

## **Summary & comments Miss C Simpson**

1.1. Miss C Simpson [41], who is related to Mr & Mrs J Simpson (11 & 14), reports walking for pleasure all her life (nearly 40 years) along the Route from Pryces[Prices] Bridge to Barbadoes and from Pryces [Prices] Bridge to Sawyers Place. Although there is no specific start or end date recorded on the evidence form, it does represent 36 years from 1977 to 2013, of which due to her age it is only fair to say that 16 years are relevant for the 1977 to 1997 period.

- (i) During this period she has lived in and visited the area believing that she has always had a right to use the Routes. She further reports that she walked the Routes weekly and sometimes more frequently for pleasure and to visit friends.
- (ii) She describes the Routes as clearly defined tracks that have always run over the same alignment and which she has both kept to and wandered freely where to her knowledge there have never been any gates, locked gates or stiles across them.
- (iii) She recalls signposts but does not remember any other notices or signs on or near the way.
- (iv) She reports seeing her companions and other instances of people on foot, on cycles, motorbikes and occasionally a motor vehicle or a tractor. She also recalls seeing her friend's dad on a horse and trap once. She confirms seeing Forestry Commission workers using the Routes.

### **Comments**

- (v) Miss C Simpson states that she has walked the Route believing the status of the Route to be a public footpath.
- (vi) Her reporting of motor vehicle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights.
- (vii) Therefore, as her evidence is based on walking and her observation other walkers, cyclists and on one occasion a horse drawn vehicle then this submission supports public footpath, bridleway and restricted byway rights.

**PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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

**IMPORTANT**

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

**WARNING**

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

**SECTION A: GENERAL**

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

**SECTION B: DETAILS OF THE ROUTE**

2 DESCRIBE ROUTE OF WAY:

From PRICES BRIDGE, IN WHITELEY TO BARBADOES  
~~TO~~ AND FROM PRICES BRIDGE TO SAWYERS PLACE

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

**PLEASE BE AS PRECISE AS POSSIBLE**

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

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

TO AND FROM MY HOME AT WHITELEY FOR PLEASURE AND TO VISIT FRIENDS.

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

ALL MY LIFETIME (40 years etc)

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

APPROX WEEKLY - SOMETIMES MORE FREQUENTLY.

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

BY FOOT

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

YES

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

WHITELEY UNTIL THE MID 1990'S AND THEN CHEPSTON.

4. (b) If you rode a horse

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

N/A

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

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

No

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

YES

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

ALWAYS BEEN USED AS A PUBLIC RIGHT OF WAY AND A WELL USED ROUTE.

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

ITS A PUBLIC RIGHT OF WAY SO NO!

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8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger?  YES
9.	Has the way always run over the same route? YES / NO If it has altered, give details and dates. <b><u>Please mark any changes, which you experienced on the plan.</u></b>  YES - UNTIL NOVEMBER 2013 WHEN IT WAS BLOCUSED OFF.
10.	Did you keep to the path claimed or wander freely between start and finish?  BOTH
11.	To your knowledge have there ever been any gates or stiles on the way? If so where were they and when did you see them? <b><u>Please mark them on the plan</u></b>  NO
12.	If gates, were any ever locked? If so, say where and when, and by whom? <b><u>Please mark them on the plan.</u></b>  N/A
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? <b><u>Please mark them on the plan.</u></b>  THERE WERE SIGNPOSTS
14.	Do you remember any other notices or signs on or near the way? If so what did they say? Where and when did you see them? <b><u>Please mark the plan to show location of any signs.</u></b>  NO
15.	If you have ever been an owner or tenant of land crossed by the way or a worker for him or her, please give names and dates. If not, write "NO".  NO
16.	If you were a tenant or employee, did you receive any instructions as to the use of the way by the public? If so, what were they?  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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26. If you wish to give any further particulars, please do so here, or continue on a separate sheet.

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

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

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

**SECTION C: IMPORTANT DECLARATION**

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

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

Signed: ..... Date: 3/10/17 .....

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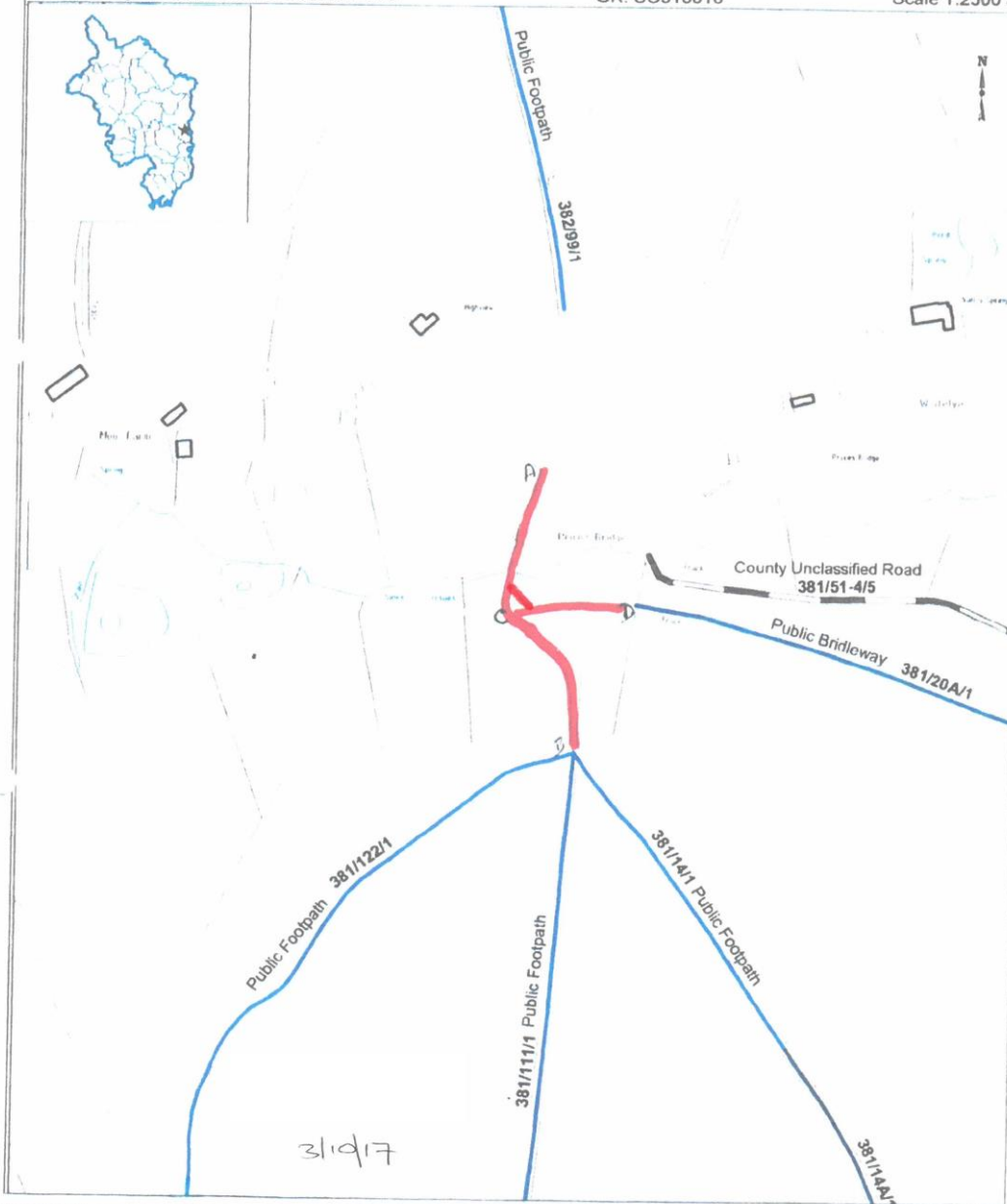
Copy of the Working Map of Public Rights of Way, checked against the Definitive map of Public Rights of Way and subsequent Legal orders. This is without prejudice to unrecorded rights of which the council are unaware and may be proven to exist under the Wildlife and Countryside Act 1981, Section 53.



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## **Summary & comments Mr SMT Simpson**

1.1. Mr SMT Simpson [42], son of Mr & Mrs J Simpson (11 &14), reports walking, cycling and using motor vehicles for pleasure along the Route from Pryces[Prices] Bridge to Barbadoes and from Pryces [Prices] Bridge to Sawyers Place during the 1970s; 1980s; 1990s; and 2000s to the present. Although there is no specific start or end date recorded on the evidence form, it does represent 44 years from 1969 to 2013, of which 20 years are relevant for the 1977 to 1997 period.

