

Briefing note on Evidence of public using the old golf course to establish a Right of way from Cllr David Nolan

The purpose is to establish a Public Right Of Way (PROW) across part of the old golf course to the north of Ferriby Rd and south of Boothferry Rd. Referred to here as the “site”

ERYC Council has no record of a PROW across the site. However an application for a path can be made based on “user evidence”.

This means showing that the public have used the path without interruption or challenge for a period of 20 or more years, dating back from when the route was first challenged or brought into question.

In order to establish a claim, it is necessary to collect evidence from witnesses who can demonstrate a period of use which shows at least 20 years uninterrupted use believing that they had the right to do so. It may be that the 20 years is shown by a number of witnesses’ accounts collectively. In other words, each witness does not have to walked over the site for 20 years.

It is important that the way claimed follows a specific route and it is not based on just wandering about randomly. We need users to draw on the map the route or routes used.

This photo from Google Earth shows clearly some of the routes used by people walking over the site recently:



If you can help please:-

1. Complete Form E. It has to be one form per person. If more than one person in your household has walked the route then each needs to fill in a form.
2. Mark on the Application map in **COLOUR** the route or routes you have walked.

For information: The club moved to its present course at Raywell in 1975. Source:

<https://www.golfsmissinglinks.co.uk/index.php/england/north-east/yorkshire/367-yorkshire-hessle-golf-club>

Once you have completed Form E and the map then please forward to Cllr David Nolan at 73 Ferriby Rd, Hessle, HU13 0HU either by post or push through letter-box. His house is opposite the Town Pit (sunken) allotment gates. Any questions please feel free to call Cllr David Nolan on 07966 226 565 and or email david.nolan6344@gmail.com



Public Right of Way Evidence Form

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry. Please refer to the East Riding of Yorkshire Guidance Notes when completing this form.

Full Name: (Mr/Mrs/Miss/Ms)
Address:
.....
..... Occupation:
Year of Birth:

* Delete as appropriate

Path Details: -
Parish:Hessle.....
Claimed Status of Way: * footpath / bridleway / restricted byway / byway open to all traffic
Description of Way [show the route in colour clearly and precisely on a map at 1:2500 scale if possible]
from:
to:
Please submit the map with application

1 Do you believe the above way to be public? * Yes/No a If Yes, please give details as to why?

.....
.....

b What year do you believe the way has been public from?

2 Do you use the route? * Yes/No a If No, when did you stop using the route?

.....

3 b Why did you stop using the route?

4 By what means and between which years did you use the route?

	Year	Year	How often did you use it eg weekly
a On foot	from	to
On horseback	from	to
On a bicycle	from	to
With a vehicle	from	to
Other	from	to

b For what purpose did you use the route?

c Approximately, how wide was the way?

d Describe the way eg surface

4 Have you seen other people using the way? * Yes/No

If yes, please give further details (including which years, how often, what they were doing e.g. on a bicycle)

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

5 Has the way always been on the same route? * Yes/No

If no, when did it change?

Can you state why and where it was before it was moved? (please show the route on the map)

.....
.....

6 To your knowledge has there been any of the following on the way:

a Any stiles, gates or other obstructions? * Yes/No

If Yes, please give details of these. If gates, were they locked or unlocked?

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

b Any signs or notices? * Yes/No

If Yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc and when did you first see the notice?

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

7 Have you ever owned/tenanted/rented the land crossed by this * Yes/No way?

If yes, please give further details (including dates). You may prefer to use a Form F

.....
.....

Who now owns the land crossed by this way?

.....
.....

8 When you used the way, were you working for the * Yes/No
*owner/occupier of the land crossed by the way?

If yes: a Give particulars and dates:

.....

b 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:

.....
.....

9 Have you ever obtained permission to use the route? * Yes/No If so, from whom? When?

10 Have you ever enjoyed a private right along the route in question? * Yes/No If yes, give particulars and dates:

.....

11 Have you ever been stopped or turned back when using the way, or * Yes/No do you know of anyone else having been prevented from using it?

a If yes, give particulars and dates:

.....

b Has anyone ever told you the route was not public? * Yes/No If yes, give particulars and dates:

.....

.....

c Were you ever told by an owner or tenant of the land crossed by * Yes/No the way, or by anyone, in their employment, that it was not public? If yes, give particulars and dates:

.....

.....

d Do you believe the owner/occupier was aware the public was using the * Yes/No way?

If yes, why?

.....

12 Are you or have you been a friend/acquaintance of any of the * Yes/No
 landowners/occupiers and have thus used the way with their implied consent?
 If yes, please give details; name of landowner/occupier, dates, use on foot/horse etc

.....

13 Please give any further information about the way:

.....

DECLARATION

I am / am not [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I acknowledge that this form will be made publicly available

I hereby certify that, to the best of my knowledge and belief, the facts I have stated are true.

Signed: Dated:



Wildlife & Countryside Act 1981 –
Schedule 14

Your Contact Details

The following information will be kept separate by the Council to avoid it entering the public domain:

Name:

Tel No:
(day)

Tel No:
(eve)

Email:

Occupation:

Date of
birth:



EAST RIDING
OF YORKSHIRE COUNCIL

Guidance Notes for Form E, E (Stat) and F

This form has been given to you to record your use of a route that is not recorded on the Definitive Map of Public Rights of Way. Your evidence may help in the recording of this route as a public right of way can be proven to exist by regular uninterrupted use without being challenged.

Form E is for those who use the route. Form F is for landowners or occupiers of land over which the route passes. A form should only be completed by one person.

You should complete this form personally in your own words but if you find this difficult you can ask a friend to assist you.

Please answer all questions as fully as possible. Part 3 is important as it establishes the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows a specific line as a route can not be claimed based on evidence of wandering over open land.

A name and address is required on the evidence form to validate the information, any forms submitted without a name and address (on page 1) will be disregarded. However you should be aware that if the evidence is used to support the making of an order these forms will enter the public domain.

Please note that you may be contacted by a Council Officer in connection with the information given on your form. A separate contact sheet for telephone numbers and email addresses is required for the use of the East Riding of Yorkshire Council. This is not part of the form that will enter the public domain.

You need to indicate on the evidence form whether, if required, you are prepared to attend a local Public Inquiry to support your evidence. If you are likely to be unable to attend a public inquiry you may wish to consider using a Form E (Stat) which includes Statutory Declaration. The Statutory Declaration will need to be witnessed by either a Commissioner for Oaths, Solicitor or Magistrate and needs to be arranged by the witness or applicant. Inspectors at Public Inquiries will generally place greater weight on Evidence Forms with Statutory Declarations.

Further information on this process can be found in the Natural England booklet 'A guide to definitive maps and changes to public rights of way' which can be downloaded free of charge from www.naturalengland.org.uk

EAST RIDING OF YORKSHIRE COUNCIL
Planning and Economic Regeneration

TITLE Map for Application under Schedule 14 in the parish of Hessele

DATE Mar 2009

DRAWN BY SC

APPROVED BY PFC/MS/MS/14/Hessele

ORIGINAL SCALE 1:1,000

DO NOT SCALE
0 30 60 90 120 150
metres

You are not permitted to copy, sub-license, distribute or sell any of the data to third parties in any form.

Name

Signature

Date

Please mark clearly in colour on the map the route you have taken.
Your form should be returned to the person co-ordinating this application
process Cllr David Nolan, 73 Ferriby Rd, Hessele, HU13 0HU