



WIGAN COUNCIL

PLACES DIRECTORATE

WILDLIFE AND COUNTRYSIDE ACT 1981

APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER

WIGAN COUNCIL
PLACES DIRECTORATE

WILDLIFE AND COUNTRYSIDE ACT 1981

THE WILDLIFE AND COUNTRYSIDE ACT (DEFINITIVE MAPS AND STATEMENTS) REGULATIONS, 1993

NOTES AND APPLICATION FORMS FOR A MODIFICATION ORDER IN RESPECT OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

THE WILDLIFE AND COUNTRYSIDE ACT, 1981

THE WILDLIFE AND COUNTRYSIDE (DEFINITIVE MAPS AND STATEMENTS) REGULATIONS, 1993

EXPLANATORY NOTES FOR APPLICANTS

1. **DELETION** of a public right of way.
Read form W.C.A. 1 and complete forms W.C.A. 5, 6, and 7 as appropriate.
2. **CLAIMED** new public right of way.
Read form W.C.A. 2 and complete forms W.C.A. 5, 6, and 7 as appropriate.
3. **UP/DOWNGRADING** of a public right of way.
Read form W.C.A. 3 and complete forms W.C.A. 5, 6, and 7 as appropriate.
4. **VARIATION TO THE STATEMENT** for a public right of way.
Read form W.C.A. 4 and complete forms W.C.A. 5, 6, and 7 as appropriate.

It is recommended that maps to accompany applications for Definitive Map Modification Orders are based on Ordnance Survey Maps (at a scale of not less than 1:25000), copies of which are available from all normal retail outlets and Ordnance Survey agents. The Council may be able to supply copies of maps for use with applications for Definitive Map Modification Orders; however you may be able to print areas using the Map page on the Councils website:

<http://www.wigan.gov.uk/Maps/Public-Rights-of-Way-Map.aspx>

IMPORTANT - SERVICE OF NOTICES

Notices of Applications must be served on a named landowner/occupier by one of the following methods; failure to do so will invalidate the application:-

1. By personal delivery to the person on whom it is to be served or to whom it is to be given; or
2. By leaving it at the usual or last known place of abode of that person or, in the case where an address for service has been given by that person, at that address; or
3. By sending it in a pre paid registered letter, or by recorded delivery service, addressed to that person at his usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address; or
4. In the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office.

In the event of the name of the landowner/occupier not being known, after making all reasonable efforts to find this information, you should write to the Council giving full details of the steps you have taken. The Council can then direct you to address the Notice in some conspicuous place(s) or to some conspicuous object(s) on the land.

It is a requirement of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 that all landowners/occupiers be served with Notices as detailed above. You are required to certify to that effect by completing and returning form W.C.A. 7.

The Public Rights of Way Officer will be happy to give guidance in the making of the application should it be required.

WIGAN COUNCIL
PLACES DIRECTORATE

GUIDANCE NOTES ON THE COMPLETION OF PUBLIC RIGHTS OF WAY
EVIDENCE OF USE FORMS (Form W.C.A. 8)

WILDLIFE AND COUNTRYSIDE ACT 1981

1. The witness should complete the form as fully as possible.
2. Each witness should complete a separate form in respect of each way about which he/she can give evidence.
3. If you provide a plan the witness should draw on the route of the way and initial each end of the route he/she has drawn.
4. The route of the way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones etc.
5. Witnesses should indicate whether they are willing to give evidence at a hearing or at a public inquiry. (The evidential value of a statement can be considerably reduced if its contents cannot be tested by cross-examination.)
6. If a witness is unable to give evidence at a hearing because of illness or infirmity for-instance, the person obtaining the statement should endorse it accordingly and be ready to give evidence of the circumstances. Additionally a witness can be asked to agree to make a statutory declaration in which case he/she should make a mark on the statement, usually his/her initials, then complete form W.C.A. 9 and make the appropriate declaration before a commissioner for oaths or a solicitor, for which a fee is payable.
7. The evidence given on the form may become available for public inspection.

FORM W.C.A. 1

WILDLIFE AND COUNTRYSIDE ACT 1981

THE WILDLIFE AND COUNTRYSIDE (DEFINITIVE MAPS AND STATEMENTS) REGULATIONS 1993

How to apply for a Modification Order to DELETE a public right of way.

