

Appendix D

User evidence forms

USER 1

Staffordshire County Council

SOLICITOR TO THE
COUNTY COUNCIL

4 JUN 2021

DIRECTOR OF STRATEGY,
GOVERNANCE AND CHANGE
TAS LEVEL

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 ...

Address ..

(Block Capital please)

Home Telephone No. ...

Post Code .

Mobile Telephone No. ...

Date of Birth .

Occupation

(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

Staffordshire

County Council

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 [REDACTED]
(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)

(MAP) From PROVISIONAL EDITION 1938 (LICHFIELD DIVISION) OFF EAST DOWN PACKINGTON LANE
TURN LEFT AT PACKINGTON LANE END
To PROCEED PAST FARM COTTAGE THROUGH HOPWAS HOUSE FARM YARD TO B5404
PLANTATION LANE, HOPWAS.

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? 72 YEARS FROM CHILDHOOD

(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 1949 AGED 5 To 1974 APPROX

(f) Where were you going from/to? FROM HOME AND RETURN

(g) For what purpose? (eg work, pleasure) PLEASURE

(h) Is, or was, the way a short cut for you? NO

(i) If so why?

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

(b) If not, why not? AGE, MOBILITY, FAMILY LIFE

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]

① HINTS ROAD, HOPWAS [REDACTED] ② HINTS ROAD, HOPWAS [REDACTED]

③ [REDACTED], LICHFIELD ROAD, HOPWAS [REDACTED] ④ [REDACTED], LICHFIELD ROAD

3 HOPWAS - [REDACTED]

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

NOT IN WINTER - AND NOT AFTER 1974. BGT APPROX DATE

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		✓	✓	✓		WEATHER PERMITTING
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?

8. Approximately how wide is the application route?

APPROX 1 1/2 METRES AT LEAST, IT VARIED ALONG THE ROUTE

[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]

TWO PARALLEL EARTH TRACKS, THE MIDDLE GRASS, WEEDS ETC
FIELD ONE SIDE, HEDGE ON OTHER

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

.....
.....

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?

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

(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?
OCCASIONALLY FARM TRACTOR

(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
NOT NOW

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

GATED BY HOME OWNER ALONG ROUTE

(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.

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

If so by whom or what?

When was this?

(b) Have you continued to use the way despite hindrances or obstructions *~~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

OFF ASI TURNING INTO PACKINGTON LANE - NO THROUGH ROAD.....
.....
.....

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

(c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? YES, FAMILY

(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) OCCASIONALLY

(f) How many other people, approximately, did you see on these occasions? 1-2

(g) Please give any further details of other people's use of the way which you feel may be important MY MATERNAL GRANDMOTHER (BORN IN HOPWAS 1873 - DIED 1965) IN HOPWAS MY MOTHER (BORN 1912 - DIED 1979) MY ELDEST DAUGHTER (BORN 1909 - BURTON HOSP.) AND OBVIOUSLY MYSELF (BORN 1944 -) IN HOPWAS

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 COPY MAP ENCLOSED 1938 (LICHFIELD DIVISION) PROVISIONAL EDITION

(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

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

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]

MY MATERNAL GRANDMOTHER'S FAMILY LIVED IN TOLLGATE COTTAGE ON THE CORNER JUNCTION OF A51 - LICHFELD ROAD, HOPWAS AND PACKINGTON LANE, HOPWAS. DOWN THROUGH ALL THE 5 GENERATIONS OF MY FAMILY

WE HAVE KNOWN AND USED THE PATH IN QUESTION. FAMILY + LOCAL KNOWLEDGE + HISTORY - CONT'D ATTACHED

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: 31st MAY, 2021.

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.

The route off the A51 down Parkington Lane, Hopwas to the B5404 Plantation Lane. Proceeding to the end of Parkington Lane, Parkington Farm was on right hand side. Turn left there, and you could walk along the route. In early years you passed a farm worker's cottage, which once was left empty, but then upgraded for labourer or farm manager.

