

## **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

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

Botany Bay area to Barbados Hill area and on circular route from Whitebye 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.

Whitebye

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,

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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>Kept to 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? <b><u>Please mark them on the plan</u></b> <i>None</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> <i>None</i>
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? <b><u>Please mark them on the plan.</u></b>
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> <i>Can't Remember</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>No</i>

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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.

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

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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

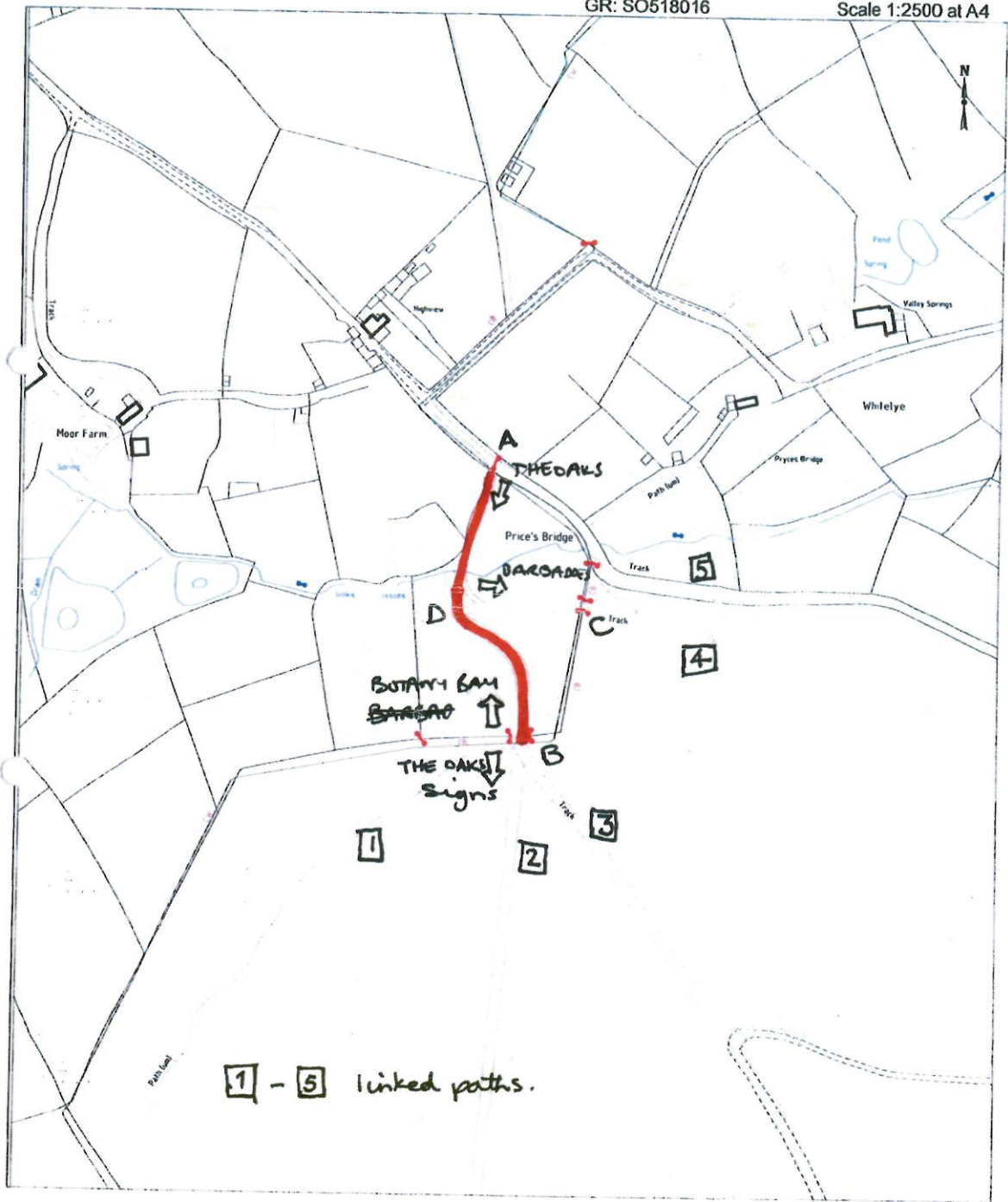
*Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.*

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 .....

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1 - 5 linked paths.

