

29 My overriding memory of the path is of people asking if they could walk through the woods especially to see the bluebells. I have always been happy to give that permission as I have always been certain that it is private land.

30 Soon after we closed the path a friend from the village said "I'm sorry you had to close your path."

### **Shooting syndicate**

31 Mean Wood is an important part of the farming operation in so far as it's part of the land used by the shooting syndicate.

32 They rear and shoot pheasants and partridge for sport and obviously to eat but the main benefit to the farm is security and control of pigeons and rabbits. In addition they cull sick and injured foxes and deer.

33 As far a security is concerned members are around for most of the year including the shooting season. They guide trespassers and people that are genuinely lost. Most people say they are lost. They curb hare coursing and deer poaching. In addition they coppice some of the hazel, tidy up fallen trees, repair the odd fence and warn us if cattle have escaped. A lot of preparation has to be done out of season such as repairing and renewing the rearing pens and cutting out paths for the beaters. Once the poults are on the farm in early august they have to be on the lookout for poachers.

34 Mean wood has several rearing pens. It is an important part of the shoot.

35 When shooting is in progress the boundaries are secured and the beaters with their dogs flush the pheasants towards the guns. Clearly the beaters ensure that there are no trespassers or lost folk in the wood over this period.

36 When my Father bought the farm one of the conditions was that the shooting should be made available to the existing syndicate. I think the man in charge was Mr Higlet who died several years ago.

### **Works to the path**

37 I have looked at the council plan with the red demarcation line on it. I presume that this is indicative only. Many of the statements confirmed that the path ran 10 to 20 metres from public footpath 23. Having checked the measurement this is broadly correct. The plan however has not been scaled to reflect this.

38 During 2004 and 2005 the middle section of the path was moved and widened. It helped with the game birds, it enabled horse riding friends to have a different route and it enabled me to drive my Mother who was getting a bit frail through the wood.

- 39 The original path went around the top of the chalk pit marked approximately on the plan. Although we call it a path it is more like animal trails. When we first used the trail it was literally a trail used by deer badgers and other animals. The area is crisscrossed with animal tracks. Once we started using the trail it became more obvious.
- 40 Apart from the deliberate moving of the path in 2004 as trees fall down and cause a blockage the path moves.

**Comments on user evidence**

- 41 I have been supplied with the user evidence forms by the Council. As a general comment, clearly the assertion contained within those user forms that the use of the path was without my permission are incorrect. As I have explained above, use of the permissive path has always been with my express or implied permission.
- 42 I have some detailed comments on particular users' evidence:

User number 3. Patricia Woodruffe. Patricia is very interested in plants and flowers. Many years ago she asked for permission to survey Mean Wood. I gave her permission and told her to come back as she wished. I was astounded to see her name on the application because she has permission as does her husband by family connection.

User number 9. Linda Turk. Linda refers expressly in her form to the village groups using the path. I have explained above how that use was organised and carried out with my permission. It should have been clear to her that such large groups using a path of this sort on private land would be known to the landowner and only carried out on a consistent basis with their express permission.

User numbers 14 and 15. Ann and Chris Baker. We have known the Bakers and their family since the early 1980s. Our children went to school together at Northaw Prep School, West Tytherley. My son Jason and Hannah Baker were about the same age. We chatted if we met at school or if we met whilst they walked or jogged all over the farm including Mean Wood with their dogs with our permission. We only ever had crossed words if the dogs accidentally chased cattle or pheasants.

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



Bradley Gerald Newman

BRADLEY GERALD NEWMAN

Date: 23.01.2017.



Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

E mail. [sally.madgwick@wiltshire.gov.uk](mailto:sally.madgwick@wiltshire.gov.uk)

20/1/17

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

Susan Elizabeth Newman

[REDACTED], Whiteparish, Salisbury, Wilts, SP5 2QU

Music Teacher

DOB [REDACTED] 1955

The path under discussion begins at the southerly end of Mean Wood and begins within 10 or 15 metres of the intersecting Public Rights of Way path 23 and 21. Footpath 23 leaves the wood and carries on up the side of the field adjacent to the woods. The permissive path travels parallel to this within the wood at distance ranging from 10 to 20 metres to public footpath 23, and ends near to the meeting point of public footpaths 23 and 20, marked red on attached plan. The exact route of the path moves from time to time as brambles grow and trees and branches fall. I would say that the red line is an approximation of the route.

I started using the path in 1977 particularly for dog walking with the family and to see the bluebells in the spring. I was introduced to it by my husband before we were married. I was aware at the time that my father in law permitted the local hunt and followers to pass over the entire farm including Mean Wood and the path if they were in the area. We occasionally see the drag hunt and their followers now if they are passing through. For your information followers are members of the public who come with the hunt, as part of the invitation, and follow either on foot or on horse back.. Permission is therefore given to both the hunt and any followers who may come.

I have used the path since 1977 which, at the time seemed little more than an animal trail. Our use increased once we moved to Honeysuckle Lodge especially for walks with our family, children and their friends. The path was opened out around 2000 to 2004 so that I could use it with my friends and family for horse riding.

The last time I used the path was during the early part of 2015.

When the children were young we used the path several times a week at different times of the day.

From time to time we give permission for friends and acquaintances to use the path.

For example, Alex used to belong to the Cubs in the village and Bradley was the chairman for a while. They asked to walk through the woods to see the blue bells

and did this most years during the 1980s and early 1990s. They also visited Mr May the hurdle maker.

I arrange a church bluebell walk for charity once a year in late April to early May. We offer the walk over 2 days, Saturday and Sunday then follow it with drinks and cakes at Honeysuckle Lodge. Normally it involves all the Romsey churches, the local Methodist Churches, St Andrews Landford and sometimes Whiteparish Church. Normally 70 or 80 people come.

The local Brownie Group comes most years having asked permission. There are several others who phone up to come each year mainly to see the bluebells.

We have had a church Youth Group from Woodfalls Methodist Church camping up here once a year in the 1980s for several years and they have used the path and wood for general walking and pleasure. The same group came monthly over that period up until 1991 on Sunday afternoons, nearly always making use of Mean Wood and the permissive path.

The Romsey Scout Group and Boys Brigade have camped on our field for several years on bank holidays and used the wood and path for various activities.

During the late 1980s and early 1990s my son Jason and I rose at 6.00am most days over a 2 to 3 year period and walked the permissive path and many little animal trails, always with our dogs and sometimes with our cats as well. We walked in all weathers and don't remember meeting anyone at that time of day.

