

# 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) ..... *CHRISTOPHER COOPER COOPER*  
(Block Capitals please)

Address .....  
(Block Capital please)

Telephone No. .... Post Code .....

Date of Birth ..... Occupation .....  
(If retired, what was 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 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 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, if 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. The information given on this form may become available for public inspection.

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

From THE END OF STEPHENS WAY, BIGMALL END O.S. REF 80683 - 50595

To PUBLIC FOOTPATH 31 @ O.S. REF. 80524 - 50540

Please take time to answer the questions carefully and in full

1. (a) How many years have you known the way? ... SINCE 1973 .....  
(b) Does the way have a popular name? ... USED TO BE DELPH LANE .....  
(c) Have you personally used the above way? \*YES/NO  
(d) Did you only use part of the way? \*YES/NO

Please do not use vague terms such as "often".

- (e) During which years have you used the way? From... 1973 ... To PRESENT  
(f) Where were you going from/to? ... BIGMALL END TO VARIOUS PLACES AWLEY MILES GREEN  
(g) For what purpose? (eg work, pleasure) ... PLEASURE / EXERCISE  
(h) How many times a year? (eg daily, weekly, seasonal) ... DAILY / WEEKLY  
(i) By what means? (eg on foot, horseback, motor vehicle etc) ... ON FOOT  
(j) Is, or was, the way a short cut for you? ... NO, IT WAS A START POINT  
(k) If so why? ... (USED) THE PATH TO ACCESS OTHER PATHS TO AWLEY AND MILES GREEN AS WELL AS WOOD LANE EXERCISING MYSELF AND THE DOGS

(l) Please show 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.

(m) Do you still use the way? ... OCCASSIONALLY NOW

(n) If not why not? ... N/A

2. When using the path where did you live? ... 86, STEPHENS WAY AND, 73 - 82 69, MILES GREEN RD. 82 - PRESENT

If at different places please provide details and years.

3. (a) How wide is the way? ... APPROX. 1 METRE

(b) Is it the same width throughout its length? ... YES, JOINS FR. 31 AWLEY BASH

4. If you have ridden a horse on the way  
(a) Where did you keep the horse? ... N/A

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

(c) Were you ever riding with the hunt when you used the way? ... N/A

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? ..... N/A

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

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

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6. (a) Has the way always been on the same route? \*YES/~~NO~~

(b) If NO, please describe the original route, state when the way was diverted and show details on a plan. .... N/A

(c) Is the way a clearly defined track or path which a stranger to the vicinity could follow? ..... VERY CLEARLY DEFINED, VISIBLE ON GOOGLE EARTH

(d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? NO, ALWAYS ON THE ROUTE

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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 and state, if known, when they were erected or removed. AS FAR AS I AM AWARE THE STILE WAS CREATED BY THE DEVELOPER OF THE ESTATE

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

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

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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? ..... N/A

(ii) When they were erected or removed? ..... N/A

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

9. Has your usage ever been hindered or prevented in any way? \*~~YES~~/NO  
If so by whom or what? ..... N/A .....  
When was this? ..... N/A .....  
Have you continued to use the way despite hindrances or obstructions \*YES/NO  
How did you do this? (e.g. diversion) ..... N/A .....  
Is the hindrance or obstruction still in existence N/A. \*YES/NO

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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? N/A \*YES/NO  
If YES, please give dates.  
(c) Was the land ever owned or tenanted by a relative of yours? \*YES/NO  
If so, what was their relationship to you? ..... N/A .....  
(d) When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? \*YES/NO  
(e) If YES to (d), N/A  
(i) What was your employment? .....  
(ii) Between what years were you employed? ..... N/A .....  
(f) If you were employed by the owner/tenant N/A  
(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? ..... N/A .....  
(g) 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? ..... N/A .....

11. (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.

THESE ALLEGED A SIGN AT ONE STAGE REQUESTING  
 PEOPLE KEEP TO THE PATH AS ON OTHER PUBLIC FOOTPATHS IN THE  
 AREA, A CLOSURE NOTICE WAS ALSO ISSUED BY THE CITY  
 CCL OR POLICE CLOSING THE PATH DURING A FOOTPA  
 MOUTHREMIC

12. (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? ..... N/A
- (ii) When you were told? ..... N/A
- (iii) What were you told? ..... N/A

13. (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 appropriate date of their display and show their approximate position on the attached plan? N/A \*YES/NO

14. (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

A PLEASE KEEP TO THE PATH NOTICE/FOOTPATH/MOUTHREES

- (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 or posts said and show their approximate position on the attached plan? N/A

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

Photo 1 STEPHENS WAY SHOWING STILE AND. NOTICE LATEST GOOGLE EARTH IMAGERY.

Photo 2 STEPHENS WAY APPEARED FOOT PATH CLEARLY SHOWN AS IN CONTINUOUS USE AND CLEARLY DEFINED.

