

D(11)

4/MTM/LM6506

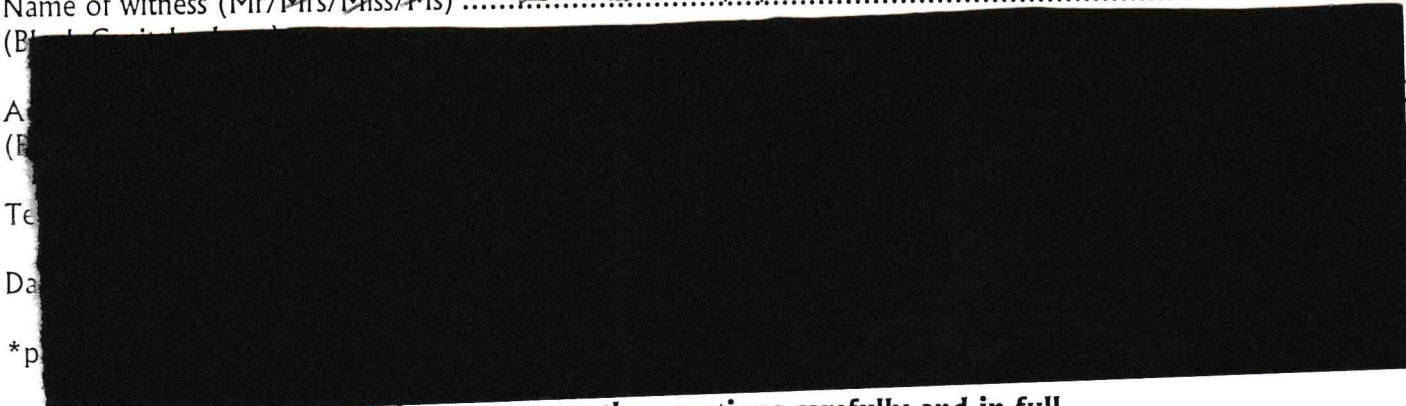
PUBLIC RIGHT OF WAY EVIDENCE FORM

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 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 (Mr/Mrs/Miss/MS) E. B. PATTINSON



Please take time to answer the questions carefully and in full.

1. Do you own or occupy any of the land affected by the proposal or adjacent to it? *YES/~~NO~~

If the answer is YES please answer questions 2 to 15 and indicate on the attached map the extent of your ownership or tenancy. ✓

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. How long have you had an interest in the land affected by the application? > 30..... 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, 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 signs erected?.....

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

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

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

Please indicate location on attached map.

8. Have you ever given anybody permission to use the route?

~~*YES/NO~~

If YES please state:-

(a) When was this?.....

(b) To whom was it given?.....

(c) Why was it given?.....

9. Have you, or any previous owner/tenant of the land, taken steps to prevent the public's access by locking gates or erecting some other form of obstruction along the route?

~~*YES/NO~~

If YES please state:-

- (a) When was this?.....
 - (b) For how long was this?.....
 - (c) How was the access blocked?.....
 - (d) Where was this?.....
- Please indicate location on attached plan.

10. (a) Have you ever stopped or "turned back" anyone found using the route? *YES/NO

If YES please give full details.....

.....

11. 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.....

.....

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."

12. 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?..... *O.S. map 1924 copy enclosed*
 (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

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

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

The alleged route has not been a footpath (or other right of way) for about 80 years. As may be seen on the enclosed Staffordshire map edition of 1924 No XX XI. 2 there is no footpath marked joining FP15 Milvale to FP2 Leigh (N.B. my particular ownership is marked in red ---) In this regard the questions 7, 8, 9, 10, 11

