



**Lake District
National Park**

RIGHTS OF WAY

DEFINITIVE MAP MODIFICATION ORDER APPLICATION

INFORMATION AND FORMS

SECTION 53 WILDLIFE & COUNTRYSIDE ACT 1981

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Lake District
National Park

MODIFICATION ORDERS – NOTES AND GUIDANCE

The definitive map

A definitive map is a legal record of the public's rights of way in one of four categories: footpath, bridleway, restricted byway or byway open to all traffic.

- A footpath is a right of way on foot
- A bridleway is a right of way on foot, on horseback and leading a horse (in addition, by virtue of section 30 of the Countryside Act 1968, pedal cyclists may also use bridleways)
- A byway open to all traffic is a right of way on foot, on horseback and in or on vehicles, including motor vehicles, motorbikes, and pedal cycles
- A restricted byway is the same, but with no rights for mechanically propelled vehicles

A definitive statement

A map is accompanied by a definitive statement which describes the location of each right of way and may in some cases define the width.

The 'relevant date'

Both the definitive map and statement have a 'relevant date'. The evidence provided by these records of the existence of public rights of way is evidence that they existed at that date.

The Definitive Map for the County of Cumbria

The definitive map and statement covering the whole county of Cumbria has a relevant date of 1 January 1976. These records revised earlier maps from the relevant parts of the former counties of Cumberland, Westmorland, Lancashire and the West Riding of Yorkshire. These original definitive maps each had relevant dates in the 1950s and were the first central records to be made of public rights of way.

Within the Lake District National Park

By law, Cumbria County Council has a duty to keep the definitive map and statement up to date. However, within the Lake District National Park, the National Park Authority is now responsible for holding the records of definitive rights of way on behalf of the County Council and for making any changes to it.

What if the definitive map is wrong or incomplete?

Any member of the public may make an application to modify the definitive map if they believe it to be incorrect. Such an application would have to be accompanied by the relevant evidence on which the argument is being based. We will then deal with the matter and make an assessment, on the balance of probabilities, as to the correct status of the route(s). Whatever decision we make can be appealed against, and the matter would then ultimately be resolved by the Secretary of State.

The process can be lengthy.

Such evidence would normally consist of a mixture of usage and documentary – although strong cases can be built with only one type of evidence. **Usage** is basically ‘have people used the path as if it were a right of way of a particular status?’ If they have done so for 20 years or more, and there has been no, or little, counter evidence to show that the landowners have made it clear that they did not intend the way to become a footpath – then this is likely to result in a footpath modification order. **Documents** include old maps, such as tithe maps, enclosure awards and estate plans which help.

Unfortunately, although this may seem simple, the legislation concerning the establishment of public rights of way is one of the most complex areas of English Law, with thousands of cases constantly setting precedents. It is an area of law hotly contested right up to the Court of Appeal. So, what might seem, at the outset, a straightforward black and white issue, generally gets greyer fairly quickly.

What modifications can be made to the map?

Public rights may exist over a way not shown on the map at all, or additional rights may exist over a way shown on the definitive map, even though they are not recorded there. Similarly, a right of way may have been included on the map in error or with the wrong status, perhaps incorrectly being recorded as a bridleway when it was only a footpath. The procedures set out in the Wildlife and Countryside Act 1981 allow an authority to make “definitive map modification orders” to amend the map so as to correct any error or omissions **but only where there is new evidence to support the claim.**

The changes that can be made are:

- DELETION of a public right of way
- ADDITION of a public right of way
- UPGRADING of a footpath or bridleway
- DOWNGRADING of a bridleway or byway
- VARIATION OF THE DEFINITIVE STATEMENT or other particulars

Gathering evidence to support your claim -

The evidence needed to prove your case will be one, or both, of the following:

1. Documentary evidence such as old maps, estate documents, property deeds, tithe maps or enclosure awards often show public rights of way although these are not necessarily conclusive. The local record office may be able to offer advice on what documents are available which cover your area. Old photographs and guidebooks can also be useful.