- (i) During this period he has lived in and visited the area believing that he has always had a right to use the Routes. He further reports that he walked, cycled and used motor vehicles on the Routes weekly up to the 2000s and then later up to six times per year.
- (ii) He continues to describe the Routes as clearly defined tracks that have always run over the same alignment and that he has both kept to the path and wandered freely where to his knowledge there have never been any gates, locked gates or stiles across them.
- (iii) He recalls signposts but took little notice of them and does not remember any other notices or signs on or near the way.
- (iv) He reports seeing on the Routes other people on foot, cycles, motor vehicles and tractors. He also recalls seeing Forestry Commission workers using the Routes.

### **Comments**

- (i) Mr SMT Simpson states that he has walked, cycled and used vehicles on the Routes but does not specify whether or not he believes the status of the Routes to be either footpath, bridleway, byway open to all traffic or restricted byway.
- (ii) His reporting of motor vehicle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to establish public vehicular rights.
- (iii) Therefore, as his evidence is based on walking, cycling and his observation of signposts, other walkers and cyclist this submission supports public footpath and bridleway rights.

**PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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

**IMPORTANT**

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

**WARNING**

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

**SECTION A: GENERAL**

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

**SECTION B: DETAILS OF THE ROUTE**

2 DESCRIBE ROUTE OF WAY:

From PRYCES BRIDGE, WHITELEY TO BARBADOES  
To R FROM PRYCES BRIDGE TO SAWYERS PLACE.

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

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

**PLEASE BE AS PRECISE AS POSSIBLE**

3. Have you used the above way? YES / ~~NO~~  
If you have used only part of the way, would you mark the part which you used on the plan.  
(a) For what purpose? (e.g. pleasure, to school/work)  
AS A REGULAR ROUTE TO AND FROM MY HOME TO VISIT FRIENDS & PLEASURE

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

TO AND FROM MY HOME

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

1970'S 1980'S 1990'S 2000'S TO PRESENT

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

ROUGHLY WEEKLY UP TO 2000'S  
 BY FOOT, PEDAL CYCLE, MOTOR VEHICLE & MICYCLE  
 MORE RECENTLY UP TO SIX TIMES PER YEAR.

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

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

YES - A ROUTE TO AND FROM MY HOME  
 MORE RECENTLY MY PARENTS HOME.

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

WHITELEY, NR TWITTELW<sup>1981</sup>  
<sup>1997</sup>  
 TWITTELW<sup>1969</sup>  
<sup>TO 1981</sup>  
 TROTSMILL CREEPSTON<sup>1997</sup>  
<sup>TO</sup>  
 PRESENT

4. (b) If you rode a horse

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

WHITELEY 1980'S

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

DURING THE DAYTIME

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

NO

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

YES

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

IT WAS ALWAYS KNOWN LOCALLY AS  
 AN OPEN PUBLIC RIGHT OF WAY AND  
 A WELL USED TRACK.

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

NO

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8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger?  YES
9.	Has the way always run over the same route? YES / <del>NO</del> If it has altered, give details and dates. <u>Please mark any changes, which you experienced on the plan.</u>
10.	Did you keep to the path claimed or wander freely between start and finish?  BOTH .
11.	To your knowledge have there ever been any gates or stiles on the way? If so where were they and when did you see them? <u>Please mark them on the plan</u>  NO / NONE
12.	If gates, were any ever locked? If so, say where and when, and by whom? <u>Please mark them on the plan.</u>  N/A
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? <u>Please mark them on the plan.</u>  THERE HAVE BEEN POSTS BUT TOOK LITTLE NOTICE OF THEM.
14.	Do you remember any other notices or signs on or near the way? If so what did they say? Where and when did you see them? <u>Please mark the plan to show location of any signs.</u>  NO
15.	If you have ever been an owner or tenant of land crossed by the way or a worker for him or her, please give names and dates. If not, write "NO".  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? 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 ON FOOT, CYCLISTS & MOTOR VEHICLES  
FOR AS LONG AS I CAN REMEMBER

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, CYCLES, MOTORCYCLES, MOTOR VEHICLES  
TRACTORS. VARYING TIME SCALES.

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?

UP UNTIL SPRING 2013 WHILE  
DRIVING OR AS A PASSENGER.  
BY CYCLE, MOTOR CYCLE, MOTOR VEHICLE & TRACTOR

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

FORESTRY WORKERS.

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

YES AS NOW OBSTRUCTED.

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

I'VE REGULARLY USED THIS  
TRACK THROUGHOUT MY  
LIFE .

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

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

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

### SECTION C: IMPORTANT DECLARATION

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

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

Signed:

Date: 30-09-2017

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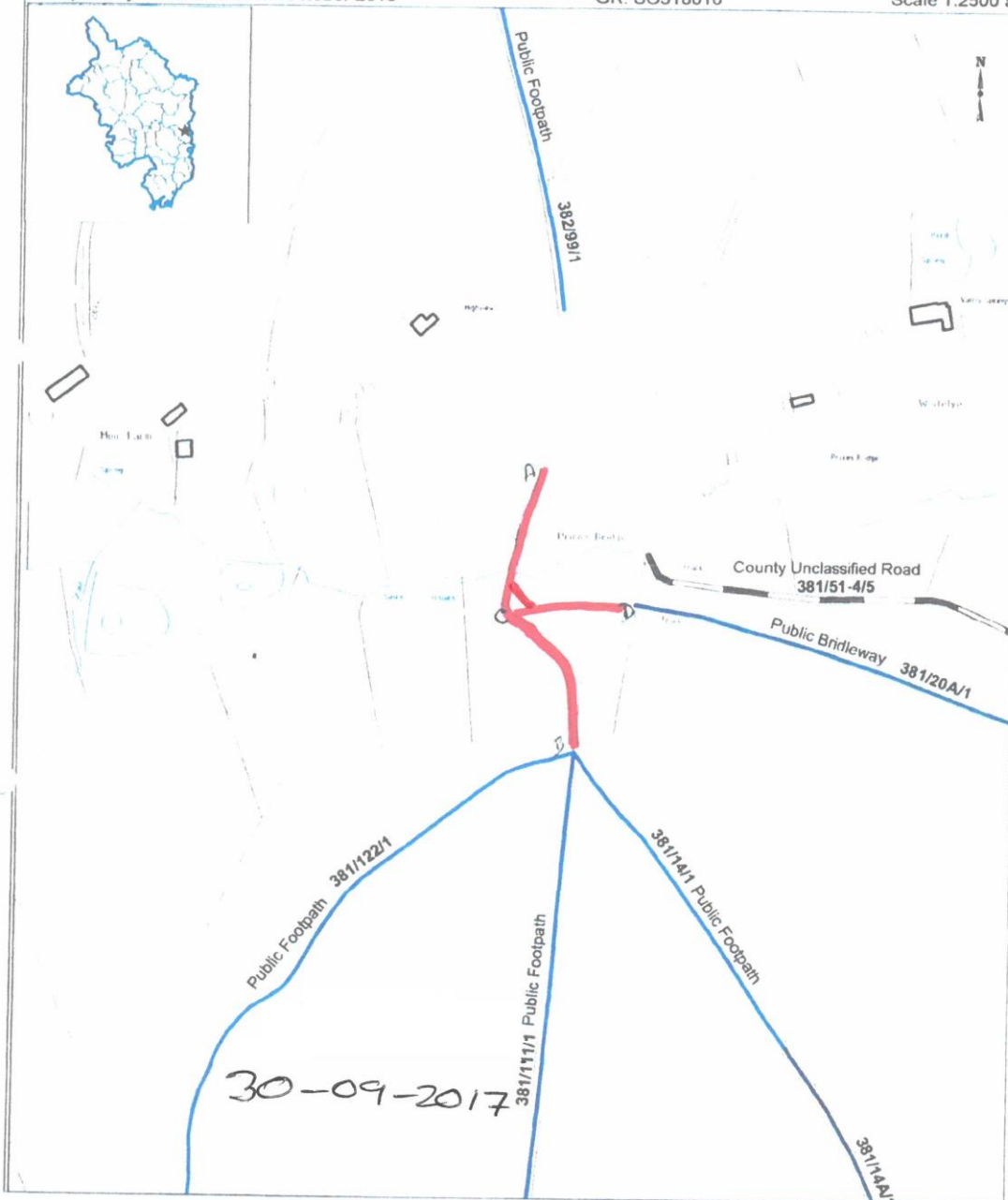
Public Rights of Way  
Monmouthshire County Council  
PO Box 106  
Caldicot  
NP26 9AN



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## **Summary & comments Dr Orchard-Webb**

1.1. Dr Orchard-Webb [43], reports walking, cycling and dog walking past High View house A[A] into the woods from Whitelye to Barbadoes then Tintern using the Routes marked A-C-D, [A-B-E-F and C-E ] and A-C-B, [A-B-C-D] for the period from 1996 to 2013. Although this covers 17 years, only one year is relevant for the 1977 to 1997 period. An interview was conducted and he has marked on a map all the Routes used (Appendix 6.36.8).