As you can see the path gets quite a lot of family and friend use.

I would dispute the statements of Chris and Anne Baker. Our children went to school together in the early days I think Jason was the same age as Hannah. They have always walked all over our farm with their dogs using the public rights of way and the open fields, woodland and permissive path. We have always been pleased for them to do so. We chat from time to time as they confirm in their statement.

Although I have used the path for many years I have seen few walkers. If I do meet someone that I don't recognise as having had permission I ask them if they are lost and inform them that it is private woodland and that the path is by the owner's permission and direct them to the closest public footpath.

Our area is well covered by Ordinance Survey maps. None of them show this path as a public right of way. There is a public right of way map on the Whiteparish web site; again, the path is not on there. Furthermore we are already well served with public footpaths in the area all of which are clearly marked with the normal yellow arrows.

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

Sign



Print

SUSAN ELIZABETH NEWMAN.

Date

26.01.17

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

E mail: sally.madgwick@wiltshire.gov.uk

18<sup>th</sup> January 2017

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

Lydia Helen Rosetta Newman  
[REDACTED] Callow End, Worcs, WR2 4TE  
[REDACTED]

Farm Administrator  
Date of Birth: [REDACTED] 1990

It has come to my attention that there is an application to add a footpath to the definitive map along the route shown in red on the plan attached to my statement.

The path begins at the southern end of Mean Wood within 10 or 15 metres of where public footpaths 23 and 21 cross. The path travels up through the woods, parallel to public footpath 23 and within 10 to 20 metres of it, in the adjacent field, and finishes near to where public footpath 23 meets path 20.

I have used the woods throughout my life, firstly being carried up the path by my father, Bradley Newman, and then as I grew older on leisurely dog walks either alone or with friends and family. Whilst I lived at home I would walk the path several times a month, and more during the bluebell season.

I have only ever met one person on the path, and in my conversation with her I highlighted that the path was private, and not Public Right Of Way.

This path is a family favourite, and we enjoy using it throughout the year.

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

[REDACTED]

Lydia Newman

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

E mail. [sally.madgwick@wiltshire.gov.uk](mailto:sally.madgwick@wiltshire.gov.uk)

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

**Alexander Bradley Newman**

**Wiltshire, Sherfield English, Romsey, Hants SO51 6FS**

**Telephone: [REDACTED]**

**Occupation: Farmer**

**Date of birth: [REDACTED] 1981**

I am aware that an application has been put forward to insert a footpath to the definitive map along the route shown in red on the plan attached to my statement.

The path commences towards the southern end of Mean Wood, within 10 or 15 metres of where the established footpaths 23 and 21 intersect. The path travels parallel to footpath 23 but 10 or 20 metres into the wood, and finishes close to where path 23 meets path 20.

I am aware that this is a permissive path over private woodland held in my family's ownership since the 1950s, to be used only with the owner's permission. It is not a public right of way.

I lived at Honeysuckle Lodge from 1981-2004 with my parents and family. Throughout those years, (and in subsequent years though I live elsewhere) I have walked regularly in Mean Wood through out my entire life.

As a child I can remember Mr. Holland May and Jack Chant working in the woods hurdle making and controlling vermin. They also acted in an unofficial security capacity deterring poachers and redirecting people that had strayed from the official public footpaths.

Jim Gallagher who used to live at Mole End also used to regularly roam the woods with the family's permission. He would educate people with out of control dogs to regain control and also redirect people that strayed from the official public footpaths.

When I started school in 1985 at Northaw Pre Prep in West Tytherley, the family soon became acquainted with the Baker family from the village and gave them permission to walk through the woods as a result. I can also remember having birthday parties through the years for which my parents would organise walks right around the farm starting at Honeysuckle Lodge and then up through Mean Wood,

often including the permissive path in question. My recollection of the path in those days was of semi natural appearance made up of generally criss crossing animal tracks meandering up the side of the wood adjacent to public footpath WHT 21 and then towards the northern end dipping a little deeper into the wood around a disused chalk pit. The permissive path altered from a linear position on frequent occasions as a result of falling trees.

I joined the Whiteparish Cub Scouts in approximately 1989 and can also remember joining them for walks through the woods on several occasions organised by the the leaders Bob and Anne Meehan. The walks would often start from Honeysuckle Lodge travelling north into Mean Wood along the permissive path and then down the track in the middle of the wood returning to Honeysuckle Lodge. Subsequently my father still had dealings with the Cubs and would invite them and their families to enjoy the woods at certain times of the year on many occasions. an example of this would be to view the bluebells in May. It was nice to share the woods with the villagers.

During my teenage years and young adulthood (1993-2004), I would walk the permissive path on average once a month, though this increased or decreased in frequency depending on the workload on the family's farm. Often I would walk the woods on a Sunday afternoon with my Grandparents. Walks took place for recreational purposes with the dogs and sometimes to control vermin that would be damaging to the woods and the crops. During this period, I never met anyone using the permitted path. However, elsewhere in the wood if I caught somebody with an out of control dog or even lost persons I would request that the dog was brought back under control immediately for fear of disturbing the wildlife and pheasants. Lost people would also be redirected to public footpaths WHT21 or 23 (whichever being the closest) and asked politely not to do it again.

Whilst the Foot and Mouth outbreak (which started in late February 2001) was affecting the country, all public footpaths, bridleways and permitted paths were closed for a period of 2 or 3 months. All access through Mean Wood was stopped in line with these regulations.

Whilst studying at the Royal Agricultural College between 2000-2004, I returned home to work on the farm every weekend and again never met anyone on the permitted path in Mean Wood.

Upon my graduation from College in 2004, I returned to work full time on the family farm, taking increased responsibility for the running of the business. Part of this responsibility includes taking an active interest in the running of the Shoot, not only during the season but throughout the year whilst essential preparation is undertaken. I have built up a very good working relationship with both Mr G. Barrett and his father Mr M. Barrett in their role as Gamekeepers and liaise frequently with them regarding the condition of Mean Wood, their control of vermin and any concerns they have regarding suspicious activity or trespassers. Shoots take place every 3 weeks during the season (1st October until 1st February) and of course a significant part of Messers Barrett and the beaters' role (both on shoot days and on other days) is to ensure that any walkers only use the public footpaths so that their



safety around the Guns can be guaranteed. When I have been fortunate to be invited to shoot with the syndicate, I have never seen any walkers using the permitted path in Mean Wood. In conversation with Messers Barrett over the years it has to be noted that walkers have not been found to be using the permitted path on shoot days, although there have been occasions when people have been redirected back to the public footpaths at other times.

