

## Appendix H

# 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 (\*M [REDACTED])  
(Block Capitals please)

Address ..... STAFFORD G.S. [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, preferably in black ink. 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. **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
7. The information given on this form may become available for public inspection.

\* Please delete as appropriate

**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. Do you know of any previous landowners?

\*YES/NO

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

.....  
.....

3. Have you received a Notice of Application for a Modification Order?

\*YES/NO

4. Would you be willing to allow County Council officers to make a site inspection?

\*YES/NO

5. (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)
- (iv) \*Restricted Byway (i.e. for horse riders, cyclists pedestrians and vehicles which are not mechanically propelled)

6. How long have you had an interest in the land affected by the application?

From 20/01/07 to ongoing

7. 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 of the land.....

**Any Other Interest** in or over the affected land (e.g. a private right of way, shooting rights etc)

...PLAYING FIELDS FOR CHILDREN & ADULTS.....

8. 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? NOT KNOWN

\*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.

9. (a) Have you seen people using the way?

\*YES/NO

(b) How were they using the way (ie foot, horse)? ..MOTORBIKE RIDERS.....

(c) Were they alone or accompanied Please give details. (ie companions, rambling club, family, etc)? ...IN GROUPS OF 3 OR 4.....

(d) Were these people known to you? .....NO.....

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc).

...SEASONAL.....

(f) How many other people, approximately, did you see on these occasions? ..1.....

(g) Please give any further details of other people's use of the way which you feel may be important. ....

10. 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?.....

11. (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? GATES LOCKED PERMANENTLY WHEN TENANT FARMER HAD THE LAND ON CATTLE USAGE - GATE REMOVED &

Please mark on the attached plan the locations of the locked gates. VANDALISED SINCE HE STOPPED LEASING LAND.

12. (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? HEDGES AND FENCES AS FIELDS WERE USED FOR LIVESTOCK.

(ii) When they were erected or removed? ERECTED MANY YEARS AGO REMOVED, BURNT & VANDALISED WITHIN LAST 24 MONTHS.

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

(d) If you have a private right of way how has this been exercised while the alleged public route has been obstructed.

N/A

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

\*YES/NO

If YES please give details STAFF HAVE REMOVED MOTORBIKERS AND PEOPLE VANDALISING FENCING FROM LAND

14. Have you ever taken some form of action to communicate to the public that the claimed route is not public?

NOT POSSIBLE \*YES/NO.

If YES (i) what action was this?.....

UNTIL WE WERE OWNERS

(ii) When was this action taken?.....

15. Have you ever told persons attempting to use the route that the way was not public? \*YES/NO.

16. Have you ever taken any other steps to prevent the presumed dedication of this route as a public right of way? \*YES/NO.

NOT YET

If YES please give full details..... N/A .....

**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."

17. 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

18. Have you as the owner/occupier of the land ever made a statutory declaration concerning public rights of way?

NOT SURE

\*YES/NO.

IF DONE AS PART OF PURCHASE OR

(a) If YES when was this declaration made?..... PLANNING APPLICATION

(b) If YES who did you lodge the declaration with?..... ? .....

(c) If YES does this declaration state that there are no public rights of way over the land?

\*YES/NO.

(d) If YES does this declaration state that there are public rights of way over the land?

\*YES/NO.

(e) If public rights of way do exist was the claimed route one of those admitted to exist?

\*YES/NO.

If the declaration stated there are public rights of way in existence please mark on a plan the location of these.

ALREADY MARKED

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


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

\*YES/~~NO~~

SEE SEPERAT LETTER

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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.

Signed:  Date: 25<sup>th</sup> FEB, 2007.

On Behalf of... STAFFORD G.S. ...

\* Please delete as appropriate

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# STAFFORD GRAMMAR SCHOOL

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Stafford ST18 9AT  
Headmaster: M.R. Darley B.A.



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BA/PG

28 February 2007

Dear Sir/Madam

May I make the following observations concerning the application for a public footpath No. 11 and Public Bridleway No. 0.1287 Castle Church.

