

Landowner Evidence Claim 1094 Fareham

Appendix 5

Name of Landowner	Details of Use and Management
Mrs. D. Betts - freeholder (statement)	<p>Bought property in Swanwick Shore Road in 1992, but had boat at Swanwick, since 1981 and previous house in Swanwick Lane; visited every weekend Fri-Sun 1981; walked path often and found current address while on it; have not cycled on path; lots of breaches, chose bits of wood or bricks to help get over them; path bad past Brooklands Quay, southern part also not easy; could not have cycled it, because would have had to carry bikes most of way; could not have taken bike on higher path; in 1980s section past Universal severely breached; people on path walking; don't recall what in place before Chinese Bridge; went inland to get round breach; had to pick time for walking, particularly difficult at some states of tide; son-in-law went to top of thigh in mud in dip at Brooklands House; gate by Tidemark caused difficulties for lorries while rebuilding that house; gate removed; recall seeing it in place, but no recall of it being closed; painted gate, possibly original farm gate for Brooklands Farm; aware of gate near Brooklands Quay, other original gate for farm; no recollection of it being shut; kissing gate at Universal recent; a previous metal one; people go under side bar with bikes; always a 'Footpath Only' sign at northern end and 'walkers only' sign at south; don't know who put up 'Footpath Only' sign, but still in place in 1992; no recall when it was taken down; saw occasional cyclist in 1992; 1 or 2 people cycled to boatyard; cycling a recent popular pastime; some cyclists respect signs, dismount and walk past house – thank them for their courtesy; when northern end of path made up, bicycle use started, but no huge growth then; path narrowed by digger left for 6 months during works; groups of 5 or 6 cyclists, heads down and wearing earphones under helmets, go fast, shouting at each other; some are dangerous; people are attracted by the facilities at Universal, once a small boatyard; in past, one cyclist a month and 10 walkers, because path not usable in entirety; saw one person on horse, and no motorbikes; challenging cyclists is ineffective, and receive sometimes very unpleasant responses; takes view that had path been legitimately open for cyclists would not be a curved bridge on route closing breach; between Brooklands Quay and Universal path was as it was, and rest was narrow, with rushes at sides; 2 metres wide at maximum; path was narrow because no-one really used it, now wide enough for a car to use; from Universal south path to ferry being worked on when came to present property; made up with rough stones; variable width, some not very wide; there were no culverts; patches where tide washed over; these built up; did not use south section much because of difficulty of negotiating breaches</p>
Mr. J. Betts – freeholder	<p>Bought house in Swanwick Shore Road in 1992; had boat at Swanwick and house in Swanwick Lane from 1981; came regularly and walked path, saw present house; path favourite walk from Moody's boatyard; nowhere else to</p>

(statement)	<p>walk; route only passable in early 1980s in summer time; breaches that could only be crossed by using planks or bricks; couldn't walk whole path; have not cycled – had no cause to; when path boggy would use higher path; this impassable with a cycle; recalls work at Bunny Meadows in 1980s; no recall of what in place before Chinese Bridge; walked round breach on Mr. Cameron's land; gate by Tidemark stopped lorry with crane from getting in to lift on new roof; post on other side of gap; no recollection of gate being closed; series of jetties further south where houseboats moored; aware of gate by Brooklands Quay, also not seen closed; no recall of any barrier across route by Bunny Meadows; wooden kissing gate at Universal replaced another; bits of old one lying around; no cyclists on path in 1980s; no stiles; 'Footpath Only' sign always there near Tidemark; recalls 'no cycling' sign there, position low down; don't know who put 'Footpath Only' sign up; thought it might be Council, as mounted on strong steel tubular posts, or when it was taken down; spoke to someone who had been told off by Commander Own for cycling past his gate; in 1980s and 1990s people would have 'sit up and beg' bikes, no-one commuting on path then; no possibility of going down whole route because of flooding in dip; no clearing of rubbish from path; no huge surge of use from time of path reinstatement; in early stages after work completed nothing too much to worry about; people not used to being able to cycle on it; use did not build up till 2005 or 2006; no problem with cyclists till recently; neighbouring landowner put up signs in 2009, including 'no jogging'; also saw red signs apparently made by police; two years earlier he had proposed to install electric gates, a set at northern end and others along route, to stop cyclists abusing path; wanted no part in this because gates outside our property would cause problems; finds young riders more respectful; take notice when points out should not cycle on footpath; older cyclists with all the gear take no notice; some difficult, or very unpleasant; received threats of bricks through windows; path now used by groups of walkers – anything from 5, to 20 or 30 at a time; whole volume of use gone up, from few users of any kind in 1980s; area changed hugely; no motorbikes seen; don't consider has been used by these because of jetty and Chinese Bridge; from Universal north 2 metres wide, sides trimmed by neighbour; Council intended path to made up and neighbour wanted to be wider, so paid for increased width; no formal surface originally, mud with planks and bricks; from Universal south pretty much as it was, one foot wide along edge of river; no culverts when first there; don't use southern section much because difficult to use; surface stone, with clay with flints; used by large number of walkers at weekends, as seen as safe environment to walk in; on occasions cyclists become entangled with walkers, then dangerous and have been accidents; path used during week by considerable numbers of elderly people and young mums; route to schools in Sarisbury Green; feels would be a tragedy if status of route changed; would then open to use by organised cycling groups at weekends, causing havoc to large groups of walkers</p>
Mr. A. Smith – abutting,	<p>Has lived in Swanwick since 2001 and knew of path; told by solicitor that public footpath over private property, not for cycling; when first there was a gate on still visible post, opened back to hedge; gate taken away when building</p>

