

**Guidance Notes and Forms required for an
application for a Modification Order in
respect of the Definitive Map and
Statement of Public Rights of Way**

Wildlife and Countryside Act 1981

The Wildlife and Countryside (Definitive Maps and Statements)
Regulations 1993

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Deletion of a public right of way

How to Apply

1. Complete the attached application form (coloured pink), details which are required include:
 - a. Your name and address
 - b. (In paragraph one) the details of the right of way you wish to delete.
 - c. A list of accompanying documents provided with the application (see point 2 below)
 - d. Sign and date the form

2. To accompany your application please send:
 - a. A Map showing the way to which the application relates, in a scale not less than 1:25,000 (2 ½ Inch to 1 mile) showing the route to be deleted.
NOTE: A larger scale map would, in most instances, greatly assist the consideration of the claim.
 - b. Copies of documentary evidence you wish to adduce in support of your application. For example; photographs of the route, old maps and sworn statements that the right of way has never been used.

3. Return the completed application form, map and the documentary evidence in support to Lancashire County Council at the address shown on the form.

NOTE: Please be advised that evidence supplied will be used in accordance with the processes under the Wildlife and Countryside Act 1981, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.

NOTE: Lancashire County Council is obliged to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicant's name and address would, or would be likely to, cause substantial damage distress to the applicant or to another person and such damage would be unwarranted, please contact Lancashire County Council who may remove these details from the register and from any documents contained on the register

4. **Your are required to notify all owners and occupiers of any land to which the application relates and a failure to do so will invalidate your application.**
The steps outlined below describe how to notify all owners and occupiers.

5. Complete the notice of application for a modification Order (Coloured Green), details which are required include:
 - a. The Owner and/or Occupiers name and address
 - b. Date of your application
 - c. Your name and address
 - d. (In paragraph one) the details of the right of way you wish to delete.
 - e. Sign and date the form*NOTE: An individual notice will need to be completed for each owner or occupier.*

6. Once you have completed your notices of application, these must be 'served' on the owners and occupiers by one of the following methods, failure to do so will invalidate your application:
 - a. By personal delivery to the owner or occupier or, in a case where another person has been specified for service, to that person; or
 - b. By leaving the notice at the usual or last known address of that person or, in a case where an address for service has been given by that person, at that address; or
 - c. By sending it in a prepaid registered letter, or by recorded delivery, addressed to the owner or occupier to their usual or last known address of that person or, in a case where an address for service has been given by that person, at that address; or
 - d. In a case where an address for service using electronic communication has been given by the owner or occupier, by sending it using electronic communication to that person at that address. The notice shall be:
 - i. Capable of being accessed by the owner or occupier;
 - ii. Legible in all material respects; and
 - iii. In a form sufficiently permanent to be used for subsequent reference.
 - e. Where the owner or occupier is an incorporated company or body, by personally delivering it to the secretary or clerk of the company or body at their registered or principal office, or by sending it by prepaid registered letter, or by recorded delivery addressed to the secretary or clerk of the company or body at that office.
7. If you are unable to find the owner or occupier of all or part of the land, after making all reasonable efforts you should write to Lancashire County Council giving full details of the steps you have taken.
8. Complete sign and date the certificate of Service of notice (coloured yellow). Useful further details include:
 - a. Brief details of the modification.
 - b. List of Landowners notified (including their name and address)
 - c. Details of the method of service (see paragraph 6 above) for each land owner
9. Please return the completed certificate of service of notice to Lancashire County Council at the address shown on the form.

Add a new public right of way

How to Apply

In the first instance you will need to decide whether your claim is that a footpath, bridleway, restricted byway or a byway open to all traffic already exists on the claimed route.

- i. A footpath is a highway for use on foot only.
- ii. A bridleway is a highway for use on foot, on horseback or leading a horse, with or without the right to drive animals.
- iii. A restricted byway is for use by pedestrians, equestrians, cyclists and for vehicles other than mechanically propelled vehicles, with or without the right to drive animals.
- iv. A byway open to all traffic is a vehicular highway able to be used by all classes of vehicles, including mechanically propelled vehicles. Due to the character it is still able to be recorded on the definitive map and statement.

1. Complete the attached application form (coloured pink), details which are required include:
 - a. Your name and address
 - b. (In paragraph two) the details of the right of way you wish to add.
 - c. A list of accompanying documents provided with the application (see point 2 below)
 - d. Sign and date the form
2. To accompany your application please send:
 - a. A Map showing the way to which the application relates, in a scale not less than 1:25,000 (2 ½ Inch to 1 mile) showing the route to be deleted.
NOTE: A larger scale map would, in most instances, greatly assist the consideration of the claim.
 - b. Copies of documentary evidence you wish to adduce in support of your application. For example; photographs of the route, old maps and sworn statements that the right of way has been used.
3. Return the completed application form, map and the documentary evidence in support to Lancashire County Council at the address shown on the form.

