

THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN HERTFORDSHIRE.

STATEMENT OF PRIORITIES

This statement sets out how Hertfordshire County Council (HCC) prioritises applications to change the legal record of rights of way, known as the Definitive Map and Statement (for more details see: Making Changes to Public Rights of Way).

Applications can be made to

- amend the record of rights of way where information is incorrectly recorded, known as an Evidential Modification Order – EMO (see Modification Order Package)
- alter rights of way which exist by diversion or extinguishment, known as a Public Path Order – PPO (see Public Path Order Package)

Applications received are prioritised according to HCC's current policy below.

HCC's Policy

In 2011, HCC adopted a new set of policies for dealing with right of way cases. These came into force on 5th April 2011. They are based on three key principles, which enable cases to be prioritised

1. Where public safety could be substantially improved
2. According to the level of use
3. Where HCC's actions could result in a significant positive impact on the network

These policies are applied to all cases. In addition, the policies also set out that: -

- A higher priority is to be given to EMO cases
 - where the physical existence of an alleged route is threatened by development
 - where investigation of a case would involve substantially the same evidence as a route currently under investigation or about to be investigated and will provide significant cost or efficiency savings
 - where there is only user evidence available
- A higher priority is to be given to PPO cases
 - where an application has been made to HCC in its capacity as Planning Authority or for a Schools Special Order
 - where the processing of an Order would save the significant costs incurred in other Rights of Way functions
 - where an order is appropriate following consultation paid for by the applicant

How are the policies applied?

HCC has separate prioritisation lists for EMO and PPO cases. On receipt, each case will be prioritised in accordance with the above policies and will be added into the correct list in the appropriate position.

Cases already received and prioritised may therefore move down the list awaiting investigation if subsequent applications are given a higher priority. Cases will be re-

prioritised on receipt of information which shows that the circumstances of the case have changed, such as a development being granted planning permission. Once prioritised, cases will be investigated when an officer with the appropriate experience becomes available.

Where cases have the same priority, the order in which they will be investigated is as follows: -

- EMOs – in order of date of receipt – first, completed applications, followed by incomplete applications. [Discovered evidence cases (see below) will not normally be dealt with until all applications have been investigated].
- PPO cases are dealt with by HCC in the order they are received.

N.B. PPO cases where the applicant is willing to arrange their own consultation may be dealt with ahead of cases that are to be consulted on by HCC.

What constitutes a Case?

- **EMOs**

HCC has a duty to investigate applications made under Schedule 14 of the Wildlife and Countryside Act 1981. Completed applications are those which fulfil all the necessary requirements; these are given a 'prescribed date' to show that they are complete. Applications are referred to as being incomplete where the necessary requirements have not been fulfilled. There are also cases where the County Council itself has discovered evidence indicating that the Definitive Map and Statement may need changing.

- **PPOs**

HCC has powers to make orders to divert or extinguish rights of way under the Highways Act 1980 and the Town and Country Planning Act 1990. Cases will include applications made by any member of the public, including owners or occupiers and where HCC decides that an order may be required. Applications can be made to other authorities (including district councils), but only applications made to HCC will be prioritised.

Register of Applications

Regulations require HCC to hold details about EMO applications which HCC either had not determined before 31st December 2005 or have been received since that date. These are recorded in HCC's Register of Applications. This is in an A-Z of the applications by parish, not in priority order. The list also includes PPO cases.