

Appendix E

Landowner evidence forms

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.

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 ... [redacted]

Address ... [redacted]

(Block Capital please)

Your: Home Telephone Number [redacted]

Mobile Telephone Number [redacted]

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: [redacted]

Date: 15-11-2022

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?

Upon appointment

***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].

FREEHOLD

7. Please give details and dates of ownership or occupation

OCCUPIED THE LAND SINCE 1986 OWNED SINCE 1997

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

PRIVATE ACCESS WITH GRANTED RIGHTS OF WAY

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?

I AM AWARE OF PRIVATE RIGHTS OF WAY AND HAVE SOLD PRIVATE RIGHTS EASEMENTS

AFTER OUR SUCCESSFUL CHALLENGES IN LAW. ALL RIGHTS OF WAY ARE 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

These are extensive and go back until 8th May 1725 (no maps) I am very happy to pass these to our solicitors for copying and presenting to S.C.C. provided that S.C.C. pay for those services.

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:-

Photographs enclosed

(a) When were these signs erected? Do not know exactly decades ago

(b) What did these signs say? PRIVATE LANE

(c) Are these signs still in place? YES

(d) Where are these signs located? Facing west onto Packington Lane and facing north onto Packington Lane

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

(f) Did anyone respond/react to the notices/signs? Not to my knowledge

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)? N/A

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)? N/A

(d) Were these people known to you? N/A

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

(f) How many other people, approximately, did you see on these occasions? N/A

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

12 (g)

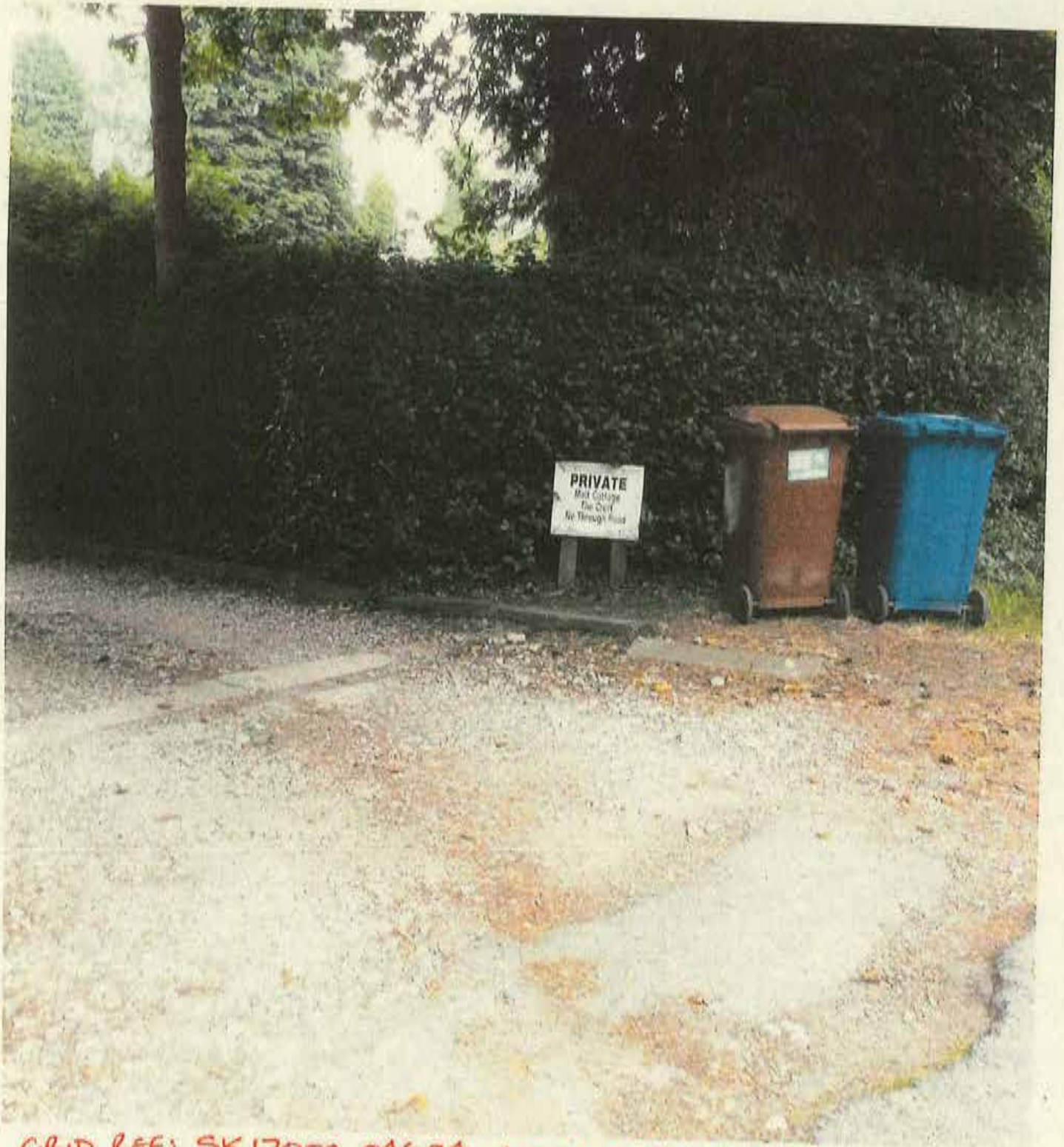
I have used the track as a private right of passage, please note a dispute arose where a private right of way over this track by [REDACTED] and all others, [REDACTED] solicitors took action to reopen the private right for [REDACTED]. Copies of letters enclosed. We have numerous conveyances some showing private granted rights of way conveyed but none make any reference to public rights of way whatsoever. Private rights of way are marked on maps over the disputed track. There does not appear to be any referring to any ownership of Packington Lane by a Lord Weymouth. As such Lord Weymouth could only grant a right of way to the boundary of his ownership. Lord Weymouth did not own Packington Lane, he could not grant any right over it.