- (i) During this period he lived in the area and believed the status of the Routes to be public byways open to all traffic that he had a right to use them. He further reports that he walked the Routes weekly "*because there was a public footpath*".
- (ii) He continues to describe the Routes as clearly defined tracks, that have always run over the same alignment and that he kept to the Routes that have to his knowledge never had gates, locked gates or stiles across them.
- (iii) He does not recall directional fingerpost, or any other notices or signs on or near the way, adding that "*there were signs but can't remember them*".
- (iv) He reports using the Routes with his wife and seeing other people on them.

### **Comments**

- (v) Dr Orchard-Webb states that he has walked and cycled the Routes believing the status to be byways open to all traffic.
- (vi) Therefore, as his evidence is based on walking, cycling and his observation of other walkers this submission supports public footpath and bridleway rights.

**PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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

**IMPORTANT**

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

**WARNING**

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

**SECTION A: GENERAL**

1. Full Name:

Address:

Tel No:

Date of Birth:

**SECTION B: DETAILS OF THE ROUTE**

2 DESCRIBE ROUTE OF WAY:

From Past High View House (A) into the woods from Whiteley  
 To ACD, ACB BARBADOS then Tintern.

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

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

**PLEASE BE AS PRECISE AS POSSIBLE**

3. Have you used the above way? YES / NO

If you have used only part of the way, would you mark the part which you used on the plan.

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

cycling and walking and dog walking

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

Home to Wye Valley Walk

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

1996 - 2013

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

Weekly

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

Foot Pedal cycle

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

No

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

Lived here since Feb 1996

4. (b) If you rode a horse

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

N/A

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

N/A

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

N/A

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

Yes

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

Because there was a public footpath

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

No

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8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger?  <p style="text-align: center; font-size: 1.2em;">Yes</p>
9.	Has the way always run over the same route? <span style="float: right;">YES/NO</span> If it has altered, give details and dates. <b><u>Please mark any changes, which you experienced on the plan.</u></b>
10.	Did you keep to the path claimed or wander freely between start and finish?  <p style="text-align: center; font-size: 1.2em;">Kept to the 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? <b><u>Please mark them on the plan</u></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>
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? <b><u>Please mark them on the plan.</u></b>
14.	Do you remember any other notices or signs on or near the way? If so what did they say? Where and when did you see them? <b><u>Please mark the plan to show location of any signs.</u></b>
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".
16.	If you were a tenant or employee, did you receive any instructions as to the use of the way by the public? If so, what were they?
17.	If you were an owner or tenant, did you recognise that the way was a public right of way?

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18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way?  N/A
19.	Did you ever encounter any obstructions not already described (in 12 above)?  No
20.	Have you ever been stopped or turned back or do you know if this has happened to anyone else?  If so, please say, how, where and when this was, and by whom.  Yes. about 4 years ago Rudely ordered to put dog on lead and go back the way I came Very nasty attitude
21.	Have you seen other people using the way in the same manner as yourself? Where they your companions? If so, how many were there and when was it? Please give what details you can.  Me and my wife and other people
22.	If you were riding or walking have you ever seen anyone driving motor or horse drawn vehicles? If so, what did you see and how often?  No
23.	If you ever did so, when did you last drive, or were a passenger in, a vehicle that went through the way? What type of vehicle was it?  No
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who?  No
25.	If you have ceased using the way, please say why.  Because it has been blocked since 2013

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

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

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

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

### SECTION C: IMPORTANT DECLARATION

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

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

Signed:

Date: 21<sup>st</sup> Dec. 2017

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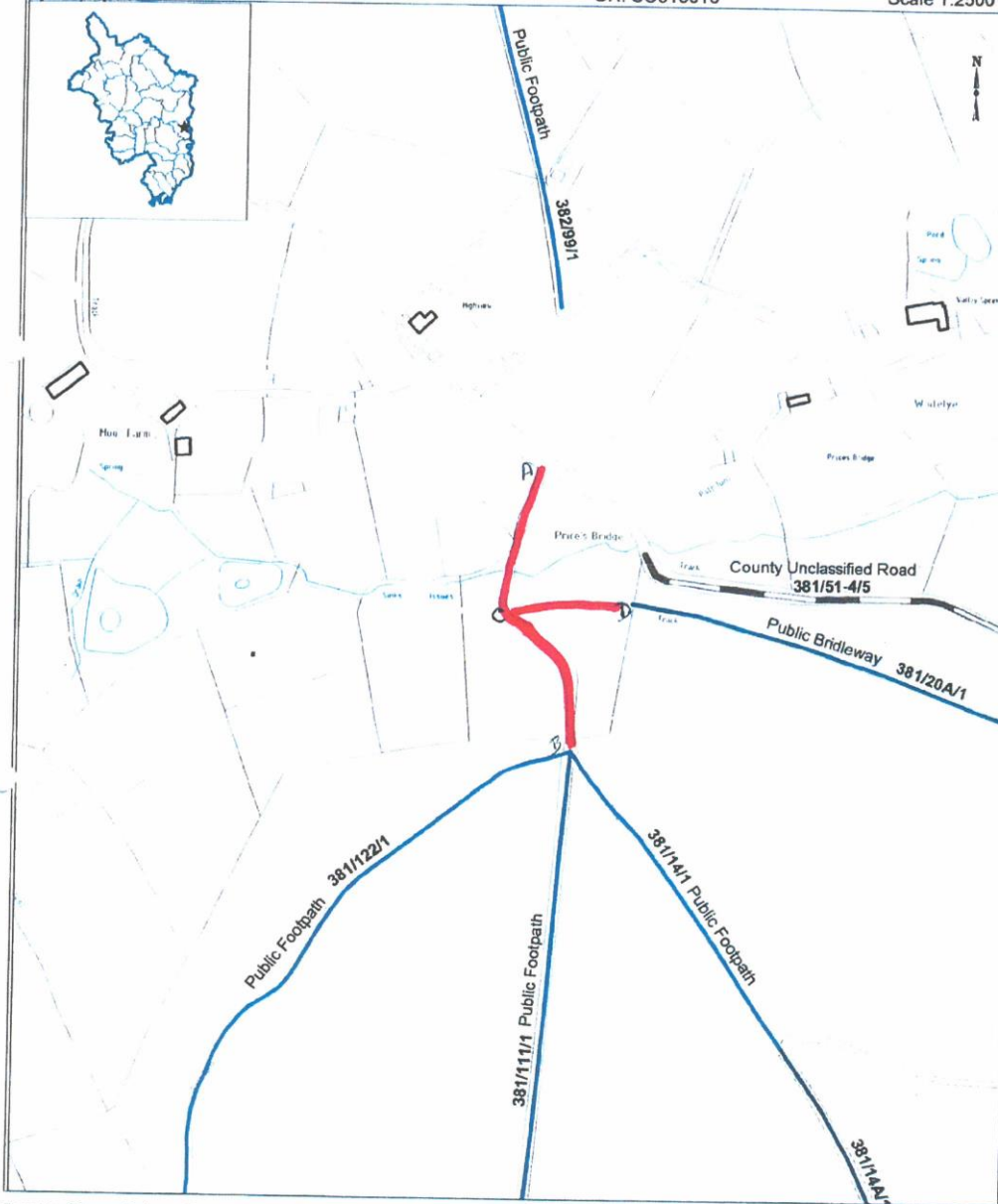
Public Rights of Way  
Monmouthshire County Council  
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Caldicot  
NP26 9AN



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[43] Dr Orchard-Webb

Please confirm that this is your name and address.

INTERVIEW QUESTIONS CONDUCTED ON THE 16 JANUARY 2019

In your reply to question 3(b) you state you have walked from home to Wye Valley Walk. Please mark the route/s you have walked on the unmarked map placed before you today. (see above date).

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

You state that you believe the status of the route to be a byway open to all traffic. This is contrary to your reply to question 6(b) where you state that you thought you had a right "because there was a public footpath".

What made you think it was a byway? I think it was a public footpath because there was a sign and it was well used. The word "Byway" was misunderstood.

The period that is being researched is 1977 to 1997. If you can recall moving to the area in 1996 what made you believe you had a right to use the Routes? Late 1996 through 1997 walking a lot.

Lived in the area for a long time. It was a natural route to take to get to other routes in the forest, just following obvious tracks.

Did you cycle the same routes as you walked? No

Where were you going on a bicycle? No

If you recall the finger posts can you describe them?

Signpost marked xonplan - Square, brown and said "Barbadoes Green". Finger pointed in direction shown on plan.

