

# Public Rights of Way and Modification Applications around Newcastle Golf course

Rights of Way Section  
Environment and Countryside

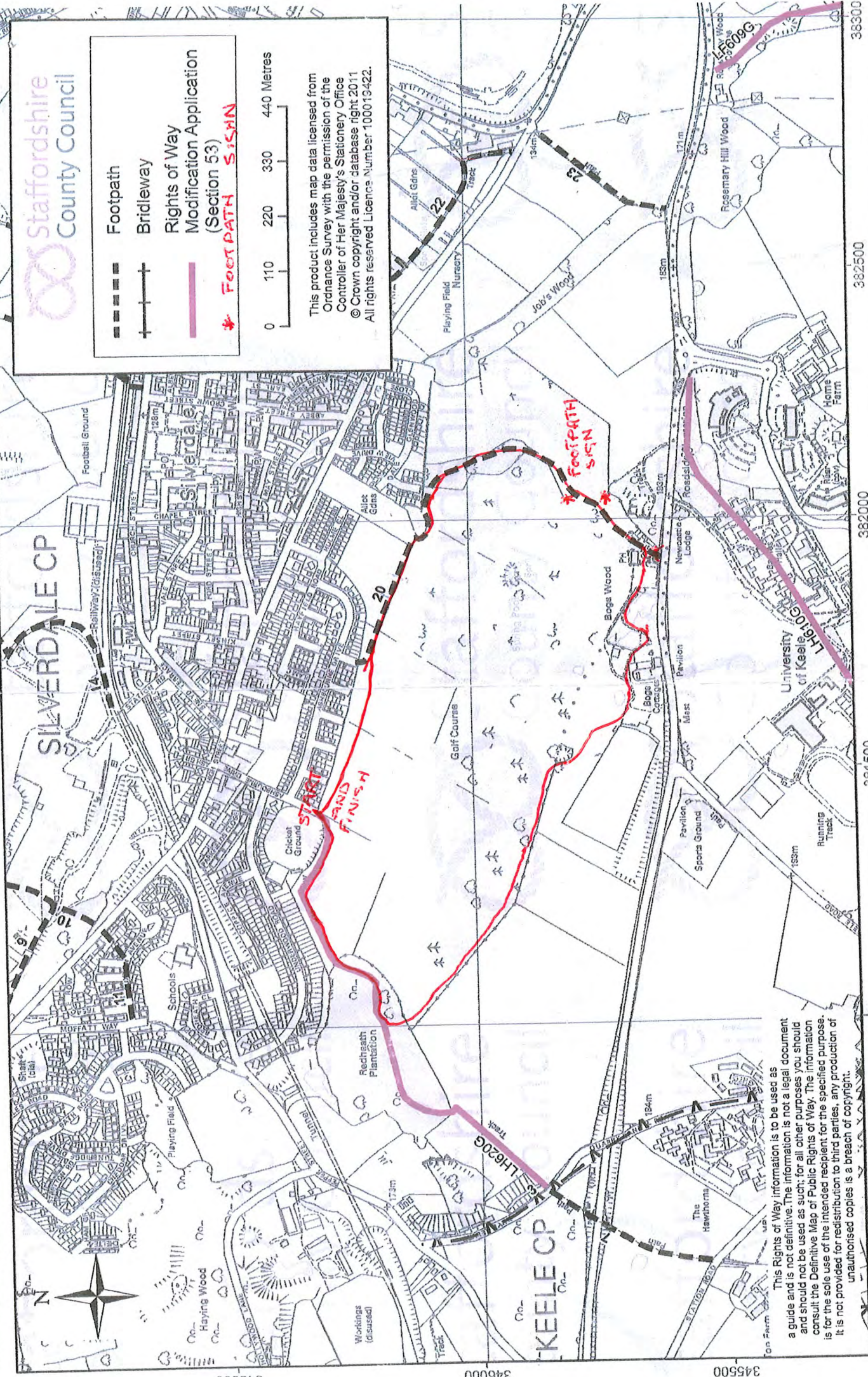
MICK - MURPHY - 01785277244



- Footpath
- Bridleway
- Rights of Way Modification Application (Section 53)
- FOOTPATH SIGN

0 110 220 330 440 Metres

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# **Staffordshire**

## **County Council**

### **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 (\*Mr/Mrs/Miss/Ms).....PATRICK CARSON.....



(If retired, what was your previous occupation)

**Please attach a map showing the claimed way marked in red, signed by yourself.**

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

1. As far as possible **ONLY** the witness 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. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they 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).
7. If a witness 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.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

Description of claimed way:- (include grid references if known)

From

To

Please mark clearly on the attached plan the route of the way you have used.  
If you have only used part of the way please mark or indicate the part used.

