

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..... NORMAN LEONARD POTTER



From WESTON ROAD
To TIXALL ROAD

SEE MAP.

* Please delete as appropriate

1. How many years have you known the way? 39

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?

APPROXIMATELY 1 METRE OVER MOST OF ITS LENGTH

4. Have you used the above way?

*YES/NO

If so: (a) During which years?

SINCE 1957

(b) Where were you going from/to?

WESTON ROAD TO TIXALL ROAD

(c) For what purpose? (eg work, pleasure)

PLEASURE

(d) How many times a year? (eg daily)

ABOUT TWICE A WEEK

(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 MAP

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.

PATH WAS DIVERTED AT
TIXALL ROAD END WHEN
HOUSES WERE BUILT THERE.

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.

STILE AT WESTON ROAD END

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?

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.

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? BOROUGH COUNCIL SURFACED PATH

13. Can you give any further particulars about the way (continue on a separate sheet of paper if necessary). THE PATH WAS A VERY ROUGH NARROW PATH WHEN KINGSTON HILL GOLF COURSE EXISTED BUT WHEN KINGSTON HILL ESTATE WAS BUILT IT WAS WIDENED AND SURFACED WITH HARDCORE.

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 

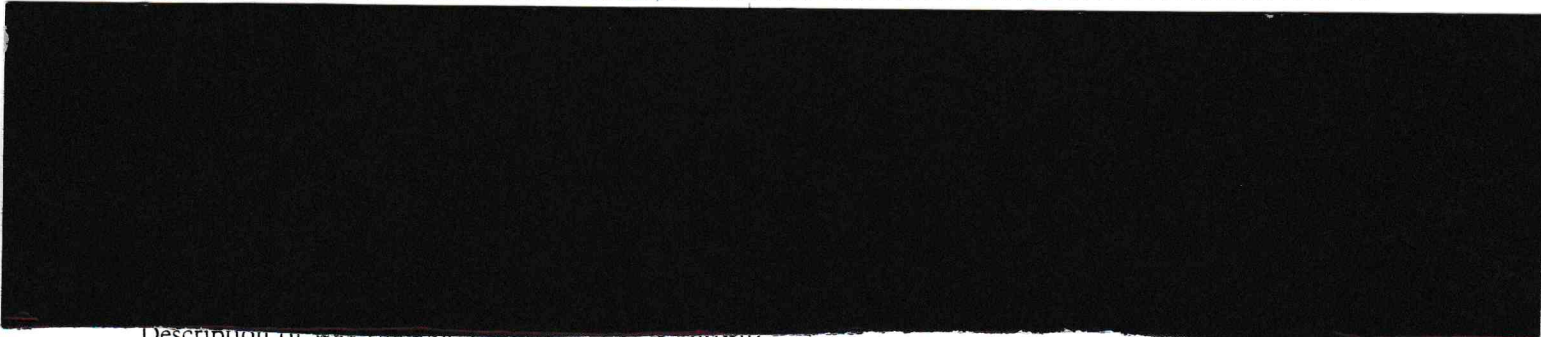
Person taking this statement

Date

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Name of witness... M. J. COOPER.....



Description of way (include grid references if known).

From OLD ROAD OFF TIXALL RY
To WESTON ROAD

* Please delete as appropriate

1. How many years have you known the way? 50 YRS

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? 2 ft

4. Have you used the above way? *YES/NO

If so: (a) During which years?

- (b) Where were you going from/to?
- (c) For what purpose? (eg work, pleasure)
- (d) How many times a year? (eg daily)
- (e) By what means? (eg on foot, horseback, motor vehicle etc)
- (f) Please show the route of the way used on the attached plan.

PLEASURE

FOOT

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.

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.

7.(a) Were you working for any owner or tennant 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/tennant as to the use of the way by the public? If so, what were they?

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.

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).

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 

Person taking this statement.....

Date.....

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

From Weston Rd, near to stream running beside
To Stream to Tixall Rd close to St. Thomas' Lane
* Please delete as appropriate 943237-944233

1. How many years have you known the way?

27

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?

6 FT

4. Have you used the above way?

*YES/NO

If so: (a) During which years?

