



DEFINITIVE MAP TEAM

DEFINITIVE MAP MODIFICATION ORDER APPLICATION

INFORMATION AND FORMS

SECTION 53, WILDLIFE AND COUNTRYSIDE ACT 1981

PLEASE ATTACH A MAP SHOWING THE PRECISE LINE OF THE ROUTE USED AND SIGN IT

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Information

Under the provisions of the Wildlife and Countryside Act 1981, a modification order may be applied for by any person who wishes the definitive map to be amended by either the addition, deletion, upgrading or downgrading of a route. In addition, the accompanying definitive statement containing the particulars of a right of way may be varied. Claims can be based on usage (user evidence) and/or documentary evidence.

User Evidence

Although a presumption of dedication can arise under common law, most claims involving user evidence are based on Section 31 of the Highways Act 1980, which states:

- (1) *"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as a right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.*
- (2) *The period of 20 years referred to in sub-section (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by notice or otherwise".*

As you will see, it is necessary under the Highways Act to show that the public have used the way **as of right** and **without interruption** for a period of 20 or more years, running retrospectively from the date when the public's right to use the way was first challenged. It is important that the way claimed follows a specific route and is not simply based on the public wandering at large. Landowners can successfully rebut a claim if they can prove that either the way was used with their express permission only, or that they have otherwise prevented the 20 year period from accruing by effectively restricting access, or by erecting notices to counter any suggestion that there was any intention to dedicate the route as a public right of way. They could also have given notice of their lack of intention to dedicate a right of way by making a formal declaration and depositing a plan with the Highway Authority.

In order to establish a claim, it is necessary to collect evidence from witnesses who can demonstrate a period of use which, when assessed with other users, shows a collective period of at least twenty years uninterrupted use of the way, believing that they had the right to do so.

- Evidence forms – **FORM E** – are included in this pack for that purpose.
- **FORM E (Stat)** is also available on request. This version of the user evidence form has a provision for a sworn statement (see 'Application forms' below).
- As many forms as possible should be submitted, with a marked map attached to each form, signed by the witness, indicating the exact route used. The witness should be aware that the completed form will be used to formulate a recommendation in a report to a Planning Committee. As such it would be designated a "background paper" and become available for public inspection. Ideally, the witness should be prepared to attend any future local Public Inquiry to support their evidence, if called upon to do so.

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In some cases the Highways Act will not apply – an example would be where the path crosses Crown Land or if there has been less than 20 years' use but the route has been used very frequently and by large numbers. In such cases Common Law will be relevant. The test is whether the public have been using the route for long enough (there is no specific period) and in such a manner that the landowner must have been aware that the public thought it was a right of way, yet did nothing to correct that impression.

Documentary Evidence

With regard to claims based on documentary evidence, it is necessary to supply historical and archival information gleaned from documents such as Inclosure Awards, Tithe Maps, old Ordnance Survey maps etc. which, when considered with all other relevant evidence available, shows that a right of way that is not shown on the map and statement subsists or is reasonably alleged to subsist over land to which the map relates.

N.B. In the case of an application for an order to delete or change the status of a right of way it is necessary to show that the definitive map is wrong by the discovery of evidence which, when considered with other relevant evidence, clearly shows that a mistake was made when the right of way was first recorded. It is not for the Authority to demonstrate that the map is correct but for the applicant to show that an error was made.

The applicant will be the promoter of the application and will be required to support it through its various stages. If the process seems too burdensome, the Parish Council may be interested in assisting. It may be necessary to contact the applicant to carry out further investigations into the evidence, to answer queries, to serve required notices and, in the event of objections, to be called as a witness at a local Public Inquiry. The applicant's responsibility does not stop with the submission of the application form. However, should Dorset Council decide to make an Order, the necessary work to publish and defend it will be undertaken by the Authority.

Before you apply -

We suggest that you **phone us** on 01305 224463 to discuss your application. It may help you avoid some pitfalls - and we can check our records to see if the route is already being claimed by anyone else or if it has existing public rights, give you guidance and provide you with maps of the area of your intended claim.

In addition you should

- Gather your evidence, both documentary and from users; and
- Identify all the owners and occupiers of all land to which the application relates (this includes anyone that has land next to the route in question and anyone who may have access along it).

