states he believes the Routes to be public byways open to all traffic.
- (ii) The frequent reference to land ownership is discussed in detail in Chapter 4. The issues surrounding landownership is not a matter that the Authority is able to resolve.
- (iii) His reporting of his and other people use of motor vehicles along the Routes, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights.
- (iv) Mr J T Simpson's user evidence is based on his walking, cycling and his observation of both other walkers and the presence of directional way marking posts. Therefore, his evidence supports public footpath and bridleway rights.

17 DEC 2013

14

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 ROUTE (A) THE TRACK WHICH LEADS FROM WHITELEY TO BARBADOS AT PRICES BRIDGE THROUGH F.C. LAND.
To ROUTE (B) SAWYERS PLACE TO JOIN ABOVE ROUTE AT PRICES BRIDGE.

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)

TO PASS AND REPASS AT MY CONVENIENCE. EG. SOMETIMES TO AVOID BAD ROAD CONDITIONS WHEN SNOW, ICE, OR LEAVES MAKE ALTERNATIVE ROUTE UNSAFE, TO AVOID ROAD BLOCKAGES OR AS A SHORT CUT. PLEASURE.

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(b) Where you were going (to and from)?
 THE BARBADOS ROUTE TO WHITELEY OR RETURNING, AND FROM WHITELEY TO THE HILL FARM AREA OR SAWYERS PLACE ROUTE TO BARBADOS, TO WHITELEY FARM AND THROUGH TO CLEDON VIA WHITESIDE WITH A TRACTOR.

(c) During which years did you use the way?
 I HAVE USED THESE ROUTES REGULARLY FROM 1965 TO THE PRESENT TIME, WHEN THEY HAVE BECOME TOTALLY OBSTRUCTED. (IN NOV 2013)

(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.)
 MY USE WITH AN M.P.V. WOULD DEPEND ON THE TYPE OF VEHICLE I HAD AT THE TIME. AND WHETHER IT WAS VERY WET AS THERE IS A SOFT AREA AT THE TOP, WHERE FORESTRY OPERATIONS HAVE MADE IT DIFFICULT TO PASS AND REVERSE. BUT NOT A PROBLEM IN PROSTY WEATHER. ALSO DRY WEATHER, NO PARTICULAR TIMES, JUST WHEN I WANTED TO.

(e) By what means (i.e. foot, horse, pedal cycle, cart, motor cycle, motor vehicle) to.
 USUALLY ON FOOT OR IN A M.P.V. SOMETIMES A PEDAL CYCLE.

(f) Is the way, or was it, a short cut for you? If so why?
 SOMETIMES, IF I WAS GOING TO HILL FARM. OR TO VISIT AT BATTAY BAY. USUALLY A SHORT CUT OR JUST PLEASURE, COLLECTING FIREWOOD.

4. (a) When using the path where did you live? If different places for different periods please give dates – in years.
 FROM 1965 I LIVED AT TINTERN,
 FROM 1981 I LIVED AT PRESENT DAY.

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?
 NO ONE HAD EVER QUESTIONED MY USE OF THESE ROUTES WHICH WERE WELL USED.

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

01-13 JTS 2 of 6

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <p style="margin-left: 40px;"><i>YES, METALLED, TRACKS.</i></p>
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>
10.	Did you keep to the path claimed or wander freely between start and finish? <i>YES WITH A VEHICLE. WHEN WALKING OR RIDING MY PEDAL CYCLE I DID NOT KEEP TO ANY PARTICULAR PATH OR TRACK AS I BELIEVE THE LAND TO BE F.C. LAND</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? <u>Please mark them on the plan</u> <i>NO I HAVE NEVER SEEN ANY GATES OR STILES ALONG THOSE ROUTES</i>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u>
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>I BELIEVE I HAVE SEEN WAY MARKING POSTS AT POINT WHERE FOOTPATH 108 JOINS BARBADOS TO WHITELEY TRACK MARKED PONDON</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? <u>Please mark the plan to show location of any signs.</u> <i>NOT SURE I AM TOO FAMILIAR WITH THE AREA TO TAKE NOTICE OF SIGN POSTS, AND WHAT THEY SAY. (I KNOW WHERE I AM MY WAY)</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". <p style="margin-left: 40px;"><i>NO</i></p>
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? <p style="margin-left: 40px;"><i>NO</i></p>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? <p style="margin-left: 40px;"><i>N/A</i></p>

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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;">THE OCCASIONAL FALLEN TREE OR ROCK, WHICH I HAVE ALWAYS MOVED ASIDE.</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, NO ONE IN PARTICULAR EXCEPT MR WOODS ON A M/CYCLE COMBINATION WHICH HE USED SOMETIMES TO MOVE HIS SHEEP, AND MY SONS SONS WITH M/CYCLES AND A THREE WHEELER. SINCE 1981</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;">MR HENRY ALLED WITH HIS TRACTOR UNTIL 1982 LOCAL CONTRACTORS WITH MACHINERY AND AGRICULTURAL TRACTORS OCCASIONALLY M/CYCLES AND QUAD BIKES.</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;">WITHIN THE SUMMER 2013 MOST RECENTLY MY LANDROVER DISCOVERY, MY CAR OR TRACTOR PRIOR TO THAT, AND ALSO ANOTHER LANDROVER WHICH I HAD AT THE TIME, WHEN WE MOVED UP TO FOREST VIEW. IN 1981. I HAVE A PHOTO WHICH I TOOK IN THE SUMMER OF 1981 WHEN I WAS INTERESTED TO SEE A WHITE FOXGLOVE I MARK THE MAP ATTACHED WITH THE LETTER L MY SON WAS PASSENGER AT THE TIME.</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 NEIGHBOURS AND F.C. CONTRACTORS.</p>
25.	If you have ceased using the way, please say why. <p style="text-align: center;">I WAS ALERTED BY A REGULAR WALKER IN THESE WOODS. THAT PUBLIC ACCESS ACROSS THE PIECE OF LAND IN QUESTION HAD BEEN CLOSED, THE PIECE OF LAND IN QUESTION I MARKED WITH GREEN ON THE ATTACHED MAP.</p>

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

I HAVE BEEN FAMILIAR WITH THE TRACKS IN THE TINTERN FOREST MOST OF MY LIFE AND THEY INCLUDE THE TRACKS MARKED YELLOW ON THE ATTACHED MAP. I USE MANY OF THESE TRACKS AT VARIOUS TIMES IN THE COURSE OF MY EVERYDAY LIFE AND SINCE I MOVED TO THE PREVIOUS OWNER REMINDED ME, THAT HE USED TO DRIVE OVER THE YELLOW ROUTES. ON MAP ATTACHED, WITH A MOTOR VEHICLE. I HAVE REMOVED FALLEN TREES AND STONES OCASIONALLY. AND I RECALL THE FORESTRY COMMISSION CONTRACTORS WORKING IN THE AREA MARKED GREEN. AND ALSO REPAIRING THE TRACK WHERE THE PRICES BRIDGE STREAM CROSSES WITH PIPES. SHOWN WITH A X. I BELIEVE 10 TO 15 YEARS AGO. THE FORESTRY COMMISSION RESPONSIBLE WAS LLANDOVERY, AND THE WORK I BELIEVE WAS DONE UNDER THE DIRECTION OF MR ALEX MCCLOUD OR MR IAN BLAKE. I HAVE ALWAYS ROAMED FREELY IN THAT PIECE OF LAND MARKED IN GREEN. WITHOUT LET OR HINDERANCE. I ALSO BELIEVE THAT THE FORESTRY COMMISSION PLANTED THE AREA MARKED IN GREEN AFTER FELLING THE BIG DOUGLAS FIRS. I NO THE ROUTE BETWEEN P AND P ON PLANS HAS BEEN USED BY THE LOCAL VINTAGE TRACTOR CLUB, FOR THEIR ANNUAL ROAD RUN.

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: 24 Nov 2013

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Summary & comments Mr R Flashman

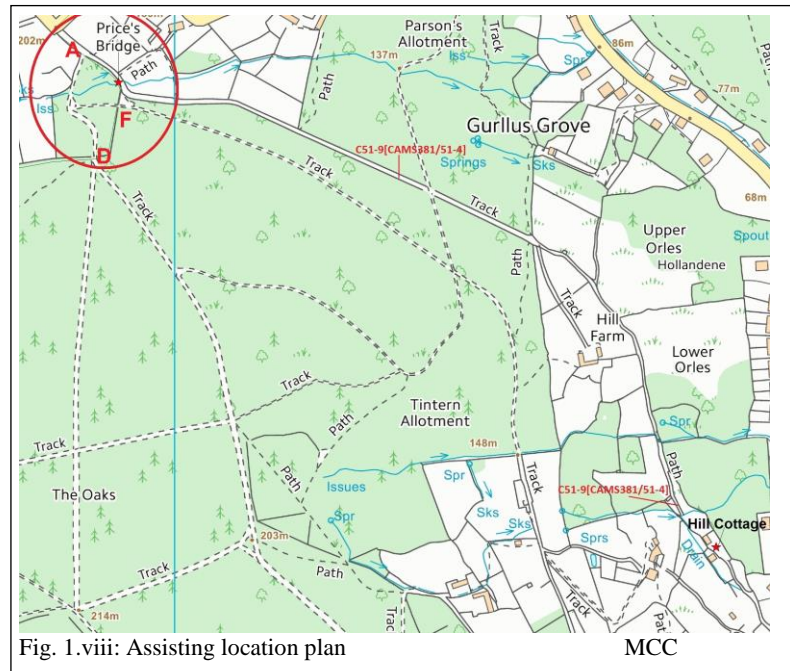
1.1. Mr R Flashman [16], reports walking the dog for pleasure, from the county unclassified road C51-9 [CAMS 381/51-4] to existing footpaths 122, 111 & 14 Tintern (A-B-C-D) for a period from 1983 to 1990 seasonally (May and September) and also from 1990 to 2013. Although this covers 30 years, only 14 years are relevant for the 1977 to 1997 period.

- (i) During this period he has holidayed and lived in the area believing the status of the Route to be a bridleway. He adds, that he always had a right to use as it was a way marked *“Right of way to Prices’s Bridge at Trelleck Road where C51-9 joins Trelleck road and several hundred motor cyclists using it”*.
- (ii) He continues to describe the Route as a clearly defined track that has not always run over the same alignment stating that had been altered “in 1990, with the permission of Monmouthshire Highways (Mr Newman) and Wye Valley warden (Mr Smith) to C51-9 [CAMS 381/51-4] (Not on map)”.
- (iii) Mr Flashman states that much of the Route runs through his land and that he kept to the track that has to his knowledge never had gates, locked gates or stiles across it.
- (iv) He recalls directional fingerposts and again makes reference to a way-mark post quoting *“Right of way to Prices’s Bridge at Trelleck Road where C51-9 joins Trelleck Road (Not on map)”*.
- (v) He recalls very rarely seeing other horse riders or fellow dog walkers who were not his companions. He further reports seeing motorcyclists infrequently sometimes in small groups (4-7) or singles.
- (vi) Mr Flashman states that:
- (vii) *“To the best of my recollection, the fingerpost in section 6 [Appendix 6.14.3] was erected following an initiative* (*Which I took part in, in 2000, including routes around my home on the Definitive Map of the area supplied by Monmouthshire County Council to show all the rights of way in Wales, which was completed in 2000). I have used these tracks on the plan since 1990 and whilst on holidays since 1983.”*

Comments

(viii) Mr Flashman states that “*much of the Route runs through his land*” and “*since 1990 he has been the owner*” of the land (Hill Cottage) (Fig.1.viii) crossed by the way. The way/route that he is referring to is county unclassified road C51-9[CAMS381/51-4]. He is not the owner of the land over which the Routes A-B-C-D, B-E-F and C-E cross.

(ix) Furthermore, he makes three references to the Route alignment and fingerposts as not being shown on the map. This confirms that he was responding to the questions and relating his answers to the county unclassified road C51-



9[CAMS381/51-4].

(x) Therefore, this evidence does not hold as much weight as some of the other user evidence due to the majority of the answers pertaining to the county unclassified road C51-9[CAMS381/51-4].

17 DEC 2013

16

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 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) PLEASURE (DOG WALKING)

01-13 RFGF 1 of 7

(b) Where you were going (to and from)? To AND FROM MY ADDRESS

(c) During which years did you use the way? 1990 - 2013 -
AND FROM 1983 WHEN ON HOLIDAY IN AREA.

(30)

(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.)
20 - 30 PER ANNUM.

1983 - 1990 SEASONAL
(MAY AND SEPTEMBER)

(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? NO

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

PRIOR TO 1990 AT HOLIDAY ADDRESS

4. N/A (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. N/A 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? WAY-MARK "RIGHT OF WAY
TO PRICE'S BRIDGE" AT TRELLICK ROAD WHERE C51-9
JOINS TRELLICK ROAD + SEVERAL HUNDRED MOTOR
CYCLISTS USING 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?

NO N/A

01-13 RFGF 20F7

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? YES INCLUDING DIRECTIONAL ARROWS I HAVE MOUNTED TO HELP MORONIC MOTORISTS (TWO AND FOUR WHEEL) KEEP TO TRACK
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> IN 1990, WITH THE PERMISSION OF MONMOUTHSHIRE HIGHWAYS (MR NEWMAN) AND WYE VALLEY WARDEN (MR SMITH) TO C51-9 (NOT ON MAP)
10.	Did you keep to the path claimed or wander freely between start and finish? MUCH RUNS THROUGH OTHERWISE KEPT TO TRACK.
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> NO
12.	If gates, were any ever locked? If so, say where and when, and by whom? N/A <u>Please mark them on the plan.</u>
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> SEE SECTION 6 (NOT ON MAP)
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> FINGER POST AS DESCRIBED AT 6 (NOT ON MAP)
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". YES OWNER SINCE 1990
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? N/A
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? YES

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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)?
MOUNDS THROWN UP BY EXCAVATORS BELOW (SOUTH) OF THE
STREAM UNDER THE WORDS PRICES BRIDGE ON THE MAP
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.
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. VERY RARELY, USUALLY HORSE RIDERS OR FELLOW DOG
WALKERS. NOT MY COMPANIONS.
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?
YES, USUALLY MOTOR CYCLISTS. INFREQUENTLY
SOMETIMES SMALL GROUPS (4-7) OR SINGLES.
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?
NO
25. If you have ceased using the way, please say why.
N/A. I SHALL CONTINUE TO USE IT.

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

TO THE BEST OF MY RECOLLECTION, THE FINGERPOST
IN SECTION 6 WAS ERRECTED FOLLOWING AN INITIATIVE* TO
SHOW ALL THE RIGHTS OF WAY IN WALKS, WHICH WAS
COMPLETED IN 2000. I HAVE USED THESE TRACKS ON THE
PLAN SINCE 1990 AND WHILST ON HOLIDAYS SINCE 1983.

* WHICH I TOOK PART IN, IN 2000, INCLUDING ROUTES
AROUND MY HOME ON THE DEFINITIVE MAP OF THE AREA
SUPPLIED BY MONMOUTHSHIRE C.C.

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

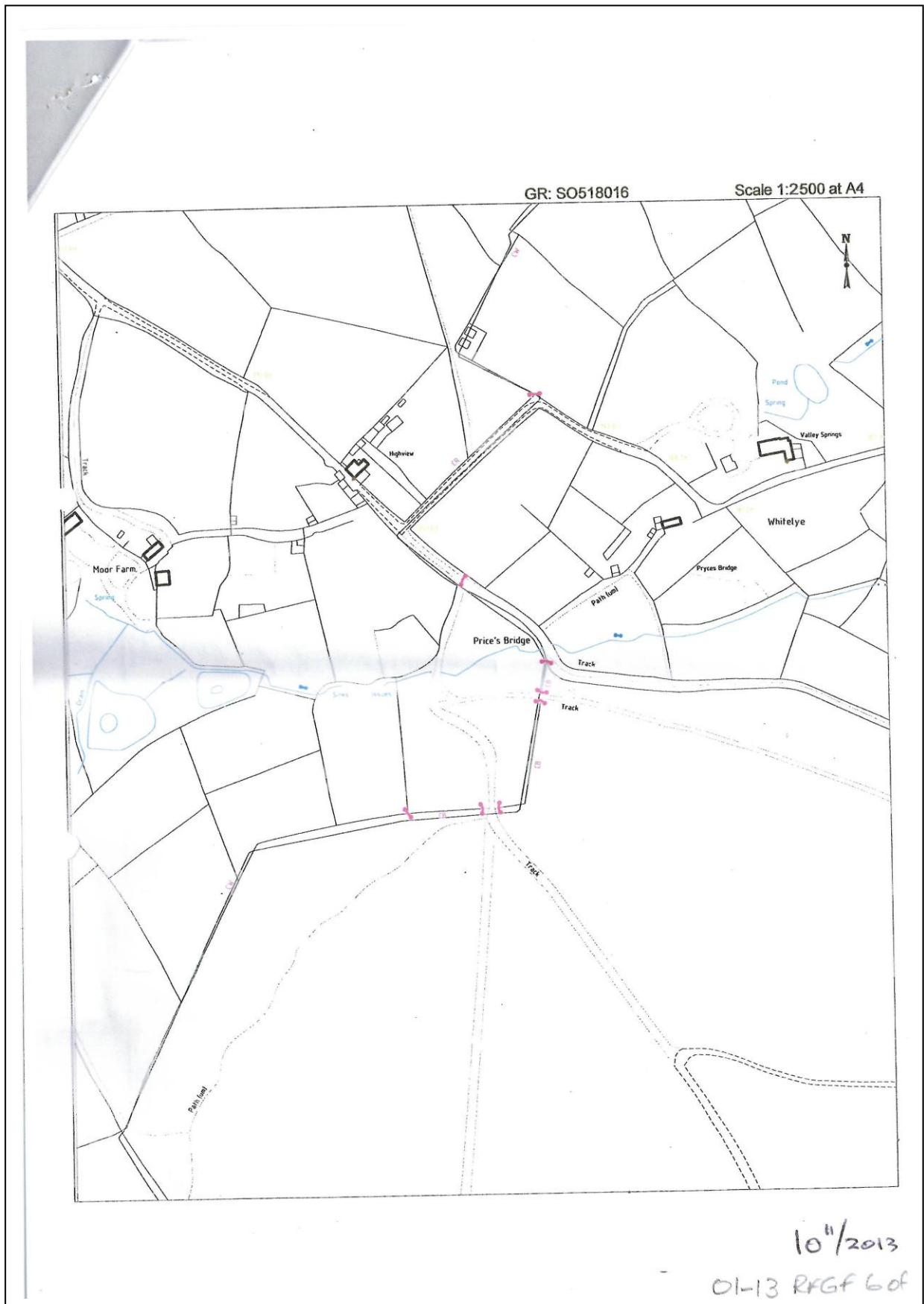
Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

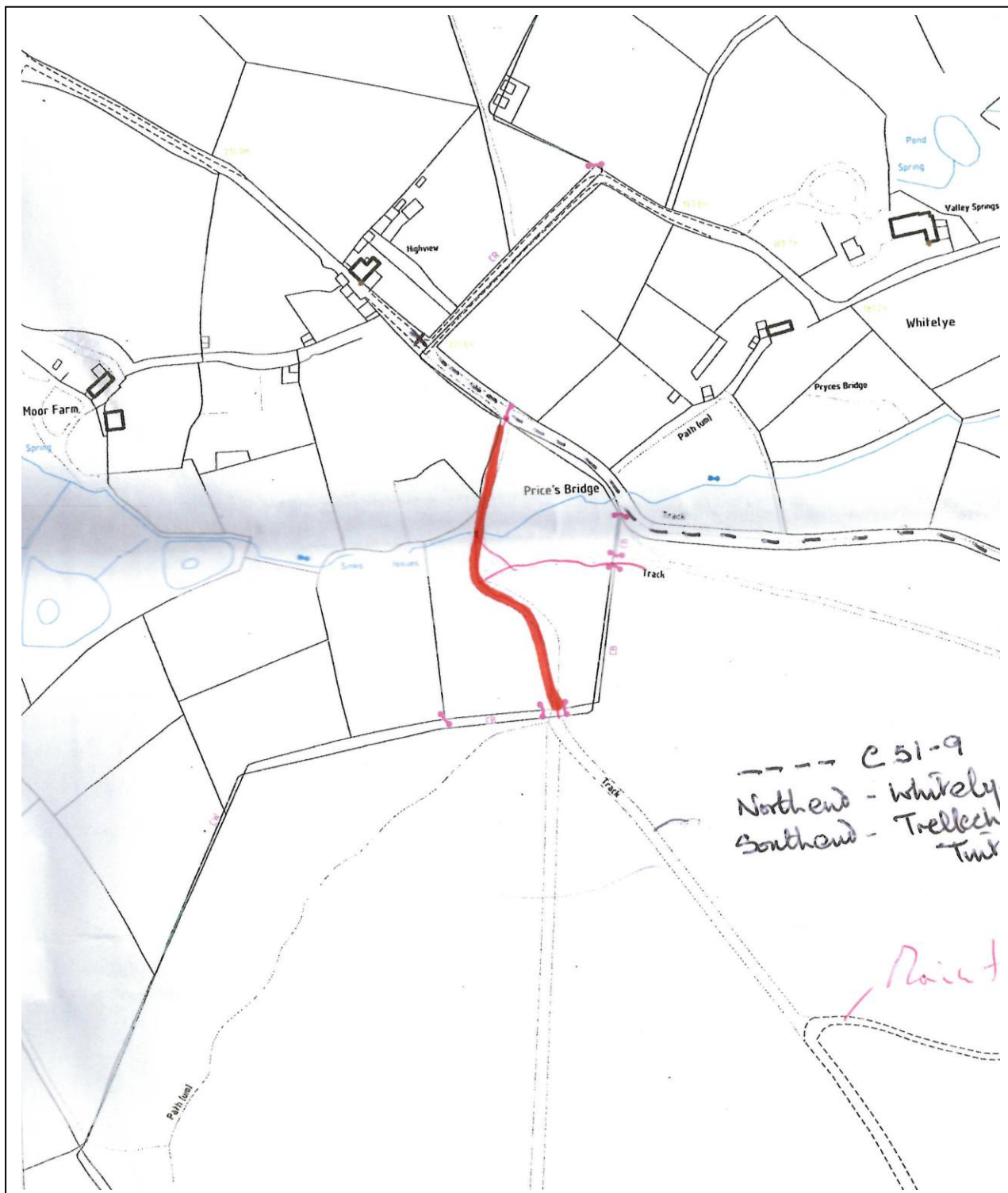
I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signed:

Date: 10th November 2013

01-13 RFGF 5 of 7





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.

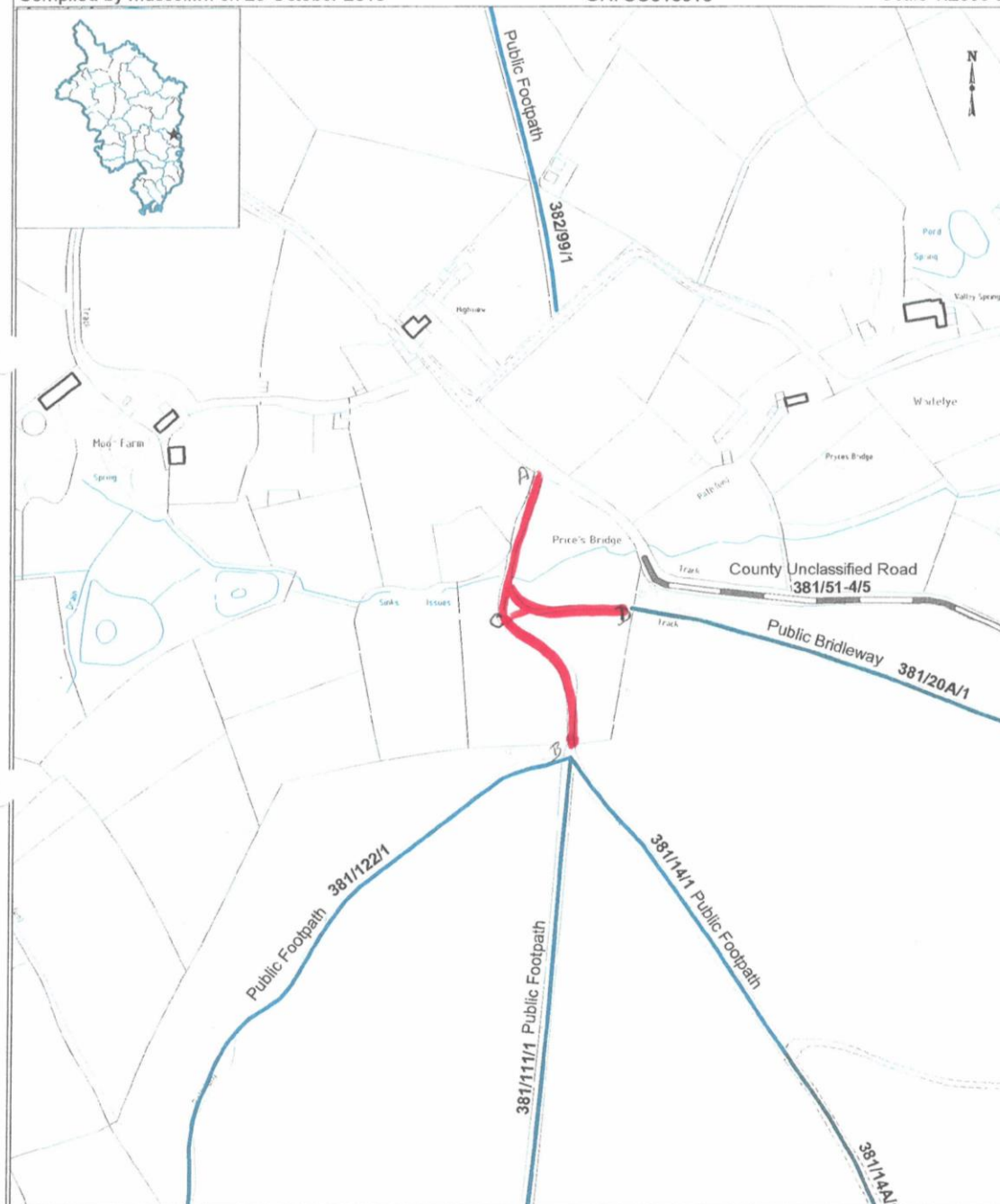
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

Scale 1:2500 at A4



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Template: N:\planning\countryside\camps\gapps\template\mon_a4_portrait.wor

10th June 2014

01-13RFGF Extra Plan

01_13MOD_PB: User Evidence Form - RFGF (16) (extra plan)
Appendix 6.14.9

Summary & comments Mr D Roberts

1.1 Mr D Roberts [17], reports walking the Route from Whitelye to The Oaks “as part of a well-worn and signposted track through Forestry or common land” for a period from 1970 to 2013. Although this covers 43 years, there remains 20 years which are relevant for the 1977 to 1997 period. An interview was conducted and he states that he has used all the Routes, marked on his map (Appendix 6.15.6), on foot and has always encountered other walkers.

- (i) During this period he has lived in the area and believed the status of the Route to be a byway open to all traffic and that he has always had a right to use “*the well-worn wide track through the forestry land*” which he “*probably used monthly*” from 1970 to 2013.
- (ii) He reports: keeping to the path; “*that the Route was all clear from gates or stiles*” and cannot recall direction or fingerposts. He reports further that he was aware that it was all common access land and that he was not given permission because it was Forestry Land.
- (iii) He recalls seeing other users, both local and visitors; also tractors and forestry workers.
- (iv) Mr D Roberts states:

“It is perfectly obvious that the acquisition of this land by the Talbots was by cunning and opportunistically taking advantage of the registration errors by the Forestry Commission and NRW. However, the disfiguration and denial of use of long established rights of way is an affront to natural justice and common decency.”

Comments

- (v) Mr D Roberts states that he believes the Route to have the status of byway open to all traffic as he recalls seeing tractors and forestry workers using the Route. He also adds that he walked the Route, “as part of a well-worn and signposted track through Forestry or Common land”.
- (vi) However, when answering question 13 (Appendix 6.15.3), regarding signposts, he reports that he could not remember any directional fingerposts.
- (vii) Furthermore, his reporting of his motor vehicle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights.
- (viii) Therefore, as his evidence is based on walking this submission supports footpath rights.

02 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 WHITELEY / BOTANY BAY
To THE OAKS

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)
AS PART OF A WELL WORN AND SIGN POSTED TRACK
THROUGH FORESTRY OR COMMON LAND

01-13 DR 1 of 5

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

AS PART OF A CIRCULAR WALK

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

1970 TO 2013

(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.)

PROBABLY MONTHLY THROUGHOUT THE
ABOVE PERIOD

(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?

NO

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

AT THE ABOVE ADDRESS

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?

CERTAINLY

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

I WAS ON A WELL WORN WIDE TRACK
THROUGH FORESTRY LAND

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 WAS FORESTRY LAND

01-13 DR 2 of 5

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: center; margin-top: 10px;">YES</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>
10.	Did you keep to the path claimed or wander freely between start and finish? <div style="text-align: center; margin-top: 10px;">I ALWAYS KEPT TO THE PATH BUT IT WAS ALL COMMON ACCESS LAND</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: 10px;">NO IT WAS ALL CLEAR</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: 10px;">NO</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> <div style="text-align: center; margin-top: 10px;">I CANT REMEMBER</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>
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: 10px;">NO</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: 10px;">NO</div>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way?

01-13 DR 3 of 5

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)?
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. NO NOT TILL THE ACCESS WAS BLOCKED IN 2013
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 THE TRACK WAS FREQUENTED BY BOTH LOCALS AND VISITORS
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? YES ONCE OR TWICE I HAVE SEEN TRACTORS AND FORESTRY WORKERS THERE
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?
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who? NO THE BOUNDARY OF MOOR FARM WAS NOT ADJACENT TO THE TRACK
25.	If you have ceased using the way, please say why. ACCESS HAS BEEN BLOCKED SINCE 2013 BY AN UNSIGHTLY EARTH RAMPART AND WIRE FENCE

01-13 DR 4 of 5

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

IT IS PERFECTLY OBVIOUS THAT THE
ACQUISITION OF THIS LAND BY THE TALBOTS
WAS BY CUNNING AND OPPORTUNISTICALLY
TAKING ADVANTAGE OF REGISTRATION ERRORS
BY THE FORESTRY COMMISSION AND N.R.W.
HOWEVER THE DISFIGURATION AND
DENIAL OF USE OF LONG ESTABLISHED
RIGHTS OF WAY IS AN AFFRONT TO
NATURAL JUSTICE AND COMMON DECENCY

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

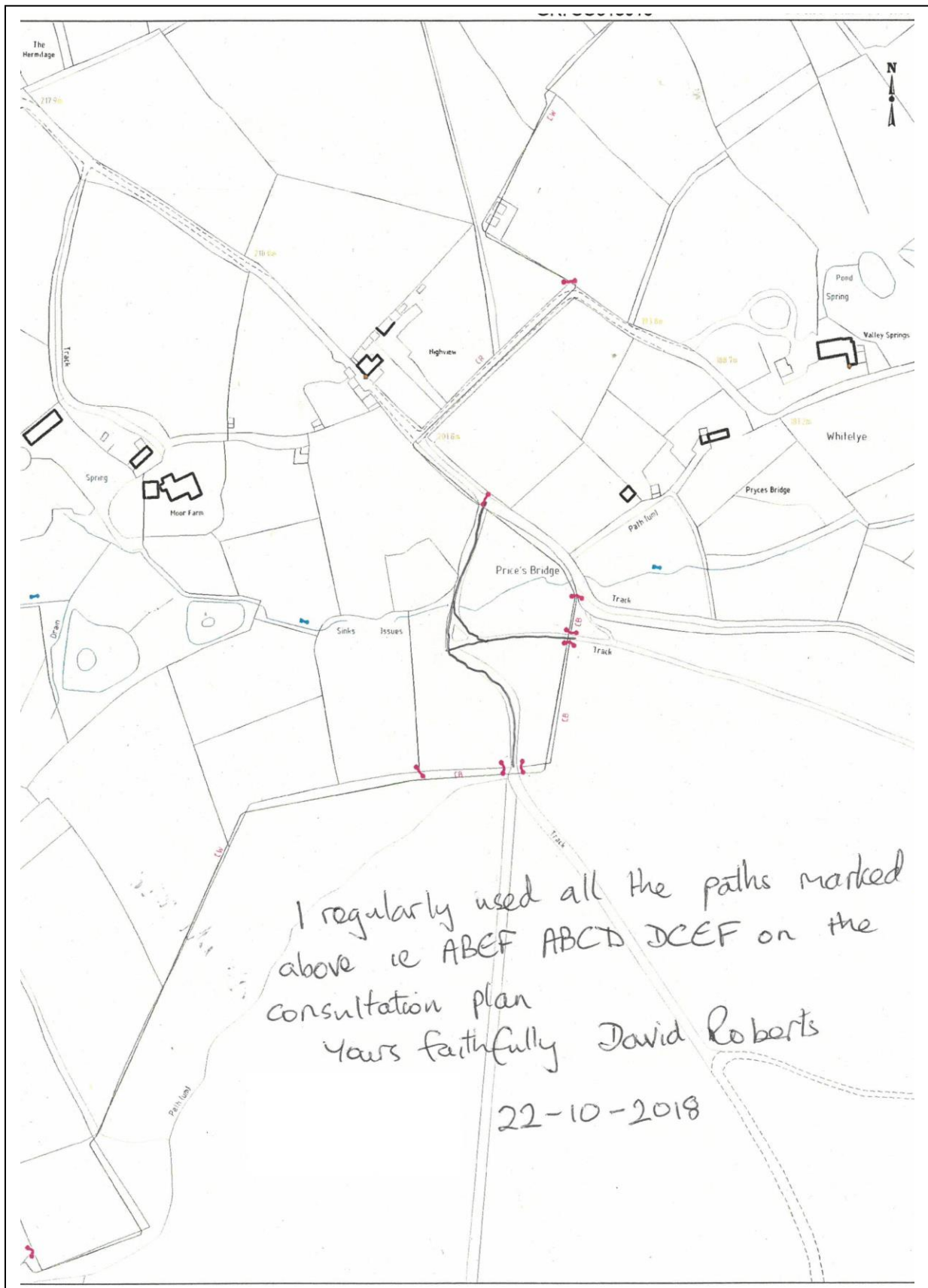
Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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

Signed:

Date: 3/4/2017

01-13 DR 5 of 5



<p>[17] Mr Roberts</p> <p>Please confirm that this is your name and address. ✓</p>
<p>INTERVIEW QUESTIONS CONDUCTED ON THE <u>17 JANUARY</u> 2019</p> <p>Thank you for your reply to my letter dated 22nd October 2018. You have returned the blank map on which you have marked all the routes used.</p> <p>Please mark on the unmarked map, placed before you today, the circular walk that you state in your reply to question 3(b). Is this a promoted circular walk and does it have a publication that goes with it? (See above date) <u>Not a promoted route its just a good local walk.</u></p> <p>You state that you believe that the status of the routes are byways open to all traffic although your use is mainly on foot. What made you believe the route to be a byway open to all traffic? Please confirm how you used the route and if you believed you had a used it "as if by right"? <u>Used the route on foot.</u></p> <p>You state, in question 13, that you can't remember any finger posts. However, you have not replied to question 14. Can you recall any other notices and or signs in the area? <u>No</u></p> <p>In question 21 you state the track was frequented by both locals and visitors. Can you recall where you saw them and mark the location of the map placed before you today? <u>Saw people everywhere on all routes</u></p> <p>Can you recall how those other people were using the routes? For example, horse riding, cycling or walking. <u>Always saw walkers</u></p> <p>Did you ever see any boulders across the Routes? <u>No boulders or obstructions before 2013.</u></p> <p>I hereby certify that to the best of my knowledge and belief the replies to the above questions that are recorded here are true.</p> <p>Sign Counter Officer 1: Sign <u>AM</u> Officer 2: Sign <u>R.Rourke</u> Date <u>17/1/19</u> Print name: <u>DAVID ROBERTS</u> <u>AMANDA MURSELL</u> <u>R. ROURKE</u></p>

Do you have anything further to add regarding the Routes?

The path was hard surfaced and a wide track,
A lovely "dell" to walk through.

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 *thell* Officer 2: Sign *R Rourke* Date *12/1/19*
Print name:

DAVID ROBERTS

AMANDA MUSSELL

R ROURKE

Summary & comments Mr A Townsend

1.1. Mr A Townsend [19], reports walking and occasionally riding a trail motor cycle, 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 (A-B-C-D) for a period from 1977 to 2010. The 33 years also covers the period between 1977 and 1997.

- (i) During this period he has lived in the area and believed that, as he has had regular use for 30 years and has met others using the Route, he believed he had a right to do so.
- (ii) He continues to describe the Route as a defined track that has always run over the same alignment and that he has kept to this track that has to his knowledge never had gates, locked gates or stiles across it.
- (iii) He does not recall any signposts such as directional fingerpost or any other signs.
- (iv) He recalls seeing other use but this has occurred rarely as he had been with companions.

Comments

- (v) Mr Townsend's user evidence is based on his walking activities and his observation of other walkers.
- (vi) His reporting of his motor cycle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights. Therefore, his evidence supports only public footpath rights.

