

APPENDIX "H"

P-C Act 19/8/98 07.



K E E L E
UNIVERSITY

UNIVERSITY SECRETARY'S OFFICE
ESTATES AND BUILDINGS DEPARTMENT

SGP/SC/101-4/M/FO/wp

13th August, 1998

Mr. J. Gregory,
Director of Central Services,
Staffordshire County Council,
County Buildings,
Martin Street,
STAFFORD.

Dear Sir,

**ALLEGED FOOTPATH BETWEEN A525 KEELE ROAD
AND LYMES ROAD**

I am returning, on behalf of the University, a completed copy of your questionnaire seeking evidence as to the existence of an alleged public right of way.

In connection with question 9, I am enclosing a copy of the drawing accompanying the application on which I have marked the dates of construction of buildings which obstruct the alleged path.

We have carefully considered the line of the alleged public right of way shown on the map accompanying the application, and do not consider it to accurately represent the route shown on the map attached to the 1814 Quarter Sessions Order.

The great majority of the features shown on the 1814 map, which would identify the route, have disappeared and of the few that remain, none can be made to correspond with features on the modern map with any degree of certainty. In particular, it seems most unlikely that the footpath would have been routed through the (then) famous holly hedge rather than skirting round it to the west.

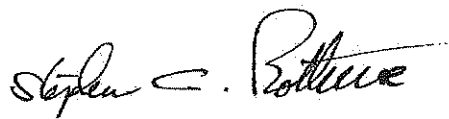
Irrespective of the foregoing, it is believed that the footpath shown on the 1814 map was closed at a later date (c.1840) ... "so that no public rights of way ran anywhere within sight of the Hall" (Essays on the History of Keele pp 79, published by the University of Keele).

Estates Manager
Stephen G. Protheroe
Departmental Telephone : (01782) 583131 Fax: (01782) 714695 Email: s.chandler@keele.ac.uk
Building Maintenance Telephone: (01782) 583135 Engineering Maintenance Telephone: (01782)583461
Grounds Maintenance Telephone: (01782) 583136 General Maintenance Enquiries Telephone: (01782) 583137

You have included a second set of documents entitled "Completion of the diversion of a Public Footway in the Parish of Keele. Notice of completion" but since these do not appear to be related to the alleged footpath we have disregarded them.

In conclusion, it is our contention: firstly, that the submitted documentary evidence does not identify the route of the alleged footpath and secondly, that the path created in 1814 was subsequently closed. It is hoped that we may be able to locate evidence to support this second point.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Stephen C. Protheroe". The signature is written in a cursive style with a prominent initial 'S' and a long horizontal stroke at the end.

**S. G. PROTHEROE
ESTATES MANAGER**

ENC.

4/CT/LHG10G

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 S.G. PROTHEROE ON BEHALF OF KEELE UNIVERSITY
(Block Capitals please)

Address ESTATES & BUILDINGS DEPARTMENT

KEELE UNIVERSITY

KEELE, STAFFS ST5 5BG

Telephone No: 01782 583132

Date of Birth/...../..... Occupation ESTATES MANAGER

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.

.....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:-

- (a) Sole freehold owner? **YES**
- (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.

YES. SIGNS ERECTED 1986 . SEE ATTACHED SHEET FOR WORDING .

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?

THE ALLEGED ROUTE IS OBSTRUCTED AT A NUMBER OF POINTS BY FENCES AND BUILDINGS . SEE ATTACHED PLAN FOR DATES OF CONSTRUCTION

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

NO, BUT ALLEGED R IE CANNOT BE USED BECAUSE OF OBSTRUCTIONS REFERRED TO IN 9. ABOVE .

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."

SEE 9. ABOVE .

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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? **WE ARE STILL RESEARCHING AND WILL FORWARD ANY DOCUMENTS WHICH COME TO LIGHT.**

