

Researching and writing a DMMO application

Introduction

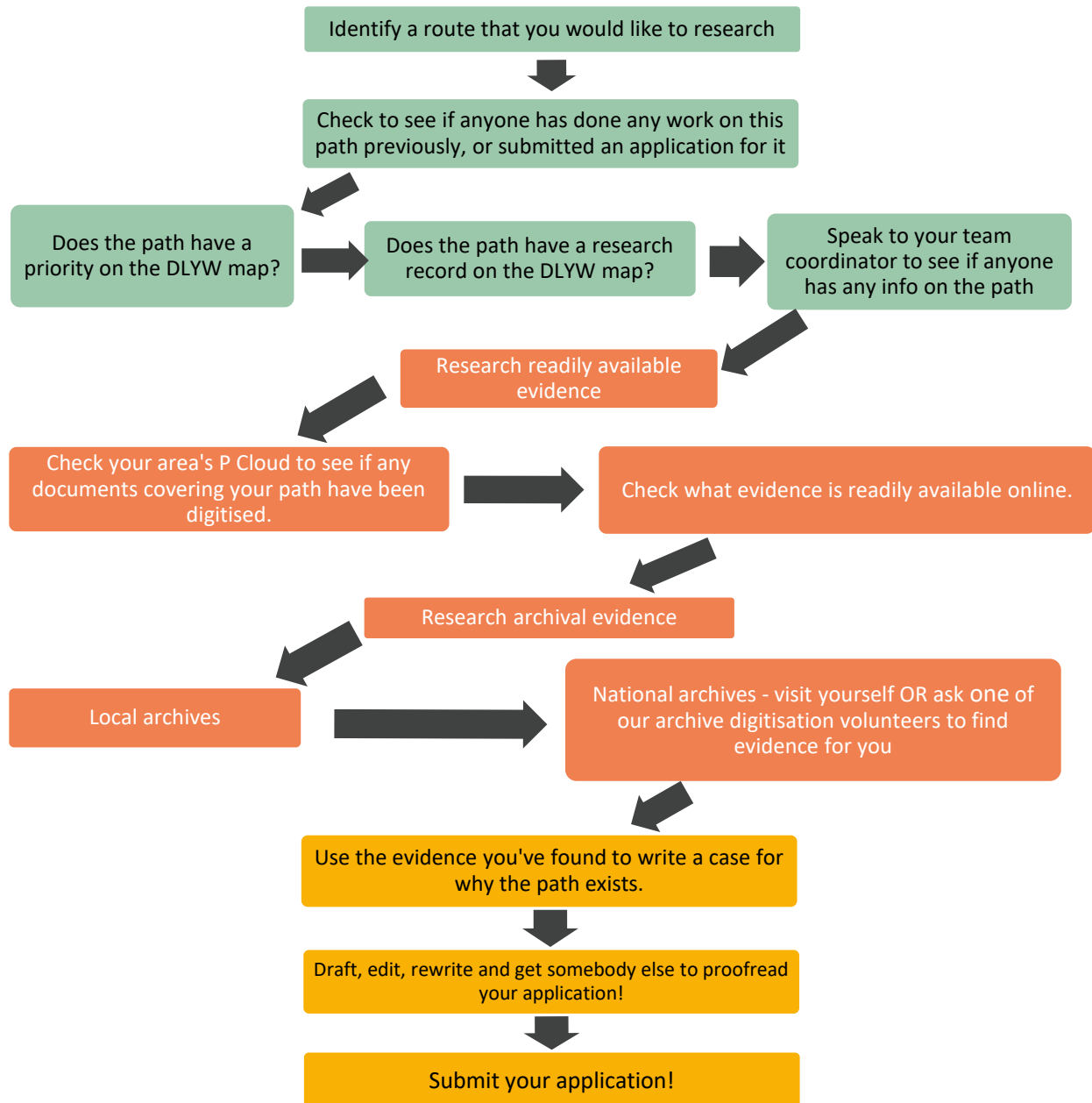
Researching evidence for a lost path is a vital step in ensuring it is protected for generations to come. In order to apply for a path to be recorded as a public right of way, you'll need to provide evidence to suggest that it existed historically. Once you've got this evidence, you'll write this up into an application for a 'Definitive Map Modification Order' (DMMO for short). This is then submitted to your local Highway Authority.

