

PLEASE NOTE:

- This form is designed to help establish whether or not the claimed route is a public right of way. Individuals are not obliged to complete this form if they do not wish to do so.
- The evidence contained in your completed form will be used to assess whether a legal order should be made and confirmed and it is possible that your evidence will be scrutinised as part of a quasi-judicial process such as a public inquiry. It is therefore important that the form is completed to the highest level of accuracy possible.
- The information you give in this form will be processed in accordance with the Data Protection Act 2018 and the General Data Protection Regulation. 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.
- The Authority has a statutory duty to process Definitive Map Modification Order applications and this is a public process. Consequently, the contents of your completed Landowner Evidence Form will be available for public inspection.
- Objections to the disclosure of your personal data contained in your completed form should be sent in writing to Public Rights of Way Team, Bath and North East Somerset Council, Lewis House, Manvers Street, Bath, BA1 1JG.
- 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:

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.

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1. Name (Mr/Mrs/Miss/Ms)..... SIMON KINNERSLEY.....
 2. Address: COMPTON GREEN FARM, COMPTON DANDO.....
NR BRISTOL..... Postcode: BS39 4LE.....
Telephone: 07910-155117 (mobile) (home)
Email: simon@kinnersley.org.uk.....

The route to which this form applies is marked in red on the attached map and commences from a junction with Peppershells Road at grid reference ST 6418 6492 (point A on the attached plan) and continuing in a generally southerly direction through woodland to a junction with public footpath BA8/65 at grid reference ST 6420 6474 (point A on the attached plan). This route is hereafter referred to as 'the Application Route'.

3. Does the Application Route cross or abut your land? YES ☒ NO ☐

If YES, when did you acquire the land: 13 MAY 1969 (inherited date)

4. Details of previous owner, if known:

Name: CAPT N S KINNERSLEY

Current address: Deceased

Email address:

Telephone number:

Period of ownership: 1933 - 1969

5. Do you regard the Application Route to be public? YES ☐ NO ☒

If YES, with what status?

- (a) footpath (pedestrians only)
(b) bridleway (pedestrians, horseriders and cyclists)
(c) restricted byway (pedestrians, horseriders, cyclists and horse & cart)
(d) byway open to all traffic (pedestrians, horseriders, cyclists, horse & cart) and motor vehicles

6. Have you seen, or been aware of, members of the public using the Application Route? YES ☒ NO ☐

7. Have you, or has someone on your behalf, ever turned back or stopped anyone from using the Application Route? YES ☒ NO ☐

If YES, please provide details below including dates, names and contact details (if known):

PLEASE SEE ATTACHED

8. Have you ever given anyone permission to use the Application Route?

YES ☒ NO ☐

If YES, please provide details below including dates, names and contact details (if known):

MEMBERS OF THE WOOLLARD SHOOT - FULL ACCESS FOR MORE THAN 30 YEARS. ALSO, FRED HUMPHRIES (DECEASED) TO ORGANISE "BLUEBELL WALKS" FOR VILLAGERS TO WALK THROUGH THE APPLICATION ROUTE AREA DURING THE SPRING FROM 1990'S TO THE EARLY 2000'S

9. Have you ever erected notices or signs on the Application Route?

YES ☒ NO ☐

If YES, please provide details below including wording on notices, dates notices were erected and, if applicable, removed/defaced:

PLEASE SEE ATTACHED

Please mark the location of each sign on the attached plan.

Please attached copies of any photos of the signage or associated invoices.

10. Have there, to your knowledge, ever been any stiles or gates on the Application Route?

YES ☒ NO ☐

If YES, please provide details below including the type of gate or stile and the date on which they were installed, removed or replaced:

PLEASE SEE ATTACHED

11. If there were gates on the Application Route, were these ever locked?

YES ☒ NO ☐

If YES, please provide details below including which gates were locked and between which dates:

THE GATE AT THE NORTH EAST CORNER OF THE WOOD WAS LOCKED AT VARIOUS POINTS 70'S/80'S & 90'S. MOSTLY CHAIN + BOLT AND LOCK NUTS. PSE SEE ATTACHED

12. Have you made a Landowner Deposit under section 31(6) Highways Act 1980)?

YES



NO

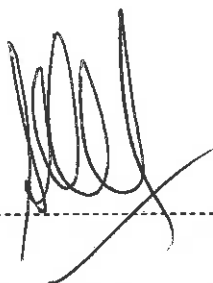


13. Do you have any further information or evidence which is relevant to the Application Route and whether is a public right of way? Please continue on a separate sheet of paper if necessary.