Deer stalking also takes place all over the farm and the woodland where safe to do so. This is done to control the populations of fallow and roe deer. The Fallow season runs from 1 August until 30 April for bucks and 1 November until 31 March for does. The season for Roe deer is 1 April until 31 October for bucks and 1 November until 31 March for the does. This does not take place in the actual wood, but more on the edges particularly in the three fields with in the wood. High powered rifles are used to ensure clean kills. The existing public footpaths keep the general public at a safe distance from the shooting. The stalking regularly takes place at dawn and dusk throughout the season. The deer stalkers have commented that over the last 20 years minimal disturbances have occurred as a result of uncontrolled dogs. The wood also contains many badger setts. These setts are situated throughout the wood and can go some way in explaining some of the established track for the permissive path. These are a protected species which the family is proud to look after and actively seeks to minimise their disturbance on shoot days both deer and pheasant .

In 2004 Michael Barrett changed the route of the permitted path quite significantly to improve the shoot access. The change was made in the middle section of the permitted path of the wood with the original route passing north east of a chalk pit and the new route passing closer to the western side of Mean Wood. This had many benefits including allowing my family to enjoy riding their horses through the wood with ease and also to allow better vehicular access which meant that my elderly grandmother could then be driven through the woods after she had become ill and bed bound.

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

***Signed Alexander Newman***

  
.....

***Date***

26/1/2017.....

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

E mail. [sally.madgwick@wiltshire.gov.uk](mailto:sally.madgwick@wiltshire.gov.uk)

23/01/2017

**Footpath Modification Order at Mean Wood, Whiteparish.**

Jason Lewis Newman  
[REDACTED] Whiteparish, Salisbury, Wilts, SP5 2QU  
07887571126  
Farmer  
Date of birth [REDACTED] 1982

I am writing to object to the above order.

The path marked red on the plan begins at the southerly end of Mean Wood and starts within 10 or 15 metres of the intersection of Public footpath 23 and 21. Public Footpath 23 carries on up the side of the field adjacent to the woods. The path travels parallel to this within the wood at a distance ranging from 10 to 20 metres from it. The path ends near to the meeting point of public foot paths 23 and 20.

I have used the path regularly for as long as I can remember. During my childhood we used it for walking the dogs. I can remember walking it quite often with Olive Gallagher and sometimes Jim with their dog Harvey.

While I was still quite young I remember walking the animal trails in the wood with my mother before school. In those days the said path was little more than an animal trail.

As I grew older I rode my horse on the path although the branches were quite low in places.

When the Scouts and Boys brigade visited I went with them on a night hike for several years using the path to get to the top of Dean Hill.

Over the years the path has changed as trees have fallen and we have had to go around them.

I left the Royal Agricultural College in 2004 and joined the family farm. Since then I have been looking after the dairy herd and young stock. Although I now have limited spare time I enjoy walking the path and woodland when I have time, probably 10 or so times a year.

Over all this time I have only ever seen people I know on the path. It is a permissive path in woodland that we own. If I had seen someone I didn't know I would have made it clear to them that it is on private land and should only be walked with the

land owner's permission and show them how to reach one of the public footpaths.  
Over the years I have seen walkers on the public footpaths.

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



JASON LEWIS NEWMAN.

26/1/17

Mr Glenn Barrett  
[REDACTED]

Eastleigh  
Hampshire  
SO50 5EZ  
[REDACTED]

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

10 January 2017

#### **Objection to Footpath Modification Order at Mean Wood, Whiteparish**

Dear Ms Madgwick

I am aware an application for a footpath modification order for a new footpath in Mean Wood has been made and that this letter is being submitted in relation to that.

I am a 47 year old carpenter as well as a gamekeeper in my spare time. I help run a syndicate shoot who rents the shooting rights from Mr Newman. The land includes Mean wood. The syndicate was formed at least 60 years ago and since 1986 I have been looking after the pheasant shoot in Mean Wood which involves raising pheasant poults, woodland management and vermin control.

I am in charge of the shoot days and the day to day running of things. The syndicate and I meet up for an AGM to discuss the season ahead and to enjoy an evening out.

The syndicate is made up of 14 paying guns who are all friends and enjoy the company as well as the shooting. I have been very lucky to know most of the guns for a very long time and have become great friends. We are also very lucky to have a very loyal team of beaters who turn up each week no matter what the weather is like. The beaters are generally husband and wife and also their children, some of which have now reached the age where they can occasionally shoot with an adult supervising them. We are very active in encouraging them as they are the future of our shoot. The beating team all have their own dogs and enjoy watching them work. We also have a shoot dinner where both guns and beaters meet up for a very sociable evening.

I constructed a lunch hut within Mean Wood where we meet in the morning and return at lunchtime. The guns and beaters all sit together and enjoy a good chat whilst eating which makes for a very relaxing and enjoyable break. It feels like we are one big family.

We shoot Mean Wood every 3 weeks during the course of the season which runs from October 1<sup>st</sup> to February 1<sup>st</sup>. The entire width of the wood and the complete area around the shaded red line on the attached plan is driven by a line of beaters and some walking guns in a Southerly direction towards the standing guns who are placed in the field at the end of the wood. During this drive I have not encountered any walkers within the wood. I know that the path shaded in red on the attached plan is a permitted path whereby it can be used with the owners permission. This also includes our syndicate members who enjoy walking the path regularly throughout the year.

I am very active in the wood during the course of the year. During the close season, mainly from February until July there are rides to be kept clear for the beaters and walking guns which includes the path shaded in red on the plan. Keeping this path clear is vital as it is used to keep the beaters in line on shoot days and allow our members to walk through when we are not shooting, this also helps me as they will always report back should there be any problems, i.e. any trees that have fallen etc. I will also be carrying out repairs/modifications to the pens, tree management and vermin control which are generally carried out every weekend. I will also visit the wood 2-3 times during the week at various times to check on things and to make sure there are no problems. From July there is the arrival of the pheasant poults which requires daily attention for the first 4 weeks, after which I will visit the wood every 2 days throughout the season.

