WILDLIFE AND COUNTRYSIDE ACT 1981

An application to modify the Definitive Map and Statement

APPLICATION PACK
Dear Sir/madam

On the following pages you will find guidance notes and forms to enable you to complete and submit an application to modify the Definitive Map and Statement - which is the Council’s legal record of public rights of way (footpaths, bridleways, restricted byways, and byways open to all traffic (“BOATs”)).

Your application will start a process during which we will investigate the history and public use of an existing or alleged public right of way to determine whether it should, or should not, be recorded on the Definitive Map. In reaching our conclusions we our guided by the courts and must disregard any issues of nuisance, safety, security or privacy. We can only consider whether the evidence shows that a public right of way does, or does not, exist. If we discover evidence that the Definitive Map and Statement is wrong and needs changing we will make a Definitive Map Modification Order. You will not be charged for an application to modify the Definitive Map and Statement.

An application to modify the Definitive Map is a matter of public record. If you are uneasy about your details being made public please contact us at the address below. Please also read the GDPR Notice accompanying this application pack.

Other services

If you think that an existing path should be moved to an alternative line for reasons such as: security, privacy, or improved land management; or that an existing right of way is not needed, you should contact us to apply for a Public Path Order. Similarly, if you consider that a new path needs to be created please also contact us. You may be charged for a Public Path Order.

For more information please contact:

<table>
<thead>
<tr>
<th>Adam Maciejewski</th>
<th>Direct telephone 0300 300 6530</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Definitive Map Officer</td>
<td>Email <a href="mailto:adam.maciejewski@centralbedfordshire.gov.uk">adam.maciejewski@centralbedfordshire.gov.uk</a></td>
</tr>
</tbody>
</table>

Highways Assets Team
Central Bedfordshire Council
Thorn Turn Highways Depot,
Thorn Road, Houghton Regis,
DUNSTABLE, LU5 6GJ


A guide to how we deal with applications to change the public rights of way network

1 Introduction
The Highways Team looks after the public rights of way network in Central Bedfordshire. The public have a legal right to use this network of paths even though they cross private property. We refer to all these routes as “paths” but the network consists of footpaths, bridleways, restricted byways, and byways open to all traffic (“BOATs” for short). All these paths are public highways and share many of the same rules and legal protection afforded to the roads we drive our cars on.

We keep an official map that shows all the footpaths, bridleways, restricted byways, and BOATs that we know about. This is called the Definitive Map and is accompanied by a written description of each path, called the Definitive Statement. In the rest of this guide we will refer to the Definitive Map and accompanying Statement simply as “the map”. We have a duty to keep the map up to date. It must show the exact route of each public right of way in Central Bedfordshire.

Where the map shows a footpath, anyone has a legal right to walk along it. Where the map shows a bridleway, anyone has a legal right to walk, ride a horse or ride a bicycle along it. Where the map shows a restricted byway, anyone can walk, ride a horse or bicycle or drive a non-mechanically propelled vehicle such as a horse-drawn cart. Where a map shows a BOAT, anyone can walk or ride along it and use a horse-drawn or motor vehicle on it. A person is legally entitled to take a dog or a pushchair or mobility scooter on any type of path.

2 Changing the map
If you want us to change the map, you must apply to us to do so. There are a number of different ways that you can apply to change the map. We will tell you which way is most appropriate. The way in which we deal with your application will depend on why you want the map changed.

- You may think that the map is wrong and want us to correct it. You can ask us to make a “Definitive Map Modification Order” if you think that a path is missed off the map; is shown in the wrong place; or is shown as the wrong kind of path. Please go to Section 3 for more information.
- You may think that the map is correct but wish for a path to be moved or closed to improve your security, privacy or the management of the land over which the path runs. Moving a path is called “diverting” and closing a path is called “extinguishing” it. Alternatively, you may wish for a new path to be created in order to improve public access. You ask us to make a “Public Path Order” to do these things. Please go to Section 4 for more information.
- You may be applying for planning permission and have found that your proposal affects a right of way. In this case you can ask us to make a “Town and Country Planning Act Order” to divert or extinguish the path. Please go to Section 5 for more information.

3 Definitive Map Modification Orders
You can ask us to make a Definitive Map Modification Order if you think that the map is wrong in some way. You must provide evidence telling us why you think that we should change the map. You could get evidence from, for example:
- People who know about a path’s history;
- Old maps;
- Papers you have found in the Bedfordshire & Luton Archives or elsewhere; or
- Users of the path.

If you believe that the map is wrong you should talk to us. You can find our contact details on the back of this leaflet. We may be able to solve the problem over the telephone or by meeting you at the site. If not, we may suggest that you ask us to make an order to change the map.

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1 For public rights of way in the Borough of Bedford please call 01234 228 599 or e-mail row@bedford.gov.uk.
2 Dogs should be kept under control and not allowed to wander off the path or to foul land or the highway.
The legal basis for these orders is the Wildlife and Countryside Act 1981. The Act sets out how an application must be made. We will send you the forms and guidance notes on request.

When we receive your application we will check it to see if it has been completed correctly and will acknowledge its receipt and add it to a public register of similar applications. The Government likes us to decide within one year of receiving an application whether an order should be made to change the map. However, we prioritise all applications according to a set of criteria (see our website), with those applications giving the greatest public benefit having a higher priority. When your application reaches the top of the list you will be informed that we have begun working on it.

How we deal with your application for a Definitive Map Modification Order

When we start to work on your application we will write to you and to any landowner or occupier who could be affected by your application. We ask them for any evidence which could affect your application. We will also write to the local parish council and to local user-groups and inform the local councillor.

If you have provided evidence of use of the path by other people we will write to these people to arrange an interview with them to ask them about their experiences using the path. We may also interview landowners to ask them about other people walking or riding over their land.

