

## Appendix G



[REDACTED]

# **Staffordshire**

## **County Council**

### **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)..... [REDACTED]  
(Block Capitals please)

Address .. [REDACTED]  
(Block Capitals please)

Post Code: [REDACTED] ..... Telephone No. [REDACTED]

Date of Birth .. [REDACTED] Occupation .... [REDACTED]

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

1. As far as possible the owner/occupier should complete the form. 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 14 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?

*Don't consider it necessary.*

\*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?.....*I own it with my five sisters*

(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?.....*have we had the same tenants as far back as my grandfather.*

If so please state the nature of your interest as tenant or lessee of the land.....

Any Other Interest in or over the affected land (e.g. a private right of way) *(up until 8 years ago)*

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?..... I spoke with our tenant  
(b) What did these signs say?..... when we received this application  
(c) Are these signs still in place?..... he was adamant that he had  
(d) Where are these signs located?..... not consented to ramblers  
"said" ~~at~~ crossing the field as far

Please indicate location on attached map.

back as the 1980's.  
They had approached him then  
I asked if it could become an adopted footpath

8. (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? ..... no

- (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. ....

As the tenant did not "live" on the property, ramblers have chosen to "trespass" across the said field, without permission

9. 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?.....

10. (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 if known, by whom?

*The tenants did have locked gates on the property when they were working, but they were sawn off the vandals from the housing estate nearby.*

11. (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? .....

(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.

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

\*YES/NO

If YES please give details *our tenant said no to them using the "said" route*

13. 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 *our tenant*

*told me that when the ramblers association asked if they ~~could~~ could use that route, he said NO. (cattle were grazed in his field)*

**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."

\* Please delete as appropriate

14. 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? photos and maps

(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

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

\*YES/NO

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

\*YES/NO

As explained previously, this land has been in our family for many years, going back to my grandfather. The same tenants [redacted] & his father before him farmed the land, but the original farmhouse was demolished when the motorway was built, and so the tenants lived on their other farm at Sandon, so therefore were not always "on site" to apprehend ramblers. When I spoke to him recently he said that they had approached him to have it adopted as a pathway and he ~~was~~ emphatically said "no", and told them that ~~to~~ any further queries should go through the agents, John German. This field was used for grazing of cattle; and furthermore, there are already established pathways across the land anyway, so they do not need to establish an extra one in our view. We are now selling the land to the Stafford Grammar School, in order for them to construct playing fields, and I believe that they do want their ~~own~~ existing sports facilities out to the general public.

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

Signature [redacted]

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

Date 12th August 2006

\* Please delete as appropriate







adjacent grammar school  
note.

Scale: 1:2500 or 25-344 inches to 1 mile

Levelled 1957

The East half of this sheet is Plan SJ9120

