APPENDIX D

SUMMARY OF WITNESS EVIDENCE (WYLYE CLAIMED PATH GREEN LANE TO OLD A303)

WITNESSES	Dates of Usage	Believed Status and Width	Frequency	Same Route always used	Owner aware	Challenged	Permission	Obstructions/ Gates /Signs	COMMENTS
1.	7yrs 2000-2007	B/W 4m	3 per wk	Y	Y*	N	N	N	Used for recreation and exercising dogs. Seen others walking. First used because of village friends. *Farm manager and John Atterton have stopped and had a friendly chat when I have walked the bridlepath to Bapton.
2.	28yrs 1979-2007	BOAT Tractor width	1 per wk	Y	Y*	N	N	N	Used for exercise and walking dogs. Seen other dog walkers. Route recommended by villagers on my arrival in village in 1979. *Common sense will have informed the owner that walkers will have used the path as the only convenient route to access the old A303.
3.	26yrs 1980-2006	F/P 4 yds	1-3 per wk	Y	Y*	N	N	N	Used for Recreation/walking. Seen others walking and rider on horse and farm employees on vehicles. *The tenant of the land, plus his employees have passed the time of day with me. On OS map marked 'track'.
4.	18yrs 1988-2006	F/P 3-4m	2 per Month	Y	Y*	N	N	N	Used for recreation as a circuitous route to walk. Seen others walking with dogs. *Owners must have seen people walking because they live in the village.
5.	28yrs 1978-2006	F/P 3-4m	2 per Month	Y	Y*	N	N	N	Used for recreation as a circuitous route to walk. Seen others walking with dogs. *Owners must have seen people walking because they live in the village.
6.	6yrs 2001-2007	B/W 4m	3 per wk	Y	Y*	N	N	N	Used for recreation and exercising dogs. Seen others walking. First used because of village friends. *Farm manager and John Atterton have stopped and had a friendly chat when I have walked the bridlepath to Bapton.
7.	26yrs 1981-2007	- -	12 per yr	Y	Y*	N	N	N	Used for recreation/walking/cycling. First used after seeing others using it. Seen others walking/cycling/joggers. *Owner must have been aware because of the volume of people always using it.

F/P – Footpath
B/W – Bridleway
BOAT – Byway Open to All Traffic

WITNESSES	Dates of Usage	Believed Status and Width	Frequency	Same Route always used	Owner aware	Challenged	Permission	Obstructions/ Gates /Signs	COMMENTS
8.	8yrs 1999-2007	BOAT 4m	1+ per wk	Y	?	N	N	N	Used for recreation/walking. First used after seeing others using it. Seen others walking.
9.	3yrs 2004-2007	F/P B/W? 2m	12 per yr	Y	Y*	N	N	N	Used for recreation/walking occasionally cycling. First used after exploring Green Lane shortly after moved to Wylye. *Frequency of use of the trail was too great for the owner not to have known. Seen others walking.
10.	4yrs 2003-2007	F/P 4m	60 per yr	Y	Y*	Y**	N	N***	Used for recreation/walking/ health reasons (angina). Seen others walking route/ jogging. First come to use it whilst looking for routes to walk for exercise. *Use of the track has been too frequent for the owner not to have known. **Son of owner met me in Green Lane and advised me of intention to erect gates at the top and bottom of the track. *** Within the last week a notice saying that the track is not a right of way has been erected at the junction with the old A303.
11.	3yrs 2003-2006	Wide enough for farm vehicles	1 per wk	Y	?	N	N	N	Used for recreation/walking. First used when came to live in Wylye. Seen others walking.
12.	11yrs 1996-2007	BOAT 4m	1+ Per month	Y	Y*	N	N	N**	Used for recreation/walking. Seen others walking the path. Has been used as a footpath, bridleway and by agricultural vehicles since Wylye by-pass was opened in 1975. * As chairman of the Wylye Parish Council, I have talked to several present and former residents of Wylye and Fisherton de la Mere. As so many have used it over the years, the landowner must have had knowledge of its use. The O.S map designates the route as "Track" in the same way as Green Lane. ** Land owner recently erected a sign "no right of way" very recently (north end of track). It was not there in December 2006.
13.	19 years 1983-2002	B/W -	3 per month	Y	Y*	N	Y**	N	Used for recreation/riding. First used as part of a walk to/from Wylye and when I owned my horses. Seen others walking and riding. *To my knowledge no walkers or riders were prohibited. ** Permission given by John Lyall Esq. 1983. I was tenant of Bapton Manor 1981-2004. (The Order route does not now include any land owned by Mr. Lyall, and permission must be given by the landowner in order to discount this witnesses use of the path 'as of right')

