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I lived at South Lodge, part of St Catherine's Court from 1962 to 1977. From then on I regularly visited my parents and cousins, the Godwins. I have a good dozen relations still living in the valley, and friends. We mow the grass at the Church at St Catherine's Court. I visit the valley for one reason or another once a fortnight.

I used to work with Steve Earle for the Water Board on a self-employed basis. The late Charlie Godwin was my 3<sup>rd</sup> Cousin. He lived at Paper Mill Farm and always parked his car in the garage near the top. He locked the gate, a single galvanised gate every night.

Every winter the gate was locked for as long as I can remember. It was always locked over the Christmas period. I would then go the long way round to visit the Godwins at Beeks Farm, via Oakford or Ayford Lane.

The contents are true.

 23. 8. 2019.

David Clifford.

N.B.

SEE USER No. 41 + <sup>ALSO</sup> INCLUDE MY  
WITNESS STATEMENT FROM THE  
LAST INQUIRY. THANKS.



Witness Statement of Jennifer Watkins

I, Jennifer Watkins of 75 Hayfield, Marshfield, SN14 8RA will say as follows:

Following my statement at the Inquiry last year, I remember the gates at the top of the track being locked at some point over the Festive Season. I would avoid using the route at this time.

The contents of this statement are true.

A handwritten signature in black ink, appearing to read 'Jennifer Watkins', written in a cursive style.

Jennifer Watkins

11th September 2019

17th August 2019



Ayford Farm

Ayford Lane

St Catherine

Bath.

BA1 8HB

24/08/19

To Whom it May Concern

I wish to clarify point three of my previous Witness Statement because it has always been my understanding that the closed road has never been a Public Right of Way.

Immediately after New Year's Day the gates at the top of the private road were locked, both together as I recall. I assumed it was because of an annual party. At the Inquiry I did not think it was significant enough to mention but I was glad that Sheila Godwin of Beeks Farm said it. Everyone local knew it.

The contents of this statement are true.

Robin Guild

A handwritten signature in black ink that reads "Robin Guild". The signature is written in a cursive style with a large, prominent 'R' and 'G'.



Witness Statement of Sheila Godwin of Beeks Farm, St Catherine, Bath, BA 1 8HF

I Sheila Godwin do say:

This is an addendum to my Witness Statement previously submitted to reiterate what I said at the last Inquiry.

I remember the Rev Lane who owned Beeks Mill as far back as 1964 as at that time my family grazed our animals on the land on both sides of the valley. The Godwins maintained both gates on the route when it wasn't fenced on both sides.

Rev Lane used to drive up the route to travel to Bristol and our cattle used to collect at the bottom gate worrying Rev Lane that they might come through when he wanted to drive through. So my father fenced the route all the way down making it more of a track and keeping the cattle in the paddock. My father would occasionally repair the track with gravel all the way to the top meeting the single metal gate that was in place at the top.

My Uncle Charlie Godwin parked his car in an old garage at the top of the track and he used to lock the gate as he was frightened that some of the local yobs would come along and steal his Hillman Imp. Charlie died around 1982 but I can remember that the gate was locked previously in the late 1970's. I recall a worker we had here at the farm asking Rev Lane if he could use the track. One time, Charlie Godwin overslept and the gate had not been unlocked at 7am one morning causing the worker to be late as he then had to go round the long way.

I remember that Rev Lane had different signs over the years, one had Private Bridleway on it. I do remember that Rev Lane used to lock the top gate himself once a year around Christmas or New Years when he and his family came to Beeks Mill and that this was to keep it private.

I was brought up to believe it was a private road and anyone that used it had permission. Most of the people that used it were coming to visit my family, the Godwins at Beeks Farm and they had permission to use it.

The contents of this statement are true.

Sheila Godwin

Saturday, 24 August 2019

S. Godwin

August 30<sup>th</sup> 2019





WITNESS STATEMENT OF DEREK WILLIAM TOGHILL

I, Derek Toghill, of 2, Gloucester Road, Lower Swainswick, Bath. BA1 7BH do say as follows:

I wish to clarify point number four of my previous Witness Statement of 10th March 2015:

When I was delivering mail to St Catherine's, the gate at Beeks Mill was locked every year. This was in the early part of the year for a day or two. I had to go the long way round, up Ayford Lane to deliver to Beeks Farm, Cottages and Mill. I never saw the bottom gate locked.

A short while after the new owner moved in, new farm-vehicle gates top and bottom were locked. Next to these, side-horse gates were unlocked to let the horses go up and down. There were hand-made signs on all four gates saying the route was a permissive bridleway. I was given keys to the padlock to the farm-vehicle gates so that I could continue to deliver in the area.

The route has always been nothing more than private access to Beeks Farm, Cottages and Mill. The Godwins had grazing on the land next to the track and I would see them sometimes, but not very often.

I hope this clarifies my previous Witness Statement.

I believe the contents of this statement are true.

A handwritten signature in black ink, appearing to read 'Derek William Toghill', with a horizontal line underneath it.

Derek William Toghill.

24 August 2019



Statement of Christopher Thornhill

Home Farm House, Lower South Wraxall, Bradford-on-Avon, BA15 2RS

My father in law, the late Reverend W M (Michael) Lane bought Beeks Mill and the surrounding fields in 1964. I have known the property since the late 1960s.

The ownership of the property was transferred jointly to Michael Lane's children in 1987. He retained a one-fifth share of the property and took a keen interest in it until his death at the Millennium.

The family always used the property as a holiday home for week long and weekend visits and longer periods in, for instance, the school holidays until it was sold in 2009.

The fields attached to the property were used by the Godwins at Beeks Farm for grazing but the Lane family retained control of the private track. The Godwins, of course, had permissive access over the track.

Until 1982 Charlie Godwin of Paper Mill Cottage kept his car in a garage at the top of the private track. He shut the gate each night and, when there was a spate of car theft, he took to locking it.

His wife, Alice, kept an eye on and occasionally cleaned Beeks Mill for the family.

In the early 1980s Michael Lane asked Valentine and me (we were married in 1971) to take over the running of Beek's Mill (I had property management experience).

Michael Lane specifically expressed to me the need to keep the track private; to achieve this he explained he closed the route for a full day by locking the gate, at least once a year around the New Year. My wife, Valentine, and I continued this practice.

I recall around 1990 organising the replacement of the original top gate with a similar new gate and widening the opening to add a smaller gate to the side. The side gate was to allow people and horses to use the route easily but was specifically not a dedication of the way as a public right of way.

At that time I arranged for a sign to be affixed to the gate that said it was a Bridle Way. The wording was "Beeks Mill. Bridle Way Only. Please Shut the Gate" My wife and I continued to lock these gates annually, as we had done before, to assert that it was not a public right of way.

The cost of the new gates was shared with the Water Board (as had been the cost of the previous gate erected in the 1960s) in recognition of the permission that Michael Lane had given to the Water Board to use the private track for occasional access to their springs on the other side of the valley. Similarly, they used, from time to time, to supply loads of chippings which they laid on the track.

