

DEFINITIVE MAP MODIFICATION ORDER PUBLIC RIGHTS OF WAY- USER EVIDENCE FORM

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Please answer the questions as fully as possible, as your evidence is important. It will enable the Council to make an accurate, balanced decision.

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PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

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This statement is intended to provide evidence about the application. When the Order-Making Authority (OMA) commences detailed research, an officer may contact you to seek further information or ask you to be interviewed about your evidence.

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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.

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Further information is available on the Privacy Notice for public rights of way services on the Council's website www.nelincs.gov.uk

Please print your name here Denise Rothwell

Your: Home Telephone Number [REDACTED]

Mobile Telephone Number [REDACTED]

Email Address [REDACTED]

Information on this page of the Statement will be redacted and not made publically available

STATEMENT OF TRUTH

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

Your Signature: [REDACTED]

Date: 6/8/2019

You should keep a copy of the completed statement

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WITNESS DETAILS

Name **D. ROTHWELL**

Address

[REDACTED]

Laceby

Postcode

[REDACTED]

Year of Birth

Have you lived at any other addresses during the time you have used the path or way?

If so, please provide details of locations and years [full addresses are not required]

BUTT LANE, LACEBY 1958 - 1971
SCRIVELBY COURT CUS 1971 - 1974
BUTT LANE LACEBY 1974 - 1985
BUTT LANE LACEBY 1985 - Present

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please put your initials on your map and date it. **DO NOT ADD YOUR FULL SIGNATURE.**

YOUR USE OF THE APPLICATION ROUTE

In which years did you use the application route?

From **Mid 1960's approx**

To **Now**

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

1971 - 1974 - Moved to new homes

Describe the application route (include start and finish points and provide OS grid references if you can)

HOW DID YOU USE THE APPLICATION ROUTE AND HOW OFTEN?
[PLEASE TICK ANY THAT APPLY]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please specify)
On foot		✓				
On Horseback						
By pedal cycle						
By motor vehicle						
By horsedrawn vehicle						

Has the application route always followed the same course?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If no – how and when was the route altered?	
For what purpose have you used the route?	<input checked="" type="checkbox"/> Pleasure <input type="checkbox"/> To School <input type="checkbox"/> To Work <input type="checkbox"/> Other (give details).....
Where were you going to and from?	To... <u>Ailchobs, Lacey Beck</u> From... <u>Burkhead</u>
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']	<u>Single traffic wide and gradually narrowing.</u>

<p>What type of surface does the application route have? (for example grass, gravel, earth) [For varying surfaces, please describe with reference to your map]</p>	<p>Initially earth/Stones, grass.</p>	
<p>HAVE THERE EVER BEEN ANY OF THE FOLLOWING ON THE APPLICATION ROUTE?</p>		
<p>Stiles [state locations and show on your map]</p>	<p>Stiles</p>	
<p>How long were they in place?</p>	<p>Stiles</p>	
<p>Gates [state locations, indicate whether locked – and when – and show on your map]</p>	<p>5 Bar Wooden gate at entrance on Butt Lane, previously known as AYLESBY ROAD. Removed and replaced with metal gate.</p>	
<p>Other barriers [state what they were and location, how long they were in place and show on your map]</p>	<p>Padlock on gates without warning.</p>	
<p>Did any of the above prevent you from using the application route? The Padlocks!!</p>	<p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p>	
<p>If yes, please give details</p>	<p></p>	
<p>Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")</p>	<p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	
<p>If yes – state when and give details, including when they were present and mark their location on your map</p>	<p></p>	

LAND OWNERSHIP

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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
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)?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Have you ever been stopped or turned back when using the application route?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
If yes, please give details including when this happened	
Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes

OTHER INFORMATION

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)	<input type="checkbox"/> No <input type="checkbox"/> Yes
If yes – please provide details	<i>I have attached copies of land Registry showing Route</i>

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]

This Route was initially the road to ~~the~~ Domestic Waste tip. In 1970 it was used as an allotment. The allotment failed because of the poor soil. It has always been used as a way through to Aircrobs and the Hackby Beck. I have always believed this to be a 'right of way' (X)

During the investigation the OMA may want to interview some or all of the claimants 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?

