

WILDLIFE AND COUNTRYSIDE ACT 1981

Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993

**Guidance notes to accompany Application Forms
for a Modification Order in respect of the Definitive Map
and Statement of Public Rights of Way**

**(Please note W.C.A.5, W.C.A.6 and W.C.A.7
are separate from these guidance notes.
W.C.A.8 and W.C.A.9 are for information only)**

GUIDANCE ONLY – NOT FOR SUBMISSION

**Director of Legal Services
Derbyshire County Council
County Hall
Matlock
Derbyshire
DE4 3AG**

WILDLIFE AND COUNTRYIDE ACT 1981 PART II

Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993

Notes for applications for Orders for modifications to definitive maps and statements

1. **ADDITION** of a public right of way.
Read Form W.C.A.1 and complete forms W.C.A.5, 6 and 7 as appropriate.
2. **UPGRADING** or **DOWNGRADING** of a public right of way.
Read Form W.C.A.2 and complete forms W.C.A.5, 6 and 7 as appropriate.
3. **VARIATION TO THE STATEMENT** for a public right of way.
Read Form W.C.A.3 and complete forms W.C.A.5, 6 and 7 as appropriate.
4. **DELETION** of a public right of way.
Read Form W.C.A.4 and complete forms W.C.A.5, 6 and 7 as appropriate.

It is recommended that maps to accompany applications for Definitive Map Orders are based on Ordnance Survey Maps, copies of which are available from all normal retail outlets and Ordnance Survey agents. Regrettably, the County Council is unable to supply copies of maps for use with applications for Definitive Map Orders.

Director of Legal Services

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Derbyshire County Council
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Revised October 2018

WILDLIFE AND COUNTRYSIDE ACT 1981

Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993

How to apply for a modification Order to **ADD** a public right of way to a Definitive Map and Statement.

1. Decide whether your claim is for a footpath, bridleway or a byway open to all traffic.
 - a. a footpath is a right of way for public use by pedestrians only, it may have gates/stiles on it.
 - b. a bridleway is a right of way for public use by pedestrians, equestrians and cyclists. It should not have stiles, unless there are also opening gates.
 - c. a byway open to all traffic is a right of way mainly used by the public as equestrians and walkers and which can also be publicly used with vehicles.

COMPLETE PARAGRAPH 1 ON FORM W.C.A.5

Documentary evidence required:-

- i. map, not less than 1:25,000 (2½" to 1 mile). A larger scale map would, however, greatly assist the consideration of this claim. The route of the claimed right of way should be clearly marked on the map.
- ii. Any evidence considered relevant eg photographs, old maps, statements that the right of way has been used etc, in accordance with this claim.

RETURN THE COMPLETED FORM W.C.A.5 AND RELEVANT EVIDENCE TO THE COUNTY COUNCIL AT THE ADDRESS GIVEN BELOW (see also note 3 below)

2. Notify the landowner and occupier concerned (complete paragraph 1 on FORM W.C.A.6)

This form must be sent to each landowner and occupier affected by your application. If you cannot find the landowner or occupier after making all reasonable efforts, you should write to the **COUNTY COUNCIL** giving full details of the steps you have taken. The County Council can direct you to address the Notice to the "owner" or "occupier" of the land (describing it) and then to affix the Notice in some conspicuous place(s) or to some conspicuous object(s) on the land.

3. **COMPLETE FORM W.C.A.7 LISTING THE LANDOWNER(S) AND OCCUPIER(S) NOTIFIED AND RETURN IT TO THE COUNTY COUNCIL.**

If a direction under 2 above has been given, the list on FORM W.C.A.7 should be completed by giving details of the Notices actually served and displayed on the land.

Director of Legal Services

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If you require further information or extra forms please contact Legal Services (Rights of Way) via Telephone on 01629 539262 or via email on dmmo.register@derbyshire.gov.uk W.C.A.1

WILDLIFE AND COUNTRYSIDE ACT 1981

Wildlife and Countryside (Definitive Maps and Statements)

Regulations 1993

How to apply for a modification Order to **UPGRADE** or **DOWNGRADE** a public right of way as shown on the Definitive Map and Statement.

1. Ascertain the current identification on the Definitive Map and Statement of the right of way which you are concerned about (whether footpath, bridleway, or byway open to all traffic, number and name of Parish).
2. Decide which kind of legal status you wish the rights of way to be regarded to:-
 - a. a footpath is a right of way for public use by pedestrians only, it may have gates/stiles on it.
 - b. a bridleway is a right of way for public use by pedestrians, equestrians and cyclists. It should not have stiles, unless there are also opening gates.
 - c. a byway open to all traffic is a right of way mainly used by the public as equestrians and walkers, which can also be publicly used with motor vehicles.

COMPLETE PARAGRAPH 2 ON FORM W.C.A.5

Documentary evidence required:-

- i. map, not less than 1:25,000 (2½" to 1 mile). A larger scale map would, however, greatly assist the consideration of this claim. The route of the right of way should be clearly marked on the map.
- ii. any evidence considered relevant e.g. photographs, old maps, statements that the right of way has been used etc, in accordance with this claim.

RETURN THE COMPLETED FORM W.C.A.5 AND RELEVANT EVIDENCE TO THE COUNTY COUNCIL AT THE ADDRESS GIVEN BELOW (see also note 3 below)

3. Notify the landowner and occupier concerned (complete paragraph 2 on FORM W.C.A.6)

This form must be sent to each landowner and occupier affected by your application. If you cannot find the landowner or occupier after making all reasonable efforts, you should write to the **COUNTY COUNCIL** giving full details of the steps you have taken. The County Council can direct you to address the Notice to the "owner" or "occupier" of the land (describing it) and then to affix the Notice in some conspicuous place(s) or to some conspicuous object(s) on the land.

4. **COMPLETE FORM W.C.A.7 LISTING THE LANDOWNER(S) AND OCCUPIER(S) NOTIFIED AND RETURN IT TO THE COUNTY COUNCIL.**

If a direction under 2 above has been given, the list on FORM W.C.A.7 should be completed by giving details of the Notices actually served and displayed on the land.

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WILDLIFE AND COUNTRYSIDE ACT 1981

Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993

How to apply for a modification Order to **VARY THE STATEMENT** for a public right of way as shown on a Definitive Map and Statement.

1. Quote the right of way number from the Definitive Map, and provide an OS reference.

Please give details of the current Statement with the Definitive Map and also show details application.

COMPLETE PARAGRAPH 3 ON FORM W.C.A.5

Documentary evidence required:-

- a. map, not less than 1:25,000 (2½" to 1 mile). A larger scale map would, however, greatly assist the consideration of this claim. The route of the right of way should be clearly marked on the map.
- b. any evidence considered relevant e.g. photographs, old maps, statements that the right of way has been used etc, in accordance with this claim.

RETURN THE COMPLETED FORM W.C.A.5 AND RELEVANT EVIDENCE TO THE COUNTY COUNCIL AT THE ADDRESS GIVEN BELOW (see also note 3 below)

2. Notify the landowner and occupier concerned (complete paragraph 3 on FORM W.C.A.6)

This form must be sent to each landowner and occupier affected by your application. If you cannot find the landowner or occupier, after making all reasonable efforts, you should write to the **COUNTY COUNCIL** giving full details of the steps you have taken. The County Council can direct you to address the Notice to the "owner" or "occupier" of the land (describing it) and then to affix the Notice in some conspicuous place(s) or to some conspicuous object(s) on the land.

3. **COMPLETE FORM W.C.A.7 LISTING THE LANDOWNER(S) AND OCCUPIER(S) NOTIFIED AND RETURN IT TO THE COUNTY COUNCIL**

If a direction under 2 above has been given, the list on FORM W.C.A.7 should be completed by giving details of the Notices actually served and displayed on the land.

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WILDLIFE AND COUNTRYSIDE ACT 1981

Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993

How to apply for a modification Order to **DELETE** a public right of way.

1. Quote the right of way number from the Definitive Map and provide an OS reference.

Please give details of the current Statement with the Definitive Map.