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WITNESSES	Dates of Usage	Believed Status and Width	Frequency	Same Route always used	Owner aware	Challenged	Permission	Obstructions/ Gates /Signs	COMMENTS
14.	28yrs 1974-2002	B/W 4 yrds+	3-4 per wk	Y	Y*	N	N	N	Used for walking with a dog. Seen others walking/riding a horse as well as farm employees. First used when farm underpass under the A303 was built in 1974/75. * I have met farm employees/ farm manager on numerous occasions. I have also met Mr. Robert Haywood-Lonsdale (tenant before Mr. Lyall) on a few occasions (1975-1980).
15.	22yrs 1985-2007	B/W 3 m	1 per wk	Y	Y*	N	N	N	Used for walking/cycling/horse riding. Seen others walking/cycling/horse riding * Landowner aware because regularly used.
16.	2 yrs Since 2005	3-4 m	1 per month	Y	Y*	N	N	N	Used for recreation/walking. Seen others walking with their dogs. *I think they would know as many village people walk their dogs on the track –and the owner/occupier lives in the village. Found the track after walking around in a big circle.
17.	23yrs 1984-2007	B/W 4-5m	2-3 per wk	Y	Y*	N	N	N	Used for exercising horses and dogs. Seen other horses and pedestrians using path. *Owner aware because he lives in Wylye and he has recently closed it off with fences/locked gates and signs (possibly in response to claim).
18.	23yrs 1984-2007	B/W 4-5m	2-3 per wk	Y	Y*	N	N	N	Used for exercising horses and dogs. Seen other horses and pedestrians using path. *Owner aware because he lives in Wylye and he has recently closed it off with fences/locked gates and signs (possibly in response to claim).
19.	9 yrs 1998-2007	B/W 4-5m	2 per wk	Y	Y*	Y**	N	N***	Used for recreation riding horse/on foot with dogs. Seen others riding a horse. I first used path whilst following existing bridleway signs and automatically joined this way without knowing it wasn't part of existing bridleway network. *I believe landowner aware of use because of the very heavy and frequent use by walkers and horse riders. ** Challenged by landowner in January 2007 when I was on foot with dogs. ***There are signposts and waymarking discs on the connecting bridleways and the whole network blends into one.
20.	14yrs 1987-2001	B/W -	1 per wk	Y	Y*	N	N	N	Used for recreation/riding. Seen others on foot and riding. *I believe landowner aware of use due to it being obvious from hoofmarks etc.