During my years in Mean I have encountered people walking through the wood. Although walkers I have met are generally quiet, their dogs certainly are not. Sadly this is due to the dogs not being under any control and running wild within the wood yelping and barking as they chase after all manner of wildlife. Indeed this is just one example, I witnessed a Labrador chase a deer across three fields before heading back to its owner who was in Mean Wood at the time. I was able to intercept the owner and explained what I have just seen only to appear to fall on deaf ears. As with everybody I have encountered, I have very politely informed them that there is no public right of way through the bottom length of the wood and that the public footpath (wht23 as shown on the plan) runs along the edge of the field next to the wood. The general reply has been they didn't know where the actual footpath was (wht23). I have also requested that their dogs are kept under control.

I own two Labradors but they are always kept under close control especially if I am walking on public footpaths. My dogs are with me even when I am not shooting. On occasions it is my dogs that have alerted me to activity in the wood. For example I was working on one of our pheasant pens when the dogs started barking, when I looked up there was a man walking just below the pen. He claimed he was lost even though there are no tracks leading to the pen from the public footpath approximately 300 yards away. On this occasion I walked back with him to the public footpath (wht23) and showed him where the public right of way is.

The path shaded in red on the plan is within a few metres of the existing public footpath. There is a good fence between Mean Wood and the public path for much of its length which keeps the majority of walkers on track and safe. The fence line also helps to protect the wildlife and my pheasants from dogs.

A lot of time and money is invested within our shoot to provide food and an environment, not just for the pheasants, but for all the wildlife that inhabits the woodland to benefit from. It would be

almost impossible to continue with our activity if the public at large and their dogs were permitted to wander through the wood as a public right of way.

I hereby certify that to the best of my knowledge and belief the facts I have stated in this statement are true



Glenn Barrett

10 January 2017

Michael Barrett  
[REDACTED]  
Salisbury Rd  
Sherfield English  
SO51 6FL

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

*Date 13/01/17*

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

**Occupation: Retired Police Officer**

**DOB: [REDACTED] 1941**

In 1980 I commenced helping with the running of a shoot on Mr Newman's land at Upper Cowesfield Farm.

My involvement was to improve the shooting for the resident syndicate and improve the wildlife habitat.

With Mr Newman's permission I accessed all the farm which included Mean Wood.

I was permitted to place feeders in the wood and to coppice the Birch and Hazel to regenerate the woods.

I was aware of the existing footpaths on the farm and at times I cleared some of them to enable myself and others to use them.

There was a path of sorts which ran from the top of Mean Wood to the junction of public foot paths 21 and 23. The path is marked red on your plan, although this is a general outline and not the specific path.

I believe that this path had been established by previous woodsmen who had cut hazel for hurdles etc. with Mr Newman's permission. I also became aware that Mr and Mrs Newman used to walk the path with their dogs and also that he permitted some of his neighbours and friends to walk the area. I always understood that this path and the woods as a whole were private property and not open to the public.

In later years Mrs Newman mentioned that she enjoyed riding her horse in Mean Wood with family or friends and about 1998 I commenced opening up the paths, including parts of the disputed foot path, in order for her to be able to complete circular walks in the wood. This possibly made it easier for uninvited people to get into the wood. I would meet these walkers from time to time and politely inform them that there was no public footpath in the disputed area.

I would probably speak to walkers a couple of times a month to clarify where they should be. A number of people made regular visits and would enter the woods and the pony tracks to let their dogs run wild and chase the deer and wildlife. I would speak to them, but they were more difficult. I have spoken to a number of such people over the last few years but they are reluctant to leave as they thought they should be allowed to run their dogs in the wood. I explained to those people that the wood was private land and that the footpath could only be used with the owner's permission.

My particular concern from the point of view of the shoot is that the dogs running wild not only disturb and kill the young pheasants living in the wood but also destroy their habitat. My main concern however is that from a legal point of view the wood has several badger sets, and badgers are a protected species; these dogs could be chasing and killing young badgers. In addition there are many deer in the area and it is illegal to kill deer from 1<sup>st</sup> April through to 31<sup>st</sup> October. I made Mr Newman aware of this problem.

Since 1980 I have been a regular visitor to Mean Wood, supervising the shoot and woodland management. I would walk parts of the wood up to three times a week. I am still doing this at present time.

The shooting syndicate is made up of 14 paying guns. In addition we have a team of beaters who come each week. The beaters are generally husband and wife and also their children. The beaters all have their own dogs and enjoy training the dogs and watching them work.

For your information, the beaters and dogs walk through the wood and undergrowth to disturb the pheasants and encourage them to fly. After we shoot an area the beaters and dogs pick up the dead birds and we share them out for cooking.

We shoot the whole of Mean Wood including the line of the permissive path every 3 weeks during the season which runs from October 1<sup>st</sup> to February 1<sup>st</sup>.

I have not encountered any walkers within the wood or on the path during the time when we were shooting.

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

Signed:



Print Name

MICHAEL GARRETT

Date

24<sup>th</sup> JANUARY 2017



ANNEX 4

Additional statements

LEO RANDALL

LORRAINE SMITH

HELEN RANDALL

JANE GLASGOW

Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Dear Sir,

Footpath modification order at Mean Wood, Whiteparish.

I am Leo Randall and I live at [REDACTED], Cowesfield Green, Whiteparish. SP5 2QS  
Tel: [REDACTED] was the Councillor for Whiteparish and Landford on Salisbury District Council for 9 years and I am currently the Wiltshire Councillor for Redlynch and Landford. I am also a Parish Councillor for Whiteparish and for a number of years I was the Member responsible for rights of way in the Parish.

I have used the path though Mean Wood for over 15 years. Generally I used it about twice to three times per week, it made a very pleasant and convenient route to the top of Dean Hill and from that point there are a range of rights of way that can then be taken to provide a circular walk. I fully understand the concern and upset of the public over the loss as this is a very attractive route that people have been using for many years.

I always try to walk on approved routes, rights of way, Crow land or permissive paths. In conversation with local residents of Whiteparish before I used the path it was clear that the route though the wood was permissive. As there was no actual sign to this effect, I spoke to the landowner at that time and asked if it was acceptable for me to use the path, he confirmed that he had given a general permission for the public to use the path and he was happy for me to continue using it.

As well as speaking to the landowner about the order, I have also spoken to some of its supporters. The landowner stated that he used the path himself on a regular basis for exercise, this was confirmed by supporters who stated that they saw him from time to time on the path. They went on to state that he was always pleasant, exchanging greetings and so forth, and never objected to them being in his wood. This is what one would expect from a landowner that has given permission for the public to use his path.

