



Hampshire County Council

DEFINITIVE MAP MODIFICATION ORDER APPLICATION AND GUIDANCE PACK

For applications to amend the Hampshire Definitive Map and
Statement of Public Rights of Way

Please read this guide thoroughly before commencing your application

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INTRODUCTION TO DEFINITIVE MAP MODIFICATION ORDERS

What is the Definitive Map?

Hampshire's Definitive Map of Public Rights of Way is the legal record of the location and status of public rights of way in the county. It is maintained by Hampshire County Council and is available [online](#); a copy can also be inspected by appointment at our offices in Winchester. The Map, which is also accompanied by a Definitive Statement describing each public right of way in detail, is conclusive evidence of the existence of the rights of way shown on it.

The Definitive Map and Statement shows four categories of public rights of way, which are all public highways:

- Footpath (FP) - for people on foot only and mobility scooters or powered wheelchairs
- Bridleway (BR) - for walking, horse riding, cycling and mobility scooters or powered wheelchairs
- Restricted Byways (RB) - for any non-motorised vehicle and mobility scooters or powered wheelchairs
- Byway Open to All Traffic (BOAT) - for any motor-powered vehicle (but mainly used by walkers, cyclists and horse riders)

Changing the Definitive Map

Anyone can apply for a Definitive Map Modification Order (DMMO) to amend the Definitive Map if they have evidence which indicates that the Map is inaccurate or incomplete. For instance, the Map may not show a route which is consistently depicted or described in historic documents (such as tithe maps or the enclosure map and award) in a way that suggests it was used by the public, or a path which has been regularly used by the public within living memory. This guide explains the procedure for making an application to change the Definitive Map. A different procedure (a Public Path Order) is used to change the route of a right of way that is correctly shown on the Definitive Map. Routes can also be voluntarily dedicated by a landowner. Further information about these processes is available [here](#).

MAKING AN APPLICATION

Applications for DMMOs must be made in a prescribed format, as set out in Schedule 14 to the Wildlife and Countryside Act 1981. An individual can apply for a DMMO on their own behalf, or on behalf of an organisation, such as a Parish Council or user group. This pack includes the application forms which are required for an application under Schedule 14. The County Council may not be able to accept applications that do not use these forms, as we can only accept applications that are duly made in the prescribed form (more details about this are provided on the following page).

Applications are recorded on a register which is available for inspection and published [online](#). It includes all of the applications on our waiting list, which are dealt with in

accordance with our [policy](#). More information about Data Protection is provided at the end of this guide, but please be aware that applicant's names and addresses are published as part of the register; this is a requirement of the regulations¹, although signatures are redacted from the online register.

Application requirements

The following documents must be submitted. Copies of all the application forms (which must be completed by the applicant), and the User Evidence Form are provided within this pack:

- **Notice of Application (Form A)** - This is used to make the application to the County Council
- **A map showing the application route** - The map must be drawn to a scale of 1:25,000 or larger (eg. 1:10,000). Please contact us if you need any assistance with producing a suitable map
- **Notice to Landowner(s) and Occupier(s) – (Form B)** - Applicants must inform every owner and occupier of land affected by the route about the application. Landowners' details may be available from the [Land Registry](#). We may require applicants to post notices at each end of the application route if we are satisfied that landowners cannot be traced after reasonable enquiry has been made
- **Certificate of Service (Form C)** - This certifies to us that you have notified the landowner(s) and occupier(s) of the application
- **Evidence for consideration** – You must enclose copies of all evidence that you would like to be considered in support of your application. More information about evidence is provided below.

Collecting your evidence

Applications may be based on documentary evidence, evidence of recent use, or a combination of the two.

Documentary Evidence

If you believe that the claimed route is an historic right of way, your evidence might include:

- Tithe maps from the 19th century
- Enclosure maps from the 18th and 19th century
- Maps for the construction of canals and railways from the 18th and 19th century
- Inland Revenue plans (also called Finance Act maps) from 1910-14
- Title deeds or estate maps from any period
- Ordnance Survey maps from 19th to 20th century
- Highway Handover and Maintenance Maps from the 20th century

¹ The Public Rights of Way (Register of Applications under section 53(5) of the Wildlife and Countryside Act 1981) (England) Regulations 2005

This list is not exhaustive, and you can submit any documents relating to the application route that you would like to be taken into account.

When conducting research, you may find the following websites useful:

- [Hampshire Archives | Hampshire County Council](#) – the catalogue at Hampshire Record Office (HRO) can be searched online. HRO is a good place to start for many of the documents listed above; information about visiting the Record Office is also available on their website
- [Discovery | The National Archives](#) – where documents listed above are not held by HRO, they may be available from the National Archives
- [Old Hampshire Mapped](#) – a digital repository of high-quality scans and photographs of a wide range of maps covering Hampshire
- [Map images - National Library of Scotland](#) – a vast digital collection of maps, including historic Ordnance Survey maps.

Books and online resources are also available to help guide you through the research process.

All relevant evidence should be photographed, photocopied, traced or transcribed. We need to know where the original records can be found (please provide weblinks or the document reference number if it's an archive document), and which parts are relevant to the application.

User Evidence

If you believe that a public right of way has come into existence by virtue of long, unchallenged use by the public, you will need to collect evidence from people who have used the route concerned. A copy of the County Council's User Evidence Form (UEF) is included with this application pack. Please contact us if you would like a copy of the UEF as a separate document (which may be useful if you want to share it with users via email, or for completion electronically).

You should provide users with a copy of the form and a suitable map showing the area in which the route is located, and on which they can mark the route that they have used. The person completing the UEF should mark the route themselves on their accompanying map. Please contact us if you need any assistance with producing a suitable map. The form asks how and when the route was used, and what users may have seen. Witnesses are asked to give full answers to the questions and to not hold back any information, whether it appears to be for or against the application. They should sign and date the form and the map. Please note that each witness must complete their own UEF as far as possible. It is not helpful to your case if you as the applicant complete some of the answers (for example, the description of the route, or its width) before distributing the forms. Evidence provided by the witness in their own words carries more weight than a pre-completed form.

If the application is based on user evidence, the number of UEFs submitted should reflect the volume of use of the route. There is no 'golden rule' about how many forms should be submitted (it's a question we're often asked); the number of users should reflect the setting of the route, such as whether it is in a rural or urban area. During the investigation, we may interview witnesses personally to obtain more details about use of the path. UEFs and witness statements can be inspected by landowners and

other interested members of the public; during the investigation these are anonymised, but in the event that an Order is made, interested parties are entitled to see the complete original forms and statements.

When the application is investigated, the user evidence will be analysed within the appropriate legal framework². In short, the Definitive Map Officer will assess whether the evidence demonstrates that the public have enjoyed the application route (usually for a period of at least 20 years) 'as of right' – that is, without force, secrecy or permission.

Submitting your application

Once you have completed all of the forms, collated your evidence, and included a map of the route, your application can be submitted.

- Remember to include:
- Notice of Application (Form A)**
 - A signed and dated map showing the application route**
 - Notice to Landowner(s) and Occupier(s) (Form B)**
 - Certificate of service (Form C)**
 - Evidence for consideration**

Please post your form to us at:

Countryside Access Team
Universal Services
Hampshire County Council
The Castle
Winchester
SO23 8UD

Documents can also be emailed to countryside@hants.gov.uk

Don't forget to take copies for your own records

INVESTIGATING AN APPLICATION

The County Council has a large number of outstanding DMMO applications awaiting investigation. The investigation of each application is time-consuming, involving research and analysis of the evidence within the relevant legal framework. We

² Section 31 of the Highways Act 1980, and the provisions of common law.

endeavour to investigate applications in the order in which they are received, but sometimes we may expedite an application (for example, because it is at risk of being lost to development). Unfortunately, it often takes a number of years before an application reaches the top of the waiting list.

Prior to taking up the application for investigation, we write to interested parties, including landowners, user groups, and parish councils, to request any information or evidence they may hold that is relevant to the application. We can supply evidence forms for landowners to complete and we may ask to interview anyone whose evidence appears to be particularly important.

Relevant evidence is that which relates to the existence, status or extent of the right of way. Matters such as privacy, safety, environmental or suitability cannot be taken into account, however well-founded these concerns may be, because they are not relevant to the existence of a right of way. However, we do need to know, for example, if a landowner has taken steps to stop the public using a path by turning people away, or putting up signs saying 'Private' or 'No Public Right of Way'. There may be deeds, maps or documents in private papers, which show or refer to land over which a public right of way has been claimed. All of this material will help us to reach a fair and balanced decision if it is given to us during our investigation.

THE COUNTY COUNCIL'S ROLE

The County Council is neutral when investigating applications for DMMOs. We recognise that applications to change the Definitive Map may not be supported by everyone. Our duty is to assess the evidence within the legal framework and reach a decision about whether a public right of way subsists along the application route.

When the application is investigated, a Definitive Map Officer will review the evidence that has been submitted with the application, as well as any evidence or information provided by landowners and other interested parties. They will carry out any additional research that may be necessary to find out whether the Definitive Map needs to be amended. We recommend that anyone who wishes to be invited to contribute further information on a particular application contacts us via email (countryside@hants.gov.uk), quoting the reference number for the application.

The decision to accept or reject the application will be made either by the Countryside Service Strategic Access Manager (under delegated powers), or by a committee of elected councillors (the Regulatory Committee). Before reaching a decision, the decision maker will have reviewed a comprehensive written report from the Definitive Map Officer. The decision will be based on the evidence available about the history or past use of the route, and whether this demonstrates that a public right of way subsists, not on whether the change proposed is seen as desirable. A recommendation won't always reflect the status or exact route of the right of way applied for in the application.

If the decision is made by the Regulatory Committee, the Definitive Map Officer will write to the applicant and landowner(s) to let them know in advance of the meeting. Any resident of Hampshire may register to speak at this meeting.

If the decision maker decides that the evidence does not support the application, the applicant will be advised of any right to appeal against the decision. If it is decided that

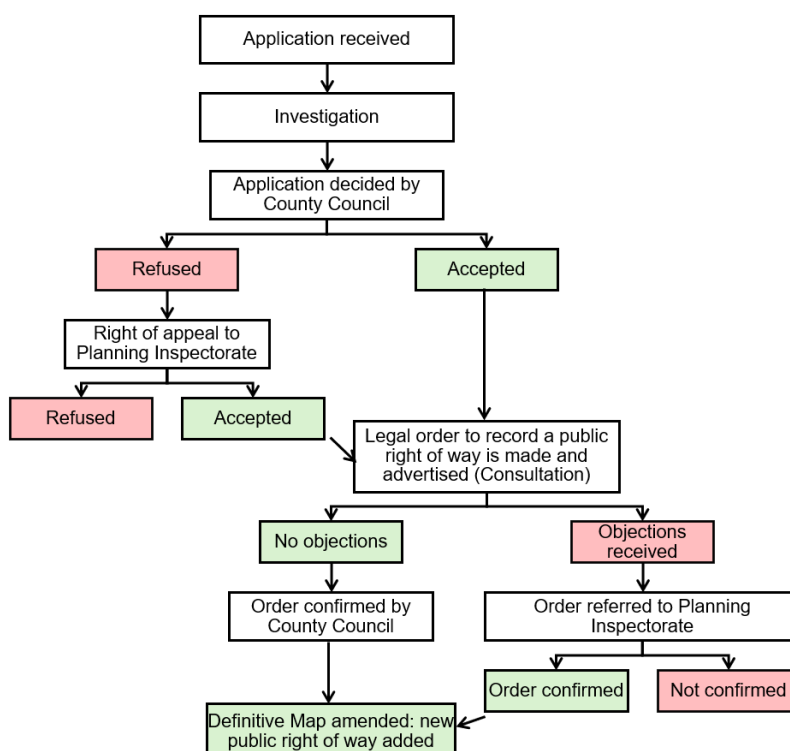
the application should be accepted, notice will also be sent to the landowners and occupiers and a DMMO will be made.

