

Public Right of Way User Evidence Statement



This statement should 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.

This statement is intended to provide preliminary evidence about the application. When the Order- Making Authority (OMA) commences detailed research, an officer from that authority 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 the route being claimed in the application 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.

- 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 to make an Order and objections are received, 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.
- Please see our Privacy Notice attached.

DECLARATION

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 form 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 form 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, other than where requested.** If you provide responses to those particular questions, the information will be redacted from public view.

This statement and the details contained therein will be considered by the OMA to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publicly available.

Full name
(MR/MRS/MISS/MS/OTHER)

Full address including postcode
.....

Home Telephone Number

Mobile Telephone Number

Email Address

Statement of Truth

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

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 WILL NOT BE MADE PUBLICLY AVAILABLE

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

1. Full name
(MR/MRS/MISS/MS/OTHER)

Full address including postcode
.....
2. Year of Birth
3. 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

4. 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

5. Please mark the route on the attached map and annotate it with anything you provide details about in this statement. Please sign and date the reverse of your map.

YOUR USE OF THE APPLICATION ROUTE

6. In which years have you used the application route?

From To

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

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8. How did/do 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]						

9. Why did/do you use the application route?

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10. Has the application route always followed the same course?

- Yes
- No
- Don't know

If no – how and when was the route altered?

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11. 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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12. What type of surface does the application route have? (e.g. grass, gravel, earth)

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

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

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

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How long were they in place?

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b. Gates [state locations - and show on your map]

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How long were they in place?

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Were they ever locked?

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c. Other barriers [state what they were, where they were (show on your map), and how long they were in place]

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

- No
- Yes

If yes, please give details

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15. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (e.g. "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted", "Please Keep Dogs on a Lead")

- No
- Yes
- Don't know

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

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16. 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

17. 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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18. Has the owner or occupier ever given you permission (or have you asked for permission) to use the application route?

- No
- Yes

If yes,

- a. From whom?
- b. When?

19. 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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20. 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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21. 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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22. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc)

No

Yes

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

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Other Information

23. 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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24. 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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25. During the investigation the OMA may want to interview you 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

Public Rights of Way Privacy Notice

Last Updated: 24th April 2018

This notice explains what personal data (information) we hold about you, how we collect, how we use and may share information about you. We are required to give you this information under data protection law.

Who are we?

Kent County Council collects, uses and is responsible for certain personal information about you. When we do so we are regulated under the General Data Protection Regulation which applies across the European Union (including in the United Kingdom) and we are responsible as 'controller' of that personal information for the purposes of those laws.

The personal information we collect and use

Information collected by us

In the course of processing an application to amend the Definitive Map and Statement, you are providing us with the following personal information as part of your supporting statement:

- your name
- you contact details

How we use your personal information

We use your personal information to process the application as per schedules 14 and 15 of section 53 of the Wildlife & Countryside Act 1981.

How long your personal data will be kept

We will hold your personal information indefinitely as per the above legislation.

Reasons we can collect and use your personal information

The lawful basis on which we collect and use your personal data is that 'processing is necessary for compliance with a legal obligation'.

The provision of personal contact data is required from you to enable us to process an application that has been made to amend the Definitive Map and Statement, and as we have a statutory basis for collecting your personal data if you do not provide it, we are unable to consider your supporting statement.

Who we share your personal information with

As per the legislation, as you have provided a supporting statement, we may be required to share your personal information with the Secretary of State and to make the complete application publicly available.

We will share personal information with law enforcement or other authorities if required by applicable law.

Your Rights

Under the GDPR you have a number of rights which you can access free of charge which allow you to:

- Know what we are doing with your information and why we are doing it
- Ask to see what information we hold about you

- Ask us to correct any mistakes in the information we hold about you
- Object to direct marketing
- Make a complaint to the Information Commissioners Office

Depending on our reason for using your information you may also be entitled to:

- Ask us to delete information we hold about you
- Have your information transferred electronically to yourself or to another organisation
- Object to decisions being made that significantly affect you
- Object to how we are using your information
- Stop us using your information in certain ways

We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties. Please note: your request may delay or prevent us delivering a service to you.

For further information about your rights, including the circumstances in which they apply, see the guidance from the UK Information Commissioners Office (ICO) on individuals' rights under the General Data Protection Regulation.

Keeping your personal information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

Who to Contact

Please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk to exercise any of your rights, or if you have a complaint about why your information has been collected, how it has been used or how long we have kept it for.

You can contact our Data Protection Officer, Benjamin Watts, directly at dpo@kent.gov.uk or you can write to the Data Protection Officer, Sessions House, Maidstone, Kent ME14 1XQ .

The General Data Protection Regulation also gives you right to lodge a complaint with a supervisory authority. The supervisory authority in the UK is the Information Commissioner who may be contacted at <https://ico.org.uk/concerns> or telephone 0303 123 1113.

For further information visit <https://www.kent.gov.uk/about-the-council/about-the-website/privacy-statement>

