

# TREBORTH HALL

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## STATEMENT OF OBJECTIONS

### TO THE APPLICATION MADE BY MENNA BAINES ON BEHALF OF PENTIR COMMUNITY COUNCIL

### TO RECORD "TREBORTH HALL" AS A PUBLIC FOOTPATH

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#### Executive Summary

I object based on the following:

- 1. The alleged right of way is based on the public wandering at large over a variable alignment and as a result there is no defined route based on the user evidence forms submitted.*
- 2. The alleged right of way has not been used by the public at large but by a select group of individuals who had connections with the former school.*
- 3. The Education Authority has never appeared to have any intention to dedicate the land through the former school as a public footpath*
- 4. Any alleged usage by the public has been permissive and not "As of right"*
- 5. There have always been signs in place to deter public access through the former school*
- 6. The alleged right of way has never been walkable during all hours.*
- 7. The alleged right of way did not physically exist before the Wales Coastal Path was created in 2012.*
- 8. The alleged right of way has not been used without force. This includes continual theft and damage to private signs deterring public use, and theft of gates*
- 9. There is no historical documentation to suggest that a right of way has ever existed.*
- 10. There is documentary evidence produced by Pentir Community Council to suggest that there has never been a right of way.*
- 11. The majority of the user evidence forms and written user statements appear to be dishonest and are not consistent. As a result, the evidence does not satisfy the required tests.*
- 12. The supporting documentation, especially from the former headteacher J Grisdale appears to be dishonest. This brings the credibility of the whole application into doubt.*
- 13. Under the application of Article 6(1) Human Rights that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.*
- 14. Under the application of Article 8(1) which confers the right to respect for private and family life, home and correspondence.*

**James Irvin Margeton BA MA**

In the matter of

**TREBORTH HALL**

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**The following evidence contained in this document supports all objections made  
above.**

## **1. Personal Statement**

I have lived at Treborth Hall between 2014-2021. My parents have owned their property since then. I now own 5 Ty Ysgol Coed Menai and have lived there since 2021. Since I have lived at Treborth, **there have always been signs in place denoting no trespassing and I have personally challenged members of the public on many occasions.** There have also been **locked gates during regular periods.** It has always been **made extremely clear that members of the public should not be walking through the property.**

As a result of challenging local people, **I have been the victim of racial abuse, constant harassment, threatening behaviour and vandalism from members of the public** who believe they have a right to trespass through the former Ysgol Coed Menai/Ysgol Treborth and in front of my house.

**Police action has been taken numerous times** because of the behaviour of these people. **I can no longer enjoy my home and I can not live in peace.** This is an infringement of my human rights. I am shocked and saddened by the behaviour of these small-minded people. **There are plenty of paths to enjoy in the area.** It is a shame that **these people do not respect our wishes to be left alone** and to be able to enjoy our homes in peace.

Gwynedd council **sold the former school estate just 10 years ago as private, with locked gates and claimed to have no knowledge of any footpath(s)** apart from Pentir Footpath Number 12. In all of the years that Gwynedd Council owned the school land **they did not officially put a footpath on it.** In fact **there is substantial evidence to prove that they never had an intention to.** Furthermore, Gwynedd Council even **rejected the chance to put a pedestrian and cycle path through the property during discussion from 1995-1999 with Sustrans.** Now that the property is privately owned, **their stance on how they viewed the land historically should not change.**

The public along with Pentir Community Council have had **multiple chances throughout the years to voice their opinions if they wanted to use the former school land.** For example, during the statutory consultation process of the closure of Ysgol Coed Menai or while Gwynedd council were advertising the sale of the school. Even the local Pentir footpaths guide which is still advertised and **available on the Pentir Community Council website states that Treborth Hall has always been strictly private.** It is strange that members of the community suddenly say differently.

I believe **a national rise in trespassing, as a result of COVID-19 and an online hate campaign in the form of a petition targeted towards the owners of Treborth Hall has resulted in this DMMO application.** The public did not make a deal of their "rights" at the start of my parents ownership, despite **any use clearly being challenged.** The public appear to have used this DMMO process as a further petition (of which they had no success with their original). I believe **this application is based on a desire from the public to have a footpath rather than based on legitimate historical usage.**

Treborth Hall has suffered multiple break-ins and vandalism. My family has **continued to have signs and gates damaged by low-life individuals**. Opening this area up to the public will **further increase crimes and lead to more problems for the police to deal with**. It should also be noted that Treborth Hall has C2 planning which allows residential use. Adding a public footpath will **stop the building being used** to its full potential as it is a **detriment to security and privacy**.



## **2. Background Information of alleged route**

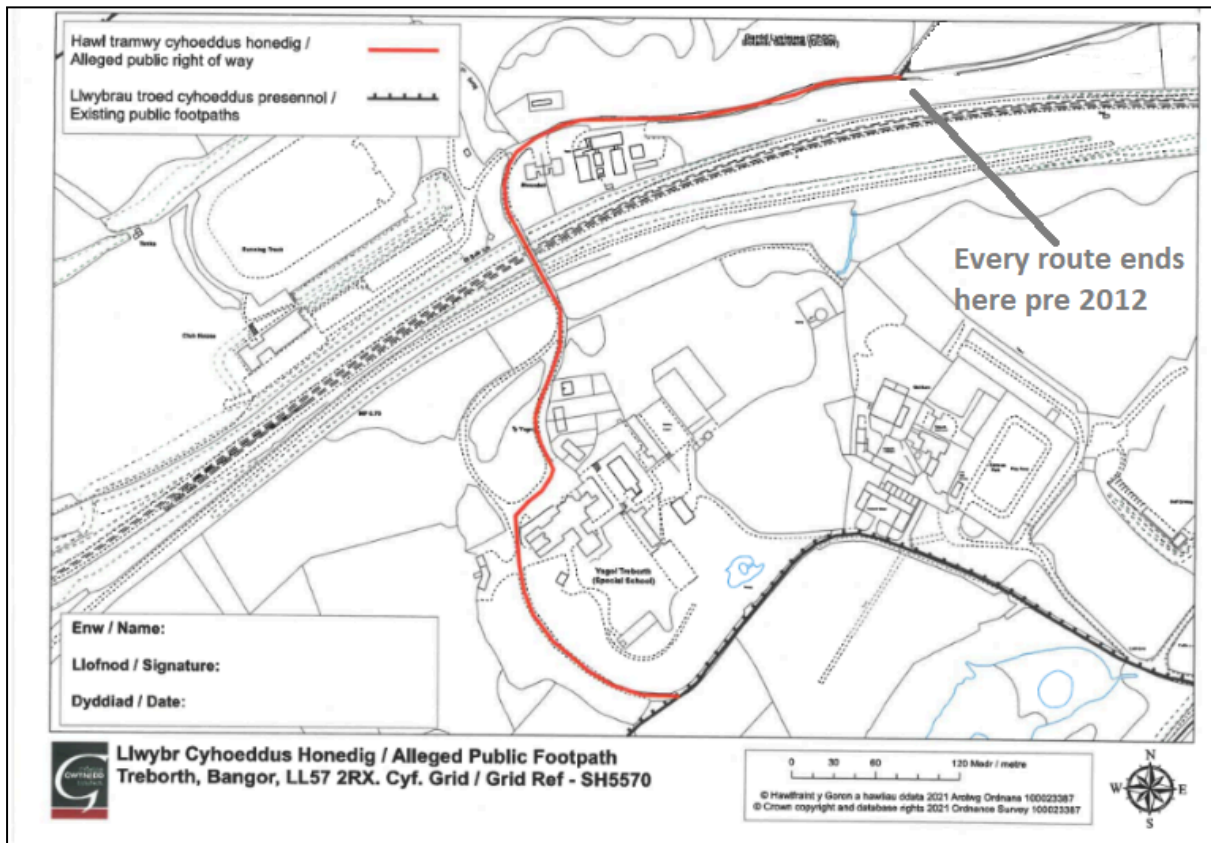
<b>Date</b>	<b>Event</b>
1950	Ysgol Treborth opened as a residential special school
1956	Gwynedd Council (Formerly Caernarvonshire) sold Treborth Hall Farm from the Treborth Hall estate granting a right of way across the railway bridge and across the fields as shown in blue in return for 50% contribution towards upkeep of the access road and bridge. <b>Please note no access past the front of the school which remained private.</b>
1951 - 1970's	No Unauthorised Person allowed by order of the Caernarvonshire Education Authority signs were placed on the entrance at Treborth Road. Gates were also in situ stopping access to the general public.
1956	Footpath No.12 added to the definitive statement. This linked Penrhosgarnedd with Treborth Station and the Menai Strait. This directed people away from Ysgol Treborth. <b>Please note no access past the front of the school which remained private.</b>
1960	The Council built five staff houses (1-5 Ty Coed Menai) in the 1960's.
1963	Treborth Hall Farm Right Extinguished and Ysgol Treborth remained private.
1970's	A yellow security barrier was in place restricting all access to the school. This was locked when the school was not in use.(Earliest documentation)
1970's	A gate was installed on the side of Ysgol Treborth which restricted all public use.(Earliest documentation)
1970's	Access to school and Treborth Farm only signs were installed at both entrances.
1970's	A Public Footpath sign was installed (Presumably once Footpath no.12 was added to the definitive map).
1972	Pentir Footpath 12 Diversion order was made. The school grounds remained private.
1970's	Treborth Botanic Garden was used only by the university and gated off. The gardens themselves were in their infancy. Ysgol Treborth was fully residential and gated to the general public. The whole grounds of Treborth would have been closed off and inaccessible to the public.
1980	Menai Bridge Rugby Club started using the field adjacent to Treborth Hall for Rugby training and matches, with permission from Ysgol Treborth. The