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Application forms

To apply formally for a modification order, you will need to complete the various forms attached:

FORM A Your application to be sent to the Definitive Map Team at the address at the top. Copies of documentary evidence you are relying on must be attached (photocopies or photographs). Form A must be accompanied by a map to show the route claimed – the regulations say that it has to be to a scale of not less than 1:25,000, but the larger the scale the better.

Notes for guidance are on the reverse.

FORM B A notice to be served on all affected owners and occupiers – notes for guidance on reverse. You may copy this form or request further copies if necessary.

FORM C A certificate, which tells Dorset Council that you have complied with the regulations requiring every owner and occupier of land to which the application relates to be notified of the application, i.e. that you have served Form B. (You should include anyone who has access along or from the claimed route.)

FORM D Fill this in if you are unable to establish whom any of the owners or occupiers affected are and have exhausted all avenues of inquiry as suggested. Dorset Council may authorise notices to be put up at the ends of the claimed route.

FORM E These are for your witnesses to complete. Please submit as many of these as possible with your application (within reason), each accompanied by a signed individual map of the route used. Further forms may be submitted after your application has been submitted if more witnesses come forward.

You may copy the blank forms if more are required or request a supply from us.

FORM E Stat This is available on request. (The form has a provision for a sworn statement and is useful if you have a good witness who either could not or would not attend any public inquiry.)

FORM F We advise that you send this to the landowner(s) with Form B.

FORM G This gives some guidance as to the historical documents that can be researched. You may wish to complete this to give an indication of the documents you have researched or to which you wish to draw our attention.

- If you speak to us to identify the claimed route we may supply maps of the area for you to copy as necessary.
- **Please try to ensure that the route claimed is accessible or links with another public highway or public destination at each end. If you are unsure please contact the Definitive Map Team on 01305 224463.**
- The Council is required to determine applications as soon as reasonably practicable and if it has not done so within a year the applicant may make representations to the Secretary of State. Unfortunately there is currently a large backlog of these claims awaiting investigation and any new application will have to be held on file for the time being.
- When your application is acknowledged we will also send you an outline of the procedures we follow.
- There is no charge for making a definitive map modification order application.

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PLEASE ATTACH A MAP SHOWING THE PRECISE LINE OF THE ROUTE USED AND SIGN IT

**APPLICATION FORM FOR A MODIFICATION TO
THE COUNTY OF DORSET DEFINITIVE MAP AND STATEMENT OF RIGHTS OF WAY
Wildlife and Countryside Act 1981**

**To: Definitive Map Team
Dorset Council
County Hall
DORCHESTER
Dorset DT1 1XJ**

I/We (i)

of (ii)

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 *:-

- (a) **Deleting** the *footpath / bridleway / restricted byway / byway open to all traffic* * which runs from: _____
to: _____
- (b) **Adding** the *footpath / bridleway / restricted byway / byway open to all traffic* * which runs from: _____
to: _____
- (c) **Upgrading/downgrading** the *footpath / bridleway / restricted byway / byway open to all traffic* * which runs from: _____
to: _____
to revised status: *footpath / bridleway / restricted byway / byway open to all traffic*
- (d) **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 (see overleaf).

N.B. PLEASE DESCRIBE ROUTE AND STATE WIDTHS WHERE APPROPRIATE

I/We attach copies of the following documentary evidence [including statements of witnesses] in support of this application:-

(iii) _____

Signed: _____

Date: _____

- (i) Insert name of applicant(s)
(ii) Insert address of applicant(s)

- (iii) Insert list of documents
* Delete as appropriate

PLEASE ATTACH A MAP SHOWING THE PRECISE LINE OF THE ROUTE USED AND SIGN IT

NOTES FOR GUIDANCE

[Please read carefully]

1. TO THE APPLICANT

- 1.1 Schedule 14 to the Wildlife and Countryside Act 1981 establishes a procedure whereby applications may be made to the surveying authority (i.e. Dorset Council) for a modification to be made to the Definitive Map and Statement of rights of way. A number of forms are involved in the procedure and it is important that you comply with the various guidelines included with this pack to avoid invalidating your application.