We will also look at old maps and documents in the Bedfordshire & Luton Archives and look through our own files to see if there is any historical record of the path. When we have done all this we will write a report summarising our findings and recommending what changes, if any, should be made to the map. We also include information about any legal matters which would affect our decision.

We will send copies of the report to any effected landowner or occupier so that they can comment on the findings and recommendations contained in the report. These comments may be included in the final report which is used either by the Council’s Development Management Committee or by a Director to decide whether or not the map should be changed. The Committee or Director can only consider evidence of whether a right of way does or does not exist when deciding whether the map should be changed. The law makes it clear that things such as nuisance, privacy or security, cannot be taken into consideration when deciding if a right of way exists or not.

If the Committee or Director thinks that the evidence taken as a whole supports your application we will make an order to change the map. When an order is made we advertise this in the local paper and display notices on the path. An order does not take effect until it has been confirmed. People have six weeks from the date the order is made to object if they disagree with it. If we do not receive any objections we can confirm the order and the map is changed.

If we receive objections to the order we must send them to the Secretary of State for Environment, Food and Rural Affairs. The Secretary of State will ask an independent Inspector to look at all the evidence and decide whether the order should be confirmed or not. Depending on the number and type of objections, the Inspector may decide that the evidence should be heard and discussed at a formal meeting called a “Public Inquiry”, or less formally at a “Public Hearing”, or may be more simply dealt with by means of exchanges of letters between the Council and objectors. Once the Inspector has all the information he requires he will decide if the order should be confirmed. He informs the Council, objectors and other interested parties of this decision in a report which gives his reasons for confirming or not confirming the order.

If the Committee or Director thinks that the evidence taken as a whole does not support your application, we will write to you to tell you that your application has been refused. If your application is refused you may appeal to the Secretary of State for Environment, Food and Rural Affairs against this decision. We will tell you how to appeal when we write to you. If you appeal an Inspector will ask us for information about your application and our decision. He can tell us to make the order that you asked for. If he does, we must advertise the making of the order and other people will have the opportunity to object as above. Or, the Inspector may agree that the Council was right to refuse your application.

4 Public Path Orders

If you would like us to move a public right of way or to close one permanently, you can apply for a Public Path Order.

The Highways Act 1980 says we have “powers” but not a “duty” to deal with applications to move, close or create paths. This means that we can decide whether or not to process your application and how quickly it should be dealt with. If we decide not to deal with your application, or we decide that we will not make the order you have asked for there is no right of appeal against our decision.

A Public Path Order can move a path, this is called a diversion, or it can close a path, this is called an extinguishment. A Public Path Order can also create
a new path. The law has strict requirements that need to be met for us to carry out diversions, extinguishments, and creations of public rights of way. Before you apply for a Public Path Order it is worth talking to us so that we can advise you on any proposal and explain the law relating to such orders and tell you if we can do what you want us to do.

We will charge you for the cost of any administration, advertising, and works in relation to your application. Charges will include:

- any site visits;
- the drafting of any maps or plans;
- writing letters to landowners, parish councils, user-groups and utility companies;
- writing and presenting a report on your application;
- drafting any legal orders and the costs of advertising any order; and,
- the costs of any structures or work required to make a new path suitable for use by the public;

You would also be required to pay any compensation claimed by somebody whose legal interest in the land is effected by the confirmed Public Path Order;

More guidance on the costs involved can be found in the application pack that we will send you.

If your application would provide an enhancement to the local public rights of way network, for example, by creating a new link in a path; or would help to sort out an obvious problem, such as moving a path around a long-standing issue; or would help us to manage a path more efficiently, for example, by moving a path so that a new footbridge would not be required we will consider processing your application out of turn and at a lower cost to yourself.

**Different types of Public Path Order**

The Highways Act 1980 allows us to divert, extinguish and create public rights of way. We have to consider a number of different legal tests when deciding whether to make a Public Path Order. If a proposal does not meet these legal tests we cannot make an order.

**Diversions.** We can only divert a footpath, bridleway or restricted byway if:

- the order would be in the interests of the owner or occupier of the land over which the path runs, or in the interest of the public;
- the ends of the diversion connect to another highway and would be as convenient as a result of the diversion; and,
- the diversion must not be substantially less convenient for users.

We also have to consider the effect of the diversion on the enjoyment of users of the path; the effect that the diversion would have on the land; and whether any compensation might be claimed by people with a legal interest in the land.

**Extinguishments.** We can only extinguish a footpath, bridleway or restricted byway if:

- we think the path is not needed for public use; and,
- we think that the path is unlikely to be used by the public if it is not extinguished;

We also have to consider the effect that the closure of the path would have on the land it crosses; and whether any compensation might be claimed by people with a legal interest in the land.

**Creations.** We can only create a new footpath, bridleway or restricted byway if:

- we think there is a need for the path;
- we think that the new path would add to the convenience or enjoyment of local residents or of a wider section of the general public;

We also have to consider the effect that the new path would have on the land it would cross and whether any compensation might be claimed by people with a legal interest in the land;

**BOATs.** We cannot make a Public Path Order to extinguish or divert a byway open to all traffic (BOAT). You can ask us to go to the Magistrates' Court to do this. The Magistrates can extinguish a BOAT or any other type of path if they think it is unnecessary or if it would make it nearer or easier to use by the public.

Before we make a Public Path Order we also have a duty to consider the effect that the order would have on agriculture and forestry and on the conservation of the natural and historic environment.

**How we deal with your application for a Public Path Order**

When we receive your application we begin by checking to see if the Highways Act 1980 will allow us to do what you have applied for. If it doesn’t, we will contact you and explain what the problem is and suggest changes that you could make. We cannot make you change your application but if an order cannot legally be made the application will be refused. If we accept your application we will add it to
a public register of similar applications. We deal with applications in order of receipt unless taking them out of turn would enable us to resolve a nearby issue at the same time.