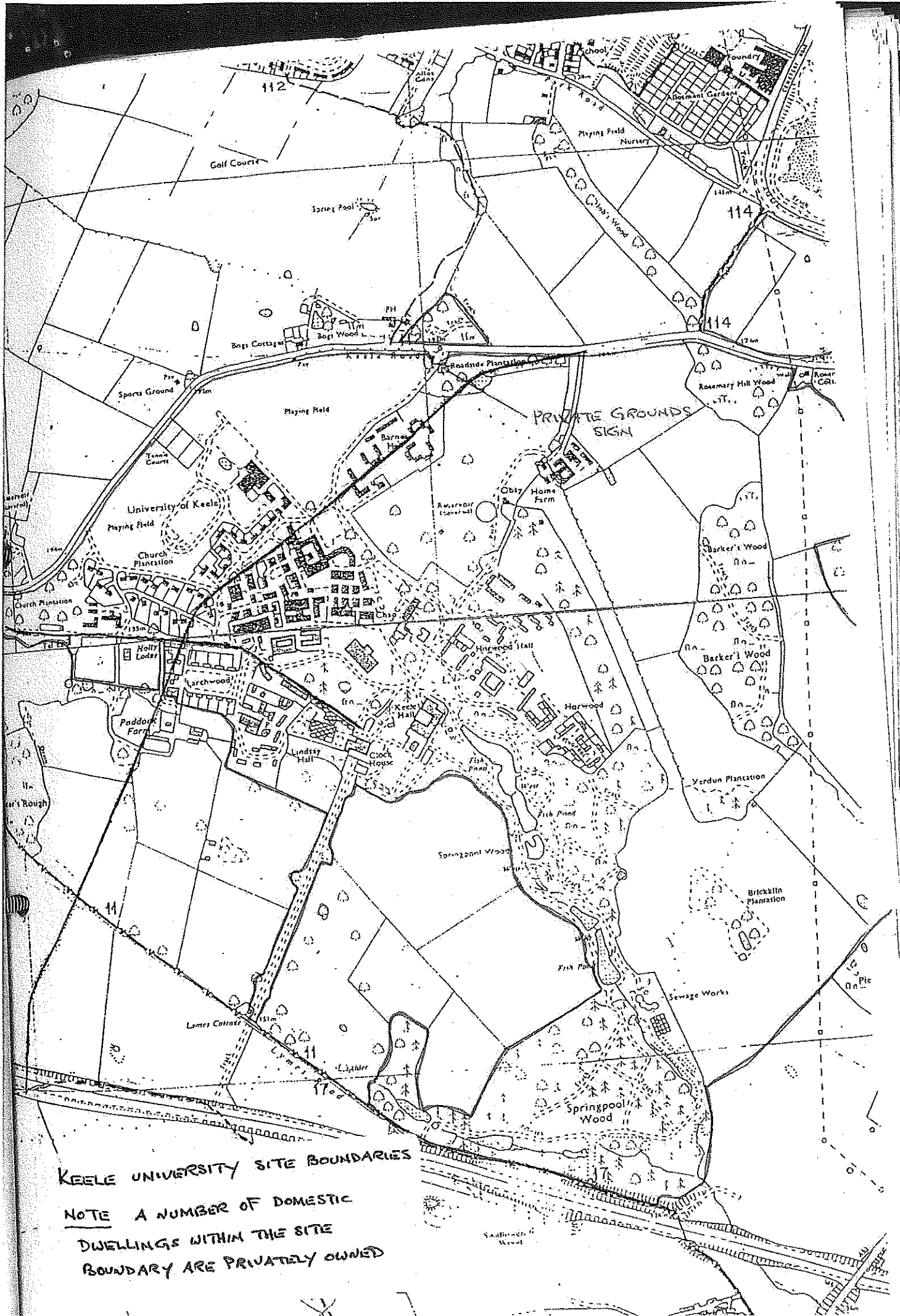
13. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law if necessary? **YES**

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

Signature. *Stephen G. Prothro*

Person taking this statement ... **S. G. PROTHROE**

Date ... **13th AUGUST 1998**



KEELE UNIVERSITY SITE BOUNDARIES

NOTE A NUMBER OF DOMESTIC DWELLINGS WITHIN THE SITE BOUNDARY ARE PRIVATELY OWNED

Keele University

Private grounds sign

Private Grounds

These roads are private. No public right of way.

Vehicles enter and remain at owners risk.

(Highways Act 1980 S31(3) applies.)

By order of the Registrar.

Staffordshire

County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM

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The information requested in this statement is as a result of an application made to Staffordshire County Council ("OMA") for an Order to modify its Definitive Map and Statement of Public Rights of Way by adding or upgrading a public right of way over land which you may own or occupy, or may have owned or occupied in the past.

This statement is designed to assist the OMA with its investigation to determine whether or not the route applied for in the application is a public right of way. Until the OMA determines the application, its position is impartial. This statement is intended to provide preliminary evidence and, when the OMA commences detailed research, an officer may contact you to seek further information or ask you to be interviewed about it.