2. APPLICATION FORM - FORM A

- 2.1 This form, correctly completed, describes the modification that is being sought for the map. You should read through all the options and decide which is the most appropriate. Definitions of the different types of right of way are given below. If (b) describes your proposed modification for example, you should cross through the other options and then complete (b) in full. An example is given below:

(b) **Adding the** ~~footpath / bridleway / restricted byway / byway open to all traffic~~ which runs
from: Scratchy Face Lane, Newtown [SS 2345 6789]
to: Cut Throat Lane, Poppington [SS 2376 6745]

2.2 Categories of Rights of Way

Footpath: A highway over which the public have a right on foot only, other than such a highway at the side of a public road.

Bridleway: A highway over which the public have a right of way on foot, pedal cycle and on horseback or leading a horse, with or without a right to drive animals of any description along the highway.

Restricted Byway: A highway over which the public have a right of way on foot, pedal cycle, on horseback or leading a horse, and using any vehicle other than a mechanically propelled vehicle (i.e. excludes using any motorised vehicle).

Byway (BOAT): A byway open to all traffic is a highway over which the public have a right of way for vehicular and all other kind of traffic, but which is used mainly as a footpath or bridleway.

Carriageway: A way over which the public have a right of way for the passage of vehicles (other than a cycle track).

2.3 Map

One of the most important requirements of this form is for a map, with the subject route of the application marked **clearly** and **precisely**. The scale of the map should be not less than 2½ inches to 1 mile, or 1:25,000. However, you are strongly advised to use a larger scale such as 1:10,000 or, ideally, 1:2,500. If you are submitting more than one application, a separate map will be required for each route.

2.4 Documentary Evidence

The Schedule requires that an application should be accompanied by **copies** of any documentary evidence (including statements of witnesses) which the applicant wishes to adduce in support of the application. Copies of documents should include certified photocopies (coloured photocopies where the originals are coloured or the detail unclear) or photographs. Exemption will be made where photocopying or photography is prohibited by the document custodian, but this should be confirmed in writing. The documents submitted in evidence should be listed, together with their sources and reference, on **FORM G**.

3. DETERMINATION OF APPLICATION

If the Council has not determined the application within 12 months of receipt of **FORM C** duly completed, the applicant may refer the matter to the Secretary of State and he, after consulting the Council, may direct the latter to determine the application within a specified period. Appeal may also be made to the Secretary of State within 28 days if Dorset Council decides not to make an Order.

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**NOTICE OF APPLICATION FOR A MODIFICATION TO
THE COUNTY OF DORSET DEFINITIVE MAP AND STATEMENT OF RIGHTS OF WAY**

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

NOTES FOR GUIDANCE OVERLEAF - PLEASE READ CAREFULLY

Section A To (i):

Of (ii):

Section B Notice is hereby given that on the 20

I/We (iii):

Of (iv):

have made an application to the Dorset Council that the Definitive Map and Statement for the area be modified by *:

Section C

- (a) **Deleting** the *footpath / bridleway / restricted byway / byway open to all traffic** which runs from:
to:
- (b) **Adding** the *footpath / bridleway / restricted byway / byway open to all traffic** which runs from:
to:
- (c) **Upgrading/downgrading** to a *footpath / bridleway / restricted byway / byway open to all traffic** the *footpath / bridleway / restricted byway / byway open to all traffic** which runs from:
to:
to revised status: *footpath / bridleway / restricted byway / byway open to all traffic*
- (d) **Varying/adding to** the particulars relating to *the footpath / bridleway / restricted byway / byway open to all traffic** which runs from:
to:
by providing that:

Signed: **Dated:**

- (i) Insert name of landowner(s)
- (ii) Insert address of landowner(s)
- (iii) Insert your name(s)
- (iv) Insert your address
- * Delete as appropriate

NOTES FOR GUIDANCE

[Please read carefully]

