

APPENDIX B-1

Certificate of Notice of Application served on the following owners and occupiers of land (dated 17th May 2001):

- 1) [REDACTED]
- 2) [REDACTED]
- 3) [REDACTED]
- 4) [REDACTED]
- 5) [REDACTED]
- 6) [REDACTED]
- 7) [REDACTED]
- 8) [REDACTED]
- 9) [REDACTED]
- 10) [REDACTED]
- 11) [REDACTED]
- 12) [REDACTED]
- 13) [REDACTED]
- 14) [REDACTED]
- 15) [REDACTED]

APPENDIX B-2

Certificate of Notice of Application served on the following owners and occupiers of land (dated 27th May 2004):

- 1) [REDACTED]
- 2) [REDACTED]
- 3) [REDACTED]
- 4) [REDACTED]
- 5) [REDACTED]
- 6) [REDACTED]
- 7) [REDACTED]
- 8) [REDACTED]
- 9) [REDACTED]
- 10) [REDACTED]
- 11) [REDACTED]
- 12) [REDACTED]
- 13) [REDACTED]
- 14) [REDACTED]
- 15) [REDACTED]
- 16) [REDACTED]
- 17) [REDACTED]
- 18) [REDACTED]
- 19) [REDACTED]

20)

[REDACTED]

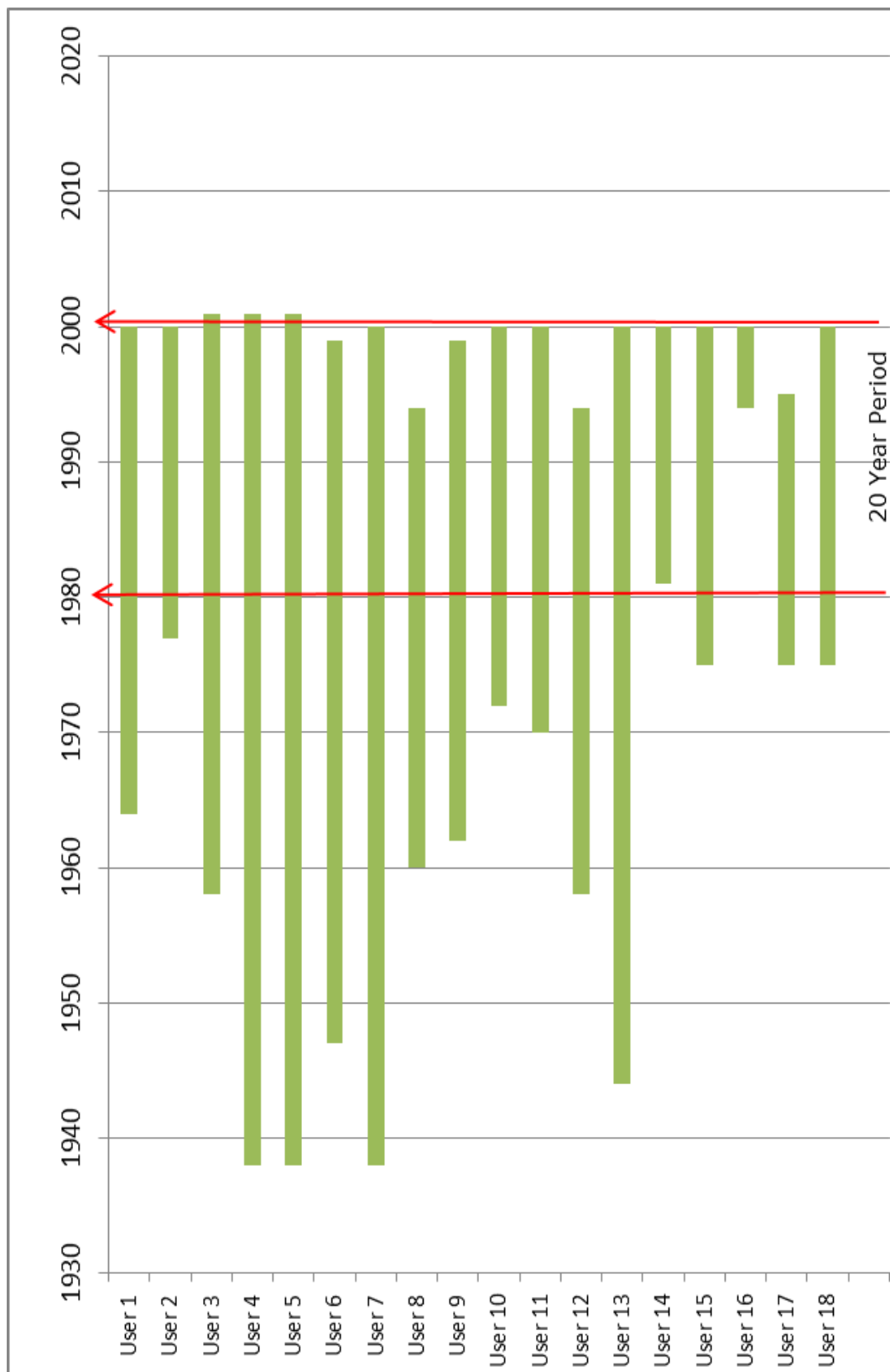
APPENDIX B-3

In addition to the original names included on the Certificate of Notice of Application, files show that the following landowners were also consulted:

- 1) [REDACTED]
- 2) [REDACTED]
- 3) [REDACTED]

APPENDIX D-2

Chart Showing Claimed Use of Route A-E and D-F



APPENDIX G

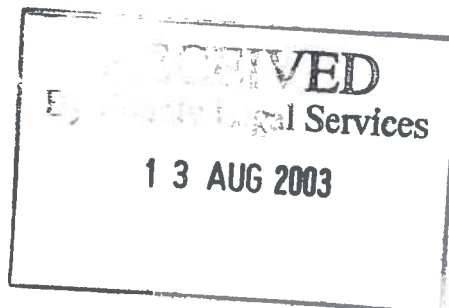
CONSULTATION RESPONSES

From:

Ref: VG/WCA.436/8419

Please return to:

County Legal Services
4th Floor
County Hall
TRURO
TR1 3AY



Wildlife and Countryside Act 1981

Proposed Modification of Definitive Map of Public Rights

of Way by the Addition of a Footpath from Coombe Road to Waterside, Saltash

* I have no comments to make on the above-mentioned application

* I have comments to make on the above-mentioned application which are as follows:-

I am one of the residents who has regularly walked this path since the late 1970's. I am aware of others who have also used it. There has been a somewhat misleading sign outside the property at the eastern end of the path, and at times it has been difficult to negotiate the slipway in front of that house because of debris.

Signed ...

Date

11 August 2003

[* Delete as appropriate]

(Please write any further comments you may have on the back of this form)

COUNTY LEGAL SERVICES

County Solicitor's Department Fourth Floor New County Hall Truro Cornwall TR1 3AY Tel (01872) 322000
Fax (01872) 323833 DX: 122620 Truro 4 Website: www.cornwall.gov.uk

County Solicitor Ian Kennaway LL.M Head of Legal Services Richard Williams LL.B (Hons)

The County Council does not accept service of any legal proceedings or process via e-mail or other electronic device.



Lexcel
PRACTICE MANAGEMENT STANDARDS
THE LAW SOCIETY

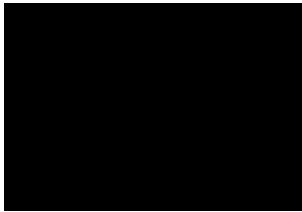


INVESTOR IN PEOPLE

CW

From:

Ref: CW/WCA.436/8419



Please return to:



County Legal Services
4th Floor
County Hall
TRURO
TR1 3AY

Wildlife and Countryside Act 1981

**Proposed Modification of Definitive Map of Public Rights of Way by the
Addition of a Footpath from Coombe Road to Waterside, Saltash**

~~* I have no comments to make on the above-mentioned application~~

* I have comments to make on the above-mentioned application which are as follows:-

I support the modification order and I have also walked this route on many occasions over the past twenty two years

Signe

Date *29.11.05*

[* Del

(Please

may have on the back of this form)

COUNTY LEGAL SERVICES

County Solicitor's Department Fourth Floor New County Hall Truro Cornwall TR1 3AY Tel (01872) 322000
Fax (01872) 323833 DX: 122620 Truro 4 Website: www.cornwall.gov.uk

County Solicitor Ian Kennaway LL.M Head of Legal Services Richard Williams LL.B (Hons)

The County Council does not accept service of any legal proceedings or process via e-mail or other electronic device.

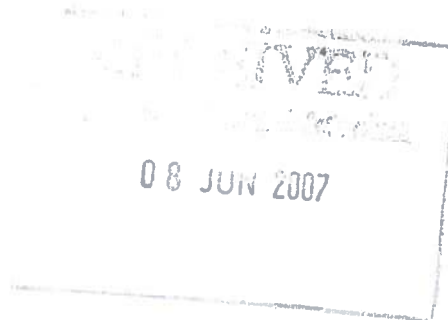
The Ramblers' Association
Working for walkers



Cornwall Area

05 June 2007

The Senior Legal Assistant
County Legal Services
County Solicitor's Department
Fourth Floor
New County Hall
Truro
Cornwall
TR1 3AY



Dear Sir or Madam,

Proposed Modification of Definitive Map of Public Rights of Way by the Addition of a Footpath from Coombe Road to Waterside, Saltash.

Thank you for sending [redacted] a copy of your letter of 14th July 2003 regarding this application from Saltash Town Council.

We do not appear to have received a copy at the time and were therefore unable to make any comments.

We should however like to make clear now that we fully support this application.

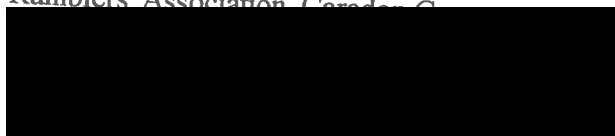
Although it is impassable sometimes at high tide, the path is well used by local residents and has been for many years.

I understand that the modification order application was received by you on the 20th May 2001. I trust we can expect some action soon.

Yours faithfully,



Rights of Way Officer
Ramblers' Association, Cornwall



From: [REDACTED]
To: [REDACTED]
Subject: LE/JR/WCA/436
Date: 10 July 2017 10:58:48

Hi [REDACTED]

Thanks for email re right of way Coombe to Waterside Saltash.

I am the division member . I fully support this addition . Initially there was some concern that there was not a public highway at each end but it is now established that there is (cobbled path behind old Waterside pub is adopted)

This was a very well used path but is partially blocked now by a slope and the householder puts big boulders on it to deter walkers .

Because of the great length of time that CC had taken to reach this stage some of the residents who filed in forms are dead but that should not be judged a hindrance.

Kind regards

[REDACTED]

Get [Outlook for Android](#)

APPENDIX C-1

Wildlife and Countryside Act 1981

Proposed Modification of Definitive Map of Public Rights of Way by the Addition of a Footpath from Coombe Road to Waterside, Saltash

1) Aim

This report seeks to detail the topography of the alleged Footpath, it should be read in conjunction with the accompanying plan. The report and plan are based upon a site survey carried out on 26th February 2008.

2) Location

The alleged route starts at Coombe Road, Saltash. It proceeds initially in a southerly direction before bearing east, following the northern shoreline of an inlet of the River Tamar. The path runs along the High Water Mark of the river until reaching a slipway, whereupon the route runs past a number of properties before concluding adjacent to a Public House on the waterfront on Town Quay.

3) Description

A – B The alleged route commences off the southern side of the Unclassified County Road U6164, Coombe Road. This section proceeds in a south-easterly direction on a naturally surfaced path between the property “No 31 Coombe Road” and a creek feeding into the Tamar, reaching the High Water Mark of the tidal river at point **B**.

B – C The footpath continues, turning to run from west to east along the shore line of the River Tamar at the High Water Mark, and passing under a viaduct carrying the Penzance-Paddington mainline railway. The route runs adjacent to low cliffs, topped by rear of property boundary walls and fences, with three boathouses and sets of steps descending to the shore from the properties. On this long segment of the alleged path (approximately 401 metres) there is a risk of slipping on the surface mud and seaweed, and the limitations of mooring chains used to tie up boats crossing the way, plus water covering the route at high tide. This section ends by reaching a slipway at point **C**.

C – D At **C** the alleged path turns to the north-east, proceeding up a gently sloping slipway on a concrete surface. It continues in a north easterly direction along an access road serving the properties and boat yards situated here. The route concludes by reaching the “Waterside Inn” Public House on Town Quay at point **D**.

4) Boundaries

A – B Stone property boundary wall to No 31 Coombe Road to east, riverbank with trees and vegetation to west.

B – C Low cliffs along shoreline topped with property boundary walls, three boathouses and sets of steps, plus trees and vegetation to north; mudbanks and River Tamar (tidal) to south.

C – D Stone retaining wall, gate-piers, property boundary walls and metal gates to north-west. Stone retaining wall, gate-piers, metal gates, block walling and boundary block walling of Saltash Sailing Club, plus clubhouse to south-east.

5) Width

A – B 4 metres maximum, 2.2 metres minimum

B – C Undefined, 2 metres maximum and minimum (inferred)

C – D 7.5 metres maximum, 2.8 metres minimum

6) Obstructions

A – B None

B – C None

C – D None

7) Limitations

Limitation from **B - C** in the form of a slippery surface of tidal mud and seaweed

Boat mooring chains across the way at boathouse to rear of No 17 Coombe Road, at Grid Ref SX430584

8) Surface

A – B Natural, with stones

B – C Natural, with rock, tidal mud and seaweed

C - D Concrete, tarmac, and compacted sand and gravel

9) Approximate length

A – B 45 metres

B – C 401.5 metres

C – D 149 metres

10) Signs/Notices

"Caradon District Council, Clean it up sign" at **A**

Town & Country Planning Act 1990,
Department of Environment Circular 15/92 Publicity of Planning
Application notice at **A**

"Strictly No Parking" sign at **D**

"CDC No Parking" sign at **D**

"Streamline Project, CCTV Division,
Warning images on this site are being recorded for the purposes of crime
prevention and public safety" at point **D**



Photograph 1



Photograph 2



Photograph 3



Photograph 4



Photograph 5



Photograph 6



Photograph 7



Photograph 8



Photograph 9



Photograph 10



Photograph 11



Photograph 12



Photograph 13



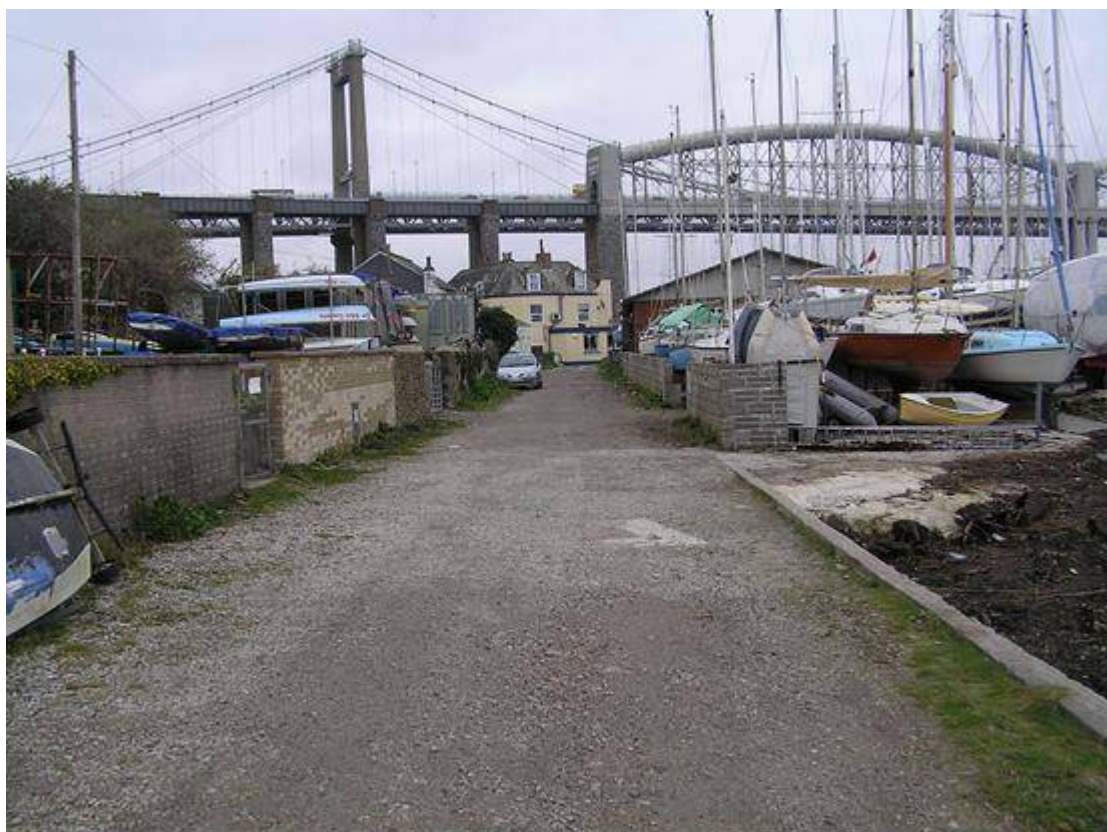
Photograph 14



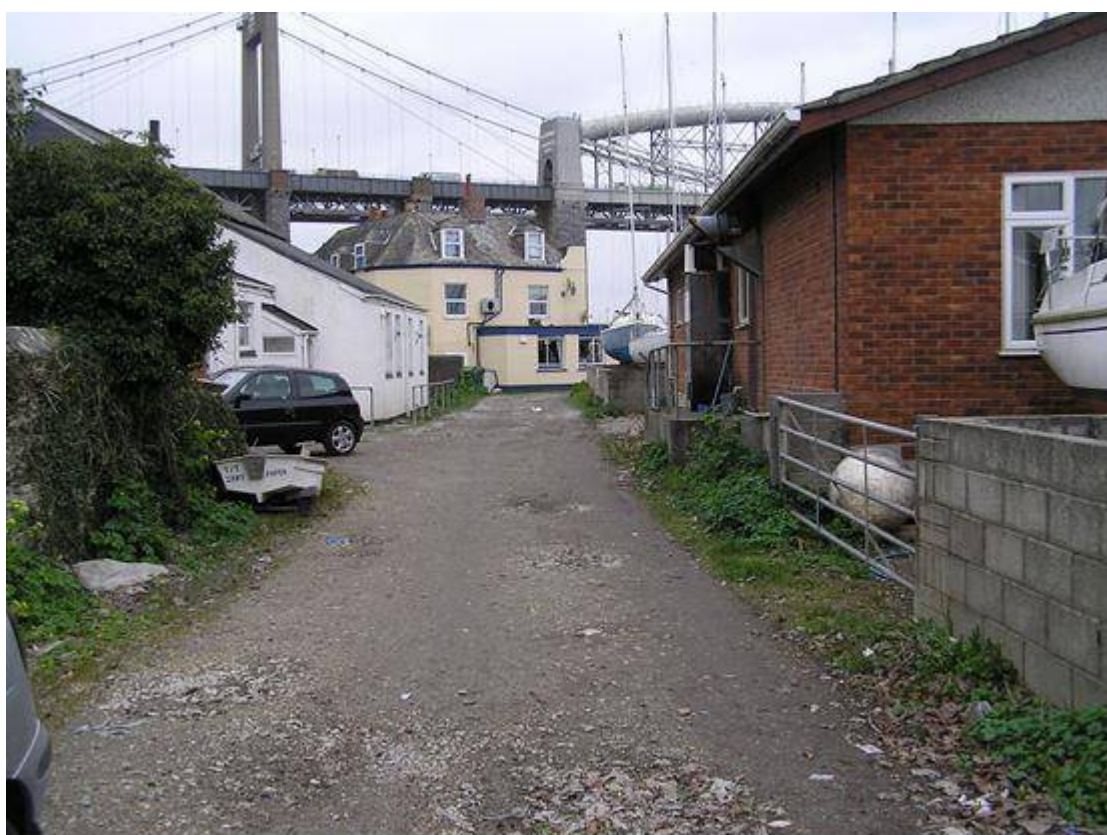
Photograph 15



Photograph 16



Photograph 17



Photograph 18



Photograph 19

**Cornwall Council Economy Enterprise & Environment Directorate –
Natural Environment Service**

**Decision of Officer with Delegated Decision Making Powers in Respect
of Making and Confirmation of Definitive Map Modification Orders**

Relevant Legislation: Wildlife and Countryside Act 1981 - Section 53 Duty of the Highway Authority to keep the definitive map and statement under continuous review.	
Date of Decision: 06 September 2017	
Delegated Officer: [REDACTED] Natural Environment Service Manager	
Countryside Access Team File Reference: WCA 436	
Proposal Title: Application for a Modification Order to add a Footpath from Coombe Road to Waterside, Saltash CP	
Report Prepared by: [REDACTED] Dated: 31 July 2017	
Officer Recommendation Report: That an Order be made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by adding a Public Footpath from Coombe Road to the foreshore and a Public Footpath from Waterside to the foreshore in Saltash CP That an Order not be made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by adding a Public Footpath over the foreshore adjacent to Coombe Road and Waterside in Saltash CP	
Local Member Response to Pre Order Consultation: The current local member [REDACTED] fully supported the modification order application indicating that initial concerns about whether there was a public highway at each end had been allayed by the cobbled path behind the old Waterside pub being adopted. [REDACTED] also pointed out that the path was well used although large boulders appearing to partially block a slope seemed like a deliberate action on the part of a householder to deter walkers. As a consequence of the length of time it has taken Cornwall Council to reach a determination in this case, [REDACTED] thought that some of the witnesses who submitted statements are now dead, but added that should not be judged a hindrance in the case.	
Legal Services approval Officer [REDACTED] Date: 6.9.17	
Decision by Officers with Delegated Powers is to: Agree the Recommendation in the Report and determine that Cornwall Council WILL MAKE AN ORDER for part of the claimed way but WILL NOT MAKE AN ORDER for the part of the claimed way over the foreshore	
Officer Signature: [REDACTED]	Dated: 6/9/17

Cornwall Council

Report to:	A Delegated Powers Decision to be made by the Natural Environment Manager		
Date:	31 July 2017		
Title:	Application for a Modification Order to add a Footpath from Coombe Road to Waterside, Saltash		
Portfolio Holder(s)	Environment & Public Protection		
Divisions Affected	Saltash East		
Relevant Overview And Scrutiny Committee: Scrutiny Management Committee			
Key Decision:	N	Approval and clearance obtained:	Y
Urgent Decision:	N	Implementation Date:	06/09/2017
Author:		Role:	Countryside Access Records Officer
Contact:			

Recommendations:

- That an Order be made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by adding a Public Footpath from Coombe Road to the foreshore and a Public Footpath from Waterside to the foreshore in Saltash.
- That the Order be confirmed by Cornwall Council as an unopposed Order if no objections or representations are received to the Order; or, if objections or representations to the Order are received that they be submitted by Cornwall Council to the Secretary of State with a request that the Order be confirmed.
- That an Order not be made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by adding a Public Footpath over the foreshore adjacent to Coombe Road and Waterside in Saltash.

EXECUTIVE SUMMARY

- The purpose of this report is to consider an application to modify the Definitive Map and Statement by the addition of a Footpath from Coombe Road to Waterside in Saltash. The claimed route is shown as A-E and D-F on the plan at APPENDIX A-1 to this report.
- The available evidence of use of the way on foot between sections A-B, C-E and D-F on the report map is considered to be sufficient to give rise to the presumption that a Public Footpath has been established under section 31 of the Highways Act 1980.
- There is no evidence available to indicate that landowners had taken sufficient overt action to demonstrate to users that they did not intend to dedicate a right of way over sections A-B, C-E and D-F of the claimed route.
- It is therefore considered that the available evidence shows that those parts of the claimed route have been dedicated as a right of way on foot by virtue of Presumed Dedication at statute. The evidence shows that sections A-B, C-E and D-F have been used as of right by the public for a period of 20 years prior to 2001 when the public's right to use the way was brought into question by the applicant submitting an application to modify the definitive map and statement in accordance with section 31 of the Highways Act 1980.
- While the available evidence of use of the way on foot of section B-C is no different to sections A-B, C-E and D-F, a right of way is not considered to have been established, because on balance the character of the route is not capable of giving rise to the presumption that rights have been dedicated for the following reasons: (i) there is no clearly defined way on the ground; (ii) the claimed route lies at or below the Mean High Water Mark and as part of the foreshore this is tidal meaning it is covered by water up to half of every day, which also results in the surface constantly changing; (iii) additionally numerous obstructions across the claimed way in the form of boathouses, boats and mooring ropes mean that people will have inevitably strayed and meandered over the land.
- In determining the application, officers have also examined documentary evidence, particularly the incremental value duty records, supported by the tithe records and definitive map record. It is considered that these records do not provide any evidence to support the claim that a public footpath subsists over the alleged route.
- In conclusion the report recommends that an Order be made under section 53(2)(b) of the Wildlife and Countryside Act 1981 to add the claimed ways to the definitive map and statement on the basis of

Cornwall Council

the occurrence of an event. Namely, that the available evidence shows that a Public Footpath is reasonably alleged to subsist along sections A-B, C-E and D-F. It also recommends that the Council confirms the Order if it is unopposed or asks the Secretary of State to confirm it if it is opposed.

- The report further recommends that that an Order not be made under section 53(2)(b) of the Wildlife and Countryside Act 1981 to add the claimed way over section B-C to the definitive map and statement on the basis that the available evidence shows a Public Footpath cannot be reasonably alleged to subsist because the way is of a character that public use could not give rise under Section 31 of the Highways Act 1980, or at common law to the presumption of dedication.

1. BACKGROUND

- 1.1. The purpose of this report is to consider an application to modify the Definitive Map and Statement by the addition of a Footpath from Coombe Road to Waterside in Saltash.
- 1.2. The route of the alleged Footpath is shown on the Map set out at APPENDIX A.
- 1.3. On 17th May 2001 Saltash Town Council submitted an application to modify the Definitive Map and Statement under Section 53 of the Wildlife and Countryside Act 1981 by adding a Public Footpath (shown as Route A-E and D-F on the attached map in APPENDIX A).
- 1.4. The application was supported by 18 Public Rights of Way evidence forms.
- 1.5. Use of the way on foot was claimed by all 18 witnesses for varying periods between 1938 and 2001.
- 1.6. The applicants certified that the requirements of Paragraph 2 of Schedule 14 of the Wildlife and Countryside Act 1981 have been complied with by serving Notice of the Application on the Land and also every owner and occupier of the land. A first Certificate of Service of Notice served on 17th May 2001 was followed by a second Certificate of Service of Notice served on 27th May 2004. A list of owners/occupiers from both certificates is set out at APPENDIX B.
- 1.7. Photographs illustrating the route, showing its physical condition and including a description of the topography of the way provided by the applicant are set out at APPENDIX C-1.

Cornwall Council

- 1.8. Additional photos from a further site visit showing the way at high tide are also provided set out at APPENDIX C-2.

2. EVIDENCE OF USE IN SUPPORT OF THE APPLICATION

2.1. Forms of Evidence

- 2.1.1. A total of 18 copies of written Forms of Evidence were submitted by users of the way to support the application.
- 2.1.2. Copies of these Forms of Evidence, showing the claimed frequency of use are set out in APPENDIX D-1.
- 2.1.3. The witnesses have not been interviewed, but information has been taken from the Forms of Evidence which have been signed by each witness to the effect that "I hereby certify that to the best of my knowledge and belief the facts that I have stated are true" accompanied by annexed maps detailing the precise routes, which have also been signed.

2.2. Bar Chart of Claimed Use

- 2.2.1. A bar chart summarising the use claimed by witnesses is set out at APPENDIX D-2. In respect of use of the alleged route on foot the bar charts show 18 people claimed to have used the route for varying lengths of time with 15 having used it for a period in excess of 20 years.
- 2.2.2. Use of the way on foot continued at least up until 2001 the date evidence forms were submitted with the application.

2.3. Permissive & Private Use

- 2.3.1. Where witnesses identify they have used the alleged route with the permission of the landowner, or in exercise of a private right their evidence cannot be used in support of the claimed public right.
- 2.3.2. In answering the question 'has your use of the way ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods' two users explicitly claim to have used at least part of the way across the foreshore in exercise of a private right because they own property over which the claimed way crosses (Witnesses 1 & 10).
- 2.3.3. An additional user (Witness 11) also claims to have used the route for private purposes, delivering boat parts to a landowner on the claimed way.

Cornwall Council

2.3.4. Evidence from these three witnesses must therefore be discounted and the years they have used the way is recorded in red on the bar chart of claimed use.

2.3.5. Identifying for what purpose they had used the alleged way three users (Witnesses 8, 9 & 12) indicate they had used it for visiting family, but do not elucidate that they had relations that actually lived on the way, so their evidence should still be considered.

2.4. Frequency of Use

In order to be satisfied about whether there has been sufficient use of the way by the public, it is necessary to consider not only the number of users but also how often witnesses claim to have used the path. APPENDIX D-1 shows of the 15 users whose evidence can be considered 3 (Witnesses 4, 5 & 17) claim to have used it less frequently than once a month, a further 4 (Witnesses 2, 6, 7 & 18) had used it approximately once or twice a month, but 8 had used it on at least a weekly basis, with several (Witnesses 9, 13, 14 & 15) having used it more often than that, sometimes even twice a day. Taken together with the evidence of the numbers of witnesses, use on foot is substantial and continuous.

2.5. Inconsistencies

2.5.1. While there are no glaring inconsistencies, patterns of responses indicate there may have been some assistance, or help for users completing their forms of evidence, which it is necessary to highlight.

2.5.2. Asked how wide is the way at its narrowest point, almost all witnesses identify the narrowest part of the route as being '7 Feet' which is a very specific figure and in circumstances where it wasn't included, a measurement appears to have been added later. None indicates where this point is, or how that conclusion was reached, although two witnesses who access the route for private purposes do identify the way as being tidal.

2.5.3. Answering the question on the User Evidence Form that asks 'Did you receive any instructions as to the use of the way by the public' almost every witness responds in very similar terms indicating that they were told that it was a right of way, or have always understood it to be a right of way, but do not indicate who had said that to them, or the basis for holding that opinion.

2.5.4. Maps accompanying the Forms of Evidence were all identical. No user has attempted to draw the route they have used themselves, but each witness has relied on a map supplied with a route already drawn, which raises the prospect there was some assistance in their production. However, all the witnesses signed them to identify that

Cornwall Council

was the route they had used, so it is necessary to accept their content at face value.

2.6. Additional Evidence In Support Of Application

Further evidence in the form of an historical document, namely a copy of a conveyance dated 1926 from the Admiralty to the Saltash Gas & Coke Company has been submitted by the applicants in support of the application by users. Details are set out at APPENDIX D-3 and any relevant evidence arising from this supplementary material is considered in the Documentary Evidence section below.

