

# Public Document Pack



Monitoring Officer  
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## Agenda

Name of meeting	<b>APPEALS SUB COMMITTEE</b>
Date	<b>FRIDAY 1 JULY 2022</b>
Time	<b>10.00 AM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Members of the committee	Cllrs I Dore (Chairman), J Bacon (Vice-Chairman) and M Oliver  Democratic Services Officer: Sarah MacDonald democratic.services@iow.gov.uk

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1. **Minutes** (Pages 5 - 6)

To confirm as a true record the Minutes of the meeting held on 6 January 2022.

2. **Declarations of Interest**

To invite Members to declare any interest they might have in the matters on the agenda.

3. **Report of the Director of Neighbourhoods** (Pages 7 - 1100)

To consider the application for Definitive Map Modification Order-Footpath/Bridleway, Disused Railway, Bembridge, Isle of Wight.

CHRISTOPHER POTTER  
Monitoring Officer  
Thursday, 23 June 2022



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If you require more guidance on the Code of Conduct or are unsure whether you need to record an interest on the written register you should take advice from the Monitoring Officer – Christopher Potter on (01983) 821000, email [christopher.potter@iow.gov.uk](mailto:christopher.potter@iow.gov.uk), or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email [justin.thorne@iow.gov.uk](mailto:justin.thorne@iow.gov.uk).

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## Minutes

Name of meeting	<b>APPEALS SUB COMMITTEE</b>
Date and Time	<b>THURSDAY 6 JANUARY 2022 COMMENCING AT 2.00 PM</b>
Venue	<b>CONFERENCE ROOM 5, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs G Brodie (Vice-Chair, in the Chair), R Downer and M Oliver
Also Present	Jodie Gibson, Sarah Linington and Megan Tuckwell

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### 11. **Minutes**

RESOLVED:

That the minutes of the meeting held on 30 November 2021 be confirmed.

### 12. **Exclusion of the Public and Press**

RESOLVED:

THAT under Section 100(A) (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, namely Minute number 13a and 13b on the grounds that there was likely to be disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### 13. **Confidential Reports of the Director of Children's Services**

#### 13a **01-2022**

The Chairman welcomed those present. The appellant was not in attendance. Consideration was given to an appeal relating to Home to School Transport.

Following oral representations by the Children's Services representative, questions were asked by members of the Sub Committee. The Sub Committee, having carefully considered all the reasons given by the appellant in their written submissions, decided that the appeal should be refused.

#### 13b **02-2022**

The Chairman welcomed those present. The appellant was not in attendance. Consideration was given to an appeal relating to Home to School Transport.

Following oral representations by the Children's Services representative, questions were asked by members of the Sub Committee. The Sub Committee, having carefully considered all the reasons given by the appellant in their written submissions, decided that the appeal should be refused.

CHAIRMAN



## Committee report

Committee	<b>APPEALS SUB COMMITTEE</b>
Date	<b>1 JULY 2022</b>
Title	<b>APPLICATION FOR DEFINITIVE MAP MODIFICATION ORDER - FOOTPATH/BRIDLEWAY, DISUSED RAILWAY, BEMBRIDGE, ISLE OF WIGHT</b>
Report of	<b>PUBLIC RIGHTS OF WAY SERVICE, DIRECTORATE OF NEIGHBOURHOODS</b>

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### EXECUTIVE SUMMARY

1. An application has been made to record a public right of way over a route that follows part of the disused railway line at Bembridge, Isle of Wight, and which connects the disused railway line with Embankment Road. The claim is supported by user evidence which the applicant believes demonstrates that the public have acquired rights through long use without challenge.
2. It is considered that the evidence submitted in support of the application is sufficient for it to be inferred that the claimed route should be added to the Definitive Map and Statement as a public bridleway. The application is therefore recommended for acceptance.
3. The outcome of the recommendation will be to make an order to record a public bridleway. Any interested person may object to any order made. If it is subsequently decided that the order should be confirmed, then the application route will become a public bridleway for use by the public on foot, horseback and bicycle.

### RECOMMENDATION

Option 2 – It is recommended that an order is made under section 53(2) of WCA81 to modify the Definitive Map and Statement by adding the path described in the application with the status of bridleway. It is recommended that the width or widths specified in the order are determined by Council staff according to the user evidence and physical characteristics on the ground.

## BACKGROUND

4. This report sets out evidence to determine an application under schedule 14 of the Wildlife and Countryside Act 1981 (WCA81) for an order to modify the Definitive Map and Statement by adding a footpath or bridleway along the Embankment Road disused railway line at Bembridge, Isle of Wight.
5. The council has a duty under section 53(2)(b) WCA81 to review the Definitive Map and Statement and to make such modification orders as appear requisite in consequence of events set out in s53(3).
6. Schedule 14 of WCA81 places a duty upon the council to investigate the matters stated in the application for a modification order and to decide whether to make the order applied for.
7. The committee is acting in a quasi-judicial role and the decision must be made on the basis of evidence before the committee and law relevant to the fact of dedication of a highway and to Definitive Map and Statements and on no other consideration. Guidance on the committee's judicial role is provided at Appendix 5 – Item 2.
8. The application will be determined under section 53(3)(b) WCA81: the possible addition of a path to the Definitive Map by way of presumption of dedication pursuant to section 31 Highways Act 1980 (HA80) or by common law.
9. An event under section 53(3)(b) WCA81 is the expiration of a period such that the enjoyment by the public of a way during that period raises a presumption that the way has been dedicated to the public.
10. The question to be determined is whether the evidence shows that a highway exists because dedication has occurred at common law or is deemed by operation of section 31 HA80.
11. The committee should decide on the basis of the evidence presented whether a presumption of dedication has been raised or a right of way is at least reasonably alleged to exist. The standard of proof to be applied is the balance of probability. Full legal background information and guidance is provided at Appendix 5 – item 1 (paragraphs 7 to 13), item 3 and item 4.

## CORPORATE PRIORTIES AND STRATEGIC CONTEXT

12. The Definitive Map and Statement records the public rights of way network. Delivering statutory duties in respect of it, in conjunction with the Rights of Way Improvement Plan, supports the Isle of Wight Council Corporate Plan 2021-2025, which contains detailed strategies and plans supporting the council's aim to work together openly and with communities to support and sustain the Island's economy, environment and people.
13. Whilst Corporate Plan aims relating to the provision of affordable housing; responding to climate change and enhancing the biosphere; economic recovery and reducing poverty and impact on your people and future generations have all been considered during the preparation of this report, the council is under a legal duty to

consider this application only in accordance with the relevant statutory provisions, common law position and relevant guidance. In its capacity as the surveying authority, the Council has a legal duty to determine applications for Definitive Map Modification Orders (as per paragraphs 5 and 6 above) and the committee is required to determine the matter and evaluate the evidence before it and provide a reasoned and sustainable decision as whether a highway exists under the principles of presumed dedication (paragraphs 7 to 11 above).

## APPLICATION AND EVIDENCE CONSIDERED

### Reason for Making the Application

14. The application (Appendix 1 – Item 1) dated 27 January 2017 submits supporting user evidence and an extract from a publication. The applicants are Mr Malcolm Wade and Mrs Faith Wade of Four-Acres, Carpenters Road, St Helens, Ryde, Isle of Wight PO33 1YG.
15. On 16 February 2009 the Royal Society for the Protection of Birds (RSPB), as landowner, deposited a statement and plan with the highway authority under section 31(6) of the HA80 (Appendix 8 - Item 2). The plan showed the land owned by the RSPB and any recorded public rights of way that crossed the land; the claimed paths were not shown as public rights of way and sections AB and BD were said to be a permissive footpath for which consent was given to members of the public to walk/ride over.
16. In 2016 the applicants were informed by the Parish Council that the RSPB had made the disused railway track a Permissive Path. The applicants believed that the track had been used as a public footpath/bridleway with no restrictions since the railway line closed and began to collect user evidence forms to support an application to modify the Definitive Map and Statement accordingly. The applicants contacted the Ramblers Association on 6 November 2016 to ask for help or advice, and they subsequently lodged the formal application for a modification order on 27 January 2017. It is therefore considered that the determining factor for the application being made was the RSPB's formal declaration that the claimed path was not a public right of way, and that some sections were permissive paths, by means of the 2009 section 31(6) deposit.

### Location, Site Characteristics and General History

17. The application claims use of the path as shown on the application plan. Starting to the east of the River Yar from the south side of Embankment Road (the B3395), the claimed path heads in a general south east direction following the route of the disused railway line. The eastern part of the claimed path gently curves northwards. At its eastern end the claimed path turns left through 90 degrees and heads in a north west direction to rejoin Embankment Road. Use of that part of the access road to Harbour Farm (Home Farm Lane) which lies between the disused railway line and Embankment Road is also claimed.
18. A map and photographs of the claimed path are in Appendix 2. Item 1: Current Ordnance Survey (OS) map with a representation of the path subject to the application (yellow dashed lines AB, BD, DE, and BC). Item 2: Annotated site photographs numbered 1 to 18 taken by the Council to facilitate determination of the application.

19. Sections AB and BD: The claimed path follows the route of the disused railway line. These sections lie on land owned by the RSPB. The last train on this line ran on 21 September 1953.
20. Section DE: The claimed path passes through an area of scrubby vegetation and then crosses land that is mostly used for the parking of vehicles before joining Embankment Road. The southern part of this section lies on land owned by the RSPB; the northern section lies on land owned by Bembridge Investments Ltd.
21. Section BC: This section of the claimed path lies on Home Farm Lane and connects the disused railway line with Embankment Road. This section lies on land owned by the RSPB. A small area of this land adjacent to Embankment Road was unregistered when the Land Registry information was obtained, but it is understood that all involved parties have since agreed that the land is owned by the RSPB.

### User Evidence

22. The application was lodged with 146 user evidence forms. The forms provide evidence in support of the presumed dedication of the claimed path. The forms included a map, the majority of which had been marked with the route or routes used. The applicant and a representative sample of approximately 10 per cent of the witnesses were interviewed by telephone, due to Covid-19 restrictions, between 29 May and 23 June 2021. Those interviewed provided their best recollection of the routes they used along with the frequency and period of each means of use (i.e. foot, cycle, horseback), and whether they had ever been prevented from using any part of a route for any reason.
23. Documentation relating to user evidence is at Appendix 6. Item 1: Copies of the 146 user evidence forms. Item 2: User witness interview notes. Item 3: Tables summarising the evidence contained in user evidence forms and the evidence of use of each section during the relevant 20 year period.
24. Use of the claimed path has generally been for leisure purposes including dog walking, watching wildlife and photography, or for utility travel between St Helens and Bembridge including for shopping, medical appointments, and going to the Yacht Club. All except two of the witnesses had used the claimed path on foot, and 28 witnesses had ridden the claimed path on a bicycle and/or horse.
25. The evidence form asked for the width of the way. The response varied greatly with many witnesses saying that the width was variable. The narrowest width mentioned was less than a foot, and the widest was 10 metres. Several people referred to the path being the width of the railway.
26. Twenty nine witnesses indicated that they would not wish to attend a public inquiry. A further fifty seven did not give an indication of whether or not they would be prepared to attend. Mr Vokins' form was incomplete. Mr Henley indicated that he was acquainted with previous landowners (Thorney Croft, 1960 and Mr Hicks, 1990), and Ms Noyes knew the landowner from 1982 to 2016. Ms Mitchell kept her horse at Harbour Farm in the 1970's and 1980's.
27. The application claims a route along the disused railway line, sections AB and BD, and two routes that connect the railway line with Embankment Road, sections BC and DE. All the witnesses refer to using the disused railway line, with some of them



indicating that it used to continue eastwards beyond Point D until that part of the railway line was closed off, probably in the 1970's. Most of the witnesses refer to using both BC and DE to connect with Embankment Road, a few refer to using just one or other of BC and DE.

28. A summary of the user evidence is set out in the User Tables (Appendix 6, Items 3a-f).

#### Landowner Evidence

29. Evidence provided by the landowners is at Appendix 7, items 1 to 2 and Appendix 8, item 7.
30. The landowners affected by the application are listed at paragraph 99 below.
31. The large part of the freehold is held by the RSPB, with Bembridge Investments Ltd being the freeholder of the northwest part of section DE. Council officers engaged with representatives of both freeholders between November 2016, when the Council became aware that an application was likely to be made, and July 2019. The option of dedicating a footpath was explored, but a solution agreeable to all parties could not be reached.
32. The RSPB does not dispute that the claimed routes have been used by the public. However, the RSPB contends that use of the claimed path is permissive, and that other criteria for deemed dedication are not met, specifically through: the incompatibility of the character of section DE; the path being closed to the public for a period or periods of time; and incompatible signage. The RSPB submitted a summary of the claimant's evidence along with its own counter evidence on 24 July 2019 (Appendix 7, Item 1).
33. The RSPB responded to a number of follow up questions during 2021 (Appendix 7, Item 2) and provided supporting documentary evidence. The photographs and documents supplied by the RSPB are included in Documentary Evidence below. The site manager, who has known the site since starting work there in 2005, also supplied a detailed narrative about section DE, in support of the RSPB's view that the public use of section DE was unlikely due to the ground conditions (Appendix 8, Item 7).
34. Also in 2021, Bembridge Investments Ltd confirmed that it has owned part of DE since December 2011; prior to that the land was owned by Maritime and Leisure Investments Ltd. Until very recently a very small part at the northern end of BC was registered to Bembridge Investments Ltd, but following the discovery of a mistake the Land Registry has now registered that small area in the RSPB's name. The company believes it is for the betterment of the area that the public are allowed to use the application route, and their visitors are encouraged to use the route due to the lack of pavement along the southern side of Embankment Road.
35. When asked whether any part of DE was ever under water or otherwise inaccessible, Bembridge Investments Ltd said that DE has never been under water and that when the Harbour was purchased in 2011 a lagoon had already been formed.

## Documentary Evidence

36. Documentary evidence includes photographs and maps provided by the applicants, user witnesses and the landowner together with documents held by or obtained by the council. The documentation is at Appendix 8.
37. Item 1: Statutory Declarations of Mr Hicks, dated 2001, with map. The RSPB submitted this declaration as evidence that the status of the route along the old railway track, specifically sections AB (paragraph 6) and BC (paragraph 4), was permissive prior to the RSPB's first acquisition at Brading Marshes in 2001. The Declaration refers to private rights of access to the Property being sold at the time; it is silent as to any (statutory or permissive) public rights of access. Private rights and public rights may coexist along the same highway, so the existence or otherwise of private rights, with or without explicit consent, does not constitute evidence of the public status of highway e.g. permissive or otherwise. Therefore it is not considered that the Declaration provides evidence of the claimed route having permissive status.
38. Item 2: A Section 31(6) deposit registered with the council in 2009, with accompanying plans. The declaration is a publicly available document. Public footpaths are marked on the plan in purple - no part of the claimed path is marked as a public footpath. Permissive paths are marked blue, consent is given for the public to walk/ride over permissive paths - sections AB and BD are marked blue. Sections BC and DE are not marked on the plans. A section 31(6) deposit is regarded as sufficient evidence to negative the intention of the owner or his successors in title to dedicate any such additional way as a highway. The deposit is considered to be strong evidence that from 16 February 2009 onwards, the RSPB did not intend to dedicate a public right of way on any section of the claimed path.
39. Item 3: Photograph of the lagoon showing an excavator parked on section AB of the claimed path in 2005 and photograph of timber extraction in 2012. The RSPB submitted these photographs as evidence that the path was closed for two weeks in February 2005 to carry out saline lagoon engineering works where the site was secured by Heras fencing and closure signage, and that the path was closed by way of signage for three days in each of 2007 and 2012 for the extraction of felled timber from the marsh. The first photograph shows the excavator on the claimed path and the Heras fencing appears to be positioned along the edge of the claimed path, with post and rail fencing visible along the opposite side of the path. The second photograph shows timber being transported by tractor and trailer. There are no signs visible in either photograph. Whilst the photographs are evidence of the works taking place in 2005 and 2012, they do not show that the path was closed to the public at either time.
40. Item 4: Photographs of historic signs, submitted by the RSPB as evidence of permissive use or private land. It is not possible to ascertain the location of the signs in relation to the claimed path. The first, third and fifth photographs appear to be located within fields and not within the old railway track boundary as claimed (Appendix 7, Item 1) - in the absence of the juxtaposition of the claimed path, no conclusion can be drawn as to whether the signs refer to there being no rights of way over the claimed path, or no rights of way over nearby land; the second photograph appears to be of a sign situated on a nearby access track (i.e. not on the claimed path) - a similar photograph was taken by a council officer (Appendix 2, Item 2, Numbers 15 & 16); the location of the fourth photograph is understood to be

on Section BC, but its intention is to prevent parking on a privately owned road - not to inform walkers, cyclists and horse riders that they have no right of way; the sixth photograph is of a sign that has been removed. None of the photographs is considered to provide strong evidence of non-intention to dedicate a public right of way on any of the claimed sections of path.

41. Item 5: Section 55(1) of the British Transport Commission Act 1949. The RSPB referred to this legislation as evidence that use of the railway line, whilst it was in use as a railway, would have been illegal and therefore could not have been used to establish a right of way. This is accepted. Furthermore, it is considered that use of railway land, even when disused as a railway, cannot be used to establish a right of way whilst the railway land is owned by a railway company.
42. Item 6: Declaration of Mr Hicks, 15 September 2005. The RSPB drew attention to this document describing Mr Hicks' use of the disused railway line on foot or by vehicle as a right given to him by the landowner, and omitting any mention of section DE. This declaration covers matters similar to those in the declaration in Item 1. For the same reasons it is not considered to be evidence of the existence or absence of public rights of access, nor of a non-intention to dedicate public rights. The document also describes the dumping of spoil between the railway line and Embankment Road, which is said to have taken place in the several years prior to 2005. The ground level is said to have been raised by about 15 feet. This is consistent with the OS maps from that time which show the position of a slope moving towards the disused railway line and the land type in the area of DE becoming drier. Mr Hicks' declaration is not considered to be evidence of the existence or otherwise of public rights of access, nor of an intention or non-intention to dedicate such rights. However it is considered to contribute to an understanding of the mechanism by which the ground level in the area of section DE changed during the period 1984 to 2005.
43. Item 7: Narrative evidence from RSPB Site Manager, including photographs and maps/plans, relating to section DE. The Site Manager's recollections date from January 2005. He notes that in September 2005 the raised ground between Embankment Road and the old railway bed was open, but there was no defined path leading from the old railway bed to the road. Since owning the land, the RSPB has always considered that the path came to a dead end at Point D. People were occasionally seen walking onto and around the raised land. Public access in the area of DE was noticed from 2015 onwards, and a path referred to as the trespass route through the lagoon was secured by fencing in April 2019. The saline lagoon was said to extend north-eastwards beyond DE, and it was wet approximately 2 metres beyond the RSPB reserve boundary. Landfill material brought onto the land from 6 September 2005 resulted in part of the saline lagoon being filled in including at the location of DE. Later landfill extended the raised land further southwards overlapping the old railway bed.
44. The Site Manager's opinion is that there would have been a steep fall from Embankment Road to the lagoon prior to the first landfill, whenever that was. Photographs from 6th September 2005 showing the Harbour Farm East Lagoon infill, and a filled slope at a location where a static caravan is now located, do not identify the geographical location of section DE and are not considered to demonstrate that a path or route on the alignment DE was or was not available for use at that time. A plan showing the extent of open water (titled Fig 2) and other

images (titled Fig 4 and Fig 5) show the north-east end of the East Harbour Lagoon is located close to the route of DE, but there is insufficient detail in any of these plans/images to draw any conclusion as to where the exact location of DE is in relation to the lagoon, and whether or not DE would have been covered by lagoon water. The depth of water at the north-east end of the East Harbour Lagoon is shown on Fig 5 as being between 0.01 and 0.2 metres. A map (Fig A) with the RSPB site boundary marked in red, which is undated but believed to be time dated to between 1992 and 2004 is said to show that the water in East Harbour Lagoon extends north-east beyond the RSPB boundary. The map in Fig A is very similar to the 1993 1:2,500 map in the series of OS maps (Appendix 8, Item 9). A difference between the map extracts is that the lagoon area is labelled "Water" in the RSPB/ Fig A map, and "Marsh" in the Item 9 1993 map. However, the Item 9 1993 map clearly shows a linear physical feature, which is also shown on the RSPB/ Fig A map where it is less clear due to being adjacent to the red boundary line, at the north-east end of the feature labelled "Marsh" and "Water" respectively. It is not known exactly what this linear physical feature depicts, but since it may indicate a change in land type it is not considered that the Fig A map can be interpreted as showing whether or not the water in the East Harbour Lagoon extends beyond the RSPB boundary.

45. Item 8: Extract from "The Bembridge Branch Line" 1988. The applicants submitted this extract as evidence that the claimed path was being used as a public footpath when the book was published in 1988. The applicants have highlighted two paragraphs. The first refers to the trackbed becoming a public footpath between the Cement Mills Crossing at the former Brading Quay, and St Helens. The old trackbed here is recorded on the Definitive Map and Statement as a public right of way. The second paragraph refers to claimed sections AB and BD, describing them as "the trackbed has once more become a footpath and can be walked to where the former station was at Bembridge". In contrast with the first highlighted paragraph, this section of the trackbed is not referred to as a "public footpath". Furthermore, whilst the author has written several books about railways, he does not claim to be an authority on public rights of way. The extract provided is considered to provide evidence of the existence of a physical path along sections AB and BD, and indeed extending eastwards beyond Point D, and of the likelihood that these sections were open and available for use by the public on foot in 1988. However, the book does not provide evidence as to whether public access along the trackbed was by permission or by right.
46. Item 9: Series of OS maps of the area, 1862-2014. A recent nearby planning application (Ref. 21/00795) included this series of OS maps, which show physical features and how they have changed over time. The first 10 maps are a 1:2500 sequence from 1862 to 1993. The next 10 maps are a 1:10,560 and 1:10,000 sequence from 1861 to 2014. The maps are centred on the proposed development, the outline of which has been drawn onto the maps. The railway line and the access road to Harbour Farm appear as physical features on maps from 1897-1898 onwards. Claimed section AB lies outside the coverage of the 1:2500 maps. Claimed section DE lies approximately 60 metres to the south west of the proposed development. The line of DE has been drawn onto a 1971 1:2,500 map, and included in Item 7 to indicate the position of DE. The series of maps show that sections AB, BD and BC have existed as physical entities since the railway was first constructed, and provide an indication of the type of ground, e.g. grass, marsh, etc, that section DE lies on.

## **Evaluation of Evidence**

### **Statutory dedication pursuant to section 31 Highways Act 1980**

47. To come to a conclusion of deemed dedication under section 31 HA80 the following matters need to be considered:
- (a) When was the use brought into question?
  - (b) Whether there is a “way over land” (and whether the “way” is of such a character that use of it by the public could not give rise at common law to any presumption of dedication)?
  - (c) Whether the “public” used the claimed path for a full 20 year period?
  - (d) Whether such use was “as of right”?
  - (e) Whether such use was “uninterrupted”?
  - (f) Whether there is sufficient evidence to show that there was “no intention by landowners to dedicate”?
48. All these steps are matters of fact to be decided according to the evidence. For guidance as to interpretation of section 31, see Consistency Guidelines (CG), Appendix 5 – Item 3.

### **Bringing into question (a) (CG 5.4 to 6)**

49. The means of bringing the claimed right into question must be sufficient to make it likely that at least some users will be made aware the owner has challenged their right to use the path. The statutory period is a full 20 years calculated back from the date of bringing into question.
50. The RSPB’s evidence (Appendix 7) indicates that it closed section AB to the public, thereby challenging the public right, by means of physical barriers for two weeks in February 2005 to carry out engineering works, and then closed section AB again in 2007 and 2012 for the extraction of felled timber. The RSPB submitted a photograph of the 2005 works (Appendix 8, Item 3); this shows Heras fencing along the side of the path and a heavy vehicle on the path. The path itself does not appear to be closed off to public use in this photograph.
51. None of the user evidence forms mention section AB being closed at any time. When questioned during interview several witnesses recalled the RSPB undertaking works or felling trees and said that the path had not been physically closed off at that time. Mr Gaskin thought the path might have been fenced or barriered when trees were being felled, and that the fence/barrier didn’t stay up for long because of the number of complaints. Mr Preston vaguely remembered a barrier that was immediately removed, he thought probably by the public.
52. On balance, it is considered that the evidence presented is insufficient to demonstrate that the right to use the path was brought into question by the RSPB in 2005, 2007 or 2009. However, since that is not conclusive, this report will consider the scenario in which the use of the path is considered to have been challenged in

2005 (i.e. the statutory period is 1985-2005), as well as the scenario in which it wasn't challenged.

53. The landowner's deposition of the statement and plan under section 31(6) of the HA80 in February 2009 (Appendix 8, Item 2) brings into question the right of the public to use the claimed paths that cross land in the RSPB's ownership. Since at least a part of all the claimed sections (i.e. AB, BD, BC and the southern part of DE) is on land owned by the RSPB, and therefore covered by the deposition, the section 31(6) deposition is considered to have brought into question the right of the public to use all the claimed sections.
54. Accordingly, the statutory periods for the purposes of deemed dedication are as follows:
- Section AB: 1985 - 2005 or 1989 - 2009  
Sections BC, BD and DE: 1989 - 2009

A way over land and its character (b) (CG 5.65 to 67)

55. The claimed paths AB, BD and BC are considered to be ways over land in the sense that there is land in existence and its character would be capable of dedication at common law. No evidence has been submitted to the contrary.
56. Land that is railway land (owned by a railway company and capable of being used as a railway) is generally considered to be incompatible with dedication as a public right of way, so sections AB and BD would not be capable of dedication at common law before 1968 when the land was sold by the British Railways Board.
57. The southern part of section DE passes over land that is claimed by the RSPB to have been a lagoon which was infilled, most likely some time between 1992 and 1999, but before 2005. The RSPB submitted documentary evidence which shows the alignment of section DE close to the north-east end of the East Harbour Lagoon in the late 1990's / early 2000's. It seems unlikely that people would have chosen to follow a route through water if a route on adjacent dry land was available, so it seems most likely that the alignment of section DE at this time would be outside the north-east edge of the lagoon. However, a "way over land" can include land that is covered by water, such as a ford. Since the north-east end of the lagoon is shown as being fairly shallow (0.01-0.2 metres) in 2002, it is considered that section DE would have been capable of dedication whether its alignment was inside or outside the lagoon edge. It is feasible that, prior to the infill, section DE may have been inaccessible and not capable of dedication as claimed by the RSPB, but no strong evidence to that effect has been submitted.
58. None of the user evidence forms mention section DE being under water, or part of a lagoon, at any time. The witness interview evidence is: that section DE had always been used even when the old railway line could be followed all the way to Bembridge Station; that, whilst the fence wasn't put up to the east of Point D until around 2005, the through route to Bembridge was blocked up (by 'extensions' to business plots) some time in the 1970's at which time DE become the easternmost connecting route between the disused railway line and Embankment Road; and that although DE can be muddy and wet after heavy rain it has never been impassable due to being submersed in water, or a part of the lagoon. Some of the users said

that since the RSPB took on ownership sluice gates have been operated in a way that has made the land between BC and DE wetter over time - reference was specifically made to the small building just to the east of BC which is now flooded but which had previously been usable.

59. Given that the land south of Embankment Road in the area of section DE has been subject to infill during the relevant period of 1989-2009, there is a possibility that the precise route followed by the public may have varied slightly if the route needed to be re-established in response to the infill. It seems unlikely that any infill event resulted in an interruption to access since none of the users recalled the route being obstructed or impassable, and the RSPB has not suggested that the infill prevented use of section DE. It is not considered that the potential slight variation of the route would be such as to prevent the dedication of a sufficiently defined route over the open land between points D and E.
60. Appendix 8, Item 9 is a series of OS maps of the area which were submitted in support of a recent planning application. The OS maps range from the 1860's through to the present day. Although section DE isn't marked on the maps, it lies roughly 60m to the south west of the proposed development which is shown in outline on the maps. The series of 1:2,500 maps show that after the railway had been constructed, the land on which section DE lies is never depicted as being under water. The 1897-1898 and 1908 maps show rough grassland, and the 1939 and 1970 maps show marshy land. The 1979 and 1985 maps are incomplete and don't show the land where DE lies. The 1985-1989 map shows a change in the topography and the land on which DE lies is shown as being outside the marshy area. This seems to be the case through to the final 1:10,000 map dated 2014.
61. The submitted evidence therefore indicates that, further to paragraph 55, section DE can also be considered to be a way over land in the sense that there is land in existence and its character would be capable of dedication at common law.

Public use for a twenty year period (c) (CG 5.12 to 20)

62. The public means everyone but it is accepted that many rights of way only have local purpose, so user witnesses representing the public may be from the local community only.
63. Actual acts of use for a period of 20 years are required; it is not sufficient for users to be aware that a route was once used, or could be used. Use of a way by different persons, each for periods of less than 20 years, will suffice, if taken together they demonstrate use over a continuous period of twenty years or more. Use should have been by a sufficient number of people to show that it was use by "the public". It must bring home to a landowner that a right is being asserted against him and he had an opportunity of resistance and interruption. Usage which is of such trivial and sporadic nature that it would not be likely to make a landowner aware of the potential claim of a right fails the test.
64. Evidence of use by family, friends, lessees or employees of a landowner should be given less weight, since they can be thought of as having the consent of the landowner, and are not representative of the public at large. In this case none of the witnesses have reported having any connection to the landowner. Mr Henley was acquainted with previous owners, and Ms Mitchell kept a horse at Harbour Farm,

but neither of these relationships would imply that their use of the paths was not representative of the public at large.

65. Where a person has indicated that they are not prepared to attend a public inquiry to confirm their evidence, the evidence is generally assessed to have less weight than a person who is prepared to attend as it is unable to be questioned by an Inspector or the opposing party to probe its accuracy or completeness. In this case, 29 of the 146 witnesses (20%) indicated that they would not be prepared to attend a public inquiry; an asterisk has been used to mark the names of these witnesses in Appendix 6, Item 3, Table 1. During telephone interviews, witnesses were asked why they had indicated that they were not prepared to attend a public inquiry. The reasons given were: ill health (now better and willing to attend); not good at public speaking; and work commitments.
66. With regard to 20 years' use, the user evidence has been summarised in a series of tables (Appendix 6, Item 3). Table 1 (Item 3(a)) summarises all the user evidence forms. Tables 2-6 (Items 3(b)-(f)) are extracts of Table 1 showing those users who claim to have used each of the four sections (AB, BD, BC and DE) for the whole 20 year statutory period (note that two statutory periods are considered for section AB). It can be seen that 74 individuals claim to have used section AB every year between 1985 and 2005; 88 individuals claim to have used section AB every year between 1989 and 2009; the same 88 individuals claim to have used section BD every year between 1989 and 2009; 70 individuals claim to have used section BC every year between 1989 and 2009; and 85 individuals claim to have used section DE every year between 1989 and 2009.
67. Several other users, not included in Tables 2-6, also claim to have used each section during a part of the 20 year statutory period. That use should also be taken into account when demonstrating that there has been use of the path over a continuous period of twenty years. Table 1 can be further examined to show how many individuals claimed to use a particular section during each year of the statutory period. However, given the weight of user evidence in each of Tables 2-6, no additional analysis was considered necessary for the purposes of this report.
68. On all four sections, the frequency of use by the witnesses varies considerably. Some people used a route just a few times a year, others used it several times a week. The majority of use is for leisure e.g. dog walking, bird/wildlife watching, photography, blackberrying. Some people used the routes for utility purposes such as to go to work or the shops.
69. Based on the user evidence, it would appear that there has been continuous use of the claimed routes for a period of at least 20 years before the right to use any particular section was brought into question. For section AB, there has been a period of 20 years use prior to the route being brought into question irrespective of whether the route was barred off, thereby challenging the public right, in 2005, 2007 and/or 2012.

#### Use as of right (d)

70. Use as of right means use without force, secrecy or permission.
71. In this case use is considered to be generally "as of right". Three witnesses stated that they believed use was by permission (Mr Blenkinsop, Ms Blenkinsop, Ms



Edwards), but of these only one (Ms Edwards) used the claimed path within the relevant statutory period. Mr and Ms Blenkinsop only used the path from 2009 onwards. In interview, Ms Edwards said that the reason she indicated on the form that the path was permissive was because she knew the land was privately owned (she worked for the landowner, Yarland Properties Ltd) and that the owners were happy for the public to use the path. No-one specifically gave her permission to use the path, but she knew that the landowner didn't mind people using it.

72. It is considered that the use of the claimed path has been open and without stealth or secrecy, and there is no evidence to suggest use of any of the routes has ever been as a result of force.

Without interruption (e)

73. In order to constitute an interruption there must be some physical and actual interference which stops the public use for a time. The custom of locking gates to exclude the public on one day a year is a common example. The RSPB claims that public access was prevented on section AB in February 2005 for engineering works, and in 2007 and 2012 for timber extraction, although this is contradicted by the user evidence (Appendix 6, Item 2). Fencing was erected by the RSPB at Point D preventing use of section DE in or about April 2019.
74. There is no evidence of any interruption to public use of sections BD, BC and DE during the statutory period of 1989-2009.
75. There is disputed evidence of interruption to public use of section AB during the period 1989-2009, specifically in 2005 and 2007 when the RSPB states that the route was closed whilst works were undertaken. In the event that it is concluded that this evidence is strong enough to prevent deemed dedication, then consideration must be given to the 20 year period prior to the interruption (because that interruption would effectively call into question the right of the public to use the route). Considering the earliest stated date of interruption, which is in 2005, there is no evidence of any interruption to public use of section AB during the period of 1985-2005.
76. Therefore, irrespective of whether the statutory period public use of AB was interrupted in 2005 or 2007, the evidence shows a clear period of 20 years uninterrupted use on each of the claimed sections AB, BD, BC and DE.

No intention to dedicate (f)

77. Sufficient evidence to negate presumption of dedication requires evidence of overt acts by the landowners during the statutory period directed at users of the way to make known the intention not to dedicate. Actions and wording of notices must be inconsistent with the existence of a public right of way. Section 31(5) HA80 provides for notice to be given to the local authority where notices are torn down, section 31(6) provides a method of negating intention by depositing a plan and statement with the local authority.
78. The RSPB refers to an historic sign near the start of the claimed section AB with the wording "Highway Act 1959 There Are No Public Rights Of Way Over This Land". The RSPB states that it removed this sign in 2005 and replaced it with RSPB signs marking the permissive path. Several of the witness statements describe the Highways Act 1959 sign as having been erected by the neighbouring landowner

(some witnesses refer to her by name as Mrs Stratton) with the purpose of preventing people walking alongside the river and fishing from the river banks. A similar sign is still in existence on Water Board property adjoining the bridge over the River Yar - but that sign is not on land subject to this claim. The RSPB has provided photographs of signage (Appendix 8, Item 4), but none of these photographs depict the Highways Act sign as being located on any of the claimed sections. On balance it is considered that the Highway Act 1959 sign was most likely to have been erected on, and pertaining to, land adjoining the disused railway land and not erected with the intention of not dedicating a right of way on any of the claimed sections.

79. The RSPB states that it put up permissive path signs on section AB in 2005. No photographs of the signs or other evidence was provided. The witness statements make little or no reference to these signs, and it could be argued that the action of erecting these signs was not overt enough to make known to the public that there was no intention to dedicate. In the event that the RSPB's claim to have erected permissive path signs is considered sufficient to demonstrate an intention to not dedicate this section, then the relevant statutory period for this section would be the 20 years prior to the erection of the signs, i.e. 1985-2005. There is no evidence of an intention to not dedicate during this period.
80. The RSPB deposited a statement under section 31(6) HA80 in February 2009 (Appendix 8, Item 2), renewed in 2019, declaring an intention to not dedicate public rights of way on land crossed by sections AB, BD, BC, and the southern part of DE. This is considered to be an overt act directed at users which calls into question the public right of way, and consequently the statutory period for these sections is the 20 years prior to the deposit.
81. There is no evidence that any landowner other than the RSPB did not intend to dedicate a public right of way on any of the claimed routes.

#### Conclusion

82. It is considered that the requirements of section 31 HA80 have been satisfied for the claimed sections AB, BD, BC and DE and that the public have been using these routes 'as of right' for a full period of 20 years between 1989 and 2009.
83. The RSPB has provided some, albeit limited, evidence showing that use of section AB does not satisfy the requirements due to the erection of barriers in 2005 and/or 2007 and/or the erection of permissive path signs in 2005. As discussed above, it is considered that the balance of evidence shows public use of AB as of right for the statutory period 1989-2009. However, in the event that the RSPB's evidence is considered to have strength, then the statutory period for section AB would revert to 1985 to 2005. It would then be considered that the requirements of section 31 HA80 would be satisfied for the claimed section AB and that the public have been using these routes 'as of right' for a full period of 20 years between 1985 and 2005.

#### Dedication at common law

84. Dedication at common law can be express or implied. The burden of proof is upon the person claiming the right to show that an owner was aware of, and acquiesced in, the use of the path by the public. It must be shown that the landowner intended to dedicate a public right of way over their land and that there was acceptance by

the public. With express dedication the owner will have done something to make his intention clear, but in the case of implied dedication, intention may be difficult to prove.

85. The onus is on the claimant to prove intention from the evidence and in the case of implied dedication this is usually user evidence, which also serves to prove acceptance of the dedication. There is no minimum period or level of use required. However, use by the public must have gone on openly, uninterrupted, as of right and for so long that dedication can reasonably be inferred; the evidence must show use to have been so notorious that the landowner must have been aware of it, acquiesced in it and therefore intended to dedicate.
86. In this case the user evidence is of a consistently high level of use over a lengthy period, covering several changes of land ownership. The British Railway Board sold land parcel IW57447 to the Bembridge Harbour Investments Company in July 1968. The current owners, the RSPB, purchased IW57447 from Maritime & Leisure Investments Ltd in March 2004. One of the witnesses refers to Yarland Properties Ltd as a landowner; that company would have owned the land between Bembridge Harbour Investments and Maritime & Leisure Investments, and there may also have been other land owners.
87. As previously discussed, whilst in the ownership of the British Railway Board, land comprising a disused railway is generally considered incompatible with the dedication of a public right of way. The RSPB's evidence is that they actively took steps to show that they did not intend to dedicate a public right of way. However, in the years between 1968 and 2004 the user evidence, from both the evidence forms and the telephone interviews, is that all four sections AB, BD, BC and DE were openly and frequently used by the public and there is scant evidence that the public use was challenged or obstructed.
88. In her telephone interview, Ms Edwards stated that when she worked for Yarland Properties Ltd, the landowner took the view that it was fine for people to walk and ride on the railway line path as they understood it was safer than using the road. In Ms Edwards' opinion it was more that Yarland Properties acquiesced in the use rather than they pro-actively gave permission. No-one specifically gave her permission to use the claimed routes, but she knew that the landowner didn't mind people using them. Ms Edwards understands that Yarland Properties initially closed the path one day a year, but stopped doing this in the mid 1970's as they thought it was pointless.
89. It is considered that any reasonable landowner would have been aware of the public use and, other than Ms Edwards' evidence that one of the landowners closed the path once a year until the mid 1970's, there is no evidence to show that the use was challenged. It is considered that the available evidence supports the proposition that a common law dedication of public rights on the claimed sections AB, BD, BC and DE has taken place.

#### Status

90. The application form calls for the addition of a footpath / bridleway on all sections of the claimed path. The user evidence forms show that most people believed the claimed path to be either a footpath or a bridleway. However it is the actual use of

the path that establishes the status - a footpath is established through use by the public on foot, and a bridleway is established through use by the public on a bicycle and/or horse as well as on foot.

91. The RSPB, when stating that use of the claimed path was permissive (Appendix 7, Item 1), claims that permissive use was only by foot, and the only horse usage of any of the claimed routes that it was aware of was by the owners and occupiers of the Harbour Farm stables who used the routes as part of the farm owners' access rights. However, the RSPB's section 31(6) deposit (Appendix 8, Item 2) states that consent is given for members of the public to walk/ride over sections AB and BD, thus implying an awareness that the public did ride bicycles and/or horses on these sections.
92. The summary of user evidence (Appendix 6, Item 3(a), Table 1) shows that the vast majority of witnesses used the claimed path on foot. Only two people did not walk the path - Ms V Attrill, who rode a horse on all sections between 1975 and 2016, and Mr Bateman who rode a bicycle on sections AB and BC between 1991 and 2016. A total of 28 individuals used two or more sections on a bicycle and/or horse. Mr Brooks used the path (except section BC) on a motorcycle as well as on foot, bicycle and horse. Of all the people who rode horses, only Ms Mitchell mentioned keeping a horse at Harbour Farm. Taken as a whole, the user evidence supports the establishment of at least footpath status. Further analysis of the user evidence is necessary to determine whether it supports the establishment of bridleway status.
93. Appendix 6, Items 3(b)-(f), Tables 2-6 show that around 20 people used each section on a bicycle and/or horse every year during the applicable 20 year statutory period. With the exception of Ms Attrill, all of these individuals also used the claimed path on foot. The user evidence forms only indicate how many times per year an individual used the path in total - the form doesn't require the user to state how many times they used each section on foot, how many times on a bicycle, etc. Therefore it was necessary to question a selection of cyclists and horse riders to establish how frequently they used the routes by a means other than on foot.
94. Of the 14 telephone interviews carried out, 3 interviewees had walked and cycled, 3 had walked and ridden a horse, 2 had walked, cycled and ridden a horse, and 6 had only walked. All except one of those that had cycled and/or ridden a horse had done so on all four sections - Ms Scott didn't use section DE. Of the two options for connecting to Embankment Road at the eastern end, both BC and DE were used by both cyclists and horse riders. DE was generally preferred because it provided a longer off-road route, but BC was sometimes chosen after wet weather when DE became muddy and more difficult to use. Ms Edwards' evidence was particularly strong - she had used the claimed path twice a week on horseback from 1966 to 2020, using BC more often than DE due to DE getting muddy. Mr Preston used the path on both cycle and horseback from 1960, riding horses until about 2000 and cycling until recent years. He used both BC and DE but used DE more frequently as that meant less use of the road. Ms Scott rode a horse on the path once or twice a week until the early 2000's always using BC rather than DE. Mr Squibb used to cycle to school five days a week in the 1980's and 1990's. Since then he has continued cycling the path, but less frequently. He cycles on both BC and DE. Ms Valvona has cycled and ridden a horse on the claimed path from 1978 onwards. Her preference is to use DE because it has better visibility than BC when

exiting onto Embankment Road. None of the horse riders questioned said that they kept their horse at Harbour Farm.

95. There is strong evidence that all four claimed sections AB, BD, BC and DE have been used openly and frequently by the public on bicycle and on horseback, as well as on foot, throughout the statutory period 1989-2009. There is similarly strong evidence of use of Section AB throughout the alternative statutory period 1985-2005. It is therefore considered that the user evidence supports the establishment of a public right of way with the status of bridleway on all four sections.

## CONSULTATION

96. Bembridge Parish Council is the only statutory consultee. The Parish Council did not submit a formal response, but three councillors responded individually. All were in favour of the routes being recognised as public rights of way and were aware of public use of the routes. Two had used the routes themselves, one had previously submitted a Witness Form.
97. The present elected members for the area are Councillors Jonathan Bacon (Brading and St Helens) and Joe Robertson (Bembridge), both of whom were consulted. A response was received from Councillor Bacon in support of the proposed route (Appendix 3).
98. Landowners are contacted to explain the application and procedure for determining it, and invited to submit evidence. Their response is given under 'Landowner evidence' above. Property and landownership details, including Land Registry plans and documents, are in Appendix 4.
99. Landowners affected by the application are:

Freehold proprietors of land subject to the claimed path Sections AB, BD, BC and part of Section DE (IW57447): The Royal Society for the Protection of Birds, The Lodge, Potton Road, Sandy, SG19 2DL.

Note that the part of Section BC that lies between IW57447 and Embankment Road is not registered with the Land Registry, but it is understood that the RSPB is the acknowledged freehold proprietor.

Freehold proprietor of land subject to the claimed path part of Section DE (IW24133): Bembridge Investments Ltd, Baie House, Yarmouth, Isle of Wight, PO41 0ND.

100. All reports on modification order applications are submitted to landowners and the applicants for comment before the report is submitted to the committee for decision. Neither the applicants nor a representative of Bembridge Investments Ltd submitted comments on the Committee Report. The RSPB did submit comments and these are copied at Appendix 9, Items 1-3. A brief summary of, and reply to (where considered necessary), the comments follow below in paragraphs 101-103.
101. In Appendix 9, Item 1, the RSPB submits evidence of sections BC and BD being closed by means of fencing in 2005. Appendix 9, Item 2, contains the RSPB's Site Manager's comments on the Draft Committee Report. These comments are further

refined in Appendix 9, Item 3, the RSPB's formal response to the Committee Report. The email accompanying this response indicates that the RSPB would like to speak at the Committee Meeting.

102. The RSPB claims that sections BC and BD were fenced off in 2005, making them inaccessible to the public. This contradicts the user evidence, which is that none of the sections were physically closed thereby preventing use. Paragraphs 49 - 54 of this report discuss a similar scenario for section AB. It is similarly considered that in the event that the public use of section BC and BD was considered to have been challenged in 2005, then the statutory period for these sections would be 1985 - 2005. The conclusions drawn in paragraphs 83 and 89, that there is sufficient public use during this period to raise a presumption of the dedication of a public right of way, also apply to sections BC and BD.
103. The RSPB report refers to a potential conflict between the conservation designation and the existence of a public right of way on section DE, and suggests that since it considers the evidence of use of this section to be weak, then section DE should be removed from any Order. The RSPB also suggests that a solution is available to all parties, by means of negotiation. However, the DMMO process can only consider whether or not the available evidence suggests that a public right of way has been dedicated, either under HA80 by 20 years continuous use or under common law. The desirability or otherwise of the right of way is not a relevant consideration, and the route of the right of way cannot be negotiated within the DMMO process. In the event that a right of way is found to exist across land with a conservation designation, then appropriate management measures can be taken in order to accommodate both the public right and the conservation requirements.
104. If an order is made, there is a statutory advertisement period of six weeks during which anyone may make representations or objections.

#### FINANCIAL / BUDGET IMPLICATIONS

105. Normal costs incurred in processing this application and resulting from adding the path to the Definitive Map and Statement, should this be the outcome, will be contained within current Rights of Way revenue budgets. The council has a legal duty to process the application.

#### LEGAL IMPLICATIONS

106. In the event of an order being made and if no objections are received during the six week statutory advertisement period, the council may itself confirm the order as unopposed. If any objection is registered during the statutory period, or if the council considers the order requires any modification, it must be referred to the secretary of state. An independent inspector will be appointed by the Planning Inspectorate to hear the objections and decide whether the order should be confirmed, with or without modification. A public inquiry may be held in modification order cases as there is witness evidence to be heard.
107. The council bears the cost of arranging the inquiry and each side bears their own costs of appearing unless there are exceptional circumstances. An order becomes legally effective only if and when it is confirmed. The decision of the inspector

concludes the modification order process.

108. In the event of an order not being made, the applicant may appeal to the secretary of state, who may direct the council to advertise an order which then follows the same procedure described above.
109. The validity of a confirmed modification order can be questioned by application to the High Court during a six week period from the date of publication of confirmation. This is a form of judicial review of the procedure only, not an opportunity to further challenge the evidence on which the order is based. Costs of litigation are awarded in the usual way according to the outcome of the application.
110. Public footpaths and bridleways dedicated after 16 December 1949 are not maintainable at public expense unless dedicated as part of a public path order or agreement or other formal adoption procedure under the HA80 or its predecessor.

#### Implications under the Human Rights Act 1988

111. In respect of Article 6 (right to a fair trial) of the European Convention on Human Rights, it is considered that by submission of the report to the applicant and to landowners for comments and by advertisement of an order with the opportunity of independent determination in the event of objection, the council has met the requirements of this article.
112. In respect of Article 8 (respect for private and family life) and Article 1 of the First Protocol (protection of property), the impacts that the modification order might have on the owners of property affected by any order which may be made and on owners of other property in the area and users of the paths before and after modification have been carefully considered. While there may be some interference with the rights of owners and occupiers if a modification order is confirmed, it is considered proportional to the legitimate aim of the council and in the public interest.

#### EQUALITY AND DIVERSITY

113. The processing of this application does not contravene any statutory obligations under the Equality Act 2010, and causes no adverse impact on people of any protected characteristic.

#### PROPERTY IMPLICATIONS

114. There are no property implications. The land that is the subject of the application is privately owned. Any public footpath or bridleway that may be added to the Definitive Map and Statement through this application process will not be maintainable at public expense unless formally adopted under the HA80.

#### SECTION 17 CRIME AND DISORDER ACT 1988

115. The council has a duty to make an order to modify the Definitive Map and Statement or not according to its conclusions on the evidence relating to the dedication of highways. Should a right of way be confirmed, any powers that may be available to the council with respect to public paths and byways for the purposes of reducing crime and disorder could be considered.

## OPTIONS

116. The committee has a statutory duty to determine the application by making a decision. The decision must be based on the evidence available as to whether a presumption of dedication has been raised, or what public rights exist or are reasonably alleged to exist, if any; a conflict of evidence does not prevent an order being made. Depending on its conclusions the committee will decide on one of the following options.
117. If an order is made (Options 1 - 3), it is recommended that the width or widths specified in the order are determined by Council staff according to the user evidence and physical characteristics on the ground.

### Option 1

118. Make an order to add the path described in the application to the Definitive Map and Statement with the status of footpath.

### Option 2

119. Make an order to add the path described in the application to the Definitive Map and Statement with the status of bridleway.

### Option 3

120. Make an order to modify the Definitive Map and Statement in some other way than Options 1 and 2.

### Option 4

121. Reject the application by making no order.

## RISK MANAGEMENT

122. In the unlikely event of a High Court application costs follow the decision. Such applications normally involve high litigation costs and should the council be found at fault and costs be awarded against it, the council will be liable for those costs. Such liability for costs exists regardless of which decision is taken and whether the committee accept the recommendation or not.
123. In light of the risk of cost to the council as identified in the preceding paragraph and of the legal and financial implications set out in paragraphs 105 to 115, the committee in making its decision, must follow all the legal guidance set out in paragraphs 5 to 11 above and in all parts of Appendix 5. The committee should consider the material evidence and apply the legal tests which are outlined in this report, with the assistance of the council's legal services.
124. The consequences of Options 1 to 4 are set out in paragraphs 105 to 123 above. These consequences are all part of the normal statutory procedures provided by WCA81 for reviewing the Definitive Map and Statement.



## EVALUATION

125. As described in paragraphs 82 and 83, 89 and 95 it is concluded that the claimed path is reasonably alleged to exist as a public right of way with bridleway status on the basis of deemed dedication under section 31 HA80 and under common law.
126. Any order to add a path to the Definitive Map and Statement must state the width of the path in the order; the width may vary between sections and within a single section. The descriptions of the path width in the user evidence accompanying this application vary considerably, and the user evidence forms do not prompt the user to describe how the width might vary along the length of the claimed path or the different sections. Therefore, in the event that it is decided that an order should be made, further work will be required to determine the appropriate width or widths. Such work may be undertaken before the order is made by Council staff according to the user evidence and physical characteristics on the ground.

## APPENDICES ATTACHED

### Appendix 1: Application

### Appendix 2: Site Maps and photographs

Item 1. Definitive Map 2000 extract.

Item 2. Site photographs 1 – 18.

### Appendix 3: Formal Consultation Response - Councillor Jonathan Bacon email 18 June 2021.

### Appendix 4: Land ownership

Item 1a-c. Land Registry official copies IW57447.

Item 2a-b. Land Registry official copies IW24133.

### Appendix 5: Legal background

Item 1. Legal background and guidance.

Item 2. Quasi-judicial role of the panel.

Item 3. Planning Inspectorate Definitive Map Consistency Guidelines, Section 5, pages 4 to 16

Item 4. Section 31 Highways Act 1980.

Item 5. Planning Inspectorate Definitive Map Consistency Guidelines, Section 4, pages 7 to 9.

Item 6. DEFRA Circular 1/09, pages 18 to 20.

### Appendix 6: User evidence

Item 1. User evidence forms.

Item 2. User witness interview notes.

Item 3. User witness use tables:

3(a) Table 1. Summary of evidence

3(b) Table 2. Use of Section AB 1985-2005

3(c) Table 3. Use of Section AB 1989-2009

3(d) Table 4. Use of Section BD 1989-2009

3(e) Table 5. Section BC 1989-2009

3(f) Table 6. Section DE 1989-2009

**Note:** The content of Tables 2 and 3 is the same - all users who started using Section AB in or before 1985 continued to use this Section until 2016/17.

Appendix 7: Landowner evidence

- Item 1. RSPB email dated 24 July 2019
- Item 2. RSPB email dated 2 March 2021

Appendix 8: Documentary evidence

- Item 1. Statutory Declaration 2001
- Item 2. Section 31(6) Deposit, 2009
- Item 3. Photograph, section AB
- Item 4. Photographs, signage
- Item 5. Section 55(1) British Transport Commission Act 1949
- Item 6. Declaration 2005
- Item 7. Site Manager's Narrative
- Item 8. Extract from "The Bembridge Branch Line" 1988
- Item 9. O.S. Maps 1862-2014

Appendix 9: Applicant and landowner comments on draft report

Items 1-3. RSPB comments

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DIRECTOR

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Jonathan Bacon  
Cabinet Member for Climate Change,  
Environment, Heritage, Human Resources  
and Legal & Democratic Services

FORM A

APPLICATION FOR MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

THE ISLE OF WIGHT COUNCIL  
DEFINITIVE MAP AND STATEMENT

To: Isle of Wight Council of County Hall, High Street, Newport, IW, PO30 1UD

I/We [full name[s]]... MALCOLM WADE + FAITH DAISY WADE

of: [full address[es]]... FOUR-ACRES CARPENTERS RD ST. HELENS  
RYDE ISLE-OF-WIGHT PO 33 1YG

hereby apply for an Order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the area by [ strike out what does not apply and \*delete as appropriate]

[~~deleting the [footpath] [bridleway] [byway open to all traffic]\*~~

from .....

to .....

[adding the [footpath] [bridleway] [byway open to all traffic]\* **ABDE AND BC AND ABC (AS SHOWN ON MAP)**  
from... **EMBANKMENT ROAD BEMBRIDGE** } **VIA OLD RAILWAY TRACK BED**  
to... **EMBANKMENT ROAD BEMBRIDGE** }

[~~upgrading] [downgrading]\* to a [footpath] [bridleway] [byway open to all traffic]\* the [footpath] [bridleway] [byway open to all traffic]\*~~

from .....

to .....

[~~varying] [adding to]\* the particulars relating to the [footpath] [bridleway] [byway open to all traffic]\*~~

from .....

to .....

by providing that: .....

.....

.....

as shown on the map accompanying this application.

I/We attach copies of the documentary evidence (including user evidence forms of witnesses) in support of this application (as set out on the list below).

Dated: ..... 27/1/17 .....

Signed: M Wade ..... A D Wade .....

List of documents/user evidence forms (if necessary continue on the reverse of this page or on a separate sheet and attach it to this form):

142 USER EVIDENCE FORMS

EXTRACT - PAGE 29 FROM

"THE BEMBRIDGE BRANCH LINE"

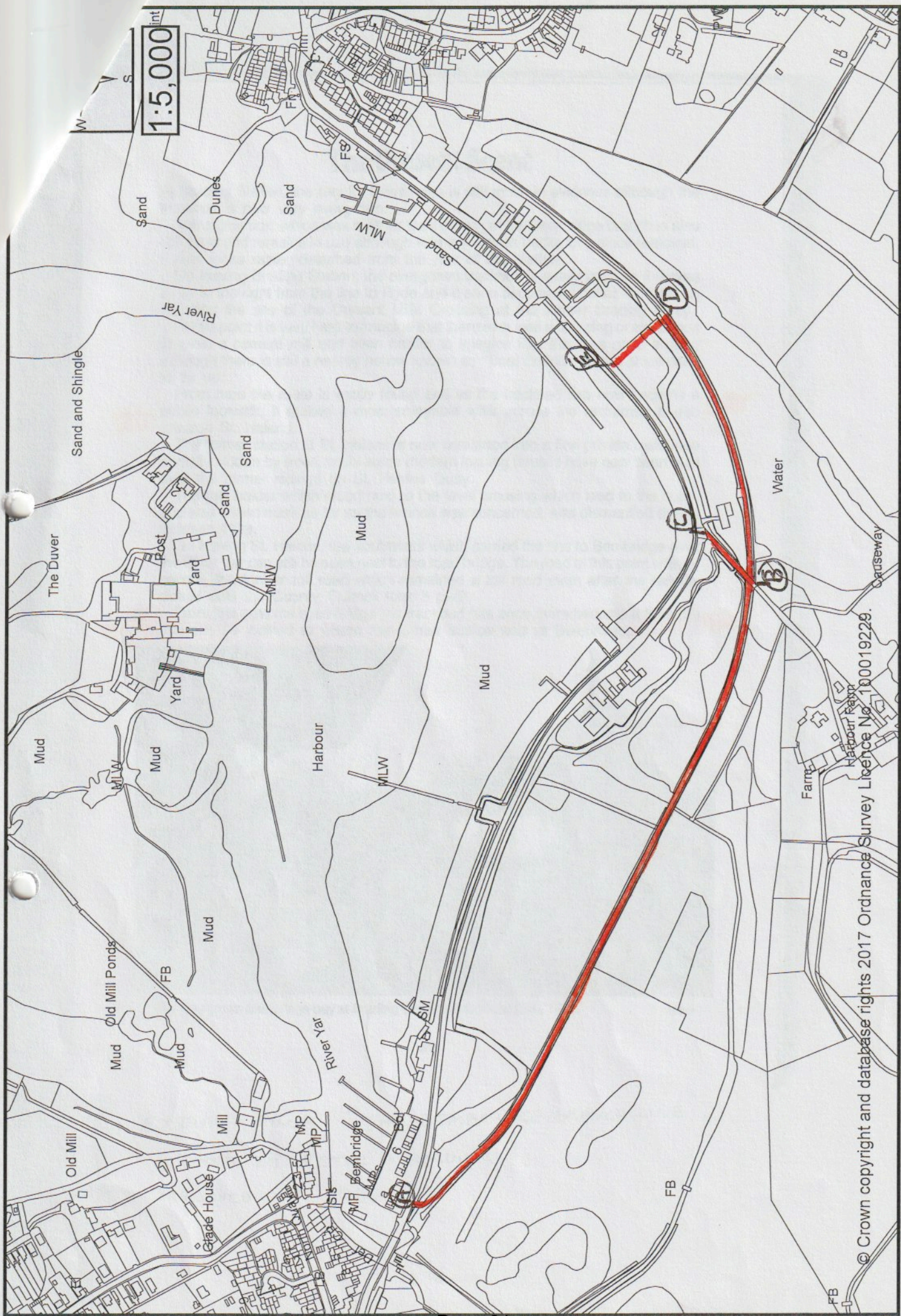
WRITTEN BY PETER A. HARDING.

PUBLISHED IN 1988

(FORM A)



1:5,000



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## The Present Scene

At Brading Station, the bay for Bembridge is still much in evidence although the trackbed is now very overgrown.

The signal box, which was built for the opening of the Bembridge branch is also still there and remains in use although with the branch tracks long since removed, it now looks rather detached from the rest of the station.

On leaving Brading Station, the overgrown trackbed is easily seen as it curves away to the right from the line to Ryde and it soon becomes a public footpath on reaching the site of the Cement Mills Crossing at the former Brading Quay.

At this point it is very hard to imagine that there ever was a crossing or signal box or even a cement mill and even harder to imagine that this was once a quay although there is still a nearby hollow known as "Boat Bottom" where ships used to tie up.

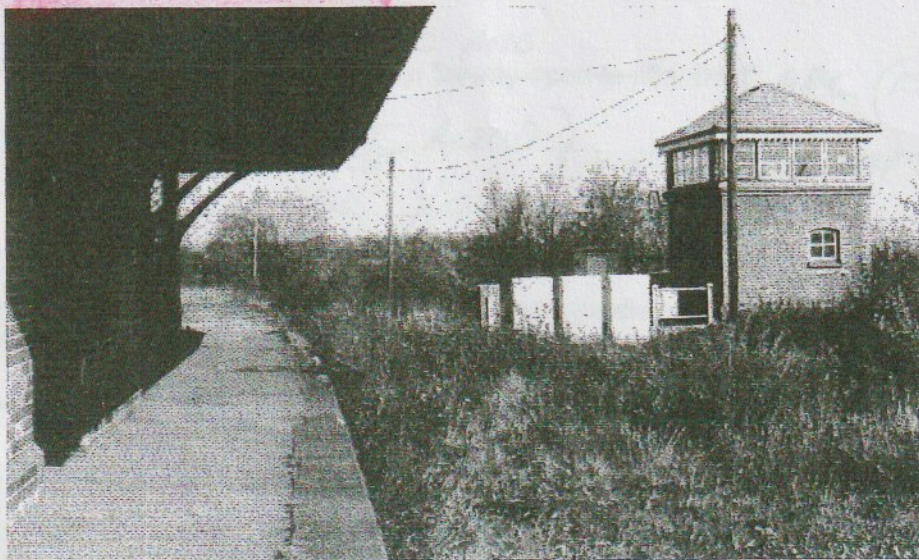
From here the route is easily found and as the trackbed has now become a public footpath, it makes a most enjoyable walk across the reclaimed marsh towards St. Helens.

The former station at St. Helens is now converted into a fine private residence partially hidden by trees, while some modern looking houses have now been built over the former sidings on St. Helens Quay.

The gas holder which stood next to the level crossing which lead to the quay, and was a land mark as far as the branch was concerned, was dismantled during October 1983.

On leaving St. Helens, the abutments which carried the line to Bembridge over the River Yar can still be seen next to the road bridge. The road at this point was, of course, the former toll road which remained a toll road even after the railway closed until the County Council took it over.

From just past the road bridge the trackbed has once more become a footpath and can be walked to where the former station was at Bembridge.



The overgrown Bembridge bay at Brading Station on October 28th, 1987.

Author

EXTRACT FROM "THE BEMBRIDGE BRANCH LINE"

WRITTEN BY PETER A. HARDING

PUBLISHED IN 1988





Appendix 2, Item 1 - OS Map  
Representation of the path subject to the application (yellow dashed lines AB, BD, DE, and BC)



Site Photographs 1 - 18

(labels/points as per application map; yellow marking up is for indication/explanation purposes only)



Photograph 1: Point A with "no public right of way" sign in background (see photographs 15 and 16)



Photograph 2 – Section of A-B (1) start of claimed route after leaving the road





Photograph 3: Section of A-B (2)



Photograph 4: Section A-B (3)





Photograph 5: Point B (at end of section A-B)

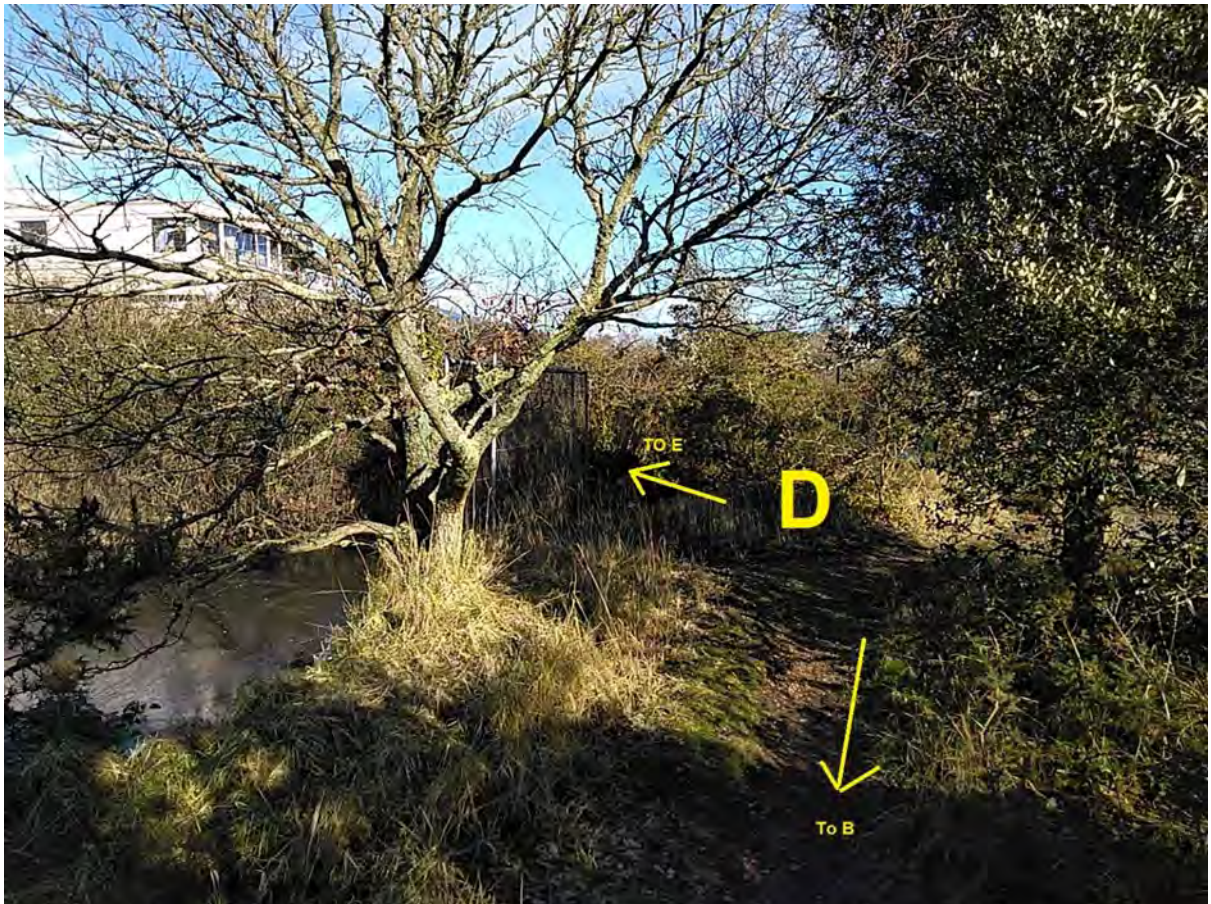


Photograph 6: B to D



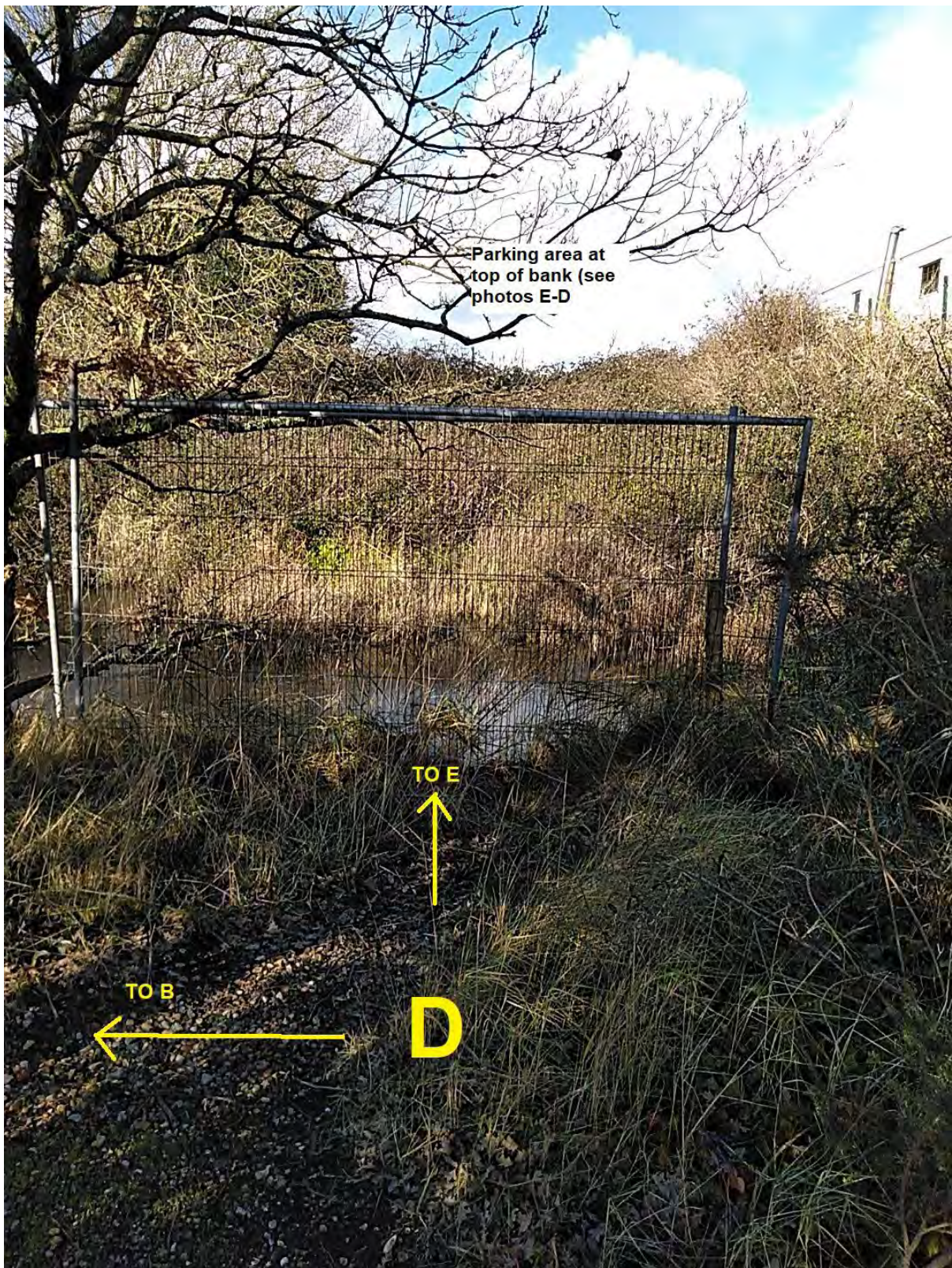


Photograph 7: section of B-D



Photograph 8: Point D (1)





Photograph 9: Point D (2)





Photograph 10: Point E and direction of claimed route (towards D)



Photograph 11: Section E-D





Photograph 12: Point C



Photograph 13: Section of C-B





Photograph 14: towards the end of section C-B



Photograph 15: "no public right of way" sign referred to in photograph 1





Photograph 16: "no public right of way" sign referred to in photograph 1





Photograph 17: additional view of section D-E (1)



Photograph 18: additional view of section D-E (2)



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**From:** Bacon, Jonathan [REDACTED]  
**Subject:** RE: Proposed Definitive Map Modification Order - Claimed Public Right of Way, Bembridge, Isle of Wight  
**Date:** 18 June 2021 at 00:11  
**To:** Sarah Manchester [REDACTED]

Dear Sarah

Thank you for the email below and apologies for my delay in responding.

This is a proposal I have been aware of for a considerable time. I am also aware of what I believe is an impressive collection of evidence that I understand has been submitted in support of the proposed route.

I am fully in support of the suggested modification, which I believe is supported by the evidence and will be of great benefit to the local community.

I hope that the modification can move to being approved as soon as possible.

Jonathan Bacon

**From:** Sarah Manchester [REDACTED]  
**Sent:** 18 May 2021 13:03  
**To:** Bembridge Parish Council [REDACTED]; Robertson, Joe [REDACTED]; Bacon, Jonathan [REDACTED]  
**Cc:** Clarke, Darrel [REDACTED]  
**Subject:** Proposed Definitive Map Modification Order - Claimed Public Right of Way, Bembridge, Isle of Wight

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. Further information can be found [here](#).

Dear Sir/Madam,

**CONSULTATION: SECTION 53 – WILDLIFE AND COUNTRYSIDE ACT 1981  
Proposed Addition of Public Footpath/Bridleway on the Disused Railway Line,  
south of Embankment Road, Bembridge**

Public Rights of Way are recorded on the Definitive Map and Statement which provide conclusive evidence of the existence of public rights. The Isle of Wight Council (IWC) is responsible for the Definitive Map and Statement for the Isle of Wight and has a duty to amend it when evidence suggests that it is inaccurate or incomplete. Such amendments are made by Modification Orders made under Section 53 of the Wildlife and Countryside Act 1981.

The IWC Rights of Way service has received an application for a Definitive Map Modification Order seeking to add a public right of way to the Definitive Map and Statement at Bembridge. The claimed route is shown on the attached plan. The route follows the disused railway between Points A-B-D, and connects the disused railway with Embankment Road between Points B-C and D-E. The application is made on the grounds that the extent and nature of the public use of the route has been sufficient to support the presumption that the route has been dedicated as a public right of way.

I am working with Darrel Clarke, Rights of Way Manager at IWC, on the processing of this application. Before the application is considered by the Council, I am undertaking

this application. Before the application is considered by the Council, I am undertaking a preliminary consultation with the Parish Council and local Councillors. Please send any comments, or any evidence in support or rebuttal of this application, to me at [REDACTED] by **Friday 18 June 2021**. If you would like to comment, but are unable to do so by this date, please let me know. You will be further notified of any Order that is subsequently made.

If you require any further information regarding the above matter, please contact me.

Kind regards,

Sarah Manchester  
on behalf of Isle of Wight Council

[REDACTED]

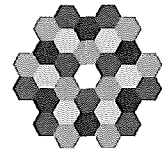
**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. Further information can be found [here](#).

## APPENDIX 4

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Applications are pending in HM Land Registry, which have not been completed against this title.



# Official copy of register of title

Title number IW57447

Edition date 05.07.2018

- This official copy shows the entries on the register of title on 13 JAN 2020 at 16:28:34.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 08 Feb 2021.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Weymouth Office.

## A: Property Register

This register describes the land and estate comprised in the title.

### ISLE OF WIGHT

- 1 The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land at Bembridge Harbour, Bembridge.
- 2 (27.07.2000) The land edged blue on the title plan has the benefit of the following rights contained in a Transfer of land adjoining part of the Northern boundary thereof dated 10 July 2000 made between (1) Maritime & Leisure Investments Plc and (2) Stuart Gummer and William Henry Pewsey:-

"Rights reserved for the benefit of other land:-

SUBJECT to all easements quasi-easements rights exceptions or other similar matters whether or not apparent on inspection save for easements quasi-easements rights exceptions or other similar rights of way."

- 3 (22.08.2003) The land edged blue on the title plan has the benefit of the following rights reserved by but is subject to the rights granted by a Transfer of land adjoining the North Eastern boundary of the land in this title dated 1 August 2003 made between (1) Maritime & Leisure Investments Limited and (2) Christopher Charles Andreae ('the Transferee'):-

"(4) The right for the Transferee and his successors in title and the owners and occupiers for the time being of the Property (in common with all other persons to the like right):-

(a) to the free and uninterrupted passage and running of water soil gas and electricity and other existing services to and from the Retained Land through the sewers drains gutters water courses pipes cables wires mains ducts gutters flues and other channels conducting media or conduits which are now in the Retained Land and which serve the Property or through such conduits as are substituted therefor during the period of 80 years from the date hereof with power at all times upon giving to the owner or occupier for the time being of the Retained Land reasonable notice (except in an emergency when no notice is required) to enter onto as much as is reasonably necessary of the Retained Land for the purpose of repairing renewing maintaining inspecting replacing or cleansing such conduits and of laying any

## A: Property Register continued

further conduits and apparatus in order to connect into existing conduits to obtain any such service as mentioned above and to maintain and repair any party wall separating the Property from the Retained Land provided that the rights contained in this paragraph shall at all times be subject to the persons exercising those rights making good all damage caused to the Retained Land or any building for the time being erected on the Retained Land to the reasonable satisfaction of the owner for the time being of the Retained Land affected and subject always to the Transferee or the owner occupier for the time being of the Property contributing a fair and proper proportion to the cost of the maintenance and reinstatement of such services and any party wall

(b) The free right (in common as mentioned above and with or without surveyors agents and workmen) at all times and from time to time upon reasonable prior written notice (save in case of emergency) to enter and for so long as is necessary remain on the Retained Land to inspect and to make connections to and disconnections from the service media and conduits for all purposes connected with the development use and enjoyment of the Retained Land including the maintenance and repair of the service media and conduits PROVIDED THAT the person exercising the right of entry shall cause as little inconvenience as practicable in the circumstances and make good or cause to be made good as soon as practicable thereafter and free of cost any damage to the Retained Land but not so as to be liable to the Transferor for any disturbance or inconvenience resulting from or consequential on any proper exercise of the right of entry and the making good of any damage caused to the Retained Land

(c) to the support and shelter belonging to and enjoyed by the Property from the Retained Land

(5) Except and reserving to the Transferor and its successors in title and the owners and occupiers of the Retained Land (in common with all other persons to the like right) similar (mutatis mutandis) to those set out in respect of the Property in (4) above."

NOTE:-The land edged blue on the title plan forms part of the Retained Land referred to. The Property referred is registered under title IW55699

- 4 The land has the benefit of the rights granted by but is subject to the rights reserved by a Transfer of the land in this title dated 31 March 2004 made between (1)Maritime & Leisure Investments Limited and (2)The Royal Society for the Protection of Birds

NOTE:-Copy filed.

- 5 The Transfer dated 31 March 2004 referred to above contains a provision as to light or air.

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (30.04.2004) PROPRIETOR: THE ROYAL SOCIETY FOR THE PROTECTION OF BIRDS (Charity No 207076) of The Lodge, Potton Road, Sandy SG19 2DL.
- 2 The price stated to have been paid on 31 March 2004 was £80,000.
- 3 RESTRICTION: No disposition by the proprietor of the registered estate to which section 117-121 or section 124 of the Charities Act 2011 applies is to be registered unless the instrument contains a certificate complying with section 122(3) or section 125(2) of that Act as appropriate.
- 4 (07.11.2013) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the

## B: Proprietorship Register continued

Charge dated 31 October 2013 in favour of Ann Michele Kiceluk, PTL Governance Ltd, John Oliver Watts, David John Cramp and Gail Lorenza Francis as trustees of The Royal Society For The Protection Of Birds Pension And Life Assurance Fund referred to in the Charges Register or their conveyancer.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (28.06.1994) The land edged blue on the title plan is subject to the following rights granted by a Conveyance thereof and other land dated 31 July 1968 made between (1) British Railways Board (Board) (2) Bembridge Harbour Improvements Company Limited (Purchasers) and (3) Isle of Wight River and Water Authority (The Authority):-

"In order to enable the Authority to perform the land drainage and sea defence obligations the Board with the concurrence of the Purchasers HEREBY GRANT unto the Authority FULL AND FREE RIGHT AND LIBERTY in perpetuity (a) to enter upon the Board's lands referred to in recitals (2) and (4) hereof so far as necessary for the performance of the land drainage and sea defence obligations and for inspection and survey of the said lands in connection therewith with all necessary plant and equipment and to place such plant and equipment temporarily only and where convenient to the Board or the Purchasers upon the Board's said lands and to remove any material dredged as they think fit and to tip any material dredged but not disposed of upon the piece of land (hereinafter called "the tipping site") edged red upon Plan No 3 hereto annexed or upon such other land as reasonably may be specified from time to time by the Board or after the conveyance to them by the Purchasers

PROVIDED THAT -

(i) If the Board or the Purchasers specify land on which material dredged is to be tipped by the Authority which involves them in greater expense than they would have been put to if they had continued to use the tipping site the additional expenditure reasonably incurred by the Authority shall be repaid by the Board or the Purchasers on demand

(ii) The Authority agreed that they will remove all plant and machinery not being used in connection with work being currently carried out and will make good all damage caused to the Board's said lands in the exercise of the rights as aforesaid."

NOTE 1:-The land edged blue on the title plan forms part of the Board's lands referred to in recitals (2) and (4).

NOTE 2:-The land edged red upon plan No 3 referred to does not affect the land in this title.

- 2 (28.06.1994) The land is subject to the following rights reserved by a Conveyance of the land in this title and other land dated 31 July 1968 made between (1) British Railways Board (Board) (2) Bembridge Harbour Improvements Company Limited (Purchasers) and (3) Yarland Properties Limited (Sub-Purchasers):-

"Reserving (a) unto the Board and their successors in title the owners of the toll road shown without colouring on the said plan the right to enter upon the lands hereby conveyed for the purpose of repairing and maintaining the said road and the works supporting the same and (b) unto the Purchasers such rights of entry on to the lands hereby conveyed with or without vehicles and with all requisite machinery and appliances as the Purchasers shall require for the purpose of carrying out works required by and giving effect to the indemnity on the part of the Purchasers.....(the Purchasers making good any damage caused on any such entry as aforesaid).....and Subject also to all the obligations of the Board whether contractual or statutory and whether or not capable of running with the land hereby conveyed (excluding the obligations imposed by sections 8 10 and 40 of the Act of 1874 but not excluding the obligation to maintain St Helen's North and South Quays)



## C: Charges Register continued

and subject to all easements rights provisions matters or things to which the said land is subject or to which the Board are subject relating in any way to the said land except as aforesaid."

NOTE:-The toll road referred to is Embankment Road.

- 3 (28.06.1994) The land is subject to the following rights granted by a Conveyance of adjoining land dated 12 November 1969 made between (1) Yarland Properties Limited (Vendor) (2) British Railways Board (Board) and (3) Roger Thornycroft DSC (Purchaser):-

"Together also with a right of way for the Purchaser and his successors in title to the land hereby conveyed and all persons authorised by him or them at all times and for all purposes with or without vehicles over the embankment formerly carrying the old railway line coloured brown on the said plan but subject nevertheless to the right for the Vendor at its discretion to build up or enlarge the said embankment."

NOTE:-The land coloured brown referred to is tinted brown on the filed plan.

- 4 (28.06.1994) The land edged blue on the title plan is subject to the rights granted by a Deed of Grant dated 25 March 1980 made between (1) Yarland Properties Limited (Grantor) and (2) British Gas Corporation (Corporation).

The said Deed also contains restrictive covenants by the grantor.

NOTE:-Copy filed under IW24133.

- 5 (28.06.1994) The land edged blue on the title plan is subject to the rights granted by a Deed of Grant dated 22 June 1992 made between (1) Belize Investments SA (Grantor) and (2) British Gas PLC (British Gas).

The said Deed also contains restrictive covenants by the grantor.

NOTE:-Copy filed under IW24133.

- 6 (19.02.1998) The land edged blue on the title plan is subject to the rights granted by a Deed dated 6 January 1998 made between (1) Maritime & Leisure Investments PLC and (2) Southern Water Services Limited.

The said Deed also contains restrictive covenants by the grantor.

NOTE:-Copy filed under IW24133.

- 7 (17.01.2000) The land is subject for a term of 50 years from 12 November 1999, determinable as therein mentioned, to the rights granted by a Lease of Easements dated 12 November 1999 made between (1) Maritime & Leisure Investments Limited and (2) Michael Hubert Tolly Coombes and others.

NOTE:-Copy filed under IW24133.

- 8 (27.03.2013) The land cross hatched blue on the title plan is subject to a right of way with or without vehicles in favour of land lying to the south of the land in this title. The extent of this right, having been acquired by prescription, may be limited by the nature of the user from which it has arisen.

NOTE: Copies statutory declaration dated 26 April 1984 made by Ann Margaret Thornycroft and statement of truth dated 30 September 2012 made by Kenneth Western George Hicks filed under IW77614.

- 9 (07.11.2013) REGISTERED CHARGE dated 31 October 2013 affecting also other titles.

NOTE: Charge reference NK117525.

- 10 (05.07.2018) Proprietor: ANN MICHELE KICELUK, JOHN OLIVER WATTS, DAVID JOHN CRAMP and GAIL LORENZA FRANCIS care of The Lodge, Potton Road, Sandy SG19 2DL and PTL Governance Ltd (Co. Regn. No. 2952373) of 47 Castle Street, Reading RG1 7SR the trustees of The Royal Society For The Protection Of Birds Pension And Life Assurance Fund.

Title number IW57447

End of register



Postcode  Title number  
  
 or

**Titles (1 of 1 loaded)**

Title number	Estate information	Address
IW57447	Freehold	LAND ON THE SOUTH SIDE OF EMBANKMENT ROAD AND LAND ON THE SOUTH SIDE OF LATIMER ROAD, ST HELENS, RYDE

Page 53



Display Layer Options

- Registrations
- Title Numbers
- IW57447

Scale = 1 : 1250

463633.06496, 88535.20496

This map is for reference purposes only.  
 Data last updated 10:00pm 05 FEBRUARY, 2021



Postcode  Title number  
  
 or

**Titles (1 of 1 loaded)**

Title number	Estate information	Address
IW57447	Freehold	LAND ON THE SOUTH SIDE OF EMBANKMENT ROAD AND LAND ON THE SOUTH SIDE OF LATIMER ROAD, ST HELENS, RYDE

Page 54



**Display Layer Options**

- Registrations
- Title Numbers
- IW57447 Shorelands

Scale = 1 : 1250  
 463887.51496, 88491.10496

This map is for reference purposes only.  
 Data last updated 10:00pm 05 FEBRUARY, 2021



Postcode  Title number  
 Postcode   
 or  
 Street name, e.g.  
 BEAMBRIDGE

**Titles (1 of 1 loaded)**

Title number	Estate Information	Address
1024133	Freehold	LAND AT BEAMBRIDGE 150 YARDS ON THE NORTH WEST SIDE OF ENHANCEMENT ROAD, BEAMBRIDGE BEAMBRIDGE SALISBURY WILT ENHANCEMENT ROAD ST HELENS RYDE POISSIS BEAMBRIDGE WILT BEAMBRIDGE WILT ENHANCEMENT ROAD ST HELENS RYDE POISSIS CAR PARKING SPACE ASSOCIATED WITH ENHANCEMENT ROAD, BEAMBRIDGE WILT OLD ANBOROZ OFFICE ENHANCEMENT ROAD ST HELENS RYDE POISSIS G. BEDDING QUAY ENHANCEMENT ROAD, ST HELENS RYDE POISSIS BEDDING QUAY ENHANCEMENT ROAD, ST HELENS RYDE POISSIS



Scale = 1 : 625  
463957.77746, 89238.31746

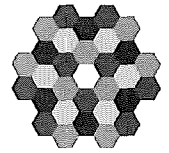
This map is for reference purposes only.  
Data last updated 10:00pm 05 FEBRUARY, 2021

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The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



# Official copy of register of title

Title number IW24133

Edition date 20.03.2020

- This official copy shows the entries on the register of title on 08 FEB 2021 at 16:35:39.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 08 Feb 2021.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Weymouth Office.

## A: Property Register

This register describes the land and estate comprised in the title.

### ISLE OF WIGHT

- 1 (28.06.1994) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land and buildings at Embankment Road, Bembridge Harbour, Bembridge.
- 2 (28.06.1994) The land edged and numbered in green on the filed plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 3 (27.07.2000) The land has the benefit of the following rights contained in a Transfer of the land edged and numbered IW47928 in green on the filed plan dated 10 July 2000 made between (1) Maritime & Leisure Investments Plc and (2) Stuart Gummer and William Henry Pewsey:-

"Rights reserved for the benefit of other land:-

SUBJECT to all easements quasi-easements rights exceptions or other similar matters whether or not apparent on inspection save for easements quasi-easements rights exceptions or other similar rights of way."

- 4 (27.06.2001) Part of the north eastern boundary of the land in this title adjoining Beach Cottage has been amended.
- 5 (12.02.2002) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of the land edged and numbered IW51679 in green on the filed plan dated 31 January 2002 made between (1) Maritime and Leisure Investments Limited and (2) David Siddons and Mavis Lesley Siddons.

*NOTE: Original filed under IW51679*

- 6 (12.02.2002) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of the land edged and numbered IW51680 in green on the filed plan dated 7 January 2002 made between (1) Maritime and Leisure Investments Limited and (2) Kenneth Grieves and Beryl Grieves which are identical with those contained in the Transfer dated 31 January 2002 referred to above.
- 7 (15.05.2003) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of the land edged and



## A: Property Register continued

numbered IW54991 in green on the filed plan dated 2 May 2003 made between (1) Maritime & Leisure Investments Limited and (2) Susan Mary Maxwell Harrison which are identical with those contained in the Transfer dated 31 January 2002 referred to above.

- 8 (22.08.2003) The land has the benefit of the following rights reserved by but is subject to the rights granted by a Transfer of the land edged and numbered IW55699 in green on the filed plan dated 1 August 2003 made between (1) Maritime & Leisure Investments Limited and (2) Christopher Charles Andreae ('the Transferee'):-

"(4) The right for the Transferee and his successors in title and the owners and occupiers for the time being of the Property (in common with all other persons to the like right):-

(a) to the free and uninterrupted passage and running of water soil gas and electricity and other existing services to and from the Retained Land through the sewers drains gutters water courses pipes cables wires mains ducts gutters flues and other channels conducting media or conduits which are now in the Retained Land and which serve the Property or through such conduits as are substituted therefor during the period of 80 years from the date hereof with power at all times upon giving to the owner or occupier for the time being of the Retained Land reasonable notice (except in an emergency when no notice is required) to enter onto as much as is reasonably necessary of the Retained Land for the purpose of repairing renewing maintaining inspecting replacing or cleansing such conduits and of laying any further conduits and apparatus in order to connect into existing conduits to obtain any such service as mentioned above and to maintain and repair any party wall separating the Property from the Retained Land provided that the rights contained in this paragraph shall at all times be subject to the persons exercising those rights making good all damage caused to the Retained Land or any building for the time being erected on the Retained Land to the reasonable satisfaction of the owner for the time being of the Retained Land affected and subject always to the Transferee or the owner occupier for the time being of the Property contributing a fair and proper proportion to the cost of the maintenance and reinstatement of such services and any party wall

(b) The free right (in common as mentioned above and with or without surveyors agents and workmen) at all times and from time to time upon reasonable prior written notice (save in case of emergency) to enter and for so long as is necessary remain on the Retained Land to inspect and to make connections to and disconnections from the service media and conduits for all purposes connected with the development use and enjoyment of the Retained Land including the maintenance and repair of the service media and conduits PROVIDED THAT the person exercising the right of entry shall cause as little inconvenience as practicable in the circumstances and make good or cause to be made good as soon as practicable thereafter and free of cost any damage to the Retained Land but not so as to be liable to the Transferor for any disturbance or inconvenience resulting from or consequential on any proper exercise of the right of entry and the making good of any damage caused to the Retained Land

(c) to the support and shelter belonging to and enjoyed by the Property from the Retained Land

(5) Except and reserving to the Transferor and its successors in title and the owners and occupiers of the Retained Land (in common with all other persons to the like right) similar (mutatis mutandis) to those set out in respect of the Property in (4) above."

NOTE: The Retained Land referred to is the land in this title. The Property referred is registered under title IW55699.

- 9 (30.04.2004) The land has the benefit of the rights reserved by but is subject to the rights granted by the Transfer dated 31 March 2004 referred to in the Charges Register.
- 10 (05.05.2006) The land has the benefit of the following rights reserved by a Transfer of the land edged and numbered IW62340 in green on the title plan dated 28 March 2006 made between (1) Maritime and Leisure

Title number IW24133

## A: Property Register continued

Investments Limited and (2) Sharon Page:-

"SUBJECT to all easements quasi-easements rights exceptions or other similar matters whether or not apparent on inspection save for easements quasi-easements rights exceptions or other similar rights of way"

- 11 (11.09.2007) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of the land edged and numbered IW65965 in green on the title plan dated 09 August 2007 made between (1) Maritime & Leisure Investments Limited and (2) Jennifer Goodwin and Oliver Goodwin .

*NOTE:-Copy filed under IW65965.*

- 12 (08.10.2010) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.

- 13 (19.12.2012) The land has the benefit of the rights reserved by a Transfer of the land edged and numbered IW77537 in green on the title plan and other land dated 8 November 2012 made between (1) Bembridge Investments Limited and (2) James Willaim Randall and others.

*NOTE:-Copy filed under IW77537.*

- 14 (19.12.2012) The land has the benefit of the rights granted and reserved by a Transfer of the land edged and numbered IW77538 in green on the title plan dated 27 November 2012 made between (1) Bembridge Investments Limited and (2) Selwyn Court Management Company Limited.

*NOTE:-Copy filed under IW77538.*

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (26.01.2012) PROPRIETOR: BEMBRIDGE INVESTMENTS LIMITED (Co. Regn. No. 4246230) of Baie House, Yarmouth, Isle Of Wight PO41 0ND.
- 2 (30.04.2004) No disposition of the registered estate in the land edged and numbered 11 and 12 in blue on the title plan other than a charge by the proprietor of the registered estate or by the proprietor of any registered charge is to be registered without a written consent signed by The Royal Society for the Protection of Birds of The Lodge Sandy Bedfordshire.
- 3 (26.01.2012) The price stated to have been paid on 21 December 2011 for the land in this title and in titles IW26642, IW44498, IW60451, IW31038, ESX226905, GM591914 and IW75143 was £899,798.
- 4 (26.01.2012) A Transfer of the land in this title and other land dated 21 December 2011 made between (1) Maritime & Leisure Investments PLC and (2) Bembridge Investments Limited contains purchaser's personal covenants.

*NOTE: Copy filed.*

- 5 (26.01.2012) RESTRICTION: No disposition of the part of the registered estate shown tinted pink on the title plan by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 21 December 2011 in favour of Handelsbanken PLC referred to in the Charges Register.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (28.06.1994) The land is subject to the following rights granted by a Conveyance of the land in this title and other land dated 31 July 1968 made between (1) British Railways Board (Board) (2) Bembridge Harbour Improvements Company Limited (Purchasers) and (3) Isle of Wight River and Water Authority (The Authority):-

"In order to enable the Authority to perform the land drainage and sea defence obligations the Board with the concurrence of the Purchasers HEREBY GRANT unto the Authority FULL AND FREE RIGHT AND LIBERTY in perpetuity (a) to enter upon the Board's lands referred to in recitals (2) and (4) hereof so far as necessary for the performance of the land drainage and sea defence obligations and for inspection and survey of the said lands in connection therewith with all necessary plant and equipment and to place such plant and equipment temporarily only and where convenient to the Board or the Purchasers upon the Board's said lands and to remove any material dredged as they think fit and to tip any material dredged but not disposed of upon the piece of land (hereinafter called "the tipping site") edged red upon Plan No 3 hereto annexed or upon such other land as reasonably may be specified from time to time by the Board or after the conveyance to them by the Purchasers

PROVIDED THAT -

(i) If the Board or the Purchasers specify land on which material dredged is to be tipped by the Authority which involves them in greater expense than they would have been put to if they had continued to use the tipping site the additional expenditure reasonably incurred by the Authority shall be repaid by the Board or the Purchasers on demand

(ii) The Authority agreed that they will remove all plant and machinery not being used in connection with work being currently carried out and will make good all damage caused to the Board's said lands in the exercise of the rights as aforesaid"

NOTE 1: The Board's lands referred to in recitals (2) and (4) is the land in this title and other land

NOTE 2: The land edged red upon plan No 3 referred to is edged yellow on the filed plan.

- 2 (28.06.1994) The land is subject to the following rights reserved by a Conveyance of the land in this title and other land dated 31 July 1968 made between (1) British Railways Board (Board) (2) Bembridge Harbour Improvements Company Limited (Purchasers) and (3) Yarland Properties Limited (Sub-Purchasers):-

"Reserving (a) unto the Board and their successors in title the owners of the toll road shown without colouring on the said plan the right to enter upon the lands hereby conveyed for the purpose of repairing and maintaining the said road and the works supporting the same and (b) unto the Purchasers such rights of entry on to the lands hereby conveyed with or without vehicles and with all requisite machinery and appliances as the Purchasers shall require for the purpose of carrying out works required by and giving effect to the indemnity on the part of the Purchasers.....(the Purchasers making good any damage caused on any such entry as aforesaid).....and Subject also to all the obligations of the Board whether contractual or statutory and whether or not capable of running with the land hereby conveyed (excluding the obligations imposed by sections 8 10 and 40 of the Act of 1874 but not excluding the obligation to maintain St Helen's North and South Quays) and subject to all easements rights provisions matters or things to which the said land is subject or to which the Board are subject relating in any way to the said land except as aforesaid"

NOTE: The toll road referred to is Embankment Road.

- 3 (28.06.1994) The land is subject to the following rights granted by a Conveyance of adjoining land dated 12 November 1969 made between (1) Yarland Properties Limited (Vendor) (2) British Railways Board (Board) and (3) Roger Thornycroft DSC (Purchaser):-

## C: Charges Register continued

"Together also with a right of way for the Purchaser and his successors in title to the land hereby conveyed and all persons authorised by him or them at all times and for all purposes with or without vehicles over the embankment formerly carrying the old railway line coloured brown on the said plan but subject nevertheless to the right for the Vendor at its discretion to build up or enlarge the said embankment"

NOTE: The land coloured brown referred to is tinted brown on the filed plan.

- 4 (28.06.1994) The land is subject to the rights granted by a Deed of Grant dated 25 March 1980 made between (1) Yarland Properties Limited (Grantor) and (2) British Gas Corporation (Corporation).

The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed.

- 5 (28.06.1994) The land is subject to the rights granted by a Deed of Grant dated 22 June 1992 made between (1) Belize Investments SA (Grantor) and (2) British Gas PLC (British Gas).

The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed.

- 6 (28.06.1994) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto.  
The leases grant and reserve easements as therein mentioned.

- 7 (19.02.1998) The land is subject to the rights granted by a Deed dated 6 January 1998 made between (1) Maritime & Leisure Investments PLC and (2) Southern Water Services Limited.

The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed.

- 8 (17.01.2000) The land is subject for a term of 50 years from 12 November 1999, determinable as therein mentioned, to the rights granted by a Lease of Easements dated 12 November 1999 made between (1) Maritime & Leisure Investments Limited and (2) Michael Hubert Tolly Coombes and others.

NOTE: Original filed.

- 9 (25.09.2000) A Transfer of the land edged and numbered IW48340 in green on the filed plan dated 24 August 2000 made between (1) Maritime and Leisure Investments Limited and (2) Bembridge Finance Limited contains restrictive covenants by the Transferor.

NOTE: Original filed under IW48340.

- 10 (30.04.2004) A Transfer of the land edged and numbered IW57447 in green on the title plan dated 31 March 2004 made between (1) Maritime & Leisure Investments Limited and (2) The Royal Society for the Protection of Birds contains an option to purchase the land edged and numbered 11 and 12 in blue on the title plan as therein mentioned.

NOTE: Copy filed under IW57447.

- 11 (26.01.2012) REGISTERED CHARGE of the land tinted pink on the title plan dated 21 December 2011 affecting also other titles.

NOTE: Charge reference IW24133.

- 12 (05.12.2018) Proprietor: HANDELSBANKEN PLC (Co. Regn. No. 11305395) of 3 Thomas More Square, London E1W 1WY and of 101 Barbirolli Square, Manchester M2 3BG.

- 13 (16.05.2014) The land is subject for a term of 99 years to the rights granted by a lease dated 11 April 2014 of Houseboat Plot 20 made between (1) Bembridge Harbour Improvements Company Limited and (2) Bembridge Investments Limited.

Title number IW24133

## C: Charges Register continued

*NOTE: Copy filed under IW79703*

- 14 (20.03.2020) The land is subject to the easements granted by a lease of Houseboat Plot 4 dated 18 March 2020 made between (1) Bembridge Harbour Improvements Company Limited and Bembridge Investments Limited and (2) Robert Alexander James Edsell and Charlotte Genevieve Edsell for a term of 99 years.

*NOTE: Copy filed under IW89494.*

- 15 (20.03.2020) The land is subject to the easements granted by a lease of Houseboat Plot 3 dated 18 March 2020 made between (1) Bembridge Harbour Improvements Company Limited and Bembridge Investments Limited and (2) Alexander Ogilvie-Laing and Denise Helen Ogilvie-Laing for a term of 99 years commencing on 18 March 2020 and ending on 17 March 2119.

*NOTE: Copy filed under IW89495.*

## Schedule of notices of leases

	Registration date and plan ref.	Property description	Date of lease and term	Lessee's title
1	28.06.1994 Edged and numbered 1 in blue NOTE: The lease	Land lying to the South of Embankment Road comprises also other land	19.10.1970 28 years from 25.12.1969	
2	28.06.1994 edged and numbered 7 in blue	land and buildings on the West side of Embankment Road	02.08.1976 999 years from 25.3.1976	IW34160
3	27.04.2005 Edged and numbered 8 in blue	Bembridge Sailing Club	16.03.2005 999 years from 25.3.1977	IW59870
4	28.09.2006 Edged and numbered 13 in blue NOTE: The lease	parking space associated with Houseboat Petrenda comprises also other land	15.09.2006 99 years from 25.3.2005	IW63318
5	04.10.2006 Edged and numbered 14 in blue NOTE: The lease	parking space associated with Houseboat Seahorse comprises also other land	15.09.2006 99 years from 25.3.2005	IW63368
6	06.10.2006 Edged and numbered 15 in blue NOTE: The lease	parking space associated with Houseboat Bryher 2 comprises also other land	15.09.2006 99 years from 25.3.2005	Iw63381
7	06.10.2006 Edged and numbered 16 in blue NOTE: The lease	parking space associated with Houseboat Gypsy Queen comprises also other land	15.09.2006 99 years from 25.3.2005	IW63382
8	09.10.2006 Edged and numbered 17 in blue NOTE: The lease	parking space associated with Houseboat Myosotis comprises also other land	15.09.2006 99 years from 25.3.2005	IW63395
9	11.10.2006 Edged and	parking space associated with Houseboat plot 13	15.09.2006 99 years from	IW63416



## Schedule of notices of leases continued

	Registration date and plan ref.	Property description	Date of lease and term	Lessee's title
	numbered 18 in blue. NOTE: The lease	comprises also other land	25.3.2005	
10	11.10.2006 Edged and numbered 19 in blue NOTE: The lease	parking space associated with Houseboat Day Dawn comprises also other land	15.09.2006 99 years from 25.3.2005	IW63418
11	05.12.2006 Edged and numbered 20 in blue NOTE: The lease	parking space associated with Houseboat Plot 1 comprises also other land	26.10.2006 99 years from 25.3.2005	IW63828
12	12.12.2006 Edged and numbered 21 in blue NOTE: The lease	parking space associated with Houseboat Plot 19 comprises also other land	06.11.2006 99 years from 25.3.2005	IW63887
13	21.12.2006 Edged and numbered 22 in blue NOTE: The lease	parking space associated with Houseboat Plot 24 comprises also other land	27.11.2006 99 years from 25.3.2005	IW63954
14	01.02.2007 Edged and Numbered 23 in blue NOTE: The lease	parking space associated with Houseboat Plot 31 comprises also other land	17.11.2006 99 years from 25.3.2005	IW64265
15	08.03.2007 Edged and numbered 24 in blue NOTE: The lease	Parking Space associated with Houseboat Plot 2 comprises also other land	22.11.2006 99 years from 25.3.2005	IW64551
16	13.08.2007 Edged and numbered 25 in blue NOTE: The lease	Parking Space associated with Houseboat Plot 14 comprises also other land	06.07.2007 99 years (less 3 days) from 25.3.2005 to 21.3.2104	IW65695
17	13.08.2007 Edged and numbered 26 in blue NOTE: The lease	Parking Space associated with Houseboat Plot 15 comprises also other land	06.07.2007 99 years (less 3 days) from 25.3.2005 to 21.3.2104	IW65697
18	13.08.2007 Edged and numbered 27 in blue NOTE: The lease	Parking space associated with Houseboat Plot 17 comprises also other land	06.07.2007 99 years (less 3 days) from 25.3.2005 to 21.3.2104	IW65698
19	13.08.2007 Edged and numbered 28 in blue NOTE: The lease	Parking space associated with Houseboat Plot 26 comprises also other land	06.07.2007 99 years (less 3 days) from 25.3.2005 to 21.3.2104	IW65700
20	13.08.2007 Edged and numbered 29 in	Parking space associated with Houseboat Plot 30	06.07.2007 99 years (less 3 days) from	IW65701

Schedule of notices of leases continued

	Registration date and plan ref.	Property description	Date of lease and term	Lessee's title
	blue		25.3.2005 to 21.3.2104	
	NOTE: The lease comprises also other land			
21	17.08.2007 Edged and numbered 30 in blue	Parking space associated with Houseboat Plot 27	05.07.2007 99 years from 25.3.2005 to 24.3.2104	IW65746
	NOTE: The lease comprises also other land			
22	17.08.2007 Edged and numbered 31 in blue	Parking space associated with Houseboat Plot 28	05.07.2007 99 years from 25.3.2005 to 24.3.2104	IW65747
	NOTE: The lease comprises also other land			
23	20.08.2007 Edged and numbered 32 in blue	Parking space associated with Houseboat Plot 11	05.07.2007 99 years from 25.3.2005 to 24.3.2104	IW65767
	NOTE: The lease comprises also other land			
24	20.08.2007 Edged and numbered 33 in blue	Parking Space associated with Houseboat Plot 10	05.07.2007 99 years from 25.3.2005 to 24.3.2104	IW65766
	NOTE: The lease comprises also other land			
25	05.09.2007 Edged and numbered 34 in blue	Parking space associated with Houseboat Plot 12	29.06.2007 99 years (less 3 days) from 25.3.2005 to 21.3.2104	IW65879
	NOTE: The lease comprises also other land			
26	20.08.2007 Edged and numbered 35 in blue	Parking space associated with Houseboat plot 9	05.07.2007 99 years from 25.3.2005 to 24.3.2104	IW65765
	NOTE: The lease comprises also other land			
27	27.03.2008 Edged and numbered 36 in blue	Parking space associated with Houseboat 22	22.06.2007 99 years (less 3 days) from 25.3.2005 to 21.3.2104	IW67436
	NOTE: The lease comprises also other land			
28	21.05.2013 Edged and numbered 37 in blue	land and memorial	01.05.2013 99 years from and including 1.5.2013	IW78220

End of register



## **LEGAL BACKGROUND AND GUIDANCE FOR DETERMINING MODIFICATION ORDER APPLICATIONS**

### **Effect of the Definitive Map and Statement:**

1. Under section 56 of the Wildlife and Countryside Act 1981 (WCA81), the Definitive Map is conclusive proof of the existence and status, at the relevant date of the Map, of the rights of way that are shown, but without prejudice to the possibility that further rights may exist. The Definitive Statement is conclusive proof of the details which it contains as to width, position and any conditions or limitations on the rights of way shown on the Definitive Map.

### **Provisions of s53 WCA81 for modifying the Definitive Map and Statement:**

2. Under s53 WCA81 the Isle of Wight Council (Council), as the surveying authority, has a duty to keep the Definitive Map and Statement under continuous review by making modification orders when necessary because of certain events specified in s53(3).

3. The events specified in s53(3)(a) are legal events such as diversion orders under the Highways Act 1980 (HA80), for which an automatic map modification order not requiring advertisement is made. The events specified in s53(3)(b) and (c) are those which require the Council to consider evidence relating to a possible public right of way, or to anything currently recorded in the Definitive Map and Statement. An order is made according to the procedure set out in Schedule 15 WCA81 and must be advertised to allow a period of public challenge and the possibility of a public inquiry or hearing to test the evidence.

4. Under s53(5) and according to the procedure set out in Schedule 14 WCA81, anyone may apply to the Council for a modification order required under (b) or (c), that is, may bring evidence to the attention of the Council. The Council is then under a duty to investigate that evidence and determine whether to make the order. If this determination is not made within 12 months, the applicant may apply to the Secretary of State, who, after consulting with the Council, may direct the Council to do so.

5. If the Council determines not to make the order, the applicant may appeal to the Secretary of State, who may direct the Council to make the order.

6. If the Council decides to make a modification order, it must be advertised for not less than 42 days and if there are any objections which are not withdrawn, it must be referred to the Secretary of State for determination and a public inquiry will usually be held.

### **Section 53(3)(b) WCA81 event - Dedication of Highways:**

7. The event specified in s53(3)(b) WCA81 is the expiration of any period of time such that public enjoyment of the way gives rise to a presumption of dedication of a public right of way. The question which usually has to be determined by the Council when considering a modification order is whether the evidence shows that a highway exists because dedication has occurred at common law or is deemed by operation of section 31 HA80.

8. A panel will have to decide on the basis of the evidence presented whether a presumption of dedication has been raised or a right of way is at least reasonably alleged to exist. The standard of proof to be applied is the balance of probability.

9. Once public rights are dedicated over a way, that way becomes a highway and exists in perpetuity unless stopped up or diverted by statutory order. The highway does not cease to exist because it is not used, hence the maxim 'once a highway, always a highway'.

10. Guidance on the law and evaluation of evidence relating to the dedication of highways is at Appendix 5 - Item 3 : Section 5 Dedication / User Evidence in the Consistency Guidelines issued to inspectors by the Planning Inspectorate (8th revision – July 2013). Evidence concerning dedication should be interpreted in the light of the principles set out therein. A copy of s31 HA80 is at Appendix 5 – Item 4.

**Dedication: Section 31 Highways Act 1980 (HA80):**

11. A statutory presumption of dedication is raised if a period of public use has occurred which meets the requirements set out in s31(1) HA80.

