

APPENDIX H

LG614G

HC

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 B. BREWSTER
(Block Capitals please)

Address Orange Farm

Telephone No: [REDACTED]

Date of Birth [REDACTED] Occupation Farmw.

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?

By arrangement only

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.

27.....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.

Agricultural Tenant

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 to my knowledge

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

None.

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.

All told "You are not on the path"

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

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 B. Brewster

Person taking this statement T. Main. (Agent)

Date 6/8/97