02 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 Position A on Map and vice versa
To Position B on Map

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 AT 1 of 6

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

Botany Bay area to Barbados Hill area and on circular route from Whiteley and back

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

1977 - 2010

(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.)

initially once a week decreasing with age and knee problems

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

Foot mostly but occasionally on trail motor cycle

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

No. part of regular walks etc

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

Whiteley

4. (b) If you rode a horse

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

NA

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

NA

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

NA

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

~~NO~~ YES

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

30 years of regular use and meeting others using 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?

NA,

01-13 AT 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: center; margin-top: 10px;">Yes</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>
10.	Did you keep to the path claimed or wander freely between start and finish? <div style="text-align: center; margin-top: 10px;">Kept to path</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: 10px;">None</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: 10px;">None</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>
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="text-align: center; margin-top: 10px;">Can't Remember</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: 10px;">No</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: 10px;">No</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: 10px;">No</div>

01-13 AT 3 of 6

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? No If so, please say, how, where and when this was, and by whom.
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. Have see others use but rarely as with companions
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? motor cycle
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. Infirmity

01-13 AT 4 of 6

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

As long as I have lived here at
Whitege approx 40 years the track has
been in use by locals and strangers.
and should be kept open for public use

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: 26/04/17

01-13 AT 5 of 6

Summary & comments Ms Z Dillion

1.1. Ms Z Dillion [20], reports walking and cycling, for pleasure, along all the Routes A-B-C-D and B/C-E-F for a period from 1985 to 2017. Although this covers 32 years, only 12 years are relevant for the 1977 to 1997 period.

- (i) During this period she has used the Route approximately 3 or more times while holidaying in the area and believed that she has had a right to use the Route as it *“was open to the public and the roads and paths were accessible”*.
- (ii) She continues to describe the Route as a clearly defined, wide road that has always run over the same alignment. She reports wandering freely between start and finish and in the forest, encountering no locked or unlocked gates or stiles.
- (iii) She does recall fingerpost footpath signs which marked the way at the start, A & B, but cannot remember other signs.
- (iv) Ms. Z Dillion states:

“I have been coming to Wales since I was 12 years old. First of all in all my school holidays but now I bring my children on all school holidays. We bring our dogs to stay with my Aunt and Uncle. I am now 42 years old”.

Comments

- (v) Although Ms Dillion’s reported use of the Routes was for a minimum of 3 times a year, this use was conducted regularly during the 12 year period while on holiday in the area.
- (vi) Therefore, her evidence is based on her walking and cycling activities and this supports public bridleway rights.

02 AUG 2017



20

PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 A - B B - A Route (A) goes into the
To C - D (Bridleway) wood past Highview House.
to the right it carries on until
it reaches a V in the road (B)

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

01-13 ZD 1 of 6

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

Claypool Cottage now Pond Cottage
THE HERMITAGE

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

FROM 1985 - 2017

(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 3 times, on holiday some years
move

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

Foot and Pedal cycle

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

No (Dog walking)
and walking with the children

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

SAME ADDRESS as the front,
previous address

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?

The route was open to the public
and ~~was~~ the roads & paths were accessible.

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

01-13 ZD 2 of 6

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <p style="text-align: center; font-size: 1.2em;">Yes, very much so a road and quite wide at that</p>
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> <p>Yes - Now it has changed in the last few years and is blocked from A-B</p>
10.	Did you keep to the path claimed or wander freely between start and finish? <p style="text-align: center;">Wander freely between start and finish and in the forest</p>
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> <p style="text-align: center;">No.</p>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> <p style="text-align: center;">No.</p>
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> <p style="text-align: center;">There were finger posts which marked the way at the start A & B Footpath signs</p>
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> <p style="text-align: center;">Cannot remember other signs only footpath finger signs</p>
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". <p style="text-align: center;">No</p>
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? <p style="text-align: center;">No</p>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? <p style="text-align: center;">No</p>

01-13 ZD 3 of 6

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?

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

Yes my relatives were stopped from 2013 from walking through the paths

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 my mum, Aunt and sister

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?

✓

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.

I have ceased using the pathway because the entrance is blocked.

01.13 ZD 4 of 6

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

I have been coming to Wales since I was 12 years old. First of all in all my school holidays but now I bring my children on all school holidays. We bring our dogs, to stay with my Aunt and Uncle. I am now 42 years old

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: 3/7/2017

01-13 ZD 5 of 6

Summary & comments Mr J Phillips

1.1. Mr J Phillips [25], reports walking for leisure and using the Route in a motor vehicle between Catbrook and Whitelye Woods for a period from 1970 to 2015. This covers 45 years of which 20 years are relevant for the 1977 to 1997 period.

- (i) During this period he has lived in the area and believed that he has always had a right to use routes which he reports using *"20 times mostly in winter"* believing to have *"always known it as a right of way into the forestry"*.
- (ii) He continues to describe the Route as a defined track that has always run over the same alignment and that he has *"stayed on the path"* that has to his knowledge never had gates, locked gates or stiles across it.
- (iii) He recalls no footpath signs indicating the way and does not remember any other notices or signs on or near the way.
- (iv) He has also seen people on horses and in vehicles using the Route regularly recalling that he has *"driven through their [sic] in the 10 to 15 years"*.

Comments

- (v) Mr J Phillips states that he has walked and driven a vehicle along the Route but does not specify whether or not he believes the status of the Route is either a footpath, bridleway, byway open to all traffic or restricted byway.
- (vi) His reporting of his motor vehicle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights. Therefore, as his evidence is based on walking and his observation of *"people on horses"* this submission supports bridleway rights.

24 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 WHITKHYK

To WHITELEY WOODS

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)

KEISURGE

01-13 JP 1 of 6

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

CATBROOK TO WHITELEY WOODS

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

1970 - 2015

(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.)

20 TIMES MOSTLY WINTER

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

Foot & Motor Vehicle

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

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

1970 - 2015

(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?

ALWAYS KNOWN IT AS A RIGHT OF WAY
INTO THE FORESTRY.

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

01-13 JP 2 of 6

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <p style="text-align: center;"><i>YKS</i></p>
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>
10.	Did you keep to the path claimed or wander freely between start and finish? <p style="text-align: center;"><i>STAYED ON PATH</i></p>
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> <p style="text-align: center;"><i>No</i></p>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> <p style="text-align: center;"><i>/</i></p>
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> <p style="text-align: center;"><i>No</i></p>
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> <p style="text-align: center;"><i>No</i></p>
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". <p style="text-align: center;"><i>No</i></p>
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? <p style="text-align: center;"><i>/</i></p>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? <p style="text-align: center;"><i>/</i></p>

01-13 JP 3 of 6

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?
	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.
	MANY TIMES BEEN THROUGH THERE WITH MATES AND WITH MY FATHER.
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?
	YES SEEN PEOPLE ON HORSES AND IN VEHICLES USING THIS ROUTE REGULARLY.
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?
	I've Driven THROUGH THERE IN THE 10-15 YRS
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.

01-13 JP 4 of 6

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

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: 8/8/17

01-13 JP 5 of 6

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.

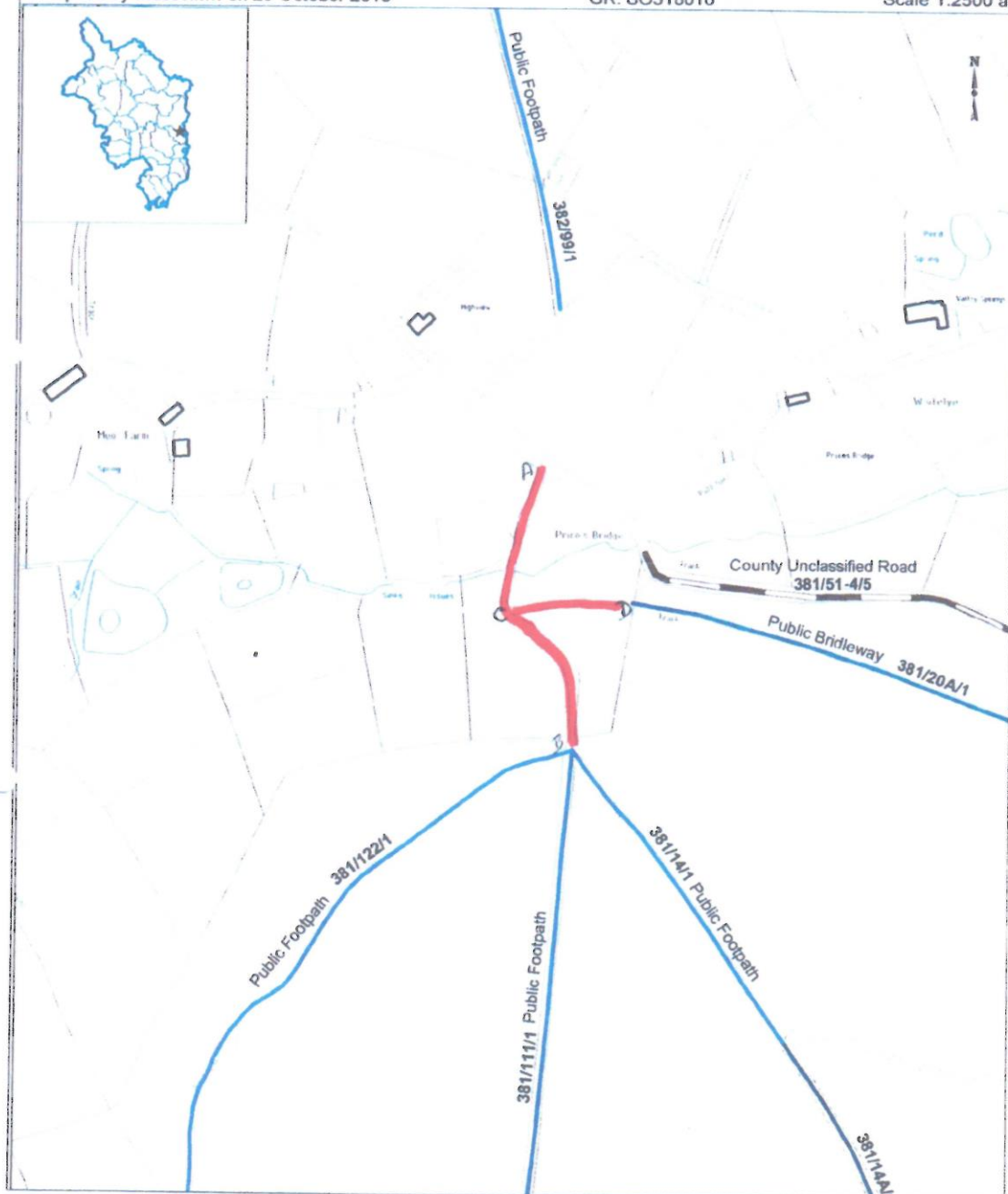
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

Scale 1:2500 at A4



Reproduced from an Ordnance Survey map with the permission of the Controller of HMSO © Crown Copyright. Licence number 100023415 (2013)

Template: N:\planning\countryside\cans\gapps\template\mon_a4_portrait.wor

01-13 JP 6 of 6

Summary & comments Mrs K Murphy

1.1. Mrs K Murphy [26], reports walking for pleasure along all the Routes A-B-C-D and B/C-E-F for a period from *“1985 to present”*. Although there is no specific end date recorded on the evidence form, it does represent 28 years from 1985 to 2013, of which only 12 years are relevant for the 1977 to 1997 period.

- (i) During this period she has visited her sister who lives in the area and believed that she has always had a right to use routes which she reports using *“2-3 times a year at Easter & other school holidays”* believing *“it was all part of the forest”*.
- (ii) She continues to describe the Route as a defined track that has always run over the same alignment and to her knowledge never had gates, locked gates or stiles across it.
- (iii) She reports that that she has also *“wandered in woods”* and recalls a footpath sign indicating the way, the location of which she has marked on her plan (Appendix 6.19.6). She does not remember any other notices or signs on or near the way.
- (iv) She has seen other people, *“up to 5 or 6 in school holidays”*, and also names Mrs L Edwards, Mr T Taylor and Mrs D Penney. She also reports seeing the *“post office van and land rovers, regularly some motor cycles”*.

Comments

- (v) Mrs K Murphy states that she walked along all the Routes which she believed the status to be either bridleways or byways open to all traffic.
- (vi) Her reporting of motor vehicle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights. Therefore, as her evidence is based on walking and her observation of other walkers this submission supports public footpath rights.

02 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 TRAVELLING DOWN HILL FROM OFF TARMAC ROAD
TURN RIGHT IN FOREST 'A' ON MAP ATTACHED TO
POINT 'B' ON MAP & FROM 'C' TO 'D' ON MAP.

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

01-13 KM 1066

(b) Where you were going (to and from)?	WALKS IN WOODS
(c) During which years did you use the way?	1985 - PRESENT.
(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.)	2-3 TIMES A YEAR AT EASTER & OTHER SCHOOL HOLIDAYS.
(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?	NO.
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?	IT WAS ALL PART OF THE FOREST.
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.

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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. <u>Please mark any changes, which you experienced on the plan.</u>	
10.	Did you keep to the path claimed or wander freely between start and finish?	NO. WANDERED IN WOODS AS WELL
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>	NO
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u>	N/A.
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>	SIGN AT 'B' ON MAP (MARKED). FOOTPATH.
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>	NO.
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?	N/A
17.	If you were an owner or tenant, did you recognise that the way was a public right of way?	N/A

01-13 KM 3 of 6

18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way? <div style="text-align: center; margin-top: 10px;">NO</div>
19.	Did you ever encounter any obstructions not already described (in 12 above)? <div style="text-align: center; margin-top: 10px;">NO</div>
20.	Have you ever been stopped or turned back or do you know if this has happened to anyone else? <div style="text-align: center; margin-top: 10px;">NO.</div> <p style="margin-top: 10px;">If so, please say, how, where and when this was, and by whom.</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. <div style="margin-top: 10px;"> YES - COMPANIONS AND OTHER PA TO 5 or 6 IN SCHOOL HOLIDAYS </div>
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? <div style="margin-top: 10px;"> YES POST OFFICE VAN, AND LAND ROVERS. REGULARLY SOME MOTOR CYCLES. </div>
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? <div style="margin-top: 10px; text-align: center;">N/A.</div>
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who? <div style="margin-top: 10px;"> YES MRS E & MRS. P MR. T </div>
25.	If you have ceased using the way, please say why. <div style="margin-top: 10px;"> WAY IS COMPLETELY BLOCKED & TRACK DESTROYED BY OWNERS OF MOORFARM. </div>

01-13 KM 4 of 6

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

I HAVE BEEN USING THESE TRACKS &
PATHS SINCE
1985

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

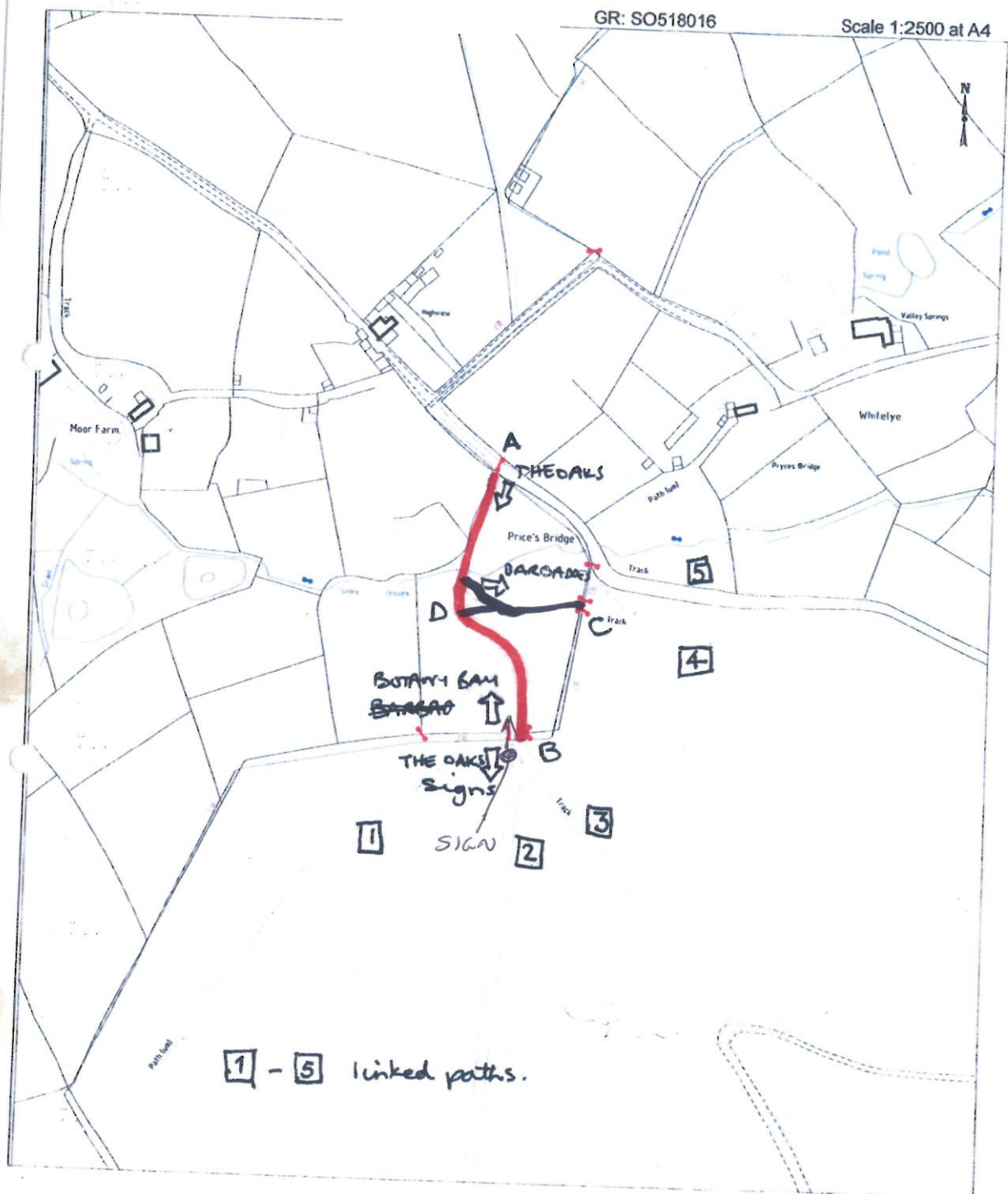
Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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

Signed: .

Date: 6-7-2017

01-13 KM 5 of 6



01_13 KM 6 of 6

Summary & comments Mrs K Verdigi

1.1. Mrs K Verdigi [27], reports walking or horse riding, for pleasure, along all the Routes for a period from *“1988 until it got trashed by Mr & Mrs Talbot”*. Although there is no specific end date recorded on the evidence form, it does represent 25 years from 1988 to 2013, of which only 9 years are relevant for the 1977 to 1997 period. An interview was conducted and she has marked on the map all the Routes used while walking or horse riding (Appendix 6.20.8).

(vii) During this period she has lived in the area and states that *“it was the only usable way on horseback to access bridleway 381/20A/1.”* She believed that she always had a right to use routes *“as it [the Routes] was obviously in use as a public bridleway/footpath and no signs to suggest otherwise”*. She reports using the Routes *“many times every week”*.

(viii) She continues to describe the Routes as defined tracks that have always run over the same alignment and to her knowledge never had gates, locked gates or stiles across it.

(ix) She recalls a footpath sign and a Tread & Trot sign at point “A” that has been moved. The locations of these signs she has marked on her plan (Appendix 6.20.6). She does not remember any other notices or signs on or near the way.

(x) She reports seeing other walkers, horse riders, motor bikes and 4 wheel drive cars.

Comments

(xi) Mrs K Verdigi states that she has walked and ridden a horse along all the Routes marked red on her plan (Appendix 6.20.6).

(xii) Her reporting of motor bike and vehicle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights. Therefore, as her evidence is based on walking, horse riding and her observation of other similar users, this submission supports public bridleway rights.

02 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 SHOWN IN RED ON ATTACHED PLAN.

To _____

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 KTV 1 of 6

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

FROM HOME TO OTHER PUBLIC TRACKS. EITHER ON FOOT OR HORSE RIDING

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

EVERY YEAR SINCE 1988 UNTIL IT GOT TRASHED BY MR + MRS TALBOT.

(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.)

MANY TIMES EVERY WEEK

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

HORSEBACK + FOOT

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

IT WAS NOT A SHORT CUT IT WAS THE ONLY USUABLE WAY ON HORSEBACK TO ACCESS BRIDLEWAY 381/20A/1

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

WHITELEY
1988 – PRESENT.

4. (b) If you rode a horse

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

WHITELEY 1988 – 2000 2011 – PRESENT.

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

NO PARTICULAR TIME WHENEVER I FELT LIKE GOING FOR A RIDE

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? IT WAS OBVIOUSLY IN USE AS A PUBLIC BRIDLEWAY / FOOTPATH, AND NO SIGNS TO SUGGEST OTHERWISE.

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 I UNDERSTOOD IT TO BE A PUBLIC PATH + DID NOT REQUIRE PERMISSION FROM ANYBODY

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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. <u>Please mark any changes, which you experienced on the plan.</u>
10.	Did you keep to the path claimed or wander freely between start and finish? YES ALWAYS KEPT 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? <u>Please mark them on the plan</u> No
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> No GATES
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> FINGER POST
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> TRED + TROT SIGN AT BINT 'A' ON MAP. SINCE BEEN MOVED
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? NOT APPLICABLE.
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? NOT APPLICABLE

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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? 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. EARLY MET OTHER WALKERS + HORSE RIDERS	
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?
YES. MOTOR BIKES + 4 WHEEL DRIVE CARS.	
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?
NEVER DID	
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who?
YES. HAVE MET CURRENT + PREVIOUS OWNERS OF ADJACENT LAND.	
25.	If you have ceased using the way, please say why.
BECAUSE IT'S BLOCKED	

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

One of the reasons I moved to whiteley was for the horse riding, the path that has been blocked was my main & nearest route to access other bridle ways.

In my opinion there is no other safe access to the bridleway 381/20A/1

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: 20/7/2017

01-13 KTV 50F6

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.

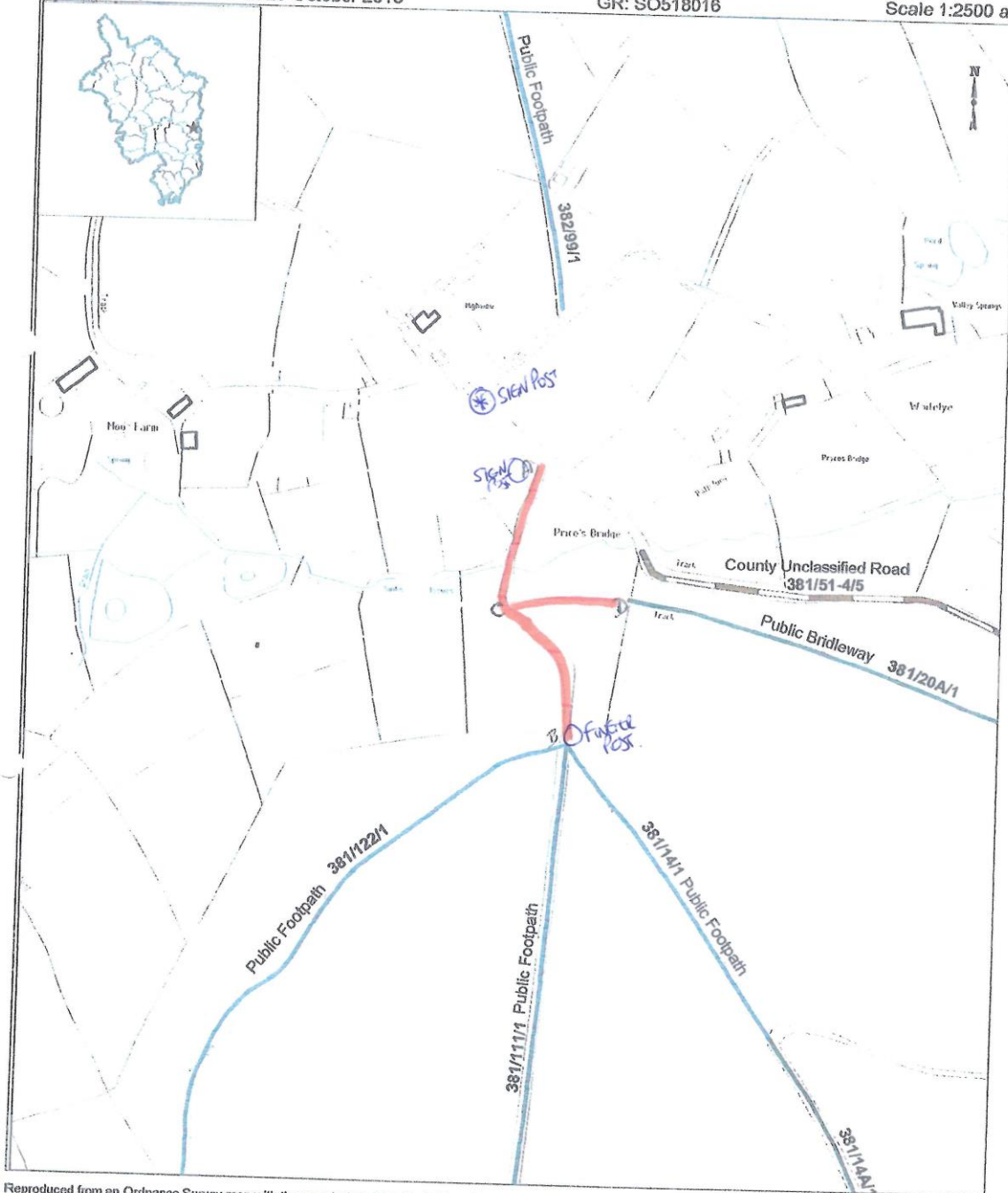
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

Scale 1:2500 at A4



Reproduced from an Ordnance Survey map with the permission of the Controller of HMSO © Crown Copyright. Licence number 100023415 (2013)
Template: N:\planning\countryside\camsvgapps\template\mon_a4_portrait.wor

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[27] Mrs K Verdigi

Please confirm that this is your name and address.

INTERVIEW QUESTIONS CONDUCTED ON THE 16 JANUARY 2019

You reply to question 3(f) that the route you used was not a short cut it was the only usable way on horseback to access Bridleway 381/20A/1. To clarify this please mark the route you used on the unmarked map placed before you today.
(See above date)

On the unmarked map placed before you please could you mark the location where you met other walkers and horse riders?

If you recall seeing any finger posts please describe them?

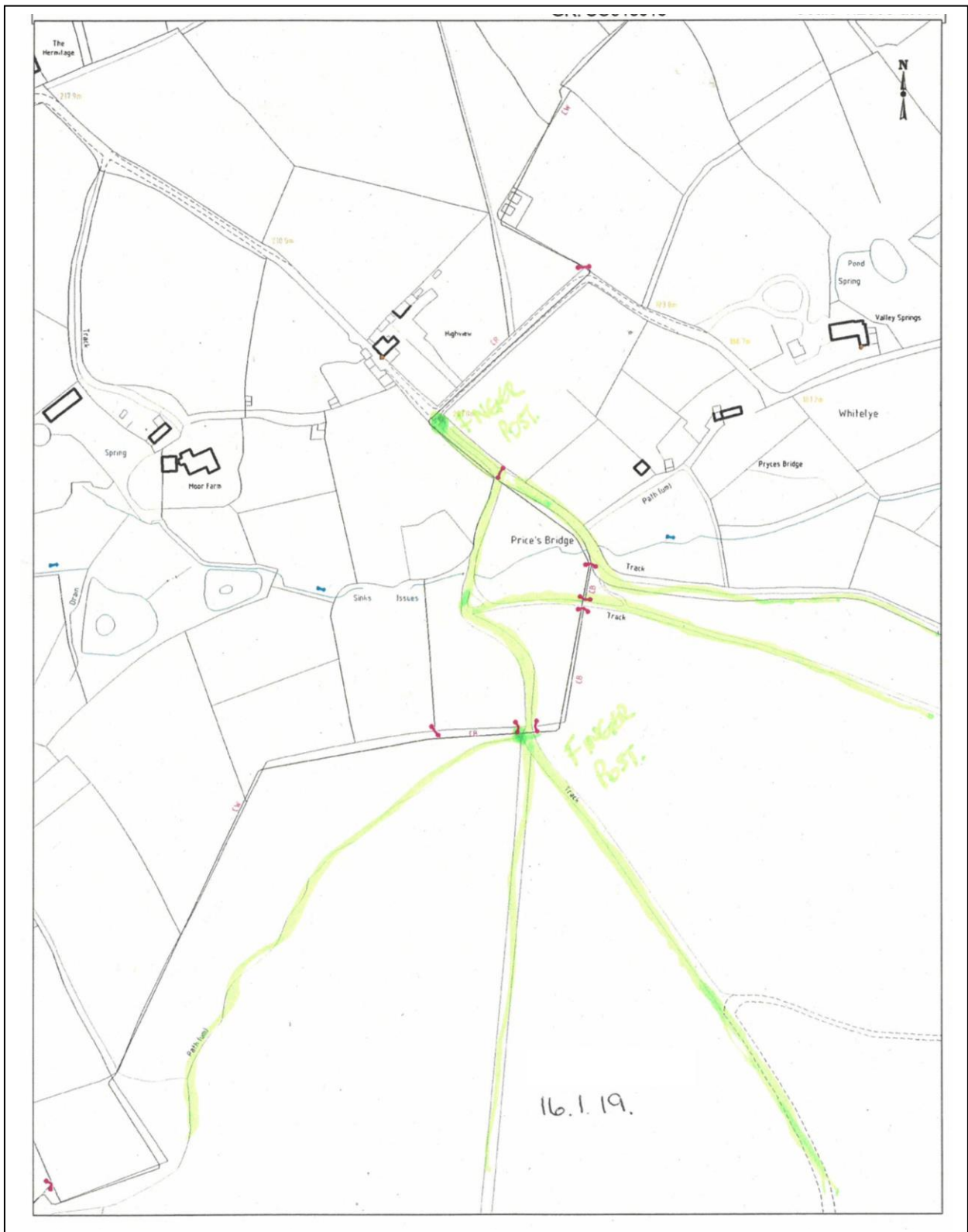
I recall ~~A~~ fingerposts at the location shown on the plan.

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 Threll Officer 2: Sign R. Rowley Date 16.1.18
Print name:

AMANDA MUSSELL

R. Rourke



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Summary & comments Miss J Townsend

1.1. Miss J Townsend [35], who is the daughter to Mr A Townsend (19), reports using the Routes from Whitelye to Barbadoes and Tintern for pleasure, walking, playing with friends in the woods and walking dogs from 1983 to 2013. Although there is no specific end date recorded on the evidence form, it does represent 30 years from 1983 to 2013, of which 14 years are relevant for the 1977 to 1997 period.

- (i) During this period she has lived at her family home in the area and has walked, cycled and horse ridden the Route weekly during school holidays believing them to be public byways open to all traffic and that she had a right to do so; *“as there were no signs to indicate you couldn’t. Plus lots of other people used it”*.
- (ii) She continues to describe the Routes as a clearly defined track that has always run over the same alignment and apart from using it she wandered about freely. She recalls that there have never been gates, locked gates or stiles across it. She does not remember any fingerpost signs or any other notices or signs on or near the way.
- (iii) She reports that she saw friends, relatives, local residents and horse riders using the Routes and adds that her family and friends have enjoyed walking here for years and would like to carry on as it is something that she has done since childhood.

Comments

- (iv) Miss J Townsend states that she has walked, cycled and horse ridden the Routes believing them to be public byways open to all traffic.
- (v) Therefore, as her evidence is based on her walking, cycling, horse-riding activities and her observation of other walkers and horse riders, this submission supports public bridleway rights.

24 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 Whitelye

To Barbados - tintern

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, eg walking, playing with friends in woods, walking dogs

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

home to kintern etc

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

1983 until present

(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.)

Weekly, school holidays

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

Foot. bike. horse riding.

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

no because just for pleasure.

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

The same address in section A

4. (b) If you rode a horse

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

Parents house 1985 until present

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

All times after school or work later on in life.

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?

NO signs to indicate you couldn't.
PWS lots of other people 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?

NO

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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: center; font-size: 1.2em; margin-top: 10px;">yes.</div>
9.	Has the way always run over the same route? YES / <input checked="" type="radio"/> If it has altered, give details and dates. <u>Please mark any changes, which you experienced on the plan.</u> <div style="text-align: center; font-size: 1.2em; margin-top: 10px;">Its only changed in 2013.</div>
10.	Did you keep to the path claimed or wander freely between start and finish? <div style="text-align: center; font-size: 1.2em; margin-top: 10px;">Wander freely.</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; font-size: 1.2em; margin-top: 10px;">NO</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; font-size: 1.2em; margin-top: 10px;">NO</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> <div style="text-align: center; font-size: 1.2em; margin-top: 10px;">Dont remember.</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="text-align: center; font-size: 1.2em; margin-top: 10px;">Dont remember</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; font-size: 1.2em; margin-top: 10px;">NO</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; font-size: 1.2em; margin-top: 10px;">NO</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; font-size: 1.2em; margin-top: 10px;">NO</div>

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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?
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 friends relative, local Resident. Horse riders.	
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?
yes all of above. monthly	
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.
yes due to obstruction on entrance in 2013	

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

my family, friends and I
have enjoyed walking & here
for year's. I would like
to be able to carry on has
lts something I have do since
a young child.

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

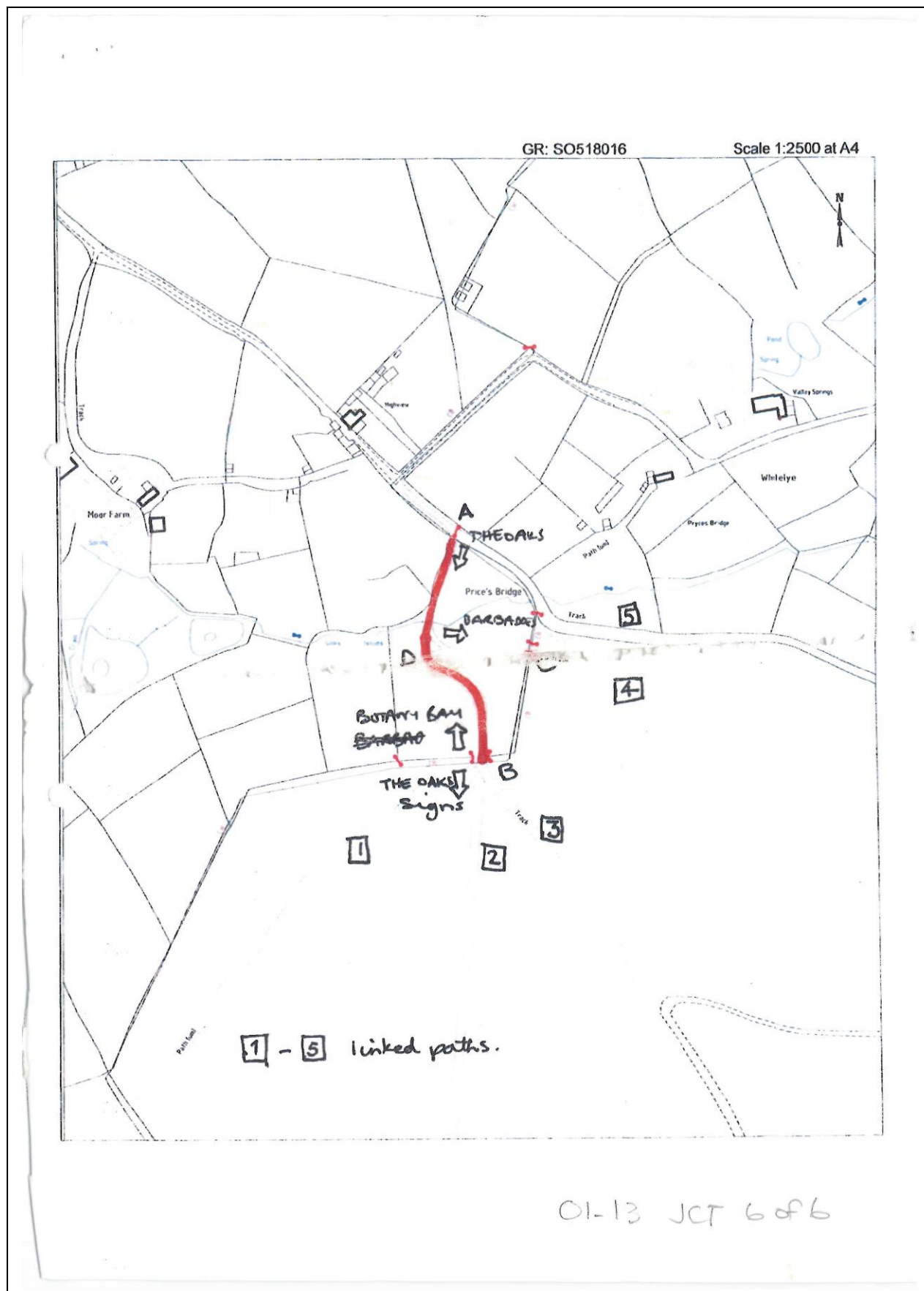
Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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

Signed:

Date: 2.8.17

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Summary & comments Mrs G Phillips

1.1. Mrs G Phillips [36], who is related to Mr J Phillips (25), reports walking for pleasure along the Route from Prices Bridge (off Botany Bay to Whitelye Road) to Whitelye from 1952 to 2016. Although this covers 64 years, only 20 years are relevant for the 1977 to 1997 period.

