

**Addendum to Item 5 – Claimed Footpaths, South Purdown
Methodology Relating to Witness Statements**

AGENDA ITEM 5A

Form No. / Name	Recreational Use	Highway Use
Route G-H-I (See summary of evidence in Appendices 22 and 25)		
1 – Sue Ballard	Daily recreational use (Statement – route used more in last 10 years mostly for dog walking)	To allotment – daily use implied, but is deemed to be less than recreational use for reason given in statement.
2 – Pam Barnes	Dog walking over 11 years of 20-year period - frequency not stated. *N.B. No evidence is given for frequency of recreational –v- highway use.	To allotment - frequency not stated; use of route to B&Q deemed to be infrequent.
4 – P.B. Brice	Weekly/daily in summer – leisure use.	Weekly use – visiting friends.
7 – Cathryn Coombs	Monthly - circular route to Eastville Park.	Weekly – walked to work in Fishponds. (Statement – walked home from work from 2004 to 2005). Highway use deemed to be less than recreational use as occurred in one year only of relevant 20-year period.
9 – Sean Day	No evidence of recreational use provided. Deemed that recreational use implied, as monthly highway use to work is significantly less than 300+ p.a. and trips to allotment must be discounted as not within the 20-year period. N.B. This witness' evidence for the linked J-K route does state recreational use.	300+ x per year cycled and walked to work, allotment and school. (Statement – cycled to work monthly - use of route to allotment is recent and outside of relevant 20-year period). Frequency of highway use is therefore contradictory and less than claimed.
11 – Susan Flint	25 x p.a. – recreational use for enjoyment over 16 years of 20-year period. *N.B. No distinction is made between frequency of recreational –v- highway use.	25 x p.a. - visiting Friends, Cameron Centre & Crowther Park.
12 – Mrs Gunning	Monthly – walking for recreation.	(Additional Evidence Form - Monthly to library, supermarket & friends as part of a circular route.) (Statement – route GHI not used for library). Evidence is therefore contradictory re. trips to library.
15 – Jill Mills	*Most Days – recreation & dog walking. *N.B. No distinction is made between frequency of recreational –v- highway use.	(Statement: Most days – also visits to relatives dependant on weather).
19 – Mrs Sherborne	*Almost daily use - recreation & dog walking. *N.B. No distinction is made between frequency of recreational –v- highway use.	*Almost daily use – to allotment & occasional use to Lockleaze.

Form No. / Name	Recreational Use	Highway Use
Route J – K (See summary of evidence in Appendices 23 and 25)		
1 – Sue Ballard	*Daily or more use for dog walking for 16 years of 20-year period. (Statement - Point J impassable for all but one of these 16 years; and route used more frequently as part of a circular route.) *N.B. No distinction is made between frequency of recreational –v- highway use.	*Daily or more use to allotment. Evidence that Point J was accessed for one year only undermines evidence of use of the whole length of the J-K route for the period claimed.
2 – Pam Barnes	*Daily – for dog walking & leisure over 11 years of 20-year period. *N.B. No distinction is made between frequency of recreational –v- highway use	*Daily - to allotment. However, use of route to B&Q deemed to be less frequent.
3 – Mrs P Brice	*Weekly/daily in summer - 'leisure' use. (Statement – witness used curving route avoiding Point J.) *N.B. No distinction is made between frequency of recreational –v- highway use.	*Weekly/daily use to visit family/friends. Witness not accessing Point J which undermines evidence of use of the whole length of the J-K route over the 20-year period.
8 – Sean Day	*300 x p.a. recreational use. (Statement - used sometimes as part of circular route). *N.B. No distinction is made between frequency of recreational –v- highway use	*300 x p.a. to allotments, B&Q and work. Evidence for highway use of this witness is undermined by evidence of use of G-H-I route given above; i.e. weekly use to work and allotment use discounted as falls outside of 20-year period.
9 – Wendy Day	300 x p.a. recreational use.	(Statement – used route to school over last 3-4 years but not on regular basis. Occasional use to B&Q.) Use after 2007 must be discounted as is outside of relevant 20-year period.
10 – Susan Flint	*25 x p.a. – for recreation. (Statement – witness sometimes diverted over archaeological feature due to blockage at Point 'J'). *N.B. No distinction is made between frequency of recreational –v- highway use.	*25 x p.a. – for shopping in Gloucester Rd. However, use of route to B&Q deemed to be less frequent. Use of shortcut over archaeological feature diminishes evidence of use of whole length of claimed route between points J to K..
12 – Mrs Gunning	Monthly recreational use for enjoyment as part of circular route. (Statement – cut through used).	Monthly to library, superstore and to visit friends. Use of short cut undermines both the frequency of use of route and evidence for use of whole length of claimed route J-K.
13 – P Hooper	Most days – for recreational use and dog walking.	Fortnightly to shops, garage & B&Q. (Statement - visited

