

# ROBIN CARR ASSOCIATES

Public Rights of Way Management & Consultancy Services

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## Wildlife & Countryside Act 1981 Application for Definitive Map Modification Order To Upgrade Public Footpath, Firbeck No 4 to Bridleway Client: Rotherham Metropolitan Borough Council

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### PART ONE: INTRODUCTION

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#### 1.0 Purpose of Report

1.1 This report seeks to assist Rotherham Metropolitan Borough Council (the Authority) in the determination of an application (the Application) for a Definitive Map Modification Order to upgrade Public Footpath, Firbeck No 4 (the Application Route) to Bridleway status. The Application Route is shown **A-B** on the attached **Plan 1 [APP 1 pg. 1]**

#### 2.0 Format of Report

2.1 Whilst there is no statutory requirement to do so, as a matter of good practice, this report has been prepared in line with the principles of the Civil Procedure Rules so far as they relate to the production of expert reports.

2.2 The report is divided into five parts, namely:

- Part One: Introduction
- Path Two: Background
- Part Three: Summary of Evidence
- Part Four: Consideration of Evidence
- Part Five: Conclusion & Decision

2.3 The report is accompanied by a document bundle containing all documents referred to in the report. Where a document is referred to within the report, it will be referenced by Appendices and Page Number thus **[APP XX pg. xx]**.

### **3.0 Consultant's Expertise**

- 3.1 My name is Robin Carr. I am an independent consultant, specialising in Public Rights of Way and Highway matters. I am a Fellow of the Institute of Public Rights of Way & Access Management (IPROW), and a Registered Expert Witness.
- 3.2 My experience is based, most generally, on an expertise that has been developed over a thirty-year period as a Public Rights of Way & Highways practitioner.
- 3.3 I hold a post-graduate level certificate in Leisure Management from the Institute of Leisure and Amenity Management which was a dissertation-based management qualification which focussed on the "*Best Value*" in service delivery. I am also a former Treasurer and founding Director of the Institute of Public Rights of Way and Access Management (IPROW).
- 3.4 I have had papers published, on the subjects of: a) highway record management and b) rail crossing closures under the Transport and Works Act 1992, in the journal of the Institute of Public Rights of Way and Access Management. I also have a published Practice Guidance Note on Rights of Way Improvement Plans on the "LexisNexis" legal resource website.
- 3.5 Between 1987 and 2003 I was employed by a number of local authorities as a rights of way and highways practitioner, including six years at principal officer (management) level, during which time I was responsible for the management of the authority's statutory public rights of way functions as well as the maintenance of the authority's highway records.
- 3.6 Since 2003 I have worked as an independent consultant specialising in public rights of way and highway matters, and more specifically on matters relating to the existence, status and extent of public highways. In doing so I have prepared reports for various local authorities and private individuals, as well as giving evidence at local public inquiries, the Magistrates Court, County Court and High Court. I have also represented Clients at local public inquiries, hearings and similar fora.
- 3.7 Since the mid-1990's I have been actively involved in the delivery of specialist training on public rights of way and highway issues. I have delivered training and CPD sessions to local

authority staff and elected members, volunteers, government bodies (i.e. Natural England), further education establishments (i.e. UCL Birkbeck) and the local government ombudsman. I was also invited to contribute towards the drafting and development of the Sheffield Hallam University MSc in public rights of way management.

3.8 In 2019 I was a regional finalist in the Rural Business Awards and, also in 2019 and 2022, recipient of a 'Lawyer Monthly' magazine Expert Witness Awards.