12. Dedication is deemed under s31 HA80 if the public have actually used the way as of right and without interruption for a full period of twenty years counted retrospectively from the date the right of the public was brought into question, unless there is sufficient evidence that there was no intention during that period to dedicate it. Once a presumption of dedication is raised, the onus is on the owner to demonstrate sufficient evidence of negation. Evidence of overt and contemporaneous acts (during the statutory period) are required.

**Dedication: Common Law:**

13. For dedication to be implied at common law, there must be intent to dedicate on the part of the owner and acceptance (actual use) by the public. In most cases user evidence is relied on to prove both requirements. The onus is on those claiming the right to prove the owner's intention to dedicate. The inference of dedication at common law should not be drawn unless there is no other way of explaining the evidence. Proving dedication at common law therefore depends on such factors as the level and length of user, the extent to which the owner was aware of it and what other explanation there might be.

**Section 53(3)(c) WCA81 events:**

14. The event specified in s53(3)(c) WCA81 is the Council's discovery of evidence concerning a public right of way. An order should be made if on balance of probability the evidence, when considered with all other relevant available evidence, shows:

- (i) That a right of way which is not shown in the Map and Statement subsists, or is reasonably alleged to subsist over land in the area to which the Map relates, being a right of way to which this part applies.
- (ii) That a highway shown in the Map and Statement as a highway of a particular description ought to be there shown as a highway of a different description.
- (iii) That there is no public right of way over land shown in the Map and Statement as a highway of any description, or any other particulars contained in the Map and Statement require modification.



Event (i) (s53(3)(c)(i) WCA81):

15. If a way is not shown on the Definitive Map but documentary evidence (for example an enclosure award, or a map and register produced under the Finance Act 1910) shows that the way is, or is reasonably alleged to be, a public right of way, it is under this head that an application will be made for the path to be added to the Definitive Map.

Event (ii) (s53(3)(c)(ii) WCA81):

16. It is under this heading that an application would be made for a path to be “upgraded” (e.g. from footpath to bridleway or restricted byway) or “downgraded”. In *Burrows v Secretary of State for Environment, Food and Rural Affairs* (2004) it was held that to change the status of a way there cannot simply be a re-examination of the same evidence that had previously been considered when the Definitive Map was drawn up: there had to be some new evidence, which when considered with the other evidence justifies a modification.

Event (iii) (s53(3)(c)(iii) WCA81):

17. In the case of the deletion of a right of way, because of the conclusive evidential effect of the Definitive Map and Statement (s56 WCA81), the evidence supporting a deletion must show that no right of way existed at the relevant date of the Definitive Map on which the right of way was first shown. The onus is on the applicant to demonstrate that an error has been made, rather than for the Council to prove that the Definitive Map is correct. If the Council itself has evidence of an error, it must similarly demonstrate the fact before making an order.

18. In the case of “any other particulars...require modification”, “particulars” have been held to be referring to details such as the position, width and any limitations or conditions affecting the public right of way e.g. where the Statement is vague as to the route of the path and/or a dispute relating to its precise line.

Section 53(3)(c) WCA81 events - general:

19. Definitive Maps and Statements were originally prepared by a statutory regime provided by the National Parks and Access to the Countryside Act 1949. Surveying authorities (county councils) were required to draft a map and Statement of all public rights of way in their area which in their opinion existed or were reasonably alleged to subsist. Parish and district councils were required to provide information on paths in their area and to hold a meeting to consider the information gathered before submitting it to the surveying authority. There were procedures for hearing and determining objections at both the draft and provisional stages before the final Map and Statement were published. At the draft, provisional and final stages, validity of the procedure could be challenged by application to the High Court within six weeks of the notice of publication of the draft, provisional or final map respectively. Other than this, the Map and Statement cannot be questioned in any legal proceedings whatsoever. Under WCA81 the Map and Statement is now reviewed by individual modification orders, to which a similar provision applies.

20. The Map must have a Definitive Statement annexed to it containing the relevant date of the Map. This is the date on which the rights shown on the Map were ascertained as existing by the statutory procedure. Public rights of way are highways and can only be stopped up or diverted by statutory order, so in the absence of such an order, the rights shown on the Map continue to exist.

21. Under s56 of WCA81 a Definitive Map is conclusive evidence of the existence of the rights shown on it at the relevant date of the Map. In relation to any highway shown on the Map, the Statement is conclusive evidence of such particulars as to position, width, conditions and limitations as the surveying authority consider it expedient to record. Under this section, a Map and Statement may therefore be produced in any proceeding (apart from its own review) as conclusive of what it shows.

22. According to the principle of regularity it is assumed the proper procedures of a statutory regime have been carried out. In the case of Definitive Maps and Statements this would mean that for any route shown on the Map it is assumed there was, at the time it was added to the Map, evidence it was a right of way and moreover this evidence survived the statutory opportunity to challenge it. Therefore when considering whether a right of way shown on a Definitive Map exists, case law has established that the initial presumption, known as the 'Trevelyan presumption', is that the Map is correct in what it shows (Phillips LJ in *Trevelyan v. SoS for the Environment* 2001).

23. The advice of the Department of the Environment (DEFRA) is that everything shown on Definitive Maps and Statements will have gone through a process of challenge and confirmation and that such documents are presumed correct unless there is very cogent evidence that an error was made.

24. Where evidence shows that a path has not been recorded on its true line, the correct procedure is to make a modification order which both deletes the incorrectly recorded line (under s 53(3)(c)(iii) WCA81 and adds the correct route (under s53(3)(c)(i) WCA81).

25. The Planning Inspectorate's Definitive Map Orders: Consistency Guidelines Section 4 (Appendix 5 – Item 5) are relevant to section 53(3)(c) events. Sections 4.30 – 4.35 "Deletion or downgrading of ways shown on the Definitive Map and Statement" of DEFRA's Guidance to Local Authorities (Rights of Way Circular 1/09) is at Appendix 5 – Item 6.

## Appendix 5 – Item 2

### Quasi-Judicial Role of the Panel

In considering the evidence, the Council is acting as a tribunal of fact and must meet the following requirements.

The Panel must objectively consider all the available relevant evidence, taking advice as to application of legal principles where necessary, and come to a conclusion, on the balance of probability, on matters relating to the existence of public rights of way in order to determine whether a modification of the Definitive Map and Statement is required.

The balance of probability test: Once all of the evidence has been individually assessed, this test requires a comparative assessment of the evidence on opposing sides. It is a complex balancing act, involving careful assessment of the relative values of the individual pieces of evidence and the evidence taken together.

Such matters may include whether a presumption of dedication is raised, whether such a presumption is negated, whether a right of way subsists, details relating to position and width, or to limits or conditions on a dedication.

The Panel must disregard all views which are not relevant to the fact which has to be found. Such views may concern for example the effect or desirability of the right of way should it be found to exist.

The Panel must apply the principles of natural justice. The decision itself will depend upon the facts and law, but in making that decision it is important that persons who will be affected by the order if made, notably landowners and occupiers, have sufficient opportunity to put evidence forward themselves and to comment on the evidence being considered by the Council. The Council should therefore consider only the evidence and comments presented in writing in the report, which all landowners will have seen and had the opportunity to comment on.

## GUIDANCE

### Introduction

- 5.1 Dedication of rights of way to the public can arise under statute law (s31 HA80) and under common law. The references above provide a good basis for understanding a controversial subject. It has given rise to a number of judicial interpretations, with some earlier judgments being superseded.
- 5.2 These guidelines initially concentrate on issues affecting the interpretation of s31 HA80 and then address some aspects of deemed dedication at common law. Comment on specific related topics is found later on in this section.

### Section 31, Highways Act, 1980

- 5.3 Under s31 HA80 dedication of a route as a public highway is presumed after public use, as of right and without interruption, for 20 years, unless there is sufficient evidence that there was no intention during that period to dedicate it. The 20 year period runs retrospectively from the date of bringing into question. The main issues to be considered in relation to the statute are therefore:
- when the status of the claimed route was called into question;
  - the extent and nature of the claimed use;
  - whether there is evidence of a lack of intention to dedicate a public right of way.

### 'Bringing into Question'

- 5.4 *House of Lords in R (on the application of Godmanchester and Drain) v SSEFRA [2007]* ("Godmanchester") is the most recent case addressing the meaning of s31(2) HA80 endorsing earlier judgements in regard to what act or acts constitute 'bringing into question.'
- 5.5 In *R v SSETR ex parte Dorset County Council 1999* Dyson J was not satisfied that a landowner's letter to DoE, passed to the County Council but not communicated to the users, satisfied the spirit of s31(2). The test to be applied is that enunciated by Denning LJ in *Fairey v Southampton County Council 1956*. Dyson J's interpretation of that judgment is that:
- "Whatever means are employed to bring a claimed right into question they must be sufficient at least to make it likely that some of the users are made aware that the owner has challenged their right to use the way as a highway."*
- 5.6 The "bringing into question" does not have to arise from the action of the owner of the land or on their behalf. In *Applegarth v Secretary of State for Environment, Transport and the Regions [2001] EWHC Admin 487*, the owner of a property whose access was via a track claimed to be a

bridleway, challenged the public use although he did not own the track. Munby J stated: "*Whether someone or something has "brought into question" the "right of the public to use the way" is...a question of fact and degree in every case.*" Thus any action which raises the issue would seem to be sufficient. However, where there is no identifiable event which has brought into question the use of a path or way, s31 ss (7A) and (7B) of HA80 (as amended by s69 of NERC06) provides that the date of an application for a modification order under WCA81 s53 can be used as the date at which use was brought into question.

## **User Evidence**

- 5.7 Claims for dedication having occurred under s31 HA80 will usually be supported by user evidence forms ("UEFs"). Analysis of UEFs will identify omissions, lack of clarity, inconsistencies and possible collusion, although the completion of common parts of the form by someone organising collection of the evidence is not necessarily indicative of collusion. Analysis allows the rejection of invalid UEFs (e.g. no signature, no clear description of the way or of how it was being used) and to note the questions to raise at inquiry. A similar analysis should be made of other types of user evidence, such as sworn statements, letters and the landowner's evidence. UEFs are not standardised, and pose differing questions of varying pertinence and precision.
- 5.8 If the potential value of UEFs is to be realised they must be completed with due diligence. All questions should be answered as accurately and as fully as possible. If there are questions which, from the claimed duration and extent of use, appear capable of being answered yet are not, it may be reasonable to assume that the respondent's recall was insufficient to provide this information. This may then lead to a question as to whether the claimed use is accurately recalled. The evidential weight of the form may well be reduced.
- 5.9 Similarly if an overall picture emerges, from a variety of sources, which differs significantly from the respondents' recollections, or if a particular difficulty which must have been encountered during claimed use is not mentioned, a question may be raised as to whether the use is accurately and honestly recalled.
- 5.10 Sometimes objectors do not challenge user evidence in cross-examination. If so, the Inspector may question the evidence, in order to be in a position to decide what evidential weight to place on the UEFs. If few, or no, users attend the inquiry, questions may be posed to the party presenting the evidence, so that the evidential weight can be determined. As with other evidence, user evidence tested in cross-examination generally carries significantly more weight than untested evidence.
- 5.11 Wandering at will (roaming) over an area, including the foreshore (*Dyfed CC v SSW 1989*), cannot establish a public right (Halsbury's Laws of England, Vol.21, paras 2 and 4 refer). Use of an area for recreational activities cannot give rise in itself to a presumption of dedication of a public right over a specific route. Attention should be paid to the maps



attached to UEFs, and any description of the used route, to ensure that the Order route is under discussion.

### **'The Public'**

- 5.12 There appears to be no legal interpretation of the term 'the public' as used in s31. The dictionary definition is "*the people as a whole, or the community in general*". Hence, arguably, use should be by a number of people who together may sensibly be taken to represent the community. However, Coleridge LJ (as he was then) in *R v Southampton (Inhabitants) 1887* said that "*user by the public must not be taken in its widest sense ... for it is common knowledge that in many cases only the local residents ever use a particular road or bridge.*"
- 5.13 Consequently, use wholly or largely by local people may be use by the public, as, depending on the circumstances of the case, that use could be by a number of people who may sensibly be taken to represent the local community. It is unlikely that use confined to members of a single family and their friends would be sufficient to represent 'the public'.
- 5.14 It was held in *Poole v Huskinson (1843)* that "*there may be a dedication to the public for a limited purpose ... but there cannot be a dedication to a limited part of the public*".

### **Sufficiency**

- 5.15 There is no statutory minimum level of user required to show sufficient use to raise a presumption of dedication. Use should have been by a sufficient number of people to show that it was use by 'the public' and this may vary from case to case. Often the quantity of user evidence is less important in meeting these sufficiency tests than the quality (i.e., its cogency, honesty, accuracy, credibility and consistency with other evidence, etc.)
- 5.16 Use of a way by different persons, each for periods of less than 20 years, will suffice if, taken together, they total a continuous period of 20 years or more (*Davis v Whitby (1974)*). However, use of a way by trades-people, postmen, estate workers, etc., generally cannot be taken to establish public rights.
- 5.17 It was held in *Mann v Brodie 1885* that the number of users must be such as might reasonably have been expected, if the way had been unquestionably a public highway. It is generally applicable that in remote areas the amount of use of a way may be less than a way in an urban area. Lord Watson said:

*"If twenty witnesses had merely repeated the statements made by the six old men who gave evidence, that would not have strengthened the respondents' case. On the other hand the testimony of a smaller number of witnesses each speaking to persons using and occasions of*

*user other than those observed by these six witnesses, might have been a very material addition to the evidence."*

- 5.18 Arguably, therefore, the evidence contained in a few forms may be as cogent - or more cogent – evidence than that in many. *R. v. SSETR (ex p. Dorset) [1999]* accepted that, although the evidence within five UEFs was truthful, it was insufficient to satisfy the statutory test. The finding did not consider whether use by five witnesses would satisfy the test.
- 5.19 In *Whitworth* Lord Justice Carnwath thought it arguable that the use of a way by two individuals on bicycles should be treated as an assertion of a private right rather than evidence of use by the public.
- 5.20 In *R (Lewis) v Redcar and Cleveland Borough Council UKSC 11 (03 March 2010)* Lord Walker said that if the public is to acquire a right by prescription, they must bring home to the landowner that a right is being asserted against him. Lord Walker accepts the view of Lord Hoffman in *Sunningwell* that the English theory of prescription is concerned with how the matter would have appeared to the owner of the land or, if there was an absentee owner, to a reasonable owner who was on the spot. In *R (Powell and Irani) v SSEFRA [2014] EWHC 4009 (Admin)* Dove J confirmed that the judgements in *Lewis* were not authority for an additional test beyond the tripartite 'as of right' test. The judgements in *Lewis* confirm that the extent and quality of use should be sufficient to alert an observant owner to the fact that a public right is being asserted. The presumption of dedication arises from acquiescence in the use. Again in *Redcar*, in the Court of Appeal Dyson LJ refers to *Hollins and Verney* and the words of Lindley LJ.

*"... no actual user can be sufficient to satisfy the statute, unless during the whole of the statutory term ... the user is enough at any rate to carry to the mind of a reasonable person...the fact that a continuous right to enjoyment is being asserted, and ought to be resisted if such a right is not recognised, and if resistance is intended."*

### **'As of right'**

- 5.21 Use 'as of right' must be without force, secrecy or permission ('nec vi, nec clam, nec precario'). It was once thought that users had to have an honest belief that there was a public right. In *Sunningwell 1999* it was held that there is no requirement to prove any such belief. However, if a user admits to private knowledge that no right exists, it may have a bearing on the intention of the owner not to dedicate.
- 5.22 Force would include the breaking of locks, cutting of wire or passing over, through or around an intentional blockage, such as a locked gate.
- 5.23 In *Sunningwell, 1999*, Lord Hoffman said that s1 of the RWA32<sup>5</sup> was an echo of the Prescription Act 1832, with the purpose of assimilating the law of public rights of way to that of private rights of way. Lord Hoffman

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<sup>5</sup> The precursor to section 31 of the HA80

goes on to say that the issue of dedication of a highway was how the public using the way would have appeared to the landowner. The use must have been open and in a manner that a person rightfully entitled would have used it, that is not with secrecy. This would allow the landowner the opportunity to challenge the use, should he wish.

- 5.24 If there is express permission to use a route then the use is not 'as of right'. The issue of implied permission, or toleration by the landowner, is more difficult. In the context of a call not to be too ready to allow tolerated trespasses to ripen into rights, Lord Hoffmann, *Sunningwell 1999*, held that toleration by the landowner of use of a way is not inconsistent with user as of right. In *R (Beresford) v Sunderland CC [2003]*, Lord Bingham stated that a licence to use land could not be implied from mere inaction of a landowner with knowledge of the use to which his land was being put. Lord Scott stated in the *Beresford* case

*"I believe this rigid distinction between express permission and implied permission to be unacceptable. It is clear enough that merely standing by, with knowledge of the use, and doing nothing about it, i.e., toleration or acquiescence, is consistent with the use being "as of right"."*

- 5.25 Permission may be implied from the conduct of a landowner in the absence of express words. Lord Bingham, in *Beresford*, stated that

*"...a landowner may so conduct himself as to make clear, even in the absence of any express statement, notice, record, that the inhabitants' use of the land is pursuant to his permission."*

But encouragement to use a way may not equate with permission: As Lord Rodger put it,

*"the mere fact that a landowner encourages an activity on his land does not indicate ... that it takes place only by virtue of his revocable permission."*

In the same case, Lords Bingham and Walker gave some examples of conduct that might amount to permission, but the correct inference to be drawn will depend on any evidence of overt and contemporaneous acts that is presented.

### **'No Intention to Dedicate'**

- 5.26 Once use is established as of right and without interruption, the presumption of dedication arises. Section 31 provides for methods which show that during the period over which the presumption has arisen there was in fact no intention on the landowner's part to dedicate the land as a highway. This would defeat a claim under the statute and is often referred to as 'the proviso'.
- 5.27 Under s31(3) a landowner may erect a notice inconsistent with the dedication of a highway, and if that notice is defaced or torn down, can give notice to the appropriate council under s31(5). Under s31(6), an



owner of land may deposit a map and statement of admitted rights of way with "the appropriate council". Provided the necessary declaration is made at twenty year<sup>6</sup> intervals thereafter, the documents are (in the absence of evidence to the contrary) "sufficient evidence to negative the intention of the owner or his successors in title to dedicate any additional ways as highways". This is for the period between declarations, or between first deposit of the map and first declaration.

- 5.28 "Intention to dedicate" was considered in *Godmanchester*, which is the authoritative case dealing with the proviso to HA80 s31. In his leading judgement, Lord Hoffmann approved the obiter dicta of Denning LJ (as he then was) in *Fairey v Southampton County Council* [1956] who held "*in order for there to be 'sufficient evidence there was no intention' to dedicate the way, there must be evidence of some overt acts on the part of the landowner such as to show the public at large – the people who use the path...that he had no intention to dedicate*".
- 5.29 It is clear from *Godmanchester* that actions satisfying the proviso will, usually, also bring the public right to use the way into question. It nevertheless remains the case that not every act which brings the rights of the public into question will necessarily satisfy the proviso.
- 5.30 Lord Hoffmann held that "*upon the true construction of section 31(1), 'intention' means what the relevant audience, namely the users of the way, would reasonably have understood the owner's intention to be. The test is ... objective: not what the owner subjectively intended nor what particular users of the way subjectively assumed, but whether a reasonable user would have understood that the owner was intending, as Lord Blackburn put it in Mann v Brodie (1885), to 'disabuse' [him] of the notion that the way was a public highway*".
- 5.31 For a landowner to benefit from the proviso to s31(1) there must be 'sufficient evidence' that there was no intention to dedicate. The evidence must be inconsistent with an intention to dedicate, it must be contemporaneous and it must have been brought to the attention of those people concerned with using the way. Although s31 ss (3), (5) and (6) specify actions which will be regarded as "sufficient evidence", they are not exhaustive; s31 (2) speaks of the right being brought into question by notice "or otherwise".
- 5.32 *Godmanchester* upheld the earlier decision of Sullivan J in *Billson* that the phrase "*during that period*" found in s31 (1) did not mean that a lack of intention had to be demonstrated "*during the whole of that period*". The House of Lords did not specify the period of time that the lack of intention had to be demonstrated for it to be considered sufficient; what would be considered sufficient would depend upon the facts of a particular case.
- 5.33 However, if the period is very short, questions of whether it is sufficiently long ('*de minimis*') may arise, and would have to be resolved on the facts.

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<sup>6</sup> The Growth and Infrastructure Act 2013 has, with effect from 1 October 2013, increased the interval between highways statements from 10 to 20 years.

- 5.34 In the Court of Appeal case *Lewis v Thomas* 1949, Cohen LJ quoted with approval the judgment of MacKinnon J in *Moser v Ambleside UDC* 1925:

*"It was said, very truly, in the passage of Parke, B in Poole v Huskinson (1843) that a single act of interruption by the owner was of much more weight upon the question of intention than many acts of enjoyment. If you bear quite clearly in mind what is meant by an act of interruption by the owner, if it is an effective act of interruption by the owner...himself – and is effective in the sense that it is acquiesced in, then I agree that a single act is of very much greater weight than a quantity of evidence of user by one or other members of the public who may use the path when the owner is not there and without his knowledge.*

*"The fact that the owner...locks the gates once a year...is, or may be, a periodic intimation...that he is not intending to dedicate a highway, but it must be an effective interruption;...if you have evidence of an interruption which is not effective in the sense that members of the public resent the interruption and break down the gate, or whatever it is, and that defiance of his supposed rights is then acquiesced in by the owner, or...if it is an attempted interruption by a tenant without the...authority of the owner and is also an interruption that is ineffective and a failure because the public refuse to acquiesce in it, then, as it seems to me such an ineffective interruption, either by the owner or by the tenant, so far from being proof that there is no dedication, rather works the other way as showing that there has been an effective dedication."*

- 5.35 However, in *Rowley v SSTLR & Shropshire County Council* May 2002, Elias J held that the acquiescence of a tenant may bind the landowner on the issue of dedication. Also, in the absence of evidence to the contrary, there is no automatic distinction to be drawn between the actions of a tenant acting in accordance with their rights over the property and that of the landowner in determining matters under s31HA80.

*"the conclusion...that there was no evidence that any turning back had in any event been authorised by the freeholder involved an error of law. A similar argument was advanced in Lewis v Thomas [[1950] 1 K.B 438] and rejected, the court apparently taking the view that if it is alleged that the freeholder has a different intention to the tenant, there should at least be evidence establishing that."*

- 5.36 In cases where a claimed right of way is in more than one ownership, and only one of the owners has demonstrated a lack of intention to dedicate it for public use, it should be considered whether it is possible that public rights have been acquired over sections of the way in other ownerships, even if this would result in cul de sac ways being recorded (*R on application of the Ramblers Association and SSEFRA and interested parties* 2008 (CO 2325/2008) *this is not decided case law but a consent order where the Secretary of State submitted to judgement*).

- 5.37 If there is no contradictory evidence in accordance with the proviso to s31(1), deemed dedication is made out and the Order should be

confirmed. This is so whether there is an owner who cannot provide sufficient evidence of lack of intention or whether there is no identified owner available to produce such evidence.

## Status

- 5.38 Dedication of a highway of a particular status will depend, amongst other things, on the type of public user. The definitions of minor highways in s66 (1) WCA81 are particularly relevant. In England roads used as public paths, RUPPs, were reclassified to restricted byways under CROW00 following commencement of the relevant section of that Act in 2006. Public vehicular rights have been removed from such routes, although transitional savings may allow the status of some to be reconsidered.
- 5.39 The definition of a byway open to all traffic, BOAT was settled in the Court of Appeal in *Masters v SSETR* (2000). Roch LJ held:
- "...Parliament did not intend that highways, over which the public have rights for vehicular and other types of traffic, should be omitted from definitive maps and statements because they had fallen into disuse if their character made them more likely to be used by walkers and horse riders than vehicular traffic."*
- 5.40 Section 66(1) of NERC06 provides that no public rights of way for mechanically propelled vehicles can be created unless expressly provided for or if the rights relate to a road constructed for the use of mechanically propelled vehicles. S67(1) of NERC06 extinguished, with effect from 2 May 2006 (in England), public motor vehicular rights over every highway that was not shown on the definitive map and statement before that date, or was shown only as a footpath, bridleway or restricted byway. Section 67(2) and (3) provide certain exceptions to that extinguishment of rights for mechanically propelled vehicles.
- 5.41 For reclassification of RUPPs to BOATs under section 54 of the WCA81, the decision depends on the test of whether public vehicular rights exist and does not require current vehicular (or any other) use. For orders recording BOATs under section 53, public vehicular rights must be shown to exist but to satisfy the description BOAT, the question of use should be addressed, in the light of *Masters*. There are tests to determine whether or not public vehicular rights have been subsequently extinguished under the NERC06.
- 5.42 Use without lawful authority of mechanically propelled vehicles, adapted or intended for use on the roads, on footpaths, bridleways and elsewhere than on roads became a criminal offence in 1930. However, lawful authority may be granted by a landowner, and Lord Scott, in *Bakewell Management Ltd v Brandwood* [2004] (in the context of the acquisition of an easement to drive over common land) held that if such a grant could have been lawfully made, the grant should be presumed so that long de facto enjoyment should not be disturbed.



- 5.43 A grant would not be lawful if, for example, it gave rise to a public nuisance. The granting of vehicular rights over an existing footpath might constitute a public nuisance to pedestrians using that path. In considering the creation of rights for mechanically propelled vehicles before 2 May 2006, subject to any exceptions provided by NERC06, consideration will need to be given as to whether vehicular use of the way has given rise to, or is likely to give rise to, a public nuisance.
- 5.44 Section 31, HA80, as amended by section 68 of NERC06, provides that use of a way by non-mechanically propelled vehicles (such as a pedal cycle) can give rise to a restricted byway. In *Whitworth* it was suggested that subsequent use by cyclists of an accepted, but unrecorded, bridleway, where use of the bridleway would have been permitted by virtue of section 30 of the CA68, could not give rise to anything other than a bridleway. Whilst Carnwath LJ accepted that regular use by horse riders and cyclists might be consistent with dedication as a restricted byway, it was also consistent with dedication as a bridleway. In such an instance of statutory interference with private property rights, he determined, it was reasonable to infer the dedication least burdensome to the owner.

### **Dedication at Common Law**

- 5.45 The common law position was described by Farwell J, and Slessor and Scott LJ in *Jones v Bates 1938*, quoted with approval by Laws J in *Jaques v SSE 1994*, who described the former's summary as "*a full and convenient description of the common law*". Other leading cases regarding dedication at common law are *Fairey v Southampton CC 1956*, *Mann v Brodie 1885* and *Poole v Huskinson 1843*. *Jaques* is particularly helpful on the differences between dedication at common law and under statute. Dyson J's judgment in *Nicholson v Secretary of State for the Environment 1996* comments further on aspects of these differences.
- 5.46 Halsbury states – "*Both dedication by the owner and user by the public must occur to create a highway otherwise than by statute. User by the public is a sufficient acceptance...An intention to dedicate land as a highway may only be inferred against a person who was at the material time in a position to make an effective dedication, that is, as a rule, a person who is absolute owner in fee simple;...At common law, the question of dedication is one of fact to be determined from the evidence. User by the public is no more than evidence, and is not conclusive evidence ... any presumption raised by that user may be rebutted. Where there is satisfactory evidence of user by the public, dedication may be inferred even though there is no evidence to show who was the owner at the time or that he had the capacity to dedicate. The onus of proving that there was no one who could have dedicated the way lies on the person who denies the alleged dedication*".
- 5.47 Regardless of whether or not dedication at common law is argued as an alternative, in case the s31 claim fails, there should be consideration of the matter at common law. Whilst the principles affecting dedication by landowners and acceptance by user will normally apply in both statute

and common law (even though there is no defined minimum period of continuous user in common law), there is an important difference in the burden of proof. Denning LJ clarified in *Fairey v Southampton County Council 1956* that RWA32, which was the precursor to s31 of HA80:

*"...reverses the burden of proof; for whereas previously the legal burden of proving dedication was on the public who asserted the right...now after 20 years user the legal burden is on the landowner to refute it."*

- 5.48 From these comments it follows that, in a claim for dedication at common law, the burden of proving the owner's intentions remains with the claimant. For the reasons given by Scott LJ in *Jones v Bates 1938*, this is a heavy burden and, in practice, even quite a formidable body of evidence may not suffice. However, should it be asserted in rebuttal that there was no one who could have dedicated the way, the burden of proof on this issue would rest with the asserting party (Halsbury).
- 5.49 In *Nicholson Dyson J* commented on an assertion that *Jaques* was authority for the view that the quality of user required to found an inferred dedication was different from that required to found a statutory dedication. To bring the statutory presumption into play it was not necessary that the user should have been so notorious as to give rise to the presumption, necessary for common law purposes, that the owner must have been aware of it and acquiesced in it. Dyson J stated, *"The relevant criteria so far as the quality of the user is concerned are the same in both cases. The use must be open, uninterrupted and as of right. The notoriety of the use is relevant for common law purposes in the sense that the more notorious it is, the more readily will dedication be inferred if the other conditions are satisfied. But notoriety is also relevant for the purposes of the statute, since the more notorious it is, the more difficult it will be for the owner to show that there was no intention to dedicate."*

#### **Land Held in Trust or Mortgaged (common law only)**

- 5.50 Halsbury gives useful guidance; Volume 21 para 73 states: *"Where a mortgagor (borrower) is still in possession of the mortgaged land it would seem that the mortgagee's (lender's) assent to a dedication is necessary, and that a dedication cannot be inferred from user unless the mortgagee can be shown or presumed to have had knowledge of it."*
- 5.51 Trustees of land held on trust for sale generally have power to dedicate on their own provided that no incompatibility is introduced (Halsbury Vol.21 para 74 refers). For leaseholds and copyholds the consent of both landlord and lessee, or copyholder, would usually be required for dedication. However, the detailed wording and provisions of the trust or mortgage document should always be checked, in case there are specific requirements for enabling powers. A public body can in general create a right of way, provided that the public use would not be incompatible with the purpose of the body. (See also relevant RWLR articles and note the provisions of HA80 s31(8)).

## **Crown Land**

- 5.52 HA80 does not apply to land belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, the Duchy of Cornwall, a government department or held in trust for a government department. If an agreement has been made between the appropriate authority charged with the administration of the land and a highway authority then the provisions of HA80 can apply; in the absence of any such agreement, there cannot be a presumption of dedication of a public right of way over Crown land under s31.
- 5.53 The Crown Estate manages property belonging to the monarch in right of the Crown. The Crown Estate does not include land belonging to a government department; such land is nonetheless Crown land and is exempt from the provisions of HA80. Forestry Commission land, Defence Estate land and National Health Service land is Crown land, as those lands are owned by the relevant Secretary of State.
- 5.54 With regard to the land assets of the remaining and former nationalised industries, whether the land at issue could be regarded as Crown land will depend upon the terms of that body's enabling legislation. The presumption is that a public corporation (such as a nationalised industry) is not a Crown body and therefore the land belonging to that body is not Crown land.
- 5.55 It seems likely that s31 would not apply to land leased to the Crown, as the land subject to the lease would belong to the Crown for the duration of the lease. However, whether it would be possible for the freeholder of the land to dedicate a public right of way during the operation of the lease would depend upon the terms upon which the lease was granted.
- 5.56 Although Crown land is exempt from the provisions of s31 of HA80, this would not prevent or preclude a presumption of dedication arising in a 20-year period prior to, or after, such ownership or leasehold of the land.
- 5.57 Under common law, there can be a presumption of dedication of a way over Crown Land. However, there cannot be such a presumption over land requisitioned by the Crown, as there would be no one with power to dedicate (*Jaques 1994*).

## **Common Land**

- 5.58 Public rights of way over defined routes can and do exist on common land and can be established by deemed dedication through use over a number of years. However, the effect of various statutes, including schemes of regulation and management under Part 1 of the Commons Act 1899, and s193 of the LPA25, which create (often restricted or conditional) public rights of recreational access, may have to be considered, since these apply to a substantial number of commons.



- 5.59 This issue is addressed in *R v SSE ex parte Billson 1998*<sup>7</sup>, and background information can be found in the RWLR article 'Public Access to Common Land' 15.4. Public rights of access have been conferred on nearly all common land (where no previous statutory rights existed) by Part I of CROW00, and s.12(3) makes clear that: "*the use by the public or by any person of a way across land in the exercise of the right conferred [under Part I] is to be disregarded*".

### **The National Trust**

- 5.60 The Trust has power to dedicate highways by virtue of s12 of the National Trust Act 1939. However, Trust bylaws may be in place and operate as a conditional permission to use the land. Such bylaws may prevent a presumed dedication under s31, whether users were aware of them or not. Useful reference can be made to *National Trust v SSE* [1999] JPL 697, holding that the permissive nature of the use of NT land precluded user as of right.

### **Land in management agreement with Natural England**

- 5.61 Where land is subject to a management agreement with Natural England under s7 of the NERC06 (e.g., Environmental Stewardship agreement), use of a way across the land is to be disregarded during the term of the agreement for the purposes of presumed dedication (see s7(5))

### **Charities**

- 5.62 Section 36 of the Charities Act 1993 provides that no land held by or in trust for a charity shall be conveyed, transferred, leased or otherwise disposed of without an order of the Court of the Charity Commission. 'Land' includes any estate, interest, easement, servitude or right in or over land, and thus the dedication of a right of way over land would seem to qualify as a means of 'disposal'.
- 5.63 However, even in the absence of such an order, and/or where dedication is to be presumed by virtue of long use, it is considered there is nothing to prevent the statutory dedication of public rights of way over land held for charitable purposes, provided always that such a dedication would not be contrary to the stated purposes of the charity concerned, by reference to Section 31(8) of the Highways Act. This provides that the incapacity of a body or person in possession of land for public and statutory purposes to dedicate a way over land is not affected by Section 31 provisions as a whole, if the existence of a highway would be incompatible with those purposes.
- 5.64 At common law, the lack of any owner with the capacity to dedicate could be a bar to the necessary finding of an actual intention to dedicate.

### **Physical Characteristics of a Claimed Way**

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<sup>7</sup> This judgment was partially overruled in the *Godmanchester* judgment.

5.65 In some circumstances the physical characteristics of a way can prevent a highway coming into existence through deemed or inferred dedication. In *Sheringham UDC v Holsey 1904* it was held that use by wheeled traffic of a public footway appointed by an Inclosure Award at 6 feet wide had always been an illegal public nuisance in view of the obstruction and danger to pedestrians, and no length of time could legalise it. Furthermore, there was no one with power to dedicate. Hence there could not have been any dedication of the way as a vehicular highway.

5.66 In *Thornhill v Weeks 1914*, Astbury J observed that:

*"it seems impossible that a lady who resided there would at once start dedicating a way through her stable yard ... In trying to form an opinion whether an intention to dedicate has existed, one must have some regard to the locality through which the alleged path goes. The fact that it goes through the stable yard [close to the house] is strong enough to raise a presumption against an intention to dedicate."*

5.67 Where physical suitability of a route is argued, referring to gradient, width, surface, drainage, etc., there should be awareness that what may now be regarded as extremely difficult conditions may well have been relatively commonplace and frequently met by stagecoaches, hauliers and drovers in times past. Special arrangements were often in place to negotiate them.

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Highways Act 1980. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*



# Highways Act 1980

## 1980 CHAPTER 66

### PART III

#### CREATION OF HIGHWAYS

#### 31 Dedication of way as highway presumed after public use for 20 years.

- (1) Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

[<sup>1A</sup>(1A) Subsection (1)—

- (a) is subject to section 66 of the Natural Environment and Rural Communities Act 2006 (dedication by virtue of use for mechanically propelled vehicles no longer possible), but
  - (b) applies in relation to the dedication of a restricted byway by virtue of use for non-mechanically propelled vehicles as it applies in relation to the dedication of any other description of highway which does not include a public right of way for mechanically propelled vehicles.]
- (2) The period of 20 years referred to in subsection (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by a notice such as is mentioned in subsection (3) below or otherwise.
- (3) Where the owner of the land over which any such way as aforesaid passes—
- (a) has erected in such manner as to be visible to persons using the way a notice inconsistent with the dedication of the way as a highway, and
  - (b) has maintained the notice after the 1st January 1934, or any later date on which it was erected,

the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as a highway.

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- (4) In the case of land in the possession of a tenant for a term of years, or from year to year, any person for the time being entitled in reversion to the land shall, notwithstanding the existence of the tenancy, have the right to place and maintain such a notice as is mentioned in subsection (3) above, so, however, that no injury is done thereby to the business or occupation of the tenant.
- (5) Where a notice erected as mentioned in subsection (3) above is subsequently torn down or defaced, a notice given by the owner of the land to the appropriate council that the way is not dedicated as a highway is, in the absence of proof of a contrary intention, sufficient evidence to negative the intention of the owner of the land to dedicate the way as a highway.
- (6) An owner of land may at any time deposit with the appropriate council—
- (a) a map of the land on a scale of not less than 6 inches to 1 mile, and
  - (b) a statement indicating what ways (if any) over the land he admits to have been dedicated as highways;

and, in any case in which such a deposit has been made, statutory declarations made by that owner or by his successors in title and lodged by him or them with the appropriate council at any time—

- (i) within [<sup>F2</sup>ten] years from the date of the deposit, or
- (ii) within [<sup>F2</sup>ten] years from the date on which any previous declaration was last lodged under this section.

to the effect that no additional way (other than any specifically indicated in the declaration) over the land delineated on the said map has been dedicated as a highway since the date of the deposit, or since the date of the lodgment of such previous declaration, as the case may be, are, in the absence of proof of a contrary intention, sufficient evidence to negative the intention of the owner or his successors in title to dedicate any such additional way as a highway.

- (7) For the purposes of the foregoing provisions of this section “owner”, in relation to any land, means a person who is for the time being entitled to dispose of the fee simple in the land; and for the purposes of subsections (5) and (6) above “the appropriate council” means the council of the county [<sup>F3</sup>, metropolitan district] or London borough in which the way (in the case of subsection (5)) or the land (in the case of subsection (6)) is situated or, where the way or land is situated in the City, the Common Council.

[<sup>F4</sup>(7A) Subsection (7B) applies where the matter bringing the right of the public to use a way into question is an application under section 53(5) of the Wildlife and Countryside Act 1981 for an order making modifications so as to show the right on the definitive map and statement.

- (7B) The date mentioned in subsection (2) is to be treated as being the date on which the application is made in accordance with paragraph 1 of Schedule 14 to the 1981 Act.]
- (8) Nothing in this section affects any incapacity of a corporation or other body or person in possession of land for public or statutory purposes to dedicate a way over that land as a highway if the existence of a highway would be incompatible with those purposes.
- (9) Nothing in this section operates to prevent the dedication of a way as a highway being presumed on proof of user for any less period than 20 years, or being presumed or proved in any circumstances in which it might have been presumed or proved immediately before the commencement of this Act.



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(10) Nothing in this section or section 32 below affects [<sup>F5</sup>section 56(1) of the Wildlife and Countryside Act 1981 (which provides that a definitive map and statement] are conclusive evidence as to the existence of the highways shown on the map and as to certain particulars contained in the statement),. . . <sup>F6</sup>

[<sup>F7</sup>(10A) Nothing in subsection (1A) affects the obligations of the highway authority, or of any other person, as respects the maintenance of a way.]

(11) For the purposes of this section “land” includes land covered with water.

[<sup>F8</sup>(12) For the purposes of subsection (1A) “mechanically propelled vehicle” does not include a vehicle falling within section 189(1)(c) of the Road Traffic Act 1988 (electrically assisted pedal cycle).]

**Annotations:**

**Amendments (Textual)**

- F1** S. 31(1A) inserted (2.5.2006 for E. and 16.11.2006 for W.) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 68(2); S.I. 2006/1176, art. 6; S.I. 2006/2992, art. 2
- F2** Words in s. 31(6)(i)(ii) substituted (13.2.2004 for E. and 31.5.2005 for W.) by 2000 c. 37, s. 57, Sch. 6 Pt. I para. 3; S.I. 2004/292, art. 2(e) (with art. 3(2)); S.I. 2005/1314, art. 2(b)(ii) (subject to art. 5); S.I. 2005/2459, art. 2(2)(c)(d)
- F3** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, Sch. 4 para. 7
- F4** S. 31(7A)(7B) inserted (2.5.2006 for E. and 16.11.2006 for W.) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 69; S.I. 2006/1176, art. 6; S.I. 2006/2992, art. 2
- F5** Words substituted by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 72(11)
- F6** Words repealed by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 73, Sch. 17 Pt. II
- F7** S. 31(10A) inserted (2.5.2006 for E. and 16.11.2006 for W.) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 68(3); S.I. 2006/1176, art. 6; S.I. 2006/2992, art. 2
- F8** S. 31(12) inserted (2.5.2006 for E. and 16.11.2006 for W.) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 68(4); S.I. 2006/1176, art. 6; S.I. 2006/2992, art. 2

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by 2013 c. 5 s. 6
- Act functions made exercisable as specified by S.I. 2015/378 reg. 3 Sch. 1 para. 1
- Act transfer of functions by S.I. 2012/1659 art. 2 Sch. 1

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1)(e) inserted by 2015 c. 7 Sch. 1 para. 2(2)(b)
- s. 1(1A) inserted by 2015 c. 7 Sch. 1 para. 2(3)
- s. 10(2)(a)(i) words inserted by 2015 c. 7 Sch. 1 para. 10(2)
- s. 10(3A) inserted by 2015 c. 7 Sch. 1 para. 10(3)
- s. 15E(2)(3) applied by 1987 c. xv s. 11B(2) (as inserted) by 2013 c. 7 s. 9
- s. 15E(4) applied by 1987 c. xv s. 11B(2) (as inserted) by 2013 c. 7 s. 9
- s. 24(1A) inserted by 2015 c. 7 Sch. 1 para. 17(3)
- s. 31(6A) (6B) inserted by 2013 c. 27 s. 13(3)
- s. 31(6C) inserted by 2013 c. 27 s. 13(4)
- s. 31(13)-(15) inserted by 2013 c. 27 s. 13(6)
- s. 90B(1A) inserted by 2015 c. 20 Sch. 10 para. 15(3)
- s. 90C(2)(2A) substituted for s. 90C(2) by 2015 c. 20 Sch. 10 para. 16(3)
- s. 90FA inserted by 2015 c. 20 Sch. 10 para. 20
- s. 118ZA(5)(a) words inserted by 2015 c. 20 s. 25(3)
- s. 121(5F) inserted by 2015 anaw 4 Sch. 5 para. 2(4)
- s. 121E(1A)(1B) inserted by 2015 c. 20 s. 23(5)
- s. 146(6) inserted by 2015 c. 20 s. 24(6)(d)
- s. 147(1A) inserted by 2015 c. 20 s. 24(3)
- s. 147(5A) inserted by 2015 c. 20 s. 24(5)
- s. 175B inserted by 2015 c. 7 Sch. 1 para. 43
- s. 245A(1A) inserted by 2015 c. 7 Sch. 1 para. 47(2)
- s. 271(1)(ia) inserted by 2015 c. 7 Sch. 1 para. 56(3)
- s. 325(2B) inserted by 2015 c. 20 Sch. 10 para. 21
- s. 329(6) inserted by 2015 c. 7 Sch. 1 para. 60(3)
- Sch. 2 para. 11(b) words substituted by S.I. 2013/755 Sch. 2 para. 168(3)
- Sch. 5 Pt. 1 para. 3 words inserted by 2015 c. 7 Sch. 1 para. 65(2)
- Sch. 5 Pt. 2 para. 1 words inserted by 2015 c. 7 Sch. 1 para. 65(3)(a)
- Sch. 5 Pt. 2 para. 3 words inserted by 2015 c. 7 Sch. 1 para. 65(3)(b)
- Sch. 5 Pt. 2 para. 4 words inserted by 2015 c. 7 Sch. 1 para. 65(3)(c)
- Sch. 5 Pt. 2 para. 5 words inserted by 2015 c. 7 Sch. 1 para. 65(3)(d)
- Sch. 6 para. 2B(4) inserted by 2015 anaw 4 Sch. 5 para. 3(c)
- Sch. 6 Pt. 1 para. 2B(4) inserted by 2015 c. 20 s. 25(6)
- Sch. 6 para. 1(3ZA) inserted by 2015 c. 20 Sch. 7 para. 8(2)(b)
- Sch. 6 para. 2(2ZA)-(2ZE) inserted by 2015 c. 20 Sch. 7 para. 8(3)
- Sch. 6 para. 2(4) inserted by 2015 c. 20 Sch. 7 para. 8(4)
- Sch. 6 para. 2(5)(6) inserted by 2015 c. 20 Sch. 7 para. 8(5)
- Sch. 6 para. 2ZZA inserted by 2015 c. 20 Sch. 7 para. 8(6)
- Sch. 6 para. 4A(2) inserted by 2015 c. 20 Sch. 7 para. 8(7)(c)
- Sch. 6 para. 5(ba) inserted by 2015 c. 20 Sch. 7 para. 8(8)
- Sch. 6 para. 4A(1) words renumbered as Sch. 6 para. 4A(1) by 2015 c. 20 Sch. 7 para. 8(7)(a)
- Sch. 6 para. 4A(1) words substituted by 2015 c. 20 Sch. 7 para. 8(7)(b)

### The Definitive Map

- 4.15 The Definitive Map and Statement are conclusive as to the status of the highways described, generally without prejudice to the possible existence of higher rights (defra Circular 1/09, WO Circular 5/93). This conclusivity is not, however, a permanent feature: as Lord Diplock put it in *Suffolk CC v Mason* (1979) *The entry on the definitive map does not necessarily remain conclusive evidence forever*. It had been held, in the case of *Rubinstein v Secretary of State for the Environment* (1989), that once a right of way was shown on a definitive map, it could not be deleted, but the judgments in *Simms & Burrows 1981* made it clear that s53 of WCA 81 allowed both for the addition or upgrading of rights of way on the discovery of new relevant evidence, and for their downgrading or deletion. In his judgment Purchas LJ stated that he could see *no provision in the 1981 Act specifically empowering the local authority to create a right of way by continuing to show it on the map, after proof had become available that it had never existed*. Parliament's purpose, expressed in WCA 81, he said, included the duty to *produce the most reliable map and statement that could be achieved, by taking account of changes in the original status of highways or even their existence resulting from recent research or discovery of evidence*.
- 4.16 Parish/community councils usually provided the information regarding the routes to be added to the Definitive Map and Statement and the status of those routes. It is not uncommon for witnesses (e.g. local inhabitants, parish/community councils or user organisations) to assert that the parish/ community council's inputs to the Definitive Map process are not reliable. It is variously argued that they did not have the proper guidance, or that they misinterpreted it, and these assertions then form the basis of the case for the modification. The Memorandum attached to Circular No.81 was distributed down to parish council / parish meeting level and the legal 'presumption of regularity' applies. Unless claimants can demonstrate otherwise, it should be assumed that a parish/community council received this detailed guidance and complied with it. The diligence with which a parish/community council met the remit is a different question. The Council minutes can be a useful source of information on this procedure, and other local highway issues which have arisen since the relevant date. As the minutes are a public record of the perception of the parish/ community council at that time, and therefore probably also represent the perception of parishioners, they may carry significant evidential weight. Other procedural guidance was issued to surveying authorities in Circulars 91/1950, 53/1952 and 58/1953.
- 4.17 In *Burrows v Secretary of State for Environment, Food and Rural Affairs* [2004] the judge commented that modification of the definitive map requires the discovery of evidence. An inquiry cannot simply re-examine evidence considered when the way or ways in question were first entered on the Definitive Map; there must be some new evidence, which, when considered together with all the other evidence available, justifies the modification.

### *Deletion and downgrading*

4.18 When considering whether a right of way already shown on definitive map and statement should be deleted, or shown as a right of way of a different description, the Inspector is not there to adjudicate on whether procedural defects occurred at the time the right of way was added to the definitive map and statement (for example notice was incorrectly served). Unless evidence of a procedural defect is relevant to establishing the correct status of the right of way concerned (for example a key piece of documentary evidence indicating a different status was ignored), there can be no reason to consider it. There must be presumption that the way is as shown on the definitive map and statement, even if the procedures were defective, unless there is evidence to establish that the way should be shown as being of a different status, or not shown at all. See Section 4 of Circular 1/09 and paragraphs 4 and 7 of WO Circular 45/90.

4.19 *Trevelyan* confirms that cogent evidence is needed before the Definitive Map and Statement are modified to delete or downgrade a right of way. Lord Phillips MR stated at paragraph 38 of *Trevelyan* that:

*"Where the Secretary of State or an inspector appointed by him has to consider whether a right of way that is marked on a definitive map in fact exists, he must start with an initial presumption that it does. If there were no evidence which made it reasonably arguable that such a right of way existed, it should not have been marked on the map. In the absence of evidence to the contrary, it should be assumed that the proper procedures were followed and thus that such evidence existed. At the end of the day, when all the evidence has been considered, the standard of proof required to justify a finding that no right of way exists is no more than the balance of probabilities. But evidence of some substance must be put in the balance, if it is to outweigh the initial presumption that the right of way exists. Proof of a negative is seldom easy, and the more time that elapses, the more difficult will be the task of adducing the positive evidence that is necessary to establish that a right of way that has been marked on a definitive map has been marked there by mistake."*

4.20 In the *Leicestershire* case the Inspector refused to confirm an order which sought to modify the definitive map and statement to show a path which was shown on the map as running through the curtilage of one cottage, as running through the curtilage of another. Collins J held that in these circumstances, *"it is not possible to look at (i) [s53(3)(c)(i)] and (iii) [s53(3)(c)(iii)] in isolation because there has to be a balance drawn between the existence of the definitive map and the route shown on it which would thus have to be removed"* He went on *"If [the Inspector] is in doubt and is not persuaded that there is sufficient evidence to show the correct route is other than that shown on the map, then what is shown on the map must stay because it is in the interests of everyone that the map is to be treated as definitive.....where you have a situation such as you have here, it seems to me that the issue is really that in reality section 53(3)(c)(iii) will be likely to be the starting point, and it is only if there is sufficient evidence to show that that was wrong – which would normally no doubt be satisfied by a finding that on the balance of*



*probabilities the alternative was right – that a change should take place. The presumption is against change, rather than the other way around”.*

- 4.21 Another case relevant to deletions is *Kent*. The Inspector refused to confirm an order under S53(3)(c)(iii) on the basis that the confirmed order would have deleted the whole of the footpath whose position but not existence was in dispute. In upholding the decision, the judge stated that *it seems inherently improbable that what was contemplated by section 53 was the deletion in its entirety of a footpath or other public right of way of a kind mentioned in section 56 of the Act of 1981, the existence, but not the route, of which was never in doubt.*
- 4.22 The correct way to remove from the definitive map rights whose existence was not in doubt would have been to extinguish (or divert) them under the Highways Act 1980. As the judge continued: *one would expect to look elsewhere [than s53(3)(c)(iii)] for statutory provisions which were concerned with the question whether or not an established right of way (but not its route) should continue to exist.*
- 4.23 Previous guidance has indicated that, in the case of a way that had been incorrectly shown on the definitive map, a case for dedication could be established on the basis of use in the period between the first recording of the way and its subsequent removal. The current view of Defra (as stated in Circular 1/09 version 2) is that it is not possible for a right of way to be dedicated for the purposes of section 31 of HA 80 when use is by virtue of it already being shown on the definitive map; use in such circumstances cannot be ‘as of right’ as rights that cannot be prevented cannot be acquired.

**Confirmation of orders**

4.26 Authorities may confirm orders that are unopposed or to which all the representations and objections have been withdrawn. Authorities must submit orders to which there are representations or objections and orders which are unopposed but require modification to the Secretary of State. The Planning Inspectorate, which administers the submission on behalf of the Secretary of State, has a checklist<sup>13</sup> of documents which must accompany orders submitted for a decision on whether or not they should be confirmed. Paragraph 10.8 describes in outline the process that is followed once an order is submitted to the Secretary of State.

4.27 Paragraph 5 of Schedule 15 to the 1981 Act provides that where one order contains one or more modifications to the definitive map or statement to which there are representations or objections and other modifications to which there are none, the authority can confirm the unopposed part of the order, which has the effect of modifying the definitive map and statement to the extent of the confirmed part. The authority must then submit that part of the order to which there are representations or objections, to the Secretary of State to consider whether or not to confirm it. Authorities must notify the Planning Inspectorate, which administers the process on behalf of the Secretary of State, where they intend to do this. Any element of an order that is subdivided for partial confirmation in this way must appear to be capable of confirmation in its own right.

**Publicising decisions on orders**

4.28 The requirements for publicising confirmed orders and the non-confirmation of orders are specified in paragraph 11 of Schedule 15 to the 1981 Act. Confirmed orders are given the same publicity as that given to made orders. A copy of the decision not to confirm an order must be served on the same persons on whom notice of the making of the order was served.

4.29 Copies of all confirmed orders made under section 53 (including orders made under section 53A which have the effect of modifying the definitive map and statement) and section 54 (where outstanding orders to reclassify Roads Used as Public Paths (RUPP) are being determined to a conclusion) must be sent to the Ordnance Survey at the time of confirmation.

**Deletion or downgrading of ways shown on the definitive map and statement**

4.30 The procedures for identifying and recording public rights of way are comprehensive and thorough. Authorities will be aware of the need to maintain a map and statement of the highest attainable accuracy. Whilst the procedures do not preclude the possibility that rights of way may need to be downgraded or deleted, particularly where recent research has uncovered previously unknown evidence or where the review procedures have never been implemented, it is unlikely that such

<sup>13</sup> Document required by the Planning Inspectorate – Checklist for Order Making Authorities : The Planning Inspectorate June 2008

a situation would have lain undiscovered over, what is in most cases, many decades without having been previously brought to light.

4.31 Once prepared, and until subsequently revised, the definitive map and statement is conclusive evidence in rights of way disputes. Authorities are under a duty to make an order modifying the definitive map and statement where they have evidence that a public right of way should be downgraded or deleted. They may discover evidence themselves or evidence may be presented with an application to modify the map and statement.

4.32 Notwithstanding the clear starting point in relation to the possible deletion or downgrading of ways described in paragraphs 4.30 and 4.31, the powers in section 53(3) of the 1981 Act include the making of orders to delete or downgrade rights of way shown on the definitive map and statement in cases where evidence shows that rights did not exist at the time when they were first shown on the map. In making an order the authority must be able to say, in accordance with Section 53(3) (c) (ii) or (iii), that a highway of a particular description ought to be shown on the map and statement as a highway of a different description; or that there is no public right of way over land shown in the map and statement as a highway of any description.

4.33 The evidence needed to remove what is shown as a public right from such an authoritative record as the definitive map and statement – and this would equally apply to the downgrading of a way with “higher” rights to a way with “lower” rights, as well as complete deletion – will need to fulfil certain stringent requirements. These are that:

- the evidence must be new – an order to remove a right of way cannot be founded simply on the re-examination of evidence known at the time the definitive map was surveyed and made.
- the evidence must be of sufficient substance to displace the presumption that the definitive map is correct;
- the evidence must be cogent.

While all three conditions must be met they will be assessed in the order listed. Before deciding to make an order, authorities must take into consideration all other relevant evidence available to them concerning the status of the right of way and they must be satisfied that the evidence shows on the balance of probability that the map or statement should be modified.

4.34 Applications may be made to an authority under section 53(5) of the 1981 Act to make an order to delete or downgrade a right of way. Where there is such an application, it will be for those who contend that there is no right of way or that a right of way is of a lower status than that shown, to prove that the map requires amendment due to the discovery of evidence, which when considered with all other relevant evidence clearly shows that the right of way should be downgraded or deleted. The authority is required, by paragraph 3 of Schedule 14 to the Act, to investigate the matters stated in the application; however it is not for the authority to

demonstrate that the map reflects the true rights, but for the applicant to show that the definitive map and statement should be revised to delete or downgrade the way.

4.35 In the case of deletions, earlier guidance indicated that a case for presumed dedication could be established on a way that had previously been recorded on the definitive map but which was found, subsequently, to have been recorded in error. This was based on the belief that user, between the time of the first recording of the way on the definitive map and statement and the time when it was determined that an error had been made could give rise to presumed dedication. The date of first recording means either the date of the original publication of the first definitive map; the date of publication of a review; or the relevant date of an order adding the path to the definitive map, whichever was appropriate. The date of first recording would have been the first point in time at which it could have been legally recognised that rights over the way were recorded in the form being challenged. Defra believes that this advice was wrong. Defra's view is that use of the way in such circumstances cannot be seen to be as of right, as rights that cannot be prevented cannot be acquired. It not possible for a right of way to be dedicated for the purposes of section 31 of the Highways Act 1980 when use of the way is by virtue of it having been shown on the definitive map but subsequently removed.

#### ***Preparation of definitive maps and statements for excluded areas***

4.36 Only the area of the former London County Council, i.e. broadly the area of the present Inner London Boroughs, is now excluded from the survey provisions of the 1949 Act. Under section 58(2) of the 1981 Act, the London borough councils may by resolution adopt the provisions of sections 53-57 for the whole or any part of their area.

4.37 The provisions enable an authority to prepare a definitive map and statement by building up from nothing a comprehensive record of the rights of way within its area through adding rights of way to a blank map and statement by means of orders made under section 53 of the 1981 Act. Once modified, that map and statement becomes the definitive map and statement for the area.

#### ***Definition of byway open to all traffic***

4.38 A byway open to all traffic (BOAT) is a vehicular right of way carrying rights for users of mechanically propelled vehicles which is used by the public mainly for the purposes for which footpaths and bridleways are used. When deciding whether a way ought to be shown on the definitive map and statements as a BOAT, authorities should examine the characteristics of the way. Relevant case law suggests that, for a carriageway to be a BOAT, it is not a necessary precondition for there to be equestrian or pedestrian use or that such use is greater than vehicular use. The test also relates to its character or type and whether it is more suitable for use by walkers and horse riders than vehicles. Further information is available in the Planning Inspectorate's rights of way *Advice Note 8*<sup>14</sup>. Where a way presumed

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<sup>14</sup> Advice note 8 – Advice on the definition of byway open to all traffic – the effect of *Masters v Secretary of State for the Environment, Transport and the Regions* : February 2001



**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ANNA FAUZY-ACKROYD

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: Teacher

Description of Path: *stretch of the*  
From: the beginning of the harbour road (at the St Helens end)  
To: the exit of the path before the Redwing Quay (on the non harbour side)

Believed status of path: foot path  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes.</p> <p>10 years</p>
<p>2. How wide is the way?</p>	<p>Wide enough for a vehicle to start with and then beyond Harbour Farm just a footpath size</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes.</p> <p>2006 - 2016</p> <p>From St Helens to Burnbridge</p> <p>visiting friends, shopping, walking for leisure</p> <p>All year round - 30 times approx.</p> <p>on foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes.</p> <p>-</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No, apart from information about the wildlife and fauna</p>
<p>12. Have you ever sought or been given permission to use the way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>I use this footpath in order to walk a peaceful, scenic route away from the noise and traffic and pollution of the busy road. I often sit for ages on the wooden bench (on the footpath only stretch) to enjoy the view, the sunshine (if it's out), the tranquility and to watch the birds. It would be a great loss if the path was closed to the public.</p>
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**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: right;">None.</p>
---



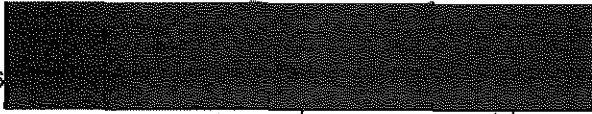


I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness



Print Full Name: ..... ANNA FAUZY-ACKROYD .....

Date of statement: ..... 7/12/2006 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: MRS. MAVIS ANNE ASHFORD.....

Address (including postcode): [REDACTED].....

[REDACTED].....

Telephone: (Home) : [REDACTED].....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: [REDACTED].....

Occupation: RETIRED.....

### Description of Path:

From: BURNING BRACKEN RD No

BURN BRIDGE.....

To: .....

Believed status of path: BRIDLEWAY.....  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>25.</p>
<p>2. How wide is the way?</p>	<p>APPROX. 3 - 3 1/2 METRS</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES.</p> <p>1990 - 2018.</p> <p>S<sup>1</sup>. HELGNS - BOMBRIDGE</p> <p>INTERESTING WALK &amp; NO TRAFFIC.</p> <p>100 - 150</p> <p>FOOT.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES.</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>More space for cyclists especially children than main RD</p>
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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

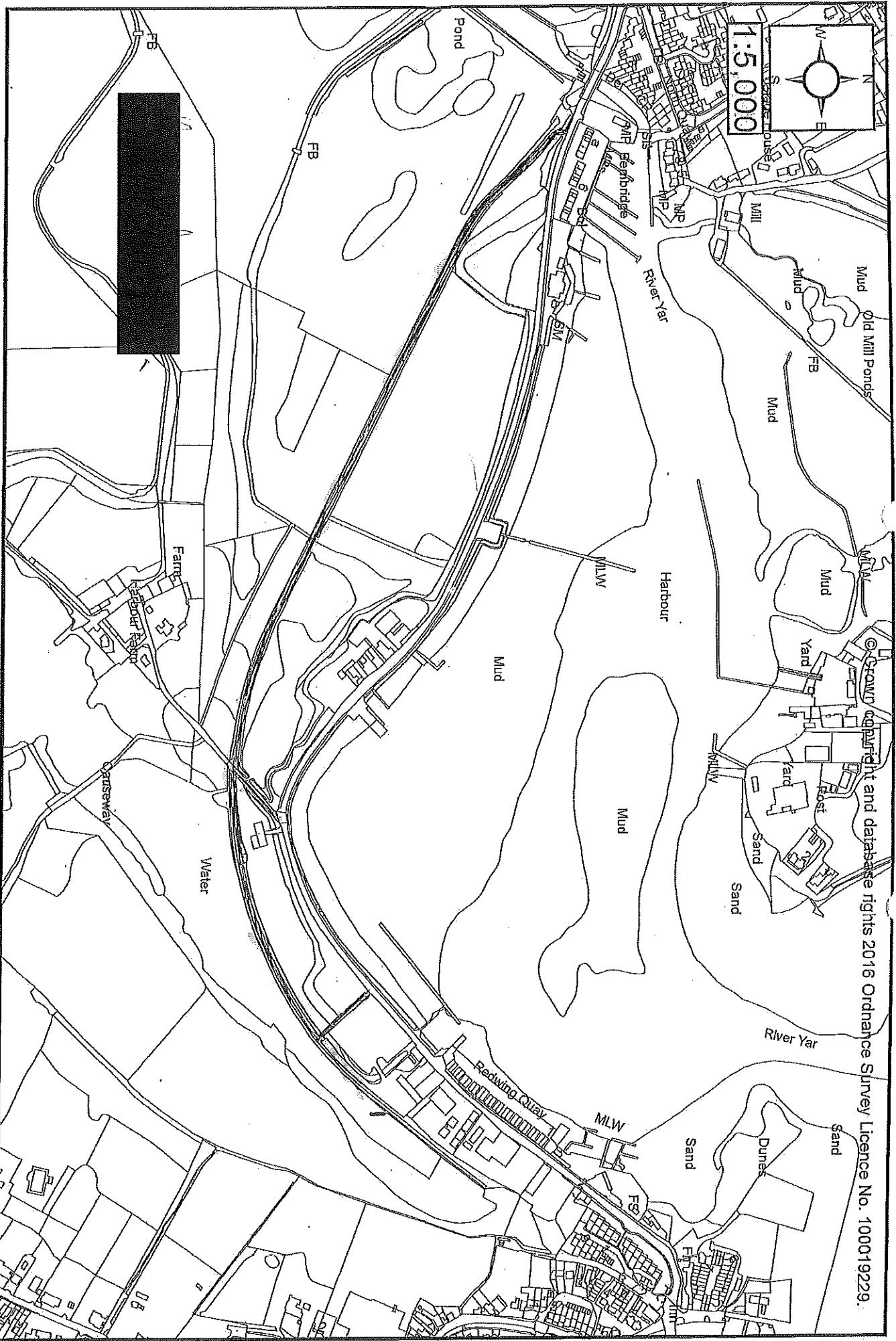
I ~~am~~/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness:  .....

Print Full Name: ...MAVIS...ADWILE...ASHES...R.D.....

Date of statement: ...14...10...16.....

**IMPORTANT:**  
PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: [REDACTED] .....

Address (including postcode): [REDACTED] .....

[REDACTED] .....

Telephone: (Home) .. [REDACTED] .....

(Work) ..  .....

(Mobile) ..  .....

Preferred number and time to be contacted: .....

Email: ..  .....

Date of Birth: [REDACTED] .....

Occupation: ...*None*.....

### Description of Path:

From: ..*Old railway track*.....*SH. Aalen?*.....

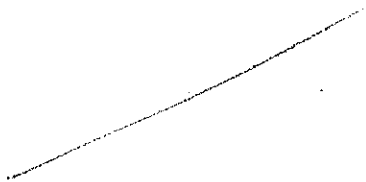
To: ..*Bembridge*.....

Believed status of path: ..*Footpath & Bridleway*.....  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>yes</p> <p>40 years</p>
<p>2. How wide is the way?</p>	
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>yes</p> <p>since 1976 June</p> <p>St-Helens to Bambridge</p> <p>walking the dogs</p> <p>every day of the year -</p> <p>on foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>yes</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>no</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>no</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No Public right of way</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>None</p>
---



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

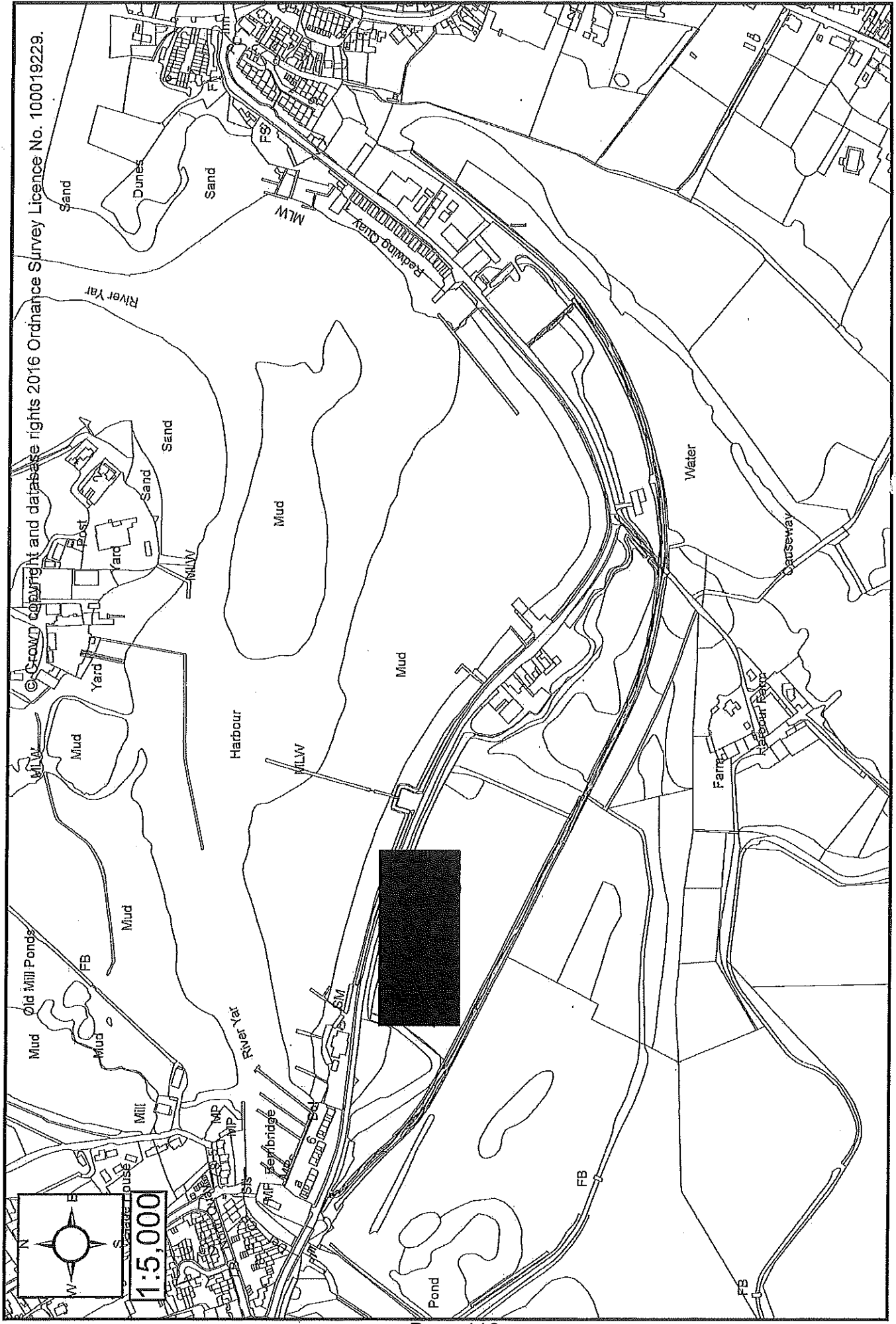
Signature of Witness  .....

Print Full Name: ...J. HANSEN, S. M. ATTRILL .....

Date of statement: ...14 - 1 - 2017 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: SEREMX ATTILL

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: MOBILE

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: VOICE ENGINEER

### Description of Path:

From: OPPOSITE BEMBRIDGE MARINA VIEW ALONG

EMBANKMENT ROAD, AROUND MUD FLATS

To: PASSED G.P MOTORS AND EMERGING OPPOSITE

HOUSE BOATS

Believed status of path: FOOTPATH AND BRIDLEWAY

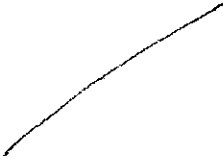
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>PERSONALLY SINCE 1976</p>
<p>2. How wide is the way?</p>	<p>FROM HEDGE TO HEDGE APPROXIMATELY 5/6 METRES</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>FROM 1976 TO 1992 AND OCCASIONALLY SINCE</p> <p>ST. HELENS TO BEMBRIDGE</p> <p>SCHOOL AND RECREATION</p> <p>ALMOST DAILY</p> <p>FOOT AND BIKE</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO STILES, GATE APPEARED LATERLY AT BEMBRIDGE END</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO, UNDERSTOOD TO BE PUBLIC RIGHT OF WAY</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

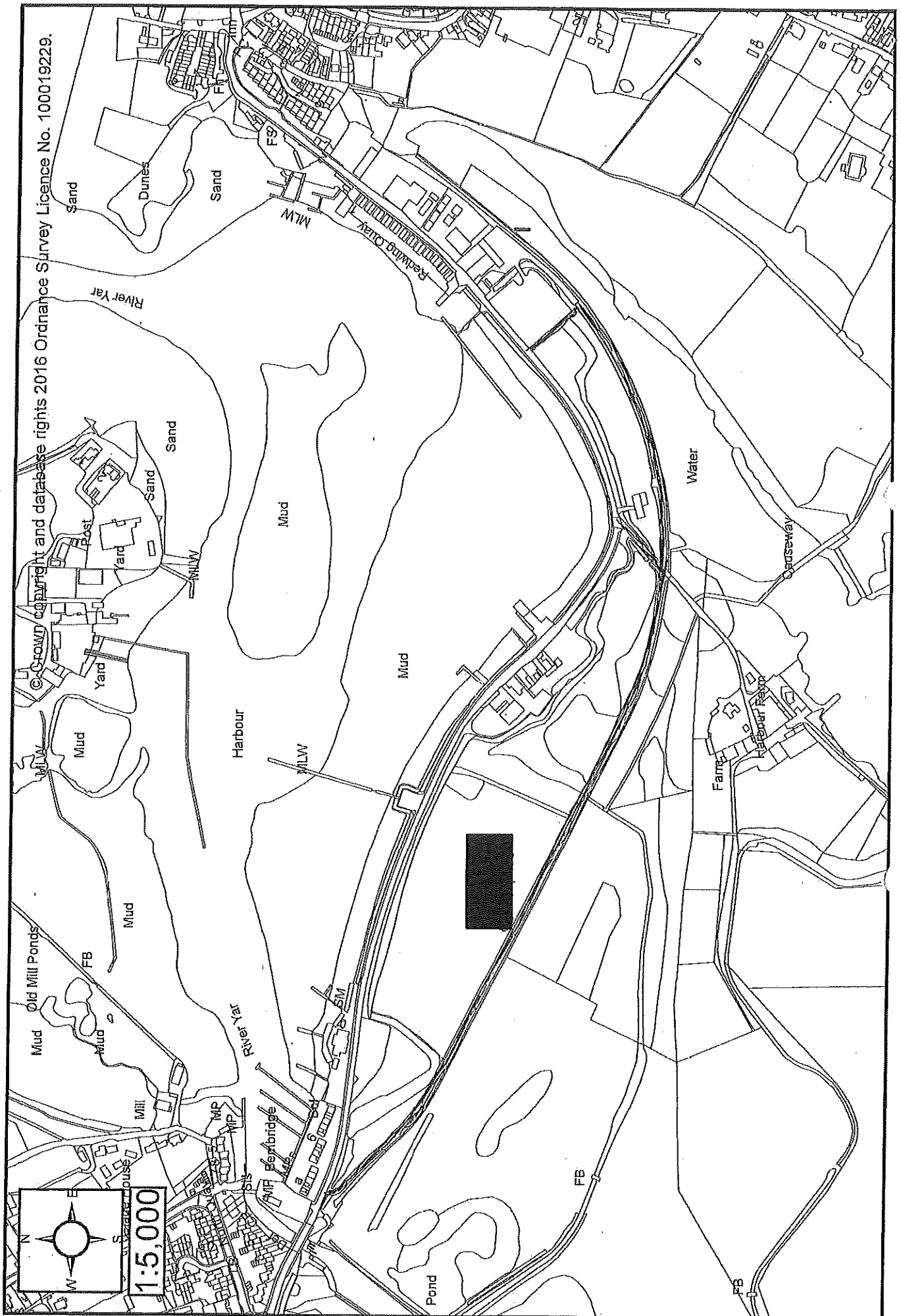
Print Full Name: ..... JEREMY ATTRILL .....

Date of statement: ..... 14/01/2017 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: VALERIE ATTRILL

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: MOBILE

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: Mental Nurse

### Description of Path:

From Bombardier Harbour / Harbour farm lane

To: St Hells

Believed status of path: Byway / Byway

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes.</p> <p>30/40.</p>
<p>2. How wide is the way?</p>	<p>Bridleway width.</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1975 - present day.</p> <p>St Helens - Bamberge &amp; back again</p> <p>Horse riding.</p> <p>lots</p> <p>Horses.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes.</p> <hr/>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

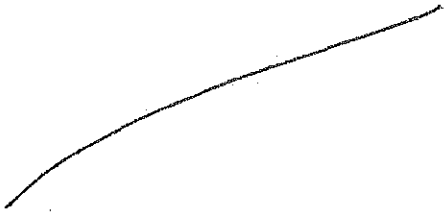
\* repeated question!

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
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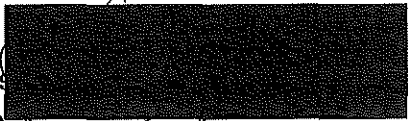
<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

*I am not*  
~~I am~~ *not* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable).

Signature of Witness



Print Full Name:

ANGIE ATTIRIL

Date of statement:

2.12.16

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: GEORGE BAKER

Address (including postcode):

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) [REDACTED]

Preferred number and time to be contacted: .....

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: Student

### Description of Path:

From: St Helens Harbour

To: Bembridge Harbour

Believed status of path: Footpath Byway

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes.</p> <p>15 years +</p>
<p>2. How wide is the way?</p>	
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>2001 - present</p> <p>No specific location.</p> <p>Dog walking/photography.</p> <p>10+</p> <p>Foot.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes.</p> <p>No.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No.</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO.</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No.</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No.</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No.</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No.</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>It's an excellent spot for dog walking and photographing wildlife/scenery</p>
--	--

**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>None.</p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness:  .....

Print Full Name: *George Baker* .....

Date of statement: *03 December 2016* .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: KATHLEEN MARY BATEMAN

Address (including postcode)

[REDACTED]

Telephone: (Home)

[REDACTED]

(Work)

N/A

(Mobile)

N/A

Preferred number and time to be contacted:

[REDACTED]

Email:

[REDACTED]

Date of Birth:

[REDACTED]

Occupation:

Retired

### Description of Path:

From:

St Helens, embankment Road

To:

Embankment Road, Bembridge

Believed status of path:

bridleway

(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>yes.</p> <p>25 yrs.</p>
<p>2. How wide is the way?</p>	<p>6ft.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>approx 1991.</p> <p>St Helens to Bembridge</p> <p>either walking the dogs or Riding horses.</p> <p>almost once a week.</p> <p>foot, horse, bicycle.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>yes.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No.</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>Many people walk this path and avoid the extremely dangerous main Road, it also keeps the bikes + horses from the road and safe.!</p>
--	--

**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

None



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: ..... K.M. Bakeman .....

Print Full Name: .....  .....

Date of statement: ..... December 7<sup>th</sup> 2016 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... DAVID JACK BATEMAN .....

Address (including postcode): ..

Telephone: (Home) .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: ....

Email: .....

Date of Birth: .....

Occupation: .....

Retired

### Description of Path:

From: ..... St Helens, embankment Rd .....

To: ..... Bembridge embankment Rd .....

Believed status of path: .....

bridleway  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>yes.</p> <p>25yrs</p>
<p>2. How wide is the way?</p>	<p>6ft</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1991.</p> <p>Bembridge to St Helens.</p> <p>Cycling to the doctors surgery approx once a week.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>yes.</p> <p>no.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>no</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>no</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>n/a.</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>



<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>Many, many people walk their dogs + cycle, its lovely and avoids the main Road.</p>
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

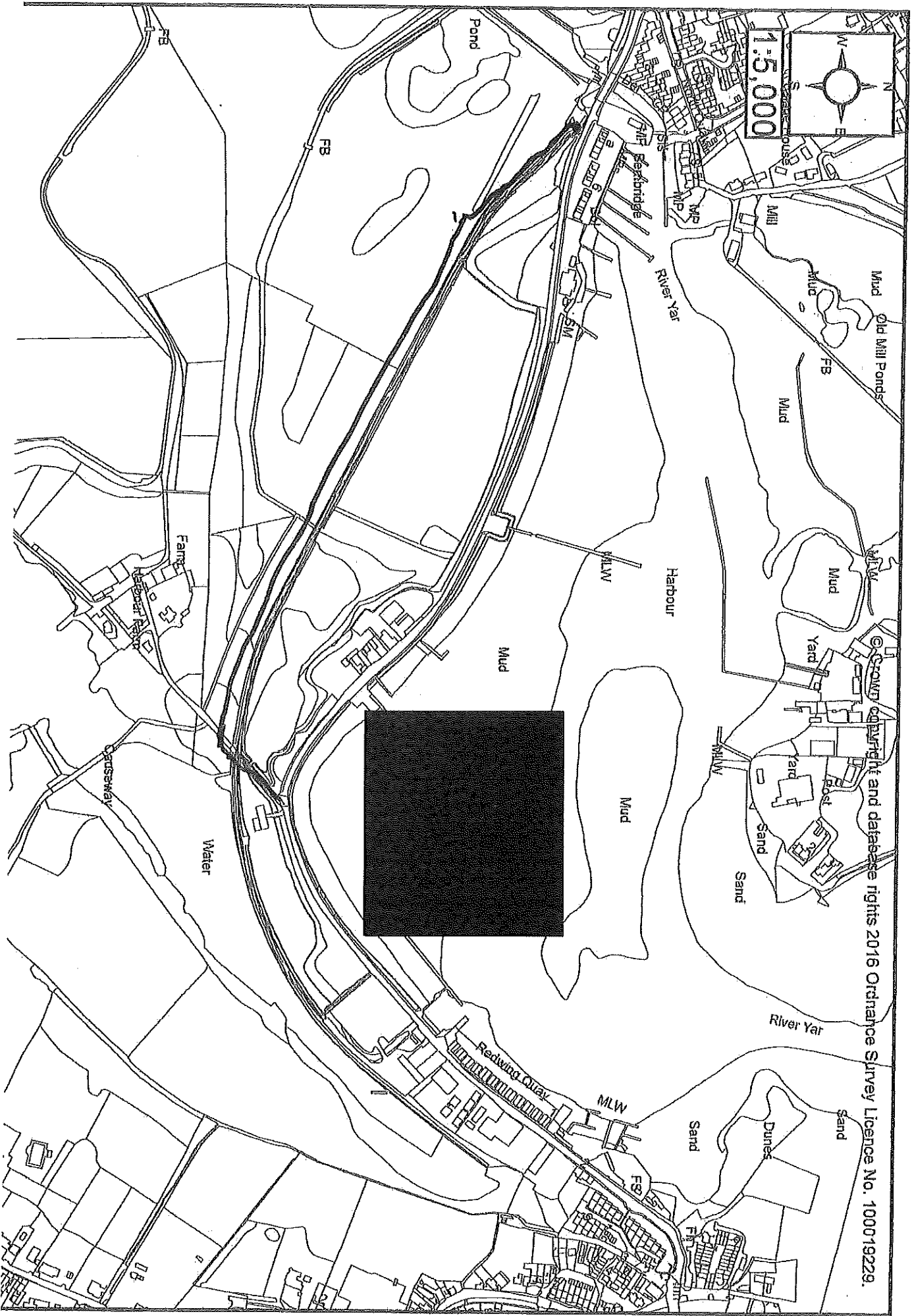
Signature of Witness: .....  .....

Print Full Name: ..... DAVID JACK BATEMAN .....

Date of statement: ..... 7<sup>TH</sup> Decembei 2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



1:5,000

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# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: PAUL BAKER

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) —

(Mobile) [REDACTED]

Preferred number and time to be contacted: ANY

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: —

### Description of Path:

From: ST HELOUS

To: BORNEWICK

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>15 YEARS</p>
<p>2. How wide is the way?</p>	
<p>3. Have you <u>used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>ST HELENS - BOMBRAIE</p> <p>DOG WALKS</p> <p>40</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>No</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

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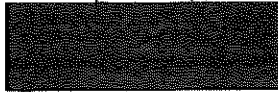
<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: ...



Print Full Name: .....

P. BAKER

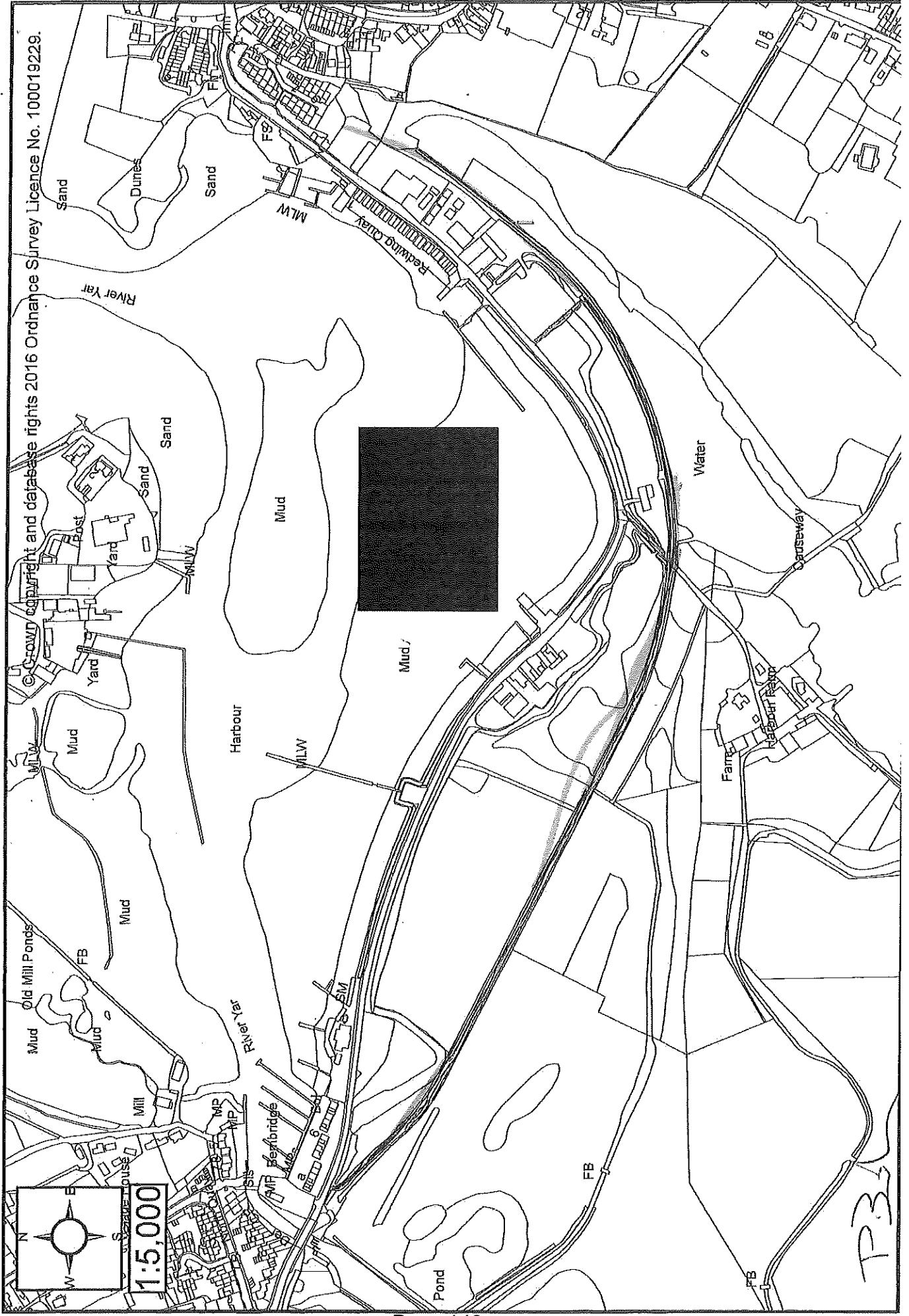
Date of statement: .....

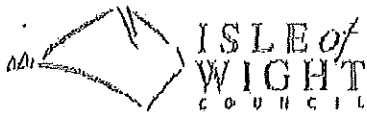
1/12/16

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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COPY

PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM

IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ...MRS... SANDRA... BEANEY.....

Address (including postcode): [REDACTED]  
[REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: [REDACTED]

Occupation: ..... RETIRED .....

Description of Path:

From: ..... BEYBRIDGE .....

To: ..... ST HELENS .....

Believed status of path: ..... FOOTPATH .....

(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.



If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES.</p> <p>60 YEARS</p>
<p>2. How wide is the way?</p>	<p>VARIABLE.</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1956-2010</p> <p>BIBYBRIDGE - ST HELENS ST HELENS - BIBYBRIDGE</p> <p>WALKING MY DOG</p> <p>20-30.</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No.</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p><i>No.</i></p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p><i>No.</i></p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p><i>No.</i></p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p><i>Yes</i></p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p><i>No.</i></p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p><i>No.</i></p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

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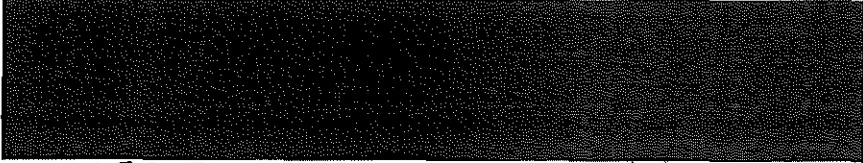
<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: ...

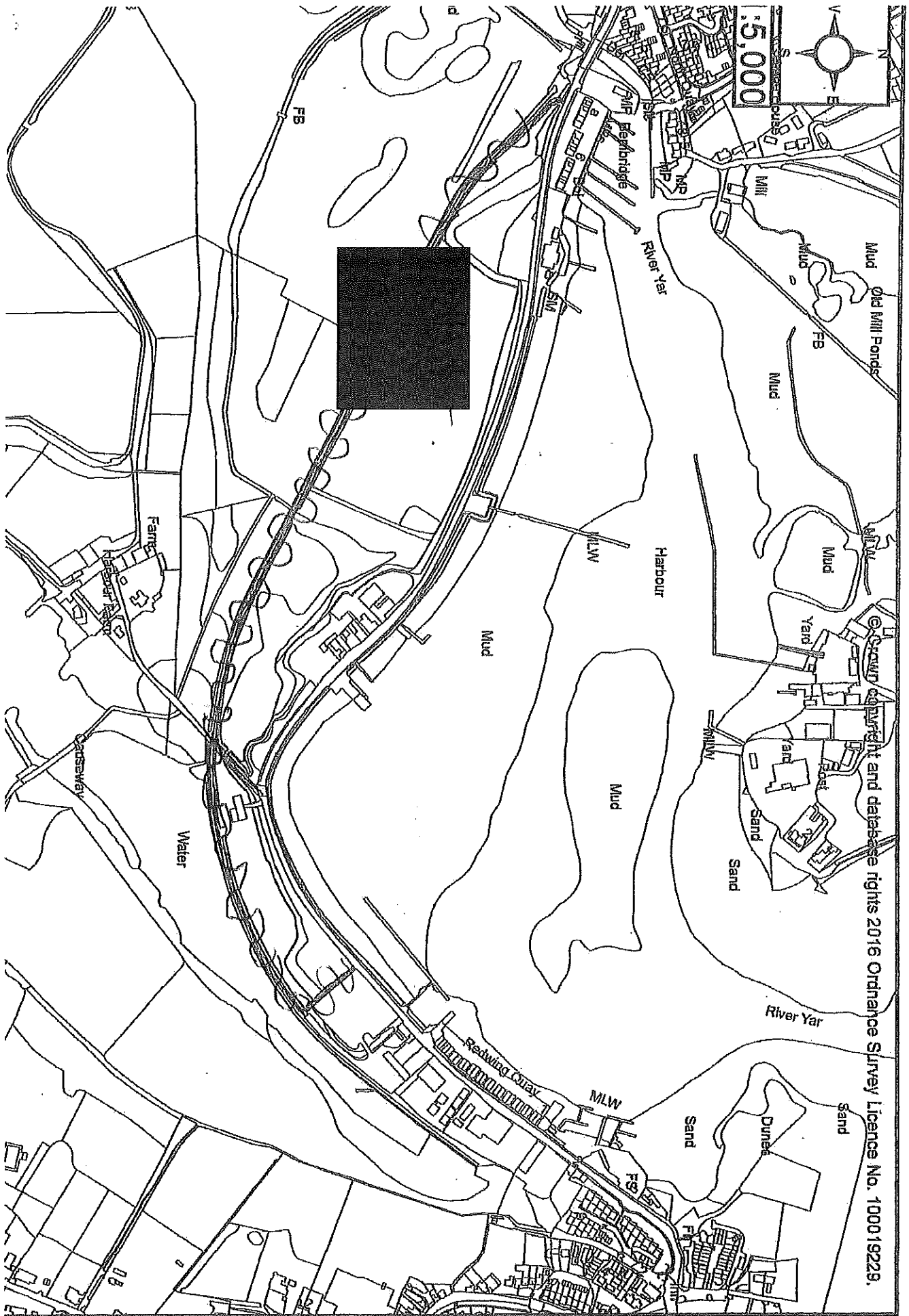


Print Full Name: ..SANDRA BEANEY.....

Date of statement: ...6.3.2017.....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ALAN BEATON

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: [REDACTED]

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: RETIRED

### Description of Path:

From: St. Helens

To: Beaumont

Believed status of path: FOOTPATH / BRIDLEWAY  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>MANY</p>
<p>2. How wide is the way?</p>	<p>WIDE ENOUGH AS PATHWAY</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1987 +</p> <p>B'ARRIGLE / ST HELENS ST HELENS / B'ARRIGLE. WETSWAE.</p> <p>BETWEEN 3 - 5 TIMES</p> <p>FOOT.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>N/A.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A.</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>no ALWAYS ASSUMED. IT TO BE A PUBLIC RIGHT OF WAY</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p style="text-align: right;">/INTERMEDIATE</p> <p>As a <u>SEMI-REGULAR</u>          USER OF THE PATH ALONG          WITH MANY OTHER USERS          I SEE NO REASON WHY THIS          SHOULD NOT CONTINUE AS          A <u>PUBLIC FOOTPATH</u> IN THE          TRADITION OF THE COUNTRY S.D.E.</p>
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**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

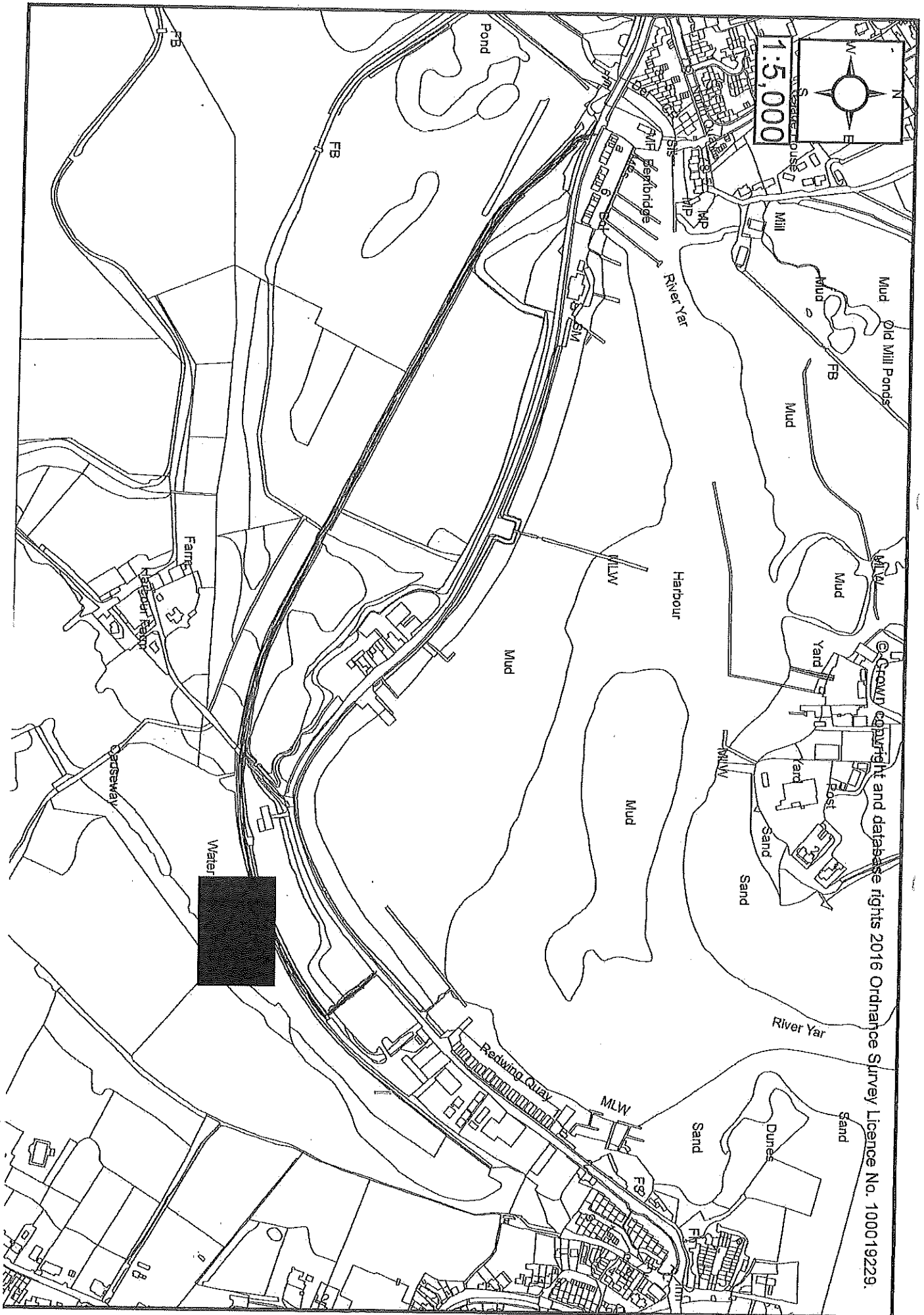
(\* delete as applicable)

Signature of Witness:  .....

Print Full Name: A. WEAVER .....

Date of statement: 2016-11-20 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... MR. KEN BECKLEY .....

Address (including postcode): ..... [REDACTED] .....

..... [REDACTED] .....

Telephone: (Home) ..... [REDACTED] .....

(Work) ..... ✓ .....

(Mobile) ..... [REDACTED] .....

Preferred number and time to be contacted: EITHER NUMBER .....

Email: .....

Date of Birth: ..... [REDACTED] .....

Occupation: ..... RETIRED .....

### Description of Path:

From: ..... ST. HELENS .....

To: ..... BEMBRIDGE .....

Believed status of path: ..... FOOTPATH .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>35 yrs</p>
<p>2. How wide is the way?</p>	<p>APPROX 8'</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1981 - 2016</p> <p>ST. HELENS TO BEMBOROUGH</p> <p>WALKING DOGS</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: ..  .....

Print Full Name: ..KENNETH WILLIAM BECKLEY.....

Date of statement: .....22-11-16.....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... MRS CONNIE BECKLEY .....

Address (including postcode): ..... [REDACTED] .....

Telephone: (Home) [REDACTED] .....

(Work) [REDACTED] .....

(Mobile) [REDACTED] .....

Preferred number and time to be contacted: ANY NUMBER .....

Email: .....

Date of Birth: [REDACTED] .....

Occupation: ..... RETIRED .....

### Description of Path:

From: ..... ST. HELENS .....

To: ..... BEMBRIDGE .....

Believed status of path: ..... FOOTPATH .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>35</p>
<p>2. How wide is the way?</p>	<p>approx 2'</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1981 - 2016</p> <p>ST HELENS TO BEMBRIDGE</p> <p>WALKING DOGS</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (If you have no comments please state "none"):</p>
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I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... CONSTANCE LILIAN BECKLEY .....

Date of statement: ..... 22-11-16 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ... ANTHEA BEATRICE BLACKWELL .....

Address (including postcode): [REDACTED] .....

Telephone: (Home) [REDACTED] .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: ... AFTER 09.00 & BEFORE 20.30

Email: .....

Date of Birth: ... [REDACTED] .....

Occupation: ... RETIRED LECTURER .....

### Description of Path:

From: ... ST. HELEN'S just to the Bembridge side of the Bredy  
over the River Yar .....

To: ... BEMBRIDGE .....

Believed status of path: ... Bridleway .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>Since its inception in the 1960s</p>
<p>2. How wide is the way?</p>	<p>The width of the old railway or verges</p>
<p>3. Have <u>you</u> used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1980s middle 1950's to present time in 2016</p> <p>St. Helens to Bembridge return</p> <p>Bird watching, blackberrying, visiting friends shopping in Bembridge</p> <p>for 5 or 6 times a month</p> <p>On foot.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>So far as I am aware</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>Not so far as I am aware</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No, in both instances</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness:  .....

Print Full Name: ...MRS...ANTHEA...BEATRICE...BLACKWELL.....

Date of statement: ...21...November...2016.....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... NICHOLAS LYNDSEY BLAND .....

Address (including postcode) [REDACTED] .....

[REDACTED] .....

Telephone: (Home) ... [REDACTED] .....

(Work) ..... — .....

(Mobile) ..... [REDACTED] .....

Preferred number and time to be contacted: ..... ANY TIME DURING DAY .....

Email: ..... [REDACTED] .....

Date of Birth: ... [REDACTED] .....

Occupation: ..... ACCOUNTANT .....

**Description of Path:**

From: ..... BRADING HAVEN .....

To: ..... DEMBIDGE (BEFORE REDMIRE ROAD) .....

} AS  
HIGHLIGHTED  
ON MAP  
IN RED

Believed status of path: ..... FOOT PATH .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>SINCE 1969</p>
<p>2. How wide is the way?</p>	<p>10 FEET</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1969 → PRESENT</p> <p>SEMIWIDE TO BRADING WATER</p> <p>LEISURE</p> <p>12</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES TO MY KNOWLEDGE</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p><i>N/A</i></p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p><i>NO</i></p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p><i>NO</i></p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p><i>NO</i></p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p><i>NO</i></p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p><i>NO</i></p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p><i>NO</i></p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p> <p>1. Using footpath avoids walking alongside dangerous road or narrow pavement</p> <p>2. Footpath provides valuable dog walking route and access to</p>	<p>beautiful landscape &amp; views.</p> <p>3. The footpath is a valuable amenity for local residents.</p>
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**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

N/N

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

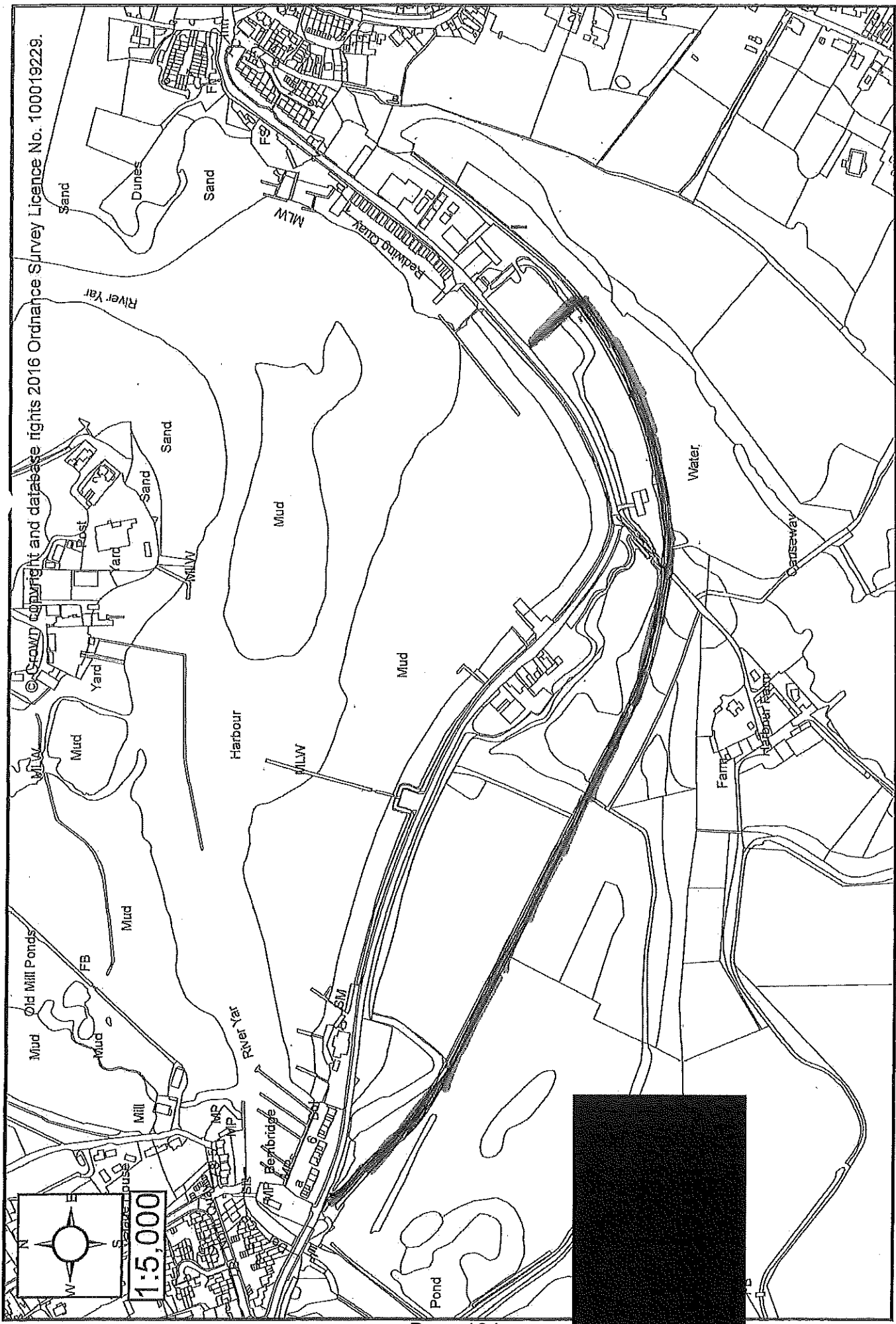
Signature of Witness: .....  .....

Print Full Name: ..... William D. ... ..

Date of statement: ..... 24 / 1 / 17 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: JANE BLAND

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) [REDACTED]

Preferred number and time to be contacted: DAY TIME

Email: jane@bland2.co.uk [REDACTED]

Date of Birth: [REDACTED]

Occupation: TEACHER

### Description of Path:

From: BRADING HAVEN YACHT CLUB


To: DUSTBIN CORNER

Believed status of path: footpath  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>55 years</p>
<p>2. How wide is the way?</p>	<p>12-14 foot</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1960 → 2017</p> <p>AROUND THE HARBOUR</p> <p>PLEASURE</p> <p>52</p> <p>foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>yes</p> <p>_____</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>_____</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use the way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p> <ul style="list-style-type: none"> <li>o PEACEFUL WALK AWAY FROM TRAFFIC</li> <li>o LOVELY VIEWS</li> <li>o LOTS OF WILD LIFE</li> </ul>	<p>o DOG LOVES IT</p>
---	-----------------------

**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

NONE

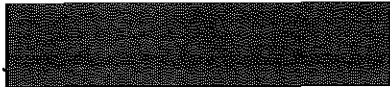


I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness:



Print Full Name:

JANE BLAND

Date of statement:

24.01.17

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ALAN DAVID BLENKINSOP

Address (including postcode): [REDACTED]  
[REDACTED]

Telephone: (Home) .....

(Work) N/A

(Mobile) ... [REDACTED]

Preferred number and time to be contacted: MOBILE - EVGS

Email: N/A

Date of Birth: [REDACTED]

Occupation: CIVIL SERVANT

**Description of Path:**

From: ST HELENS

To: BERBRIDGE  
VIA OLD RAILWAY ROUTE

Believed status of path: PERMISSIVE PATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>7 YRS</p>
<p>2. How wide is the way?</p>	<p>VARY BETWEEN 6 FT to 2 FT.</p>
<p>3. Have <u>you</u> used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>2009 - PRESENT</p> <p>BRIMBRIDGE, ST HELENS.</p> <p>LEISURE</p> <p>SEVERAL</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>AS FAR AS I AM AWARE</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>ONLY THE RSPK INFORMATION BOARD</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

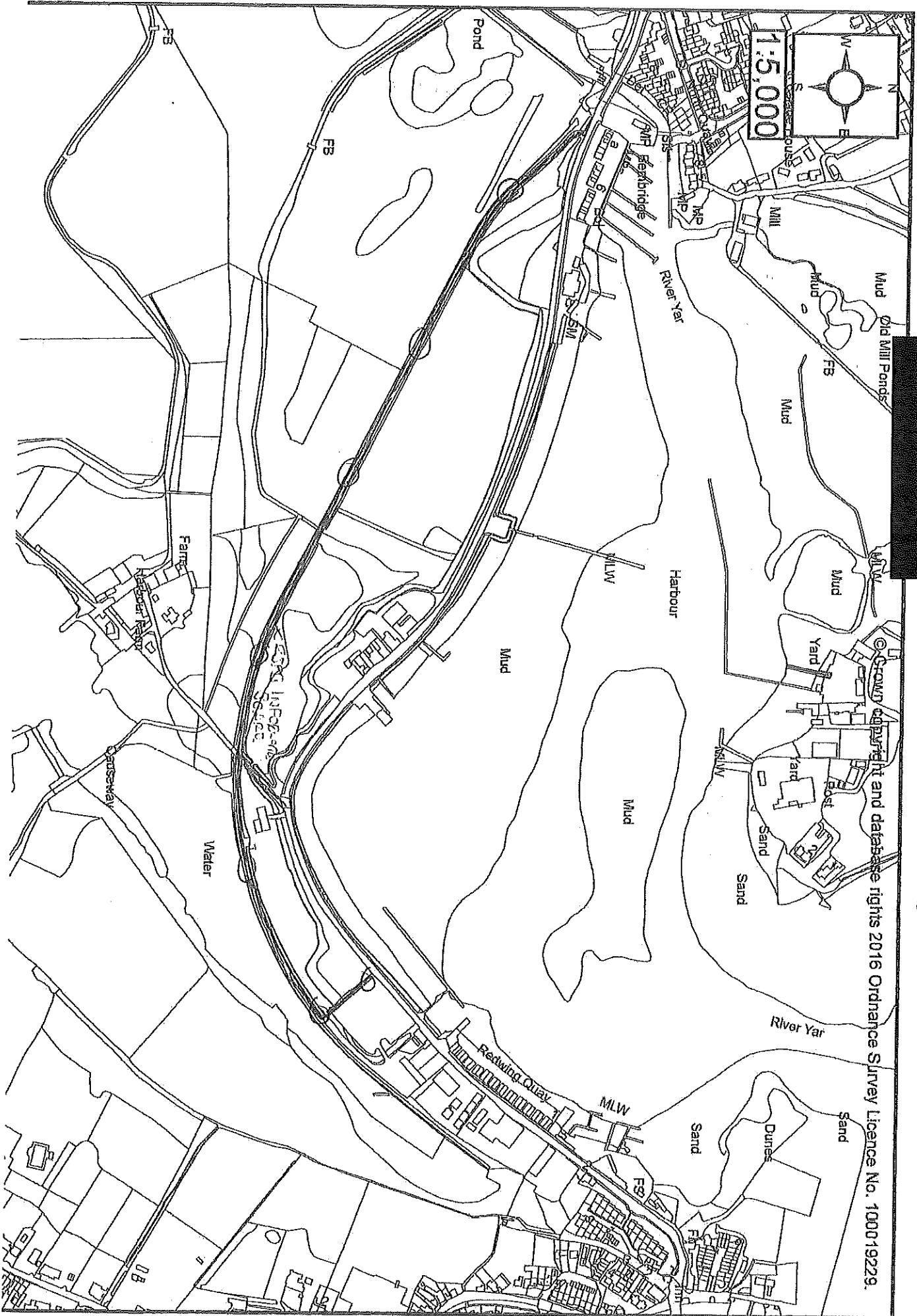
Signature of Witness: ..  ..

