

# Appendix D

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## Priority Guidelines for Modification Orders

The priority guidelines contained in this Appendix are those to be used for determining the sequence within which a modification order application will be processed relative to other applications. That is, these guidelines will be used to determine the position of an application within the queue.

Because of the different criteria that can be used to determine the priority that should be attributed to an application, for example, landowner interests, public interests, local authority interests and so on, it would be inappropriate and misleading to create a single hierarchical “league table”.

**The following priority guidelines should be seen rather as an equation made up of different criteria, all of which need to be taken into account in order to reach a final decision as to the queue position that an application should be accorded. The components of the equation are as follows:**

- PART A – Landowner Interests
- PART B – Public Interests
- PART C – Local Authority Interests
- PART D – Nature and Level of Usage
- PART E – Environment and Sustainability

Based upon the above components, each application will be given a priority of 1, 2 or 3, with 1 the highest and 3 the lowest. Once assigned a priority, the application will be processed in chronological sequence within that priority level. However, if an additional component in the “equation” comes to light during processing of the application, the priority assigned could be subject to change.

### **PART A – Landowner Interests**

The following factors may be taken into consideration:

- An order which assists landowner/s or manager/s, including those occupying residential properties, by providing certainty regarding the existence or not of the claimed route. For example, a claimed route may pass in close proximity to buildings and dwellings.

### **PART B – Public Interests**

The following factors may be taken into consideration:

- Where the order could result in a significant positive impact on the network. Positive impact is interpreted as improvement to the coherence of the path network, e.g. adding a missing link to complete a network of bridleways, or to complete a through route.
- A route that provides a high benefit to users, e.g. proximity to amenities where the evidence suggests the route is well used. An example may be a route that improves access to shops, schools or places of work.
- A claimed route, which was in regular use, that has become obstructed and no alternative nearby route exists.
- The claimed route significantly adds or improves accessibility to an area of access land. Access land is that land designated under Part 1(1) of the CROW Act.

## PART C – Local Authority Interests

The following factors may be taken into consideration:

- Substantial evidence that a path has been incorrectly recorded on the definitive map and it is expedient to modify the map and statement e.g. upgrades, downgrades, re-alignments.
- Application is unopposed by all consultee parties and therefore has a high chance of being quickly finalised relative to other applications.
- Application is sound because a substantial volume of user or documentary evidence supports or refutes it.

## PART D – Nature and Level of Usage

By order of priority:

### Unrecorded routes

- Routes in regular use perhaps used daily for access to local facilities that are at risk because their legal status is not recorded upon the Definitive Map.

### Incorrectly Recorded Routes

- Routes in regular use, perhaps as part of National Trails, Regional Routes or publicised local walks and rides that are at risk because their legal status is incorrectly recorded upon the Definitive Map.
- Routes in lesser use that are at risk because their legal status is incorrectly recorded upon the Definitive Map.
- All other claimed public footpaths, bridleways, restricted byways and byways which go to make up the remainder of the network.

## PART E – Environment and Sustainability

While the authorities are unable to take factors other than the available evidence into account when determining a modification order application, under this priority system we will consider other factors to determine the position of an application in the queue such as:

- Does the application address personal safety issues?
- Does the application affect a Scheduled Ancient Monument?
- Does the application affect a National Nature Reserve, SSSI or other designated conservation area?
- Will the application overcome nature conservation problems within a SSSI?
- Will there be a significant increase in the authorities maintenance liabilities?