

Agenda item:

# Regulatory Committee



## Dorset County Council



Date of Meeting	12 July 2018
<u>Local Member(s):</u> Cllr Hilary Cox - Member for Winterborne	
<u>Lead Officer(s)</u> Vanessa Penny, Regulation Team Leader	
<b>Subject of Report</b>	<b>Application for a definitive map and statement modification order to add a Restricted Byway from Catherine's Well to Hilton Road, Milton Abbas</b>
Executive Summary	Following an application made in 2009 to add a Restricted Byway in the parish of Milton Abbas, this report considers the evidence relating to the status of the route.
Impact Assessment:	Equalities Impact Assessment: An Equalities Impact Assessment is not a material consideration in considering this application.
	Use of Evidence:  The applicant submitted witness statements in support of her application.  Documentary evidence has been researched from sources such as the Dorset History Centre, and the National Archives.  A full consultation exercise was carried out in July 2014, involving landowners, user groups, local councils, those affected and anyone who had already contacted Dorset County Council regarding this application. The County Councillor for Winterborne, Hilary Cox, was also consulted. In addition notices explaining the application were erected on site.

	<p>User evidence forms from 72 users of the claimed route were submitted during the investigation. Any relevant evidence provided is discussed in this report.</p> <p><b>Budget:</b></p> <p>Any financial implications arising from this application are not material considerations and should not be taken into account in determining the matter.</p> <p><b>Risk Assessment:</b></p> <p>As the subject matter of this report is the determination of a definitive map modification order application the County Council's approved Risk Assessment Methodology has not been applied.</p> <p><b>Other Implications:</b></p> <p>None</p>
<p>Recommendations</p>	<p>That:</p> <p>(a) An order be made to modify the definitive map and statement of rights of way to record the route from Catherine’s Well to Hilton Road as shown A1 – A3 – B – B1 – C – D on Drawing 14/21/2 as a restricted byway; and</p> <p>(b) If the Order is unopposed, or if any objections are withdrawn, it be confirmed by the County Council without further reference to this Committee.</p>
	<p>(a) The available evidence shows, on balance, that the route A1 – A3 – B – B1 – C – D should be recorded as a byway open to all traffic. However, as the application was submitted after 20 January 2005, and there is no evidence that exceptions apply, the provisions of the Natural Environment and Rural Communities Act 2006 extinguished the public rights for motor powered vehicles and therefore an order should be made for a restricted byway over the route; and</p> <p>(b) The evidence shows, on balance, that the route should be recorded as a restricted byway as described. Accordingly, in the absence of objections the County Council can itself confirm the Order without submission to the Planning Inspectorate.</p>

<p>Reason for Recommendations</p>	<p>Decisions on applications for definitive map modification orders ensure that changes to the network of public rights of way comply with the legal requirements and supports the Corporate Plan 2017-18 Outcomes Framework:</p> <p>People in Dorset are <b>Healthy</b>:</p> <ul style="list-style-type: none"> <li>• To help and encourage people to adopt healthy lifestyles and lead active lives</li> <li>• We will work hard to ensure our natural assets are well managed, accessible and promoted.</li> </ul> <p>Dorset’s economy is <b>Prosperous</b>:</p> <ul style="list-style-type: none"> <li>• To support productivity we want to plan communities well, reducing the need to travel while ‘keeping Dorset moving’, enabling people and goods to move about the county safely and efficiently</li> </ul>
<p>Appendices</p>	<ol style="list-style-type: none"> <li>1 - Drawing 14/21/2</li> <li>2 - Law</li> <li>3 - Documentary evidence <ul style="list-style-type: none"> <li>• Table of documentary evidence</li> <li>• Extracts from key documents <ul style="list-style-type: none"> <li>▪ 1969-70 Plan of the Manor of Milton Abby</li> <li>▪ 1808 Map of the Manor and parish of Hilton with part of Milton Abbas</li> <li>▪ 1910 Finance Act plan and field book entry - extract from hereditament 1</li> <li>▪ Ordnance Survey maps <ul style="list-style-type: none"> <li>- 1811 scale 1 inch: 1 mile</li> <li>- 1888 First Edition scale 1:2500</li> <li>- 1902 Second Edition scale 1:2500</li> </ul> </li> </ul> </li> </ul> </li> <li>4 - User evidence <ul style="list-style-type: none"> <li>• Table of user evidence</li> <li>• Charts to show periods and level of use <ul style="list-style-type: none"> <li>▪ On foot</li> <li>▪ With horses</li> <li>▪ With bicycles</li> <li>▪ With mechanically propelled vehicles (e.g. motorbike/car)</li> </ul> </li> </ul> </li> </ol>
<p>Background Papers</p>	<p>The file of the Service Director, Highways and Emergency Planning (ref. RW/T491).</p> <p>Most of the original historic maps referred to are in the custody of the Dorset History Centre, except for the Finance Act maps, which are at the National Archives, Kew.</p>

	Copies (or photographs) of the documentary evidence can be found on the case file RW/T491, which will be available to view at County Hall during office hours.
Report Originators and Contact	Name: Vanessa Penny, Regulation Team Leader Phil Hobson, Senior Definitive Map Officer Regulation Team, Dorset Highways Tel: (01305) 224719 Email: v.penny@dorsetcc.gov.uk

## 1 Background

- 1.1 An application to add a Restricted Byway in the parish of Milton Abbas as shown between points A and D on Drawing 14/21/2 (Appendix 1) was made by Mrs Carol Shoopman on behalf of the British Horse Society on 17 September 2009.
- 1.2 The claimed route begins at point A on the county road D33305 known as Catherine's Well. It follows the county road westwards for approximately 65 metres to point A1, the termination point of the county road. The claimed route then continues west from point A1 following a well-defined level gravel/stone track approximately 3.3 metres wide with verges and hedges to both sides.
- 1.3 At point A2 there is a signpost located on the southern side of the track which reads as follows **"Private Land No Public Right of Way No Unauthorised Vehicles Permissive Footpath Only Cyclists required to dismount Dogs on leads at all times Users do so entirely at their own risk"**. An additional board states **"Horse riding welcome subject to above terms and conditions"**. There is also a finger post indicating a pedestrian route to Milton Abbas, St Catherine's Chapel and Jane's Wood, the post has PERMISSIVE routed on it.
- 1.4 The route continues in a generally westerly direction along the well-defined gravel/stone surfaced track that displays evidence of localised repairs having been undertaken. The track retains verges and hedges to both sides up towards point A3 where the hedge to the south is replaced or supplemented by metal railings. There is a metal gate located within this fence line at point A3 which has a sign on it stating **"PRIVATE LAND please KEEP OUT"**.
- 1.5 The route continues generally westerly turning slightly north westwards to point A4 where there is another sign located within the verge to the north of the track, facing traffic heading easterly. This sign has identical wording to the sign located at point A2.
- 1.6 The route continues, turning slightly westwards through point B, its junction with the drive to St Catherine's House, before descending gradually through woodland passing Steeptonbill Farm to the south and a path leading northerly to St Catherine's Chapel. The route continues its gradual descent, passing through point C, where a finger post is located to the north of the track indicating a pedestrian route to Milton Abbas and St Catherine's Chapel. From point C to D, the route's termination point with the county road, the D33308 (unnamed road), the track is approximately 6 metres wide, being defined by woodland to both sides.
- 1.7 A land registry search was undertaken, which revealed that the part of the claimed route as shown between points A1 and A5 is owned by Anita Burdett-Clark of Milton Abbas and is subject to private rights of access at all times and by all means. That part between points A5 and C is owned by Mr S Gould and Teresa Evans of Weymouth. However, that part from C to D is unregistered and the owner is unknown.
- 1.8 The owners of St Catherine's House located in the vicinity of point B do not appear to own any part of the track but do enjoy a private right over that part shown between points C and D, by all means and at all times.

2 **Law**

2.1 A summary of the law is contained in Appendix 2.

3 **Documentary evidence (Appendix 3)** (copies available in the case file RW/T491)

3.1 A table of all the documentary evidence considered during this investigation is contained within Appendix 3. Extracts from the key documents are also attached.

4 **User evidence (Appendix 4)** (copies available in the case file RW/T491)

4.1 A table of user evidence summarised from witness evidence forms together with charts showing their periods and level of use form Appendix 4. An analysis of the user evidence is contained at paragraph 9 of this report.

5 **Additional evidence in support of the application** (copies available in the case file RW/T491)

5.1 Six submissions were received supporting the application:

Name	Comments
S Bewers	Wrote on 3 August 2014 - uses path regularly, has been aware of it for over 30 years and it is a very well used route.
Mr N Brockway	Wrote on 4 August 2014 - lived in village for 63 years, over which time has used route constantly/daily.
C H R Fookes	Emailed in response to consultation letter on 17 August 2014 claiming that from 1932 the track became a much used route for walking, riding and vehicular purposes.
Rodger & Janet Pressland	Responded to consultation letter on 17 August 2014 stating that they have used the route on foot for some 20 years. Until the recent sale of the land they had always assumed it to be a public right of way.
Simon Valentine	E-mailed 21 August 2014 - moved with family to Milton Abbas 2003, since when have used route regularly, walking and cycling, never been stopped or prevented. Believes status should be changed, removing all restrictions.
S Gould & T Evans	E-mailed 21 August 2014 - purchased Steeptonbill Farm in Feb 2009. They state that the track is well used by both villagers and visitors and support the application.

6 **Evidence opposing the application** (copies available in the case file RW/T491)

6.1 One submission was received prior to the start of the consultation in 2014 and a further two submissions were received as a result of the consultation and are summarised in the table below.

Name	Comments
Mr M Cox	Emailed on 27 October 2009 stating he owned the track until March 2008. There are no rights on the usage of the track other than with owners’ permission. Took action to maintain privacy of route. Allowed track to be part of the Heritage Trail under the designation of permissive.
Mr C Burdett-Clark	Emailed 19 August 2014 stating that he believed the track was used by the public with permission.
Mr C Burdett-Clark	Wrote on 31 October 2017 wishing to register his objection to the submission. The public have enjoyed the benefit of permissive access by a previous landowner and themselves, yet now “demand to make this footpath a “Right of Way””. They have suffered verbal comments and threatening behaviour from members of the public using the route. The police have been helpful in dealing with incidents reported to them by Mr Burdett-Clark. Signs they have placed on the route regarding its permissive status have been vandalised on numerous occasions. When Mrs Burdett-Clark bought the land, they were advised by the previous owner that the route was permissive and this was borne out by legal documents associated with the purchase. He believes the application was made as people mistakenly believed that the track was to be closed to the public. They do not wish to stop people using the track, but wish to maintain its permissive status. Claims of use have been exaggerated and the application should not succeed.

7 **Other submissions received** (copies available in the case file RW/T491)

7.1 Another two submissions were received in response to the consultation and are summarised in the table below.

Name	Comments
Claire Pinder DCC Senior Archaeologist	21 July 2014 - Route skirts edge of landscaped park at Milton Abbey but she does not consider this to be a constraint on the application.
Mrs J Wardell, The Ramblers	Believes the evidence from Ordnance Survey Maps suggests the route has been a highway for some considerable time. Supports the application.

8 **Analysis of documentary evidence**

**“Milton Abby” Survey**

8.1 A survey and valuation of the extensive manors of **Milton Abby, Stickland and Stoke Abbotts** was undertaken during the years 1769-70 for the owner, Lord Milton, the first Earl of Dorchester. The resulting plan of the Manor of Milton Abby shows the village prior to its relocation in 1786. It depicts what is described as the “new road from Abby Milton to Blandford”, which corresponds to the main village road of today.

8.2 The plan also shows a route that generally corresponds to that part of the application route between points A and B and which does correspond to that part shown between points B and D. It is defined by two parallel pecked lines from point A to point C from where it is then depicted by two parallel solid lines through the woodland. It is annotated as the "Private Road to Whitchurch".

- This evidence demonstrates that the application route, or one very close to it, has been in existence for more than 200 years. The double pecked lines suggest that, in addition to pedestrians and horse riders, it was probably used by or available to vehicular traffic although there is nothing to suggest that it was regarded as a public highway at that time.
- The annotation "private road to Whitchurch" suggests that it was not regarded as a public road at that time.

### **Map of the Manor of Hilton**

8.3 The **Map of the Manor of Hilton 1808** includes parts of Milton Abbas. It depicts the village following its relocation and a route, some of which generally corresponds to that of the claim, is shown passing through a parcel of land that is clearly identified as a Deer Park. This route is defined by two parallel pecked lines. That part of the claimed route as shown from point A to approximately point B appears to be located further south than the route depicted on this map although that part as shown from approximately point B to D, which is shown to pass through woodland, generally corresponds with the route as shown on the map. There also appears to be a gate across the route located in the vicinity of point B.

- Only that part of the application route as shown between points B to D corresponds to the way depicted on this map whereas that part between points A and B does not. Furthermore, it is clearly shown passing through a Deer Park, which suggests that the area would have been designed to keep deer in and in addition, whether intentional or not, exclude the public.
- Convention suggests that the pecked lines defining the course of the route indicate that it was not fenced, any solid lines indicating fences or gates. The route may have been gated as it was a Deer Park at that time, indeed it almost certainly was both enclosed and gated although it cannot be determined from the map alone whether any gates present were locked.
- Whilst this evidence does demonstrate the existence of a route within the vicinity of the application route at the time, the fact that it was a Deer Park and that part of the route was in all probability enclosed and gated suggests that it may not have been considered as a public route at that time.