2. Statements from people who have used the route (user evidence) in question are probably the most useful evidence. **FORM E** is available for this purpose although any written statement from an individual could be helpful. It is important to advise people who complete statement forms that they may be asked to give evidence in person at a public inquiry if the claim is challenged, and that their forms will become public documents. 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.

Applying for a modification order -

To apply for a modification of the definitive map you must do four things:

- Identify on a map the route of the right of way in question (see below)
- Complete an application form (**FORM A**) giving details of your claim and attach copies of your supporting evidence (using **FORM G** for guidance).
- Notify all the landowner(s) and occupier(s) affected by your claim that you are applying for a modification order, using **FORM B** (and possibly **FORM F**).
- Complete **FORM C** to certify to us that you have notified the relevant people.

Maps

Clearly mark on a map the route of the path or way which is the subject of your claim. By law, this should not be less than 1:25,000 (2½ inches to 1 mile) but 1:10,000 or 1:2,500 is preferable to avoid any confusion. It is recommended that you use an Ordnance Survey map, available from normal retail outlets and OS agents.

The Definitive Map may be inspected free of charge at the National Park Office. Copies may be supplied subject to the current scale of charges.

Serving Notice on Landowners

You must serve notice of your application on every one of the landowners and occupiers affected through one of the methods suggested on the reverse of **FORM B**. Failure to do so will invalidate the application.

You need to identify all the owners and occupiers of all land to which the application relates (this includes anyone that has land next to it, if it is a bounded lanning, and anyone who may have access along it). You can find much relevant information from the Land Registry, or by simply asking around the locality.

If you cannot trace the landowner or occupier, you should complete **FORM D** giving full details of the steps you have taken in doing so. The Authority may (or may direct you to) affix a notice in some conspicuous place(s) or to some conspicuous object(s) on the land, addressed to the owner or occupier.

Landowners

If the landowner(s) themselves can provide relevant evidence, please ask them to complete **FORM F**. Or send this to them with **FORM B**.

The application form should then be forwarded to the Park Management Team, The Lake District National Park Authority, Murley Moss, Oxenholme Road, Kendal, Cumbria, LA9 7RL.

Before you apply –

We suggest that you phone us on 01539 724555 to discuss your application (or by email on hq@lake-district.gov.uk). It may help you to avoid some pitfalls, and we can check our records to make sure that it hasn't already got some public rights, or already been assessed.

References:

- Wildlife and Countryside Act 1981 Part III Sections 53-58 & Schedules 14 & 15
- Wildlife and Countryside Act 1981 Part III Section 70(a)
www.legislation.gov.uk/ukpga/1981/69/part/III
- The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993 (SI 1993 No.12) www.legislation.gov.uk/uksi/1993/12/contents/made
- A guide to definitive maps and changes to public rights of way, Natural England
www.gov.uk/government/uploads/system/uploads/attachment_data/file/414670/definitive-map-guide.pdf

FORM A



Lake District
National Park

FORM A

APPLICATION FOR A MODIFICATION ORDER
The Cumbria County Council Definitive Map and/or Statement
within the Lake District National Park - Wildlife and Countryside Act
1981

To: *The Lake District National Park Authority, Murley Moss, Oxenholme Road, Kendal, Cumbria, LA9 7RL*

I/We,(insert your name)

Of(insert your address)

.....
hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and/or statement for the area by (choose appropriate section and give grid references if possible):

(a) **Deleting** the *footpath/bridleway/restricted byway/byway open to all traffic**

From:.....

To:.....

(b) **Adding** the *footpath/bridleway restricted byway/byway open to all traffic**

From:.....

To:.....

(c) **Upgrading/Downgrading** the *footpath/bridleway/restricted byway/byway open to all traffic **

From:.....

To:.....

to a *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.....

and shown on the map accompanying this application

I/We **attach copies** of the documentary evidence [including statement of witnesses] in support of this application as listed overleaf

Signed.....[Applicant(s)]

Date.....