1. If possible, please quote the Right of Way number from the Definitive Map, and provide a detailed description of the route and an OS reference. If you require assistance in identifying the path please contact the Councils Public Rights of Way Officer, to arrange an appointment to examine the Definitive Map and Statement.

COMPLETE SECTION 1 ON FORM W.C.A. 5

Documentary evidence required:-

- i) map, not less than 1:25000 (2½" to 1 mile). A larger scale map would, however, greatly assist the consideration of this claim.
- ii) any evidence considered relevant including:
 - a) completed user evidence forms/witness statements
 - b) photographs
 - c) old maps

RETURN THE COMPLETED FORM W.C.A. 5 AND RELEVANT EVIDENCE TO THE COUNCIL AT THE ADDRESS SHOWN BELOW (see also Note 3 below).

2. Notify the landowner or occupier concerned (complete paragraph 1 on Form W. C. A. 6). This Form must be served on each landowner/occupier affected by your application. (It is essential that the procedures described in the "Note for Service of Notices" in the Explanatory Notes is followed, otherwise the application will be invalidated).
- 2.1 If you cannot find the landowner/occupier, after making all reasonable efforts, you should write to the COUNCIL giving full details of the steps you have taken. The COUNCIL can direct you to address the Notice to the "owner" or "occupier" of the land (describing it) and then to affix the Notice in some conspicuous place(s) or to some conspicuous object(s) on the land.
3. COMPLETE FORM W.C.A. 7, LISTING THE LANDOWNER(S) NOTIFIED AND RETURN IT TO THE COUNCIL. If a direction under 2. 1. above has been given, the list on Form W.C.A. 7 should be completed by giving details of the Notices actually served and displayed on the land.

All forms to be returned to;

Public Rights of Way Officer
Wigan Council
Places Directorate
PO Box 100
Wigan
WN1 3DS

FORM W.C.A. 2

WILDLIFE AND COUNTRYSIDE ACT 1981

THE WILDLIFE AND COUNTRYSIDE (DEFINITIVE MAPS AND STATEMENTS) REGULATIONS, 1993

How to apply for a Modification Order to CLAIM a new public right of way.

1. Decide whether your claim is for a footpath, bridleway or a byway open to all traffic:
 - a) A footpath is for use by pedestrians only; it may have gates/stiles on it.
 - b) A bridleway is for use by pedestrians, equestrians and cyclists. It should not have stiles unless there are also gates that open.
 - c) A byway open to all traffic is for use mainly by equestrians, cyclists and pedestrians but may be used by vehicles including motorcycles. (Please note that the Council is not obliged to provide a tarmac or bitmac surface).

COMPLETE SECTION 2 ON FORM W.C.A. 5

Documentary evidence required:-

- i) map, not less than 1:25000 (21/2" to 1 mile). A larger scale map would, however, greatly assist the consideration of this claim.
- ii) any evidence considered relevant which may include:
 - a) completed user evidence forms/witness statements
 - b) photographs
 - c) old maps

RETURN THE COMPLETED FORM W.C.A. 5 AND RELEVANT EVIDENCE TO THE COUNCIL AT THE ADDRESS GIVEN BELOW (see also Note 3 below).

2. Notify the landowner or occupier concerned (complete paragraph 2 on FORM W. C.A. 6). This form must be sent to each landowner/occupier affected by your application. (It is essential that the procedure described in the "Note for Service of Notices" in the Explanatory Notes is followed otherwise the Application will be invalidated).
 - 2.1. If you cannot find the landowner/occupier, after making all reasonable efforts you should write to the Council giving full details of the steps you have taken. The Council can direct you to address the Notice to the "owner" or "occupier" of the land (describing it) and then to affix the notice in some conspicuous place(s) or to some conspicuous object(s) on the land.
3. COMPLETE FORM W.C.A. 7, LISTING THE LANDOWNER(S) NOTIFIED AND RETURN TO THE COUNCIL. If a direction under 2.1 above is given, the list on Form W.C.A. 7 should be completed by giving details of the Notices actually served and displayed on the land.

