

### **Summary & comments Mrs L Elson**

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

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

#### **Comments**

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

24 AUG 2017



### PUBLIC RIGHTS OF WAY EVIDENCE FORM

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 BEFORE 1957  
To AT LEAST when I moved  
TO PRESENT DAY

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

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

#### PLEASE BE AS PRECISE AS POSSIBLE

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

Riding Horses + Walking

01-13 LCE 1066

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

My Home TO Barbados Woods and  
Down TO TINTERN OR BOTANY BAY

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

1959 - 1994

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

Daily.

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

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

The Foot Path and Bridleway  
into the woods.

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

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

AT HOME

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

Any Time

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

No Hacking only

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

Yes.

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

Had been a Foot Path and Bridleway  
and for working Forestry Horses since  
I can remember 1959 - 1994 DATES

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

No but had always been open.

01-13 LCE 206

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

01-13 LCE 3066



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

01-13 LCE 4 of 6

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

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

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

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

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

### SECTION C: IMPORTANT DECLARATION

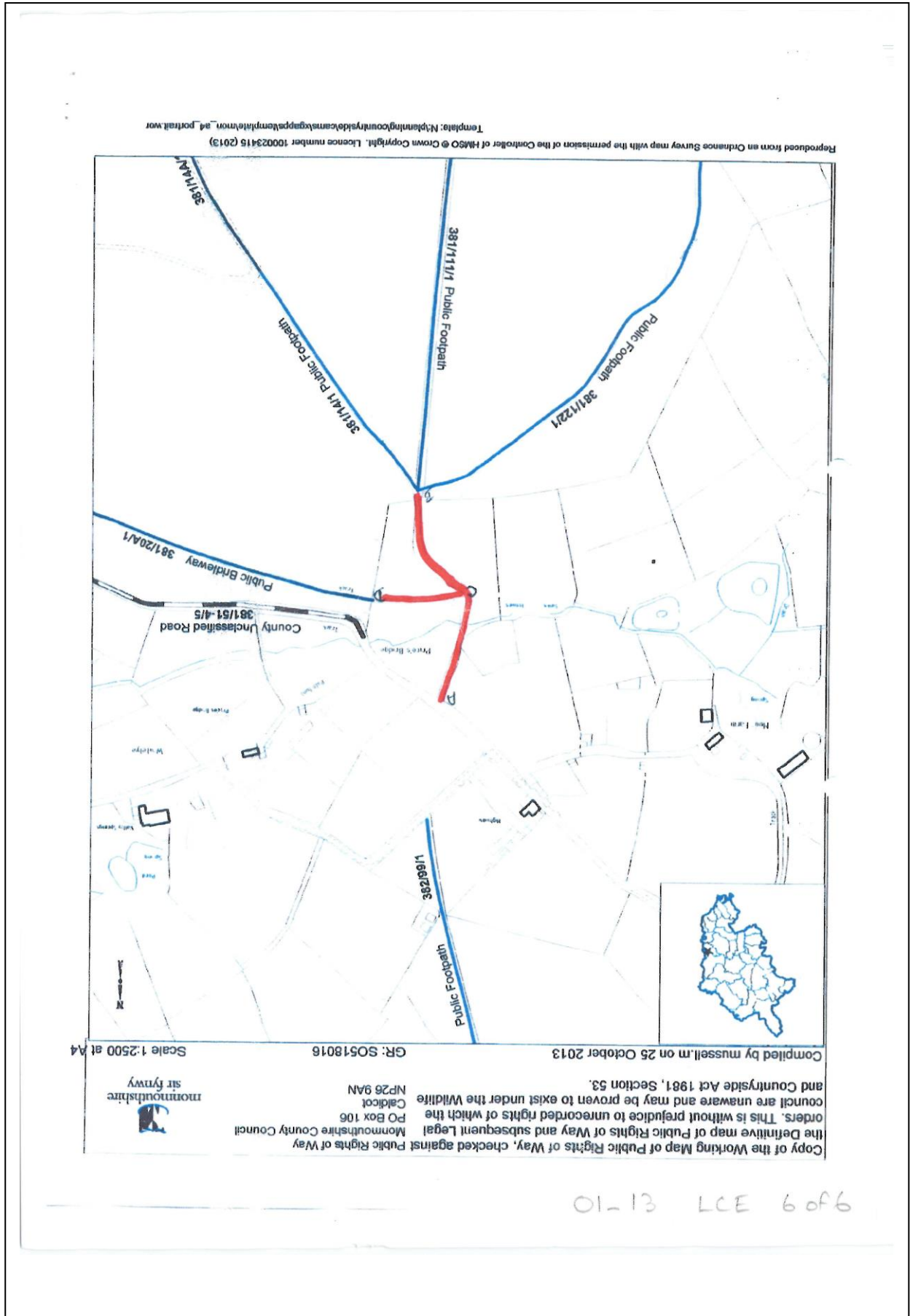
*Please note: As this form is supporting evidence to a modification application it will become a public document when submitted to the Council and will be open to the public, including the owners of the way.*

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

Signed:

Date: 4/8/17

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## **Summary & comments Mr M Storey**

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

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

### **Comments**

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



24 AUG 2017



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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 B

To C AND THEN A OR D

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

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

#### PLEASE BE AS PRECISE AS POSSIBLE

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

LEISURE

01-13 MS 1 of 6

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

HOME / VISITING

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

FIRST USE IN 1990'S

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

DAILY / MONTHLY USE SINCE MOVING TO THE AREA.

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

BIKE + FOOT

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

YES - QUICKEST WAY TO NEIGHBOURS

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

UP TO AUG 2010  
FROM AVE. 2A1A (WHITELYE).

4. (b) If you rode a horse

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

N/A

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

N/A

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

N/A

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

YES

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

SIGN POST + CLEARLY AN EXTENSION OF BW (C-D)  
ALSO IMPROVED SURFACE (VERY OLD COBBLES?).

