

**Application to
record a public footpath,
Lord's Hill, Coxford:**

Investigation Report

To be read in conjunction with:
*'Application to record a public footpath,
Lord's Hill, Coxford:
Documentary Evidence'*

Purpose of Application: To record a footpath on the Definitive Map & Statement

Authority: The Wildlife & Countryside Act 1981, Section 53(5) and Schedule 14

Date of Application: 14th November 2009; received by SCC 22nd December 2009

Route from: A point on Lord's Hill Centre East, in the vicinity and being generally opposite the entrance to Hornchurch Road. (*Approximate grid reference SU 38886 15898*)

Route to: The adopted, publicly maintained un-numbered, un-named highway footpath that connects Lord's Hill Centre East Underpass, to a 'tunnel' within and commencing at the building structure of the Lord's Hill District Centre Shopping arena. (*Approximate grid reference SU 38866 15875*)

SCC Officer: Dave Blakeway: Rights of Way Officer (Tel. 023 8083 3987)

Date of report: October 2010

Aim: To present collated evidence relating to the route described above.

Objective: To enable the Planning & Rights of Way Panel to reach a decision as to whether or not the route has accrued public right of way status by virtue of presumed dedication under section 31 of the Highways Act 1980.

Initial Summary: Whilst the route appears to have been in existence from at least 1984 and has had improvements to its surface and kerbside levels, it has not been adopted by this Authority as public highway.

Due to an incident where members of the public were prevented from using this route, 35 User Evidence Forms were initially given out, and a 4-week informal consultation undertaken, 18th January to 12th February 2010.

14 forms were eventually returned, including 7 stating more than 20 years use and 2 stating periods of 18 and 19 years. The consultation exercise did prompt 12 letters, 9 stating use of 20 years or more.

As a result of interviewing 5 of the original witnesses who had supplied User Forms, it became obvious that the route was an accepted, frequently used path accessing the shopping complex and other facilities that lie immediately within or bounding it. It offered a more commodious and easier route to the adopted alternative.

The obstruction created a major disadvantage to local residents especially those with mobility concerns, having to use the steeper, ramped footpath. This appears to have been reflected in a Petition containing 531 signatures.

Initial Conclusions: Whilst there is evidence that corroborates the routes existence and also gives indication of its age, together with known enhancements and improvements, these do not in themselves confer any public rights.

It has been appropriate to pursue this application as the requirements of schedule 14 had been met regarding the serving of notices and that the Authority has received User Evidence Forms.

The information supplied by the land owner and the land occupier is considered insufficient to negate the application, in that whilst there is textual evidence that can be interpreted as an intention to negate any such claim for public use, this intention has never been made so overt that the public has ceased use of the route or challenged that intention.

1. Introduction

- 1.1 An application has been made to record a public footpath on Southampton's Definitive Map and Statement – the legal record of public rights of way. The application has been made on the grounds that the path has been used by the public for over the 20 years required by statute.i.e. September 2009 retrospectively to September 1989. **[Pages 3 to 6; Documentary Evidence].**
- 1.2 The claimed footpath runs from a point on the southern side of Lord's Hill Centre East, in the vicinity being generally opposite the entrance to Hornchurch Road, to the junction with the un-numbered, un-named publicly maintained highway footpath that connects Lord's Hill Centre East Underpass to the Lord's Hill District Centre shopping complex. **[Pages 7 to 12; Documentary Evidence].**
- 1.3 The Rights of Way Section has now carried out an investigation to determine whether there is sufficient evidence either
 - ◆ to support the claim of 20 years uninterrupted use, or
 - ◆ to negate the application, as directed by section 31(1) of the Highways Act 1980, (see 'Relevant Legislation', page13).

2. Background to the application

- 2.1 The rights of way section was not involved in this matter until early October 2009, after discussions had taken place between J. Sainsbury's and officers within Southampton City Council's Transport and Highways sections, much earlier in the year.
- 2.2 Allegedly in March 2009, an incident occurred, the exact details of which are not known but believed to have involved a local resident, the incident being brought to the attention of officers within the Authority.
- 2.3 This prompted discussions, primarily on the safety of pedestrians using the route, with suggestions as to improving signing and road markings, basically utilising the street furniture of dropped kerbs and tactile paving that was *in situ*.

