

WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53

DEFINITIVE MAP MODIFICATION ORDERS (DMMO)

DEFINITIVE MAP AND STATEMENT

What is the Definitive Map?

The Definitive Map and Statement (the DM&S) of Public Rights of Way is the legal record of public rights of way in the county. Gloucestershire County Council is the surveying authority responsible for maintaining the DM&S as the accurate record of all public rights of way in the County.

The DM&S is a living document that is subject to change as routes are added, deleted, or changed in status or position. Routes/rights may be extinguished or diverted by an official Order under s.118 or s.119 (respectively) of the Highways Act 1980, where change is made in either the landowner's or the public's interest. Additionally, routes may be added, deleted or their status changed by a Definitive Map Modification Order (DMMO) which requires evidence that the DM&S should be changed.

The rights recorded on the Definitive Map & Statement are as follows:

- Footpath - right of way on foot only
- Bridleway - right on foot and to lead or ride a horse; pedal cycles may be used on a bridleway
- Restricted Byway - carriageway which carries rights on foot, and to lead or ride a horse, and for all non-mechanically propelled vehicles (for example, a bicycle or a horse and cart)
- Byway Open to All Traffic (BOAT) - special category of carriageway that usually has the character of a footpath or bridleway, and which carries a right on foot, to lead or ride a horse, and a full vehicular right that includes motor vehicles.

NB: The category of Restricted Byway replaced that of 'Road Used as Public Path' (RUPP) following the enactment of sections 47 & 48 of the Countryside and Rights of Way Act 2000 on 2 May 2006. All former RUPPs are therefore now shown on the Definitive Map as Restricted Byways.

How was the Definitive Map & Statement prepared?

The DM&S was prepared under the provisions of the National Parks & Access to the Countryside Act 1949 which required surveying authorities of County Councils to prepare maps and statements of public rights of way. The procedure for the preparation was long and complex.

Firstly, Parish Councils were asked to annotate maps showing what they identified as their local public path network. The Surveying Authority then collated these maps and produced a Draft Map, which was published and made subject to public consultation. Any objections to the representation of routes shown on, or missing from, the Draft Map were heard by an appointed barrister, which resulted in the publication of a Modified Draft Map, which again was made subject to public consultation and objection/appeal.

Following this, a Provisional Map and Statement was prepared for consultation, but this was just open to anyone with a legal interest in the land concerned. Following final agreement, the first official Definitive Map & Statement was published.

Effect of the Definitive Map

The marking of a route on the Definitive Map is conclusive evidence of the minimum status of the public right of way over the route depicted. Section 56 of the Wildlife and Countryside Act 1981 states that a Definitive Map and Statement shall be conclusive evidence as to the particulars contained therein. However, the Definitive Map is only conclusive as to the information it contains without prejudice to the existence of any other rights which may exist.

Public Rights of Way on Ordnance Survey Maps

Public rights of way are shown on the Explorer and Landranger editions of Ordnance Survey maps. The information on rights of way is supplied by local authorities and is based on information contained within the Definitive Map and Statement. Ordnance Survey Maps also record physical features on the ground such as ways and tracks. They carry a disclaimer to the effect that the representation of any road, track or path on the map is no evidence of the existence of a public right of way.

Where can I see the Definitive Map?

You can view the original Map at Shire Hall, Westgate Street, Gloucester, GL1 2TJ during Shire Hall Reception open hours (no need to book an appointment).

An electronic representation of the recorded rights of way is available online at <https://www3.gloucestershire.gov.uk/PROW/>. This is not the Definitive Map but our attempt to show the data in an electronic format. The routes shown have been transposed from the original Definitive Map, which is at a published scale of 1:10,560; therefore, please make due allowance for any extra implied accuracy at the viewed scale.

Any other questions?

If you have any further questions about the Definitive Maps, please contact us:

- Post: Highway Records & DMMO Team, Gloucestershire County Council, Shire Hall, Gloucester GL1 2TH
- Email: modificationorders@gloucestershire.gov.uk
- Web: www.gloucestershire.gov.uk/prow