

Summary & comments Miss J Townsend

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

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

Comments

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

24 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, together with a plan showing the alleged public path clearly marked.

IMPORTANT

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

WARNING

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

SECTION A: GENERAL

1. Full Name:

Address:

Tel No:

Date of Birth:

SECTION B: DETAILS OF THE ROUTE

2 DESCRIBE ROUTE OF WAY:

From Whitelye

To Barbados - tintern

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

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

PLEASE BE AS PRECISE AS POSSIBLE

3. Have you used the above way? YES
If you have used only part of the way, would you mark the part which you used on the plan.
(a) For what purpose? (e.g. pleasure, to school/work)

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

01-13 JCT 1 of 6

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

home to kintern etc

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

1983 until present

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

Weekly, school holidays

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

Foot, bike, horse riding.

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

NO because just for pleasure.

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

The same address in section A

4. (b) If you rode a horse

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

Parents house 1985 until present

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

All times after school or work later on in life.

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

NO

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

yes

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

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

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

NO

01-13 JCT 2 of 6

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? yes.
9.	Has the way always run over the same route? YES / <input checked="" type="radio"/> If it has altered, give details and dates. Please mark any changes, which you experienced on the plan. Its only changed in 2013.
10.	Did you keep to the path claimed or wander freely between start and finish? wander freely.
11.	To your knowledge have there ever been any gates or stiles on the way? If so where were they and when did you see them? Please mark them on the plan NO
12.	If gates, were any ever locked? If so, say where and when, and by whom? Please mark them on the plan. 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? Please mark them on the plan. Dont 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? Please mark the plan to show location of any signs. Dont remember
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

01-13 JCT 3 of 6

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

NO

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

NO.

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

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

NO

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

yes friends, relative, local
resident. Horse riders.

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

yes all of above. monthly

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

NO

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

NO

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

yes due to obstruction on
entrance in 2013

01-13 JCT 4 of 6

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

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

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

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

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

SECTION C: IMPORTANT DECLARATION

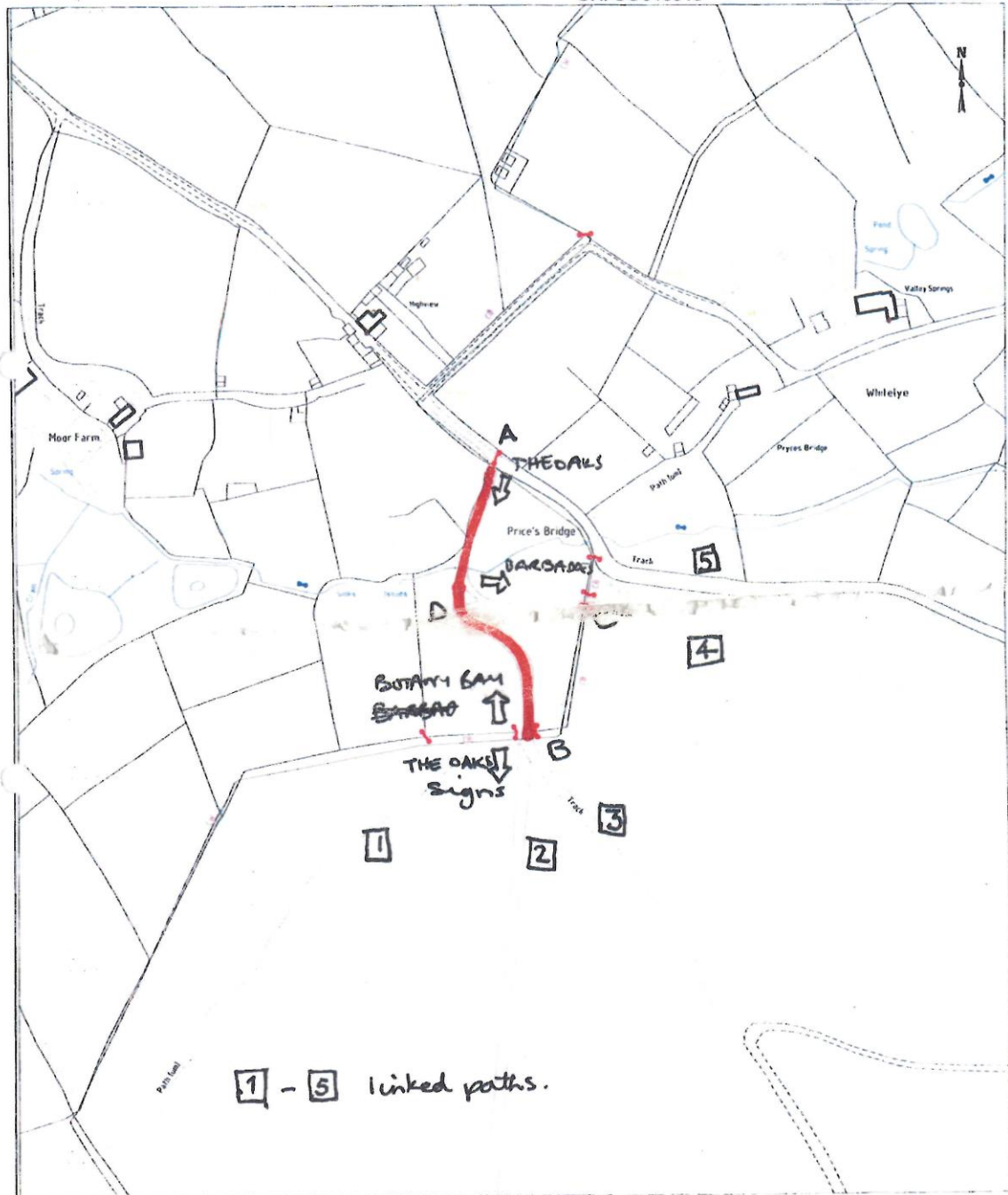
Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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

Signed:

Date: 2.8.17

01-13 JCT 5 of 6



01-13 JCT 6 of 6

Summary & comments Mrs G Phillips

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

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

Comments

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

24 AUG 2017



PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, together with a plan showing the alleged public path clearly marked.