Further our extensive deeds bundles to the best of my knowledge do not support this alleged claim in the slightest regard. Further still there are references to private rights of ways granted to ourselves as owners of our land being the dominant tenement over land owned by [REDACTED] as the servient tenements, one example abstract of title reads

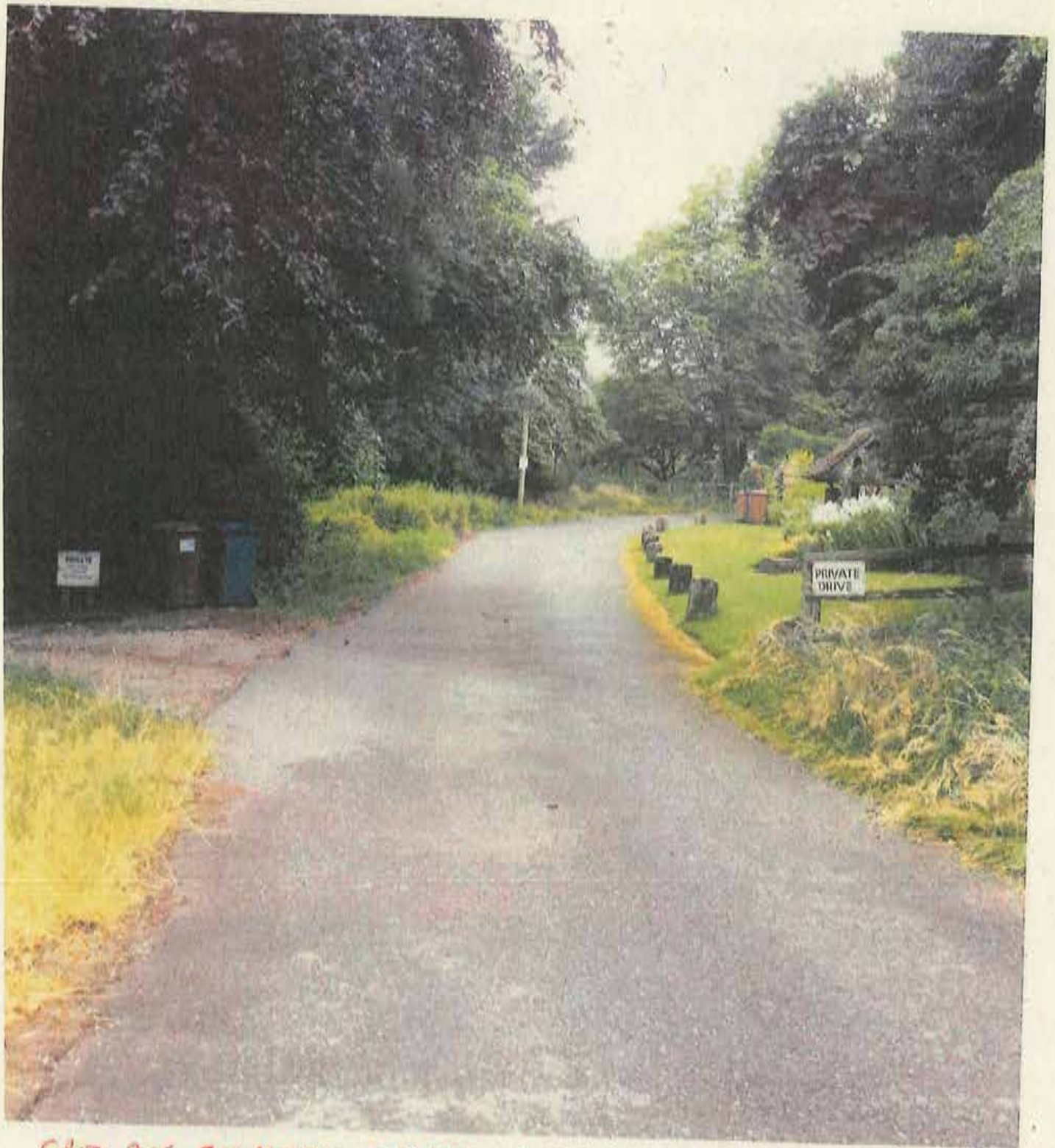
'it is wited as folls:- in conson of the sum of £110.15.5d then pd to the vendor by the pchrs) (ALL AND SINGULAR) (TOGR WITH A RT OF CARRIAGE BRIDLE AND FOOTWAY AT ALL TIMES AND FOR ALL PPSES)

There are no public rights to any footway allegedly claimed. For my part they have been purchased by my "predecessors in title" and conveyed to myself upon payment as successor in title and are owned by myself "singularly" as the owner and former owner of various dominant tenements.

