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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 claimed public right of way. This is of particular importance if the information is to be of real value in establishing the status of the way.



1. Do you own or occupy any of the land affected by the proposal or adjacent to it? If the answer is YES please answer questions 2 to 13 and indicate on one copy of the plan the extent of ownership. If the answer is NO please, if possible, advise the names and addresses of the landowners/occupiers.

YES/~~NO~~

2. Have you received a Notice of application for a Modification Order?

YES/~~NO~~

3. Would you be willing to allow my assistant to make a site inspection?

YES/~~NO~~

4. Do you consider the route to be public?

PUBLIC FOOTPATH

YES/NO

*

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

.....4!.....years.

* I understand that it was originally a ^{pack} saddle-path route for merchants carrying goods from Buslem and the right of way was restricted to that width

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 bought the land on which
(b) A joint tenant, hepe House is built from my parents
if so, with whom? It was the orchard to ~~the~~ Springfield
(c) a tenant in common, House which they owned.
if so, with whom? Springfield House adjoining hepe House
(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.

7. Have you, or any previous owner/tenant of the land, erected any "private" or "trespassers will be prosecuted" or similar signs on or near the alleged public right of way? If so please state when and where these signs were erected, what they said, whether they are still in place and show their position on the attached plan.

8. Have you ever given anybody permission to use the path? If so, when and to whom? No.

9. Have you, or any previous owner of the land, taken steps to prevent the public's access by locking gates or erecting some other form of obstruction along the path? If so, when, where and for how long was the path obstructed?
No. Years ago other residents did lock gates - see footnote

10. Have you ever stopped or "turned back" anybody found using the path? If so, please give full details. I have asked people not to park their cars at the entrance to the Avenue (PRIVATE ROAD) which leads into Stony Lane. Sometimes they block the entrance to our driveway.

11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way? No

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 to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

12. Do you have any documents which show this as a private right of way or giving details of its closure?

No

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

No - prefer not to. My husband + I are both elderly.

I certify that, to the best of my knowledge and belief, the facts I have stated are true.