- (i) During this period she has lived in the area and believed that the Routes were public footpaths and that she has always had a right to use them as a short cut to Wimberry Woods. She further reports that she walked the Routes 8 to 10 times a year mostly in June, July and August and has always known them to be public footpaths.
- (ii) She continues to describe the Routes as defined tracks that have always run over the same alignment and that she has kept to them that have to her knowledge never had gates, locked gates or stiles across it.
- (iii) She does not recall directional fingerpost, any other notices or signs on or near the way.
- (iv) She reports seeing other people *“at least 3 sometimes more during 1952 -2016”*.

Comments

- (v) Mrs G Phillips states that she has walked the Route believing the status of the Route to be a footpath.
- (vi) Therefore, as her evidence is based on walking and her observation of other walkers this submission supports public footpath rights.

24 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 PRICES BRIDGE (off BOSTANY BAY TO WHITELY ROAD)
To WHITELY

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

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

TINTON TO WIMBORNE WOODS

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

1952 TO 2016

(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.)

8 - 10 TIMES PER YEAR

MOSTLY JUNE JULY OR AUGUST

(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?

SHORT CUT TO WIMBORNE WOODS

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

TINTON 1952 TO 1968

CARBRIDGECOM 1968 - 2016

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?

ALWAYS KNOWN AS PUBLIC 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 (DID NOT NEED PERMISSION)

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8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <p style="text-align: center;"><i>yes</i></p>
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> <p style="text-align: center;"><i>yes</i></p>
10.	Did you keep to the path claimed or wander freely between start and finish? <p style="text-align: center;"><i>kept to path</i></p>
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> <p style="text-align: center;"><i>no</i></p>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> <p style="text-align: center;"><i>—</i></p>
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> <p style="text-align: center;"><i>no</i></p>
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> <p style="text-align: center;"><i>no</i></p>
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". <p style="text-align: center;"><i>no</i></p>
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? <p style="text-align: center;"><i>no —</i></p>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? <p style="text-align: center;"><i>—</i></p>

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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?
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 At least 3 sometimes more During 1952-2011	
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?
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.

01-13 GP 4 of 6

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

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

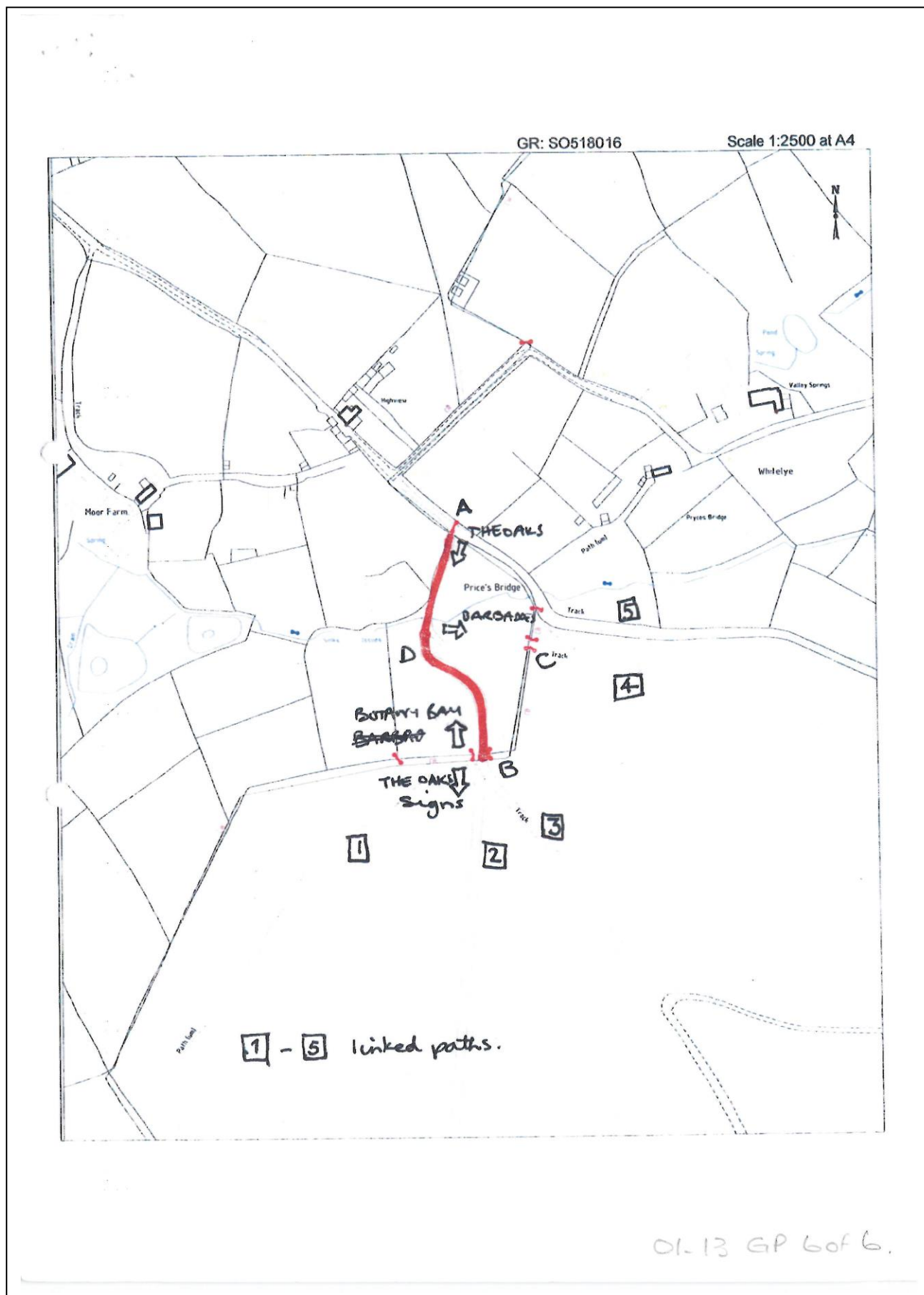
Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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

Signed:

Date: *07.08.2017*

01-13 GP 5 of 6



Summary & comments Mrs S Bittle

1.1. Mrs S Bittle [37], reports walking dogs for pleasure, from the woods at Whitelye past High View House through to Barbadoes down to Botany Bay and then Tintern, from the 1980s onwards. Although there is no specific end date recorded on the evidence form, it does represent 33 years from 1980 to 2013, of which 17 years are relevant for the 1977 to 1997 period.

- (i) During this period she visited her brother in the area and believed the status of the Routes to be public footpaths and byways open to all traffic.
- (ii) She further reports that she visited with family during the school holidays not going every break but, listing February half-term; Easter; May half-term; summer break; October half-term and Christmas.
- (iii) She continues to describe the Routes as clearly defined tracks that have always run over the same alignment and that she has wandered freely enjoying ease of access having never known any gates, locked gates or stiles across them.
- (iv) She does not recall directional fingerposts, any other notices or signs on or near the way.
- (v) She reports: *“when walking the dogs we often met other dog walkers using the same access”* and *“a post office van regularly and a land-rover sometimes”*.

Comments

- (vi) Mrs S Bittle states that she has walked the Routes believing their status to be both footpaths and byways open to all traffic.
- (vii) Her reporting of the motor vehicle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights.
- (viii) Therefore, as her evidence is based on walking and her observation of other walkers this submission supports public footpath rights.

37



PUBLIC RIGHTS OF WAY EVIDENCE FORM	
<p>The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, together with a plan showing the alleged public path clearly marked.</p>	
<p align="center">IMPORTANT</p> <p>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.</p>	
<p align="center">WARNING</p> <p>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.</p>	
SECTION A: GENERAL	
<p>1. Full Name:</p> <p>Address:</p> <p>Tel No:</p> <p>Date of Birth:</p>	
SECTION B: DETAILS OF THE ROUTE	
<p>2 DESCRIBE ROUTE OF WAY:</p> <p>From _The route of way runs from the woods at Whitelye past High View House through the disputed land._</p> <p>To Barbados down to Botany Bay and then Tintern</p> <p>I believe status of route is (* please delete where appropriate) *Footpath/ *Bridleway/ *(Byway open to all traffic)/ *Restricted Byway</p> <p>As shown on the attached plan marked in red between the Points</p>	
PLEASE BE AS PRECISE AS POSSIBLE	
<p>3. Have you used the above way? YES</p> <p>If you have used only part of the way, would you mark the part which you used on the plan.</p> <p>(a) For what purpose? (e.g. pleasure, to school/work)</p> <p>When I visit Catbrook, we would enter the 'public footpath' leading into the forestry. I was shocked when I went a couple of years ago</p>	

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to find that this had been blocked off. informing me that a person who's land is adjacent to the public footpath had done this, which I found completely unacceptable. I thought the land belonged to the state or forestry commissions and if it is a public right of way, how can someone do this

(b) Where you were going (to and from)? - see above

Walking dogs through the forests from Whitelye to Botany Bay and Tintern

(c) During which years did you use the way? I am not quite sure but from approximately the mid 1980's onwards.

(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.)

As I work in a school, we often visited during school holidays. The children loved to visit, as do my grandchildren now. It probably would amount to anything from one to four times during the year.

The dates could be: February half-term; Easter (usually 1 week); May half-term; Summer 6 week break (usually 1 to 2 weeks); October half-term and Christmas time. We didn't usually go every break, but these are the dates within which we would visit.

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

(f) Is the way, or was it, a short cut for you? If so why? It was the nearest public entry into the forest area from my brothers house.

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.

01-13 SB 2 of 6



5.	If you were riding, did you ever use the way with the hunt?
6.	<p>(a) When using it, did you believe you had a right to do so? Yes I believed it was a public footpath</p> <p>(b) What made you think you had a right? From when I first went to the area to visit my brother, they had always walked their dogs into the forestry that way and introduced me to the way into the forestry.</p>
7.	<p>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?</p> <p>No</p>
8.	<p>When you used it, was there always a clearly defined track or path which could be followed by a stranger?</p> <p>Yes</p>
9.	<p>Has the way always run over the same route? YES If it has altered, give details and dates. <u>Please mark any changes, which you experienced on the plan.</u></p> <p>Yes</p>
10.	<p>Did you keep to the path claimed or wander freely between start and finish?</p> <p>Wandered freely.</p> <p>Wandered freely</p>
11.	<p>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></p> <p>No to my knowledge, it's always been easy access\$.</p>
12.	<p>If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> Not aware of any gates that I recall</p>
13.	Do you remember any direction or finger posts on or near the way? If so, where and

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	when and what did they say? <u>Please mark them on the plan.</u>
	No.
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> Can't recall.
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? N/A
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? N/A
18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way? N/a
19.	Did you ever encounter any obstructions not already described (in 12 above)? Yes, a couple of year's ago the access was blocked off!
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. No – until the access was blocked off.
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, when walking the dogs we often met other dog walkers using the same access.
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? Yes A Post Office van regularly & a landrover sometimes.

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.
It was blocked off.

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

This track should be opened asap.

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: 10/11/2017

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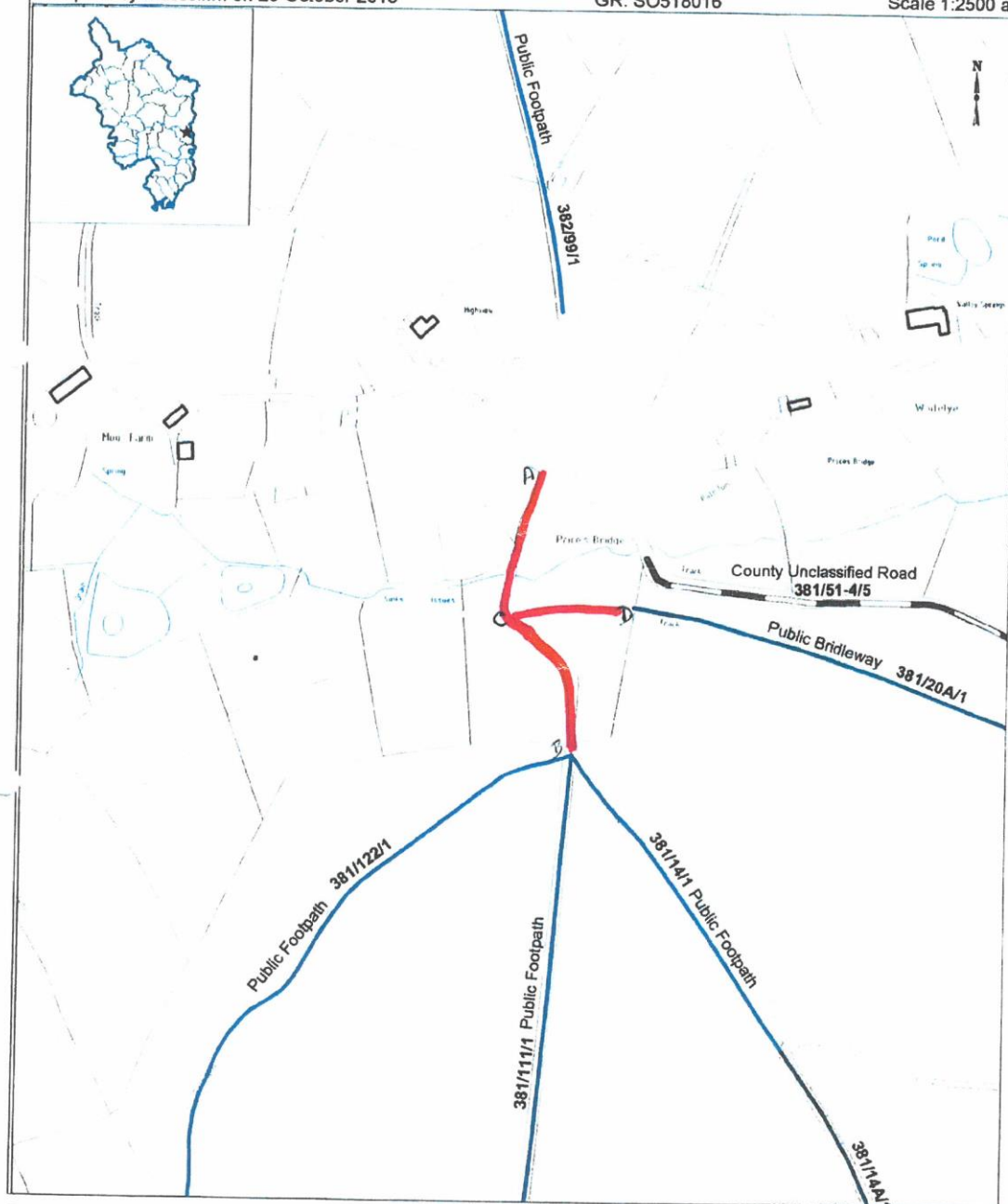
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Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



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GR: SO518016

Scale 1:2500 at A4



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Summary & comments Mr P Booker

1.2. Mr P Booker [38], reports walking for pleasure with his dogs along all the Routes since 1987. Although there is no specific end date recorded on the evidence form, it does represent 26 years from 1987 to 2013, of which 10 years are relevant for the 1977 to 1997 period. An interview was conducted and she has marked on the map all the Routes walked (Appendix 6.3.9).

- (i) During this period he has regularly visited the area driving up Whitelye Lane, parking at the entrance to the woods and using these byways for *“a beautiful walk with my dogs”* adding that he *“walked here at least once a week in all weathers as it was always beautiful whatever the season”*.
- (ii) He reports that he believed he has always had a right to use the Routes as: the paths/tracks were well-worn with regular use; there were way-marker posts and that other people who had lived here all their lives confirmed it was a permitted route.
- (iii) He continues to describe the Routes as very obvious, regularly used tracks that he kept to and that to his knowledge have never had gates, lock gates or stiles across them.
- (iv) He does recall directional fingerposts. However, he does not remember any other notices or signs on or near the way. He does not report meeting other people but has said that other people who had lived there all their lives confirmed that using the Routes was permitted.

Comments

- (v) Mr P Booker states that he has walked the Routes believing their status to be both footpaths and bridleways.
- (vi) Therefore, as his evidence is based on walking and his observation of fingerposts, 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 Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 _____

To _____

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)

For sheer pleasure.

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(b) Where you were going (to and from)?
I would drive up Whiteley Lane, park at the entrance to the woods & use these byways for a beautiful walk with my dogs.

(c) During which years did you use the way? I moved to [unclear] nearly 30 yrs ago and did this walk regularly. I still do but am constantly disoriented when I reach this spot now.

(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.)
I walked here at least once a week, in all weathers; it was always beautiful, since 1987 whatever the season.

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

(f) Is the way, or was it, a short cut for you? If so why?
No, certainly not a short cut for me, but many would have used it as such.

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.
N/A

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

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

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

(b) What made you think you had a right?
The paths/tracks were well-worn with regular use and there were way-marks. *

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, local people, people who had lived here all their lives, confirmed it was a permitted route.

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8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <i>Yes, indeed, a very obvious, regularly used track.</i>
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>
10.	Did you keep to the path claimed or wander freely between start and finish? <i>I remained on the path.</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? <u>Please mark them on the plan</u> <i>No, no thing of this kind, no obstacles.</i>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> <i>N/A</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? <u>Please mark them on the plan.</u> <i>Finger posts - directing the route</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? <u>Please mark the plan to show location of any signs.</u> <i>/</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". <div style="text-align: center;"><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;"><i>N/A</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;"><i>N/A</i></div>

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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? If so, please say, how, where and when this was, and by whom.	NO N/A
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.	NO
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?	NO
25.	If you have ceased using the way, please say why.	

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

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:

01-13 PEAB 5 of 6

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.

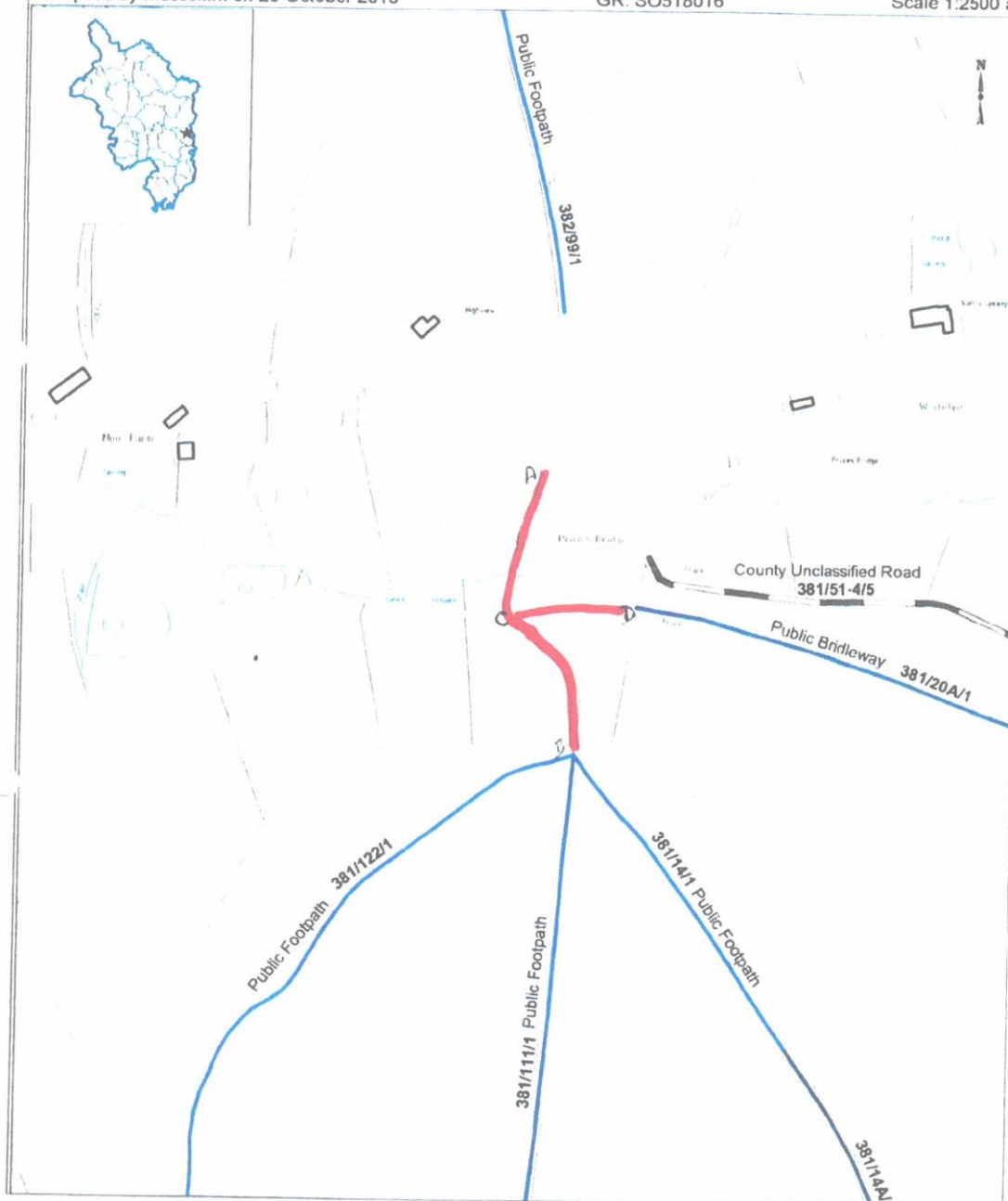
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[38] Ms P Booker

Please confirm that this is your name and address.

✓

INTERVIEW QUESTIONS CONDUCTED ON THE 16 January 2019 2019

Sent letter 25/10/2018: No reply to date 5/11/2018.

Please mark the route/s you have walked on the unmarked map placed before you today. ✓
(see above date).

You report seeing many way marks with this symbol *. What does this mean?

If the * means that you are able to mark the map placed before you today with the location of the way-marks please do so?

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

Can you describe these way-marks?

You reply to question 13 states that you recall finger posts. Please mark the location of these on the map.

~~Go~~ Can not remember any fingerposts in mid to late 1980's.
However I think there was a fingerpost at X on the
map in approximately this position on reflection.

If you recall seeing any finger posts please describe them?

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 AMSELL Officer 2: Sign R. Rourke Date 16.1.19

Print name:

ANNIE BOOKER

AMANDA MUSSELL

R. ROURKE

Do you have anything further to add regarding the Routes?

Q21. I have encountered people walking, sometimes they were friends & family.

The Old lady* from Trellech Grange said it was ok to use the paths in question and that they were public when I first moved into the area.

Doreen Heath JP.

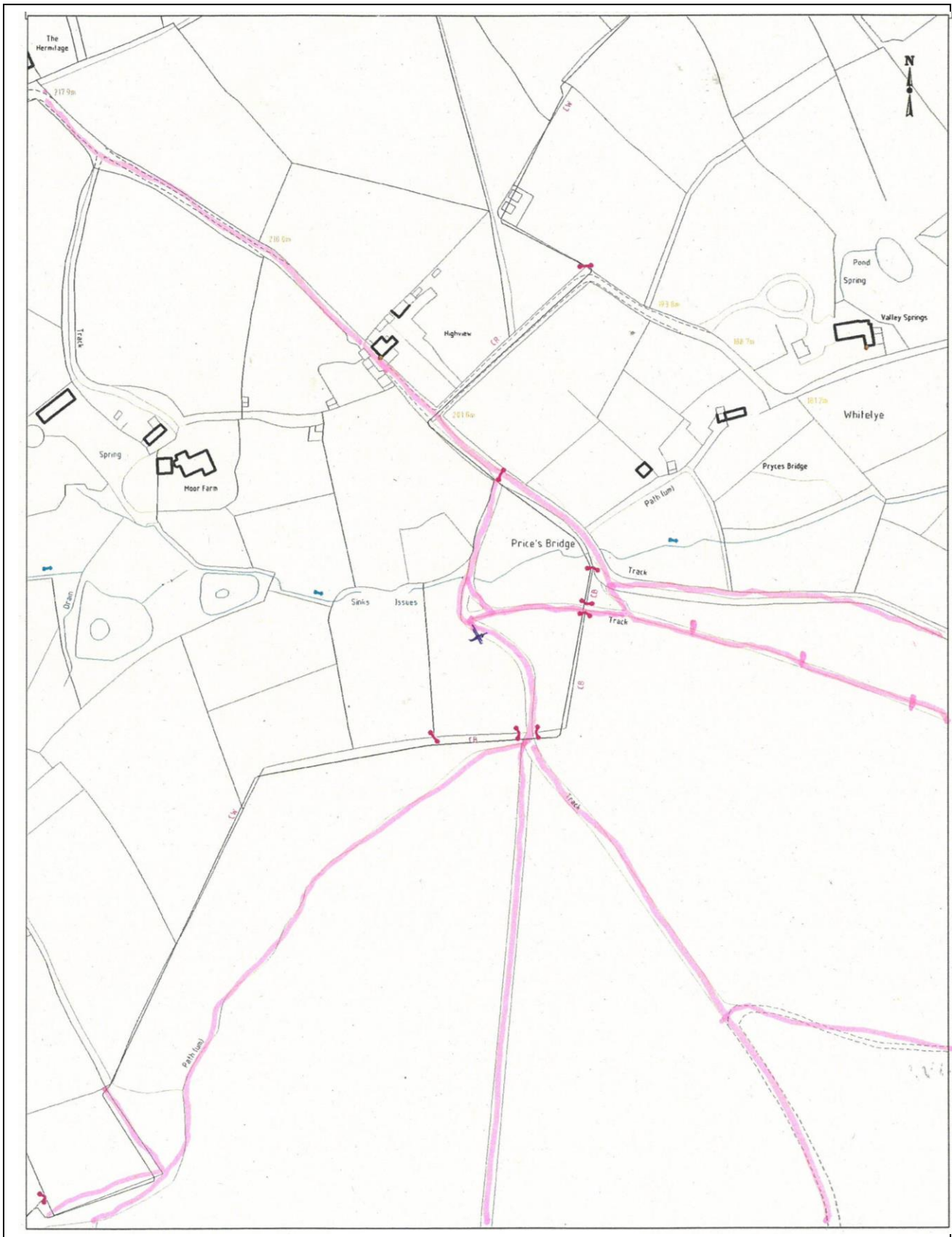
I hereby certify that to the best of my knowledge and belief the reply to the above question that is recorded here is true.

Sign Counter Officer 1: Sign *[Signature]* Officer 2: Sign *[Signature]* Date *16/1/19*
Print name:

ANNE BOOKER

AMANDA MUSELL

RUTH ROBERTS



01_13MOD_PB: INTERVIEW QUESTION SHEETS: 2019 - PEAB (38)
Appendix 6.31.9

Summary & comments Mr D Mayo

1.1. Mr D Mayo [39], reports walking for pleasure and work from Babadoes Hill to Whitelye for a period from 1979 to the present. Although there is no specific end date recorded on the evidence form, it does represent 34 years from 1979 to 2013, of which 18 years are relevant for the 1977 to 1997 period.

- (i) During this period he has lived in the area and believed that he has always had a right to use the Routes either on foot, motorcycle or in the 1990s when he used the post van. He reports using the Routes more than 50 times a year and on occasions as a short cut when foresters were working in the woods.
- (ii) He continues to describe the Routes as clearly defined tracks that were maintained by the Forestry Commission and have always run over the same alignment which he has kept. Additionally, to his knowledge the Routes have never had gates, locked gates or stiles across them.
- (iii) He recalls directional fingerpost signs indicating the way to Tintern but does not remember any other signs or notices on or near the Routes.
- (iv) He reports seeing other people on many occasions using the Routes.
- (v) At point 26 there is a comment that has been written in pencil and has not appeared clearly in the scanned copy. This comment reads, "Reason for stones. Understand Mr Talbot put them not on his land - concealment Sunday School."

Comments

- (i) Mr D Mayo states that he has walked the Routes but does not specify whether or not he believes their status are either footpaths, bridleways, byways open to all traffic or restricted byways.
- (ii) His reporting of motor vehicle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights. Furthermore, his use of the post van is by invitation only and is not evidence in support of public vehicular rights.
- (iii) Therefore, as his evidence is based on walking, his observation of footpath signs and other walkers 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 Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 Babadoes hill X

To Whitehye

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 & work.

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

Barbadoes to Whiteley.

(c) During which years did you use the way? (1979 to today.

(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.)

50+

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

foot - Motorcycle and Post Van.

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

yes in the Post Van, on occasion
when foresters were working in woods.

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

1981 - 1997

1997 - 2017.

4. (b) If you rode a horse n/a

(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?

This track is known locally as the London Rd.

(b) What made you think you had a right?
it is part of an ancient track from Chelston to Monmouth.

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!

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8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <u>yes, as it was maintained by the forestry</u>
9.	Has the way always run over the same route? <u>(YES)</u> NO If it has altered, give details and dates. <u>Please mark any changes, which you experienced on the plan.</u>
10.	Did you keep to the path claimed or wander freely between start and finish? <u>yes</u>
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> <u>No, Only when Mr Talbot moved in and blocked it off with large stones.</u>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> <u>No gates</u>
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> <u>yes - Tintern</u>
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> <u>No</u>
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". <u>No</u>
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? <u>N/A</u>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? <u>N/A</u>

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18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way? N/A
19.	Did you ever encounter any obstructions not already described (in 12 above)? yes. Very large stones, placed by Talbot with a J.C.B.
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. 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 on many occasions
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? yes. lots before he blocked it off
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? Post Van 1990's.
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. Because Talbot has blocked it

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

Reason for share is:

Understand Mr Talbot put in
not on his land a concealment
Sunday Evening

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

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: Dt Dong Wango Date: 29.7.17.

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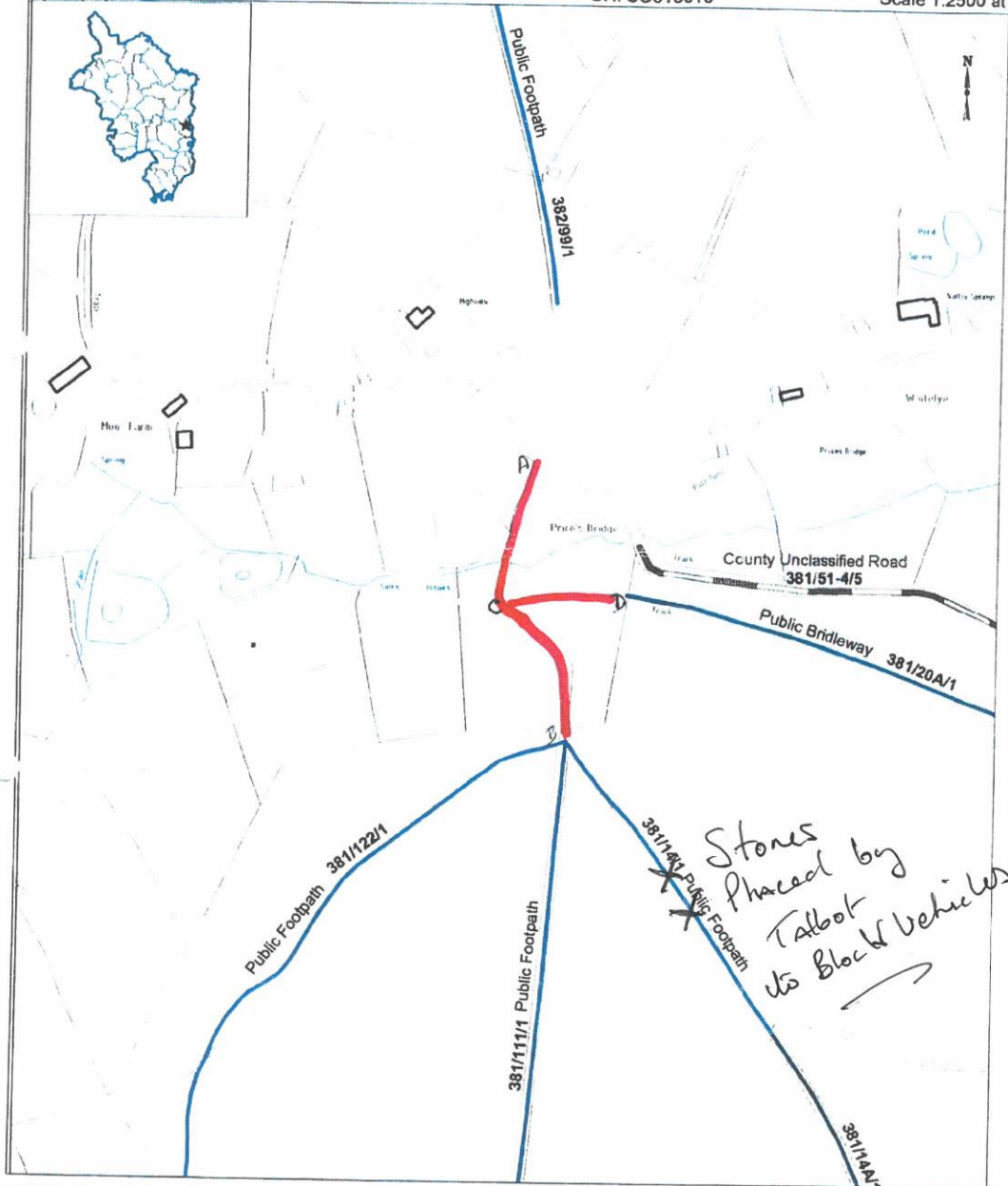
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01-13 DJM 6 of 6

Summary & comments Mr D Hoskins

1.1. Mr D Hoskins [40&40a], having Mrs R Hoskins write down his answers, reports using the Routes for walking and with a vehicle from Botany Bay and Barbadoes to Whitelye. He recalls using the Routes as a child from about 1942 and since 1950 both walking and with a vehicle. Although there is no specific end date recorded on the evidence form, it does represent 71 years from 1942 to 2013, of which 20 years are relevant for the 1977 to 1997 period.

- (i) He has lived in the area since 1936. He always believed he had a right to use the Routes. He further reports that he used the Routes several times a year believing them to be public byways open to all traffic.
- (ii) He continues to describe the Routes as clearly defined tracks that have always run over the same alignment and which he has kept. These Routes have to his knowledge never had gates, locked gates or stiles across them.
- (iii) He reports seeing other *“walkers, cyclists and a motor vehicle over the period of my life many”, “occasionally a 4x4 vehicle and several tractors”* and he last used a *“VW pick-up in the 1980s-1990s when delivering firewood”*.
- (iv) He continues that he knew the Crockett Family, who owned and lived at Moor Farm, sometimes seeing them on the track.
- (v) He states that he was born and grew up in the area and has used these Routes all his life.

Comments

- (vi) Mr D. Hoskins states that he has walked and driven a motor vehicle over the Routes believing the status of the Routes to be byways open to all traffic.
- (vii) His reporting of motor vehicle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights. Furthermore, some of his reported use was for the delivery of firewood which represents an invitation and therefore not evidence in support of public vehicular rights.
- (viii) Therefore, as his evidence is based on walking and his observation of other walkers and cyclists, this submission supports public footpath and 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.

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 PRYCES BRIDGE, WHITELEY TO BARRADOES
 To FROM PRYCES BRIDGE TO SAWYERS PLACE

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)

AS A SHORT CUT WITH A VEHICLE
AND WITH TIMBER EQUIPMENT WHEN WORKING
FOR MYSELF, ALWAYS WALKED THROUGH

OL13DH401086

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

TO AND FROM BOTANY BAY AND
BARBADOES TO WHITELEY.

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

AS A CHILD FROM ABOUT 1942 AND
SINCE 1950 I HAVE USED IT FOR WALKING
AND WITH A VEHICLE.

(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.)

WHEN I NEEDED TO - SEVERAL
TIMES A YEAR

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

ON FOOT AND IN A MOTOR VEHICLE

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

YES IT WAS A SHORT CUT

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

TINTERN SINCE 1936,
MY MOTHER WAS BORN AND LIVED AT

4. (b) If you rode a horse

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

N/A

(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?

N/A

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?

IT WAS ALWAYS A WELL USED TRACK AND
ALWAYS ACKNOWLEDGED AS SUCH.

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

01-13 DH 40 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: center; font-size: 1.2em;">YES</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>
10.	Did you keep to the path claimed or wander freely between start and finish? <div style="text-align: center; font-size: 1.2em;">YES</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; font-size: 1.2em;">NO</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; font-size: 1.2em;">N/A</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> <div style="text-align: center; font-size: 1.2em;">THERE WERE POSTS BUT I DIDN'T TAKE ANY NOTICE OF WHAT THEY SAID.</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="text-align: center; font-size: 1.2em;">NO</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; font-size: 1.2em;">NO</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; font-size: 1.2em;">N/A</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; font-size: 1.2em;">N/A</div>

01-13 DH 40 3 of 6.

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?	NO
	If so, please say, how, where and when this was, and by whom.	
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, WALKERS, CYCLISTS AND A MOTOR VEHICLE OVER THE PERIOD OF MY LIFE MANY
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?	OCCASIONALLY A 4X4 VEHICLE AND SEVERAL TRACTORS
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?	A VW PICK-UP IN THE 1980S - 1990S, WHEN DELIVERING FIREWOOD
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who?	I KNEW THE CROCKETT FAMILY WHO LIVED AND OWNED AT MOOR FARM AND SOMETIMES SAW THEM ON THE TRACK.
25.	If you have ceased using the way, please say why.	MY AGE BUT MY FAMILY HAVE CONTINUED TO USE THESE ROUTES

01-13 DH 40 40A6.