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WITNESSES	Dates of Usage	Believed Status and Width	Frequency	Same Route always used	Owner aware	Challenged	Permission	Obstructions/ Gates /Signs	COMMENTS
21.	7yrs 2000-2007	F/P 2.5m	1-2 per wk	Y	Y*	N	N	N	Used regularly for recreational family walks and fitness runs. Seen others recreationally walking. * Given the regular use by myself and number of other people in village I always assumed owner aware of use.
22.	32 yrs 1975-2007	3-4 m	1 per month	Y	Y*	N	N	N	Used for recreation/walking. Seen others walking with their dogs. *I think they would know as many village people walk their dogs on the track –and the owner/occupier lives in the village.
23.	29 yrs 1975-2004	B/W	At least 1 per wk	-	-	N	N	N	Used for walking sometimes with dog. It was often used by horse riders. “I worked as a retired officer for the Army on Salisbury Plain from 1988 to 1997 where I became familiar with most of the ‘rights of way’ issues in the area”.
24.	29 yrs 1975-2004	B/W	At least 1 per wk	-	-	N	N	N	Used for walking sometimes with dog. “I worked as a retired officer for the Army on Salisbury Plain from 1988 to 1997 where I became familiar with most of the ‘rights of way’ issues in the area. It was often used by horse riders”.
25.	12 yrs 1995-2007	B/W					N		Used for horse ridng. “We have always respected that the edge of the path is where the farmers crops begin, so keep to the track. This is a very fair and positive relationship between community and landowner!”
26.	12 yrs 1995-2007	B/W	At least 2 per week			N	N		“For the last 15 years I have ridden my horses/my parents horses along this track for 9 months per yr without having to ask permission. Until this recent closure I have been unaware of any objections to my doing so. It provides a vital link”.
27.	9 yrs 1990-1997	B/W	Several per month			N	N		Used for horse riding. “I was never aware permission should be sought, nor that any landowner or farmer was trying to stop us using it”.
28.	3 yrs 2003-2006	B/W	2-3 per month			N	N		Used for horse riding. “I was never aware permission should be sought, nor that any landowner or farmer was trying to stop us using it”.

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WITNESSES	Dates of Usage	Believed Status and Width	Frequency	Same Route always used	Owner aware	Challenged	Permission	Obstructions/ Gates /Signs	COMMENTS
29.	17 yrs 1990-2007	F/P wide enough for farm vehicles	2-3 per year	Y	?	N	N	N	Used for recreation and fitness as a circular walk or run. It is the only route between Green Lane and the Old A303. I am willing to attend a Public Inquiry, but would be reluctant because of work commitments.
30.	20 yrs 1973-1993			Y		N		N	Used for horse riding when I lived at the Old Forge at Deptford, Wylye without trouble or hindrance.

30 witnesses have regularly used the path, one states this was with permission although this was not permission from the owner of the land and can still be considered to be 'as of right'..

All 30 have used the same route and none report obstructions, gates or notices until January 2007 when the way was first called into question by the erection of fences and the erection and locking of gates across each end of the claimed route.

They all claim to have used it for walking or riding and it has been mainly used for recreational purposes such as family walks, riding for pleasure, dog walking and exercise for health.

22 have used it for walking, 11 have claimed to use the route for horse riding. Three of the witnesses have used the route for both purposes.

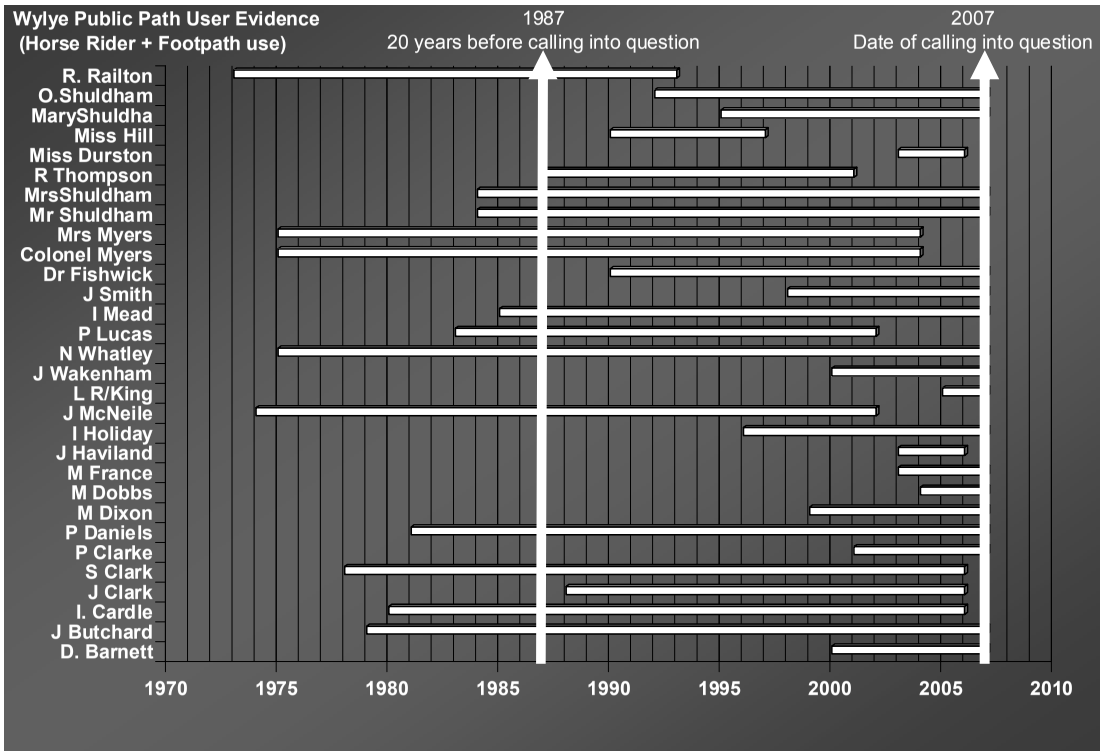
Eight witnesses have stated that they have seen others horse riding.