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

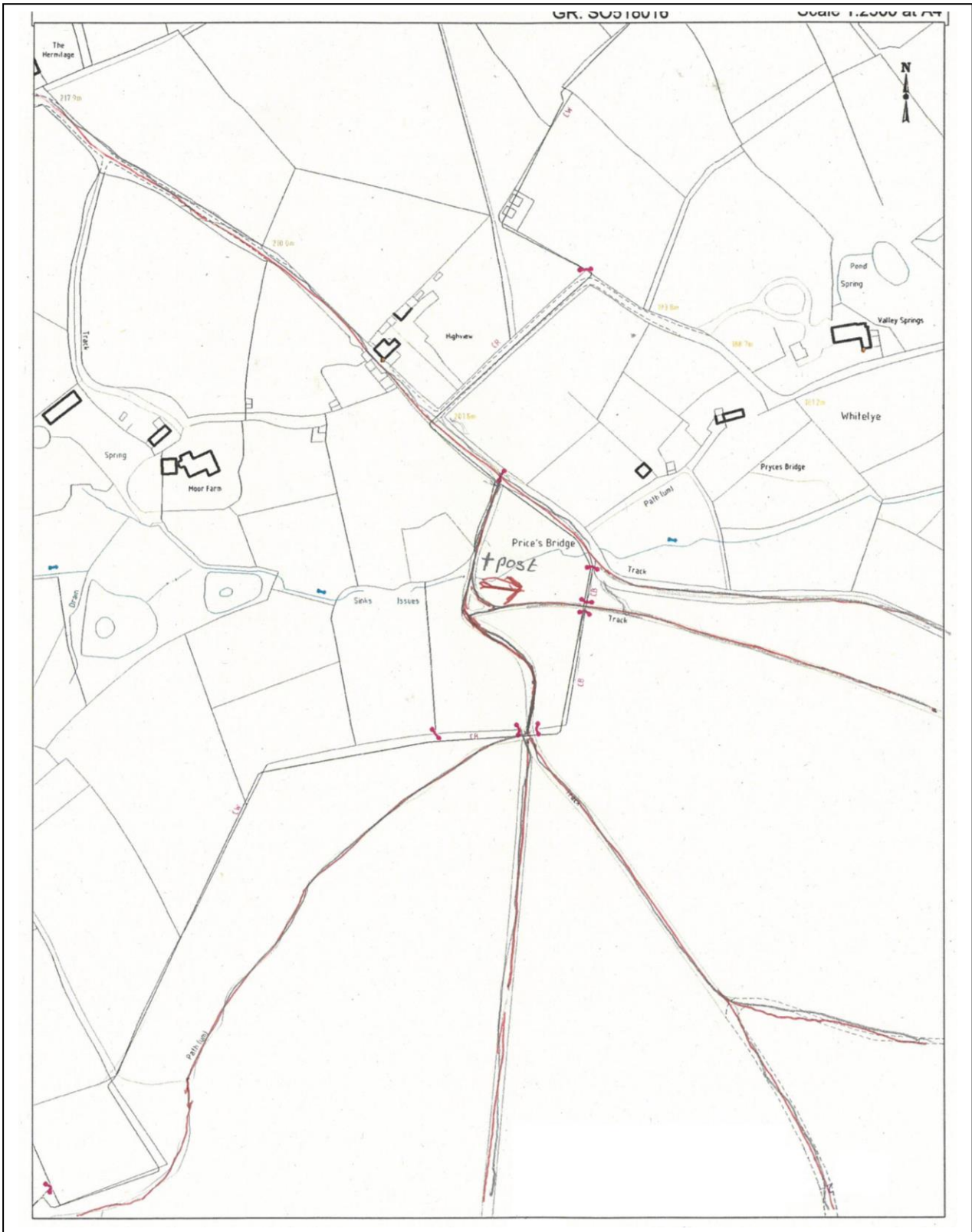
Sign ..... Counter Officer 1: Sign Mussell Officer 2: Sign R. Roushe Date 16/1/19

Print name:

JH ORCHARD-WEBB

AMANDA MUSSELL

R. Roushe



**01\_13MOD\_PB: INTERVIEW QUESTION SHEETS: 2019 – DR OW (43)**  
**Appendix 6.36.8**

## **Summary & comments Mr M Watkins**

1.1. Mr M Watkins [44], reports walking and using a motor vehicle on the Routes from ACB [ABCD] to ACD [ABCEF] for a period from the late 1940s to 2013. Although this covers 73 years, of which 20 years are relevant for the 1977 to 1997 period. An interview was conducted and he stated that he recalled the “Path being well walked with a well-worn surface and width to show where the path ran”.

- (i) During this period he has lived in and visited the area believing the status of the Routes to be byways open to all traffic on which he had a right to use as “*everyone used the roads and these paths*”. He further reports that he walked or drove a vehicle over the Routes most evenings during the summer.
- (ii) He continues to describe the Routes as clearly defined tracks, that have always run over the same alignment and that he usually kept to them and had to his knowledge never seen gates, locked gates or stiles across them.
- (iii) He does recall directional fingerposts, appearing after the war but can’t remember where or if there were any other notices or signs on or near the way.
- (iv) He reports using the Routes with his wife and recognised the Crochetts who as adjacent landowners also used the Routes. He adds that he saw other people walking, horse riders, horse drawn vehicles and others driving motor vehicles.
- (v) He states:

*“I used to ride tractors and vehicles through the road for many years. There was never any indication that you couldn’t. I used to haul wood through this path regularly. I used to buy wood by the ton. My wife and I went into the woods and walked the dog until 2013”.*

### **Comments**

- (iv) Mr M Watkins states that he has walked and driven the Routes believing their status to be a byway open to all traffic.
- (v) His reporting of motor vehicle use, although interesting, can now (due to the NERC Act 2006) no longer be evidence to prove the existence of public vehicular rights.
- (vi) Therefore, as his evidence is based on walking, his observation of signposts, other walkers, horse riders and horse drawn vehicles this submission supports public footpath, bridleway and restricted byway rights.



**PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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

**IMPORTANT**

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

**WARNING**

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

**SECTION A: GENERAL**

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

**SECTION B: DETAILS OF THE ROUTE**

2 DESCRIBE ROUTE OF WAY:

From A C B · A C D, WHITELEY.  
 To BARBADOS GREEN

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

**PLEASE BE AS PRECISE AS POSSIBLE**

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

01-13 MW 1 of 6

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

CATBROOK TO TINTERN (WYE VALLEY ROAD)

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

LATE 1960'S - 2013

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

MOST EVENINGS DURING THE SUMMER

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

WALKING, MOTOR VEHICLE

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

NO

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

4. (b) If you rode a horse

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

N/A

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

N/A

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

N/A

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

Yes

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

EVERYONE USED THE ROADS AND THESE PATHS

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

No

01-13 MW 2 of 6

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger?  yes
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?  usually kept to the path
11.	To your knowledge have there ever been any gates or stiles on the way? If so where were they and when did you see them? <b><u>Please mark them on the plan</u></b>  No
12.	If gates, were any ever locked? If so, say where and when, and by whom? <b><u>Please mark them on the plan.</u></b>  No
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>  Not until after the WAR
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>  can't remember where
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 MW 3 of 6

18.	Was a close relative of yours (e.g. spouse or parent) working for a tenant or landowner fronting the way?	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 people walking riding horses and driving. with his wife.
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 vehicles and motor vehicles
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?	2013 last went through A Fordson Tractor 1941 (Reg) Grey Fergies (tractors) FORD ESCORT VAN.
24.	Did you recognise any people using the way as being owners or tenants of land next to the way? If so, who?	Yes the crochets
25.	If you have ceased using the way, please say why.	Because it has been blocked

01-13 MW 4 of 6

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

I used to ride tractors and vehicles through the road for many years. There was never any indication that you couldn't. I used to haul wood through this path regularly. I used to buy wood by the ton. My wife and I went into the woods and walked the dog until 2013

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

D P

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

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

### SECTION C: IMPORTANT DECLARATION

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

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

Signed:

Date: 21/12/17

01-13 MW 5 of 6.



