



Information on Consideration of Application to Modify the Definition of the Urban Area of

the Tyne and Wear Local Authority Area

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the Urban Area of

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Definitive Map Modification Orders do not extinguish, divert or create public rights of way, they simply seek to amend the legal records to ensure that they show the true existing situation.

An application can request one of the following;

- a) To register a route considered to be a public right of way but not presently shown on the Definitive Map and Statement of Public Rights of Way.
- b) To ask that the status or route of a registered public right of way be changed because it is incorrectly shown on the Definitive Map and Statement of Public Rights of Way.
- c) To delete a registered right of way on the grounds that it is not, and has never been, a public right of way.

Public Rights of Way fall into one of the following four categories:

- a) Public Footpath – routes used by the public on foot;
- b) Public Bridleways – routes used by the public on foot, horseback and bicycle;
- c) Restricted Byway – routes used by the public on foot, horseback and bicycle, and in non-mechanically propelled vehicles; and
- d) Byway Open to All Traffic – routes that are highways for mechanically propelled vehicles, and available to all traffic, but are of a character that are mainly used routes as footpaths or bridleways.

Before deciding whether to make an application, you should consider the following points:

Routes are likely to be public where:

- a) They have been used by the general public and not only tenants or employers of the land in question;
- b) Such use has been ongoing for many years;
- c) They lead from one road, or other public right of way, to another or to a place of public resort such as hilltop, coast or riverbank;
- d) There has been no history of objection to public passage being raised for many years;

- e) They have been provided with stiles, gates, footbridges or other means of passage.

Routes are **no** likely to be public when:

- a) Signs or notices have been erected and maintained clearly denying the existence of a public right of way.
- b) They have been obstructed, unless this has happened only recently.
- c) Only persons living or working on the land in question have used them.
- d) They are of no obvious use to the public as through-routes, leading only to private property.
- e) The public have been regularly turned back or allowed through only with the specific permission of the landowner.

If you decide to make an application to modify the Definitive Map of Public Rights of Way, your submission should consist of four items:

- a) An application form.
- b) A map showing the route.
- c) Evidence to support your proposal which may include:
 - Supporting statements.
 - Letters from people describing their knowledge of the route.
 - Affidavits or statutory declarations prepared with the assistance of a solicitor.
 - Extracts from parish council records, for example, minute book.
 - Maintenance records.
 - Estate Management records, including deeds.
 - Enclosure Awards / Tithe apportionments.
 - Extracts from historical accounts / guide books / articles.
 - Old maps / photographs.
 - Any documents of a legal nature (agreements, court decisions, etc).
- d) A certificate confirming that the owners of the land in question have been informed.

It is essential to use the forms which are prescribed by the Wildlife and Countryside Act 1981, that give you certain rights of appeal which otherwise

If the Council refuses the application, the applicant has a right of appeal to the Secretary of State. The Secretary of State will consider the case, and decide whether to direct the Council to make an Order.