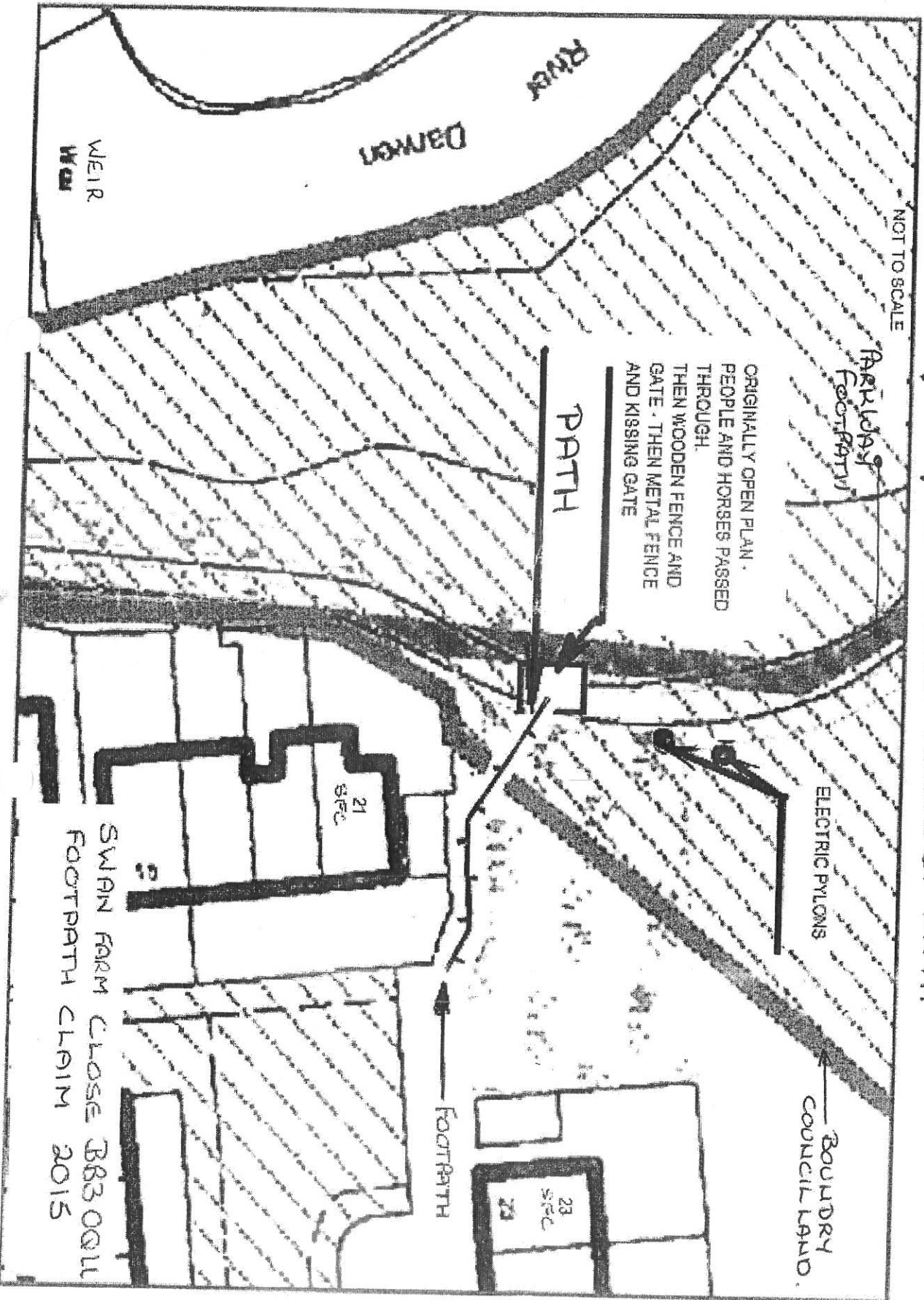


NAME: _____
ADDRESS: _____

SIGNATURE _____



PUBLIC RIGHT OF WAY EVIDENCE FORM

NB The object of this enquiry is to reach the truth of the matter, whatever it may be. You are therefore asked to 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 path.

Please note that the information given in this form (including your name, address and other personal information) together with any accompanying drawings and documents will be made publicly available.