Michael Lane gave express permission to use the track to a few residents at this end of the Valley including successive owners of the Grey House, the Harper family at Monkswood reservoir, the Lipyatts, the people who succeeded Charley and Alice Godwin at Paper Mill cottage. There may have been others but I do not recollect them. A special case was the farmer, Breach, who was permitted access to a gate into his field that lay just inside the gate at the top of the track. Breach's land was

subsequently purchased by Mr McIntyre and verbal permission was granted to him to access his field from the top of the track. This permission did not extend to the use of the whole track.

On a number of occasions my father-in-law (Michael Lane) refused to give permission for motorcycles and motorcycle rallies to use the track, in order to preserve the peacefulness of the valley. Occasionally cars would appear on the track, either lost or exploring the valley. They would normally be asked to return via the road to Marshfield.

My late brother-in-Law, Toby Lane, held a series of charity fund-raising barbecues/dances during which the road was closed and the route blocked. I don't recall any other specific closures of the road except for the annual locking of the gate.

In later years the occasional and infrequent permissive use of the route suddenly increased when McIntyre and his daughter opened up a business called "Doggy Doos" nearby. I expressly challenged, Ms McIntyre over her client's use of the track. She was unhappy to be challenged and brusquely refused to discuss the matter but I remember that this use decreased thereafter.



**Statement of Hein van Vorstenbosch**  
**20 Southbourne Mansions, South Parade, Bath, BA2 4AD**

I worked at St Catherine's Court for seventeen years, between 1998 and 2015. Initially, I also lived at the court, for four years, before moving to Bath. I moved back to St Catherine in 2008, for five years. Between 2010 and 2014 I served as the parish chairman for the St Catherine Parish Meeting.

It was always my understanding, that the secluded gravel track, beyond the closed top gate, was private. I recall that there were "Private" and "Beek's Mill" signs on this gate, and/or on the fence adjacent to it. Indeed, during my early exploration of the valley, I was told to turn around one day, by a farmer, who was cutting the verges. He told me that I was on private property and that I should observe the signs!

I heard from the postman, many years ago, that he had permission to use the private track, when I asked him how he delivered the post beyond Beck's Mill.


Once, on a very stormy night, I got lost whilst driving back from the Catherine Wheel in Marshfield. I had taken a wrong turn and ended up passing Beek's Mill, which was occupied at the time. When I came to the end of the private track, I found that the top gate was locked. The ground was sodden and in the darkness I couldn't see where it was possible to turn around. I had to reverse all the way back.

During my service, as parish chairman, on 13<sup>th</sup> November 2012, the St Catherine Parish Meeting was asked to vote on the following question.

*Do you support an Application for a Modification Order to the Definitive Map to record a public right of way over the unrecorded track between St Catherine's Lane and Beek's Lane? **Result of Vote: No 17, Yes 8, No opinion 1.***

The late Peter Duppa-Miller supervised this vote.

This statement is true to the best of my knowledge.



Hein Vorstenbosch  
8<sup>th</sup> September 2019

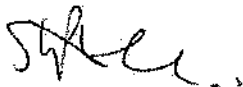


Witness Statement of Steve Earle of Oakford Farm, Marshfield

I Steve Earle do say,

- 1) I have lived in the area for 62 years. I remember the Reverend Lane living at Beeks Mill but didn't actually meet him. In my younger days I used to visit the Godwins' Farm regularly as I was friends with the Godwin girls. I thought the Godwins owned the fields and the track because Charlie Godwin used to keep his Hillman Imp in the shed at the top of the hill. He always liked the gate to be shut and sometimes he locked it.
- 2) There was a sign at the top that said "Private" and I don't recall seeing any horse riders using it when I was younger but it was only used by people visiting the Godwins at Beeks Farm.
- 3) After Charlie Godwin died I remember that gate was still locked sometimes. One time I tried to get to the Godwins that way and had to drive all the way back round and come in from the other direction. I used that way a lot more after that day because even though 9 times out of 10 it would be open, that 10<sup>th</sup> time being locked meant I had to double back on myself to get to the Godwins and it took twice as long to get there.
- 4) I didn't complain about the locked gate to the Godwins because I thought it was their track and they had a right to lock it if they wanted to. They fenced it down one side. The fence was made from two strands of wire and their cattle were the other side.
- 5) Sometimes both gates were shut and sometimes the top gate was locked. The bottom gate was never locked but I recall that even after Charlie Godwin died the top gate was sometimes locked.
- 6) Reggie Godwin never liked anyone walking the track unless they were visiting him at the farm.
- 7) I worked with the Water Board to repair the track in 1992-1993 when a new gate with a side gate went in around 1993-1994 with signs on about it being Private.
- 8) The gate that was replaced was metal, about 10/11 foot in width. The new one was in two sections: a farm gate with a smaller gate next to it and the opening was much wider than the original one.

The contents of this statement are true.



Steve Earle

31st August 2019





# Witness Proof of Evidence

by

**Donald MacIntyre**

(Applicant and User 11)

Determination by

The Secretary of State for Environment, Food and Rural Affairs

SECOND LOCAL PUBLIC INQUIRY October 15<sup>th</sup>, 2019

Bath and North East Somerset Council

(Bridleway BA21/12, Beek's Mill, St Catherine)

Definitive Map Modification Order 2017

Appeal Reference: ROW3186868

Donald MacIntyre

Manor Farm, Langridge, Bath, BA1 8AJ

1. This Proof of Evidence is made by myself, Donald MacIntyre, and is submitted in support of the Definitive Map and Statement Modification Order (modified) issued by Bath and North East Somerset Council on July 18<sup>th</sup> 2017. The modified DMMO seeks to record a bridleway between St Catherine Lane at grid reference ST 7611 7106, along an existing track in a generally north-easterly direction for approximately 200m, to the border with South Gloucestershire at grid reference ST 7624 7121.
  
2. I have farmed the land immediately adjacent to the eastern edge of the Order route for 52 years. Throughout this time, up to 2012, I have used the route freely and frequently, and as of right on foot, on horseback, on bicycle, on tractor and in a Landrover. At no time during the qualifying period, or before, have I been told not to use the route, has my way been barred, have I been given permission, or have I seen any PRIVATE notices.
  
3. I support the Order and the modifications proposed by The Inspector in his interim Decision.
  
4. This second Inquiry is called in response to two objection letters submitted in response to the Modified Order. The first from Robin Guild dated December 12<sup>th</sup>, 2018, and the second from Kate Chubb (represented by Andy Dunlop) dated December 21<sup>st</sup>, 2018. These two

objection letters, and their veracity, is important, because without them matters concerning the Order could have been settled by an exchange of letters, rather than holding another Public Inquiry.

5. The terms of reference for the Second Inquiry are to "hear evidence in respect of the modified part of the Order **and** new evidence in respect of the unmodified part of the Order".

6. The OBJECTION by ROBIN GUILD dated DECEMBER 12<sup>th</sup>, 2018

Mr Guild, in his objection, requests a further Inquiry, citing his disagreement with the Decision of The Inspector following the first Inquiry. He does not offer any evidence in respect of the modified part of the Order, or any new evidence regarding the unmodified part of The Order.