The process of researching evidence for a path can be complex if you've never done it before, but it's also great fun – many people describe it a bit like detective work! And each path you manage to save will help increase access to the outdoors for all of us, long into the future.

This document outlines the Ramblers' recommended process for researching and writing a strong application, as well as providing you with lots of practical tips to get started with your work.



Identifying, researching, and applying for a lost path



Part 1: Planning your research

Identifying a priority route

Before starting research, you'll need to decide which path or area you're conducting research on. You may wish to focus on one single path, or look at historical evidence of a larger area (such as a parish), where you believe there to be a few lost paths.

You should chat to your area's coordinator about what work has been done so far. If you're joining an established team, you may find that existing researchers are taking a more systematic approach – for instance by looking at historical maps parish-by-parish to see where there might be initial evidence for a lost way. Alternatively, you may identify a few paths that you are particularly passionate about saving, and then look for evidence that specifically focuses on these routes (although it may be tricky to find evidence for some paths).

Benefits to the network

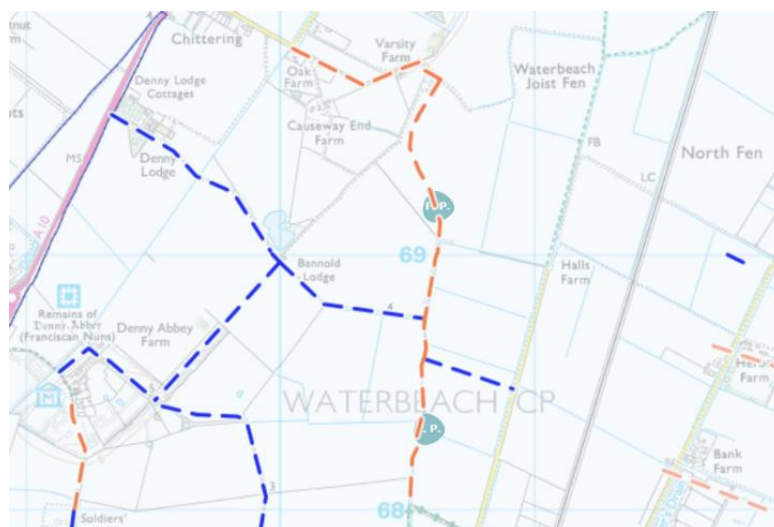
Make sure the path you plan to research, or at least one of the paths in the area that you're researching in, will provide a benefit to walkers. Ultimately, we want to save routes that will be meaningful additions to the country's path network, and ensure that our volunteers' hard work directly contributes to increasing access and enjoyment of the outdoors.

There are many ways in which a route can benefit the path network – you can find a full list of [Rambler's priorities on our website](#).

Using the Don't Lose Your Way map

The Don't Lose Your Way map was produced through a crowdsourcing campaign, where thousands of people came together in 2020 to search the country for evidence of lost ways. It's therefore a great starting point for finding routes that you could research.

Paths that have been marked 'high priority' for saving are shown as orange on the map, and you can also see the reason why they've been



marked as high priority. It's a good idea to start by researching one of these, particularly if lots of high priority routes appear in close proximity to each other.

Initial evidence

Because of the way that the Don't Lose Your Way map was compiled – by comparing a modern day Ordnance Survey (OS) Map with two historical maps – you may not be able to find evidence for all the paths marked on there. Whilst ample evidence exists for some routes, for others there may be little or no evidence that proves the route existed historically. Don't get disheartened if you can't find evidence for a particular path – simply note it down as one that you would be interested in claiming if further evidence arises, and consider which other paths you could research instead.