NAME Mr/Mrs/Ms _____ DATE OF BIRTH: 1-1-1988

ADDRESS: SWAN FARM CLOSE LOWER DARWEN.

POST CODE: BB3 0QU.

e-mail: _____ TEL: _____ OCCUPATION: FURNITURE SPRAYER.

PATH DETAILS: PARISH PAROF. DISTRICT FA

DESCRIPTION OF PATH [please attach a map on which you mark the route clearly and precisely]

The path starts at: SWAN FARM CLOSE.

The path ends at: KISSING GATE.

1. What do you believe to be the status of the path?

[a] footpath [b] bridleway [c] byway open to all traffic [see definitions below - circle as appropriate]

[a] foot only [b] foot, horse & bicycle [c] a right of way for all traffic but mainly used as a footpath or bridleway

2. Have you used the above path? Yes No (delete as appropriate)

If so: a. During which years? 25 YEARS.

b. How many times a year? 500 - 600 A YEAR.

c. Where were you going to and from? ONTO THE PARK PATH.

d. For what purpose? [e.g. pleasure, business, work] PLEASURE.

e. By what means? [e.g. on foot, on horseback, with a vehicle] ON FOOT.

3. Why do you think the path is public? BECAUSE THE PUBLIC USE IT

4. Has the path always run over the same route? Yes No (delete as appropriate)

5. Has it been diverted at any time? Yes No (delete as appropriate)

If it has been diverted, give the details and dates: _____

6. Have there to your knowledge ever been on the path any:

a. Stiles? [state location] _____

b. Gates [state location, dates or times when locked] GATE STILL THERE.

11. Have you ever had a private right to use the route in question? Yes/No (delete as appropriate)

If 'yes', please give details _____

12. Any additional information about the route and your use of it: I USE IT
TO GO TO THE LOCAL SHOPS + TO VOTE + TO GO
TO THE ROVERS + TO WALK THE DOGS.

If necessary, continue your answers on a separate sheet of paper.

DECLARATION

Are you willing to attend a hearing, public inquiry or court to give evidence on this matter, should this prove to be necessary? Yes/No (delete as appropriate)

I have attached to this form a map marked with the route I used. Yes/No (delete as appropriate)

I acknowledge that this form will be made publicly available and may be published on the Council's website.

