

## DEFINITIVE MAP MODIFICATION ORDER APPLICATION PRIORITISATION

Section 53 of the Wildlife and Countryside Act 1981 imposes a duty on the County Council to maintain an up-to-date definitive map and statement and amend it by legal order when evidence is presented to show that it is in error, i.e. public rights exist that are not shown, a route is shown with the wrong status, or a route should not be shown at all. Applications for Definitive Map Modification Orders (DMMOs) made under Section 53(5) of the 1981 Act can be complex, adversarial and time consuming to process. To ensure the best utilisation of resources and that meaningful and sustained progress can be made in processing applications listed in the *Register of Applications*, this priority system has been developed. The [Register of Applications](#) can be viewed on the County Council's website.

### APPLICATION PRIORITISATION CRITERIA

Before an application is prioritised, it first has to be determined if it complies with Schedule 14 of the 1981 Act and be submitted in the form prescribed in Regulation 8 of the Wildlife and Countryside (Definitive Map Statements) Regulations 1993 (Statutory Instrument 1993/12). Certification that service of notice of making the application must also have been provided.

NB. Information about the legislation and regulations governing the definitive map, definitive map modification orders plus advice and guidance on how to make an application are included in the County Council's DMMO Application Pack.

Applications listed in the *Register of Applications* that comply with the legislation and regulations referred to above, and which have been certified, are evaluated and scored against the following criteria:

1. Conflict Resolution.
2. Development.
3. Effective Use of Resources.
4. Level of Support.
5. The Wider Public Rights of Way Network and Rights of Way Improvement Plan Objectives.

## 1. Conflict Resolution

Applications can sometimes cause ill feeling, disruption and resentment within a local community. This may be from members of the public concerned at the loss of an alleged public right of way, or from affected parties who dispute the existence of public rights. Giving such an application higher priority may assist in bringing to an end, or at least greatly reducing, potential or actual conflict.

Application is considered to generate significant conflict, to the extent that it would be in all parties' interests that the application is determined as soon as practicable.	Score 3
Application is considered to generate limited conflict.	Score 2
Application is considered to be uncontroversial.	Score 1

## 2. Development

Applications can be submitted as a result of potential or imminent development. Although a DMMO application cannot prevent development, developers do run the risk of blighting properties if they ignore potential claims and build on routes which are later proved to have public rights. There can also be significant difficulties for the County Council and other interested parties if such public rights of way become obstructed by development.

Application concerns a route where there is a significant risk of obstruction by development and it would be beneficial to interested parties to determine the application as soon as practicable.	Score 3
Application is in the vicinity of proposed development but unlikely to be significantly affected by it.	Score 2
Application is unaffected by development.	Score 1

## 3. Effective Use of Resources

An application may be located in an area where there are other applications close by. Processing these applications together may be a more efficient use of resources

with reductions in the time taken to research supporting evidence, consultations with interested parties and order advertising costs.

Application can be processed with other applications such that there would be a significantly better use of resources.	Score 3
Application can be processed with other applications such that there would be a moderately better use of resources.	Score 2
Application is such that there is no appreciable benefit in processing it with other applications.	Score 1

#### 4. Level of Support

An application may concern a route for which there is a high level of public support, possibly indicated by the supporting evidence and/or public representations. Alternatively, an application may concern a route that is supported exclusively by historical documentary evidence and for which there is no indication of the level of public support.

Application for which there is a high level of public support.	Score 3
Application for which there is a moderate level of public support.	Score 2
Application for which there is little indication of public support.	Score 1

#### 5. The Wider Public Rights of Way Network and Rights of Way Improvement Plan Objectives

An application may have a positive effect on the wider public rights of way network, i.e. provide 'missing links' to other routes, resolve longstanding anomalies on the definitive map, provide access to local amenities or locations of interest with high aesthetic and landscape value. It may also have the potential to offer a safer alternative to an existing route. Alternatively, applications can concern routes which are unlikely to have a positive effect on the rights of way network, such as the addition of a route or spur route that is very close to a network of other rights of way, or the downgrading or deletion of existing public rights of way.

The Rights of Way Improvement Plan (ROWIP) is a strategic assessment of the adequacy of the public rights of way network to meet current and future demand. It provides aims and objectives for the management and development of the network

that will be of benefit to the public at large, in contrast to the often local benefits of many applications.

Application may be of significant benefit to the public rights of way network and/or assist in meeting one or more ROWIP objectives.	Score 3
Application may be of moderate benefit to the public rights of way network and/or of limited contribution to meeting one or more ROWIP objectives.	Score 2
Application will be of limited benefit to the public rights of way network and/or will not contribute to meeting any ROWIP objectives.	Score 1

## RECORDING PRIORITISATION SCORES

The Register of Applications is split into two parts:

Part A: Applications for which certificate of service of notice have been supplied (certified).

Part B: Applications which have not been certified.

In accordance with this document, only certified applications are prioritised (i.e. Part A of the Register). Applications in Part A are listed in descending order according to their prioritisation score with applications that have the same score listed in descending order of receipt. Applications are then processed in order of priority as recorded in the Register. Where two or more applications have the same score, the earliest will be considered first.

Uncertified applications which the applicant subsequently certifies will be prioritised and moved to Part A.

An application listed in the *Register of Applications* may be processed out of turn if the County Council has been directed by the Secretary of State to process an application within a set time.

The County Council may from time to time make Definitive Map Modification Orders that are not resultant of a Definitive Map Modification Order Application, so as to correct errors that has been identified in the definitive map and statement.

The County Council may also examine an application out of turn were it is considered that such an application is sufficiently straightforward and uncomplicated that it can be processed well within existing resources.