	former headteacher Will Parry Williams was the main coach. Weekend use only. Access was from Treborth Road and not through the front of the school.
1995	Penrhosghrnedd FC started using the field adjacent to Treborth Hall for football training and matches, with permission from Ysgol Treborth..
1995	Discussion with Sustrans started about the addition of a National Cycle Route through Treborth.
1995	The idea of allowing access through the middle of the school grounds was rejected. An alternative route around the back of the school woodland was suggested.
1996	Treborth Athletics track was created in a joint partnership between Bangor University and Gwynedd Council..
1996	Ysgol Treborth erected signs to deter public access through the school - No Entry to Athletics Track.
1997	Friends of Treborth Botanic Garden were formed. This group wanted to bring public access to the garden.
1996/7	Ysgol Treborth received large grants from the Welsh government for security of the school and specifically to stop public access. Gates and fences were installed
1998	National Cycle Network rejected on the basis that the school did not want to allow access to the public.
2003	Ysgol Coed Menai closed the residential part of the school.
2010	Treborth Botanic garden gate/barrier was installed to deter public use of the gardens. This gate was locked every night until 2018.
2011	Treborth Hall Gate Installed and frequently locked by Gwynedd Council to stop access from Treborth road
2011	Bangor University created a path in preparation for the launch of the Treborth Wales Coastal Path
2012	Treborth Wales coastal path was created. In the first 16 months there were over 38000 users
2012	During the statutory consultation period for the closure of Ysgol Coed Menai, A Community impact assessment was carried out which detailed that there were no/very weak links with the community and the school.
2012	Ysgol Coed Menai closed. The yellow barrier, gate from Treborth road and Botanic garden gates were regularly being locked.

2012	The Ysgol Coed Menai Estate was secured by Christy Security and Vacant Property Specialists Ltd on behalf of Gwynedd Council
2014	Treborth Hall sold at public auction in Manchester
2014	New Owners of Treborth Hall (including myself) challenged the occasional jogger who came through the grounds. There were no regular walkers but anybody who should not have been on the property was challenged.
2014	The historic Side Gate adjacent to Treborth Hall was reinstated on advice from Lowri Roberts (Gwynedd Council Estates) and Christy Security. This gate was kept locked and had "Private Property Keep Out" signs deterring any public use.
2017	The Parish Footpath Maps for Pentir was created which confirmed that Treborth Hall has always been "strictly private".
2020	Covid-19 caused a large number of people to trespass through the former Ysgol Treborth site.
2021	I purchased 5 Ty Ysgol Coed Menai and installed Private signs on my fencing to deter any trespassing in front of my property. I also challenged a number of people who trespassed in front of my house.
2021	A petition was made for people to walk through the estate.
2021	Pentir Community council made an application for a historic footpath

### **3. Validity of route**

An essential characteristic of a highway under common law is that it must serve a public purpose. If it serves no public purpose, there cannot be a public right of way. So, by way of example, a path leading to a beauty spot (or linking part of a wider network) would serve a public purpose. A path leading only to a private residence would not serve a public purpose and would generally not be a highway.



*3.1 No user has provided a signed route showing where they walked before the Wales Coastal Path came into existence. Every route stops at this exact point.*

The path created for the Wales Coastal Path only came into existence in 2011. Every single user has submitted a route that links to the Wales Coastal Path. After 2011 when the Coastal path came into existence, one could assume that there was an alleged purpose for this route. Before this date however, users of this path would have to state that their whole purpose of using this route was either:

1. For the use of visiting their specific destination point of the route in the Botanic gardens (e.g. a beauty spot or site of special interest)
2. That they were linking to a wider network

Every single route provided with the user evidence forms stops at the Wales Coastal path. No user has shown on their attached routes that they have historically walked to/from the Treborth Lodge entrance where a public highway begins. They link to a coastal path which did not physically exist.

Before the new coastal path came into existence in 2011, there were no wider networks to link to as the Botanic gardens is not a public highway and are closed during external hours (as historically stated on their website). There is no link at this point of the route to link to a wider network.

As shown on the routes provided in their user evidence, if historically the routes stopped at the point where the Wales Coastal path links, they must claim that the purpose of using the route was to visit a specific place of public interest at the Botanic Gardens. Not one person has said this is the purpose of their route. There was no place of special interest (e.g. Beauty Spot) at this destination point. Therefore, it can not be argued that users were using the path to visit one.

The presumption of dedication can be defeated where the use could not have given rise at common law to any presumption of dedication (e.g. if the way lacks a definite place of origin and objective, or if the way passes over open land on a variable alignment).

In email discussions, Catrin Davies (Gwynedd Council Rights Of Way Officer) states “The evidence suggest that the witnesses have walked the application route in order to go to places such as Menai Bridge, Botanical Gardens, Penrhosgarnedd, Britannia Bridge, athletics track, Antelope Inn, and witnesses have used the claimed route as part of a circular walk.” This once again shows that there is no definite place of origin and objective.

Therefore, it appears that before 2011, this claimed route did not follow the basic criteria needed under common law as there was no specific public purpose of this route. The way lacks a definite place of origin and objective.



There have been significant changes in the woodland quarter of the Garden over winter with further clearance of Rhododendron and Cherry Laurel and some necessary thinning for conservation and safety plus the laying down of the latest section of the Coastal Footpath for Wales. The new path has been laid on top of the existing main woodland track running parallel with the Strait and now with a much drier, robust surface of microgranite chippings from Penmaenmawr. There is wheelchair access for over half of its length and with the removal of invasive shrubs welcome views across the Strait. The aim is to provide a few look out points and some discrete interpretation of the wildlife and historic interest of the area. A brand new path now threads its way through the wooded section alongside the eastern end of the drive down to the lodge thereby directing pedestrians away from the drive, which of course can be busy with traffic at times. This welcome addition to the path network through Treborth will stimulate efforts to transform a somewhat derelict quarter of the Botanic Garden into a useful and attractive lower arboretum providing an attractive visual experience at the Garden's main entrance. A small car park is being added half way up the drive to service the coastal footpath.

All of this woodland and pathway work has been overseen by Gerry Downing on an almost day to day basis during the last 3 months, a great effort and one of the single most influential changes to Treborth in the last 50 years – well

### 3.2 THE FRIENDS OF TREBORTH BOTANIC GARDEN - NEWSLETTER 41 - May 2011

It is also clear that before May 2011, part of the claimed route did not physically exist. Users claim to have historically walked the route through the Botanic gardens for over 20 years, but the path taken through the woodlands was simply not in existence. Users would have had to walk down the road leading to Treborth lodge. This is a fundamental error in the application.



3.3 The coastal path forks off to the left of the road. It used to be a “derelict quarter” of the garden. There was no path before this date

Image 3.3 shows the new path which forms the Wales Coastal path and clearly forks off to the left. This Wales Coastal Path is part of every route submitted with the written user evidence statements. The path was only created in 2011 in preparation for the launch of the Wales coastal path. Users could not have walked this path before 2011 so it is not possible to claim the route on historical usage based on this alone.

## **4. Validity of original user evidence forms**

*Note: Gwynedd Council Rights of Way department have told me they will provide weight to all user evidence forms but cannot explain how this weighting will be done. No forms will be discarded.*

The establishment of a right of way through long use by the public relies on a legal concept known as presumed dedication whereby a public right of way comes into being by regular **uninterrupted use of a route by the public** so long as the owner of the land **hasn't taken any actions to prevent use** or made it known that the way is not to become a public right of way.

However, the presumption of dedication can be defeated where:

- the use could not have given rise at common law to any presumption of dedication (eg if the way lacks a definite place of origin and objective, or if the way passes over open land on a variable alignment), or
- there was sufficient evidence (by the landowner) that there was no intention during that period to dedicate the way.

To successfully to claim a right of way, you need to be able to show:

- use by the public at large (not just employees, tenants or licencees of the landowner etc);
- use ('enjoyment') for the full 20 years, but you will not need everyone to show they each used the way for 20 years so long as there is good evidence of use throughout the 20-year period;
- use was done openly, and not by breaking down fences, or walking across a field in the middle of the night or when it was known the landowner was away on holiday;
- no permission was given by the landowner.

As common practice, each witness needs to complete a separate form and mark the route/s they have used on an attached map. All questions need to be completed even if the witness notes 'no', 'none' or 'not applicable'.

Users have clearly treated this like a petition and as such, the vast majority have not fully completed the evidence forms. Large amounts of the user evidence forms have not been filled in with large sections being completely omitted. Very minimal weight should be allocated to all forms who have not submitted a complete application. This clearly shows that users are not familiar with the alleged route, or are withholding information and not being truthful.

The following is taken from Gwynedd Council's Procedure and Policy for Definitive Map Modification Orders: "If, however, an application has a reasonable prospect of



succeeding on the basis of the evidence submitted, officers will investigate that evidence, together with all other relevant evidence available to the Authority. “

Based on all of the evidence submitted in the user evidence forms - the application obviously did not have a good chance of succeeding. There is clear contradictory evidence in all of the original user evidence forms submitted. The majority of forms were not completed correctly. There is no clear route. There is a consistent mention of private signs. There are consistent mentions of being challenged. There are a large number of mentions of permissive use. These are just to name a few of the contradictions. This is further backed up by Gwynedd Council Rights Of Way Officers needing to complete interviews with some of the users, before any consultation with landowners have been completed. (Discussed in the next section). If the User evidence forms were sufficient, there would have been enough evidence without the need to investigate further and interview these users at this stage.