- 2.4 Following a site meeting 15th July 2009 between the Manager of Sainsbury's and officers from this Authority's Transport and Highways sections, a plan of action was agreed that culminated in the installation of the additional metal railings, and subsequent works, to eradicate the route from all tracts of land, effectively sealing off the route and totally obstructing any possible use by members of the public.
- 2.5 The situation was brought to the attention of the rights of way section on 5th October via a phone call that described an obstruction to the route having been erected "very recently", (later confirmed as being 24th September 2009).
- 2.6 This resulted in the application, under Section 53(5) and Schedule 14 of the Wildlife & Countryside Act 1981 to amend the Definitive Map by adding the route, as a footpath; users claiming that the way has accrued public right of way status by virtue of presumed dedication, as defined in section 31(1) of the Highways Act 1980.

3. Description of the claimed public footpath

- 3.1 The description below is purposefully in the past tense in that, following representations about the closure of the route, photographs were taken on 6th October 2009 to record its condition and format. Within days of this, the concrete and tarmac surfaces had been removed; with the land being 'returned' to natural cover. Additional fencing has since been erected around the perimeter of the site, circa 14th December 2009, (to negate access over the crash barrier that also lined the perimeter of the access yard entrance, just east of the route), and sign posts erected at the Service Area entrance.
- 3.2 The claimed route started at a point on the southern side of Lord's Hill Centre East, in the vicinity being generally opposite the entrance to Hornchurch Road, (approximate grid reference SU 38886 15898). There was a dropped kerb and tactile paving at this point, allowing easy access off and onto the footway. (Point A on the plan accompanying this report, page 15).
- 3.3 The route crossed a grass verge by means of a tarmac surface for a length of approximately 14m, with an average width of 1.3m, where it then crossed a concrete concourse, being the vehicular entrance to the Goods Delivery Service Area to the rear of the shopping complex. Where the tarmac and concrete abutted each other, there was a dropped kerb at this point, (point B on the accompanying plan).
- 3.4 The route crossed the concrete concourse in a straight line for approximately 13.5m but which did not have any form of demarcation as to width, (between points B and C on the accompanying plan).

- 3.5 The end of the concrete concourse, (point C on the accompanying plan), was at a point where there was an intentional gap in the metal railings that bound the southern side of the Service Area and which led onto the un-numbered, un-named publicly maintained highway footpath that traverses through a “tunnel”; being part of the building structure of the shopping complex. Where the concrete concourse and the concrete footpath abutted each other, there was a dropped kerb at this point, (point C on the accompanying plan).
- 3.6 The route from the concourse, through the metal railing and onto the un-named public footpath, had an approximate length of 3m, an approximate width of 0.8m, was constructed of concrete and ended at approximate grid reference SU 38866 15875, (being point D on the accompanying plan). There was a neat, ground level junction between the concrete of the claimed route and the flagstones of the un-named public footpath at this point.
- 3.7 Overall, between points A and D on the accompanying plan, there is a slight incline, with point A being the higher point, point D being the lower. However, point D is considerably higher above the footpath that lies to the east that passes below the Underpass.

4. **Documentary evidence**

- 4.1 The following documentary evidence provides information about the route. Copies and extracts of the relevant plans and photographs are contained within the accompanying document ‘*Application to record a public footpath, Lord’s Hill, Coxford: Documentary evidence*’.

4.2 **Ordnance Survey plans**

General Notes:

- i Ordnance Survey plans provide evidence of the physical existence of routes, but which, on their own, are not proof as to the existence of public rights.
- ii None of the Ordnance Survey Plans, including that which is electronically available today, has ever depicted the route.

4.3 Ordnance Survey 1:2500 (County Series) Sheet 57-13

The editions of 1869, 1910 and 1940 do not show any routes in and around the area subject of this investigation, being primarily tracts of open land, presumed agricultural, bounded by ‘New Road’, later to become part of Lord’s Hill Centre East.

