

## **MAKING AN APPLICATION FOR A MODIFICATION ORDER TO THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY**

### **Explanatory Notes**

1. All the documents you will need to submit an application for a modification order to the Definitive Map and Written Statement for the Borough of Warrington are on this web site.
2. You should complete the application Form A and submit it to the Strategic Director of Environment and Regeneration at the address shown on the form. The form must be accompanied by a map to a scale not less than 2½ inches to 1 mile (or 1/25000) showing the right(s) of way referred to in the application. Other physical features such as roads, railway lines, canals etc. should be shown to assist in identifying the site. This will enable the Council to identify accurately the right of way you are referring to.
3. You must by law, serve a notice on the owners and occupiers of the land covered by your application. Please use Form B. If you cannot trace the owner then you should contact the Rights of Way Officer at Environment and Regeneration, on Warrington 443321 who will advise you on how to proceed.

You must send to the Council the completed Form C stating that you have served appropriate notice on the landowner(s)/occupier(s). Your application will not be processed until you have submitted the Certificate.

4. You will need to support your application with appropriate evidence to substantiate your claim. This can be done by supplying statements by persons who have used the path or have knowledge of its existence over a period of time. Form D may be used for this purpose. If you are aware of documentary evidence (eg. old maps, orders etc.), full details of such evidence should be supplied. Please contact the Rights of Way Officer if you wish to discuss the type of evidence required.
5. On receipt of a properly completed application you will receive an acknowledgement. If the application is incomplete you will be informed so that you can correct the defect.
6. Once the complete application form is received the Borough Council will deal with the matter as soon as possible. If they have not done so within twelve months you may make representations to the Secretary of State for the Environment who may direct the Council to determine the application within a specified period. However in the event of a decision not being given within twelve months it is suggested that you contact the Borough Council before writing to the Secretary of State to establish the reasons why the matter has not been decided.
7. When the Council has determined the application you will be sent a copy of the decision notice and a copy will be sent to the landowner(s)/occupier(s) on whom you have served notice.
8. If the Council decides not to make an Order to modify the Definitive Map then you may within 28 days of receipt of the decision notice, serve notice of appeal in writing on the Secretary of State and the Borough Council.
9. The Secretary of State if satisfied on appeal that an order should be made will issue a direction to the Council requiring that an Order be made.
10. Where an Order is to be made then the Borough Council will proceed to make it in accordance with the procedures laid down in Schedule 15 to the Wildlife and Countryside Act.
11. The procedure set out in the forms enclosed in this folder follows the requirements of the Wildlife and Countryside Act 1981, Section 53 and Schedule 14, and the Wildlife and Countryside (Definitive Maps and Statements) Regulations 1983 (Statutory Instrument No.21 of 1983).





Application No.

*Wildlife and Countryside Act 1981*

**CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER**

To the Strategic Director, Environment and Regeneration, c/o New Town House, Buttermarket Street, Warrington WA1 2NH

Insert name(s) and address(es)

I/We

Of

Hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 (Service of Notice on landowner and occupier) have been complied with. Please state below the name(s) and address(es) of the person(s) upon whom such notice has been served.

**Name**

**Address**

Paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 is set out overleaf.

Dated

20

Signed

## Wildlife and Countryside Act 1981

SCH.14

### Notice of applications

2.-(1) Subject to sub-paragraph (2), the applicant shall serve a notice stating that the application has been made on every owner and occupier of any land to which the application relates.

(2) If, after reasonable inquiry has been made, the authority are satisfied that it is not practicable to ascertain the name or address of an owner or occupier of any land to which the application relates, the authority may direct that the notice required to be served on him by sub-paragraph (1) may be served by addressing it to him by the description "owner" or "occupier" of the land (describing it) and by affixing it to some conspicuous object or objects on the land.

(3) When the requirements of this paragraph have been complied with, the applicant shall certify that fact to the authority.

(4) Every notice or certificate under this paragraph shall be in the prescribed form.

**FORM D**

For Official Use

Date Received
Application No.

**WARRINGTON BOROUGH COUNCIL**

**WILDLIFE AND COUNTRYSIDE ACT 1981**  
**EVIDENCE STATEMENT**

**To: EXECUTIVE DIRECTOR, ENVIRONMENT AND REGENERATION, NEW TOWN HOUSE,  
BUTTERMARKET STREET, WARRINGTON.WA1 2NH**

**EVIDENCE OF**

**NAME .....**  
**ADDRESS .....**  
**OCCUPATION .....**  
**DAY TEL. NO. ....**  
**DATE OF BIRTH .....**

**PATH RUNS FROM .....O.S. GRID REF. ....**  
**TO ..... O.S. GRID REF. ....**  
**IN THE PARISH OF .....**  
**AND IS SHOWN ON THE SIGNED MAP ATTACHED TO THIS EVIDENCE FORM (MIN. SCALE 1:25000)**

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

**PLEASE TICK (✓) THE APPROPRIATE SPACES AND PLEASE ANSWER ALL THE QUESTIONS AS FULLY AS POSSIBLE.**

**1. WHY DO YOU REGARD THIS WAY AS PUBLIC?**

.....  
.....

**2. IS YOUR CLAIM FOR:**

**YES NO**

<b>(i) FOOTPATH?</b>	.....	.....
<b>(ii) BRIDLEWAY?</b>	.....	.....
<b>(iii) BYWAY OPEN TO ALL TRAFFIC?</b>	.....	.....

**3. (a) Have you used it?**

		Years during which you used path							
		Yes	No	*From	To	From	To	From	To
<b>(i) On Foot?</b>		.....	.....						
<b>(ii) On Horseback?</b>		.....	.....						
<b>(iii) With a Vehicle?</b>		.....	.....						

**(b) How many times each year on average?**

\* These boxes are provided to allow you to indicate any variations in use which may have occurred over the years.

**(c) Where were you going?** From .....  
To .....

**(c) For what purpose? .....**

4. Have you seen other people using the same route? Yes No  
.....

If "Yes" were they:

	Yes	No
(i) Locals?	.....	.....
(ii) Strangers?	.....	.....
(iii) Both?	.....	.....
(iv) On Foot?	.....	.....
(v) On Horseback?	.....	.....
(vi) With a Vehicle?	.....	.....

5. Have you always followed the same route Yes No  
.....

If "No" when was it changed? Year .....  
and by whom .....

6. (a) On the route has there been?

	Yes	No
Gates?	.....	.....
Stiles?	.....	.....

Are they still there? .....  
(Please give details and .....  
indicate position of .....  
such on attached map) .....

7. Have there been any notices along the routes? Yes No  
.....

If "Yes" what did they say? .....  
.....  
.....  
Are they still there? .....  
(Please give details)

8. Have there been any obstructions such as hedges or fences across the route?  
Yes No  
.....

If "Yes" are they still there? .....  
(Please give details) .....

9. Has any part of the route ever been ploughed or cultivated? Yes No  
.....

If "Yes" give details: .....  
.....

10. At any time when you used the route were you working for any owner or occupier of any land over which it runs or were you the tenant of any such owner or occupier?  
Yes No  
.....

If "yes" give the dates and particulars of the owner or occupier:  
.....  
.....

Did they ever tell you that they regarded the route to be a Public Right of Way? Yes No  
.....

If "Yes" give details: .....  
.....





18. (a) Is the route or any part of it enclosed between boundaries, ie. hedges, fences, ditches, walls?

Yes No  
.....

If "Yes" give details, including maximum/minimum widths:

.....  
.....

(b) Is the whole of the width between boundaries used by the public?

Yes No  
.....

If "No" how much is used: .....

19. If this claim is contested are you prepared to give evidence at any local Public Inquiry which might result?

Yes No  
.....

If "No" are you prepared to make a statutory declaration on oath as to the truth of the above information?

Yes No  
.....

20. Is there any other information, not given above, which you think will support your claim? (For example, further details of your use of the route as outlined in question 3.)

.....  
.....  
.....

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

Signed : .....

Date: .....