



**APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER**  
**WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE MILTON KEYNES COUNCIL DEFINITIVE MAP AND STATEMENT**

**GUIDANCE NOTE**

This Guidance Note has been prepared and issued by Milton Keynes Council to assist people in making applications for Definitive Map Modification Orders. The Note is intended as a guide only and applicants are advised to refer also to Part III of the Wildlife and Countryside Act 1981 (in particular Section 53 and Schedule 14) and “The Wildlife Countryside (Definitive Maps and Statements) Regulations 1993” S.I. 1993 No 12 as no responsibility can be accepted by the Milton Keynes Council for any errors or omissions in this Note. The procedure for making and determination of applications is set out in Schedule 14. It includes the right for applicants to appeal to the Secretary of State against the refusal of the Milton Keynes Council to make an Order. An extract from Section 53 is included at the end of this note.

Form 1 in this pack should be completed by you and returned to Milton Keynes Council. This form summarises the changes that you are seeking to the Definitive Map and Statement. It must be accompanied by a map showing the route at a scale of not less than 1:25,000. It is helpful if a much larger scale map, such as 1 : 10,000 or even 1 : 2,500, can be used.

You must serve a formal notice on every landowner and occupier of land affected by the application. Form 2 should be completed and sent to all those affected. If you are unable to identify all the owners and occupiers you should contact Milton Keynes Council for further advice. Once notice has been served on the landowners / occupiers, you must certify this fact to Milton Keynes Council using Form 3.

Modification Orders to modify the definitive map can only be made where sufficient evidence has been produced. Such evidence could come from a wide variety of sources such as Inclosure and Tithe Awards, Railway and Canal Plans, 1910 Finance Act records, Council Committee minutes and papers, early Ordnance Survey Maps showing the physical existence of a route and evidence of use by members of the public. In some cases evidence of use may be sufficient to establish a right of way without any other documentary evidence (generally evidence of use for a period of 20 years or more).

Form 4 provides a means for you to collect such evidence of use. There is no minimum number of completed User Evidence forms required to submit an application based solely on use but the greater the number of forms you can collect, the stronger your case will be. You should photocopy the form as required and distribute to as many people as possible who can provide evidence. You should collect the completed forms and return them with any documentary evidence as part of your application. Please note that those supplying evidence of use in support of your application do not need to complete forms 1 to 3 in this pack; Forms 1, 2 and 3 are required from the main applicant only.

**Extract from Section 53, Wildlife and Countryside Act 1981 setting out the events that may give rise to the making of a Definitive Map Modification Order**

- 3) The events referred to in subsection (2) are as follows: -
- b) The expiration, in relation to any way in the area to which the map relates, of any period, such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path;
  - c) The discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:
    - i) that a right of way which is not shown in the Map and Statement subsists or is reasonably alleged to subsist over land in the area to which the Map relates, being a right of way to which this Part applies;
    - ii) that a highway shown in the Map and Statement as a highway of a particular description ought to be there shown as a highway of a different description; or
    - iii) that there is no public right of way over land shown in the Map and Statement as a highway of any description, or any other particular contained in the map and Statement require modification.

***For further information please contact Milton Keynes Council  
Rights of Way Section at [rightsofway@milton-keynes.gov.uk](mailto:rightsofway@milton-keynes.gov.uk)***



**APPLICATION FOR MODIFICATION ORDER**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE MILTON KEYNES COUNCIL DEFINITIVE MAP AND STATEMENT**

To: Milton Keynes City Council, Rights of Way Team, 53 Colts Holm Road, Old Wolverton, Milton Keynes, MK12 5QD.

I / We

(name of applicants)

of\*

(address of applicants)

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

[deleting the [footpath] [bridleway] [byway open to all traffic] from

to

[adding the [footpath] [bridleway] [byway open to all traffic] from

to

[[upgrading] [downgrading] to a [footpath] [bridleway] [byway open to all traffic] from

to

[[varying] [adding to] the particulars relating to the [footpath] [bridleway] [byway open to all traffic] from

to

by providing that

and shown on the map annexed hereto.

I / We attach copies of the documentary evidence (including statements of witnesses) set out overleaf, in support of this application.

Signed..... Dated.....  
[on behalf of .....] Phone number.....

Delete any words in square brackets that do not apply

**Rights of Way Data Protection Privacy Statement**

We collect and use information about you so that we can provide you with Rights of Way services under Wildlife & Countryside Act 1981 Legislation. Full details about how we use this data and the rights you have around this can be found at [www.milton-keynes.gov.uk/privacy](http://www.milton-keynes.gov.uk/privacy). If you have any data protection queries, please contact the Data Protection Officer at [data.protection@milton-keynes.gov.uk](mailto:data.protection@milton-keynes.gov.uk)

**FORM 1**



**NOTIFICATION TO LANDOWNER / OCCUPIER OF AN APPLICATION FOR MODIFICATION ORDER**

**SECTION 53(5) OF, AND SCHEDULE 14 TO, THE WILDLIFE AND COUNTRYSIDE ACT 1981**  
**THE MILTON KEYNES COUNCIL DEFINITIVE MAP AND STATEMENT**

To:

Of

I / We

of\*

*(name of applicants)*

*(address of applicants)*

hereby give notice that on the *(date of application to Milton Keynes Council)*,  
I / We made application to Milton Keynes Council, that the definitive map and statement for the area be modified by

[deleting the [footpath] [bridleway] [byway open to all traffic] from

to

[adding the [footpath] [bridleway] [byway open to all traffic] from

to

[[upgrading] [downgrading] to a [footpath] [bridleway] [byway open to all traffic] from

to

[[varying] [adding to] the particulars relating to the [footpath] [bridleway] [byway open to all traffic] from

to

by providing that

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

[on behalf of .....] Phone number.....

Delete any words in square brackets that do not apply

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**FORM 2**



**WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE MILTON KEYNES COUNCIL DEFINITIVE MAP AND STATEMENT**

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

To: Milton Keynes City Council, Rights of Way Team, 53 Colts Holm Road, Old Wolverton, Milton Keynes, MK12 5QD.

I / We

*(name of applicants)*

of

*(address of applicants)*

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with.

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

[on behalf of .....] Phone number.....

Delete any words in square brackets that do not apply

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**FORM 3**