### **Finance Act 1910**

- 8.4 The claimed route is clearly shown on the **Finance Act Plan 1910**, which uses the **Ordnance Survey 25 inch map second edition 1902**. The whole of the claimed route, A to D, is not excluded from valuation and was contained entirely within **Hereditament 1**.
- 8.5 The accompanying **Field Book** demonstrates that there was a deduction of £500 for public rights of way or user within **Hereditament 1**. Under the heading **Fixed Charges, Easements, Common Rights and Restrictions** the following note has been added ***“there are roads and footpaths but don't know if they are public rights or not”***.
- Although £500 pounds was a considerable sum of money at that time, as **Hereditament 1** is known to contain several public highways, including public carriageways, it is reasonable to conclude that the deduction was allowed in respect of these highways and without further information it is not possible to determine whether the claimed route may also have been part of this deduction.
  - Consequently, it is considered that this evidence is neutral in this instance.

### **Other documents**

#### **Ordnance Survey maps**

#### **Ordnance Survey Drawings**

- 8.6 The **Ordnance Survey drawings**, which were made in preparation for the publication of the First Edition of the 1 inch: 1 mile scale map, are drawn at a scale of **2 inches: 1 mile** and therefore generally contain more detail than the later 1 inch:1 mile scale maps. The drawing that includes the area of Milton Abbas parish was completed in **1805/06**.
- 8.7 A route, which although does not directly correspond to the position of that part of the claimed route as shown between points A and B1 but nevertheless probably represents the earlier course of the claimed route, is shown on the map. That part from B1 to D is also shown and generally corresponds to that of the claim. The route representing that part as shown from A to B1 is shown by two parallel pecked lines, suggesting it was unfenced. That part from B1 to D is shown by two parallel solid lines, suggesting it was fenced.
- 8.8 The part from A to B1 appears to be enclosed, this being suggested by a red line surrounding the parcel of land through which the route passes, which is annotated as being a Deer Park. That part from B1 to D passes through woodland before joining what is now the road to Hilton. The route may have also been gated at point B1.

#### **1 inch: 1 mile scale maps**

- 8.9 The **1811 First Edition Ordnance Survey Map** at a scale of **1 inch: 1 mile** depicts a similar situation to that shown on the earlier drawing although the route appears to be ungated at this time.

- 8.10 The **1898 Revised New Series Ordnance Survey** map at a scale of **1 inch: 1 mile** depicts a route that corresponds with that of the claim as shown from point A to point D, suggesting that by this time part of the earlier route (A to B1) had been realigned. The route from A to B1 is defined by two solid lines, suggesting the presence of hedges or fences, that part from B1 to D is defined by two parallel pecked lines, suggesting that it was un-fenced, no gates appear to be present on the route. The southern boundary of the route, whether solid or pecked, is shaded which, by reference to the accompanying key, suggests that it may have been regarded as either a second or third class metalled road.
- 8.11 The **1945 Ordnance Survey New Popular Edition 1 Inch: 1 mile map (Sheet 178)** depicts a route that corresponds with that of the claim. The solid lines defining the route suggest that it was fenced for almost its entire length with no gates or other obstructions along the route. Reference to the accompanying key suggests that it may have been regarded as a minor metalled road in bad condition.
- 8.12 The **1960 Ordnance Survey 7<sup>th</sup> Series 1 Inch: 1 Mile map (Sheet 178)** depicts a similar situation to that shown on the 1945 New Popular Edition. The accompanying key suggests that the route was regarded as an un-tarred minor metalled road.

**6 inches: 1 mile (1:10560) and 1:10000 scale maps**

- 8.13 Both the **1887 First Edition and the 1902 Second Edition Ordnance Survey Maps** at a scale of 6 inches: 1 mile (1:10560) depict a route that corresponds to that of the application route. For the majority of its length it is defined on both maps by two solid parallel lines, suggesting that here the route was fenced or hedged. There is nothing to suggest that the route was gated and the route is not shaded to one side on either map, evidence of which might suggest that it was regarded as a public road although it should be borne in mind that third class public roads were not shaded to one side.
- 8.14 Both the **1969 Ordnance Survey Plan** at a scale of 1:10560 (6 inches: 1 mile) and the **1983-89 Ordnance Survey Plan** at a scale of 1:10000 (approximately 6 inches: 1 mile) show the development of Catherine's Well at the eastern end of the route, point A. The course of the route is shown clearly on both plans although the 'metalled' part, the track within the centre of the parcel, is not separately defined. There is no evidence of any gates or other barriers to prevent use.

**25 inches: 1 mile (1:2500) scale maps**

- 8.15 The **1888 First Edition** and the **1902 Second Edition Ordnance Survey Maps** at a scale of 1:2500 (25 inches: 1 mile) depict the claimed route. The 1888 map shows the route defined by two parallel solid lines with another 'track' defined within this by means of two parallel pecked lines, the southern and eastern boundaries of which are shaded heavier, suggesting that it may have been regarded as either a public road or possibly a private carriageway.

8.16 On the **1888 First Edition map** the parcel of land containing the whole of the lane including that part of the application route as shown from point A to point C has been assigned a separate parcel number, namely 201, with a total area of 3.146 acres. The **1902 Second Edition map** also numbers the same parcel as 276 and with the same acreage.

8.17 The **1962 Ordnance Survey Plan** at a scale of 1:2500 (25 inches: 1 mile) shows the development of Catherine's Well that had taken place at the eastern end of the route, point A. The plan shows the claimed route in a similar fashion to the earlier maps. There is a suggestion that a gate may have been present at point C.

- The evidence provided by the early Ordnance Survey Maps concurs with the earlier 'Milton Abby' survey of 1769-70 and the 'Hilton' survey of 1808. Together they demonstrate that a route, though not entirely corresponding with that of today, has existed for almost 250 years.
- The later maps show both the development of the area and the realignment of the original route to that of today. The earliest evidence of this realignment is shown on the First Edition 6 inches: 1 mile scale map of 1887 and the First Edition 25 inches: 1 mile scale map of 1888 and demonstrates that the route, as it appears today, has been in existence for some 130 years.
- This realignment is also shown on the Revised 1 inch: 1 mile scale map of 1898, which also shows that the southern boundary of the route was heavily shaded. Shading denotes that the route was considered fit for fast wheeled traffic and first and second class public roads were depicted thus (third class public roads were not shaded). However, private carriage roads could also be shown shaded so although this may raise a question as to whether or not the route was public, further evidence is required before reaching any conclusion.
- Earlier maps show that a gate may have been present at point C and it seems likely that when the area was a deer park it would have been both enclosed and gated. The later maps suggest that if this was a gate it had since been removed and it should also be noted that it has long been Ordnance Survey practice to show all gates in the closed position.
- The inclusion of a parcel number and acreage for the parcel of land comprising the route may have some significance as all public roads were identified in this manner. However, it is also true that all private or occupation roads that were fenced and exceeded 10 Chains (200 metres) in length were also identified in this way and the length of the route exceeds 200 metres.

- Ordnance Survey maps can generally be relied upon to provide accurate details of the features evident at the time they were published. However, whilst they may provide supporting evidence, they cannot by themselves provide any conclusive evidence as to the status of any way shown upon them. In this particular case there is evidence to suggest that the route may have been regarded as public but this same evidence may also indicate a route that was regarded as being private.
- Consequently, taken on its own this evidence is considered as being neutral. However, it should be noted that even if it could be demonstrated, on balance, that the route was a private or occupation road, there is nothing in law to prevent the accrual and co-existence of public rights, on foot, horse or with vehicles, along with any existing private rights.

### **Parish Survey and County Council rights of way maps and records**

- 8.18 The **Milton Abbas Parish Survey** was completed in **1951**. There are two identical copies of the Survey map with the routes claimed shown in red. However, neither map shows the route with a red line.
- 8.19 The **draft map** for the **East area 1959** shows footpaths and bridleways as purple and green lines respectively but the currently claimed route is not recorded.
- 8.20 The **provisional map 1964** again does not show the claimed route coloured but the development at Catherine's Well is shown and roads coloured brown.
- 8.21 The **first definitive map 1967** again does not show the claimed route coloured.
- 8.22 On 19 August 1971 the Clerk to Milton Abbas Parish Council wrote to the County Surveyor at Dorset County Council regarding the **review of the definitive map**. At a Parish meeting held on 6 August 1971 claims were decided in relation to a number of routes including the "Road from Council Housing Estate to Hilton Road – Claim that it should be designated a "Byway open to all traffic.""
- (a) The Parish Council submitted a claim, the form stating that "This byway has been used for very many years, well over 20 years..." As part of the Special Review of the definitive map the claim was considered by the County Council's Special Review Committee on 10 October 1973. The claim was overruled as there was "No evidence that public vehicular rights or any public rights of passage exist thereover."
- 8.23 The **revised draft map** was published in **1974**. The route claimed by the Parish Council was not shown as a public right of way, reflecting the Special Review Committee's decision.

- (a) On 28 April 1975 the Dorset Rights of Way Committee wrote to Milton Abbas Parish Council regarding three routes within the parish, including the claimed route, which had been omitted from the revised draft map. They stated that the route was “...marked neither as a minor county road nor as any other public right of Way.” They thought that many local people considered it to be public.
- (b) On 29 April 1975 the Clerk to Milton Abbas Parish Council wrote to the Secretary of State to draw attention to four omissions from the revised draft map, including the claimed route. They stated that the “...road from St. Catherines Well...to the Milton Abbas – Hilton Road...is not marked, either as a minor county road or any other public right of way.” They also stated that “At least it should be shown as a Byway open to all traffic.”
- (c) On 30 April 1975 the Ramblers’ Association Area representative wrote to the Secretary of State objecting to the omission of “well-established rights of way”, including the claimed route. She stated “This is a hard-surfaced, unmade road used freely now and as far back as people can remember by vehicles, riders and walkers. I would think it was never claimed for inclusion on the maps of public rights of way as everyone thought it was a minor county road”. A note written in red underneath by the County Council at the time states “NOT a new claim” and directs the reader to the Review file from 1971 (see 8.22(a) above).
- (d) The objections were not included in the list of objections for Milton Abbas parish.

8.24 The implementation of the **Wildlife and Countryside Act 1981** replaced the system of county-wide reviews with the current modification order process. It had the effect of **abandoning the review** in the east and south east of the County where inquiries had not been held. This meant that the surveying authority could modify the definitive map to give effect to any decision made by the Secretary of State or to which there had been no objection or to which any objections made had been withdrawn.

8.25 As the review for Milton Abbas was abandoned the evidence regarding the status of the claimed route was not investigated at the time. The claimed path had not been included in the revised draft map and therefore was not included in the following **current definitive map**, which was published in **1989**.

### **Aerial Photographs**

8.26 Aerial photographs of the area from the years **1947, 1972, 1997, 2005 and 2014** have been examined. The eastern section of the route is clearly visible and the western section from approximately point B1 to point D is covered by trees. Whilst these aerial photographs demonstrate that the route was in existence at those times, it is considered that they provide no support to the application.

## **9 Analysis of user evidence supporting the application**

9.1 A total of 72 witnesses completed **user evidence forms**, which were submitted in support of the application.

- 9.2 A summary of these forms of evidence is set out below, but reference should be made to the actual forms contained within the case file Ref. T491 for all the information.
- 9.3 66 of the witnesses state that they used the route for pleasure and 11 of those also used the route for work. Six of the witnesses only used the route for business purposes. 51 of the witnesses used the route on foot, 23 used the route on horseback, 10 used the route on a bicycle and 22 witnesses used the route in a mechanically propelled vehicle. Some of the witnesses used the route by a variety of methods.
- 9.4 The earliest date of use on foot is from 1935 and the latest date of use is 2014, this encompasses a period of 80 years. Frequency of use varies from daily to once a year. 16 witnesses did not specify frequency of use. Of the remainder, 12 witnesses used the route once a month, 11 used it twice a month and 11 used it twice a week. Seven witnesses used the route daily or nearly every day (over 300 times per year).
- 9.5 The majority of the witnesses state they were never challenged when using the route. None of the witnesses were aware of any locked gates or other obstructions, which would have prevented their use of the route. None of the witnesses refer to the erection of the fingerposts in 2007. However, 38 witnesses refer to the erection of notices in approximately May 2009. The effect of the fingerposts and notices would have been to make the public aware the route was not a public highway.
- 9.6 Only five of the witnesses report being challenged whilst using the route or otherwise being made aware that the route was not public.
- (a) Mr Johnson-Newell was stopped from picking blackberries in October 2008 by the owner's husband.
  - (b) Mr Ives was advised at a Parish Council meeting in early 2009 that the route was not public.
  - (c) Mr Thompson received a letter from the current owner in July 2009 advising him the route was not public.
  - (d) Mr McAvoy was advised by the previous owner that the route was not public.
  - (e) Mr Rayson was advised in 2010 by the owner of St Catherine's House that the route was not public.

## 10 Analysis of other evidence in support of the application

- 10.1 Six additional submissions were received in support of the application.
- 10.2 From 1932 the route has become much used for walking, riding and vehicular purposes. Use has never been stopped or prevented and two supporters have always assumed it to be a public right of way.
- 10.3 The owners of Steeptonbill Farm (who own the part of the route between points A5 and C) support the application and state that the track is well used by both villagers and visitors.

## 11 Analysis of evidence opposing the application

11.1 The email from Mr Cox, the previous landowner, indicates that he believed the route to have permissive access only and was not a public right of way.

- In order for there to be sufficient evidence that there was no intention to dedicate the way, there must be evidence of some overt acts on the part of the landowner to show the public at large that he had no intention to dedicate. (To be effective, an act of contrary intention does not need to be shown to have existed throughout the 20 year period of use.)

11.2 Mr Burdett-Clark emailed on 19 August 2014 in which he discusses his belief that the track was used by the public with the permission of the landowner. He states that it was never their intention to close the track to the public. Mr and Mrs Burdett-Clark have suffered 30 incidences of vandalism in relation to the route, which have been reported to the police.

- With respect to the vandalism, this has no impact on the existence or otherwise of public rights along the route.