1. TO THE APPLICANT

- 1.1 These notes are for your guidance and help in applying to Dorset Council for an Order modifying the definitive map of public rights of way.
- 1.2 In order to comply with Paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 it is necessary for you, the applicant, to send one of these notices to all owners and occupiers of the land over which the application route passes, adjacent owners should also be informed if reasonably possible. If you do not know the names and addresses of all the owners and occupiers you may apply to the Definitive Map Team, Dorset Council, County Hall, Dorchester DT1 1XJ for permission to post a notice at each end of the path concerned. Every effort should be made to identify all interested parties.
- 1.3 Once notice has been served on all the owners and occupiers affected you should complete the Certificate of Service of Notice of Application, **FORM C**, sign and date the form, and return it to the address given at the top of **FORM A**. Guidance on how to complete the Notice of Application is given below:

2. Section A

- 2.1 The name and address of the individual affected by the proposal should be entered in this section. Please include all properties adjoining the route, as they are affected. Separate notices should be sent to all interested parties, and a list of names and addresses of all those on whom notice was served should be included on **FORM C**.

3. Section B

- 3.1 The date on **FORM A** of your modification application form should be entered in this section, together with your name and address.

4. Section C

- 4.1 This section describes the modification being requested. You should read through all the options and decide which is the most appropriate. If (b) describes your proposed modification for example, you should cross through the other options and then complete (b) in full. An example is given below:

(b) **Adding** the ~~footpath / bridleway / restricted byway / byway open to all traffic~~ which runs
from: Scratchy Face Lane, Newtown [SS 2345 6789]
to: Cut Throat Lane, Little Poppington [SS 2376 6745]

The completed form should be signed and dated by the applicant and sent to the individual named in **Section A**.

5. TO THE RECIPIENT

- 5.1 If you should receive a Notice of Application for a Modification Order it means that someone is proposing a change to the record of public rights of way on land in which you may have an interest. Dorset Council will contact you to discuss the proposal, but not immediately. If you have any queries relating to the application, please contact the Definitive Map Team, Dorset Council, County Hall, Dorchester DT1 1XJ (Tel. 01305 224463).

PLEASE ATTACH A MAP SHOWING THE PRECISE LINE OF THE ROUTE USED AND SIGN IT

**CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER
THE COUNTY OF DORSET DEFINITIVE MAP AND STATEMENT OF RIGHTS OF WAY**

Wildlife and Countryside Act 1981

To: Definitive Map Team
Dorset Council
County Hall
Colliton Park
DORCHESTER
Dorset
DT1 1XJ

I/We(i)

of (ii)

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

Signed: Date:

NOTES FOR GUIDANCE

This certificate should be completed only when notice of the application has been served on all owners and occupiers affected by the proposal. A list of the names and addresses of all individuals notified should be provided below. Please indicate if you have been unable to identify all owners and occupiers of any land to which the application relates.

Notice of Application Sent To:

	Name	Address
1.
2.
3.
4.
5.
6.

(i) Insert name of applicant(s) (ii) Insert address of applicant(s)

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PLEASE ATTACH A MAP SHOWING THE PRECISE LINE OF THE ROUTE USED AND SIGN IT

**APPLICATION FOR PERMISSION TO NOTIFY LANDOWNERS
BY SITE NOTICE****Wildlife and Countryside Act 1981**

To: Definitive Map Team
Dorset Council
County Hall
Colliton Park
DORCHESTER
Dorset
DT1 1XJ

PATH LOCATION DETAILS:**PARISH:** **DISTRICT:****CLAIMED STATUS OF WAY:** Footpath / Bridleway / Restricted byway / Byway Open to All Traffic [*delete as appropriate*].**DESCRIPTION OF PATH** [*include a map*]:**FROM:****TO:****CURRENT RECORDED STATUS ON DEFINITIVE MAP:** No status recorded / Footpath / Bridleway / Restricted Byway / Byway Open To All Traffic [*delete as appropriate*]**I/WE** (i)

of (ii)

I have carried out an investigation in an attempt to discover the owners and occupiers of the land affected by the application. I have made enquiries of: [*delete those that are not applicable*].

- * Adjoining landowners
- * Local inhabitants
- * Post Office
- * Parish Council
- * Register of Electors
- * Land Registry
- * Other appropriate sources [*please state*].

I have been unable to discover ownership of the land, and I request Dorset Council to direct that Notice may be served by posting said Notices at either end of the way claimed.

