

IN THE MATTER OF:

**AN APPLICATION TO REGISTER LAND KNOWN AS WESTBROOK
WOODLAND, BATH (THE "SITE"), AS A NEW TOWN OR VILLAGE GREEN
PURSUANT TO SECTION 15 OF THE COMMONS ACT 2006 (THE
"APPLICATION")**

FRIENDS OF THE ORCHARD

The Applicant

AND

MR. PAUL EALEY

The Objector

WITNESS STATEMENT OF COLIN BARRETT

I, Colin Barrett, of 15 Leighton Road, Lansdown Lane, Weston, BA1 4NF, say as follows:

1. INTRODUCTION

1.1 My full name is Colin Barrett and my date of birth is 16 January 1936.

1.2 I am currently retired. I was previously:

1.2.1 the Chairman of the Broadmoor Lane Residents' Association, which is the previous name of the Applicant, from approximately 1998 until 2003; and

- 1.2.2 a councillor for the Weston electoral ward in Bath and North East Somerset from 2003 (at which time I resigned my position as Chairman of the Broadmoor Lane Residents' Association) until 2019.
- 1.3 I make this witness statement in response to the application issued by the Applicant on 4 March 2019 with application number TVG 19/1 (the "Application").
- 1.4 Unless stated otherwise, the facts and matters set out in this witness statement are within my knowledge and are true. Where any facts or matters are not within my own knowledge, the source of the information is identified and those facts and matters are true to the best of my knowledge and belief.
- 1.5 I refer to various documents in this witness statement and which have been produced alongside this witness statement. The references in square brackets to "Exhibit [No.] / [Page Reference]" indicate the location of each document within the paginated bundle, with:
- 1.5.1 "[No.]" indicating the Exhibit number; and
- 1.5.2 "[Page Reference]" indicating the page number in the paginated bundle.
- 1.6 I will address the following matters in this witness statement:
- 1.6.1 my relationship with the Site (as defined below) and the surrounding area;
- 1.6.2 the background to my involvement in the Broadmoor Lane Residents' Association's application to have the land known as The Orchard on Broadmoor Lane, illustrated by the area hatched blue on the plan attached at Exhibit 1 / 226 ("The Orchard") registered as a town and village green pursuant to an application dated 22 March 1999 (the "Orchard Application"). The location of the land subject to the Application (the "Site") is hatched red for reference.

2. RELATIONSHIP WITH THE SITE AND SURROUNDING AREA

- 2.1 I moved to 15 Leighton Road, Lansdown Lane, Weston, BA1 4NF in December 1964 with my wife and family. This is approximately a ten minute walk from the Site, and I have lived there from December 1964 until the present day.
- 2.2 Prior to the construction of the housing estate now located on The Orchard, children, including my own children, played in The Orchard. However, you could not access the Site or play in the West Brook as access was prevented by thick bramble bushes and a chain-linked fence.
- 2.3 In around 2003, Redcliffe Homes cleared the boundaries to The Orchard, and a footbridge was constructed across the West Brook. Only after the construction of this footbridge was the Site accessible from The Orchard.
- 2.4 In around 2004, in my role as a councillor for the Weston electoral ward in Bath and North East Somerset, I was contacted by the Public Rights of Way team at Bath and North East Somerset Council. They told me that they intended to divert the public footpath along Osbornes Lane to cross the West Brook next to the northern boundary of the Site, and re-cross the West Brook across Lansdown Grange Farm.

3. THE ASSOCIATION AND THE ORCHARD APPLICATION

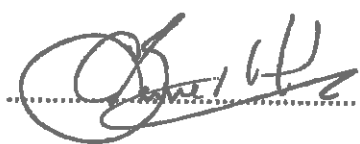
- 3.1 In 1999, in my role as Chairman of the Broadmoor Lane Residents' Association, together with Andy Stewart (the Secretary of the Broadmoor Lane Residents' Association at that time), we applied to have The Orchard registered as a town and village green by way of the Orchard Application.
- 3.2 The developer of the housing estate now located on The Orchard donated play equipment for an enclosed play area, and agreed to maintain the equipment and wider play area for a period of ten years.
- 3.3 When we decided on making the Orchard Application, discussions around the prospect of including the Site as part of the Orchard Application never happened. This was because people could not and did not use the Site prior to

the construction of the footbridge in 2003. If they did, we would have included the Site as part of the Orchard Application.

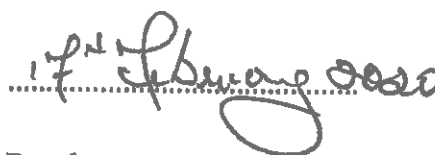
- 3.4 For the reasons set out above, I do not believe the Site should be registered as a town and village green and the Application should be dismissed.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

A handwritten signature in black ink, appearing to read 'Colin Barrett', written over a dotted line.

Colin Barrett

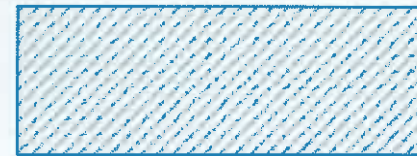
A handwritten date '17th February 2020' followed by a signature, written over a dotted line.

Dated

EXHIBIT 1



The Site



The Orchard

IN THE MATTER OF:

**AN APPLICATION TO REGISTER LAND KNOWN AS WESTBROOK
WOODLAND, BATH (THE "SITE"), AS A NEW TOWN OR VILLAGE GREEN
PURSUANT TO SECTION 15 OF THE COMMONS ACT 2006 (THE
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FRIENDS OF THE ORCHARD

The Applicant

AND

MR. PAUL EALEY

The Objector

WITNESS STATEMENT OF KAYE BROWN

I, Kaye Brown, of 70 Broadmoor Lane, Bath BA1 4LA, say as follows:

1. INTRODUCTION

1.1 My full name is Kaye Brown and my date of birth is 2 September 1960.

1.2 I work for the NHS, I have lived in Weston all my life, and kept horses at Lansdown Grange Farm for 32 years, which borders the Site.

- 1.3 I make this witness statement in response to the application issued by the Applicant on 4 March 2019 with application number TVG 19/1 (the "Application").
- 1.4 Unless stated otherwise, the facts and matters set out in this witness statement are within my knowledge and are true. Where any facts or matters are not within my own knowledge, the source of the information is identified and those facts and matters are true to the best of my knowledge and belief.
- 1.5 I refer to various documents in this witness statement and which have been produced alongside this witness statement. The references in square brackets to "Exhibit [No.] / [Page Reference]" indicate the location of each document within the Exhibits Schedule of the Bundle, with:
- 1.5.1 "[No.]" indicating the Exhibit number; and
- 1.5.2 "[Page Reference]" indicating the page number in the paginated bundle.
- 1.6 I will address the following matters in this witness statement:
- 1.6.1 my relationship with the Site;
- 1.6.2 previous usage of the Site; and
- 1.6.3 accessibility to the Site in the time that I have known it.
2. **RELATIONSHIP WITH THE SITE**
- 2.1 I have been very familiar with the Site for my entire life. I was born in Weston village, which is the local village in which the Site is based. I now live at 70 Broadmoor Lane, Bath BA1 4LA, the location of which is shown on the plan attached at Exhibit 1 / 231.
- 2.2 I have regularly travelled past the Site. I kept horses at Lansdown Grange Farm, Bath BA1 4DS, the location of which is shown on the plan attached at Exhibit 1 / 231 ("Lansdown Grange Farm") for 32 years, from 1988 and still stable them there today. Osborne's Lane, which runs parallel to the western boundary of the

Site, was the only access point to Lansdown Grange Farm. As a result, I pass the Site most days.

3. **USAGE OF THE SITE**

3.1 The Site has been used as a horse paddock from around 1988 until the early 2000s. For most of this time, there were stables on the Site. I recall that the last person to use the Site to store horses was Linda Coles, less than 20 years ago.

3.2 I have attached a picture which I have in my own possession at Exhibit 2 / 233. I cannot date this picture unfortunately; however, it shows use of the Site as a horse paddock, with horses in the foreground of the picture, and a horse jump in the rear of the picture. Additionally, there is signage on the picture stating that the Site is private property, and warning trespassers to keep out.

4. **ACCESSIBILITY TO THE SITE**

In the time I have known the Site I have always considered it to be private and not accessible to the public. The Site was always fenced off, or secured by hedges. It was only after the new houses on Broadmoor Lane were constructed, in around 2004, when fencing around the Site started to get broken and people started to trespass on the Site.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.



Kaye Brown

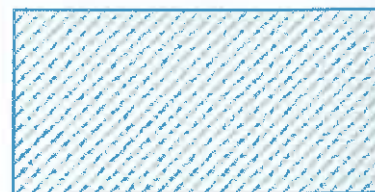
6 - 3 - 2020

Dated

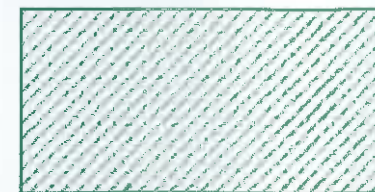
EXHIBIT 1



The Site



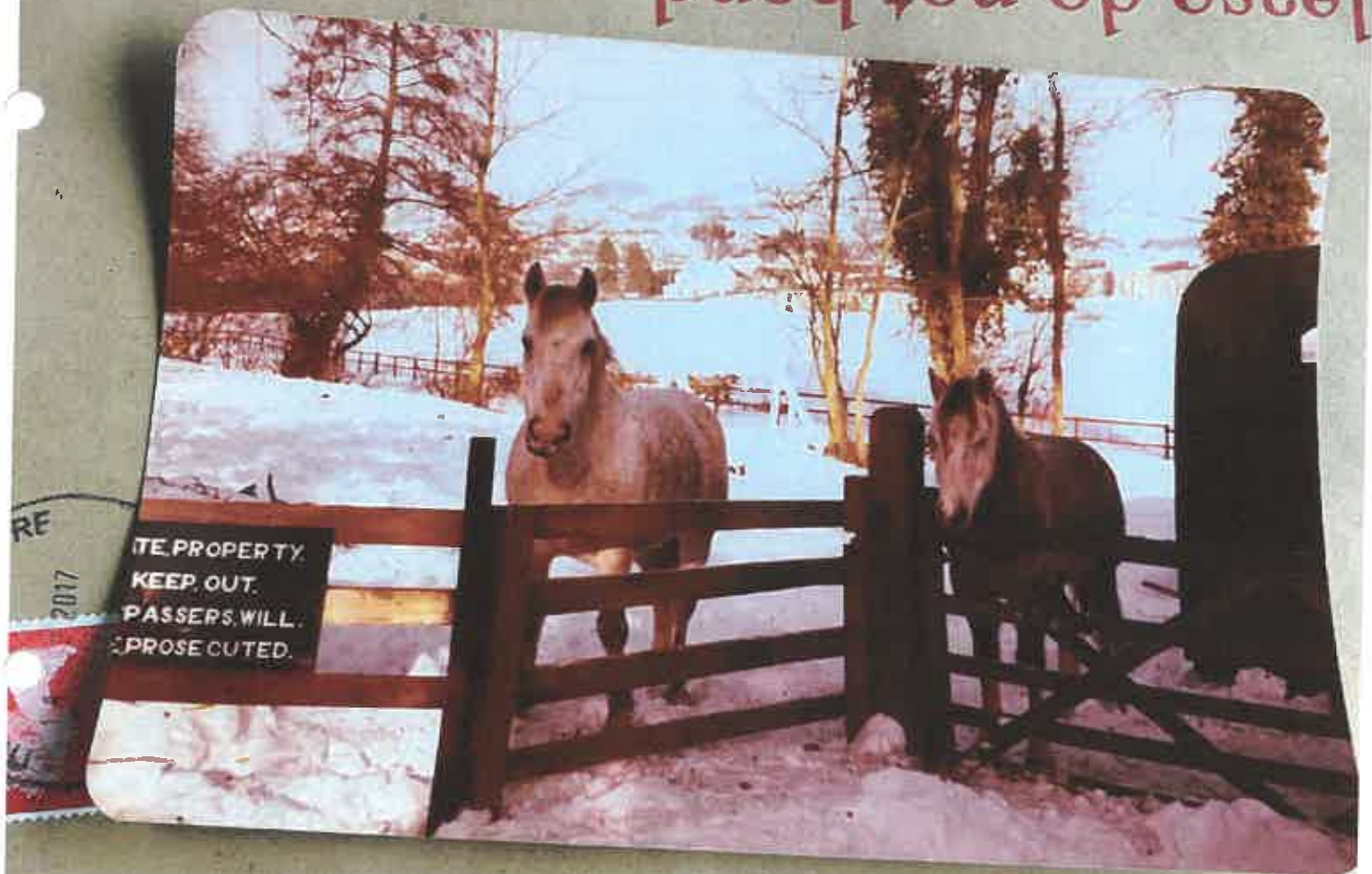
Lansdown Grange Farm



70 Broadmoor Lane

EXHIBIT 2

Please do not bend



RE

2017

IN THE MATTER OF:

AN APPLICATION TO REGISTER LAND KNOWN AS WESTBROOK
WOODLAND, BATH (THE "SITE"), AS A NEW TOWN OR VILLAGE GREEN
PURSUANT TO SECTION 15 OF THE COMMONS ACT 2006 (THE
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FRIENDS OF THE ORCHARD

The Applicant

AND

MR. PAUL EALEY

The Objector

WITNESS STATEMENT OF LINDA COLE

I, Linda Cole, of 18 Southlands, Upper Weston, Bath BA1 4DY, say as follows:

1. INTRODUCTION

1.1 My full name is Linda Cole and my date of birth is ^{2/7/1958} *[insert date of birth]*.

1.2 I have lived in Weston village, the village within which the Site is contained. I kept horses on the Site between 1971 and 2002.

1.3 I make this witness statement in response to the application issued by the Applicant on 4 March 2019 with application number TVG 19/1 (the "Application").

- 1.4 Unless stated otherwise, the facts and matters set out in this witness statement are within my knowledge and are true. Where any facts or matters are not within my own knowledge, the source of the information is identified and those facts and matters are true to the best of my knowledge and belief.
- 1.5 I refer to various documents in this witness statement and which have been produced alongside this witness statement. The references in square brackets to "Exhibit [No.] / [Page Reference]" indicate the location of each document within the paginated bundle, with:
- 1.5.1 "[No.]" indicating the Exhibit number; and
- 1.5.2 "[Page Reference]" indicating the page number in the paginated bundle.
- 1.6 I will address my relationship with the Site in this witness statement:
- 1.6.1 my relationship with the Site;
- 1.6.2 previous usage of the Site; and
- 1.6.3 accessibility to the Site in the time that I have known it.
- 2. RELATIONSHIP WITH THE SITE**
- 2.1 I am very familiar with the Site, and have been for the vast majority of my life. I grew up in Weston village, the local village in which the Site is based. I now live at 18 Southlands, Weston, Bath.
- 2.2 I have used the Site to stable and graze my horses between 1971 and 2002. The Site was always secure during this time, which was necessary to prevent the horses from escaping, and the public from trespassing on the Site.
- 3. USAGE OF THE SITE**
- The Site has been used as a horse paddock from the early 1970s until the early 2000s. For most of this time, there were stables on the Site, until the previous owners, Susan and Gerald Hook, relocated the stables to their home.

4. ACCESSIBILITY TO THE SITE

In the time I have known the Site, I have always considered the Site to be private land, and not accessible to members of the public. The Site was always securely fenced or secured by hedges. It was only after the houses were constructed on land known as the Orchard, in around 2004, that people began trespassing on the Site.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

L m COLE

Linda Cole

9/7/2020

Dated

IN THE MATTER OF:

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FRIENDS OF THE ORCHARD

The Applicant

AND

MR. PAUL EALEY

The Objector

WITNESS STATEMENT OF JOSS EALEY

I, Joss Ealey, of 56 Malpas Road, London, SE4 1BS, say as follows:

1. INTRODUCTION

- 1.1 My full name is Joss Alexander Ealey and my date of birth is 23 March 1990.
- 1.2 I am a solicitor for Latham & Watkins, LLP.
- 1.3 My parents are the current owners of the land subject to the Application (as defined below) (the "Site") and I have been familiar with the Site for most of my life.

- 1.4 I make this witness statement in response to the application issued by the Applicant on 4 March 2019 with application number TVG 19/1 (the "Application").
- 1.5 Unless stated otherwise, the facts and matters set out in this witness statement are within my knowledge and are true. Where any facts or matters are not within my own knowledge, the source of the information is identified and those facts and matters are true to the best of my knowledge and belief.
- 1.6 I refer to various documents in this witness statement and which have been produced alongside this witness statement. The references in square brackets to "Exhibit [No.] / [Page Reference]" indicate the location of each document within the paginated bundle, with:
- 1.6.1 "[No.]" indicating the Exhibit number; and
- 1.6.2 "[Page Reference]" indicating the page number in the paginated bundle.
- 1.7 I will address the following matters in this witness statement:
- 1.7.1 the background to my relationship with the Site; and
- 1.7.2 how the Site has been accessed in the time during which I have known the Site.
- 2. RELATIONSHIP WITH THE SITE**
- 2.1 I have known the Site throughout my life, from 1990 until the present day. I have set out my proximity to the Site below, and in section 3, I have set out:
- 2.1.1 my knowledge of the Site; and
- 2.1.2 how members of the public could not access the Site.
- 2.2 From March 1990 until June 2003, I lived at 16 Broadmoor Lane, Bath BA1 4JY, the position of which is indicated on the map attached at Exhibit 1 / 243. 16 Broadmoor Lane is located approximately a ten minute walk from the Site.

2.3 From 2003 until 2009, I lived at Redwoods 6A, Kelston Road, Bath BA1 3QN, Redwoods 6A, Kelston Road is located around approximately a 15 minute walk from the Site.

2.4 From 2012 until the present day, my parents (Paul Ealey and Donna Ealey) have lived at Redwoods 6a, Kelston Road, which I typically visit about once a month.

3. **ACCESS TO THE SITE FROM 1998 UNTIL 2018**

3.1 I have lived in close proximity to the Site for most of my life. From:

3.1.1 the ages of 4 to 11 (1994 to 2001), I went to Weston All Saints Primary School, which borders the Site; and

3.1.2 the ages of 11 to 29 (2001 to the present day), I have often walked dogs along Osbornes Lane and the boundary to the Site.

3.2 The Site was rarely used prior to 2003 for a number of reasons:

3.2.1 To the northwest of the Site was a larger area of land which could be accessed by members of the public. This land was known as "the Orchard". People used the Orchard instead of the Site because the Orchard was far easier to access. For example:

(a) The Orchard had a fence and gate for pedestrian use, as well as a wide access gate. This was confirmed in an unsuccessful application to register the Orchard as a town and village green by the Broadmoor Lane Residents Association, which I understand is the previous name of the Applicant.

- (b) Prior to November 2003, you could not access the Site by way of the footbridge located to the northwest of the Site, the location of which is illustrated by the fluorescent blue line on the map labelled "Footbridge" attached at Exhibit 1 / 243. Prior to the Orchard being closed off to the public in the early 2000s due to the construction of the Broadmoor Lane housing estate by Redcliffe Homes, there was vegetation and wire fencing preventing access to the Site here. You can see reference to these boundary measures on the extract of an ecology management plan, which was submitted to the Council in connection with Planning Application Reference: 99/00755/FUL and was granted on 15 November 2000, at Exhibit 2 / 245.

3.2.2 Due to a combination of:

- (a) the footbridge not being available for the public to access; and
- (b) the public footpath not running immediately to the west of the Site,

you could not access the western boundary of the Site prior to November 2003. The footpath diversion order, confirmed on 19 November 2003 and attached at Exhibit 3 / 247, shows the location of

the Site. The public footpath which now runs next to the western boundary of the Site only did so from 19 November 2003 and therefore you could not access the Site by this route prior to 19 November 2003.

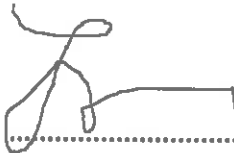
3.2.3 Throughout the 1990s, I recall there being horses stabled on the Site. The horse stables are no longer located on the Site, but you can see evidence of the location of the stables on Exhibit 4 / 254 and evidence of horses being kept on the Site at Exhibit 5 / 256.

3.2.4 In 1998, the Site was cleared by Alan Leakey, at the instruction of the previous owners, Susan Hook and Gerald Hook. Evidence of these clearing activities is shown by the brown land on the aerial photograph at Exhibit 6 / 258.

3.3 From 2002 until the present day, I have often walked dogs by the boundary to the Site. During this time, I have always seen the Site as secure. I do not believe that much more could be done by the current or previous owners to make it clear that the land is private, and they are looking to keep people out of the Site. Particular examples of these measures include signage on the gate referenced in paragraph 3.2.1(b)(ii) of this witness statement warning that the land was "private". Evidence of signage on the Site has been found and is attached at Exhibit 7 / 260.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.



.....

Joss Ealey

12 June 2020

.....

Dated

EXHIBIT 1

EXHIBIT 2



EXHIBIT 3

PUBLIC PATH DIVERSION ORDER**HIGHWAYS ACT 1980****BATH AND NORTH EAST SOMERSET COUNCIL****Bath and North East Somerset Council (Footpath AO46, Bath (Part) and Unrecorded Footpath, Charlcombe) Public Path Diversion Order 2002**

This Order is made by Bath and North East Somerset Council ('the authority') under section 119 of the Highways Act 1980 ('the 1980 Act') because it appears to the authority that in the interests of the owner of the land crossed by the footpaths described in paragraph 1 of this order it is expedient that the line of the paths should be diverted.


The owner has agreed to defray any compensation which becomes payable in consequence of the coming into force of this order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

BY THIS ORDER:

1. The public right of way over the land situated at Bath and at Charlcombe and shown by a bold continuous line on the maps contained in this order and described in Part 1 of the Schedule to this order shall be stopped up from the date of confirmation of this order.
2. There shall from the date of confirmation of this order be a public footpath over the land situate at Lansdown Grange Farm, Bath described in Part 2 of the Schedule and shown by a bold broken line on the map attached to this order.
3. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.

Given under the Common Seal of the Bath and North East Somerset Council the 13th day of November 2002.

The COMMON SEAL of the
BATH AND NORTH EAST SOMERSET
COUNCIL
was hereunto affixed
in the presence of:-


Authorised signatory



AUTHORITY FOR SEALING	
Full Council Meeting	
Council resolution	
Committee minute	9/5/02
Initials	KE

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That part of the footpaths AQ46 in Bath and an unrecorded footpath in the Parish of Charlcombe in Bath & North East Somerset running from point A at Grid Reference ST 7225 6695 on the map annexed to this Order in a generally north westerly direction for a distance of approximately 245 metres to point B at Grid Reference ST 7215 6717 on the said map and shown by a bold continuous line.