### **Analysis of user evidence forms**

- 72/197 users did not select that they were applying for a footpath, bridleway or byway

A fundamental part of the application was ignored by 72 users who did not select what the purpose of the application was. The only explanation to this is that these users did not know (or were not told) what they should be applying for. This again backs up the fact that this was being treated more as a petition than from people's experience of actually using this route.

- 96/197 users did not fill in whether they had seen any signs

Given the sheer amount of signs that are in place along the route, it is almost impossible to believe that users of this alleged route have not seen at least one. (Evidence of signs later on in document)

- 64/197 users have seen private signs on the route

One third of users claim to have seen signs relating to private property.

- 176/197 users have not claimed to see any gates

Another statistic which shows that users have clearly not regularly walked the route. There have been locked gates/barriers in place across the route during large amount of time

- 86/197 have been identified as being related to another user. All duplicated submissions from relatives should be discarded.

At least 86 of the user evidence forms are from the same family/address. Weight should not be given to duplicate submissions. This once again shows that users were treating this as a petition.

- 10/197 users have been identified as being associated with Bangor University

All users relating to Bangor University should be discarded for not being truthful. We have received a letter from Bangor University that says they did not determine that any users regularly use that through Treborth Hall. Therefore, it appears that they have made false statements when filling out their user evidence forms.

#### **Access**

- The University does not wish to claim any legal right of way over your property, nor does the University encourage or endorse passage by staff or others associated with the Treborth Botanic Garden.
- Our enquiries did not determine that individual staff routinely use the route in question and we have been assured that public routes are recommended to staff and volunteers. We apologise for any inconvenience or distress caused if staff or volunteers have passed through your grounds without your consent at any time now or previously.

#### *4.1 Response from Bangor University regarding access through Treborth Hall*

- Passage through your property is not endorsed by the University and we will contact all staff and volunteers that use the Treborth Botanic Garden with instructions that they should use the public entry and exit to the site only.
- We understand that members of the general public may access the area for reasons that are unrelated to the Treborth Botanic Garden and note that there is signage in place which deters use of the route. However we will review the signage in place and consider whether this can be improved. Additionally staff / volunteer inductions will be reviewed in case information about access can be more clearly communicated.

#### *4.2 Further comments from Bangor University*

Bangor University clearly feels there has been adequate signage in place to dissuade the use of the route by the public.

#### FOI2620 – Bangor University Response

Q1. Any information or correspondence on the installation of any gates or barriers at the Treborth Botanical Gardens.

Since the works to install the fibre network cable to the Treborth site (2018/19), the University employed the contractor to install a gate with a lock and code for the owners of Treborth Hall at the exit to their land (undertaken in June 2019). The University erected signage and provides clear instructions to garden and sports users when events are held.

Email (attached) from the University's Commercial Services Director to the owners of Treborth Hall regarding the installation of the gate.

#### 4.3 FOI Response from Bangor University

The university places signs during events to further dissuade people from using the route through Treborth Hall. All users of the garden along with sports users are given clear instructions on the direction that they take to access the gardens. Therefore, all users claiming to use the route to access sports facilities are knowingly trespassing through Treborth Hall.

- 9/197 users did not submit the dates that they walked the route

It should also be noted that 9 users failed to disclose the dates that they have actually walked the route. These user evidence forms should be discounted.

There is further evidence to suggest that users either haven't walked the route or are being untruthful. Laura Redfern states that the school boundary has always been marked by white stones. This is simply not the case. The stones were only added to the tarmac frontage of Treborth Hall in approx 2014/2015. I believe this shows how **the user has taken things heard from social media and not from their own account of walking the route**. I believe this is a case for a lot of user evidence forms and explains why so many of the evidence forms are blank or not fully completed.

**If you have ever been refused access or challenged whilst using the claimed P.R.O.W., give details:** I personally have not been challenged - however I have heard via social media that this has happened to several users of the PROW recently by a man with dogs who apparently is the new owner of Treborth school and who has behaved in a threatening manner and told them they are trespassing. As far as I am concerned, the school boundary was always marked by the white stones and not the road.

#### 4.4 Comments made by Laura Redfern discussing social media

From the user evidence forms alone, on the balance of probability it can be argued that:

- A large majority of user evidence forms were not properly filled. Very minimal weight should be given to these forms. The lack of any detail also shows that the application has been used more as a petition than from being based on historical usage of the route. A DMMO application is not used to create a new right of way based on a desire from members of the public.

- No clearly defined route. The alleged use was of variable alignment through open land as shown on the signed route cards. Both under s.31 and at common law, any long use resulting in dedication can only occur over a defined route on the ground.
- People claim to have walked, cycled and driven all over. The application is for a footpath yet users allege their use has not been limited to walking. Cyclists do not have the right to use public footpaths. *it is not a criminal offence to cycle on a footpath*. It is however a trespass against the landowner. There were clear signs that applied to ALL road users (including pedestrians). Any person(s) that claimed to have cycled or driven through this route were knowingly trespassing. It is a criminal offence to drive a mechanically propelled vehicle on public footpaths and public bridleways unless: you are the landowner; you have the express consent of the landowner; or you have a private vehicular right of way that runs along the route.
- There were clearly private signs while people were walking the route as acknowledged by some users. A large number of users have either chosen to ignore these signs, or have not actually walked the route themselves to see them. This shows further dishonesty in the application.
- A very small amount of user evidence forms have mentioned gates which is hard to believe. This shows they were not regular walkers given how many interruptions there were along the route during many periods.
- A large percentage of the alleged users appear to have had clear permission from the school to travel to and from the facilities.

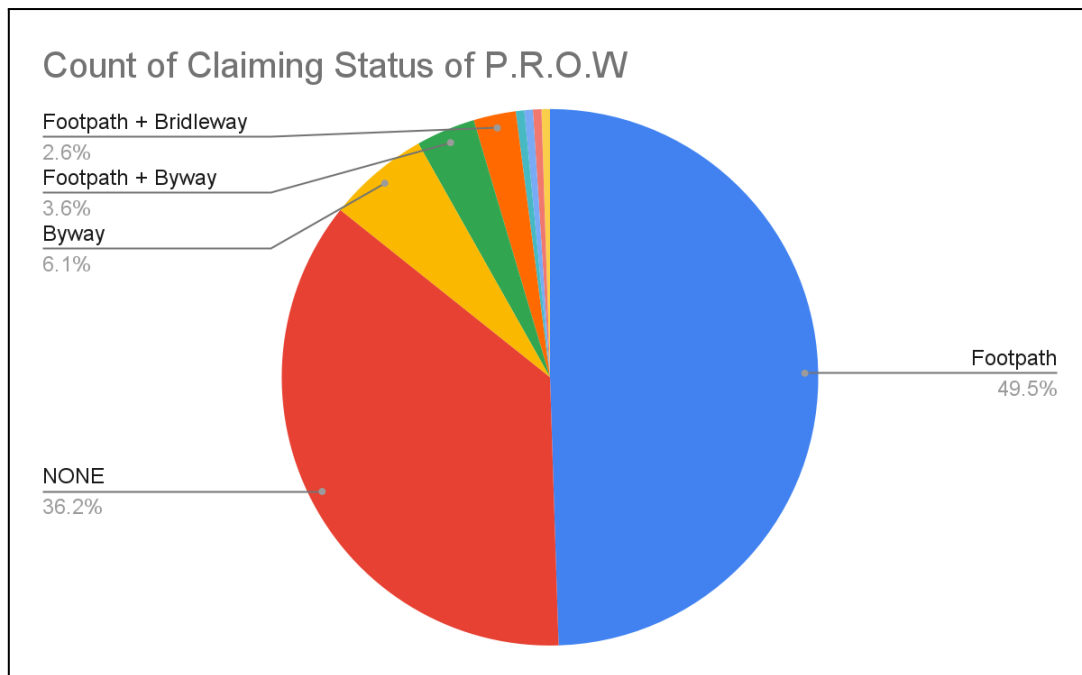
It should be noted that:

- There are very few mentions (if any) of the locked gates installed by the owners of Treborth Hall
- There are very few mentions (if any) of the Yellow security barrier
- There are very few mentions (if any) of the access signs that were erected by the school and remain in place to this day

This suggests that users have not regularly walked this route or have omitted these details on purpose and not been truthful.