IMPORTANT

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

WARNING

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

SECTION A: GENERAL

1. Full Name: _____
 Address: _____

 Tel No: _____
 Date of Birth _____

SECTION B: DETAILS OF THE ROUTE

2 DESCRIBE ROUTE OF WAY:

From PRICES BRIDGE (OFF BOSTANY BAY TO WHITELY ROAD)
 To WHITELY

I believe status of route is (* please delete where appropriate) *Footpath/ *Bridleway/ *Byway open to all traffic/ *Restricted Byway
 As shown on the attached plan marked in red between the Points _____

PLEASE BE AS PRECISE AS POSSIBLE

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

PLEASURE

01-13 GP 1 of 6

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

TINTON TO WIMBORNE WOODS

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

1952 TO 2016

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

8 - 10 TIMES PER YEAR

MOSTLY JUNE JULY OR AUGUST

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

FOOT

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

SHORT CUT TO WIMBORNE WOODS

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

TINTON 1952 TO 1968

CARBADOCK 1968 - 2016

4. (b) If you rode a horse

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

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

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

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

YES

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

ALWAYS KNOWN AS PUBLIC FOOTPATH

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

NO (DID NOT NEED PERMISSION)

01-13 GP 2 of 6

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

01-13 GP 3 of 6

18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way? <i>No</i>
19.	Did you ever encounter any obstructions not already described (in 12 above)? <i>No</i>
20.	Have you ever been stopped or turned back or do you know if this has happened to anyone else? If so, please say, how, where and when this was, and by whom. <i>No</i>
21.	Have you seen other people using the way in the same manner as yourself? Where they your companions? If so, how many were there and when was it? Please give what details you can. <i>Yes</i> <i>At least 3 sometimes more During 1952-2011</i>
22.	If you were riding or walking have you ever seen anyone driving motor or horse drawn vehicles? If so, what did you see and how often? <i>No</i>
23.	If you ever did so, when did you last drive, or were a passenger in, a vehicle that went through the way? What type of vehicle was it?
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who? <i>No</i>
25.	If you have ceased using the way, please say why. <i>✓</i>

01-13 GP 4 of 6

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

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

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

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

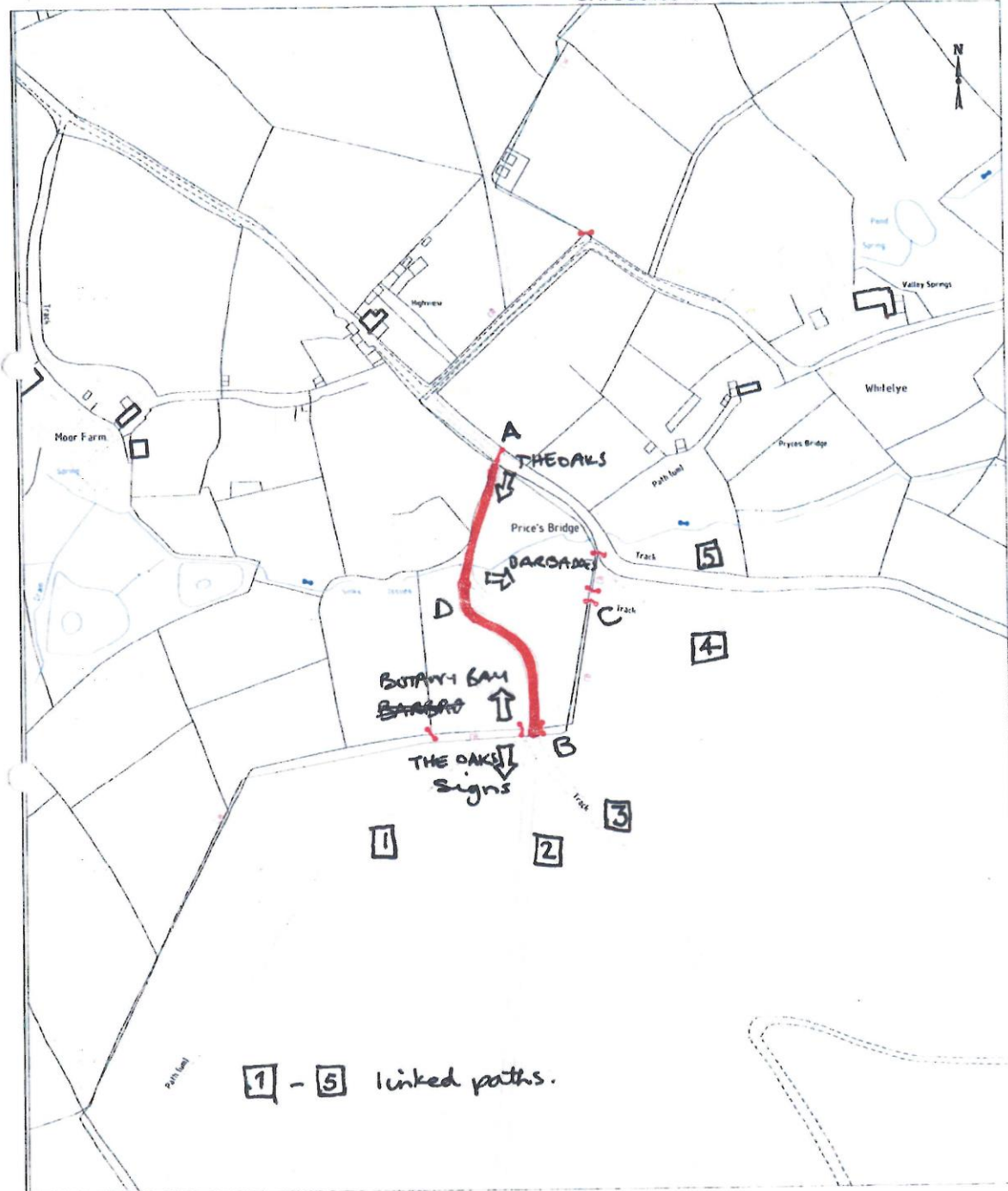
SECTION C: IMPORTANT DECLARATION

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

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

Signed: Date: *07.08.2017*

01-13 GP 5 of 6



1 - 5 linked paths.

01.13 GP 6 of 6.

Summary & comments Mrs S Bittle

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

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

Comments

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

37



PUBLIC RIGHTS OF WAY EVIDENCE FORM

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 _The route of way runs from the woods at Whitelye past High View House through the disputed land._

To Barbados down to Botany Bay and then Tintern

I believe status of route is (* please delete where appropriate) *Footpath/ *Bridleway/ *(Byway open to all traffic)/ *~~Restricted Byway~~
As shown on the attached plan marked in red between the Points

PLEASE BE AS PRECISE AS POSSIBLE

- 3. Have you used the above way? YES
- 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)
- When I visit Catbrook, we would enter the 'public footpath' leading into the forestry. I was shocked when I went a couple of years ago

01_13 SB 1 of 6

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

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

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

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

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

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

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

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

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

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

4. (b) If you rode a horse
(i) where did you stable/keep it and ride it from? Please give dates in years.

