

## **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.

**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.

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(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,  
not an off-road toy.  
Yes, it cut off a corner.

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.

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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</i>
9.	Has the way always run over the same route? YES / <del>NO</del> If it has altered, give details and dates. <b><u>Please mark any changes, which you experienced on the plan.</u></b>
10.	Did you keep to the path claimed or wander freely between start and finish?  <i>I kept to the 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? <b><u>Please mark them on the plan</u></b>  <i>No</i>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <b><u>Please mark them on the plan.</u></b>
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? <b><u>Please mark them on the plan.</u></b>  <i>Yes - marked ⊗. I cannot remember the wording.</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? <b><u>Please mark the plan to show location of any signs.</u></b>
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?
17.	If you were an owner or tenant, did you recognise that the way was a public right of way?

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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;">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;">Yes, occasionally. They were not my companions. I have met rambles, dog walkers, cyclists and motorcyclists.</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;">Yes, occasionally off-road motorcyclists Once, a grad.</p>	Also None H does 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="text-align: center;">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="text-align: center;">Yes Mrs Mrs R Talbot.</p>	
25.	If you have ceased using the way, please say why. <p style="text-align: center;">It is now blocked.</p>	

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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..

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**

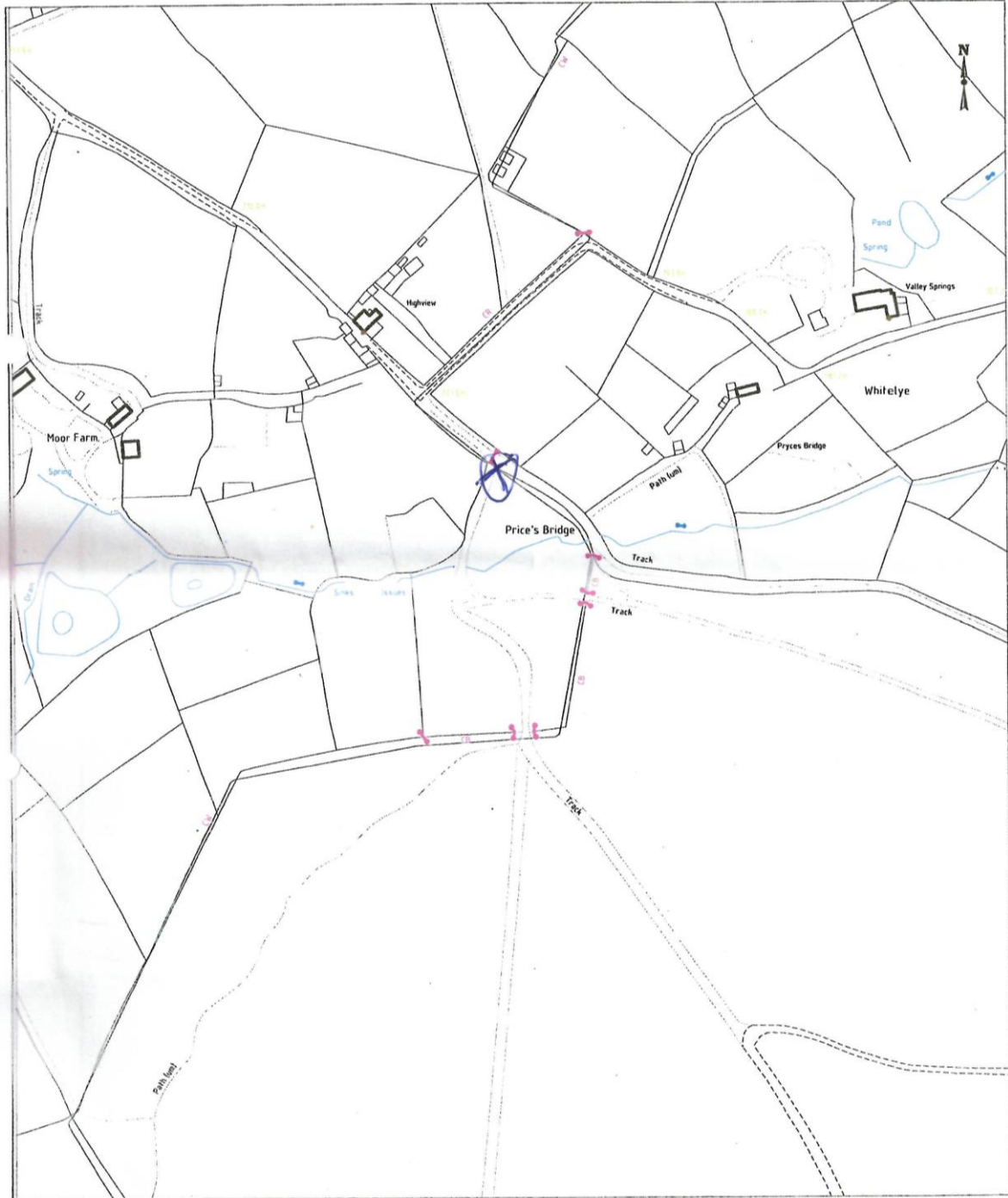
*Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.*