7. The OBJECTION by KATE CHUBB dated DECEMBER 21<sup>st</sup>, 2018

Kate Chubb, in her objection letter, states under headings (1) and (2) that she is unhappy with The Inspectors interpretation of the evidence presented at the First Inquiry. Under heading (3) she states that new witnesses have come forward in opposition to The Order. (1) and (2) do not constitute evidence in respect of the modified part of The Order, or new evidence regarding the unmodified part of the Order. However, new witnesses (3) may well be seen as able to present new evidence regarding the unmodified part of The Order.

8. Kate Chubb, in her Statement of Case, elaborates on her challenge to The Inspectors Decision regarding the unmodified part of The Order. She states two grounds on which she challenges the Inspectors Decision. Her first claim is that usage of the route "was insufficient to succeed in proving the case for a Section 31 creation". Her second claim is that "no period of 20 years uninterrupted use has been found" and that "the owners took sufficient steps throughout their ownership to prove there was no intention to dedicate". I must say that this is completely at odds with my experience as a regular user of the route over 52 years.

9. COMMENT on the KATE CHUBB STATEMENT of CASE

- a. Page 1 and page 2 paragraphs 1-3: Here Kate Chubb re-quotes statements made at the first Public Inquiry and adds nothing new to the evidence submitted, other than to disagree with the Inspectors' Decision. In this part of her Statement of Case she does not present "new evidence regarding the unmodified part of the Order".
  
- b. Page 2 paragraph 4: Here Kate Chubb incorrectly states "when Mr McIntyre started his 'Doggy Doos' business". She spells my name wrong, it is MacIntyre, and I have never started, owned or had an interest in a "doggy Doos" business. In this same paragraph Kate Chubb claims that the then owners of Beek's Mill became aware of

residents of Marshfield using the Order Route. This may well have been the case, but there is no evidence that usage was connected in any way to Doggy Doos. Further, Kate Chubb states that "Mr Thornhill, as manager of Beek's Mill, went to the home of Ms McIntyre and demanded that she stop her clients using the route". There are six female members of my family living in the area all having, at one time or another, the surname MacIntyre by birth or marriage. These six will submit Proof of Evidence that they have never met or had any communication with a Mr Thornhill and that he has never visited their home. We hope that Kate Chubb and Mr Thornhill will stand as witnesses on this point at the Second Public Inquiry. It is telling that neither made mention of these events in their submissions to the First Inquiry.

- c. Page 2 paragraphs 6-12, page 3 paragraphs 1-3: Kate Chubb says that the former owner of Beek's Mill, the late Reverend Lane, locked the gate onto St Catherine Lane for one day each year at New Year, so as to prevent a presumption of dedication. I have on occasions needed a back route home after celebrating New Year in Marshfield and I have never come across a locked gate on the Order Route. Indeed it makes little sense to lock a gate at one end of a route that joins the public highway at both ends. Further, Kate Chubb says that responsibility for the annual locking of the gate did in later years pass to Valentine Thornhill and Christopher Thornhill. It is

therefore very surprising that Valentine Thornhill did not mention the annual locking of the gate in her Witness Statement of March 9<sup>th</sup>, 2015. Equally, Christopher Thornhill did not mention the annual locking of the gate in his Witness Statement dated April 26<sup>th</sup>, 2011. Both witness Statements were submitted to the first Public Inquiry.

- d. MODIFICATIONS to the ORDER: I support the Inspectors' Decision to record the route as a Bridleway. However, I also think that the proposed wording of the modification is not sufficiently precise. I have addressed this in my Statement of Case.

10. I will call four witnesses at The Inquiry, in addition to myself:

- a. Tom Castree: Tom has come forward since the last Public Inquiry and will give evidence of regular use of the Order Route over many years.
- b. Marsha Eli: Marsha will give evidence that none of her group has ever met Mr Thornhill, that they have had no communication with him, and that he has never visited their homes.
- c. Richard Davey: Richard was unable to attend the first Inquiry. He hopes to be able to attend the second and will give evidence of regular use of the Order route over many years.

d. Edward Lippiatt: Ed submitted, at the First Inquiry, a User Evidence Form and a conflicting Witness Statement. He will say that he was persuaded by Kate Chubb to submit the Witness Statement, and that it is not true.

11. APPLICATION FOR COSTS: Public Inquiries are time consuming for all, and expensive. The guidelines allow for an application for costs if one side is shown to have brought a frivolous case. If it transpires, during, before or after the Inquiry, that this has happened here, I ask that The Inspector considers an application for costs.

Donald MacIntyre, September 16<sup>th</sup>, 2019





# Witness Proof of Evidence

by

**Edward Lippiatt (User 22)**

Determination by

The Secretary of State for Environment, Food and Rural Affairs

SECOND LOCAL PUBLIC INQUIRY October 15<sup>th</sup>, 2019

Bath and North East Somerset Council

(Restricted Byway BA21/12, Beek's Mill, St Catherine)

Definitive Map Modification Order 2017

Appeal Reference: ROW3186868

Edward Lippiatt

Henly Tynning Farm, St Catherine, Bath, BA1 8HQ

1. This Proof of Evidence is made by myself, Edward Lippiatt, and is submitted in support of the Modified Definitive Map and Statement Modification Order issued by Bath and North East Somerset Council on July 18<sup>th</sup> 2017. The DMMO seeks to record a Bridleway between St Catherine Lane at grid reference ST 7611 7106, along an existing track in a generally north-easterly direction for approximately 200m, to the border with South Gloucestershire at grid reference ST 7624 7121.
  
2. I gave evidence at the first Public Inquiry on August 7<sup>th</sup> 2018. At that Inquiry I presented as evidence my completed User Evidence Form dated April 30<sup>th</sup> 2017, and also a Witness Statement dated February 7<sup>th</sup> 2015. My completed User Evidence Form gave evidence in support of the DMMO. The Witness Statement gave evidence opposing the DMMO. During cross-examination I was asked to explain this discrepancy. I explained to the Inquiry that I was unwilling to do so.
  
3. I am now prepared to explain this discrepancy. My User Evidence Form of April 30<sup>th</sup> 2017 was completed and submitted by myself freely and without influence from another. My Witness Statement of February 7<sup>th</sup> 2015 was completed and submitted under persuasion from Kate Chubb.
  
4. The evidence given on my completed User Evidence Form is true. The evidence given in the Witness Statement is not.

5. I will not go through my User Evidence Form and the Witness Statement line by line. They are published for anyone to see. Suffice it to take one example. I correctly state on my User Evidence Form that there were no PRIVATE signs on the route during the qualifying period. This contrasts with the Witness Statement in which it is incorrectly stated that there were PRIVATE signs on the route during the qualifying period.
  
6. I wish to withdraw the Witness Statement as it was submitted under persuasion and is not a true account.
  
7. I wish to state my support for the Order and the Inspectors' decision to modify the Order.
  
8. I attach as evidence a copy of my Completed User Evidence Form dated April 30<sup>th</sup> 2017, and the Witness Statement dated February 7<sup>th</sup> 2015.