Once we have agreed with you what you want and have discussed the issues involved, we will write to any other landowner or occupier who would be affected by your application, as well as to local and national user-groups, such as the Ramblers and British Horse Society. We will also write to the local parish or town council and to the utility companies. You will be charged for this and any following work unless we have told you that your application will be processed at no cost to yourself.

Once we have received responses from those people we have written to, we will write a report to be considered either by the Development Management Committee or by a Director. The report will discuss the legal aspects of your application and the comments made by the people and organisations we have written to. The Committee or Director will decide if the order you have asked for should be made.

If we decide to make an order we will tell you this. When we make the order we advertise this in the local paper and erect notices on the path. An order does not take effect until it has been confirmed. People have four weeks from the date the order is made to object to it if they disagree with it. If we do not receive any objections we can confirm the order and the map is changed. If we receive objections to the order we will consider whether the order should be sent to the Secretary of State for Environment, Food and Rural Affairs to confirm in the same manner as for Definitive Map Modification Orders. We may decide not to ask for the order to be confirmed if there are good reasons not to. If we decide not to send the order for confirmation there is no appeal against this decision.

If we decide not to make an order we will tell you this. There is no appeal against this decision. You can ask the Secretary of State for Environment, Food and Rural Affairs to make an order for you.

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5 Town and Country Planning Act Orders

If you ask us to give you planning consent for land you want to develop, you may find that your proposal affects a public right of way. When you ask for planning consent you must find out about nearby public rights of way and tell us about any that might be affected by what you want to do.

You can ask for an order to be made under the Town and Country Planning Act 1990 to permanently divert or extinguish a path if this is needed to allow development to take place. You can also ask for a nearby path to be improved to be used as a replacement for one that is being extinguished or diverted. We will only make an order to divert or extinguish a path once you have received planning consent. We cannot make or confirm an order if the development is substantially complete.

You cannot build on a path until an order to extinguish it or divert it has been confirmed. You can, however, apply for a temporary diversion or closure of a path if development works close to the path could pose a danger to users of the path.

The way that we make Town and Country Planning Act orders is very similar to the way we make Public Path Orders. We will visit the site, ask the local parish council, user-groups, and utility companies for their views, and write a report which will be looked at by the Council's Development Management Committee or by a Director. If we decide to make an order this will be advertised in the local paper and on site and people opposed to the order will be able to object to it. If an order is objected to we cannot confirm it ourselves but would have to send it to the Secretary of State for the Environment, Food and Rural Affairs. If we decide not to make an order you can appeal against this decision to the Secretary of State for the Environment, Food and Rural Affairs.

Just like a Public Path Order, we will charge you for the costs of administration and advertising in relation to your application as well as for the costs of making any new route suitable for use by the public.

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6 Contact us

You can find out more about public rights of way by contacting us at the address below:

Please see the separate notice on data protection, privacy and how we deal with your personal data.
APPLICATIONS FOR MODIFICATIONS OF THE DEFINITIVE MAP AND STATEMENT

SECTION 53 - WILDLIFE AND COUNTRYSIDE ACT 1981

GUIDANCE NOTES

Introduction
These notes are intended for guidance only and do not represent a complete statement of the law.


2. Applications for modification orders may be made by any “person” in respect of a public footpath, bridleway, restricted byway or byway open to all traffic. You will have to produce evidence to show that your application falls into one or more of the following categories:-
   (a) a right of way with one of the aforementioned statuses subsists but is not recorded on the present Definitive Map and Statement
   (b) a right of way is given a particular status in the Definitive Map and Statement which is incorrect
   (c) a right of way shown on the present Definitive Map and Statement does not legally exist, or is of a type which should not be recorded
   (d) any other particulars contained in the Definitive Map and Statement are incorrect and need amendment.

3. The definition of “person” includes an incorporate body such as a limited company or parish council but there is some doubt about whether it includes an unincorporated body such as a local walking or riding group. If you belong to such a group you should apply in the name of your chairman or secretary.

4. Modification orders should not be applied for if:-
   (a) you feel that a right of way should be closed because it is no longer useful to the public
   (b) you feel that it would be beneficial to move a right of way from its present line to an alternative line.

You should instead apply for a public path order in these cases.

The Application for a Modification Order

1. To apply for a modification order you will need to follow the procedure laid down in the Wildlife and Countryside Act, 1981. To assist you, the Council produces a set of application
forms which may be obtained from the Highway Assets Team. These are as follows

► **FORM 1:** Notice of Application for a Modification Order (Notice to Landowners/Occupiers)

You will need one form for each landowner and occupier whose land is affected by your application. **The notice must be served on each landowner and occupier either in person or by means of recorded delivery mail. You should also supply each person with a map showing the changes detailed in the form.**

If you own the land concerned, it is not necessary to complete this form. Instead you should submit a written statement to this effect with **FORM 3**.

► **FORM 2:** Application for a Modification Order

This form must be completed and returned to the Highway Assets Team. You **must send us all the evidence that you wish to use to support your application** as well as a **map at a scale of not less than 1:25,000** (e.g.1:10,000) clearly showing the way(s) that is/are the subject of your application. Please annotate the map to show the start and end of the way(s).

► **FORM 3:** Certificate of Service of Notice of an Application for a Modification Order

This form must be completed and returned to the Highway Assets Team together with **a list of the names and addresses of all the landowners and occupiers** who have been served with **FORM 1**.

2. You will need to support your application with **evidence** which may include any of the following documents or copies of documents (where possible):-

- Parliamentary Inclosure awards and maps; tithe awards and maps; old county maps; title deeds; statutory orders; court judgments; and signed statements from local inhabitants and/or landowners affected by your application. (The Council produces forms which should be used for statements from such witnesses – a blank one of these for copying is included in the application pack).

**Procedure After Your Application is Received**

1. Receipt of your application will be formally acknowledged by the Council and you will be informed of whether your application has met the statutory criteria to be accepted as duly made. If your application does not meet the criteria you will be informed of this and advised accordingly.

