

# Witness Statement of Case

by

**Edward Lippiatt (User 22)**

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

Edward Lippiatt

Henly Tying Farm, St Catherine, Bath, BA1 8HQ

Tel:078023 345264, Email: edwardlippiatt@hotmail.com

1. This Statement of Case is made by myself, Edward Lippiatt, 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 local farmer and was born on the farm in 1967, my father was born on the farm in 1944, he has used the route all his life uptill 2012
3. I have used the route on foot from an early age
4. I have used the route on horseback in my childhood in the 70s
5. I have used the route on bicycle in my childhood in the 70s
6. I have used the route by motorised vehicle as a child to go to school in Marshfield, then I used to take my children to school using this route if the A46 was busy. I also used it back from friends houses in Marshfield. We used to use the route to access Beeks Farm with a tractor and trailer to collect barley, now I have to make a 5mile detour.

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. This was historically allowed for the local residents of the valley
10. I have never met the landowner, their employees or family while I was using the route.
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, causing considerable inconvenience to everyone.
12. I attach as evidence a copy of the Completed User Evidence Form submitted by myself dated April 30<sup>th</sup>, 2017





**Bath & North East  
Somerset Council**

**PUBLIC RIGHTS OF WAY**

**USER EVIDENCE FORM**

Parish &/or Name of Route (if known) BEEITS MILL LAKE

**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,

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

1. Name (Mr/Mrs/Miss/Ms) EDWARD S LIPPIATT

2. Address: HEMELY TYMNO FARM ST CATHERINES  
BATH BA1 8HQ  
 .....Postcode:

Telephone: ..... (work) 07802 385264  
 (home)

Email: EDWARDLIPPIATT@hotmail.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

BEERS MILL LANE.  
I USED THE LANE TO GET TO FROM.  
HEMELY TYMNO FARM TO MARSHFIELD TO AVOID  
THE TRAFFIC ON A46.

5. How have you used the route, and during which years?				
(a) on foot	between	<u>ALWAYS</u>	and	
(b) on horseback	between		and	
(c) on bicycle/horse-drawn vehicle	between		and	
(d) with motorised vehicle	<del>1985</del> between	<u>1985</u>	and	<u>2010</u>
6. Were there any years during which you did not use the route at all?			<u>YES</u>	NO



If YES, which years and why?		between	and		
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.					
8.	For what purpose do/did you use the route? e.g. for pleasure, going to work etc.				
	AVOID 120 TRAFFIC + TAKING CHILDREN TO SCHOOL				
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		
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?		
	ALWAYS A SMILE + WAVE SOMETIMES A CHAT		
14.	Have you ever been given permission to use the route?	YES	NO
	If YES, who gave you permission and when?		
	GODOLING		
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?	GATE	
	(b) when were they erected?	ALWAYS	before
	(c) how long were they in place?	then	
	(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
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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?

THE ROUTE IS NOW BLOCKED & WE ARE UNABLE TO USE IT.

IN EMERGENCY? THERE IS NO ACCESS.

IT IS A PUBLIC TRACK THAT HAS BEEN VULNERED

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:

Date:

30.4.17

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

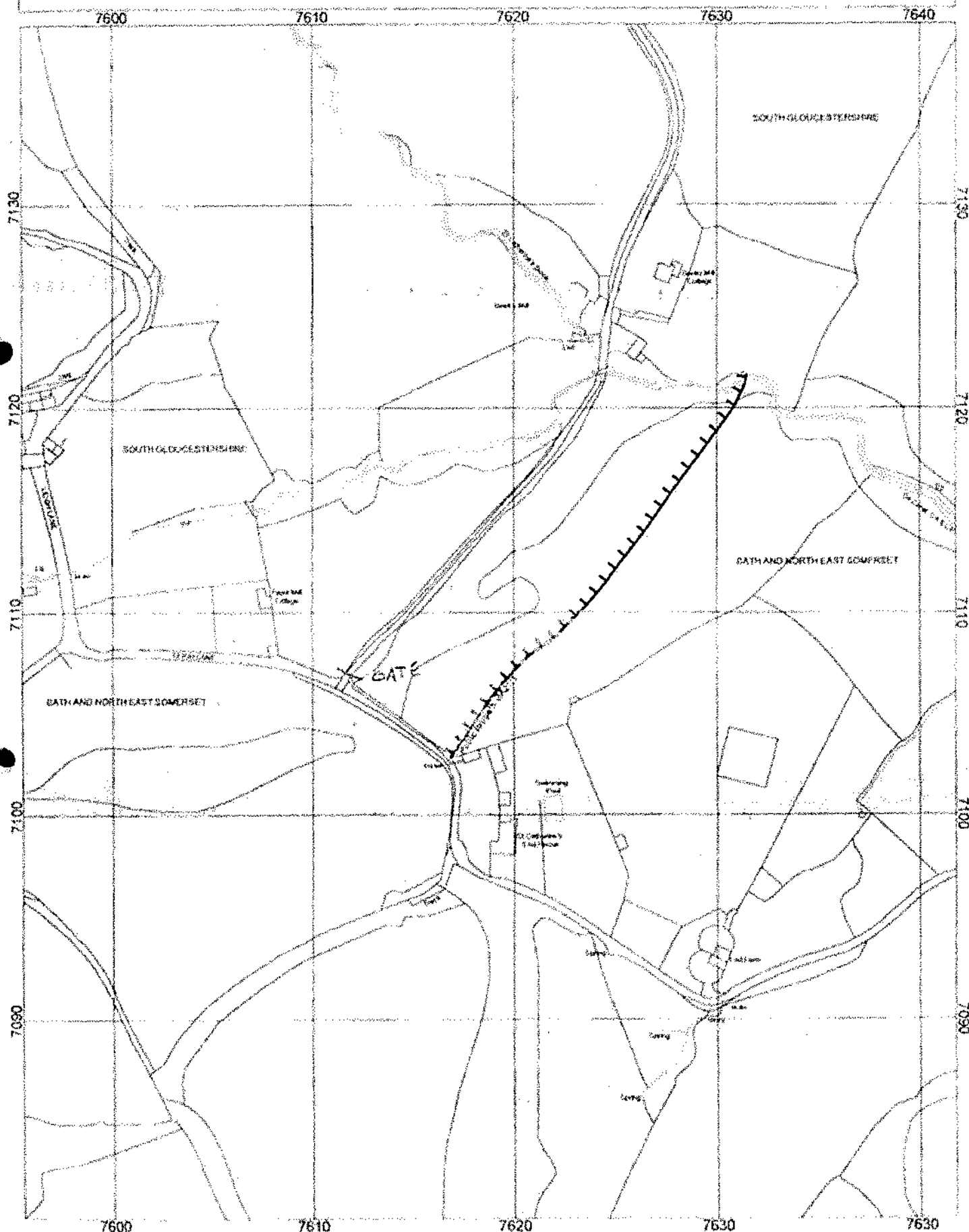
I consent to Bath and North East Somerset Council disclosing the personal information contained within this User Evidence Form to anyone reasonably requiring access to this evidence prior to a

## User Evidence Form Plan



Unaffected public footpath 

Scale 1:2500

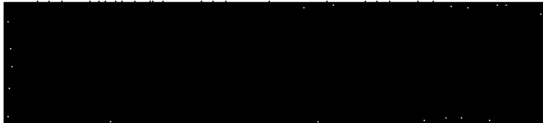


Witness Statement  
of  
Edward J Lippiatt

I, Edward Lippiatt of Henly Tynning Farm St Catherines Bath BA1 8HQ wish to make the following statements concerning the gravel track between Leigh Lane and Beeks Mill;

- 1) I have lived in the valley all of my life, 48 years. I farm about 630 acres in the St Catherines Valley.
- 2) In all these years the gravel track has only been used by locals (My family, Harpers and Godwins) and the postman, on an infrequent basis, because it has been and still is very rutted.
- 3) We had a 'gentlemans agreement' to use the track with the previous owners of Beeks Mill, cutting the hedges in return.
- 4) As far back as I can remember there has always been a gate against Leigh Lane, that was usually shut and had a private/no access sign. Also please shut the gate, as it normally was.
- 5) Walkers and horses used the gravel track. The previous owners used to stop vehicles and made them turn around.
- 6) We only use the track for access to Beeks Farm and Beeks Mill. Rarely do we use it to go to Marshfield.
- 7) The worry is if it is upgraded to a public highway, cars and more worryingly lorries will try and use it when the A46 is shut. These lanes are not suitable for any more traffic, and they will get stuck or cause accidents.

I confirm the contents of this statement are true,

  
Edward Lippiatt.  
7th February 2015