You are not compelled to answer every question. Nevertheless you should answer questions as fully as possible and not keep back any information, whether for or against the application. This is important if this information is to be of real value in establishing the status of the application route. The information given may be examined at a public inquiry. If you need more space please continue on a separate sheet which will need to be attached to this statement.

If completing the statement by hand, please ensure it is written legibly and in black ink.

Confidentiality – Please Read Carefully

The information you give in this statement cannot be treated as confidential.

- It may be necessary for the OMA to disclose information received from you to others, which may include other local authorities, the Planning Inspectorate and other government departments, public bodies, other organisations, landowners and members of the public. If the application proceeds to a public inquiry your evidence will be made available to the inquiry.
- If the OMA proceeds with the application but it is contested (for example by an affected landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but is of much greater value if you attend in person and are prepared to answer questions about it. Inquiries are kept as informal as possible and the OMA will help you with the procedure.
- The information you give in this statement will be processed in accordance with the Data Protection Act 1998. It is held by the OMA's Rights of Way Service for the sole purpose of processing the application for the route referred to.

DECLARATION

Data Protection Act 1998

Under the Data Protection Act the OMA has a duty to inform you about how your personal data will be handled. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person, other than where requested in questions 15 – 25. If you provide responses to those particular questions, the information will be redacted from public view.

This statement and the details contained therein will be considered by the OMA to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publically available and published on Staffordshire County Council's website.

Please print your name here GWYN WILLIAMS

Your: Home Telephone Number [REDACTED]

Mobile Telephone Number..... [REDACTED]

Email Address [REDACTED]

Statement of Truth

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE AND THE WARNING BELOW

Your Signature: [REDACTED]

Date:

22 June 2018

You should keep a copy of the completed statement

Warning: 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.

Information on this page of the Statement will be redacted and not made publically available

* Please delete as appropriate

Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. You 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 (*Mr/Mrs/Miss/Ms) . Gwyn Williams
(Block Capitals please)

Address
(Block Capitals please)

Post Code:

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible the owner/occupier should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Please answer all questions fully with as much detail as possible.
3. Please indicate on attached map the extent of your ownership/tenancy or other interest in the land affected by the alleged public right of way.
4. Please indicate whether you are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross-examination).
5. If a person would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
6. The information given on this form may become available for public inspection.

PLEASE TAKE TIME TO ANSWER THE QUESTIONS CAREFULLY AND IN FULL

-
1. Do you own or occupy or have any interest in any of the land affected by the proposal or adjacent to it?

*YES/NO

If the answer is YES please answer questions 2 to 25 and indicate on the attached map the extent of your ownership or tenancy, or interest in the land.

If the answer is NO, please, if possible, advise the names and addresses of the landowners/occupiers.

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

YES/ NO

3. Would you be willing to allow County Council officers to make a site inspection?

YES/ NO

4. (a) Do you consider the route to be public?

YES/ NO

(b) If YES what description best describes the route? (please delete those inappropriate)

(i) *Footpath (i.e. for pedestrians only).

(ii) *Bridleway (i.e. for horse riders, cyclists and pedestrians)

(iii) *Byway open to all traffic (open to all traffic)

N.A. -
Route as
shown is well out
of date.

5. Please indicate on the enclosed plan the extent of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route. *Marked in blue*

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed. (Freehold (sole / joint owner) / tenant for life under the Settled Land Act / leasehold / employee / other - please specify)

[If you are a tenant or licensee, please ensure you complete question 21].

..... FREEHOLD OWNER OF LAND MARKED

7. Please give details and dates of ownership or occupation

..... SINCE SEPTEMBER 2001

8. What is the land used for? (i.e. grazing animals, growing crops etc.)
Has the use varied? And if so please give details of when and how

..... RESIDENTIAL (PERMANENT)

9. Are you aware of any right of way on the route applied for? If so, please give your reasons as to why you regard the way to be public or private?

..... ONLY FROM THIS NOTICE

10. Do you hold any deeds or maps of the land, or tenancy agreements or letters that might be useful in this investigation?

*YES/NO

If yes, it may be helpful if you are able to provide copies.

11. Have you, or any previous owner/tenant of the land, ever erected any signs such as "Private", "Keep Out" or "Trespassers will be prosecuted" or similar signs on or near the alleged public right of way?

*YES/NO

If YES please state:-

- (a) When were these sign erected?.....
- (b) What did these signs say?.....
- (c) Are these signs still in place?.....
- (d) Where are these signs located?.....
- (e) How long were these signs in place?.....
- (f) Did anyone respond/react to the notices/signs?.....

