

Kennel Farm Field: Public Right of Way Evidence Form – Guidance Notes

Warlingham Parish Council want to see if a case can be made for a legally recognised public right of way across Kennel Farm Field. The starting point for this is your evidence. That's why we are calling on people who walked across the field regularly to complete the attached evidence form. Once we've seen what you've told us, the Council will take a decision at its May meeting on what to do next.

The evidence form is quite lengthy and it is essential that you complete it yourself. However, we are happy to provide advice or assistance with the form or answer questions about the process:

- Parish Councillors will hold sessions in Warlingham Community Library to give help and advice on Saturday 17th March from 1.30 pm to 4 pm and on Tuesday 20th March from 2pm to 5 pm
- You can contact Cllr Charles Lister directly on 07772 303689 or at charles.lister@ntlworld.com.

Once you have completed the form, please return it to Warlingham Community Library by no later than **Monday 30th April 2018**.

Background

The law allows a case to be made for a new public right of way if a path has been used consistently over a 20 year period. This requires an application to the County Council under the Wildlife and Countryside Act 1981 for a Map Modification Order to change the Definitive Map and Statement – the legal record of public rights of way.

We know that since the late 1980s at least, many residents have used one or more of the very clear footpaths across Kennel Farm Field. What we don't know exactly is when people were first able to access the field and the extent of regular use. Your evidence will help us establish this.

Completing the Evidence Form – Key Questions

1. What time period are you looking at?

The current landowners made legal declarations in 1997, 2004 and 2012 stating their intention not to allow any public right of way across the land. But the first public indication of this was in 2017 when no trespassing signs appeared. We don't yet know what case we can make until we see your evidence, so **we would like to know about your use of footpaths across the land over any period up to January 2012, but we are particularly interested if you walked or rode across the field regularly before 1997**

For us to make a case, it is not necessary for everyone giving evidence to have used a path for 20 years but taken together the evidence must show 20 years of unbroken use.

2. What paths are you talking about?

There are several paths across and around the field, which stand out if you look at the satellite image on Google maps. However, the evidence form can only relate to one route or path. **We are therefore focussing on the path that cuts straight across the field from the corner of Greenhill Lane and Farleigh Road to Harrow Road** because we think this gives us the best case for a right of way. This path also allows walkers to cross over to Daniels Lane and use the footpaths in the woods beyond. If you used this path regularly, please answer the questions in the evidence form. **If you used other routes across the field, please tell us about that too, but only one route per evidence form.**

3. What if I just wandered around the field?

We are unable to make a case for unrestricted access to the field. To get legal recognition of a public right of way, we have to be talking about a specific path that goes from A to B.

4. Why do I have to sign a legal declaration?

Applying for a Map Modification Order is a formal legal process that relies on the submission of reliable evidence. If we decide to make an application based on your evidence, this may be challenged by the landowners and there may even be a public inquiry. If we decide to include your evidence form as part of submitting a case, we will inform you in advance and keep you in touch with progress.

5. What happens next?

If you have questions about completing the evidence form or need any assistance, please attend one of the sessions in Warlingham library advertised above or contact Cllr Lister. Otherwise, please follow the guidance notes on page one of the form.

Please deposit your evidence forms in Warlingham Library by where there will be a special box provided. The deadline is 30th April.

If the Parish Council decides there is enough evidence to support an application for a Map Modification Order, we will follow a formal process set out in law. This includes an application to Surrey County Council and formal notification of the landowners. Please see *Procedure for a Map Modification Order* which can be downloaded from the Parish website if you want to know more.

The Parish Council will ensure that everyone who submits an evidence form is kept fully informed at each stage of the process.

Cllr Charles Lister OBE

2nd March 2018

Mobile: 07772 303689