### HISTORICAL EVIDENCE

THE FOOTPATH IN QUESTION USED TO BE PART OF WHAT WAS PROBABLY A VERY OLD ROAD TO AUDLEY ALONG A WAY CALLED DELPH LANE, ITS ROUTE IN THE 1800'S CLEARLY SEEN ON THE ATTACHED PLANS AS A TRACKWAY FROM BIGNALL END TO BOYLES HALL FARM AND THE BRICKYARD BEYOND AND FROM THE DIG LAKE COLLIERY ALSO PASSING OVER THE EXACT SAME ROUTE SO IT WAS USED COMMERCIALY AS A ROUTE BETWEEN THE RAILWAY SIDINGS, COLLIERY, BRICKYARD, AND ACCESS TO BOYLES HALL FARM.

### LIST OF SUPPORTIVE MAPS DETAILS KEPT ON MAPS FOR CLARITY

MAP 1 OS 1869, and 1880's.

n 2 1900,

n 3 1960s

n 4 1970s.

APPROX. 100 YEARS OF UNFETTERED ACCESS CONVERTING FROM A TRACK TO A PUBLIC USED FOOTPATH.

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20. 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?

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\*YES/~~NO~~

**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.

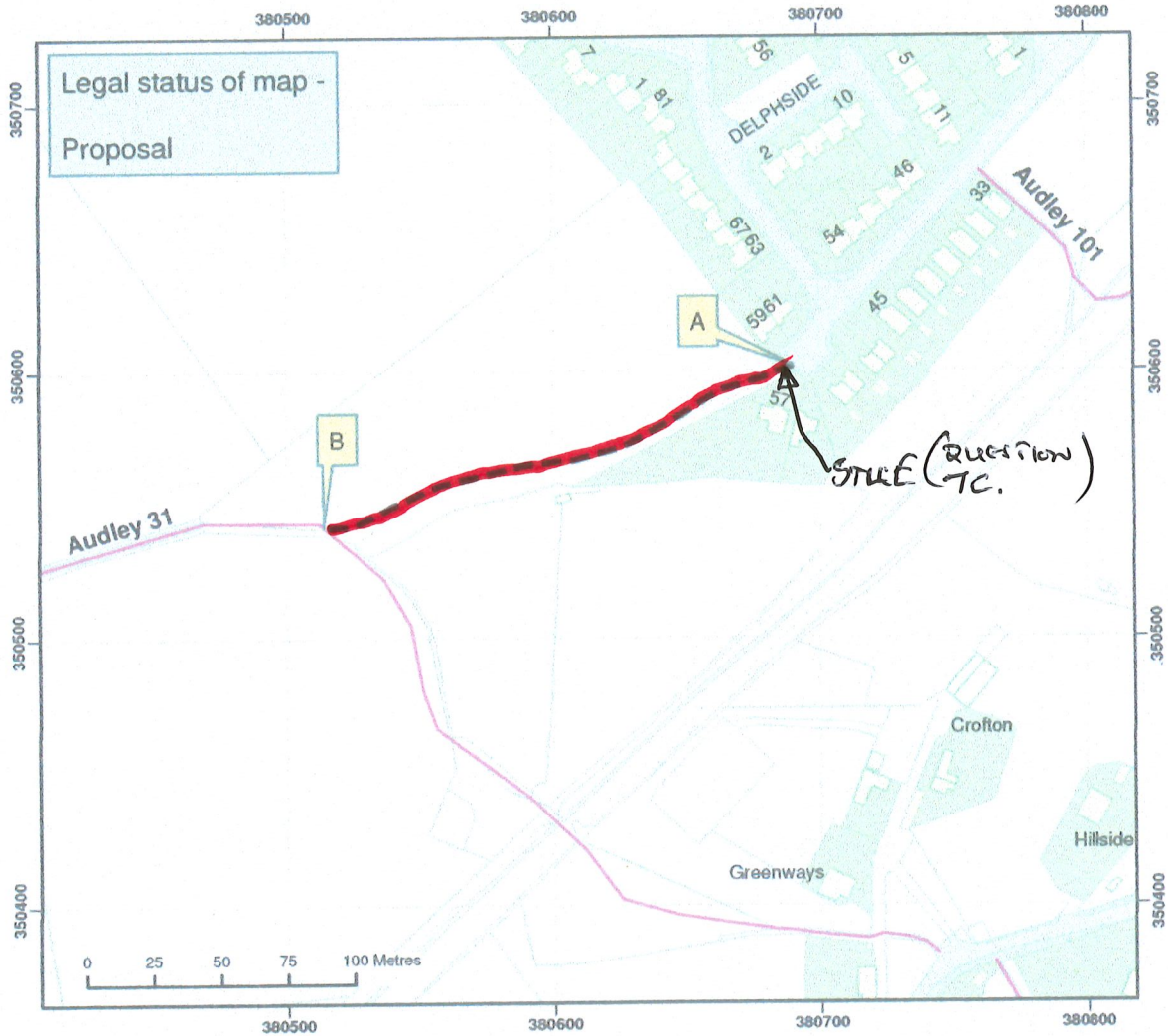
I certify that, to the best of my knowledge and belief, the information I have given to this statement is

Signature: ..  ..  
✓

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

Date: ..... 11/08/2016 .....

# Footpath from Stephens Way in the Parish of Audley to Footpath 31



Map created at the scale of 1:2500  
(facsimiles may vary)

- Path to be created (A - B).
- Rights of Way Unaffected
- FOOTPATH

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