Please indicate location on attached map.

* Please delete as appropriate

12. (a) Have you seen people using the way? YES

*YES/NO

(b) How were they using the way (ie foot, horse)? ON FOOT

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)? MAINLY KEEL UNIVERSITY STUDENTS AND STAFF

(d) Were these people known to you?

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc).

(f) How many other people, approximately, did you see on these occasions?

(g) Please give any further details of other people's use of the way which you feel may be important.

14. (a) Have there, to your knowledge, ever been any stiles on the way?

~~YES~~ NO

(b) Have there, to your knowledge, ever been any gates on the way

~~YES~~ NO

(c) If YES, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

(d) If any gates on the way were ever locked please state, how often, and known by whom?

Please mark on the attached plan the locations of the locked gates.

15. (a) Excluding locked gates, have you (or any previous owner or occupier) ever known of any other obstructions to the way?

*YES/NO

(b) If YES, state :

N.A.

(i) what type of obstruction was this?

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.
.....

(d) If you have a private right of way how has this been exercised while the alleged public route has been obstructed.....

16. (a) Have you ever stopped or "turned back" anyone found using the route?

*YES/NO

If YES please give details

.....
.....

17. Have you ever taken any other steps to prevent the presumed dedication of this route as a public right of way?

*YES/NO

If YES please give full details

.....
.....
.....

18. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980?

*YES/NO

If YES, can you recall when?

.....
.....

19. Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the application route was not dedicated as a highway?

*YES/NO

If YES, can you recall when?

.....
.....

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 deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

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

~~YES/NO~~

If YES: --

(a) in what form is this?.....
(i.e. maps, photos, deeds, etc. please attach a copy if possible)

(b) Would you be willing to make the original document available if necessary?

*YES/NO

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

~~*YES/NO~~

20. Can you give any further information about the alleged route?
(continue on a separate sheet of paper if necessary).

*YES/NO

If you provide answers to any of the following questions, any personal details you provide will be redacted from public view. However, please be aware that the information may later be disclosed either where the person it relates to consents to disclosure, or where the OMA is required to disclose it because of a statutory requirement to do so or as part of legal proceedings.

21. If you are a tenant or licensee of the land, please advise the name and address of your landlord.

..... N.A
.....
.....

22. The OMA wishes to be sure that everyone who might be affected by this application has been contacted. Do you know the names and addresses of anyone else who owns or occupies the land affected by the route? If so please give their contact details.

.....
.....
.....
.....

23. It may assist your case if we are able to contact any previous owners of the land. Do you know the name / address of any previous owners or occupiers? (If applicable).

.....
.....
.....
.....

24. In respect of question 8, please indicate the number of occurrences you have stopped or turned people back, stating the identity of the people (if known) and the dates. (How many, when / what frequency, etc.)

.....
.....
.....
.....

25. Please give details of the identity of anyone you have given permission to and for what purpose, (e.g. for use on foot, horseback, driving a vehicle), together with their address if known.

* Please delete as appropriate

a) Was the permission given verbally, or in writing?

In writing (please attach a copy)

Verbally (please state what was said)

.....
.....
.....
.....

b) How many people were given permission? (If total unknown, please state approximately)

.....
.....
.....
.....

c) When was permission given?

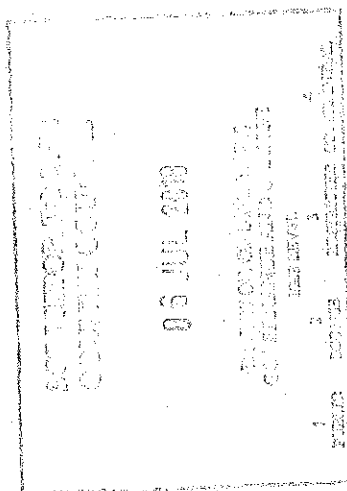
.....

d) How long was the permission for (i.e. often did it need to be renewed?)

.....

e) Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you

.....
.....
.....
.....



p/c Ach. 22/06/98 07.

4/CT/LHG10G

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 JOHN SUMNERFIELD
(Block Capitals please)

Address [REDACTED]
..... [REDACTED]

Telephone No: [REDACTED]

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? ~~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. 51years.

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:-

Yes

"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.