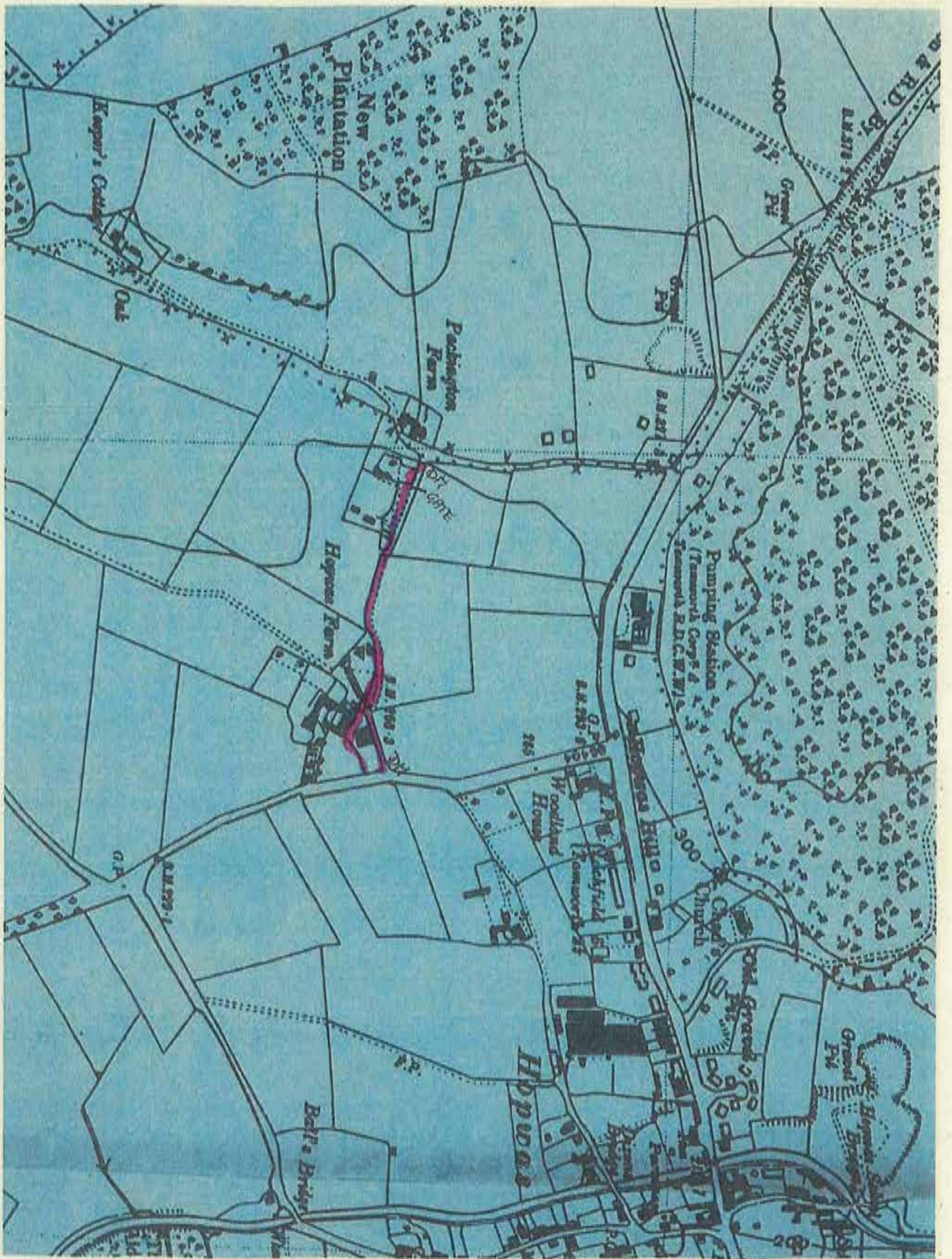
From there you could continue to Hopwas House Farm farmyard and exit onto B5404 Plantation Lane, Hopwas.