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

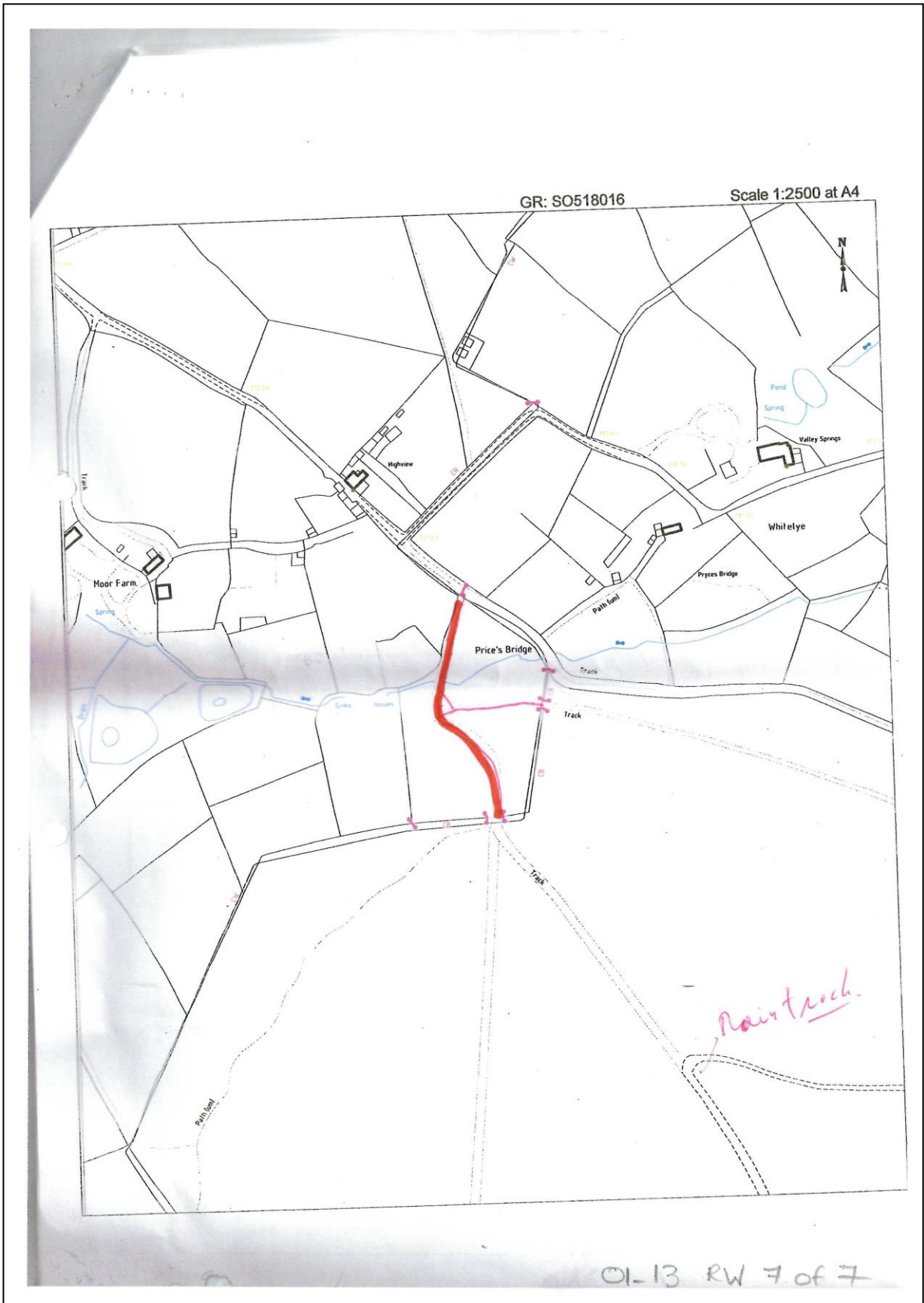
Signed: .. Date: 16<sup>th</sup> Nov 2013

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## **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**

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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.

