

PROCEDURE FOR DETERMINING APPLICATIONS UNDER SECTION 53 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

Applications to be dealt with on a date order basis.

Officers be given discretion to prioritise the following applications in order to prevent possible litigation and the loss of evidence to support the applications:-

Planning Applications

Should a planning application be received which affects the route of the “claim” then it is considered to be appropriate to investigate the claim and resolve it before any building works commence.

Land for Sale

If the ground over which the “claim” crosses is in the process of being sold (searches do not reveal such applications) but this can have an impact on both the vendor and purchaser if the application is brought to the attention of the purchaser. Also the loss of evidence relating to the use of the land before the application was made could be lost.

Useful Link to the Community/Elderly users

The Authority has a number of “claims” which are blocked and had previously been well used by the local community. These “claims” have the support of the local community some of which may be elderly and are suffering as a result of the removal of a short cut. Sadly if some applications are not dealt with for a few years it could mean the loss of very useful evidence when some of the supporters die before the “claim” is dealt with.

Statutory Declarations

If there is evidence to negate the “claim” such as a statutory declaration in respect of any dedicated paths through the land.

Creation Agreements

Where an agreement can be reached between the landowner and the users to agree a footpath, which may or may not be on the line of the “claimed” route.