

Witness Statement of Case

by

Pete Russell (User 26)

Determination by

The Secretary of State for Environment, Food and Rural Affairs

LOCAL PUBLIC INQUIRY August 7th, 2018

Bath and North East Somerset Council

(Restricted Byway BA21/12, Beek's Mill, St Catherine)

Definitive Map Modification Order 2017

Appeal Reference: ROW3186868

Pete Russell

Sandybank Farm, St Catherine, Bath, BA1 8EZ

Tel:01225 859889, Email: russellshires@btinternet.com

1. This Statement of Case is made by myself, Pete Russell, and is submitted in support of the Definitive Map and Statement Modification Order issued by Bath and North East Somerset Council on July 18th 2017. The DMMO seeks to record a Restricted Byway between St Catherine Lane at grid reference ST 7611 7106, along an existing track in a generally north-easterly direction for approximately 200m, to the border with South Gloucestershire at grid reference ST 7624 7121.
2. I am a retired builder and have lived in the area all my life and moved to St Catherine in 1986.
3. I have used the route by motorised vehicle from 1986 to 2008
4. Prior to 2012 I did not see any private signs or notices on or near the route that discouraged or encouraged me to use it.
5. No one has ever attempted to turn me back or said that I have no right to use the route.
6. I have never been given permission to use the route.
7. I have never met the previous landowner, their employees or family while I was using the route.

8. Before 2012 there was never any obstruction on the route.

9. I attach as evidence a copy of the Completed User Evidence Form submitted by myself dated April 6th, 2017

Bath & North East Somerset Council

PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

Parish &/or Name of Route (if known) _Beek's
Mill_

PLEASE NOTE:

- This form is designed to help establish whether or not the claimed route is a public right of way. It also provides evidence of how it is used e.g. on foot, on horseback, by vehicles etc.
- If the Authority proceeds with the claim, but it is contested (e.g. by a landowner), there may be a Public Inquiry. Public Inquiries are usually held locally (i.e. in the village hall). If you are unable to attend a Public Inquiry your evidence may be given in writing, but user evidence is of much greater value if you attend in person and are prepared to answer questions on your evidence (see Question 21). Inquiries are kept as informal as possible, and the Authority will help you give your evidence.
- The information you give in this form will be processed in accordance with the Data Protection Act 1998. It is held by the Public Rights of Way Team of Bath and North East Somerset Council for the purpose of processing your user evidence.
- If a Public Inquiry takes place your evidence, including your personal information and comments, will be made available to the Inquiry in order to be used as part of the case. If you consent to Bath and North East Somerset Council disclosing the personal information contained within this User Evidence Form to anyone reasonably requiring access to this evidence, please tick the box at the end of this form.
- This form should be completed by one person only and should relate to only one route. If you need more space please continue on a separate sheet. Please use black ink.
- Forms should be accompanied by a map and the person completing the form should draw the route they have used on the map themselves.

Please return this form to the person who asked you to complete it, or send it to:

The Public Rights of Way Team, Bath and North East Somerset Council,
Lewis House, Manvers Street, Bath, BA1 1JG.

If you need any help to complete this form please contact us on 01225 477650.

1. Name (Mr).....Pete Russell.....

2. Address:Sandybank Farm,.....
St.Catherine.....


.....Bath BA1 8EZ.....

.....Postcode:

Telephone:01225 859889..... (work)
..... (home)

Email:

russellshires@btinternet.com.....

3. **Date of Birth:**  **NB:** You do not have to give your date of birth, but it helps the Authority assess your evidence.