September 16<sup>th</sup>, 2019

**Bath & North East Somerset Council** **PUBLIC RIGHTS OF WAY**

**USER EVIDENCE FORM**

Parish &/or Name of Route (if known) BEEITS MILL LANE

PLEASE NOTE:

- This form is designed to help establish whether or not the claimed route is a public right of way. It also provides evidence of how it is used e.g. on foot, on horseback, by vehicles etc.
- If the Authority proceeds with the claim, but it is contested (e.g. by a landowner), there may be a Public Inquiry. Public Inquiries are usually held locally (i.e. in the village hall). If you are unable to attend a Public Inquiry your evidence may be given in writing, but user evidence is of much greater value if you attend in person and are prepared to answer questions on your evidence (see Question 21). Inquiries are kept as informal as possible, and the Authority will help you give your evidence.
- The information you give in this form will be processed in accordance with the Data Protection Act 1998. It is held by the Public Rights of Way Team of Bath and North East Somerset Council for the purpose of processing your user evidence.
- If a Public Inquiry takes place your evidence, including your personal information and comments, will be made available to the Inquiry in order to be used as part of the case. If you consent to Bath and North East Somerset Council disclosing the personal information contained within this User Evidence Form to anyone reasonably requiring access to this evidence, please tick the box at the end of this form.
- This form should be completed by one person only and should relate to only one route. If you need more space please continue on a separate sheet. Please use black ink.
- Forms should be accompanied by a map and the person completing the form should draw the route they have used on the map themselves.

Please return this form to the person who asked you to complete it, or send it to:

The Public Rights of Way Team, Bath and North East Somerset Council,

Lewis House, Manvers Street, Bath, BA1 1JG.

If you need any help to complete this form please contact us on 01225 477650.

1. Name (Mr/Mrs/Miss/Ms) EDWARD S LIPPATT

2. Address: HEELY TYMNO FARM ST CATHERINES  
BATH BA1 8HQ  
Postcode:

Telephone: (work) 07802 345264  
(home)

Email: EDWARDLIPPATT@HOTMAIL.COM

3. Date of Birth: [REDACTED] NB: You do not have to give your date of birth, but it helps the Authority assess your evidence.

4. Please give a full description of the route you use (e.g. where you start from, where you go and where you finish), mark it on a map and attach the map to this form

BEERS MILL LANE.  
I USED THE LANE TO GET TO FROM  
HEELY TYMNO FARM TO MARSHFIELD TO AVOID  
THE TRAFFIC ON A46.

5. How have you used the route, and during which years?					
(a) on foot	between	<u>ALWAYS</u>	and		
(b) on horseback	between		and		
(c) on bicycle/horse-drawn vehicle	between		and		
(d) with motorised vehicle	<u>1985</u> between	<u>1985</u>	and	<u>2010</u>	
6. Were there any years during which you did not use the route at all?		<u>YES</u>			NO

	If YES, which years and why?		between		and	
7.	How frequently do/did you use the route?					
		daily	once a week		once a month	
	(a) on foot					
	(b) on horseback					
	(c) on bicycle/horse-drawn vehicle					
	(d) with motorised vehicle		✓			
	If less than once a month, please specify how many times a year you use the route.					
8.	For what purpose do/did you use the route? e.g. for pleasure, going to work etc.					
	AVOID ALL TRAFFIC + TAKING CHILDREN TO SCHOOL					
9.	Has the route always followed the line described above?					
				YES		NO
	If NO, please describe how, when and why it changed.					
10.	How wide is the route?					
			[feet][metres]	3		
11.	Has the route always been the same width?					
				YES		NO
	If not, how wide did it used to be? [feet][metres]					

12.	When you have used the route were you:-					
	(a) the owner			YES		NO
	(b) the tenant			YES		NO
	(c) an employee of the owner/tenant			YES		NO
	(d) a family member of any of the above			YES		NO
	of the land over which the route runs?					

13.	Did you ever meet the landowner, their employees or family while you were using the route?	YES	NO
	If YES, what did they say?		
	ALWAYS A SMILE + LAVE		
	SOMETIMES A CHAT		
14.	Have you ever been given permission to use the route?	YES	NO
	If YES, who gave you permission and when?		
	GODWIN S.		
15.	Has anyone ever attempted to turn you back or said that you had no right to be on the route?	YES	NO
	If YES, please give details including when this happened.		
16.	Have you ever seen any notices on or near the route either encouraging or discouraging your use of it?	YES	NO
	If YES (a) where were they?		
	(b) what did they say?		
	(c) when were they present?	between	and
17.	Have there ever been stiles, gates or bridges on the route?	YES	NO
	If YES (a) what were they?	GATE	
	(b) when were they erected?	ALWAYS SINCE	
	(c) how long were they in place?	THERE	
	(d) did they prevent or deter you from using the route?	YES	NO
	(e) if gates were present, were they ever locked?	YES	NO
	If YES, when and for how long?		
Please mark the location of any notices, stiles, gates or bridges etc. on the attached map.			

18.	Has there ever been an obstruction to your use of the route?	YES	NO
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If YES (a) what was the obstruction?

(b) when was it put there?

(c) how long was it in place?

(d) did it prevent or deter you from using the route?

YES

NO

Please mark the location of any obstructions on the attached map.

19. Do you have any other information about the route which might be useful?

THE ROUTE IS NOW BLOCKED & WE ARE UNABLE TO USE IT.

IN EMERGENCY? THERE IS NO ACCESS.

IT IS A PUBLIC TRACK THAT HAS BEEN BLOCKED

20. If you wish to add any further details about the route which you cannot show on the attached map, please sketch them here.

21. If necessary, would you be prepared to give evidence at a Public Inquiry in respect of the evidence you have given?

YES

NO

If not, please briefly explain your reasons.

I confirm that to the best of my knowledge and belief the information I have given is true.

I also understand that this evidence may be presented at Public Inquiry and I authorise Bath and North East Somerset Council to use this form for that purpose.

Signature:

Date:

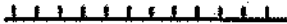
30.4.17

Please note that the contents of this evidence form may become public knowledge.

