

# **North Somerset Council**

## **REPORT TO THE PUBLIC RIGHTS OF WAY SUB COMMITTEE**

**DATE OF MEETING:** 24 JANUARY 2018

**SUBJECT OF REPORT:** CLAIMED FOOTPATHS ON PORTISHEAD  
GOLF COURSE

**TOWN OR PARISH:** PORTISHEAD

**OFFICER/MEMBER PRESENTING:** ELAINE BOWMAN

**KEY DECISION:** NO

### **RECOMMENDATIONS**

It is recommended that the Public Rights of Way Sub Committee authorise the relevant Officer to make a Definitive Map Modification Order for the routes A-B-C and D-B shown on the plan EB/Mod 102/1 included within this report, on the grounds that there is sufficient evidence that Public Footpath rights have been established

### **1. SUMMARY OF REPORT**

North Somerset Council have received two applications relating to this site requesting that routes are recorded as Public Footpaths. The first application dated 12 November 2013 was received from Ms E Courtney. This application is to modify the Definitive Map for the area by adding one footpath running parallel to the coastal path (A-B-C on the attached Location Plan) over land which is known and used as Portishead Golf Course. The second application dated 23 October 2015 was received jointly from Mrs A Townsend and Mrs J Davey. This application requests that two footpaths should be added to the Definitive Map, the one submitted in the first application (A-B-C), the second footpath running from Nore Road (D-B) to join the first route claimed. The claimed routes are over land which is in the ownership of North Somerset Council and are supported by 93 user evidence forms (95 were submitted however two were found to be duplicates).

Following a successful appeal to the Secretary of State, North Somerset Council have been directed to determine the application submitted by Ms E Courtney by 28 February 2018. In a report presented to the PROW Sub Committee on 15 November 2016 it was agreed that the second application submitted by Mrs Townsend and Mrs Davey would be determined at the same time.

Therefore the content of this report will relate to both of those applications, which are supported by user evidence. A plan, EB/Mod 102/1, showing the claimed routes is attached.

These Definitive Map Modification Order applications have been considered on User Evidence, not historical evidence.

In order that members may consider the evidence relating to this application, further details about the claim itself, the basis of the application, and an analysis of the evidence are included in the Appendices to this report, listed below.

Members are also welcome to inspect the files containing the information relating to this application, by arrangement with the Public Rights of Way Section.

## **Location Plan EB/Mod 102/1**

**Appendix 1** – The Legal basis for deciding the claim

**Appendix 2** – History and Description of the Claim

**Appendix 3** – Evidence submitted by Ms E Courtney, Mrs A Townsend and Mrs J Davey

**Appendix 4** – Consultation and Lessee response

**Appendix 5** - North Somerset Council Investigation

**Appendix 6** – Summary of Evidence and Conclusion

**Document 1** – Mrs Townsend’s submission

**Document 2** – Mrs Townsend’s submission on Pedestrian Gate on Nore Road

**Document 3** – Land Conveyance dated 13 March 1984

**Document 4** – Extract of Lease dated 12 April 2013

**Document 5** – Works Specification for fencing on Nore Road

**Document 6** – Tabular detail of information from User Evidence Forms

**Document 7** – Tabular Graph showing period of use by Users

**Document 8** – Information given through Interviews

## **2. POLICY**

The maintenance of the Definitive Map should be considered as part of the management of the public right of way network and so contributes to the corporate plan “Health and Wellbeing” and “Quality Places”.

## **3. DETAILS**

### **Background**

#### **i) The Legal Situation**

North Somerset Council, as Surveying Authority, is under a duty imposed by the Wildlife and Countryside Act 1981, Section 53(2) to keep the Definitive Map and Statement under continuous review. This includes determining duly made applications for Definitive Map Modification Orders.

The statutory provisions are quoted in **Appendix 1**.

#### **ii) The Role of the Committee**

The Committee is required to determine whether or not a Definitive Map Modification Order should be made. **This is a quasi-judicial decision and it is therefore essential that members are fully familiar with all the available evidence. Applications must be decided on the facts of the case, there being no provision within the legislation for factors such as desirability or suitability to be taken into account.** It is also important to recognise that in many cases the evidence is not fully conclusive, so that it is often necessary to make a judgement based on the balance of probabilities.

The Committee should be aware that its decision is not the final stage of the procedure. Where it is decided that an Order should be made, the Order must be advertised. If objections are received, the Order must be referred, with the objections and any representations, to the planning Inspectorate who act for the Secretary of State for Food and Rural Affairs for determination. Where the Committee decides that an order should not be made, the applicant may appeal to the Planning Inspectorate.

## **Conclusion**

As this report relates to two routes, A-B-C and D-B, which are not recorded on the Definitive Map it is necessary for the Committee to consider whether, given the evidence available, that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic.

If the Committee is of the opinion that in respect of each claimed section that the relevant test has been adequately met, it should determine that a Definitive Map Modification Order should be made. If not, the determination should be that no order should be made.

## **4. CONSULTATION**

Following receipt of the Secretary of States' Direction that Ms Courtney's application should be determined out of sequence and the authority given by this Committee on 15 November 2016 to determine both applications together, informal consultation letters were sent out on 4 September 2017. These were sent to the Parish Council, Local Members, interested parties and relevant user groups. Detail of the responses received are included in **Appendix 4**.

In addition to this 61 or the 93 Users were asked to attend an interview to review their evidence. 25 of those invited, attended an interview and another submitted a written statement. Detail of the information given through this process is included in **Appendix 5**

## **5. FINANCIAL IMPLICATIONS**

At present the council is required to assess the information available to it to determine whether there is sufficient evidence to support the application. There will be no financial implications during this process. Once that investigation has been undertaken, if authority is given for an Order to be made then the Council will incur financial expenditure in line with the advertisement of the Order. Further cost will be incurred if this matter needs to be determined by a Public Inquiry. These financial considerations **must** not form part of the Committee's decision.

### **Costs**

Existing Revenue Budget

### **Funding**

Existing Revenue Budget

## **6. LEGAL POWERS AND IMPLICATIONS**

Section 53 of the Wildlife and Countryside Act 1981. The Wildlife and Countryside Act 1981 requires that applications which are submitted for changes to the Definitive Map and Statement are determined by the authority as soon as is reasonably possible, within 12 months of receipt. Failure will result in appeals being lodged and possible directions being issued by the Secretary of State as has been the case with one of these applications.

## **7. RISK MANAGEMENT**

Due to the number of outstanding applications awaiting determination officers of North Somerset Council, in conjunction with the PROW Rights of Way Sub Committee have agreed a three tier approach when determining the directed applications. A report was presented to the Committee in November 2016 which outlined a more streamline approach. This could result in challenges being made against the Council for not considering all evidence.

The applicant has the right to appeal to the Secretary of State who may change the decision of the Council (if the Council decided not to make an Order) and issue a direction that an Order should be made. Alternatively if an Order is made objections can lead to a Public Inquiry.

## **8. EQUALITY IMPLICATIONS**

No - Public rights of way are available for the population as a whole to use and enjoy irrespective of gender, ethnic background or ability and are free at point of use.

## **9. CORPORATE IMPLICATIONS**

Any changes to the network will be reflected on the GIS system which forms the basis of the relevant corporate records.

## **10 OPTIONS CONSIDERED**

The options that need to be considered are:

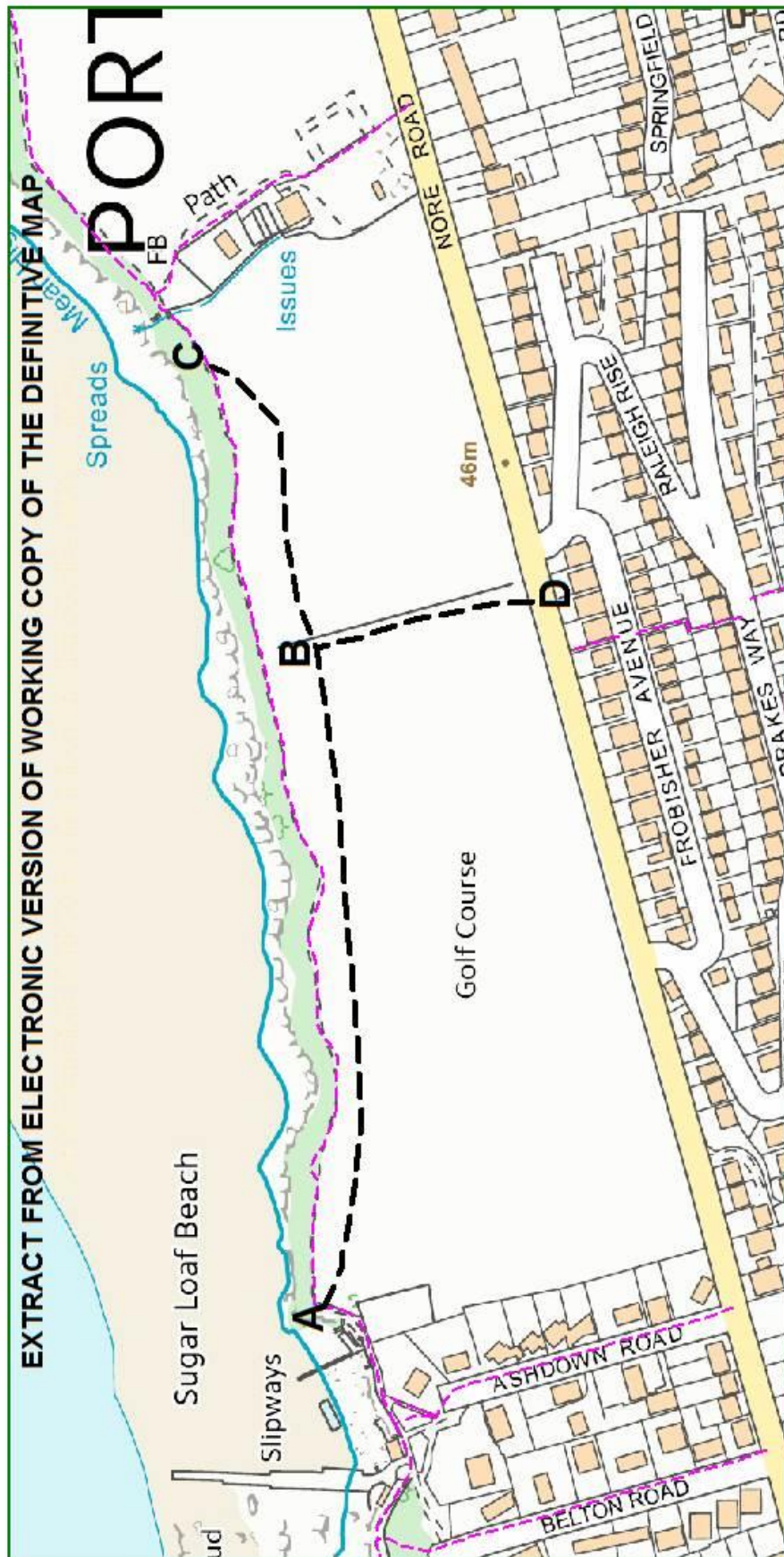
1. Whether the evidence supports the making of a Definitive Map Modification Order for the route A-B-C.
2. Whether the evidence supports the making of a Definitive Map Modification Order for the route D-B.
3. Whether the application submitted by Ms E Courtney should be denied as there is insufficient evidence to support the making of an Order for the route A-B-C.
2. Whether the application submitted by Mrs Townsend and Mrs Davey should be denied as there is insufficient evidence to support the making of an Order for the route A-B-C or D-B.

### **AUTHOR**

Elaine Bowman  
Senior Access Officer  
Natural Environment Team Ext 7406

### **BACKGROUND PAPERS**

Rights of Way Section  
File Ref Mod 102



The Definitive Map has a relevant date of 26th November 1956 and has not been formally re-published since then. This map shows an electronic working copy of the Definitive Map which attempts to show the information on the Definitive Map and any subsequent legal changes. The Council can accept no responsibility for any error or inaccuracy which may arise from use of the electronic Working Copy map.

**Development & Environment**

Public Rights of Way  
Streets and Open Spaces  
North Somerset Council  
Town Hall  
Wallscote Grove Road  
Weston-super-Mare  
BS23 1UJ

Tel: 01934 888 802



**Project**

PROW Sub Committee 24 January 2018

**Location**

Portishead Golf Course

**Client**

PROW Sub Committee

**OS Licence No.**

100023397



Scale 1:3335

**Drawn by**

Mrs E Bowman

**Drawing No.**

EB/Mod 102/1

**Date**

20 December 2017

## The Legal Basis for Deciding the Claim

1. The application has been made under Section 53 of the Wildlife and Countryside Act 1981, which requires the Council as Surveying Authority to bring and then keep the Definitive Map and Statement up to date, then making by Order such modifications to them as appear to be required as a result of the occurrence of certain specified events.
2. Section 53(3)(b) describes one event as, "the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway". See paragraph 4.

Subsection 53(3)(c) describes another event as, "the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows –

- (i) "that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic"

The basis of the applications in respect of the Footpath is that the requirement of Section 53(3)(c)(i) has been fulfilled.

3. Section 32 of the Highways Act 1980 relating to evidence of dedication of way as highway states "A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered documents, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced".
4. Section 31 (1) of the Highways Act 1980 provides that, "Where a way over land, other than a way of such character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption for a full period of twenty years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it".

Section 31 (2) states, "the period of twenty years referred to in subsection (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question whether by a notice or otherwise".

Section 31 (3) states, "Where the owner of the land over which any such way as aforesaid passes-

- (a) has erected in such manner as to be visible by persons using the way a notice inconsistent with the dedication of the way as a highway; and
- (b) has maintained the notice after the 1st January 1934, or any later date on which it was erected,

the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as a highway.

For a public highway to become established at common law there must have been dedication by the landowner and acceptance by the public. It is necessary to show either that the landowner accepted the use that was being made of the route or for the use to be so great that the landowners must have known and taken no action. A deemed dedication may be inferred from a landowners' inaction. In prescribing the nature of the use required for an inference of dedication to be drawn, the same principles were applied as in the case of a claim that a private right of way had been dedicated; namely the use had been without force, without secrecy and without permission.

**The Committee is reminded that in assessing whether the path can be shown to be public rights of way, it is acting in a quasi-judicial role. It must look only at the relevant evidence and apply the relevant legal tests.**

5. Modification orders are not concerned with the suitability or desirability for use of the alleged rights. If there is a question of whether a path or way is suitable for its legal status or that a particular way is desirable for any reason, then other procedures exist to create, extinguish, divert or regulate use, but such procedures are under different powers and should be considered separately.

## **History and Description of the Claim**

The first application dated 12 November 2013 was submitted by Ms E Courtney. This application claimed that a footpath should be recorded which would run parallel to the coastal path that runs between Portishead and Clevedon. It was accompanied by 24 user evidence forms and a further three were received following submission. The application was also accompanied by a plan illustrating the route that was being claimed.

The second application dated 23 October 2015 was submitted jointly by Mrs A Townsend and Mrs J Davey. This application is claiming two footpaths across this land, the one which is route claimed in the first application (A-B-C), together with the addition of another route (D-B) which would provide a direct connection from that claimed route to Nore Road. This application was accompanied by 46 user evidence forms and a further 23 have been received since submission.

These User forms claim that these routes have been used between 10 and 70 years by residents of the area to exercise their dogs, for pleasure and as part of longer walks.

The claimed routes are illustrated on the attached Location plan EB/Mod 102/1 as A – B - C and D – B.

The first claimed footpath commences at its junction with the coastal path at Point A then proceeds in a generally easterly direction along the edge of the golf course, parallel to the coastal path for a distance of approximately 590 metres passing through Point B to Point C where it then re-joins the coastal path. The second claimed footpath commences on Nore Road Point D, where there is a pedestrian gate, and proceeds in a north north westerly direction for a distance of 135 metres to its junction with the first claimed footpath at Point B.

This area of land is owned by North Somerset Council. Initially it was leased out to Golf For All Limited on the 12 April 2013. Upon taking on this lease attempts were made to stop the public use that was being made by walkers with and without dogs. The manager of the site made attempts to block the accesses by building barricades and concreting fencing but all were removed within days of erection. These actions prompted the submission of the first application.

In August 2014 Portishead Golf for All took over the running of this golf course and have continued to run it as a 'pay and play' golf course. Mr Stiff who is the lessee would like to improve this course and make it a more appealing course to the public. Due to concerns around health and safety Mr Stiff arranged for the pedestrian gate on Nore Road to be padlocked, thereby denying public access, effectively calling the use of the route D-B into question. This raised concerns with the residents of Portishead and prompted the commencement of collating evidence and the submission of the second application.

Mr Stiff has applied for planning permission to develop the golf course which has been granted subject to conditions. As landowners North Somerset Council have requested an Environmental Impact Assessment to be undertaken before landowner permission is given. However, the granting or refusal of a planning application should not be taken into consideration when determining these applications.



In addition to the submission of these applications other attempts have been undertaken to protect the public access for this area including an application to register the land as a Town and Village Green which was refused.

### Evidence submitted by Ms E Courtney, Mrs A Townsend and Mrs J Davey

The First application submitted by Ms E Courtney was accompanied by a plan illustrating the claimed route A-B-C, confirmation that notice had been served upon North Somerset Council (as owners of the land) and the leaseholder of Portishead Golf Course and User Evidence Forms.

The Second application submitted by Mrs Townsend and Mrs Davey was accompanied by an aerial photograph with the claimed routes annotated upon and User Evidence Forms. A map annotated with grid references was also provided. In addition confirmation was given that notice had been served upon North Somerset Council (as owners of the land) and the lessee of Portishead Golf for all. Photographs of the claimed routes were submitted together with an extract of the land transfer deed.

As previously stated 93 User Evidence Forms have been submitted by the applicants which have been collated together. 21 User Evidence Forms were submitted with Ms Courtney's application in November 2013 with a further three being submitted independently, the other 71 submitted by Mrs Townsend and Mrs Davey between October 2015 and present day (please note that within this batch it was found that two persons had completed a form twice). A summary of these documents has been produced which illustrates the information gained from these forms which is detailed within **Appendix 5**.

Additional documentation has been submitted by Mrs Townsend at the pre-order consultation stage which is detailed within the responses received and attached to this report.

Additional information has also been submitted by Mrs Davey through email correspondence. I have extracted sections from those emails which I consider may provide some historical evidence regarding this area.

*Historically, the seaslope of Portishead has been open down, uncultivated land, frequented by goatherds and shepherds; it was known as Weston Down, in a map from circa 1721 (recently consulted); however, this map may have been incorrect, as other sources refer to it as Portishead Down. As early as 1679 enclosure was urged and it is possible that much of the land in Portishead became the property of Bristol City, that took it as payment for the costs of enclosure. But open undivided land still had rights of grazing, until enclosure was finally completed between 1814 and 1823.*

*In the 1880s the land in question became a golf course. This included land to the north of Nore Road, now built on, and also land to the east of the present golf course, now known as Kilkenny Field. It has not always been a golf course from 1880 to the present day; we have been informed that at one time, probably between the wars, it was leased by Herbert Gale and used as farm land, and during the war it was ploughed up for agriculture. More recently it has been only intermittently used as a golf course, and has been used by the residents of Portishead for recreation. The bottom edge of the course has never been enclosed.*

*In 1984 Woodspring District Council bought the land from Bristol City Council for the sum of £210,000; the transfer included a covenant stating that it was for "public open space and for no other purpose whatsoever".*

*On 28th April 2015 Chris Bloor of the Open Spaces Society wrote to Jo Duffy, Clerk to Portishead Town Council, and urged that claims should be made for any Rights of Way that have been established over the last 20 years; he advised that this was urgent, and that the claims should be made swiftly to protect the interests of the people of Portishead, as he considered that the future of the land was in danger. He describes the two claimed Rights of Way to be recorded, as one passing through the site broadly parallel to the coastal path and a further north- south path leading to a gate in Nore Road. He also advised that access had been unhindered in excess of 40 years.*

*The first right of way (A-B-C my insert), parallel with the present coastal path, is in constant use. People use it when the coast path is impassable. This occurs during the winter, when it can become extremely muddy and slippery, and also during the summer when it can become overgrown. The coastal path is frequently crossed by streams. The proposed path can be clearly seen as a well-worn path if you consult "Google Earth" maps, and I have also provided photographs of its use as further evidence. (these have not been included in this report).*

*The second claimed path (D-B my insert), that from the (now locked) gate on Nore Road, down to the first claimed path, is a bit less straightforward.*

*The gate was put into the new fence during 2008, and has since been used constantly as an access point by the public, until it was locked sometime during 2015. We have evidence that this path has been in use in excess of 20 years. I have looked at old postcards of the area and it seems that there was always access at that point, although I am not able to provide evidence, except that provided on the user evidence forms.*

## **Consultation and Lessee Responses**

### **Consultation Responses**

Pre Order Consultation letters were dispatched on the 3 July 2017 to local user groups, utility companies, known landowners and parties who had expressed an interest to the notices that had been placed on site. Additionally, correspondence that was held on Council files has also been taken into consideration.

The following parties responded to this consultation, the content of their response also being recorded.