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

I WAS BORN AND GREW UP IN
THE AREA AND HAVE USED
THESE ROUTES ALL MY LIFE.
I WAS BORN AT
BOTANY BAY IN 1936
AND MOVED TO
IN 1956 AND THEN
TO BOTANY BAY
IN 1966 WHERE I AM STILL
LIVING.

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

++
BOTANY BAY, TINTZ

28. 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

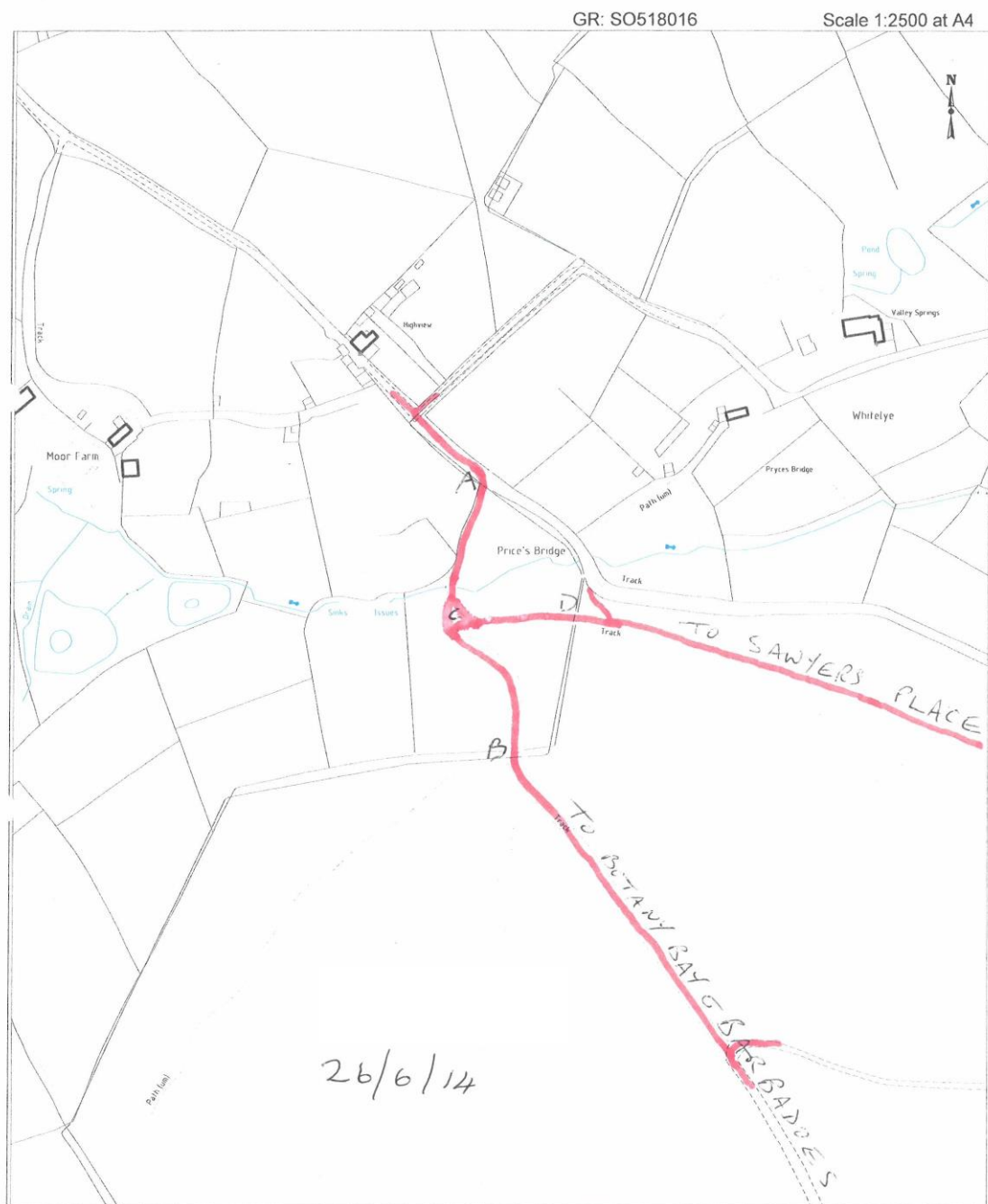
Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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

Signed:

Date: 26/8/2014

01-13 DH 40 50f6



01-13 DH 40 6 of 6.

PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 PRYCES BRIDGE, WHITELEY TO BARRADOES
~~TO~~ FROM PRYCES BRIDGE TO SAWYERS PLACE

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)

AS A SHORTCUT WITH A VEHICLE AND WITH TIMBER EQUIPMENT WHEN WORKING FOR MYSELF AND HAVE ALWAYS WALKED THROUGH

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

TO AND FROM BOTANY BAY AND BARBADOES
TO WHITELEY

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

AS A CHILD FROM ABOUT 1942 AND
SINCE 1950 I HAVE USED IT FOR WALKING AND
WITH A VEHICLE

(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.)

WHENEVER I NEEDED TO - SEVERAL
TIMES A YEAR

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

ON FOOT AND IN A MOTOR VEHICLE

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

YES IT WAS A SHORT CUT

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

TINTERN SINCE 1936
MY MOTHER WAS BORN AND LIVED
AT

4. (b) If you rode a horse

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

N/A

(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?

N/A

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?

IT WAS ALWAYS A WELL USED TRACK
AND ALWAYS ACKNOWLEDGED AS SUCH

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

01_13 DH 40a 2of6

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: center; font-size: 1.2em;">YES</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>
10.	Did you keep to the path claimed or wander freely between start and finish? <div style="text-align: center; font-size: 1.2em;">YES</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; font-size: 1.2em;">NONE</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; font-size: 1.2em;">N/A</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> <div style="font-size: 1.2em;">THERE WERE POSTS BUT I DIDN'T TAKE ANY NOTICE OF WHAT THEY SAID</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="text-align: center; font-size: 1.2em;">NO</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; font-size: 1.2em;">NO</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; font-size: 1.2em;">N/A</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; font-size: 1.2em;">N/A</div>

01-13 DH 40a 3of6

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?

NO

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

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 WALKERS, CYCLISTS AND A MOTOR VEHICLE. OVER THE PERIOD OF MY LIFE MANY

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?

OCCASIONALLY A 4x4 VEHICLE AND SEVERAL TRACTORS

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?

A VW PICK-UP IN THE 1980's - 1990's WHEN DELIVERING FIREWOOD

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

I KNEW THE CROCKETT FAMILY WHO LIVED AND OWNED MOOR FARM AND SOMETIMES SAW THEM ON THE TRACK

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

MY AGE BUT MY FAMILY HAVE CONTINUED TO USE THESE ROUTES

01-13 DH 40a 4of6

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

I WAS BORN AND GREW UP IN
THE AREA AND HAVE USED
THESE ROUTES ALL MY LIFE.
I WAS BORN AT
BOTANY BAY IN 1936 AND MOVED
TO IN 1956
AND THEN TO
BOTANY BAY IN 1966 WHERE
I AM STILL LIVING.
THIS STATEMENT REFERS TO THE
ROUTES MARKED IN RED ON THE
MAP ATTACHED - A TO B and C TO D

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

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

~~I am~~ I 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: 26/7/17

THIS IS A COPY OF EVIDENCE FORM
SIGNED ON 26/6/14

01-13 DH 40a 50/6

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Summary & comments Mrs L Elson

1.1. Mrs L Elson [28], reports riding horses and walking along the footpath and bridleway into the woods from 1959 to 1994. Although this covers 38 years, only 17 years are relevant for the 1977 to 1997 period.

- (i) During this period she has lived in the area and believed that she always had a right to use the Routes and has done so daily between 1959 to 1968 and 1980 to 1994. She added that her aunt lived there all the time between 1956 and 1994.
- (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 and that *"the path was open to wander freely"*. She reports never seeing gates, locked gates or stiles across it, or any type of signage or notices.
- (iii) She recalls seeing other people/neighbours using path regularly to walk and ride, adding that she had seen *"horse drawn only and forestry horses"*.

Comments

- (iv) It is noted that Mrs L Elson was born in 1957 and therefore started using the Routes at the age of two, probably with family members.
- (v) Therefore, the 14 years from around 1980 to 1994 represents the period of her evidence and shows that she independently used the Routes for horse riding and walking. Therefore, as her evidence is based on her own horse riding and walking; her observation of other horse riders, walkers and horse drawn carts, this submission supports public restricted byway rights.

24 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

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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 BEFORE 1957

To AT LEAST when I moved
TO PRESENT DAY

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)

Riding Horses + Walking

01-13 LCE 1066

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

my Home To Barbados Woods and
Down TO TINTERN OR BOTANY BAY

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

1959 - 1994

(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.)

Daily.

(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?

The Foot Path and Bridleway
into the woods.

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.

AT Home

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

Any Time

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

No Hacking only

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?

Had been a Foot Path and Bridleway
and For working Forestry Horses Since
I Can Remember 1959 - 1994 DATES

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 but had always been open.

01-13 LCE 206

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <div style="margin-top: 10px; font-family: cursive;">Yes</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>
10.	Did you keep to the path claimed or wander freely between start and finish? <div style="margin-top: 10px; font-family: cursive;">Yes - Path was open to wander freely</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="margin-top: 10px; font-family: cursive;">No</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="margin-top: 10px; font-family: cursive;">No</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> <div style="margin-top: 10px; font-family: cursive;">No</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: 10px; font-family: cursive;">No</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="margin-top: 10px; font-family: cursive;">No</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="margin-top: 10px; font-family: cursive;">-</div>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? <div style="margin-top: 10px; font-family: cursive;">/</div>

01-13 LCE 3046

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?
NO	
If so, please say, how, where and when this was, and by whom.	
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.
When living there saw people/Neighbors using the way to walk and Ride	
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?
Horse Drawn only and Forestry Horses	
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?
/	
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who?
No (was always open to anyone)	
25.	If you have ceased using the way, please say why.
Due to moving away	

01-13 LCE 4 of 6

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

I lived between
1959 - 1968 lived there all
1980 - 1994 (The time between 1956
- 1994)
So still when with horses and
walked between
all DATES IT was always a
Bridleway and walking paths and
The owners of Moor Farm had
never used this area as there
own in all that time.

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

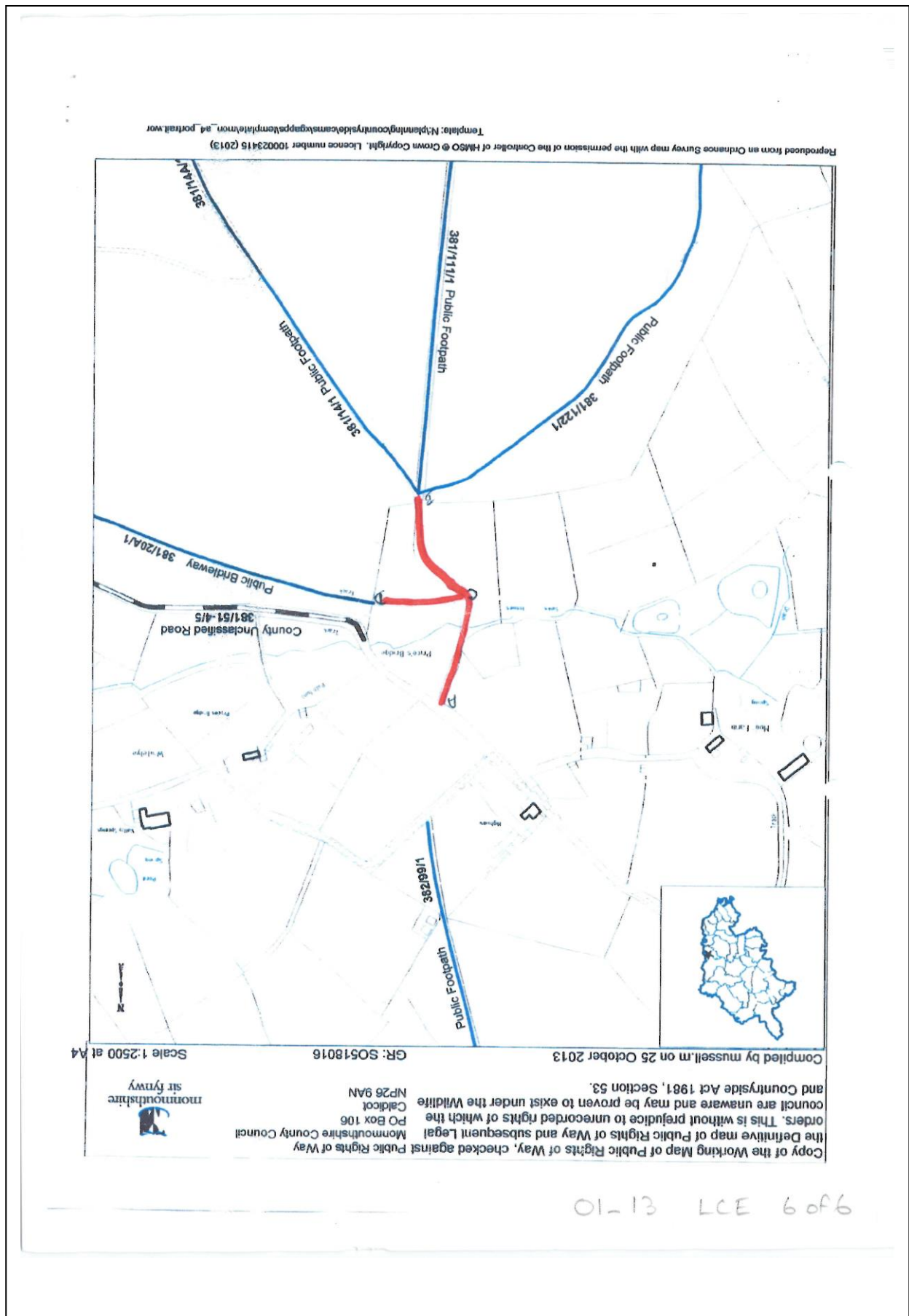
Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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

Signed:

Date: 4/8/17

01-13 LCE 5 of 6



Summary & comments Mr M Storey

1.1. Mr M Storey [29], reports cycling and walking from point B[D] to C[C] and the A[A] or D[F] for leisure recalling that he first used these Routes in the 1990s. In this instance his usage from 1977 to 1997, therefore, cannot be more than 7 years.

- (i) He continues to report that from August 2010 he lived in the area believing that the Routes were public rights of way with bridleway status. He particularly makes reference to the extension of the Route, C[C] to D[F] which had a signpost and also an improved surface which previously he tentatively recalls the surface had *“very old cobbles?”*.
- (ii) He continues to describe the Routes as clearly defined tracks that had a bridge at the stream crossing and had always run over the same alignment that he had kept.
- (iii) He reports *“no impediment to progress ever seen”*, but does recall county fingerposts at locations X & Z marked at points A and B[D] on his plan (Appendix 6.22.6).
- (iv) He reports seeing many other users as well as having *“cycled with several groups up to 15 at any time”*. He also reports not seeing anyone driving motor vehicles or horse drawn carts.

Comments

- (v) Mr M Storey states that he used the routes in the 1990s up to August 2010. While his evidence form shows that from August 2010 he lived in the Whitelye area and daily/monthly used the Routes, his response does not clarify the period between 1990 and 1997.
- (vi) Therefore, this evidence although interesting, is not clear as to his use of the Routes during the period 1977 to 1997.

24 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

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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 B

To C AND THEN A OR D

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)

LEISURE

01-13 MS 126

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

HOME / VISITING

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

FIRST USE IN 1990'S

(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.)

DAILY / MONTHLY USE SINCE MOVING TO THE AREA.

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

BIKE + FOOT

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

YES - QUICKEST WAY TO NEIGHBOURS

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

UP TO AUG 2010
FROM APR 2010 (WHITELYE).

4. (b) If you rode a horse

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

N/A

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

N/A

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

N/A

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?

SIGN POST + CLEARLY AN EXTENSION OF BW (C-D)
ALSO IMPROVED SURFACE (VERY OLD COBBLES?).

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 IS CLEARLY A PUBLIC RIGHT OF WAY

01-13 MS 246

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? YES. CLEARLY DEFINED + BRIDGE AT STREAM CROSSING.
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>
10.	Did you keep to the path claimed or wander freely between start and finish? STAYED ON 'TRACK' - NOT 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? <u>Please mark them on the plan</u> NO IMPEDIMENT TO PROGRESS. EVER SEEN.
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;">N/A</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> COUNTY FINGER POSTS AT X & Z
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="text-align: center;">N/A</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;">NO</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;">No</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;">N/A</div>

01-13 MS 3 of 6

18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way?
	N/A
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?
	NO
	If so, please say, how, where and when this was, and by whom.
	N/A
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, MANY OTHER USERS. ALSO I HAVE CYCLED WITH SEVERAL OF THEM AT ANY TIME.
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?
	NONE SEEN
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?
	NO.
25.	If you have ceased using the way, please say why.
	ROUTE BLOCKED.

01_13 MS 4 of 6

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

THE MARKED WAY (A-B/C-D) IS CLEARLY A
CONTINUATION OF AN EXISTING RIGHT OF WAY.
UNTIL THE OWNER OF THE DISPUTED WOODLAND
BUILT A 'BUND' TYPE BARRIER THERE WAS
NO IMPEDIMENT TO PROGRESS, EITHER BY
FOOT OR PEDAL CYCLE.

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: 26-07-2017.

01-13 MS 50f6

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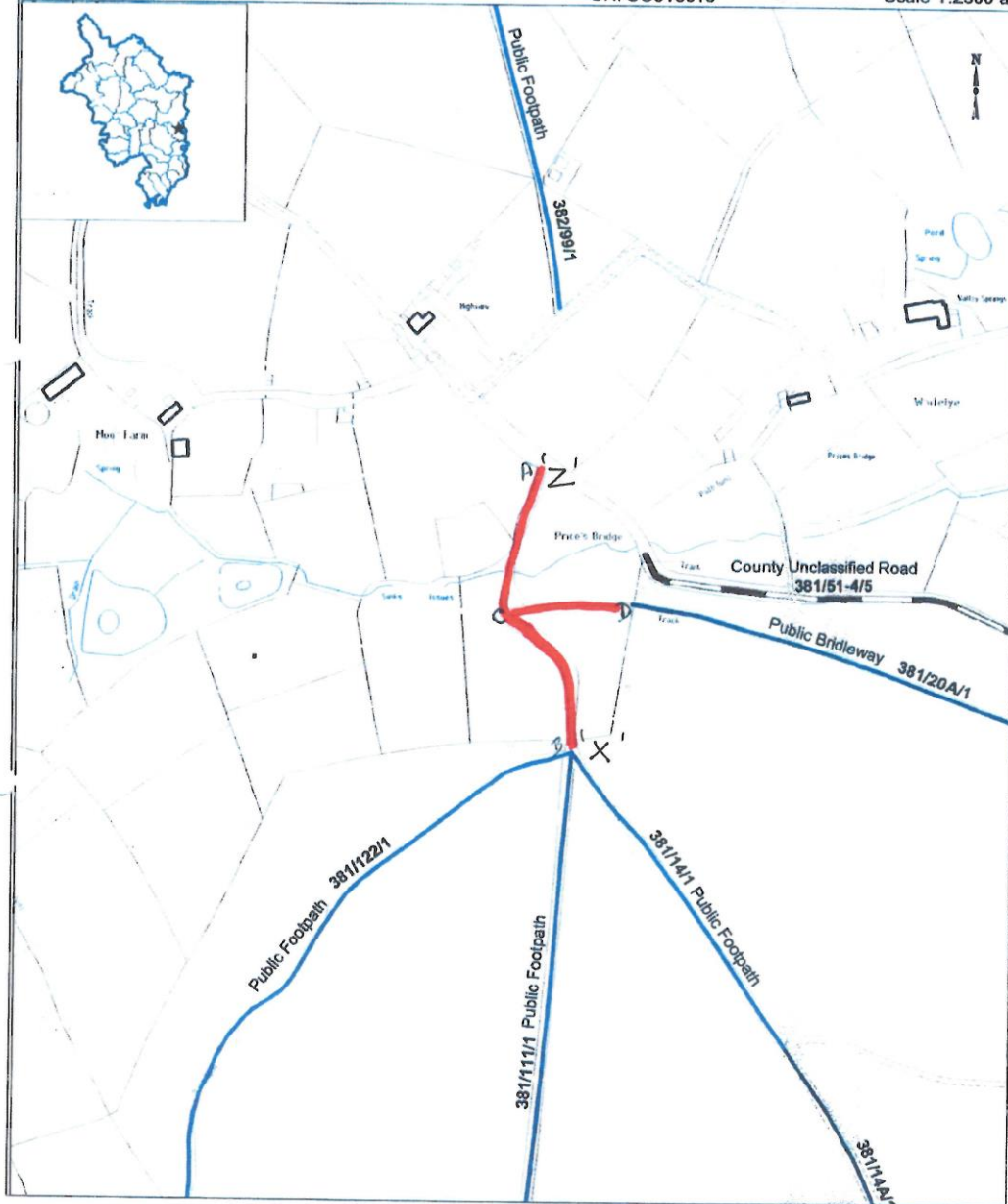
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



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01-13 MS 6 of 6

Summary & comments Mr P Verdigi

1.1. Mr P Verdigi [30], husband of Mrs K Verdigi (27), reports walking all the Routes marked red on the plan (Appendix 6.30.6) for pleasure from 1988 until they were blocked by Mr & Mrs Talbot. Although, there is no specific end date recorded on the evidence form it does represent 25 years from 1988 to 2013, of which only 9 years are relevant for the 1977 to 1997 period.

- (i) During this period he has lived in the area and states that he believed the Routes were public rights of way with a status of bridleway.
- (ii) He continues to describe the Routes as marked on the OS maps which was a clearly defined track that he walked at least once a week and often several times a week which was the main route to other public rights of way.
- (iii) He reports *"it [the Routes] had obviously been used for many years before I use it, there were no signs or obstacles to say it was private and it is clearly marked on OS maps as a path"*.
- (iv) He recalls: seeing fingerposts at points A[A] and B[D]; that it was common to meet other locals who had used the way long before 1988; often seeing riders on motorcycles and occasionally 4 wheel drive vehicles; and reports also meeting *"all people who live next to and locally to the way"*.
- (v) He states that when he moved to Whitelye in 1988 he started using the Routes and it was obvious from existing locals that it had been used continuously through living memory.
- (vi) He further reports that Mr and Mrs Talbot did not give any indication that the Routes should not be used.

Comments

- (vii) Mr P Verdigi's report of motorcycles and 4 wheeled drive vehicles use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights.
- (viii) Mr Verdigi does question why route C[C] to D[F] (public bridleway) would end without an exit and, as his evidence is based on his walking activities and meeting other similar users, his submission supports public footpath rights.
- (ix) However as his wife reports her horse riding activities in the area, this influences his belief that the Routes are bridleways.

02 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 MARKED IN RED ON
To ATTACHED PLAN

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 PV 1 of 6

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

FROM HOME TO PUBLIC AREAS OF
RECREATIONAL USE

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

CONTINUALLY FROM 1988 UNTIL
PATHS BLOCKED BY MR & MRS TALBOT

(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.)

REGULARLY, AT LEAST ONCE A WEEK AND
OFTEN SEVERAL TIMES A WEEK.

(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?

IT WAS THE MAIN ROUTE TO JOIN OTHER
PUBLIC RIGHTS OF WAY

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

WHITELYE.

1988 - PRESENT.

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? IT HAD OBVIOUSLY
BEEN USED FOR MANY YEARS BEFORE I USED
IT, THERE WERE NO SIGNS OR OBSTACLES TO SAY IT
WAS PRIVATE, IT IS CLEARLY MARKED ON OS MAPS AS A PATH.

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, AND IN FACT
I USED IT ON MANY OCCASIONS WITHOUT
ANYONE SAYING IT WAS PRIVATE

01-13 PV 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 - AND MARKED CLEARLY ON D.S. MAPS.
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>
10.	Did you keep to the path claimed or wander freely between start and finish? ALWAYS KEPT TO THE WELL DEFINED 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? <u>Please mark them on the plan</u> THERE HAD NEVER BEEN ANY OBSTACLES UNTIL MR TRAUT BLOCKED THE PATH
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> NO GATES
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> THERE USED TO BE FINGER POSTS AT POINTS A & B ON THE MAP INDICATING PUBLIC FOOT PATHS
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>
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? NOT APPLICABLE
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? NOT APPLICABLE

01-13 PV 3 of 6

18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way? <i>NO</i>
19.	Did you ever encounter any obstructions not already described (in 12 above)? <i>NO</i>
20.	Have you ever been stopped or turned back or do you know if this has happened to anyone else? <i>NO</i> YES If so, please say, how, where and when this was, and by whom.
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. <i>YES, WHEN I FIRST USED THE PATH IN [blank] IS COMMON TO MEET OTHER LOCALS WHO HAD USED THE WAY LONG BEFORE 1988, MANY ARE NOT WITH US NOW.</i>
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? <i>YES, I HAVE OFTEN SEEN RIDERS ON MOTORCYCLES AND OCCASIONALLY 4 WHEEL DRIVE VEHICLES.</i>
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?
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who? <i>YES, I WOULD OFTEN MEET ALL PEOPLE WHO LIVED NEXT TO, AND LOCALLY TO, THE WAY.</i>
25.	If you have ceased using the way, please say why. <i>I HAVE NOT BEEN ABLE TO USE IT SINCE MR TALBOT DID HIS BEST TO DESTROY THE PATHS</i>

01-13 PV 4 of 6

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

WHEN I MOVED TO WHITEHIE IN 1988
I STARTED USING THE PATH AND IT WAS
OBVIOUS FROM EXISTING LOCALS THAT IT
HAD BEEN USED CONTINUOUSLY THROUGHOUT
LIVING MEMORY. MR & MRS TALBOT DID NOT
GIVE ANY INDICATION THAT THE PATH SHOULD
NOT BE USED UNTIL THEY HAD CLAIMED
ADVERSE POSSESSION OF THE LAND THAT
CONTAINED THE PATH.

I NOTICE THAT THE ^{ORIGINAL} DEFINATE P.R.W.
MAP SHOWS THE PATH FROM D - C AND
IF A - C AND C - B WERE NOT PUBLIC
PATHS, WHY WOULD PATH D - C END
WITHOUT AN EXIT?

(POINTS A, A, C,) AS PER ATTACHED MAP.)

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: *21 JULY 2017*

01-13 PV 5 of 6

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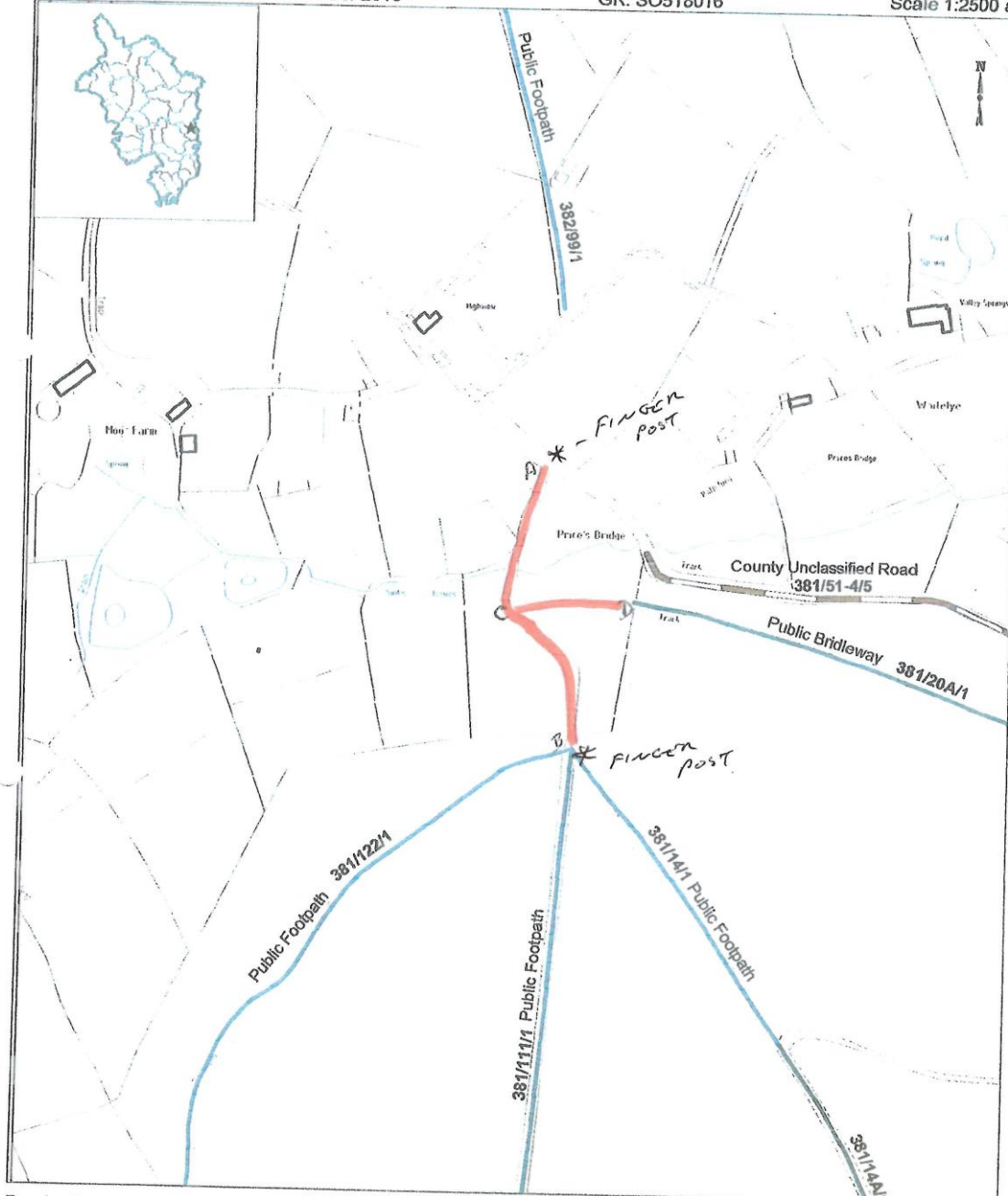
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



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01-13 PV 6 of 6

Summary & comments Ms R Williamson

1.1 Ms R Williamson [31], reports walking 2 routes, A[A] to B[D] and C[C] to D[F] for pleasure and access to Barbadoes Hill and properties in the area from 1985 to the present [2013]. Although there is no specific end date recorded on the evidence form, it does represent 28 years from 1985 to 2013, of which only 12 years are relevant for the 1977 to 1997 period.

- (i) During this period she has visited the area and reports walking the Routes about 6 times per annum and even more frequently in the past. She adds that she believed she had a right to use the Routes as they were *“public rights of way and have been so for generations”*.
- (ii) She continues to describe the Route as a very clear path that has always run over the same route until *“the historic paths were destroyed by a digger – about 4 years ago”*.
- (iii) She reports that she has kept to the path but felt free to wander when it was Forestry Commission land.
- (iv) She does not recall gates, locked gates, stiles, fingerpost or signs. She reports no knowledge of any other notices or signs on or near the way.
- (v) She reports regularly walking these paths with friends and reports that in the past saw regular vehicle tracks on route A[A] to B[D].
- (vi) She further reports that an unsuitable alternative route has been created. It is very narrow, steep and very slippery in wet weather. This makes it dangerous for users, especially for walkers on their own.

Comments

- (i) Ms R Williamson's 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. Therefore, as her evidence is based on walking and her observation of other walkers this submission supports public footpath rights.

24 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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: - 2 routes used regularly

From ① A ② C
To B D

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)

For pleasure and access to Barbadoes Hill and properties in the area.

01-13 RLW 1 of 6

(b) Where you were going (to and from)?
 From Botany Bay to various points in the woods & to visit residents

(c) During which years did you use the way?
 From 1985 to the present

(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.)
 Currently - about 6 times p.a but used it more frequently in the past.

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

(f) Is the way, or was it, a short cut for you? If so why?
 Yes. Shortest route to neighbours.

4. (a) When using the path where did you live? If different places for different periods please give dates - in years.
 1985 - 88 1988 - 96 In all of this time, I have stayed regularly in Botany Bay.
 1996 - present

4. (b) If you rode a horse
 (i) where did you ride it from? Please give dates in years.
 N/A

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

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

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?
 These are public rights of way & have been so for generations

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. This is not needed as public rights of way.

01-13 RLW 2 of 6

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <i>There was a very clear path. This has now been destroyed.</i>
9.	Has the way always run over the same route? YES NO until destroyed If it has altered, give details and dates. <u>Please mark any changes, which you experienced on the plan.</u> <i>The historic paths were destroyed by a digger - about 4 years ago</i>
10.	Did you keep to the path claimed or wander freely between start and finish? <i>I kept to the path but felt free to wander when it was Forestry Commission land.</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? <u>Please mark them on the plan</u> <i>Not to my knowledge</i>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> <i>Not to my knowledge.</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? <u>Please mark them on the plan.</u> <i>I think there was but not sure of location</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? <u>Please mark the plan to show location of any signs.</u> <i>No Knowledge</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>N/A</i>

01-13 RLW 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;">Not in the past. Now there a numerous obstructions.</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;">I have not been stopped by a person. I have been stopped because of the obstructions blocking the original paths. These include a barbed wire fence & earthworks</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: I regularly walked these paths with friends but now have to use an alternative route.</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 - but in the past saw regular vehicle tracks on Route A → B</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;">N/A</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;">No</p>
25.	If you have ceased using the way, please say why. <p style="text-align: center;">Access has been cut off by a number of barriers (see Q 20 above)</p>
26.	If you wish to give any further particulars, please do so here, or continue on a

01-13 RLW 4 of 6

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

An unsuitable alternative route has been created. It is very narrow, steep and very slippery in wet weather. This makes it dangerous for users, especially for walkers on their own.

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

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: 21/07/17

01-13 RLW 546

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

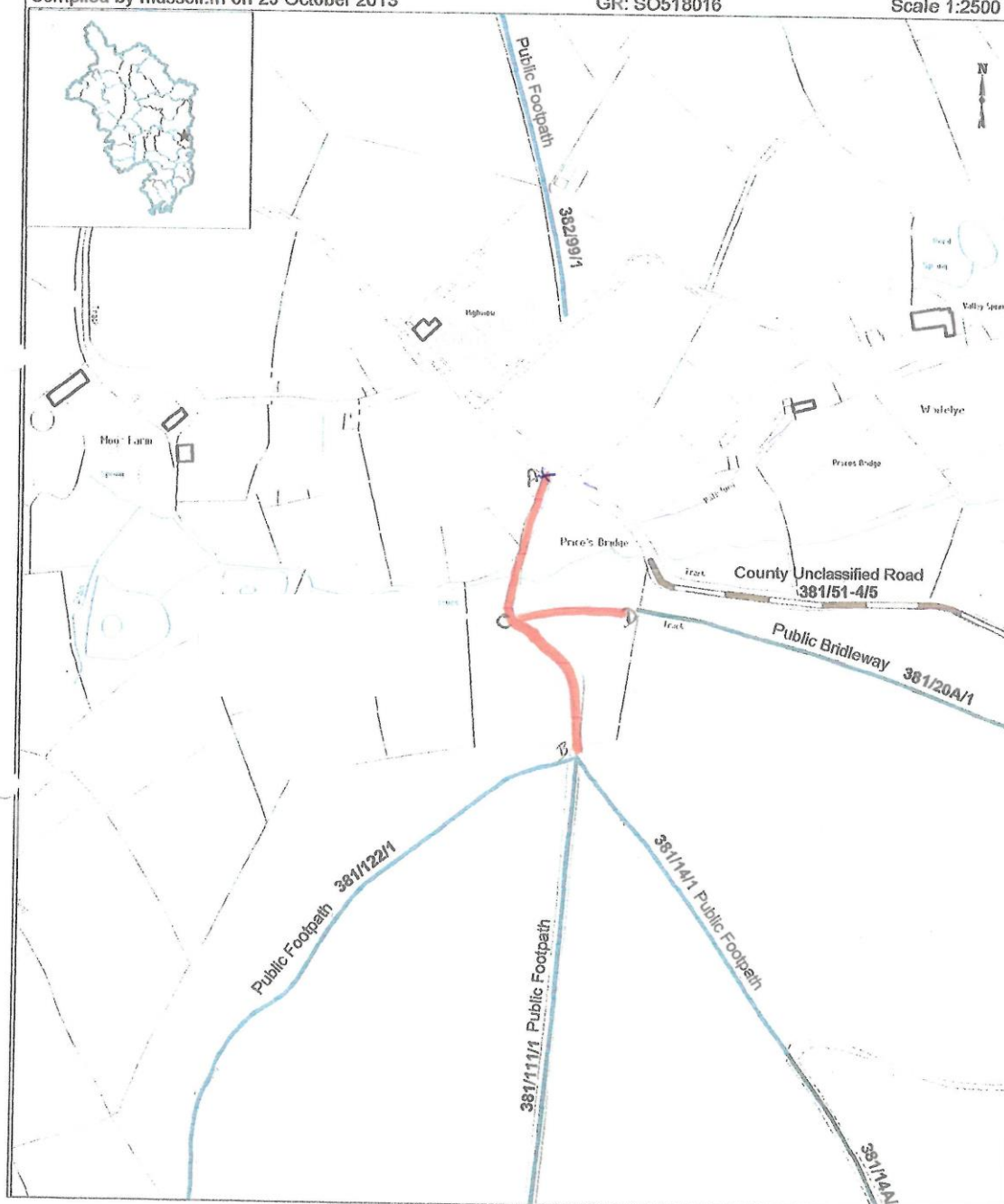


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01-13 RLW 6 of 6

Summary & comments Mr T Taylor

1.1. Mr T Taylor [32], reports walking all the Routes, from Whitelye Lane to Barbados for pleasure from 1985 to the present [2013]. Although there is no specific end date recorded on the evidence form, it does represent 28 years from 1985 to 2013, of which only 12 years are relevant for the 1977 to 1997 period.