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

NO. IT IS CLEARLY A PUBLIC RIGHT OF WAY

01-13 MS 2066

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <b>YES. CLEARLY DEFINED + BRIDGE AT STREAM CROSSING.</b>
9.	Has the way always run over the same route? <input checked="" type="radio"/> YES <input type="radio"/> NO If it has altered, give details and dates. <b><u>Please mark any changes, which you experienced on the plan.</u></b>
10.	Did you keep to the path claimed or wander freely between start and finish? <b>STAYED ON 'TRACK' - NOT PATH -</b>
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> <b>NO IMPEDIMENT TO PROGRESS. EVER SEEN.</b>
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> <b>N/A</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> <b>COUNTY FINGER POSTS AT X &amp; Z</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> <b>N/A</b>
15.	If you have ever been an owner or tenant of land crossed by the way or a worker for him or her, please give names and dates. If not, write "NO". <b>NO</b>
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? <b>No</b>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? <b>N/A</b>

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18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way?  N/A
19.	Did you ever encounter any obstructions not already described (in 12 above)?  NO.
20.	Have you ever been stopped or turned back or do you know if this has happened to anyone else?  <u>NO</u> If so, please say, how, where and when this was, and by whom.  N/A
21.	Have you seen other people using the way in the same manner as yourself? Where they your companions? If so, how many were there and when was it? Please give what details you can.  YES, MANY OTHER USERS. ALSO I HAVE CYCLED WITH SEVERAL OTHERS AT ANY TIME.
22.	If you were riding or walking have you ever seen anyone driving motor or horse drawn vehicles? If so, what did you see and how often?  NONE SEEN
23.	If you ever did so, when did you last drive, or were a passenger in, a vehicle that went through the way? What type of vehicle was it?  N/A.
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who?  NO.
25.	If you have ceased using the way, please say why.  ROUTE BLOCKED.

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

THE MARKED WAY (A-B/C-D) IS CLEARLY A CONTINUATION OF AN EXISTING RIGHT OF WAY. UNTIL THE OWNER OF THE DISPUTED WOODLAND BUILT A 'BUND' TYPE BARRIER THERE WAS NO IMPEDIMENT TO PROGRESS, EITHER BY FOOT OR PEDAL CYCLE.

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

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

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

### SECTION C: IMPORTANT DECLARATION

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

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

Signed:

Date: 26-07-2017.

01-13 MS 50f6

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.

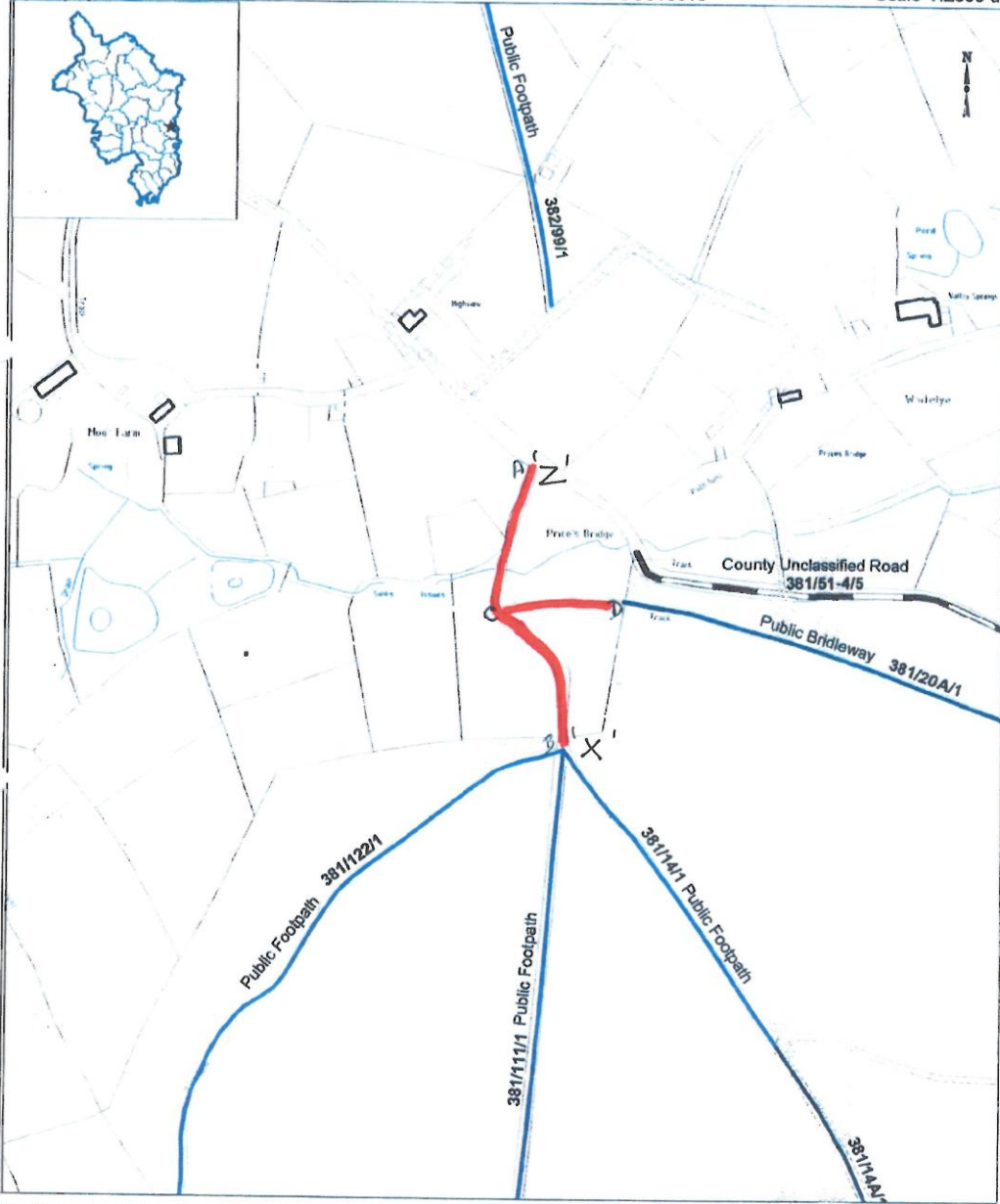
Public Rights of Way  
Monmouthshire County Council  
PO Box 106  
Caldicot  
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

Scale 1:2500 at A4



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Template: N:\planning\countryside\cams\cgapps\template\mon\_a4\_portrait.wor

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## **Summary & comments Mr P Verdigi**

1.1. Mr P Verdigi [30], husband of Mrs K Verdigi (27), reports walking all the Routes marked red on the plan (Appendix 6.30.6) for pleasure from 1988 until they were blocked by Mr & Mrs Talbot. Although, there is no specific end date recorded on the evidence form it does represent 25 years from 1988 to 2013, of which only 9 years are relevant for the 1977 to 1997 period.

- (i) During this period he has lived in the area and states that he believed the Routes were public rights of way with a status of bridleway.
- (ii) He continues to describe the Routes as marked on the OS maps which was a clearly defined track that he walked at least once a week and often several times a week which was the main route to other public rights of way.
- (iii) He reports *"it [the Routes] had obviously been used for many years before I use it, there were no signs or obstacles to say it was private and it is clearly marked on OS maps as a path"*.
- (iv) He recalls: seeing fingerposts at points A[A] and B[D]; that it was common to meet other locals who had used the way long before 1988; often seeing riders on motorcycles and occasionally 4 wheel drive vehicles; and reports also meeting *"all people who live next to and locally to the way"*.
- (v) He states that when he moved to Whitelye in 1988 he started using the Routes and it was obvious from existing locals that it had been used continuously through living memory.
- (vi) He further reports that Mr and Mrs Talbot did not give any indication that the Routes should not be used.

