

DERBYSHIRE COUNTY COUNCIL
REGULATORY LICENSING AND APPEALS COMMITTEE

14 January 2019

Report of the Director of Legal Services

**CLAIM TO ADD A BYWAY OPEN TO ALL TRAFFIC ALONG BROADWAY LANE
AND BULLTOR LANE IN THE PARISHES OF TADDINGTON AND BRUSHFIELD**

1. Purpose of the Report

1.1 To enable members to determine an application to record the above route in Taddington and Brushfield parishes, known as Broadway Lane and Bulltor Lane, on the Definitive Map and Statement as a Byway Open to all Traffic.

2. Information and Analysis

2.1 An application dated 19 April 2004 was received from Graham Franks to record the above route, known as Broadway Lane and Bulltor Lane leading from Priestcliffe in the parish of Taddington generally eastwards to the hamlet of Brushfield, as a Byway Open to all Traffic on the Definitive Map and Statement. The application was supported by a plan showing the claimed route and a list of documents, which the applicant stated provided evidence that the route should be upgraded.

2.2 The route links the hamlet of Priestcliffe in Taddington parish directly with Brushfield to the east. It is a good rough stone-metalled track of vehicular width and is predominately defined by stone wall boundaries. The first part of the route leading in a north eastwards direction from Priestcliffe is the section named Broadway Lane; the remainder of the route is Bulltor Lane.

A plan showing the claimed route is attached to this report.

Consultation

2.3 On 12 June 2017 the County Council consulted various groups and individuals on the claim it had received, including any relevant landowner(s), local and national rights of way user groups and the District Council and Parish Council.

The consultees were asked whether they were aware of any evidence or information which might be helpful to the Council in terms of deciding what level of public access rights existed over the claimed route.

A copy of the consultation letter and accompanying plan was also displayed on site.

The County Council received a reasonably large number of responses. The ones referred to below are those that are considered to contain information that could be relevant to the determination of the DMMO application: Any relevant evidence relating to use of the application route, whether observed use by other users/residents or evidence of personal use of the route through the submission of a user evidence form, has been tabulated and appended to this report.

2.4 A local person responded to the consultation on 27 June 2017. He stated that the historic documentary evidence, notably the enclosure award and tithe evidence, was fundamental to the public access rights in question. He summarised the evidence by saying that historically the route in question was used as a private, rather than public, carriage road as well as carrying private drift road and public bridle road rights.

2.5 A woman who moved to Taddington in the mid-1970s responded to the consultation on 13 July 2017 (see also No. 6 in the appended table). Although she no longer lives in Taddington she still regularly walks in the area, including on the application route. She stated that it was her understanding that the lanes were not general through-roads for motor vehicles but could be used by walkers and horse riders as well as by farmers accessing land and driving their animals.

2.6 A person with an interest in highway and landscape history wrote to the County Council on 17 July 2017 detailing the historic documentary evidence relating to this route and discussing certain legal issues relating to the evaluation of user evidence.

One of the documents she mentions is the Taddington and Priestcliffe Enclosure Award of 1795: This particular document is one that the County Council has investigated and the results of that investigation are outlined below (section 2.14 'Parliamentary Enclosure Evidence').

The other evidence she refers to is as follows:

a) A map of Litton Mill and Brushfield by Henry Hawes, 1649 (Chatsworth Archives CT22): This map shows part of the route in Brushfield and annotates it "The Way" where it runs into Taddington.

East of the hamlet of Brushfield this same route has recently been confirmed as a bridleway following a lengthy public inquiry.

It has been conjectured by Dodd and Dodd (Peakland Roads and Trackways, 1980) that this through-route, i.e. the route currently under investigation and continuing along the bridleway referred to above, was historically part of an ancient communication route called a 'Portway'.

b) Plan of a proposed Turnpike Road from Buxton to Ashford in the County of Derby, 1809 (Q/RP1/82): This plan shows the route in question labelled as leading 'From Priestcliff'.

c) Plan of the Lordship of Brushfield in the County of Derby the property of his Grace the Duke of Devonshire, 1811 (Chatsworth Archives 4082): This plan shows the Brushfield section of the though-route as leading 'From Tideswell and Milnhouse Dale' and named 'Far Gate Lane'.