4.4 Ordnance Survey 1:1250 (National Grid Series) SU3815NE

- i ‘A’ edition surveyed July 1950:

No modern detail relating to development of area; the only highway being ‘New Road’ as depicted on the 1940 edition of the County Series 25” sheet 57-13

- ii 'A' edition surveyed July 1950, revisions to Feb 1962

As for 'A' edition

- iii 'A' edition surveyed July 1950, revisions to Mar 1971

Illustrates outline of 'new' carriageways for Lord's Hill Centre East, Lord's Hill Centre West, Lord's Hill Way and Hornchurch Road. 'New Road' now part of Lord's Hill Centre East, (the southern part becoming the footpath to Brownhill Road).

Some buildings to the west; 1-55 Gemini Close and 67-107 Mercury Close.

No development within the frame of Lord's Hill Centre East, Lord's Hill Centre West and Lord's Hill Way

- iv SUSI Edn with © 1973

As for previous edition but with more buildings to the west of Lord's Hill Centre West. Outline for Tangmere Drive but no buildings for either Tangmere or Hornchurch.

- v 'B' edition Revised July 1974, revisions to Aug 1975

As for previous edition but with buildings now in Tangmere and Wittering Road. Hornchurch Road is named but no buildings or development. Buildings for Cardington Court but not named or numbered.

Footway leading to underpass beneath Lord's Hill Centre East, (as today), but continues southeast and southwest along Lord's Hill Centre East to meet Lord's Hill Centre West. No buildings or development of shopping complex.

- vi 'B1' edition © 1982

Development as today but with no buildings in Hornchurch Road.

Cardington Court named and numbered.

Footpath to underpass now continues generally westwards to 'tunnel' within building.

- vii 'C' edition Revised Apr 1984

Development as today but with no buildings in Hornchurch Road.

- viii **Pages 13 to 23; Documentary Evidence** refer to those plans above.

4.5 Aerial Photography / Satellite Imagery [Pages 24 to 33; Documentary Evidence]

Imagery of 2008 and 2004 show the route as described in section 3 of this report.

That of 1999 and 1991 clearly depict the route but its make-up is not precisely discernible, although that of 1999 appears to show the tactile paving, (noted by a lighter colour).

That of 1991 being interpreted as not made-up to the standards described in section 3, (although it could be interpreted as showing tactile paving on the northern side of Lord's Hill Centre East).

On an aerial photograph 1984, the route can be clearly seen even though the scale of the aerial photograph, and the standard of the technology of that time, makes the image less clear.

4.6 Correspondence

Prior to the installation of the obstruction, there had been no items of correspondence relating to this site, only being since then that letters and emails have been exchanged on the matter.

4.7 Planning Applications

Sainsbury's Site

- i. Within the initial Planning Applications for the 'Sainsbury's' Site, 1974/75, (Planning Archive Reference 12500/A3013(a), initial permission granted 02/05/1974), there were no proposals to integrate a pedestrian route, which is now the subject to this application, within the area.
- ii. There is no illustration, description or reference to any of the modifications / improvements that have been made to the route regarding its surface, dropped kerb or tactile paving.
- iii. Such public routes proposed are those which are evident today leading to and from the subway that passes beneath Lord's Hill Centre East.
- iv. There have been no planning applications relating to the metal railings, the erection of signs or the additional fencing that has recently been erected.

Hornchurch Road Site

- v. In trying to determine when and who carried out the improvements to the surface and kerbs in and around the route, (and as there were no indications within the Planning documents for the Sainsbury's site), the Planning File for the Hornchurch Road development was viewed, (CO2/1644/10801).

- vi. Again, there is no illustration, description or reference to any of the modifications / improvements that have been made to the route regarding its surface, dropped kerb or tactile paving.

No evidence has therefore been found that qualifies when improvements were carried out or who authorised such works that included the dropped kerbs, tactile paving and hard surfacing.

