

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.

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 (OUSELGAF)

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?

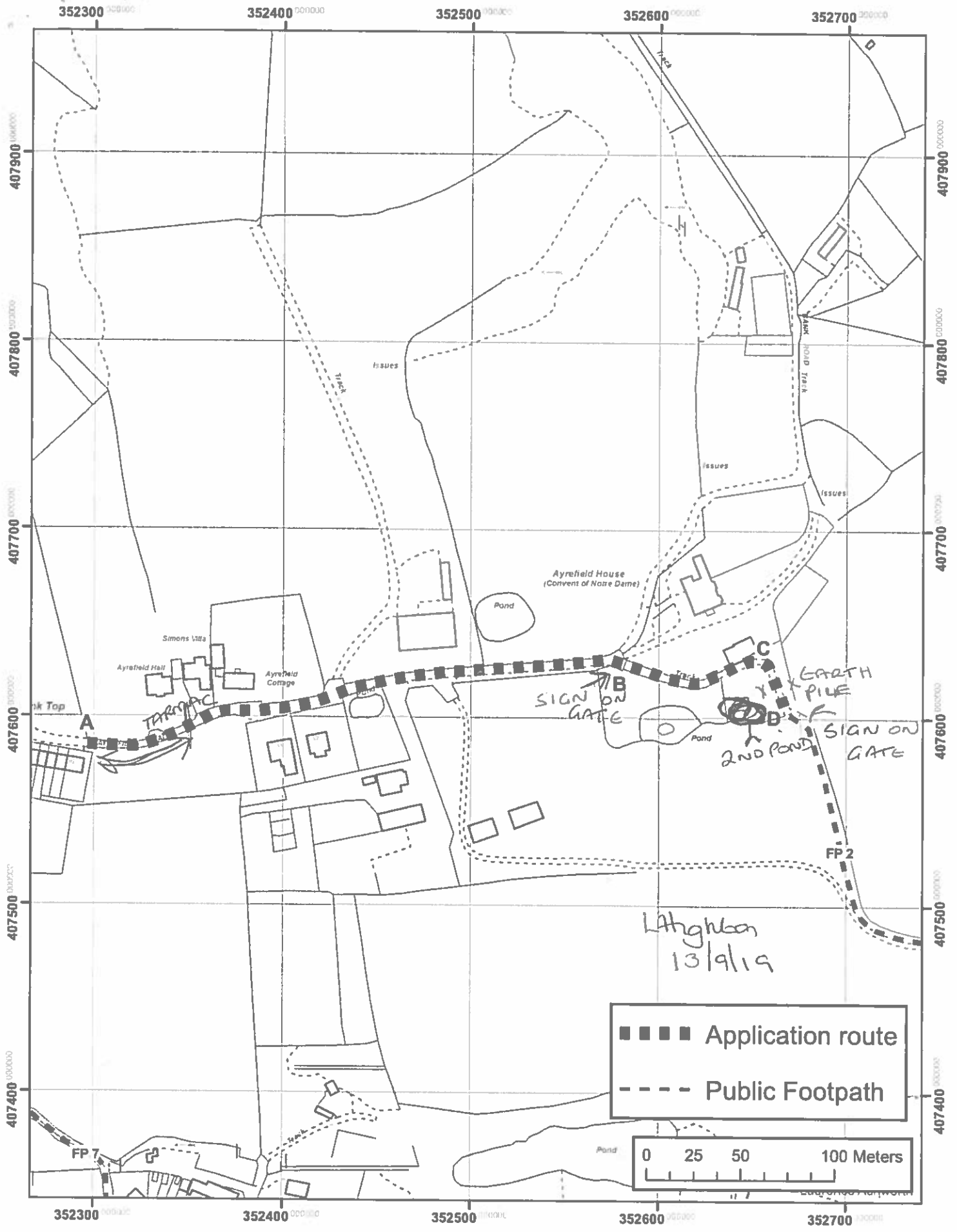
Yes

No

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

Yes

No



<p>Lancashire County Council</p>	<p>Andrew Mullaney Head of Planning and Environment</p>	<p>Wildlife and Countryside Act 1981 Addition of public footpath along Ayrefield Road to Footpath 2 Upholland at Ayrefield House</p>	<p>1:2,500</p>	
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