2. The Council will rank your application according to a set of weighted criteria and you will be informed as to what priority your application has and give you an estimate of when your case may be processed. This may change depending on circumstances and could be several years owing to a backlog in dealing with applications.

3. When investigating your application, the Council will consult the local parish/town council and will approach any affected landowners and occupiers for their views and to seek any evidence relevant to the application that they may have. The evidence you have produced will be examined and the Council may wish to interview any witnesses from whom you have obtained statements. The Council is obliged to determine your application on the basis of the available evidence and may, should it see fit, seek additional evidence from any appropriate source.

4. If the Council does **not** determine your application within 12 months of receipt of your completed application, you may apply to the Secretary of State for the Environment, Food and Rural Affairs for a direction to be given to the Council to determine it by a given date. Please see the GOV.UK website (https://www.gov.uk/appeal-right-of-way-decision) for guidance.

5. When the Council has determined your application, you and any owners or occupiers who were served with the notice of the application, will be notified of the decision.
(a) If the Council decides to refuse your application and not to make an order you have 28 days from service of the Notice of Decision to appeal to the Secretary of State for the Environment, Food and Rural Affairs, who has the power to direct the Council to make an order. Any appeal will only consider the evidence you originally supplied with your application. It is therefore essential you provide enough evidence at the outset to make your case.

(b) If the Council decides to grant your application, a modification order will be made and notice published in a local newspaper and posted on site. The owners and occupiers of land affected and the local parish council will be served with a copy of the order. There will be a period of not less than 42 days for representations and objections to be made.

(c) If there are no such representations and objections the Council will confirm the order. If there are representations or objections, or if any amendment to the order is necessary, then the matter will be referred to the Secretary of State for the Environment, Food and Rural Affairs who will appoint an Inspector to consider the issues and evidence. He may then confirm the order (with or without alteration to it) or not confirm it.

(d) When an order is confirmed a notice will be published in a local newspaper and all interested parties will be notified. Any person aggrieved by the confirmation of an order may question its validity in the High Court within 42 days of the notification. The grounds for such an application must be that the order is not within the powers of the 1981 Act or that the Act has not been complied with. The High Court may quash an order in whole or in part if it is satisfied that this is the case.

6. If your modification order is confirmed and not quashed by the High Court, it will become part of the Definitive Map and Statement for the area and read with them as one document.

Disclosure of Personal Information:
Personal data is held in accordance with the Data Protection Act 1998 and the General Data Protection Regulation (EU 2016/679) and as described in the Council’s privacy policy which is available on the Council’s website at [http://www.centralbedfordshire.gov.uk/contact-us/website/data-protection.aspx](http://www.centralbedfordshire.gov.uk/contact-us/website/data-protection.aspx). Please see the accompanying GDPR Notice for more information.

I understand that any personal details I give within this application form are part of an application submitted to Central Bedfordshire Council and processed for the purposes of determining your application made under the Wildlife and Countryside Act 1981 only. This application is a matter of public record and will be available for public inspection. If an order is made and receives objections which are not withdrawn, my details will be passed to The Planning Inspectorate so that I can be contacted by them as part of the process of determining whether the order should be confirmed. Your name and address will be made public unless you state in writing any compelling reasons why this data should not be made public. This letter must accompany your application form and be sent directly to the Definitive Map Officer at the address below.

Further information, application forms, and additional user evidence forms can be obtained from:

The Highway Assets Team
**Central Bedfordshire Council**
Thorn Turn Highways Depot
Thorn Turn, Houghton Regis, DUNSTABLE, LU5 6GJ
Telephone 0300 300 6305
E-mail adam.maciejewski@centralbedfordshire.gov.uk
Website [www.centralbedfordshire.gov.uk/](http://www.centralbedfordshire.gov.uk/)
Additional information sources

Natural England produces a booklet entitled “A guide to definitive maps and changes to public rights of way - 2008 Revision (NE112)” which provides guidance and information on changing the Definitive Map. This is available in downloadable PDF format from: http://www.naturalengland.org.uk/ourwork/access/rightsofway/legalprow/default.aspx. Whilst this booklet is now out of date now it does provide useful information of a general nature.

Alternatively, the GOV.UK has plenty of guidance and advice on rights of way issues at the following link: https://www.gov.uk/government/collections/rights-of-way-advice-notes.

Contact us...

by telephone: 0300 300 8305
by email: customer.services@centralbedfordshire.gov.uk
on the web: www.centralbedfordshire.gov.uk
Write to Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire SG17 5TQ
NOTICE OF APPLICATION FOR A MODIFICATION ORDER

SECTION 53(5) OF, AND SCHEDULE 14 TO, THE WILDLIFE AND COUNTRYSIDE ACT 1981
DEFINITIVE MAP AND STATEMENT FOR CENTRAL BEDFORDSHIRE

To:

Of:

I/We:

Of:

Hereby give notice that on ………………………... [insert date ] I / we made application to the Senior Definitive Map Officer, Highway Assets Team, Central Bedfordshire Council, Thorn Turn Highways Depot, Thorn Road, Houghton Regis, DUNSTABLE, LU5 6GJ that the Definitive Map and Statement for the area be modified by:

(PLEASE DELETE THE WORDS IN BRACKETS WHICH DO NOT APPLY)

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<tbody>
<tr>
<td>1.</td>
<td>deleting the (footpath) (bridleway) (restricted byway) (byway open to all traffic)</td>
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<td>To:</td>
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<td>2.</td>
<td>adding the (footpath) (bridleway) (restricted byway) (byway open to all traffic)</td>
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<td>From:</td>
<td>To:</td>
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<td>3.</td>
<td>(upgrading) (downgrading) to a(footpath) (bridleway) (restricted byway) (byway open to all traffic) the (footpath) (bridleway) (restricted byway) (byway open to all traffic)</td>
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<tr>
<td>From:</td>
<td>To:</td>
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<td>4.</td>
<td>(varying) (adding to) the particulars relating to the (footpath) (bridleway) (restricted byway) (byway open to all traffic)</td>
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By providing that:

Please show the changes detailed above on a map at a scale of 1:25,000 or greater (e.g. 1:10,000).