I note that the first letter in the Parish Magazine specifically stated that it was a permissive path that had been closed, and this term was often used. Later in the campaign the use of the word permissive has been dropped, presumably as this would not support the case for a right of way.

It is unfortunate that this path has been lost, however it is clearly wrong for a new right to be created over private land simply because it is wanted by a number of people. The status of the path has clearly been very well known in the village for many years, and this cannot be ignored because it is not convenient. I therefore object to this order being made.



~~Redacted~~  
SHIRLEY  
SOUTHAMPTON  
HANTS

SOIS 8PF.

14/1/2017.

02380-320797.

DEAR SIR,

RE: FOOTPATH THROUGH MEAN WOOD, WHITEPARISH, SALISBURY.

I AM MRS LORRAINE SMITH, A HAIRDRESSER FROM SOUTHAMPTON.

I AM AWARE OF THE APPLICATION TO ADD THE ABOVE PERMISSIVE FOOTPATH TO THE DEFINITIVE MAP ALONG THE ROUTE SHOWN IN RED ON THE ATTACHED PLAN. THE PATH STARTS AT THE TOP OF DEAN HILL AND FOLLOWS THE SOUTH UNTIL THE BOTTOM OF MEAN WOOD WHERE IT JOINS PATH 21.

I AM IN NO WAY CONNECTED TO THE LANDOWNERS BUT HAVE USED THIS PATH ABOUT ONCE A MONTH SINCE THE EARLY 1980'S WITH FRIENDS WHO LIVE IN WHITEPARISH, WHO HAVE PERMISSION FROM MR. BRADLEY NEWMAN, THE LANDOWNER. MR. NEWMAN AND HIS WIFE ALWAYS MADE US VERY WELCOME IF WE EVER ENCOUNTERED THEM ON OUR RAMBLES.

I WAS AWARE THAT I WAS USING THE FOOTPATH WITH THE PERMISSION OF THE LANDOWNER AND THAT IS WAS PRIVATELY OWNED. I KNEW IT WAS NOT A PUBLIC PATH

TO THE BEST OF MY KNOWLEDGE THESE ARE THE TRUE FACTS AS I UNDERSTAND THEM

~~Redacted~~  
LORRAINE SMITH (MRS.)

Helen Randall  
[REDACTED],  
Cowesfield Green,  
Whiteparish,  
Salisbury,  
Wiltshire.  
SP5 2QS

Dear Sir

**Re Footpath through Mean Wood Whiteparish, Salisbury**

1. I am Mrs. Helen Randall b 26.07.1949 Tel 01794 884929 and I have lived at the above address since 1981. I am a retired Family Court Social Worker.
2. I am aware of the application to add the above permissive footpath to the definitive map along the route shown in red on the attached plan. The path starts at the top of Dean Hill and follows south until the bottom of Mean Wood where it joins path 21.
3. I am not connected to the owners of this land.
4. I have used the footpath since we moved to the village in 1978. It is a very pretty woodland particularly when the bluebells are in flower. I last used the path in the spring of 2015. I used the path about every 2 weeks but sometimes would go 3-4 weeks. I used the path with the permission of Bradley Newman who gave me verbal permission many years ago. He and his wife always made me welcome if I saw them.
5. From time to time I saw other users often with their dogs but I did not ask if they had permission.
6. I was always aware that I was allowed to use the footpath but that it was privately owned and my usage and that of other users, was by kind invitation of Bradley Newman. I knew it was not a public path.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true

[REDACTED]

Mrs Helen Randall  
12.01.2017

Sally Madgwick  
Rights of Way and Countryside Waste Environment  
County Hall  
Bythesea Road  
Twowbridge  
Wiltshire  
B.A. 14 8JN

Objection to Footpath Modification Order  
at Mean Wood, Whiteparish

Mrs Jane Glasgow

Phone: [REDACTED]

[REDACTED]

Occ : retired

Palmerston Street

Dob : [REDACTED] 1945

Romsey

SOS1 8QH

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement.


The path starts at the southern end of Mean Wood, within 10 or 15 metres of where public footpaths 23 and 21 cross. The path travels through the wood parallel to public footpath 23 and within 10 to 20 metres of its ending close to where path 23 meets path 20.

The path is on Mr Newman's private land and is NOT a public right of way.

In the past I have been a leader of the Boys Brigade in Romsey. Mr Newman has given his permission to the Boys Brigade to use the Paddock and Mean Wood with the path marked in red. We used to meet at least once per year over Bank Holidays to camp. Also privately and with my Church Group I have walked on many occasions during the bluebell season.

In summary I have used the path since the mid 1990's, most often during Boys Brigade camps and church groups. Last used in May of 2015, in a private visit.

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

  
JANE GLASGOW

27-1-17

**ANNEX 5**

**Parish Council minutes and notes**



APRIL 15.

### Mean Woods Footpath

Many in the village are upset at the blocking of the Mean Woods footpath and concerned as to how to proceed.

I have been in touch with The Ramblers Association who have been very helpful and sent the following information:

'The path has been used by the public, without interruption, for 20 years a right of way may well have come into existence.

You can make an application to the Highway Authority to have the path added to the definitive map based on user evidence.

All you need is to get at least 7 people, (preferably more) who have used the path during the 20-year period, to fill in a User Evidence form.

The Rights of Way team at the Highway Authority should provide all the information required to make the application.

Further information on this process is also available from The Ramblers website <http://www.ramblers.org.uk/advice/improve-the-footpath-network/how-to-claim-an-unclassified-right-of-way.aspx>

From Emily Shaw, Policy Support Officer, Ramblers Association"

Our Treasurer, Trudi Dean, says she will collate the form from the Post Office as she sees so many footpath users.

Both Trudi and I have contacted Wiltshire Council on the matter without success, thankfully The Ramblers are very helpful.

It is a rather disappointing that the Parish Council are unwilling to support the village as well, though with all our concerted efforts I am sure we will be able to enjoy the bluebells once more.

Jane Legat, Trudi Deane and Pat Woodruffe




£7 per person  
**Bluebell Walk**  
 SUNDAY 12<sup>th</sup> APRIL  
 MEETING  
 'BUCKBY' EAST GRIMSTEAD  
 POINT  
 1030am FOR 11AM WALK  
 County Commission Register No. 803680  
 Charity Registered No. SC 039050  
 BBQ 12pm Raffle

**ALL SAINTS' CHURCH  
 SPRING CLEAN**  
 SATURDAY 25<sup>th</sup> APRIL  
 9:30am - 12:30am



All help would be appreciated for cleaning inside the church on the above date- there are many varied tasks - please bring useful cleaning equipment.