11.3 Mr Burdett-Clark made a further submission in October 2017 objecting to the application and referring to a number of encounters with people who were using the route or who wished to gain access to other land in the ownership of Mrs Burdett-Clark. He asserts that the legal documents associated with the purchase of the land refer to the route as permissive. Mr and Mrs Burdett-Clark are concerned about the safety of pedestrians using the route and have approached the Parish Council for help. They also sought legal advice regarding inappropriate use of the track and were advised to put up signs stating the permissive nature of the route, which they did. Mr Burdett-Clark concludes, stating that the path has been known as a permissive footpath for decades and there is no justification for this claim to be endorsed. He also questions the accuracy of the witness evidence.

- Issues relating to safety, property damage or threatening behaviour cannot be taken into account when considering the existence of public rights.
- To prevent the acquisition of public rights over land the intention of the landowner for the route to be used on a permissive basis must be communicated to the public. These documents have not been provided by the landowner and so officers do not know whether they had been communicated to the public.

## 12 Analysis of other submissions

12.1 None of the submissions in section 7.1 above contained or were accompanied by any evidence requiring consideration.

## 13 Date public use was brought into question

13.1 Although Section 31 of the Highways Act 1980 does not specify the minimum number of users required to raise a presumption of dedication it does require that their use must have been for a minimum period of 20 years preceding the date the right to use the route was brought into question.

- 13.2 A previous owner of the route submitted evidence confirming that he believed the route had no public rights and use was by permission only. This belief was communicated to the Parish Council in an email dated 26 August 2009 (a month before the application was made). The email suggests that "Private" signs were initially erected [in the late 1970s or early 1980s] and the route was occasionally blocked to prevent public rights being acquired, but none of the witnesses recall this. It is therefore considered that these actions were not sufficient to bring home to the users that their right to use the route was being challenged.
- 13.3 The opening of a village Heritage Trail on 16 September 2007 was accompanied by the erection of wooden finger posts at points A2 and C with the word "permissive" marked on the posts. None of the of the users of the route refer to these signs.
- 13.4 In October 2008 one witness was stopped from picking blackberries along the route.
- 13.5 There is evidence of a challenge to public use of the routes in May 2009 when notices were erected, stating that use of the route was permissive. Many of the user witnesses are aware that this challenge took place.
- 13.6 The application was made on 17 September 2009 and is a further date of bringing the use of the route into question.
- 13.7 On balance it is considered that the earliest evidence of a date of a challenge to public use of the claimed route as shown between points A and D on Drawing 14/21/2, is as a result of the erection of fingerposts on the route in September 2007.

## 14 Conclusions

- 14.1 Part of the claimed route between points A and A1 is currently recorded on the List of Streets as a public vehicular highway. As no part of the route between points A1 and D is currently recorded as a public right of way it is necessary for members to decide whether a right of way not shown in the definitive map and statement subsists or is reasonably alleged to subsist in respect of the route A1 – A2 – A3 – A4 – A5 – B – B1 – C – D.
- 14.2 The documentary evidence demonstrates that the route has been in existence along its current alignment for approximately 130 years. The Parish Council records show that claimed public rights along the route were found not to exist in 1973 due to insufficient evidence. The Parish Council made another claim in 1975, but this was never investigated.
- 14.3 In the absence of user evidence the documentary evidence is considered insufficient to demonstrate, on balance, that the claimed public rights subsist or can be reasonably alleged to subsist along the claimed route.
- 14.4 If members are satisfied that the documentary evidence does not show, on balance, that a public vehicular right exists they should consider whether it, in conjunction with the user evidence constitutes an inferred dedication, or whether the user evidence alone is sufficient to demonstrate a deemed dedication under Section 31 of the Highways Act 1980.

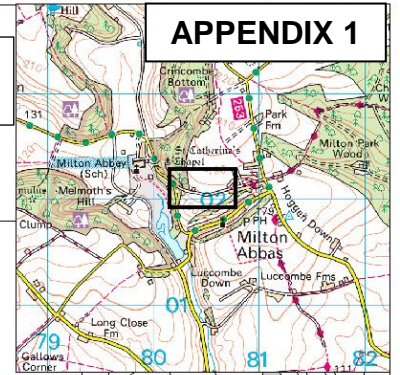
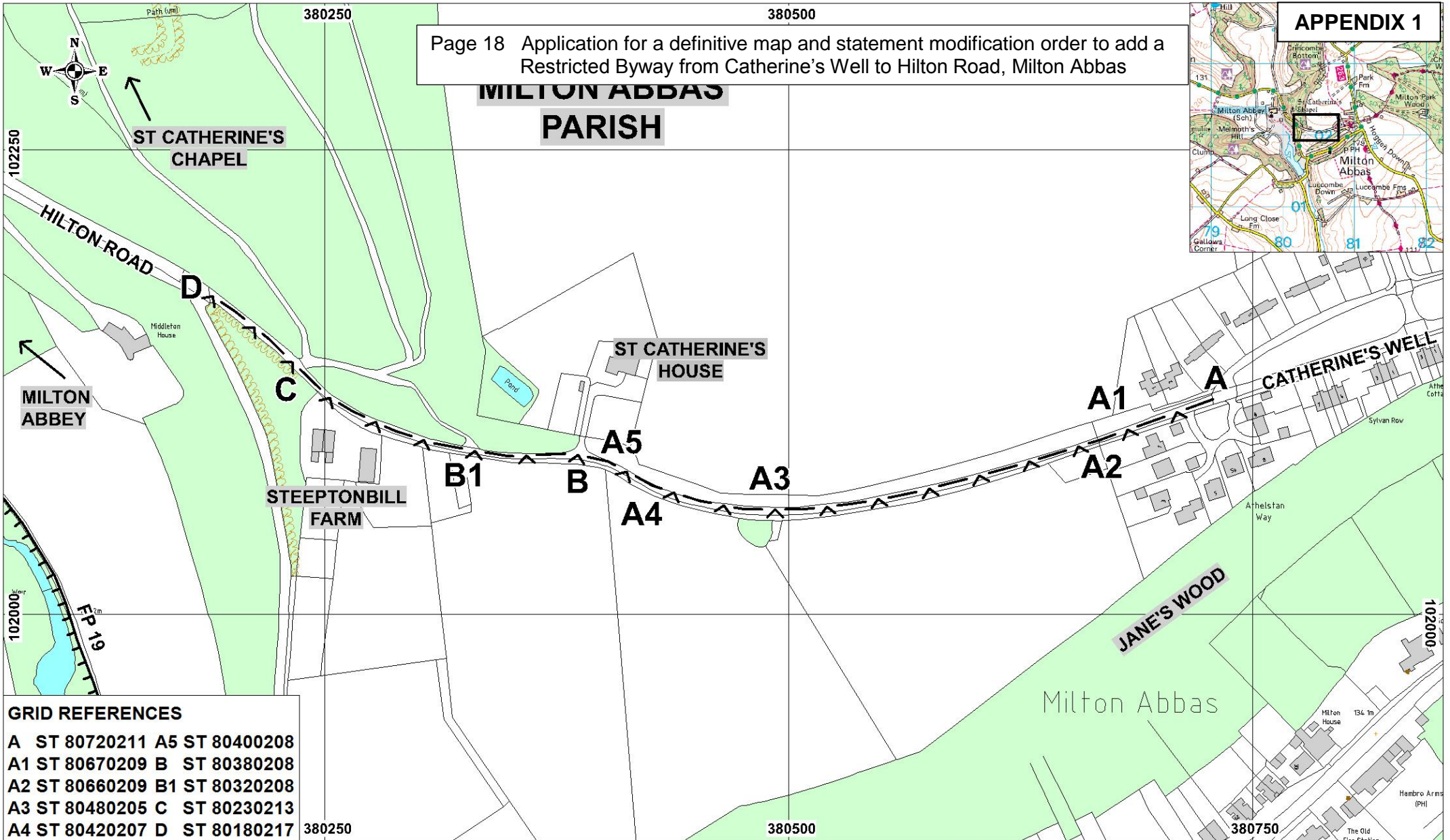


- 14.5 The relevant period of use by members of the public, as of right and without interruption, to establish rights by presumed dedication under Section 31 of the Highways Act 1980 is taken to be 20 years or more prior to the erection of fingerposts on the route in September 2007. This demonstrates a lack of intention by the landowner to dedicate public rights along the route. There is no evidence of any earlier actions taken by or on behalf of the landowner which demonstrate a lack of intention to dedicate.
- 14.6 In 1987 31 people were using the route on foot, 10 on horseback, five on bicycles and 12 in motor vehicles. By 2007, 48 people were using the route on foot, 21 on horseback, nine on bicycles and 19 in motor vehicles. During this period frequency of use varied from daily to once a year.
- 14.7 The number of users and the frequency of use are sufficient to give rise to the deemed dedication of public byway rights under Section 31 Highways Act 1980. Also, the evidence of use, together with the documentary evidence is considered, on balance, sufficient to raise an inference of dedication of a public vehicular right at common law.
- 14.8 The Natural Environment and Rural Communities Act 2006 ("NERC") extinguished any public motor vehicular rights created before 1 May 2006 (by use or otherwise) but not recorded on the Definitive Map and Statement, subject to certain exceptions (see Law, Appendix 2). There is no evidence of exceptions relevant to the claimed route.
- 14.9 The County Council must make a modification order if the balance of evidence shows either (a) that a right of way subsists or (b) that it is reasonably alleged to subsist. It is considered that the evidence described above is sufficient to satisfy (a). For the reasons set out in paragraphs 14.5 - 14.7 officers consider that there was a deemed dedication under Section 31 of the Highways Act 1980 and an inferred dedication under common law. Despite being given the opportunity to, the landowner has not provided any evidence of a lack of intention to dedicate prior to September 2007. Therefore, officers' view is that the claimed vehicular right of way subsists.
- 14.10 Therefore, it is recommended that an order be made to record the route A1 – A3 – B – B1 – C – D as a restricted byway.
- 14.11 If there are no objections to a modification order, the County Council can itself confirm the order if the criterion for confirmation has been met. An order can be confirmed if, on the balance of probability, it is shown that the route as described does exist. It is considered that the evidence is sufficient to satisfy this test.

**Andrew Martin**

Service Director, Highways and Emergency Planning

June 2018



**GRID REFERENCES**

A	ST 80720211	A5	ST 80400208
A1	ST 80670209	B	ST 80380208
A2	ST 80660209	B1	ST 80320208
A3	ST 80480205	C	ST 80230213
A4	ST 80420207	D	ST 80180217

**WILDLIFE AND COUNTRYSIDE ACT 1981**  
**APPLICATION TO ADD A RESTRICTED BYWAY FROM CATHERINE'S WELL TO HILTON ROAD, MILTON ABBAS**

**THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS**

**KEY**

	<b>DEFINITIVE FOOTPATH</b>
	<b>CLAIMED RESTRICTED BYWAY</b>
A A1 A2 A3 A4 A5 B B1 C D	

**Ref: 14/21/2**  
**Date: 27/02/2018**  
**Scale 1:2750**  
**Drawn By: ACWH**  
**Cent X: 380465**  
**Cent Y: 102103**

**GEOGRAPHICAL INFORMATION SYSTEMS**

**Dorset County Council**

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## LAW

### General

#### 1 Wildlife and Countryside Act 1981

- 1.1 Section 53 of the Wildlife and Countryside Act 1981 requires that the County Council keep the definitive map and statement under continuous review and in certain circumstances to modify them. These circumstances include the discovery of evidence which shows that a right of way not shown in the definitive map and statement subsists or is reasonably alleged to subsist .
- 1.2 Section 53 of the Act also allows any person to apply to the County Council for an order to modify the definitive map and statement of public rights of way in consequence of the occurrence of certain events. One such event would be the discovery by the authority of evidence which, when considered with all other relevant evidence available to them, shows that a right of way not shown on the definitive map and statement subsists.
- 1.3 The Committee must take into account all relevant evidence. They cannot take into account any irrelevant considerations such as desirability, suitability and safety.
- 1.4 The County Council must make a modification order to add a right of way to the definitive map and statement if the balance of evidence shows either:
- (a) that a right of way subsists or
  - (b) that it is reasonably alleged to subsist.

The evidence necessary to satisfy (b) is less than that necessary to satisfy (a).

- 1.5 An order can be confirmed if, on the balance of probability, it is shown that the route as described does exist.
- 1.6 Where an objection has been made to an order, the County Council is unable itself to confirm the order but may forward it to the Secretary of State for confirmation. Where there is no objection, the County Council can itself confirm the order, provided that the criterion for confirmation is met.
- #### 2 Highways Act 1980
- 2.1 Section 31 of the Highways Act 1980 says that where a way has been used by the public as of right for a full period of 20 years it is deemed to have been dedicated as highway unless there is sufficient evidence that there was no intention during that period to dedicate it. The 20 year period is counted back from when the right of the public to use the way is brought into question.
- (a) 'As of right' in this context means without force, without secrecy and without obtaining permission.

