

Providing Personal Evidence in Rights of Way Cases

Applications to change the Definitive Map of rights of way can be supported by documentary evidence or personal evidence from people who have known the route. This guidance note will give you information about providing personal evidence about a route.

We need to get a fully rounded picture of how a route has been used over time and how it was considered by local people, visitors and land owners. The testimony of local people and visitors to an area is invaluable in building up this picture. If you have knowledge about a route we want to hear from you whether or not you support the application.

How can I give my evidence?

The council provides standard forms for members of the public to submit details of evidence of use of a route. The forms contain questions which will help in deciding whether a route is a public right of way but if you have more evidence then you are welcome to submit further written statements. We may ask to come and talk to you about the route and take a more detailed statement. If the case ends up at a local Public Inquiry we may ask you to come and give your evidence in person; you don't have to do this but your evidence has more weight if you do.

What should I tell you about?

We will need to know as much as possible about your use of the route and the use of other people. Equally we would like to know if you did not use a route, or part of it, and why that was. We will need to know how long you have known or used a route for and how often (if at all) you used it. If you have used a route in different ways (e.g. walking and on horseback) we will need to know details about when and how often you used it in each way. If you used the route for a specific purpose, for instance to get to work, visit friends or to deliver newspapers then please tell us about this.

Knowing whether the owner of land crossed by the route ever spoke to you or others about it will help us get an idea of that person's attitude to the route in the past; let us know even if you met them on the route but never spoke to them.

Tell us if anything ever made it hard to use the route or stopped you using it completely, even if this was just for a short time. Likewise, tell us about anything that people did to make it easier to use the route like putting in or repairing stiles, gates, signposts or cutting back vegetation.

We would like to hear about any stories or recollections you have about the route, even if you don't think it will be relevant. Sometimes it is the little details that pull all the other evidence together. Even if you can't remember exact dates, references to physical features on the route or people who owned the route or lived near it over time will help us to place your evidence in a timeline. Tell us about anything that comes to mind, sights, smells and sounds that you associate with the route.

Filling in an evidence statement

- Each individual witness should fill out their own statement. Married couples or groups from one household should not fill out one form per couple or household. People do not necessarily always use a route together; therefore some individuals may have used a route for a longer period of time than others, or more frequently. Equally, some individuals of a household may remember more about a route than others. It may also arise that one individual is denied access along a route by a landowner, whereas another may not.
- Every question on the form is important. You should answer every question in order to present as clear and full a picture as possible of your use of the route. If you do not know the answer to a question you should simply say so. If you are unsure about dates, names or precise wording you may give answers to the effect of “*around 1975 to 1977*” or “*I think the notice said Private Keep Out*”.
- Dates are very important. You should provide a reasonable indication of how long and when you have used a route, e.g. 1971 – 1984. Answers which simply state “*18 years*”, “*many years*” or “*all of my life*” do not provide enough information, and if you have not written your date of birth on the form it may not tell us anything at all.
- If the case comes to a Public Inquiry or hearing we ask that you consider attending to give your evidence. Verbal evidence given at a Public Inquiry may provide additional information to that given on the statement form, or may help to clarify any confusion which can arise over an issue; it may also provide the deciding factor in an Inspector’s deliberations.
- A map of a scale not less than 1:10,000 (approximately 6 inches to 1 mile) and which clearly shows the relevant route(s) must be submitted with the application. Please sign the map and attach it to the statement. A map will usually be provided with an evidence form.

The evidence statement must be signed and dated by each individual witness; if you don’t sign the form we can’t use it.

If you find it difficult to write you can ask someone else to fill out the form for you as long as the evidence is your own and you sign the form. It would be useful if the writer indicates that they have filled out the form on your behalf.

If you don’t want to use the form then you are welcome to just write to us and tell us about the route. If you have any questions regarding your evidence statement we will be happy to help.

Who will see my evidence?

It is important to remember that anyone may request to see your evidence statement, take copies of it or simply ask for information regarding its contents. This also applies to anyone else’s evidence statement and all other documents and maps used in deciding the case.