** Please delete as appropriate*

FORM A - 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. the Lake District National Park Authority) 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~~ / ~~byway open to all traffic~~ which runs
from: Scratchy Face Lane [SD 2345 6789]
to: Cut Throat Lane [SD 2376 6745]

2.2 Definitions

See guidance at front of application pack

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 A**. **FORM G** will also be of use.

3. DETERMINATION OF APPLICATION

If the Lake District National Park Authority has not determined the application within 12 months of receipt of **FORM A** the applicant may refer the matter to the Secretary of State and he, after consulting the Authority, may direct the latter to determine the application within a specified period. Appeal may also be made to the Secretary of State and the Authority within 28 days if the latter decides not to make an Order.

FORM B



Lake District
National Park

FORM B

**NOTICE TO LANDOWNER OF APPLICATION FOR A
MODIFICATION TO THE DEFINITIVE MAP AND STATEMENT
The Cumbria County Council Definitive Map and/or Statement within
the Lake District National Park - Wildlife and Countryside Act 1981**

To,(insert name of landowner)

Of(insert address of landowner)

Notice is hereby given that on the.....(insert date)

I/We,(insert your name)

Of(insert your address)

have made an application under section 53(2) of the Wildlife and Countryside Act 1981 to modify the definitive map and/or statement for the area by(choose appropriate section and give grid references if possible):

(a) **Deleting** the *footpath/bridleway/restricted byway/byway open to all traffic**

From:.....

To:.....

(b) **Adding** the *footpath/bridleway restricted byway/byway open to all traffic**

From:.....

To:.....

(c) **Upgrading/Downgrading** the *footpath/bridleway/restricted byway/byway open to all traffic **

From:.....

To:.....

to a *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.....

and shown on the map accompanying this notice

Signed.....[Applicant(s)]

Date.....

FORM B - NOTES FOR GUIDANCE

[Please read carefully]

1. TO THE APPLICANT

- 1.1 These notes are for your guidance and help in applying to the Authority for an Order modifying the Definitive Map of Public Rights of Way.
- 1.2 In order to comply with the legal requirement it is necessary for you, the applicant, to send one of these notices to every owner and occupier affected by the proposed modification. You should use one of the following methods. Failure to do so will invalidate the application.
- (a) By personal delivery to the person on whom it is to be served or to whom it is to be given; or
 - (b) By leaving it at the usual or last known place of abode 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 the 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
 - (d) 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, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.
- 1.3 Once you have completed this step, you should complete the certificate (**FORM C**) to confirm to the Authority that you have carried out your legal obligation.
- 1.4 If you cannot trace the landowner or occupier, you should write to the National Park Authority giving full details of the steps you have taken in doing so using **FORM D**.
- 1.5 Once notice has been served on all the interested parties 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. Completion of Notice

- 2.1 The name and address of the individual affected by the proposal should be entered. 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**.
- 2.2 The date on **FORM A** of your modification application form should be entered, together with your name and address.
- 2.3 The modification being requested should be described – this will be identical to the details filled out on **FORM A**.
- 2.4 Sign and date **FORM B** and send to the individuals named.

3. TO THE RECIPIENT (owner / occupier)

- 3.1 If you should receive a Notice of Application for a Modification Order it means that someone is proposing a change to the public rights of way on land in which you may have an interest. The Authority will contact you to discuss the proposal, but not necessarily immediately. If you have any queries relating to the application, please contact the Lake District National Park Authority on 01539 724555 or hq@lakedistrict.gov.uk You may well have also been sent a **FORM F**, which you should complete and return.
- 3.2 **This notice has been served on you by the person named overleaf, not by the Lake District National Park Authority.**



Lake District
National Park

FORM C

FORM C

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

**The Cumbria County Council Definitive Map and/or Statement
within the Lake District National Park - Wildlife and Countryside Act
1981**

To: Lake District National Park Authority
Murley Moss
Oxenholme Road
Kendal
Cumbria
LA9 7RL

I/We,(insert your name)

Of(insert your address)

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

Signed.....