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

From point A at Grid Reference ST 7225 6695 on the map annexed to this Order in a generally north easterly direction for a distance of approximately 45 metres to point C at Grid Reference ST 7228 6698 and thence in a generally north westerly direction for a distance of approximately 235 metres to point D at Grid Reference ST 7218 6718 and thence in a generally south westerly direction for a distance of approximately 30 metres to point B at Grid Reference ST 7215 6717 and shown by a bold broken line. The path to be a width of 2.0m.

PART 3

LIMITATIONS AND CONDITIONS

Footbridges at Grid References ST 7227 6697 and ST 7217 6718.

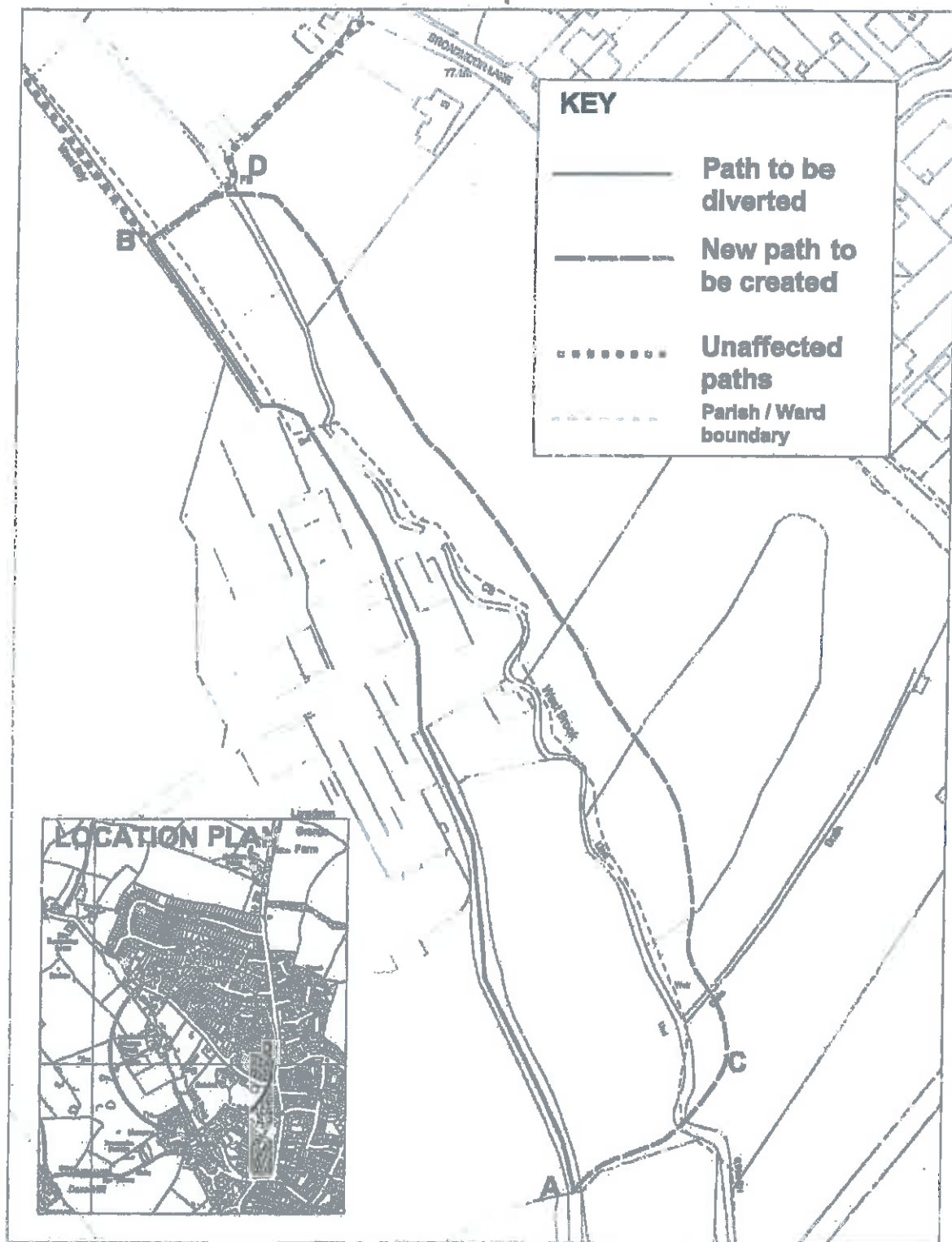
Section 119 Highways Act 1980
Bath & North East Somerset Council (Footpaths
Bath AQ46 (Part) and Charlcombe Unrecorded
Path) Public Path Diversion Order 2002

TAWM
 Riverside
 Temple Street
 Keynham
 Bristol BS31 1LA
 Tel 01225 477000



Scale 1:1250 Date: 25 September 2002

Grid Reference: ST 7225 6702



In pursuance of the powers in that behalf conferred by Schedule 6 of the Highways Act 1980, the Council hereby confirms the foregoing Order.

The COMMON SEAL of
BATH AND NORTH EAST SOMERSET
COUNCIL

was hereunto affixed
this 19th day of November 2003
in the presence of:-



AK Brodras

Authorised signatory

AUTHORITY FOR SEALING	
Full Council Meeting	
Council resolution	
Committee minute	of 9/5/02
Initials	KE

NOTICE OF MAKING AN ORDER

HIGHWAYS ACT 1980

BATH AND NORTH EAST SOMERSET COUNCIL

Bath and North East Somerset Council (Footpath AQ46, Bath (Part) and Unrecorded Footpath, Charlcombe) Public Path Diversion Order 2002

The above order, made on 13th November 2002, under section 119 of the Highways Act 1980, will divert that part of footpath AQ46 in Bath and an unrecorded footpath in the Parish on Charlcombe running from point A at Grid Reference ST 7225 6695 in a generally north westerly direction for a distance of approximately 245 metres to point B at Grid Reference ST 7215 6717 to a line running from point A at Grid Reference ST 7225 6695 in a generally north easterly direction for a distance of approximately 45 metres to point C at Grid Reference ST 7228 6698 and thence in a generally north westerly direction for a distance of approximately 235 metres to point D at Grid Reference ST 7218 6718 and thence in a generally south westerly direction for a distance of approximately 30 metres to point B at Grid Reference ST 7215 6717, as shown on the order map.

A copy of the order and the order map have been placed and may be seen free of charge at the offices below (please telephone the Public Rights of Way Team for an appointment on 01225 477650) and at Trimbridge House, Trim Street, Bath during normal office hours. A copy of the order and the order map is available for inspection at Bath Central Library. Copies of the order and map may be bought from the offices below at the price of £3.50.

Any representations about or objections to the order may be sent in writing to the Public Rights of Way team at the address below not later than 8th January 2003. Please state the grounds on which they are made. Please note that all representations received will be considered in public by the Council and that the substance of any representation together with the name and address of the person making it will become available for public inspection.

If no such representations or objections are duly made, or if any so made are withdrawn, the Bath and North East Somerset Council may confirm the order as an unopposed order. If the order is sent to the Secretary of State for Environment, Food & Rural Affairs, for confirmation any representations or objections which have not been withdrawn will be sent with the order.

This does not form part of the statutory notice: This is a re-advertisement of the Order, first advertised on 20 November 2002, to correct a minor error in the documents served at that stage.

Floor 2, Riverside,
Temple Street,
Keynsham,
Bristol
BS31 1LA
Fax. No. (01225) 394335
Dated: 11th December 2002


S. Howell
Head of Transportation, Access and
Waste Management

NOTICE OF CONFIRMATION OF AN ORDER

HIGHWAYS ACT 1980

BATH AND NORTH EAST SOMERSET COUNCIL

**Bath and North East Somerset Council (Footpath AQ46, Bath (Part) and Unrecorded
Footpath, Charlcombe) Public Path Diversion Order 2002**

On 19th November 2003, Bath and North East Somerset Council confirmed the above order made under section 119 of the Highways Act 1980.

The effect of the order as confirmed is to divert that part of footpath AQ46 in Bath and an unrecorded footpath in the Parish on Charlcombe running from point A at Grid Reference ST 7225 6695 in a generally north westerly direction for a distance of approximately 245 metres to point B at Grid Reference ST 7215 6717 to a line running from point A at Grid Reference ST 7225 6695 in a generally north easterly direction for a distance of approximately 45 metres to point C at Grid Reference ST 7228 6698 and thence in a generally north westerly direction for a distance of approximately 235 metres to point D at Grid Reference ST 7218 6718 and thence in a generally south westerly direction for a distance of approximately 30 metres to point B at Grid Reference ST 7215 6717, as shown on the order map.

A copy of the order as confirmed and the order map have been placed and may be seen free of charge at the offices below (please telephone the Public Rights of Way Team for an appointment on 01225 477650) and at Trimbridge House, Trim Street, Bath during normal office hours. A copy of the order and the order map is available for inspection at Bath Central Library. Copies of the order and map may be bought from the offices below at the price of £3.50.

The order came into force as from 19th November 2003, but if any person aggrieved by the order wants to question its validity, or that of any provision contained in it, on the ground that it is not within the powers of the Highways Act 1980, as amended, or on the ground that any requirement of the Act, as amended, or of any regulation made under the Act has not been complied with in relation to the order, he or she may, under paragraph 2 of Schedule 2 to the Act as applied by paragraph 5 of Schedule 6 to the Act, within 6 weeks from 26th November 2003, make an application to the High Court.

Floor 2, Riverside,
Temple Street,
Keynsham,
Bristol
BS31 1LA
Dated: 26th November 2003


