

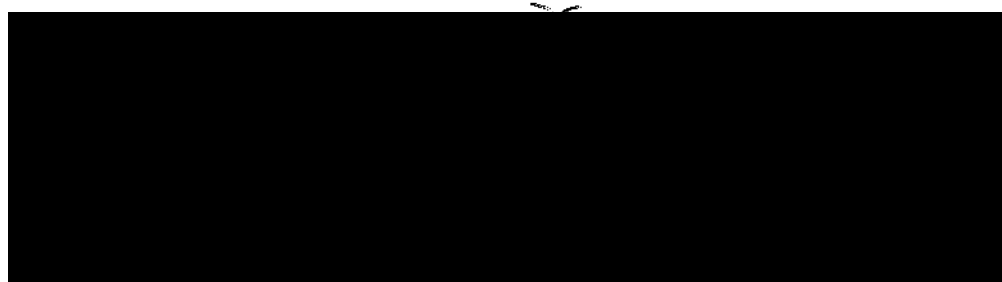
SOLICITOR TO THE COUNTY COUNCIL

27 MAR 2023

PUBLIC RIGHT OF WAY EVIDENCE FORM
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 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 of witness [redacted]
(Block Capitals please) [redacted]



(If retired, what was previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

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 THE WHOLE LENGTH OF WATERHOUSES FOOTPATH GO
To SHOWN BY A RED LINE ON THE PLAN.

Please take time to answer the questions carefully and in full

1. (a) How many years have you known the way? 17 YEARS
(b) Does the way have a popular name? GREEN LANE
(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".

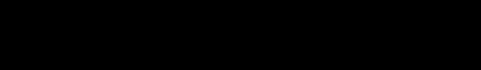
- (e) During which years have you used the way? From... 2008 To 2023
(f) Where were you going from/to? HOME TO WINDHILL
(g) For what purpose? (eg work, pleasure) PLEASURE
(h) How many times a year? (eg daily, weekly, seasonal) 2-3 TIMES PER WEEK.
(i) By what means? (eg on foot, horseback, motor vehicle etc) HORSE BACK.
(j) Is, or was, the way a short cut for you? CUT OUT THE DANGEROUS BROW
(k) If so why? ON ELLASTONE ROAD WHICH IS
PARTICULARLY DANGEROUS + FAST
WITH ALTON TOWERS TRAFFIC

(l) Please show on the attached plan the route of the way you have used.

If you have only used part of the way please mark or indicate the part used.

(m) Do you still use the way? YES

(n) If not why not?

2. When using the path where did you live? 

If at different places please provide details and years.

3. (a) How wide is the way? 2-3 METRES.
(b) Is it the same width throughout its length? YES.

4. If you have ridden a horse on the way
(a) Where did you keep the horse? HOME
(b) Where did you start and finish your ride? HOME
(c) Were you ever riding with the hunt when you used the way? NO

5. (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? TRACTORS WEEKLY
QUAD BIKES (FARMERS)

(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?

6. (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?

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

7. (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?

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

8. (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

9. Has your usage ever been hindered or prevented in any way? *YES/NO

If so by whom or what?

When was this?

Have you continued to use the way despite hindrances or obstructions *YES/NO

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

Is the hindrance or obstruction still in existence *YES/NO

10. (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

□

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

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

(c) If YES to (a) or (b), please give details including dates.

12. (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?

13. (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

14. (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

RUPP SIGN NOW GONE.

(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? *YES/NO RUPP.

(c) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan?

RUPP - NOW GONE AS IT ROTTED.

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

(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?

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

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

(c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? NO.

(d) If they were not accompanying you, were these people known to you?

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

(f) How many other people, approximately, did you see on these occasions? 1 - 7.

(g) Please give any further details of other people's use of the way which you feel may be important ALL LOCAL HORSE RIDERS USE THE ROUTE.

17. Have you ever been charged a monetary sum for using the path? ~~YES~~/NO

If so, by whom?

18. (a) Do you have any documentary evidence about the way? *YES/NO

(b) If so, in what form is this? (ie maps, photos, etc please attach a copy if possible)

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

□

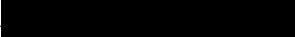
19. Can you give any further information about the way (continue on a separate sheet of paper if necessary).

I HAVE ALWAYS KNOWN + USED THIS ROUTE ON MY HORSE.
IT IS A SAFE ENVIRONMENT TO RIDE AWAY FROM FAST MAIN ROADS AND PROVIDES A SAFE ACCESS ROUTE TO WINDHILL + BEYOND.

20. Would you be prepared to give evidence of your use of the way
at a public inquiry or in a court of law, if necessary? ~~YES~~ NO

Please note that this form may be available to members of the public including affected owners or occupiers of the land crossed by the way.

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

Signature: 

Person taking this statement (if applicable)
Date: 19-2-23

FORM COMPLETED BY
SARAH SHEPHERD - MOTHER
WITH PHOEBE + SIGNED
BY PHOEBE SHEPHERD.