If there are few or no confirmed priorities in your area, you can suggest priorities for paths based on your own local knowledge and/or what you can see about the path on the map. For instance, have you walked the path before and know that it is regularly used, or leads to a particular beauty spot? Or can you see from the map that it would link up dead ends, help walkers stay off busy roads, or create routes in an area that currently lacks rights of way? All these things suggest that the route may be a high priority.

Surveying the route and its surroundings



Surveying a route can be a beneficial way of deciding whether a path is worth researching, as well as helping you decide what evidence you could use. If the route is one that you have used regularly, you may have already surveyed the route many times without realising – perhaps whilst walking your dog or going for a morning stroll!

When surveying a route, one of the key questions you'll want to ask is whether the route is currently in use. If the route is in regular usage, you may want to submit "user evidence" (see the section on user evidence in this document) as part of your application. This includes if the route is used by other groups, such as cyclists, horse riders, or vehicles. If the route is infrequently used, or entirely unused (perhaps it is currently overgrown by a hedgerow or blocked by a fence), then user evidence is unlikely to be of much benefit. You may also decide that a route that is used regularly

should take priority for being researched, as closure of the route (which may happen at any time, if the route is unrecorded) would be detrimental to local people.

Not all routes may be in use – or even accessible – and if a path is obstructed or could be unsafe, please do not attempt to walk it. Until a route is recorded on the Definitive Map, it is not confirmed as a public right of way and you may not be permitted to access it. This is why it's so important to get these routes recorded in the first place!

Even if you can't access the route itself, it could still be beneficial to survey the surrounding area – including existing rights of way; roads, towns and villages that the path links to; and local common or publicly accessible land (such as public parks).

Surveying the route, and/or its surroundings, might help you decide whether the route could be a valuable addition to the rights of way network, and therefore whether it is worth researching. For instance, a survey could help you find out things like:

- Would the route benefit local people by connecting together existing rights of way, villages, or amenities?
- Is the route particularly attractive, or would it help people access any natural scenery or any cultural or historical sites?
- What are the paths and roads around the route like? For instance, would the path help people avoid walking along busy roads with no pavements, or avoid paths with stiles or inaccessible terrain?

Finally, a survey of the route or its surroundings may reveal information which you can use as evidence either that the path is currently in use or that it has been used in the past. For example, you may find signs along the path relating to walkers or pedestrians (signs relating to cyclists, horse riders or vehicles would also imply that the route is in use). Furniture such as benches or streetlights could also provide similar indications.

When surveying the route, you should collect details about the width of the route, the surface of the path, and any gates, gaps or stiles. These pieces of evidence could all provide an indication that the route is, or has been, in use, and which user groups it might have been used by (for example, a very narrow path is unlikely to carry rights for motorised vehicles, but may still be a right of way for users on foot).



Occasionally, you may find that the local authority has waymarked the path, indicating that even they believe it is a public right of way! This is all helpful evidence that could be used to strengthen your application, though it should not be used in place of historical evidence.

Part 2: Researching your path

Using the Bucks and Wadey Star Rating to frame your research

Researching a lost path requires looking at many different types of evidence. The star rating system detailed in this section is a way of assessing the strength of the evidence you are using. It was the brainchild of Sarah Bucks and Phil Wadey, authors of *Rights of Way: Restoring the Record* (which you may hear referred to as “The Green Book”).

Using the star rating is an effective way to ensure that the case you are building to have your path recorded is the strongest it can be. When it comes to submitting evidence, the main emphasis is “quality rather than quantity”.

The book details the most commonly used historical evidence sources you are likely to come across in your research. For each type of evidence a star rating is provided, and “the more stars, the more valuable a document will be for highway researchers”. Bucks and Wadey indicate that they “generally make applications when a route has seven or more stars in total, compiled from at least two different documents”.

If you are new to rights of way research, giving each of your evidence pieces a star rating can help guide your research, ensuring that you’re collecting enough information to give your case the best chance of success whilst also making effective use of your time. There is no statutory requirement for a particular number of documents to be submitted in a DMMO application, and each case is ultimately taken on its own merits. However, in order to give some sort of value to what is shown in the documents, the star rating system can be used as a guide.