When the school approached the owners of the land we performed the normal investigation into any paths crossing the proposed area to be purchased. I personally visited the offices of Staffordshire Highways and spoke to the person in charge of footpaths and bridleways. I was assured that the bridleway and the public footpath were the only rights of way over the land.

It is fair to say that the school would not have entertained purchasing the land for playing field use if we had thought that the proposed footpath existed.

We will have large numbers of pupils from the age of 5 to 18 years using these fields and the idea of public access is therefore a great concern. Allowing public access to areas used by children is almost unthinkable with the problems of sexual deviants, paedophiles and generally yobbish behaviour prevalent in present day society.

We were happy to purchase the lower field (marked B on the plan) with its public footpath as we would use it predominantly for access to field A. Field A we felt could be secured for children's use quite easily. This ceases to be the case if the footpath proposed is agreed to.

The two fields since the tenant farmer ceased to run his herd of cows over them have become widely used by dog walkers from Hyde Lea and Highfields who gain access to the land via the public footpath. The whole area is now criss-crossed with tracks caused by this casual usage (see photographs). This should not be confused with people using a right of way to get from A to B. Most of these tracks follow the perimeter of the fields in a variety of circular routes.

The route indicated on the map is not used regularly and is (as indicated by photographs) not used as much as many of the other walks. Access to the proposed route have only been gained by illegally removing gates and damaging fencing. If the route is to be substantiated by photographs of tracking a whole variety of routes could be similarly proved (see enclosed plan).

Continued .....



The open access to this area caused by:

- a) demise of tenant farmer
- b) removal of gates and vandalising of fences has led to access for motorbike riders who have followed their own routes and further vandalised fences to gain access into and out of the area.

As a school we are more than happy to maintain and improve the public footpath that already exists but which is unmarked, unsignposted and ill defined so that walkers can enjoy walking through the area of protected woodland called the Drumble. We have already cleared all the obstructions from the bridle path so that it can be used as was originally intended.

The proposed route follows in parallel the route of the public footpath and finishes in Hyde Lea at virtually the same place, I therefore cannot see the need for this duplication. Why have two routes starting and finishing in the same place and running close to each other.

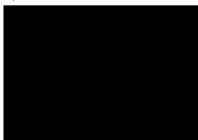
Obviously many of the questions on the form are not relevant to a landowner such as the school because we have only recently acquired this land. I know from conversations with the tenant farmer that he refused permission for people to use the suggested route when he was actively using the land. I am also aware that the Atkins Sisters Trust have never given permission for the proposed route.