NOTE: Please be advised that evidence supplied will be used in accordance with the processes under the Wildlife and Countryside Act, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.

NOTE: Lancashire County Council is obliged to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicant's name and address would, or would be likely to, cause substantial damage distress to the applicant or to another person and such damage would be unwarranted, please contact Lancashire County Council who can remove these details from the register and from any documents contained on the register

4. **You are required to notify all owners and occupiers of any land to which the application relates and a failure to do so will invalidate your application.**
The steps outlined below describe how to notify all owners and occupiers.
5. Complete the notice of application for a modification order (Coloured Green), details which are required include:
 - a. The Owner and/or Occupiers name and address
 - b. Date of your application
 - c. Your name and address
 - d. (In paragraph two) the details of the right of way you wish to add.
 - e. Sign and date the form

NOTE: An individual notice will need to be completed for each owner or occupier.
6. Once you have completed your notices of application, these must be 'served' on the owners and occupiers by one of the following methods, failure to do so will invalidate your application:
 - a. By personal delivery to the owner or occupier or, in a case where another person has been specified for service, to that person; or
 - b. By leaving the notice at the usual or last known address of that person or, in a case where an address for service has been given by that person, at that address; or
 - c. By sending it in a prepaid registered letter, or by recorded delivery, addressed to the owner or occupier to their usual or last known address of that person or, in a case where an address for service has been given by that person, at that address; or
 - d. In a case where an address for service using electronic communication has been given by the owner or occupier, by sending it using electronic communication to that person at that address. The notice shall be:
 - i. Capable of being accessed by the owner or occupier;
 - ii. Legible in all material respects; and
 - iii. In a form sufficiently permanent to be used for subsequent reference.
 - e. Where the owner or occupier is an incorporated company or body, by personally delivering it to the secretary or clerk of the company body at their registered or principal office, or by sending it by prepaid registered letter, or by recorded delivery addressed to the secretary or clerk of the company or body at that office.
7. If you are unable to find the owner or occupier of all or part of the land, after making all reasonable efforts you should write to Lancashire County Council giving full details of the steps you have taken.
8. Complete sign and date the certificate of Service of notice (coloured yellow). Useful further details include:
 - a. Brief details of the modification.
 - b. List of Landowners notified (including their name and address)
 - c. Details of the method of service (see paragraph 6 above) for each land owner
9. Please return the completed certificate of service of notice to Lancashire County Council at the address shown on the form.

Upgrade or Downgrade a public right of way

How to Apply

In the first instance you will need to decide whether your claim is that the correct status of the route is a footpath, bridleway, restricted byway or a byway open to all traffic.

- i. A footpath is a highway for use on foot only.
- ii. A bridleway is a highway for use by pedestrians, equestrians and cyclists.
- iii. A restricted byway is for use by pedestrians, equestrians, cyclists and for vehicles other than mechanically propelled vehicles, with or without the right to drive animals.
- iv. A byway open to all traffic is a vehicular highway able to be used by all classes of vehicles, including mechanically propelled vehicles. Due to the character it is still able to be recorded on the definitive map and statement.

1. Complete the attached application form (coloured pink), details which are required include:
 - a. Your name and address
 - b. (In paragraph three) the details of the right of way you wish to upgrade/downgrade.
 - c. A list of accompanying documents provided with the application (see point 2 below)
 - d. Sign and date the form
2. To accompany your application please send:
 - a. A Map showing the way to which the application relates, in a scale not less than 1:25,000 (2 ½ Inch to 1 mile) showing the route to be deleted.
NOTE: A larger scale map would, in most instances, greatly assist the consideration of the claim.
 - b. Copies of documentary evidence you wish to adduce in support of your application. For example; photographs of the route, old maps and sworn statements that the right of way has never been used.
3. Return the completed application form, map and the documentary evidence in support to Lancashire County Council at the address shown on the form.

NOTE: Please be advised that evidence supplied will be used in accordance with the processes under the Wildlife and Countryside Act, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.

NOTE: Lancashire County Council is obliged to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicant's name and address would, or would be likely to, cause substantial damage distress to the applicant or to another person and such damage would be unwarranted, please contact Lancashire County Council who can remove these details from the register and from any documents contained on the register

4. **You are required to notify all owners and occupiers of any land to which the application relates and a failure to do so will invalidate your application.**
The steps outlined below describe how to notify all owners and occupiers.