PLEASE SEE ATTACHED

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

Signature: _____



Date: _____

15 Oct 2021

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Simon Kinnersley:

Definitive Map Modification: Compton Dando

Item: 7

Stopping people and asking them to keep on the footpaths, their dogs under control or on a lead has been a regular request for five decades. This applies to significant areas of the farm including the Application Route.

Given the timespan and frequency, it is difficult for me to recall any specific dates that I have spoken to people. The sole exception being the morning of the 9th January 2004, the BANES rights of way officer, Colin Hudson, came to look at the trail that was being used by BMX cyclists, now being claimed as a footpath.

In my view the trail now being claimed as a footpath was seldom if ever used in the 1990's. A few people may have passed in that area to see the bluebells in spring, but there was no regular usage creating the worn path that is visible today

Regarding names and contact details, I ceased asking for such information many decades since the reply was (and remains) a stream of invective.

Item: 9

This applies to the Peppershells Lane entrance to the wood:

Given the timespan, it is impossible for me to give a precise date of the erection of the notice saying: PRIVATE SHOOT KEEP OUT. I remember the wording clearly as I thought a PLEASE should have been included for the sake of courtesy.

I believe that the first sign was put up in most probably 1980. It would have been prior to the start of shooting season. It was torn down within a few weeks. It wasn't reinstated for a few months as we had to make a new one. The next was fixed much higher up the tree, using a ladder, it is still in place though no longer legible.

Prior to painting (large white capital letters on black background), the steel sheet was primed with Red Oxide paint – to prevent rusting.

How long was the lettering visible? I would say, clearly legible for 20 years (1980/1 to 2000/01) and partly legible for another 3-5 years (2000/1 to 2003/05). The longevity of the lettering would have been greatly helped by the sign being in a sheltered position facing away from the prevailing weather and sun.

The position of the sign is directly in front of the illegal entrance from Peppershells Lane and clearly visible.

Simon Kinnersley:

Definitive Map Modification: Compton Dando

Item 10:

This applies to the Peppershells Lane entrance to the wood:

Again, given the time span involved, dates are difficult. I started managing the farm full time shortly after my 21st birthday in the summer of 1971. There was a barbed wire gate at the top entrance to the wood, made up of four or five wooden stakes with five strands of barbed wire running between them so that it could be lifted out and pulled back together. This was so we could get the cattle out and return to the meadow. The cattle used to get into the wood from the fields to the south of the wood, when branches fell from the trees and flattened the fence, leaving them free to enter.

This was only partially successful as people either cut the wire or pulled it back, so the cattle were free to pass through and out onto the road. Thus, in the mid-70's we installed a 12 foot galvanised gate, supported by a wooden post at either end. We didn't hang the gate, as it was not intended for regular use. Initially it was secured with barbed wire, which was cut, so we fitted a substantial chain at either end secured by a nut and bolt, plus lock nut. This worked well for a while.

In the end the gate was torn down and chucked into the wood the chains along with it Judging by the tyre marks we suspected it was like pulled out by a Land Rover or 4x4. This would be in the early 80's.

A new additional problem became the arrival of horse riders, who started entering the wood. I was informed by the Nature Conservancy Council that it was most likely to be given Ancient Woodland status, and therefore horses should be prevented from entering. So, we dug a series of holes and inserted RSJ's vertically, approx. 5ft out of the ground and 18ins apart. This stopped the horses and the scramblers, who had also started using the wood.

In spite of this, members of the Woollard Shoot informed me that there were a number of walkers entering the wood as well as BMX riders. So in order to prevent their entry stretched barbed wire between the RSJ's. Inevitably this was cut. As were the replacement lengths.

Then, as today, there was no single footpath leading from the entrance, but at least half a dozen trails, the most used one being across to the top to the public foot path. It was the same when I visited years later with Colin Hudson. By that time we had put a gate across the RSJ's which at least reduced the number of BMX's, but the different trails continued.

Then, one day, the RSJ's vanished. This was early 2000's. No one knows how, or what happened, but they were gone, along with the gate.

Simon Kinnersley:

Definitive Map Modification: Compton Dando

Item 13:

As can be seen by my responses to Q9 and Q10, it has been a long running battle to try to prevent access in and out of the wood, with the exception existing public footpath. It has mostly been a losing one. Even most recently when I once again blocked the entrance from Peppershells Lane, with a high steel mesh fence panel, the response was to cut the barbed wire fence in the adjoining field in order to gain access to the wood.