Dated :…………………………………… Signed …………………………………………………

IF YOU HAVE ANY QUERIES REGARDING THIS NOTICE PLEASE CALL 0300 300 8305
NOTES

You will need one form for each landowner and occupier whose land is affected by your application. The notice must be served on each landowner and occupier either in person or by means of recorded delivery mail. You should also provide each landowner and occupier with a copy of a map showing the modifications you have applied for.

It is the responsibility of the applicant to determine the ownership of any land affected by their application. If you still cannot ascertain the ownership of the land affected by your application after contacting the local Parish/Town Council and the Land Registry office at Peterborough (see Land Ownership info sheet), please contact the Senior Definitive Map Officer in the Highway Assets Team on 0300 300 8305 for instructions on how to proceed.

If you own the land concerned, it is not necessary to complete this form. Instead you should submit a written statement to this effect with FORM 3.

DISCLOSURE OF PERSONAL INFORMATION:

Personal data is held in accordance with the Data Protection Act 1998 and the General Data Protection Regulation (EU 2016/679) and as described in the Council’s privacy policy which is available on the Council’s website at http://www.centralbedfordshire.gov.uk/contact-us/website/data-protection.aspx. Please see the accompanying GDPR Notice for more information.

I understand that any personal details I give within this application form are part of an application submitted to Central Bedfordshire Council and processed for the purposes of determining this application only. This application is a matter of public record and will be available for public inspection. If an order is made and receives objections which are not withdrawn, my details will be passed to The Planning Inspectorate so that I can be contacted by them as part of the process of determining whether the order should be confirmed.

Your name and address will be made public unless you state in writing any compelling reasons why this data should not be made public. This letter must accompany your application form and be sent directly to the Definitive Map Officer at the address below.

[Applications Policy Sect. 5.5]
APPLICATION FOR A MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR CENTRAL BEDFORDSHIRE

To: The Senior Definitive Map Officer

Of: Highway Assets Team, Central Bedfordshire Council, Thorn Turn Highways Depot, Thorn Road, Houghton Regis, DUNSTABLE, LU5 6GJ

I/We: Of:

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:

(PLEASE DELETE THE WORDS IN BRACKETS WHICH DO NOT APPLY)

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

LIST OF DOCUMENTS
Please include copies of all documents you wish to use in support of your application.

Dated ..................................................  Signed ...................................................

ACCOMPANYING MAP
This form must be completed and returned to the Senior Definitive Map Officer together with all the evidence supporting your application and a map at a scale of not less than 1:25,000 showing the way(s) that is/are the subject of your application (see Map Info sheet).

NOTE
You may include additional evidence to that listed above in any appeal against the Council’s decision not to make a modification order. However, you are strongly advised to make the best case you can as part of your initial application. For extracts of documents held in the Bedfordshire and Luton Archives please also include the Archives’ reference number where possible. For Archive information see: www.bedfordshire.gov.uk/archive/ or Tel. 01234 228833.

DISCLOSURE OF PERSONAL INFORMATION:

Personal data is held in accordance with the Data Protection Act 1998 and the General Data Protection Regulation (EU 2016/679) and as described in the Council’s privacy policy which is available on the Council’s website at http://www.centralbedfordshire.gov.uk/contact-us/website/data-protection.aspx. Please see the accompanying GDPR Notice for more information.
CERTIFICATE OF SERVICE OF NOTICE OF AN APPLICATION
FOR A MODIFICATION ORDER
WILDLIFE AND COUNTRYSIDE ACT 1981
DEFINITIVE MAP AND STATEMENT FOR CENTRAL BEDFORDSHIRE

To: The Senior Definitive Map Officer

Of: Highway Assets Team, Central Bedfordshire Council, Thorn Turn
Highways Depot, Thorn Road, Houghton Regis, DUNSTABLE, LU5 6GJ

I/We: Of:

Hereby certify that the requirements of Paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with - namely that the applicant shall serve notice stating that the application has been made on each owner and occupier of the land affected by the application and that the notice is in the prescribed form (Form 1).

Dated: ……………………………………Signed: ………………………………………….

NOTE
This form must be completed and returned to the Highway Assets Team together with a list of the names and addresses of all the landowners and occupiers who have been served with FORM 1.
DISCLOSURE OF PERSONAL INFORMATION:

Personal data is held in accordance with the Data Protection Act 1998 and the General Data Protection Regulation (EU 2016/679) and as described in the Council’s privacy policy which is available on the Council’s website at http://www.centralbedfordshire.gov.uk/contact-us/website/data-protection.aspx. Please see the accompanying GDPR Notice for more information.

I understand that any personal details I give within this application form are part of an application submitted to Central Bedfordshire Council and processed for the purposes of determining this application only. This application is a matter of public record and will be available for public inspection. If an order is made and receives objections which are not withdrawn, my details will be passed to The Planning Inspectorate so that I can be contacted by them as part of the process of determining whether the order should be confirmed.

Your name and address will be made public unless you state in writing any compelling reasons why this data should not be made public. This letter must accompany your application form and be sent directly to the Definitive Map Officer at the address below.

[Applications Policy Sect. 5.5]
Finding out who owns the land

You, as the applicant, must serve notice upon the owners and occupiers of any land that is affected by your application. You must use FORM 1 for this. Such notice should either be delivered by hand, or posted using recorded delivery.

It is up to you, as the applicant, to ascertain who the owners and occupiers of the land are. We would advise you to initially contact your local Parish Council and then the Land Registry.

Your local Parish Council contact details can be found on Central Bedfordshire Council's web-site at www.centralbedfordshire.gov.uk. Additionally, many local Parish Council's have their own websites.