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

Signature: [Signature] Date: 29/7/15

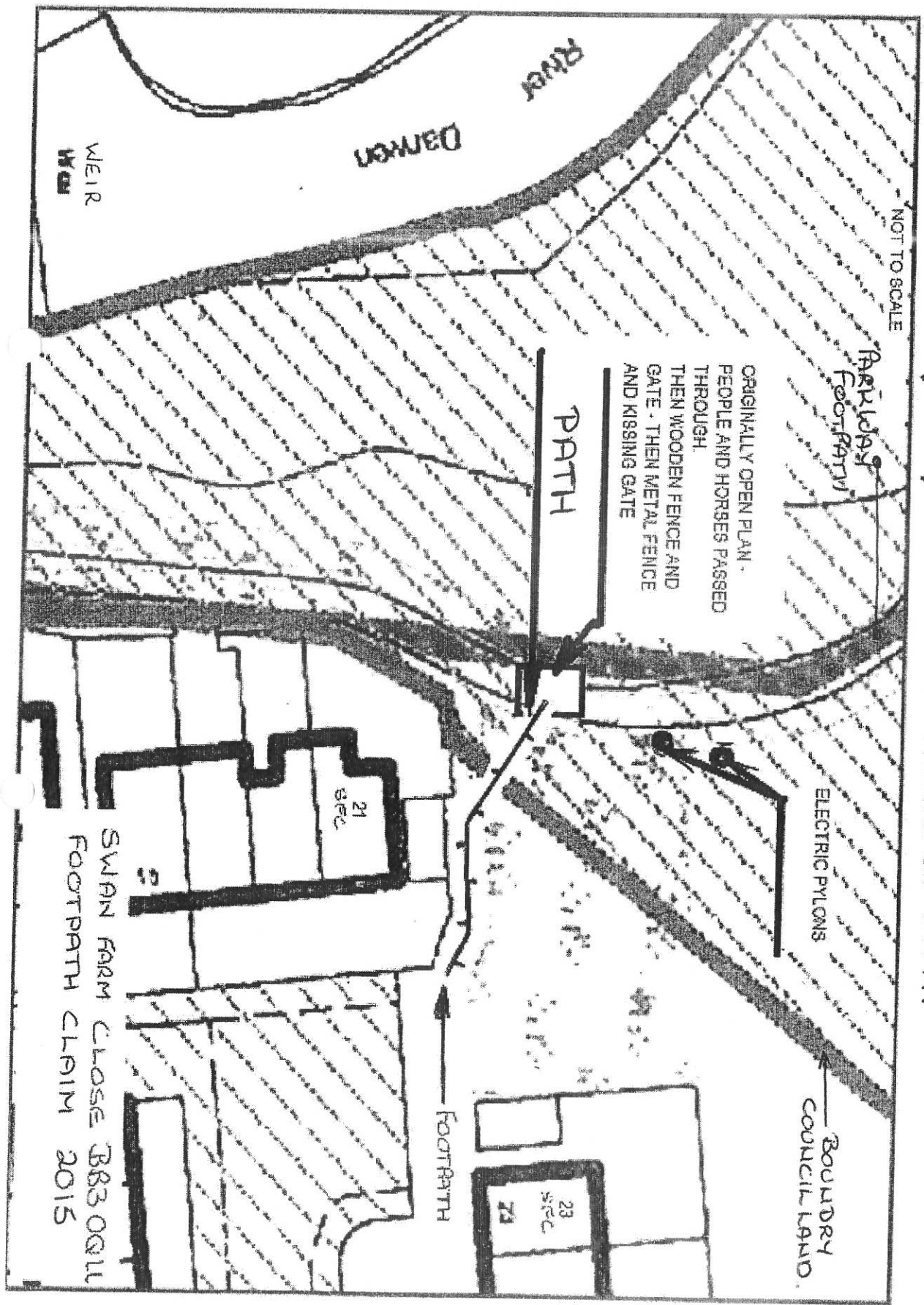
Person taking this statement [if applicable]: _____ Date: _____

NAME: _____
ADDRESS: _____

SWAN FARM CLOSE, CANTON DOWN, _____

SIGNATURE _____

SHOWS ROUTE OF PATH



PUBLIC RIGHT OF WAY EVIDENCE FORM

NB The object of this enquiry is to reach the truth of the matter, whatever it may be. You are therefore asked to 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 path.

Please note that the information given in this form (including your name, address and other personal information) together with any accompanying drawings and documents will be made publicly available.

NAME: Mr/Mrs/Ms _____ DATE OF BIRTH: _____
ADDRESS: Swan Farm Close
Lower Darwin Darwin Lancs POST CODE: BB30 2JU
e-mail: _____ TEL: _____ OCCUPATION: Teacher
PATH DETAILS: PARISH _____ DISTRICT _____

DESCRIPTION OF PATH [please attach a map on which you mark the route clearly and precisely]

The path starts at: Swan Farm Close

The path ends at: MILLBROOK ST

1. What do you believe to be the status of the path?

[a] footpath [b] bridleway [c] byway open to all traffic [see definitions below - circle as appropriate]

[a] foot only [b] foot, horse & bicycle [c] a right of way for all traffic but mainly used as a footpath or bridleway

2. Have you used the above path?

Yes No (delete as appropriate)

appropriate)

If so: a. During which years? 2010 - Present

b. How many times a year? MANY

c. Where were you going to and from? Chip shop / shops. Walks.

d. For what purpose? [e.g. pleasure, business, work] Pleasure.

e. By what means? [e.g. on foot, on horseback, with a vehicle] On foot

3. Why do you think the path is public? It has always been there.

4. Has the path always run over the same route?

Yes No (delete as appropriate)

appropriate)

5. Has it been diverted at any time?

Yes No (delete as appropriate)

appropriate)

If it has been diverted, give the details and dates: _____

6. Have there to your knowledge ever been on the path any:

a. Stiles? [state location] NO

b. Gates [state location, dates or times when locked] Yes - NO locks in

place

11. Have you ever had a private right to use the route in question? Yes/No (delete as appropriate)

If 'yes', please give details _____

12. Any additional information about the route and your use of it: Lots of people have frequently used this path in the first years we have lived here. People who ^{do} not live on the estate as well.