S. Howell
Head of Transportation, Access and
Waste Management

EXHIBIT 4



EXHIBIT 5

please do not bend

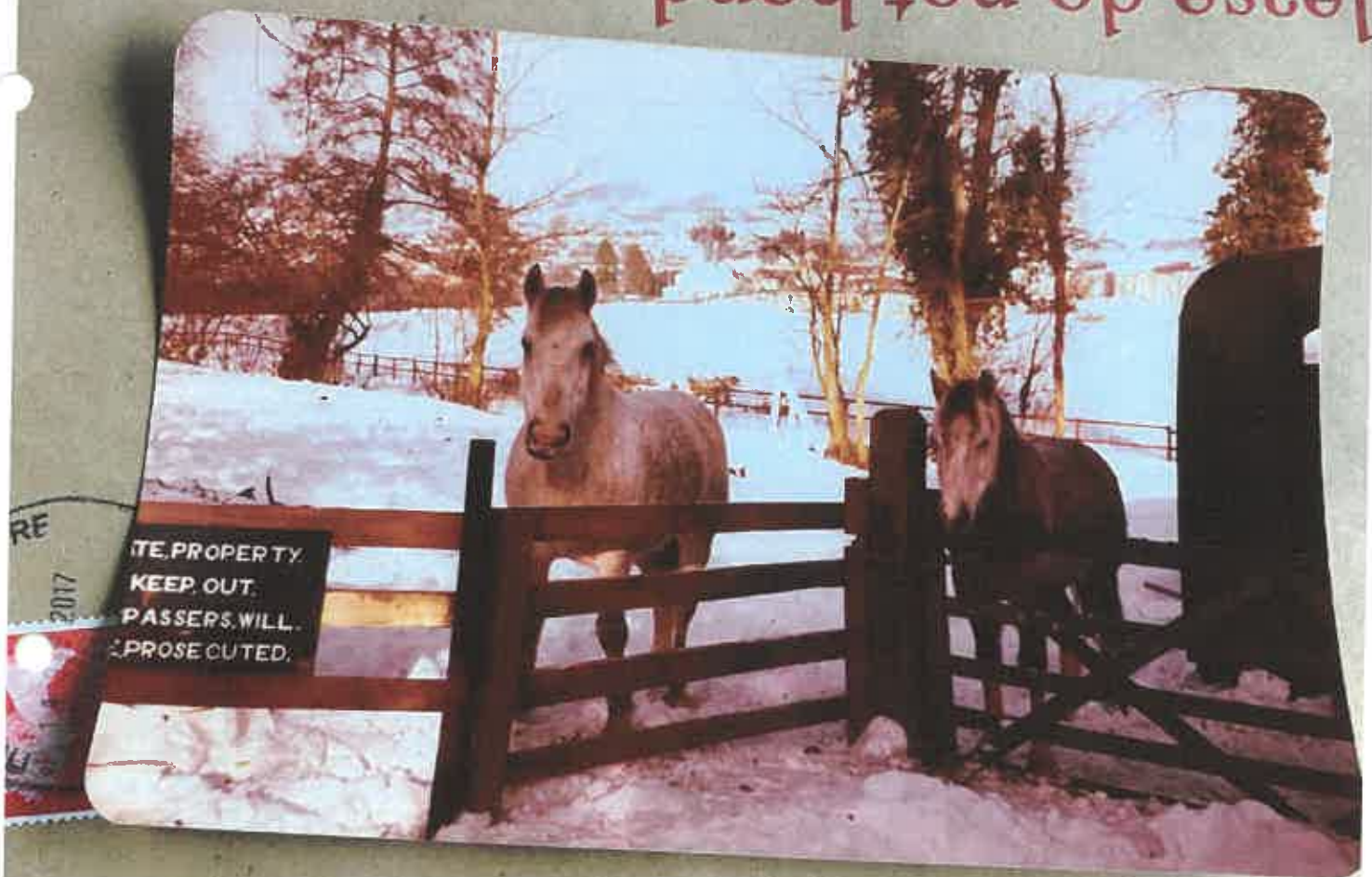


EXHIBIT 6

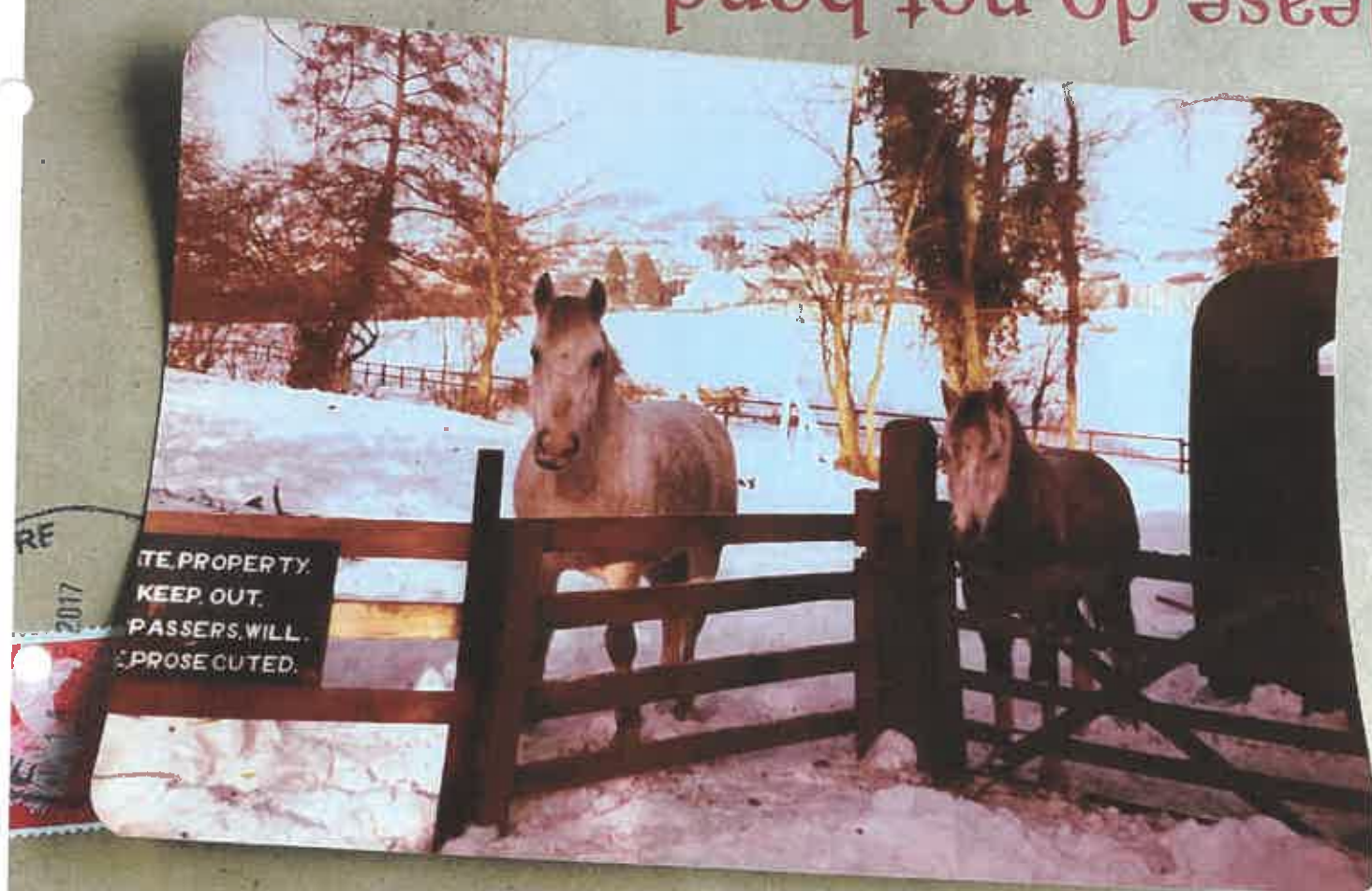


EXHIBIT 7



PRIVATE
NO. DOGS

please do not bend



RE

2017

IN THE MATTER OF:

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PURSUANT TO SECTION 15 OF THE COMMONS ACT 2006 (THE
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FRIENDS OF THE ORCHARD

The Applicant

AND

MR. PAUL EALEY

The Objector

WITNESS STATEMENT OF JOANNE GRIMES

I, Joanne Grimes, of 29 Catherine Hill, Frome BA11 1BY, say as follows:

1. INTRODUCTION

1.1 My full name is Joanne Grimes and my date of birth is 7 October 1958.

1.2 I run my own business called Life of Riley, which sells all vintage and architectural salvage, and have previous experience with the Site which is relevant to the Application.

- 1.3 I make this witness statement in response to the application issued by the Applicant on 4 March 2019 with application number TVG 19/1 (the "Application").
- 1.4 Unless stated otherwise, the facts and matters set out in this witness statement are within my knowledge and are true. Where any facts or matters are not within my own knowledge, the source of the information is identified and those facts and matters are true to the best of my knowledge and belief.
- 1.5 I refer to various documents in this witness statement and which have been produced alongside this witness statement. The references in square brackets to "Exhibit [No.] / [Page Reference]" indicate the location of each document within the paginated bundle, with:
- 1.5.1 "[No.]" indicating the Exhibit number; and
- 1.5.2 "[Page Reference]" indicating the page number in the paginated bundle.
- 1.6 I will address my relationship with the Site in this witness statement:
2. **RELATIONSHIP WITH THE SITE**
- 2.1 In the late 1990s, I rented the Site from Susan Hook and Gerald Hook, who were the previous owners of the Site. I rented the Site for approximately two years for the purpose of grazing horses. The Site was also rented to other people before and after I rented the Site, also for the purpose of grazing horses.
- 2.2 In the time that I rented the Site, it was always fenced off and secure. This was necessary in order to prevent the horses from escaping the Site. The only access point to the Site at this time was a five bar gate, which was located on the southwest border of the Site, and is shown on the plan attached at Exhibit 1 / 266.
- 2.3 There was also a sign on the five bar gate, which I believe said "keep out private property".

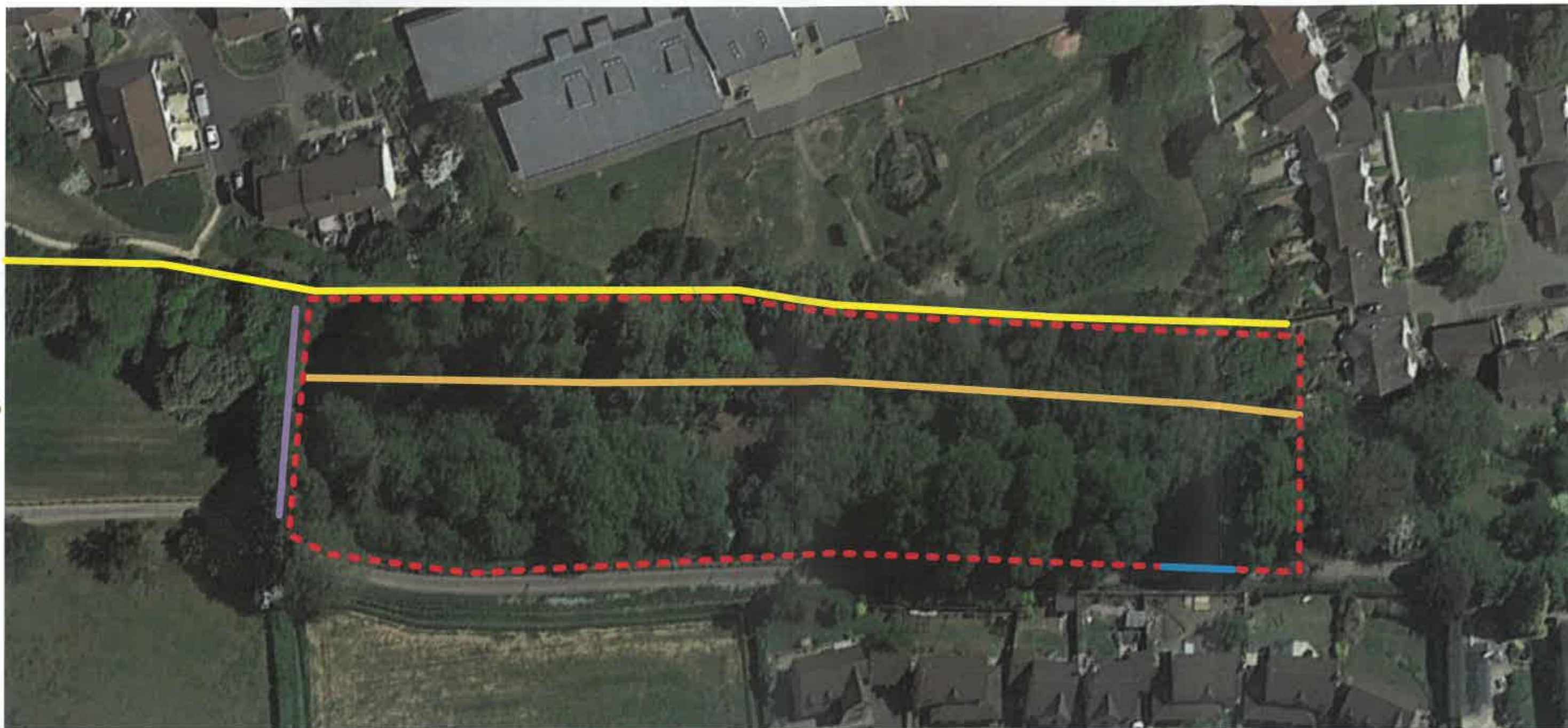
STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

J. Grimes
Joanne Grimes

28th February 2020
Dated

EXHIBIT 1



IN THE MATTER OF:

**AN APPLICATION TO REGISTER LAND KNOWN AS WESTBROOK
WOODLAND, BATH (THE "SITE"), AS A NEW TOWN OR VILLAGE GREEN
PURSUANT TO SECTION 15 OF THE COMMONS ACT 2006 (THE
"APPLICATION")**

FRIENDS OF THE ORCHARD

The Applicant

AND

MR. PAUL EALEY

The Objector

WITNESS STATEMENT OF GERALD HOOK

I, Gerald Hook, of Aldermead, Broadmoor Lane, Weston, Bath BA1 4LL, say as follows:

1. INTRODUCTION

1.1 My full name is Gerald Hook and my date of birth is 18 October 1936.

1.2 I am currently retired. Together with my wife, Susan Hook, we are the previous owners of the land subject to the Application (as defined below) (the "Site").