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

**Please do not use vague terms such as "often". Please provide dates**

- 1. (a) Have you personally used the above way? \*YES/NO
- (b) During which years have you used the way?  
From.....1993.....To.....2011.....
- (c) Does the way have a popular name? .....NO.....
- (d) Did you only use part of the way? \*YES/NO
- (e) Where were you going from/to? ...I WAS GOING ON A REGULAR WALK  
FROM HOME ADDRESS BACK TO HOME ADDRESS.....
- (f) For what purpose? (eg work, pleasure) ...THE WALK IS FOR PLEASURE  
AND FITNESS AND HEALTH.....
- (g) How many times a year? (eg daily, weekly, seasonal) .....DAILY.....
- (h) By what means? (eg on foot, horseback, motor vehicle etc) .....FOOT.....
- (i) Is, or was, the way a short cut for you? .....NO.....
- (j) If so why? .....
- (k) Do you still use the way? ...EVERY DAY YES.....
- (l) If not why not? .....
- (n) How many years have you known of the existence of the way? ...20 YEARS.....

2. When using the path where did you live? WHERE I LIVE AND HOME

If at different places please provide details and years. ....

- 3. (a) How wide is the way? ...VARYING WIDTHS ALONG THE WAY... \*Feet/Metres
- (b) Is it the same width throughout its length? \*YES/NO
- If NO please state width From...IMPOSSIBLE.....To.....SQUARE.....\*Feet/Metres wide



4. If you have ridden a horse on the way

(a) Where did you keep the horse? .....

(b) Where did you start and finish your ride? .....

(c) Were you ever riding with a hunt when you used the way? .....

5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way?

\*YES/NO

(b) If YES, how often and what type of vehicle were they using? .....

(c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way?

\*YES?NO

(d) If YES to (c),

(i) How often was this? .....

(ii) What type of vehicle were you in? .....

(iii) For what purpose was it being used? .....

6. (a) Has the way always been on the same route?

\*YES/NO

(b) If NO when was the way diverted? .....

(c) Why was the way diverted?.....

**Please show details of the original route and the diversion on the plan.**

(d) Is the way a clearly defined track or path which a stranger to the vicinity could follow? *YES THE TRACK HAS ALWAYS BEEN MARKED*.....

(e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? *I HAVE ALWAYS KEPT TO THE ROUTE*.....

7. (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.

(d) When were the gates or stiles erected or removed?.....

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

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? \*YES/NO

(b) If YES, state (i) what type of obstruction was this? HEAD GROUNDSMAN AT GOLF COURSE BLOCKING PATHWAYS WITH TREE WASTE

(ii) When they were erected or removed? ERECTED OFTEN

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan. HEAD GROUNDSMAN/GREEN KEEPER ON GOLF COURSE

9. (a) Has your usage ever been hindered or prevented in any way? \*YES/NO

(b) If so by whom or what? HEAD GROUNDSMAN/GREEN KEEPER

(c) Have you continued to use the way despite hindrances or obstructions

\*YES/NO

(d) How did you do this? (ie diversion) IGNORED THE PERSON RESPONSIBLE

(e) Is the hindrance or obstruction still in existence \*YES/NO

10. (a) Were you ever an owner or tenant of the land crossed by the way? \*YES/NO

If YES, please give dates. ....

(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? \*YES/NO

If YES, please give dates. ....

11. Was the land ever owned or tenanted by a relative of yours? \*YES/NO

If so, what was their relationship to you? .....

13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? \*YES/NO

If YES (i) What was your employment? .....

(ii) Between what years were you employed?....From.....To.....

If you were employed by the owner/tenant

(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? \*YES/NO

(ii) If so, what were your instructions? .....



14 Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? ~~\*YES/NO~~  
If so, what was their relationship to you? .....

15. (a) Have you ever been stopped or turned back when using the way? \*YES/NO  
(b) Do you know, or have you heard of, anyone else having been prevented from using the way? \*YES/NO  
(c) If YES to (a) or (b), please give details including dates.

UNSURE OF DATES, BUT ON A COUPLE OF OCCASIONS WHILE WALKING ROUND PERIMETER HAVE BEEN STOPPED BY HEAD GROUNDSMAN/GREENKEEPER

16. (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 YES, please state:

(i) Who told you? HEAD GROUNDSMAN/GREENKEEPER  
(ii) When were you told? NOT SURE OF DATES, BUT THIS YEAR 2011 AND 2010  
(iii) What were you told? I WAS INFORMED I WAS NOT ON A PUBLIC RIGHT OF WAY

17. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? \*YES/NO

(b) If YES please state what the notices said .....

Please show their approximate position on the attached plan.

18. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? \*YES/NO

(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? \*YES/NO

(c) If YES to (a) or (b) please state what the notices said ...NOTICES SAY PUBLIC FOOTPATH, ALSO MARKED WITH WOODPECKER SIGNS ON THEM

Please show their approximate position on the attached plan.