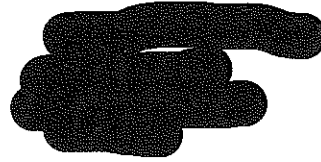
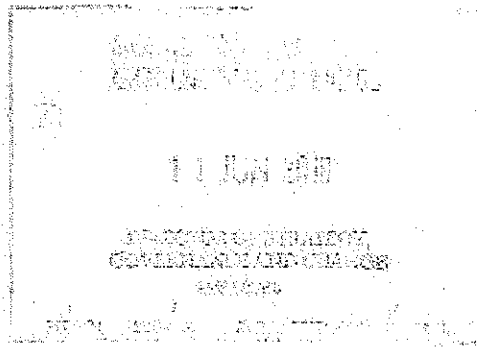
Signature.....

Person taking this statement

JOHN SUMNER-LOW

Date

15 6 98



7th June 2018.

Dear Amy,

Many thanks for your recent correspondence regarding the alleged right of way running from the A525 to Lymes Lane in Keele (ref LH610G). I appreciate you taking the time to write to me on this matter.

Please find enclosed a completed copy of the owner/occupier questionnaire relating to the alleged right of way.

I am not aware that there has ever been a right of way along the route proposed in the documentation that you have provided and I have never observed anyone attempting to access this route.

Having reviewed the documentation, I do not feel that it would be appropriate to establish a right of way along the proposed route for the following reasons.

1. Given the lack of detail on the historical maps that form the basis of the claim, along with the lack of common features between those maps and current maps, I do not believe that it is possible to accurately establish the line of the alleged right of way. As such, it would not be possible with any degree of certainty to establish the "correct" route of the alleged right of way. Given that the proposed route passes through a number of privately owned dwellings I believe this poses an unacceptable degree of risk.
2. As shown by the dotted blue line on the attached maps, a surfaced roadway and pavement already exists which runs along the Covert before joining the drive that leads to the rear entrance of the University in Keele Village. I believe that this route would provide a far more suitable route to reach "Holly Lodge" (a key "landmark" on the route) as the route is well made, well lit, and avoids existing domestic dwellings.

I'd be extremely grateful if you could forward a copy of this letter, alongside my completed owner/occupier questionnaire, to the panel ahead of the hearing on the 22nd June. If you need any more information then please do not hesitate to get in touch.

Yours Sincerely

A large black rectangular redaction box covering the signature of the sender.

Dr SC McBain.

Staffordshire

County Council

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Please print your name here DR. STUART CHARLES MCBAIN

Your: Home Telephone Number ... 

Mobile Telephone Number.....

Email Address

Statement of Truth

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE AND THE WARNING BELOW

Your Signature: 

Date:

5/6/2018

You should keep a copy of the completed statement





Warning: 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.

Information on this page of the Statement will be redacted and not made publically available

* Please delete as appropriate

Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. You 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 (*Mr/Mrs/Miss/Ms) DR. STUART CHARLES MCBAIN
(Block Capitals please) 
Address 
(Block Capitals please) 
Post Code: 

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible the owner/occupier should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Please answer all questions fully with as much detail as possible.
3. Please indicate on attached map the extent of your ownership/tenancy or other interest in the land affected by the alleged public right of way.
4. Please indicate whether you are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross-examination).
5. If a person would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
6. The information given on this form may become available for public inspection.

PLEASE TAKE TIME TO ANSWER THE QUESTIONS CAREFULLY AND IN FULL

1 Do you own or occupy or have any interest in any of the land affected by the proposal or adjacent to it?

*YES/

If the answer is YES please answer questions 2 to 25 and indicate on the attached map the extent of your ownership or tenancy, or interest in the land.

If the answer is NO, please, if possible, advise the names and addresses of the landowners/occupiers.

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

*YES/NO

3. Would you be willing to allow County Council officers to make a site inspection?

*YES/NO

4. (a) Do you consider the route to be public?

*YES/NO

(b) If YES what description best describes the route? (please delete those inappropriate)

- (i) *Footpath (i.e. for pedestrians only).
- (ii) *Bridleway (i.e. for horse riders, cyclists and pedestrians)
- (iii) *Byway open to all traffic (open to all traffic)

5. Please indicate on the enclosed plan the extent of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route.

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed. (Freehold (sole / joint owner) / tenant for life under the Settled Land Act / leasehold / employee / other – please specify)

[If you are a tenant or licensee, please ensure you complete question 21].