<b>Name</b>	<b>Objection or Supporter</b>	<b>Comment</b>
Wessex Water	Comment	According to our records, there is a public rising main crossing the proposed path diversion. .... Wessex Water normally requires a minimum six-metre easement width on width either side of its apparatus, for the purpose of a maintenance and repair.....It is further recommended that a condition or informative is placed on any consent.....
Bristol Water	No Objection	We confirm that we have no objection to the proposed stopping up modification order at the above address.
Atkins Global	No Objection	We refer to the below or attached order and confirm that we have no objection.
Plant Protection	No Objection	Cadent and National Grid therefore have no objection to these proposed activities
Virgin Media	No Objection	Virgin Media and Viatel plant should not be affected by your proposed works and no strategic additions to our existing network are envisaged in the immediate future.
Openreach	No Objection	Openreach does not appear to have apparatus in the area of your proposals. Openreach will not object to these proposals, however, we will insist on maintaining our rights.....
Mr R Brown Gordano Footpath Group	No Objection	I can advise you that the Gordano Footpath Group has no comments to make on the proposals.
Portishead Town Council	Support	Portishead Town Council discussed the above at its meeting on 11/10/17 under minute number 2888 and responds to the consultation: <i>Portishead Town Council responds that no member of the Council has been made aware of any obstruction on this land prior to their attention being drawn to the locking of the gate. We recommend that both Orders be confirmed.</i>
Mrs A Townsend	Applicant	As in our recent phone conversation it was agreed that I would prepare an evidence bundle for your information. The information in this report is a mixture of emails and addresses to Council sent by Ann Townsend to Officers and Councillors at NSC regarding the land known as Portishead Golf Course.; I have provided dates and times the emails was sent to NSC. The report also includes emails received by NSC Cllrs and Officers

I would be grateful if you could confirm that you have previously received them. (Full document submitted together with transcripts of the emails referred to are attached to this report as **DOCUMENT 1**)

Mrs J Davey      Applicant

I am writing to you in support of our application for two Rights of Way over the Golf Course in Portishead, in response to your letter of 4th September 2017. I wish to speak on behalf of those who have not used the footpaths for the length of time required (20 years use) to fill in a User Evidence Form, but nevertheless use the paths on a regular basis. I include with this group those 1170 people who signed the petition in April - June 2015. This petition was handed in to North Somerset Council in June 2015. The majority of those who signed were residents, who use the footpaths regularly, and there is overwhelming support for the retention of unrestricted public access to the land, for all. I also include the more than 100 people who walked both of the footpaths on 5th October 2016, a randomly chosen Wednesday for our survey. Just 2 golfers played that day. Very few of those walkers had accrued sufficient years to fill in a user evidence form, but they all, when interviewed, expressed the desire for this area to remain open to access for all. Let us also not forget the 5th November, 2016, where approximately 200 men women and children took part in a walk across the golf course, many with dogs, along the proposed footpath parallel with the Coast Path. Finally, the Covenant on the land, from 1984, when this land was bought from Bristol City Council by Woodspring, states that this land is "for public open space and for no other purpose whatsoever." This land is our legacy, part of our future, bought with our money through Council Tax.

Mrs A Townsend      Applicant

The attached pdf file provides a response your e-mail of 13th November 2017 and provides supplementary information relating to the Pedestrian gate on Nore road and in support of Mod 102. This document is attached to this report as **DOCUMENT 2**

## Landowner and Lessee Responses

Name	Objection or Supporter	Comment
Mr R Watkins (dated 24.11.13)	Objector	<p>I am writing with regards the public rights of way matter affecting the golf course. As the leaseholder and tenant of the land we are most disappointed with this development, however, we understand once an application has been made a process has be taken to resolve the matter. We would like this letter to support the completed evidence form you sent us.</p> <p>Our evidence and information is below-</p> <p>We created a partnership and signed a lease with the council on the understanding that dogs are not allowed on the land. It was also our understanding this has always been the case, evidence of this is the old council sign still visible on the sight. This would affect the lease and agreement, signed in 2013, we have not investigated the legal implications.</p> <p>Prior to the lease being signed the council erected planning notices along Nore Road and around the course, there were a number of details on the notices which stated when the golf course is operational there is no right of way, the land is primarily for golfers and there was to be no dog walking. Through the council it is our belief that the planning notices raised no objections.</p>

There is a public footpath along the length of the golf course next to the coastline, this we believe is metres from where the application has stated where they would like a right of way on the golf course. This application seems very strange and unnecessary when there is a footpath close by already, we have cleared and improved the path for users so it is fully functional for anybody who wishes to use it.

The course is completely enclosed, we can only say this is for a reason. There are a couple of access gates which are locked by us, the operators of the land. The only access to the land is the gate by the car park which is open at all times during operational hours. Fences and bushes have been damaged or even removed so people can wrongly access the course, during our tenure we have blocked up these areas on numerous occasions only for them to be swiftly unblocked again.

If permission was granted it would be a clear conflict of use and interest and as stated before would create issues with our business, the council and the lease we signed for the land. Along with the footpath there are plenty of places neighbouring and close by to walk and walk your dogs. It would affect our business financially as golfers would get fed up of people and dogs walking on the course, it would be bad for business and so would create an issue with the council. It also should be considered that it could be dangerous for non-golfers to be on the course, an example of this is there are blind shots on holes seven and nine which could be an accident waiting to happen. Unfortunately, since we have been at Portishead we have experienced difficulties with a number of dog walkers. There is no courtesy towards us or our customers, dogs are never on the lead and uncontrollable (causing damage which could be construed as vandalism or criminal damage), dog mess is littered around the course and buildings (in bags and not in bags) and even hanging in trees! Also, debris such as sticks and balls are left on the course which could possibly damage our expensive specialised golf machinery. There were two cases in July where dogs have bitten people on the course, one individual was a customer and we have not seen him since. It is a minority but it seems a group are intent in creating problems and affecting our business – unhappy that this land has reopened as a golf course, displaying ignorant, arrogant and antagonistic behaviour. In all these cases we are polite and try to be diplomatic but as we are powerless there is little we can do. We fully believe if access was granted the behaviour and attitudes would actually be worse than they are now which would have huge implications for us.

We are now keeping a note since the application of all problems we encounter regarding access to the golf course. We would appreciate you considering the facts in this letter and if there are any questions please do not hesitate to contact us.

Mr A Stiff - Lessee	Objection	OPEN LETTER Please be aware that on behalf of; Portishead Golf For All Limited, Golf For All Limited, Luckland Limited that we have taken advice that the modifications proposed to introduce footpaths that dissect the golf course render the golf course unsafe to be used with the new proposal. The footpaths would therefore close the golf course as it currently is on the basis of being unsafe to play golf with the public using footpaths. As the leaseholder we would expect to receive compensation for the loss of our lease. We therefore object to the proposed modification and wish to continue running the golf course.
Mr A Stiff	Objection	From the point of Portishead Golf For All we do not want these

Lessee

footpaths, so if granted they are strongly against our wishes. The new routes are crossing some of our holes and at some points' hole 9 in particular a walker would be correctly walking on a designated footpath path and a ball from the 9<sup>th</sup> tees could hit them, the golfer can't see the walker or vice versa. A similar thing happens at hole 7 which would be very affected by the new path. To consider to play golf under this arrangement would be foolish. We still want to operate this golf course and have waited well over a year for the decision. We want to make the golf course better so it can succeed not worse with shorter holes.

## North Somerset Council investigation

### Land Transfer Document dated 13<sup>th</sup> March 1984

This conveyance dated 13<sup>th</sup> March 1984 between The City Council of Bristol (the Vendor) and Woodspring District Council (the Purchaser) relates to the area of land over which Portishead Golf Course runs. It confirms that the land was sold between these two parties for a like estate at the price of £210,000.

Paragraph 1 of this document describes the land conveyed as “....ALL THAT freehold piece or parcel of land (hereinafter called “ the said land”) situate adjoining Nore Road Portishead in the County of Avon containing by admeasurement an area of 52.9 acres or thereabouts and known as The Golf Course Nore Road Portishead aforesaid all which said land is for the purpose of identification only delineated and shown edged in red on the plan annex hereto TOGETHER WITH the rights specified in Part 1 of the Second Schedule .....

Paragraph 2 describes a covenant between the parties relating to the retention of rights “The Purchaser on behalf of itself and its successors in title the owners and occupiers for the time being of the said land ....covenant with the Vendor for the benefit of land retained by the Vendor and shown coloured blue and green on the said plan and each and every part thereof to continue to lay out maintain and use the said land as public open space and for no other purpose whatsoever and it is hereby agreed and declared that Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and any enactment for the time being replacing the same shall apply insofar as the said section is capable of applying to this covenant and that this covenant shall be enforceable according but without prejudice to all and any other means at law or in equity or by statute of enforcing the same”.

The First Schedule relates to rights granted to the Vendors for the parking of motor vehicles on the land shown coloured brown.

The Second Schedule relates to rights to sue the entrance and exit driveways and their maintenance.

A copy of this conveyance is attached to this report as **Document 3**.

### Lease between North Somerset Council and Golf for all Limited dated 12 April 2013

This lease dated 12 April 2013 details within the First Schedule the operation covenants by which the lessee must comply. In regard to the fencing and gates on the site the relevant sections are points 8, and 9 which read as follows:

(8) To carry out all ground maintenance to keep the Golf Course including any gates boundary fences or other structures in good repair and condition to the satisfaction at all times.

(9) To carry out grounds maintenance which maintains the current extent of hedgerows and scrub with trimming of the boundary hedgerow no more than over every two to three years to encourage berry production.

Similarly, sections 12 and 13 relate to how notification is to be displayed advising when the course is open.



(12) To manage advertise and promote the Golf Course as being open to the general public as a 'pay and play facility' at all times during which the course is being used for the playing or practising of golf. Any membership scheme is to be operated with no bookable slots being available to members in preference over members of the public wishing to play to play.

(13) To ensure that the amenity is easily identifiable as being open to the public by maintaining an appropriate sign or flag visible from Nore Road.

There is no specific consent in the lease to allow the lessee to exclude the public totally from the land. What is mentioned within this lease are actioned which require the lessee to maintain the boundaries. The tenant is specifically obliged to make the golf course land available for the use by the general public for the purpose of playing and practicing golf on a pay and play basis and to promote the land when open. This is different to the tenant being required to make the golf course available to the public for general access for non-golf purposes.

A copy of the relevant extracts from this lease are attached to this report as **Document 4**.

### **Erection of Fence adjacent to Nore Road.**

The erection of the metal fenceline on Nore Road has frequently featured in discussion either by the applicants or the Users. Investigation was undertaken to try to establish the circumstances around the installation of the pedestrian gate on Nore Road. Information found relates to the Works specification, the cost and the supplier however no formal invoices or follow up documents have been found.

The Works Specification describing the works to be undertaken includes the removal of the existing post and rail fencing, removal of vegetation and the erection of Tangorail fencing. These instruction clearly states that the contractor is to install a lockable gate in fence line.

What is known is that these works cost £33,980.70 in 2007/2008 and the fencing was installed by SB Fencing. What is not known is why two gates were installed, a 5 Bar field gate and a small pedestrian gate. It is presumed that the gate described in the works is that of the 5 bar gate which would allow access for machinery as there is a ramp onto the golf course. It has also been presumed that the installation of the pedestrian gate allowed access further along Nore road for walking maintenance men undertaking strimming of the vegetation along this fenceline, however it has not been possible to verify this. What is known is that this gate has been in existence for the last 10 years and through information gained from the Users prior to that there was a gate followed by a gap which gave access to the golf course.

A copy of the works specification is attached to this report as **Document 5**.

### **User Evidence Forms**

A summary of these documents has been produced which illustrates the information gained from these forms. This document is attached to this report as **Document 6**.

The full amount of User Evidence Forms has been collated together (93 in total) claiming that one or both of these routes have been used since 1937 by residents of the area. It is claimed that these routes have been open and available to users since 1937 until the previous lease holder placed barriers to stop access in 2013 and then the locking of the gate on Nore Road in 2014. The barriers were only in situ for a few days before being

removed, the gate was unlocked in September 2016 following agreement with the lessee to allow permissive access whilst this application was determined.

From the information obtained from the user evidence forms, below is a brief outline of their content. Of the 93 forms considered:

In regard to the route A-B-C:

- 75 Users claim to have used the route A-B-C as part of their walk.
- Of those users 54 people claim to have used the route A-B-C for 20 years or more
- The use of this route varies between daily, monthly to over 700 times per year
- Three of these users recalled the attempts made to block this route by placing branches across the access.
- Of these 75 users all have claimed their reason for use was for pleasure and undertaken on foot, two of these also claiming use on a bicycle.
- None of these 75 users recall being stopped or told that the way was not a public right of way.

In regard to the route B-D

- 31 Users claim to have used the route D-B as part of their walk.
- Of those users 29 people claim to have used the route D-B for 20 years or more
- The use of this route varies between daily, monthly to 300 times per year.
- 26 of these users recall the existence of the pedestrian gate on Nore Road
- Of those 31 users all claim their reason for use was for pleasure and undertaken on foot.
- None of these 31 users recall being stopped or told that the way was not a public right of way.

In addition to the above the following information should also be noted.

- 14 of these forms have not specified the dates when these routes have been used.
- 9 Users have illustrated their claim along the coastal path which is already recorded as a footpath.
- 3 Users have not illustrated their plan at all.
- When asked if any notices seen on site 14 users have recalled the existence of notices. These relate to the permissive access from Sept 2016, advising of weed killers having been used, keep away from rock face edge, No Dogs sign from Windmill Carpark, No Horse Riding, dangerous cliffs and swimming, by golf course not a public right of way, by yacht clubhouse No Cycling and by Windmill 'Beware Golf Balls'

General comments on these forms advise that users can be seen from the road and adjacent properties so owner occupier would be aware of the public using these routes.

In addition to the above document a tabular graph has been produced from these user forms illustrating the period of use. This graph is attached to this report as **Document 7**.

### **Landowner Evidence Form**

In addition to the previously mentioned response from the original lessee Mr R Watkins a Landowner Evidence Form was also completed. Although only having been the lessee for

6 months Mr Watkins had known the land for 2 years prior whilst negotiating the lease. This Evidence form details questions asked and responses given states the following:

When asked the following questions:

*If aware that members of the public were using a route across this land* his response was "Most days some member of the public walk this way".

*Have you ever required people to ask your permission before using the way* his response was "No because they already have a footpath 10 yds away and I've told them to use that"

*Have you, or has someone on your behalf, ever stopped anyone from using the way (detail and dates)* his response was "On a weekly basis, I have told persons it is not a right of way and to use the footpath June-July-August-Sept-Oct-Nov 14<sup>th</sup>"

*Have you or someone on your behalf ever told anyone using the way that it was not a public right of way* his response was "every week for the past 6 month – dates as above".

*Have you ever erected notices or signs stating that the way was not public* his response was "signs were put up along Nore Road on Lampposts months before the Golf Course opened "No Right of Way – No Dog Walkers' plus there is a sign either end of path".

*Have you ever obstructed the way* his response was "The entrances have been repeatedly blocked by barricades and branches – and always cleared".

*Do you have any documents or other evidence that would help to clarify the status of the way* his response was "The Council has copies of these documents in the lease".

## **Interviews**

We did not interview every one of the Users due to limited resources caused by the extensive number of directions which have recently been issued by the Secretary of State. In Order to ensure a detailed understanding we decided to only interview users who claimed over 25years, the reason being if there was consistency in responses this would provide sufficient evidence to draw conclusions.

Therefore 61 of the 93 were invited for interview, of those only 25 accepted the invitation.

These interviews were undertaken at Portishead Folk Hall on 6<sup>th</sup> and 7<sup>th</sup> September.

At the time of the interviews conducted by the Senior Access Officer the user was asked a series of questions similar to that on the user evidence forms and asked to identify the route they had used on an A4 size plan. The information given was then compared against the original user evidence forms submitted. Overall it was found that these persons recollection of their use of the area was consistent with that detailed upon their form. In addition to this recollection of the area prior to the current lease showed that the residents of this area value this area of open land however understand that it is a golf course and that users should keep to a specified line. It also enabled a better understanding of where these users were going or coming back from.

A table detailing the verbal information gained during these interviews is included as **Document 8.**

## Permissive access

Following the locking of the gate on Nore Road, North Somerset representatives met with the lessee Mr Stiff to see if agreement could be reached on allowing public access to the Golf Course whilst these applications were awaiting determination. The reason for this was the hope that such action would defuse what was at that time a very volatile location. Eventually, agreement was reached and the locks were removed in September 2016. The agreement was that access would be allowed on a trial basis for a period of 12 months and the situation would be monitored. Both the lessee and the applicants were asked to report any incidents back to the Council. A subsequent meeting agreed that the trial would continue whilst this matter was being determined.

## Reported incidents of confrontation and damage

The incidents reported seem to relate to where walkers let their dogs off lead not keeping a dog under close control, do not stick to the nominated routes and do not pick up after their dog. The full details of the complaints are listed below:

Date of Complaint	Comment
11 Oct 16	We had an incident yesterday that I would like to record as an official breach. The main consistent breach is that dog walkers unleash their dog as soon as they enter the property and naturally the dog runs off. This is not 'close control'. Yesterday at 09.01 A gentleman entered the golf course without his dog on a lead and walked up the first fairway and was 100 yards away from his dog, the man was not looking in the direction of the dog and was unaware that it s**t on the grass so did not pick it up. This is recorded on CCTV. Pictures are posted on our facebook page Portishead Golf Course. I think we need an amendment that close control needs to be on a lead. Let me know your thoughts.
22 Oct 16	There are now daily incidents of dog walkers just allowing their dogs to run wild. A second one today was captured on CCTV where the dog appeared to s**t actually on the 1 <sup>st</sup> tee with its owner 60 yards in front facing the other direction so the owner did not know what the dog was doing and not in close control of the animal. If this trial is going to continue then I think the dogs need to be on a lead. Really walking across the golf course is not a great idea. Some people are reading the sign that they have to go around the edge but many just walk straight across on a non footpath route. If we get the golf course busier then from the 9 <sup>th</sup> hole the walkers are blind to the golfers and could be struck with a ball. The permitted path is the exact route of the 9 <sup>th</sup> hole. In all honesty we are trying to make the golf course work without doing it properly, the design that we got planning for that was stopped by landlords consent was safe in terms of visibility not that is your department I know. If you want to see the pictures they are on facebook under Portishead golf course.
6 Nov 16	I would like to report an incident regarding the Portishead Golf Course. We are aware that **** is currently logging incidents on the course, and reporting these on his Portishead Golf Course page on Facebook. On Saturday 5th November 2016 we had a community walk on the golf course, sticking to the claimed rights of way, as indicated on the new signs. Between

170 and 190 residents took part; some people were accompanied by their dogs, on leads. It was a delightful community event, which was held to highlight the threat of removal of access, highlighted in \*\*\*\*\* letter in the North Somerset Times of 12th October 2016. Unfortunately I was the victim of cyber bullying, and the page organisers banned further contributions from the perpetrators on the site. One person (a \*\*\*\*\*) threatened to use the walkers as moving targets: "See you there might be some moving targets!". As organiser of the event, I would have been irresponsible had I not taken this seriously, and this was reported to the police on 1/11/16 (log number 694). A further golfer claimed that he did not need to pay for his round, as he was already a member of the course. I checked the lease, and I believe this document indicates that this is not a member golf course. He was also fairly abusive on social media. I have kept a hard copy of this exchange if you wish to view it. I would like to know if the concessionaire is now allowed to have members on this course, and wish to see any documentation changing the terms of the lease. I would not normally inform you of such behaviour, but in the past North Somerset Council has claimed that they have not been kept informed.

9 June 17

Wednesday 7th June 10am, Portishead Golf Course I'd like to report harassment and aggressive behaviour from the man using a sit on grass mower on the golf course off Nore Road - I was walking my dog right on the edge of the long grass and the man was a long way off. He purposely drove towards me and turned around and mowed consistently to within 2 feet of me for 50 meters - on grass that had already been cut. Then he stopped to chat to a co worker on another mower for the remainder of my journey. I was very threatened and felt in danger & bullied by this behaviour. Luckily my young dog is well under control and stayed to heel during this period despite being in huge danger with the tyres and blades just inches from her paws. This person appears to be picking out dog walkers (I know of 2 other females who have experienced the same this week) and purposely mowing extremely close to them during a peak dog walking time (9-10am). We have a right of way on this land. Always pick up dog mess and avoid the green of the course at all times.

22 Aug 17

I feel I need to bring to your attention an incident that happened this morning 22/08 at 08.30. Whilst mowing the fairway on hole 8 I was forced to do an emergency shut down of my ride on mower as I had two brown Labradors running directly towards me. They then proceeded to sniff all around it including the blades which had I not shut down would still have been spinning. I then approached the owner of the dogs (\*\*\*\*\*) and asked her politely to keep her dogs under control, she immediately became hostile and indicated that as it was public land her dogs could do what they wanted and that there were no rules saying otherwise. I brought to her attention the signs we have placed around the entry and exit points that explain what is expected of walkers and dog walkers but again was met with hostility. My only concern was for the safety of the animals. I am writing this because I have a very real concern that an accident is imminent..

\*\*\*\*\* has sent through the last weeks pics. \*\*\*\*\* has broken the rules!!!! I think you can use this as strong evidence that the golf course and dog walkers can't work. When you make your decision you must remember that the decision to adopt the footpaths will result in rendering the golf course as it is no longer fit for purpose and we will have to surrender the lease as the details of the lease would have materially changed.

As can be seen from the reports which have been submitted during this trial period that some abuse of the permission given has seemed to have occurred (not keeping to the line of the claimed routes) and conflict between users and staff. The result of this trial has no relevance upon these claims however does illustrate that the users of this area are not just using the claimed routes

## **Conclusion**

In regard to the route A-B-C. From the evidence that has been obtained from the user forms and interview statements it appears that this route has been used periodically by some and all the time by others as a footpath providing connectivity between the Coastal Path at Point A and Point C. Due to there being no permanent restrictions the residents of the area have got used to this being an alternative to the Coastal Path.

From the evidence submitted by Mr Watkins attempts were made in 2013 to restrict users coming onto the Golf Course to use the route A-B-C. Initial contact was made by Ms Courtney in August 2013 requesting a Definitive Map Modification Order application. Therefore it is reasonable to presume that the action of Mr Watkin prompted Ms Courtney to apply. Therefore the date of challenge should be taken as August 2013.

In regard to the route D-B. From the evidence that has been obtained from the user forms and interview statements this route has been used by the public for gaining access to the route A-B-C or the Coastal path. It has also been used as a means of creating circular routes.

It would appear from the evidence submitted by the users that the pedestrian gate on Nore Rd was padlocked around August 2014 when Mrs Davey made a request for a Definitive Map Modification Order application. Therefore it is reasonable to presume that the action of Mr Stiff prompted the action of Mrs Townsend and Mrs Davey to apply. Therefore the date of challenge should be taken as August 2014.

It is also clear from the evidence submitted that users of these routes have also wandered all over the golf course, this seems to have become common practice when the site was unused as a golf course and continued today. Such action as wandering over all the land is outside the legislation for a Public Right of Way to be established. Should these applications be successful, then the practice of wandering would be expected to cease with only the legally established footpaths being used. Such use off the claimed routes would be a trespass against the owner of the land and could be subject to challenge.

It is quite clear from the evidence shown on the graphs attached to this report that during the period 1937 and 2017 that clear use has existed over both of these routes for a period of twenty years or more.

## Summary of Evidence and Conclusion

### Definition of a Footpath

**“Footpath” means a highway over which the public have a right of way on foot only’**

### Summary of Applicants Evidence

The Definitive Map Modification Order applications submitted by Ms Courtney, Mrs Townsend and Mrs Davey both consisted of the required application form together with a plan illustrating the claimed footpaths, 93 User Evidence Forms and confirmation that notice had been served on the landowner North Somerset Council. These three ladies were not interviewed along with other users as their evidence fell short of the 25+ year cut off point. However Mrs Townsend and Mrs Davey have submitted comment which is included in this report

In response to the documentation submitted by Mrs Townsend and Mrs Davey I believe that this has been addressed within the investigation undertaken by North Somerset. Based upon the evidence obtained through the Interviews it would appear that there was a gate/gap at the location now occupied by the Pedestrian Gate. Such existing provision probably lead to the contractor/Council Officer to consider that a new pedestrian gate should be installed.

### Summary of User Evidence

The information obtained from these user evidence forms suggests that the routes A-B-C and D-B has been available for many years the earliest being claimed as 1940 (there was one user who claimed from 1937, this turned out to be use of the Coastal Path). Based upon the submissions received it would appear that the use of A-B-C route was not challenged until the lease of the golf course was re-issued in 2013 and attempts made to stop access at Points A and C. These actions have failed and use has continued.

In regard to the route D-B the use claimed suggests that this route was available for use until 2014 when the lessee padlocked the gate, this has since been unlocked by agreement with this lessee.

It can be seen from the information detailed in **Document 6** that many of these users who have claimed to have used these routes on a regular basis have done so on foot, as part of a dog walking route, when out running, as part of family walks, for accessing local beauty spots and as part of a long distance walk. Some claim to have chosen to use the route A-B-C instead of the Coastal Path because of ground conditions. Use has been made of the route D-B as this provides direct access for residents of the houses on Nore Road and neighbouring properties. It is not necessary to establish the reason that these routes were used, only that they were used as of right, not secretly or unobserved.

Of the 93 User forms 75 claimed to have used the route A-B-C, 54 of which for 20 years or more. The use made varied between daily to 70 times a year, only three recalled the attempts to block and none recalled being stopped or turned back.

When looking at the route D-B whilst the number of users is 31, 29 of them claimed usage of 20 years or more. Again the use varied between daily and 300 times a year, 26 users

recalled the existence of a gate on Nore Road, some recalling an early gate when the fence line was wooden and none recalled being stopped or turned back.

A minimal number of the users recalled the existence of a notice, the only one referred to was a Woodspring Notice placed on the gate from the Windmill Pub carpark which states "No dogs on Golf Course". This notice would only have been seen by persons using this access. This access is not on either of the claimed routes A-B-C or D-B.

### **Summary of Interview evidence**

The current lessee is of the opinion that these routes should not be recorded as public rights of way. He is trying to re-establish this golf course as one which visitors will want to come to and feels that the existence of public footpaths across the course pose a health and safety issue which he would not be able to get insurance for, thereby rendering his intentions unobtainable. It should be noted that Public Rights of Way do exist on many golf courses across the country.

Other than the information supplied by Mr Watkins and Mr Stiff , no other evidence has been found to show that the public have been denied access to this area at any other time in the past.

In regard to the 25 persons who were interviewed, all users were clear as to the routes which they had used. Those with the longest use had clear recollection of the golf course going back many years recalling the old wooden fencing, the existence of a gate on Nore Road which fell into disrepair leaving a gap until the metal fencing was erected and using A-B-C as an alternative route for the Coastal Path if it was in a poor or muddy condition.

Taking into consideration all of the information that has been collated from the user evidence forms and comparison of this information with that obtained during interviews the content has left no doubt that these routes have been used by the public.

### **Conclusion**

It is a requirement placed upon an applicant to ensure that when submitting an application for a Definitive Map Modification Order that compliance with the regulations is adhered to. The legislation states that an application should be submitted in the prescribed form, notes relating to this are on the rear of the application form. It states that the application form is submitted accompanied by a plan, that all affected landowners are notified of the application and that all relevant evidence is submitted. Both of these applications have met these requirements.

The legal test to be applied to this application is Section 53(3)(c) whether a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic.

Such use as described in this report relating to the route A-B-C and D-B must be regarded as strong evidence of their existence thereby meeting the test laid out in Section 53(3)(c).

In addition to this Section 31 (1) of the Highways Act 1980 provides that, "Where a way over land, other than a way of such character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption for a full period of twenty years, the way is deemed to have



been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it”.

Based on all of the information contained within this report it is considered that the relevant legal test has been met and that the user evidence covering the 20 year period between 1940 and 2013 raises a presumption of dedication under S31 HA 1980.

In addition to this these routes appear to have been used without force, without secrecy and without permission. No evidence has been produced to show that previous owners erected notice, took action to stop use or verbally objected to the public use until 2013. Therefore dedication under Common Law may be inferred from the landowner’s inaction.

**DOCUMENT 1**  
**Mrs A Townsend's submission**

Information and evidence pertaining to MOD 102

FAO Elaine Bowman Senior Footpath Officer, North Somerset Council  
(NSC)

**Subject: Application for Modification of the Definitive Map under  
53(5) of the Wildlife and Countryside Act 1981- Portishead Golf  
Course, Portishead (Grid Ref: ST4576)**

As in our recent phone conversation it was agreed that I would prepare an evidence bundle for your information.

The information in this report is a mixture of emails and addresses to Council sent by Ann Townsend to Officers and Councillors at NSC regarding the land known as Portishead Golf Course; I have provided dates and times the emails were sent to NSC. The report also includes emails received by NSC Cllrs and Officers

I would be grateful if you could confirm that you have previously received them.

**17<sup>th</sup> November 2016.** 2:21 pm. Email sent to Elaine Bowman. Copied in John Flannigan

**23<sup>rd</sup> November 2016.** 10:42 am Email sent to Tim Nelson. Copied in: Elaine Bowman, John Flannigan. Attachment: Address to PRow Sub-Committee 15<sup>th</sup> November 2016.

**19<sup>th</sup> December 2016.** 14:46. Email sent to Elaine Bowman, John Flannigan NSC. Subject: MOD 102 Attachments: Transcript of my address to PTC full town Council on 14<sup>th</sup> December 2016, Email received from Cllr Pasley in August 2014, included in this email are transcripts from Harvey Purnell NSC employee. The contents of this email were also copied to Cllr Jolley, Burden, and Tim Nelson NSC.

**12<sup>th</sup> January 2017.** 1:09 pm Email sent to Elaine Bowman. Copied to Janet Davey (joint path applicant, Portishead resident) John Flannigan. Subject Portishead Golf Course RoW

**30<sup>th</sup> March 2017** 5:16 pm. Email sent to Elaine Bowman. Copied to Ann Harley, Tim Nelson. Subject: The land known as Portishead Golf Course. Attachments: Survey: A brief study of usage of the land known as Portishead Golf Course, March 2017.

**4<sup>th</sup> April 2017.** 4:15 PM. Email sent to John Flannigan, Elaine Bowman, NSC. Copied to: Tim Nelson, Ann Harley Subject: Meeting notes. Attachments: My address to the PRow Sub- committee meeting 28<sup>th</sup> March 2017, Weston Town Hall

**13<sup>th</sup> April 2017** 3:44 pm. Email sent to Tim Nelson. Copied in John Flannigan.

**July 29<sup>nd</sup> 2017.** 7:12 pm. Email sent to Elaine Bowman, John Flannigan NSC. Subject: Record of walkers/dogs use of coast path and claimed paths on Golf Course. Enclosed is an email from a Portishead resident highlighting a survey carried out by him between 27<sup>th</sup> Sept 2016 and 31<sup>st</sup> March 2017. This resident attended an interview with Elaine Bowman in September 2017 at the Folk Hall Portishead. The resident handed Mrs Bowman the results of his survey in hardcopy form whilst attending his evidence of use interview.

**31<sup>st</sup> July 2017** 10:34 am. Email received from Elaine Bowman to Ann Townsend. Subject: Hilary Chapman. Email acknowledges receipt of the attached user evidence form. Mrs Bowman states “I consider that the amount of forms which have been submitted is sufficient to establish a recommendation to the Committee I would therefore ask you not to submit any further forms”

**19<sup>th</sup> September 2017** 10:04 am. Email sent to Elaine Bowman Subject: Our recent conversation re: MOD 102.

## Details of the correspondence referred to above by Mrs Townsend and requested to be included.

### Email dated 17<sup>th</sup> November 2016

Please see attached my address to the PRow Sub Committee on the 15<sup>th</sup> November 2016.

I am conscious that we didn't discuss some of the details raised in my address e.g. I note that as part of your evidence to the committee you agreed that the number of user evidence forms relating to MOD 102 held by you is 79 (24 = Mrs Courtney's 55 = Janet D and myself) I would therefore be grateful if you could confirm this figure, and that you are also able to accept additional user evidence forms.

### PRow Sub Committee meeting 15<sup>th</sup> November 2016.

Thank you for providing the opportunity for me to speak this afternoon, as you can see I am here alone; however I would like to reassure you that I am represent a significant number of interested parties.

My subject is: The Definitive Map Modification Order 102, AKA **MOD 102**, this relates to the land known as Portishead Golf Course.

The Secretary of State having considered the application, and after consulting NSC, has concluded that the application should be determined without significant delay, the Planning Inspector has resolved that this should be no later than Feb 2018, she felt this to be a reasonable timescale.

Following several requests made to various Council meetings including the Local Access Forum held at NSC offices at Castlewood, I am pleased to note that the report to this committee RECOMMENDS that the MOD 102 footpath applications submitted in 2015 is determined at the same time as Mrs Courtney's.

I am heartened to read from this that NSC has recognised that to process both applications simultaneously is, and I quote "Practical to do so" The recommendation would also seem to be prudent both in terms of time, efficiency, and cost to the taxpayer

Having examined the report to the Public Rights of Way subcommittee I note that under Section 3, Details, NSC arrived at a different figure to me in terms of user evidence forms received.

This anomaly has been resolved, after having met with Elaine Bowman (Senior Access Officer for Public Rights of Way) it has been agreed that a total of 55 form are to be assessed and not 45 as per the report. Mrs Bowman has also confirmed

that NSC will accept additional user evidence forms right up to the personal user evidence interviews, whenever that may be.

The Planning Inspector notes the applicant has indicated the importance of the land and in particular the right of way to the community, we concur, this site is of huge importance to a significant number of users.

There have been several arguments made about the lack of risk to the land in terms of development etc. however, users of the land some in excess of 70 years remain unconvinced, preferring instead the safety net of legislation. We feel this will offer peace of mind.

I am reminded of the covenant relating to the site in which it states the "said land to be used as public open space and for no other purpose whatsoever" our interpretation is that this is for everyone's use, not just fee paying golfers.

Can the committee confirm today, that the recommendation made in the report will be adopted?

Thank you

## **Email dated 23 November 2016**

Dear Mr Nelson,

I have attached my address made to the above meeting as promised. My address refers to 55 user evidence forms held by North Somerset Council (NSC) the actual total to be determined under MOD 102 is: 79, ( it has been confirmed by Elaine Bowman that 24 u/e forms were submitted by the 2013 applicant)

I have taken a few notes from Tuesday's meeting, in order to convey my understanding of the items and outcomes discussed by those in attendance.

**Committee members:** Ann Harley (Chair) Peter Burden, Karen Barclay, James Tonkin, Terry Porter 3 members were in favour of the **recommendation** of the PROW footpath team report 2 against.

**The majority on the committee voted in favour of determining both paths simultaneously by Feb 2018, as recommended by NSC footpath team.**

Those in favour: Harley, Barclay, Porter. Those against :Burden Tonkin

NSC Council Officers in attendance: John Flannigan, Elaine Bowman. (Public Footpath Rights of Way team)

Cllr's in attendance :David Jolley district councillor for Portishead West Ward

NSC Minutes: Council officer, Tim Nelson

Public attendees: Ann Townsend

Cllr Peter Burden explained that his objective is to seek a consensus from the landowner (NSC) and requested that both claimed paths are “Deemed Dedicated” paths, he stated that this would be the most sensible action to take. His statement to the committee was that he felt that this was the right thing to do given that there were errors by NSC in drawing up the lease for the lessee currently managing the Golf course.

Cllr Peter Burden went on to say that the pedestrian gate on Nore Rd was installed by NSC because it was an acknowledged access point for walkers etc. many who have enjoyed use of the land over many years. Peter B also gave evidence of his own use of the gap in the wooden fence which was in existence prior to the present black metal pedestrian gate. He acknowledged that this gate locked by the lessee, has caused considerable problems for users of the land.

Cllr Peter Burden concluded by telling the committee that the current leader of the Council Nigel Ashton, told him he walks his dogs over the Golf Course, and makes use of all the land not just the claimed paths.

John Flannigan stated that the present lessee has refused permission for dedicated paths onto the Golf Course. He stated that there is signage at access points onto the land which was erected by NSC. NSC and the lessee are giving “Permissive Access” for a trial period.

Cllr Jolley stated that he fully supports the officers recommendation, he further confirmed that there was no reports of incidents regarding: the organised walk on 5<sup>th</sup> November 2016. He has asked Elaine Bowman to check the minimum number of user evidence forms determined that has resulted in a dedicated footpath i.e. entered onto the Ordnance survey map. He also made the point about NSC’s limited resources in terms of footpath specialists

Cllr Terry Porter was keen to understand why everyone who has filled out a user evidence form needs to be interviewed. He stated that given there could be adequate people who satisfactorily fit the criteria and meet the grounds for usage it would appear to be sensible to adopt a strategy to save time. He used an example: if 10 interviewees whose evidence is sufficiently robust to satisfy the NSC footpath team, this may assist them to efficiently manage their limited resources.

Elaine Bowman stated that she needs to interview everyone who has completed a user evidence form. Elaine Bowman also told the committee about the importance of considering all the evidence with impartiality. The committee members agreed that even though NSC owns the land it essential that all decision makers are seen to be objective.

Ann Townsend stated that the pedestrian gate on Nore road was unlocked in September 2016.

## Email dated 19 December 2016

I am forwarding two attachments for your files. The first is a transcript of my address to the full Portishead Town Council (PTC) held on 14<sup>th</sup> December 2016, the second is an email received from Cllr Pasley in August 2014. Please accept this is as additional information in support of MOD 102.

I note from the 15<sup>th</sup> November PRow draft minutes held on the N.S Somerset website, a reference to the debate re: the current arrangements with regard to the metal pedestrian gate on Nore Rd, Portishead. You will know that this gate was installed by North Somerset Council (NSC) in 2008, and the current lessee in partnership with the landlord NSC, has sanctioned access via signage, near the gate and on three separate entrances onto the land known as Portishead Golf Course.

The 15<sup>th</sup> November PRow debate also included a point made by me that the signage erected on 27<sup>th</sup> September 2016 clearly states permission has been granted for access onto the land for a temporary period only. This "permissive access" is for a trial period ending August 2017, the reality is that access can be withdrawn at any time, at the behest of either partner. This leaves users of the land in a vulnerable position, and goes against the principles of local tradition, and rights of access.

The PRow draft minutes also contains a reference from John Flannigan (Development & Environment, NSC) that the current lessee has been approached by his team but has refused to allow access onto the paths under the "deemed dedicate" paths criteria. This puts the situation at a stalemate which is totally unacceptable, and the main reason why we feel that we have no option but to apply for the paths to be entered onto the definitive map.

We feel that legislation is the only way to safeguard use of this land. Users of the land refuse to stand by and allow a tenant (present or future) and or, landowner to deny access to land regularly used by the public, and upheld by the covenant as for "public open space and for no other purpose whatsoever"

I have attached an email received from my then Ward Cllr David Pasley in August 2014, please note that he supported his electorate in their quest to gain access onto the land, he even acknowledged our use of the pedestrian gate on Nore Rd to access the land for years, however you will see from his comments that Harvey Purnell (Property Estates and Regeneration, NSC) supported the lessee.

Mr Purnell must surely have been made aware of the public's use of this land in his capacity as NSC valuation manager and if he was, then why did he actively support the lessee, and notify Cllr Pasley that NSC has endorsed the tenant's actions?

As stated in my address to the PTC, the pedestrian gate was locked by the current lessee in August 2014 and reopened in September 2016, only after campaigners



successfully fought for access onto this land, and user evidence forms were completed by a significant number of people attesting their use over many years.

I am aware that Mr Watkins was the original lessee of the land known as Portishead Gold Course, he acquired the lease in April 2013 and Mr Stiff took over in June 2014. Was Mr Stiff made aware (by NSC) of the path claimed by Elizabeth Courtney in November 2013, and the public's consistent use of the land?

You will know that Due Diligence checks advises any prospective lessees/business to review all the available evidence relating to the business prior to committing to the terms and conditions. It would be reasonable to concur that Mr Stiff may have been under the impression that he had carte blanche to develop the site as he wished. I believe it is the responsibility of NSC to provide full disclosure of any agreements or on-going issues which affect the lease.

Senior NSC Officers describe Mr Stiff as "an experienced business man" It would be reasonable therefore to expect that he also carries out checks under Due Diligence to enable him make an informed decision prior to taking on the lease. The lessee should have acquainted himself with the regular use and access onto the land by a significant number of people. Had this action had been taken in 2014 we may have what we have now, access. Instead the lessee's demands to bar access by locking the gate, and placing branches in the way of footpaths, were prioritised by NSC over Portishead residents, and the general public.

Cllr's Pasley and Burden were aware of the public's extensive use of the land and have both made their positions clear, it appears that NSC Senior Officers disregarded both Cllr's representation of Portishead residents when they condoned the lessee's action of locking the gate for a period exceeding two years.

In Mr Purnell's email to Cllr Pasley he states "there is no specific right for the tenant to lock the gate" however NSC fully supported this move over the rights of the residents and general public. The action taken by NSC has resulted in much anger and frustration from the Portishead community.

People have taken to social media, regularly attended Council meetings, written to the papers, contacted their MP etc. All this could have been avoided if effective communication were put in place by NSC.

You have been made aware of the successful walk along one of the claimed paths (MOD 102) on the 5<sup>th</sup> November 2016. This walk was organised by the Golf Course campaigners, a significant number of interested parties took part (circa 200) including dogs and children.

The Chair of PTC Cllr Cottrell and the Chair of the Recreation and Works committee Cllr Oyns were also present. Cllr Jolley provided a statement to the PRow meeting informing the committee that there were no incidents on the day, this

comes as no surprise as there have been no reported incidents in all the years that people have used the land.

It was most heartening to see so many people demonstrate their so passion for this wonderful facility, and join in a show of camaraderie.

I have copied in Cllr Burden, Cllr Jolley, and Mr Nelson into this email. Please feel free to share with others as appropriate.

**Portishead Town Council full meeting address: - 14<sup>th</sup> December 2016**

I would like to take the opportunity this evening to provide some good news.....

You may know that I have more than a passing interest in the land known as Portishead Golf Course. Campaigners have worked tirelessly in trying to protect this land for the benefit of all. We believe that we all have a duty to the next generation so that they too are able to access this wonderful amenity.

To that end, two applications for footpaths have been made.

Following several requests at various Council meetings, I am pleased to tell you that the Public Rights of Way (PRow) sub- committee has voted in favour of considering the two footpath applications simultaneously.

The Planning Inspector has resolved that this should be no later than Feb 2018; she felt that 14 months was a more reasonable timescale not the 20 years that NSC footpath team has widely communicated to all and sundry.

This news is a real achievement and a credit to all whose determination has truly paid off.

Having discovered the (draft) minutes from the 29th March 2016 PRow sub-committee meeting were mostly inaccurate, I felt it was important to clarify the main points from the most recent PRow meeting (15<sup>th</sup> November). I note that the draft minutes from this meeting have been uploaded onto the N. Somerset website however there appears to be some key facts omitted.

For example the minutes don't include the points made by Cllr Burden in his capacity as a PRow committee member, that it is his belief that the Nore Rd pedestrian gate was installed by NSC because it was an acknowledged access point for land users. Indeed he gave examples of his own use of the gap in the wooden fence over many years.

This access point was in existence prior to the present black metal gate. This gate was locked by the current tenant of the land in August 2014.

Cllr Burden went on to request that the committee "deem dedicate" the paths as this would save considerable resources His statement to the committee was that he felt

this was the right thing to do given that there were errors by the NSC legal team in drawing up the lease for the current lessee.

He concluded by notifying the committee that the current leader of the council told him he walks his dogs over the golf Course and makes use of all the land, not just the claimed paths.

Part of my evidence included a reminder to the committee of the covenant relating to the land in which it states the "said land to be used as public open space and for no other purpose whatsoever" our interpretation is that this is for everyone's use, not just fee paying golfers.

In addition I confirmed that the Nore Rd gate was unlocked in September 2016, thus denying access for a period exceeding 2 years.

Cllr Jolley (Ward Councillor for the area) has thus far chosen not to help the Golf Course campaigners. I hope feels he can see his way to support us given that he spoke in favour of the PRow report recommendation. Cllr Jolley has considerable experience in these matters. I am told he was helpful with the successful Merlin Park, Portishead, footpath application.

I have a quote from a key Merlin Park footpath organiser:

"David enjoys supporting popular causes and as a politician he values the exposure which it gives to him. (He was able to claim the success of the application in his publicity flyers as a result of his input.)"

Now onto the not so good news.... We still have a very long way to go. Elaine Bowman (Senior Access officer for footpaths North Somerset Council) has acknowledged that a total of 79 user evidence forms have been received and that most people will be interviewed.

Mrs Bowman has also confirmed that NSC will accept additional user evidence forms right up to the personal user evidence interviews.

Thank You

#### **Email from David Paisley dated 12 September 2014**

Since your email, I have spoken with our senior officers on the subject of the locked gate along Nore Road. The officer responsible for concessions has met with the new concessionaire who has signed a contract and pays an annual lease and fee for the 9 hole golf course. I am told he is an experienced businessman who is determined to turn the old golf course in to a viable business whilst providing the people of Portishead with a valuable sports and leisure facility.

I asked the officers to point out that the gate has been used by local residents to gain access to the ground and Coastal Path for some years. That you have requested the gate be left unlocked so you can continue using it as before. Regrettably, the

concessionaire feels he needs to have the gate locked in order to prevent people and dogs from walking across the golf course. It is thought, allowing the public to cross the course could be dangerous because of flying golf balls but also that players who pay green fees do not want walkers crossing fairways and greens as it would spoil their game of golf and therefore damage his business. Having checked, I am told there is no public right of way through the gate in question.

The contract for the lease does allow the concessionaire to lock gates if he feels it necessary to protect the area and keep the course for the sole use of paying golfers. The Council therefore is supportive of the golf course concessionaire and his position to keep the gate locked. I am sorry that this is not what you wanted to hear. If the situation changes, I will let you know immediately.

### **Email trail ending on 12 January 2017, relevant section 9 January 2017 between Elaine Bowman and Janet Davey.**

There if no finite number of user evidence forms which could be stated to guarantee success, the strength is the evidence that they present when tested which is really important.

I have looked at some of my past cases and found the following:

Winscombe Drove - 28 User Evidence forms submitted followed by 13 more supported by historical evidence was successful Wint Hill Banwell - 22 User Evidence forms supported by Historical evidence was unsuccessful Somerset Lane - 4 User Evidence forms supported by Historical evidence was unsuccessful Goosey Drove - 12 User Evidence forms supported by Historical evidence was successful Winterhead - 10 user evidence forms supported by historical evidence was unsuccessful Dolemoor - 13 User evidence forms supported by historical evidence was successful Merlin Park - 26 user evidence forms was successful.

The decision as to whether to make an Order for these routes to be recorded as PROW will be determined upon the information already in my possession and that given during the interviews. This will be recorded in my report which will be submitted to the PROW Sub Committee, that report will give a recommendation which the members can either accept or disagree with. If an Order is agreed and goes through all its due process and is successful then the routes will be marked on the Definitive Map as PROW and signed on the ground.

### **Email dated 30 March 2017**

With regard to the PROW Sub-Committee meeting held on Weds, you will be aware that Janet Davey referred to the use of the golf course in her address to the Sub-Committee and evidenced use of the land by walkers on specific days. Mrs Davey also provided statistical information in hard copy form which she hand delivered to the Chair of the Committee, Cllr Ann Harley.

I believe the stats from that hard copy provide data in terms of the criteria set out by North Somerset Council and their current tenant when they decided to permit a trial access period. The information I have provided as attachments is a snapshot in time however, we believe that our findings are very close to the average make up of walkers, dogs, maintenance staff, and golfers that use this area.

We felt it was relevant to note the weather conditions as this may be a factor in the land use from walkers, golfers, dogs, maintenance staff. Our findings however was that although 66% of the time between 22<sup>nd</sup> Oct '16 and 22<sup>nd</sup> March '17 the weather was dry, there was a surprising lack of golfers.

Given that the current tenant has distributed 18k leaflets in Oct 2016 (I received mine 12<sup>th</sup> October 2016) to Portishead residents in order to promote the golf course, evidence has shown that there is a very low take up from golfers. I and many others can confirm that prior to the permissive use, there were also very few golfers. Although the tenant is quite right to seek to promote the course, the lack of golfers is disappointing.

I hope you will find this statistical information of use when making the final decision regarding the trial period. My address to the PRow sub- meeting clarified Mrs Bowman's statement on the 24<sup>th</sup> March 2017 in that she has received no recent complaints from the current tenant, this is borne out by Cllr Jolley's statement at the 15<sup>th</sup> November sub-committee where he stated there were no reports of any incidents on the organised walk in Nov 2016 and the letter he wrote to the North Somerset Times on 12th.October 2016.

As previously stated this comes as no surprise to us, we use the land on a regular basis and can confirm that we have witnessed no issues. apart from the incident whereby the Police were involved due to a potential breach in legislation.

Please note I am able to provide the raw data used when compiling these attachments, there is even more specific detail which may assist you. The Nov 5<sup>th</sup> organised walk figures on path 2 of the golf course are not contained in the attachments, we felt it would skew the data. Those figures are: (all day figures) 220 walkers, 228 dogs, 0 maint, 0 golfers

The one recorded maintenance person working on the site on 21<sup>st</sup> Dec 2016 during the period in question was John Carey, John confirmed that his work is not impeded by either walkers or dogs, little evidence has been shown of dog faeces on the land.

### **Email dated 4 April 2017**

Please see attached my address to the PRow Sub-Committee on Tuesday 28<sup>th</sup> March 2017.

You will be aware that there were a number of MOD 102 supporters in attendance at the meeting, and as such we would like the opportunity to comment on the various points raised at the 28<sup>th</sup> March 2017 PRow Sub-Committee meeting.

There is a strong evidence-based case to support the adoption of the two footpaths within MOD 102 and annotated as such by the Ordnance Survey. With the constant pressure that North Somerset Council (NSC) is under to meet services and budgetary targets, we were surprised at the proposed process to examine the veracity of the footpaths.

To propose that the footpaths are immediately refused so that they may be reviewed on appeal by the Inspector, cannot be part of any NSC formal working process, or in the interests of time, efficiency, and cost.

We were heartened to hear a note of caution from Mr Flannigan when he discussed the risk factors associated with going outside of the processes, and the challenge by the Ombudsman.

Mrs Bowman very kindly passed a document from the Planning Inspector dated 21<sup>st</sup> March 2017 to Ann Townsend after the meeting. The Planning Inspector has set out various working practices adopted by “many authorities” that NSC may wish to consider- *Para Thirteen refers*.

In light of the above, we seek the assurance that NSC will act in the best interests of all parties.

**PRow Sub-Committee meeting 28<sup>th</sup> March 2017 14:00 Kenn Room, Weston Town Hall**

Good afternoon Councillors, Ladies, & Gentlemen.

I would like to start by referring to the minutes from the PRow Sub-Committee meeting held here at North Somerset Council (NSC) on the 15<sup>th</sup> November 2016.

**PRW 18, Para 1, refers:** Confirmation was received from Elaine Bowman (Senior Footpath Officer NSC), that MOD 102 comprised seventy nine user evidence forms and all relevant applicants are to be interviewed, and their evidence tested. For your information we can confirm a number of applicants who have been in touch, are more than willing to be interviewed.

**PRW 18, Para 6, refers:** Mrs Bowman notes that there is an issue of members of the public not keeping to the routes as specified in the applications. I can confirm that a number of witnesses have attested that the current leader of this Council does not keep to the routes when walking his dogs, as confirmed by Cllr Burden at the November ‘16 PRow meeting. The action demonstrated by Cllr Ashton is proving to be confusing for the land users in that it appears to contradict the conditions of use displayed on the gate.

**PRW 19, Para 4, refers:** Cllr Jolley requested that Council Officers inform the sub-committee regarding the least number of user evidence accepted in successful applications. Mrs Bowman has helpfully provided this information as twelve which were supported by historical information at Winterhead. This committee is aware that MOD 102 comprises 2 path applications. On the face of it twelve footpath applications per claimed path appears to be an adequate number for adoption onto the OS map.

Not recorded in the minutes was confirmation by Cllr Jolley that there were no reports of incidents on the golf course in 2016, his letter to North Somerset Times publication on 12<sup>th</sup> Oct 2016, and evidence to this committee on 15<sup>th</sup> November refers. We feel it is reasonable to conclude that given there are no reported incidents to date, permissive access via the Nore road pedestrian gate should continue beyond August 2017.

Other matters: For your information a further eleven user evidence forms were delivered to Mrs Bowman at NSC Castlewood Offices on 24<sup>th</sup> March 2017. Evidence of use consists predominantly in relation to the pedestrian gate footpath application opposite Raleigh Rise, and normal to Nore Rd, Portishead.

On 24<sup>th</sup> March Mrs Bowman confirmed that the new style user evidence form does not contain a reference within the declaration section for the need to attend Court to give evidence, should this to be necessary. We feel this is an important update and should be relayed to all relevant applicants before they are invited for interview. Mrs Bowman also confirmed a high level of support from residents in terms of user evidence regarding the Golf Course. She also stated that there have been no recent reported complaints coming from the current tenant.

I wish to bring to the Committee's attention the MOD 102 footpath application which leads from the pedestrian gate on Nore road down to the 2<sup>nd</sup> footpath within MOD 102, you will be aware that this gate was installed by NSC in 2008.

We believe the Council's decision to replace the gap in the wooden fence with the present metal gate is a clear acknowledgment by NSC of the public's right to gain access from this point onto the land known as Portishead Golf Course. Indeed one member of this Committee evidenced his use of the gap in the fence at the last PRow meeting.

This committee may wish to be informed that I wrote to Mr Flannigan and Mrs Bowman (Development and Environment team NSC), and copied in the Cllr for West Ward David Jolley & Mr Nelson on 19<sup>th</sup> December 2016.

I provided information regarding the date the pedestrian gate was locked as August 2014. Given what we know about the use of the land, and from the evidence obtained thus far, we believe the locking of the gate at this time is highly relevant in terms of Rights of Way legislation.

We have taken advice specifically with regard to the **key date** on which the public's right and uses of the application path was brought into question and have **concluded that August 2014** is the key date that should be used. The current tenant locked the gate from August 2014 till 27<sup>th</sup> September 2016, thus we feel the period of 20 years should be calculated retrospectively from August 2014 to August 1994.

### **Wildlife & Countryside Act 1981 & House of Commons library refers**

In addition I have also provided evidence that Cllr Pasley (the then Ward Cllr for West Ward) also acknowledged residents use of the pedestrian gate to gain access onto the land over many years.

Thank You

### **Email dated 13 April 2017 (Mrs Townsend has verified that she wishes a trail of emails to be included).**

**12 April 2017 - A Townsend to T Nelson** Dear Mr Nelson, I would be grateful if you are able to tell me exactly what changes to the PRow (Draft) minutes have been made? It would be very useful to highlight where the changes are on this document. Many thanks,

**13 April 2017 – T Nelson to A Townsend** Hello The last paragraph of PRW 18 has been changed from: Councillor Burden suggested a recommendation that the officers approach the tenant to request that the route be deemed to be dedicated. **John Flannigan confirmed that officers had already approached the tenant to request that the route be deemed to be dedicated, and the tenant had refused**

To: Councillor Burden suggested a recommendation that the council deemed the route to be dedicated.

**13 April 2017 – A Townsend to T Nelson** I was present at the 15<sup>th</sup> November PRow meeting and can confirm hearing Mr Flannigan state: **"John Flannigan confirmed that officers had already approached the tenant to request that the route be deemed to be dedicated, and the tenant had refused" this statement has rightly been included in the draft minutes. Please advise why this paragraph has been omitted from the formal set of minutes. Many thanks,**

**13 April 2017 – T Nelson to A Townsend** Dear Ms Townsend That was included in the draft minutes in response to a statement that Councillor Burden said at the meeting was not made. As this was amended, and the amendment was agreed in the committee. There are a number of statements that are made in meetings that won't necessarily be included in the minutes.

**13 April 2017 – A Townsend to T Nelson** Dear Mr Nelson,



I feel it is important to note relevant statements. It is for NSC to decide whether these statements should be included in the formal minutes.

## **Email dated 29 July 2017**

I have been asked to bring this email to your attention. The email contents relates to a survey conducted by Mr Weatherhogg who routinely uses the land known as Portishead Golf Course. Mr Weatherhogg (Accountant, retired) was prompted to carry out his own survey of his use of the land when the “permitted use” of the land signage was erected by NSC in Sept 2016.

Mr Weatherhogg has asked that NSC (I understand you are both key decision makers) take the results of his survey into account when making their (continued access to the land) decision in August 2017.

Please note: Mr Weatherhogg has asked me to clarify that his survey differs to the one carried out by me. You will recall that the details of my survey were conveyed to the Prow sub-committee in March 2017 in hardcopy form by Janet Davey and subsequently sent to NSC by email.

I focussed my survey on **both path applications** pertinent to Mod 102, Mr Weatherhogg’s survey relates to the OS footpath (Mr Weatherhogg refers to it as “Channel path”) and **one of the paths** within Mod 102 (the path which runs parallel to the OS footpath)

### Mr Weatherhogg’s survey

Hello Ann, Thought you might like to know the results of my survey of walkers and golfers along the golf course. The survey was carried out between 27th September 2016 and 31st March, 2017, a total of 23 weeks. I started the survey when the Council put up the sign at the western end of the walkway along the golf course, telling walkers that they used the walk at their own risk, to keep away from golfers and maintenance men, to keep dogs under control and to appreciate their behaviour would be reviewed after the sign had been up for a year.

To the survey. I usually go out between 8 am and 9 am each morning and again between 3 pm and 4 pm in the afternoon, each walk lasting about an hour. So the survey is based on 2 hours observation per day, walking along the bottom of the golf course between the western sign and the Windmill Pub.

Over the 23 weeks, I saw 22 golfers, 20 adults and 2 children, and I saw 15 maintenance men. Over the same period I saw a total of 4727 walkers and 3874 dogs. The walkers and dogs were split 60% walking along the golf course and 40% walking along the ‘ Channel path ‘.

To analyse these figures a little further, it means I saw 1 golfer for every 215 walkers and 176 dogs. I saw just under 1 golfer per week and a maintenance man every 1 and a half weeks. I saw, on average, 206 walkers per week and 168 dogs. As far as I know, there were no problems with dogs interfering with golfers or maintenance men during these weeks. In fact, having walked along this path for 37 years, I have never seen either walkers or their dogs causing any problem to golfers or maintenance men.

These figures do put the Council's concerns into perspective. I am happy for them to be used as required, and when I see Elaine Bowman in September, they will be on the agenda. Best wishes, Bill W.

### **Email dated 31 July 2017**

I am writing to acknowledge receipt of this email and attachments. I note that this form was completed in 2015 and wish confirmation that this has not already been submitted (I am surprised that it has not).

As discussed with Mrs Davey I consider that the amount of forms which have been submitted is sufficient to establish a recommendation to the Committee. I would therefore ask you not to submit any further forms.

### **Email dated 19 September 2017**

Thank you for taking time out to discuss the Portishead Golf Course footpath applications with me yesterday morning. I believe I have captured the main points of our conversation below, however, if there is something I have misunderstood or not included, please contact me.

You clarified that the primary reason for the personal interviews was to double check the information against the user evidence forms, which were filled out by the path users approximately 2 years ago. It was heartening to hear from you that all users of the paths who promised to attend (26 people) on the 6<sup>th</sup> & 7<sup>th</sup> September 2017 did so. I understand that they were able to provide you with the evidence you require to further your investigation and evaluation of the claim. You confirmed that their evidence of utility was tested for both the paths in question, as appropriate.

I was pleased to hear that none of the interviewees contradicted themselves and you felt that they provided sound evidence in support of their use of the paths.

You confirmed that neither myself, Janet Davey or Elizabeth Courtenay (Footpath applicants) would be called for an interview. You also confirmed that you have enough information to make a recommendation to the PROW committee.

You informed me that the next stage in the process is to prepare the committee report for the PROW sub-committee meeting in January 2019.

**Recreation and Works meeting 23<sup>rd</sup> November 2016 (requested inclusion made on 8 January 2018) Address made by Mrs Townsend.**

Some of you may be aware of the PRow Sub-Committee meeting held on Tuesday 15<sup>th</sup> November.

I attended the meeting at which I was able to give an address regarding the two footpath applications on the land known as Portishead Golf Course. You will be aware that the Secretary of State has directed NSC to determine one of footpaths by Feb 2018.

I have been pressing for both footpaths to be determined simultaneously, in order to save time, increase efficiency, and avoid unnecessary costs to the taxpayer.

Fortunately the recommendation by NSC footpath team to determine both paths at the same time was voted by 3 votes to 2 in favour, by the Committee members.

I appreciated the support by one of the committee members Cllr Burden in providing essential background information and also trying to seek a pragmatic way forward. Had his suggestion been adopted, this would have saved even more time.

Part of Cllr Burdens evidence to the committee included a conversation recently held with the current leader of NSC in which Nigel Ashton confirmed his use of the whole of the land whilst walking his dogs. Perhaps just like the rest of us, he appreciates how fortunate we are to be able to access such a lovely site, for both physical and mental health benefits.

It is unfortunate for all of us, that we still have to correct a misconception propagated by NSC that 'promises' are sufficient to protect the land and will remain extant for our lives, and those of our children.

Some people write letters to the newspapers providing unrealistic and unfounded assurances, it remains uncertain why NSC would not want to finally close this chapter and support Town Green status, thus putting the safety and security of the land beyond doubt.

There is no document or agreement currently in existence that can be upheld by the law to protect the land. We must therefore maintain pressure until the security of the land is beyond question.

Thank you.

Ann Townsend  
Mod 102 footpaths  
Area: Portishead  
29th November 2017

## Pedestrian Gate - Nore Road



The above picture is that of the Pedestrian gate installed on Nore road, Portishead by North Somerset Council (NSC) in 2008.

It was installed at the same time as the black metal railings to replace a wooden rail fence. The black metal fence bounds the south side of the land known as Portishead golf course on Nore road.

The purpose of this document is to provide supplementary detail regarding the establishment and use of the gate. It also responds to other points made in correspondence from your e-mail of November 13th 2017.

## **Background**

Residents and visitors to Portishead have enjoyed access to the land known as Portishead Golf Course for many years. This has been attested by many people who have submitted User Evidence Forms.

The gate in the above picture provides direct access to one of two paths which are the subject of Mod 102.

The current Concessionaire who operates from the land known as Portishead Golf Course, locked the above gate in August 2014. This effectively removed a degree of utility enjoyed by residents and visitors by blocking access to a frequently used path.

I contacted the member of Portishead Town Council, who at the time represented me, and for whom this area of land fell within his ward, to notify him that access had been blocked.

I was informed by NSC that the Concessionaire had decided to lock the gate for health and safety reasons.

## **Blocking access to the path by locking the gate**

To this day it remains unclear why the Concessionaire took the action to lock the gate in that:

- a) It has been acknowledged by NSC that there has never been any reported incidents of a health and safety nature on the land.
- b) The path which the locked gate allows access to, is only one possible entrance to the land. Others are through the wooden gate situated at the car park for the public house known as





the Windmill Inn (see above). The other being the complete northern boundary of the golf course. Thus access was blocked specifically from one possible entrance, the Pedestrian gate without, to the best of my knowledge, objective evidence to support the decision.

c) To the best of my knowledge, the Concessionaire did not contact NSC to establish the health and safety record of the land. In addition, and again to the best of my knowledge, there was no formal health and safety risk assessment undertaken or recorded by the concessionaire before or during his current tenure.

d) Recent surveys have shown that the use of Concessionaire's facility is very low compared to walkers and dogs. Thus the potential risks of an incident must be considered low.

#### **Gate location and purpose**

I hold correspondence from NSC (e-mail January 2015) in relation to the Pedestrian gate which states that "the gate was probably intended as access for maintenance staff". However, your report to the PRow sub committee in March 2016 refers to the Pedestrian gate and contains this statement, "this gate was installed in 2008 when the fencing was replaced. Exactly why it was installed is unclear as its requirements were not listed on the works order"

The golf course campaign group have always maintained that the gate in question is clearly a Pedestrian gate not a maintenance gate. However, there is a five bar galvanised maintenance gate approximately 150 yards further along Nore road, opposite Cabot Rise, this gate is clearly designed for large maintenance equipment, it has a drop kerb, and was installed many years before. The maintenance gate is to allow access for large machinery, grass cutting and all associated maintenance equipment (see picture below).



I also hold correspondence from the Portishead Town Council (letter January 2015) which sets out the cost of the Pedestrian gate and black railings as being “in the region of thirty-three thousand pounds, in the specification for installation there is only mention of vehicle access”.