19. (a) Have you ever been given permission to use the way? ~~YES/NO~~  
(Whether or not you asked for it)
- (b) Have you ever asked permission to use the way? ~~YES/NO~~
- (c) If YES, who gave you permission? .....
- (d) When were you given permission? .....
- (e) For what purpose were you given permission to use the way? .....

- 
20. (a) Have you seen other people using the way? \*YES/NO
- (b) How were they using the way (ie foot, horse)? ...ON FOOT.....
- (c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? ...I HAVE OFTEN BEEN ACCOMPANIED BY FELLOW DOG WALKERS I OFTEN SEE EN ROUTE.....
- (d) If they were not accompanying you, were these people known to you? YES  
PEOPLE I KNOW AND PEOPLE I HAVE BECOME FRIENDS WITH.....
- (e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) ...SOME DAILY SOME WEEKLY.....
- (f) How many other people, approximately, did you see on these occasions? .....  
VARYING FROM A COUPLE TO MANY.....
- (g) Please give any further details of other people's use of the way which you feel may be important ...AS WELL AS REGULAR DOG WALKERS AND CLUB RAMBLERS, STUDENTS LODGING IN SILVERDALE VILLAGE TAKE THE PATH ACROSS TO KEEL UNIVERSITY, AS DO PEOPLE WORKING IN THE CAMPUS AND HOTEL, ALSO THE COMMUNITY POLICE OFFICERS USE THIS AS PART OF THEIR BEAT TO KEEP AN EYE ON THE COMMUNITY.....

- 
21. Have you ever been charged a monetary sum for using the path? \*YES/NO  
If so, by whom? .....



22. (a) Do you have any documentary evidence about the way? \*YES/NO

(b) **If so**, in what form is this? (ie maps, photos, etc please attach a copy if possible)

.....  
.....

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

\*YES/NO

23. (a) Do you consider the route to be historical? \*YES/NO

(b) **If Yes** what type of route is or was it? (eg bridleway, footpath etc) *THE ROUTE AS I AM INFORMED BY VILLAGE ELDERS HAS BEEN USED SINCE THE GOLF COURSE WAS FORMED SOME 30 YEARS OR SO AGO*

(c) Are you aware of any evidence/documents to support this? (excluding OS Maps)

\*YES/NO

(d) **If Yes** please give details of this evidence or documents *THE ONLY EVIDENCE I HAVE IS VERBAL FROM VILLAGE PEOPLE WHO SAY THEY WERE CROSSING THE LAND BEFORE IT BECAME A GOLF COURSE*

24. Do you know who owns the land? \*YES/NO

**If YES** please can you provide names and contact details *AS FAR AS I AM AWARE THE LAND IS COUNCIL OWNED AND NOW RENTED TO JACK BARKER ENTERPRISES*

25. Do you know of any previous landowners? \*YES/NO

**If YES** please can you provide names and contact details.....

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

26. Are you prepared to be interviewed? \*YES/NO

**If No** please state reasons.....

.....  
.....

**If YES** would you be prepared to be interviewed over the phone? \*YES/NO

.....

PTO



27. 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

If No please state reasons.....

28. Can you give any further information about the way (continue on a separate sheet of paper if necessary).

THE WAY CONCERNED IS A PUBLIC FOOTPATH THROUGH THE WOODS AND ACROSS THE GOLF COURSE, THIS IS USED DAILY BY PDS WALKERS, RAMBLERS, STUDENTS, WORKERS, PRIOR TO JACK BANER ENTERPRISES RENTING THE COURSE THE COURSE WAS RUN BY THE COUNCIL AND WAS WELL MAINTAINED AND NOTICES WERE THEN PRESENT ADVISING GOLFERS TO GIVE WAY TO PEDESTRIANS. SINCE BANER TOOK OVER DEEP UNFENCED TRENCHES HAVE BEEN DUG ALL OVER THE COURSE AND DRAINAGE FILTERED OFF ON TO THE WOODLAND PATH, WHICH IN BAD WEATHER MAKES THE PATH INTO A STREAM, AND UNLESS WEARING WELLINGTON BOOTS UNUSABLE, THE HEAD GROUNDSMAN/GREENKEEPER IS NOTHING MORE THAN AN ANTISOCIAL JOBSWORTH HIDING BEHIND WHAT HE CALLS HEALTH AND SAFETY LAWS, WITH AN UNFENCED DITCH RUNNING RIGHT BESIDES THE MARKED PUBLIC FOOTPATH WHERE IS THE HEALTH AND SAFETY THERE. I SEE IN THE EVENING SENTINEL THEY ARE ALSO TRYING FOR PERMISSION TO USE THE COURSE AS A RUBBISH DUMP, I NOTE ALL THE EXCUSES GIVEN FOR THIS, DID THEY NOT GO DOWN THIS ROAD AT GOLDENHILL GOLFCOURSE, IN THE END LEAVING IT IN RUINS, OR AM I MISINFORMED BY GOLFERS I SPEAK TO ON MY WALKS AROUND SILVERDALE GOLF COURSE PERIMETER,

Please note that this form may be available to members of the public including affected owners or occupiers of the land crossed by the way.