	(Statement – walked through Point J in early years only).	mother weekly in 1980s – i.e. not for whole of 20-year period.)
14 – Mr Hooper	Daily – for dog walking (Statement - used cut through to library, B&Q and bus stops on Muller Road).	Fortnightly to shops, garage and wool shop. Monthly to library, B&Q and bus stop – N.B. use of the short cut for these journeys undermines both the frequency of use of route and evidence for use of whole length of claimed route J-K.
17 – P Richardson	*250 x p.a. - dog walking over 19 years of 20-year period. . *N.B. No distinction is made between frequency of recreational –v- highway use. Consequently, dog walking deemed to be at weekends as well as weekdays.	*250 x p.a. home to work. In the absence of any clarification, highway use deemed to be five days a week, i.e. less frequent than recreational use.
Form No. / Name	Recreational Use	Highway Use
Route L-M (See summary of evidence in Appendices 24 and 25)		
1 – Sue Ballard	Weekly – for dog walking.	Fortnightly – circular route to see friends and to allotment.
5 – S Edwards	No evidence of recreational use provided.	150 x p.a. (subsequently revised to 30 x p.a.) - to school, visiting relatives and Tesco's. Frequency of use of route is substantially less than originally stated.
6 - T Edwards	Numerous - walking	100 x p.a. (subsequently revised to 52 x p.a.) - to school, visiting family and Tesco. (Statement – sometimes cut through to GHI path) Frequency of highway use is less than originally stated and use of cut through diminishes the evidence for use of whole length of claimed route L-M.
8 – Susan Flint	*50 x p.a. – recreational use for views/exercise. *N.B. No distinction is made between frequency of recreational –v- highway use.	*50 x p.a. – shopping, B&Q.
9 – M Gunning	Walking for pleasure – frequency of use not given. Witness has not provided a statement to clarify amount of recreational use.	12 x p.a. – to library, shopping and visiting friends.
10 – R Japp	*Weekly/daily – recreational use for walks/exercise for seven years of 20 year period. *No distinction is made between frequency of recreational or highway use	*Weekly/daily – to library. (Statement – witness varies her route to library). Evidence is undermined as a consequence of varying route, as use of claimed route is deemed to be less than stated.

11 – G Riddell	200 x p.a. – recreational use and dog walking	40 x p.a. to library; 30 x p.a. to Eastgate shops; 4 x p.a. to Eastville Park. (Statement – may divert diagonally across field). Occasional use of diagonal route diminishes evidence of highway use.
12 – J Riddell	Daily – recreational use for dog walking (and approximately weekly to Eastville Park.)	Approximately 50 x p.a. – to library and shops. (Statement – cuts across field for library and Eastgate shops). Evidence of use of claimed route is undermined by use of cross field route, as use of claimed route is less than stated.
13 – E Saunders	*Most days – circular route for dog walking. *N.B. No distinction is made between frequency of recreational –v- highway use.	*Most days – circular route for visiting family, friends and school.
14 – J Sherborne	2 to 3 x per week – for recreation and dog walking.	50 x p.a. to allotment; 4 x p.a. to B&Q. (Additional Evidence Form – trips to allotment from 2004). Use of route to allotment for 3 years, i.e. between 2004 and 2007, is deemed to be insufficient evidence of highway use.

CONCLUSIONS

ROUTE ‘G-H-I’

Forms 1, 2 & 3 – predominant recreational use*

Forms 9, 11, 12, 15 & 19 – insufficient information to determine predominant use; however, where there is ambiguity in the user evidence then the inference should be drawn toward the exercise of the right under the recreational trust.**

ROUTE ‘J-K’

Forms 9, 13 & 14 – predominant recreational use*

Forms 1, 2, 3, 8, 10, 12 & 17 – insufficient information to determine predominant use; however, where there is ambiguity in the user evidence then the inference should be drawn toward the exercise of the right under the recreational trust.**

ROUTE ‘L-M’

Forms 1, 11, 12 & 14 – predominant recreational use*

Forms 8, 9, 10 & 13 – insufficient information to determine predominant use; however, where there is ambiguity in the user evidence then the inference should be drawn towards the exercise of the right under the recreational trust.**

Forms 5 & 6 – predominant highway use.

Key: *see Legal Implications section of report, paragraph 65

**see Legal Implications section of report, paragraph 68