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 PARAS/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)

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

WHITELEY TO BARBASOCK 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

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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="margin-left: 20px;">YES</p>
9.	Has the way always run over the same route? <input checked="" type="radio"/> YES <input type="radio"/> NO If it has altered, give details and dates. <b><u>Please mark any changes, which you experienced on the plan.</u></b>
10.	Did you keep to the path claimed or wander freely between start and finish? <p style="margin-left: 20px;">YES</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? <b><u>Please mark them on the plan</u></b> <p style="margin-left: 20px;">No. IN FACT THERE USED TO BE A FINGERPOST DIRECTED TO BARBADOS GREEN</p>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <b><u>Please mark them on the plan.</u></b> <p style="margin-left: 20px;">-</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? <b><u>Please mark them on the plan.</u></b> <p style="margin-left: 20px;">YES. UNTIL THIS YEAR - TO BARBADOS GREEN</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? <b><u>Please mark the plan to show location of any signs.</u></b> <p style="margin-left: 20px;">YES.</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="margin-left: 20px;">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="margin-left: 20px;">NO</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: 20px;">No.</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? 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 BARRICADES THAT IT IS DIFFICULT TO CLIMB OVER THE BOUNDS/DIKES .

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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~~ <sup>am</sup> 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

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[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 AMUSSELL 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~~

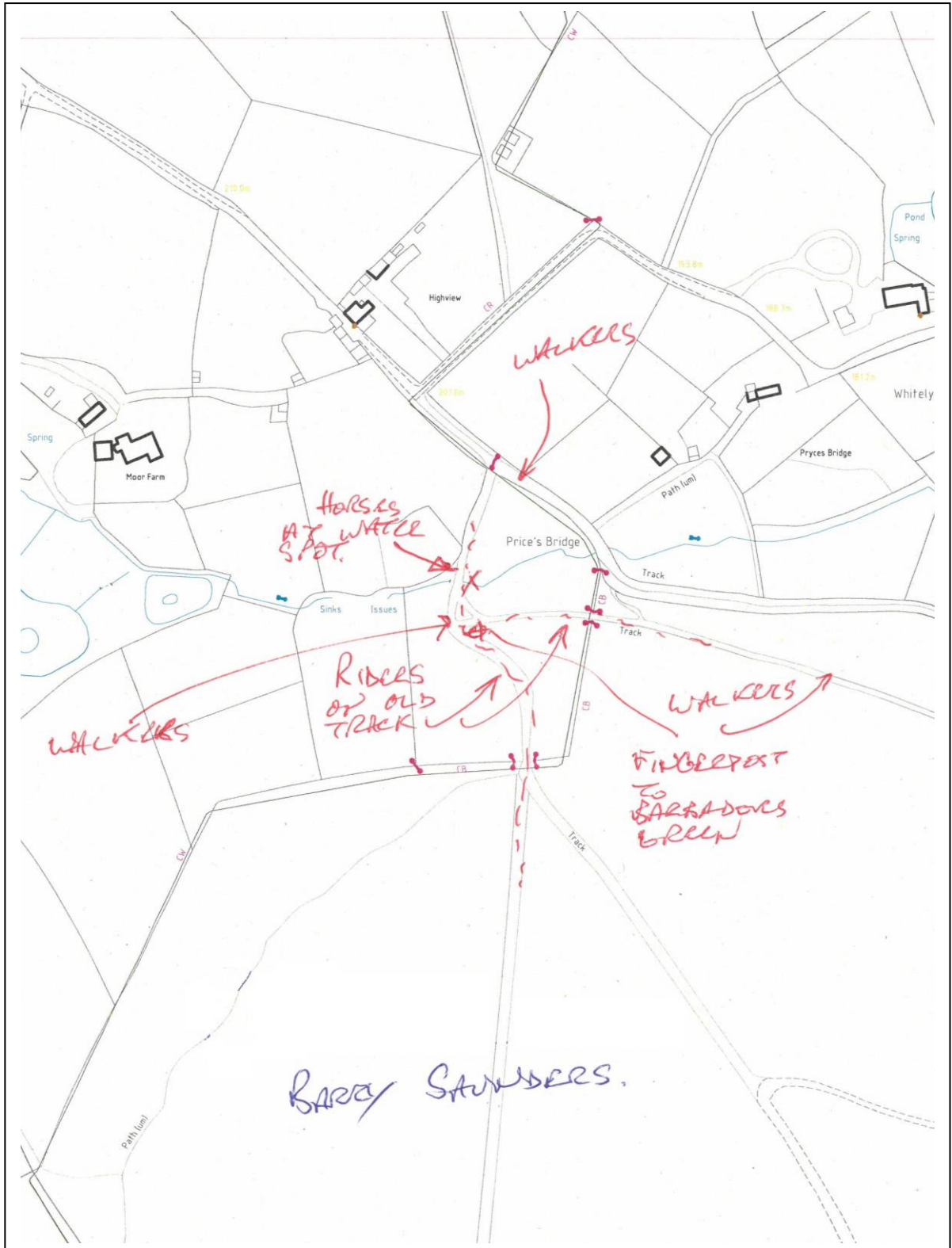
I hereby certify that to the best of my knowledge and belief the reply to the above question that is recorded here is true.

