

SUBMISSION NOTES FOR APPLICATIONS for a Definitive Map Modification Order (DMMO)

This document will assist you in preparing your application for a Definitive Map Modification Order. Please use these notes to assist you in compiling and submitting an application for a Definitive Map Modification Order under section 53(2) of the Wildlife and Countryside Act 1981 (WCA 1981).

In order for your claim application to pass our initial assessments and for you be fully aware of the requirements and processes involved, the information below should assist you in this matter. We will be happy to answer any questions you may have in this regard although we may not be able to be specific in detail about particular paths prior to seeing the application in full.

Once you are ready to submit an application, please note that we will require satisfactory completed forms and full applications to begin considering processing your claim. In order to process your claim as efficiently as possible please ensure you include the following documents as described below.

We may have to return or delay applications if they do not fulfil these requirements.

You can either complete the forms listed below by hand or by editing them electronically on a computer. Please ensure you have also read through the 'Applicant Claims Guidance July 2018' document.

Please include a covering letter outlining the reasons for your application.

If you seek legal advice at any stage and you wish us to correspond with a solicitor or other representative on this matter, please confirm in writing their full name and contact details and to what extent we can discuss your application with them.

This table describes the documents you need to include in your application and how to complete them.

DOCUMENT	HOW TO COMPLETE	NOTES
<p>Schedule 7, WCA 1981 (Appendix 1) Form of Application and Plan <i>This is your application form.</i></p> <p>-must be included in your application.</p>	<p>-Add full name(s) and address(es) of all applicant(s). -Delete or cross through any of the intentions/words not relevant or applicable. -All applicants to sign and date the form at the bottom at the time of completion. -The plan must be marked with a clear line showing the route you wish to claim.</p>	<p>Ideally, the claimed Public Right of Way needs to go to and from an existing public right of way and/or an existing public highway and/or a public place of interest.</p>
<p>Schedule 8, WCA 1981 (Appendix 2) Form of Notice of Application <i>This is the notice you serve on the landowner(s) to notify them of your application.</i></p> <p>-must be included in your application unless an alternative is agreed with us.</p>	<p>-Add full name(s) and address(es) of the owner occupier(s). This should be addressed to all persons /companies listed under 'Section B: Proprietorship' as the freeholder /legal owners on the Land Registry Title records for all land that the claimed path crosses over. In addition this should also be served on any/all known Leaseholders/Owner/Occupiers on the same land. -Delete or cross through any of the intentions/words not relevant or applicable. -All applicants to sign and date the form at the bottom at the time of completion.</p>	<p>If the Landowner(s) and/or Leaseholder(s) are unknown you will need to post Notices on site but you will need to discuss this with us first.</p>
<p>Schedule 9, WCA 1981 (Appendix 3) Form of Certificate of Service <i>This is your confirmation to us that all Appendix 2 forms have been posted by mail or, if applicable, on site.</i></p> <p>-must be included in your application</p>	<p>-All applicants to sign and date the form at the bottom at the time of completion.</p>	<p>Please ensure this is completed and dated on the same date or after all Appendix 2 forms have been posted either by mail or on site if agreed.</p> <p>The issuing of further Appendix 2 forms will require the completion of further Appendix 3 forms to confirm they have been issued.</p>

<p>East Sussex County Council User Evidence Statement Form and Plan -if applicable <i>To be completed by individuals who have used the claimed path.</i></p>	<p>-Please ensure all questions are answered and the form is completed as much as possible and/or as applicable. -All applicants to sign and date the form at the bottom at the time of completing the form. -The plan must be marked with a clear line by the user showing their use of the claimed route and signed by them.</p>	<p>You may wish to include a key to your plan.</p>
<p>Historical research -if applicable</p>	<p>You may wish to include copies of historical maps, records and/or evidence as part of your claim. This may include, for example, Tithe, Inclosure Act, Quarter Sessions records.</p>	<p>You will need to explain in what way these documents are relevant to the claim, what they show, how they support it and what conclusions you draw from them as a result.</p>
<p>Other supporting documents -if applicable</p>	<p>Please include anything else you feel may be relevant to your application.</p>	<p>You will need to explain in what way these documents are relevant to the claim, what they show, how they support it and what conclusions you draw from them as a result.</p>

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This checklist should be completed and included in your application to confirm the documents you are providing and/or to provide an explanation as to why they are not being sent. You may like to keep a copy for your own records.

East Sussex County Council’s Application reference, (or yours if unknown (if applicable):

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Document Type	Included in application YES/NO	Date submitted to ESCC	Notes to ESCC if applicable
Covering letter with list of documents enclosed			
Appendix 1 – Form of Application and Plan			
Appendix 2 - Form of Notice of Application (to Landowners/Owner/Occupiers)			
Appendix 3 Form of Certificate of Service			
East Sussex County Council Questionnaire & Evidence Form and Plan			
Historical research with explanations			
Any other supporting documents, labelled and explained.			

Please include this checklist in your application

NOTES – please write in this box anything else you wish to mention regarding the submission of your application or the nature of your claim.

Where to send your full DMMO application and all further paperwork

-You can send us your written application and documents to us in the following ways:

- by hand to Reception, County Hall, St Anne's Crescent, Lewes East Sussex BN7 1UE.
- by post to Definitive Map Team, Rights of Way, County Hall, St Anne's Crescent, Lewes East Sussex BN7 1UE.
- by email to definitive.map@eastsussex.gov.uk

What happens next?

- 1) We will acknowledge receipt of your application within 10 days of receiving it and provide you with a unique reference number to identify it.
- 2) The claim will be added to our published list of all DMMO claims within 28 days of receipt of at least Appendix 1 as a minimum. If other forms and documentation are received other than Appendix 1 we will only add it to the list once at least Appendix 1 is received.
- 3) This will be followed by an initial assessment of the application after which we will notify you as to whether we can accept it and if the application is complete in terms of the forms being correctly completed. If we return an application to you because we cannot proceed with it, we will indicate the reason for this, so that you can resubmit it should you wish to do so. If the application is incomplete we will correspond with you until all the documents are correct.
- 4) Once we are happy that a satisfactorily complete application is in our possession, the claim will await its turn to be fully investigated. Claims are generally processed in chronological order of date received working on the oldest ones first, but other factors may increase its priority and examples of these exceptions may be:
 - a) A successful Order would significantly enhance public safety.
 - b) The claimed route is threatened by imminent development.
 - c) Demand for the claimed route is particularly high or would form part of a recognised strategic link in the network.
- 5) The DMMO claim will be investigated which takes the form of several stages of consultation:
 - a) The first stage of the investigation is to write to the landowner with all the evidence for comments.
 - b) The second stage is for those comments to be forwarded to the applicant for comments.
 - c) The third stage is for any applicant comments to go to landowner for final comments.
 - d) The fourth stage would be for any landowner comments to go to the applicant for final comments.
 - e) Despite our best efforts and depending on the priority of other cases and other workloads, these stages may not always run immediately after each other. Some claims are based primarily on user evidence while others rely more on historical knowledge and as a consequence the time taken on these different types will vary.
 - f) Finally, a decision is made and a report is written which is sent to the relevant officer with Delegated Authority for review after which you will be notified of the result.

The above information is an approximate guide to outline our processes of a DMMO application and may be subject to change and alteration at any time.

If you have any questions or queries about any of this material or you wish to discuss a potential claim please contact Rights of Way on 0345 6080 193 or email us at definitive.map@eastsussex.gov.uk

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