

**PUBLIC RIGHT OF WAY EVIDENCE FORM**

**Important Note**

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness..... MRS CHRISTINE LESKEY RANDALL.....  
(Block Capitals please)

Address .....  
(Block Capitals please)

.....  
.....

Date of Birth ..... Occupation.....

Description of way (include grid references if known):-

From BUTTS WALK OFF PARIS AVENUE  
To LAND ADJOINING ROSEMARY COTTAGE ON KEELE ROAD.

\* Please delete as appropriate

\_\_\_\_\_

1. How many years have you known the way? 18 YEARS

2.(a) Do you believe the way to be a public right of way? \*YES/NO

(b) If so, is the way

(i) a footpath? (pedestrians only) \*YES/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) \*YES/NO

(iii) a by-way open to all traffic? (all uses including vehicles) \*YES/NO

\_\_\_\_\_

3. How wide is the way?  
3' - 4'

\_\_\_\_\_



4. Have you used the above way?

\*YES/NO

If so: (a) During which years?

1978 - 1996

- (b) Where were you going from/to? FROM HOME (BACK TO HOME)  
(c) For what purpose? (eg work, pleasure) PLEASURE, DOG WALKING  
(d) How many times a year? (eg daily) DAILY  
(e) By what means? (eg on foot, horseback, motor vehicle etc) ON FOOT  
(f) Please show the route of the way used on the attached plan. SEE ATTACHED PLAN

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5.(a) Has the way always been on the same route?

\*YES/NO

(b) If not, please give details of original route, date of diversion and show details on a plan.

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6. Have there, to your knowledge, ever been on the way any stiles or gates?

\*YES/NO

If so, state (with details of location) where the stiles or gates stood.

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7.(a) Were you working for any owner or tenant of land crossed by the way at the time when you used it.

\*YES/NO

(b) If so, give particulars and say whether you received any instructions from the owner/tenant as to the use of the way by the public? If so, what were they?

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8.(a) Have you ever been stopped or turned back when using the way or do you know, or have you heard, of anyone else having been prevented from using the route?

\*YES/NO

(b) If so, please give particulars.

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9.(a) 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 public?

\*YES/NO

(b) If so, give particulars and dates.

10.(a) Have you ever known of any locked gate or obstruction to the way?

\*YES/NO

(b) If so, state when and where and show its approximate position on the attached plan.

11.(a) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted', on or near the way?

\*YES/NO

(b) If so, state what the notices said and show their approximate position on a plan.

12.(a) Have you ever been given permission to use the way?

\*YES/NO

(b) If so, by whom?

13. Can you give any further particulars about the way (continue on a separate sheet of paper if necessary).

THE FOOTPATH THROUGH THE WOOD HAS ALWAYS BEEN USED BY THE PUBLIC FOR PLEASURE WALKS AND FOR DOG WALKING

14. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary?

\*YES/NO

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

Signature ..... C. L. Randall .....