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

01_13 SB 2 of 6



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

01-13 SB 3 of 6

when and what did they say? <u>Please mark them on the plan.</u>	
No.	
14.	<p>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?</p> <p><u>Please mark the plan to show location of any signs.</u></p> <p>Can't recall.</p>
15	<p>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> <p>No</p>
16	<p>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> <p>N/A</p>
17.	<p>If you were an owner or tenant, did you recognise that the way was a public right of way?</p> <p>N/A</p>
18.	<p>Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way?</p> <p>N/a</p>
19.	<p>Did you ever encounter any obstructions not already described (in 12 above)?</p> <p>Yes, a couple of year's ago the access was blocked off!</p>
20.	<p>Have you ever been stopped or turned back or do you know if this has happened to anyone else?</p> <p>If so, please say, how, where and when this was, and by whom.</p> <p>No – until the access was blocked off.</p>
21.	<p>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> <p>Yes, when walking the dogs we often met other dog walkers using the same access.</p>
22.	<p>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</p> <p>A Post Office van regularly & a landrover sometimes.</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?

No

24. Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who?
No.

25. If you have ceased using the way, please say why.
It was blocked off.

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

This track should be opened asap.

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

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

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

SECTION C: IMPORTANT DECLARATION

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

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

Signed:..... Date: 10/11/2017.....

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.

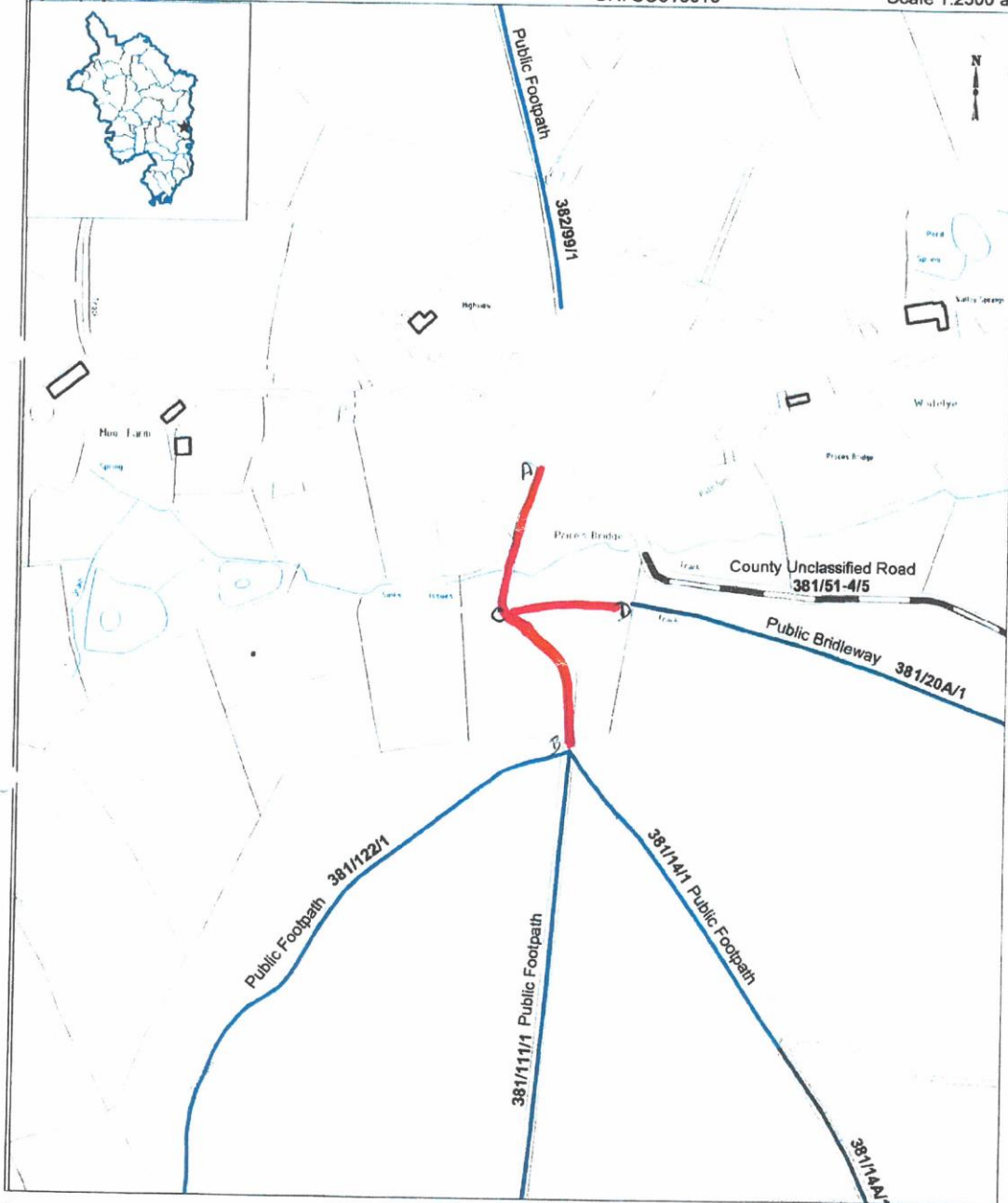
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



Compiled by muscell.m on 25 October 2013

GR: SO518016

Scale 1:2500 at A4



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

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

01-13 SB 6 of 6

Summary & comments Mr P Booker

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

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

Comments

- (v) Mr P Booker states that he has walked the Routes believing their status to be both footpaths and bridleways.
- (vi) Therefore, as his evidence is based on walking and his observation of fingerposts, this submission supports public footpath rights.

PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, together with a plan showing the alleged public path clearly marked.

IMPORTANT

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

WARNING

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

SECTION A: GENERAL

1. Full Name: _____
 Address: _____

 Tel No: _____
 Date of Birth: _____

SECTION B: DETAILS OF THE ROUTE

2 DESCRIBE ROUTE OF WAY:

From _____
 To _____

I believe status of route is (* please delete where appropriate)*Footpath/ *Bridleway/ ~~*Byway open to all traffic~~ *Restricted Byway
 As shown on the attached plan marked in red between the Points _____

PLEASE BE AS PRECISE AS POSSIBLE

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

For sheer pleasure.