It was perfectly obvious from my tour of the wood with Colin Hudson, his visit was in response to my concern regarding the high level of trespass in an Ancient Woodland, that the trail, now referred to as the Application Route, was a BMX bike trail with jumps and even had a ramp made out of a pallet, over the stream near the bottom.

That was in 2004. We filled in the holes, removed the ramps, Colin Hudson helped me pull out the pallet and the BMX riders moved on.

Subsequent to that we fitted another gate across the Peppershells Lane entrance and a small sheet of weld mesh to fill the gap between the gate and fence. This has since been bent over so that people can straddle it and gain access to the wood.

Recorded public footpath

Application Route

[illegible]

Woodstream

Stockwood Vale

Keynsham

Bristol

BS31 2AR

For the attention of:

The Public Rights of Way Team

Bath & North East Somerset Council

Witness statement by Alan Hemmings: 7 October 2121

I got married in 1991, I had been overseeing the shoot that included Park Copse for several years, and continued to do so until 2016

Simon Kinnersley gave me complete access to the wood at all times and also authority to ask anyone who had strayed from the existing public footpath to return. This occurred on numerous occasions.

I cannot in good faith give dates or even years, as we're talking about a long time ago and it never occurred to me to ask for names and addresses, I'm not sure that they would have given them to me anyway.

I have looked at the area marked as the being claimed for a new public footpath. I don't recall seeing any more people in that area than anywhere else in the wood in the 90's, it was almost solely a few kids on bikes. There were signs of number of lightly used paths crossing the wood in different directions but no regularly used footpath other than the public one.

When I started there was a sign at the top of the wood that said: Private Shoot Keep Out. It was clearly visible and readable in the 1990's, after that it began to fade.

I remember there was a row of girders dug into the ground. For a while there was barbed wire running along the top between them, which keep getting cut or torn down. There was also a gate for a few years, with some wire wrapped around it, that got pulled off so people climbed over the gate. This will all have happened between when I started in 1989 until the early 2000's.



Alan Hemmings

Andy Dawes

Woodborough Mill Farm

Woollard

Pensford

Bristol

BS39 4JT

My statement: Proposed new public footpath Park Copse, Compton Dando.

14 October 2021

We own the land that adjoins Park Copse wood on the western side. I am a member of the Compton Dando Parish Council.

Having lived in the area all my life, and at Woodborough Mill Farm since 1997, I am very familiar with both the wood and problem we have with walkers who consider it their right to walk everywhere.

I am also very aware with the problems Mr Kinnersley has had trying to prevent walkers entering Park Copse directly from Peppershells Lane and the measures he has taken.

I recall the vertical steel joists they dug in more than 30 years ago, because they looked so unusual. I remember he put barbed wire across, then there was a gate after they kept cutting the wire.

There was also a "keep out" sign fixed to a tree at the entrance, you can still see there. Going back 20 years ago, you could still read it.

A handwritten signature in black ink, appearing to be 'A. E. Dawes', written in a cursive style.

A. E. DAWES.

Footpath Park Copse – Peppershells Lane.

Gary Pearce: This is my statement ref the above

I live on Peppershells Lane, a few hundred yards from the wood where the new public footpath is being claimed. My family and I have lived here since 1999, and have previously been a regular visitor to Compton Dando, before that.

I know the wood very well and often use the footpath that runs down through the field and runs parallel with the wood, and I am very familiar with the surrounding area and all the walkways.

I can testify that there was, and still is, a sign at the entrance to the wood off Peppershells Lane. It's rusted over these days and grown into a tree there, but back in the nineties it was clearly visible, painted black and white, telling people to "Keep Out" and that it was a "Private Shoot".

There was also a row of large steel girders that had been dug into the ground to stop people going in with a gate chained across. I cannot remember whether it was padlocked, but I never saw it open. There were also lengths of barbed wire which had been pulled across the entrance which appeared to have been cut.

That was the position in the 1990's and through into the 2000's. For the last ten years or more there has been a gate across the entrance which again was chained at both ends.

I never saw the length of area now being claimed as a path in regular use, until more recently, say 2005-2010 onwards. Definitely not in the 1990's.

It is evident now that in recent years and especially during the pandemic, the villagers have been joined by throngs of ramblers also out enjoying the countryside, I can understand that it's now time to permanently re-instate the boundaries, or people will be found strolling about all over the place into areas that are not safe for walkers.

Non-appointed trails and pathways could easily lead walkers into the path of danger like farm machinery, shooting, water courses to name but a few.

There are plenty of existing marked foot paths which criss-cross the village through various farmers' fields to take the walker in every direction from the village. These routes are well appointed with kissing gates and bridges across the various streams, some that run with very fast water, and provide the walker with access in every direction, and not only form an easily navigated route, but also a safe route for the many to enjoy.



Gary Pearce

Long Paddock | Peppershells Lane | Compton Dando | Bristol | BS39 4LL

**HIGHGROVE
COCKERS HILL
COMPTON DANDO
BRISTOL BS39 4JX**

11 October 2021

Statement by Les Harvey,

Public Right of Way Park Copse

I was born in 1955 and have lived in Compton Dando all my life. I am very familiar with Park Copse Wood and the area where the claimed footpath is located – it's probably no more than half a mile from my home as the crow flies.

I know the wood very well as I had a gun on the shoot for many years and more recently I am the gamekeeper for the main syndicate that manages the woods across Compton Green Farm, with permission from Mr Kinnersley to patrol the entire farm.

I would like to make the following comments regarding the claim for a new footpath in Park Copse that runs off Peppershells Lane:

- There has been a clear marked sign since the 1980's at the entrance to the wood off Peppershells Lane stating that it is a Private Shoot and telling people to Keep Out.
- The sign was clearly visible for many years.
- RSJ barriers were lined up vertically in a row to prevent entry from the 1980's onwards.
- Barbed wire was stretched between the RSJ's to prevent entry. Later, probably in the late 80's a gate was chained across to block entry.
- The so-called path that you can now see has been created by children playing the wood, it's long been favourite illegal bike track with jumps.
- The RSJ's vanished about 15 years ago along with the gate.

Please note, all dates are approximate. These are the events as I remember them.



L.P. HARVEY

Public Rights of Way Team

Bath & North East Somerset Council

Lewis House

Manvers Street

Bath BA1 1JG.

29/09/2021

Witness Statement

I moved to Compton Dando in 1996, living in a house in Smallbrook Lane, directly overlooking the wood, known as Park Copse (where the Application Route is located), as well as owning the field on the north side of the wood.

My wife and I built stables and a yard at the highest point in the field, approximately 150 yards from the wood. This provided us with a very clear view into the wood, particularly through the winter when the trees are bare).

I pass the Peppershells Lane entrance to the wood on a very regular basis, either when I was travelling to work or meeting up with friends in the village. Given their size, I noticed the steel girders blocking the entrance straight away. They had steel struts on either side, making passage very awkward, as you had to wriggle through sideways at the base.

I noticed there was barbed wire wrapped around between the posts. Then it was cut and left dangling. It would be like that for a while, then replaced. Finally, Mr Kinnersley installed a gate which was secured at either end with a chain. I cannot remember whether there was a lock or a nut and bolt keeping it locked shut, but it was clearly secured.

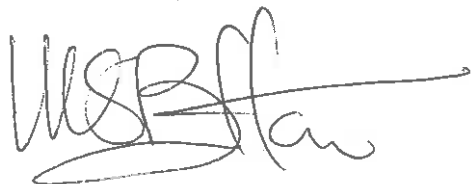
I cannot be sure of dates, but I do know that this was in position when I arrived, in 1996 and this was all going on for the next few years, until the girders vanished in the 2000's. I cannot be sure when, but I had certainly been living in Compton Dando for five or six years. One day they were there, the next they'd gone.

I joined the Woollard Shoot in 1997. Living so close and with such a clear view it fell on me to keep a good eye on the wood. In my experience, the people who gained access to the wood, either climbing over the gate, clearing barbed wire or squeezing between the RSJ's did not follow a single trail in the wood, but wandered off in a series of different directions, the most common being along the top of the northern boundary bringing them out by the kissing gate into my field.

Mr Kinnersley gave me authority to ask people to get back on the footpath. I exercised this on a number of occasions. Some people were cooperative, a few less so. I was aware that the only time people were permitted to stray from the footpath was for Fred Humphries' annual Bluebell Walks.

Obviously when running a shoot, safety is of paramount importance. People wandering around the wood, when there is a clearly designated Public Footpath, is a cause for concern. Hence, when I joined the shoot, I was reassured that there was a clear sign at the Peppershells Lane entrance stating that this was a Private Shoot and to Keep Out.

Yours sincerely

A handwritten signature in black ink, appearing to read 'MSB' followed by a stylized surname, with a long horizontal flourish extending to the right.

Martin Stephen Britton

Little Park House
Peppershells Lane
Compton Dando
Bristol