

Introduction:

The Definitive Map, which is accompanied by a Statement, is the legal record of the public's rights to use footpaths, bridleways, restricted byways, and byways open to all traffic.

The Wildlife and Countryside Act 1981 (schedule 14) sets out procedures by which public rights of way may be added or removed from the Definitive Map and Statement, or have their status changed or route altered.

The changes are brought about because there is sufficient evidence that the Definitive Map and Statement is incorrect or incomplete.

Anyone can apply for a Definitive Map Modification Order (DMMO) and there is no charge for doing so.

This is because it represents an attempt to correct the legal record and Wokingham Borough Council has a duty to ensure that the Definitive Map and Statement is an accurate and up to date document.

Once the Council receives a DMMO application and a certificate of service of notice of the application on owners and occupiers, it has a duty to investigate the matters in the application.

The Council can use evidence from an application to make an order, known as a Definitive Map Modification Order (DMMO), to amend the map and statement to ensure that it is a correct record of the public's rights. The changes, which are brought about to the Definitive Map and Statement are made via a Modification Order.

Step 1

Complete and submit the forms.

The first steps to apply to modify the Definitive Map and Statement are for the applicant to complete and submit the required forms, along with the relevant supporting information.

If completing the form by hand, please use **BLOCK CAPITALS** for the section about your personal details.

Please also ensure you provide the required information where indicated.

Failure to do so, could lead to delays in your application, due to needing to recomplete these steps.

The applicant must complete this form and submit it to us, along with their application form.

It should list the names and addresses of all the owners and occupiers upon whom the applicant has served a Notice of Application for a Modification Order.

Your privacy

In some cases, we will be legally required to allow other persons to have access to completed forms and documents relating to a Definitive Map claim.

This means that your personal details could become accessible to the public.

We are committed to protecting your personal data and ensuring that it is processed fairly and lawfully.

Information you provide to us will be processed in accordance with the General Data Protection Regulations, The Data Protection Act 2018 and subsequent legislation.

The basis on which we process your information is in accordance with the legal obligation under the Wildlife and Countryside Act 1981

Step 2

We review the evidence

Wokingham Borough Council will carry out additional historical research.

In some cases, this research may indicate a status that differs from that which is being claimed. For example, a route being claimed as a footpath, may prove to carry bridleway rights. We are obliged in such cases to make a Modification Order which takes these higher rights into account, thus 'upgrading' the applicant's original claim.

We may request to interview selected individuals to clarify the information given in their evidence forms.

Landowners and potential objectors may also be interviewed.

In some cases, this process may cast doubt on the validity of the claim, for example a new piece of evidence may have been found.

Please note, the legislation concerning the establishment of public rights of way is a complex area and the simplest of applications can take up to a year or more to complete.

Step 3

We recommend a decision

A report is prepared by our rights of way officers that is based on the information discovered or supplied.

This is used as a basis for a decision by the Director of Place and Growth whether to proceed with the application.

The applicant, and all landowners/tenants affected by the claimed public right of way, are informed of the decision.

You are entitled to apply to the Secretary of State for the Environment Food and Rural Affairs if your application is not dealt within 12 months of receipt.

Step 4

(Optional) Right to appeal

The applicant has a right of appeal to the Secretary of State if the claim is rejected by the Executive Director.

If the Planning Inspector appointed by the Secretary of State decides that there is sufficient evidence, a Modification Order (DMMO) is made.

The DMMO is the prescribed legal document that allows the Definitive Map and Statement to be changed in some way.

It will refer to:

- (a) the legislation granting the power to make the DMMO (the Wildlife and Countryside Act 1981);
- (b) the reasons for making the DMMO (for example, “the discovery of a right of way which subsists or is reasonably alleged to subsist over the land situated at....”);
- (c) the route of the path, which is the subject of the DMMO, including starting and finishing points, surface conditions and furniture details (stiles, gates etc.), directions, length and width.

There is a period of 28 days to appeal to the Planning Inspectorate from receiving a Notice notification.

The Planning Inspectorate may either agree with our decision or direct us to make an Order.

If we are directed to make an Order and objections/representations are received resulting in a Public Inquiry, we will normally take a neutral stance, and it will rest on you as the applicant to make the case to the Inspector.

Step 5

Making the Modification Order

Simply because a DMMO has been made, this does not mean that the proposals to which it refers have come into effect. The amendment of the Definitive Map only takes place if the DMMO is subsequently confirmed.

Notices stating that a DMMO has been made are posted on site, and an advertisement is placed in the local newspaper.

Six weeks are allowed from the date of the notice for objections to the DMMO to be lodged with us.

If no objections are received, the DMMO can be confirmed.

In some cases, there may be objections to the DMMO, which cannot be resolved even after consultations with the objectors, and the DMMO is then referred to the Secretary of State and there may be a Public Inquiry.