INTRODUCTION

The Definitive Map and Statement is a legal record maintained by the Surveying Authority (Northamptonshire County Council) of the public rights of way within its area, and is available to the public to view during office hours. Northamptonshire Highways can advise you how to view them. It is recommended that before beginning any application, you view the map and discuss the matter with a Definitive Map Officer, who can give you advice.

PUBLIC RIGHTS OF WAY

Public Rights of Way include:

**Footpath**: The public have a right of way on foot only.

**Bridleway**: The public have a right of way on foot, on horseback or leading a horse, and on a pedal cycle.

**Restricted Byway**: The public have a right of way on foot, on horseback or leading a horse, on pedal cycle and in or on vehicles other than mechanically propelled vehicles.

**Byway open to all traffic (BOAT)**: A public right of way with vehicular rights, but which is mostly used by pedestrians and horse riders.

DEFINITIVE MAP MODIFICATION ORDER (‘DMMO’)

Under the Wildlife and Countryside Act 1981 any person believing details contained within the Definitive Map or Statement to be incorrect may apply for a modification order which, if made and confirmed, will amend the map and statement to ensure that it is a correct record of the public’s rights.

The grounds for applying for a DMMO are varied, but an application must fall into one or more of the following categories:

1. That a right of way exists but is not shown on the Definitive Map and Statement.

2. That a right of way shown on the Definitive Map and Statement with a particular status ought to be shown with a different status.

3. That a right of way shown on the Definitive Map and Statement does not exist and ought to be removed.

4. That any other particulars contained in the Definitive Map and Statement need modification (e.g. the width of a right of way).

DMMOs are about whether or not public rights exist. Issues of nuisance and desirability are not relevant to an application for a DMMO.
EVIDENCE

To change the Definitive Map and Statement Northamptonshire Highways must see evidence to prove the case. It is for the applicant to produce evidence to Northamptonshire Highways before a DMMO can be made to modify the Definitive Map and Statement.

Northamptonshire Highways will carry out its own investigations into the application and consult with other councils, user groups, landowners and other interested parties, as appropriate. This may well include interviewing the applicant's witnesses who completed Preliminary Evidence Forms in order to draw up more complete statements.

It is difficult to generalise about the evidence needed because each case is different and will be judged on its own merits. However, evidence can consist of information gained from either or both of the following sources:

User Evidence

These are statements from people who have used the way and would usually be accompanied by a map showing the alignment used. This information is easily collected on Preliminary Evidence Forms (Form D), supplied by Northamptonshire Highways.

Documentary Evidence

Historical records may include (but are not limited to) any of the following:
- Old maps
- Inclosure Awards
- Quarter Session records
- Estate maps
- Railway and Canal records and plans
- Tithe Maps
- Finance Act 1910 records
- Parish Council minutes
- Ordnance Survey maps

The above records can often be viewed at Northamptonshire Record Office located at Wootton Hall Park, Northampton. See their website at http://www3.northamptonshire.gov.uk/councilservices/archives-and-heritage/northamptonshire-archives/Pages/default.aspx or telephone 01604 362513.

Modern records, as follows:
- Property Deeds
- Building plans
- Published articles & books

Copies of any historical evidence (preferably including reference numbers obtained from Northamptonshire Record Office) should be included with the application.

Landowners, occupiers and other interested parties will be consulted as part of the investigation by Northamptonshire Highways, and their evidence could rebut the claim.

MAKING AN APPLICATION

The Applicant will need to do the following:

1. **Form A, Application Form** - Complete this fully. The date on which the Form is received by Northamptonshire Highways is the formal start date of the application.

2. **Form B, Form of Notice to Landowners and Occupiers** - Send a completed copy of Form B (together with a map showing the claimed route), to everyone believed to own or occupy the affected land. An occupier is also considered to include anyone who
has private access rights across the claimed route. If, after sufficient inquiries have been made, the applicant cannot ascertain the landowners/occupiers the applicant will need to post notices on site, addressed to the owner and/or occupier informing them that the application has been submitted. The second section of Form B (part 2) is to be completed by the owner or occupier receiving the form, which they should complete and return to Northamptonshire Highways.

