

## APPENDIX A

### Existing Priority Criteria

The Countryside and Rights of Way Panel have resolved that applications for Modification Orders should be investigated and determined in the order in which they are received, except where there are exceptional circumstances, which would warrant a claim receiving priority consideration.

For an application to be given priority status the person requesting such would need to provide evidence that it falls within one or more of the criteria set out below. If the material provided is not sufficient to support the claim Officers have the power to reject the request. The decision on a request supported by relevant evidence is reserved to the Countryside and Rights of Way Panel.

Further, applicants or owner/occupiers should be aware applications will only be afforded priority in rare and exceptional circumstances.

Additionally, that where the Council has been directed to determine applications by a set date by the Secretary of State an application afforded priority status will be dealt with after such directions have been satisfied unless the Countryside and Rights of Way Panel decides otherwise.

These exceptional circumstances are as follows: -

1. Where the land over which the route runs has received permission for development and
  - (a) the implementation of such would mean the claimed way would be lost as a consequence of being built over, and
  - (b) all attempts to divert or otherwise cater for the route within the development have been exhausted.
2. Where there is evidence of severe financial hardship caused by the existence of an application for an addition of a route to the owner/occupier of the land

## APPENDIX B

### Proposed Priority Scheme

The Countryside and Rights of Way Panel have resolved that applications for Definitive Map Modification Orders should be investigated and determined in the order in which they are received, except where there are circumstances which would warrant priority consideration. All undetermined Definitive Map Modification Order applications will be prioritised using a scoring matrix based on the following circumstances.

#### 1. Directions by the Secretary of State

- A. Where the County Council has been directed by the Secretary of State to determine an application within a specific timescale.

#### 2. On application to the County Council

An owner or occupier of land which is affected by a modification order application may make a request to the County Council for priority consideration based on one or more of the following four circumstances (B-E). The owner or occupier would need to provide evidence to support their request. If the material provided is not considered to be sufficient to support the priority request, officers have the power to reject the request. The decision on a priority request which is supported by relevant evidence is reserved to the Countryside and Rights of Way Panel.

- B. Where the land over which the route runs has received permission for development and
  - a. the implementation of such would mean the claimed way would be lost as a consequence of the development AND
  - b. all attempts to divert or otherwise cater for the route within the development have been exhausted.

- C. Where there is evidence of
  - a. detrimental financial implications, and/or
  - b. detriment to the health

of the owner or occupier of any land affected by a modification order application, AND that either C(i) or C(ii) above has been caused by the existence of a modification order application for an addition of a route over their land.

- D. Where there is evidence that the sale of land is being prevented by a modification order application for an addition of a route over that land.
- E. Where the applicant has identified that there is more than one application which are in close proximity to each other and/or are supported by the same documentary

evidence and it would make more efficient use of resources to investigate those applications together.

### 3. County Council Discretion

Where in the sole opinion of the Director for Corporate Services, any of the following criteria (F-I) are satisfied, the Director for Corporate Services shall have the discretion to prioritise those modification order applications without the need for a decision from the Countryside and Rights of Way Panel.

- F. Where, unless already accounted for by the application, the land over which the route runs has received permission for development and the implementation of such would mean the claimed way would be lost as a consequence of the development
- G. Where, unless already accounted for by the application, there is more than one application which are in very close proximity to each other and/or are supported by the same documentary evidence and it would make more efficient use of resources to investigate those applications together.
- H. Where the subject of the application would assist in meeting one or more corporate objectives and is considered to offer a significant benefit to users of the Rights of Way network by enabling or improving:
  - 1) Connectivity of the overall highway network
  - 2) Access to services
  - 3) Physical and mental health and wellbeing
- I. Where an existing path is subject to enforcement but the status or alignment of a route which is currently on the Definitive Map is in dispute and a resolution would enable the County to deal with enforcement with more certainty.