Signed: **Date:**

(i) Insert name of applicant(s)

(ii) Insert address of applicant(s)

PLEASE ATTACH A MAP SHOWING THE PRECISE LINE OF THE ROUTE USED AND SIGN IT

NOTES

**APPLICATION FOR PERMISSION TO NOTIFY
LANDOWNERS BY SITE NOTICE**

Wildlife and Countryside Act 1981

1. It is a requirement of Para 2 of Schedule 14 to the Wildlife and Countryside Act 1981 that an applicant for a modification order shall serve a Notice on every owner and occupier of any land to which the application relates stating that the application has been made.
2. The form of Notice, defined by the regulations, is set out in Dorset Council's **FORM B**, which should be addressed and sent to every owner and occupier of any land to which the application relates.
3. It is the duty of the applicant to investigate the ownership and occupation of the land so that the necessary Notice may be served.
4. Where it proves impossible for the applicant to discover the owner and occupier, **if after reasonable enquiries have been made**, Dorset Council is satisfied that it is not practicable to ascertain the name and address of all the owners or occupiers, the Council may direct that the Notice may be served by addressing it to the owner or occupier of the land [describing it] and by affixing it to some conspicuous object or objects at either end of the route concerned.
5. Before the Council can direct that a Notice be posted on the land, the Council must be satisfied that reasonable enquiries have been made. The applicant must, therefore, give details of the enquiries made, which may be conveniently done by completing the details overleaf [**FORM D**].
6. Failure to serve Notice on any owner and occupier may invalidate the application.

Have you lived at any other addresses during the time you have used the path or way?
If so, please provide details and years [full addresses are not required]

.....
.....

Year of birth.....

Home Telephone Number

Mobile Telephone Number

Email Address

DECLARATION

General Data Protection Regulation 2016

Under the General Data Protection Regulation 2016 Dorset Council has a duty to inform you about how your personal data will be handled. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details). You should provide us with the information requested only if you are happy for it to be placed in the public domain. Do not include information about another person.

This statement and the details contained therein will be considered by Dorset Council to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publicly available and published on Dorset Council's website.

Please tick this box to acknowledge that you have read and understood this Data Protection information

Statement of Truth
(all witnesses must complete this Statement)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE

Signature (of the person making the statement of truth):

.....

(If applicable) Signature of person taking this statement:

.....

Print full name:

Date:

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

You should keep a copy of the completed statement

The information on this page will be redacted and not be made publicly available

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

User number:

For official use only

ABOUT THE APPLICATION ROUTE

Is the application route:

- A footpath (public rights on foot only)
- A bridleway (public rights on foot and on horseback or bicycle)
- A restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- A byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

.....

.....

.....

.....

.....

.....

.....

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your choice (1:2500 scale if possible) and identify the route you are providing evidence about. Please annotate the map with anything you provide details about in this statement, for example, the location of a gate, then **sign and date it**.

PLEASE ATTACH A MAP SHOWING THE PRECISE LINE OF THE ROUTE USED AND SIGN IT

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From To

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

.....

3. How did you use the application route, how often and during which periods? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)	Between which years?
On foot							
On horseback							
By pedal cycle							
By car							
Other [please specify]							

4. Has the application route always followed the same course?

- Yes
- Don't know
- No

If no – how and when was the route altered?

.....

PLEASE ATTACH A MAP SHOWING THE PRECISE LINE OF THE ROUTE USED AND SIGN IT

5. Approximately how wide is the application route?
[Please give your estimate of the width of the route used, including the width used when passing others or walking with others. Take care to consider the overall width of the route, e.g. are there adjacent fences and hedges? If the width varies, please describe how and where and state if it has always been this width [Or please state 'Don't know']

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

6. What type of surface does the application route have? (for example grass, gravel, earth)
[Are there any changes along its length?]

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

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

a. Stiles [state locations and show on your map]

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

How long were they in place?

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

b. Gates [state locations, indicate whether locked – and when - and show on your map]

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

c. Other barriers [state what they were and location, how long they were in place and show on your map]

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

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8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

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

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way" "Trespassers will be Prosecuted")

No

Yes

Don't know

If yes – state when and give details, including when they were present and mark their location on your map

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

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

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

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No

Yes

PLEASE ATTACH A MAP SHOWING THE PRECISE LINE OF THE ROUTE USED AND SIGN IT

If yes, provide details and dates

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

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

- No
- Yes

If yes,

a. From whom?