3. **Form C, Certificate of Service of Notice** - Complete this fully to show all the owners and occupiers who have been served with Form B.

4. **Form D, Preliminary Evidence Forms** - Give a Preliminary Evidence Form, together with a map, to each person able to give evidence about use of the way. It is for each user to mark on the map the route they have used. It is preferable that these are all returned along with the application, rather than being submitted separately as the user evidence influences the prioritisation of the application.

5. **Prepare an Application Map Showing the Route(s) & Land Ownership/Occupiers** - A map clearly showing the claimed route and ownership of the land is required. The map should be signed and dated by the applicant. This map constitutes part of the application and should be at a scale of not less than 1:25,000.

The applicant must return the following documentation to Northamptonshire Highways:
- Form A (including a map, as referred to at number 5)
- Form C
- Form Ds and accompanying maps
- Any relevant historical evidence (including copies where appropriate)
- Copies of any correspondence in relation to the application and letters of support from Parish Council, User Groups etc.

**WHAT HAPPENS NEXT**

Applications are registered on the date that Northamptonshire Highways receives a fully completed application form (encompassing all of the above). Applications are prioritised using Northamptonshire Highways’ DMMO Claims Prioritisation Scoring System (please see the relevant Explanatory Notes). They are processed in order of priority.

A Case Officer will be assigned in due course to investigate the application, which includes consultations as mentioned above.

When the Case Officer completes the investigation, a report is produced. The report is then considered by the Officer with Delegated Powers at Northamptonshire Highways and a decision is made as to whether or not to make a DMMO based on the evidence.

If a DMMO is made, a period of 42 days is then allowed for objections or representations to be lodged. If any objections to the order are made, Northamptonshire Highways will try to resolve them. If they are unable to do so, all the associated papers will be forwarded to the Secretary of State for determination. If you wish to object to a DMMO please see the Planning Inspectorate guidance online at https://www.gov.uk/guidance/object-to-a-public-right-of-way-order

If no objections are made against the order, Northamptonshire Highways will confirm the order, making it effective.

If Northamptonshire Highways decide not to make a DMMO, a period of 28 days is allowed for the applicant to appeal against that decision, stating the grounds of the appeal. Again, Northamptonshire Highways will try to resolve the matter. If that cannot be done, the papers are sent to the Secretary of State for determination.
GENERAL DATA PROTECTION REGULATIONS (GDPR)

The GDPR impacts on how we manage and control the way we process personal data. We do not request special category data. We only collect data which is strictly necessary in processing an application. All personal data is supplied voluntarily at the applicant’s discretion and will be held and used by Northamptonshire County Council (NCC), KierWSP and LGSS Law their agents and successor authorities or organisations only in so far as is necessary in order to facilitate the determination of an application for a Definitive Map Modification Order under the Wildlife and Countryside Act 1981. More specifically, the data may be:

a) Stored electronically on a computer system operated by or on behalf of NCC.

b) Shared in whole or part with interested parties such as parish or district councils, user groups such as the Ramblers’ Association, landowners and any formal objectors to any order which may be made by NCC as a consequence of the application.

c) Shared with NCC’s formal decision maker in a report which will be available for public viewing on request.

d) In the event that an order is made and attracts objections the data will be shared with the Planning Inspectorate as forming part of NCC’s submission.

e) At a Public Hearing or Public Inquiry into an opposed order this data will be in NCC’s bundle of documents which will be available for inspection by any member of the public attending the Hearing or Inquiry.

f) The data will be retained in accordance with NCC’s formal data retention schedule as applicable at the time.

g) A copy of the application will appear on the register of DMMOs required to be kept under section 53B of the Wildlife and Countryside Act 1981 (as amended). The register is displayed on our website at http://www3.northamptonshire.gov.uk/councilservices/northamptonshire-highways/rights-of-way/Pages/register-of-definitive-map-modification-order-applications.aspx

CONTACT US

For further information about the DMMO process please contact a member of the Definitive Map Team at Northamptonshire Highways, One Angel Square, Angel Street, Northampton, NN1 1ED:

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