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## **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



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### 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

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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 A - B B - A Route (A) goes into the wood past Highview House.  
 To C - D (Bridleway) 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

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(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)  
used to be  
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

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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, very much so a road and quite wide at that
9.	Has the way always run over the same route? YES / NO If it has altered, give details and dates. <b><u>Please mark any changes, which you experienced on the plan.</u></b>
	Yes - Now it has changed in the last few years and is blocked from A-B
10.	Did you keep to the path claimed or wander freely between start and finish?
	Wander freely between start and finish and in the forest
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.
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>
	There were finger posts which marked the way at the start A & B. Footpath signs
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>
	Cannot remember other signs only footpath finger 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?
	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?

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.

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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 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

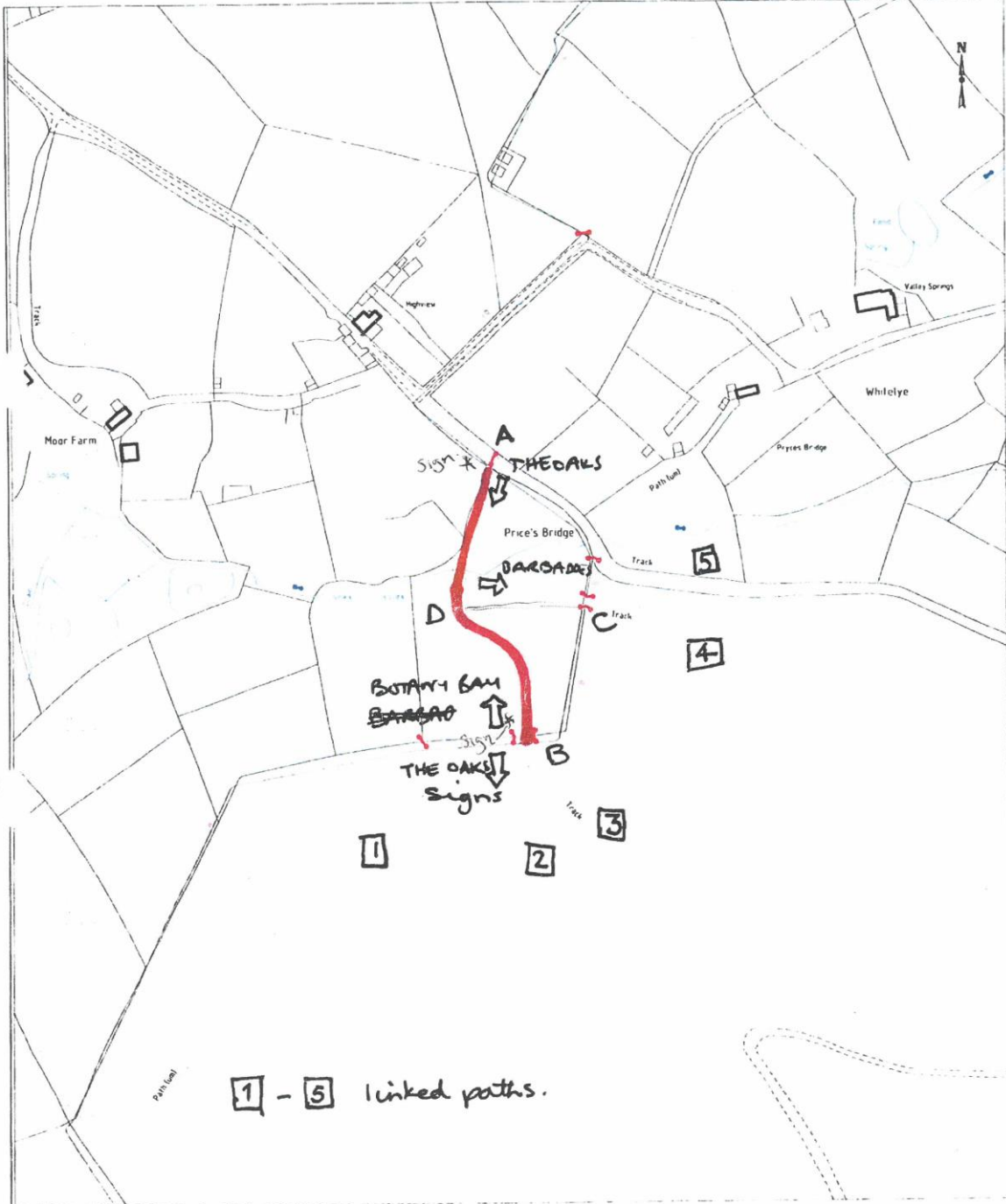
*Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.*

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

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## **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**

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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.