I enclose an abstract of title from 1956 which is derived from a succession of previous deeds of ownership.



GRID REF: SK17000 04694 LOOKING SOUTH EAST.



GRID REF SK 16998 04698 LOOKING SOUTH.
SIGNAGE HAS BEEN IN PLACE FOR DECADES.

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. See attached map

(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? Waste skip total obstruction

(ii) When they were erected or removed? In place for extended periods

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

Contractors to [redacted]

(d) If you have a private right of way how has this been exercised while the alleged public route has been obstructed. The track has been overgrown with brambles I have gone through them both with a tractor and a landrover but it is impassable on foot.

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

If YES please give details

Walkers follow the line of the parish boundary on O/S map. When referred to boundary symbols and rights of way invariably leave by the way that they arrived. I do call the police to any disagreeable people.

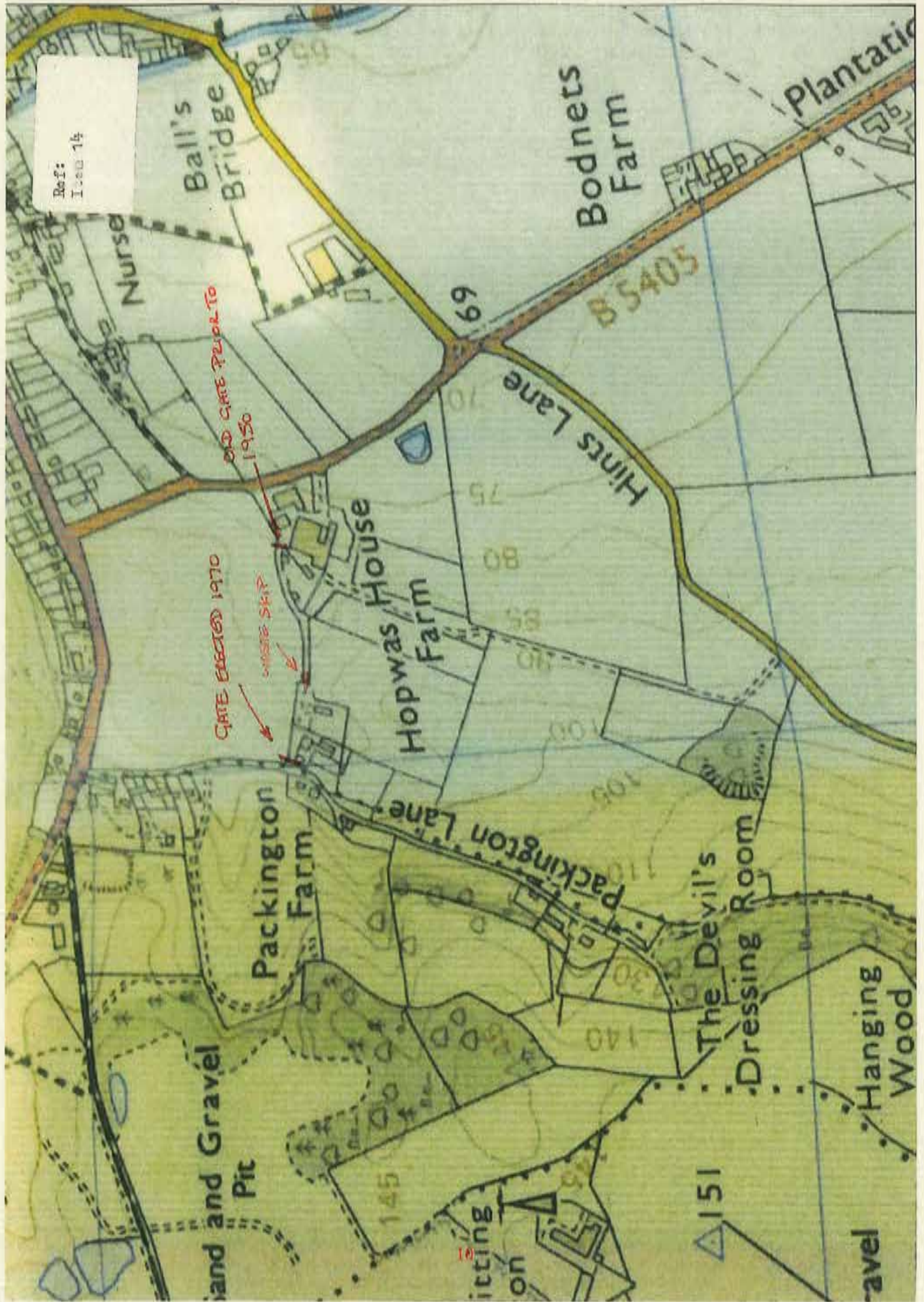
17. Have you ever taken any other steps to prevent the presumed dedication of this route as a public right of way?