01-13 PEAB 1 of 6

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

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

(d) How many times a year? Please be as precise as you can. Was it seasonal? (If different use at different periods, please give approximate dates of various use.)
 I walked here at least once a week, in all weathers; it was always beautiful, since 1987 whatever the season.

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

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

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

4. (b) If you rode a horse
 (i) where did you stable/keep it and ride it from? Please give dates in years.
 N/A

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

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

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

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

7. Have you ever been given permission (whether or not you actually asked for it) to use the way? If so by whom and to do what?
 No, local people, people who had lived here all their lives, confirmed it was a permitted route.

01-13 PEAB 2 of 6

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <i>Yes, indeed, a very obvious, regularly used track.</i>
9.	Has the way always run over the same route? YES / NO If it has altered, give details and dates. <u>Please mark any changes, which you experienced on the plan.</u>
10.	Did you keep to the path claimed or wander freely between start and finish? <i>I remained on the path.</i>
11.	To your knowledge have there ever been any gates or stiles on the way? If so where were they and when did you see them? <u>Please mark them on the plan</u> <i>No, no thing of this kind, no obstacles.</i>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> <i>N/A</i>
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? <u>Please mark them on the plan.</u> <i>Finger posts - directing the route</i>
14.	Do you remember any other notices or signs on or near the way? If so what did they say? Where and when did you see them? <u>Please mark the plan to show location of any signs.</u> <i>/</i>
15.	If you have ever been an owner or tenant of land crossed by the way or a worker for him or her, please give names and dates. If not, write "NO". <i>(NO)</i>
16.	If you were a tenant or employee, did you receive any instructions as to the use of the way by the public? If so, what were they? <i>N/A</i>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? <i>N/A</i>

01_13 PEAB 3 of 6

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

01-13 PEAB 4 of 6



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

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

28. **IMPORTANT!** Strike out words to answer this.
~~I am/ am not willing to attend a hearing or public inquiry~~ to stand by what I have written and to answer questions there if this should be necessary

SECTION C: IMPORTANT DECLARATION

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

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

Signed: Date:

01-13 PEAB 5 of 6

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

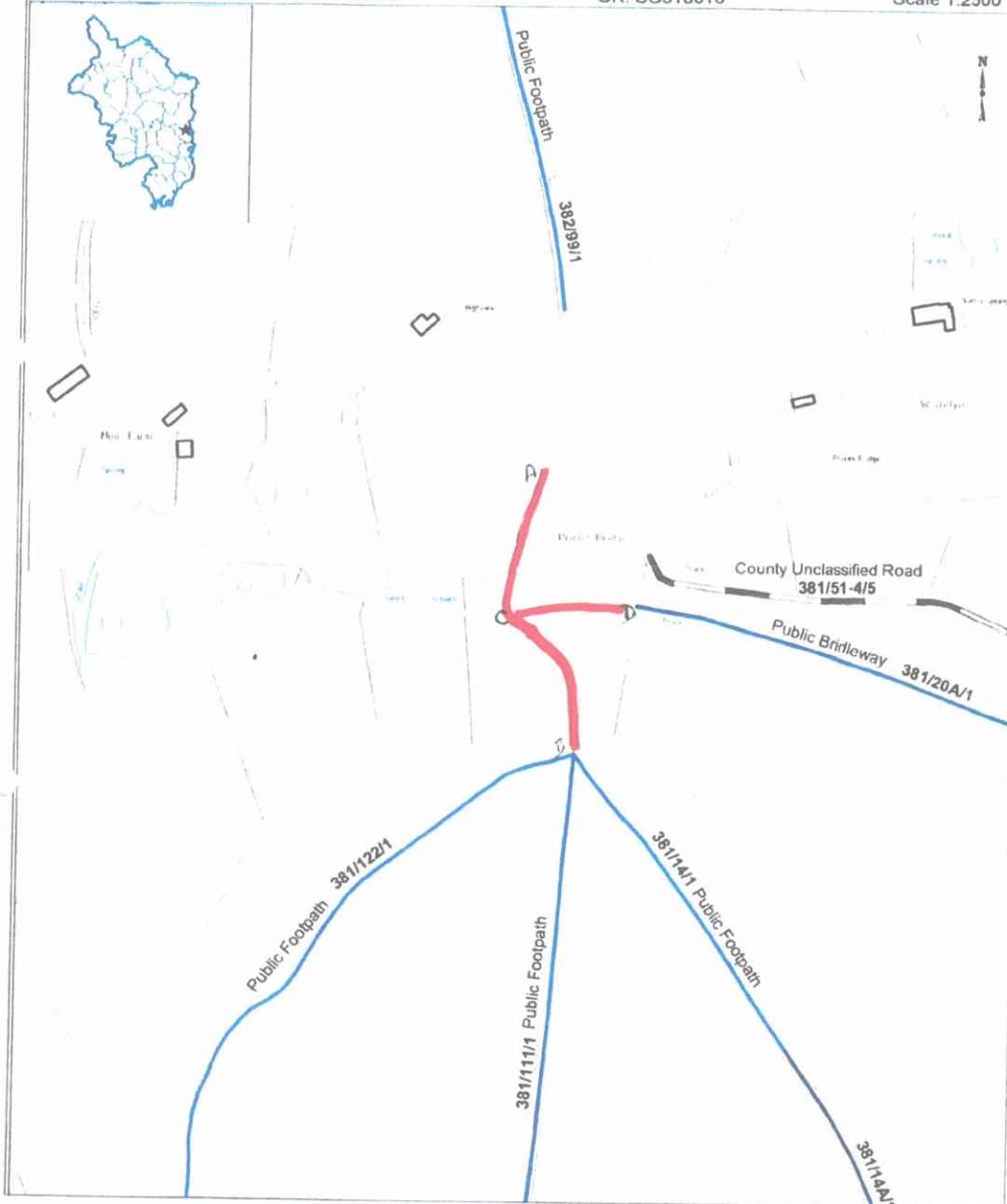
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

Scale 1:2500 at A4



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

Template: N:\planning\countryside\cams\lgapps\template\mon_a4_portrait.wor

0113 PEAB 6 of 6

[38] Ms P Booker

Please confirm that this is your name and address.



INTERVIEW QUESTIONS CONDUCTED ON THE 16 January 2019 2019

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

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

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

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

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

Can you describe these way-marks?

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

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

If you recall seeing any finger posts please describe them?