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

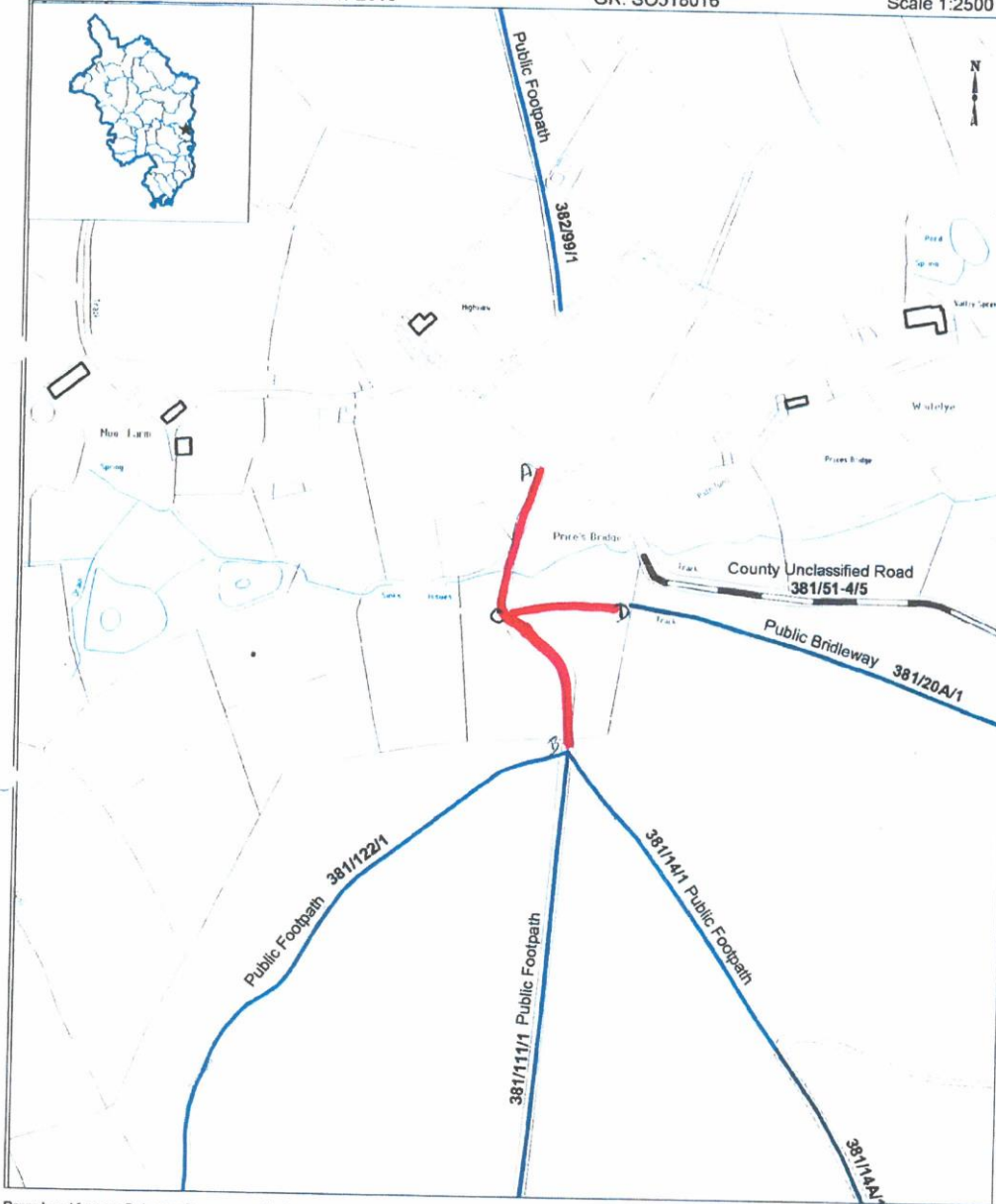
Public Rights of Way  
Monmouthshire County Council  
PO Box 106  
Caldicot  
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

Scale 1:2500 at A4



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01-13 MW 6 of 6

[44] Mr M Watkins

Please confirm that this is your name and address. ✓

INTERVIEW QUESTIONS CONDUCTED ON THE 16 January .....2019

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

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

You report seeing other walkers, horse riders and horse drawn cart users. If you recall please mark, on the map set before you, the location where you saw these people you encountered.

Did you know any of the users that you saw?

Some local people.

Did you think the other horse riders were other members of the public or Forestry workers?

~~Cliff~~ <sup>LEN</sup> Edwards rode his horse there. Have always known it to be owned by Forestry Commission.

In other words did you think the horse drawn cart users were Forestry Commission workers?

I know quite a few of the Forestry Commission workers who worked here. I also hauled wood from here with permission of Forestry Commission manager.  
How many do you recall?

In your reply to question 26 you state: "I used to haul wood through this path regularly." Why is this?

I had an open fire.

Was this for your private use? Yes

Were you a Forestry worker? No

If you recall the finger posts can you describe them?

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

Sign ..... Counter Officer 1: Sign <sup>Musell</sup> ..... Officer 2: Sign <sup>R Rourke</sup> ..... Date 16/1/19...

Print name:

MARCUS

AMANDA MUSSELL

TERENCE

R ROURKE

WATKINS

Do you have anything further to add regarding the Routes?

I remember the path being well walked with a well worn surface and width to show where the path ran.

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

Sign ..... Counter Officer 1: Sign ..... Officer 2: Sign ..... Date 16/1/19  
Print name: | AMANDA MUSSELL | | K ROYKE

## **Summary & comments Prof. T D Howes**

1.1. Prof. T D Howes [45], reports walking/jogging for pleasure along the Routes from Whitelye to Botany Bay for a period from 1965 to 2013. Although this covers 48 years, only 32 years are relevant for the 1977 to 1997 period.

- (i) During this period he has lived in the area and believed that he has had a right to walk the Routes. He adds that he had a right to do so as he reports seeing vehicular tracks along the Routes. He further reports that he has used the Routes approximately 20 times a year.
- (ii) He continues to describe the Routes as clearly defined tracks, that have always run over the same alignment and that he usually kept to them and had to his knowledge never seen gates, locked gates or stiles across them.
- (iii) He does not recall directional fingerposts, or any other notices or signs on or near the way.
- (iv) He has not seen other people using the Routes.

### **Comments**

- (v) Prof. T D Howes states that he has walked and jogged the Route and believes the status of the Route is a byway open to all traffic.
- (vi) Although, he does report seeing vehicular tracks along the Route this evidence can now (due to the NERC Act 2006) no longer be used to prove the existence of public vehicular rights.
- (vii) Therefore, as his evidence is based on walking and jogging this submission supports public footpath rights.

### PUBLIC RIGHTS OF WAY EVIDENCE FORM

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

#### IMPORTANT

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

#### WARNING

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

#### SECTION A: GENERAL

1. Full Name:

Address:

Tel No:

Date of Birth:

#### SECTION B: DETAILS OF THE ROUTE

2 DESCRIBE ROUTE OF WAY:

From WHITELEY

To BOTANY RAY

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

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

#### PLEASE BE AS PRECISE AS POSSIBLE

3. Have you used the above way? YES / ~~NO~~

If you have used only part of the way, would you mark the part which you used on the plan.

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

PLEASURE



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

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

1965 - 2013

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

APPROXIMATELY 20

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

FOOT

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

NO

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

4. (b) If you rode a horse

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

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

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

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

YES

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

VEHICLE TRACKS

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

NO

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

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

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

I USED TO JOG THROUGH THERE

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

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

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

**SECTION C: IMPORTANT DECLARATION**

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

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

Signed: ..... Date: 21.12.17 .....





## **Summary & comments Miss T Smithson**

1.1. Miss T Smithson [46], reports walking for pleasure along the Route from Whitelye Lane entering forest and turning right at point A to Botany Bay and Tintern for the period from 1984 to 2013. Although this covers 29 years, only 13 years are relevant for the 1977 to 1997 period.

- (i) During this period she visited the area during the school holidays approximately three times a year and believed that she has always had a right to use the Route as *“it was a forestry right of way”* and *“there were no obstructions through it”*.
- (ii) She continues to describe the Route as a clearly defined track, that has always run over the same alignment and that she has wandered freely between start and finish. She adds that to her knowledge there has never been any gates, locked gates or stiles across it.
- (iii) She does not recall directional fingerposts, any other notices or signs on or near the way.
- (iv) She reports walking the Route with her grandmother, aunt, mother and sisters in all her school holidays and again after her daughter was born. She adds that during the school holidays she regularly saw the postman, land rovers and tractors using the Route.

### **Comments**

- (v) Miss T Smithson states that she has walked the Route believing the status of the Route to be a byway open to all traffic having witnessed the use of the Route by motorised vehicles.
- (vi) Although she reports seeing motorised vehicles using the Route, this evidence can now (due to the NERC Act 2006) no longer be used to prove the existence of public vehicular rights.
- (vii) Therefore, as her evidence is based on walking and her observation other walkers this submission supports public footpath rights.

### PUBLIC RIGHTS OF WAY EVIDENCE FORM

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

#### IMPORTANT

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

#### WARNING

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

#### SECTION A: GENERAL

1. Full Name:

Address:

Tel No:

Date of Birth:

#### SECTION B: DETAILS OF THE ROUTE

2 DESCRIBE ROUTE OF WAY:

From Whiteley Lane Entering forest and turning right  
at point A  
To Botany Bay and Waters

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

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

#### PLEASE BE AS PRECISE AS POSSIBLE

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

Pleasure

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

from Crag Pool Cottage to Tintern  
from The Hermitage to Tintern.