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

- No
- Yes

If yes, by whom and when?

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

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

- No
- Yes

If yes, please give details including when this happened

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

15. Has anyone else ever told you that they were prevented from using the application route?

- No
- Yes

PLEASE ATTACH A MAP SHOWING THE PRECISE LINE OF THE ROUTE USED AND SIGN IT

If yes, please give details including when this happened

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

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc)

- No
- Yes

If yes, please give full details, including who gave the permission, why and when

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

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc)

- No
- Yes

If yes – please provide details

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

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary and sign and date it please.]
[If you wish to provide a separate sketch map, please do so and attach to this statement]

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

PLEASE ATTACH A MAP SHOWING THE PRECISE LINE OF THE ROUTE USED AND SIGN IT

19. During the investigation an Officer from Dorset Council may want to talk to some or all of the users in order to gather additional information. Would you be willing to provide further information about your knowledge of the application route?

Yes

No

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

Yes

No

(Please make sure you have completed your contact details on page i and read the Data Protection information and signed the Statement of Truth on page ii.)

Categories of Rights of Way:

Footpath: A highway over which the public have a right on foot only, other than such a highway at the side of a public road.

Bridleway: A highway over which the public have a right of way on foot, pedal cycle and on horseback or leading a horse, with or without a right to drive animals of any description along the highway.

Restricted Byway: A highway over which the public have a right of way on foot, pedal cycle, on horseback or leading a horse, and using any vehicle other than a mechanically propelled vehicle (i.e. excludes using any motorised vehicle).

Byway (BOAT): A byway open to all traffic is a highway over which the public have a right of way for vehicular and all other kind of traffic, but which is used mainly as a footpath or bridleway.

Carriageway: A way over which the public have a right of way for the passage of vehicles (other than a cycle track).

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Public Right of Way Landowner Evidence Statement

Landowner id:

For official use only

This statement should be completed and returned either to the person making the application or directly to the Definitive Map Team at Dorset Council.

This statement is intended to provide preliminary evidence about the application. When Dorset Council commences detailed research, an officer may contact you to seek further information or ask you to be interviewed about your evidence.

This statement is designed to help establish whether or not the route being claimed in the application (the “application route”) is a public right of way. It also provides evidence of how it is used (for example on foot, on horseback, by vehicles etc).

You should answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the application route. The information given may be examined at a public inquiry.

If you need more space please continue on a separate sheet, which will need to be attached to this statement and signed and dated. If you are unable to complete the form without assistance please ensure that the person taking your statement also signs the Statement of Truth (overleaf).

If completing the statement by hand, please ensure it is written legibly and in black ink.

Confidentiality – Please Read Carefully

The information you give in this statement cannot be treated as confidential.

- It may be necessary for the Council to disclose information received from you to others, which may include other local authorities, the Planning Inspectorate and other government departments, public bodies, other organisations, landowners and members of the public. If the application proceeds to a public inquiry your evidence will be made available to the inquiry.
- If the Council proceeds with the application but it is contested (for example by a landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but your evidence is of much greater value if you attend in person and are prepared to answer questions about it. Inquiries are kept as informal as possible and Dorset Council can offer guidance with the procedures.
- The information you give in this statement will be processed in accordance with the General Data Protection Regulation 2016. It is held by the Council’s Definitive Map Team for the sole purpose of processing the application for the route referred to. The information will be kept indefinitely.

Please print your name here

The following personal contact details will be redacted and will not be released by Dorset Council:

Your address.....

.....

.....

..... **Post code**

The information on this page will be redacted and not be made publicly available, however it may be possible to identify you from the information revealed elsewhere

Home Telephone Number

Mobile Telephone Number

Email Address

DECLARATION

General Data Protection Regulation 2016

Under the General Data Protection Regulation 2016 Dorset Council has a duty to inform you about how your personal data will be handled. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details). You should provide us with the information requested only if you are happy for it to be placed in the public domain. Do not include information about another person.

This statement and the details contained therein will be considered by the Council to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publicly available and published on Dorset Council's website.