d) Map of Brushfield in the County of Derby belonging to his Grace the Duke of Devonshire, 1825 (Chatsworth Archives 3256): This map shows the Brushfield section of the route as leading 'From Priestcliff'.

e) Minutes of Bakewell Rural Sanitary Authority (RSA) and Bakewell Rural District Council (RDC) (D4587): These documents appear to show that whilst the RSA initially declined any responsibility to carry out maintenance on the application route in 1885, by 1891 it viewed the route as a highway. Documentation dated 1897 appears to show that by that time the Broadway Lane/Bull Tor Lane route was considered to be publicly maintainable.

F) Minutes of Bakewell County Roads Advisory Sub-Committee (D919 C/1/76): These documents deal with a request from local farmers in 1955 that Broadway Lane be widened so as to allow the use of wider farm machinery. Seemingly rejected initially, by 1959 the sub-committee recommended that the route be widened subject to a grant under the Agriculture (Improvement of Roads) Act 1955. This was approved in 1960.

The respondent suggested that the evidence she outlined was consistent with the route retaining its enclosure awarded status of private carriage and public bridle road throughout the 19th and 20th Centuries.

Regarding certain legal issues relating to the evaluation of user evidence, this respondent stated that the original application submitted by Graham Franks in 2004 lacked a plan or map showing the location of the relevant route. She went on to explain that, because of this, the application was not compliant with paragraph 1 of Schedule 14 of the Wildlife and Countryside Act 1981 and therefore could not act as a 'bringing into question' of public vehicular rights over the route, i.e. the date of application could not be used as a marker from which to gauge whether there had, prior to that point in time, been a sufficient level of use by the public to raise a presumption of the dedication of public vehicular rights (see below under 'Legal and Human Rights Considerations').

In fact, although the application appears in the County Council's register of DMMO applications without an accompanying plan, the original application (held on file 22828) included such a plan. For that reason the respondent's argument does not apply in this instance.

2.7 On 29 July 2017 a representative of the Peak District Green Lanes Alliance wrote to the Council stating that at the public inquiry into the rights of way status of the connecting lane running between Brushfield and Monsal Dale a number of individuals gave evidence of public nuisance that had been caused to residents and other users of the lane by recreational 'off-road' motorists.

The representative provided a list of 51 names of people and organisations that had given such evidence at the inquiry. She suggested that the Council must take into

account that evidence as well as any new evidence of public nuisance it receives as a result of the current investigation.

2.8 On 26 July 2017 a local man who had lived at Top Farm from 1943 till 2016 and had known Bull Tor and Broadway Lanes all his life wrote to the County Council (see also No. 16 in the appended table).

He stated that the route had always been used by walkers and horse riders and that it wasn't until around the late 1990s that it started to be used by motor bikes and 4x4s.

2.9 Of the other local people who wrote to the Council with their experiences of the way in which the route has been used over the years, most appear to agree that recreational motor vehicles didn't start using the route until the 1990s.

2.10 However, some of the recreational motorists have provided completed user evidence forms detailing their use of the route as far back as the early 1970s (see appended table detailing evidence of use and observed use):

Of the fifteen completed user forms received, four referred to use dating back at least twenty years before the right of the public to use the way was brought into question by the submission of the BOAT claim in 2004 (i.e. use extending at least as far back as 1984). Three of the four said they used the route about 6 times per year during that period with one stating a frequency of two to four times yearly.

Three of the remaining eleven users said they had used the route for twelve, sixteen and eighteen years respectively with the remainder all saying that they had used the route for under ten years.

2.11 There were a number of completed 'TrailWise' forms received from recreational motorists: This is a way in which recreational motorists can record their individual use of 'green lanes' online. Only two of the records referred to use of the route before the date of the BOAT claim in 2004 and they were both dated 2003 so these records are of limited value in this case.

2.12 The Council also received eleven emails from people saying that they had driven along the route for varying periods and frequencies: None of the emails included a map or plan of the route concerned and some were extremely brief and lacking in supporting evidence.

