

Public Rights Of Way User Evidence Form

Important Note

- Part III of the Wildlife and Countryside Act 1981 requires the Council to keep a record of public rights of way in Bury ("the Definitive Map"). In addition, the Council has a duty to determine applications to modify the Definitive Map and Statement (DMMO applications).
- This form is for use by anyone who has personal knowledge about public use of (1) any route in Bury for which a public right of way is not recorded, but is claimed to exist, or (2) any public right of way claimed to be recorded incorrectly (either status or position).
- Bury Council will protect your personal data and ensure that it is presented fairly and lawfully. Information will be processed in accordance with the General Data Protection Regulations, The Data Protection Act 2018 and subsequent legislation. The Council will process your information in accordance with the legal obligation under the Wildlife and Countryside Act 1981.
- The Council may be required by law to allow other persons to have access to completed forms and other documents relating to a Definitive Map claim. If you provide personal information, either using this form or any other document relating to a Definitive Map claim, it could become accessible to the public. The information will only be processed for the purpose of determining the Definitive Map claim.
- Each individual who wishes to give evidence should complete their own form.
- The whole form should be completed. Use a separate form for each route if you have information about more than one.
- The Council will take into account all the relevant evidence, including user evidence forms. If the Council makes an order to modify the Definitive Map and the order is subject to objections, the evidence will be examined by an Inspector on behalf of the Secretary of State.
- If you have been provided with this form by someone who is preparing a Definitive Map claim, please return any completed form to them and not the Council.

Name of Witness.....

Address.....

.....

.....

Date of Birth.....

Occupation.....

Description of path:

From.....

Grid Reference

To

Grid Reference.....

District or Parish.....

Believed status of path (eg footpath).....

If necessary, continue your answers on an additional sheet of paper.

1. (a) Have you known the above way as public?

.....

(b) If so, for how many years?

.....

2. How wide is the way?.....

3. Have you used the above way?.....

If so:

(a) During which years?

.....

(b) Where were you going to and from?

.....

(c) For what purpose? ie pleasure, going to work, to shops etc?

.....

(d) How frequently do you/did you use the path? ie; once a day, once a week, once a month?

.....

(e) By what means (eg on foot, on horseback etc)?

.....

4. (a) Has the way always run over the same route, or has it been at all diverted?

.....

(b) If it has been diverted, give details and dates

.....

5. Have there to your knowledge ever been on the way:

(a) Any stiles or gates

.....

(b) Any notices

.....

If so, state (with details of location) where the stiles or gates or notices stood, and what was said on the notices.

.....

.....

6. Please give names and addresses of the landowners whose land is crossed by this path

.....

.....

7. If you were working for any owner or occupier of land crossed by the way at the time when you used it, or were then a tenant of any such owner, give particulars and dates. If not write "NO"

.....

.....

8. If so, did you ever receive any instructions from them as to the use of the way by public. If so, what were they?

.....

.....

9. Have you ever been stopped or turned back when using this way, or do you know or have you heard of anyone else having been interfered with?

If so, state when the interference took place and give particulars.

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10. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

.....

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11. Have you ever known any locked gates or other obstruction to the way? If so, state when and give particulars.

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12. Have you ever seen notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? If so, what did the notices say?

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13. Have you ever been given permission to use the way?

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14. Can you give any further particulars?

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.....

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

I am/am not (delete as appropriate) willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signed:.....

Person taking this statement (*if applicable*)

.....

Dated this day of 20.....

Bury Council, Bradley Fold Depot
Unit 34, Bradley Fold Trading Estate
Bradley Fold Road
Bolton
BL2 6RS

(Form D)