COMPLETE PARAGRAPH 4 ON FORM W.C.A.5

Documentary evidence required:-

- a. map, not less than 1:25,000 (2½" to 1 mile). A larger scale map would, however, greatly assist the consideration of this claim.
- b. any evidence to show that there is no public right of way

RETURN THE COMPLETED FORM W.C.A.5 AND RELEVANT EVIDENCE TO THE COUNTY COUNCIL AT THE ADDRESS GIVEN BELOW (see also note 3 below)

2. Notify the landowner and occupier concerned (complete paragraph 4 on FORM W.C.A.6)

This form must be sent to each landowner and occupier affected by your application. If you cannot find the landowner or occupier, after making all reasonable efforts, you should write to the **COUNTY COUNCIL** giving full details of the steps you have taken. The County Council can direct you to address the Notice to the "owner" or "occupier" of the land (describing it) and then to affix the Notice in some conspicuous place(s) or to some conspicuous object(s) on the land.

3. **COMPLETE FORM W.C.A.7 LISTING THE LANDOWNER(S) AND OCCUPIER(S) NOTIFIED AND RETURN IT TO THE COUNTY COUNCIL.**

If a direction under 2 above has been given, the list on FORM W.C.A.7 should be completed by giving details on the Notices actually served and displayed on the land.

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WILDLIFE AND COUNTRYSIDE ACT 1981

NOTICE OF ACCEPTANCE OF CLAIM

Name and Address of Claimant

PARTICULARS OF CLAIM

Date of Determination of the Claim

Claim No

Details of Claim

PARTICULARS OF DECISION

In pursuance of their powers and duties under the Wildlife and Countryside Act 1981, the Derbyshire County Council have investigated the matters referred to in the Claim No, the details of which are indicated above.

Notice is hereby given that the Derbyshire County Council have determined **TO MAKE** an Order to modify the Definitive Map and Statement to which the claim relates, in accordance with Section 53(2)(b) of the Wildlife and Countryside Act 1981.

A Notice of the making of the Order will follow in due course.

Dated 20....

Signed
Director of Legal Services

Director of Legal Services
Derbyshire County Council
County Hall
Matlock
Derbyshire
DE4 3AG

WILDLIFE AND COUNTRYSIDE ACT 1981

NOTICE OF REJECTION OF CLAIM

Name and Address of Claimant

PARTICULARS OF CLAIM

Date of Determination of the Claim

Claim No

Details of Claim

PARTICULARS OF DECISION

In pursuance of their powers and duties under the Wildlife and Countryside Act, in accordance with Section 53(5) and Schedule 14 of the Act, the Derbyshire County Council have investigated the matters referred to in the Claim No, the details of which are indicated above.

Notice is hereby given that the Derbyshire County Council have determined **NOT TO MAKE** an Order to modify the Definitive Map and Statement to which the claim relates.

The reasons for the County Council's decision are:-

Dated 20....

Signed
Director of Legal Services

NB IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES PRINTED OVERLEAF

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Derbyshire County Council
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FORM W.C.A.8

NOTES

1. Where the County Council decide not to make an Order, the applicant may, in accordance with paragraph 4 of Schedule 14 to the Wildlife and Countryside Act 1981, **AT ANY TIME WITHIN 28 DAYS AFTER THE SERVICE ON THEM OF THE NOTICE OF THE DECISION**, serve Notice of Appeal against that decision on the Secretary of State and the County Council.
2. An Appeal must be made in writing, giving the grounds for the Appeal and be accompanied by copies of the application, the map showing the path or way concerned, the supporting documentation and the County Council's decision. The Appeal should be made to:-

The Planning Inspectorate
3/25 Hawk Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN
3. A copy of the Notice of Appeal, but without accompaniments, must also be served on the Derbyshire County Council, Director of Legal Services, County Hall, Matlock, Derbyshire, DE4 3AG.
4. If, on considering the Appeal, the Secretary of State considers than an Order should be made, he will direct the County Council to make an Order accordingly.