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Cuckfield Parish Council,
Queens Hall,
High Street,
Cuckfield,
Haywards Heath RH17 5EL

31st December 2021

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Our ref: **CC803/15607**

Dear Sirs,

Definitive Map Modification Order - addition of a FP from 22CU to FP 6aCU, Cuckfield

Application No. DMMO 20/21

As you may already be aware, West Sussex County Council has recently received the above application, which seeks to modify the Definitive Map and Statement for Cuckfield Urban by adding a footpath from Footpath 22CU to Footpath 6aCU in the parish of Cuckfield (please find the application form and plan enclosed). This application is based on evidence suggesting that there has been uninterrupted use of this route by the public as of right for a full period of 20 years. I understand that you may have an interest in the land, or part of the land, crossed by the claimed right of way.

The County Council is required to investigate the matters contained in the application and this may include an initial independent site visit to the area to gain an impression of the route and to check the accuracy of the application and plan.

Although it is envisaged that formal investigations will not commence for some time, I do need accurate information about the ownership and occupation of any property rights in this land so that all interested persons can be consulted about the claim and be kept informed of progress. I therefore enclose a Requisition for Information about interests in the land. I apologise for its formal nature, but it is necessary in order to comply with the law and to protect your interest as a landowner/occupier.



The Legal Services of Brighton and Hove City Council,
East Sussex County Council, Surrey County Council and
West Sussex County Council working in partnership

If you have any evidence, either in support of or contrary to, the application, which you would like the Council to take into account, please let me know. You may find it helpful to use the enclosed evidence form on to supply this information.

When formal investigation does start on a claim, it usually takes several months or more to complete. Every local authority whose area includes the land to which the application relates will also be consulted, to decide whether or not to make the Definitive Map Modification Order. The County Council is required give notice of its decision to every owner and occupier of any land to which the application relates.

Yours sincerely

Charlotte Nash
Trainee Legal Executive

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WEST SUSSEX COUNTY COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

REQUISITION FOR INFORMATION

TO: Cuckfield Parish Council

OF: Queens Hall, High Street, Cuckfield, Haywards Heath, RH17 5EL

WHEREAS the West Sussex County Council are a surveying authority for the purposes of the Wildlife and Countryside Act 1980 and have a duty under Section 53 of the said Act to keep the definitive map and statement of public rights of way under continuous review and to make such modifications to the map and statement as appear to them to be requisite.

TAKE Notice that, pursuant to the provisions of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, the West Sussex County Council HEREBY REQUIRE YOU to give me in writing within fourteen days of the service of this notice:-

- (a) the nature of your interest in the land shown delineated by a red line on the attached plan;
N.B. If you are only interested in part of the land, could you please show which part; and
- (b) the name and address of each person who you believe is, as respects the said land:-
 - (i) the occupier of the land;
 - (ii) any person who has an interest in the land either as a freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land;
 - (iii) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it.

A person who fails to comply with the requirements of a notice served on him in pursuance of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 or, in furnishing any information in compliance with such a notice, makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

DATED this 31st day of December 2021



Signed: Tony Kershaw

Head of Legal Services,
County Hall,
Chichester,
West Sussex, PO19 1RQ.

NB. A form is attached hereto for your reply to the requisition.

SCHEDULE

NOTE

If any interest specified below does not relate to the whole of the land crossed by the way, please state the extent of the land to which each interest specified below does relate and mark it on the attached plan.

Questions	Answers
1. Name and address of occupier	
2. State whether land or premises held by occupier:- (a) on a weekly tenancy (b) on agreement and if so, for what period or (c) on lease and, if so, for what term	
3. (i) Name and address of person to whom rent is paid (ii) Is he an Agent for another person, if so for whom? (iii) Address of such other person	
4. Name and address of freeholder	

Questions	Answers
5. Name and address of leaseholder (if any)	
6. Name and address of mortgagee (if any)	
7. Name and address of any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it	
8. Name and address of any other person(s) (other than those specified) having an interest in the land State nature of such interest	

PUBLIC WAY EVIDENCE FORM

THIS FORM IS FOR USE BY OWNERS/OCCUPIERS AND OTHER INTERESTED PARTIES

IMPORTANT NOTE

The object of this enquiry is to reach the truth of the matter, whatever it may be. It is therefore necessary to answer all the questions as fully as possible, keeping back no information in your possession. If the space provided is inadequate please continue on a separate sheet of paper.

PLEASE NOTE: THIS FORM AS COMPLETED WILL BE ADDED TO A FILE WHICH WILL BE AVAILABLE FOR PUBLIC INSPECTION.

NAME

.....

NAME OF COMPANY*

.....

Address (Registered office if a company)

.....

..... Email

* N.B. If you are completing this form on behalf of a company or other body please state your name, the name of the company or other body and your position in that company or body.