3. LANDOWNER EVIDENCE

- 3.1. With the identity of all affected landowners provided by the applicant, a letter of consultation, inviting the identified landowners to confirm they were the owner, or occupier of the land over which the alleged ways run and also requesting that they complete a Landowner/Occupier Evidence Form and/or submit comments in regard to the application was sent to each of the persons certified by the applicants to be an owner and/or occupier of the land in July 2003.
- 3.2. Following submission of a second Certificate of Service of Notice from the applicant a further consultation was conducted in June 2005.
- 3.3. Upon identifying that part of the claimed route crossed land below the Mean High Water Mark that according to Land Registry has no registered owner and since any portion of the foreshore is vested, freehold, in the Crown or a Crown grantee, in this case the Duchy, except where the Crown can be shown to have parted with ownership, another consultation was conducted with the Duchy of Cornwall in July 2017.
- 3.4. In addition to ensuring all landowners had been contacted and provided an opportunity to alert the Council to actions they had taken to prevent a right of way being dedicated, consulting with the Duchy of Cornwall was important as Section 31 of the Highways Act 1980 does not apply to the Crown.
- 3.5. Responses in the form of completed Landowner/Occupier Evidence Forms can be found in APPENDIX E-1, which also contains copies of letters and supporting documents written in response to the application from landowners directly affected by the claim.
- 3.6. The landowners and/or occupiers have not been interviewed. The information has been taken from the Landowner/Occupier Evidence Forms which have been signed by each landowner/occupier to the

Cornwall Council

effect that "I hereby certify that to the best of my knowledge and belief the facts that I have stated are true".

- 3.7. Reports of the Landowner consultation are presented in property order from point A on the route through to point E/F.
- 3.8. Despite having seen and been aware of members of the public using the way on foot [REDACTED] [REDACTED] do not believe the way to be public. They also claim not to have taken any action by way of obstruction or notices to prevent public rights from accruing, but they also concede on the landowner evidence form that they do not own land over which the alleged way runs.
- 3.9. After completing the pro-forma to say that they did not own land over which the footpath passes, [REDACTED] [REDACTED] indicated that they had been advised by their solicitor when they purchased the property in 1983 they had rights down to Mean High Water (MHW) and had since that time moored a boat in the creek. The mooring lines and possibly the boat itself cross, or rest on, the line claimed as footpath in this application.
- 3.10. [REDACTED] became the new owner of [REDACTED] and had been living there a year when [REDACTED] submitted a landowner evidence form in 2008. In contrast to the previous owners, [REDACTED] did claim to own land over which the alleged way runs and in fact believed the way to be public having seen people using it on foot, something [REDACTED] has taken no action to prevent.
- 3.11. In a letter to the Clerk of Saltash Town Council (the applicant) [REDACTED] [REDACTED] says that she had never stopped anybody walking round the beach. Although she had many concerns about the claimed footpath the only other relevant information she provided related to the fact boats have been moored over the way with ropes up to the cliff which people are likely to trip over.
- 3.12. The landowner of [REDACTED] has seen members of the public using the way on foot and indeed has on one occasion exchanged words with a woman who objected to having to climb under mooring lines.
- 3.13. Although [REDACTED] has taken no deliberate action to prevent rights from accruing he claims to have regularly kept a boat on his beach across the alleged way which in effect represents an obstruction.
- 3.14. He also disagrees with the claim that the minimum width of passage stated as being 7 feet. At 'spring tides it is only possible wearing waders'.

Cornwall Council

- 3.15. [REDACTED] understands there to be a public right of way along the foreshore having seen people using it on foot since she lived there and further understood it to have existed for hundreds of years as a cart track, but presents no evidence to support this claim.
- 3.16. The landowner of [REDACTED] indicates he is aware and has seen members of the public using the way and having stopped and turned back people using the way on occasions when tidal conditions were unsafe, but gave no dates indicating when this might have been.
- 3.17. [REDACTED] identifies he has not kept notices, nor obstructed the route in any other way so as to prevent rights accruing. However, he does question the claim writing that: 'the marked path, is never useable [REDACTED], due to steeply sloping uneven rock and very slippery sea growth and is tidal. Above is inaccessible garden and below is beach and mud. The tidal flow makes the whole route unusable for some 50% of any 12 hours and is up to two metres deep'.
- 3.18. This is further explained in subsequent correspondence from [REDACTED] who describes the fact even at the point of the lowest tides (neap) there is never any part of the route below the Mean High Water (MHW) mark that is not inundated by the sea and as a consequence of constant deposition of sediment, no tracks picking out a route along this part of the way exist.
- 3.19. While raising concerns about safety and, allied to that, trespass through private gardens, the result of people being caught out by lack of familiarity with incoming tides, a not unknown occurrence, no evidence showing that they did not wish to dedicate a right of way has been provided.
- 3.20. The owners of the property known as [REDACTED] are also aware and have seen members of the public using the way on foot, but though they have not stopped and turned people back they did erect a 'Private' sign at the entrance to their garden in August 2001. This was presumably not intended to refer to the claimed route, but to prevent the public from gaining access to their garden.
- 3.21. [REDACTED] further note in accompanying correspondence that due to tides and rock promontories and boathouses which cross the MHW mark the route of the claimed path is not fixed.
- 3.22. Furthermore, as a consequence of 'mud mooring' which on the 'fosse' within their ownership they are entitled to do, this would

Cornwall Council

leave mooring ropes crossing and therefore obstructing the proposed path.

- 3.23. In further letters [REDACTED] questions the evidence contained in the statements submitted by witnesses none of whom declared that they had known of any obstructions preventing use of the way. In fact according to the landowner the claimed way as it is marked on the plan 'is and has always been obstructed by boats, mooring ropes, boatsheds and at least one jetty'.
- 3.24. According to [REDACTED] the proposed route of the footpath where it is shown along the MHW line is also physically inaccessible in places because it encounters near vertical rock slopes and steep banks. Although this contradicts his statement in para 3.20 where he said he had witnessed people using the route.
- 3.25. Similar concerns about walkers being stranded on the incoming tide and the unsuitability of a footpath which is not clearly defined, is not available for 3 hours either side of high tide, and is slippery, rocky and covered in seaweed are also repeatedly mentioned.
- 3.26. While mostly referring to concerns that are not relevant to the accrual of rights, namely safety, security and privacy, [REDACTED] alongside identifying that the path is only available at low tide had issues with the fact that the map showing the claimed route is out of date. It is his opinion based on observation that only a minority of ramblers actually use the driveways of [REDACTED] in preference to the foreshore at this location, a reflection of the map not showing the properties in question.
- 3.27. [REDACTED] fails to say whether he has kept notices, or obstructed the route in any other way so as to prevent rights from accruing.
- 3.28. [REDACTED] owner of the property known as [REDACTED] also takes issue with the accuracy of the map which does not include either her property, or that of the neighbouring landowner [REDACTED] and also omits [REDACTED]. Further, she also refers to the fact the claimed path can only be accessed at low tide.
- 3.29. During the consultation process [REDACTED] was sold and the new owner [REDACTED] in his first landowner evidence form in 2003 indicates that he believes the way to be public having witnessed members of the public using the way on foot, though he reverses this on a second landowner evidence form in 2005 indicating that he didn't consider the way to be public.
- 3.30. In his comments [REDACTED] accepts that the path between Coombe Road and The Waterside has probably been established by use, but the exact route is less well defined, varying considerably

Cornwall Council

depending on tide and conditions of the foreshore, and also noting from his observations over 18 months the majority of users remain on the beach at times when the route is accessible, up to the Saltash Sailing Club and do not cross the two properties on the foreshore.

- 3.31. Although [REDACTED] writes that the [REDACTED] informed him they had stopped and turned back people using the way and his immediate neighbor had also notified the public that their common drive was private, no specific example or dates when this occurred is provided.
- 3.32. While a 'Private' notice was erected on the entrance drive to the two properties according to [REDACTED] this seems to have appeared between 2003 and 2005, but neither landowner of [REDACTED] mentions that they kept notices at other times, or deliberately obstructed the route in any other way so as to prevent rights from accruing.
- 3.33. The principal concern of [REDACTED] is that the map used in the application is out of date and therefore fails to provide a true or accurate record of the coastline to which the application appertains. Since the map was published significant development has changed the coastline so substantially that the proposed path does not follow it at all.
- 3.34. Further, the out-of-date map makes it impossible to determine if the proposed route is going across the properties of [REDACTED] and his immediate neighbor have no argument if the right of way was added to the beach in front of their properties as this he considers was the intention of the applicant to 'follow the coastline', but objects to the route passing through their 'front gardens'.
- 3.35. [REDACTED] also notes that outside of a few hours per day the tidal range makes the route inaccessible and the Council should be alert to the particular dangers as a consequence of this.
- 3.36. All other matters arising in the evidence supplied by landowners relate to issues, such as privacy, security and dangers that are not relevant to whether rights have been established.
- 3.37. Responding to the landowner consultation of July 2017 the [REDACTED] confirmed that the 'foreshore subject to the proposed new path is no longer in the ownership of [REDACTED] having been conveyed in 1899, 1900 and 1905'. While not supplying copies of the relevant conveyances, the [REDACTED] reported that they had no details of the current owners.
- 3.38. Applicant Comments on Landowner Evidence

Cornwall Council

- 3.38.1. In replying to the landowner responses a letter from the applicant set out in APPENDIX D-3 notes that 'the precise direction and course of the route marked in red has had no material change since the publication of the map which Saltash Town Council has provided.
- 3.38.2. In addition to Saltash Town Council providing signed evidence to demonstrate that users of the path have consistently walked the same route, this route is clearly defined in sections where seaweed has been worn away by feet and walkers cannot stray far from this route because of the muddy nature of the creek.
- 3.38.3. Any obligation that walkers have felt to detour via the beach in front of [REDACTED] is a result of verbal challenge and a chain carrying the sign 'Private' in front of the property that has arisen recently, but use of the route continued unchallenged and without deviation for at least 20 years prior to the application.
- 3.38.4. In practical terms users have consistently followed the route at the top of the beach to maximize use of the tidal path and to avoid the mud.

4. DOCUMENTARY EVIDENCE

4.1. Small-scale Historical Maps

Extracts from the Thomas Martyn map (1748/1749) and Greenwood Map (1826/1827) are set out at APPENDIX F-1 and F-2 respectively. Because the scale of the maps is relatively small it is not possible to identify historical routes marked with any degree of accuracy, although there does not appear to be a route within proximity of the claimed way in Saltash at the date these maps were published.

4.2. Tithe Map

- 4.2.1. Around the early 1840's the majority of parishes were surveyed by Tithe Commissioners. They produced detailed, large scale parish maps and accompanying schedules, which identified titheable lands, but not highways, or their status. The Tithe Map cannot be used as definitive evidence of public rights, but the maps do mark roads quite accurately, and taken in conjunction with the schedule, can provide useful supporting evidence. Tithes were not payable on public highways, and these are sometimes shown in a special colouring on the map. Where the evidence from the tithe record is uncertain it can only be used in support of, or conjunction with, other more compelling evidence of the public nature of the way.

Cornwall Council

4.2.2. An extract from the Tithe Map and Tithe Apportionment Register for the Parish of Saltash is set out at in APPENDIX F-3. The claimed way does not appear in any form on the Tithe survey.

4.3. The Finance Act 1910

4.3.1. With the intention of charging tax on any increase in value of property sold or inherited, a survey was carried out by the Valuation Department of the Inland Revenue under the Finance Act 1910. The task of the valuers was to provide information for tax purposes, to plot and record every piece of land, give every land holding a number, and provide ownership and occupation details for valuation purposes. Two parts of the Act were pertinent to highways and are now relevant for rights of way purposes.

4.3.2. First, Section 35 of the Act provided for excluding public vehicular roads from adjoining landholdings. Second, their concern with rights of way was in order to assess tax relief which was available for land crossed by footpaths and bridleways. In Section 25 of the Act while assessing the value of the land, deduction was made inter alia for "the amount by which the gross value would be diminished if sold subject to any public rights of way". In view of the financial implications, many landowners would have been anxious to ensure that public highways were correctly recorded on the plans and all rights of way properly identified in the Field Book. Indeed as such deductions allowed for the existence of public rights of way, the valuations required by the Finance Act 1910 can be highly relevant where highway status is in issue.

4.3.3. The fact almost all individual pieces of land in private ownership were recorded (identified by coloured boundaries) enables one to deduce valuable information about the existence of untaxed public roads which were generally excluded from the parcels of private land. But this does not mean that it should be assumed that roads included, or part included, in a hereditament were not to be subject to carriageway rights. However, if a lane or track was excluded from the taxable landholdings, it is likely that it was considered to be a public road at the time.

4.3.4. The plans used an Ordnance Survey base map, but it is the annotated hereditament numbers and boundaries that are of potential evidential value. Evidence from Finance Act maps can be supported by evidence from the Valuation Book (colloquially known as the 'Domesday' Book), Forms 37 (Valuation field notes) and Field Books.

4.3.5. Extracts from the valuation map are provided at APPENDIX F-4. They fail to show any kind of highway was present at the time over the claimed route.

Cornwall Council

4.4. Ordnance Survey Maps

- 4.4.1. It is well established that Ordnance Survey maps do not provide evidence of the status of a right of way, but merely record the physical features at the time of survey. They are however very useful in confirming the existence of a way at a particular date and the type of use along the way.
- 4.4.2. Ordnance Survey maps including: the OS 25 inch County Series of England and Wales 1894 & 1907 editions (approx 1:2500 metric equivalent); OS Six-inch maps of England and Wales 1888 & 1908 editions; smaller scale maps such as OS 1:25,000 maps of Great Britain 1947 edition; OS One-inch to the mile England and Wales Revised New Series 1911, New Popular Edition 1946 and the 7th Series 1964, reveal there may have been access to the foreshore over the part of the way shown between A-B on the report map, but otherwise give no indication that a path of any description was present over the claimed way.
- 4.4.3. Extracts from Ordnance Survey and Bartholomew's maps at various scales are set out in APPENDIX F-5.

4.5. Definitive Maps

- 4.5.1. In the early 1950s Parish Councils were required to carry out a survey of all the public rights of way in accordance with the provisions of the National Parks & Access to the Countryside Act 1949 (the 1949 act) with an accompanying descriptive Statement describing the relevant features and the termination points of each way.
- 4.5.2. Following the Parish Survey, the County Council prepared the Draft and later Provisional Maps. The 1949 Act contained provisions which allowed anyone to object to what was included in or omitted from, the Draft Map and Statement. If any representation or objection was so made, section 29 of the Act required authorities to consider the objection or representation, appoint a person to hear the objector, and then determine whether any modification of the map or statement should be made.
- 4.5.3. Extracts of the relevant documents for Saltash including the Parish Survey, Draft Provisional, and current editions of the Definitive Map and Statement are set out at APPENDIX F-6.
- 4.5.4. They show that Saltash Parish Council made no attempt to record a right of way over the claimed route at any stage during the survey process and during the periods of consultation that followed, nobody considered the route to have been inadvertently excluded and therefore applied to have the way claimed recorded at that time.

Cornwall Council

4.6. Aerial Photographs

- 4.6.1. Although unable to infer information about the status of a way aerial photographs can sometimes provide useful topographical detail on the existence, character and delineation of tracks..
- 4.6.2. Extracts of relevant aerial photos from c1946, 1988, 1995 and 2005 are set out at APPENDIX F-7.
- 4.6.3. With the exception of the route between C-D on the report map, where there is clearly defined vehicular track, the aerial photographic record appears not to show any kind of distinct way proximate to the MHW mark, or any distinguishable routes at all across the foreshore.

5. CONSULTATIONS

- 5.1. Consultations with the local councils, the prescribed organisations, statutory undertakers and other bodies were carried out on 14 July 2003.
- 5.2. After a change to the elected local member [REDACTED], a further consultation was carried out with the new County Councillor [REDACTED] on 4 November 2005.
- 5.3. Following a further change to the elected local member another consultation was carried out with the current County Councillor [REDACTED] on 3 July 2017.
- 5.4. Responses to the consultation were received from: [REDACTED] and The Ramblers Association. Copies of their comments can be found in APPENDIX G-1.
- 5.5. [REDACTED] reported that he was one of the local residents who had regularly walked the path since the late 1970s and was aware of others who had also used it. He mentioned that there was a somewhat misleading sign outside the property at the eastern end, but did not say what it said, but added that at times it had been difficult to negotiate the slipway in front of that house as a consequence of debris. He gave no indication whether the debris was natural, deposited by the receding tides, or manmade, deliberately left as an obstruction by the property in question.
- 5.6. [REDACTED] supported the modification order application and reported having used the route on many occasions over the past 20 years.
- 5.7. [REDACTED] fully supported the modification order application indicating that initial concerns about whether there was a public highway at each end had been allayed by the cobbled path behind

Cornwall Council

the old Waterside pub being adopted. [REDACTED] also pointed out that the path was well used although large boulders appearing to partially block a slope seemed like a deliberate action on the part of a householder to deter walkers.

- 5.8. As a consequence of the length of time it has taken Cornwall Council to reach a determination in this case, [REDACTED] thought that some of the witnesses who submitted statements are now dead, but added that should not be judged a hindrance in the case.
- 5.9. [REDACTED] indicated that The Ramblers Association fully supported the application and although the route was impassable sometimes at high tide were reliably informed it was a path well used by local residents, which it had been for many years.

6. **ANALYSIS**

6.1. Date That Public Rights Were Brought Into Question

- 6.1.1. To establish that a right of way subsists under Section 31 of the Highways Act 1980, it is necessary to determine a date that public rights were brought into question so that a period of 20 years immediately prior to this date can be calculated over which public use of the way can be shown to have occurred.
- 6.1.2. In July 2000 Witness 10 reported a recent sign had appeared at [REDACTED] stating it was 'Privately Maintained'.
- 6.1.3. At the same time in 2000 Witness 10 was also told by the new owners of [REDACTED] that the way was not public.
- 6.1.4. In May 2001 Saltash Town Council submitted an application to modify the Definitive Map and Statement
- 6.1.5. In August 2001 the owners of [REDACTED] erected a 'Private' sign at the entrance to their garden.
- 6.1.6. A 'Private' sign appears to have been installed at the entrance to [REDACTED] sometime between submitting a landowner evidence form in 2003 which makes no mention of any notice and 2005 when the landowner records its presence.
- 6.1.7. Failing to mention the notice referred to in July 2000, indicates the landowner did not intend it to apply to the path, but the property itself. On balance its ambiguous wording 'Privately Maintained' is also unlikely to represent sufficient challenge to use to bring the right of way into question.
- 6.1.8. By not identifying that they had stopped users of the path, the owners of [REDACTED] failed to corroborate the evidence that Witness

Cornwall Council

10 claimed to have been told the way was not public in 2000. It is also noted that Witness 10 as a landowner enjoyed a private right of access over part of the way, so there evidence must be discounted.

6.1.9. [REDACTED] is the only landowner to report firsthand that he stopped and turned back users of the way, but omitted to include any dates when this might have been. Furthermore, the remaining user evidence which has been produced makes no mention of any challenge by way of, for instance, physical barriers, verbal restraint or warning notices.

6.1.10. In the absence of evidence that shows landowners had taken direct action to challenge public rights before the submission of properly made modification order application in 2001, the 'Private' signs identified by the owners of [REDACTED] and [REDACTED] post-dating receipt of the application, the Highways Act 1980 (as amended by the Natural Environment and Rural Communities Act 2006) advises that the date when a legally valid application is made should be treated, for the purpose of deliberations, as the date upon which public rights were brought into question. In this case application was made for routes A-E and D-F in 2001.

6.1.11. The relevant period of use by members of the public, as of right and without interruption, to establish public rights by presumed dedication under Section 31 of the Highways Act 1980 is therefore 20 or more years prior to the date when rights were called into question in 2001.

6.2. Evidence of Use

6.2.1. While the number of evidence forms (18) submitted by witnesses claiming use of the alleged way on foot is not large, the extent and regularity that witnesses claim to have used the lane over the whole 20 year relevant period is considerable.

6.2.2. Adding to the evidence of use submitted in support of the application most landowners who completed an evidence form also made explicit reference to the fact that they had seen people using the foreshore on foot.

6.2.3. Furthermore, in responding to a formal consultation two Councillors responsible for the ward record in writing that they had used the way themselves.

6.2.4. Taken in isolation evidence of use would therefore be sufficient to show the way has been dedicated as a public footpath.

6.3. Landowner Evidence

Cornwall Council

- 6.3.1. Most landowners affected by the modification order application responded to appeals for evidence of actions taken to prevent rights on foot by way of use from accruing.
- 6.3.2. Despite the levels of response, it appears no landowner could provide evidence of deliberate action they had taken to prevent the accrual of rights.
- 6.3.3. Nonetheless, several landowners made useful comments that would benefit from further consideration. Principal among these is the fact that large sections of the way over the foreshore are at, or below, the Mean High Water mark meaning tides make the way impassable for long periods every day. This was confirmed by a site visit on 20 October 2016 shown in photographs set out in APPENDIX C-2. Nearly 2.5 hours after high tide, parts of the claimed way were still under water too deep to wade through. The applicant does not contest that the way is tidal, even referring to it as a tidal path in their comments on the landowners evidence.
- 6.3.4. Landowners bring to attention the fact repeated inundation by the tide means there is no defined route to follow and any route that does form is regularly washed away. By contrast the applicant disputes this saying sections of the way can be clearly delineated where footfall has worn a route through the seaweed. Site visits have confirmed that there is no obvious way that users have taken repeatedly and the nature of a foreshore subject to considerable variations in tidal flow means that any route that may become established is likely to be temporary.
- 6.3.5. Landowners also point out that stretches of the route are characterised by activities associated with its foreshore location. They allege that boat houses, boats and mooring ropes all cross and have therefore obstructed the claimed way throughout the period of claimed use, a fact confirmed in photos taken by the surveying authority on two separate site visits (set out in APPENDIX C). In defending these claims (set out in APPENDIX D-3), the applicant reports that the route circumvents the boat houses, but there is no mention of other obstructions that have been shown to exist over the way.
- 6.3.6. Furthermore, by providing a map with the route already marked in red that users have signed to confirm is the one they used, there is no indication of the precise line each user has taken on the ground.
- 6.3.7. Accepting concerns raised by landowners regarding the date of the base map used by the applicant to show the route being claimed and the fact that the landscape has changed since it was published, a consequence of recent development, particularly in respect of that part of the claimed route between C-D on the report map, close inspection confirms the route shown on the plan accompanying the

Cornwall Council

user evidence forms follows the accommodation track which now forms the drive and slipway of properties known as [REDACTED] and not the foreshore in front of the buildings.

6.3.8. Furthermore, land over the foreshore, more particularly sections of the route adjacent to [REDACTED] does not appear to have a registered private owner according to Land Registry. Usually in such circumstances the general rule is that soil of the foreshore and the bed of arms and estuaries of the sea, and of tidal navigable rivers, so far as the tide ebbs and flows, is prima facie in the ownership of the Crown. However, this is subject to exceptions where the Crown can be shown to have parted with ownership, which the Duchy of Cornwall has confirmed it has in this case.

6.3.9. Landowners also mention that current use of the foreshore, by providing access to private beach areas by implied permission, or 'general permissive consent' as the Crown refers to use of its land below the MHW, a result of the practical impossibility of preventing access and the common law principle that there is no public right of access to the foreshore, while not a perfect arrangement, is considered infinitely better and more representative of the type of use, than a single path established as of right.

6.4. Documentary Evidence

6.4.1. While a limited number of historical documents show a route has existed as a physical entity over the claimed way between A-B, C-E and D-F on the report map, they do not provide evidence as to their status, or whether they benefitted from public access.

6.4.2. The claimed route over the foreshore between B-C on the report map is not depicted on any historical document.

7. CONCLUSIONS

7.1. In deciding whether to make an Order under Section 53(2)(b) of the Wildlife and Countryside Act 1981 it is necessary to consider whether an 'event' has taken place which would require the authority to make the Order. In this report the 'event' that has been considered is under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 namely the discovery of evidence which shows that a right of way which is not shown on the definitive map is reasonably alleged to subsist along the line of route A-E and D-F on the report map. The 'event' will have taken place if it can be demonstrated that the evidence shows that public rights have been shown to exist:

- under Section 31 of the Highways Act 1980.
- at Common Law by showing that the landowner at some time in the past dedicated the way to the public either expressly,

Cornwall Council

the evidence of the dedication having been lost, or by implication making no objection to use by the public of the way.

- having regard to Section 32 of the Highways Act 1980 which states that a court, or other tribunal, before determining whether a way has, or has not been dedicated as a highway shall take into consideration any map, plan or history of the locality or other relevant document tendered in evidence.

- 7.2. For the purposes of Section 31 of the Highways Act 1980, it is considered that public use on foot was brought into question by the submission of an application in 2001.
- 7.3. No relevant evidence was produced that demonstrated a lack of intention to dedicate a right of way on the part of a landowner during the relevant 20 year period prior to the right being brought into question.
- 7.4. Under Section 31 of the Highways Act 1980 and at common law, the public right of way must be shown to follow a defined track and not be an area over which the public have wandered at large.
- 7.5. It is not disputed that the foreshore has been used, evidence from landowners also attests to this and such use involved passage from B-C on the report map, and in the reverse direction. However, the topography of the way, with no clearly defined route, there being numerous obstructions in the form of boathouses, boats and mooring ropes and the constantly changing surface of an intertidal zone mean that people will have inevitably strayed and meandered over the land which is therefore on balance not of a character that public use could give rise under Section 31 of the Highways Act 1980, or at common law to the presumption of dedication.
- 7.6. Having considered and weighed up the available evidence set out in this report for the accrual of public rights, balanced against the evidence provided by landowners and consultees, it is concluded that public rights on foot are reasonably alleged to subsist over the route between A-B, C-E and D-F on the report map. This satisfies the test for an 'event' in section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.
- 7.7. To reflect the evidence it is considered that the Council should make a Definitive Map Modification Order to add sections A-B, C-E and D-F on the report map to the definitive map and statement for the former district area of Caradon as a Public Footpath.
- 7.8. It is considered that if the Order made by the Council is unopposed, it should be confirmed by the Council and if the Order is opposed, it should be forwarded to the Secretary of State with a request that it be confirmed.

Cornwall Council

- 7.9. Having further considered and weighed up the available evidence set out in this report for the accrual of public rights, it is concluded that the route between B-C on the report map is of a character that public use could not give rise under Section 31 of the Highways Act 1980, or at common law to any presumption of dedication which therefore fails to satisfy the test for an 'event' in section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.
- 7.10. Consequently, public rights on foot cannot be reasonably alleged to subsist over route B-C on the report map and the Council should not make a Definitive Map Modification Order to add this section to the definitive map and statement for the former district area of Caradon as a Public Footpath.

APPENDIX C-2

Wildlife and Countryside Act 1981

**Proposed Modification of Definitive Map of Public Rights of Way by
the Addition of a Footpath from Coombe Road to Waterside,
Saltash**

**Photographs from a Site Visit on 20 October 2016 presented
chronologically between 09.39AM & 11.54AM.**

High Tide – (Time 9:31; Height 5.69m)



Photograph 1 (09.39AM)



Photograph 2 (09.40AM)



Photograph 3 (09.40AM)



Photograph 4 (09.41AM)



Photograph 5 (09.41AM)



Photograph 6 (09.50AM)



Photograph 7 (10.06AM)



Photograph 8 (10.15AM)



Photograph 9 (10.16AM)



Photograph 10 (10.16AM)



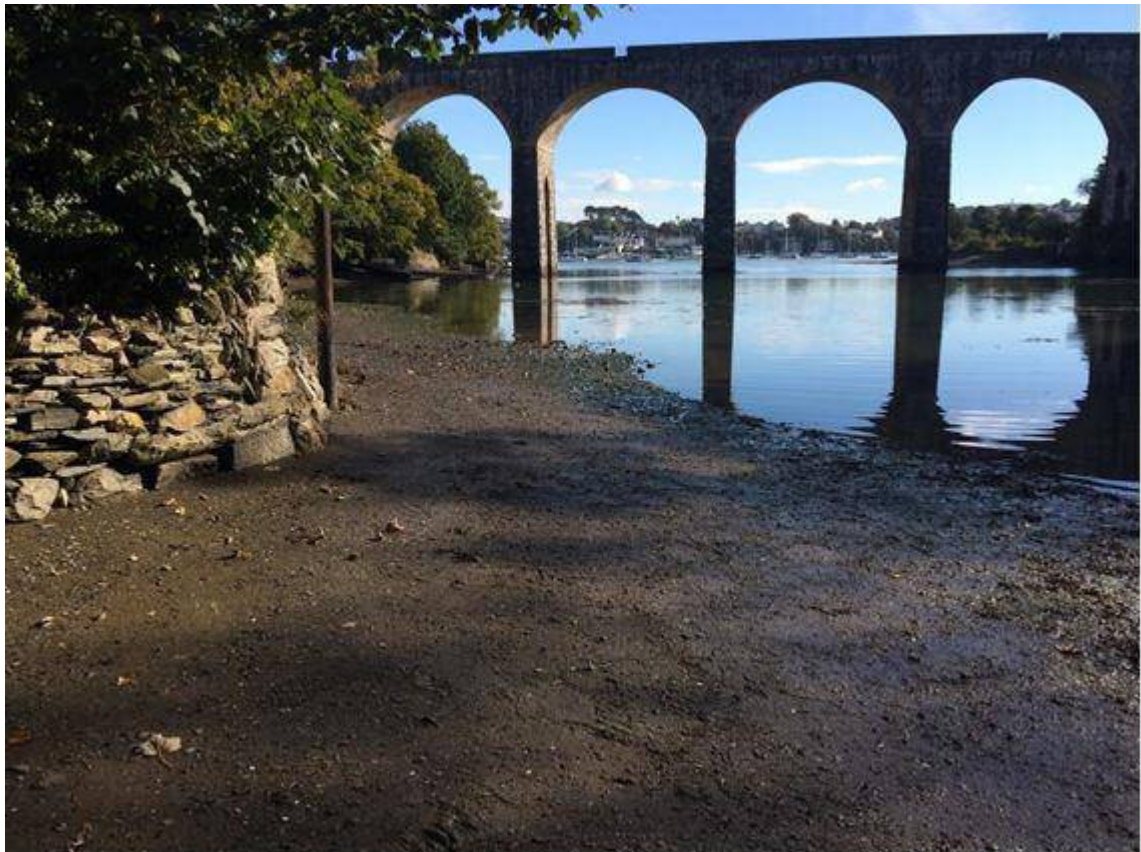
Photograph 11 (10.16AM)



