

Policy guidelines for determining claims under s.53(5) Wildlife and Countryside Act 1981

Applications are processed in accordance with the following priority guidelines.

1. A claim made under s.53(5) of the Wildlife and Countryside Act 1981 will be placed in one of two waiting lists. Claims for which the determination relies partly or wholly upon user evidence shall be placed in 'List A', and claims which rely solely upon historic documentary evidence shall be placed in 'List B'. A claim not in the form prescribed by Schedule 14 of the 1981 Act will not be added to the list, and will normally be given lower priority.
2. Claims may be moved from List A or B into one of two priority lists - 'List A1' for user claims, 'List B1' for historic claims. Claims will be assessed against the below criteria to ascertain whether they should be prioritised.

Claims will be assessed for potential prioritisation against the following criteria:

- a) The extent to which the claimed route would improve public safety
- b) The extent to which the claimed route would provide a link between existing public highways, population centres or places of interest
- c) Whether the determination of the claim would contribute to resolving an anomaly on the definitive map and statement

In cases where applications are placed in either List A1 or B1, these will be ranked in date order, with the oldest claim being given greater priority.

3. Notwithstanding the provisions of clause 2, a claim may be taken out of turn and processed immediately if it can be demonstrated that the route is at risk of being physically lost (for example, to development*).

**A route is unlikely to be considered to be in danger of being lost to development unless planning permission for the relevant development has been granted and officers are satisfied that there is a genuine intention to implement the development immediately.*

4. In instances where none of the above criteria applies, a claim may nevertheless be taken out of turn and processed immediately if, upon consideration of the circumstances, it is considered expedient to do so. It is anticipated that such instances will be exceptional, and decisions on such prioritisation will be taken by the Countryside Access Group Manager.
5. In each case, the County Council will make a full investigation of the evidence submitted with an application and any other evidence considered by it to be

relevant. The investigation will be completed as soon as reasonably practicable and the claim recommended for acceptance or refusal.

6. When investigating any claim which involves the collation and appraisal of evidence that is also relevant to another claim on the list (such as investigation of evidence relating to a single route, different parts of which are the subject of separate claims, or where the same witnesses are involved in more than one claim) the County Council, may, at its discretion, investigate both claims simultaneously, notwithstanding that one will thereby be taken otherwise than in chronological order.
7. Claims in all lists shall be progressed at a ratio to be determined from time to time.

Notes: It is acknowledged that, owing to the number of claims made under s.53(5) Wildlife and Countryside Act 1981 and the current resources allocated to their determination, the County Council has a backlog of such claims waiting to be dealt with. The provisions of the Countryside and Rights of Way Act 2000 will cause this backlog to increase for the foreseeable future. Thus, although claims are dealt with as soon as reasonably practicable, this is not always within 12 months of their being made (as envisaged by the Wildlife and Countryside Act 1981). The purpose of these guidelines is to clarify, for applicants and officers alike, the basis on which, and order in which, claims will be processed.

The investigation of claims to amend the Definitive Map is only one aspect of the work of the Countryside Service. The priority given to the investigation of claims made under s.53(5) Wildlife and Countryside Act 1981 as opposed to other aspects of rights of way work will depend on the Countryside Service Strategy and Statement of Priorities published from time to time.

Approved by the Executive Member for Countryside and Rural Affairs on 14 January 2019