If necessary, continue your answers on a separate sheet of paper.

DECLARATION

Are you willing to attend a hearing, public inquiry or court to give evidence on this matter, should this prove to be necessary? Yes/No (delete as appropriate)

I have attached to this form a map marked with the route I used. Yes/No (delete as appropriate)

I acknowledge that this form will be made publicly available and may be published on the Council's website.

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

Signature: [Signature] Date: 26.7.15

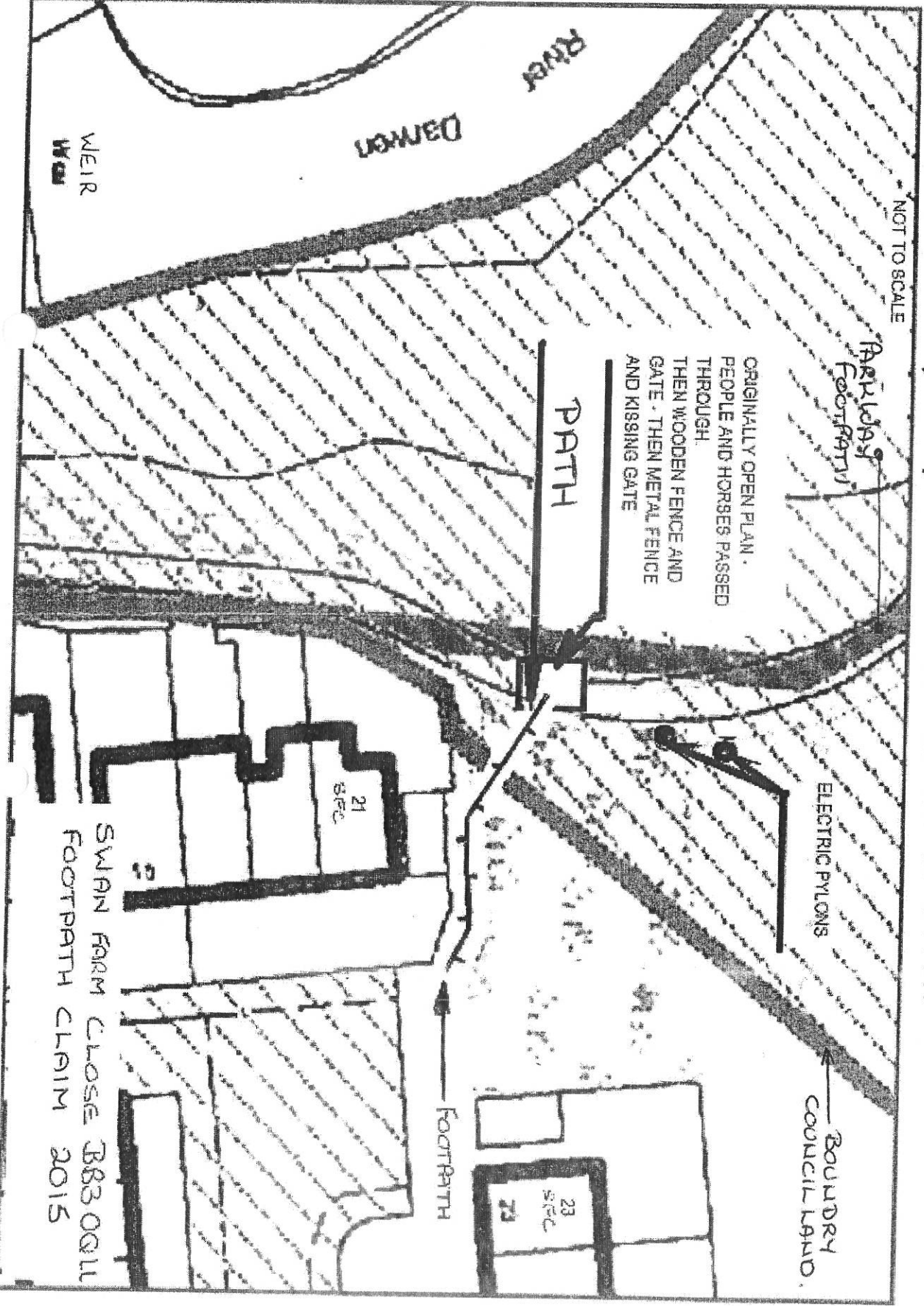
Person taking this statement [if applicable]: _____ Date: _____