If YES please give full details I have erected signage stating private lande *YES/NO

to BSEN 12899 the traffic regulations 2016, I have also had the road surface marked. Private Drive to comply with BSEN 1436

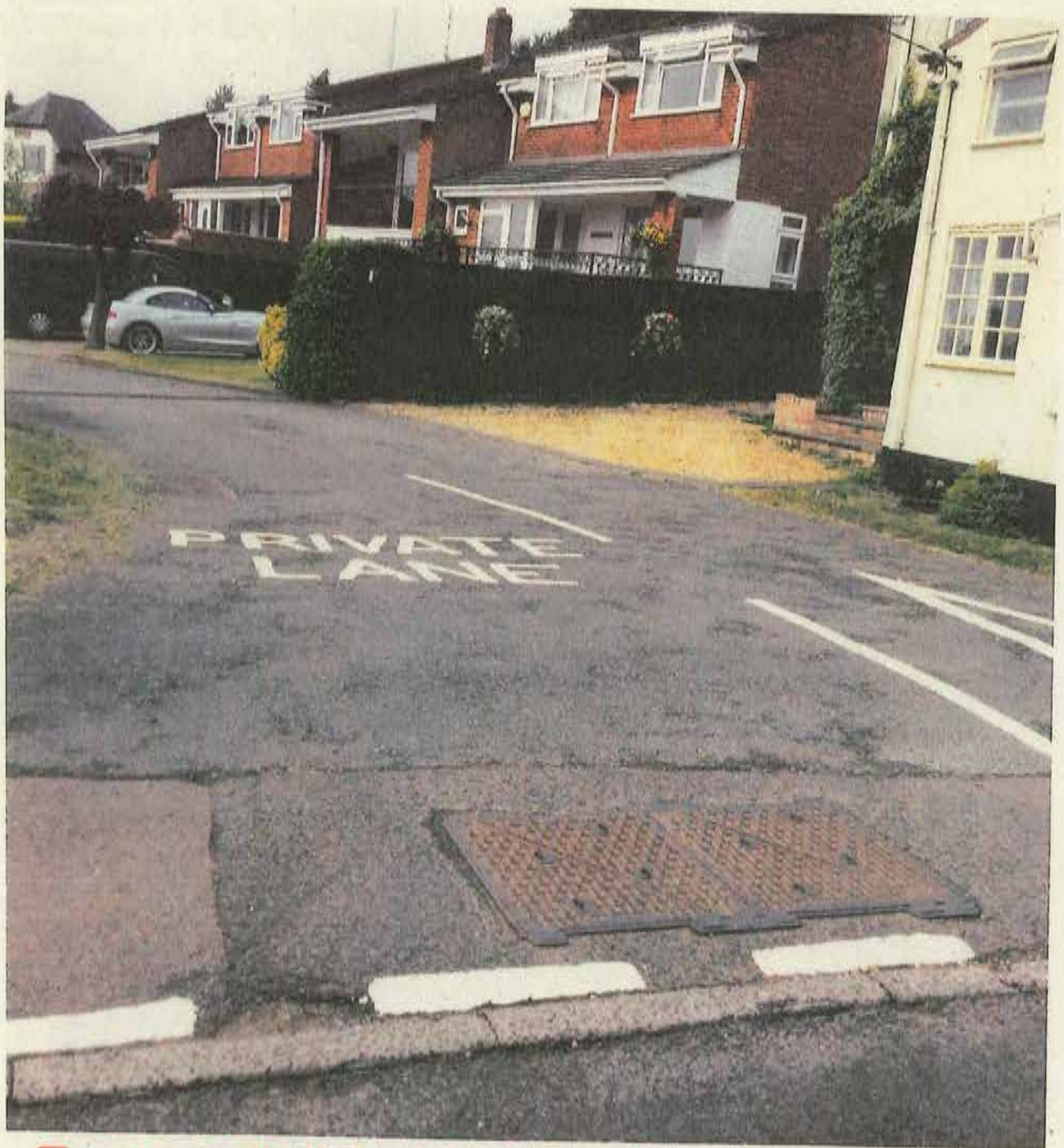
see photograph enclosed

Ref:
I. 14





JUNCTION WITH ASI



JUNCTION OF PACKWISTON LANE AND ASI.

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?

21/9/2021 Ref: LSD0116

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? ...Solicitors letters dated 24/6/71 and 1/9/1971 3/8/1971
(i.e. maps, photos, deeds, etc. please attach a copy if possible)

copies enclosed

(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~~

SOLICITORS & COMMISSIONERS FOR OATHS

[Redacted]

DATE 24th June, 1971

YOUR REF H/HB

OUR REF AJG/ME/

[Redacted]

Dear Sirs,

Messrs. [Redacted] and [Redacted]

Our client Mr. [Redacted] has consulted us upon your letter of 22nd June. We would first inform you that the road to which you refer does not directly serve your client's property as an examination of your client's title deeds would presumably show to your satisfaction. Furthermore, our client informs us that the signs to which you refer have been in existence for several years and our client has not in any way prevented any person passing through the roadway as it is agreed that there are certain rights in this respect.

