

Compton Green Farm

Compton Dando

Nr Bristol BS39 4LE

**Wildlife & Countryside Act 1981 – Schedule 14. Order Making Authority
Bath & North East Somerset Council.**

Your ref: ROW/3318077

8 October 2023

**Response to the Appeal Form presented by Compton Dando Parish Council from the
landowner Simon Kinnersley.**

There are a number of claims in the Appeal Form that need addressing. Many have already been covered in the original statements. However, some require further clarification:

**5.2: “We believe that the application placed was reasonably alleged, but would question
some of the materials put forward by the landowner and his colleagues.”**

Specifically which materials are under question? Graeme Stark discussed my statement with me at length in order to satisfy his understanding. He also requested phone numbers and informed me that he would be speaking in the same way to the other witnesses to assist his assessment.

The use of the word ‘colleagues’ is misleading. I was invited to provide resident witnesses to support my position. These third-party statements were made willingly by villagers who are familiar with Park Copse. There is no relationship, either personal or business. I confirm they are all longstanding residents of Compton Dando or have worked in the village.

**6.1: “We would ask how many of the landowner’s resident statements were from people
who would actually have been using the area as adults over 30 years ago.**

This is disingenuous as most of the witness are well-known to the Parish Council, one of them is even a member of the council. The witness statements make it clear that all them were well into adulthood 30 years ago.

6.3: The route depicted on the map with the original application was a best guess as to the route with 20 meters either side in the absence of surveying equipment by local villagers. Over the years the route has changed to some degrees as trees have fallen across the path and walkers have diverted around the trunks.

It could be argued that the applicant does have capacity to conduct a more accurate survey of the route rather than a 'best guess'. The chair of the Parish Council is a director of a RICS registered company (Morecroft Drury www.morecroft-drury.com) and her husband is the Managing Director.

It is claimed that the route has changed over the years but this is purely anecdotal and unsubstantiated. I confirm that the Worn Line has always followed the same trail, as shown on the BANES route. There is no sign of the alleged tree stumps or fallen trees. It is noted that the Parish Council are now happy to accept this route, yet the Claimed Line follows a very different route.

Given that the Rights of Way officer for BANES recently insisted that I moved a fence post 30cm as it intruded into the footpath, requesting to change the course of a footpath by as little as a meter requires an application of variation, the principal of moving the application for footpath 20 meters seems complete out of keeping with the legal absolutes to which I am expected to abide.

In their summary, the Parish Council claim that the proposed footpath (Claimed Line) is "much more gentle" than the steeper designated footpath. This is not correct.

6.4: For many years there has been a Heras fencing at point A. There has never been Heras fencing at point A. A locked galvanised gate was positioned there to prevent parking but that was after the claimed period of usage of the path and therefore not relevant.

There has been no fencing of any kind at point B until the landowner received planning permission. Again, this is completely incorrect. Please see landowner statement, supported by witness statements.

9: If the Woollard shoot had been operating in Compton Dando and within the heavily wooded Park Copse, the walkers on the admitted PROW BA8/65 would have affected, and been affected (sic) by the shoot equally.

Incorrect. The Woollard shoot have enjoyed the rights to shoot in Park Copse since the mid-1980s. The safety of walkers has been assured at all times and there has never been an incident.

11.4: If there had been real intent to keep the public away from either of the routes, then an effective block would have been put in place at the start of the period under discussion.

As detailed in my statement, much effort has been made throughout this period to contain access through the privately owned land to protect this Ancient Woodland. Unfortunately, in spite of very best effort, these measures have not been respected by those determined for wider access.