NAME: SWAN
ADDRESS: 1 SWAN

FARM CLOSE
LOWER DARNEN DRAWEN BB3000

SIGNATURE
[Signature]

SHOWS ROUTE OF PATH



Swan Farm Close, Lr. Darwen BB3 0QU. 06 October 2015

Re: Foot Path on land between 21 & 23 Swan Farm Close, BB3 0QU

Grid Ref. (A) SD 68732 25223 and (B) SD 68713 25228. See Doc.002

I bought my house in 1983 from my brother who bought the house as new build in the 1970's.

In all that time I have known this path to exist. Over time I have witnessed it travelled by people on horseback, bicycle on foot and briefly by motorbike.

To my certain knowledge, for more than thirty years this path is and has always been travelled by the general public for the purpose of walking to and from; schools, church, place of work, shops and the pursuit of leisure activities. People meet, greet and chat at either end of it.

The path is also used by professionals; Fire Fighters to deal with brush fires on the Scar, Council employees, to cut the grass, Electricity Company employees to check and maintain their equipment on site.

The path is part of and links into the pathways of River Darwen Park Way and Biological Heritage Site, locally known as 'The Scar', via a council constructed kissing gate. The labyrinth of pathways lead to just about anywhere one would wish to go to in Blackburn and Darwen and has been travelled for decades by people travelling to and from Work, Church, School, Shops etc.

The path is especially significant as it leads to the only official crossing in Lower Darwen where people cross Fore Street, walk down Duchess Street to the, 'Lollipop Person', where people cross Duchess street and go on to School, Work and the Bus Stop and vice-versa.

Originally completely open, just part of the pathways running through the Scar, which, to the best of my knowledge has always been there. I cannot accurately recall when the wooden fence and kissing gate were erected, though I know that in the late 1980's it was still, 'open plan'. See Doc.003. The young lady in the picture is now in her 30's and the path is plain to see. It is also plain to see how the wall line of No.21 has been shaped to accommodate the path. It was in an effort to stop motorbikes using the path to access the Scar that the wooden fence and kissing gate were erected. Of course, the wooden fence was no match for determined bikers so a metal fence and kissing gate were built over the wooden one.

The path crosses land which is part of the River Darwen Parkway and Biological Heritage Site, and is publically owned, (Blackburn with Darwen ref. LAN83800). The other part is privately owned, (Walshorne Ltd. ref. LA196930). Originally designated as a play area and parking area the piece of land, ref. LA196930, has been the subject of several planning application. It is those applications which provide unquestionable proof of the existence of this path. All documents are publically available at Blackburn with Darwen Planning Department.