Only in the case of three of the emails was it possible to conclude that the individuals concerned might have used the route for the requisite twenty year period before 2004. However, because of the lack of clarity in this respect and because the email messages lacked a lot of other information which we would generally like to see (e.g. as contained in a completed user evidence form), such as a demonstrable knowledge of the route used (including a plan with it indicated), frequency of use and more certainty in terms of dates, it is not possible to properly assess the value of this evidence.

Documentary Evidence

2.13 Pre-enclosure Evidence

Burdett's c1760 map of Derbyshire appears to show Broadway Lane and Bulltor Lane, up to the point at which Taddington public footpath No. 7 branches off eastwards, as part of a 'cross road' (ways other than turnpike roads identified in the key to the map) linking Priestcliffe (which on this map is named 'Presley') with Litton village one and half miles or so to the north of the River Wye.

Part of this route was set out as a public bridleway called Litton Bridle Road in the Taddington Enclosure Award of 1795. This route would have crossed the River Wye in the vicinity of Litton Mill and would probably have proceeded along the routes recorded these days as Taddington footpaths 6 & 7 (see attached plan).

The rest of the claimed route, from the junction with Taddington footpath 7 to Brushfield, is not shown on Burdett's map.

2.14 Parliamentary Enclosure Evidence

The whole of the route in Taddington parish is shown on the plan accompanying the 1795 Taddington and Priestcliffe Enclosure Award, but only the section from New Barn (at a junction with a track leading to Priestcliffe Lees) generally E to the Brushfield boundary is boldly shown, which reflects the fact that only that part of the route (known these days as Bulltor Lane) fell within the geographical scope of the enclosure process. The continuation of the route in Brushfield parish falls outside the scope of this award.

The western part of the enclosure-affected route is shown on the plan and set out as 'Nether Common Road' being a private carriage and drift road and public bridle road 24' wide. The part of the enclosure-affected route from the sharp 90 degree turn SE to the parish boundary is shown on the plan and set out in the award as 'Brushfield Upper Road', also being a private carriage and drift road and public bridle road 24' wide.

The track referred to above which forks off the claimed route at 'New Barn' and leads to Priestcliffe Lees is set out as a 24' wide private carriage and drift road called 'Middle Lees Road' so it seems highly likely that the section of claimed route in Taddington which fell outside the scope of the enclosure process – the section known these days as Broadway Lane lying west of New Barn and which leads to Priestcliffe itself – was also a private carriage and drift road and public bridle road otherwise the awarded bridleway rights along Nether Common Road would have terminated for no reason at New Barn.

2.15 Early 19th Century Published Maps

Greenwood's 1825 map of Derbyshire shows this route as a 'cross road', forming part of a link between Great Longstone and Priestcliffe. This map shows known

private access roads, as well as public carriage roads, falling into the cross road category.

Sanderson's 1836 map of Derbyshire also clearly shows the route, again as a 'cross road', connecting Priestcliffe with Brushfield and settlements to the east. Like Greenwood's map, known private access roads, as well as public carriage roads, are shown falling into the cross road category.

2.16 Tithe Map and Apportionment

The Taddington Tithe Map of 1848 clearly shows the route in this parish. Where it leaves the scope of the plan to head into Brushfield Parish it is labelled 'To Brushfield'.

The route is coloured in the same way as other roads (both public and private) and is shown to have the apportionment number 1371. (NB in tithe documentation roads are not always separately apportioned but such numbering can provide useful information)

The accompanying Taddington Tithe apportionment schedule of 1847 identifies apportionment 1371 as being an occupation road. This description clearly does not mention the additional public bridle road rights set out in the Taddington Enclosure Award (see above), however the identification of such rights is very much incidental to the main purpose of these documents, which was to ascertain monetary payments to be charged in place of tithes. Generally this turned on the productivity of land.

2.17 Early Ordnance Survey Maps

The c1840 1st ed 1" Ordnance Survey (OS) map shows the entire route as an obvious physical feature in the landscape and linking freely with the wider road network. However the map does show known private access roads in exactly the same way.

The 2nd ed 1:2500 OS plan of c1898 clearly shows the entire route as an obvious feature defined by physical boundaries and with its own OS plot number. The first section is named 'Broadway Lane' while the section after the south eastwards turn near New Barn is labelled Bulltor Lane.