### **Comments**

- (vii) Mr P Verdigi's report of motorcycles and 4 wheeled drive vehicles use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights.
- (viii) Mr Verdigi does question why route C[C] to D[F] (public bridleway) would end without an exit and, as his evidence is based on his walking activities and meeting other similar users, his submission supports public footpath rights.
- (ix) However as his wife reports her horse riding activities in the area, this influences his belief that the Routes are bridleways.

02 AUG 2017



### PUBLIC RIGHTS OF WAY EVIDENCE FORM

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#### IMPORTANT

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#### 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 MARKED IN RED ON  
To ATTACHED PLAN

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

#### PLEASE BE AS PRECISE AS POSSIBLE

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

PLEASURE

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

FROM HOME TO PUBLIC AREAS OF  
RECREATIONAL USE

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

CONTINUALLY FROM 1988 UNTIL  
PATHS BLOCKED BY MR & MRS TALBOT

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

REGULARLY, AT LEAST ONCE A WEEK AND  
OFTEN SEVERAL TIMES A WEEK.

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

FOOT

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

IT WAS THE MAIN ROUTE TO JOIN OTHER  
PUBLIC RIGHTS OF WAY

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

WHITELYE.

1988 - PRESENT.

4. (b) If you rode a horse

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

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

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

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

YES

(b) What made you think you had a right? IT HAD OBVIOUSLY  
BEEN USED FOR MANY YEARS BEFORE I USED  
IT, THERE WERE NO SIGNS OR OBSTACLES TO SAY IT  
WAS PRIVATE, IT IS CLEARLY MARKED ON OS MAPS AS A PATH.

7. Have you ever been given permission (whether or not you actually asked for it) to  
use the way? If so by whom and to do what? NO, AND IN FACT  
I USED IT ON MANY OCCASIONS WITHOUT  
ANYONE SAYING IT WAS PRIVATE

01.13 PV 2 of 6

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <b>YES - AND MARKED CLEARLY ON O.S. MAPS.</b>
9.	Has the way always run over the same route? <b>YES/NO</b> 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? <b>ALWAYS KEPT TO THE WELL DEFINED PATH</b>
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> <b>THERE HAD NEVER BEEN ANY OBSTACLES UNTIL MR TRACT BLOCKED THE PATH</b>
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> <b>NO GATES</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> <b>THERE USED TO BE FINGER POSTS AT POINTS A &amp; B ON THE MAP INDICATING PUBLIC FOOT PATHS</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>
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". <b>NO</b>
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? <b>NOT APPLICABLE</b>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? <b>NOT APPLICABLE</b>

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18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way? <i>NO</i>
19.	Did you ever encounter any obstructions not already described (in 12 above)? <i>NO</i>
20.	Have you ever been stopped or turned back or do you know if this has happened to anyone else? <i>NO</i> <del>YES</del> If so, please say, how, where and when this was, and by whom.
21.	Have you seen other people using the way in the same manner as yourself? Where they your companions? If so, how many were there and when was it? Please give what details you can. <i>YES, WHEN I FIRST USED THE PATH IN [unclear] IS COMMON TO MEET OTHER LOCALS WHO HAD USED THE WAY LONG BEFORE 1988, MANY ARE NOT WITH US NOW.</i>
22.	If you were riding or walking have you ever seen anyone driving motor or horse drawn vehicles? If so, what did you see and how often? <i>YES, I HAVE OFTEN SEEN RIDERS ON MOTORCYCLES AND OCCASIONALLY 4 WHEEL DRIVE VEHICLES.</i>
23.	If you ever did so, when did you last drive, or were a passenger in, a vehicle that went through the way? What type of vehicle was it?
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who? <i>YES, I WOULD OFTEN MEET ALL PEOPLE WHO LIVED NEXT TO, AND LOCALLY TO, THE WAY.</i>
25.	If you have ceased using the way, please say why. <i>I HAVE NOT BEEN ABLE TO USE IT SINCE MR TALBOT DID HIS BEST TO DESTROY THE PATHS</i>

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

WHEN I MOVED TO WHITEHIE IN 1988  
I STARTED USING THE PATH AND IT WAS  
OBVIOUS FROM EXISTING LOCALS THAT IT  
HAD BEEN USED CONTINUOUSLY THROUGHOUT  
LIVING MEMORY. MR & MRS TALBOT DID NOT  
GIVE ANY INDICATION THAT THE PATH SHOULD  
NOT BE USED UNTIL THEY HAD CLAIMED  
ADVERSE POSSESSION OF THE LAND THAT  
CONTAINED THE PATH.

I NOTICE THAT THE <sup>ORIGINAL</sup> DEFINATE P.R.W.  
MAP SHOWS THE PATH FROM D - C AND  
IF A - C AND C - B WERE NOT PUBLIC  
PATHS, WHY WOULD PATH D - C END  
WITHOUT AN EXIT?

(POINTS A, A, C, ) AS PER ATTACHED MAP.)

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

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

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

### SECTION C: IMPORTANT DECLARATION

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

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

Signed:

