

Public Right of Way User Evidence Statement

Revised April 2016

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 with the application but it is contested (for example by a landowner), 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.
- The information you give in this statement will be processed in accordance with the Data Protection Act 1998. It is held by the OMA's Rights of Way Service for the sole purpose of processing the application for the route referred to.

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name June Smith

Address 263 Bolton Road North, Skubbins,
Ramsbottom, Lancashire

Postcode BL0 0SA

Year of Birth 1950

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]

No

ABOUT THE APPLICATION ROUTE

1. How do you think the application route should be recorded?

- ☒ As a footpath (public rights on foot only)
- ☐ As a bridleway (public rights on foot and on horseback or bicycle)
- ☐ As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- ☐ As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

2. Describe the application route.

(Include start and finish points and provide OS grid references if you can. Also include details of the route itself and the points it runs between. This should be as precise as possible.

- e.g. "passing about 2 yards to the left of the large oak tree" rather than "past the tree".

- e.g. "through the metal field gate when it was open but sometimes it was closed and tied with twine so I climbed over the stile (about 4ft high with single cross-step) on the left hand side".
- e.g. "along the right hand side of the field about 1 metre from the hedge except about 100m in there was a metal water trough in the hedge and it was muddy so I walked further into the field to skirt round it; perhaps 10m from the hedge for about 25m along.)

OS grid ref: from SD79281 to SD79087
see attached map

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 mark clearly on it the precise line of the route from start to finish, and mark and label any features – e.g. notices / signs, stiles, gates, fences / hedges, bridges etc. or any other information you think is relevant. Please also sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From 1984 To 2019

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

Foot path was closed for a short time
to allow work to be carried out.
(see attachment 2)

3. 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 describe)
On foot		✓				
On horseback						
By pedal cycle						
By car						
Other [please specify]						

4. For what purpose do/did you use the route? E.g. for pleasure, going to work etc.

.....

5. In what way/s have you noticed other people using the route? (Please tick)

- (a) on foot
 (b) on horseback
 (c) on bicycle/horse-drawn vehicle
 (d) with motorised vehicle
 (e) other, please specify

✓

.....

6. Were they using exactly the same route as you?

YES

NO

If not please give provide details below: (please attach a separate sheet is necessary)

.....
.....
.....
.....

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

☐ Yes

☐ Don't know

☒ No

If no – how and when was the route altered?

the route was slightly altered in approx
1994. Full details attached. (see attachment 2)

.....

7. 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']

Width varies Starts approx 4 to 5 feet wide
then narrows to 1 to 2 feet near to
Strongstry Bridge. (see pics 2 & 7)

8. What type of surface does the application route have? (for example grass, gravel, earth)

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

gravel & earth (see pics 2, 4, 5, 6 & 7)

.....

.....

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

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

no

How long were they in place?

n/a

b. Gates [state locations, indicate whether locked – and when - and show on your map]

fence at Strongstry bridge that has
for as long as I can remember had a
hole cut into it for access (see Pic 8)

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

n/a

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

☒ No

☐ Yes

If yes, please give details

11. 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")

☒ No

☐ Yes

☐ Don't know

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

.....
.....
.....

12. 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

It is used on a daily basis by dog walkers & ramblers. Also the Railway enthusiasts use it to take photos & view the various Steam Trains that run along the East Lancs Railway.

Land Ownership

13. 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

.....
.....
.....

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

☒ No

☐ Yes

If yes,

a. From whom?

.....

b. When?

.....

15. 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?

.....

.....

.....

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

☒ No

☐ Yes

If yes, please give details including when this happened

.....

.....

.....

17. Has anyone else ever told you that they were prevented from using the application route?

☒ No

☐ Yes

by ramblers, people walking their dogs & Railway enthusiasts who use it to take pics of the various Steam Trains that run on the E hancs Rail line. Also it is the only othe access/exit route for the people of Strongstrg should anything happen to block Stubbins Vale Rod. i.e. Flooding or Fallen tree.

21. 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?

☒ Yes

☐ No

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

☒ Yes

☐ No

Attachment 1.

2) Describe the application route - OS grid ref: from SD79281 to SD 790187

You enter the track up the banking over the tree roots, with the stone wall of the subway on your right and the large Sycamore tree on your left. (Pic 1) The track is to your left and is approx 4 to 5 feet wide.

There are trees and shrubs on both sides and is gravel underfoot (Pic 2) until you get to where the track was slightly diverted in approx 1994.