☐ No
☒ Yes

Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

☒ No
☐ Yes

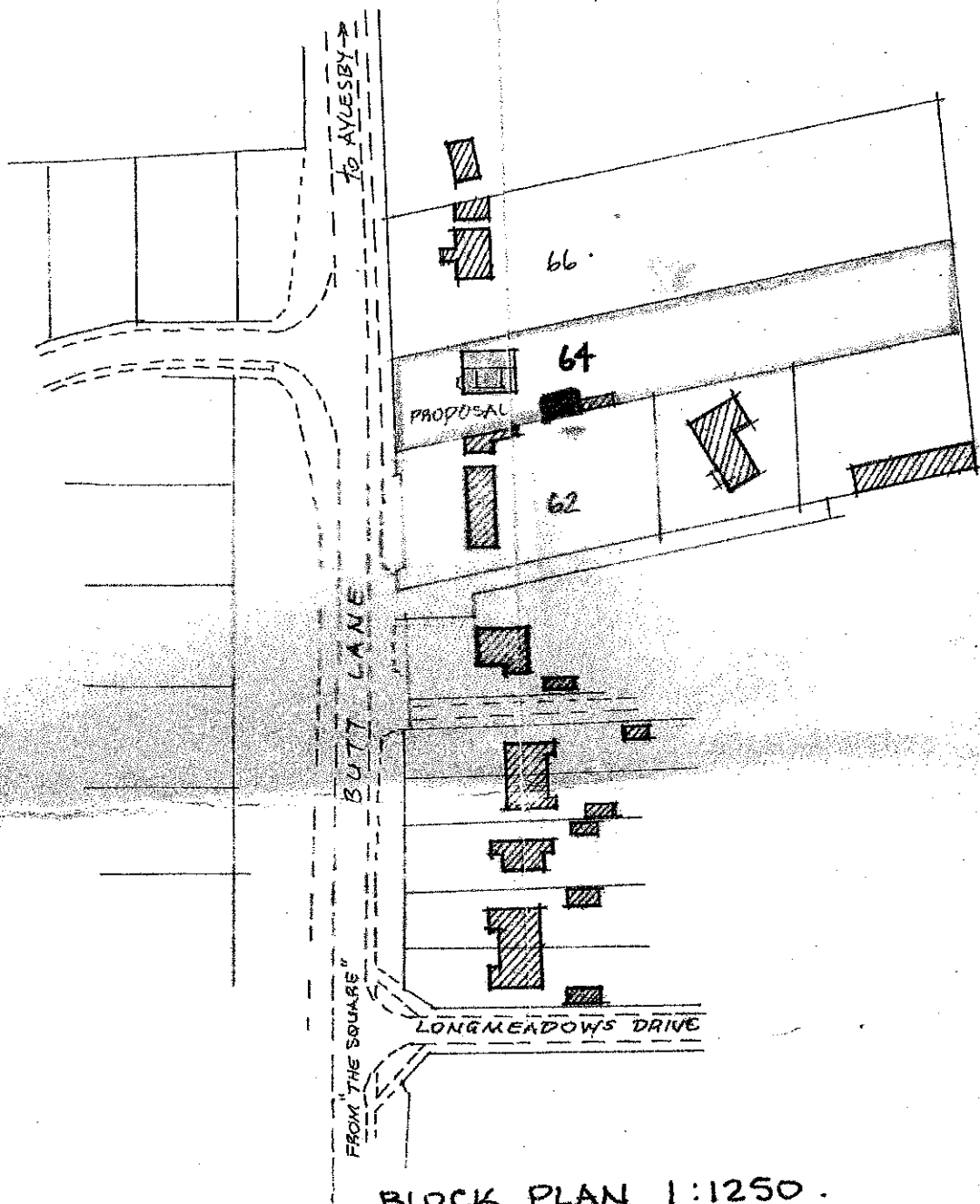
Thank you for your assistance.

Please return this form, with maps and any additional sheets of paper securely attached, to:

The Public Rights of Way Mapping Officer
Highways & Transport Services
New Oxford House,
George Street,
Grimsby,
North East Lincolnshire,
DN31 1HB

C

C



BLOCK PLAN 1:1250.

DRAWING NO 8702/6

FEB 1987

TONY LEAK, 170 CHELMSFORD AVENUE, GRIMSBY 24 1986

BR/110/27

PLEASE ACCEPT THIS AS
2 FORMS TO SAVE PAPER
USAGE.



Working in Partnership

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FREEDOM OF INFORMATION

Under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004, members of the public have the right to ask for particular information. When a request for information is made North East Lincolnshire Council has to reveal all information it holds regarding that issue, subject to a number of exceptions.