#### **4.0 Statement of Truth**

4.1 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

## **PART TWO: BACKGROUND**

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### **5.0 Background**

- 5.1 The Application Route is currently recorded on the Definitive Map and Statement for the Rotherham Metropolitan Council area as Public Footpath, Firbeck No 4.
- 5.2 In 2017 a locked vehicle barrier/gate, with an unlocked pedestrian barrier/gate to its side was placed across the Application Route at **Point B on Plan 1 [APP 1 pg. 1]**. It is understood that this structure was placed across the Application Route to prevent unlawful vehicular access, whilst still allowing pedestrian access to the footpath. The installation of the structure also had the effect of preventing use of the Application Route by horse riders.
- 5.3 In September 2019 the Council received an application **[APP 2 pg. 2-6]** for a Definitive Map Modification Order seeking to amend the status of the Application Route from Public Footpath to Public Bridleway, on the grounds of long use by the public. The Application was supported by 22 user evidence forms **[APP 3 & 4 pg. 7-184]** claiming equestrian use from 1977 to 2017 (40 years).
- 5.4 The Authority subsequently instructed independent specialist consultants (Robin Carr Associates) to investigate the matters raised within the Application and to produce this advisory report to assist the Authority in the decision-making process.

### **6.0 Consultations**

- 6.1 Consultations have been undertaken with a range of user and local interest groups, local councillors and utility companies, as well as the landowners. Any evidence arising from the consultation exercise has been incorporated into the body of the report.

### **7.0 Site Visit**

- 7.1 I conducted a site visit as part of my investigations, during which appropriate Covid-19 social distancing protocols were observed.

## 8.0 Legislative Context

- 8.1 Rotherham Metropolitan Borough Council are the Surveying Authority for the purposes of the review and maintenance of the Definitive Map and Statement for their area. Section 53 of the Wildlife and Countryside Act 1981 places a duty upon the Surveying Authority to keep the Definitive Map and Statement under continuous review and to make such changes (a Definitive Map Modification Order), upon the discovery of evidence that appear necessary.
- 8.2 More particularly in reference to this case: Section 53(3)(c)(ii) provides that an Order should be made upon the discovery of evidence which (when considered with all other relevant evidence) shows that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.
- 8.3 The standard of proof for both making and confirmation of an Order under Section 53(3)(c)(ii) is the same, namely that the civil test of the “balance of probability”.

### Dedication and Acceptance

- 8.4 With few exceptions, before any highway can come into being there must be an act of dedication on the part of the landowner, followed by an acceptance of the said dedication by the public. The act of dedication need not be express, it may be presumed or implied as a result of the actions (or inaction) of the landowner. Public acceptance is generally demonstrated through public use of the way. Such use must be of a nature that can be defined as being “as of right”

### Section 31 of the Highways Act 1980

- 8.5 Section 31 of the Highways Act 1980 states:

*“(1) Where a way over land, other than a way of such character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of twenty years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.”*

*“The period of twenty years referred to in subsection (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question whether by notice, such as is mentioned in subsection (3) below or otherwise.”*

*“Where the owner of the land, which any such way as aforesaid passes has erected in such manner as to be visible by persons using the way a notice inconsistent with the dedication of the way as a highway; and has maintained the notice after the first January 1934, or any later date on which it was erected, the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as a highway”*

- 8.6 Section 31(1) has two ‘limbs’ the first provides that proof of twenty years continuous user “as of right” endorses a claim that a highway exists; the second (sometimes referred to as ‘the proviso’) provides that proof of a lack of intention to dedicate the way as a highway defeats the claim. It is for those claiming the existence of rights to first discharge their burden of proof, before an objector is obliged to provide any evidence of lack of intention to dedicate.

#### Common Law

- 8.7 The establishment of highway rights under the common law is not bound by the “20-year rule” discussed above, with the courts having ruled<sup>1</sup> that rights can be established in a very short period of time.
- 8.8 The common law position was described by Farwell J, and Slessor and Scott LJ in *Jones v Bates 1938*, both quoted with approval by Laws J in *Jaques v SSE 1994*, who described the former’s summary as *a full and convenient description of the common law*. Other leading cases that speak to dedication at common law are *Fairey v Southampton CC 1956*, *Mann v Brodie 1885* and *Poole v Huskinson 1843*. *Jaques* is a particularly helpful exposition on the differences between dedication at common law and under statute. Dyson J’s judgment in *Nicholson v Secretary of State for the Environment 1996* comments further on aspects of these differences.

