

### 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) DAVID CHRISTOPHER CARR.....

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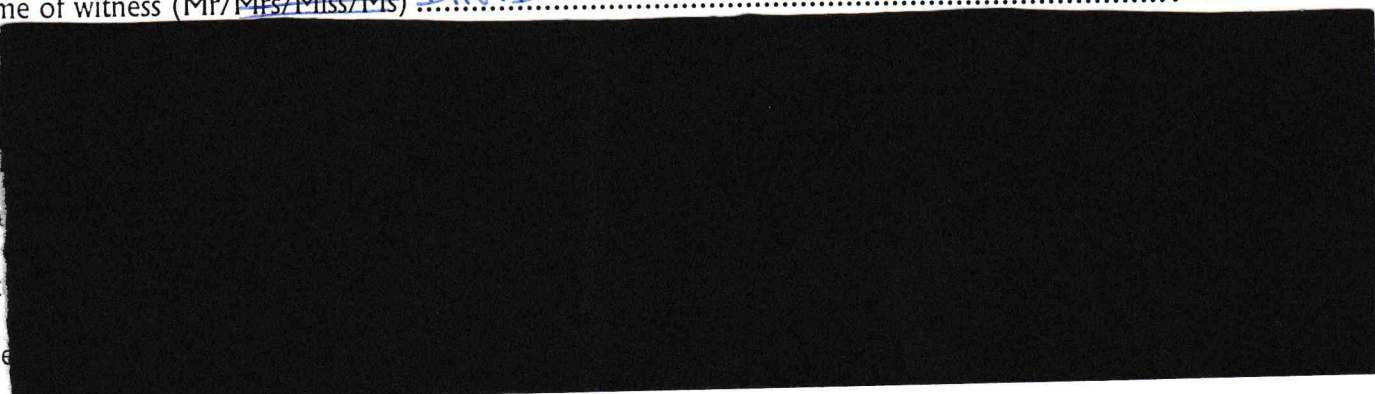
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Please take time to answer the questions carefully and in full.

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.

I DO NOT KNOW THE NAME OF THE OWNERS OF THE OTHER HOLLY BANK FARM BUT OUR PROPERTY IS IN THE HAMLET OF GARSKAU GREEN.

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? ..... years

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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, 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.

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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?.....

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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.....

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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.....

.....

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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."

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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/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

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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/NO

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

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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 ..... 28/12/02 .....



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4/14/03/LM6506

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STAFFORDSHIRE COUNTY COUNCIL  
14 JAN 2003

Name of witness (Mr/Mrs/Miss/Ms) ..... SILVESTER .....



**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.

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2. Have you received a Notice of Application for a Modification Order? \*YES/NO

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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? ..... 38 ..... years

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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?.....

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If so with whom?.....

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Please indicate location on attached map.

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\*YES/NO

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  - (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.....

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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/NO

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

Footpath 15 goes through our hand which is highlighted in orange, But the New proposed footpath goes 200 yards from the edge of our hand



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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 31st Dec 02.....

