

THE FRIENDS OF CEFN YR OGOF

IMPORTANT PLEASE READ THE FOLLOWING: GUIDANCE NOTES FOR THE COMPLETION OF THE PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

The 3 routes shown on the supplied A3 map are coloured-coded and marked with letters for the different parts that comprise each route. For each of the routes you have previously used (walked etc), and can help with supplying "User Evidence", **we will need to have a separate claim filled in for each individual route using the User Evidence form No.4 supplied and attached** – to comply with the Order Making Authority. We can supply additional forms as required.

It is very important that each route (which is shown in a separate colour on the map) has separate User Evidence to support the claim, whether you used all of the route or just part of it. Please mark on the map with a highlighter or pen which parts you have used and put into question 3, the letters from the map denoting where you have used the route. We will provide Ordnance Survey grid references for each point, which you don't need to put onto the form. Please comment on how you have used the route, by foot, horse, vehicle etc in section 4. **Some of you may have walked all of these routes over many years, if so please fill in a separate Form 4 covering the routes shown on the map.** For those that have **only done part of the routes please can you note the letters corresponding to the route you have used in answering question 3 and show on the map.**

For the following routes 1 (orange), 2 (blue) and 3 (yellow) please use a **Form 4** for each you have used.

1. **Abergele Main Castle entrance A – B – E – F to Terfyn**, or any part of the route that applies to your usage, please mark clearly on the map. Please also show on the map if you have used **the route B – C the route to Middlegates. Shown on the map as route coloured orange,**
2. **From G, Nant y Bella Lodge (and also connecting with public footpath 16.09)** through the Gwrych Castle estate and then via point H, into the NRW leased woodlands, and on to point I. Continuing and descending from point I across common access land to the west, to access point J at Rhyd y Foel and access point K at Terfyn, both joining the main road. **Shown on the map as route coloured Blue.**
3. **Route C – D Middlegates to Pensarn beach** via the two bridges, the route passes the bathing house known as Ty Crwyn, over the A55 bridge and the Chester – Holyhead railway bridge. This route already has a defined Right of Access for some land and property owners. Please can you fill in a form for this short but extremely important link from the main road to the beach and provide User Evidence if you have used the routes, using the bridges. **Shown on the map as route coloured Yellow,**

Please mark on the A3 map and comment in question 3 if you have used the green marked link road/track between E – H in the wooded area and also mark in on the map, this is shown in the colour green as a connecting route between the Blue and Orange coloured routes.

User Evidence of all the routes (or part of) from yourself needs to be provided and documented please, and also use by our many residents, visitors, tourists and neighbouring landowners who have enjoyed this historic access, and to be able to support a clear case for the modification of the definitive map. It goes without saying the more evidence we gather from you to support our claim, the more pronounced the claim becomes.

Overleaf, I have enclosed the grid references for all of the points marked on the map, and photos of the letter points for clarity.

Please mark on the map any or all of the routes you have used and initial or put your name on the map – again I will need one form for each of the routes (1, 2 and 3) and can supply a map for each route if needed.

If you wish to have any more paper Form 4s and maps for friends or family to fill in, please contact me or call into the shop for the forms needed. **We can also provide a digital form you can download and complete online or print and send back to me by post. We would also need your initials on the digital map. Please send a request to gwrych@woodsmotorcycles.co.uk or friendsofcefnyrogof@gmail.com**

The maps, route descriptions and the "application for modification" have been prepared by County Cllr Andrew Wood for the OMA purposes, his contact details for any enquiries are: Postal: Woods Motorcycles, Peel Street, Abergele, LL22 7LA, email: gwrych@woodsmotorcycles.co.uk, Phone: 01745 822922 (W) 822579 (H)

A – SH 93956 77575 Main entrance 	B – SH 92718 77615 Middlegates track 	C – SH 92812 78060 Middlegates 
D – SH 9290 7820 Pensarn Beach 	E – SH 92011 77665 Link point E-H track 	F – SH 91396 78005 Terfyn Exit/Entrance 
G – SH 93369 77185 Nant y Bella 	H – SH 9242 7750 Track Link point H-E 	I – SH 91521 77600 Overlooking Terfyn 

Orange Route 1.

From grid reference **SH 93956 77575** Abergele main drive entrance off Tan y Gopa Road past Manorafon Farm Park and the Golf Club through to Gwrych Castle and carrying on via B, E to F, where it exits by the road to Rhyd y Foel through the old boundary wall F (grid reference **SH 91396 78005**) This route also deviates at B to C Middlegates (and finally across the A547 to D, which was the ancestral bathing house of the Dundonald's on the foreshore of Pensarn Beach, known as Ty Crwyn).

Blue Route 2.