Date: *21 JULY 2017*

*01-13 PV 5 of 6*



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

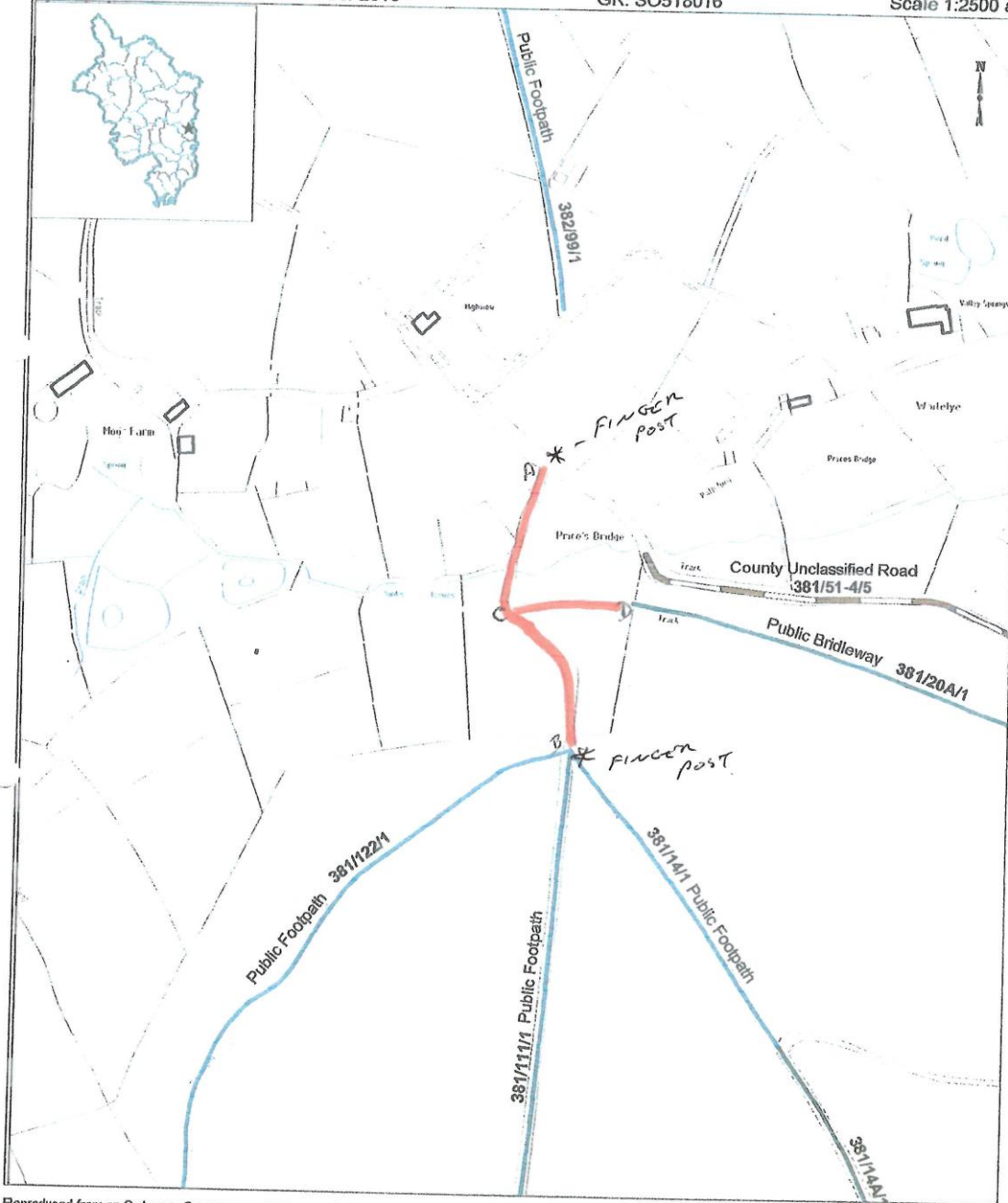
Public Rights of Way  
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## **Summary & comments Ms R Williamson**

1.1 Ms R Williamson [31], reports walking 2 routes, A[A] to B[D] and C[C] to D[F] for pleasure and access to Barbadoes Hill and properties in the area from 1985 to the present [2013]. Although there is no specific end date recorded on the evidence form, it does represent 28 years from 1985 to 2013, of which only 12 years are relevant for the 1977 to 1997 period.

- (i) During this period she has visited the area and reports walking the Routes about 6 times per annum and even more frequently in the past. She adds that she believed she had a right to use the Routes as they were “*public rights of way and have been so for generations*”.
- (ii) She continues to describe the Route as a very clear path that has always run over the same route until “*the historic paths were destroyed by a digger – about 4 years ago*”.
- (iii) She reports that she has kept to the path but felt free to wander when it was Forestry Commission land.
- (iv) She does not recall gates, locked gates, stiles, fingerpost or signs. She reports no knowledge of any other notices or signs on or near the way.
- (v) She reports regularly walking these paths with friends and reports that in the past saw regular vehicle tracks on route A[A] to B[D].
- (vi) She further reports that an unsuitable alternative route has been created. It is very narrow, steep and very slippery in wet weather. This makes it dangerous for users, especially for walkers on their own.

### **Comments**

- (i) Ms R Williamson’s states that she has walked the Route but does not specify whether or not she believes the status of the Route is either a footpath, bridleway, byway open to all traffic or restricted byway. Therefore, as her evidence is based on walking and her observation of other walkers this submission supports public footpath rights.



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

From Botany Bay to various points in the woods & to visit residents

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

From 1985 to the present

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

Currently - about 6 times p.a but used it more frequently in the past.

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

By foot

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

Yes. Shortest route to neighbours.

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

1985 - 88

1988 - 96

1996 - present

In all of this time, I have stayed regularly in Botany Bay.

4. (b) If you rode a horse

(i) where did you

ride it from? Please give dates in years.

N/A

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

N/A

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

N/A

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

YES

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

These are public rights of way & have been so for generations

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

No. This is not needed as public rights of way.

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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?
	There was a very clear path. This has now been destroyed.
9.	Has the way always run over the same route? YES <del>NO</del> until destroyed If it has altered, give details and dates. <b>Please mark any changes, which you experienced on the plan.</b>
	The historic paths were destroyed by a digger - about 4 years ago
10.	Did you keep to the path claimed or wander freely between start and finish?
	I kept to the path but felt free to wander when it was Forestry Commission land.
11.	To your knowledge have there ever been any gates or stiles on the way? If so where were they and when did you see them? <b>Please mark them on the plan</b>
	Not to my knowledge
12.	If gates, were any ever locked? If so, say where and when, and by whom? <b>Please mark them on the plan.</b>
	Not to my knowledge.
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? <b>Please mark them on the plan.</b>
	I think there was but not sure of location
14.	Do you remember any other notices or signs on or near the way? If so what did they say? Where and when did you see them? <b>Please mark the plan to show location of any signs.</b>
	No Knowledge
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?  No
19.	Did you ever encounter any obstructions not already described (in 12 above)?  Not in the past. Now there a numerous obstructions.
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 have not been stopped by a person. I have been stopped because of the obstructions blocking the original paths. These include a barbed wire fence & earthworks
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: I regularly walked these paths with friends but now have to use an alternative route.
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 - but in the past saw regular vehicle tracks on Route A → B
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. Access has been cut off by a number of barriers (see Q 20 above)
26.	If you wish to give any further particulars, please do so here, or continue on a

01-13 RLW 4 of 6

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

An unsuitable alternative route has been created. It is very narrow, steep and very slippery in wet weather. This makes it dangerous for users, especially for walkers on their own.

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

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

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

**SECTION C: IMPORTANT DECLARATION**

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

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

Signed: .