Following normal business protocol and governance, one would have expected the Works Order raised by NSC to reference a specification clearly setting out the materials to be used, dimensions, relevant standards and methodology etc. Any other process could lead to commercial claims or even claims by the public if the correct health and safety standards (H&S) were not invoked.

NSC's assertion that none of the relevant purchasing documentation relating to the fence and gate is available is difficult to understand given that:

- a) There seems to be no NSC archive for such documentation, and,
- b) If a) above is true, there can be no traceability of spends and consequent records which could be examined by other government bodies (HMRC, Fraud investigators etc.) as is their right. In short, an auditable trail to clearly record the purchasing and contracting process applied to this contract, appears non-existent.

In light of the above and without the benefit of any evidence to the contrary, one can only assume that the additional cost to install a Pedestrian gate was correctly and clearly captured within the purchasing instruction and interpreted and installed correctly by the contractor.

There has been some confusion on behalf of NSC regarding the location and purpose of the pedestrian gate.

One could imagine vehicles and operatives using the wooden or galvanised 5-bar gates shown in previous pictures. There is clearly a drop kerb in place on Nore road for the galvanised gate entrance.

However, if the Pedestrian gate were to be considered as a gate for any maintenance works, this would be difficult to understand considering that the position of the bus stop and general road layout would create a road safety hazard in the event of any maintenance vehicles parking near the gate. There is no drop kerb or vehicle refuge on the road.

The following picture illustrates the proximity of the gate to the bus stop, the Pedestrian gate and opposite to the junction of Raleigh Rise. What also has to be taken into account is that traffic is obscured on the westbound side of the road towards Clevedon by the rise in Nore road. Any maintenance vehicle parked on the eastbound side parked adjacent to the Pedestrian gate would therefore be hazardous to traffic over-taking which would be unsighted to oncoming traffic.



We are aware that several people have attested their use of the path at the point at which the Pedestrian gate was installed at their personal interview, the interviews were carried out by yourself. The balance of probability therefore is that NSC used public money to pay for the installation of the pedestrian gate as a recognition and acknowledgment of the general public's extensive use as access onto the land known as the golf course .

Cllr Burden (Portishead Town and District Councillor) has consistently described his personal use of the path in question in excess of a 50 year period, as a representative of Portishead' s residents Cllr Burden is well placed to provide an experienced and balanced assessment; he has also resided in Portishead for many years.

#### **Other matters**

Chris Bloor, Open Spaces Society ,wrote to Mrs Duffy, Clerk to Portishead Town Council (PTC) . Mr Bloor urged PTC to claim for Rights of Way as a matter of urgency in order to protect the interests of the people of Portishead. Mr Bloor also advised that access to the two paths (MOD 102) had been unhindered in excess of 40 years, I believe you hold details of Mr Bloor's report, if not I am happy to provide a copy.



In your email of the 13th November 2017 you state that you had no reason to query the information I provided in my email to you and Mr Flannigan dated 19th December 2016. I was pleased to note an acceptance that the current concessionaire did indeed take over the lease in June 2014 therefore allowing adequate time for either Mr Watkins (the original lessee) or NSC to notify him of the footpath application made by Elizabeth Courtney in November 2013.

## **Conclusion**

With reference to the gate pictured at the beginning of this document and subsequently referred to as the Pedestrian gate:

- a) Without the benefit of any purchasing documentation providing evidence to the contrary, it must be assumed that NSC acted properly and correctly and that the Pedestrian gate was indeed specified and also installed correctly.
- b) The location of the Pedestrian gate does not lend itself to maintenance operations due to the prevailing road conditions and location of the bus stop and the proximity of the road junction.
- c) There is much evidence that people have used the gate and the previous incarnations of an access way to use the path from Nore road to the coast path which is a subject within Mod 102.
- d) There has been, to the best of my knowledge, no reasonable justification for locking the pedestrian gate.

16. MAY 1984  
Confirmed by Council 17/1/84  
FINANCE ACT 1931

DOCUMENT 3

THIS CONVEYANCE is made the Thirtieth

day of March

£2,100 -

510

One thousand nine hundred and eighty-four BETWEEN THE CITY COUNCIL OF BRISTOL of The Council House College Green Bristol in the County of Avon (hereinafter called "the Vendor") of the one part and WOODSPRING DISTRICT COUNCIL of the Town Hall Weston-super-Mare Avon aforesaid (hereinafter called "the Purchaser") of the other part WHEREAS the Vendor is seised of the property hereinafter described for an estate in fee simple and has agreed to sell the same to the Purchaser for a like estate at the price of Two hundred and ten thousand Pounds £210,000 in manner hereinafter appearing

NOW THIS DEED WITNESSETH as follows:-

1. In pursuance of the said Agreement and in consideration of the sum of Two hundred and ten thousand Pounds now paid to the Vendor by the Purchaser (the receipt whereof the Vendor hereby acknowledges) and the grant to the Vendor of the right referred to in the First Schedule hereto the Vendor as beneficial owner hereby conveys unto the Purchaser ALL THAT freehold piece or parcel of land (hereinafter called "the said land") situate adjoining Nore Road Portishead in the County of Avon containing by admeasurement an area of 52.9 acres or thereabouts and known as The Golf Course Nore Road Portishead aforesaid all which said land is for the purpose of identification only delineated and shown edged in red on the plan annexed hereto TOGETHER WITH the rights specified in Part I of the Second Schedule hereto except and reserved unto the Vendor the right specified in Part II of the said Second Schedule TO HOLD the same unto the Purchaser in fee simple
2. The Purchaser on behalf of itself and its successors in title the owners and occupiers for the time being of the said land and each and every part thereof hereby covenant with the Vendor for the benefit of land retained by the Vendor and shown coloured blue and green on the said plan and each and every part thereof to continue to lay out maintain and use the said land as public open space and for no other purpose whatsoever and it is hereby agreed and declared that Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and any enactment for the time being replacing the same shall apply in-

sofar as the said section is capable of applying to this covenant and that this covenant shall be enforceable accordingly but without prejudice to all and any other means at law or in equity or by statute of enforcing the same \_\_\_\_\_

IN WITNESS whereof the Vendor and the Purchaser have caused their respective Common Seals to be hereunto affixed the day and year first before written \_\_\_\_\_

THE FIRST SCHEDULE hereinbefore referred to

The right for the Vendor and its successors in title to park motor vehicles (including motor cycles and bicycles) at all times on the land shown coloured brown on the said plan subject to the Vendor paying one-half of the cost of repairing and maintaining the same \_\_\_\_\_

THE SECOND SCHEDULE hereinbefore referred to

PART I (Rights granted)

The right in common with the Vendor and all others similarly entitled to pass and repass at all times and for all purposes with or without vehicles over and along the entrance and exit driveways as shown for the purpose of identification only coloured green on the said plan subject to the Purchaser paying one-half of the cost of repairing and maintaining the same \_\_\_\_\_

PART II (Rights reserved)

All rights of drainage water electricity and any other rights at present enjoyed by the land shown coloured blue on the said plan TOGETHER with the right to enter upon the said land at all times with or without workmen and materials for the purpose of renewing and repairing all pipes cables or other apparatus at present serving the said land coloured blue the Vendor forthwith making good any damage which may be caused as a result of the execution of this right to the satisfaction of the Purchaser's Director of Technical Services \_\_\_\_\_

THE COMMON SEAL of THE CITY COUNCIL OF )  
BRISTOL was hereunto affixed in the )  
presence of:- )



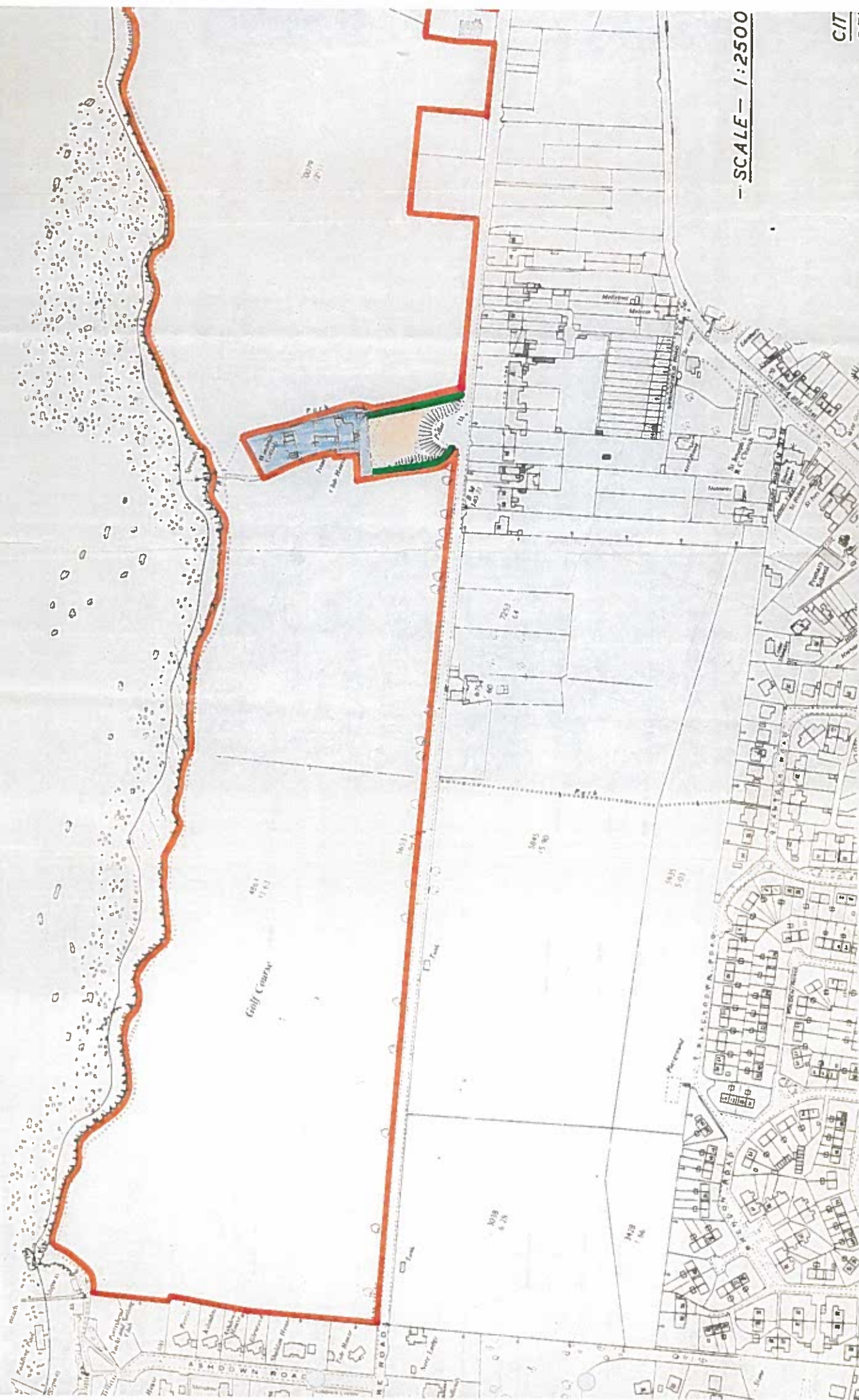
SENIOR ASSISTANT SOLICITOR





CIT  
DRI

SCALE- 1:2500



DATED 30th March

1984

THE CITY COUNCIL OF BRISTOL

- to -

WOODSPRING DISTRICT COUNCIL

C O N V E Y A N C E

relating to land situate adjoining Nore Road  
Portishead in the County of Avon.

AUTHORITY FOR SEALING

Council resolution ..... 13. 12. 83  
LWA Committee minute ..... 24. 11. 83  
Initials ..... CAW

J.H. Bailey,  
Solicitor & Deputy  
Clerk,  
Woodspring District  
Council,  
Town Hall,  
Weston-super-Mare.

DATED 12th April 2013

NORTH SOMERSET DISTRICT COUNCIL

- and -

GOLF FOR ALL LIMITED

COUNTERPART/

LEASE

Golf Course and Former Public Toilet Block  
at Nore Road, Portishead, Somerset.

North Somerset District Council  
Town Hall  
Weston-super-Mare  
Somerset  
BS23 1UJ





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#### Corporate Services

Property and Asset  
 Management  
 Town Hall  
 Weston-super-Mare  
 BS23 1UJ

Tel 01934 614638  
 Fax 01275 884419

#### Golf Course

Location **Nore Road**  
**Portishead**

Client **HP**

Drawing No. **Lease Plan 1**

Created By **AI**

Date **5 December 2011**

## **THE FIRST SCHEDULE**

### **(Operation Covenants)**

- (1) To ensure that the Premises are kept clear of litter and to dispose of any litter and commercial waste as defined by Section 75 (7) of the Environmental Protection Act 1990 ("the 1990 Act") in accordance with the provisions of the 1990 Act by using a contractor authorised under the 1990 Act to collect and dispose of the same such disposal to also be in accordance with the Council's requirements and to provide the Council with written proof of waste agreement arrangement.
- (2) To be courteous and polite to members of the public frequenting the Premises and to procure that all persons employed in the operation of this lease do likewise.
- (3) At all times to display on a prominent part of each of the Premises:
  - (i) a sign stating the name address and contact number for the Tenant; and
  - (ii) an accurate price list for the facility; and
  - (iii) any notices required to be displayed pursuant to any Acts of Parliament including but not limited to health and safety at work and employment legislation.
- (4) To promptly notify the Council within twenty-four (24) hours of any acts of vandalism or improper or disorderly conduct noted in the immediate vicinity of the Premises and to procure that any employees do likewise.
- (5) To ensure that at all times the Council has written notice of the name, home address, home telephone number and mobile telephone number of at least one keyholder for the Premises.
- (6) To permit the Council and its Officers at all times and without notice to inspect the Premises to view the condition of the same.
- (7) To operate the Premises in a safe, orderly and efficient manner and to ensure that the continuation of the operation of the Premises is to a high standard at all times.
- (8) To carry out all grounds maintenance to keep the Golf Course including any gates boundary fences or other structures in good repair and condition to the satisfaction of the Council.
- (9) To carry out grounds maintenance which maintains the current extent of hedgerows and scrub with trimming of the boundary hedgerow no more than once every two to three years to encourage berry production.
- (10) To manage the grassland habitats of the tall grass rough areas with an annual July cut to the satisfaction of the Council's Biodiversity Officer.
- (11) To carry out maintenance of the fairways putting greens and fairway margins to a fit for purpose standard to the satisfaction of the Council.
- (12) To manage advertise and promote the Golf Course as being open to the general public as a 'pay and play facility' at all times during which the course is being used for the playing or practising of golf. Any membership scheme is to be operated with no bookable slots being available to members in preference over members of the public wishing to pay to play.
- (13) To ensure that the amenity is easily identifiable as being open to the public by maintaining an appropriate sign or flag visible from Nore Road.
- (14) To ensure that a sufficient number of clubs balls and score cards are available for fee paying members of the general public at all times during opening hours to the satisfaction of the Council.



**Specification for:**

**THE SUPPLY AND ERECTION OF TANGORAIL FENCING TO EASTERN  
BOUNDARY OF APPROACH GOLF COURSE, NORE ROAD, PORTISHEAD.**

**GENERAL**

**Introduction.**

The quotation refers to one run of railings providing the eastern boundary to the approach golf course Nore Road Portishead. The railings are to be coloured black  
The length of fencing is approximately 650 metres.

**Drawings / photographs.**

Reference shall be made to:

- Location map.
- Tangorail railing pictures.

**Description of Works.**

The work comprises the following: -

1. To remove the existing post and rail wooden fencing and cart to tip.
2. To mark out line of new estate fencing.
3. To strim out line of new fencing and remove any shrub or obstruction from area.
4. To erect Tangorail fencing as per manufacturers instructions to follow the contours of the golf course.
5. To install a lockable gate in fence line.
6. On completion to leave a clean and tidy site.

**Location/Access to the Site.**

The contractor must notify the Parks office, Tel no: 01934 427679, prior to the commencement of work. The fence line is accessed along Nore Road Portishead.

**Knowledge of site.**

Before tendering, the Contractor shall examine the drawings / photographs and visit the site to be satisfied as to site conditions, the full extent and character of the operations, the nature of the ground and the execution of the Contract generally as no claim on the grounds of want of knowledge in any respect will be entertained.

**Underground Services.**

The Contractor shall obtain all necessary service information prior to commencement of the works to satisfy himself as to service locations and the extent of impact, if any, upon the works.  
The Contractor shall take all necessary safety precautions and shall be solely responsible for making good any damage caused to underground services or structures at his own expense.

**Nuisance / Protection of Hard Surfaces.**

The Contractor shall carry out the works without undue inconvenience and nuisance to others, taking care to remove rubbish and debris from the site daily. If works take place on or near the public highway due regard must be given to chapter eight regulations.

**Foreman.**

Whilst the works are in progress the Contractor shall maintain a qualified foreman that may be contactable at all times throughout the working day and a workforce competent for the job in hand. The Foreman shall be authorised to receive instructions directly from the Senior Parks Officer.

**Risk assessment.**

The contractor will provide to the council (Parks section) before the commencement of works, a risk assessment relating to this area of work

**Method Statement.**

The contractor will provide to the council (Parks section) before the commencement of works, a method statement of how your company intends to carry out works relating to this project

**Good Practice.**

Where and to the extent that materials, products and workmanship are not fully specified they shall be:

- (a) Suitable for the purpose of the works stated in or reasonably to be inferred from the contract documents; and
- (b) In accordance with good practice including the relevant provisions of current BSI documents.

**Materials.**

Fence specification:

- 650 metres x 1.5 metres TangoRail self adjusting railing system Ref no: TR 150 to be coated black.
- Lockable gate to be located midway in fence line
- Uprights to be concreted into ground

Materials shall be ordered from the drawing and specification and not directly from the Bill of Quantities. The Senior Parks Officers attention shall be drawn to any discrepancies between the documents prior to ordering.

Contact must be made with the Parks office to confirm the material specification

**Time of Operations.**

The work shall be completed by (to be advised) and commence as soon as weather conditions permit.

**WORKMANSHIP.**

The work shall be carried out with approved materials and with due regard to the health and safety of the contractor and the general public using the Approach Golf Course.

The area shall be left in a clean and tidy condition after every period of work and immediately after final works have concluded.

Plant and equipment left on site shall be stored in a safe and secure fenced compound.