- (b) A right to use a way is brought into question when the public's right to use it is challenged in such a way that they are apprised of the challenge and have a reasonable opportunity of meeting it. This may be by locking a gate or putting up a notice denying the existence of a public right of way.
  - (c) An application under Section 53 (5) of the Wildlife and Countryside Act 1981 for a modification order brings the rights of the public into question. The date of bringing into question will be the date the application is made in accordance with paragraph 1 of Schedule 14 to the 1981 Act.
- 2.2 The common law may be relevant if Section 31 of the Highways Act cannot be applied. The common law test is that the public must have used the route 'as of right' for long enough to have alerted the owner, whoever he may be, that they considered it to be a public right of way and the owner did nothing to tell them that it is not. There is no set time period under the common law.
- 2.3 Section 31(3) of the Highways Act 1980 says that where a landowner has erected a notice inconsistent with the dedication of a highway, which is visible to users of the path, and maintained that notice, this is sufficient to show that he intended not to dedicate the route as a public right of way.
- 2.4 Section 31(6) of the Highways Act 1980 permits landowners to deposit with the Council a map and statement indicating what ways over the land (if any) he admits to having been dedicated as highways. A statutory declaration can be made at intervals of not more than 10 years stating no additional ways have been dedicated since the date of the deposit. In the absence of proof to the contrary, this is sufficient to establish that no further ways have been dedicated. Prior to the Highways Act 1980 a similar facility was available under the Rights of Way Act 1932 and the Highways Act 1959.
- 2.5 Section 32 of the Highways Act 1980 says that the Committee must take into consideration any map, plan or history of the locality. Documents produced by government officials for statutory purposes such as to comply with legislation or for the purpose of taxation, will carry more evidential weight than, for instance, maps produced for tourists.
- 3 Human Rights Act 1998
  - 3.1 The criteria for definitive map modification orders are strictly limited to matters of fact and evidence. In all cases the evidence will show that the event (section 53) has already taken place. The legislation confers no discretion on a surveying authority or the Secretary of State to consider whether or not a path or way would be suitable for the intended use by the public or cause danger or inconvenience to anyone affected by it. In such situations where the primary legislation offers no scope for personal circumstances to affect the decision on the order, the Planning Inspectorate's recommended approach is to turn away any human rights representations.

- 3.2 A decision confirming an order made under the Wildlife and Countryside Act 1981 would be lawful (under domestic law) as provided by Section 6.2 of the Human Rights Act 1998 even in cases where the Convention was apparently infringed, where it was impossible to interpret the 1981 Act in such a way that it is compatible with the Convention rights (section 3 Human Rights Act 1998).

### **Case specific law**

#### 4 Finance Act 1910

- 4.1 The Finance Act 1910 required the Commissioners of Inland Revenue to cause a valuation of "all land in the United Kingdom" and plans were prepared identifying the different areas of valuation. In arriving at these valuations certain deductions were allowed, including deductions for the existence of public rights of way.

- 4.2 Public 'fenced' roads were generally excluded from the valuation. Where public rights passed through, for example a large field and were unfenced, they would be included in the valuation and a deduction would be made in respect of the public right of way.

#### 5 National Parks and Access to the Countryside Act 1949

- 5.1 The National Parks and Access to the Countryside Act 1949 required the County Council as "Surveying Authority" to compile the record of the public rights of way network and the District and Parish Councils were consulted to provide the County Council with information for the purposes of the survey.

#### 6 Natural Environment and Rural Communities Act 2006

- 6.1 Section 67 of the Natural Environment and Rural Communities Act 2006 (NERC) extinguishes (subject to certain exceptions) unrecorded rights of way for mechanically propelled vehicles. DEFRA guidance states that where it is found that a route was historically a public vehicular route before NERC, that route should be recorded as a restricted byway rather than a byway open to all traffic.

**Table of documentary evidence**

**APPENDIX 3**

<b>Date</b>	<b>Document</b>	<b>Comment</b>
1769-70	Plan of the Manor of Milton Abby, Stickland, Hilton and Clenston farm accompanying the Survey	Shows a route generally corresponding to claimed route A – B (parallel pecked lines) and which does correspond to claimed route B – D (parallel solid lines). Annotated "Private Road to Whitchurch".
1805/6	Ordnance Survey Drawings Scale 2 inches: 1 mile	Route not directly corresponding to A – B1 shown, representing earlier course of claimed route. A – B1 shown with parallel pecked lines. B1 – D shown corresponding with line claimed by parallel solid lines.
1808	Map of the Manor of Hilton	Shows a route generally corresponding to that claimed through Deer Park defined by parallel pecked lines. A – B further south than route depicted on map. May be gate at point B.
1811	Ordnance Survey First Edition scale 1 inch:1 mile	Claimed route shown similar to OS drawings.
1884	NOTE: The classification of roads by administrative status was practiced on Ordnance Survey maps from 1884. All metalled public roads for wheeled traffic were to be shaded.	
1887	Ordnance Survey First Edition map scale 6 inches: 1 mile	Shows claimed route mostly with solid parallel lines (fenced or hedged). Not shaded to one side.
1888	Ordnance Survey First Edition map scale 25 inches: 1 mile	Shows claimed route. It is defined by two parallel solid lines with another 'track' defined within by two parallel pecked lines. Southern and eastern boundaries of pecked lines are shaded heavier. Suggesting it was regarded as public road or private carriageway.
1889	NOTE: The statement that "the representation on this map of a road, track or footpath is no evidence of a right of way" has appeared on Ordnance Survey maps since 1889.	
1896	NOTE: By 1896 roads on Ordnance Survey maps were to be classified as first or second class according to whether they were Main or District roads, other roads were to be classed as second class if they were metalled and kept in good repair. Both first and second class roads are shown on published maps in the same way, by shading on one side. Third class metalled and unmetalled roads are shown without shading.	
1898	Ordnance Survey Revised New Series scale 1 inch: 1 mile	Whole of claimed route shown. A – B1 with solid lines, B1 – D with pecked lines. Southern boundary is shaded, suggesting 2 <sup>nd</sup> or 3 <sup>rd</sup> class metalled road.

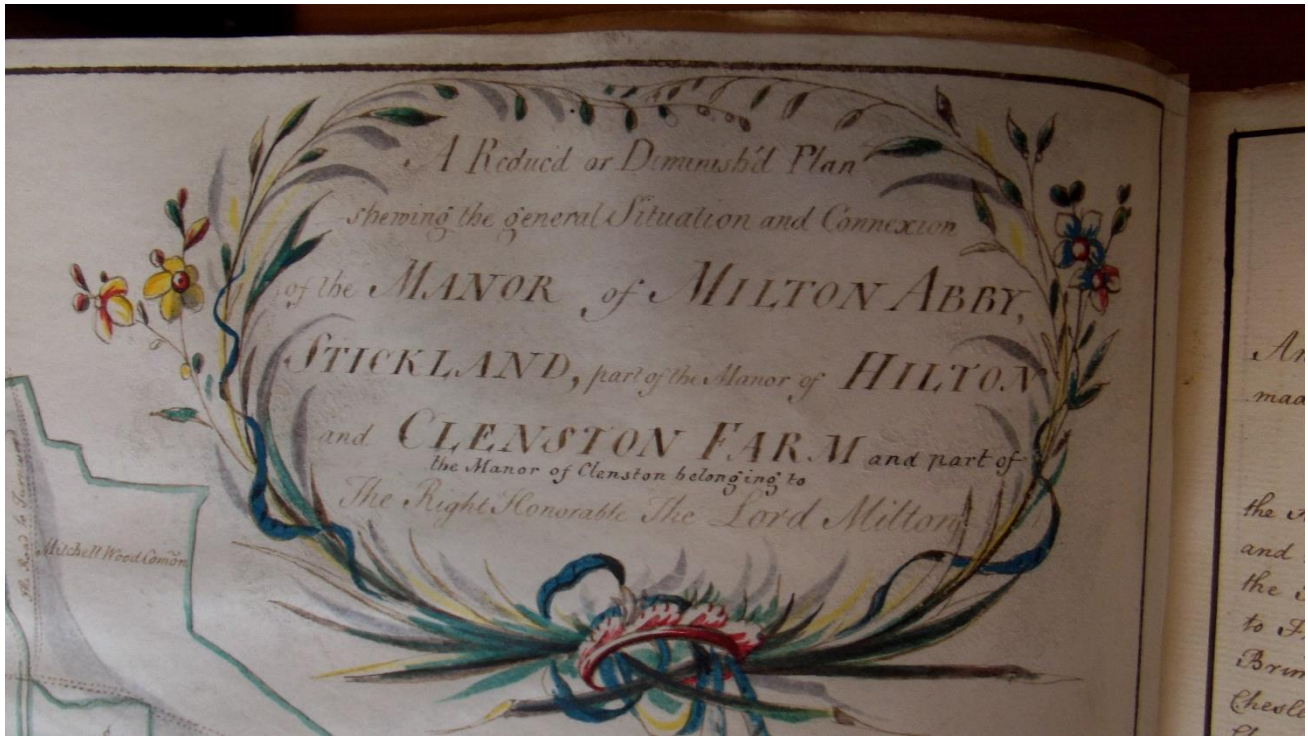
Date	Document	Comment
1902	Ordnance Survey Second Edition map scale 25 inches: 1 mile (1:2500)	Shows claimed route. It is defined by two parallel solid lines with another 'track' defined within by two parallel pecked lines. Southern and eastern boundaries of pecked lines are shaded heavier. Suggesting it was regarded as public road or private carriageway.
1902	Ordnance Survey Second Edition map scale 6 inches: 1 mile (1:10560)	Shows claimed route mostly with solid parallel lines (fenced or hedged). Not shaded to one side.
1910	Finance Act plans	Not shown
1912	NOTE: The system of classification adopted on Ordnance Survey maps in 1896 was abolished in November 1912.	
1945	Ordnance Survey New Popular Edition scale 1 inch to 1 mile sheet 178	Claimed route shown, defined by solid lines, indicating fenced for almost entire length with no gates. Key suggests it may have been regarded as a minor metalled road in bad condition.
1947	Aerial Photograph	Route partially visible.
1949	National Parks and Access to the Countryside Act 1949 NOTE: Parish Councils received advice on the recording of public rights of way in a booklet provided to them by the Open Spaces Society. The booklet included information on the different classes of rights of way which included the designations of CRB (Carriage or Cart Road Bridleway) and CRF (Carriage or Cart Road Footpath). Parish Councils were advised that a public right of way used mainly by the public on foot but also with vehicles should be recorded as a CRF and a route mainly used by the public on foot or horseback but also with vehicles should be recorded as a CRB.	
1951	Milton Abbas Parish Survey	Not claimed
1958	NOTE: In 1958 the National Parks Sub-Committee determined that the designation of certain rights of way as CRF or CRB be abandoned and that in future such rights of way be shown only as footpaths (F.P.) or bridleways (B.R.)	
1959	Draft map for the west area	Not recorded as public right of way
1960	Ordnance Survey 7 <sup>th</sup> Series scale 1 inch: mile (sheet 178)	Shown similarly to 1945 OS map. Key suggests regarded as un-tarred minor metalled road.
1962	Ordnance Survey Plan scale 1:2500	Shows the development of Catherine's Well east of point A. Claimed route clearly shown defined by two parallel solid lines with another 'track' defined within by two parallel pecked lines. Possible gate at point C.
1964	Provisional map	Not recorded as public right of way (development at Catherine's Well shown).

<b>Date</b>	<b>Document</b>	<b>Comment</b>
1966	First definitive map	Not recorded as public right of way
1969	Ordnance Survey Plan scale 6 inches: 1 mile (1:10560)	Shows the development of Catherine's Well east of point A. Claimed route shown clearly although metalled part not separately defined.
1971	Review – claimed by Parish Council	Claim for designation as byway open to all traffic.
1972	Aerial Photograph	Route partially visible.
1973	Special Review Committee considered Parish Council's claim	Claim overruled "No evidence that public vehicular rights of public passage exist thereover".
1974	Revised draft map	Not recorded as public right of way
1975	Objections made to route being omitted from revised draft map	Considered by County Council as "Not a new claim" and not added to list of objections.
1981	Wildlife and Countryside Act - undetermined review claims abandoned	As route not shown on revised draft map it was not proceeded with.
1983-89	Ordnance Survey Plan scale 1: 10000	Shows the development of Catherine's Well east of point A. Claimed route shown clearly although metalled part not separately defined.
1989	Current definitive map	Not recorded as public right of way.
1997	Aerial Photograph	Route partially visible
2005	Aerial Photograph	Route partially visible.



**Extracts from key documents**  
(See the case file RW/T491  
for copies of other documents mentioned)

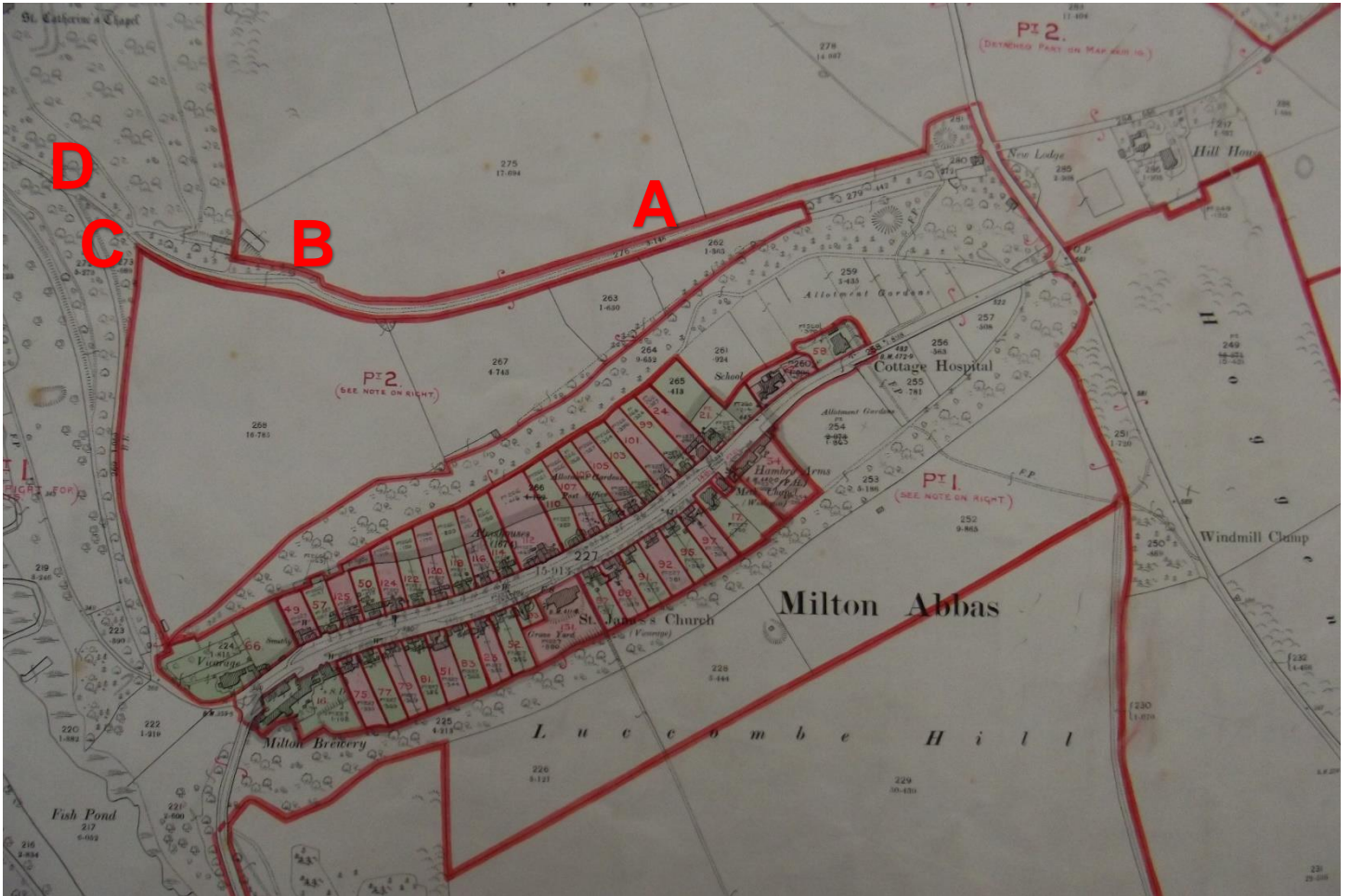
**1969-70 Plan of the Manor of Milton Abby**



