



## **WILDLIFE AND COUNTRYSIDE ACT 1981**

Decisions on alterations to the Definitive Map using the Modification Order procedure have to be based solely on the evidence of whether a right of way of the type under consideration exists or has ever existed on the route described. The Planning Committees are not allowed to take anything other than evidence into consideration, as it would be irrelevant.

Examples are given below of evidence that **IS** relevant and other information, which is **NOT** legally relevant.

### **RELEVANT EVIDENCE IN FAVOUR OF A CLAIM**

I have used the route for 20 years as a footpath/bridleway/restricted byway/byway open to all traffic. Nobody has tried to stop me or put up signs to dissuade me. I have never asked permission to use the route and have always done so openly.

This route is shown on the Tithe/Inclosure Award/Ordnance Survey/Estate/County/Finance Act Map as a .....

The County Council roadman always used to trim the banks and fill the potholes.

### **RELEVANT EVIDENCE AGAINST A CLAIM**

I made a statutory declaration under the Highways Act in 19../20.. to prevent any more paths being created on my land.

I put up 'Private – Keep Out' signs 20 years ago and they were there for 5 years before they fell down.

The owner before me used to set his dogs on people trespassing in that field.

### **IRRELEVANT INFORMATION**

This would make a useful link between A and B.

This would spoil my privacy.

If this claim is allowed, anti-social people will use it.

It will cost the Council a fortune to make it usable.

There is a much better route through the next field.

I like/don't like it.

There is a house built on it.