**MAINTENANCE.** (Not applicable)





Denotes fence line

The Hole in the Wall

SOUTH COURSE

Plymouth Bay

5270



**PUBLIC RIGHT OF WAY EVIDENCE FORM  
SUMMARY OF DETAILED CONTAINED  
MODIFICATION CLAIM RELATING TO PORTISHEAD GOLF COURSE – CLAIMED FOOTPATH**

Name on User Evidence Form	E1 J Brighton	E2 J Brighton (Duplicate)	E3 D Brookes	E4 D Brookes (Duplicate)	E5 C Paul	E6 Mr C J Brookes	E7 Mr P Maltby	E8 Mr D J Capon	E9 Mr J Czekalski
Believed status of routes	Footpath	Footpath	Footpath	Footpath	Not Stated	Footpath	Not Stated	Footpath	Not Stated
Used the routes	1992- to date	1992 – to date	1966-2017	'All my life'	1993	1998- to date	1990 to date	1984 – to date	1995 – 2015
Reason	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure
Frequency Per Year Weekly Daily	'Numerous'	Once a month	20 times a year	4/5 times a year	300 + times	50 times a year	200 times a year	200 times a year At least 3 to 4 times a week.	20 times a year
Method of travel	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot
Any obstructions									
Stiles Gates	No Yes – Onto Nore Road	No Yes – On Nore Road	No Yes – near Nore Road	No No Thick brambles and ferns obstructing path.	No Yes Attempts to bar access using branches.	No Yes – Nore Road	No Yes – At Nore Road Occasionally blocked by branches.	No No	No No
Working for landowner	No	No	No	No	No	No	No	No	No
Ever stopped or turned back	No	No	No	No	No	No	No	No	No
Ever told by anyone that way was not public	No	No	No	No	No	No	No	No	No
Ever known any locked gates	Yes – Gate was locked for 6 months in 2016.	N/A	Locked at Nore Rd, Aug 2014 – Sept 2016	No	Gate been locked since Aug 2014.	Yes – gate was locked between Aug 2014 – Sept 2016.	Gate was locked between Aug 2014- Sept 2016	No	No
Any Notices	No	No	No	No	Yes – since Sept 2016	Yes – since Sept 2016	Yes – Since Sept 2016	No	No
Given permission	No	No	No	No	No	No	No	No	No
Private right to use	No	No	No	No	No	No	No	No	No
Other information	Owner/occupier would be aware of public using right of way.	N/A	House overlooks the land and can see the route being used daily. Past relatives also have used the route (From 1920s).	Concerned about safety risk of material that will be dumped without professional assessment.	Council are aware of the extensive use of paths on Golf Course.	House overlooks the golf course, see people use the route daily and been told by other people the same.	Council know the route to be a very well used path.	Land has been walked regularly over at least past 30 years.	N/A
Routes used	A-B-C & B-D	A-B-C & B-D	B-D & B-C	N/A	A-B-C & B-D	B-D & B-C	A-B-C & B-D	A-B-C	A-B-C & B-D

**PUBLIC RIGHT OF WAY EVIDENCE FORM  
SUMMARY OF DETAILED CONTAINED  
MODIFICATION CLAIM RELATING TO PORTISHEAD GOLF COURSE – CLAIMED FOOTPATH**

Name on User Evidence Form	E10 Mr J G A Norman	E11 Mr M W Brighton	E12 Mr B Anderson	E13 Mrs T Maltby	E14 Mr J C Burton	E15 Mr M King	E16 Mrs R Baker	E17 Mr N Bartlett	E18 Mrs M E Bartlett
Believed status of routes	Footpath	Footpath	Footpath	Not Stated	Footpath	Footpath	Not Stated	Footpath	Footpath
Used the routes	1980 – to date	1992 – to date	1990 -2017	1991	1983-2015	Since 1972	1980-2015	1973- to date	1973 – to date
Reason	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure
Frequency Per Year Weekly Daily	1 – 4 times	'Numerous'	200 times a year	200 times a year	30 times a year	'Several'	20 times a year	6 times	5 times
Method of travel	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot
Any obstructions									
Stiles Gates	No Yes – onto Nore Road	No Yes	No Yes	No Yes – At Nore Road Branches blocking access	No Yes – Opposite Raleigh Rise	No Yes – At Nore Road	Yes – Beneath windmill Yes – At entrance	No Yes – At Nore Road	No Yes – At Nore Road
Working for landowner	No	No	No	No	No	No	No	No	No
Ever stopped or turned back	No	No	No	No	No	No	No	No	No
Ever told by anyone that way was not public	No	No – Knows of others that have been approached.	No	No	No	No	No	No	No
Ever known any locked gates	Yes – Locked between 2014-2016	Gate was locked. Now unlocked recently.	Gate was locked for 6 months	Gate locked since Aug 2014.	Gate is kept locked	Gate used to be unlocked, then locked in 2015.	No	No	No
Any Notices	No	No	Yes – Recently been placed on gate indicating hazards and Paths	Yes – permission notices since Sept 2016	No	No	No	No	No
Given permission	No	No	No	No	No	No	No	No	No
Private right to use	No	No	No	No	No	No	No	No	No
Other information	N/A	Also use the paths to bird watch – golf course has substantial importance to wildlife.	N/A	Council are aware of the well-used path.	N/A	43 years as a resident and always been a casual golf course.	Dog bins along route – owner/occupier aware of route used by public.	Maintained by Somerset County Council.	N/A
Routes used	A-B-C & B-D	A-B-C & B-D	A-B-C & B-D	A-B-C & B-D	A-B-C & B-D	A-B-C & B-D	A-B-C	A-B-C	A-B-C & B-D

**PUBLIC RIGHT OF WAY EVIDENCE FORM  
SUMMARY OF DETAILED CONTAINED  
MODIFICATION CLAIM RELATING TO PORTISHEAD GOLF COURSE – CLAIMED FOOTPATH**

Name on User Evidence Form	E19 Mrs M E Bowen	E20 Mr N S Bowen	E21 Mrs D H Burgess	E22 Mrs E Burt	E23 Mr M R Burt	E24 Mrs J Butler	E25 Mr S Butler	E26 Mr S Coates	E27 Mrs A Colby
Believed status of routes	Not Stated	Not Stated	Not Stated	Not Stated	Footpath	Footpath	Footpath	Not Stated	Footpath
Used the routes	1940s to 2015	1985 – to date	1989 – to date	1955 - 2015	1940-2015	1988-to date	1988-2015	1976 to date	1975-2015
Reason	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure
Frequency Per Year Weekly Daily	Over 100 times	'very frequent'	40 to 50 times	10 – 20 times	Previously twice a day, now 10 times a year.	6 - 10	10 times	6 times	52 times
Method of travel	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot
Any obstructions									
Stiles Gates	No No	No No	No Yes – Kissing gate	No No	No Yes – At the Windmill and at Sugar Loaf, both are kissing gates (unlocked)	No Yes	No Yes – From Nore Road	No No	No No
Working for landowner	No	No	No	No	No	No	No	No	No
Ever stopped or turned back	No	No	No	No	No	No	No	No	No
Ever told by anyone that way was not public	No	No	No	No	No	No	No	No	No
Ever known any locked gates	No	No	No	No	No	Yes gate recently locked	Gate recently locked	No	No
Any Notices	Yes- relating to weed killers.	No	No	No	No	No	No	No	On tree posts, keep away from rock face edge.
Given permission	No	No	No	No	No	No	No	No	No
Private right to use	No	No	No	No	No	No	No	No	No
Other information	Always used route but been considerate of golfers using the course.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Routes used	A-B-C	A-B-C	A-B-C	A-B-C & B-D	A-B-C	A-B-C & B-D	A-B-C & B-D	A-B-C & B-D	A-B-C & B-D

**PUBLIC RIGHT OF WAY EVIDENCE FORM  
SUMMARY OF DETAILED CONTAINED  
MODIFICATION CLAIM RELATING TO PORTISHEAD GOLF COURSE – CLAIMED FOOTPATH**

Name on User Evidence Form	E28 Mr J Davey	E29 Mrs J Davey	E30 Mr R J Eastman-Nagle	E31 Mr D R Escott	E32 C Fowler	E33 Mr M J Hawker	E34 Mr A Harrison	E35 Mrs M A Harrison	E36 Mrs P A Herbert
Believed status of routes	Footpath	Footpath	Footpath & Bridleway	Footpath	Footpath	Not Stated	Footpath	Footpath	Footpath
Used the routes	Since 1992	Since 1992	1983 to date	Not Stated specific years	No stated specific dates	No Specific dates	1987-2015	1987-2015	1995-2015
Reason	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure
Frequency Per Year Weekly Daily	'Numerous'	'Numerous'	10 approx.	N/A	50 times	10 times	15-20 times	15-30 times	Daily
Method of travel	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot
Any obstructions									
Stiles Gates	No No	No No	N/A Yes	No No	No No	No No	No Yes	No Yes	No Yes – At Nore Road
Working for landowner	No	No	No	No	No	No	No	No	No
Ever stopped or turned back	No	No	No	No	No	No	No	No	No
Ever told by anyone that way was not public	No	No	No	No	No	No	No	No	No
Ever known any locked gates	No	No	No	No	No	No	Gate has been locked recently.	Recently locked.	Recently locked
Any Notices	No	No	No	No	No	No	No	No	No Dogs Sign leading to golf Course from Windmill carpark.
Given permission	No	No	No	No	No	No	No	No	No
Private right to use	No	No	No	No	No	No	No	No	No
Other information	Path is well worn – it must have been used for many years.	When the coastal path is impassable you have to go onto the golf course.	Path has always been available to all walkers.	N/A	Way has been the same ever since the 60s. There is also another route at the ned of the double gate.	N/A	N/A	N/A	N/A
Routes used	A-B-C	A-B-C & B-D	A-B-C	A-B-C	A-B-C & B-D	A-B-C	A-B-C & B-D	A-B-C & B-D	A-B-C & B-D

**PUBLIC RIGHT OF WAY EVIDENCE FORM  
SUMMARY OF DETAILED CONTAINED  
MODIFICATION CLAIM RELATING TO PORTISHEAD GOLF COURSE – CLAIMED FOOTPATH**

Name on User Evidence Form	E37 L E Kendall	E38 Mrs J Lord	E39 Mr C J Matthews	E40 Mrs M A Milner	E41 Mrs L Sault	E42 A Staines	E43 Mr M Sterland	E44 Mrs A Sterland	E45 Mrs A Townsend
Believed status of routes	Footpath	Footpath	Footpath	Not Stated	Footpath	Footpath	Footpath	Footpath	Footpath
Used the routes	No dates specified	1970-2000	1968 to date	No dates specified	1999-2015	1971 to date	N/A	N/A	1993 to date
Reason	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure
Frequency Per Year Weekly Daily	Daily	'variable'	Twice a week	'Many'	250 times	10 times	'Frequently'	'Frequently'	300 times
Method of travel	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot
Any obstructions									
Stiles Gates	No No	No No	No No	No No	No Yes – At Nore Road	No Yes – Pedestrian gate	No No	No No	No Yes – Pedestrian gate at Nore Road
Working for landowner	No	No	No	No	No	No	No	No	No
Ever stopped or turned back	No	No	No	No	No	No	No	No	No
Ever told by anyone that way was not public	No	No	No	No	No	No	No	No	No
Ever known any locked gates	No	No	No	No	Gate is recently locked.	Yes at Nore Road.	No	No	Gate recently padlocked, Aug 2014.
Any Notices	No	No	No	No	No	No	No	No	No
Given permission	No	No	No	No	No	No	No	No	No
Private right to use	Yes	No	Yes	No	No	No	No	No	No
Other information	Once complained about walking on coastal path as it was overgrown. NSC told to walk on Golf course.	N/A	N/A	N/A	Common knowledge this is public land maintained by NSC for many years.	Town council have always maintained the land	N/A	N/A	NSC maintain the land for some time and are aware of the frequent use of path.
Routes used	A-B-C	A-B-C	A-B-C	N/A	B-D	A-B-C	A-B-C	A-B-C	B-D



**PUBLIC RIGHT OF WAY EVIDENCE FORM  
SUMMARY OF DETAILED CONTAINED  
MODIFICATION CLAIM RELATING TO PORTISHEAD GOLF COURSE – CLAIMED FOOTPATH**

Name on User Evidence Form	E46 Mr D Townsend	E47 Mr P Truss	E48 Mr M Whitelaw	E49 R J Wilkinson	E50 C M Woodhead	E51 K Duddington	E52 R J Ells	E53 Miss M Fleming	E54 J Hayman
Believed status of routes	Footpath	Footpath & Bridleway	Not Stated	Not stated	Footpath	Footpath	Not stated	Footpath	Not Stated
Used the routes	1993 to date	1979 to date	2007	1964 to date	1982 to date	1985-2015	1937-2015	1945 to date	1965-2015
Reason	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure
Frequency Per Year Weekly Daily	300 times	5 times	100 times	1-2 times	36 times a year	50 or more times	3 times	Once a month	255
Method of travel	Foot	Foot & Cycle	Foot	Foot	Foot	Foot	Foot	Foot	Foot
Any obstructions									
Stiles Gates	No Yes – At Nore Road	No No	No No	No Yes – At Nore Road	No Yes – Entrance at Nore Road	No No	No Yes- Between cliff path down to 'Ladies bathing beach' to Sugar Loaf beach	No No	No Yes- At Bathing Beach.
Working for landowner	No	No	No	No	No	No	No	No	No
Ever stopped or turned back	No	No	No	No	No	No	No	No	No
Ever told by anyone that way was not public	No	No	No	No	No	No	No	No	No
Ever known any locked gates	Yes – Aug 2014	No	No	No	No	No	No	No	No
Any Notices	No	No	No	No	No	No	No	No	No
Given permission	No	No	No	No	No	No	No	No	No
Private right to use	No	No	N/A	Yes	No	No	No	No	No
Other information	N/A	N/A	N/A	N/A	Coastal path was diverted due to coastal erosion.	N/A	N/A	N/A	N/A
Routes used	B-D	A-B-C (Circled route)	A-B-C	B-D	A-B-D	Marked existing route	Marked existing route	A-B-C	A-B-C

**PUBLIC RIGHT OF WAY EVIDENCE FORM  
SUMMARY OF DETAILED CONTAINED  
MODIFICATION CLAIM RELATING TO PORTISHEAD GOLF COURSE – CLAIMED FOOTPATH**

Name on User Evidence Form	E55 E Jacklin	E56 Mr A Mosely	E57 Mr G Pointing	E58 Mr A Rutter	E59 R Wareing	E60 Mrs J Williams	E61 Mr K Burgess	E62 Mr K Clements	E63 K Pearce
Believed status of routes	Footpath	Footpath	Footpath	Footpath	Not Stated	Footpath	Footpath	Not Stated	Footpath
Used the routes	2009 to date	2000-2001	1989 to present	1970 to present	1988 to date	1986 to present	1989 to present	2007 to date	2001 to date
Reason	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure
Frequency Per Year Weekly Daily	Daily	1-2 times	'Numerous'	1 to 6 times	20 times	Twice daily for 11 years Monthly past 17 years	25-30 times	50 times	3 times a week
Method of travel	Foot	Foot	Foot	Foot & Cycle	Foot	Foot	Foot	Foot	Foot
Any obstructions									
Stiles Gates	Yes Yes	No No	No Yes- At Nore Road	No No	No No	No No	No No	No No	No No
Working for landowner	No	No	No	No	No	No	No	No	No
Ever stopped or turned back	No	No	No	No	No	No	No	No	No
Ever told by anyone that way was not public	No	No	No	No	No	No	No	No	No
Ever known any locked gates	No	No	Sometimes locked	No	No	No	No	No	No
Any Notices	No	No	No	No	No	Yes – No Horse riding.	No	No	No
Given permission	No	No	No	No	No	No	No	No	No
Private right to use	Yes	No	No	No	Yes	No	No	No	No
Other information	N/A	Played a game of golf there in 2001.	N/A	Always accepted the footpath was a continuation of coastal path public use.	OS Map 154 states this as a right of way.	N/A	OS Map 154 states as right of way.	N/A	N/A
Routes used	A-B-C	A-B-C	A-B-C & B-D	A-B-C	A-B-D	South from Point C.	A-B-C	Marked existing route.	Marked existing route and one that crosses the whole golf course.

**PUBLIC RIGHT OF WAY EVIDENCE FORM  
SUMMARY OF DETAILED CONTAINED  
MODIFICATION CLAIM RELATING TO PORTISHEAD GOLF COURSE – CLAIMED FOOTPATH**

Name on User Evidence Form	E64 Mrs V Dando	E65 Mr J Harris	E66 Mr T Johnston	E67 Mr R Williams	E68 Mrs M Williams	E69 Mr P Weatherhogg	E70 Mrs F E Courtney	E71 J Nicholass	E72 G Leany-Fricker
Believed status of routes	Footpath	Footpath	Footpath	Not Stated	Footpath	Footpath	Footpath	Footpath	Footpath
Used the routes	2002-2015	1956 to date	2008 to date	1972-2015	1972-2015	1980 to date	Not stated	1992-2013	1999 to date
Reason	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure
Frequency Per Year Weekly Daily	Twice a day	25 approx.	90 times	Weekly	16 times	Twice daily	Daily	Most days	Daily
Method of travel	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot
Any obstructions									
Stiles Gates	No No	No No	No Yes- old broken gate by sailing club	No No	No No	No Yes – end of grass walk. Erosion caused problems, now been solved with bridges.	No No	No No	N/A N/A Bushes and barrier across pathway
Working for landowner	No	No	No	No	No	No	No	N/A	No
Ever stopped or turned back	No	No	No	No	No	Yes – for police investigation	No	N/A	No
Ever told by anyone that way was not public	No	No	No	No	No	Tenants of golf course blocked the route for a short period in 2014.	No	N/A	No
Ever known any locked gates	No	No	No	No	No	No	No	N/A	No
Any Notices	No	No	Near windmill warning or dangerous cliffs and swimming	No	No	Yes – By golf course 'This is not a right of way' and by yacht clubhouse 'No Cycling'	No	N/A	No
Given permission	No	No	No	No	No	No	No	N/A	No
Private right to use	No	No	No	Yes	Yes	No	No	N/A	No
Other information	Route has always been used as a footpath.	Route clearly defined by use of lots of people for a number of years so should become a public footpath.	N/A	N/A	N/A	Concerned of proposed development of golf course- will interfere with daily walk.	Major dog exercising route for more than 20 years and knows of others who use the route.	N/A	N/A
Routes used	A-B-C	Marked existing route.	A-B-C	N/A	N/A	Marked existing route.	A-B-C	A-B-C	A-B-C

**PUBLIC RIGHT OF WAY EVIDENCE FORM  
SUMMARY OF DETAILED CONTAINED  
MODIFICATION CLAIM RELATING TO PORTISHEAD GOLF COURSE – CLAIMED FOOTPATH**

Name on User Evidence Form	E73 Mr & Mrs D Warinton	E74 J Nicol	E75 Mr R J Steven	E76 Mr R Cox	E77 Mr S Archer	E78 Mr R A Wood	E79 C Battlebury	E80 N Sarkar	E81 Mrs A Sarkar
Believed status of routes	Footpath	Footpath	Footpath	Not Stated	Not Stated	Footpath & Bridleway	Footpath	Footpath	Footpath
Used the routes	1988-2013	1978-2013	1989-2013	2003-2013	1986-2013	Not stated	1965 to date	2005-2013	2005-2013
Reason	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure
Frequency Per Year Weekly Daily	Daily from 1994	Daily	200 times	300-365	Once a week	N/A	52 + times	Over 50	300 times
Method of travel	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot
Any obstructions									
Stiles Gates	No Yes	No No	No Yes – At Windmill carpark (Locked)	No No	N/A N/A	No No	No No	No Yes – At Windmill Carpark	No Yes – Entrance to Beach Hill Carpark
Working for landowner	No	No	No	No	No	No	No	No	No
Ever stopped or turned back	No	No	No	No	No	No	No	No	No
Ever told by anyone that way was not public	No	No	No	No	No	No	No	No	No
Ever known any locked gates	No	No	Yes	No	No	No	No	No	No
Any Notices	No	No	No	No	No	By Windmill 'Beware Golf Balls'	No	No	No
Given permission	No	No	No	No	No	No	No	No	No
Private right to use	No	No	No	No	No	No	No	No	No
Other information	Always assumed public right of way particularly as there is gate at Nore Road.	Believe to be a path around the edge of golf course as there is a gate onto Nore Road.	N/A	Always taking route back through the golf course.	N/A	N/A	Used route as a child for various occasions.	N/A	Major dog exercising route for local people.
Routes used	A-B-C	A-B-C	A-B-C	A-B-C	A-B-C	Marked existing route.	A-B-C	A-B-C	A-B-C

**PUBLIC RIGHT OF WAY EVIDENCE FORM  
SUMMARY OF DETAILED CONTAINED  
MODIFICATION CLAIM RELATING TO PORTISHEAD GOLF COURSE – CLAIMED FOOTPATH**

Name on User Evidence Form	E82 Mrs J Hall	E83 Mrs A Lewis	E84 C Kenyon	E85 Mr & Mrs Luffman	E86 Mr D C Fricker	E87 Mr G Tute	E88 Mrs L Down	E89 Mr S Bruce	E90 Mr K Rutter
Believed status of routes	Footpath	Footpath	Footpath	Footpath	Footpath	Not Stated	Footpath	Footpath	Footpath
Used the routes	1960-2013	1950-2013	1950 to present	1985 -2013	1998 to present	1998-2013	No specific Dates	No Specific dates	No Specific Dates
Reason	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure
Frequency Per Year Weekly Daily	Twice daily	25 times	200	20 times	52 times (once a week)	5-10 times	200 – 300 times	Daily	Daily
Method of travel	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot	Foot
Any obstructions									
Stiles Gates	No No	No No	No No	No No	No No	No Yes – Between Car park and Golf Course.	No No	No No	No No
Working for landowner	No	No	No	No	No	No	No	No	No
Ever stopped or turned back	Yes – A friend was told to get off the field.	No	No	No	No	No	No	No	No
Ever told by anyone that way was not public	No	No	No	No	No	No	No	No	No
Ever known any locked gates	No	No	No	No	No	No	No	No	No
Any Notices	No	No	No	No	No	No	No	No	No
Given permission	No	No	No	No	No	No	No	No	No
Private right to use	No	No	No	No	No	N/A	No	Yes	Yes
Other information	Worn pathway suggests has been used by many people.	N/A	N/A	No	N/A	N/A	Born and raised in area, always known route to be public.	N/A	N/A
Routes used	A-B-C	A-B-C	A-B-C	A-B-C	A-B-C	A-B-C	A-B-C	A-B-C	A-B-C

**PUBLIC RIGHT OF WAY EVIDENCE FORM  
SUMMARY OF DETAILED CONTAINED  
MODIFICATION CLAIM RELATING TO PORTISHEAD GOLF COURSE – CLAIMED FOOTPATH**

Name on User Evidence Form	E91 R Muir	E92 Mrs D G Dennis	E93 Mrs J Partridge	E94 Mr J Partridge	E95 Mrs H Chapman
Believed status of routes	Footpath	Footpath		Footpath	Footpath
Used the routes	1976-2013	No date specified	1994 - 2017	1994 - 2017	1990 – 2017
Reason	Pleasure	Pleasure	Pleasure	Pleasure	Pleasure
Frequency Per Year Weekly Daily	At least once a week	20 times	300+ times	250+	3 x Weekly
Method of travel	Foot	Foot	Foot	Foot	Foot
Any obstructions					
Stiles Gates	No No	No Yes – Car park at Kilkenny field (Pedestrian Gate)	No Yes – Nore Rd gate by Raleigh Rise	No Yes – Nore Rd Adj Raleigh Rise	No Yes- Off Nore Road
Working for landowner	No	No	No	No	No
Ever stopped or turned back	No	No	No	No	No
Ever told by anyone that way was not public	No	No	No	No	No
Ever known any locked gates	No	No	Yes Aug 2014	Yes 2014	Yes for a few months
Any Notices	No	No	Yes sept 2016	Yes Sept 2016	No
Given permission	No	No	No	No	No
Private right to use	No	No	No	No	No
Other information	N/A	N/A	The golf course runs adjacent to Nore Rd and people using the paths are clearly visible. Council well aware of the use of these paths.	Portable railings used to bar access at sailing club end. It's always been a well-used public right of way	The areas was left in perpetuity for the use and enjoyment of the people of Portishead
Routes used	A-B-C	Marked existing route.	Marked on plan		A-B-C-D