At the Parkington Lane end of this route two homes were built.

However from the farmyard you would carefully cross Plantation Lane to access the Public Right of Way marked. Proceeding down part way driveway to Woodland Grange to the stile (which still exists but so overgrown Right of Way), walked parallel to field towards Nursery Lane, and Hopwas Nurseries as it was then. Then we could continue home.

There was never any footpaths either side Plantation Lane from route in question to the A51. From the route you had to proceed along right hand grass verge from marked Right of Way towards A51. The first tarmac path was in front of Woodland House towards A51.

At present this route is unrecognizable due to nature's growth!!



Additions in 1938.

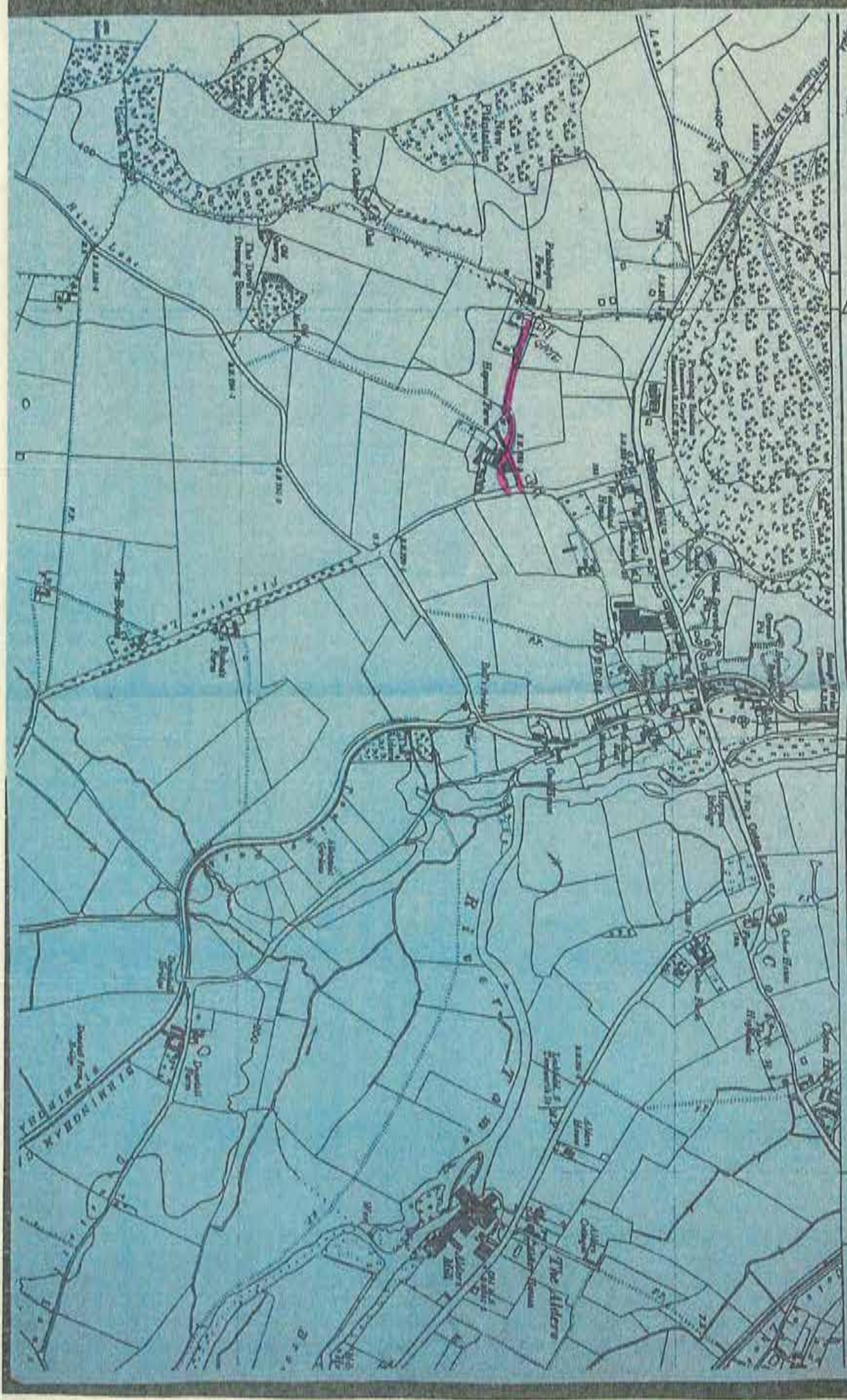
PROVISIONAL EDITION.