Two of the witnesses claim to have cycled the route.

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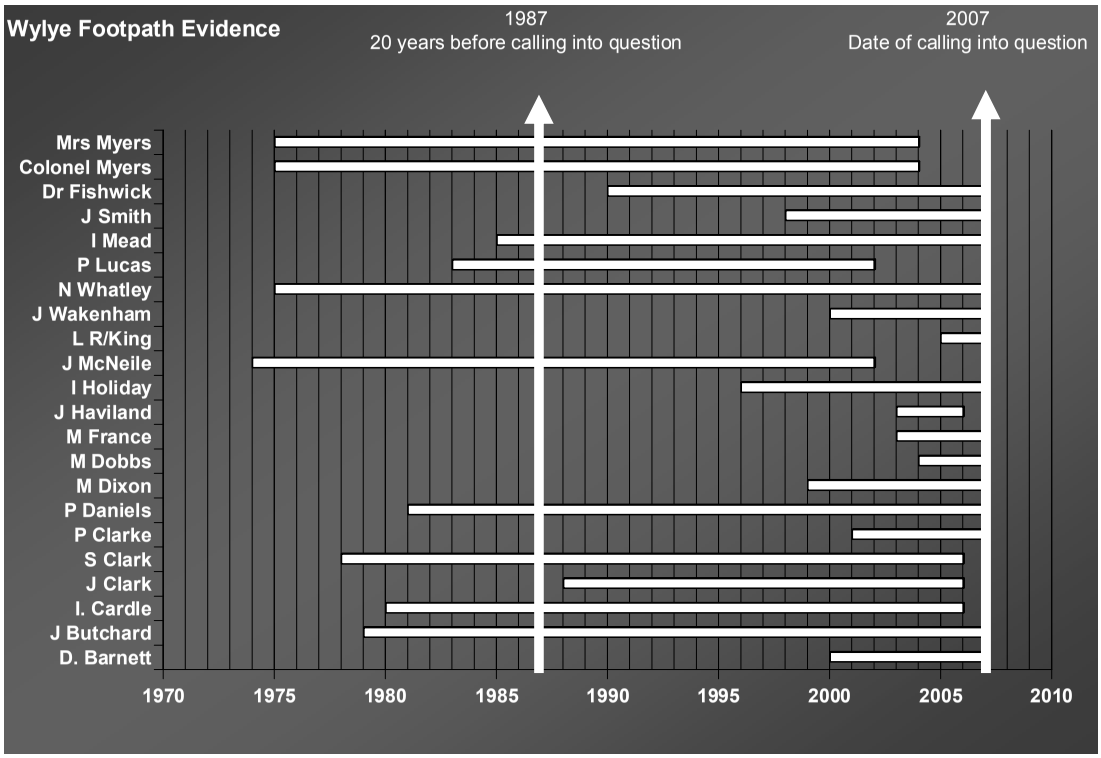
PUBLIC PATH USER EVIDENCE
(COMBINED HORSE AND FOOTPATH USE)

30 USERS



PUBLIC FOOTPATH USER EVIDENCE

22 USERS



PUBLIC BRIDLEWAY USER EVIDENCE

11 USERS