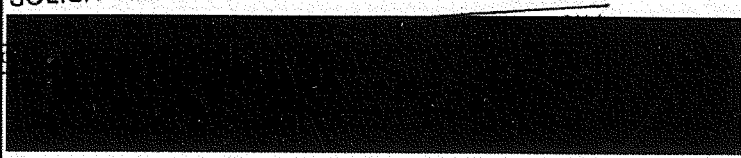
The fact of the matter is that your client has only recently started using the roadway for the purpose of his vehicles and the manner in which he has used it as given rise to concern on our client's part. Our client has therefore had to consider his position and had, in fact, already discussed this matter with the writer prior to receiving your letter. An examination of our client's title deeds leads us to the opinion that your client has no right of way through this roadway and we must therefore ask that your client does not endeavour to use it. If your view is to the contrary we suggest that we have a meeting at which we may examine our respective clients deeds to see whether we are both able to arrive at the same conclusion as to the position. We await hearing from you accordingly.

Yours faithfully,

[Redacted Signature]

S

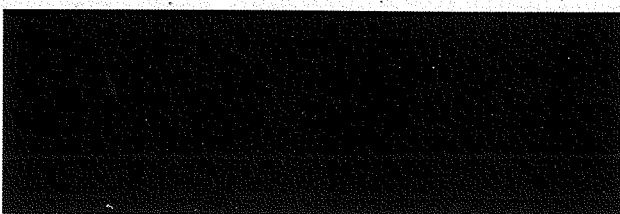
SOLICITORS & COMMISSIONERS FOR OATHS




DATE 1st September, 1971

OUR REF AJG/MF/240

YOUR REF

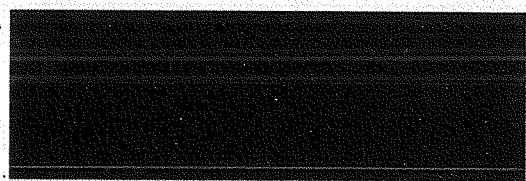


Dear Sirs,

Messrs. 

We refer to our previous correspondence in this matter. From a perusal of the information you sent our client is prepared, for the moment and without prejudice, to accept that your client may have a right of way. We are, however, requested to ask your client if he will exercise this in a reasonable way by opening and closing the gates properly and without damaging them by driving his vehicle through them. We trust you will appreciate that the gates have been erected with the idea of keeping unauthorised people out and preserving our client's privacy and they have not been aimed at any person who has a right of way. Apart from this we would have thought that it was easier for your client to get from his property to the main road by going up the principal route on to the main Lichfield/Tamworth road.

Yours faithfully,



F

RECEIVED - 5 AUG 1971

WHEN TELEPHONING OR CALLING PLEASE ASK FOR

SOLICITORS
COMMISSIONERS FOR OATHS

3rd August 1971.

YOUR REF

OUR REF

JWG/VKD.

Dear Sir,

We understand that you act for [redacted] who lives adjacent to our Client [redacted] of [redacted] Packington Lane, Bopwas, near Tamworth. We gather that you are already in correspondence with [redacted] [redacted], of Walsall, in connection with the establishment of whether your Client has a right of way over the access road which runs alongside our Client's property and the property of [redacted] who is [redacted] Client. We do not think that we need to trouble you on the question of the right of way itself as we understand from [redacted] that this is in the course of being resolved.

However, we must draw to your attention that on two occasions recently, your Client has driven his Landrover at the gate belonging to our Client which serves the right of way thus causing considerable damage to the gate. It would be appreciated if you would indicate to your Client that in future he must ensure that he opens the gate in a reasonable manner and it would also be appreciated if you would seek your Client's proposals for rectifying the damage already caused. We do know that your Client seems to have taken exception to the fact that both [redacted] and our Client have put gates across this access road but this was not only in their own interests but in the interests of all entitled to use the right of way and we cannot see that there can be any objection on your Client's part to this, provided, of course, that the gates are not locked. If it transpires that your Client has a valid right of way then we are sure that on reflection he will realise that he has acted in an unreasonable fashion and one which is detrimental not only to our Client but to himself also if he is able to establish any rights over the access.

Yours faithfully,

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

*YES/NO

I was born in Hopwas over 70 years ago and have known the route in question all of my life. My mother and uncle worked at [redacted] and I had several school friends who lived at properties along the alleged route. To the best of my knowledge it has never been a public road or foot path of any description. Deeds of title from 29/9/1911 specifically grant a right of carriage, bridle and footway at all times and for all purposes. The specific reference to a footway clearly substantiates in law that no public footway existed in my parcel of ownership prior to that, particularly from a none specific date from approximately 1771? Further the alleged path that is being claimed serves no benefit to the public in that the distance from the junction of Packington Lane with the A51 (Point A) to the access onto the B5404 and [redacted] entrance (Point B) is the same distance with no benefit to any walker. The track way is uneven and often overgrown with brambles and nettles, of which we as a dominant tenement have no objection. The track is often impossible to walk along and for the reasons stated it is dangerous to do so. Further in the interest of safety some years ago we entered into a deed of modification with messrs [redacted] to alter the course of our private right of way to avoid the necessity of our passing directly through the middle of a busy and dangerous working farm yard. As a duty of care the committee should note this concern for the course of the alleged and disputed track and declare what mitigations would be put in place by South Staffordshire County Council if granted? This proposed new footpath does subject the frontage of Packington Lane to risk of access to their dwellings and personal property without redress to the police for trespass, which we have been able to do recently. Prior to attending any public hearing I wish to be given access to the original deeds and maps as claimed against for Lord Weymouth enclosure documents of 1771. Due to his ownership not extending over Packington Lane. The claimant has confused the line of the parish boundary with that of a footpath on the other maps referred to particularly the one showing the transmitting station. I request that the committee review acknowledge and record that the course of the dotted line on various ordnance survey maps is in fact the line of the parish boundary between the parish of Swinfen and Packington to the west and parish of Wiggington and Hopwas to the east. The parish boundary being along the centre of the main A51 carriageway and then extending along the centre of Packington Lane itself. This is not a detail referring to any form of foot or bridleway.

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

Signature [redacted]

Person taking this statement (if applicable)

Date ...15-11-2022.....

* Please delete as appropriate

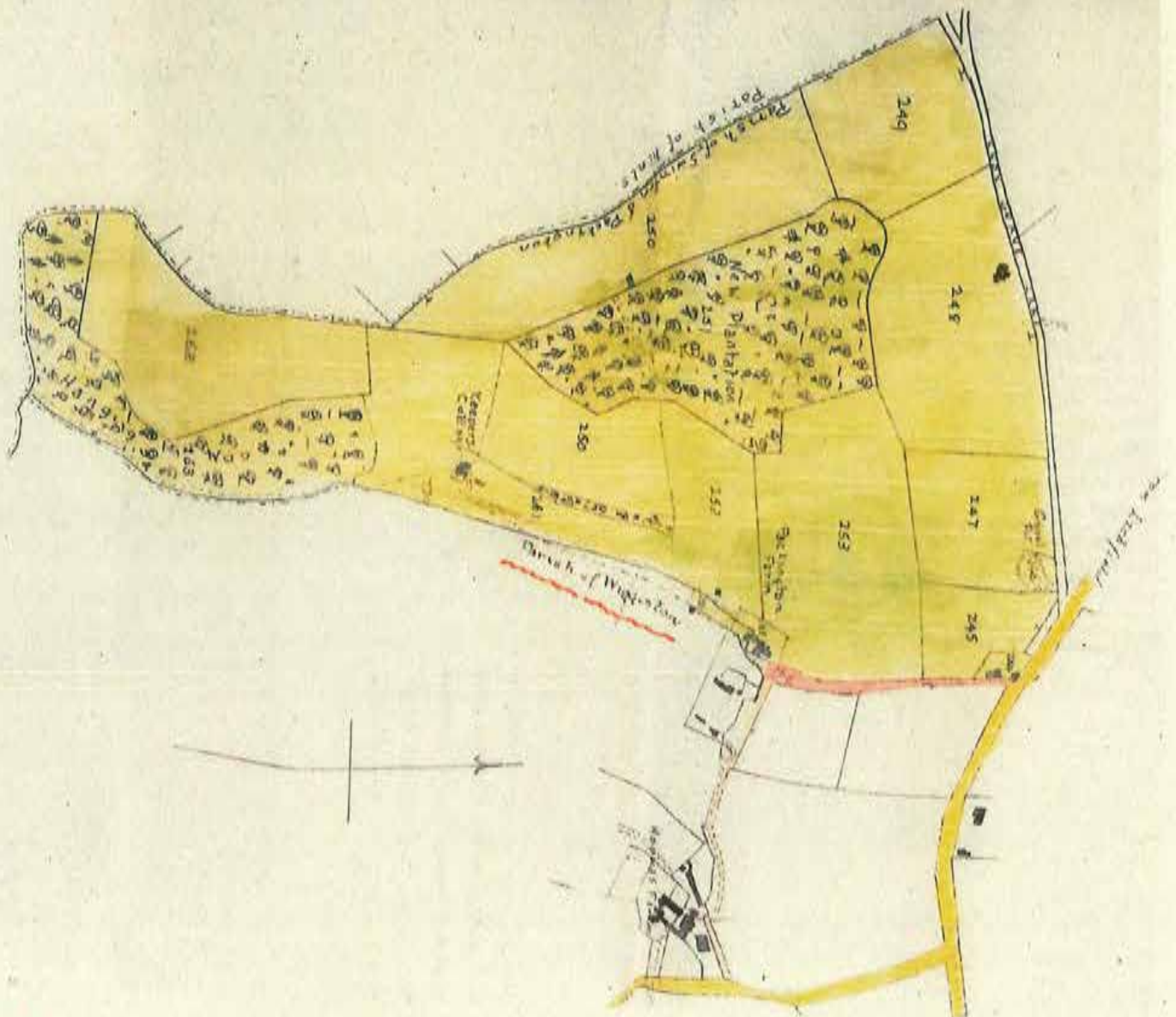
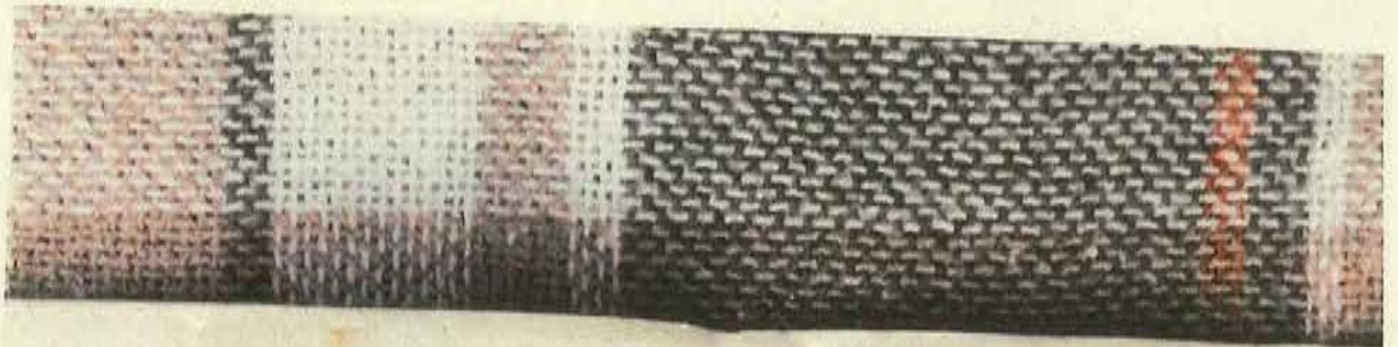
1956