Date: 21/07/17

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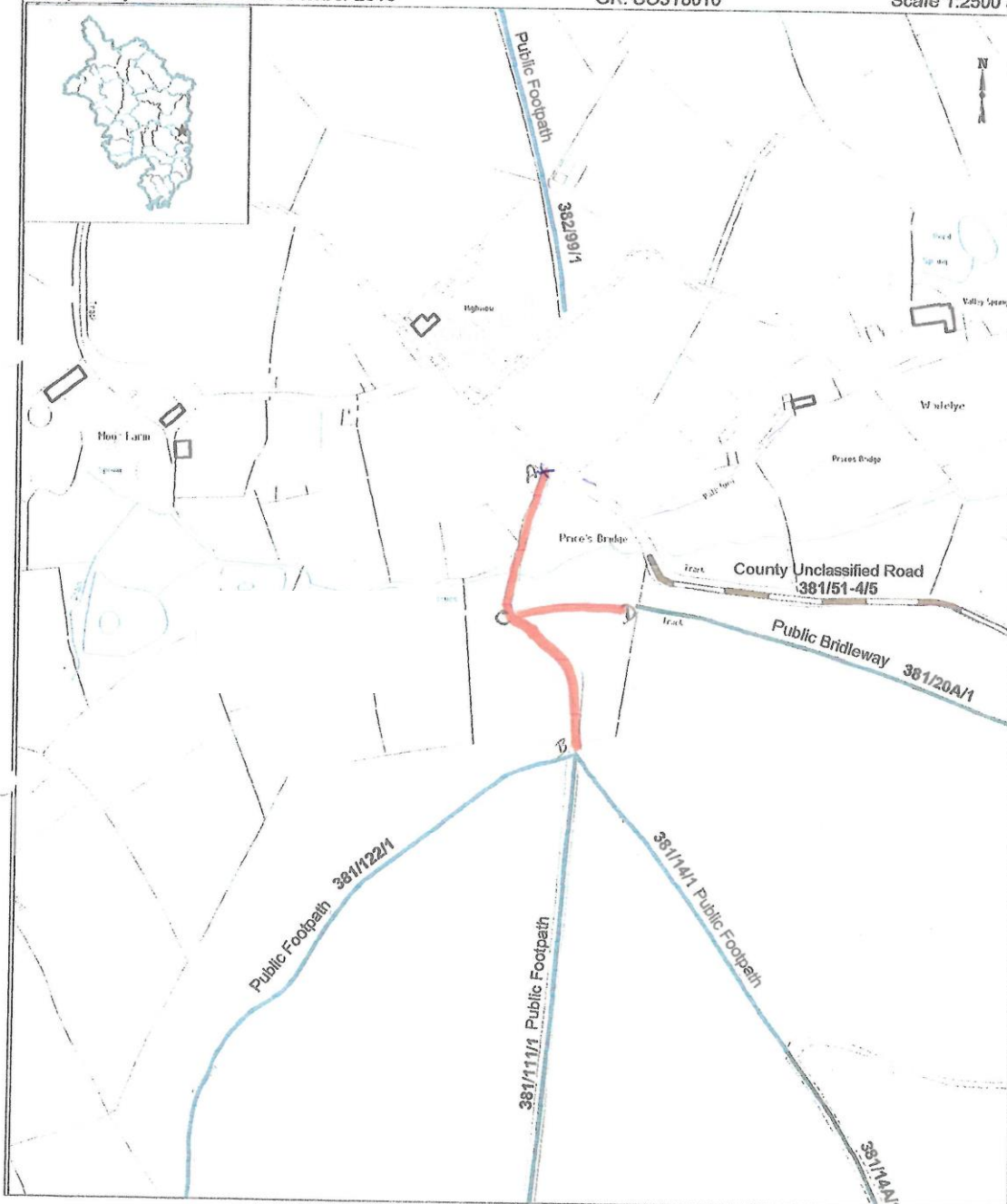
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## **Summary & comments Mr T Taylor**

1.1. Mr T Taylor [32], reports walking all the Routes, from Whitelye Lane to Barbados for pleasure from 1985 to the present [2013]. Although there is no specific end date recorded on the evidence form, it does represent 28 years from 1985 to 2013, of which only 12 years are relevant for the 1977 to 1997 period.

- (i) During this period he has lived in the area and reports walking daily. He adds that he believed he had a right to use the Routes, their status being byway open to all traffic, as they were *“always open access part of the forestry”*.
- (ii) He continues to describe the Route as a very clear path that has always run over the same route.
- (iii) He also recalls wandering freely reporting that there were no gates, locked gates or stiles. He does recall fingerpost/footpath signs but can't remember their positions or if there were any other notices or signs on or near the way.
- (iv) He reports regularly walking these paths with family and friends up to 5 or 6 people at a time. He recalls: seeing other people riding through regularly; post office van; JCB driven through regularly; and the tractor rally yearly. He also reports seeing *“Mr & Mrs Talbot riding and walking through”*.
- (v) He further states:

*“I have been using these paths since I moved to Whitelye in 1985. I feel that they should be reopened and the track and bridle-path totally reinstated as they have been destroyed by present owners. These tracks are ancient rights of way and are shown on the first maps of the area dating to 1840.”*

### **Comments**

- (ii) Mr T Taylor states that he has walked the Routes.
- (iii) His reporting of the motor vehicle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights.
- (iv) Therefore, as his evidence is based on walking and his observation of other walkers and horse riders this submission supports public bridleway rights.

02 AUG 2017



**PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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

**IMPORTANT**

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

**WARNING**

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

**SECTION A: GENERAL**

- 1. Full Name:
- Address:
- Tel No:
- Date of Birth:

**SECTION B: DETAILS OF THE ROUTE**

2 DESCRIBE ROUTE OF WAY:

From Whitelye Lane

To Barbados.

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

**PLEASE BE AS PRECISE AS POSSIBLE**

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

*pleasure*

*01-13 TT 1 of 6*

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

From Whiteley to pleasure walking.

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

1985 to present time

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

Daily walks

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

foot.

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

Normal walk

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

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

N/A

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

N/A

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

N/A

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

Yes

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

Always open access part of the forestry.

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

No.

01-13 TT 2 of 6

8. When you used it, was there always a clearly defined track or path which could be followed by a stranger?

Yes.

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

Yes

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

Wander freely.

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

No

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

✓

13. Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? **Please mark them on the plan.**

Yes but can't remember positions

14. Do you remember any other notices or signs on or near the way? If so what did they say? Where and when did you see them?  
**Please mark the plan to show location of any signs.**

Can't remember where only footpath signs

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

No

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

No

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

NA

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18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way?  <p style="text-align: center; font-size: 1.2em;">No</p>
19.	Did you ever encounter any obstructions not already described (in 12 above)?  <p style="text-align: center; font-size: 1.2em;">No</p>
20.	Have you ever been stopped or turned back or do you know if this has happened to anyone else?  If so, please say, how, where and when this was, and by whom.  <p style="text-align: center; font-size: 1.2em;">No</p>
21.	Have you seen other people using the way in the same manner as yourself? Where they your companions? If so, how many were there and when was it? Please give what details you can.  <p style="text-align: center;"> <i>Various times of the year</i>  <i>Yes family and friends up to 5 or 6 at a time</i> </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;"> <i>Yes people riding through regularly</i>  <i>Post office van, JCB driven through regularly</i>  <i>Tractor Rally yearly</i> </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; font-size: 1.2em;">N/A</p>
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who?  <p style="text-align: center;"> <i>Yes Mr &amp; Mrs Talbot riding and walking through</i> </p>
25.	If you have ceased using the way, please say why.  <p style="text-align: center;"> <i>Although it is blocked I still continue to use it whenever possible</i> </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 paths since I moved to Whitelye in 1985. I feel that they should be reopened and the track and bridle path totally reinstated as they have been destroyed by present owners. These tracks are ancient rights of way and are shown on the first maps of the area dating to 1840.