The local Land Registry office is at:

The Land Registry
Touthill Close
City Road
Peterborough
PE1 1XN

Tel: 01733 288288
Fax: 01733 280022
http://www.landregistry.gov.uk/

DX No: 12598 Peterborough (4)

If you cannot ascertain who the landowners or occupiers are after taking reasonable steps to find out, you must apply to us for permission to erect notices on site “To the Owner/Occupier”. We will provide you with these notices and will require you to certify that they have been erected in areas where they are likely to be noticed.
Please remember to enclose a map with your application forms. This map should be at a scale of greater than 1:25,000 - for example at a scale of 1:10,000 or 1:5000. If you cannot find such a map, please contact us and we may be able to provide you with an extract at a suitable scale.

Please mark on the map as accurately as you can the route that you wish to claim or correct. Please also annotate the ends of the route, as well as any significant points along its length which you may wish to refer to in your supporting evidence.
PUBLIC RIGHTS OF WAY
USER EVIDENCE FORM

Why fill out this form?

The information you provide in this form will help us decide whether a path has been dedicated by the landowner as a public right of way or not. The more information you can provide the better. We may write to you to learn more about the path in question. We will use your evidence and that given by anybody else when coming to a decision. We may then make a legal order - called a Definitive Map Modification Order, to change the Council’s legal record of public rights of way based on the evidence we receive.

Disclosure of personal information:

Personal data is held in accordance with the Data Protection Act 1998 and the General Data Protection Regulation (EU 2016/679) and as described in the Council’s privacy policy which is available on the Council’s website at http://www.centralbedfordshire.gov.uk/contact-us/website/data-protection.aspx and in the rights of way GDPR Notice.

I understand that any personal details I give within this application form are part of an application submitted to Central Bedfordshire Council and processed for the purposes of determining this application made under the Wildlife and Countryside Act 1981 only. This application is a matter of public record and will be available for public inspection. If an order is made and receives objections which are not withdrawn, my details will be passed to The Planning Inspectorate so that I can be contacted by them as part of the process of determining whether the order should be confirmed.

Your details:

⇒ Full name: …………………………………………………………………………………………………………………………………………………………………………………..
⇒ Address: ……………………………………………………………………………………………………………………………………………………………………………..
⇒ Contact telephone No. ………………… ⇒ E-mail address: …………………………………………………………………………………………….
⇒ Your age: …………………years

Please give a brief description of the path:

……………………………………………………………………………………………………………………………………………………………………………………………………..

⇒ Starts at: ……………………………………………………………………………………………………………………………………………………………………………………..
⇒ Ends at: …………………………………………………………………………………………………………………………………………………………………………………..
⇒ Usable width: …………………………………………………………………………………………………………………………………………………………………………………..
⇒ Surface type: …………………………………………………………………………………………………………………………………………………………………………………..
⇒ Types of signs visible: ……………………………………………………………………………………………………………………………………………………………..
⇒ Any gates / barriers? ……………………………………………………………………………………………………………………………………………………………..
⇒ Has the path always run along same line? (yes) / (no) (please indicate which)
⇒ If it has changed/moved - how and when? ……………………………………………………………………………………………………………………………………………………………..

Your use of the path:

⇒ How have you used the path: (on foot*) (on a bicycle*) (on a horse*) (with a motor vehicle or motorbike*)? (*please select one or more)
⇒ When did you first use the path? (approx. date) …………………………….

Please return to: The Definitive Map Officer, Highway Assets Team, Thorn Turn Highway Depot, Thorn Turn, Houghton Regis, LU5 6GJ

Public when completed
When did you last use the path? (approx. date) ........................................
How often do you use the path? (daily*) (weekly*) (monthly*) (infrequently*) (*please select one)
Have there been any long periods when you didn’t/couldn’t use the path? From: ……… to: ………
  (if yes please give details) ........................................................................................................
Do you think the path is public and you had a public right to use it? (yes) / (no)
  Please explain why? ......................................................................................................................
For what purpose did you use the path? ...........................................................................................
Where were you going from .............................................................. / to .........................................
Are you the owner/occupier of the land crossed by the path or are you related to or work for the owner/occupier? (yes) / (no) - (if yes please give details)

Have you ever met the owner/occupier or any of their employees? (yes) / (no)
  (if yes please give details) ........................................................................................................
Did you ever ask or were you given permission to use the path? (yes) / (no)
  (if yes please give details) ........................................................................................................
Were you ever stopped by somebody and told you couldn’t use the path? (yes) / (no)
  (if yes please give details) ........................................................................................................
Was the path ever blocked by gates or fences? (yes) / (no) - (if yes please give details)

Was the path ever blocked by something else (e.g. vegetation/parked vehicles/animals etc.)? (yes) / (no) - (if yes please give details)

Have you ever seen signs saying that you couldn’t/shouldn’t use the path? (yes) / (no)
  (if yes please give details) ........................................................................................................
  When was this?
Do you know anybody else who uses the path? (yes) / (no) - (please give details) .....................
Do you have any other information that might help us determine whether a public right of way does or does not exist over the path? - (if yes please give details)

................................................. Please use an extra sheet of paper if you need to write more or draw a sketch map

I am happy for the Council to contact me to ask me more questions about the path (yes) / (no)
I hereby confirm that to the best of my knowledge and belief the information stated in this form is true and I understand that the information I provide is in the public domain and may be viewed by anybody at anytime.

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

Thank you for taking the time to fill in this form!
Landowner Statement

This evidence form can be filled in by a landowner or tenant to assist Central Bedfordshire Council in its investigations into whether a claimed route does, or does not, exist. Please provide as much detail as you can, including dates, structures and copies of any photographs you may have to support your recollections.