# MOD 102 – Portishead Golf Course – Tabular User Evidence

	Name	From	To	1940	1950	1960	1970	1980	1990	2000	2010
E1	J Brighton	1992	2017								
E2	J Brighton	1992	2017								
E3	D Brookes	1966	2017								
E4	D Brookes	N/A	2017								
E5	C Paul	1993	2017								
E6	C J Brookes	1998	2017								
E7	P Maltby	1990	2017								
E8	D J Capon	1984	2017								
E9	J Czekalski	1995	2015								
E10	J Norman	1980	2017								
E11	M Brighton	1992	2017								
E12	B Amderson	1990	2017								
E13	T Maltby	1991	2017								
E14	J Burton	1983	2015								
E15	M King	1972	2017								
E16	R Baker	1980	2015								
E17	N Bartlett	1973	2017								
E18	M Bartlett	1973	2017								
E19	M Bowen	1940	2015								
E20	N Bowen	1985	2017								
E21	D Burgess	1989	2017								
E22	E Burt	1955	2015								
E23	M Burt	1940	2015								
E24	J Butler	1988	2015								
E25	S Butler	1988	2015								
E26	S Coates	1976	2017								
E27	A Coltby	1975	2015								
E28	J Davey	1992	2017								
E29	J Davey	1992	2017								

[illegible]



E60	J Williams	1986	2017
E61	K Burgess	1989	2017
E62	K Clements	2007	2017
E63	K Pearce	2001	2017
E64	V Dando	2002	2015
E65	J Harris	1956	2017
E66	T Johnston	2008	2017
E67	R Williams	1972	2015
E68	M Williams	1972	2015
E69	P Weatherhogg	1980	2017
E70	F Courtney	N/A	N/A
E71	J Nicholass	1992	2013
E72	G Leany-Fricker	1999	2017
E73	D Warington	1988	2013
E74	J Nicol	1978	2013
E75	R Steven	1989	2013
E76	R Cox	2003	2013
E77	S Archer	1986	2013
E79	C Battlebury	1965	2017
E80	N Sarkar	2005	2013
E81	A Sarkar	2005	2013
E82	J Hall	1960	2013
E83	A Lewis	1950	2013
E84	C Kenyon	1950	2017
E85	Mr & Mrs Luffman	1985	2013
E86	D Fricker	1998	2017
E87	G Tute	1998	2017
E90	K Rutter	N/A	N/A
E91	R Muir	1976	2013
E93	J Partridge	1994	2017

[illegible]

**Mod 102 Portishead Golf Course**  
**Detail of information given during Interviews carried out on 6<sup>th</sup> and 7<sup>th</sup> September 2017.**

Questions asked at Interview on 6<sup>th</sup> and 7<sup>th</sup> September 2017

- Q1. In which years did you use the claimed routes?**
- Q2. Any extended periods when you did not use the route at all?**
- Q3. How did you use the route and how often?**
- Q4. Has the application routes always followed the same course**
- Q5. Approximately how wide is the route?**
- Q6. What type of surface?**
- Q7. Have there ever been any stiles, gates, barriers?**
- Q8. Did any of the above prevent you from using the application routes?**
- Q9. Have you ever seen any signs suggesting “Private, Keep Out”?**
- Q10. Have you seen other people using the application routes?**
- Q11. Were you working for any owner or occupier?**
- Q12. Have you ever been given permission to cross this land?**
- Q13. Has anyone ever told you the application routes were not public?**
- Q14. Have you ever been stopped from proceeding along this route?**
- Q15. Has anyone ever told you that they were prevented from using the application routes?**
- Q16. Have you ever had a private right to use the application routes?**
- Q17. Do you know of any documentary evidence which would be relevant to this case?**
- Q18. Any further information you considered would be helpful in reaching a decision on this case?**
- Q19. Can you illustrate on the plan the route which you have used?**
- Q20. Would you be willing to attend a hearing, or public Inquiry to give evidence?**

E14  
Mr J Burton

I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. I use route as part of a circular route including the edge of golf course and connection to Nore Road. Also for going to Lake grounds. Would need to have connection to Coastal Path.  
**Q1** 1983 - 2017. **Q2** No. **Q3** On Foot twice a month. **Q4** Yes. **Q5** 2 metres. **Q6** Grass Surface. **Q7** No  
 Stiles, Gate - into Nore Road use to be a wooden fence. Thinks there was a gate at current location which was replaced by metal gate. Barriers – Locked Gate but nothing else. **Q8** No and yes, only when gate was locked. **Q9** No but is aware that there is a notice on gate near Windmill but does not use this

**Mod 102 Portishead Golf Course**  
**Detail of information given during Interviews carried out on 6<sup>th</sup> and 7<sup>th</sup> September 2017.**

	entrance. <b>Q10</b> Yes see others quite regularly walking dogs etc. groups do walk coastal path, geology group visit area. <b>Q11</b> No. <b>Q12</b> No never been stopped or queried. <b>Q13</b> No. <b>Q14</b> No. <b>Q15</b> No. <b>Q16</b> No. <b>Q17</b> No. <b>Q18</b> Concerns about any planning application and effect this would have on environment & Wildlife. Has seen various migrating birds, flowers and butterflies. Also Geology importance would not want to see landfill used for restructuring site, objections made at the time. <b>Q19</b> Routes A-B-C and D-B marked on plan. <b>Q20</b> Yes
E25 Mr S Butler	I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Route used commenced on Nore Road across to Coastal Path. Would use elements of Golf Course if Coastal Path was muddy. Used route to go to Lake Grounds with children. <b>Q1</b> 1988 to 2012. <b>Q2</b> No. <b>Q3</b> Monthly. <b>Q4</b> Yes. <b>Q5</b> 2 metres only defined with hedge on one side. <b>Q6</b> Grass. <b>Q7</b> No stiles, Gates – Gate at Nore Rd, wooden fence existed prior to metal fencing. Does not recall anything which would stop access off Nore Road prior to new fencing, may have been a gate, not sure, Barriers - No. <b>Q8</b> No. <b>Q9</b> No. <b>Q10</b> Would expect to see others as thought this was a public right of way. <b>Q11</b> No. <b>Q12</b> No. <b>Q13</b> No. <b>Q14</b> No. <b>Q15</b> Yes has been advised that more recent use has been stopped by the locking of the gate since visiting site in 2012. <b>Q16</b> No. <b>Q17</b> No. <b>Q18</b> This area is used for viewing Red Arrows – Hundreds of people sit on slope and watch. Years ago was used for tobogganing. <b>Q19</b> Routes A-B-C and D-B marked on plan. <b>Q20</b> Yes
E52 Mrs R Ells	I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. From home along Coastal Path now, use of Golf Course was when a child. <b>Q1</b> 1939 – 1960 and 1968 to present day for Cliff Path, 1985 on the Golf Course. <b>Q2</b> Moved away from area between 1960 and 1968. <b>Q3</b> Once a month. <b>Q4</b> Yes believe users have followed a route running adjacent to established cliff path. <b>Q5</b> About 4 metres. <b>Q6</b> Grass. <b>Q7</b> Stiles No, gates – Recalled gate leading to Ladies Bathing Beach but no others. Also recalled the gate on Nore Road with ramp down to Golf Course, Barriers - No. <b>Q8</b> No. <b>Q9</b> No. <b>Q10</b> Yes seen people walking the Golf Course, families, dog walkers, late morning and lunchtime. <b>Q11</b> No. <b>Q12</b> No. <b>Q13</b> No. <b>Q14</b> No. <b>Q15</b> No. <b>Q16</b> No. <b>Q17</b> No used Coastal Path for walks with mother pushing pram then onto Ashdown Road. <b>Q18</b> As a child lived on Springfield Rd and used paths to get to Cliff Path. During the war golf course was given to crop so used coast path, when no crop used golf course. Moved in 1960 returned to area in 1968. Recalled visiting grandparents who had a cottage overlooking extension of Golf Course before houses of

**Mod 102 Portishead Golf Course**  
**Detail of information given during Interviews carried out on 6<sup>th</sup> and 7<sup>th</sup> September 2017.**

	Frobisher and Drake were built. Believes owner of land was Greville Bridgeman. <b>Q19</b> Routes A-B-C and D-B marked on plan. <b>Q20</b> Yes
E53 Miss M Fleming	I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Has never used Nore Road entrance, always used route as part of circular route with cliff path. <b>Q1</b> 1992 to 2016. <b>Q2</b> Has used cliff path, used as part of a circular route, parks in the locality near picnic grounds. <b>Q3</b> Once a week. <b>Q4</b> Yes has seen others walking up on the golf course. <b>Q5</b> Approximately 3 metres. <b>Q6</b> Grass. <b>Q7</b> Stiles – No, Gates – No only bridge on cliff path, barriers - No. <b>Q8</b> No. <b>Q9</b> Yes recalls notice on gate into golf course. <b>Q10</b> Yes seen quite a lot of people, fairly busy – walks morning and afternoon. <b>Q11</b> No. <b>Q12</b> No didn't consider it necessary. <b>Q13</b> No. <b>Q14</b> No. <b>Q15</b> No. <b>Q16</b> No. <b>Q17</b> No. <b>Q18</b> Golf Course was in existence when used. Has played Golf, Ball ran off, even when not a golf course only used the claimed route, never walked route to Nore Road. <b>Q19</b> Route A-B-C marked on plan. <b>Q20</b> Yes
E21 Mrs D Burgess	I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Used Blacknore Lighthouse to Portishead Town or Windmill Pub. <b>Q1</b> Moved to area 1989 recalls use 1995 to 2017. <b>Q2</b> No. <b>Q3</b> Every few months. <b>Q4</b> Yes, has used Nore Road found gate are rather steep so reason for diagonally across the course? Has observed users as mentioned by walkers and dog walkers. <b>Q5</b> 2 metres width being used can get muddy. <b>Q6</b> Grass. <b>Q7</b> Stiles – No, Gates – Gate on Nore Road. Wooden fence could have been a gap where fence became dilapidated, barriers - No. <b>Q8</b> No. <b>Q9</b> No. <b>Q10</b> Yes as previously mentioned. <b>Q11</b> No. <b>Q12</b> No. <b>Q13</b> No. <b>Q14</b> No. <b>Q15</b> No. <b>Q16</b> No. <b>Q17</b> No. <b>Q18</b> Has used the parallel path on Golf Course. <b>Q19</b> point D diagonal route across golf course. A-B-C. <b>Q20</b> No
E61 Mr K Burgess	I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Used Blacknore Lighthouse to Portishead Town or Windmill Pub. <b>Q1</b> Moved to area in 1989 recalls use 1995 to 2017. <b>Q2</b> No – only used Cliff Path. <b>Q3</b> Every few months. <b>Q4</b> Yes has observed many people walking on the golf course, they appeared to be sticking to the routes claimed. Variety of use, with dogs, just walking, recalls seeing one bike but not recently. <b>Q5</b> 2 metres – cliff path has bridge so can get some mud if the stream is flowing. Wooden planks have been placed at muddier sections. <b>Q6</b> Grass. <b>Q7</b> Stiles – No, Gates – No, Barrier - No. <b>Q8</b> No. <b>Q9</b> No. <b>Q10</b> Yes as previously mentioned. <b>Q11</b> No. <b>Q12</b> No. <b>Q13</b> No. <b>Q14</b> No. <b>Q15</b> No. <b>Q16</b> No. <b>Q17</b> No. <b>Q18</b> Definitely just used

**Mod 102 Portishead Golf Course**  
**Detail of information given during Interviews carried out on 6<sup>th</sup> and 7<sup>th</sup> September 2017.**

	the coastal path. Believed that golf club land was private and for golfers. Would not want conflict between walker and players. <b>Q19</b> Coastal Path not claimed routes. <b>Q20</b> No
E44 Mrs A Sterland	I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Moved here in 1985. Walk across Kilkenny Field from home to footbridge to Blacknore or further, surface conditions dictate which route is used. Also who else was on lower path, number of users causing cramped conditions? Has known both routes. Comparable use between Coast Path and Golf Course. Walks the claimed route with friend exercising dog. <b>Q1</b> 1985 to present day. <b>Q2</b> No. <b>Q3</b> until 1997 daily when walking dog, since 1997 on weekly basis. <b>Q4</b> Yes. <b>Q5</b> 1m – 1.5 metres worn path. <b>Q6</b> Grass. <b>Q7</b> Stiles – No, Gates – Kissing gate on Cliff Path near Sugar Loaf, barriers - No. <b>Q8</b> No. <b>Q9</b> No. <b>Q10</b> Yes dog walkers can be seen, joins Kilkenny & Lake Grounds regularly used by lots of people. <b>Q11</b> No. <b>Q12</b> No never asked. <b>Q13</b> No. <b>Q14</b> No. <b>Q15</b> No. <b>Q16</b> No. <b>Q17</b> No. <b>Q18</b> Always known the two paths, used both. <b>Q19</b> Route A-B-C marked on the plan, gate at Nore Road. <b>Q20</b> No
E43 Mr M Sterland	I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Moved here in 1979, lived on Nore Rd as a teenager. Walk across Kilkenny Field from home to footbridge to Blacknore or further. Surface conditions dictate which route is used also who else was on lower path. Numbers of users causing cramped conditions. <b>Q1</b> 1962 to present day. <b>Q2</b> . Used cliff path, not sure why other route came into use. Remembers land when owned by Bristol City Council. <b>Q3</b> . Daily until 1997 with dog. <b>Q4</b> . Yes. <b>Q5</b> . 1 to 1.5 metres worn path. <b>Q6</b> . Grass compacted ground. <b>Q7</b> . Stiles – No, Gates – Kissing gate on Cliff Path near Sugar Loaf not locked, barriers - No. <b>Q8</b> . No. <b>Q9</b> . No. <b>Q10</b> . Yes dog walkers all the time. Can be seen from Windmill Pub. Regularly used by a lot of people. <b>Q11</b> . No. <b>Q12</b> . No never asked for it or said I cannot. <b>Q13</b> . No. <b>Q14</b> . No. <b>Q15</b> . No. <b>Q16</b> . No. <b>Q17</b> . Yes Sale Agreement sold as Open Space by Bristol City Council to Woodspring. <b>Q18</b> . Moved here in 1962 there was just one path the Cliff Path. New sewage pipe was installed by Wessex Water (houses by Police HQ) which could be why second route came into being. <b>Q19</b> . Route A-B-C marked on plan, gate on Nore Road. <b>Q20</b> . Yes
E7 Mr P Maltby	I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Moved to this address in 1989, had lived in Portishead prior. Used route from Windmill Pub onto Course to Sugar Loaf Beach. Has relatives in Drake Way so used Nore Rd Entry. <b>Q1</b> . Pre 1980 to Jan 2017. <b>Q2</b> . No Always been in the area, born in Portishead. <b>Q3</b> . 2-3 times a week. <b>Q4</b> . Yes.

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	<p><b>Q5.</b> 2 metres. <b>Q6.</b> Grass. <b>Q7</b> Stiles – No, Gates – Gate on Nore Rd (which was locked), Barriers – Gate on Nore Road locked, Wooden logs placed to make difficult, no other barriers. <b>Q8.</b> No. <b>Q9.</b> Yes only notices erected within the last year or so. <b>Q10</b> Yes all times of the day. Groups, Dog walkers, single. Majority stick to claimed routes, can view from relative's house, have viewed walkers continually on the ground. <b>Q11.</b> No. <b>Q12.</b> No. <b>Q13.</b> No. <b>Q14.</b> No. <b>Q15.</b> Yes spoken about at Town Council meeting during public participation. Walked in the group that recently walked the line of the paths for support. <b>Q16.</b> No. <b>Q17.</b> No. <b>Q18.</b> Recalled fencing, 2 Bar fence with wooden gate, gate was never locked. <b>Q19.</b> Marked A-B-C and D-B on the plan. <b>Q20.</b> Yes.</p>
E67 Mr R Williams	<p>I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Lived at Rippleside, Beach Road West, came to Portishead in 1972. Has always used the same routes – mainly coastal path. Has played golf here when it was last a golf course. Used the land to wander over the whole of course, not keeping to one specific path. <b>Q1.</b> 1972 to present day. <b>Q2.</b> No. <b>Q3.</b> Once a week. <b>Q4.</b> No have generally kept to the cliff path or wandered over all of the Golf Course. <b>Q5</b> N/A. <b>Q6</b> Grass. <b>Q7.</b> Stiles – Near to Windmill Pub next to bridge over water outlet, Gates – Recalls gate into Golf Course by hut, Barriers - No. <b>Q8.</b> No. <b>Q9.</b> Yes notice saying Golf Course, can't remember exact details notices relating to 'No Dogs'. <b>Q10</b> Yes has seen users on the paths claimed, majority use the footpaths. <b>Q11.</b> No. <b>Q12.</b> No. <b>Q13.</b> No. <b>Q14.</b> No. <b>Q15.</b> No. <b>Q16.</b> No. <b>Q17.</b> Used site to exercise dogs owned by his children. Prior to this own hobby of walking and playing golf. <b>Q18.</b> Recalled the old fence line – wooden – became dilapidated in areas, recalled gate off Nore Road standard gate. <b>Q19.</b> Marked plan with routes walked, these do not match those claimed. <b>Q20.</b> Yes</p>
E10 Mr J Norman	<p>I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Lived here since 1979. Has used route from Ashdown Rd to Windmill Pub and beyond. Also used Nore Road to join onto coastal route. <b>Q1.</b> 1980 to present day. <b>Q2.</b> No. <b>Q3.</b> 2-3 times a year as a runner, 1 – 2 times a year as a walker. <b>Q4.</b> No has used the area of land to wander in all directions. <b>Q5.</b> The lower edge of Golf Course it is quite a wide strip of mown grass. Until Golf Course it was more like a meadow. <b>Q6.</b> Grass. <b>Q7.</b> Stiles – No, Gates – Gate on Nore Rd, always been a gate at this location – did not recall gate by Golf Hut, Barriers – No. <b>Q8.</b> No. <b>Q9.</b> No. <b>Q10.</b> Yes seeing people walking dogs, running and walking along the claimed routes, others using Golf Club land, also recall using coming from Nore Road. <b>Q11.</b> No. <b>Q12.</b> No. <b>Q13.</b> No. <b>Q14.</b> No. <b>Q15.</b> No. <b>Q16.</b> No. <b>Q17.</b> No. <b>Q18.</b></p>

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	Is organiser of the BOGS of Somerset Hash House Harriers who have undertaken about 60 runs in Portishead area since 2005. On occasion have certainly used this area gaining entry and exit from Nore Road and Windmill Pub could use claimed routes as well as others shown on plan. <b>Q19.</b> Marked on map routes A-B-C and D-B as well as others crossing the golf course. <b>Q20</b> Yes.
E69 Mr W Weatherhogg	<p>I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Lived at address for 37 years. Uses route from home along coastal path then onto Golf Course to Windmill Pub. Does occasionally stay on the coastal path. Prefers Golf Course – These make a good circular route. <b>Q1.</b> 1980 – Present day. <b>Q2.</b> None, used regularly. <b>Q3.</b> 2 to 3 times a day. <b>Q4.</b> Yes. <b>Q5.</b> Believes width would be about 2 metres from rough ground. <b>Q6.</b> Grass. <b>Q7</b> Stiles – No, Gates – No, Barriers erected when tenancy taken up, tree trunk but not there very long. <b>Q8.</b> Yes only for a couple of weeks, just seemed to disappear does not know who moved this. <b>Q9.</b> Yes at same time as Barrier but again disappeared does not recall sign on gate into Golf Course near Windmill Pub. <b>Q10.</b> Include Survey (this information will follow these questions) – morning visit saw 15, normally sees about 20, sees more people when walking in the afternoon, these are on coastal path as well as Golf Course. <b>Q11.</b> No. <b>Q12.</b> No. <b>Q13.</b> No. <b>Q14.</b> No. <b>Q15.</b> No. <b>Q16.</b> No. <b>Q17.</b> No mentally recalled a variety of activities undertaken when it wasn't a golf club. <b>Q18.</b> Consider Golf Course route beneficial for wellbeing, good views. Used extensively for walking with Dog, going to Windmill Pub, visiting relatives, loves walking along here for the exercise and views. <b>Q19.</b> Marked route A-B-C on plan. <b>Q20.</b> Yes.</p> <p>Mr Weatherhogg submitted the following information from a survey he undertook relates to route A-B-C.</p> <p><u>Survey of walkers along Channel Path and the bottom of the Portishead Golf Course between the Windmill Pub and the western end of the Golf Course</u></p> <p><u>Details of Survey</u></p> <ol style="list-style-type: none"> <li>1) The survey was carried out between 27<sup>th</sup> September 2016 and 31<sup>st</sup> March 2017, a period of 23 weeks</li> <li>2) I covered the 2 walkways between the western end of the golf course and the Windmill Pub</li> <li>3) Walk 1 is the path next to the Channel</li> <li>4) Walk 2 is along the bottom of the golf course</li> <li>5) The survey was carried out over 1 hour in the morning, between 8am and 9am, and 1 hour in the afternoon, between 3pm and 4pm.</li> </ol>



