

# Witness Statement of Case

by

## Brenda Johns (User 02)

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

Brenda Johns

Orchard Farm, St Catherine, Bath, BA1 8EZ

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1. This Statement of Case is made by myself, Brenda Johns, 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. As a past endurance rider I was used to using maps for my various routes. From studying old maps I discovered that Leigh Lane – the road running through St Catherine's valley, left the valley and went uphill towards Marshfield via Beek's Lane. This was before creation of the A46.
3. When using Beek's Lane in the past, it did not occur to me that it was anything other than a Council owned lane. Especially so as it was tarmacked by South Gloucestershire as far as the boundary – the brook. It is one continuous lane giving access from both ends, most importantly to the mill and to the farm. The presence of the milestone on the BANES section emphasized this and apparently there used to be a milestone at the other end. They would not have been erected on a private Road. In the same way that the Banes section of the lane has been left as a hardcore surface, the same as Holtsdown Road, which is open to all traffic.

4. It seems that when the Definitive Map was redrawn in 1948 these older roads, which were no longer the main route, were not recorded.
5. Beek's Lane has been used for many many years by motorised vehicles as the postmen have delivered mail by that route until the problems of recent times.
6. I have used the route on horseback from 1984 to 2003
7. I have used the route by motor vehicle from 1984 to 2000
8. 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.
9. No one has ever attempted to turn me back or said that I have no right to use the route.
10. I have never been given permission to use the route.
11. Before 2012 there was never any obstruction on the route to my knowledge.
12. I attach as evidence a copy of the Completed User Evidence Form submitted by myself dated April 23<sup>rd</sup>, 2017

**PUBLIC RIGHTS OF WAY**  
**USER EVIDENCE FORM**

Parish &/or Name of Route (if known) St Catherine / Beeches 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 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/Mrs/Miss/Ms) BRENDA JOHNS
2. Address: ORCHARD FARM  
ST CATHERINE BATH Postcode: BA1 8HA  
Telephone:                      (work) 01225 858795 (home)  
Email: brenda.wally@me.com
3. Date of Birth:                      NB: You do not have to give your date of birth,  
but it helps the Authority assess your evidence.

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

*Variable from Leaford Farm Litter up  
or down Becks Lane to make a circuit  
with Pyford or Leaford Lanes & as access  
to Metchfield.*

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

- (a) on foot  
(b) on horseback  
(c) on bicycle/horse-drawn vehicle  
(d) with motorised vehicle

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

between \_\_\_\_\_ and \_\_\_\_\_  
between 1984 and 2003  
between \_\_\_\_\_ and \_\_\_\_\_  
between 1984 and 2000

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

YES ☒ NO ☐

If YES, which years and why?

between \_\_\_\_\_ and \_\_\_\_\_

*Pre 1984 - not living in the area  
Not after 2003 - not riding & not organising social activities*

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

- (a) on foot  
(b) on horseback  
(c) on bicycle/horse-drawn vehicle  
(d) with motorised vehicle

	daily	once a week	once a month
(a) on foot			
(b) on horseback		<i>frequently</i>	
(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.

*About twice a year*

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

*To contact local people re social activities - by car*

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? *wide enough for a tractor* [feet][metres]

*Not measured*

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  
(b) the tenant  
(c) an employee of the owner/tenant  
(d) a family member of any of the above

YES ☐ NO ☒  
YES ☐ NO ☒  
YES ☐ NO ☒  
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?

*Generally in horseback to comment on beauty of work done etc.*

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?

*Only seen recent dispute*

(b) what did they say?

*Private highway only.*

(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?

*Gates at Long Lanes end.*

(b) when were they erected?

*N/A*

(c) how long were they in place?

*N/A*

(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?

*I personally never saw the gate shut.*

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 ☒

*in the past*

YES (a) what was the obstruction?

locked gate or metal  
mesh panel

(b) when was it put there?

At beginning of dispute

(c) how long was it in place?

Still there

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

YES

☐

NO

☐

*It would have done if I had needed to use*

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

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

*Beek Lane road's entirely is part of the "Round  
Down Bridleway Ride".*

20. If you wish to add any further details about the route which you cannot show on the attached map, please sketch them here.

*Until recently sheep (including mixed  
have been driven on foot from Marshfield  
down Beek Lane to fresh pasture in  
St. Cuthbert's valley.*

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.

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:

[Redacted Signature]

Date:

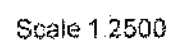
*23rd April, '17*

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

☒

Unaffected public footpath



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