2.18 1910 Finance Act Evidence

The entirety of the route within Taddington parish is excluded from the taxable land holdings (hereditaments). After crossing into the area of Brushfield it is included in hereditament Nos 14 and 13 before reaching the hamlet of Brushfield itself.

In the accompanying Finance Act valuation book, both hereditaments include deductions for the existence of 'public rights of way or user': A £15 deduction in the case of plot No. 13 and £20 in the case of plot No. 14.

2.19 'Handing Over' Records and current highway maintenance records

The 1929 Local Government Act provided for the transfer or 'handing over' of roads that were previously maintainable by the Rural District Councils (RDCs) to the control of the County Councils. So-called 'handing over' plans and schedules were produced by the RDC to facilitate this process.

The handing over plan and schedule for Bakewell RDC shows that the claimed route was handed over as a route that had previously been categorised as an 'other district road', i.e. a route that was maintainable by the district council but was without classification.

The claimed route is currently recorded on the County Council's highway maintenance record (the 'list of streets' as required to be kept under s36(6) Highways Act 1980) as a non-classified highway maintainable at public expense.

There is a note on the record to the effect that the depiction of a route on the list of streets does not constitute proof of the existence of public carriage road rights, it simply confirms that the route is publicly maintainable.

2.20 Definitive Map Evidence

The first parish surveys carried out in order to ascertain which routes should be included on the definitive map and statement of public rights of way were undertaken in the 1950s. The Taddington surveyors were clearly aware of the fact that the claimed BOAT had been partly set out as a private carriage and drift road and public bridle road because the survey map is annotated accordingly.

The survey documents are a little confused in this area but it appears that Broadway Lane was originally claimed as being a public bridleway, being part of a longer bridleway route which continued NNE from New Barn to Priestcliffe Lees along what is now Taddington footpath 8.

The part of Bulltor Lane from the more easterly of the two sharp bends heading SSE to the Brushfield parish boundary was originally claimed as a bridle road. However, on the survey form the abbreviation 'B.R.' has been crossed out and the route was instead claimed as a Carriage Road used mainly as a Bridleway (CRB): Under the section of the survey form asking for the grounds for specifying the particular status, the surveyor has written "Wide enough for vehicular traffic", and in another hand there is also written "and used as such for many years". However, it is not clear whether this is a reference to private or public vehicular traffic.

The category CRB, along with CRF (Carriage Road used mainly as a Footpath), was used to identify those rights of way that would appear on the definitive map and statement as Roads used as Public Paths (RUPPs). Such routes carried rights for walkers and horse riders but they were also used by vehicles, however the RUPP definition left it unclear whether *public* vehicular rights existed over such routes. The category was abandoned when all remaining RUPPs were automatically reclassified as restricted byways under the provisions of the Countryside and Rights of Way Act 2000.

Ultimately, however, the claimed BOAT did not make it onto the definitive map and statement. This may well be because of the widely held (County Council) view at the

time, that it was not necessary to include on the definitive map and statement those roads that were already on the County Council's highway maintenance record as publicly maintainable highways: These highways were highlighted on the survey maps provided to the surveyors in the 1950s and past experience has shown that many were omitted from the draft definitive map even though they may have been identified as rights of way initially.

2.21 Analysis and Conclusion

The Taddington Enclosure Award establishes that as of 1795 the parts of the route affected by the enclosure process were public bridleways (as well as also carrying private rights of access for use with carts and carriages).

From the enclosure evidence we must also conclude that the continuations of the enclosure awarded bridleway, both to Brushfield to the east and Priestcliffe to the west, were also highways of bridleway status because if this were not the case there would necessarily be a cul de sac highway at both ends of the awarded section.

The remainder of the historic evidence examined is, in the main, considered to be consistent with the route being a highway of bridleway status, the only exception being the tithe documentation. However, as explained above, any identification of highway status would have been incidental to the main purpose of these documents, which was to ascertain monetary payments replacing tithes paid in kind.

The fact that the parish considered claiming part of the route as a CRB might be thought of as being consistent with public carriage road status. However, given the unsatisfactory legal definition of CRB (and CRF and RUPP) it is considered also to be consistent with the historic status of the route as a public bridle road and private carriage road.