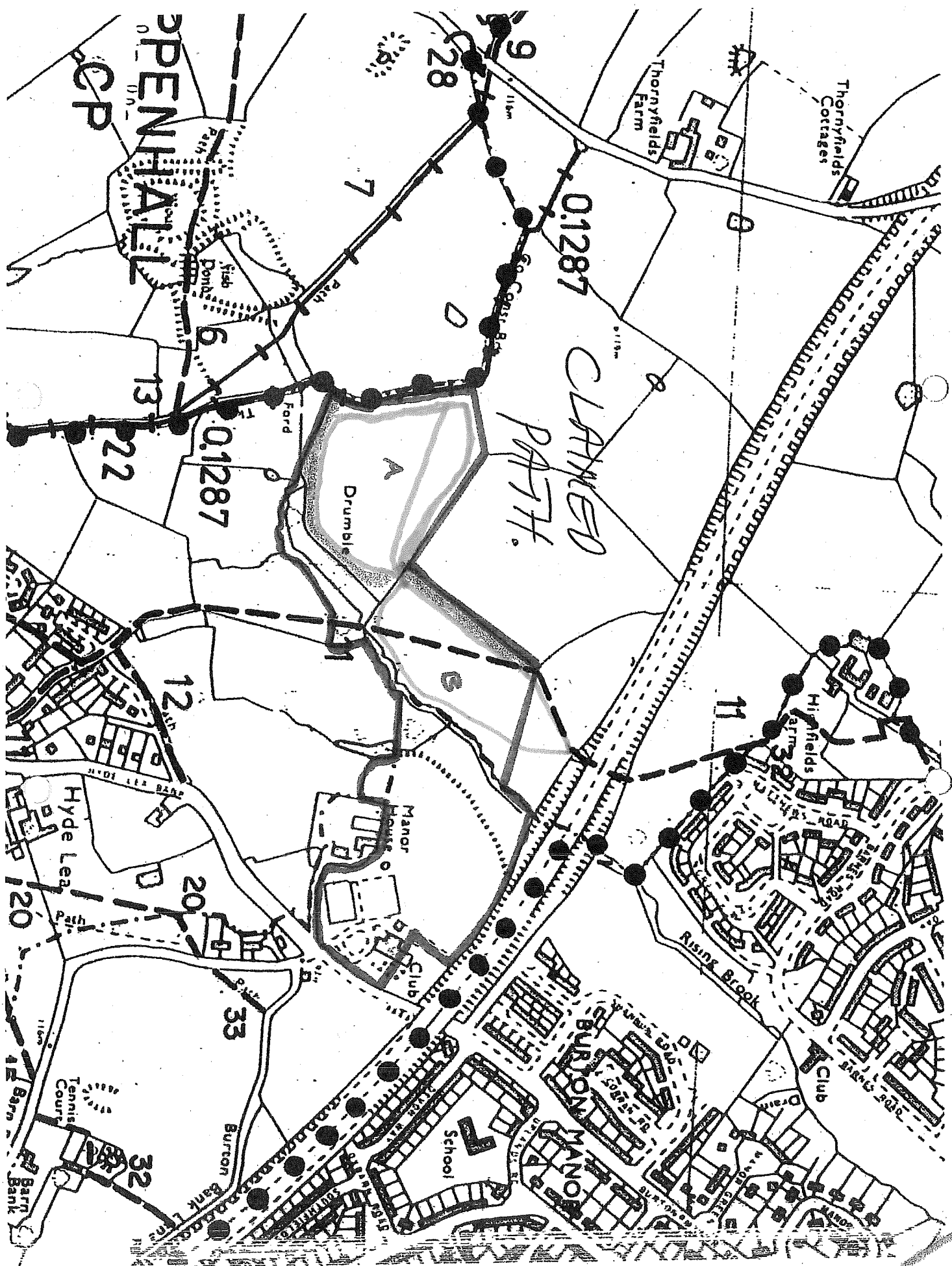
The school is required to erect stock proof fencing around the perimeter of the land we have purchased, but we will provide access to the public footpath via stiles or gates. We are also required to excavate drainage ditches and to site gates at various positions on the perimeter. Please note this work is done to comply with the Heads of Agreement which accompanied our land purchase. It is not done to be obstructive or to pre-empt any decisions made by the relevant body.

The school has planning permission to construct playing fields on the land in question. This will obviously cause much disruption to the public footpath. The school will provide alternative routes to allow walkers access to the public footpath and the bridle path.

I feel that the public would be better served having a well maintained, signposted public footpath than two neglected, ill defined and poorly maintained paths.