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

Sign Counter Officer 1: Sign Mussell Officer 2: Sign R. Rourke Date 16.1.19

Print name:

ANNIE BOOKER

AMANDA MUSSELL

R. ROURKE

Do you have anything further to add regarding the Routes?

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

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

Doreen Heath JP.

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

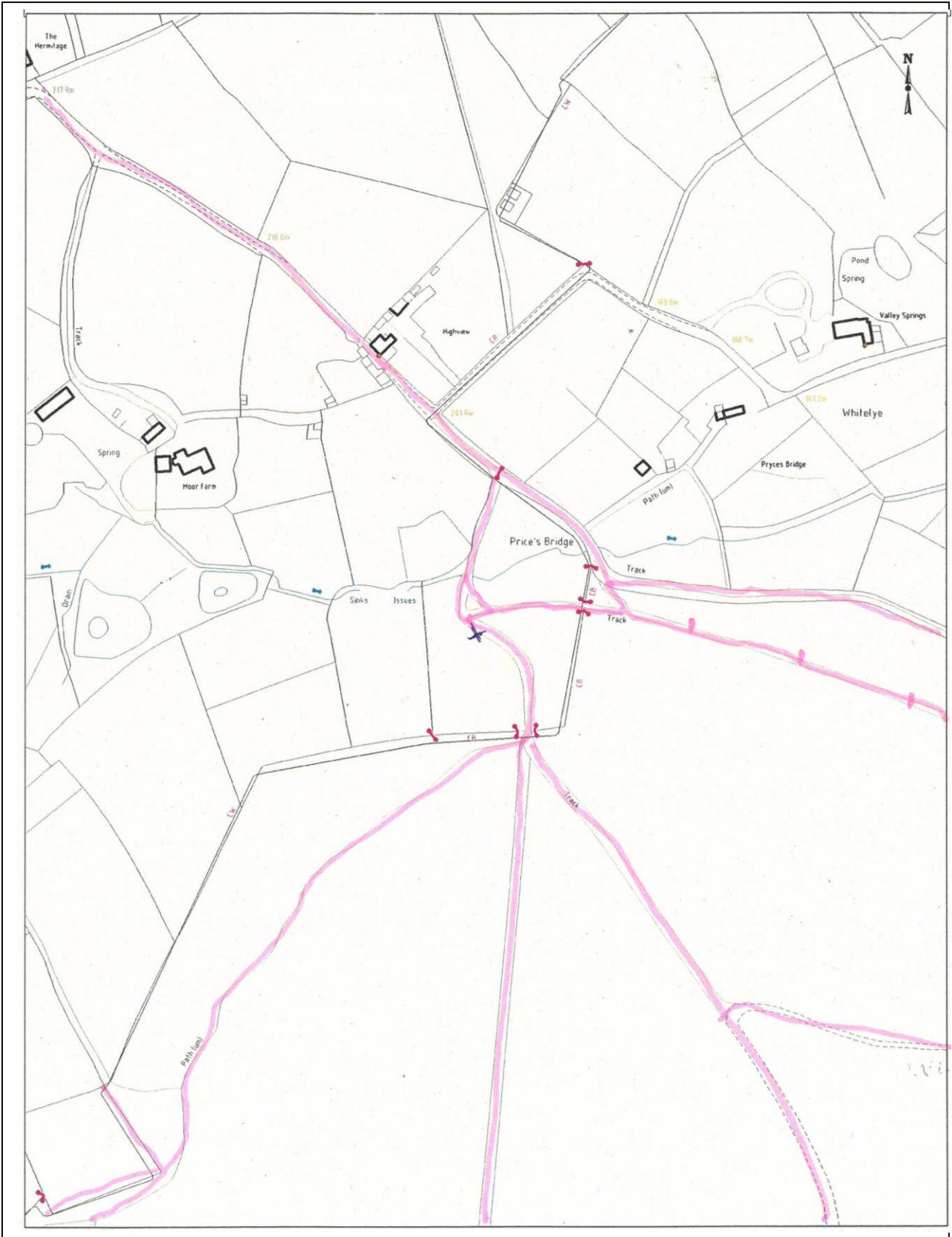
Sign Counter Officer 1: Sign *[Signature]* Officer 2: Sign *[Signature]* Date *16/1/19*

Print name:

ANNE BOOKER

AMANDA MUSELL

RUTH ROURKE



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

Summary & comments Mr D Mayo

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

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

Comments

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

PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, together with a plan showing the alleged public path clearly marked.

IMPORTANT

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

WARNING

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

SECTION A: GENERAL

1. Full Name:
Address:

Tel No:
Date of Birth:

SECTION B: DETAILS OF THE ROUTE

2 DESCRIBE ROUTE OF WAY:

From Babadoes hill X
To Whitehge

I believe status of route is (* please delete where appropriate)*Footpath/ *Bridleway/ *Byway open to all traffic/ *Restricted Byway
As shown on the attached plan marked in red between the Points _____

PLEASE BE AS PRECISE AS POSSIBLE

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

01-13DJM 1 of 6

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

Babadoes to Whiteley.

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

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

50+

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

foot - Motorcycle and Post Van.

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

yes in the Post Van, on occasion
When foresters where working in woods.

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

1981 - 1997
1997 - 2017.

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

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

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

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

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

This track is known locally as the London Rd.

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

it is part of an ancient track from Chelston to Monmouth.

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

No!

01-13 DJM 2016

8. When you used it, was there always a clearly defined track or path which could be followed by a stranger? **yes, AS it was maintained by the forestry**

9. Has the way always run over the same route? YES / NO
If it has altered, give details and dates. **Please mark any changes, which you experienced on the plan.**

10. Did you keep to the path claimed or wander freely between start and finish?

yes

11. To your knowledge have there ever been any gates or stiles on the way? If so where were they and when did you see them? **Please mark them on the plan**

No, Only when MR Talbot moved in and blocked it off with large stones.

X
See 26.

12. If gates, were any ever locked? If so, say where and when, and by whom?
Please mark them on the plan.

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? **Please mark them on the plan.**

yes - Tintern

14. Do you remember any other notices or signs on or near the way? If so what did they say? Where and when did you see them?

Please mark the plan to show location of any signs. No

15. If you have ever been an owner or tenant of land crossed by the way or a worker for him or her, please give names and dates. If not, write "NO".

No

16. If you were a tenant or employee, did you receive any instructions as to the use of the way by the public? If so, what were they?