Contact Churchwarden - Jane Legat 884600  
 You do not have to be on the cleaning rota -  
 Everyone needed!

## Mean woods footpath closure. Dean Hill.

MARCH 15.

It is with great sadness that we now see the owner of Mean Woods now closing the permissible footpath through this particularly lovely stretch of woodland. During the last ten years we have resided in Whiteparish we have thoroughly enjoyed the access through Mean Woods, as I am sure generations of villagers have done for many years before.

We understand that the owners are simply trying to secure the woodland from unscrupulous nocturnal visitors who have abused this access and caused damage. However we cannot see that a bit of barbed wire fencing will keep this sort of visitor out of the woodland but it is likely to stop law abiding village walkers from enjoying their favourite ramble.

During the ten years we have used the well trodden footpath through the woods we have never seen anyone causing damage or abusing the access in any way. The closure remains particularly sad at this time of year as the small early spring flowers start to appear and blue bells make their spectacular show throughout the woodland.

Tony (The Street)

### Why does the HIOW air ambulance need your bras?

The air Ambulance is a charity, which cannot provide a 24 hour service as it does not have a night flying helicopter. All effort is being made to meet with this objective, as well as keeping their normal device active.

They will take your old bras (which all women have!) but usually throw away! So old, grey, stretched, wired, padded or sports they will take them all.

The benefits are twofold, the air ambulance receives 10p per bra, they are then sent to Africa to be sold on market stalls. The amazing outcome for Africa is that the incidence of rape has gone down in women that wear bras.

Please spread the word!

Bras can be dropped off or left in the porch (In a bag please) at 14 Meadow Court, Whiteparish.

### **WOOD FOR SALE**

There has been extensive and costly work carried out in the Churchyard recently.

Large quantities of lime wood is available for sale.

It would need to be kept to dry out before burning.

Sale by the boot full considered, as well as by the trailer load.

For further information please contact Jane Legat 01794 884 600

PACIA MAR.



# Whiteparish Parish Council

## PARISH COUNCIL NOTES

*From the Meeting held 24<sup>th</sup> March 2015 in the Memorial Centre, Whiteparish.*

### **Councillor Vacancy**

There is a vacancy on the Parish Council. Please contact the Parish Clerk or a councillor for further information on joining the Parish Council.

### **Miles Lane**

Wiltshire Council Highways is investigating installing extra high kerbing at the junction with Miles Lane and the A27.

### **Parish Council Boundary Fence**

The condition of the Parish Council boundary fence, near the skate ramp, was discussed and it was agreed to get quotes for repair before considering the cost for a new replacement fence.

### **Skate Ramp**

Further to the annual inspection report quotes are being obtained for repairs to the skate ramp. This will be prior to the Whiteparish Youth Groups implementing its new artwork.

### **Best Kept Village Competition 2015**

It was agreed to enter the Best Kept Village competition 2015.

### **Rights of Way**

Dog owners are reminded that they should clear up any mess made by their dog and that this waste is not hung in bushes or trees. Please dispose of it in the nearest litter waste bin.

Villagers are reminded that they must keep to designated rights of way and not stray from them. Land owners are reminded it is their responsibility that public rights of way on their land are kept clear and accessible.

### **Next Parish Council Meeting**

The next meeting is the Annual General meeting which will be held at 7.30pm on Wednesday 20<sup>th</sup> May 2015 in the Memorial Centre. Please inform the clerk or any councillor if you are unable to attend and wish to raise any village matter.

## **PARISH COUNCIL NOMINATED MEMORIAL TRUST TRUSTEE**

Under the Constitution of the Memorial Trust the Parish Council is responsible for appointing three Trustees.

The Trustees can either be Parish Councillors or members of the public. A vacancy has arisen due to the resignation of Linda Palmer, a Parish Council nominated Trustee, and the Parish Council wishes to appoint a member of the public as a Trustee.

If you are interested in becoming a Trustee please contact the Parish Clerk at [maria.pennington456@btinternet.com](mailto:maria.pennington456@btinternet.com).

## **CLOSURE OF PERMISSIVE PATH THROUGH MEAN WOOD**

The Parish Council have always understood that the path that has recently been closed was permissive and therefore the land owner is within his legal rights to do so.

Any member of the public who wishes to discuss this further with the Parish Council are welcome to attend the next Parish Council meeting on Wednesday 20<sup>th</sup> May 2015 in the Memorial Centre at 7.30pm.



# Whiteparish Parish Council

## PARISH COUNCIL NOTES

*From the Meeting held 8<sup>th</sup> December 2016 in the Memorial Centre, Whiteparish.*

### **Parish Precept**

It was agreed to set the precept for 2017/2018 at an increase of 3.82% which equates to £1.50 for a Band D property for the year.

Next year's budget is £9,319 more than projected spend for this year. The raise is primarily due to the £5,000 cost of potential elections as advised by Wiltshire Council, £2,600 for two new noticeboards and £1,000 (£500 each) for potential football pitch and bench maintenance.

The Parish Council last increased the precept in 2011.

### **Publication of approved minutes**

Approved minutes have always been readily available to view as the original copy via request to the Parish Council Chairman.

In the future, approved minutes will also be published on the village website and all approved minutes can still be viewed via the Parish Council Chairman. Parish Council Notes will continue to be placed on the noticeboard and in the Steeple and Street.

### **Rights of Way**

With the help of Riverbourne Community Farm and volunteers path 26 has been cleared. Part of Bridleway 39 has also been cleared with the assistance of the British Horse Society, Wiltshire Council and the landowner. The Parish Council encourages use of the Whiteparish rights of way and hopes frequent use will keep paths clear.

### **BT Payphone Removal consultation – payphone on A36, Southampton Road**

The Parish Council raised no objections to the removal of this payphone. The report supplied by BT indicated it has had zero use in the past year.

### **To nominate three people to become Trustees of Whiteparish Memorial Trust**

Mike Hayday, Richard Burr and John Herrett were again nominated by the Parish Council to continue as Trustees.

### **Mean Wood, Whiteparish**

The Parish Council objected to the application for an order to add a public footpath at Mean Wood, Whiteparish to the definitive map and statement. It was a unanimous decision and the Parish Council has always understood this was a permissive footpath.

