

## **The Definitive Map and Statement of Rights of Way Statement of Priorities**

1. This statement sets out how Somerset Council prioritises the investigation of applications to modify the legal record of public rights of way known as the Definitive Map and Statement. For the purpose of this document, and unless otherwise stated, the term 'application' is used in a broad sense and encompasses both:

- i) applications made under section 53(5) of the Wildlife and Countryside Act 1981 ('the 1981 Act') and which are compliant with paragraph 1 of Schedule 14 to that Act (including applications for which the Council has waived the requirement for strict compliance with that paragraph); and
- ii) cases which are not subject to an application made under section 53(5) but which the Council have nevertheless undertaken to investigate of its own accord.

2. Subject to the provisions below, applications which were received on or before 28 November 2011 and which were scored under a previous Statement of Priorities will ordinarily be investigated in scored order (those with the highest score being investigated first). Once investigation of all of those applications has begun, applications which have been received since 28 November 2011 will be investigated in order of receipt with the oldest applications being investigated first.

3. Unless taken out of the normal order in accordance with paragraph 4 below, investigation of applications falling into the category described in paragraph 1(i) above will not commence until such time as either:

- i) they have been certified in accordance with paragraph 2(3) of Schedule 14 to the 1981 Act; or
- ii) all other certified applications have been investigated.

For the avoidance of doubt this paragraph does not apply to those cases which are not subject to an application made under section 53(5) but which the Council have nevertheless undertaken to investigate of its own accord.

4. Applications will be investigated out of their normal order (i.e. the order set out in paragraphs 2 above) in the following circumstances:

- i) where it is determined that an application should be investigated out of turn in accordance with paragraph 6 below;
- ii) where the application is subject to a direction made by the Secretary of State under paragraph 3(2) of Schedule 14 to the Wildlife and Countryside Act 1981;
- iii) where the application is being considered as part of a batch pursuant to paragraph 7 below; or
- iv) where the application was supported by 5 or more user evidence forms originating from multiple addresses when originally submitted.

The order in which applications prioritised under this paragraph are investigated will be at the discretion of the Rights of Way Service Manager.

5. Where the applications currently being investigated are wholly those under 4(iv) then a minority of resource may still be apportioned to progressing those applications as per paragraph 2

6. Applications will only be taken out of turn in accordance with paragraph 4(i) in exceptional circumstances, having regard to the existence of the following:

- i) the path concerned is subject to a Small Improvement Scheme or is identified /affected by any Future Transport Plan;
- ii) the claimed rights are likely to be obstructed as a result of development;
- iii) an affected party can demonstrate that:
  - a) they are experiencing exceptional problems due to an application that impacts on their property, and
  - b) their out of turn request has the support of the Chairman of the Strategic Planning Committee and/or the local Somerset Councillor;
- iv) the path concerned is subject to a Section 130A notice and the Council is satisfied that there is cogent evidence that:
  - a) the status or alignment of the path is in dispute; and
  - b) the resolution of that dispute would enable the Council to respond with greater certainty to the Section 130A notice.



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7. In order to make the most efficient use of resources, applications may be batched together. In such cases applications which would otherwise be of a lower priority will be brought forward to be investigated with an application which is about to be investigated. All batching will be at the discretion of the Rights of Way Service Manager.

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