Sign

Person taking this statement

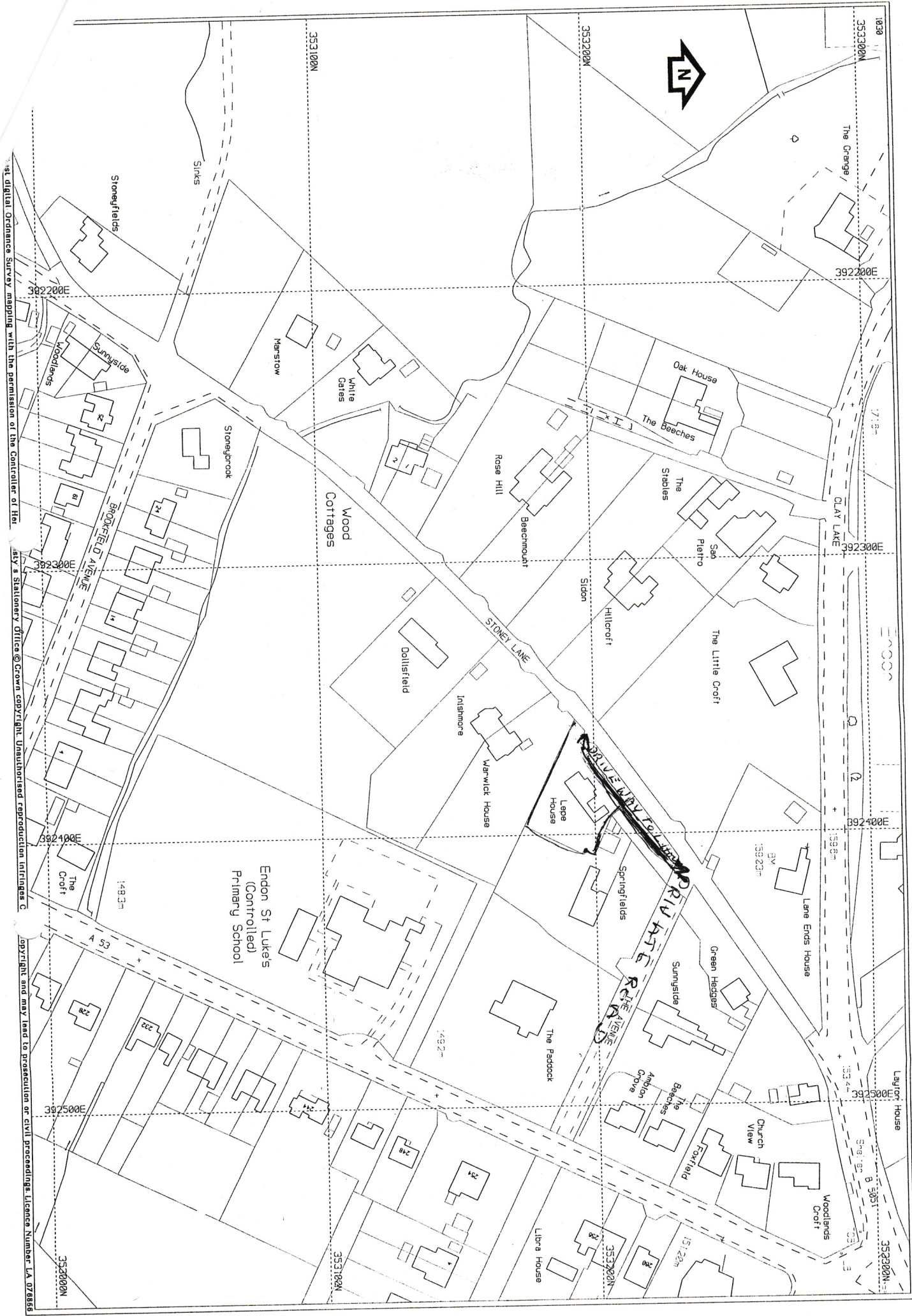
Date 8. May 1996

Originally there were four gates on Stoner lane.

1. At the entrance where it adjoins Clay lake.
2. At the far end (about halfway) by Goodalls farm.
3. Further along at the top of the fields above Platts Avenue
4. At the very top of the incline where it joins Edge lane.

The first ² ^{and third} one was not closed very often. The second had a stile and I think the 4th had a stile. I was only a young child but use to ride along the lanes and often had to turn back along Edge lane as the owner of the house at the top locked the gate & would not unlock it for me and horse.

I have no objection to the use of Stoner lane as a bridle path but would like to see a restriction on the amount of traffic (vehicle traffic). It is often used as a short cut.



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YES/NO

2. Have you received a Notice of application for a Modification Order?

YES/NO

3. Would you be willing to allow my assistant to make a site inspection?

YES/NO

4. Do you consider the route to be public?

YES/NO

5. How long have you had an interest in the land affected by the application. 12 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?
- (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.

NO

7. Have you, or any previous owner/tenant of the land, erected any "private" or "trespassers will be prosecuted" or similar signs on or near the alleged public right of way? If so please state when and where these signs were erected, what they said, whether they are still in place and show their position on the attached plan.

NO

8. Have you ever given anybody permission to use the path? If so, when and to whom?

NO

9. Have you, or any previous owner of the land, taken steps to prevent the public's access by locking gates or erecting some other form of obstruction along the path? If so, when, where and for how long was the path obstructed?

NO.

10. Have you ever stopped or "turned back" anybody found using the path? If so, please give full details.

NO.

11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way?

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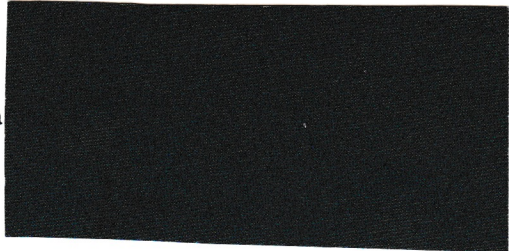
NO.

I certify that, to the best of my knowledge and belief, the facts I have stated are true.

Sign

Person taking this statement

Date ... 6/5/96



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YES/~~NO~~

2. Have you received a Notice of application for a Modification Order?

YES/~~NO~~

3. Would you be willing to allow my assistant to make a site inspection?

YES/~~NO~~

4. Do you consider the route to be public?

YES/NO

Footpath

5. How long have you had an interest in the land affected by the application. *29* years.

6. Please state the nature of your interest in the land over which the all 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?

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11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way?

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No.

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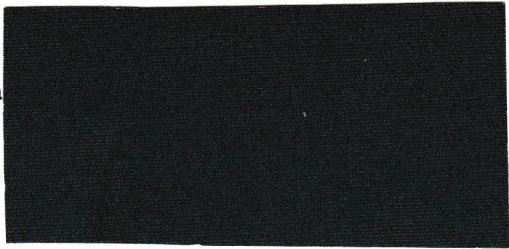
No.

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

No.

I certify that, to the best of my knowledge and belief, the facts I have stated are true.

Sign



Person taking this statement

Date *20. 5. 96*

