

## Witness Proof of Evidence

# Mark Strutt (User 10)

Determination by

The Secretary of State for Environment, Food and Rural Affairs

LOCAL PUBLIC INQUIRY August 7<sup>th</sup>, 2018

Bath and North East Somerset Council

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

Definitive Map Modification Order 2017

Appeal Reference: ROW3186868

Mark Strutt

Brook Cottage, St Catherine, Bath, BA1 8HA

Tel: 01225 859034, Email: strut@talk21.com

1. This Proof of Evidence is made by myself, Mark Strutt, and is submitted in support of the Definitive Map and Statement Modification Order issued by Bath and North East Somerset Council on July 18<sup>th</sup> 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 Company Director and Surveyor and have lived in St Catherine for 1948 – 1959 and in 1967 to this date.
3. I have used the route on foot from 1948 to 2012, until the closing the Beeks track between St Catherine lane to the bridge on Beeks lane.
4. I have not used the route on horseback from 1948 to this date.
5. I have used the route on bicycle from time to time during the 50's
6. I have used the route by motorised vehicle from 1948 ( as a child ) until 1965, and from 1965 as driver to 2012 when the track on Beeks Lane when the track has been locked.
7. 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.

8. No one has ever attempted to turn me back or said that I have no right to use the route.
9. I have never been given permission to use the route.
10. I have met the landowner, their employees or family while I was using the route until 2012.
11. Before 2012 there was never any obstruction on the route. Use of the track was barred after 2012 by padlocked gates and private signs at both ends.
12. I attach as evidence a copy of the Completed User Evidence Form submitted by myself dated December 15<sup>th</sup>, 2012



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

B&NES File Reference (if known) \_\_\_\_\_

Parish &/or Name of Route (if known) St Catherine, Beeks Lane

### 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 25). 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 do not wish your personal information to be disclosed prior to an Inquiry please tick the appropriate 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.

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,  
Riverside, Temple Street, Keynsham, BA31 1LA.

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

1. Name (Mr/Mrs/Miss) Mr Mark Strutt

2. Address: Brook Cottage, St Catherine  
Bath Postcode: BA1 8HA

Telephone: 01225 85984 (work) (home)

Email: Strutt@talk21.com

4. Please give a full description of the route you use and mark it on the attached map.  
e.g. where you start from, where you go and where you finish

From the junction of St Catherine lane (sometimes called Leigh Lane) with Beck's Lane (Grid SJ 762711) to Marshfield via the junction with the Beck's Lane. Extended Man serves Beck's Farm (SJ 764714)

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

(a) on foot

X

between

1950

and

2012

(b) on horseback

between

and

(c) on bicycle/horse-drawn vehicle

between

and

(d) with motorised vehicle

X

between

1950

and

2012

6. Were there any years during which you did not use the route at all?

YES ☒

NO ☐

If YES, which years and why?

between

1970

and

1976

Absence on military service

How frequently do/did you use the

7. route?

(a) on foot

daily

once a week

once a month

(b) on horseback

	2 or 3 x/wk	
	1 x wk	

(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 1959 to 1976 2 or 3 times a year

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

Access to Beck's meadow, Beck's farm and Marshfield for work, pleasure and shopping

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]

3.5m approx

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

☒

If you have answered 'YES' to any of the above, please go to Question 14.

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?

Normal exchange of conversation  
(No reference to the use of the route)

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.

Current owner in 2012

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?

on gate or Junction with St Catherine lane

(b) what did they say?

see photo attached

(c) when were they present?

between

Apr 2012

and

Dec 2012

(still present)

17

Have there ever been stiles, gates or bridges on the route?

YES ☒NO ☐

If YES (a) what were they?

gate and bridge

(b) when were they erected?

pre 1950

(c) how long were they in place?

pre 1950

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

YES ☐NO ☒

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

YES ☐NO ☒(until ? Sept 2012)  
If YES, when and for how long?Since Sept 2012

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?

asked by my grandparents, parents, other locals  
past mow, ground and others at becker farm for  
access to Marchfield and Becker farm

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

YES ☒NO ☐



Public Inquiry in respect of the evidence you have given?

If not, please briefly explain your reasons.

