

PUBLIC RIGHTS OF WAY
FORM E – USER EVIDENCE FORM AND STATUTORY DECLARATION FORM
GUIDANCE NOTES

WILDLIFE AND COUNTRYSIDE ACT 1981

1. FORM E is referred to as a User Evidence form. It should be completed by people who have used the route being claimed. Form E (stat) is very similar, except that it is called a Statutory Declaration and will need to be witnessed by either a Commissioner for Oaths, Solicitor or Magistrate (contact Rights of Way, Rotherham MBC if you need a copy). Inspectors at Public Inquiries will generally place greater weight on Statutory Declarations than on unsworn User Evidence forms. Both forms should be personally completed by the witness.
2. All questions must be answered.
3. The usual method of providing evidence for the addition or upgrading of a claimed way, is for witnesses to testify their use to help comprise 20 or more years of uninterrupted use of the way prior to the date that the public right was brought into question, believing that they had the right to do so, pursuant to Section 31 of the Highways Act 1980, which states:-
 - a. *“Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.*
 - b. *The period of 20 years referred to in sub-sub-section (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by notice or otherwise”.*
4. 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.
5. The witness may be personally interviewed in connection with the information given in the forms.
6. The details contained in forms may be used as evidence in future proceedings, and the witness should be prepared to support the information by being willing to attend to give verbal evidence read from a prepared statement, at a later date at any local Public Inquiry which may be arranged.
7. 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 intention to dedicate the way as a public right of way.
8. A map clearly showing the route of the alleged way should be attached to the forms. The map should preferably be at a scale of 1:2,500 or 1:10,000 and should be signed by the witness to confirm that it has been seen and understood.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

User Evidence Form for Claimed Public Right of Way

Please read the following notes before completing this form:

- The Council is required by Part III of the Wildlife & Countryside Act 1981 to keep a record of public rights of way in Rotherham ("the Definitive Map").
- This form is designed for use by anyone who has personal knowledge about public use of
(1) any route in Rotherham for which a public right of way is not recorded, but is claimed to exist, or (2) any route for which a public right of way is claimed to be recorded incorrectly (e.g. in terms of the type of right of way shown, or the position).
- The Council processes personal information, including any which it receives under this form, in accordance with Data Protection legislation.
- In some cases the Council is required by law to allow other persons to have access to completed forms and other documents relating to a Definitive Map claim. Therefore, if you provide personal information (e.g. name, address, telephone number and date of birth), either using this form, or in any other document relating to a Definitive Map claim, it could become accessible to the public.
- Each individual who is willing and able to give evidence should complete his or her own form.
- Please complete all of this form. If you know about more than one route, please use a separate form for each.
- The Council when considering a Definitive Map claim will take into account all relevant evidence available, including completed user evidence forms. If the Council makes an order to modify the Definitive Map, and the order is subject to objections, the evidence will also be examined by an Inspector on behalf of the Secretary of State. Therefore *it is important that you complete the form as accurately and fully as you can*. If you cannot remember any details please write that you cannot remember.
- *If you have been provided with this form by someone who is preparing a Definitive Map claim, please return any completed form to them*. Generally it is very helpful to all concerned if completed forms are returned to the person organising the claim instead of directly to the Council.
- Once completed and collected, please send the forms to Public Rights of Way, Streetpride, Riverside house, Main Street, Rotherham, S60 1AE

Personal Details

Please use **BLOCK CAPITAL LETTERS**

Full Name Date of Birth

Address

.....

Telephone No E-mail

The information that I have given on this form is true and accurate to the best of my knowledge.

Signed Date

Information about the route

Please describe the route that you are able to provide evidence for. Include details of the route itself, the points it runs between, and the parish/es in which it is located.

Footpath from Kimberworth Bridal Path 8 at statue to footbridge at Ockley Bottom. Path drops to stream,
follows right bank and drops to footbridge.

If a plan is already attached to this form which covers the area of the route you are describing, please mark clearly on it the precise line of the route from start to finish. Otherwise, please attach an Ordnance Survey based plan to a scale of no less than 1:25,000 which you have marked clearly with the precise line.

What is the approximate width of the route? 0.4 m

Details of your use of the route

a) In what way/s have you used the route? (Please tick the appropriate box/es)

On foot	<input checked="" type="checkbox"/>	In/on a motor vehicle	<input type="checkbox"/>
On horseback	<input type="checkbox"/>	Other, please specify
On a pedal cycle	<input type="checkbox"/>	

b) In what way/s have you noticed other people using the route? (Please tick the appropriate box/es)

On foot	<input checked="" type="checkbox"/>	In/on a motor vehicle	<input type="checkbox"/>
On horseback	<input type="checkbox"/>	Other, please specify
On a pedal cycle	<input type="checkbox"/>	

c) What have been your reasons for using the route? (Please tick the appropriate box/es)

To visit places on the route	<input type="checkbox"/>	As part of a longer journey	<input checked="" type="checkbox"/>
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Please specify where you have travelled to and from.

Passing from Grange Park to Green Lane
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d) Have you used the route as part of an organised group event?

Yes ☒ No ☐

If so, please give details.

Integral section of the Round Rotherham route
.....
.....

- e) How have you used the route, and during which years, and approximately how frequently have you used the route? (please complete as appropriate and tick the appropriate box)

On foot

Year from to

Daily ☐ Weekly ☐ Monthly ☐ Less than monthly ☐

On horseback

Year from to

Daily ☐ Weekly ☐ Monthly ☐ Less than monthly ☐

On pedal cycle

Year from to

Daily ☐ Weekly ☐ Monthly ☐ Less than monthly ☐

In/on motor vehicle

Year from to

Daily ☐ Weekly ☐ Monthly ☐ Less than monthly ☐

Other method (Please specify)

Year from to

Daily ☐ Weekly ☐ Monthly ☐ Less than monthly ☐

Were there any years, within the period stated above, when you did not use the route? If so, when was this? Please give dates.

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If your frequency of use of the route changed over time, please describe how:-

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Further information

- a) Do you remember the route ever having been diverted ☐ or blocked ☐? If so, give details and dates.

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- b) Do you recall any stiles or gates on the route? If so, give details of where they were and when they were present, and mark their positions (S for stile, G for gate) on any plan attached.

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- c) Do you recall seeing any notices? If so, where were they placed, when were they present and what was their wording?

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- d) Were you working for the owner or occupier of any land along the route when you used it, or were you then an occupier of any such land? If so, give details and dates.

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- e) Were you ever given permission to use the way? If so, provide details of who gave permission and when.

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- f) Have you ever been stopped or turned back when using the route? If so, give details and dates.

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- g) Were you ever told by anyone, that the route was not public, or that it was only public for particular purposes (eg that it was a public footpath, not bridleway)? If so, give details and dates.

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If you have any further comments to make please use the space below.

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Would you be willing attend as a witness at a public Inquiry or hearing to give evidence of your use of the route?

Yes

☐

No

☐

Any requests for additional forms or other communications to the Council about this form should be addressed to:

Public Rights of Way Team
Streetpride
Rotherham Metropolitan Borough Council
Riverside House
Main Street
Rotherham
S60 1AE

Telephone: 01709 254481 Email: rightsofwayissues@rotherham.gov.uk