Print Full Name: ..... ALAN DAVID BLENKINSOP ..

Date of statement: ..... 3/12/2016 ..

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



1:5,000

Mud Old Mill Ponds  
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 MLW  
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 Yard  
 Sand  
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 River Yar  
 Sand  
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 Redwing Quay  
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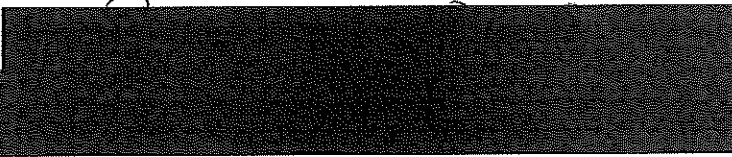
**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: CLARE BLENKINSOP

Address (including postcode): 

Telephone: (Home) .....

(Work) N/A

(Mobile) 

Preferred number and time to be contacted: MOBILE-EVES

Email: N/A

Date of Birth: 

Occupation: .....

**Description of Path:**

From: ST HELENS

To: BEMBRIDGE

VIA OLD RAILWAY ROUTE

Believed status of path: PERMISSIVE PATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>7 YRS</p>	
<p>2. How wide is the way?</p>	<p>VARIES BETWEEN</p>	<p>6 FT to 2 FT</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>2009 - PRESENT</p> <p>BEMBRIDGE, ST HELENS</p> <p>LEISURE</p> <p>SEVERAL</p> <p>FOOT</p>	
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>AS FAR AS I AM</p>	<p>AWARE</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>	
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>	

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>ONLY THE RSPB INFORMATION BOARD</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

**DISCLOSURE OF INFORMATION:**

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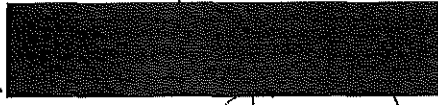
<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: ..



Print Full Name: ..

CHARE BLEINKINSOP

Date of statement: ..

3/12/16

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: MRS LESLEY BOOTH

Address (including postcode):

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: [REDACTED]

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: HAIRDRESSER

### Description of Path:

From: BEM to St. Helens

To: [REDACTED]

Believed status of path: FOOTPATH/BRIDLEWAY

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>30+</p>
<p>2. How wide is the way?</p>	<p>About 12 feet</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1986 - 2016</p> <p>REMBRIDGE - ST. HELENS</p> <p>WALKING</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: ...  .....

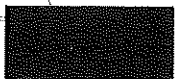
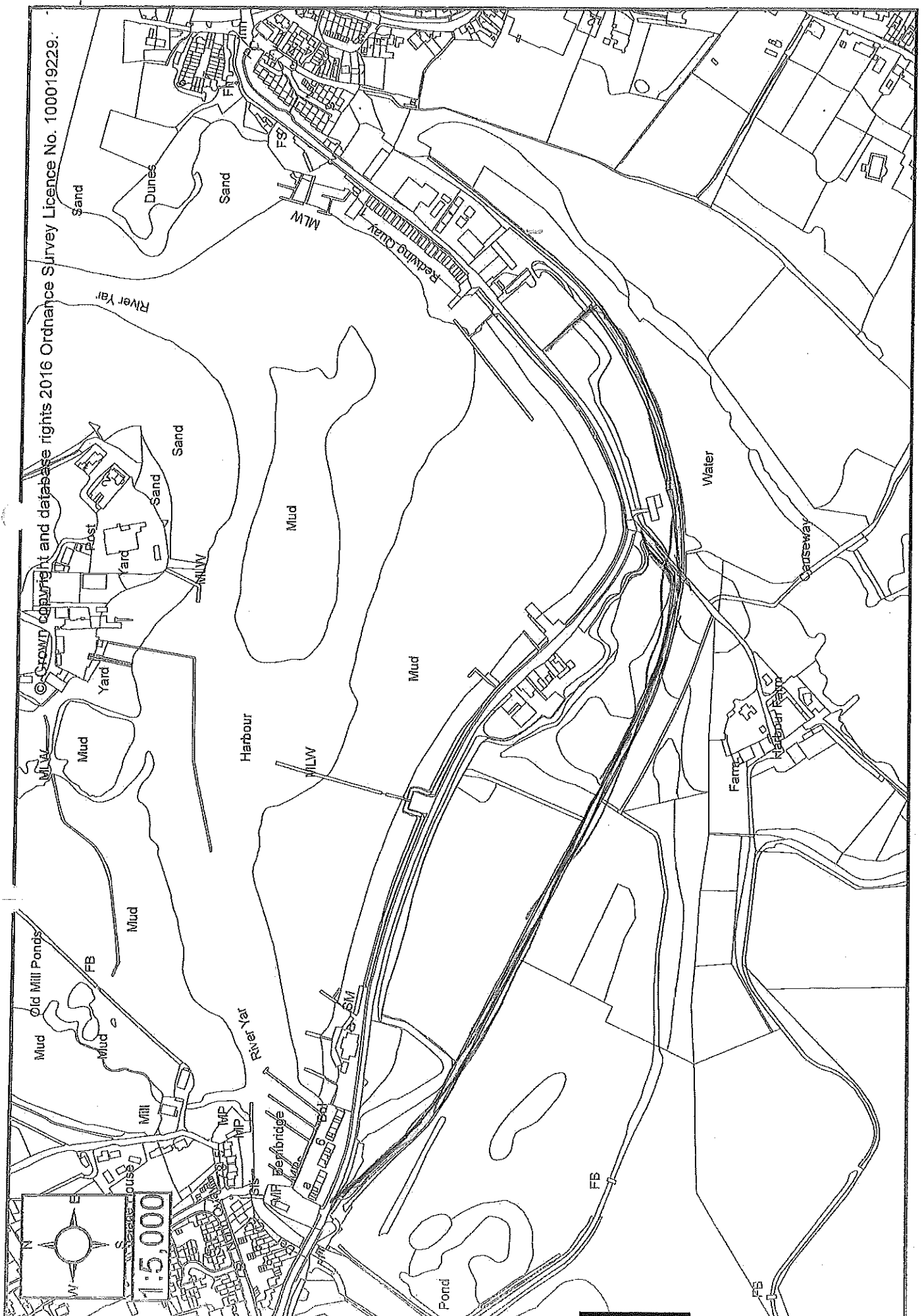
Print Full Name: ... LESLEY ANNE BOOTH .....

Date of statement: ... 13<sup>th</sup> Dec 2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: RICHARD JAMES MORTEN BOND

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: MOB / DAY

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: RETIRED

### Description of Path:

From: ST HELENS

To: BRIDGE

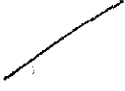
Believed status of path: FOOT PATH  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>15</p>
<p>2. How wide is the way?</p>	<p>6 ft.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES.</p> <p>2001 - 2016</p> <p>BETWEEN ST HELENS + BERRIDGE - BOTH WAYS</p> <p>PLEASURE</p> <p>12</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use the way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

14. Please give any further information concerning the way which you consider to be relevant:

SAFE AND PLEASANT  
WALK BETWEEN THE  
TWO VILLAGES AWAY  
FROM THE BUSY  
EMBANKMENT ROAD.

**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

Please make any comments regarding Disclosure of Information here  
(if you have no comments please state "none"):

NONE

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... RICHARD JAMES HORTON BOND .....

Date of statement: ..... 03/12/16 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: Steven Frank Brooks

Address (including postcode): ..... [REDACTED]

Telephone: (Home) ..... [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: Any

Email: ..... [REDACTED]

Date of Birth: ..... [REDACTED]

Occupation: Carpenter / Joiner

### Description of Path:

From: House boats, car park, Embankment Road

To: Yar bridge, St Helens

Believed status of path: bridleway / byway  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>yes</p> <p>about 40 yrs.</p>
<p>2. How wide is the way?</p>	<p>Approx 3m - 4m</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1976 - present</p> <p>Gathering blackberries behind BTTC carpark And riding my bike.</p> <p>probably 1 x a week</p> <p>bicycle / m / cycle / horse / walk</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes, although it was also included in the marshes area, as it was known.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>Not that I remember.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	
<p>12. Have you ever sought or been given permission to use they way?</p>	
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	



14. Please give any further information concerning the way which you consider to be relevant:

As a member of the local community, I would be disappointed if the way was to close as I see it as

a good alternative for cycling along the Embankment Rd and delaying motorists.

**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

None

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

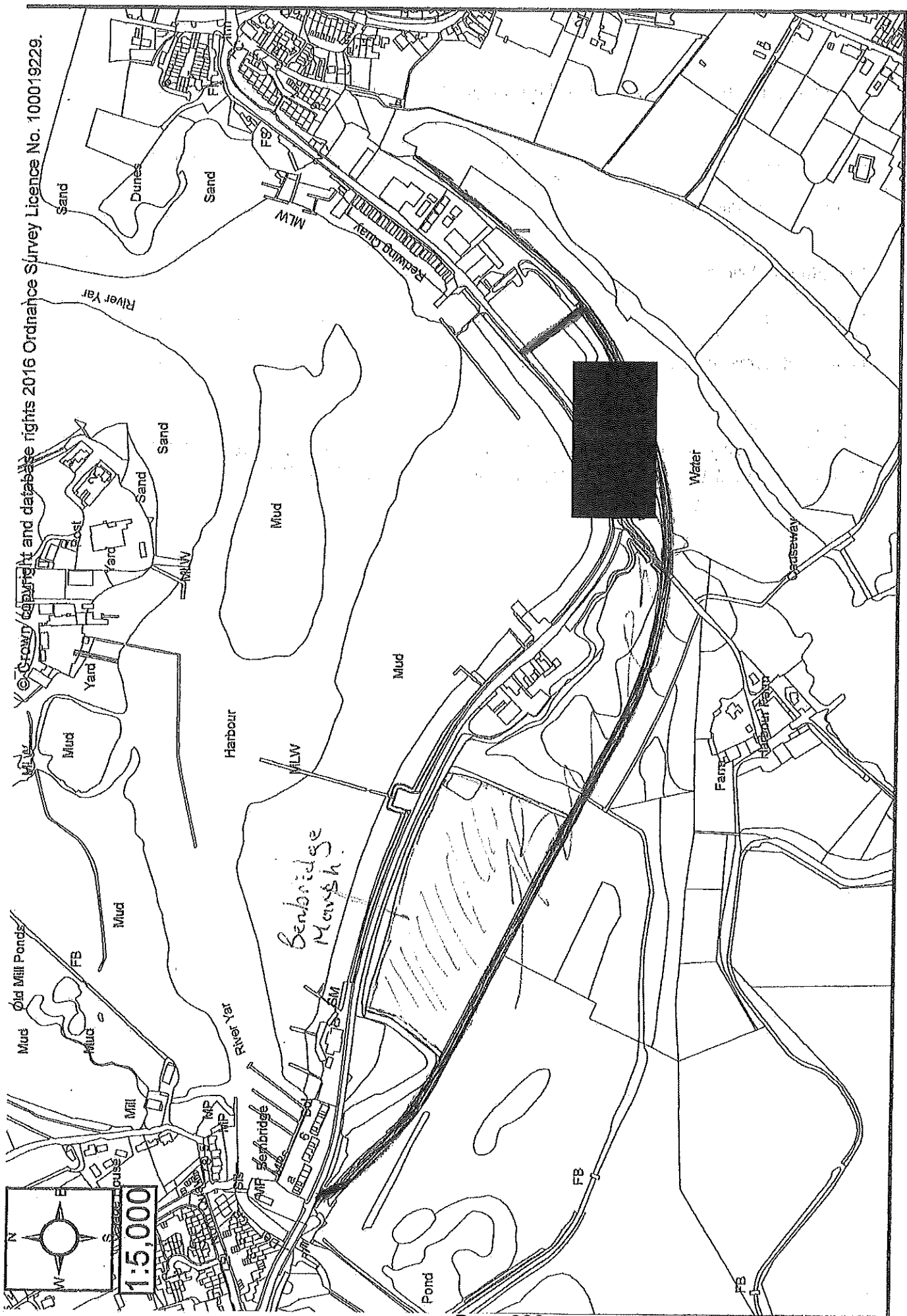
Signature of Witness: .....  .....

Print Full Name: ..... STEVE BROOKS .....  
.....

Date of statement: ..... 2/12/16 .....  
.....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



[Hatched Area] = Benbridge Marshes, used to ride all over here too.



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... JAMES BULLIN .....

Address (including postcode) .....

Telephone: (Home) ..... [REDACTED] .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: ..... [REDACTED] .....

Occupation: ..... retired .....

### Description of Path:

From: ..... Disused railway track .....

..... embankment road, St. Helens .....

To: ..... Boat yard, Embankment road .....

..... Benbridge .....


Believed status of path: ..... Foot path .....

(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>50+ years</p>
<p>2. How wide is the way?</p>	<p>2 to 3 metres</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1960s onwards.</p> <p>St. Helens ↔ Bordenidge</p> <p>recreation</p> <p>20+</p> <p>foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p> <hr/>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>5</p> <p>NONE</p>
--



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: ..... 

Print Full Name: ..... JAMES BULLIN

Date of statement: ..... 18.11.2016

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ROY BURROWS

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) N/A

(Mobile) [REDACTED]

Preferred number and time to be contacted: mobile

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: RETIRED

### Description of Path:

From: A (as shown on attached map)

To: B (as shown on attached map)

Believed status of path: FOOTPATH

(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>&gt; 30.</p>
<p>2. How wide is the way?</p>	<p>Approx 1 metre</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1987 - 2016</p> <p>HOME - THE DUVER - HOME</p> <p>RECREATION / BIRD WATCHING</p> <p>&gt; 25.</p> <p>FOOT.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>N/A.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>A permanent notice board identifying special natural history.</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>N/A</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>I believe Northides was the land owner.</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>Everme I know believes there is a right of way.</p>
--	--

**DISCLOSURE OF INFORMATION:**

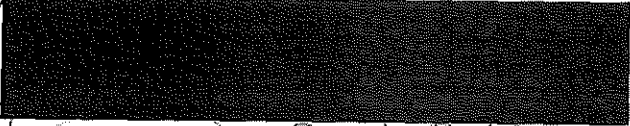
Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: 

Print Full Name: .....

ROY BURROWS

Date of statement: .....

22.1.17

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ALASOPIR JAMES CAMPBELL

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: Home 9-5

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: RETIRED

### Description of Path:

From: ST HELENS OPPOSITE THE QUAY

Was The Old RAILWAY LINE

To: BEMBRIDGE (BEHIND BOATYARDS)

Believed status of path: FOOTPATH BRIDLEWAY  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>40 YEARS</p>
<p>2. How wide is the way?</p>	<p>6<sup>FT</sup> TO 8<sup>FT</sup></p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>2007 - 2016</p> <p>ST HELENS TO BARNARDOS</p> <p>WALKING DOGS</p> <p>40</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>—</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

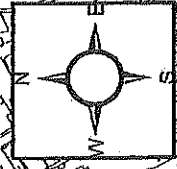
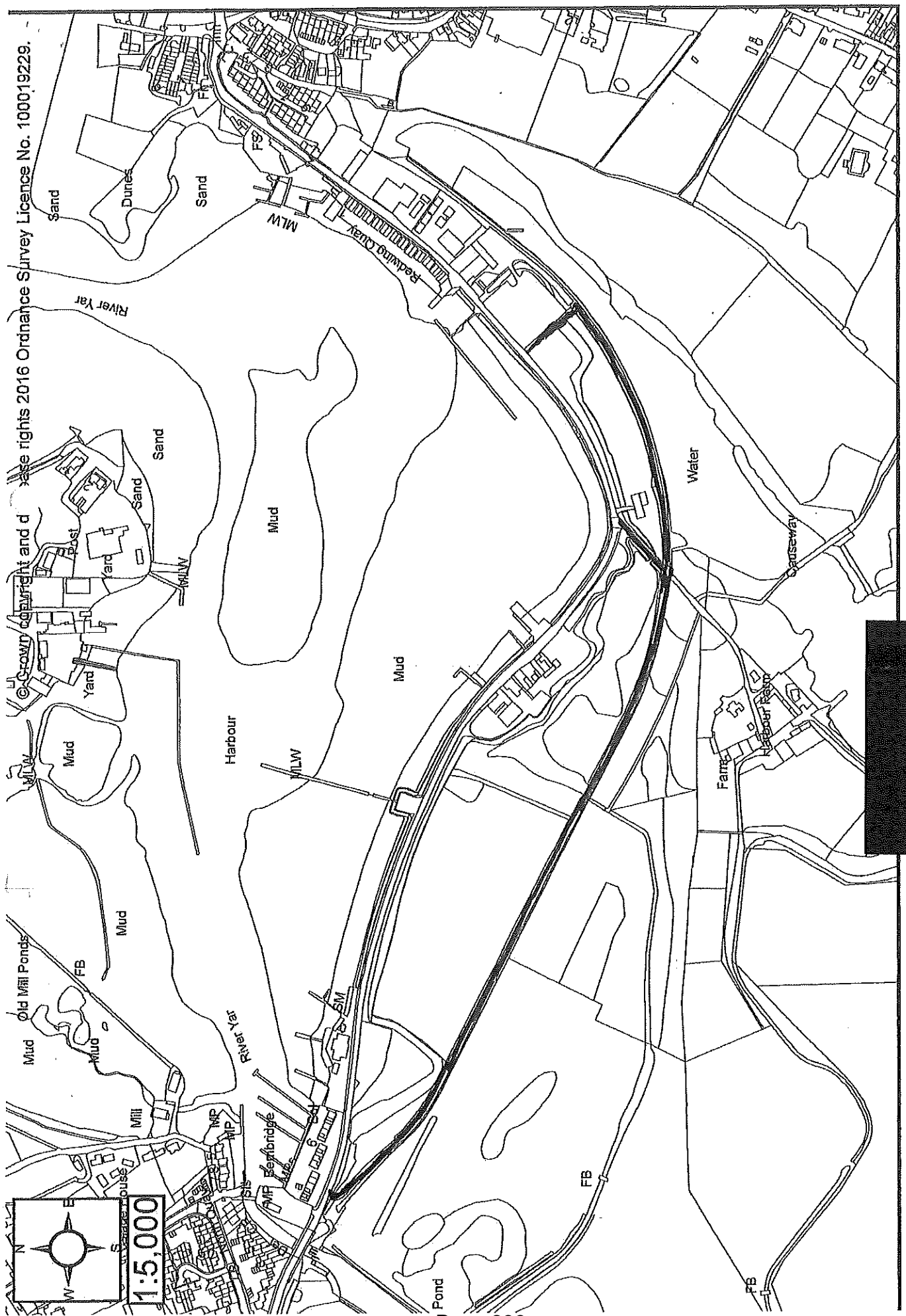
Signature of Witness: .....  .....

Print Full Name: ..... ALAN ..... JOHN ..... CAMERON .....

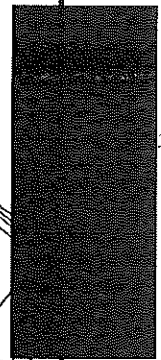
Date of statement: ..... 23 - 11 - 16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



1:5,000







**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: MICHAEL CARLINE

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: DAYTIME

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: RETIRED

**Description of Path:**

From: EMBANKMENT ROAD, ST HELENS

To: EMBANKMENT ROAD, BEMBRIDGE

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>OVER 40 YEARS</p>
<p>2. How wide is the way?</p>	<p>SURFACED PATH VARIES FROM 0.5 - 2.0m approx</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1970's - DATE</p> <p>ST. HELENS - BEMBRIDGE.</p> <p>LEISURE.</p> <p>OVER 200.</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>N/A.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>A. RSTB BRADING MARSHES BEMBRIDGE LAGOONS B. BEMBRIDGE LAGOONS INFORMATION BOARD</p>
<p>12. Have you ever sought or been given permission to use the way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

14. Please give any further information concerning the way which you consider to be relevant:

I WALK THE PATH REGULARLY  
AND USUALLY ENCOUNTER  
OTHER WALKERS ON THE  
ROUTE.

RECENTLY THE PATH VERGES  
HAVE BEEN CLEARED OF  
OVERGROWN FOLIAGE FOR  
A SIGNIFICANT PART OF ITS  
LENGTH.

**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here  
(if you have no comments please state "none"):

NONE.

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... MICHAEL CARLINE .....

Date of statement: ..... 9.12.16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: DAVID CHARLES CASSELL

Address (including postcode): ...  
[REDACTED]

Telephone: (Home) .....  
[REDACTED]

(Work) .....

(Mobile) .....  
[REDACTED]

Preferred number and time to be contacted: .....

Email: .....  
[REDACTED]

Date of Birth: .....  
[REDACTED]

Occupation: Retired

Description of Path:

From: St Helens bridge

To: Berbridge

Believed status of path: Bridle way

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>Since the late 1950's with my father</p>
<p>2. How wide is the way?</p>	<p>6-8'</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1958 &amp; until approx 1968</p> <p>Walking to Benbridge &amp; back.</p> <p>Family walks</p> <p>6-8</p> <p>On foot but bike in the later years</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>Not that I remember</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	No
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	No
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	No
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	No
<p>12. Have you ever sought or been given permission to use they way?</p>	No
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	No

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

*None*

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

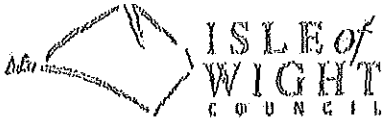
Signature of Witness  .....

Print Full Name: ..... David Cassell .....

Date of statement: ..... 24.11.16 .....

**IMPORTANT:**  
PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.





PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM

IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: Simon Daniel Coombes

Address (including postcode): [REDACTED]

Telephone: (Home) .....

(Work) .....

(Mobile) .. [REDACTED] .....

Preferred number and time to be contacted: .....

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: Retailer

Description of Path:

From: East Bank of the Yar River just after sluice gate at St Helens following dis-used Railway track  
To: Bea bridge - Embankment Road, specifically directly opposite large Red House boat

Believed status of path: Bridleway until Harbour Farm - then (e.g. footpath, bridleway, byway open to all traffic) Footpath

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>All my lifetime</p>
<p>2. How wide is the way?</p>	<p>1-2 meter</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Day walking, Pleasure walking, Commuting, as a way of getting from St Helens to<sup>to</sup> Bembridge, Bike ride</p> <p>1983<sup>(19)</sup><sub>(Prun)</sub> - 2016</p> <p>St Helens - Bembridge</p> <p>see above</p> <p>Now 4-6 when living in St Helens, 10+</p> <p>Foot, Bike</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	NO
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	NO
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	NO
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	NO
<p>12. Have you ever sought or been given permission to use they way?</p>	NO
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	NO

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>			
--	--	--	--

**DISCLOSURE OF INFORMATION:**


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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>	
---	--



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness:  .....

Print Full Name: ..... S COOMBS

Date of statement: ..... 23-11-16

**IMPORTANT:**  
PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.



# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: MARTIN ALAN COOMBER

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: [REDACTED] (OFFICE HOURS)

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: YACHT CHANDLER

### Description of Path:

From: EMBANKMENT ROAD, ST. HELENS

To: BOATYARD, EMBANKMENT ROAD, BEMBRIDGE

Believed status of path: BRIDLEWAY  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

1(a).	Have you known the way as public? <b>YES</b>	
1(b).	If so, for how many years? <b>SINCE 1953</b>	<b>(63 YEARS)</b>
2.	How wide is the way?	<b>VARIES</b>
3.	<p>Have <u>you used</u> the way? <b>YES!</b></p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p><b>1954-2016</b></p> <p><b>ST. HELENS TO BEMBRIDGE + RETURN</b></p> <p><b>LEISURE, DOG-WALKING, BIRD WATCHING GETTING TO/ FROM WORK MANY TIMES</b></p> <p><b>ON FOOT, OCCASIONALLY CYCLE</b></p>
4.	<p>(a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<b>YES</b>
5.	Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.	<b>NO</b>
6.	At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.	<b>NO</b>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>			
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	NO		
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	NO		
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	NO		
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	NO		
<p>12. Have you ever sought or been given permission to use they way?</p>	NO		
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	NO		

14. Please give any further information concerning the way which you consider to be relevant:

I HAVE USED THIS DATA ALL MY LIFE  
IT HAS BEEN PARTICULARLY USEFUL AT TIMES  
WHEN THE ROAD HAS BEEN CLOSED TO TRAFFIC  
BETWEEN ST. HELENS + BEARBRIDGE AND TO  
GET TO WORK ON THE SUBSTANTIAL  
(BON END)

IT IS ALSO A SCENIC DATA ENJOYED BY MANY  
LOCALS AND VISITORS ALIKE FOR THE PAST  
63 YEARS!

**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here  
(if you have no comments please state "none"):



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~<sup>am</sup> willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: 

Print Full Name: ..... M. A. COOMBE

Date of statement: ..... 9/12/16

**IMPORTANT:**  
PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: Tobba COLE

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: [REDACTED]

Occupation: House wife

### Description of Path:

From: Old railway line

from St. Helens bridge

To: Wades' yard, Benbridge Embankment

Believed status of path: Bridleway  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>yes</p> <p>1970</p>
<p>2. How wide is the way?</p>	<p>2m</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>From 1970 to present day</p> <p>From St. Helens to Bembridge</p> <p>leisure, chemist avoiding traffic</p> <p>By foot and by bike</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>yes</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

~~I am~~ am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

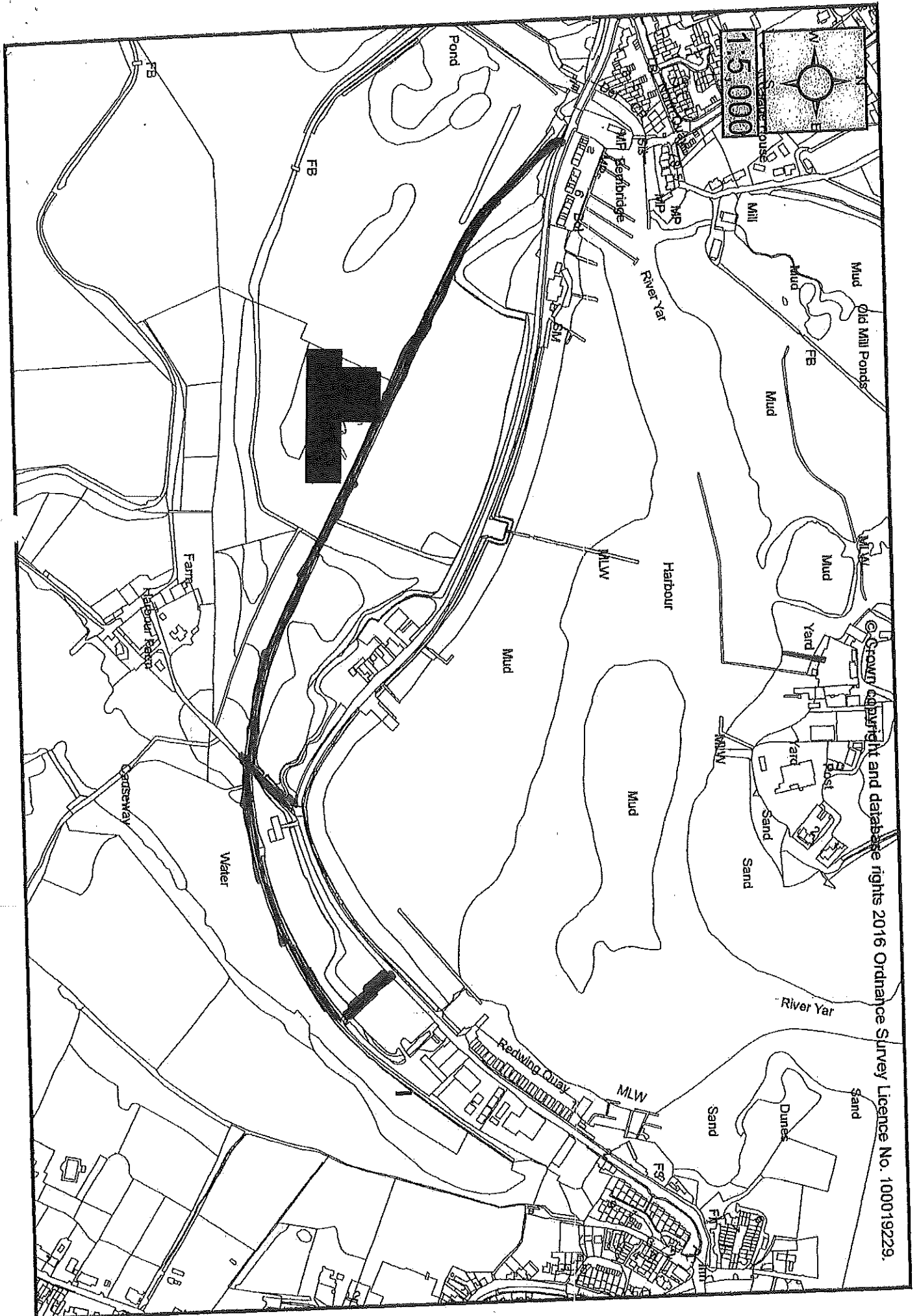
Signature of Witness:  .....

Print Full Name: .....TABBIA COLE.....

Date of statement: .....6-12-2016.....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: BRIAN MICHAEL COLE

Address (including postcode): [REDACTED]

Telephone: (Home) 01983 872998

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: [REDACTED]

Occupation: RETIRED

**Description of Path:**

From: ST HELENS BRIDGE

To: WADES BOATYARD EMBANKMENT RD  
BEMBRIDGE

Believed status of path: BRIDLEWAY  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES.</p> <p>NO YEARS.</p>
<p>2. How wide is the way?</p>	<p>2 METRES</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1975 - PRESENT</p> <p>ST. HELENS - BEMBRIDGE</p> <p>LEISURE</p> <p>50.</p> <p>FOOT / BICYCLE.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">No</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

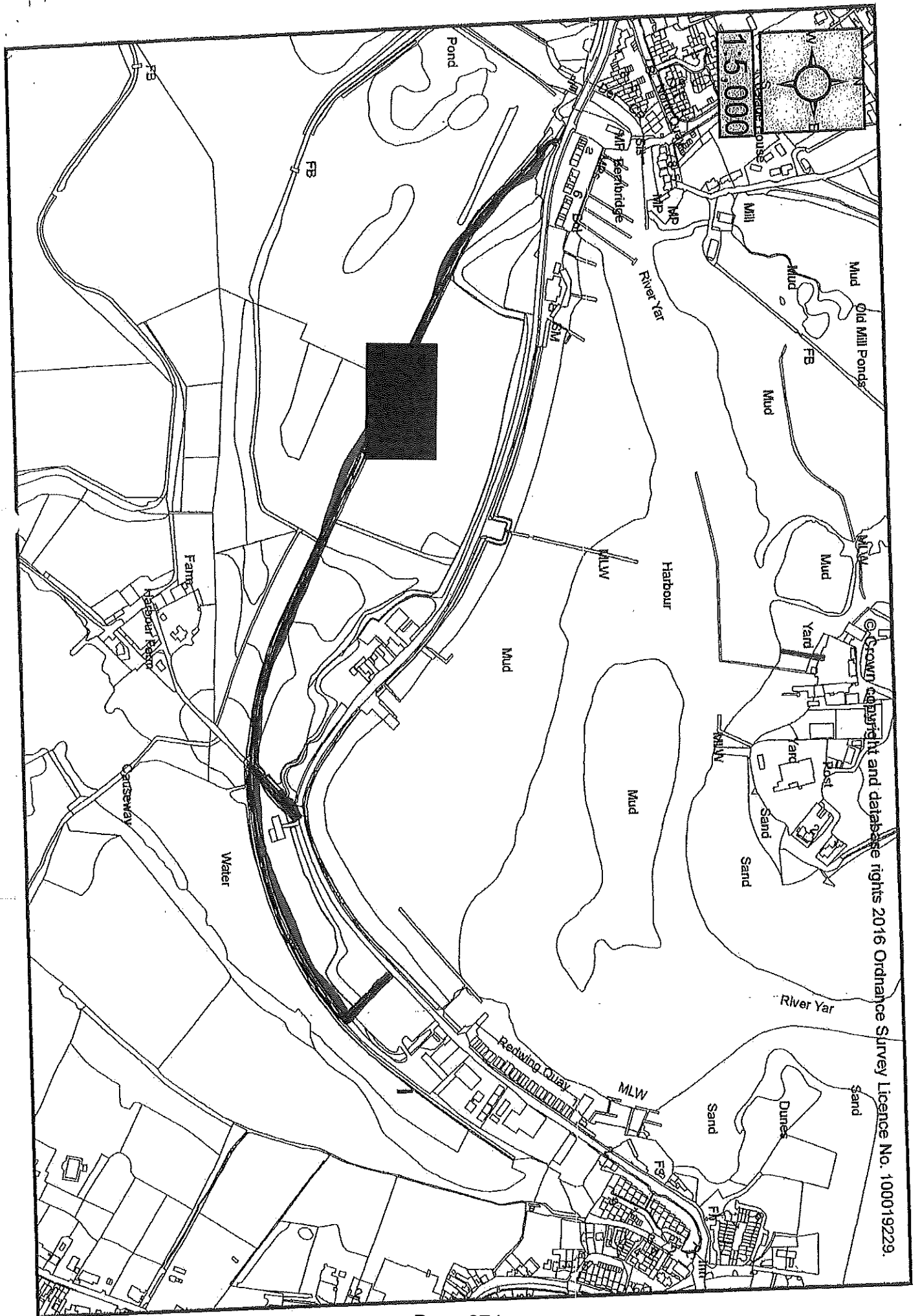
Signature of Witness: .....  .....

Print Full Name: ..... *BRIAN MICHAEL COVE* .....

Date of statement: ..... *9-12-2016* .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



15,000

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: Mr D. CORNEY

Address (including postcode)

Telephone: (Home) .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: MOBILE

Email: .....

Date of Birth: .....

Occupation: HAULIER

### Description of Path:

From: River 405 Otterdens & HARMON FARM lane

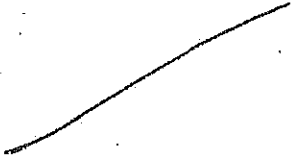
To: .....

Believed status of path: Footpath/Bridleway

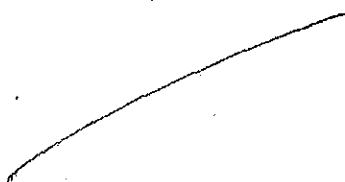
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>about 40</p>
<p>2. How wide is the way?</p>	<p>Enough for 2 horses to ride together</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes</p> <p>about 1970 to present</p> <p>Bowbridge to St Helen</p> <p>Milking</p> <p>Many</p> <p>Foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness  .....

Print Full Name: ..... DAVID CORNOY .....

Date of statement: ..... 30.11.16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ROGER GEORGE CURTIS

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: ANY

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: RETIRED

**Description of Path:**

From: ST HELENS YAR BRIDGE

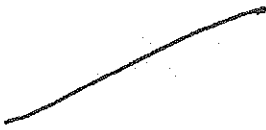
To: DEMBRIDGE HARBOUR - EMBANKMENT ROAD

Believed status of path: PUBLIC FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>10 YEARS</p>
<p>2. How wide is the way?</p>	<p>VARYING PER SEASON 3 foot to 10 foot</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>2006 - 2016</p> <p>TRAVELLED IN BOTH DIRECTIONS</p> <p>PLEASURE</p> <p>SEVERAL</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES IT FOLLOWS AN OLD RAILWAY LINE</p> <p>NONE KNOWN</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NOT TO MY KNOWLEDGE</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>A NO</p> <p>B NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use the way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>THIS ROUTE FOLLOWS AN OLD RAILWAY TRACK AND TAKES THE WALKER AWAY FROM A VERY BUSY ROAD WHICH HAS A NARROW FOOTPATH ON ONE SIDE ONLY</p>
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**DISCLOSURE OF INFORMATION:**

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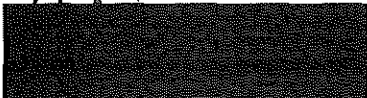
Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

NONE



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

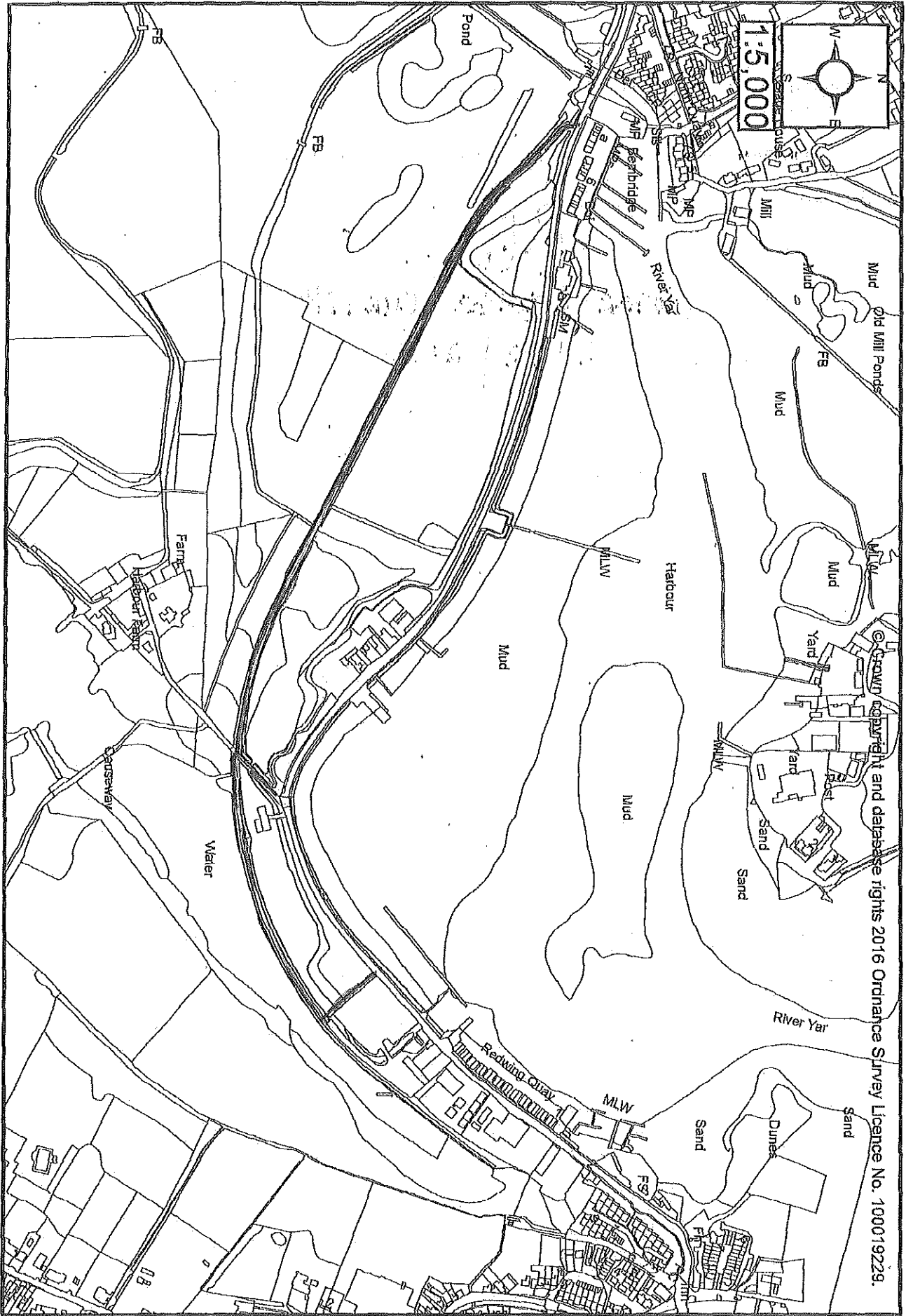
I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: .....  .....

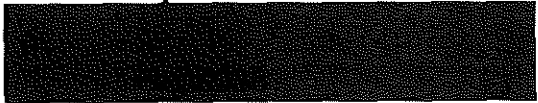
Print Full Name: ..... ROGER GEORGE CURTIS .....

Date of statement: ..... 2/12/2016 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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01

## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ... CAROLINE W DEATH

Address (including postcode): ...

Telephone: (Home) .....

(Work) .....

(Mobile) ...

Preferred number and time to be contacted: Anytime

Email: ...

Date of Birth: ...

Occupation: Funeral Director

### Description of Path:

From: Footpath off Helens - River yard

To: Benslade

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>43 years</p>
<p>2. How wide is the way?</p>	<p>6ft</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes</p> <p>2000 - present day</p> <p>St. Helens → Bensbridge &amp; return</p> <p>Dog walking &amp; walking home to Bensbridge</p> <p>6</p> <p>Foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes.</p> <p>N/A</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO.</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>N/A</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO.</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

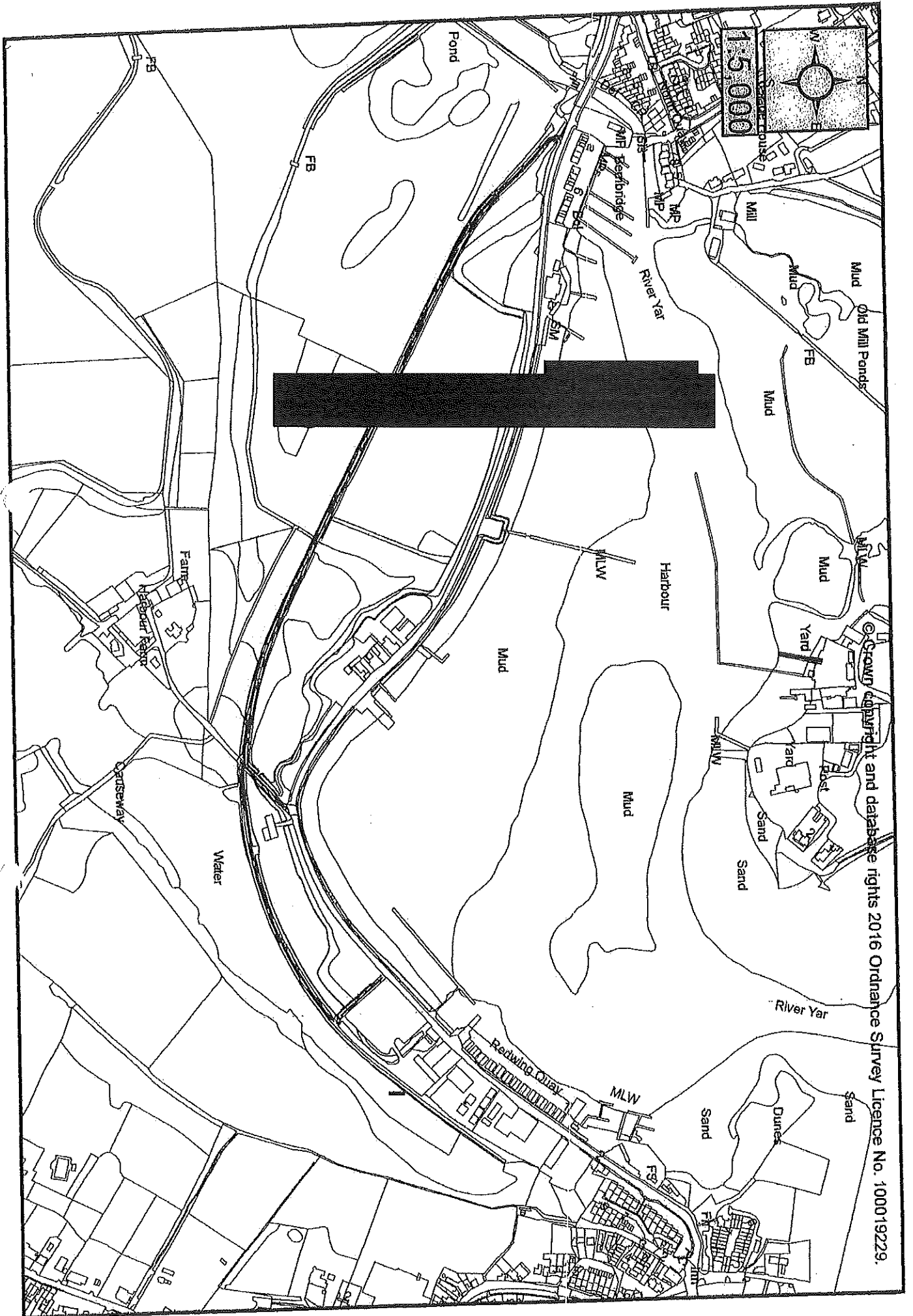
Signature of Witness:  .....

Print Full Name: ..... CAROLINE DEATCH .....

Date of statement: ..... 23.11.16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... MR GIVE DOVE .....

Address (including postcode): ..... [REDACTED] .....

Telephone: (Home) ..... [REDACTED] .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: ..... A.M. ....

Email: .....

Date of Birth: ..... [REDACTED] .....

Occupation: ..... RETIRED .....

### Description of Path:

From: ..... EMBANKMENT RD .....

..... ST HELENS I.W. ....

To: ..... BOATYARD .....

..... EMBANKMENT RD BEMBRIDGE .....

Believed status of path: ..... DISUSED RAILWAY TRACK .....

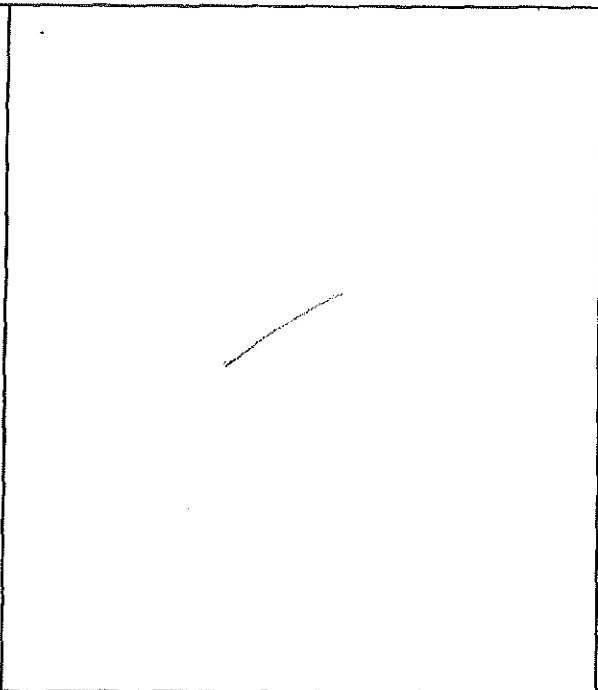
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>1965 TO PRESENT</p>
<p>2. How wide is the way?</p>	<p>UP TO 3 METRS.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1965 TO PRESENT</p> <p>ST HELENS TO BOATYARD BEMBRIDGE DOG WALKING 15 TO 20 ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>—</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

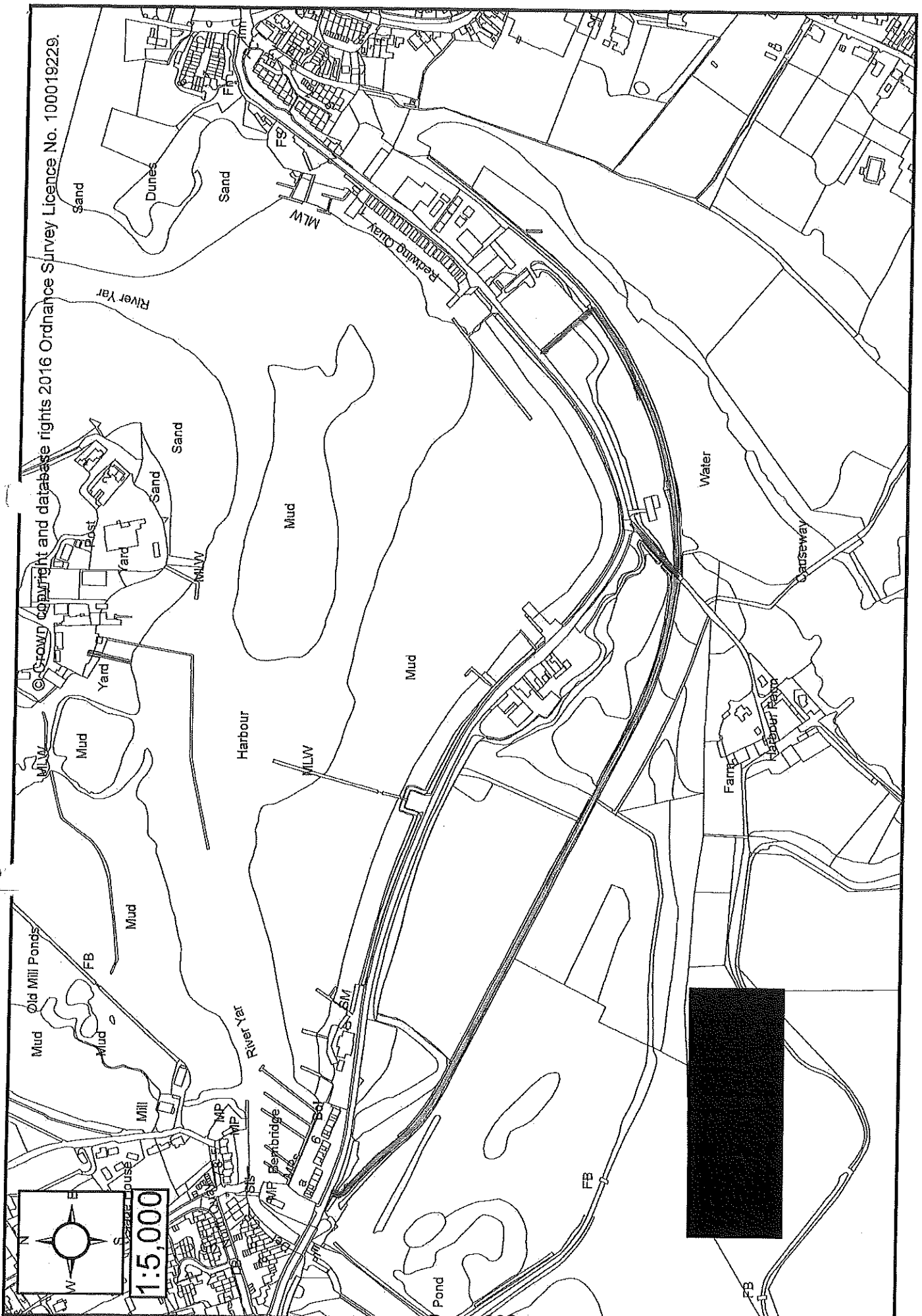
Signature of Witness: .....  .....

Print Full Name: ..... CLIVE DAVE .....

Date of statement: ..... 21/11/16 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: Jo Davis

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: At Home

Email: .....

Date of Birth: [REDACTED]

Occupation: RETIRED

### Description of Path:

From: EMBANKMENT RD

ST. HELENS

To: BOAT YARD

EMBANKMENT RD, BEMBRIDGE


Believed status of path: DISUSED RAILWAY TRACK  
(e.g. footpath, bridleway, byway open to all traffic)

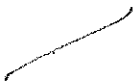
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>1965 TO PRESENT</p>
<p>2. How wide is the way?</p>	<p>UP TO 3 METRES</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1965 TO PRESENT</p> <p>ST HELMERS TO BOATYARD BURN BRIDGE DOG WALKING</p> <p>15-20</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p><i>None</i></p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness:  .....

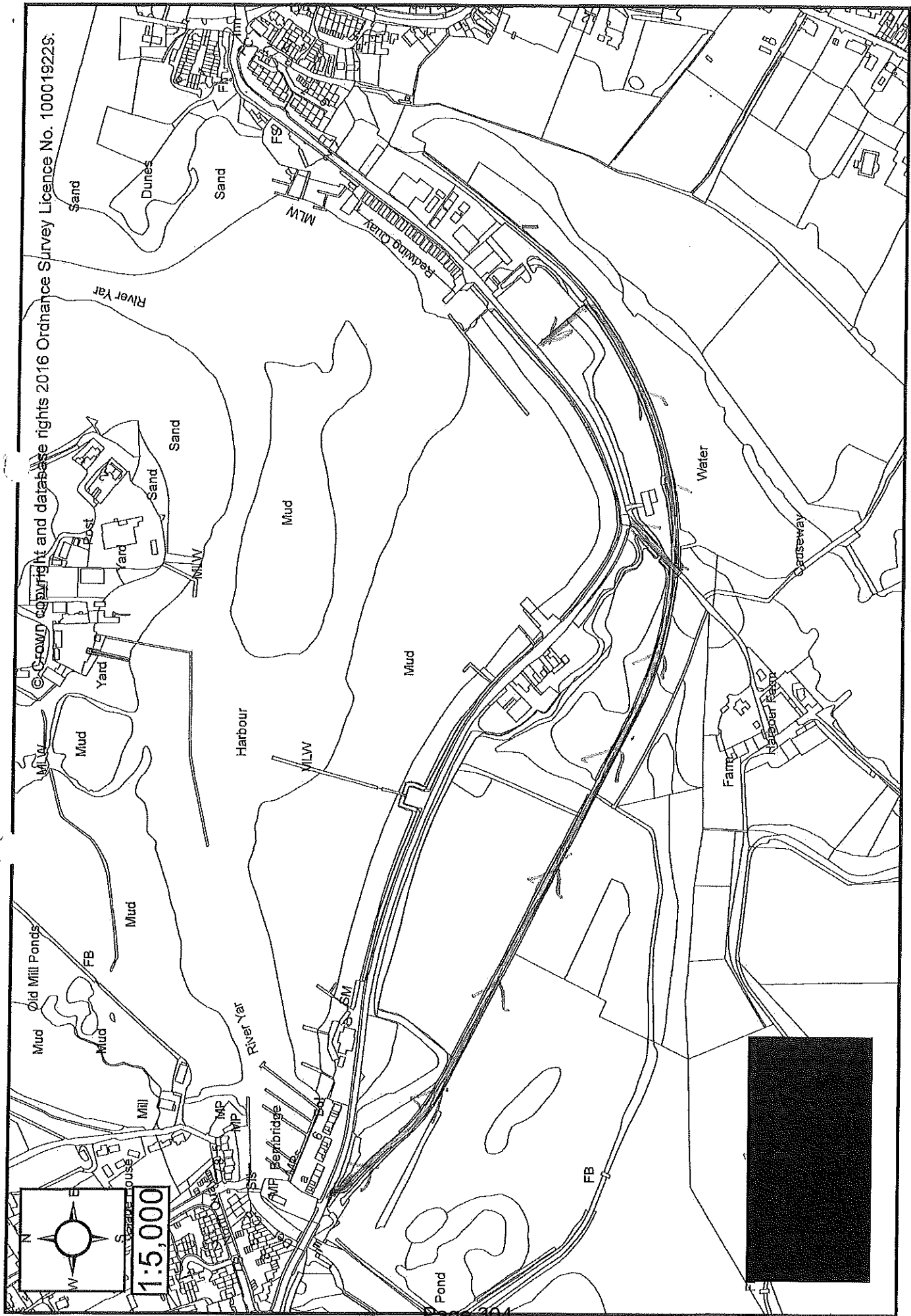
Print Full Name: JOSEPHINE LILIAN DUNE .....

Date of statement: 21/11/2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: VALERIE BERYL DUNN

Address (including postcode):

Telephone: (Home) .....

(Work) N/A

(Mobile) N/A

Preferred number and time to be contacted:

Email: .....

Date of Birth: N/A

Occupation: RETIRED

### Description of Path:

From: BACK OF BOAT SHEDS EMBANKMENT ROAD

To: ST HELENS OLD RAILWAY STATION

Believed status of path: FOOT PATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES.</p> <p>SINCE 1975 or prob longer</p>
<p>2. How wide is the way?</p>	<p>footpath width</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a). During which years? (Please be as accurate as possible)</p> <p>(b). Where were you going to and from?</p> <p>(c). For what purpose?</p> <p>(d). How many times a year?</p> <p>(e). By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1975 to 2000</p> <p>THE ROUTE MENTIONED.</p> <p>DOG WALKING</p> <p>MOST WEEKENDS.</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;"><i>none</i></p>
--



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness:



Print Full Name: NAUZIE BERYL DIER

Date of statement: 4-12-2016

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: CECIL DOUGLAS DYER

Address (including postcode):

Telephone: (Home) .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: HOME

Email: .....

Date of Birth: .....

Occupation: RETIRED

### Description of Path:

From: EMBANKMENT ROAD ST. HELENS END

GRID REF 64 88 - DISUSED RAILWAY TRACK

To: BOAT YARD, EMBANKMENT ROAD BEMBRIDGE, IW

GRID REF: 64 88

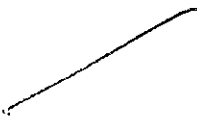
Believed status of path: FOOTPATH

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>50 YEARS</p>
<p>2. How wide is the way?</p>	<p>VARIABLES 8 FEET.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1965 TO 2016.</p> <p>TO BEMBRIDGE. FROM ST. HELENS, AND BACK WALKING.</p> <p>30</p> <p>FOOT / <del>BY BICYCLE</del> BIKE</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>NO</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>USED BY MANY WALKERS, DOG . WALKERS HORSE RIDERS FAMILY , CYCLIST. AND MANY PEOPLE ENJOYING JUST THE NATURE OF IT ALL.</p>
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~ am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

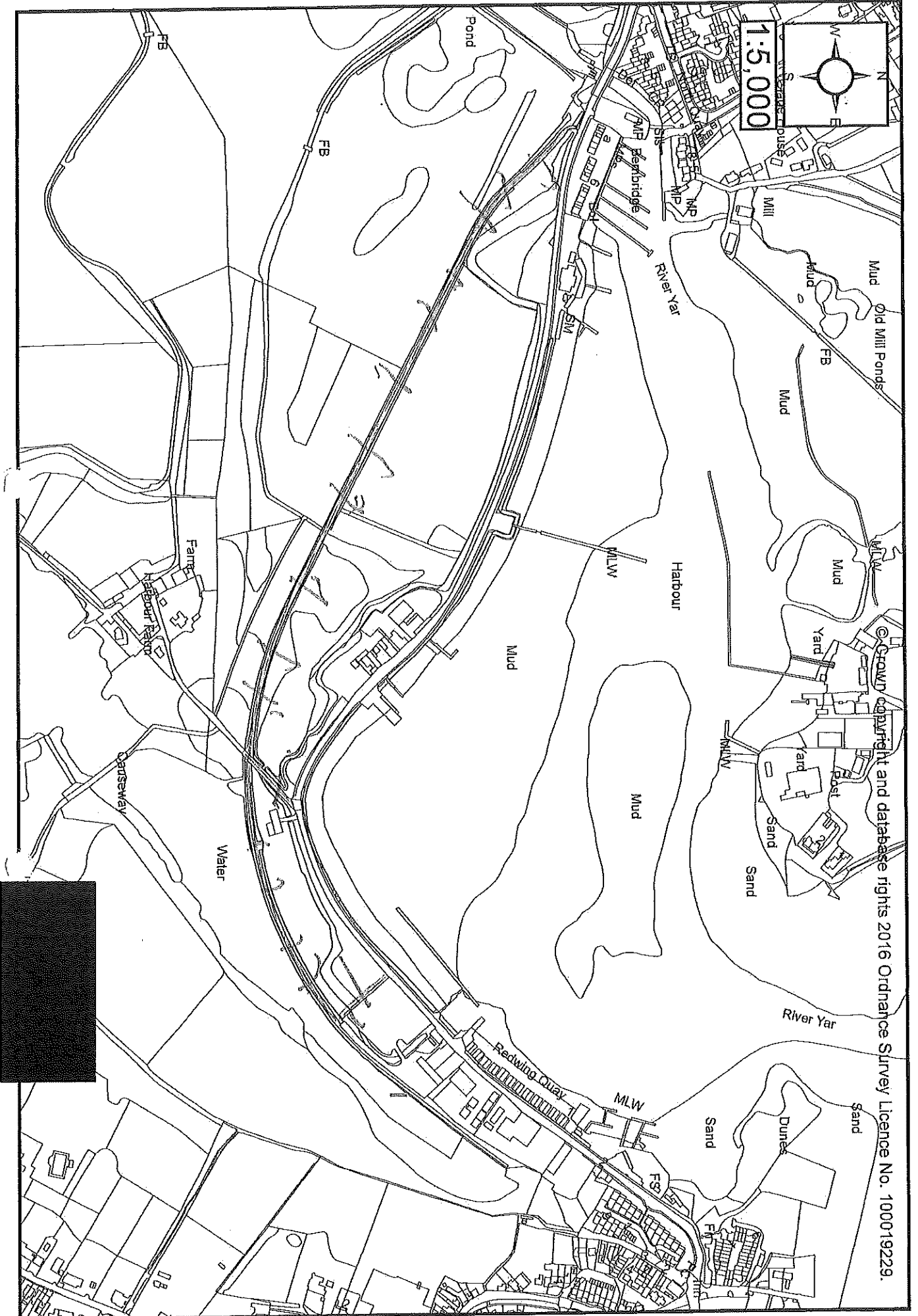
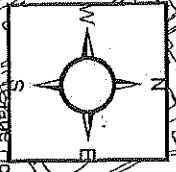
Signature of Witness: .....  .....

Print Full Name: ..... CECIL DOUGLAS DYER .....

Date of statement: ..... 18-11-2016 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

1:5,000



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# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ... Sunny Eastwick .....

Address (including postcode) [REDACTED] .....

[REDACTED]

Telephone: (Home) [REDACTED] .....

(Work) .....

(Mobile) [REDACTED] .....

Preferred number and time to be contacted: .....

Email: [REDACTED] .....

Date of Birth: [REDACTED] .....

Occupation: .....

### Description of Path:

From: St Helens .....

The Old Railway Line .....

To: BREM BRIDGE .....

Believed status of path: .....  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>60+</p>
<p>2. How wide is the way?</p>	<p>VARIES between 12ft - 5ft.</p>
<p>3. Have <u>you</u> used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>LATE 50's to NOW.</p> <p>St Helens - Bembridge</p> <p>Pleasure and walking dog.</p> <p>Too many to COUNT.</p> <p>FOOT.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>yes.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO.</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">NONE.</p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness:  .....

Print Full Name: ..... SUNNY EASTWICK .....

Date of statement: ..... 12.12.16 .....

**IMPORTANT:**  
PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ROSEMARY ANN EDWARDS

Address (including postcode):

Telephone: (Home)

(Work)

(Mobile)

Preferred number and time to be contacted: Home - daytime

Email:

Date of Birth:

Occupation: Retired

### Description of Path:

From: St. Helens (old railway line)

To: Bamburgh (near at Bamburgh Boatyard)

Believed status of path: permissive as footpath/bridleway  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>50</p>
<p>2. How wide is the way?</p>	<p>Approx 6 metres</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1966 to present day</p> <p>St. Helens to Bambridge → back</p> <p>Riding horse / walking dog</p> <p>Average twice a week</p> <p>Horse / foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>yes</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	NO
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	NO
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	NO
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	NO
<p>12. Have you ever sought or been given permission to use they way?</p>	NO
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	NO

<p>14. Please give any further information concerning the way which you consider to be relevant:</p> <p>This track follows the line of the very busy Embankment Road.</p> <p>The track is a safe way when riding a horse to avoid</p>	<p>the traffic on the road.</p> <p>This track should be given bridleway status so that horse riders can safely negotiate this area</p>
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: ..  .....

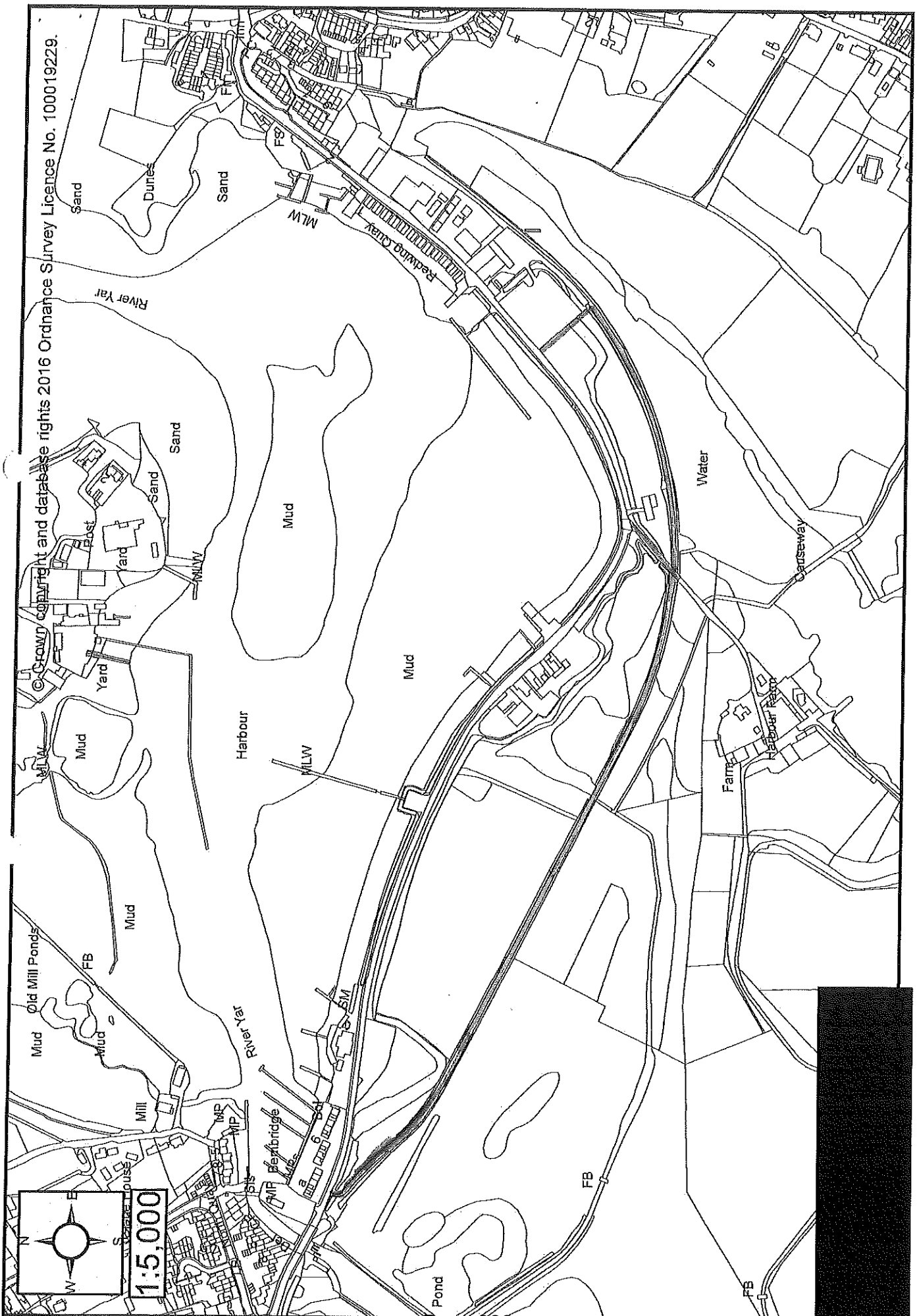
Print Full Name: ... ROSEMARY ANN EDWARDS .....

Date of statement: ... 21/11/16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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## STATEMENT

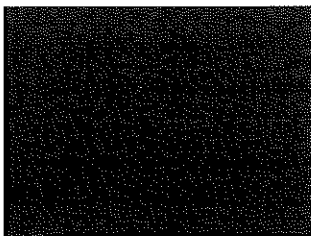
I understand that there is some conflict regarding the purpose of the 2 signs in the vicinity of the old railway line running from St Helens to Bembridge.. One is on the Water Board property adjoining the bridge and the other is located in the field on the Bembridge side of the river on land in the ownership of Mrs P. Stratton of The Station House, St. Helens.

At the time Mrs Stratton purchased the land I was working for the company (Yarland Properties Limited) that sold it to her. This land, along with Bembridge Harbour and other surrounding properties, was purchased from British Rail in 1968 by the Bembridge Harbour Improvements Company Limited and Yarland Properties Limited.

After Mrs Stratton had taken over ownership of the land on either side of the river she erected the sign which still exists in her field. This was put up to prevent the public walking alongside the river and fishing from its banks.

I can categorically state that the sign was in no way connected to preventing public access along the track to Bembridge. No part of the track has every been in Mrs Stratton's ownership and she only has a right of way across it to access her land.

Rosemary Edwards



16<sup>th</sup> January 2017



# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: SAMUEL FINCHAM

Address (including postcode): [REDACTED]  
[REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) [REDACTED]

Preferred number and time to be contacted: MOBILE

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: GOAT MAN

### Description of Path:

From: ST HELENS

.....

To: BEMBRIDGE (RUNNING BEHIND EMBANKMENT RD)


.....

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

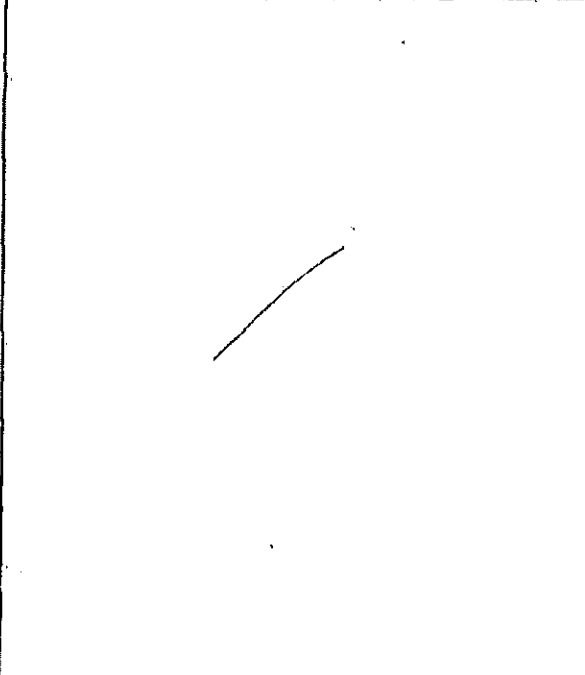
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>AS LONG AS I CAN REMEMBER</p>
<p>2. How wide is the way?</p>	<p>1-2m</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>2000 - PRESENT</p> <p>ST HELENS TO BEMBRIDGE</p> <p>WALK/RUN</p> <p>20+</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>



<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: ..  ..

Print Full Name: ..... SAMUEL FINCHAM .....

Date of statement: ..... 12.12.2016. ....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: JONATHAN FITNESS

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) [REDACTED]

Preferred number and time to be contacted: MOBILE ANYTIME

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: RAILWAY SIGNALMAN

**Description of Path:**

From: WATER SLUICE AT ST. HELENS

ON OLD RAILWAY TRACK THROUGH BRADING

To: CARPARK FOR HOUSE BOATS ADJACENT TO FIRST BOAT YARD

(MAP ATTACHED)

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>I have presumed it Public</p> <p>Approx 19 years</p>
<p>2. How wide is the way?</p>	<p>various between 8<sup>ft</sup> down to 3<sup>ft</sup></p>
<p>3. Have <u>you</u> used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes</p> <p>1997 → Present.</p> <p>St Helens to Bamberge</p> <p>shopping/pleasure walk/visiting</p> <p>10-15 times p/a</p> <p>on foot.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p> <p>No</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>YES. RSPB <del>WATER</del> READING  DETAILS  MARSHES AND BAMBURGH LAGERS  ALSO WILD LIFE INFO.</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>It is used regularly by many people.</p>
--	---

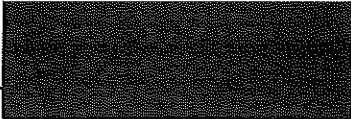
**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>None</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness:  .....

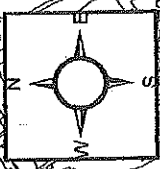
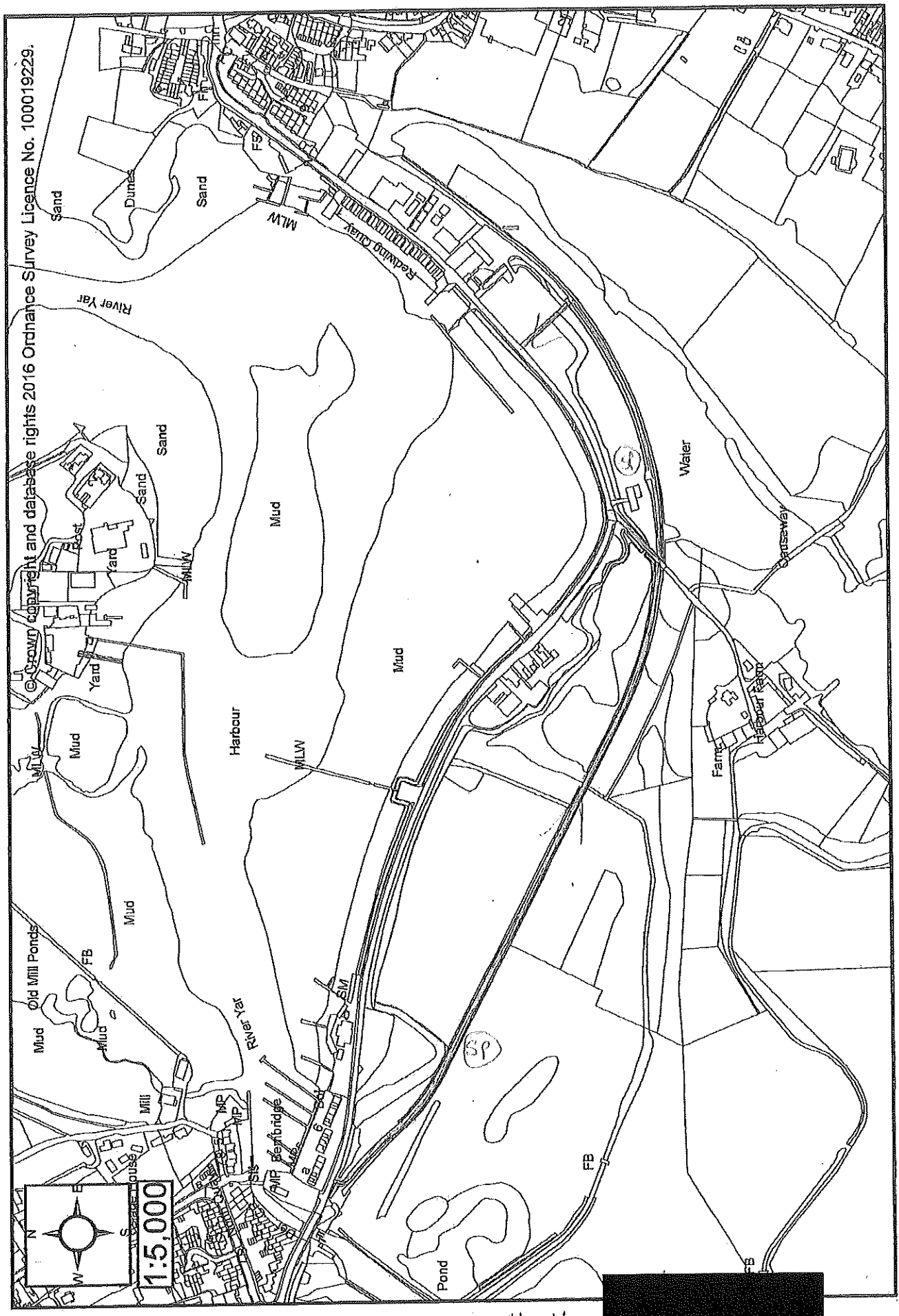
Print Full Name: JONATHAN FITNESS .....

Date of statement: 22-11-16 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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1:5,000

22-11-16



**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *Mrs Sharon Gaskin*

Address (including postcode): [Redacted]

[Redacted]

Telephone: (Home) [Redacted]

(Work) [Redacted]

(Mobile) [Redacted]

Preferred number and time to be contacted: *either*

Email: [Redacted]

Date of Birth: .....

Occupation: *Social care practitioner*

**Description of Path:**

From: *St. Helens*

.....

To: *Bembridge*

.....

Believed status of path: *footpath*  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>To my knowledge Since childhood 1965</p>
<p>2. How wide is the way?</p>	<p>Actual path varies in width at different points</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>yes</p> <p>1965 - to now 2017</p> <p>from St. Helens to Bembridge and back</p> <p>leisure / birdwatching photography</p> <p>over 300 times a year</p> <p>on foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>yes, although it now ends by metal fence opposite house back you used to continue up to copse into road where Piror boat is</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No - not at all</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p><u>NO</u> the land has always been used by the general public by walkers, cyclists horse riders and walkers</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO never, my parents and grandparents have all used it over the years Parents to Teach Children about nature and wildlife</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO to my knowledge it has always been a right of way and open to everyone to enjoy</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO = the only recent additions have been signs naming area a nature reserve</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>only recent nature reserve sign and one depicting wildlife to be found in area</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO I would not have sought permission as it has never been raised as an issue before</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO =</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p> <p>The only old sign displayed is placed on the right hand side of path by the metal gate in marshes or what used to be owned by landowner Thornycroft stating 'Private Land Trespassers will be Prosecuted'</p>	<p>This footpath is used daily by children and adults to observe nature, by keen photographers and birdwatchers all of whom enjoy the beautiful views over the marshes, fields and ponds it is respected and valued and enjoyed by many a way of escaping the busy lives we all have.</p>
---	---

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

" none "

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: ..... [REDACTED] .....

Print Full Name: ..... SHARON GASKIN .....

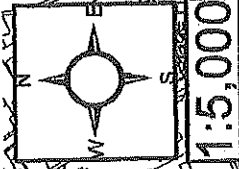
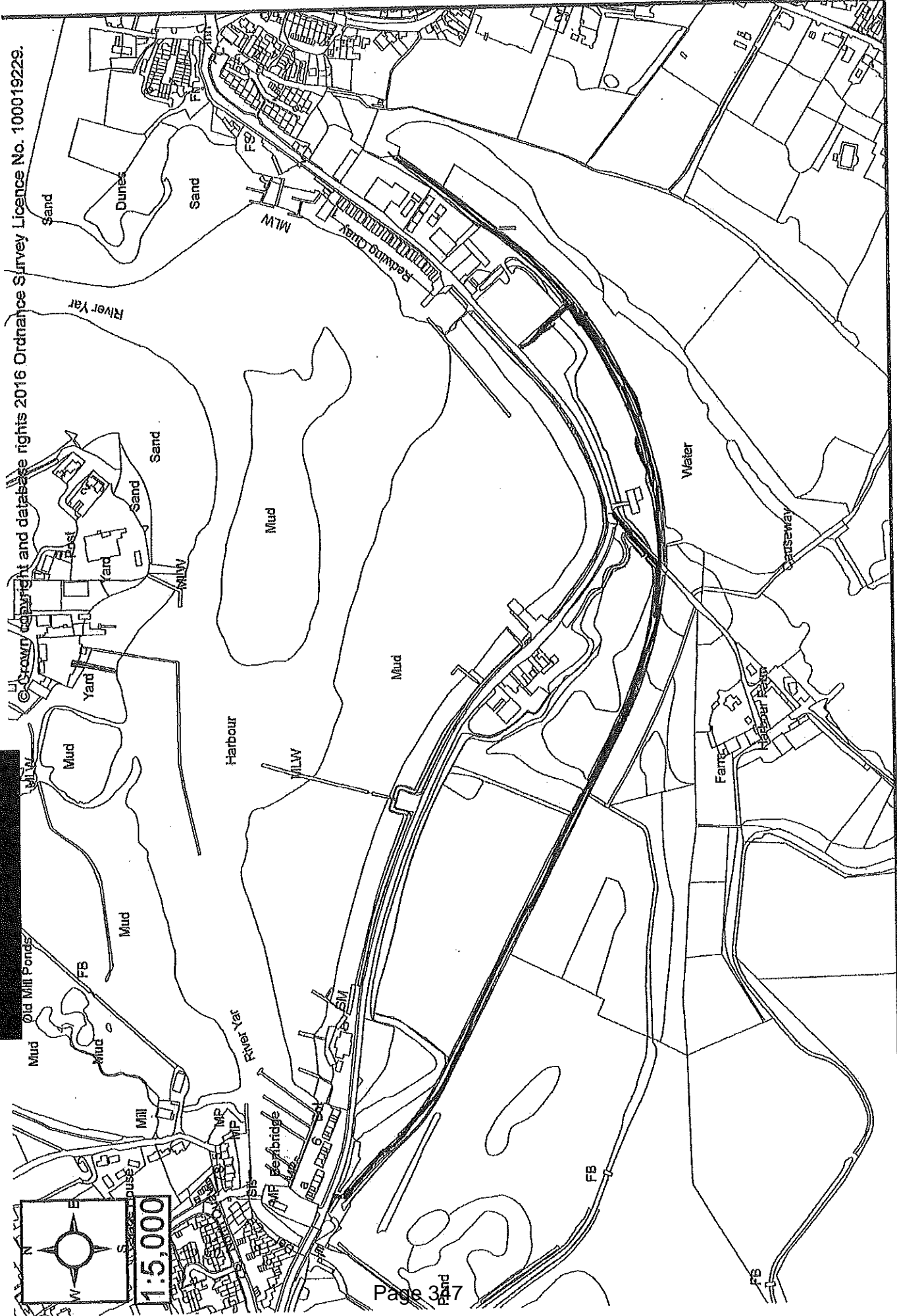
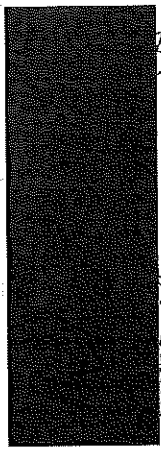
Date of statement: ..... 12/11/17 .....

**IMPORTANT:  
PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

The map attached is not very clear  
the path starts just past bridge  
over river Yar at the bottom of  
Station Road St. Helens (where old  
gas works used to be) opposite tall  
town houses on Quay behind grading  
Haven Yacht Club <sup>walk</sup> up to Harbour Farm  
across lane and continues with ponds  
either side up to car park (opposite  
Red house boat) years ago this car park  
was not here



you used to continue on  
to be a bridge now land  
used to store boats and  
is blocked off by metal  
fence





# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: George GASKIN

Address (including postcode) [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) [REDACTED]

Preferred number and time to be contacted: .....

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: Builder

### Description of Path:

From: Yerbridge St. Helens Station Rd.

To: Bembridge Boatyard.

Believed status of path: Open to the Public as a foot Path & Bridleway  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>yes.</p> <p>48 years.</p>
<p>2. How wide is the way?</p>	<p>about, in places 15<sup>FT</sup> to 20<sup>FT</sup>.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>yes.</p> <p>from 70, 80, 90, 2016.</p> <p>from ST. Helens to Bembridge.</p> <p>walking and Bird watching</p> <p>about 350 times</p> <p>foot &amp; bike,</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>yes. &amp; NO</p> <p>or went write to Bembridge due boat yard, and fence put up no access now over the years 70-80.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>NO</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO.</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO.</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO.</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO.</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>I've been told that Mr. Ballard has claimed that there are signs saying that there are no public right way over the land.  Signs refer to rivers you walk old Railway Track. Put up by land owners in the 80s stop people walking up the river bank to Bradley.</p>
--	--

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

None

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

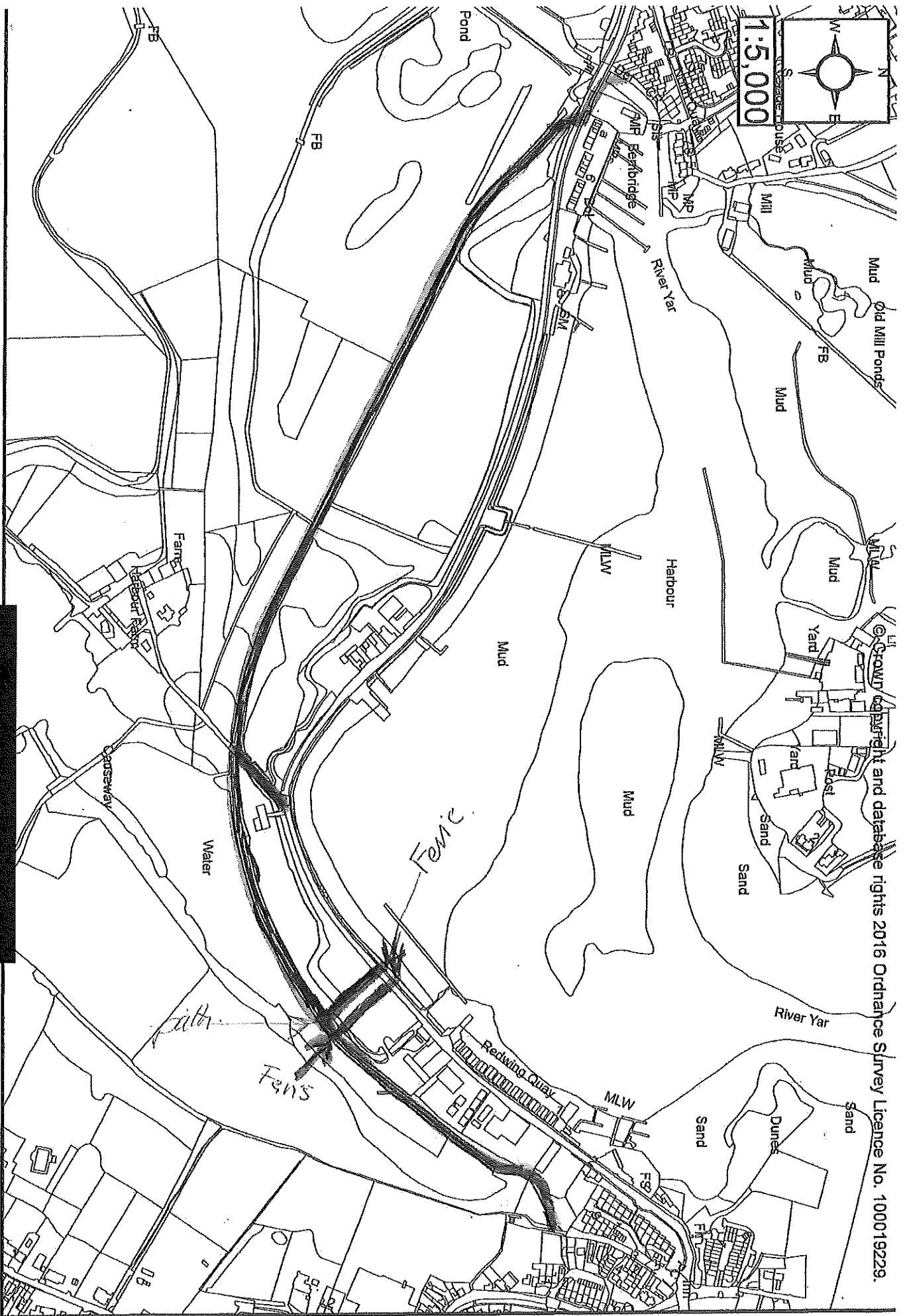
I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness:  .....

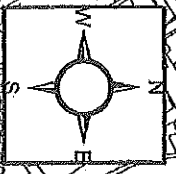
Print Full Name: GEORGE GASKIN .....

Date of statement: 20-11-2016 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



1:5,000



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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: DAVID ARTHUR GODFREY

Address (including postcode):

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: [REDACTED]

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: ENGINEER RETIRED

### Description of Path:

From: The Embankment and Runo in a westerly direction to the South of the Road

To: the River Yare

Believed status of path: Footpath

(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>yes</p> <p>fifty years</p>
<p>2. How wide is the way?</p>	<p>Between 10 feet and 5 feet</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Between 1965 to the present date</p> <p>In either direction</p> <p>Walking the dog and Recreation</p> <p>25 - 30</p> <p>on Foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>yes</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>



<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

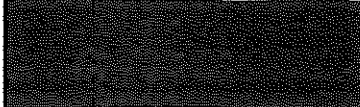
Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p><i>None</i></p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: 

Print Full Name: .....

DAVID GODFREY

Date of statement: .....

01/01/2017

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: RAYMOND JOHN GOUGH

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) —

(Mobile) —

Preferred number and time to be contacted: [REDACTED]

Email: .....

Date of Birth: [REDACTED]

Occupation: BRICKLAYER (RETIRED)

### Description of Path:

From: STARS OF EMBANKMENT ROAD

To: REDWINGS QUAY

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>40 YEARS</p>
<p>2. How wide is the way?</p>	<p>6 FT +</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>LAST 40 YEARS +</p> <p>ST HELENS TO BEMBRIDGE</p> <p>WALKING AND BIRDWATCHING</p> <p>2 OR 3</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>NO</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>GOOD BIRD WATCHING AREA</p>
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>5 NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... MR RAYMOND JOHN GOUGH .....

Date of statement: ..... 21/11/2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: Sandra Ann GOUGH

Address (including postcode): ...

Telephone: (Home) ...

(Work) ...

(Mobile) ...

Preferred number and time to be contacted:

Email: ...

Date of Birth: ...

Occupation: HOUSEWIFE

### Description of Path:

From: STARS OF EMBANKMENT  
Road

To: RED WING QUAY

Believed status of path: FOOT PATH

(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>40+ YEARS</p>
<p>2. How wide is the way?</p>	<p>6 FT +</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>LAST 40+ YEARS</p> <p>ST Helens To Bembridge</p> <p>WALKING Birdwatching etc.</p> <p>3 or 4</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>NO</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p> <p>Taking care two children on nature trails to teach them the changing seasons with its migrating birds flora and fauna etc to watch this area</p>	<p>has a high diversity of (care children and in their party note)</p> <p>also walking fair generations of my dogs.. (I have family history connections to this area) B &amp; Gough.</p>
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**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

None

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

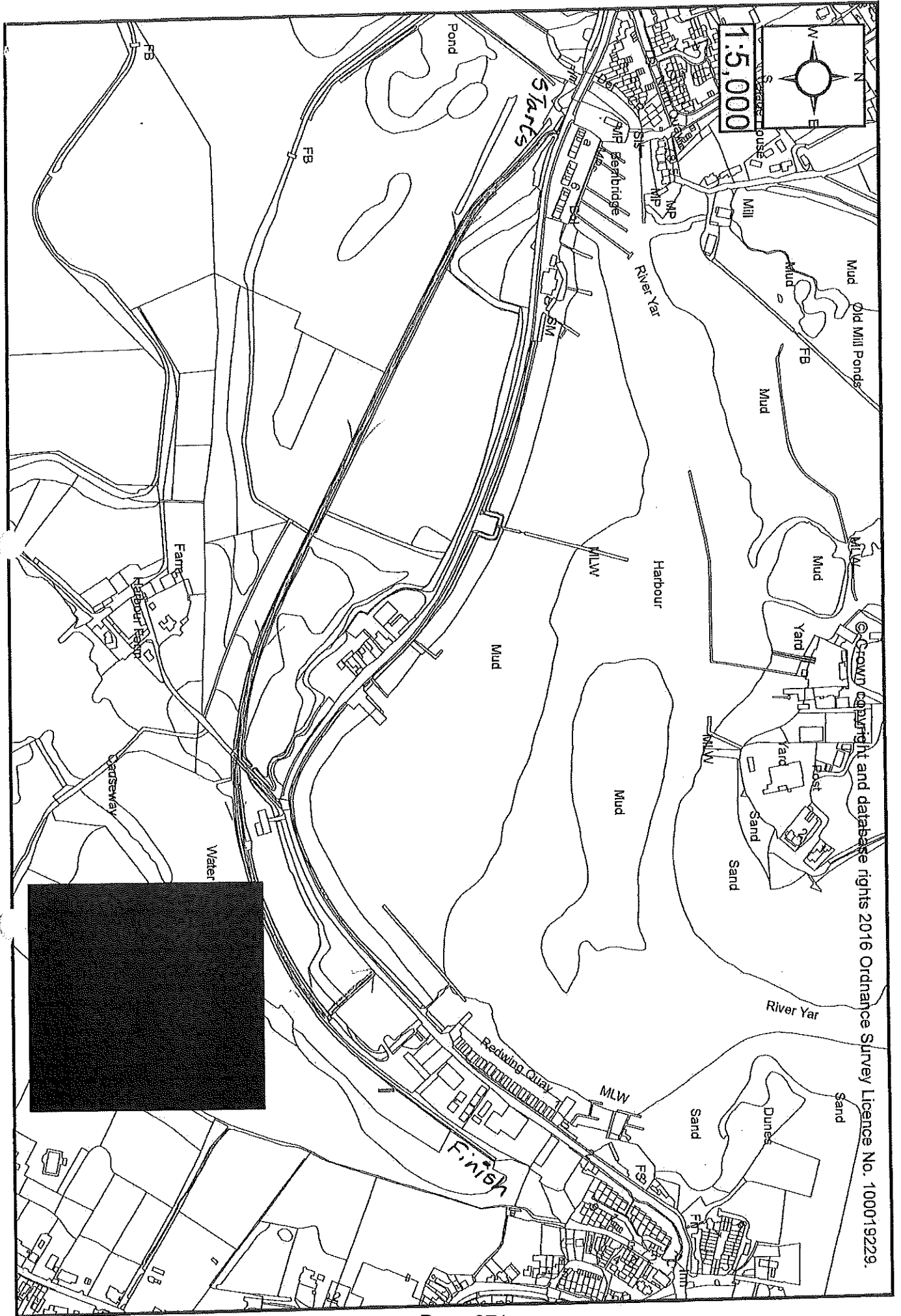
Signature of Witness: .....  .....

Print Full Name: ... Mrs SANDRA ANN GOUGH ...

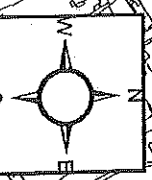
Date of statement: ... 21/11/2016 ...

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



1:5,000



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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: JOANNE HAIGH

Address (including postcode):

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: MOBILE

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: RETIRED

### Description of Path:

From: NORTH QUAY BENEVOLENTS HARDWAY -

OTHER SIDE OF ROAD

To: THE RESIDENTS CAR PARK JUST BEYOND

RESIDING QUAY

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.



If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>SINCE 1985</p>
<p>2. How wide is the way?</p>	<p>VARIOUS BETWEEN 6 - 12 FEET</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>SINCE 1985</p> <p>WALKING TO AND FROM NORTH QUAY END</p> <p>TO WALK</p> <p>12 ++</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness:  .....

Print Full Name: JOHANNES HAHN .....

Date of statement: 31.12.2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ... LAWRENCE HANKS .....

Address (including postcode): ...  .....

...  .....

Telephone: (Home) .....

(Work) .....

(Mobile) ... 07938583179 .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: ...  .....

Occupation: ... ENGINEERING .....

### Description of Path:

From: ... ST. HELENS .....

To: ... BAMBRIDGE BOATYARD .....

Believed status of path: ... BRIDLEWAY .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>45 yrs.</p>
<p>2. How wide is the way?</p>	<p>VARIES BETWEEN 6' - 12'</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES.</p> <p>1971 - 2017.</p> <p>BEA BRIDGE TO ST HELEN TO <del>SEA</del></p> <p>RECREATION - BIRD WATCHING.</p> <p>20</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>



<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>5</p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: ....  .....

Print Full Name: ..... LAWRIE HANKS .....

Date of statement: ..... 5/3/2017 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: JOHN DAVID HARRISON

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: [REDACTED]

Occupation: RETIRED

### Description of Path:

From: ST. HELENS EMBANKMENT ROAD

(OLD RAILWAY LINE)

To: BEMBRIDGE END OF EMBANKMENT ROAD, ALONG

OLD RAILWAY LINE. - SEE ATT. MAP

Believed status of path: FOOT PATH

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>20 YEARS</p>
<p>2. How wide is the way?</p>	<p>FROM 1 METRE TO 3 METRE</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1996 - 2016</p> <p>TO BEMBRIDGE FROM BEMBRIDGE TO ST. HELENS AND VICEVERSA</p> <p>FITNESS, AVOIDING EMBANKMENT (D&amp;A)</p> <p>20 T</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>ⓐ NO</p> <p>ⓑ NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO NOT HEARD OF ANYONE</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO — ALWAYS THOUGHT OF IT AS A PUBLIC RIGHT OF WAY</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

14. Please give any further information concerning the way which you consider to be relevant:

**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

Please make any comments regarding Disclosure of Information here  
(if you have no comments please state "none"):

NONE



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... J. D. HARRISON .....

Date of statement: ..... 25-11-2016 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: URSULA HARRISON

Address (including postcode): 

Telephone: (Home) 

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: 

Occupation: RETIRED

### Description of Path:

From: Running parallel to Embankment Road  
St. Helen's

To: Bembridge

(Old Railway Line) *see attached map*

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>20</p>
<p>2. How wide is the way?</p>	<p>3m narrowing to 1<sup>m</sup></p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1996 - 2016</p> <p>TO BEKBRIDGE FROM ST. HELENS AND VICE VERSA</p> <p>SHOPPING, HAIRDRESSER, CHURCH LIBRARY, BLACKBERRY PICKING BIRDWATCHING</p> <p>ABOUT 100</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: ...  .....

Print Full Name: ..... URSULA HARRISON .....

Date of statement: ..... 25/11/2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... SONIA KAY HAWKES .....

Address (including postcode):

Telephone: (Home) .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: ..... ANY .....

Email: .....

Date of Birth: .....

Occupation: ..... RETIRED .....

### Description of Path:

From: ... ENBANKMENT ROAD, ST. HELENS .....

..... OLD RAILWAY TRACK .....

To: ... THE BOATYARD, ENBANKMENT ROAD, BEMBLISE .....

Believed status of path: ..... FOOTPATH .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>5</p>
<p>2. How wide is the way?</p>	<p>10'</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p><del>DIVA</del> 2012 - 2016</p> <p>ST HELENS TO BETSBIDGE AND VICE VERSA</p> <p>DOG WALKING &amp; BIRD WATCHING</p> <p>40</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p> <p>I have always believed this path to be a public right of way and have used it as such.</p> <p>It is an excellent place from which to view wildlife</p>	<p>on the RSPB reserve. The reserve is fenced so there is no possibility of footpath users straying on to the reserve and disturbing the wildlife.</p>
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**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

5  
NONE

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

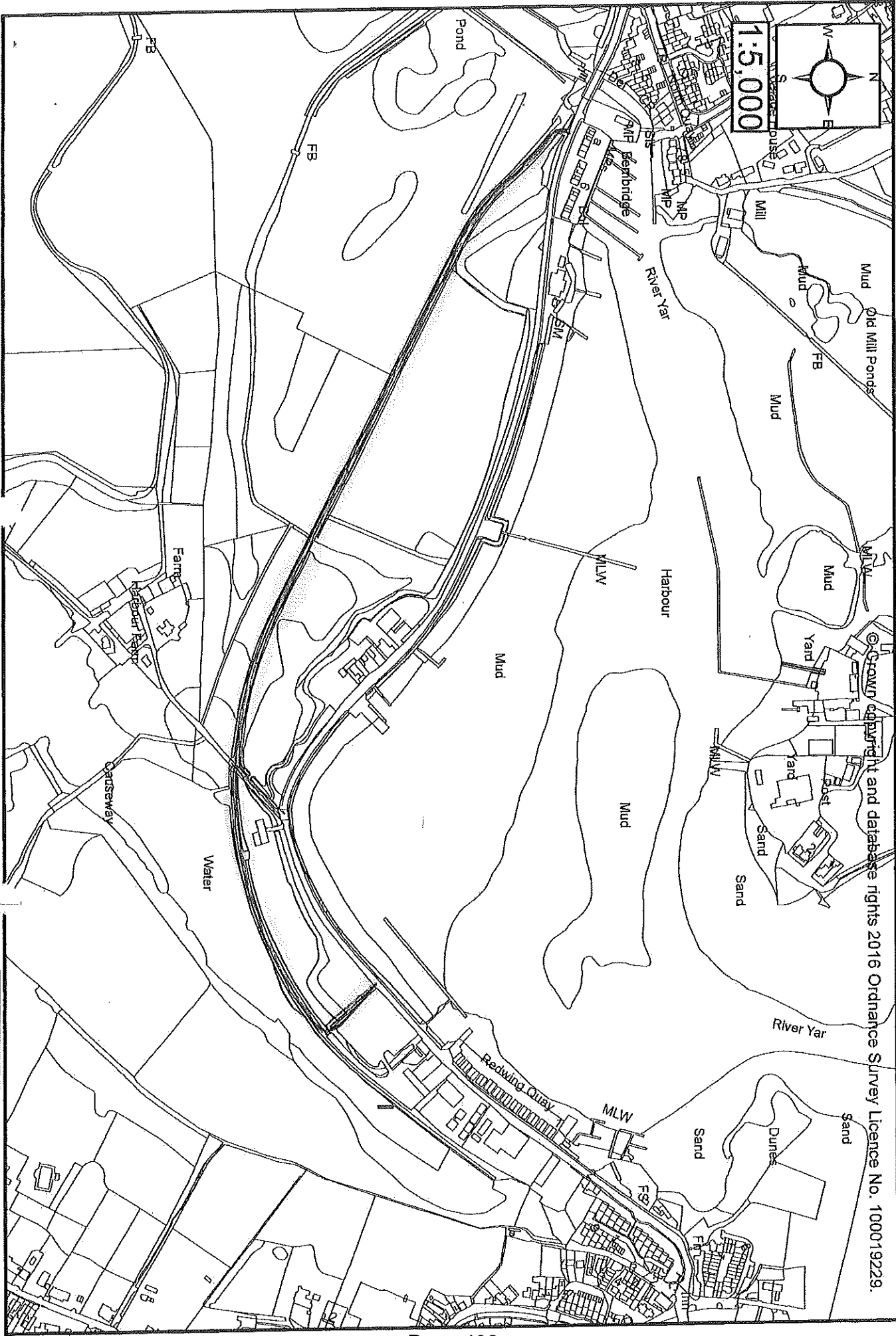
Signature of Witness: .....  .....

Print Full Name: ..... SONIA KAY HAWKER .....

Date of statement: ..... 21.11.16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



1:5,000

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... JOHN HAWKES

Address (including postcode): ..... [REDACTED]

..... [REDACTED]

Telephone: (Home) ..... [REDACTED]

(Work) ..... [REDACTED]

(Mobile) ..... [REDACTED]

Preferred number and time to be contacted: ..... ANY TIME

Email: ..... [REDACTED]

Date of Birth: ..... [REDACTED]

Occupation: ..... RETIRED

Description of Path: THE OLD RAILWAY TRACK

From: ..... EMBANKMENT ROAD, ST. HELENS

To: ..... THE BOATYARD, EMBANKMENT ROAD

..... BEMBRIDGE

Believed status of path: ..... FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>5</p>
<p>2. How wide is the way?</p>	<p>4 METRES IN PLACES</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>REGULARLY FROM 2014 → 2016</p> <p>ST. HELENS TO BEMBLIDGE</p> <p>DOG WALKING + BIRD WATCHING</p> <p>AT LEAST ONCE PER WEEK</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>—</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No.</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No.</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p> <p>I HAVE ALWAYS CONSIDERED THIS AS A FOOTPATH AND IT IS A SAFE AND SECURE ROUTE FOR MY DOG TO WALK OFF THE LEAD.</p>	
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>5 NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: ..  ..

Print Full Name: ..... JOHN HAWKES .....

Date of statement: ..... 21-11-2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *Nicholas Hawkins*

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: *Mobile*

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: *Property Maintenance*

### Description of Path:

From: *Opposite Port St Helens, approx 50 Yards after The Yar Bridge on the right coming from St Helens*

To: *The Waste ground, next to Bembridge Boat Yard - it used to go further!*

Believed status of path: *Foot Path*  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Public</p> <p>1969 - 48 YRS</p>
<p>2. How wide is the way?</p>	<p>Varies but approx 5-6 FT</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1st in 1969 to Present</p> <p>Bein to ST Helens, Vice Versa</p> <p>First with Grandparents, Pleasure</p> <p>4-5</p> <p>foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes But used to be longer</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>Not as I recall</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>N/A</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>I first used this path in 1969, taken along with my grandparents. In 1977 I moved to Baulbridge and have used it ever since several times a year.</p>
--	--

**DISCLOSURE OF INFORMATION:**

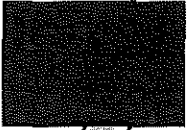
Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p><i>None</i></p>
--



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: ...  .....

Print Full Name: ..... *Nicholas Hawkins* .....

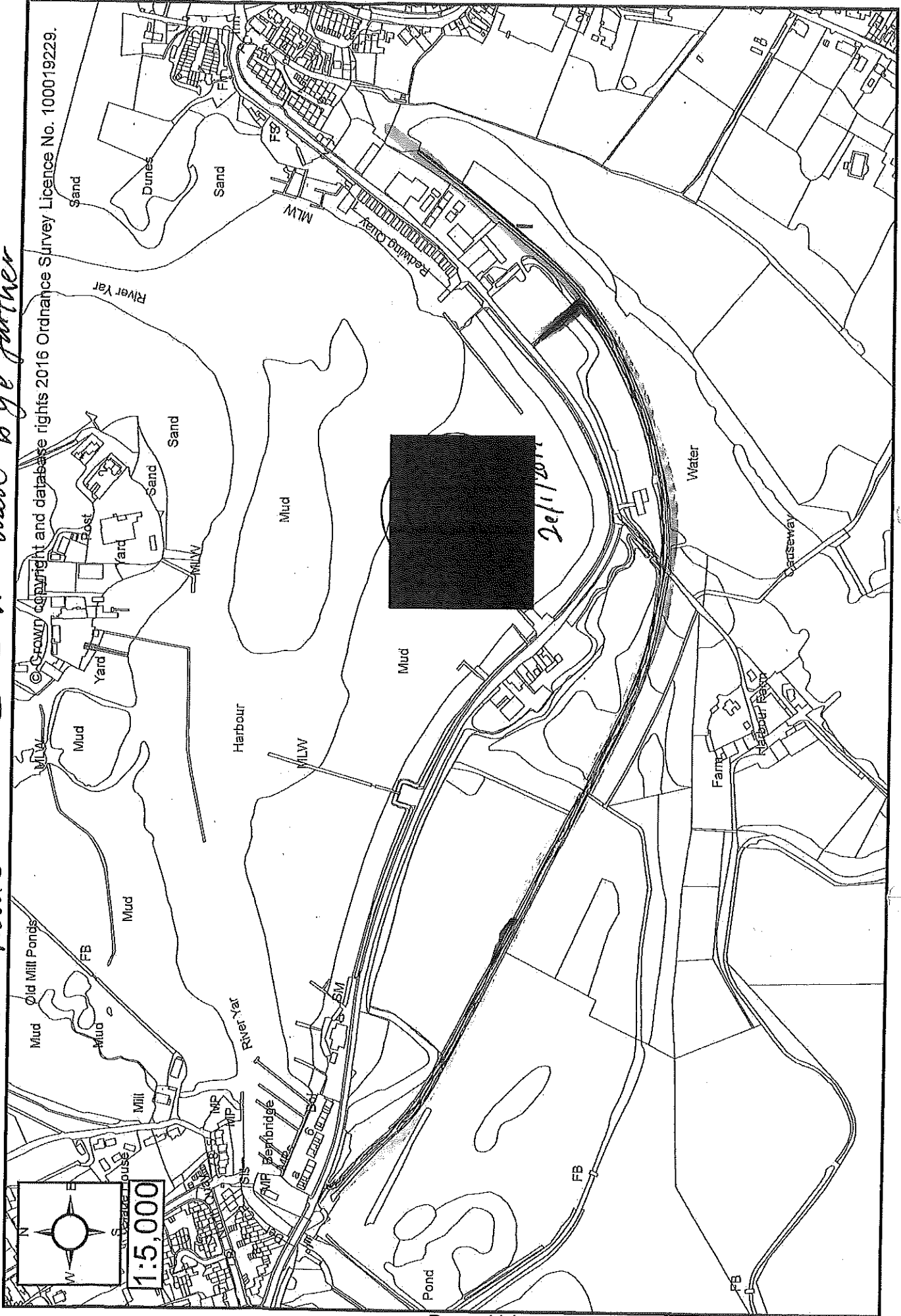
Date of statement: ..... *20/01/2017* .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

TODAYS Route

We need to go further



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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... KENNETH ALAN HAYDEN .....

Address (including postcode): .....

Telephone: (Home) .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

ANY TIME

Email: .....

Date of Birth: .....

Occupation: .....