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

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**PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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**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 BARBADGES 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 WHITESTONE 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 REPASS, 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

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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; font-family: cursive;">YES, METALLED, TRACKS.</p>
9.	Has the way always run over the same route?    YES <del>NO</del> If it has altered, give details and dates. <b><u>Please mark any changes, which you experienced on the plan.</u></b>
10.	Did you keep to the path claimed or wander freely between start and finish? <p style="font-size: small;">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</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? <b><u>Please mark them on the plan</u></b> <p style="font-size: small;">NO I HAVE NEVER SEEN ANY GATES OR STILES ALONG THOSE ROUTES</p>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <b><u>Please mark them on the plan.</u></b>
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? <b><u>Please mark them on the plan.</u></b> <p style="font-size: small;">I BELIEVE I HAVE SEEN WAY MARKING POSTS AT POINT WHERE FOOTPATH 108 JOINS BARBADOS TO WHITELEY TRACK MARKED PONDON</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? <b><u>Please mark the plan to show location of any signs.</u></b>  <p style="font-size: small;">NOT SURE I AM TOO FAMILIAR WITH THE AREA TO TAKE NOTICE OF SIGN POSTS AND WHAT THEY SAY. (I KNOW <del>WHERE I AM</del> MY WAY)</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; font-family: cursive;">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; font-family: cursive;">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; font-family: cursive;">N/A</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 <del>SONS</del> 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.

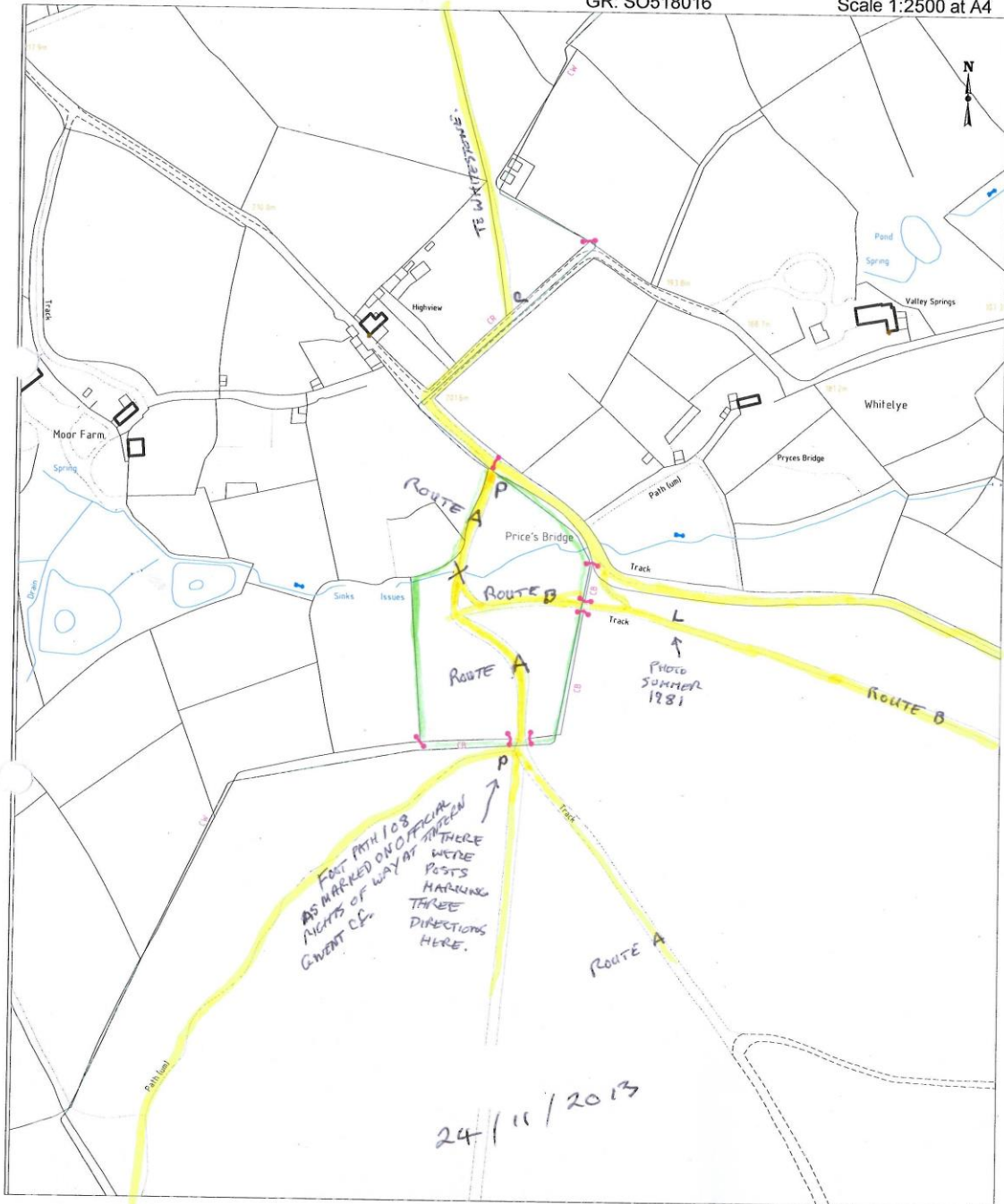
I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