From Nant y Bella Lodge, grid reference **SH 93369 77185** (or the public footpath 16.09 joining at **SH 9333 7719**) following the defined route (attached) over the stone bridge with the Gwrych woodlands boundary to the left (south) and the castle boundary on the right (north). The route follows above & overlooking the castle and emerges at point H (grid reference **SH 9242 7750**) onto the lease owner's (NRW) track into their woodlands. The route carries on to I (grid reference **SH 91521 77600**), the high point that overlooks and then continues across open common access land to Rhyd y Foel common at point J, and then onwards to Terfyn at point K, where it joins the main road.

Yellow Route 3.

A very popular shortcut route C grid reference **SH 92812 78060** to D Pensarn Beach grid reference **SH 9290 7820**. The route goes from the roadside footpath on the A547 adjacent to the bus stop lay-by and to the north of Middlegates entrance across the concrete bridge owned by the Welsh Government (built late 1970s) and overseen by the NWTRA and subsequently linking to and across the Network Rail steel bridge for the public use of walkers, cyclists, horses etc, to Pensarn beach, past the boundary of the historic bathing cottage known as Ty Crwyn. **Network Rail and NWTRA have acknowledged that detailed and legal rights of way for the land and property owners above, their servants and members empowered by them to use such an access do and have existed as a right of way since 1946.**

Green Route.

Is a hard stone vehicular route/track that connects both tracks from point E grid reference **SH 92011 77665** to H grid reference **SH 9242 7750** and links the Orange and Blue routes together within the NRW woodlands.

If you have any old photos or historic maps that detail your use of the routes we can scan them at Woods Motorcycles and return them. If you have any further information please fill in **section 17 on the user form**, please **use extra sheets of paper**. For information about the Friends Group and to be kept up to date please email friendsofcefnyrogof@gmail.com

Information and maps provided by County Cllr Andrew Wood, with grateful assistance from the Friends Group & The Ramblers Association. 01745 822922 andrewwood@woods motorcycles.co.uk

Public Right of Way User Evidence Statement

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 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.

- The information you provide will be retained by the Order Making Authority (OMA) for the purposes of undertaking its statutory obligations in accordance with the Wildlife and Countryside Act 1981, section 53.
- 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, however user evidence is of much greater value if you attend in person and are prepared to answer questions.
- The information you give in this statement will be processed in accordance with the General Data Protection Regulation. It is held by the OMA's Rights of Way Service for the sole purpose of processing the application for the route referred to, and for no other purpose.

DECLARATION – Important, please read carefully**General Data Protection Regulation (GDPR)**

Under the GDPR the OMA has a duty to inform you about how your personal data will be handled. Information provided in this statement will be used so that the OMA may undertake its statutory duties in accordance with the Wildlife and Countryside Act 1981 section 53. In order to determine if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person.

This statement and the details contained therein will be retained by the OMA and considered and published as part of its statutory duty to determine the application to establish whether a public right of way exists. In signing it, you are acknowledging that it may be publicly available.

Please print your name here

(*optional)

***Home Telephone Number**

***Mobile Telephone Number**

***Email Address**

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: Date: 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.

The Information on this page of the statement will be redacted and not made publicly available.

CONWY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981
MODIFICATION ORDER APPLICATION

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name Year of Birth

Address

Postcode

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)

1.

2.

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

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

From To

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

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3. Describe the application route (include start and finish points and provide OS grid references if you can). IMPORTANT NOTE: Please only describe ONE application route per Form 4. If you have used multiple routes in the same area, please use a different form for each.

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4. 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						

5. Has the application route always followed the same course? Yes ☐ No ☐

If no – how and when was the route altered?

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6. Approximately how wide is the application route?

[Please give your estimate of 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']

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7. What type of surface does the application route have? (e.g. Grass, gravel, earth
[For varying surfaces, please describe with reference to your map]

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

a. Stiles [please indicate location on your map]

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How long were they in place?

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b. Gates [state locations on your map] were the gates ever locked?

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c. Other barriers [state what they were and indicate on your map] how long were they in place?

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9. Did any of the above prevent you from using the application route? Yes ☐ No ☐

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

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10. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (e.g. "PRIVATE", "KEEP OUT", NO RIGHT OF WAY, "Trespassers will be Prosecuted")

Yes ☐ No ☐

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

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Land Ownership

11. 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?

Yes ☐ No ☐

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

Yes ☐ No ☐

13. 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)

Yes ☐ No ☐

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

Yes ☐ No ☐

If yes, please give details including when this happened.

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

Yes ☐ No ☐

Other Information

16. Do you have, or do you have knowledge of any documentary evidence which is relevant to the application route or which indicates public use? (e.g. photographs, guidebooks, old maps)

Yes ☐ No ☐

If yes, please provide details (attach photos or send in copies please)

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17. 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. (Please continue on a separate sheet of paper if necessary)

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18. The authority 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 authority about your knowledge of the application route?

Yes ☐ No ☐

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

Yes ☐ No ☐