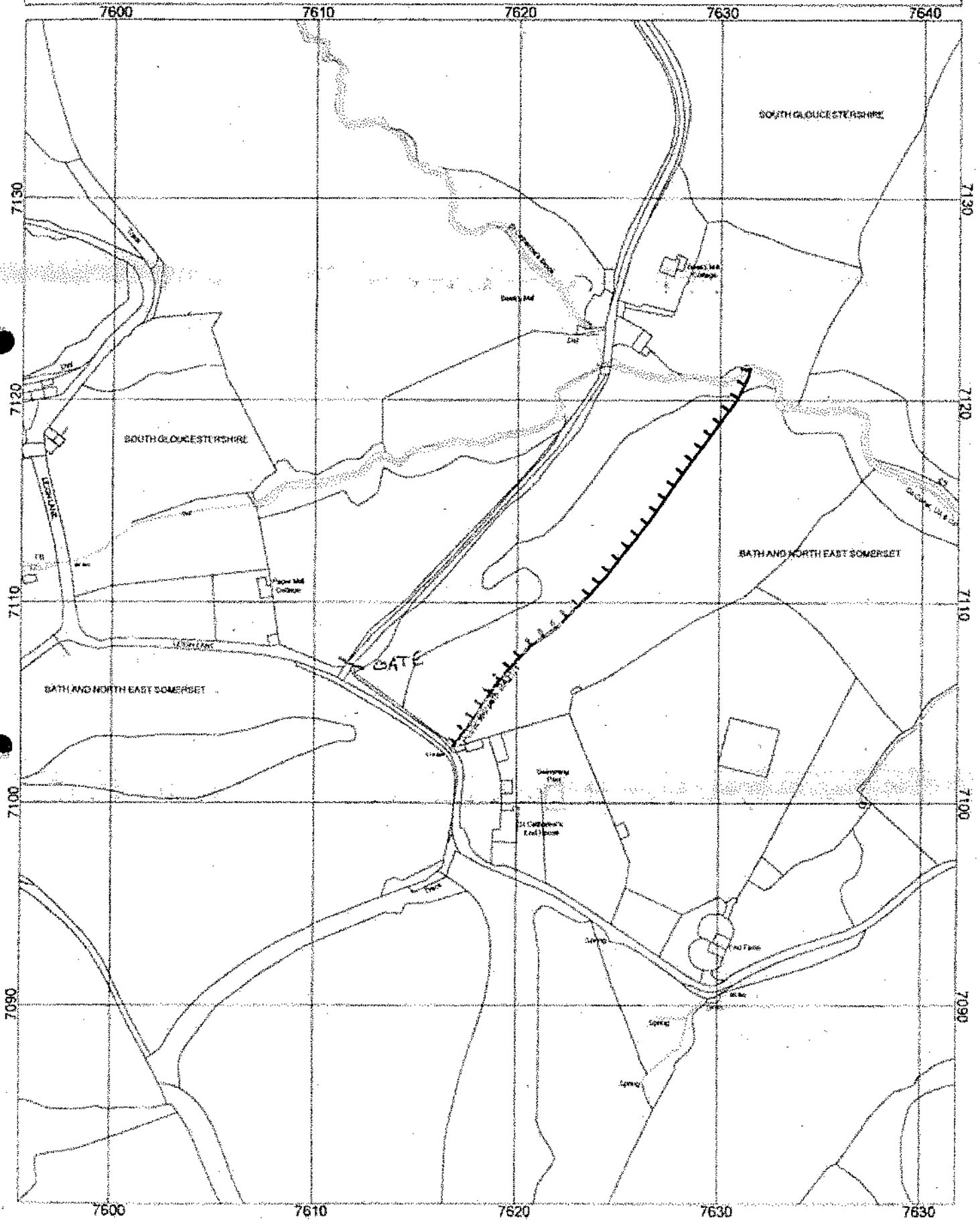
I consent to Bath and North East Somerset Council disclosing the personal information contained within this User Evidence Form to anyone reasonably requiring access to this evidence prior to a

# User Evidence Form Plan



Unaffected public footpath 

Scale 1:2500

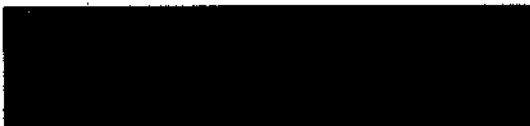


Witness Statement  
of  
Edward J Lippiatt

I, Edward Lippiatt of Henly Tynning Farm St Catherines Bath BA1 8HQ wish to make the following statements concerning the gravel track between Leigh Lane and Beeks Mill;

- 1) I have lived in the valley all of my life, 48 years. I farm about 630 acres in the St Catherines Valley.
- 2) In all these years the gravel track has only been used by locals (My family, Harpers and Godwins) and the postman, on an infrequent basis, because it has been and still is very rutted.
- 3) We had a 'gentlemans agreement' to use the track with the previous owners of Beeks Mill, cutting the hedges in return.
- 4) As far back as I can remember there has always been a gate against Leigh Lane, that was usually shut and had a private/no access sign. Also please shut the gate, as it normally was.
- 5) Walkers and horses used the gravel track. The previous owners used to stop vehicles and made them turn around.
- 6) We only use the track for access to Beeks Farm and Beeks Mill. Rarely do we use it to go to Marshfield.
- 7) The worry is if it is upgraded to a public highway, cars and more worryingly lorries will try and use it when the A46 is shut. These lanes are not suitable for any more traffic, and they will get stuck or cause accidents.

I confirm the contents of this statement are true,



Edward Lippiatt.  
7th February 2015

---

Restricted Byway BA21/12, Beek's Mill, St Catherine



## Witness Statement of Kate Chubb

I, Kate Chubb, of Beeks Mill, Beeks Mill Lane, St Catherine, BATH, South Gloucestershire. BA1 8AW do say as follows:

I would have submitted a statement at the last Inquiry but Mr Stark of RoW Bath Council said in his submission statement that he was going on years 1981 - 2001. I rang him and said I did not see the place till the early summer 2009 and so wondered if there would be any point in coming forward. He sounded doubtful. There is evidence however which I can put forward from September 2009 onwards.

### Background.

When we bought Beeks Mill in September 2009, the owners, Msrs Pease and Parry told me to look out for the place and manage it as if the owner. It took us two years to extensively renovate. I moved in in Dec 2011. But between these dates, at weekends and often after school, my children and I would come out to Beeks Mill from our rented house, nearby. The owners told me to lock the gates when the builders were not there at weekends. There was no construction fencing or boarding around Beeks Mill's garden. After the postman had been on Saturday lunchtime I would lock the gates and then nip back again on Sunday evenings to unlock them again. I did not do it as often as I should but often enough to stop anything funny or accidents. No one local made any comment or took objection.

I am aware that in 1992-3, the Water Board installed a pipe running from Monkwood Reservoir down through the valley - St Catherine's Valley main and flooded the area out, including Mr Breach's milking parlour.<sup>1</sup> The late Mr R. Breach wasn't interested in compensation. All he wanted to do was get his cattle out of the milking parlour. When not being milked, they lived in the three fields beside the milking parlour and more often, immediately opposite it - on Harley's farm.<sup>2</sup> With permission from the previous owners of Beeks Mill, the late Mr R. Breach rigged up a temporary exit out of his field near the top of the track at Beeks Mill with two strands of barbed wire. After a time, the land all dried out in the area, incl. at the Milking Parlour. It was obviously easier for the late Mr Breach to drive his cattle straight out of the Parlour across road to their pasture than it was for him to block the public road for several hundred yards and then finally turn right into Harley's Farm.<sup>3</sup>

Mr MacIntyre bought the three fields and old Milking Parlour off the late Mr R. Breach of Harley's Farm on 25th April 1995.<sup>4</sup> He was at that time living in Brookside, Batheaston, having bought other land in St Catherine's in 1993. The new land, joined up with the rest. He then moved to Langridge. With the permission of the Thornhills, he put in a farm gate in the place of the late R. Breach's two strands of barbed wire soon after he bought.<sup>5</sup>

When I first saw Beeks Mill, I noticed that as the gates to the top of the track at Beeks Mill were fairly tired looking, the signs rotten and thought it would be good to refresh them. I wanted to wait

---

<sup>1</sup> Water Board's two letters with start and end dates of works. Sadly, after many requests by me, the Water Board have not wished to write a statement or attend any Inquiry. The general consensus seems to be that 50% of the cost of the new wood gates were paid for by the Water Board and installed after their extensive works were completed. Ref User # 52 who also attended the Aug 2018 Inquiry.

<sup>2</sup> Council 2009 map.