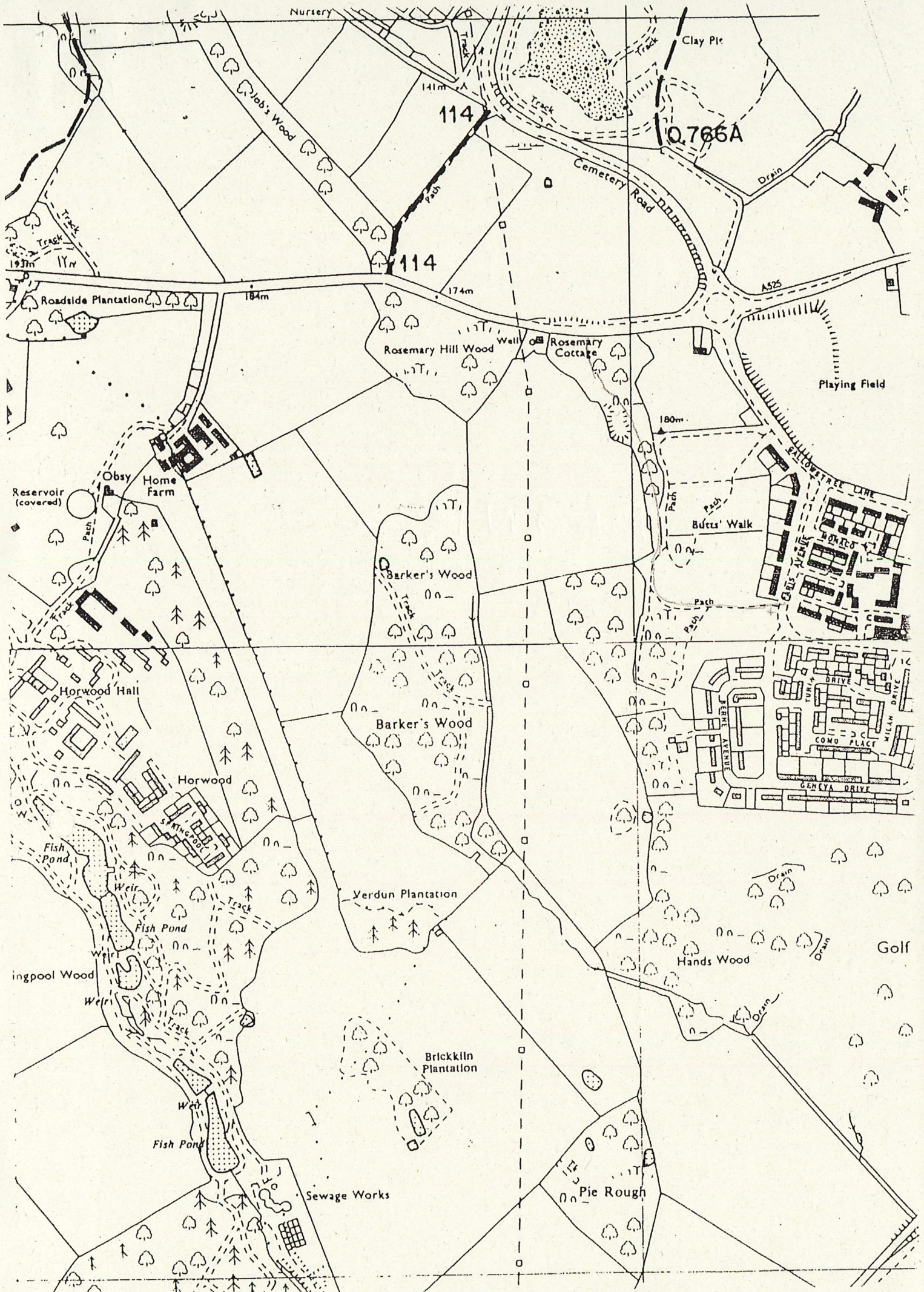
Person taking this statement .....

Date ..... 15<sup>th</sup> MAY 1996 .....



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PUBLIC RIGHT OF WAY EVIDENCE FORM

Questionnaire to be completed by the owner/occupier  
of land over which there is an alleged public right of way

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Name of witness ..... *Mr. G. J. Wess* .....  
(Block Capitals please)

Address ... *Rosemary Wood Cottage* .....  
..... *Keble Road,* .....  
..... *Newcastle-under-Lyme* .....

Telephone No: .....

Date of Birth *[redacted]* ..... / ..... Occupation *[redacted]* .....

1. Do you own or occupy any of the land affected by the proposal or adjacent to it? If the answer is YES please answer questions 2 to 13 and indicate on one copy of the plan the extent of ownership. If the answer is NO please, if possible, advise the names and addresses of the landowners/occupiers.

YES/~~NO~~

2. Have you received a Notice of application for a Modification Order?

*- notice on site*

YES/NO

3. Would you be willing to allow my assistant to make a site inspection?

YES/~~NO~~

4. Do you consider the route to be public?

~~YES~~/NO

5. How long have you had an interest in the land affected by the application.

..... *two* ..... years.



6. Please state the nature of your interest in the land over which the alleged public right of way is claimed:

Freehold Ownership Are you:-

- (a) Sole freehold owner? ✓  
(b) A joint tenant,  
if so, with whom?  
(c) a tenant in common,  
if so, with whom?  
(d) A tenant for life under the Settled Land Act,  
if so, with whom?

Tenancies and Leases

are you a tenant or lessee of the land? If so, please state the nature of your interest as tenant or lessee.

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7. Have you, or any previous owner/tenant of the land, erected any "private" or "trespassers will be prosecuted" or similar signs on or near the alleged public right of way? If so please state when and where these signs were erected, what they said, whether they are still in place and show their position on the attached plan.