Date

NOTES FOR GUIDANCE

This certificate should only be completed 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 affected by the proposal.

Notice of Application Sent To:

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

FORM D



Lake District
National Park

FORM D

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

**The Cumbria County Council Definitive Map and/or Statement within
the Lake District National Park - Wildlife and Countryside Act 1981**

To: Lake District National Park Authority
Murley Moss
Oxenholme Road
Kendal
Cumbria, LA9 7RL

PATH LOCATION DETAILS:

PARISH:

CLAIMED STATUS OF WAY:

Footpath/Bridleway/Restricted Byway/Byway Open to All Traffic
[delete as appropriate].

DESCRIPTION OF PATH *[include a map]:*

FROM:.....

TO:.....

I/We,.....(insert your name)

Of(insert your address)

.....
have carried out an investigation in an attempt to discover the owners and occupiers of the land over which the alleged way runs. 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 the Council to direct that Notice may be served by posting said Notices at either end of the way claimed.

Signed:.....**Date:**.....

FORM D - NOTES

APPLICATION FOR PERMISSION TO NOTIFY LANDOWNERS BY SITE NOTICE

Wildlife and Countryside Act 1981

1. It is a requirement of Paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 that an applicant for a Modification Order shall serve a Notice stating that the application has been made on every owner and occupier of any land to which the application relates.
2. The form of Notice, defined by the regulations, is set out in the Authority's **FORM B**, which should be addressed and sent to every owner and occupier of land over which the alleged way runs.
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**, the Authority is satisfied that it is not practicable to ascertain the name and address of all the owners or occupiers, the Authority 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 Authority can direct that a Notice be posted on the land, the Authority 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.



CLAIMED PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

When a dispute arises over whether a public right of way exists, all the evidence on both sides of the argument will be considered. Please use this form to describe your own usage and knowledge of the route. Return completed statements to the person making the application to change the Definitive Map and Statement of Public Rights of Way. Or to the Order Making Authority (OMA) – Lake District National Park Authority, Murley Moss, Oxenholme Road, Kendal, Cumbria, LA9 7RL.

This statement is designed to help establish whether or not the route being claimed in the application is a public right of way. It also provides evidence of how it is used (for example on foot, on horseback, by vehicles, and so on). When the OMA commences detailed research, a member of staff may contact you to seek further information or ask to interview you about your evidence.

You should answer the questions as fully as possible and not keep back any information, whether for or against the claim. This is important if this information is to be of real value in establishing the status of the route. The information given may be examined at a public inquiry. For Yes/No answers, please tick the relevant box for each question.

This statement should be completed by one person only and should relate to only one route. If you need more space please continue on a separate sheet which will need to be attached to this statement.

If completing the statement by hand, please ensure writing is legible and in black ink.

Confidentiality – Please Read Carefully

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

- The information you provide will be retained by the OMA for the purposes of undertaking its statutory obligations in accordance with section 53 of The Wildlife and Countryside Act 1981. For the purposes of data protection, the OMA is the data controller. It may use an Agent to undertake certain obligations on its behalf. If so, the Agent will be the data processor.
- It may be necessary for the OMA 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 OMA proceeds with the application but it is contested, 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 user 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 the OMA will help you with the procedure.
- The information you give in this statement will be processed in accordance with the General Data Protection Regulation. It is held by the OMA for the sole purpose of processing the application for the route referred to, and for no other purpose.

DECLARATION – Important, please read carefully

General Data Protection Regulation (GDPR)

Under the GDPR the OMA has a duty to inform you about how your personal data will be handled. Information provided in this statement will be used so that the OMA may undertake its statutory duties in accordance with section 53 of the Wildlife and Countryside Act 1981. In order to determine 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 email/phone contact details and signature contained on this page). You should only provide us with the information requested 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 within it will be retained by the OMA and considered and published as part of its statutory duty to determine the application to establish whether a public right of way exists. In signing it, you are acknowledging that it may be made publically available.