<sup>3</sup> *ibid.*

<sup>4</sup> Council 2009 map, *op cit.*

<sup>5</sup> ref Mr MacIntyre's farm gate - left.

till the builders were finished. The farm gate is in retirement, outside my shed.<sup>6</sup> It had been secured by an "L" shaped metal pin which slotted into a hole in the ground. At the top of this gate was a metal loop to secure the pedestrian gate.<sup>7</sup> I replaced it with a new gate. The yard wide pedestrian gate did not need replacing and is still there today.<sup>8</sup>

I replaced the near totally rotten signs (one was disintegrated by a builder who covered it with his own sign) which were then subsequently re-replaced several times due to vandalism. (There were several photos of these at the 1st Inquiry so I won't repeat them here.) I tried to make them like for like, echoing the intention of the previous signs. I repeated all this set up just uphill of the lower gate because the fencing contractor did not want to hammer a gate post (for the iron gate) into the bridge, in case he cracked it. I left the lower iron gate in situ. My one real change to the entire set up was that both these gates set ups were now secured onto a strong central post each.<sup>9</sup> I was told by our solicitor to lock the gates to the track top and bottom. The permissive bridleway signs made it clear that the route was not a PRoW so I left the pedestrian gate unlocked.

I asked the Postman and the Godwins of Beeks Farm to please use the track. Also that same time, I met Andy Turner.<sup>10</sup> He asked for permission to detect metal and explained that Christopher and Valentine had allowed him to. He comes often because moles etc turn the ground over all the time.

Mr MacIntyre's Dog Day Care Centre, previously Mr Breach's Milking Parlour - was in operation for a good few years before it eventually got retrospective planning permission in 2010 - as "Doggie Doos". It was controversial in the Parish as no one local wanted barking dogs and dog customers on the single track roads, but thanks to his application, I met everyone pretty soon after we bought Beeks Mill.

As a newly self-contained business, Doggie Doos blocked off the usual access to the three fields - which went with the old Milking Parlour.<sup>11</sup> Mr MacIntyre was then in need of new vehicular access to the three fields.<sup>12</sup> He had apparently been occasionally using the access onto our track from before we moved in but that with the grant of its planning permission (2010) his use very much intensified. This coincided with his assertions that the track was a PRoW as I challenged Mr McIntyre over his usage, the nuisance factor and eventually telling him his permission to use the gate was withdrawn. This led to an email dated 7th November 2011 from Mr MacIntyre saying,

*If you wish to restrict my access to this field you will trigger an application on my part to establish my rights of access in law.*

*If you loose you will bear a greater part of the cost and you will have less rights than you do at present.*

---

<sup>6</sup> top farm gate. This is now too rotten to be moved.

<sup>7</sup> *ibid.*

<sup>8</sup> orig pedestrian gate

<sup>9</sup> *ibid.*

<sup>10</sup> User # 59

<sup>11</sup> In the same way that the late Mr R. Breach needed to get his cattle out when his milking parlour flooded, the only place found was off our track.

<sup>12</sup> See Council 2009 map *op cit*. It is not possible to gauge from this map that the only road access to/from these three fields is at "Doggie Doos". Between Doggie Doos and the track, there is either a steep bank, St Catherine's End House, an easement for the house to empty their septic tank and a huge wall followed by a vast bank.

*I suggest that you manage this field access in the same way as done by previous occupiers of Beeks Mill.*

I took legal advice and he was rebuffed.

In November 2012, Mr MacIntyre went to St Catherine's Parish to ask them to make a DMMO application to the effect that the track was a public right of way. Parishioners voted overwhelmingly that they thought it was not a public right of way.

The following month, Mr MacIntyre bulldozed away a large section of ancient bank, some of our land and made a new and exceptionally wide access directly onto the road. He then made two or three retrospective Planning Applications in an attempt to get this new access approved. These failed on highway grounds and finally lost an Planning Appeal. (2013-14)

After I had moved in, I ended up with time to meet everyone. Robert Hemms did some lawn mowing for me here and I offered his dad, Mr Hemms a key to the padlock, for use for the whole family as long as it was sparing, not three times a week. While Mr Hemms happily accepted the key, he said his use would be sparing as, seeing me take my sons to school every day in all weathers said it'd be "too much of a business", unlocking the gates and closing them again.

I tended to honour the same access licence holders as the Thornhills, where they were still alive and if they seemed nice. e.g. The Harpers at Monkwood House<sup>13</sup>. Mr MacIntyre was not on the list of nice people. Apart from Mr MacIntyre and Mr Strutt, locals accepted that it was not a Public Right of Way.

One UEF individual (who I have never met) says (on the form itself) that he cannot attend any Inquiry because he'd rather not get involved in a neighbour dispute which is exactly what this is.<sup>14</sup>

It is my firm belief that the landowners of Beeks Mill have never dedicated the route as a PRoW. On the contrary, they have always been competent and at times ingenious (permissive horses but not cars, except licence holders) about protecting its status as the exact opposite. Since 1993 after the Water Board finished supplying the valley with water from Monkwood Reservoir, and a new wood side gate went in, the track has been a permissive bridleway and I would like it to stay that way. Prior to the side gate going in it would have been very difficult for rider to access the track. I also want to invite Bicycles back. Since my sign was ripped off, permissive bicycles have all gone. It's just not our intention. It's still nice for them to use if they want to, as long as they are not asserting a right of use.

I believe the contents of this statement are true.

Kate Chubb. 12/09/19

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<sup>13</sup> See Council 2009 map, op cit.

<sup>14</sup> UEF#30



## References

(1) May 2012 photo of Mr MacIntyre's gate - left.

(2) Council 2009 map

(3) Water Board easement info letters (x2) with start/end dates ('92 & '93) and information about doing extensive works in the valley.

(4) Top farm gate - this now sits outside my shed and is not moved as nearly rotten.

(5) photo of the original pedestrian gate.

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# Witness Proof of Evidence

by

Martha Lamb

Myrica Gale MacIntyre

Jane Lipington

Adrienne Sarah MacIntyre

Marsha Eli

Mischa Campbell

Determination by

The Secretary of State for Environment, Food and Rural Affairs

SECOND LOCAL PUBLIC INQUIRY October 15<sup>th</sup>, 2019

Bath and North East Somerset Council

(Restricted Byway BA21/12, Beek's Mill, St Catherine)

Definitive Map Modification Order 2017

Appeal Reference: ROW3186868

1. This Proof of Evidence is made by the above named in response to the Statement of Case by Kate Chubb. In this Statement of Case Kate Chubb refers to a "Ms McIntyre". However, Kate Chubb is not sufficiently precise for us to know to who she is referring. We have all at sometime borne the surname MacIntyre, either through marriage or by birth, and we all reside within the area.
2. In her Statement of Case Kate Chubb says that "Mr Thornhill, as manager of Beeks Mill, went to the home of Ms McIntyre and demanded that she stop her clients using the route".
3. We all say, we have never met or seen Mr Thornhill, we have never had any communication with Mr Thornhill, and Mr Thornhill has never visited any of our homes.
4. We support the Order and the modifications proposed by The Inspector in his interim Decision.

September 16<sup>th</sup>, 2019





Richard Pease <  
11/09/2019 19:36

To whom it may concern,

I write this letter in my capacity as a trustee of Beeks Mill.

