



# **BARNSLEY**

**Metropolitan Borough Council**

## **Guide to Definitive Map Modification Order applications (DMMOs)**

This pamphlet gives advice on submitting an application to have a path formally recorded as a public right of way *or* to change the status of an existing right of way (e.g. from footpath to bridleway).

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### **The Definitive Map & Statement**

The Definitive Map and Statement is the legal record of all known public rights of way. The map shows their location while the statement gives a written description and records their status, width, surface type and any features (e.g. stiles and gates).

Types of public right of way:

Footpath:	For pedestrians only.
Bridleway:	For pedestrians, horse riders and cyclists.
Restricted byway:	For pedestrians, horse riders, cyclists and non-motor powered vehicles.
Byway open to all traffic:	For pedestrians, horse riders, cyclists and motor powered vehicles.

However routes that are not shown in the Definitive Map & Statement may still have public rights, while others may have been wrongly recorded.

If you believe the map and / or statement are incorrect and have the evidence to prove it, you can apply for a Definitive Map Modification Order to;

- Add unrecorded routes to the Definitive Map.
- Change the status of an existing right of way (e.g. from footpath to bridleway).
- Change the particulars of a right of way (e.g. increase the recorded width)
- Delete or move a right of way.

NB: DMMOs formally recognise and record public rights that already exist, they do not create new paths. Applications are only accepted when there is strong evidence to demonstrate that the claimed rights do exist.

## **How to fill in the application forms**

The application is split into 2 parts;

### Form A

Is your application to the Council. The first page is for your personal details and should describe what you are applying for. On the second page you should list your supporting evidence. The third page is where you confirm that you have served Form B notices on all known landowners.

### Form B

Is the notice that you serve on the landowners. Applicants are legally required to notify all affected landowners of their application. Where the landowners are unknown, you may ask the Council for permission to place notices at either end of the affected route addressed 'to the owner / occupier'.

NB: All application forms should be accompanied by a plan showing the route in question. This plan must be to a scale of 1:25,000 or larger. Barnsley Council can provide you with blank plans.

Your completed Form A, plan and supporting evidence should be sent to:

Public Rights of Way, Network Management, Environmental Services,  
Barnsley Metropolitan Borough Council, PO Box 601, Barnsley, S70 9FA

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## **Evidence**

For your application to be successful, you must provide evidence that the claimed rights exist. Evidence can be grouped into the following categories;

### User Evidence

If a route has been used by the public for 20 continuous years or more then a right of way may have been established.

Use of the route must have been 'as of right'. To establish a right of way public access must have been open, without the use of force and without the landowner either challenging public access or giving permission for it.

The 20 year period is backdated from the date that public access was first challenged, or else from the date of the application.

In order to prove 20+ years use, members of the public should submit User Evidence Forms (a type of witness statement). The greater the number of evidence forms submitted, the more likely the application is to succeed. A minimum of 6-10 good quality evidence forms are normally required for an application to stand a chance of being successful.

## Historical Evidence

Historical documents may also provide evidence of public rights. Documents that award a status to the claimed route (e.g. an inclosure award or a path creation agreement) provide very strong evidence. Other documents that show the route (e.g. Ordnance Survey plans) may also be useful.

Barnsley Council can help you identify the main historical evidence and advise you on how this affects your application. Please contact us if you would like to discuss this.

Some of the most common sources of historical evidence are;

Inclosure Awards and Maps – Often award rights of way, providing a width and a status for each route mentioned.

Acts for railways, waterways (canals), roads & works - Authorised acts of parliament, each act has a plan and schedule showing public rights of way on or adjacent to proposed developments.

Highway Orders – Path diversion and extinguishment orders. Old orders are often listed in Quarter Session records.

Tithe Awards & Maps – Record titheable land. Roads and rights of way are sometimes shown.

Finance Act 1910 Valuations – Record taxable land. Owners could claim tax deductions for admitted rights of way.

Estate Maps - Large estates sometimes produced maps showing rights of way on their land.

Ordnance Survey Maps & photos – Historical maps & photos do not provide evidence of a route's legal status but can demonstrate its physical characteristics at that time. Barnsley Archives have a range of old Ordnance Survey maps and aerial photos.

Local records – E.g. District Highway Maintenance Records or Parish Records; may refer to maintenance of public rights of way.

## Opposing / Landowner evidence

Landowners can submit evidence to dispute your application. Any evidence of obstructions, licences or other challenges to public use will be taken into consideration and may result in an application being rejected. Common examples of challenges by landowners include fencing, signage, deposited plans and verbally asking the public not to use a route.

## **More information**

Natural England guidance on DMMO applications:

[publications.naturalengland.org.uk/file/103001](https://publications.naturalengland.org.uk/file/103001)

Information on registered land is held by the Land Registry:

<http://www.landregistry.gov.uk/>

## **Contact Details**

If you would like more advice or information on DMMOs, please contact the Public Rights of Way department:

By email:

publicrightsofway@barnsley.gov.uk

By telephone:

(01226) 773555

By post:

Public Rights of Way  
Network Management  
Environmental Services  
Barnsley Metropolitan Borough Council  
PO Box 601  
Barnsley  
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