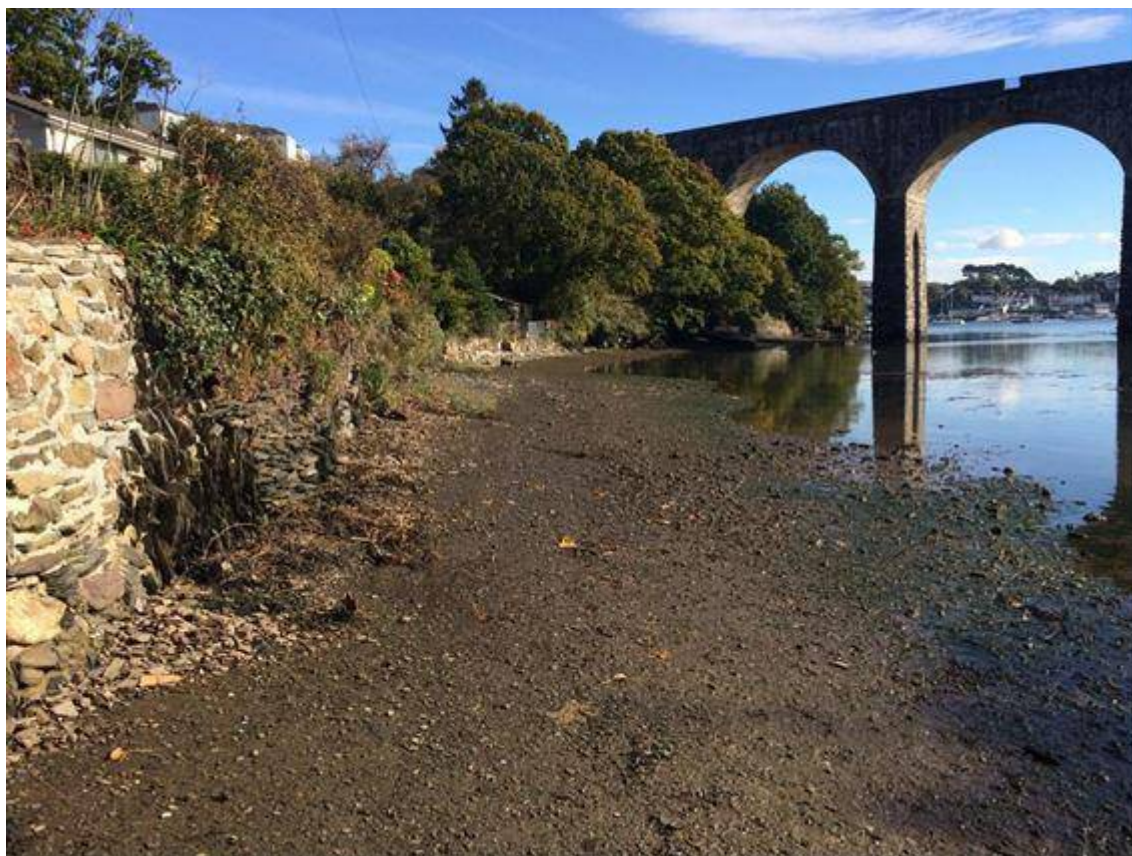
Photograph 12 (10.18AM)



Photograph 13 (10.18AM)



Photograph 14 (11.31AM)



Photograph 15 (11.31AM)



Photograph 16 (11.32AM)



Photograph 17 (11.33AM)



Photograph 18 (11.33AM)



Photograph 19 (11.33 AM)



Photograph 20 (11.34 AM)



Photograph 21 (11.34 AM)



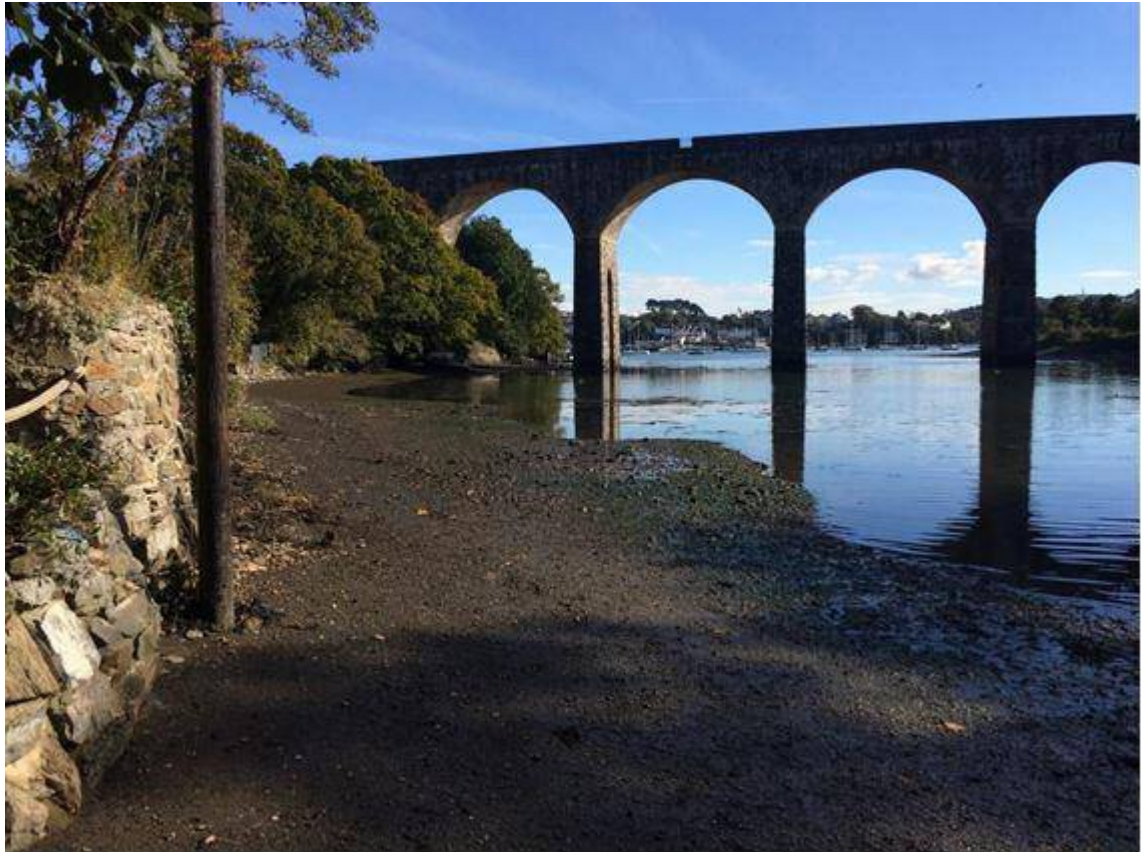
Photograph 22 (11.34 AM)



Photograph 23 (11.36 AM)



Photograph 24 (11.36 AM)



Photograph 25 (11.42 AM)



Photograph 26 (11.52 AM)



Photograph 27 (11.53 AM)



Photograph 28 (11.53 AM)



Photograph 29 (11.54 AM)

USER EVIDENCE FORMS



DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form.
This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name [REDACTED]

Address [REDACTED]

Date of Birth 13/10/39 Occupation [REDACTED] Telephone No [REDACTED]

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From WATERSIDE SALTASH

To COOMBE ROAD SALTASH

in the Parish of SALTASH

Alleged status of way PUBLIC RIGHT OF WAY
(eg. footpath, bridleway, or byway open to all traffic)

3. USE OF ALLEGED WAY

- (a) Have you personally used the above way? YES
- (b) Where were you going to and from? COOMBE RD. TO SALTASH WATERSIDE & VICE VERSA
- (c) For what purpose? PLEASURE WALKING
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? ONCE A MONTH
(eg. daily, weekly, monthly)
- (e) When did you last use it? LAST MONTH
- (f) Have you always followed the same route? YES
If not, state the year you changed your route and why ALSO AS ACCESS
TO MY PROPERTY [REDACTED]
- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods? If so, give details:
AS (f).
- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim? If so, give details
SEE THE DEEDS OF [REDACTED] PLUS
THE SITE MEETING ELEVEN YEARS AGO.
- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

YEARS DURING WHICH YOU HAVE USED THE WAY

On Foot		On Horseback		With a Vehicle	
From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
1964	2000				

4. DETAILS OF ALLEGED WAY

- (a) How wide is the way at its narrowest point? SEVEN FEET
- (b) Has the way always run over the same route? YES
If it has been diverted, give details and dates _____

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

No

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

No

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

No

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

No

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

If so, by who and when? No

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

No

- (c) Did you ever receive any instructions as to the use of the way by the public?

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

ALL OWNERS OF LAND FRONTING COOMBE CREEK HAVE A RIGHT OF WAY ACROSS
THEIR BEACHES INCLUDING ME.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature

[Redacted Signature]

Date

10/12/2000



DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form.
This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name

Address

Date of Birth 20.05.46

Occupation

Telephone No

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From WATERSIDE SALTASH, To COOMBE ROAD SALTASH

To

in the Parish of SALTASH.

Alleged status of way PUBLIC RIGHT OF WAY
(eg. footpath, bridleway, or byway open to all traffic)

3. USE OF ALLEGED WAY

- (a) Have you personally used the above way? YES
- (b) Where were you going to and from? COOMBE FROM SALTASH WATERSIDE AND VICE VERSA
- (c) For what purpose? PLEASURE WALKING AND VISITING FRIENDS AT COOMBE BARN
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? ONCE A MONTH, SOMETIMES MORE
(eg. daily, weekly, monthly)
- (e) When did you last use it? AUGUST 2000
- (f) Have you always followed the same route? YES

If not, state the year you changed your route and why

- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods? If so, give details:

NO

- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim? If so, give details

NO

- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

YEARS DURING WHICH YOU HAVE USED THE WAY

On Foot		On Horseback		With a Vehicle	
From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
1977	2000				

4. DETAILS OF ALLEGED WAY

- (a) How wide is the way at its narrowest point? 7 FEET
- (b) Has the way always run over the same route? YES

If it has been diverted, give details and dates

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

NO

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

NO

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

NO

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

NO

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

If so, by who and when? NO

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

NO

- (c) Did you ever receive any instructions as to the use of the way by the public?

I WAS ALSO TOLD THIS WAS A RIGHT OF WAY

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

NO

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

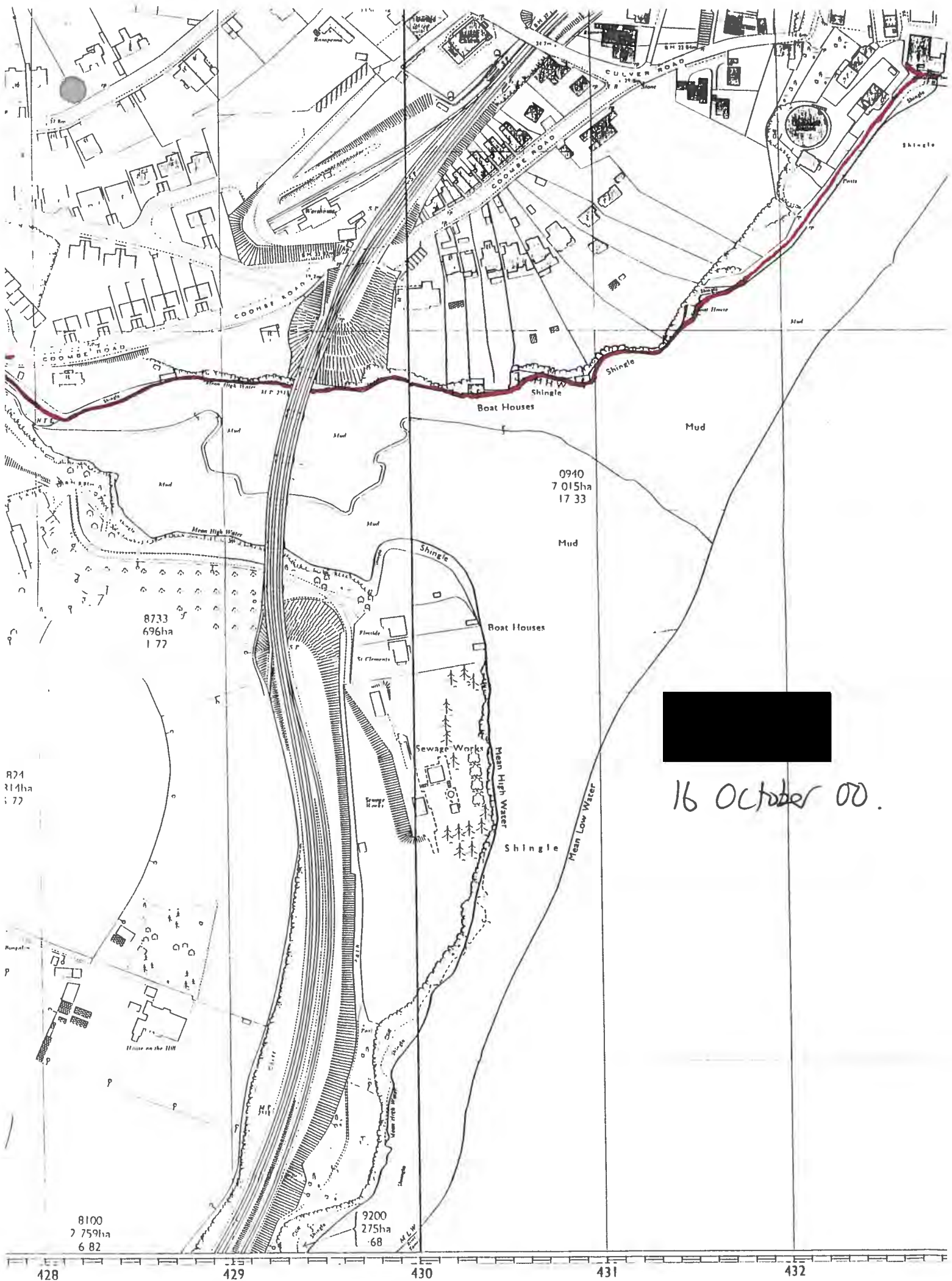
NO

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature

Date

16 October 00



16 October 00.



DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form. This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name

Address

Date of Birth 23/7/55 Occupation Telephone No

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From WATERLODE, SALTASH - TO COMBER RD, SALTASH.

To

in the Parish of SALTASH

Alleged status of way PUBLIC RIGHT OF WAY
(eg. footpath, bridleway, or byway open to all traffic)

WESTERN GROUP CENTRE
TRANSPORTATION & ESTATES

Radnor Road Scorrier Redruth Cornwall TR16 5EH Tel (01209) 820611 Fax (01209) 821151

County Surveyor Peter Stethridge

3. USE OF ALLEGED WAY

- (a) Have you personally used the above way? YES
- (b) Where were you going to and from? COMBE TO JALPOH WATERIDE + BACK
- (c) For what purpose? PLEASURE WALKING
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? ONCE A WEEK
(eg. daily, weekly, monthly)
- (e) When did you last use it? TWO DAYS AGO (1/8/2001)
- (f) Have you always followed the same route? YES
If not, state the year you changed your route and why
- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods? If so, give details:
NO
- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim?
If so, give details NO
- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

Years during which you have used the way

	From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
On Foot	1958	2001				
On Horseback						
With a Vehicle						

4. DETAILS OF ALLEGED WAY

- (a) How wide is the way at its narrowest point? 7 FEET
- (b) Has the way always run over the same route? YES
If it has been diverted, give details and dates

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

NO

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

NO

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

NO

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

NO

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

If so, by who and when? NO

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

NO

- (c) Did you ever receive any instructions as to the use of the way by the public?

YES - BUT LOCAL PEOPLE TOLD ME THU WAS A PUBLIC RIGHT OF WAY

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

NO

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature

[Redacted Signature]

Date

5/3/2001



7821
314ha
5.72

8733
696ha
1.72

8100
7759ha
6.82

9200
275ha
68

0940
7015ha
17.33

428 429 430 431 432

5/3/2007



4

DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form. This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name

Address

Date of Birth 1.9.30 Occupation Telephone No.

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From WATERSIDE SALTASH TO COOMBE ROAD SALTASH

To

in the Parish of SALTASH

Alleged status of way PUBLIC RIGHT OF WAY

(eg. footpath, bridleway, or byway open to all traffic)

WESTERN GROUP CENTRE
TRANSPORTATION & ESTATES

Radnor Road Scorrier Redruth Cornwall TR16 5EH Tel (01209) 820611 Fax (01209) 821151

County Surveyor Peter Stethridge

3. USE OF ALLEGED WAY

- (a) Have you personally used the above way? YES
- (b) Where were you going to and from? WATERGATE TO COOMBE & BACK AGAIN
- (c) For what purpose? PLEASURE WALKING
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? FOUR TIMES A YEAR
(eg. daily, weekly, monthly)
- (e) When did you last use it? JANUARY 2001
- (f) Have you always followed the same route? YES
If not, state the year you changed your route and why
- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods? If so, give details:
NO
- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim?
If so, give details NO
- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

Years during which you have used the way

	From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
On Foot	1938	2001				
On Horseback						
With a Vehicle						

4. DETAILS OF ALLEGED WAY

- (a) How wide is the way at its narrowest point? 7 FEET
- (b) Has the way always run over the same route? YES
If it has been diverted, give details and dates

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

No

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

No

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

No

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

No

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

If so, by who and when? No

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

No

- (c) Did you ever receive any instructions as to the use of the way by the public?

ALWAYS UNDERstood AS A RIGHT OF WAY

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

No

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

No

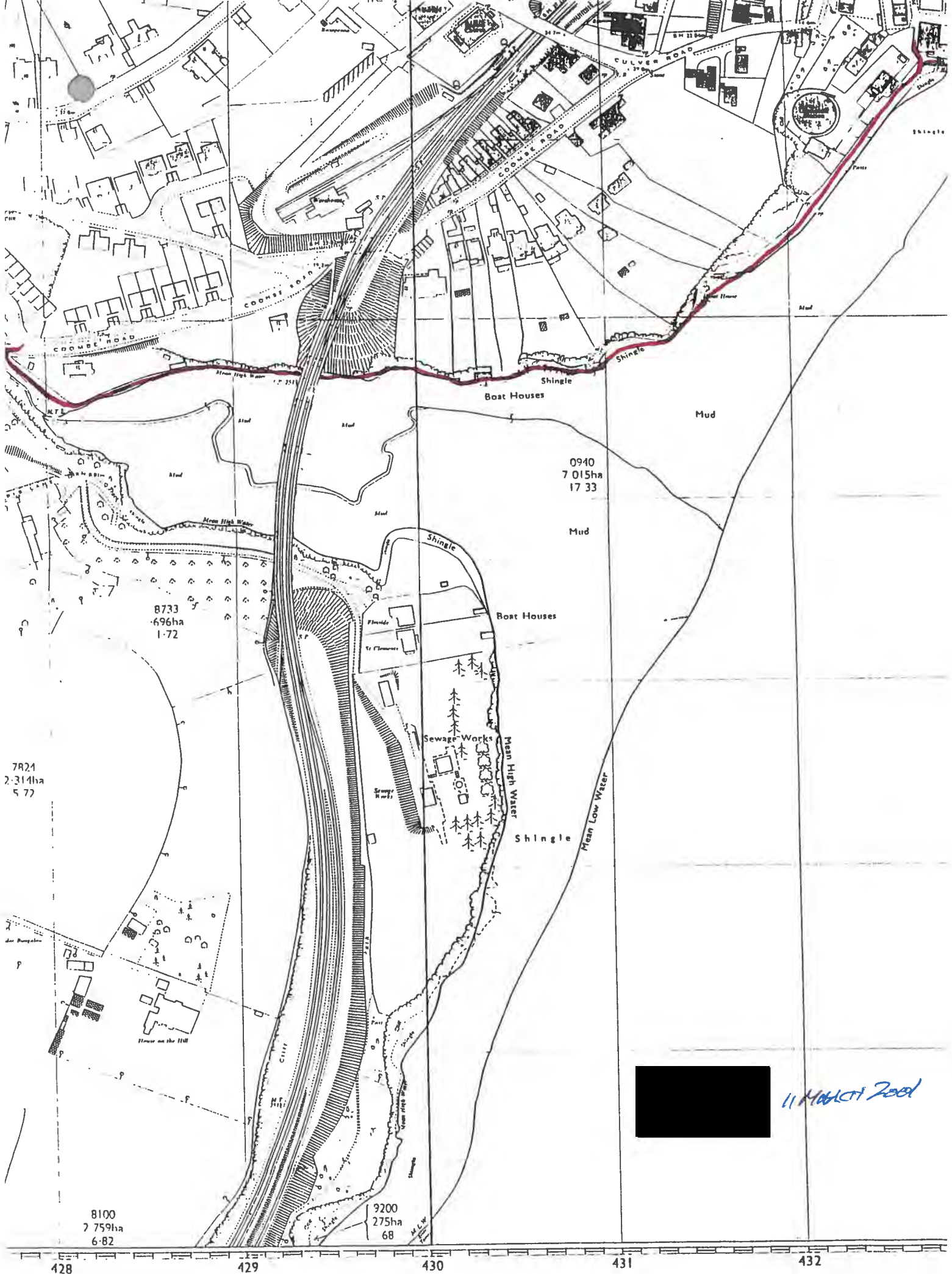
I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature

[Redacted Signature]

Date

11 MARCH 2001



11 March 2001



5

DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form. This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name

Address

Date of Birth 13/4/1931 Occupation Telephone No

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From WATERSIDE SALTASH TO COOMBE ROAD SALTASH

To

in the Parish of SALTASH

Alleged status of way PUBLIC RIGHT OF WAY

(eg. footpath, bridleway, or byway open to all traffic)

WESTERN GROUP CENTRE
TRANSPORTATION & ESTATES

Radnor Road Scorrier Redruth Cornwall TR16 5EH Tel (01209) 820611 Fax (01209) 821151

County Surveyor Peter Stethridge

3. USE OF ALLEGED WAY

- (a) Have you personally used the above way? YES + RETURN
- (b) Where were you going to and from? COOMBE FROM SALTASH WATERSIDES
- (c) For what purpose? PLEASURE WALKING
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? APPROX BURY 3 MONTHS
(eg. daily, weekly, monthly)
- (e) When did you last use it? JANUARY 2001
- (f) Have you always followed the same route? YES
- If not, state the year you changed your route and why

- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods? If so, give details:
-

- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim?
If so, give details

NO

NO

- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

Years during which you have used the way

	From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
On Foot	1938	2001				
On Horseback						
With a Vehicle						

4. DETAILS OF ALLEGED WAY

- (a) How wide is the way at its narrowest point? 7 FEET
.....
- (b) Has the way always run over the same route? YES
If it has been diverted, give details and dates
-

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

NO

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

NO

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

NO

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

NO

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

If so, by who and when?

NO

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

NO

- (c) Did you ever receive any instructions as to the use of the way by the public?

ALWAYS USED AS PUBLIC RIGHT OF WAY.

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

NO

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

NO

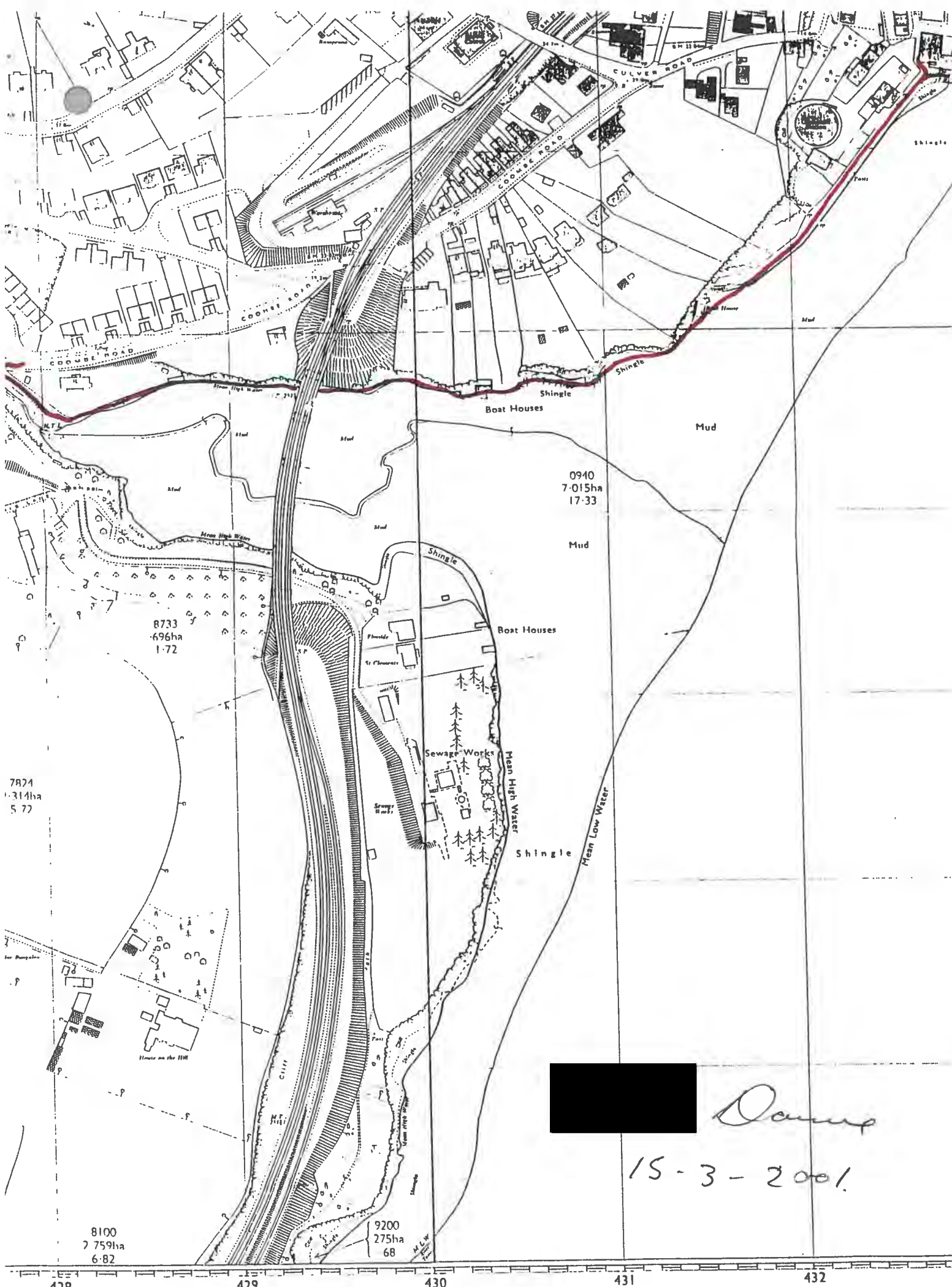
I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature

[Redacted Signature]

Date

15-3-2001



Darius

15-3-2001



DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form. This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name [REDACTED]

Address [REDACTED]

Date of Birth 7.10.32 Occupation [REDACTED] Telephone No. [REDACTED]

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From WATERSIDE

To COOMBE ROAD

in the Parish of SALTASH

Alleged status of way PUBLIC RIGHT OF WAY

(eg. footpath, bridleway, or byway open to all traffic)

3. USE OF ALLEGED WAY

- (a) Have you personally used the above way? Yes
- (b) Where were you going to and from? WATERSIDE TO CORIBUS RD
- (c) For what purpose? DOG AND PLEASURE WALKING
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? 12 TIMES A YEAR
(eg. daily, weekly, monthly)
- (e) When did you last use it? 1999
- (f) Have you always followed the same route? Yes. in BOTH DIRECTIONS

If not, state the year you changed your route and why _____

- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods? If so, give details:

NO

- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim? If so, give details

- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

YEARS DURING WHICH YOU HAVE USED THE WAY

On Foot		On Horseback		With a Vehicle	
From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
1947	1999				

4. DETAILS OF ALLEGED WAY

- (a) How wide is the way at its narrowest point? 7 FT.
- (b) Has the way always run over the same route? Yes

If it has been diverted, give details and dates _____

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

No

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

No

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

No

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

No

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

No

If so, by who and when?

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

No

- (c) Did you ever receive any instructions as to the use of the way by the public?

ALWAYS BELIEVED TO BE A PUBLIC RIGHT OF WAY

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

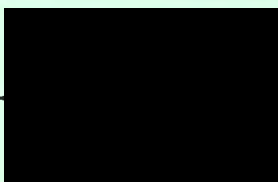
No

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

No

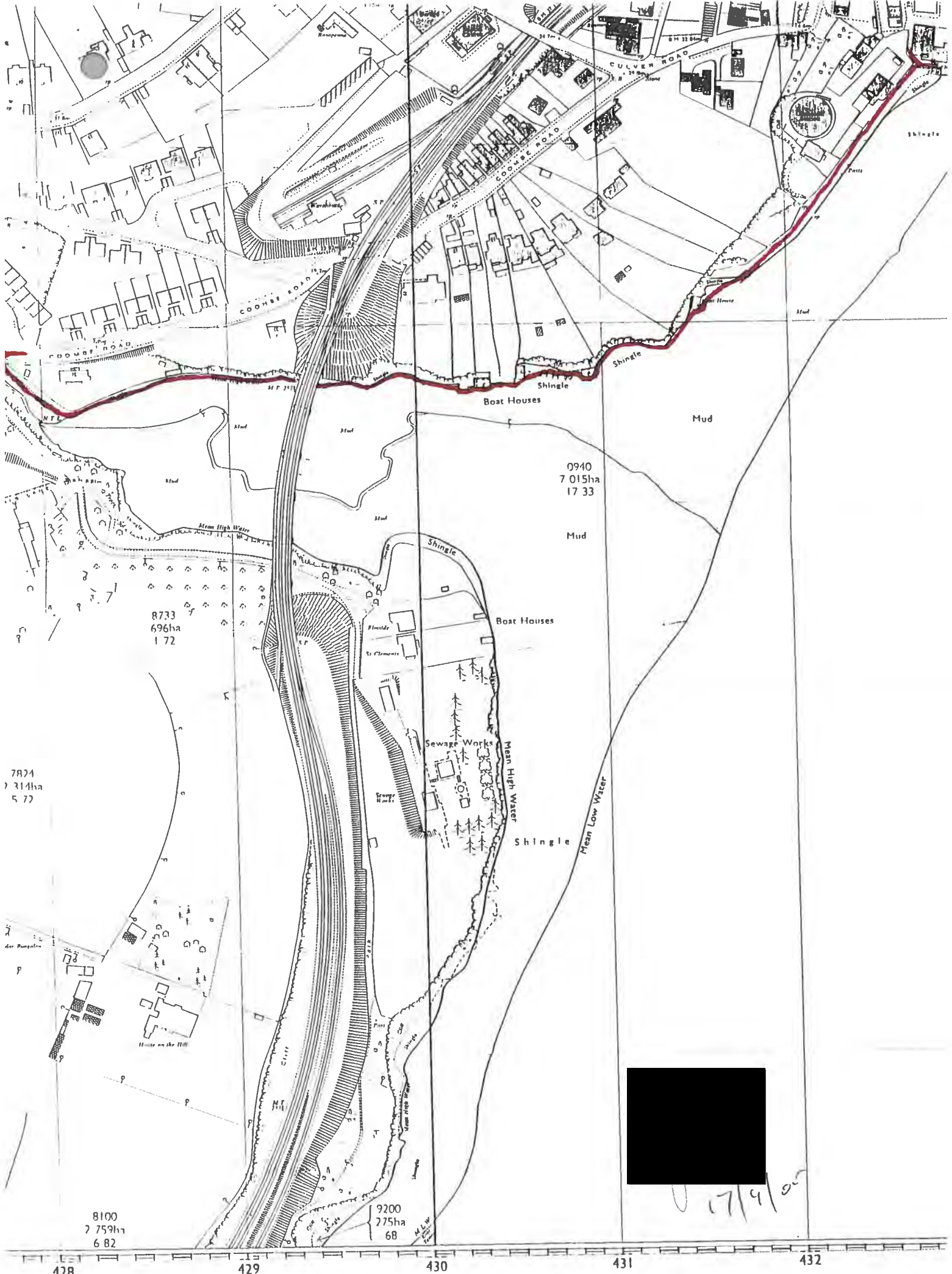
I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature



Date

17/9/00



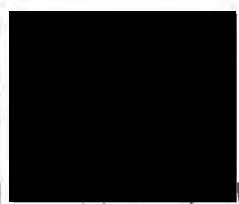
7824
7 314ha
5 77

8733
696ha
1 72

0940
7 015ha
17 33

9200
275ha
68

8100
2 759ha
6 82



17/9/00



DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form.
This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name

Address

Date of Birth

14-10-34

Occupation

Telephone No

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From

WATERSIDE

To

COOMBE ROAD

in the Parish of

SALTASH

Alleged status of way

PUBLIC RIGHT OF WAY EG FOOTPATH

(eg. footpath, bridleway, or byway open to all traffic)

3. **USE OF ALLEGED WAY**

- (a) Have you personally used the above way? YES
- (b) Where were you going to and from? SALTASH WATERSIDE - COOMBE
- (c) For what purpose? PLEASURE WALK
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? TWICE A MONTH
(eg. daily, weekly, monthly)
- (e) When did you last use it? EARLY JULY 2000
- (f) Have you always followed the same route? YES

If not, state the year you changed your route and why _____

- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods? If so, give details:

No

- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim? If so, give details

- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

YEARS DURING WHICH YOU HAVE USED THE WAY

On Foot		On Horseback		With a Vehicle	
From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
1938	2000				

4. **DETAILS OF ALLEGED WAY**

- (a) How wide is the way at its narrowest point? 7'
- (b) Has the way always run over the same route? YES

If it has been diverted, give details and dates _____

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

No

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

No

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

No

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

No

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

If so, by who and when? No

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

No

- (c) Did you ever receive any instructions as to the use of the way by the public?