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

No

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

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

### SECTION C: IMPORTANT DECLARATION

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

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

Signed: .

Date: 16/7/17

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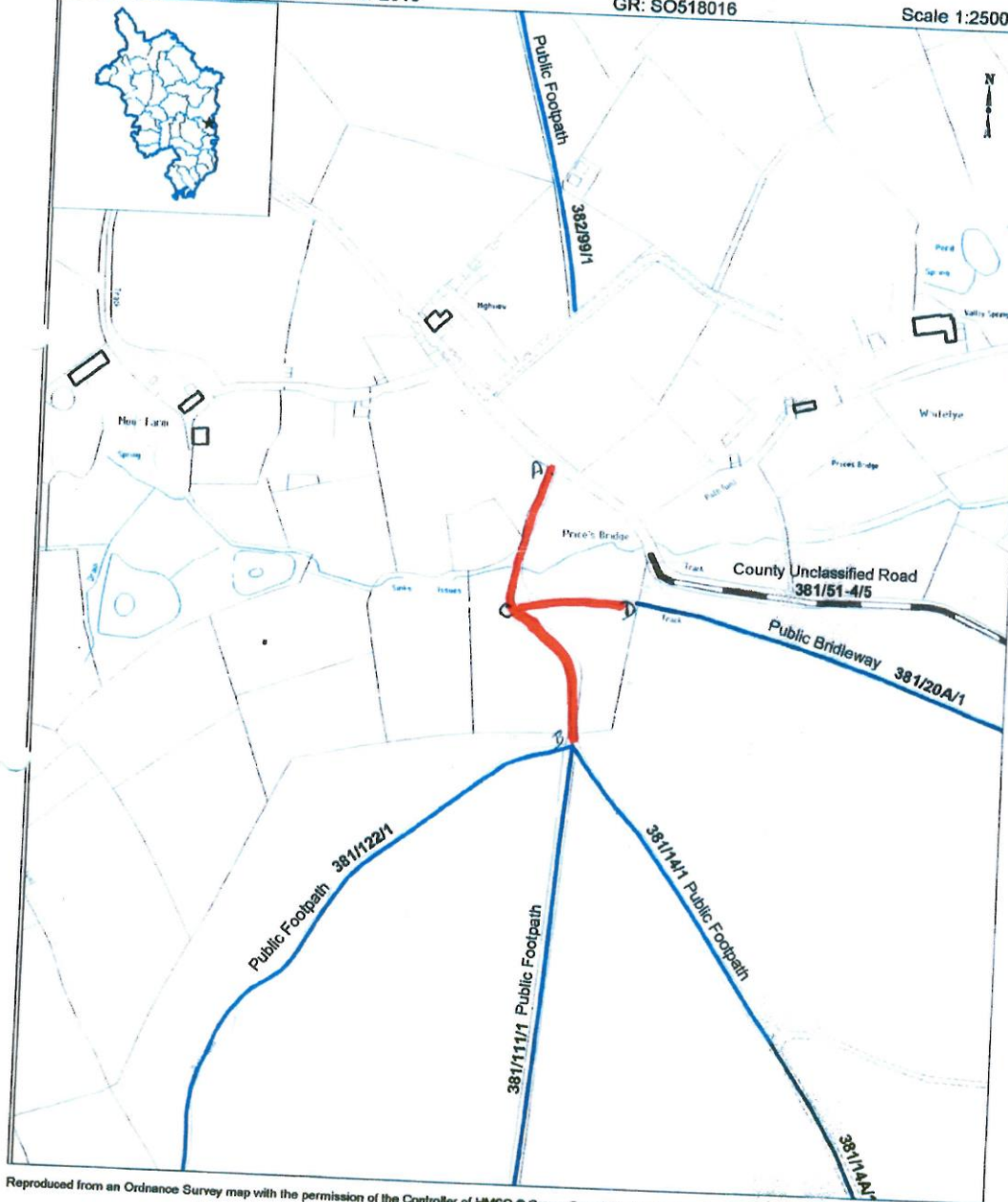
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## **Summary & comments Ms T Treasure**

1.1 Ms T Treasure [33], reports walking and cycling the Routes from B[D] to C[C] and then A[A] or D[F] for leisure from 1995 to the present [2013]. Although there is no specific end date recorded on the evidence form, it does represent 18 years from 1995 to 2013, of which only 2 years are relevant for the 1977 to 1997 period.

- (i) During this period she has visited and lived in the area and reports walking and cycling about 3 to 4 times per annum. Then from 2010 she used the Routes more frequently. She adds that she believed that they were bridleways and that she had a right to use them due to a signpost and the physical evidence of a well-marked path.
- (ii) She continues to describe the presence of a bridge over the stream and that the Routes were clearly marked. They have always run over the same alignment.
- (iii) She reports that she had no need to wander as the Route was a good path/track and to her knowledge never encountered gates, locked gates, stiles, or any other notices or signs on or near the way.
- (iv) She recalls fingerpost signs which informed her of her right to use the Route and has marked the locations of these on her plan (Appendix x.xx) at points 'X' and 'Z'.
- (v) She reports that when she was out walking she saw others and has also walked and cycled with others.
- (vi) She further reports that, *"this was a lovely path/track which has now been blocked. It had a lovely bridge over the stream which our grandchildren would have loved to play in"*.

### **Comments**

- (v) Ms T Treasure states that she has walked and cycled the Route and believes the status of the Route to be a bridleway.
- (vi) Therefore, as her evidence is based on walking, cycling and her observation of other walkers, this submission supports public bridleway rights.