At least one of the documents put forward as evidence should be 4 or more stars. 7 minor pieces of evidence, which are not supported by any of the main ones, would be a difficult application to defend.

You should remember when making an application that the evidence will be considered as a whole, not as a series of individual documents. Each individual document alone may be inconclusive, but

when several documents are considered together they may suggest that a public right of way is “reasonably alleged” to exist.

The star ratings that Bucks and Wadey give for each type of document are as follows:

Star rating	Description	Examples of documents in this category
10 star	Legally conclusive evidence - for example Acts of Parliament, court orders affecting the subject path, administrative orders.	Inclosure Awards Quarter Sessions Records Extinguishment or Stopping Up Orders
5 star	Evidence of reputation in a legally conclusive document, but where the legally conclusive document is not written specifically about the subject path. For example court orders that show the route as an adjoining highway but do not make changes to it.	Inclosure Awards Quarter Sessions Records 1910 Finance Act Maps and Field Books Tithe Records River and Drainage Authority Records Railway Records
4 star	Evidence of expenditure that would be unlawful unless the route was a public highway, for example highway board records.	1910 Finance Act Maps and Field Books Turnpike Records Highway Board Maps
3 star	Evidence of reputation coupled with public scrutiny, or evidence of highway status in a landowner produced document.	Turnpike Records
2 star	Evidence of reputation but without formal public scrutiny – for example old maps sold to the travelling public	Early County and Area Maps Parish, estate and manorial maps 1941 Farm Survey Records
1 star	Physical evidence only	OS Maps Photographs, pictures or written descriptions of the route

The star rating is not set in stone, and it’s important to use your discretion as you research. It is a fact that there is more evidence for some areas of the country, or individual routes, than others, particularly as many documents were not compiled countrywide. Where there is less evidence available because fewer records were compiled, a lower number of stars may be reasonable.

The star rating is detailed on page 29 of *Rights of Way: Restoring the Record (Second Edition)*. If you would like access to a copy of this book, the Ramblers are able to loan you one. Please contact your coordinator or the Paths Team for more information.

Key evidence sources

There are many documents that you could look at for evidence of your path’s existence. The Ramblers is developing guidance on the main documents that you are likely to come across, including what they are, how to interpret them, and why they’re useful.

Some sources are easier to get hold of and interpret, and/or they carry more weight, than others. The below table shows the four key sources that you should use to get started, as recommended by Bucks and Wadey. It also shows where these are most commonly found.

Source	Star Rating	Where can it be found
1910 Finance Act Maps and Field Books	Up to 5 stars	National Archives
Early County and Area Maps	1-2 stars	County Archives (some may be online)
Inclosure Records	5-10 stars	County Archives or National Archives (typically those post-1845 are in the National Archives)
Tithe Records	5 stars	Online* or National Archives

*To access tithe maps online, you will need to use [the Genealogist](#). This is a subscription service, which the Ramblers has signed up to. Please ask your coordinator for details on how to access this. All Welsh tithe maps are freely available on the [National Library of Wales](#).

These documents are all relatively easy to obtain and interpret, and carry a good amount of weight in a DMMO application, which is why they are recommended as a starting point. If you can't find at least two of these documents for the path you want to research, Bucks and Wadey recommend that you move on to researching another route.

Finding evidence in online sources

When you begin researching, you should first check what evidence is readily available online. Certain types of document (such as tithe maps) have been digitised country-wide so will generally be available online, though you may need to login to the relevant website to view these. Other sources of evidence might be available online, either because your local archive has digitised them or because someone in your team has already visited the archive and taken photos of them.

You can find a guide to what documents are generally available online [here](#). Please note that this is general guidance, so if you find documents online that haven't been included here, or if you discover that one of these links no longer work, please let us know.

If someone in your area has already photographed and digitised some documents whilst conducting research, you should be able to find these on the pCloud. This is an online cloud-based storage system which was developed by the British Horse Society (BHS) and shared with the Ramblers. Anyone can view documents on the pCloud if they have the correct link – please speak to your coordinator to obtain a link to your area's file.