**1808 Map of the Manor and parish of Hilton with part of Milton Abbas**



1910 Finance Act plan



Field Book entry – extract from hereditament 1

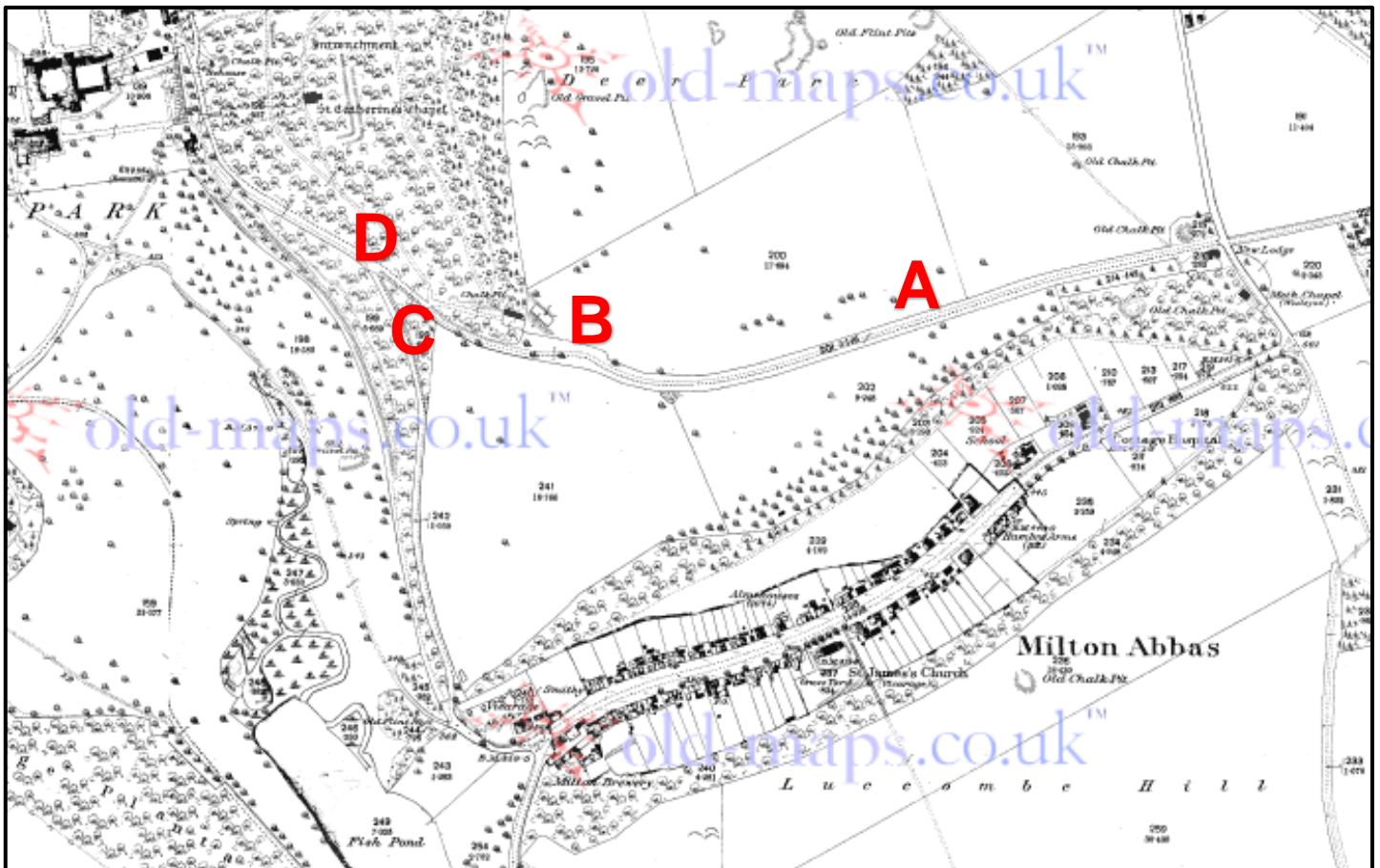
who pays (a) Rates and Taxes (b) Insurance (a) b) owner  
 Who is liable for repairs owner  
 Fixed Charges, Easements, Common Rights and Restrictions  
 40.0.0. 20.0.0. 10.0.0 paid by Mayor of Milton Abbas for  
 St. James's Church of Milton Abbas. There are roads, foot paths, etc.  
 Former Sales. Dates This property included as part of the Milton Abbas  
 Interest Estate purchased by Sir Edward Hambro  
 Consideration 1901. cannot appertain to any sum paid  
 Subsequent Expenditure for whole estate cannot appertain & proceeds on estate  
 Owner's Estimate. Gross Value 207 kept separate  
 Full Site Value  
 Total Value  
 Assessable Site Value  
 Site Value Deductions claimed

**Ordnance Survey maps  
1811 scale 1 inch: 1 mile**

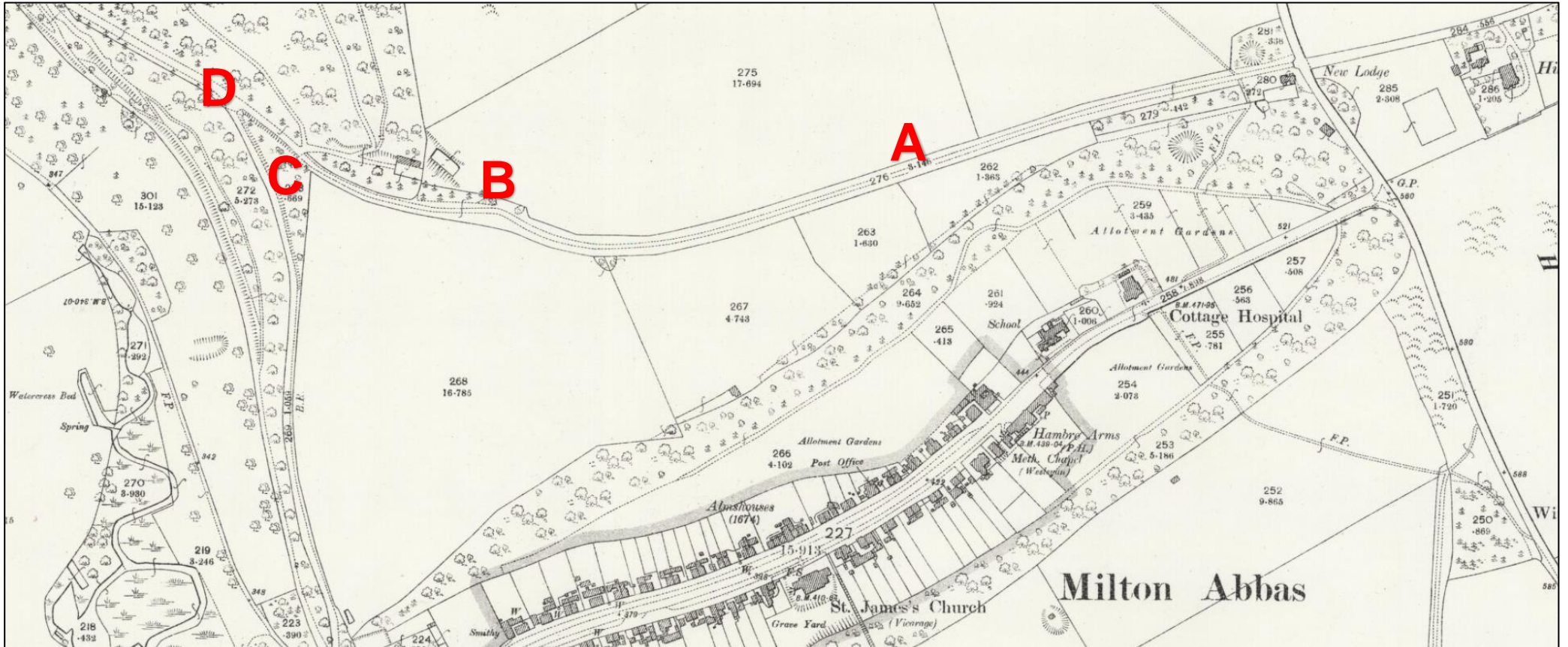


1888 First Edition scale 1:2500

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1902 Second Edition scale 1:2500



**User Evidence**

**Table summarising user evidence from witness evidence forms supplied between 2009 and 2015**

**USER EVIDENCE**

<b>NAME</b>	<b>DATES</b>	<b>FREQUENCY OF USE</b>	<b>TYPE OF USE</b>	<b>DETAILS OF USE / COMMENTS</b>
Mrs N Adeley	1996-2007 (form completed 30/08/2009)	At least twice a month	Horseback	Used by others on foot and horseback. No stiles, gates, notices or other obstructions. Never challenged. Width 12'-15' average plus wide verge on one side
Mrs G Batchelor	1989-2009 (form completed 30/09/2009)	12 times a year	Horseback	Used by others on foot and horseback "and some vehicles". No stiles, gates, notices or other obstructions.
Mr K Battrick	From 1953-present (Form completed in 2009, but not dated. Accompanying map dated 11/08/2009)	Approx. 30 times a year	Used on foot and by car	Used route for pleasure and business. Used by others on foot and by car. No stiles, gates, notices or other obstructions. Used for pleasure and business. Believes owner/occupier was aware of public use as "have never been questioned by any owner in last 50 year+". Route 12ft width approx.
Mrs M Battrick	Over the last 70 years (form completed 11/08/2009)	30 times a year or more	Used on foot	Used by others on foot. No stiles, gates, notices or other obstructions. Believes owner/occupier was aware of public use as "never be approached. by any owners". Route 4 yards width.
Ms A Beckett	Since 2004 (Form completed 02/11/2009)	100 times a year	Used on horseback	Used by others on foot, bicycle and horseback. No stiles, gates, notices or other obstructions. Believes owner/occupier was aware of public use as "it has been used by many people". Notice "recently erected". Route 8-10 foot wide with grass verges.

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mr R A Bolt	1959-1963 (Form completed 11/09/2014)	50 times a year	Vehicle	Used route for work. Used by others on vehicle. Was working for owner/occupier of land when using route but gives no particulars and has also crossed out "yes" for question "Have you ever obtained permission to use the route?". No stiles, gates, notices or other obstructions. Believes that the owner/occupier was aware of public use of route but gives no details.
N Brockway	1967-present (Form completed 03/08/2009)	5 days per week 48 weeks per year (at least 240 times per year)	Used on foot	Used route to go to work. Used by others on foot and horseback. Notice saying no vehicles etc. No stiles, gates, or other obstructions but notice present; "No vehicles etc". Believes owner was aware of public use as "he walks the path with his dog as do other people". Route "wide enough for a lorry plus two wide grass verges".
Miss P Burch	1997-2009 (Form completed 01/08/2009)	Regularly	Used on foot and horseback	Used by others on foot, bicycle and horseback. No stiles, gates, notices or other obstructions.
Mr S Burch	1997-2009 (Form completed 01/08/2009)	"Unknown"	Used on foot and horseback	Used by others on foot, horseback and vehicle. No stiles, gates, notices or other obstructions. Route is "as wide as a road".
Mrs C A Callaway	2005-present (Form completed 18/09/2009)	Twice a week every week (104 times a year)	Used on foot	Used by others on foot. No stiles, gates, notices or other obstructions. Believes owner was aware of public use as route "used daily by villagers, throughout history".
Mr P Callaway	2005-present (Form completed 18/09/2009)	Approx. 100 times a year	Used on foot	Used by others on foot. No stiles, gates, notices or other obstructions. Believes owner was aware of public use as "route used daily by villagers".
Mr A G Case	1950s to early 1960s, occasionally after (Form completed 07/08/2009)	1950s – Early 1960s frequently. Occasionally after	Used on horseback	Used by others on foot and vehicle. No stiles, gates, notices or other obstructions. Believes owner was aware of public use as "he accepted it was always used by the public". Route 12ft wide with verges.