In front of you is an old Picket type fence which is where the original track took you. (Pic 3)

On your right there are wooden and earth steps leading down the right side of the banking. (Pic 4)

For a few yards the track runs alongside the East Lancashire Railway line. (Pic 5)

Then on your left you will see some more wooden and earth steps taking you back up the banking to re join the original track. (Pic 6)

The track continues and is mainly dirt underfoot, with trees and shrubs on both sides it is narrower now between 2 and 1 foot wide. (Pic 7)

At the end of the track are Iron Railings which have been cut which some sort of industrial tool and bent to allow access. (Pic 8).

The track here joins the National Cycle Route 6N. Which runs I believe all the way to Accrington.

Attachment 2.

The foot path in question is part of the old Railway line to Accrington. It runs from the old Stubbins Halt to Strongstry Bridge.

Information from historical sites state that the rail track was lifted in 1972. To my knowledge the track has been used as a footpath for the last 40 years.

The footpath runs along the old railway banking behind Stubbins Vale Mill. In June 1994 planning permission was granted by Rossendale Council for and extension to the Mill. (attachment 3 & 4).

However, this meant that the banking had to be cut into.

To enable this to happen the footpath was redirected down the right hand side of the banking (Pic 4) to run alongside the East Lancs Railway line (Pic 5) and then directed up the banking to the left to re join the original footpath. (Pic 6) At a later date steps were built to replace the slopes. At this time the footpath was temporarily closed to enable the work to be carried out. On completion of the work it was reopened.