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

from 1984 - 2013 when it was  
blocked

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

School Holidays, Easter, Summer Holidays  
and Halloween Half term. Approx 3 times a year

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

foot

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

NO

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

4. (b) If you rode a horse

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

N/A

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

N/A

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

N/A

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

YES

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

I believed it was a forestry right  
of way. There were no obstructions through it

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

NO

8.	When you used it, was there always a clearly defined track or path which could be followed by a stranger?  yes
9.	Has the way always run over the same route? <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>  Block at ABD as shown on the plan
10.	Did you keep to the path claimed or wander freely between start and finish?  wandered freely between start and finish
11.	To your knowledge have there ever been any gates or stiles on the way? If so where were they and when did you see them? <b><u>Please mark them on the plan</u></b>  NO none
12.	If gates, were any ever locked? If so, say where and when, and by whom? <b><u>Please mark them on the plan.</u></b>  NO
13.	Do you remember any direction or finger posts on or near the way? If so, where and when and what did they say? <b><u>Please mark them on the plan.</u></b>  I cant remember them
14.	Do you remember any other notices or signs on or near the way? If so what did they say? Where and when did you see them? <b><u>Please mark the plan to show location of any signs.</u></b>  NO
15.	If you have ever been an owner or tenant of land crossed by the way or a worker for him or her, please give names and dates. If not, write "NO".  N/A
16.	If you were a tenant or employee, did you receive any instructions as to the use of the way by the public? If so, what were they?  N/A
17.	If you were an owner or tenant, did you recognise that the way was a public right of way?  N/A

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

no

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

No

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

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

NO

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

yes my grandmother, aunt, mother and sister  
in all my school holidays and after when  
my daughter was born

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

in the school holidays we have  
regularly seen the postman, landrovers  
and tractors

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

NO

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

NO

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

The entrances to the land have  
been blocked.



46

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

I have been using whitelye since I was a young girl with my sister in the school holidays. I now visit with my daughter who is 15 during all the school holidays.  
4 generations of my family have used these tracks through the woods and sadly now it has been blocked off.

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

NO

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

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

### SECTION C: IMPORTANT DECLARATION

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

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

Signed: ..... Date: 2/1/2018

11 APR 2018

46

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.

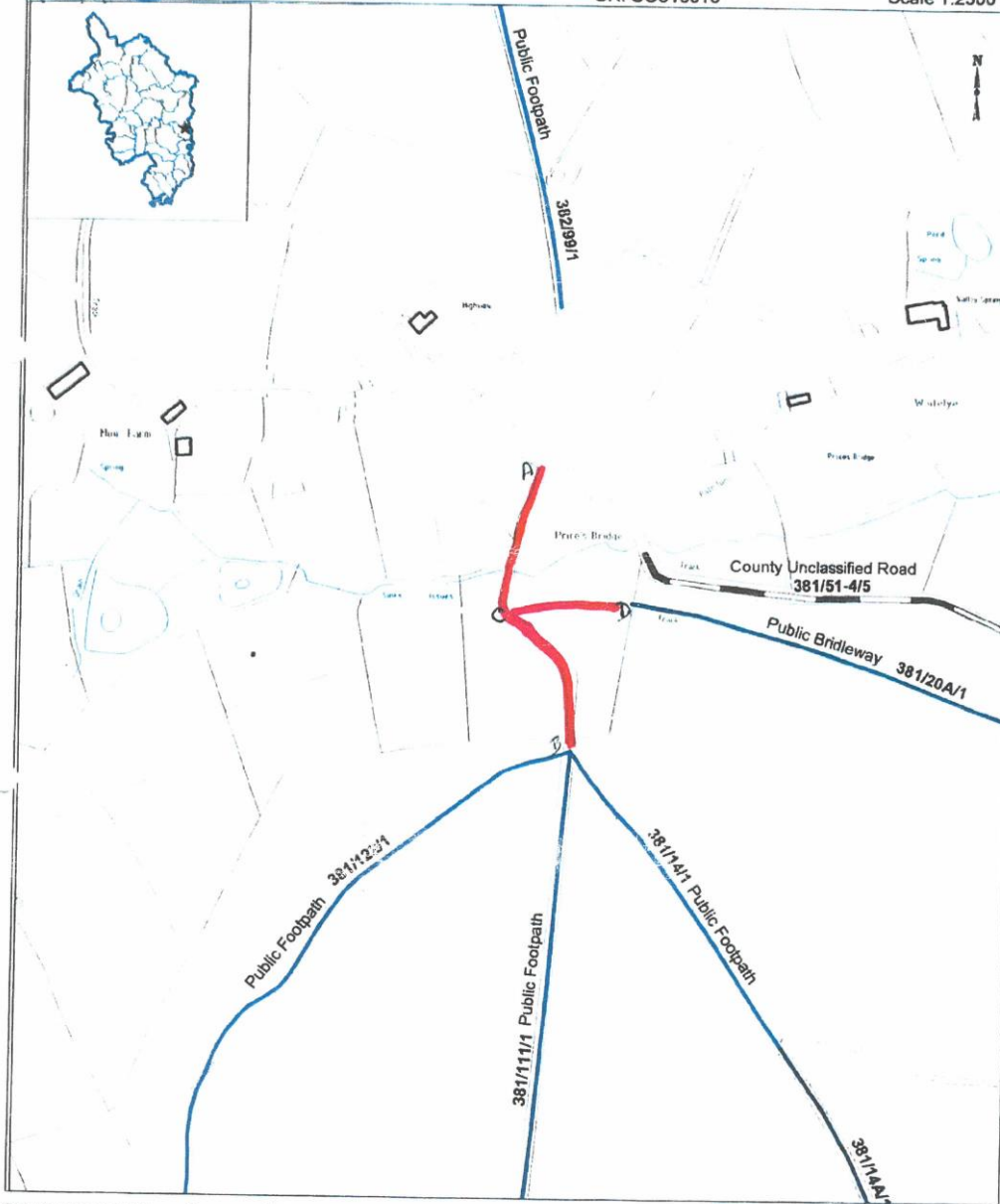
Public Rights of Way  
Monmouthshire County Council  
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## **Summary & comments: Proforma Mr H G Sadler**

1.1. Mr Herbert George Sadler submitted on the 5<sup>th</sup> January 2015 a “Proforma” designed by interested parties to assist him in providing evidence.

1.2. The “Proforma”, when compared with the formal user evidence forms omits important details such as date of birth, the place of local residence and the period in which the Routes were used. Furthermore, the “Proforma” contains leading statements, such as “get back the land or open the paths”. His statement of his use of the footpath 381/122/1 is not the Route, A-C-B[A-B-C-D]. Therefore, his evidence cannot be taken into account.

i) *“I am concerned that the area of forest around Prices Bridge has been blocked off and the tracks and footpaths though it closed. I am also concerned that ownership of the forest has been claimed by Mr and Mr Talbot of Moor Farm as I have always believed it to be in the hands of the Forestry Commission and have never heard anyone suggest otherwise.”*

### **Comment:**

ii) The writer of the typed statements in this “Proforma” shows bias by expressing displeasure against the stealing of the land from the Forestry Commission.

iii) *“I know that when Moor Farm was owned by The Crokets [Crocketts] they never did any work in the forest and I think this was because they never claimed ownership”*

### **Comment:**

iv) This is a statement of an opinion and is deemed as hearsay.

v) *“I lived in the area for about 18 years and I have used the track myself for access to Tintern to catch bus or train in winter. To fetch milk from Prossers Farm. For shooting purposes – grey squirrels. I remember the wood directly bordering the fields.”*

### **Comment:**

vi) It is difficult to determine from this description which route was actually used as there is a county unclassified road C51-9[CAMS381/51-4] that runs parallel to the Route, B-E-F and existing bridleway 381/20. When the Routes are compared on the mapping the road C51-9[CAMS381/51-4] is more direct route while the existing bridleway 381/20 is more circuitous when nearing Tintern. For the purposes of catching public transport the description suggests that the Route used was C51-9[CAMS381/51-4].

vii) Furthermore, Mr Sadler may have lived in the area for 18 years but this information does not clarify which period.