DISCLOSURE OF PERSONAL INFORMATION:

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Any personal details you give within this form will be part of the evidence considered by Central Bedfordshire Council and processed for the purposes of determining the application received by the Council only. The application is a matter of public record and will be available for public inspection. If an order is made and receives objections which are not withdrawn, your details will be passed to The Planning Inspectorate so that you can be contacted by them as part of the process of determining whether the order should be confirmed.

Your name and address will be made public unless you state in writing any compelling reasons why this data should not be made public. This letter must accompany this form and be sent directly to the Definitive Map Officer at the address at the end of this form.

[Applications Policy Sect. 5.5]

About Yourself

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>
| **1.** | Full name  
Mr/ Mrs/ Miss/ Ms/ Dr/ Rev |
| **2.** | Full address including postcode |
| **3.** | Contact telephone number |
| **4.** | E-mail address |
The Land You Own / Manage

5. **Full Address of the land you own/ manage/ work on**

6. **How long have you owned/ managed/ worked on this land?**

FROM ……………….. TO ………………..

7. **Did you have any association with this land prior to owning/working on it?**

YES  NO  (please tick ✓)

If YES please provide details.

8. **Is the claimed route on or adjacent to the land you own/manage/work on?**

YES  NO  (please tick ✓)

9. **Have you submitted, or are you aware of a Section 31 deposit for the land you own/manage?**

(Section 31 deposits are made by the landowner to show the clear intention not to dedicate any additional routes on their land.)

YES  NO  (please tick ✓)

The Claimed Route

10. **Do you regard the claimed route (as shown on the attached plan) as a Public Right of Way?**

YES  NO  (please tick ✓)

If YES, what do you regard it as? (Please circle)

- A public **footpath** (for walkers)
- A public **bridleway** (walkers, horse riders, cyclists)
- A **restricted byway** (walkers, horse riders, cyclists and non-mechanically propelled vehicles)
- A byway open to all traffic (open to all vehicles) (a "BOAT")
- Any other route with public access?

If NO, what do you regard it as?

………………………………………………………………..
<p>| | |</p>
<table>
<thead>
<tr>
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<th></th>
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</thead>
<tbody>
<tr>
<td>11.</td>
<td><strong>Have you ever used the claimed route?</strong>&lt;br&gt;YES</td>
</tr>
<tr>
<td></td>
<td><strong>If YES, how have you used it?</strong></td>
</tr>
<tr>
<td>12.</td>
<td><strong>Have you ever erected yourself or seen notices or signs of any description on or adjacent to the claimed route?</strong>&lt;br&gt;YES</td>
</tr>
<tr>
<td></td>
<td><strong>If YES please give details on what the notices said and whether you erected them.</strong></td>
</tr>
<tr>
<td>13.</td>
<td><strong>Have you known of any obstructions along the claimed route?</strong>&lt;br&gt;YES</td>
</tr>
<tr>
<td></td>
<td><strong>If YES please give details below including when and where they were.</strong></td>
</tr>
<tr>
<td>14.</td>
<td><strong>Have you ever erected any structures along the claimed route? E.g. gates, bridges, stiles, fences, barriers etc.</strong>&lt;br&gt;YES</td>
</tr>
<tr>
<td></td>
<td><strong>If YES please give details why these were erected.</strong></td>
</tr>
<tr>
<td>15.</td>
<td><strong>Have you maintained the route as a path or track?</strong>&lt;br&gt;YES</td>
</tr>
<tr>
<td></td>
<td><strong>If YES, please give details below.</strong></td>
</tr>
</tbody>
</table>

### Permission / Access along the Claimed Route

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>16.</td>
<td><strong>Have you seen anyone using the claimed route?</strong>&lt;br&gt;YES</td>
</tr>
</tbody>
</table>
|   | **If YES,**
<p>|   | a) Did you recognise them? |
|   | b) How were they using the path? E.g. walking, |</p>
<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
<th>(please tick ✓)</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>17. Have you ever given anyone permission to use the claimed route?</td>
<td>YES</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If YES, please give details below</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. Have you ever stopped anyone using the claimed route?</td>
<td>YES</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If YES, please give details below.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19. Do you have any other information about the claimed route which may</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>be helpful when deciding whether or not public rights exist or not?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I hereby confirm that to the best of my knowledge and belief the information stated in this form is true and I understand that the information I provide is in the public domain and may be viewed by anybody at any time.

Signed: .........................................................

Date: ..............................

Return to: The Senior Definitive Map Officer, Highway Assets Team, Central Bedfordshire Council, Thorn Turn Highways Depot, Thorn Road, Houghton Regis, DUNSTABLE, LU5 6GJ
The General Data Protection Regulation: Protecting your privacy
(Public Rights of Way, Commons and Town/Village Greens)

Why is this notice important?
The law on data protection is changing. As a consequence, Central Bedfordshire Council needs to
tell you more about how we collect your personal data, why we collect and how we use it. We also
need to tell you how we share it and how you can access it and whether it can be deleted.

What personal data we collect
We collect your name, address and e-mail and telephone contacts as well as any information about
how you may use a particular right of way or area of land.

Why we collect your data
We act as the Highway Authority, Surveying Authority, Planning Authority and Registration Authority
for Central Bedfordshire and use the Highways Act 1980; the Wildlife and Countryside Act 1981; the
Town and Country Planning Act 1990; and the Commons Acts of 1965 and 2006 respectively in the
course of our legitimate and legal functions and duties under these Acts, namely: to record and alter
the public rights of way network; and for the purposes of registering and recording Commons and
Town/Village Greens.

How we use your data
We use your personal data for a range of our statutory and discretionary functions. These relate to
one or more of the following activities:

i. The processing of applications seeking to affect the public rights of way network under the
   aforementioned Acts including: evidence from witnesses; consultations and consultation
   responses; serving of Notices; and dealing with objectors.

ii. For the purposes of registering and regulating Commons and Town/Village Greens.

iii. The recording statutory declarations of non-intention to dedicate highways (“S.31 deposits”)

iv. Dealing with, and responding to, complaints, requests for service and inquiries from the
   members of the public.

v. The taking of legal action and/or enforcement action or for procedures related to the
   maintenance and/or improvement of the public rights of way network.

vi. To enable expedient liaison with volunteers, user-groups and contractors.