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<sup>1</sup> North London Railway Co v Vestry of St Mary, Islington (1872) 27 L.T. 672 – Dedication was found to have occurred within an 18-month period

8.9 Halsbury<sup>2</sup> states – *“Both dedication by the owner and user by the public must occur to create a highway otherwise than by statute. User by the public is a sufficient acceptance. And - An intention to dedicate land as a highway may only be inferred against a person who was at the material time in a position to make an effective dedication, that is, as a rule, a person who is absolute owner in fee simple; and At common law, the question of dedication is one of fact to be determined from the evidence. User by the public is no more than evidence, and is not conclusive evidence ... any presumption raised by that user may be rebutted. Where there is satisfactory evidence of user by the public, dedication may be inferred even though there is no evidence to show who was the owner at the time or that he had the capacity to dedicate. The onus of proving that there was no one who could have dedicated the way lies on the person who denies the alleged dedication”*.

8.10 The inference of dedication may arise in three ways:

- i) First, the inference may arise from the fact that the owner has done exactly what one would expect from any owner who intended to dedicate a new highway (e.g. express dedication). For example, in *North London Railway Co v Vestry of St Mary, Islington*<sup>3</sup> the issue concerned a new bridge which the railway company had constructed alongside its newly opened Canonbury Station in Islington. The bridge was 50 feet wide and connected two existing streets on either side of the railway lines. Carriages used the bridge freely from the time it was completed, and a public taxi-cab rank had been established on part of the bridge. The Justices’ conclusion that the way had been dedicated as a carriageway occasioned no surprise on the appeal to the Divisional Court, although the Justices had to decide the point when the bridge had been in use for only 18 months. In those circumstances, the fact that the company had put up barriers to prevent further use by carriages sometime after receiving notice of the proceedings before the Justices merely evoked the comment from Blackburn J. that “As to the erection of the barriers by the appellants, that was done too late to do away with the dedication”.
- ii) Second, the inference has been drawn mainly from evidence that the way was already recognised as being a highway by the start of the period covered by living memory,

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<sup>2</sup> Halsbury’s Laws of England (Volume 55 ‘Highways’)

<sup>3</sup> (1872) 27 L.T. 672

coupled with the absence of anything to show that the public recognition was misplaced. In this class of case the common law approach simply recognises that the facts all point one way, and that it is immaterial that the claimant cannot identify the early owners or show the actual date when dedication was likely to have occurred<sup>4</sup>.

- iii) Third, a dedication may be inferred from use and enjoyment by the public as of right, known by the owner and acquiesced in by him. The owner's recognition of the fact that the public is using the way as a highway may itself be a matter for inference, rather than clearly proven fact<sup>5</sup>.

8.11 In reaching a conclusion (under both the common law or Section 31 of the 1980 Act) the decision-maker must take into account Section 32 of the Highways Act 1980, which states:

*"A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document, which is tendered in evidence, and shall give weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced."*

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<sup>4</sup> See e.g. Williams Ellis v Cobb [1935] 1 KB 310 (CA)

<sup>5</sup> See e.g. Parker J in Webb v Baldwin and others (1911) 75 JP 564 at p565



## PART THREE: SUMMARY OF EVIDENCE

### 9.0 Documentary Evidence

9.1 A range of documentary sources have been consulted and archive catalogue index searches undertaken to identify possible documentary sources which may assist in the determination of the application. These have proved to be of little assistance, therefore the success (or otherwise) of the Application will rely upon a combination of user evidence, and the actions of the landowners in response to such evidence.

### 10.0 User Evidence

10.1 The Application was supported by 22 user evidence forms [APP 3 & 4 pg. 7-184], claiming equestrian use from 1977 to 2017 (40 years) which are summarised in the table below:

Name	Years Use	As of Right	Foot	Cycle	Horse	Vehicle	Daily	Weekly	Monthly	Occasionally
K Lomas-Button	1977-2018	x			x			x		
E Attwood	1977-2018	x		x	x			x		x
R Attwood	1995-2018	x	x	x	x			x	x	
L Ball	2106-2018	x	x		x			x		x
G Evans	No data									
H Glen	2014-2018	x	x		x			x	x	
L Glen	2013-2018	x	x		x			x	x	
R Green	2016-2018	x	x	x	x			x	x	
S Johnston	2016-2018	x	x	x	x			x	x	
C Jopline	1987-2018	x	x	x	x			x	x	
L Kettleborough	2008-2018	x	x	x			x	x		
M Platts	2000-2016	x			x			x		
T Walker	2015-2018	x	x		x			x	x	
J Williams	2001-2018	x	x		x			x	x	
H Williams	2000-2018	x	x		x			x		x
E Trask	2007-2017	x			x			x		
L Parkin	2008-2018	x	x		x		x		x	
N Paish-Plunkett	2015-2018	x			x			x		
A Modena	2015-2018	x			x			x	x	
M Cliffe	2005-2018	x			x			x		
K Booth	2012-2018	x			x			x		
C Attwood	2015-2018	x	x		x		x			x