*"Private - Keep Out" signs*  
Yes - I erected 4 in 1996 - Previous owners have also erected

8. Have you ever given anybody permission to use the path? If so, when and to whom? *sign*

*I have given permission to various people*

9. Have you, or any previous owner of the land, taken steps to prevent the public's access by locking gates or erecting some other form of obstruction along the path? If so, when, where and for how long was the path obstructed?

*Yes - Fence adjacent to Keele Road*

10. Have you ever stopped or "turned back" anybody found using the path? If so, please give full details.

*Yes - on many occasions*

11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way?

NOTE - Section 31(1) of the Highways Act 1980 states that:-

"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."



12. Do you have any documents which show this as a private right of way or giving details of its closure?

*No.*

13. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law if necessary?

*Yes.*

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

Signature  .....

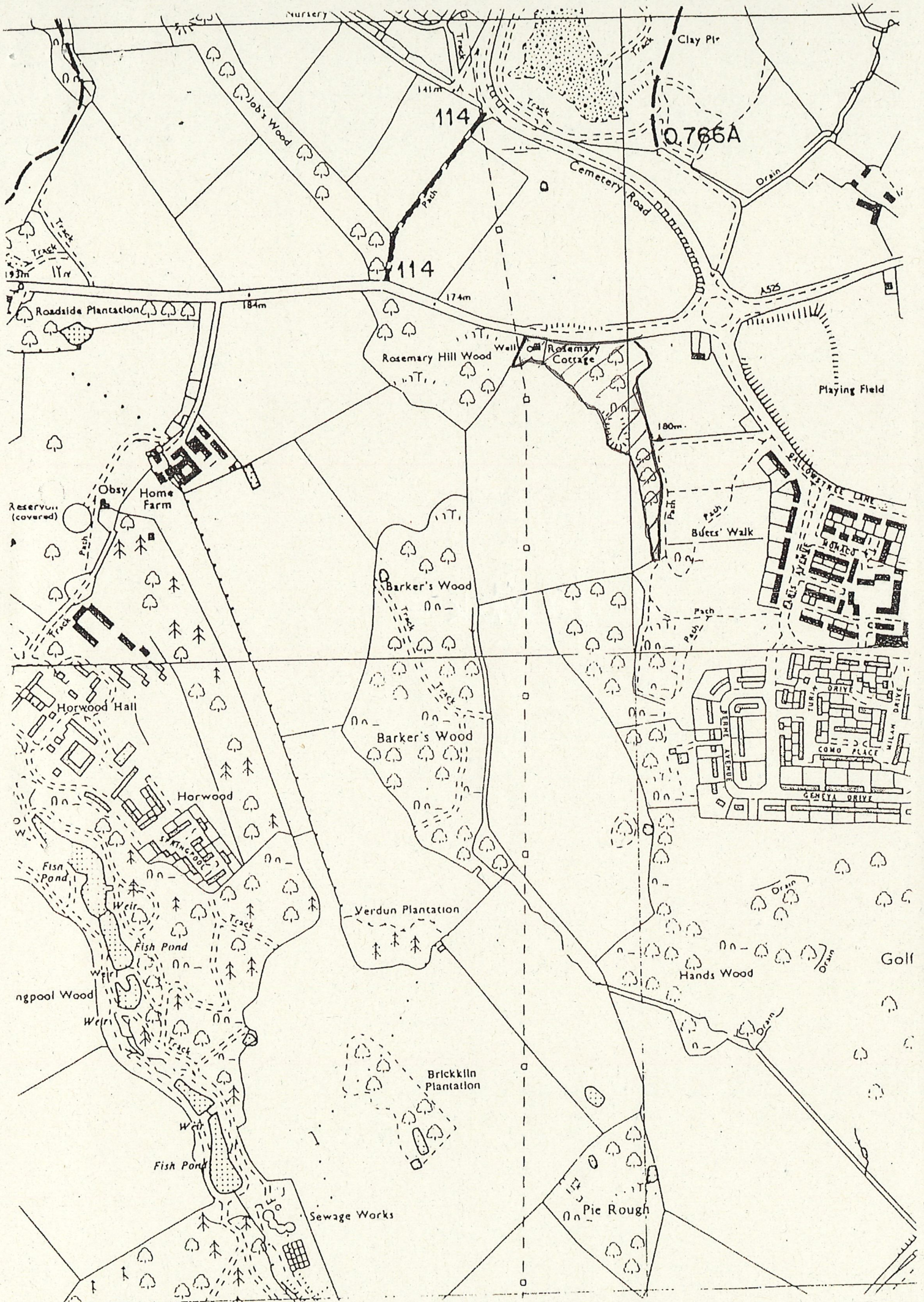
Person taking this statement ... *Mr. S. B. ...* .....