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].

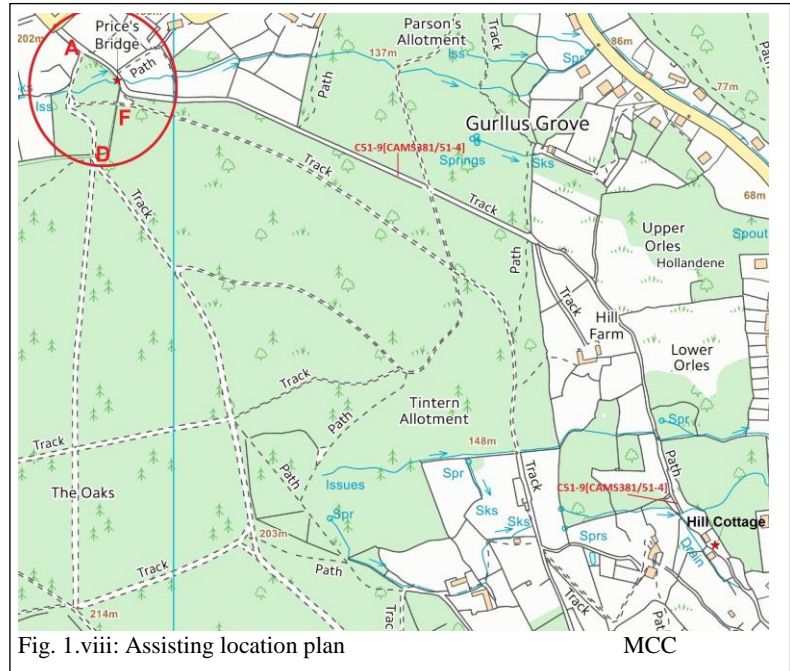


Fig. 1.viii: Assisting location plan

(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].

### 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)

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(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. <b>Please mark any changes, which you experienced on the plan.</b> IN 1990, WITH THE PERMISSION OF MONMOUTHSHIRE HIGHWAYS (MR NEWMAN) AND WYE VALLEY WARDEN (MR SMITH) TO CSI-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? <b>Please mark them on the plan</b> NO
12.	If gates, were any ever locked? If so, say where and when, and by whom? N/A <b>Please mark them on the plan.</b>
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? <b>Please mark them on the plan.</b> 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? <b>Please mark the plan to show location of any signs.</b> 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 WARBS, 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

