

**PUBLIC RIGHTS OF WAY**  
**EVIDENCE OF USE ON FOOT**

Please note that information supplied will be used in accordance with the processes under Statute and will not be confidential. It may be disclosed to third parties.

**NAME:** FRANK DAWBER

**ADDRESS:** 14 WOODSIDE CLOSE

UPHOLLAND SKELMERSDALE WN8 0LJ

**DATE OF BIRTH:** ...23/01/1943...**OCCUPATION:** RETIRED

**Route of Way**

**From:** SD 525 076 (Grid Reference)

**Via:** AYREFIELD HOUSE

**To:** SD 526 075 (Grid Reference)

1. How long have you known the route? 65 YEARS

2. Have you used the above way on foot? YES

If so:

(a) During which years? 1952 TO 2017

(b) Where were you going to and from? ROBY MILL TO DEAN WOOD

(c) For what purpose? RECREATIONAL

(d) How many times a year? NUMEROUS

(e) Have you used the way by other means?  
Please fill in all that apply  
On horseback  
On motorcycle/in vehicle  
Other WALKING  
During which years and often? FREQUENTLY OVER THE LAST 65 YEARS

(f) Have you ever seen others using the way? YES  
Please fill in all that apply  
On horseback  
On motorcycle/in vehicle  
Other WALKING  
During which years and how often FREQUENTLY OVER THE LAST 65 YEARS

3. Has the way always run over the same route? If not, give details and dates of any changes. Mark any changes or variations on the attached plan YES

4. (a) Have there, to your knowledge, been any stiles, gates or fences across the way? If so, state where the stiles, gates or fences stood and mark their locations on the attached plan. YES  
(b) Were any of the gates locked? If so, state when and where they were, and mark them on the attached plan. NO  
(c) Did any of the stiles, gates or fences prevent you from using the way on foot? If so, when? NO

5. (a) Have you worked for any landowner over which the route passes? If so, give dates of employment and name of employer NO.  
(b) Have you been a tenant of any land over which the routes passes? If so, give dates of tenancy and mark land rented on attached plan. NO

6. If you have answered yes to 5a or 5b did you ever receive any instructions from the

landowner as to the use of the way by the public? If so, what were they?  NO
7. (a) Have you ever been stopped or turned back when using this way on foot? NO  (b) Do you know or have you heard of anyone else having been stopped or turned back when using the way on foot? If so, state when the interruption took place and give particulars. NO
8. 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 a public right of way on foot? If so, state when and give particulars and dates. NO
9. Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted' on or near the way? If so, what did the notices say? Mark the location of the notices on the attached plan. NO
10. Have you ever asked permission to use the way? If so, who did you ask?NO
11. Please give any other information that you think is relevant. Use a separate sheet if necessary. THE ROUTE IS A PERMISSIVE FOOTPATH ALONGSIDE HOUSE WITH A NOTICE TO THAT EFFECT ON THE ACCESS GATE. THE PRESENT OWNER NOW ALLOWS NUMEROUS GOATS TO ROAM FREELY ALONG THE FOOTPATH WHICH I HAVE FOUND TO BE A DETERRENT AS ONE OF THEM IS RATHER AGGRESSIVE.

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

I am/~~am not~~ willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature: ...FRANK DAWBER.....  ..... Date: 08/03/2017 .....

## Public Right of Way User Evidence Statement

*Revised April 2018*

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.**

### **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.

**PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT**

**ABOUT YOU**

Name DAVID FOSTER

Address 3, WATKIN GREEN  
ROBY MILL  
SKELMERDALE  
WV8 0QT Postcode

Year of Birth 1943

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

.....

.....

**ABOUT THE APPLICATION ROUTE**

1. How do you think the application route should be recorded?
- As a footpath (public rights on foot only)
  - As a bridleway (public rights on foot and on horseback or bicycle)
  - As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
  - As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

2. Describe the application route.

(Include start and finish points and provide OS grid references if you can. Also include details of the route itself and the points it runs between. This should be as precise as possible.

- e.g. "passing about 2 yards to the left of the large oak tree" rather than "past the tree".

- e.g. "through the metal field gate when it was open but sometimes it was closed and tied with twine so I climbed over the stile (about 4ft high with single cross-step) on the left hand side".
- e.g. "along the right hand side of the field about 1 metre from the hedge except about 100m in there was a metal water trough in the hedge and it was muddy so I walked further into the field to skirt round it; perhaps 10m from the hedge for about 25m along.)

As shown on attached map.

### 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 mark clearly on it the precise line of the route from start to finish, and mark and label any features – e.g. notices / signs, stiles, gates, fences / hedges, bridges etc. or any other information you think is relevant. Please also sign and date your map.

### YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From 1980's To Present

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

a period which I cannot now remember when access was denied

3. 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 car						
Other [please specify] .....						

4. For what purpose do/did you use the route? E.g. for pleasure, going to work etc.

*Pleasure + dog walking*  
 .....  
 .....  
 .....

5. In what way/s have you noticed other people using the route? (Please tick)

- (a) on foot
- (b) on horseback
- (c) on bicycle/horse-drawn vehicle
- (d) with motorised vehicle
- (e) other, please specify

.....

6. Were they using exactly the same route as you?  YES  NO

If not please give provide details below: (please attach a separate sheet is necessary)

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

6. Has the application route always followed the same course?

- Yes
- Don't know
- No

If no – how and when was the route altered?

..... Deviation caused, presumably by  
owners when pond was excavated  
in an attempt to gain access (on limit)

7. Approximately how wide is the application 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']

..... Varying from a single car width  
track to a single person footpath  
defined by a "kissing gate"

8. What type of surface does the application route have? (for example grass, gravel, earth)

[For varying surfaces, please describe with reference to your map]

..... grass - mud - gravel  
.....  
.....



9. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

~~stile +~~ (1) STILES at B  
at the ~~gate~~ GATE at D

How long were they in place?

?

b. Gates [state locations, indicate whether locked – and when - and show on your map]

as above

c. Other barriers [state what they were and location, how long they were in place and show on your map]

extended pond 2018/19.

10. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

pond appears to have been excavated  
and extended to minimise footpath.

11. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

- No
- Yes
- Don't know

"Permissive footpath" sign installed  
3 or 4 years ago

If yes – state when and give details, including when they were present and mark their location on your map

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

12. Have you seen other people using the application route whilst you have been using it?

- No
- Yes

If yes, please provide any additional information about this

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

### Land Ownership

13. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

- No
- Yes

If yes, provide details and dates

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

14. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No

Yes

If yes,

a. From whom?

.....

b. When?

.....

15. 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)?

No

Yes

If yes, by whom and when?

The owner - who ~~is not~~ <sup>is not</sup> worked that he accompanied me and my well behaved dog off the land.

16. Have you ever been stopped or turned back when using the application route?

No

Yes

If yes, please give details including when this happened

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

17. Has anyone else ever told you that they were prevented from using the application route?

No

Yes

If yes, please give details including when this happened

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

18. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc)

No

Yes

If yes, please give full details, including who gave the permission, why and when

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

### Other Information

19. 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)

No

Yes

If yes – please provide details

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

20. 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]

.....  
.....

.....

.....

.....

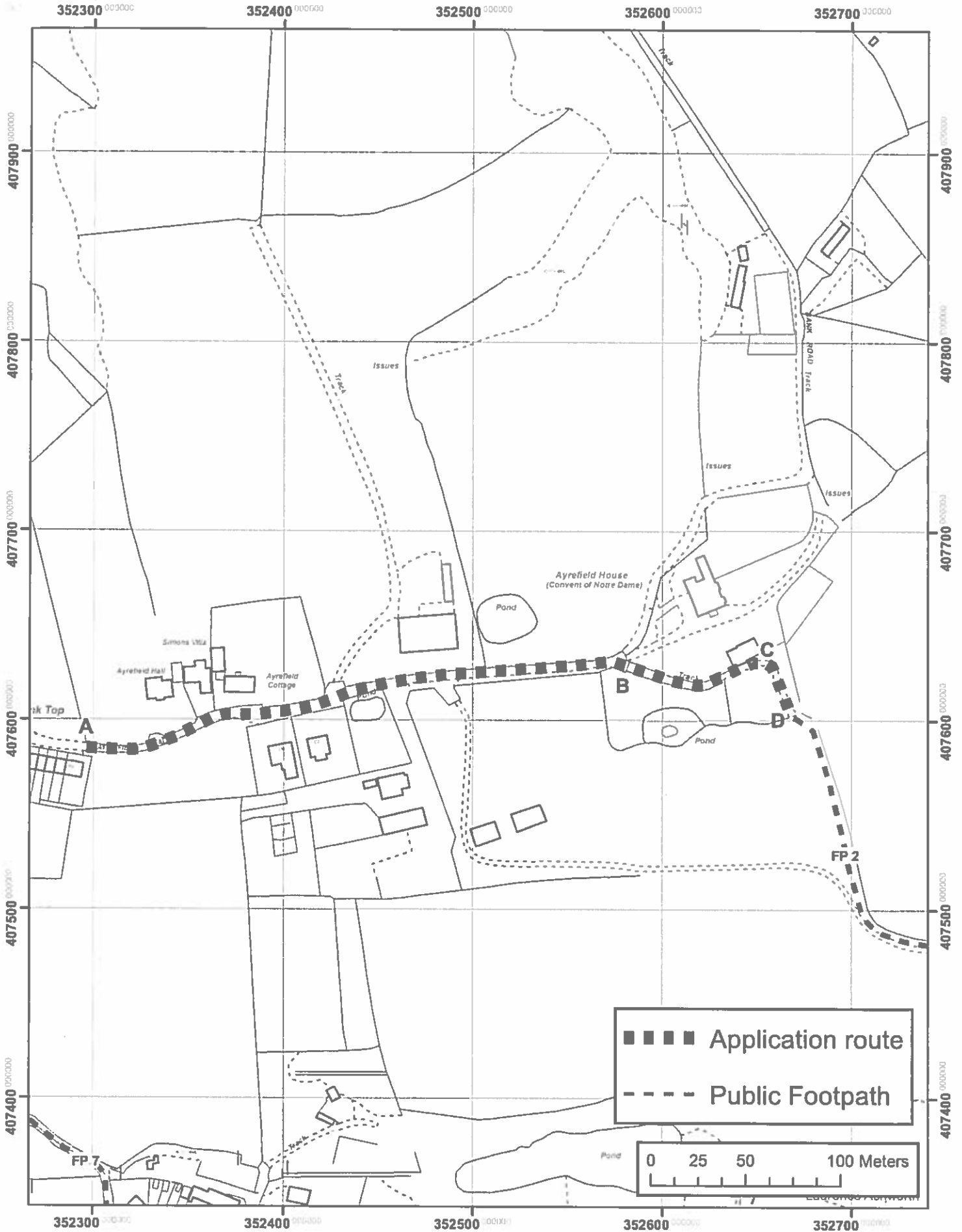
.....

21. 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

22. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

- Yes
- No



<p>Lancashire County Council</p>	<p>Andrew Mullaney Head of Planning and Environment</p>	<p><b>Wildlife and Countryside Act 1981</b> <b>Addition of public footpath along Ayrefield Road to Footpath 2 Upholland at Ayrefield House</b></p>	<p>1:2,500</p>	
<p>The digitised Rights of Way Information should be used for guidance only as its accuracy cannot be guaranteed. Rights of Way Information must be verified on the current Definitive Map before being supplied or used for any purpose.</p>				
<p>This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320</p>				

**PUBLIC RIGHTS OF WAY  
EVIDENCE OF USE ON FOOT**

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NAME: MISS. ALISON GERRARD

ADDRESS: 13, AYREFIELD RD  
ROBY MILL  
UPHOLLAND, W. LANC'S WN80QP

DATE OF BIRTH: 8/5/56... OCCUPATION: Retired Physiotherapist

**Route of Way**

From: ROBY MILL (Grid Reference) not known

Via: AYREFIELD ROAD

To: GATHURST (Grid Reference) Not known.

1. How long have you known the route?

28 years.

2. Have you used the above way on foot? YES/NO

If so:

- (a) During which years? From 1986 → Present.
- (b) Where were you going to and from? Home address to Flagg field.
- (c) For what purpose? Exercise + leisure.
- (d) How many times a year? 250-300 times per year.

(e) Have you used the way by other means?  
Please fill in all that apply

On horseback No

On motorcycle/in vehicle No

Other No

During which years and often?

---

(f) Have you ever seen others using the way?  
Please fill in all that apply

On horseback No

On motorcycle/in vehicle No

Other No

During which years and how often?

---

3. Has the way always run over the same route? If not, give details and dates of any changes. Mark any changes or variations on the attached plan

Yes

---

4. (a) Have there, to your knowledge, been any stiles, gates or fences across the way? If so, state where the stiles, gates or fences stood and mark their locations on the attached plan. GATE AT BEGINNING + STILE AT OTHER END

(b) Were any of the gates locked? If so, state when and where they were, and mark them on the attached plan. No

(c) Did any of the stiles, gates or fences prevent you from using the way on foot? If so, when? No

---

5. (a) Have you worked for any landowner over which the route passes? If so, give dates of employment and name of employer. No

(b) Have you been a tenant of any land over which the routes passes? If so, give dates of tenancy and mark land rented on attached plan. No

6. If you have answered yes to 5a or 5b did you ever receive any instructions from the



landowner as to the use of the way by the public? If so, what were they?

7. (a) Have you ever been stopped or turned back when using this way on foot?

(No)

(b) Do you know or have you heard of anyone else having been stopped or turned back when using the way on foot? If so, state when the interruption took place and give particulars.

(No)

When the new styl was erected, I was unable to get over styl due to disability.

8. 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 a public right of way on foot? If so, state when and give particulars and dates.

(No)

9. Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted' on or near the way? If so, what did the notices say? Mark the location of the notices on the attached plan.

Not in the past.

New notices now in place in recent months

10. Have you ever asked permission to use the way? If so, who did you ask?

(No)

11. Please give any other information that you think is relevant. Use a separate sheet if necessary.

There is in place a sign saying "public footpath" & pointing out the route. Prior to this new styl being erected I was able to walk from Ayrefield Road towards Gathurst. Due to the height & nature of the styl I can no longer access this route due to back problems and I can't climb over the new styl

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

I am/~~am not~~ willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature: A Jeward

Date: 7/9/14

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*Revised April 2018*

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- 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 Legislation**

Under the Data Protection Act and the General Data Protection Regulation 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 ..... LINDA HIGHTON .....

Your: Home Telephone Number ..... 01257 435166 .....

Mobile Telephone Number ..... 07769 970026 .....