24 AUG 2017



### PUBLIC RIGHTS OF WAY EVIDENCE FORM

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

#### IMPORTANT

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

#### WARNING

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

#### SECTION A: GENERAL

1. Full Name:  
Address:  
  
Tel No:  
Date of Birth:

#### SECTION B: DETAILS OF THE ROUTE

2 DESCRIBE ROUTE OF WAY:

From B  
To C and then A or D

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

#### PLEASE BE AS PRECISE AS POSSIBLE

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

LEISURE

01-13 TT 1 of 6

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

ORIGINALLY VISITING. NO W TO + FROM HOME

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

1995 - present day

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

Weekly & Monthly since 2010  
3-4 times a year previously

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

foot + bike

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

yes - to local houses to see friends

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

1995-2010  
2010 → at present address

4. (b) If you rode a horse

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

N/A

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

N/A

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

N/A

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

yes

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

sign post + well marked path

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

No. Did not require permission

01-13 TT 2 of 6

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger? <i>Yes - clearly marked + bridge over stream.</i>
9.	Has the way always run over the same route? <u>YES / NO</u> 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>No need to wander as good path track</i>
11.	To your knowledge have there ever been any gates or stiles on the way? If so where were they and when did you see them? <b><u>Please mark them on the plan</u></b> <i>NO</i>
12.	If gates, were any ever locked? If so, say where and when, and by whom? <b><u>Please mark them on the plan.</u></b> <i>no gates</i>
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? <b><u>Please mark them on the plan.</u></b> <i>marked on map X + Z</i>
14.	Do you remember any other notices or signs on or near the way? If so what did they say? Where and when did you see them? <b><u>Please mark the plan to show location of any signs.</u></b> <i>N/A</i>
15.	If you have ever been an owner or tenant of land crossed by the way or a worker for him or her, please give names and dates. If not, write "NO". <i>NO</i>
16.	If you were a tenant or employee, did you receive any instructions as to the use of the way by the public? If so, what were they? <i>NO</i>
17.	If you were an owner or tenant, did you recognise that the way was a public right of way? <i>N/A</i>

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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.

When walking - seen others doing so + have walked with others. Also biked with others

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.

Route blocked

01-13 TT 4 of 6



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

This was a lovely path / track which has now been blocked. It had a lovely bridge over the stream - which our grandchildren would have loved to play in

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

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

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

### SECTION C: IMPORTANT DECLARATION

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

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

Signed:

Date: 26/7/17

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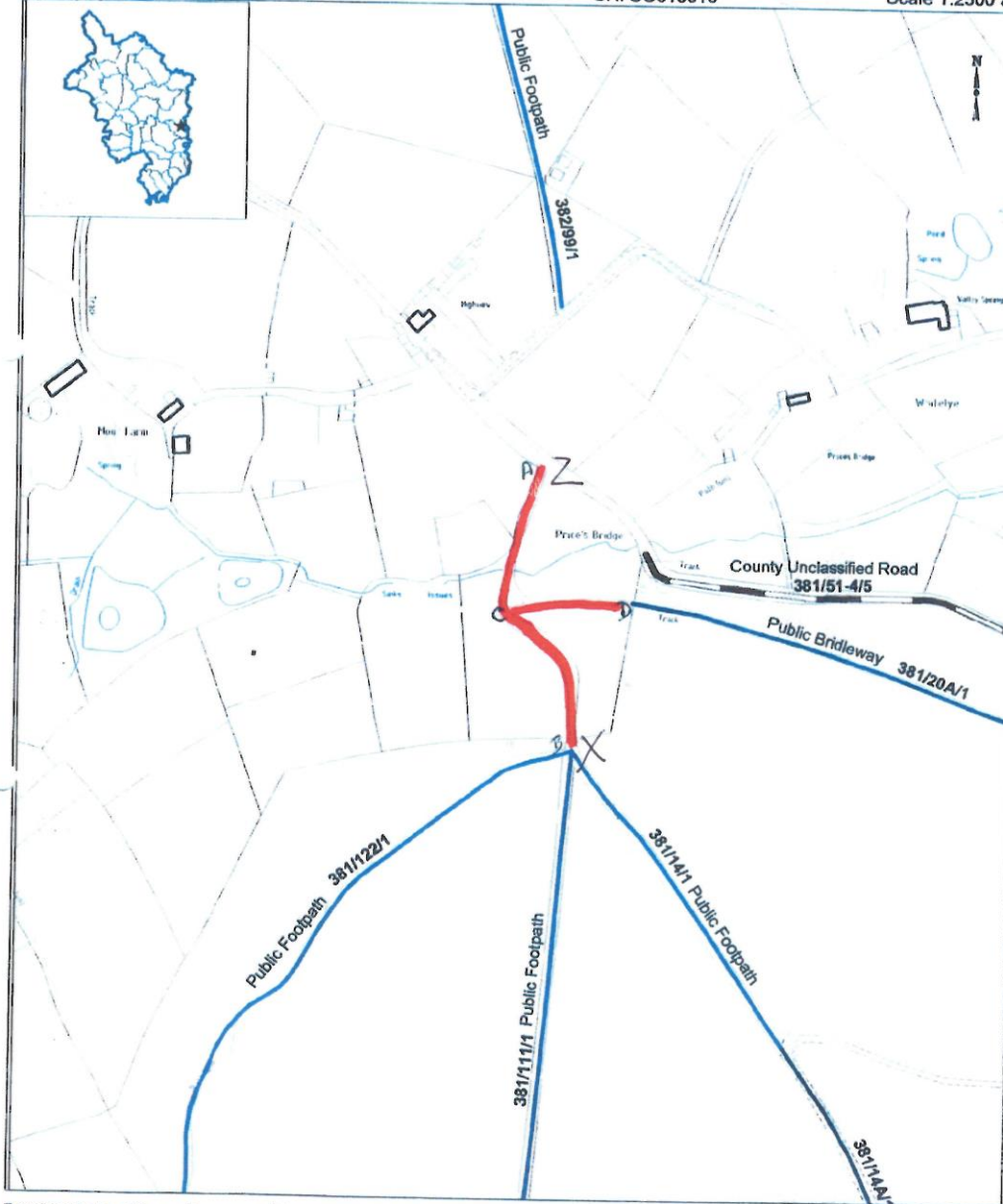
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## **Summary & comments Mrs W Rhodes**

1.1. Mrs W Rhodes [34], reports dog walking and pleasure use along the Routes marked red on her attached plan (Appendix 6.27.6) from pre 1980 to 2010. Although there is no specific start date recorded on the evidence form, it does represent 30 years from 1980 to 2010, of which 17 years are relevant for the 1977 to 1997 period.

- (i) During this period she lived in the area and walked the Routes daily believing them to be public footpaths/bridleways and that she had a right to do so as they were signposted.
- (ii) She continues to describe the Routes as clearly defined tracks that have always run over the same alignment and that she has both kept to the Routes and has also wandered freely believing that the forestry land had public open access. She recalls that there have never been gates, locked gates or stiles across it, or other notices or signs on or near the way.
- (iii) She marks on her plan (Appendix x.xx) the location of fingerpost signs that indicated to her that, *“No - permission was ever sought or required as the paths were signposted as public footpaths”*.
- (iv) She reports that she frequently saw others walking who were either companions, and/or neighbours from Whitelye, Botany Bay, Catbrook and surrounds.
- (v) She further adds that:

*“I was shocked and appalled to learn that access, within a much loved area, is being denied. I, personally, used the disputed pathways, on a daily basis to walk my dogs from 1980 until 2010 almost inclusively”*.