ASSIGNMENT OF THE STATE

- OF -

MR. P. A. W. and MISS P. A. W. ASSIGNED
to a piece of freehold land situate
in the Parish of Fochlington
Swinton and Bignor in the County
of Bedford.

S. Evelyn Evelyn and Sons,
Solicitors.



PLEASE NOTE THE LINE OF THE WIRGINTON PARISH BOUNDARY.



Firing and test ranges in the area.
Danger! Observe warning notices
Champs de tir et d'essai.
Danger! Se conformer aux avertissements
Schuss und Erprobungsgelände
Gefahr! Warnschilder beachten

General Information

BOUNDARIES Administrative boundaries as notified to May 2012

- — — — — National
- — — — — County (England)
- — — — — Unitary Authority (UA), Metropolitan District (Met D), London Borough (LB) or District
(Scotland & Wales are solely Unitary Authorities)
- Civil Parish (CP) (England) or Community (C) (Wales)
- — — — — National Park boundary

GENERAL FEATURES

+ Place of worship



Light rapid transit system (LRTS) and station



Road over, road under, level crossing



Cutting, tunnel, embankment

Station, open to passengers, siding

PUBLIC RIGHTS OF WAY



Footpath

Bridleway

Byway open to all traffic

Restricted byway
(not for use by mechanically propelled vehicles)

Public rights of way shown on this map have been taken from local authority definitive maps and later amendments. The map includes changes notified to Ordnance Survey by 1st May 2012. Rights of way are liable to change and authority for the latest information
The representation on this map of any other road, track or path is no evidence of the existence of a right of way

OTHER PUBLIC ACCESS

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.

.....
..... The Croft, Packington Lane,
..... Hopwas, Tamworth B78 3AY
.....

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).

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

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)

.....
.....

* Please delete as appropriate

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

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

c) When was permission given?

.....

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

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

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.

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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: *2nd June 2021*

You should keep a copy of the completed statement

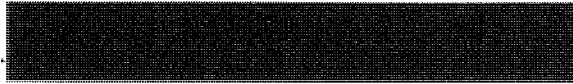
Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the 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

4. (a) Do you consider the route to be public? **WE DO NOT KNOW** ~~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

POUCHASED NOVEMBER 1964

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

**APPROACH DRIVE TO MALT COTTAGE
AND THE CROFT**

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 NEIGHBOURS AT THE CROFT HAVE RIGHT OF
WAY OVER OUR DRIVE OUTO PACKINSTON LAVE.**

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.

WE HAVE OUR DEEDS. THEY DO NOT STATE THAT OUR DRIVE IS A PUBLIC RIGHT OF WAY.

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? 1 SIGN 1970

(b) What did these signs say? PRIVATE

MALT COFFAGE THE CROFT. NO THROUGH ROAD

(c) Are these signs still in place? YES

(d) Where are these signs located? AT THE ENTRANCE TO OUR PROPERTY

(e) How long were these signs in place? 51 YEARS

(f) Did anyone respond/react to the notices/signs? NO

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

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)? INDIVIDUALS, COMPANIOUS, FAMILY, RAMBLERS

(d) Were these people known to you? SOME TIMES NOT ALWAYS.