SINCE 1970

(b) Where were you going from/to?

WESTON PARK TO KINGSTON HILL

(c) For what purpose? (eg work, pleasure)

PLEASURE / SCHOOL

(d) How many times a year? (eg daily)

DAILY TO SCHOOL

(e) By what means? (eg on

foot, horseback, FOOT

motor vehicle etc)

(f) Please show the route of the way used on the attached plan.

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.

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.

STILE AT WESTON RD END

7.(a) Were you working for any owner or tennant 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/tennant as to the use of the way by the public? If so, what were they?

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.

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.

The obstructions have been large fallen branches of trees on the path only

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 seperate sheet of paper if necessary).

PTO

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

Judy Reay

Person taking this statement

Judy Reay

Date

30/7/96

The path was surfaced
with stones many yrs ago so
it was intended as a path. It is
well used by locals and is essential
for peoples leisure time as many
spaces have been lost in our
area.

This path needs to be made a
right of way + given protection
legally - it is well used and
essential to the community!

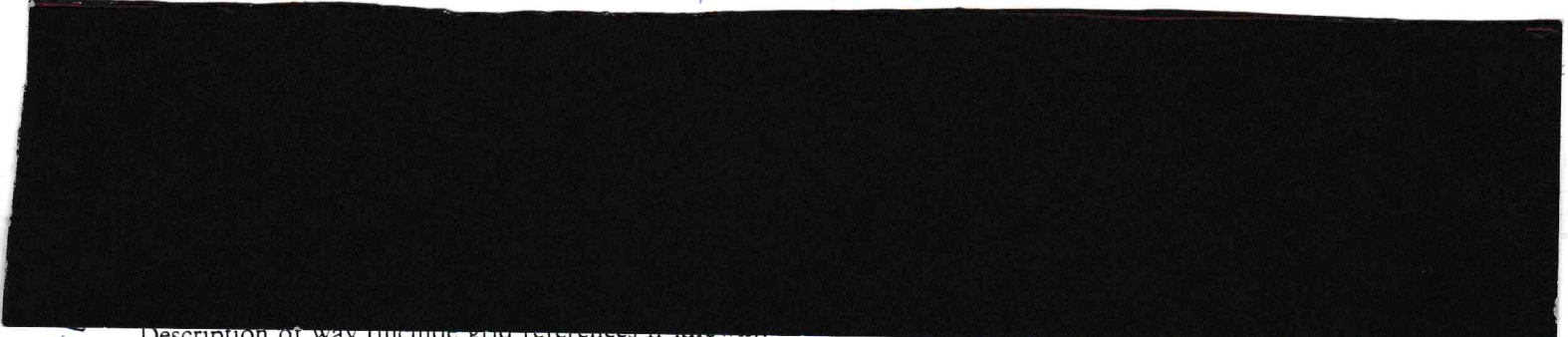
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Name of witness..... MARTIN NEAY



Description of way (include grid references if available)
From WESTON RD, NEAR TO STREAM, RUNNING PARALLEL TO STREAM
To TIXALL RD (CLOSE TO ST. THOMAS LANE.

* Please delete as appropriate 943237 - 944233

1. How many years have you known the way? 22

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? 6 FEET.

4. Have you used the above way?

*YES/~~NO~~

If so: (a) During which years?

EVERY YEAR SINCE 1974

(b) Where were you going from/to?

WESTON PARK TO KINGSTON HILL AREA.

(c) For what purpose? (eg work, pleasure)

PLEASURE + SCHOOL.

(d) How many times a year? (eg daily)

100-200 per year.

(e) By what means? (eg on

foot, horseback,
motor vehicle etc)

FOOT.

(f) Please show the route of
the way used on the
attached plan.

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.

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.

STILE AT WESTON RD END.

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?

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.

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.

THE ONLY OBSTRUCTIONS HAVE BEEN LARGE FALLEN BRANCHES OF TREES ON THE PATH.

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).

PTO

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.