RETIRED

### Description of Path:

From: EAST OF RIVER YAR ON EMBANKMENT ROAD

(SOUTHERN SIDE OF THE ROAD)

To: RESIDING EMBANKMENT ROAD, NORTH EAST OF

HARBOUR FARM

Believed status of path: FOOTPATH & BRIDLEWAY

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>5 YEARS (SINCE MOVING HERE)</p>
<p>2. How wide is the way?</p>	<p>VARIABLE 1-3 METRES</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>CONTINUOUS OVER PAST 5 YEARS</p> <p>FROM HOME TO MY BOAT ON SELWYN PONTON</p> <p>LEISURE</p> <p>20-50</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>NO SIGNIFICANT CHANGES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NONE</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>(a) NO</p> <p>(b) NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>NOT APPLICABLE</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO FOR MYSELF. NOT AWARE OF ANY OTHER PERSON BEING IMPEDED FROM USING THE PATH</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NEVER</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO PERMISSION SOUGHT</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p><i>NOTHING RELEVANT</i></p>
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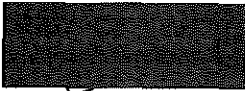
**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's Internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p><i>NO COMMENTS</i></p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

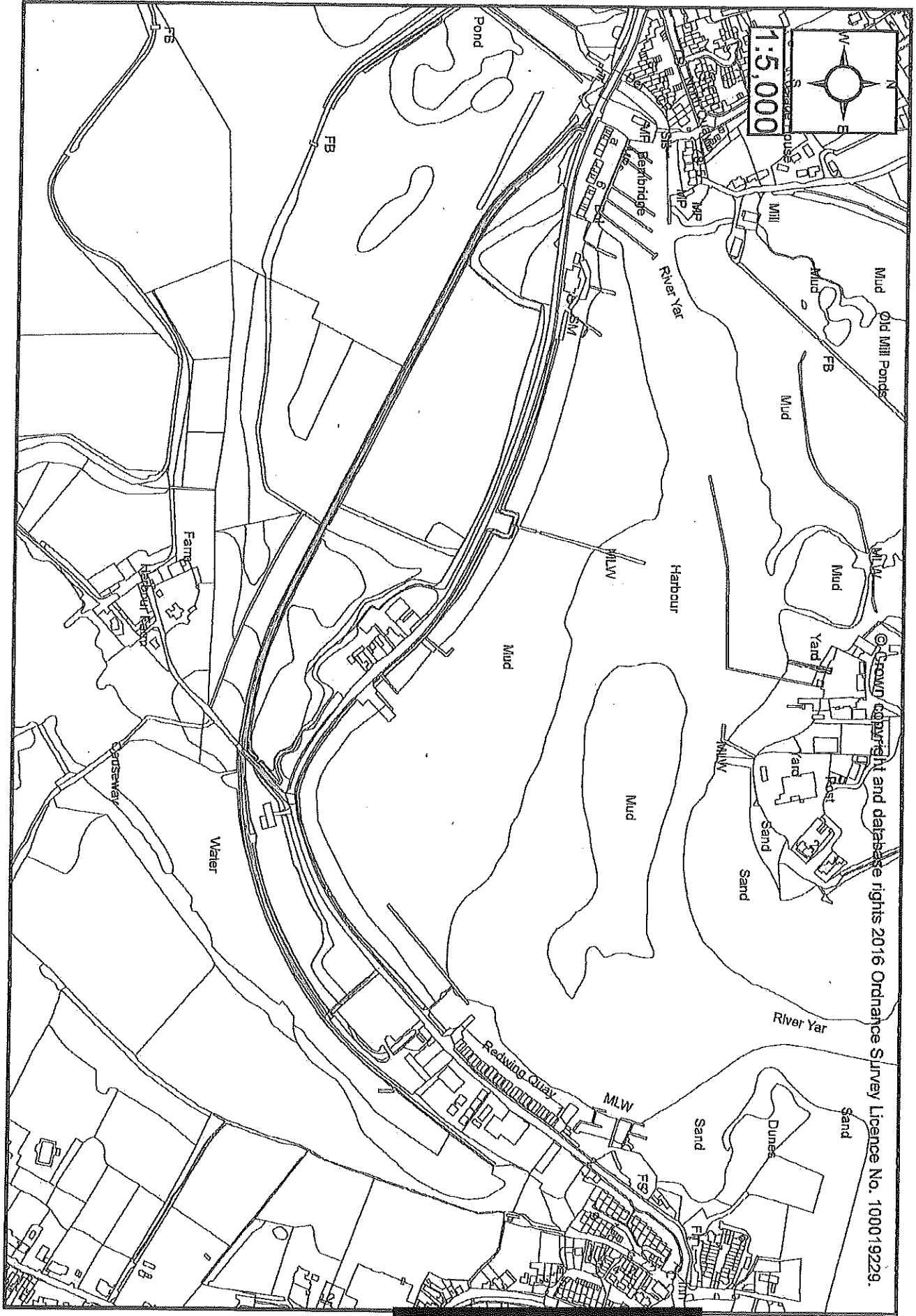
I ~~am~~ am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness:  .....

Print Full Name: ..... KENNETH ALAN HAYDEN .....

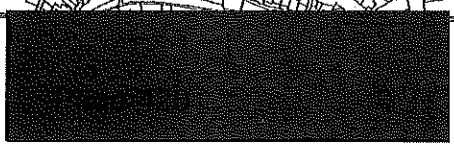
Date of statement: ..... 8 DECEMBER 2016 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



1:5,000

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**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... PA HENDERSON .....

Address (including postcode): .....  
.....  
.....

Telephone: (Home) .....  
.....

(Work) .....  
.....

(Mobile) .....  
.....

Preferred number and time to be contacted: .....  
.....

Email: .....  
.....

Date of Birth: .....  
.....

Occupation: ..... PA .....

**Description of Path:**

From: ..... ST. HELENS .....

To: ..... BRADING .....

Believed status of path: ..... FOOTPATH .....  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>3 years</p>
<p>2. How wide is the way?</p>	<p>?</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>*BRADING*</p> <p>OVER 3 YEARS</p> <p>TO VISIT</p> <p>FAMILY AND</p> <p>FRIENDS IN</p> <p>BRADING</p> <p>AND TO GET TO</p> <p>TRAIN STATION*</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>✓</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>?</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>✓</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	
<p>12. Have you ever sought or been given permission to use they way?</p>	
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	

<p>14. Please give any further information concerning the way which you consider to be relevant:</p> <p>IT IS <u>ONE</u> OF THE JOYS OF <u>LIVING</u> IN ST. HELENS TO HAVE THIS <u>RIGHT OF WAY</u></p>	<p>I HOPE IT STAYS OPEN AS A PUBLIC FOOTPATH !!</p> <p>THE ROAD IS / WOULD BE EXTREMELY <u>DANGEROUS</u></p>
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**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

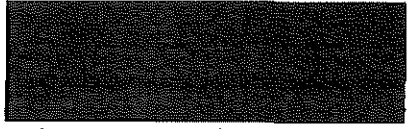
NONE

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am~~ not<sup>t</sup> willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: ..



Print Full Name: ..

PIA HENDERSON

Date of statement: ..

28.11.16

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *Robin Henley*

Address (including postcode) [Redacted]

[Redacted]

Telephone: (Home) [Redacted]

(Work) [Redacted]

(Mobile) [Redacted]

Preferred number and time to be contacted: [Redacted]

Email: [Redacted]

Date of Birth: [Redacted]

Occupation: *Retired*

### Description of Path:

From: *Point St Bredon*

To: *Bredon St Helens*

Believed status of path: *Bridleway*  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes.</p> <p>50.</p>
<p>2. How wide is the way?</p>	<p>10'</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>From when the tracks stopped.</p> <p>Brombridge to <del>Bromby</del> St Helens Walk. The Dog.</p> <p>20 or 30 <sup>times</sup></p> <p>foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p> <p>— —</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>No</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use the way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>Thermy Croft 1960. Mr Hicks 1990</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>5</p> <p><i>None</i></p>
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I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* ~~willing~~ to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

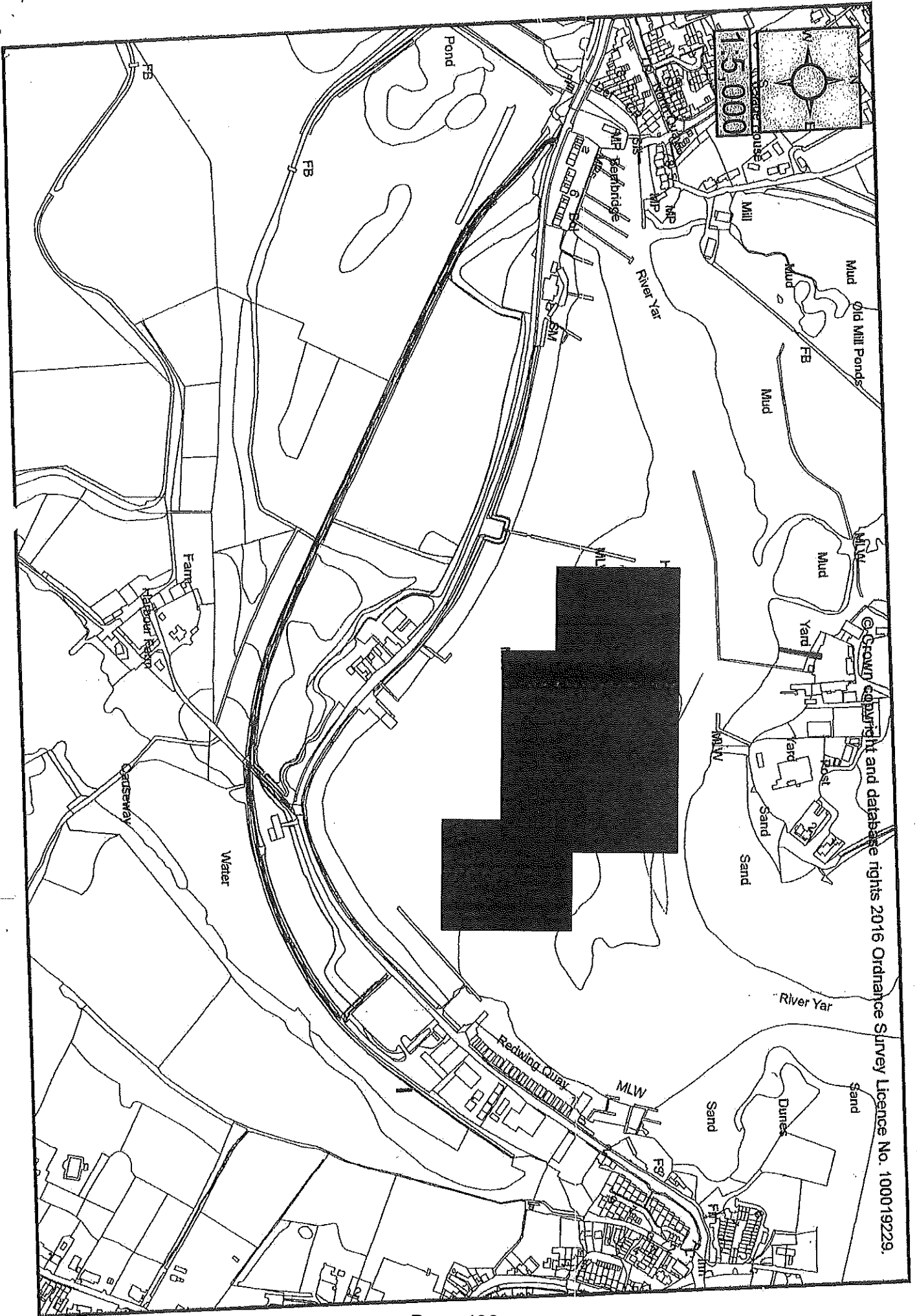
Signature of Witness:  .....

Print Full Name: ..... ROBIN HENLEY .....

Date of statement: ..... 19-1-2017 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ARCHIBALD HENLEY

Address (including postcode):

[REDACTED]

Telephone: (Home)

[REDACTED]

(Work)

(Mobile)

Preferred number and time to be contacted: as above

Email:

Date of Birth:

[REDACTED]

Occupation:

Retired

### Description of Path:

From: BEAUBRIDGE OLD RAILWAY LINE

To: ST. HELENS

Believed status of path:

NOT KNOWN  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>50 years</p>
<p>2. How wide is the way?</p>	<p>APPROX. 12'</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1966 - 1976</p> <p>WADES PORTYARD TO HARBOUR FARM</p> <p>FROM BENBRIDGE</p> <p>TO WORK</p> <p>TWICE A WEEK</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>NO</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>—</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>NONE</p>
---



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: ...  .....

Print Full Name: ... ARCHIBALD HENLEY .....

Date of statement: ... 23<sup>rd</sup> Nov. 2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: GRAHAM MENLEY

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: [REDACTED]

Occupation: SEAFOOD PROCESSOR

### Description of Path:

From: BEMBRIDGE RAILWAY LINE

To: ST. HELENS

Believed status of path: NOT KNOWN  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>48 YEARS</p>
<p>2. How wide is the way?</p>	<p>3 → 4 METRES</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1975 → TO PRESENT DAY</p> <p>WALKING FROM BEMBRIDGE TO ST. HELENS</p> <p>PLEASURE</p> <p>10 TIMES (VARIES)</p> <p>WALKING</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>NO</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>—</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

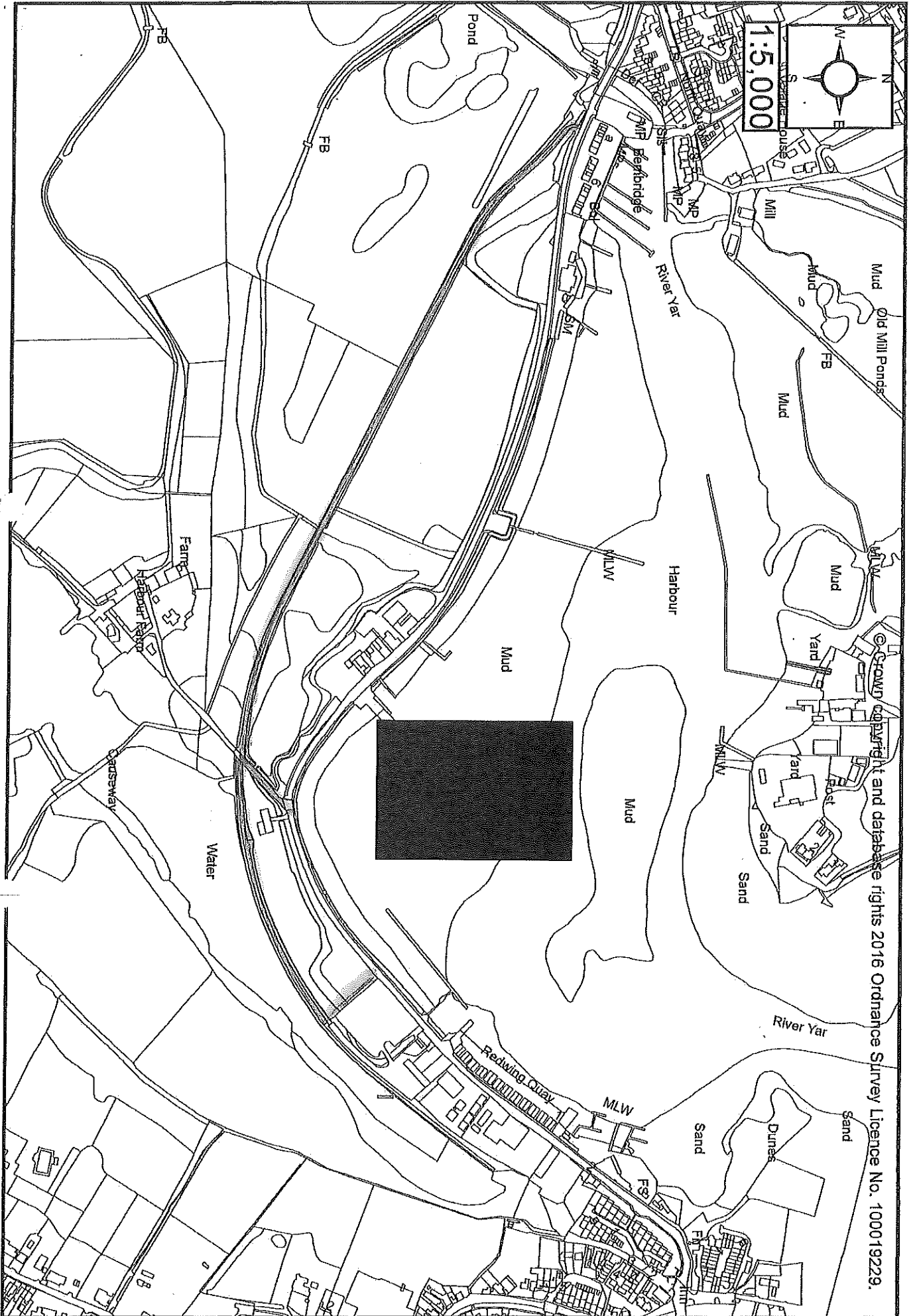
Signature of Witness: ..  ..

Print Full Name: .. GRAHAM DAVID HENLEY ..

Date of statement: .. 22<sup>nd</sup> NOV 2016 ..

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *PETER FRANK HEWITT*

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) ... [REDACTED]

(Mobile) ... [REDACTED]

Preferred number and time to be contacted: ... [REDACTED]

Email: ... [REDACTED]

Date of Birth: [REDACTED]

Occupation: *Marine*

### Description of Path:

From: *Adjacent to Embankment Rd*

[REDACTED]

To: [REDACTED]

[REDACTED]

Believed status of path: *FOOTPATH*

(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>10 yrs +</p>
<p>2. How wide is the way?</p>	<p>Just been widened</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1999 to present</p> <p>Walking</p> <p>Pleasure</p> <p>40 +</p> <p>foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

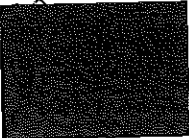
Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: 

Print Full Name: .....

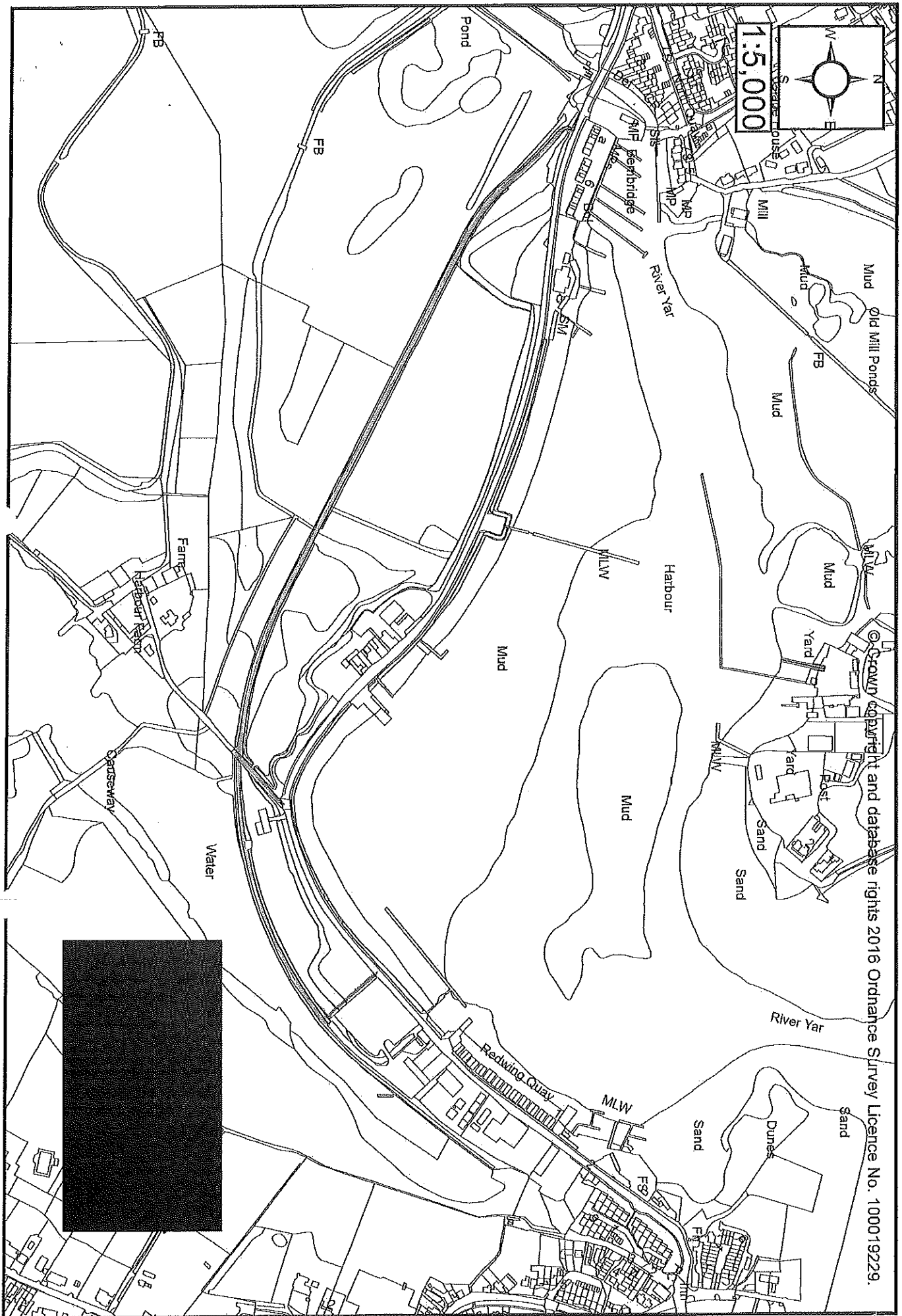
PETER FRANK HEWITT

Date of statement: .....

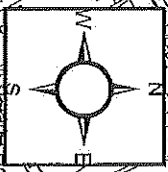
10<sup>th</sup> Dec 2016

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: MR NICHOLAS HEWITT

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: EVENING

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: BOATMAN

**Description of Path:**

From: ST HELENS

5

To: BEMBRIDGE

[REDACTED]

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>AS LONG AS I CAN REMEMBER</p>
<p>2. How wide is the way?</p>	<p>1-2m</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>95 - Present</p> <p>BEMBRIDGE - STHELENS</p> <p>WALKING / DOG WALK</p> <p>ATLEAST TWICE A MONTH (24)</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>—</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

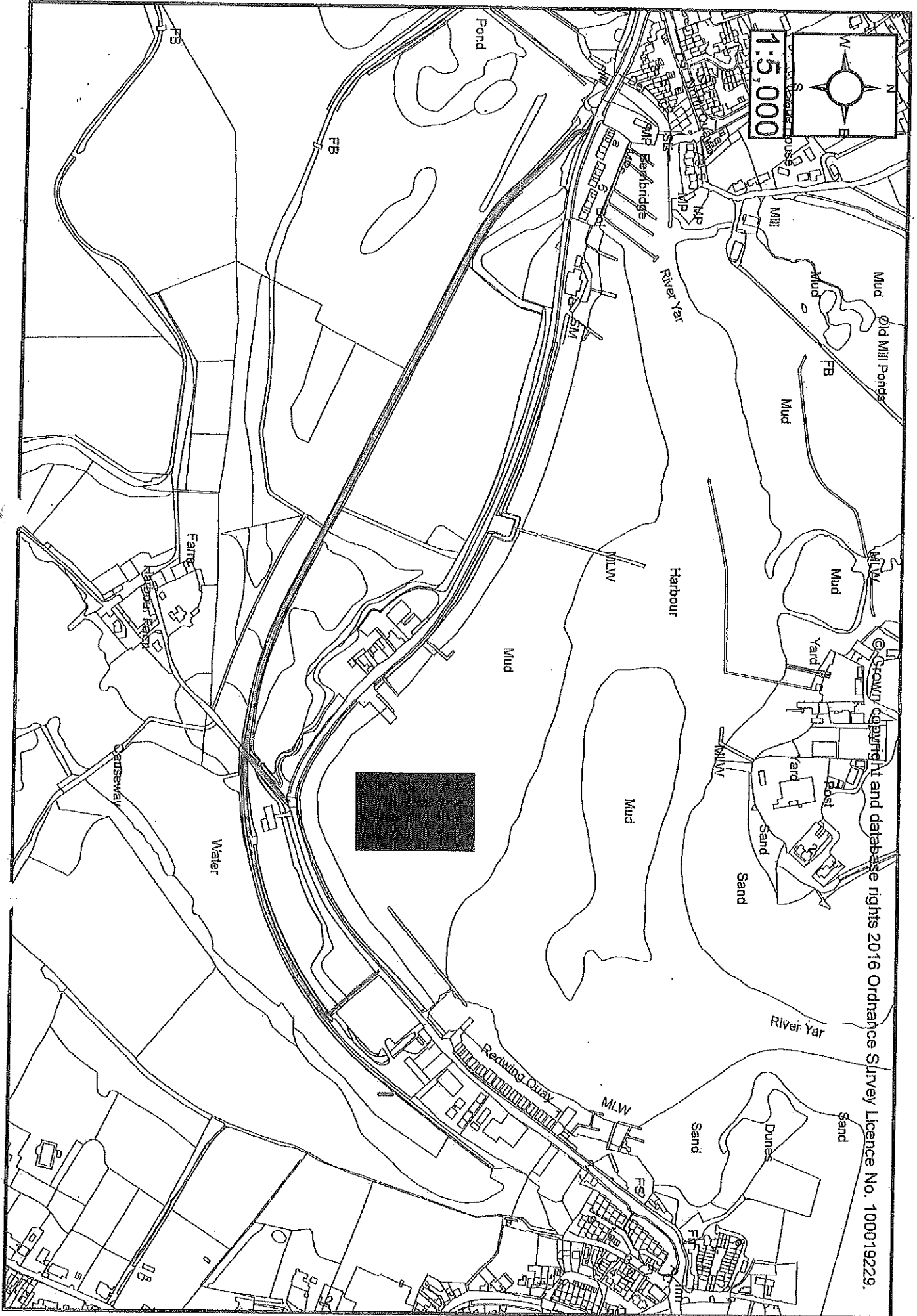
Signature of Witness: ..... *N. Hewitt* .....

Print Full Name: ..... NICHOLAS HEWITT .....

Date of statement: ..... 1/12/16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: MS GERALDINE HEWLETT

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) N/A

(Mobile)

Preferred number and time to be contacted: HOME, P.M. EVENINGS

Email:

Date of Birth: [REDACTED] RETIRED

Occupation: HOUSE WIFE

**Description of Path:**

From: THE OLD RAILWAY LINE FOOTPATH

FROM ST HELENS YARD RIVER TO

To: NEAR REDWINGS, EMBANKMENT ROAD  
BEMBRIDGE

Believed status of path:   
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

1(a).	Have you known the way as public?	YES
(b).	If so, for how many years?	25 + YEARS
2.	How wide is the way?	IT WAS THE RAILWAY LINE AND IS WIDE
3.	<p>Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>TO &amp; FROM MARINA AREA NEAR OUR HOME, TO BEMBRIDGE VILLAGE.</p> <p>COUNTRY WALK, SHOPPING ETC</p> <p>ON FOOT</p>
4.	<p>(a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	YES AS FAR AS I KNOW!
5.	Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.	NO
6.	At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.	N/A NO

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>No</p>		
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>		
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>		
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>		
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>		
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>		
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>YES</p>		

14 Please give any further information concerning the way which you consider to be relevant:

People with money want to get rid of anything in their way!

**DISCLOSURE OF INFORMATION:**

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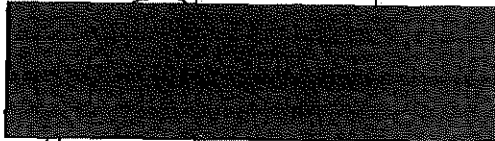
Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"): "NONE"



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~ am not<sup>n</sup> willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: ...



Print Full Name: .....

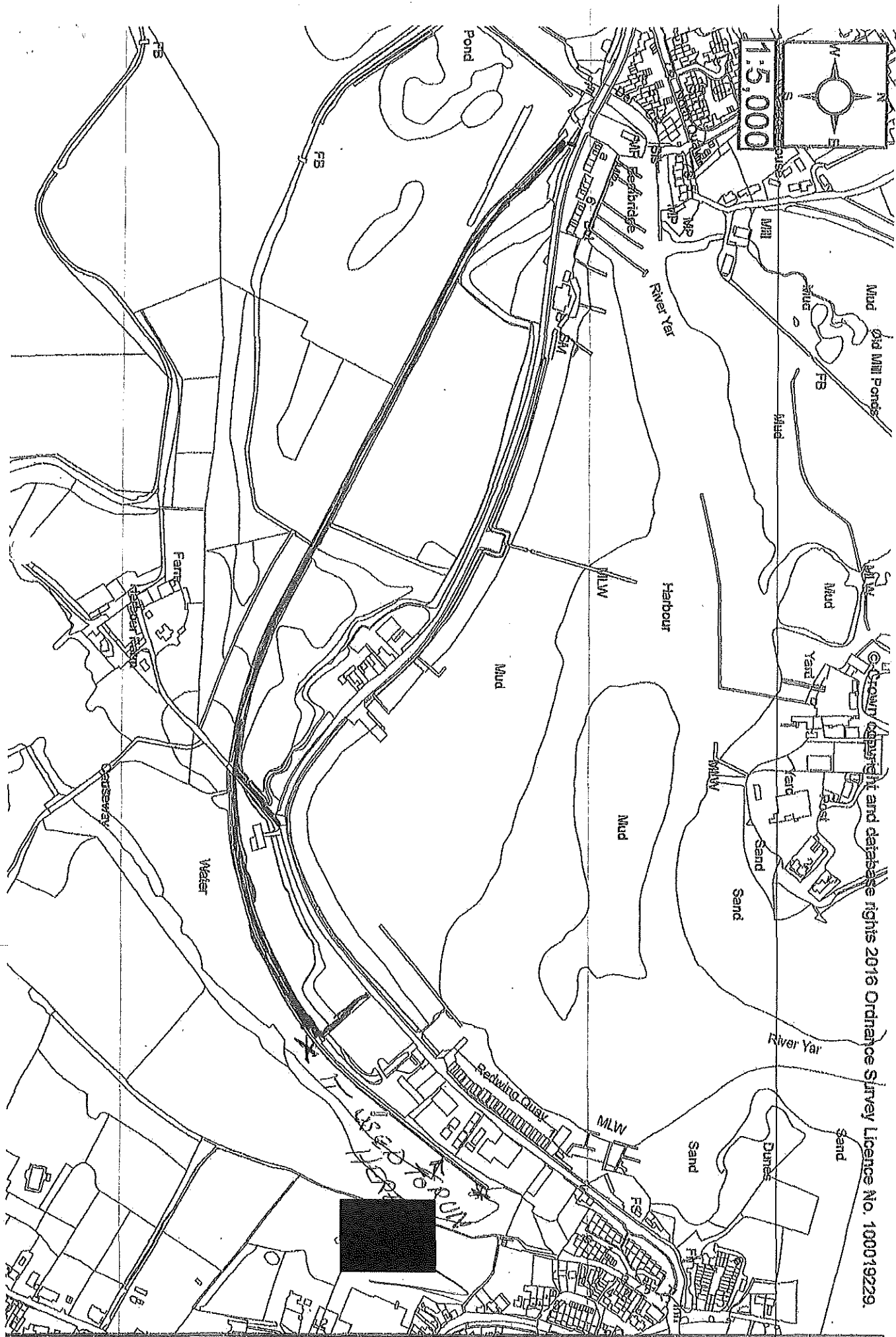
MRS GERMAINE HEWLETT

Date of statement: .....

29/11/16

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... DERORAH HEWITT .....

Address (including postcode): ... [REDACTED] .....  
[REDACTED] .....

Telephone: (Home) .... [REDACTED] .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: HOME ANYTIME

Email: [REDACTED] .....

Date of Birth: [REDACTED] .....

Occupation: CATERER .....

**Description of Path:**

From: ST HELENS .....

.....

To: BEMBRIDGE .....

.....

Believed status of path: FOOTPATH .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>AS LONG AS I CAN REMEMBER</p>
<p>2. How wide is the way?</p>	<p>1/2 m</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1997 - PRESENT</p> <p>BT HELENS TO BEMBRIDGE AND BACK</p> <p>DOG WALK/WALK</p> <p>15+</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>—</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... DEBORAH HEWITT .....

Date of statement: ..... 12-12-16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: MRS ELIZABETH HICKS

Address (including postcode):

[REDACTED ADDRESS]

Telephone: (Home) ... [REDACTED]

(Work)       

(Mobile)       

Preferred number and time to be contacted: .....

Email:       

Date of Birth: ... [REDACTED]

Occupation: RETIRED

### Description of Path:

From: ST HELENS EMBANKMENT RD

IS


To: BEMBRIDGE

Believed status of path: bridleway  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes. since the railway closed in 50's.</p>
<p>2. How wide is the way?</p>	<p>Varies from 10 ft — 4 ft.</p>
<p>3. Have <u>you</u> used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes.</p> <p>I came back to the village in 1986. Since then St. Helens — Benbridge and in reverse.</p> <p>walking</p> <p>3 or 4 times</p> <p>Foot.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Since 1986, Yes.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>/</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No.</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No.</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No.</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No.</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No.</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p><i>I consider that it should remain as an open track for all people to use.</i></p>
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**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p><i>None.</i></p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

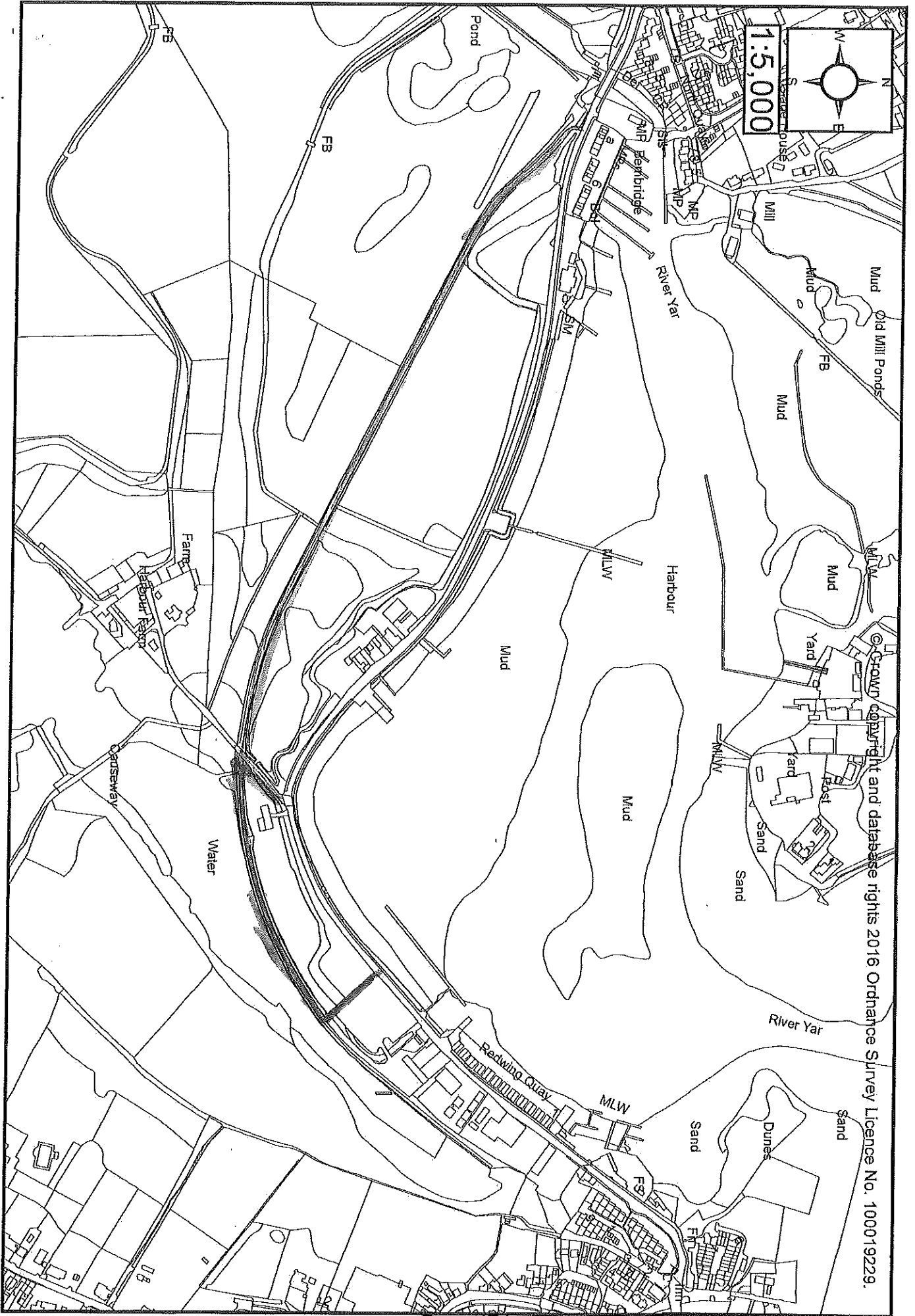
(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... ELIZABETH HICKI .....

Date of statement: ..... 03.12.16 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... GARY ..... HICKMAN .....

Address (including postcode): ..... [REDACTED] .....

..... [REDACTED] .....

Telephone: (Home) ..... [REDACTED] .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: ..... [REDACTED] .....

Date of Birth: ..... [REDACTED] .....

Occupation: ..... BRICKLAYER .....

### Description of Path:

From: ..... BRADING HAVEN .....

..... B .....

To: ..... BEMBRIDGE BOAT YARD .....

Believed status of path: ..... FOOT PATH .....

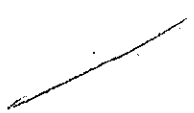
(e.g. footpath, bridleway, byway open to all traffic)


**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>NO</p>
<p>2. How wide is the way?</p>	<p>14 FT.</p>
<p>3. Have <u>you</u> used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>2008</p> <p>TO BEMBRIDGE</p> <p>FROM ST HELENS</p> <p>WALKING DOG</p> <p>SUMMER TIME</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO.</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

~~I am~~ ~~not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

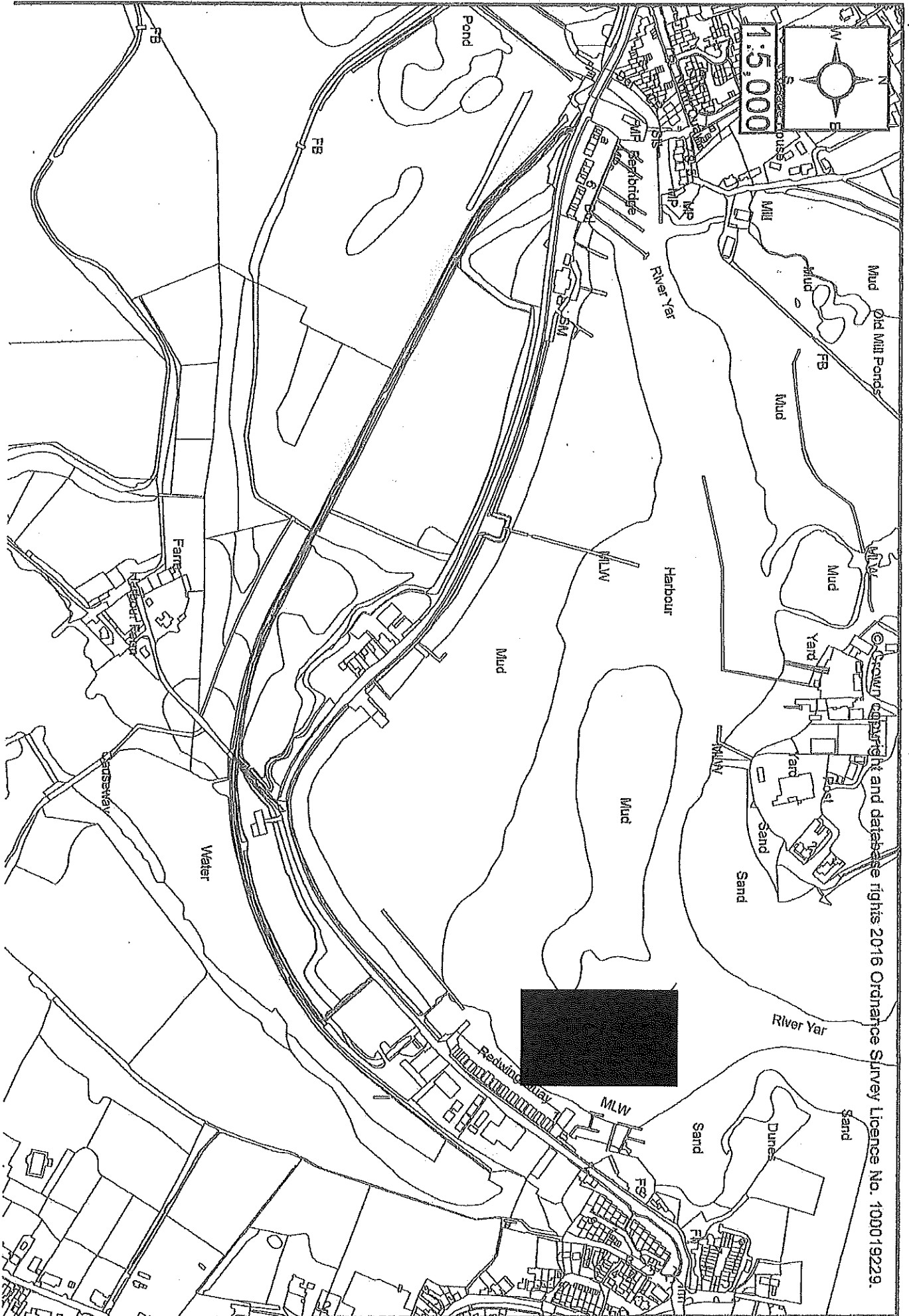
Signature of Witness: ...  .....

Print Full Name: ..... GARY HICKMAN .....

Date of statement: ..... 11 : 12 : 2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



1:5,000

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... JENNIFER ANN HICKMAN .....

Address (including postcode): ..... [REDACTED] .....

Telephone: (Home) ..... [REDACTED] .....

(Work) ..... RETIRED .....

(Mobile) ..... / .....

Preferred number and time to be contacted: ..... DAY .....

Email: ..... / .....

Date of Birth: ..... [REDACTED] .....

Occupation: ..... RETIRED .....

### Description of Path:

From: ..... BRADING HAVEN .....

To: ..... BEMBRIDGE BOAT YARD .....

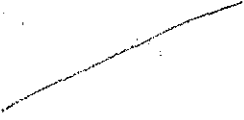
Believed status of path: ..... FOOT PATH .....

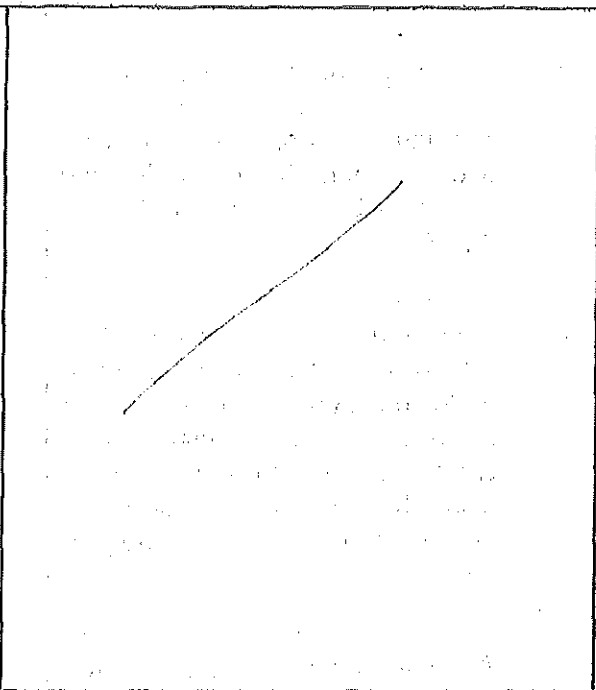
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>NO.</p>
<p>2. How wide is the way?</p>	<p>APROX 14 FT</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>2000</p> <p>TO BEMBRIDGE FROM ST HELENS</p> <p>WALKING GRANDCHILDREN &amp; DOG.</p> <p>MOSTLY SUMMER FOOT.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO.</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO.</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">NONE</p>
---



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

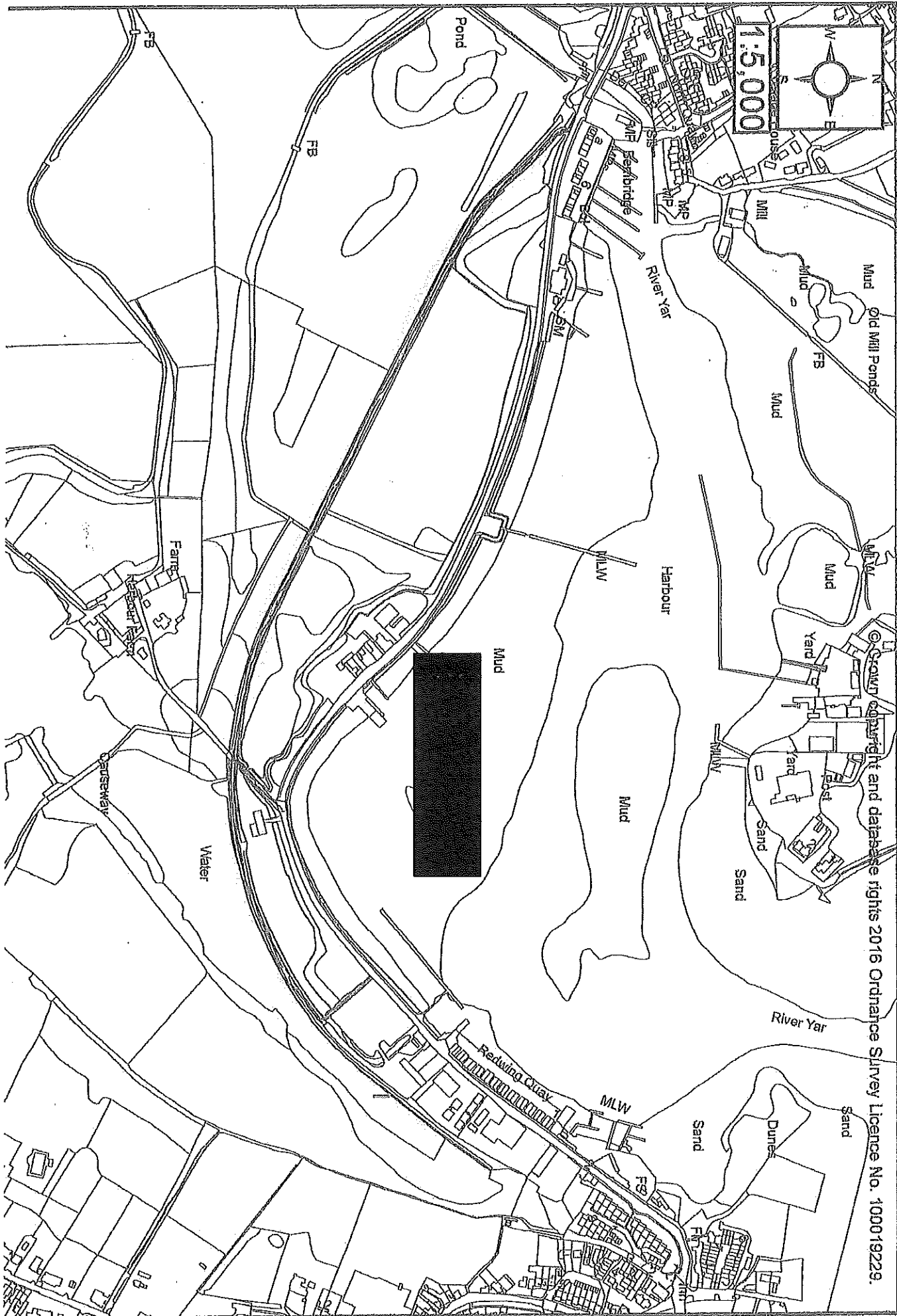
Signature of Witness: .....  .....

Print Full Name: ..... JENNIFER ANN HICKMAN .....

Date of statement: ..... 9/12/2010 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... TREVOR HICKMAN .....

Address (including postcode): ..... [REDACTED] .....

Telephone: (Home) ... [REDACTED] .....

(Work) ..... RETIRED .....

(Mobile) ..... / .....

Preferred number and time to be contacted: ..... DAY .....

Email: ..... / .....

Date of Birth: ..... [REDACTED] .....

Occupation: ..... RETIRED GAS TECHNICIAN .....

### Description of Path:

From: ..... BRADING HAVEN .....

To: ..... BEMBRIDGE BOAT YARD .....

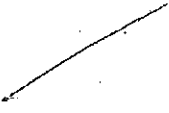
Believed status of path: ..... FOOT PATH: .....

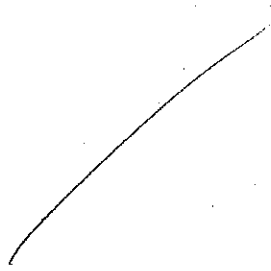
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>NO</p>
<p>2. How wide is the way?</p>	<p>APPROX 14 FT.</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>2006</p> <p>TO BEMBRIDGE FROM ST HELENS</p> <p>WALKING DOGS</p> <p>SUMMER TIME FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO.</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO.</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

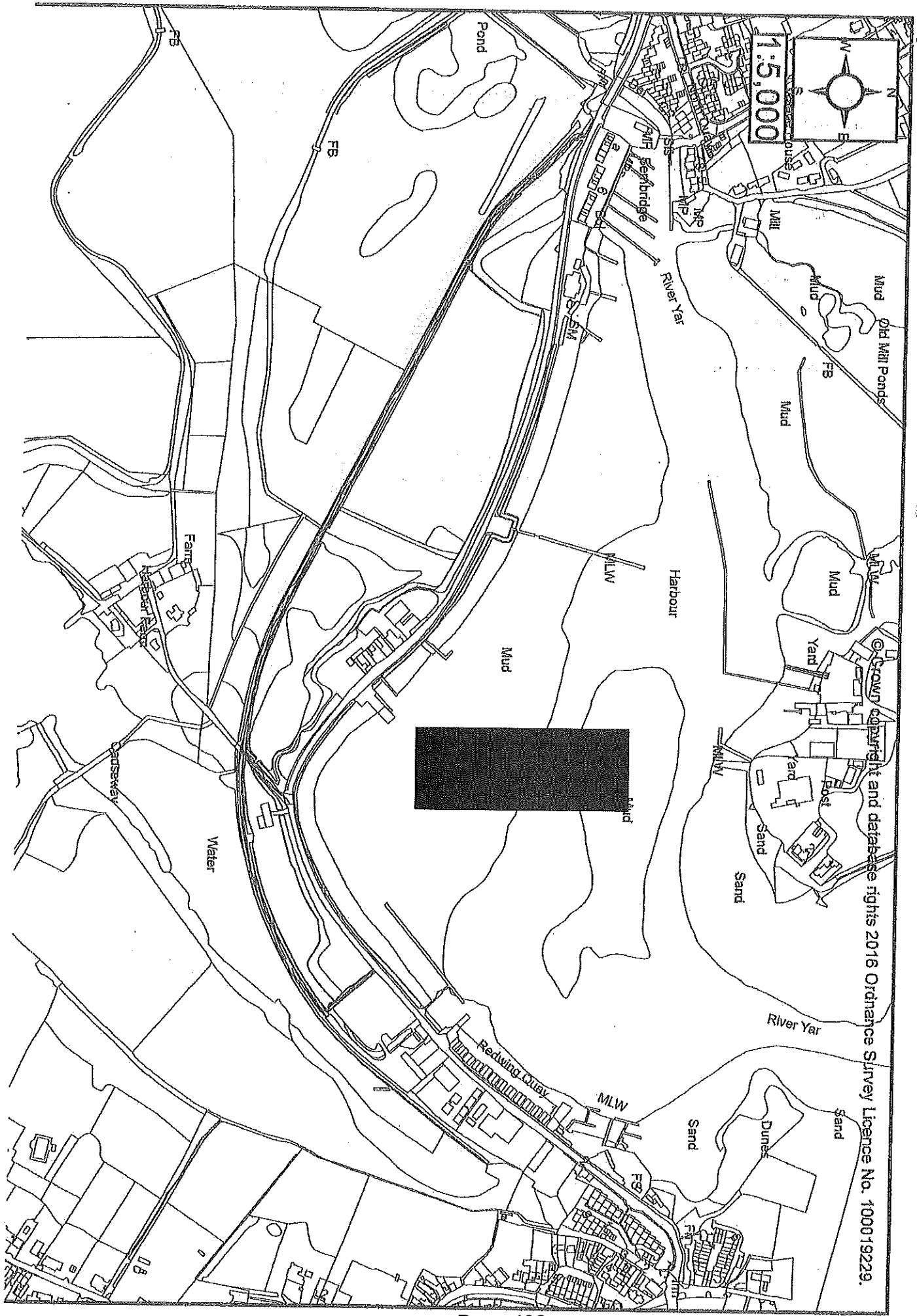
Signature of Witness: .....  .....

Print Full Name: ..... TREVOR HICKMAN .....

Date of statement: ..... 9.12.2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *Mr. R. Humphreys*

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) *Nil*

(Mobile) *Nil*

Preferred number and time to be contacted: [REDACTED]

Email: .....

Date of Birth: [REDACTED] *"10/11/39"*

Occupation: *Retired*

#### Description of Path:

From: *Railway track, Disused, Embankment, St. Helen's*

*Isle of Wight, "Embankment Road"*

To: *Boat yard Embankment, Newbridge, Isle of Wight,*

*"Embankment Road"*

Believed status of path: *Ex - Rail track now used as foot path -*  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes To Knowledge..</p> <p>10yrs " "</p>
<p>2. How wide is the way?</p>	<p>Path-Track " Possibly 10ft or more.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes</p> <p>Late 1980's to 2011 yrs</p> <p>St Helens - Bembridge and back</p> <p>Pleasure and walking.</p> <p>12 or more. Cannot be sure.</p> <p>Foot.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes.</p> <p>Yes over grown by vegetation</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No.</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No.</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No.</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No.</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No.</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p><i>This path should be kept open for the pleasure of walking and enjoying the peace and tranquillity we get from this part of the Island. That has been free to call since the railway closed. Therefore this path should be integrated as part for the rights of way for all.</i></p>
--	---

**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

5

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am~~ not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness:  .....

Print Full Name: ..... *Robin Humphrey* .....

Date of statement: ..... *21st November 2016* ..... "21/11/2016" .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... MRS. Gwendoline Hutchison .....

Address (including postcode): .....  
.....  
.....

Telephone: (Home) .....  
.....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: ..... EVENINGS .....

Email: .....

Date of Birth: .....

Occupation: ..... Semi Retired .....

**Description of Path:**

From: ..... Bottom of Station Road St Helens .....

To: ..... Bembridge .....

Believed status of path: ..... foot path .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>yes</p> <p>2 years.</p>
<p>2. How wide is the way?</p>	<p>a few feet</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>2014 - 2016 present.</p> <p>To Bembridge</p> <p>Walk. to meet friends for coffee Bembridge.</p> <p>x5</p> <p>on foot.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>yes..</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>N/A</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO. N/A</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>n/a</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>no</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>Ref to Salt bogons sign</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's Internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">None</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness

Print Full Name:

Date of statement:

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: BARRY VICTOR JACOBS

Address (including postcode):

[REDACTED ADDRESS]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: [REDACTED] - 5pm +

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: GROUNDWORKER

### Description of Path:

From: ST HELENS, THE QUEY

To: BEMBRIDGE - PILOT BOAT INN

Believed status of path:

(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>50 YEARS</p>
<p>2. How wide is the way?</p>	<p>2½ METRES (APP)</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1975 TO 1985</p> <p>TO BEMBRIDGE FROM ST HELENS</p> <p>VISITING MATES</p> <p>40 +</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>Although in recent years I have not used the path. I still think of it as a public footpath due to the amount of horse riders, dog walkers and family's I saw on my way to and from Bembridge.</p>
--	---

**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

None



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

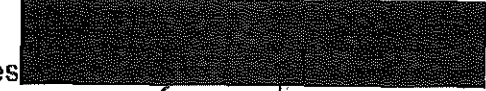
I ~~am~~/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness

Print Full Name:

Date of statement:

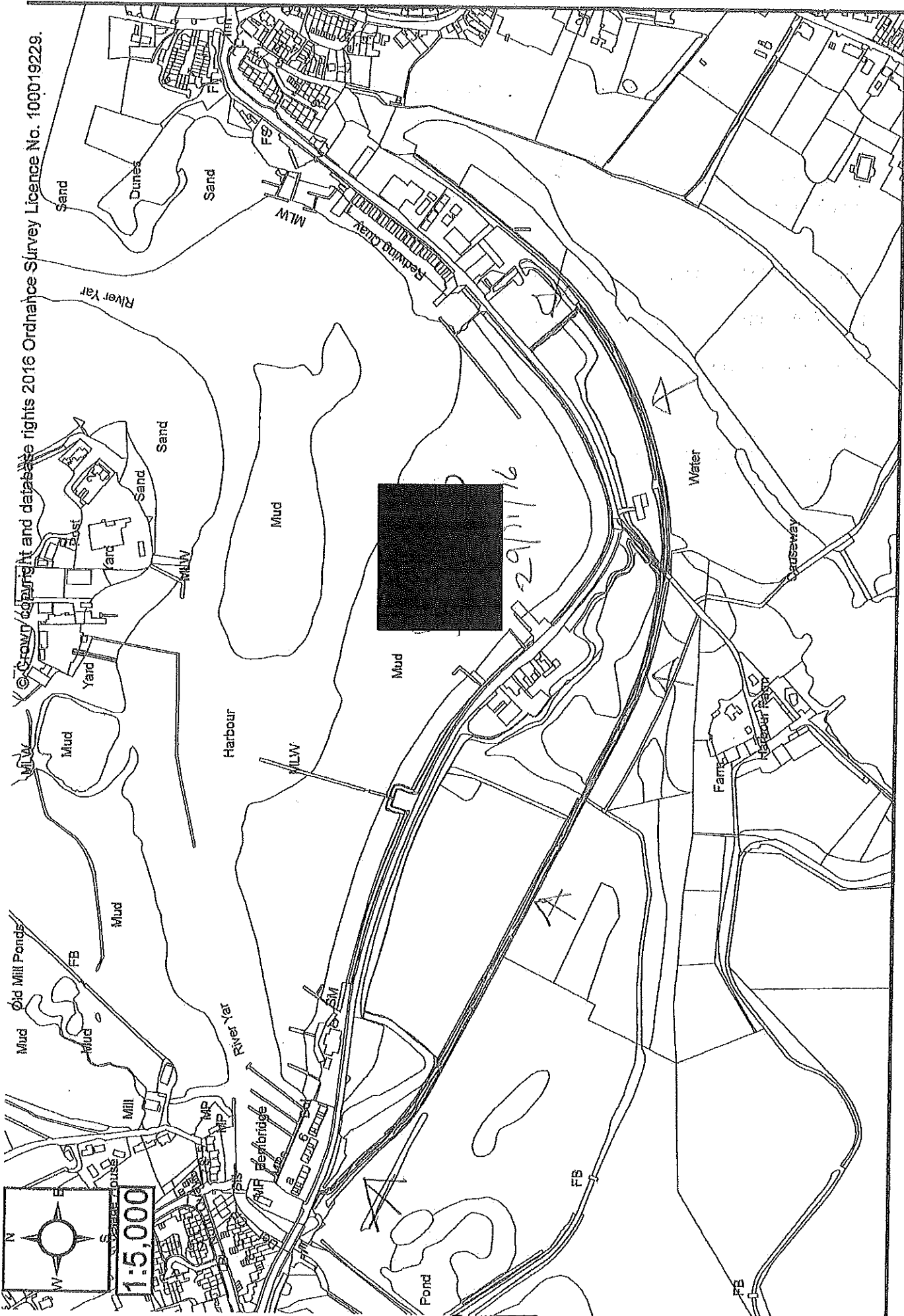


BARRY VICTOR JACOBS

29/11/16

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... MICHAEL STEPHEN JACOBS .....

Address (including postcode): ..... [REDACTED] .....

..... [REDACTED] .....

Telephone: (Home) .....

(Work) .....

(Mobile) ..... [REDACTED] .....

Preferred number and time to be contacted: .....

Email: ..... [REDACTED] .....

Date of Birth: ..... [REDACTED] .....

Occupation: ..... CARPENTER & JOINER .....

### Description of Path:

From: ..... THE RIVER YAR ST HELEN KEY .....

To: ..... B.M.S. GOODS MOTOR SHOP EMBRANKMENT RD .....

Believed status of path: ..... OLD RAILWAY TRACK / FOOT PATH .....  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>BACK AS FAR AS I CAN REMEMBER 60 YRS.</p>
<p>2. How wide is the way?</p>	<p>APPROX 12'-0 LITTLE OVER GROWN IN PLACES</p>
<p>3. Have <u>you</u> used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>ALL MY LIFE.</p> <p>TO ST HELENS THEN BACK TO IEMBRIDGE.</p> <p>A NICE STROLL.</p> <p>OVER 100 TIMES</p> <p>ON FOOT.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>PARTLY CLOSED OFF</p> <p>SEE MAP</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A.</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>YES SEE ON MAP.</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>YES PRIVATE LAND BUT ONLY RECENTLY.</p>
<p>12. Have you ever sought or been given permission to use the way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p> <p>WE USED TO BE ABLE TO WALK UP THE RIVER YAR TO BRADING. TILL THE WATER BOARD MOVED IN</p>	<p>THE OLD RAIL TRACK FOOT PATH USED TO RUN ALL THE WAY TO DEMANDRE STATION ALSO THE SAME TRACK RUNS FROM ST HELENS STATION TO BRADING. THEN BECAME CLOSED BY MR STRAYTON</p>
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ST HELENS OLD RAIL STATION

**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

NONE

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

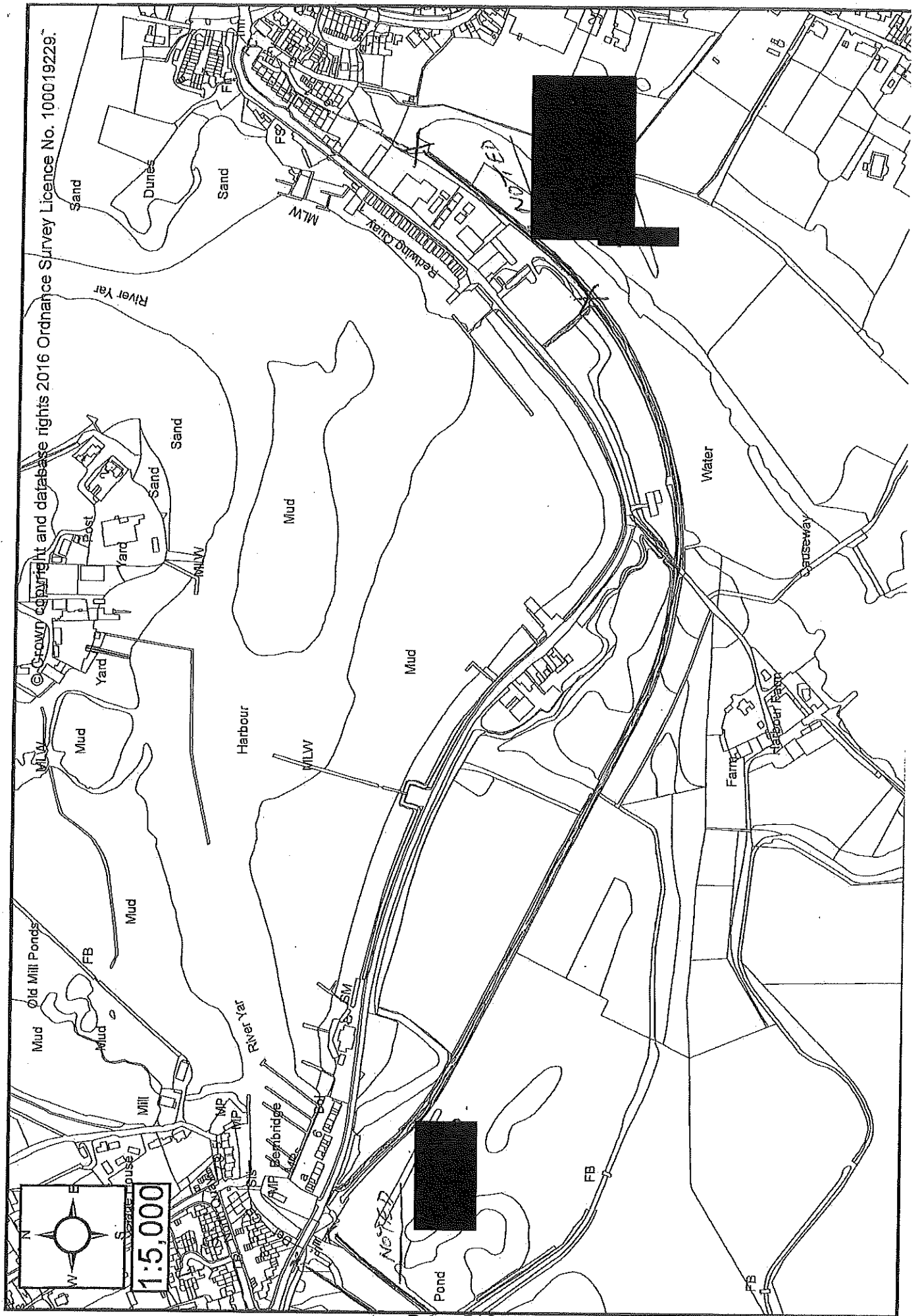
Print Full Name: ..... MICHAEL JACOBS .....

Date of statement: ..... 28 NOV 2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: MR MARK JACOBS

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: [REDACTED] EVENING

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: RETIRED

Description of Path: DISUSED RAILWAY LINE

From: BEMBRIDGE

To: ST HELENS

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>55 YEARS.</p>
<p>2. How wide is the way?</p>	<p>8' APPROX</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>FROM EARLY 1960S TO PRESENT DAY.</p> <p>BEMBRIDGE TO ST HELENS</p> <p>DOG WALKING, WILDLIFE,</p> <p>8 TO 10</p> <p>FOOT.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>/</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A.</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness:  .....

Print Full Name: MARK JACOBS .....

Date of statement: 20/11/2016 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: HOWARD JACOBS

Address (including postcode)

Telephone: (Home)

(Work)

(Mobile)

Preferred number and time to be contacted:

Email:

Date of Birth

Occupation:

Description of Path:

From:

To:

Believed status of path:

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>yes.</p> <p>50</p>
<p>2. How wide is the way?</p>	<p>9ft to 6ft</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1967 to present day</p> <p>St. helens to bembrook</p> <p>pleasure.</p> <p>20+</p> <p>foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>yes.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>no</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>no</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	no
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	no
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	no
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	no
<p>12. Have you ever sought or been given permission to use the way?</p>	no
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	no

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>I worked at auto manne from 1967 on embankment road and walked along track at <del>each</del> lunch times.          worked from 1967 till 2012 in same premises.</p>
--	---

**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

5  
 none

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am <sup>NOT</sup> ~~am~~ not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness:  .....

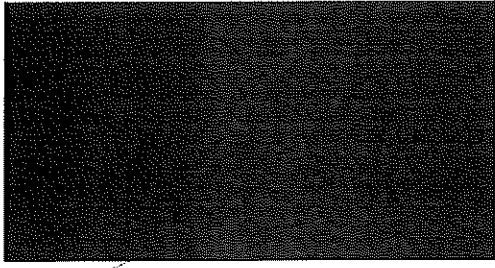
Print Full Name: HOWARD JACOBS .....

Date of statement: 21/11/16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: SARA ARABELLA JANSON

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: [REDACTED]

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: WRITER + FILM MAKER

### Description of Path:

From: THE WEST END OF BEMBRIDGE

HARBOUR ALONG THE OLD RAILWAY LINE

To: THE MIDDLE/EAST END OF THE

HARBOUR INTO EMBANKMENT ROAD

Believed status of path: FOOTPATH / RIGHT OF WAY  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>ALL MY LIFETIME</p>
<p>2. How wide is the way?</p>	<p>APPROX 2-3 METRES</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>EVER SINCE I COULD WALK</p> <p>BEMBRIDGE TO THE DOVER</p> <p>PLEASURE</p> <p>MOST MONTHS</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES, THOUGH THE WESTERN END ACCESS WAS MOVED BY A FEW FEET.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>ONLY AN INFORMATION BOARD ON LOCAL WINDLIFE - PERMANENT STRUCTURE. AND A DIRECTIONAL FOOTPATH SIGN AT JUNCTION WITH DRIVE</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO, AS IT HAS ALWAYS BEEN A RIGHT OF WAY</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>



<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>IT IS A QUIET AND SAFE ROUTE AROUND BEMBRIDGE HARBOUR. IT IS PART OF MY LOCAL HERITAGE AND I WOULD FEEL ROBBED IF I COULDN'T WALK ALONG IT FREELY.</p>
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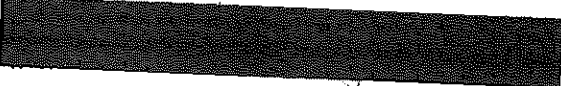
**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness:  .....

Print Full Name: .....

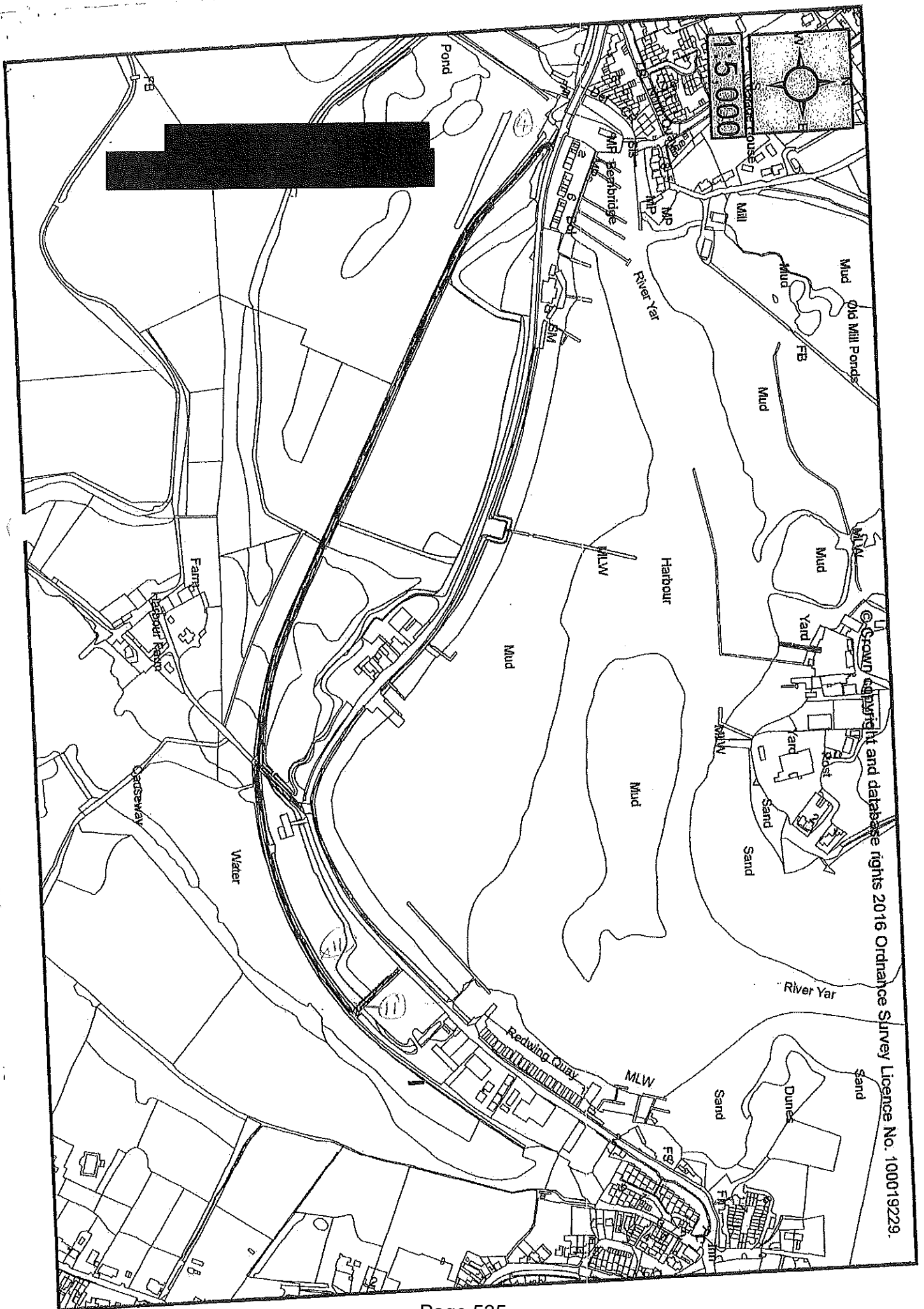
SARA ARABELLA JANSON

Date of statement: .....

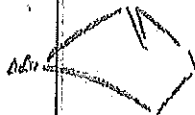
6 DECEMBER 2016

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: DANIEL JORDAN

Address (including postcode): [Redacted]

Telephone: (Home) [Redacted]

(Work) [Redacted]

(Mobile) [Redacted]

Preferred number and time to be contacted: [Redacted]

Email: [Redacted]

Date of Birth: [Redacted]

Occupation: General manager

Description of Path:

From: east bank of river for opposite entrance to marina following old rail line across bridge

To: opposite Selwyn marina @ horse boat club path

Believed status of path: Bridleway / foot path (e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

1(a).	Have you known the way as public?		
	(b). If so, for how many years?		41 yrs!
2.	How wide is the way?		1 to 2 mtrs.
3.	Have you used the way? If so,		
	(a) During which years? (Please be as accurate as possible)		1975 - Present.
	(b) Where were you going to and from?		
	(c) For what purpose?		general walks and to send information boards
	(d) How many times a year?		provided.
	(e) By what means (e.g. on foot, horse, car etc.)		foot.
4.	(a) Has the way always run over the same route?		yes
	(b) If it has changed, give details, dates and show changes on the map.		
5.	Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.		No.
6.	At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.		No.

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>			
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	NO		
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	NO		
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	NO		
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	NO		
<p>12. Have you ever sought or been given permission to use they way?</p>	NO		
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	NO		

14	Please give any further information concerning the way which you consider to be relevant:	
----	---	--

**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should be necessary.  
(\* delete as applicable)

Signature of Witness

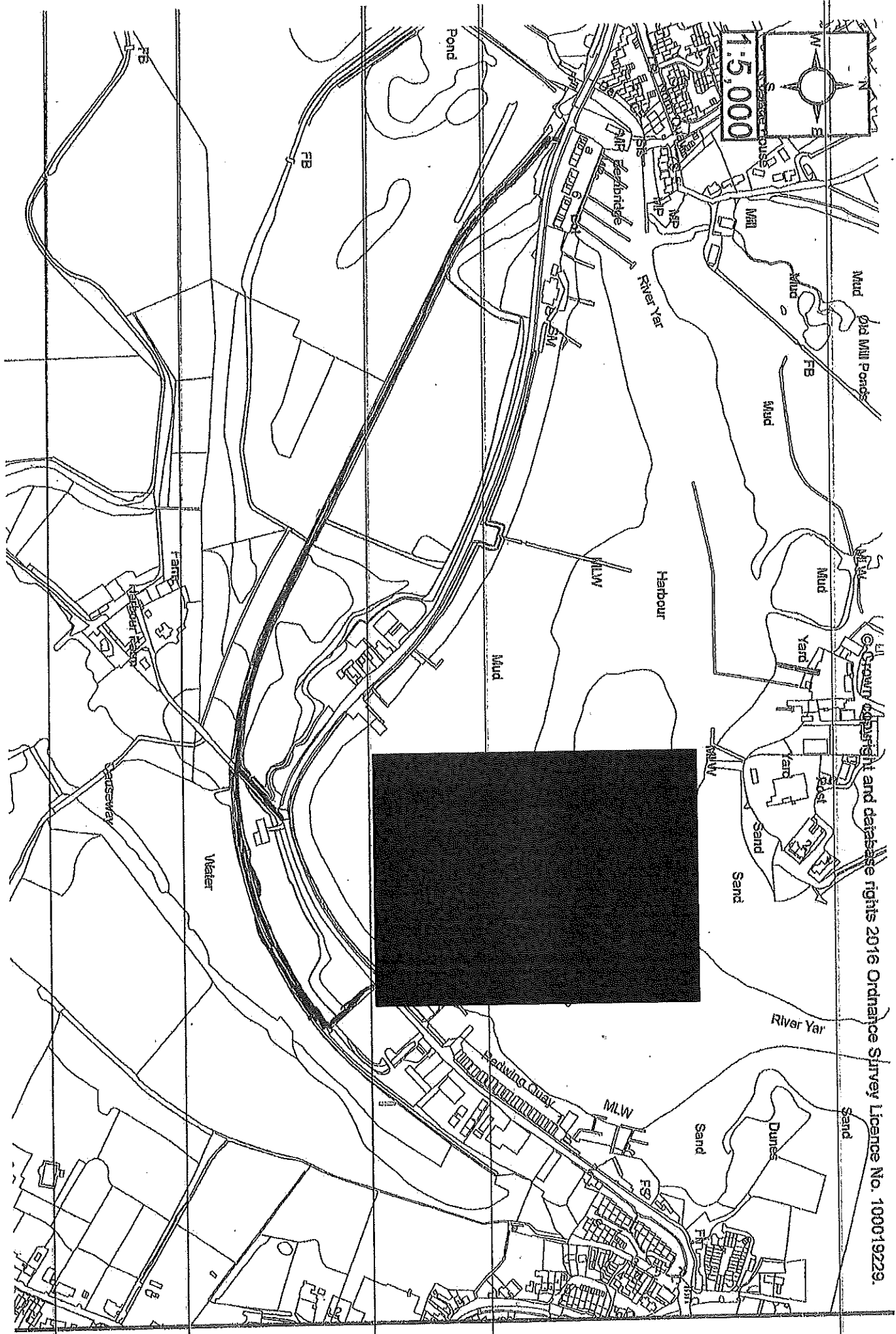
Print Full Name:

Date of statement:

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





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# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: Kim JOYCE

Address (including postcode):  
[Redacted]

Telephone: (Home) [Redacted]

(Work) [Redacted]

(Mobile) [Redacted]

Preferred number and time to be contacted: 9am at home

Email: [Redacted]

Date of Birth: [Redacted]

Occupation: RETIRED ACTOR

### Description of Path:

From: FROM EMBANKMENT ROAD, OPPOSITE THE QUAY

To: FURTHER DOWN EMBANKMENT ROAD

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>AS LONG AS I HAVE LIVED ON THE DOW (4½ years)</p>
<p>2. How wide is the way?</p>	<p>FROM 2 YARDS TO LESS THAN A FOOT.</p>
<p>3. Have <u>you</u> used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>FROM 2012 UNTIL THE PRESENT DAY.</p> <p>I TAKE THE PATH FOR A PLEASURABLE WALK.</p> <p>100+</p> <p>BY FOOT.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>—</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No.</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No.</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NOTICES AT ENTRANCE  "BRADING MARSHES NATURE RESERVE"  AND  "REMBRIDGE LAGOONS"</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No, BUT I WAS TOLD BY THE PREVIOUS OWNER OF HARBOUR FARM THAT IT WAS A PUBLIC FOOTPATH</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No.</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>Some couple of hundred yards onto the walk there is a seat, followed by an information point. On the information point it says "There are many miles of public footpaths and permissive rights of way on and around the reserve for you to explore". There is a map on which the paths are marked, including the one on which you are standing.</p>
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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

None.

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: ..  ..

Print Full Name: ..... Kim Joyce .....

Date of statement: ..... 23rd November 2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**









**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: JACQUELINE KING

Address (including postcode): [REDACTED]

Telephone: (Home) .....

(Work) .....

(Mobile) [REDACTED]

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: [REDACTED]

Occupation: RETIRED

**Description of Path:**

From: ST HELENS

To: BEMBRIDGE

Believed status of path: PUBLIC FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>20 YEARS</p>
<p>2. How wide is the way?</p>	<p>VARIES FROM ABOUT 15FT, &amp; NARROWS TO ABOUT 3FT</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1986 ONWARDS</p> <p>TO BEMBRIDGE FROM ST HELENS</p> <p>A SAFE PATHWAY AWAY FROM TRAFFIC</p> <p>I USE THE PATH AT LEAST TWICE A WEEK</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>A) NO</p> <p>B) NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>//</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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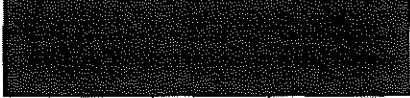
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">None</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... JACQUELINE KING .....

Date of statement: ..... 30TH NOVEMBER 2016 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... RICHARD JAMES LACEY .....

Address (including postcode): .....

Telephone: (Home) .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: .....

Occupation: ..... CARPENTER & JOINER .....

### Description of Path:

From: ..... ST HELENS RIVER BRIDGE TO .....

To: ..... BE HIND BOMBRIE .....

Believed status of path: ..... FOOTPATH - BRIDLEWAY ETC .....

(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>60 YRS APX</p>
<p>2. How wide is the way?</p>	
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>THE LAST 61 YRS</p> <hr/> <p>St HELENS RIVER BRIDGE TO BOAT SHEDS BOMBARDIER</p> <p>WALKING &amp; BIKING</p> <p>10 TO 12 TIMES</p> <p>By FOOT &amp; BIKE</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>5</p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... RICHARD JAMES LACEY .....

Date of statement: ..... 19-11-2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... CHRISTINA ANNETTE LACEY

Address (including postcode): .....

Telephone: (Home) ...

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: .....

Occupation: .....

SHOP ASSISTANT

### Description of Path:

From: .....

YAR BRIDGE TO BOMBIDGE

To: .....

Believed status of path: .....

FOOTPATH BRIDGEWAY  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>51 YRS</p>
<p>2. How wide is the way?</p>	<p>10 FEET</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1965 TO 2016</p> <p>ST MELONS TO BOMBRIDGE</p> <p>PRESAURE</p> <p>12 TO 15</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

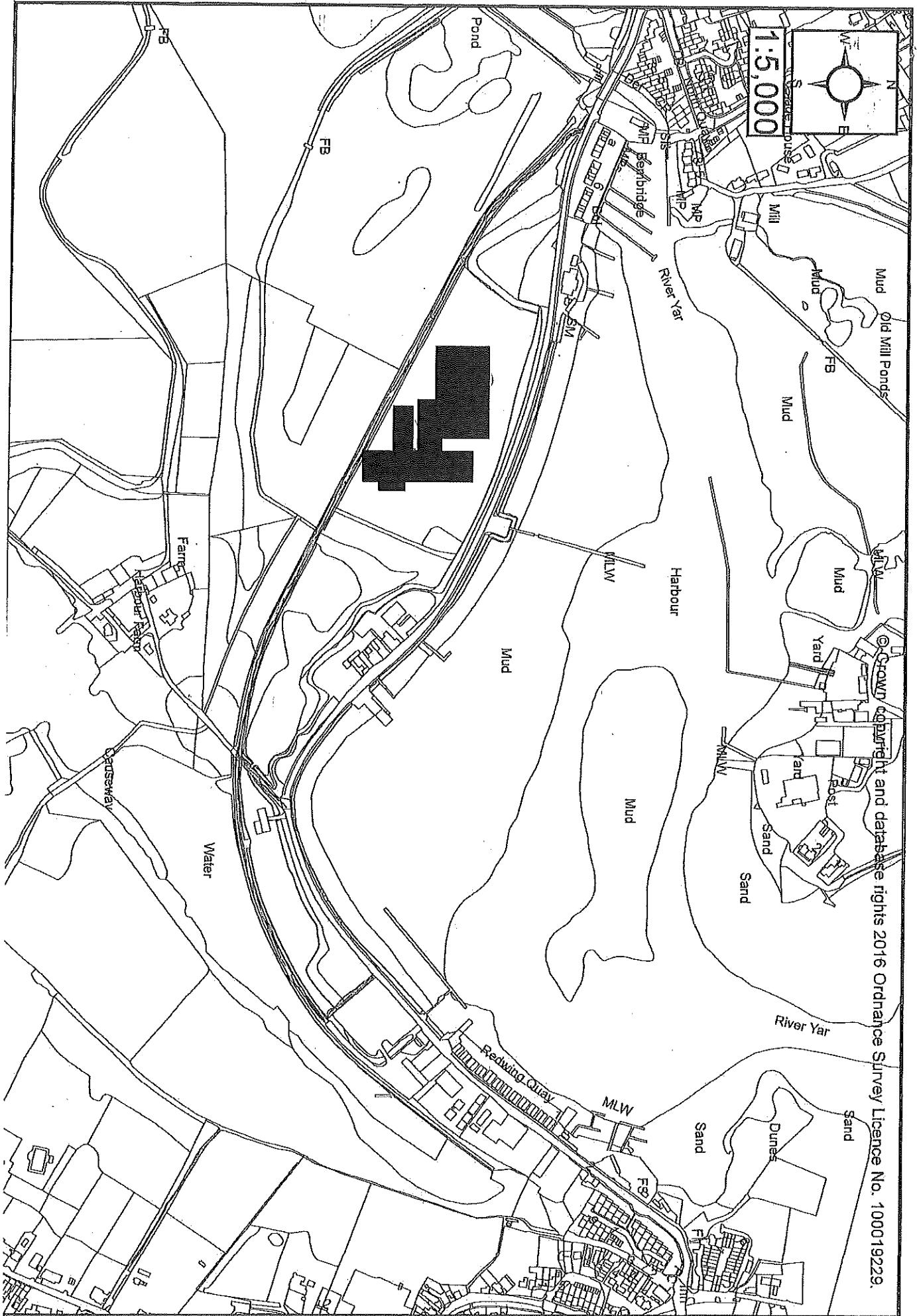
Signature of Witness: .....  .....

Print Full Name: ..... CHRISTINA ANNETTE LACU .....  
.....

Date of statement: ..... 1-12-2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... LINDA CARON LANE .....

Address (including postcode): [REDACTED]  
[REDACTED] .....

Telephone: (Home) ... [REDACTED] .....

(Work) ..... \_\_\_\_\_ .....

(Mobile) ..... \_\_\_\_\_ .....

Preferred number and time to be contacted: ... HOME, EVENINGS .....

Email: ..... \_\_\_\_\_ .....

Date of Birth: ..... [REDACTED] .....

Occupation: ..... HOME CARER .....

### Description of Path:

From: ..... EMBANKMENT ROAD, ST HELENS, J.W. .....

..... GRID REF: 52 631 886 .....

To: ..... BOAT YARD, EMBANKMENT RD, BENTON BRIDGE J.W. .....

..... GRID REF: 52 642 887 .....

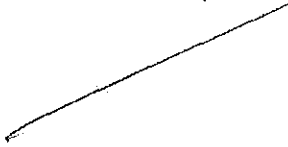
Believed status of path: ..... BRIDLEWAY .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>30 YEARS</p>
<p>2. How wide is the way?</p>	<p>VARIES (1m to 2.5m)</p> <p>FROM 3' to 8'</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1986 to 2016</p> <p>BETWEEN ST. HELENS &amp; BERRIDGE</p> <p>DOG WALKING &amp; BIRD WATCHING</p> <p>200+ days.</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>_____</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>PRIVATE SIGNS ON ROAD LEADING TO HARBOUR FARM.</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

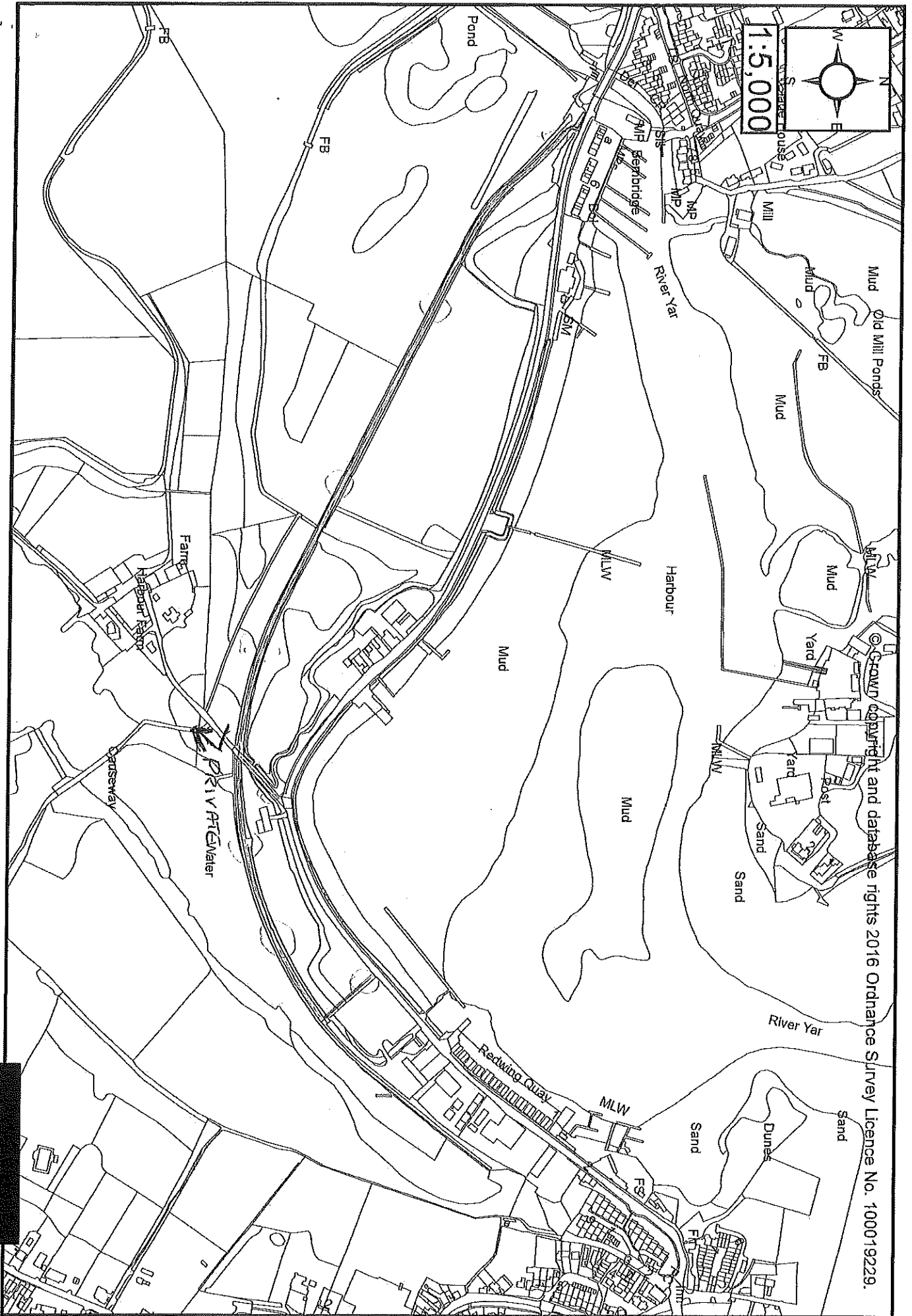
Signature of Witness: .....  .....

Print Full Name: ..... LINDA CARON LANE .....

Date of statement: ..... 18<sup>th</sup> NOVEMBER 2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**







ISLE of  
WIGHT  
COUNCIL

### PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

#### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ... ROBERT LOWE .....

Address (including postcode): [REDACTED] .....

Telephone: (Home) .....

(Work) .....

(Mobile) ... [REDACTED] .....

Preferred number and time to be contacted: ANY TIME .....

Email: [REDACTED] .....

Date of Birth: [REDACTED] .....

Occupation: ... RETIRED .....

#### Description of Path:

From: ... HEWLETT'S CAR PARK .....

To: ... St. Helens Marina .....

Believed status of path: ... FOOTPATH .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

1(a).	Have you known the way as public?	YES
1(b).	If so, for how many years?	10 yrs
2.	How wide is the way?	0.5m to 5.0m
3.	Have you used the way? If so, (a) During which years? (Please be as accurate as possible) (b) Where were you going to and from? (c) For what purpose? (d) How many times a year? (e) By what means (e.g. on foot, horse, car etc.)	YES  ALL  Plot 23 BAMBURGH RD  WALKING OUR DOG  300-600  ON FOOT
4.	(a) Has the way always run over the same route?  (b) If it has changed, give details, dates and show changes on the map.	YES  NO
5.	Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.	NO
6.	At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.	NO

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>		<p>N/A</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>		<p>NO</p>	
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>		<p>NO</p>	
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>		<p>NO</p>	
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>		<p>NO</p>	
<p>12. Have you ever sought or been given permission to use they way?</p>		<p>NO</p>	
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>		<p>NO</p>	

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>IT IS A POPULAR WALKWAY FOR THE OWNERS.</p>
--	--

**DISCLOSURE OF INFORMATION:**

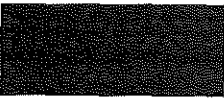
Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>	<p>NONE</p>
---	-------------

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness



Print Full Name:

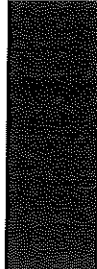
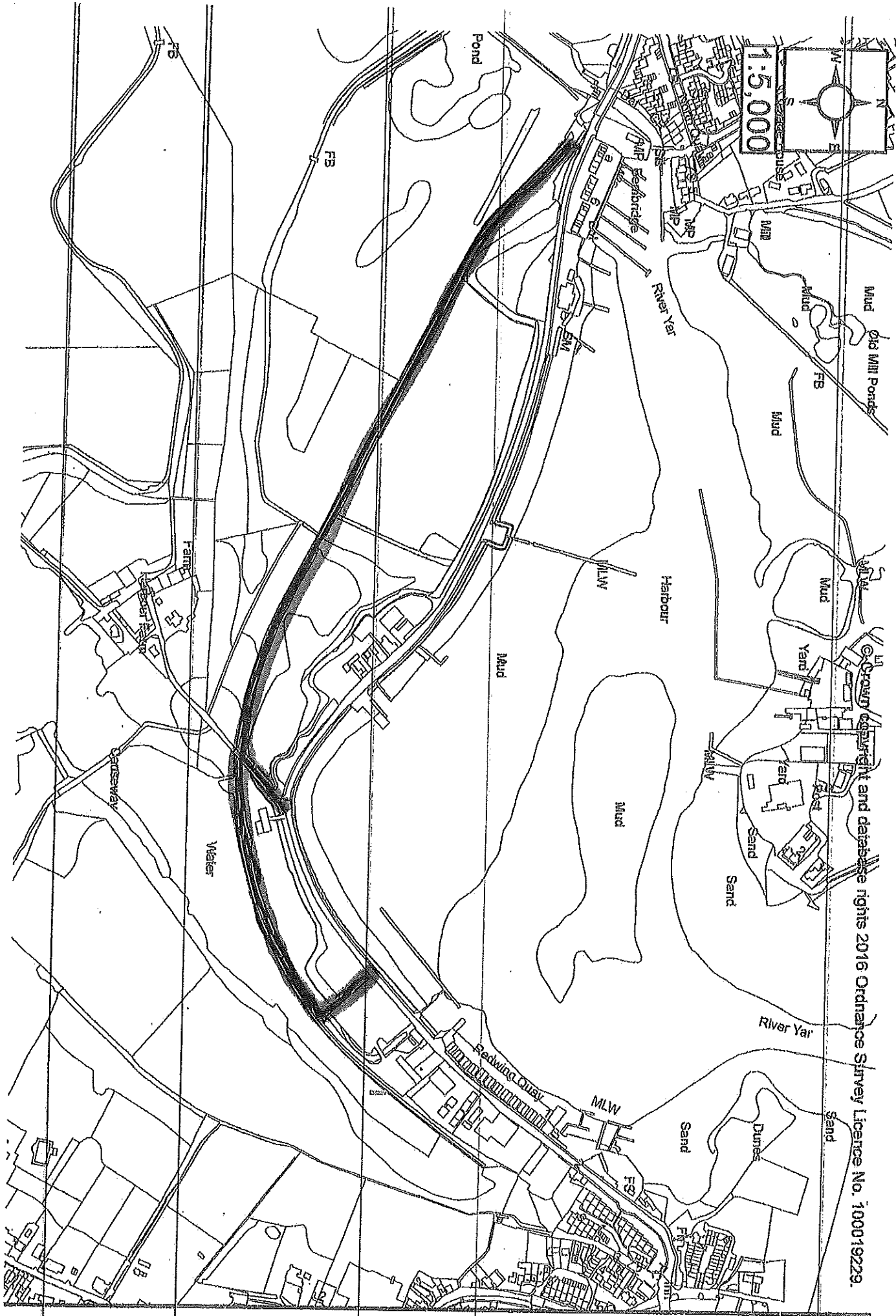
ROBERT LOWE

Date of statement:

22/11/16

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



ROBERT LOUG

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# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: DAVID EDWARD ARTHUR MARLOW

Address (including postcode): 



Telephone: (Home) 

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: 

Email: 

Date of Birth: 5/7/42

Occupation: RETIRED CLERKMAN

### Description of Path:

From: ST HELENS

To: BEMBRIDGE

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>25 YEARS</p>
<p>2. How wide is the way?</p>	<p>1-2 METRES</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1977-1984, 2007-2016</p> <p>ST HELENS - BEMBRIDGE AND BACK.</p> <p>RECREATION / SHOPPING</p> <p>40</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

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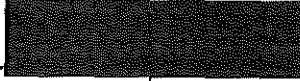
<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>5</p> <p>NONE</p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness:



Print Full Name:

DAVID E. MARROW

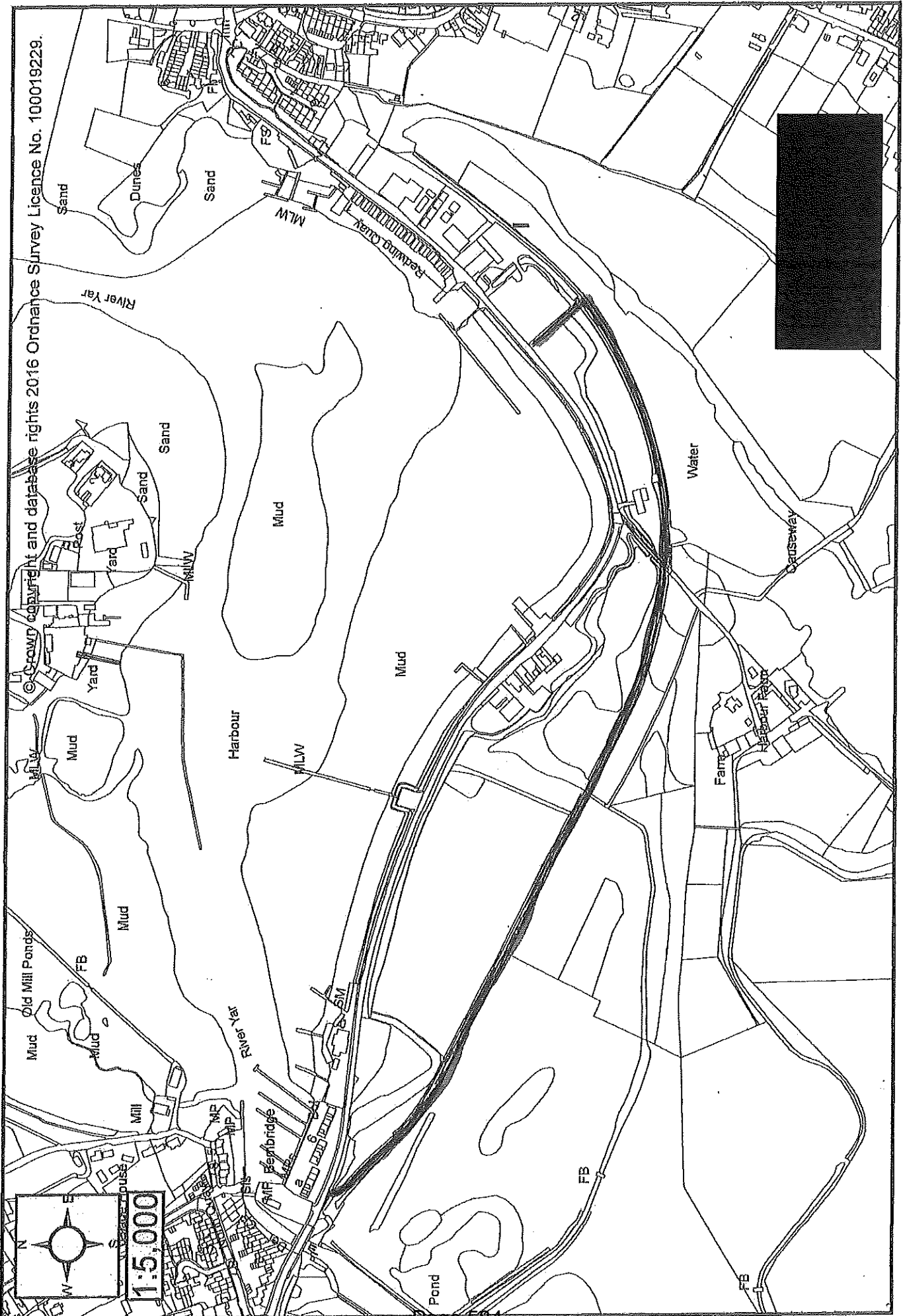
Date of statement:

7/17/16

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ROBERT KATTAGUS

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: .....

Occupation: writer

### Description of Path:

From: St. Helens

To: Bembridge

Believed status of path: Footpath

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>✓</p>
<p>2. How wide is the way?</p>	<p>12'</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>2013</p> <p>St Helens to <i>Bamburgh</i></p> <p>Walking</p> <p>1</p> <p>Foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Don't know</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>Don't know</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>✓</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use the way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>





I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)



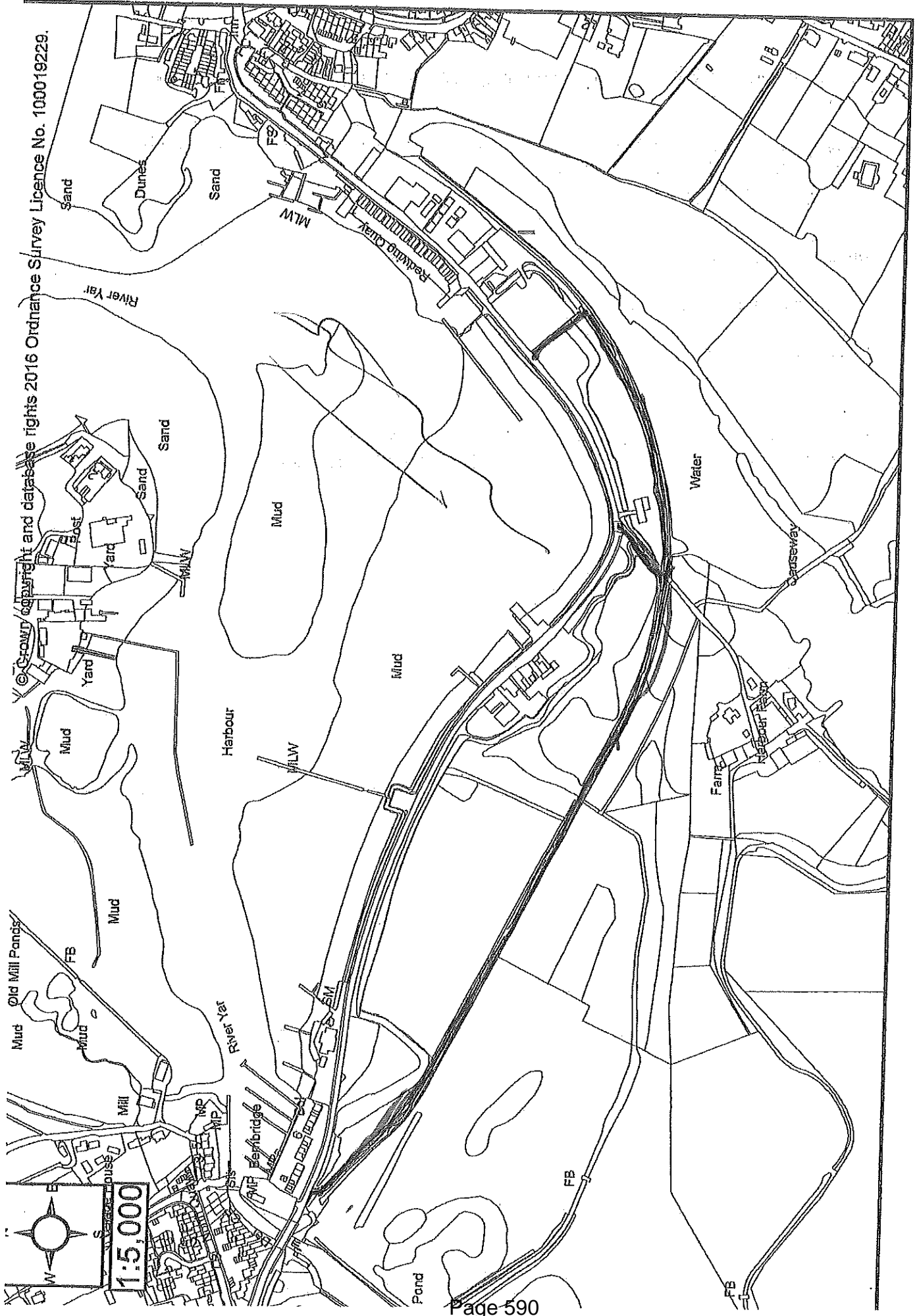
Signature of Witness: .....

Print Full Name: ..... R. MATTHEWS

Date of statement: ..... 11 Dec 2016

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM

IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: SUE MCLAGAN

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: EITHER / HOME

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: SKIPPER

Description of Path:

From: St Helens nr River opposite  
Port St Helens PO33 1XJ.

To: Harbour Farm / Bembudge  
Boatyard. BEMBUDGE  
Along old Railway Line  
footpath / bridleway.

Believed status of path: [REDACTED]  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>FOR AS LONG AS I CAN REMEMBER!</p>
<p>2. How wide is the way?</p>	<p>IT VARIES IN RECENT YEARS IT HAS BEEN WIDENED</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>FROM A LONG TIME BACK '60's/70's - excepting + '81-2001 when I lived overseas.</p> <p>walking prob with dog riding or cycling as above</p> <p>50 + per annum horse, foot, cycle</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>I think so certainly in recent years</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>Don't think so but could have been a 'gate' at one time - Not recently</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No. always as "the public"</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p><u>na</u></p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>only notice / board erected for the benefit of the public near the ponds regarding what may be seen / watched - ie inviting people there</p>
<p>12. Have you ever sought or been given permission to use the way? - ?</p>	<p>No, thought it was a 'public right of way' or similar</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>This was an old railway line closed in 1953 -</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>No particular information except I've always known it as a path and assume public - it has been used from the time the railway was closed "one assumed" prior to my birth!</p>
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**DISCLOSURE OF INFORMATION:**

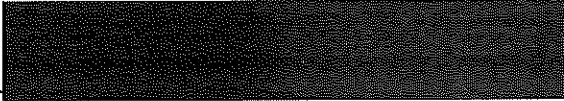
Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: right;">NONE</p>
--



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: ...  .....

Print Full Name: ..... SMB MCLAGAN .....

Date of statement: ..... 21/11/16 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: RAY METCALFE

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) .....

(Work) .....

(Mobile) [REDACTED] .....

Preferred number and time to be contacted: .....

Email: [REDACTED]

Date of Birth: [REDACTED] .....

Occupation: SALES ASSISTANT .....

### Description of Path:

From: ST. HELLENS .....

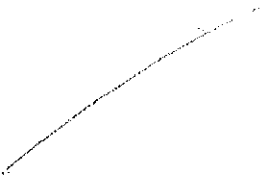
To: BLEM BRIDGE .....

Believed status of path: PUBLIC FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>2 YEARS</p>
<p>2. How wide is the way?</p>	<p>VARIABLE</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>LAST 2 YEARS</p> <p>ST HARLONS / BEMBRIDGE</p> <p>PHOTOGRAPHY EXERCISE</p> <p>MANY</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>NEVER</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NEVER</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p> <p>SOME WHOSE THAT AS BEEN USED AND VIEWED AS A PUBLIC RIGHT OR WAY FOR YEARS SHOULD</p>	<p>NOT BE CHOSEN OR HAVE THE PEOPLE DENIED ACCESS TO IT.</p>
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**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

NONE

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... RAYMOND JOHN METCALG .....  
*(Note: 'JOHN' is circled in the original image)*

Date of statement: ..... 27/11/16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... Elizabeth Mitchell .....

Address (including postcode): ..... [Redacted] .....

Telephone: (Home) ..... [Redacted] .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: ..... [Redacted] .....

Occupation: ..... Retired .....

**Description of Path:**

From: ..... Old railway track .....

..... Land next to Puffot House. across .....

To: ..... entrance to what was harbow farm .....

..... to YAR river and sluice gates. ....