Form to be returned to:
Public Rights of Way Officer
Wigan Council
Places Directorate
PO Box 100
Wigan
WN1 3DS

FORM W.C.A.3

WILDLIFE AND COUNTRYSIDE ACT, 1981

THE WILDLIFE AND COUNTRYSIDE (DEFINITIVE MAPS AND STATEMENTS) REGULATIONS, 1993

How to apply for a Modification Order to UPGRADE/DOWNGRADE a public right of way.

1. Decide whether your application is for a footpath, bridleway, or byway open to all traffic;
 - a) A footpath is for use by pedestrians only; it may have stiles/gates on it.
 - b) A bridleway is for use by pedestrians, equestrians and cyclists. It should not have stiles, unless there are also opening gates.
 - c) A byway open to all traffic is for use mainly by equestrians and pedestrians but may be used by vehicles including motorcycles. (please note that the Council do not have to provide a tarmac or bitmac surface).

COMPLETE SECTION 3 ON FORM W.C.A. 5

Documentary evidence required:-

- i) map, not less than 1:25 000 (2 1/2" to 1 mile). A larger scale map would, however, greatly assist the consideration of this claim.
- ii) any evidence considered relevant to this claim which may include:
 - a) completed user evidence forms/witness statements
 - b) photographs
 - c) old maps

RETURN THE COMPLETED FORM W.C.A. 5 AND RELEVANT EVIDENCE TO THE COUNCIL AT THE ADDRESS SHOWN BELOW (see also Note 3 below).

2. Notify the landowner or occupier concerned (complete paragraph 3 on Form W. C. A. 6). This Form must be sent to each landowner/occupier affected by your application. (It is essential that the procedure described in the 'Note for Service of Notices' in the Explanatory Notes is followed, otherwise the Application will be invalidated).
- 2.1 If you cannot find the landowner/ occupier, after making all reasonable efforts you should write to the COUNCIL giving full details of the steps you have taken. The COUNCIL can direct you to address the Notice to the 'owner' or 'occupier' of the land (describing it) and then to affix the Notice in some conspicuous place(s) or to some conspicuous object(s) on the land.
3. COMPLETE FORM W. C.A. 7, LISTING THE LANDOWNER(S), NOTIFIED AND RETURN IT TO THE COUNCIL. If a direction under 2.1 above has been given, the list on Form W.C.A. 7 should be completed by giving details of the Notices actually served and displayed on the land.

Form to be returned to:
Public Rights of Way Officer
Wigan Council
Places Directorate
PO Box 100
Wigan
WN1 3DS

FORM W.C.A. 4

WILDLIFE AND COUNTRYSIDE ACT 1981

THE WILDLIFE AND COUNTRYSIDE (DEFINITIVE MAPS AND STATEMENTS) REGULATIONS, 1993

How to apply for a Modification Order to VARY THE STATEMENT for a public right of way.

1. Quote the Right of Way number from the Definitive Map, and provide an OS reference. If you are unsure about the number and location please contact the Councils Public Rights of Way Officer, to arrange an appointment to view the Definitive Map and Statement or you can view the Map page on the Councils website: <http://www.wigan.gov.uk/Maps/Public-Rights-of-Way-Map.aspx>

Please give details of the current statement with the Definitive Map and also show details of the proposed amended Statement the subject of the application.

COMPLETE SECTION 4 ON THE FORM W.C.A. 5

Documentary evidence required:-

- i) map, not less than 1:25000 (21/2" to 1 mile). A larger scale map, would, however, greatly assist the consideration of this claim.
- ii) any evidence considered relevant in accordance with this claim which may include:
 - a) completed user evidence forms/witness statements
 - b) photographs
 - c) old maps

RETURN THE COMPLETED FORM W.C.A. 5 AND RELEVANT EVIDENCE TO THE COUNCIL AT THE ADDRESS SHOWN BELOW.