- (i) During this period he has lived in the area and reports walking daily. He adds that he believed he had a right to use the Routes, their status being byway open to all traffic, as they were *“always open access part of the forestry”*.
- (ii) He continues to describe the Route as a very clear path that has always run over the same route.
- (iii) He also recalls wandering freely reporting that there were no gates, locked gates or stiles. He does recall fingerpost/footpath signs but can’t remember their positions or if there were any other notices or signs on or near the way.
- (iv) He reports regularly walking these paths with family and friends up to 5 or 6 people at a time. He recalls: seeing other people riding through regularly; post office van; JCB driven through regularly; and the tractor rally yearly. He also reports seeing *“Mr & Mrs Talbot riding and walking through”*.
- (v) He further states:

“I have been using these paths since I moved to Whitelye in 1985. I feel that they should be reopened and the track and bridle-path totally reinstated as they have been destroyed by present owners. These tracks are ancient rights of way and are shown on the first maps of the area dating to 1840.”

Comments

- (ii) Mr T Taylor states that he has walked the Routes.
- (iii) His reporting of the motor vehicle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights.
- (iv) Therefore, as his evidence is based on walking and his observation of other walkers and horse riders this submission supports public bridleway rights.

02 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 Whitely Lane

To Barbados.

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 TT 1 of 6

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

From Whiteley to pleasure walking.

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

1985 to 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.)

Daily walks

(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?

Normal walk

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.

N/A

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

N/A

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

N/A

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?

Always open access part of the forestry.

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.

01-13 TT 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. <u>Please mark any changes, which you experienced on the plan.</u>
	Yes
10.	Did you keep to the path claimed or wander freely between start and finish?
	Wander freely.
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>
	No
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u>
	✓
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>
	Yes but can't remember positions
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>
	Can't remember where only footpath signs
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?
	No
17.	If you were an owner or tenant, did you recognise that the way was a public right of way?
	NA

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18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way?
	<i>No</i>
19.	Did you ever encounter any obstructions not already described (in 12 above)?
	<i>No</i>
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.
	<i>No</i>
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.
	<i>Various times of the year</i> <i>Yes family and friends up to 5 or 6 at a time</i>
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?
	<i>Yes people riding through regularly</i> <i>Post Office Van, JCB, driven through regularly</i> <i>Tractor Rally yearly</i>
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?
	<i>N/A</i>
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who?
	<i>Yes Mr & Mrs Talbot riding and walking through</i>
25.	If you have ceased using the way, please say why.
	<i>Although it is blocked I still continue to use it whenever possible</i>

01-13 TT 4 of 6

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

I have been using these paths since I moved to Ditzelge in 1985. I feel that they should be reopened and the track and bridle path totally reinstated as they have been destroyed by present owners. These tracks are ancient rights of way and are shown on the first maps of the area dating to 1840.

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: 16/7/17

01-13 TT 5 of 6

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.

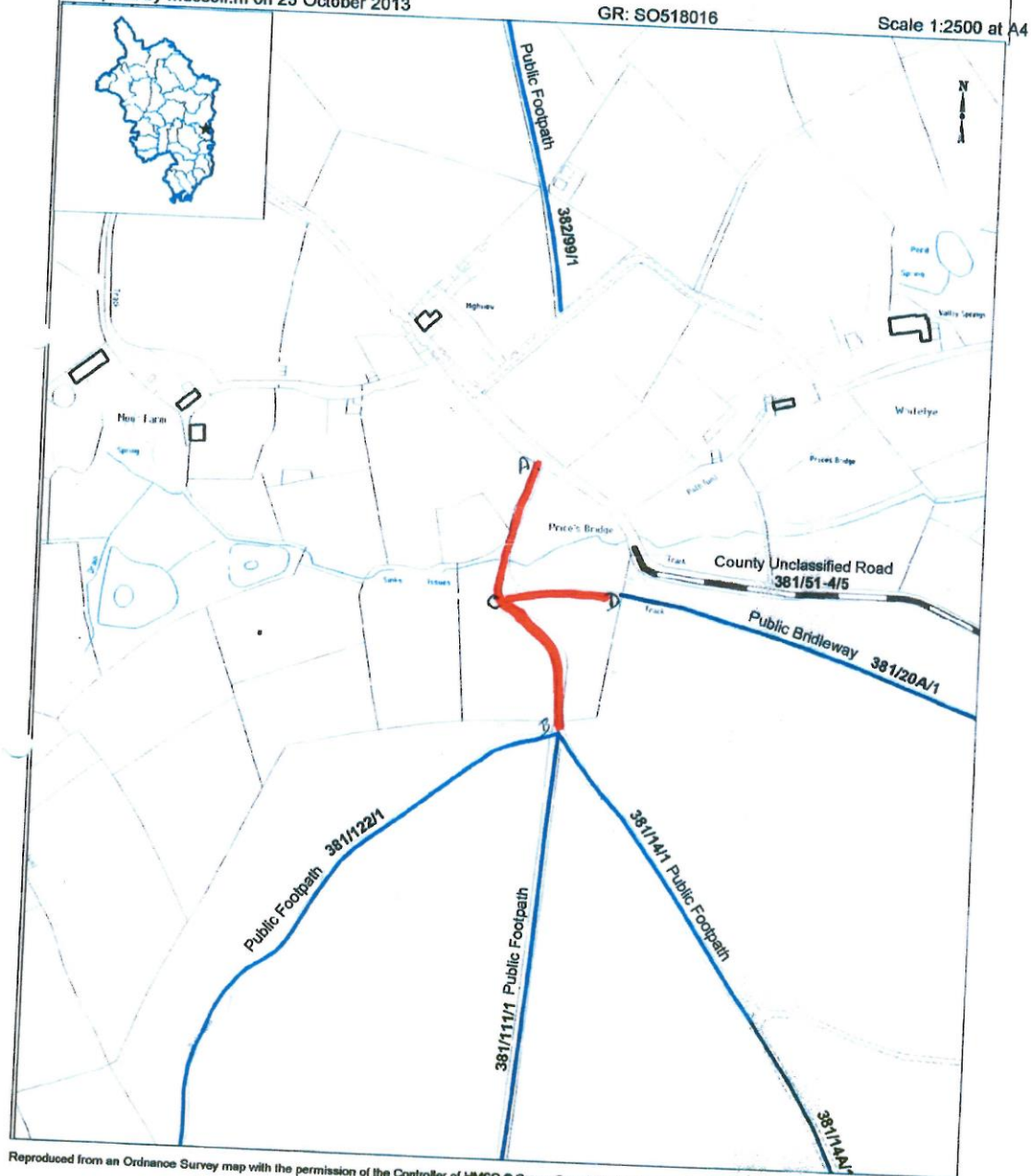
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

Scale 1:2500 at A4



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01-13 TT 6 of 6

Summary & comments Ms T Treasure

1.1 Ms T Treasure [33], reports walking and cycling the Routes from B[D] to C[C] and then A[A] or D[F] for leisure from 1995 to the present [2013]. Although there is no specific end date recorded on the evidence form, it does represent 18 years from 1995 to 2013, of which only 2 years are relevant for the 1977 to 1997 period.

- (i) During this period she has visited and lived in the area and reports walking and cycling about 3 to 4 times per annum. Then from 2010 she used the Routes more frequently. She adds that she believed that they were bridleways and that she had a right to use them due to a signpost and the physical evidence of a well-marked path.
- (ii) She continues to describe the presence of a bridge over the stream and that the Routes were clearly marked. They have always run over the same alignment.
- (iii) She reports that she had no need to wander as the Route was a good path/track and to her knowledge never encountered gates, locked gates, stiles, or any other notices or signs on or near the way.
- (iv) She recalls fingerpost signs which informed her of her right to use the Route and has marked the locations of these on her plan (Appendix x.xx) at points 'X' and 'Z'.
- (v) She reports that when she was out walking she saw others and has also walked and cycled with others.
- (vi) She further reports that, *"this was a lovely path/track which has now been blocked. It had a lovely bridge over the stream which our grandchildren would have loved to play in"*.

Comments

- (v) Ms T Treasure states that she has walked and cycled the Route and believes the status of the Route to be a bridleway.
- (vi) Therefore, as her evidence is based on walking, cycling and her observation of other walkers, this submission supports public bridleway rights.

24 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 B
To C and then A or D

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)

LEISURE

01-13 TT 1 of 6

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

ORIGINALLY VISITING. NO W TO + FROM HOME

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

1995 - 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.)

Weekly + Monthly since 2010
3-4 times a year previously

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

foot + bike

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

yes - to local houses to see friends

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

1995-2010
2010 → at present address

4. (b) If you rode a horse

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

N/A

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

N/A

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

N/A

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?

sign post + well marked path

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. Did not require permission

01-13 TT 2 of 6

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <i>yes - clearly marked + bridge over stream.</i>
9.	Has the way always run over the same route? <u>YES</u> / NO If it has altered, give details and dates. <u>Please mark any changes, which you experienced on the plan.</u>
10.	Did you keep to the path claimed or wander freely between start and finish? <i>No need to wander as good path track</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? <u>Please mark them on the plan</u> <i>NO</i>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> <i>no gates</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? <u>Please mark them on the plan.</u> <i>marked on map X + Z</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? <u>Please mark the plan to show location of any signs.</u> <i>N/A</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>NO</i>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? <i>N/A</i>

01-13 TT 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? <p style="text-align: center;">NO</p> If so, please say, how, where and when this was, and by whom.
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;">When walking - seen others doing so + have walked with others. Also biked with others</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;">N/A</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;">NO</p>
25.	If you have ceased using the way, please say why. <p style="text-align: center;">Route blocked</p>

01-13 TT 4 of 6

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

This was a lovely path / track
which has now been blocked. It had
a lovely bridge over the stream - which
our grandchildren would have loved to
play in

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:

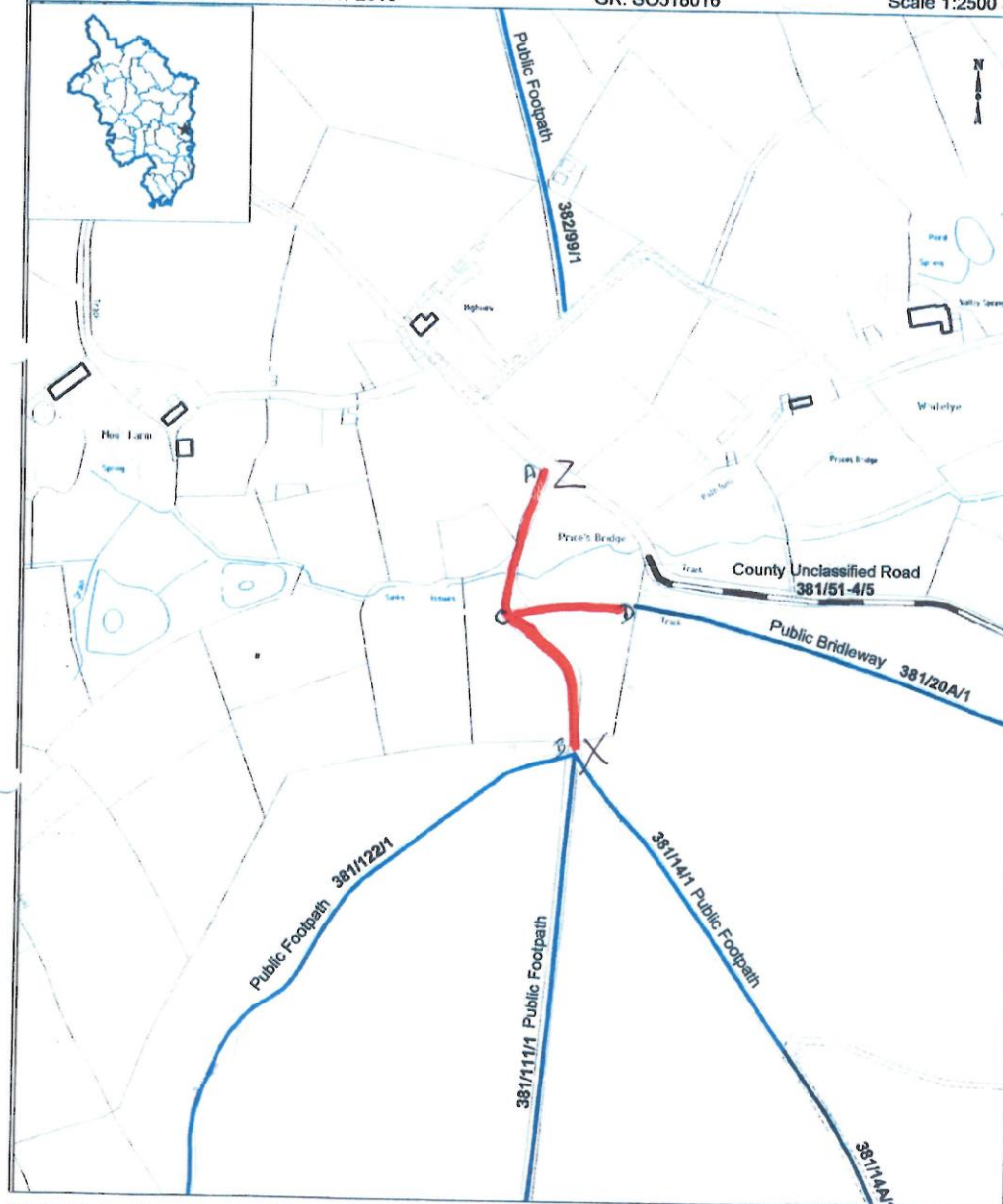
Date: 26/7/17

9-13 TT 5 of 6



monmouthshire
sir fynwy

Scale 1:2500 at A4



Template: N:\planning\countryside\cams\kgapps\template\mon_a4_portrait.wor

01-13 TT 6 of 6

Summary & comments Mrs W Rhodes

1.1. Mrs W Rhodes [34], reports dog walking and pleasure use along the Routes marked red on her attached plan (Appendix 6.27.6) from pre 1980 to 2010. Although there is no specific start date recorded on the evidence form, it does represent 30 years from 1980 to 2010, of which 17 years are relevant for the 1977 to 1997 period.

- (i) During this period she lived in the area and walked the Routes daily believing them to be public footpaths/bridleways and that she had a right to do so as they were signposted.
- (ii) She continues to describe the Routes as clearly defined tracks that have always run over the same alignment and that she has both kept to the Routes and has also wandered freely believing that the forestry land had public open access. She recalls that there have never been gates, locked gates or stiles across it, or other notices or signs on or near the way.
- (iii) She marks on her plan (Appendix x.xx) the location of fingerpost signs that indicated to her that, *"No - permission was ever sought or required as the paths were signposted as public footpaths"*.
- (iv) She reports that she frequently saw others walking who were either companions, and/or neighbours from Whitelye, Botany Bay, Catbrook and surrounds.
- (v) She further adds that:

"I was shocked and appalled to learn that access, within a much loved area, is being denied. I, personally, used the disputed pathways, on a daily basis to walk my dogs from 1980 until 2010 almost inclusively".

Comments

- (vi) Mrs W Rhodes states that she has walked the Routes believing them to be public footpaths/bridleways.
- (vii) Therefore, as her evidence is based on walking, her observation of footpath signs and other walkers this submission supports public footpath rights.

02 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 SHOWN IN RED ON PLAN ATTACHED

To _____

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)

DOG WALKING? PLEASURE

01-13 WR 1 of 6

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

FROM MY HOME & RETURN

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

FROM PRE 1980 TO 2010

(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.)

DAILY

(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?

MY CHOSEN ROUTE FOR DOGWALKING

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

WHITELEY 1980-1999
" 1999-2010

4. (b) If you rode a horse

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

N/A

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

N/A

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

N/A

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?

THE PATH WAS SIGN-POSTED AS SUCH

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 – permission was never sought or required as the paths were

sign-posted as public footpaths.

01-13 WR 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? <u>YES</u> / NO If it has altered, give details and dates. <u>Please mark any changes, which you experienced on the plan.</u>	
10.	Did you keep to the path claimed or wander freely between start and finish?	BOTH - AS FORESTRY LAND, THERE WAS OPEN ACCESS
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>	NEVER
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u>	NEVER ANY GATES FENCES OR OTHER OBSTRUCTIONS
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>	YES - (shown on plan)
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>	AS SHOWN ON PLAN
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?	N/A
17.	If you were an owner or tenant, did you recognise that the way was a public right of way?	N/A

0113 WR 3 of 6

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? **NEVER**

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

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 - frequently. Companions and/or neighbours from Whiteley, Botany Bay, Carbrook and surrounds.**

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? **On occasion**

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? **NEVER DID SO**

24. Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who? **YES - my Whiteley neighbours for example.**

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

BECAUSE I NOW RESIDE

01-13 WR 4 of 6

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

I was shocked and appalled to learn that access, within a much loved area, is being denied.

I, personally, used the disputed pathways, on a daily basis to walk my dogs from 1980 until 2010 almost exclusively.

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: July 23rd 2017

01-13 WR 5066

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.

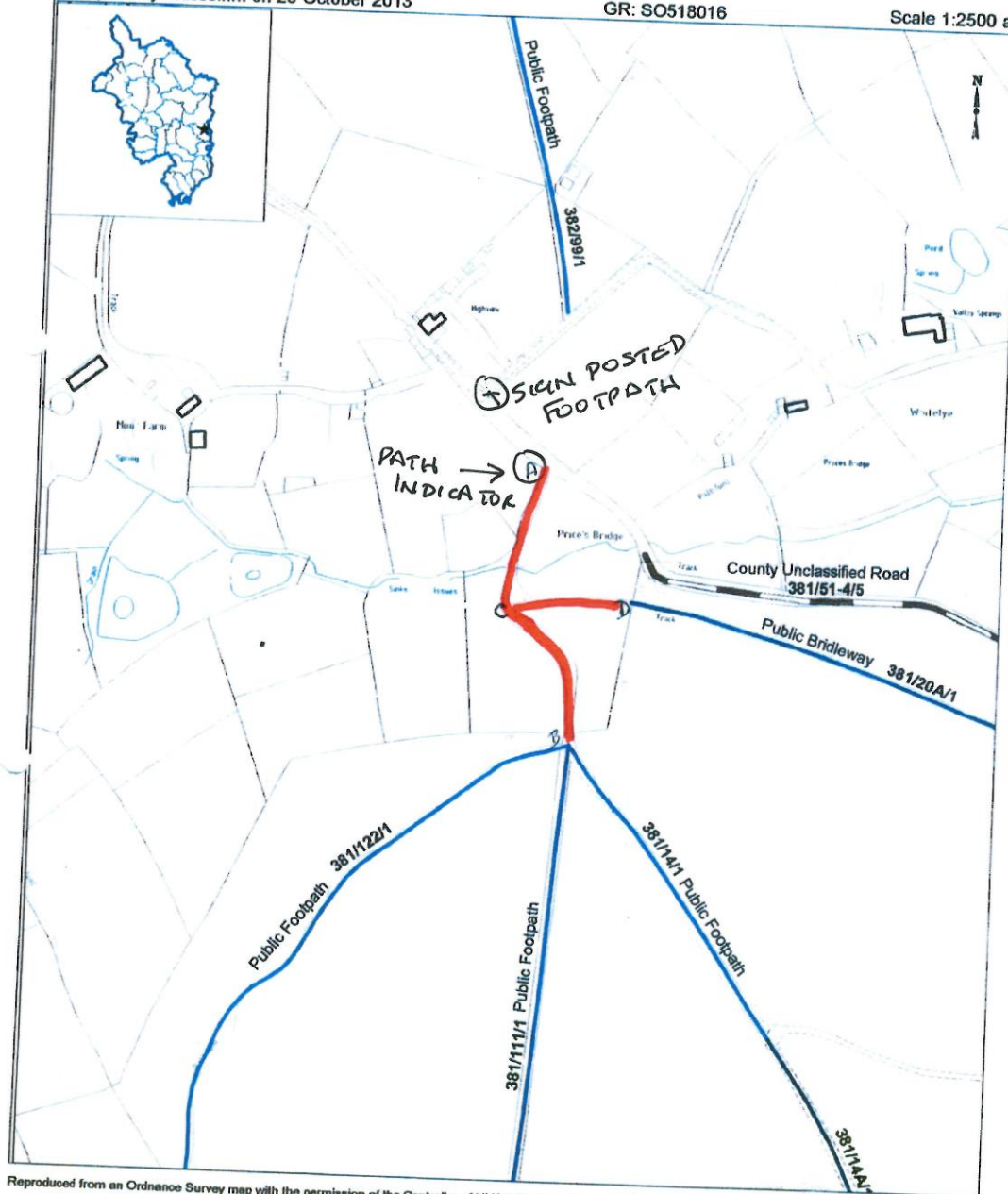
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

Scale 1:2500 at A4



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Template: N:\planning\countryside\came\vgapps\template\mon_a4_portrait.wor

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Summary & comments Miss C Simpson

1.1. Miss C Simpson [41], who is related to Mr & Mrs J Simpson (11 & 14), reports walking for pleasure all her life (nearly 40 years) along the Route from Pryces[Prices] Bridge to Barbadoes and from Pryces [Prices] Bridge to Sawyers Place. Although there is no specific start or end date recorded on the evidence form, it does represent 36 years from 1977 to 2013, of which due to her age it is only fair to say that 16 years are relevant for the 1977 to 1997 period.

- (i) During this period she has lived in and visited the area believing that she has always had a right to use the Routes. She further reports that she walked the Routes weekly and sometimes more frequently for pleasure and to visit friends.
- (ii) She describes the Routes as clearly defined tracks that have always run over the same alignment and which she has both kept to and wandered freely where to her knowledge there have never been any gates, locked gates or stiles across them.
- (iii) She recalls signposts but does not remember any other notices or signs on or near the way.
- (iv) She reports seeing her companions and other instances of people on foot, on cycles, motorbikes and occasionally a motor vehicle or a tractor. She also recalls seeing her friend's dad on a horse and trap once. She confirms seeing Forestry Commission workers using the Routes.

Comments

- (v) Miss C Simpson states that she has walked the Route believing the status of the Route to be a public footpath.
- (vi) Her reporting of motor vehicle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights.
- (vii) Therefore, as her evidence is based on walking and her observation other walkers, cyclists and on one occasion a horse drawn vehicle then this submission supports public footpath, bridleway and restricted byway rights.

PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 PRICES BRIDGE, IN WHITELEY TO BARBADOES
~~TO~~ AND FROM PRICES BRIDGE TO SAWYERS PLACE

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 THROUGHOUT MY LIFE

01-13CS 1 of 6

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

TO AND FROM MY HOME AT WHITELEY FOR PLEASURE AND TO VISIT FRIENDS.

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

ALL MY LIFETIME (40 years old)

(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 WEEKLY - SOMETIMES MORE FREQUENTLY.

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

BY FOOT

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

YES

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

WHITELEY UNTIL THE MID 1990'S AND THEN CHEPSTON.

4. (b) If you rode a horse

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

N/A

(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?

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?

ALWAYS BEEN USED AS A PUBLIC RIGHT OF WAY AND A WELL USED ROUTE.

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?

ITS A PUBLIC RIGHT OF WAY SO NO!

01-13 CS 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. <u>Please mark any changes, which you experienced on the plan.</u> YES - UNTIL NOVEMBER 2013 WHEN IT WAS BLOCKED OFF.
10.	Did you keep to the path claimed or wander freely between start and finish? BOTH
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> NO
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> N/A
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> THERE WERE SIGNPOSTS
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> NO
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? N/A
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? N/A

01-13 CS 30f6

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)? NOT UNTIL BLOCKED OFF IN NOV 2013
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. 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, MY COMPANIONS AND OTHERS. PEOPLE ON FOOT, ON CYCLES, MOTORBIKES AND OCCASIONAL. A MOTOR VEHICLE OR A TRACTOR.
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? YES, I SAW MY FRIENDS DAD ON A HORSE + TRAP ONCE. <div style="text-align: right;">, TINTERN + MY DAD.</div>
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? I WAS A PASSENGER IN MY DADS VEHICLE - A LAND ROVER AS A CHILD.
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who? FORESTRY COMMISSION WORKERS
25.	If you have ceased using the way, please say why. YES, AS IT IS NOW BLOCKED OFF

01-13 CS 4 of 6.

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

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: 3/10/17

01-13 CS 5 of 6

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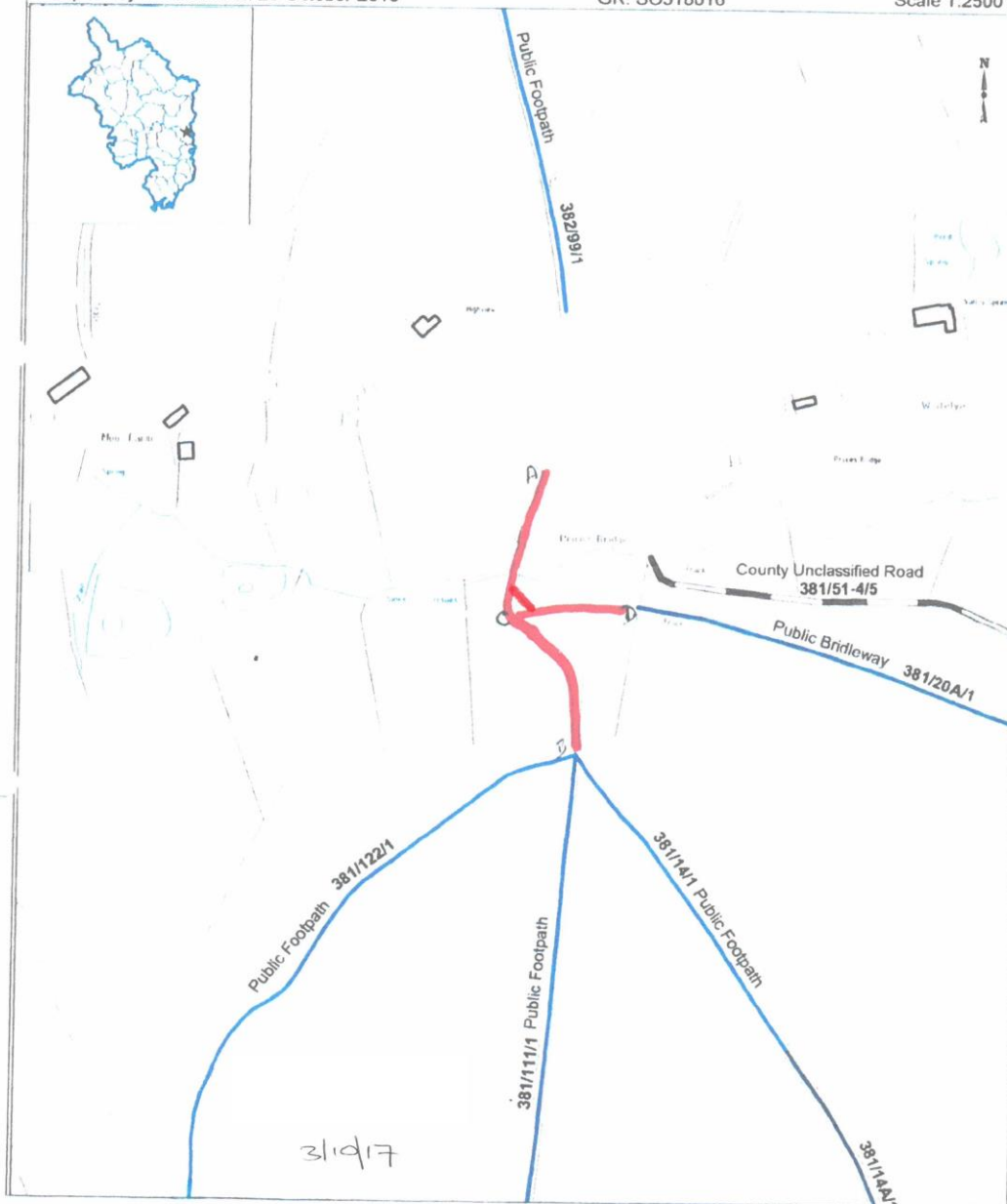
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01-13 CS 6 of 6.

Summary & comments Mr SMT Simpson

1.1. Mr SMT Simpson [42], son of Mr & Mrs J Simpson (11 &14), reports walking, cycling and using motor vehicles for pleasure along the Route from Pryces[Prices] Bridge to Barbadoes and from Pryces [Prices] Bridge to Sawyers Place during the 1970s; 1980s; 1990s; and 2000s to the present. Although there is no specific start or end date recorded on the evidence form, it does represent 44 years from 1969 to 2013, of which 20 years are relevant for the 1977 to 1997 period.

- (i) During this period he has lived in and visited the area believing that he has always had a right to use the Routes. He further reports that he walked, cycled and used motor vehicles on the Routes weekly up to the 2000s and then later up to six times per year.
- (ii) He continues to describe the Routes as clearly defined tracks that have always run over the same alignment and that he has both kept to the path and wandered freely where to his knowledge there have never been any gates, locked gates or stiles across them.
- (iii) He recalls signposts but took little notice of them and does not remember any other notices or signs on or near the way.
- (iv) He reports seeing on the Routes other people on foot, cycles, motor vehicles and tractors. He also recalls seeing Forestry Commission workers using the Routes.

Comments

- (i) Mr SMT Simpson states that he has walked, cycled and used vehicles on the Routes but does not specify whether or not he believes the status of the Routes to be either footpath, bridleway, byway open to all traffic or restricted byway.
- (ii) His reporting of motor vehicle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights.
- (iii) Therefore, as his evidence is based on walking, cycling and his observation of signposts, other walkers and cyclist this submission supports public footpath and bridleway rights.

PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 PRYCES BRIDGE, WHITELEY TO BARBADOES
To & FROM PRYCES BRIDGE TO SAWYERS PLACE.

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)

AS A REGULAR ROUTE TO AND FROM MY HOME TO VISIT FRIENDS & PLEASURE

01-13SMTS 1d6

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

TO AND FROM MY HOME

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

1970'S 1980'S 1990'S 2000'S TO PRESENT

(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.)

ROUGHLY WEEKLY UP TO 2000'S
BY FOOT, PEDAL CYCLE, MOTOR VEHICLE & MICYCLE
MORE RECENTLY UP TO SIX TIMES PER 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?

YES - A ROUTE TO AND FROM MY HOME
MORE RECENTLY MY PARENTS HOME.

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

WHITELYE, NR TINTERN 1981
TINTERN 1987
TINTERN 1969
TO 1981
TROTSMILL CREEPSTON 1977 TO
PRESENT

4. (b) If you rode a horse

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

WHITELYE 1980'S

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

DURING THE DAYTIME

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?

IT WAS ALWAYS KNOWN LOCALLY AS
AN OPEN PUBLIC RIGHT OF WAY AND
A WELL USED TRAIL.

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

01-13 SMTS 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: center; font-size: 1.2em;">YES</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>
10.	Did you keep to the path claimed or wander freely between start and finish? <div style="text-align: center; font-size: 1.2em;">BOTH .</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; font-size: 1.2em;">NO / NONE</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; font-size: 1.2em;">N/A</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> <div style="text-align: center; font-size: 1.2em;">THERE HAVE BEEN POSTS BUT TOOK LITTLE NOTICE OF THEM.</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="text-align: center; font-size: 1.2em;">NO</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; font-size: 1.2em;">NO</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; font-size: 1.2em;">N/A</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; font-size: 1.2em;">N/A</div>

01-13 SMTS 3066

18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way?
	<i>NO</i>
19.	Did you ever encounter any obstructions not already described (in 12 above)?
	<i>NO</i>
20.	Have you ever been stopped or turned back or do you know if this has happened to anyone else?
	<i>NO</i>
	If so, please say, how, where and when this was, and by whom.
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.
	<i>YES ON FOOT, CYCLISTS & MOTOR VEHICLES FOR AS LONG AS I CAN REMEMBER.</i>
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?
	<i>YES, CYCLES, MOTORCYCLES, MOTOR VEHICLES & TRACTORS. VARYING TIME SCALES.</i>
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?
	<i>UP UNTIL SPRING 2013 WHILE DRIVING OR AS A PASSENGER. BY CYCLE, MOTOR CYCLE, MOTOR VEHICLE & TRACTOR.</i>
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who?
	<i>FORESTRY WORKERS.</i>
25.	If you have ceased using the way, please say why.
	<i>YES AS NOW OBSTRUCTED.</i>

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

I'VE REGULARLY USED THIS
TRACK THROUGHOUT MY
LIFE .

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

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: 30-09-2017

01-13 SMTS 5 of 6

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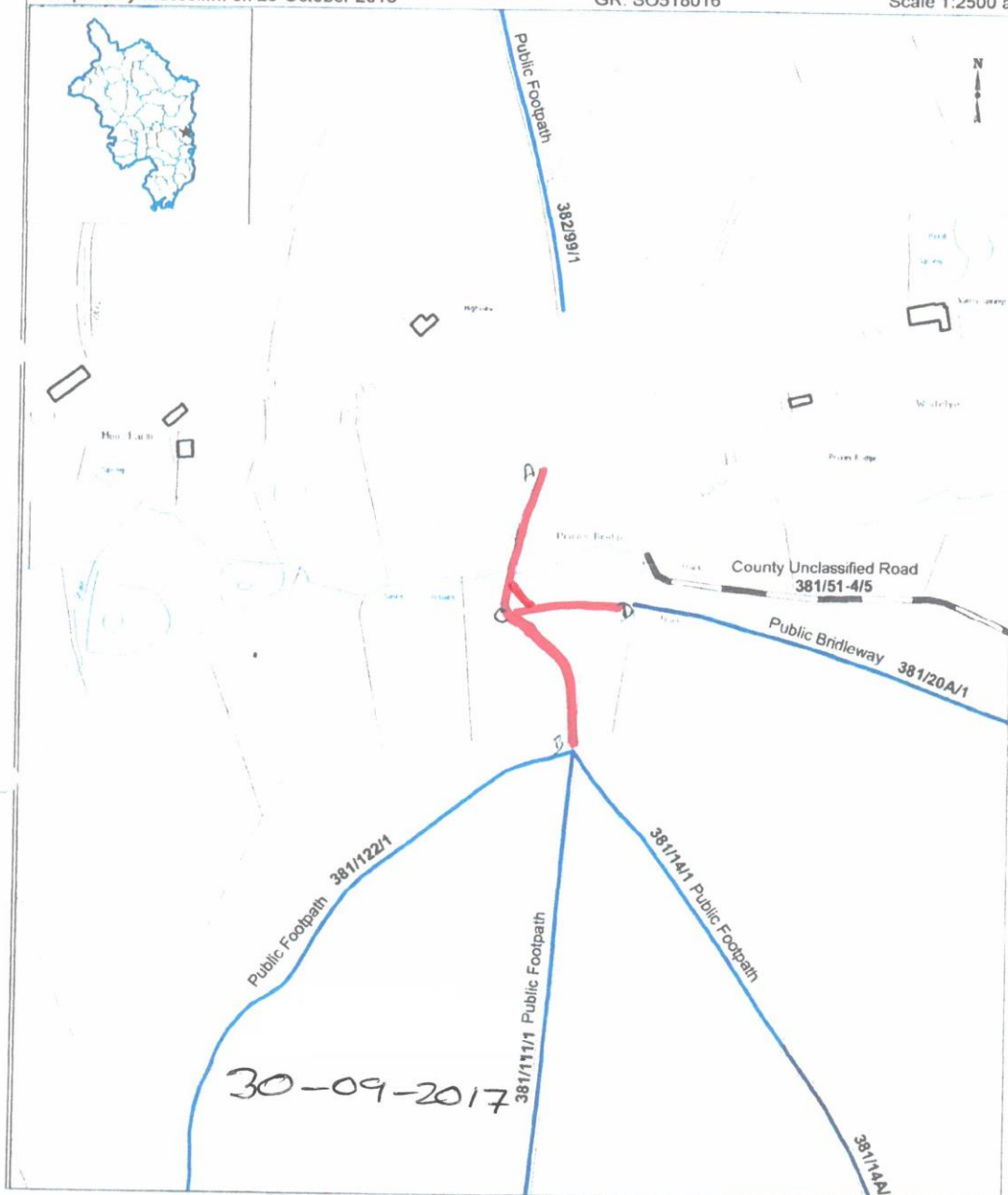
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Summary & comments Dr Orchard-Webb

1.1. Dr Orchard-Webb [43], reports walking, cycling and dog walking past High View house A[A] into the woods from Whitelye to Barbadoes then Tintern using the Routes marked A-C-D, [A-B-E-F and C-E] and A-C-B, [A-B-C-D] for the period from 1996 to 2013. Although this covers 17 years, only one year is relevant for the 1977 to 1997 period. An interview was conducted and he has marked on a map all the Routes used (Appendix 6.36.8).