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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 WHITKAYK

To WHITKAYE 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)

LEISURE

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(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  
(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

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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?  YRS
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?  STAYED ON 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? <b><u>Please mark them on the plan</u></b>  No
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>  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? <b><u>Please mark the plan to show location of any signs.</u></b>  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?  /
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?  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.  /

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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: 8/8/17 .....

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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.

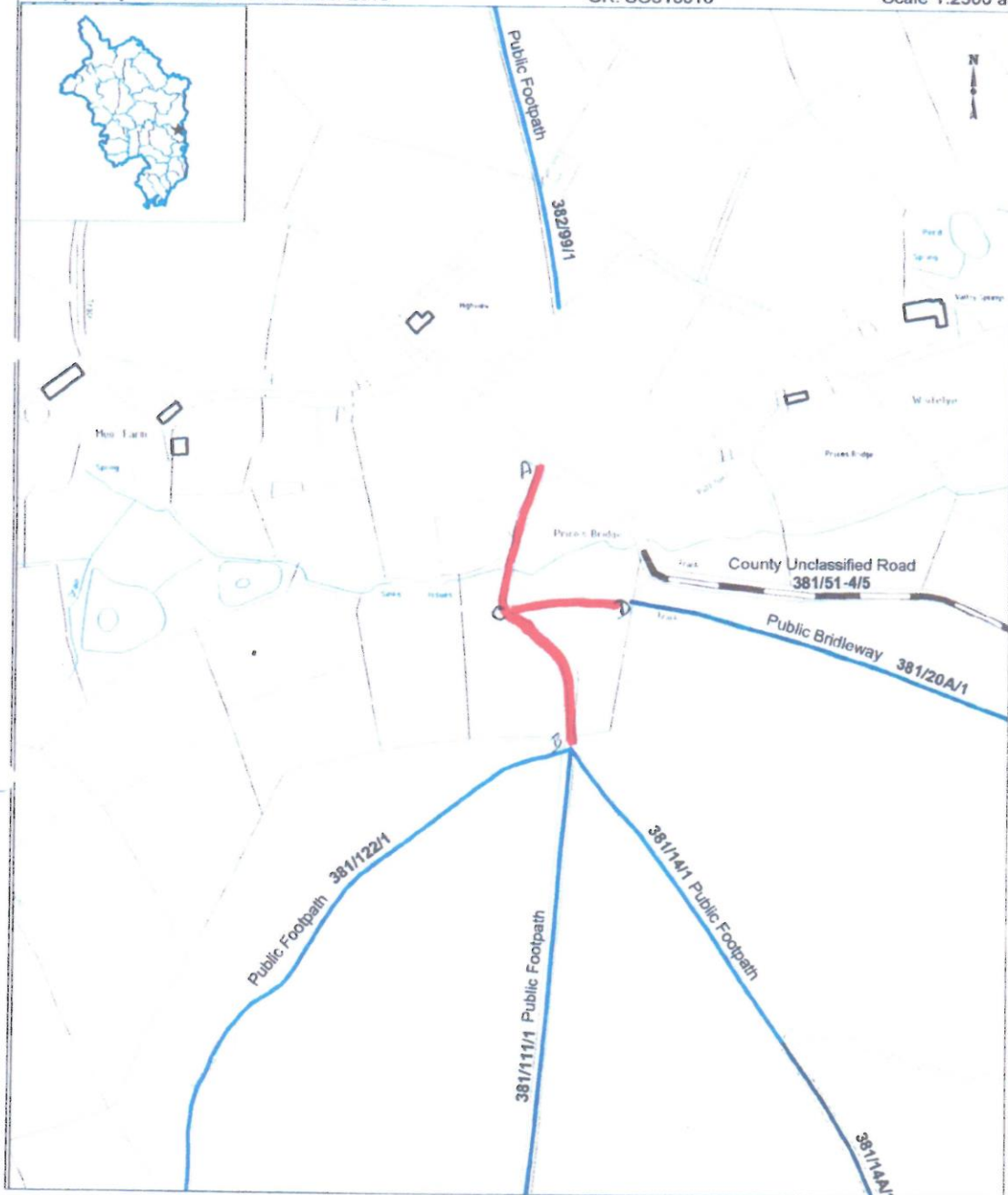
Public Rights of Way  
Monmouthshire County Council  
PO Box 106  
Caldicot  
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

Scale 1:2500 at A4



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## **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



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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 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 10f6



(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 HOLLIDAYS.

