

**APPLICATION FOR MODIFICATION ORDER**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**Definitive Map and Statement – Staffordshire County Council**

District of Pattingham .....

Parish of Pattingham .....

To: Staffordshire County Council  
PO Box 11  
County Buildings  
Stafford ST16 2LH

I Kim Wolstencroft on behalf of South Staffordshire & District Bridleways Group .....

Of 59 Pennhouse Avenue Penn Wolverhampton WV4 4BD .....

.....

hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981  
modifying the Definitive Map and Statement of Public rights of Way for the area by:

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\* Upgrading to a bridleway the footpath known as Pattingham and Patshull 22

from ...Westbeech Road ..... to Nurton Hill Road.....

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and shown on the map accompanying this application.

\* **delete as appropriate**

**P.T.O.**

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

### **List of Documents**

1. Public Right of Way User Evidence forms from
  - a. Alice Griffiths
  - b. Amanda Millard
  - c. David Burton
  - d. Dianne Budd
  - e. Heather Smith
  - f. Helen Martin
  - g. Julie Martyn
  - h. Kelly Brookes
  - i. Kate Hore
  - j. Leanne Tasker
  - k. Louise Bangham
  - l. Louise Windsor
  - m. Miss M Carpenter
  - n. Rachel Willis
  - o. Richie Moore
  - p. Robert Sedgley
  - q. Sandra Whitehouse
  - r. Sarah Steel
  - s. Sue Douglas-Osborn
  - t. Susan Chaplan
  - u. Susan Riches
  - v. Suzanne Gwilliam
  - w. Sylvia Hazelwood
  - x. Vivienne Hammersley
2. List of Evidence Years from the above respondents.
3. Copy of 1910 Finance Act Map IR129/5/279
4. Copy of Tithe Map 1842
5. Copy of Modern OS Map showing the route being claimed

Date: 17<sup>th</sup> March 2020

Signed: .....

**Please note** that this form will be open to members of the public including affected owners or occupiers of the land crossed by the way.

### NOTE

1. The application (form 1) shall be accompanied by:-

(i) a map on a scale not less than two and half inches to one mile (or 1/25,000) which should clearly show the line of the claimed route:

(ii) copies of any documentary evidence (including statements of witnesses) which the application wishes to adduce in support of the application.

2. (a) Subject to (b) below the applicant shall serve a notice (form 2) stating that the application has been made on every owner and occupier of any land to which the application relates.

(b) Applicants who are unable to ascertain the name and address of the owner or occupier of the land may apply by letter to the County Council for exemption from the requirement to serve a personal notice and for consent to serve notice instead by addressing it to the "owner" or "occupier" of the land (as described in the notice) and affixing it to a conspicuous object on the land. Consent will not normally be withheld if the applicant can show that he has made every reasonable effort to identify the owner and occupier of the land.

(c) When the requirements of (a) or (b) above have been complied with the applicant shall certify that fact to the authority (form 3).

3. (a) As soon as reasonably practicable after receiving a certificate under paragraph 2(c), the authority shall:-

(i) investigate the matters stated in the application; and

(ii) after consulting with every local authority whose area includes the land to which the application relates, decide whether to make or not to make the order to which the application relates.

(b) If the Authority have not determined the application within twelve months of their receiving a certificate under paragraph 2(c) then, on the applicant making representations to the Secretary of State, the Secretary of State may, after consulting with the authority, direct the Authority to determine the application before the expiration of such period as may be specified in the direction.

(c) As soon as practicable after determining the application, the authority shall give notice of their decision by serving a copy of it on the applicant and any person on whom notice of the application was required to be served under paragraph 2(a).

4. (a) Where the authority decide not to make an order, the applicant may, at any time within 28 days after service on him/her of notice of the decision, serve notice of appeal against that decision on the Secretary of State and the Authority.

(b) If on considering the appeal the Secretary of State considers that an order shall be made, he/she shall give to the Authority such directions as appear to him/her necessary for the purpose.

5. As a result of The Public Rights of Way (Register of Applications under Section 53(5) of the Wildlife and Countryside Act 1981) (England) Regulations 2005, the County Council is now under a statutory duty to keep a register of Definitive Map Modification Order applications which have been submitted under section 53(5) of the Wildlife and Countryside Act 1981. The register is to be kept in electronic and paper form and will be available for inspection by the public.

6. The regulations require the register to contain the applicant's name and address, unless in accordance with paragraph 2(3) the County Council is satisfied that this would cause substantial unwarranted damage or distress to the applicant or another person.

7. The regulations state under Paragraph 2(3) that:

Where the surveying authority is satisfied that –

(a) the inclusion or retention of an applicant's name and address on the register would, or would be likely to, cause substantial damage or substantial distress to the applicant or to another person; and

(b) such damage or distress is or would be unwarranted,

the applicant's name and address shall be removed from register or shall not be included on the register, and shall be redacted from any documents contained or to be contained on the register.

8. If the applicant considers that their name and address should be excluded by virtue of the above mentioned paragraph, they must submit a request in writing, accompanied by evidence that the request meets the criteria set out in Paragraph 2(3).