- viii) The location of Prossers Farm and *“the wood directly bordering the fields”* is unknown and not marked on the mapping attached to his “Proforma”.
- ix) *“Nobody has ever stopped me from using this path and it has never been blocked off until recently by the owner of Moor Farm. Until it was blocked off I know that the track was used by forestry workers, holiday makers staying in Tintern and all my family.”*

**Comment**

- x) The first sentence is leading the respondent. The second sentence refers to trades people, whose usage cannot be taken to establish public rights. His knowledge that holiday makers and his family used the Routes has relevance.
- xi) *Any further info that supports either the forestry ownership of the area or the public availability of the tracks. The Chepstow Co-Op would deliver groceries by van to cottages at Barbadoes once per week via sandy cross then turn left – I used to go with the driver Mr Bob Cottrell.*

**Comment**

- xii) Again the statement is leading the respondent and the following description indicates use of the Route C51-9[CAMS381/51-4].
- xiii) *“Re: Footpath No.381/122/1: My use of this footpath was mainly in the 1940s until I was called up in 1946 and demobbed in 1949. We had vehicular access to the bottom fields but beyond that point it was footpath only. We had no car as a family so used this footpath to Tintern to catch the bus to Chepstow and if the bus via Trelleck was not running because of snow then I had to catch the train to Troy Station in Monmouth to go to school. We also used the garage in Tintern to re-charge the accumulator for the wireless – life in the country was tough in those days! Signed Mr Sadler 5/1/2015.”*

**Comment**

- xiv) Mr Sadler has lived in the area during his childhood and it may be deduced that he was called up at 18 years of age. This is in keeping with point iii above where he reports that he had lived in the area for 18 years and had used the Routes to access public transport to attend school.
- xv) This statement reports his use of the footpath 381/122/1 which is not the Route, A-C-B[A-B-C-D]. Therefore his evidence cannot be taken into account.



PROFORMA

Please fill out this form. Delete any parts that do not apply to you and add anything you think may be helpful as evidence to get back the land or open the paths.

STATEMENT OF TRUTH  
REGARDING LAND AT MOOR FARM, WHITELEY

My name is HERBERT GEORGE SADLER.

and I live at \_\_\_\_\_ [ADDRESS]

I am concerned that the area of forest around Prices Bridge has been blocked off and the tracks and footpaths through it closed. I am also concerned that ownership of the forest has been claimed by Mr and Mr Talbot of Moor Farm as I have always believed it to be in the hands of the Forestry Commission and have never heard anyone suggest otherwise.

I know that when Moor Farm was owned by THE CROKETS..... they never did any work in the forest and I think this was because they never claimed ownership.

I have lived in the area for about 18 years and I have used the track myself for ACCESS TO TINTERN TO CATCH BUS OR TRAIN IN WINTER. TO FETCH MILK FROM PROSSERS FARM. FOR SHOOTING PURPOSES - GREY SQUIRRELS. I REMEMBER THE WOOD DIRECTLY BORDERING THE FIELDS.  
[DESCRIBE USAGE. Examples: dog walking/getting to work/work as a forester etc]

Nobody has ever stopped me from using this path and it has never been blocked off until recently by the owner of Moor Farm.

Until it was blocked off I know the track was used by FORESTRY WORKERS, HOLIDAY MAKERS STAYING IN TINTERN. AND ALL MY FAMILY.

[EXAMPLES: Hikers, bikers, postman, foresters, tractor rally etc etc]

[ANY FURTHER INFO THAT SUPPORTS EITHER THE FORESTRY OWNERSHIP OF THE AREA OR THE PUBLIC AVAILABILITY OF THE TRACKS  
THE CHEPSTOW CO-OP WOULD DELIVER CROSBIES BY VAN TO COTTAGES AT BARDALES ONCE PER WEEK VIA SANDY CROSS THEN TURN LEFT - I USED TO GO WITH THE DRIVER BOB COTTRELL.

This is a true statement to the best of my memory.

Signed \_\_\_\_\_ Date 5/1/15.

P.T.O.

01-13495 1 of 4

Re: Footpath NO. 381/122/1

My use of this Footpath was mainly in the 1940s until I was called up in 1946 and demobbed in 1949. We had vehicular access to the bottom fields but beyond that point it was footpath only.

We had no car as a family, so used this footpath to Tinton to catch the bus to Cheyette and if the bus via Mellick was not running because of snow then I had to catch the train to May Station in Monmouth, to go to school.

We also used the garage in Tinton to re-charge the accumulator for the wireless - life in the country was tough in those days!

5/1/15.

01-13 HGS 2 of 4

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

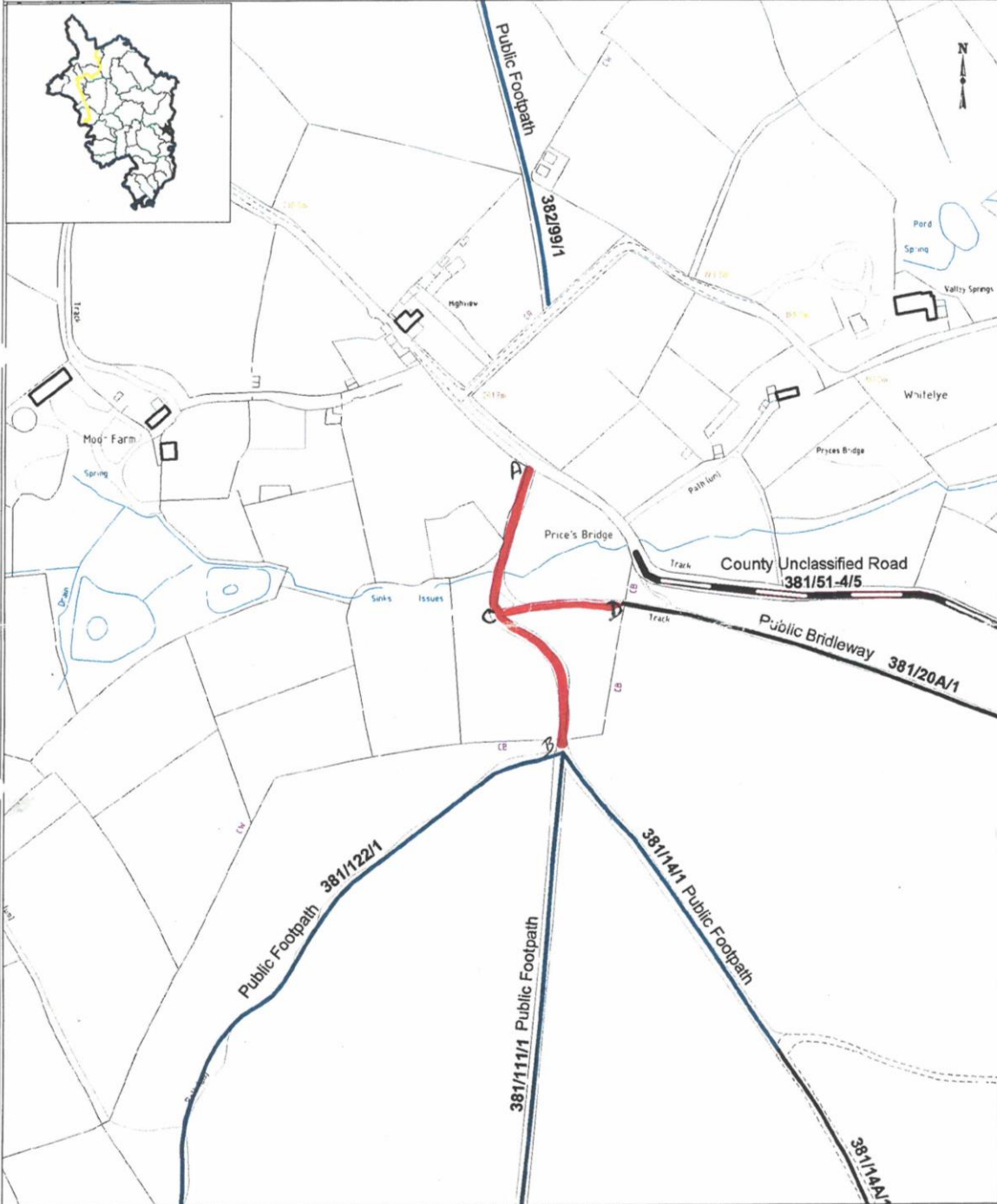
Public Rights of Way  
Monmouthshire County Council  
PO Box 106  
Caldicot  
NP26 9AN