The order making process

If the County Council accepts an application, a legal order will be made to formally record the application route on the Definitive Map. We will advertise the order by displaying notices at each end of the route and in the local press. Anyone may object to the order within 42 days following the advertisement (they are known as ‘statutory objectors’). If any objection is made, we must refer the order to the Secretary of State for determination. The Secretary of State will arrange for the order and the objections to be considered by an Inspector, either at a public inquiry or hearing, or by an exchange of correspondence (known as ‘written representations’). The Inspector will decide whether to confirm the order, and again, can only consider evidence that is relevant to the question of whether a right of way subsists. Statutory objectors have a right to be heard during these proceedings. Other objectors, and supporters of the order, may also be involved at this stage.

The order must be confirmed before any change can be made to the Definitive Map. When confirmed, it will amend the Definitive Map to the extent specified in the order. Definitive Map procedures can seem complex, but the chart below shows the process and the different stages.

The Map Modification Process



CONTACT US

If you have any questions about the DMMO process or would like to submit an application, please contact the Definitive Map Team:

countryside@hants.gov.uk

DATA PROTECTION

Hampshire County Council will process the information you provide in connection with the application to modify the definitive map of public rights of way and to carry out an investigation including contacting you about your evidence. It will not be used for any other purposes without your consent.

Please note that the information you provide may be published in a decision report. We may share your personal information with owners or occupiers (or their representatives), objectors, other Council departments or local authorities and other interested parties. It may also be made public if the matter is referred to the Planning Inspectorate. It will become part of the permanent records kept on rights of way in Hampshire. The legal basis for our use of this information is the compliance with the County Council's legal obligations under the Wildlife and Countryside Act 1981.

You have some legal rights in respect of the personal data we collect from you. Please see our website data protection page for further details:

www.hants.gov.uk/dataprotection

You can contact the County Council's Data Protection Officer at:

data.protection@hants.gov.uk

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at: www.ico.org.uk

Wildlife and Countryside Act 1981

The Hampshire Wildlife and Countryside Act 1981 Section 57(3) Definitive Map and Statement (Dated 1st January 2008)

To: **The Director of Universal Services**
of: Hampshire County Council
The Castle
Winchester
Hampshire
SO23 8UD

I/We [name of applicant(s)]:
of [address of applicant(s)]:
.....

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:- [delete where appropriate]

• **deleting** the footpath / bridleway / restricted byway / byway open to all traffic
from
to.....

or

• **adding** the footpath / bridleway / restricted byway / byway open to all traffic
from
to.....

or

• **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.....

or

• **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 (continue on a separate page if necessary)

Dated20.....

Signed.....

Hampshire County Council will process the information you provide in connection with the application to modify the definitive map of public rights of way and to carry out an investigation including contacting you about your evidence. It will not be used for any other purposes without your consent.

Please note that the information you provide may be published in a decision report. We may share your personal information with owners or occupiers (or their representatives), objectors, other Council departments or local authorities and other interested parties. It may also be made public if the matter is referred to the Planning Inspectorate. It will become part of the permanent records kept on rights of way in Hampshire. The legal basis for our use of this information is the compliance with the County Council's legal obligations under the Wildlife and Countryside Act 1981.

You have some legal rights in respect of the personal data we collect from you. Please see our website data protection page for further details: www.hants.gov.uk/dataprotection

You can contact the County Council's Data Protection Officer at: data.protection@hants.gov.uk

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at: www.ico.org.uk

Section 53(5) of, and Schedule 14 to,
the Wildlife and Countryside Act 1981

The Hampshire Wildlife and Countryside Act 1981
Section 57(3) Definitive Map and Statement
(Dated 1st January 2008)

To:

of:

.....

I/We:

of:

.....

hereby give notice that on.....20..... I/We made application to the Director of Universal Services, Hampshire County Council, The Castle, Winchester, Hampshire, SO23 8UD, that the definitive map and statement for the area be modified by: - [delete where appropriate]

• **deleting** the footpath / bridleway / restricted byway / byway open to all traffic
from

to.....

or

• **adding** the footpath / bridleway / restricted byway / byway open to all traffic
from

to.....

or

• **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.....

or

• **varying/adding** to the particulars relating to the
footpath / bridleway / restricted byway / byway open to all traffic
from

to.....

by providing that

.....

Dated20.....

Signed.....

Wildlife and Countryside Act 1981

**The Hampshire Wildlife and Countryside Act 1981
Section 57(3) Definitive Map and Statement
(Dated 1st January 2008)**

Certificate of Service of Notice of Application for Modification Order

To: **The Director of Universal Services, Hampshire County Council, The
Castle, Winchester, Hampshire, SO23 8UD**

I/We [name of applicant(s)].....

of [address of applicant(s)]

.....

.....

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and
Countryside Act 1981 have been complied with.

Signed Date

**Notice of the application should be served on the owners and occupiers of all the
land affected by the application. Please note here the names and addresses of all
people given notice of the application:**

Wildlife and Countryside Act 1981
Schedule 14: Applications for certain orders under Part III

Form of applications

1. An application shall be made in the prescribed form and shall be accompanied by:
 - (a) a map drawn to the prescribed scale and showing the way or ways to which the application relates; and
 - (b) copies of any documentary evidence (including statements of witnesses) which the applicant wishes to adduce in support of the application

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 is 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.

Application for a Definitive Map Modification Order: **User Evidence Form**

This form has been prepared to enable you to give evidence of your use of a route that is being claimed as a public right of way.

Please answer the questions as fully as possible and do not withhold information, whether it appears to be for or against the application - the object of the investigation is to establish how the route has been used. During the investigation, the investigating officer may wish to contact you to seek further information.

The investigation of an application to modify the Definitive Map can be time consuming, and the Countryside Access Team has a considerable backlog of applications. As a result, it may be some time before this application is decided.

Please be aware that the information you give in this statement cannot be treated as confidential. It may be disclosed to other interested parties, including the landowner, and may be produced at a public inquiry. Further information regarding privacy is set out below.

Privacy Notice

Hampshire County Council will process the information you provide in connection with the application to modify the definitive map of public rights of way and to carry out an investigation including contacting you about your evidence. It will not be used for any other purposes without your consent.

Please note that the information you provide may be published in a decision report. We may share your personal information with owners or occupiers (or their representatives), objectors, other Council departments or local authorities and other interested parties. It may also be made public if the matter is referred to the Planning Inspectorate. It will become part of the permanent records kept on rights of way in Hampshire. The legal basis for our use of this information is the compliance with the County Council's legal obligations under the Wildlife and Countryside Act 1981.

You have some legal rights in respect of the personal data we collect from you. Please see our website data protection page for further details:

www.hants.gov.uk/dataprotection

You can contact the County Council's Data Protection Officer at:

data.protection@hants.gov.uk

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at: www.ico.org.uk

About you

Name Phone number

Address Email address

Postcode

Declaration

- I understand that the evidence form I complete may be used in relation to this application and may be presented at a public inquiry.
- I authorise the applicant to disclose this form to the Order Making Authority as evidence accompanying their application.
- I also understand that this evidence may be disclosed to parties with an interest in the application, including the landowner, prior to any public inquiry.
- I * be prepared to give oral evidence relating to my use of the route at a public inquiry. (* *Would/Would not*)

I hereby certify that to the best of my knowledge and belief the facts I have stated are true and this form is an accurate record of those facts.

Signed

Date

If other than the route user, this form has been completed by:

When completed, this form can be returned to the person co-ordinating the application, or returned to: Countryside Access Team, Hampshire County Council, The Castle, Winchester, SO23 8UD or emailed to: countryside@hants.gov.uk

Public Right of Way User Evidence Statement

On the map provided with this form, please mark the route(s) that you have used and sign and date the map. If there are any additional details which would be useful to the investigating officer (such as the location of gates or signage), please annotate them on the map.

If handwritten, please ensure that you write clearly. If you need more space, please continue on a separate sheet and attach it to this statement.