1.3 I make this witness statement in response to the application issued by the Applicant on 4 March 2019 with application number TVG 19/1 (the "Application").

- 1.4 Unless stated otherwise, the facts and matters set out in this witness statement are within my knowledge and are true. Where any facts or matters are not within my own knowledge, the source of the information is identified and those facts and matters are true to the best of my knowledge and belief.
- 1.5 I refer to various documents in this witness statement and which have been produced alongside this witness statement. The references in square brackets to "Exhibit [No.] / [Page Reference]" indicate the location of each document within the paginated bundle, with:
- 1.5.1 "[No.]" indicating the Exhibit number; and
- 1.5.2 "[Page Reference]" indicating the page number in the paginated bundle.
- 1.6 I will address the following matters in this witness statement:
- 1.6.1 the background to my relationship with the Site;
- 1.6.2 how the Site was used in the time during which myself and Susan Hook owned the Site; and
- 1.6.3 what we did to ensure the Site was not accessible to the public.
- 2. RELATIONSHIP WITH THE SITE**
- 2.1 On 24 August 1994, the Site was transferred to Susan Hook, Tyron Quintin, Morley Quintin and Nick Quintin, by their mother, Bett Quintin.
- 2.2 Susan and I have owned and looked after the Site from 24 August 1994 until 13 July 2018, when it was purchased by Paul Ealey and Donna Ealey, the current owners of the Site.
- 3. USAGE OF THE SITE**
- 3.1 During our time as owners of the Site, the Site was principally used, until the early 2000s, as an area for horses to be stabled. Horses were stabled on the Site, and there was a stable room with 2 stables, and a "tack room", which is a room where horse equipment is kept, including saddles, stirrups and harnesses.

During the time which we owned the Site, we rented the horse stables to Cecile Pitman, Linda Coles and Jo Grimes. The horse stables were removed in the early 1990s when myself and Susan Hook moved to Aldermead, Broadmoor Lane, Weston, Bath BA1 4LL.

- 3.2 Horses were kept on the Site after the horse stables were removed until the early 2000s. We stopped renting the Site for horses as Alan Leakey, a local resident, was going to rent the Site from us to keep livestock. He carried out some preparatory work on the Site, including clearing the Site and strengthening some fencing, before deciding not to rent the Site from us.
- 3.3 The concrete pad on which the horse stables were located is still visible today close to the southern entrance to the Site, which I consider is the only proper access point to the Site.

4. ACCESSIBILITY OF THE SITE

- 4.1 Accessibility to the Site has changed over the last 20 years.
- 4.2 From prior to 24 August 1994 until the diversion of the footpath in November 2003, the only access point to the Site was the five-bar iron gate located towards the south of the Site, the location of which is shown on the map attached at Exhibit 1 / 273.
- 4.3 After the footpath was diverted in November 2003, people began to access the Site from the north, by the West Brook, the location of which is shown on the map attached at Exhibit 1 / 273. It was not possible to access the Site from this location prior to this time, for a couple of reasons:
 - 4.3.1 there was a line of bramble bushes and a fence which prevented access from the land located to the northeast of the Site known as the Orchard, the location of which is shown on the map attached at Exhibit 1 / 273 ("The Orchard"); and
 - 4.3.2 from 2002 until 2004, a housing estate was built on The Orchard. During this time, The Orchard was fenced off and not accessible to the public.

4.4 Throughout the time Susan and I owned the Site, we put in place a number of measures to ensure that the Site was private, and that we were not allowing or acquiescing to members of the public using the Site. These included:

4.4.1 Our general use of the Site. We used the Site as a horse paddock. Additionally, we periodically cleared the Site. This gave clear notice to members of the public that the Site was private and being used by the owners.

4.4.2 The Site only became easier to access after 2010, when I stopped repairing and maintaining the perimeter of the Site in my older age. As noted in paragraph 4.2, the Site was only accessible by way of the five-bar iron gate prior to the diversion of the footpath in November 2003. The fences and hedges around the Site were regularly maintained, which clearly indicated to members of the public that the Site was private.

4.4.3 The West Brook acted as a natural boundary to the Site once the footbridge was constructed and the footpath was diverted. We did not feel a need to put fencing on that part of the Site because we felt that the West Brook was evidence of a boundary to the Site in itself.

4.4.4 We also had signs on the five-bar iron gate to the Site, noting that the Site was private and warning trespassers to stay off the Site. I also placed a sign on one of the lime trees on Osbornes Lane. An example of these signs is shown on the photo attached at Exhibit 2 / 275.

I am not sure what more we could have done to illustrate that the Site was private, and trespassers were not welcome on the Site.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

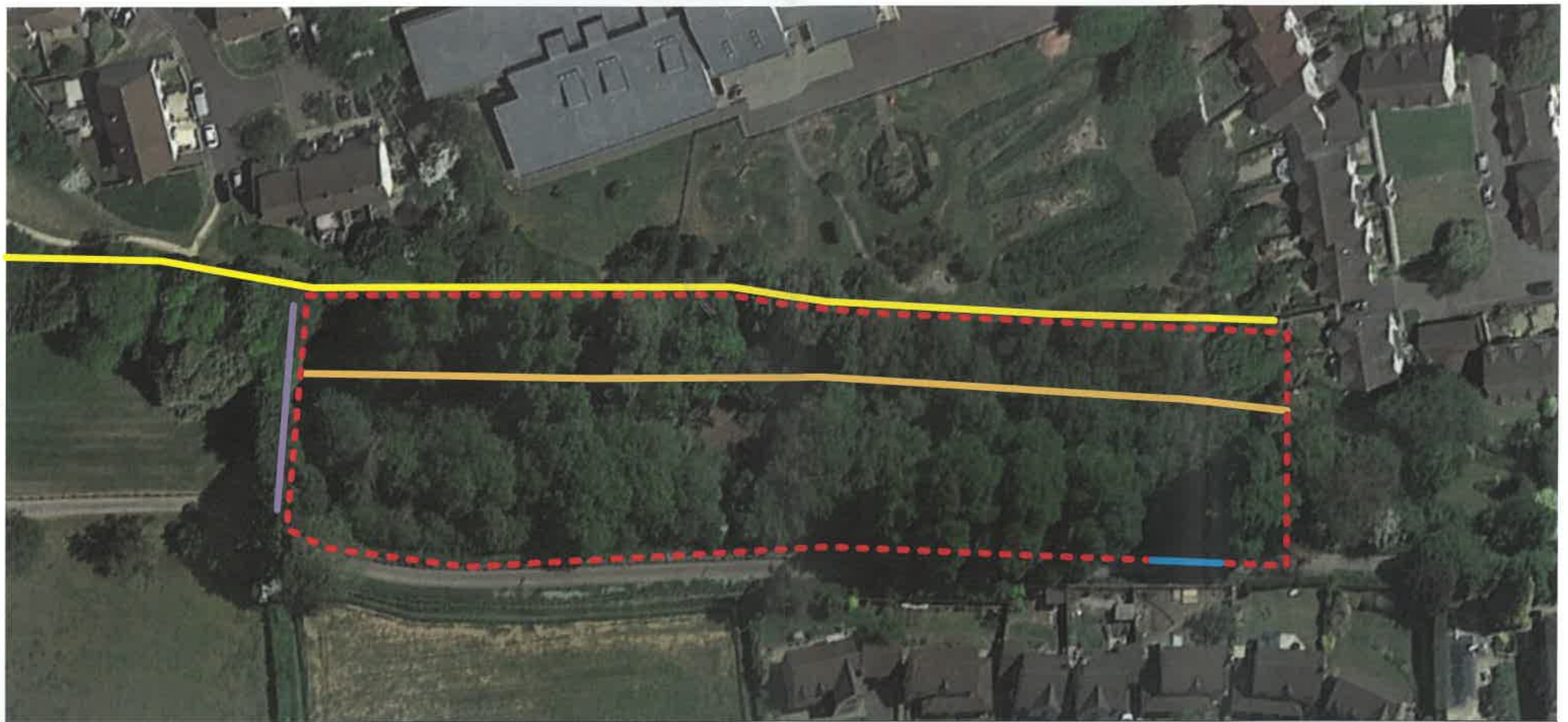
G. Hook

Gerald Hook

18-2-2020

Dated

EXHIBIT 1



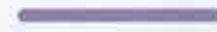
Boundary of Site



Five Bar Gate



West Brook



Footbridge



Previous fenceline
and hedge boundary

EXHIBIT 2

lease do not bend

RE
2017

ITE, PROPERTY.
KEEP OUT.
PASSERS WILL
PROSECUTED.



IN THE MATTER OF:

**AN APPLICATION TO REGISTER LAND KNOWN AS WESTBROOK
WOODLAND, BATH (THE "SITE"), AS A NEW TOWN OR VILLAGE GREEN
PURSUANT TO SECTION 15 OF THE COMMONS ACT 2006 (THE
"APPLICATION")**

FRIENDS OF THE ORCHARD

The Applicant

AND

MR. PAUL EALEY

The Objector

WITNESS STATEMENT OF SUSAN HOOK

I, Susan Hook, of Aldermead, Broadmoor Lane, Weston, Bath BA1 4LL, say as follows:

1. INTRODUCTION

1.1 My full name is Susan Hook and my date of birth is 16 April 1941.

1.2 I am currently retired. Together with my husband, Gerald Hook, we are the previous owners of the land subject to the Application (as defined below) (the "Site"). I make this witness statement in response to the application issued by the Applicant on 4 March 2019 with application number TVG 19/1 (the "Application").

- 1.3 Unless stated otherwise, the facts and matters set out in this witness statement are within my knowledge and are true. Where any facts or matters are not within my own knowledge, the source of the information is identified and those facts and matters are true to the best of my knowledge and belief.
- 1.4 I refer to various documents in this witness statement and which have been produced alongside this witness statement. The references in square brackets to "Exhibit [No.] / [Page Reference]" indicate the location of each document within the Exhibits Schedule of the Bundle, with:
 - 1.4.1 "[No.]" indicating the Exhibit number; and
 - 1.4.2 "[Page Reference]" indicating the page number in the paginated bundle.
- 1.5 I will address the following matters in this witness statement:
 - 1.5.1 the background to my relationship with the Site;
 - 1.5.2 how the Site has been used; and
 - 1.5.3 some of the measures Gerald and I put in place to ensure the Site was not accessible to the public.

