

#	Frequency of use	Duration of use	Comments	Landowner comments on evidence
1	twice a month	34 years	States that a plaque recording a right of access was set into bricks at top or bottom of steps. Unable to locate now. States that no access from the east of the hotel to the terrace was possible until recently.	Information re historic use and plaque is speculative. Applicant states that he used the public house facilities. The route was therefore used as an access and egress to and from the public house, not as a public right of way.
2	1-4 times a week	42 years	Mentions access to lagoon opposite pub. Saw families using the way	The years during which Document 4's respondent claims to have lived in the area do not make sense. The answer to question 8 also relates to alleged use by others not by the respondent.
3	used to get to work	45 years	Mentions conversion of window to door on the side next to pub	
4	once a week	40 years		
5	infrequently, now	30 years		
6	weekly	50 years	Saw way in regular use by residents and visitors	States that they use the route 'infrequently now'. It is impossible to know how regularly this may be and since when the use has been infrequent.
7	once a month	50+ years	Has known steps since childhood, saw others using most of the time	States that gates were erected in recent months. They were in fact erected in 2008. The response is unreliable due to its inaccuracy. States in relation to question 5 that they have used the route '4-6 time a year now' and 'about once a month'. Impossible to understand what the frequency of use may be. Consequently this evidence is unreliable. The answer to question 24 is also vague. The respondent

#	Frequency of use	Duration of use	Comments	Landowner comments on evidence
8	twice a week ex. Winter	22 years	Way is used by all locals	could not possibly know the route to be used 'most of the time' given the infrequency of their use and the acknowledgement that the gates were locked on occasions. states in relation to question 5 that they do not use the route in winter months. This time period is not defined.
9	twice a week	8 years	Saw others using on numerous occasions going back many years; husband can confirm	only claims to have used the route for 8 years. In response to question 8 they state that no restrictions applied to the use. However they also acknowledge that the gates are padlocked. This is contradictory. In response to question 27 it is clear that the respondent believes that the land belongs to the freeholder only claims to have used the route 'very occasionally until 2005'. It is impossible to know how frequently this may be. The only regular use is claimed for a period of 6 years. The respondent's answer to question 7 and 8 contradict the answer to question 18. The answer to question 24 makes no clear statement as to frequency or times of use.
10	v occasionally then daily since 2005	55 years	Saw many people using	does not claim to have used the route with any frequency (Q5)
11		many years	Children and grandchildren used steps. No door into lounge as there is now.	claims in response to question 24 that the route is in 'constant use' but
12	Twice a week	63 years	Steps constantly in use	

#	Frequency of use	Duration of use	Comments	Landowner comments on evidence
13	2-3 times a week in summer	40+ years	1958-1978; Steps always open, used regulatrly as a short cut.	cannot possibly support such a statement. In any event they acknowledge in their answer to question 18 that the gates were put up which would have prevented regular use of the route. The answer to question 27 also indicates knowledge that the land across which the route runs belongs or is within the control of my client only claims to have used the route in summer months, but does not define this time period. The response to question 18 makes it clear that the respondent understands that the land either belongs to or is within the control of my client and that access is strictly controlled
14	Daily then once or twice a week	52 years	Everybody used it; people told them public when arrived in 1958	acknowledges that gates have been erected, but also states in response to question 24 that the route is used all of the time. This is contradictory and the respondent cannot possibly know that the use is at 'all times'
15	2-3 times a week, more in summer	3 years	Resident of St Keyna Ave told this person that steps were public	refers in response to question 14 that they assume that the 'pub has some rights'. It is clear that the respondent has some doubt over the extent to which they may be entitled to use the route. Also the response to question 27 makes it clear that they believe that my client has responsibility for maintenance.

#	Frequency of use	Duration of use	Comments	Landowner comments on evidence
16	Once a week, more in summer	11 years	Believed public as everyone using it. Enc photo from Regency collection showing former steps.	respondent states in response to question 24 that the route is used 'all of the time'. They cannot possibly know this to be the case. They also acknowledge in question 18 that there are gates which restrict access, contradicting their answer to question 24. The respondent's answer to 'other comments' also makes clear that members of the public do not believe that the route is available for use by the public, and that it is in fact restricted by the closure of the gates
17	3 times a week	28 years	Neighbours told way was public.	vague in terms of the response to question 5. It is not possible to understand the frequency of use. They do not appear to use the route in the spring or autumn. The respondent also states in response to question 24 that the route is 'always open to the public' which is not the case as the gates are frequently locked.
18	Once a week	17 years	Assumed way was public	
19	Summer weekly/Winter monthly	41 years	Used to go to deep sea anglers club and fish shop.	
20	4-6 times a week summer, weekly in winter	24 years	10s/hundreds of people every day	respondent states in response to question 24 that they see 'tens/hundreds' of people using the route each day. It is highly unlikely that they would witness such

#	Frequency of use	Duration of use	Comments	Landowner comments on evidence
21	several times a week	55 years	lives 200 metres from steps	numbers, particularly in light of the gates and fence having been erected
22	weekly	53 years	Constant use by members of the public	states in relation to question 8 and 24 that the route is used 'constantly'. They cannot possibly know this to be the case, and this is contradicted by the answer to question 18 where they acknowledge that the gate and fence have been erected preventing access.
23	62-87 weekly;87-11 daily	49 years	Most people thought area of steps was Council ppty.	confirms in response to question 17 that a sign was put up stating that there was no way through the grounds of the public house. They also confirm that the route was obstructed. The respondent's answer to question 22 also makes it clear that they were aware that the route was not a public right of way. does not make clear in response to question 5 what the frequency of use was or how often they were in the area so little weight can be given to this evidence
24	very often whenever in area	70 years	Used all the time by people out walking. Says that seen gates and fences at top and bottom, not locked.	
25	weekly	30 years	Assumed way was public; regular use esp in summer.	
26	weekly	30 years	Photocopy of wife's form (above).	
27	3-4 times a week	42 years		acknowledges in response to question 17 that access was prevented by the erection of the

#	Frequency of use	Duration of use	Comments	Landowner comments on evidence
28	2-3 times a year	44 years	Use 1968-2000 - not since due to disability. Accompanying letter contains interpretation of evidence.	fence and gates. They also state in response to 'other comments' that a patio has been built which obstructs the route and prevents access, clearly recognising that this is land within my client's ownership and control and land which is used in conjunction with the use of the public house, not as a public right of way. only claims to have used the route 2 or 3 times a year and that they have not used the route since 2000. The respondent's evidence as to use as a public right of way is therefore unreliable.
29	at least once a month as child, 6 times year as an adult.	58 years	stories of use through childhood.	
30	Once or twice a week	20 years	See everyone else using "all the time"; shortest route from seafront to house.	
31	14 times/week	5.5 years		acknowledges in response to question 18 that access is now obstructed. The respondent also acknowledges in response to question 21 that their belief that the route was a public right of way followed being misinformed by a local councillor
32	3-4 times a week	70 years	Family, daughters grew up using steps	
33	Dependent on season	48 years	Used to get to deep sea anglers club	gives no clear indication in response to question 5 as to the frequency of use.

#	Frequency of use	Duration of use	Comments	Landowner comments on evidence
34	3-4 times a week	26 years	Used to get to deep sea anglers club	
35	Once a week	62 years	Used since childhood.	