2. Notify the landowner or occupier concerned (complete paragraph 4 on FORM W.C.A. 6). This form must be sent to each landowner/occupier affected by your application. (It is essential that the procedure described in the 'Note for Service of Notices' in the Explanatory Notes is followed, otherwise the Application will be invalidated).
- 2.1 If you cannot find the landowner/occupier, after making all reasonable efforts, you should write to the COUNCIL giving full details of the steps you have taken. The COUNCIL can direct you to address the Notice to the 'owner' or 'occupier' of the land (describing it) and then to affix the Notice in some conspicuous place(s) or to some conspicuous object(s) on the land.
3. **COMPLETE FORM W.C.A. 7, LISTING THE LANDLORD(S) NOTIFIED AND RETURN IT TO THE COUNCIL.** If a direction under 2.1 above has been given, the list on Form W.C.A. 7 should be completed by giving details of the Notices actually served and displayed on the land.

Return Form to:
Public Rights of Way Officer
Wigan Council
Places Directorate
PO Box 100
Wigan
WN1 3DS

FORM W.C.A. 5

FORM OF APPLICATION FOR A MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT, 1981

THE WILDLIFE AND COUNTRYSIDE (DEFINITIVE MAPS AND STATEMENTS) REGULATIONS, 1993 (SCHEDULE 7)

DEFINITIVE MAP AND STATEMENT FOR THE DISTRICT OF.....
PUBLIC RIGHT OF WAY NO

TO:- Wigan Council

OF: - Places Directorate
PO Box 100
Wigan
WN1 3DS

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 Statement for the area by

1. Deleting the *(footpath) (bridleway) (byway open to all traffic)

from

to
2. Adding the *(footpath) (bridleway) (byway open to all traffic)

from

to
3. *(upgrading) (downgrading) to a *(footpath) (bridleway) (byway open to all traffic)

from

to

Form W.C.A. 5 cont.

4. *(varying) (adding to) the- particulars relating to the *(footpath)
(bridleway) (byway open to all traffic)

from

to

by providing that

and shown on the map annexed hereto.

* Please delete as appropriate.

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

List of Documents:

Dated..... 20..... Signed.....

FORM W.C.A. 6

FORM OF NOTICE OF APPLICATION FOR A MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT

THE WILDLIFE AND COUNTRYSIDE (DEFINITIVE MAPS AND STATEMENTS) REGULATIONS, 1993 (SCHEDULE 8)

DEFINITIVE MAP AND STATEMENT FOR THE DISTRICT OF.....
PUBLIC RIGHT OF WAY NO

TO:

FROM:

NOTICE IS HEREBY GIVEN THAT ON THEDAY OF20....

I/WE

OF

made application to WIGAN METROPOLITAN BOROUGH COUNCIL, that the Definitive Map and Statement for the above mentioned District be modified by

1. Deleting the *(footpath) (bridleway) (byway open to all traffic)
from
to
2. Adding the *(footpath) (bridleway) (byway open to all traffic)
from
to
3. *(upgrading) (downgrading) to a *(footpath) (bridleway) (byway open to all traffic) the *(footpath) (bridleway) (byway open to all traffic)
from
to

FORM W.C.A. 6 cont.

4. *(varying) (adding to) the particulars relating to the *(footpath)
(bridleway) (byway open to all traffic)

from

to

providing that

Dated.....20..... Signed.....

* Please delete as appropriate

NOTES FOR INFORMATION

This notice has been served on you by the person(s) named above, and not by WIGAN COUNCIL. The Notice is required to be served on you in accordance with the procedure prescribed in the Wildlife and Countryside Act, 1981. It is intended to show that an application has been made to the Council, by the person named overleaf, for a Modification Order to be made to amend the Definitive Map and Statement of Public Rights of Way, on land in which you have an interest.

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

FORM W.C.A.7

**FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION
FOR A MODIFICATION ORDER**

WILDLIFE AND COUNTRYSIDE) ACT, 1981

**THE WILDLIFE AND COUNTRYSIDE (DEFINITIVE MAPS AND
STATEMENTS) REGULATIONS, 1993 (SCHEDULE 9)**

DEFINITIVE MAP AND STATEMENT FOR THE DISTRICT OF

TO: Wigan Council

OF: Places Directorate
PO Box 100
Wigan
WN1 3DS

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.