Kate Chubb, as the occupier, was asked to be responsible for general care and maintenance together with ensuring that the house and surrounding property was safeguarded.

We extensively refurbished the house and it was particularly important to monitor/ restrict public access over this period to avoid possible pilfering of building materials.

Consequently, Kate Chubb was asked to lock the gate on the track. Due to this precaution, we managed to avoid any theft.

Once Kate moved into the property, this was formalised with a Landowners Statement ( section 31 / 1980 Act)

Richard Pease  
21 Eldon Road  
London W85PT

*Richard Pease*



# Witness Proof of Evidence

by

## Tom Castree (User 60)

Determination by

The Secretary of State for Environment, Food and Rural Affairs

SECOND LOCAL PUBLIC INQUIRY October 15<sup>th</sup>, 2019

Bath and North East Somerset Council

(Restricted Byway BA21/12, Beek's Mill, St Catherine)

Definitive Map Modification Order 2017

Appeal Reference: ROW3186868

Tom Castree

31 Fairview, Thickwood, Colerne, Wilts, SN14 8BS



1. This Proof of Evidence is made by myself, Tom Castree, and is submitted in support of the Modified Definitive Map and Statement Modification Order issued by Bath and North East Somerset Council on July 18<sup>th</sup> 2017. The DMMO seeks to record a Bridleway between St Catherine Lane at grid reference ST 7611 7106, along an existing track in a generally north-easterly direction for approximately 200m, to the border with South Gloucestershire at grid reference ST 7624 7121.
  
2. I used the route frequently on foot at least once a week between 1979 and 2012, and occasionally on bicycle.
  
3. I am not and never have been an employee or family member of the tenant or owner.
  
4. No one has ever given me permission to use the route.
  
5. No one has ever challenged my use of the route.
  
6. I have never seen any notices on or near the route that discouraged or encouraged use of it. There was never a PRIVATE notice until 2012
  
7. The route has never been obstructed by, for example, locked gates, until 2012.

8. I wish to state my support for the Order and the Inspectors' decision to modify the Order.

9. I attach as evidence a copy of my Completed User Evidence Form dated August 7<sup>th</sup> 2019.

September 16<sup>th</sup>, 2019

## PUBLIC RIGHTS OF WAY USER EVIDENCE FORM

B&NES File Reference (if known) Row / 3186868

Parish &/or Name of Route (if known) BEEK'S MILL

### PLEASE NOTE:

- This form is designed to help establish whether or not the claimed route is a public right of way. It also provides evidence of how it is used e.g. on foot, on horseback, by vehicles etc.
- If the Authority proceeds with the claim, but it is contested (e.g. by a landowner), there may be a Public Inquiry. Public Inquiries are usually held locally (i.e. in the village hall). If you are unable to attend a Public Inquiry your evidence may be given in writing, but user evidence is of much greater value if you attend in person and are prepared to answer questions on your evidence (see Question 25). Inquiries are kept as informal as possible, and the Authority will help you give your evidence.
- The information you give in this form will be processed in accordance with the Data Protection Act 1998. It is held by the Public Rights of Way Team of Bath and North East Somerset Council for the purpose of processing your user evidence.
- If a Public Inquiry takes place your evidence, including your personal information and comments, will be made available to the Inquiry in order to be used as part of the case. If you do not wish your personal information to be disclosed prior to an Inquiry please tick the appropriate box at the end of this form.
- **This form should be completed by one person only and should relate to only one route.** If you need more space please continue on a separate sheet. Please use black ink.

Please return this form to the person who asked you to complete it, or send it to:

The Public Rights of Way Team, Bath and North East Somerset Council,  
Riverside, Temple Street, Keynsham, BA31 1LA.

If you need any help to complete this form please contact us on 01225 477650.

1. Name (Mr/Ms/Miss) CASTREE  
2. Address: 31 Fairview, Thickwood, Colerne  
Wiltshire Postcode: SN14 8BS  
Telephone: ..... (work) 01225 744337 ..... (home)  
Email: tmcastree75@gmail.com

3. Date of Birth: 1952 NB: You do not have to give your date of birth, but it helps the Authority assess your evidence.

4. Please give a full description of the route you use and mark it on the attached map.  
e.g. where you start from, where you go and where you finish

Route 1: From Cripps Farm, up the valley road, down Beek's Track to the Bridge at bottom of track. From, Route one straight on to Marshead visit Public House, then return later in evening

Route 2, From Cripps up the valley lane, then down Beek's lane, left at Bridge then footpaths to the Folk Public House at Cold Aston, then return later in the evening

5. How have you used the route, and during which years?

- |                                    |                                     |         |       |     |       |
|------------------------------------|-------------------------------------|---------|-------|-----|-------|
| (a) on foot                        | <input checked="" type="checkbox"/> | between | 1979  | and | 2012  |
| (b) on horseback                   | <input type="checkbox"/>            | between | _____ | and | _____ |
| (c) on bicycle/horse-drawn vehicle | <input checked="" type="checkbox"/> | between | _____ | and | _____ |
| (d) with motorised vehicle         | <input type="checkbox"/>            | between | _____ | and | _____ |

6. Were there any years during which you did not use the route at all?

YES  NO

If YES, which years and why?

between \_\_\_\_\_ and \_\_\_\_\_

7. How frequently do/did you use the route?

	daily	once a week	once a month
(a) on foot		Maybe more	
(b) on horseback			
(c) on bicycle/horse-drawn vehicle		once or twice	
(d) with motorised vehicle			

If less than once a month, please specify how many times a year you use the route.

8. For what purpose do/did you use the route? e.g. for pleasure, going to work etc.

Pleasure

9. Has the route always followed the line described above?

YES  NO

If NO, please describe how, when and why it changed.

10. How wide is the route? Never measured it [feet][metres]

11. Has the route always been the same width?

Basically YES  NO

If not, how wide did it used to be?

[feet][metres]

Havent a golve didnt seem relevant

12. When you have used the route were you:-

- (a) the owner YES  NO
- (b) the tenant YES  NO
- (c) an employee of the owner/tenant YES  NO
- (d) a family member of any of the above YES  NO

If you have answered 'YES' to any of the above, please go to Question 14.

13. Did you ever meet the landowner, their employees or family while you were using the route? YES  NO   
 If YES, what did they say?  
 -----  
 -----

14. Have you ever been given permission to use the route? YES  NO   
 If YES, who gave you permission and when?  
 -----  
 -----

15. Has anyone ever attempted to turn you back or said that you had no right to be on the route? YES  NO   
 If YES, please give details including when this happened.  
 -----  
 -----

16. Have you ever seen any notices on or near the route either encouraging or discouraging your use of it? YES  NO   
 If YES (a) where were they? -----  
 (b) what did they say? -----  
 -----  
 (c) when were they present? between \_\_\_\_\_ and \_\_\_\_\_

17. Have there ever been stiles, gates or bridges on the route? YES  NO   
 If YES (a) what were they? -----  
 (b) when were they erected? *Yonks ago*  
 (c) how long were they in place? -----  
 (d) did they prevent or deter you from using the route? YES  NO   
 (e) if gates were present, were they ever locked? YES  NO   
 If YES, when and for how long? -----

Please mark the location of any notices, stiles, gates or bridges etc. on the attached map.

