

28 DEC 2018

Mr R Guild
Ayford farm
St Catherine
Bath
BA1 8HB

Our Ref: Robin Guild/01 The Planning Inspectorate
Your Ref: ROW/3186868

12 December 2018

Ms Tara Davies
The Planning Inspectorate
Temple Quay House
2, The Square
Bristol
BS1 6PN

Dear Ms Davies,

Re. Order Ref: ROW/3186868

Wildlife and Countryside Act 1981 – Section 53
Order Making Authority: Bath and North East Somerset Council
Title of Order: (Restricted Byway BA21/12, Beeks Mill, St Catherine) Definitive Map Modification Order 2017

I refer to the Order Decision dated 04 October 2018.

I wish to challenge several assumptions in this order and I want a new enquiry to be held.

I have numbered my paragraphs to match the inspector's, in the Order Decision.

Procedural Matters.

I wish to complain. There was not a minute taker present. No proper minutes were recorded. The acoustics in the room were poor. Several people could not hear all the proceedings, in spite of moving forward, into seats at the front of the room.

16. and 17. Thirty one user evidence forms ("UEFs") were completed in support of use of the claimed route ... Twenty eight additional people originally submitted statements that are not generally intended to lend support to the confirmation of the order.

"... I have discounted ... and this means that three people have been removed from my assessment of the user evidence."

In other words, twenty eight people support the order and twenty eight do not.

19. Mr Lippiatt drove a heavy tractor along this track, damaging the bridge. South Gloucestershire Council repaired the bridge, but stated if the damage happened again, the ~~Godwins~~ would have to pay to make good the bridge.

Thornhills

If this were a public road, then South Gloucestershire Council would have had to continue the upkeep of the bridge. They did not, so therefore this is not a public road.

21. The police will not attend if the landowner calls them out because there are trespassers on the land.

Therefore, unless there is an altercation and the police are called for that reason, there will generally be no proof of the landowner challenging trespassers.

The inspector has formed his opinion that, "The evidence as whole is in my view sufficient on balance to raise a presumption of the dedication of a public right of way." But he cannot *know* how often trespassers were challenged.

22. When the land was owned by Revd. Lane, and then later by his family trust, administered by Mrs Thornhill, his eldest daughter, there were signs in place, until 2009, stating "Private – Bridleway only". The clear intention of the landowner was to exclude the public, except for horses with riders.

23. It is clearly intended, when the gate at point A was locked, to interrupt and challenge use of the claimed route. What other reason could there be, to lock the gate?

The purpose of locking the gate was to challenge and interrupt the use of the claimed route, regardless of the time of day when the gate was locked.

What evidence, or logic is there, to support the idea that "The evidence in support of the gate being locked at times is far more limited and this may indicate that any such action occurred when people were less likely to have used the route ..."

26. Use and access to the claimed route were interrupted in about 1996, when Mr Watkins was employed to erect a "Private" sign at point A as well as re-hanging a new field gate with a new side gate.

Mr Watkins says that he erected a private sign at the request of Revd. Lane. This fact, together with Mrs Thornhill's submission clearly demonstrate that, ~~at~~ from at least 1996 to 2009, it was Revd Lane's intention to keep the route private.

Therefore, clearly, there was not twenty years uninterrupted public access to this route.

27. The inspector offers his opinion that, "In any event, I do not consider that a sign only worded "Private" or "Private Road" is sufficient to convey that there was no intention to dedicate a public bridleway."

Of course, the intention of a "Private" sign is to keep something private, and to exclude the public.

What else would such a sign mean?

30. The inspector offers his opinion that, "It is my view, on balance, that the evidence is not supportive of any landowner taking sufficient action to communicate to the public that there was a lack of intention to dedicate a public bridleway during the relevant period."

This is utter nonsense. The Revd. Lane employed Mr Watkins' employers to put up "Private" signs and a new gate. This is all the action that a peaceful, law abiding landowner would reasonably take.

This occurred in about 1996, well within the stated, relevant period.

The Planning Inspectorate 12.12.2018

Page 2 of 3

Conclusions

Clearly, the order should not be confirmed.

A further enquiry is needed because twenty years uninterrupted public access did not occur, as described by Mr Watkins and Mrs Thornhill.

I look forward to hearing from you.

Yours sincerely,



A R Guild