Believed status of path: ..... footpath, Bridleway .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>yes.</p> <p>nearly 50 years.</p>
<p>2. How wide is the way?</p>	<p>at least wide enough for a horse to walk down.</p>
<p>3. Have <u>you</u> used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>yes</p> <p>must be every year. since 1970</p> <p>Bamburgh to St. Helens or vice versa.</p> <p>to get to where I was going off the main road</p> <p>at least once horse and foot.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>more or less.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>Kept horse at Harbow farm.</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>No</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>Horse kept on Husbou farm during 70 + 80's.</p>

14. Please give any further information concerning the way which you consider to be relevant:

I personally have been used this old railway track as a foot path for nearly a half century.

**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

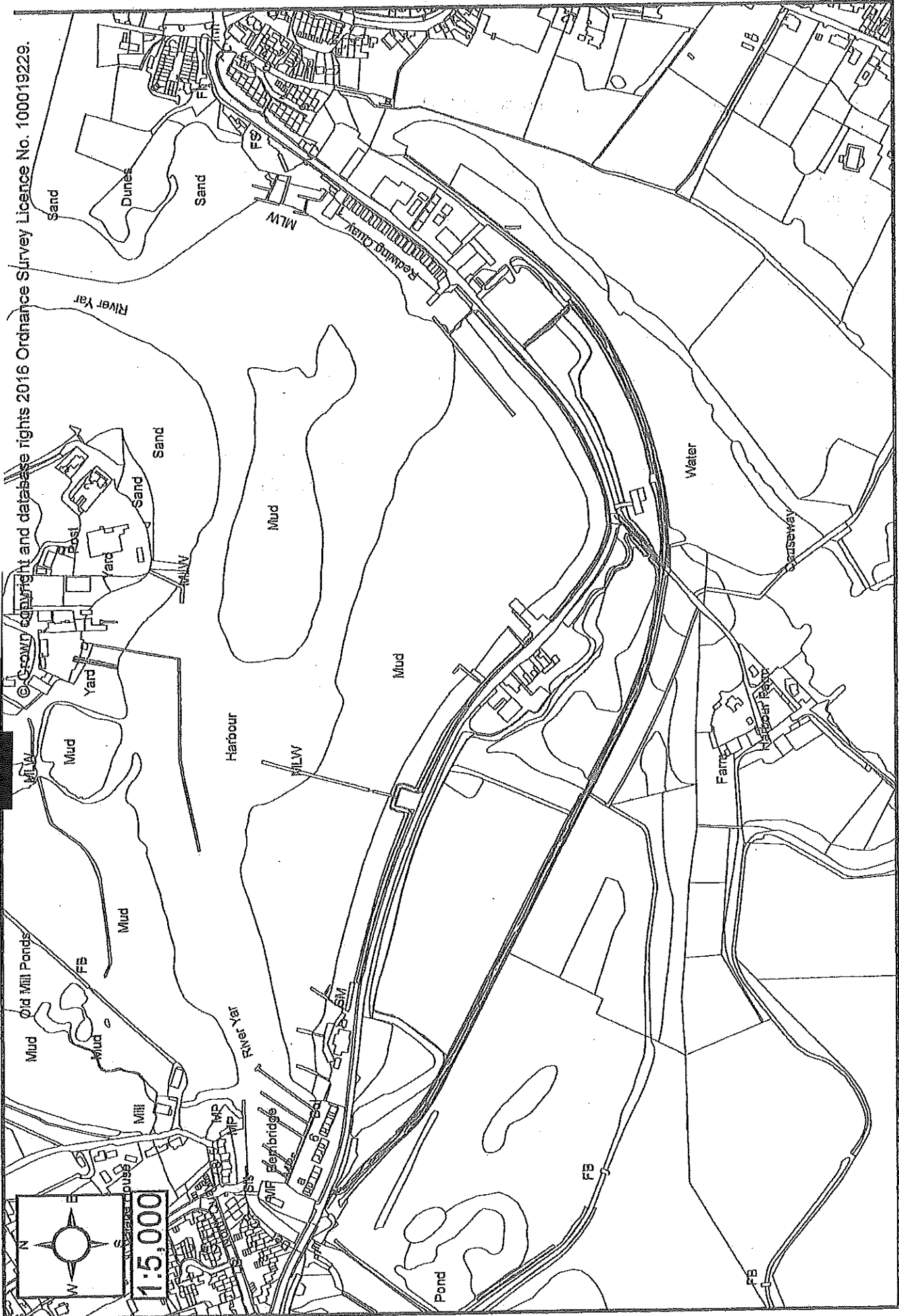
Signature of Witness: .....  .....

Print Full Name: ..... ELIZABETH MITCHELL .....

Date of statement: ..... 31.12.16. ....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *Caroline Theresa Musker*

Address (including postcode): [Redacted]

Telephone: (Home) [Redacted]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: [Redacted]

Date of Birth: [Redacted]

Occupation: *gardener*

**Description of Path:**

From: *Embankment Rd Bembridge*

To: *St. Helens*

Believed status of path: *footpath*  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>Since 1968</p>
<p>2. How wide is the way?</p>	<p>2m.</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes</p> <p>1968 - 74 1974 - 92 2014 - 2016</p> <p>St Helens - Beunbridge Beunbridge - St Helens</p> <p>recreation</p> <p>10 approx</p> <p>on foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>no</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>no</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>no</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>no</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>no</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>no</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>no</p>

14. Please give any further information concerning the way which you consider to be relevant:	
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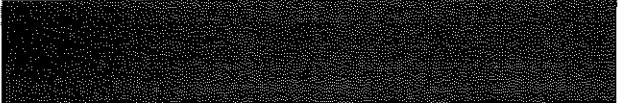
Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):
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I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: 

Print Full Name: .....

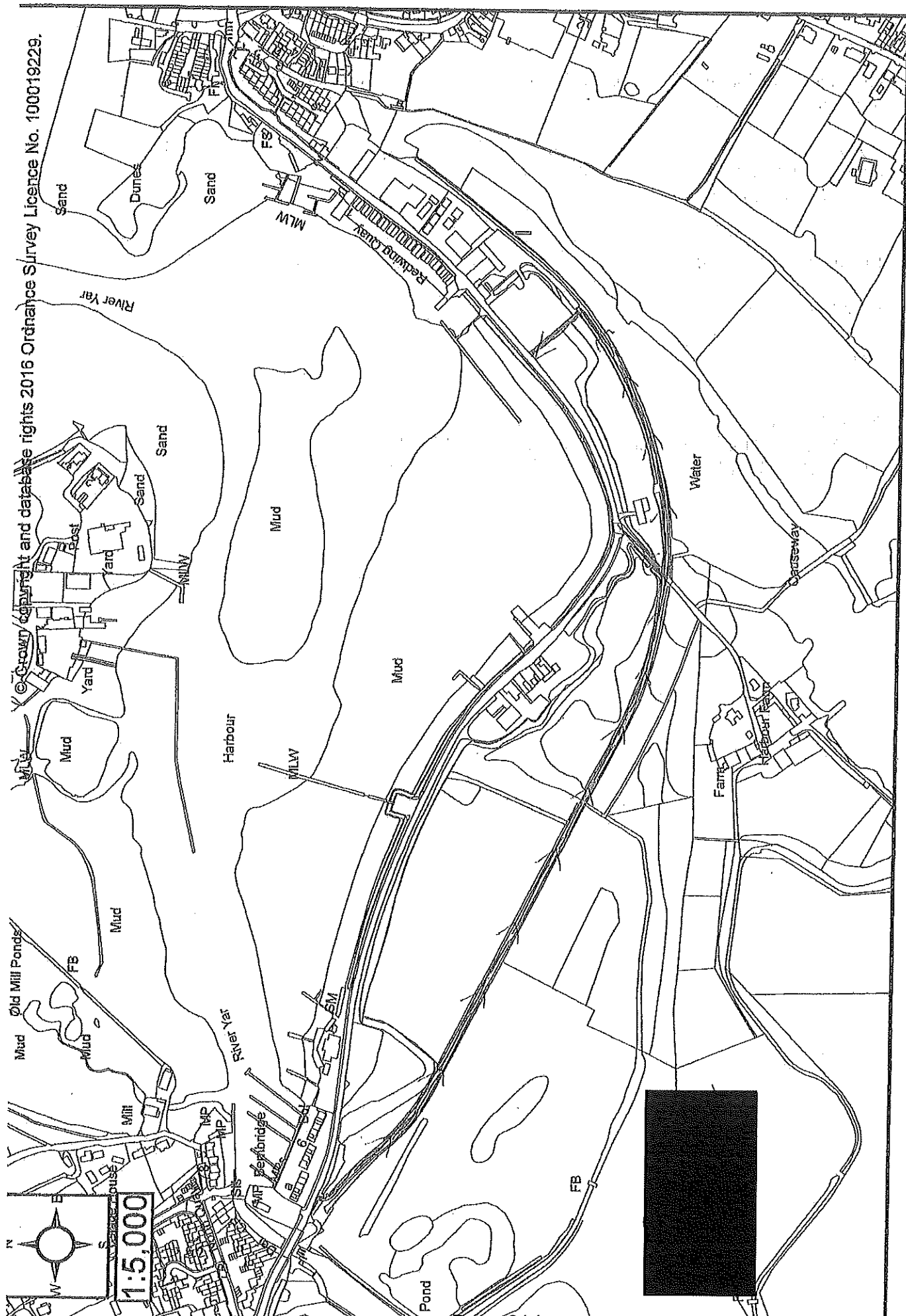
CAROLINE THUSKER

Date of statement: .....

5.12.16

**IMPORTANT:**

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PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: RICHARD THOMAS NEWELL

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: [REDACTED]

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: RETIRED

Description of Path:

From: EMBARKMENT ROAD OPPOSITE BNYE TO BEN BRIDGE BOATYARD

To: ADJACENT BEN BRIDGE BOATYARD

Believed status of path: FOOTPATH (e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES.</p> <p>38 yrs.</p>
<p>2. How wide is the way?</p>	<p>BETWEEN 12 FEET AND 4 FT</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1979 TO 2016</p> <p>St HELENS / BEM BRIDGE.</p> <p>LEISURE WALK (ATTEND) MEDICAL CENTRE.</p> <p>20 TIMES +</p> <p>FOOT.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES.</p> <p>UNCHANGED EXCEPT AT BASIS OF BEMBRIDGE BOATYARD</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>No.</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No.</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>TRSPB RESERVE ADJACENT TO THE PATH.</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

① The access to the path at the Bembridge boatyard end is badly maintained and foliage allowed to overgrow - almost to discourage walkers it would seem.

14. Please give any further information concerning the way which you consider to be relevant:

③ There has always been a feeling transmitted by the RSPB that you are not really welcome in the reserve especially with a dog - even on a lead and under strict supervision.

② When the RSPB took this adjacent land from the Hicks family it was generally understood that they would take the marshes over that it would be opened up to the residents of Biffertens and Bembridge / Brading and it would be accessible under supervision of wardens, for bird watching including the construction of Hides. This has never transferred to my knowledge.

**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

None

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

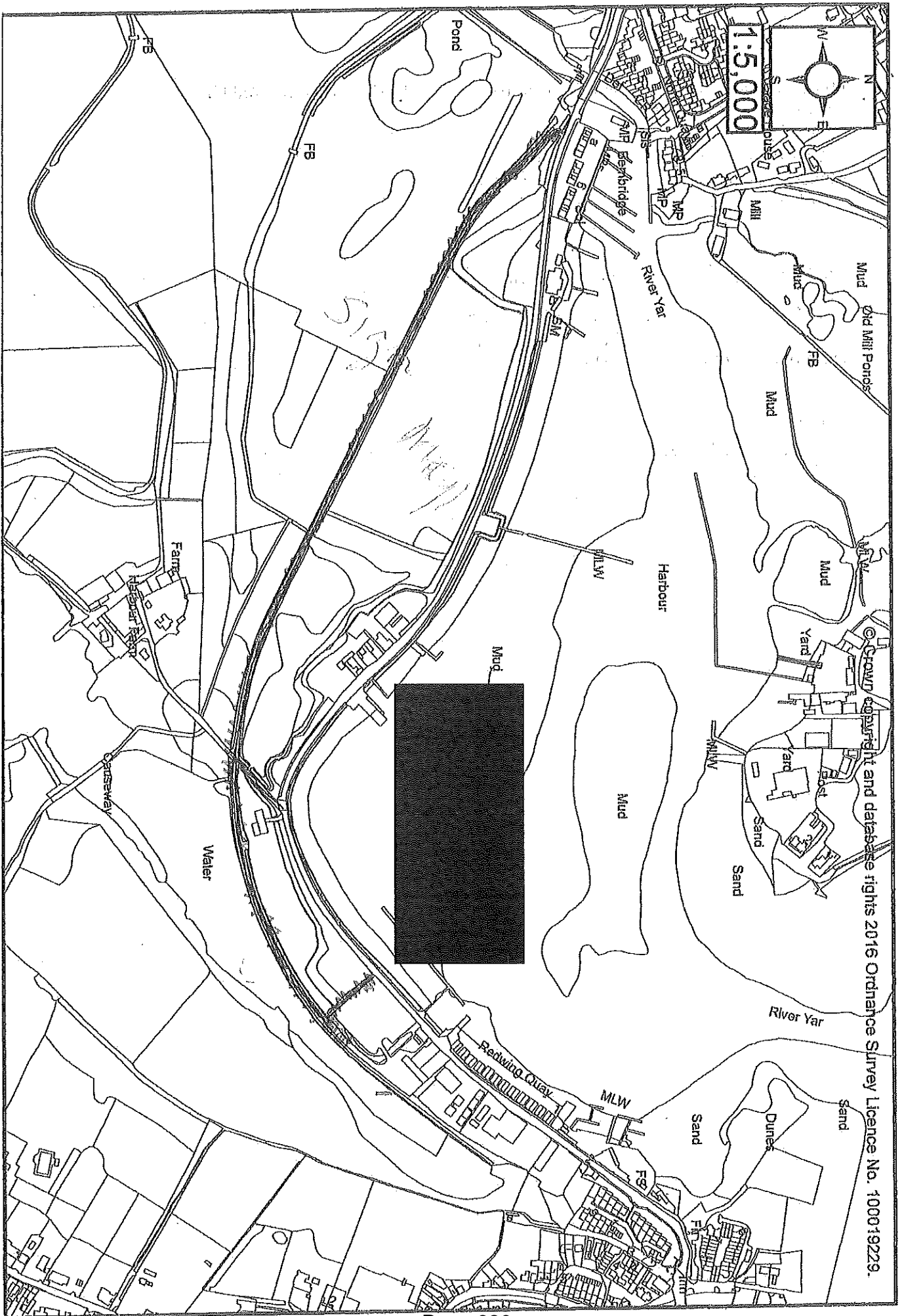
Signature of Witness: ...  .....

Print Full Name: ..... THOMAS AS. NEWELL .....

Date of statement: ..... 19<sup>th</sup> Dec 2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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P.S. IS LYNCHERS LANE GOING TO BE NEXT ON LIST ??





# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ...M.P...P.H.L.P...N.L.E.L...N.O.P.P.H.S.....

Address (including postcode): .....

Telephone: (Home) .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: ...MOBILE PHONE

Email: .....

Date of Birth: .....

Occupation: ...CHARTER BUILDING ENGINEER  
PARTY WALL & BOUNDARY CONSULTANT

### Description of Path:

From: ...PUBLIC PATH ON DISUSED RAILWAY TRACK  
BEMBRIDGE

To: ...ST HELENS

Believed status of path: FOOT PATH  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES FOR 30 YEARS.</p> <p>30 YEARS</p>
<p>2. How wide is the way?</p>	<p>1M - 2M.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>WALKING BY MYSELF MY LATE PARTNER MY FAMILY MEMBERS 1987 - 2016. PILOTS HOUSE TO BRADING HAVEN YACHT CLUB &amp; MARINA ABOUT 50 TIMES MYSELF. FOOT.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>N/A.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A.</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>I USED THE FOOT PATH FOR 30 YEARS UNDER THE PRESCRIPTIVE ACT 1832.</p>
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>NONE.</p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... PHILIP NIGEL NARRIS .....

Date of statement: ..... 29-12-16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... SARAH LYAN NOYES .....

Address (including postcode): ..... [REDACTED] .....

Telephone: (Home) ..... [REDACTED] .....

(Work) .....

(Mobile) ..... [REDACTED] .....

Preferred number and time to be contacted: ..... [REDACTED] .....

Email: ..... [REDACTED] .....

Date of Birth: ..... [REDACTED] .....

Occupation: ..... Retired .....

**Description of Path:**

From: ..... Just west of Bradys Haven Tacht Pub .....

To: ..... South of Redwin Quay .....

Believed status of path: ..... Footpath / Bridleway .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>40 years (when I moved to Bembridge)</p>
<p>2. How wide is the way?</p>	<p>10 - 15 ft.</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1977 - 2016</p> <p>west → east (whod way)</p> <p>Dog walking</p> <p>15</p> <p>foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p> <p>no</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>no</p> <p>except not accessible at Bembridge Boatyard</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>Benbridge Goatyard</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>Yes. 1982 - 2016</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

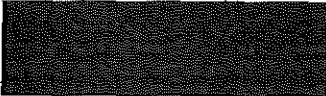
Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
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I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

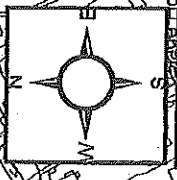
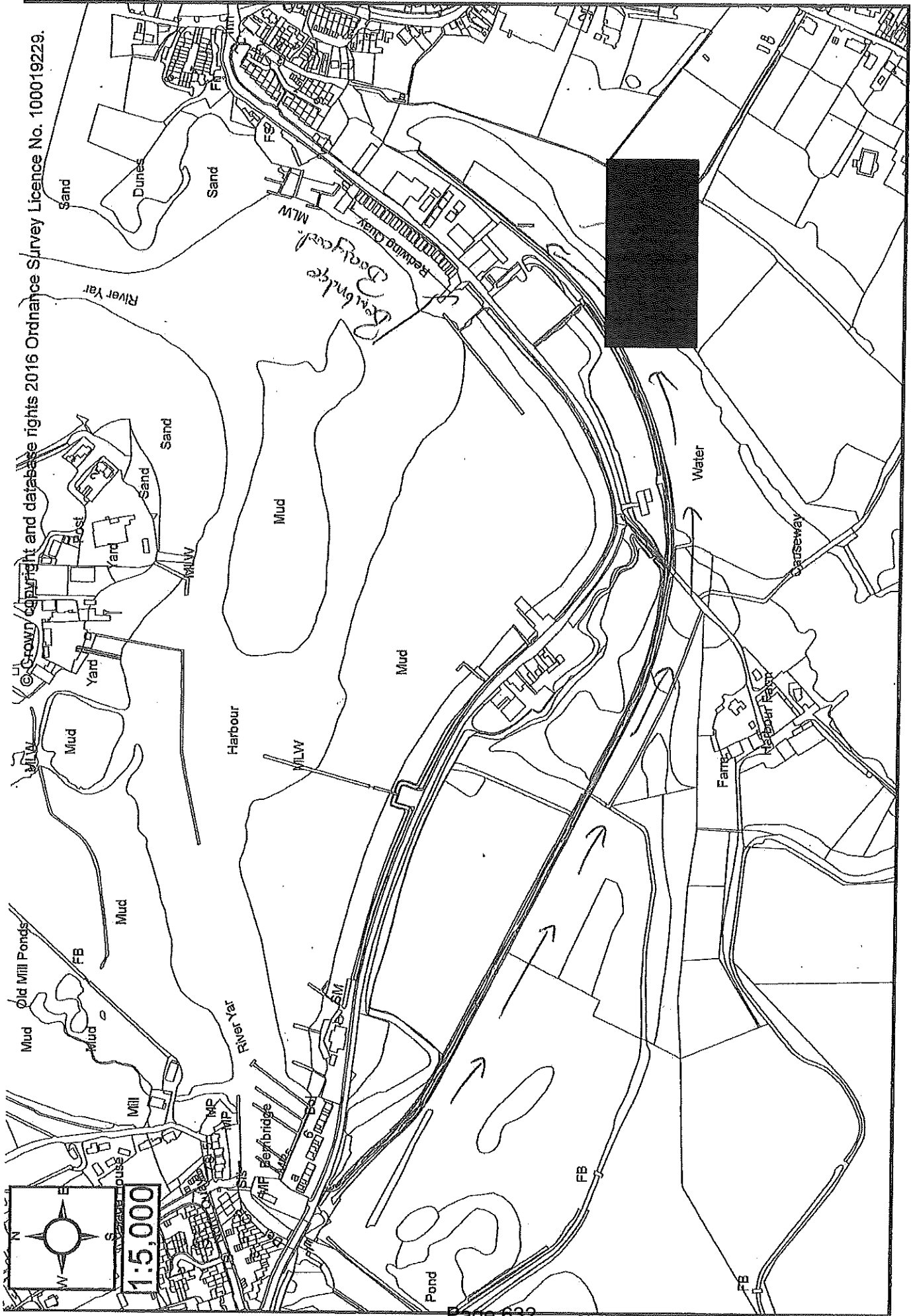
(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... SARAH LYNN NOTES .....

Date of statement: ..... 29 December 2016 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



1:5,000



**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: SANDRA ORR

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: DAYTIME

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: RETIRED

**Description of Path:**

From: BEMBRIDGE

To: ST. HELENS

ALONG OLD RAILWAY LINE

Believed status of path: FOOTPATH

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>22 YEARS</p>
<p>2. How wide is the way?</p>	<p>2 METRES MINIMUM</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1994 - 2016</p> <p>BEMBRIDGE TO ST. HELENS OR VICE VERSA</p> <p>TO GET FROM BEMBRIDGE TO ST. HELENS OR VICE VERSA</p> <p>AT LEAST 20</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>N/A</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO. N/A</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO N/A</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p> <p>① TO WALK BETWEEN BEMBRIDGE &amp; ST. HELENS THIS IS</p> <p>(A) THE ONLY SAFE ROUTE (AS THE PAVEMENT(S) AND EMBANKMENT ROAD ARE NARROW AND BUSY)</p> <p>(B) IT IS ONE OF THE MOST PLEASANT LOCAL WALKS</p>	<p>② IT IS OFTEN NECESSARY TO WALK BETWEEN ST. HELENS &amp; BEMBRIDGE AS</p> <p>(A) FEW BUSES</p> <p>(B) MAY BE GOING TO ENJOY DRINKS WITH FRIENDS</p> <p>(C) SHOPS / BANKING / HAIRDRESSERS ARE MAINLY IN BEMBRIDGE.</p>
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**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

NONE



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

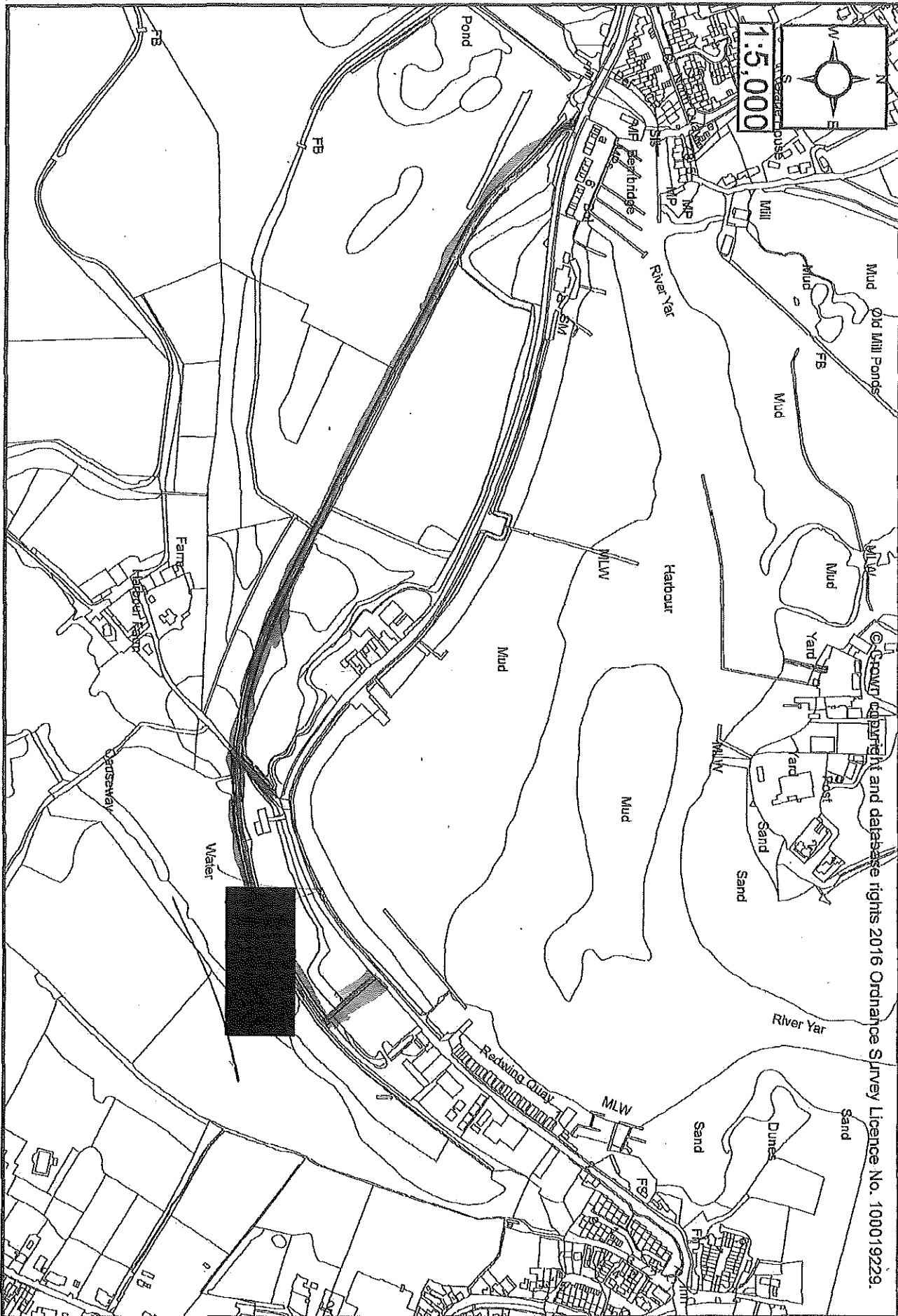
I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... SANDRA ORR .....

Date of statement: ..... 5.12.16 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: CHARLES W.S.W. ORR

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: ANYTIME

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: RETIRED

### Description of Path:

From: BEMBRIDGE

To: ST. HELENS

ALONG OLD RAILWAY LINE

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>22 YEARS</p>
<p>2. How wide is the way?</p>	<p>MIN 2 METRES</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1994 - 2016</p> <p>BEMBRIDGE TOST. HELENS / VICE VERSA</p> <p>TO GET FROM BEMBRIDGE TO ST. HELENS / VICE VERSA</p> <p>MIN. 20</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>N/A</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO N/A</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

14. Please give any further information concerning the way which you consider to be relevant:

- ① THIS IS THE ONLY SAFE PEDESTRIAN ROUTE BEMBRIDGE ↔ ST. HELENS BECAUSE EMBANKMENT ROAD HAS NARROW PAVEMENTS AND CLOSE SPEEDING TRAFFIC
- ② THIS IS A LOVELY LOCAL WALK

③ IT IS OFTEN NECESSARY TO WALK → BEMBRIDGE FOR SHOPS (ETC), SOCIAL EVENTS (ETC).

④ FEW BUSES SO WALKING OFTEN NECESSARY

**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

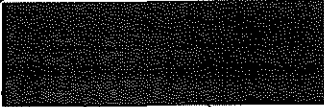
NONE

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness:



Print Full Name:

CHARLES WILLIAM STEWART WARDEN ORR

Date of statement:

5.12.16

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... LINDA ORCHARD .....

Address (including postcode): .. [REDACTED] .....

[REDACTED] .....

Telephone: (Home) .. [REDACTED] .....

(Work) .....

(Mobile) .. [REDACTED] .....

Preferred number and time to be contacted: ..... Home .....

Email: .. [REDACTED] .....

Date of Birth: .... [REDACTED] .....

Occupation: ..... retired .....

### Description of Path:

From: ..... ST HELENS END OF EMBANKMENT .....

To: ..... LAND ADJACENT TO PILOTS HOUSE .....

Believed status of path: ..... foot path .....

(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>		<p>YES</p>
<p>2.</p>	<p>How wide is the way?</p>	<p>AVERAGE 5'</p>
<p>3.</p> <p>Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>		<p>YES</p> <p>EVERY YEAR FOR 30 YEARS</p> <p>ST HELENS END TO END OF PATH</p> <p>RECREATIONAL (BIRD WATCHING - BLACKBERRYING ETC)</p> <p>APPROX 6 TIMES</p> <p>FOOT</p>
<p>4.</p>	<p>(a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5.</p>	<p>Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6.</p>	<p>At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>			
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>		NO	
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>		NO	
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>		NO	
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>		NO	
<p>12. Have you ever sought or been given permission to use they way?</p>		NO	
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>		NO	

14. Please give any further information concerning the way which you consider to be relevant:

**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

NONE

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... HINDA ORCHARD .....

Date of statement: ..... 9 / 12 / 2016 .....

**IMPORTANT:**  
PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.





PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM

IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ...KENNETH MICHAEL ORCHARD.....

Address (including postcode): ... [REDACTED] .....

Telephone: (Home) ... [REDACTED] .....

(Work) ..... [REDACTED] .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: ... [REDACTED] .....

Date of Birth: ... [REDACTED] .....

Occupation: ...RETIRED COASTAL ENGINEER.....

Description of Path:

From: ... (A) - PATH FOLLOWING THE TRACK OF .....

..... THE FORMER RAILWAY, BEHIND EMBANK .....

To: ... (B) MENT ROAD, FROM WEST OF BRADINE HAVEN .....

YACHT CLUB CARPARK (A) TO LAND ADJOINING 'PILOTS HOUSE' (D) .....

Believed status of path: ...FOOTPATH.....

(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>AROUND 40</p>
<p>2. How wide is the way?</p>	<p>VARIABLES - (A) - (B) AROUND 3 METRES</p> <p>(C) - (D) - LESS THAN 1 METRE IN PLACES.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1970'S TO THE PRESENT TIME</p> <p>ALONG THE WHOLE LENGTH (USUALLY FROM WEST - EAST)</p> <p>LEISURE/RECREATION, DOG-WALKING, ETC.</p> <p>10 TO 15</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>✓</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>/</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>	
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>	
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>	
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NOT AS FAR AS I AM AWARE.</p>	
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>	
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>	

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>THIS IS A VERY POPULAR WALK, USED BY MANY PEOPLE, INCLUDING NATURALISTS &amp; BIRDWATCHERS</p>
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**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

NONE.

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

~~I am/am not\*~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... KENNETH MICHAEL ORCHARD .....

Date of statement: ..... 09/12/2016 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: SARAH PHILIPSBORN

Address (including postcode): [REDACTED]

Telephone: (Home) .....

(Work) .....

(Mobile) [REDACTED] .....

Preferred number and time to be contacted: .....

Email: [REDACTED] .....

Date of Birth: [REDACTED] .....

Occupation: .....

### Description of Path:

From: ST HELENS QUAY

To: BEHIND BMS EMBANKMENT RD

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>17 YEARS</p>
<p>2. How wide is the way?</p>	<p>NOT EXACTLY SURE BUT IMAGINE 4-5 METRES</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>SINCE <del>2000</del> 1999</p> <p>ST HELENS → BEMBRIDGE BEMBRIDGE → ST HELENS WALKING BETWEEN THE 2 PLACES</p> <p>50</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>YES, AS USED TO BE ABLE TO WALK RIGHT THE WAY TO STATION RD IN BEMBRIDGE</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>ONLY TODAY 28/11</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here <b>(if you have no comments please state "none"):</b></p>
--

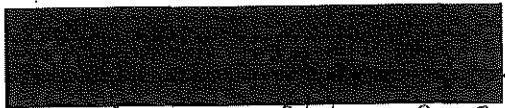


I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness:



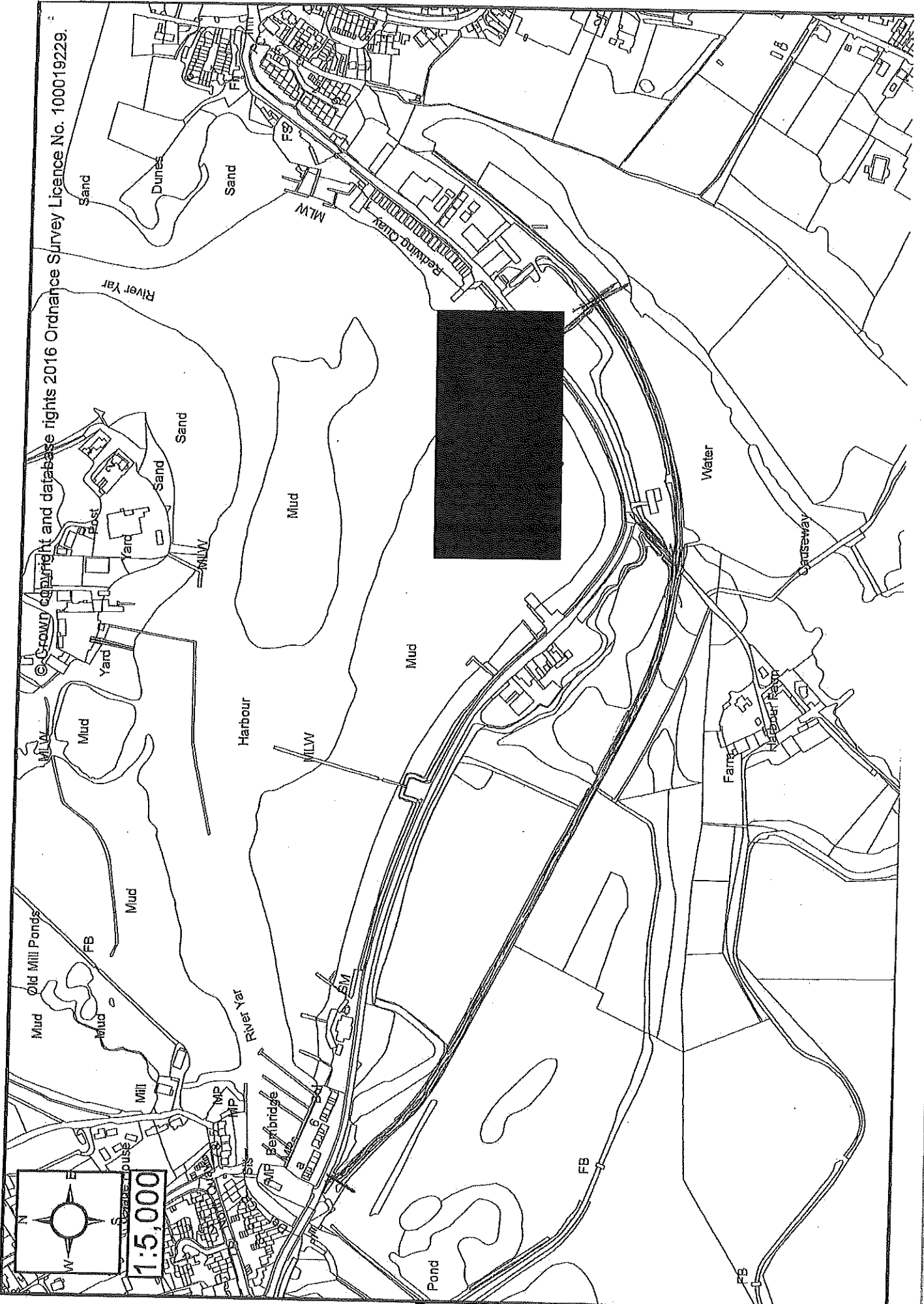
Print Full Name: ..... SARAH PHILLIPS BORN .....

Date of statement: ..... 28 / 11 / 2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: Heidi Playford

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) [REDACTED]

Preferred number and time to be contacted: .....

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: Disabled

### Description of Path:

From: St Helen's near bridge over river

To: Bembridge near Station Rd

Believed status of path: Public footpath + Bridleway  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>20+ years</p>
<p>2. How wide is the way?</p>	<p>Varying</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1995 to Present</p> <p>St Helen's - Benbridge + Back.</p> <p>Walking the dogs.</p> <p>Many</p> <p>Foot.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>Never</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>This pathway is in constant use by many people, dogs and horses. It is a safe place to walk for dogs and children - the nearby road is busy and the footpath very narrow - making it less</p>
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safe for children + dogs.  
 The footpath should NOT be closed to the public.

**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

None.

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

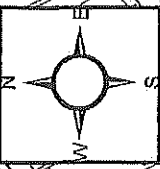
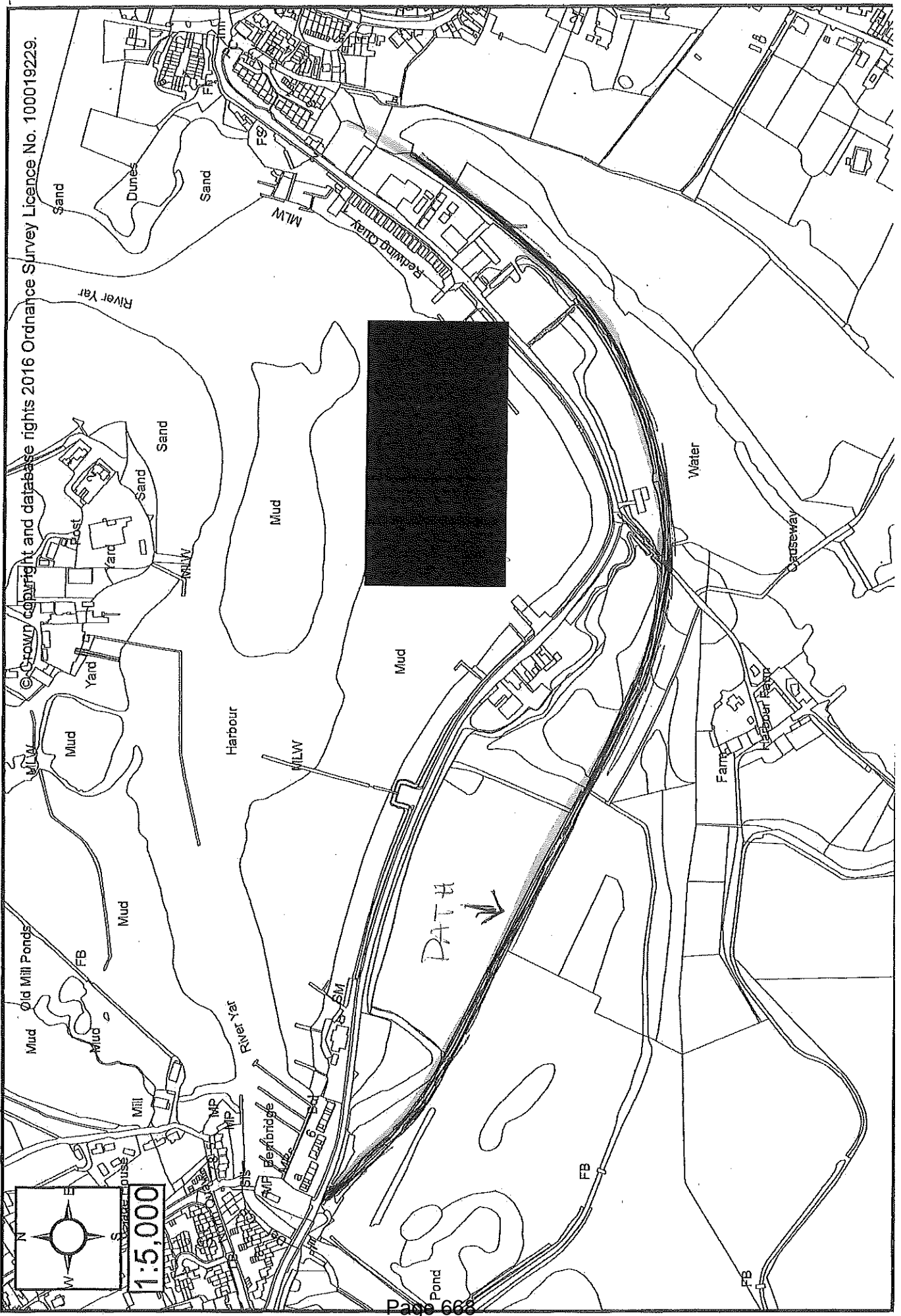
Signature of Witness: .....  .....

Print Full Name: ..... H. PLAYFORD .....

Date of statement: ..... 27-11-16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



1:5,000



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... ALAN PHILLIPS .....

Address (including postcode): ..... [REDACTED] .....

Telephone: (Home) ..... [REDACTED] .....

(Work) ..... - .....

(Mobile) ..... - .....

Preferred number and time to be contacted: ..... any time .....

Email: ..... [REDACTED] .....

Date of Birth: ..... [REDACTED] .....

Occupation: ..... Retired .....

### Description of Path:

From: ..... Opposite St Helens Quay .....

To: ..... Opposite Bembridge Boatyard .....

Believed status of path: ..... Footpath .....

(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes.</p> <p>46 years</p>
<p>2. How wide is the way?</p>	<p>Between c. 12 feet and 6 feet.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes.</p> <p>1971 to 2003. SEE ATTACHED SHEET.</p> <p>St Helens Village to Bembidge Village</p> <p>For work, and for recreation.</p> <p>c. 200 times a year (over 3 years) and c. 25 times a year (for remainder)</p> <p>On foot. SEE ATTACHED.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes.</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No.</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>Never.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No.</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No.</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No.</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No.</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No.</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (If you have no comments please state "none"):</p> <p style="text-align: center;">None.</p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: .....  .....

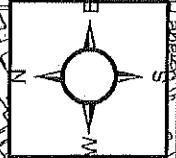
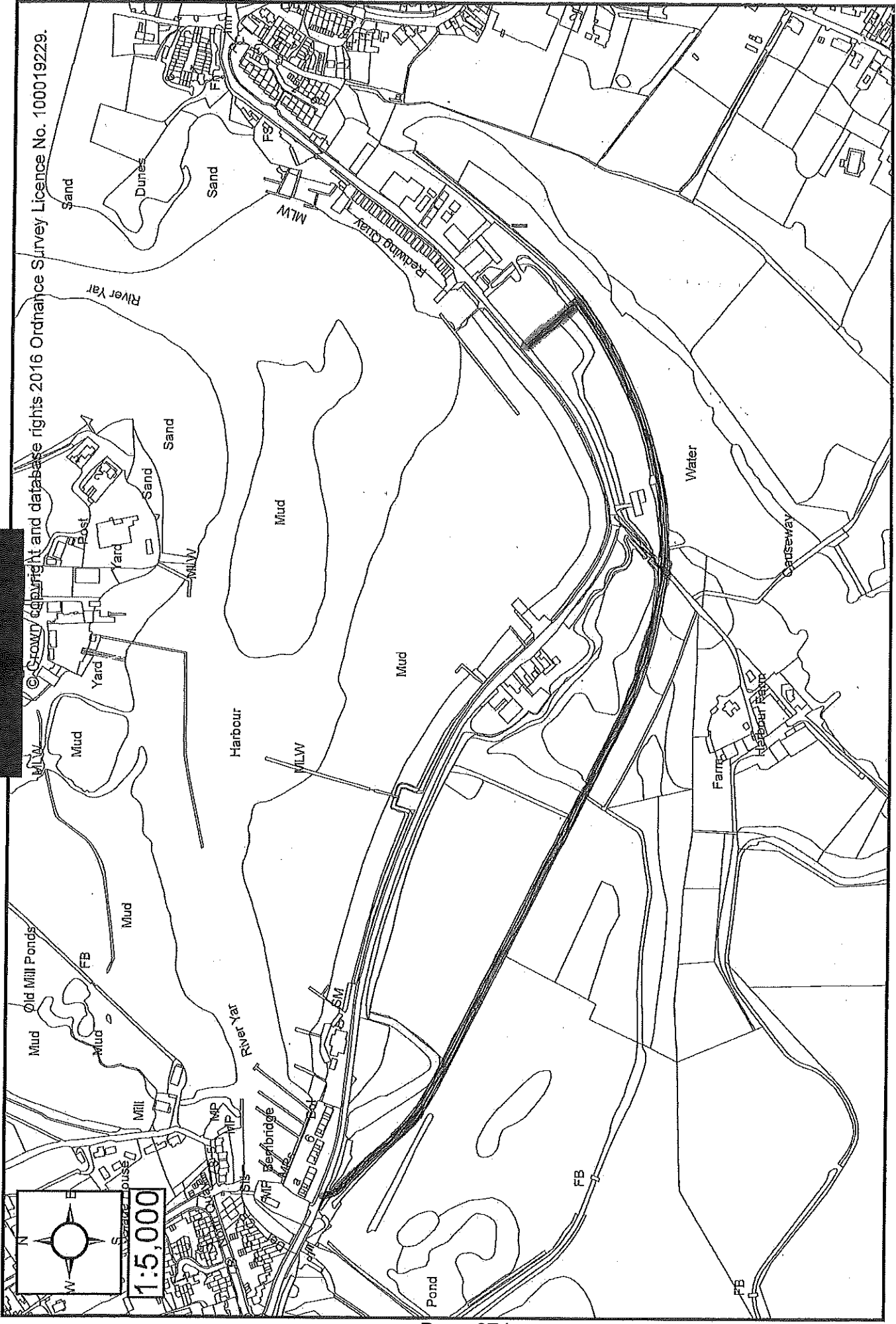
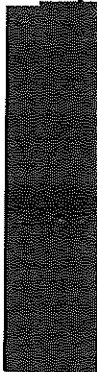
Print Full Name: ..... ALAN R. PHILLIPS .....

Date of statement: ..... 18/1/17 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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1:5,000

**PUBLIC RIGHTS OF WAY  
USER EVIDENCE**

**ALAN R. PHILLIPS**

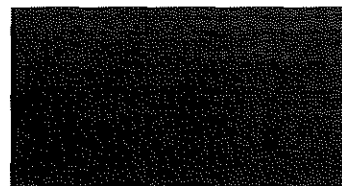
Question 3 – Expansion

I walked this footpath occasionally for recreational use from the time I was first on the Island in 1971, and this usage increased from the time I started work in Bembridge in 1973.

Then for a concentrated period from the time I moved to St Helens in February 1975 through to July 1978, continuing to work for the whole of that period as Librarian at Bembridge Library and not being a car driver, the footpath became one of my main modes of access to work. Of a daily commute from St Helens to Bembridge amounting to a total of 10 journeys back and forth each week, I estimate very conservatively that at least 4 of these each week comprised walking this path, i.e. a minimum of 200 times per annum over that 3½ year period.

I continued using the footpath for recreational use or as a route to access Bembridge for the remaining years I continued to live at St Helens, i.e. until 2003, though less frequently, perhaps 20–25 times per year.

I can say with confidence that never once was the way barred or obstructed over that whole period, and no-one ever stopped, questioned or challenged me or anyone else I knew from using the footpath, nor was there ever any suggestion that it was other than a public right of way for use by all.



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... DAVID SYDNEY PRESTON .....

Address (including postcode): ..... [REDACTED] .....

Telephone: (Home) ..... [REDACTED] .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: .....

Occupation: ..... RETIRED .....

### Description of Path:

From: ST HELNS TO BEMBRIDGE ALONG .....

FORMER RAILWAY TRACK AND SIDE PATHS .....

To: AS PER DRAWING SIGNED AND ATTACHED .....

Believed status of path: FOOTPATH, BRIDLEWAY .....

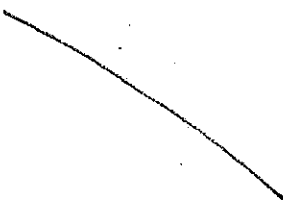
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.



If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>56</p>
<p>2. How wide is the way?</p>	<p>15 - 20 FEET.</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1960 TO PRESENT DAY.</p> <p>ST HELENS TO BEMBRIDGE AND BACK,</p> <p>TO AVOID MAIN ROAD,</p> <p>50 - 150</p> <p>HORSE, FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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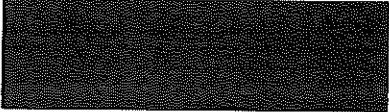
**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

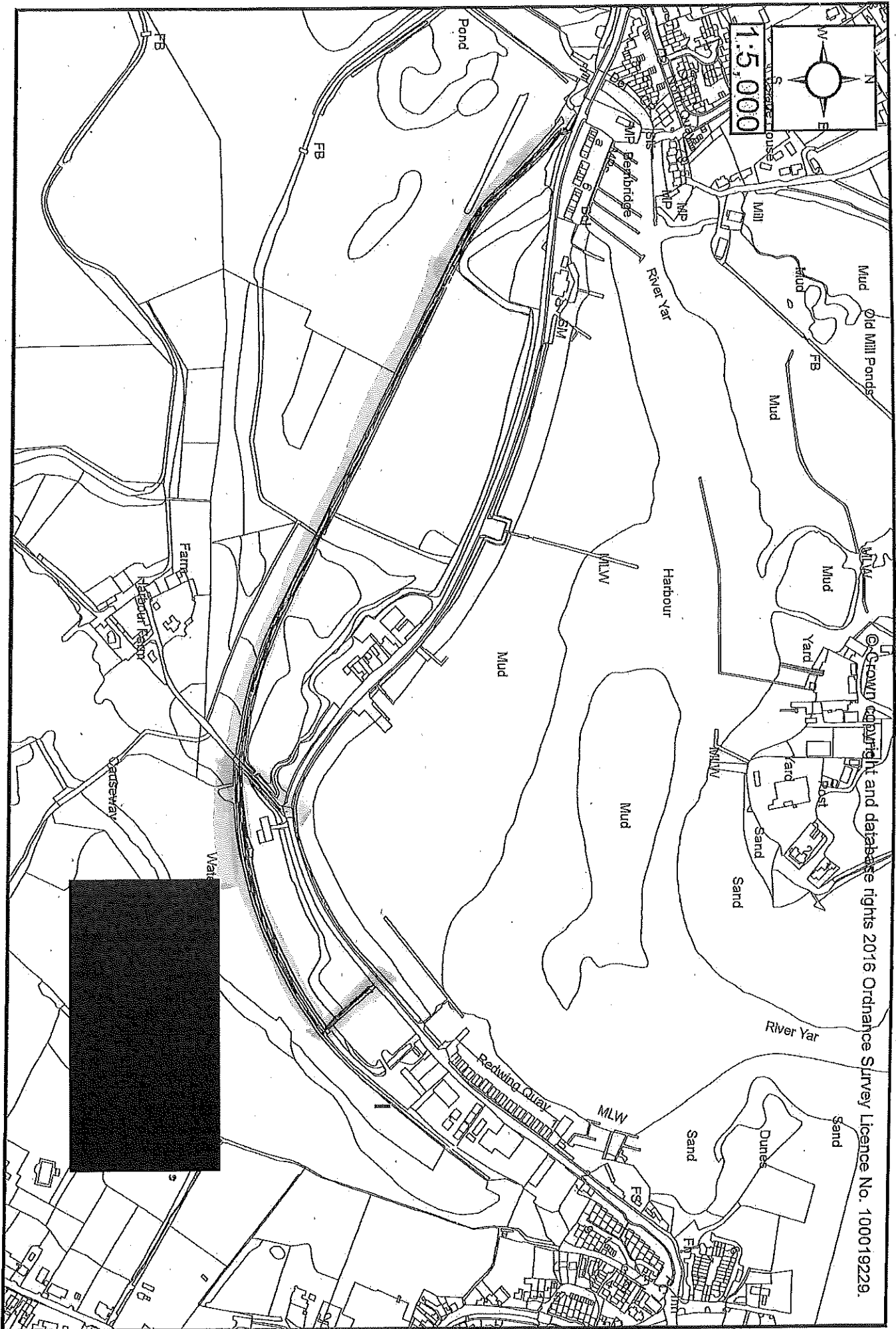
I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... DAVID SYDNEY PRESTON .....

Date of statement: ..... 21/12/2016 .....

**IMPORTANT:**  
PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.



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**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *Colin Richard Rickett*

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: *AFTER 1700*

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: *DRIVER / MAINTENANCE*

**Description of Path:**

From: *ST HELENS YARD PARADE TO  
EMBANKMENT ROAD*

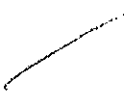
To: *Exit By BRADBURY MARINE WALKS  
AND FROM DRIVE*

Believed status of path: *Bridleway*  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>14</p>
<p>2. How wide is the way?</p>	<p>10'</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>ALL 14</p> <p>BAMBRIDGE VILLAGE - ST HERGUS</p> <p>RECREATION</p> <p>20</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>



<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

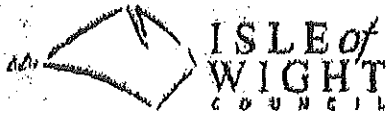
Signature of Witness: .....  .....

Print Full Name: ..... *Colin L. Kitchin* .....

Date of statement: ..... *6/12/2015* .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





R.S.P.B. MOTTO

For Birds  
For People  
For Ever.

### PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

#### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *YVONNE DEIRDRE RICHARDS*

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: [REDACTED]

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: *Retired District Nurse*

#### Description of Path:

From: *Bembridge Boat Yard*

To: *St. Helens Quay*

Believed status of path: *Footpath, Bridlepath*  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>144 years</p>
<p>2. How wide is the way?</p>	<p>from 3-feet (approx) to 10 feet (approx)</p>
<p>3. Have <u>you</u> used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES.</p> <p>(a) Since 1972 until 2016.</p> <p>(b) from Bembridge to St Helens and back.</p> <p>(c) To visit friends at BNYC or walk to the Duvernack. Also to sit and paint.</p> <p>(d) 36 or more</p> <p>(e) On foot.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES.</p> <p>Some years ago the path was diverted around Bembridge Boatyard.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No stiles and no gates.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p> <p>NO.</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A.</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NEVER.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NEVER</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NEVER</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>RSPB information boards by park. MOTTO FOR BIRDS, FOR PEOPLE FOR EVER.</p>
<p>12. Have you ever sought or been given permission to use the way?</p>	<p>NEVER</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

14. Please give any further information concerning the way which you consider to be relevant:

*This footpath is used by many people, from St Helens from Beinkridge, holiday makers & local people.*

*It is a wonderful peaceful location with opportunity to see wild life in its natural habitat.*

*The footpath and its ~~uses~~ ~~crosses~~ ~~interferes~~ or impinge or cross the nature reserve or cause any threat or distress to the birds that inhabit the area.*

*It would be a GREAT loss to all the walkers if it should be closed.*

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

*5  
NONE.*

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness:  .....

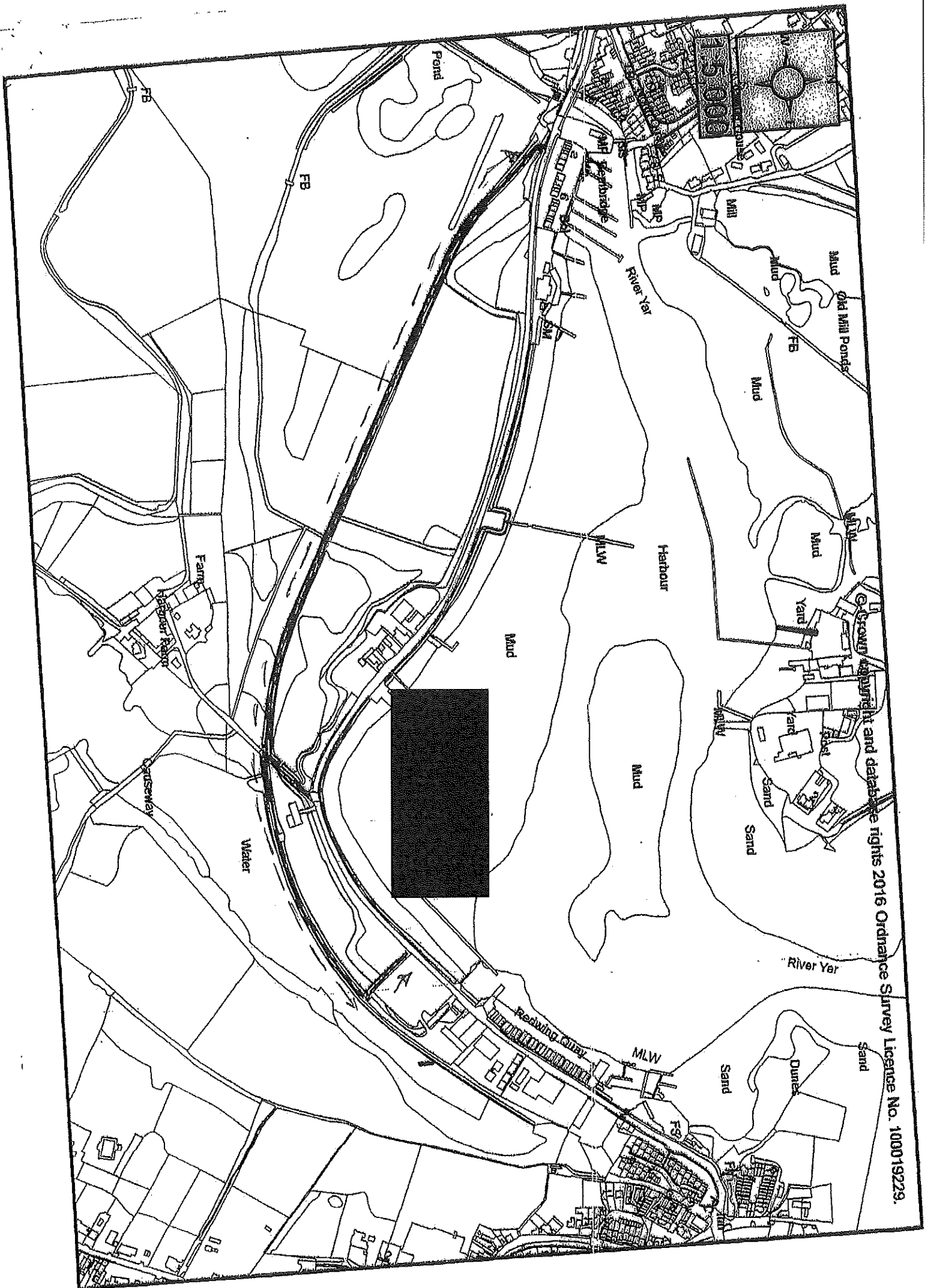
Print Full Name: YVONNE DEIRDRE RICHARDS .....

Date of statement: 20/12/2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





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**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... JOHN MEREDITH RICHARDS .....

Address (including postcode): ..... 22 HIGH ST .....  
.....  
.....

Telephone: (Home) .....  
.....

(Work) .....  
.....

(Mobile) .....  
.....

Preferred number and time to be contacted: ..... 9.30 AM .....

Email: .....  
.....

Date of Birth: .....  
.....

Occupation: ..... RETIRED .....

**Description of Path:**

From: ..... ST HELENS - SOUTH QUAY .....

To: ..... BEYBRIDGE BOATYARD .....  
..... (AS SHOWN ON MAP) .....

Believed status of path: ..... FOOTPATH .....  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>42 YRS</p>
<p>2. How wide is the way?</p>	<p>VARIES FROM 4 FT TO 12 FT.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1974 — 2016</p> <p>BEMBRIDGE HBR TO BRADING HAVEN YACHT CLUB &amp; ST. HELENS</p> <p>LEISURE</p> <p>APPROX 40</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>NO - ORIGINALLY RAN TO REAR OF BEMBRIDGE BOATYARD</p> <p>PRESENTLY IS AS SHOWN ON MAP. PATH THROUGH BEMBRIDGE BOATYARD WAS CLOSED APPROX 10 YRS AGO</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>a) NO</p> <p>b) NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>YES - INFORMATION SIGNS, GIVING DETAILS OF FLORA &amp; FAUNA TO BE FOUND IN BEMBRIDGE LAGOONS</p>
<p>12. Have you ever sought or been given permission to use the way?</p>	<p>NO - NOT THOUGHT NECESSARY BECAUSE OF REGULAR USE BY PUBLIC</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>① I MOVED TO BEMBRIDGE IN 1974 AND WAS INTRODUCED TO THE WALK ALONG THE OLD RAILWAY LINE. I STARTED TO USE IT ON A REGULAR BASIS AS PART OF MY LONG DISTANCE WALKS INTO AND OUT OF BEMBRIDGE AND VISITING B.H.C.</p> <p>② WHEN THE RSPB TOOK OVER MAINTENANCE &amp; MANAGEMENT OF HARBOUR FARM AND ADJACENT LAND IN BROADING MARSHES IT WAS GENERALLY UNDERSTOOD THAT THEY WOULD BE IMPROVING PUBLIC ACCESS TO THE RESERVE NOT DENYING IT AS WOULD APPEAR TO BE THE CASE NOW. THIS SECTION OF FOOTPATH IS POPULAR WITH LOCAL RESIDENTS ALONG WITH MANY VISITING "TWITCHERS"</p>
--	--

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

NONE

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

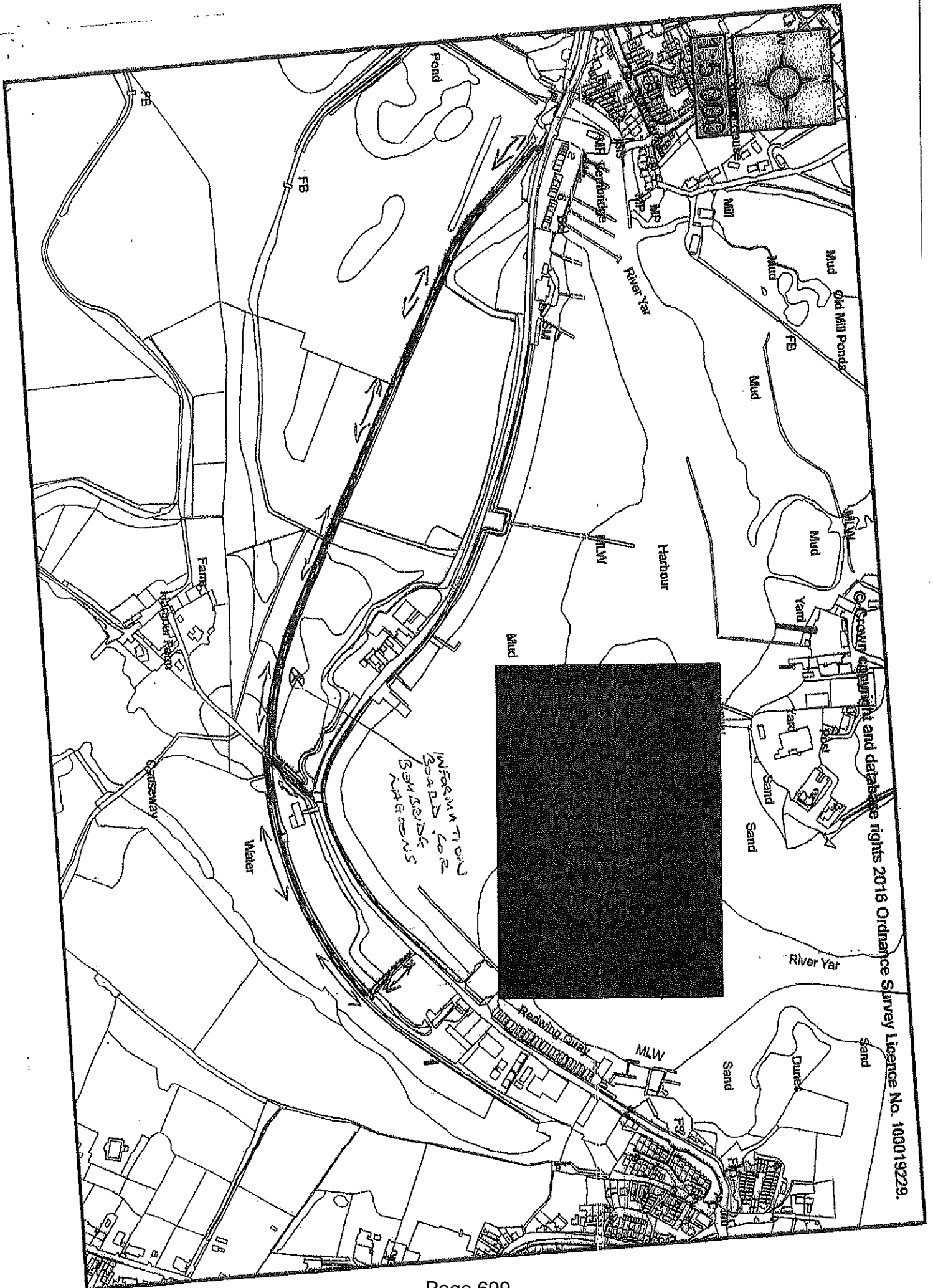
I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: ..... 

Print Full Name: ..... JOHN MEREDITH RICHARDS

Date of statement: ..... 20 DEC 2016

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *Thomas Alan Robinson*

Address (including postcode):

[Redacted address]

Telephone: (Home) .....

(Work) .. [Redacted] .....

(Mobile) ... [Redacted] .....

Preferred number and time to be contacted: *Any*

Email: ... [Redacted] .....

Date of Birth: ... [Redacted] .....

Occupation: *marine engineer*

### Description of Path:

From: *Bembridge boat yard, embankment road*

To: *western end of the harbour, opposite Bembridge marina*

Believed status of path: *Footpath / Bridleway*  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>28 years approx</p>
<p>2. How wide is the way?</p>	<p>1 - 3 meters</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes.</p> <p>1988 - Present</p> <p>Bembridge - St Helens</p> <p>Leisure</p> <p>20 - 30</p> <p>Foot or bicycle</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>There is one notice, giving natural history information about the surrounding area, marked with * on map</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p> <p>My Family have owned a back-yard on the harbour for 30+ years and i have used this path as a boy to get to and from my father's work by bike and on foot</p>	<p>in more recent years i use it to walk my dog with my own children who enjoy the wild life of the surrounding marshes.. I have only ever known it as a public right of way.</p>
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**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness:  .....

Print Full Name: ..... Thomas Alan Robinson .....

Date of statement: ..... 17 / 11 / 2016 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... MR. ANTHONY C. GEORGE RUMFORD

Address (including postcode): .....  
.....  
.....

Telephone: (Home) .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: .....  
.....

Occupation: ..... EX PRINTER POSTMAN

### Description of Path:

From: ..... STHELMS

To: ..... BEMBRIDGE

Believed status of path: ..... WAY  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>WAY.</p>
<p>2. How wide is the way?</p>	<p>12 FOOT</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES.</p> <p>1960-</p> <p>ST HELENS TO BEMBRIDGE BEMBRIDGE TO ST HELENS BIRD WATCHING MOST WEEK ENDS FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>NO</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>



<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

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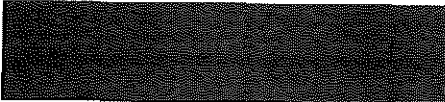
<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>5 NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am~~ not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....



Print Full Name: .....

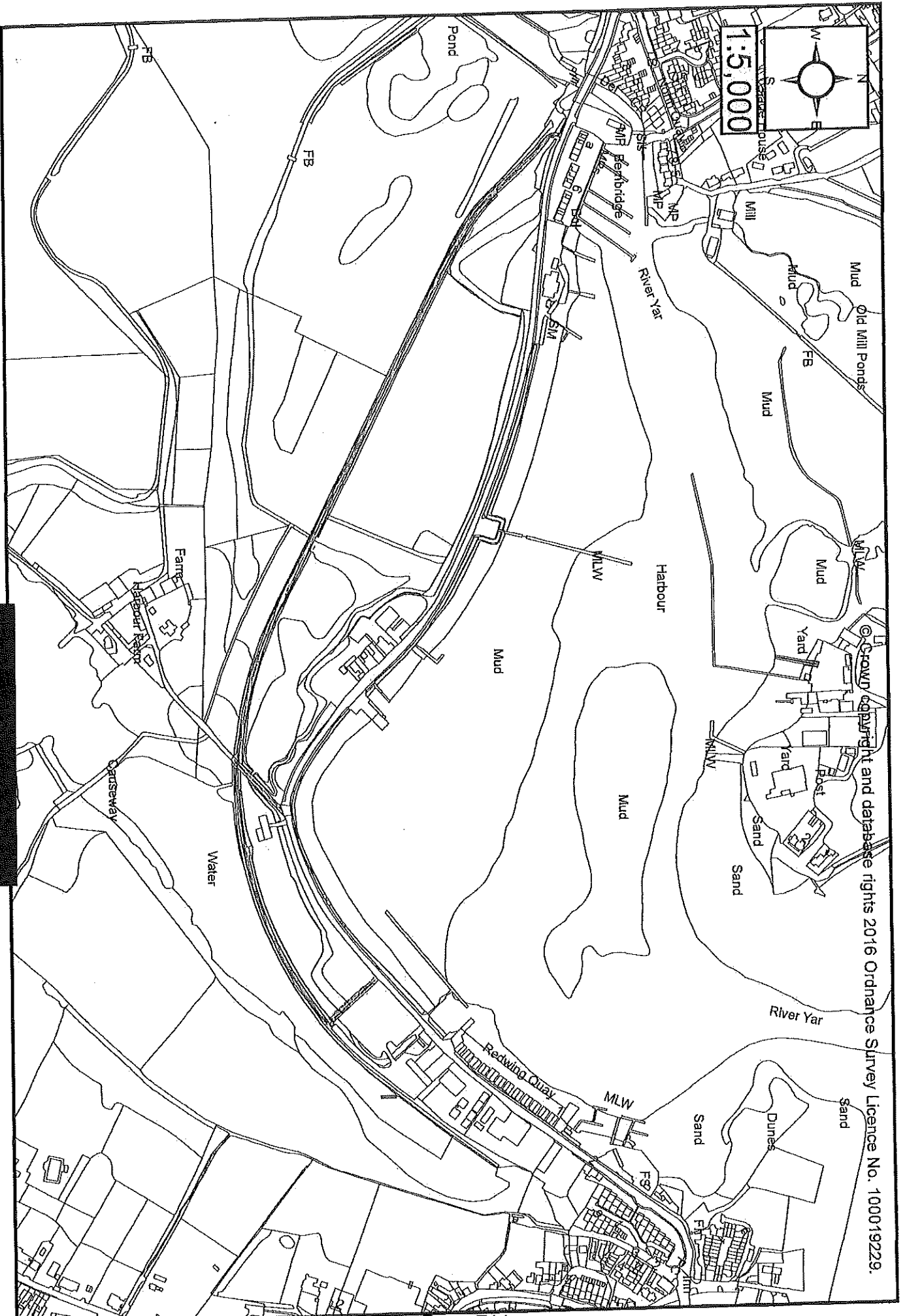
MR. ANTHONY GEORGE RUMFORDS

Date of statement: .....

18.11.16

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



1:5,000

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**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: MR DEAN SCOTT

Address (including postcode): [REDACTED]

Telephone: (Home) .....

(Work) .....

(Mobile) [REDACTED] .....

Preferred number and time to be contacted: .....

Email: [REDACTED]

Date of Birth: [REDACTED] .....

Occupation: Builder .....

**Description of Path:**

From: FOOTPATH .....

Ben Br Day .....

To: St Helier .....


Believed status of path: FOOTPATH .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>EARLY 70'S</p>
<p>2. How wide is the way?</p>	<p>8' or more</p> <p>BUT NOT ALWAYS</p>
<p>3. Have <u>you</u> used the way?</p> <p>If so, YES</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>SINCE 1970'S</p> <p>ST HELENS</p> <p>TO BEMBRIDGE</p> <p>AND BACK</p> <p>DOG WALKING OR PLAYING</p> <p>AS KIDS</p> <p>FIFTY TIMES A YEAR</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>CHANGED AT THE</p> <p>BACK OF BMS AND</p> <p>BEHIND YARD SO YOU</p> <p>COULD NOT WALK THROUGH</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>Down Hawk</p> <p>SO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

Demba. De End of the path  
 Behind BMS and Coombe  
 Barn yard should be reopened  
 Plus dog walkers should pick  
 up these dog mess,

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness:  .....

Print Full Name: *Denny Scott* .....

Date of statement: *1/12/16* .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**







**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *Pat Scott*

Address (including postcode): [Redacted]

Telephone: (Home) [Redacted] *Any Time*

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: [Redacted]

Occupation: *Retired*

**Description of Path:**

From: *St. Helens*

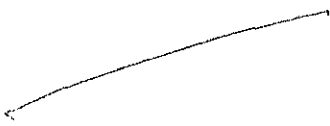
To: *Bembridge*

Believed status of path: *Footpath + Bridleway*  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES.</p> <p>ABOUT 50 yrs or more.</p>
<p>2. How wide is the way?</p>	<p>It varies in different parts</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>Since it was first open to the public and still do.</p> <p>From ST. Helens to Bamberidge &amp; Bamberidge to ST. Helens.</p> <p>Walking, Dog Walking &amp; Horse Riding.</p> <p>Quite often</p> <p>On Foot &amp; Horse.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>It used to go as far as Bamberidge Station but haven't been able to get that far for some years now. I don't remember which year.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>Not to my knowledge</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO.</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>It will effect so many walkers &amp; riders if it gets closed to the public.</p>
--	---

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

NO NO

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am ~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness:  .....

Print Full Name: PATRICIA E G SCOTT .....

Date of statement: 26<sup>th</sup> Nov. 16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM


## IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: Susan Anne Simmons

Address (including postcode): 

Telephone: (Home) 

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: 

Occupation: Housewife

### Description of Path:

From: Marina, Embankment Road

To: Houseboat parking area, Embankment Rd

Believed status of path: Footpath  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>Forty four years</p>
<p>2. How wide is the way?</p>	<p>It varies from about 10ft to 2ft</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1970's to 2016</p> <p>St. Helens to Bembridge</p> <p>Dog walking</p> <p>About 52</p> <p>Foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p> <p>No</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>5</p> <p>NONE</p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

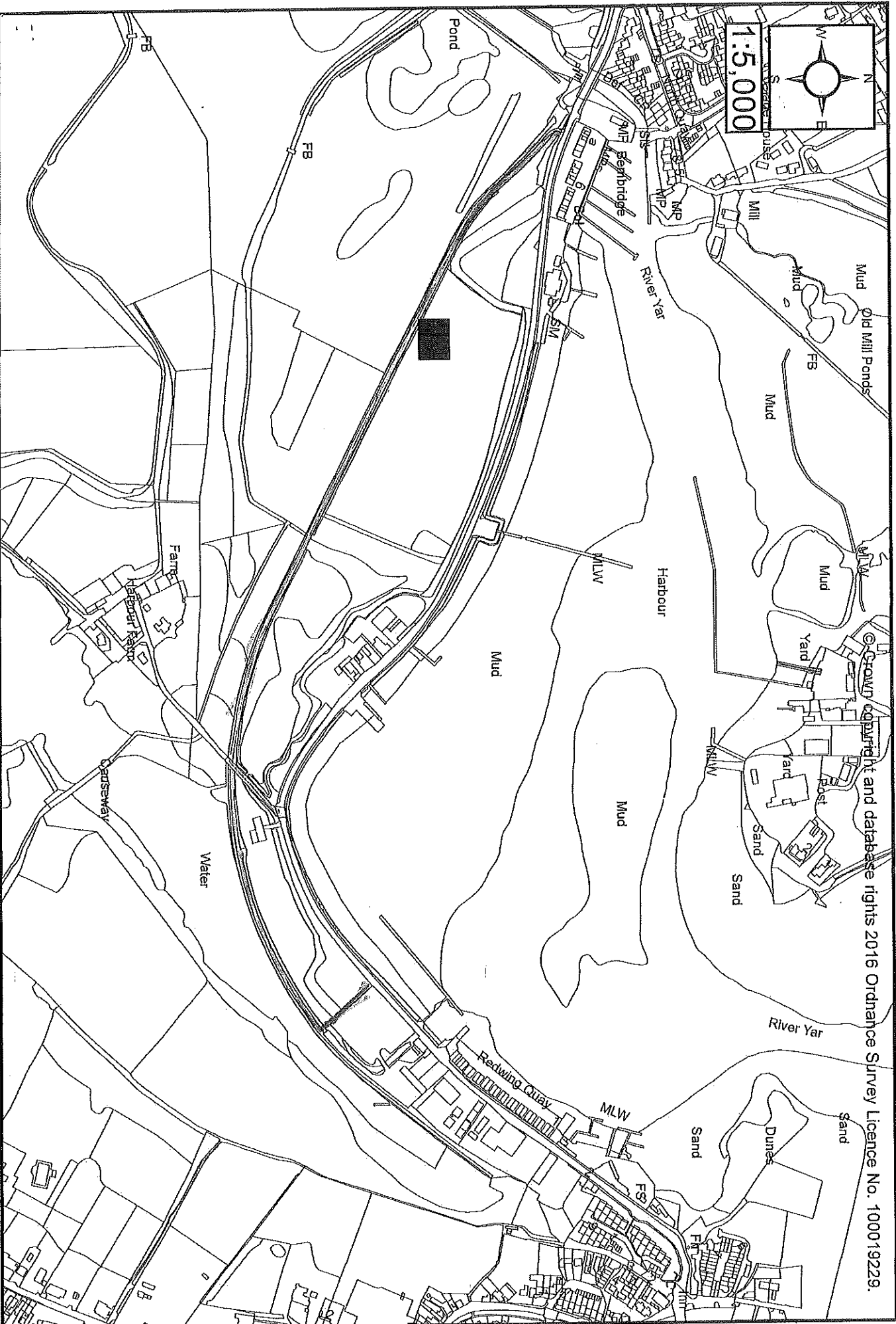
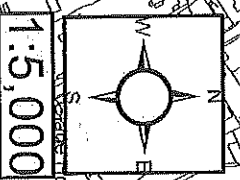
Signature of Witness:  .....

Print Full Name: ..... SUSAN ANNE SIMMONS .....

Date of statement: ..... 16 - 11 - 16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: Sarah Simmonds

Address (including postcode): [Redacted]

Telephone: (Home) [Redacted]

(Work) —

(Mobile) [Redacted]

Preferred number and time to be contacted: mobile

Email: [Redacted]

Date of Birth: [Redacted]

Occupation: Bembridge harbour office

### Description of Path:

From: opposite Bembridge marina car park  
Embankment road

To: House boat car park, Embankment road

Believed status of path: Footpath  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes.</p> <p>30 years.</p>
<p>2. How wide is the way?</p>	<p>2m - 10m.</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes.</p> <p>Every week for the past 30 years.</p> <p>St. Helens - Bembridge</p> <p>To avoid the busy road.</p> <p>52+</p> <p>Foot.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes.</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>—</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>I know of many people who use this footpath to avoid walking on the narrow pavement around the embankment road.</p> <p>For example: Dog walkers, People with Pushchairs and young children.</p>
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>5</p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

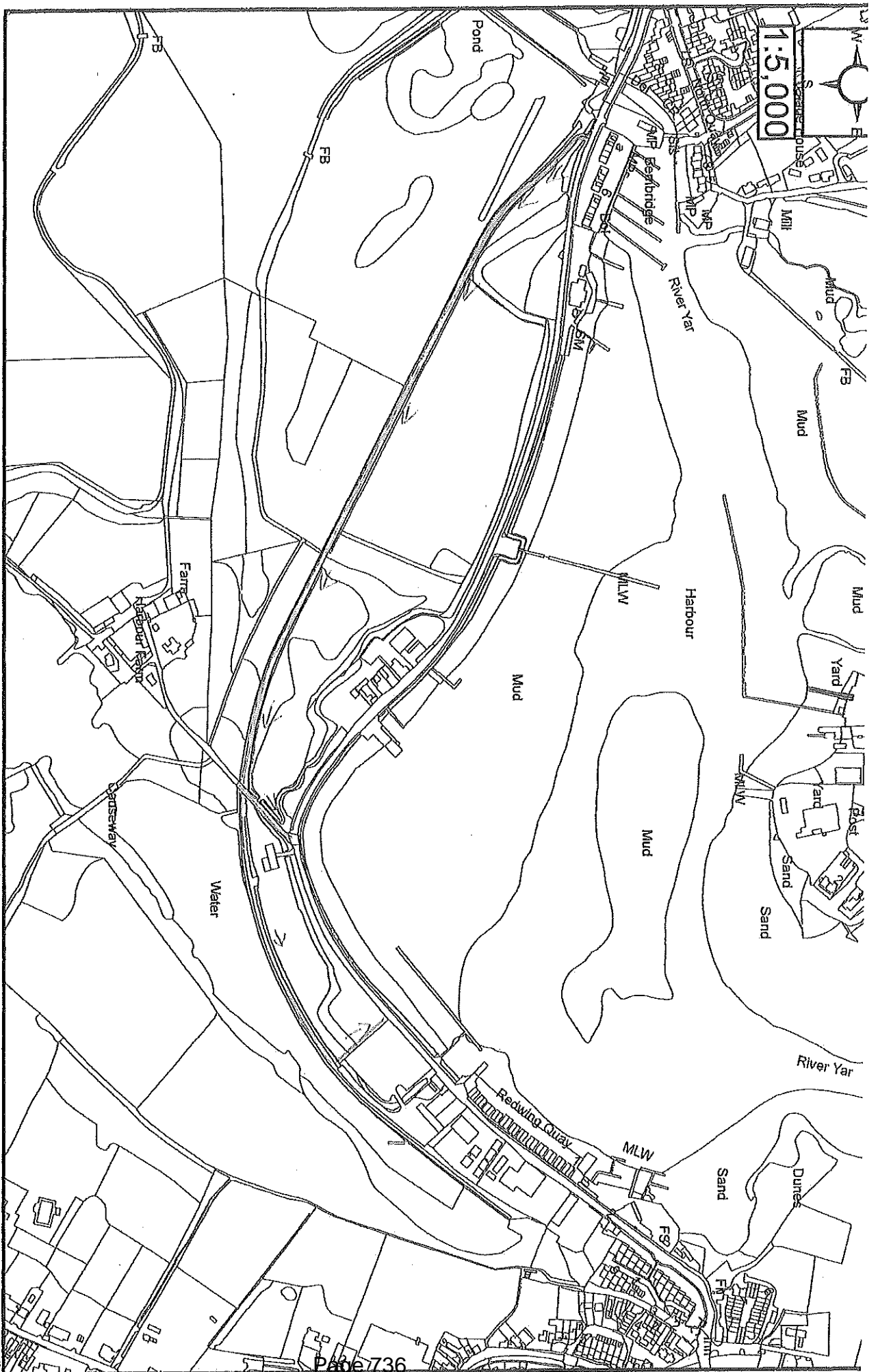
Signature of Witness:  .....

Print Full Name: ... SARAH ... SIMMONDS .....

Date of statement: ... 15 / 11 / 2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: SALLY STAYNE SIMMONDS

Address (including postcode): [REDACTED]  
[REDACTED]

Telephone: (Home) .....

(Work) .....

(Mobile) [REDACTED] .....

Preferred number and time to be contacted: .....

Email: [REDACTED] .....

Date of Birth: [REDACTED] .....

Occupation: SESSION LEADER AT WIGHT BLUE SKY ARTS

**Description of Path:**

From: MARINA EMBANKMENT ROAD

To: HOUSEBOAT PARKING AREA, EMBANKMENT ROAD

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>26 YEARS.</p>
<p>2. How wide is the way?</p>	<p>2m - 10m</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES.</p> <p>AT LEAST EVERY WEEK FOR THE LAST 26 YEARS</p> <p>ST. HELENS - BEMBRIDGE</p> <p>TO AVOID TRAFFIC ON MAIN ROAD.</p> <p>52+</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>—</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>THIS FOOTPATH HAS ALWAYS BEEN POPULAR AND USED FREQUENTLY BY DOG WALKERS, PEDESTRIANS WITH YOUNG FAMILIES OR PRAMS WISHING TO AVOID THE BUSY EMBANKMENT ROAD.</p>
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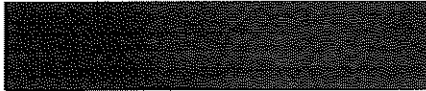
<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>5</p>
--



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: 

Print Full Name: ...SALLY JAYNE SIMMONDS...

Date of statement: ...22/11/16...

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *Stanley Anthony Skinner*

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) *Retired*

(Mobile) *—*

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: .. [REDACTED] .....

Occupation: .....

### Description of Path:

From: *From River Yr Bridge*  
*to Bend on the Embankment*

To: .....

Believed status of path: *Footpath Bridleway*  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>Since 1975</p>
<p>2. How wide is the way?</p>	<p>Approx 12 - 14 ft.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes</p> <p>On and off</p> <p>Since 1975</p> <p>From St Helens to Bembudge</p> <p>Pleasure</p> <p>Perhaps 35 times</p> <p>On Foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p> <p>No</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>Never</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p><i>None</i></p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p><i>No</i></p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p><i>No</i></p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p><i>No</i></p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p><i>Never</i></p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p><i>No</i></p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p><i>No</i></p>

14. Please give any further information concerning the way which you consider to be relevant:

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

~~I am~~/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: STANLEY ANTHONY SKINNER.....

Date of statement: 9-11-2016.....

**IMPORTANT:**

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *Stuart Andrew Skewes*

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) *CarPenter*

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: [REDACTED]

Occupation: .....

### Description of Path:

From: *Yar bridge*

To: *Dustin Corner*

Believed status of path: *foot Path, bridle way*  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>yes</p> <p>1975</p>
<p>2. How wide is the way?</p>	<p>12'</p>
<p>3. Have <u>you</u> used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>yes</p> <p>1975 - 2016</p> <p>Be St. Helens to Benbridge</p> <p>Walking dogs, bird watching.</p> <p>50</p> <p>foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>yes</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... Stuart Andrew Skewes .....

Date of statement: ..... 9/12/16 .....

**IMPORTANT:**

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... ELAINE SMART .....

Address (including postcode) [REDACTED] .....

Telephone: (Home) [REDACTED] .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: HOME - ANY .....

Email: .....

Date of Birth: ..... [REDACTED] .....

Occupation: ..... RETIRED .....

### Description of Path:

From: ..... ST. HELENS .....

..... ADJACENT TO EMBANKMENT, EX. RAILWAY LINE .....

To: ..... BEMBRIDGE .....

Believed status of path: ..... FOOTPATH .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>20</p>
<p>2. How wide is the way?</p>	<p>VARIES</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1986 - PRESENT</p> <p>ST. HELENA - SEWBRIDGE</p> <p>LEISURE</p> <p>3 - 4</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>NONE</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NONE</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NOT TO MY KNOWLEDGE</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NONE</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

14. Please give any further information concerning the way which you consider to be relevant:

NIL FURTHER

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

NONE

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

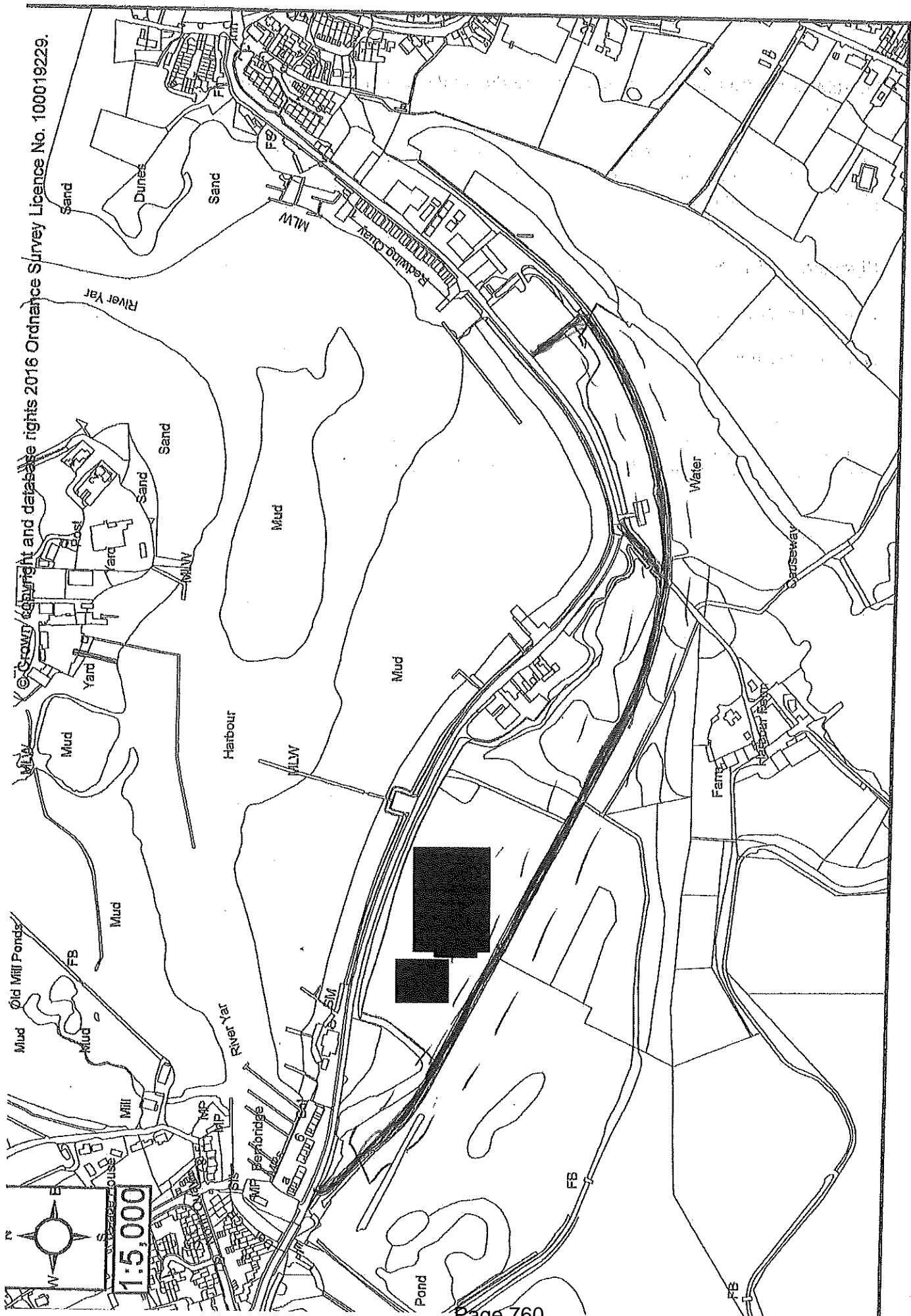
Signature of Witness:  .....

Print Full Name: ..... ELAINE SMART .....

Date of statement: ..... 29 NOV 2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ...ANTHONY PHILLIP SMART.....

Address (including postcode): [REDACTED].....

[REDACTED].....

Telephone: (Home) .. [REDACTED] .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: HOME - ANY.....

Email: .....

Date of Birth: [REDACTED].....

Occupation: ...RETIRED.....

### Description of Path:

From: ...S.T. HELENS, ADJACENT TO EMBANKMENT.....

...BY RAILWAY LINE.....

To: ...BEMBRIDGE.....

Believed status of path: ...FOOT PATH.....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>20</p>
<p>2. How wide is the way?</p>	<p>VARIABLES</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>FROM 1986 TO PRESENT</p> <p>ST. HELENS TO DEMPBRIDGE</p> <p>LEISURE</p> <p>3-4 TIMES</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>NO CHANGE</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NONE KNOWN.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>Yes</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>NOTHING FURTHER</p>
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**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

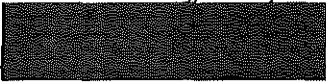
<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>NONE</p>
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I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

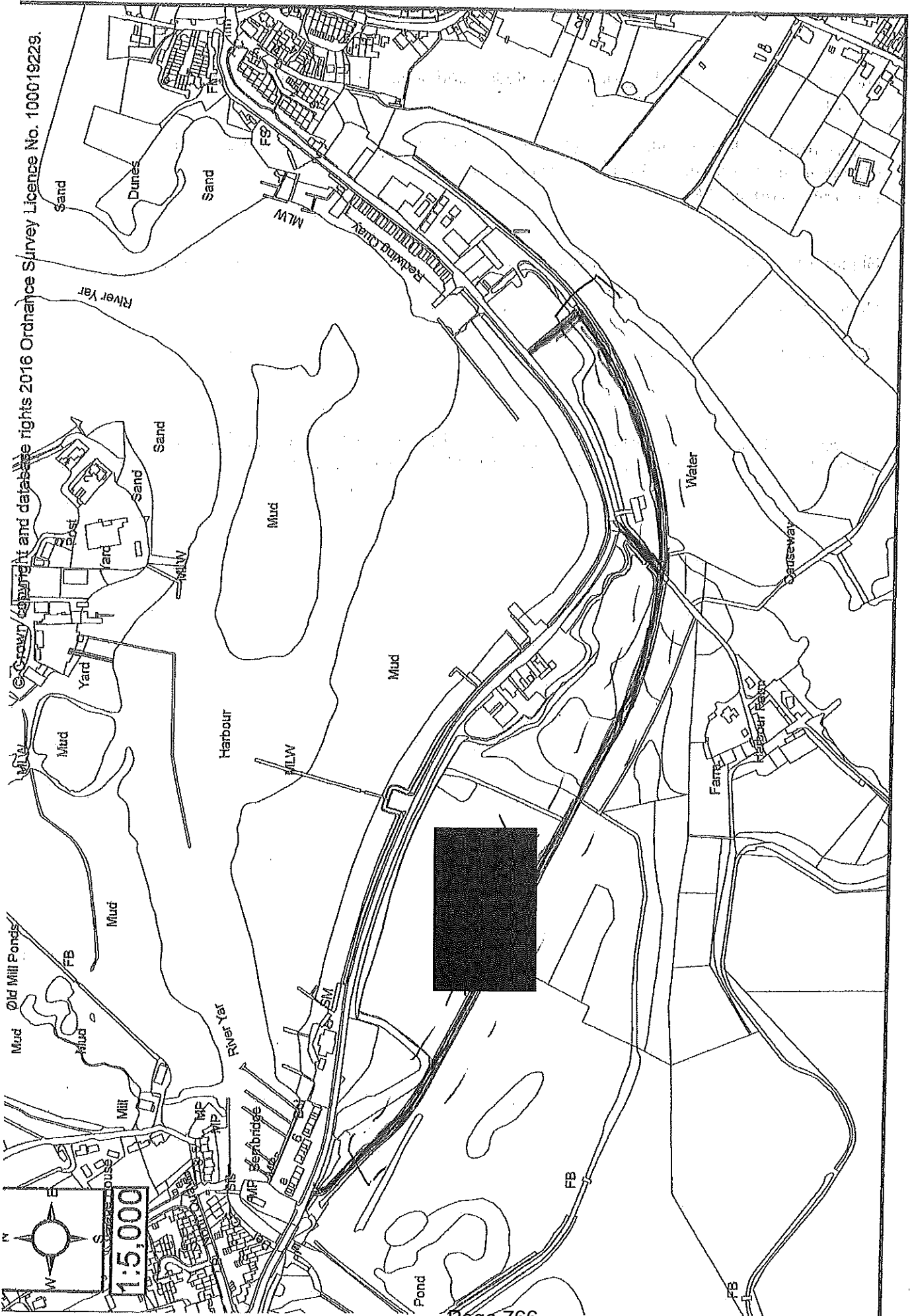
(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ...ANTHONY PHILIP SMART.....

Date of statement: ...29 NOV 2016.....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ... MINDA SMITH .....

Address (including postcode): ... [REDACTED] .....

Telephone: (Home) ... NONE .....

(Work) ... NONE .....

(Mobile) ... [REDACTED] .....

Preferred number and time to be contacted: .....

Email: ... [REDACTED] .....

Date of Birth: ... [REDACTED] .....

Occupation: ... RETIRED .....

### Description of Path:

From: ... OLD RAILWAY LINE BETWEEN .....

... ST. HELENS .....

To: ... BEMBRIDGE EMBANKMENT ROAD .....

Believed status of path: ... FOOTPATH / BRIDLEWAY AND PUSH BICES  
(e.g. footpath, bridleway, byway open to all traffic)

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If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>SINCE MID 1950'S</p>
<p>2. How wide is the way?</p>	<p>VARIABLES ALONG THE LENGTH. APPROX <math>\frac{1}{2}</math> METRE TO 2 METRES.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>EVERY DAY</p> <p>BEMBRIDGE FROM ST HELENS</p> <p>DOG WALKING + SHOPPING</p> <p>365</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>NOT APPLICABLE</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>INFORMATION SIGNS ABOUT WILD LIFE</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>AT BEGINING OF THE WALK THERE ARE WOODEN SIGNS SAYING BRADING MARSHES AND LAGOONS</p> <p>THERE IS ALSO INFORMATION BOARDS TELLING PEOPLE ABOUT THESE, ALSO ABOUT THE OLD BOAT HOUSE. YOU WOULD NOT SEE THESE UNLESS YOU DO THE WALK.</p>
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**DISCLOSURE OF INFORMATION:**

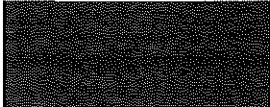
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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

NONE

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

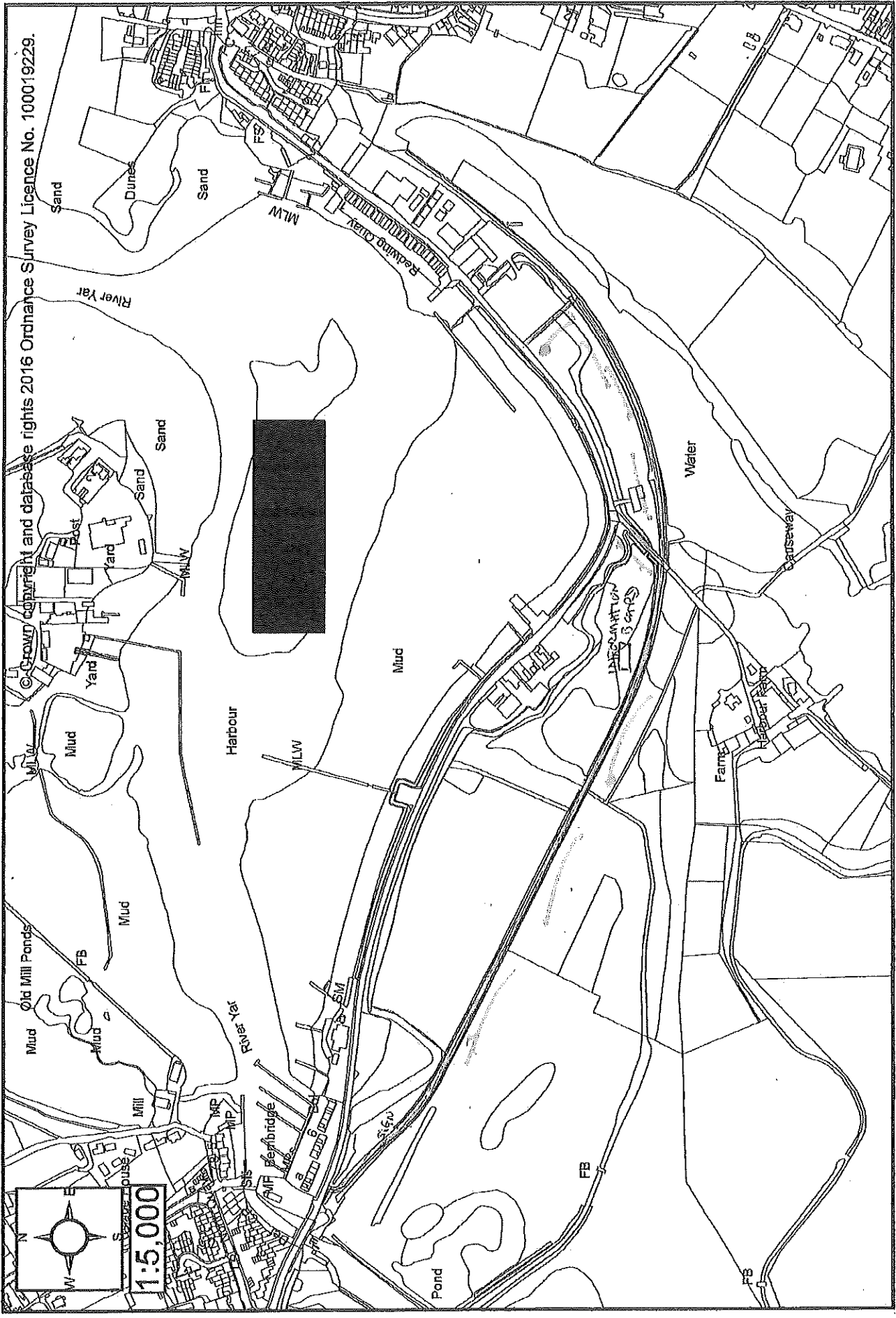
I ~~am~~ am not<sup>n</sup> willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness:  .....

Print Full Name: ..... NINDA SMITH .....

Date of statement: ..... 21/11/2016 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: DEREK PHILIP SOTHCOTT

Address (including postcode): 



Telephone: (Home) 

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: 

Occupation: RETIRED

### Description of Path:

THROUGH  
From: CAR PARK to OLD RAILWAY TRACK

ACROSS DRIVE to HARBOUR FARM

To: RIVER BOUNDARY FENCE

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>52.</p>
<p>2. How wide is the way?</p>	<p>WIDTH OF A RAILWAY TRACK</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1964-2016 <del>1975</del> 2016</p> <p>BENBRIDGE to STHELENS</p> <p>WALK THE BOG AND FOR PLEASURE</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p><i>No</i></p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p><i>No</i></p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p><i>No</i></p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p><i>No</i></p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p><i>No</i></p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p><i>No</i></p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p><i>NONE</i></p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... D. SOTHCOTT .....

Date of statement: ..... 13 - Jan 2017 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ... K. J. Southcott .....

Address (including postcode): ... [REDACTED] .....

[REDACTED] .....

Telephone: (Home) [REDACTED] .....

(Work) [REDACTED] .....

(Mobile) .....

Preferred number and time to be contacted: [REDACTED] .....

Email: [REDACTED] .....

Date of Birth: [REDACTED] .....

Occupation: ... R.V.N. Registered Veterinary Nurse .....

### Description of Path:

From: ... St Helens ... <sup>near</sup> bridge ... at bottom of Station Road .....

To: ... Bembridge ... <sup>path exits opposite side of road</sup> between home boats & yacht club ... & exit via lane on bend of embanked road .....

Believed status of path: ... footpath, bridleway .....

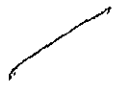
(e.g. footpath, bridleway, byway open to all traffic)

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If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>46 years</p>	<p>grew up in Station Road St Helens, my mother still lives there</p>
<p>2. How wide is the way?</p>	<p>It varies -</p>	<p>sometimes 3 abreast sometimes only one person can walk through path</p>
<p>3. Have <u>you</u> used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>always</p>	<p>home to end of path Bembidge end or Bembidge beach walking the dog - riding a horse from several times a week when I lived in St Helens, once a week now foot mostly</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>NO</p>	<p>It used to exit further along <del>road</del> near the Pilot Boat</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>	<p>not that I can remember I used to ride a horse so don't think so</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>	



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>as far as I am concerned it is a public walk way was sign posted public footpath</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">NONE</p>
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I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: ..  .....

Print Full Name: ..... KAT SCOTTCOTT .....

Date of statement: .. 21-11-16 .....

**IMPORTANT:**

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: Noreen Scuba

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: MOBILE - DAYTIME

Email: [REDACTED]

Date of Birth: 17/10/88

Occupation: RICER

### Description of Path:

From: EMBANKMENT ROAD, ST HELENS, ISLE OF WIGHT  
(OLD RAILWAY LINE)

To: BEMBRIDGE BOATHOUSE, EMBANKMENT ROAD,  
BEMBRIDGE

Believed status of path: BRIDLEWAY / FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>35+ YEARS.</p>
<p>2. How wide is the way?</p>	<p>5' - 10' @ DEPENDING ON UNDERPINNINGS.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1985 ONWARDS -</p> <p>ST HELENS TO BEMBLING.</p> <p>LEISURE / CYCLING TO SCHOOL.</p> <p>5 DAYS A WEEK WHILE AT SCHOOL.</p> <p><del>3</del> 4/5 MONTHS OF THE YEAR.</p> <p>B &amp; BIKE / FOOT.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>N/A.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NONE.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO.</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO.</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>SAFE AND PEACEFUL ALTERNATIVE ROUTE TO FREE PAVEMENT ALONGSIDE BUSY EMBANKMENT ROAD.  ALLOWBLY WALK THROUGH SSSI AREA / NATURE RESERVE WHICH CAN OTHERWISE ONLY BE VIEWED FROM THE SIDE OF A ROAD.</p>
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**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here  
(if you have no comments please state "none"):

NONE.



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

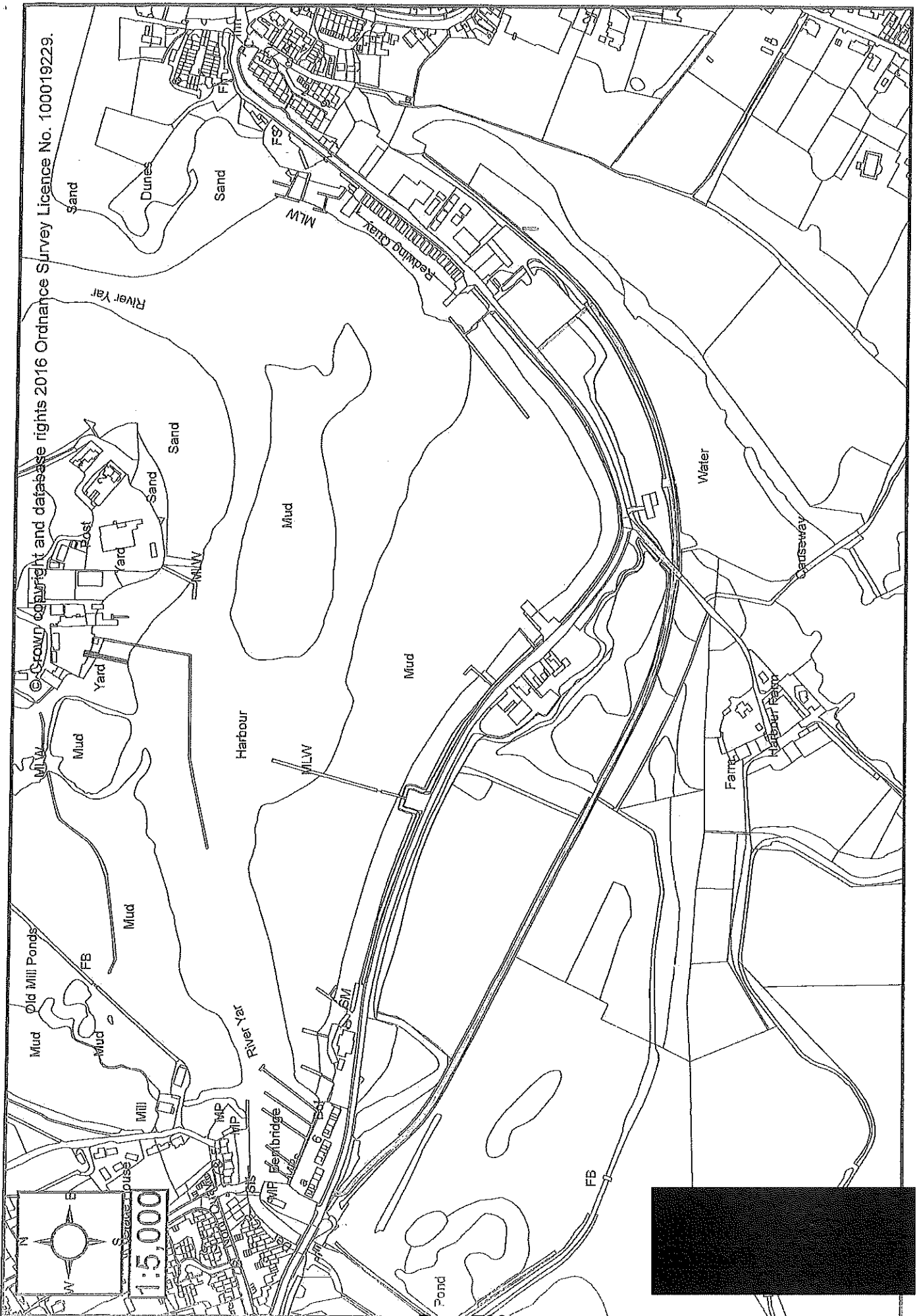
Print Full Name: ..... Andrew South ..... .....

Date of statement: ..... 30/11/16 ..... .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: .....MARION SQUIBB.....

Address (including postcode): .....[REDACTED].....

Telephone: (Home) .....[REDACTED].....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: .....

Occupation: .....RETIRED.....

### Description of Path:

From: ...ALWAYS...PASSABLE...AND...CLEAR...AND...SAFE...TO...GO  
FORWARD... ..

To: .....