- (i) During this period he lived in the area and believed the status of the Routes to be public byways open to all traffic that he had a right to use them. He further reports that he walked the Routes weekly *"because there was a public footpath"*.
- (ii) He continues to describe the Routes as clearly defined tracks, that have always run over the same alignment and that he kept to the Routes that have to his knowledge never had gates, locked gates or stiles across them.
- (iii) He does not recall directional fingerpost, or any other notices or signs on or near the way, adding that *"there were signs but can't remember them"*.
- (iv) He reports using the Routes with his wife and seeing other people on them.

Comments

- (v) Dr Orchard-Webb states that he has walked and cycled the Routes believing the status to be byways open to all traffic.
- (vi) Therefore, as his evidence is based on walking, cycling and his observation of other walkers this submission supports public footpath and bridleway rights.

PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 Past High View House (A) into the woods from White Lye
 To ACD, ACB BARBADOS then Tintern.

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)

Cycling and walking and dog walking

01-13 DROW 1 of 6

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

Home to Wye Valley Walk

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

1996 - 2013

(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.)

Weekly

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

Foot Pedal cycle

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

No

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

Lived here since Feb 1996

4. (b) If you rode a horse

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

N/A

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

N/A

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

N/A

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?

Because there was a public 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

01-13 Dr OW 2016

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: center; font-family: cursive;">yes</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>
10.	Did you keep to the path claimed or wander freely between start and finish? <div style="text-align: center; font-family: cursive;">Kept to the path</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>
	No
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u>
	No
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>
	?
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>
	No can't remember but there were signs
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".
	N/A
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?
	N/A
17.	If you were an owner or tenant, did you recognise that the way was a public right of way?
	N/A

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

N/A

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?

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

Yes. about 4 years ago

Rudely ordered to put dog on lead and go back the way I came
Very nasty attitude

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.

Me and my wife and other people

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.

Because it has been blocked since
2013

01-13 Dr OW 4 of 6

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

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

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: 21st Dec 2017

01-13 Dr O-W 5 of 6

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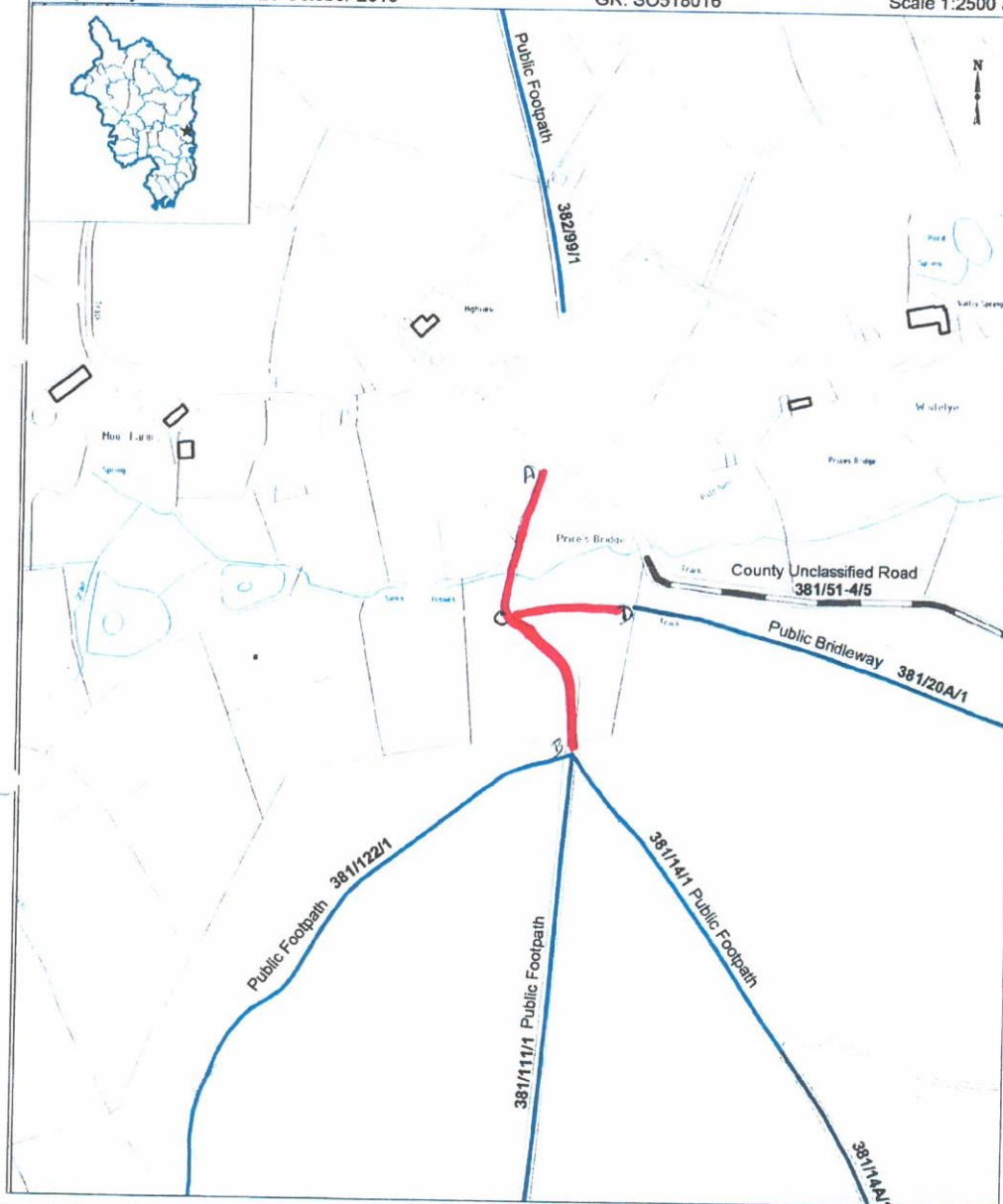
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01-13 Dr O-W 6 of 6

[43] Dr Orchard-Webb

Please confirm that this is your name and address.

INTERVIEW QUESTIONS CONDUCTED ON THE 16 JANUARY 2019

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

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

You state that you believe the status of the route to be a byway open to all traffic. This is contrary to your reply to question 6(b) where you state that you thought you had a right "because there was a public footpath".

What made you think it was a byway? I think it was a public footpath because there was a sign and it was well used. The word "Byway" was misunderstood.

The period that is being researched is 1977 to 1997. If you can recall moving to the area in 1996 what made you believe you had a right to use the Routes? Late 1996 through 1997 walking a lot.

Lived in the area for a long time. It was a natural route to take to get to other routes in the forest, just following obvious tracks.

Did you cycle the same routes as you walked? No

Where were you going on a bicycle? No

If you recall the finger posts can you describe them?

Signpost marked xonplan - Square, brown and said "Barbadoes Green". Finger pointed in direction shown 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.

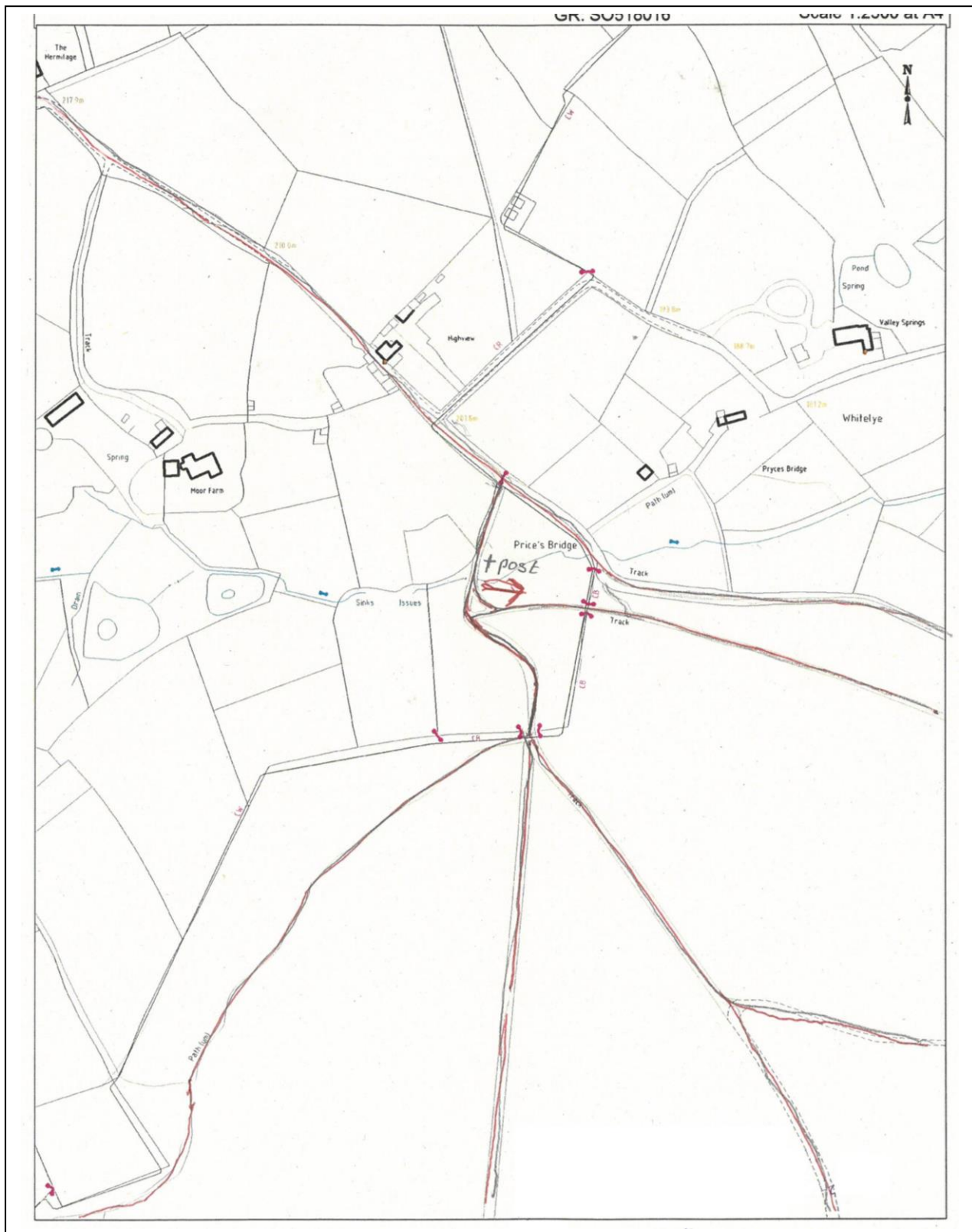
Sign Counter Officer 1: Sign Musell Officer 2: Sign R. Roushe Date 16/1/19

Print name:

J. H. ORCHARD-WEBB

AMANDA MUSSELL

R. Roushe



01_13MOD_PB: INTERVIEW QUESTION SHEETS: 2019 – DR OW (43)
Appendix 6.36.8

Summary & comments Mr M Watkins

1.1. Mr M Watkins [44], reports walking and using a motor vehicle on the Routes from ACB [ABCD] to ACD [ABCEF] for a period from the late 1940s to 2013. Although this covers 73 years, of which 20 years are relevant for the 1977 to 1997 period. An interview was conducted and he stated that he recalled the "Path being well walked with a well-worn surface and width to show where the path ran".

- (i) During this period he has lived in and visited the area believing the status of the Routes to be byways open to all traffic on which he had a right to use as *"everyone used the roads and these paths"*. He further reports that he walked or drove a vehicle over the Routes most evenings during the summer.
- (ii) He continues to describe the Routes as clearly defined tracks, that have always run over the same alignment and that he usually kept to them and had to his knowledge never seen gates, locked gates or stiles across them.
- (iii) He does recall directional fingerposts, appearing after the war but can't remember where or if there were any other notices or signs on or near the way.
- (iv) He reports using the Routes with his wife and recognised the Crochets who as adjacent landowners also used the Routes. He adds that he saw other people walking, horse riders, horse drawn vehicles and others driving motor vehicles.
- (v) He states:

"I used to ride tractors and vehicles through the road for many years. There was never any indication that you couldn't. I used to haul wood through this path regularly. I used to buy wood by the ton. My wife and I went into the woods and walked the dog until 2013".

Comments

- (iv) Mr M Watkins states that he has walked and driven the Routes believing their status to be a byway open to all traffic.
- (v) His reporting of motor vehicle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to prove the existence of public vehicular rights.
- (vi) Therefore, as his evidence is based on walking, his observation of signposts, other walkers, horse riders and horse drawn vehicles this submission supports public footpath, bridleway and restricted byway rights.

44

PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 A C B A C D, WHITELEY.

To BARBADOS GREEN

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)

01-13 MW 1 of 6

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

CATBROOK TO TINTERN (WYE VALLEY ROAD)

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

LATE 1940's - 2013

(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.)

MOST EVENINGS DURING THE SUMMER

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

WALKING, MOTOR VEHICLE

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

NO

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.

N/A

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

N/A

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

N/A

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?

EVERYONE USED THE ROADS AND THESE PATHS

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

01-13 MW 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: center; font-family: cursive;">yes</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>
10.	Did you keep to the path claimed or wander freely between start and finish? <div style="text-align: center; font-family: cursive;">usually kept to the path</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; font-family: cursive;">No</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; font-family: cursive;">No</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> <div style="text-align: center; font-family: cursive;">Not until after the WAR</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="text-align: center; font-family: cursive;">can't remember where</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; font-family: cursive;">No</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; font-family: cursive;">N/A</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; font-family: cursive;">N/A</div>

01-13 MW 3 of 6

18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way? <div style="text-align: center; font-size: 1.2em;">No</div>
19.	Did you ever encounter any obstructions not already described (in 12 above)? <div style="text-align: center; font-size: 1.2em;">No</div>
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. <div style="text-align: center; font-size: 1.2em;">No</div>
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. <div style="font-size: 1.2em;">Yes people walking riding horses and driving with his wife.</div>
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? <div style="font-size: 1.2em;">Horse Drawn vehicles and motor vehicles</div>
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? <div style="font-size: 1.2em;"> 2013 last went through A Fordson Tractor 1941 (Reg) Grey Fergies (trachous) Ford Escort VAN. </div>
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who? <div style="font-size: 1.2em;">Yes the crochets</div>
25.	If you have ceased using the way, please say why. <div style="font-size: 1.2em;">Because it has been blocked</div>

01-13 MW 4 of 6

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

I used to ride tractors and vehicles through the road for many years. There was never any indication that you couldn't. I used to haul wood through this path regularly. I used to buy wood by the ton. My wife and I went into the woods and walked the dog until 2013

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

D

P

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: 21/12/17

01-13 MW 5 of 6.

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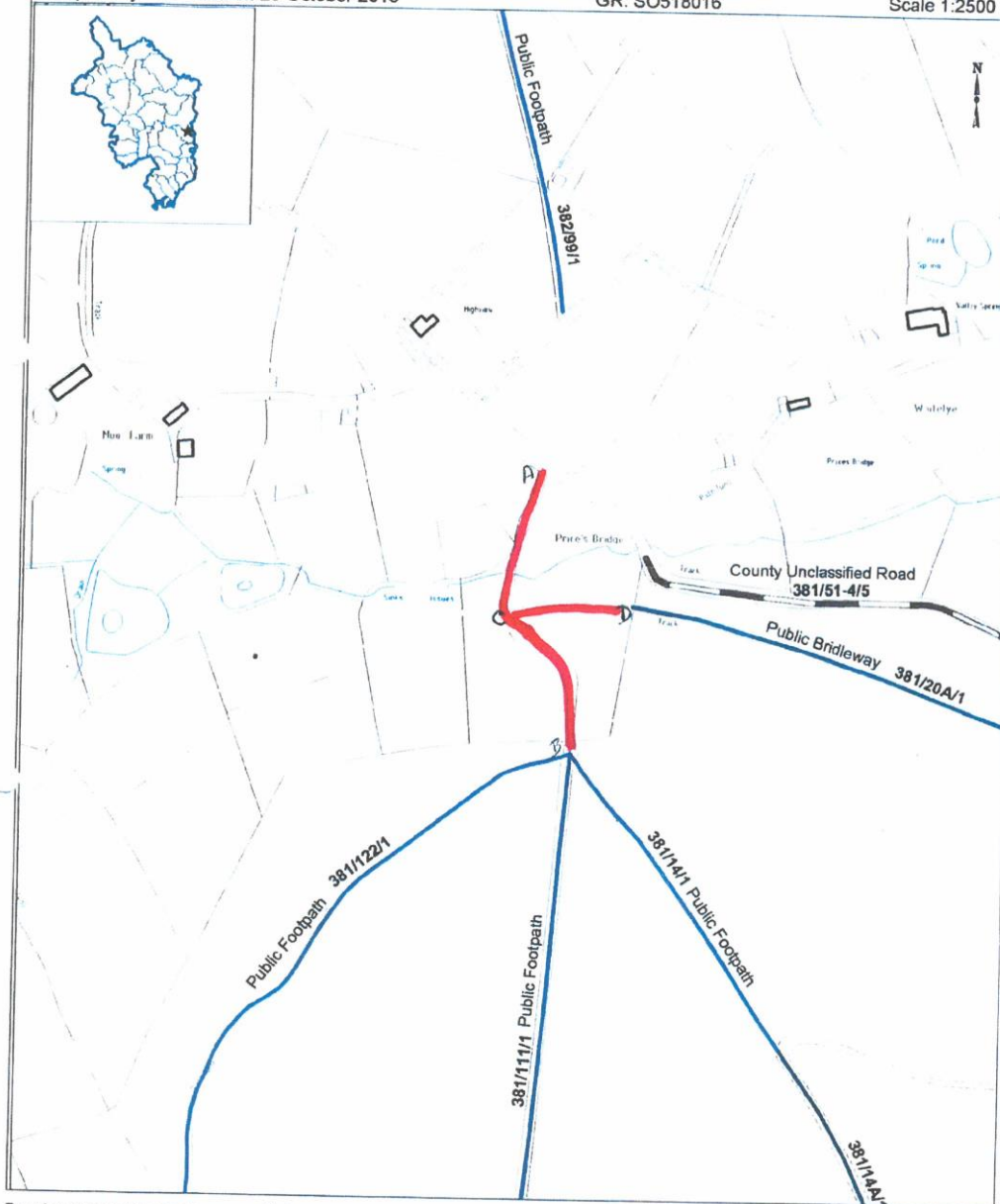
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



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01-13 MW 6 of 6

[44] Mr M Watkins

Please confirm that this is your name and address. ✓

INTERVIEW QUESTIONS CONDUCTED ON THE 16 January 2019

Please mark the route/s you have walked on the unmarked map placed before you today.
(see above date).

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

You report seeing other walkers, horse riders and horse drawn cart users. If you recall please mark, on the map set before you, the location where you saw these people you encountered.

Did you know any of the users that you saw?

Some local people.

Did you think the other horse riders were other members of the public or Forestry workers?

LEN
Edwards rode his horse there. Have always known it to be owned by Forestry Commission.

In other words did you think the horse drawn cart users were Forestry Commission workers?

I know quite a few of the Forestry Commission workers who worked here. I also hauled wood from here with permission of Forestry Commission manager.
How many do you recall?

In your reply to question 26 you state: "I used to haul wood through this path regularly." Why is this?

I had an open fire.

Was this for your private use? Yes

Were you a Forestry worker? No

If you recall the finger posts can you describe them?

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 Rourke Date 16/1/19
Print name: MARCUS | AMANDA MUSSELL | TERENCE | WATKINS

Do you have anything further to add regarding the Routes?

I remember the path being well walked
with a well worn surface and width to show
where the path ran.

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 Officer 2: Sign Date 16/1/19..
Print name: | AMANDA MUSSELL | | K Rourke

Summary & comments Prof. T D Howes

1.1. Prof. T D Howes [45], reports walking/jogging for pleasure along the Routes from Whitelye to Botany Bay for a period from 1965 to 2013. Although this covers 48 years, only 32 years are relevant for the 1977 to 1997 period.

- (i) During this period he has lived in the area and believed that he has had a right to walk the Routes. He adds that he had a right to do so as he reports seeing vehicular tracks along the Routes. He further reports that he has used the Routes approximately 20 times a year.
- (ii) He continues to describe the Routes as clearly defined tracks, that have always run over the same alignment and that he usually kept to them and had to his knowledge never seen gates, locked gates or stiles across them.
- (iii) He does not recall directional fingerposts, or any other notices or signs on or near the way.
- (iv) He has not seen other people using the Routes.

Comments

- (v) Prof. T D Howes states that he has walked and jogged the Route and believes the status of the Route is a byway open to all traffic.
- (vi) Although, he does report seeing vehicular tracks along the Route this evidence can now (due to the NERC Act 2006) no longer be used to prove the existence of public vehicular rights.
- (vii) Therefore, as his evidence is based on walking and jogging 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 Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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 WHITELEY

To BOTANY RAY

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

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

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

1965 - 2013

(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.)

APPROXIMATELY 20

(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?

NO

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?

VEHICLE TRACKS

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

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. <u>Please mark any changes, which you experienced on the plan.</u>
	YES
10.	Did you keep to the path claimed or wander freely between start and finish?
	FREE
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>
	NO
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u>
	NO
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>
	NO
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>
	NO
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?
	NO
17.	If you were an owner or tenant, did you recognise that the way was a public right of way?
	NO

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?
	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.
	NO
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.
	YES

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

I USED TO JOE THROUGH THERE

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: 31.12.17

11 APR 2018

45

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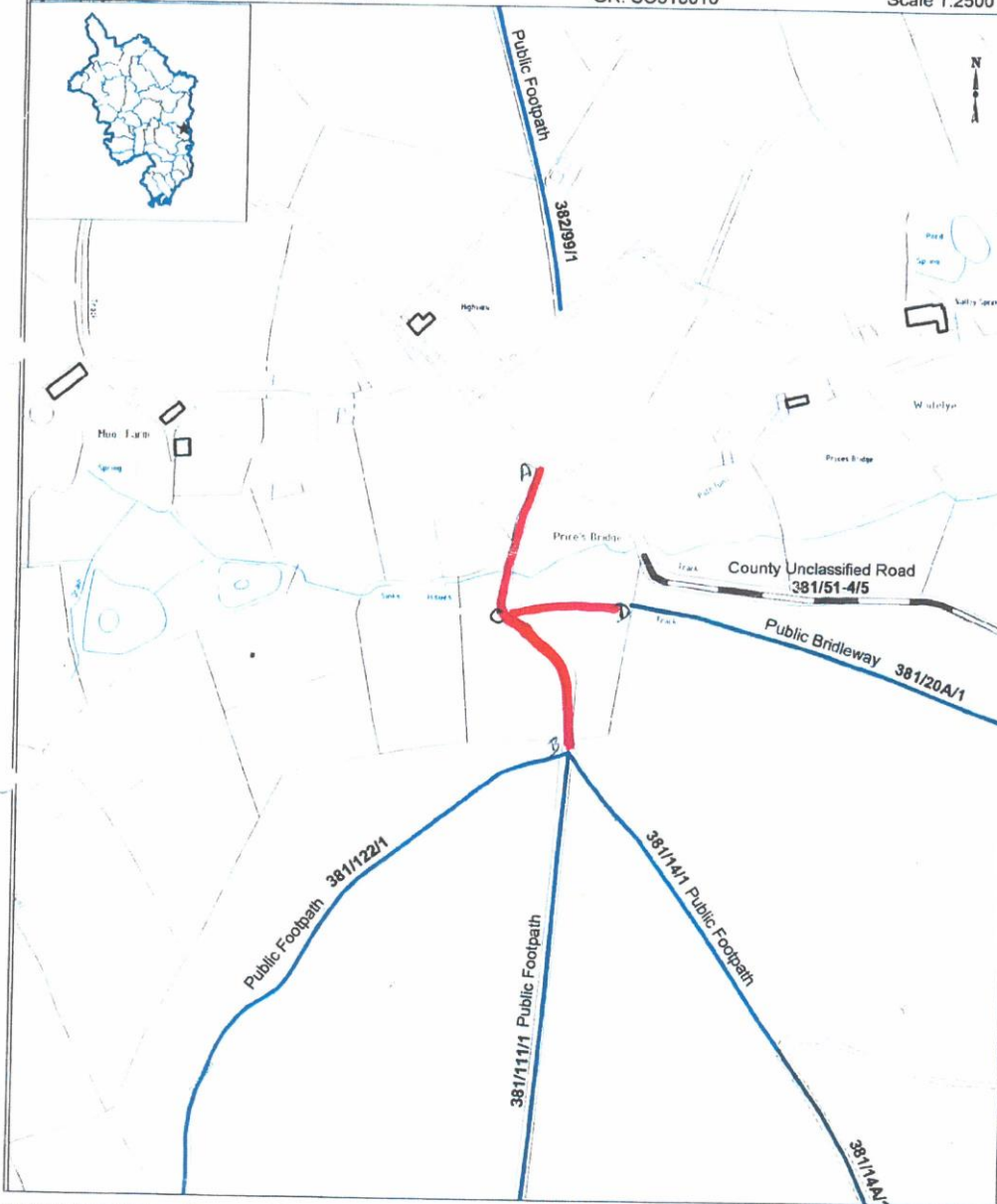
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN

monmouthshire
sir fynwy

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Summary & comments Miss T Smithson

1.1. Miss T Smithson [46], reports walking for pleasure along the Route from Whitelye Lane entering forest and turning right at point A to Botany Bay and Tintern for the period from 1984 to 2013. Although this covers 29 years, only 13 years are relevant for the 1977 to 1997 period.

- (i) During this period she visited the area during the school holidays approximately three times a year and believed that she has always had a right to use the Route as *“it was a forestry right of way”* and *“there were no obstructions through it”*.
- (ii) She continues to describe the Route as a clearly defined track, that has always run over the same alignment and that she has wandered freely between start and finish. She adds that to her knowledge there has never been any gates, locked gates or stiles across it.
- (iii) She does not recall directional fingerposts, any other notices or signs on or near the way.
- (iv) She reports walking the Route with her grandmother, aunt, mother and sisters in all her school holidays and again after her daughter was born. She adds that during the school holidays she regularly saw the postman, land rovers and tractors using the Route.

Comments

- (v) Miss T Smithson states that she has walked the Route believing the status of the Route to be a byway open to all traffic having witnessed the use of the Route by motorised vehicles.
- (vi) Although she reports seeing motorised vehicles using the Route, this evidence can now (due to the NERC Act 2006) no longer be used to prove the existence of public vehicular rights.
- (vii) Therefore, as her evidence is based on walking and her observation other walkers 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 Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, 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

To

Whiteley Lane Entering forest and turning right
 at point A
 Botany Bay and Waters

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

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

from CLAYPOOL cottage to Tintern
from THE HERMITAGE to Tintern.

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

from 1984 - 2013 when it was
blocked

(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.)

School Holidays, Easter, Summer Holidays
and Halloween Half term. Approx 3 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?

NO

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.

N/A

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

N/A

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

N/A

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 believed it was a forestry right
of way. There were no obstructions through 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?

NO

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? <u>YES/NO</u> If it has altered, give details and dates. <u>Please mark any changes, which you experienced on the plan.</u>
	Block at ABD as shown on the plan
10.	Did you keep to the path claimed or wander freely between start and finish?
	wandered freely between start and finish
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>
	NO none
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u>
	NO
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 can't remember them
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>
	NO
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".
	N/A
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?
	N/A
17.	If you were an owner or tenant, did you recognise that the way was a public right of way?
	N/A

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?

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 my grandmother aunt, mother and sister
in all my school holidays and after when
my daughter was born

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?

In the school holidays we have
regularly seen the postman, landrovers
and tractors

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.

The entrances to the land have
been blocked.

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

I have been visiting whitelys since I was a young girl with my sister in the school holidays. I now visit with my daughter who is 15 during all the school holidays.

4 generations of my family have used these tracks through the woods and sadly now it has been blocked off.

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: 2/1/2018

11 APR 2018

46

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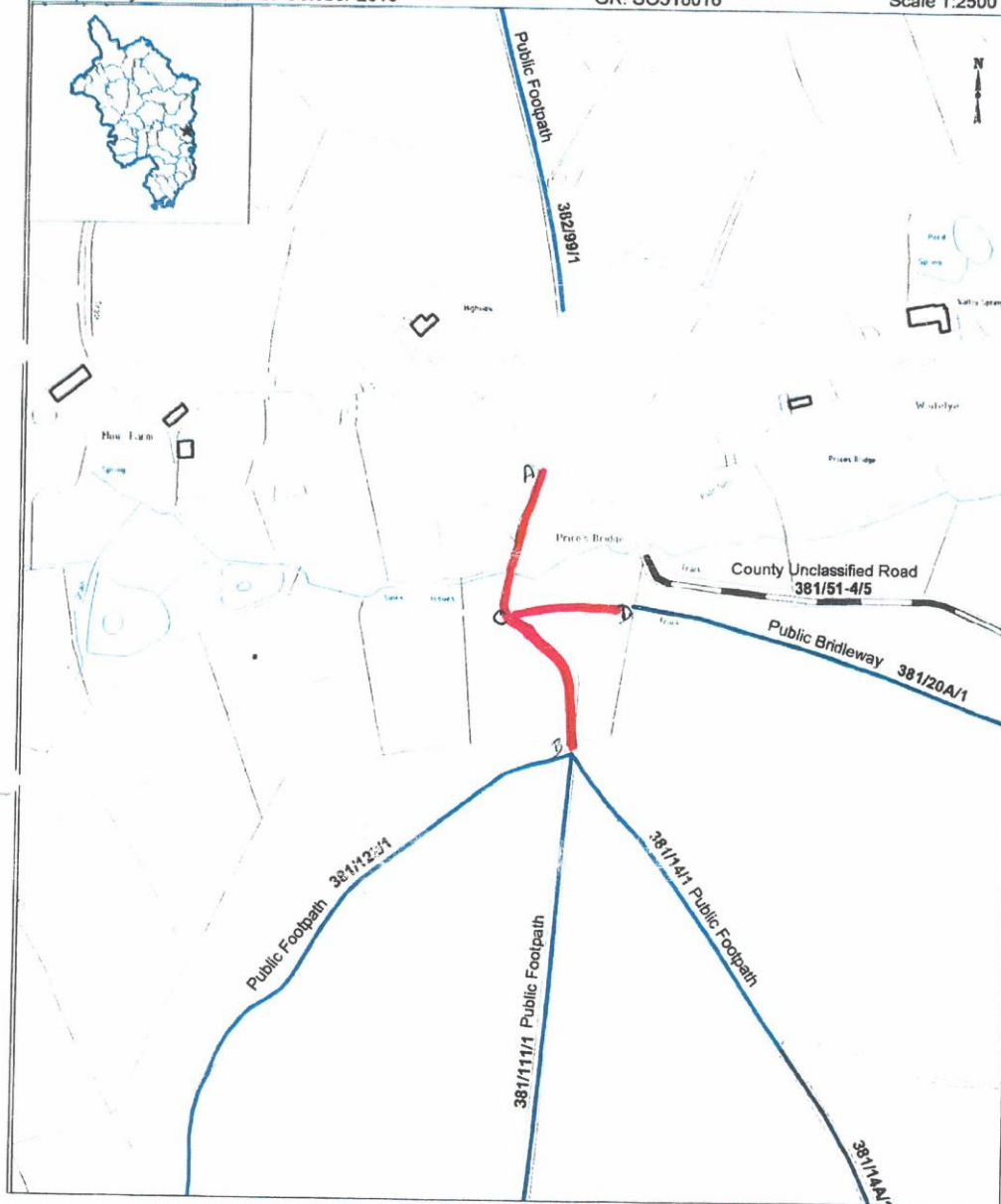
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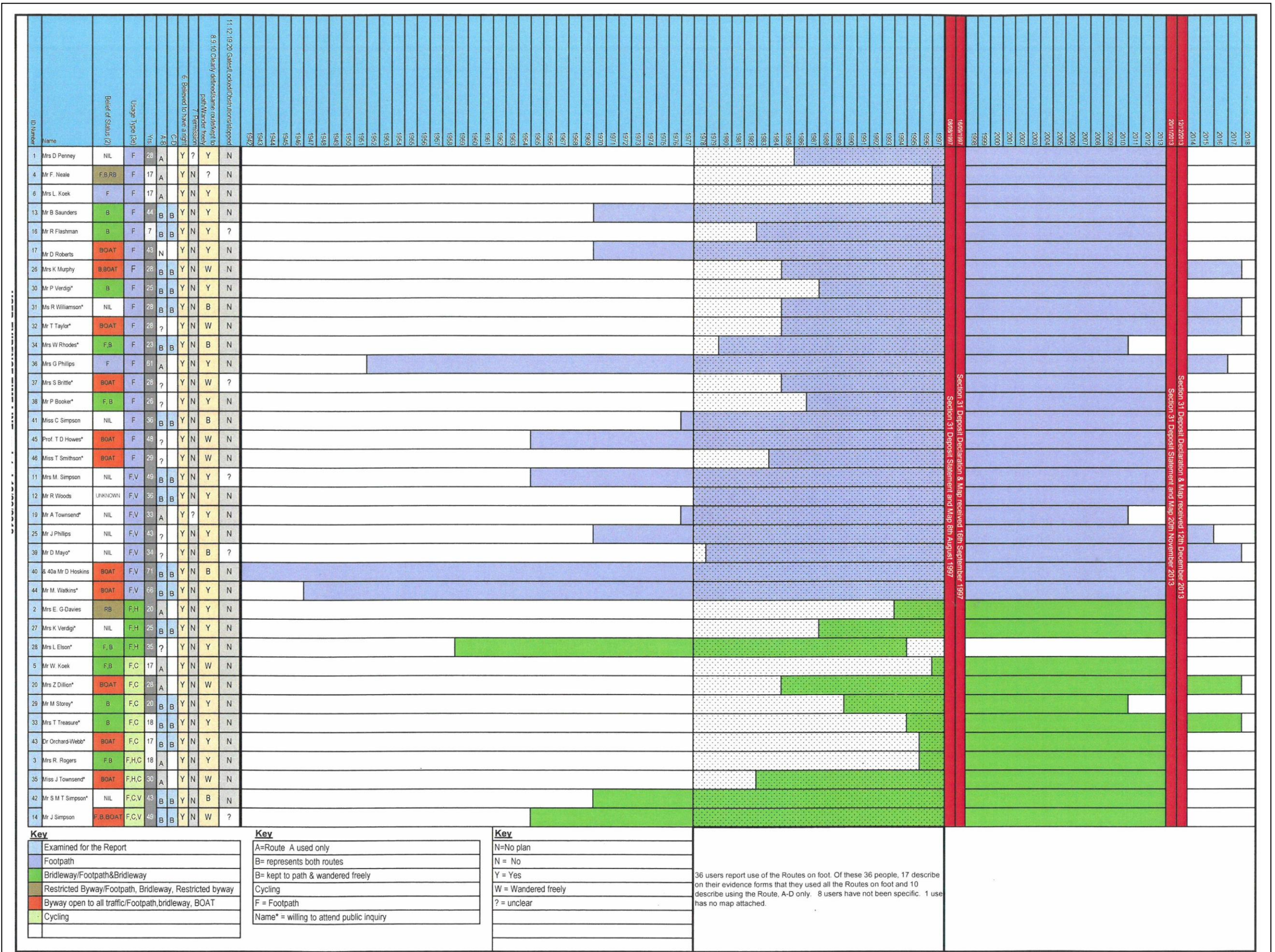
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01_13MOD_PB: USER EVIDENCE TIME LINE CHART
Appendix 6.40

Summary & comments: Proforma Mr H G Sadler

1.1. Mr Herbert George Sadler submitted on the 5th January 2015 a “Proforma” designed by interested parties to assist him in providing evidence.

1.2. The “Proforma”, when compared with the formal user evidence forms omits important details such as date of birth, the place of local residence and the period in which the Routes were used. Furthermore, the “Proforma” contains leading statements, such as “get back the land or open the paths”. His statement of his use of the footpath 381/122/1 is not the Route, A-C-B[A-B-C-D]. Therefore, his evidence cannot be taken into account.

- i) *“I am concerned that the area of forest around Prices Bridge has been blocked off and the tracks and footpaths though it closed. I am also concerned that ownership of the forest has been claimed by Mr and Mr Talbot of Moor Farm as I have always believed it to be in the hands of the Forestry Commission and have never heard anyone suggest otherwise.”*

Comment:

- ii) The writer of the typed statements in this “Proforma” shows bias by expressing displeasure against the stealing of the land from the Forestry Commission.
- iii) *“I know that when Moor Farm was owned by The Crokets [Crockets] they never did any work in the forest and I think this was because they never claimed ownership”*

Comment:

- iv) This is a statement of an opinion and is deemed as hearsay.
- v) *“I lived in the area for about 18 years and I have used the track myself for access to Tintern to catch bus or train in winter. To fetch milk from Prossers Farm. For shooting purposes – grey squirrels. I remember the wood directly bordering the fields.”*

Comment:

- vi) It is difficult to determine from this description which route was actually used as there is a county unclassified road C51-9[CAMS381/51-4] that runs parallel to the Route, B-E-F and existing bridleway 381/20. When the Routes are compared on the mapping the road C51-9[CAMS381/51-4] is more direct route while the existing bridleway 381/20 is more circuitous when nearing Tintern. For the purposes of catching public transport the description suggests that the Route used was C51-9[CAMS381/51-4].
- vii) Furthermore, Mr Sadler may have lived in the area for 18 years but this information does not clarify which period.