Please print your name here

Home Telephone Number

Mobile Telephone Number

Email Address

Statement of Truth

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

Your Signature:

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.

Information on this page will be redacted and will not be made publically available

FORM E



Lake District
National Park

FORM E

CLAIMED PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Full Name: (Mr/Mrs/Miss/Ms)

Address (include postcode):.....

.....

.....

Year of Birth: **Occupation:**.....

Have you lived at any other addresses (or been absent from your main address) during the time you have used the path or way? If so, please provide details of locations and years [full addresses are not required]

.....

.....

.....

ABOUT THE PATH - 1

Although these questions refer to a claimed 'path', this term is used for a claimed footpath, bridleway, or a vehicular right of way.

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please put your initials on your map and date it.

DO NOT ADD YOUR FULL SIGNATURE.

1. Does the path have a name?.....

2. Where does the path go to and from?.....

.....

ABOUT THE PATH - 2

3. Has the application route (on your map) always followed the same course?

Yes No

○ If no – how and when was the route altered?

.....
.....

4. Approximately how wide is/was the path?

Please estimate the width across which you used the path including the width used when passing others or walking with others. Take care to consider the overall width of the path. If this varies, please describe how and where [describe with reference to your map].

.....
.....

5. What type of surface did/does the path have? (for example grass, gravel, earth, tarmac, bedrock, stone) [For varying surfaces, please describe with reference to your map]

.....
.....

6. Notices & Signs - Have you ever seen any signs or notices suggesting whether or not the path is a public right of way? (for example; Private, Keep Out, No Right of Way Trespassers will be Prosecuted, Public Path, Permitted Path, No Cycling and so on)

Yes No

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

ABOUT THE PATH – 3 (BARRIERS)

7. Gates & Stiles - Have there ever been any of the following on the path?

- a. Gates and/or Stiles [state locations and show on your map]

How long were they in place?

- b. Other barriers, for example fences or walls [state what they were and location, how long they were in place and show on your map]

8. Did any of the gates, stiles or other barriers prevent you from using the path?

- Yes No
 - o If yes, please give details
 - o If no – why not?

YOUR USE OF THE PATH

9. When did you first use the path?

10. Do you still use the path?

- Yes No
 - If No - when did you stop using it and why?

11. Were there any extended periods during which you did not use the path?

- Yes No
 - If yes - state when & why

12. How did you use the path and how often? - tick all that apply.

	Daily	Weekly	Monthly	Every few months	Once a year	Other - describe
On foot						
On horseback						
By pedal cycle						
By motor vehicle						
By horse-drawn vehicle						
Other (state)						

13. Why did you use the path? (was it for pleasure or going shopping, and so on?)

OTHER PEOPLE AND THE PATH

14. Do you know who owns the land over which the path runs?

Yes No

- If yes - who is it and where do they live?.....
.....
.....

15. Did you meet (or have you seen) other people using the path?

Yes No

- If yes - how many & how often?.....
- how were they using it? (on foot/horseback/bike/car).....

16. Are you, or have you ever been, a tenant or employee of the landowner?

Yes No

- If yes - has the landowner given you any instructions about the path?.....
- If yes - what were they?.....

17. Have you ever been stopped, challenged or turned back when using the path?

Yes No

- If yes - by whom, and what was said?.....
.....

18. Have you ever been given permission to use the path?

Yes No

- If yes - by whom?.....
- When, and what was said?.....

19. Have you ever had a private right to use the path (for example, an easement, licence, private right of access to property, and so on)?

Yes No

- If yes - by whom?.....

20. Has anyone ever done any maintenance or improvement work on the path?

Yes No

- If yes – what & who did it?.....

OTHER INFORMATION

21. 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)

Yes No

o If yes – please provide details

22. 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 - if you wish to provide a separate sketch map, please do so and attach to this statement]

23. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

Yes No

24. A local public inquiry or hearing may have to be held about this - would you be willing to attend and speak if necessary?

Yes No

25. Who else do you think we should contact who might have information about the path or have used it? (Please give names and addresses).