Believed status of path: .....FOOT PATH BRIDLEWAY.....  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>OVER THIRTY YEARS</p>
<p>2. How wide is the way?</p>	<p>ABOUT 12-15 FEET</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>2000 - 2010</p> <p>ST HELENS</p> <p>WALKS WITH DISABLED GRANDSON</p> <p>100 TIMES A YEAR</p> <p>FOOT AND DISABLED BUGGY</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>YOU ALWAYS FEEL SAFE AND AWAY FROM TRAFFIC.</p>
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**DISCLOSURE OF INFORMATION:**


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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

~~I am~~/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

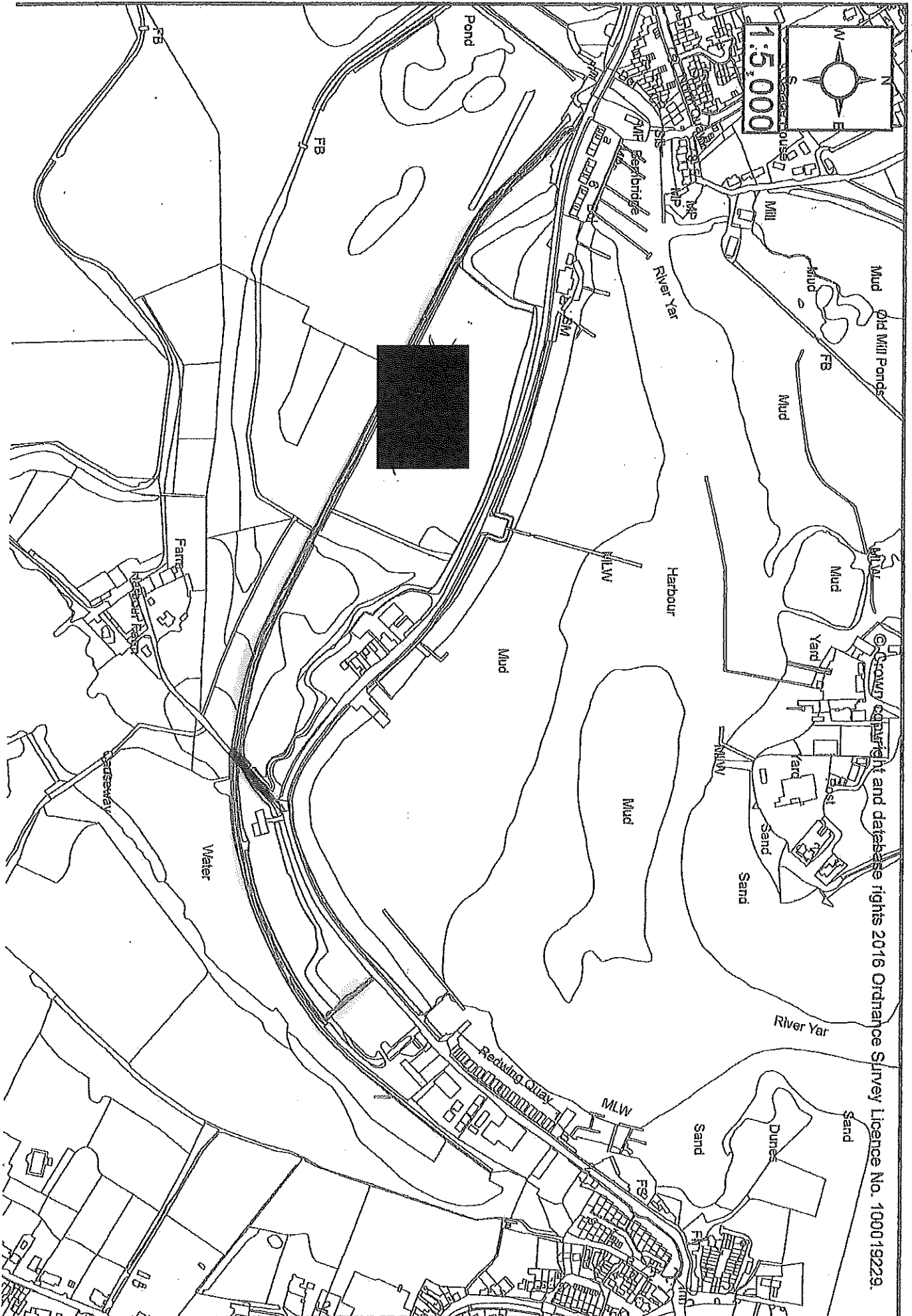
Signature of Witness:  .....

Print Full Name: ...NARON... SPINER.....

Date of statement: ...10.17.2017.....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... PETER James SUMMERSMITH

Address (including postcode): ..... [REDACTED]

Telephone: (Home) ..... [REDACTED]

(Work) ..... [REDACTED]

(Mobile) ..... [REDACTED]

Preferred number and time to be contacted: ..... HOME ..... 9-12 am

Email: ..... [REDACTED]

Date of Birth: ..... [REDACTED]

Occupation: ..... Retired G.P.

### Description of Path:

From: ..... Old railway line from Banbridge  
maria to Banbridge

To: ..... road just start of Redwing Quay

Believed status of path: ..... Footpath  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>Rtly years</p>
<p>2. How wide is the way?</p>	<p>2 metres.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes</p> <p>First used 1960s on childhood holidays.</p> <p>More recently as a regular walk.</p> <p>Circular walk.</p> <p>Leisure</p> <p>Four</p> <p>On foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes.</p> <p>Has not changed.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No.</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No.</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No.</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No.</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No.</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No.</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>I have used this way as part of a route around the marsh. To push the public onto a busy road would be wholly irresponsible.</p>
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">None.</p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... D. P. SUMMERHAYES .....

Date of statement: ..... 12.12.16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: GRAHAM B. SUTTON

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) ---

(Mobile) ---

Preferred number and time to be contacted: After

Email: .....

Date of Birth: [REDACTED]

Occupation: RETIRED

**Description of Path:**

From: ST. HELENS } EMBANKMENT RD

5 } OLD RAILWAY KING

To: BENBROG } STATION - LATTING

BOAT-YARD (WAOGS)

Believed status of path: PUBLIC FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes.</p> <p>50 yrs +</p>
<p>2. How wide is the way?</p>	<p>2/3 METRES</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes.</p> <p>1965 - 2016.</p> <p>B.H.Y.C. TO BAMBURGH BAMBURGH TO B.H.Y.C. OR DUVOR. DOG WALKING</p> <p>30</p> <p>FOOT.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES : BUT HAS BEEN BLOCKED OFF</p> <p>BLOCKED AT WADGS BOATYARD.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A .</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No .</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No .</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO .</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No .</p>
<p>12. Have you ever sought or been given permission to use the way?</p>	<p>No .</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO .</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p> <p>AS WE HAVE USED THIS PATH AS A PERMISSIVE PATH IS NOT SUFFICIENT IT NEEDS TO BE A PERMANENT PUBLIC FOOTPATH.</p>	<p>ALTHOUGH RAILWAY LINES HAVE BEEN USED AS PUBLIC PATHS AFTER THE DEMISE OF THE RAILWAY (HENCE CYCLOWAYS FOOT PATHS - SANDOWN - NEWCASTLE - ALVEYSTONE - BRADTON - MONSTON ETC., SWANLOW STATION TO WOODCOTT ETC WOOTTON TO NEWBNT.</p>
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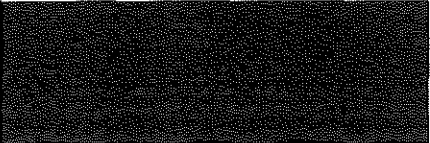
Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

NONE  
—————

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am ~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: 

Print Full Name: ..... GRAHAM. B. SUTHER .....  
.....

Date of statement: ..... 30 - 11 - 2016 .....  
.....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>15</p>
<p>2. How wide is the way?</p>	<p>1m VARIES</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>2002 - 2017</p> <p>ST HELENS - BERRIBRIDGE</p> <p>WALKING</p> <p>6-10</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>—</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>N/C</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>N/C</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>N/C</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>N/C</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>N/C</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>N/C</p>

14. Please give any further information concerning the way which you consider to be relevant:

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Please make any comments regarding Disclosure of Information here  
(if you have no comments please state "none"):

X / none



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

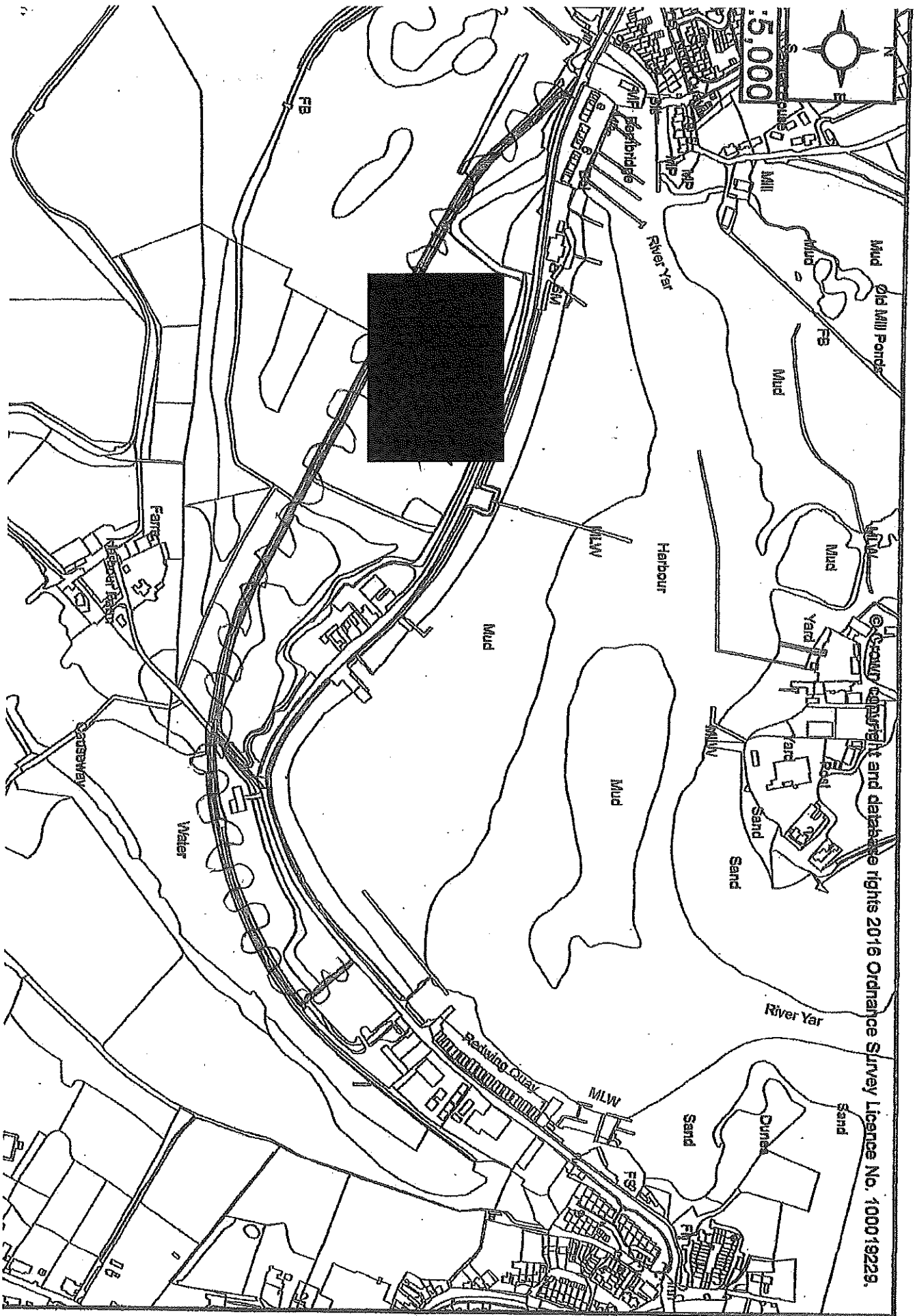
Signature of Witness: .....  .....

Print Full Name: ..... *DAVID F. TALLIS* .....

Date of statement: ..... *08-03-2017* .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... GEOFFREY BRUCE TINDLE .....

Address (including postcode): ..... [REDACTED] .....

..... [REDACTED] .....

Telephone: (Home) ..... [REDACTED] .....

(Work) ..... — .....

(Mobile) ..... — .....

Preferred number and time to be contacted: .....

Email: ..... [REDACTED] .....

Date of Birth: ..... [REDACTED] .....

Occupation: BEMBRIDGE FISHERMAN (RETIRED) .....

### Description of Path:

From: BEMBRIDGE YACHT CLUB — .....

To: REDWING QUAY .....

Believed status of path: FOOTPATH .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>50 YRS</p>
<p>2. How wide is the way?</p>	<p>6 FT +</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>LAST 50 YRS</p> <p>BEMBRIDGE YACHT CLUB AREA</p> <p>LOOKING OVER MARSH (BIRD WATCHING)</p> <p>2 OR 3</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>No</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>GREAT BIRD WATCHING AREA</p>
--	---------------------------------

**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>5 NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... MR GEOFFREY BRUCE TINDLE .....

Date of statement: ..... 20 NOV 2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





JBT to complete

## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... JOHN BUCKNER THOMPSON .....

Address (including postcode):

.....

Telephone: (Home) .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: ..... 0900 - 1800 Any day .....

Email: .....

Date of Birth: .....

Occupation: ..... RETIRED ARCHITECT/TOWN PLANNER .....

### Description of Path:

From: ..... Former railway track between disused railway station  
Embankment Road, St Helens ..... G Ref: SZ 631 886

To: ..... Boatyard at Embankment Road, Rombridge .....

..... G Ref: SZ 642 887 .....

Believed status of path: ..... foot path, bridleway, cycle track .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>16 years</p>
<p>2. How wide is the way?</p>	<p>2 metres</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes</p> <p>Every year from 2001</p> <p>St Helens &amp; Bembridge</p> <p>Shopping + general recreation</p> <p>50 to 60</p> <p>cycle and foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>Embankment Road is the only link between St Helens + Bamberidge and is busy with vehicular traffic of all types. The single footpath is narrow and much affected by the vehicular traffic. Apart from the railway line cyclists and horse riders have no alternative routes and take most their chances with the general traffic.</p>
<p>passing between the two villages.</p>	<p>Formalisation of the railway track as a Right of Way would add immensely to the safety and well-being of all</p>

**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

None

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am ~~not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

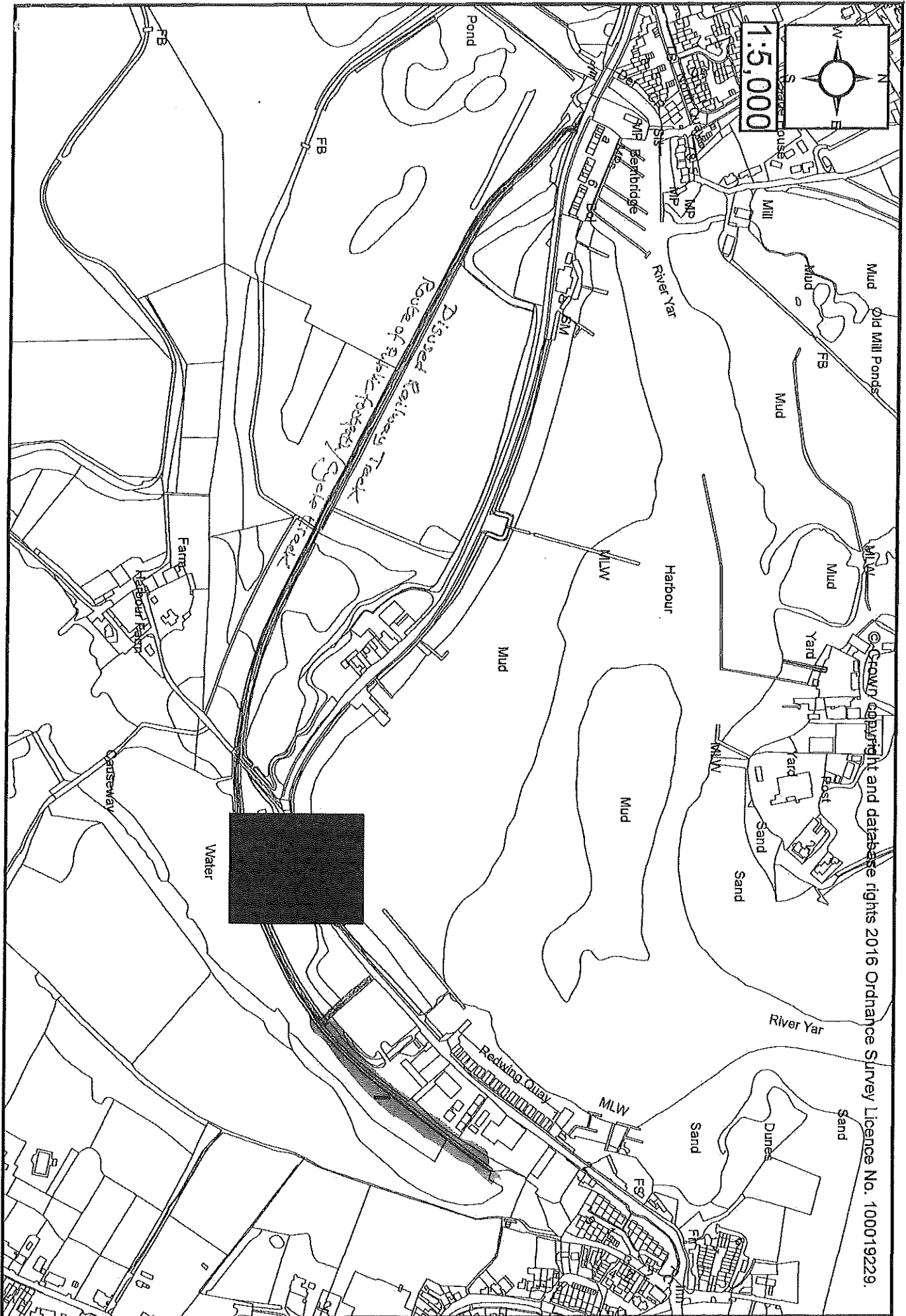
Signature of Witness: .....  .....

Print Full Name: ..John Buckner Thompson, ARIBA, MRTPI.....

Date of statement: ..... 18 November 2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



1:5,000

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *Mr. Patricia Ann Thompson*

Address (including postcode):

Telephone: (Home) .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: .....

Occupation: *Retired*

#### Description of Path:

From: *Embankment Rd. St. Helens* ..... *52.631.886*

*disused railway track*

To: *Boatyard, Embankment Rd. Bembridge* .....

*grid ref: 52.641.887*

Believed status of path: *foot path, cycle route* .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes at least <del>12</del><sup>16</sup> yrs.</p>
<p>2. How wide is the way?</p>	<p>4' - 5' ft.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>since 2000</p> <p>from St. Helens to Bamberidge</p> <p>recreation and/or shopping</p> <p>almost once per week</p> <p>foot / bike</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

14. Please give any further information concerning the way which you consider to be relevant:

This disused railway track now used as a footpath & cycle track is PARTICULARLY necessary as the Embankment road is heavily used by vehicular traffic every day and is bounded on ONE side only by a narrow pavement. This

pavement is so narrow that there is only room for people to walk in single file. Therefore, it is safer and far more enjoyable to use the track which is well away from the traffic.

This track is regularly used by holiday-makers and locals alike. I would expect to meet 2-3 other people when walking or cycling a path. It is IMPERATIVE to keep this pedestrian route between the 2 villages open to all at all times.

**DISCLOSURE OF INFORMATION:**

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

None

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... PATRICIA ANN THOMPSON .....

Date of statement: ..... 18.11.16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

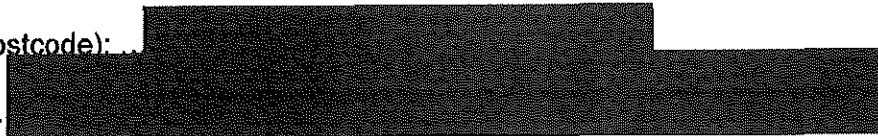
### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: PENELOPE TOWNSON

Address (including postcode):



Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: [REDACTED]

Occupation: RETIRED

### Description of Path:

From: St. Helens Quay

To: BEMBRIDGE BEATYARD

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES.</p>
<p>2. How wide is the way?</p>	<p>1961</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES.</p> <p>1970 - 2016.</p> <p>FROM ST. HELENS - BEMBRIDGE.</p> <p>WALKING FOR PLEASURE</p> <p>6 - 12 X YEAR</p> <p>FOOT.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>—</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO.</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO.</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO.</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO.</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p><i>It is a safer &amp; more pleasant way to go to Bembridge from St Helens.</i></p>
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p><i>None</i></p>
--



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

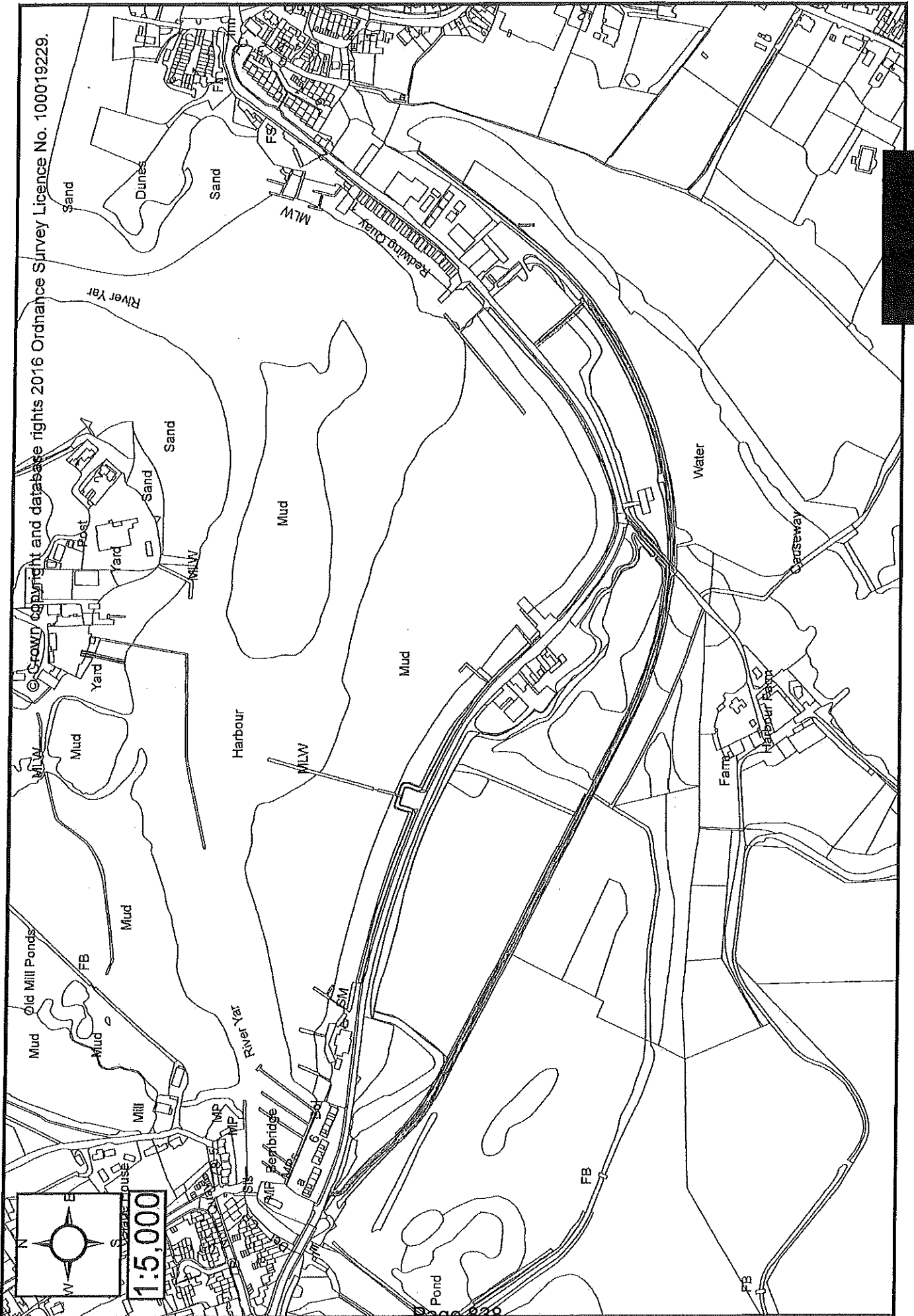
Print Full Name: ..... PENELDPE TOWNSON .....

Date of statement: ..... 22 / 11 / 16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: VINCENT PAUL VAIKON

Address (including postcode):

Telephone: (Home)

(Work) -

(Mobile) -

Preferred number and time to be contacted: as above

Email:

Date of Birth:

Occupation: SOFTWARE ENGINEER

**Description of Path:**

From: ST HELENS - BEN

To: BEN - ST HELENS

Believed status of path: FOOTPATH BRIDLEWAY  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>30+</p>
<p>2. How wide is the way?</p>	<p>approx 3-4m</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1976 to present</p> <p>Bam to St. Helens</p> <p>Social + pleasure</p> <p>3-4</p> <p>Foot cycle</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes</p> <p>/</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>no</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>no</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>—</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>—</p>
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness:  .....

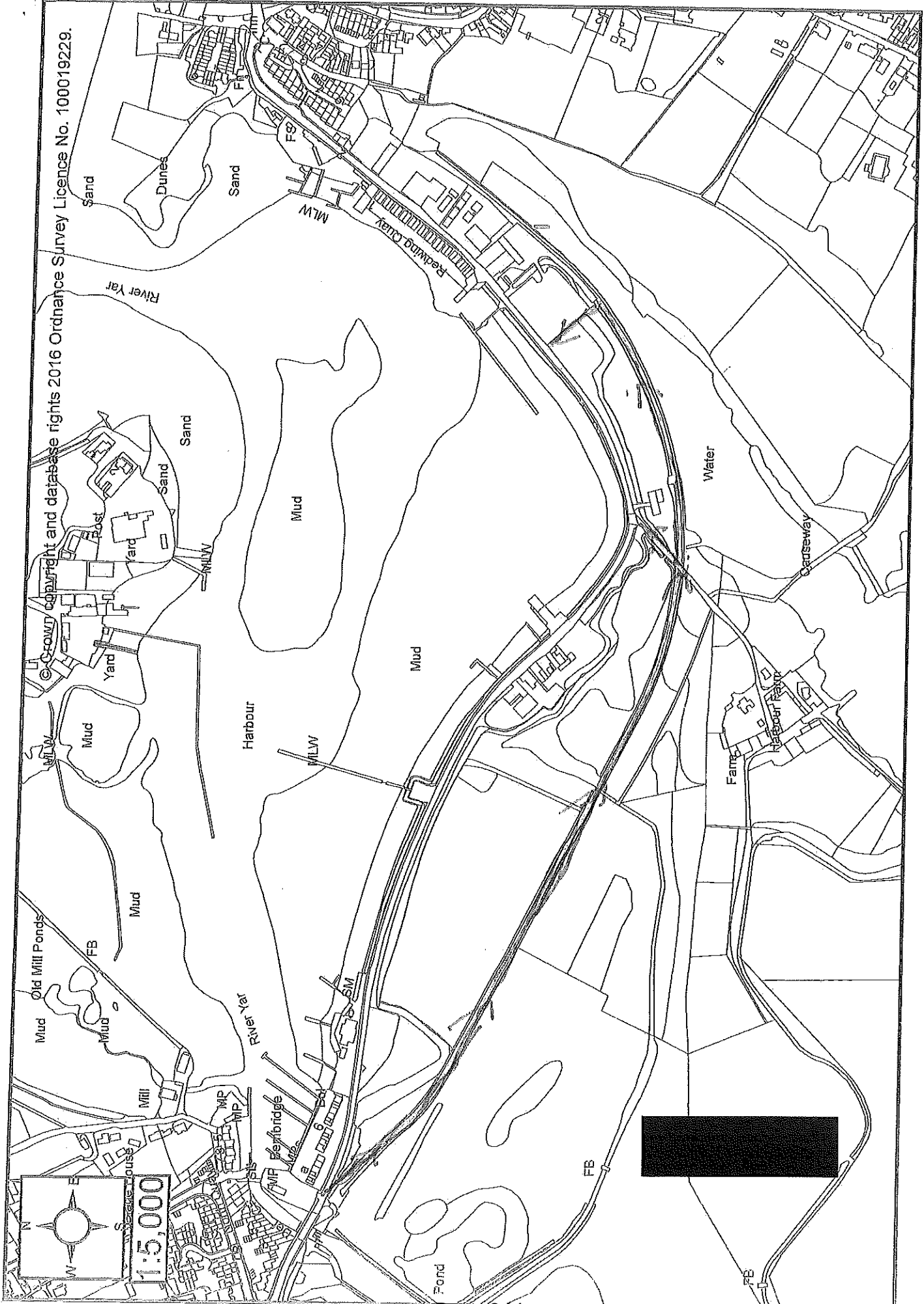
Print Full Name: ..VINCENT PAUL WALTONA.....

Date of statement: ..17.12.11.....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: DR LUCY VALE

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: EVENING

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: VET

### Description of Path:

From: ST HELENS

.....

To: BEMBRIDGE

.....

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p>
<p>2. How wide is the way?</p>	<p>1-2 m</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>2008 - PRESENT</p> <p>BEMBRIDGE - ST HELENS</p> <p>WALK/DOG WALK</p> <p>12</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
--	--

**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... LUCY JALE .....

Date of statement: ..... 1/12/16 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *Deborah Valona*

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: [REDACTED]

Email: [REDACTED]

Date of Birth [REDACTED]

Occupation: *Hairstylist*

### Description of Path:

From: *Bottom of Lashmer Rd (embankment Rd)*

*(old railway track)*

To: *Berbridge Point - Pilot Boat - Boatyard*

Believed status of path: *Bridleway / footpath*  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES.</p> <p>37 + years</p>
<p>2. How wide is the way?</p>	<p>Approx 10' - narrowing other end (Bem) depends on undergrowth.</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1978 to present.</p> <p>St Helens to Bembridge</p> <p>Walking, exercising dog riding, cycling.</p> <p>20-25.</p> <p>Foot, horse</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes.</p> <p>N/A.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p><u>NONE</u></p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>/</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>/</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p> <p>This walk has been a tranquil equivalent to using Embankment Rd, both with all the children + animals. Beautiful scenery, excellent nature reserve <u>OPEN</u> TO ALL</p>	<p>our generation.</p>
---	------------------------

**DISCLOSURE OF INFORMATION:**

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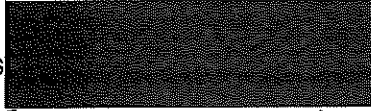
Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

NONE

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness



Print Full Name: DESORAH VALUONA

Date of statement: 16/11/16

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: DANNY VOKAS

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: [REDACTED]

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: BUILDER

### Description of Path:

From: EMBANKMENT RD ST HELENS

To: BOATYARD EMBANKMENT RD

BENBRIDGE

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>30</p>
<p>2. How wide is the way?</p>	<p>1 1/2 x 2 M.</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>80's 90's 20's</p> <p>ST HELEN to BETHBRIDGE</p> <p>BIRDWATCHING</p> <p>30 or MORE</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>/</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: GLENN WADE

Address (including postcode): [REDACTED]

[REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: EVENING

Email: .....

Date of Birth: [REDACTED]

Occupation: ENGINEER

### Description of Path:

From: DISUSED RAILWAY TRACK FROM  
EMBANKMENT ROAD ST HELENS

To: BOATYARDS EMBANKMENT ROAD  
BEMBRIDGE

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.



If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>SINCE CLOSURE OF RAILWAY</p>
<p>2. How wide is the way?</p>	<p>APPROX 10'</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1972 TO 1982</p> <p>ST HELENS - BOURN BRIDGE</p> <p>WALKS WITH FAMILY / BLACKBERRYING</p> <p>3-4</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant;</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

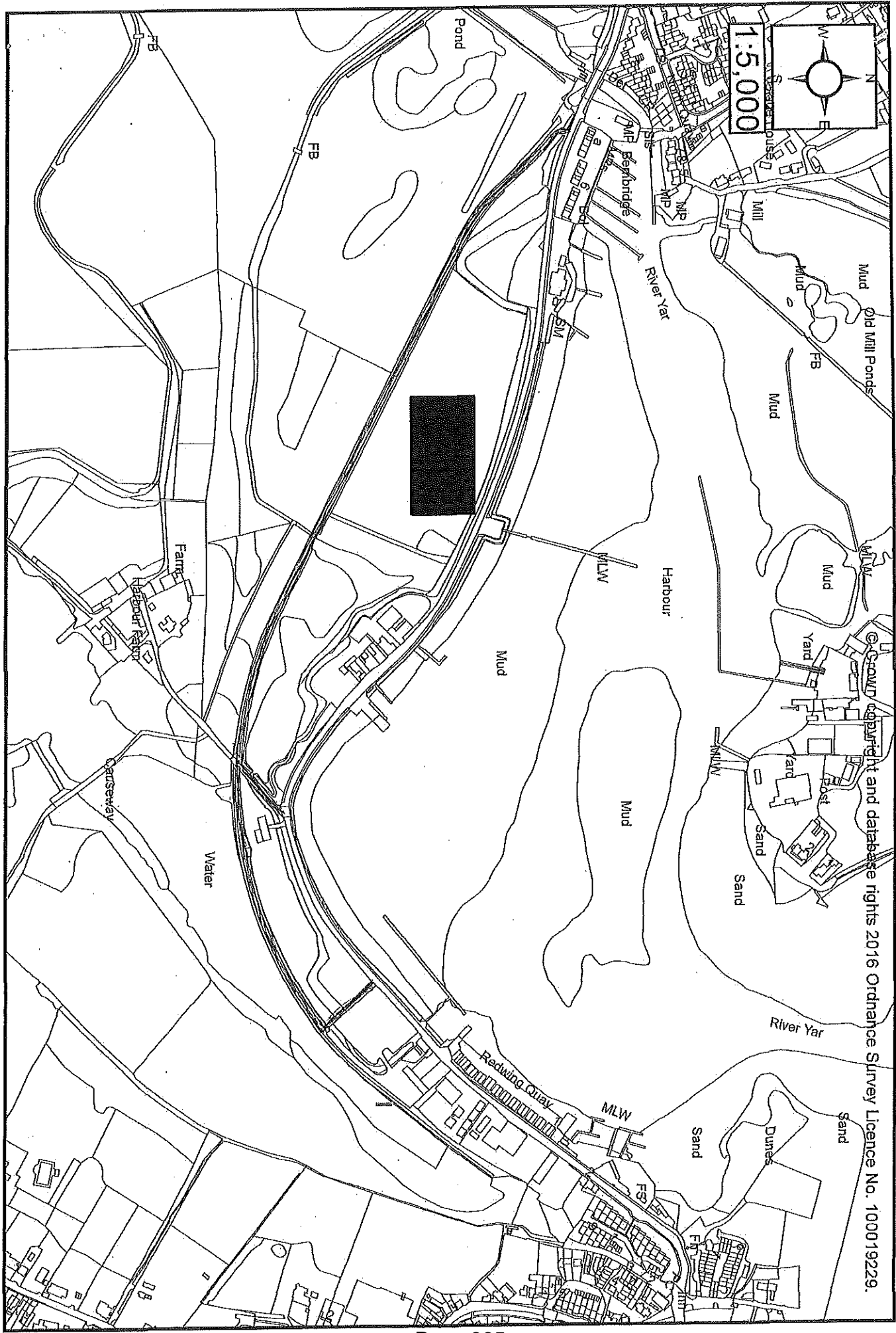
Signature of Witness: .....  .....

Print Full Name: ..... GLENN WADE .....

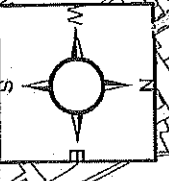
Date of statement: ..... 26/11/16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ROB W WADE

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]  
(Work) .....  
(Mobile) .....

Preferred number and time to be contacted: Home Evenings

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: Landscape Gardener

### Description of Path:

From: Embankment rd, St. HELENS

To: Embankment rd, Bembridge - Boat yard

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>32</p>
<p>2. How wide is the way?</p>	<p>6' — 8'</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes</p> <p>84 — present day.</p> <p>St. Helens to Bamberidge.</p> <p>Pleasure, dog walking.</p> <p>5-6 Times.</p> <p>on foot, bicycle.</p>
<p>4. (a). Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No.</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>no</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>no</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>no</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>no</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>no</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>no</p>



<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>5 None.</p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: ...  .....

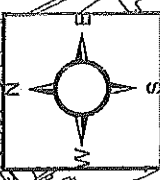
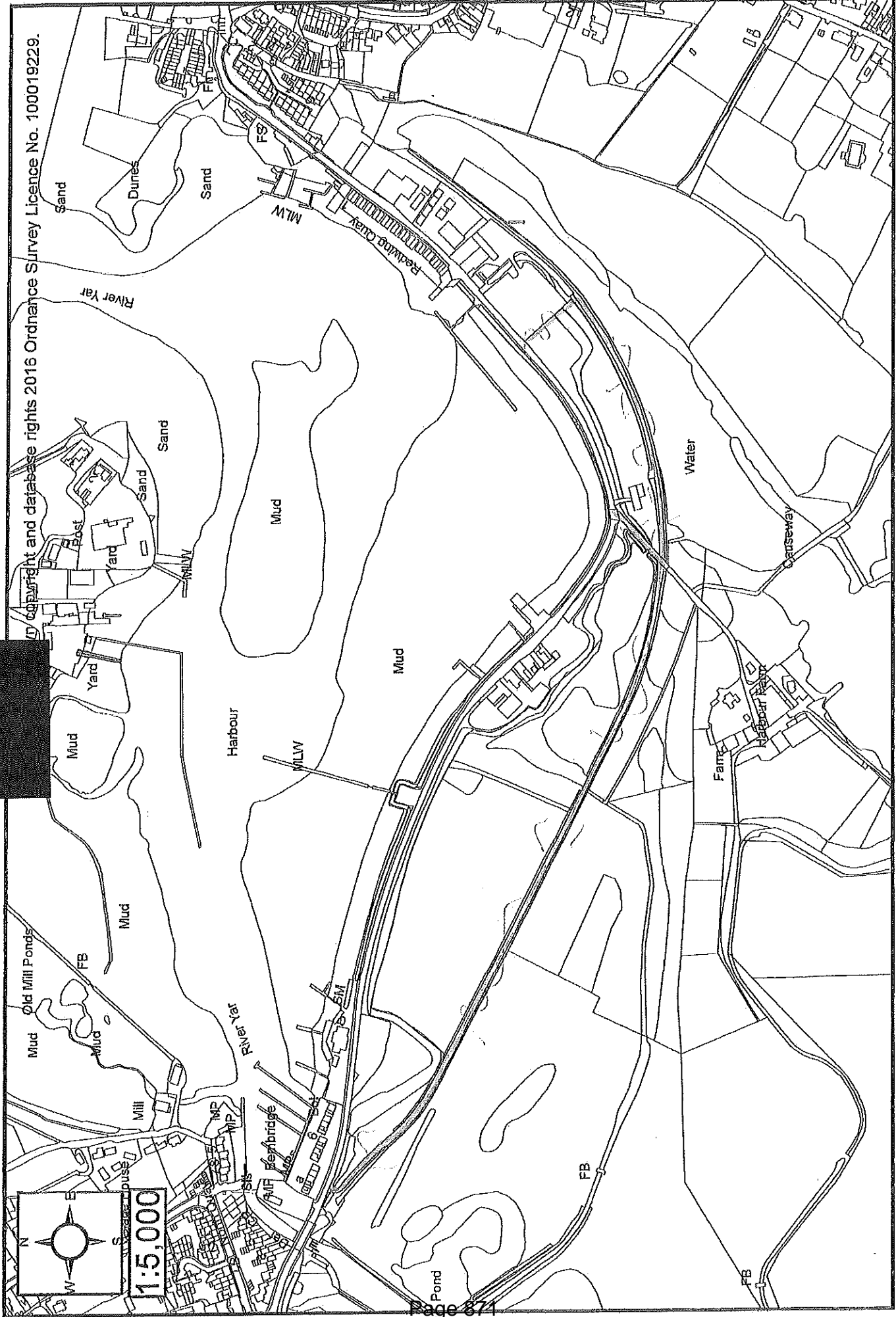
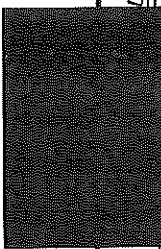
Print Full Name: ..... ROBIN WARD .....  
5

Date of statement: ..... 12th December '16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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1:5,000



ISLE of WIGHT COUNCIL

PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: MALCOLM WADE

Address (including postcode): [Redacted]

Telephone: (Home) [Redacted]

(Work) [Redacted]

(Mobile) [Redacted]

Preferred number and time to be contacted: [Redacted]

Email: [Redacted]

Date of Birth: [Redacted]

Occupation: RETIRED

Description of Path:

From: EMBANKMENT Rd. ST HELENS

To: BOATYARD & EMBANKMENT Rd. REMBRIDGE

Believed status of path: BRIDLEWAY (e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>63 yrs</p>
<p>2. How wide is the way?</p>	<p>VARIES BETWEEN 6' 4" 12'</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1953 - 2016</p> <p>TO BEMBRIDGE FROM STHELENS &amp; BACK AGAIN</p> <p>RECREATION, BIRD WATCHING, TEACHING SONS ABOUT BIRDS.</p> <p>HALF A DOZEN</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>SEE STATEMENT</p>
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>5</p> <p>NONE</p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: ...  .....

Print Full Name: ..... MALCOLM WADE .....

Date of statement: ..... 12/1/17 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





Statement from Malcolm Wade,

Ref. the disused railway track from St. Helens to Bembridge.

I have lived in St. Helens all my life (80years) and have used the disused railway track from St. Helens to Bembridge as a footpath since the last train ran in Sept.1953.

I used to walk along the side of the track until the rails etc were removed by Cohens of Southampton a few years later.

Due to back filling over the years the track now only goes as far as the boatyard and then the path diverts up to Embankment Rd.

In the winter, and especially with an easterly wind blowing, the Embankment Rd could be very cold and a lot of people used to walk along the old railway track as it was more sheltered.

In a book called "The Bembridge Branch Line" by Peter A Harding, published in 1988, he stated that "From just past the bridge at St. Helens the track bed has once more become a public footpath and can be walked to the former station at Bembridge."

The minutes of St. Helens Parish Council meeting on Dec. 12th 2016 detail a meeting that Lisa Dyer(clerk), Jonathan Bacon (I.W.Councillor) and Darrel Clarke (I.W.Council footpath manager) had with Keith Ballard of the RSPB.

Mr. Ballard presented evidence of signs warning people that they had no right over the land. The signs were dated under the 1959 act.

There are 2 such signs - one is on the Water Board property beside the bridge on Embankment Rd and the other one is in a field on the Bembridge side of the river Yar. This field is still owned by Mrs P. Stratton of Station House St. Helens and the sign was erected by her to stop people walking along and fishing from the banks of the river. It is nothing to do with the old railway track which she has never owned and cannot be seen from the track.



# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... FAITH DAISY WADE .....

Address (including postcode): [REDACTED]

Telephone: (Home) ..... [REDACTED] .....

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: ..... [REDACTED] .....

Occupation: ..... RETIRED .....

### Description of Path:

From: ..... EMBANKMENT RD ST HELENS .....

To: ..... BORTYARD & EMBANKMENT RD BEMBAIDSE .....

Believed status of path: ..... BRIDLEWAY .....  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>56</p>
<p>2. How wide is the way?</p>	<p>VARIABLES BETWEEN 12' &amp; 6'</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES.</p> <p>1960 - 2016</p> <p>TO BENBRIDGE FROM ST HELENS + BACK.</p> <p>LEISURE + PICKING BLACKBERRY</p> <p>3 or 4. - more when children were smaller.</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>



<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>SEE ATTACHED STATEMENT</p>
--	-------------------------------

**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... FAITH DAISY WADE .....

Date of statement: ..... 18/1/17 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





Statement from Faith Daisy Wade,

Ref. the disused railway track from St. Helens to Bembridge.

I have lived in St. Helens since 1960 and have always believed the old railway track from St. Helens to Bembridge to be a public Right of Way as are most others on the Island and across the country.

I have used it regularly to walk to Bembridge to visit friends especially when my children and grandchildren were small as it was a much safer place to let them run about and later to learn to ride their bikes. I have also picked blackberries alongside the track.

In the early 1970's I and other parents accompanied as helpers when Mr. Marler, Head Master of St. Helens Primary School, took groups of children along the old railway track and into one of Mrs. Stratton's fields so that they could go pond dipping and learn about nature first hand. There were no signs saying that we were not allowed access.

The signs that are headed "Highways Act 1959" and state "There are no public Rights of Way over this land." were put up by Mrs P Stratton of Station House, St. Helens to stop people walking up the left bank of the river Yar. We have known her for years and she told us that she had to do it because of the cost of the insurance she would have to pay because she kept cattle in the field next to the river. She has never owned the old railway track and the signs did not refer to it.

I believe the track originally went as far as Bembridge station but due to gradual back filling over the years it now only goes as far as the boatyard fence and then diverts up to Embankment Rd.

There are no signs anywhere along the track saying that it is private and there is no public access and I have never heard of anyone being stopped from using it.



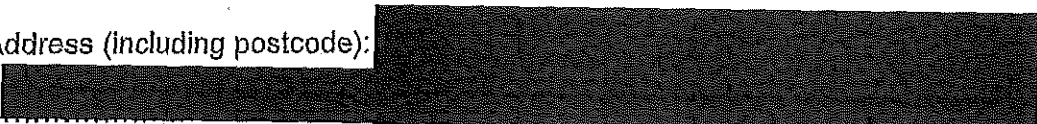
# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: JULIE WADE

Address (including postcode): 


Telephone: (Home) 

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: EVENING

Email: .....

Date of Birth: 

Occupation: CONFIGURATION ENGINEER

### Description of Path:

From: DISUSED RAILWAY TRACK FROM

EMBANKMENT ROAD ST HELENS

To: BOATYARD EMBANKMENT ROAD

BEMBRIDGE

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>SINCE THE RAILWAY CLOSED</p>
<p>2. How wide is the way?</p>	<p>APPROX 10'</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1974 - 1984</p> <p>ST HELENS - SEMBRIDGE</p> <p>WALKS WITH FAMILY</p> <p>3-4</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;"><i>none</i></p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

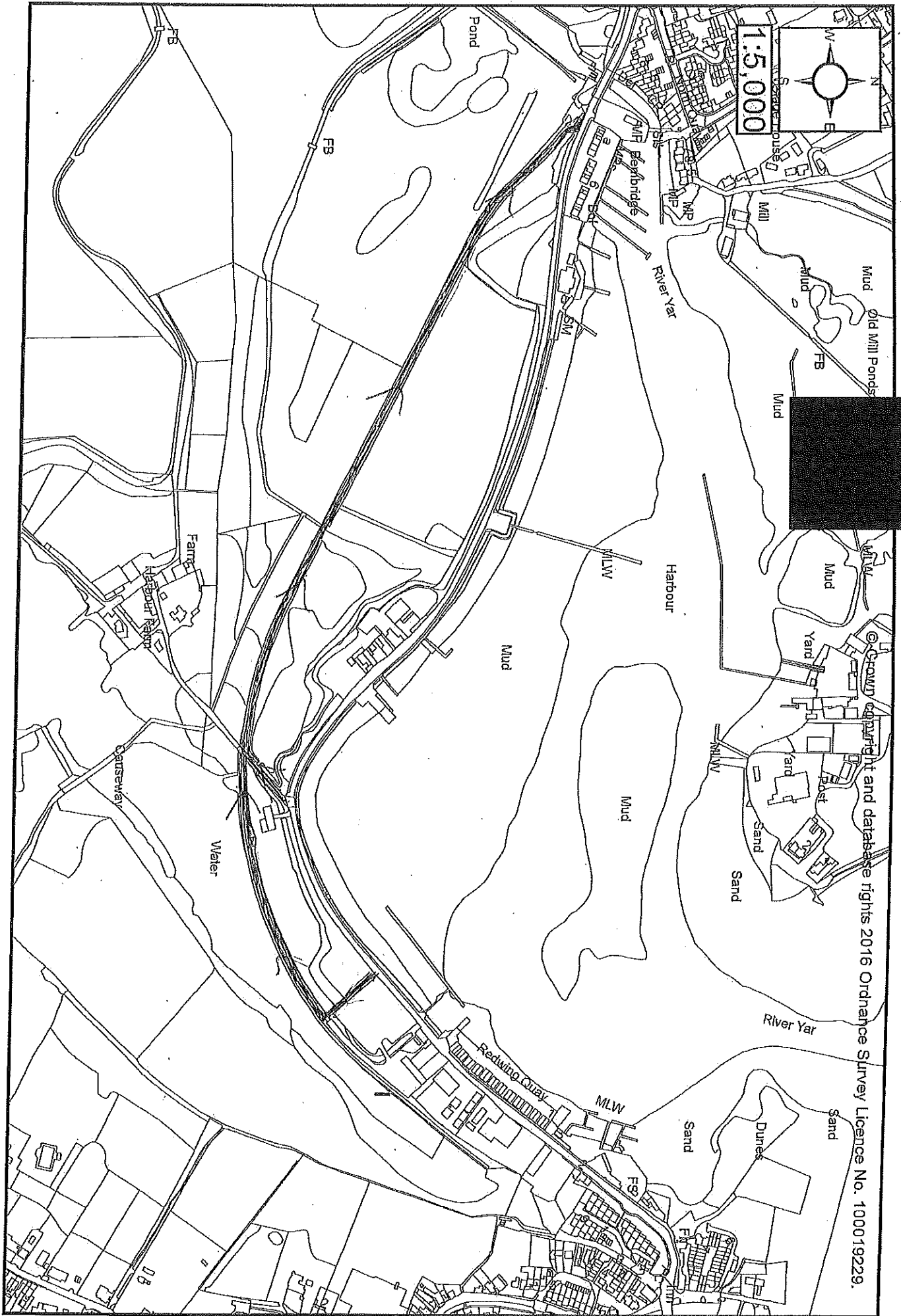
Signature of Witness  .....

Print Full Name: ..... SOLIE WARE .....

Date of statement: ..... 27/11/16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: SUSAN WAY

Address (including postcode):

[REDACTED]  
[REDACTED]

Telephone: (Home) [REDACTED]

(Work) \_\_\_\_\_

(Mobile) \_\_\_\_\_

Preferred number and time to be contacted [REDACTED] DAYTIME

Email: \_\_\_\_\_

Date of Birth: [REDACTED]

Occupation: RETIRED

### Description of Path:

From: ST HELENS TO BENBRIDGE

To: ST HELENS FROM BENBRIDGE

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>48 yrs. SW.</p>
<p>2. How wide is the way?</p>	<p>6 to 8 feet.</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1968 TO PRESENT DAY</p> <p>ST HELENS TO BEMBRIDGE BEMBRIDGE TO ST HELENS</p> <p>WALKING, DOG EXERCISE, WATCHING WILDLIFE.</p> <p>10 - 15</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
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I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

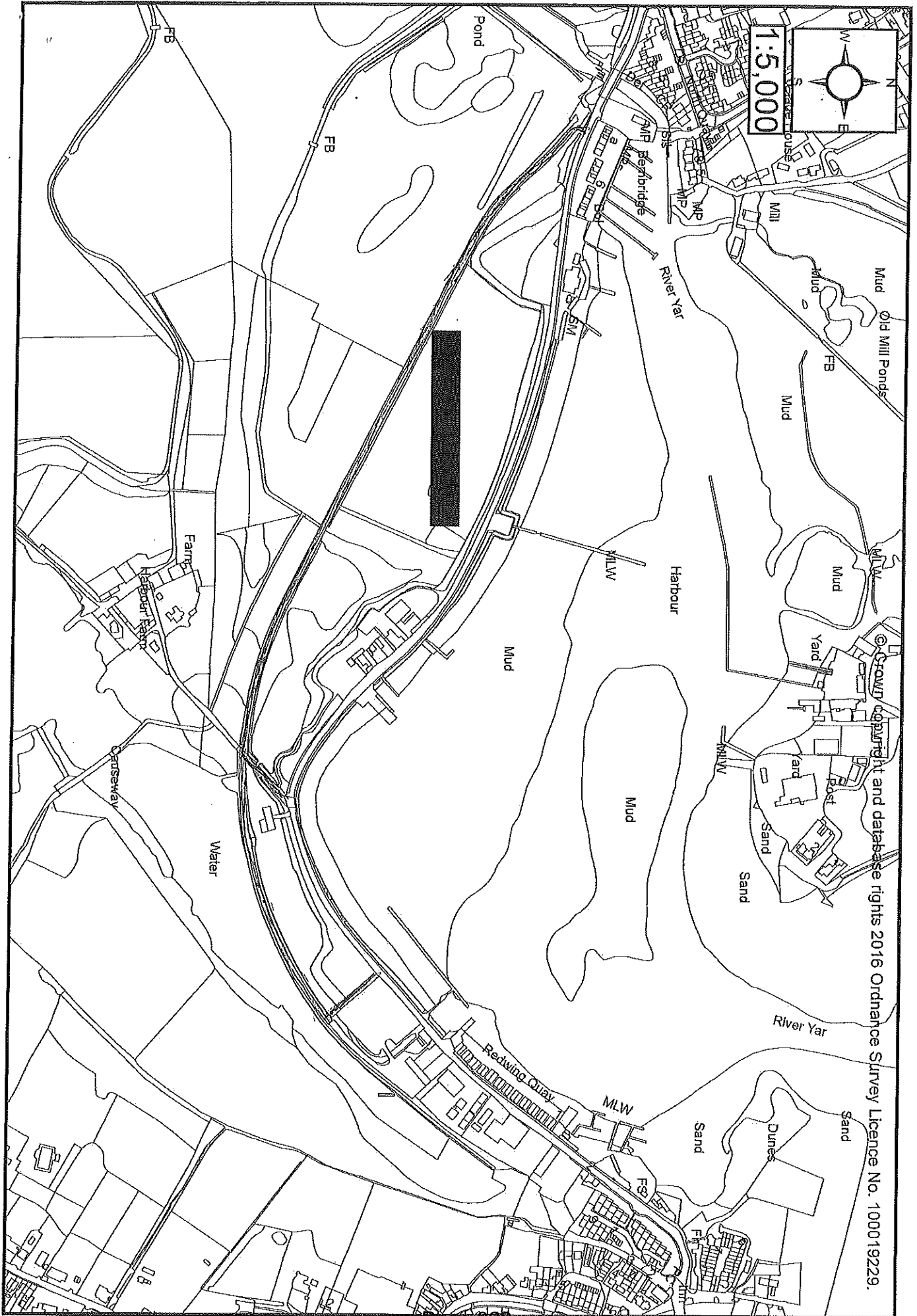
I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness:  .....

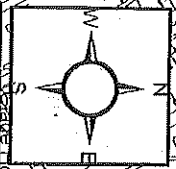
Print Full Name: ...SUSAN WAY.....

Date of statement: ...NOVEMBER 20<sup>th</sup> 2016.....

**IMPORTANT:  
PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF  
THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



1:5,000



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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... *Richard Thomas Weaver* .....

Address (including postcode): ..... [REDACTED] .....

Telephone: (Home) ..... [REDACTED] .....

(Work) ..... [REDACTED] .....

(Mobile) ..... [REDACTED] .....

Preferred number and time to be contacted: ..... *Mobile anytime* .....

Email: ..... [REDACTED] .....

Date of Birth: ..... [REDACTED] .....

Occupation: ..... *Financial Director* .....

### Description of Path:

From: ..... *Old Kentway track from St. Ules to Benside* .....

To: ..... *Behind Embankment road up to "Duck's corner" and parallel with Redwing sheds.* .....

Believed status of path: .....  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>30 approx years.</p>
<p>2. How wide is the way?</p>	<p>Should be about 8-10 feet (lots of foliage).</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>Yes.</p> <p>From Birth (with parents), <del>1981</del> → Present</p> <p>Walking from Bensbridge to St Helen's (also on Bikes)</p> <p>Pleasure/amenity</p> <p>12 - 20</p> <p>Foot/Bike</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>Yes.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NONE</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>/</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>Never</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>Never</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>Never</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No.</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>I have used this track all my life. I have known it used by car and van in the past when Durburton road was blocked. There is no question that this has been used by the people of both Bembridge + St Helens since the closure of the railway.</p>
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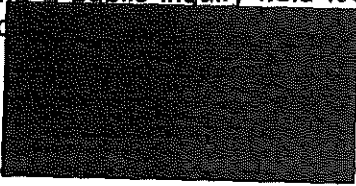
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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

none

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

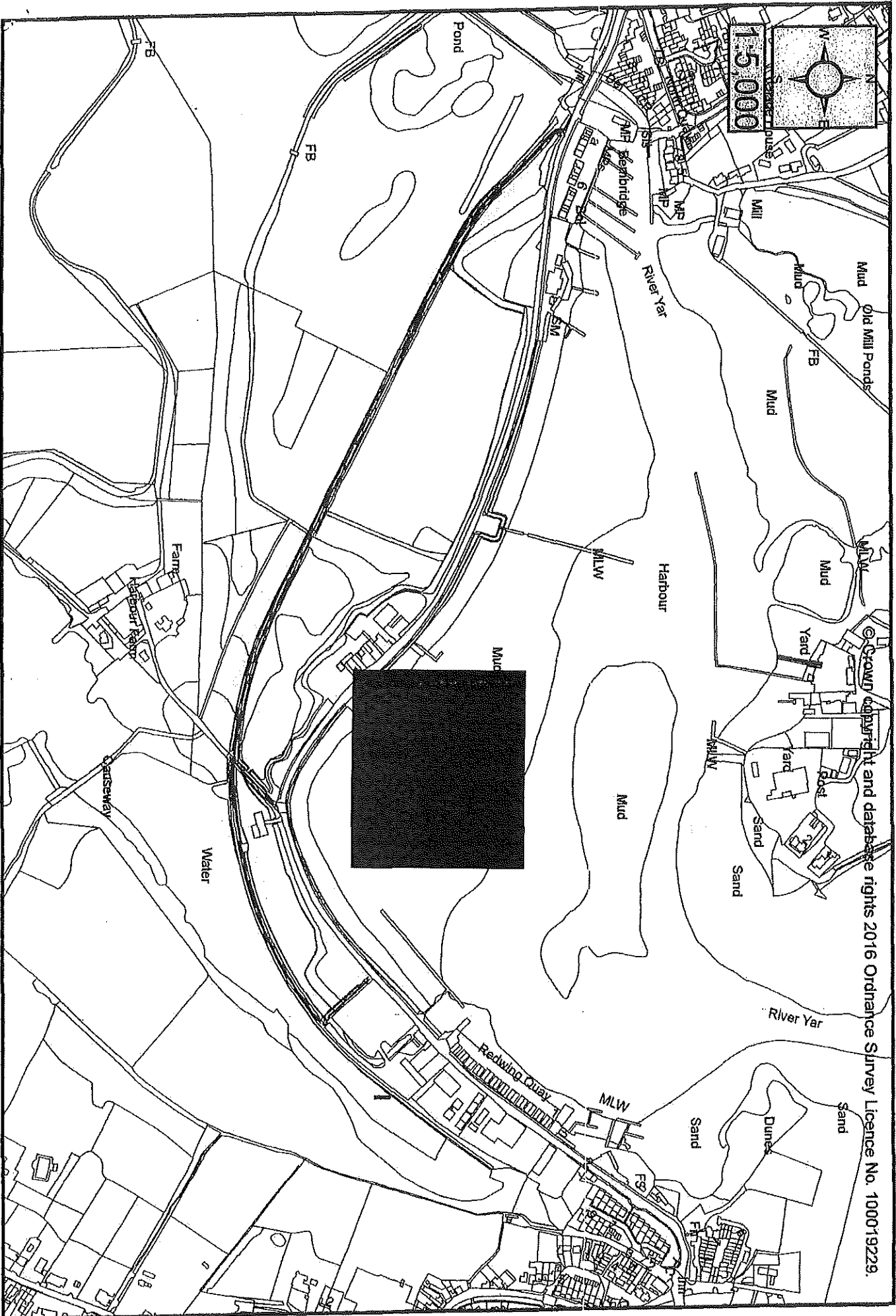
I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to   
(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... Richard Thomas Wilson .....

Date of statement: ..... 23<sup>rd</sup> November 2016 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... TENENCE ANTHONY WEAVER .....

Address (including postcode): ..... [REDACTED] .....

..... [REDACTED] .....

Telephone: (Home) ..... [REDACTED] .....

(Work) ..... [REDACTED] .....

(Mobile) ..... [REDACTED] .....

Preferred number and time to be contacted: Home or Mobile .....

Email: ..... [REDACTED] .....

Date of Birth: ..... [REDACTED] .....

Occupation: ..... FURNACE DIRECTOR .....

### Description of Path:

From: OLD RAILWAY TRACK FROM ST HELENS TO  
BEMBRIDGE .....

To: BEHIND & PARALLEL TO EMBANKMENT  
..... LD .....

Believed status of path: ..... FOOTPATH .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>63 years</p>
<p>2. How wide is the way?</p>	<p>NORMAL RAILWAY TRACK WAS ABOUT 8 FT +</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>ON AND OFF FOR FOR 60 YEARS WALKING BOTH WAYS RELAXATION 3 or 4 FOOT.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>X</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A.</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>THIS WAS THE OLD LOWWAY TRACK FRONT BEMBRIDGE TO BRADING VIA SP HELENT. (WAS ON LAST TRAIN!!)</p>
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**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

5

NONE



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

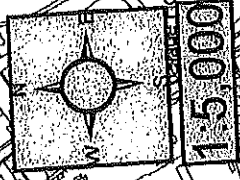
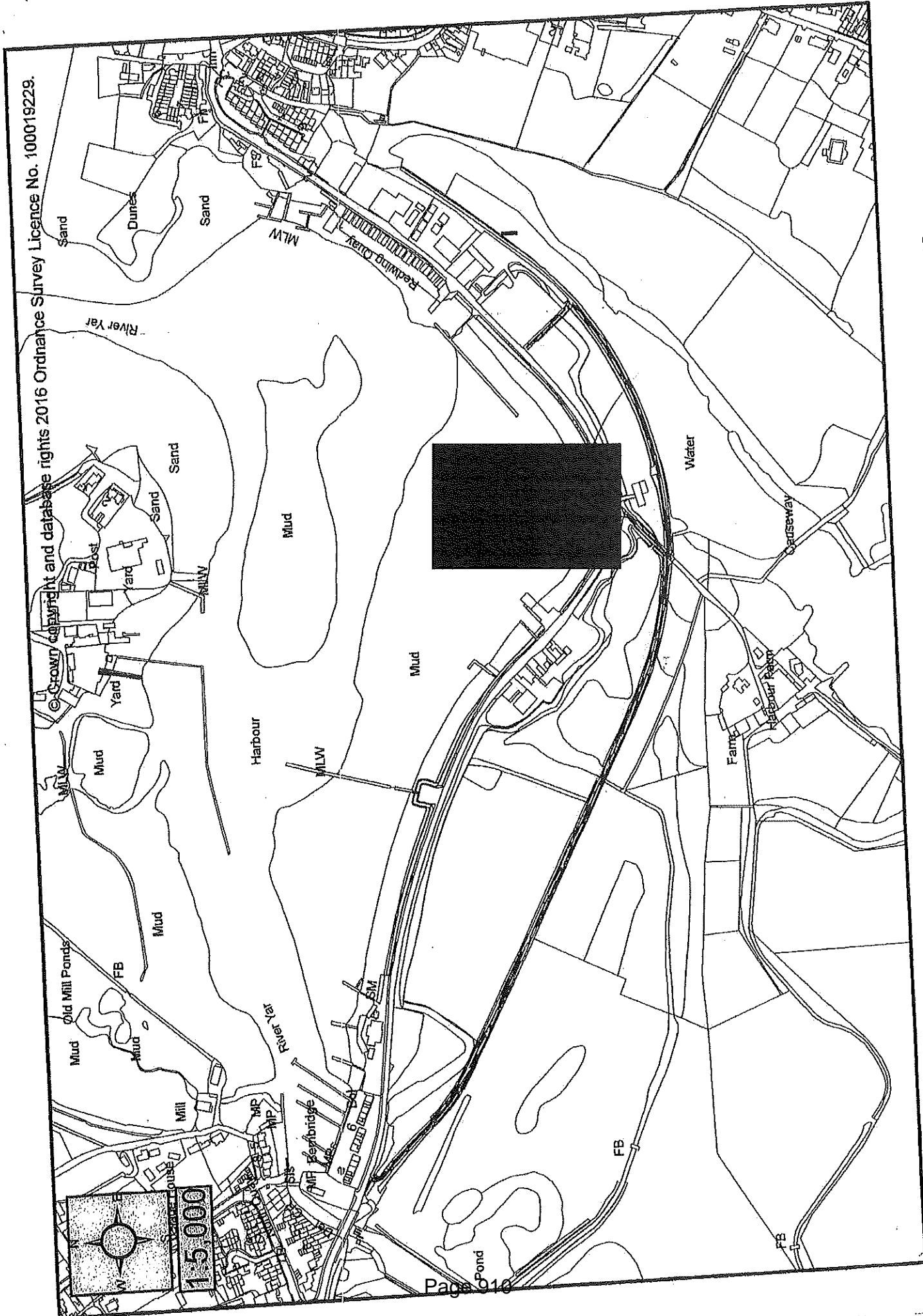


Signature of Witness: .....

Print Full Name: TERENCE ANTHONY LEAVER

Date of statement: 23/4/16

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ...ROY ERNEST EDWARD WHEELER.

Address (including postcode):

Telephone: (Home

(Work)

(Mobile)

Preferred number and time to be contacted: HOME EVENINGS.

Email:

Date of Birth:

Occupation:

RETIRED PLUMBER

### Description of Path:

From: ...EMBANKMENT ROAD, ST. HELENS I.W.

GRID REF; 52 631 886

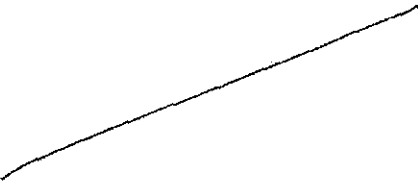
To: BOATYARD EMBANKMENT RD, BEMBRIDGE I.W.

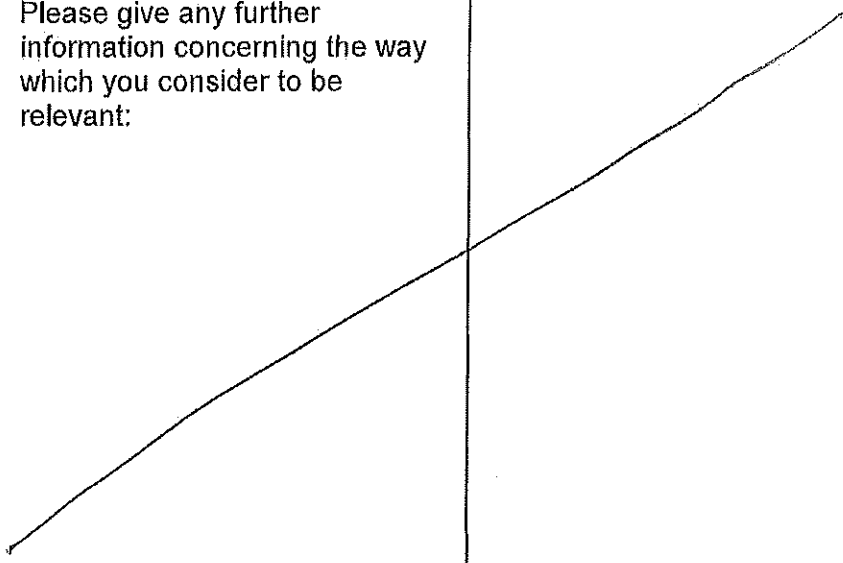
Believed status of path: ...BRIDLEWAY - FOOTPATH:  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES.</p> <p>50 YEARS.</p>
<p>2. How wide is the way?</p>	<p>VARIES (1M to 2.5M) FROM 3' to 8'</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1966 to 2016.</p> <p>BETWEEN BEMBRIDGE AND ST. HELENS</p> <p>DOG WALKING AND BIRD WATCHING.</p> <p>300 DAYS (APPROX)</p> <p>FOOT.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES.</p> <p>NO CHANGE.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>PRIVATE SIGNS ON ROAD LEADING TO HARBOUR FARM.</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p style="text-align: center;">NONE</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... ROY, ERNEST, EDWARD, WHEELER, .....

Date of statement: ..... 18<sup>th</sup> NOVEMBER 2016 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**







If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>I HAVE KNOWN THIS WAY FOR 28 YEARS</p>
<p>2. How wide is the way?</p>	<p>6 FEET (APPROX)</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1988 — 2016</p> <p>ST HELENS TO BOURNEMOUTH</p> <p>DOG WALKING AND EXERCISE BIRD WATCHING</p> <p>50-60 TIMES A YEAR</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>N/A</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>N/A</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use the way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>IN THE YEARS I HAVE WORKED THIS DATA I HAVE ALWAYS KNOWN IT TO BE A PUBLIC FOOT DATA</p>
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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

5

NONE

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

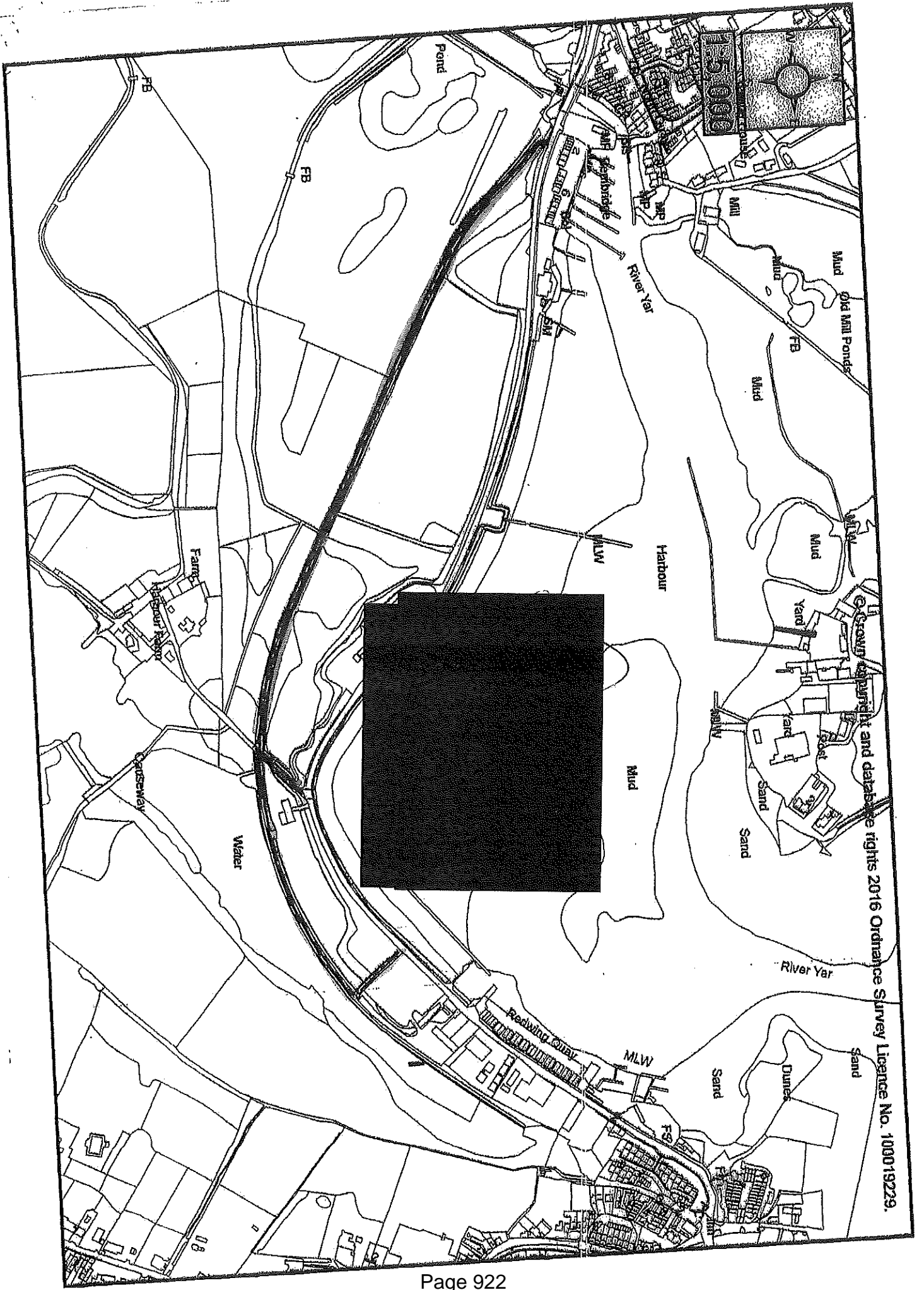
I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... SUSAN WHITING .....

Date of statement: ..... 6<sup>th</sup> DECEMBER 2016 .....

**IMPORTANT:**  
**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: DAVID JOHN WHITING

Address (including postcode)

Telephone: (Home) [REDACTED]

(Work) N/A

(Mobile) [REDACTED]

Preferred number and time to be contacted: HOME EVENING

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: RETIRED

### Description of Path:

From: RUNS FROM THE WESTERN END OF

EMBANKMENT CLOSE TO RIVER YAR

To: A POINT APPROXIMATELY HALF WAY

ALONG EMBANKMENT ROAD TOWARDS BEEBRIDGE

Believed status of path: FOOTPATH

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>28 YEARS</p>
<p>2. How wide is the way?</p>	<p>APPROX 2 MTRS.</p>
<p>3. Have you <u>used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>FROM 1988 TO THE PRESENT DAY</p> <p>BENBRIDGE TO ST HELENS + ST HELENS TO BENBRIDGE</p> <p>DOG WALKING, MEASURE.</p> <p>APPROXIMATELY 25 TIMES A YEAR</p> <p>ON FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>THE ROUTE OF THE PATH RUNNING TO THE SOUTH OF EMBANKMENT ROAD HAS BEEN WALKED BY MYSELF, FAMILY AND FRIENDS OVER MANY YEARS AND HAS ALWAYS BEEN KNOWN AS A PUBLIC FOOTPATH.</p>
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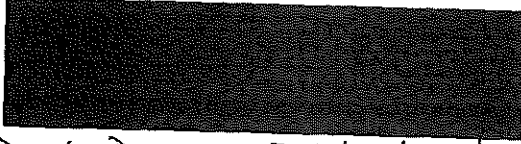
Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

none.

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: ..



Print Full Name: ..... DAVID JOHN WHITING .....

Date of statement: ..... 6.12.2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: MR. JAMES WILSON

Address (including postcode): 



Telephone: (Home) 

(Work)

(Mobile)

Preferred number and time to be contacted: .....

Email:

Date of Birth: 

Occupation: RETIRED

### Description of Path:

From: ST. HELENS

To: BEMBRIDGE

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>4-5</p>
<p>2. How wide is the way?</p>	<p>10-12 FEET</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1971 TO PRESENT DAY</p> <p>ST. HELENS TO BEMBRIDGE AND RETURN</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>TO THE BEST OF MY KNOWLEDGE THIS HAS ALWAYS BEEN A PUBLIC PATH, HAVING USED THE PATH FROM 1971 WHEN I MOVED TO THE ISLAND TO PRESENT DAY. AS A CUB LEADER IN THE PAST WE USED THE PATH FOR NATURE WALKS TO VIEW WILD LIFE AND FLOWERS.</p>
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**DISCLOSURE OF INFORMATION:**

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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>NONE</p>
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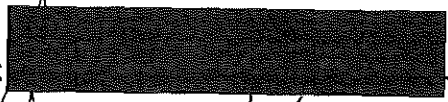


I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness:



Print Full Name: .....

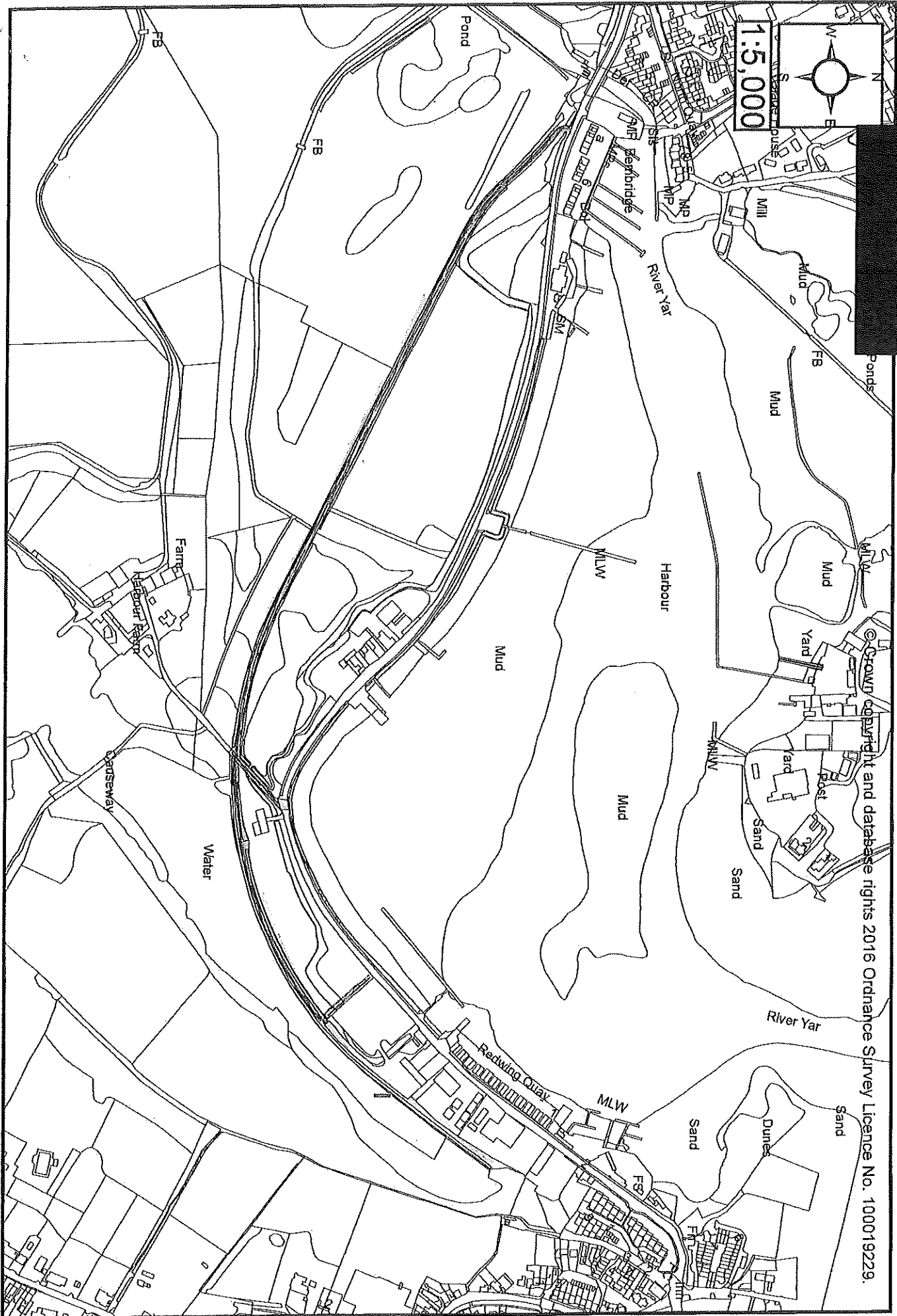
JAMES WILSON

Date of statement: .....

23-11-16

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



1:5,000

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## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... STEPHEN HILSON .....

Address (including postcode):

Telephone: (Home) .....

(Work) ..... / .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: .....

Occupation: ..... ELECTRICIAN .....

### Description of Path:

From: ..... ST. HELENS .....

To: ..... BEMBRIDGE .....

Believed status of path: ..... FOOTPATH .....

(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>45</p>
<p>2. How wide is the way?</p>	<p>10-12 FT</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1971 to PRESENT DAY</p> <p>ST. HELGNS TO BEMBRIDGE AND BACK</p> <p>WALKING &amp; CYCLING</p> <p>6-8</p> <p>FOOT &amp; BIKE</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

14. Please give any further information concerning the way which you consider to be relevant:

OVER the years i've  
NAILED both MY CHILDREN  
along this PATH as IT'S a  
SAFE WAY to get to  
BEMBRIDGE as the EMBANKMENT  
ROAD CAN be dangerous  
CERTAINLY when I've got  
MY DOG WITH ME & a CHILD.  
There's also plenty of  
WILDLIFE to look at ON WAY.  
I also USED to ride this WAY  
when going to FORELAND'S MIDDLE.

**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

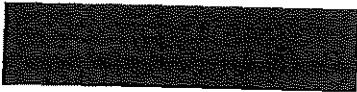
Please make any comments regarding Disclosure of Information here  
(if you have no comments please state "none"):

NONE

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... STEPHEN WILSON .....

Date of statement: ..... 25-11-16 .....

**IMPORTANT:  
PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF  
THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**







# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: MRS PRISCILLA WILSON

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) N/A

(Mobile) N/A

Preferred number and time to be contacted: .....

Email: N/A

Date of Birth: [REDACTED]

Occupation: retired R.G.N.

### Description of Path:

From: ST HELENS

To: BEMBRIDGE

Believed status of path: FOOTPATH  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>45</p>
<p>2. How wide is the way?</p>	<p>12 feet approx</p>
<p>3. Have <u>you used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>YES</p> <p>1970's to present day</p> <p>BENBRIDGE FROM ST. HELENS to AVOID TRAFFIC AND OBSERVE WILDLIFE was - but every week day for several years FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p> <p>—</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>NO</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p> <p>Traffic on Embankment road cuts in close when taking our grandson to play school in Benbridge it was a much SAFER route with pushchair</p>	<p>when dropping our car off at garage and collecting we use this route - garage is at end of path We all enjoyed seeing the wildlife on route</p>
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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

NONE

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

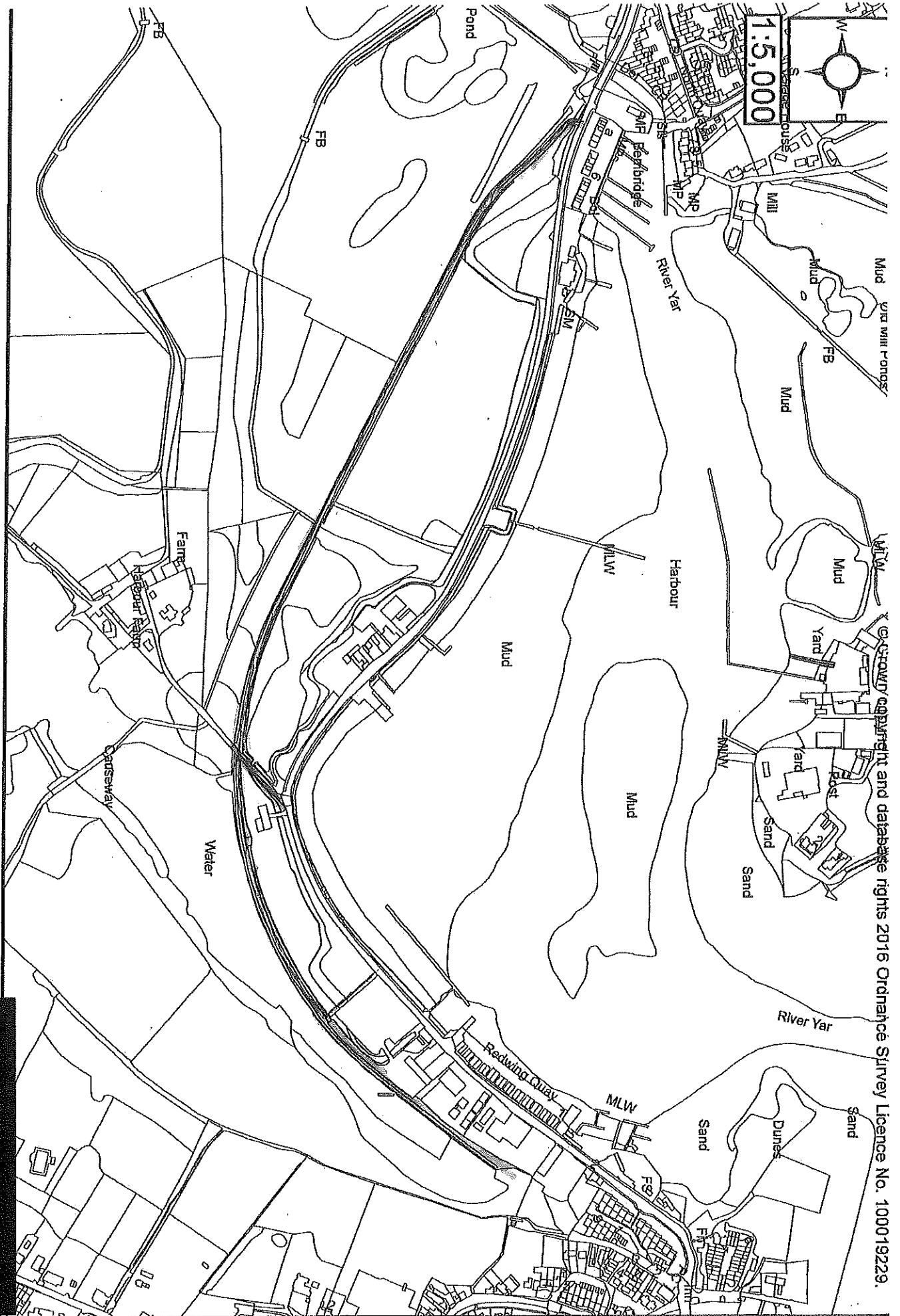
Signature of Witness: ..  ..

Print Full Name: ..... PRISCILLA WILSON .....

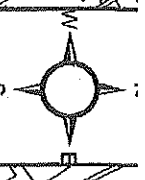
Date of statement: ..... 23-11-16 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



1:5,000



Mud yard with houses  
Mud  
FB  
Mud  
MLW  
Harbour  
Mud  
MLW  
Mud  
Sand Sand Sand  
River Yar  
Sand  
Dunes  
Sand  
Redwing Quay  
MLW  
FS  
MP  
Mill  
Mud yard with houses  
Mud  
FB  
Mud  
MLW  
Harbour  
Mud  
MLW  
Mud  
Sand Sand Sand  
River Yar  
Sand  
Dunes  
Sand



**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *DAVID A. WILLIAMS*

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: [REDACTED]

Date of Birth: [REDACTED]

Occupation: *RETIRED*

**Description of Path:**

From: *EMBANKMENT ROAD*

To: *BEAUFORT ROAD*

*EMBANKMENT ROAD*

Believed status of path: *FOOT PATH*  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>50</p>
<p>2. How wide is the way?</p>	<p>APPROX 7 FT</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1968 TO 2016</p> <p>BOTH WAYS</p> <p>PLEASURE</p> <p>40</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NO</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>



<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p>/</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>NO</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>NO</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>NO</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>NO</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>NO</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>NO</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p>
---

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... PAUL A. WILLIAMS .....

Date of statement: ..... 23-11-2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





# PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

## IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: Sue Nicholas

Address (including postcode) [REDACTED]

Telephone: (Home) [REDACTED]

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: [REDACTED]

Occupation: Retired

Description of Path: The old Railway Track Embankment Rd

From: 1960

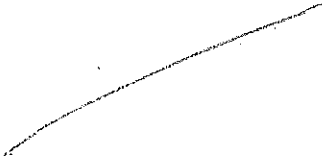
To: Today 2016

Believed status of path: Footpath  
(e.g. footpath, bridleway, byway open to all traffic)

PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>47 YEARS.</p>
<p>2. How wide is the way?</p>	<p>NORTH RAILWAY TRACK.</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>1968 TO 2016.</p> <p>LEASDALE WALKS WALKING, DOG WALKING</p> <p>SIXTEEN TIMES PLUS.</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES.</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>No.</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>No.</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>No.</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>No.</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>No.</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>No.</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No.</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>I HAVE ENJOYED USING THIS PATH FOR MANY YEARS - HAVE NEVER HAD ANY DOUBT THIS IS PUBLIC FOOTPATH. IN THE PAST AND NOW IT IS A SAFE PLACE TO WALK WITH GRANDCHILDREN AWAY FROM THE HIGHWAY.</p>
--	---

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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

I HAVE NO PROBLEM WITH YOU PUBLISHING MY NAME & ADDRESS.

I DO HAVE A PROBLEM WITH YOU PUBLISHING MY D.O.B AS THIS CAN BE USED ALONG WITH THE INFORMATION ABOVE BY OTHERS TO COMMIT A CRIMINAL ACT.



I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/am-not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... Sue Williams .....

Date of statement: ..... 11.12.2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



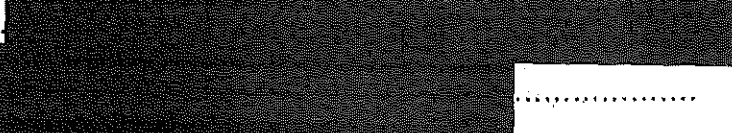
## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

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This form should be completed by one person only and should relate to only one route.

Full Name of Witness: Brian Williams

Address (including postcode): 

Telephone: (Home) 

(Work) .....

(Mobile) .....

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: 

Occupation: Retired

Description of Path: The Old Railway Track Embankment Rd.

From: 1960's

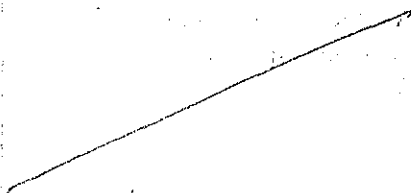
To: Today 2016

Believed status of path: footpath  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>"Yes"</p> <p>50+ Years</p>
<p>2. How wide is the way?</p>	<p>It used to be about 12<sup>ft</sup></p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>but over the years brambles and other growth has narrowed it in places</p> <p>Late 1950's <del>to</del> Today</p> <p>From the <del>cross track</del> to Today</p> <p>From St Helens to the Bomb-bridge and returning to St Helens</p> <p>Walk - Day Walking</p> <p>10 to 12 Times a year</p> <p>Foot</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>"Yes" From St Helens to past Harbour Farm</p> <p>The route at this end has changed due to fencing being put across track but in summer you could walk the edge of the lagoon and still meet up with the footpath that runs from Bomb-bridge to Bomb-bridge windmill</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>"NO"</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>"NO"</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>" NEVER "</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>" NEVER "</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>" NEVER "</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>" NEVER "</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>" NEVER "</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>" NO "</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p>See Attached Statement</p>
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**DISCLOSURE OF INFORMATION:**

Please note that information you supply to the Council including personal information may be published on the Council's internet site or made available for public inspection in accordance with Part 5 of Local Government Act 1972. The information may also be disclosed on request under the Freedom of Information Act 2000, Environment Information Regulations or the Data Protection Act 1998. This form and the evidence contained in it including your personal information will also be disclosed to the landowner(s) affected by the application and at a public inquiry (should one be directed take place by the Secretary of State). Only in exceptional circumstances may this information be withheld from public disclosure. If you believe there may be good reason that this information should not be disclosed then please indicate in the box below why information that forms an essential part of this process should not be publicly accessible.

Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

I have no problem with you publishing my name & address,

I do have a problem with you publishing my D.O.B. as this can be used ~~by~~ along with the information above by others to commit a criminal act.

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.  
(\* delete as applicable)

Signature of Witness: ...  .....

Print Full Name: ..... Brian Williams .....

Date of statement: ..... 28<sup>th</sup> December 2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**





This Statement is made by me Brian Williams, 28<sup>th</sup> December 2016

*With reference to the Public Right of Way known locally as the Old Railway Track, Embankment Road.*

As a St Helens resident born and brought up in the village I know the Old Railway Track very well.

I can just about remember traveling the track on a train before it closed in the early 1950's.

As a child, I can remember very well the times we would go and walk the track after the rails had been removed. This was our route to Bembridge, we would walk the track as far Bembridge Station this would mean that we bypassed the Toll Gate and got into Bembridge without having to pay a toll.

The back of the Embankment by the boatyards Bembridge end and at the back of Nelson's boatyard, and the Brading Haven Car Park were all used as a dumping ground for all sorts of treasures such as wood, old bikes, prams and old telephones from the Bembridge Exchange and all manner of things that would interest the children of the 50's and 60's.

Bits of bikes were great as you could build your own bike from the bits you could salvage, in the 1950's very few could afford new bikes, the pram wheels and wood were great for making trolleys and every child of the 50's had a trolley.

Children would be drawn from both directions, St Helens and Bembridge all using the Old Railway Track as their path and entry to this treasure trove, there were no fences to stop you.

Later the area was used as a dumping ground for soil and the ground was built up to the level of the Embankment Road as it is today. The areas now used for storage of boats etc.

In the 1960's I used to go for walks with my girlfriend now wife, we have been married for 47 years.

We took our children for walks along the track along with their bikes as it was a safe place for them to practise, we have picked blackberry's, taking the dogs for walks many many times. Now retired my wife and I still go for walks along the track for air and exercise and at no time in my 60 years of walking this track has anybody told me that this was private land and I could not use it.

In the early days when the Old Track became accessed by the public the land was owned by British Rail, and who owned British Rail? The Nation, so why would anybody suggest or believe that it was private? It was owned by the Nation, we all owned the land and as such we all had a lawful right to use it, and this we did.

As a subscribe I would like to say that at the Parish Council Meeting of December 2016, the Clark of the Council suggested that there was signage that prohibited use of the track, that statement was untrue the only signage in that area related to the marshes. At one time if you had a Waterboard License you could fish the River Yar, and many people used to fish and walk the Banks of the River Yar, when it came under new ownership there was a notice erected on the marshes side of the fence on both river banks advising people that you could no longer fish or walk the River Bank.

Brian Williams



**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

**IMPORTANT NOTE**

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: ..... ROGER WOODCOCK .....

Address (including postcode): .....  
.....  
.....

Telephone: (Home) .....  
.....

(Work) ..... / .....

(Mobile) ..... / .....

Preferred number and time to be contacted: 0900-1700 .....

Email: ..... / .....

Date of Birth: .....  
.....

Occupation: ..... / .....

**Description of Path:**

From: ..... THE SLUICE AT ST. HELENS, EMBANKMENT RD .....  
..... ST. HELENS .....

To: ..... THE INDUSTRIAL UNITS, EMBANKMENT RD .....  
..... BETHBRIDGE .....

Believed status of path: ..... FOOTPATH - OLD RAILWAY LINE .....  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>YES</p> <p>SINCE 1966 - 50 YRS.</p>
<p>2. How wide is the way?</p>	<p>RAILWAY LINE WIDTH</p>
<p>3. Have you <u>used</u> the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>NUMERABLE TIMES 1966 - 1991</p> <p>ST. HELENS TO BEMBRIDGE AND OFTEN RETURN PLEASURE</p> <p>NO IDEA BUT MANY</p> <p>FOOT</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>YES</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>NON PERMANENT</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>NO</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/ occupier as to the use of the way by the public? If so, what were they?</p>	<p style="text-align: center;">/</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p style="text-align: center;">No</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p style="text-align: center;">No</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p style="text-align: center;">No</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p style="text-align: center;">No</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p style="text-align: center;">No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p style="text-align: center;">No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	<p><i>I always treated this path the same as the one from Brading to St Helens and I still do so.</i></p>
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Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):

*None*

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~ am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: .....  .....

Print Full Name: ..... ROGER WOODLOCK .....

Date of statement: ..... 18.11.2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

### IMPORTANT NOTE

This form will be used to help establish whether or not the claimed route is a public right of way. It will be used to assist in reaching the truth of the matter, whatever it may be. You should therefore answer the questions as fully as possible and not keep back any information, whether for or against the application.

This form should be completed by one person only and should relate to only one route.

Full Name of Witness: *Raymond Woodcock*

Address (including postcode): [REDACTED]

Telephone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

Preferred number and time to be contacted: .....

Email: .....

Date of Birth: [REDACTED]

Occupation: *Retired*

### Description of Path:

From: *Embarkment Road : Sluice at St Helens*

To: *Up the Industrial Estate Benbow*

Believed status of path: *ex. Revy line - Footpath open*  
(e.g. footpath, bridleway, byway open to all traffic)

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**



If necessary, continue your answers on a separate sheet of paper.

<p>1(a). Have you known the way as public?</p> <p>(b). If so, for how many years?</p>	<p>Yes</p> <p>for in excess of 50 yrs</p>
<p>2. How wide is the way?</p>	<p>wide enough for 2 persons and dog/dogs</p>
<p>3. Have you used the way?</p> <p>If so,</p> <p>(a) During which years? (Please be as accurate as possible)</p> <p>(b) Where were you going to and from?</p> <p>(c) For what purpose?</p> <p>(d) How many times a year?</p> <p>(e) By what means (e.g. on foot, horse, car etc.)</p>	<p>regularly 1966-1991</p> <p>occasionally now when making 1/2 way from from Benthony</p> <p>on foot.</p>
<p>4. (a) Has the way always run over the same route?</p> <p>(b) If it has changed, give details, dates and show changes on the map.</p>	<p>yes</p>
<p>5. Have there to your knowledge ever been any stiles or gates on the way? If yes, mark the location of the stiles/gates on the map.</p>	<p>no</p>
<p>6. At the time when you were using the way were you (a) working for any owner or occupier of land crossed by the way, or (b) a tenant of any such owner? If yes, give details and dates.</p>	<p>no</p>

<p>7. If the question to answer 6 is yes, did you ever receive any instructions from the owner/occupier as to the use of the way by the public? If so, what were they?</p>	<p>h</p>
<p>8. Have you ever been stopped or turned back when using the way, or do you know or have you heard of anyone else having been challenged or prevented from using the way? If so, state when the incident(s) took place and give details.</p>	<p>h</p>
<p>9. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give details and dates.</p>	<p>h</p>
<p>10. Have you ever known any locked gates or other obstructions to the way? If so, give dates, details &amp; mark locations on the map.</p>	<p>h</p>
<p>11. Have you ever seen any notices or signs on or near the way? If so, mark the position(s) on the map and give dates and state what the notices say/said.</p>	<p>h</p>
<p>12. Have you ever sought or been given permission to use they way?</p>	<p>No</p>
<p>13. Are you (or have you ever been) a friend or acquaintance of any owner or occupier of the land crossed by the way? If yes, give details and dates.</p>	<p>No</p>

<p>14. Please give any further information concerning the way which you consider to be relevant:</p>	
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<p>Please make any comments regarding Disclosure of Information here (if you have no comments please state "none"):</p> <p>5</p> <p>None</p>
--

I hereby certify that to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~/am not\* willing to attend a public inquiry held locally to give evidence on this matter, if this should prove to be necessary.

(\* delete as applicable)

Signature of Witness: ..... [REDACTED] .....

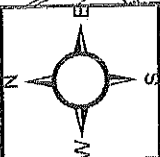
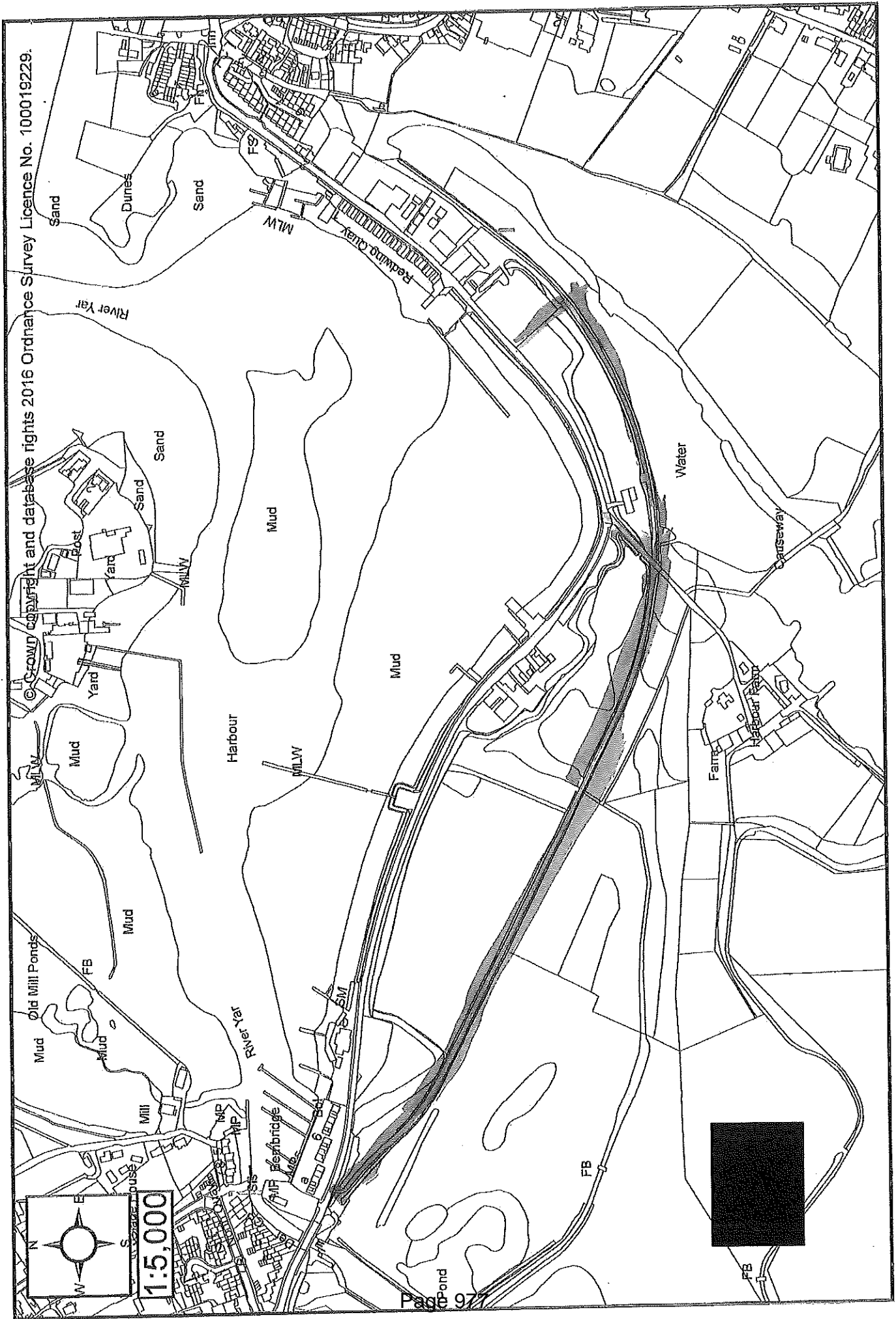
Print Full Name: ..... PAULLEIS M. WOODCOCK .....

Date of statement: ..... 20 . 11 . 2016 .....

**IMPORTANT:**

**PLEASE ENSURE A MAP IS ATTACHED TO THIS FORM WITH THE ROUTE OF THE PATH DRAWN ON IT BY YOU. PLEASE ALSO SIGN THE MAP.**

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1:5,000

OS Grid Reference: TQ 97



Name * = not willing to attend Inquiry	Interview Date	Notes
Malcolm Wade - Claimant	Wed 9 June	<p>Prompted to make claim after RSPB volunteers had altercation with two ladies walking dogs on route. Ladies reduced to tears. Mr Ken Bexley also abused by volunteers. Mr Wade went to Parish Council to find out what the position was, was told that the RSPB had made the route a permissive path. Mr Wade knew the route as a public right of way and so started the process of making the claim. He wanted the route to be always kept open for use by the public - public access shouldn't be controlled by the RSPB.</p> <p>Has always lived locally and played on the line, and on neighbouring land, as a child and youth. DE has never been under water - it does get muddy. It has become wetter in recent years since the RSPB put in a sluice gate to raise the water levels maybe 10 years ago. The barrier at D was put up by the RSPB because of a rare shrimp. The line to the east of Point D was backfilled after the land was sold by the railway, and then sold piecemeal, by the new landowners who expanded their business premises over the old railway track bed. Remembers RSPB removing trees and carrying out works - the track was never gated or barriered. Believes that any gate or barrier would have been removed by the public. The trees that were removed from site were not near the railway line and it wouldn't make sense to take timber off-site along the railway line as other routes more convenient. Uses both BC and DE, roughly the same amount, depending on the length of walk they want to take.</p>
Roy Burrows	Wed 23 June	<p>Is aware that the route has been used a lot by the public since the railway stopped. Has personal knowledge of its use since 1968. Has used it regularly, walking, at least once a week, since moving to Bembridge in 1987. Uses the route to go for a walk as an alternative to walking along the beach, and for birdwatching. There is more to see on this route. Has always used DE to get to Embankment Road. The water level can be high on DE but could always get through - on planks that people had put down and also wore wellington boots when path likely to be muddy/wet. Considered BC to be private - did use BC but only when visiting Mr Hicks. Remembers RSPB doing works, but not on land adjacent to the railway line - trees were cleared near the farm to prevent raptors using them. Understood that the RSPB had implied that they had a right to close off the path, but spoke with a bird warden who told him that the RSPB were happy with the situation i.e. with people walking ABDE. Recollects seeing a noticeboard about wildlife - it may have included a map of the reserve but it didn't say anything about where you go or people not having the right to be there. The current barrier at Point D makes a powerful statement - has been able to circumnavigate it but only wearing robust outer clothing. There's nothing on the barrier to say who put it up or why - suspects it may be associated with a desire to develop the car park.</p>
Michael Carline	Mon 14 June	<p>Prior to 2010 walked regularly whilst on holiday, every year since the 1970's. Lived on IoW since 2010 and walked 200 times a year from 2010 onwards, until recently when dog has got too old. Never able to walk beyond Point D. Always able to use DE, but chose to use BC more often as it's easier going. Parts of DE could be challenging in wet weather. Never seen barrier or gate across path. Didn't remember seeing RSPB doing site works. Has seen information boards near the lagoon - info about wildlife e.g. shrimp. No maps showing where could / couldn't walk. Always assumed it was a PROW, other people using it - walking, dog walking, cycling. Never walked it without meet somebody else on route.</p>

Name * = not willing to attend Inquiry	Interview Date	Notes
Cecil Dyer *	Thu 10 June	Used on foot and bike roughly 50/50, about 15 times per year each. On foot normally used DE, on bike 50/50 BC and DE - BC easier to use by bike. Used to go all way along, but stopped when east of D was built over. DE always accessible even when could still follow railway all the way to Bembridge. DE lower lying than the railway so gets muddy in wet weather, but has never been completely under water. Plank of wood laid across muddy ground to enable crossing. Fence preventing access beyond Point D put up in the 1970's. Recalls the RSPB undertaking works, but never saw fence or barrier across the old railway. Gate put in the fence at the side of the railway track to allow access to the reserve. Thousands of people have used the route on foot, bike and horseback - they just went ahead and used it once the trains stopped. It's a lovely path, very quiet. Said he didn't want to attend a public inquiry as had ill health at the time of completing the form - now better.
Rosemary Edwards	Sat 29 May	Used twice a week on horseback 1966 to 2020 (stopped riding horse out due to Covid safety advice). Also walks the dog several times a week - at high tides when not possible to walk on beach. Doesn't keep horse at Harbour Farm or ride with people from Harbour Farm. Used to work for previous landowner, Yarland Properties Ltd. The landowner took the view that it was fine for people to walk and ride on the railway line path as they understood it was safer than using the road. Indicated "permissive" status on form because she knew it was privately owned and knew that the owners were happy for the public to use the route. In Ms Edwards opinion it was more that Yarland Properties acquiesced in the use (didn't bat an eyelid) rather than they pro-actively gave permission. No-one specifically gave her permission, but she knew that the landowner didn't mind people using the route. Yarland Properties initially closed the path one day a year, but stopped doing this in the mid 1970's as they thought it was pointless. Used BC more often than DE as it's easier to use. DE gets muddy, but DE was never under water. Path blocked off to the east of Point D in the 1970's when materials were tipped which blocked the track. Fence put up later - can't remember when. Prior to being blocked off, used to follow the old railway line all the way into Bembridge. Has used DE since path blocked off when dry. Remembers RSPB doing works to the Reserve, but access along path was always possible. No barrier. Believes RSPB would have accessed the reserve from the Harbour Farm access road rather than the disused railway, as that would have been easier.
George Gaskin	Mon 14 June	Mr Gaskin and his wife have used the route since they were children. Used to go all the way into Bembridge across land owned by Mr Hicks, but the business units at the side of the route pushed their land back so that the path was closed off - early 1970's. DE was open and people used it before the section east of Point D was closed off. Mrs Gaskin was told to not use DE about 5 years ago, just before it was fenced off, but that was the only time. DE was never under water - the surface was drier in summer than winter but always walkable. Both use the route several times a week - they enjoy birdwatching and it's an easy (level), no stiles walk. Mr Gaskin cycled the route mainly in the 1990s through to 2001 - cycled with a friend every other day. Mr Gaskin has used BC, but rarely. DE is a longer off-road walk with more wildlife to see. Mr & Mrs Gaskin remember the RSPB felling oak trees, but don't remember when. Mrs Gaskin thought the railway was barriered off to stop people using it. Mr Gaskin also thinks a fence was put up when the trees were taken down, but that the fence didn't stay up for long because of the number of complaints.



