

I CHRISTOPHER PASCOE of Court Cottage Higher Porthpean St. Austell in the County of Cornwall DO SOLEMNLY AND SINCERELY DECLARE as follows :

1. I together with my Wife Kathryn Anne Pascoe purchased the property known as Court Cottage Higher Porthpean St. Austell in the County of Cornwall (hereinafter called "the property") on the 14<sup>th</sup> February, 1984 and such property is shown coloured green on the plan produced with this Declaration.
2. Running through the property is a path shown coloured red on the plan produced with this Declaration (hereinafter called "the permissive path"). I together with my Wife have during our period of ownership of the property allowed the public to use the permissive path with the intention that it should not become a public right of way. The permissive path has always been intended to be no more than a way, the use of which we do not normally object to.
3. In order to rebut any intention during our period of ownership that the permissive path was intended to be dedicated as a Highway, we have carried out the following actions.
  - a) We have erected a sign on the permissive path stating that the permissive path is a private path and not a public right of way. We have erected a number of signs on the path over the past twenty year. In 1996 the present sign was erected and has been in its present position ever since.
  - b) We have over the years closed on a number of occasions the permissive path usually for long periods when work has been carried out on the permissive path. Just over three months ago the permissive path was closed for four weeks with signs up to this effect.

c) Whenever we have seen people using the permissive path we have always tried to point out to people that the permissive path is a private path and that there is a public footpath which runs parallel to the permissive path which they could use.

d) I instructed my Solicitors in 1996 to write to Restormel Borough Council regarding their siting of an incorrect signpost near the permissive path. Copies of my Solicitor's letter to the Council dated the 25<sup>th</sup> September, 1996 and the Council's reply of the 10<sup>th</sup> October, 1996 are produced with this Declaration.

4, I produce with this Declaration the plan marked "CP1" and the correspondence with Restormel Borough Council marked "CP 2" and "CP 3" respectively.

5. The facts stated in this Declaration are in my own knowledge and I make this Declaration in support of an application under Section 31 (6) of the Highways Act, 1980.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and by virtue of the provisions of the Statutory Declarations Act, 1835

Declared on 12<sup>th</sup> this day of April 2005

Before me

Solicitor/Commissioner for Oaths