R.D.
The
Landed

HOPWAS HAYS FR.

LICHELFIELD DIVISION
No. 44. 1/4. N.W.

WIGGINGTON



FILE REF-LH 62 9G

ALLEGED PUBLIC FOOTPATH FROM B5404 TO THE A51, WIGGINTON PARISH

Our names are [redacted] and we live at [redacted] Packington Lane.

As a family we also own [redacted] Two of our properties come with right of way over the lane/path/track the reason for that is we PRESUME it was because Little Packington House was the original farm on the lane [it was known as Little Packington Farm]

The family has owned property in the lane since 1966, the [redacted] family are the only family who have been here longer 1965/1964? [not sure on year but before us]

[redacted] can remember meeting [redacted] Dad after work in the Farm yard climbing on the back of a Austin A35 Van and riding up the lane up to Little Packington House in the 70's

[redacted] can also remember the milk man using the lane 70's 80's

We drove over the lane in 1998 when we owned a [redacted]. We cleared the lane around 2002/2003 some time after this [cannot remember date] [redacted] blocked the lane with a skip and said [redacted] didn't want us using it as it was [redacted] garden. We explained it wasn't and that we had rights over the land but [redacted] didn't remove it and we didn't want to fall out with them.

We continued to walk the lane, at around the same time [redacted] dug a ditch across the lane stopping access over the lane by car. Again didn't want to fall out with [redacted] we spoke about it and [redacted] moved the access from though the farm yard to around the field [around storage building]

We have spoken to [redacted] [phone call] recently about the lane and [redacted] agrees we have right of way over the land/lane/track

We are happy to provide copies of our deeds [or originals] showing our right of way. We are happy to attend court.

It is difficult as we do not want to fall out with our neighbours, but we also do not want to loose our rights over the land/lane /track

We have seen footpath signs removed over the last 12months which is really sad and neighbours denying the path ever existing and going as far as stating they would take legal action against anyone going against them.

A couple of things I would like to know why now? Was the previous request ever looked into?

We certify that, to the best of our knowledge and belief, the information we have given in this statement is true.

[redacted]
MOBILE- [redacted]

SOLICITOR TO THE COUNTY COUNCIL
11 JUN 2021
DIRECTOR OF STRATEGY, GOVERNANCE AND CRISIS
MELISSA
1 2 3 4
FURNISH HOUSE WIGGINTON PARISH

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, other than where requested in questions 23 – 27. If you provide responses to those particular questions, the information will be redacted from public view.

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 Staffordshire County Council's website.

Please print your name here [redacted]

Address [redacted]

(Block Capital please)

Your: Home Telephone Number [redacted]

Mobile Telephone Number. [redacted]

Email Address ... [redacted]

Statement of Truth

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

Your Signature: [redacted]

Date: 3/6/2021

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.

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

Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. You 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 (*Mr/Mrs/Miss/Ms) [REDACTED].....
(Block Capitals please)

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. 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 25 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 by completing question 22.

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?

*YES/~~NO~~

* Please delete as appropriate

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. Please indicate on the enclosed plan the extent of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route.

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed.

Freehold (sole / joint owner) / tenant for life under the Settled Land Act / leasehold / employee / other - please specify)

[If you are a tenant or licensee, please ensure you complete question 21].