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mrs P S Chafer	1988 to present (Form completed 22/08/2009)	Frequently	Used on foot	Used by others on foot or by vehicle. No stiles, gates or other obstructions. No notice until recently. Believes owner is Mrs Burdett-Clark.
Mrs B Cheetham	1985-2006 (Form completed 26/08/2009)	Various	Used on foot and vehicle	Used by others in "various vehicles". No stiles, gates, notices or other obstructions.
Mrs S Clarke	1996-2009 (Form completed 28/07/2009)	At least twice a week (104 times per year)	Horseback	Used by others on horseback. Notices erected in May 'No public right of way' etc. No stiles, gates or other obstructions. Route "10-12' wide of stone and gravel. Wide grass verges."
Mr M J Cox	1966-2010 (Form completed 18/03/2010)	200 plus times a year	Delivery vehicle	Used route for work – delivery vehicle. Used by others on foot, horseback and vehicle. Notices erected in last 6 months. No stiles, gates or other obstructions. Working for owner/occupier of land? - No. Given permission? - No.
Mrs E Crawford	1983 – 2009 (Form completed 30/07/2009)	"Approximately"	Horseback	Used by others on foot, horseback and vehicle. No stiles, gates, notices or other obstructions. Believes owner/occupier was aware of public use "because I was never stopped or questioned". Route approx. 4 metres width.
Mrs V Dowding	1980 to present (form completed 20/08/2014)	6 times a year	Foot & Horseback	Used by others on foot and horseback. No stiles, gates, notices or other obstructions. Believes owner/occupier was aware of public use as their house is next to the track.
Mrs B J Duncombe-Anderson	1987-1995, infrequently since (form completed 13/08/2009)	1987-95 regularly. Infrequently since	Horseback	Used by others on horseback. No obstructions but notices recently erected; 'Private land. No public right of way, no unauthorised vehicles. Permissive footpath only. Cyclists required to dismount. Dogs on leads at all times Users do so entirely at their own risk". No stiles, gates or other obstructions. Route 12' width + verge.



NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mr J Fifield	1989-2012 (Form completed 22/08/2014)	Between 1 and 10 times a year	Foot, bicycle and vehicle (see details)	Used by others on foot, bicycle, horseback and vehicle. No stiles, gates or other obstructions. Believes land is owned by Mrs Burdett-Clark/Forestry Commission. Was told route was not public by Les Bunce "once between 2009-2012". Believes owner/occupier was aware of public use as "it was used as a loop for an annual fun run & general access route". Route is a gravel track "well maintained except a steep section at western end where drainage gulley requires a 2 <sup>nd</sup> vehicle to take care". Walked and cycled regularly from 1990 to 2012 and driven from 2003-2012 "on occasion".
Mr J P Fifield (deceased)	1970-2009 (Form completed 06/08/2009)	Frequently	On foot, car and previously horse	Used for "pleasure and event organiser". Used by others on foot, horseback and vehicle. No notices present 1970-2009, until last 3 months metal sign erected. No stiles, gates or other obstructions. Believes owner/occupiers are Mr & Mrs Burdett-Clark. Were you working for owner/occupier? – No. Obtained permission? – No. Route "an unmade road wide enough for a motor vehicle.

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mr C Fookes	1945-2009 (Form completed 22/08/2009)	Not completed	Foot, horse and vehicle	Used by others on foot, horseback and vehicle. One notice "at east end erected 2009 saying pvte road". No stiles, gates or other obstructions. "I thought the Forestry Commission" was owner/occupier. Were you working for owner/occupier – "1932-1980 my family owned the land on the south". Owner/occupier gave instructions on use by public? – "None – we owned the land on the south side". Believes owner/occupier was aware of public use as you "can't fail to see or hear people using it". Attached postcard states; "Of course was a private drive to the Abbey until 1932 when Hambros sold! Way before that in early 1700s would have been road out of the old town. Then Lady Caroline Damer made it her drive through Milton Park to Fairmile on the Stickland Blandford Road".
Mrs D Golledge	1989-2009 (Form completed 19/09/2009)	10-12 times a year	Foot	Used by others on foot (maybe also horseback and vehicle, as they appear to be underlined, whereas "foot" is written). No stiles, gates, notices or other obstructions. Stopped from using route? – "people using it all the time". Route 10-12 foot width.
Mr R Golledge	1989 to Present (Form completed 19/09/2009)	10-12 times a year	Foot	Used by others on foot, horseback and vehicle. No stiles, gates, notices or other obstructions. Believes owner/occupier was aware of public use as people "walking their dogs". Route 10/12ft wide.

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mrs H Gordon	2006-Present (Form completed 05/09/2009)	up to 20 times a year	Foot and bicycle	Used by others on foot and bicycle. No stiles, gates or other obstructions but notices recently erected "stating it is private land & permissive path". "Anita Burdett-Clark owns the path". "I do not know of anyone personally, but I am aware that a car with villagers was turned back". Has been told route is not public "via 'The Bulletin', Milton Abbas local paper". Believes owner/occupier was aware of public use due to "recent change of ownership of a well used path". Sign recently erected states "Private Land, No Public Right of Way, No Unauthorised Vehicles, Permissive Footpath Only, Cyclists Required to Dismount, Dogs on Leads at All Times, Users at Own Risk". "Myself & my family have lived in Milton Abbas for 13 years & have regularly enjoyed walks & cycle rides along this path as well as walking through to Catherine's Chapel for events".
Mrs J Griffiths	2000 2002 (Form completed 22/10/2009)	10 to 20 times per year	Horseback	Used by others on horseback. No stiles, gates, notices or other obstructions. "It is wide enough to get a big tractor through" route.
Mrs Hannam	1986 – 2009 (Form completed 09/08/2009)	once a week	Horseback	Used by others on foot and horseback. No stiles, gates, notices or other obstructions. Believes owner/occupier was aware of public use "because everyone uses it all the time". Route about 15ft wide.

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mr T W Hawker	1984-2007 (Form completed 01/08/2009)	5 days a week 48 weeks per year (at least 240 times per year)	Foot	Used route for work. Used by others on foot, horseback "plus some vehicles especially now its on sat. nav". No stiles, gates or other obstructions but notices stating 'Permissive path, no vehicles, bicycles etc' present. Working for owner/occupier? – No. Obtained permission? – No. Been told route was not public? – "We were of the understanding it was owned by Mr Cox [the previous owner]". Believes owner/occupier was aware of public use as he "often walked his dog, as did many others". "Gravel road is wide for a dustcart to go down, plus two wide grass banks either side".
Mr R Hawkins	1993-2009 (Form completed 26/08/2009)	Various	4x4 vehicle	Used by others with various vehicles. No stiles, gates, notices or other obstructions.
Mrs S Hawkins	1995 onwards (form completed 17/07/2015)	4-5 times per year	4x4 vehicle	Used by others on foot, horseback and vehicle. No stiles or gates, but "Private Road" sign present from 2009. Route between approx. 8-12ft wide.
Mrs M P Hayward	2000-2006 (form completed 24/09/2009)	4 times a week	Horseback	Used by others on horseback. No stiles, gates, notices or other obstructions. Route 12 foot wide approx.
Mrs S Henderson	1974-2009 (form completed 06/08/2009)	Weekly	Foot	Used by others on foot, horseback and vehicle. No stiles, gates or other obstructions. No signs "not until the present notice". Believes land is owned by Mr and Mrs Burdett-Clark. Route "wide enough for vehicle".
Miss A R Hillier	All her life [1950 to present] (form completed 10/08/2009)	Many	Foot	Used by others on foot and horseback. No stiles, gates, notices or other obstructions. Believes the land is owned by Mr Burdett-Clark. Believes owner/occupier was aware of public use as "it has been used for many years".

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mr N J Hodder (see below)	2007-2009 (TWO FORMS - 1 <sup>st</sup> form completed 22/08/2009)	100+ times per year 2007-2009	Foot	Used by others on foot and vehicle. No stiles, gates, notices or other obstructions until recently (since change of ownership), when notices were erected at each end. Believes the land is owned by Chris Burdett-Clark. Believes owner/occupier was aware of public use as "he has lived in house near path a lot longer than he has owned path/land". Signs erected "3-4 months ago" by new owner stating "This is not a right of way". "Signs do not mention horseriding which seems strange given that the claim "no right of way".
Mr N J Hodder (see above)	2007-2014 (TWO FORMS - 2 <sup>nd</sup> form completed 28/07/2014)	20 times per year 2007- 2014	Foot	Used by others on foot. Gates to access rear of properties in Athelstan Road (not on route). Notices present "Private Land. No Public Right of Way. No Unauthorised Vehicles. Permissive Footpath Only. Cyclists required to dismount. Dogs on leads at all times. Users do so entirely at their own risk." & "Horse riding welcome. Subject to above terms and conditions" (photo provided). Believes the land is owned by Mr & Mrs Burdett-Clark. Believes owner/occupier was aware of public use as "they put up notice referred to in Q3.c". Route approx. 2.5m wide. "Sign erected c.2009; "Horse riding welcome" added as an afterthought. I believe one of the owners rides a horse!!!"
Mrs D House	From 1964 (form completed 10/08/2009)	Not completed	Foot or car	Used by others on foot and vehicle. No stiles, gates, notices or other obstructions. Never challenged. Believes land is owned by Mr and Mrs C Burdett-Clark.

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mr O V House	1935-Present (form completed 03/08/2009)	For 12 years daily	Bicycle or foot	Used route for work. Used by others on foot, horseback and vehicle. Gates present (unlocked). No notices "until now". "Gates were removed many years ago (war). Gates were at Hill Lodge". No stiles or other obstructions. Working for owner/occupier? – No. Obtained permission? – No. "No restrictions ever [route] Always open". Believes owner/occupier was aware of public use as it has "always been used by anyone". "The whole thing is so childish. It's unbelievable".
Mrs N Hunter	Since 1983 (form completed 22/08/2009)	Frequently	Horseback and occasionally on foot	Used by others on foot and horseback. No stiles, gates or other obstructions but notices erected recently "No public right of way' and other things". Believes owner/occupiers are Chris & Anita.
Mr T A Ives	1998 – 2009 (form completed 09/09/2009)	50-60 times per year	Foot	Used by others on foot. No stiles, gates, notices or other obstructions, but a notice has been erected in the past month stating 'Permissive Footpath Only' 'Private Land' etc. Believes owner/occupier is Mrs Burdett-Clark. Told that route was not public "when Parish Council meeting discussed no through road signs (early 2009)". Believes owner/occupier was aware of public use as "the track is used extensively by village and tourists". Route width 20-30 feet.
Mrs J Jackson	1983-2009 (form completed 11/08/2009)	sometimes over 200 sometimes 50 times a year	Foot	Used by others on foot, some with pushchairs. Stile "at the beginning of track, Catherine's Well side". No gates, notices or other obstructions. Believes owner/occupiers are Mr & Mrs Burdett-Clark. Believes owner/occupier was aware of public use as owners "have seen people walking along the route".

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mr D Johnson-Newell	14 years and 6 months [1995 – present] (form completed 09/08/2009)	75-100 times a year	Foot and Bicycle	Used by others on Foot, Cycle, Horseback, Vehicles. No stiles, gates or other obstructions. Notices “only recently stopping use”. Believes land owner/occupier is Anita Burdett-Clark. “October '08 told by owners husband not to pick blackberries” on route. Believes owner/occupier was aware of public use due to “historic use”.
Ms A C Joyce	1977-2009 (form completed 30/07/2009)	40 times a year	Vehicle and Horseback	Used by others on foot and horseback. No stiles, gates, notices or other obstructions. Believes owner/occupier was aware of public use as “nothing indicated otherwise”. Route 4 meters approx. width.
Mr D C Joyce	1955-2009 (form completed 09/08/2009)	Numerous (too many to count)	Bicycle and foot. Occasionally van when working at chapel	Used route for pleasure and work. Used by others on bicycle and foot. No stiles, gates, notices or other obstructions. Was working for owner occasionally from 1955 - present. Never given instructions on use of route by public.
Mr P Joyce (deceased)	1947-2004 (form completed 30/07/2009)	10-20 times per year	Foot, bicycle and car	Used route for pleasure, and to access church (including bell ringing). Used by others on foot, bicycle and by vehicle. No stiles, gates, notices or other obstructions. Route 12 foot width approx.
Mr John Kelsall	40 years (1974) (form completed 04/04/2014)	Pre 2004 – 12 times a year. After 2004 – 5 times a week (260 times a year)	Foot	Used by others on foot. No stiles, gates or other obstructions, but notices present and “obstructive person”. Believes owner/occupier is Burdett-Clark. Enjoyed a private right along route? – Yes (but never obtained permission or worked for landowner/occupier).

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mrs P Kelsall	1958 to 2009 (form completed 2009)	As a child used it very often, but now 12 times per year	Foot and vehicle	Used by others on foot, horseback and by vehicle. No stiles, gates, notices or other obstructions, but "it has become difficult to use a vehicle because of very deep ruts near C.Chapel entrance". "2 months ago a notice was erected stating it is not a public right of way". Believes owner/occupier was aware of public use "because it has always been used esp. by locals"
Mr R Kelso	1998 – Present (form completed 09/08/2009)	c.300 times a year	Foot	Used by others with tractor, car, horse, bicycle, delivery van, refuse truck, horse box. No stiles, gates or other obstructions but "recent notice 2009". Believes land owner/occupiers are Mr and Mrs Burdett-Clark. Believes owner/occupier was aware of public use as he "has seen them on track".
Mr D Lamb (moved abroad)	1998-2009 (form completed 02/09/2009)	10-20 times a year	Foot and vehicle	Used by others on foot, horseback and car. No stiles, gates or other obstructions, but "notice erected this year saying permissary footpath". Believes land owner/occupier is Chris Burdett-Clark. Route approx. 20' wide.



NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mrs V A Lamb (moved abroad)	1997-2009 (form completed 20/08/2009)	6 times or more per year	Car and Foot	Used for pleasure and to access church services, or events. Used by others on foot and vehicle. No stiles, gates or other obstructions except fly-tipping, but notices recently erected 'Private Land' 'No Public Right of Way' 'No Unauthorised Vehicles' 'Permissive Footpath Only' 'Cyclists Required to Dismount' 'Dogs on Leads at All Times' 'Users do so at entirely their own risk'. Believes land owner/occupier is Chris Burdett-Clark. Obtained permission from Mr Michael Cox [previous owner/occupier] in 1999 and 2001 for use as emergency access during street fair (July). Has been stopped/turned back on 20 <sup>th</sup> June 2007 on route to concert at St Catherine's Chapel.
Mr J Lillington	1950-2013 (form completed 21/06/2013)	100/150 times a year	Foot	Used by others on foot, horseback and vehicle. No stiles, gates or other obstructions, but notices erected approx. 4 years ago. Believes owner/occupier is Burdett-Clark. "I was told by Mr Michael Cox & his father Frank that they could not stop people using this route". Believes owner/occupier was aware of public use as the "route always used by the public".

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mr I R Maxwell	1977 – Present (form completed 09/08/2009)	On average 2 times a month. Over last 5 years twice a day	Foot	Used route for the last 5 years to access Milton Abbey for work. Used by others on foot, horseback, cars and delivery vans to property. No stiles, gates or other obstructions, but notices erected “a month or so ago” (Permissive Path, Dogs on Lead etc.). Part of route owned by Mr and Mrs Burdett-Clark. Believes owner/occupier was aware of public use as “owner (very recent & previous) live locally”. “The ‘road’ surface of the route is wide enough for cars/small commercial vehicles to pass with ease. An important local amenity for walking and in some cases a walking route to work”.
Mrs S M S Maxwell	1977 – Present (form completed 09/08/2009)	On average 2/3 times per month	Foot	Used by others on foot, horseback, and cars for access. No stiles, gates or other obstructions, but notices recently erected (Permissive Path, Dogs on Lead etc.). “I have used this route for over 30 years for recreation and feel that it is a great village asset”.
Mr M McAvoy	1988-2009 (form completed 07/08/2009)	20 times per year approx	Car	Used by others on foot, horseback and vehicle. No stiles, gates, notices or other obstructions, but “poorly maintained – ruts”. Believes land owner/occupiers are Mr Langham and Mr Burdett-Clark, “also Forestry Commission at Abbey end”. Told route was not public by “previous owner”.
Mrs P Morley	1980-2009 (form completed 01/08/2009)	80-90 times a year	Foot	Used by others on foot and horseback. No stiles, gates, notices or other obstructions.
Mrs F Oliver	1971 – 2009 (form completed 16/08/2009)	12 times a year	Horseback	Used by others on foot and on horseback. No stiles, gates, notices or other obstructions. Believes land owner/occupier is Michael Cox. Route 12-14 foot in width.

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mr B R Phillips (see below)	2002 – 2009 (2 Forms – 1 <sup>st</sup> Completed 15/08/2009)	100 times a year	Foot and Bicycle	Used by others on foot, bicycle and horseback. No stiles, gates or other obstructions, but notices erected May 2009. "Trackway used by horses weekly, several dog walkers daily, locals daily, cyclists weekly".
Mr B R Phillips (see above)	2002- Present (2 Forms – 2 <sup>nd</sup> Completed 12/08/2014)	30 or more	Foot and Bicycle	Used by others on foot, bicycle, horseback and vehicle. No stiles, gates or other obstructions, but notices erected 2009. Believes owner/occupier was aware of public use as "he has approached others".
Mrs D A Potton	1983-2009 (form completed 11/08/2009)	Numerous	Foot	Used by others on foot. No stiles, gates, notices or other obstructions. Believes land owner/occupier is Mr Burdett-Clark. Believes owner/occupier was aware of public use due to "regular use by public".
Mr R W Randall (deceased)	Over 20 years [21 years = 1988] (form completed 24/08/2009)	3 times per year	Foot	Used by others on foot, horseback and vehicle. No stiles, gates, notices or other obstructions. Believes land owner/occupier is Burdett-Clark. Route approx. 12ft with verges.
Mr S J N Rayson	2007-2014 (form completed 03/08/2014)	60 times per year	Bicycle	Used by others. No stiles, gates or other obstructions, but notices present; "walkers, horses or bicycles dismount". Believes land is owner/occupier is Mr Burdett-Clark. Told the route was not public by Les Bunce in 2010. Believes owner/occupier was aware of public use as "route has been in regular use for many years". See unspecified notice in "2010 near Catherine's Well end of track & further along toward Hilton". "Track is a stone surface with grassy centre. Approx 10ft wide, bumpy but navigable by bicycle".

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Ms D Reynolds	54 years [1955 – present] (form completed 11/08/2009)	Everyday	Foot, bicycles, motorbike & car.	Used by others on foot, bicycle, horseback, motorbike and car. No stiles, gates or other obstructions, but notice recently erected (2009). Believes land is owner/occupiers are Mr and Mrs Burdett-Clark. Believes owner/occupier was aware of public use as she has “seen them”. “We have always known this was a public right of way including cars”
Ms A Roberts	1945-2009 (form completed 14/08/2009)	As a child 2 or 3 times a week. Currently twice a day (last 10 years)	Foot	Used for pleasure and to access church services. Used by others on foot, horseback and occasional vehicles e.g. Dustman. No stiles, gates or other obstructions present, but notices erected in last 6 weeks ‘Permissive Path’ ‘Cyclists Dismount’ ‘Dogs on Lead’ ‘No Vehicles’. Believes land is owner/occupier is Mr C Burdett-Clark. “Dustmen were stopped from going to St. Catherine’s House”. Believes owner/occupier was aware of public use as “immediately on purchase put private notices on adjacent fields”. “Stony road, passable by vehicle, approx 10ft wide”. Additional sheet includes: “Public access was never refused by the previous owners of the land, in fact I think they welcomed it as it kept the road from being overgrown”. “Apparently the refuse collection lorry has been refused access to St. Catherine’s House by the new owner of the track. The occupants now have to ferry their rubbish to a distant collection point”. “The present owner was most definitely aware of the way the track was used by the public, as he was a regular dog-walker who used it. He also lives very close to the track.”

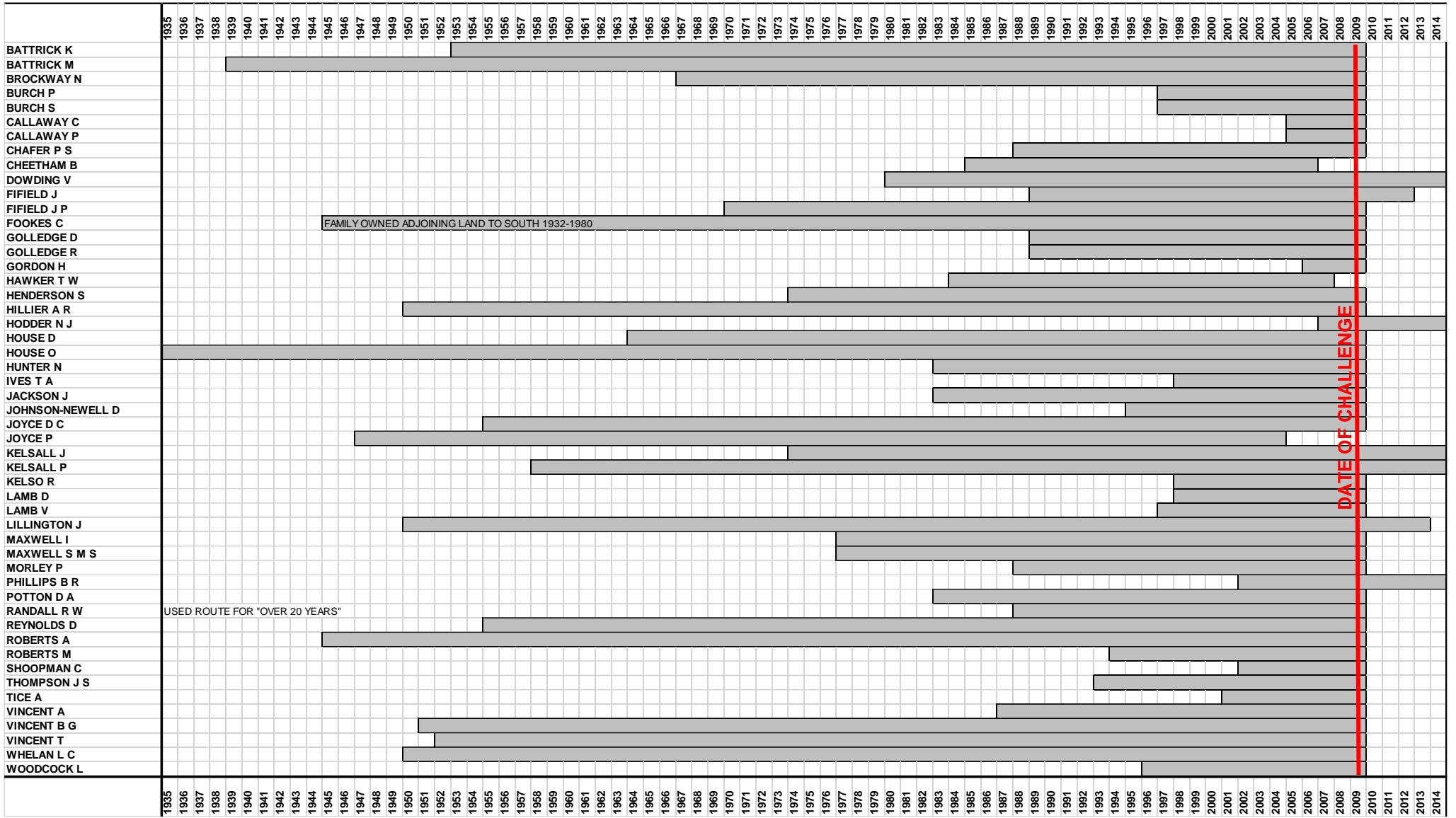
NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mr M Roberts	1994 – present (form completed 11/08/2009)	60 times a year	Foot	Used by others on foot. No stiles, gates, notices or other obstructions.
Mrs C Shoopman	2002-2009 (form completed 10/08/2009)	2002-2006 twice a week, 2006-2009 once a month. With vehicle 5-6 times a year	Foot, Horseback and Vehicle (4x4)	Used by others on foot, horseback and vehicle. No stiles, gates or other obstructions, but notices erected May 2009. Believes owner/occupier was aware of public use as the "landowner never challenged anyone". Route approx 12-15ft narrowing to 10-12ft width.
Miss A Stanners	2007 (form completed 10/08/2009)	20 times per year	Horseback	Used route for pleasure and business. Used by others on horseback. No stiles, gates, notices or other obstructions. Worked for owner/occupier? – No. Obtained permission? – No. "When moved to area was told I could use this route".
Mr J S Thompson	1993-2009 (form completed 10/08/2009)	Between 10 and 20 times a year	By either foot, tractor or car	Used route for pleasure or work. Used by others on foot, horseback and vehicle. No stiles, gates or other obstructions, but "very recently a notice has been erected stating it is a permissive way". Believes owner/occupier is Burdett-Clark. Does not work for owner/occupier and has never been given permission to use route. Told that route was not public when "I received a letter from the current owner on 25 <sup>th</sup> July". Track in question is over 10' wide.
Mr A Tice	2001- Present (form completed 24/08/2009)	80 + times per year	Foot	Used by others on foot, horseback and vehicle. No stiles, gates, notices or other obstructions, but notice erected in last few weeks. Believes land owner/occupier is Mr Burdett-Clark. Believes owner/occupier was aware of public use as the "route has been used for years and it is common knowledge". Route 4m wide.

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mrs A Vincent	1987-2009 (form completed 19/08/2009)	300 times per year	Foot, Cycling	Used by others by foot, cycling. No stiles, gates or other obstructions, but notices erected recently: 'Private Land', 'No Public Right of Way', 'Permissive Path' 'No Unauthorised Vehicles' 'Cyclists Dismount' 'Dogs on Leads at All Times' 'Users Do So at Their Own Risk'. Believes land owner/occupier is Mr C Burdett-Clark.
Mr B G Vincent	1951-2009 (form completed 18/08/2009)	12-24 times a year	Foot and Vehicle	Used by others on foot, horseback and vehicle. No stiles, gates or other obstructions, but notices erected recently. Believes land owner/occupier is Mr C Burdett-Clark. Believes owner/occupier was aware of public use as there was "no point putting up a sign if not". "12 feet wide Stoney Road used by vehicles".
Mr T Vincent	1952 til now (form completed 21/08/2009)	Lots	Foot	Used by others on foot, horseback and vehicle. No stiles, gates, notices or other obstructions, but "6 weeks ago signs went up". Believes owner/occupier was aware of public use "because he lives beside the track". "Stony track in parts 10ft wide".
Miss A Whatmore	2004-2008 (form completed 03/09/2009)	Approx twice a week	Horseback	Used by others on horseback. No stiles, gates, notices or other obstructions. "Rode along length with daughter also on horseback and with friends along track with grass verges either side approx 3 meters in width".

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mrs L C Whelan	1950-Now (form completed 04/08/2009)	Everyday	Foot	Used by others on Foot, Horseback and with a vehicle. No stiles, gates or other obstructions, but notices "just been erected saying 'Permissive Path' 'Dogs on Leads' 'Cyclists Dismount' etc.". Believes land owner/occupiers are Mr & Mrs Burdett-Clark. Believes route is owned by Mr and Mrs Burdett-Clark. Believes owner/occupier was aware of public use as "they often speak to people using the track". Route wide enough for vehicles.
Mrs R Wood	For the last 8 years [2001-2009] (form completed 05/08/2009)	At least 24 times per year	Horseback	Used by others on foot, bike, horseback and vehicle. No stiles, gates or other obstructions, but notice recently erected asking cyclists to dismount and stating that route is private. Believes owner/occupier was aware of public use as route a "regular thoroughfare". Route a "Single track"
Miss L Woodcock	1996-2009 (form completed 28/07/2009)	300 times per year	Foot, Horseback and Vehicle	Used by others on foot, horseback and vehicle. No stiles, gates, notices or other obstructions. Believes owner/occupier was aware of public use as "never been stopped". "10-12ft wide plus grass verges. Gravel/stone track."

