

**CLAIMED PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT**

When a dispute arises over whether a public right of way exists, all the evidence on both sides of the argument will be considered. Please use this form to describe your own usage and knowledge of the route. Return completed statements to the person making the application to change the Definitive Map and Statement of Public Rights of Way. Or to the Order Making Authority (OMA) – Lake District National Park Authority, Murley Moss, Oxenholme Road, Kendal, Cumbria, LA9 7RL.

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, and so on). When the OMA commences detailed research, a member of staff may contact you to seek further information or ask to interview you about your evidence.

You should answer the questions as fully as possible and not keep back any information, whether for or against the claim. This is important if this information is to be of real value in establishing the status of the route. The information given may be examined at a public inquiry. For Yes/No answers, please tick the relevant box for each question.

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 writing is legible and in black ink.

Confidentiality – Please Read Carefully

The information you give in this statement cannot be treated as confidential.

- The information you provide will be retained by the OMA for the purposes of undertaking its statutory obligations in accordance with section 53 of The Wildlife and Countryside Act 1981. For the purposes of data protection, the OMA is the data controller. It may use an Agent to undertake certain obligations on its behalf. If so, the Agent will be the data processor.
- 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, 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 General Data Protection Regulation. It is held by the OMA for the sole purpose of processing the application for the route referred to, and for no other purpose.

DECLARATION – Important, please read carefully

General Data Protection Regulation (GDPR)

Under the GDPR the OMA has a duty to inform you about how your personal data will be handled. Information provided in this statement will be used so that the OMA may undertake its statutory duties in accordance with section 53 of the Wildlife and Countryside Act 1981. In order to determine 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 email/phone 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 within it will be retained by the OMA and considered and published as part of its statutory duty to determine the application to establish whether a public right of way exists. In signing it, you are acknowledging that it may be made publically available.

Please print your name here

Home Telephone Number

Mobile Telephone Number

Email Address

Statement of Truth

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

Your Signature:

Date:

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 will be redacted and will not be made publically available



CLAIMED PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Full Name: (Mr/Mrs/Miss/Ms)

Address (include postcode):.....

.....

.....

Year of Birth: **Occupation:**.....

Have you lived at any other addresses (or been absent from your main address) during the time you have used the path or way? If so, please provide details of locations and years [full addresses are not required]

.....

.....

.....

ABOUT THE PATH - 1

Although these questions refer to a claimed 'path', this term is used for a claimed footpath, bridleway, or a vehicular right of way.

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 put your initials on your map and date it.

DO NOT ADD YOUR FULL SIGNATURE.

1. Does the path have a name?.....

2. Where does the path go to and from?.....

.....

ABOUT THE PATH - 2

3. Has the application route (on your map) always followed the same course?

Yes No

○ If no – how and when was the route altered?

.....
.....

4. Approximately how wide is/was the path?

Please estimate the width across which you used the path including the width used when passing others or walking with others. Take care to consider the overall width of the path. If this varies, please describe how and where [describe with reference to your map].

.....
.....

5. What type of surface did/does the path have? (for example grass, gravel, earth, tarmac, bedrock, stone) [For varying surfaces, please describe with reference to your map]

.....
.....

6. Notices & Signs - Have you ever seen any signs or notices suggesting whether or not the path is a public right of way? (for example; Private, Keep Out, No Right of Way Trespassers will be Prosecuted, Public Path, Permitted Path, No Cycling and so on)

Yes No

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

ABOUT THE PATH – 3 (BARRIERS)

7. Gates & Stiles - Have there ever been any of the following on the path?

- a. Gates and/or Stiles [state locations and show on your map]

How long were they in place?

- b. Other barriers, for example fences or walls [state what they were and location, how long they were in place and show on your map]

8. Did any of the gates, stiles or other barriers prevent you from using the path?

Yes No

- If yes, please give details
- If no – why not?

YOUR USE OF THE PATH

9. When did you first use the path?

10. Do you still use the path?

- Yes No
 - If No - when did you stop using it and why?

11. Were there any extended periods during which you did not use the path?

- Yes No
 - If yes - state when & why

12. How did you use the path and how often? - tick all that apply.

	Daily	Weekly	Monthly	Every few months	Once a year	Other - describe
On foot						
On horseback						
By pedal cycle						
By motor vehicle						
By horse-drawn vehicle						
Other (state)						

13. Why did you use the path? (was it for pleasure or going shopping, and so on?)

OTHER PEOPLE AND THE PATH

14. Do you know who owns the land over which the path runs?

Yes No

- If yes - who is it and where do they live?.....
.....
.....

15. Did you meet (or have you seen) other people using the path?

Yes No

- If yes - how many & how often?.....
- how were they using it? (on foot/horseback/bike/car).....

16. Are you, or have you ever been, a tenant or employee of the landowner?

Yes No

- If yes - has the landowner given you any instructions about the path?.....
- If yes - what were they?.....

17. Have you ever been stopped, challenged or turned back when using the path?

Yes No

- If yes - by whom, and what was said?.....
.....

18. Have you ever been given permission to use the path?

Yes No

- If yes - by whom?.....
- When, and what was said?.....

19. Have you ever had a private right to use the path (for example, an easement, licence, private right of access to property, and so on)?

Yes No

- If yes - by whom?.....

20. Has anyone ever done any maintenance or improvement work on the path?

Yes No

- If yes – what & who did it?.....

OTHER INFORMATION

21. 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)

Yes No

o If yes – please provide details

22. 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]

23. 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

24. A local public inquiry or hearing may have to be held about this - would you be willing to attend and speak if necessary?

Yes No

25. Who else do you think we should contact who might have information about the path or have used it? (Please give names and addresses).