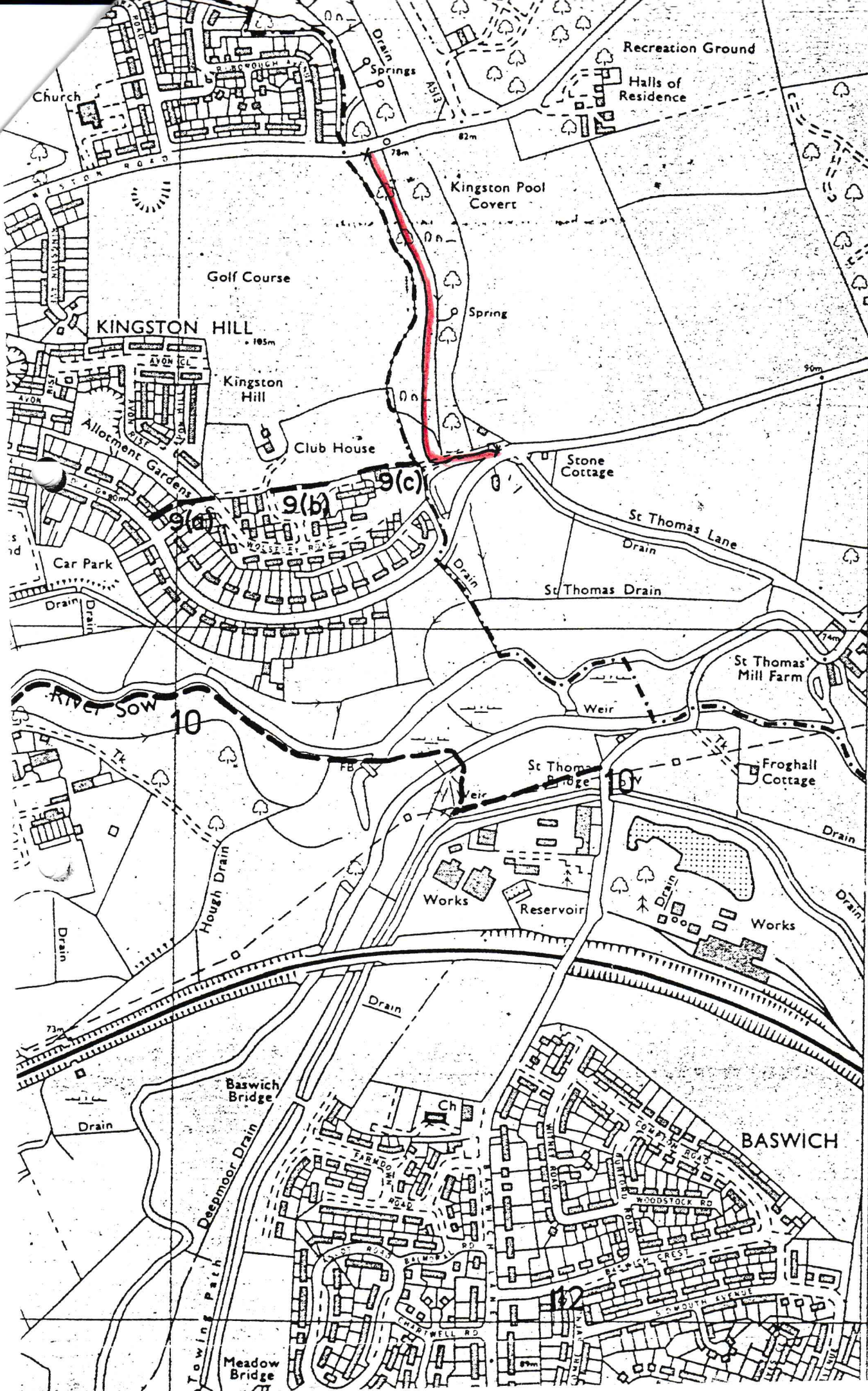
Signature *M. Peay*

Person taking this statement *MARTIN PEAY*

Date *27/7/96*

The path was surfaced with stones, a number of years ago and so was intended as a footpath. The path is very well used by local people and is essential for people of the area for pleasure as many open spaces have been lost during the last few years in the area.

The path should be made a right of way and given the necessary legal protection which it deserves.



HOPTON AND COTON CP

23
0.1537

48

22