N/A

17. If you were an owner or tenant, did you recognise that the way was a public right of way?

N/A

01-13 DJM 30f6

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

N/A

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

yes. Very large stones, placed by Talbot with a J.C.B.

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

If so, please say, how, where and when this was, and by whom. No!

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

yes on many occasions

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

yes. lots before he blocked it off

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

Post Van 1990's.

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

No

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

Because Talbot has blocked it

01-13 DJM 4 of 6

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

Reason for share is.
Understand Mr Tabet put them
not on his land - concerned about
Burdog Europe

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

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

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

SECTION C: IMPORTANT DECLARATION

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

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

Signed: Dt Dong Wango Date: 29.7.17.

01-13 DJM 5 of 6

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

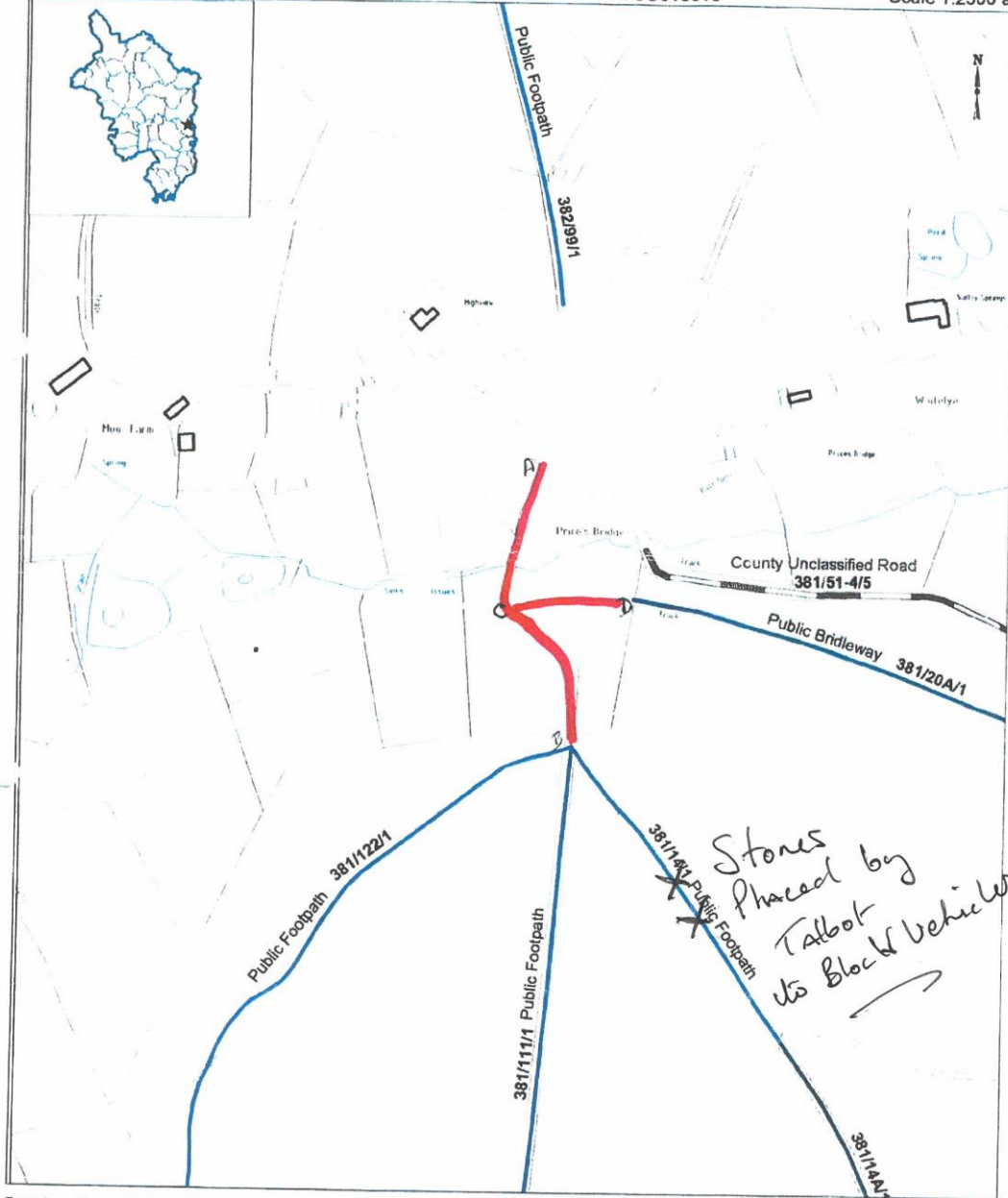
Public Rights of Way
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

Scale 1:2500 at A4



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

01-13 DJM 6 of 6

Summary & comments Mr D Hoskins

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

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

Comments

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

40

PUBLIC RIGHTS OF WAY EVIDENCE FORM

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

IMPORTANT

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

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

SECTION A: GENERAL

1. Full Name:
Address:

Tel No:
Date of Birth:

SECTION B: DETAILS OF THE ROUTE

2 DESCRIBE ROUTE OF WAY:

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

I believe status of route is (* please delete where appropriate)*Footpath/ *Bridleway/ *Byway open to all traffic/ *Restricted Byway
As shown on the attached plan marked in red between the Points _____

PLEASE BE AS PRECISE AS POSSIBLE

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

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

OL13DH 40 1 of 6

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

TO AND FROM BOTANY BAY AND
BARBADOES TO WHITELEY.

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

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

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

WHEN I NEEDED TO - SEVERAL
TIMES A YEAR

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

ON FOOT AND IN A MOTOR VEHICLE

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

YES IT WAS A SHORT CUT

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

TINTERN SINCE 1936,
MY MOTHER WAS BORN AND LIVED AT

4. (b) If you rode a horse

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

N/A

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

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

N/A

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

YES

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

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

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

NO

01-13 DH 40 2 of 6

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <p style="text-align: center; font-size: 1.2em;">YES</p>
9.	Has the way always run over the same route? YES / NO If it has altered, give details and dates. <u>Please mark any changes, which you experienced on the plan.</u>
10.	Did you keep to the path claimed or wander freely between start and finish? <p style="text-align: center; font-size: 1.2em;">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? <u>Please mark them on the plan</u> <p style="text-align: center; font-size: 1.2em;">NO</p>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> <p style="text-align: center; font-size: 1.2em;">N/A</p>
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? <u>Please mark them on the plan.</u> <p style="font-size: 1.2em;">THERE WERE POSTS BUT I DIDN'T TAKE ANY NOTICE OF WHAT THEY SAID.</p>
14.	Do you remember any other notices or signs on or near the way? If so what did they say? Where and when did you see them? <u>Please mark the plan to show location of any signs.</u> <p style="text-align: center; font-size: 1.2em;">NO</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-size: 1.2em;">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-size: 1.2em;">N/A</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-size: 1.2em;">N/A</p>

01-13 DH 40 3of 6.