Yours sincerely





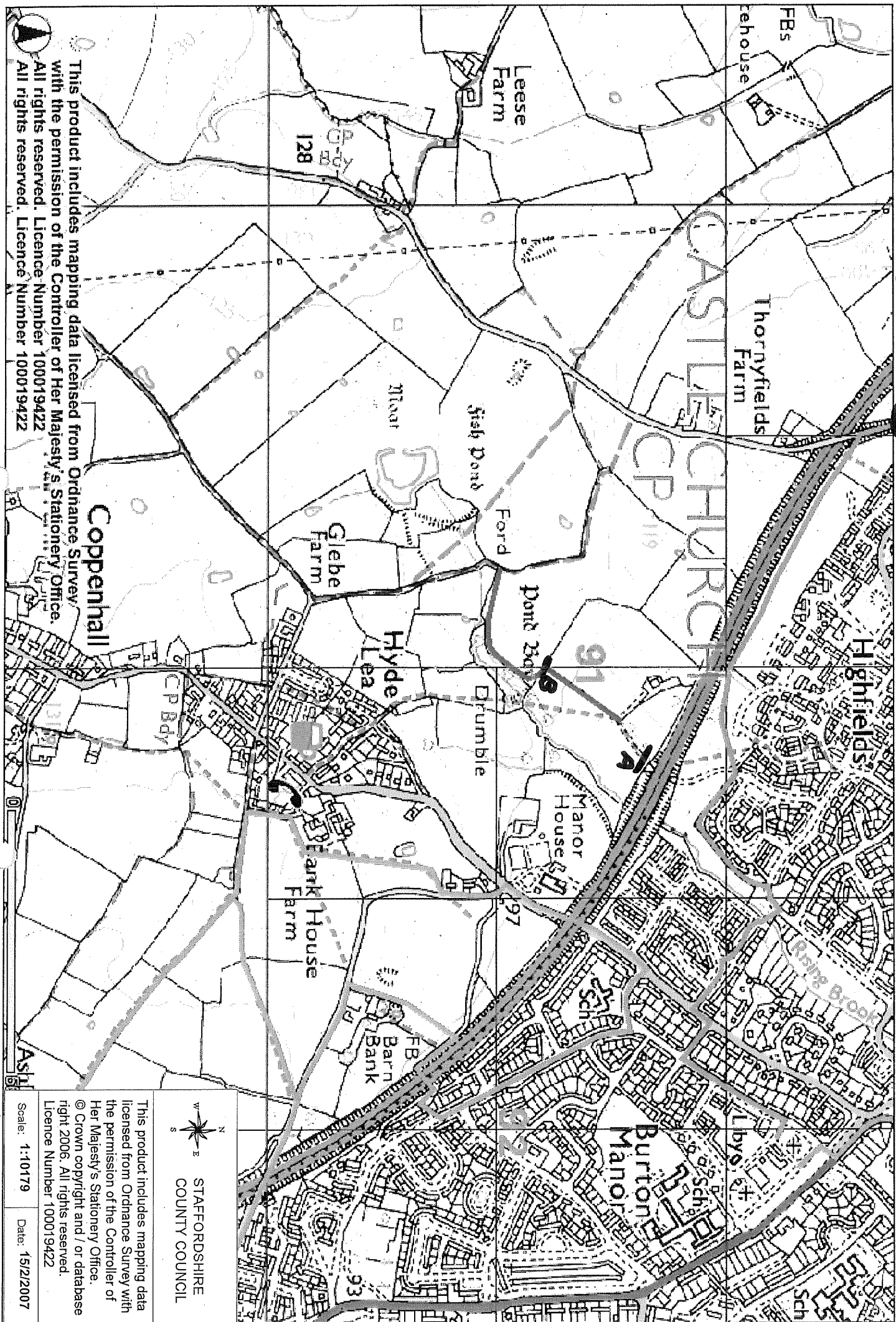
## KEY TO PHOTOGRAPHS AND PLAN

1. Vandalism at entrance to top field where wooden field gate was removed and burnt – tracking showing path going away from route by proposed path.
2. Continuation of path in 1 which follows a circular route round top field.
3. Path from top gate which crosses top field diagonally to join bridle path at opposite end to proposed route.
4. Continuation of 3.
5. Path on bottom field which follows line of hedge to gate to top field (now metal).
6. Start of path noted in 3 and 4.
7. Path as 5.
8. Path as 5.
9. Photograph taken on route of public footpath which should run to bridge. No evidence of tracking – public footpath obviously not used.
10. As 9.
11. As 9.
12. As 9.
13. Photographs taken on line of public footpath which should run in a straight line from top to bottom of photograph. **No** tracking – not used at all.
14. As 13.
15. Photograph shows gates on public footpath by motorway vandalised and removed. Agricultural machinery strewn across pathway. Also shows route of path followed by dog walkers diagonally across field.
16. As 13.
17. Vandalism of perimeter fence by motorbike riders who gain access via footpath and public public rights of way / or via previously neglected bridle path.
18. Photograph of path through gap in hedge where fence wire and posts have been deliberately removed.

N.B. I have shown the extent of our ownership on the larger plan in red.

I have also marked gates on smaller plan in black.

**AtB locked gals**



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STAFFORDSHIRE  
COUNTY COUNCIL

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