

# User Evidence Form

Cathy Smith

1997 - 2021

## 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 CATHY SMITH

Address 83 HODGER ST  
ACCRINGTON  
LANCASHIRE

Postcode BB5 6SX

Year of Birth 1974

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 PATH FOLLOWS THE SIDE WALL OF No. 48  
 HOODER ST, FROM HOODER ST ITSELF AND GOES  
 STRAIGHT ACROSS TO AROEN HALL FOOTBALL  
 PLAYING FIELD

### 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 1997 To PRESENT TIME (2021)

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.

DOG WALKING, ACCESS TO HOUSES AT OTHER SIDE OF FIELD, EXERCISE, WALKING TO 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

✓
✓

WHEELCHAIRS, DISABILITY SCOOTERS, PRAMS

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']

2 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]

GRAVEL (IMPACTED THROUGH USE) AND  
GRASS VERGES

.....  
.....

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]

NO.  
.....  
.....  
.....

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

NOT A BARRIER BUT SOME LARGE STONES ARE  
CLOSE TO THE BEGINNING OF ROUTE TO  
PREVENT FIELD BEING USED BY TRAVELLERS

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

THE ROUTE IS USED DAILY BY NUMEROUS MEMBERS OF THE PUBLIC. I CONDUCTED A COUNT OF USAGE FROM 7 AM TO 7 PM AND 290 PEOPLE USED THE 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

.....

.....

.....



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?

A NEIGHBOUR MENTIONED IT MAY NOT BE AN OFFICIAL ROUTE APPROX. 2 MONTHS AGO. THIS IS THE REASON I AM SEEKING TO MAKE THE PATH AN OFFICIAL RIGHT OF WAY.

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

ALL DOCUMENTS ARE INCLUDED WITHIN  
my DMMO APPLICATION.  
.....  
.....

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]

THE PATH IS USED FREQUENTLY, AND BY A  
LARGE VARIETY OF PEOPLE, SCHOOL CHILDREN,  
ELDERLY, DISABLED, FAMILIES ETC. IT IS THE ONLY  
ROUTE WHICH IS FLAT AND SUITABLE FOR WHEEL-  
-CHAIRS / PRAMS ETC.  
LIVE 2 851225 12 51 1410

IT IS A OPEN AREA WHICH DIRECTLY LEADS TO PUBLIC SPACE AND COUNTRYSIDE/PARKLANDS/WOODS. VISIBILITY IS GOOD, AND AS A LONE FEMALE WALKER IT FEELS LIKE A SAFE ROUTE WITHOUT HIDDEN BLIND SPOTS. ITS ALSO THE ONLY ROUTE WHICH HAS A LAMPPOST, SO AGAIN THIS MAKES IT FEEL MORE SECURE.

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?

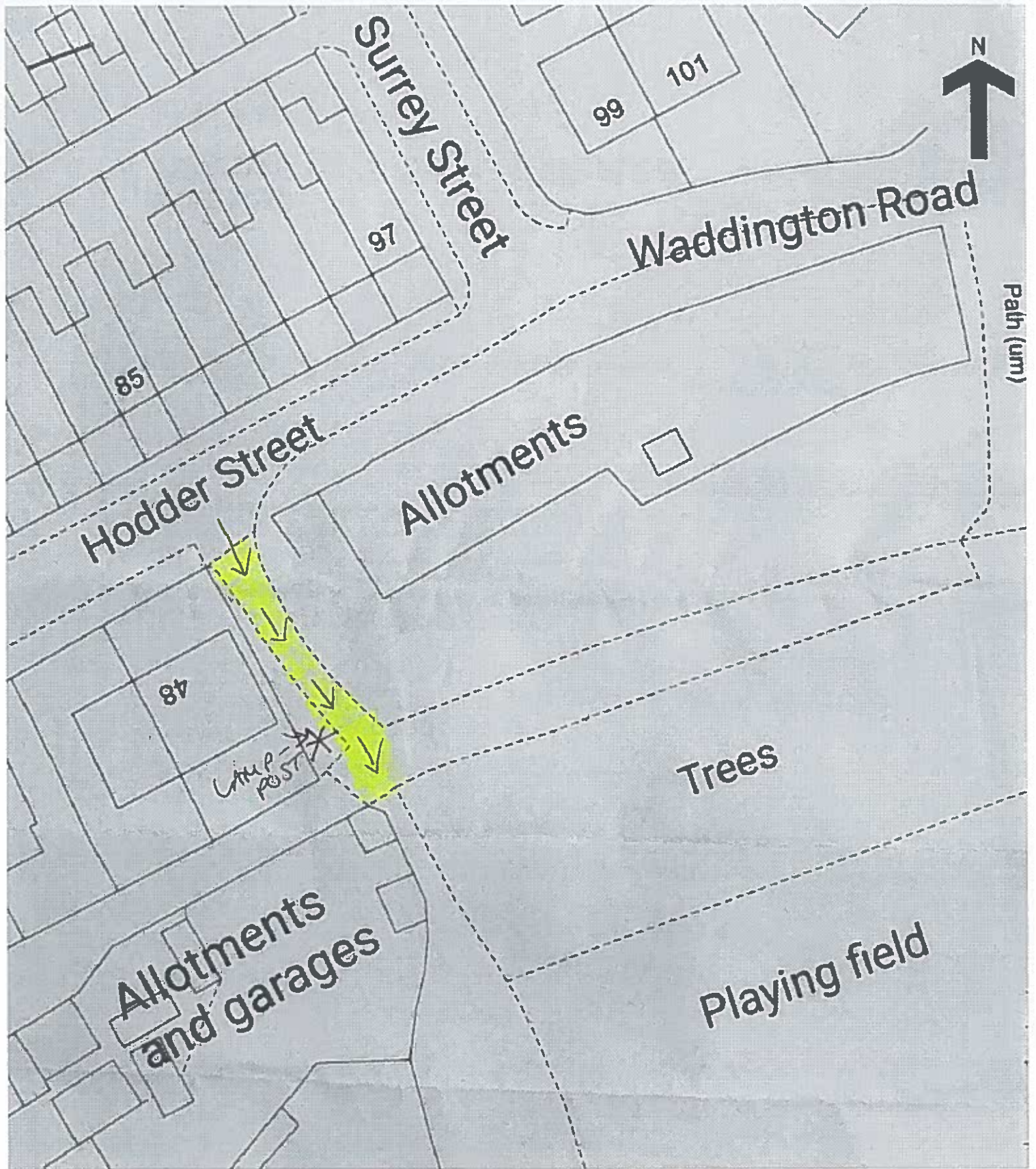
Yes

No

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

Yes

No



THE PATH IS HIGHLIGHTED.

C. SMITH  
D. SMITH  
2022/2021