OUR NEEDS STATE WE HAVE ACCESS OVER/THROUGH LAND & FARM

7. Please give details and dates of ownership or occupation

FAMILY HAVE OWNED PROPERTIES IN THE LANE

SINCE 1966 WE OWN 3 HOUSES IN TOTAL.

IN 1998 WE DROVE OUR JEEP DOWN THE LANE UNTIL A NEIGHBOUR BLOCKED IT WITH A SKIP.

8. What is the land used for? (i.e. grazing animals, growing crops etc.)

Has the use varied? And if so please give details of when and how

A TRACK EDGED BY CROPS.

9. Are you aware of any right of way on the route applied for? If so, please give your reasons as to why you regard the way to be public or private?

OUR FAMILY CAN STATE THE LANE HAS

BEEN DRIVEN OVER/WALKED AND RIDDEN OVER.

SINCE 1966.

10. Do you hold any deeds or maps of the land, or tenancy agreements or letters that might be useful in this investigation? *YES/NO

If yes, it may be helpful if you are able to provide copies and details

11. 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 sign erected?.....

(b) What did these signs say?.....

(c) Are these signs still in place?.....

(d) Where are these signs located?.....

(e) How long were these signs in place?.....

(f) Did anyone respond/react to the notices/signs?.....

Please indicate location on attached map.

12. (a) Have you seen people using the way? *YES/NO

(b) How were they using the way (ie foot, horse)? FOOT / HORSE / CAR

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)? BOTH - DOG WALKERS - FAMILY

(d) Were these people known to you? SOME - OTHER BY SIGHT

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc). MORE IN THE SUMMER BUT WEEKLY MOSTLY HORSES

(f) How many other people, approximately, did you see on these occasions? 3/4 HORSES AT A TIME

(g) Please give any further details of other people's use of the way which you feel may be important. LOCALS USE IT TO GET TO THE VILLAGE

14. (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 known by whom?

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

15. (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: SKIP PLACED BY NEIGHBOUR / DITCH DUG.
 (i) what type of obstruction was this? SKIP TO STOP US DRIVING DOWN FARMER DUG DITCH SO UNABLE TO TAKE CAR DOWN
 (ii) When they were erected or removed? SKIP MOVED 2021 DATE NOT KNOWN WE COULD STILL WALK THE LANE.

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

[REDACTED] SKIP
 [REDACTED] DITCH

(d) If you have a private right of way how has this been exercised while the alleged public route has been obstructed? WE CONTINUED TO WALK IT.....

16. (a) Have you ever stopped or "turned back" anyone found using the route? *YES/NO

If YES please give details

.....
 NO WE LOVE TO SEE PEOPLE WALKING IT.

17. 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

18. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980? *YES/NO

If YES, can you recall when?

.....

.....

19. Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the application route was not dedicated as a highway? *YES/NO

If YES, can you recall when?

.....

.....

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."

20. 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? WE HAVE DEEDS SHOWING OUR RIGHT OF WAY.
(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

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

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

*YES/NO

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

Signature 

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

Date

* Please delete as appropriate

If you provide answers to any of the following questions, any personal details you provide will be redacted from public view. However, please be aware that the information may later be disclosed either where the person it relates to consents to disclosure, or where the OMA is required to disclose it because of a statutory requirement to do so or as part of legal proceedings.

23. If you are a tenant or licensee of the land, please advise the name and address of your landlord.

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

24. The OMA wishes to be sure that everyone who might be affected by this application has been contacted. Do you know the names and addresses of anyone else who owns or occupies the land affected by the route? If so please give their contact details.

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

25. It may assist your case if we are able to contact any previous owners of the land. Do you know the name / address of any previous owners or occupiers? (If applicable).

.....
OWNED THE HOUSES SINCE 1966
PAST OWNERS HAVE PASSED
.....