4. Please give a full description of the route you use (e.g. where you start from, where you go and where you finish), mark it on a map and attach the map to this form

5. How have you used the route, and during which years?

(a) on foot		between		and
(b) on horseback		between		and
(c) on bicycle/horse-drawn vehicle		between		and
(d) with motorised vehicle	x	between	1986	and 1992

6. Were there any years during which you did not use the route at all? YES x NO

If YES, which years and why? between and

After 1992 I only used the route infrequently and the last time was on my tractor run with approximately 12 others in 2008/9

7. How frequently do/did you use the route?

	daily	once a week	once a month
(a) on foot			
(b) on horseback			

(c) on bicycle/horse-drawn vehicle

(d) with motorised vehicle

If less than once a month, please specify how many times a year you use the route.

between 8 and 10 times a year

8. For what purpose do/did you use the route? e.g. for pleasure, going to work etc.

Visiting Beek' Farm to collect
vegetables from Reg Godwin. In
addition I did building work at Beek's
Farm in 1990 and used the route to
move equipment and material

9. Has the route always followed the line described above?

YES

☒

NO

☐

If NO, please describe how, when and why it changed.

10. How wide is the route?

[feet][metres] ³
metre

11. Has the route always been the same width?

YES

☒

NO

☐

If not, how wide did it used to be?

[feet][metres]

12. When you have used the route were you:-

(a) the owner

YES

☐

NO

☒

(b) the tenant

YES

☐

NO

☒

(c) an employee of the owner/tenant

YES

☐

NO

☒

(d) a family member of any of the above

YES

☐

NO

☒

of the land over which the route runs?

13. Did you ever meet the landowner, their employees or family while you were using the route? YES NO ☒

If YES, what did they say?

14. Have you ever been given permission to use the route? YES NO ☒

If YES, who gave you permission and when?

15. Has anyone ever attempted to turn you back or said that you had no right to be on the route? YES NO ☒

If YES, please give details including when this happened.

16. Have you ever seen any notices on or near the route either encouraging or discouraging your use of it? YES NO ☒

If YES (a) where were they?

(b) what did they say?

(c) when were they present? between and

17. Have there ever been stiles, gates or bridges on the route? YES NO ☒

If YES (a) what were they?

A gate off
St.Catherine
Lane that was
always left
open

(b) when were they erected?

Don't know

(c) how long were they in place?

Always but the
gate appeared to
be off its hinges

(d) did they prevent or deter you from using the route?

YES

☐

NO

☒

(e) if gates were present, were they ever locked?

YES

☐

NO

☒

If YES, when and for how long?

Please mark the location of any notices, stiles, gates or bridges etc. on the attached map.

18. Has there ever been an obstruction to your use of the route?

YES

☐

NO

☒

If YES (a) what was the obstruction?

(b) when was it put there?

(c) how long was it in place?

(d) did it prevent or deter you from using the route?

YES

☐

NO

☐

Please mark the location of any obstructions on the attached map.

19. Do you have any other information about the route which might be useful?

This route was used by workers for
Mr. Stan King of Lodge Farm,
St. Catherine who used it to gain access
to hay fields on the Marshfield side of
St. Catherine Brook.

20. If you wish to add any further details about the route which you cannot show on

the attached map, please sketch them here.

21. If necessary, would you be prepared to give evidence at a Public Inquiry in respect of the evidence you have given?

YES ☒ NO

If not, please briefly explain your reasons.

I confirm that to the best of my knowledge and belief the information I have given is true.

I also understand that this evidence may be presented at Public Inquiry and I authorise Bath and North East Somerset Council to use this form for that purpose.

Signature: Pete Russell

Date: 6th April 2017

Please note that the contents of this evidence form may become public knowledge.

I consent to Bath and North East Somerset Council disclosing the personal information contained within this User Evidence Form to anyone reasonably requiring access to this evidence prior to a public inquiry, please tick this box if applicable

☒

User Evidence Form Plan

Unaffected public footpath



Scale 1:2500



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the attached map, please sketch them here.

21. If necessary, would you be prepared to give evidence at a ☒ YES ☐ NO
Public Inquiry in respect of the evidence you have given?

If not, please briefly explain your reasons.

I confirm that to the best of my knowledge and belief the information I have given is true.

I also understand that the evidence may be presented at Public Inquiry and I authorise
Bath and North East Somerset Council to use this form for that purpose.

Signature:  Peter Hyslop

Date:

John W. J. J. J.
6th Apr 2017

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within this User Evidence Form to anyone reasonably requiring access to the evidence prior to a
public inquiry, please tick this box if applicable ☐