Your personal data is never used for commercial or marketing purposes.
What data we disclose and when

i. The personal details of Applicants and their Agents for Public Path Orders, Definitive Map Orders, Town and Country Planning Act Orders and Town/Village Green applications are a matter of public record and will be available for public scrutiny as required by the various Acts and Council policies upon submission of the application.

ii. Personal details within User Evidence Forms and statements of use are also a matter of public record. Before an order is made the personal data will be removed (redacted) from any disclosed User Evidence Form or any other statement of use. However, once an order is made, or the application is the subject of an appeal, personal data (including that in User Evidence Forms) will be forwarded to The Planning Inspectorate and made publicly available.

iii. Where User Evidence Forms or interview notes or statements contain details of third parties, third party personal details will not be made public unless required under the Wildlife and Countryside Act 1981.

iv. Deposits/declarations made under Section 31 of the Highways Act 1980 are in the public domain upon completion of the declaration.

v. By submitting an application form, declaration or statement of use or by being interviewed you actively consent to your data being held, used and disclosed for the purposes above.

vi. Personal details from complainants or requests for service will not be disclosed.

vii. If you own land, with your consent we may pass your contact details on to our contractors to enable them to carry out works on our public rights of way network over your land.

Your right to see your data and be forgotten

You may request to see a copy of any personal data we hold on you. We should provide you with this within one month if we can. Please note that any historic data may require a little more time to collate due to non-indexed off-site hard-copy archiving.

For evidential purposes under the Wildlife and Countryside Act 1981 and Commons Acts, all relevant correspondence and any personal data within it will be kept indefinitely. Individuals who provide any correspondence that is a matter of public record: e.g. applications, representations to orders, statements of use, or a non-intention to dedicate do not have a right to be forgotten or to have their data deleted. Individuals who have submitted a service request or complaint will have a right to have their personal data deleted upon request, subject to the Council’s published data retention schedule, see: http://www.centralbedfordshire.gov.uk/council/information-governance/records-management.aspx

Further information

This Notice is also available on the Central Bedfordshire Council website at http://www.centralbedfordshire.gov.uk/leisure/countryside/landing.aspx.

Any queries relating to this Notice should be directed in the first instance to the Senior Definitive Map Officer, Adam Maciejewski at the Thorn Turn Highways Depot, Thorn Road, Houghton Regis, DUNSTABLE, LU5 6GJ, e-mail adam.maciejewski@centralbedfordshire.gov.uk or call on 0300 300 6530.

More information on how we look after your personal data can be found on the data protection section of the Council’s website at: http://www.centralbedfordshire.gov.uk/contact-us/website/data-protection.aspx
Order of Processing of Definitive Map Modification Order Applications:
Prioritisation and Ranking

1.1. Applications (both new and those yet to be processed) are now prioritised (ranked) according to the criteria set out below in order to make the best use of limited Council resources and to provide the greatest improvement to Central Bedfordshire’s public rights of way network. Further details of how each criterion is weighted can be found in the Revised Applications Policy (2017).

<table>
<thead>
<tr>
<th>Criterion</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Evidential Test</td>
<td>This test has yet to be applied under the Deregulation Act 2015 and so these scores are not currently used in the ranking process</td>
</tr>
<tr>
<td>Secretary of State’s direction</td>
<td>Applicable following successful appeal to the Secretary of State under Sch. 14 S.3(2) to the Wildlife and Countryside Act 1981</td>
</tr>
<tr>
<td>Early determination required</td>
<td>Where the position/status is required to be ascertained prior to legal action taking place, or prior to commencement of a CBC scheme, or for any other valid Council reason that requires the determination being expedited</td>
</tr>
<tr>
<td>Obstructed route</td>
<td>Whether a route is obstructed, either recently or long-term</td>
</tr>
<tr>
<td>Alternative route</td>
<td>Whether there is an alternative route and whether this is suitable and safe for the relevant class of users</td>
</tr>
<tr>
<td>Development threat</td>
<td>Whether a route is threatened with imminent or likely development</td>
</tr>
<tr>
<td>User Evidence</td>
<td>Whether there is a risk of loss of key witnesses or whether evidence is accessible documentary evidence</td>
</tr>
<tr>
<td>Connectivity</td>
<td>Whether the route is a critical connection, new path or provides a duplicate path or no enhancement</td>
</tr>
<tr>
<td>Level of use</td>
<td>Whether use is frequent by many people or infrequent by few people</td>
</tr>
<tr>
<td>Changes on ground</td>
<td>Whether there is a change of route/new route, removal of structures/obstructions or no physical change on the ground</td>
</tr>
<tr>
<td>(For deletions / downgradings only)</td>
<td>Would remove a well-used/critical route or where a route has valid security/privacy considerations or would remove a route over arable farmland</td>
</tr>
</tbody>
</table>
1.2. Each criterion is weighted with a bias towards the enhancement and development of the public rights of way network. This bias applies only to the order in which applications are processed: each application will be impartially determined on the evidence available at the time of determination.

1.3. Once an application is accepted as being “duly made” it is assigned a case number and ranked. The ranked application is added to the list of pending applications held within the public Section 53B Register. Changes in circumstances of applications and the submission of new applications may change rankings thus promoting or demoting existing applications.

1.4. The Council will process duly made applications in order of the ranked priority at the time the case is started. Cases started before the onset of the new prioritisation scheme will continue to be processed in parallel with ranked applications.
by telephone: 0300 300 8000
by email: customer.services@centralbedfordshire.gov.uk
on the web: www.centralbedfordshire.gov.uk
Write to Central Bedfordshire Council, Priory House,
Monks Walk, Chicksands, Shefford, Bedfordshire SG17 5TQ