



DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

PUBLIC PATH USER FORM

PLEASE READ THE NOTES ON THE BACK PAGE BEFORE COMPLETING THIS FORM

The purpose of this statement is to provide information about your actual use of the way. Please answer all the questions as fully as possible making sure that you don't withhold any information that could be relevant to the Council in considering whether the available evidence indicates that a public right of way exists.

All Public Path User Forms must be accompanied by a map at a scale of greater than 1:25,000 indicating the way that you have used and must be signed and dated by you.

Cornwall Council may approach you to act as a witness for the Council at a future Hearing or Inquiry. If this is required, we will ensure that you have plenty of advance warning.

This statement should be completed and returned to the person making the application so that it can be submitted with or form part of a claim which is seeking to change the Definitive Map and Statement of Public Rights of Way. Please Note the Council cannot accept Public Path User Forms without an application. If you complete and submit this Form, but it is not associated with a new or existing application it will be returned to you.

1. DETAILS OF PATH USER

Full Name: Age:
 Address: Tel No:
 Email:
 Post Code Occupation

Have you lived at any other addresses during the time you have used the path or way? If so, please provide full details and years [full addresses not required].....

2. PATH DETAILS (Please provide this information if you can)

Parish: District:
 From : Grid Reference.....
 To: Grid Reference.....

3. USE OF ALLEGED WAY

- (a) Have you personally used the claimed way?
- (b) Where were you going to & from?.....
- (c) For what purpose?
- (d) When did you last use it?
- (e) Have you always followed the same route?
- If not, state the year you changed your route & why
- (f) Have you always used the whole length of the path?.....
- If not, which part of the path did you use and why
- (g) Please describe the application route (include the start and finish points and any other characteristic features worth noting)
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- (h) Please complete the boxes below to show during which years you used the way as a public right of way, by what means you have used it and how many times a year you have used it.

| By what means, over what period & how often did you use the way? | | | |
|---|--------------------|------------------|--|
| Means | From (Year) | To (Year) | Times per Year [Please give a number] |
| On Foot | | | |
| On Horseback | | | |
| By Bicycle | | | |
| By Motor Vehicle | | | |
| Other [please specify] | | | |

- (h) Were there any years during which you did not use the route at all? YES /NO *
- If YES between which years and why?
- (i) Did you see anyone else using the path and by what means?
- (j) Do you believe the owner/occupier was aware the public was using the way? YES / NO *
- If YES, why?

[*Please select as applicable]

4. DETAILS OF THE ALLEGED WAY

- (a) How wide is the way at its narrowest? Where is that point?
- (b) How wide is the way at its widest? Where is that point?
- (c) Has the way always run over the same route?
- If it has been diverted, give details and dates
- (d) What type of surface does the way have (for example grass, gravel, earth)? For varying surface please describe with reference to your map.....

5. STILES

- (a) Are there, or have there been, any stiles on the way?
- If so, state where, how long they were in place and mark on the Map attached

6. GATES

- (a) Are there, or have there been, any gates on the way?
- If so, state where, when, whether they were ever locked and mark on the Map attached

7. NOTICES

- (a) Have you ever seen notices erected by the landowner on or near the way?
- If so, when and where (Please mark locations on Map) did you see these notices and what did they say?

8. OBSTRUCTIONS

- (a) Has your use of the way ever been blocked?
- If so, state what those barriers were, when they were in place, where they were located and mark on the Map attached

9. VERBAL NOTICE

- (a) Were you ever told by an owner or tenant of the land crossed by the path or anyone in their employment that the path was not public? YES /NO *
- If YES, please give details?
- (b) Have you ever been stopped or turned back when using the way? YES /NO *
- If YES, state when and by whom and where this took place and give particulars.

(c) Are you aware of anyone else being stopped or prevented from using the way?

.....

10. PERMISSIVE USE

(a) Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? YES /NO *

(i) Give particulars and dates

(ii) Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were.

(b) Have you ever obtained or been granted permission to use the route? YES /NO *

If so, from whom? When? For what purpose?

.....

11. PRIVATE USE

(a) Has your use ever been in exercise of a private right? (For example, do you live on the way, does that property have an easement, were you accessing your place of work)

YES /NO *

(b) If yes, please give full details including specific years and (if possible) dates during which you used it in a private capacity.

.....

12. ADDITIONAL INFORMATION

(a) Please provide any other particulars, information or documents in relation to the claimed right of way that you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way i.e., is there any documentary evidence, e.g. Enclosure Awards, Tithe Maps, Railway Maps, etc., which you think will support the claim? If so, give details

.....