<p>possessory title</p>	<p>work done to front wall, and not replaced, in 2003; Mr. Tracy suggested put back with sign asking to keep it shut; 'Footpath Only' sign in place, along with HCC 'no cycling' signs; 'Footpath Only' signs on two grey poles; thinks it an official sign, put up by Fareham Borough Council because like signs in nearby car park; recalls this sign prompted serious conversation with solicitor about status of route; thinks sign disappeared 2005 or 2006; had been on sailing course about 18 years ago when full length of path could not be used; had tried to walk to Warsash; first section from north difficult, cut up through hedge; condition bad further south, with no bridge at Brooklands Quay; went past boatyard; not sure Chinese Bridge in place in mid 1990s; gave up and came back; aware of potential of path for walking; cycling on path virtually non-existent in 2001; could cycle from south, but northern part very difficult, except when dry; work on path of 2001, after which cycling situation got worse; problem with signs; slow progression of increasing bike use since this finished – complained about from start; path used by young motorcyclists at night; increased use for commuting with development of Universal; ten people doing this – one cycles path in preference to going up hill; one cyclist asked to slow down has responded positively; Mr. Smith's dog hit by cyclist at night; 5 blue lights approached, cyclist who hit dog put head down; did not stop to apologise; rider put out by audacity of Mr. Smith complaining about his behaviour; in 2008 or 2009, when eldest son a toddler, cyclist missed him by inches as he came out of side gate to property; fell back onto hard surface – son cried; got cross with rider, who abused him; contacted Sergeant Spacey at local police station; wife with baby in pushchair has had to jump out of way of cyclists; has been challenging cyclists since moved to house; not given anyone permission to cycle – on the contrary; no annual closures against bikes made; up to 300 cyclists on footpath on summer weekend day; worst personal experience was with 3-year-old son on shoulders, cyclist going very fast; when challenged to slow down, cyclist threatened violence; talked to large group of walkers, who were disappointed to learn of attempt to gain higher status for path to allow cycling; aware of kissing gates at Universal, put up about 4 years ago; no other obstacles across path; small bridge by Brooklands Quay; former Tidemark gate had a padlock; dilapidated, or no fence, on path; put up signs about clearing up dog excrement, but these taken down; saw someone putting up signs to encourage cyclists to use path; used laminated signs, strong glue and staples; often late in evening; has confronted him, saying this inappropriate; he was aggressive and took moral high ground; has filled in potholes; cycling is noisy as stones fly up, with less gravel less noise; witnessed elderly lady walking dog; approached her very fast, lady forced against fence and nearly fell over backwards; could have been seriously hurt; cyclist continued on; wife 500 yards further up path with two children and dog; had to scream to son to stay still and cyclist unsure of course to take; such cyclists do not slow down; expect others to move because they consider have a right of way</p>
<p>Mr. A.J.</p>	<p>Acquired land in 1985 and 1990; deeds state that path is a public right of way; considers it to be a public bridleway;</p>