FORM F



Lake District
National Park

FORM F

Wildlife and Countryside Act 1981 section 53

LANDOWNER / OCCUPIER STATEMENT

The information requested in this statement is as a result of an application made to The Lake District National Park Authority (the Order-making authority, or “OMA”) for an Order to modify its Definitive Map and Statement of Public Rights of Way by adding or upgrading a public right of way over land which you may own or occupy, or may have owned or occupied in the past.

This statement is designed to assist the OMA with its investigation to determine whether or not the route concerned is / is not a public right of way. Until the OMA determines the application, its position is impartial. This statement is intended to provide evidence and, when the OMA commences detailed research, a member of staff may contact you to seek further information or ask to interview you about it.

You are not compelled to answer every question. Nevertheless you should answer questions as fully as possible and not keep back any information, whether for or against the application. 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.

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.

- The information you provide will be retained by the OMA for the purposes of undertaking its statutory obligations in accordance with the Wildlife and Countryside Act 1981, section 53. For the purposes of data protection, the OMA is the data controller. It may use an Agent to undertake certain obligations on its behalf. If so, the Agent will be the data processor.
- It may be necessary for the OMA 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 OMA proceeds with the application but it is contested, 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 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 the OMA will help you with the procedure.
- The information you give in this statement will be processed in accordance with the General Data Protection Regulation. It is held by the OMA’s Rights of Way Service for the sole purpose of processing the application for the route referred to, and for no other purpose.

DECLARATION – Important, please read carefully

General Data Protection Regulation (GDPR)

Under the GDPR the OMA 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 will be used so that the OMA can undertake its statutory duties in accordance with the Wildlife and Countryside Act 1981 section 53. It cannot be treated as confidential (other than your email/phone contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain.

Do not include information about another person, other than where requested in questions 19-23. If you provide responses to those particular questions, the information will be partly redacted from public view.

This statement and the details contained therein will be retained by the OMA and considered and published as part of its statutory duty by the OMA to establish whether a public right of way exists. In signing it, you are acknowledging that it may be made publically available.

Further information is available on the Privacy Notice for public rights of way services on the LDNPA website

Please print your name here

Home Telephone Number

Mobile Telephone Number

Email Address

Statement of Truth

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

Your Signature:

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.

Information on this page will be redacted and will not made publically available.



Lake District
National Park

FORM F

FORM F

LANDOWNER / OCCUPIER STATEMENT

APPLICATION.....

.....

REFERENCE.....

NAME

ADDRESS.....

.....

POSTCODE

ABOUT YOUR OWNERSHIP / OCCUPATION OF THE LAND

- 1 Please indicate on the attached plan the extent of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route.

- 2 Please state the nature of your interest in the land over which the alleged public right of way is claimed. (Freehold (sole / joint owner) / tenant for life under the Settled Land Act / leasehold / employee / other – please specify). [If you are, or have, a tenant or licensee, please ensure you complete question 19]

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3. Please give details and dates of your ownership or occupation.

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4. What is the land used for? (i.e. grazing animals, growing crops etc.)
Has the use varied? And if so please give details of when and how

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.....

5. Are you aware of any right of way on the route applied for? If so, please give your reasons as to why you regard the way to be public or private?

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

6. Do you hold any deeds or maps of the land, or tenancy agreements or letters that might be useful in this investigation?

Yes No

- If yes, what are they? [it may be helpful if you are able to provide copies.]

.....

ABOUT USAGE OF THE ROUTE

7. Have you ever seen people using the route?

Yes No

- If YES, were they on foot, on bicycle, on horseback, in a vehicle? If so please give details. (Since when, how frequent, has the route varied, etc.)

.....
.....

ABOUT YOUR ACTIONS IN RELATION TO THE ROUTE

8. Have you, or others, ever stopped or turned back anyone using the route, or made it known to them that the route was not public?

Yes No [If YES, please please ensure you also complete question 22]

- If YES, how was this done? When? What was said? What was the response / reaction?

