

Dear [REDACTED]

I became engaged in the above matter when a local resident asked for informal advice on the claim made by [REDACTED]

I reviewed the User Evidence Forms against the known facts and offered the following;

1. The Application route map is not the route shown on the UEFs.
2. UEFs were pre-filled, suggesting collusion.
3. The period of use claimed in some was impossible due to the route not existing at the time, being blocked for development or blocked by locked gates. These blockages were even admitted in some of the UEFs.
5. The UEFs did not possess a statement of truth nor caution as to the impact of the Fraud Act.
6. The UEFs stated that those completing may be interviewed.

I later engaged with [REDACTED] via social media and explained to him that his claim was unlikely to succeed as he had not shown a reasonable allegation of more than 20 years use as required by statute law nor evidence of common law dedication plus there was also a lack of capacity. [REDACTED] took exception to this explanation, blocked me from his pages and I was threatened with violence by his supporters.

Despite the threats of violence, I attended the Council Committee meeting and witnessed the discussion. At that meeting, Officers carefully explained fully the need to show a reasonable allegation of the existence of a public right in order to make an Order and why no such reasonable allegation could be shown due to the reasons listed above.

The appeal against the refusal appears to be based on three grounds.

1. He disagrees with the outcome,
2. His UEF witnesses were not interviewed,
3. He intends to bring forward more witnesses.

My responses are as follows;

1. [REDACTED] has invested a lot of time and energy on his social media campaign to open up the route and seems to be appealing purely due to perseverance bias and not because of an error of law. Attempts to explain this to him are rebuffed. He does not accept that he has not made a reasonable allegation or that his own submitted evidence proves that the route was not available.
2. [REDACTED] objects as his UEF fillers were not interviewed. Firstly, nowhere in the Act does it say that they need to be and secondly the UEFs themselves state that this is only an option and not a requirement.
3. He continues to attempt to accrue additional UEFs even though these can not overcome the shown fact that he can not show 20 years use or common law dedication.

Conclusion.

The applicant has produced nothing to justify success with this appeal and it should be dismissed.

[REDACTED]