Archival evidence: The National Archives

At some point during your research, you are likely to require documents from the National Archives in Kew, South-West London. This is the official archive of the UK government and for England and Wales, and contains a collection of documents spanning over 1000 years of history.

The National Archives contain, among other things, surviving copies of many inclosure awards (typically those post-1845) and maps; tithe awards and maps; and the maps and field books compiled under the Finance Act 1910. They also have Ordnance Survey boundary record books and Object Name books, and Stopping Up Orders where they exist. All of these documents may be relevant to your research on lost paths.

To find a document in the archives, you can use their comprehensive online catalogue system. Some of their documents are also available online, so you may be able to view what you need without visiting.

Visiting the National Archives

If you plan on visiting the archives, you'll need to book a visit in advance, and obtain in advance a temporary Reader's Ticket. You can do both of these things by following the steps on [their website](#). This enables you to order documents prior to your visit, which you can do from the online catalogue. Please note that you will need to bring two forms of ID with you on your first visit, so that you can obtain your full Reader's Ticket.

You will need to order the documents that you wish to view in advance, though you will be able to add more to your order on the day. Follow these steps to order your documents:

- Visit the National Archives' [online catalogue system](#).
- Search for the document that you're looking for (you should ideally know document type and location).
- Once you find the document, click on it to find out the reference number.
- When you book your slot at the archive, you'll be prompted to add documents to your order. Input the reference number into the space when prompted. You can order up to 12 documents.
- Archive staff will locate and prepare your documents for you, so that they're ready when you arrive.
- You can order more documents (in batches of up to 3) once you're there.

You can view some short videos about visiting the archives and conducting research, created by the National Archives, [here](#).

The archive is close to Kew Gardens underground station, Kew Bridge railway station, and the 67 bus route. It is open 5 days a week (Tuesday-Saturday) – please check their website for the most up-to-date information about visiting.

Working with our Archive Digitisation Volunteers

At the Ramblers, we have a small team of volunteers who can access and take photos of documents in the National Archives on your behalf. This is particularly useful if you are not based near London. Speak to your coordinator about requesting documents from our archive volunteers. You'll need to know the document type and the reference number - this information can be found on the archive catalogue.



Please also include any notes about the document that you would like our volunteers to bear in mind (for instance, a particular page or area that you would like them to focus on, if you know it). Once a volunteer has obtained, photographed and uploaded the document for you, they will get in touch to let you know.

Please be patient while our volunteers get these documents for you, as there may be a lot of people requesting documents at the same time. If a document is particularly urgent, please let us know.

Archival evidence: Using local archives

As well as the National Archives in Kew, each local authority will have a county or local archives. A list of the locations of these archives can be found here: <https://discovery.nationalarchives.gov.uk/find-an-archive>.

Local archives administer and conserve historic records for the relevant local authority. They usually also preserve written materials from a great variety of independent local organisations, churches, schools, prominent families and their estates, businesses, solicitors' offices and private individuals.

Each archive will have its own process for accessing documents, which you should familiarise yourself with before you visit to ensure you can access what you need when you're there. Archives also differ in what services (if any) you need to pay for, so please make sure you're aware of this before you visit. For instance, some will require you to pay for photographing or photocopying documents. The Ramblers is

happy to reimburse any expenses incurred whilst researching at the local archives – please contact your coordinator or Area Treasurer for more details.

Staff at local archives are usually very knowledgeable about their collections and willing to help you identify and locate resources. If you are unsure about what you're looking for or how to interpret a document, we'd highly recommend speaking to them.

For more information on visiting a local archive – including how to prepare, what to take with you, and what the documents may look like – you can watch [this short video](#) produced by the Ramblers, in collaboration with Warwickshire County Record Office. This will take you step-by-step through the process of visiting an archive.

Accessing your local archives

Local Archives operate their own opening times, procedures and processes for viewing documents. There are however usually some common grounds. Before visiting, we recommend that you:

- Plan your visit in advance
- Prepare what to take with you, such as a camera, laptop, and ID
- Find out if you have to obtain an Archive card or temporary reader ticket to access the archives
- Book your visit – some archives require advance booking; some will allow you to turn up on the day
- Check if you need to pre-order documents and how many you are allowed to order
- Pre-order documents if you're able to (even if this isn't a requirement, it will save you time waiting!)
- If you need to use special equipment or need a large table to view larger documents, you may need to also book these individually. Contact the archive for advice on this.