- viii) The location of Prossers Farm and *“the wood directly bordering the fields”* is unknown and not marked on the mapping attached to his “Proforma”.
- ix) *“Nobody has ever stopped me from using this path and it has never been blocked off until recently by the owner of Moor Farm. Until it was blocked off I know that the track was used by forestry workers, holiday makers staying in Tintern and all my family.”*

Comment

- x) The first sentence is leading the respondent. The second sentence refers to trades people, whose usage cannot be taken to establish public rights. His knowledge that holiday makers and his family used the Routes has relevance.
- xi) *Any further info that supports either the forestry ownership of the area or the public availability of the tracks. The Chepstow Co-Op would deliver groceries by van to cottages at Barbadoes once per week via sandy cross then turn left – I used to go with the driver Mr Bob Cottrell.*

Comment

- xii) Again the statement is leading the respondent and the following description indicates use of the Route C51-9[CAMS381/51-4].
- xiii) *“Re: Footpath No.381/122/1: My use of this footpath was mainly in the 1940s until I was called up in 1946 and demobbed in 1949. We had vehicular access to the bottom fields but beyond that point it was footpath only. We had no car as a family so used this footpath to Tintern to catch the bus to Chepstow and if the bus via Trelleck was not running because of snow then I had to catch the train to Troy Station in Monmouth to go to school. We also used the garage in Tintern to re-charge the accumulator for the wireless – life in the country was tough in those days! Signed Mr Sadler 5/1/2015.”*

Comment

- xiv) Mr Sadler has lived in the area during his childhood and it may be deduced that he was called up at 18 years of age. This is in keeping with point iii above where he reports that he had lived in the area for 18 years and had used the Routes to access public transport to attend school.
- xv) This statement reports his use of the footpath 381/122/1 which is not the Route, A-C-B[A-B-C-D]. Therefore his evidence cannot be taken into account.

PROFORMA

Please fill out this form. Delete any parts that do not apply to you and add anything you think may be helpful as evidence to get back the land or open the paths.

STATEMENT OF TRUTH

REGARDING LAND AT MOOR FARM, WHITELEY

My name is HERBERT GEORGE SADLER.

and I live at .

[ADDRESS]

I am concerned that the area of forest around Prices Bridge has been blocked off and the tracks and footpaths through it closed. I am also concerned that ownership of the forest has been claimed by Mr and Mr Talbot of Moor Farm as I have always believed it to be in the hands of the Forestry Commission and have never heard anyone suggest otherwise.

I know that when Moor Farm was owned by THE CROKETS they never did any work in the forest and I think this was because they never claimed ownership.

I have lived in the area for about 18 years and I have used the track myself for ACCESS TO TINTERN TO CATCH BUS OR TRAIN IN WINTER. TO FETCH MILK FROM PROSSERS FARM. FOR SHOOTING PURPOSES - GREY SQUIRRELS. I REMEMBER THE WOOD DIRECTLY BORDERING THE FIELDS.
[DESCRIBE USAGE. Examples: dog walking/getting to work/work as a forester etc]

Nobody has ever stopped me from using this path and it has never been blocked off until recently by the owner of Moor Farm.

Until it was blocked off I know the track was used by FORESTRY WORKERS, HOLIDAY MAKERS STAYING IN TINTERN. AND ALL MY FAMILY.

[EXAMPLES: Hikers, bikers, postman, foresters, tractor rally etc etc]

[ANY FURTHER INFO THAT SUPPORTS EITHER THE FORESTRY OWNERSHIP OF THE AREA OR THE PUBLIC AVAILABILITY OF THE TRACKS

THE CHEPSTOW CO-OP WOULD DELIVER CROSBIES BY VAN TO COTTAGES AT BARDALES ONCE PER WEEK VIA SANDY CROSS, THEN TURN LEFT - I USED TO GO WITH THE DRIVER BOB COTTRELL.

This is a true statement to the best of my memory.

Signed

Date 5/1/15.

P.T.O.

01-13495 1 of 4

Re: Footpath NO. 381/122/1

My use of this Footpath was mainly in the 1940s until I was cabled up in 1946 and demobbed in 1949. We had vehicular access to the bottom fields but beyond that point it was footpath only. We had no car as a family so used this footpath to Tinton to catch the bus to Chepstow and if the bus via Mellick was not running because of snow then I had to catch the train to May Station in Monmouth, to go to school.

We also used the garage in Tinton to re-charge the accumulator for the wireless - life in the country was tough in those days!

5/1/15.

01-13 HGS 2 of 4

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.

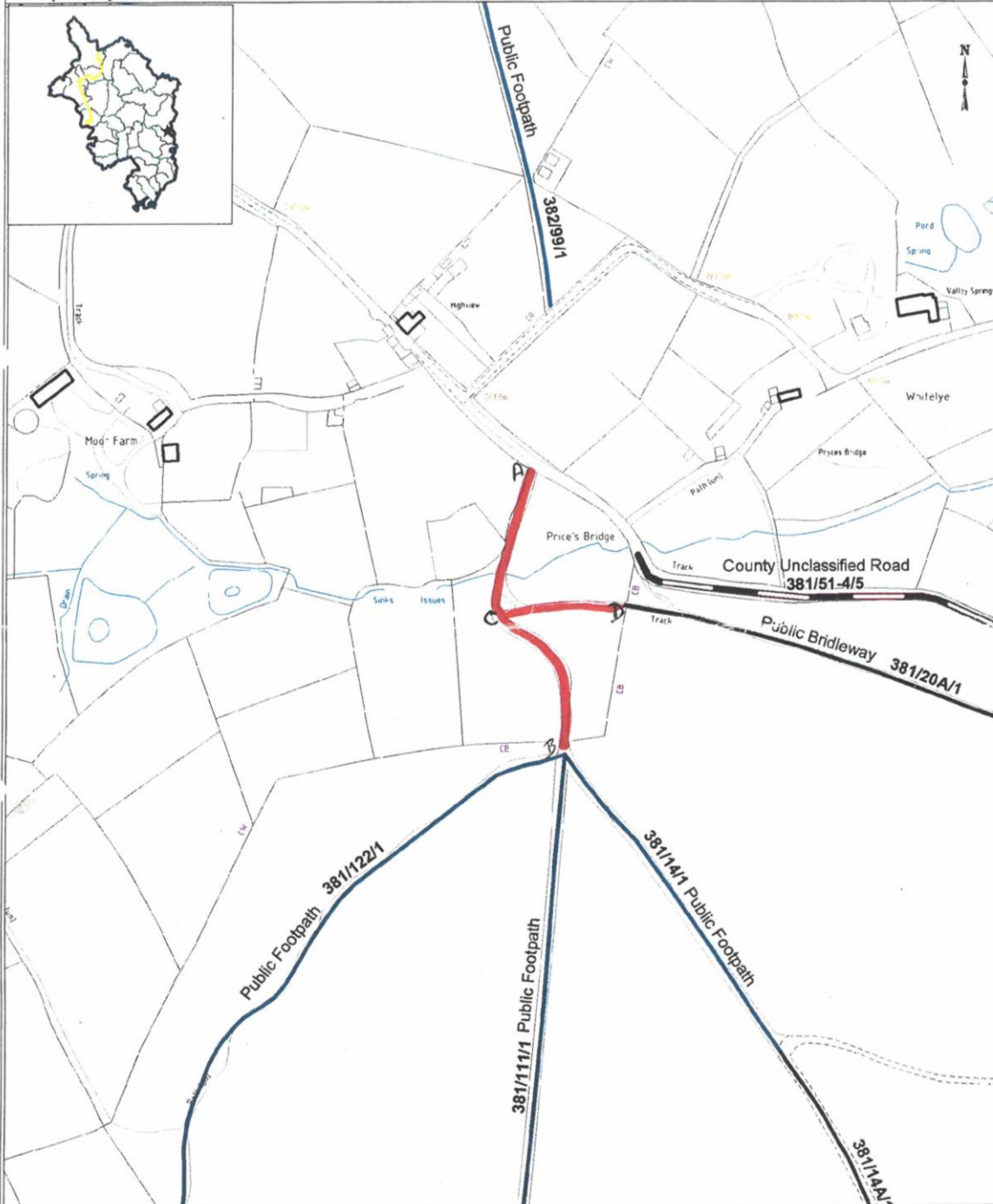
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

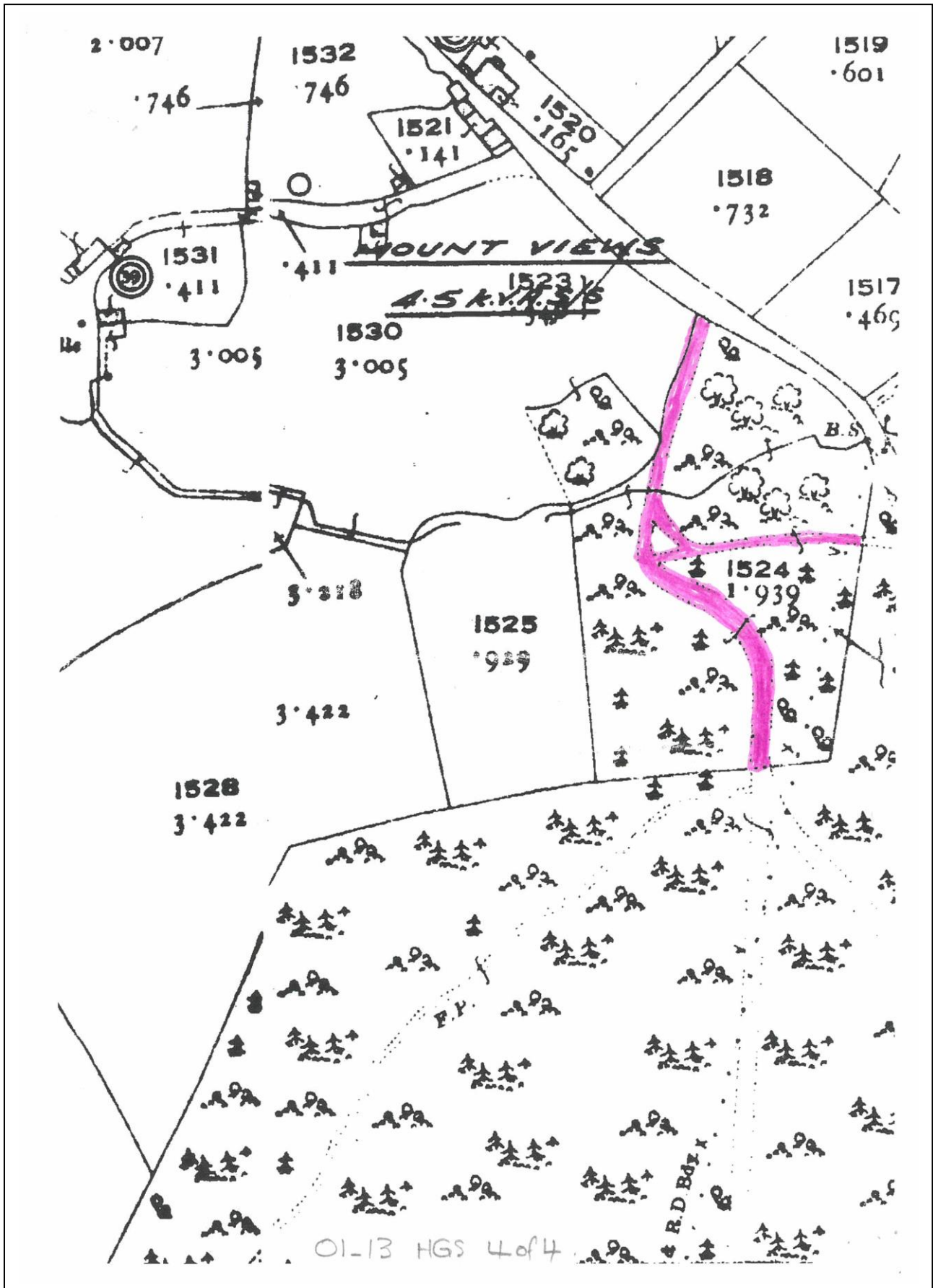
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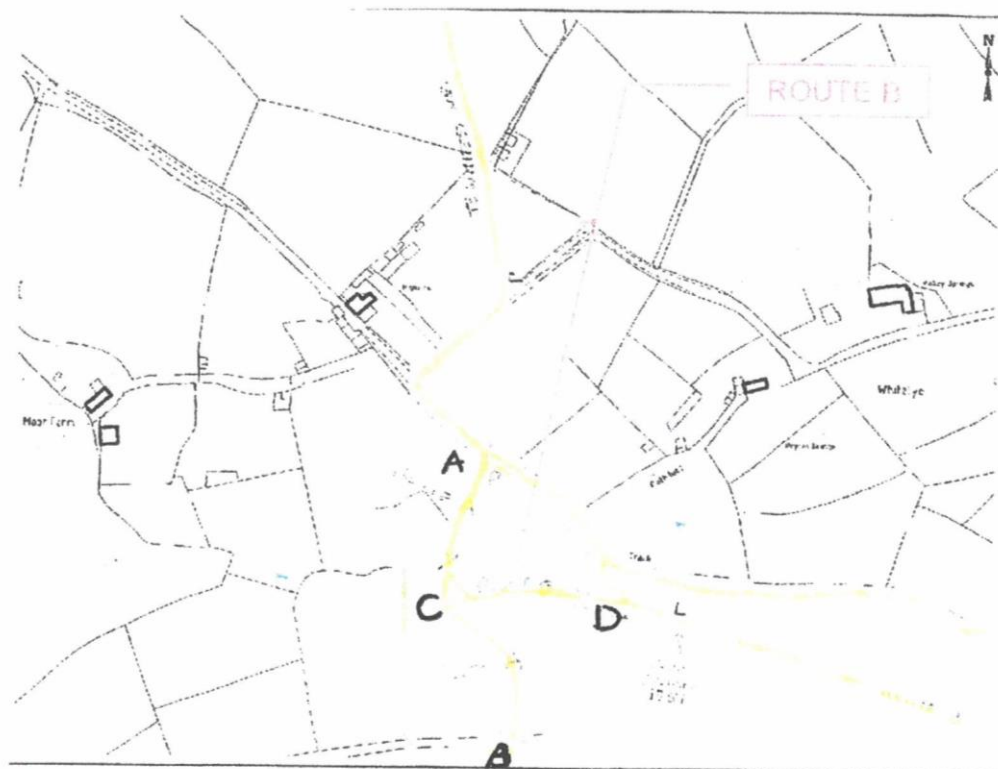


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01-13 HGS 3 of 4





I confirm that I have used both Route A (A to B) and Route B (C to D) in every combination on a weekly basis passing through points C and D in both directions for the last 14 years and I am prepared to attest to this at a hearing. Both Route A and Route B were wide, clear of vegetation and well-trodden indicating frequent use by the public, many of whom would have been holiday visitors to the area. I have met many such people on these paths.

Furthermore, I have run leadership events in these woods and used these paths for map-reading exercises. During my time in Whitelye (since June 1999) three very smart wooden wayposts were erected, one each at points A, B and C. I do not know who erected them, presumably the Council or the Forestry Commission. I used these three posts as orienteering markers during one event. Clearly, the Authority that erected these wayposts could see that A-B and C-D were well established paths, clear (not blocked by the owner) and in use by the public. Indeed, it was not until Mr Talbot blocked these paths that I had any idea that he apparently owns this segment of forest, and that the paths were anything other than very well used public rights of way.

Signed:

Brigadier (Retired) John Griffin CEng FIET

Date:

7th August 2014.

Response to the Rights of Way Officers' comments from Mr James Simpson

Mr H Allen is deceased. Mr A. McCloud and Mr I Blake could possibly be contacted through the Forestry Commission Offices (now NRW) at Llandovery.

I confirm that I have driven both route A and route B.

I wish to make it clear that the area within the plan which I have signed, edged in green, and which is attached to my Rights of Way evidence form is the junction of three routes which are tracks that I have driven as well as walked and are common to the routes connected to them which lead to and from Whitelye, Barbadoes and Sawyers Place. The triangle of land where route A joins route B is a feature of ancient routes where the Parish boundaries met and through what was once Wyewood Common. These should be registered as tracks, as maps have always shown them to be.

3/7/14

Response to the Rights of Way Officers' comments from Mrs. Mary Simpson:

The Vintage Tractor Club used this route annually as public users on a journey from Chepstow to Tintern. This was not private use.

Forestry Commission Contractors used it as a short cut when going to different parts of the forest or while on their way to a main road.

Both groups were using it for public use as members of the public.

Mr Walter Saunders was in his mid 70's when he sold to us in 1981, he moved from the area and we would presume he has now passed away. He passed on the information as someone who had used the route and believed it to be a public vehicular way without the need for any permission. As far as we are aware he is not related to Mr B Saunders.

I confirm that I have driven both route A and route B on the plan attached to my evidence form and highlighted in yellow.

3/7/14

Reference: Countryside 01-13 Mod Price's Bridge ARep 1.4

Clarification

3.29 The agricultural vehicle mentioned was used on the most direct route to neighbours, usually carrying hay bales or fencing materials. I was not an employee. Occasionally, large boulders were placed mid-track; perhaps 3 or 4 times in thirty years. I assumed they were placed there by the Forestry Commission to deter off-road 4x4 enthusiasts.

With reference to my belief in my "rights" to use the track. The route is obviously ancient and well used. Two tracks run parallel. The lane from Hill Farm to Whitelye is, in places too narrow for anything wider than a packhorse therefore I used the wider route assuming it has been in use by carts for centuries. I acted according to what I thought was reasonable rather than worrying myself about Rights of Way. In any case, Mr and Mrs Talbot did not object as I have stated in 3.28.

I hope this helps,
Roger Woods.

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monmouthshire
sir fynwy

Monmouthshire County Council
PO Box 106, Caldicot
NP26 9AN
Cyngor Sir Fynwy
Blwch SP 106, Cil-y-Coed
NP26 9AN

Tel/Ffôn: 01633 644813
E-Mail/Ebost: mandymussell@monmouthshire.gov.uk
Web/Gwefan: www.monmouthshire.gov.uk
Our Ref/Ein Cyf: 01_13Mod_PricBdgeCon2018
Your Ref/Each Cyf:
Date/Dyddiad: 13th April 2018

Dear Sir/Madam,

RE: WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53 DEFINITIVE MAP MODIFICATION ORDER TO RECORD ROUTES A-B-C-D; B-E-F & C-E AS PUBLIC RESTRICTED BYWAYS IN THE COMMUNITY OF TRELLECH UNITED AT PRICES BRIDGE, WHITELEY.

On the 11th December 2013 Mrs Greatorex-Davies submitted under section 53 of the Wildlife and Countryside Act 1981(WCA) a Definitive Map Modification Order (DMMO) application seeking to add to the Definitive Map and Statement the routes as restricted byways. Subsequently, the Planning Inspectorate has directed Monmouthshire County Council to determine the application by the 13th November 2018.

The WCA 1981 section 56(1) defines public restricted byways as routes available to the public on foot, with horseback or leading a horse and with vehicles other than mechanically propelled vehicles.

The consultation plan attached shows the routes to be registered marked by solid black lines:-

- **A-B-C-D** commences from the County road C51-4, at point A, and proceeds in a southerly direction to junction with existing public footpaths 14 and 111 in the Community of Tintern and footpath 108 formerly in the Community of Trellech now known as footpath 122 in the Community of Tintern, at point D.
- **B-E-F** commences from the claimed route A-B-C-D, at point B, and proceeds in a westerly direction to junction with existing bridleway 20A in the Community of Tintern, at point F.
- **C-E** commences from the claimed route A-B-C-D, at point C, and proceeds in a westerly direction to junction with the claimed route B-E-F, at point E.

The routes are not registered on the Definitive Map and Statement. Mr Talbot of Moor Farm, Trellech has obstructed the routes bring into question the public status.

This has resulted in an application for a Definitive Map Modification Order that is supported by 46 evidence forms in which users believe that they have had the right to the use of the routes.

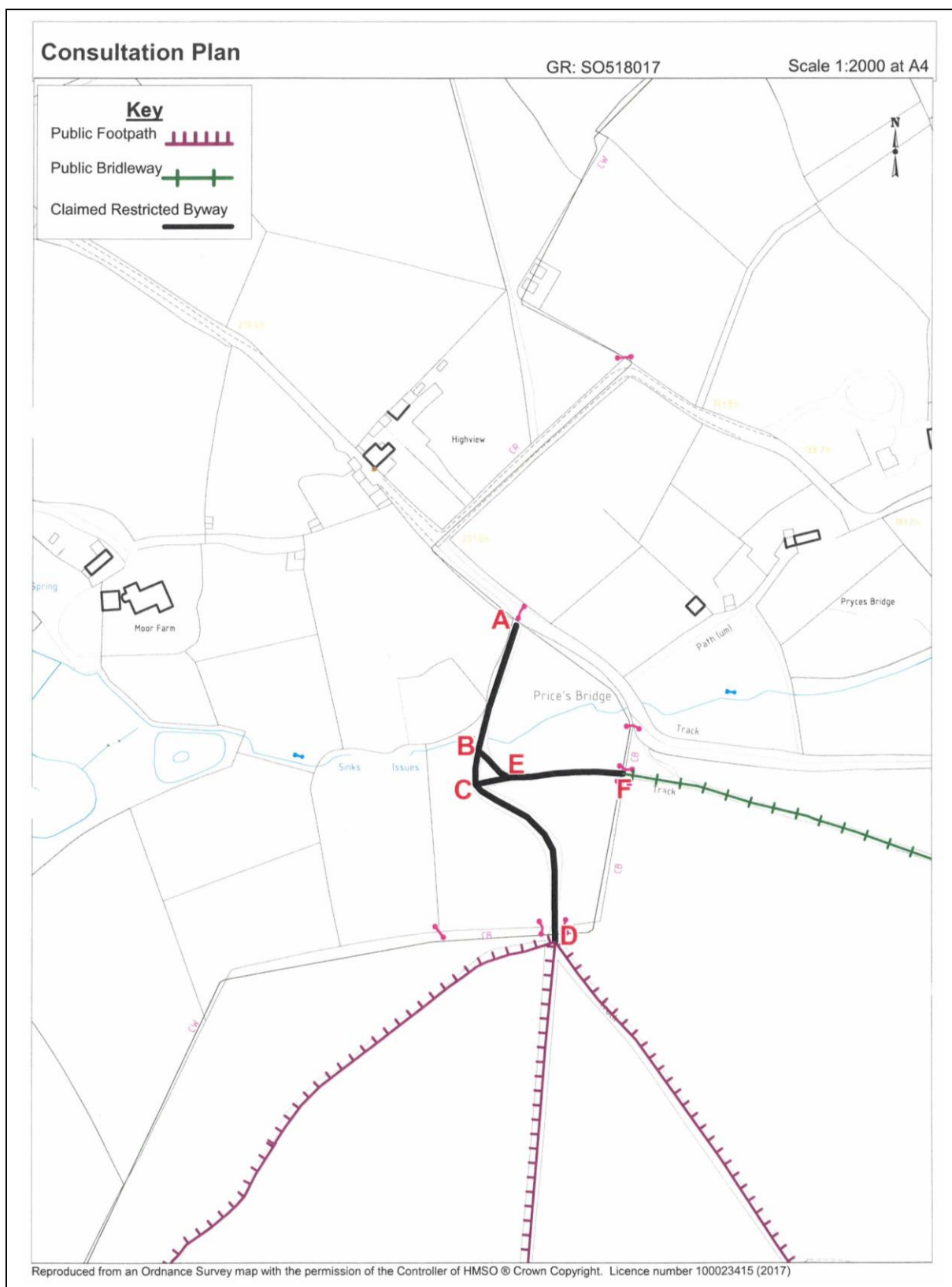
Before producing an evidential report to enable members to make any final recommendation this pre-order consultation is being conducted to investigate the routes as marked on the consultation plan by solid black lines. If you hold any evidence such as title deeds, photographs or other historical documents regarding the status of the routes and wish this evidence to be assessed and included in the evidential report please send this information to me before the 25th May 2018.

Furthermore, when considering the status of routes under section 53 of the Wildlife and Countryside Act 1981, need, nuisance, security or suitability cannot be taken into account. These things are considered after the status is confirmed.

If I do not receive a response by the 25th May 2018 then I shall assume that you have no relevant evidence regarding the public status of the routes.

Yours faithfully,
Mandy Mussell
Definitive Map Officer

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Saesneg neu yn y ddwy iaith. Byddwn yn cyfathrebu â chi yn ôl eich dewis. Ni fydd gohebu yn Gymraeg yn arwain at oedi.
The Council welcomes correspondence in English or Welsh or both, and will respond to you according to your preference. Corresponding in Welsh will not lead to delay.



01_13MOD_PB: Pre-Order Consultation Plan [Map] 13th April 2018
Appendix 7.2

Mussell, Mandy

From: GTALBOT <gilliantalbot247@btinternet.com>
Sent: 25 May 2018 16:42
To: Mussell, Mandy
Subject: Definitive Map Modification Order – Reference: 01_13Mod_PricBdgeCon2018
Attachments: Prices Bridge wood issue 11046.jpg; Prices Bridge wood issue 11046 def map.jpg

Dear Ms Mussell

Further to your letter dated 13th April 2018 regarding the above, please be advised that we do hold the title deeds to the land in question.

We write to inform you that we will be strongly objecting to the Modification Order and are taking legal advise.

Historically Public Rights of Way have run around the edge of our land but not across it. (see Maps attached)
There are 'tracks' across our land that are part of our farm but these are not Public Rights of Way as confirmed by Monmouthshire County Council.

Regards

Mr & Mrs Talbot
Moor Farm, Whitelye

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.

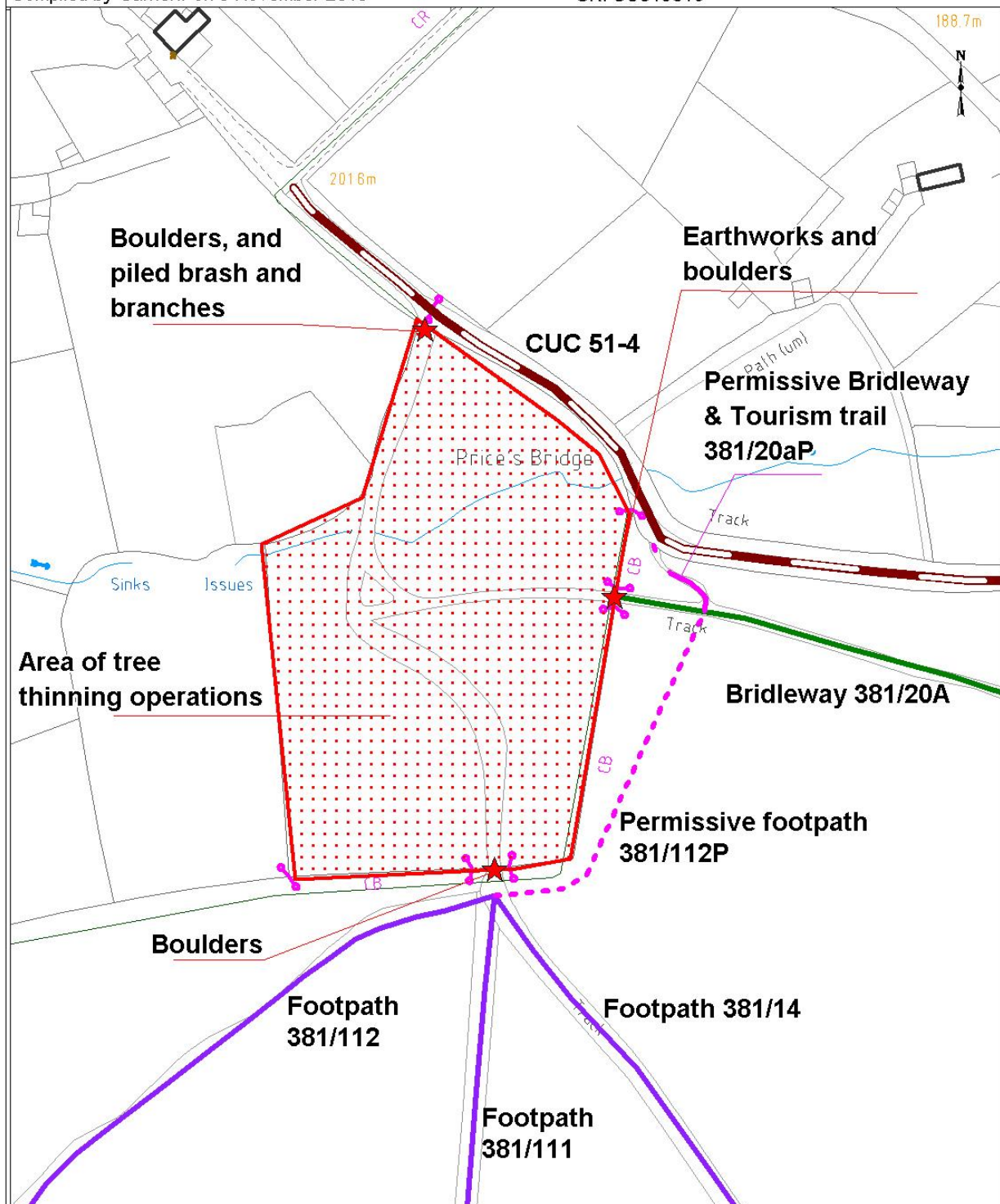
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



Compiled by Garner.r on 5 November 2013

GR: SO519016

Scale 1:1250 at A4



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01_13MOD_PB: Pre-Order Consultation reply - Mr & Mrs Talbot 25th May 2018
(Attachments: "Prices Bridge wood issue 11046.jpg")
Appendix 7.4

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.

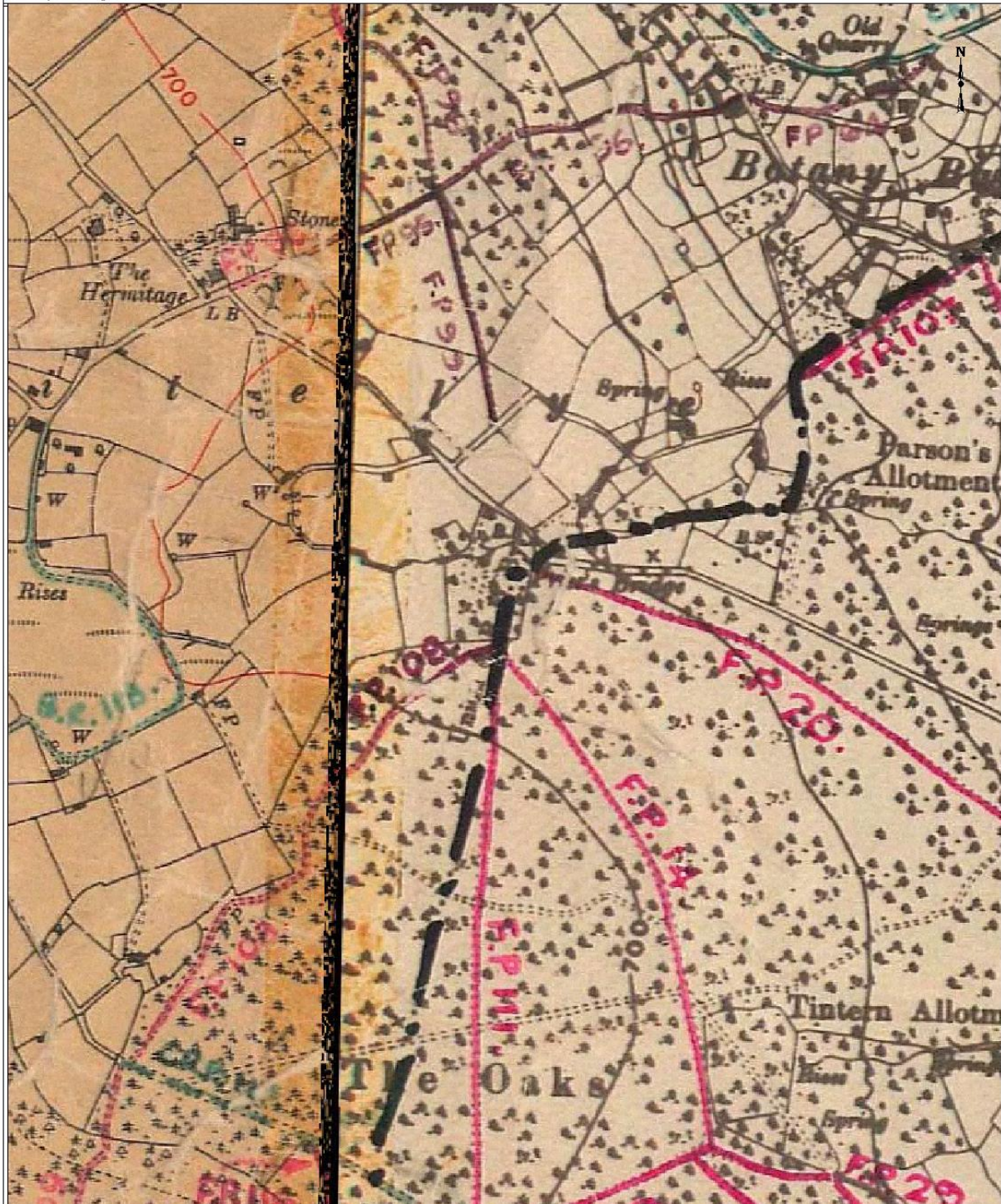
Public Rights of Way
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GR: SO519016

Scale 1:5000 at A4



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01_13MOD_PB: Pre-Order Consultation reply - Mr & Mrs Talbot 25th May 2018
(Attachments: "Prices Bridge wood issue 11046 def map.jpg")
Appendix 7.5

No. 10 Parish of Trellech																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
No. of Assessment.	No. of Poor Rate.	Christian Names and Surnames of Occupiers.	Christian Names and Surnames of Owners, with their Residences.	Description of Property—If an Inn, &c., the name or sign by which known.	Street, Place, Name, and Precise Situation of Property.	Poor Rate.						Reference to Map.	Extent as determined by Valuer.				Original Gross Value.	Deductions for				Commissioners of Inland Revenue, as amended on Appeal (if any).																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
						No. of House.	Estimated Extent.	Gross Annual Value.					Rateable Value.	Acres.	R.	P.		Y.	Buildings and other Structures, including Machinery.	Timber.	Fruit Trees, Fruit Bushes, and other things growing on the land.	Original Full Site Value.	Deductions for																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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COUNTY OF MONMOUTH.					Sheet No. 1
NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.					
SURVEY OF RIGHTS OF WAY.					
LOCAL AUTHORITY (Borough, District or Parish Council).....CHEPSTON AERIAL DISTRICT COUNCIL.....					
PARISH OF.....TINTERN.....					
N.B.—The Pamphlet references in this Form are to the January, 1950 Edition of the Memorandum prepared by the Commons, Open Spaces and Footpath Preservation Society entitled "SURVEY OF RIGHTS OF WAY."					
Number of Paths coinciding with No. on Map (See Paras. 2 and 3).	Kind of Path (Use Symbols, See Para. 4).	Name of Path, if any, or its destination	Concise description of Path commencing with its starting point. Give features occurring on Path in correct order, and its widths where well defined. If metalled, by whom repaired. (See Para. 5 on Pages 11, 12 and 13).	Brief grounds for belief that way is public.	Signature, description and address of persons carrying out survey and dates.
1, 2	F.P.		Mill Pond to Great House following part upper Carr to Parkhouse (disputed)	Used over 50 years	Catherine Emma Harrison Fir Grove, Tintern, Mr. Chapman. Member of Tintern Parish Council 18/8/50
3	F.P.		Trotlock Grange House to the Parks	do.	E.J. Thomas Tintern Parish Council 18/8/50
4	F.P.		Tump Farm to Parkhouse Road,	do.	
5	F.P.		From Green Meadow House to Whitelye	do.	
6, 7	F.P.		Fountain Inn to Parka Bridge	do.	
8	F.P.		Fountain Inn to Parka Brook	do.	
9	F.P.		Fountain Inn to Pontyentham Road	do.	
10, 11, 12, 13, 14	C.R.F.		Jubilee Road to Great Crumblund	do.	
15, 16, 17, 18	F.P.		From Tintern Road, Holwood Lane to Whitelye	Used over 50 years	Harriet Eva Maynard, Gothic Cottage, Tintern Hon. Member Tintern Parish Council 18/8/50 E.J. Thomas Tintern Parish Council 18/8/50
19, 20	F.P.		From Trotlock Road, via Sengerys Place to Barbadoes		
21, 22, 23	F.P.		From Tintern Road, to Tintern & Llandegs Road, blocked		
24, 25	F.P.		From Tintern Church to Drookvoir Bridge		
26, 27	F.P.		From Drookvoir Bridge to Trotlock Road		
28, 29, 30, 31, 32, 33	F.P.		From Barbadoes Gate to Holwood Lane		
34	F.P.		From Barbadoes Gate to Barbadoes Green		
35	F.P.		From Forge Road to Holwood Road		
36, 37, 38	F.P.		From Forge road to Rotherbrook and Whitelye		
39, 40, 41, 42	F.P.		From Pontyentham Road to Whitelye		
43, 44, 45	F.P.		From Middle Pond, Pontyentham and Whitelye		
46	F.P.		From Furnace Road to Whitelye		
47	F.P.		From Black Gate, Barbadoes to Tintern Road		
48, 49	C.R.F.		From Parva Farm to Tinterns (blocked)		
50	F.P.		From Furnace to Big Boach and Whitelye		
51, 52	C.R.F.		From Tintern Hall to Church		
53, 53A	C.R.F.		From Tintern Gates to Church		
54	C.R.F.				
C.R.F. 55 F.P.s 56, 57	F.P.	Part C.R.F.	From Livers to Portburying From Livers Cottages to Livers Farm and Wyedde		
58	F.P.		From Chapoton Road, Via Redding Farm to Panterry	Used over 50 years	William Isaac, F.F. Grove, Tintern. E.J. Thomas Tintern Parish Council 18/8/50
59	C.R.F.		From Abbey Road to Wyedde		
60, 61, 62	F.P.		From Green Lodge to Church Road		
63A, 63	F.P.		From Forge Road to Glyn Road via Glyn Cottage		
64	B.R.		From Chapel Hill Church to Panterry		
65, 67, 68, 69, 70	C.R.B.		From Chapel Hill Church via Carron to Banton		
71, 72	F.P.		From Chapel Hill Church via Carron to Banton		
73, 74, 75, 76	F.P.		From Chapel Hill Church via Carron to Glyn Road and Furnace		
77	F.P.		From Drookside to Glyn Road		
78	F.P.		From the Furnace to Banton		
79	F.P.		From the School to Panterry Church and Banton		
80	B.R.		From Killent to Boverdon Road		
81	F.P.		Footpath through Barks (Disputed by Forestry Commission)		
82	C.R.F.		From Palfrey Station to Wyedde		
83, 88, 89	F.P.		From Abbey Road to Wyedde		
89	F.P.		Panterry Church to Volpervus Field. Stiles out of order	Used over 50 years	W. Hen, Resident at Panterry and Parish Council 28/7/50 E.J. Thomas, Tintern Parish Council
90	F.P.		Panterry Road to the Cot via Fairbank Pond	do	