As referred to in the body of this report, a reasonably large number of recreational motorists have submitted evidence which they say supports their use, as of right, of the claimed route. However, a number of local people who have lived and worked in the immediate area have provided evidence of their recollections of the way the route has been used over the years and this contradicts some of the motorists' user evidence: Whereas a number of the recreational motorists say that their use commenced in the 1970s or 80s, local people seem fairly consistent in their view that recreational motoring did not start on the route until the 1990s.

If that is the case then the motorists would not have had sufficient time within which to acquire a vehicular right of way by virtue of deemed dedication through long user (see below under 'Legal and Human Rights Considerations') prior to rights being called into question by the submission of the BOAT claim.

Having closely looked at the user evidence submitted by the motorists it appears that it may not in any event be quite sufficient to raise a presumption of dedication (of vehicular rights): The relevant time period up to the date of the BOAT claim is 1984 – 2004 and only 4 of the people who submitted a user evidence form used the route for the first few years of that period.

On balance it seems more likely, despite the fact that recreational motorists have undoubtedly driven along it for a number of years, that that use is not sufficient to raise a presumption of vehicular rights and that the route has continued to subsist at its historic highway status of public bridleway.

3. Considerations

Legal and Human Rights Considerations

- 3.1 Under the Wildlife and Countryside Act 1981 the Council is obliged to make a Modification Order as soon as reasonably practicable on the occurrence of certain specified 'events'. These events include:
- 3.2 (1) the discovery by it of evidence which (when considered with all other relevant evidence available) shows that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates (section 53(3)(c)(i)); and
- 3.3 (2) the discovery by it of evidence which (when considered with all other relevant evidence available) shows on the balance on probability that that a highway shown on the map and statement as a highway of a particular description ought to be shown as a highway of a different description, (section 53(3)(c)(ii)).
- 3.4 Section 31(1) of the Highways Act 1980 provides that where a way over land is enjoyed by the public "as of right" and without interruption for a full period of 20 years the way is presumed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it. Enjoyment by the public "as of right" means use by the public without force, without secrecy or permission.
- 3.5 Section 31(2) provides that the 20 year period referred to in section 31(1) is to be calculated retrospectively from the date when the public right to use the way is brought into question.

4. Other Considerations

- 3.11 In preparing this report the relevance of the following factors has been considered: financial, social value, prevention of crime and disorder, equality of opportunity, human rights, personnel, environmental, health, property, and transport considerations.
- 3.12 None of these factors are considered to be relevant for the purpose of this report.