PARTICULARS OF CLAIMED ROUTE

No. of Route

(If on Definitive Map)

Description of Claimed Route

<u>Type of Route Claimed</u> (Please strike out descriptions not applicable)	Footpath Bridleway Restricted Byway
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1.	(a)	What is your interest in the land crossed by the route? (e.g. owner, tenant, adjoining property owner, other interested party).	(a)	
	(b)	For how long have you held such interest?	(b)	
	(c)	Please mark on the attached map the extent of the land, crossed by or adjoining the route, in which you have the interest.	(c)	
	(d)	Did you have any previous interest? <u>If so, what and for how long?</u>	(d)	
	(e)	Does anyone else hold an interest in the land? <u>If so, state the nature of the interest(s) and give names and addresses. (If a</u>	(e)	

	<u>company, state registered office address).</u>	
2.	<p>(a) Do you consider the route to be a public right of way?</p> <p>(b) <u>If yes, of what status i.e. Footpath, Bridleway, or Restricted Byway?</u></p> <p>(c) <u>If no, what in your opinion is the nature of the route and its purpose?</u></p>	<p>(a) Yes / No (Delete as appropriate)</p> <p>(b) Footpath / Bridleway / Restricted Byway (Delete as appropriate)</p> <p>(c)</p>
3.	<p>(a) Have you ever been informed by anyone that the <u>route is public?</u></p> <p>(b) Have you ever been informed by anyone that the route <u>is not public?</u></p>	<p>(a) Yes / No (Delete as appropriate) Give precise details</p> <p>(b) Yes / No (Delete as appropriate) Give precise details</p>
4.	<p>(a) Do you use the route? <u>If so how frequently and for what purpose?</u></p> <p>(b) Is the way or part of it visible from your place of residence or occupation?</p> <p>(c) How frequently have you seen members of the public using the route? <u>(Please state whether on foot, horseback, or by non-motorised vehicle).</u></p>	<p>(a) Yes / No (Delete as appropriate) Give precise details</p> <p>(b) Yes / No (Delete as appropriate)</p> <p>(c)</p>
5.	<p>Are there, or have there ever been, any of the following in or on the route? <u>If yes, state date of erection, by who and mark their positions on the plan.</u></p> <p>(a) any stile(s)?</p> <p>(b) any gate(s)? <u>If yes state whether they were locked and how wide they were.</u></p> <p>(c) any other obstruction?</p>	<p>(a) Yes / No (Delete as appropriate) Give precise details</p> <p>(b) Yes / No (Delete as appropriate) Give precise details</p>

<p>(d) any notices of any sort, but especially any notice stating "Private", "No thoroughfare" or "trespassers will be prosecuted" ? <u>State what was said on the notice and if any notice has been torn down or defaced.</u></p>	<p>(c) Yes / No (Delete as appropriate) Give precise details</p> <p>(d) Yes / No (Delete as appropriate) Give precise details</p>
<p>6. FOR OWNERS/TENANTS ONLY</p> <p>(a) Have you ever turned back or stopped any member of the public trying to use the route?</p> <p>(b) Have you ever instructed any employee to prevent the public from using the route?</p> <p>(c) Have you given anyone permission to use the route?</p> <p>(d) Has anyone other than yourself a <u>private</u> right to use the route?</p>	<p>(a) Yes / No (Delete as appropriate) Give precise details</p> <p>(b) Yes / No (Delete as appropriate) Give precise details</p> <p>(c) Yes / No (Delete as appropriate) Give precise details</p> <p>(d) Yes / No (Delete as appropriate) Give precise details</p>
<p>7. FOR OWNERS ONLY</p> <p>(a) Are you prepared to agree to dedicate a public right of way along the route?</p> <p>(b) <u>If so, of what status?</u></p>	<p>(a) Yes / No (Delete as appropriate)</p> <p>(b) Footpath / Bridleway / Restricted Byway (Delete as appropriate)</p>
<p>8. FOR OWNERS ONLY</p> <p>Have you ever deposited with the County Council a map of your land and a statement indicating what ways (if any) you admit to having been dedicated as highways?</p>	<p>Yes / No (Delete as appropriate) Give precise details</p>
<p>9. Do you know the name and address of the owners or occupiers of any other land crossed by the route?</p>	<p>Yes / No (Delete as appropriate) Give precise details</p>

<p>10. Do you have any other information to provide which is relevant to the claimed route? (Continue on a separate sheet if necessary).</p>	
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Privacy Notice