(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? A FEW

(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

* Please delete as appropriate

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

When we came to live here in 1964 our drive was used occasionally by local residents and others from the surrounding area, either on foot, on a bicycle or on horseback and even, on the odd occasion, in a car.

This was common practice, the track being linked to a Public footpath on the opposite side of the B5404, Plantation lane, leading across land at Woodlands Grange into Nursery lane in the centre of Hopwas village. At that time there was a village shop, a Post Office and a school.

In the opposite direction the track led along Packington lane onto the A51 Lichfield/Tamworth road, where there was a garage with a small shop, for access to the Public Bridleway on Knoss Grave lane and also to the Blue Gate, the main entrance to Hopwas Wood and its network of footpaths and bridleways.

Also in those days a route popular with walkers and rambling groups led from the top of our drive, along Packington lane towards Hinks, passing Keepers Cottage and around the Hanging Wood to a stile into a field, over another stile into Hinks lane and down the Public footpath opposite, on Hinks Lane Farm drive.

I certify that, to the best of my knowledge
is true.

Signature

.....en in this statement

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

Date 2nd 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.

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

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).

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

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)

.....
.....

* Please delete as appropriate

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

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

c) When was permission given?

.....

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

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



NFU

WEST MIDLANDS REGION
STAFFORDSHIRE COUNTY BRANCH
Lichfield, Rugeley & Tamworth Branch

Our Ref: [REDACTED]

NFU Office, 7 Market Street,
Lichfield, Staffordshire. WS13 6JX

Your Ref: [REDACTED]

Telephone: [REDACTED]

25th January, 1999

[REDACTED]
Director of Central Services,
P.O. Box 11,
County Buildings,
Martin Street,
Stafford.
ST16 2LH

Dear Sirs,

Alleged Public Footpath between Hopwas House Farm and the A51

We refer to your letters of the 9th December addressed to [REDACTED] of
Hopwas House Farm, Packington Lane, Hopwas.

We act on behalf of the owner occupier [REDACTED]
[REDACTED] and return herewith evidence form.

Please note we wish to object against the proposal and will be submitting further
evidence in due course.

The farm was purchased in 1932 by [REDACTED]
[REDACTED] is still alive and we will be submitting evidence form from her
in due course.

Thanking you.

Yours faithfully,

[REDACTED]
GROUP SECRETARY

Encs.,

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.

Name of witness [redacted]
(Block Capitals please)

Address [redacted]

..... [redacted]

Telephone No: [redacted]

Date of Birth .. [redacted] . Occupation ... [redacted] ...

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?

YES/NO

5. How long have you had an interest in the land affected by the application. 40 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? **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.

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. **None**

Never considered necessary

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. IT HAS NEVER BEEN USED AND THEREFORE NEVER ANY NECESSITY.

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?

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

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

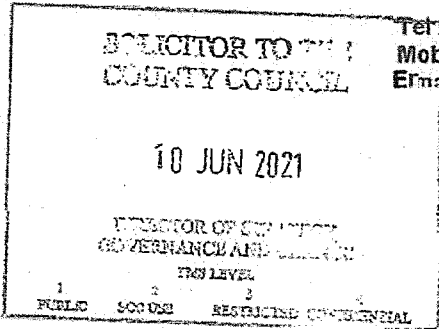
Signature



Person taking this statement

Date *15* *JANUARY* *1999*

LANDOWNER 4



Tel: [Redacted]
Mob: [Redacted]
Email: [Redacted]

John Tradewell
Director Corporate Services
Staffordshire Legal Services
Staffordshire County Council
1Staffordshire Place
Tipping Street
Stafford
ST16 2DH

4th June 2021

Your Ref: LH629G

Dear Sir

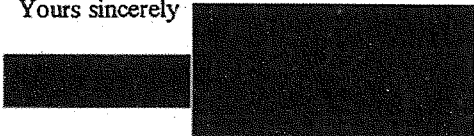
Thank you for your recent correspondence regarding an alleged footpath running through our farm. The farm has been in our family ownership since the early 1930s.

As you are aware this path is not shown as a footpath on the definitive map and nor has it been used as a footpath except by permission. In fact for a period until several years ago it was impassable as the hedges had grown so much that it was not possible to walk down.

My father was born at Hopwas House Farm in 1935 and has lived there until 1960 and worked on the farm until his retirement as a director this year. He is absolutely definite that the trackway has not been used as a footpath in his lifetime. He would sign an affidavit to that effect if necessary. His sister would also be able to support that statement (she is two years younger).

Therefore I object the proposal to include it as a footpath on the definitive map. I have asked Marcia Grice of Birketts to contact you to represent us in this matter. Please could you keep me apprised of all developments.

Yours sincerely



email also sent to stephanie.clarkson@staffordshire.gov.uk

