

## APPENDIX "D"



LS6496

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.

NO

YES/NO

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

NO

YES/NO

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

YES

YES/NO

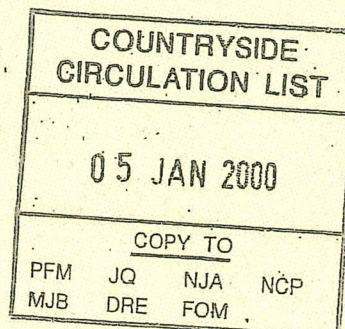
4. Do you consider the route to be public?

DONT NO

YES/NO

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

NONE .....years.





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

Freehold Ownership Are you:-

- (a) Sole freehold owner?
- (b) A joint tenant,  
if so, with whom?
- (c) a tenant in common,  
if so, with whom?
- (d) A tenant for life under the Settled Land Act,  
if so, with whom?

Tenancies and Leases

are you a tenant or lessee of the land? If so, please state the nature of your interest as tenant or lessee.

no

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

no

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

no

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

no

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

no

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

no

NOTE - Section 31(1) of the Highways Act 1980 states that:-

"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

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

NO

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

NO

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

Signature

Person taking this statement

Date 20/12/99.....



L56496.

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Name of witness .....  
(Block Capitals please)

Address .....  
.....  
.....

Telephone No: .....

Date of Birth ... Occupation

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.

\* Definition of adjacent needs clarification

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.

..... 15 ..... years.



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

Freehold Ownership Are you:-

- (a) Sole freehold owner?
- (b) A joint tenant,  
if so, with whom?
- (c) a tenant in common,  
if so, with whom?
- (d) A tenant for life under the Settled Land Act,  
if so, with whom?

NIA

Tenancies and Leases

are you a tenant or lessee of the land? If so, please state the nature of your interest as tenant or lessee.

— NO —

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

NIA

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

NIA

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?

NIA

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

NIA

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

NIA

NOTE - Section 31(1) of the Highways Act 1980 states that:-

"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."



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

No

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

Yes

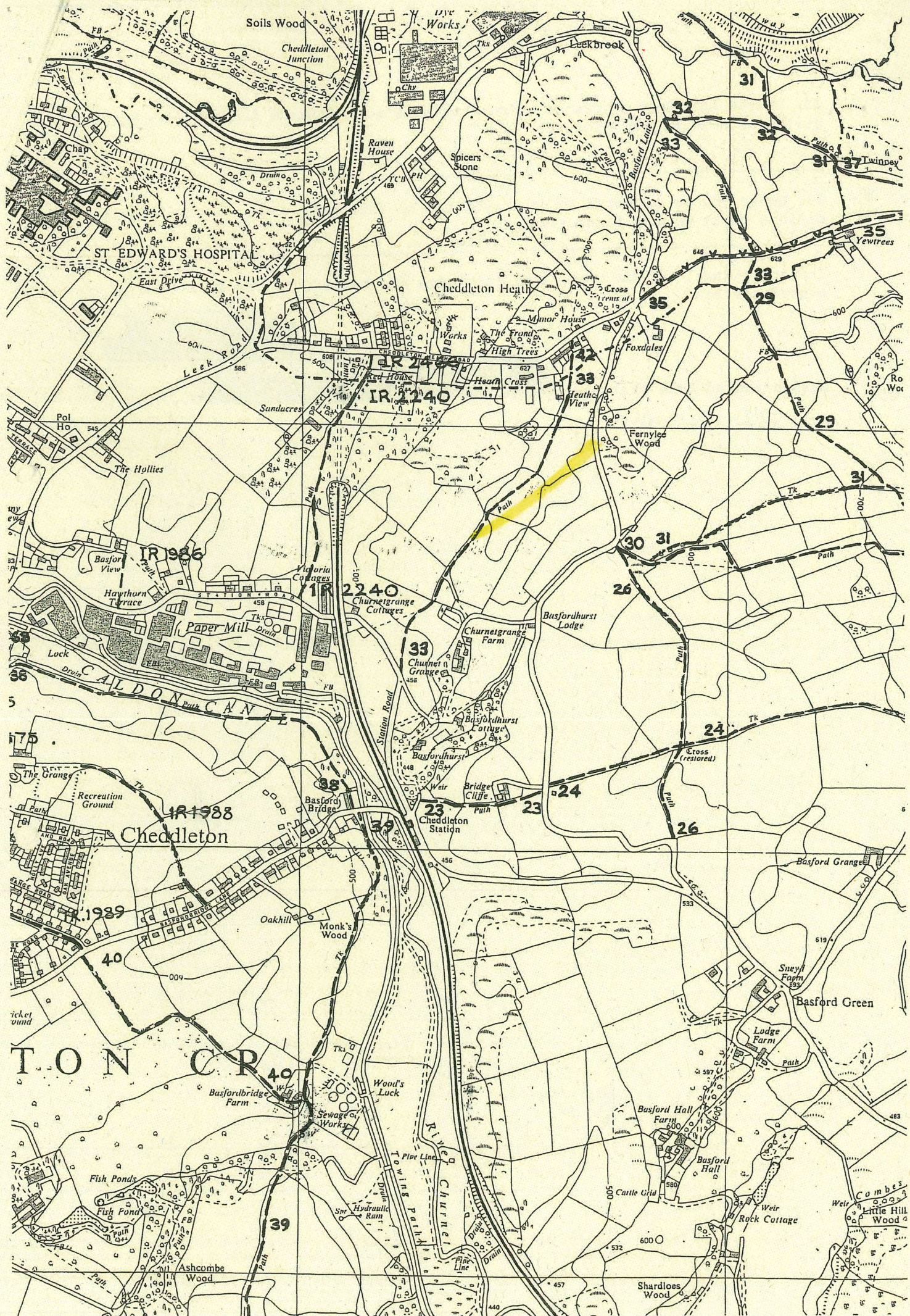
I certify that, to the best of my knowledge and belief, the facts I have stated are true.

Signature.....

Person taking this statement .....

Date 22-12-99 .....







## APPENDIX "E"





STAFFORDSHIRE  
*moorlands*  
DISTRICT COUNCIL

**Directorate of Development Services**

*M. Sutcliffe, B.Sc.(Econ.)Hons., Dip.T.P., F.R.G.S., M.R.T.P.I.,  
Director of Development Services*

Dealt with by: Mark Preece

Our Ref. MP 5412

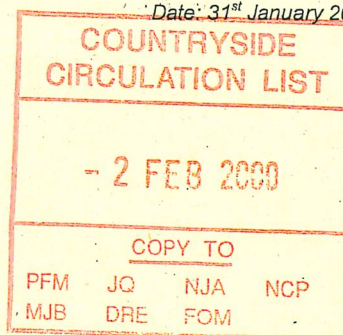
Direct Dial: 01538 - 483580

Your Ref. 4/MTM/LJ694G

Fax: 01538 - 483586

Date: 31<sup>st</sup> January 2000

Mr P Morris  
County Countryside Officer  
Green Hall  
Litchfield Road  
Stafford  
ST17 4LA



Dear Mr Morris,

**Proposed Addition of a Public Footpath from Basford Lane to Footpath No 33,  
Cheddleton.**

Thank you for your recent letter of consultation regarding the above proposed addition of a footpath in Cheddleton. The District Council supports the proposal, provided that the route is cleared of vegetation and obstructions, and is clearly waymarked prior to the footpath being made available for use by the public.

If you have any queries or require further information please contact Mark Preece on the above direct dial number.

Yours sincerely,

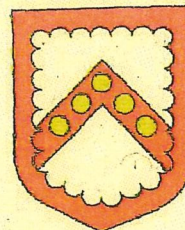
**P A Haddock**  
**Head of Environmental Management,**  
**Planning Policy and Tourism**



# Cheddleton Parish Council

Clerk: [REDACTED]

Telephone [REDACTED]



15th. December 1999

Staffordshire County Council,  
Mr. M. Murphy,  
P.O. Box 11,  
County Buildings,  
Martin Street,  
Stafford,  
ST16 2LH.

Dear Mr. Murphy,

LS6496

**Application for the addition of an Alleged footpath from Basford Lane to  
Footpath 33, Cheddleton Parish to the def. map of Public Rights of Way**

With reference to your letter of the 26th. November 1999 re. the above application.

After giving the matter their consideration the Parish Council have asked me to write to advise that they have no comment to make on the application.

Yours sincerely,

[REDACTED]

(Mrs)

Clerk.