Taylor – freeholder (landowner form)	has seen locals and strangers using the path, on foot, with bicycles and with vehicles; has never given permission to anyone to use the path; has not stopped members of the public attempting to use the path; has no knowledge of anyone challenging members of the public on the path; has not instructed employees or agents to challenge public use of the path; has seen motorised vehicles going from Swanwick Shore Road to Brooklands Farm area, but do not know if they have any rights of access; is aware of kissing gate about 30 yards north of Universal, which is still in place; has not put up notices along the path; path has never been obstructed; no part of the path ploughed or cultivated; has not maintained or made any improvements to path; adjoining landowners to property have laid down hardcore some years ago to improve muddy area between Swanwick Shore Road and Brooklands Farm
Mr. W. Tracy – freeholder (statement and submission)	Mr. Tracy has provided this investigation with a comprehensive written submission and a written statement resulting from an interview – these two documents form Appendix 6
Mrs. A. Willment of Universal Marina – freeholder (statement)	Crangleck and Universal Marinas both under one ownership; family has controlled land south of Universal since 1960s, and north to culvert by Brooklands Quay since 1997; consider path to be public footpath; diverted in boatyard; boatyard a quite different setting now; in past always slipways from buildings; foreshore and front very different; Brooklands Farm farming right down to waterline, where now marshland; land altered ecologically when footpath built through marshland; altered flow of water, with land being washed away, because highly saturated and slower draining; involved with Marina since 1987; traffic on footpath increased enormously; few people walking then; now increased awareness of value of exercise; groups of ramblers come through all year round; doesn't recall this previously; issue of security in Marina; pontooned and gated when Crangleck Marina; people wander off track; company had policy of challenging those off footpath; Marina not manned continuously; had a staff member living on site; previous employee would challenge people, mostly walkers; have to be vigilant to stop theft; doesn't recall bikes in 1987 – then primarily dog walkers; want people to take care in Marina however accessed; footpath not appropriate for cyclists because narrow, especially if walkers; nowhere to pass; many families with buggies; challenging cyclists and horseriders, with instances of turning away; can't recall last instance of horse in boatyard; 2 or 3 years ago stopped riding there; horses previously not allowed on Universal access lane, so footpath principle access route; sent riders out of yard; current kissing gate near Marina, with buggy gap, put up in 2008; think was old estate fencing of wrought iron; kissing gate primarily aimed at horses, who do not dismount, but also cyclists; path being eroded away; completely submerged where this happening; any signage removed and difficult to maintain on site; would like cyclists to dismount; 'private property – walkers only' sign from 1987, also recalls

	'Footpath Only' sign; 'No Horses' sign on Crableck Lane and at main entrance; has private right to drive down footpath, as has Marina; done this from 1999 or 2000
Mr. P. Cooper – freeholder (landowner form)	Acquired land in 1987; acknowledges route is a public right of way, citing footpath signs; considers it to be a public footpath; has seen public using it, locals and strangers, on foot and with bicycles; not given permission to members of the public to cycle; not turned the public away, or challenged use of path; not given instructions to employees or agents; not aware of any private rights; were gates across path, but not locked and no longer in place; not put up signs on path; path not obstructed; not ploughed or cultivated; has cut back shrubbery; Hampshire County Council has also cut back shrubbery; path shown on title deeds as a footpath
Mrs. D. Stoke - freeholder (landowner form)	Acquired property in January 1983; regards path as public right of way, used by walkers since Hampshire completed the path from Swanwick to Warsash; considers it to be public footpath; has seen locals on path, on foot and occasionally with bicycles; not given permission for bike use, or stopped any members of the public; does not know of anyone challenging users; not instructed agents or employees to challenge public; not aware of private rights; no gates on path; not put up any notices on path; path has only ever been obstructed when maintenance carried out in 2011 at Warsash end; Council has repaired storm damage on a 'needs-must' basis
Mr. S. Cameron – freeholder (landowner form)	Acquired property in 1986; considers path to be a public right of way because of long history as a footpath, not bridleway; believes it is a public footpath; has seen locals and strangers, on foot and with bikes; has not given permission to use path on a bicycle; has attempted to stop members of public cycling, a 'young cyclist driving too fast threatening safety of walkers with their dogs'; public use on bicycles not challenged; not instructed employees or agents to challenge; not aware of private rights over path; gates have been in place, but no longer there, and not locked; not put up notices on path; path not obstructed, ploughed or cultivated; not made improvements; some maintenance and repair carried out by Hamble Harbour Master
T. Twigger – abutting (landowner form)	Acquired property in 1994; regards path as public right of way through usage, and considers it to be a public footpath; has seen locals and strangers, on foot and with bicycles; not given anyone permission to use path with bicycles; is aware of a 'general public challenge to cyclists'; has not instructed agents or employees to challenge public on bikes; not aware of private rights over path; never any gates; not put up any notices; obstructions when Council renovated path; prior to this path only usable on foot at high tide; path not ploughed or cultivated; not made improvements to path; aware that local authority has done some maintenance
Richard Levett – Senior Ranger HCC	Land acquired in 1979, 1980 and 1984; regards path as a statutory public footpath; has seen locals and strangers using path on foot, horseback, bicycle and with a vehicle; has given permission to members of the public; guided walks and higher education research projects run; has stopped public on motor and scramble bikes on path, 3 or 4 occasions since 1986; aware that third parties have challenged use of path, but has no direct knowledge or details