26. In respect of question 8, please indicate the number of occurrences you have stopped or turned people back, stating the identity of the people (if known) and the dates. (How many, when / what frequency, etc.)

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

27. Please give details of the identity of anyone you have given permission to and for what purpose, (e.g. for use on foot, horseback, driving a vehicle), together with their address if known.

a) Was the permission given verbally, or in writing?

In writing (please attach a copy)

Verbally (please state what was said)

..... AND OURSELVES... HAVE
SPOKEN ABOUT OUR RIGHT OVER THE LAND

* Please delete as appropriate

b) How many people were given permission? (If total unknown, please state approximately)

.....
2 of our 3 Hoopes have rights
over the land.
.....

c) When was permission given?

..... DEEDS 1966

d) How long was the permission for (i.e. often did it need to be renewed?)

.....

e) Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you

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

27th May 2021.

Ref. Route L4629G Hopwas.

Dear Stephanie

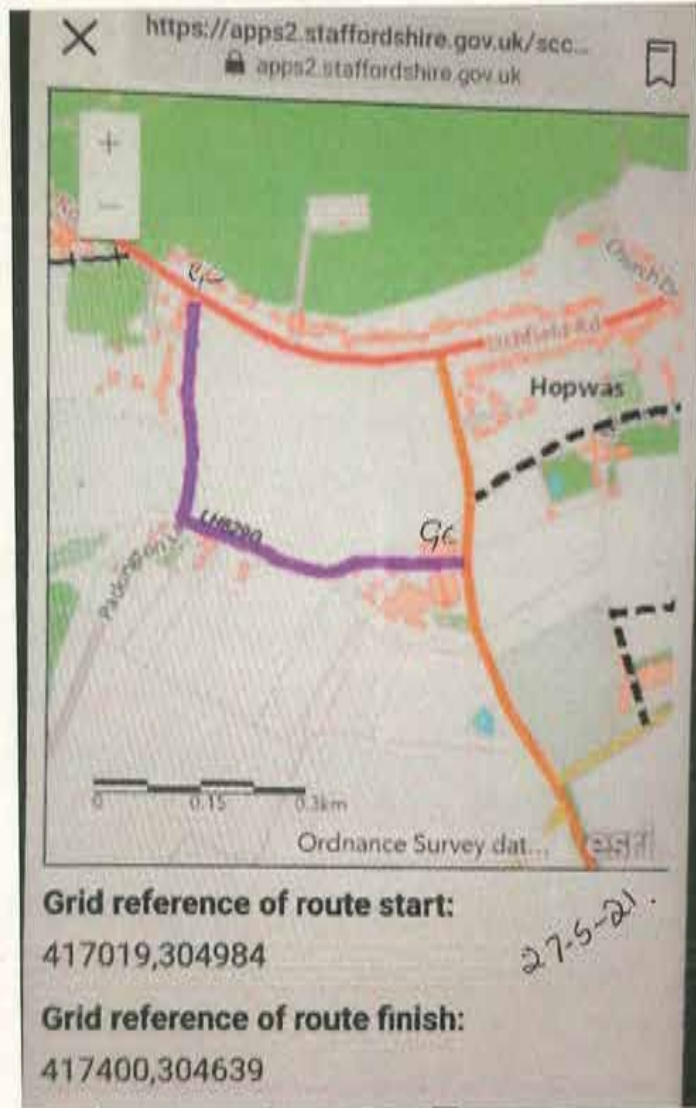
I remember the track indicated in purple on the attached map. In the early 1960's the ponies from the riding school at the end of Knox Grove Lane at the top of Hopwas Hill were ridden along this route on their way to Lady Meadow in Tamworth for a rest period. As I was only a child at the time I cannot remember exact dates, but this was a regular occurrence on a Sunday evening. There was always a responsible person from the stables making the journey with us and I didn't question whether the route was a right of way.

[REDACTED] tried to take this route some years ago but it was very overgrown and we abandoned the attempt.

Yours Sincerely



Route LH629G Hopwas



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 No.