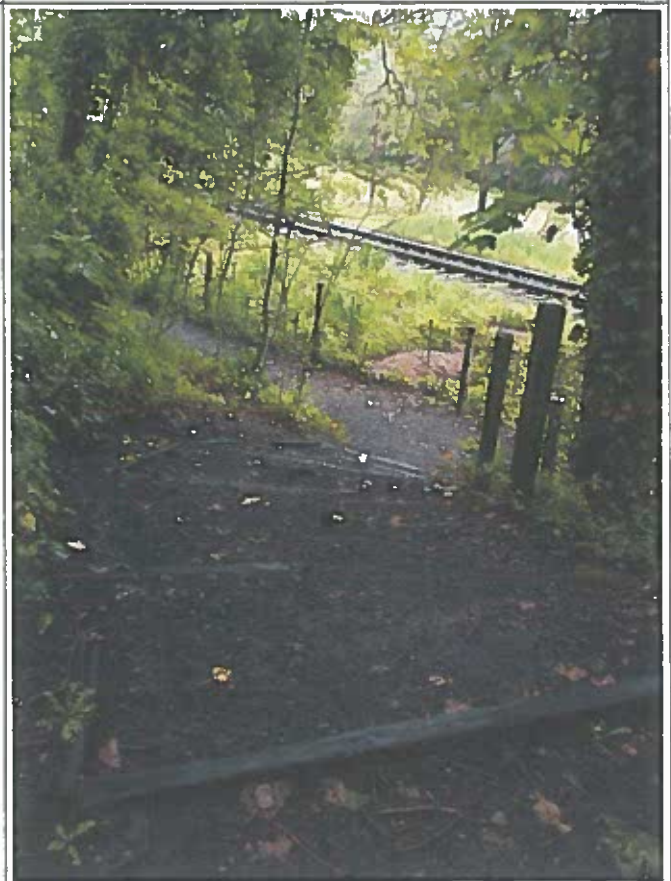
Pic 1. Entrance to Footpath



Pic 2 Start of footpath, gravel under foot



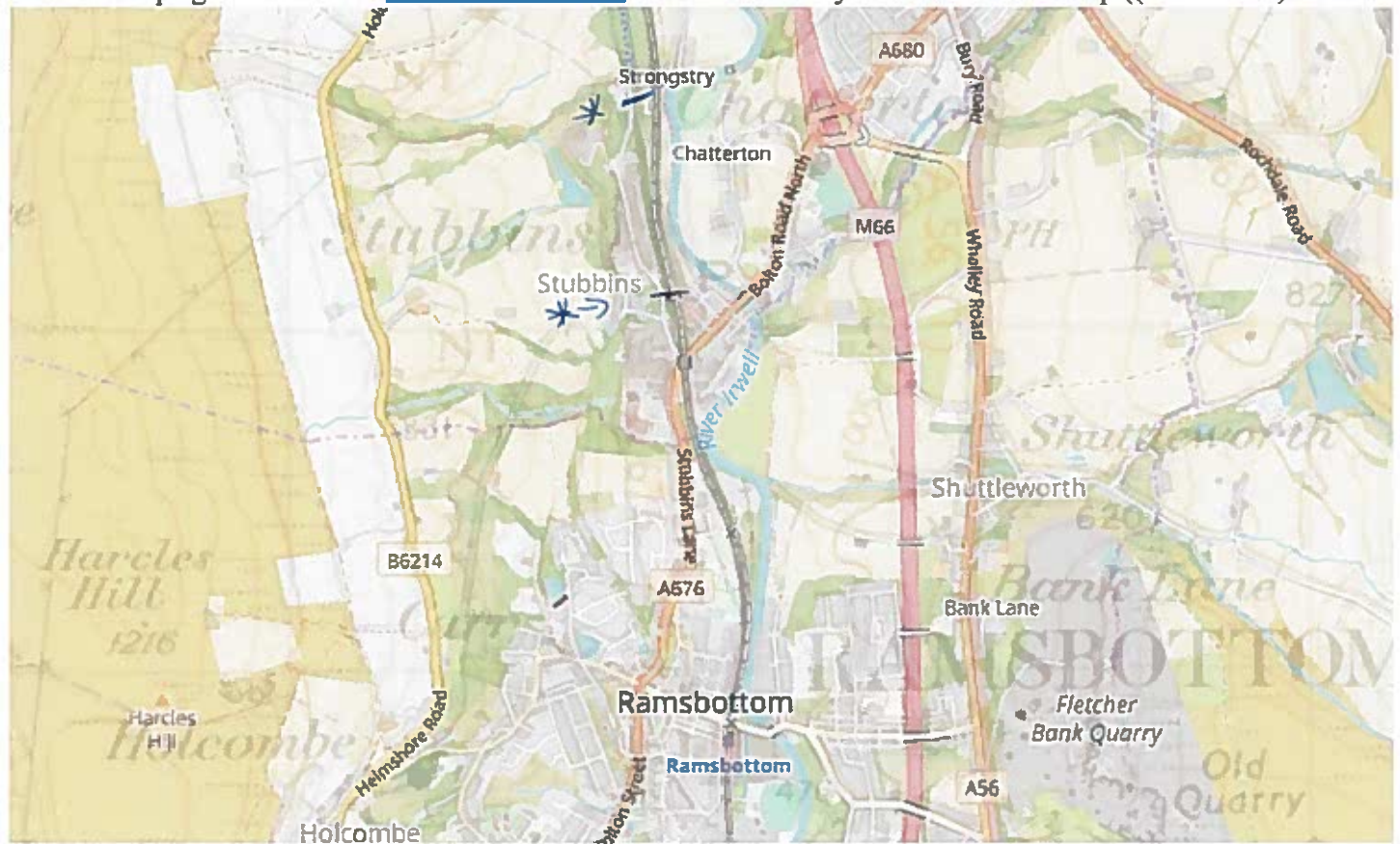
Pic 3. Route of old footpath



Pic 4. Steps leading down banking the start of the re directed route.



Maps generated from [ARCHI UK Search](#) Ordnance Survey 1 inch to 1 mile Map ((1955-1961)



Map of the application route

Green track on left of Railway line
from Stubbins Halt to Strongstry
Bridge

Attachment 3

Granting of Planning Permission
June 1994

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X/1993/518 | PROPOSED SINGLE STOREY FACTORY EXTENSION COMPRISING A FLOORSPACE OF 3360 M2 WITH ASSOCIATED CAR PARKING SERVICING AND | Stubbins Road Ramsbottom Bury Lancashire BL0 0NT

Reference	X/1993/518
Alternative Reference	PLA3012
Application Received	Wed 13 Oct 1993
Application Validated	Wed 13 Oct 1993
Address	Stubbins Vale Mill Stubbins Vale Road Ramsbottom Bury Lancashire BL0 0NT
Proposal	PROPOSED SINGLE STOREY FACTORY EXTENSION COMPRISING A FLOORSPACE OF 3360 M2 WITH ASSOCIATED CAR PARKING SERVICING AND
Status	Decided
Decision	Approved
Decision Issued Date	Fri 03 Jun 1994
Appeal Status	Unknown
Appeal Decision	Not Available

There are 0 documents associated with this application.

There are 0 cases associated with this application.

There is [1 property](#) associated with this application.

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Attachment 4

Granting of Planning Permission
June 1994

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