

Application no.	Date accepted	UEF No



Somerset County Council Wildlife & Countryside Act 1981

Public Rights Of Way User Evidence Form

Important Note

This form is designed to help establish whether or not the route being claimed in the application (the "application 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).

The object of this process is to reach the truth of the matter, whatever it may be (i.e. to determine what, if any, public rights of way already exist over the route in question). You should answer the questions as fully as possible and not keep back any information, whether for or against the application. This is important if this information is to be of real value in establishing the status of the application route. Please see the notes on the reverse of this page before completing this form.

Please print your name here

Your: Home Telephone Number

Mobile Telephone Number

Email Address

Confidentiality – Please Read Carefully

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

- It may be necessary for the County Council 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 County Council 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.
- The information you give in this statement will be processed in accordance with the Data Protection Act 1998. It is held by the County Council's Rights of Way Service for the sole purpose of processing the application for the route referred to.

The information on this page of the Statement will be redacted and not made publically available

**Guidance On Completing A
Public Rights of Way User Evidence Form**

1. Completed forms are intended to provide preliminary evidence about the application. When we commence detailed research, an officer from the County Council may contact you to seek further information or ask you to be interviewed about your evidence. It would be very helpful if you were able to agree to be interviewed by an officer of Somerset County Council and/or appear at a public inquiry (see questions 21 and 22 below). Although it may be some years before these interviews or a potential inquiry take place, they are crucial aspects of the decision making process. Inquiries are kept as informal as possible and, if you do agree to give evidence, the County Council will be able to guide you through the process.

2. The form 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. Once you are satisfied that you have included all the information that may be relevant, please return this form 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.

3. Please answer all questions as fully as possible ensuring that dates can be easily understood by others. For example, in response to the question '*during which years did you use the way?*', answers such as "*many*", "*various*" or "*when I had my first horse*" are not as helpful as specifying the precise years.

4. If completing the statement by hand, please ensure it is written legibly and in black ink.

5. This document is also available in Braille, large print, on tape and on disc and we can translate it into different languages. We can provide a member of staff to discuss the details.

If you require assistance in completing this form please phone a member of the Rights of Way Definitive Map Team on (01823) 359796 or email to rightsofway@somerset.gov.uk

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name

Address

.....

.....

.....Postcode

Year of Birth

(NB: *You do not have to give this information but it does help the County Council assess your evidence?*)

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

Do you think the application route should be recorded as a?

- footpath (public rights on foot only)
- bridleway (public rights on foot and on horseback or bicycle)
- restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- byway open to all traffic (public rights for all classes of use, including motor vehicles)

Please 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 to confirm that it accurately reflects your evidence.

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; has your frequency of use changed from time to time (e.g. through moving away, employment or illness)? 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. For what purpose were you using the route? (e.g. pleasure, work, shopping, visiting friends)

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5. 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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6. 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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7. 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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8. Have there ever been any of the following on the application route?

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

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How long were they in place?

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b. Gates [please state locations, indicate whether and when they were locked and show them on your map]

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How long were they in place?

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

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

- No
- Yes

If yes, please give details

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10. 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, what they said and mark their location on your map

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11. 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

12. 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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13. 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?

14. Do you know if the owner or occupier was aware of the public using the way?

No

Yes

If yes, what has led you to this conclusion:

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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?

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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

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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

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18. Have you ever had a private right to use the application route? (for example, an easement, private right of access, license, etc)

No

Yes

If yes, please give full details, including who gave the permission, why and when

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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. In order to get a better understanding of the route in question and how it has been used, the County Council often interview a selection of people who have first-hand knowledge of the route. This helps us to clarify any points on which we are uncertain and often results in us being able to give greater weight to that individual's evidence. If necessary, would you be prepared to discuss your use of the route with a rights of way officer?

Yes

No

22. If an order is made to recognise new or additional rights of way, and that order receives objections, then it may be the subject of a public inquiry. The evidence of individuals who are able to appear and give evidence at an inquiry is given greater weight. If necessary, would you be prepared to give evidence at a public inquiry?

Yes

No

DECLARATION

Data Protection Act 1998

Under the Data Protection Act the County Council has a duty to inform you about how your personal data will be handled. In order to decide 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 on page 1). 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 considered by the County Council to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publically available.

PART F: Statement of Truth
(all applicants must complete this Part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE

Signature (of the person making the statement of truth):

Print full name:

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.