

PUBLIC RIGHTS OF WAY

82

EVIDENCE OF USE ON FOOT

NAME:	MR. F. E. SPENCER.		
ADDRESS:	TIGH NA FEORAG		
	KINCHURDY ROAD.		
	BOAT OF GARTEN.		
	INVERNESS-SHIRE, SCOTLAND.		
POST CODE:	PH 24 3 BP.		
DATE OF BIRTH:	17/7/47	OCCUPATION:	GREEN KEEPER.

Route of Way: On the West side of the River Limey, from the Commercial St bridge running in a northerly direction approximately 150 metres upstream to the next footbridge where four "Public Right of Ways" converge.

From: Commercial St: (Grid Reference) SD 811272
Via: Loveclough Fold
To: Upstream footbridge: (Grid Reference) SD 812274

1) How long have you known the route?

47 YEARS.

2) Have you used the above way on foot? YES / ~~NO~~

If so:

(a) During which years? 1957 - 2004

(b) Where were you going to and from?

COMMERCIAL ST
TO THE LODGES.

(c) For what purpose? MOSTLY FISHING

(d) How many times a year? MANY (LOST COUNT).

(e) Have you used the way by other means (Please tick all that apply)?

On horseback

On motorcycle/in vehicle ☒

Other (State)

During which years?

3) Has the way always run over the same route? (If not give details and dates of any changes. Mark any changes or variations on an attached plan).

YES

4a) Have there, to your knowledge, been any stiles, gates or fences across the way? (If so/ state where the stiles, gates or fences stood and mark their locations on an attached plan).

FARM GATE FOR CATTLE ACROSS
UPSTREAM FROM C.P.A. CLUB.

4b) Were any of the gates locked? (If so, state when and where they were, and mark them on an attached plan).

NO

4c) Did any of the stiles, gates or fences prevent you from using the way on foot? if so, when?

NO

5a) Have you worked for any landowner over which the route passes? If so, give dates of employment and name of employer.

NO

5b) Have you been a tenant of any land over which the routes passes? If so/ give dates of tenancy and mark land rented on attached plan.

NO

6) If you have answered yes to 5a or 5b did you ever receive any instructions from the landowner as to the use of the way by the public? If so, what were they?

7a) Have you ever been stopped or turned back when using this way on foot?

NO

7b) Do you know or have you heard of anyone else having been stopped or turned back when using the way on foot? If so, state when the interruption took place and give particulars.

NO

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

NO.

9) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted' on or near the way? If so, what did the notices say? Mark the location of the notices on an attached plan.

NO.

10) Have you ever asked permission to use the way? If so, who did you ask?

NO

11) Please give any other information that you think is relevant. Use a separate sheet if necessary.

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

I ~~am~~ **am** not willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature:

F. Spencer

Date:

18/9/04.