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9. Has the way you have used this land made the current route difficult or impassable at any time?

Yes No

- If YES, please state how and when

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.....

10. Has anyone ever asked for permission to use the routes?

Yes No [If YES, please please ensure you complete question 23]

11. Have you ever given permission to anyone to use the route, other than your employee(s)?

Yes No [If YES, please please ensure you complete question 23]

12. Have you ever locked gates or placed any other obstructions along the route?

Yes No

If YES,

(a) Please describe the type of gate / nature of the obstruction, marking the location(s) of the gate / obstruction on the map.

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.....
.....

(b) What date(s) was it / were they there?

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.....

(c) How often? (e.g: how often was the gate locked)

.....
.....

(d) For how long?

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.....

13. If you have ever erected any notices or signs, please indicate

(a) Their wording?

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.....

(b) When they were erected?

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(c) Their location(s)?

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(d) Did you ever maintain or replace them, and when?

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(e) How long did they remain in place?

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(f) Was there any response / reaction from people?

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.....

14. Do you have any receipts for works carried out such as for erecting or repairing fencing or gates, notices or letters of permission, police reports etc. that identify that they relate to the application route and might be useful in this investigation?

Yes (provide copies) No

15. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980?

Yes No

- If YES, can you recall when?

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.....

16. Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the application route was not dedicated as a highway?

Yes No

- If YES, can you recall when?

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OTHER INFORMATION

17. Would you be willing to give evidence at a Public Local Inquiry?

Yes No

18. Please give any further particulars or comments

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ADDITIONAL INFORMATION

If you provide answers to any of the following questions, any personal details you provide will be redacted from public view. However, please be aware that the information may later be disclosed either where the person it relates to consents to disclosure, or where the OMA is required to disclose it because of a statutory requirement to do so or as part of legal proceedings.

19. If you are a tenant or licensee of the land, please provide the name and address of your landlord. If you are the owner and lease the land, please provide name and address of occupier.

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20. The OMA wishes to be sure that everyone who might be affected by this application has been contacted. Do you know the names and addresses of anyone else who has an interest in the land affected by the route? If so please give their contact details.

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21. It may assist your case if we are able to contact any previous owners or occupiers of the land. Do you know the name / address of any previous owners or occupiers? (If applicable).

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22. In respect of question 8, please indicate the number of occurrences you have stopped or turned people back, stating the identity of the people (if known) and the dates. (How many, when / what frequency, etc.)

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23. In respect of questions 10 and 11, please give details of the identity of anyone you have given permission to and for what purpose, (e.g. for use on foot, horseback, driving a vehicle), together with their address if known.

a) Was the permission given orally (spoken), or in writing?

- In writing (please attach a copy)
- Orally (please state what was said)

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.....

b) How many people were given permission? (If total unknown, please state approximately)

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.....

c) When was permission given?

.....

d) How long was the permission for (i.e. did it need to be renewed?)

.....

e) Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you

.....



Lake District
National Park

FORM G

FORM G

CERTIFICATE OF SERVICE OF NOTICE OF

APPLICATION FOR MODIFICATION ORDER

**The Cumbria County Council Definitive Map and/or Statement within
the Lake District National Park - Wildlife and Countryside Act 1981**

To: Lake District National Park Authority
Murley Moss, Oxenholme Road
Kendal, Cumbria, LA9 7RL

PATH DETAILS:-

PARISH:

BELIEVED STATUS OF PATH: footpath/bridleway/restricted byway/byway open to all traffic*

FROM:

TO:

I/We

of

have carried out research at the County Records Office, The County Council Rights of Way Department 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	* Delete as appropriate	CRO/PRO Reference
Inclosure Award and Map*		
Tithe Apportionment and Map*		
Finance Act Maps*		
Ordnance Survey Maps*		
Railway/Canal Survey Maps and Schedules*		
Estate Maps and Records*		
Parish Council and Highway Board Minute Books*		
Definitive Map Records*		
Others [please state]		

Signed:

Date: