Guidance Notes and Application Forms for Definitive Map Modification Order to amend the Definitive Map and Statement

of Public Rights of Way

The Wildlife and Countryside Act 1981

The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993

 **Table of Contents**

[Deletion of a public right of way 3](#_Toc196719168)

[Add a new public right of way 4](#_Toc196719169)

[Upgrade or Downgrade a public right of way 6](#_Toc196719170)

[Modification of particulars contained in the Definitive map and Statement 8](#_Toc196719171)

[Application for a Modification Order 9](#_Toc196719172)

# Deletion of a public right of way

### Note: this is to remove from the Definitive Map and Statement a way that is recorded in error either because it never had any public rights or because any public rights have been legally extinguished. It cannot be used to extinguish (stop up) public rights which are no longer needed or are no longer compatible with current land use.

### How to Apply

1. Complete the attached application form, details which are required include:
	1. Your name and address
	2. (In paragraph one) the details of the right of way you wish to delete.
	3. A list of accompanying documents provided with the application (see point 2 below)
	4. Signature and date
2. To accompany your application please send:
	1. A Map showing the way to which the application relates, at a scale not less than 1:25,000 (2 ½ Inch to 1 mile) showing the route to be deleted.
	*NOTE: A larger scale map would, in most instances, greatly assist the consideration of the application.*
	2. Copies of documentary evidence you wish to adduce in support of your application. For example; photographs of the route or old maps.
3. Return the completed application form, map and the documentary evidence in support to Lancashire County Council at the address shown on the form.

**NOTE: Please be advised that evidence supplied will be used in accordance with the processes under the Wildlife and Countryside Act 1981, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.**

**NOTE: Lancashire County Council is required to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicant’s name and address would, or would be likely to, cause substantial unwarranted damage or distress to the applicant or to another person, please contact Lancashire County Council who may be able to remove these details from the register and from any documents contained on the register.**

# Add a new public right of way

### Note: this is to add to the Definitive Map and Statement a way that has public rights but is not recorded either because it was omitted in error or because any public rights have come into existence since the relevant date of the Definitive Map and Statement. It cannot be used to create or dedicate public rights.

### How to Apply

In the first instance you will need to decide whether your evidence shows that a footpath, bridleway, restricted byway or a byway open to all traffic already exists on the application route.

1. A footpath is a highway for use on foot only.
2. A bridleway is a highway for use on foot, on horseback or leading a horse, with or without the right to drive animals.
3. A restricted byway is for use by pedestrians, equestrians, cyclists and for vehicles other than mechanically propelled vehicles, with or without the right to drive animals.
4. A byway open to all traffic is a vehicular highway able to be used by all classes of vehicles, including mechanically propelled vehicles, but still has the character of a public path in use or nature.
5. Complete the attached application form below, details which are required include:
	1. Your name and address
	2. (In paragraph two) the details of the right of way you wish to add.
	3. A list of accompanying documents provided with the application (see point 2 below)
	4. Signature and date
6. To accompany your application please send:
7. A Map showing the way to which the application relates, in a scale not less than 1:25,000 (2 ½ Inch to 1 mile) showing the route to be deleted.
*NOTE: A larger scale map would, in most instances, greatly assist the consideration of the application.*
8. Copies of documentary evidence you wish to adduce in support of your application. For example; photographs of the route, old maps and sworn statements that the right of way has been used as though it were a public right of way.
9. Return the completed application form, map and the documentary evidence in support to Lancashire County Council at the address shown on the form.

**NOTE: Please be advised that evidence supplied will be used in accordance with the processes under the Wildlife and Countryside Act, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.**

**NOTE: Lancashire County Council is required to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicant’s name and address would, or would be likely to, cause substantial unwarranted damage or distress to the applicant or to another person, please contact Lancashire County Council who may be able to remove these details from the register and from any documents contained on the register.**

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# Upgrade or Downgrade a public right of way

### Note: this is to add or remove rights shown on the Definitive Map and Statement by error or omission where the way has public rights which are different to those recorded. This may be because such rights were omitted or included in error or because any public rights have come into existence or been extinguished since the relevant date of the Definitive Map and Statement. It cannot be used to create or dedicate additional public rights nor to remove public rights.

### How to Apply

In the first instance you will need to decide whether your evidence shows that the correct status of the route is a footpath, bridleway, restricted byway or a byway open to all traffic.