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

Staffordshire

County Council

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 Packington Lane junction with Hopwas Hill Grid Ref. 417019, 304984
To Entrance to Hopwas House Farm on Plantation Lane Grid Ref. 417400, 304639

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? 59

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

If so, what is it? (Not to my knowledge)

(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 1962 To 1963/4 *not sure of exact dates.*

(f) Where were you going from/to? Riding Stables to Lady Meadows Tamworth

(g) For what purpose? (eg work, pleasure) Pleasure

(h) Is, or was, the way a short cut for you? Yes

(i) If so why? Riding ponies - it was a good way to avoid traffic on the main roads.

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

(b) If not, why not? It was impassable last time tried to use it

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]

Tamworth Hill 1974
Tamworth town centre 1974 - 2004

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

Only used the path for a short time 1962-63/4

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? As far as I know **YES/NO**

If no – how and when was the route altered?

8. Approximately how wide is the application route?

More of a track than a path approx 2 m wide

[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]

Don't know

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

.....
.....

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? *Belonged to the riding stables on end of Knox Grove Lane, top of Hopwas Hill.*

(b) Where did you start and finish your ride? *Riding stables to Lady Meadow, Tamworth*

(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? *As far as I know* 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? *Very overgrown*

(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.

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

If so by whom or what? *Vegetation - very overgrown*

When was this? *Approx. 15 years ago*

(b) Have you continued to use the way despite hindrances or obstructions YES NO

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

(d) Is the hindrance or obstruction still in existence *Don't know* ? *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

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

21. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? *Not visited recently.* *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 horseback/pony*

(c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? *Group of friends helping stable staff to take ponies to Lady Meadow Tamworth for rest period*

(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)

(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

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

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

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]

As I was a child at the time I used this route, dates of use are approximate.

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: 27-5-21.

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.

**Staffordshire
County Council**

SOLICITOR TO THE
COUNTY COUNCIL

4 JUN 2021

DIRECTOR OF STRATEGY,
GOVERNANCE AND CHALLENGE

RESILIENT

1 PUBLIC 2 SECURE 3 RESILIENT 4 CONFIDENTIAL

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.

The information requested in this statement is as a result of an application made to Staffordshire County Council ("OMA") for an Order to modify its Definitive Map and Statement of Public Rights of Way by adding or upgrading a public right of way over land which you may own or occupy, or may have owned or occupied in the past.

This statement is designed to assist the OMA with its investigation to determine whether or not the route applied for in the application is a public right of way. Until the OMA determines the application, its position is impartial. This statement is intended to provide preliminary evidence and, when the OMA commences detailed research, an officer may contact you to seek further information or ask you to be interviewed about it.

You are not compelled to answer every question. Nevertheless you should answer questions as fully as possible and not keep back any information, whether for or against the application. 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. 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.

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 an affected 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 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.

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, other than where requested in questions 23 – 27. If you provide responses to those particular questions, the information will be redacted from public view.

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 Staffordshire County Council's website.

Please print your name here

Address

(Block Capital please)

Your: Home Telephone Number

Mobile Telephone Number...

Email Address

Statement of Truth

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

Your Signature:

Date:

2/6/2021

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.

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

Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. You 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 (*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 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. 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 25 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 by completing question 22.

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?

*YES/NO

* Please delete as appropriate

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. Please indicate on the enclosed plan the extent of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route.

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed.

Freehold (sole / joint owner) / tenant for life under the Settled Land Act / leasehold / employee / other – please specify

[If you are a tenant or licensee, please ensure you complete question 21].

.....

7. Please give details and dates of ownership or occupation

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

8. What is the land used for? (i.e. grazing animals, growing crops etc.)

Has the use varied? And if so please give details of when and how

.....
.....

9. Are you aware of any right of way on the route applied for? If so, please give your reasons as to why you regard the way to be public or private?