2. RELATIONSHIP WITH THE SITE

- 2.1 On 24 August 1994, my mother, Bett Quintin, transferred the Site to myself and my brothers, Tyron Quintin, Morley Quintin and Nick Quintin.
- 2.2 Since that date, my husband, Gerald Hook, and I have owned and looked after the Site. On 13 July 2018, we sold the Site to Paul Ealey and Donna Ealey.

3. USAGE OF THE SITE

I have had knowledge of the Site all my life, and owned the Site from 24 August 1994 until 13 July 2018. My family, through my mother, Bett Quintin, have owned the Site since 1988. During the time I have known the Site, it has been used for a variety of purposes:

- 3.1 Historically, the Site was used for a variety of purposes, including use as a market garden for growing vegetables.
- 3.2 During the time Gerald and I owned the Site, it was principally used as area for horses to be stabled and roam. Horses were stabled on the Site, and there was a stable room with 2 stables, and a "tack room", which is a room where horse equipment is kept, including saddles, stirrups and harnesses. During the time which Gerald and I owned the Site, we rented the horse stables to Cecile Pitman, Linda Coles and Jo Grimes. The horse stables were removed in the early 1990s when Gerald and I moved to Aldermead, Broadmoor Lane, Weston, Bath BA1 4LL.
- 3.3 However, horses were still kept on the Site after the horse stables were removed. Gerald and I stopped renting the Site for horses in around 2004.
- 3.4 We stopped renting the Site for horses in 2004 as Alan Leakey, a local resident, was going to rent the Site from us, in order to keep livestock on the Site. He carried out some preparatory work on the Site, including clearing the Site and strengthening some fencing, before concluding that maintenance of the Site and the livestock would be too difficult to balance with his job.
- 3.5 The concrete pad on which the horse stables were located is still visible today close to the southern entrance to the Site. This is the only access point which we used for the Site.

4. ACCESSIBILITY OF THE SITE

- 4.1 I have set out below how accessibility to the Site has occurred in the time during which Gerald and I owned the Site.
- 4.2 From 24 August 1994 until the diversion of the footpath in November 2003, the only access point to the Site was the five-bar iron gate located towards the south of the Site, the location of which is shown on the map attached at Exhibit 1 / 282. You could not access the Site from any other locations, due to the following reasons:

- 4.2.1 There was a line of bramble bushes which prevented access from the land located to the northeast of the Site known as the Orchard, the location of which is shown on the map attached at Exhibit 1 / 282 ("The Orchard").
- 4.2.2 You could not access the northern boundary of the Site through The Orchard, where a number of people have accessed the Site in more recent years, as there was no footpath access to do so.
- 4.2.3 The Orchard was fenced off for a number of years in the early 2000s, due to the construction of the housing estate which has been built on it.
- 4.2.4 Gerald regularly maintained the boundaries of the Site. In particular, the strong hedge on the eastern boundary of the Site, which borders Osbornes Lane, was kept in good condition. This was necessary to stop people trespassing on the Site, and to ensure the Site was secure for the horses which were kept there. Gerald stopped repairing and maintaining the hedges and fences surrounding the Site in around 2010, as he got older and less able to.
- 4.3 After the footpath was diverted in November 2003, people began to access the Site from the north, by the West Brook, the location of which is shown on the map attached at Exhibit 1 / 282.
- 4.4 Throughout the time Gerald and I owned the Site, and prior to those dates when my mother owned the Site, we put in place a number of measures to ensure that the Site was private, and that we were not allowing or acquiescing to members of the public using the Site. These included:
 - 4.4.1 Our general use of the Site. We used the Site as a horse paddock. Additionally, we periodically cleared the Site. This gave clear notice to members of the public that the Site was private and being used by the owners.
 - 4.4.2 The Site only became easier to access after 2010, when Gerald stopped repairing and maintaining the perimeter of the Site. As noted above, the Site was only accessible by way of the five-bar iron gate prior to the

diversion of the footpath in November 2003. The fences and hedges around the Site were regularly maintained, which clearly indicated to members of the public that the Site was private and people should not be using the Site.

4.4.3 The West Brook acted as a natural boundary to the Site once the footbridge was constructed and the footpath was diverted. We did not feel a need to put fencing on that part of the Site because we felt that the West Brook was a natural boundary which should not be climbed over.

4.4.4 We also had signs on the five-bar iron gate to the Site, noting that the Site was private and warning trespassers to stay off the Site. An example of this sign is shown on the photo attached at Exhibit 2/284. Gerald also erected a sign on the trees which bordered Osbornes Lane.

I am not sure what more we could have done to illustrate that the Site was private, and trespassers were not welcome on the Site.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

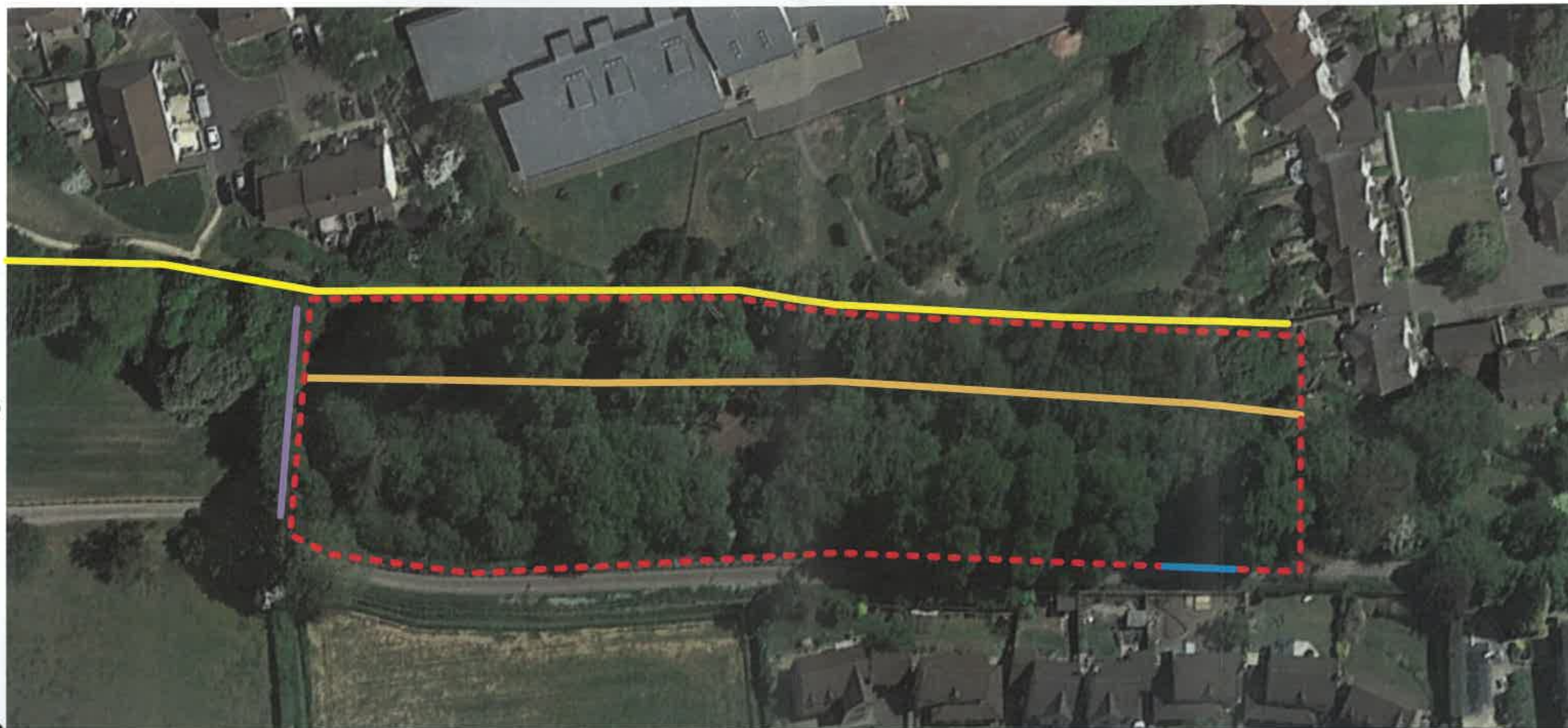


Susan Hook



Dated

EXHIBIT 1



Boundary of Site



Five Bar Gate



West Brook



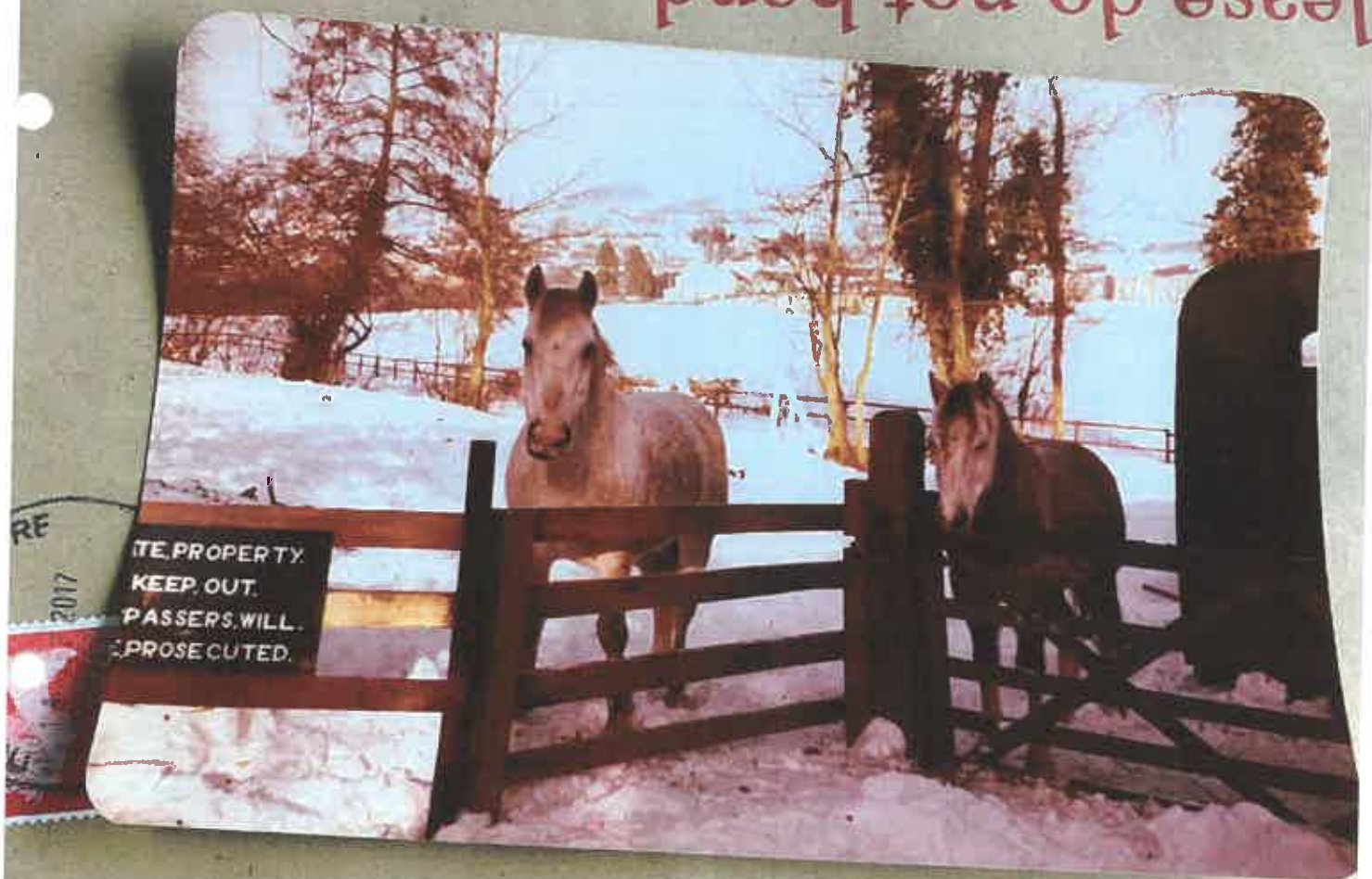
Footbridge



Previous fenceline
and hedge boundary

EXHIBIT 2

Please do not bend



RE

2017

IN THE MATTER OF:

**AN APPLICATION TO REGISTER LAND KNOWN AS WESTBROOK
WOODLAND, BATH (THE "SITE"), AS A NEW TOWN OR VILLAGE GREEN
PURSUANT TO SECTION 15 OF THE COMMONS ACT 2006 (THE
"APPLICATION")**

FRIENDS OF THE ORCHARD

The Applicant

AND

MR. PAUL EALEY

The Objector

WITNESS STATEMENT OF ALAN LEAKEY

I, Alan Leakey, of 222 Haycombe Drive, Bath BA2 1PR, say as follows:

1. INTRODUCTION

- 1.1 My full name is Alan Leakey and my date of birth is 2 September 1978.
- 1.2 I am a civil engineer for Galamast Limited. I have also known the land subject to the Application and shown hatched red on the plan attached at Exhibit 1 / 289 (the "Site") since I was born.
- 1.3 I make this witness statement in response to the application issued by the Applicant on 4 March 2019 with application number TVG 19/1 (the "Application").

1.4 Unless stated otherwise, the facts and matters set out in this witness statement are within my knowledge and are true. Where any facts or matters are not within my own knowledge, the source of the information is identified and those facts and matters are true to the best of my knowledge and belief.

1.5 I refer to various documents in this witness statement and which have been produced alongside this witness statement. The references in square brackets to "Exhibit [No.] / [Page Reference]" indicate the location of each document within the paginated bundle, with:

1.5.1 "[No.]" indicating the Exhibit number; and

1.5.2 "[Page Reference]" indicating the page number in the paginated bundle.

1.6 I will address the following matters in this witness statement:

1.6.1 my relationship with the Site and the surrounding area; and

1.6.2 the work which I have carried out on the Site.

2. RELATIONSHIP WITH THE SITE AND SURROUNDING AREA

2.1 I have known the Site since I was born. From 1978 to 1995, I lived at 37 Broadmoor Lane, which is approximately a ten minute walk from the Site, although you could see the Site from 37 Broadmoor Lane. I also went to Weston All Saints Primary School, which borders the Site.

2.2 I now live at 222 Haycombe Drive, Whiteway, Bath BA2 1PR; however, my parents still live at 37 Broadmoor Lane, so I am still familiar with the Site. I have also had personal dealings with the Site, which are set out below.

3. WORK ON THE SITE

3.1 In around 2004, I was going to rent the Site from Susan Hook and Gerald Hook, the previous owners of the Site, in order to keep livestock there.

3.2 I carried out some preparatory work on the Site for the livestock. This included clearing the Site for the livestock, and strengthening some of the fences so that the livestock would not be able to escape the Site.

3.3 I decided that the livestock would be too much work to balance with my job, so in the end I did not go ahead with renting the Site from Susan Hook and Gerald Hook.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.



Alan Leahey

20/2/20

Dated

EXHIBIT 1



The Site



37 Broadmoor Lane

IN THE MATTER OF:

**AN APPLICATION TO REGISTER LAND KNOWN AS WESTBROOK
WOODLAND, BATH (THE "SITE"), AS A NEW TOWN OR VILLAGE GREEN
PURSUANT TO SECTION 15 OF THE COMMONS ACT 2006 (THE
"APPLICATION")**

FRIENDS OF THE ORCHARD

The Applicant

AND

MR. PAUL EALEY

The Objector

WITNESS STATEMENT OF FRASER OSBORNE

I, Fraser Osborne, of Lansdown Grange Farm, Bath BA1 4DS ("Lansdown Grange Farm"), say as follows:

1. INTRODUCTION

1.1 My full name is Fraser John Osborne and my date of birth is 5 November 1997.

1.2 I am the son of the owner of Lansdown Grange Farm, and an employee of the farm business at Lansdown Grange Farm. I have lived at Lansdown Grange Farm my entire life.

- 1.3 I make this witness statement in response to the application issued by the Applicant on 4 March 2019 with application number TVG 19/1 (the "Application").
- 1.4 Unless stated otherwise, the facts and matters set out in this witness statement are within my knowledge and are true. Where any facts or matters are not within my own knowledge, the source of the information is identified and those facts and matters are true to the best of my knowledge and belief.
- 1.5 I refer to various documents in this witness statement and which have been produced alongside this witness statement. The references in square brackets to "Exhibit [No.] / [Page Reference]" indicate the location of each document within the paginated bundle, with:
- 1.5.1 "[No.]" indicating the Exhibit number; and
- 1.5.2 "[Page Reference]" indicating the page number in the paginated bundle.
- 1.6 I will address the following matters in this witness statement:
- 1.6.1 my relationship with the Site; and
- 1.6.2 how the Site's accessibility has appeared to me during the time I have known it.

2. RELATIONSHIP WITH THE SITE

I have lived at Lansdown Grange Farm for my entire life, which is located in close proximity to the Site. The location of Lansdown Grange Farm is noted on the plan attached at Exhibit 1 / 294. I pass the Site every day, as it is the sole access route to Lansdown Grange Farm.

3. ACCESS TO THE SITE

- 3.1 During the time I have known the Site, it has not been widely accessible. The boundary of the Site running parallel to Osborne's Lane has always appeared secured. It is only since around 2003 / 2004, after the public footpath was

diverted, and construction of the housing estate on the land known as the Orchard to the northeast of the Site, that I have noticed people using the Site.

- 3.2 I recall that Alan Leakey cleared the Site and securely fenced it with livestock fencing around 15 years ago.
- 3.3 Prior to the Site being secured by the current owner, Paul Ealey, in November 2018, I have witnessed anti-social behaviour on the Site, including fires, drug use, fly tipping and dog walkers allowing their dogs to foul the Site. Since it has been fenced off, I have also seen people throwing their bags into trees on the Site, and onto the Site itself.
- 3.4 It is not acceptable that children and adults are carrying out these activities next to a working farm and primary school.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

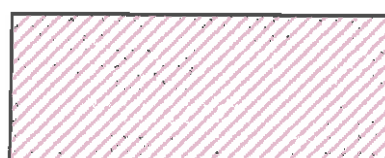


Fraser Osborne

14/03/2020

Dated

EXHIBIT 1



The Site



Lansdown Grange Farm

IN THE MATTER OF:

**AN APPLICATION TO REGISTER LAND KNOWN AS WESTBROOK
WOODLAND, BATH (THE "SITE"), AS A NEW TOWN OR VILLAGE GREEN
PURSUANT TO SECTION 15 OF THE COMMONS ACT 2006 (THE
"APPLICATION")**

FRIENDS OF THE ORCHARD

The Applicant

AND

MR. PAUL EALEY

The Objector

WITNESS STATEMENT OF PAUL ROBINSON

I, Paul Robinson, of The Cowshed, Broadmoor Lane, Weston, Bath BA1 4LJ, say as follows:

1. INTRODUCTION

1.1 My full name is Paul Robinson and my date of birth is 12 October 1961.

1.2 I am a farmer and myself and my family own the farm located at the end of Broadmoor Lane, Weston. I have lived at different addresses on Broadmoor Lane my entire life.

- 1.3 I make this witness statement in response to the application issued by the Applicant on 4 March 2019 with application number TVG 19/1 (the "Application").
- 1.4 Unless stated otherwise, the facts and matters set out in this witness statement are within my knowledge and are true. Where any facts or matters are not within my own knowledge, the source of the information is identified and those facts and matters are true to the best of my knowledge and belief.
- 1.5 I refer to various documents in this witness statement and which have been produced alongside this witness statement. The references in square brackets to "Exhibit [No.] / [Page Reference]" indicate the location of each document within the paginated bundle, with:
- 1.5.1 "[No.]" indicating the Exhibit number; and
- 1.5.2 "[Page Reference]" indicating the page number in the paginated bundle.
- 1.6 I will address my relationship with the land subject to the Application (the "Site") and the surrounding area in my witness statement.
2. **RELATIONSHIP WITH THE SITE AND SURROUNDING AREA**
- 2.1 I was born on Broadmoor Lane, and have lived at the following addresses throughout my life:
- 2.1.1 101 Broadmoor Lane, Weston, Bath BA1 4LB;
- 2.1.2 16 Frankland Close, Weston, Bath BA1 4EJ;
- 2.1.3 27 Nicholettes, Warmley, Bristol BS30 8YF;
- 2.1.4 74 Broadmoor Lane, Weston, Bath BA1 4LB;
- 2.1.5 110 Broadmoor Lane, Weston, Bath BA1 4LH; and
- 2.1.6 The Cowshed, Broadmoor Lane, Bath BA1 4LJ.

- 2.2 For most of my life, I have lived within a 10 minute walk of the Site. I have walked past the Site numerous times, from when I was a young child until the present day.
- 2.3 There have been two main routes which I walked bordering the Site during the time which I have known it:
- 2.3.1 Prior to 2003, I regularly walked the route coloured blue on the plan attached at Exhibit 1 / 300. I would use this route to walk to Weston Village.
- 2.3.2 After 2003, I regularly walked, and continue to do so, the route coloured red on the plan attached at Exhibit 1 / 300.
- 2.4 I am very familiar with the Site due to the number of times I have walked past it, and for living so close to the Site for over 50 years. Throughout the times I have walked the routes detailed in paragraph 2.3, the Site has always appeared relatively inaccessible to me. Features of this inaccessibility have included:
- 2.4.1 Prior to the construction of the footbridge over the West Brook in around 2003, access to the Site was not possible over the West Brook. The land known as "the Orchard" to the north of the Site, which was accessible to the public, was bordered by thick bramble bushes and fencing. You could not pass through the bushes and fencing to access the Site. The Orchard was also inaccessible for two to three years in the early 2000s, as it was a construction site and was fenced off to the public.
- 2.4.2 I recall horses being stabled on the Site through the 1980s and 1990s, and I was always under the impression that the Site was private and individuals were not allowed to go on it.
- 2.4.3 After the public footpath was diverted in around 2003, you could walk a route which bordered the northern boundary to the Site. However, access to the Site was still not possible, as it was protected by a combination of the West Brook and a number of fir trees. It is only in more recent years walking past the Site that access

points have started to open up on this boundary. They were certainly not there 10 years ago.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