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	<p><u>Results of Survey</u></p> <p>1) Number of walkers seen on Walk 1 was 1923  2) Number of walkers seen on Walk 2 was 2804  3) 40% of the walkers were using the Channel Path, and 60% were using the Golf Course path  4) Dogs seen on Walk 1 were 1333, and on Walk 2 were 2541  5) Golfers seen in 23 weeks were 20 adults and 2 children  6) Maintenance men seen in 23 weeks totalled 15</p> <p><u>Conclusion</u></p> <p>For every golfer 1 saw, 1 saw 215 walkers and 176 dogs. I did not see any problems arising between walkers or their dogs, and maintenance men or golfers.</p>
E8 Mr D Capon	<p>I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Have lived here for 24 years been in Portishead 40 years. Walk home to end of Golf Course or Blacknore Lighthouse. <b>Q1.</b> 1985 to present day. <b>Q2.</b> No always used during this period. <b>Q3.</b> 2 to 3 times a week. <b>Q4.</b> Yes when a golf course have kept to route, when not a golf course did meander. Used because coastal path gets rather muddy in winter, used in summer as well as an alternative route. <b>Q5.</b> Walking along the margin which is defined by grassed cut would be a 2 metres strip. <b>Q6.</b> Grass. <b>Q7</b> Stiles – No, Gates – No, Barriers – attempts were made by golf course tenant to block access at both ends, prior no obstructions. <b>Q8.</b> Yes only on a few days when someone removed these and route became open again. <b>Q9.</b> No. <b>Q10.</b> Yes can walk mornings or afternoons. Have seen others using perhaps half a dozen at a time. They were walking same line of route being used – occasionally seen a golfer. <b>Q11.</b> No. <b>Q12.</b> No. <b>Q13.</b> No. Has been asked to put dog on lead by maintenance gentleman but not asked to remove. <b>Q14.</b> No. <b>Q15.</b> No. <b>Q16.</b> No. <b>Q17.</b> No. <b>Q18.</b> I am a golfer and used to PROW on Golf Courses. If everyone works together no problem should be encountered. Signage advising both parties assists – Often Golfers are advised to wait for footpath users to pass. <b>Q19.</b> Marker route A-B-C on plan. <b>Q20.</b> Yes.</p>
E31 Mr D Escott	<p>I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Used to live in Pinecroft next to Coastal Path, moved here 1984 from London. Walked Coastal Path, kept dog off the Golf Course mostly. When walking if weather made coastal path slippery</p>

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	<p>would walk on Golf Course, golf course could be slippery as on a slight hill. <b>Q1.</b> 1984 to 2014. <b>Q2.</b> No. <b>Q3.</b> Daily. <b>Q4.</b> Yes. <b>Q5.</b> 1.5 metres. <b>Q6.</b> Grass trodden down. <b>Q7.</b> Stiles – No, Gates – Long gate further along the Coastal Path, Barriers – No. <b>Q8.</b> No. <b>Q9.</b> No. <b>Q10.</b> Yes seen golfers and dog walkers. Met lots of walkers on occasion. <b>Q11.</b> No. <b>Q12.</b> No. <b>Q13.</b> No. <b>Q14.</b> No. <b>Q15.</b> No. <b>Q16.</b> No. <b>Q17.</b> No. <b>Q18.</b> Used this route as well as Coastal Path to Lake Grounds never used Nore Road Entrance. <b>Q19.</b> Marker A-B-C on plan. <b>Q20.</b> No depends on how feeling at the time, would wish to be kept informed.</p>
<p>E73 Mr D Warinton</p>	<p>I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Lived at Woodside Gardens Portishead for 23 years, moved from Bristol. Retired here in 1994 but knew Portishead from 1930. Custom and practice to walk around edge of Golf Course. Use to walk from home to Walton Park, Battery Point and Royal Hotel. Would use Coast Path but if wet would walk on Golf Course. <b>Q1.</b> 1930 – 1966, then 1994 to 2016. <b>Q2.</b> Although living in Bristol between 1966 and 1994 frequently visited the area and walked routes. <b>Q3.</b> Twice daily. <b>Q4.</b> Yes. <b>Q5.</b> 2 metres. <b>Q6.</b> Grass. <b>Q7.</b> Stiles – No, Gates – Gate on Nore Road, Gate into Car Park, kissing gate on coastal path, barriers- No only locking of gate on Nore Road and piling of brushwood. <b>Q8.</b> No gate had gaps in hedge, Yes locked gate. <b>Q9.</b> No. <b>Q10.</b> Yes many times, walkers, dog walkers &amp; runners. Once saw a cyclist trying to cycle. <b>Q11.</b> No. <b>Q12.</b> No thought I had the right, thought these were public rights of way. <b>Q13.</b> No. <b>Q14.</b> No. <b>Q15.</b> Yes ladies reported that they have been harassed verbally by male on golf course. <b>Q16.</b> No. <b>Q17.</b> Believes has seen an old map which showed rights of way over the golf course. <b>Q18.</b> Route from Nore Road is a sunken route use to be a path from Avon Way. FP is illustrated and users continued across ground. <b>Q19.</b> Marked A-B-C, D-B and numerous other routes on plan. <b>Q20.</b> Yes.</p> <p>Additional information handed in at time of interview  <u>PORTISHEAD GOLF COURSE FOOTPATH</u>  Recreational strip of coastal land from Woodhill to Ashdown Road (sailing, tennis, bowls, cricket, swimming, golf, cycling, running &amp; walking). This infrastructure is based on the sea and coastal path with access facilities. Golf is a declining activity over past 30 years both nationally and in Portishead with the closure of the course next to tennis courts and the course from Windmill Inn to Beach Road.  <u>Field between Rayleigh Rise and Kilkenny Bay</u>  20 years ago if one walked regularly on the Coast Path you would see some 2 to 4 golfers every other day. If you walk regularly on the Coast Path now I doubt you will see 2 a week. However for <u>every</u></p>

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	<p><u>golfer you will see dozens of walkers &amp; runners.</u> In fact you may guarantee to see walkers anytime on any day. But in my walks I have been stopped by a locked pedestrian access gate on Nore Road from using the footpath from Rayleigh Rise to the Coast Path and also at times someone has deposited brushwood on the footpath forcing people to find alternative routes to the Coast Path. As a point of interest on other golf courses where there are public footpaths it is normal to give walkers precedence over play.</p> <p><u>SUMMARY</u></p> <ul style="list-style-type: none"> <li>• It is a public footpath which has been in existence for centuries from the Friary to Kilkenny Bay. It gives access to the Coast Path for pedestrians and the recreational facilities provided in the area.</li> <li>• Certainly the golf course was constructed around it. Normally in the circumstances walkers get precedence over play.</li> <li>• Estimated that 98% of the people using the field are walkers and runners</li> <li>• I have experienced efforts to prevent walkers using the path and them being forced to seek alternative routes which are longer.</li> <li>• Any survey which did not demonstrate the overwhelming number of walkers &amp; runners in the field could be accused of arranging for “a docked tail to wag the dog”.</li> <li>• You will have stopped people walking to a facility which is well used regularly for the sake of a facility which is very rarely used.</li> </ul>
E32 Ms C Fowler	<p>I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Lived at this address since 1985, previously lived on same street when a child and Brendon Road always in Portishead. Now lives above Drakes Way and follows path to Nore Road then access to Golf Course. <b>Q1.</b> 1964 to present day. <b>Q2.</b> Lived in Clevedon 1970 – 1977 but family still in area so constantly visited and still used route. <b>Q3.</b> Twice weekly. <b>Q4</b> Yes. <b>Q5.</b> 1 – 1.5 metres. <b>Q6.</b> Grass. <b>Q7.</b> Stiles – Perhaps when there was a hedgerow, then replaced by gate. Gates – Nore Road. Barrier – No. <b>Q8.</b> No. <b>Q9.</b> No. <b>Q10.</b> Yes seen lots of people. Family groups, dog walkers, seasonal use varies but lots use Sugar Loaf for swimming. <b>Q11.</b> No. <b>Q12.</b> No. <b>Q13.</b> No. <b>Q14.</b> No. <b>Q15.</b> No. <b>Q16.</b> No. <b>Q17.</b> Reference to deeds and ownership. <b>Q18.</b> Remembers area when area was bracken and ferns. Recollection given by mother that area use to be a golf course. Nore Road originally hedged, then replaced by ranch fencing little gate in fencing, then replaced all with metal and replaced gate. <b>Q19</b></p>

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	Marked A-B-C and D-B on plan. <b>Q20</b> No.
E12 Mr B Anderson	I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Lived here since 1990, moved here from Redland Bristol. Leaving house can use a couple of options. One through gate off Nore Road across Golf Course to parallel route to cliff path, then in either direction to rejoin Cliff Path. <b>Q1</b> . 1990 to present day. <b>Q2</b> . No. <b>Q3</b> . 200 times a year. <b>Q4</b> . Yes. <b>Q5</b> . 1 metres from Nore Road, Parallel Path 2 metres. <b>Q6</b> . Grass. <b>Q7</b> . Stiles – No, Gates – Gate on Nore Road, 5 Bar Gate on Nore Road, Entrance to Course 5 Bar Gate, These were padlocked for approximately 6 weeks when new lease. Barriers – No. <b>Q8</b> . No accessed from Coastal Path. <b>Q9</b> . Yes recalls signage for one weekend relating to dogs. <b>Q10</b> . Yes all the time. Can view Golf Course from home window. Seen dog walking, runners, walkers, would say walkers are the majority. <b>Q11</b> . No. <b>Q12</b> . No. <b>Q13</b> . No. <b>Q14</b> . No. <b>Q15</b> . Yes understands that others had difficulty finding alternative route when gates were padlocked. <b>Q16</b> . No. <b>Q17</b> . No. <b>Q18</b> . Original fenceline on Nore Road. Wooden with 5 Bar Gate for access – unsure whether there was a gap or gate – fence line went in 15/17 years. <b>Q19</b> . Marked A-B-C and D-B together with many other routes on plan. <b>Q20</b> . Yes.
E38 Mrs J Lord	I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Lived here 36 years prior still in Portishead. Enjoys walking. Starts from Sugar Loaf Beach across Golf Course through gap in hedge about halfway along hedgeline. Also walked parallel to Cliff Path if muddy and on the Cliff Path. <b>Q1</b> . 1966/1967 to 2016. <b>Q2</b> . No. <b>Q3</b> . Every few months. <b>Q4</b> . Yes. <b>Q5</b> . 2 metres. <b>Q6</b> . Grass. <b>Q7</b> . Stiles – No, Gates – kissing gate on Coastal Path, Barriers – No. <b>Q8</b> . No. <b>Q9</b> . No. <b>Q10</b> . Yes seen groups, families walking depends on time of day and time of year, varies accordingly. <b>Q11</b> . No. <b>Q12</b> . No. <b>Q13</b> . No. <b>Q14</b> . No. <b>Q15</b> . Yes is a town councillor and has had allegations made that others have been prevented from using these routes (other than the cliff path). <b>Q16</b> . No. <b>Q17</b> . No. <b>Q18</b> . 1966 was a golf course, better used than now. When not a golf course had some maintenance. Is on Town Council, does not recall any issue with this site prior to planning application being considered. <b>Q19</b> . Marked A-B-C and D-B on plan as well as other routes used. <b>Q20</b> . Yes.
E20 Mr N Bowen	I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Lived at this address 33 years prior to that Redcliffe Bay, Seaview Road lived in Portishead. Would use this route to go to Picnic Grounds. Use this rather than Coastal Path because of

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	<p>picturesque views and avoids overgrown brambles, trees etc. More often use the Golf Course, always done this never thought about it, avoids cyclists. <b>Q1.</b> 1956 to present day. <b>Q2.</b> No. <b>Q3.</b> 3 – 4 times a week. <b>Q4.</b> Yes. <b>Q5.</b> 2 metres. <b>Q6</b> Grass. <b>Q7.</b> Stiles – No, Gates – No, Barriers – recalls barricade near slipway, there just for a few days, One piece of palisade fence. <b>Q8.</b> No. <b>Q9.</b> No. <b>Q10.</b> Yes many times. <b>Q11.</b> No. <b>Q12.</b> No didn't think it was necessary. <b>Q13.</b> No. <b>Q14.</b> No. <b>Q15.</b> No. <b>Q16.</b> No. <b>Q17.</b> No. <b>Q18.</b> Remembers being a corn field after the war. Swimming Club was run off Sugar Loaf – Water pipe was installed on edge of Golf Course – Approach Course about 20 years ago when not a Golf Course cut but not maintained. <b>Q19.</b> Marked A-B-C on plan. <b>Q20.</b> No.</p>
E19 Mrs M Bowen	<p>I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Lived at this address 33 years prior to that Redcliffe Bay, Seaview Road lived off Nore Rd. Would use this route to go to Picnic Grounds. Use this rather than Coastal Path because of overgrown brambles, trees etc. Used this route as had always done this, lets the dog have a run whilst walking, able to let off lead. <b>Q1.</b> 1952 to present day. <b>Q2.</b> No. <b>Q3.</b> 3 – 4 times a week. <b>Q4.</b> Yes. <b>Q5.</b> 2 metres. <b>Q6</b> Grass. <b>Q7.</b> Stiles – No, Gates – No, Barriers – recalls barricade near slipway, there just for a few days, One piece of palisade fence. <b>Q8.</b> No. <b>Q9.</b> Yes recalls notice remarking against dogs but only there for a few days. <b>Q10.</b> Yes. <b>Q11.</b> No. <b>Q12.</b> No wasn't necessary. <b>Q13.</b> No never arisen. <b>Q14.</b> No. <b>Q15.</b> No. <b>Q16.</b> No. <b>Q17.</b> No. <b>Q18.</b> Remembers being a corn field after the war. Swimming Club was run off Sugar Loaf – Water pipe was installed on edge of Golf Course – Approach course about 30 years ago when not a Golf Course cut but not maintained. <b>Q19.</b> Marked A-B-C on plan. <b>Q20.</b> Yes.</p>
E92 Mrs D Dennis	<p>I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Lived here 31 years prior to that Redcliffe Bay. Leave my house down Ashdown Road to join Coast Path, occasionally use Golf Course if weather conditions have affected the cliff path (muddy). <b>Q1.</b> 1971 to present day. <b>Q2.</b> No. <b>Q3.</b> Once a week. <b>Q4.</b> No Golf Course use to be up to Cliff Path till Wessex Water put pipe line in. The land cannot now be mown. This has gone in since at this property, suggests 30 years. <b>Q5.</b> 2 metres. <b>Q6</b> Grass mown by maintenance man. <b>Q7.</b> Stiles – No, Gates – No, Barriers – metal barrier near Sugar Loaf Beach when current lessee took over. <b>Q8.</b> No. <b>Q9.</b> Yes notice at Golf Hut entrance states No Dogs on Golf Course. <b>Q10.</b> Yes not just keeping to paths, some golfers, lots of dog walkers. <b>Q11.</b> No. <b>Q12.</b> No never needed permission. <b>Q13.</b> No. <b>Q14.</b> No. <b>Q15.</b> No. <b>Q16.</b> No. <b>Q17.</b> Yes see further comments (Q18) for reasons for use. <b>Q18.</b> Plays golf on the course. Most people are</p>

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	considerate making sure dog doesn't pick up ball etc. Fencing – previously ranch fencing, when new fencing was erected some users tried to force way through property hedge. Never use to be so many using the course. <b>Q19.</b> Marked A-B-C on plan. <b>Q20.</b> Yes.
E39 Mr C Matthews	I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Lived at current address 15 or 16 years, prior Woodhill Rd moved to Portishead 1967. Would park in Hole In One car Park, walk PROW to Cliff Path then if coast path in poor state would go onto Golf Course to avoid surfacing. <b>Q1.</b> 1967 to present day. <b>Q2.</b> No. <b>Q3.</b> Weekly. <b>Q4.</b> Yes weather dependant would dictate which route was used. <b>Q5.</b> 1.5 metres. <b>Q6</b> Grass with compacted mud. <b>Q7.</b> Stiles – No, Gates – No, Barriers – No. <b>Q8.</b> No. <b>Q9.</b> No. <b>Q10.</b> Yes walk all times of day and seen other users. <b>Q11.</b> No. <b>Q12.</b> No. <b>Q13.</b> No. <b>Q14.</b> No. <b>Q15.</b> No. <b>Q16.</b> No. <b>Q17.</b> No. <b>Q18.</b> First moved here in 1967. Lived in Portishead all that time except for one year. Route was recommended by acquaintance when first moved in. Used Coastal Path, then used Golf Course when weather was bad to ensure safety. Walked before houses on Ashdown Road were built. <b>Q19.</b> Marked A-B-C on plan. <b>Q20.</b> Yes.
E50 Mr C M Woodhead	I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Lived here since 1982. Start on Nore Road across Golf Course to reach Coastal path then off in either direction to Royal Pub direction or Clevedon. <b>Q1.</b> 1982 to present day. <b>Q2.</b> No. <b>Q3.</b> 3 – times a month. <b>Q4.</b> Yes. <b>Q5.</b> 2 metres. <b>Q6</b> Grass and compacted mud. <b>Q7.</b> Stiles – No, Gates – Five Bar Gate with ramp. Gate on Nore Road, remembered being locked but climbed over to access, Barriers – No. <b>Q8.</b> No. <b>Q9.</b> No. <b>Q10.</b> Yes uses mainly afternoons will see people when out walking. <b>Q11.</b> No. <b>Q12.</b> No. <b>Q13.</b> No. <b>Q14.</b> No. <b>Q15.</b> No. <b>Q16.</b> No. <b>Q17.</b> No. <b>Q18.</b> Used the route because everyone does, it is a great amenity for the public. <b>Q19.</b> Marked A-B-C and D-B on plan. <b>Q20.</b> Yes.
E3 Ms D Brookes	I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Lived at this address for 20 years. Use the route from home then along hedgeline to edge near coast then go in both directions to Windmill Pub and Sugar Loaf Bay. Footpath was used to gain access to golf course. <b>Q1.</b> 1966 to present day. <b>Q2.</b> . <b>Q3.</b> Weekly. <b>Q4.</b> Yes before gates were locked marked route on ground diminished. <b>Q5.</b> 1 – 1.5 metres. <b>Q6</b> Grass – beaten down earth. <b>Q7.</b> Stiles – No, Gates – Recalls Gate on Nore Road being locked for a period of time when tenant took over golf course. Previously old gate existed, then a gap, Barriers – No. <b>Q8.</b> No. <b>Q9.</b> No. <b>Q10.</b> Yes very well used by local people and dog walkers. <b>Q11.</b> No. <b>Q12.</b> No always understood it was a PROW used with family

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	(parents). <b>Q13.</b> No. <b>Q14.</b> No only when gate locked. <b>Q15.</b> No. <b>Q16.</b> No. <b>Q17.</b> Yes personal knowledge, recollection of using routes with parents. <b>Q18.</b> Grew up in Redcliffe Bay. Remembered the fencing was replaced. Old Gate had been there on Nore Road which then left a gap when broken. Workmen assured gate would be installed. Lived opposite on Nore Road and has used since children were small. <b>Q19.</b> Marked A-B-C and D-B on plan. <b>Q20.</b> Yes.
E91 Mr R Muir	I believe that the facts and matters contained in this statement are true. I believe the application route to be a footpath. Lived at the address since 1981, previously lived St Mark's Park Rd Portishead. Would park by sailing club, Windmill Pub or Kilkenny Fields walked edged route from Windmill & Sailing around edge of golf course? Also well-defined route along edge of course through gap in hedgeline. <b>Q1.</b> 1976 to 2017. <b>Q2.</b> Always been in the area. <b>Q3.</b> Between daily and 2-3 times a week. <b>Q4.</b> Yes always used on differing lines. <b>Q5.</b> Would have welcomed a defined 1 metre route around the whole site. <b>Q6</b> Grass surface – always just grass. <b>Q7.</b> Stiles – No, Gates – 5 bar gate at Windmill, pedestrian gate Nore Road, considered dangerous other gate for maintenance access, Barrier – Entry on course – No Barrier recollected. <b>Q8.</b> Yes Verbal abuse when lease issued 4 – 5 years ago. <b>Q9.</b> Yes notice on gate since 1976, ignored, open land for benefit of residents. <b>Q10.</b> Yes seen lots of people, often meeting and chatting, personal visits could see 0-12 people also on the land. <b>Q11.</b> No. <b>Q12.</b> No. <b>Q13.</b> No. <b>Q14.</b> No. <b>Q15.</b> No, no recollection of anyone being prevented. <b>Q16.</b> No. <b>Q17.</b> No will look at old photos. <b>Q18.</b> Never used Nore Road entrance, does use the Coastal Path for reason of dangerous entry, no parking. If opened would require some steps being created does not recall when black fencing on Nore Road was installed. <b>Q19.</b> Marked A-B-C on plan as well as others used. <b>Q20.</b> Yes.
E15 Mr M King	The following relevant information relating to the history of this site is extracted from an email submitted by Mr King on the 8 August 2017 who was unable to attend interview. I stand by all that I said in the ad-hoc pro-forma I completed about the Portishead approach golf course and my experience of its public use over much of 45 years living in Portishead. Throughout that time it has (in our experience) been as much a casual recreation piece of land and a short cut between the coast path and Nore Rd (as well as the small car park in Nore Rd just above “the Windmill” pub) as an ad-hoc golf course that has been used by people wanting to play golf or practice, locally. I have seen (and been!) dog walkers on the piece of land, children and families playing and flying kites etc. on the field – when not in use.

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	<p>It is now only a nine hole course because the top half, running up the hill on the other side of Nore road, was sold off for development years ago, an estate which includes Raleigh Rise etc. If i remember rightly, at times, it was possible for a small fee to hire a club and balls and to play the course, from a small hut on the Eastern edge of the site. I would also point out that during my long lifetime, it has always usually been acceptable for people walking to use the perimeter (at least) of public and often private golf courses too. Obviously, it was accepted that one had to take care against personal injury and to not disturb the golfers using the course in any way.</p> <p>I fully support retaining this space as a public green space as well as an ad-hoc golf course, as has been the case for almost 50 years to my certain knowledge. I see no reason why it cannot also allow a perimeter path around the field – when the course is in use and subject to pedestrians being aware they use those verge walkways entirely at their own risk.</p> <p>Those are my views and I have taken this opportunity to communicate them, while I still can.</p>
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