

Modifications

1. The Welsh Ministers or Inspector may decide that an order should be confirmed with modifications. The modifications may be quite small, like correcting a spelling error or adding a grid reference or they may be major. The Inspector will explain the exact modifications in the order decision.
2. Some modifications must be advertised so that people are given the opportunity to object to them. The following types of modification need to be advertised:
 - moving the line of a path;
 - increasing the width of a path;
 - adding a width to a path (definitive map modification orders and some public path orders);
 - showing a new path on the order;
 - deleting all or part of a path shown in the order (definitive map modification orders only); or
 - changing the type of path shown in the order (definitive map modification orders only).

Decisions, which propose modifications needing advertisement, are known as 'interim' or 'proposed' decisions.

3. Where a modification needs to be advertised, we will arrange for a notice to be published in a newspaper circulating in the local area, outlining how and when objections or representations can be made.

No objections to proposed modifications

4. If no objections are received to the proposed modifications, the Welsh Ministers or Inspector will make a final decision, in which he or she will confirm the order with the modifications they previously proposed. The final order decision will be sent to all the people who received a copy of the interim decision.

Objections to proposed modifications

5. Objections to the modifications will be considered by the Welsh Ministers or an Inspector (usually the same Inspector who proposed them). Dependant on the number and content of objections received, there may need to be an inquiry to consider the evidence they contain.
6. If there are only a few objections and/or the issues they raise could be dealt with by written representations, we will write to the authority and relevant parties to ask if they would be happy for a final decision to be made on this basis instead of an inquiry. We will hold an inquiry if anyone asks to be heard by an Inspector.

7. If an inquiry is held into the proposed modifications, the Inspector will not be able to consider any representations into the unmodified part of the order. If anybody asks to give evidence relating to the unmodified part, the Inspector will ask them to submit it in writing to the Planning Inspectorate (within a specified period) and continue to hear the evidence relevant to the modifications. If the submitted representation raises questions likely to effect the Welsh Ministers or Inspector's decision, it may be necessary to re-open the original inquiry (if one was held). However, if all the parties agree, the new evidence could be dealt with on the basis of written representations (this is the most likely action if the interim decision was made following an exchange of written representations).
8. Having considered the objections, the Welsh Ministers or Inspector may decide that they do not raise any questions likely to affect their decision. If this is the case no further action on the objections will be taken and the Welsh Ministers or Inspector will proceed to write a final decision.

What happens if objections are received to the unmodified part of the order?

9. If the only objections received within the objection period relate to those parts of the order the Welsh Ministers or Inspector does not propose to modify, it may be necessary to re-open the original inquiry or offer the written representations procedure if more appropriate.
10. If the original inquiry is re-opened, the Inspector would not be able to hear evidence relating to his or her proposed modification(s). If anybody asks to give evidence on the modified part, they will be asked to submit it in writing to the Planning Inspectorate within a given period. Again, if the submitted representation raises questions likely to effect the Welsh Ministers or Inspector's decision, it may be necessary to hold an inquiry so that it can be discussed. However, if all the parties agree, the new evidence could be dealt with on the basis of written representations.

Objections received to the proposed modifications and the unmodified part of the order

11. Where both types of objection are received within the objection period, it may be necessary to hold a 'joint' inquiry. A joint inquiry effectively re-opens the original inquiry whilst allowing the Inspector to hear evidence against the proposed modification(s).

Hearings

12. A hearing may be held instead of an inquiry with the agreement of the authority and the relevant parties.