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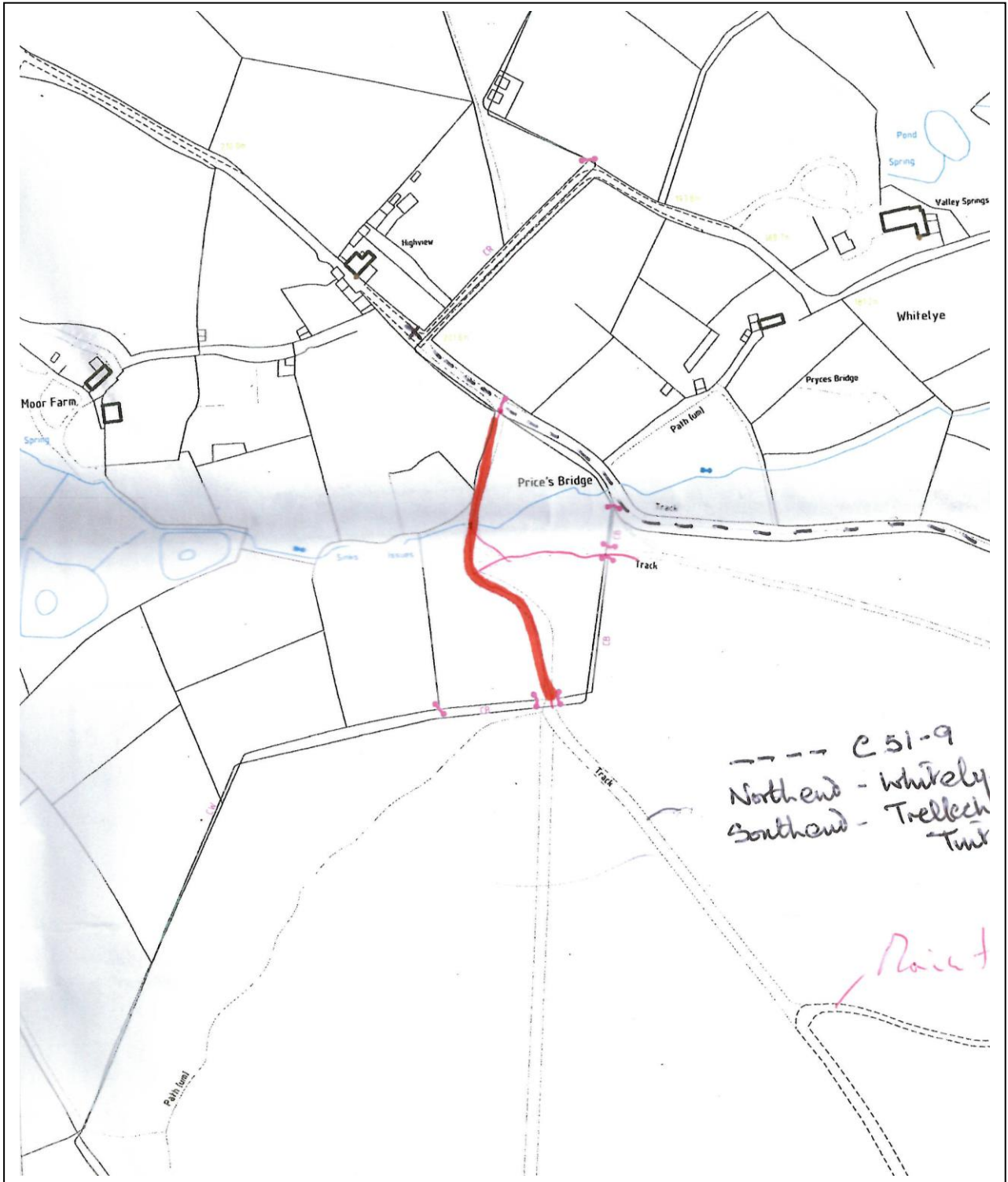
GR: SO518016

Scale 1:2500 at A4



10<sup>th</sup>/2013

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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.