### **Comments**

- (vi) Mrs W Rhodes states that she has walked the Routes believing them to be public footpaths/bridleways.
- (vii) Therefore, as her evidence is based on walking, her observation of footpath signs and other walkers this submission supports public footpath rights.

02 AUG 2017



### PUBLIC RIGHTS OF WAY EVIDENCE FORM

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

#### IMPORTANT

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

#### WARNING

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

#### SECTION A: GENERAL

1. Full Name:  
Address:  
  
Tel No:  
Date of Birth:

#### SECTION B: DETAILS OF THE ROUTE

2 DESCRIBE ROUTE OF WAY:

From SHOWN IN RED ON PLAN ATTACHED  
To \_\_\_\_\_

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

#### PLEASE BE AS PRECISE AS POSSIBLE

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

DOG WALKING? PLEASURE

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

FROM MY HOME & RETURN

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

FROM PRE 1980 TO 2010

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

DAILY

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

FOOT

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

MY CHOSEN ROUTE FOR DOG WALKING

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

WHITELEY 1980-1999

" 1999-2010

4. (b) If you rode a horse

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

N/A

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

N/A

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

N/A

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

YES

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

THE PATH WAS SIGN-POSTED AS SUCH

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

NO - permission was never sought or required as the paths were

sign-posted as public footpaths.

01-13 WR 2 of 6

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

9. Has the way always run over the same route? **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?  
**BOTH - AS FORESTRY HAND, THERE WAS OPEN ACCESS**

11. To your knowledge have there ever been any gates or stiles on the way? If so where were they and when did you see them? Please mark them on the plan  
**NEVER**

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

**NEVER ANY GATES FENCES OR OTHER OBSTRUCTIONS**

13. Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? Please mark them on the plan.

**YES - (shown on plan)**

14. Do you remember any other notices or signs on or near the way? If so what did they say? Where and when did you see them?  
Please mark the plan to show location of any signs.

**AS SHOWN ON PLAN**

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

**NO**

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

**N/A**

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

**N/A**

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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? **NEVER**

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

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

**and/or neighbours from Whiteley, Botany Bay, Carbrook and surrounds.**

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

**on occasion**

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

**NEVER DID SO**

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

**YES - my Whiteley neighbours for example.**

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

**BECAUSE I NOW RESIDE**

01-13 WR 4 of 6

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

I was shocked and appalled to learn that access, within a much loved area, is being denied.

I, personally, used the disputed pathways, on a daily basis to walk my dogs from 1980 until 2010 almost exclusively.

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

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

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

### SECTION C: IMPORTANT DECLARATION

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

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

Signed:

Date: July 23rd 2017

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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.

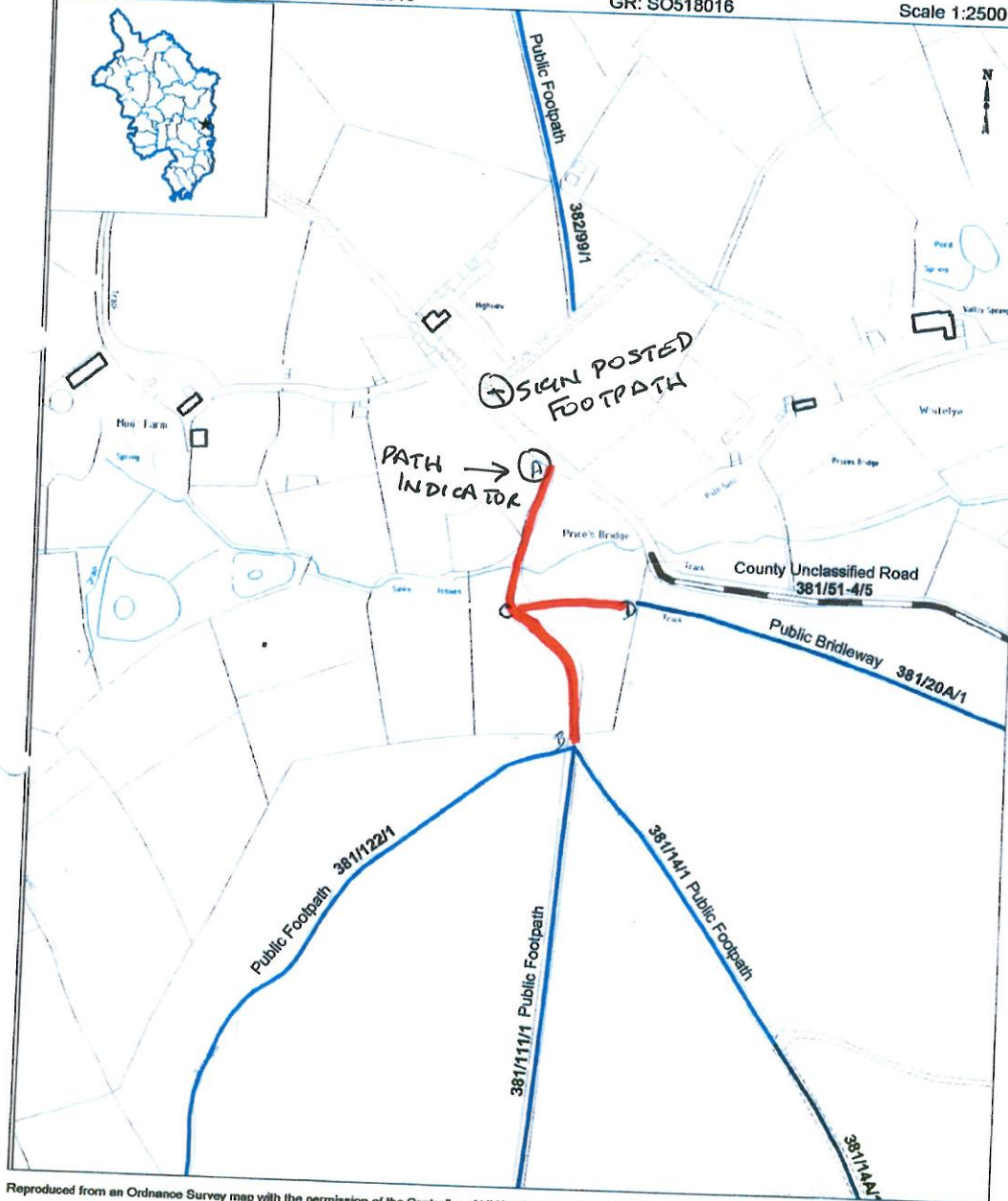
Public Rights of Way  
Monmouthshire County Council  
PO Box 106  
Caldicot  
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

Scale 1:2500 at A4



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