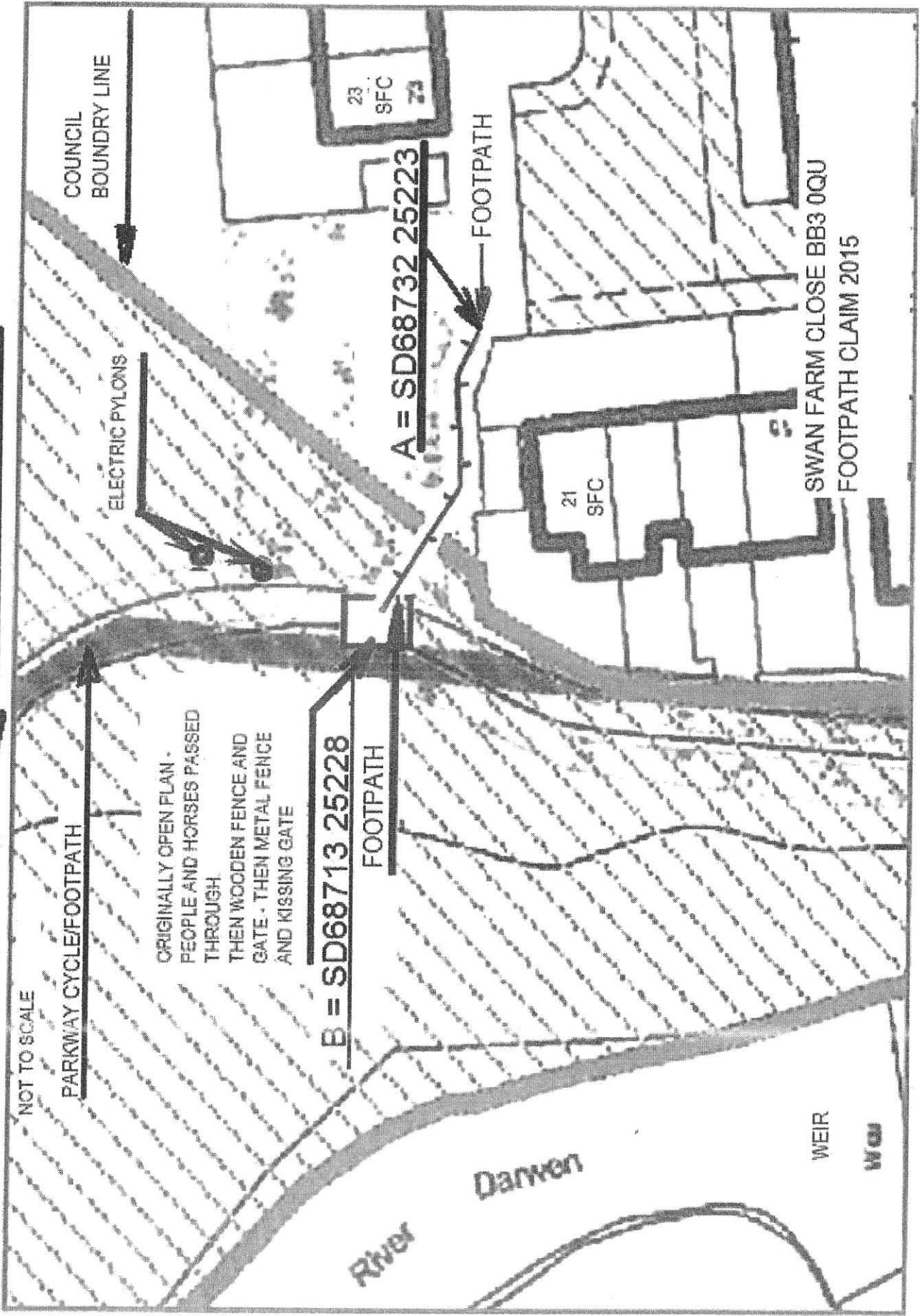
From 1994 Planning Application Ref.10/94/1332 Note on site visit. See Doc.004

From 2011 Planning Application Ref. 10/11/0872 Highways, Transport & PROW Consultation. See Doc.005