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

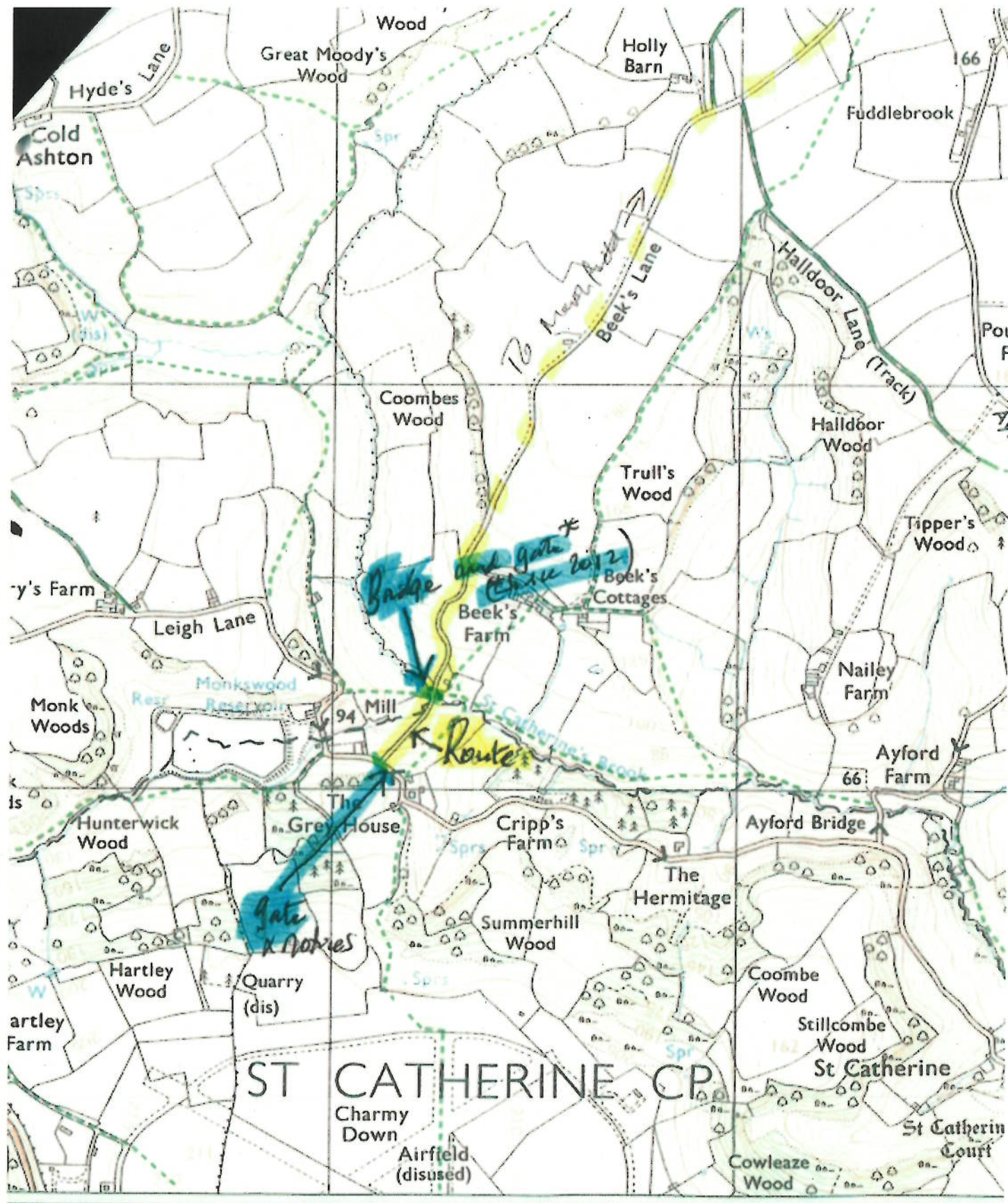
I also understand that [redacted] evidence may be presented at Public Inquiry and I authorise Bath and North East Somerset Council to use this form for that purpose.

Signature: [redacted]

Date: 15 January 2012

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

If you do not wish Bath and North East Somerset Council to disclose your personal information prior to a Public Inquiry, to anyone reasonably requiring access to this evidence form, please tick this box. ☐



76

77

BATHEASTON CP

WANSDYKE DISTRICT

21'

20'