WE ARE THE OWNERS OF [REDACTED]
UNDER THE TERMS OF THE UNIVERSITY'S STAFF
HOUSING SCHEME

7. Please give details and dates of ownership or occupation

AS STATED ABOVE, WE OWN THE PROPERTY
STATED ABOVE ON THE UNIVERSITY'S STAFF
HOUSING SCHEME

8. What is the land used for? (i.e. grazing animals, growing crops etc.)
Has the use varied? And if so please give details of when and how

DOMESTIC DWELLING

9. Are you aware of any right of way on the route applied for? If so, please give your reasons as to why you regard the way to be public or private?

NO

10. Do you hold any deeds or maps of the land, or tenancy agreements or letters that might be useful in this investigation?

~~YES~~/NO

If yes, it may be helpful if you are able to provide copies.

11. Have you, or any previous owner/tenant of the land, ever erected any signs such as "Private", "Keep Out" or "Trespassers will be prosecuted" or similar signs on or near the alleged public right of way?

~~YES~~/NO

If YES please state:-

(a) When were these sign erected?.....

(b) What did these signs say?.....

(c) Are these signs still in place?.....

(d) Where are these signs located?.....

(e) How long were these signs in place?.....

(f) Did anyone respond/react to the notices/signs?.....

Please indicate location on attached map.

12. (a) Have you seen people using the way?

~~YES~~/NO

(b) How were they using the way (ie foot, horse)?

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)?

(d) Were these people known to you?

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc).

(f) How many other people, approximately, did you see on these occasions?

(g) Please give any further details of other people's use of the way which you feel may be important.

14. (a) Have there, to your knowledge, ever been any stiles on the way?

*~~YES~~/NO

(b) Have there, to your knowledge, ever been any gates on the way

*~~YES~~/NO

(c) If YES, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

(d) If any gates on the way were ever locked please state, how often, and known by whom?

Please mark on the attached plan the locations of the locked gates.

15. (a) Excluding locked gates, have you (or any previous owner or occupier) ever known of any other obstructions to the way?

*YES/NO

(b) If YES, state :

(i) what type of obstruction was this? SEVERAL BUILDINGS, INCLUDING OUR PROPERTY [REDACTED] APPEAR TO

* Please delete as appropriate OBSTRUCT THE ROUTE OF THE ALLEGED RIGHT OF WAY.

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.
.....

(d) If you have a private right of way how has this been exercised while the alleged public route has been obstructed

16. (a) Have you ever stopped or "turned back" anyone found using the route?

~~YES~~/NO

If YES please give details
.....
.....

17. Have you ever taken any other steps to prevent the presumed dedication of this route as a public right of way?

~~YES~~/NO

If YES please give full details

18. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980?

~~YES~~/NO

If YES, can you recall when?
.....
.....

19. Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the application route was not dedicated as a highway?

~~YES~~/NO

* Please delete as appropriate

If YES, can you recall when?

.....

.....

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 deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

20. Do you have any documents which show this as a private right of way or giving details of its closure? *YES/NO

If YES: --

(a) In what form is this?.....
(i.e. maps, photos, deeds, etc. please attach a copy if possible)

(b) Would you be willing to make the original document available if necessary? *YES/NO

21. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary? *YES/NO

20. Can you give any further information about the alleged route? *YES/NO
(continue on a separate sheet of paper if necessary).

If you provide answers to any of the following questions, any personal details you provide will be redacted from public view. However, please be aware that the information may later be disclosed either where the person it relates to consents to disclosure, or where the OMA is required to disclose it because of a statutory requirement to do so or as part of legal proceedings.

21. If you are a tenant or licensee of the land, please advise the name and address of your landlord.

.....
.....
.....

22. The OMA wishes to be sure that everyone who might be affected by this application has been contacted. Do you know the names and addresses of anyone else who owns or occupies the land affected by the route? If so please give their contact details.

.....
.....
.....
.....

23. It may assist your case if we are able to contact any previous owners of the land. Do you know the name / address of any previous owners or occupiers? (If applicable).

.....
.....
.....
.....

24. In respect of question 8, please indicate the number of occurrences you have stopped or turned people back, stating the identity of the people (if known) and the dates. (How many, when / what frequency, etc.)

N/A
.....
.....
.....

25. Please give details of the identity of anyone you have given permission to and for what purpose, (e.g. for use on foot, horseback, driving a vehicle), together with their address if known.

N/A (NO PERMISSION GRANTED)

a) Was the permission given verbally, or in writing?

- In writing (please attach a copy)
- Verbally (please state what was said)

N/A

b) How many people were given permission? (if total unknown, please state approximately)

N/A

c) When was permission given?

N/A

d) How long was the permission for (i.e. often did it need to be renewed?)

N/A

e) Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you

N/A