### **Churchyard grass cutting**

It was agreed to support the PCC request with financial assistance towards grass cutting of the churchyard.

### **Community**

Villagers are invited to come and meet their Parish Councillors and find out what the Parish Council does at the Annual Parish Meeting on Thursday, 16<sup>th</sup> March at 7.30pm in the Memorial Centre. Everyone is welcome.

### **Reporting Highway Issues**

To report a highway problem to Wiltshire Council please call 0300 456 0105 or contact the Parish Clerk at maria.pennington456@btinternet.com. If going direct to Wiltshire Council please request the issue number should the progress need to be tracked.

### **Next Meeting**

The next meeting is on Thursday, 12th January 2017 at 7.30pm. Villagers are invited to attend the meetings. Please inform the Parish Clerk if you are unable to attend and wish to raise any village matter.

**ANNEX 6**

**Mr Newman's comments on user evidence**

User number	Comments
1	<p>This user's evidence commenced within 20 years of the landowner statement of 9 February 2012, and cannot therefore comprise evidence demonstrating 20 years' use for the purposes of s.31. In this case the evidence of use commenced in 1994.</p> <p>Use 3 or 4 times a year is insufficient evidence to establish general public use.</p> <p>In any event, use of the path has been permissive for the reasons outlined within this letter.</p>
2	<p>This user's evidence commenced within 20 years of the landowner statement of 9 February 2012, and cannot therefore comprise evidence demonstrating 20 years' use for the purposes of s.31. In this case the evidence of use commenced in 1994.</p> <p>Use 3 or 4 times a year between 2003 and 2004 is insufficient evidence to establish general public use.</p> <p>In any event, use of the path has been permissive for the reasons outlined within this letter.</p>
3	<p>Despite Ms Woodruff's comments at question 12 of her form, my client is very clear in his statement that Ms Woodruff's use of the Proposed Footpath has been with his express oral consent. Ms Woodruff's evidence should not be relied on to comprise use as of right for the purposes of s.31. Her use was with the express permission of the landowner.</p> <p>Ms Woodruff appends an OS maps, purportedly published in 1958 and 1885. There is no evidence from those plans (or user evidence) that the ways so marked are in public use. That there are paths in (or adjacent to) Mean Wood is not in dispute. The issue is that it is only those that are currently recorded as public footpaths WHT21 and WHT23 which are public rights of way. As explained within this letter and supporting evidence, all other paths are permissive.</p> <p>It is helpful to note that the old OS maps show the woodland broken into rectangles by dotted paths. These paths were for management purposes to give the hurdle makers and foresters easy access to the woodland. Timber and hazel would have been cut out of each block in rotation. It would also have helped with rabbit and deer control and amenity use of the land owner for shooting and so on. The paths were not marked as public footpaths and for the reasons explained within this paragraph were not intended for public use (nor was public use acquiesced to).</p>
4	<p>The route that Mr Moore has drawn on his plan is significantly different to the route claimed. The Proposed Footpath clearly enters Mean Wood, runs a significant distance from existing WHT23 (not the 3 metres Mr Moore refers to and draws), and runs in and out of trees in a meandering fashion. The route Mr Moore claims to have used is not the Proposed Footpath. His evidence should not therefore be taken into account.</p> <p>In any event, use of any path within Mean Wood has been permissive for the reasons outlined within this letter.</p>
5	<p>This user's evidence commenced within 20 years of the landowner statement of 9 February 2012, and cannot therefore comprise evidence demonstrating 20 years' use for the purposes of s.31. In this case the evidence of use commenced in 2000.</p> <p>The plan submitted in support of this statement shows that the route used is not the</p>

	Proposed Footpath claimed. This evidence should not be taken into account.
6	<p>This user's evidence commenced within 20 years of the landowner statement of 9 February 2012, and cannot therefore comprise evidence demonstrating 20 years' use for the purposes of s.31. In this case the evidence of use commenced in 2000.</p> <p>The plan submitted in support of this statement shows that the route used is not the Proposed Footpath claimed. This evidence should not be taken into account.</p>
7	<p>This user's evidence commenced within 20 years of the landowner statement of 9 February 2012, and cannot therefore comprise evidence demonstrating 20 years' use for the purposes of s.31. In this case the evidence of use commenced in 2001.</p> <p>A significant portion of the route claimed by this user runs immediately adjacent to WHT23 in northern part of Mean Wood. It does not appear to show the Proposed Footpath in at least that portion of Mean Wood, and should be disregarded in that portion.</p> <p>In any event, use of any path within Mean Wood has been permissive for the reasons outlined within this letter.</p>
8	<p>This user's evidence only shows use of the northern half of the Proposed Footpath, and should be disregarded in relation to the southern half of the Proposed Footpath which is not shown to have been used.</p> <p>In any event, use of any path within Mean Wood has been permissive for the reasons outlined within this letter.</p>
9	<p>This user's evidence only shows use of the northern half of the Proposed Footpath, and should be disregarded in relation to the southern half of the Proposed Footpath which is not shown to have been used.</p> <p>In any event, use of any path within Mean Wood has been permissive for the reasons outlined above. This is clear from the references at question 13 of this form which refer to walks which have been organised for local groups. As Mr Newman makes clear in his statement, these organised walks took place with his express permission, and are indicative of the permissive manner in which any paths within Mean Wood including the Proposed Footpath.</p>
10	Any use by this user of the Proposed Footpath within Mean Wood cannot comprise use of as of right. For the reasons outlined above, this use has been permissive. Given the level of use claimed by this user, it is highly likely that he has either had to avoid Mean Wood during times of active shooting, or has been challenged or turned away by the various persons outlined within the statements referred within this objection.
11	<p>This user's evidence commenced within 20 years of the landowner statement of 9 February 2012, and cannot therefore comprise evidence demonstrating 20 years' use for the purposes of s.31. In this case the evidence of use commenced in 2006.</p> <p>In any event, use of the path has been permissive for the reasons outlined within this letter.</p>
12	<p>The level of use claimed by this user (once or twice a year) is insufficient evidence to establish general public use.</p> <p>A significant portion of the route claimed by this user runs immediately adjacent to WHT23 in northern part of Mean Wood. It does not appear to show the Proposed Footpath in at least that portion of Mean Wood, and should be disregarded in that portion.</p>