5. Land Ownership

Other than the adopted highway verge, [**pages 34 & 35; Documentary Evidence**], Title for the land across which the route falls is vested in BLCT (38775) Limited, London, confirmation being received 14th December 2009 from British Land Properties Ltd and which is leased, in part to J. Sainsbury's Plc. [**Pages 36 to 38; Documentary Evidence**].

6. Consultation

- 6.1 A 4-week informal, (non-statutory), period of consultation took place between 18th January and 12th February 2010, involving all interested parties; local groups and societies, Ward Councillors, other relevant City Council Officers, local Police Beat Officer, statutory undertakers, other statutory consultees, land occupiers and the land owner, (listed on page 16).
- 6.2 Notices were also posted at either end of the route to alert members of the public to the investigation which invited submissions, in writing, on:
- The use of the path for the period 1989 to 2009,
 - Any actions within that period that prevented or deterred use, and
 - Any documentation or photographs covering the same period as evidence of use.

7. User evidence

- 7.1 Because there are no specific rules or regulations as to how many users would be required to submit evidence to qualify it as "sufficient", the local environment and locality was taken into account.
- 7.2 At the end of the consultation period, there were a total of 14 User Evidence Forms received:
- 1x no information relating to use, either by period of 'from' 'to' or by frequency, (at interview proved to be for only 8 months);
 - 4x periods of use ranging from 4 to 8 years, all culminating in 2009;
 - 1x 18 years use;
 - 1x 19 years use, and
 - 7x more than 20 years use ranging from 20 to 32 years.

- 7.3 All of the witnesses who submitted User Evidence Forms have stated that they had not seen notices during the 20 year period, none had seen or met any form of barrier, nor had any of them been challenged within that same period.
- 7.4 Similarly, twelve letters were received:
- 2x stated use as being since 1980;
 - 1x stated use as being continuously since moving to local address over 20 years;
 - 5x stated use for over 20 years;
 - 1x stated use between completion of Centre, (believed to be 1977) and 1998;
 - 1x stated use as being between 1999 and 2009, and
 - 2x on behalf of members of Associations stating no personal user evidence.
- 7.5 The above is summarised at page 17 and also at **pages 39 & 40 Documentary Evidence.**
- 7.6 The current state and condition of the route is illustrated in the photographs on **pages 41 & 42 of Documentary Evidence.**
- 7.7 Since the obstruction was installed, September 2009, a petition was raised, containing 531 signatures, which was handed to the manager of Sainsbury's on 20th March in a high profile event covered by the Daily Echo 26th March. The petition states: *'We, the undersigned, request that Sainsbury's recognise the public right of way at the rear of the Lordshill Shopping Centre'*
- 7.8 Whilst weight cannot be placed on the document as regards actual use of the route, it does gauge the general feeling towards the action.

8. **Land Occupier evidence**

- 8.1 The matter was discussed in general terms at a site meeting, Wednesday 25th November 2009, (10.30 to 11.00), between the Rights of Way Officer and the Manager of J. Sainsbury's.
- 8.2 The relevant parts of legislation that entitled members of the public to apply to have the route added to the Definitive Map were emphasised and that relevant sections of the Highways Act 1980 have to be satisfied for the route to be presumed dedicated to public use. Mention was also made of the proviso that is also included whereby the land owner / occupier can negative a claim for public status of a route.
- 8.3 The Manager stated the reasons why the path had been closed, that safety issues must prevail and that the application would be contested.
- 8.4 Initial contact by 'phone was received from the legal representative for J. Sainsbury's, 9th February 2010.
- 8.5 In a letter dated 11th February 2010, DentonWildeSapte, acting on behalf of Sainsbury's, requested more time in which to supply a response to the consultation referred to at 6.1.

- 8.6 In a letter dated 11th March 2010, DentonWildSapte confirmed that they were co-operating with the legal representatives of BLCT, SJ Berwin, and outlined the grounds of objecting to the proposed Order; being:
- i. The content of a Tenancy Agreement demonstrates the intention not to dedicate;
 - ii. That there was no intention to dedicate the route as public; a claim supported by the actions of the land occupier March 2009 et seq, specifically the installation of the temporary fence, (24th September 2009) and its subsequent replacement, (7th December 2009);
 - iii. That signs erected 24th September 2009 display sufficient evidence to negative any intention to dedicate; and
 - iv. That as an existing public footpath lies close by between the shops and the subway, there would be no intention to dedicate an additional path across the service yard.

9. Land Owner evidence

- 9.1 Initial correspondence from the legal representative, (SJ Berwin), of the land owner, (British Land / BLCT [38775] Ltd), was received 11th February 2010; the result of the Notice duly served December 2009 by the applicant and the informal consultation documents sent 14th January.
- 9.2 No further correspondence to or from SJ Berwin is recorded as they had agreed with DentonWildeSapte, (acting on behalf of Sainsbury's; the land occupier), that the latter would co-ordinate a joint response.
- 9.3 In correspondence dated 11 March 2010, DentonWildeSapte made comments supporting the claim that they "*[did] not consider that a public right of way across the service yard has arisen*".
- ◆ The landowner and land occupiers referred to a clause within a Tenancy Agreement between Clarendon Property Company Limited and J Sainsbury Plc, dated 11th August 1989. This sets a condition stipulating what must be undertaken by the land occupier / lessee; using all reasonable endeavours to prevent any right being acquired on or over the demised premises. **[Pages 43 & 44; Documentary Evidence]**.
 - ◆ Additionally, comment was made regarding the activities and communications between J Sainsbury Plc, (Lord's Hill), and officers within Highways & Parking Division of this Authority, immediately following the incident referred to above, (2.2), an event happening in March 2009.
 - ◆ Reference was also made to correspondence from the rights of way section to J. Sainsbury Plc, (Lord's Hill), regarding the receipt of the Schedule 14 Application and later, a follow-up email relating to a phone conversation with the Manager of Sainsbury's, Lord's Hill, 15th October 2009.

- 9.4 On 16th April a site meeting took place between the Rights of Way Officer, (SCC), the legal representatives of the land owner, (BLCT; represented by SJ Berwin), the land occupiers, (J. Sainsbury's; represented by DentonWildSapte), a company representative from J Sainsbury's, (London), and the Manager of Sainsbury's Lord's Hill.
- 9.5 The meeting focussed on the precise nature of the application, the evidence so far collated to that date and the evidence needed in order to negate the application. It was agreed that the representatives of the land owner and land occupier would be looking at responding in full to the proposed application in due course.
- 9.6 In a letter dated 3rd June 2010, DentonWildeSapte reiterated their, (and BLCT's), objection on the grounds that there was no intention to dedicate the route as a public footpath, however, they were not in a position to provide any supportive evidence.
- 9.7 Following consultation 4th to 22nd October, dialogue has continued with the legal representative for both the land owner and land occupier, (DentonWildeSapte, now known as SNR Denton UK), and a course of action as demonstrated on page 18 has been identified should Panel agree with the recommendation within the Panel Report. [**Pages 45 to 47; Documentary Evidence**].

10. Conclusions on Evidence; the route

- 10.1 That the route has been in existence since at least 1984, a period of 25 years up to the date of challenge, (with user evidence suggesting that existence may have preceded that date by some 7 years).
- 10.2 That the Shopping Complex, now known as Lords Hill District Centre, was completed between 1975 and 1982, (being the period between the granting of planning permission and the development appearing on Ordnance Survey Mapping).
- 10.3 That in a period of between 2 and 9 years, (being from the completion of the Shopping Complex), and the first available aerial photograph of 1984, the route had been created that linked the southern side of Lord's Hill Centre East, across the verge and egress of the delivery area, joining onto the footway that passes through the "tunnel" constructed within the building.
- 10.4 That since that time, there is no evidence that the public's use has been challenged until September 2009.
- 10.5 That at some time between 1991 and 2004, works were carried out to improve the route by means of hard-surfacing, dropped kerbs and tactile slab paving at two opposing points on Lord's Hill Centre East, (comparison of aerial photographs).

11. Conclusions on Evidence; User

- 11.1 Members of the public have supplied user evidence supporting the claim that there has been unchallenged use of the route, for a period of 20 years retrospectively from when its use was obstructed in September 2009.
- 11.2 Whilst there is strong evidence regarding the existence, nature and improvements made to the route, none of which confer any public right over it, the route has never been surveyed and depicted as topographic detail on Ordnance Survey plans.
- 11.3 Whilst there are viable alternative routes available, being adopted maintainable highway, including an underpass that for some users negates the crossing of Lord's Hill Centre East, they cannot be considered within the determination of public rights across the claimed route.

12. Conclusions on Evidence; Land Owner / Occupier

Whilst there exists a Tenancy Agreement that stipulates conditions incumbent on the Tenant to use all reasonable endeavours to prevent any right being acquired on or over the land, this intention has not been so overt as to bring it to the attention of the public and the users of the route.

13. Conclusions on Evidence; Overall

- 13.1 User and research has established that the route has been in existence since at least 1984 and that at some time it has been enhanced to include hard surfacing, dropped kerbs and tactile paving.
- 13.2 The evidence gives an indication of use to access the shopping area and other immediate facilities.
- 13.3 The petition indicates the depth of feeling towards the actions that prompted the application, but has not played any part in this investigation as it does not state any user.

14. Recommendation

That the Panel determines that, on the balance of probability, a public right of way subsists, or is reasonably alleged to subsist, over the route described and that it should be added to the Definitive Map & Statement.

Relevant legislation

WILDLIFE & COUNTRYSIDE ACT 1981 - Extracts

53. Duty to keep definitive map and statement under continuous review

- (2) As regards every definitive map and statement, the surveying authority shall-
- (b) ... keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence... of any of [the events specified in sub-section (3)] by order make such modifications to the map and statement as appear to them to be requisite in consequence of that event.
- (3) The events referred to in sub-section (2) are as follows –
- (b) 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;
- (c) 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 reasonable 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...
- (5) Any person may apply to the Authority for an order under subsection (2) which makes such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (b) or (c) of subsection (3); and the provisions of Schedule 14 shall have effect as to the making and determination of applications under this subsection.

HIGHWAYS ACT 1980, Section 31 - Extracts

31. Dedication of a way as highway presumed after public use of 20 years.

- (1) 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 been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.
- (2) The period of 20 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 such as is mentioned in subsection (3) below.
- (3) 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 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.

HIGHWAYS ACT 1980, Section 31 - Summary

Under Section 31 of the Highways Act 1980, if members of the public can provide evidence of twenty years use dating back from the time at which their right to use a way is challenged, then the way is deemed to have been dedicated as a highway. There must be sufficient use of the way, and it must have been used 'as of right' (without force, without secrecy and without permission) and without interruption. However, if during that twenty year period there is sufficient evidence of no intention to dedicate, then a way cannot be 'presumed dedicated'.

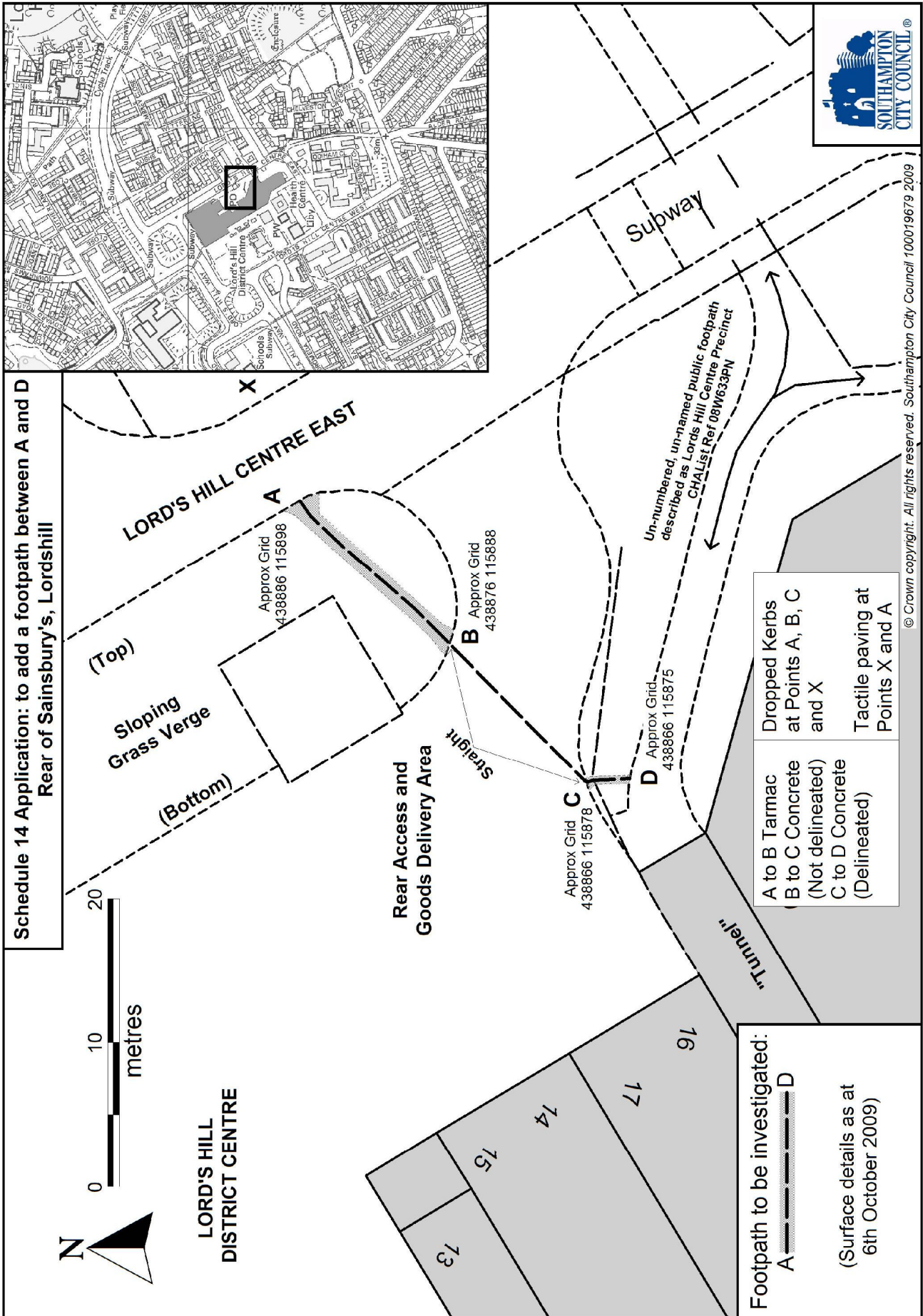
COMMON LAW - Summary

To demonstrate dedication at Common Law, it is necessary either to provide evidence of an expressed dedication or to show that dedication can be inferred.

If use of a way is 'as of right' (without force, without secrecy and without permission), then at common law it is assumed that in the past the landowner dedicated the way to the public, either expressly (the evidence of the dedication having been lost), or inferred (by making no objection to use of the way by the public).

Unlike the Highways Act 1980, public use for any period will not, therefore, raise the inference of dedication where the evidence in its totality shows that the public right of way status was not intended.

To show common law dedication, the claimant must prove that it can be inferred from the landowner's conduct that he had actually dedicated a route as a public right of way.



Consultees

Response Received

B.L.C.T	Land Owner	
Coral Bookmakers	Land Occupier	
Gala Clubs Bingo	Land Occupier	
J. Sainsbury's	Land Occupier	
Johnsons Cleaners	Land Occupier	
Lloyds Pharmacy	Land Occupier	
Martins Newsagent	Land Occupier	
Sue Ryder Care	Land Occupier	
Lord's Hill Church	Adjacent Property	
Lord's Hill Health Centre	Adjacent Property	
Lord's Hill Library	Adjacent Property	
The Mountbatten Public House	Adjacent Property	
British Horse Society HQ	Statutory Consultee	
Byways & Bridleways Trust HQ	Statutory Consultee	
Open Spaces Society HQ	Statutory Consultee	
Ramblers Association HQ	Statutory Consultee	
British Telecom	Utility	21 January 2010
Cable & Wireless	Utility	
Scotland Gas Networks	Utility	
Southern Electric	Utility	
Southern Water	Utility	
SSE Power Distribution	Utility	03 February 2010
Telewest	Utility	
Virgin Media	Utility	
British Horse Society	Local Interested Group	
City of Southampton Society	Local Interested Group	
Open Spaces Society	Local Interested Group	18 January 2010
SCAPPS (*)	Local Interested Group	
Southampton Action for Access	Local Interested Group	
Southampton Cycling Campaign	Local Interested Group	
Southampton Ramblers	Local Interested Group	
Local Ward Councillors x 3	Coxford Ward	
Local Beat Officer, Lord's Hill	Hampshire Police	15 January 2010
Community Safety	SCC	
Highway Development Engineer	SCC	
Highway Inspector	SCC	
Principal Highway Engineer	SCC	
Transportation Manager	SCC	14 January 2010
Individual	Applicant	
Individual x 11	Witnesses	

(* SCAPPS; Southampton Commons and Parks Protection Society)

**Research Project 116: S.53(5) Wildlife & Countryside Act 1981
Schedule 14 Application; SUMMARY OF USER**

	Post Code	Submission	Period of Use	Years Used
Applicant (Witness 1)	SO16 8HB	User Form	1990-2009	20
Witness 2	SO16 8PA	User Form	1986-2009	24
Witness 3	SO16 8HD	User Form	1980-2009	30
Witness 4	SO16 8HD	User Form	1980-2009	30
Witness 5	SO16 8HJ	User Form	2004-2009	6
Witness 6	SO16 8HJ	User Form	2006-2009	4
Witness 7	SO16 8HJ	User Form	2006-2009	4
Witness 8	SO16 5GP	User Form	1985-2009	25
Witness 9	SO16 5GP	User Form	1985-2009	25
Witness 10	SO16 8HJ	User Form	Apr-Oct 2009	>1
Witness 11	SO16 8HJ	User Form	1992-2009	18
Witness 12	SO16 8HJ	User Form	2002-2009	8
Witness 13	SO16 8GW	User Form	1978-2009	32
Witness 14	SO16 5JP	Letter	Over 20 yrs	20+
Witness 15	SO16 8HB	Letter	1999-2009	10
Witness 16	SO16 8HE	Letter	1980-2009	29
Witness 17	SO16 8HE	User Form	1990-2009	19
Witness 18	SO16 8HE	Letter	Over 20 yrs	20+
Witness 19	SO16 9PW	Letter	Non-user	-
Witness 20	SO16 0TA	Letter	1977-1998	21
Witness 21	SO16 8HB	Letter	Non-user	-
Witness 22	SO16 8HE	Letter	1980-2009	20
Witness 23	SO16 8PA	Letter	Over 22 yrs	22+
Witness 24	SO16 5DN	Letter	Over 25 yrs	25+
Witness 25	SO16 8PA	Letter	1986-2009	23
Witness 26	SO16 8GJ	Letter	Over 20 yrs	20+

14x User Evidence Forms:

1x no information relating to use, (at interview found to be for only 8 mths);
 4x periods of use ranging from 4 to 8 years, all culminating in 2009;
 1x 18 years use;
 1x 19 years use, and
 7x more than 20 years use ranging from 20 to 32 years.

12x Letters:

2x stated use as being since 1980;
 1x stated use as being continuously since moving to local address over 20 yrs;
 5x stated use for over 20 years;
 1x stated use between completion of Centre, (believed to be 1977) and 1998;
 1x stated use as being between 1999 and 2009, and
 2x on behalf of members of Associations stating no personal user evidence.

