

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 GREEN

Address 14 WARBURTON BUILDINGS
HASLINGDEN
ROSSENDALE
LANCASHIRE Postcode BB4 4PQ

Year of Birth 1982

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]
N/A

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 route in question runs from the pavement on Grane Road, down the side of the wall in the car park, and onto the footpath in front of Warburton Buildings. The length of the path is around 20 metres.

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 January 2015 To When the fence was built to block access

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

No. Prior to being fenced off I used the route daily

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.

To walk the dog - exiting the front of the house, through the car park and onto Grane Road. To get to my car, sometimes parked on Holden Place -

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']

1 metre

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

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]

Tarmac

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

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?

.....
N/A
.....
.....

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]

A wooden gate was built at the Grane Road entrance to the path around 18 months ago. For the past 24 months or so a solid wooden fence was built at the entrance to the footpath from Warburton Buildings side.

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

No

Yes

If yes, please give details

The wooden fence is around 8ft in height and completely blocks access to the path.

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

Since the dispute over the path started and the gate on the Grane Road side was built a sign was put on the gate saying '.....

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

other neighbours / residents would use the path daily to access Grane Road.

The Post Man would also use this path

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

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.....

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?

When the owner/property developer was working on the building he would aggressively challenge me and my family if he saw us walking through the path.

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

By the owner/developer of the building.

.....

.....

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

Other residents have also been challenged, as well as my
14/15 year old Step Daughter returning from school.

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

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.....
.....

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]

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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

