



HAMPSHIRE  
COUNTRYSIDE SERVICE

# Maintaining the Map

Making, or opposing,  
an application to change the  
Definitive Map

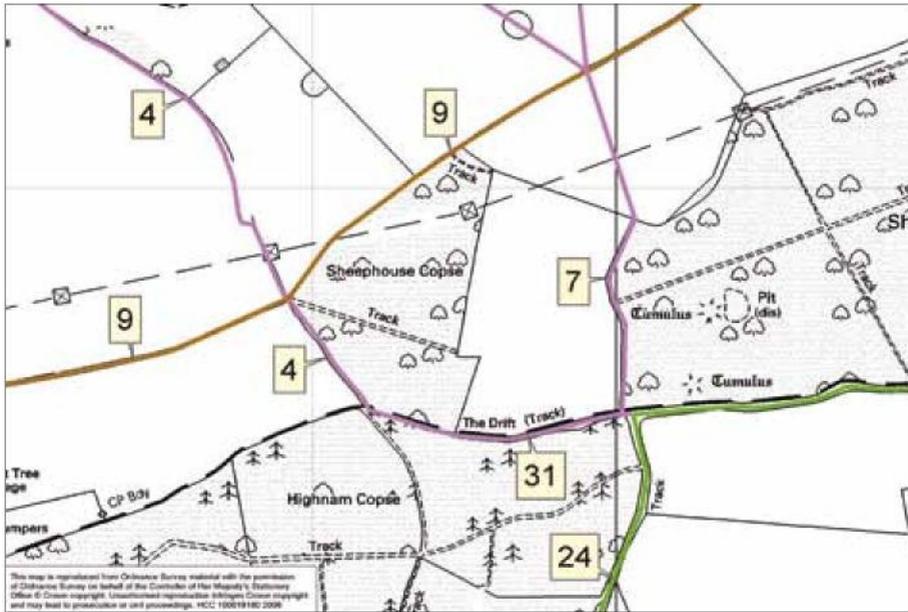


[www.hants.gov.uk/countryside](http://www.hants.gov.uk/countryside)  



Hampshire  
County Council

[www.hants.gov.uk](http://www.hants.gov.uk)



## What is the Definitive Map?

Hampshire's Definitive Map of public rights of way is a record of the location and status of public rights of way in the county. It is maintained by Hampshire County Council's Rights of Way Section and a copy can be inspected at our offices in Winchester. The Map is conclusive evidence of the existence of the rights of way shown on it.

## Changing the Definitive Map

Anyone can apply to amend the Definitive Map if they have evidence which proves that the Map is inaccurate or incomplete. For instance, it may not show a new public footpath, or a path regularly used by horse riders may be shown on the Map as a footpath instead of a bridleway.

This guide explains the procedure for making, or opposing, an application to change the Definitive Map.

A different procedure is used to change the route of a right of way that is correctly shown on the Definitive Map. For advice on this procedure contact the Countryside Access Team or visit [www.hants.gov.uk/row](http://www.hants.gov.uk/row)

## Making an application

### Who can apply?

An individual can apply on their own behalf, or on behalf of an organisation, such as a Parish Council, or user group.

### How to apply

Application forms and maps can be obtained from the Rights of Way Office. The completed forms must be returned to us, with the map or plan showing the claimed route and copies of the evidence that supports the application.

Applicants must inform every owner and occupier of affected land about the claim, and certify to us that this has been done. Landowners' details may be available from the Land Registry if they cannot be obtained by local inquiry. We may require applicants to post notices at each end of the claimed path if we are satisfied that landowners cannot be traced after reasonable enquiry has been made.

We may not be able to investigate each application immediately, but we will deal with it in accordance with our claims policy. A copy of this will be sent to you with our acknowledgement of your application.

Applications will be recorded on a register, which is available for inspection, and online at [www.hants.gov.uk/row](http://www.hants.gov.uk/row)

## Collecting your evidence

### Documentary Evidence

If you believe that the claimed route is a historic right of way your evidence might include Ordnance Survey maps, inclosure awards and maps, title awards and maps, title deeds, statutory orders and plans, parish council minutes, photographs, reference books and published material that refers to the route in question. All relevant evidence should be photographed, photocopied, traced or transcribed. We need to know where the original records can be found, and which parts are relevant to the application.



## User Evidence

If you believe that a right of way has been created in recent years, you will need to collect evidence from people who have used the route concerned. We can supply forms asking 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 information, whether it appears to be for, or against, the application. They should also mark the route they have used on a map, and sign and date it.



If the application is based on user evidence, as many forms as possible should be submitted.

We may interview the witnesses personally, to obtain more detail about use of the path. User forms and statements can be inspected by landowners and other interested members of the public.

## Opposing an application

We recognise that there are usually two sides to every story, and that applications to change the Definitive Map may not be supported by landowners or local people. We will ask landowners and parish councils if they have any comments or evidence relevant to the application and we also welcome relevant evidence from any third parties who are interested in the matter. We can supply 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 or suitability cannot be taken into account because they do not demonstrate whether a legal right of way exists, but 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. Opponents may simply wish to present us with a different interpretation of the applicant's evidence. All of this material will help us to reach a fair and balanced decision if it is given to us during our investigations.



## The County Council's role

When the claim is investigated, a rights of way officer will look at the evidence that has been submitted with the application and he, or she, 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 consulted on a particular claim gives us their contact details.

The decision to accept, or reject, the application will be made either at officer level through delegated powers, or by a committee of elected councillors.

Before making its decision the committee will have received written advice from the rights of way officer who investigated the application. The decision will be based on the evidence available about the history or past use of the route (not on whether the change proposed is seen as a good or desirable thing), and it may not reflect the status or exact route of the right of way claimed in the application.

Any resident of Hampshire may apply to speak at this meeting. Please contact our Democratic Services section

If the committee decides that the evidence does not support the application, they will be advised of any right to appeal against the decision. If it is determined that the

evidence does support the application, a Definitive Map Modification Order will be made. Notice will also be sent to the landowners and occupiers.

## The order making process

We will advertise the order by notices at each end of the path affected, and in the local press. Anyone may object to the order during the 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. He will arrange for the order and the objections to be considered by an Inspector, either at a local public inquiry or hearing, or, occasionally, by exchange of correspondence. The Inspector will decide whether or not to confirm the order, and will only take into account evidence that is relevant to the order. Statutory objectors have a right to be heard in 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. Anyone can ask for an informal meeting with a rights of way officer to discuss evidence or procedure, before an application is submitted, or at any other time during the process.

## Data protection

Hampshire County Council complies fully with the Data Protection Act 1998. Please note that documents and correspondence sent to us in connection with an application to amend the Definitive Map may be disclosed to third parties.

## Further information

If you have any questions about the claims procedure, or would like to discuss a potential claim in detail, please contact the Rights of Way Office.

## Useful sources of information

### For historic records

**Hampshire Record Office**  
Sussex Street  
Winchester SO23 8TH  
01962 846154

[www.hants.gov.uk/record-office](http://www.hants.gov.uk/record-office)

**The National Archives**  
Kew, Surrey TW9 4DU  
020 8876 3444

[www.nationalarchives.gov.uk](http://www.nationalarchives.gov.uk)

**Your local studies library**  
[www.hants.gov.uk/library](http://www.hants.gov.uk/library)

### For land ownership records

**For Havant and East Hants Districts**  
Portsmouth Land Registry  
8 St Andrews Court  
St Michael's Road  
Portsmouth PO1 2JH  
023 9276 8888

### For all other districts

Weymouth Land Registry 1  
Cumberland Drive  
Weymouth  
Dorset DT4 9TT  
01305 363636  
[www.landregistry.gov.uk](http://www.landregistry.gov.uk)

### Generally

**Hampshire Association of Town and Parish Councils**  
St Thomas' Centre  
20 Southgate Street  
Winchester SO23 9EF

[town.pariah.assoc@hants.gov.uk](mailto:town.pariah.assoc@hants.gov.uk)  
01962 841699

### Local user groups

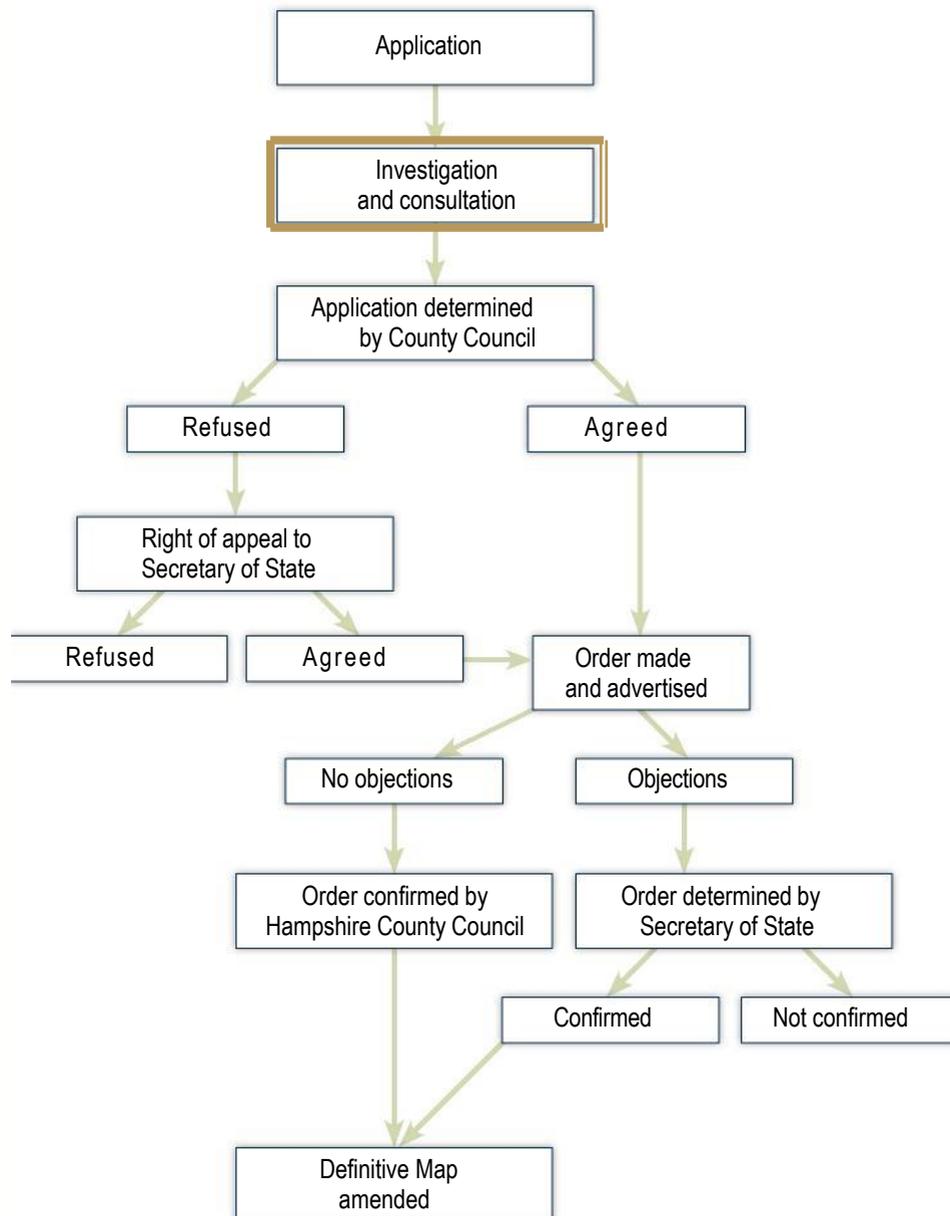
### For the law

#### Wildlife and Countryside Act 1981

Section 53 provides for the making of map modification orders; Schedule 14 sets out the application procedure and Schedule 15 the order making process



## The Map Modification Process



### Countryside Access Team

Castle Avenue, Hampshire County Council, Winchester, SO23 8UL

0300 555 1391

[countryside@hants.gov.uk](mailto:countryside@hants.gov.uk)

The Countryside Access Team is part of Hampshire County Council's Countryside Service, which is committed to:

- Protecting the Environment
- Improving access, inclusion and participation
- Encouraging life-long learning
- Contributing to the economy of the County
- Providing a sense of place

### Democratic Services

Chief Executive's Department, The Castle, Winchester SO23 8UJ

01962 847333

[democratic.services@hants.gov.uk](mailto:democratic.services@hants.gov.uk)