Details of Modification

List of Landowners Notified

Method of Service of Notice

Dated.....20 Signed

Form W.C.A. 8

WIGAN COUNCIL
PLACES DIRECTORATE
PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM
WILDLIFE AND COUNTRYSIDE ACT 1981

Important note: Please read carefully before completing the Evidence of Use form.

In order to establish the true status of the path in question it is vital that the questions are answered as fully as possible. All information should be disclosed regardless of whether it is for or against any claim that the path is a public right of way. Please read in conjunction with "Guidance notes on the completion of Public Rights of Way Evidence of Use Forms" and "Dedication of Public Rights of Way guidance sheet".

Surname.....Mr/Mrs/Miss/Ms (delete)
Christian Names.....
Date of birth.....(if under 18)
Address
.....
.....
Occupation.....

1. Description of the way

- (a) District or Parish
- (b) No. and status on Definitive Map and Statement (if shown).....
- (c) From.....
.....
.....
Grid reference.....
- (d) Via (if applicable).....
.....
.....
Grid reference.....
- (d) To.....
.....
.....
Grid reference.....
- (f) Width.....

PLEASE SUBMIT A PLAN OF THE AREA SHOWING THE ALIGNMENT OF THE WAY USED.

Form W.C.A. 8 cont.

Please answer the following questions, if necessary continue your answers on a separate sheet of paper.

2. Believed status of path (footpath, bridleway, restricted byway or byway open to all traffic.)....

.....

3. (a) Have you regarded this way as a public right of way?.....
(b) If so, for how long?.....
(c) How frequently have you used the way? (E.g. once a day, once a week).....

.....

4. Have you used the way?.....
(a) During which years?.....
(b) Where were you going?.....
(c) For what purpose?.....
(d) How many times per year?.....
(e) By what means?(e.g. on foot, bicycle or horseback).....
(f) Have you used the whole of the way or part?.....
(g) If part describe exactly the route used.....

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

5. Has the way always run over the same route?.....

6. If not give details of any changes.....

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

Form W.C.A. 8 cont.

7. Have you ever known any stiles, gates, or signposts on the course of the way?

(Please give as much information as possible)

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

8. Have you ever known any obstructions to the way? (Were any gates mentioned above locked for-instance?).....

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

9. Have you ever seen a notice on or near the way? (e.g. "Private", "No Road", "Keep Out" etc)

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

10. If you were working for any owner or occupier of land crossed by the way at the time you were using it, or were then a tenant of any such owner, give details and dates. If not write "No".....

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

Form W.C.A. 8 cont.

11. If you answered yes to the above, did you ever receive any instructions from him as to the use of the way by the public? If so what were they?.....

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

12. Have you ever been told by any owner or tenant of any land crossed by the way, or by anyone in their employment, that the way was not public? If so state when and give details

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

13. Have you ever asked for or received permission to use the way?.....

14. If yes, by whom and under what circumstances?.....

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

15. Have you ever been stopped, challenged or turned back when using this way, or do you know or have you heard of anyone else having been stopped or turned back? If so state when and give details.....

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

Form W.C.A. 8 cont.

(Delete as appropriate)

Plan/sketch enclosed. Yes/No

Other enclosures (describe) Yes/No

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

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

I am/am not willing to attend a hearing or public inquiry, to give evidence on this matter, should it prove necessary.

Date.....

Signature.....

Signature of person taking statements (if applicable).

.....

Please return completed form to:-

Public Rights of Way Officer
Wigan Council
Places Directorate
PO Box 100
Wigan
WN1 3DS

Note: If sufficient evidence is not received to warrant the Authority making a Definitive Map Modification Order, then this form will be retained on file for future record purposes.

Form W.C.A. 9

WIGAN COUNCIL

PLACES DIRECTORATE

STATUTORY DECLARATION ACCOMPANYING

THE PUBLIC RIGHTS OF WAY EVIDENCE FORM

WILDLIFE AND COUNTRYSIDE ACT 1981

To be completed by witnesses who are unwilling or unable to attend public inquiry where their evidence can be tested by cross-examination.

I do solemnly and sincerely declare that the contents of my statement attached hereto and markedare to the best of my knowledge, recollection and belief true and correct in every respect.

AND I MAKE this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1835.

DECLARED before me this day of 20.....

A Commissioner for Oaths/Solicitor.