

# How to fill in the application for Modification Order

## APPLICATION FOR MODIFICATION ORDER

### WILDLIFE AND COUNTRYSIDE ACT 1981

#### Notes for Guidance

These notes are to assist you in completing all the forms necessary in order to request a Modification Order. They were originally compiled to deal with objections to the Review of the Definitive Map, published in November, 1981 and references to the Review in the text should be read in that context. The Review procedure was completed and a new Definitive Map was published in 1989.

Note that these forms are not to be used for:

- a) Diversion of Rights of Way
- b) Extinguishment of Rights of Way on the grounds that it is unnecessary.

The information you supply on the forms, together with any additional information attached thereto, could be used as evidence in a Court of Law or at a Public Inquiry, and you are advised of the need to ensure its accuracy. It will also be made available to the landowner and/or other interested persons and will be analysed by Gwynedd Council using electronic data processing equipment.

#### **Form 1**

The *BLUE* form must be filled in and sent to Gwynedd Council at the address given on the form, together with any statements by witnesses and any documents supporting the application.

The form starts with a space for the name and address of the person making the request. If more than one person is making the request, all names and addresses must be included.

Beneath your name and address, the form is in four parts, 1, 2, 3 and 4.

Only one part should be filled in, the others must be crossed out.

*Part 1:* Should be completed if you have evidence claiming that a path shown on the Definitive Map should not be shown on the map. Please note that this is not a request for an extinguishment. It deals only with the production of new evidence that was not available when the Definitive Map was produced, showing that a path should not have been included on the Definitive Map. You must specify the status of the path concerned and the relevant start and end points.

*Part 2:* Should be completed if you are claiming that a path had been omitted. You must specify the status of the path concerned and its start and end points.

*Part 3:* Should be completed if you requesting a change to the classification or status of a path. You should state whether you wish the path upgraded or downgraded; give the new classification of the path; give the old classification and give the start and end points of the path.

*Part 4:* Should be completed if you are requesting an alteration to the written statement accompanying the Definitive Map. You should state whether you want the statement varied or added to; the classification of the path; its start and end points; and the details you wish changed or included. If there is not enough space on this form for all the necessary details, please attach a further sheet of paper.

Please note that a map of scale not less than 1:25,000 (or 2½” to 1 mile) showing the length of the path concerned must be sent with this form, whichever part you fill in.

At the bottom of the form, you should list all documents supporting your application and include copies of them with the form. Please also include any statements by witnesses you may have and then date and sign the form.

## **Form 2**

The *PINK* form has to be served on any and ALL landowners and occupiers over whose property the length of the path in question runs. It is essentially the same as Form 1, except that at the top of the form you should give the name and address of the person on whom you serve the form. A separate form should be served on each landowner and occupier concerned.

You then include the date that you served Form 1 on the Council. This should be the same date as that on the bottom of Form 1. You then fill in Part 1, 2, 3 or 4 as you did in Form 1 and then date and sign the form.

## **Form 3**

The *GREEN* form is filled in with your name and address, signed and dated, and sent to Gwynedd Council. This certifies that you have served Form 2 on all landowners and occupiers concerned.

It may be that after making all possible enquiries, you are unable to locate a particular landowner or occupier and thus are unable to serve Form 2, as required by the legislation. In this instance, you should contact the Council at the address provided and you will be told what is required in this instance.

As stated above, Form 2 must be served on each separate landowner and occupier over whose land the length of path in question runs. Further forms may be obtained from Gwynedd Council.

## **General**

Please note that if these forms are not completed or served correctly, then the application may at any time become invalid and the procedure will have to be commenced again with resultant delay.