10.2 The Application Route is already recorded on the Definitive Map as a Public Footpath therefore pedestrian use should be disregarded as part of the evidential assessment. Notwithstanding this, the evidence suggests equestrian use, with some cycle use, on a regular basis and over a long period of time (40 years) without evidence of interruption. This use generally ceased when gates were erected across the Application Route in 2017.

### **11.00 Landowner Evidence**

11.1 Landowners in the area have submitted plans and statements, followed by Statutory Declarations pursuant to Section 31(6) of the Highways Act 1980 since 2005 **[APP 4 & 5 pg. 185-217]**. However, the areas covered by these deposited documents does not include the Application Route.

11.2 Landowners also claim to have challenged use by horse riders **[APP 5 pg. 206]**, but it is unclear where and when such challenges took place, and the capacity in which the parties were acting given that the Section 31(6) deposits referred to do not appear to cover the land crossed by the Application Route.

## PART FOUR: CONSIDERATION OF EVIDENCE

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### 12.0 General Considerations

- 12.1 Definitive Map Modification Orders do not extinguish or create any public rights of way, they simply seek to update the legal records to reflect the true and existing situation. As a result, issues such as desirability, suitability, need, property values and even public safety are not matters that can lawfully be considered as part of the decision-making process.
- 12.2 The consideration of the evidence may be considered analogous to piecing together a jigsaw, where each document (or piece of evidence) is an individual piece of the jigsaw. It is only when all of the pieces are put together that the true picture can be seen, albeit it does not necessarily require every piece to be in place.
- 12.3 The approach to considering the evidence was also considered in *R v Exall and Others* (1866) 4 F & F 922: *"It has been said that circumstantial evidence is to be considered as a chain, and each piece of evidence as a link in the chain, but that is not so, for then if any one link broke the chain would fall. It is more like the case of a rope composed of several cords. One strand of a cord might be insufficient to sustain the weight, but three stranded together may be of quite sufficient strength."* Whilst "Exall" was a criminal case, requiring a higher standard of proof (beyond reasonable doubt) there is no reason why the same principles cannot be applied to the consideration of evidence in a civil matter with the lower (balance of probability) test being applied. The analogy points to the consideration of the totality of the evidence and that a sustainable conclusion can still be drawn if some evidence is contradictory.

### **13.0 User Evidence**

- 13.1 The evidence of witnesses, whether for or against an application of this nature, must be treated with some degree of caution because it is bound to be subject to a natural bias in favour of the case for which it has been compiled. This is only natural, and does not necessarily detract from its value. This was clarified in the comment made in *Norfolk CC v Mason (2003)*<sup>6</sup> when the judge stated:

*“It is commonplace in this sort of case for a good deal of material to emerge by way of user forms. Mrs Palmer and her brother in law, Mr Gathercole, played a prominent and energetic part in getting people to fill them in. Such a process is always a difficult one because the person distributing the forms often has a degree of personal enthusiasm for their cause, and Mrs Palmer strongly supports this road as being public. Ideally a serious degree of intellectual rigour needs to be adopted, to get the most fair and accurate results. Inevitably she was cross-examined, and commented on, by Mr Fetherstonhaugh, along these sort of lines. But it seems to me that she did nothing she ought not to have done and, within the necessary bounds that these sorts of forms are never completely satisfactory’ if collected by the sort of people (non lawyers) who are actually likely to be collecting them, especially as regards matters of precision. I ought not to regard them as in any way suspect, though simply because of what they are I should be cautious how far to go with them.”*

- 13.2 In this case, the user evidence provides a broadly consistent picture of the use of the Application Route over a period of time spanning up to forty years. It is provided by a wide range and not-insignificant number of people, which may be considered to be representative of the general public. This evidence is set out against the tests and considerations for both Section 31 of the Highways Act 1980, and dedication arising out of the Common Law, below.

