

APPLICATION FOR MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

THE BUCKINGHAMSHIRE COUNTY COUNCIL
DEFINITIVE MAP AND STATEMENT

To: The Head of Planning, Environment & Development, Buckinghamshire County Council
of: County Hall, Aylesbury, Buckinghamshire, HP20 1UY

I/WE*

of

hereby apply for an Order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the area by

[deleting the [footpath] [bridleway] [restricted byway] [byway open to all traffic] from

to]

[adding the [footpath] [bridleway] [restricted byway] [byway open to all traffic] from

to]

[upgrading] [downgrading] to a [footpath] [bridleway] [restricted byway] [byway open to all traffic] the [footpath] [bridleway] [restricted byway] [byway open to all traffic] from

to]

[varying] [adding to] the particulars relating to the [footpath] [bridleway] [restricted byway] [byway open to all traffic] from

to

by providing that

]

as shown on the map accompanying this application.

I/WE attach copies of the documentary evidence [including statements of witnesses], in support of this application. Please attach on a separate sheet a list of documents/statement.

Dated 20.. Signed

[on behalf of]

Delete any words in square brackets which do not apply

* Insert name(s) and address(es) of applicant(s)

The Freedom of Information Act 2000 provides a general right of access to all information held by Buckinghamshire County Council and the Environmental Information Regulations 2004 give a similar right of access to environmental information held by this Council. This means that the information that you supply may be disclosed to any individual making the appropriate request and will be included in the Register of Definitive Map Modification Order Applications.

WILDLIFE AND COUNTRYSIDE ACT 1981

THE BUCKINGHAMSHIRE COUNTY COUNCIL
DEFINITIVE MAP AND STATEMENT

Certificate of Service of Notice of Application for Modification Order

To: The Head of Planning, Environment & Development, Buckinghamshire County Council

of: County Hall, Aylesbury, Buckinghamshire, HP20 1UY

I/WE*

of

HEREBY CERTIFY that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with

Dated 20.. Signed

[on behalf of]

Delete any words in square brackets which do not apply

* Insert name(s) and address(es) of applicant(s)

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NOTICE OF APPLICATION FOR MODIFICATION ORDER

THE WILDLIFE AND COUNTRYSIDE ACT 1981
SECTION 53(5) AND SCHEDULE 14

THE BUCKINGHAMSHIRE COUNTY COUNCIL
DEFINITIVE MAP AND STATEMENT

To:

Of:

I/We
of

hereby give notice that on 20 I/We made application to the Buckinghamshire County Council, County Hall, Aylesbury, Buckinghamshire, HP20 1UY that the definitive map and statement for the area be modified by [deleting the [footpath] [bridleway] [restricted byway] [byway open to all traffic] from

to]
[adding the [footpath] [bridleway] [restricted byway] [byway open to all traffic] from
to]

[upgrading] [downgrading] to a [footpath] [bridleway] [restricted byway] [byway open to all traffic] the [footpath] [bridleway] [restricted byway] [byway open to all traffic] from
to]

[[varying] [adding to] the particulars relating to the [footpath] [bridleway] [restricted byway] [byway open to all traffic]] from
to

by providing that

].

Dated 20 .

Signed

The Freedom of Information Act 2000 provides a general right of access to all information held by Buckinghamshire County Council and the Environmental Information Regulations 2004 give a similar right of access to environmental information held by this Council. This means that the information that you supply may be disclosed to any individual making the appropriate request and will be included in the Register of Definitive Map Modification Order Applications.

BUCKINGHAMSHIRE COUNTY COUNCIL

Guidance Note on making an Application for a Definitive Map Modification Order

This Guidance Note has been prepared and issued by Buckinghamshire County Council to assist applicants in making Definitive Map Modification Orders. This Note is intended as a guide only and applicants are advised to refer also to Part III of the Wildlife and Countryside Act 1981 (in particular Section 53 and Schedule 14) and "The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993" S.I.1993 No. 12 as no responsibility can be accepted by the County Council for any errors or omissions from this Note.

1. Section 53 (5) of The Wildlife and Countryside Act 1981 (referred to from now on as "the Act") enables any person to apply to the County Council for an Order to be made modifying the Definitive Map and Statement as a result of any of the "evidential events" specified in paragraphs (b) and (c) of Section 53 (3). Sections 53 (3) (b) and (c) of the Act are set out at the end of this Note.

The procedure for the making and determining of applications is set out in Schedule 14. It includes the right for applicants to appeal to the Secretary of State against the refusal of the County Council to make an Order.

2. An application for a Modification Order must be in the appropriate form (or substantially in the appropriate form) as set out in Schedule 8 of "The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993" S.I.1993 No. 12 (referred to from now on as "the Regulations") with such modifications as the circumstances may require. Application forms are available free of charge from the Rights of Way Group, County Hall Aylesbury, Buckinghamshire, HP20 1 UY (01296 383951), or may be downloaded from the website http://www.buckscc.gov.uk/rights_of_way/definitive_map.htm.
3. Applications must be accompanied by:
 - (i) A map on a scale of not less than 1:25,000 showing the way or ways which are the subject of the application;
 - (ii) Copies of any supporting documentation (including completed user evidence forms);
 - (iii) A Certificate confirming that notice of the application has been served on the owners and occupiers of the land involved (see 4 and 5 below).
4. The applicant must serve notice that an application for an Order has been made on every owner and occupier of any land to which the application relates.

Applicants who are unable to ascertain the name and address of the owner or occupier of the land may apply to the County Council's Legal Services for exemption from the requirement to serve a personal notice and for consent to serve notice instead by

addressing it to the owner or occupier of the land (as described in the notice) and attaching it to a conspicuous object on the land. Consent will not normally be withheld if the applicant can show that every reasonable effort to identify the owner and occupier of the land has been made. The appropriate form for the notice is set out in Schedule 8 of the Regulations. Notice forms are also available from the County Council's Legal Services, County Hall, Aylesbury HP20 1UA (01296 383634).

5. When the requirements set out in paragraph 4 above have been complied with, the applicant shall certify that fact to the County Council by sending a certificate in the appropriate form as set out in Schedule 9 of the Regulations. The certificate is included with the application forms.
6. Applications are normally dealt with in chronological order of receipt. Schedule 14 of the Act indicates that properly submitted applications should be determined within 12 months of their receipt and the County Council endeavours to comply with this wherever possible.

Section 53 (3) of the Act

- (b) the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path;
- (c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows -
 - (i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way to which this Part applies;
 - (ii) 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; or
 - (iii) that there is no public right of way over the land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

Recommended reading

- Rights of Way A Guide to Law and Practice 3rd edition 2001 by John Riddall and John Trevelyan ISBN 1 901184 45 5
- Public Rights of Way and Access to Land 2001 by Angela Sydenham ISBN 0 85308 570 6