5. Background Papers

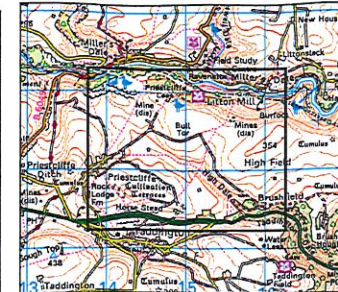
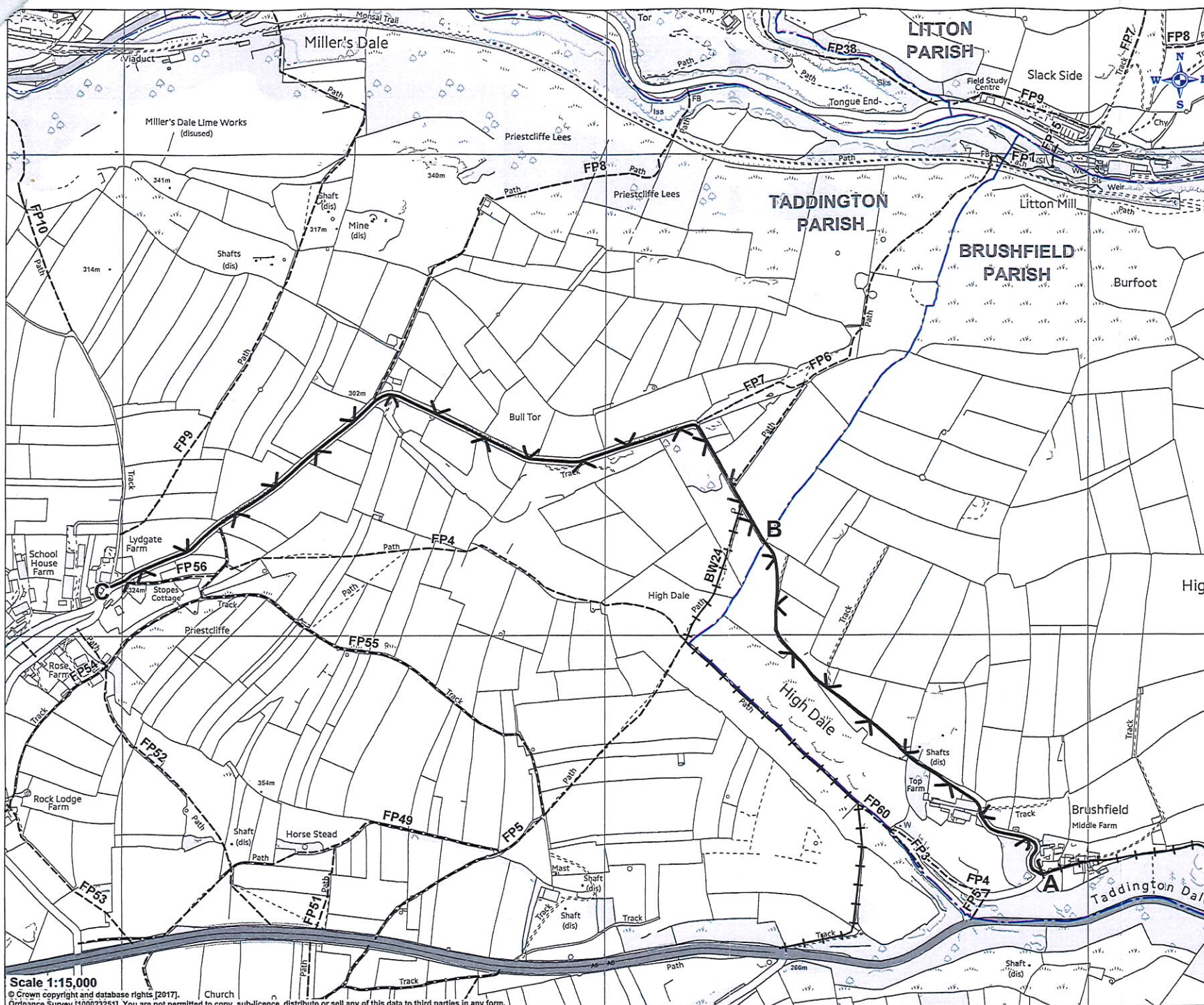
Held in Legal Services on file number 22828.

6. OFFICER'S RECOMMENDATION

That the Committee resolves to authorise the Director of Legal Services to make an Order under Section 53 of the Wildlife and Countryside Act 1981 to amend the Definitive Map and Statement by:

Adding a public bridleway along Broadway Lane and Bulltor Lane in the parishes of Taddington and Brushfield as shown between Points A, B and C on the plan attached to this report.

Janie Berry
Director of Legal Services



Wildlife & Countryside Act 1981 Section 53

**X3137- Claim to add Byway
Open to All Traffic (BOAT)
along Non-Classified Highway
known as Broadway Lane
/ Bull Tor Lane -
Parishes of Brushfield and
Taddington**

KEY

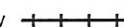
BOAT to
be added
(A-B)
(B-C)



Existing Footpath



Existing Bridleway



Parish Boundary



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Produced by Public Rights of Way on 2 June 2017

Ref: TE/CH/X3137/Cons/2017

Broadway Lane and Bull Tor Lane – Parishes of Taddington and Brushfield

Evidence of observed public vehicular use of the route

File Ref.	Familiarity or knowledge of the route	Year(s) when recreational vehicular use was first noticed	Comments
4.	Late 1970s to present	2011 or 2012	Response dated 9 July 2017. Resident of Taddington from the late 1970s to the late 1980s. Moved to the village of Flagg in the late 1980s but has continued to ride and walk this and other lanes in the Taddington area every few weeks. Stated that in 2016 she and a friend were nearly hit by a skidding motorcyclist while out riding on the route.
5.	Since 1995	Late 1990s	Response dated 9 July 2017. Resident of Litton since 1995 and has walked and ridden the application route since then. Stated that when walking the route in the year 2000 she encountered difficulties when she met a convoy of eight recreational 4x4 vehicles at a narrow point in the lane and also stated that she and a friend were nearly hit by a skidding motorcyclist while out riding on the route in 2016.
6.	Mid 1970s to present	Last few years	Response dated 13 July 2017. Resident of Taddington from the mid-1970s. No longer a resident of Taddington but still loves to walk this and other lanes in the area. Only in the last year or so has she noticed non-farm related vehicular traffic.
7.	2006 to present	Throughout	Response dated 12 July 2017. Resident of Brushfield from 2006 and has regularly walked the route since then. Recounts a number of incidents where the safety of walkers, horse riders and locals has been put at risk by recreational motorists using the route and states that, according to longer-standing residents, this wasn't the case up until a few years ago.
9.	1992 to present	2005 to 2007	Response dated 16 July 2017. Residents of Taddington from 1992. Have used the route regularly on foot ever since though less frequently in recent years. They cannot recall its use by motorists other than farm vehicles and local people until about 10/12 years ago.
11.	1954 to present	From 1995 onwards	Response dated July 2017. Family have lived and farmed in Priestcliffe since 1954. States that use of the route by motor bikes and land rovers has damaged the surface of the route and that has had an impact on his use of the route to access land - farm vehicles have been damaged because of the state of the surface caused by off-roaders. He also states

			that on numerous occasions he has had problems caused by motorists when he's been driving animals along the lane. Because of the speed they go at, he says he has nearly been hit by motorcyclists while driving his tractor along the lane.
12.	1989 - 1999	From the late 1990s onwards	Response dated 19 July 2017. Farmed Middle Farm at Brushfield from 1989 to 1999. States that the farm overlooks the application route and that he often had to use the lane to access land because the geography of the land behind Middle Farm was too steep for a vehicle. Predominantly farmed at weekends and weekday evenings because he also had a weekday job. In the early years of ownership there were no recreational vehicles using the application route but odd ones may have appeared towards the end of his ownership. There were several gates along the route between Middle Farm and Priestcliffe, all of which made it difficult to use the route without being noticed.
15.	2000 present	- Throughout	Response dated 25 July 2017. Resident at Middle Farm from 2000 to present and have noticed the serious degradation of the land during that time. This, together with incidents of animals wandering as a result of gates being left open, is understood to be a key factor behind their neighbour's decision to give up their dairy herd. As well as the damage caused to the lane itself they refer to the risk to personal safety that vehicular use can pose.
16.	1943 present	- From the late 1990s onwards	Response dated 26 July 2017. Resident and farmed at Top Farm from 1943 to 2016 and states that the Bull Tor track started to be used by motor bikes and 4x4s in the late 1990s. The activity caused problems for him as a farmer; specifically the damage to the track which made it more difficult to drive animals along. Also, the noise of some vehicles caused animals being driven along the lane to scatter, so he had to have helpers to assist in driving them. On one occasion a group of motorcyclists caused some calves to panic and escape over the walls – he said it took him all day to gather them and he had to repair the walls. He said that the speed that some of the motorcyclists travel at is a problem and he has witnessed many near misses and some accidents and collisions. He stated that the damage to the track has been such that he personally has had to pay to repair it on a number of occasions, simply to ensure that he can continue using the lane to access his lands and carry out his usual farming activities. <u>Motor Trials</u> – He states that in the 1960s they used to allow an occasional vehicle trial along Bull Tor Lane but that eventually they stopped giving permission because the trial was tearing at the track. He stated that the trial continued to use it occasionally without permission and that in the end the police intervened because of the number of complaints. He says that since then he has sometimes been asked for permission for a trial to use the track but he has always refused. He referred to the Edinburgh Trial, stating that they

			always used the Brushfield to Upper Dale route before it became recorded as a bridleway. He doesn't recall them ever using the Bull Tor route.
17.	1940 present	- After 1990	Response dated 6 August 2017. Resident and farmed at Rose Farm since 1940 and states that the 4x4s and motor bikes started using Broadway Lane and Bull Tor Lane after 1990. She states that in previous years they used to let the cows saunter along the lane themselves after morning milking but that changed once the 4x4s and motor bikes came along. She states that the speed that some of the vehicles travel at is an issue and has resulted in many near misses and close shaves. She also states that recreational motor vehicles have caused damage to the track which is continually having to be repaired whereas use by farm vehicles never did to the same extent.

