

**APPLICATION FOR A MODIFICATION ORDER**

**WILDLIFE AND COUNTRYSIDE ACT, 1981**

**The Wildlife and Countryside (Definitive Maps and Statements) Regulations, 1983 (Schedule 7)**

DEFINITIVE MAP AND STATEMENT FOR THE PARISH OF Kendal  
DISTRICT OF Westmorland&Furness  
PUBLIC RIGHT OF WAY NO. 536040

TO: WESTMORLAND AND FURNESS COUNCIL

OF: COUNTRYSIDE ACCESS, THE PARKHOUSE BUILDING, KINGMOOR BUSINESS  
PARK, CARLISLE, CA6 4SJ

I/We (Name of applicant) Robert McGhie

Of (Address of applicant) 3 Stainbank Green  
Kendal  
Cumbria  
LA9 5RP

hereby apply for an Order under Section 53(2) of the Wildlife and Countryside Act 1981  
modifying the Definitive Map and Statements for the area by

- 1 Deleting the \*(footpath) Actually it's a 'Change of Line' request using the form  
provided after consultations with Countryside Access team.

From: The route which has never been used on 2<sup>nd</sup> Definitive Map (see attached)

To: The route shown on 1<sup>st</sup> DM which was correctly draw and notated and is  
accurately representative of the only route in use currently and since 1973.(see  
attached)

\* Please delete as appropriate

I/We attach copies of the following documentary evidence (including statements of  
witnesses) in support of this application:

List of Documents provided

Photos of 1<sup>st</sup> Definitive Map which show the actual modification to the path dated 27/06/73  
from through the farmyard to the new route along the track to the west of the farm  
buildings.

Photo of the route claimed to be on the 2<sup>nd</sup> Definitive Map which I have marked showing the section which requires correction (between the 2 red marks) to reflect the actual route following the lane to the west, shown correctly notated diversion (June 1973) on the 1<sup>st</sup> DM

On request I can provide Conveyances as part of the same 1972-73 conversion relating to covenants x3 to fence off land from the lane and adjoining land (sold with No3 & No4 & wall the main lane) all of which have been permanent obstructions to the claimed 2<sup>nd</sup> DM line for over 50 years. I've not included currently as perhaps a little too involved and may require needless extra work to interpret.

Here's my statement providing a summary of what I perceive to be the case

"The documentation of the change in 1973 was correctly written and drawn onto on to the 1<sup>st</sup> Definitive Map from 1951, this is exactly the route of the PRow route currently in use .

There is no record anywhere of any subsequent change requested or implementation of any change to this route, post 1973.

The variance of the current (2nd) Definitive Map route from the route drawn and documented on the 1<sup>st</sup> Definitive Map must therefore either be an error OR a totally undocumented request which was never actually implemented and of which there is absolutely no other evidence. "

The upshot is, there is no valid reason why the line should ever have been changed on creation of 2<sup>nd</sup> DM.

Perhaps the confusion arose because the physical construction work for the new 1973 route had already been done in 1972. It also looks like a smoking gun to me that the arrow pointing to indicate the back lane (on 1st DM) just happens to be where the phantom path sprouted from. Guess we will never know.

Dated 13/11/2023

Signed Robert McGhie