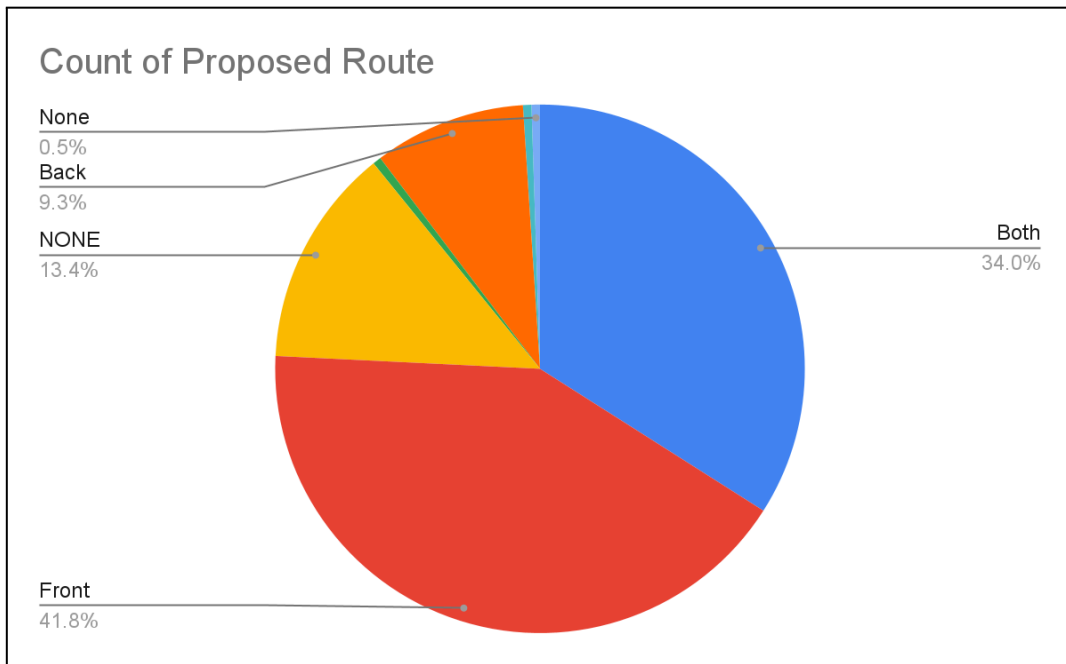
It should also be noted that:

- There has been no support from the ramblers or any other groups
- In the landowner consultation pack, Gwynedd Council has provided a Summary of evidence of all user evidence forms. The drawn routes and Status of Claim have been omitted from this summary of evidence. This makes the evidence appear stronger than it actually is.



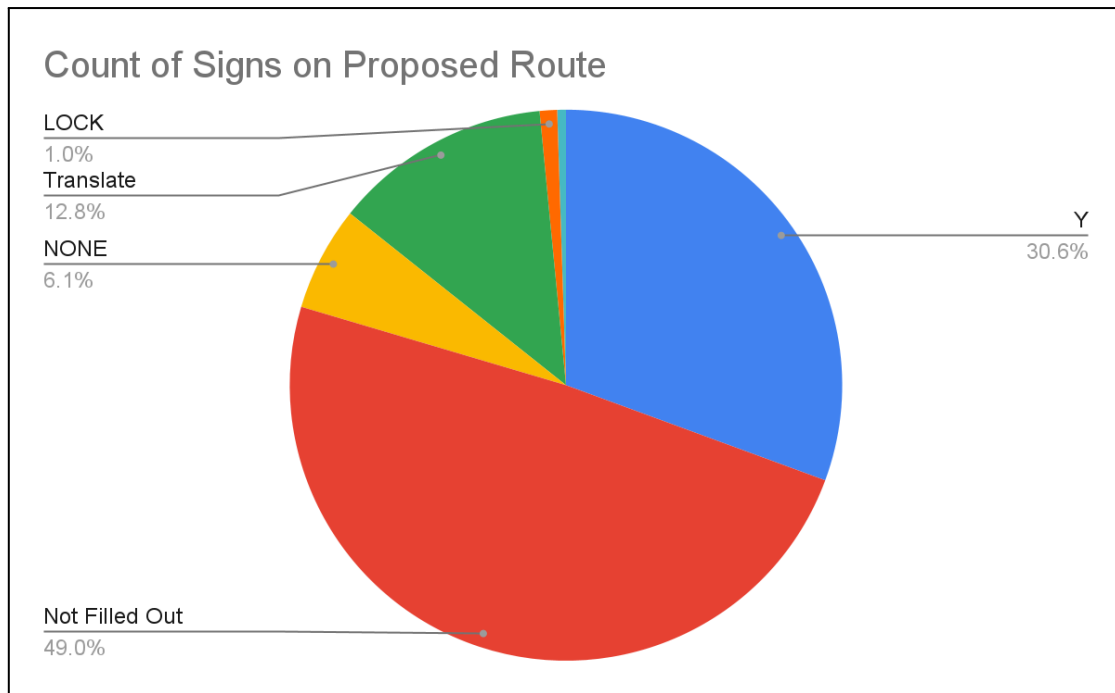
- 36% of users have not claimed any status of P.R.O.W. These should be discarded
- 6.2% of users also want a bridleway or byway. These should be discarded
- 49.5% have specifically claimed for a footpath (shaded in blue)

**If only 49.5% have filled in the application for the claimed footpath then there are clear inconsistencies with the application. Based on this alone, 36.2% of the user evidence forms should be given no weight for not being filled in correctly. It is clear that users did not know or were not told what they were applying for.**



- Only 41.8% of users claim to have specifically used the proposed route by itself.
- 9.3% of users claim to have only used an alternative route around the back of the grass island and did not use the proposed route at all. These should be discarded
- 13.9% did not fill in a claimed route. These should be discarded
- 34% of users claim to have used multiple routes through Treborth Hall. This shows that users were wandering through the property and that there was not a defined footpath.

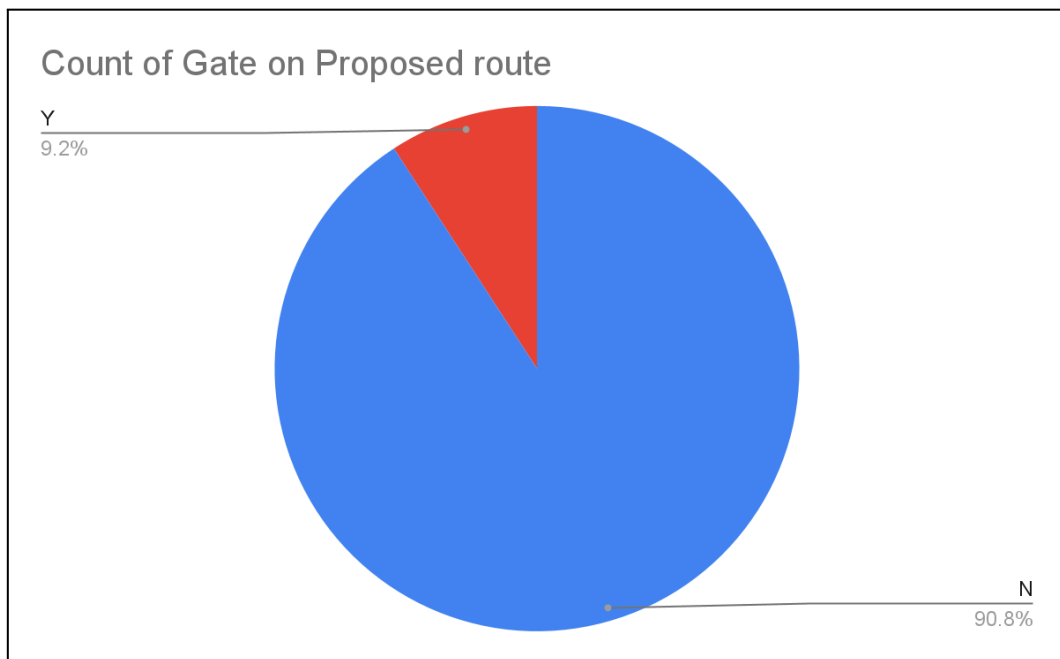
**If only 41.8% have filled in the application for the proposed route then on the balance of probabilities it shows that users did not stick to one defined route, but wandered over the land.**



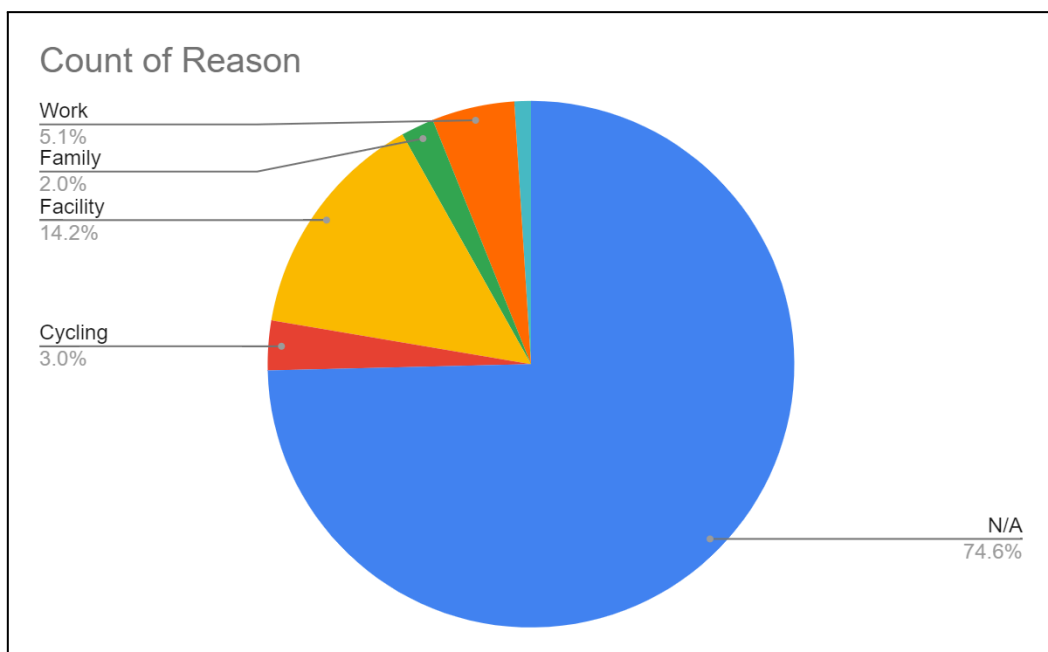
- 6.1% of users claim to have seen no signs on the proposed route.
- 49% of users did not complete the form for signs
- 30.6% of users claim to have seen signs