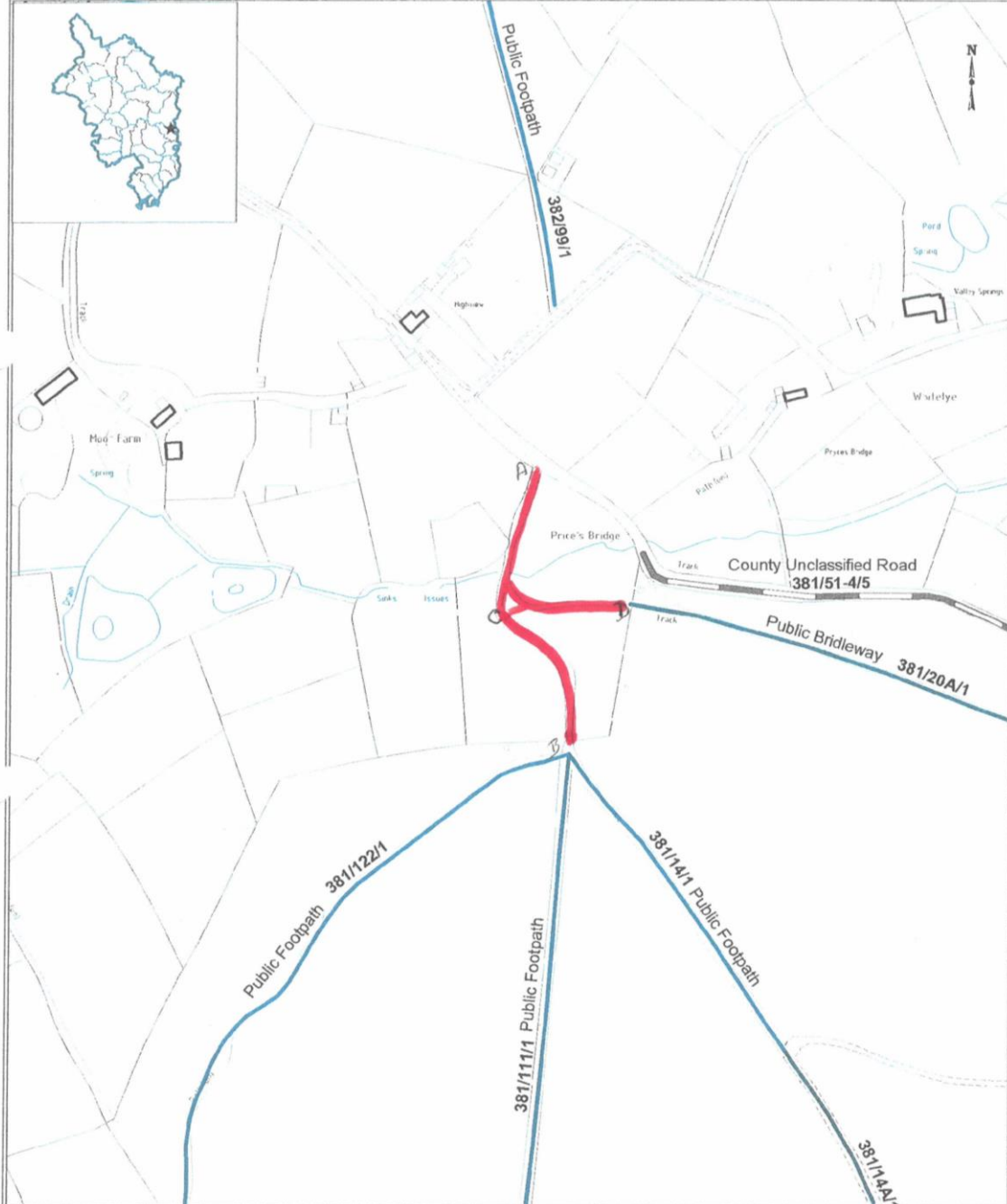
Public Rights of Way  
Monmouthshire County Council  
PO Box 106  
Caldicot  
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

Scale 1:2500 at A4



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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 WHITELYE / 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

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(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

0113 DR 2045



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 / <del>NO</del> If it has altered, give details and dates. <b><u>Please mark any changes, which you experienced on the plan.</u></b>
10.	Did you keep to the path claimed or wander freely between start and finish? I ALWAYS KEPT TO THE PATH BUT IT WAS ALL COMMON ACCESS LAND
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? <b><u>Please mark them on the plan</u></b>  NO IT WAS ALL CLEAR
12.	If gates, were any ever locked? If so, say where and when, and by whom? <b><u>Please mark them on the plan.</u></b>  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? <b><u>Please mark them on the plan.</u></b>  I CANT REMEMBER
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? <b><u>Please mark the plan to show location of any signs.</u></b>
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?