(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 / <del>NO</del> 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

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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; margin-left: 100px;">NO</p>
19.	Did you ever encounter any obstructions not already described (in 12 above)? <p style="text-align: center; margin-left: 100px;">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; margin-left: 100px;">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="margin-left: 20px;">                     YES - COMPANIONS AND                      OTHER PA TO 5 or 6 IN SCHOOL                      HOLIDAYS                 </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="margin-left: 20px;">                     YES                      POST OFFICE VAN, AND LAND ROVERS. REGULARLY                      SOME MOTOR CYCLES.                 </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; margin-left: 100px;">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="margin-left: 20px;">                     YES                      MRS E &amp; MRS. P                      MR. T                 </p>
25.	If you have ceased using the way, please say why. <p style="margin-left: 20px;">                     WAY IS COMPLETELY BLOCKED &amp; TRACK                      DESTROYED BY OWNERS OF MOOR FARM.                 </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 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.*

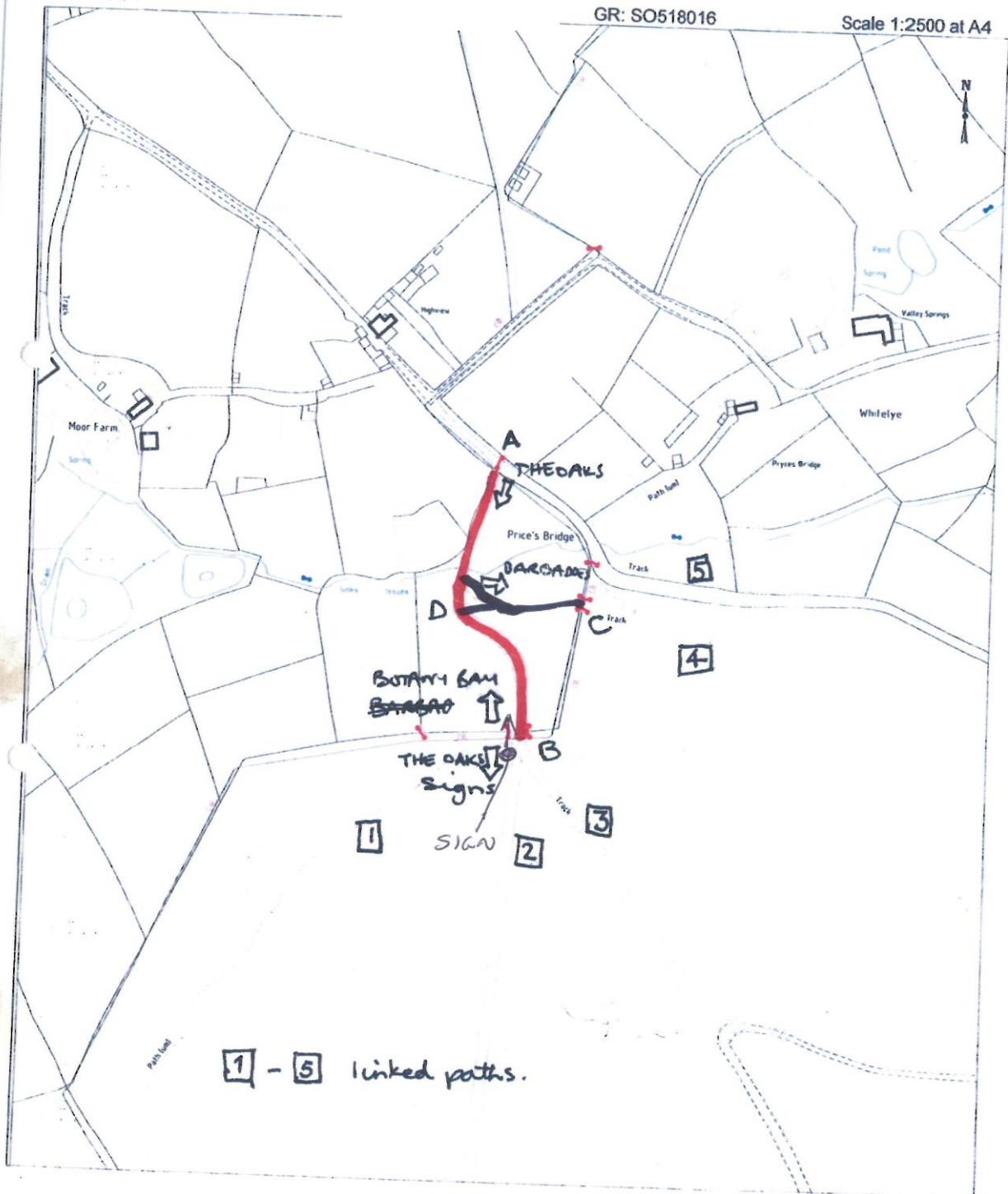
I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signed: .