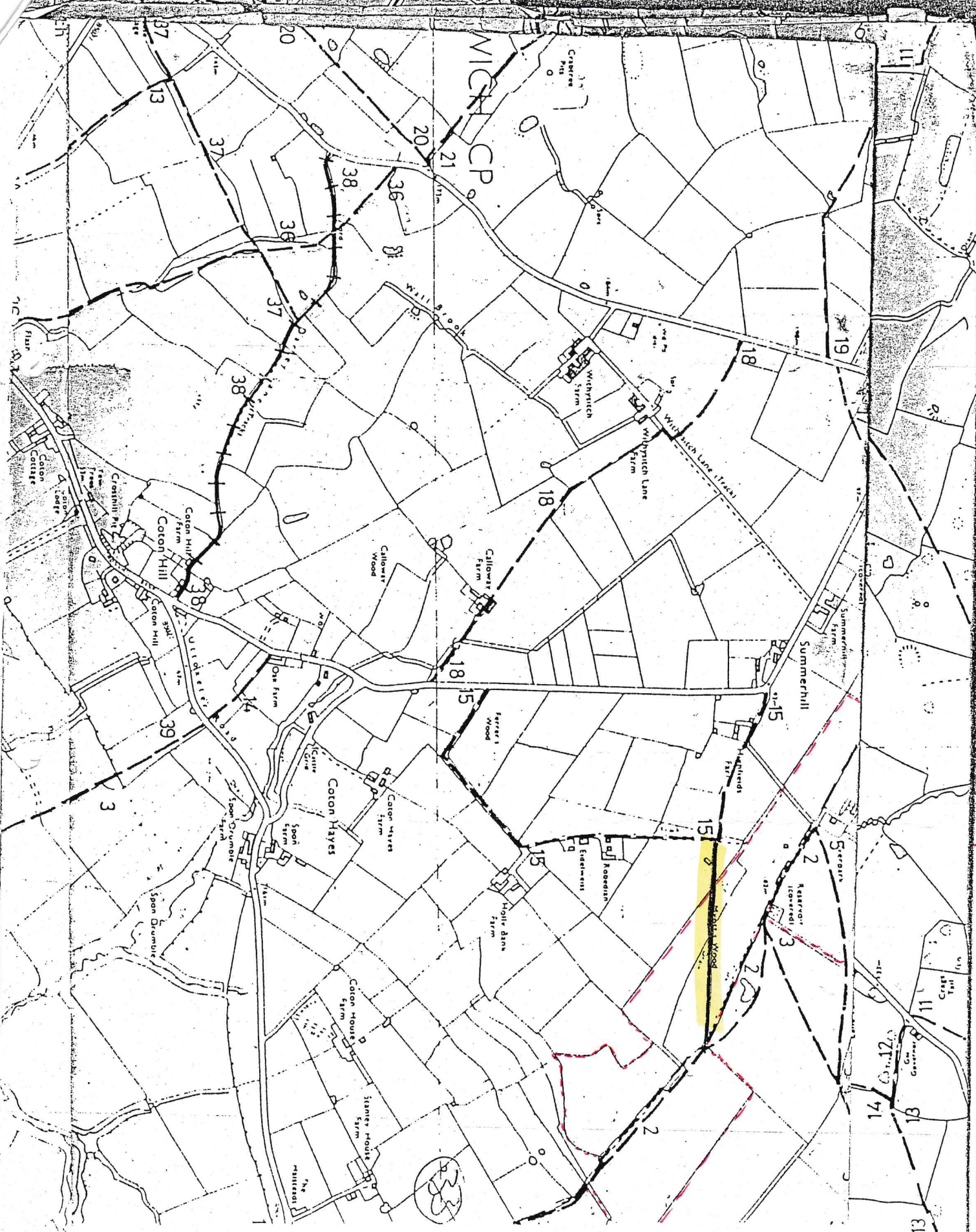
on this questionnaire are not really applicable so
no one has ever wished to use the route during my
time of ownership. An inspection is cordially
invited since this will indicate that it is not
sensible to reopen the very ancient way which
must have existed some 100 yrs ago. The part
of Myott's which is in my ownership is now a
nature reserve & I would not welcome any
disturbance of nesting birds etc by members of
the public. As may also be seen on the enclosed
map there are plenty of other footpaths (some of
which are quite long distance) which can serve
the needs of ramblers etc. I vehemently oppose
the application.