Evidence of personal use by recreational motorists - (UEF = User Evidence Form)

File Ref.	Years used (span)	Total No. years used ¹	Frequency	Comments
UEF 1	1992 - 2005	12	70/80 times per year	
UEF 2	1973 - present	31	Approx. 6	
UEF 3	97/98 - present	6/7	Not mentioned	Short written statement rather than a user evidence form
UEF 4	1986 - present	18	Not mentioned	
UEF 5	2003 - present	1	4 times per year	
UEF 6	1981 - present	23	2 to 4 times per year	
UEF 7	1982 - present	22	6 times per year	
UEF 8	1988 - 2009	16	3 times per year	
UEF 9	2000 - 2004	4	6 times per year	
UEF 10	2000 only	1	Once	
UEF 11	1998 - 2017	6	3 times per year	
UEF 12	1972 - 2002	32	6 times per year	
UEF 13	1999 - 2004	5	12 times per year	

¹ Up until the date of the BOAT application in April 2004 which brought into question the right of the public to use the way.

UEF 14	2002 – 2005	2	4 to 6 times per year	
UEF 15	1998 – 2004	6	3 times per year	
File Ref. (TW=TrailWise)	When used?	No. years that count²		Comments – These are individual ‘TrailWise’ records of a particular occasion when the route was used. They do not have maps or plans with them but they do provide grid references.
TW 1	2017	0		
TW 2	2003	1		This individual also submitted a completed UEF form No. 5
TW 3/3a	2003, 2004	1		
TW 4/4a	2004, 2004	0		
TW 5/5a/5b	2004, 2005, 2006	0		This individual also submitted a completed UEF form No. 15
TW 6/6a	2004, 2006	0		
TW 7	2004	0		
TW 8/8a	2004, 2004	0		
TW 9	2004	0		
TW 10	2005	0		
TW 11/11a/11b	2005, 2005, 2005	0		
TW 12/12a/12b	2005, 2005, 2005	0		This individual also submitted a completed UEF form No. 2
TW 13/13a	2005, 2006	0		
TW 14	2005	0		
TW 15/15a	2005, 2006	0		
TW 16/16a	2005, 2005	0		
TW 17/17a	2005, 2005	0		
TW 18	2005	0		
TW 19	2005	0		
TW 20	2005	0		

² Up until the date of the BOAT application in April 2004 which brought into question the right of the public to use the way.

File Ref.	Years used (span)	Total No. years used ³	Frequency	Comments – this is evidence provided in emails. None of the emails included a map or plan of the route concerned. None of the individuals stated whether they would be willing to provide their evidence in person at a public inquiry or hearing.
E1	2002 - 2004	2	More than once	This individual also submitted a completed UEF form No. 14
E2	"Past 20 years"	7	Not mentioned	Email dated June 2017 - This individual also submitted a completed UEF form No. 11
E3	2003	1	A number of times	
E4	"Since 1990"	14	Not mentioned	
E5	"Since 1996"	8	Regularly	
E6	"Over the full 20 year period"	Not clear	Not mentioned	Email dated June 2017 but it's not clear what is meant by "the full 20 year period".
E7	From 1999	5	Not mentioned	
E8	"Since the 80s"	15 – 24?	Not mentioned	
E9	"Since mid-80s"	20?	Occasionally initially then regularly from 1996 onwards	
E10	"Before 2005"	Not clear	Not mentioned	Says has used the route "several times" before 2005 but doesn't say when use started.
E11	1999 - 2003	4	Occasionally	

³ Up until the date of the BOAT application in April 2004 which brought into question the right of the public to use the way.