Please tick this box to acknowledge that you have read and understood this Data Protection information

Statement of Truth
(please complete this part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE

Signature (of the person making the statement of truth):

.....

(If applicable) Signature of person taking this statement:

.....

Print full name:

Date:
.....

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

The information on this page will be redacted and not be made publicly available, however it may be possible to identify you from the information revealed elsewhere

PUBLIC RIGHT OF WAY LANDOWNER EVIDENCE STATEMENT

Landowner id:

For official use only

ABOUT THE APPLICATION ROUTE

DESCRIPTION OF APPLICATION ROUTE

Describe the application route (include start and finish points and provide OS grid references if you can)

.....

.....

.....

1. The application route is shown on the plan accompanying the application.

Does this route cross or adjoin your land?

- No
- Yes

If not, no further questions need be answered.

2. Do you believe the application route to be public?

- No
- Yes

(a) If yes, with what status?

- A footpath (public rights on foot only)
- A bridleway (public rights on foot and on horseback or bicycle)
- A restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- A byway open to all traffic (public rights for all classes of use, including motor vehicles)

(b) For how long have you held this belief?

3. Have you seen, or been aware of, members of the public using the application route?

- No
- Yes

If yes, please indicate below the period, regularity and nature of such use:

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)	Between which years?
On foot							
On horseback							
By pedal cycle							
By car							
Other [please specify]							

4. Have you ever required people to ask permission before using the application route?

If so, please give details, including the date

.....

.....

.....

5. Have you deposited a map, statement and statutory declaration under Section 31 (6) of the Highways Act 1980?

- No
- Yes

6. Have you, or someone on your behalf, ever turned back or stopped anyone from using the application route?

- No
- Yes

If yes, please give details and approximate dates

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

7. Have you, or someone on your behalf, ever told anyone using the application route that it was not public?

No

Yes

If yes, please give details and approximate dates

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

8. Have you ever erected notices or signs stating that the application route was not public?

No

Yes

(a) If yes, please give details and approximate dates

.....
.....

(b) State whether those notices or signs were ever defaced or destroyed

.....
.....

(c) Show their position on the accompanying plan

(d) What did the signs/notices say?

.....
.....

9. Have there ever been, to your knowledge, any stiles or gates on the application route?

No

Yes

(a) If yes, please state whether the gate or gates were ever locked and the reason for locking them:

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

(b) Show their position on the accompanying plan.

10. Have you ever obstructed the application route?

- No
- Yes

If yes, please state how and when:

.....
.....

11. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way

[Continue on a separate sheet if necessary and sign and date it please.]
[If you wish to provide a separate sketch map, please do so and attach to this statement]

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

12. During the investigation an Officer from Dorset Council may want to talk to you in order to gather additional information. Would you be willing to provide further information about your knowledge of the application route?

- Yes
- No

(Please make sure you have completed your contact details on page i and read the Data Protection information and signed the Statement of Truth on page ii.)



PUBLIC RIGHTS OF WAY DOCUMENTARY EVIDENCE CHECKLIST

Wildlife and Countryside Act 1981

To: Definitive Map Team
Dorset Council
County Hall
Colliton Park
DORCHESTER
Dorset
DT1 1XJ

PATH DETAILS:-

PARISH: DISTRICT:

BELIEVED STATUS OF PATH: footpath / bridleway / restricted byway / byway open to all traffic [delete as appropriate]

DESCRIPTION OF PATH [please indicate route on a map - 1:2500 scale if possible]

FROM:

TO:

I/We (i)

of (ii)

have carried out research at the Dorset History Centre (former County Records Office) and/or Public Records Office and wish the following documents to be considered in support of my application [see notes on reverse of FORM A]:

- Document Dorset History Centre/ National Archives Reference
Inclosure Award and Map*
Tithe Apportionment and Map*
Finance Act 1910 Maps, field books and valuation books*
Ordnance Survey Maps and records*
Railway/Canal Survey Maps and Schedules*
Estate Maps and Records*
Quarter Session Rolls*
Sale Catalogues*
Highway Board Minute Books*
Others [please state].

Signed: Date:

(i) Insert name of applicant(s) (ii) Insert address of applicant(s) * Delete as appropriate

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