Date: ..... 6-7-2017

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1 - 5 linked paths.

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## **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

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(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.

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.

WHITELYE 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. <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?  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? <b><u>Please mark them on the plan</u></b>  No
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 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? <b><u>Please mark them on the plan.</u></b>  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? <b><u>Please mark the plan to show location of any signs.</u></b>  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. MOTORBIKES + 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.

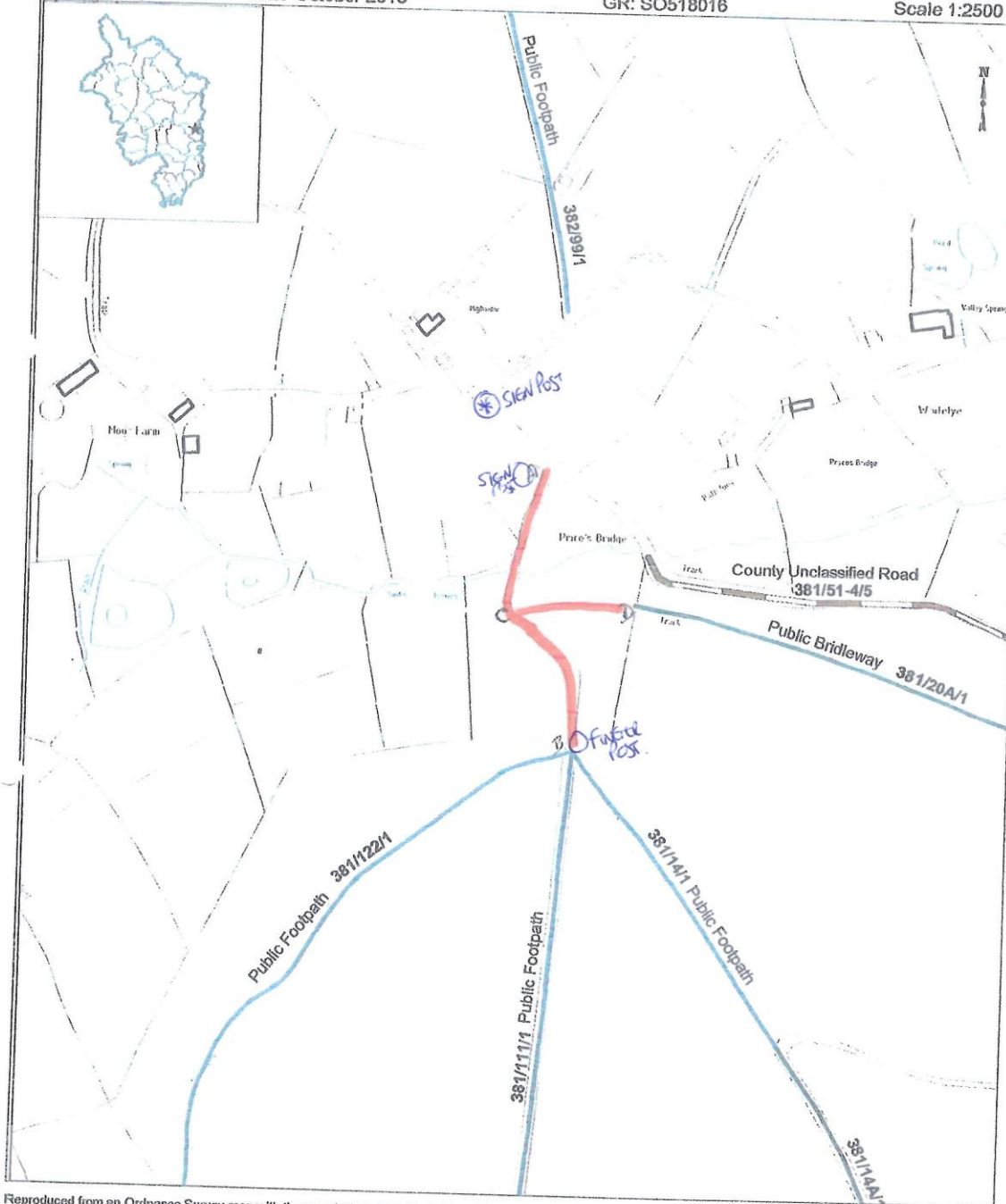
Public Rights of Way  
Monmouthshire County Council  
PO Box 106  
Caldicot  
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

Scale 1:2500 at A4



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Template: N:\planning\countryside\teams\vgapps\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.

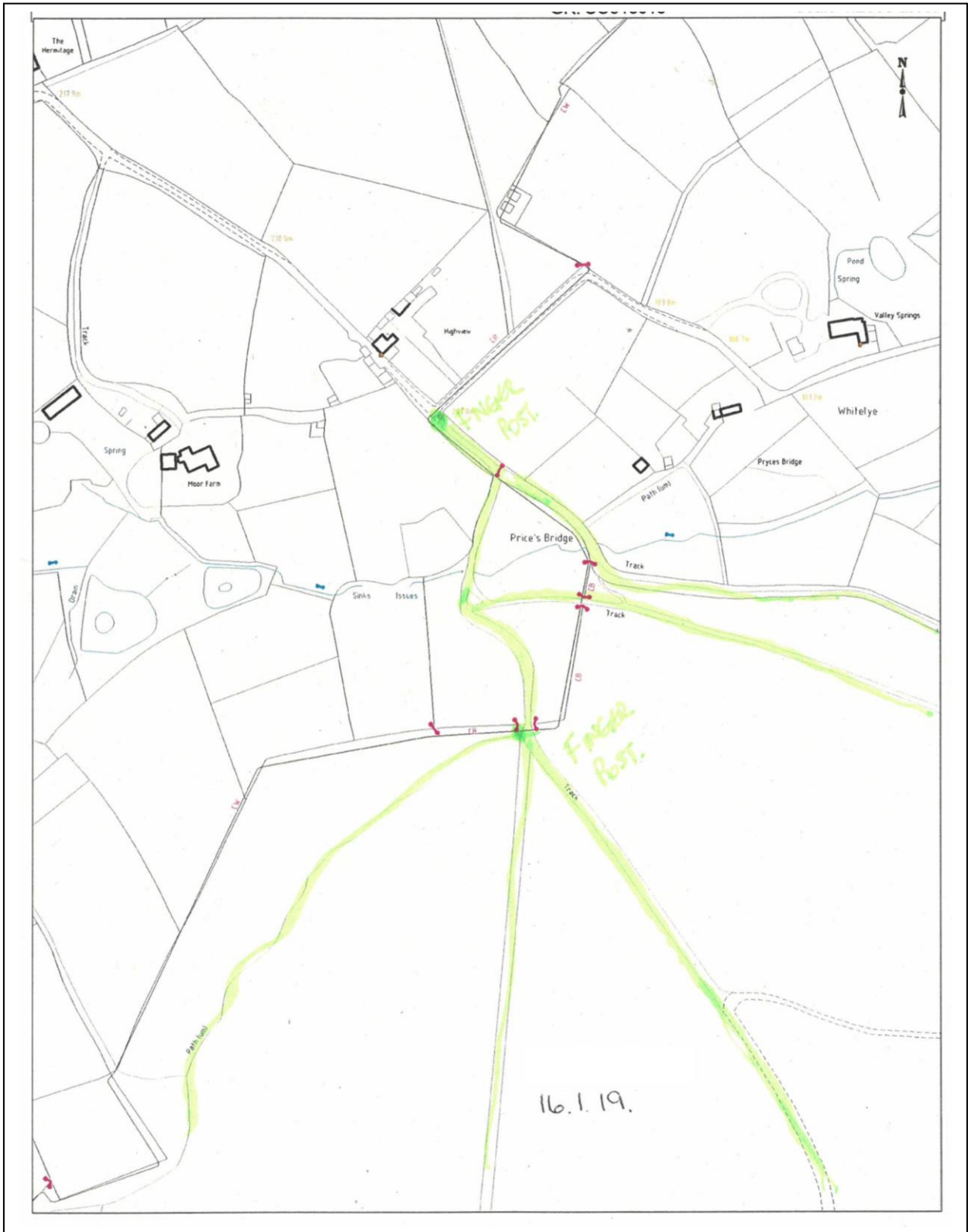
I hereby certify that to the best of my knowledge and belief the replies to the above questions that are recorded here are true.

Sign ..... Counter Officer 1: Sign Thusell Officer 2: Sign R. Rowley Date 16.1.18

Print name:

AMANDA MUSSELL

R. ROURKE



**01\_13MOD\_PB: INTERVIEW QUESTION SHEETS: 2019 – KV (27)**  
**Appendix 6.20.8**