Under Regulation 13 of the Environmental Information Regulations 2004 personal details and information on how and when individuals used routes will be withheld and only information contained in Q1-Q9 inclusive will be released until after a definitive map modification order has been made. At this point the Council must provide all documents, on request, that were taken into account in determining the application for an order [Wildlife & Countryside Act 1981, Schedule 15 (8)].

WITNESS DETAILS

Mr/Mrs/Miss/Ms/Other..... Full Name MAURICE & JAYNE HERRING.....
Address: [REDACTED] LACEBY, GRIMSBY.....
NORTH EAST LINCOLNSHIRE.....
Postcode: [REDACTED]..... Daytime telephone number: [REDACTED].....
Current / Former Occupation: [REDACTED]..... Date of Birth: [REDACTED].....

DESCRIPTION OF THE ROUTE

1. a. Description of the route.

From KISSING GATE THROUGH TO THE.....
PUBLIC FOOTPATH IN A FIELD WE.....
KNOW AS AIRCRAFTS.....

<p>b. Please mark clearly on the map provided, the route you have used, with a red dashed line:-</p> <p style="text-align: center;">- - - - -</p> <p>Please remember to sign and date the map.</p>	<p>To.....</p> <p>.....</p> <p>.....</p>
<p>2. a. Does the route have a local name?</p> <p>b. Has the route always followed the same line? If not please mark any alternative routes, on the map provided, using a blue dashed line; i.e.</p> <p style="text-align: center;">- - - - -</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Name <u>JAGGERS WALKWAY</u></p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Date and reason for alternative route (or deviation)</p> <p>.....</p> <p>.....</p>
<p>3. When you have used the route, was it clearly identifiable on the ground?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Reason for not being visible.....</p> <p>.....</p>
<p>4. a. What type of surface does/did the route have?</p> <p>b. How wide was the route?</p>	<p><input type="checkbox"/> Grass <input type="checkbox"/> Stone <input type="checkbox"/> Other</p> <p><input checked="" type="checkbox"/> Tarmac <input checked="" type="checkbox"/> Natural</p> <p>Width <u>APPROX 8-10</u> metres or feet. (please delete as appropriate)</p>
<p>5. Has the route been shown on any maps, documents or deeds?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <u>PARTLY</u></p> <p>Description and date, of document <u>SHOWN AS A PATHWAY ON ATTACHED MAP</u></p>
<p style="text-align: center;">FURNITURE, OBSTRUCTIONS OR SIGNS</p>	
<p>6. a. Have there been any gates on the route? If so, what type of gates (tick all that apply)? Please mark their position on the map using a 'G' for gate.</p> <p>b. Were any of the gates ever locked? If so please give details.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Kissing Gate <input type="checkbox"/> Hand Gate</p> <p><input checked="" type="checkbox"/> Field Gate <input type="checkbox"/> Equestrian Gate</p> <p><input type="checkbox"/> Other.....</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Details <u>LOCKED BY PEOPLE ENTER SIDE OF WALKWAY OFF BUTT LANE - ILLEGALLY</u></p>
<p>7. Have there been any stiles on the route? If so, please mark their position on the map using an 'S' for stile.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

8. a. Have you ever seen any notices or signs along the route? If so, please mark their position on the map using an 'N' for notice.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. If applicable, please give details of where and when you saw the notices or signs, and what they said, using a separate sheet of paper, if necessary.	Where..... Between when What did the notice say.....

9. Did you ever encounter any other obstructions on the route? If so, please tick all that apply and mark their position on the map using 'O' for obstruction.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Fence <input type="checkbox"/> Building <input type="checkbox"/> Ditch <input type="checkbox"/> Other.....
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YOUR USE OF THE ROUTE

10. a. For what purpose have you used the route?	<input checked="" type="checkbox"/> Pleasure <input type="checkbox"/> To School <input type="checkbox"/> To Work <input type="checkbox"/> Other (give details).....
b. Where were you going to and from?	To: <u>AIRCROPS</u> From: <u>BUTT LANE</u>

11. a. During which years have you used the route?	Start Date: <u>1978</u> Finish Date: <u>2017</u>
b. If you no longer use the route why did you stop using it?	Reason: <u>MY DOG DIED AND HOMEOWNERS EITHER SIDE OF BUTT LANE WERE ABUSIVE. WILL BEGIN AGAIN VERY SOON.</u>
c. Were there any extended periods of time when you did not use the route?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Between: <u>Summer 2017</u> And..... Why? <u>MR JACGER WELDED THE GATE SHUT</u>