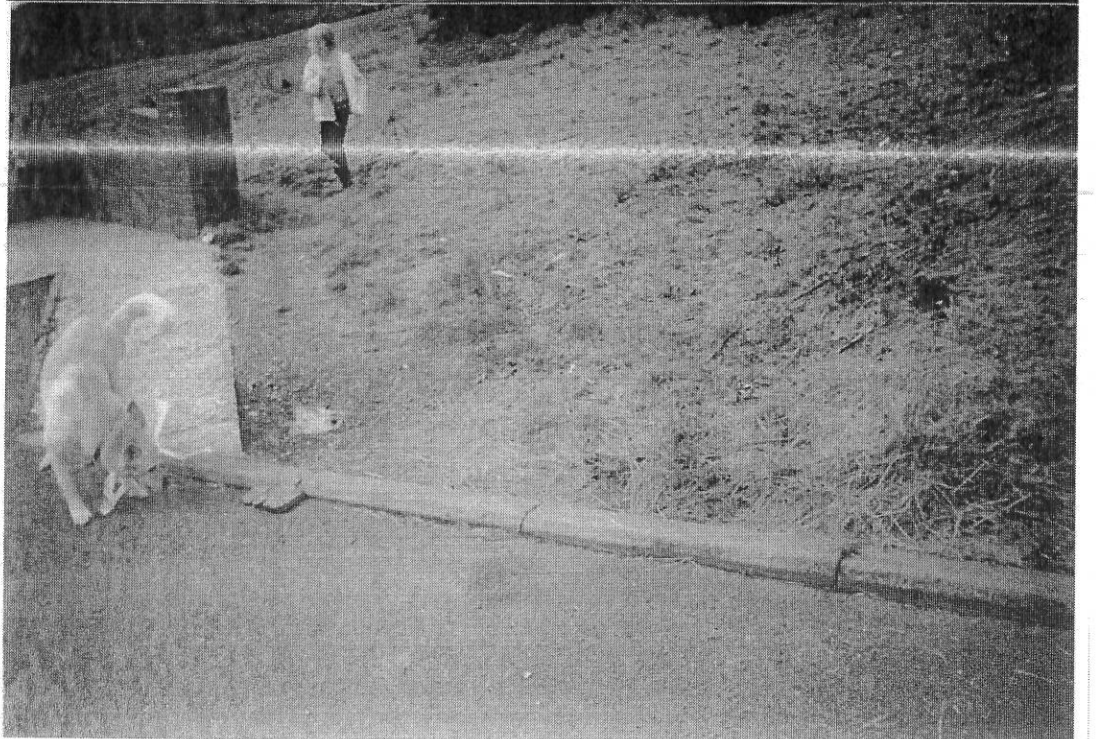
SIGNATURE:-

NAME :-
ADDRESS:- Swan Farm Close, Lr. Darwen, BB3 0QU

SHOWS ROUTE OF FOOTPATH



Doc.003ajs



Doc.003

Application No : 10/94/1332

RECEIVED
BOROUGH PLANNING DEPT
14 SEP 1994

SPECIAL CONSIDERATIONS:

STANDARD CONSULTATIONS:	Consultation	Date Sent	Date Received
	BTSO	16/9	✓
	NRA	16/9	✓
	BR	16/9	
	Elec	16/9	✓
	CAS	16/9	
	ack	16/9	

NEIGHBOURS CONSULTED: 21-31 & 46-30 Swan Farm Close
DATE: 6/10
site notice.

SITE VISITS	Officer	Date Visited
	ANK	6/10

OBSERVATIONS :

○ sloping site with shrubs/trees on -
currently used by kids playing
on it. Footpath across site. Access
width ~~narrow~~ narrow. pylons outside
site

P39

Highways, Transport & PROW Consultation**Application Ref:** 10/11/0872**Site:** 21 & 23 Swan Farm Close, Lower darwen**Proposal:** One pair of semi-detached properties.**Officer:**

PROW – There is a well used route across this land linking Swan Farm Close to FP112 and the river Darwen Parkway. Although not a definitive footpath the route is expected to have public rights (i.e. for being used in excess of 20 years). The applicant should be made aware that whilst planning permission may be deemed acceptable at this stage, the construction of the properties could be prevented under separate legislation if a member of the public opts to submit a claim for the footpath (to have it incorporated as a public right of way). The risk of this occurring can be at any time including after completion of the dwellings. It is therefore strongly recommended that the applicant incorporates a footpath linking Swan Farm Close to FP112 into the development proposals to avoid such an instance occurring.

Permission is sought for the erection of a pair of semis on land at Swan Farm Close.

The parking provision proposed is acceptable and complies with the advice offered in PPG13 and the Council's approved parking standards. The proposed eastern dwelling would in part be required to share a drive access with the existing neighbouring property (no 21) which is a private matter for the applicant and other residents to address. However, the Highway Authority and LPA do have a responsibility to ensure that safe and convenient passage does remain for the occupants of no21 on to and from the highway. On this basis, a condition is requested that an access and parking strategy be submitted to demonstrate that access to no21 would remain unobstructed by other vehicles as a result of the development.

There is also limited parking provision on the street for other properties but as permission for a similar development has been approved previously, the principles that the development would be acceptable have been established. As no resident has as a matter of right to park on the highway, this approach is still considered acceptable.

Turning to rights of way, it is strongly advised that the applicant revisits the footpath which runs through the site to see if this can be incorporated around the edge of the site. Whilst the Highway Authority raises no objection to the proposals, it would be in the interest of the developer to do this as a claim submitted at a later date by a member of the public could be an obstacle to the development starting (or if commenced, a costly exercise to amend the development). A worst case scenario would be that the developer would be required to remove parts of the development if a public right of way claim is successful after the development has commenced. As the footpath has been used in excess of 20 years, such a claim could be successful. It is however the responsibility of the applicant to weigh up the risks in this instance.

I would be grateful if the above could be brought to the attention of the applicant.

Suggested conditions: