

Wildlife & Countryside Act 1981
 Application for Definitive Map Modification Order
 Alleged Footpaths off Carey Way and continuation Footpath to Clifton Bridge, Olney

Summary of Evidence in Rebuttal

Doc Ref	Document	Description	Comments
OL 11.1	Letter dated 30/10/1998 from B Hill to J Drake re Dot Kitchener's Field.	Concerns the housing development on land to the northeast of the field and what appear to have been the Council's plans for a connecting path in that field. No reference to footpaths (A-B-C-D) and only suggests that Dorothy Kitchener did not recognise any right of way in her field.	These letters are neither form, nor on behalf of any person with a landowning interest. They do not provide any evidence of a lack of intention to dedicate.
OL 11.2	Letter dated 04/11/1998 from J Drake to B Hill Garrard & Allen (Solicitors)	For letting of field and provision of two padlock keys.	This letter suggests that gates to the field may have been locked form 2003 onwards but provides no evidence that such locks existed during the relevant time period.
OL 11.3	Letter dated 04/06/2003 from G Fountaine to J Croxford	Family owned 47 yrs. farmed longer. Bull in field. Gate at Austen Avenue locked. Have agreement with angling association for stile (D). Became owner 2002.	This letter provides no evidence of a lack of intention to dedicate during the relevant period
OL 11.4	Letter dated 01/03/2004 from G Fountaine to Milton Keynes Council	Stile erected with permission for Olney Fishing Association, agreement in Club's Minutes.	The letter clearly post dates the DMMO application (2004) but provides no evidence of any lack of intention to dedicate.
OL 11.5	Undated letter from G Fountaine to Olney Town Council	Owner 2002-2004, never gave permission for use as PRoW. Erected and maintained Notices "Under New Ownership - Private Property" there had been a stock proof fence since 1980.	This statement confirms the date at which the public's right to use the way was called into question (2002).
OL 11.6	Interview Form: G Fountaine	Correction to evidence: Fishing Club confirmed nothing in writing concerning the agreement for the erection of stile for Fishing Club use.	There is no reason why stock proof fencing could not facilitate the claimed use, and it would have had to facilitate access for the anglers.
OL 11.7	Email 28/04/08 from A Fountaine	Relative of Doff Kitchener who allegedly turned off Councillor Debbie Brock and others.	There is no doubt that the stiles existed, but there was no signage of suitable wording etc to suggest that use was limited to the angling club
OL 11.8	Interview Form: Mrs. A Fountaine	In 2002 she erected notices "Under New Ownership - Private Property", replaced 20-30 times at least. 5 bar agricultural gate locked. Personally turned away Mrs Messinger 2002-03.	This has not been substantiated by any party involved in the incident.

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OL 11.9	Interview Form: Mr E Fountaine	Known property since 1961 till 2004. Never been aware of a PROW. Locked gate during 2002-2004, and mended fences.	This statement confirms the date at which the public's right to use the way was called into question (2002) but provides no evidence of any lack of intention to dedicate during the relevant period.
OL 11.10	Interview Form: R Mason	Owner from 2004. Previous owner specifically told us no PROW	The period of ownership post dates the date at which the existence of rights were called into question. There is no information as to how the previous land owners concluded that no public rights existed.
OL 11.11	Interview Form: A W Evans	Chair of Recreation Ground Committee, and Chair Ann Hopkins-Smith Trust (land south of Recreation Round). Was told by Miss Kitchener that there was no public right of way. Miss Kitchener was aware of public use and told people they were trespassing.	This suggests that Miss Kitchener did take steps to deter use however a large number of people do not seem to have been challenged when using the way, and if challenges were limited to only when Miss Kitchener was on the land, it may have had limited effect.
OL 12.1	Interview Form: K Osborne	Secretary of Olney & Clifton Fishing Association. Sign "Private Waters" at D facing south. Verbal agreement between Trustee W Chatfield and Doff Kitchener for bridge at D, removed at request of new owner, have permission to reinstate for 16 June 2008 e.g. start of new season. Notices at A erected by Ms Kitcheners relatives, does not recall wording. Has been through Minutes Book back to 1977, nothing specific to access but has listed mention of footbridge (at D) 1977..	No evidence of any lack of intention to dedicate on the part of the landowners during the relevant period
OL 12.2	Interview Form: B J Testro	Vice Chairman of the Olney & Clifton Fishing Association. Always considered the land to be private and access by permission. Angling Association signs as previously discussed.	No evidence of any lack of intention to dedicate on the part of the landowners during the relevant period