Date ... *8.14.97* .....



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Name of witness ..... (Block Capitals please)

Address BOROUGH OF NEWCASTLE UNDER LYME ..... CIVIC OFFICES, MERRIAL STREET, ..... NEWCASTLE UNDER LYME, STS 2AG. ....

Telephone No: 01782-717717. ....

Date of Birth ...../...../..... Occupation .....

\* 1. Do you own or occupy any of the land affected by the proposal or adjacent to it? If the answer is YES please answer questions 2 to 13 and indicate on one copy of the plan the extent of ownership. If the answer is NO please, if possible, advise the names and addresses of the landowners/occupiers. YES/NO

2. Have you received a Notice of application for a Modification Order? YES/NO

3. Would you be willing to allow my assistant to make a site inspection? YES/NO

4. Do you consider the route to be public? YES/NO

\* 5. How long have you had an interest in the land affected by the application. .... 40 ..... years.

bought 31 Aug 1956.



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X 6. Please state the nature of your interest in the land over which the alleged public right of way is claimed:

Freehold Ownership Are you:-

- (a) Sole freehold owner?
- (b) A joint tenant, if so, with whom?
- (c) a tenant in common, if so, with whom?
- (d) A tenant for life under the Settled Land Act, if so, with whom?

Tenancies and Leases

are you a tenant or lessee of the land? If so, please state the nature of your interest as tenant or lessee.

7. Have you, or any previous owner/tenant of the land, erected any "private" or "trespassers will be prosecuted" or similar signs on or near the alleged public right of way? If so please state when and where these signs were erected, what they said, whether they are still in place and show their position on the attached plan.

No

8. Have you ever given anybody permission to use the path? If so, when and to whom?

No

9. Have you, or any previous owner of the land, taken steps to prevent the public's access by locking gates or erecting some other form of obstruction along the path? If so, when, where and for how long was the path obstructed?

No

10. Have you ever stopped or "turned back" anybody found using the path? If so, please give full details.

No

11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way?

NOTE - Section 31(1) of the Highways Act 1980 states that:-

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No



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12. Do you have any documents which show this as a private right of way or giving details of its closure?

No

13. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law if necessary?

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

Signature.....

Person taking this statement .....

Date .....



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EWD







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New tested wire obstructing access to  
path at Keele Road.

South end of path.



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Path at junction with "Butts Walks"  
near Trig point. CJ 84/94 831 453

Middle section of path looking north



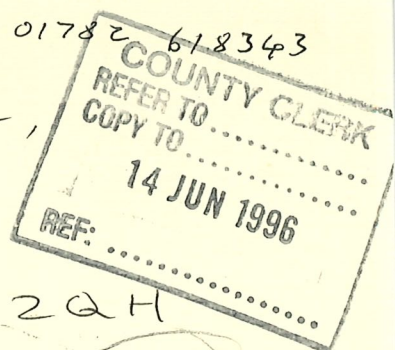
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78, Geneva Drive,  
Westlands,  
Newcastle

Staffs. ST5 2QH

28th May 1996.



MCB

Dear Mr. Bradbury,

Please find enclosed the completed forms, documents and photographs which support my application to have a footpath included on the County Council's Definitive Map of Public Rights of Way.

I wish to claim exemption from the requirement to serve personal notice on the owner(s) of the land. In order to trace the owner(s) I contacted

- (i) Newcastle Borough Council
- (ii) Local footpath Secretary of the Ramblers Assoc.
- (iii) Mr. S. Lee (previous owner of a section of the land).

It seems that the land was owned by the proprietors of L+M Autos Ltd (who have now ceased trading) and that they have sold it on to the present owner(s). I have been unable to trace these latest owners and I wish to apply for consent to serve notice instead by addressing it to the "owner" or "occupier".

Yours sincerely,

P. J. Martin.