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

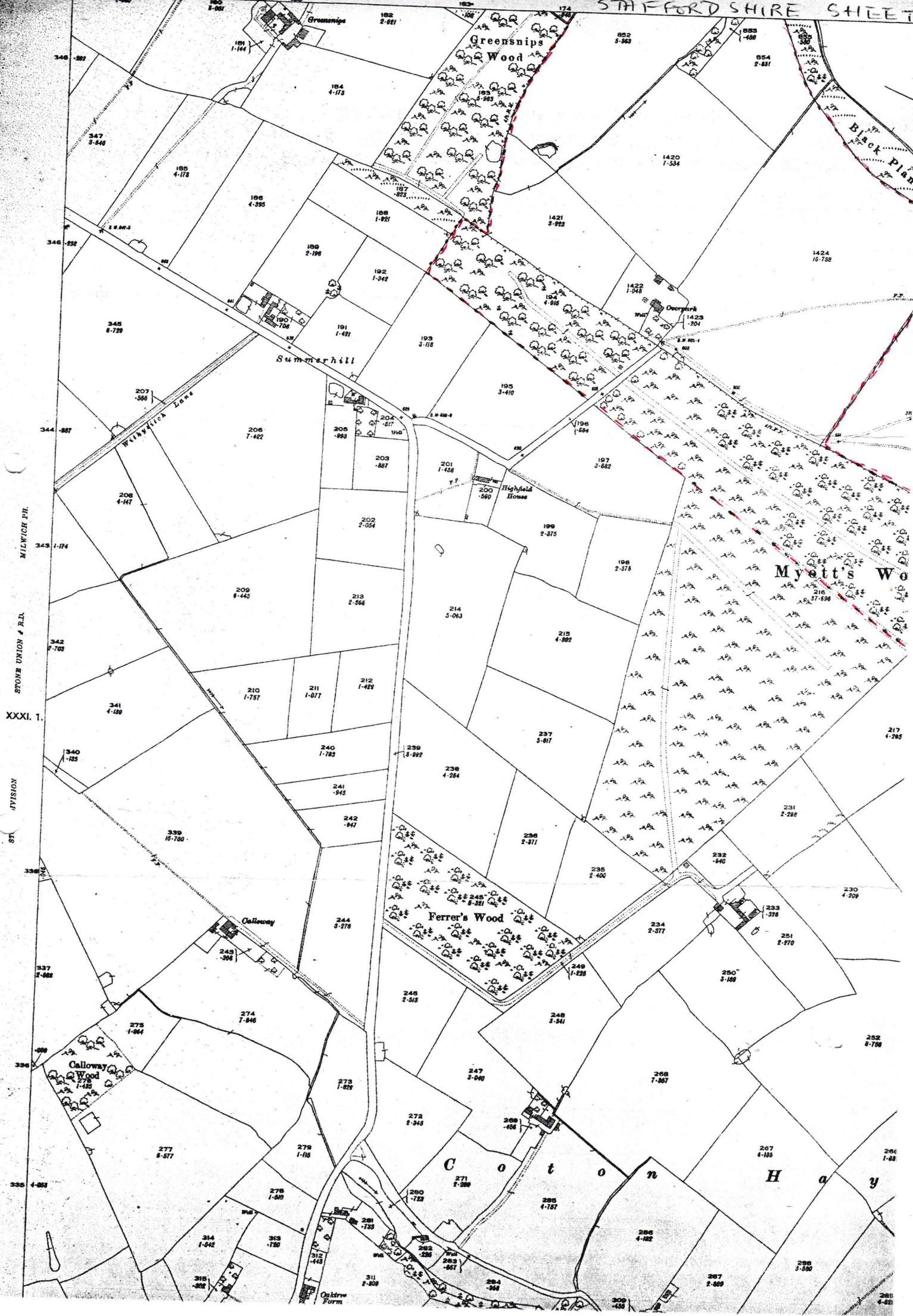
Signature 

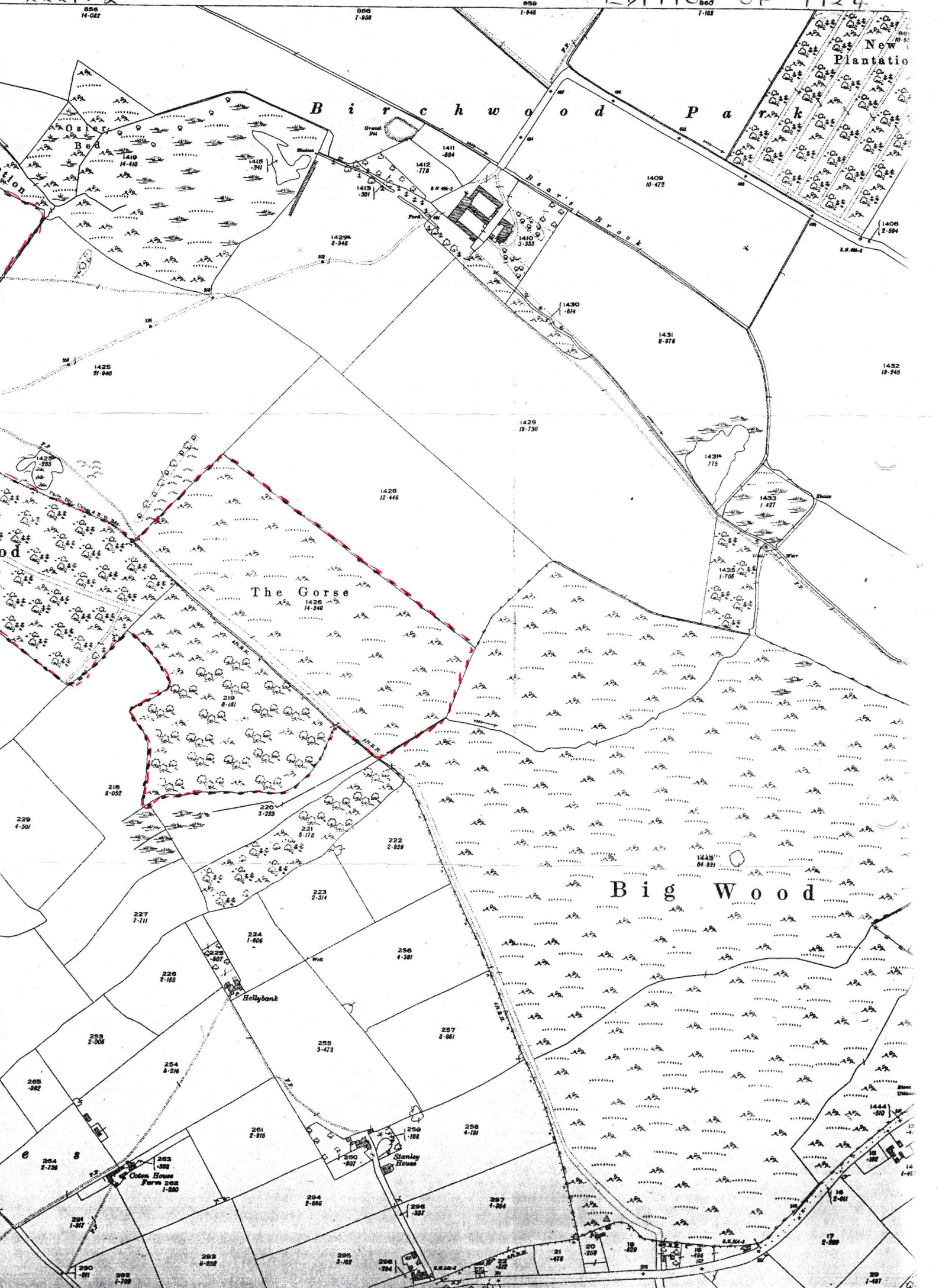
Person taking this statement (if applicable)

Date Jan 21st 2003



Present occupier 86 E.B. PATTINSON





Birchwood Park

New Plantation

The Gorse

Big Wood

Obster Bed

Great Pit

Stanley House

Cotton House

Hollybank

886 14-082

888 7-959

850 1-948

860 7-183

1411 8-894

1412 7-778

1419 8-301

1409 10-472

1429 8-946

1430 8-854

1431 9-876

1425 21-840

1432 19-245

1429 19-730

1431 7-775

1428 12-446

1433 1-427

1435 1-708

218 6-052

229 1-501

220 3-229

221 5-178

222 2-859

1448 04-321

227 2-711

224 1-806

256 4-381

226 2-188

223 2-314

257 3-861

268 4-82

253 2-006

254 8-216

255 3-473

258 4-181

261 2-975

262 2-807

259 1-188

258 4-181

264 1-736

263 1-880

264 2-008

266 1-387

267 1-264

291 1-317

293 8-258

294 2-008

295 3-182

296 2-24

21 476

20 209

19 429

18 436

17 2-889

20 1-481