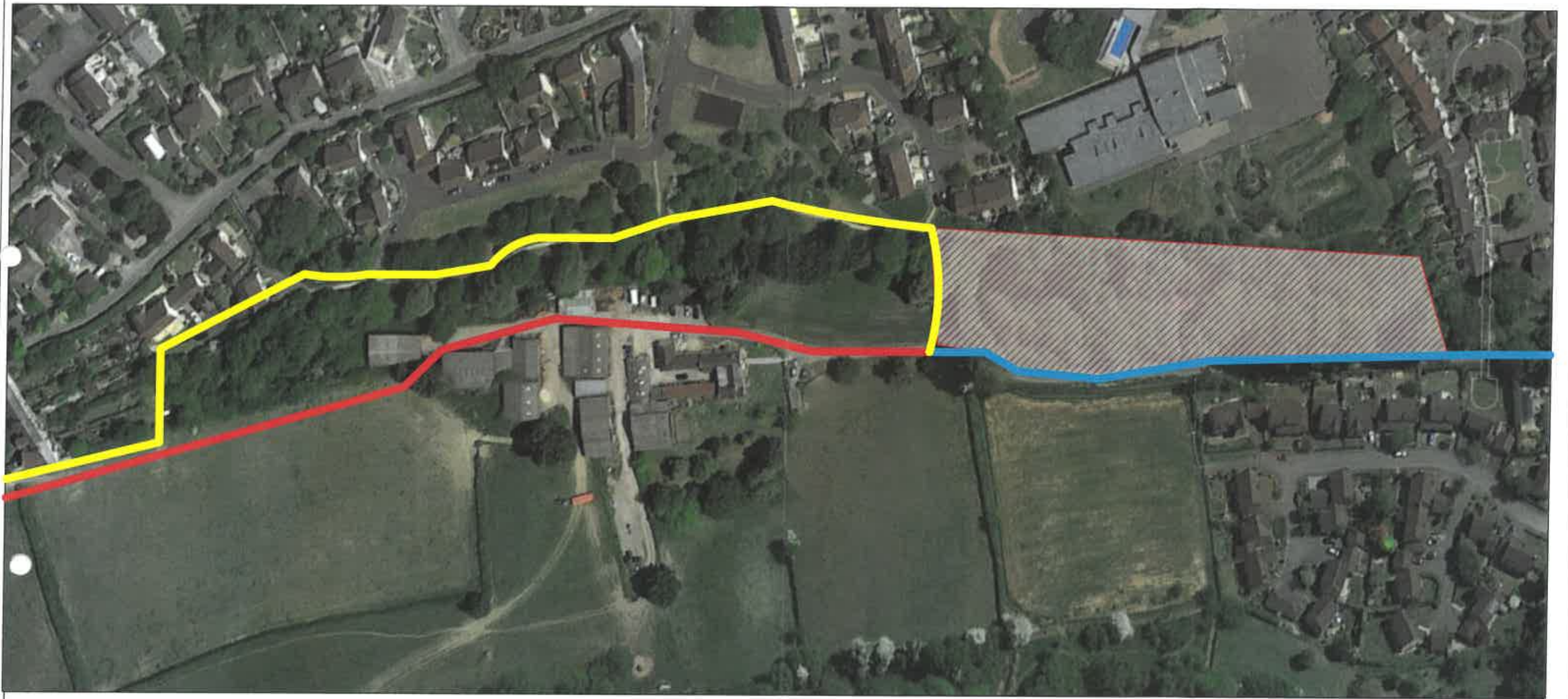

.....

Paul Robinson


.....

Dated

EXHIBIT 1



The Site



New footpath created in 2003



Previous footpath



Osborne's Lane (adopted road)

IN THE MATTER OF:

**AN APPLICATION TO REGISTER LAND KNOWN AS WESTBROOK
WOODLAND, BATH (THE "SITE"), AS A NEW TOWN OR VILLAGE GREEN
PURSUANT TO SECTION 15 OF THE COMMONS ACT 2006 (THE
"APPLICATION")**

FRIENDS OF THE ORCHARD

The Applicant

AND

MR. PAUL EALEY

The Objector

WITNESS STATEMENT OF TOM O'CONNOR

I, Tom O'Connor, c/o Holly House, 4 High Street, Chipping Sodbury BS37 6AH, say as follows:

1. INTRODUCTION

1.1 My full name is Tom O'Connor and my date of birth is 19 May 1951.

1.2 I am the managing director of Redcliffe Homes Limited ("Redcliffe"). I have worked at Redcliffe from 1984 until the present day.

1.3 I make this witness statement in response to the application issued by the Applicant on 4 March 2019 with application number TVG 19/1 (the "Application").

- 1.4 I make this witness statement in response to the application issued by the Applicant on 4 March 2019 with application number TVG 19/1 (the "Application").
- 1.5 Unless stated otherwise, the facts and matters set out in this witness statement are within my knowledge and are true. Where any facts or matters are not within my own knowledge, the source of the information is identified and those facts and matters are true to the best of my knowledge and belief.
- 1.6 I refer to various documents in this witness statement and which have been produced alongside this witness statement. The references in square brackets to "Exhibit [No.] / [Page Reference]" indicate the location of each document within the paginated bundle, with:
- 1.6.1 "[No.]" indicating the Exhibit number; and
- 1.6.2 "[Page Reference]" indicating the page number in the paginated bundle.
- 1.7 I will address the following matters in this witness statement:
- 1.7.1 the background to Redcliffe purchasing the land known as The Orchard on Broadmoor Lane, which is contained within the area hatched blue on the plan attached at Exhibit 1 / 306 ("The Orchard"). The location of the land subject to the Application (the "Site") is hatched red for reference; and
- 1.7.2 how access to the Site was not possible through The Orchard through the period during which the housing estate which now stands on The Orchard was constructed.
2. **REDCLIFFE'S PURCHASE OF THE ORCHARD**
- 2.1 Redcliffe purchased The Orchard by way of a sale and purchase agreement entered into between Bath and North East Somerset Council (as seller) Redcliffe (as buyer) on 26 March 1998. The Orchard was purchased along with other land,

which together comprised the area hatched blue on the plan attached at Exhibit 1 / 306 (the "Development").

- 2.2 Planning Permission for the Development was granted on appeal on 15 November 2000, pursuant to a planning application, reference number 99/00755/FUL (the **Planning Application**). A copy of the Planning Application decision is attached at Exhibit 2 / 308.

3. **ACCESS TO THE SITE FROM THE ORCHARD**

- 3.1 From on or about October 2002 until approximately December 2004, Redcliffe built 37 dwellings on the Development. During this time, the Development was secured by fencing, and members of the public could not access the Development.

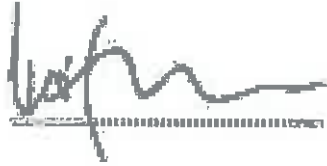
- 3.2 The boundary of the Development and, in particular, the adjoining land purchased with The Orchard, illustrated where the red hatched area adjoins the blue hatched area, was separated from the Site by existing vegetation and scrub. This is further evidenced by an extract from the ecology management plan attached at Exhibit 3 / 327, which was approved by Bath and North East Somerset Council as a condition of the planning application for the construction of the Development.

- 3.3 The footbridge which crosses the West Brook (the approximate location of which is illustrated by the red circle on the plan attached at Exhibit 1 / 306) was constructed by Redcliffe in March 2002, and the footpath diverted, I believe, in November 2003.

- 3.4 It would not have been possible to access the Development, and therefore the Site by way of this route, during the period October 2002 to December 2004 due to the facts outlined in paragraphs 3.1 to 3.3.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

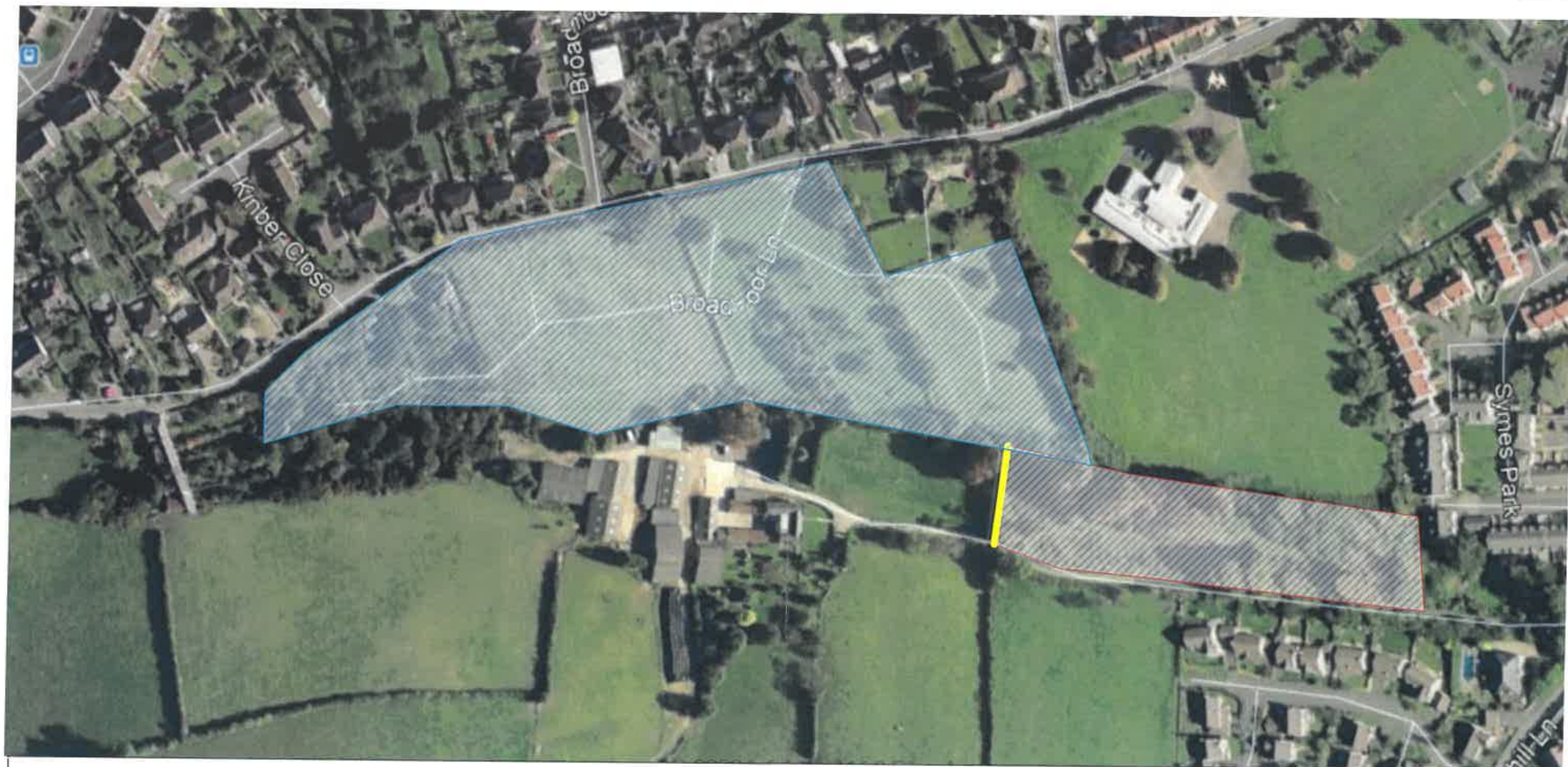
A handwritten signature in dark ink, appearing to read 'Tom O' Connor', written over a horizontal line.

Tom O' Connor

A handwritten date '3.3.20' in dark ink, written over a horizontal line.

Dated

EXHIBIT 1



The Site



The Orchard



Location of Footbridge