

APPENDIX 3

The Definitive Map and Statement of Rights of Way Statement of Priorities

1. This statement sets out how Somerset County Council prioritises the investigation of applications to modify the legal record of public rights of way known as the Definitive Map and Statement. For the purpose of this document the term 'application' is used in a broad sense and encompasses both:

- i) applications made under section 53(5) of the Wildlife and Countryside Act 1981 (including applications for which the County Council has waived the requirement for strict compliance with Schedule 14 of the 1981 Act); and
- ii) cases which are not subject to an application made under section 53(5) but which the County Council have nevertheless undertaken to investigate of its own accord.

2. Applications which were received by or before 28 November 2011 and which were scored under the previous Statement of Priorities will ordinarily be investigated in scored order (those with the highest score being investigated first).

3. Applications received since 28 November 2011 will ordinarily be investigated in chronological order of receipt with the oldest applications being investigated first.

4. Subject to the provisions below, all applications received by or before 28 November 2011 will be investigated before the investigation of those applications received since that date.

5. Applications can be investigated out of their normal order (i.e. the order set out in paragraphs 2 to 4 above) in the following circumstances:

- i) where it is determined that an application should be investigated out of turn in accordance with paragraph 6 below; or
- ii) where the application is subject to a direction made by the Secretary of State under paragraph 3(2) of Schedule 14 to the Wildlife and Countryside Act 1981; or
- iii) where the application is being considered as part of a batch pursuant to paragraph 7 below

The order in which applications prioritised under this paragraph are investigated will be at the discretion of the Rights of Way Service Manager.

6. Applications will only be taken out of turn in accordance with paragraph 5(i) in exceptional circumstances, having regard to the existence of the following:

- i) the path concerned is subject to a Small Improvement Scheme or is identified /affected by any Future Transport Plan;
- ii) the claimed rights are likely to be obstructed as a result of development;
- iii) an affected party can demonstrate that:
 - a) they are experiencing exceptional problems due to an application that impacts on their property, and
 - b) their out of turn request has the support of the Chairman of the Regulation Committee and/or the local County Councillor;
- iv) the path concerned is subject to a Section 130A notice and the County Council is satisfied that there is cogent evidence that:
 - a) the status or alignment of the path is in dispute; and
 - b) the resolution of that dispute would enable the County Council to respond with greater certainty to the Section 130A notice.

7. In order to make the most efficient use of resources, applications may be batched together. In such cases applications which would otherwise be of a lower priority will be brought forward to be investigated with an application which is about to be investigated. All batching will be at the discretion of the Rights of Way Service Manager.