Charts of user evidence to show periods and level of use ON FOOT

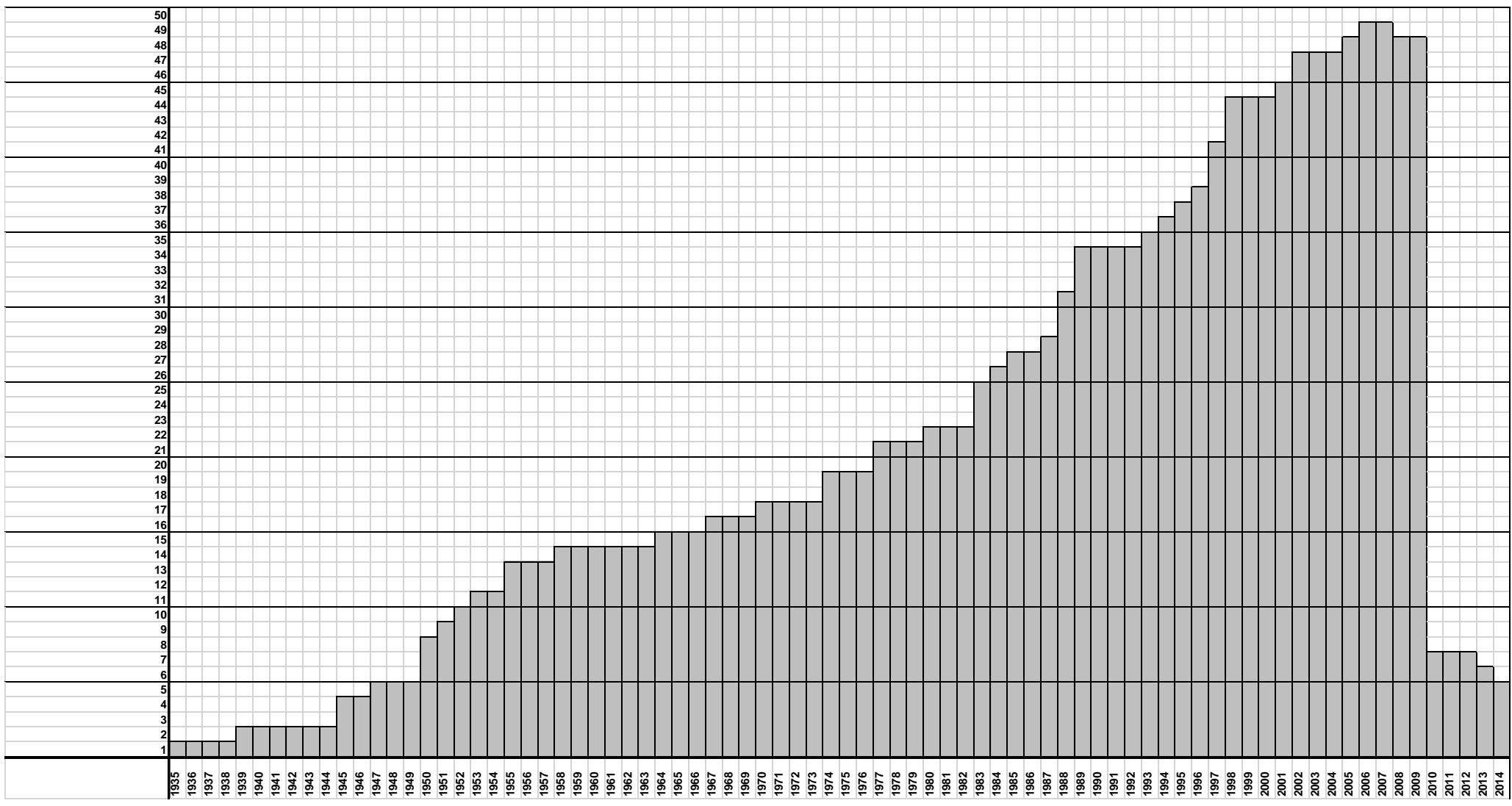
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YEARS OF USE

Use on Foot

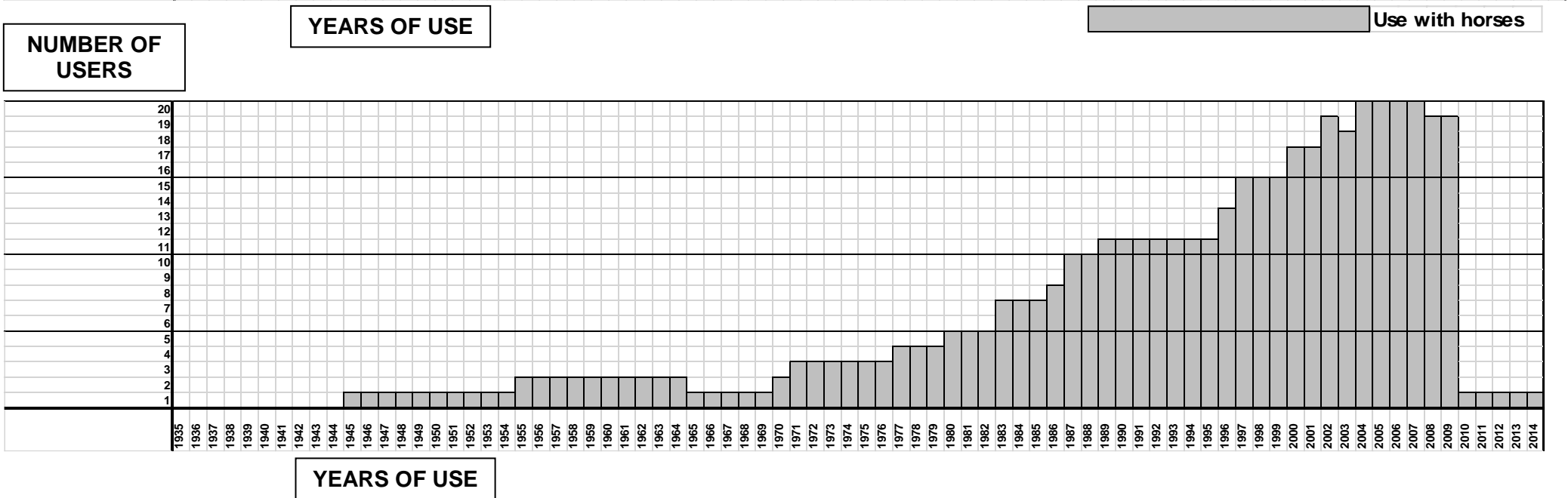
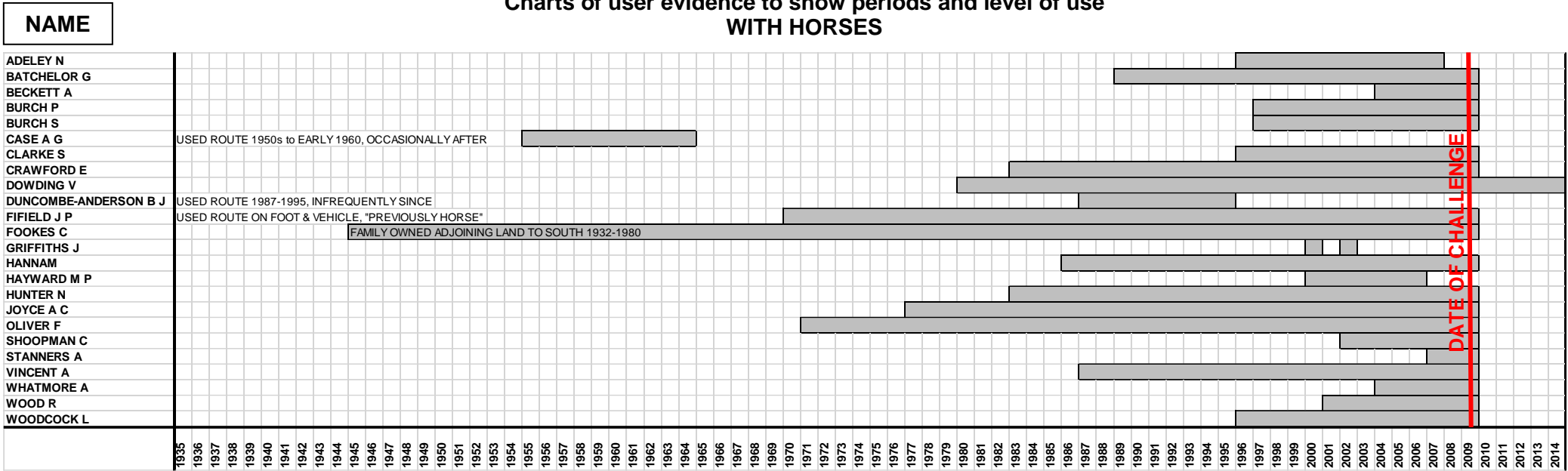
NUMBER OF USERS



YEARS OF USE

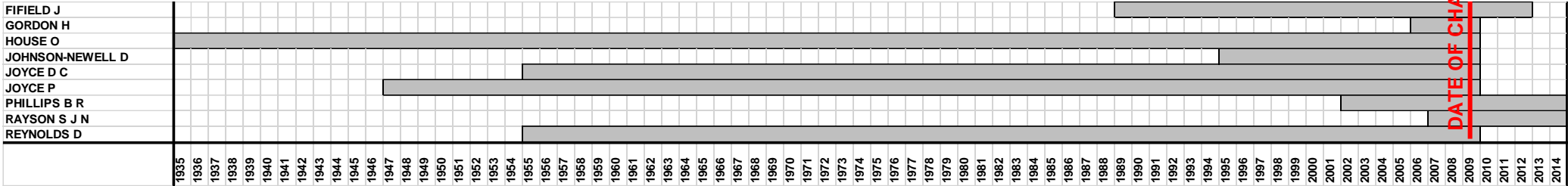


**Charts of user evidence to show periods and level of use WITH HORSES**



**Charts of user evidence to show periods and level of use WITH BICYCLES**

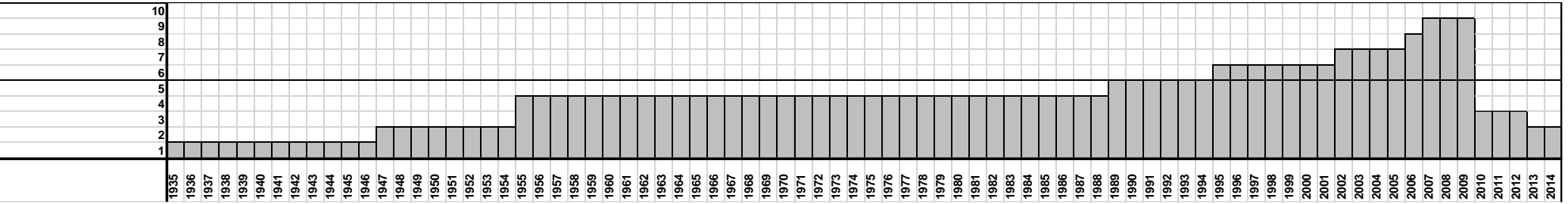
**NAME**



**YEARS OF USE**

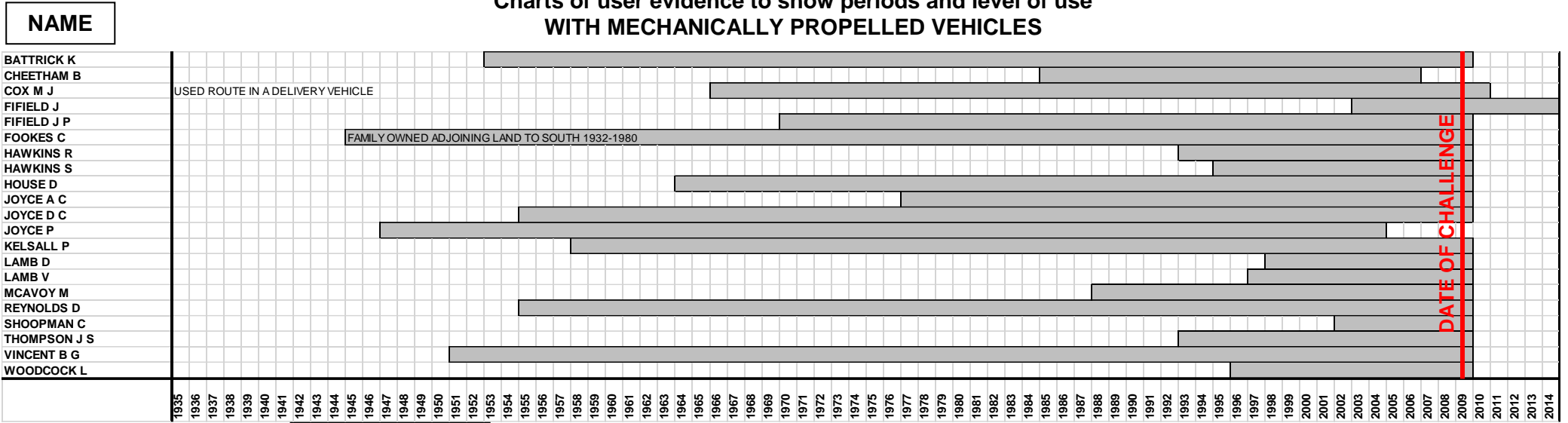
**Use with bicycles**

**NUMBER OF USERS**



**YEARS OF USE**

**Charts of user evidence to show periods and level of use WITH MECHANICALLY PROPELLED VEHICLES**



**NUMBER OF USERS**