18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way? <p style="text-align: center;">NO</p>
19.	Did you ever encounter any obstructions not already described (in 12 above)? <p style="text-align: center;">NO</p>
20.	Have you ever been stopped or turned back or do you know if this has happened to anyone else? <p style="text-align: center;">NO</p> If so, please say, how, where and when this was, and by whom.
21.	Have you seen other people using the way in the same manner as yourself? Where they your companions? If so, how many were there and when was it? Please give what details you can. <p style="text-align: center;">YES, WALKERS, CYCLISTS AND A MOTOR VEHICLE, OVER THE PERIOD OF MY LIFE MANY</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;">OCCASIONALLY A 4X4 VEHICLE AND SEVERAL TRACTORS</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;">A VW PICK-UP IN THE 1980S - 1990S, WHEN DELIVERING FIREWOOD</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;">I KNEW THE CROCKETT FAMILY WHO LIVED ^{AND OWNED} AT MOOR FARM AND SOMETIMES SAW THEM ON THE TRACK.</p>
25.	If you have ceased using the way, please say why. <p style="text-align: center;">MY AGE BUT MY FAMILY HAVE CONTINUED TO USE THESE ROUTES</p>

01-13 DH 40 40A6.

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

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

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

BOTANY BAY, TINTZ

28. Strike out words to answer this.

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

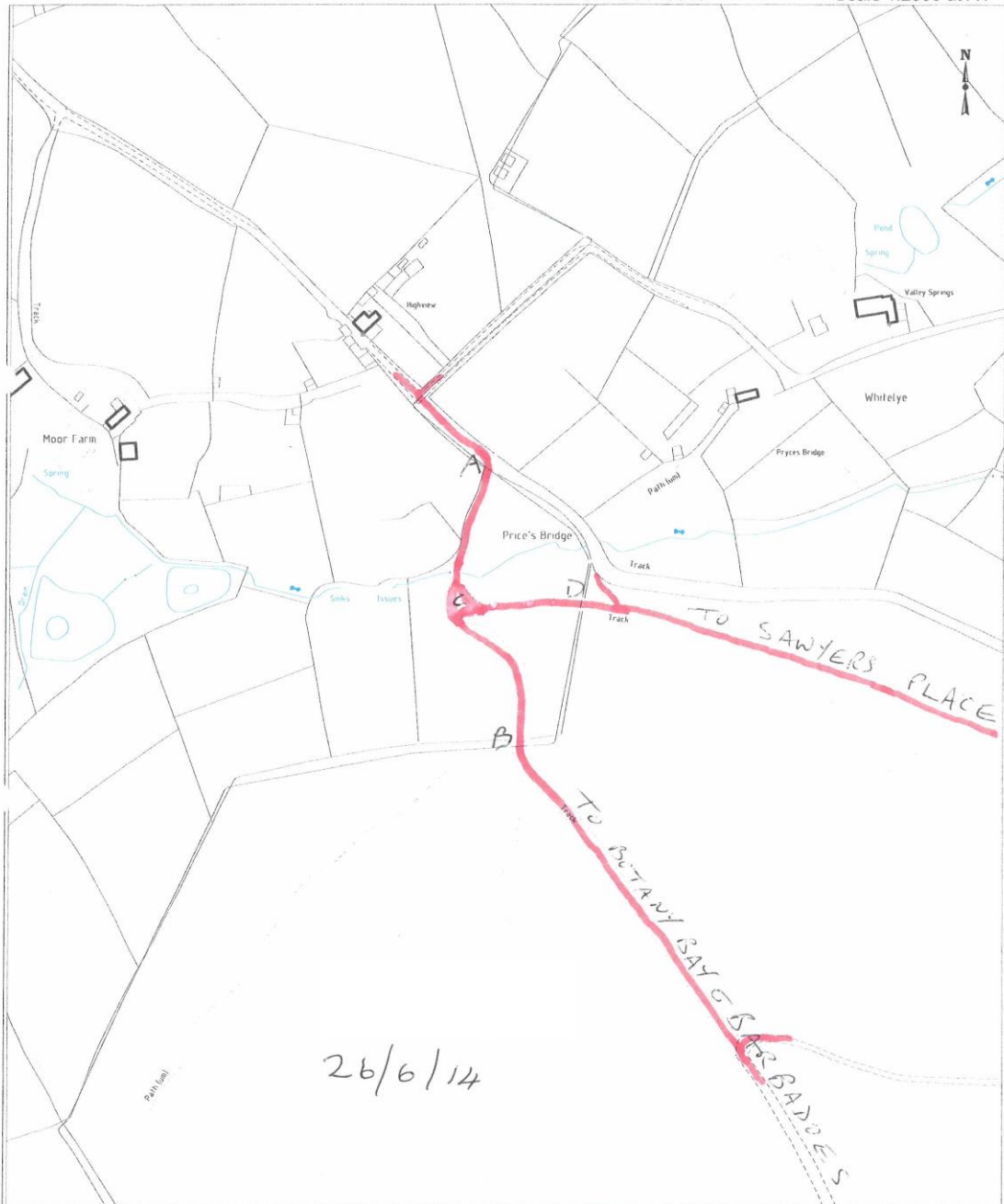
SECTION C: IMPORTANT DECLARATION

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

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

Signed: Date: 26/6/2014.....

01-13 DH 40 5of6



01-13 DH 40 6 of 6.

PUBLIC RIGHTS OF WAY EVIDENCE FORM

The following questions should be answered as fully as possible and the form returned to Countryside Access, Public Rights of Way, Definitive Map Officer, Monmouthshire County Council, County Hall, Usk, together with a plan showing the alleged public path clearly marked.