1. A footpath is a highway for use on foot only.
2. A bridleway is a highway for use by pedestrians, equestrians and cyclists.
3. A restricted byway is for use by pedestrians, equestrians, cyclists and for vehicles other than mechanically propelled vehicles, with or without the right to drive animals.
4. A byway open to all traffic is a vehicular highway able to be used by all classes of vehicles, including mechanically propelled vehicles, but still has the character of a public path in use or nature.
5. Complete the attached application form), details which are required include:
6. Your name and address
7. (In paragraph three) the details of the right of way you wish to upgrade/downgrade.
8. A list of accompanying documents provided with the application (see point 2 below)
9. Signature and date
10. To accompany your application please send:
11. A Map showing the way to which the application relates, in a scale not less than 1:25,000 (2 ½ Inch to 1 mile) showing the route to be deleted.
*NOTE: A larger scale map would, in most instances, greatly assist the consideration of the application.*
12. Copies of documentary evidence you wish to adduce in support of your application. For example; photographs of the route, old maps and sworn statements that state how the right of way has been used.
13. Return the completed application form, map and the documentary evidence in support to Lancashire County Council at the address shown on the form.

**NOTE: Please be advised that evidence supplied will be used in accordance with the processes under the Wildlife and Countryside Act, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.**

**NOTE: Lancashire County Council is obliged to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicant’s name and address would, or would be likely to, cause substantial unwarranted damage or distress to the applicant or to another person, please contact Lancashire County Council who may be able to remove these details from the register and from any documents contained on the register.**

# Modification of particulars contained in the Definitive map and Statement

### Note: this is to amend the particulars shown on the Definitive Map and Statement by error or omission where details of the way are different to those recorded or where clarification is required. This may be because such details were omitted or included in error or because any particulars have been legally changed since the relevant date of the Definitive Map and Statement. It cannot be used to change public rights in any way.

### How to Apply

You will need to decide what modification your evidence shows, for example the particulars as to position or width you wish to add to the existing definitive statement.

1. Complete the attached application form, details which are required include:
2. Your name and address
3. (In paragraph four) the particulars as to position or width of the right of way you wish to add to the Definitive Map and Statement.
4. A list of accompanying documents provided with the application (see point 2 below)
5. Signature and date
6. To accompany your application please send:
7. A Map showing the way to which the application relates, in a scale not less than 1:25,000 (2 ½ Inch to 1 mile) showing the route to be deleted.
*NOTE: A larger scale map would, in most instances, greatly assist the consideration of the application.*
8. Copies of documentary evidence you wish to adduce in support of your application. For example; photographs of the route, old maps and sworn statements that state how the right of way has been used.
9. Return the completed application form, map and the documentary evidence in support to Lancashire County Council at the address shown on the form.

**NOTE: Please be advised that evidence supplied will be used in accordance with the processes under the Wildlife and Countryside Act, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.**

**NOTE: Lancashire County Council is obliged to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicant’s name and address would, or would be likely to, cause substantial unwarranted damage or distress to the applicant or to another person, please contact Lancashire County Council who may be able to remove these details from the register and from any documents contained on the register.**

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# Application for a Modification Order

**Wildlife and Countryside Act 1981**

**The Definitive Map and Statement of Public Rights of Way for the County of Lancashire**

To: The Director of Corporate Services, Lancashire County Council.

of: PO Box 78, County Hall, Fishergate, Preston, Lancashire, PR1 8XJ

I / We: (Name of applicant)

of: (address of applicant)

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:

and shown on the map accompanying this application.

I / We attach copies of the following documentary evidence (including statements of witnesses) in support of this application:

List of Documents Provided:

DATED: SIGNED:

**THE FOLLOWING DOES NOT MAKE UP PART OF THE ABOVE FORM**

Please return the completed application form to:

The County Secretary and Solicitors Group, Lancashire County Council, PO BOX 78

County Hall, Fishergate, Preston, PR1 8XJ (REF: LSG4/PROW/SK)

**NOTE: Please be advised that evidence supplied will be used in accordance with the processes under the Wildlife and Countryside Act 1981, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.**

**NOTE: Lancashire County Council is obliged to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicants name and address would, or would be likely to, cause substantial unwarranted damage distress to the applicant or to another person, please contact Lancashire County Council who may be able to remove these details from the register and from any documents contained on the register.**