12. How often do/did you use the route?	<u>1</u>per day <u>7</u>per week <u>30</u>per month <u>360</u>per year
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13. By what means do/did you use the route?	<input checked="" type="checkbox"/> Foot <input type="checkbox"/> Motor Cycle <input type="checkbox"/> Pedal Cycle <input type="checkbox"/> Horse Drawn Carriage <input type="checkbox"/> Motor Car <input type="checkbox"/> Horseback <input type="checkbox"/> Other.....
---	---

USE WITH HORSES

14. Please give details of where you rode from and to, and when.	From..... To..... Dates.....
--	------------------------------------

USE WITH VEHICLES

15. a. Have you ever driven (or been a passenger in) a vehicle on the route?

☐ Passenger ☐ Driver ☒ No

b. What type of vehicle was it?

☐ Motor Bike ☐ Motor Car
☐ Tractor ☐ Horse Drawn Carriage
☐ Lorry ☐ Other.....

c. Please give details of where you were travelling from and to.

From.....
 To.....

d. How often did you travel in this manner?

.....per dayper week
per monthper year

CHALLENGES

16. a. Have you ever been stopped or turned back by anyone when using the route?

☒ Yes ☐ No

b. If yes, please give details of whom, where, when and how they stopped you.

Details M.R. JAGGER REGULARLY APPLIES LOCKS TO ALL/ANY GATES AT ENTRANCE

LANDOWNERSHIP

17. a. Do you know who owns the land affected by the claim?

☒ Yes ☐ No

b. If so, please give details of their name and address, using a separate sheet of paper if necessary.

Name NORTH EAST LINCOLNSHIRE COUNCIL
 Address MUNICIPAL OFFICES
GRIMSBY

18. a. Are you or have you ever been an owner or tenant of any or all of the land crossed by the route?

☐ Yes ☐ Landowner ☐ Tenant
☒ No

b. If so between which dates?

Betweenand.....

c. As a landowner, did you give any instructions regarding use of the route by the public?

☐ Yes ☐ No

d. If so, what was the instruction, who did you instruct, and when was it given? Use a separate sheet of paper, if necessary.

Details

<p>19. a. Whilst using the route, were you ever an employee of the landowner or tenant?</p> <p>b. Is so, between which dates?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Between and</p>
<p>20. a. If you were a tenant or employee, did you receive any instructions regarding use of the route by the public?</p> <p>b. If so, what was the instruction, who gave it to you, and when was it given.</p> <p>c. If you were a landowner or tenant, did you recognise that the route was a Public Right of Way? If so what was the status of the route?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Details.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Footpath <input type="checkbox"/> Bridleway <input type="checkbox"/> Byway</p>
<p>21. a. Did you recognise any people using the route as being owners or tenants of land crossed by the route?</p> <p>b. If so, please give details of name, address, using a separate sheet of paper, if necessary.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Name.....</p> <p>Address.....</p> <p>.....</p>
<p>22. a. Were you ever related to any of the landowners or tenants or anyone in their employment?</p> <p>b. If so, please give details of their name and address using a separate sheet of paper, if necessary.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Name.....</p> <p>Address.....</p> <p>.....</p>
<p style="text-align: center;">PERMISSIONS</p>	
<p>23. a. Have you ever been given permission to use the route, whether or not you actually asked for it?</p> <p>b. If so, please give details:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>By Whom?.....</p> <p>Details <u>IT HAS GENERALLY BEEN AN ACCEPTED ROUTE ALL THE TIME WE HAVE LIVED HERE (40 YEARS)</u></p>

MISCELLANEOUS

25. Would you like to provide any additional information:

THE OWNER OF THE HOUSE ON LEFT AS YOU LOOK DOWN THE TARMACED PART OF THE ROUTE IS OFTEN VERBALLY AGGRESSIVE AND LIKES TO THINK HE IS THE ONLY ONE ALLOWED TO USE IT. THE TARMACED PATH WAS THE ENTRANCE TO NOW DISUSED ALLOTMENTS.

IMPORTANT – PLEASE TICK AS NECESSARY

☒ I am Willing

☐ I am Not Willing

TO ATTEND A HEARING OR PUBLIC INQUIRY, TO STAND BY WHAT I HAVE WRITTEN, AND TO ANSWER QUESTIONS THERE, IF REQUIRED TO DO SO.

