The Definitive Map Team at Northamptonshire County Council (‘The County Council’) will use the criteria set out below to decide the order in which Definitive Map Modification Order (‘DMMO’) applications are considered.

All new DMMO applications must comply with schedule 14 of the Wildlife and Countryside Act 1981 and will be set against the criteria and given a score which will be used to rank them in order of priority. Each case is assessed and ‘scored’ by a panel of Officers. The applications which are given a high score will be allocated to case officers and investigated ahead of those cases with a lower prioritisation score.

Details and guidance regarding the relevant criteria are set out below:

- **Strength of Statutory Evidence** - Legislation provides that two types of evidence should be considered when dealing with applications to modify the Definitive Map and Statement: user and historical evidence, such as old maps, Parish records, Inclosure Awards or Tithe Maps. The strength of this evidence is fundamental in determining whether an application will be successful or not. Higher scores are therefore allocated to those applications accompanied by either a large number of Preliminary Evidence Forms (Form D) that meet the criteria set out below or strong historical evidence.

- **User Evidence** - If relying on user evidence, the County Council requires applicants to submit Preliminary Evidence Forms in support of their application. In order for a DMMO claim to be successful based on usage, it must be shown that the route in question has been used by the public ‘as of right’ for a period of 20 years prior to the public’s use being brought into question. It is unlikely that the County Council would make an Order where fewer than six witnesses met the relevant criteria (unless the application was accompanied by relevant historical evidence or there were extenuating circumstances). We would consider witness evidence to be persuasive if the witness had used the route unchallenged for 20 years or more (or thereabouts), and had not been given permission to use the route; they should also be willing to attend a public inquiry should that become necessary.

  Not all users need to have used the route for 20 years and Preliminary Evidence Forms from other users are helpful in determining whether the claim would be successful under common law (see ‘General Notes’), how often the route is used, whether or not there have been any obstructions to the route, whether there is any furniture along the route and its width and alignment etc. These Preliminary Evidence Forms would not count towards the prioritisation score but are useful when investigating a claim and should still be submitted.

- **Historical Evidence** - In this section the type of historical evidence that we might look at is listed. Each piece of evidence is given an individual score depending on how much weight is attached to it (some forms of evidence have more evidential value than others and would be more likely to improve the chances of success of a
Any relevant historical evidence is useful but a higher score will be allocated the more that is available. We would encourage applicants to seek out historical evidence before submitting a DMMO claim and attach copies of documents to their application form (including reference numbers from the County Council’s Record Office if applicable). Records Office, Wootton Hall Park, Northampton, NN4 8BQ, Tel: 01604 762129, Fax: 01604 767562, email: archivist@northamptonshire.gov.uk. Staff at the Records Office would be happy to help.

- **Challenge to future Public Use** - The County Council has a duty to protect the ability of people to use public rights of way and although this extends mainly to routes that are already recorded on the Definitive Map and Statement, we also have a duty to protect unrecorded rights of way as far as possible.

If the claimed route could be physically lost in the future as a result of a planning application, then prioritisation points will be allocated. If the claimed route is subject to a planning application please provide the relevant local planning authorities reference number.

- **Wider Community Benefits and Support** - The County Council is aware that certain routes are particularly important to members of the public, for example because they affect a large number of people, they provide safer walking or cycling routes or they allow access to local services. Additional points will be allocated to claims for routes that provide such benefits. An explanation of each set criteria in this section is set out below.

Please note that all applications must contain either user or historical evidence. Claims will not be successful if they score only in this section.

- **Supported by Parish/Town Council or Parish Meeting** - Significant weight is attached to claims that are either made by or have the support of the local parish or town council or parish meeting. They are representative of the views and wishes of local residents and give a good indication of the extent of support (or otherwise) for a claim. We would encourage applicants to seek the support of the parish or town council or parish meeting before making a DMMO claim.

- **Supported by District Council** - Please see ‘Supported by Parish/Town Council or Parish Meeting’ above. The same principles apply.

- **Supported by User Group** - User groups are seen as representing the wishes of the majority of their members. Weight is therefore attached to applications made by or that have the support of relevant user groups. User groups could include but are not limited to: The Rambler’s Association, The British Horse Society, The Cyclists Touring Club or The Open Spaces Society. We would encourage applicants to seek the support of relevant user groups before making an application (we would be happy to supply contact details of representatives of each group).
• **Avoids Roads or Road Crossings** - A right of way that will improve the safety of the local community is seen as beneficial. Claims for routes that avoid the need to cross roads where no designated crossing is available, or use roads that do not have a constructed footway, particularly in busy or dangerous areas or areas near to a school, will therefore have additional points allocated to them. Considerations will vary depending on the classification of the route being claimed.

• **Connects People with Local Services** - Any claims for routes that will connect people with (or provide more convenient access to) local services, such as schools, doctors, hospitals, shops, bus stops and other transport links will be allocated additional points. Such routes are of great benefit to the local community as a whole. Links to the local transport network complement the County Council’s overall strategy to increase use of public transport to reduce traffic congestion.

• **Promotes Local Tourism or the Local Economy** - Any proposed routes that promote local tourism or local businesses will also be looked at favorably. If there are tourist attractions in an area and a claimed route would increase footfall to those attractions, the local economy would benefit greatly. Similarly, any routes that make local businesses more accessible are of great benefit.

• **Lack of Alternative Route** - A score will be allocated to claims in areas where there are no suitable or practical alternative routes available for use by the public.

• **Contributes to Circular or Promotable Route** - If a proposed route contributes to a new circular route or another route that could be promoted (for example a long distance route), an additional score will be allocated to the application. The promotion of a route is likely to increase its use and overall importance to the local community.

• **Age of Claim** - All new applications will be ‘scored’ when they are received by the County Council, and must comply with Schedule 14 of the Wildlife and Countryside Act 1981 (the correct forms should be fully completed and accompanied by all supplementary evidence/forms). Each time a new claim is ‘scored’ additional points will be allocated to all outstanding claims. This process is intended to avoid a situation where a claim may not score highly on user or historical evidence and is ‘left at the bottom of the pile’.

### General Notes

• **Common Law** - The County Council appreciates that a claim for a right of way can be made under common law as well as under statute. It is accepted practice, however, to try to claim a new right of way under the provisions of Section 31 of the Highways Act 1980 where a way has become a right of way by means of presumed dedication and has been actually enjoyed by the public as of right without interruption for a full 20 years before considering whether or not a claim under common law would succeed.
We have therefore specified that applicants should provide a level of user evidence that would satisfy the grounds for claiming a new right of way under the Highways Act (20 years use). However, any user evidence supplied will be looked at carefully to determine whether or not it would be sufficient to prove dedication of the way by the landowner under common law.

- **Dealing with claims out of sequence** - Please note that, notwithstanding the above, there will be times when circumstances dictate that DMMO applications need to be dealt with out of sequence. The County Council reserves the right to allocate cases ahead of others despite the prioritisation score given. Every effort will be made to follow the guidelines set out above and we do not anticipate that allocation out of sequence will happen often.

- **Publication of prioritisation scores** - Once applications have been subject to the prioritisation scheme their ranking will appear on the Definitive Map Modification Order Application Register on the Council’s website at http://www.northamptonshire.gov.uk/en/councilservices/Transport/row/Pages/DMMO_Register.aspx. If new evidence is subsequently submitted for an existing application, its scoring will be reviewed and amended if required. The rankings of existing applications will then be adjusted accordingly which may result in an existing application going up or down the prioritisation list.

- **Amendments to the prioritisation scheme** - Should it be deemed necessary to make amendments to this scheme, the Council reserves the right to make changes at any time without prior notification.

- **Questions** - If you have any questions on the above please do not hesitate to contact the Definitive Map Team on 01604 364351. Alternatively, please write to The Definitive Map Team, Northamptonshire Highways, One Angel Square, Angel Street, Northampton, NN1 1ED or email defmap@northamptonshire.gov.uk.