

## WITNESS STATEMENT OF PHILIP SMART

I, Philip Smart, 28 Ashley Road, Bathford. BA1 7TT will say as follows:

- 1). I started going up "the track" in 1966/7 when I worked up at Beeks Farm.
- 2) At this time, Reggie Godwin also gave me permission to go shooting so I used the track then too, as well as to collect vegetables.
- 3) My friendship with Beeks Farm continues to this day. Only last year we were mending a trailer for them. This year we have been up helping put new props under the shed which I built in the 1970s.
- 4) Because I was such a regular at the Farm, they asked me to do various jobs for them, painting etc. I regularly bumped into Mr Lane who corroborated my permission to use the track because he knew my business was at the Farm.
- 5) My help at Beeks Farm soon extended to other help, mending vehicles, hoeing swedes, hay making and other odd jobs so that my use of the track was pretty much constant.
- 6) Up to the mid 1970s I used the track every day because on Sundays we would go for a walk.
- 7) Usually on Sundays the gate was locked. It was opened in the weekday mornings so the postman could go through. If I arrived early and it was locked, I had to climb over the gate and get the key. This was hanging on baler twine at the back of Charlie Godwin's shed/garage. Sometimes Charlie would say to me, "leave the gate open for me sonny, I am going out in a minute".

8) After 1975, I met my wife and did not go up as regularly as I was not helping out there so much. I used to go up there shooting though to keep Reggie's rabbits down and for walks. Both these activities lasted up to 2000 when I stopped going up as regularly.

9) If I had to collect my Father from the London Rd Bus Depot, then I would go shooting till about 11:30 p.m. This was if he was on a late shift. When I left at 11:30 p.m. I would have to unlock the gate and lock it behind me. My dad did not have a car so I picked him up over many, many years. He finished work in 1980.

10) Sometimes I would also use the track if I was going back home via the valley and I would lock the gate at night.

11) In the day the gate wasn't locked but it was usually shut. There was a sign on the gate saying, "private road". There was also an iron gate at the bottom which was kept shut when Reggie's cattle were in there. I did not use it when cattle were in the paddock and no one did because Reggie would warn them not to.

12) The track was fenced up down the side around the 1970s. The bottom gate was thereafter mostly left open.

13) In all this time I can never remember meeting anybody on the track other than the postman. It was so rough that was not easy for a vehicle to go up or down. My van had a high wheel base so I was alright.

14) I can remember going down there and helping Reg fill in the ruts.

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5th July 2018