Photographing and labelling archive documents

When researching in the archive, you should take photos of all the documents you order. This serves multiple purposes:

- You can inspect the document from home. Most volunteers find that they use archive visits predominantly to photograph documents, and then conduct the actual research at home. This allows you to make the most of your archive visit, particularly if it takes you time to travel there.
- You will need to include photographic evidence of all the documents you reference in your application.

- The photos you take now may benefit others in your team who are researching paths in a similar area, and will ensure they can use their time effectively.

At some archives, you may have to obtain a licence to take photos, whereas at others (including the National Archives) you don't need to do this. If you plan on taking additional photography equipment such as a tripod, you should check whether the archive allows this. In most cases, a smartphone or digital camera will be sufficient for taking photos of the quality that you need.

Photographing the document

You should photograph each document, along with its title and reference number, clearly and systematically. This is to ensure you capture all information that could be relevant (even if it doesn't seem relevant at first), and that all detail is clearly visible. A good way of doing this is to:

- 1) Take a photograph of the document reference number and any summary or notes that come with it
- 2) Take one image of the entire document, including its title
- 3) Take individual images in a systematic manner around the document. If you're looking at a map, you'll want to go round the document systematically (for example clockwise), taking close up photos of each section. If you're looking at a written document (such as a field book), you'll want to take at least one photo per page, ensuring the writing is clearly legible.



Photographing a 1910 Finance Act map. In the left photo, the whole map is visible. In the right (and subsequent) photos, quarters of the map have been photographed close-up so that details are clearer.

Where possible, avoid using the zoom on your camera, as this may make the finer details less visible, and ensure you keep the camera steady. It's better to take too many photos than not enough – if you think something may be blurry or unclear, photograph it again!

Labelling and storing photos

It is helpful to consider what process you will follow to record and label the individual images when saving them digitally afterwards. Following a consistent system across your team will enable both you and your other team members to search and filter your pictures afterwards, ensuring that you don't lose time trying to track down photos.

We recommend labelling the photo with the document's reference number from the archive, followed by a number, so that others can look up the photo and you can easily keep images of the same document in order. For instance, if you were digitising an Inland Revenue field book with the National Archives reference IR_123_45_678, you would label each photographed page of the book as IR_123_45_678 (1), IR_123_45_678 (2), and so on.

To store your archival photos, we recommend using the [pCloud storage system](#). The British Horse Society has set up folders on pCloud for each county to upload their photos to – you can ask your coordinator for a link to your area's folder. This means that other researchers in your area can view your photos, which will help them conduct their research efficiently.

User evidence

For applications for paths that are in regular usage, you may want to submit 'user evidence' – this is a declaration from people who have used the path about when and how they have used it, and whether they have seen others using it. For user evidence to be worth consideration by the local authority, the total usage will need to span a period of at least twenty years. The exception to this is when a path is added under common law, which is a different and complex process. You can find out more about this on [our website](#).

The best kind of user evidence is from users who:

- have used the path for the full 20 years
- are not and were never connected to the landowner (either as family or as an employee)
- used the path as part of a regular routine

However, if you have witnesses who only used the path occasionally or did not use it for the full 20 years you should still gather the evidence. Inspectors will accept evidence from individuals who didn't use the path for the full 20 years if there are other witnesses who used it for the missing period. For example, if Person A used the path from 2000-2012 and Person B used it from 2012-2020, together they have used the path for the full 20 years 2000-2020, and their evidence can be counted.

There is no minimum number of statements that you need to collect from users for your application to be considered, but the more evidence you can collect, the better. We recommend collecting

statements from around 20 users of the path, but for a remote, infrequently used path it may be sufficient to collect 8 or 10.