### **14.0 Landowner Evidence**

- 14.1 Broadly speaking the evidence submitted by parties with a landowning interest is of little assistance to this case. The deposits made pursuant to Section 31(6) of the Highways Act 1980 have no effect because they do not apply to the land crossed by the Application Route. It is also unclear when the alleged challenges to use occurred, and whether those making the

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<sup>6</sup> NR250111 High Court Chancery Division, Norwich District Registry

challenge were actually the landowners. This evidence is set out against the tests and considerations for both Section 31 of the Highways Act 1980, and dedication arising out of the Common Law, below.

## **15.0 Consideration under Highways Act 1980, Section 31**

### *Date of Bringing into Question and the Requisite 20 Year Period*

- 15.1 For an event to constitute a “bringing into question” for the purposes of Section 31 of the Highways Act 1981 it must comprise an act which brings it home to the public that their right to use a way is being challenged, thus allowing them the opportunity to respond. In the absence of such an event, the submission of a Definitive Map Modification Order may be used instead. In either case the required twenty-year period is calculated back from this event/date.
- 15.2 The erection of gates in 2017/18 (at **Point B** on **Plan 1 [App 1 pg. 1]**) which prevented equestrian use would be sufficient to bring onto question the existence of public bridleway rights. The requisite twenty-year period would therefore be 1997 – 2017.

### *Use by the Public & Sufficiency of Use*

- 15.3 For user evidence to qualify for consideration it must be evidence of use by the general public, and not a closed section of the community. The user evidence submitted in support of the Application may reasonably be considered to meet this requirement.
- 15.4 Whilst there is no requirement for a set minimum number of users of a route, use must be sufficient so that any landowner might reasonably be expected to be aware that the use was taking place. In this case, the Application Route is considered to have been subject to sufficient use to meet the requirements of the legislation.

### *Use that is “As of Right” and “Without Interruption”*

- 15.5 For use to be considered to be “as of right” it must be of a nature that is “without force, without secrecy and without permission”. Such use may therefore be defined as trespassory in its nature.

- 15.6 None of the evidence suggests that use was in the exercise of any form of permission, nor is there any evidence of use by force.
- 15.7 Given the relatively open nature of the land, it is unlikely that anyone wishing to use the Application Routes would do so in a stealth-like manner.
- 15.8 Taking the above factors into account, it may be reasonable to conclude that, on balance of probability, public use of the Application Route was of a nature which may be defined as being “as of right”.
- 15.9 For the purposes of Section 31 of the Highways Act 1980 “interruption” means the actual and physical stopping of the enjoyment of the public’s use of the way. The “interruption” must also be with the intention of preventing use of the way. There would not appear to be any events which would constitute an interruption to use throughout the requisite twenty-year period.

*Interim Conclusion*

- 15.10 In conclusion, the evidence suggests that the existence of public bridleway rights over the Application Routes was brought into question in 2017/18, when gates, preventing equestrian use, were erected across the Application Route. The requisite twenty-year period would therefore be 1997-2017. The user evidence suggests that the Application route was subject to regular use by equestrians and cyclists throughout this period; and, that such use was “as or right” and without interruption. There is therefore a prima-facie case in favour of a presumption of dedication of public bridleway rights.

*Evidence of Lack of Intention to Dedicate*

- 15.11 The above-mentioned “Presumption of Dedication” may be overturned if there is sufficient evidence of overt acts carried out by, or on behalf of, the landowner, which are directed at actual users of the ways, and which communicate the landowner’s lack of intention to dedicate public rights. This may include (but not be restricted to) the closure or fencing of the routes, the erection of appropriately worded signs, and actual challenges to use.