Email Address ..... l.highton@btconnect.com .....

**Statement of Truth**

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

Your Signature: L Highton

Date: 12/09/19

**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**

## PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

### ABOUT YOU

Name LINDA HIGHTON

Address 23 AUREFIELD RD

LOBY MILL

Postcode WN8 0QP

Year of Birth 1955

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

ORRELL, WNS DHA

WALKED THESE ROUTES OVER 40 YRS ON + OFF

### ABOUT THE APPLICATION ROUTE

1. How do you think the application route should be recorded?

As a footpath (public rights on foot only) - POINT B TO D

As a bridleway (public rights on foot and on horseback or bicycle)

As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)

As a byway open to all traffic (public rights for all classes of use, including motor vehicles) - POINT A TO B

2. Describe the application route.

(Include start and finish points and provide OS grid references if you can. Also include details of the route itself and the points it runs between. This should be as precise as possible.

- e.g. "passing about 2 yards to the left of the large oak tree" rather than "past the tree".

- e.g. "through the metal field gate when it was open but sometimes it was closed and tied with twine so I climbed over the stile (about 4ft high with single cross-step) on the left hand side".
- e.g. "along the right hand side of the field about 1 metre from the hedge except about 100m in there was a metal water trough in the hedge and it was muddy so I walked further into the field to skirt round it; perhaps 10m from the hedge for about 25m along.)

.....  
 SEE ATTACHED (OUSELGAFF)  
 .....  
 .....

**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 mark clearly on it the precise line of the route from start to finish, and mark and label any features – e.g. notices / signs, stiles, gates, fences / hedges, bridges etc. or any other information you think is relevant. Please also sign and date your map.

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From LATE 1960's | EARLY 70's TO PRESENT

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

WALKED ROUTES ON + OFF OVER YEARS. UNABLE TO USE RECENTLY PATHS B TO D WHERE NOTICES UP THAT FOOTPATH CLOSED DUE TO FLOOD. I HAVE USED THESE ROUTES MORE REGULARLY SINCE 2016 WHEN WE MOVED INTO THE AREA TO LIVE.

## Application Route

### 2. Describe the application route

Between Point A & B is part tarmac and part rough track with potholes. Tarmac is laid up to the end of Ayrefield Hall gates.

From Point B there is a large locked gate with a smaller gate to the side. The smaller gate has a sign "Permissive Footpath..." (see attached photo, taken on 12/09/10). There is another sign attached to the permissive sign saying "Closed Flood" which has been in place for a few months. I have not used the path since the flood signage was placed.

Inside the gate is a wider path with stone walling on both sides & there is a grassy area and large pond to the right hand side. This opens out before Point C and there are a number of ducks, geese, goats, and other fowl roaming freely around the area. The surface is uneven and rough.

Between Point C and D there has been some groundwork, extending the second pond, which is on the right hand side. Earth has been piled high and the original path covered with piled earth. A path has been trodden over the top of the earth pile, and an attempt of laying some large stepping stones on top of the earth pile. There has been some nettles and weed growing that has needed batting down as one passes over. You have to descent the earth pile to then walk on rough ground of grass, earth, water and weed to get to the kissing gate at Point D. Approaching from the other side of the kissing gate is another sign, as on the gate at Point B.

The earth pile ~~and~~ is very rough to cross and uneven. One time, when coming from point D to C, over the earth pile, we were walking through with our dogs on leads, a duck suddenly fled from the right hand side towards the newly dug out pond. It startled us all and the dogs pulled on their leads to chase the duck. As this was sudden, it took us unaware and one of the dogs dragged my husband, causing him to stumble down the piled earth and fall into the mud at the bottom. He had to release the lead and the dog jumped into the pond chasing the duck (did not catch it!). My husband was shaken up a little - He has had a hip replacement. The path is unsuitable.

# CLOSED

# FLOODING PERMISSIVE FOOTPATH

## OVER PRIVATE LAND

This path is private but the landowner gives permission for respectful walkers to cross this land to connect public footpath #2 and Ayrefield Road.

The permission is given providing:

All Dogs **MUST** be on a short lead  
Dog mess **MUST** be cleared up  
Gates **MUST** be closed behind you

3. 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						2/3 TIMES A WEEK
On horseback	✓	BETWEEN ✓	A+B			
By pedal cycle						
By car						
Other [please specify] .....						

4. For what purpose do/did you use the route? E.g. for pleasure, going to work etc.

WALKING MY DOGS FOR PLEASURE  
DURING 1990's/2000,  
 (BETWEEN A+B, I USED ON HORSEBACK AS LIVERY WAS  
 AT FARM BEYOND APPLICATION ROUTE TOWARDS BANK  
 ROAD TRACK)

5. In what way/s have you noticed other people using the route? (Please tick)

- (a) on foot
- (b) on horseback
- (c) on bicycle/horse-drawn vehicle
- (d) with motorised vehicle
- (e) other, please specify

BETWEEN A+B + BEYOND ON TRACK .  
 — " —  
 — " —

6. Were they using exactly the same route as you?  YES  NO

If not please give provide details below: (please attach a separate sheet is necessary)



OTHER LOCAL DOG WALKERS + RAMBLERS  
OFTEN USE THE ROUTE  
HORSE RIDERS / OWNERS USE ROUTE A-B + BEYOND ON  
TRACK TOWARDS BANK ROAD TO ACCESS STABLES.

6. Has the application route always followed the same course?

- Yes  
 Don't know  
 No

If no – how and when was the route altered?

THE ROUTE WAS DUG OUT TO EXTEND THE EXISTING  
POND, GARTH WAS PILED + PATH DIVERTED UP +  
OVER EARTH PILE, (REFERENCE BETWEEN B + D ON MAP)  
AROUND POINT C

7. Approximately how wide is the application 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']

BETWEEN A + B - VARIES APPROX 12 FEET + 25 FEET

BETWEEN B + C - APPROX 13 FEET OPENING OUT TOWARDS  
BOTTOM POND.

BETWEEN C + D VARIES AS LAND IS OPEN WITH POND  
+ PATH BEEN PILED UP - NARROW PATH BEEN TRODDEN  
APPROX ~~2~~ 6 FOOTWIDE

8. What type of surface does the application route have? (for example grass, gravel, earth)

[For varying surfaces, please describe with reference to your map]

FROM A - TARMAC ABOUT 120 FEET THEN GRAVEL / GARTH /  
POTHOLES TO B. AT B - GRAVEL / EARTH TO C, FROM  
C - EARTH PILED + STONE FLAGS ROUGHLY LAID ON  
MOUND, NETTLES, DOWN OTHER SIDE OF MOUND TO  
GRASSY / WILD / WET AREA TO GATE AT D.

9. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

I BELIEVE THERE HAVE BEEN STILES BETWEEN  
A + D BUT I DONT REMEMBER SEEING THEM...

How long were they in place?

b. Gates [state locations, indicate whether locked – and when - and show on your map]

GATE AT B ON MAP (WITH LATCH) + LOCKED LARGER GATE  
GATE AT D ON MAP - KISSING GATE -  
NOT LOCKED BUT HAVE SIGN ON "CLOSED FLOODING"

c. Other barriers [state what they were and location, how long they were in place and show on your map]

FALLEN TREE / FELLED TREE ACROSS PATH A FEW  
YEARS AGO (APPROX 4/5 YRS AGO)

10. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

(BETWEEN B + D ON MAP)  
SIGNS ON GATE BEEN THERE FOR COUPLE MONTHS.  
I HAVE NOT ACCESSED SINCE SIGNAGE POSTED.  
I WAS UNABLE TO USE WHEN DIGGING OUT + POND.

11. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

No

Yes

Don't know

If yes – state when and give details, including when they were present and mark their location on your map

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

12. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

RAMBLERS + DOG WALKERS USING BET. A + D.  
HORSE RIDERS BETWEEN A + B  
TRACTORS, CARS/VANS BETWEEN A + B

### Land Ownership

13. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No

Yes

If yes, provide details and dates

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

14. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No

Yes

If yes,

a. From whom?

.....

b. When?

.....

15. 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)?

No

Yes

If yes, by whom and when?

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

16. Have you ever been stopped or turned back when using the application route?

No

Yes

If yes, please give details including when this happened

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

17. Has anyone else ever told you that they were prevented from using the application route?

No

Yes

If yes, please give details including when this happened

WHEN POINTS B TO D WERE CLOSED DUE TO  
WORK BEING CARRIED OUT AT POND + ALSO WHEN  
CLOSED DUE TO FLOODING.

18. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc)

No

Yes

If yes, please give full details, including who gave the permission, why and when

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

#### Other Information

19. 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)

No

Yes

If yes – please provide details

OLD OS MAPS INDICATE PUBLIC FOOTPATH  
BETWEEN B + D, I DO NOT HAVE THESE IN MY  
POSSESSION.

20. 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]

I USED TO GO HORSERIDING IN THE AREA IN THE 1990s  
+ STABLED CLOSE BY. WHEN PASSING POINT B ON THE

MAP. THERE WAS A GREEN "PUBLIC FOOTPATH" WAY  
SIGN AT POINT B. THE PERMISSIVE FOOTPATH  
SIGN WAS ONLY PUT ON THE GATE MORE RECENTLY  
(AFTER 2014 - UNSURE OF DATE). I SAW THE GREEN  
WAYMARKER ALSO LYING ON THE GROUND NEXT TO PATH.

21. 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

22. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

Yes

No

**PUBLIC RIGHTS OF WAY  
EVIDENCE OF USE ON FOOT**

Please note that information supplied will be used in accordance with the processes under Statute and will not be confidential. It may be disclosed to third parties.

NAME: JOHN HILTON  
ADDRESS: 61. AYREFIELD ROAD.  
ROBY MILL  
VP. HOLLAND WNS OCP  
DATE OF BIRTH: 11.7.54 OCCUPATION: RETIRED

**Route of Way**

From: AYREFIELD ROAD (Grid Reference) E.352571 N.407636  
Via: AYREFIELD HOUSE CIRCUNAS (FORMERLY NOTRE DAME RETREAT).  
To: DIRECTION OF GATHURST. (Grid Reference) E 352679 N.407598.

1. How long have you known the route? OVER 30 YEARS.

2. Have you used the above way on foot? YES/~~NO~~

If so:

- (a) During which years? SINCE 1979  
FREQUENTLY SINCE 2005 - PRESENT  
(b) Where were you going to and from? FROM HOME - WALKS VIA  
PUBLIC FOOTPATHS  
(c) For what purpose? RECREATION  
(d) How many times a year? AT LEAST 3 TIMES PER WEEK.

<p>(e) Have you used the way by other means? <i>NO.</i></p> <p>Please fill in all that apply</p> <p>On horseback</p> <p>On motorcycle/in vehicle</p> <p>Other</p> <p>During which years and often?</p>
<p>(f) Have you ever seen others using the way? <i>YES.</i></p> <p>Please fill in all that apply <i>MAINLY PEDESTRIANS</i></p> <p>On horseback</p> <p>On motorcycle/in vehicle</p> <p>Other <i>OCCASSIONALLY CYCLISTS.</i></p> <p>During which years and how often</p>
<p>3. Has the way always run over the same route? If not, give details and dates of any changes. Mark any changes or variations on the attached plan</p> <p><i>YES - NO CHANGES OR VARIATIONS IN ROUTE DURING PERIOD OUTLINED</i></p>
<p>4. (a) Have there, to your knowledge, been any stiles, gates or fences across the way? If so, state where the stiles, gates or fences stood and mark their locations on the attached plan. <i>STILE ERECTED AT E 352571 N. 407636</i></p> <p>(b) Were any of the gates locked? If so, state when and where they were, and mark them on the attached plan. <i>PREVIOUS OPEN ACCESS ADJACENT TO FIELD GATE BLOCKED</i></p> <p>(c) Did any of the stiles, gates or fences prevent you from using the way on foot? If so, when?</p> <p><i>* SINCE APPROX OCTOBER 2013. LARGE UNSAFE STILE ERECTED - NOT NEGOTIABLE BY DOGS. DIFFICULT FOR ELDERLY PEOPLE</i></p>
<p>5. (a) Have you worked for any landowner over which the route passes? If so, give dates of employment and name of employer.</p> <p><i>NO</i></p> <p>(b) Have you been a tenant of any land over which the routes passes? If so, give dates of tenancy and mark land rented on attached plan.</p> <p><i>NO.</i></p>

*\* AUGUST 2014 WILLOW TREE FELLA ACROSS FOOTPATH AT E. 352679 N. 407596 TO OBSTRUCT FOOTPATH. FINALLY REMOVED AFTER LOCAL OBJECTIONS*

6. If you have answered yes to 5a or 5b did you ever receive any instructions from the



landowner as to the use of the way by the public? If so, what were they?

\* NOTE I HAD A CONVERSATION WITH BRYNDA CAREY, ESTATES MANAGER. NOTRE DAME CONVENT - PARBOD BARNOK OWNERS OF THE LAND. HE TOLD ME THAT IT HAD ALWAYS BEEN CONSIDERED A PUBLIC RIGHT OF WAY FOR 100 YEARS AND MAINTAINED AS SUCH.

7. (a) Have you ever been stopped or turned back when using this way on foot?  
 YES, STOPPED BY NEW OWNERS IN AUTUMN 2013 SHORTLY AFTER MOVING IN. WOMAN SUGGESTED IT WAS PRIVATE GROUNDS

(b) Do you know or have you heard of anyone else having been stopped or turned back when using the way on foot? If so, state when the interruption took place and give particulars.  
 SEVERAL SIMILAR STORIES BY LOCALS SINCE 2013.

8. 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 a public right of way on foot? If so, state when and give particulars and dates.  
 NO - TOLD THE REVERSE - IT WAS A PUBLIC RIGHT OF WAY!

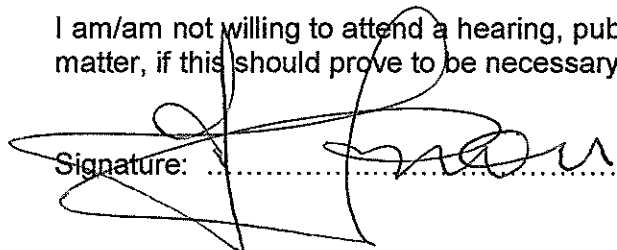
9. Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted' on or near the way? If so, what did the notices say? Mark the location of the notices on the attached plan.  
 NO, BUT 'PUBLIC FOOTPATH' SIGN ADJACENT TO GATE HAS BEEN REMOVED ON SEVERAL OCCASIONS SINCE NEW OWNERS AND IT'S DIRECTION CHANGED!

10. Have you ever asked permission to use the way? If so, who did you ask?  
 NO.

11. Please give any other information that you think is relevant. Use a separate sheet if necessary.

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

I am/am not willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature:  Date: 12.12.2014

JEAN A. HILTON.

## Public Right of Way User Evidence Statement

*Revised April 2018*

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.**

### **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.

## PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

### ABOUT YOU

Name

MR W JOHNSON

Address

27 AYREFIELD ROAD

ROBY MILL

SKELMERSDALE

Postcode WNS 0QP

Year of Birth

8 8 47

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

23 FARLEY LANE ROBY MILL

### ABOUT THE APPLICATION ROUTE

1. How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

2. Describe the application route.

(Include start and finish points and provide OS grid references if you can. Also include details of the route itself and the points it runs between. This should be as precise as possible.

- e.g. "passing about 2 yards to the left of the large oak tree" rather than "past the tree".

- e.g. "through the metal field gate when it was open but sometimes it was closed and tied with twine so I climbed over the stile (about 4ft high with single cross-step) on the left hand side".
- e.g. "along the right hand side of the field about 1 metre from the hedge except about 100m in there was a metal water trough in the hedge and it was muddy so I walked further into the field to skirt round it; perhaps 10m from the hedge for about 25m along.)

.....

.....

.....

.....

**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 mark clearly on it the precise line of the route from start to finish, and mark and label any features – e.g. notices / signs, stiles, gates, fences / hedges, bridges etc. or any other information you think is relevant. Please also sign and date your map.

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From ..... 1954 - ~~1954~~ ..... To ..... 2019 .....

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

.....

.....

.....

3. 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	LAST 12 YEARS			✓		
On horseback						
By pedal cycle						
By car						
Other [please specify] .....						

4. For what purpose do/did you use the route? E.g. for pleasure, going-to-work etc.

TAKE DOG FOR 320 DAYS YEAR LAST 12 YEARS ✓  
 FROM 1958 - 2019. TWO-THREE TIMES A YEAR  
 .....

5. In what way/s have you noticed other people using the route? (Please tick)

- (a) on foot
  - (b) on horseback
  - (c) on bicycle/horse-drawn vehicle
  - (d) with motorised vehicle
  - (e) other, please specify
- .....

✓

6. Were they using exactly the same route as you?  YES  NO

If not please give provide details below: (please attach a separate sheet is necessary)

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

6. Has the application route always followed the same course?

- Yes
- Don't know
- No

If no – how and when was the route altered?

THE OWNER AS DUG A POND IN GARDEN WERE PATH WAS, WHEN RAIN HAND IT FLOOD WERE PATH WENT HAVE TO GO AT SIDE TO GET PAST.

7. Approximately how wide is the application 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']

8-10 FT. WIDE

8. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

GRASS, GRAVEL, WEEDS, MUD, ?

9. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

STILES D. on MAP + B

.....  
.....

How long were they in place?

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

b. Gates [state locations, indicate whether locked – and when - and show on your map]

GATE D. - B

.....  
.....

c. Other barriers [state what they were and location, how long they were in place and show on your map]

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

10. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

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

11. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

No

Yes

Don't know

If yes – state when and give details, including when they were present and mark their location on your map

THE SIGN WAS TAKEN DOWN WHEN NEW OWNER  
CAME IN HOUSE ? THE SIGN PRIVATE AS GONE UP

12. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

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

### Land Ownership

13. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No

Yes

If yes, provide details and dates

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



14. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No

Yes

If yes,

a. From whom?

.....

b. When?

.....

15. 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)?

No

Yes

If yes, by whom and when?

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

16. Have you ever been stopped or turned back when using the application route?

No

Yes

If yes, please give details including when this happened

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

17. Has anyone else ever told you that they were prevented from using the application route?

No

Yes

If yes, please give details including when this happened

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

18. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc)

- No
- Yes

If yes, please give full details, including who gave the permission, why and when

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

**Other Information**

19. 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)

- No
- Yes

If yes – please provide details

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

20. 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]

.....  
.....

.....

.....

.....

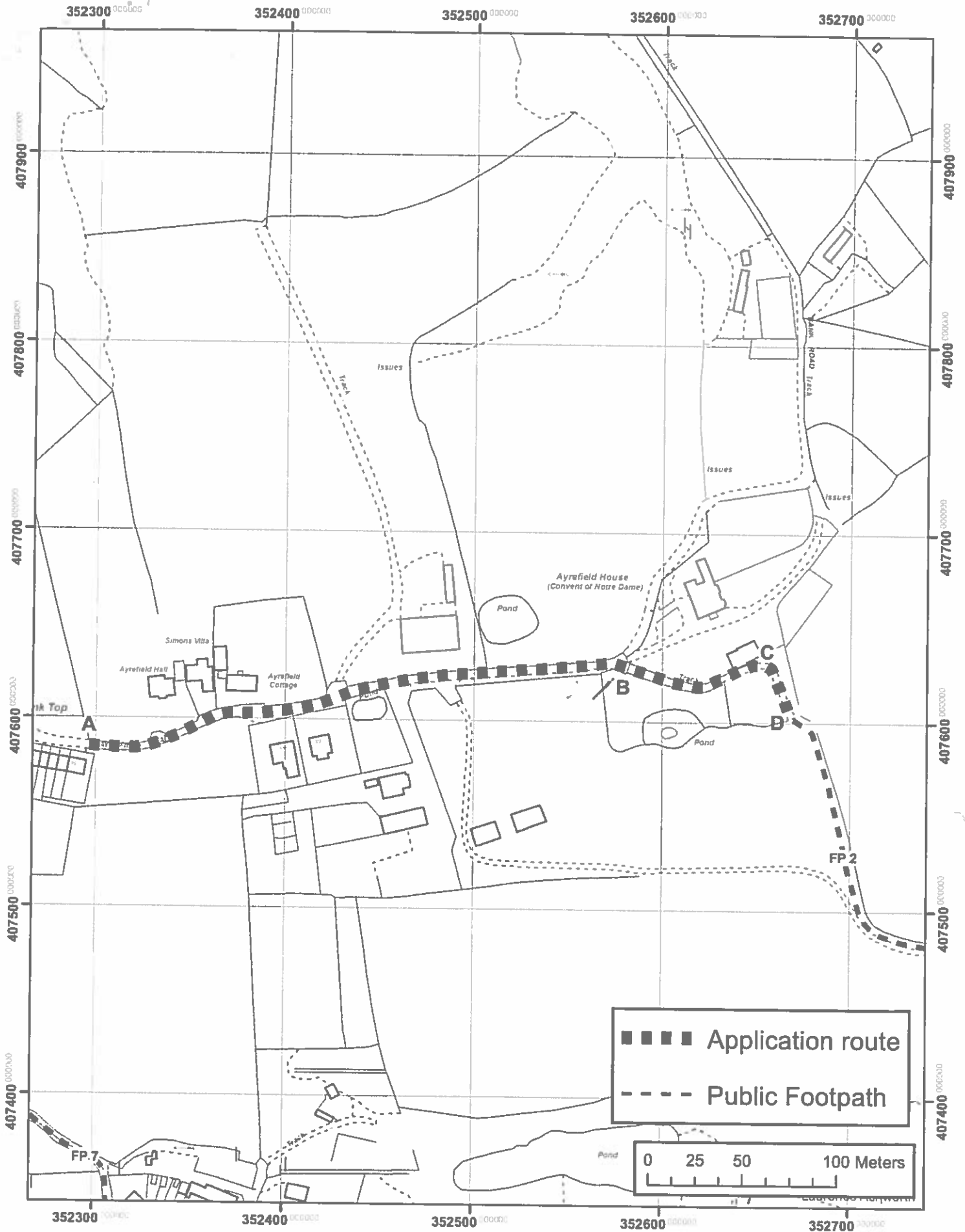
.....

21. 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

22. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

- Yes
- No



	<p><b>Andrew Mullaney</b> Head of Planning and Environment</p>	<p><b>Wildlife and Countryside Act 1981</b> <b>Addition of public footpath along Ayrefield Road to Footpath 2 Upholland at Ayrefield House</b></p>	<p>1:2,500</p>
<p>The digitised Rights of Way Information should be used for guidance only as its accuracy cannot be guaranteed. Rights of Way Information must be verified on the current Definitive Map before being supplied or used for any purpose.</p> <p>This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023328</p>			

Return to David Hughes  
12, The Nook  
Appley Bridge

**PUBLIC RIGHTS OF WAY**

**EVIDENCE OF USE ON FOOT**

Please note that information supplied will be used in accordance with the processes under Statute and will not be confidential. It may be disclosed to third parties.

NAME: FREDERICK TURNER LATHAM.

ADDRESS: 2 MAJESTIC MEWS  
ORRELL  
WILKIN WNS 8UU

DATE OF BIRTH: 16/9/39 OCCUPATION: RETIRED.

**Route of Way**

From: BTM. BANK BROW (Grid Reference)

Via: AYRZFIELD HOUSE

To: GATHURST. (Grid Reference)

1. How long have you known the route?

70 YEARS

2. Have you used the above way on foot? YES/NO

If so:

(a) During which years? 1943 - NOW

(b) Where were you going to and from?

(c) For what purpose? GOING TO STATIONS

(d) How many times a year?

JOINING PATH AT  
AYRZFIELD HOUSE  
GOING LEFT TO  
APPLEY BRIDGE  
& RIGHT TO GATHURST.  
UP TO 100 TIMES A YEAR.

<p>(e) Have you used the way by other means?</p> <p>Please fill in all that apply</p> <p>On horseback</p> <p>On motorcycle/in vehicle</p> <p>Other</p> <p>During which years and often?</p>
<p>(f) Have you ever seen others using the way?</p> <p>Please fill in all that apply</p> <p>On horseback</p> <p>On motorcycle/in vehicle</p> <p>Other <i>MANY WALKERS</i></p> <p>During which years and how often <i>1943 - 2014.</i></p>
<p>3. Has the way always run over the same route? If not, give details and dates of any changes. Mark any changes or variations on the attached plan</p>
<p>4. (a) Have there, to your knowledge, been any stiles, gates or fences across the way? If so, state where the stiles, gates or fences stood and mark their locations on the attached plan. <i>NONE UNTIL 15 YEARS AGO.</i></p> <p>(b) Were any of the gates locked? If so, state when and where they were, and mark them on the attached plan. <i>YES</i></p> <p>(c) Did any of the stiles, gates or fences prevent you from using the way on foot? If so, when? <i>NO CLIMBED OVER -</i></p>
<p>5. (a) Have you worked for any landowner over which the route passes? If so, give dates of employment and name of employer. <i>NO</i></p> <p>(b) Have you been a tenant of any land over which the routes passes? If so, give dates of tenancy and mark land rented on attached plan. <i>NO</i></p>

6. If you have answered yes to 5a or 5b did you ever receive any instructions from the

landowner as to the use of the way by the public? If so, what were they?
<p>7. (a) Have you ever been stopped or turned back when using this way on foot?  <i>HAVE BEEN STOPPED ON THE AYREFIELD HOUSE TO BANK BROW ROUTE BUT CARRIED ON</i></p> <p>(b) Do you know or have you heard of anyone else having been stopped or turned back when using the way on foot? If so, state when the interruption took place and give particulars.  <i>VARIOUS ROBY MILLERS BUT NO PARTICULARS</i></p>
<p>8. 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 a public right of way on foot? If so, state when and give particulars and dates.  <i>AS STATED ABOVE BY THE OWNER ABOUT 12 MONTHS AGO</i></p>
<p>9. Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted' on or near the way? If so, what did the notices say? Mark the location of the notices on the attached plan.  <i>ON THE ROUTE TO BANK BROW PRIVATE NO ROUTE ON GATES</i></p>
<p>10. Have you ever asked permission to use the way? If so, who did you ask?  <i>NO</i></p>
<p>11. Please give any other information that you think is relevant. Use a separate sheet if necessary.  <i>MY FATHER &amp; GRANDFATHER BOTH USED THE FOOTPATH FROM 1917. THE FOOTPATH &amp; ROAD FROM BANK BROW TO AYREFIELD HOUSE WAS THE WAY IN THE HOUSE. WITH THE LODGE AT BANK BROW.</i></p>

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

I am/~~am not~~ willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature: *G. J. Latham* Date: *10/19/14*

**PUBLIC RIGHTS OF WAY  
EVIDENCE OF USE ON FOOT**

Please note that information supplied will be used in accordance with the processes under Statute and will not be confidential. It may be disclosed to third parties.

NAME: KEN POWLOCK  
ADDRESS: 13 AYREFIELD ROAD  
ROBY MILL, UP HOLLAND  
WEST HANES WIDROOP  
DATE OF BIRTH: 11/6/50 OCCUPATION: RETIRED CIVIL ENGINEER

Route of Way ROBY MILL TO GATHURST  
From: AYREFIELD ROAD (Grid Reference) N/A  
Via:  
To: (Grid Reference)

1. How long have you known the route?

28 YEARS

2. Have you used the above way on foot? YES/~~NO~~

If so:

- (a) During which years? 1986 TO PRESENT  
(b) Where were you going to and from? HOME TO FLAGG FIELD  
(c) For what purpose? EXERCISE & LEISURE  
(d) How many times a year? 250 TO 300 PER YEAR




(e)	Have you used the way by other means?	No
	Please fill in all that apply	
	On horseback	No
	On motorcycle/in vehicle	
	Other	No
	During which years and often?	
(f)	Have you ever seen others using the way?	
	Please fill in all that apply	
	On horseback	No
	On motorcycle/in vehicle	No
	Other	
	During which years and how often	
3. Has the way always run over the same route? If not, give details and dates of any changes. Mark any changes or variations on the attached plan		
YES		
4. (a) Have there, to your knowledge, been any stiles, gates or fences across the way? If so, state where the stiles, gates or fences stood and mark their locations on the attached plan. YES GATE AT START AND STILE AT END		
	(b) Were any of the gates locked? If so, state when and where they were, and mark them on the attached plan.	No
	(c) Did any of the stiles, gates or fences prevent you from using the way on foot? If so, when?	No
5. (a) Have you worked for any landowner over which the route passes? If so, give dates of employment and name of employer. No		
	(b) Have you been a tenant of any land over which the routes passes? If so, give dates of tenancy and mark land rented on attached plan. No	

6. If you have answered yes to 5a or 5b did you ever receive any instructions from the

landowner as to the use of the way by the public? If so, what were they?
7. (a) Have you ever been stopped or turned back when using this way on foot? No
(b) Do you know or have you heard of anyone else having been stopped or turned back when using the way on foot? If so, state when the interruption took place and give particulars. No BUT WHEN THE NEW STILE WAS ERECTED
8. 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 a public right of way on foot? If so, state when and give particulars and dates. No
9. Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted' on or near the way? If so, what did the notices say? Mark the location of the notices on the attached plan. NOT IN THE PAST BUT NEW NOTICES IN PLACE NOW
10. Have you ever asked permission to use the way? If so, who did you ask? No
11. Please give any other information that you think is relevant. Use a separate sheet if necessary. THERE IS IN PLACE A SIGN SAYING PUBLIC FOOTPATH IN THIS DIRECTION

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

I am ~~am~~ not willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature:  Date: 7/9/14

## Public Right of Way User Evidence Statement

Revised April 2018

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.**

### Confidentiality – Please Read Carefully

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- 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.

## PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

### ABOUT YOU

Name

PETER RIBBY

Address

55 AYREFIELD ROAD,

ROBY MILL,

SKELMERSDALE

Postcode WN8 0QP

Year of Birth

NO 1947

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

NO

### ABOUT THE APPLICATION ROUTE

1. How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

2. Describe the application route.

(Include start and finish points and provide OS grid references if you can. Also include details of the route itself and the points it runs between. This should be as precise as possible.

- e.g. "passing about 2 yards to the left of the large oak tree" rather than "past the tree".

- e.g. "through the metal field gate when it was open but sometimes it was closed and tied with twine so I climbed over the stile (about 4ft high with single cross-step) on the left hand side".
- e.g. "along the right hand side of the field about 1 metre from the hedge except about 100m in there was a metal water trough in the hedge and it was muddy so I walked further into the field to skirt round it; perhaps 10m from the hedge for about 25m along.)

THE PATHWAY LIES BEYOND A WOODEN FIVE BARRED GATE, ALONGSIDE A SMALLER GATE APPROX TWO FEET WIDE WITH A SPRING LOADED CLOSING MECHANISM. TO THE RIGHT SIDE OF THE PATH IS ~~A FENCE~~ CONT-

### 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 mark clearly on it the precise line of the route from start to finish, and mark and label any features – e.g. notices / signs, stiles, gates, fences / hedges, bridges etc. or any other information you think is relevant. Please also sign and date your map.

### YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From .....1947..... To .....ONGOING.....

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

NONE

3. 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 car						
Other [please specify] .....						

4. For what purpose do/did you use the route? E.g. for pleasure, going to work etc.

..... PLEASURE, WORK.....  
 .....  
 .....

5. In what way/s have you noticed other people using the route? (Please tick)

- (a) on foot
  - (b) on horseback
  - (c) on bicycle/horse-drawn vehicle
  - (d) with motorised vehicle
  - (e) other, please specify
- .....

✓

6. Were they using exactly the same route as you? YES NO

If not please give provide details below: (please attach a separate sheet is necessary)

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

6. Has the application route always followed the same course?

Yes

Don't know

No

If no – how and when was the route altered?

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

7. Approximately how wide is the application 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']

BEGINNING 30-40 MTS 3MT WIDE  
END, 15-20" 3MT "  
MIDDLE, IRREGULAR, AN AVERAGE 15MT WIDE

8. What type of surface does the application route have? (for example grass, gravel, earth)

[For varying surfaces, please describe with reference to your map]

GRASS  
.....  
.....  
.....

9. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

..... NO .....

.....

.....

How long were they in place?



.....

.....

.....

b. Gates [state locations, indicate whether locked – and when - and show on your map]

.....

.....

.....

c. Other barriers [state what they were and location, how long they were in place and show on your map]

.....

.....

.....

10. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

.....

.....

.....



11. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

- No
- Yes
- Don't know

If yes – state when and give details, including when they were present and mark their location on your map

.....

.....

.....

12. Have you seen other people using the application route whilst you have been using it?

- No
- Yes

If yes, please provide any additional information about this

..... OF COURSE I HAVE ITS A RIGHT

..... OF WAY FOR ANYONE ON FOOT

.....

### Land Ownership

13. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

- No
- Yes

If yes, provide details and dates

.....

.....

.....

14. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No

Yes

If yes,

a. From whom?

.....

b. When?

.....

15. 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)?

No

Yes

If yes, by whom and when?

.....

.....

.....

16. Have you ever been stopped or turned back when using the application route?

No

Yes

If yes, please give details including when this happened

..IN..THE..LAST..FEW..MONTHS..WHEN..THE..GATE..  
HAS..HAD..A..SIGN.. "FOOTPATH CLOSED DUE TO FLOODING"  
FLOODING CAUSED BY THE OWNERS EXTENDING BOND ACROSS PATH

17. Has anyone else ever told you that they were prevented from using the application route?

No

Yes

If yes, please give details including when this happened

THE SAME REASON THAT I GAVE  
ALSO SOME PEOPLE ARE NERVOUS OF THE  
LIVESTOCK YOU MEET WHEN USING PATH

18. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc)

No

Yes

If yes, please give full details, including who gave the permission, why and when

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

#### Other Information

19. 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)

No

Yes

If yes – please provide details

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

20. 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]

A LIFETIME OF USING THIS WALKWAY  
WITHOUT ANY OBJECTION FROM PREVIOUS

OWNERS FOR 13½ YRS I WORKED FOR THE <sup>THEN</sup> OWNERS  
AS A GARDENER AND ONE OF MY DUTIES  
WAS TO KEEP THIS PATH SAFE TO USE  
FOR ANY RAMBLERS AND CASUAL WALKERS

21. During the investigation the OMA may want to interview some or all of the claimants order to gather additional information. Would you be willing to talk to an officer from OMA about your knowledge of the application route?

Yes

No

22. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

Yes

No

Google Maps



THIS PATH HAS BEEN USED IN THE PAST SCORES OF YEARS FOR LEISURE, OR AS A ROUTE FOR PEOPLE WALKING TO WORK. WITHOUT THIS PATH ANYONE ON FOOT WOULD BE FORCED TO USE THE BUSY MAIN ROAD. THIS BEING, NOT AT ALL PRACTICAL DUE TO DISTANCE.

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# PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

## ABOUT YOU

Name

KATHRYN SHARKEY

Address

9 AYREFIELD RD

ROBY MILL

UP HOLLAND

SKELMERSDALE Postcode WN8 0QP

Year of Birth

1954

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

13 AYREFIELD RD, ROBY MILL

MARCH 1980 To MAY 1986

## ABOUT THE APPLICATION ROUTE

1. How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

2. Describe the application route.

(Include start and finish points and provide OS grid references if you can. Also include details of the route itself and the points it runs between. This should be as precise as possible.

- e.g. "passing about 2 yards to the left of the large oak tree" rather than "past the tree".

- e.g. "through the metal field gate when it was open but sometimes it was closed and tied with twine so I climbed over the stile (about 4ft high with single cross-step) on the left hand side".
- e.g. "along the right hand side of the field about 1 metre from the hedge except about 100m in there was a metal water trough in the hedge and it was muddy so I walked further into the field to skirt round it; perhaps 10m from the hedge for about 25m along.)

Through a wooden five barred gate adjacent to a smaller spring loaded gate. On the right hand side is a low stone wall and to the left is a higher stone wall. Towards the end of the path is a stone building to the left and a pond on the right

### 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 mark clearly on it the precise line of the route from start to finish, and mark and label any features – e.g. notices / signs, stiles, gates, fences / hedges, bridges etc. or any other information you think is relevant. Please also sign and date your map.

### YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From March 1980 To Present time

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

No



3. 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 car						
Other [please specify] .....						

4. For what purpose do/did you use the route? E.g. for pleasure, going to work etc.

For pleasure.....  
 .....  
 .....

5. In what way/s have you noticed other people using the route? (Please tick)

- (a) on foot
- (b) on horseback
- (c) on bicycle/horse-drawn vehicle
- (d) with motorised vehicle
- (e) other, please specify

✓

6. Were they using exactly the same route as you?  YES  NO

If not please give provide details below: (please attach a separate sheet is necessary)

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

6. Has the application route always followed the same course?

Yes

Don't know

No

If no – how and when was the route altered?

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

7. Approximately how wide is the application 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']

Approximately 3 metres wide at the beginning  
and end. Widens in the middle to approximately  
10 metres

8. What type of surface does the application route have? (for example grass, gravel, earth)

[For varying surfaces, please describe with reference to your map]

Grass  
.....  
.....

9. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

..... No .....

How long were they in place?

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

b. Gates [state locations, indicate whether locked – and when - and show on your map]

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

c. Other barriers [state what they were and location, how long they were in place and show on your map]

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

10. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

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

11. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

No

Yes

Don't know

If yes – state when and give details, including when they were present and mark their location on your map

Public Footpath sign. Now seems to have been removed.

( Present owners have displayed a sign saying 'Permissive Footpath Private land' )

12. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

Is a popular route for many walkers travelling to and from Gathurst.

### Land Ownership

13. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No

Yes

If yes, provide details and dates

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

14. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No

Yes

If yes,

a. From whom?

.....

b. When?

.....

15. 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)?

No

Yes

If yes, by whom and when?

.....

.....

.....

16. Have you ever been stopped or turned back when using the application route?

No

Yes

If yes, please give details including when this happened

"FOOTPATH CLOSED DUE TO FLOODING" Sign has been recently displayed on the gate. The pond at the end of the path appears to have been extended

17. Has anyone else ever told you that they were prevented from using the application route?

No

Yes

If yes, please give details including when this happened

During the last few months due to flooding

18. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc)

No

Yes

If yes, please give full details, including who gave the permission, why and when

#### Other Information

19. 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)

No

Yes

If yes – please provide details

20. 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]

This path has been used for decades by people who appreciate and care for the countryside around them

The path was also well maintained by the previous owners and this was greatly appreciated. The presence of livestock and the deterioration of the path makes it difficult for some wallows to use it.

21. 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

22. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

Yes

No

**PUBLIC RIGHTS OF WAY  
EVIDENCE OF USE ON FOOT**

Please note that information supplied will be used in accordance with the processes under Statute and will not be confidential. It may be disclosed to third parties.

NAME: M. WILLIAMS  
ADDRESS: 3 AYREFIELD RD  
WNB OQP

DATE OF BIRTH: 13/1/53 OCCUPATION: HOUSING ADMINISTRATOR

**Route of Way**

From: 527 075 (Grid Reference)

Via:

To: (Grid Reference)

1. How long have you known the route?

13 years

2. Have you used the above way on foot?  YES  NO

If so:

(a) During which years? 2001 - 2014

(b) Where were you going to and from? 3 AyreField Rd to canal / Dean Wood etc.

(c) For what purpose? Dog walking

(d) How many times a year? 2 or 3 times per week on average every week of the year.



(e) Have you used the way by other means? **NO**

Please fill in all that apply

On horseback

On motorcycle/in vehicle

Other

During which years and often?

(f) Have you ever seen others using the way?

Please fill in all that apply

On horseback

On motorcycle/in vehicle

Other - walking - all years on regular basis

During which years and how often

3. Has the way always run over the same route? If not, give details and dates of any changes. Mark any changes or variations on the attached plan

Current owners have changed the access from left of gate (gap between wall & gate) to stile on right of gate which prevents access with a dog/disabled.

4. (a) Have there, to your knowledge, been any stiles, gates or fences across the way? If so, state where the stiles, gates or fences stood and mark their locations on the attached plan. **- PTO.**

(b) Were any of the gates locked? If so, state when and where they were, and mark them on the attached plan.

(c) Did any of the stiles, gates or fences prevent you from using the way on foot? If so, when?

approximately 3 months ago stile erected making it difficult to access with dog or small children and felled tree across path

5. (a) Have you worked for any landowner over which the route passes? If so, give dates of employment and name of employer.

**NO**

(b) Have you been a tenant of any land over which the routes passes? If so, give dates of tenancy and mark land rented on attached plan.

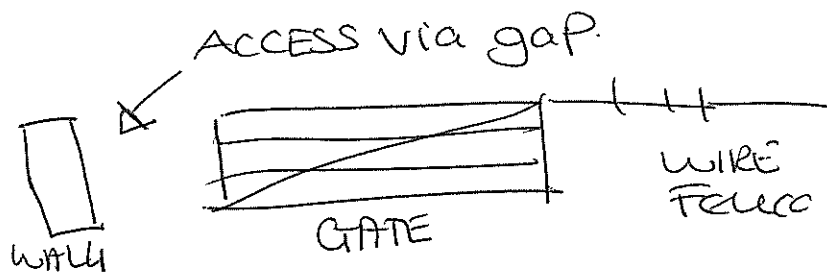
**NO**

6. If you have answered yes to 5a or 5b did you ever receive any instructions from the

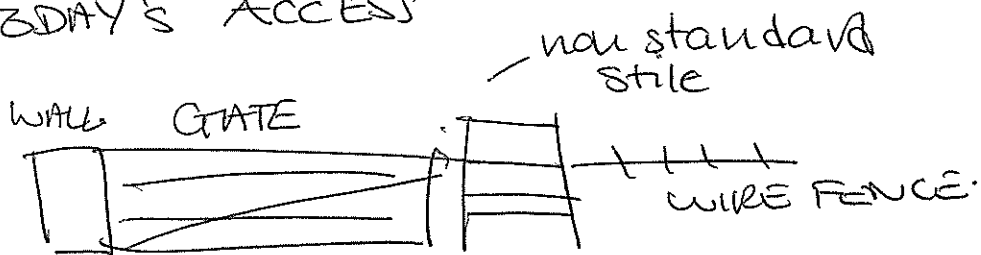
PTO.  
 and felled tree at other  
 kissing gate leading into pasture  
 which has been left for several weeks

Ayrefield house - access

original (approaching from Ayrefield Rd)



TODAY'S ACCESS



A

landowner as to the use of the way by the public? If so, what were they?

7. (a) Have you ever been stopped or turned back when using this way on foot?  
NO

(b) Do you know or have you heard of anyone else having been stopped or turned back when using the way on foot? If so, state when the interruption took place and give particulars.

8. 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 a public right of way on foot? If so, state when and give particulars and dates.  
NO

9. Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted' on or near the way? If so, what did the notices say? Mark the location of the notices on the attached plan.  
Several weeks ago notice erected by gate saying 'private right of way'.

10. Have you ever asked permission to use the way? If so, who did you ask?  
NO.

11. Please give any other information that you think is relevant. Use a separate sheet if necessary.  
This route has always been marked by a public footpath sign and a yellow hawthorn walk sign at both ends of the path. It also features in a ~~number~~ number of local walking books as a right of way.

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

I am/am not willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature: M. Willows. Date: 24/8/14.