

Guidance Notes on Making an Application to Modify the Definitive Map and Statement of Public Rights of Way

Wildlife and Countryside Act 1981 Section 53 and Schedule 14

**“Wildlife and Countryside (Definitive Maps and Statements)
Regulations 1993” S.I, 1993, No. 12**

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Newcastle City Council
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This Guidance Note has been prepared to assist with the making of applications for Definitive Map Modification Orders. It is intended as a guide only and applicants are advised to refer also to Part III of the Wildlife and Countryside Act 1981 (in particular Section 53 and Schedule 14) and "The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993" S.I.1993 No. 12 as no responsibility can be accepted by the Council for any errors or omissions from this Note.

1. Section 53 (5) of The Wildlife and Countryside Act 1981 (referred to from now on as "the Act") enables any person to apply to the Council for an Order to be made modifying the Definitive Map and Statement as a result of any of the "evidential events" specified in paragraphs (b) and (c) of Section 53 (3).
2. The procedure for the making and determining of applications is set out in Schedule 14. It includes the right for applicants to appeal to the Secretary of State against the refusal of the Council to make an Order.
3. An application for a Modification Order must be in the appropriate form (or substantially in the appropriate form) as set out in Schedule 7 of "The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993" S.I.1993 No. 12 (referred to from now on as "the Regulations") with such modifications as the circumstances may require.
4. Application forms are available free of charge from Place Directorate, Newcastle City Council, 10th Floor, Civic Centre, Barras Bridge. Newcastle Upon Tyne, NE1 1QH; telephone 0191 277 8955; Email rightsofway@newcastle.gov.uk or by downloading from the website www.newcastle.gov.uk.
5. Applications must be accompanied by:
 - (i) A map on a scale of not less than 1:25,000 showing the way or ways which are the subject of the application;
 - (ii) Copies of any supporting documentation (including completed user evidence

Forms);

(iii) A Certificate confirming that notice of the application has been served on the owners and occupiers of the land involved (see 6 and 7 below).

6. The applicant must serve notice that an application for an Order has been made on every owner and occupier of any land to which the application relates. Applicants who are unable to ascertain the name and address of the owner or occupier of the land may apply to the Council for exemption from the requirement to serve a personal notice and for consent to serve notice instead by addressing it to the owner or occupier of the land (as described in the notice) and attaching it to a conspicuous object on the land. Consent will not normally be withheld if the applicant can show that every reasonable effort to identify the owner and occupier of the land has been made. The appropriate form for the notice is set out in Schedule 8 of the Regulations. Notice forms are also available from the Council at the above address.

7. When the requirements set out in paragraph 5 above have been complied with, the applicant shall certify that fact to the Council by sending a certificate in the appropriate form as set out in Schedule 9 of the Regulations. The certificate is included with the application forms.

8. Schedule 14 of the Act indicates that properly submitted applications should be determined within 12 months of their receipt and the Council endeavours to comply with this wherever possible.