In some cases, you may be submitting user evidence as supporting evidence in an application that primarily relies on historical evidence. If this is the case, there is no minimum number of statements that you should provide, but we recommend considering whether the evidence will add real weight to your application. Your application will still need to meet the test for either historical evidence or user evidence; you're not able to 'top up' one form of evidence with the other.



You can find out more about collecting and submitting user evidence from the dedicated [user evidence guide](#) on our website. Please ensure you read this guidance and get in touch with the Paths Team if you have any questions about submitting user evidence, so that you don't spend time collecting evidence that isn't valid.

Part 3: Write-up and proofreading

Writing strong statements

When presenting the case for adding a right of way to the Definitive Map, you will need to write a statement to explain your evidence and argue your case.

The statement should outline why your evidence, on balance, shows the existence of a right of way. It should list the documents which you have supplied in support of your claim, along with photographic copies of these documents. Documents should be seen in context, so if the section of path is shown in a larger document, include an image of the full document. If your application includes user evidence, you should include witness names and statements here too.

In the introduction to your statement, you should include your own name, and **clearly state that you are making the application on behalf of the Ramblers**. This is important because it means that another Ramblers representative can progress the application in future, in the event that you are no longer able to represent yourself. Some local authorities can take years – even decades – to process an application, so it's vital that you do this to ensure that your hard work isn't wasted.

The statement should describe each piece of evidence in turn, stating its date of publication; the archive in which the original version is held; its relevance (i.e. why it was prepared or published); the meaning of what is shown; and an assessment of this piece of evidence, focusing on why it supports the existence of a public right of way.

You can discuss why the type of document is relevant (e.g. “Bartholomew maps are maps that were sold to the travelling public, so they are unlikely to map routes which the public cannot use”) as well as what the evidence in the photo shows (e.g. “the route is shown marked by a white line, the same as routes X and Y, which are now both legally recognised public rights of way. We can therefore infer from this that the route was also a public right of way when the map was produced.”)

Your document should finish with a conclusion drawing together the effect of all the documents that you’ve used as evidence, and explaining why this proves, on the balance of probability, that the way is a public right of way. Summarise the evidence and point out any issues of note, for example if there is any discrepancy between witness statements.

An excellent example of a statement is given in section 5.8 of *Rights of way – restoring the record*, by Sarah Bucks and Phil Wadey.

Bringing it all together and fact checking

Your application will need to be submitted in a specific format, which you can read more about in our forthcoming guidance *DMMO applications: process and legal context*. It must also be accompanied by a map which shows the way(s) to be added, and by copies of any documentary evidence (including statements of witnesses, which usually means people who have used a claimed way, but could also include a statement by e.g a historical map expert) which you wish to use in support of the application.

It is recommended that the package includes a covering letter describing the route to be added, with grid references at the ends of the route, and the name of the parish or area where the path is located. Importantly, you should include in the cover letter a request for an acknowledgement that the application has been received; for confirmation that it complies with the legislation and will be added to the authority’s register, and for the reference number the council will use to track your application.

Make sure you read and re-read your statement and all supporting documentation before you submit it. Ask someone to proofread on your behalf and make sure that your statements are logically clear and consistent. Keep a look out for the following:

- That all images are properly referenced and labelled so that the receiving officer could find the original documents if needed.
- Each piece of evidence comes alongside a paragraph about why it is relevant and why it supports the existence of a public right of way.

- Write clearly and concisely, ensuring that your argument is easy to follow.
- If there are inconsistencies in the evidence (e.g. a route is shown as a right of way on one map but not on another), highlight this and explain why – on the balance of probabilities – a public right of way is likely still to have existed. Don't avoid talking about the inconsistency in the hope that the inspector won't notice!
- You have collected together all supporting documentation, such as the forms you are required to submit. You can find out about these in *DMMO applications: process and legal context*.

Once you have finished and submitted your application, please ensure you let the team at Ramblers Central Office know. This allows us to celebrate your successes, and support areas with fewer submissions. It also means that we have your application on record and we can progress it in future if you're no longer able to do so.

Congratulations on finishing your application to save a lost path!