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

[Redacted signature area]


....Date: 4<sup>TH</sup> JUNE 20..11

Person taking this statement (if applicable).....






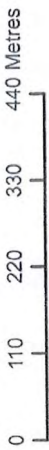
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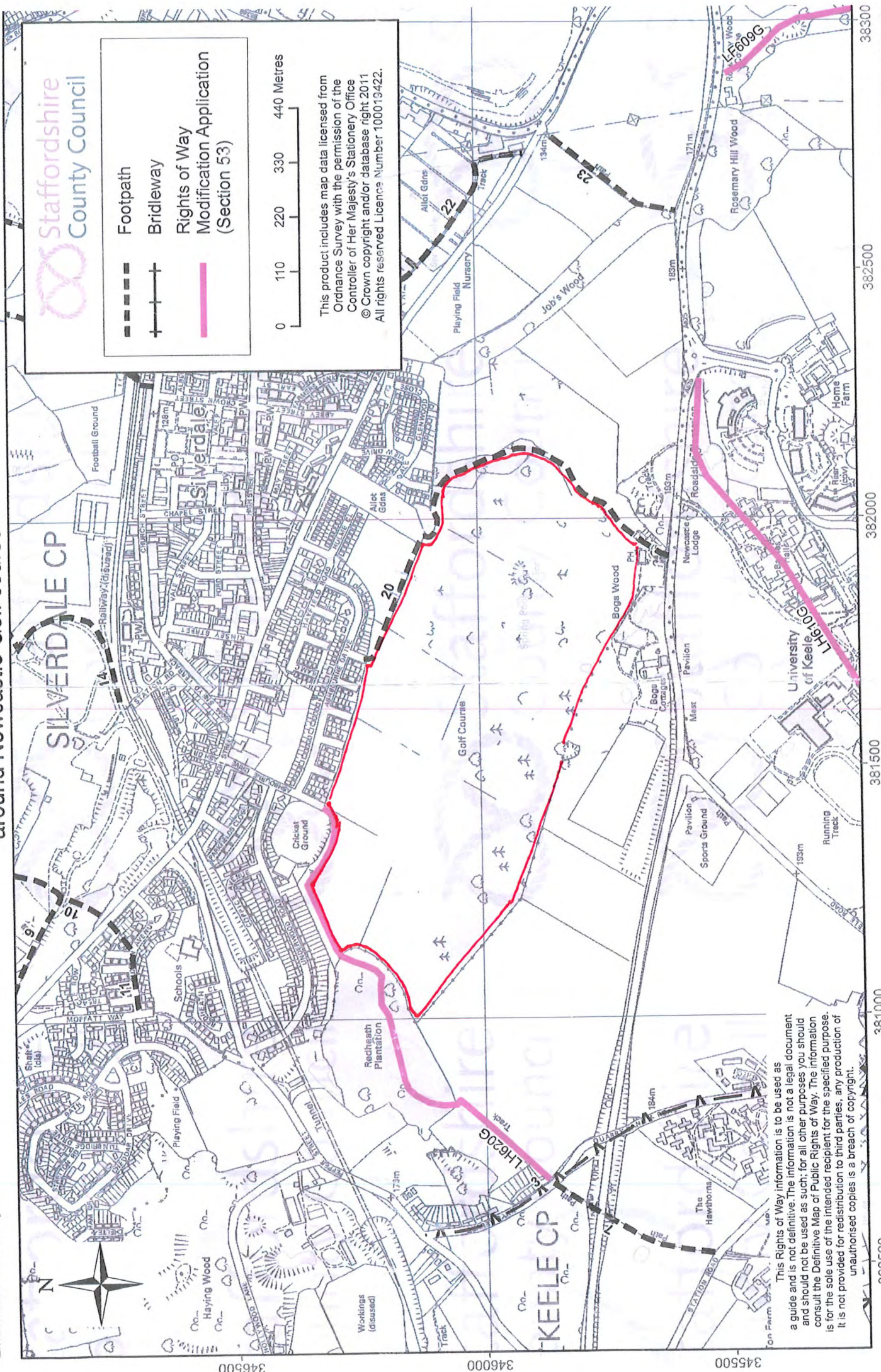
**Staffordshire  
County Council**

-  Footpath
-  Bridleway
-  Rights of Way  
Modification Application  
(Section 53)



0 110 220 330 440 Metres

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