**This evidence shows that the users were clearly walking past signs on the proposed route. The fact that 49% of users either did not want to fill in, or did not know what to put for this section of the form shows further untruthfulness with the application.**

**There are clear inconsistencies within the application in relation to signs seen.**

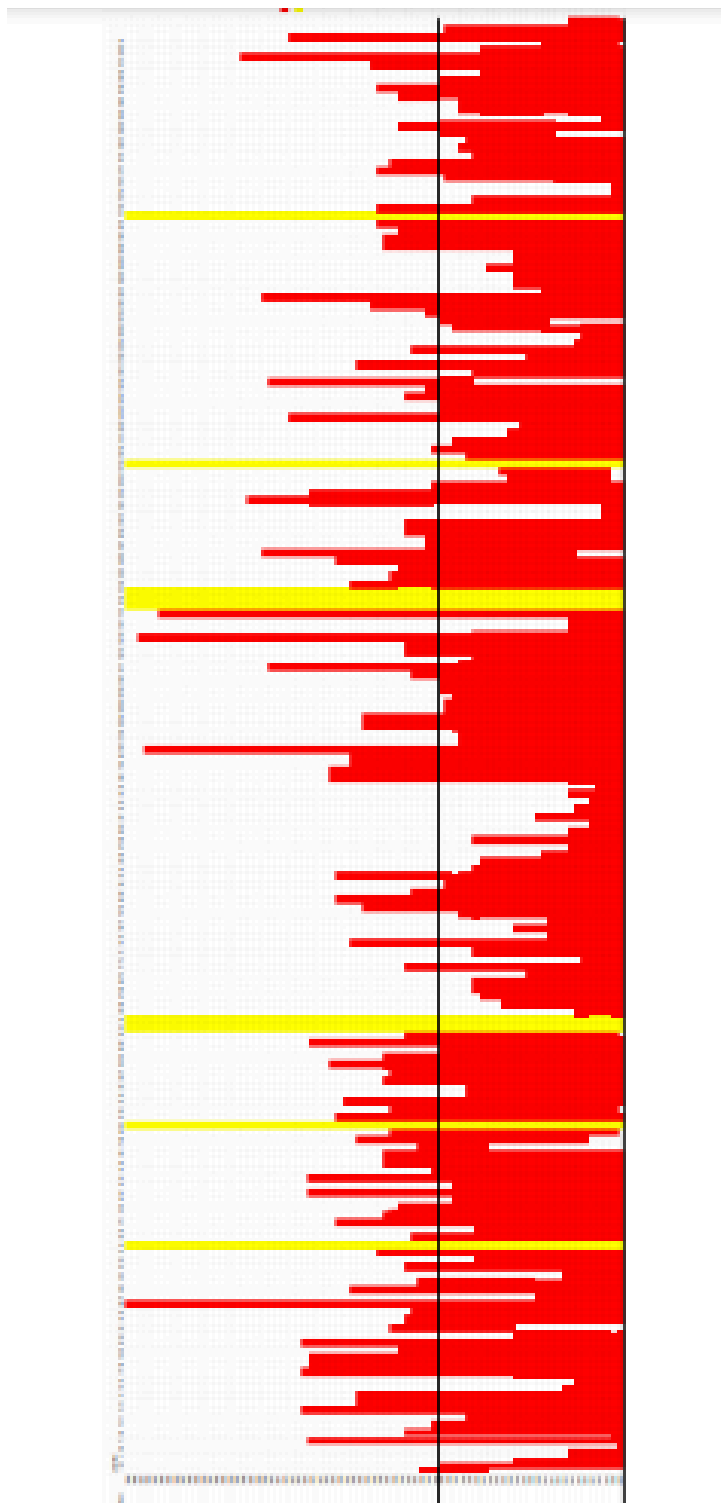


- 9.2% of users claim to have seen a gate on the proposed route. Evidence that gates do exist but have not been acknowledged by most users



- 25.4% of users gave a reason for using the path which does not fit the criteria for a DMMO application. These should be discarded





The image to the left shows the alleged usage of the route.

Each user's period of use has been added in red. Yellow has been added for users that did not give dates on their evidence forms. From the left to right is 1949-2021. The black vertical line shows the start of 1995.

Before 1995, the use of the alleged path was not consistent. During this time, the school field was used for Rugby training and matches. This was only on the weekends. Access through the school on weekdays would not have been allowed.

It is clear that from 1995-2021, the alleged use of the path was the greatest. The Education authority/Gwynedd Council took clear steps to stop any public use of the route through the school (See section 17)

From 1995 onwards, it is apparent that more facilities in the area were opened to the public. Penrhosgarnedd FC used the field adjacent to the school, The Treborth Athletics track was opened in 1996, discussion of a pedestrian and cycle track through the school took place and the Friends Of Treborth Botanic garden was formed in 1997 with the aim of bringing more of the public into their garden.

## **5. Validity of Written Interview evidence statements**

### ***Gwynedd Council Rights of Way Department not following their own procedure***

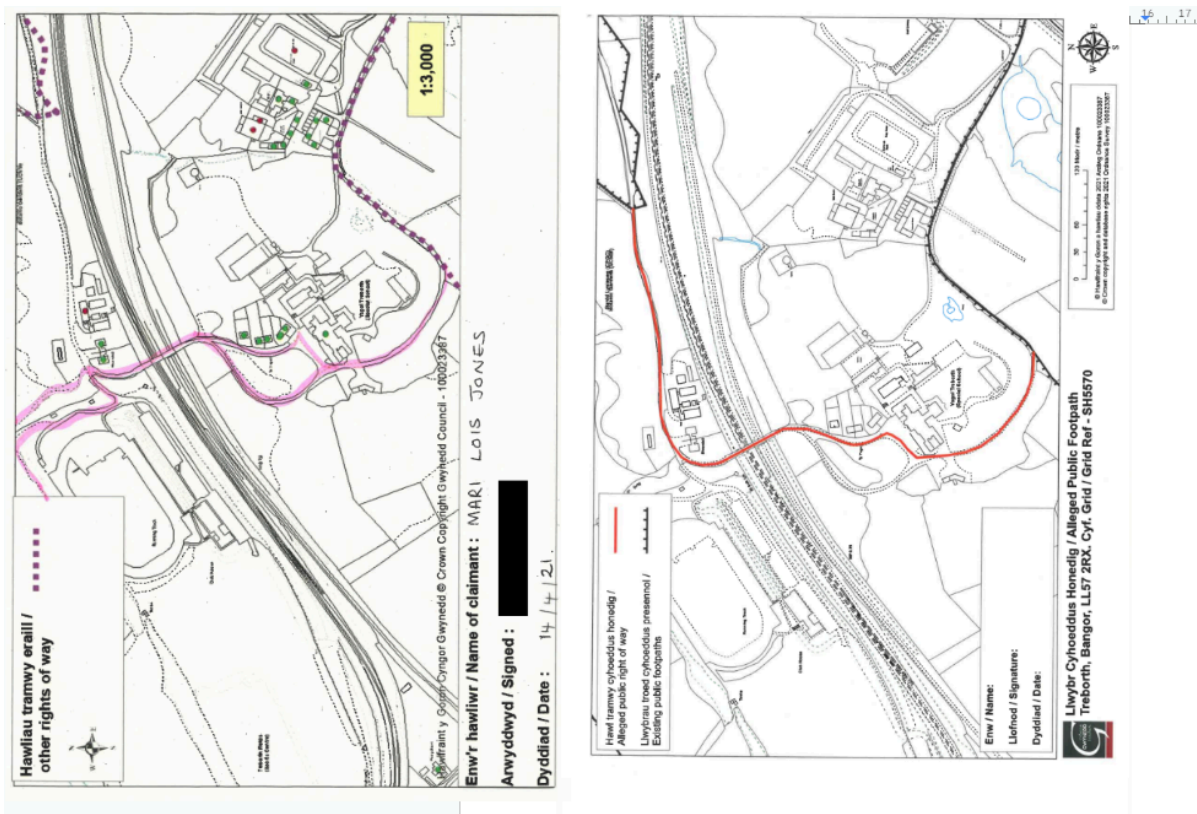
- 1. It must be noted that given the distinct lack of a consistent footpath route and evidence, The Gwynedd Council Rights of Way Department have appeared to go against their own procedures and have interviewed some of the users before consulting with and collecting evidence from the landowners. As previously mentioned, this suggests that there was a large amount of conflicting evidence from the 197 user evidence forms provided. This suggests that the evidence submitted with the DMMO application was not satisfactory.*
- 2. In addition, at this stage of the process, according to Gwynedd Council Rights of Way Procedures, all information available to the local authority should have been collated. However, there is an extremely large amount of information that Gwynedd Council is currently collecting due to Freedom of Information (FOI) requests. If these FOI requests were not done, it is unclear whether this information would become available. ALL information available to Gwynedd council should already have been collated given the stage in the process that we are currently at according to their own procedures.*
- 3. In discussion with Catrvin Davies about inconsistent evidence, I was told "You state that users have provided inconsistent evidence in their respective documents. Should the matter proceed to an Inquiry, it will be for the Inspector to adjudicate on such apparent inconsistencies, and to give appropriate weight to such testimony". It appears that Gwynedd Council Rights of Way Officers are not willing to take any of these inconsistencies into consideration during their decision making process.*
- 4. It must also be noted that Catrin Davies (Rights of way officer) has written the interview statements on behalf of the users*
- 5. Catrin davies has not made a record of who she has contacted but insists that nobody has rejected the chance to do a detailed statement*

### Table of differences between original user evidence forms and written statements

Almost every written interview statement contains key differences to the original user evidence forms.