IMPORTANT

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

WARNING

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

SECTION A: GENERAL

1. Full Name:
Address:

Tel No:
Date of Birth:

SECTION B: DETAILS OF THE ROUTE

2 DESCRIBE ROUTE OF WAY:

From PRYCES BRIDGE, WHITELEYE TO BARRADOES
~~TO~~ FROM PRYCES BRIDGE TO SAWYERS PLACE

I believe status of route is (* please delete where appropriate) *Footpath/ *Bridleway/ *Byway open to all traffic/ *~~Restricted Byway~~
As shown on the attached plan marked in red between the Points _____

PLEASE BE AS PRECISE AS POSSIBLE

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

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

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

TO AND FROM BOTANY BAY AND BARBADOES
TO WHITELEY

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

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

(d) How many times a year? Please be as precise as you can. Was it seasonal?

(If different use at different periods, please give approximate dates of various use.)

WHENEVER I NEEDED TO - SEVERAL
TIMES A YEAR

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

ON FOOT AND IN A MOTOR VEHICLE

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

YES IT WAS A SHORT CUT

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

TINTERN SINCE 1936
MY MOTHER WAS BORN AND LIVED
AT

4. (b) If you rode a horse

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

N/A

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

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

N/A

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

YES

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

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

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

NO

01_13 DH 40a 2of6

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <p style="text-align: center; font-size: 1.2em;">YES</p>
9.	Has the way always run over the same route? YES / NO If it has altered, give details and dates. <u>Please mark any changes, which you experienced on the plan.</u>
10.	Did you keep to the path claimed or wander freely between start and finish? <p style="text-align: center; font-size: 1.2em;">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? <u>Please mark them on the plan</u> <p style="text-align: center; font-size: 1.2em;">NONE</p>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u> <p style="text-align: center; font-size: 1.2em;">N/A</p>
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? <u>Please mark them on the plan.</u> <p style="font-size: 1.2em;">THERE WERE POSTS BUT I DIDN'T TAKE ANY NOTICE OF WHAT THEY SAID</p>
14.	Do you remember any other notices or signs on or near the way? If so what did they say? Where and when did you see them? <u>Please mark the plan to show location of any signs.</u> <p style="text-align: center; font-size: 1.2em;">NO</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-size: 1.2em;">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-size: 1.2em;">N/A</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-size: 1.2em;">N/A</p>

01-13 DH 40a 3of6

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

NO

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

NO

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

NO

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

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

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

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

OCCASIONALLY A 4x4 VEHICLE AND SEVERAL TRACTORS

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

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

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

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

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

MY AGE BUT MY FAMILY HAVE CONTINUED TO USE THESE ROUTES

01-13 DH 40a 4of6

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

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

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

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

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

SECTION C: IMPORTANT DECLARATION

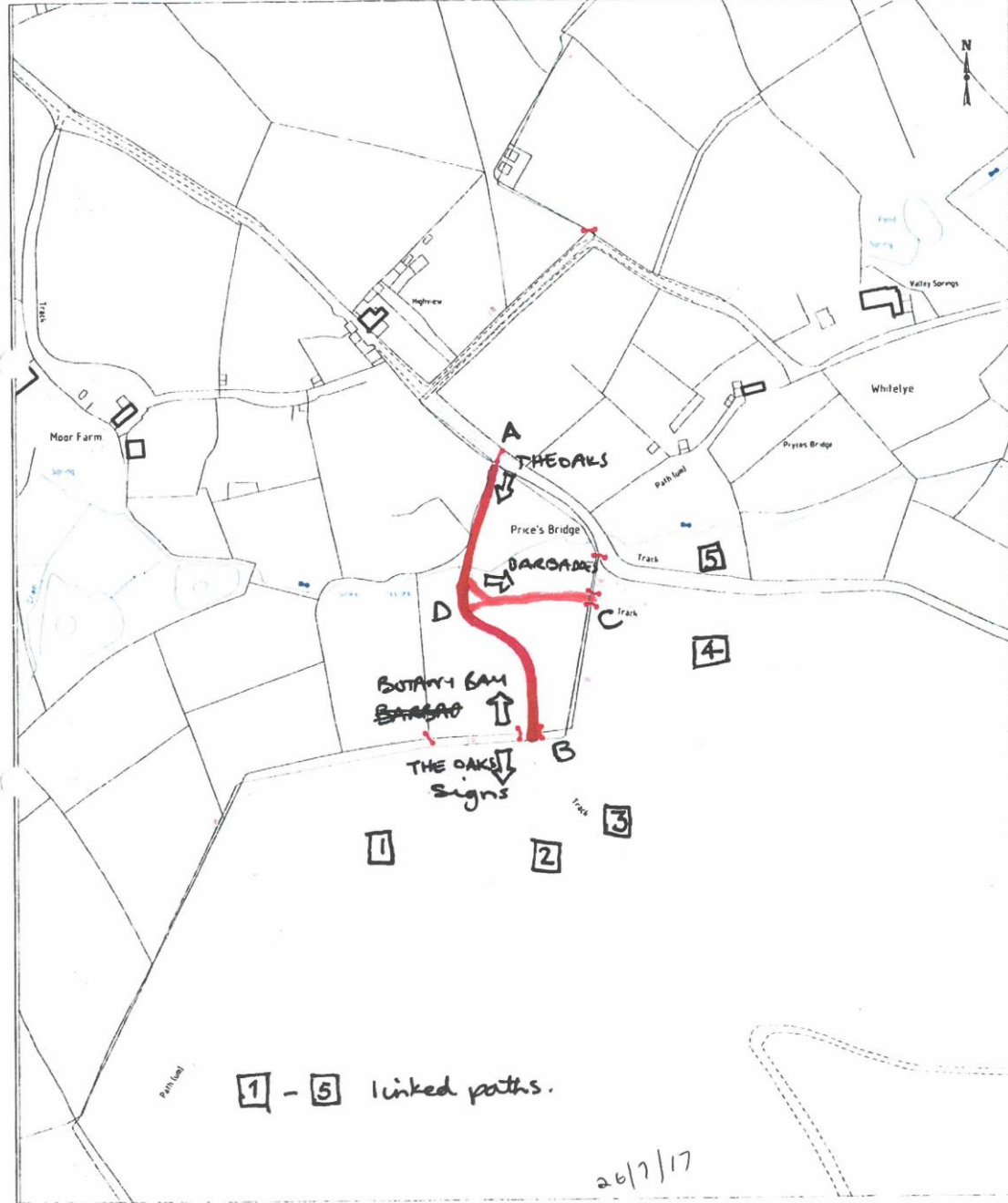
Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.

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

Signed: Date: 26/7/17

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

01-13 DH 40a 5 of 6



01-13 DH 409 6df6.