Name * = not willing to attend Inquiry	Interview Date	Notes
Michael Jacobs	Fri 11 June	Is 68 now, and has used the track all his life - has always lived locally. Had a brain injury 12 years ago and has some difficulties with recollection. Used to play on the surrounding land as a child. Used to walk all the way into Bembridge, has used DE since the track into Bembridge was blocked off. Has also used BC throughout - just as a different option. Remembers RSPB doing site works, recalls leaning on gate between disused railway track and marshes and site worker asking him what he was looking at, and that if he went onto the nature reserve he would be fined. He was never told not to use the railway track. Nor were there ever any gates or barriers across the disused railway track. Doesn't remember what the signs say.
Sue McLagan	Wed 16 June	Prior to 1981, throughout the 1960's and 70's, used the route whilst staying at the family holiday home in Bembridge. Was at boarding school, and every holiday was spent at holiday home. Used to ride ponies from various local stables up to several times a week. Didn't ride from Harbour Farm - was never given permission by any pony/stable owner - rode the route as if it were any other public route. Also used route on foot and on bike during this time - used to play on and around the route and used the route all the way through to Bembridge station where used to play on the turntable. Also used both BC and DE at this time as they were open and available. Lived abroad between 1981 and 2001. Since 2001, route east from D has been blocked off. Between 2001 - 2016 used the route on cycle and on foot, with dog. On average twice a week - even split between foot and bike. Used both BC and DE - DE for preference as it is a longer off-road route unless too muddy for footwear. DE is at the end of a lagoon - it used to be drier but RSPB management has made DE wetter. Remembers small building by Harbour Farm access route being dry and usable - now flooded and unusable. Remembers RSPB doing works to reserve here and at Brading Marshes - remembers unattended fires at Brading. Doesn't remember being prevented from using the route by a barrier or gate, but would have climbed over a barrier/gate in order to continue using the route as she had always done. Remembers seeing Notice Boards near to Point D - but nothing on Notice Boards relating to public access or where people could or couldn't walk. Believes the route should be kept open for everyone to enjoy - so much wildlife and many different bird species.
Richard Newell	Wed 23 June	Has walked the route since 1979 when moved to current address. From 1979 to mid-2000's was a member of Brading Haven Yacht Club and used to walk the route a couple of times a week. Since not being a member, has walked it spasmodically, mostly dog walking. Has never used BC - considered it to be a private road owned by Mr Hicks. DE can be muddy and overgrown, but is never completely flooded. DE always passable. Has seen Notice Boards, but never anything about access or where people can or can't walk. The Notice Boards are about the wildlife. The boatyard crossed by DE is owned by Mr Norris - there is a for sale board up.

Name * = not willing to attend Inquiry	Interview Date	Notes
David Preston	Thu 10 June	Used to use on foot, horseback and cycle. Stopped horse riding in about 2000 - before that used to walk/cycle/ride equally 3 times a week on average. The alternative was to use the road - the railway line route is safer and more pleasant. Uses both BC and DE, but uses DE more frequently as it means less use of road. Now only walks, about once a week. Lived nearby as a child and used the line as a playground when the trains stopped. Used to use the route all the way through to Bembridge station. Doesn't remember when, but when the Harbour was bought by Selwyn and Woodnutt, the boatyard and other businesses did a deal with Selwyn who let them have the land behind their businesses, and the businesses expanded over and physically filled in the railway line land preventing use. Land between railway line and Embankment Road east of Harbour Farm access track has been flooded in recent years by the RSPB, so it is wetter now than it used to be. DE never so wet that it couldn't be used - planks were put down. Doesn't remember being prevented from using the railway, but vaguely remembers barriers being put up when RSPB doing works, but barriers were immediately removed, probably by the public.
John Richards	Wed 23 June	Has walked the claimed routes since moving to Bembridge in 1974. Is a member of the Brading Haven Yacht Club, and regularly walks to the Club and back - roughly twice a week during the 1970's-2000's, less frequently now due to age. Sometimes used to go beyond Point D, but not as a through route to Bembridge - used it to access land privately owned by an acquaintance. Has always used both BC and DE - DE is the route of choice, as it is closer to Bembridge, but occasionally after heavy rain DE would be difficult to use so would opt to use BC. Has seen planks put down on DE over the muddy ground. Remembers RSPB doing site works in the 2000's but was never prevented from using the route by a gate or barrier across the path. Has seen information boards - information about the site and the wildlife e.g. the hairy shrimp. Attended a lecture about the shrimp. The signs didn't refer to access, or provide maps showing where people could or couldn't go. Always assumed that people could walk the route after the railway stopped running. Understands that Malcolm Thorpe (who he thought still owned the old railway line) was very happy to allow public access. The RSPB has raised the water levels which attracts more birds, and many people come for birdwatching. The old railway line is a good place for watching wildlife. People have used the route on a daily basis since he came to Bembridge - has seldom walked the route without seeing someone else.
Pat Scott	Sat 19 June	Used on foot and horseback, once or twice a week each until early 2000's. After that on foot, walking and dog walking. Used to go all the way through to Bembridge Station on foot and horseback until the route got blocked off. After route through to Bembridge station blocked off, started using BC and DE - regularly used both routes on foot, choice depended on length of walk. Didn't use DE on horse. DE used to get muddy, planks of wood needed to get across, but never completely under water. Doesn't remember RSPB doing site works or removing trees.

Name * = not willing to attend Inquiry	Interview Date	Notes
Linda Smith *	Sat 29 May	Used regularly since 2004 (before that when on holiday). Sometimes with dog just walked ABD return. Other times, and when going into Bembridge, used BC or DE. Preferred DE to avoid on-road walking, but when muddy/flooded would use BC instead. Remember RSPB doing works, removing shed, tree works etc. May have had to walk around heavy vehicles, but path never closed off - could always get through. Info boards very helpful - info about habitats, wildlife etc. No maps on boards. Doesn't want to appear at Inquiry as not good at public speaking.
Andrew Squibb *	Thu 10 June	Cycled to school 5 days a week. Since then cycles and walks about once every 3 weeks on average - more often cycling than walking. Uses both BC and DE, depending on how feeling on the day. Both BC and DE on foot and bike. Car park used for materials and plant for Yar Bridge replacement in 1991-92 may have obstructed DE. DE gets soggy sometimes, but not so that it can't be used. Doesn't remember any fences/barriers across railway line. Indicated 'no' to inquiry due to work commitments.
Deborah Valvona	Thu 10 June	Has used on foot, bike and horseback throughout the whole period. More recently most use on foot, and now uses more often, once or twice a week, with dogs and grandchildren. Kept horse in village, not at Harbour Farm. Used both BC and DE on horse, bike and foot - would use DE more often as visibility better when exiting onto Embankment Road. Has known DE to be very wet, and believed it to be under water just before it was cordoned off, but not before that. Didn't use the route when the RSPB was doing the site works, due to perception that it was dangerous, so doesn't know whether it was fenced/gated or not.

### Bembridge DMMO - User Evidence Forms

Name	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Mavis Ashford	1990	2016	Y				100-150 per year	Leisure and avoid traffic
Amanda Attrill	1976	2017	Y				Daily	Dog walking
Jeremy Attrill	1976	1992	Y	Y			Daily	To school and recreation
Valerie Attrill	1975	2016			Y		Lots	Horse riding
George Baker	2001	2016	Y				10 per year	Not B-C, D-E; Dog walking, photography
Paul Baker	2001	2016	Y				40 per year	Not B-C, D-E; Dog walking
David Bateman	1991	2016		Y			Weekly	A-B-C only; To surgery
Kathleen Bateman	1991	2016	Y	Y	Y		Weekly	A-B-C only; Dog walking, horse riding
Sandra Beaney	1956	2016	Y				20-30 per year	Not B-C; Dog walking
Alan Beaton	1987		Y				3-5 per year	Not B-C; Leisure
Connie Beckley	1981	2016	Y				-	Not B-C; Dog walking
Ken Beckley	1981	2016	Y				-	Dog walking
Anthea Blackwell	1960's	2016	Y				60 - 72 per year	Not B-C; Birdwatching, shopping, visiting friends, blackberrying
Jane Bland	1960	2017	Y				Weekly	Pleasure
William Bland	1969	2017	Y				12 per year	Not B-C; Leisure
Alan Blenkinsop	2009	2016	Y				Several	Not B-C; Status believed to be permissive; Mentions RSPB Info Board

Name	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Clare Blenkinsop	2009	2016	Y				Several	Not B-C; Status believed to be permissive; Mentions RSPB Info Board
Lesley Booth	1986	2016	Y				-	
Richard Bond	2009	2016	Y				12 per year	Pleasure
Steven Brooks	1976	2016	Y	Y	Y	Motorcycle	Weekly	Not B-C; Accessed marshes area as well
James Bullin	1960's	2016	Y				20 per year	Recreation
Roy Burrows	1987	2016	Y				25 per year	Recreation, Birdwatching; Natural history noticeboard; Mr Hides was the landowner
Alasdair Campbell	2007	2016	Y				40 per year	Dog walking
Michael Carline	1970's	2016	Y				200 per year	Leisure; RSPB and Lagoons noticeboards
David Cassell	1958	1968	Y	Y			6-8 per year	Family walks
Martin Coombes	1954	2016	Y	Y			Many	Leisure, dog walking, birdwatching, commute
Simon Coombes	1983	2016	Y	Y			4-6 per year	Bridleway to Harbour Farm, then footpath; Dog walking, Pleasure, Commuting; Since baby in pram
Brian Cole	1975	2016	Y	Y			50 per year	Leisure
Tobba Cole	1970	2016	Y	Y			-	Leisure, utility, avoid traffic
D Corney	1970	2016	Y				Many	
Roger Curtis	2006	2016	Y				Several	Pleasure
Caroline Death	2000	2016	Y				6 per year	Dog walking and utility
Clive Dove	1965	2016	Y				20 per year	Dog walking

Name	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Jo Dove	1965	2016	Y				20 per year	“
Cecil Dyer	1965	2016	Y	Y			30 times per year	
Valerie Dyer	1975	2000	Y				Most weekends	Not B-C; Dog walking
Sunny Eastwick	1950's	2016	Y				Many	Dog walking and pleasure
Rosemary Edwards	1966	2016	Y		Y		Twice a week	Believed permissive
Anna Fauzy-Ackroyd	2006	2016	Y				30 per year	Not B-C; Utility and leisure; Information notices about wildlife; sits on wooden bench
Samuel Fingham	2000	2016	Y			Running	20 per year	
Jonathan Fitness	1997	2016	Y				10 - 15 per year	Utility and pleasure; RSPB Boards and Wildlife Info
George Gaskin	1970's	2016	Y	Y			350 per year	Walking and birdwatching; Path used to go through to Bembridge until 1970-80 when fence put up. The No PROW signs refer to the River Yar and were to stop people walking up the riverbank. Map shows fences
Sharon Gaskin	1965	2017	Y				300 per year	Path used to continue to Copse into road - shown on map. Recent nature reserve signs. Old 'Private land trespassers will be prosecuted' sign on rhs of path by metal gate in marshes on Thornycroft owned land
David Godfrey	1965	2016	Y				30 per year	Not B-C; Dog walking
Raymond Gough	1976	2016	Y				2-3 per year	Walking and Birdwatching; Lives in Ryde; Map shows path continuing beyond D
Sandra Gough	1976	2016	Y				3-4 per year	“ Brought children on nature walks

Name	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Joanne Haigh	1985	2016	Y				12 per year	Walking
Lawrie Hanks	1971	2017	Y				20 per year	Recreation and Birdwatching
John Harrison	1996	2016	Y				20 per year	Not B-C; Fitness, avoid road
Ursula Harrison	1996	2016	Y				100 per year	Not B-C; Utility, Birdwatching, Blackberrying
John Hawkes	2014	2016	Y				Weekly	Not B-C; Dog walking and birdwatching
Sonia Hawkes	2012	2016	Y				40 per year	Not B-C; Dog walking and birdwatching
Nicholas Hawkins	1969	2016	Y				4-5 per year	Not B-C; Pleasure; Used to be longer, marked on map
Kenneth Hayden	2011	2016	Y				20-50 per year	Leisure
Pia Henderson	2013	2016	Y				-	Utility
Archibald Henley	1966	1976	Y				Twice a week	To work
Graham Henley	1975	2016	Y				10 per year	Pleasure
Robin Henley	1953	2016	Y				20-30 per year	Dog walking; Started walking when the train stopped; Acquainted with previous owners Thorney Croft (1960) and Mr Hicks (1990)
Deborah Hewitt	1997	2016	Y				15 per year	Walking and Dog walking
Nicholas Hewitt	1995	2016	Y				20 per year	Dog walking
Peter Hewitt	1999	2016	Y				40 per year	Pleasure
Geraldine Hewlett	1991	2016	Y				-	Leisure and utility; Map shows path continuing to east
Gary Hickman	2008	2016	Y				-	Not B-C, D-E; Dog walking; Map shows path continuing to east

Name	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Jennifer Hickman	2006	2016	Y				-	“ “
Trevor Hickman	2006	2016	Y				-	“ “
Elizabeth Hicks	1986	2016	Y				3-4 per year	Walking; Path public since railway closed in 1950's
R Humphrey	1980's	2011	Y				12 per year	Pleasure
Gwendoline Hutchinson	2014	2016	Y				5 per year	Utility; Salt Lagoons signs
Barry Jacobs	1975	1985	Y				40 per year	Not B-C; Utility
Howard Jacobs	1967	2016	Y				20 per year	Pleasure; Walked during lunchtime 1967-2012
Michael Jacobs	1950's	2016	Y				100 per year	Used to walk through to old station; Map shows 2 notice boards and 2 fences across path at eastern end
Mark Jacobs	1960's	2016	Y				8-10 per year	Dog walking and wildlife
Sara Janson	1965	2016	Y				Most months	Pleasure; Western end access moved by a few feet; Wildlife info board; directional footpath sign at junction with Drive - marked on map
Daniel Johan	1975	2016	Y				-	Walking and read info boards
Kim Joyce	2012	2016	Y				100 per year	Pleasure; Brading marshes nature reserve' and 'Bembridge lagoons' notices; Previous owner of Harbour Farm told her it was a public footpath; Seat and information board saying 'There are many miles of public footpaths and permissive rights of way around the reserve for you to explore' with a map on which paths are marked including this one
Jacqueline King	1996	2016	Y				Twice a week	



Name	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Christina Lacey	1965	2016	Y				12-15 per year	Pleasure
Richard Lacey	1955	2016	Y	Y			10-12 times a year	
Linda Lane	1986	2016	Y				200 per year	Dog walking; Private signs on road leading to Harbour Farm - marked on map
Robert Lowe	2006	2016	Y				1-2 per day	Dog walking
David Marrow	1997 / 2007	1984 / 2016	Y				40 per year	Not B-C; Retired clergyman
Robert Matthews	2013	2016	Y				Once per year	
Sue McLagan	1960's	2016	Y	Y	Y		Weekly	Excluding 1981-2001; Noticeboard near ponds - wildlife
Ray Metcalfe	2014	2016	Y				Many	Not B-C, D-E; Map shows path continuing to east
Elizabeth Mitchell	1970	2016	Y		Y		1 per year	Kept horse at Harbour Farm
Caroline Musker	1968 / 1979 / 2014	1974 / 1992 / 2016	Y				10 per year	Recreation
Richard Newell	1979	2016	Y				20 per year	Not B-C; Changed at back of Bembridge Boatyard; RSPB Reserve Noticeboard; Narrative included
Philip Norris	1987	2016	Y				50 per year	Refers to Prescriptive Act 1832
Sarah Noyes	1977	2016	Y				15 per year	Dog walking; Gate/obstruction at Bembridge Boat Yard; Knows owner 1982 - 2016
Kenneth Orchard	1970's	2016	Y				10-15 per year	Not B-C; Leisure, dog walking

Name	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Linda Orchard	1986	2016	Y				6 per year	Not B-C; Recreation
Charles Orr	1994	2016	Y				20 per year	
Sandra Orr	1994	2016	Y				20 per year	
Sarah Philipsborn	1999	2016	Y				50 per year	Used to walk eastern end; saw a sign on 28/11/2016
Alan Phillips	1971	2003	Y				20-25 per year	Not B-C; 1975-1978 200 times per year; otherwise 20-25 times
Heidi Playford	1995	2016	Y				Many	Not B-C, D-E; Map shows path continuing to east
David Preston	1960	2016	Y		Y		50-150 per year	Avoid main road
Colin Ratcliffe	2002	2016	Y				20 per year	Recreation
John Richards	1974	2016	Y				40 per year	Used eastwards continuation; Info signs about flora and fauna in Bembridge Lagoons - marked on map
Yvonne Richards	1972	2016	Y				36 per year	Utility and recreation
Thomas Robinson	1988	2016	Y	Y			20-30 per year	Natural history info notice with map; Used path to get to work on foot and bike
Anthony Rumford	1960	2016	Y				Most weekends	Birdwatching
Dean Scot	1970's	2016	Y				50 per year	Used to walk eastern end
Pat Scott	1960's	2016	Y		Y		Often	Used to go to Bembridge station
Sally-Jayne Simmonds	1990	2016	Y				Weekly	
Sarah Simmonds	1986	2016	Y				Weekly	

Name	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Susan Simmonds	1970's	2016	Y				Weekly	Dog walking
Stanley Skinner	1975	2016	Y				35 times per year	
Stuart Skinner	1975	2016	Y				Weekly	
Anthony Smart	1986	2016	Y				3-4 per year	
Elaine Smart	1986	2016	Y				3-4 per year	
Linda Smith	1950's	2016	Y				Daily	Dog walking and shopping; Wildlife info signs - marked on map
Derek Sothcott	1964	2016	Y				-	Dog walking and shopping
Kay Sothcott	1970	2016	Y		Y		Weekly	Exit used to be near pilot boat; was signposted public footpath
Andrew Squibb	1985	2016	Y	Y			Weekdays	To school
Marion Squibb	2000	2010	Y			Disability Buggy	100 per year	
Peter Summerhayes	1960	2016	Y				4 per year	
Graham Sutton	1965	2016	Y				30 times per year	Dog walking; Path blocked at Wades Boatyard
David Tallis	2002	2017	Y				6-10 per year	Not B-C
John Thompson	2001	2016	Y	Y			50-60 per year	Not B-C; Map shows eastward continuation; Shopping and recreation
Patricia Thompson	2000	2016	Y	Y			Weekly	Not D-E; Map shows eastward continuation; Shopping and recreation; Expect to meet 2-3 other people

Name	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Geoffrey Tindle	1966	2016	Y				2-3 per year	Map shows 'finish' at end of eastward continuation, but eastward continuation not marked
Penelope Townson	1970	2016	Y				6-12 per year	Pleasure
Lucy Vale	2008	2016	Y				12 per year	Walking and Dog walking
Deborah Valvona	1978	2016	Y	Y	Y		20-25 per year	
Vincent Valvona	1976	2016	Y	Y			3-4 per year	
Danny Vokins	1980's	2000's	Y				30 per year	Incomplete form; Birdwatching; Map shows eastwards continuation;
Faith Wade	1960	2016	Y				3-4 per year	'Highways Act 1959' signs put up by Mrs P Stratton to stop people walking up the left bank of the Yar. Track originally went to station.
Glenn Wade	1972	1982	Y				3-4 per year	
Julie Wade	1974	1984	Y				3-4 per year	
Malcolm Wade	1953	2016	Y				6 per year	Used track since last train ran in 1953 - walked along side of track until rails removed by Cohens; Path used to extend further, now stops at boatyard; 2 x 1959 Act signs - one on Water Board property beside bridge, other in field on Bembridge side of Yar owned by Mrs Stratton to stop people walking on and fishing from banks of Yar.
Robin Wade	1989	2016	Y	Y			5-6 per year	
Susan Way	1968	2016	Y				10-15 per year	

Name	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Richard Weaver	1979	2016	Y	Y			12-20 per year	Pleasure and amenity
Terence Weaver	1956	2016	Y				3-4 per year	Relaxation
Roy Wheeler	1966	2016	Y				300 per year	Dog walking and bird watching; Private signs on Harbour Farm road
David Whiting	1988	2016	Y				25 per year	Not B-C
Susan Whiting	1988	2016	Y				50-60 per year	Dog walking, exercise, bird watching
James Wilson	1971	2016	Y				-	Used path as nature walk as a Cub leader
Priscilla Wilson	1970's	2016	Y				Weekdays	
Stephen Wilson	1971	2016	Y	Y			6-8 per year	Not B-C, D-E; Map shows path continuing to east
Brian Williams	1950's	2016	Y				10-12 times a year	Route changed due to fence being put across track - in summer could walk edge of lagoon; Personal statement added - walked track since rails removed bypassing a Toll Gate [tolls abolished in 1971]; Notice prohibiting walking related to Banks of River Yar
David Williams	1965	2016	Y				40 per year	
Sue Williams	1968	2016	Y				16 per year	
Phyllis Woodcock	1966	1991	Y				-	
Roger Woodcock	1966	1991	Y				-	
Totals:			144	22	11			4 people cycle and horse

**Table 2: Bembridge DMMO - User Evidence Forms**

**People who used Section AB for all years between 1985 - 2005**

Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Amanda Attrill	1976	2017	Y				Daily	Dog walking
Valerie Attrill *	1975	2016			Y		Lots	Horse riding
Sandra Beaney	1956	2016	Y				20-30 per year	Not B-C; Dog walking
Connie Beckley	1981	2016	Y				-	Not B-C; Dog walking
Ken Beckley	1981	2016	Y				-	Dog walking
Anthea Blackwell	1950's	2016	Y				5 - 6 per month	Not B-C; Birdwatching, shopping, visiting friends, blackberrying
Jane Bland	1960	2017	Y				52 per year	Pleasure
William Bland	1969	2017	Y				12 per year	Not B-C; Leisure
Steven Brooks	1976	2016	Y	Y	Y	Motorcycle	Weekly	Not B-C; Blackberrying and leisure; The route was also included in the marshes area
James Bullin	1960's	2016	Y				20 per year	Recreation
Michael Carline	1970's	2016	Y				200 per year	Leisure; RSPB and Lagoons noticeboards marked on map
Martin Coombes	1954	2016	Y	Y			Many	Leisure, dog walking, birdwatching, commute; Occasionally cycle
Simon Coombes	1983	2016	Y	Y			4-6 per year	Bridleway to Harbour Farm, then footpath; Dog walking, Pleasure, Commuting; Since baby in pram
Brian Cole	1975	2016	Y	Y			50 per year	Leisure
Tobba Cole *	1970	2016	Y	Y			-	Leisure, utility, avoid traffic

Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
D Corney *	1970	2016	Y				Many	
Clive Dove	1965	2016	Y				15 - 20 per year	Dog walking
Jo Dove	1965	2016	Y				15 - 20 per year	Dog walking
Cecil Dyer *	1965	2016	Y	Y			30 times per year	
Sunny Eastwick	1950's	2016	Y				Many	Dog walking and pleasure
Rosemary Edwards	1966	2016	Y		Y		Twice a week	Believed permissive; Dog walking and horse riding; Written statement regarding "No right of way" signage and land ownership
George Gaskin	1970's	2016	Y	Y			350 per year	Walking and birdwatching; Path used to go through to Bembridge until 1970-80 when fence put up. The No PROW signs refer to the River Yar and were to stop people walking up the riverbank. Map shows fences
Sharon Gaskin	1965	2017	Y				300 per year	Leisure, birdwatching, photography; Path used to continue to Copse into road - shown on map. Recent nature reserve signs. Old 'Private land trespassers will be prosecuted' sign on rhs of path by metal gate in marshes on Thornycroft owned land
David Godfrey	1965	2016	Y				25 - 30 per year	Not B-C; Dog walking, recreation
Raymond Gough	1976	2016	Y				2-3 per year	Walking, birdwatching; Map shows path continuing eastwards beyond D
Sandra Gough	1976	2016	Y				3-4 per year	Not B-C; Walking, birdwatching; Brought children on nature walks
Joanne Haigh	1985	2016	Y				12 per year	Not B-C; Walking

Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Lawrie Hanks	1971	2017	Y				20 per year	Recreation and Birdwatching
Nicholas Hawkins	1969	2016	Y				4-5 per year	Not B-C; Pleasure; Used to be longer, eastwards continuation marked on map
Graham Henley	1975	2016	Y				10 per year	Pleasure
Robin Henley *	1953	2016	Y				20-30 per year	Dog walking; Started walking when the train stopped; Acquainted with previous owners Thorney Croft (1960) and Mr Hicks (1990)
Howard Jacobs *	1967	2016	Y				20 per year	Pleasure; Walked during lunchtime 1967-2012
Michael Jacobs	1950's	2016	Y				100 per year	Used to walk through to old station; Recent Private Land signs; Map shows 2 notice boards and 2 fences across path at eastern end
Mark Jacobs	1960's	2016	Y				8-10 per year	Dog walking and wildlife
Sara Janson	1965	2016	Y				Most months	Pleasure; Western end access moved by a few feet; Wildlife info board; directional footpath sign at junction with Drive - marked on map
Daniel Johan	1975	2016	Y				-	Walking and read info boards
Christina Lacey	1965	2016	Y				12-15 per year	Pleasure
Richard Lacey	1955	2016	Y	Y			10-12 times a year	
Elizabeth Mitchell	1970	2016	Y		Y		At least 1 per year	Avoiding main road; Kept horse at Harbour Farm in 70's and 80's
Richard Newell	1979	2016	Y				20 per year	Not B-C; Leisure, Utility; Route changed at back of Bembridge Boatyard; RSPB Reserve Noticeboard; Narrative included



Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Sarah Noyes	1977	2016	Y				15 per year	Dog walking; Gate/obstruction at Bembridge Boat Yard; Knows owner 1982 - 2016
Kenneth Orchard *	1970's	2016	Y				10-15 per year	Not B-C; Leisure, dog walking
David Preston	1960	2016	Y		Y		50-150 per year	Avoid main road
John Richards	1974	2016	Y				40 per year	Leisure; Used eastwards continuation until path through Bembridge Boatyard closed in approx 2006; Info signs about flora and fauna in Bembridge Lagoons - marked on map
Yvonne Richards	1972	2016	Y				36 per year	Not B-C; Utility and recreation; Path diverted around Bembridge Boatyard some years ago; RSPB info boards
Anthony Rumford *	1960	2016	Y				Most weekends	Birdwatching
Dean Scot	1970's	2016	Y				50 per year	Dog walking; Used to walk eastern end until route stopped up at back of BMS and boat yard
Pat Scott	1960's	2016	Y		Y		Often	Walking, Dog waling, Horse riding; Used to go to Bembridge station
Susan Simmonds	1970's	2016	Y				Weekly	Dog walking
Stanley Skinner *	1975	2016	Y				35 per year	Pleasure
Stuart Skinner	1975	2016	Y				50 per year	Dog walking, Bird watching
Linda Smith *	1950's	2016	Y				Daily	Dog walking and shopping; Wildlife info signs - marked on map
Derek Sothcott	1964	2016	Y				-	Dog walking and pleasure
Kay Sothcott	1970	2016	Y		Y		Weekly	Dog walking, Horse riding; Exit used to be near pilot boat; Was signposted public footpath

Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Andrew Squibb *	1985	2016	Y	Y			Weekdays	To school
Peter Summerhayes	1960	2016	Y				4 per year	Not B-C, D-E; Leisure
Graham Sutton	1965	2016	Y				30 times per year	Dog walking; Path blocked at Wades Boatyard
Geoffrey Tindle *	1966	2016	Y				2-3 per year	Birdwatching; Map shows 'finish' at end of eastward continuation, but eastward continuation not marked
Penelope Townson	1970	2016	Y				6-12 per year	Pleasure
Deborah Valvona	1978	2016	Y	Y	Y		20-25 per year	Walking, Dog walking, horse riding, cycling
Vincent Valvona	1976	2016	Y	Y			3-4 per year	Pleasure
Faith Wade	1960	2016	Y				3-4 per year	Leisure, Blackberrying; Narrative attached: 'Highways Act 1959' signs put up by Mrs P Stratton to stop people walking up the left bank of the Yar. Track originally went to station.
Malcolm Wade	1953	2016	Y				6 per year	Recreation, Birdwatching; Narrative attached: Used track since last train ran in 1953 - walked along side of track until rails removed by Cohens; Path used to extend further, now stops at boatyard; 2 x 1959 Act signs - one on Water Board property beside bridge, other in field on Bembridge side of Yar owned by Mrs Stratton to stop people walking on and fishing from banks of Yar.
Robin Wade *	1984	2016	Y	Y			5-6 per year	Pleasure, Dog walking
Susan Way	1968	2016	Y				10-15 per year	Leisure, Dog walking; Wildlife watching
Richard Weaver	1979	2016	Y	Y			12-20 per year	Pleasure and amenity

Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Terence Weaver	1956	2016	Y				3-4 per year	Relaxation
Roy Wheeler	1966	2016	Y				300 per year	Dog walking and bird watching; Private signs on Harbour Farm road
James Wilson	1971	2016	Y				-	Used path as nature walk as a Cub leader
Priscilla Wilson	1970's	2016	Y				Weekdays	Avoid traffic, Wildlife watching
Stephen Wilson	1971	2016	Y	Y			6-8 per year	Not B-C, D-E; Utility, Dog walking, Wildlife watching; Map shows path continuing to east
Brian Williams	Late 1950's	2016	Y				10-12 times a year	Leisure, Dog walking; Route changed due to fence being put across track - in summer could walk edge of lagoon; Personal statement added - walked track since rails removed bypassing a Toll Gate [tolls abolished in 1971]; Notice prohibiting walking related to Banks of River Yar
David Williams	1965	2016	Y				40 per year	Pleasure
Sue Williams	1968	2016	Y				16 per year	Leisure, Dog walking
Totals: 74 individuals 13*			73 12*	14 4*	8 1*			All cyclists also walk All horse riders bar 1 also walk 2 people cycle and horse ride

**Table 3: Bembridge DMMO - User Evidence Forms**

**People who used Section AB for all years between 1989 - 2009**

Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Amanda Attrill	1976	2017	Y				Daily	Dog walking
Valerie Attrill *	1975	2016			Y		Lots	Horse riding
Sandra Beaney	1956	2016	Y				20-30 per year	Not B-C; Dog walking
Connie Beckley	1981	2016	Y				-	Not B-C; Dog walking
Ken Beckley	1981	2016	Y				-	Dog walking
Anthea Blackwell	1950's	2016	Y				5 - 6 per month	Not B-C; Birdwatching, shopping, visiting friends, blackberrying
Jane Bland	1960	2017	Y				52 per year	Pleasure
William Bland	1969	2017	Y				12 per year	Not B-C; Leisure
Steven Brooks	1976	2016	Y	Y	Y	Motorcycle	Weekly	Not B-C; Blackberrying and leisure; The route was also included in the marshes area
James Bullin	1960's	2016	Y				20 per year	Recreation
Michael Carline	1970's	2016	Y				200 per year	Leisure; RSPB and Lagoons noticeboards marked on map
Martin Coombes	1954	2016	Y	Y			Many	Leisure, dog walking, birdwatching, commute; Occasionally cycle
Simon Coombes	1983	2016	Y	Y			4-6 per year	Bridleway to Harbour Farm, then footpath; Dog walking, Pleasure, Commuting; Since baby in pram
Brian Cole	1975	2016	Y	Y			50 per year	Leisure
Tobba Cole *	1970	2016	Y	Y			-	Leisure, utility, avoid traffic

Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
D Corney *	1970	2016	Y				Many	
Clive Dove	1965	2016	Y				15 - 20 per year	Dog walking
Jo Dove	1965	2016	Y				15 - 20 per year	Dog walking
Cecil Dyer *	1965	2016	Y	Y			30 times per year	
Sunny Eastwick	1950's	2016	Y				Many	Dog walking and pleasure
Rosemary Edwards	1966	2016	Y		Y		Twice a week	Believed permissive; Dog walking and horse riding; Written statement regarding "No right of way" signage and land ownership
George Gaskin	1970's	2016	Y	Y			350 per year	Walking and birdwatching; Path used to go through to Bembridge until 1970-80 when fence put up. The No PROW signs refer to the River Yar and were to stop people walking up the riverbank. Map shows fences
Sharon Gaskin	1965	2017	Y				300 per year	Leisure, birdwatching, photography; Path used to continue to Copse into road - shown on map. Recent nature reserve signs. Old 'Private land trespassers will be prosecuted' sign on rhs of path by metal gate in marshes on Thornycroft owned land
David Godfrey	1965	2016	Y				25 - 30 per year	Not B-C; Dog walking, recreation
Raymond Gough	1976	2016	Y				2-3 per year	Walking, birdwatching; Map shows path continuing eastwards beyond D
Sandra Gough	1976	2016	Y				3-4 per year	Not B-C; Walking, birdwatching; Brought children on nature walks
Joanne Haigh	1985	2016	Y				12 per year	Not B-C; Walking

Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Lawrie Hanks	1971	2017	Y				20 per year	Recreation and Birdwatching
Nicholas Hawkins	1969	2016	Y				4-5 per year	Not B-C; Pleasure; Used to be longer, eastwards continuation marked on map
Graham Henley	1975	2016	Y				10 per year	Pleasure
Robin Henley *	1953	2016	Y				20-30 per year	Dog walking; Started walking when the train stopped; Acquainted with previous owners Thorney Croft (1960) and Mr Hicks (1990)
Howard Jacobs *	1967	2016	Y				20 per year	Pleasure; Walked during lunchtime 1967-2012
Michael Jacobs	1950's	2016	Y				100 per year	Used to walk through to old station; Recent Private Land signs; Map shows 2 notice boards and 2 fences across path at eastern end
Mark Jacobs	1960's	2016	Y				8-10 per year	Dog walking and wildlife
Sara Janson	1965	2016	Y				Most months	Pleasure; Western end access moved by a few feet; Wildlife info board; directional footpath sign at junction with Drive - marked on map
Daniel Johan	1975	2016	Y				-	Walking and read info boards
Christina Lacey	1965	2016	Y				12-15 per year	Pleasure
Richard Lacey	1955	2016	Y	Y			10-12 times a year	
Elizabeth Mitchell	1970	2016	Y		Y		At least 1 per year	Avoiding main road; Kept horse at Harbour Farm in 70's and 80's
Richard Newell	1979	2016	Y				20 per year	Not B-C; Leisure, Utility; Route changed at back of Bembridge Boatyard; RSPB Reserve Noticeboard; Narrative included

Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Sarah Noyes	1977	2016	Y				15 per year	Dog walking; Gate/obstruction at Bembridge Boat Yard; Knows owner 1982 - 2016
Kenneth Orchard *	1970's	2016	Y				10-15 per year	Not B-C; Leisure, dog walking
David Preston	1960	2016	Y		Y		50-150 per year	Avoid main road
John Richards	1974	2016	Y				40 per year	Leisure; Used eastwards continuation until path through Bembridge Boatyard closed in approx 2006; Info signs about flora and fauna in Bembridge Lagoons - marked on map
Yvonne Richards	1972	2016	Y				36 per year	Not B-C; Utility and recreation; Path diverted around Bembridge Boatyard some years ago; RSPB info boards
Anthony Rumford *	1960	2016	Y				Most weekends	Birdwatching
Dean Scot	1970's	2016	Y				50 per year	Dog walking; Used to walk eastern end until route stopped up at back of BMS and boat yard
Pat Scott	1960's	2016	Y		Y		Often	Walking, Dog waling, Horse riding; Used to go to Bembridge station
Susan Simmonds	1970's	2016	Y				Weekly	Dog walking
Stanley Skinner *	1975	2016	Y				35 per year	Pleasure
Stuart Skinner	1975	2016	Y				50 per year	Dog walking, Bird watching
Linda Smith *	1950's	2016	Y				Daily	Dog walking and shopping; Wildlife info signs - marked on map
Derek Sothcott	1964	2016	Y				-	Dog walking and pleasure
Kay Sothcott	1970	2016	Y		Y		Weekly	Dog walking, Horse riding; Exit used to be near pilot boat; Was signposted public footpath

Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Andrew Squibb *	1985	2016	Y	Y			Weekdays	To school
Peter Summerhayes	1960	2016	Y				4 per year	Not B-C, D-E; Leisure
Graham Sutton	1965	2016	Y				30 times per year	Dog walking; Path blocked at Wades Boatyard
Geoffrey Tindle *	1966	2016	Y				2-3 per year	Birdwatching; Map shows 'finish' at end of eastward continuation, but eastward continuation not marked
Penelope Townson	1970	2016	Y				6-12 per year	Pleasure
Deborah Valvona	1978	2016	Y	Y	Y		20-25 per year	Walking, Dog walking, horse riding, cycling
Vincent Valvona	1976	2016	Y	Y			3-4 per year	Pleasure
Faith Wade	1960	2016	Y				3-4 per year	Leisure, Blackberrying; Narrative attached: 'Highways Act 1959' signs put up by Mrs P Stratton to stop people walking up the left bank of the Yar. Track originally went to station.
Malcolm Wade	1953	2016	Y				6 per year	Recreation, Birdwatching; Narrative attached: Used track since last train ran in 1953 - walked along side of track until rails removed by Cohens; Path used to extend further, now stops at boatyard; 2 x 1959 Act signs - one on Water Board property beside bridge, other in field on Bembridge side of Yar owned by Mrs Stratton to stop people walking on and fishing from banks of Yar.
Robin Wade *	1984	2016	Y	Y			5-6 per year	Pleasure, Dog walking
Susan Way	1968	2016	Y				10-15 per year	Leisure, Dog walking; Wildlife watching
Richard Weaver	1979	2016	Y	Y			12-20 per year	Pleasure and amenity



Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Terence Weaver	1956	2016	Y				3-4 per year	Relaxation
Roy Wheeler	1966	2016	Y				300 per year	Dog walking and bird watching; Private signs on Harbour Farm road
James Wilson	1971	2016	Y				-	Used path as nature walk as a Cub leader
Priscilla Wilson	1970's	2016	Y				Weekdays	Avoid traffic, Wildlife watching
Stephen Wilson	1971	2016	Y	Y			6-8 per year	Not B-C, D-E; Utility, Dog walking, Wildlife watching; Map shows path continuing to east
Brian Williams	Late 1950's	2016	Y				10-12 times a year	Leisure, Dog walking; Route changed due to fence being put across track - in summer could walk edge of lagoon; Personal statement added - walked track since rails removed bypassing a Toll Gate [tolls abolished in 1971]; Notice prohibiting walking related to Banks of River Yar
David Williams	1965	2016	Y				40 per year	Pleasure
Sue Williams	1968	2016	Y				16 per year	Leisure, Dog walking
Totals: 74 individuals 13*			73 12*	14 4*	8 1*			All cyclists also walk All horse riders bar 1 also walk 2 people cycle and horse ride

**Table 4: Bembridge DMMO - User Evidence Forms**

**People who used Section BD every year between 1989 - 2009**

Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Amanda Attrill	1976	2017	Y				Daily	Dog walking
Valerie Attrill *	1975	2016			Y		Lots	Horse riding
Sandra Beaney	1956	2016	Y				20-30 per year	Not B-C; Dog walking
Connie Beckley	1981	2016	Y				-	Not B-C; Dog walking
Ken Beckley	1981	2016	Y				-	Dog walking
Anthea Blackwell	1950's	2016	Y				5 - 6 per month	Not B-C; Birdwatching, shopping, visiting friends, blackberrying
Jane Bland	1960	2017	Y				52 per year	Pleasure
William Bland	1969	2017	Y				12 per year	Not B-C; Leisure
Lesley Booth *	1986	2016	Y				-	
Steven Brooks	1976	2016	Y	Y	Y	Motorcycle	Weekly	Not B-C; Blackberrying and leisure; The route was also included in the marshes area
James Bullin	1960's	2016	Y				20 per year	Recreation
Roy Burrows	1987	2016	Y				25 per year	Not B-C; Recreation, Birdwatching; Natural history noticeboard; Mr Hicks was the landowner
Michael Carline	1970's	2016	Y				200 per year	Leisure; RSPB and Lagoons noticeboards marked on map
Martin Coombes	1954	2016	Y	Y			Many	Leisure, dog walking, birdwatching, commute; Occasionally cycle
Simon Coombes	1983	2016	Y	Y			4-6 per year	Bridleway to Harbour Farm, then footpath; Dog walking, Pleasure, Commuting; Since baby in pram

Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Brian Cole	1975	2016	Y	Y			50 per year	Leisure
Tobba Cole *	1970	2016	Y	Y			-	Leisure, utility, avoid traffic
D Corney *	1970	2016	Y				Many	
Clive Dove	1965	2016	Y				15 - 20 per year	Dog walking
Jo Dove	1965	2016	Y				15 - 20 per year	Dog walking
Cecil Dyer *	1965	2016	Y	Y			30 times per year	
Sunny Eastwick	1950's	2016	Y				Many	Dog walking and pleasure
Rosemary Edwards	1966	2016	Y		Y		Twice a week	Believed permissive; Dog walking and horse riding; Written statement regarding "No right of way" signage and land ownership
Jonathan Fitness	1997	2016	Y				10 - 15 per year	Utility and pleasure; RSPB Boards and Wildlife Info
George Gaskin	1970's	2016	Y	Y			350 per year	Walking and birdwatching; Path used to go through to Bembridge until 1970-80 when fence put up. The No PROW signs refer to the River Yar and were to stop people walking up the riverbank. Map shows fences
Sharon Gaskin	1965	2017	Y				300 per year	Leisure, birdwatching, photography; Path used to continue to Copse into road - shown on map. Recent nature reserve signs. Old 'Private land trespassers will be prosecuted' sign on rhs of path by metal gate in marshes on Thornycroft owned land
David Godfrey	1965	2016	Y				25 - 30 per year	Not B-C; Dog walking, recreation

Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Raymond Gough	1976	2016	Y				2-3 per year	Walking, birdwatching; Map shows path continuing eastwards beyond D
Sandra Gough	1976	2016	Y				3-4 per year	Not B-C; Walking, birdwatching; Brought children on nature walks
Joanne Haigh	1985	2016	Y				12 per year	Not B-C; Walking
Lawrie Hanks	1971	2017	Y				20 per year	Recreation and Birdwatching
Nicholas Hawkins	1969	2016	Y				4-5 per year	Not B-C; Pleasure; Used to be longer, eastwards continuation marked on map
Graham Henley	1975	2016	Y				10 per year	Pleasure
Robin Henley *	1953	2016	Y				20-30 per year	Dog walking; Started walking when the train stopped; Acquainted with previous owners Thorney Croft (1960) and Mr Hicks (1990)
Elizabeth Hicks	1986	2016	Y				3-4 per year	Walking; Path public since railway closed in 1950's
R Humphrey *	Late 1980's	2011	Y				12 per year	Pleasure
Howard Jacobs *	1967	2016	Y				20 per year	Pleasure; Walked during lunchtime 1967-2012
Michael Jacobs	1950's	2016	Y				100 per year	Used to walk through to old station; Recent Private Land signs; Map shows 2 notice boards and 2 fences across path at eastern end
Mark Jacobs	1960's	2016	Y				8-10 per year	Dog walking and wildlife
Sara Janson	1965	2016	Y				Most months	Pleasure; Western end access moved by a few feet; Wildlife info board; directional footpath sign at junction with Drive - marked on map
Daniel Johan	1975	2016	Y				-	Walking and read info boards

Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Christina Lacey	1965	2016	Y				12-15 per year	Pleasure
Richard Lacey	1955	2016	Y	Y			10-12 times a year	
Linda Lane	1986	2016	Y				200 per year	Dog walking, Bird watching; Private signs on road leading to Harbour Farm - marked on map
Elizabeth Mitchell	1970	2016	Y		Y		At least 1 per year	Avoiding main road; Kept horse at Harbour Farm in 70's and 80's
Richard Newell	1979	2016	Y				20 per year	Not B-C; Leisure, Utility; Route changed at back of Bembridge Boatyard; RSPB Reserve Noticeboard; Narrative included
Philip Norris	1987	2016	Y				50 per year	Home to Yacht Club and Marina; Refers to using the path under the Prescriptive Act 1832
Sarah Noyes	1977	2016	Y				15 per year	Dog walking; Gate/obstruction at Bembridge Boat Yard; Knows owner 1982 - 2016
Kenneth Orchard *	1970's	2016	Y				10-15 per year	Not B-C; Leisure, dog walking
Linda Orchard *	1986	2016	Y				6 per year	Not B-C; Recreation, Bird watching, Blackberrying
David Preston	1960	2016	Y		Y		50-150 per year	Avoid main road
John Richards	1974	2016	Y				40 per year	Leisure; Used eastwards continuation until path through Bembridge Boatyard closed in approx 2006; Info signs about flora and fauna in Bembridge Lagoons - marked on map
Yvonne Richards	1972	2016	Y				36 per year	Not B-C; Utility and recreation; Path diverted around Bembridge Boatyard some years ago; RSPB info boards

Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Thomas Robinson	1988	2016	Y	Y			20 - 30 per year	Utility, Leisure, Dog walking; Natural history info notice with map; Used to use path to get to work on foot and bike, now for dog walking
Anthony Rumford *	1960	2016	Y				Most weekends	Birdwatching
Dean Scot	1970's	2016	Y				50 per year	Dog walking; Used to walk eastern end until route stopped up at back of BMS and boat yard
Pat Scott	1960's	2016	Y		Y		Often	Walking, Dog waling, Horse riding; Used to go to Bembridge station
Sarah Simmonds	1986	2016	Y				Weekly	Avoid busy road
Susan Simmonds	1970's	2016	Y				Weekly	Dog walking
Stanley Skinner *	1975	2016	Y				35 per year	Pleasure
Stuart Skinner	1975	2016	Y				50 per year	Dog walking, Bird watching
Anthony Smart	1986	2016	Y				3-4 per year	Leisure
Elaine Smart	1986	2016	Y				3-4 per year	Leisure
Linda Smith *	1950's	2016	Y				Daily	Dog walking and shopping; Wildlife info signs - marked on map
Derek Sothcott	1964	2016	Y				-	Dog walking and pleasure
Kay Sothcott	1970	2016	Y		Y		Weekly	Dog walking, Horse riding; Exit used to be near pilot boat; Was signposted public footpath
Andrew Squibb *	1985	2016	Y	Y			Weekdays	To school
Peter Summerhayes	1960	2016	Y				4 per year	Not B-C, D-E; Leisure
Graham Sutton	1965	2016	Y				30 times per year	Dog walking; Path blocked at Wades Boatyard

Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Geoffrey Tindle *	1966	2016	Y				2-3 per year	Birdwatching; Map shows 'finish' at end of eastward continuation, but eastward continuation not marked
Penelope Townson	1970	2016	Y				6-12 per year	Pleasure
Deborah Valvona	1978	2016	Y	Y	Y		20-25 per year	Walking, Dog walking, horse riding, cycling
Vincent Valvona	1976	2016	Y	Y			3-4 per year	Pleasure
Faith Wade	1960	2016	Y				3-4 per year	Leisure, Blackberrying; Narrative attached: 'Highways Act 1959' signs put up by Mrs P Stratton to stop people walking up the left bank of the Yar. Track originally went to station.
Malcolm Wade	1953	2016	Y				6 per year	Recreation, Birdwatching; Narrative attached: Used track since last train ran in 1953 - walked along side of track until rails removed by Cohens; Path used to extend further, now stops at boatyard; 2 x 1959 Act signs - one on Water Board property beside bridge, other in field on Bembridge side of Yar owned by Mrs Stratton to stop people walking on and fishing from banks of Yar.
Robin Wade *	1984	2016	Y	Y			5-6 per year	Pleasure, Dog walking
Susan Way	1968	2016	Y				10-15 per year	Leisure, Dog walking; Wildlife watching
Richard Weaver	1979	2016	Y	Y			12-20 per year	Pleasure and amenity
Terence Weaver	1956	2016	Y				3-4 per year	Relaxation
Roy Wheeler	1966	2016	Y				300 per year	Dog walking and bird watching; Private signs on Harbour Farm road
David Whiting	1988	2016	Y				25 per year	Not B-C; Dog walking, Leisure

Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Susan Whiting	1988	2016	Y				50-60 per year	Dog walking, exercise, bird watching
James Wilson	1971	2016	Y				-	Used path as nature walk as a Cub leader
Priscilla Wilson	1970's	2016	Y				Weekdays	Avoid traffic, Wildlife watching
Stephen Wilson	1971	2016	Y	Y			6-8 per year	Not B-C, D-E; Utility, Dog walking, Wildlife watching; Map shows path continuing to east
Brian Williams	Late 1950's	2016	Y				10-12 times a year	Leisure, Dog walking; Route changed due to fence being put across track - in summer could walk edge of lagoon; Personal statement added - walked track since rails removed bypassing a Toll Gate [tolls abolished in 1971]; Notice prohibiting walking related to Banks of River Yar
David Williams	1965	2016	Y				40 per year	Pleasure
Sue Williams	1968	2016	Y				16 per year	Leisure, Dog walking
Totals: 88 individuals			87	15	8			All cyclists also walk
16*			15*	4*	1*			All horse riders bar 1 also walk 2 people cycle and horse ride



**Table 5: Bembridge DMMO - User Evidence Forms**

**People Who Used Section BC Every Year between 1989 - 2009**

Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Amanda Attrill	1976	2017	Y				Daily	Dog walking
Valerie Attrill *	1975	2016			Y		Lots	Horse riding
Ken Beckley	1981	2016	Y				-	Dog walking
Jane Bland	1960	2017	Y				52 per year	Pleasure
Lesley Booth *	1986	2016	Y				-	
James Bullin	1960's	2016	Y				20 per year	Recreation
Michael Carline	1970's	2016	Y				200 per year	Leisure; RSPB and Lagoons noticeboards marked on map
Martin Coombes	1954	2016	Y	Y			Many	Leisure, dog walking, birdwatching, commute; Occasionally cycle
Simon Coombes	1983	2016	Y	Y			4-6 per year	Bridleway to Harbour Farm, then footpath; Dog walking, Pleasure, Commuting; Since baby in pram
Brian Cole	1975	2016	Y	Y			50 per year	Leisure
Tobba Cole *	1970	2016	Y	Y			-	Leisure, utility, avoid traffic
D Corney *	1970	2016	Y				Many	
Clive Dove	1965	2016	Y				15 - 20 per year	Dog walking
Jo Dove	1965	2016	Y				15 - 20 per year	Dog walking
Cecil Dyer *	1965	2016	Y	Y			30 times per year	

Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Sunny Eastwick	1950's	2016	Y				Many	Dog walking and pleasure
Rosemary Edwards	1966	2016	Y		Y		Twice a week	Believed permissive; Dog walking and horse riding; Written statement regarding "No right of way" signage and land ownership
George Gaskin	1970's	2016	Y	Y			350 per year	Walking and birdwatching; Path used to go through to Bembridge until 1970-80 when fence put up. The No PROW signs refer to the River Yar and were to stop people walking up the riverbank. Map shows fences
Sharon Gaskin	1965	2017	Y				300 per year	Leisure, birdwatching, photography; Path used to continue to Copse into road - shown on map. Recent nature reserve signs. Old 'Private land trespassers will be prosecuted' sign on rhs of path by metal gate in marshes on Thornycroft owned land
Raymond Gough	1976	2016	Y				2-3 per year	Walking, birdwatching; Map shows path continuing eastwards beyond D
Lawrie Hanks	1971	2017	Y				20 per year	Recreation and Birdwatching
Graham Henley	1975	2016	Y				10 per year	Pleasure
Robin Henley *	1953	2016	Y				20-30 per year	Dog walking; Started walking when the train stopped; Acquainted with previous owners Thorney Croft (1960) and Mr Hicks (1990)
Elizabeth Hicks	1986	2016	Y				3-4 per year	Walking; Path public since railway closed in 1950's
R Humphrey *	Late 1980's	2011	Y				12 per year	Pleasure
Howard Jacobs *	1967	2016	Y				20 per year	Pleasure; Walked during lunchtime 1967-2012
Michael Jacobs	1950's	2016	Y				100 per year	Used to walk through to old station; Recent Private Land signs; Map shows 2 notice boards and 2 fences across path at eastern end

Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Mark Jacobs	1960's	2016	Y				8-10 per year	Dog walking and wildlife
Sara Janson	1965	2016	Y				Most months	Pleasure; Western end access moved by a few feet; Wildlife info board; directional footpath sign at junction with Drive - marked on map
Daniel Johan	1975	2016	Y				-	Walking and read info boards
Christina Lacey	1965	2016	Y				12-15 per year	Pleasure
Richard Lacey	1955	2016	Y	Y			10-12 times a year	
Linda Lane	1986	2016	Y				200 per year	Dog walking, Bird watching; Private signs on road leading to Harbour Farm - marked on map
Elizabeth Mitchell	1970	2016	Y		Y		At least 1 per year	Avoiding main road; Kept horse at Harbour Farm in 70's and 80's
Philip Norris	1987	2016	Y				50 per year	Home to Yacht Club and Marina; Refers to using the path under the Prescriptive Act 1832
Sarah Noyes	1977	2016	Y				15 per year	Dog walking; Gate/obstruction at Bembridge Boat Yard; Knows owner 1982 - 2016
David Preston	1960	2016	Y		Y		50-150 per year	Avoid main road
John Richards	1974	2016	Y				40 per year	Leisure; Used eastwards continuation until path through Bembridge Boatyard closed in approx 2006; Info signs about flora and fauna in Bembridge Lagoons - marked on map
Thomas Robinson	1988	2016	Y	Y			20 - 30 per year	Utility, Leisure, Dog walking; Natural history info notice with map; Used to use path to get to work on foot and bike, now for dog walking

Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Anthony Rumford *	1960	2016	Y				Most weekends	Birdwatching
Dean Scot	1970's	2016	Y				50 per year	Dog walking; Used to walk eastern end until route stopped up at back of BMS and boat yard
Pat Scott	1960's	2016	Y		Y		Often	Walking, Dog waling, Horse riding; Used to go to Bembridge station
Sarah Simmonds	1986	2016	Y				Weekly	Avoid busy road
Susan Simmonds	1970's	2016	Y				Weekly	Dog walking
Stanley Skinner *	1975	2016	Y				35 per year	Pleasure
Stuart Skinner	1975	2016	Y				50 per year	Dog walking, Bird watching
Anthony Smart	1986	2016	Y				3-4 per year	Leisure
Elaine Smart	1986	2016	Y				3-4 per year	Leisure
Linda Smith *	1950's	2016	Y				Daily	Dog walking and shopping; Wildlife info signs - marked on map
Derek Sothcott	1964	2016	Y				-	Dog walking and pleasure
Kay Sothcott	1970	2016	Y		Y		Weekly	Dog walking, Horse riding; Exit used to be near pilot boat; Was signposted public footpath
Andrew Squibb *	1985	2016	Y	Y			Weekdays	To school
Graham Sutton	1965	2016	Y				30 times per year	Dog walking; Path blocked at Wades Boatyard
Geoffrey Tindle *	1966	2016	Y				2-3 per year	Birdwatching; Map shows 'finish' at end of eastward continuation, but eastward continuation not marked
Penelope Townson	1970	2016	Y				6-12 per year	Pleasure

Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Deborah Valvona	1978	2016	Y	Y	Y		20-25 per year	Walking, Dog walking, horse riding, cycling
Vincent Valvona	1976	2016	Y	Y			3-4 per year	Pleasure
Faith Wade	1960	2016	Y				3-4 per year	Leisure, Blackberrying; Narrative attached: 'Highways Act 1959' signs put up by Mrs P Stratton to stop people walking up the left bank of the Yar. Track originally went to station.
Malcolm Wade	1953	2016	Y				6 per year	Recreation, Birdwatching; Narrative attached: Used track since last train ran in 1953 - walked along side of track until rails removed by Cohens; Path used to extend further, now stops at boatyard; 2 x 1959 Act signs - one on Water Board property beside bridge, other in field on Bembridge side of Yar owned by Mrs Stratton to stop people walking on and fishing from banks of Yar.
Robin Wade *	1984	2016	Y	Y			5-6 per year	Pleasure, Dog walking
Susan Way	1968	2016	Y				10-15 per year	Leisure, Dog walking; Wildlife watching
Richard Weaver	1979	2016	Y	Y			12-20 per year	Pleasure and amenity
Terence Weaver	1956	2016	Y				3-4 per year	Relaxation
Roy Wheeler	1966	2016	Y				300 per year	Dog walking and bird watching; Private signs on Harbour Farm road
Susan Whiting	1988	2016	Y				50-60 per year	Dog walking, exercise, bird watching
James Wilson	1971	2016	Y				-	Used path as nature walk as a Cub leader
Priscilla Wilson	1970's	2016	Y				Weekdays	Avoid traffic, Wildlife watching

Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Brian Williams	Late 1950's	2016	Y				10-12 times a year	Leisure, Dog walking; Route changed due to fence being put across track - in summer could walk edge of lagoon; Personal statement added - walked track since rails removed bypassing a Toll Gate [tolls abolished in 1971]; Notice prohibiting walking related to Banks of River Yar
David Williams	1965	2016	Y				40 per year	Pleasure
Sue Williams	1968	2016	Y				16 per year	Leisure, Dog walking
Totals: 70 individuals			73	13	7			All cyclists also walk
14*			13*	4*	1*			All horse riders bar 1 also walk 1 person cycles and horse rides

**Table 6: Bembridge DMMO - User Evidence Forms**

**People who used Section DE every year between 1989 - 2009**

Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Amanda Attrill	1976	2017	Y				Daily	Dog walking
Valerie Attrill *	1975	2016			Y		Lots	Horse riding
Sandra Beaney	1956	2016	Y				20-30 per year	Not B-C; Dog walking
Connie Beckley	1981	2016	Y				-	Not B-C; Dog walking
Ken Beckley	1981	2016	Y				-	Dog walking
Anthea Blackwell	1950's	2016	Y				5 - 6 per month	Not B-C; Birdwatching, shopping, visiting friends, blackberrying
Jane Bland	1960	2017	Y				52 per year	Pleasure
William Bland	1969	2017	Y				12 per year	Not B-C; Leisure
Lesley Booth *	1986	2016	Y				-	
Steven Brooks	1976	2016	Y	Y	Y	Motorcycle	Weekly	Not B-C; Blackberrying and leisure; The route was also included in the marshes area
James Bullin	1960's	2016	Y				20 per year	Recreation
Roy Burrows	1987	2016	Y				25 per year	Not B-C; Recreation, Birdwatching; Natural history noticeboard; Mr Hicks was the landowner
Michael Carline	1970's	2016	Y				200 per year	Leisure; RSPB and Lagoons noticeboards marked on map
Martin Coombes	1954	2016	Y	Y			Many	Leisure, dog walking, birdwatching, commute; Occasionally cycle
Simon Coombes	1983	2016	Y	Y			4-6 per year	Bridleway to Harbour Farm, then footpath; Dog walking, Pleasure, Commuting; Since baby in pram

Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Brian Cole	1975	2016	Y	Y			50 per year	Leisure
Tobba Cole *	1970	2016	Y	Y			-	Leisure, utility, avoid traffic
D Corney *	1970	2016	Y				Many	
Clive Dove	1965	2016	Y				15 - 20 per year	Dog walking
Jo Dove	1965	2016	Y				15 - 20 per year	Dog walking
Cecil Dyer *	1965	2016	Y	Y			30 times per year	
Sunny Eastwick	1950's	2016	Y				Many	Dog walking and pleasure
Rosemary Edwards	1966	2016	Y		Y		Twice a week	Believed permissive; Dog walking and horse riding; Written statement regarding "No right of way" signage and land ownership
George Gaskin	1970's	2016	Y	Y			350 per year	Walking and birdwatching; Path used to go through to Bembridge until 1970-80 when fence put up. The No PROW signs refer to the River Yar and were to stop people walking up the riverbank. Map shows fences
Sharon Gaskin	1965	2017	Y				300 per year	Leisure, birdwatching, photography; Path used to continue to Copse into road - shown on map. Recent nature reserve signs. Old 'Private land trespassers will be prosecuted' sign on rhs of path by metal gate in marshes on Thornycroft owned land
David Godfrey	1965	2016	Y				25 - 30 per year	Not B-C; Dog walking, recreation
Raymond Gough	1976	2016	Y				2-3 per year	Walking, birdwatching; Map shows path continuing eastwards beyond D



Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Sandra Gough	1976	2016	Y				3-4 per year	Not B-C; Walking, birdwatching; Brought children on nature walks
Joanne Haigh	1985	2016	Y				12 per year	Not B-C; Walking
Lawrie Hanks	1971	2017	Y				20 per year	Recreation and Birdwatching
Nicholas Hawkins	1969	2016	Y				4-5 per year	Not B-C; Pleasure; Used to be longer, eastwards continuation marked on map
Graham Henley	1975	2016	Y				10 per year	Pleasure
Robin Henley *	1953	2016	Y				20-30 per year	Dog walking; Started walking when the train stopped; Acquainted with previous owners Thorney Croft (1960) and Mr Hicks (1990)
Elizabeth Hicks	1986	2016	Y				3-4 per year	Walking; Path public since railway closed in 1950's
R Humphrey *	Late 1980's	2011	Y				12 per year	Pleasure
Howard Jacobs *	1967	2016	Y				20 per year	Pleasure; Walked during lunchtime 1967-2012
Michael Jacobs	1950's	2016	Y				100 per year	Used to walk through to old station; Recent Private Land signs; Map shows 2 notice boards and 2 fences across path at eastern end
Mark Jacobs	1960's	2016	Y				8-10 per year	Dog walking and wildlife
Sara Janson	1965	2016	Y				Most months	Pleasure; Western end access moved by a few feet; Wildlife info board; directional footpath sign at junction with Drive - marked on map
Daniel Johan	1975	2016	Y				-	Walking and read info boards
Christina Lacey	1965	2016	Y				12-15 per year	Pleasure

Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Richard Lacey	1955	2016	Y	Y			10-12 times a year	
Linda Lane	1986	2016	Y				200 per year	Dog walking, Bird watching; Private signs on road leading to Harbour Farm - marked on map
Elizabeth Mitchell	1970	2016	Y		Y		At least 1 per year	Avoiding main road; Kept horse at Harbour Farm in 70's and 80's
Richard Newell	1979	2016	Y				20 per year	Not B-C; Leisure, Utility; Route changed at back of Bembridge Boatyard; RSPB Reserve Noticeboard; Narrative included
Philip Norris	1987	2016	Y				50 per year	Home to Yacht Club and Marina; Refers to using the path under the Prescriptive Act 1832
Sarah Noyes	1977	2016	Y				15 per year	Dog walking; Gate/obstruction at Bembridge Boat Yard; Knows owner 1982 - 2016
Kenneth Orchard *	1970's	2016	Y				10-15 per year	Not B-C; Leisure, dog walking
Linda Orchard *	1986	2016	Y				6 per year	Not B-C; Recreation, Bird watching, Blackberrying
David Preston	1960	2016	Y		Y		50-150 per year	Avoid main road
John Richards	1974	2016	Y				40 per year	Leisure; Used eastwards continuation until path through Bembridge Boatyard closed in approx 2006; Info signs about flora and fauna in Bembridge Lagoons - marked on map
Yvonne Richards	1972	2016	Y				36 per year	Not B-C; Utility and recreation; Path diverted around Bembridge Boatyard some years ago; RSPB info boards
Thomas Robinson	1988	2016	Y	Y			20 - 30 per year	Utility, Leisure, Dog walking; Natural history info notice with map; Used to use path to get to work on foot and bike, now for dog walking

Name * = not willing to attend INQUIRY	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Anthony Rumford *	1960	2016	Y				Most weekends	Birdwatching
Dean Scot	1970's	2016	Y				50 per year	Dog walking; Used to walk eastern end until route stopped up at back of BMS and boat yard
Pat Scott	1960's	2016	Y		Y		Often	Walking, Dog waling, Horse riding; Used to go to Bembridge station
Sarah Simmonds	1986	2016	Y				Weekly	Avoid busy road
Susan Simmonds	1970's	2016	Y				Weekly	Dog walking
Stanley Skinner *	1975	2016	Y				35 per year	Pleasure
Stuart Skinner	1975	2016	Y				50 per year	Dog walking, Bird watching
Anthony Smart	1986	2016	Y				3-4 per year	Leisure
Elaine Smart	1986	2016	Y				3-4 per year	Leisure
Linda Smith *	1950's	2016	Y				Daily	Dog walking and shopping; Wildlife info signs - marked on map
Derek Sothcott	1964	2016	Y				-	Dog walking and pleasure
Kay Sothcott	1970	2016	Y		Y		Weekly	Dog walking, Horse riding; Exit used to be near pilot boat; Was signposted public footpath
Andrew Squibb *	1985	2016	Y	Y			Weekdays	To school
Graham Sutton	1965	2016	Y				30 times per year	Dog walking; Path blocked at Wades Boatyard
Geoffrey Tindle *	1966	2016	Y				2-3 per year	Birdwatching; Map shows 'finish' at end of eastward continuation, but eastward continuation not marked
Penelope Townson	1970	2016	Y				6-12 per year	Pleasure

Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Deborah Valvona	1978	2016	Y	Y	Y		20-25 per year	Walking, Dog walking, horse riding, cycling
Vincent Valvona	1976	2016	Y	Y			3-4 per year	Pleasure
Faith Wade	1960	2016	Y				3-4 per year	Leisure, Blackberrying; Narrative attached: 'Highways Act 1959' signs put up by Mrs P Stratton to stop people walking up the left bank of the Yar. Track originally went to station.
Malcolm Wade	1953	2016	Y				6 per year	Recreation, Birdwatching; Narrative attached: Used track since last train ran in 1953 - walked along side of track until rails removed by Cohens; Path used to extend further, now stops at boatyard; 2 x 1959 Act signs - one on Water Board property beside bridge, other in field on Bembridge side of Yar owned by Mrs Stratton to stop people walking on and fishing from banks of Yar.
Robin Wade *	1984	2016	Y	Y			5-6 per year	Pleasure, Dog walking
Susan Way	1968	2016	Y				10-15 per year	Leisure, Dog walking; Wildlife watching
Richard Weaver	1979	2016	Y	Y			12-20 per year	Pleasure and amenity
Terence Weaver	1956	2016	Y				3-4 per year	Relaxation
Roy Wheeler	1966	2016	Y				300 per year	Dog walking and bird watching; Private signs on Harbour Farm road
David Whiting	1988	2016	Y				25 per year	Not B-C; Dog walking, Leisure
Susan Whiting	1988	2016	Y				50-60 per year	Dog walking, exercise, bird watching
James Wilson	1971	2016	Y				-	Used path as nature walk as a Cub leader
Priscilla Wilson	1970's	2016	Y				Weekdays	Avoid traffic, Wildlife watching

Name * = not willing to attend Inquiry	Start Date	End Date	Use				Frequency	Comments
			Foot	Cycle	Horse	Other		
Brian Williams	Late 1950's	2016	Y				10-12 times a year	Leisure, Dog walking; Route changed due to fence being put across track - in summer could walk edge of lagoon; Personal statement added - walked track since rails removed bypassing a Toll Gate [tolls abolished in 1971]; Notice prohibiting walking related to Banks of River Yar
David Williams	1965	2016	Y				40 per year	Pleasure
Sue Williams	1968	2016	Y				16 per year	Leisure, Dog walking
Totals: 85 individuals			85	14	8			All cyclists also walk
16*			16*	4*	1*			All horse riders bar 1 also walk 2 people cycle and horse ride

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**Clarke, Darrel**

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**From:** Tim Callaway [REDACTED]  
**Sent:** 24 July 2019 09:32  
**To:** Clarke, Darrel  
**Cc:** Clifford Percival; Keith Ballard  
**Subject:** RE: Bembridge Lagoon Footpath

Hi Darrel

Thanks for your follow up.

Yes, it would be sensible to have a further meeting on site to look at the next steps.

I appreciate it may be difficult to find a suitable date at the moment, but we could always try to arrange for a site visit for you with Keith followed by a phone conference.

Do you have any dates in mind?

Keith and I have taken some time to go over the evidence provided by the applicant in support of their claim and to review the counter evidence held by the RSPB.

I believe that the RSPB's evidence is sound and it actually includes previous written statements that the claimant had provided for the council and had published in the local press, specifically stating that use of the path is permissive and kindly granted by the landowner, along with details included in various RSPB deeds, etc.

However, I would like to reiterate our previous conversations and what I believe was the aspiration discussed at the meeting in the harbour office, that we would far prefer all of us to spend resources and time working directly with the council, BHA and other landowners and Natural England, to deliver a footpath route, including necessary infrastructure that protects the SSSI, SPA/SAC and would be adopted and maintained in the future by the Isle of Wight Council RoW team.

I have presented a summary below of both the claimant's evidence and of the RSPB's counter evidence, followed by a suggested approach.

-----  
**Claimants evidence**

The claimants are claiming public rights of way on foot along 4 section lengths of path and public bridleway rights along the same sections.

The additional evidence submitted by the claimant consists of a further 140 completed user evidence proformas, each with a supporting map.

For clarity, I have just attached the claimants application details including route map and their user evidence statements.

**Completed User Evidence Proformas:**

- The claimants advertised their intention to make a claim via newspaper and roadside signage.
  - The user evidence proformas collectively resemble a petition rather than evidence of use
  - The advertising was based on a false statement that the RSPB were closing the claimed route(s).
- The completed proformas are not consistent in evidence regarding:-
  - The route used
  - Assumed status of the route
  - Actual period of use.
- The actual route is not reliably described within any of the user evidence proformas.



- The majority of the maps accompanying the user evidence proformas show the route pre-drawn and photocopied, which has then been marked over in colour. However, some maps indicate a different route.
- The claimants user evidence states Bridleway status for the whole claimed route.
- There is no evidence of notice being served to all the potential owners and to the owners of the unregistered end of the Harbour Farm drive (B to C)

#### Book Extract:

- The referenced book 'The Bembridge Branch Line' was revised in 2006 with the reference to a public footpath removed. This would appear to confirm that there had been a challenge of fact before revision.

#### RSPB Counterevidence

- The claimants have previously acknowledged the 'permissive' use of the old railway track on foot, within written statements sent to IoW council on 30<sup>th</sup> January 2015 and the local press on 17<sup>th</sup> August 2007.
- This permissive use is entirely concurrent with the RSPB view. The RSPB has evidence that suggests the status of the route along the old railway track A to B, B to C & B to D was permissive prior to our first acquisition at Brading Marshes in 2001. This evidence includes information held in statutory declarations and deeds:-
  - Access rights via statutory declaration in 2001, for sections A to B and B to C
  - Acquisition in 2004 of the freehold of most of the land where the routes are claimed from Maritime Leisure Investments. This **excludes** a 40m section of D to E through the Houseboat users car park owned by the current harbour company and a 15m section of B to C joining Embankment road from Harbour Farm that is **unregistered**.
  - Private rights for various sections being granted to individuals.
  - There was **no permissive bridleway**. Permissive use was only by foot and the only horse usage of any of the claimed route that RSPB are aware of was by the owners and occupants of the Harbour Farm stables who used the route as part of the farm owners' access rights.
- The section of the claimed route D to E is of recent use, especially the part that runs through the SSSI/SPA/SAC lagoon.
  - Post and pre - 1992 Ordinance Survey maps show the original extent of water where section D-E is claimed.
  - Aerial photographs since 1999, show evidence of unpermitted infill of the lagoon making it accessible on foot.
  - Prior to the green security fence being erected during 2005-6 it was possible to access along the old railway track beyond RSPB land further than point D of section B-D, which avoided this area of the lagoon. The damage to the internationally designated area of the lagoon by unauthorised access, has only become evident to the RSPB within the last 5 years. Over the last 3 years, considerable damage to the designated lagoon is being caused both by waste being thrown into the lagoon to make a foot crossing and by trampling of the margins. In 2019 the RSPB was required to erect fencing to prevent continued damage, by this unauthorised use, to the designated wildlife and habitats of the lagoon.
- The RSPB has clearly identified sections of this route as a permissive path by:-
  - Registering a section 31a deposit with the planning authority (first in 2009 and renewed in 2019) showing 3 sections A to B, B to C and B to D of the claimed route as permissive footpath and one section (D to E through the lagoon) **not existing** at all.
  - Identifying the existence of the permissive footpaths and the claimed route A-B, B-C & B-D via:-
    - The permitted footpath access points are signposted "RSPB Brading Marshes Nature Reserve – Bembridge Lagoons" and have "Permissive Path" waymark discs attached to them.
    - Information boards around the reserve at key points of interest, showing a nature trail map, which also shows the permissive route (including a wildlife interpretation lectern style sign actually along this route).
    - A reserve trail guide (available at Brading Railway Station and on the RSPB website) which includes a map of the RSPB Brading Marshes Nature Reserve visitor trail.



RSPB has previously closed sections of the claimed route without any challenge:-

- Section A to B for 2 weeks during February 2005 to carry out saline lagoon engineering works. Prior to these works there was a double gate situated at the junction of the Harbour Farm driveway that was kept in a just ajar position. We removed one gate to allow access for plant. The remaining gate is within the hedge in rusty condition and the orientation of the hinge post shows that the track and claimed route section A to B was gated at that location.
- Section A-B was closed again in 2007 and 2012 to allow extraction of felled timber from the marsh.
- Additional information
  - Historic signs identifying permissive use or private land:-
    - Section B to C - 'Private Road No Parking' – a long standing sign at the end of the Harbour Farm drive
    - Section A to B - 'Highway Act 1959 There Are No Public Rights Of Way Over This Land' - signs still in existence within the old railway track boundary at the eastern end. The sign near the start of claimed section was removed by RSPB in 2005 (for improved tractor access) and replaced with RSPB signs marking the permissive path. One was vandalised in 2017.
  - British Transport Commission Act 1949 - some of the user evidence submitted claims usage from between 1953 and 1969 when the track was still in ownership of the rail authority. The 1949 Act made it impossible to acquire a right of way by prescription over railway or harbour authority owned land.
- RSPB has already stated that as the responsible landowner, we are expected by Natural England and by our members and supporters to ensure that activities on our reserves do not have any adverse impacts on the recognised species and habitats and that damage is rectified. This is why we had to erect fencing to protect a small section of the lagoon that was being damaged.

Despite the strength of the RSPB evidence, we would still like to propose delivering a footpath route that could lead to a permanent dedication as a footpath.

However, as previously noted, the SAC and SPA status places a statutory obligation on both landowners and the council.

RSPB and Natural England have previously stated that any proposal must address the current damage to the SSSI/SPA and SAC and ensure the approach delivered removes the risk of any future adverse impacts of a dedicated footpath on the designated site.

Therefore, in order to achieve this, any proposal to dedicate a route as a permanent footpath, would be dependent on other landowners also dedicating a section of the route across their land and the inclusion of all the necessary infrastructure to protect the SSSI and SPA/SAC. The route would then be adopted and maintained in the future by the Isle of Wight Council RoW team.

In this approach, due attention should also be given to the advice from Natural that any necessary works to make the footpath past the lagoon usable, may require an Appropriate Assessment (these works are separate from the dedication process and are not directly connected to management of the designated sites) and that opportunities to restore previously damaged areas of the SSSI, SPA/SAC should be included.

The proposal would relate primarily to the section B – E and would involve:-

- Section D – E:- any footpath route to link with Embankment Road, would be established away from the lagoon and over third party land
- Section B – D:- provision of additional fencing and interpretation to manage any increase in recreational activity along this stretch

As regards Section A – B, improvements to natural screening and a review of existing interpretation and viewpoints is all that should be required.

I have noted your comments regarding the application for the modification order and the suggestion that the applicant would be unlikely to withdraw the application if the proposal only included simply extending permissive access rights, as the applicant was seeking for permanent public rights of way to be dedicated.

I have recently heard back from Malcolm Thorpe and will also reply to him separately to see how things have moved along as regards the route across BHA land after our meeting at the Harbour office.

Kind regards

Tim

**Tim Callaway**

Hampshire & Isle of Wight Area Manager

**RSPB Hants and Isle of Wight Office** 32 New Cottages, Wiggonholt, Pulborough, West Sussex, RH20 2EL

[rspb.org.uk](http://rspb.org.uk)

Let's give nature a home



The RSPB is the country's largest nature conservation charity, inspiring everyone to give nature a home. Together with our partners, we protect threatened birds and wildlife so our towns, coast and countryside will teem with life once again. We play a leading role in BirdLife International, a worldwide partnership of nature conservation organisations.

The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

From: Clifford Percival  
Subject: RE: Bembridge Lagoon - claimed public right of way  
Date: 2 March 2021 at 18:43:18 GMT

Dear

Please see my replies in green font within your original text that I have copied immediately below for ease of reference, together with the attachments.

1. The majority of the claimed route is on land owned by the RSPB (Title no. IW57447). I can see from the Land Registry documents that the RSPB has owned this land since 30 April 2004 - do you know who the previous owner was? I believe that the Railways Board sold the land to the Bembridge Harbour Improvements Company in 1968, but it's not clear to me at the moment whether the land changed hands again (possibly more than once) before the RSPB purchased it. **The RSPB purchased the land from Maritime Leisure Investments**

2. The 2019 email refers to a "statutory declaration in 2001, for sections A to B and B to C". Are you able to send me a copy of that declaration? I've not managed to find a copy in the information folder. **Copy of the Statutory Declaration is attached as "2012-03-02 CP Atchmnt 1 (text) and 2 (Map)"**

3. Do you know approximately when the "Permissive Path" waymark discs were attached to

the “RSPB Brading Marshes Nature Reserve - Bembridge Lagoons” signposts? Also when the information boards showing the permissive route were erected? The Permissive Path discs were installed when the signs were refurbished with new posts approximately 4 years ago. The information boards showing the permissive path route were erected during the summer of 2007.

4. The email mentions that the RSPB closed Section A-B for two weeks in February 2005 to carry out engineering works, and again in 2007 and 2012 to allow extraction of felled timber from the marsh. Can you explain what steps were taken to close the path, e.g. bollards/fences/gates/signs/other, including locations and (ideally) dates?

2005 – The path was closed for two weeks where the site was secured by Heras Fencing and closure signage. Please see the attached photo of the lagoon showing the excavator parked on the track that forms the permissive path annotated “2021-03-02 CP Atchmnt 4.1 Photo works”

2007 and 2012 – The path was closed for three days on each of these years for timber extraction involving closure of the permissive path by way of signage (but not physically due to need for timber vehicle movements). Please see attached photo of timber extraction in 2012

annotated "2021-03-02 CP Atchmnt 4.2 Timbr  
Extrctn 2012"

5. The email also mentions that a "Highways Act 1959 There Are No Public Rights Of Way Over This Land" sign located near the start of section A-B was removed by the RSPB in 2005, and replaced with RSPB signs marking the permissive path. I don't suppose you have any photographs, or other evidence, of the Highways Act sign?

Please see the attached photos "2021-03-02 Atchmnt 5.1, 5.2 & 5.3" showing these signs which were in existence in 2016. 5.1 shows one of the signs in position, 5.2 and 5.3 show a damaged sign which was removed following suspected vandalism

6. Can you let me know which section(s) of the British Transport Commission Act 1949 make it impossible to acquire a right of way by prescription over railway or harbour authority owned land?

It is Section 57 of the British Transport Commission Act 1949

I hope this additional information helps you in your task. If you need any further information please do not hesitate to revert back to me and we will try to help.

Regards

# Cliff

**Clifford Percival MRICS**  
Senior Rural Surveyor



DATED

2001

STATUTORY DECLARATION  
OF  
KENNETH GEORGE WESTERN HICKS



I, KENNETH GEORGE WESTERN HICKS of Harbour Farm, Embankment Road, Bembridge, Isle of Wight DO SOLEMNLY SWEAR AND SINCERELY DECLARE as follows:-

1. I am the owner jointly with my wife DEIRDRE MOIRA HICKS of land and building at Harbour farm, Bembridge, Isle of Wight shown edged red on the plan now produced and shown to me and marked "KGWH1" ("the Property"). We intend to sell part of the property and this Declaration is made on the understanding that the Purchaser and their successors in title will seek to rely upon it.
2. My wife and I purchased the Property on 30<sup>th</sup> April 1984 and have lived there since then.
3. During our ownership, we have used the track or way shown marked brown [Centurion Copse] to get in and out of the Property on foot with horses and with vehicles at any time that it was passable. We have used it as of right for general recreational purposes, agriculture and shooting. The gate across the track at point G on the plan was erected by us at our expense some years ago and to replace an earlier gate and we installed a lock on the gate.
4. Since our purchase of the Property we and the visitors to the property have used the roadway shown between the points marked S and T on the plan at all times and for all purposes with or without vehicles and horses. This has included access to the farmhouse and our adjoining land for purposes connected with the holiday cottages, the stables and carriage driving as well as domestic recreational and agricultural use. This has been used as the main access to the Property. Since our purchase of the Property we have carried out repairs to the roadway filling in potholes and on a few occasions we have requested and received a contribution to the cost from Yarland Properties Limited to reflect their use of the said roadway.
5. Since our purchase, we have used the roadway at Laundry Lane shown coloured green on the plan for access purposes. Access has been on foot and with vehicles or with horses at all times and for residential recreational and agricultural purposes including shooting.
6. There is shown on the plan coloured blue and orange the route of the old railway line. The area shown coloured blue belonged to my wife and myself and was sold to the Isle of Wight County Council in 1985. Rights of way at all times and for all purposes were reserved and have been exercised to benefit all parts of the Property
7. No consent for the exercise of any of these rights has been given nor has any objection been raised by a third party nor has any payment been made to a third party.

AND I MAKE THIS DECLARATION FROM MY KNOWLEDGE as the owner and occupier of the Property and by virtue of the Statutory Declarations Act 1835.

Sword at )  
in the county of )  
this day of 2001 )

Before me,

Solicitor/Commissioner

of

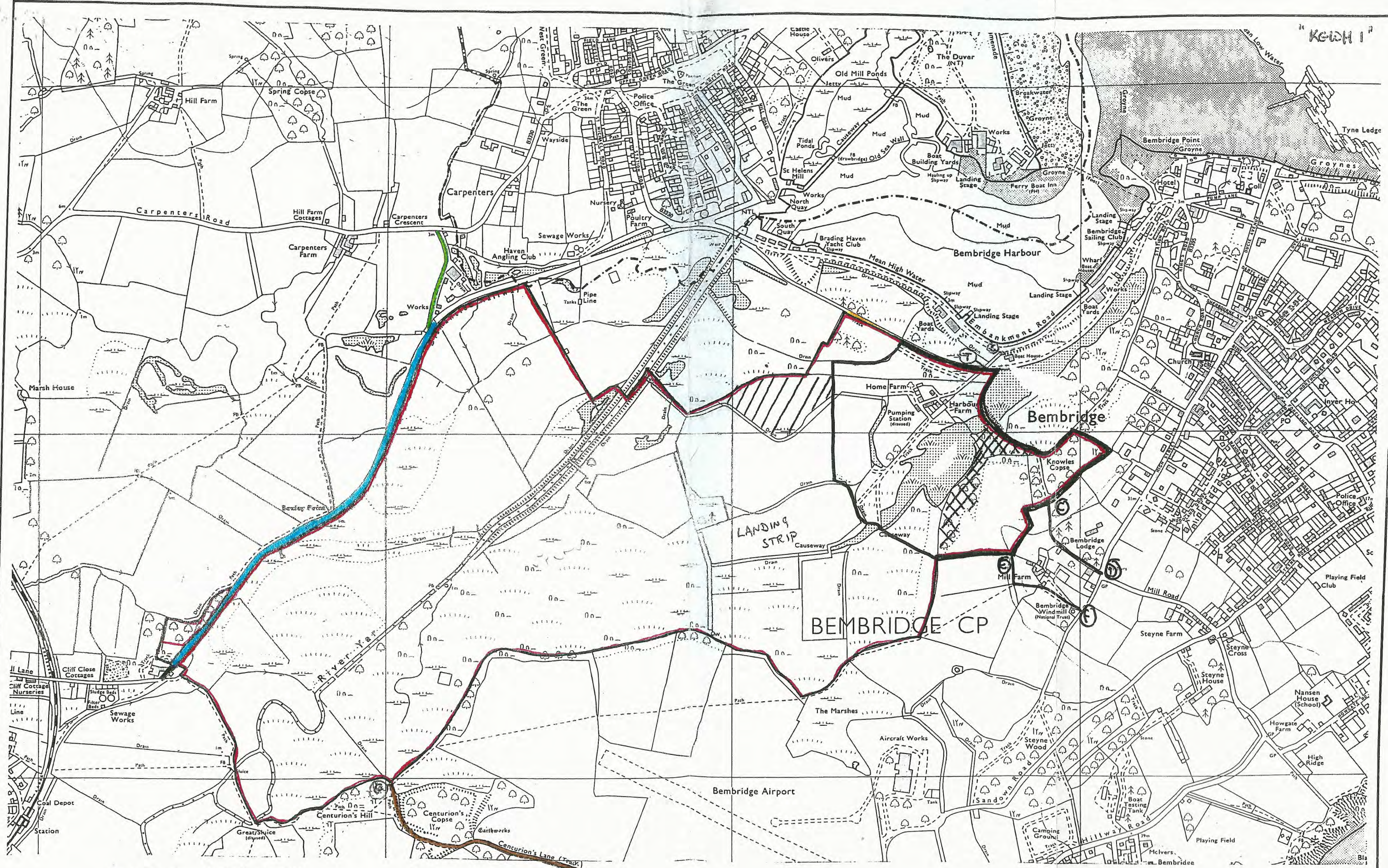
Oaths

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This is the plan marked K6WH1  
 referred to in the statutory declaration  
 of Kenneth George Western Hicks  
 made on the 2001  
 before me

S. Hicks

This plan is for identification purposes only.  
 Its accuracy can no way be guaranteed.  
 Reproduced from the Ordnance Survey Map  
 with permission of the Controller H.M.S.O.  
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 Licence No. ES758043.

Scale:

Date:

**STRUTT & PARKER**

41 Milford Street, Salisbury, Wiltshire SP1 2BP  
 Tel: (01722) 328741 Fax: (01722) 411259











25/2/2005  
LAWSON MOON





HEMLOCK ACT 19  
THERE ARE NO  
PUBLIC RIGHTS  
OF WAY OVER  
THIS LAND

Handwritten green text, possibly a date or location, oriented vertically on the right side of the signpost.



HIGHWAY ACT 1959  
THERE ARE NO  
PUBLIC RIGHTS  
OF WAY OVER  
THIS LAND

AN. S. 12 7/1  
W. 12 12 12

W. 12 12 12  
S. 12 12 12  
N. 12 12 12  
E. 12 12 12





UTILITY RIGHTS ARE NOT FORGOTTEN  
THIS LAND

HIGH TENSION

2/28/19

2/28/19



SEAN @ MARK DOOR

**PRIVATE  
ROAD  
NO PARKING**

**55.**—(1) Any person who shall trespass upon any of the lines of railway or sidings or in any tunnel or upon any railway embankment cutting or similar work now or hereafter belonging or leased to or worked by the Commission or who shall trespass upon any other lands of the Commission in dangerous proximity to any such lines of railway or other works or to any electrical apparatus used for or in connection with the working of the railway shall on summary conviction be liable to a penalty not exceeding forty shillings.

PART VII  
—*cont.*

For better  
prevention of  
trespass on  
railways &c.



Harbour Farm  
Embankment Road, Bembridge,  
Isle of Wight PO35 5NS

Telephone: 01983 872610 Fax: 01983 874080  
E-mail: [deirdrehicks@aol.com](mailto:deirdrehicks@aol.com)

15<sup>th</sup> September, 2005



To Whom It May Concern

Old Railway Line – St. Helens to Bembridge

I have been resident at Harbour Farm for over 21 years. When my wife and I purchased the property from Cdr. Thorneycroft, we were granted the right, for all purposes, whether on foot or by vehicle, to use the former railway line between St. Helens and Bembridge. This was a continuation of the rights exercised by the preceding owners of Harbour Farm from the former railway line owners, commonly known as The Bembridge Harbour Company.

For some years I both drove and walked along this route, including the length bordering the eastern lagoon. However, at some time during the 1980's the then (and present) owner of Bembridge Boatyard barred all passage from a point adjacent to his south-west boundary. Although I requested the Harbour Company to take action to reinstate my right of passage, they did not do so as they were unconcerned. However, at the time that I used the route the lagoon boundary was the edge of the railway track, with a row of trees on this edge.

Over the several years since my last through passage there has been frequent dumping of spoil in extremely large quantities between the embankment road and the old railway line, to a height above the original ground level of approximately 15 feet. I have frequently complained to English Nature, the Environment Agency and Bembridge Parish Council about this dumping; however, no remedial action has been taken. This has been particularly annoying to me as a former Chairman of the Environment Agency's Isle of Wight Area Environmental Group, as well as a former Parish Councillor. I know that the Parish made representations to the Island Council, and no remedial action was taken other than ineffectual letters and threats, thus allowing further dumping to take place up to this year.

I now see from my visit to the site at 1600 hours on 12<sup>th</sup> September, 2005, that there has been considerable dumping of building materials, old bushes, plastic, concrete and soil into the lagoon to form what appear to be fishing platforms. From 1984 to 1989 I leased the lagoon from the Harbour Company and I am well aware of both the landward situation and the extent of the lagoon's banks. The soil dumping over the whole site has been systematic and clearly well planned. It has clearly not been fly tipping and all the dumpings have been levelled out and compacted to make a firm base, the reason for which makes interesting speculation.

A handwritten signature in dark ink, reading "K. G. Hicks". The signature is written in a cursive style and is underlined with a single horizontal line.

K. G. Hicks

From: rspb.org.uk

Subject: RE: Claimed public right of way - Bembridge

Date: 28 July 2021 at 10:30:41 BST

Dear

I am happy to help with as much as I know and can meet too if you wish. My knowledge of the nature reserve and surrounding area goes back to when I arrived here in January 2005, later that year I was involved with dealing with issues relating to the land which the current green fence surrounds.

If you are not familiar with the location where the claimed path D-E is said to be situated then I strongly advise a site visit because aerial pictures and maps do not illustrate the topography very well.

During early 2005 there was little in the way of fencing around the now green security fenced land neighbouring the RSPB nature reserve north-east of claimed route D-E, bits of Heras fencing were in situ but were broken and open in places. On the disused track bed there was a gap in the fence that could be negotiated, which I used to inspect our property on the 6th September 2005 and subsequent days of that month. The gap in the fence did not look like it was generally used by the public. The raised ground between the road and old railway bed was open from Embankment road south-eastward. The Special Area of Conservation (SAC) Harbour East saline lagoon extends further north-east along the northern edge of the old railway bed beyond claimed route D-E, and was wet approximately 2 metres beyond the RSPB reserve boundary. The raised land abutting Embankment road had a shallow gradient slope at the location where a static caravan is now situated alongside the RSPB land boundary, the slope was shallow enough for vehicles to drive down onto the old railway bed. There was no defined path leading from the old railway bed to the road, certainly not along the alignment of the claimed route D-E. I would occasionally see people walking onto and around the raised land and walking down to the then motor vehicle engineering works situated south-east of

the Pilots House and down the sloped concrete path at the north-eastern side of the Pilots House.

For as long as the RSPB have owned the old railway bed and saline lagoons we have considered that the lagoon path came to a dead end at the claimed route point D, as depicted within our original RSPB Brading Marshes Nature Reserve trail guide produced in 2007 and the current version produced in 2018. We became aware that people were accessing the RSPB East Harbour lagoon from the Houseboat car park in 2015 onwards, which was causing significant damage to the lagoon and the populations of protected species it contains. We were constantly removing junk rubbish that was being thrown into the lagoon by others trying to achieve access across it. In April 2019 a constructed boardwalk was placed into the lagoon by others without permission, which was subsequently removed. The trespass route through the lagoon was then secured by fencing to prevent further direct damage to the protected habitat and species in accordance with our statutory obligations.

On the 6<sup>th</sup> September 2005 landfill material was brought onto the land neighbouring the reserve and landscaped, raising the level of that land. The landscaping resulted in the forementioned part of Harbour East saline lagoon that extended north-east beyond the RSPB boundary being filled in and material was also pushed into the lagoon owned by the RSPB adjacent to the southern edge of the old railway bed known as Harbour Farm East saline lagoon (Fig.3), in addition to Harbour East lagoon at the location where route D-E is claimed. The forementioned gradient slope was filled (Fig. 6) and landscaped to make a steep slope resembling the rest of the raised land spreading north-eastward up to the engineering works and north-westward to Embankment road. Due to the damage to the Site of Special Scientific Interest (SSSI), the Special Protection Area (SPA) and the SAC an enforcement case was opened by Isle of Wight Council planning department and English Nature (now Natural England). Shortly after the green security fencing was erected around the part of that property where it abutted the remaining lagoons at the RSPB reserve



boundary. The raised land area remained open for some time and was demarked by white painted oil drums. There were further landfill incidents since 2005 on that property which extended the raised land further towards the South, overlapping the old railway bed. It was some years later that the whole of that property was completely fenced with green fencing and later again the compound now containing the mobile home was similarly fenced.

**Fig. 3. - Harbour Farm East Lagoon infill on 6<sup>th</sup> September 2005**



**Fig 6. - Slope Filled on 6<sup>th</sup> September 2005 where a static caravan is now situated**



We know that the extent of the saline lagoons were mapped by the Joint Nature Conservation Committee (JNCC) in 1996 as part of the notification process for the SAC, and we have a report produced by the Natural History Museum that shows the extent of water within the lagoons in 2002, indicating it is unlikely that the general public were walking through there to reach points D & E for some time prior to those dates if ever (extract fig. 2) . In addition, we have a hydrology report for the lagoons published in 2002 by Atkins for the Environment Agency that shows GPS bathymetric survey points covering the extent of East Harbour lagoon with an accompanying map showing water depths, including where the lagoon extended north-east beyond RSPB property (extract fig. 4 & 5). There are two years when the Site of Special Scientific Interest (SSSI) notifications were carried out, 1971 and 1984, where it can be expected that vegetation and habitat maps were produced by the statutory nature conservation body at that time, if obtained they might show the presence of any path. I envisage that it would have been a steep fall from embankment road to the lagoon area prior to the commencement of landfilling whenever that commenced. I notice that a historic planning map available within the Isle of Wight Council website

indicates several enforcement cases on and in the vicinity of the raised land, which might give some indication of timings if investigated.

**Fig. 2. - Natural History Museum, Solent and Isle of Wight Lagoons Survey (R.Bamber, N.J. Evans & R.S. Robbins) December 2003, extract showing extent of open water.**

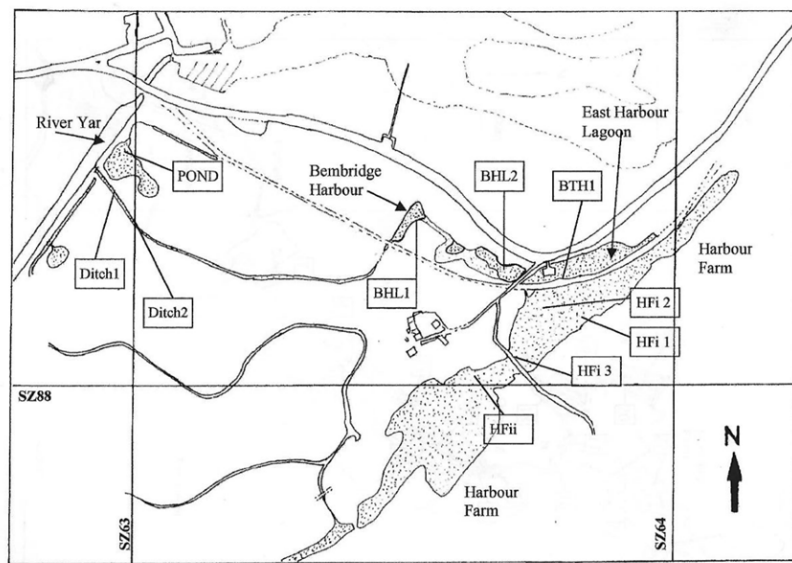
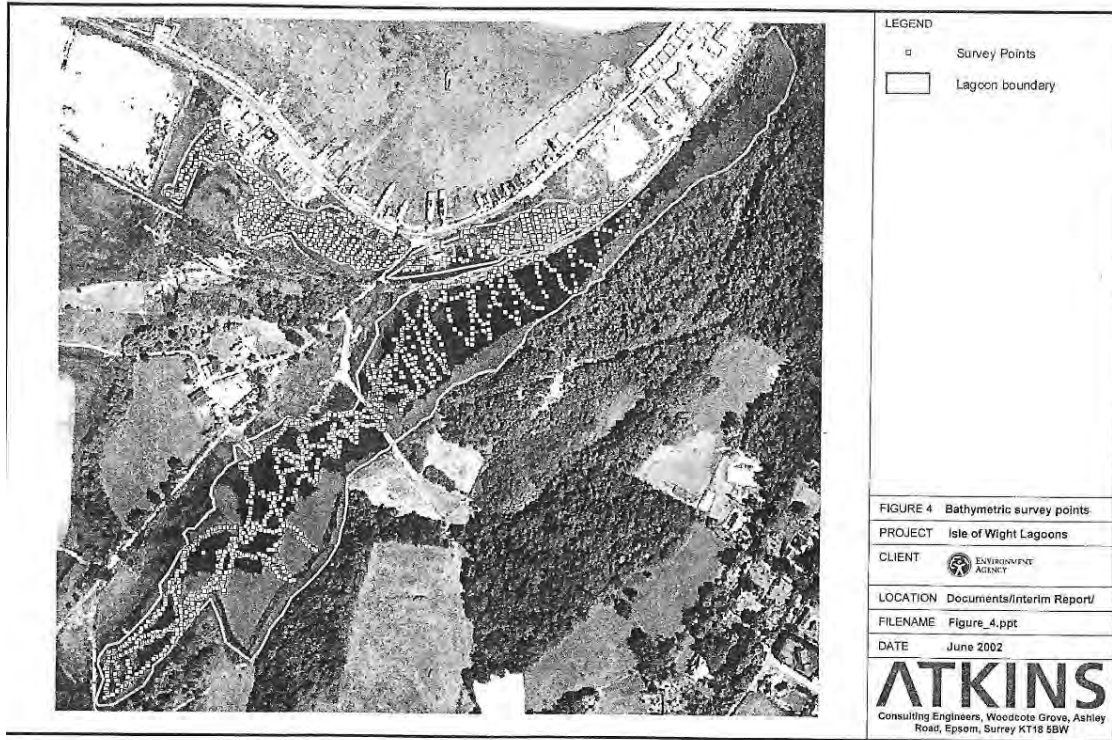


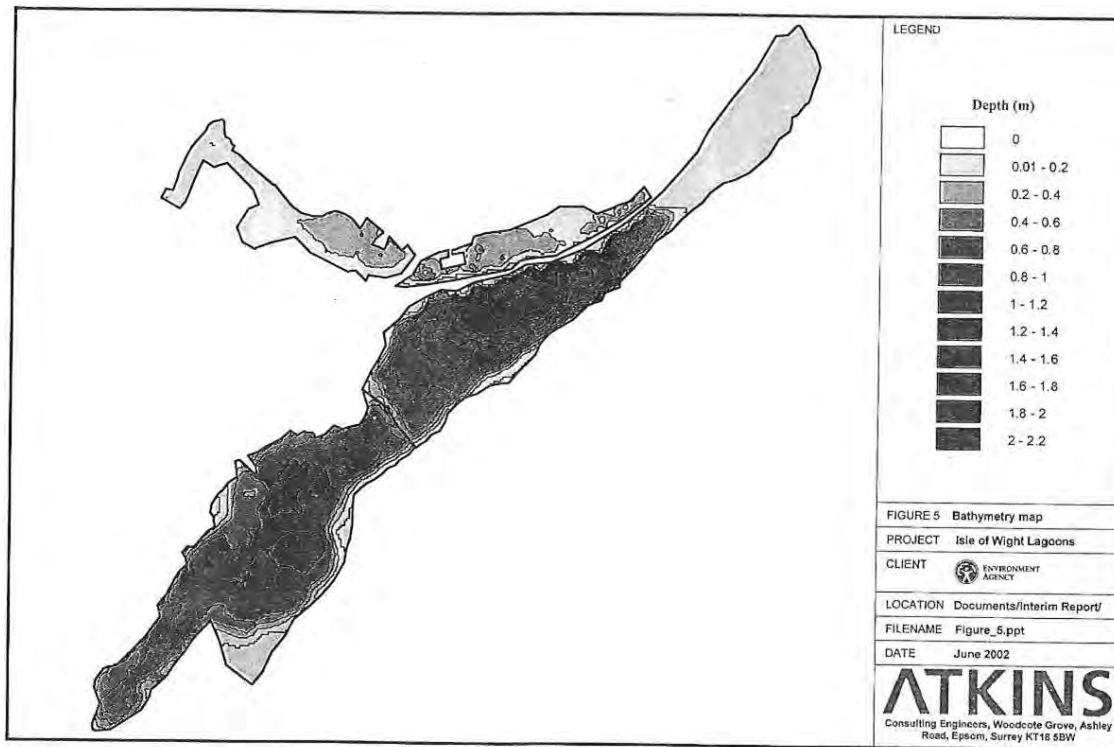
Figure 2. Bembridge Harbour Lagoons (after Bamber *et al.*, 1998), showing 2003 sampling stations. Stippled areas are bodies of water; paler stippling in Bembridge Harbour lagoon indicates dried areas.

**Fig. 4. - Aerial image showing GPS locations of Bathymetric survey points (Environment Agency - Hydrology of Bembridge Lagoons Report 2002).**



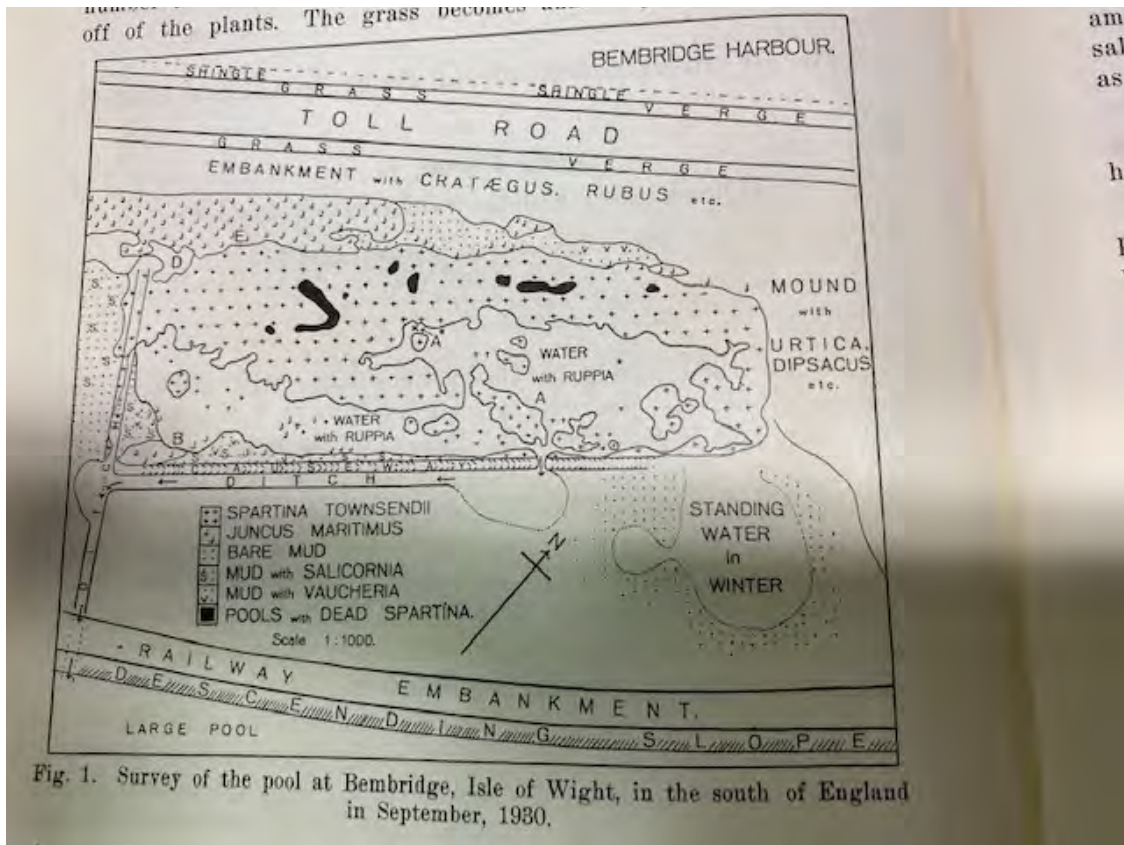


**Fig. 5. - Map showing lagoon depths (Environment Agency - Hydrology of Bembridge Lagoons Report 2002).**



On the 20<sup>th</sup> December 2020 I was forwarded an enquiry from Natural England relating to the location of a species of algae that had been recorded somewhere within the Harbour East lagoon area in September 1930. A sketch map of the location was provided (Fig. 1). I could not match the location within the extent of the lagoons that exist today, but I soon realised when aligning the features and the orientation with Ordnance Survey maps that it is the area further to the north-east of the RSPB reserve, which has since been infilled by considerable depth and possibly built on. The sketch map does show that the area was open water and marsh at that point in time, with Hawthorn along the road embankment.

**Fig. 1. - Lagoon survey sketch map.**



That's about all the information we have about the area where claimed route D-E is located at this time, but we will keep a look out in our files and forward any further information I find.

Kind regards,

Site Manager

**Brading Marshes Nature Reserve** The Barn, Carpenters Farm,  
 Carpenters Road, St Helens, Isle of Wight. PO33 1YL

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The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

From: @rspb.org.uk

Subject: RE: Claimed public right of way - Bembridge

Date: 24 August 2021 at 16:37:44 BST

Dear

Since my previous correspondence on 28<sup>th</sup> July 2021 where I mentioned I would keep looking in our files I have found an O.S map within our deeds that shows the extent of water within East Harbour Lagoon that extended north-east of our boundary that is shown on the map in red (Fig. A). The production date of the O.S map is not shown but the west end of the same map (Fig.B) features the current sluices and road bridge which were installed in 1992. This potentially time dates the map data between 1992 and when the deed was signed in 2004. The map also shows the extent of the embanked landfill and remaining railway bed during that period.

Fig. A – East End of RSPB Deed Map.

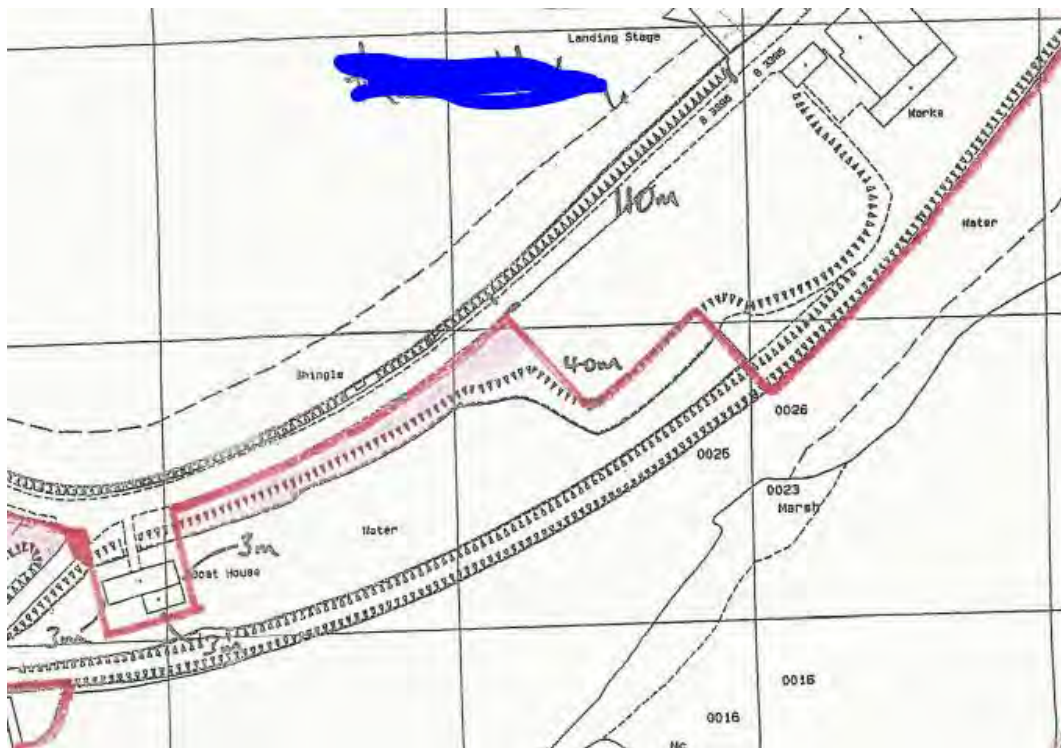


Fig. B – West End of Deed Map, Showing St Helens Road Bridge & Bembridge Sluices constructed in 1992.



I hope this is of use. Kind regards,

Site Manager

**Brading Marshes Nature Reserve** The Barn, Carpenters Farm,  
Carpenters Road, St Helens, Isle of Wight. PO33 1YL

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## The Present Scene

At Brading Station, the bay for Bembridge is still much in evidence although the trackbed is now very overgrown.

The signal box, which was built for the opening of the Bembridge branch is also still there and remains in use although with the branch tracks long since removed, it now looks rather detached from the rest of the station.

On leaving Brading Station, the overgrown trackbed is easily seen as it curves away to the right from the line to Ryde and it soon becomes a public footpath on reaching the site of the Cement Mills Crossing at the former Brading Quay.

At this point it is very hard to imagine that there ever was a crossing or signal box or even a cement mill and even harder to imagine that this was once a quay although there is still a nearby hollow known as "Boat Bottom" where ships used to tie up.