UEF Number	Name	Validity of Written Interview Statement
3	Mari Lois Jones	Year of Use Changed Route changed Use of bikes Route to Sports Track Use of Penrhosgarnedd FC
15	Rhodri Llewelyn	Year of use Changed Family member has submitted another form (Gwawr Parry Llewelyn)
16	Gwawr Parry Llewelyn	Year of use Changed Family member has submitted another form (Rhodri Llewelyn)
23	Modlen Lynch	Year of use Changed Football training and swimming No clear route
24	Menna Williams	Route changed No signs in original No claim
43	Anne Jones	Route Changed Use of bike No claim
46	Ieuan Ellis	Year of use changed Had been challenged No right of way signs No mention of using football pitches No claim
51	William Jones	Year of use changed Route changed Visit Penrhos FC No through road signs Used to work at school
62	Richard Evan Jones	Route changed / Original route stopped at bridge Changed name from Robert to Richard
78	Erin Mai Owen	Lived next door to school for 2 years No claim
80	G Goulding	Year of use changed Route Changed Friend worked at school No claim
97	Eleri Owen	Year of use changed Route changed Has been challenged
108	Sioned Elin Jones	Year of use changed Route changed Drives car on route Swimming and Penrhos FC
110	Alison Hughes	Year of use changed

		Route changed Used to be a police officer for the school
113	Richard Roberts	Year of use changed Route changed No claim on original UEF
118	Kieth Jones	Year of use changed Route changed Used to drive through the route
130	Richard Williams	Year of use changed Route changed
136	Margaret Jones	Year of use changed Route changed No claim on original UEF
148	Daniel Harris	Year of use changed Route changed No claim on original UEF No mention of cycling
149	R. J. Phillips	Year of use changed Route changed Access to work
151	Deiniol Tegid	Year of use changed Route changed
152	Dorothy Macphail	Route Changed No claim on original UEF Different Challenge
170	Natalie Ellis	Has seen signs
183	Malcom Rogers	Route not included Bridleway claimed
188	Sarah Tudor Owen	Route changed Claimed bridleway as well Came through on bikes There for football
194	Branwen Thomas	Year of use changed
198	Thomas Gribben	Year of use Changed Route changed No claim on original UEF
N/A	Andrew Joyce	Did not submit a UEF. (Was included because Menna Baines asked the council)



5.1 An example of an original route provided by a user which has been changed to suit the application

## **Analysis of Written Interview statements**

### **16/28 users have admitted to having a connection with the school**

In the legislation the term ‘public’ means use by the public at large. Any use by the landowner’s employees, customers, friends, relatives, the milkman or postman does not represent use by the public. Likewise if usage is by a specific group of people for a particular reason this would not represent the public at large. For user evidence to qualify for consideration it must be evidence of use by the general public, and not a closed section of the community.

It is obvious that a large percentage of users who have made a written statement had connection with the former school in some way or form. These users were not using the right “as of right”.

It is also very likely that the users who were interviewed that did not admit to having a connection to the school in their interview, have a connection in some way or form. Whether that is through the Rugby Club, Football Club, Swimming Pool or the School itself. In some cases, it may even be their family members who used to visit the school facilities. Given how many people have admitted to this in their written interview, it can be argued that the users who are claiming to use this route are in fact a select group of people who had permission to visit the former school.

**2/28 users mentioned school connections and then did not mention in their written statement**

**13/28 users had no mention of school connections and then mentioned them in written statements**

On the topic of connections to the school, there are further discrepancies between the user's original evidence forms and their written statements.

It can be noted that thirteen of the written evidence statements included mentions of links to the former school, in contrast to their original user evidence forms that had no mention. While it could be argued that the interview process has allowed the users to elaborate more fluidly through conversation, it does not explain why their original user evidence forms submitted were either left blank or did not contain any substantial information about their use.

It also further backs up point 1 above in that if users were questioned further, it would become apparent that they were linked to the school in some way or form.

Two users removed any mentions of the school from their written statements. If these statements are truthful, and are supposed to be a more detailed version of their original user evidence statements, then why are these mentions omitted? This suggests dishonesty from these users.

**Only one user out of 28 said on both original and written statements that they used school facilities**

**23/28 used a new route different to their UEF**

All routes included have now been updated to be exactly the same as each other after the interview process with Catrin Davies. This has resulted in 23 users submitting a completely different route to their original user evidence forms. This shows that users have not been truthful and again casts doubt on the truthfulness of this application. As discussed previously, the alleged user evidence previously showed that use did not follow one path, but wandered over open land on a variable alignment.

I asked Catrin Davies "Could you please clarify why the alternative routes around the back of the grass island have been taken off every single person's drawn route attached to their new written evidence statements (excluding Malcom Rogers)?" To Which she responded "The Council received the application containing a plan which identifies the claimed route. This route is highlighted in red on the plan attached with the updated witness statements and this is why it is the only route included in the consultation pack." There appears to be no explanation as to why all the users' routes have now changed to match each other. The original routes that users provided were also excluded from the consultation pack sent to landowners. This gives the impression that all users are claiming the same route. This is not the case.

It should also be noted that a number of users claim that they do not use the track around the back of the island because it gets muddy. This track has only started to get a little muddy within the last 3-4 years. The track around the back of the grass island used to be maintained and is a gravel path. It is only in the last few years that vehicles have stopped driving this route that the path has started to become a little muddy. This shows once again that users are not being truthful and clearly have not regularly walked the route.

### **1 route was not included**

Malcolm Rogers was the one route that was not included in the consultation pack. This is likely because it specifically states that he walked around the back of the grass island and did not follow the claimed route that is being applied for.

In his original user evidence form, Malcolm Rogers said "When Treborth Hall was still a school for special needs, there were polite notices requesting the public to use loop of driveway away which avoided frontage of Hall." His wife Anne Rogers said "I remember a notice asking us to use the gravel track in front of Treborth Hall, instead of the entrance round in front of house." None of the other 195 users have mentioned this.

Anne Rogers also states "We regularly drove/walked this way when our children played football until the Penrhos United Football Club." This suggests the couple either had permission to use the route or were breaking the law by driving over a public footpath in a motorised vehicle without the consent of the landowner.

### **18/28 users changed the dates of use**

A large number of users have also changed the dates that they alleged to walk the route. This again suggests that they were either not being truthful when submitting their UEF or when submitting their written interview statements. Having such a large number of users with discrepancies in their dates once again casts a doubt on the truthfulness of the application.

### **2 of the users are related**

Rhodri Llewelyn and Gwawr Parry Llewelyn appear to be married to each other. It is unclear why they have both been chosen to do a written interview statement when this is clearly the case.

### **8 users mentioned cycling/driving along the alleged route**

It is clear that some users have alleged to have driven or cycled through the route. If they did not have the permission of the landowner they are clearly breaking the law when using these modes of transport over an existing public footpath.

### **Only 1 user mentioned the existing public footpath sign**

**2 users mentioned signs clearly relating to private property/land. These have been changed to just include the words private**

It appears that these two users have removed any mentions of the private signs indicating that they were trespassing and are now trying to infer that because the signs only say private that they only relate to vehicles. This was clearly not the case and shows untruthfulness.

**Other points to mention:**

- Some users reference that the headteacher let them - he was not the owner of the land and therefore did not have the power to dedicate it.
- Some of these users might have been friends of the headteacher or staff who lived in the houses opposite the school.
- The Initial applicant Menna Baines has not given a detailed statement
- No users from Bangor University have produced a written statement - All users from Bangor University who submitted an original statement have been determined by investigations within the university that they have not regularly used the route

It appears that the following has not been made clear to all users who have submitted user evidence forms:

“If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years’ imprisonment or an unlimited fine, or both.”



## **6. Letters of Support / Supporting Evidence**

*The supporting evidence appears extremely weak. Given that 197 users allege to have used the route regularly for well over 20 years, it is extremely odd that this is the only supporting evidence that can be used to back up the claims.*

### **Analysis of Supporting Evidence:**

1. Mr John Purcell (126) - Llun Cefnogol / Supporting Photograph - People having picnics on the grass island is not evidence of a defined footpath. The school opened its doors to the public once a year when it held a school fete.
2. Sara Tudor Owen (188) and Rhodri Owen - Her husband Rhodri Owen was the school doctor. She had other clear links to the school including taking her children to swimming lessons there. She was challenged in 2021 by myself and my parents (We had never seen her or her husband before). She first told us that she had permission from the owner of the hall. After realising she was speaking to the owners of the hall, who had never given her permission she then told us that she was a councillor. She is not a councillor. She was being untruthful. If she thought she had a right then why would she need to lie?  
**The police were called on her husband after he was racist to me outside of my home on this day. Her husband came back on his own a few weeks later. Police were called again.**
3. Manon Griffith (195) - Taken in only 2010 - Does not show users walking. Also part of the alleged route goes along a public footpath and cycling on this is clearly against civil law.
4. Esiyllt Meleri Bryn Jones (196) - Not signed - Only 3 of the photos are even along the proposed route. These photos have no date so could have been taken any time. They had permission from the school to attend the son's football practices.
5. Thomas Gribben (197) supporting letter - It appears that he does not understand that he has purchased a home in a gated, private estate. He fails to understand that it is against the terms of lease of Penrhosgarnedd FC to access their facility using the route in front of Treborth Hall as per the terms of their lease with Gwynedd Council. He speaks about university staff who wanted to use the lane for vehicular access to work which is clearly not what the footpath application is for. Bangor University are themselves against any such use. He has also submitted a User evidence form and written statement, even though he lives on the estate and has a right of access already. Both of his forms contain differences which shows that he is not being truthful. **Police action has been taken against this neighbour in relation to criminal damage of our signs and gates.**
6. James Hutchinson (191) Letter of Support - Missing - Clearly submitted with the original application as it is written on the main application form. Nobody from Gwynedd Council has any record of his supporting letter. A response from Catrin

