

Staffordshire

County Council

DECLARATION

Data Protection Act 1998

Under the Data Protection Act the OMA has a duty to inform you about how your personal data will be handled. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person.

This statement and the details contained therein will be considered by the OMA to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publically available and published on the OMA's website.

Please print your name here [REDACTED]

Address [REDACTED]

(Block Capital please)

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

Mobile Telephone [REDACTED] ..

Date of Birth [REDACTED]

Occupation [REDACTED]

(If retired, what was your previous occupation?)

Confidentiality – Please Read Carefully

The information you give in this statement cannot be treated as confidential

It may be necessary for the OMA to disclose information received from you to others, which may include other local authorities, the Planning Inspectorate and other government departments, public bodies, other organisations, landowners and members of the public. If the application proceeds to a public inquiry your evidence will be made available to the inquiry.

If the OMA proceeds with the application but it is contested (for example by a landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but user evidence is of much greater value if you attend in person and are prepared to answer questions about it. Inquiries are kept as informal as possible and the OMA will help you with the procedure.

The information you give in this statement will be processed in accordance with the Data Protection Act 1998. It is held by the OMA's Rights of Way Service for the sole purpose of processing the application for the route referred to.

Information on this page of the Statement will be redacted and not made publically available

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PUBLIC RIGHT OF WAY EVIDENCE FORM

Important Note

This statement should be completed and returned to the person making the application so that it can be submitted with or form part of an application seeking a change to the Definitive Map and Statement of Public Rights of Way.

This statement is intended to provide preliminary evidence about the application. When the Order- Making Authority (OMA) commences detailed research, an officer from that authority may contact you to seek further information or ask you to be interviewed about your evidence.

This statement is designed to help establish whether or not the route being claimed in the application is a public right of way. It also provides evidence of how it is used (for example on foot, on horseback, by vehicles etc).

You should answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the application route. The information given may be examined at a public inquiry.

This statement should be completed by one person only and should relate to only one route. If you need more space please continue on a separate sheet which will need to be attached to this statement.

If completing the statement by hand, please ensure it is written legibly and in black ink.

Name of witness (Mr/Mrs/Miss/Ms)
(Block Capitals please)

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 TOP OF DUKE'S LANE
To ELLASTONE ROAD BROOMYSHAW

Please take time to answer the questions carefully and in full

1. Map of the Application Route

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please put your initials on your map and date it. If you have only used part of the way please mark or indicate the part used. **DO NOT ADD YOUR FULL SIGNATURE.**

2. (a) How many years have you known the way? 30

(b) Does the way have a popular name? ***YES/NO**

If so, what is it?

(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 1992 To 2022

(f) Where were you going from/to? ELLASTONE ROAD (COTTON GRANGE FARM) TO

(g) For what purpose? (eg work, pleasure) WATERHOUSES OR TO CAULDON LODGE
PLEASURE RIDING

(h) Is, or was, the way a short cut for you? ON OCCASIONS - SHORT CUT TO WATERHOUSES

(i) If so why? BUT MAINLY USED AS SAFER THAN USING MAIN ROADS

3. (a) Do you still use the way? ***YES/NO**

(b) If not, why not?

4. Have you lived at any other addresses during the time you have used the path or way? ***YES/NO**

If yes, please provide details of locations and years [full addresses are not required]

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5. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

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6. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot					✓	
On horseback				✓		
By pedal cycle					✓	
By motor vehicle						
By horse-drawn vehicle						

7. Has the application route always followed the same course?

*YES/NO

If no – how and when was the route altered?

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.....

8. Approximately how wide is the application route?

...SINGLE CARRIAGEWAY.....

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how or please state 'don't know']

9. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

...GRASS, STONE AND EARTH.....

.....

.....

10. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?
*YES/NO

If YES, please give details including when this happened

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.....

11. (a) Have you ever been stopped or turned back when using the application route?
*YES/NO

If YES, please give details including when this happened

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

(b) Do you know, or have you heard of, anyone else having been prevented from using the way?
*YES/NO

If YES please give details including dates.

12. If you have ridden a horse on the way *YES/NO

(a) Where did you keep the horse?

COTTON GRANGE FARM, ELASTONE ROAD, WASH^{SH} WINKHILL UNTIL 2006/2007
MORE RECENTLY, IPSIDDES EDGE

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

(AS ABOVE)...COTTON GRANGE FARM.../IPSIDDES EDGE (START AND FINISH)

(c) Were you ever riding with the hunt when you used the way? *YES/NO

13. (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?

14. (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.

.....

(c) Is the way a clearly defined track or path which a stranger to the vicinity could follow? *YES/NO

(d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? ..

..... KEPT TO ROUTE

15. (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?

(d) Please mark on the attached plan the locations of the locked gates.

16. (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?

(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.

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

If so by whom or what?

.....

When was this?

.....

(b) Have you continued to use the way despite hindrances or obstructions ^{N/A} *YES/NO

(c) How did you do this? (e.g. diversion)

.....

- (d) Is the hindrance or obstruction still in existence *YES/NO
18. (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.....
.....

- (c) Was the land ever owned or tenanted by a relative of yours? *YES/NO

If so, what was their relationship to you?

- (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),

(i) What was your employment?

(ii) Between what years were you employed?

(f) 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?

- (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?

19. (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?

(ii) When you were told?

(iii) What were you told?

20. (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? *YES/NO

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21. (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 or posts said and show their approximate position on the attached plan?

22. (a) Have you ever been given permission to use the way? (Whether or not you asked for it) *YES/NO
- (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?

23. (a) Have you seen other people using the way? *YES/NO
- (b) How were they using the way (ie foot, horse)? ON FOOT / OTHER HORSE RIDERS
- (c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)?

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- (d) If they were not accompanying you, were these people known to you? *YES/NO
- (e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) INFREQUENTLY (ONCE PER YEAR)
- (f) How many other people, approximately, did you see on these occasions? 1 OR 2
- (g) Please give any further details of other people's use of the way which you feel may be important

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

25. (a) Do you have any documentary evidence about the way? *YES/NO
- (b) **If so**, in what form is this? i.e. maps, photos, etc please attach a copy if possible)

(c) Would you be willing to make the original document available if necessary? *YES/NO

Other Information

26. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)
*YES/NO

If yes – please provide details

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27. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]
[If you wish to provide a separate sketch map, please do so and attach to this statement]

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28. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?
*YES/NO

29. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?
*YES/NO

Statement of Truth

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATIONS ABOVE AND THE WARNING BELOW

Your Signature:



Date: 10/11/22

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to

cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.