DESCRIPTION OF THE ROUTE

1. The route runs from:

to:

2. Have you always followed the same route(s)? **Yes / No**

Please mark any other routes used on the map using different colours or symbols

3. Have you lived at any other addresses during the time you have used the route?
Yes / No

4. Is the route (or any part of it) enclosed between boundaries (i.e. fences, hedges, ditches, walls)? **Yes / No**

Please give details

5. Approximately how wide is the application route? If this varies, or has changed over time, please describe how.

6. Is the whole width of the route used by the public? **Yes / No**

How much of the width is used?

7. Has the application route always followed the same course? **Yes / No**
If not, how, when and why has it altered?

YOUR USE OF THE ROUTE

8. How have you used the route and in which years?

How have you used the route? <i>(Please tick all that apply)</i>			When did you use the route?	
	Yes	No	From (Year)	To (Year)
On foot				
On horseback				
By pedal cycle				
By horse-drawn vehicle				
By motor vehicle				

9. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

10. How often did you use the route? *(Please tick all that apply)*
If you are unsure, please make an estimate

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe below)
On foot						
On horseback						
By pedal cycle						
By horse-drawn vehicle						
By motor vehicle						

If 'Other' please describe:

11. Has the frequency with which you have used the route changed over time?

Yes / No

If 'Yes', please give details:

12. What have been your main reasons for using the route?

13. When did you last use the route?

14. Have you seen other people using the same route? **Yes / No**

If 'Yes', were they: *(please tick all that apply)*

Locals	On foot
Strangers	On horseback
Landowners	On a bicycle
Don't know	In a horse-drawn vehicle
	In a motor vehicle

CHARACTER OF THE ROUTE

15. Have there ever been any of the following on the route?

Gates **Yes / No** If 'Yes', were they ever locked? **Yes / No**

Stiles **Yes / No**

Other barriers **Yes / No**

If 'Yes' please provide details, including when and how long they were in place, and **mark the locations on your map.**

16. Has the route ever been intentionally obstructed? **Yes / No**

If 'Yes': Please state when the route was obstructed.

Please describe the nature and location of the obstruction

Did it prevent or deter you from using the route? **Yes / No**

Is the route obstructed now? **Yes / No**

17. Have there ever been any notices or signs along the route? **Yes / No**

If 'Yes', what did they say?

When did you first see them?

Are they still there? **Yes / No**

If not, when did they disappear?

Please mark the locations on your map

OWNERSHIP AND PERMISSIONS

18. At any time when you have used the route, were you:

a) related to the owner or occupier? **Yes / No**

b) employed by the owner or occupier? **Yes / No**

c) a tenant of the owner or occupier? **Yes / No**

If your answer to a, b, or c is 'Yes', please give details, including the name and address of the owner or occupier

19. Have you ever been told by an owner, occupier or employee that the route was not public? **Yes / No**

If 'Yes', please give details, including dates

20. Are you aware of any actions taken by the landowner to indicate use of the route was permissive (e.g. signs or annual closures of the route)?

Yes / No

If 'Yes', please give details

21. Have you ever sought or been given permission to use the route?

Yes / No

If 'Yes', when and from whom?

22. Have you ever been stopped or turned back when using the route?

Yes / No

If 'Yes', when and by whom?

23. Has your use of the route ever been in exercise of a private right, such as visiting someone who lived along the route, going to your own land along the route, or delivering goods along the route ? **Yes / No**

If 'Yes', please give details

ADDITIONAL INFORMATION

24. Do you possess or have knowledge of any maps, deeds, photographs or other documents which show or refer to the route? **Yes / No**

If 'Yes', please give details and if possible, attach copies to this form

25. Do you have any other information which you think will assist us in reaching a decision regarding whether the application route should be recorded as a public right of way? (Please give details and continue on a separate sheet if necessary, if you wish to provide a sketch map please do so and attach it to this statement)

When completed, this form can be returned to the person co-ordinating the application, or returned to:

Countryside Access Team, Hampshire County Council, The Castle, Winchester, SO23 8UD or emailed to countryside@hants.gov.uk