DECLARATION

I hereby certify that, to the best of my knowledge and belief, the information held within this form is true.

Signature: [REDACTED] Date: 18-08-2018

Thank you for your assistance.

Please return this form, with maps and any additional sheets of paper securely attached, to:

The Public Rights of Way Mapping Officer
Highways & Transport Services
Origin Two
Origin Way
Genesis
Europarc
Grimsby
DN37 9TZ



Working in Partnership

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Further information is available on the Privacy Notice for public rights of way services on the Council's website www.nelincs.gov.uk

Please print your name here JEANETTE SPITTLEHOUSE

Your: Home Telephone Number [REDACTED]

Mobile Telephone Number [REDACTED]

Email Address [REDACTED]

Information on this page of the Statement will be redacted and not made publically available

STATEMENT OF TRUTH

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

Your Signature: [REDACTED]

Date: 8/9/19

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.

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WITNESS DETAILS

Name	JEANETTE SPITTLEHOUSE
Address	[REDACTED] LACEBY GRIMSBY N. E Lincs
Postcode	[REDACTED]
Year of Birth	[REDACTED]
Have you lived at any other addresses during the time you have used the path or way? If so, please provide details of locations and years [full addresses are not required]	OLD CHAPEL LANE, LACEBY 1951 - 1970 CHURCH LANE LACEBY 1970 - 1982

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please put your initials on your map and date it. **DO NOT ADD YOUR FULL SIGNATURE.**

YOUR USE OF THE APPLICATION ROUTE

In which years did you use the application route?	From... 1960 To... present sep 2019
Were there any extended periods during which you did not use the route at all? If so, please state when and why?	NO
Describe the application route (include start and finish points and provide OS grid references if you can)	Track between Mouses on Butt Lane

HOW DID YOU USE THE APPLICATION ROUTE AND HOW OFTEN?
[PLEASE TICK ANY THAT APPLY]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please specify)
On foot	✓		✓			
On Horseback						
By pedal cycle						
By motor vehicle						
By horsedrawn vehicle						

Has the application route always followed the same course?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If no – how and when was the route altered?	N/A
For what purpose have you used the route?	<input checked="" type="checkbox"/> Pleasure <input type="checkbox"/> To School <input type="checkbox"/> To Work <input type="checkbox"/> Other (give details).....
Where were you going to and from?	To... RURAL WALK FOR PLEASURE From.....
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']	APPROXIMATELY SIX FOOT

<p>What type of surface does the application route have? (for example grass, gravel, earth) [For varying surfaces, please describe with reference to your map]</p>	GRASS	
<p>HAVE THERE EVER BEEN ANY OF THE FOLLOWING ON THE APPLICATION ROUTE?</p>		
<p>Stiles [state locations and show on your map]</p>	NO	
<p>How long were they in place?</p>	/	
<p>Gates [state locations, indicate whether locked – and when – and show on your map]</p>	GATE AT ENTRANCE TO TRACK	
<p>Other barriers [state what they were and location, how long they were in place and show on your map]</p>	/	
<p>Did any of the above prevent you from using the application route?</p>	<p>RECENTLY LOCKED GATE</p>	<p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p>
<p>If yes, please give details</p>	<p>CANNOT ACCESS THE TRACK BECAUSE GATE IS SECURELY LOCKED</p>	
<p>Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")</p>	<p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	
<p>If yes – state when and give details, including when they were present and mark their location on your map</p>		

LAND OWNERSHIP

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

Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

- ☒ No
☐ Yes

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

Have you ever been stopped or turned back when using the application route?

- ☒ No
☐ Yes

If yes, please give details including when this happened

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

- ☒ No
☐ Yes

OTHER INFORMATION

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

<p>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]</p>	<p>I have lived in Laceby all my life (68 years) and as a child this area was used as a rural/nature area which would visit daily. In later years it was an allotment area & I recently used for leisure purposes - walking. I cannot see any reason why this is now not accessible. It is just a walk way which has been there for all my lifetime & many years previously</p>	
<p>During the investigation the OMA may want to interview some or all of the claimants 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?</p>	<p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p>	
<p>Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?</p>	<p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p>	
<p>Thank you for your assistance.</p> <p>Please return this form, with maps and any additional sheets of paper securely attached, to:</p>	<p>The Public Rights of Way Mapping Officer Highways & Transport Services New Oxford House, George Street, Grimsby, North East Lincolnshire, DN31 1HB</p>	