COUNTY OF MONMOUTH					Sheet No. 1
NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.					
SURVEY OF RIGHTS OF WAY.					
LOCAL AUTHORITY (Borough, District or Parish Council)..... CHESHAM TOWN COUNCIL PARISH OF..... TUNFORD					
N.B.—The Pamphlet references in this Form are to the January, 1950 Edition of the Memorandum prepared by the Commons, Open Spaces and Footpath Preservation Society entitled "SURVEY OF RIGHTS OF WAY."					
Number of paths conceding h No. on Map see Paras. 2 and 3).	Kind of Path (Use Symbols, See Para. 4).	Name of Path, if any, or its destination	Concise description of Path commencing with its starting point. Give features occurring on Path in correct order, and its widths where well defined. If metalled, by whom repaired. (See Para. 5 on Pages 11, 12 and 13).	Brief grounds for belief that way is public.	Signature, description and address of persons carrying out survey and dates.
92	F.P.		From Parish Boundary south of Gethley in a westerly direction to join F.P.10 in Trollech Parish		
93	F.P.		From road north of Trollech Grange in a northerly direction through fields passing Lam-pant and on to join F.P.10 in Trollech Parish		
94	F.P.		From the junction with F.P.s 93 and 40 in Trollech Parish in a westerly and N.W. direction passing Knapes Cottage to join County Road north of Yewtree Cottage.		
95	F.P.		From road west of Trollech Grange in a westerly direction through fields passing south of Crumbland and Crumbland Plantation to join County Road at the Parish Boundary.		
96	F.P.	Connecting F.P.	From a point north of Trollech Grange across 1 field to join Road opposite F.P.95		
97	F.P.		Commences at The Set, through fields in a northerly direction, through Ravenscroft Wood to join road near Post-y-Saison		
98	F.P.		Commences at Parish Boundary at its junction with F.P.200 Devenden Parish in a N.W. direction through Sydbank Wood to join road south of Fairbrook.		
99	F.P.		From road opposite Fairbrook in a N.E. direction to join F.P.8.70		
100	F.P.		From F.P.201 Devenden Parish, skirting the camp then continues north to join F.P.101		
101	F.P.		From F.P.202 Devenden Parish in a N.E. direction to join road north of Red House		
102	F.P.		From road north of Red House in a N.E. direction to join F.P.89 at St. Marys Church.		
103	F.P.		From the junction with F.P.102 south of St. Marys Church in a south easterly direction across fields to join County Road		
104	F.P.		From the junction with F.P.90 in a N.W. and northerly direction to join road S.E. of Fairbrook.		
105	F.P.		From the junction with F.P.89 in a northerly direction to join G.R.64 south of Penbury Farm.		
106	F.P.		From the junction with F.P.58 in a southerly direction, through Upper Linemell Wood to old Linemell at County road.		
107	F.P.	Connecting Path	From Furnace Road alongside Angley River to join County Road,		
108	F.P.	Connecting Path	From F. P.107 in a N.E. direction to join County Road		
109	F.P.		From the Road 53-2 in a N.E. direction to join Class 111 Road 53-2		
110	G.R.6.		From the junction with F.P.30 in a N.W. direction to join G.R.6.111 in Trollech Parish		
111	F.P.		From the junction with F.P.30 north through the Oaks to join F.P.16 and G.R.6.112		
112	F.P.		From the junction with G.R.6.110 and F.P.30 in a S.E. direction passing Oaks Patch and Barbadoes Hill to join F.P.10 at Chapel Hill		
113	F.P.		From the junction with F.P.30 in a northerly direction through Parsons Allotment to join F.P.107 at Oakley Bay		
114	F.P.		From County Road north of Woodlands in a northerly direction through Old Badbick to join F.P.27 at Parish Boundary.		
TINTERN					

COUNTY OF MONMOUTH

Sheet No. 5

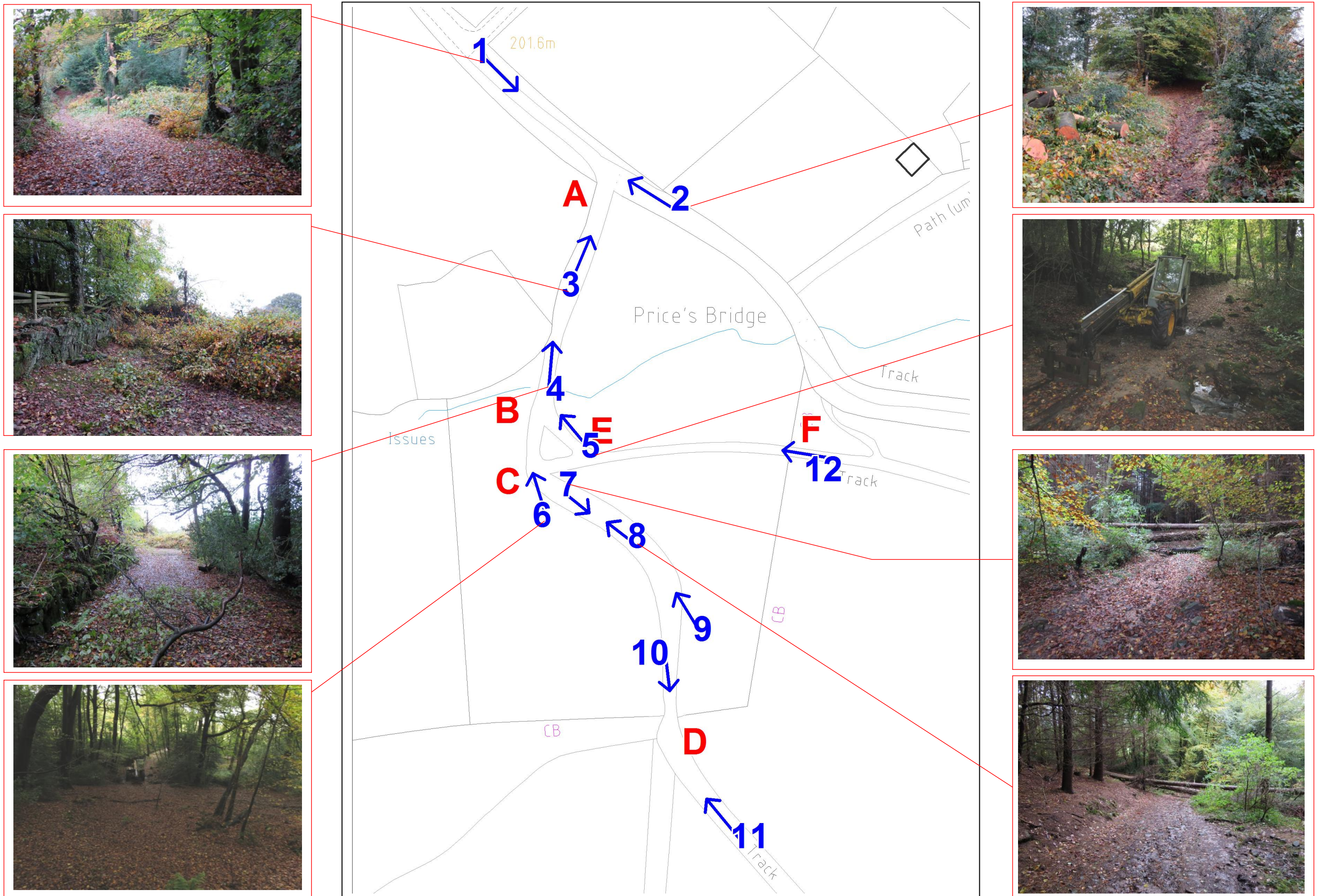
NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.
SURVEY OF RIGHTS OF WAY.

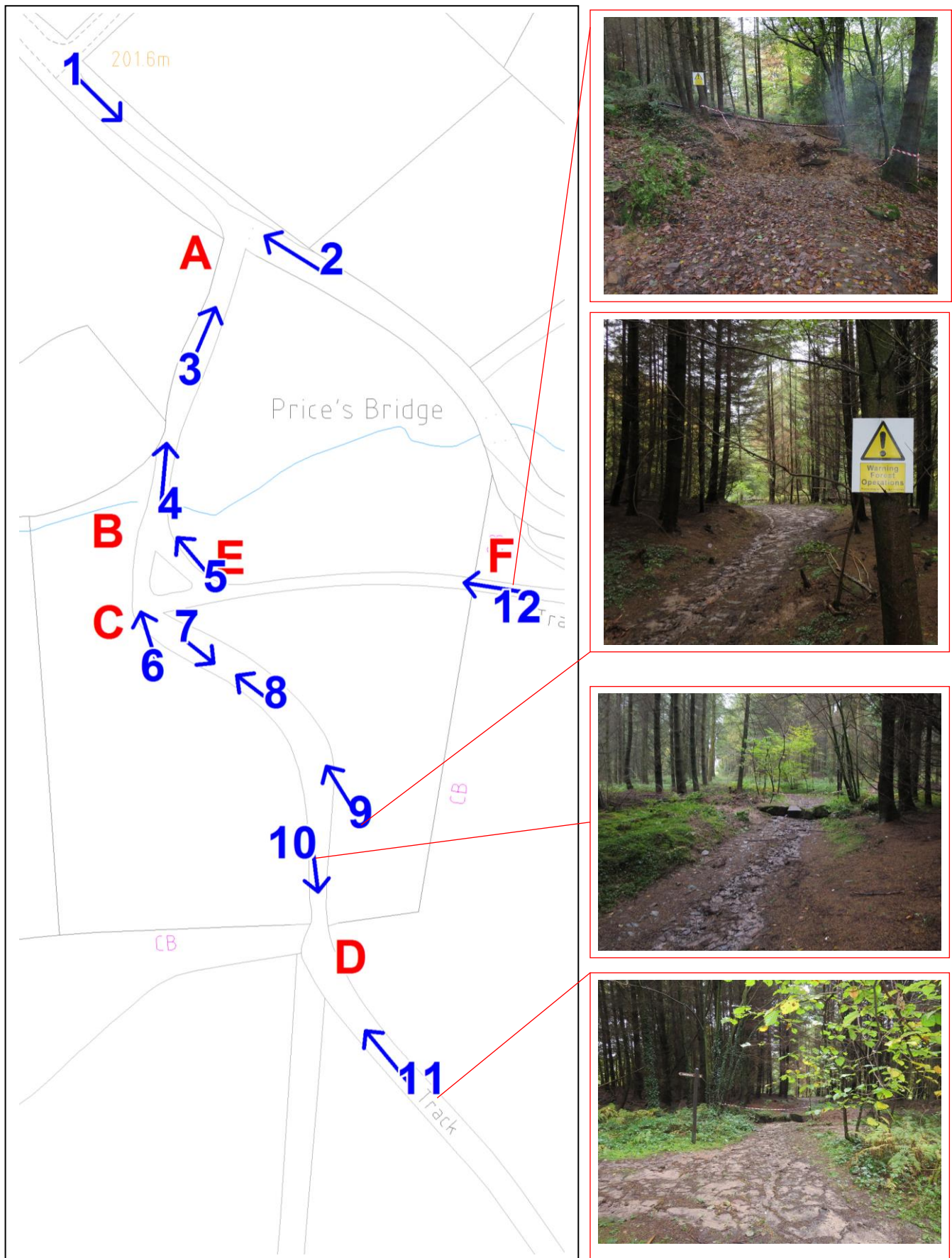
LOCAL AUTHORITY (Borough, District or Parish Council).....~~MONMOUTH RURAL DISTRICT~~.....PARISH OF.....~~TRELLECK UNITED~~.....

N.B.—The Pamphlet references in this Form are to the January, 1950 Edition of the Memorandum prepared by the Commons, Open Spaces and Footpath Preservation Society entitled "SURVEY OF RIGHTS OF WAY."

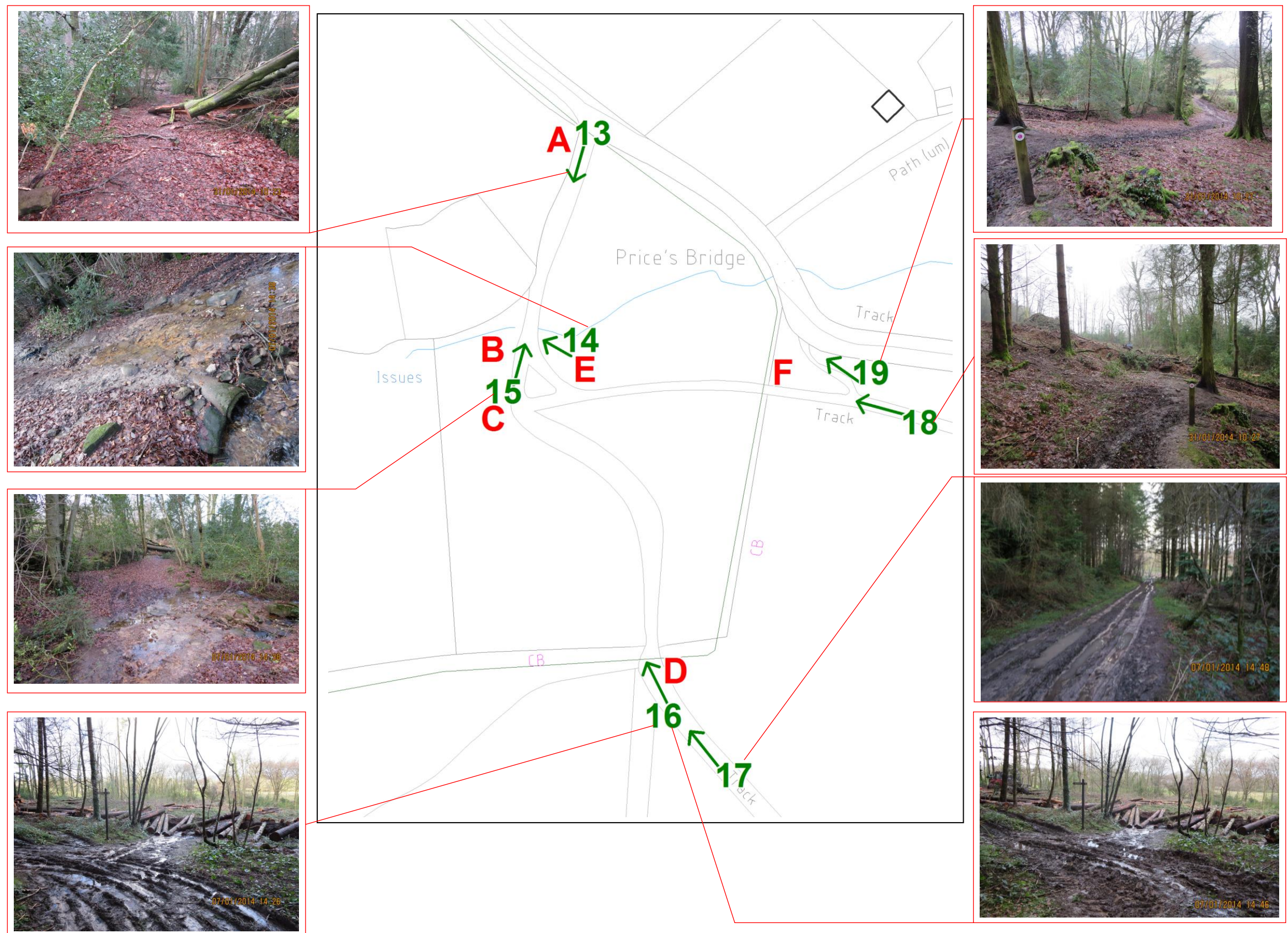
Number of Paths coinciding with No. on Map (See Paras. 2 and 3).	Kind of Path (Use Symbols, See Para. 4).	Name of Path, if any, or its destination	Concise description of Path commencing with its starting point. Give features occurring on Path in correct order, and its widths where well defined. If metalled, by whom repaired. (See Para. 5 on Pages 11, 12 and 13).	Brief grounds for belief that way is public.	Signature, description and address of persons carrying out survey and dates.
95 96	F.P.	Hermitage Path to Botany Bay	Start from Hermitage Whitelye Stone Stile down path hedge on left down to bottom of field then over stone stile on down to bottom of next field wall on right then over stone stile in to the wood called Bettys Firs then on down wall on right on down to bottom of wood over stone stile then on down path between two walls about one yard wide then over stone stile down a small wood down some steps on down a lane about 60 yds into the Catbrook-Tintern Road.	I have known this path for 50 yrs	A. Sadler, Forest View Whitelye
97, 98, 99	F.P.	Bettys Firs Path by Whitelye Farm	Turn in through black gateway by Forest View off the Whitelye to Botany Bay road keep wall on left till you come to the Hermitage Botany Bay Path keep straight on till you come to a gate and stile then keep on through the farm yard buildings on right and house on left, keep straight on till you come to gate then on through the wood cart way till you come to a black gate that opens on to the Catbrook-Tintern Road.	do	do
101	F.P.	Coopes	You get over the Coopes stile and walk north; the Path is a footpath and you go over two rough fields till you get to a stile you get over the stile and walk down keeping wall on left till you come to a wet place in bad weather there is a small stone bridge then you come to a stile that leads you on to the green at Catbrook you walk up the Green then you get on to the road that leads from Catbrook to Tintern and on to Llandogo.	do	do
102, 103, 104, 105	F.P.	Kitswood Path	Footpath that leads to the Trelleck Grange you get over Kitswood Stile and travel south west till you get to the bottom of the wood and stile you get over the stile into the field and go south till you get to a stile in the corner of the next field you get over this stile and go down field keeping hedge on left till you come to gate in bottom corner then you steer for stile at back of cowsheds at farm you get over this stile and steer south across field till you come to stile then you go over farm road to another stile the other side of the road then you go on down field and over stile at the Fountain Inn at Trelleck Grange on the Trelleck Grange to Tintern Road.	do	do
106	F.P.	Beeches Path, Branch of Kitswood Path	You get over stile at Beeches Farm and steer south till you come to the Kitswood and Trelleck Grange Path then follow on Trelleck Grange Path.	I have known it for 50 years	do
107	F.P.	Lotment Path	Turn over Stile on right 100 yards below Valley View and go straight down steep Path till you come to stile and gate on Tintern and Catbrook Road, Boundary mark.	Used by the Public for 60 years	do
108	F.P.	Prices Bridge	When you come to end of Council Road by Forest View Whitelye at Forestry Store Sheds you turn left and walk N.E. you go right through the wood till you come to cartway you go over this and go on down about 80 yards till you come to one more cartway you pass over this and walk 20 yards then you come on to the Whitelye to Tintern land and boundary mark at Prices Bridge.	do	do
109	F.P.	Big Beech	When you come to end of Council Road by Forest View Whitelye at Forestry	Used by public for	do

97,98,99	F.P.	Bettys Fire Path by Whitelys Farm	Turn in through black gateway by Mount View off the Whitelys to Botanbay road keep wall on left till you come to the Heritage Botanbay Path keep straight on till you come to a gate and stile then keep on through the farm yard buildings on right and house on left, keep straight on till you come to gate then on through the wood cart way till you come to a black gate that opens on to the Catbrook-Tintern Road.	do	do
101	F.P.	Coopes	You get over the Coopes stile and walk north; the Path is a footpath and you go over two rough fields till you get to a stile you get over the stile and walk down keeping wall on left till you come to a wet place in bad weather there is a small stone bridge then you come to a stile that leads you on to the green at Catbrook you walk up the Green then you get on to the road that leads from Catbrook to Tintern and one to Llandogo.	do	do
102,103,104,105	F.P.	Kitswood Path	Footpath that leads to the Trelleck Grange you get over Kitswood Stile and travel south west till you get to the bottom of the wood and stile you get over the stile into the field and go south till you get to a stile in the corner of the next field you get over this stile and go down field keeping hedge on left till you come to gate in bottom corner then you steer for stile at back of cowsheds at farm you get over this stile and steer south across field till you come to stile then you go over farm road to another stile the other side of the road then you go on down field and over stile at the Fountain Inn at Trelleck Grange on the Trelleck Grange to Tintern Road.	do	do
106	F.P.	Beeches Path, Branch of Kitswood Path	You get over stile at Beeches Farm and steer south till you come to the Kitswood and Trelleck Grange Path then follow on Trelleck Grange Path.	I have known it for 50 years	do
107	F.P.	Lotment Path	Turn over Stile on right 100 yards below Valley View and go straight down steep Path till you come to stile and gate on Tintern and Catbrook Road, Boundary mark.	Used by the Public for 60 years	do
108	F.P.	Prices Bridge	When you come to end of Council Road by Forest View Whitelys at Forestry Store Sheds you turn left and walk N.E. you go right through the wood till you come to cartway you go over this and go on down about 80 yards till you come to one more cartway you pass over this and walk 20 yards then you come on to the Whitelys to Tintern land and boundary mark at Prices Bridge.	do	do
109	F.P.	Big Beech	When you come to end of Council Road by Forest View Whitelys at Forestry Store Sheds you turn right and go south and walk along cartway and good path till you come out on the Big Beech cartway.	Used by public for 80 years.	do
110, 111	C.R.B.	Sandy Cross	When you come to end of Council Road at Forest View Whitelys at the Forestry Store Sheds you go straight down the metalled Road 7 feet wide metalled by the Forestry Commission till you come to Cross Roads called Sandy Cross and Parish Boundary.	Used by public 100 years	do
112	C.R.F.	Sandy Cross	You go through gateway at Prices Bridge and go over the stream and take the upper Road of the two and go on up for 100 yards then you go up the ride and keep on till you get to Sandy Cross and when you are walking this ride you are on the boundary of Trelleck and Tintern and going to Sandy Cross you are going south.	Used by public for 40 years	do
113	C.R.B.	Big Beech	You turn in wood at Hale gate off Council Road and keep straight on down walking south till you come to Big Beech and boundary at Tintern it is a cartway about 7 feet wide rather rough for cars.	Used by public time unknown	do
115	F.P.	Big Beech T. Fountain	You go over Stile at B. Beech and Straight across the field to where you can see the gateway the other side walking west then you go along the top of the next field keeping hedge on right till you come to gate at end of lane you go through gateway and keep on down lane till you come to gate the other end you go through gate and steer for rough stile on rails at back and end of cowsheds and at this stile you join F.P. from Kitswood.	Time unknown	do





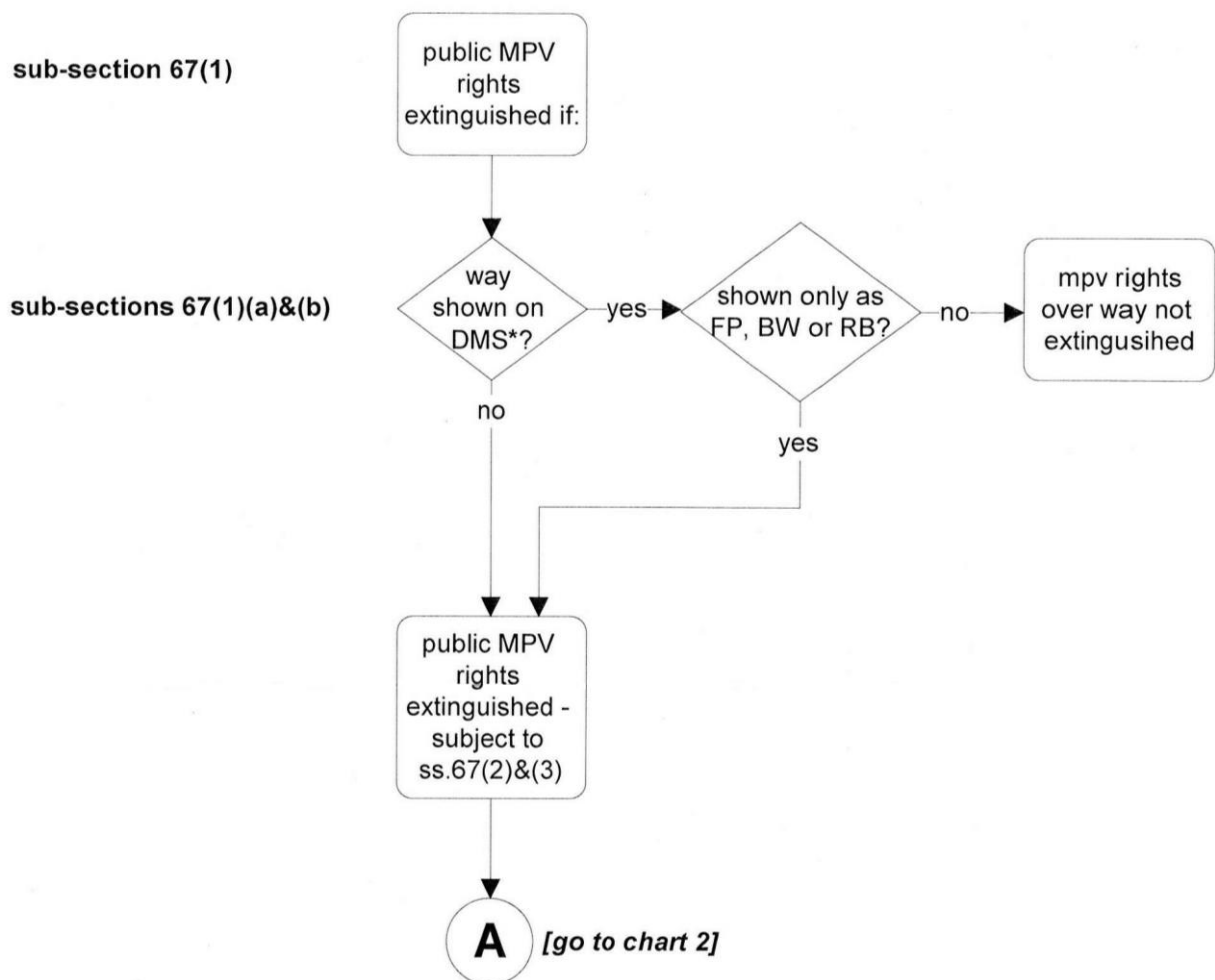
01_13MOD_PB: Site Photographs dated November 2013
[Photographs 9, 10, 11 & 12]
Appendix 12.2



01_13MOD_PB: Site Photographs dated 7th and 31st January 2014
[Photographs 13, 14, 15, 16, 17, 18 & 19]
Appendix 12.3

Chart 1 of 3 - subsection 67(1)

(This chart illustrates the process for determining whether rights of way are extinguished and does not provide an interpretation of the law; it must be read in conjunction with Defra's guidance on Part 6 of the Act)



Guide to abbreviations

MPV - mechanically propelled vehicle

DMS - definitive map and statement

FP - footpath

BW - bridleway

RB - restricted byway

BOAT - byway open to all traffic

s. - section

ss. - sections

LOS - list of streets

DMMO - definitive map modification order

LHA - local highway authority

[* before commencement on 2 May 2006]

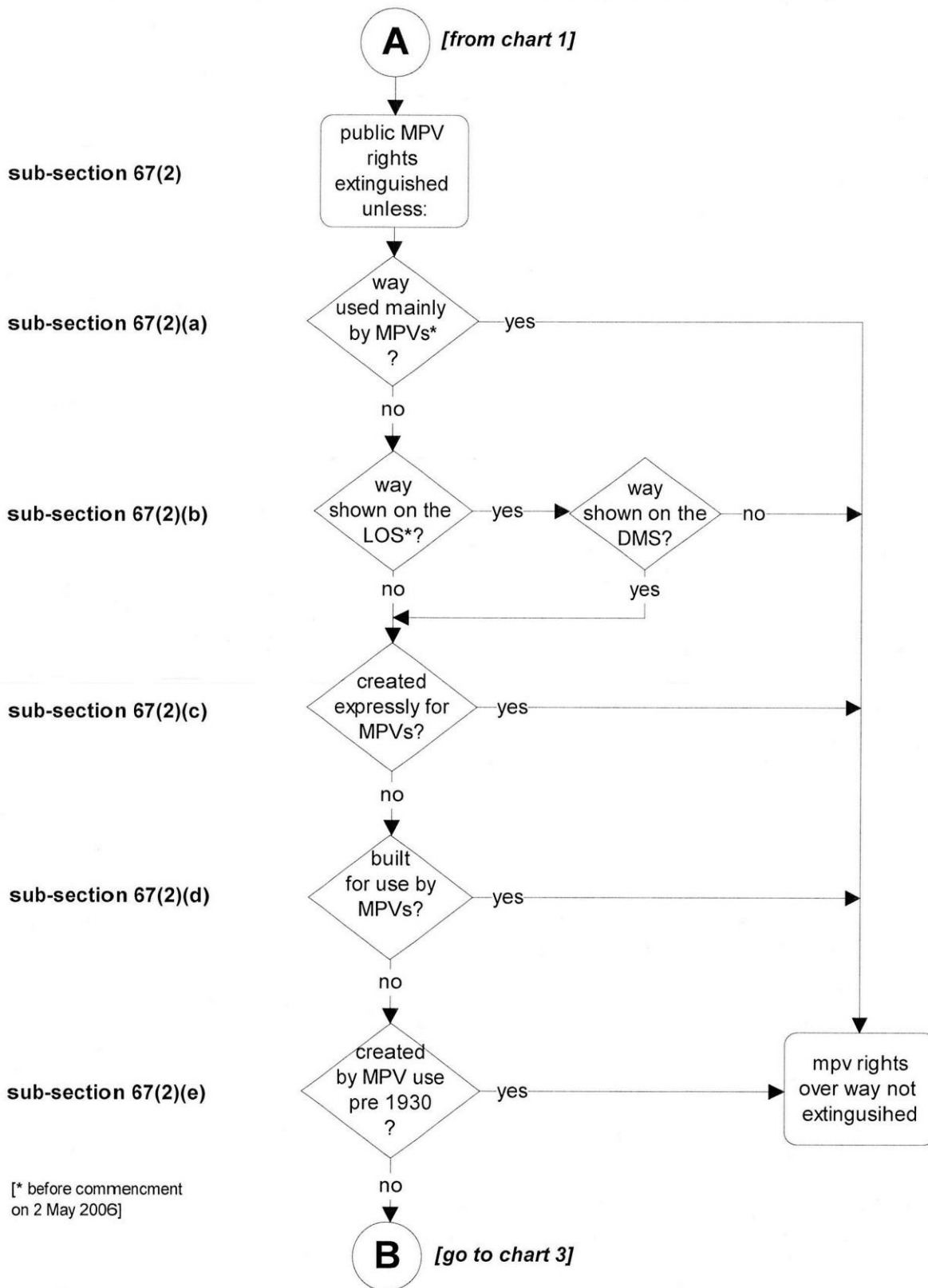
01_13MOD_PB: Flow chart illustrating the process of determining whether a public right of way for mechanically propelled vehicles over any given way is extinguished by section 67 of the NERC Act 2006

Appendix 13.1

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Chart 2 of 3 - subsection 67(2)

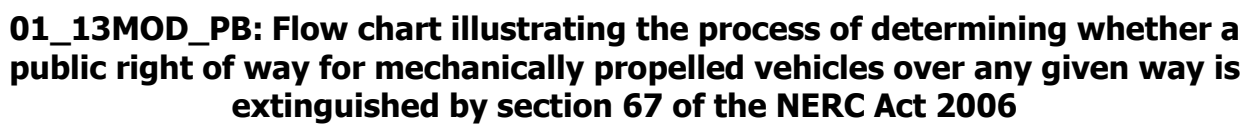
(This chart illustrates the process for determining whether rights of way are extinguished and does not provide an interpretation of the law; it must be read in conjunction with Defra's guidance on Part 6 of the Act)



01_13MOD_PB: Flow chart illustrating the process of determining whether a public right of way for mechanically propelled vehicles over any given way is extinguished by section 67 of the NERC Act 2006

Appendix 13.2

chart illustrates the process for determining whether rights of way are extinguished and does not provide an interpretation of the law; it must be read in conjunction with Defra's guidance on Part 6 of the Act)



Page 430



Name of the Officer Mandy Mussell – Definitive Map Officer Countryside Access Phone no: 01633-644183 E-mail: mandymussell@monmouthshire.gov.uk	Please give a brief description of the aims of the proposal To determine whether or not to register the Routes as a public rights of way on the Definitive Map and Statement in the community of Trellech, near Whitelye.
Name of Service Countryside Access	Date Future Generations Evaluation 29 th January 2019




NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc



- 1. Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	The Order if made will mean that the Routes will have to be re-instated and made available to be a resource for locals and tourists for the use and enjoyment of the area.	N/A
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	The Order if made will not change the environment in which this route extends.	N/A

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	The Order if made will not reduce people's ability to walk in the area but will improve upon this to provide a wide and more easily accessible walk than elsewhere in the community	N/A
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	The Order if made does not impact on the community.	N/A
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	N/A	N/A
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	The Order if made will allow the Routes to be used and continue to be a resource for locals and tourists to enjoy of the area.	N/A
A more equal Wales People can fulfil their potential no matter what their background or circumstances	N/A	N/A

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Long Term Balancing short term need with long term and planning for the future</p>	<p>The long term result if this Order is made will be that the Routes will be recorded correctly on the Definitive Map and Statement and link with other existing highway networks. The Routes will be available for access in the future.</p>	<p>N/A</p>
 <p>Collaboration Working together with other partners to deliver objectives</p>	<p>N/A</p>	<p>N/A</p>
 <p>Involvement Involving those with an interest and seeking their views</p>	<p>The associated landowners have been consulted and all their concerns have been included within the body of the reports.</p>	<p>N/A</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Putting resources into preventing problems occurring or getting worse</p> <p>Prevention</p>	<p>The Order if made will clarify the status of the Routes and prevent confusion of responsibilities in the future.</p>	<p>N/A</p>
 <p>Considering impact on all wellbeing goals together and on other bodies</p> <p>Integration</p>	<p>N/A</p>	<p>N/A</p>

- 3. Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link: <http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or alanburkitt@monmouthshire.gov.uk

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	N/A	N/A	N/A
Disability	Routes would be accessible to wider range of public than other local walks	N/A	N/A
Gender reassignment	N/A	N/A	N/A
Marriage or civil partnership	N/A	N/A	N/A
Pregnancy or maternity	N/A	N/A	N/A
Race	N/A	N/A	N/A
Religion or Belief	N/A	N/A	N/A
Sex	N/A	N/A	N/A
Sexual Orientation	N/A	N/A	N/A
Welsh Language	N/A	N/A	N/A

- 4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities?** For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	N/A	N/A	
Corporate Parenting	N/A		

- 5. What evidence and data has informed the development of your proposal?**

The Definitive Map Modification Order, Prices Bridge, Whitelye, Trellech (01_13Mod) Report along with all relevant appendixes consists of all the evidence and data that has informed the development of this proposal.

The evidence consists of the applicant's submissions of 36 user evidence forms and historical documents. The Authority has investigated these and along with this evidence has included within the reports all the available historical maps; a pre-order consultation with landowners, various public rights of way user Associations and Societies and Utility providers. Along with all this evidence other case law and legislation such as the 1981 Wildlife and Countryside Act and the 2006 Natural Environment and Rural Communities Act has been applied and discussed in these reports.

- 6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?**

The Order if made will neither positively nor negatively impact on the well-being goals or the sustainable development principals.

7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
N/A			
N/A			
N/A			

8. MONITORING: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	Three years after the Order has been confirmed.
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9. VERSION CONTROL: The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1	The Rights of Way Advisory Panel (RWAP) in assessing the evidence and assisting the Community Services Cabinet Portfolio Member to determine whether or not to make a Definitive Map Modification Order.	29 th January 2019	N/A

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