	<p>My client is not aware if Mr Woodruffe is related to Ms Woodruffe (user number 3). However, they live at the same address so that would appear to be the case. Mr Woodruffe should therefore have been aware of the express permission granted to Ms Woodruffe (as outlined above). Mr Woodruffe's evidence should not be relied on to comprise use as of right for the purposes of s.31. His use was with the express permission of the landowner.</p> <p>In any event, use of the path has been permissive for the reasons outlined within this letter.</p>
13	<p>This user's evidence commenced within 20 years of the landowner statement of 9 February 2012, and cannot therefore comprise evidence demonstrating 20 years' use for the purposes of s.31. In this case the evidence of use commenced in 2006.</p> <p>In any event, use of any path within Mean Wood has been permissive for the reasons outlined within this letter.</p>
14	<p>In his statement Mr Newman explains the relationship with this user, and that through conversations in the past express oral permission has been given for the use of the Proposed Footpath. This user's evidence should therefore be disregarded as it does not amount to use as of right.</p>
15	<p>In his statement Mr Newman explains the relationship with this user, and that through conversations in the past express oral permission has been given for the use of the Proposed Footpath. This user's evidence should therefore be disregarded as it does not amount to use as of right.</p>
16	<p>Use 6 to 8 times a year is insufficient evidence to establish general public use.</p> <p>In any event, use of the path has been permissive for the reasons outlined within this letter.</p>
17	<p>Any use by this user of the Proposed Footpath within Mean Wood cannot comprise use of as of right. For the reasons outlined above, this use has been permissive. Given the level of use claimed by this user, it is highly likely that he has either had to avoid Mean Wood during times of active shooting, or has been challenged or turned away by the various persons outlined within the statements referred within this objection.</p>
18	<p>Use 3 times a year is insufficient evidence to establish general public use.</p> <p>This user's evidence commenced within 20 years of the landowner statement of 9 February 2012, and cannot therefore comprise evidence demonstrating 20 years' use for the purposes of s.31. In this case the evidence of use commenced in 2005.</p> <p>In any event, use of the path has been permissive for the reasons outlined within this letter.</p>
19	<p>Given the addresses, it is assumed that this user is related to user 18. The occasional use is therefore taken to be similar to user 18's 3 times a year, which is insufficient evidence to establish general public use.</p> <p>This user's evidence commenced within 20 years of the landowner statement of 9 February 2012, and cannot therefore comprise evidence demonstrating 20 years' use for the purposes of s.31. In this case the evidence of use commenced in 2006.</p> <p>In any event, use of the path has been permissive for the reasons outlined within this letter.</p>
20	<p>Use 4 times a year is insufficient evidence to establish general public use.</p> <p>Any use by this user of the Proposed Footpath within Mean Wood cannot comprise use of</p>

	<p>as of right. For the reasons outlined above, this use has been permissive.</p>
21	<p>Use 6 to 8 times a year is insufficient evidence to establish general public use.</p> <p>Any use by this user of the Proposed Footpath within Mean Wood cannot comprise use of as of right. For the reasons outlined above, this use has been permissive.</p>
22	<p>The route drawn on this user's plan is significantly different to the route claimed. The Proposed Footpath clearly enters Mean Wood, runs a significant distance from existing WHT23 (not immediately adjacent as shown here), and runs in and out of trees in a meandering fashion. The route claimed by this user is not the Proposed Footpath. This evidence should not therefore be taken into account.</p> <p>This user's evidence also commenced within 20 years of the landowner statement of 9 February 2012, and could not therefore comprise evidence demonstrating 20 years' use for the purposes of s.31. In this case the evidence of use commenced in 1997.</p> <p>In any event, use of the path has been permissive for the reasons outlined within this letter.</p>
23	<p>Use 5 times a year is insufficient evidence to establish general public use.</p> <p>This user's evidence commenced within 20 years of the landowner statement of 9 February 2012, and cannot therefore comprise evidence demonstrating 20 years' use for the purposes of s.31. In this case the evidence of use commenced in 1998.</p> <p>The user (at Q12) refers to a farmer maintain a path from Miles Lane to a stile in Mean Wood open. This is not relevant – that path would be WHT21 which is already a public footpath and not relevant to this Application.</p> <p>This user refers to an ordnance survey map but no copy is provided. If the reference is to the OS sheet dated 1958 provided by user 3, as explained above, there is no evidence from that sheet that the Proposed Footpath is in public use. The sheet shows many paths in Mean Wood, all of which (save for WHT21 and WHT23) are permissive.</p> <p>It is helpful to note that the old OS maps show the woodland broken into rectangles by dotted paths. These paths were for management purposes to give the hurdle makers and foresters easy access to the woodland. Timber and hazel would have been cut out of each block in rotation. It would also have helped with rabbit and deer control and amenity use of the land owner for shooting and so on. The paths were not marked as public footpaths and for the reasons explained within this paragraph were not intended for public use (nor was public use acquiesced to).</p>
24	<p>Use 6 times a year is insufficient evidence to establish general public use.</p> <p>This user's evidence commenced within 20 years of the landowner statement of 9 February 2012, and cannot therefore comprise evidence demonstrating 20 years' use for the purposes of s.31. In this case the evidence of use commenced in 1998.</p> <p>The user (at Q12) refers to a farmer maintain a path from Miles Lane to a stile in Mean Wood open. This is not relevant – that path would be WHT21 which is already a public footpath and not relevant to this Application.</p> <p>This user refers to an ordnance survey map but no copy is provided. If the reference is to the OS sheet dated 1958 provided by user 3, as explained above, there is no evidence from that sheet that the Proposed Footpath is in public use. The sheet shows many paths in Mean Wood, all of which (save for WHT21 and WHT23) are permissive.</p> <p>It is helpful to note that the old OS maps show the woodland broken into rectangles by dotted paths. These paths were for management purposes to give the hurdle makers and</p>



foresters easy access to the woodland. Timber and hazel would have been cut out of each block in rotation. It would also have helped with rabbit and deer control and amenity use of the land owner for shooting and so on. The paths were not marked as public footpaths and for the reasons explained within this paragraph were not intended for public use (nor was public use acquiesced to).

25 Any use by this user of the Proposed Footpath within Mean Wood cannot comprise use of as of right. For the reasons outlined above, this use has been permissive. Given the level of use claimed by this user at weekends, it is highly likely that he has either had to avoid Mean Wood during times of active shooting, or has been challenged or turned away by the various persons outlined within the statements referred within this objection.

Please note that whilst Mr Hobbs refers to a car park at the northern end of the footpath, he is mistaken. There is no public parking available in the area indicated on the plan accompanying his user form.