15.12 Whilst there is some evidence of challenges to equestrian use, it is unclear where and when these took place, and whether the person making the challenge was doing so on behalf of the landowner. As might be expected, none of the user witnesses recall ever being challenged on the Application Route. Notwithstanding this, the evidence of such challenges cannot be lightly disregarded.

15.13 In circumstances where a clear case has, on balance of probability, been made out in favour of a presumption of dedication, but there is also contradictory evidence pointing towards a lack of intention to dedicate, it is appropriate for an Order to be made to allow the evidence to be tested through the full legal order process.

15.14 In this particular case the evidence of challenges is not particularly strong, and may be considered to be insufficiently overt to overturn the initial presumption in favour of dedication. An Order should therefore be made. In the alternative, if it is argued that there is a credible conflict between the evidence of use and the evidence of challenge, it would still be appropriate for an Order to be made.

## **16.0 Consideration under Common Law**

16.1 Whilst it would appear that the case in favour of a presumption of dedication of public footpath rights has been made pursuant to Section 31 of the Highways Act 1980, it would still be expedient to consider the matter under the Common Law.

16.2 For dedication to arise at Common Law the onus rests on those alleging the public right to prove an intention to dedicate on the part of the landowner. Such an act of dedication may be express, or presumed/implied as a result of the actions or lack of action of the landowner.

16.3 Unlike Section 31 of the Highways Act 1980, dedication under the Common Law can arise over a period of less than twenty years.

16.4 No evidence has been produced of any express acts on the part of the landowner from which dedication may be implied. It is however possible to conclude that a landowner may be presumed to have dedicated public rights from evidence of public use. Such use would have

to be sufficient in quality and quantity to show that a reasonable landowner must have known that the use was taking place but took no actions to prevent it.

16.5 The nature of the use by the public, and it being “as of right” has already been discussed earlier in this report, and the conclusions in that respect remain the same for the purposes of considering the matter under the Common Law.

16.6 Given that the user evidence spans over a period of no less than forty years (1977-2017) it would may be possible to conclude that public bridleway rights had been established over the Application Route under Common Law.



## **PART FIVE: CONCLUSION & DECISION**

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### **17.0 General**

17.1 The decision whether or not to make a Definitive Map Modification Order is “quasi-judicial” in nature. This means that whilst all interested parties must be given the opportunity to have their say, the decision must be made taking into account all of the available and relevant evidence. The decision-maker must make the decision based upon their own objective assessment of the relevant evidence, and not simply follow the recommendation of a third party.

17.2 In terms of what is considered relevant evidence, the decision maker must remember that Definitive Map Modification Orders do not extinguish or create any public rights of way, they simply seek to update the legal records to reflect the true and existing situation. As a result, issues such as desirability, suitability, need, property values and even public safety, whilst undoubtedly genuine concerns, they are not matters that can lawfully be taken into account as part of the decision-making process.

### **18.0 The Decision Required**

18.1 If the Authority is satisfied, on balance of probability, that the alleged public bridleway rights discussed within this report subsist, they should resolve to:

- a) Make a Definitive Map Modification Order to amend the status of Public Footpath, Firbeck No 4 to Public Bridleway;
- b) In the event of no objections being received, or if such objections are received, if they are subsequently withdrawn, the Order be confirmed;
- c) In the even of objections being received, and not subsequently withdrawn, the Order be referred to the Secretary of State for determination.

18.2 If the Authority is not satisfied, on balance of probability, that the alleged public bridleway rights discussed within this report subsist and therefore a Definitive Map Modification Order should not be made, they should resolve to refuse the Application and advise the Applicant of his rights to appeal to the Secretary of State.

## **19.0 Consultant's Conclusions**

19.1 Having considered all of the available and relevant evidence, the Consultant is of the view that there is sufficient evidence in favour of the establishment of Public Bridleway rights over the Application Route.

## **20.0 Consultant's Recommendation**

20.1 Whilst it is the Consultant's view that a Definitive Map Modification Order should be made to amend the status of Public Footpath, Firbeck No 4 to Public Bridleway on the Definitive Map and Statement for the Rotherham Metropolitan Council area, it is for the Council to reach its own conclusions based upon the evidence before it.

Robin Carr FIPROW  
Principal Consultant

8<sup>th</sup> July 2022

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