

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

NB The object of this enquiry is to reach the truth of the matter, whatever it may be. You are therefore asked to 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 path.

Please note that the information given in this form (including your name, address and other personal information) together with any accompanying drawings and documents will be made publicly available and may be published on the Council's website.

NAME: Mr/Mrs/Ms **DATE OF BIRTH:**

ADDRESS: **POST CODE:**

e-mail: **TEL:** **OCCUPATION:**

PATH DETAILS: PARISH **DISTRICT**

DESCRIPTION OF PATH *[please attach a map on which you mark the route **clearly** and **precisely**]*

The path starts at:

The path ends at:

1. What do you believe to be the status of the path?

[a] footpath [b] bridleway [c] restricted byway [d] byway open to all traffic

[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. Have you used the above path?

Yes/No

[delete as appropriate]

If so:

a. During which years?

b. How many times a year?

c. Where were you going to and from?

d. For what purpose? [e.g. pleasure, business, work]

e. By what means? [e.g. on foot, on horseback, with a vehicle]

3. Why do you think the path is public?

4. Has the path always run over the same route?

Yes/No

[delete as appropriate]

5. Has it been diverted at any time?

Yes/No

[delete as appropriate]

If it has been diverted, give the details and dates:

6. Have there to your knowledge ever been on the path any:

a. Stiles? [state location]

b. Gates [state dates or times when locked]

c. Notices? [when were they put up and what did they say?]

d. Other obstructions? [state nature and location and when they were in place]:

7. If you know who owns the land crossed by this route please give details.

8. **Were you working for, or were you a tenant of, any owner or occupier of land crossed by the route at the time when you used it?** **Yes/No**

If so:

[delete as appropriate]

- a. Give particulars and dates
- b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what those instructions were.

9. **Have you ever obtained permission to use the route?** **Yes/No**

[delete as appropriate]

If so, from whom? When?

10. **Have you ever been stopped or turned back when using the route?** **Yes/No**

[delete as appropriate]

- a. If 'yes', give dates and details.
- b. Were you ever told by an owner or tenant of the land crossed by the route, or by anyone in their employment, that it was not public? **Yes/No**

[delete as appropriate]

If 'yes', give dates and details:

- c. Do you believe the owner or occupier was aware the public was using the path? **Yes/No**

[delete as appropriate]

If 'yes', why?

- d. Have you ever seen such notices as "Private", "No road", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". **Yes/No**

[delete as appropriate]

If 'yes', state when and give details:

- e. Do you know of anyone else having been prevented from using it? **Yes/No**

[delete as appropriate]

11. **Have you ever had a private right to use the route in question?** **Yes/No**

[delete as appropriate]

If 'yes', please give details

12. **Any additional information about the route and your use of it:**

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If necessary, continue your answers on a separate sheet of paper.

DECLARATION

Are you willing to attend a hearing, public inquiry or court to give evidence on this matter, should this prove to be necessary? **Yes/No**

I have attached to this form a map marked with the route I used. **Yes/No**

[delete as appropriate]

I acknowledge that this form will be made publicly available and may be published on the Council's website.

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

Signature: **Date:**

Person taking this statement *[if applicable]* : **Date:**