[Continue on a separate sheet if necessary and provide a separate sketch map if it helps]

(b) During the investigation the Council may want to interview some or all of the users in order to gather additional information. I am /am not * willing to talk to an officer from the Council about your knowledge of the route? [*Please delete as applicable].

If you are unwilling to do so, please give reasons:

13. DECLARATION

All users must complete the following Statement of Truth

I hereby declare that to the best of my knowledge and belief all the facts and matters contained in this statement including my answers to the above questions are true.

I am /am not * willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove to be necessary. [*Please select as applicable]

If you are unwilling to do so, please give reasons:

Signature **Date**

REMINDER: Please attach a signed and dated map

Privacy Notice - General Data Protection Regulations

The Data Controller for all the information you provide on this form is Cornwall Council, New County Hall, Treyew Road, Truro TR1 3AY. Data Protection Registration Number: Z1745294

The information you provide on this form is collected for the purpose of carrying out the functions of the Council in fulfilling its statutory duties under the Wildlife and Countryside Act 1981. Although it is not our preferred practice to share the information contained in your completed form with other parties before determining an application for a Definitive Map Modification Order, you should be aware that your completed form may be made available to other parties who have a right to see it under the Freedom of Information Act 2000. You should also be aware that the information contained in your completed form will be included in the appendices to a report prepared by officers of the Council and may also be made available as part of a bundle of papers prepared for a future Public Hearing or Inquiry.

Your data will be held within Cornwall Council's secure network and premises and will not be processed outside of the UK. Access to your information will only be made to authorised members of staff who are required to process it for the purposes outlined in this privacy notice.

In accordance with the Batchelor Retention Guidelines your information will be retained for the calendar year that we finish processing it and for two years thence.

Whilst your personal information belongs to you, you have the right to:

- be informed how we will process it;
- request a copy of what we hold about you and in commonly used electronic format if you wish;
- have it amended if it's incorrect or incomplete;
- have it deleted (where we do not have a legal requirement to retain it).

If you would like to access any of the information we hold about you or have concerns regarding the way we have processed your information, please contact the Data Protection Officer, Assurance, Cornwall Council, New County Hall, Treyew Road, Truro TR1 3AY. Tel: 01872 326424. Email: dpo@cornwall.gov.uk

We would prefer any complaints to be made to us initially so that we have the opportunity to see if we can put things right. However, if you are unhappy with the way we have processed your information or how we have responded to your request to exercise any of your rights in relation to your data, you can raise your concerns direct with the Information Commissioners Office. Tel: 0303 123 1113.
<https://ico.org.uk/concerns/>

NOTES

- I. You should complete this Public Path User Form personally. It is important that your answers relate only to your use and knowledge of the way
- II. Please answer all questions as fully as possible. If you are struggling to understand any of the questions please contact the Definitive Map Officer at Cornwall Council, Public Rights of Way & Access Management Team, PO Box 767, Threemilestone, Truro, TR1 9EQ, Tel: 0300 1234 202 who will be able to provide further information to help you complete a Public Path Evidence Form.
- III. Please answer all questions as truthfully as possible. Witnesses are advised that this is a statutory process and as the outcome of any Definitive Map Modification Order application may depend on evidence you provide, you are aware that to dishonestly enter information or make a statement that is, or might be known to be, untrue or misleading, intending 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.**
- IV. It is important that the way is shown to follow a defined route and not be an area over which the public have wandered at large.
- V. You may be personally interviewed in connection with the information given in this Form. The data is collected by Cornwall Council ("the Council") in accordance with the data protection principles in the Data Protection Act 2018. The purpose for collecting the data is to carry out the functions of the Council under its statutory duties under the Wildlife and Countryside Act 1981. The Council may disclose any information given by you on this Form including your personal details to third parties as required by the Freedom of Information Act 2002 or in pursuance of the Council's functions detailed above.
- VI. In some cases people who apply for Definitive Map Modification Orders withdraw their applications for 'personal' reasons after they have gathered user evidence and submitted it to Cornwall Council. In such circumstances we continue with the investigation to bring the case to a conclusion and you may still be contacted.
- VII. The details contained in this Form may be used as evidence in further proceedings, and you should be prepared to support the information by being willing to attend to give verbal evidence, in the future, at a Hearing or Local Public Inquiry.**
- VIII. A landowner can successfully refute a claim for the addition of a way if he/she can prove that either the way was used with his/her express permission only, or that he/she has prevented access to the way, or that he/she has erected notices to counter any suggestion that there had been any intention to dedicate the way as a public right of way.
- IX. A Map clearly showing the route of the alleged way must be attached to this Form. You must sign the Map to confirm that you have seen and understood it.**