

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

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 claimed public right of way. This is of particular importance if the information is to be of real value in establishing the status of the way.

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

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.

LAND IS OWNED BY WESTBURY HOMES (EDGED RED ON ATTACHED PLAN) 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. .... 2 1/2 ..... years.

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed: SOLE FREEHOLD OWNER, OF LAND EDGED

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.

NO

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

NO

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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

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

NO

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

NO

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."

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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?

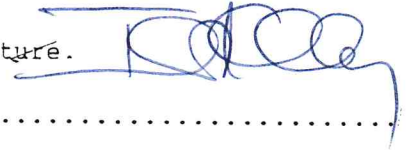
YES SEE NOTE BELOW

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 JAN. KEAY .....

Date 19/11/06 .....

The land the subject of this alleged public right of way forms a tree belt to the south-west and north-west boundaries of the Westbury Homes development known as Westbury Park off Weston Road, Stafford.

At the time of Land Purchase by Westbury Homes a land survey was carried out and identified a path through the tree belt, (A preferred route).

This had been created by members of the public walking through the tree belt.

The line of this preferred route is shown on our Land Survey drawing and by using our computer system to reduce the survey to 1:2500 scale this has been transposed onto your plan.

As you will see there is a difference between the broken line being your interpretation of the footpath alignment and the dot dash line being the actual alignment of the preferred route footpath.

If your interpretation is not based on a land survey then the correct alignment of the footpath should be that shown with a dot dash line.



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Name of witness .....MR. E. P. MILES.....  
(Block Capitals please)

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YES/NO

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

YES/NO

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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. ....48....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:-

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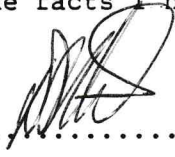
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13. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law if necessary? Yes

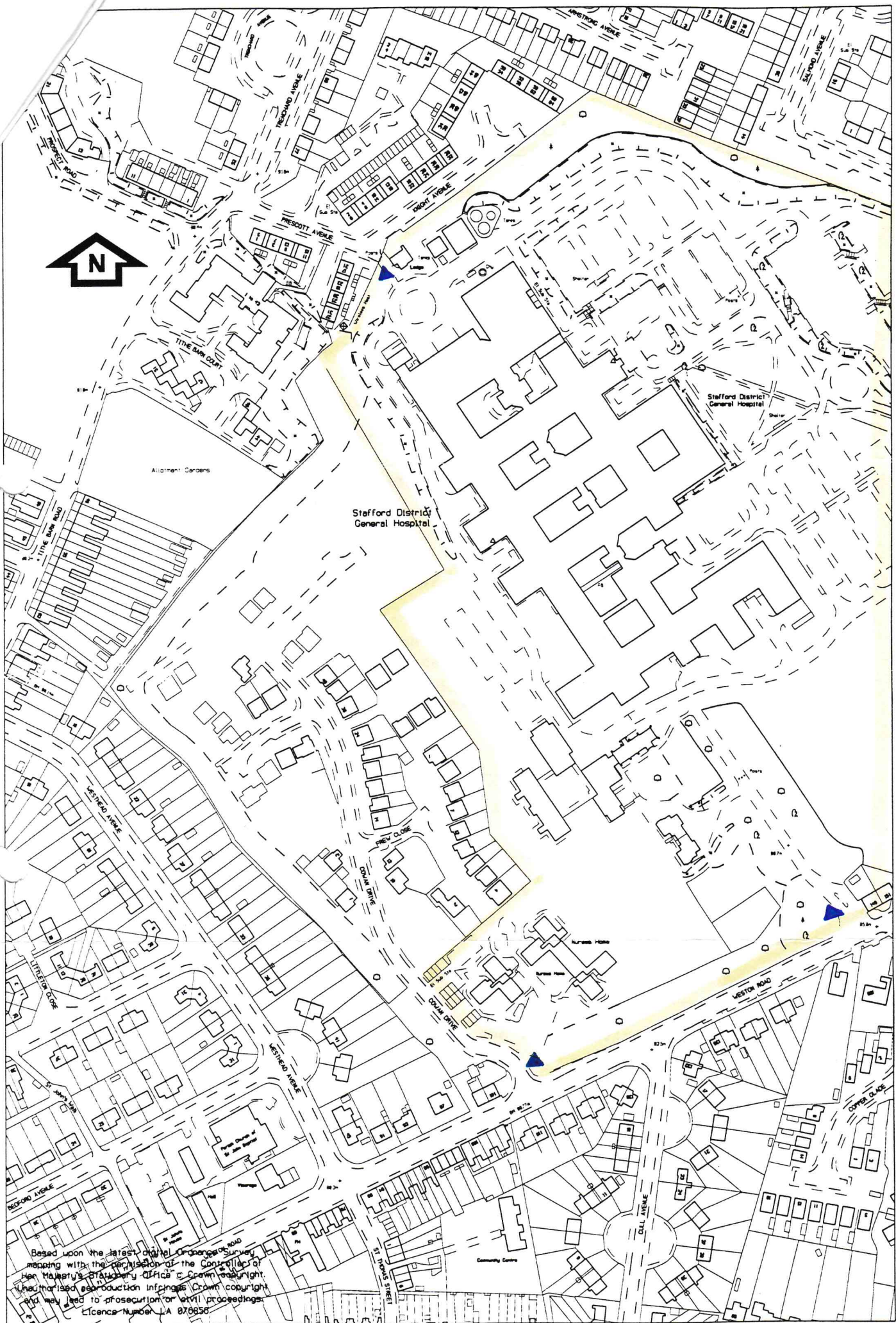
I certify that, to the best of my knowledge and belief, the facts I have stated are true.

Signature.....

Person taking this statement .....

Date ..... 11/12/96 .....

(7) The current signs stating "Stafford District General Hospital Private Property" were erected approximately six years ago, replacing faded and missing "private" signs. Signs are indicated ▲ on the attached plan.



Stafford District  
General Hospital

Stafford District  
General Hospital

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