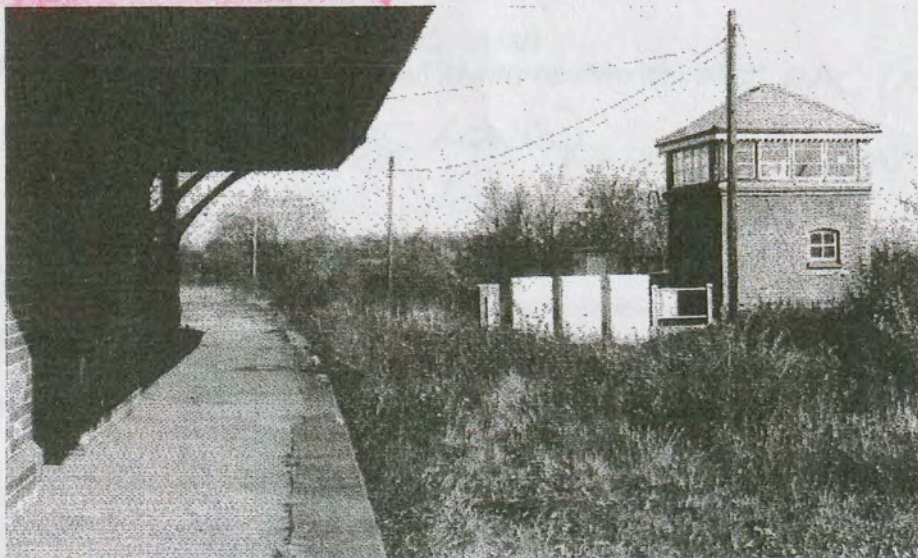
From here the route is easily found and as the trackbed has now become a public footpath, it makes a most enjoyable walk across the reclaimed marsh towards St. Helens.

The former station at St. Helens is now converted into a fine private residence partially hidden by trees, while some modern looking houses have now been built over the former sidings on St. Helens Quay.

The gas holder which stood next to the level crossing which lead to the quay, and was a land mark as far as the branch was concerned, was dismantled during October 1983.

On leaving St. Helens, the abutments which carried the line to Bembridge over the River Yar can still be seen next to the road bridge. The road at this point was, of course, the former toll road which remained a toll road even after the railway closed until the County Council took it over.

From just past the road bridge the trackbed has once more become a footpath and can be walked to where the former station was at Bembridge.



The overgrown Bembridge bay at Brading Station on October 28th, 1987.

Author

EXTRACT FROM "THE BEMBRIDGE BRANCH LINE"  
WRITTEN BY PETER A. HARDING  
PUBLISHED IN 1988



**Site Details:**

464053, 088377

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**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** County Series

**Map date:** 1862

**Scale:** 1:2,500

**Printed at:** 1:2,500



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 Revised 1862  
 Edition N/A  
 Copyright N/A  
 Levelled N/A

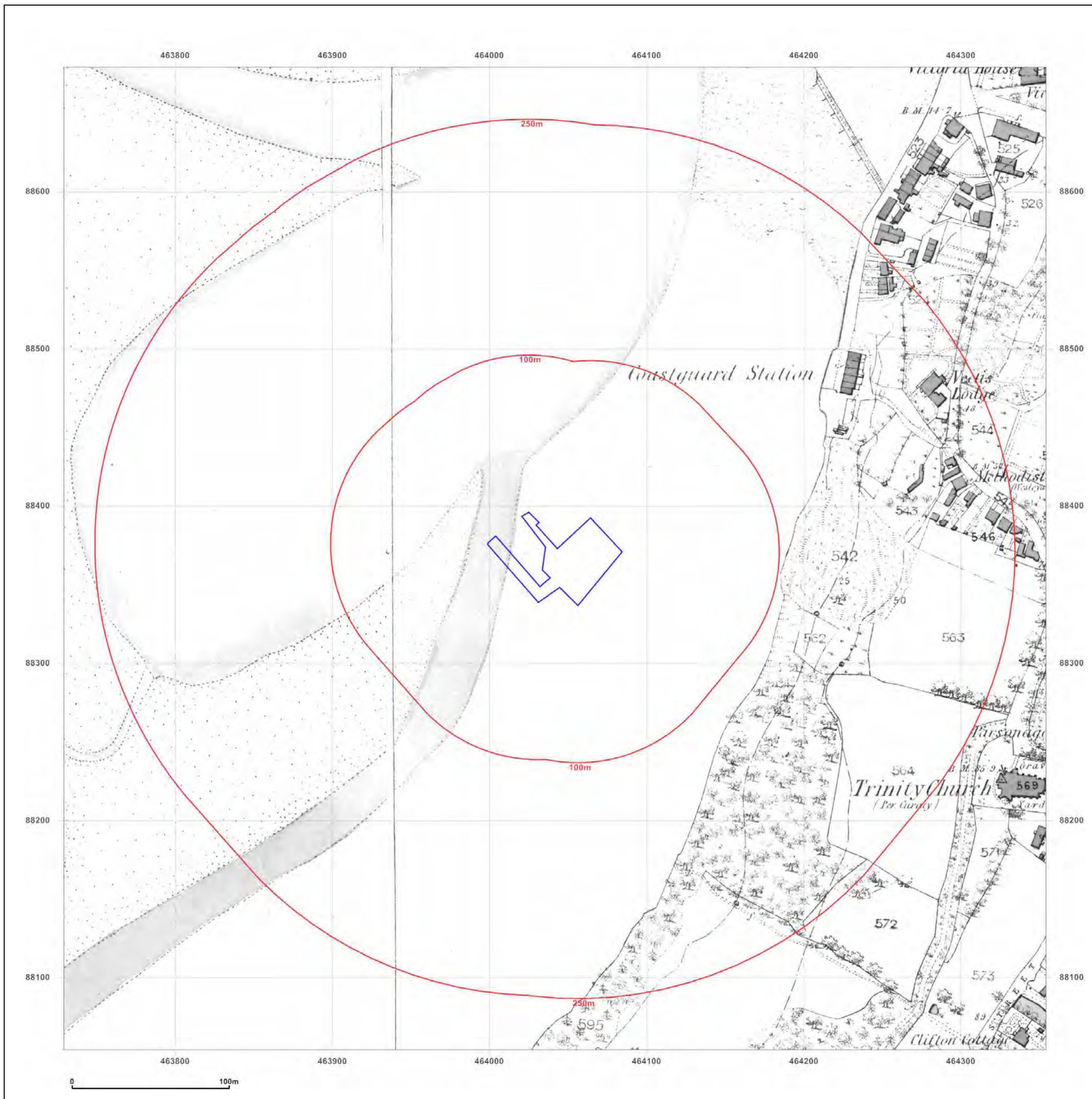


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**Map date:** 1897-1898

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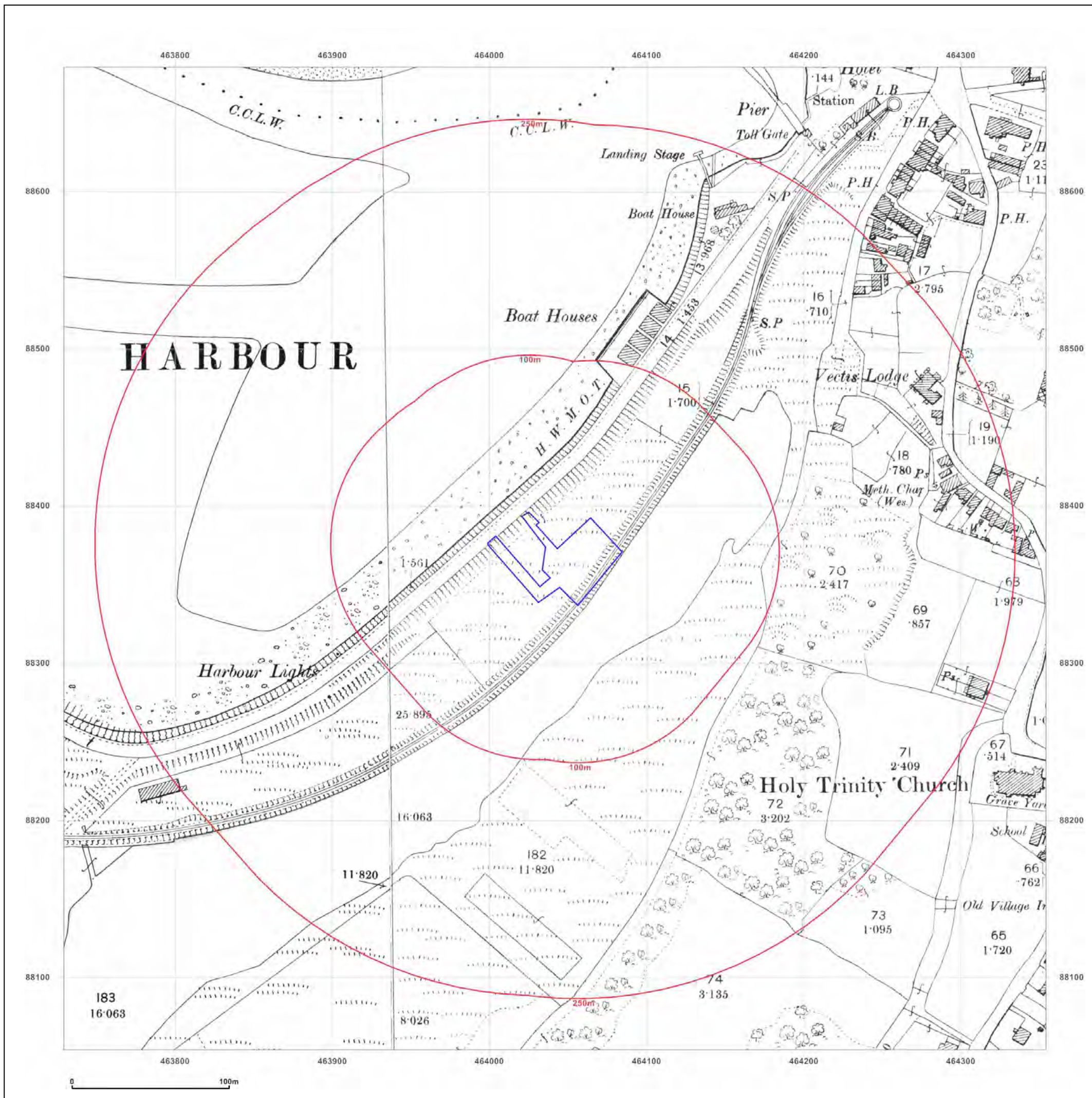


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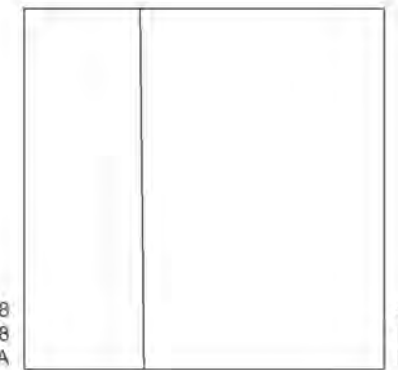
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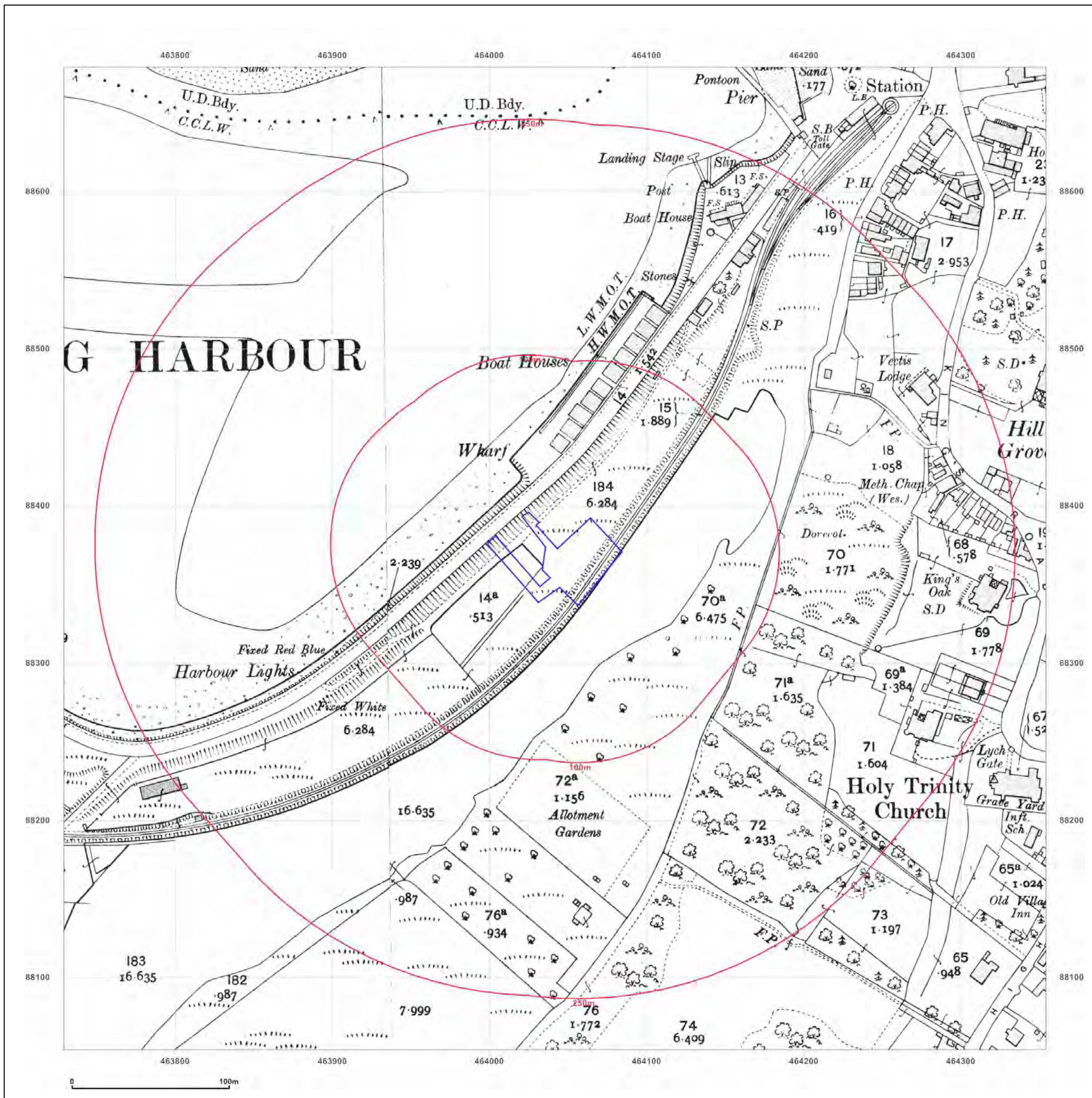


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**Map date:** 1939

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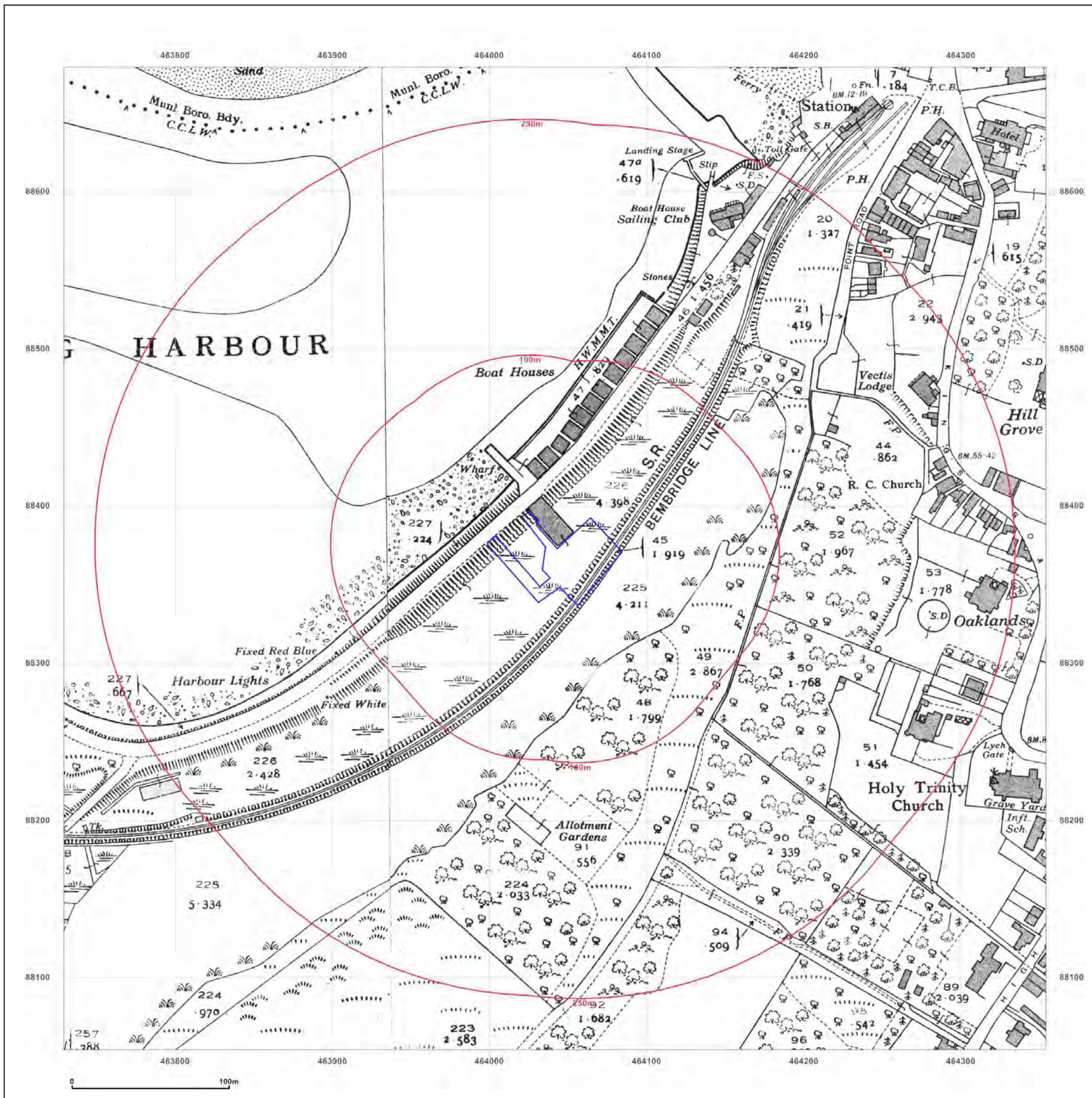


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**Map Name:** National Grid

**Map date:** 1960

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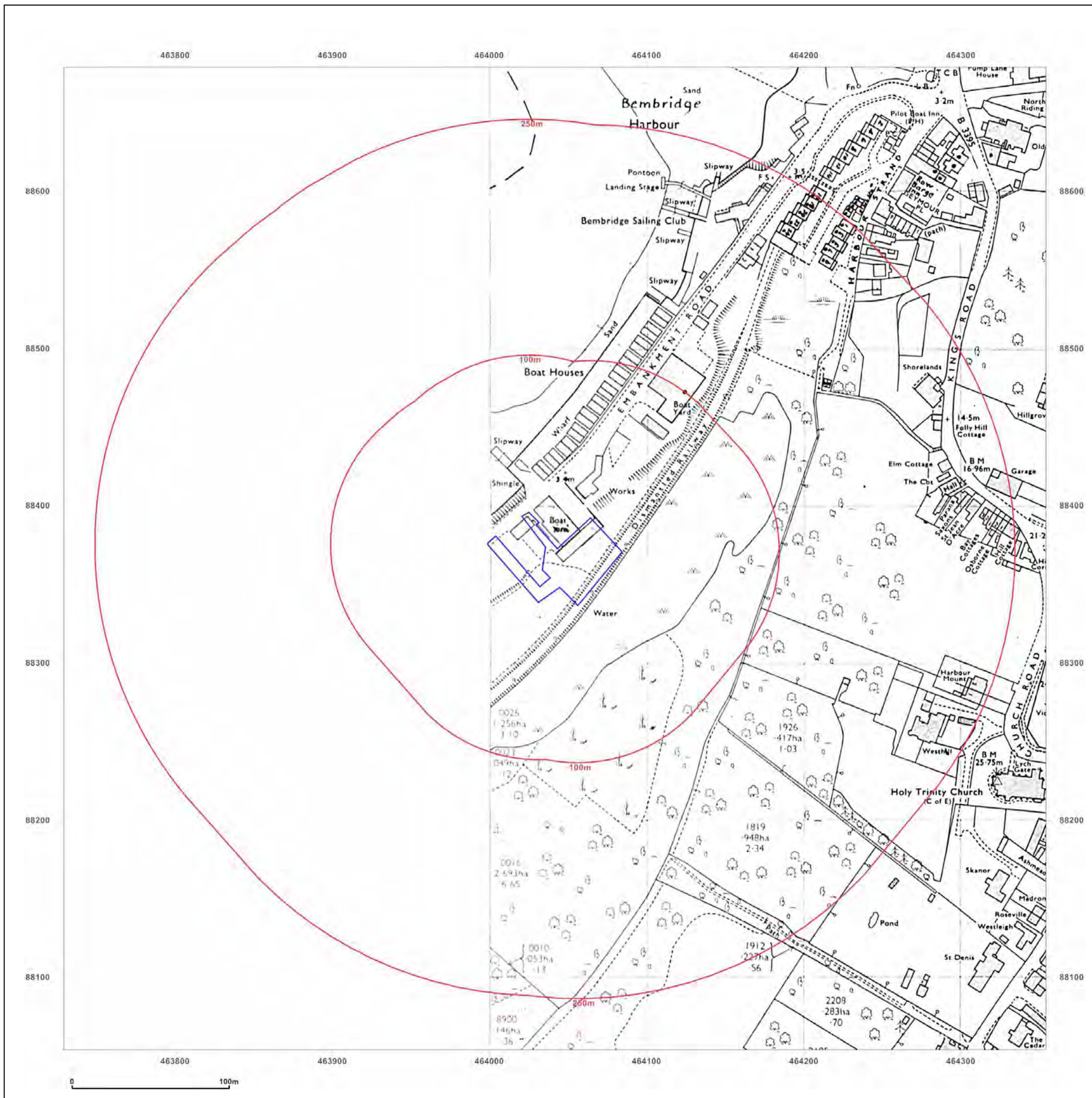


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**Map Name:** National Grid

**Map date:** 1970

**Scale:** 1:2,500

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 Levelled 1960

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 Copyright 1971  
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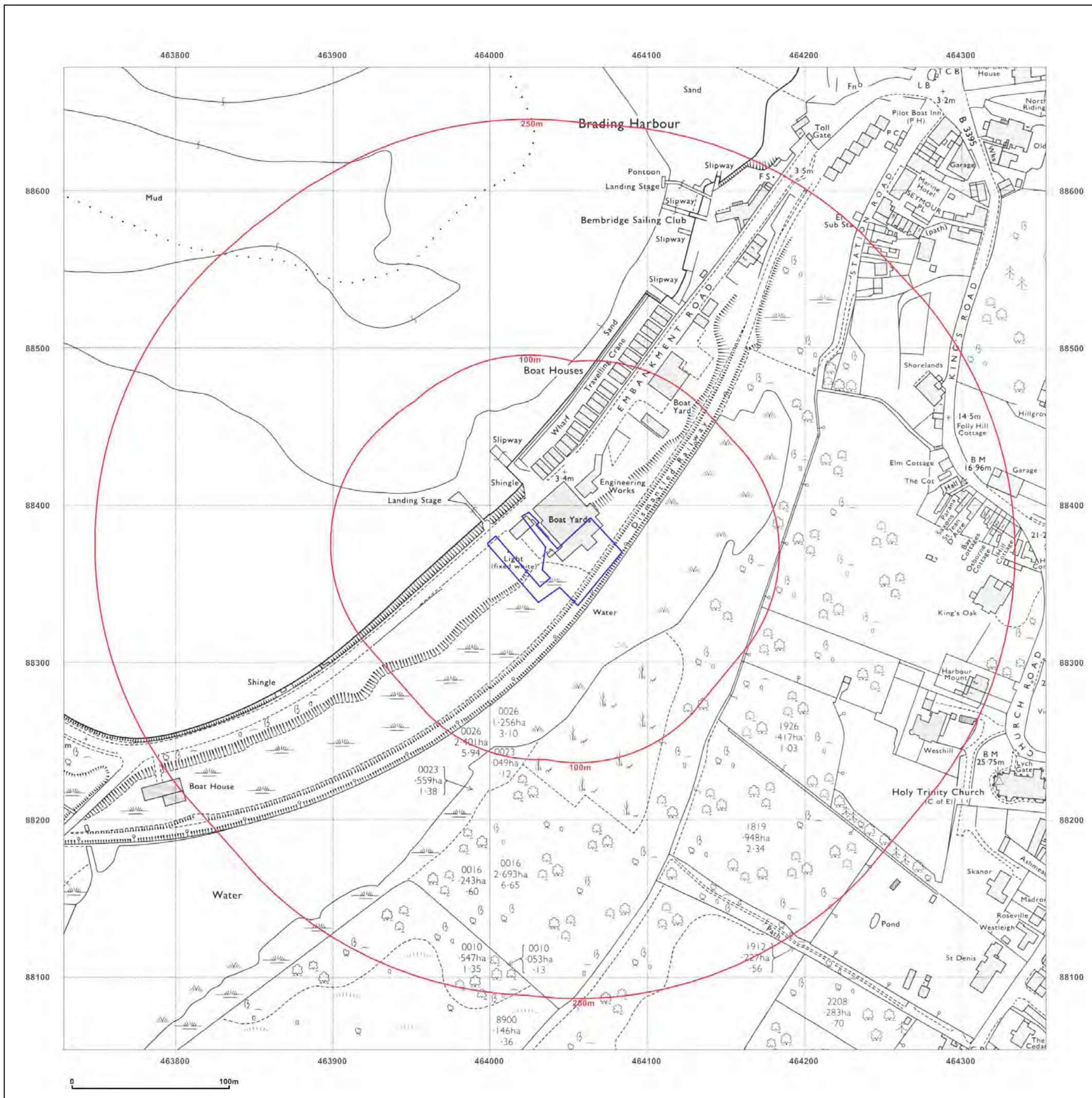


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**Map Name:** National Grid

**Map date:** 1979

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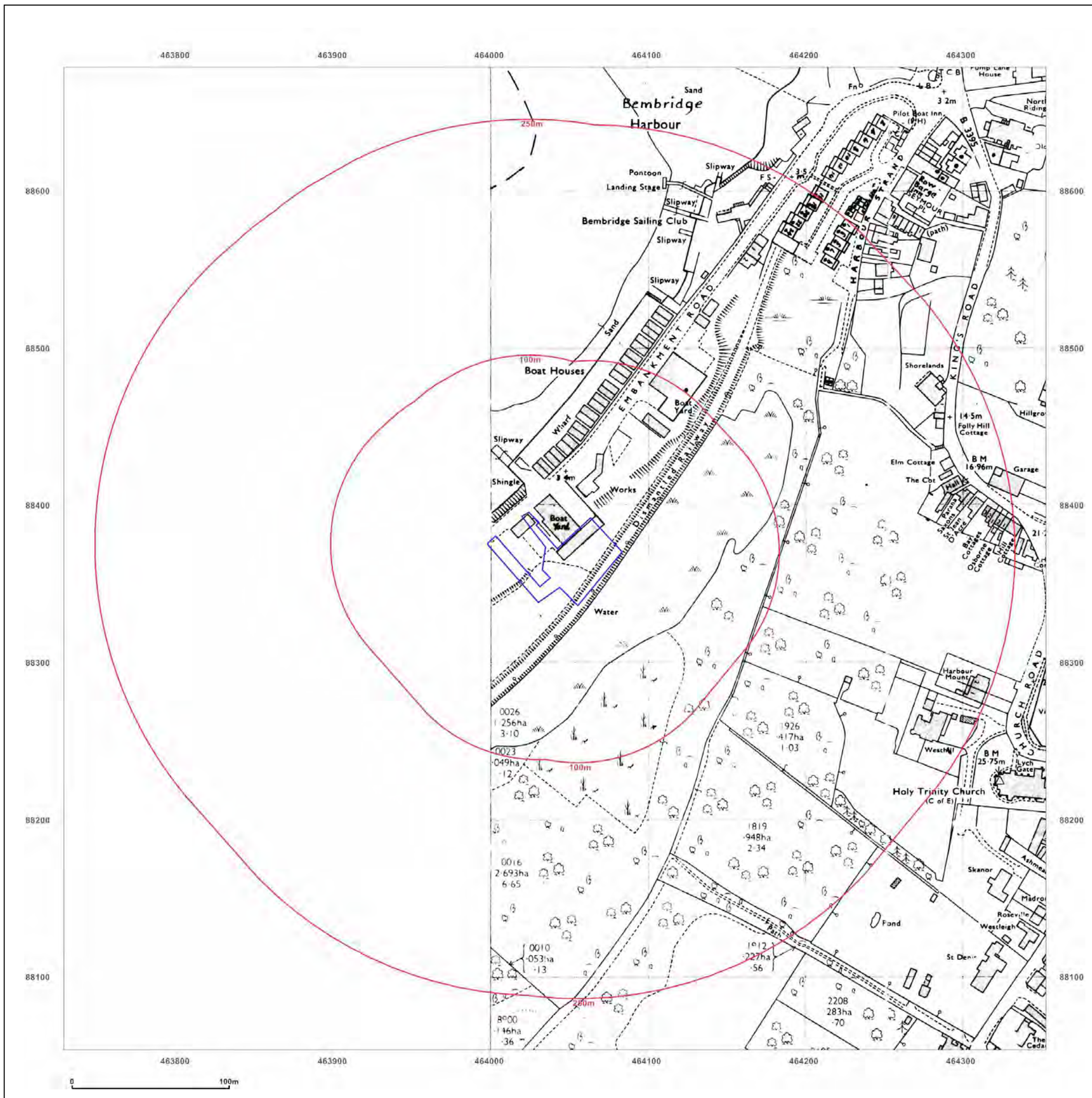


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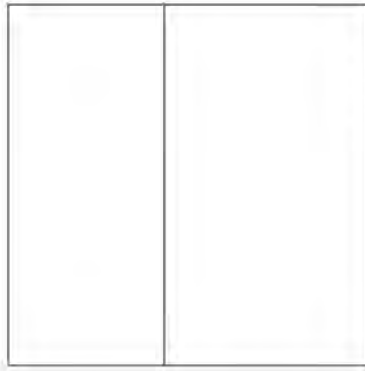
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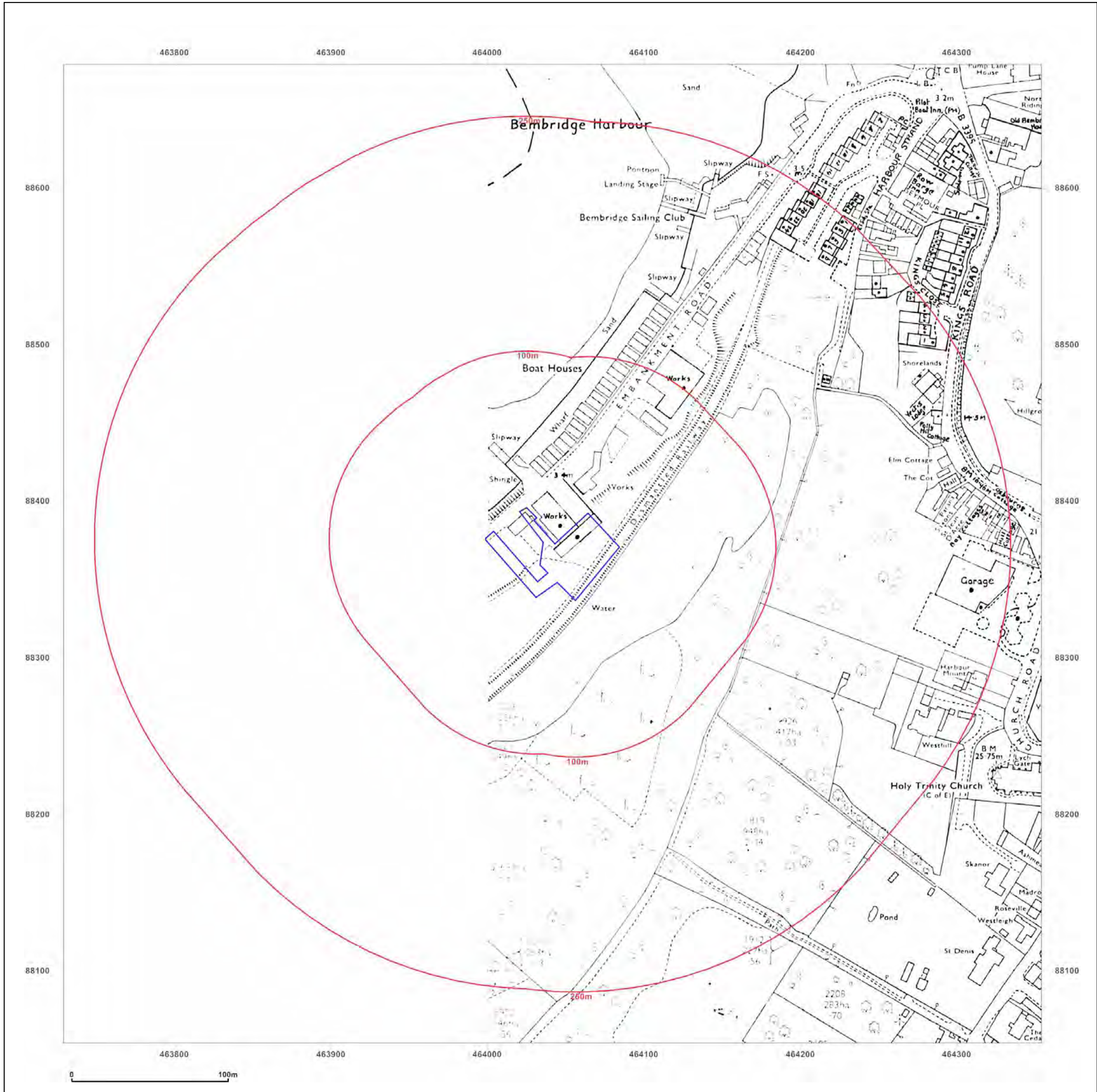


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 Revised 1985  
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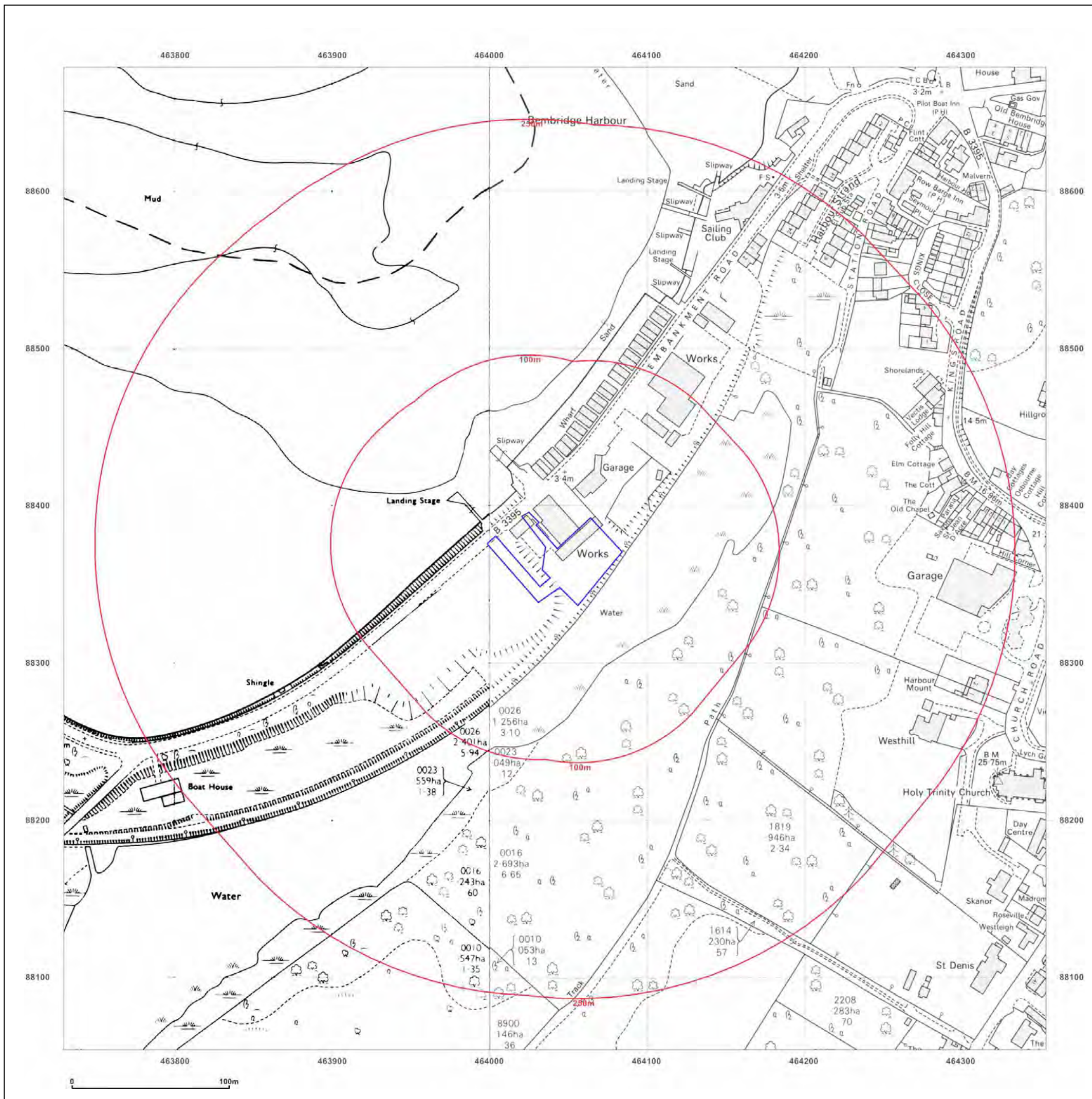


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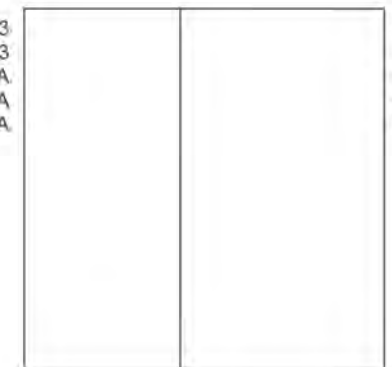
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**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** County Series

**Map date:** 1861

**Scale:** 1:10,560

**Printed at:** 1:10,560



Surveyed 1861  
 Revised 1881  
 Edition N/A  
 Copyright N/A  
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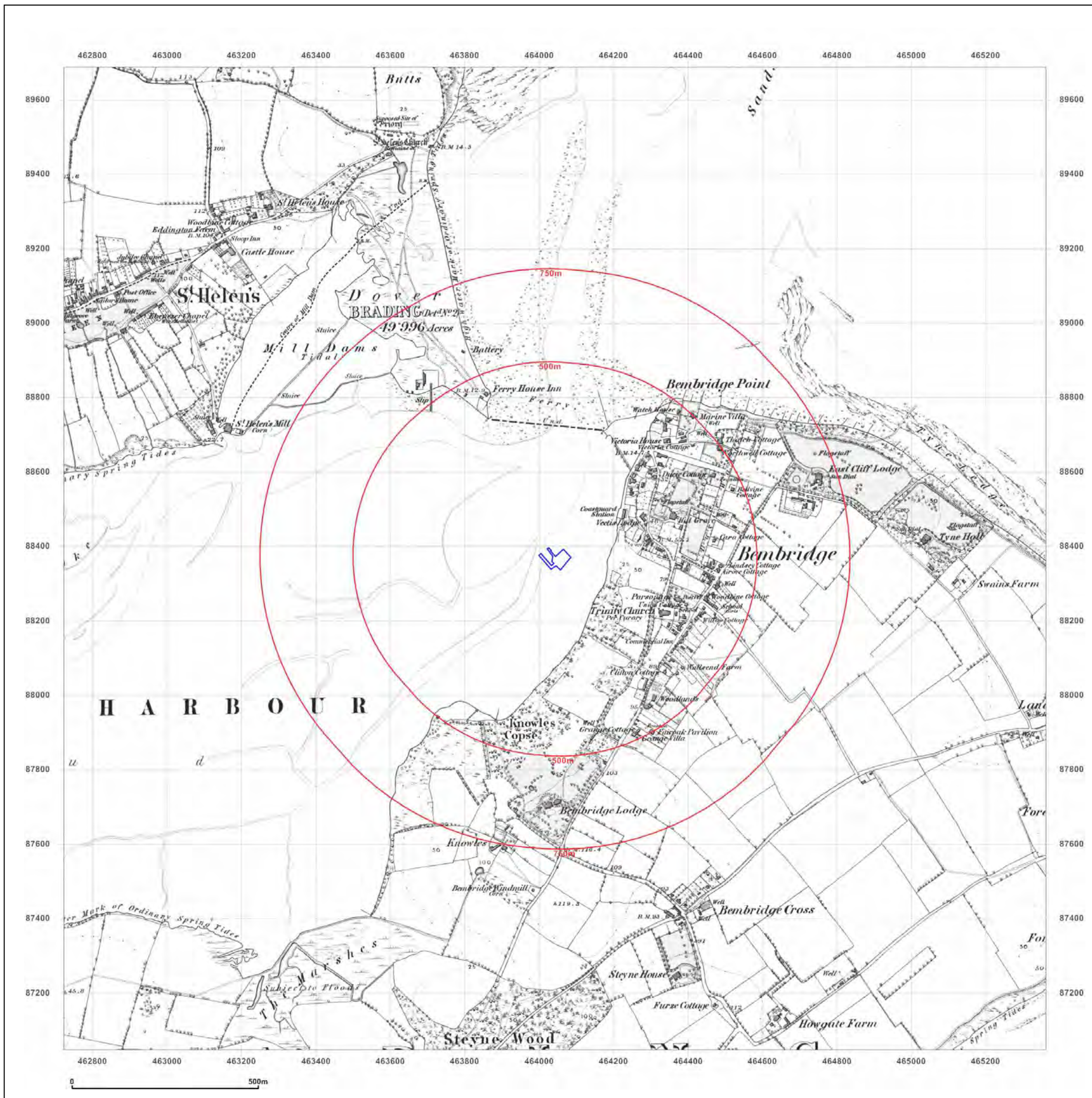


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** County Series

**Map date:** 1896-1898

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 Edition N/A  
 Copyright N/A  
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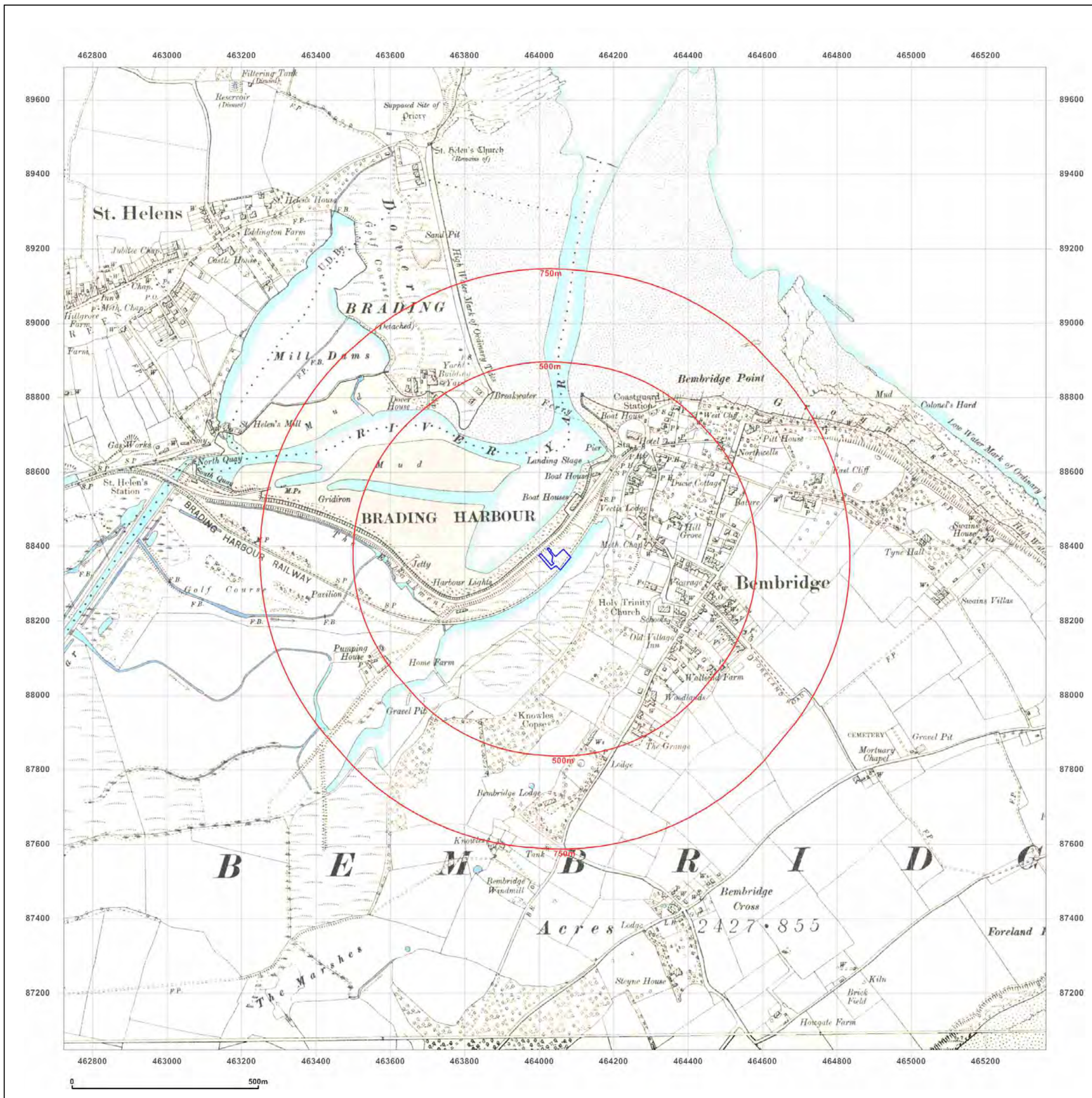


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**Site Details:**

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**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** County Series

**Map date:** 1907-1909

**Scale:** 1:10,560

**Printed at:** 1:10,560



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 Edition N/A  
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 Levelled N/A

Surveyed 1861  
 Revised 1909  
 Edition N/A  
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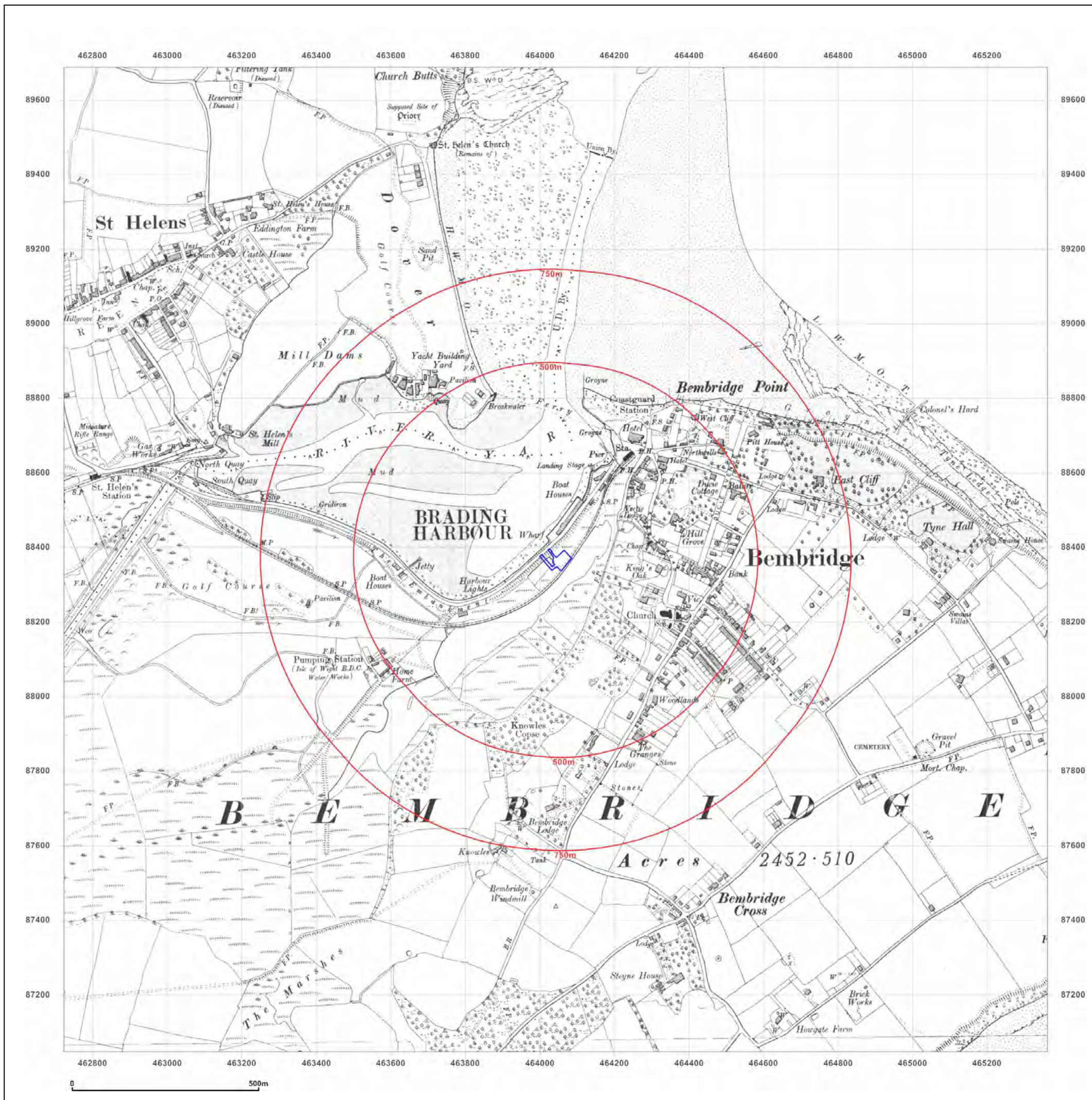


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** County Series

**Map date:** 1942

**Scale:** 1:10,560

**Printed at:** 1:10,560



Surveyed 1861  
 Revised 1942  
 Edition N/A  
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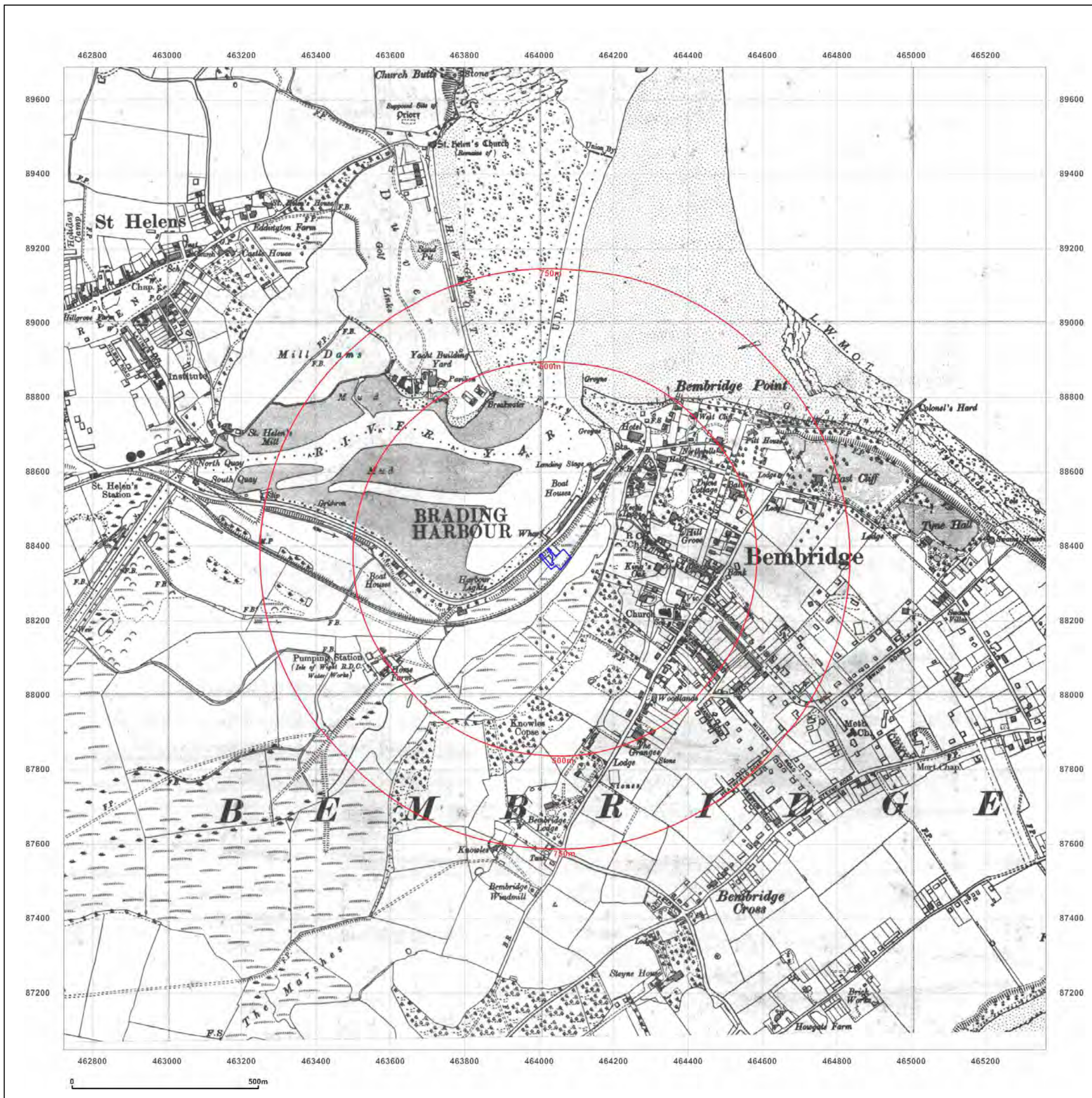


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** Provisional

**Map date:** 1957-1960

**Scale:** 1:10,560

**Printed at:** 1:10,560



Surveyed 1957  
 Revised 1957  
 Edition N/A  
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Surveyed 1957  
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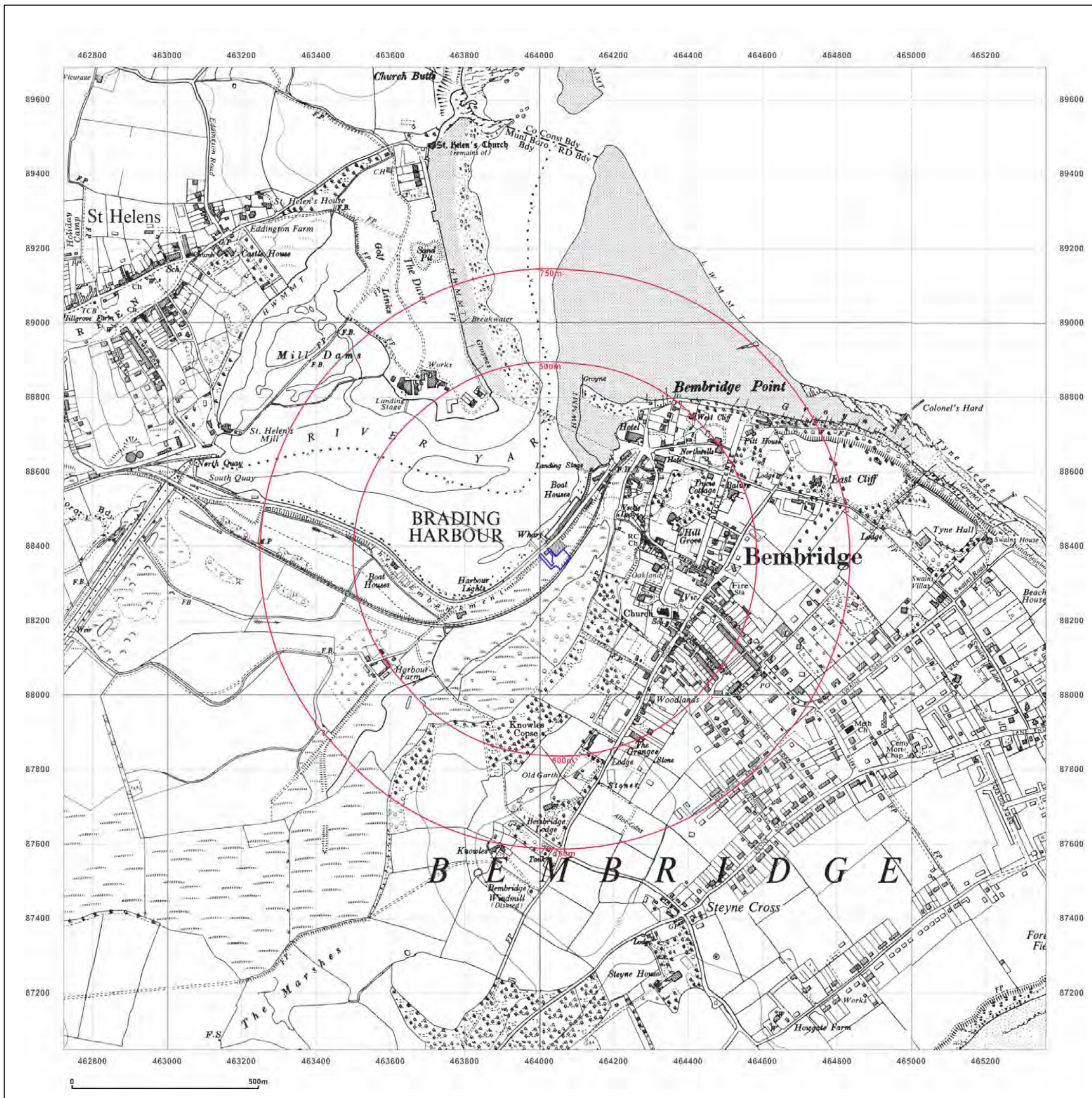


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** Provisional

**Map date:** 1966

**Scale:** 1:10,560

**Printed at:** 1:10,560



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 Revised 1957  
 Edition N/A  
 Copyright N/A  
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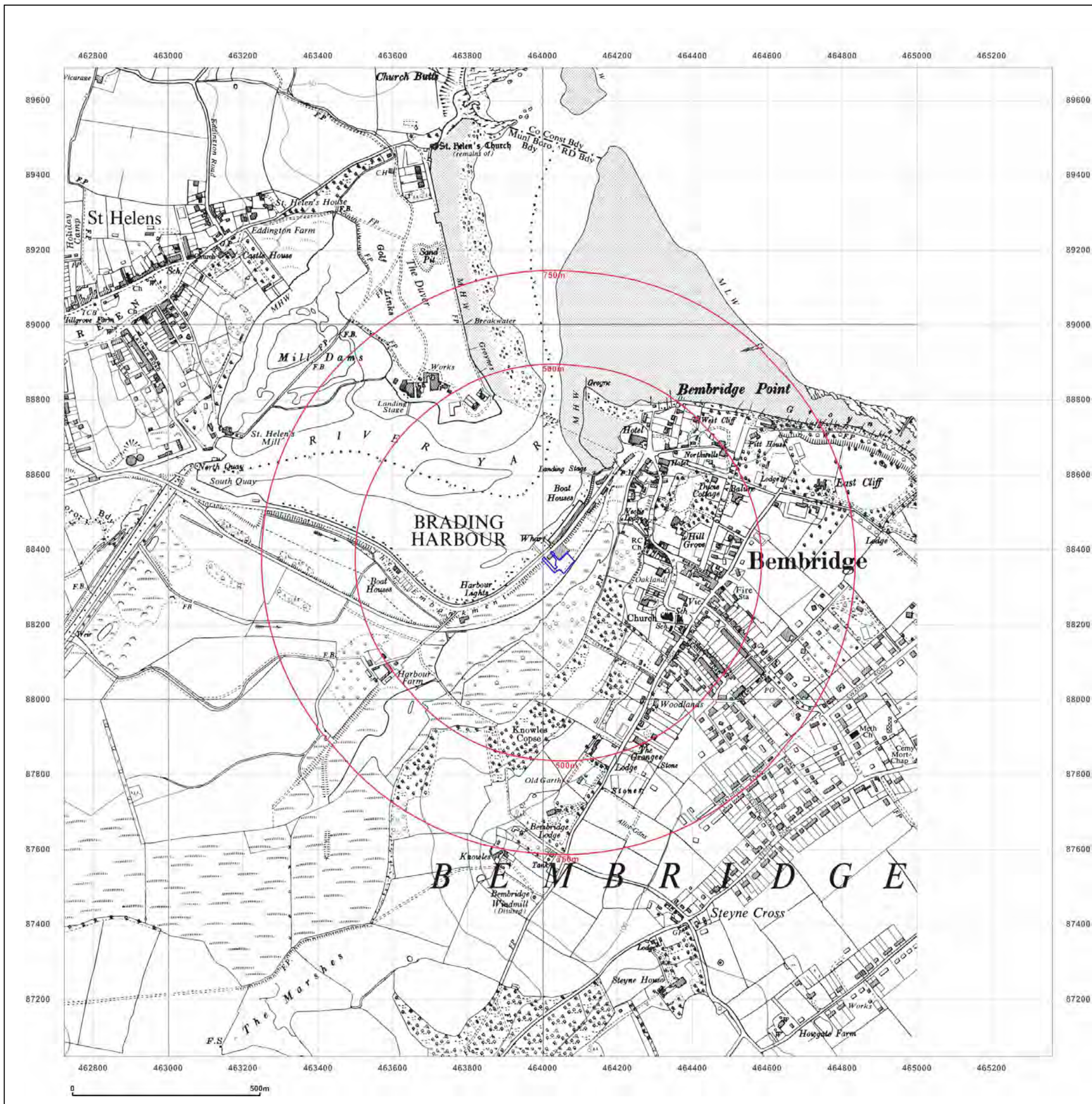


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**Site Details:**

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**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** National Grid

**Map date:** 1973-1975

**Scale:** 1:10,000

**Printed at:** 1:10,000



Surveyed 1972  
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 Edition N/A  
 Copyright 1975  
 Levelled 1974

Surveyed 1972  
 Revised 1972  
 Edition N/A  
 Copyright 1973  
 Levelled 1972

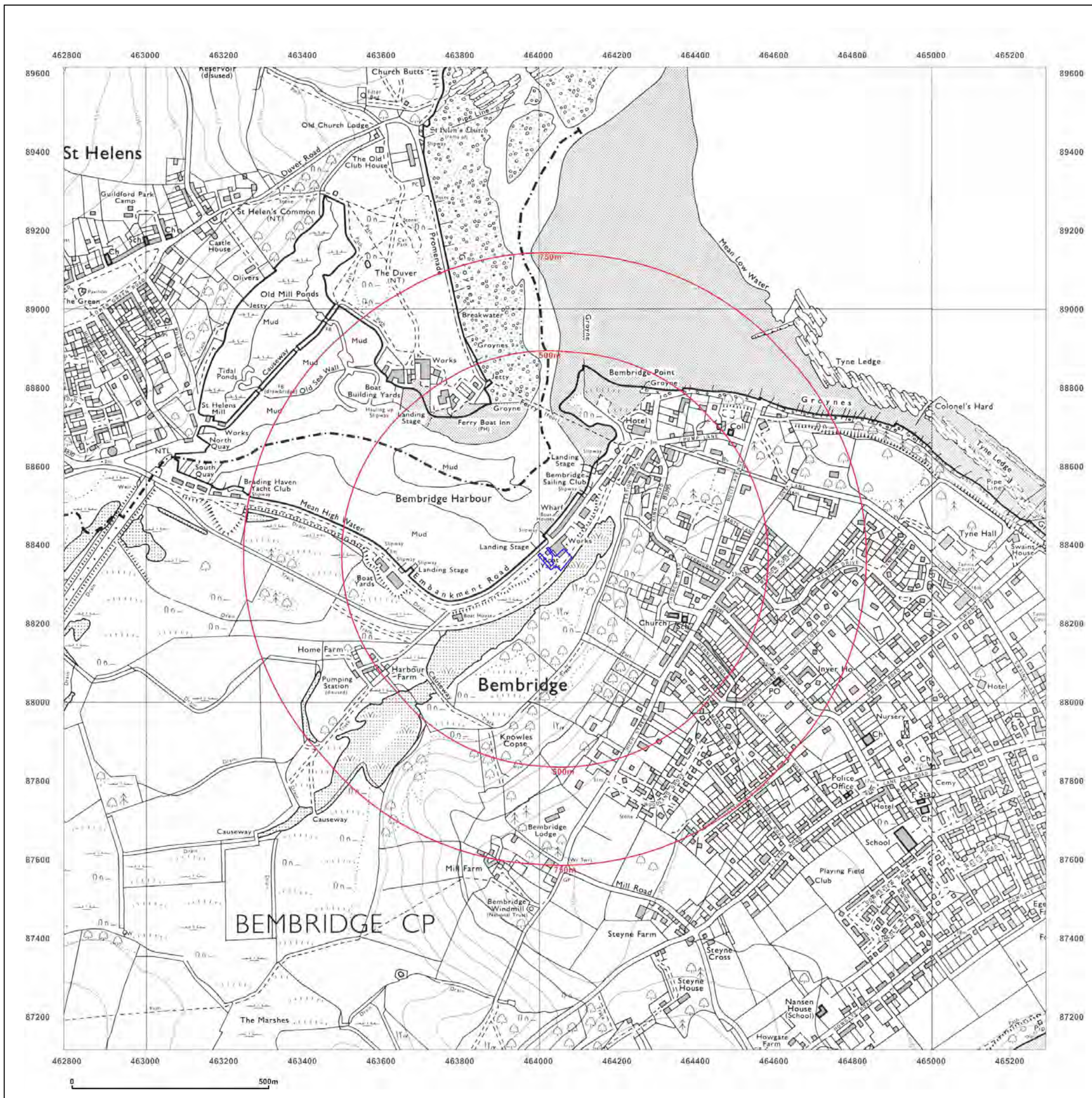


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** 1:10,000 Raster

**Map date:** 2002

**Scale:** 1:10,000

**Printed at:** 1:10,000



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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** National Grid

**Map date:** 2010

**Scale:** 1:10,000

**Printed at:** 1:10,000

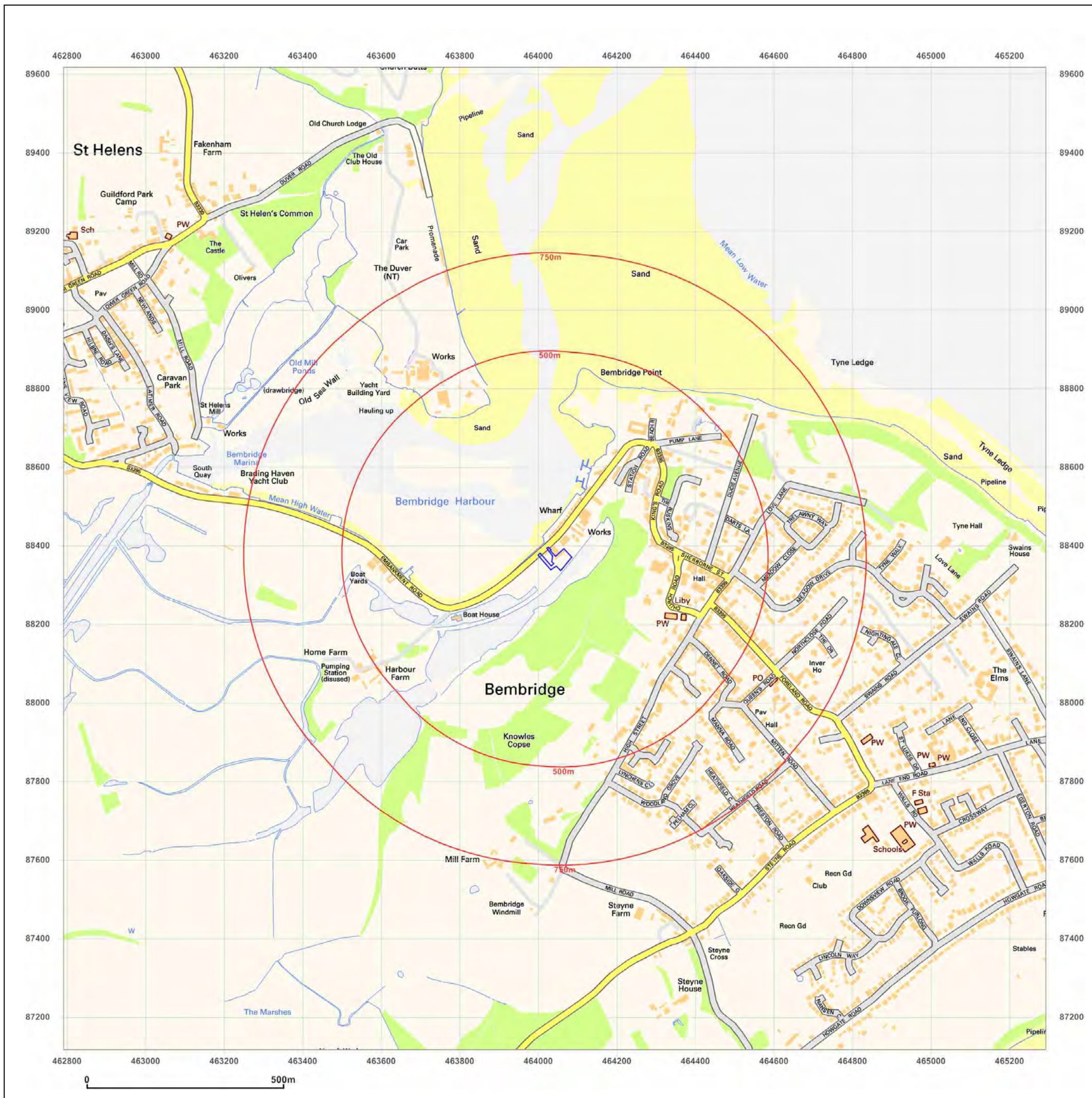


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**Site Details:**

464053, 088377

**Client Ref:** NN939  
**Report Ref:** GS-4639952  
**Grid Ref:** 464041, 88366

**Map Name:** National Grid

**Map date:** 2014

**Scale:** 1:10,000

**Printed at:** 1:10,000

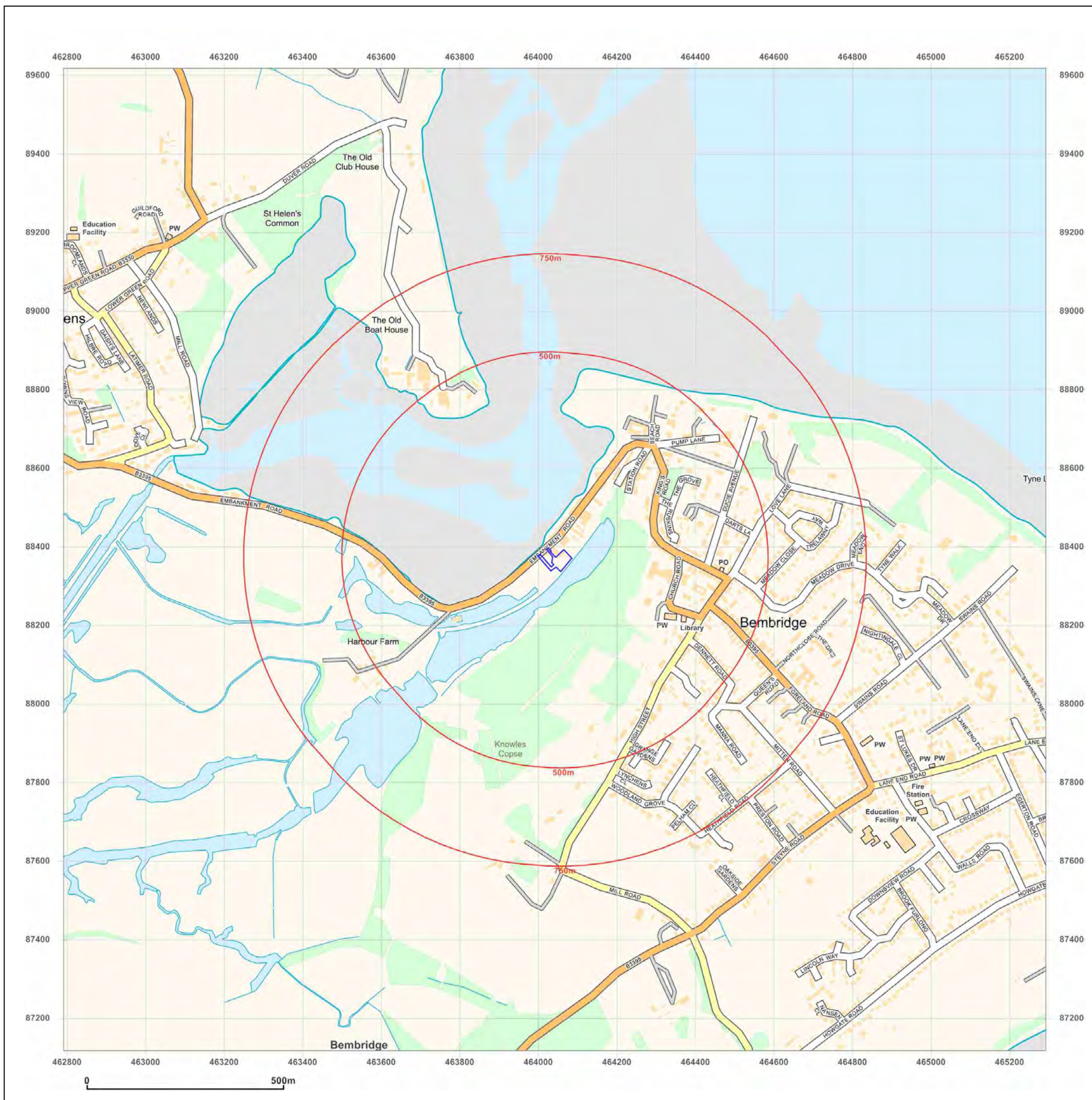


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**From:** Keith Ballard [REDACTED]   
**Subject:** RE: Claimed public right of way, Bembridge - Draft Report for Comment  
**Date:** 4 April 2022 at 10:27  
**To:** Sarah Manchester [REDACTED]  
**Cc:** Clifford Percival [REDACTED]

KB

Dear Sarah.

I have some additional evidence that relates to section of path B to C & B to D.

The lagoon works that are referred to in paragraph 38 were carried out in 2 stages in 2005. Stage 1 was the works where the excavator was parked on path A to B and photographed, it involved installation of an penstock sluice and pipe, requiring considerable excavation works. I can assure you that the site was closed as standard Health and Safety procedure. The second stage involved installation of another pipe with headwalls, which involved digging a 2.5 metre deep continuous trench across path B to C and path B to D, again securely fenced because of the risks with machinery and deep trenches. I had to make alternative access arrangements for the residents of Harbour Farm to access their property via path A to B, which involved removal of one of 2 gates, where the remaining one can still be seen in the hedge. On the ground there is currently post and rail fence at each end of the pipe that was installed and below are some pictures of the location and finished work.

The above works affect the period of use identified in paragraph 52 and mentioned in paragraph 81 of the draft report where section B-C and B-D should have the same statutory period.

### Location of Pipe involving deep trench excavation



### Pictures of completed works









Kind regards, Keith.

**Keith Ballard**  
Site Manager

**Brading Marshes Nature Reserve** The Barn, Carpenters Farm, Carpenters Road, St Helens, Isle of Wight.  
PO33 1YL

Tel [REDACTED]

Mobile [REDACTED]

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---

**From:** Sarah Manchester [REDACTED]  
**Sent:** 23 March 2022 18:41  
**To:** Clifford Percival [REDACTED]; Malcolm Thorpe  
[REDACTED]  
**Cc:** Keith Ballard [REDACTED]  
**Subject:** Claimed public right of way, Bembridge - Draft Report for Comment

Dear Cliff / Malcolm

Please find attached a copy of the Draft Committee Report about the claimed public right of way along the disused railway line at Bembridge. Please note that the lists in the top (Checklist) and bottom (Appendices) sections of the Report have not yet been completed.

This report is being circulated to the landowners, and the applicants, prior to submission to the Committee for a decision. If you would like to comment on the Report, then your comments will be appended - see paragraph 98 of the Report

appendices - see paragraph 20 of the report.

Please would send your comments to me by **Thursday 7th April 2022**.

I haven't attached the Appendices to this email, due to size considerations. However, if you would like a copy of any of the appendices, please let me know.

Please get back to me if you have any questions.

Kind regards,

Sarah

Sarah Manchester





**From:** Keith Ballard [REDACTED]  
**Subject:** RE: Claimed public right of way, Bembridge - Draft Report - RSPB Response  
**Date:** 11 May 2022 at 10:10:45 BST  
**To:** Sarah Manchester [REDACTED], "Clarke, Darrel"  
[REDACTED]

Dear Sarah & Darrel.

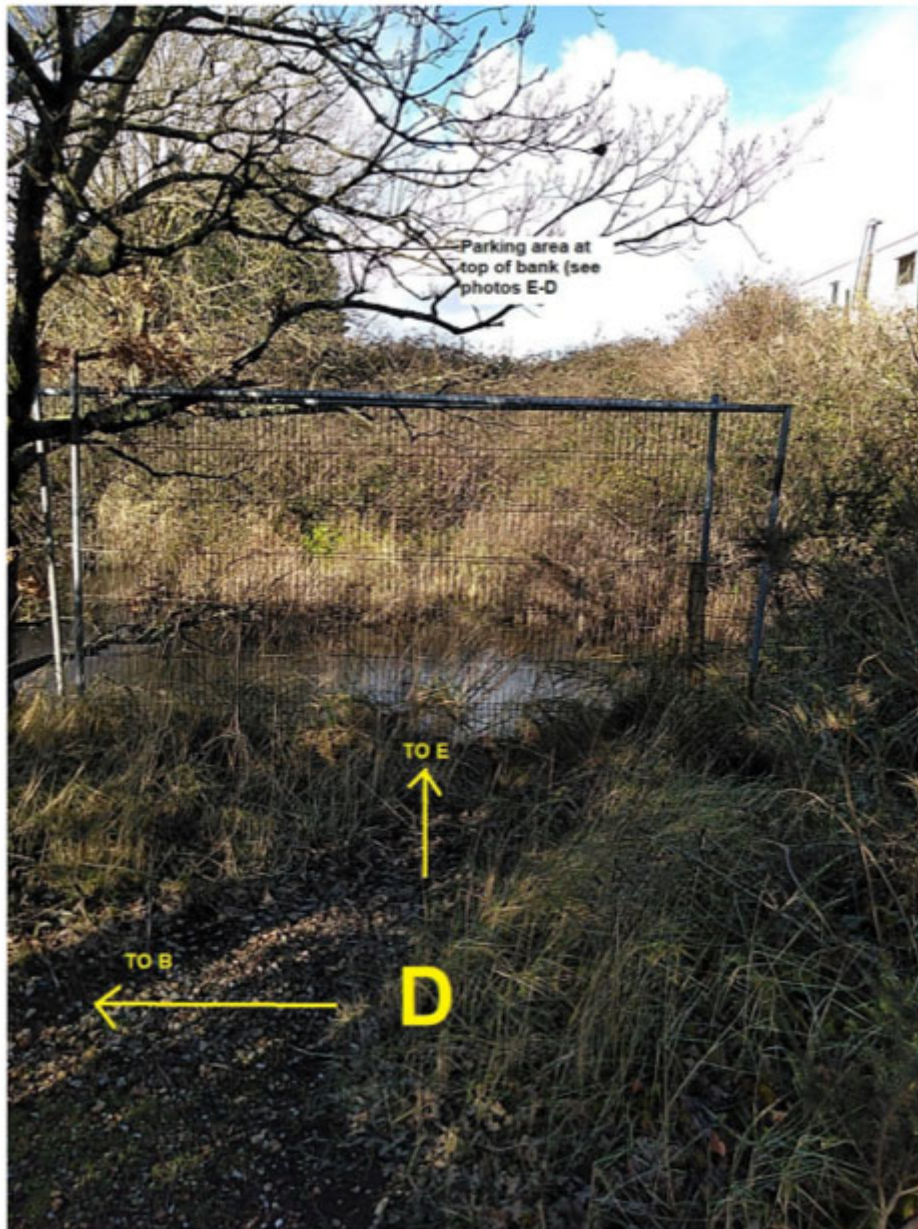
Herewith is a list of inaccuracies within the draft committee report sent to us for comment, with some critique over the evidence gathered. We will send a statement of truth when we have further legal advice .

**It is the RSPB's opinion that the evidence for D-E and bridleway use of B-D is not credible. The evidence of Bridleway usage for B-D and claimed existence of D-E appears weak.**

**Inaccuracies within the draft report**

**Location, Site Characteristics and General History**

- Para. 19. The report states -"Section DE: The claimed path passes through an area of scrubby vegetation". Appendix 2, Item 2, Photograph 9 shows that there is open water too, which is the designated SAC lagoon. The fence is there as required to protect the species with statutory protection within the Habitats Directive (Special Protection Area and Special Area of Conservation) and the Wildlife and Countryside Act (Site of Special Scientific Interest).



Photograph 9: Point D (2)

### User Evidence

- **Para. 21 to 27**  
The below image is a sign put up in St Helens by the claimant to collect user evidence in 2016. The sign refers to the old railway track, section D-E is not part of the old railway track.



The user evidence forms provided by the claimant had a pre-marked route drawn on them, identifying the only section of the railway route between St Helens & Bembridge that can still be walked and owned by RSPB, with the Harbour Farm entrance track B to C and claimed route D-E included.

The route does not appear to have been verified on the ground with any of the users to check their recollection is as shown on the pre-drawn maps they were given.

It is our opinion that the user evidence projects the after 2015 use of the paths onto a period before 2015 and as far back as the 1950's. The telephone interview notes discuss the more recent period between 2005 and 2020 without much exploration of the claimed usage period prior to 2005 which the claim relies on. We know the events relating to the land since acquisition in 2004 and find that the user evidence beyond 2004 is inaccurate, which brings into question the reliability of the statements relating to usage prior to 2004.

The terrain of claimed route D-E would not have tolerated the amount of claimed passes by Horse, bicycle and motorbike by the few that have claimed to have ridden it.

One of the telephone interviewees, Mr Newell, stated - "The boatyard crossed by DE is owned by Mr Norris - there is a for sale board up". In fact, Mr Norris's boatyard is further North East than the mapped location of D-E on RSPB property.

Several of the claimed users that were interviewed claimed the RSPB would not have extracted timber via section A-B, the fact is we extracted all of the timber from the east side of the river via that route.



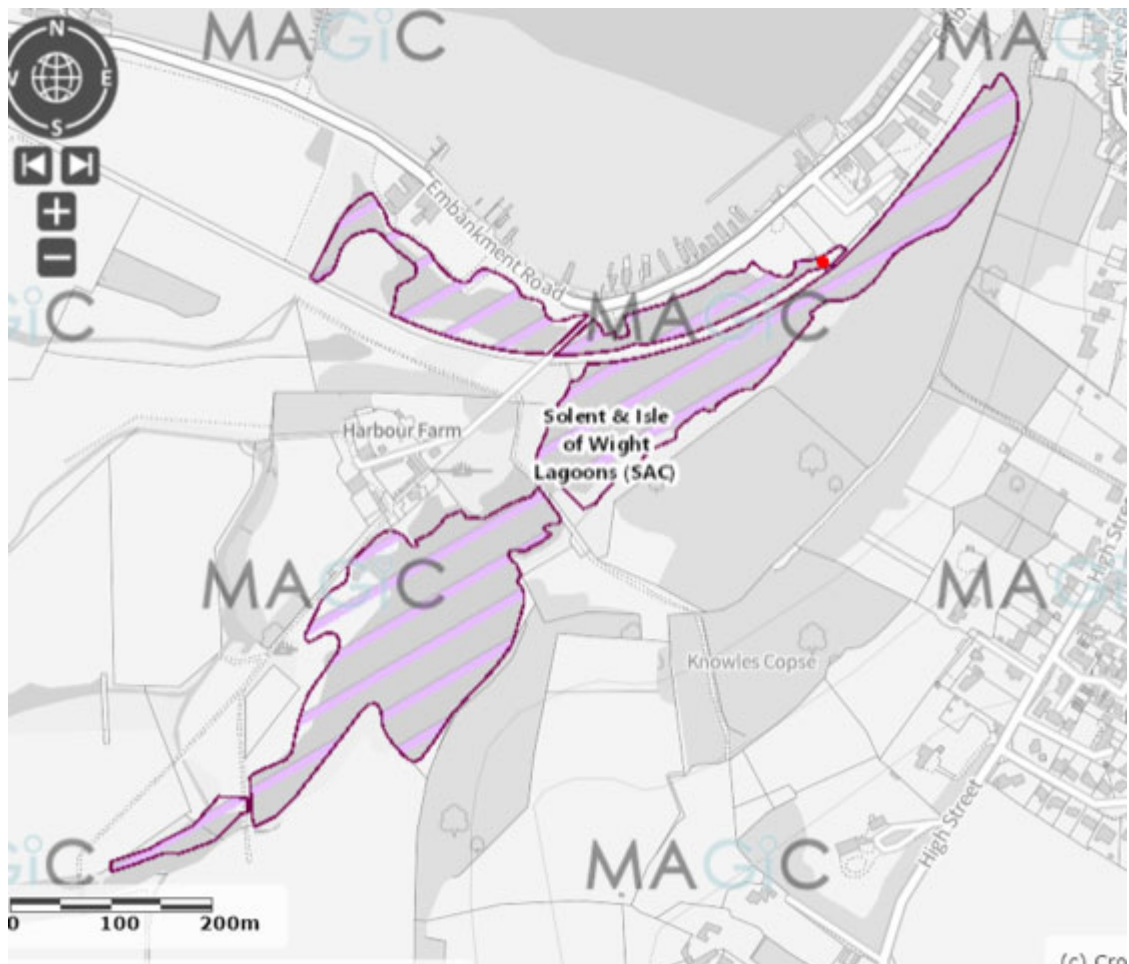
Several telephone interview notes state that the lagoon was not water before RSPB and that the RSPB made it wetter, which is incorrect. The Atkins study shows that the lagoon was water as far back as 2002 and the SAC notification for the lagoon area dates back to 1996. That lagoon level is perched above the rest of the marsh at +0.3m above ordnance datum and is isolated from all other water bodies.

### Landowner Evidence

- **Para. 31.** “The RSPB does not dispute that the claimed routes have been used by the public”. This is incorrect – The RSPB do dispute the period of use of D-E, D-E horse and cycle use, and horse use of B-D.

### Documentary Evidence

- **Para. 34 & 56.** Is incorrect about the extent of the lagoon it has been water prior to 2002 (Atkins report 2002 & SAC designation from 1996)



Extract from DEFRA Magic website showing the definitive area of the SAC lagoon – RSPB boundary and D-E marked with a red dot.

The lagoons were notified as a candidate Special Area of Conservation (cSAC) in 1996 before their adoption as a Natura 2000 Site. The designation is specific to the lagoons (water) and it can be seen that when identified the lagoon in the vicinity of claimed route D to E extended further east than the RSPB land boundary marked with a red dot.

The lagoons' designation relates to the Wildlife and Countryside Act schedule 5 and 8 protected species present within the water and mud, namely Starlet Sea Anemone, Bembridge Water Beetle and Foxtail Stonewort. The notification and designation of the lagoons does bring the legitimate use as a path on foot, horse or bicycle into question without committing a criminal offence of harming protected species and habitat from the point of notification as a cSAC in 1996 and SSSI in the 1970s, if indeed there is evidence of a route being used by the public in general at that point in time.

As previously stated, the RSPB is certain that the public at large were not using route section D to E through the SAC lagoon prior to 2015. The damage caused to the lagoons forced us to protect the area using fencing in 2019 to protect the lagoon habitat and species. A route cannot be used if it damages the SAC habitat or harms schedule 5 and 8 species which are protected under the Wildlife and Countryside Act.

- **Para 36 & 41.** Discussion about the land filling. It is reasonable to expect users of the old railway line to have witnessed the infill occurring and should recall how they negotiated it, particularly along claimed section D-E where significant infilling occurred.

### Evaluation of Evidence

- **Para. 38 & 52.** The report states - "Accordingly, the statutory periods for the purposes of deemed dedication are as follows: Section AB: 1985 - 2005 or 1989 - 2009 Sections BC, BD and DE: 1989 – 2009"

We dispute that the period for B-C and B-D can be 1989 to 2009 because the lagoon works in 2005 involved digging a 3 meter deep trench across B-C & B-D as well as security fencing to protect that work. This trench was dug to install a pipe and headwalls, there are short lengths of post and rail fence installed that identify each end of the pipe that now lies under B-C&B-D. The works on B-D&B-C followed the works where the digger is photographed on A-B and we had to create alternative access along A-B for the residents of Harbour Farm whilst works were carried out. To enable their ease of access we removed One of 2 rusty gates at point B, the other gate still exists in the hedge.

The statutory periods for B-C & B-D would therefore be the same as A-B. **Evidence submitted by K.B on 4/4/2022 for this.**

- **Para. 43.** Refers to a book where a later edition has those paragraphs removed, the book makes no reference to D-E.
- **Para. 52.** D-E usage was after 2015 and stopped up with fences in 2019, never used by public at large.
- **Para. 55.** It is possible that D-E could have been much further East
- **Para. 56.** See Para. 34 above
- **Para 57.** Considering the change in ground elevation created by the infill and the volume of material require to achieve that elevation It is difficult to comprehend how the claimed users were not obstructed by the infill operations, and why the claimed users have no recollection of the infill operations. There could have been significant variation of the route.
- **Para 59.** The use of the claimed D-E alignment post the point of the SSSI,SPA & SAC conservation designations is damaging and therefore illegal.
- **Para 70.** The public at large have not use section D-E, potential use by stealth.

- **Para 72.** Further evidence submitted that shows B-D & B-C was closed for lagoon works in 2005, so period is incorrect. There was no apparent use of D-E prior to 2015.

### **Conclusion**

- **Para. 80,** The evidence for D-E and bridleway use of B-D is not credible. The evidence of Bridleway usage for B-D and claimed existence of D-E appears weak.
- **Para. 85,** D-E was not being used over the claimed period.
- **Para. 87.** We challenge that D-E existed, so could not have been closed by Yarland properties.

### **Status**

- **Para. 92.** States “Ms Edwards’ evidence was particularly strong - she had used the claimed path twice a week on horseback from 1966 to 2020, using BC more often than DE due to DE getting muddy”  
It can be disputed that Ms Edwards evidence is strong because alignment D-E did not exist as a path prior to us noticing damage to the lagoon in 2015, and we securely fenced off any access in 2019 making use of D-E impossible. It is highly unlikely that a horse could have ever been ridden through the lagoon. We are not aware of any use on horseback of B to D over the last 17 years, B-D would have been difficult to navigate on horseback due to the path being narrow with low overhanging tree limbs. Because her claimed use from 2005 to 2020 is not plausible, it brings into question Ms Edwards claim of use prior to 2005.

### **Legal Implications**

The management and use of the claimed sections does have legal implications connected with the Habitats Regulations and Wildlife and Countryside Act.

### **Property Implications**

Creation of the route as a throughfare to include disputed section D-E will have an impact on the RSPB’s use of its land as a nature reserve.

Kind regards, Keith.

**Keith Ballard**  
Site Manager

**Brading Marshes Nature Reserve** The Barn, Carpenters Farm, Carpenters Road, St Helens, Isle of Wight.  
PO33 1YL



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---

**From:** Sarah Manchester [REDACTED]  
**Sent:** 14 April 2022 15:25  
**To:** Keith Ballard <[REDACTED]>  
**Cc:** Darrel Clarke <[REDACTED]>  
**Subject:** Re: Claimed public right of way, Bembridge - Draft Report - RSPB Response  
**Importance:** High

Dear Keith

Thank you for this update, which I can confirm has been received.

I'll get back to you again if there will be any changes to the procedure previously described for the processing of the application.

Kind regards,

Sarah

Sarah Manchester  
[REDACTED]

On 14 Apr 2022, at 12:30, Keith Ballard <[REDACTED]> wrote:

Dear Darrel and Sarah.

Thank you for providing the draft council committee report and the appendices for our comments. We have been studying it over the two weeks we had been given but have found that it has raised issues. In particular we refute the use of section D to E prior to 2015 and the claimed type of use of B to D. We are taking legal advice and will be issuing a statement of truth to you in the near future, which will include a schedule of inaccuracies that we have found within the report.

Yours Sincerely, Keith.

**Keith Ballard**  
Site Manager

**Brading Marshes Nature Reserve** The Barn, Carpenters Farm, Carpenters Road, St Helens, Isle of Wight.  
PO33 1YL  
[REDACTED]  
[REDACTED]

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Isle of Wight Council  
Appeals Sub Committee

30<sup>th</sup> May 2022

### **Response of RSPB to Committee Report to Appeals Sub Committee – Application for Definitive Map Modification Order – Footpath/Bridleway, Disused Railway, Bembridge, Isle of Wight**

This is a summary response to a draft Committee Report provided by Darrel Clarke, Rights of Way Officer. It highlights evidence and points made previously relating to this proposal. There are a number of points of detail in the Report that RSPB contend are either inaccurate or misleading or both – these are addressed below using the same numbering as in the Committee Report.

The RSPB position is that it supports public use of the major part of the claimed route as exemplified by defining the route as a permissive path since 2007, at a time when there was no legal permitted use of the route as it was not a right of way shown on the Definitive Map.

RSPB has sought to work with the Council and others to satisfactorily resolve the issues surrounding the Applicants claim for a Modification Order in January 2017. We have not at any time sought to curtail public use, as suggested by the Applicant on the signage he portrayed at the outset of the application process.

RSPB believes that a solution satisfactory to all is attainable and would not oppose bridleway status to A-B-C and footpath status to B-D, both as claimed by the Applicant. The divergence of view with the Application is solely with the use of claimed route D-E, over which RSPB considers there is insufficient evidence to support a RoW designation and further, that issues would need to be resolved with the designation as a Site of Special Scientific Interest, a Special Protection Area, and a Special Area of Conservation, before any such access route can be considered. Home Farm Lane, where it meets Embankment Road at Point C is 210 metres from approximate point E on the claimed route D-E. If it is considered that a second connecting section of RoW to Embankment Road is required in addition to B-C, then it will be necessary to look beyond RSPB land ownership and the boundary of the SSSI/SPA/SAC to provide such a link. It is of relevance to say that the current situation whereby the public use of the disused railway links to Embankment Road by way of Home Farm Lane (which RSPB has supported via its permissive path) has meant that section B-D of the disused railway is more tranquil and less disturbed in comparison to the more frequently used section A-B. This would be expected on the basis that those walking to D then turn around to return either to A or use Home Farm Lane. The relative undisturbed nature of B-D is valued by those seeking a quieter experience and viewing nature close at hand – this value is mentioned by a number of witnesses. Creating another link to Embankment Road in the vicinity of D-E would produce a circuit which will increase visitor numbers with the risk of greater disturbance to the

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attributes valued by visitors to this part of the Reserve, notwithstanding potential detrimental effects on the designated lagoon site. If a Modification Order is approved for Section D-E along the route claimed, public use and the maintenance of the RoW network by the Council will conflict with the requirements to protect the special interests of the SSSI/SPA/SAC and it is quite likely that access infrastructure needed to facilitate practical access would not be capable of approval under the Habitats Regulations. Thus, formalising the use of D-E along the route claimed is likely to create an intractable problem incapable of satisfactory resolution, hence the proposition to re-visit the requirement and, if justified, to work with other landowners and stakeholders to find a practical and useable link to Embankment Road that will protect these special interests. As the evidence of use of D-E is at best weak, it is suggested that the inclusion of section D-E be removed from any proposed Modification Order.

The recommendation to confirm a Modification Order to bridleway status goes above and beyond the Application submitted – which is not for bridleway status across the entire route. Such a recommendation is without foundation and is not supported by the evidence and would not, in our view, be supported by an Inspector. RSPB’s suggested course of action is to revive dialogue to seek a practical solution to linking to Embankment Road that would meet the requirements of all stakeholders rather than the present course of action which is likely to result in further conflict at a public local inquiry. It will be for the Council to decide how it wishes to progress this issue, RSPB, for its part, would object to a Modification Order that includes claimed route D-E and one that seeks bridleway status for B-D-E – it does not oppose footpath status for B-D. The RSPB view is that Option 3 can be supported by endorsing the Applicant Mr Wade’s proposition with the modification of removing section D-E. Alternatively Option 4 could be adopted and dialogue re-opened on finding a solution, if required, to claimed section D-E.

Detailed comments on the Committee Report, using the Report’s numbering are as set out below:

#### EXECUTIVE SUMMARY

1. To be clear, the application made for a modification order is for a bridleway along part of the disused railway and along BC to Embankment Road and a footpath along the remainder of the disused railway and link (B-D-E).
2. It is not agreed that the evidence submitted is sufficient for it to be inferred that the claimed route should be added to the definitive map as a public bridleway, which, in any event, is over and above what the Applicant has claimed.

#### BACKGROUND

11. It is contended that an Inspector would not take the view that the standard of proof to be applied (i.e., the balance of probability), has been met sufficiently to endorse the Application in full and the recommendation made.

#### STRATEGIC CONTEXT

**RSPB England  
Exeter Office**  
4<sup>th</sup> Floor (North Block)  
Broadwalk House  
Southernhay West  
EXETER  
Devon EX1 1TS

**Tel** 01392 432691

**[rspb.org.uk](http://rspb.org.uk)**

12. The applied for route (excepting short section D-E) has been defined by RSPB as a permissive path since 2007. There is against a backdrop when the route has not been included as part of the Definitive Map. The permissive path has been advertised for use on RPSB's trail guides and website since that time and RSPB has no intention of removing that public use. The achievement of the Council's Corporate Plan in celebration of the environment and unique island characteristics is therefore already being delivered and has been for some 15 years. Conversely should the modification order be endorsed as recommended the environment will be damaged and the public's enjoyment of it reduced.

#### APPLICATION AND EVIDENCE CONSIDERED

##### Reason for Making the Application

14. The 2009 deposited statement defined the route A-B-D as a permissive footpath, this walking route having been shown as such in the RSPB Trail Guide first produced in 2007.

15. It had been known since the publication of the RSPB Trail Guide in 2007 that the route could be used as a permissive path i.e., nine years prior to the Application. The Applicant used wording on a sign that suggested there was a risk of RSPB taking away 'a right to walk the old railway track'. This is not the case and indeed, the opposite view could be taken as RSPB has enabled the public to use the route by way of a permissive path when no other formal rights were included on the Definitive Map.

##### Location, Site Characteristics and General History

19. The descriptor of route D-E, as passing through an area of scrubby vegetation, is misleading. Claimed route D-E passes through lagoon area that is designated a Site of Special Scientific Interest (SSSI) and as part of the Solent & Isle of Wight Lagoon Special Area of Conservation (SAC) and a special Protection Area. This area was a candidate SAC as far back as 1996 and designated SAC in 2000. The site is therefore of National and European importance and protected under the Habitats Directive (Special Protection Area and Special Area of Conservation) and the Wildlife & Countryside Act (Site of Special Scientific Interest). The designated area within the RSPB ownership and over which the claimed route D-E passes, is water for much of the year and prior to illegal land fill operations outside the RSPB land ownership, the lagoon area extended further east across the claimed route.

##### User Evidence

21. The evidence forms included a map with the claimed route identified on the map. The provision of an already marked-up map may have influenced the recollections of some users and has not proved helpful in evidencing which parts of the route were used by whom and by what means (foot/bicycle/horse). As an example: Appendix 6 3d purports to show that 15 respondents (10% of respondents) have used section B-D on a bike and 8 (5%) have used the section on horseback. When you look at the evidence those respondents submitted on their forms and the notes from the

telephone interviews (for the 6 that were interviewed) it is quite clear that most of these claimants do not specifically claim to have used B-D by bike or horse and in most cases any inference to be made is that this section was used on foot only. This view would endorse the application by Mr Wade which is for footpath (not bridleway) status for sections B-D-E.

As Mr Wade's application is a bridleway on part (A-B-C) and a footpath on the remainder (B-D-E) one would have expected telephone interviews with claimants to have sought to establish clarity of use in respect of B-D-E – it seems that this was not done. It is acknowledged that by conducting telephone interviews, it would be very difficult to obtain that further clarity, and it is said that Covid restrictions prevented meeting in person. That may be so, however the result is that the Notes from those telephone interviews do not produce clarity of use of section B-D-E with the outcome that, in respect of section B-D-E, the evidence does not support the recommendation of modification to bridleway status. The recommendation is not in accordance with the Applicant's Claim, nor the Notice served on RSPB as landowner.

Overall, user evidence is not reliably described.

23. Of those 28 witnesses referred to, that have claimed to have used the route on bike or horse, many cases had not used section B-D-E in that way or there is no evidence to make the supposition that B-D-E was used by bike/horse as opposed to on foot. The number of claimed users of D-E is minimal, which is not unexpected bearing in mind the unsuitable ground conditions for bikes and horses – section B-D of the disused railway is very different in nature to section A-B, it is a narrow and twisty path less suitable for the safe passage of horses and bikes and D-E is steep and narrow and at best very wet. This also helps to explain why bike and horse riders in the main kept to A-B-C as there was effectively no through route beyond D for such use. Thus, since 2005, the RSPB Site Manager has only seen horse usage on section A-B-C.

26. The final sentence is misleading – clearly many users will have used one of the connecting routes to Embankment Road (B-C or D-E) or to have gone beyond D on the disused railway before that option was closed off. However, it is also clear that the use of D-E has been minimal in comparison to the use of the Home Farm Lane (B-C). In RSPB's ownership since 2004, usage of D-E has only been observed since 2015 with the laying of planks etc to assist traversing the very wet area. The use of D-E is considered to have been minimal for a combination of reasons:

- B-D has been used almost entirely by those on foot.
- At one time, the disused railway was not closed at D, and users could continue on beyond, not therefore needing D-E. Permanent fencing erected in 2005 prevented access beyond D.
- The difference in levels from Embankment Road down to the lagoon is significant, making the route a steep incline.
- The lagoon area, over which route D-E is claimed, extended further north-east prior to illegal landfill off the RSPB ownership, which would have meant the wet area extended further and would have made access through/across claimed route D-E more difficult still.

- The Applicant and several claimants suggest that RSPB have made this area wetter and mention sluices being put in. The sluices were not put in by RSPB and relate to the river and not to the lagoon area which is a separately hydrological unit and ‘perched’ water body. RSPB management of the Reserve has had no impact on the alleged ‘getting wetter’ of this area.
- The claimed route (D-E) being interrupted, and access prevented by developments at various points in time.
- Uncertainty re the route of D-E e.g., from the telephone interview with Mr Newell, it is noted that ‘the boatyard crossed by D-E is owned by Mr Norris’. Mr Norris’s boatyard is in fact further north-east of the claimed route D-E.

It is the RSPB’s view that there is a high level of uncertainty surrounding the claimed use of section D-E, because of which, an Inspector, applying the test of ‘in all probability’ is unlikely to be able to accept that there is sufficient user evidence to justify RoW status for claimed route D-E.

It is also interesting to note that the Applicant has gone into print on several occasions in the past seemingly accepting the position that the route now being claimed as a RoW was permitted by the landowners at the time.

#### Landowner Evidence

30. A solution is available to all parties – it involves the acceptance of Mr Wade’s application for bridleway status on A-B-C and footpath status on B-D with the only outstanding issue to resolve being to find an alternate link (if perceived to be needed) for section D-E that would protect the SSSI/SAC/SPA, most likely by finding a route on third party land further to the north-east. RSPB would accept this proposition and work with the Council, Natural England and others to bring this to reality. In the interim, it would clarify in its Trail Guide such that A-B-C can be used as a permissive bridleway.

31. To clarify RSPB’s position and in particular ‘its acceptance of public use’ it is as set out in para. 30 (above) and for absolute clarity does not accept the evidence of public use of section D-E nor horse/bike use of B-D.

32. Appendix 8, Item 7 presents various mapping evidence that demonstrates that the claimed route D-E was part of the lagoon prior to unpermitted landfill operations in 1999 that then made the area potentially accessible on foot. Prior to 1999 it is unlikely that the public could use a route depicted D-E on the Application.

34. The assertion by Bembridge Investments has no bearing on this Application as the time period for the claimed use precedes their ownership from 2011 and it is not disputed that the public may conceivably been able to access the area crossed by D-E following illegal landfill in 1999 that infilled part of the lagoon.

#### Documentary Evidence

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42. It is clear from the history of this site that prior to un-permitted infilling of the lagoon in the vicinity of claimed route D-E, the lagoon extended further NE and as such it will have been very difficult, if not impossible, to traverse the claimed route D-E, prior to that infilling. The drop down in levels from Embankment Road to the Lagoon is significant which would make the claimed route a steep incline. The Committee Report casts doubt on whether the maps submitted support this contention. The RSPB view is that the maps read in their proper context, provide evidence to that effect, and as such would be given weight by an Inspector, alongside the points made in 26 above, in considering the probability (or not) that the claimed use of D-E is supported by the evidence.

### **Evaluation of Evidence**

55. The measure of the evidence is the balance of probability as quoted in the Report to Council para 11. Therefore, while accepting that a right could be over land covered by water, it is contended that it is extremely unlikely that such a route would be used or chosen to be used, under such conditions and in all probability could not be used to any great extent that could constitute acceptable evidence. Indeed, many witnesses refer to the wetness of route D-E and their preferential use of B-C instead.

56. It is misleading to say that the witness interview evidence demonstrates that section D-E has always been used. In fact, an alternative interpretation of the Witness Interview Notes can be made noting in particular:

- A third of the 15 witness interview notes refer to planks being put down to make accessible – which only occurred from 2015 onwards, so is a more recent recollection and not within the claim period to 2009.
- Most refer to being able to use D-E (as opposed to actually using) and choosing to use B-C due to the condition difficulties with D-E.
- One interviewee was living abroad during a major part of the claim period to 2009.
- One interviewee references route D-E to a property further to the north-east i.e., not the claimed D-E route.

The witness interview evidence does not therefore evidence use of section D-E, as alleged in the Report.

It is alleged that since RSPB took ownership of the site, the operation of the sluice gates has made the site wetter. This cannot be so. The sluice gates are not owned nor operated by RSPB and relate to the river, not the separate hydrological unit of the lagoon. Neither RSPB ownership, nor operation of sluices has made this site wetter.

57. The route of claimed section D-E is uncertain (recollection of witness interview) and the various activities that have taken place in this area over time, including partial infilling of the lagoon area and developments affecting the north-western part adjacent to Embankment Road. Based upon the land use as lagoon and the land use changes that have taken place, it is not possible to be certain of the route of claimed section D-E.

58. This is not Appendix 8, Item 7 but probably Appendix 8, Item 9?

59. Whilst that may be so at law, the throwing down of planks etc to facilitate access would be illegal under the Habitats Regulations and proper infrastructure to enable use on foot would need authorisation under these Regulations. It is very unlikely that access infrastructure to enable the route to be used, will be permitted, with the result that, if this Modification Order is endorsed as set out, D-E could only be used in its current condition, which would be an unsatisfactory outcome for all concerned and potentially a management headache for the authority tasked with maintaining the rights of way network. Its use in this way would be damaging and disturbing to the special features of the designated site.

### Conclusion

80. It is not agreed that the evidence of use of D-E meets the requirements of section 31 of the Highways Act and the conclusion drawn that it does is an unreasonable one and based upon the evidence submitted. It is believed that an Inspector would concur with this view.

85. It is a misrepresentation of the evidence and incorrect to say that section D-E was frequently used by the public and the evidence submitted does not support that contention.

87. It is not agreed that the available evidence supports the proposition that a common law dedication of public rights has taken place in respect of section D-E.

89. It is a misinterpretation to suggest that RSPB has given consent to ride over the permissive path – it clearly states that this is a ‘permissive footpath’. The Trail Guide issued by RSPB in 2007 refers only to walking routes. To be clear there is no acknowledgment by RSPB of bike or horse use of route B-D-E nor is there any such evidence of such use during the period of RSPB’s ownership from 2004.

### Status

92. The Applicant, Mr Wade, was interviewed and is not claiming bridleway use or status for B-D-E.

The telephone interview notes in respect of Ms Edwards claimed use does not identify the use of B-D-E on horseback.

The Notes of the 15 telephone interviews conducted, identify a single horse use specific to D-E only and 2 users of D-E by bike, of which one acknowledges B-C was easier to use. One further user has claimed use on foot, bike and horse including the use of D-E, but the Notes do not identify the type of user of D-E.

It is therefore incorrect and misleading to suggest that the Notes of the Telephone Interviews substantiate a public use by horse or bike on section B-D-E.

93. The evidence does not support the establishment of bridleway status on B-D-E, nor does it support the establishment of a right of way on claimed route D-E.

Yours faithfully

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