

**DEVON COUNTY COUNCIL
PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT**

This statement is intended to provide evidence about an application, or claim, seeking a change to the Definitive Map and Statement of Public Rights of Way.

This statement is designed to provide information about the route and its use. You should answer the questions as fully as possible. This is important if this information is to be of real value in establishing the status of the route.

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 claim proceeds to a public inquiry your evidence will be made available to the inquiry.
- If the OMA proceeds with the claim 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 claim 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 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 establish whether a public right of way exists. In signing it, you are acknowledging that it may be made publicly available.

For information about how Devon County Council will use the information that you include on this form, please view our privacy notice at <http://devon.cc/prow-privacy>

Name..... **Year of Birth**.....

Address.....

Home Telephone Number

Mobile Telephone Number

Email Address

Statement of Truth

I believe that the facts contained in the attached statement are true.

Your Signature:

Date:

Information on this page of the Statement will be redacted and not made publicly available

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Name

Route Details

Parish..... District.....

The route starts at:

The route ends at:

N.B. Please attach a map to identify the route you have used and any other important features. Please initial and date your map.

1. What status do you think the route has?

- (a) Footpath (b) Bridleway (c) Restricted Byway (d) Byway

[see definitions below - circle as appropriate]

[a] foot only [b] foot, horse & bicycle [c] a right of way on foot, horseback, leading a horse, or with a non-mechanically propelled vehicle [d] a right of way for all traffic but mainly used as a footpath or bridleway

2. In which years did you use the route?

From To

3. How did you use the route and how often?

	Daily	Weekly	Monthly	Every few months	Once a year	Other
On foot						
On horseback						
Bicycle						
Motor vehicle						
Horse drawn vehicle						

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

.....

5. Have you always followed the same route?

YES / NO [*please delete as appropriate]

If no – when and how did it change?

.....

6. For what purpose did you use the route? e.g. access to land, business, pleasure.

.....

7. Why do you think the route is public?

.....

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

a. Notices [when you saw it and what did it say - please mark on your map]

.....

b. Stiles [please mark on your map].....

c. Gates [please mark on your map]

d. Other obstructions [what and where were they? – please mark on your map]

.....

N.B. Please attach any photos you may have of the above features.

9. Did any of the above prevent you from using the route? YES / NO [*please delete as appropriate]

If yes, please give details.....

10. Do you know who owns the land crossed by the route?

.....

11. Were you working for any owner/occupier or a tenant of land crossed by the route when you used it?

YES / NO [*please delete as appropriate]

12. Did the owner or occupier ever give you permission or did you seek permission to use the route?

YES / NO [*please delete as appropriate]

13. Do you think that the owner/occupier was aware that the public were using the route?

YES / NO [*please delete as appropriate]

If yes, please give details why.....

14. Has anyone ever told you the route was not public (including by an owner, tenant of the land or by anyone in their employment)?

YES / NO [*please delete as appropriate]

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

YES / NO [*please delete as appropriate]

16. Do you know of anyone else who has been prevented from using it?

YES / NO [*please delete as appropriate]

If yes, please give details.....

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

YES / NO [*please delete as appropriate]

If yes, please give details

.....

18. Do you have, or do you have knowledge of any documents which relate to the route? (e.g. photographs, guidebooks, old maps, etc)

YES / NO [*please delete as appropriate]

If yes – please give details.....

19. Would you be willing to attend a hearing or public inquiry to give evidence?

YES / NO [*please delete as appropriate]