5. Complete the notice of application for a modification order (Coloured Green), details which are required include:
 - a. The Owner and/or Occupiers name and address
 - b. Date of your application
 - c. Your name and address
 - d. (In paragraph three) the details of the right of way you wish to upgrade/downgrade.
 - e. Sign and date the form

NOTE: An individual notice will need to be completed for each owner or occupier.

6. Once you have completed your notices of application, these must be 'served' on the owners and occupiers by one of the following methods, failure to do so will invalidate your application:
 - a. By personal delivery to the owner or occupier or, in a case where another person has been specified for service, to that person; or
 - b. By leaving the notice at the usual or last known address of that person or, in a case where an address for service has been given by that person, at that address; or
 - c. By sending it in a prepaid registered letter, or by recorded delivery, addressed to the owner or occupier to their usual or last known address of that person or, in a case where an address for service has been given by that person, at that address; or
 - d. In a case where an address for service using electronic communication has been given by the owner or occupier, by sending it using electronic communication to that person at that address. The notice shall be:
 - i. Capable of being accessed by the owner or occupier;
 - ii. Legible in all material respects; and
 - iii. In a form sufficiently permanent to be used for subsequent reference.
 - e. Where the owner or occupier is an incorporated company or body, by personally delivering it to the secretary or clerk of the company body at their registered or principal office, or by sending it by prepaid registered letter, or by recorded delivery addressed to the secretary or clerk of the company or body at that office.
7. If you are unable to find the owner or occupier of all or part of the land, after making all reasonable efforts you should write to Lancashire County Council giving full details of the steps you have taken.
8. Complete sign and date the certificate of Service of notice (coloured yellow). Useful further details include:
 - a. Brief details of the modification.
 - b. List of Landowners notified (including their name and address)
 - c. Details of the method of service (see paragraph 6 above) for each land owner
9. Please return the completed 'Certificate of Service of Notice' to Lancashire County Council at the address shown on the form.

Modification of particulars contained in the Definitive map and Statement

How to Apply

You will need to decide what modification you seek, for example the particulars as to position or width you wish to add to the existing definitive statement.

1. Complete the attached application form (coloured pink), details which are required include:
 - a. Your name and address
 - b. (In paragraph four) the particulars as to position or width of the right of way you wish to add to the definitive map and statement.
 - c. A list of accompanying documents provided with the application (see point 2 below)
 - d. Sign and date the form
2. To accompany your application please send:
 - a. A Map showing the way to which the application relates, in a scale not less than 1:25,000 (2 ½ Inch to 1 mile) showing the route to be deleted.
NOTE: A larger scale map would, in most instances, greatly assist the consideration of the claim.
 - b. Copies of documentary evidence you wish to adduce in support of your application. For example; photographs of the route, old maps and sworn statements that the right of way has never been used.
3. Return the completed application form, map and the documentary evidence in support to Lancashire County Council at the address shown on the form.

NOTE: Please be advised that evidence supplied will be used in accordance with the processes under the Wildlife and Countryside Act, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.

NOTE: Lancashire County Council is obliged to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicant's name and address would, or would be likely to, cause substantial damage distress to the applicant or to another person and such damage would be or would be unwarranted, please contact Lancashire County Council who can remove these details from the register and from any documents contained on the register.

4. **Your are required to notify all owners and occupiers of any land to which the application relates and a failure to do so will invalidate your application.**
The steps outlined below describe how to notify all owners and occupiers.
5. Complete the notice of application for a modification order (Coloured Green), details which are required include:
 - a. The Owner and/or Occupiers name and address
 - b. Date of your application
 - c. Your name and address

- d. (In paragraph four) the details of the right of way you wish to vary the particulars of.
- e. Sign and date the form

NOTE: An individual notice will need to be completed for each owner or occupier.

6. Once you have completed your notices of application, these must be 'served' on the owners and occupiers by one of the following methods, failure to do so will invalidate your application:
 - a. By personal delivery to the owner or occupier or, in a case where another person has been specified for service, to that person; or
 - b. By leaving the notice at the usual or last known address of that person or, in a case where an address for service has been given by that person, at that address; or
 - c. By sending it in a prepaid registered letter, or by recorded delivery, addressed to the owner or occupier to their usual or last known address of that person or, in a case where an address for service has been given by that person, at that address; or
 - d. In a case where an address for service using electronic communication has been given by the owner or occupier, by sending it using electronic communication to that person at that address. The notice shall be:
 - i. Capable of being accessed by the owner or occupier;
 - ii. Legible in all material respects; and
 - iii. In a form sufficiently permanent to be used for subsequent reference.
 - e. Where the owner or occupier is an incorporated company or body, by personally delivering it to the secretary or clerk of the company body at their registered or principal office, or by sending it by prepaid registered letter, or by recorded delivery addressed to the secretary or clerk of the company or body at that office.
7. If you are unable to find the owner or occupier of all or part of the land, after making all reasonable efforts you should write to Lancashire County Council giving full details of the steps you have taken.
8. Complete sign and date the certificate of Service of notice (coloured yellow). Useful further details include:
 - a. Brief details of the modification.
 - b. List of Landowners notified (including their name and address)
 - c. Details of the method of service (see paragraph 6 above) for each land owner
9. Please return the completed 'Certificate of Service of Notice' to Lancashire County Council at the address shown on the form.

Application for a Modification Order

Wildlife and Countryside Act 1981

The Definitive Map and Statement of Public Rights of Way for the County of Lancashire

To: The County Secretary and Solicitor, Lancashire County Council.
Of: PO Box 78, County Hall, Fishergate, Preston, Lancashire, PR1 8XJ

I / We: (Name of applicant)

Of: (address of applicant)

Hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981
modifying the Definitive Map and statements for the area by:

1. Deleting the [footpath] [bridleway] [restricted byway] [byway open to all traffic]

FROM:

TO:

2. Adding the [footpath] [bridleway] [restricted byway] [byway open to all traffic]

FROM:

TO:

3. [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:

4. [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 THE APPLICATION

I / We attach copies of the following documentary evidence (including statements of witnesses) in support of this application:

LIST OF DOCUMENTS PROVIDED:

DATED:

SIGNED:

THE FOLLOWING DOES NOT MAKE UP PART OF THE ABOVE FORM

Please return the completed application form to:
The County Secretary and Solicitors Group, Lancashire County Council, PO BOX 78
County Hall, Fishergate, Preston, PR1 8XJ (REF: LSG4/PROW/JM)

NOTE: Please be advised that evidence supplied will be used in accordance with the processes under the Wildlife and Countryside Act, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.

NOTE: Lancashire County Council is obliged to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicants name and address would, or would be likely to, cause substantial damage distress to the applicant or to another person and such damage would is or would be unwarranted, please contact Lancashire County Council who can remove these details from the register and from any documents contained on the register.

Notice of Application for a Modification Order

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

The Definitive Map and Statement of Public Rights of Way for the County of Lancashire

To:

Of:

I / We: (Name of applicant)

Of: (address of applicant)

Hereby give notice that on

I / We made application to Lancashire County Council that the definitive map and statement for the area be modified by:

1. Deleting the [footpath] [bridleway] [restricted byway] [byway open to all traffic]
FROM:

TO:

2. Adding the [footpath] [bridleway] [restricted byway] [byway open to all traffic]
FROM:

TO:

3. [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:

4. [Varying] [adding to] the particulars relating to the [footpath] [bridleway] [restricted
byway] [byway open to all traffic]

FROM:

TO:

BY PROVIDING THAT:

DATED:

SIGNED:

THE FOLLOWING DOES NOT MAKE UP PART OF THE ABOVE FORM

Notes for Information

This notice has been served on you by the person(s) named overleaf, not by Lancashire County Council. The Notice is required to be served on you in accordance with the procedure described on the Wildlife and Countryside Act 1981.

It is intended to show that an Application has been made to Lancashire County Council, by the person named overleaf, for a modification Order to be made to amend the Definitive Map of Public Rights of way, on Land in which you have an interest.

When the County Council is satisfied that the application has been made in the prescribed manner, you will then be contacted by Lancashire County Council. Until that time, there is no need for you to take any action in relation to this notice.

NOTE: Please be advised that evidence and information supplied will be used in accordance with the processes under the Wildlife and Countryside Act, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.

Certificate of Service of Notice of an Application for a Modification Order

Wildlife and Countryside Act 1981

The Definitive Map and Statement of Public Rights of Way for the County of Lancashire

To: The County Secretary and Solicitor, Lancashire County Council
(REF: LSG4/PROW/JM)

Of: PO Box 78, County Hall, Fishergate, Preston, Lancashire, PR1 8XJ

I / We: (Name of applicant)

Of: (address of applicant)

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

DATED:

SIGNED:

Additional information

NOTE: You are required to notify all owners and occupiers of any land to which the
application relates and a failure to do so will invalidate your application.

Details of Modification

List of Landowners Notified

Method of Service of Notice