

Highway Records & DMMO
Gloucestershire County Council
Block 5, 6th Floor West
Shire Hall, Gloucester. GL1 2TH

EMAIL

email: modificationorders@gloucestershire.gov.uk
Phone: 01452 427583

Case Officer: Julie Haworth
Our Ref: 573/11/063(1)

Your Ref:

Date: 15/5/24

Dear Sir/Madam,

**Wildlife & Countryside Act 1981, Section 53
Definitive Map Modification Order Application
Upgrade Restricted Byways KCD13 & KBY3 and addition of unregistered public road
50885 as Byways Open To All Traffic, Potlickers Lane, Coln St Dennis and Bibury
Parishes**

Gloucestershire County Council has received an application based on documentary evidence to upgrade Restricted Byways (RB) KCD13 & KBY3 and the addition of a section of public road 50885 as Byways Open To All Traffic (BOAT), at Potlickers Lane, in the parishes of Coln St Dennis and Bibury to the Definitive Map. The Definitive Map is the official record of the public rights of way in Gloucestershire and the County Council has a duty under section 53 of the Wildlife and Countryside Act 1981 to consider all applications to modify the legal record.

Please find enclosed a map showing the claimed route, marked A to B, and a general information sheet about Definitive Map Modification Orders (DMMO).

The purpose of writing to you is to give you the opportunity to make comments regarding:

- (a) the length of time/period you have known the route, and
- (b) your knowledge of its status, ie. any historic information, where it goes, and whether use has been by walkers, cyclists, horse-riders, horse & carriage, motor traffic, etc.

Please note the Council can only consider 'legally relevant' evidence in deciding whether to modify the Definitive Map & Statement, and applications must be determined on the basis of evidence as to whether rights exist or not, as opposed to whether the claimed right of way would be a good or a bad thing. Therefore, we are looking for evidence of:

- The existence of the way - whether there is documentary evidence which shows that a right of way for the public exists, or a history of use by members of the public, sufficient to show that a right of way exists;
- The status of the way - whether there is evidence to show that the way has been used by people on foot, horseback or in vehicles and if so what the nature and extent of that use is; and
- The precise route of the way.

The following factors cannot legally be taken into account:

- The suitability of the way for the use being claimed;
- The effect on the environment or on amenities in the area;

- The existence (or not) of other rights of way in the immediate area.

Please also note that, as Modification Order applications may result in a legal Order being made to change the Definitive Map of Public Rights of Way, any evidence, comments or objections you submit in respect of a Modification Order application, whether current or proposed, will form part of the published record of the application and may be available to anyone who requests it (including any affected landowner or their representative); this will include certain personal data. The way we use your data and your rights is available on our Privacy Notice available at <https://www.gloucestershire.gov.uk/prow/definitive-map-and-associated-registers/>.

Please send any comments or evidence to modificationorders@gloucestershire.gov.uk by Wednesday 19th June 2024. If you have any further queries, the name of the allocated case officer is stated at the top of this letter.

Yours sincerely

Jack Capon
Asset Data Technician (PROW Definitive Map)
Highway Records

Encs.