

Gloucestershire County Council's Rights of Way Improvement Plan states the following in respect of Public Path Orders:

4.1.5 Public Path Orders

4.1.5.1 Public path orders enable applicants, usually landowners, to apply to make permanent legal changes to the routes of public rights of way across their land. This is a public process where anyone may object to the making of an order. We may at our discretion process public path orders, i.e. creation orders, extinguishment orders and diversion orders, either in response to applications from the public, or as county council generated schemes, prioritising those that offer a substantial public benefit, and those that are being paid for fully where there is a realistic chance of the order being confirmed. District and Borough Councils mainly process applications for public path orders under the Town and Country Planning Act 1990.

4.1.8 Recommended Practices

2. To process public path order applications in line with the Public Path Order priority guidelines at Annex D

Annex D - Priority guidelines for public path orders

The priority guidelines contained in this Appendix are those to be used for determining the sequence within which a public path order application will be processed relative to other applications. That is, these guidelines will be used to determine the position of an application within the queue.

These priority guidelines have been drawn up as part of the Rights of Way and Countryside Access Improvement Plan.

Because of the different criteria that can be used to determine the priority that should be attributed to an application, for example, landowner interests, public interests, county council interests and so on, it would be inappropriate and misleading to create a single hierarchical "league table".

The following priority guidelines should be seen rather as an equation made up of different criteria, all of which need to be taken into account in order to reach a final decision as to the queue position that an application should be accorded. The components of the equation are as follows:

PART A Landowner Interests

PART B Public Interests

PART C County Council Interests

PART D Nature and Level of Usage

PART E Environment and Sustainability

Based upon the above components, each application will be given a priority of 1, 2 or 3, with 1 the highest and 3 the lowest. Once assigned a priority, the application will be processed in broadly chronological sequence within that priority group.

PART A - Landowner Interests

The following factors may be taken into consideration:

- Applications associated with crime prevention or school security as defined by the Countryside and Rights of Way Act 2000 (CROW Act);
- Applications under the Town and Country Planning Act 1990 where the County Council is the Planning Authority;
- Applications from owners and occupiers of land used for agriculture, forestry and the breeding and keeping of horses as defined by the CROW Act;
- Applications that result from the threat of enforcement action;

- Applications where the definitive route is affected by long-term obstructions or where considerable works/ expenditure would be required from the applicant to open up the definitive route;
- Applications that are intended to overcome health and safety problems for the applicant, for example, diversion of a path out of a farmyard;
- Applications that are fully paid for by the applicant;
- Applications that offer sizeable benefits to the applicant.

PART B - Public Interests

The following factors may be taken into consideration:

- Applications that address public safety issues, for example, a diversion away from a track where vehicular use is a problem to walkers or riders, or a diversion away from a cliff edge;
- Applications that will provide a significant benefit to the public upon completion. For example, an improved path network, a wider more accommodating path or a more attractive path with improved views etc.
- Applications that result in the removal of circumstances that inhibit public use or enjoyment of the path, for example, a reduction in the number of stiles or gates, or diversion out of a “private” garden.

PART C - County Council Interests

The following factors may be taken into consideration:

- County council sponsored applications under crime prevention or school security as defined by the CROW Act;

- Applications that form part of a Local Authority sponsored or supported scheme or project e.g. a cycletrack or National Trail scheme;
- Applications that address GCC legal responsibilities or offer a reduction in long or short-term maintenance costs;
- Path order(s) that are associated with a Modification Order application. For example, the creation of a new path using a path order in place of a modification order;
- Path order(s) intended to resolve definitive map anomalies that are causing problems for the highway authority, the public or landowner.

The full Rights of Way Improvement Plan can be seen at:

https://www.gloucestershire.gov.uk/media/pelpfxn1/rowip_2011_to_2026-45038.pdf