Davies states “Mr Hutchinson has confirmed no such no such letter exists verbally in our conversation.” James Hutchinson has also deleted all of his posts relating to the footpath application off social media. **Police action has been taken against this neighbour and his step-son in relation to criminal damage and theft of our signs.**

7. Enid Parry Supporting Letter - Not signed - “Used for a number of years” is not a significant statement and could mean just 2 or 3 years. Has never claimed to use the path themselves. This is based on hearsay/what they have been told.
8. Elin Walker Jones (32) Supporting Letter - Not signed - has also submitted a user evidence form where she coincidentally claims to have walked the route for 20 years. Does not actually mention walking the route herself but speaks on behalf of other people. Her letter is based on public desire to use the route as a short-cut to the athletics track. The purpose of Section 53 is not to create or extinguish public rights of way as such, but to correct errors and omissions by, for example, recording on the definitive map new ways which have come into existence by long use or which were missed off in the past, adding further information to the statement or changing the status of ways which were incorrectly recorded or removing ways shown in error.
9. John Grisdale Supporting Letter - Not signed - The former headteacher clearly contradicts himself and is being misleading about historic events. There is a huge difference between his supporting letter and statements during Sustrans consultation as shown below.

*Grisdale states “It must be remembered that the school has been providing special education and used to open its doors weekly during school terms and holiday periods to community organisations such as Horse Riding for the Disabled, Gateway Club, local lessons in the pool swimming and games on the football pitches for the youth of the Penrhosgarnedd area and further afield.”*

The former headteacher clearly states that the school used to open its doors “weekly” to members of the community. This does not mean that all members of the public had unrestricted access through the school property at all times which is what is needed to create a right of way. They only had access on weekends. Also, these community members who had access to school facilities cannot be counted as the public at large. They also had permission to be on the school premises.

*In the time that I worked at the school, there was no difficulty in having walkers to use this path, and as I understand it was the norm for the residents of the area to do this in previous years as well.*

Grisdale, the former headteacher, was directly quoted in a letter to Sustrans, saying “Over the past year the school has progressed to protect their borders with security grants through the Welsh Office. That is, deliberately proceeding to block access by erecting fences and gates in order to block public access to the school grounds..”

*“Indeed ‘an open and welcoming attitude towards the public had led to the local interpretation that it was completely natural to have access to the paths through the land and that since 1950 when the school was founded.”*

He was only the headteacher from 1998-2003. Therefore, unless he used to walk this route himself during this timeframe then this paragraph is worthless as he cannot possibly know this as a fact and it is merely an opinion.

He was also quoted in a letter to Sustrans saying “ Giving a public right of way on the outskirts of a special residential school can cause more trouble when inviting suspicious strangers to leave the premises.” This also completely contradicts what Mr Grisdale has been saying in his letter of support.

There was a community impact assessment that took place during the statutory closure period of Ysgol Coed Menai. This shows that there were no close links with the community as Grisdale was suggesting.

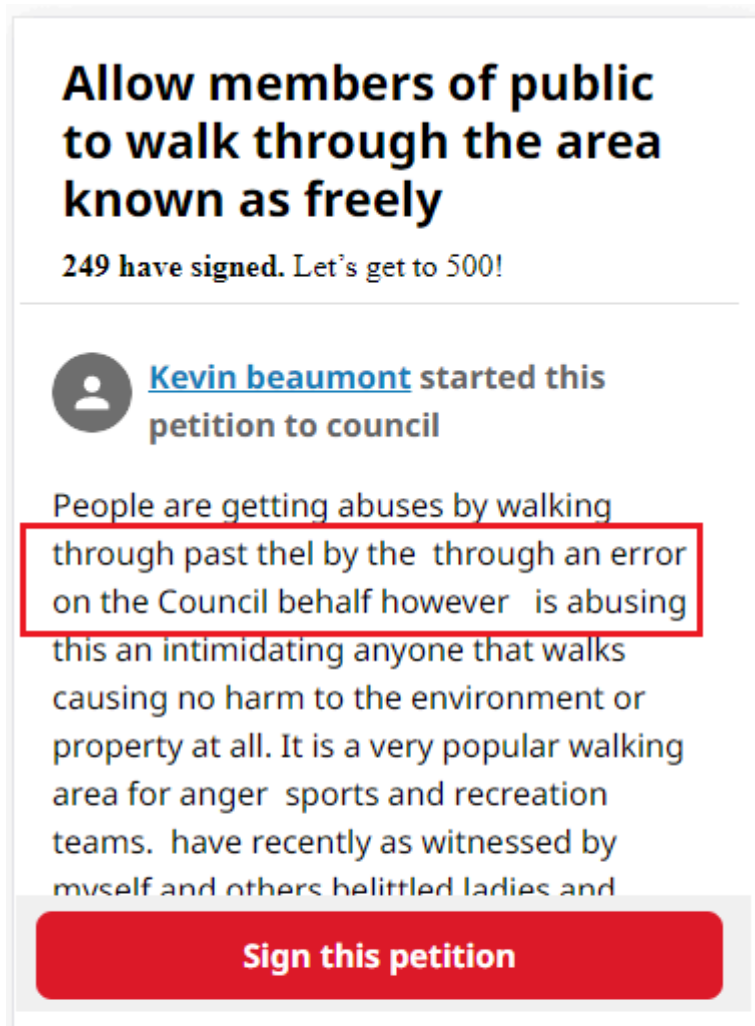
The application has only managed to receive the support of one former headteacher. He can be proved to be acting dishonestly.

10. The application has received no support from the ramblers.

## **NEW EVIDENCE RELEVANT TO THE APPLICATION**

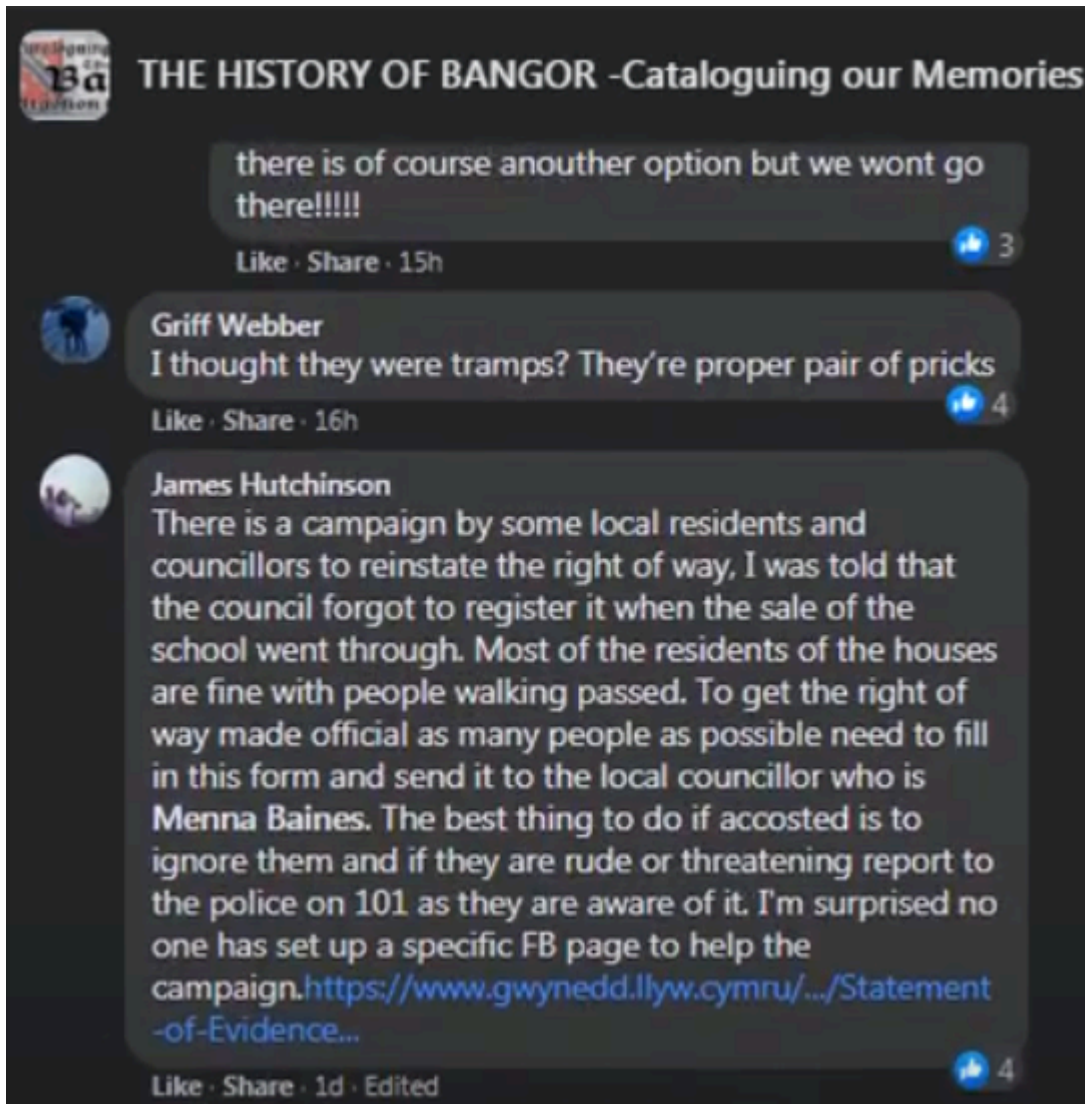
### **7. Gwynedd Council (The previous owner) allegedly forgot to register the footpath**

There is 3 lots of evidence from members of the public suggesting that Gwynedd Council forgot to register a footpath. It appears these people are trying to trick the general public into thinking this is the case.