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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)?
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

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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

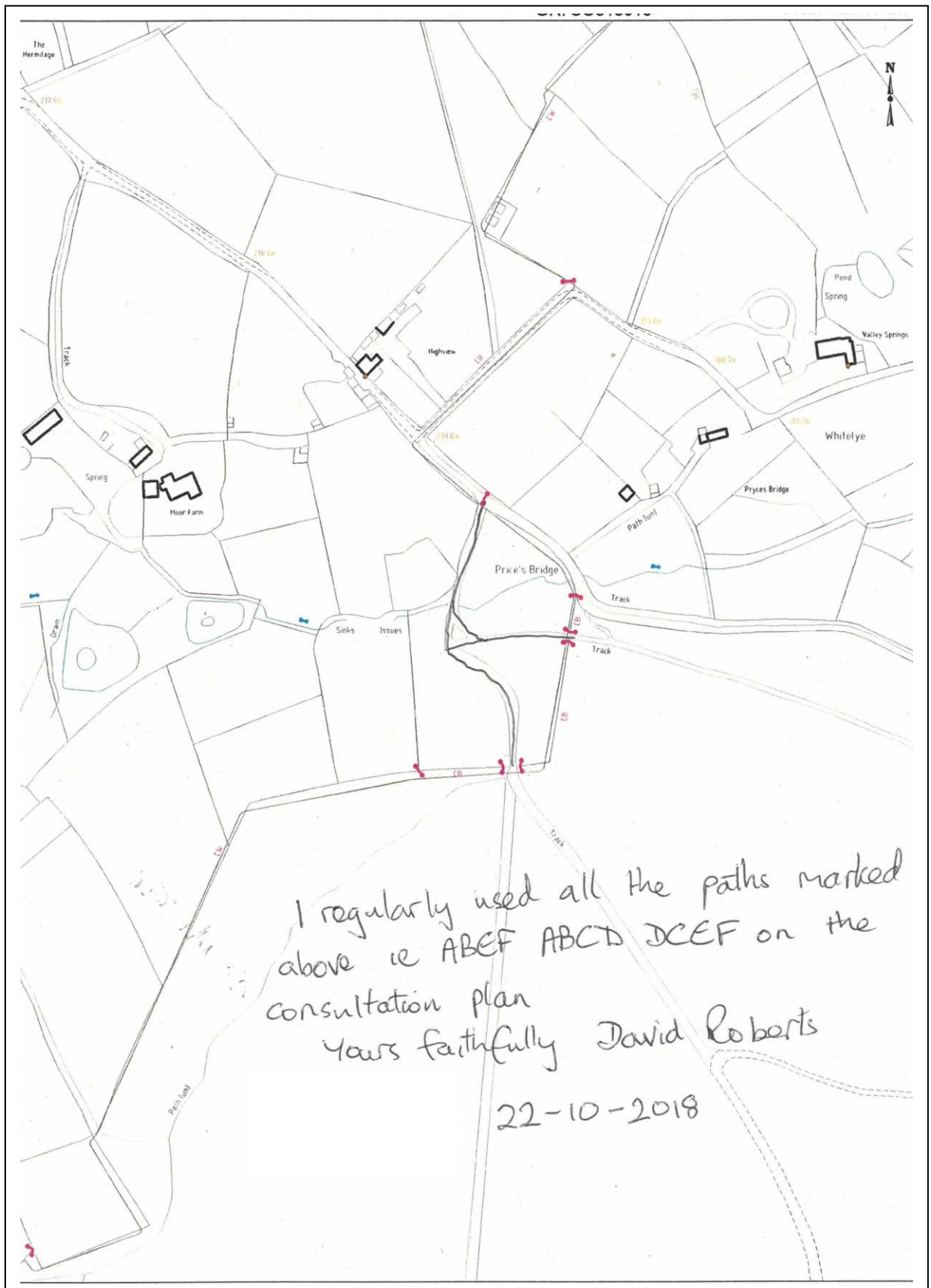
*Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.*

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





[17] Mr Roberts

Please confirm that this is your name and address. ✓

INTERVIEW QUESTIONS CONDUCTED ON THE .....17 JANUARY.....2019

Thank you for your reply to my letter dated 22<sup>nd</sup> October 2018. You have returned the blank map on which you have marked all the routes used.

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) *Not a promoted route its just a good local walk.*

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"?

*Used the route on foot.*

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? *NO*

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?

*Saw people everywhere on all routes*

Can you recall how those other people were using the routes? For example, horse riding, cycling or walking.

*Always saw walkers*

Did you ever see any boulders across the Routes?

*No boulders or obstructions before 2013.*

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 *17/1/19*

Print name:

*DAVID ROBERTS*

*AMANDA MUSSELL*

*R-ROURKE*

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

*DAVID ROBERTS*

*AMANDA MUSSELL*

*R ROURKE*