Compiled by mussell.m on 25 October 2013

GR: SO518016

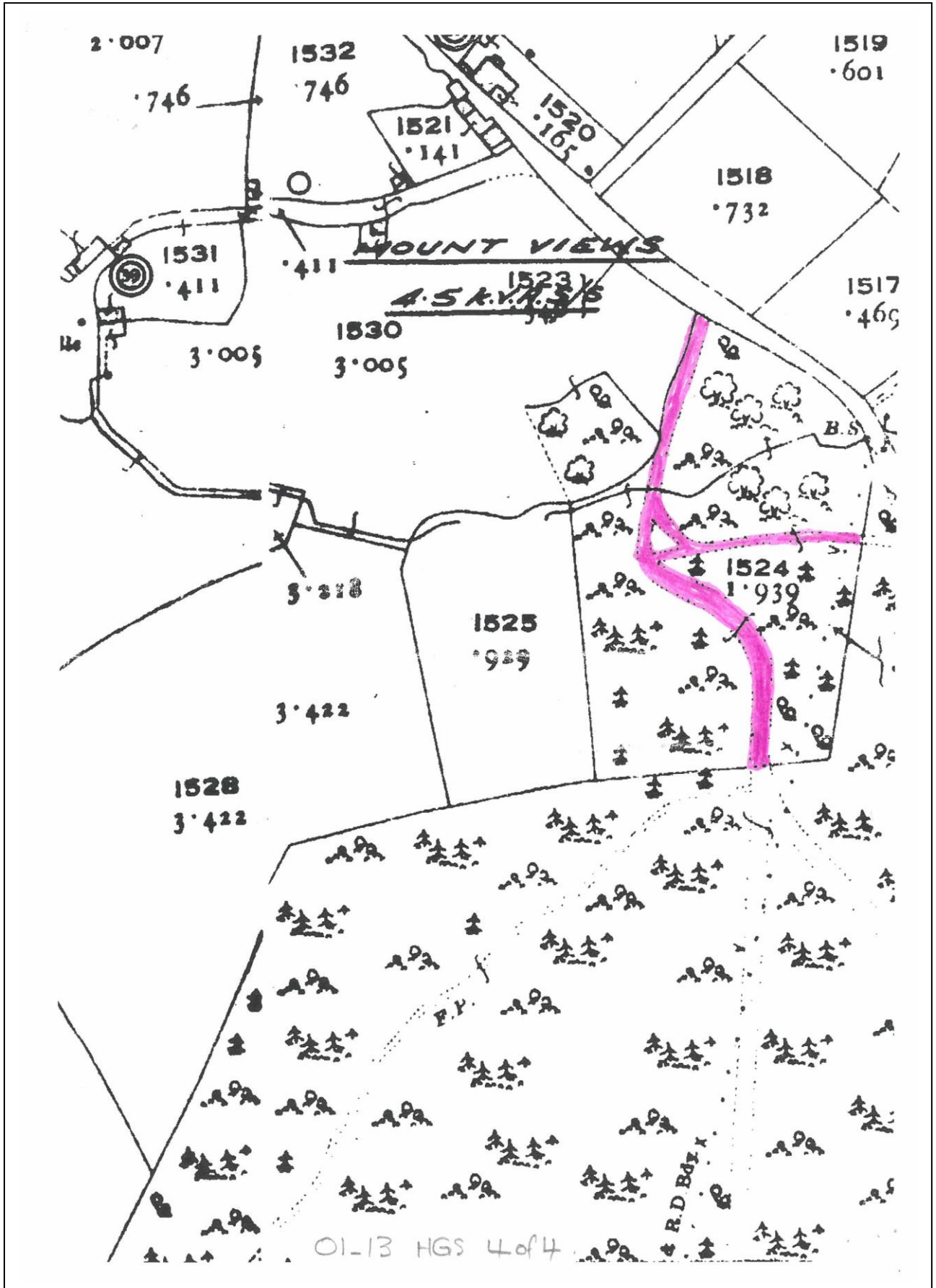
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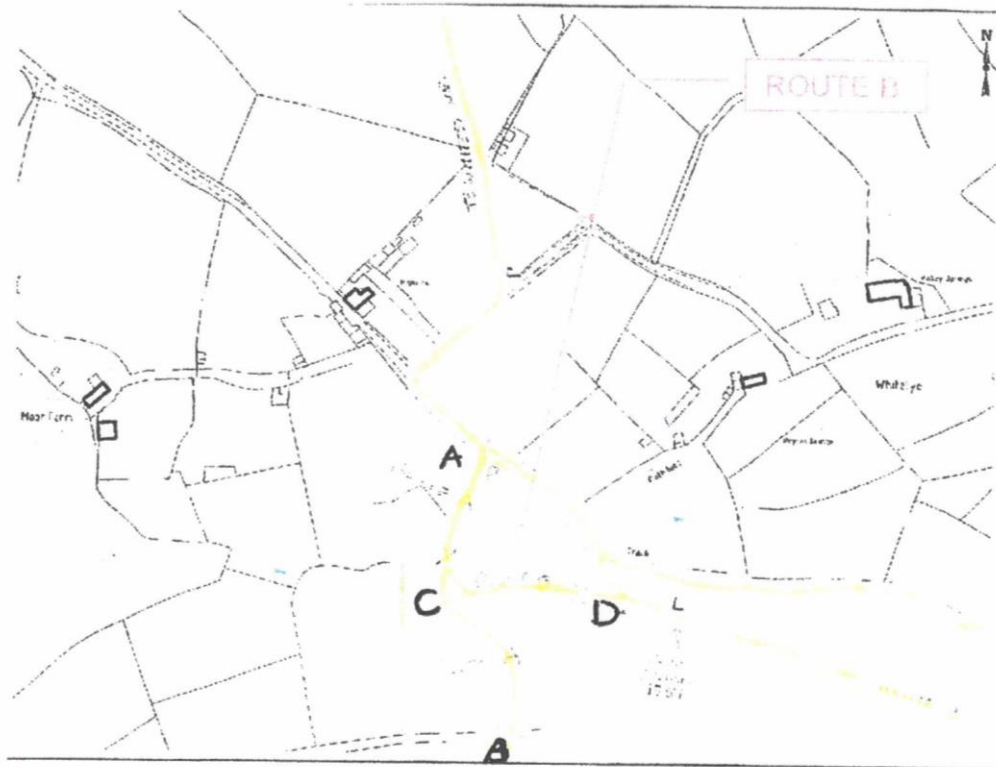


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I confirm that I have used both Route A (A to B) and Route B (C to D) in every combination on a weekly basis passing through points C and D in both directions for the last 14 years and I am prepared to attest to this at a hearing. Both Route A and Route B were wide, clear of vegetation and well-trodden indicating frequent use by the public, many of whom would have been holiday visitors to the area. I have met many such people on these paths.

Furthermore, I have run leadership events in these woods and used these paths for map-reading exercises. During my time in Whitelye (since June 1999) three very smart wooden wayposts were erected, one each at points A, B and C. I do not know who erected them, presumably the Council or the Forestry Commission. I used these three posts as orienteering markers during one event. Clearly, the Authority that erected these wayposts could see that A-B and C-D were well established paths, clear (not blocked by the owner) and in use by the public. Indeed, it was not until Mr Talbot blocked these paths that I had any idea that he apparently owns this segment of forest, and that the paths were anything other than very well used public rights of way.

Signed:

Brigadier (Retired) John Griffin CEng FIET

Date:

7<sup>th</sup> August 2014.



**Response to the Rights of Way Officers' comments from Mr James Simpson**

Mr H Allen is deceased. Mr A. McCloud and Mr I Blake could possibly be contacted through the Forestry Commission Offices (now NRW) at Llandovery.

I confirm that I have driven both route A and route B.

I wish to make it clear that the area within the plan which I have signed, edged in green, and which is attached to my Rights of Way evidence form is the junction of three routes which are tracks that I have driven as well as walked and are common to the routes connected to them which lead to and from Whitelye, Barbadoes and Sawyers Place. The triangle of land where route A joins route B is a feature of ancient routes where the Parish boundaries met and through what was once Wyewood Common. These should be registered as tracks, as maps have always shown them to be.

3/7/14

**Response to the Rights of Way Officers' comments from Mrs. Mary Simpson:**

The Vintage Tractor Club used this route annually as public users on a journey from Chepstow to Tintern. This was not private use.

Forestry Commission Contractors used it as a short cut when going to different parts of the forest or while on their way to a main road.

Both groups were using it for public use as members of the public.

Mr Walter Saunders was in his mid 70's when he sold to us in 1981, he moved from the area and we would presume he has now passed away. He passed on the information as someone who had used the route and believed it to be a public vehicular way without the need for any permission. As far as we are aware he is not related to Mr B Saunders.

I confirm that I have driven both route A and route B on the plan attached to my evidence form and highlighted in yellow.

3/7/14

Reference: Countryside 01-13 Mod Price's Bridge ARep 1.4

#### Clarification

3.29 The agricultural vehicle mentioned was used on the most direct route to neighbours, usually carrying hay bales or fencing materials. I was not an employee. Occasionally, large boulders were placed mid-track; perhaps 3 or 4 times in thirty years. I assumed they were placed there by the Forestry Commission to deter off-road 4x4 enthusiasts.

With reference to my belief in my "rights" to use the track. The route is obviously ancient and well used. Two tracks run parallel. The lane from Hill Farm to Whitelye is, in places too narrow for anything wider than a packhorse therefore I used the wider route assuming it has been in use by carts for centuries. I acted according to what I thought was reasonable rather than worrying myself about Rights of Way. In any case, Mr and Mrs Talbot did not object as I have stated in 3.28.

I hope this helps,  
Roger Woods.