West Sussex County Council (WSSCC) complies with the Data Protection legislation including the Data Protection Act 1998 and any replacement legislation coming into effect from time to time and the General Data Protection Regulations (EU) 2016/679 and ensures that your personal data is processed fairly, kept safe and secure and retained for no longer than is necessary. During the processing of this application, it may be necessary for the County Council to disclose information contained in this form to others, which may include other local authorities, the Planning Inspectorate (Secretary of State) landowners and occupiers and members of the public. It is possible that a Public Local Inquiry may be necessary if either objections are submitted in relation to an Order made by the County Council or if the County Council refuses to make an Order but is then directed to do so by the Secretary of State on appeal. The applicant is expected to be a main party at any Public Local Inquiry, to appear and put the case for the Order to an Inspector. Witnesses who complete this form should be aware that they may be requested to give oral evidence at the inquiry, which is open to the public. The other parties to the Public Local Inquiry will normally be the County Council, as Order Making Authority, and those opposed to the Order. Each party will be given an opportunity to speak and put their case to the Inspector. It is therefore important that you understand that you may be requested to attend the Public Local Inquiry so that your written evidence either in support or against the claimed route can be verbally tested. Please refer to the West Sussex County Council Privacy Notice for more details about how we manage your data and for details of your rights at: <https://www.westsussex.gov.uk/privacy-policy/>

IMPORTANT NOTE: In the event that a DMMO is made and confirmed, there is no duty on the County Council to take on maintenance of the route or be responsible for existing structures. The legal responsibility for maintenance of the route and any existing structures rests with the landowner. Landowners need to be aware that if an order is confirmed that if they fail to keep the route in an acceptable condition then the County Council have a responsibility to ensure that the route is adequately maintained by taking enforcement action.

Future maintenance responsibility is not a consideration of the DMMO process.

"I believe that the facts stated in this witness statement are true".

Signature.....

Name of person who took statement
(if different from the witness)

Date

Last Updated: March 2018

WEST SUSSEX COUNTY COUNCIL

APPLICATION FOR DEFINITIVE MAP MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

Definitive Map and Statement for Cuckfield.

To: West Sussex County Council
Legal Services
County Hall
Chichester
West Sussex
PO19 1RQ.

N.B. Please read the notes overleaf carefully before completing the form.

- | | |
|--------|---|
| Note 1 | <p>APPLICANT(S)</p> <p>Name FELICITY IRVING</p> <p>Address: Newbury, Courtmead Road, Cuckfield RH17 5LP
Email (FAO james.pavey@irwinmitchell.com)</p> <p>Tel. No. (please contact James Pavey on 01293 742 746)</p> |
| Note 2 | <p>I/We hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the Cuckfield area</p> |
| Note 3 | <p>by adding the footpath from Footpath 22 CU, Courtmead</p> |
| Note 4 | <p>Road, Cuckfield, to Footpath 6aCU, Newbury Lane, Cuckfield</p> |
| Note 5 | <p>as shown on the map accompanying this application.</p> |
| Note 6 | <p>List of Documents: -</p> <p>Summary of Application and Appendices:</p> <p>Appendix 1: Application map</p> <p>Appendix 2: Land Registry Mapsearch Snapshots and Land Registry Official Copies and Title Plans for titles WSX288012, WSX362585 and SX108334</p> <p>Appendix 3: extracts from 1956 Ordnance Survey New Series 25-inch scale map and 1962-63 Ordnance Survey New Series 6-</p> <p>Appendix 4:</p> <p>Witness Statement of Richard James Taylor dated 5.11.18</p> <p>Witness Statement of William Daniel McNamee dated 5.11.18</p> <p>Witness Statement of Andrew Revell dated 5.11.18</p> <p>Witness Statement of Nicholas John Collier dated 5.11.18</p> <p>Witness Statement of Allan John Streeter dated 5.11.18</p> |

Dated 6 DECEMBER 2018 Signed 
James Pavey, Partner - Irwin Mitchell LLP for Felicity
Irving

Form DMMO/A1

NOTES FOR APPLICANTS

- Note 1 Please enter name and address of applicant(s) in block capitals.
- Note 2 Delete I/We as appropriate.
- Note 3 Enter title of definitive map and statement.
- Note 4 Enter details of the modification applied for in the form of (a), (b), (c), (d) or (e) below:
- (a) deleting the footpath/bridleway/restricted byway/byway open to all traffic* from (specify location) to (specify location).
 - (b) adding the footpath/bridleway/restricted byway/byway open to all traffic* from (specify location) to (specify location).
 - (c) upgrading to a footpath/bridleway/restricted byway/byway open to all traffic* from (specify location) to (specify location).
 - (d) downgrading to a footpath/bridleway/restricted byway* from (specify location) to (specify location).
 - (e) varying/adding* to the particulars relating to the footpath/bridleway/restricted byway/byway open to all traffic* from (specify location) to (specify location) by providing that (specify variation or addition applied for).
- * - delete as appropriate.
- Note 5 Attach a map to a scale of not less than 1:25000 (2 ½ inches to the mile) showing the right(s) of way which is/are the subject of the application. **Please also sign and date the map.**
- Note 6 List the documents submitted as evidence in support of the application. Continue on a separate sheet if necessary.