No

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

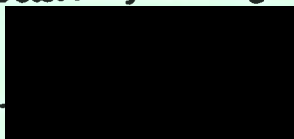
No

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

No

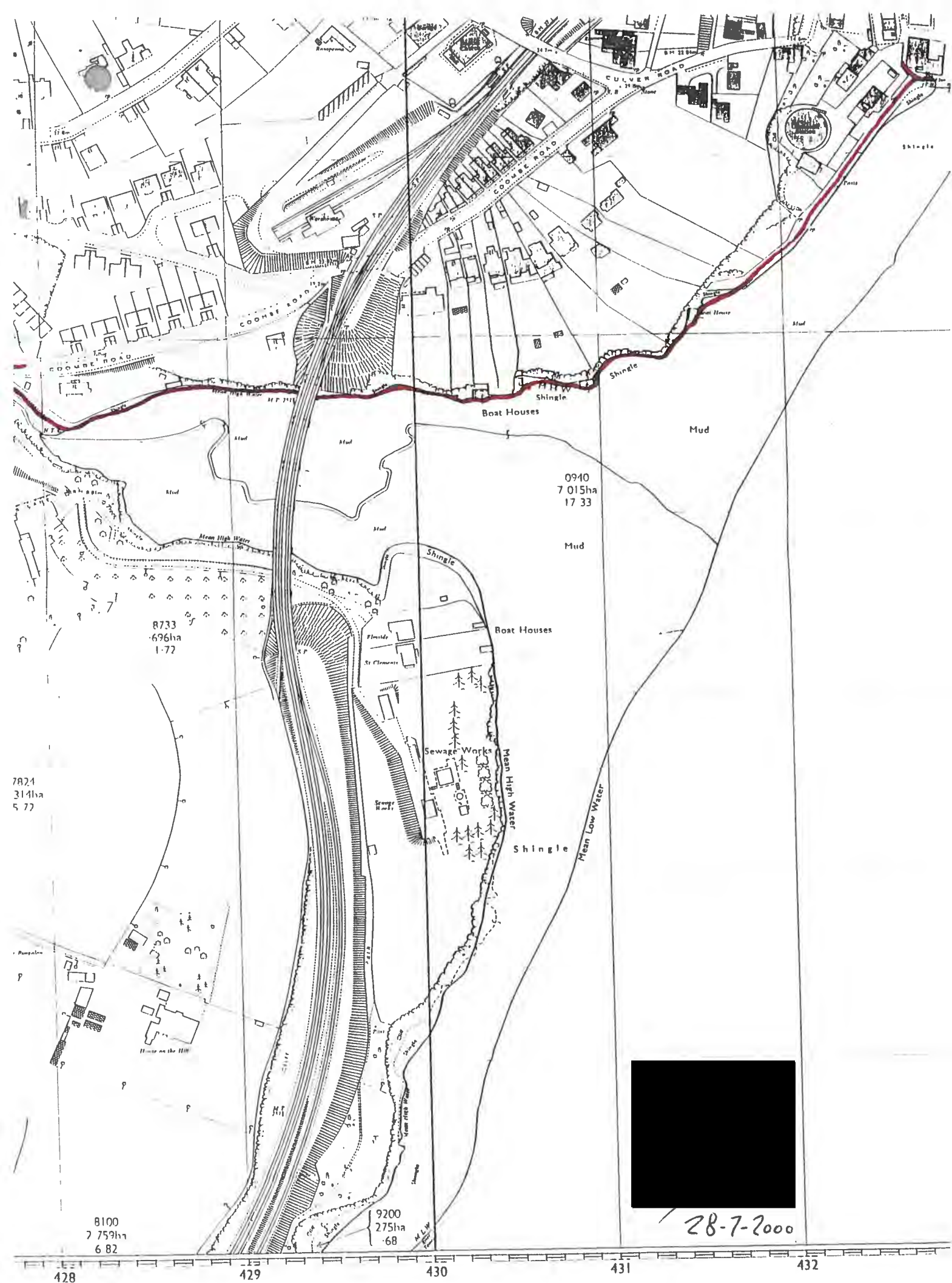
I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature



Date

28-7-2000





DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form. This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name _____

Address _____

Date of Birth 11-5-50 Occupation _____ Telephone No _____

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From WATERSIDE

To COMBE RD

in the Parish of SALTASH

Alleged status of way PUBLIC RIGHT OF WAY
(eg. footpath, bridleway, or byway open to all traffic)

3. USE OF ALLEGED WAY

- (a) Have you personally used the above way? YES
- (b) Where were you going to and from? COMBE PARK VIA COMBE RD TO WATERSIDE
- (c) For what purpose? PLEASURE WALK, DOG WALKING, VISITING FAMILY
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? WEEKLY
(eg. daily, weekly, monthly)
- (e) When did you last use it? 1994
- (f) Have you always followed the same route? YES, IN BOTH DIRECTIONS

If not, state the year you changed your route and why _____

- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods?
If so, give details:

NO

- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim?
If so, give details

N/A

- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

YEARS DURING WHICH YOU HAVE USED THE WAY

On Foot		On Horseback		With a Vehicle	
From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
1960	1994				

4. DETAILS OF ALLEGED WAY

- (a) How wide is the way at its narrowest point? 7 FT
- (b) Has the way always run over the same route? YES

If it has been diverted, give details and dates _____

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

NO

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

NO

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

NO

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

NO

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

If so, by who and when?

NO

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

NO

- (c) Did you ever receive any instructions as to the use of the way by the public?

NO, ALWAYS KNOWN IT AS A RIGHT OF WAY

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

NO

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

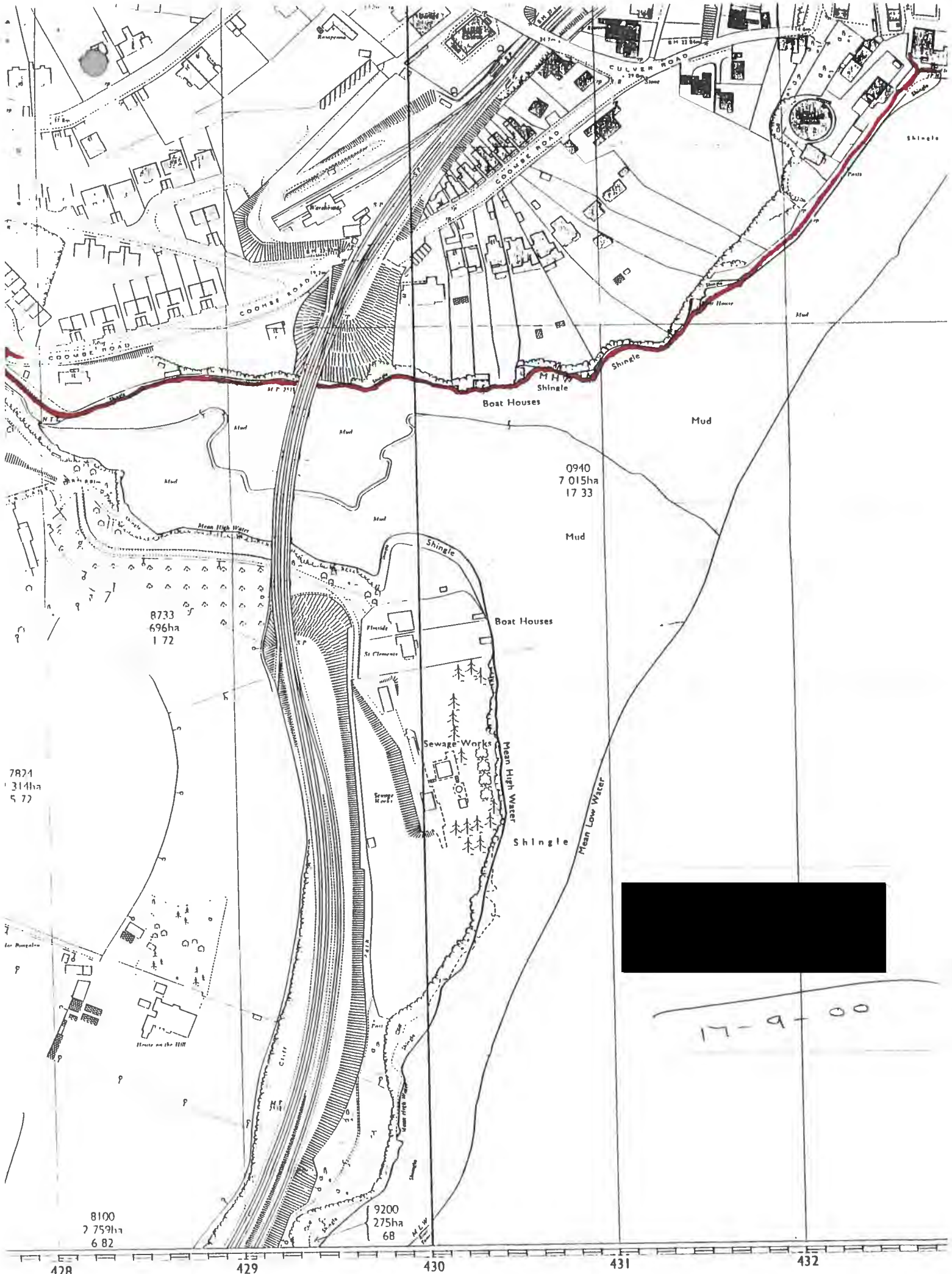
NO

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature

[Redacted Signature]

Date 17-9-00





DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form. This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name

Address

Date of Birth 31-5-58 Occupation _____ Telephone No. _____

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From WATERSIDE

To COOMBE ROAD

in the Parish of SALTASH

Alleged status of way PUBLIC RIGHT OF WAY
(eg. footpath, bridleway, or byway open to all traffic)

3. **USE OF ALLEGED WAY**

- (a) Have you personally used the above way? YES.
- (b) Where were you going to and from? [REDACTED] VIA WATERSIDE FROM FREDISHER DRIVE VIA COCHISE ROAD.
- (c) For what purpose? DOG WALKING, [REDACTED]
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? 2 x WEEKLY.
(eg. daily, weekly, monthly)
- (e) When did you last use it? 1999
- (f) Have you always followed the same route? YES IN BOTH DIRECTIONS.

If not, state the year you changed your route and why _____

- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods? If so, give details:

NO.

- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Title Maps, Railway Maps, etc., which you think will support the claim? If so, give details

N/A

- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

YEARS DURING WHICH YOU HAVE USED THE WAY

On Foot		On Horseback		With a Vehicle	
From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
1962*	1999				

* STARTED WALKING ROUTE AS A CHILD, THEN MORE FREQUENTLY AS AN ADULT.

4. **DETAILS OF ALLEGED WAY**

- (a) How wide is the way at its narrowest point? 7 FEET.
- (b) Has the way always run over the same route? YES.

If it has been diverted, give details and dates N/A.

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

NO.

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

NO.

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

NO.

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

NO.

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

If so, by who and when? NO.

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

NO.

- (c) Did you ever receive any instructions as to the use of the way by the public?

NO. ALWAYS UNDERSTOOD IT TO BE A RIGHT OF WAY.

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

NO.

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

NO

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature ..

[Redacted Signature]

Date 17-9-2000

USER EVIDENCE FORMS



DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form.
This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name

Address

Date of Birth 25-08-51

Occupation

Telephone No

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From WATERSIDE

To COMBE ORPEN ROAD
HH

in the Parish of

Alleged status of way PUBLIC RIGHT OF WAY
(eg. footpath, bridleway, or byway open to all traffic)

3. USE OF ALLEGED WAY

- (a) Have you personally used the above way? YES
- (b) Where were you going to and from? WATERSIDE TO COOMBE
- (c) For what purpose? PLEASURE WALK AND ACCESS
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? TWICE MONTHLY
(eg. daily, weekly, monthly)
- (e) When did you last use it? MID-JULY 2000
- (f) Have you always followed the same route? YES

If not, state the year you changed your route and why

- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods?
If so, give details:

[REDACTED]

- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim?

If so, give details

I understand that older deeds in Combe Rd mention this right

- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

YEARS DURING WHICH YOU HAVE USED THE WAY

On Foot		On Horseback		With a Vehicle	
From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
1972	2000			1972	1995 2000

4. DETAILS OF ALLEGED WAY

- (a) How wide is the way at its narrowest point? DEPENDS ON STATE OF TIDE 10m 71
- (b) Has the way always run over the same route? YES

If it has been diverted, give details and dates

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

NO

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

NO

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

NO

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

A recent sign has appeared stating 'Privately Maintained' at [REDACTED]

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

If so, by who and when? NO

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

No

- (c) Did you ever receive any instructions as to the use of the way by the public?

NO

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

New owners of [REDACTED] July 2000

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

YES AT [REDACTED]

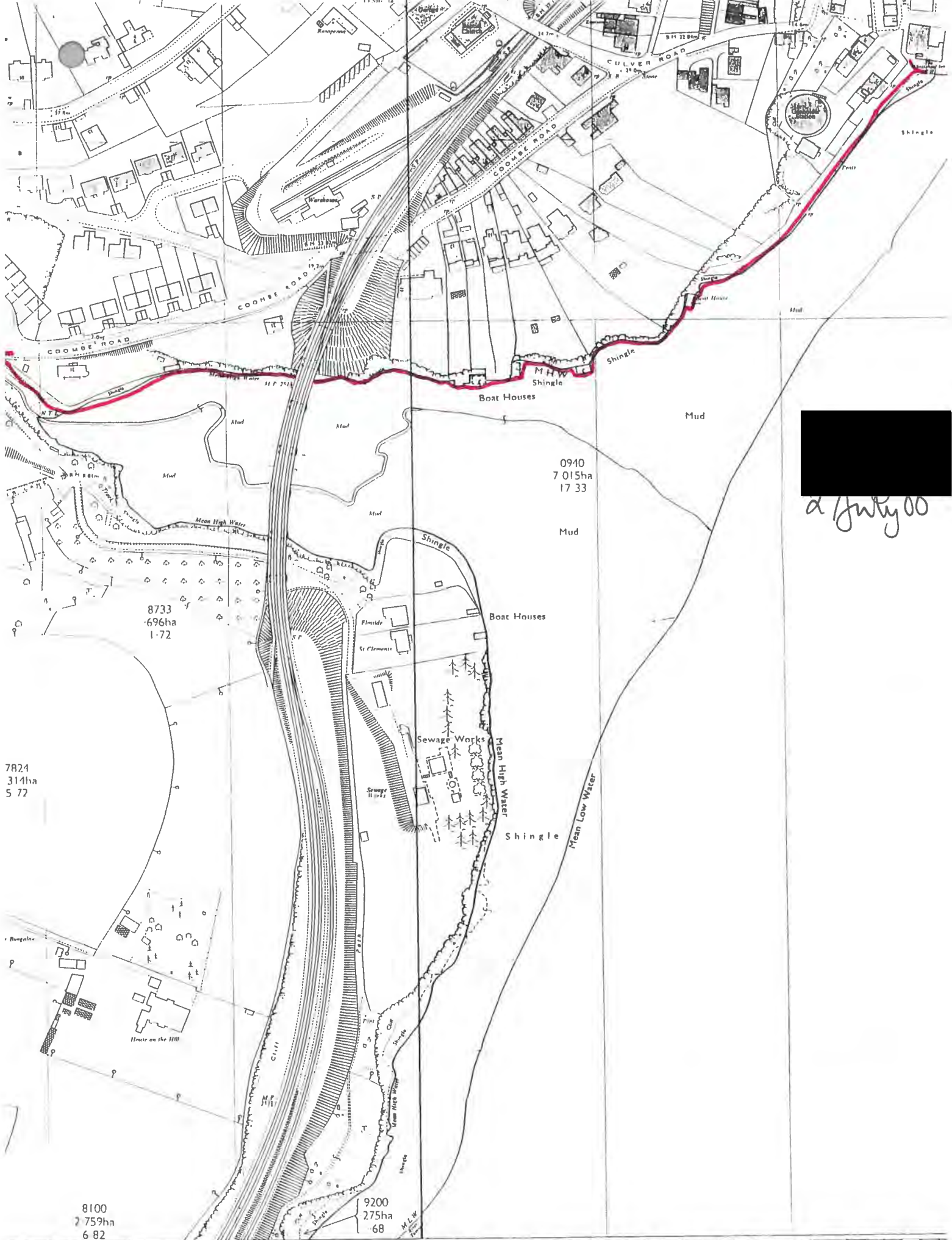
I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature

[REDACTED]

Date

28 July 00



2 July 00

NB

Changer of address to



IMPO

The obj
are ther
whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

28/08/03

Witnesses
information,

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form.
This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name

Address

Date of Birth

23/8/33

Occupation

Telephone

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From SALTASH WATER'SIDE to ROUND COOMBE CREEK

To WEARDE QUAY & COOMBE ROAD

in the Parish of

Alleged status of way FOOTPATH BYWAY TO COOMBE CREEK
(eg. footpath, bridleway, or byway open to all traffic)

3. USE OF ALLEGED WAY

- (a) Have you personally used the above way? YES
- (b) Where were you going to and from? WATERSIDE TO WEARDE, WATERSIDE TO BEACHES
- (c) For what purpose? PLEASURE WALKS, ACCESS TO [REDACTED]
(eg. pleasure walk, horseriding, short-cut, etc) ACCESS TO BOATS KEPT IN COOMBE CREEK.
- (d) How many times a year? 30
(eg. daily, weekly, monthly)
- (e) When did you last use it? 23/7/2000
- (f) Have you always followed the same route? YES

If not, state the year you changed your route and why /

- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods?
If so, give details:

[REDACTED] DELIVERING BOAT GEAR TO COOMBE CREEK.

- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim?
If so, give details

- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

YEARS DURING WHICH YOU HAVE USED THE WAY

On Foot		On Horseback		With a Vehicle	
From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
1970	2000			1970	1985

4. DETAILS OF ALLEGED WAY

- (a) How wide is the way at its narrowest point? TIDAL, WANDU 7' [REDACTED]
- (b) Has the way always run over the same route? YES

If it has been diverted, give details and dates

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

NO

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

NO

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

NO

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

RECENT SIGN STATING "PRIVATELY MAINTAINED" APPEARED ON THE WAY.

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

If so, by who and when?

NO

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

NO

- (c) Did you ever receive any instructions as to the use of the way by the public?

COMMON KNOWLEDGE IT WAS A RIGHT OF WAY

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

NEW OWNER OF [REDACTED] JULY 2000

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

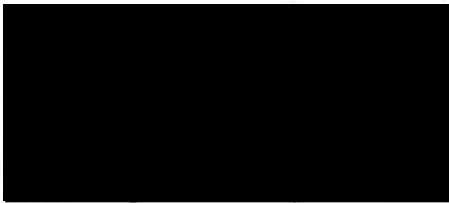
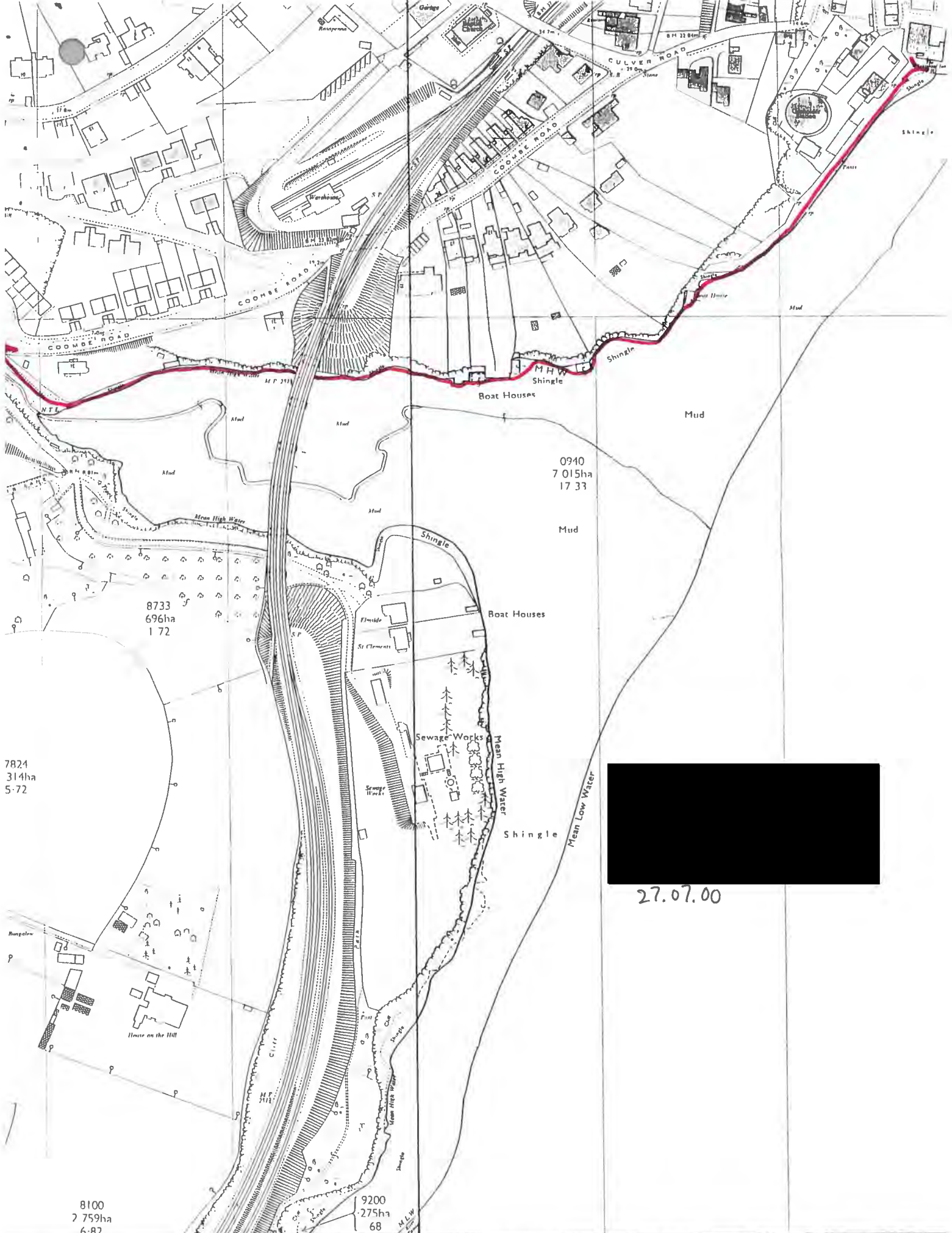
NO

I hereby certify that [REDACTED] believe the facts that I have stated are true.

Signature

Date

27 July 2000



27.07.00





DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form.
This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name

Address

Date of Birth 19/8/52 Occupation [REDACTED] Telephone No. [REDACTED]

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

.....

2. DESCRIPTION OF WAY (with reference to the Map attached)

From WATERSIDE

To COOMBE ROAD

in the Parish of SALTASH

Alleged status of way PUBLIC RIGHT OF WAY
(eg. footpath, bridleway, or byway open to all traffic)

3. **USE OF ALLEGED WAY**

- (a) Have you personally used the above way? YES
- (b) Where were you going to and from? COOMBE PARK VIA COOMBE RD TO WATERST
- (c) For what purpose? DOG WALKING + VISITING FAMILY
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? WEEKLY
(eg. daily, weekly, monthly)
- (e) When did you last use it? 1994
- (f) Have you always followed the same route? YES, IN BOTH DIRECTIONS

If not, state the year you changed your route and why _____

- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods?
If so, give details:

No

- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim?
If so, give details

- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

YEARS DURING WHICH YOU HAVE USED THE WAY

On Foot		On Horseback		With a Vehicle	
From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
1958*	1994				

- * FIRSTLY AS A CHILD + THEN MORE FREQUENTLY AS AN ADULT.
4. **DETAILS OF ALLEGED WAY**

- (a) How wide is the way at its narrowest point? 7ft
- (b) Has the way always run over the same route? YES
- If it has been diverted, give details and dates N/A

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

No

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

No

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

No

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

No

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

No

If so, by who and when?

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

No

- (c) Did you ever receive any instructions as to the use of the way by the public?

No ALWAYS UNDERSTOOD IT TO BE A RIGHT OF WAY

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

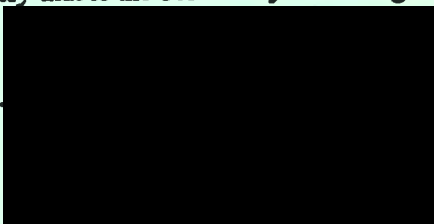
No

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

No

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature



Date

17/9/2000



DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form.
This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name
Address
Date of Birth 8/5/34 Occupation Telephone No.

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

.....

2. DESCRIPTION OF WAY (with reference to the Map attached)

From WATERSIDE SALTASH
To COOMBE ROAD.

in the Parish of SALTASH.

Alleged status of way PUBLIC RIGHT OF WAY.
(eg. footpath, bridleway, or byway open to all traffic)

3. USE OF ALLEGED WAY

- (a) Have you personally used the above way? YES
- (b) Where were you going to and from? SALTASH WATERSIDE
TO COOMBE
- (c) For what purpose? PLEASURE WALK
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? APPOX 52 TIMES A YEAR
(eg. daily, weekly, monthly)
- (e) When did you last use it? 6th SEPT 2000.
- (f) Have you always followed the same route? YES (SOMETIMES OTHER DIRECT)

If not, state the year you changed your route and why _____

- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods? If so, give details:

NO

- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim? If so, give details

- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

YEARS DURING WHICH YOU HAVE USED THE WAY

On Foot		On Horseback		With a Vehicle	
From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
1944	2000				

4. DETAILS OF ALLEGED WAY

- (a) How wide is the way at its narrowest point? 7 FEET.
- (b) Has the way always run over the same route? YES.

If it has been diverted, give details and dates _____

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

NO

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

NO

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

NO

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

NO

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

NO

If so, by who and when?

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

NO

- (c) Did you ever receive any instructions as to the use of the way by the public?

ALWAYS UNDERSTOOD IT WAS A RIGHT OF WAY

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

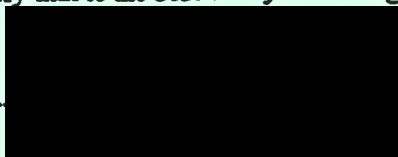
NO

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

NO

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature



Date

13/9/2000



DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form.
This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name

Address

Date of Birth 25/4/49

Occupation

Telephone No.

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From THE WATERSIDE

To COOUBLE RD

in the Parish of SALTASH

Alleged status of way RIGHT OF WAY
(eg. footpath, bridleway, or byway open to all traffic)

3. USE OF ALLEGED WAY

- (a) Have you personally used the above way? YES
- (b) Where were you going to and from? COURSE FROM THE WATERSIDE
- (c) For what purpose? PLEASURE WALK, SHORT CUT, WALKING THE DOG
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? DAILY (TWICE)
(eg. daily, weekly, monthly)
- (e) When did you last use it? MID JULY
- (f) Have you always followed the same route? YES

If not, state the year you changed your route and why

- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods?
If so, give details:

NO

- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim?
If so, give details

- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

YEARS DURING WHICH YOU HAVE USED THE WAY

On Foot		On Horseback		With a Vehicle	
From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
1981	2000				

4. DETAILS OF ALLEGED WAY

- (a) How wide is the way at its narrowest point? 7'
- (b) Has the way always run over the same route? YES

If it has been diverted, give details and dates

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

NO

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

NO

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

NO

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

NO

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

If so, by who and when? NO

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

NO

- (c) Did you ever receive any instructions as to the use of the way by the public?

HAS BEEN A RIGHT OF WAY FOR HUNDREDS OF YEARS

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

NO

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

NO

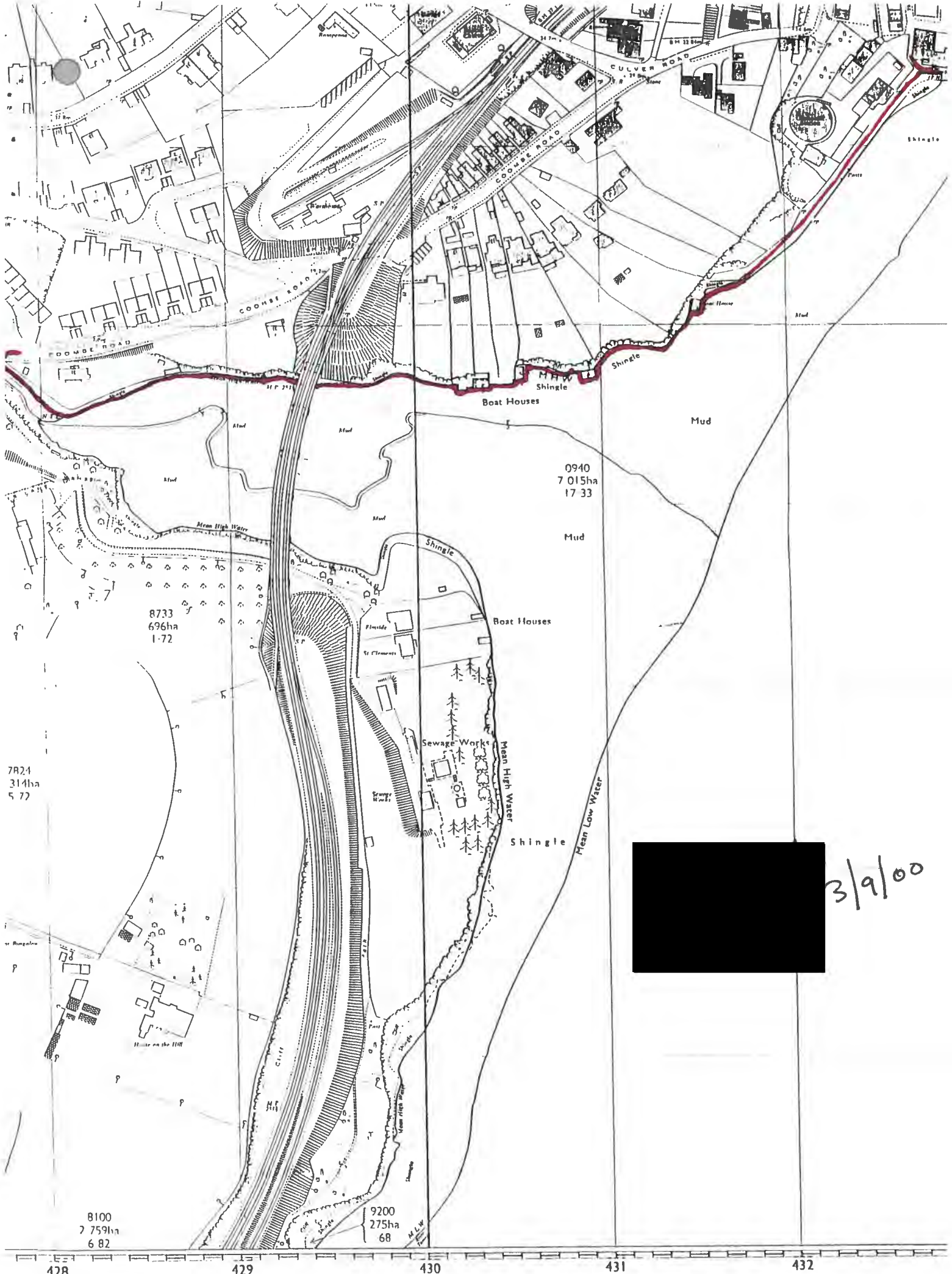
I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature



Date

13 | 9 | 00



3/9/00



DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form. This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name

Address

Date of Birth 27-7-38

Occupation

Telephone No.

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From

WATERSIDE SALTASH, TO COOMBE RD SALTASH.

To

in the Parish of

SALTASH.

Alleged status of way

PUBLIC RIGHT OF WAY.

(eg. footpath, bridleway, or byway open to all traffic)

3. USE OF ALLEGED WAY

- (a) Have you personally used the above way? YES.
- (b) Where were you going to and from? WATERSIDE TO COOMBE AND BACK
- (c) For what purpose? WALKING DOG.
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? TWICE WEEKLY.
(eg. daily, weekly, monthly)
- (e) When did you last use it? NOVEMBER 2000 LESS FREQUENTLY OF RECENT.
- (f) Have you always followed the same route? YES.

If not, state the year you changed your route and why

- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods?
If so, give details:

No

- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim?
If so, give details

No

- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

YEARS DURING WHICH YOU HAVE USED THE WAY

On Foot		On Horseback		With a Vehicle	
From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
1975	2000				

4. DETAILS OF ALLEGED WAY

- (a) How wide is the way at its narrowest point? 7' 0"
- (b) Has the way always run over the same route? YES

If it has been diverted, give details and dates

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

No

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

No

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

No

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

No

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

If so, by who and when?

No

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

No

- (c) Did you ever receive any instructions as to the use of the way by the public?

TOLD IT WAS A PUBLIC RIGHT WAY

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

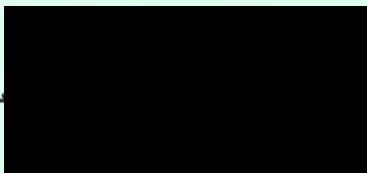
No

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

No

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature



Date

23-11-2000



DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form.
This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name

Address

Date of Birth

13 10 50

Occupation

Telephone No.

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From

WATERSIDE SALTASH

To

COOMBE ROAD SALTASH

in the Parish of

SALTASH

Alleged status of way

RIGHT OF WAY FOR PUBLIC

(eg. footpath, bridleway, or byway open to all traffic)

3. USE OF ALLEGED WAY

- (a) Have you personally used the above way? YES
- (b) Where were you going to and from? COOMBE TANSALTASH WATERSIDE
- (c) For what purpose? PLEASURE WALK
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? APPROX 52-TIMES A YEAR
(eg. daily, weekly, monthly)
- (e) When did you last use it? 6 / 9 / 2000
- (f) Have you always followed the same route? NO YES BUT SOMETIME REVERSED

If not, state the year you changed your route and why _____

- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods?
If so, give details:

NO

- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim?
If so, give details

- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

YEARS DURING WHICH YOU HAVE USED THE WAY

On Foot		On Horseback		With a Vehicle	
From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
1994	2000				

4. DETAILS OF ALLEGED WAY

- (a) How wide is the way at its narrowest point? 7 FEET
- (b) Has the way always run over the same route? YES

If it has been diverted, give details and dates _____

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

NO

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

NO

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

NO

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

NO

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

NO

If so, by who and when?

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

NO

- (c) Did you ever receive any instructions as to the use of the way by the public?

ALWAY UNDERSTOOD IT AS RIGHT OF WAY.

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

NO

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

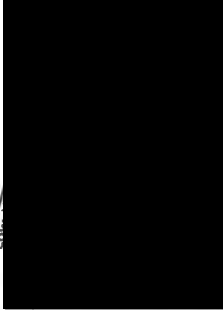
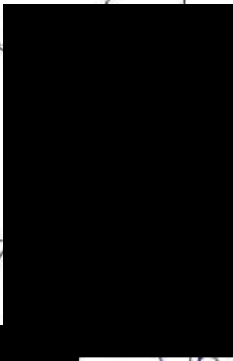
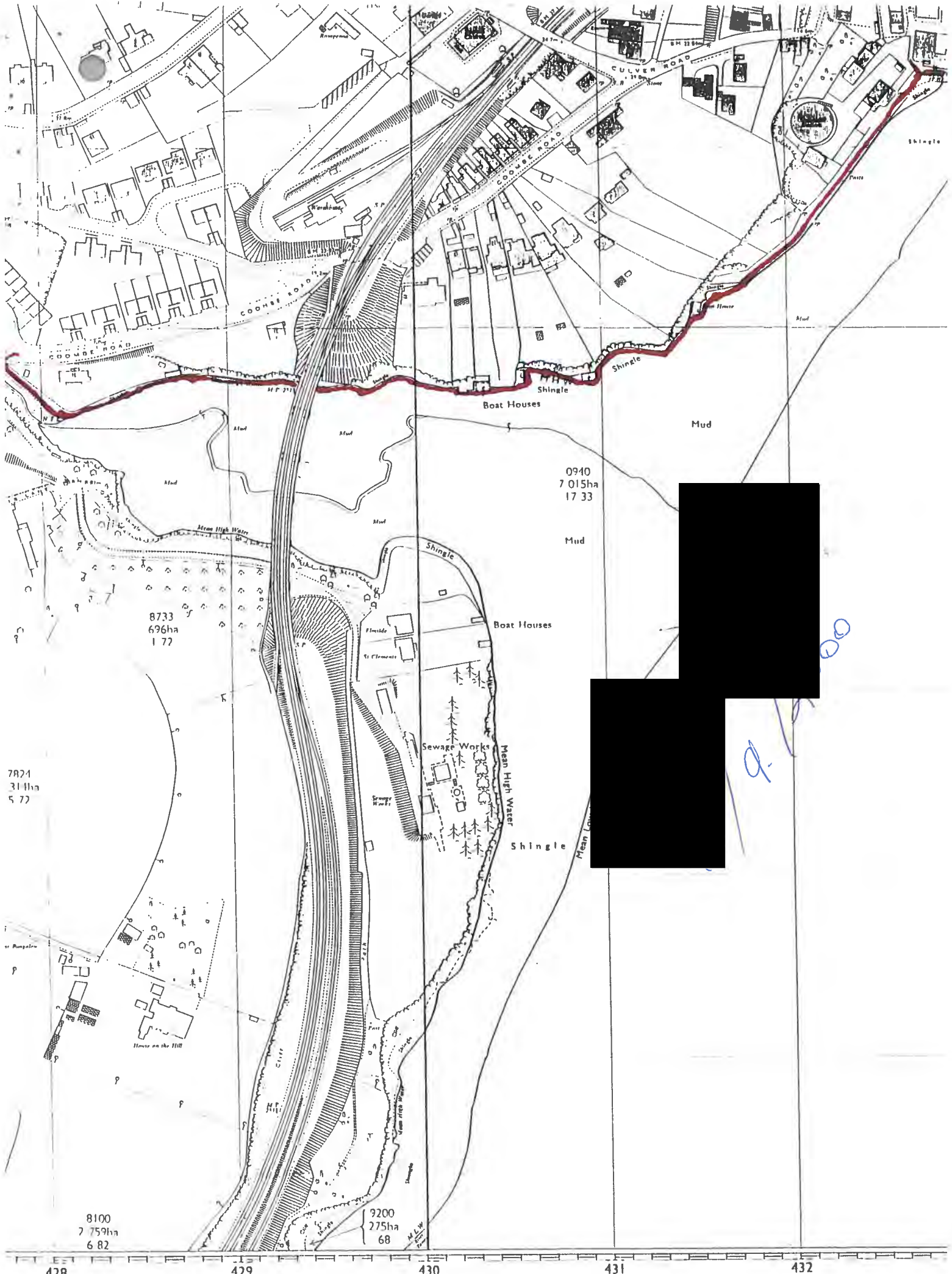
NO

I hereby declare that I believe the facts that I have stated are true.

Signature

Date

13 / 9 / 2000



00

0



DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form.
This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name

Address

Date of Birth

26/8/48

Occupation

Telephone No.

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From WATERSIDE

To LOOMBE ROAD

in the Parish of SALTASH

Alleged status of way PUBLIC RIGHT of way
(eg. footpath, bridleway, or byway open to all traffic)

3. USE OF ALLEGED WAY

- (a) Have you personally used the above way? YES
- (b) Where were you going to and from? WATERSIDE - COOTIRE ROAD
- (c) For what purpose? PLEASURE WALK
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? 6 times a year
(eg. daily, weekly, monthly)
- (e) When did you last use it? 1995
- (f) Have you always followed the same route? YES - BOTH DIRECTIONS

If not, state the year you changed your route and why _____

- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods?
If so, give details:

NO

- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim?
If so, give details

- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

YEARS DURING WHICH YOU HAVE USED THE WAY

On Foot		On Horseback		With a Vehicle	
From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
1975	1995				

4. DETAILS OF ALLEGED WAY

- (a) How wide is the way at its narrowest point? 7 feet
- (b) Has the way always run over the same route? YES

If it has been diverted, give details and dates _____

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

NO

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

NO

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

NO

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

NO

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way? NO

If so, by who and when? _____

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

NO

- (c) Did you ever receive any instructions as to the use of the way by the public?

NO, ALWAYS UNDERSTOOD IT TO BE A RIGHT OF WAY

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

NO

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

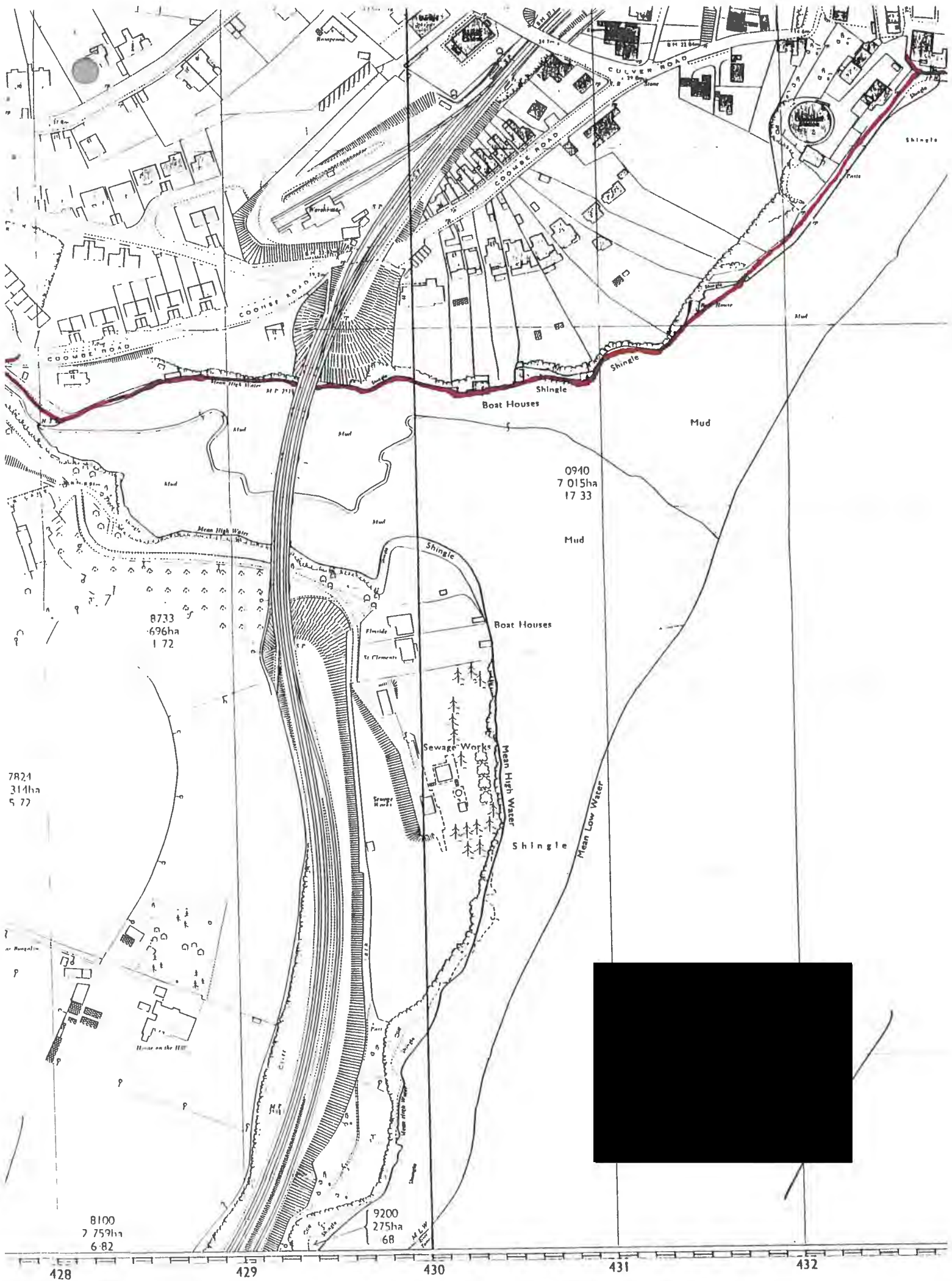
NO

I hereby _____ edge and belief the facts that I have stated are true.

Signature

Date

8/12/00





DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Evidence in Support of Modification Order Application

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing the status of the way.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

THE MAP

A map clearly showing the route of the alleged way must be attached to this form. This map must be signed by you to confirm that you have seen and understood it.

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF WITNESS

Name

Address

Date of Birth

4.6.48

Occupation

Telephone No

You will be asked to give evidence at a Public Inquiry in support of this alleged way if this should prove necessary. If you are unwilling to do so, please give reasons

2. DESCRIPTION OF WAY (with reference to the Map attached)

From WATER SIDE

To COOMBE R^d

in the Parish of SALTASH

Alleged status of way PUBLIC RIGHT OF WAY, FOOTPATH.
(eg. footpath, bridleway, or byway open to all traffic)

3. **USE OF ALLEGED WAY**

- (a) Have you personally used the above way? YES
- (b) Where were you going to and from? WATERSIDE TO LOOMSE RP
- (c) For what purpose? PLEASURE WALKING THE DOG
(eg. pleasure walk, horseriding, short-cut, etc)
- (d) How many times a year? AT LEAST MONTHLY
(eg. daily, weekly, monthly)
- (e) When did you last use it? NOV 2000
- (f) Have you always followed the same route? YES IN BOTH DIRECTIONS

If not, state the year you changed your route and why _____

- (g) Has your use of the way ever been in the exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods?
If so, give details:

NO

- (h) Is there any other information or documentary evidence, eg. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim?
If so, give details

- (i) Please complete the boxes below to show during which years you used the way BELIEVING IT TO BE A PUBLIC RIGHT OF WAY and by what means you have used it

YEARS DURING WHICH YOU HAVE USED THE WAY

On Foot		On Horseback		With a Vehicle	
From (Year)	To (Year)	From (Year)	To (Year)	From (Year)	To (Year)
1975	2000				

4. **DETAILS OF ALLEGED WAY**

- (a) How wide is the way at its narrowest point? 7 ft.
- (b) Has the way always run over the same route? YES

If it has been diverted, give details and dates _____

- (c) Are there, or have there been, any stiles or openable gates on the way?
If so, state where, and mark on the Map attached

_____ No _____

5. OBSTRUCTIONS AND NOTICES

- (a) Have you ever known any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark on the Map attached.

_____ No _____

- (b) Have you ever been stopped or turned back when using this way? If so, state when and where this took place and give particulars

_____ No _____

- (c) Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark on the Map attached.

_____ No _____

6. PERMISSIVE USE

- (a) Have you ever been given permission to use the way?

If so, by who and when? _____

_____ No _____

- (b) Were you working for, or a tenant of, any owner or occupier of land crossed by the way at the time when you used it? If so, give particulars and dates.

_____ NO _____

- (c) Did you ever receive any instructions as to the use of the way by the public?

_____ WAS TOLD IT WAS A PUBLIC RIGHT OF WAY _____

- (d) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

_____ No _____

- (e) Are you, or were you related to the owner of any of the land crossed by the way? If so, give details

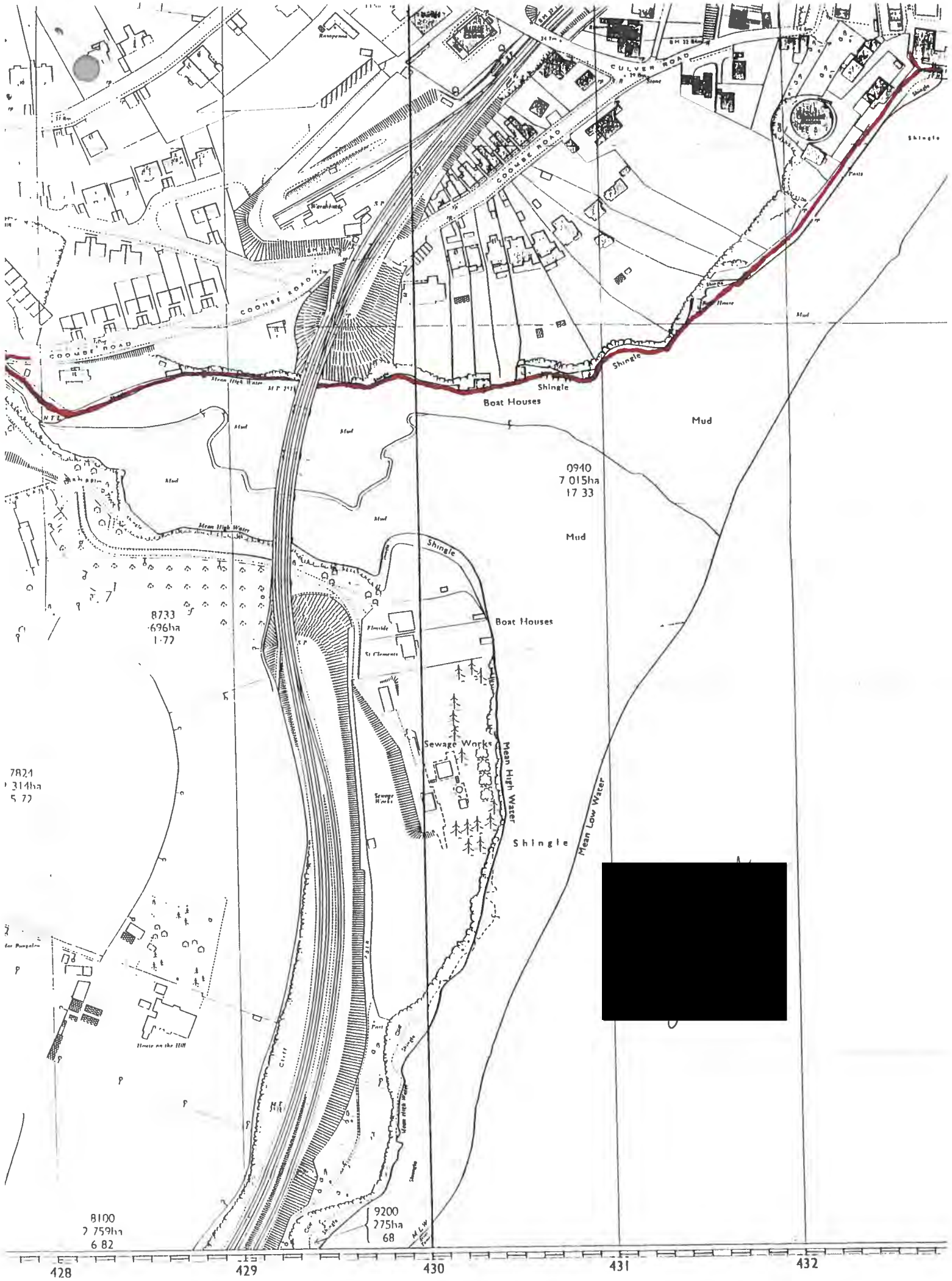
_____ No _____

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature _____

[Redacted Signature]

Date 8.12.00



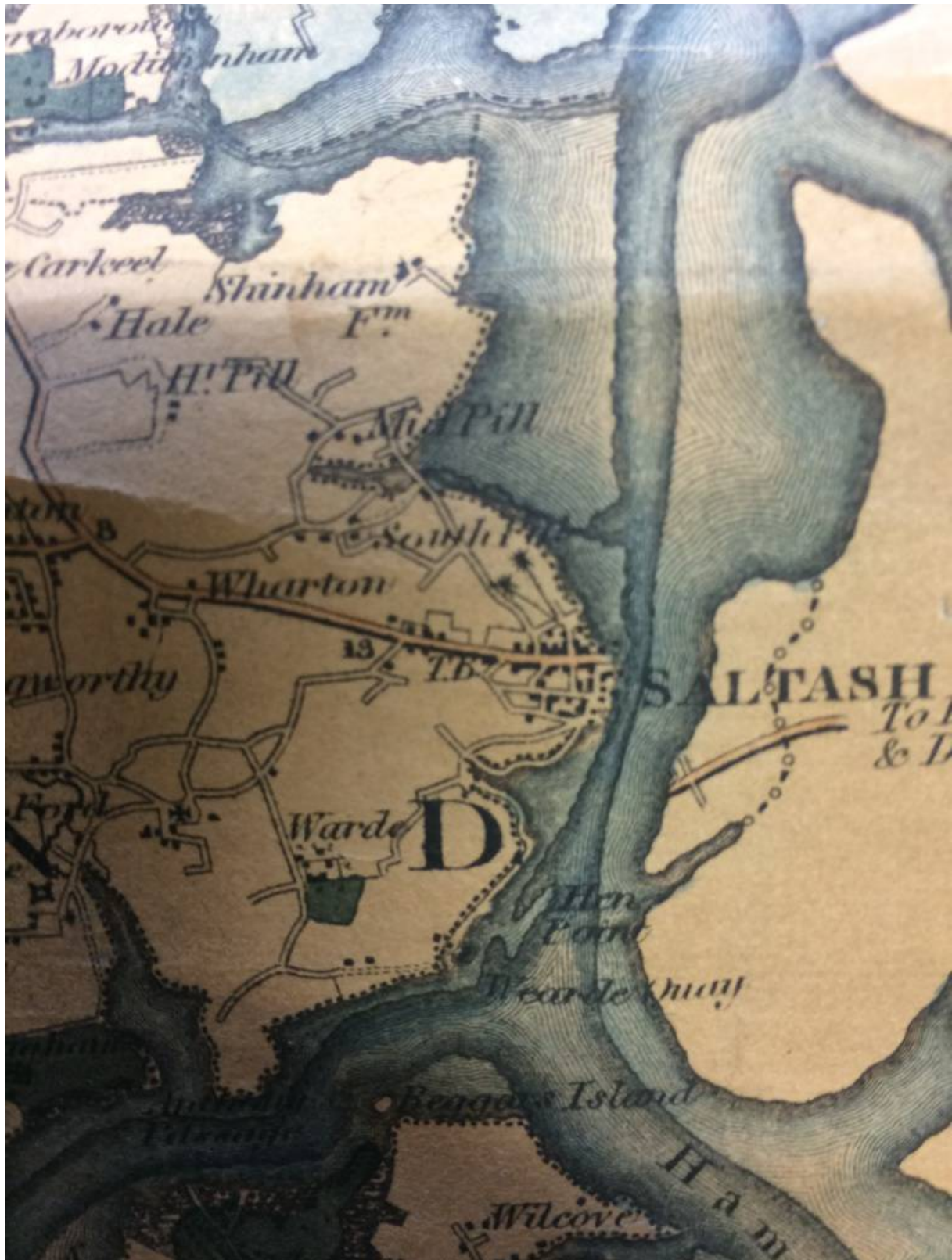
APPENDIX F-1

Thomas Martyn Map 1748/49



APPENDIX F-2

Greenwood Map 1748/49



APPENDIX F-3

Tithe Map Extracts [St Stephens by Saltash] c1840





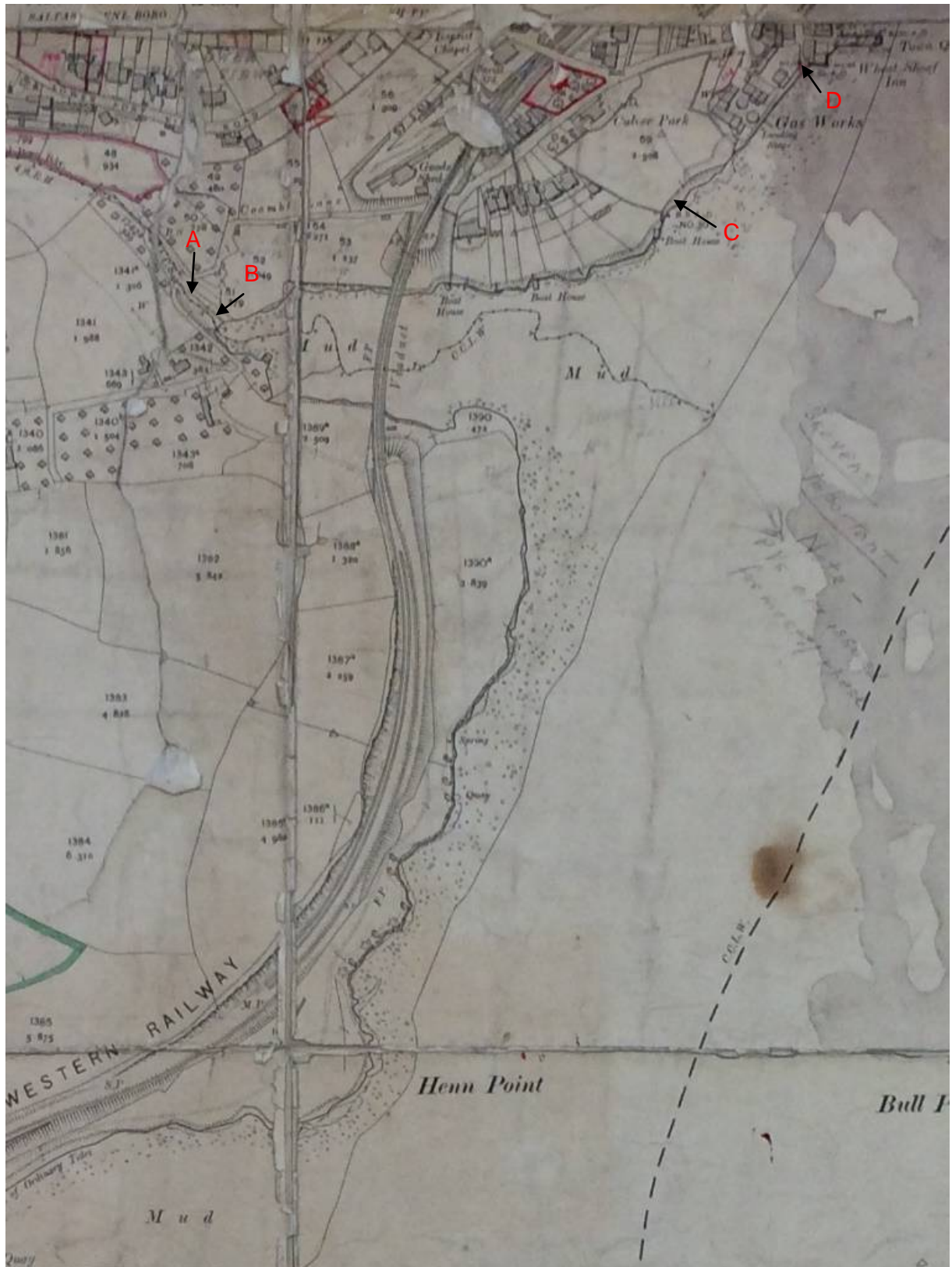
APPENDIX F-4

Valuation Map Extract Cornwall XLVI.5 (1910)



APPENDIX F-4

Valuation Map Extract Cornwall XLVI.5 (1910)



APPENDIX F-5(i)

OS 25 inch England & Wales 1st Edition Cornwall XLVI.5 (1894)



APPENDIX F-5(ii)

OS 25 inch England & Wales 2nd Edition Cornwall XLVI.5 (1907)



APPENDIX F-5(iii)

OS Six-inch England & Wales 1st Edition Cornwall XLVI.5 (1888)



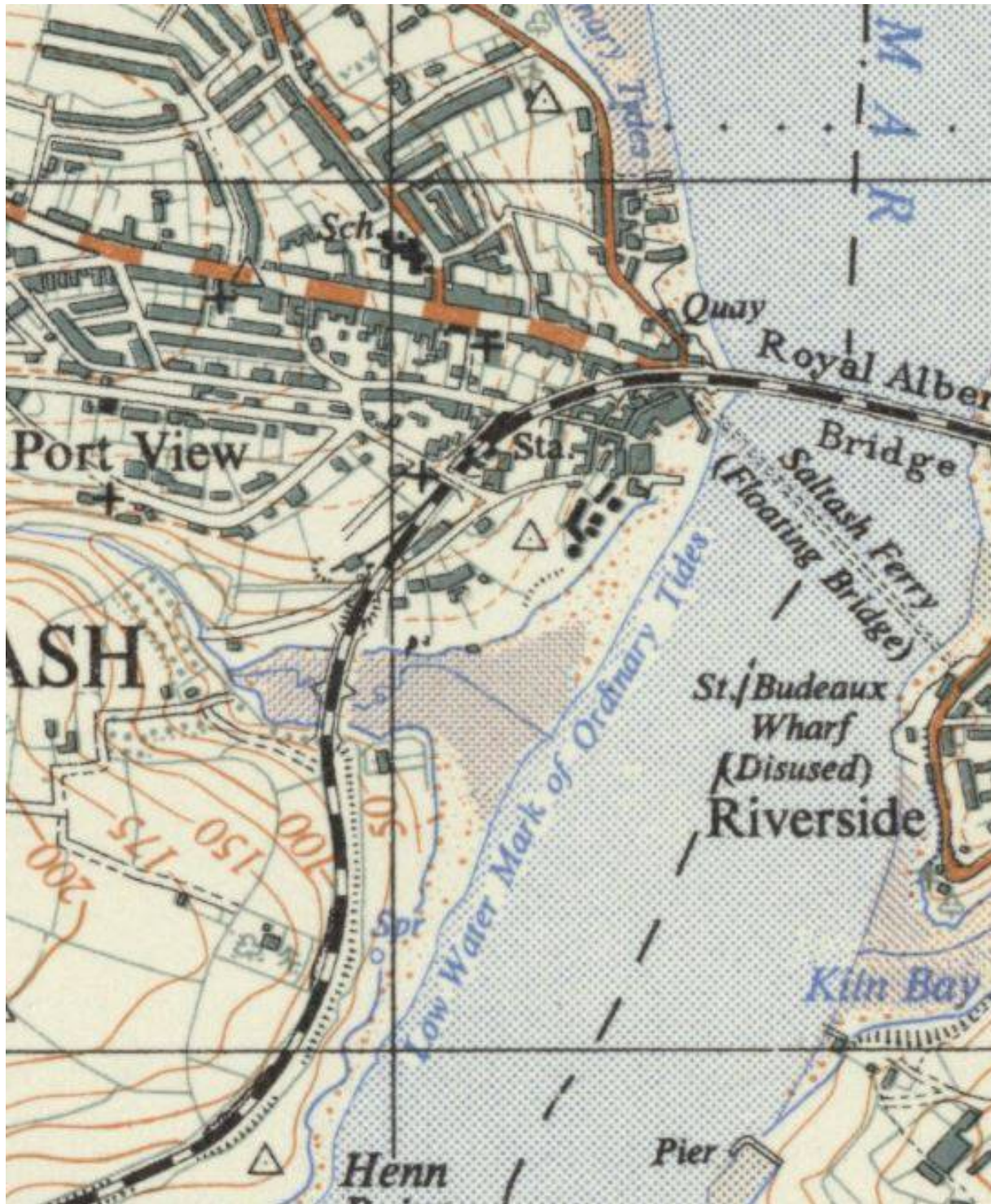
APPENDIX F-5(iv)

OS Six-inch England & Wales 2nd Edition Devonshire CXVII.SW (1908)



APPENDIX F-5(v)

Ordnance Survey 1:25,000 maps of Great Britain 1st Edition SX 45 (1947)



APPENDIX F-5(vi)

OS One-inch to the mile, England and Wales, Revised New Series Sheet 348 –
Plymouth (Hills) (1911)



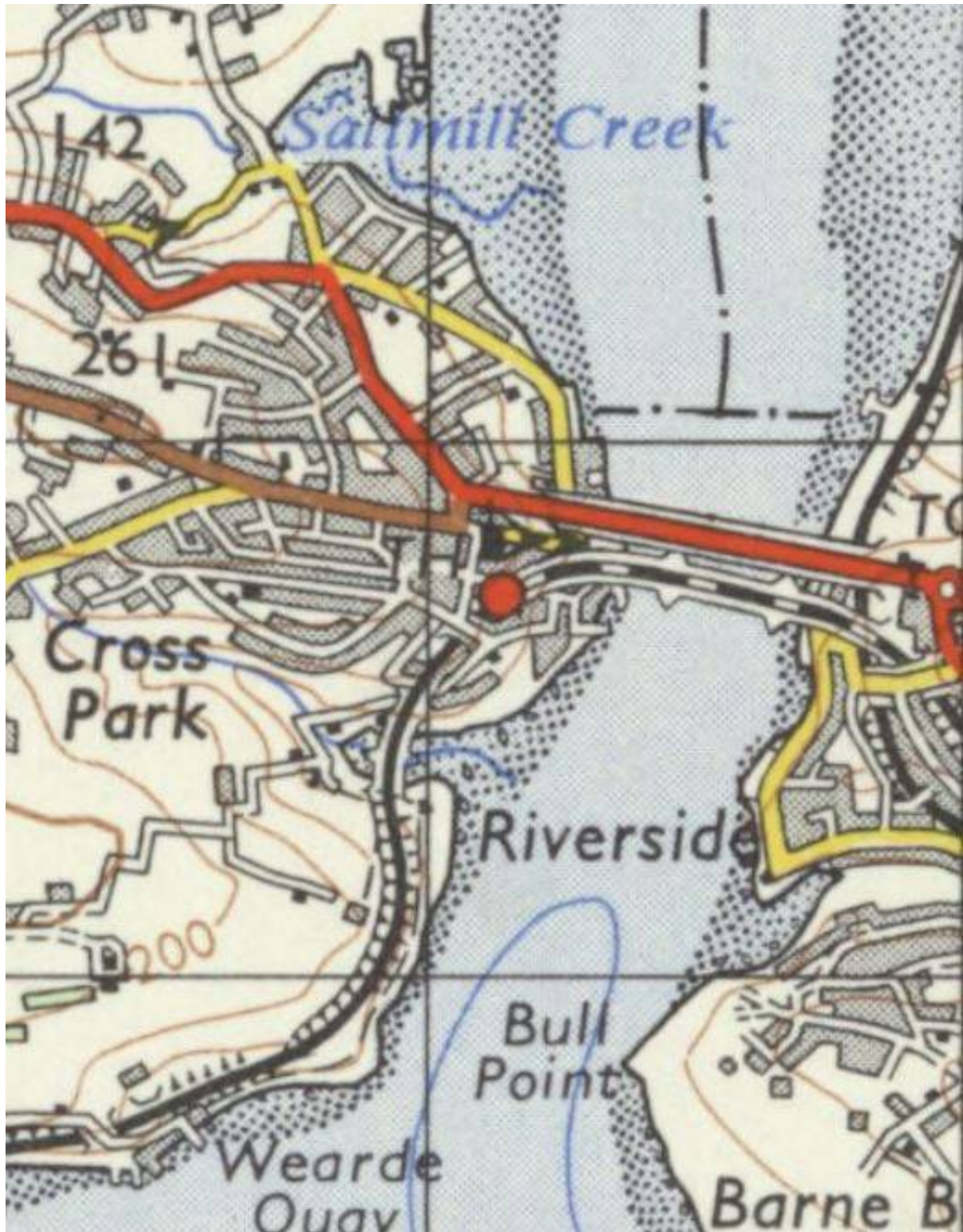
APPENDIX F-5(vii)

OS One-inch to the mile, England and Wales, New Popular Edition Sheet 187
Plymouth (1946)



APPENDIX F-5(viii)

OS One-inch to the mile, 7th Series Sheet 187 – Plymouth (1964)



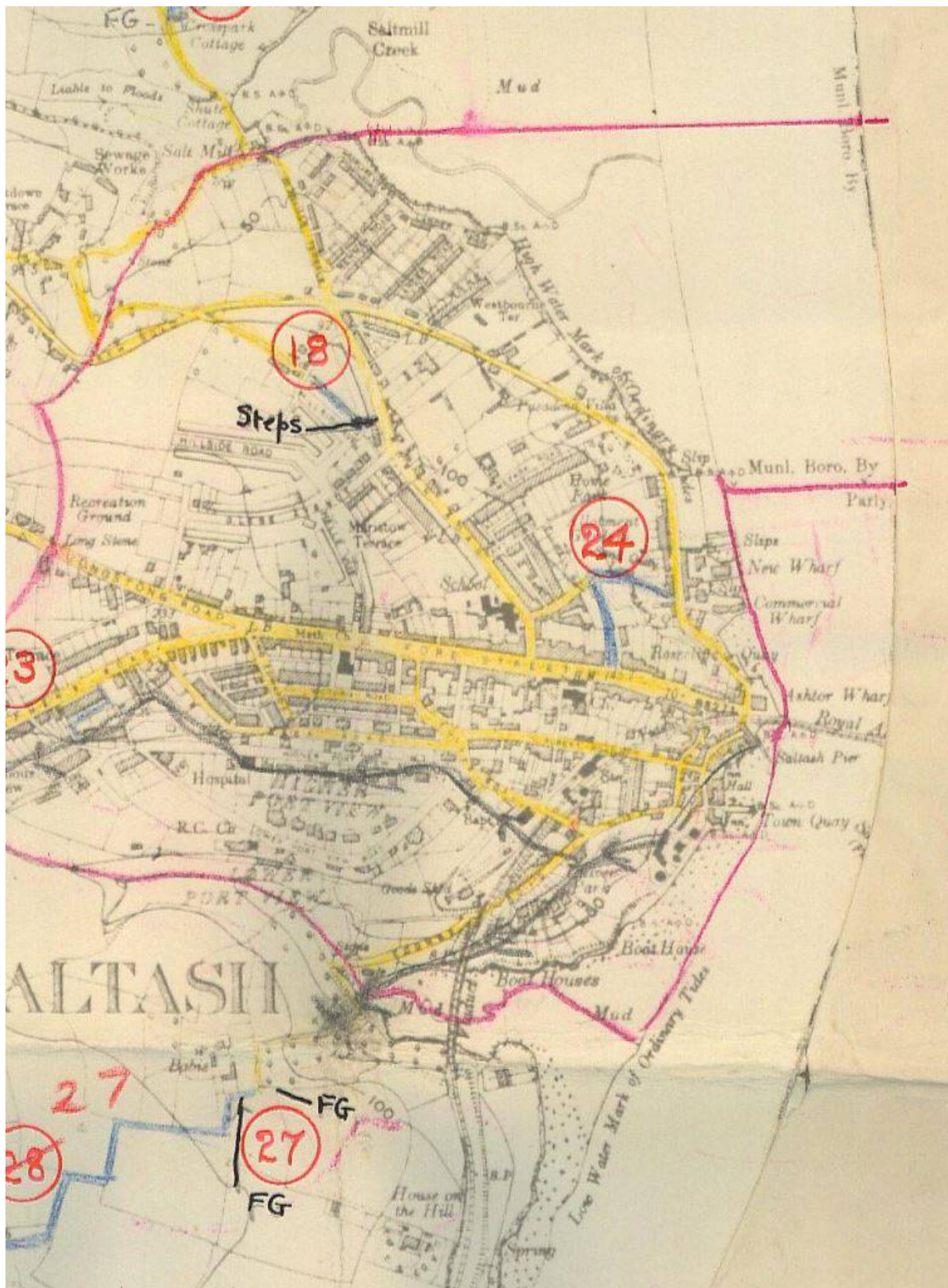
APPENDIX F-5(ix)

Bartholomew's 'Half Inch Maps' of England & Wales Sheet 36 South Devon
(1903)



APPENDIX F-6

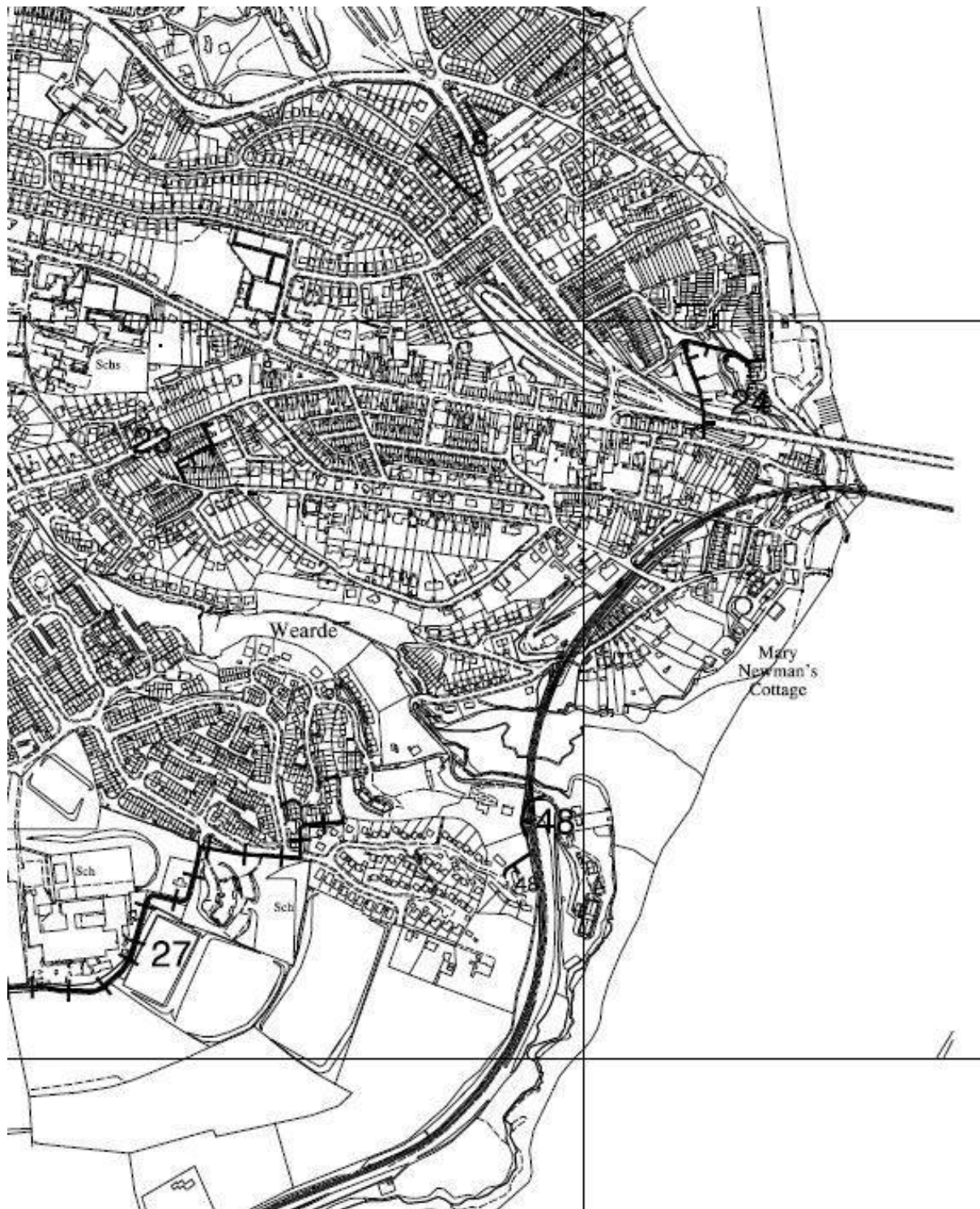
Definitive Map [Saltash] – Parish Survey (Extract)



A detailed black and white map of Saltash, Devon, showing the town's layout, the River Tavy, and the Tavy Railway. The map includes numerous labels for streets, buildings, and landmarks. A large 'SALTASH' label is prominent in the lower-left quadrant. The map is divided into numbered sections (18, 24, 27) and shows the town's proximity to the coast and the Tavy River.

SALTASH

Definitive Map [Caradon] – Current 5th April 2001 (SX 45NW Extract)

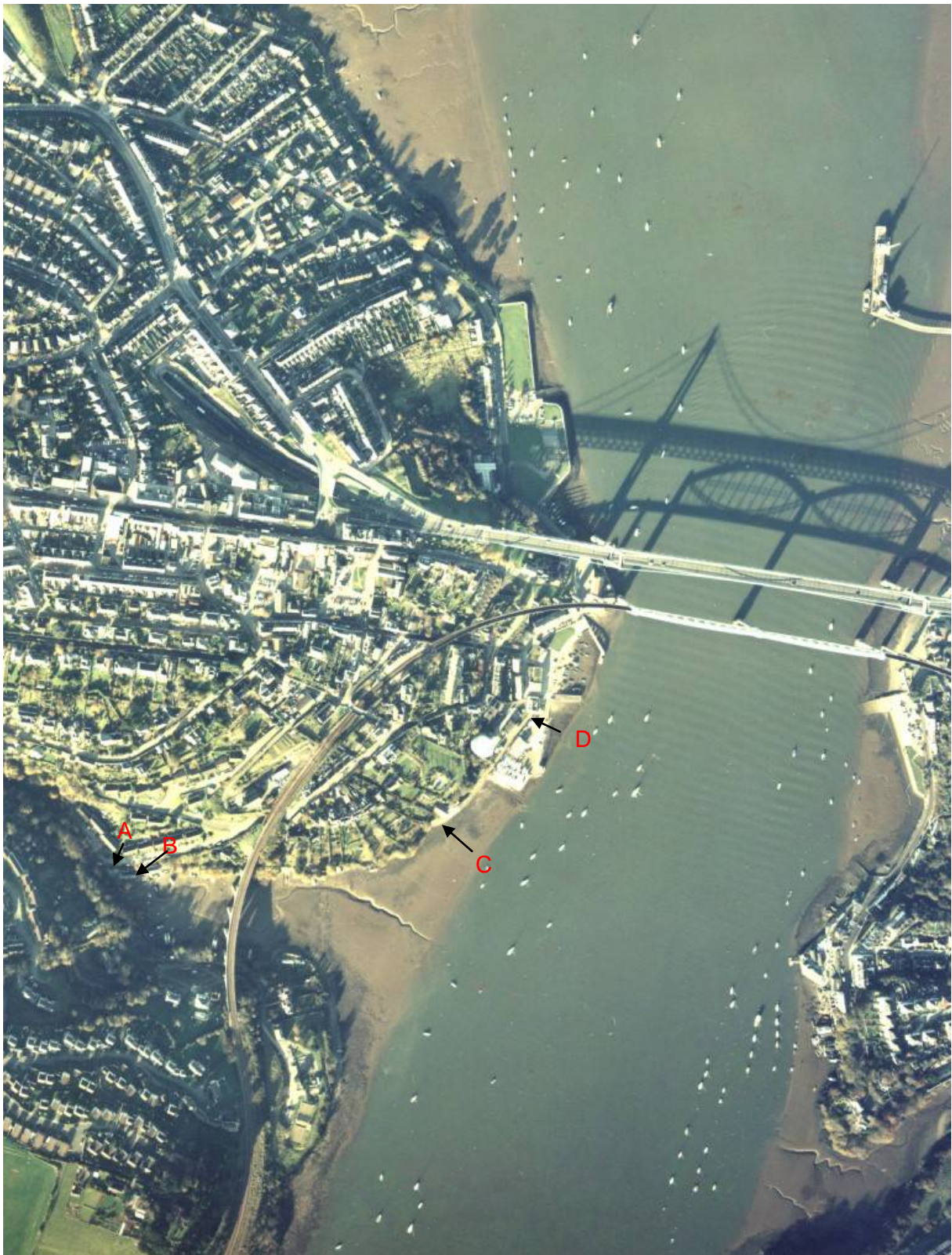


APPENDIX F-7

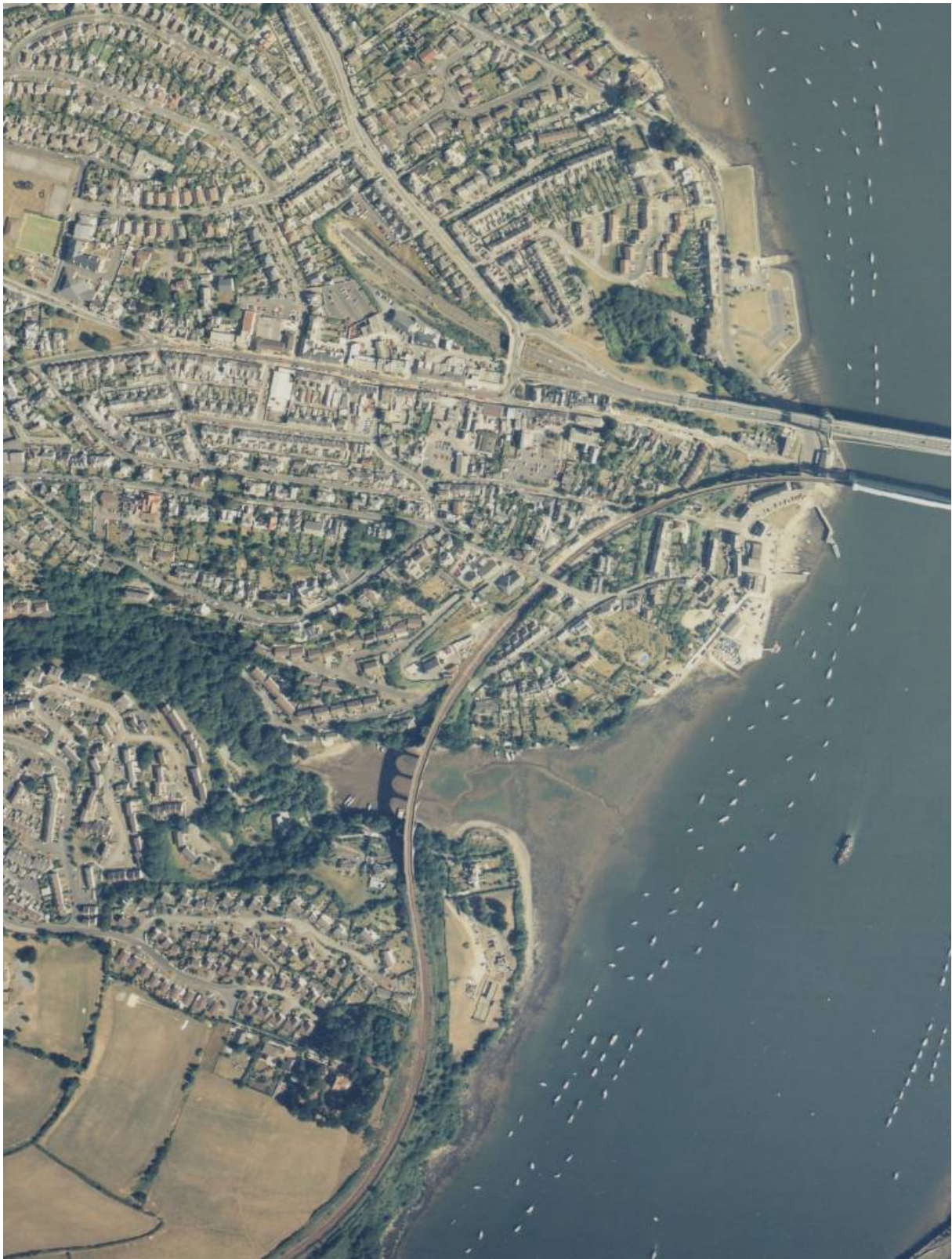
Aerial Photo of Saltash – 1946 (Detail)



Aerial Photo of Saltash – 1988 (Detail)



Aerial Photo of Saltash – 1995 (Detail)



Aerial Photo of Saltash – 2005 (Detail)



APPENDIX E-1

LANDOWNER EVIDENCE FORMS



DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
LANDOWNER/OCCUPIER EVIDENCE FORM

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Owners/occupiers are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing whether public rights exist.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

CLAIMED PUBLIC RIGHT OF WAY

Addition/Upgrading/Downgrading of a Footpath/~~Bridleway/Byway open to all traffic~~

from WATERSIDE, SALTASH

to COOMBE ROAD

in the Parish of SALTASH the route of which is shown on the attached Map.

(For the definition of a Footpath, Bridleway, or Byway open to all traffic, please see back page)

IF YOU FAIL TO COMPLETE AND RETURN THIS FORM, IT MAY NOT BE POSSIBLE TO PUT YOUR VIEWS TO THE MEMBERS OF THE COMMITTEE BEFORE THEY MAKE A DECISION BASED ON THE EVIDENCE, WHETHER OR NOT TO MAKE AN ORDER

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF OWNER AND/OR OCCUPIER

Name

Address ...

WESTERN GROUP CENTRE
TRANSPORTATION & ESTATES

Radnor Road Scorrier Redruth Cornwall TR16 5EH Tel (01209) 820611 Fax (01209) 821151

County Surveyor Peter Stethridge

2. DETAILS OF CLAIMED WAY

(a) Do you own the land over which the alleged way runs? No
If so, please indicate on the attached map the boundaries of your land.

(b) Do you occupy the land over which the alleged way runs? No

(c) How many years has the land been in your ownership or tenancy? 6 years

(d) If you own the land, are you prepared to enter into an Agreement with the County Council, at no cost to yourself, for the creation of this claimed public right of way over your land?

DO NOT AGREE THE CREATION OF THIS RIGHT OF WAY
SEE REASONS ON NEXT PAGE.

(e) Do you believe this way to be public? No

(f) Have you seen, or been aware of, members of the public using this way?

..... YES

(g) If so, has the use been on foot, on horseback, or with a vehicle?

..... Foot

3. OBSTRUCTIONS AND NOTICES

(a) Have you ever maintained any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark their position on the Map attached

..... No

(b) Have you ever stopped or turned back any person using the way?

..... No

(c) Have you ever erected any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark their position on the Map attached.

..... No

4. PERMISSIVE USE

(a) Have you ever given permission to anyone to use the way? If so, to whom and when?

..... No

5. COMMENTS OF OWNER AND/OR OCCUPIER

If you do not agree that public rights exist over your land, please give your reasons, or any other comments that you would wish the Members of the Committee to consider before making a decision on whether or not to make an Order:

The reasons for objecting to this proposal are the ones I gave when he breached the subject are: The land from Coombe Road to Coombe Creek proper (MHWs.) a distance of approximately 60 yards, including said footpath running alongside my boundary wall, a stream and a steep bank to the road on the opposite side does not seem to have a legal status or none that can be found at Caradon or the Land Registry.

This in itself would not be a problem were it not for the nature of this particular piece of land, which is very steep sided to the South with a lot of tall trees on it (which do come down - 3 in the last 5 years, with a warning.) and after heavy rain the stream becomes a raging torrent. I don't believe Caradon would want to give legal footpath status to this particular stretch due to public liability and potential for serious accidents to occur especially to children who love to play in the stream. Until ownership has been established and legal liability been put in place I would not like to give my consent to this proposal.

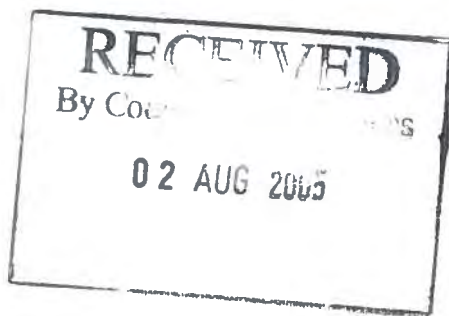
(Please continue on another sheet of paper if there is sufficient space)

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signed .

..... Date

16 June 2005



31 Jul 2005

County Legal Services
4th Floor
County Hall
TRURO
TR1 3AY

Dear [redacted]

Wildlife and Countryside Act 1981

**Proposed Modification of definitive Map of Public Rights of Way by the
Addition of a Footpath from Coombe Road to Waterside, Saltash.**

Reference:- Your letter VG/WCA.436/08419 dated 3 Jun 2005.

Thank you for the above referenced letter; I return herewith the site map marked with a solid green line to show the approximate extent of my ownership.

I have also completed and return the Landowners/Occupier Evidence Form although my status is problematic, viz :-

When I purchased the property in 1983 (it then covered the whole of the site currently occupied by [redacted] – the property immediately to the West.) I was advised by my solicitor that I had "Rights down to Mean High Water" although she was unable to explain what these "Rights" were. Because of this I have shown the approximate Mean High Water by a dotted green line. In effect I have from time to time since 1983 moored a boat in the creek with the mooring lines leading to my property and my right to do this has never been questioned (I therefore assume this is one of my 'Rights'). These lines and possibly the boat itself cross, or rest on, the line indicated for your Footpath. However, there has never been a problem since at this point the 'beach' is several meters wide and it has been easily possible to avoid any such boat or line.

I have completed your proforma to say that I do not own the land over which the footpath passes but naturally if my "Rights" are affected I should like to know anything of relevance. Should you have any information about what the "Rights" amount to it would be greatly appreciated.

Should my understanding be correct, if the route is made a formal Footpath then the owners (and anyone with 'Rights' ?) must at all times ensure that the pathway is kept clear but since the tide covers the path at certain times then owners are no more able than King Canute to ensure that the path is clear.

It would appear to me that the '*Status quo*' would be the best solution in that no one objects to the path being used but it is not made a formal Footpath.

Yours sincerely,

[redacted signature block]

WCA.436
UO evid
file.



25 MAR 2008

DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

LANDOWNER/OCCUPIER EVIDENCE FORM

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Owners/occupiers are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing whether public rights exist.

You should be aware that the completed form may be used in the production of a report for decision making purposes and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

CLAIMED PUBLIC RIGHT OF WAY

Addition/Upgrading/Downgrading of a Footpath/Bridleway/Byway open to all traffic

from WATERSIDE

to COOMBE ROAD

in the Parish of the route of which is shown on the attached Map.

(For the definition of a Footpath, Bridleway, or Byway open to all traffic, please see back page)

IF YOU FAIL TO COMPLETE AND RETURN THIS FORM, IT MAY NOT BE POSSIBLE TO CONSIDER YOUR VIEWS BEFORE A DECISION IS MADE BASED ON THE EVIDENCE, WHETHER OR NOT TO MAKE AN ORDER

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF OWNER AND/OR OCCUPIER

Name ...

Address

2. DETAILS OF CLAIMED WAY

- (a) Do you own the land over which the alleged way runs?YES.....
If so, please indicate on the attached map the boundaries of your land.
- (b) Do you occupy the land over which the alleged way runs?YES.....
- (c) How many years has the land been in your ownership or tenancy?1.....years
- (d) If you own the land, are you prepared to enter into an Agreement with the County Council, at no cost to yourself, for the creation of this claimed public right of way over your land?

.....YES.....

- (e) Do you believe this way to be public?YES.....

- (f) Have you seen, or been aware of, members of the public using this way?

.....YES.....

- (g) If so, has the use been on foot, on horseback, or with a vehicle?

.....ON FOOT.....

3. OBSTRUCTIONS AND NOTICES

PLEASE GIVE FULL DETAILS INCLUDING DATES AND RELEVANT POSITIONS MARKED ON THE MAP ATTACHED.

- (a) Have you ever maintained any locked gates or other obstructions preventing use of the way? No.....

- (b) Have you ever stopped or turned back any person using the way?

.....No.....

- (c) Have you ever erected any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way?

.....No.....

4. PERMISSIVE USE

- (a) Have you ever given permission to anyone to use the way? If so, to whom and when?

.....No.....

5. COMMENTS OF OWNER AND/OR OCCUPIER

If you do not agree that public rights exist over your land, please give your reasons, or any other comments that you wish to be considered before a decision is made whether or not to make an Order:

(Please continue on another sheet of paper if there is sufficient space)

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signed  Date

TRANSPORTATION & ESTATES
DEPARTMENT SCORRIER

17 SEP 2001

RECEIVED

Dear [REDACTED]

Re the footpath from
Naterside to Corrie Road.

I have never stopped anybody
walking around the Beach but object
to it being an official footpath for these
Reasons.

1 There is no wall or fence & the
cliffs are slowly being eroded.

2 Children will start playing & I'll
have no authority to tell them to go
School holidays are coming!!!

2

3. Boats are moored there & the ropes are up to the cliffs & people will try over them, as, if it is a footpath it will attract more people.
4. I've had three break-ins as the house is in a removable spot & it will make it easier for the burglars to get away.
5. I am ninety next year & want peace as it always has been not more hassle & worry.

Yours sincerely

[Redacted Signature]





DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

LANDOWNER/OCCUPIER EVIDENCE FORM

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Owners/occupiers are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing whether public rights exist.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

CLAIMED PUBLIC RIGHT OF WAY

Addition/Upgrading/Downgrading of a Footpath/Bridleway/Byway open to all traffic

from RODNEY ROAD.....

to WATERSIDE SALTASH.....

in the Parish of SALTASH..... the route of which is shown on the attached Map.

(For the definition of a Footpath, Bridleway, or Byway open to all traffic, please see back page)

IF YOU FAIL TO COMPLETE AND RETURN THIS FORM, IT MAY NOT BE POSSIBLE TO PUT YOUR VIEWS TO THE MEMBERS OF THE COMMITTEE BEFORE THEY MAKE A DECISION BASED ON THE EVIDENCE, WHETHER OR NOT TO MAKE AN ORDER

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF OWNER AND/OR OCCUPIER

Name

Address

WESTERN GROUP CENTRE
TRANSPORTATION & ESTATES

Radnor Road Scorrier Redruth Cornwall TR16 5EH Tel (01209) 820611 Fax (01209) 821151

County Surveyor Peter Stethridge

2. DETAILS OF CLAIMED WAY

- (a) Do you own the land over which the alleged way runs? *YES*
If so, please indicate on the attached map the boundaries of your land.
- (b) Do you occupy the land over which the alleged way runs? *I have regularly mowed a boat on my beach with Mooring lines across to the rock face*
- (c) How many years has the land been in your ownership or tenancy? *16* years
- (d) If you own the land, are you prepared to enter into an Agreement with the County Council, at no cost to yourself, for the creation of this claimed public right of way over your land?
..... *No*
- (e) Do you believe this way to be public? *No*
- (f) Have you seen, or been aware of, members of the public using this way?
..... *YES*
- (g) If so, has the use been on foot, on horseback, or with a vehicle?
..... *ON FOOT*

3. OBSTRUCTIONS AND NOTICES

- (a) Have you ever maintained any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark their position on the Map attached
..... *No*
- (b) Have you ever stopped or turned back any person using the way?
..... *No but have exchanged words with a woman who objected to having to climb under mooring lines*
- (c) Have you ever erected any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark their position on the Map attached.
..... *No*

4. PERMISSIVE USE

- (a) Have you ever given permission to anyone to use the way? If so, to whom and when?
..... *No*

5. COMMENTS OF OWNER AND/OR OCCUPIER

If you do not agree that public rights exist over your land, please give your reasons, or any other comments that you would wish the Members of the Committee to consider before making a decision on whether or not to make an Order:

- 1) Firstly I would disagree with the minimum width of passage stated as being 4'0", as at Spring Tides it is only possible if wearing waders.
- 2) As a yacht owner, I purchased the property with a view to keeping a boat moored on the beach as and when I wished. This entails mooring lines across the beach to the Rock Face, which is in effect an obstruction and as I understand this has been done on this beach for long past.
- 3) During my occupancy of this property I had two good dinghys stolen from my beach and whilst I have no objection to well behaved people using it, I consider that making it an official Public Right of Way would lead to additional use, problems and possible trouble.

(Please continue on another sheet of paper if there is sufficient space)

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signed

[Redacted Signature]

..... Date

12/07/05

DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

LANDOWNER/OCCUPIER EVIDENCE FORM

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Owners/occupiers are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing whether public rights exist.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

CLAIMED PUBLIC RIGHT OF WAY

Addition/~~Upgrading/Downgrading~~ of a Footpath/~~Bridleway/Byway open to all traffic~~

from Saltash Waterside

to Combe Road

in the Parish of Saltash the route of which is shown on the attached Map.

(For the definition of a Footpath, Bridleway, or Byway open to all traffic, please see back page)

IF YOU FAIL TO COMPLETE AND RETURN THIS FORM, IT MAY NOT BE POSSIBLE TO PUT YOUR VIEWS TO THE MEMBERS OF THE COMMITTEE BEFORE THEY MAKE A DECISION BASED ON THE EVIDENCE, WHETHER OR NOT TO MAKE AN ORDER

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF OWNER AND/OR OCCUPIER

Name

Address

2. DETAILS OF CLAIMED WAY

- (a) Do you own the land over which the alleged way runs? Some
If so, please indicate on the attached map the boundaries of your land.
- (b) Do you occupy the land over which the alleged way runs? Yes, Some
- (c) How many years has the land been in your ownership or tenancy? ... 30 years
- (d) If you own the land, are you prepared to enter into an Agreement with the County Council, at no cost to yourself, for the creation of this claimed public right of way over your land?
..... Yes
- (e) Do you believe this way to be public? Yes
- (f) Have you seen, or been aware of, members of the public using this way?
..... Yes
- (g) If so, has the use been on foot, on horseback, or with a vehicle?
..... Foot

3. OBSTRUCTIONS AND NOTICES

- (a) Have you ever maintained any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark their position on the Map attached
..... No
- (b) Have you ever stopped or turned back any person using the way?
..... No
- (c) Have you ever erected any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way?
If so, state when and give particulars and dates, and mark their position on the Map attached.
..... No

4. PERMISSIVE USE

- (a) Have you ever given permission to anyone to use the way? If so, to whom and when?
..... No

5. COMMENTS OF OWNER AND/OR OCCUPIER

If you do not agree that public rights exist over your land, please give your reasons, or any other comments that you would wish the Members of the Committee to consider before making a decision on whether or not to make an Order:

I have understood there to be a right of way along the freshore of Cornbe Creek ever since I have lived here & further understood it to have existed for hundreds of years as a cart track.

(Please continue on another sheet of paper if there is sufficient space)

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signed



..... Date

19 Aug 03



DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

LANDOWNER/OCCUPIER EVIDENCE FORM

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Owners/occupiers are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing whether public rights exist.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

CLAIMED PUBLIC RIGHT OF WAY

Addition/~~Upgrading/Downgrading~~ of a Footpath/Bridleway/Byway open to all traffic
from COOMBE ROAD
to WATERSIDE SALTASH
in the Parish of SALTASH the route of which is shown on the attached Map.

(For the definition of a Footpath, Bridleway, or Byway open to all traffic, please see back page)

IF YOU FAIL TO COMPLETE AND RETURN THIS FORM, IT MAY NOT BE POSSIBLE TO PUT YOUR VIEWS TO THE MEMBERS OF THE COMMITTEE BEFORE THEY MAKE A DECISION BASED ON THE EVIDENCE, WHETHER OR NOT TO MAKE AN ORDER

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF OWNER AND/OR OCCUPIER

Name
Address

WESTERN GROUP CENTRE
TRANSPORTATION & ESTATES

Radnor Road Scorrier Redruth Cornwall TR16 5EH Tel (01209) 820611 Fax (01209) 821151

County Surveyor Peter Stethridge

2. DETAILS OF CLAIMED WAY

- (a) Do you own the land over which the alleged way runs? YES
If so, please indicate on the attached map the boundaries of your land.
- (b) Do you occupy the land over which the alleged way runs? YES
- (c) How many years has the land been in your ownership or tenancy? 10 years
- (d) If you own the land, are you prepared to enter into an Agreement with the County Council, at no cost to yourself, for the creation of this claimed public right of way over your land?
..... NO
- (e) Do you believe this way to be public? ONLY AS ANY PRIVATELY OWNED COASTAL BEACH.
- (f) Have you seen, or been aware of, members of the public using this way?
..... YES
- (g) If so, has the use been on foot, on horseback, or with a vehicle?
..... FOOT

3. OBSTRUCTIONS AND NOTICES

- (a) Have you ever maintained any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark their position on the Map attached
..... NO
- (b) Have you ever stopped or turned back any person using the way?
..... YES WHEN TIDAL CONDITIONS ARE UNSAFE
- (c) Have you ever erected any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark their position on the Map attached.
..... NO

4. PERMISSIVE USE

- (a) Have you ever given permission to anyone to use the way? If so, to whom and when?
..... NO

5. COMMENTS OF OWNER AND/OR OCCUPIER

If you do not agree that public rights exist over your land, please give your reasons, or any other comments that you would wish the Members of the Committee to consider before making a decision on whether or not to make an Order:

Owner comments on the claimed rights over the land at [REDACTED]

The support claimants show a regular weekly use (this is an unrealistic claim of regularity) and a passage of 7ft width as the claimed path. The marked path is never usable at [REDACTED] due to steeply sloping uneven rock and very slippery sea growth and is tidal. Above is inaccessible garden and below is beach and mud. The tidal flow makes the whole route unusable for some 50% of any 12 hours and is up to two metres deep at [REDACTED]

As a result of the above, trespassing through several hundred feet of private gardens, passing within 2 feet of our house and front door, to reach Coombe Road, is not unknown now, when walkers and children are unfamiliar with the tides. It would almost certainly escalate if published as a designated footpath.

If a designated footpath, is the landowner not then responsible for maintaining a safe, passable passage through some two metres of rough water (during winter low pressures this is no exaggeration)? The public liability insurance would be impossible.

Do Health and Safety authorities have any input to this proposed modification?

The effects of the above could well have a serious impact on the resale of all the properties affected.

The present situation of use as of virtually all UK private sea fronting beach areas of effectively permissive use, is not perfect but infinitely better than the proposed change.

[REDACTED]

(Please continue on another sheet of paper if there is sufficient space)

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signed [REDACTED]

Date

30th August 2005

Cornwall County Legal Services
County Solicitor's Dept.,
Fourth Floor
New County Hall
Truro TR1 3AY

2nd December 2005

Your Ref: CW/WCA 436/08419

Dear [REDACTED]

Proposed Modification of Maps with Addition of a Footpath from Coombe Road to Waterside, Saltash.

Thank you for forwarding a copy of the further letter from Saltash Town Council, regarding the above.

I have no comment on items annotated 1) or 3) of that letter.

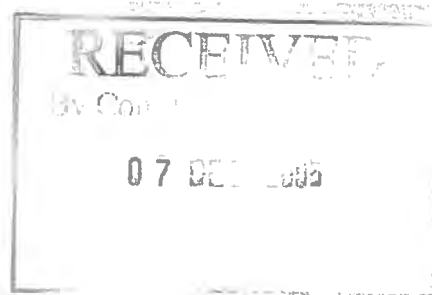
Item 2) Mean High Water (MHW) level as a water surface level obviously changes as a depth of water depending on the base level of the beach, cliff, boathouse or garden wall along the considered route. For most, although not necessarily all, of this route, MHW not only covers the route at peak but also for long periods either side of MHW and well above walking level.

Since actual tide height is affected by pressure change, wind and phase of the moon, actual HW can be lowered or increased and the length of time of coverage similarly so. Lowering is never sufficient to provide pedestrian passage along the whole route and leads to an increase of trespass through our garden, past the house and on to the road. Higher tides, particularly backed by some wind directions lead to dangerous conditions for the unwary. I and my neighbours have experience of having to help walkers from their predicament. Whilst of the more extreme, I have seen, here, south /south east winds cause waves to cover 'bare' beach to two metres plus depth of water. Winds, other than northerly, continuously deposit debris and seaweed along this route and walker tracks do not exist along this part of the route.

Item 4) Thus, **the tidal nature is a significant issue of safety and usability.** Use of the top of the beach is highlighted in the additional letter but, often as not, it is still not usable and dangerous a public footpath.

In summary. I understand some agreement has to be met at the waterside entrance to the beach, but the route overall has existed with access under the terms that virtually all beach areas exist and there seems no reason for change. It would be unrealistic for the several landowners of the route to provide the clearance, maintenance and safety, which I believe to required of Public Footpath. I would ask the Modification not be approved.

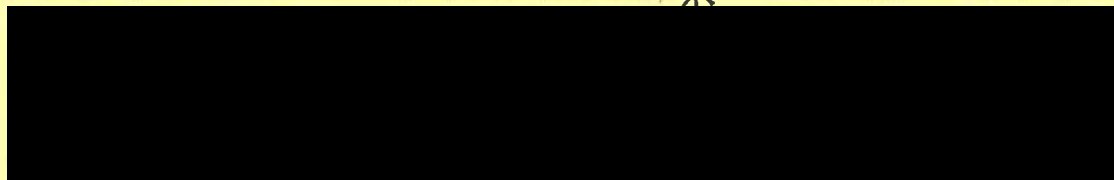
[REDACTED]



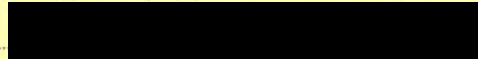
WCA.436.

13 AUGUST 2003

from



to

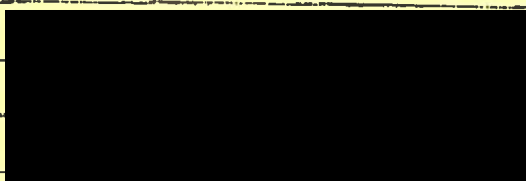


Legal Assist in the County Legal Services,
 County Solicitors Dept,
 Fourth Floor, New County Hall,
 TRURO, CORNWALL, TR1 3AY
 Tel (01872) 322000 Fax (01872) 323833

WILDLIFE & COUNTRYSIDE ACT 1981
PROPOSED MODIFICATION OF DEFINITIVE MAP OF PUBLIC RIGHTS
OF WAY BY THE ADDITION OF A FOOTPATH FROM COOMBE ROAD
TO WATERBIDGE, SALTASH

I write to you for help & advice on the above.
 I own the above property * and a part
 of the foreshore in Coombe Creek which adjoins the
 garden. I have just become aware of the above
 proposed modification to the Definitive Map **
 and wish to register my opposition to any alteration
 to the existing situation.

I will be grateful for a copy of the existing
 correspondence (to date). I will then outline my reasons
 for the "Status Quo".
 Mankinon



Filed to 01872 323833

DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

LANDOWNER/OCCUPIER EVIDENCE FORM

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Owners/occupiers are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing whether public rights exist.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

CLAIMED PUBLIC RIGHT OF WAY

Addition/~~Upgrading/Downgrading~~ of a Footpath/~~Bridleway/Byway open to all traffic~~

from Coombe Road

to Waterside, SALTASH

in the Parish of the route of which is shown on the attached Map.

(For the definition of a Footpath, Bridleway, or Byway open to all traffic, please see back page)

IF YOU FAIL TO COMPLETE AND RETURN THIS FORM, IT MAY NOT BE POSSIBLE TO PUT YOUR VIEWS TO THE MEMBERS OF THE COMMITTEE BEFORE THEY MAKE A DECISION BASED ON THE EVIDENCE, WHETHER OR NOT TO MAKE AN ORDER

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF OWNER AND/OR OCCUPIER

Name

Address

2. DETAILS OF CLAIMED WAY

- (a) Do you own the land over which the alleged way runs? Yes
If so, please indicate on the attached map the boundaries of your land.
- (b) Do you occupy the land over which the alleged way runs? Yes
- (c) How many years has the land been in your ownership or tenancy? 4 years
- (d) If you own the land, are you prepared to enter into an Agreement with the County Council, at no cost to yourself, for the creation of this claimed public right of way over your land?

..... No

- (e) Do you believe this way to be public? No

- (f) Have you seen, or been aware of, members of the public using this way?

..... Yes

- (g) If so, has the use been on foot, on horseback, or with a vehicle?

..... on foot only

3. OBSTRUCTIONS AND NOTICES

- (a) Have you ever maintained any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark their position on the Map attached

..... No

- (b) Have you ever stopped or turned back any person using the way?

..... No

- (c) Have you ever erected any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way?
If so, state when and give particulars and dates, and mark their position on the Map attached.

..... Yes - Private sign at entrance to garden
August 2001

4. PERMISSIVE USE

- (a) Have you ever given permission to anyone to use the way? If so, to whom and when?

..... No

5. COMMENTS OF OWNER AND/OR OCCUPIER

If you do not agree that public rights exist over your land, please give your reasons, or any other comments that you would wish the Members of the Committee to consider before making a decision on whether or not to make an Order:

The proposed footpath is shown along the H&W line
There is no access along this line as it runs ^{in places} along near vertical rock slopes. It is also obstructed by moored boats (or their moorings) boathouses etc

There is however open access along the foreshore dependant on the state of the tide. To my knowledge there has never been a problem with this access But that does not mean that it should be declared as a footpath. Such a change would require, I assume, the removal of any obstructions (boats, boat moorings, boathouses) and create an increased 'security' problem through ease of access to my (and other) properties along the route of the proposed path. The proposed footpath is also unsuitable for general public access, wet, slippery, seaweed covered in parts (ie dangerous). Who is liable if an accident occurs? The public could also be stranded by an incoming tide.
(Please continue on another sheet of paper if there is sufficient space)

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Sign

Date

10 August '03



11 June 2001

Legal Services Dept.
Cornwall County Council,
Radnor Road,
Scorrier,
Redruth, Cornwall. TR16 5EH

Dear Sir,

We are the owners of [REDACTED] and have recently received a Notice of Application for a Modification to the Definitive Map and Statement for the addition of a footpath from Waterside to Coombe Road, Saltash.

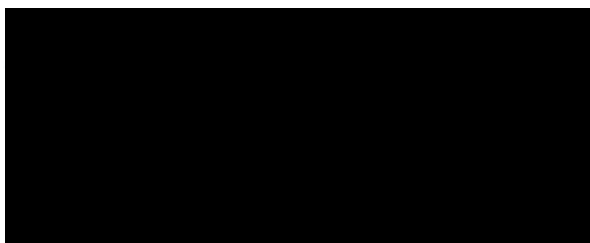
We note that this proposed footpath crosses our property at the "mean high water" level. While we do not necessarily object to this proposal and we understand that we will have the opportunity to formally object at a later date we have a number of concerns on which we would appreciate your answers so that we can fully consider our position on this application.

- This proposed footpath would only be accessible at times of less than high tide due to rock promontories and boathouses which cross the mean high water level. The route of the proposed footpath is not fixed.
- We are considering the use of a "mud mooring" for a boat. We understand that we can lay our own mooring on the "fosse" which we own. This would leave mooring ropes crossing and therefore obstructing the proposed footpath. What is our legal position?
- At this time we only have a small hard standing for a dinghy but we would hope, in the future, to obtain planning permission for a small boathouse (there are several on adjacent properties, so there is precedent) to be located on our property at **and below** the mean high water mark. This construction would therefore obstruct the proposed footpath. What is our legal position?
- Over and above these genuine questions about our legal position we are concerned that should a footpath be formally approved over our property there is an additional access to our property and therefore an issue of security which is hard to define but nevertheless of genuine concern.

In addition to the above I believe that you can supply me with a copy of the "evidence" Saltash Town Council has submitted to you to justify this modification to the Definitive Footpath Map. **I would therefore appreciate a copy.**

Please reply to the above temporary letterhead address.

Yours faithfully



[REDACTED]

E-mail <[REDACTED]>

22 September 2003

[REDACTED]
County Legal Services
4th Floor
County Hall
Truro, TR1 3AY

Wildlife and Countryside Act 1981

Proposed Modification of Definitive Map of Public Rights of Way by the Addition of a Footpath from Coombe Road to Waterside, Saltash.

Comments of Owner(s):

Part of the land over which the proposed footpath passes is **privately owned foreshore** (part of which is owned by my wife and I). In my view the evidence provided to you in support of this proposed footpath is **incorrect** in that all supporters have declared that they have never known any obstructions preventing use of the way. The proposed way (where it crosses the foreshore) as marked on the plan provided *is and has always been obstructed by boats, mooring ropes, boatsheds and at least one jetty.*

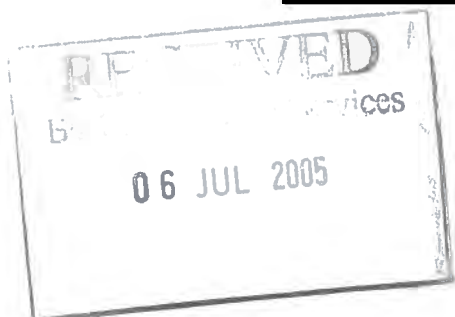
The proposed footpath is shown along the MHW line. There is no through access along this line as, in places, it runs along near vertical rock slopes and banks.

However there is open access along the foreshore dependant on the state of the tide. (Note that there is no through access for approximately 3 hours **each side** of the high tide and it is entirely possible for the inexperienced to be stranded by an incoming tide.) To my knowledge there has never been a problem with this open access BUT that does not mean that it should be declared as a footpath. Such a change would, I assume, require the removal of any obstructions (boats, boat moorings, boathouses etc) and create an increased security problem through ease of access to my (and other) properties along the proposed route.

The proposed footpath would also be unsuitable for general / all public access as the route is slippery, very rocky and seaweed covered in parts. Who would be responsible for maintaining a footpath that is covered by the tide twice a day or would be liable if a pedestrian is injured after slipping on the path?

[REDACTED]

22 Sept '03



E-mail <

3rd July 2005

County Solicitors Dept.
4th Floor,
New County Hall,
Truro, TR1 3AY

Your Ref: VG/WCA.436/08419

Wildlife and Countryside Act 1981

Proposed Modification of Definitive Map of Public Rights of Way by the Addition of a Footpath from Coombe Road to Waterside, Saltash.

Dear

Thank you for your letter of 3rd June providing additional evidence for and against the proposed footpath.

As landowners of the foreshore over which part of this proposed path would be located we have previously provided the reasons for our objection but since such a long time has elapsed we thought it preferable to summarise our objections again.

Local residents, including ourselves, regularly roam the foreshore depending on the state of the tide. As landowners we have never objected to this access and no one has ever objected to our presence on the foreshore. **However this does not mean that it is or should be made into a footpath.**

The length of foreshore in question is totally submerged twice a day by the tide. Indeed access around the foreshore is only possible up to approximately 3 hours before and then from 3 hours after each high tide. In other words the foreshore is totally inaccessible for approximately 2 x 6 hours (12 hours) in every 24 hours. Because of these tidal movements the foreshore is continually (i.e. twice a day) changing. An area that was on one day a fairly safe weed free route can after a high tide turn into a dangerous, slippery, weed or debris covered route. Therefore there is no established safe route around the foreshore and nor can there be one unless it is cleaned of debris, seaweed etc after each tide. I understand that a footpath has to have a defined permanent route?

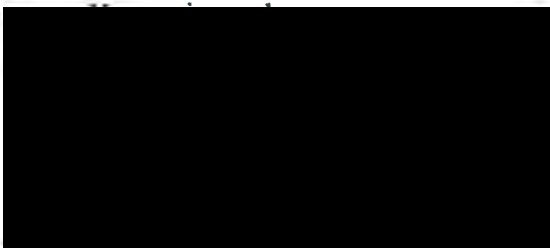
The plan provided by Saltash Town Council with the copy of the Application for a Modification to the Definitive Map shows the proposed route of the footpath, where it is on the foreshore, following the mean high water level. The mean high water level is in many places around the foreshore several feet up a cliff face and variously passes beneath boat sheds and jetties. The route is further obstructed by mooring lines and boats. It is obviously not the route of any existing footpath or a suitable route for a proposed footpath.

I understand that the landowner is in some way responsible for the maintenance / up keep / maintaining safe right of way on any footpath that crosses his land. Given the problems that I have outlined above this is clearly impracticable and we, as landowners, are not prepared to be held responsible for any aspect of a footpath established over our land.

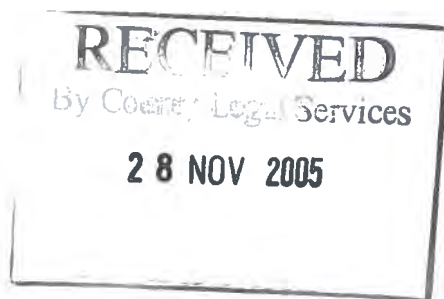
There are other issues; one being security. We have private access to the foreshore, which we own, from our garden; however should a footpath be established this access is open temptation to the public. This is not a problem at the moment as the area has limited use, mostly by local residents and, in unlikely circumstances; we still have a right to ask people to leave.

Another point is that one could have argued that the establishing of this footpath formed part of a definitive route that would allow walkers to pass from Waterside around to Wearde Quay and beyond. However, we understand the proposed footpath from "the old South West Water Sewage works" to Wearde Quay has not been established and so this option no longer exists.

On the basis of the above we wish to confirm our objection to the proposed modification to the Definitive Map of Public Rights of Way.



CW



E-mail <

25th November 2005


County Solicitors Dept.
4th Floor,
New County Hall,
Truro, TR1 3AY

Your Ref: CW/WCA.436/08419

Wildlife and Countryside Act 1981
Proposed Modification of Definitive Map of Public Rights of Way by the Addition
of a Footpath from Coombe Road to Waterside, Saltash.

Dear 

Thank you for your letter of 4th November providing additional evidence from the applicant (Saltash Town Council) for the proposed footpath and offering us the opportunity to comment.

The applicant has raised four points of clarification which we will address in the order and numbered as in the copy of their letter that you sent to us.

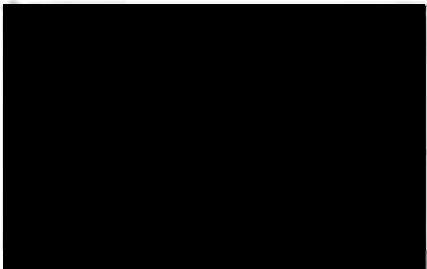
In order to clarify our comments and our already stated objections to the proposed footpath and because "a picture is worth a thousand words" we enclose with this letter a photograph taken yesterday, 24 November, at 14:00 hrs. It should be noted that we have just experienced more than a week of calm weather with no south westerly blows that could be blamed for pushing weed and rubbish up on to the beach, what weed you can see is permanent! The photograph was taken from our property on the foreshore looking east from a point on the "River Tamar side" of the route of the proposed footpath. From the colour of the rock above the beach and the permanent cover of seaweed on the rocks the mean high water level (the defined route for the proposed footpath) can be clearly seen to be well above the level of the beach. You will also note that there is no clear footpath and that the whole area is covered in weed.

I can provide photographs of other areas of the proposed footpath that exhibit similar problems but hope that this is sufficient illustration.

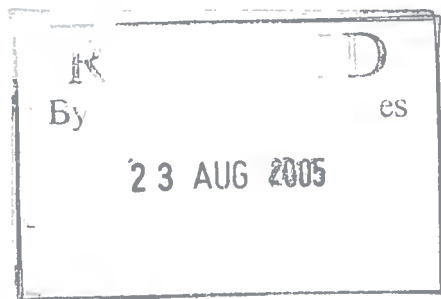
Regarding the applicants points of clarification:-

- 1) The route shown on the applicants map follows the mean high water level and this is clearly not even a possibility as it passes along steep rock cliffs, under boatsheds, etc. I assume that a footpath must have a well defined and marked route?
- 2) I refer to the attached photograph. Where is the worn away seaweed? Where is this well trodden path? Is this a safe route for a footpath?
- 3) This point specifically relates to the frontage of [REDACTED] and [REDACTED] in which we have no interest.
- 4) The tidal nature of the proposed path is an issue. The proposed route does not exist as a route because it is not passable at any state of the tide, even a route "adjacent to" the proposed route (can one designate a footpath with a route that is "adjacent" to a route marked on an out of date plan?) is only passable from 2.5/3.0 hours either side of the high tide and even then is unsafe because of the tide (seaweed covered, wet, muddy, slippery etc) see enclosed photograph.

Yours sincerely

A large black rectangular redaction box covering the signature area.






WCA-436





20 August 2005



County Legal Services
County Solicitors Department
Fourth Floor
New County Hall
Truro
Cornwall
TR1 3AY



Dear 

Wildlife and Countryside Act 1981
Proposed Modification of Definitive Map of Public Right of Way by the Addition of a Footpath from Coombe Rd to Waterside, Saltash

With regard to the above matter I have a few points to make.

Your map of the area is over 20 yrs out of date. It fails to show numerous new residences adjacent to the proposed footpath. I refer more specifically to houses  and , Foreshore, Saltash. I have placed them on the map (Yellow Highlight) which I return to you as it is here where I feel there should be an amendment to the proposed footpath.

The public who claim to use this path regularly can only do so at a low tide to get round on the foreshore. It would thus seem reasonable that the footpath follow the foreshore below the above two mentioned new residences from the Saltash Sailing club around to Coombe Road rather than over their driveways. Public movements over their driveways is an intrusion on their privacy, increases the chances of damage and theft to their property (I believe that the owner of  has experienced damage to his car and sea wall by members of the public passing this way) and is pointless at any time other than low tide as one cannot pass beyond the second residence.

I have lived at the above address for 2 1/2 years and have seen numerous ramblers enjoying a walk along the foreshore below the wall of said residences but don't however recall any actually using the driveways of  or  rather than the foreshore. The significant number of maps which clearly show the proposed footpath to cross their driveways surprises me as I believe it is the minority of ramblers who actually do so. This may be a reflection of the fact that your map is very out of date and does not

show the residences. I have thus marked in black ink where I believe the majority of the public currently walk and I would be happy that they continue to do so.

With kind regards



The Town Clerk
The Guildhall
12 Lower Fore Street
Saltash
CORNWALL PL12 6JX



19 May 2001

ATTENTION [REDACTED]

Dear [REDACTED]

PROPOSED MODIFICATION ORDER TO THE DEFINITIVE FOOTPATH MAP AS IT AFFECTS - THE JETTY, WATERSIDE, SALTASH, CORNWALL, PL12 4EL

We thank you for your copy letter from the Saltash Town Council regarding the Application for Modification Order to the Definitive Footpath Map received by Recorded Delivery today..

As I am sure you are aware, we are obviously totally against this being implemented for the following reasons:

(a) You are claiming a Right of Way over PRIVATE LAND owned by myself and my husband, which we do not believe is necessary at all for the following reason - the proposed footpath can only be accessed at low tide and then it is possible for the public to walk on the beach/foreshore area IN FRONT of our land, they therefore do NOT NEED to have access OVER our front garden.

(b) It will inevitably devalue our property, and this at a time when we are endeavouring to sell it and if you intend to pursue this matter, we will expect the Town Council to reimburse the difference, as this property was purchased, only in June 2000 with NO RIGHTS OF WAY OR PUBLIC HIGHWAYS over it.

(c) The map attached SX4257-4357 is completely out of date, it shows the Gas Tanks in position (they haven't been there for many years) and more importantly it does not show [REDACTED] (ii) our neighbour, [REDACTED] and (iii) [REDACTED] and therefore is not acceptable as it is not an accurate map showing The County Surveyor the implications of adding this footpath.

(d) As the foreshore between high and low water, over which the proposed footpath is shown is owned by The Duchy of Cornwall, we trust you have also sought their permission to allow this Right of Way?.

(e) The so called 'Waterside Lane' is a private road, owned by Caradon District Council and I presume you have also notified them of your application.

/cont'd....2

19 May 2001

We STRONGLY OBJECT to the above application being added to the Definitive Footpath Map and are copying this letter to The County Surveyor in Scorrier for his reference and information. It is our intention to fight this proposal with all means available to us.

We look forward to your response to the above points by return.

Yours sincerely,

[Redacted signature]

[Redacted name]

Cc: The County Surveyor
Cornwall County Council
Western Group Centre
Radnor Road
SCORRIER
Redruth TR16 5EH

[Redacted address]

DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

LANDOWNER/OCCUPIER EVIDENCE FORM

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Owners/occupiers are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing whether public rights exist.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

CLAIMED PUBLIC RIGHT OF WAY

Addition/Upgrading/Downgrading of a Footpath/Bridleway/Byway open to all traffic

from The Waterside

to Coombe Road

in the Parish of Saltash the route of which is shown on the attached Map.

(For the definition of a Footpath, Bridleway, or Byway open to all traffic, please see back page)

IF YOU FAIL TO COMPLETE AND RETURN THIS FORM, IT MAY NOT BE POSSIBLE TO PUT YOUR VIEWS TO THE MEMBERS OF THE COMMITTEE BEFORE THEY MAKE A DECISION BASED ON THE EVIDENCE, WHETHER OR NOT TO MAKE AN ORDER

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF OWNER AND/OR OCCUPIER

Name

Address

2. DETAILS OF CLAIMED WAY

(a) Do you own the land over which the alleged way runs? Yes
If so, please indicate on the attached map the boundaries of your land.

(b) Do you occupy the land over which the alleged way runs? Yes

(c) How many years has the land been in your ownership or tenancy? 1.5 years

(d) If you own the land, are you prepared to enter into an Agreement with the County Council, at no cost to yourself, for the creation of this claimed public right of way over your land?

No

(e) Do you believe this way to be public? Yes

(f) Have you seen, or been aware of, members of the public using this way?

Yes

(g) If so, has the use been on foot, on horseback, or with a vehicle?

On foot

3. OBSTRUCTIONS AND NOTICES

(a) Have you ever maintained any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark their position on the Map attached

No

(b) Have you ever stopped or turned back any person using the way?

No

(c) Have you ever erected any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way?
If so, state when and give particulars and dates, and mark their position on the Map attached.

No

4. PERMISSIVE USE

(a) Have you ever given permission to anyone to use the way? If so, to whom and when?

No

5. COMMENTS OF OWNER AND/OR OCCUPIER

If you do not agree that public rights exist over your land, please give your reasons, or any other comments that you would wish the Members of the Committee to consider before making a decision on whether or not to make an Order:

As I have only owned [REDACTED] since April 2002 I have no long term knowledge of the Right of Way shown on the map and its establishment by long term use. In purchasing the property I was informed by the previous owners [REDACTED] that a Modification Order for a Public Right of Way was being sought.

The map shown is a small scale and therefore it is difficult to define the route of the path accurately on the ground, but it does appear to follow the line of the high water mark for the majority of the way from Coombe Road to The Waterside. The path as shown on the map could only be used for access between the two places at times below high tide. My observations during the last year and a half indicate that the majority of users remain on the beach up to the Saltash Sailing Club and do not cross the two properties on the foreshore.

I do accept that a path between Coombe Road and The Waterside has probably been established by use, but the exact route is less well defined. I contend that confirming it as a Right of Way across the foreshore properties will increase its use and the potential for damage and or vandalism to those properties. I also note The County Council express no responsibility for the Right of Way, which would then fall on the property owners, with all the attendant legal responsibilities if a member of the public were to sustain an accident on the path traversing their property. This is a situation I am sure you understand I am not prepared to accept.

There is an alternative, if the path route was defined to follow the high water mark from Coombe Road to a point South of The Saltash Sailing Club's slipway, this would preserve the public amenity as well as preserving the owners property rights.

(Please continue on another sheet of paper if there is sufficient space)

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signed

[REDACTED]

Date

15-10-03



DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
LANDOWNER/OCCUPIER EVIDENCE FORM

IMPORTANT NOTE

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Owners/occupiers are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is important if the information is to be of real value in establishing whether public rights exist.

You should be aware that the completed form may be used in the production of a report to go to the appropriate Committee and as such would be designated a "background paper" and kept available for public inspection for a period of four years. You should also be aware that the information contained in this form, may be divulged to persons having a right to request details of documentary evidence taken into account when considering the claim.

CLAIMED PUBLIC RIGHT OF WAY

Addition/Upgrading/Downgrading of a Footpath/Bridleway/Byway open to all traffic

from **Coombe Road**

to **Waterside**


in the Parish of **Saltash** the route of which is shown on the attached Map.

(For the definition of a Footpath, Bridleway, or Byway open to all traffic, please see back page)

IF YOU FAIL TO COMPLETE AND RETURN THIS FORM, IT MAY NOT BE POSSIBLE TO PUT YOUR VIEWS TO THE MEMBERS OF THE COMMITTEE BEFORE THEY MAKE A DECISION BASED ON THE EVIDENCE, WHETHER OR NOT TO MAKE AN ORDER

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

1. DETAILS OF OWNER AND/OR OCCUPIER

Name 

Address 

WESTERN GROUP CENTRE
TRANSPORTATION & ESTATES

Radnor Road Scorrier Redruth Cornwall TR16 5EH Tel (01209) 820611 Fax (01209) 821151

County Surveyor Peter Stethridge

2. DETAILS OF CLAIMED WAY

(a) Do you own the land over which the alleged way runs? Yes
If so, please indicate on the attached map the boundaries of your land.

(b) Do you occupy the land over which the alleged way runs? Yes

(c) How many years has the land been in your ownership or tenancy? 3 years

(d) If you own the land, are you prepared to enter into an Agreement with the County Council, at no cost to yourself, for the creation of this claimed public right of way over your land?

..... No

(e) Do you believe this way to be public? No

(f) Have you seen, or been aware of, members of the public using this way?

..... Yes

(g) If so, has the use been on foot, on horseback, or with a vehicle?

..... Foot

3. OBSTRUCTIONS AND NOTICES

(a) Have you ever maintained any locked gates or other obstructions preventing use of the way? If so, give details of where and when, and mark their position on the Map attached

..... No

(b) Have you ever stopped or turned back any person using the way?

The previous owner informed me they had

(c) Have you ever erected any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, state when and give particulars and dates, and mark their position on the Map attached.

Yes a 'Private' notice was erected on the entrance drive to the two properties

4. PERMISSIVE USE

(a) Have you ever given permission to anyone to use the way? If so, to whom and when?

..... No

5. COMMENTS OF OWNER AND/OR OCCUPIER

If you do not agree that public rights exist over your land, please give your reasons, or any other comments that you would wish the Members of the Committee to consider before making a decision on whether or not to make an Order:

As I have only owned the property since April 2002 I have no long term knowledge of the Right of Way shown on the map, or its establishment by long term use. In purchasing the property I was informed by the previous owners a [REDACTED] that a modification order was being sought, to which they had formally objected, they also stated they had remonstrated with the public walking across their land. I am also aware that my immediate neighbour [REDACTED] has also notified the public that our common drive is private.

The map presented is a very small scale and therefore it is difficult to define the route accurately on the ground, but it does appear to follow the line of the high water mark for the majority of the way from Coombe Road to the Waterside. The path as shown could not be used between the two locations at around high tide. My observation during the last three years indicate that the majority of users remain on the beach up to the Saltash Sailing Club before returning to the roadway

I do accept that the public has travelled along the foreshore between Coombe Road and Waterside for many years however the exact route is less well defined and therefore could be varied to suit circumstances. It is my contention that confirmation of a Right of Way across the foreshore properties will increase its use and the potential for damage and or vandalism to those properties. I also note Cornwall County Council express no responsibility for maintenance of the Right of Way, which would presumably fall to the owners with the attendant legal responsibilities if a member of the public were to sustain an accident. This is a situation I am sure you understand I find unacceptable.

There is I believe a simple alternative, if the path route was defined to follow the high water mark from Coombe Road to a point just South of the Saltash Sailing Club slipway, this would preserve the public amenity as well as the the owners property rights.

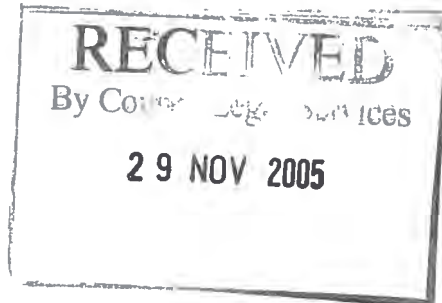
(Please continue on another sheet of paper if there is sufficient space)

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signed [REDACTED] Date 8-09-05

[REDACTED]

County Legal Services
Cornwall County Council
New County Hall
Truro
Cornwall
TR1 3AY



WCA 436

24th November 2005

Dear [REDACTED]

Addition of Footpath from Coombe Road to Waterside, Saltash

Thank you for your letter and the enclosed copy of a letter from Saltash Town Council.

The comments by the Saltash Town Council do appear to have missed the point of my submission. I would agree the public have walked from Coombe Road to Waterside for many years, the precise route is not easily established and would vary considerably depending on tide and conditions of the foreshore.

The Town Council state the tidal nature of the path is not an issue, I believe it is, as this demonstrates that in order to make full use of the path one has to use the foreshore and therefore users are prepared for the vagaries of a foreshore ie. tides and use of suitable footwear etc., this being the case there is no loss of amenity if the path runs completely along the foreshore.

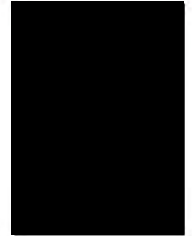
The main thrust of my comments was to achieve an acceptable compromise without loss of amenity by any party. I have to say I am sorry the Town Council's letter does not appear to give any consideration to this point, which is a pity as we are all residents of Saltash.

Yours faithfully

[REDACTED]

[REDACTED]

WCA 436



Tuesday 22nd May 2001

RECORDED DELIVERY

County Surveyor,
Cornwall County Council,
Western Group Centre,
Radnor Road,
Scorrier,
REDRUTH,
Cornwall. TR16 5EH

Attention [redacted]
County Surveyor

Re :- Proposed modification order to the Definitive Footpath Map, Waterside to Coombe Road, Saltash, as submitted by Saltash Town Council, dated 17/05/01

Dear [redacted]

I received 'official notification' from Saltash Town Council, that they have applied for a Modification Order to have a footpath from Waterside to Coombe Road.

In order for this application to be considered, it is vital that it is based on accurate information, as the eventual outcome if not, could result in the loss of hundreds of thousands of pounds for which the council would be held liable.

Semper in exercitia, solum profundum variat

With this in mind, I would ask that the application be rejected on the grounds that, the map (SX 4257-4357) used in the application, does not reflect a true and accurate record of the coastline as to what it appertains. Millions of pounds of investment have gone on; landfill, buildings, developement etc since this map was produced which has altered the coastline substantially, hence the proposed footpath does not follow the coastline at all.

I think you can appreciate the importance of this matter, therefor I await your comments.

Thanking you in anticipation of a speedy reply,

Yours S





W
WA.436
'LO Evidence'

Monday 5th January 2004.

County Solicitors Dept.,
Fourth Floor,
New County Hall,
TRURO,
Cornwall. TR1 3AY

Attention [redacted]
Senior Legal Assistant.

Dear [redacted]

**Re: Wildlife and Countryside Act 1981
Proposed Modification of the Definitive Map of Public Rights of Way by the
Addition of a Footpath from Coombe Road to Waterside Saltash.**

With reference to, your letter dated 20th October 2003 concerning the
above proposal.

I ask that the attached letter, in its entirety, be read by the Members of the
Modifications Orders Panel.

Yours Sincerly [redacted]

RECEIVED
By County Legal Services
09 JAN 2004

For the attention of:-

Members of the Modifications Orders Panel

Re: Wildlife and Countryside Act 1981

Proposed Modification of the Definitive Map of Public Rights of Way by the Addition of a Footpath from Coombe Road to Waterside.

Dear Sirs,

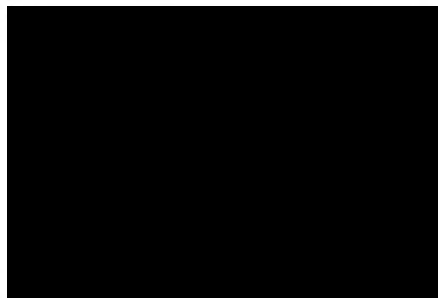
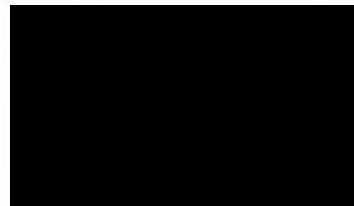
The concept of having a footpath for the general public to walk along the waters edge from Coombe Road to Waterside; in its self, sounds very nice. However; practically, it is not accessible outside a few hours per day and extremely dangerous.

When this application was first submitted for consideration by the local council, it was pointed out, in the form of a written letter by me, that the application had been submitted on maps that are so out of date. The maps used in the application, do not show the considerable changes in the coastline, incorporating millions of pounds worth of development, landfill, buildings erected over the years that have altered the coastline considerably. As this proposed footpath affects a considerable amount of people who have varied interests in the waterfront, at the very least, they should know, if any, what part of their land would be affected.

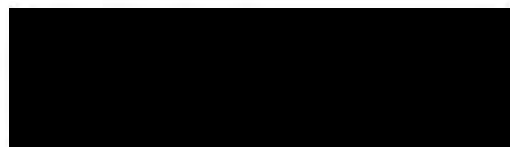
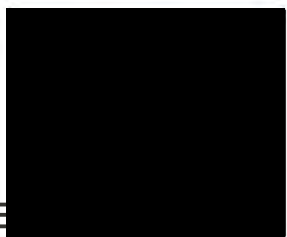
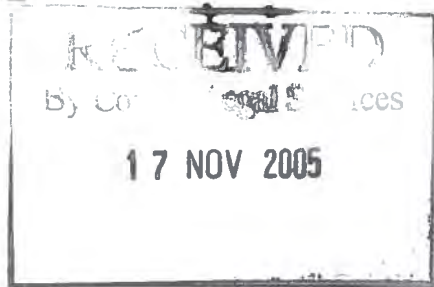
A point to bear in mind, which I feel has been overlooked, is the fact that a large amount of this proposed footpath is only accessible at certain times of the day due to the tide. The Tamar River is notorious for having strong tidal waters and due to the development, which is not shown on the maps submitted, has made this tidal flow even more of a hazard. When you consider, the tide flows and ebbs twice in twenty four hours, therefore this footpath is only accessible a few hours in any day and then only in daylight hours, as there is no lighting whatsoever. The potential danger here is unmeasurable.

I ask that the panel consider the above points very carefully prior to making any decision, after which, if you still feel it is a possibility, at least commission a 'detailed' enquiry looking into the landowners who it will affect and the 'dangerous risk' factors

Yours Faithfully,



an



Wednesday 16th November 2005
Your Ref: CWWCA.436/08419.

County Legal Services,
County Solicitors Dept.,
4th Floor,
New County Hall,
TRURO,
Cornwall. TR1 3AY

Attention [Redacted]
Senior Legal Assistant

Dear [Redacted]

**Re: Wildlife and Countryside Act 1981
Proposed Modification of Definitive Map of Public Rights of Way by the
Addition of a Footpath from Coombe Road to Waterside, Saltash.**

With reference to your letter dated 4th November 2005 and the accompanying photo-copy of a letter from Saltash Town Council dated 21st October 2005.

I draw your attention to the first paragraph of the letter, where it states 'two properties [Redacted] have been built **ADJACENT** to the route'. If this is the case then both [Redacted] have no argument. This means, the proposed 'Right of Way' would pass on the beach in front of our properties and **NOT** through our 'front gardens'.

Could you please contact [Redacted]
Yours faithfully [Redacted]

Semper in excretia, solum profundum variat



Friday 25th November 2005.
You're Ref: CW/WCA.436/8419

County Legal Services,
County Solicitors Dept.,
Fourth Floor,
New County Hall,
TRURO,
Cornwall.
TR1 3AY

Attention [redacted]
Senior Legal Assistant.

Dear [redacted]

Re: Wildlife and Countryside Act 1981
Proposed Modification of Definitive Map of Public Rights of Way by the Addition of a
Footpath from Coombe Road to Waterside, Saltash

With reference to your letter dated 24th November 2005 in reply to my letter dated 16th November 2005 regarding the above.

As I stated in many of my previous letters, the 'map' used to show the proposed route; is very old and does not take into account the landfill and new buildings that have gone up over the years and it is impossible to determine if this 'proposed route' is going across our properties [redacted] or not.

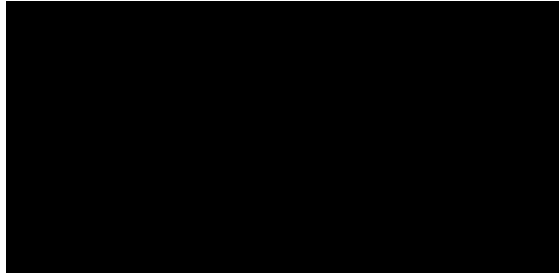
Enclosed is a 'hand drawn' map concerning the properties in question. If this proposed footpath is coming down the lane and (as the letter suggests, ADJACENT to)

onto the beach and round to Coombe Road, then both [REDACTED] have no objections

However, if these proposers of this footpath are not prepared to pass ONE meter sideways !! and insist on crossing through our front gardens, then we strongly object.

This situation needs to be clarified, as it cannot be clarified from the documentation already presented before the proposal can proceed.

I await your reply,

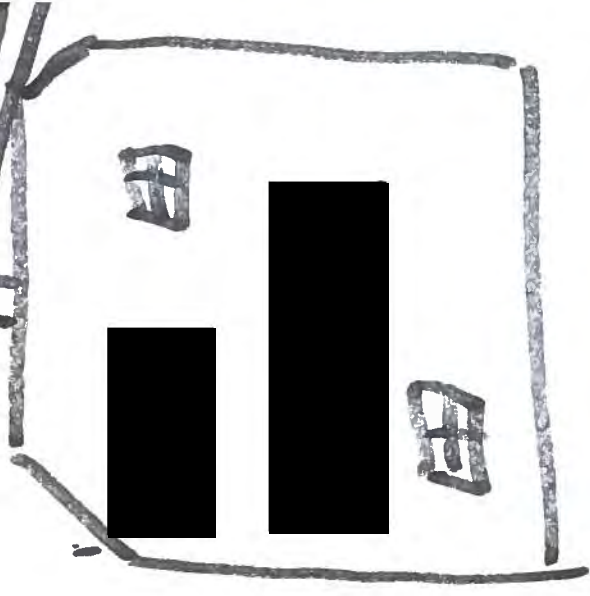
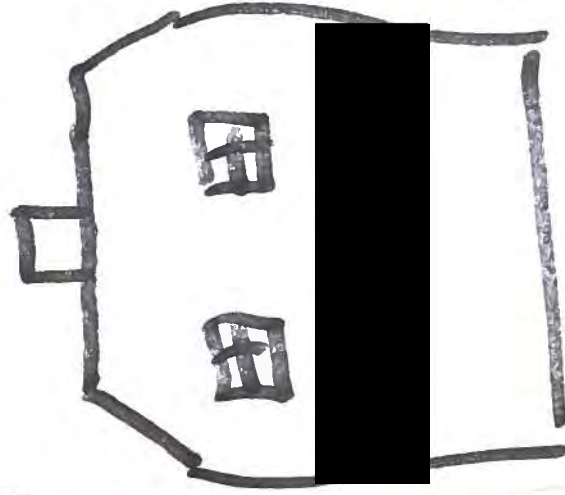


THE RIVER
TAMAR

SALTASH
SAILING
CLUB

LANE

WATER
WORKS



[REDACTED]

Saturday 22nd October 2016

[REDACTED]

Definative Map Officer,
Pyder House,
Pyder Street,
TRURO
Cornwall TR1 1XU

For the attention of [REDACTED] :

Dear [REDACTED]

With reference to our 'chance' meeting and subsequent conversation concerning the proposed footpath along the beach outside my property on the waterfront in Saltash.

I must admit, I was quite surprised to hear that this 'proposed' footpath was; yet again, under review as I had been led to believe, due to its 'impassability' and potential danger had been 'shelved'!

Owning this property and being a 'sailor' for over 20 years, I have a great respect for the ocean. Here in Saltash, we have two (2) 'high' waters in 24 hours (12 hour cycle) and subsequently the same 'low' waters, which vary every day, thus some are in the hours of daylight, others during darkness. At 'high' water, the ocean comes up to the retaining wall, making the 'beach' along the waterfront totally inaccessible other than by boat. At 'low' water, the waterfront is accessible, however, due to the nature of the sea bed; being a quagmire of 'mud' the risk factor of adults, children and animals getting 'stuck' on a rising tide is enormous and during the hours of darkness; as there is no lighting whatsoever, could be fatal.

I do hope this explanation has been helpful and if any further comments are required, do not hesitate to contact me.

Yours Sincerely,

[REDACTED]

[REDACTED]

Yr Ref: CAT/DMMO/WCA436/LEF
SJS/WOT

13th July 2017

FAO [REDACTED]
Countryside Access Records Officer
Cornwall Council
Pydar House
Pydar Street
Truro TR1 1XU

Natural Environment
18 JUL 2017

Dear [REDACTED]

Addition of Alleged Right of Way from Coombe Road to Waterside, Saltash

Thank you for your letter dated 7th July 2017 to [REDACTED] which has been passed to me for reply.

I confirm that foreshore subject to the proposed new footpath is no longer in the ownership of the [REDACTED] having been conveyed in 1899, 1900 and 1905. We hold no details of the current owners.

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

USER SUPPORTING EVIDENCE

514C 1527 68

Dated 1926

the
Admiralty

to
the Saltash
Gas & Coke
Co. Ltd

Left Corviegane
at forenoon and
landed at 10.15 AM
at Muller Park Station
Saltash Co. with

A. E. B. Porter
Saltash

15

Conveyance
THIS ~~INDUE~~ made the day of 1926 BETWEEN THE COMMISSIONERS for

executing the Office of LORD HIGH ADMIRAL of the united Kingdom of Great Britain

& Ireland (hereinafter called "the Vendors" which expression shall include their

successors in Office & Asss wherever the context so requires or admits) of the

one pt & THE SALTASH GAS & COKE Coy Limited incorporated under the Companies Act

whose regd Office is situated at the Gas Works in the Borough of Saltash in the

Coy of Cornwall (hereinafter called the Coy of the other pt WHEREAS the Vendors are

the seized in fee simple and inheritance of & in the hereditaments hereinafter conveyed

& intended so to be & have agreed with the Coy for the sale of the same to the

The Steamboat Company for a like estate for the sum of £21. 5. 0 ^(Back) NOW THIS ^{Conveyance} ~~INDUE~~ WITNESS that
do not appear to extend ~~any~~ ~~along this piece~~ in conson of the sum of £21. 5. 0 as purchase money now paid by the Coy to the Vendor
of foreshore

*It is understood
that it does so.
Y. Sol.*

for such fee simple the rect whof the Vendors do hereby acknowledge THE VENDORS as

TRUSTEES do hereby convey to the Coy, ALL ^{that} ~~THOSE~~ piece or parcels ^{of} land bench of

foreshore, along the beach of the River Tamar in the sd Borough of Saltash in the

Coy of Cornwall extending from the South Western boundary of the sd Coys existing

~~Property or premises~~ ~~distance of 180 ft or thereabouts~~ to the S West forming

the whole of the foreshore along Culver Park Meadow and ending at the existing

Admiralty boundary stone there and with sd piece or parcels of land are estimated

to comprise an area of about 34 perches be the same more or less as the same are

more particularly delineated for identification but not for limitation upon the

thof drawn upon or attached to these presents & then cold "BLUE" & then sd

pieces of land hereby conveyed are bounded on the North West by Culver Park Meadow

Shores of the
on the South East by the ~~Bush~~ River Tamar towards the North by other land
towards

of the Coy & on the South by property & foreshore of Percival Sylvester Beger

EXCEPTING & RESERVING to HIS ROYAL HIGHNESS the DUKE of CORNWALL his heirs &

successors all mine s minerals stones & substrata lying within or under the sd

hereds hereditis conveyed at a greater depth from the surface than 10 Fathoms & to

the right to work & get ~~and get~~ the same but without any right for power to enter

upon the same premises for the purposes of working or getting such mines minerals

at a less depth than 10 fathoms.

stones & substrata, AND ALSO ~~subject to the rights of the Vendors~~ excepted & Res

reserved to the Vendors the right of going along & across the sd hereditis and

of
using the roadway & slopes thron for the purpose of obtaining access to & egress f

7 On the East From the adjoining foreshore TO HOLD the same unto & to the use of the COY

the rest is

Mr Beger

subject to the exception and reservations aforesaid and to all such rights of navigation and of way over and of such rights of subterranean and from the said piece of land or foreshore or any part thereof as the public are lawfully entitled to exercise and enjoy

& their ass in fee simple AND the Coy hereby Covenant that they will forthwith

to the satisfaction of the Admiralty

carry out such works upon their new ~~land~~ *road to be made on its said piece of land* there as to prevent any material or debris

debris being washed from their sd premises or lands now conveyed into the waters

of the Dockyard port of Plymouth & to effect and maintain their new ~~wharves~~ *road* on

the sd land to the satisfaction of the Admiralty in that respect. (Back)

AND it is hereby certified &c

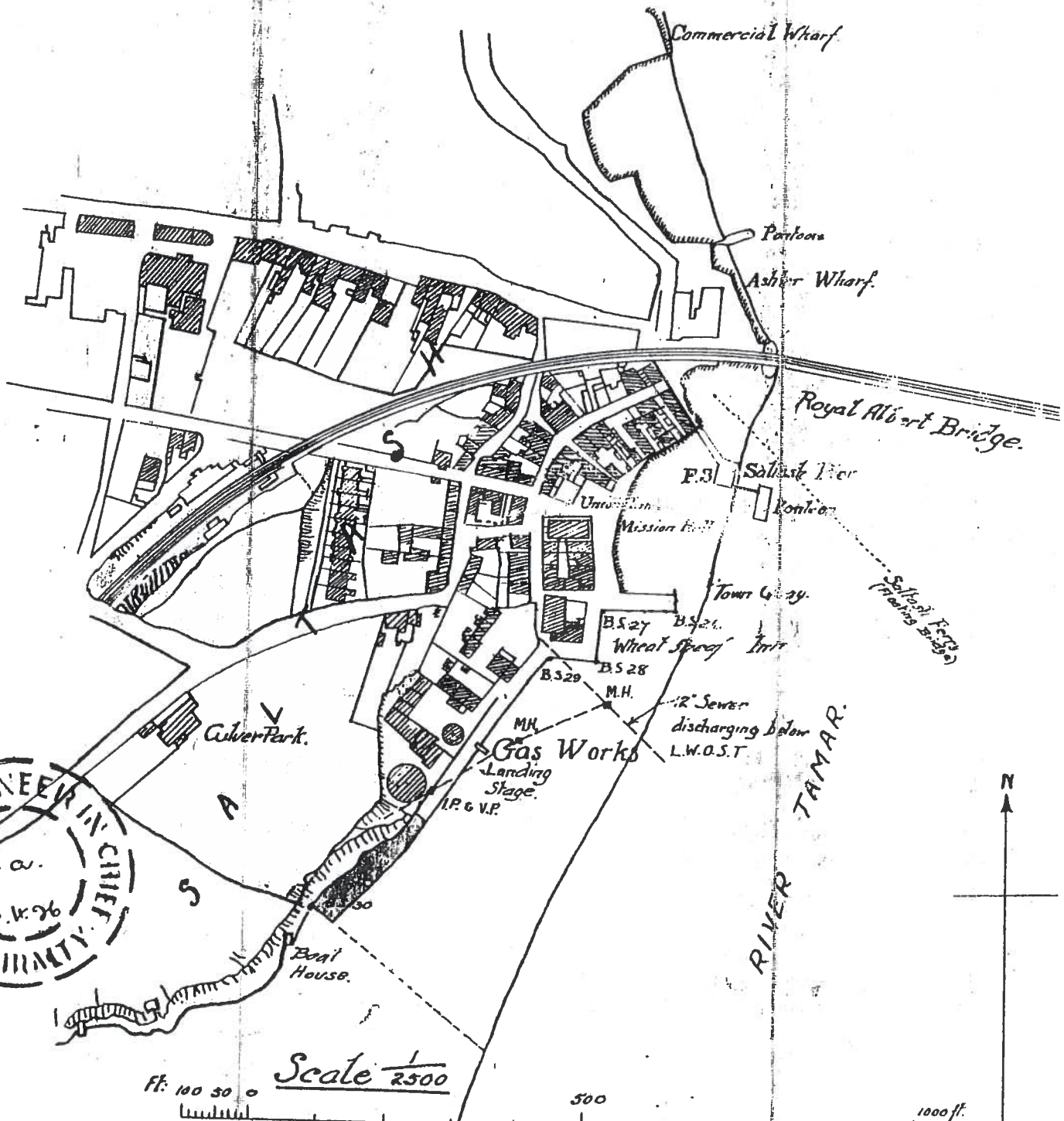
IN WITNESS &c

Revised in red ink on behalf of
the Vendors

H. Arthur Beekes
Treasury Solicitor's Office,
Storey's Gate, S.W. 1.
2/1926

Revised Plan

SALTASH.



Scale $\frac{1}{2500}$
Ft. 100 50 0

Ordnance sheets XLVI 1 & 5.

● The finished version of the Conveyance was signed some time during the period 11-14 May 1926.



Saltash Town Council



WCA.436

The Guildhall
12 Lower Fore Street
Saltash
Cornwall PL12 6JX

e-mail: townclerk@saltash.gov.uk
Tel: 01752 844846
Fax: 01752 840914

County Legal Services
County Solicitors Department
Fourth Floor
New County Hall
Truro
Cornwall
TR1 3AY



21 October 2005

Dear [REDACTED]

Wildlife & Countryside Act 1981

Proposed Modification of Definitive Map of Public Rights of Way by the Addition of a Footpath from Coombe Road to Waterside, Saltash

Thank you for sending copies of the landowners' responses to Saltash Town Council's application for a Modification Order. May we clarify some of the points raised:

- 1) The precise direction and course of the route marked in red has had no material change since the publication of the map which Saltash Town Council has provided, although two properties [REDACTED] have been built adjacent to the route and landfill has taken place alongside it at Waterside, on its eastern side, for use by the [REDACTED]
- 2) Saltash Town Council has provided signed evidence to demonstrate that users of the path have consistently walked the same route, marked in red, between Waterside and Coombe, adjacent to the mean high water level at the top of the beach, alongside the foot of the cliff and around the boathouses. Indeed, this route is clearly defined in sections where seaweed has been worn away by feet. Walkers cannot stray far from this route because of the muddy nature of the creek.
- 3) Saltash Town Council has provided signed evidence that usage of the path across the sites where the entrance ways of [REDACTED] now stand, has continued unchallenged and without detour for a period of at least 20 years until the right of way was brought into question. Some, but not all, walkers have recently felt obliged to make

detours via the beach in front of [REDACTED] because of verbal challenges from the householders. The owner of [REDACTED] has also recently placed a chain carrying the sign 'Private' across the route of the path marked in red that runs in front of his property.

- 4) The tidal nature of the path marked in red is not at issue. In practical terms, users have consistently followed this route at the top of the beach in order to maximise the use of this tidal path and to avoid the mud.

Yours sincerely

[REDACTED]

[REDACTED]

Clerk to the Town Council