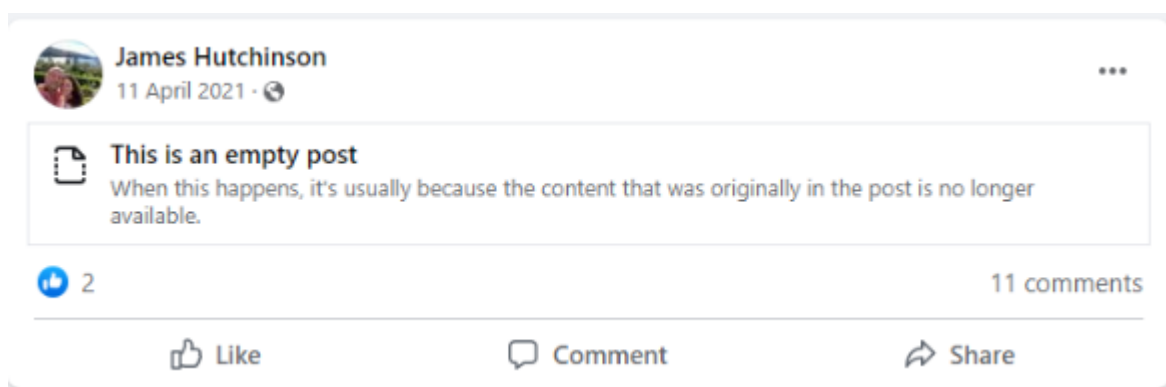
The screenshot shows a petition page. At the top, the title 'Allow members of public to walk through the area known as freely' is displayed in bold black text. Below the title, it says '249 have signed. Let's get to 500!'. The petitioner is identified as 'Kevin beaumont' with a profile picture icon, followed by the text 'started this petition to council'. The main body of the petition text reads: 'People are getting abuses by walking through past thel by the through an error on the Council behalf however is abusing this an intimidating anyone that walks causing no harm to the environment or property at all. It is a very popular walking area for anger sports and recreation teams. have recently as witnessed by myself and others belittled ladies and'. At the bottom of the petition card is a red button with the text 'Sign this petition'.

7.1 A petition was created based on Gwynedd Council forgetting to register the footpath through Treborth Hall



7.2 A local resident (4 Ty Ysgol Coed Menai) wants the footpath to run past his house and claims the council forgot to register it

In one of the first posts on social media encouraging local people to submit evidence for a footpath, James Hutchinson tells people that "I was told the council forgot to register it when the sale of the school went through"



He has since deleted all posts off social media which appears to suggest he has been acting dishonestly.



7.3 A woman named Jean Jones (Menai Bridge) claims that the council forgot to register the footpath. She claimed to work for Gwynedd Council (Video footage)

I have video footage of the woman named Jean Jones saying that **she works for Gwynedd Council** and that there would be a footpath through the property. She then encouraged people to trespass on our property on social media, saying that there is a right of way until proven otherwise.

In previous correspondence with Gwynedd Council and as confirmed in the contents of the legal pack which was produced in the sale of Treborth Hall, Gwynedd Council claims to have no knowledge of any members of the public trespassing on school property. This therefore suggests that all members of the public who are claiming that the council forgot to register the right of way are doing so in a dishonest manner, in the attempt to misinform members of the public. This is also further proof that application as a whole is not truthful.

• gadw poblogaeth iach heb ymyrryd dim ar breifatrwydd perchenog yr ysgol. Gwesyn na ddaru y Cyngor gofrestru y cysylltiad yma cyn gwerthu yr ysgol.

[REDACTED] Rhodri Wyn Owen : 11/05/21 .

#### 7.4 Extract from Rhodri Owen's letter of support

Translates to "It is a pity that the Council did not register this connection in selling the school - Rhodri Owen"

The council had adequate opportunity to register this route as a public footpath if they ever had any intention to use the land in this way during all 64 years of ownership. It is clear from the discussion with Sustrans in 1998 that they did not wish to open the land up to the public. (See section 17)

As discussed previously, members of the community also had adequate opportunities to make this footpath issue known to the council in previous years. It must be questioned why it has taken until 2021 for the use to come into question when there is clear evidence that use has been challenged since 2014 by the current owners. (Sections 10, 13, 14 and 22)

## **Evidence of landowners**

### **8. Gates and Barriers Installed by Gwynedd Council (Ysgol Treborth)**

When Pentir Footpath 12 was added to the definitive statement, the Caernarvonshire Education authority clearly showed no intention to dedicate the land through the school. The signs “Private” and “No Unauthorised Person Allowed By Order Of The Caernarvonshire Education Authority” make this clear. (See Image 1.1 Below)

There were also gates at the main road which challenged all public access.

When the diversion order was made in 1972, these signs and gates still appeared on the route description produced by Gwynedd council. Therefore, this is evidence to suggest that these intentions not to dedicate the land remain in place until at least 1972.

#### **Not one piece of alleged user evidence mentions this.**

Gorchmynion Gwiriad Diddymu Diwigiad  
*Diversion, Closure or Amendment Orders*  
On the gates at the main road entrance to TREBORTH FARM there are two notices.  
One marked PRIVATE and the other NO UNAUTHORISED PERSON ALLOWED BY ORDER OF THE  
CAERNARVONSHIRE EDUCATION AUTHORITY but according to Public testimony there has  
always been a right of way.

#### ***8.1 Gates and signs put in place by Caernarvonshire Education Authority***

Further to the gates and signs at the Treborth road side of the estate, there was also a yellow barrier which blocked all access from the Botanic garden entrance on the other side of the estate. (See Image 8.2 below)

The earliest reference to this barrier is currently 1970's. The barrier lies on Bangor University land. Neither Gwynedd council or Bangor University claim to know when this barrier was installed.

The yellow barrier is clearly very old and was installed by the education authority to restrict all access to the school when the school was closed. The yellow barrier could be padlocked shut. A number of user evidence forms refer to this barrier being closed. When Gwynedd Council sold the former school in 2014, this barrier was still regularly being locked.

The “No Entry” sign on the yellow barrier is an obvious action to prevent unauthorised use by the public and signify that members of the public are not allowed. When paired with the other school, no access signs, there is no question that the education authority did not want the public coming through the school. This barrier was a clear interruption to the route. Users of the route would have had to climb over the barrier.

The yellow barrier remains in place to this day. It was locked by Rowena Thomas (2 Ty Ysgol Coed Menai) from roughly 2012-2015



The owners of Treborth Hall continued to lock this gate upon purchase of Treborth Hall in 2014 along with the other residents.



*8.2 Yellow Barrier installed by Education Authority*

In addition to these gates, barriers and signs that were installed by the education authority, there was another side gate installed adjacent to Treborth Hall. There is a historic side gate adjacent to Treborth Hall. (See Image 8.5 Below)

These would have been installed for security and access reasons for the school. These cause an interruption in the route.



8.3 Yellow Barrier can historically be seen closed

6. I cannot remember seeing any type of signs on the footpath.

7. The only barrier I remember on the footpath was the yellow barrier over the railway bridge. Usually, it would be open and it was rarely closed. I'm not sure who was the owner of this barrier, but I think it was used for cars and people

8.4 Branwen Thomas one of the few users who acknowledges the yellow barrier being closed





8.5 Side gate adjacent to Treborth Hall (1970's)

Give details of wording of any Notices which you know to have existed on the claimed P.R.O.W:

BARRIERS ON EACH SIDE OF OLD SCHOOL

8.6 John T Purcel (126) - Barriers on both sides of old school



## 9. Gates Installed by Bangor University

During roughly 2010, Bangor University installed a gate which restricted public access into their Botanic garden.

This Botanic gardens gate was regularly locked during the night from 2010-2018. Keys were handed out to all residents that had a right of access through the gate.

This is a clear interruption of the route showing that Bangor University had no intention to dedicate their land.



9.1 Gate Installed prior to 2010 by Bangor University

<b>DESCRIBE ROUTE OF P.R.O.W. CLAIMED</b> (note the location of and describe any gates or stiles on the route; a plan should be provided to illustrate the situation)	
Turn left off Treborth Road (towards Menai Bridge) Follow road down past driving range, Mew's and Ysgol Treborth (all on right). It arrives at entrance to Athletics track (left) + Offices of Botanical Gardens (right). Follow road to right down to Menai Bridge. There are 2 gates which may or may not be open.	
Community in which P.R.O.W. is located:	Treborth, BANGOR
Period over which you have used the path:	from 1987 to Present

9.2 Neris Ohri (56) Describes two Botanic garden gates which were sometimes closed



## **10. Gates Reinstated by Current Owners of Treborth Hall**

Side access gate was reinstated in 2014 by the owners of Treborth Hall upon purchase and regularly locked. This was on the advice of Lowri Roberts (Gwynedd Council Estates Department) and Christy Security.

Signs saying “Private Property Keep Out” were put on the gate (See image 10.2 Below). This is an interruption of the route showing that the current owners of Treborth Hall had no intention to dedicate.



*10.1 Side gade adjacent to Treborth Hall*