

## Public Right of Way User Evidence Statement

This statement could 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. Alternatively, you may send it to the Council using the details below.

This statement is intended to provide evidence, usually about an application. When Kirklees Council, the Order-Making Authority (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 a route 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.**

- 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 General Data Protection Regulation. 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.

If you have any queries regarding this form please contact:

Public Rights of Way Unit  
Flint Street, Fartown  
Huddersfield  
HD1 6LG  
Tel: 01484 221000  
Email: [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk)



## DECLARATION – Important, please read carefully

WCA 8 ref : ...../.....

This box is for office use only

### 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 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.

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. In signing it, you are acknowledging that it may be made publicly available.

Further information is available on the Privacy Notice for public rights of way services on the Council's website - <http://www.kirklees.gov.uk/beta/information-and-data/how-we-use-your-data.aspx>

<b>Please print your name here</b>	
<b>Home Telephone Number</b>	
<b>Mobile Telephone Number</b>	
<b>Occupation</b>	
<b>Email Address</b>	

### 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 of the Statement will be redacted and not made publicly available**

# PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

WCA 8 ref : ...../.....

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## About You

Name

Year of Birth

Address

How many years have you lived at the above address?

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

How many years have you lived in the area

Year from

Year to

## The Route

1. Please describe the route and mark it on the map included with this form. Please include start and finish points and provide OS grid references if you can). Please initial and date the map

Start

Finish

2. Which years have you known the route (eg 2006)

From

To

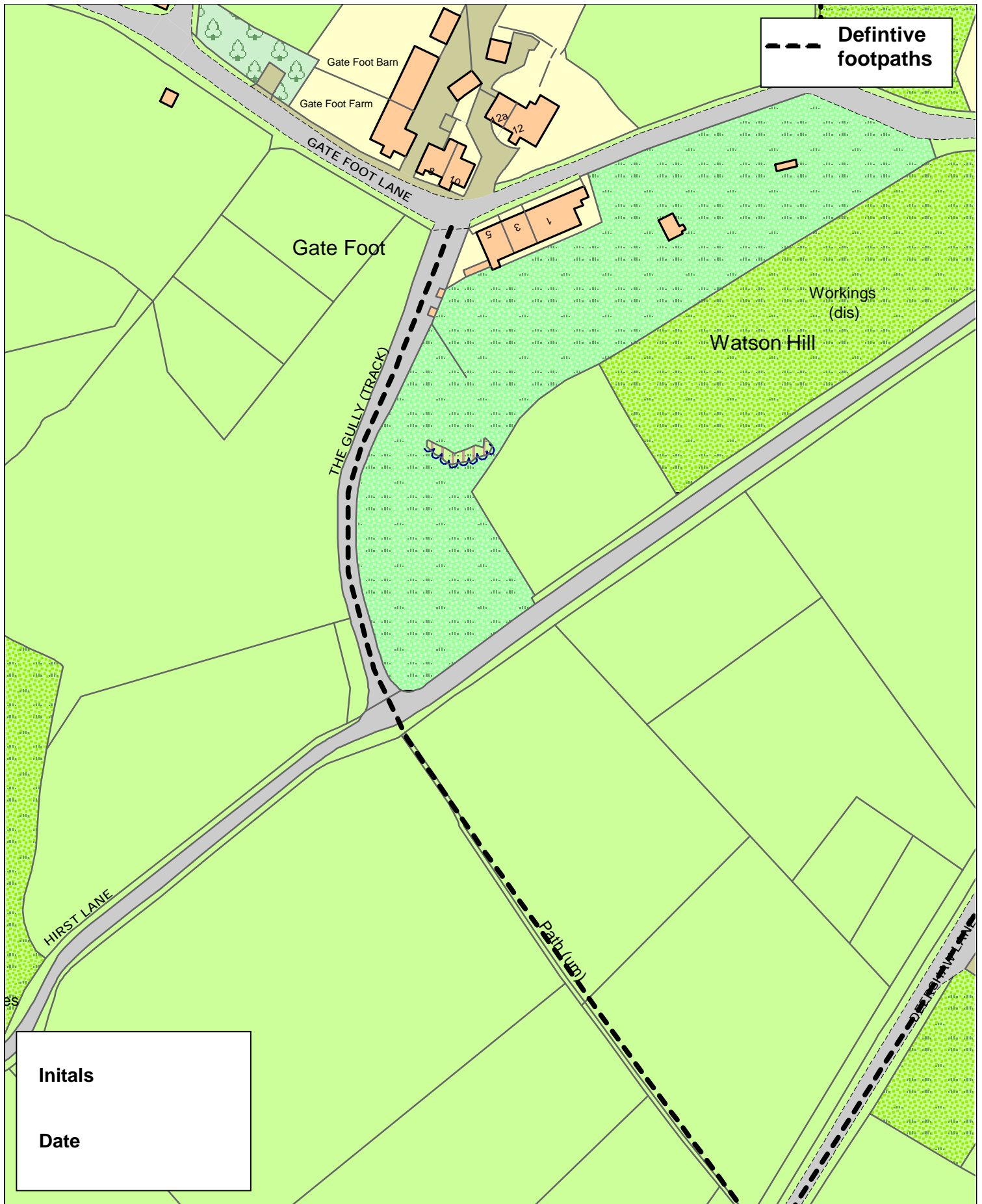
3. Which years have you used the route (eg 2006)

From

To

4. Were there any extended periods during which you did not use the route at all? ☐ Yes ☐ No

If yes, please state when and why?



### The Gully

Date: 12/11/2020

Scale: 1:1250

Filename: wca8 plan.WOR



**Public  
rights of  
way**

5. Does the route have a name? ☐ Yes ☐ No

If yes please give details

6. Which of the following do you believe the route is

Public footpath (for use by walker only) ☐

Public bridleway (for use by walkers, horse riders, pedal cyclist) ☐

Byway (for use by walkers, horse riders, pedal cyclist, motor vehicles and horse drawn vehicles) ☐

Restricted byway (for use by walkers, horse riders and by vehicles other than MECHANICALLY propelled vehicles) ☐

Not a PUBLIC right of way of any sort ☐

If you think that the route is NOT A PUBLIC RIGHT OF WAY please give your reasons below

7. 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 motor vehicle						
By horse-drawn vehicle						
Other (please give details)						

8. For what purpose have you used the route? (for example travel to school, leisure walk)

9. Has the application route always followed the same course? ☐ Yes ☐ No

If no – how and when was the route altered?

10. 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']

11. What type of surface does the application route have? (for example grass, earth)

[For varying surfaces, please describe with reference to your map]

12. Have you seen other people using the route? ☐ Yes ☐ No

If yes, for what purpose

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

Stiles [state locations and show on your map]

How long were they in place?

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

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

**14.** Did any of the above prevent you from using the application route? ☐ Yes ☐ No

If yes, please give details

**15.** On the route, have you ever seen any obstructions, such as fences, buildings etc?

☐ Yes ☐ No

If yes, please give details

**16.** 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") ☐ Yes ☐ No

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

**17.** Has the surface or any structure on the route been maintained by the local authority?

☐ Yes ☐ No

If yes, please give details

## Land Ownership

**18.** If known please give name(s) and address(es) of the owner(s) and or occupier(s) of the land over which the route runs

**19.** 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?

☐ Yes ☐ No

If yes, please give details

**20.** Did the owner or occupier ever give you permission (or did you seek permission) to use the application route? ☐ Yes ☐ No

If yes, please give details

- 21.** 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)? ☐ Yes ☐ No

If yes, please give details

- 22.** Have you ever been stopped or turned back when using the application route?  
☐ Yes ☐ No

If yes, please give details including when this happened

- 23.** Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc) ☐ Yes ☐ No

If yes, please give details

### Other information

- 24.** 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

If yes, please provide details

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]

- 25.** 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

- 26.** Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?  
☐ Yes ☐ No