18. Has there ever been an obstruction to your use of the route? YES  NO

If YES (a) what was the obstruction? .....

(b) when was it put there? .....

(c) how long was it in place? .....

(d) did it prevent or deter you from using the route? YES  NO

Please mark the location of any obstructions on the attached map.

19. Do you have any other information about the route which might be useful?

*Not really until now gates etc*

20. If you wish to add any further details about the route which you cannot show on the attached map, please sketch them here.

*I had 3 routes to travel to my watering holes and that was Marshfield, Cold Ashton and the North end. Variety was the spice of life and freedom to obtain my goals.*

21. If necessary, would you be prepared to give evidence at a Public Inquiry in respect of the evidence you have given? YES  NO

If not, please briefly explain your reasons.

.....  
.....

I confirm that to the best of my knowledge and belief the information I have given is true.

I also understand that this evidence may be presented at Public Inquiry and I authorise Bath and North East Somerset Council to use this form for that purpose.

Signature: *[Signature]*

Date: *7.8.19*

Please note that the contents of this evidence form may become public knowledge.

If you do not wish Bath and North East Somerset Council to disclose your personal information prior to a Public Inquiry, to anyone reasonably requiring access to this evidence form, please tick this box.

## Beeks Lane, St Catherine, Bath

Application for a Modification Order to the Definitive Map and Statement of Public Rights of Way

Please indicate the route on the map below

*Cobbleston*

*Marshfield*







---

Witness Statement of Jim Creed

I Jim Creed of 5 Ayford Cottages, Ayford Lane, Marshfield SN14 8AB will say as follows:

I grew up in Starfall Farm, Northend Batheaston. I have lived in the area for 50 years.

As a youngster, I was always aware of the gate that was across the bottom of Beeks Mill Lane. Access to the track was not available to general traffic. People had to have permission to use it. Occasionally it was locked but I was never aware of any times or dates in particular.

Having lived in the village (Marshfield) for the last 25 years I have always been of the belief that access through the bottom of Beeks Mill was not general.

I believe the contents of this statement are true.

Jim Creed

15 September 2019



Witness Statement of Geoffrey Ball

I Geoffrey Ball of 3 West Littleton Road, Marshfield. SN14 8NF will say as follows:

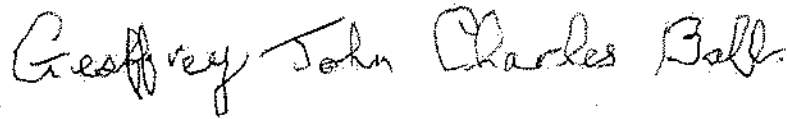
I used to go down that way to ring the church bells at St Catherine's Church, next to the Court. I got married there. In the old days, I used to go down on my bicycle. These days, not very much! I am eighty five and have lived in Marshfield all my life.

I used to go visiting Reggie Godwin from before he got married. I have been going down visiting the farm once a week for years.

I have always understood the lane at Beeks Mill to be a nice old farm track. It is part of St Catherine's but not a public right of way. They used to block it off sometimes. People could get permission to use it.

I believe the contents are true.

Geoffrey Ball.



14th September 2019



Witness Statement of Andrew Turner

I, Andrew Turner of 18 Withymead Road, Marshfield. SN14 8PB will say as follows,

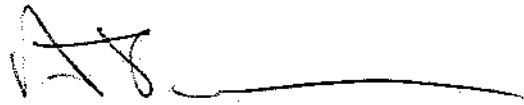
I have been out detecting all these fields in and around Beeks Mill since 1992, twice a month on average, sometimes more often.

I wish to clarify a few things subsequent to my previous Statement. It was said at the Inquiry that the gates were locked once a year. I never knew why because I never asked but I remember that they were locked occasionally.

Christopher and Valentine Thornhill were there on holiday at Christmas time but they were never there on actual Xmas Day. They'd arrive immediately after. They would go away after the New Year, at the end of the school holidays. They would lock the gates around this time.

In winter, you could only really go up the track in a 4x4 but it hasn't been till more recently that 4x4s have become so popular. There is a big drop near the iron gate. I saw the iron gate on the stream locked sometimes, not very often.

The contents of this statement are true.

A handwritten signature in black ink, appearing to be 'AT', followed by a long horizontal line extending to the right.

Andrew Turner

Monday, 26 August 2019



Witness Statement of Becky Dymond.

I, Becky Dymond, of Applegates Stables, Shockerwick Lane, Bannerdown. Bath BA1 7LQ will say as follows:

At the Inquiry of August 2018 it was noted that I could not recall the exact wording of the signs on the gates. I would just like to say for the record what I said at the Inquiry immediately in response to this point: "it felt private". I was thinking so hard about the signs and my use that I did not remotely think to mention my non use. I once rode out that way in the depths of winter only to find that the gates were locked. As the route "felt private", it did not seem strange. It would be incorrect to conflate my fallibility of memory with my use, "as of right".

I sometimes rode with other riders over the years. We were all of one mind, that horses were very simply, allowed, but not 'as of right'. The signs were not at eye-level and none of us took much notice of them. I never saw another rider I was not riding with. In the depths of winter when we found the gates locked we thought it must be because of the hunt. There were suddenly a lot more cars parked in all the passing places along all the roads. No one in their right mind would want horses driven into. I simply avoided riding down that way when the hunt were out, or in the depths of winter in case they were. I never questioned it because "it felt private".

I say all this without also saying that I am particularly upright either. If I see a route and it looks safe enough for my horse, I am only too keen to use it. I simply help myself if it does not feel private. There are lots of these routes, no signs and no objection to use of any kind, shape or form; it's an obvious free-for-all. I can think of several gallops I do locally where a right of way has probably sprung up. At Beeks Mill, on the contrary, there were gates, signs and in the depths of winter, no passage at all.

I would also like to add that the gates were always closed when I went out there too. It is incorrect to think that they were mostly open. They just weren't! Anyway, if they were open, (which I never witnessed) you would be able to see the signs for longer coming from St Catherine's - which was the direction of the horse-riders that I knew. There may also have been a consensus of opinion about them at the Inquiry as they'd be better remembered.

I hope this corrects any assumptions made at the Inquiry about the vagueness of my recollections about signs. Over the years, they have changed, more recently, more regularly. Now there's only a tiny little circular plate which no one can even read from horseback. It still feels private though!

The contents are true to the best of my knowledge and belief.

Becky Dymond.



14th September 2019





Witness statement of Bob King

I Bob King of Ridgeway Farm Ashwick. SN14 8AD will say as follows:

I have known the track past Beeks Mill all my life - for the past forty years. I have always understood it to be a private, not a public right of way.

I have used it over the years with discretion. I always understood that I could be asked to turn around. It did not lead anywhere really. The postman used it. He was in his occupation.

Going back some time ago we did a charity tractor run with John Wright and asked for permission to use it.

Now and again they locked it. I don't know when.

I believe the contents of this statement are true.

Bob King

14th September 2019

A handwritten signature in black ink, appearing to read 'Bob King', with a long horizontal stroke extending to the right.