

Public Right of Way User Evidence Statement

This statement should be completed and returned to the person making the application to 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 evidence about the application. When the Order-Making Authority (North Somerset Council, hereinafter referred to as “OMA”) commences detailed research, an officer 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. Please ensure that this statement is written legibly 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 The Wildlife and Countryside Act 1981, section 53. 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 (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 2018. It is held by the OMA's Rights of Way Service for the sole purpose of processing the application for the route referred to, and for no other purpose.

What are your rights?

North Somerset Council will be the Data Controller for this information. You have the following rights in relation to this data:

- You have the right to be informed about what information we hold about you and how we use it.

- You have the right to request copies of any information North Somerset Council holds about you by making a subject access request.
- If information we hold about you is factually inaccurate you have the right to have it corrected.
- You have the right to object to the way we are using your data.
- You have the right to request that your data is deleted. However, we may be unable to delete your data if there is a need for us to keep it. In this case you will receive an explanation of why we need to keep the data.
- You can also request that we stop using your data while we consider a request to have it corrected or deleted. There may be some circumstances in which we are unable to do this however we will provide an explanation if this is the case.
- In certain circumstances you may also request data we hold about you in a format that allows it to be transferred to another organisation.
- In the event that decisions are taken using automated processes you have the right to request that these decisions are reviewed by a member of staff and to challenge these decisions.

If you would like to request copies of your data, request that your data is deleted or have any other queries in relation to data which the Council holds about you please contact our Data Protection Officer at DPO@n-somerset.gov.uk

If you are unhappy with the way that North Somerset Council has used your data or with the way we have responded to a request you also have the right to contact the Information Commissioner's Office www.ico.org.uk.

DECLARATION – important, please read carefully

Under the Data Protection Act 2018 the OMA should 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 the Wildlife and Countryside Act 1981 section 53. 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 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 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.

Please print your full name:

Home Telephone Number:

Mobile Telephone Number:

Email Address:

Your contact details above and signature below will be redacted and not made publicly available.

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.

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT- ABOUT YOU

Name

Address

Postcode

Year of Birth

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]

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ABOUT THE APPLICATION ROUTE

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) Describe the application route (include start and finish points and provide OS grid references if you can)

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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 sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

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

From To

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

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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. Has the application route always followed the same course?

- Yes
- Don't know
- No

If no – how and when was the route altered?

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5. 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']

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

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

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

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How long were they in place?

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

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

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

- No
- Yes

If yes, please give details

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9. 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

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10. 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

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Land Ownership

11. 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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12. 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?

13. 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?

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

- No
- Yes

If yes, please give details including when this happened

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15. 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

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16. 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

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Other Information

17. 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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18. 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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19. 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

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

- Yes
- No