<p>– freeholder (landowner form)</p>	<p>of such challenges; not aware of private rights over path; in 1980s lockable barrier at south end used by HCC and Harbour Office, with pedestrian squeeze through alongside; has put notices on path; were and are related to site disturbance, health and safety and not related to use of path; still in place; no obstructions, and not ploughed or cultivated; Countryside Service has made minor improvements and done maintenance to path; also Hamble River Harbour Authority have carried out repairs and safety maintenance from time to time</p>
<p>Dr. J. Kelly – freeholder (statement)</p>	<p>Bought land in 1979; aware of public footpath over part of land; big breach at end of Brook Avenue; about 30 metres wide; HCC asked permission to fill in; water running out of breach causing river to become shallow; Council wanted people to be able to walk up to Moody’s boatyard; agreed and they carried out work; other breaches in path; lady at bottom of Holly Hill had boating rights into river; she refused to have breach at her property filled; foot traffic then from Warsash village walked north to breach by property and turned back because it was impossible to cross; not negotiable with a bike; no mountain bikes then; people coming from Swanwick Shore Road would have had to go inland; started walking to village; had boat at home; sailed into river through gap; cycled occasionally between 1975 and 2009; not regular use; aware cyclists come and go; more regularly since path completed; taken note of them; finds ordinary cyclists all right, but some aggressive; mainly in 20s and 30s; go very fast and won’t stop for anything; only encountered 2 or 3 times, not a problem; came to path from village; did not use path from north till all breaches filled; generally walks as far as Universal; people take children on bicycles on path because it is safe; more use by cyclists in last 10 years; doesn’t recall ‘Footpath Only’ sign at northern end; would not have impinged anyway; seen a number of ‘no cycling’ signs on southern stretch; not aware on whose authority these put up; having seen people putting bikes on ferry for a long time, not sure why these notices there; workmen using ferry to go to work; not aware of gate at northern end; has seen gate at Brooklands Quay; also kissing gate at Universal; only there for 5 years; not tried it with a bike; or the Chinese Bridge; has seen horse in last 2 years; feels this is wrong; see cyclists every day from upstairs windows; when using path, seen others on foot and with bicycles; also someone with motorised cart who picks up rubbish from path; no other gates or stiles; use path in exercise of private right, to go to own land; southern end of path was almost a crust 2 feet wide; in poor condition; has been improved to about 6 feet wide; surface formerly of earth, now consists of hard core; has not made changes on section owned, nor done any maintenance work on it; not given permission to cyclists to ride on path, or made any annual closures against bikes; nor put up signs indicating cycle use is permissive; seen 3 motorcycles over 30 year; didn’t challenge motorcyclists directly, but called police, who apprehended them and reported back</p>
<p>N. Kimish, Victoria Rampart,</p>	<p>Acquired land in 2012; is tenant of Crown Estate Commissioners; considers path to be a restricted byway; has lived in area all life; recalls path as public right of way for walkers and bicycles; saw locals and strangers, on foot and with bikes; not given permission to anyone to cycle on path; not stopped others; not asked employees or agents to</p>

Stone Pier Yard – abutting (landowner form)	stop cyclists on path; not aware of private rights on path; no gates or notices erected; no obstructions; not ploughed or cultivated; not maintained or made improvements to path; aware that maintenance carried out by Fareham Borough Council
M. Bowler, Head of Leisure and Community, Fareham Borough Council – freeholder (landowner form)	Acquired land in 1957; referred to as a public right of way in title; considers route is public footpath; has seen locals and strangers on path, on foot and with bicycles; not given permission for public to cycle on path; not stopped cyclists on path, or heard of others doing so; not instructed agents or employees to challenge cyclists; gave permission for material to be put on footpath; no gates across path; put up health and safety notices relating to land slippage; notices taken down when works finished in 2011; no obstructions; not ploughed or cultivated; has made improvements to path, when muddy and when condition poor; has also done maintenance
Mr. M. Lindsell – abutting (landowner form)	Acquired land in 2002; considers path a public right of way because it is regularly used by the public; considers it to be a restricted byway; has seen locals and strangers, on foot, horseback, with bicycles and vehicles; not given anyone permission to cycle on path; not turned back people cycling; aware of a resident blocking off and fencing across the path in about 2003; this significantly altered the access to the path and has hindered repairs; not given instructions to employees and agents to challenge the public on cycles; not aware of private rights; gates across path, no longer in place; only closed, not locked; has not erected notices on path; has been blocked by hedges or fences, still there; not ploughed or cultivated; has done work to drainage and strimming; Harbour Authority used to maintain footpath; HCC has also done some resurfacing