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

* Please delete as appropriate

10. Do you hold any deeds or maps of the land, or tenancy agreements or letters that might be useful in this investigation? *YES/NO

If yes, it may be helpful if you are able to provide copies and details

.....
.....

11. 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 sign erected?.....

(b) What did these signs say?.....

.....

(c) Are these signs still in place?.....

(d) Where are these signs located?.....

(e) How long were these signs in place?.....

(f) Did anyone respond/react to the notices/signs?.....

Please indicate location on attached map.

12. (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?

(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.

14. (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 known by whom?

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

15. (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.....

16. (a) Have you ever stopped or "turned back" anyone found using the route? *YES/NO
 If YES please give details

17. 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

18. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980? *YES/NO

If YES, can you recall when?

.....
.....

19. Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the application route was not dedicated as a highway? *YES/NO

If YES, can you recall when?

.....
.....

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."

20. 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

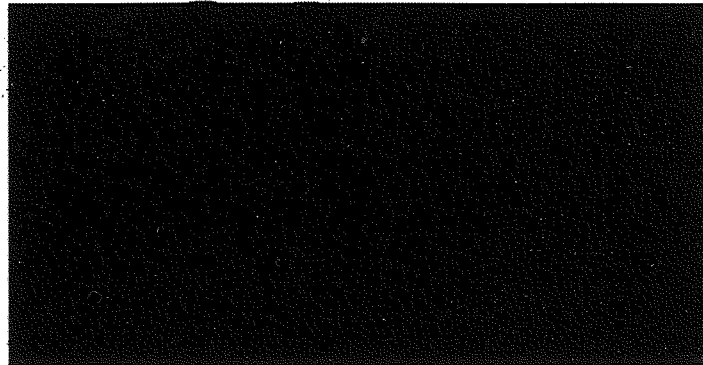
21. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary?

*YES/NO

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

*YES/NO

PACKINGTON LANE IS A PRIVATE ROAD AND IS OWNED BY



I certify that, to the best of my knowledge and [redacted] statement is true.

Signature

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

Date ^{NO} 2 JUNE 2021

* Please delete as appropriate

If you provide answers to any of the following questions, any personal details you provide will be redacted from public view. However, please be aware that the information may later be disclosed either where the person it relates to consents to disclosure, or where the OMA is required to disclose it because of a statutory requirement to do so or as part of legal proceedings.

23. If you are a tenant or licensee of the land, please advise the name and address of your landlord.

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

24. The OMA wishes to be sure that everyone who might be affected by this application has been contacted. Do you know the names and addresses of anyone else who owns or occupies the land affected by the route? If so please give their contact details.

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25. It may assist your case if we are able to contact any previous owners of the land. Do you know the name / address of any previous owners or occupiers? (If applicable).

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26. In respect of question 8, please indicate the number of occurrences you have stopped or turned people back, stating the identity of the people (if known) and the dates. (How many, when / what frequency, etc.)

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27. Please give details of the identity of anyone you have given permission to and for what purpose, (e.g. for use on foot, horseback, driving a vehicle), together with their address if known.

a) Was the permission given verbally, or in writing?

In writing (please attach a copy)

Verbally (please state what was said)

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.....

* Please delete as appropriate

b) How many people were given permission? (If total unknown, please state approximately)

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c) When was permission given?

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d) How long was the permission for (i.e. often did it need to be renewed?)

.....

e) Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you

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My aunt and uncle lived at [REDACTED] Packington Lane Hopwas Tamworth [REDACTED] from 1955 to 2015 when my aunt moved [REDACTED]

My aunt and uncle often used this track as a short cut from Packington Lane to Plantation Lane and this was in their cars between 1955 to approximately 1990.

I can't recall them using this track by foot but I can clearly remember them using their cars along this track as a short cut to get onto Plantation Lane.

I now live at [REDACTED]
have lived at [REDACTED] but I have never used this track.

I hope this statement is of help, but other than this statement I have no documentary evidence to back-up this statement.

[REDACTED]

[REDACTED]

2nd June 2021