

Surrey Public Rights of Way Priority Statement

For keeping the Definitive Map and Statement under continuous review.

Prepared as a result of legislation contained in Part Three of the Wildlife & Countryside Act 1981

2005
7th Edition: October 2014



PRIORITY STATEMENT AND TARGETS FOR PUBLIC RIGHTS OF WAY

DEFINITIVE MAP - BACKGROUND

The National Parks and Access to the Countryside Act 1949 required every County Council in England and Wales to publish a Definitive Map and Statement showing all rights of way in their area. The presumed rights of way were surveyed and a draft Definitive Map was placed on deposit and advertised in the London Gazette and local newspapers. Members of the public and landowners could object to the inclusion or omission of a route. When these objections had been investigated a provisional map was placed on deposit and landowners could raise further objections to this. Only when all these objections had been resolved could the Definitive Map and Statement be published.

Surrey's first Definitive Map was put on deposit in 1952, a revised map was deposited in 1959 and a second revision was put on deposit in 1966. It took from 1966-1981 for all the objections to the second edition to be resolved and the new Definitive Map was published in 1982.

DEFINITIVE MAP – KEEPING IT UP TO DATE

The Wildlife and Countryside Act 1981 introduced new procedures for updating the Definitive Map and Statement for public rights of way. All changes to the network are now subject to individual legal orders so that objections are resolved at this stage.

The Wildlife and Countryside Act requires the Definitive Map and Statement to be updated and thereafter to be kept under continuous review. Some changes, such as Map Modification Orders, update the map and statement at the time of the order. Other changes, such as Public Path Orders, do not and the map and statement are then updated in an annual Legal Event Order. The Definitive Map was redrawn at a scale of 1:10,000 incorporating all the legal changes to the network since 1966. A consolidated Definitive Map and modified Statement was published in March 1996, and has been updated since.

CLAIMING PREVIOUSLY UNRECORDED RIGHTS OF WAY

Under Section 53(5) of the Wildlife and Countryside Act any person may apply to the County Council for an order modifying the Definitive Map and Statement. These are called Map Modification Orders.

The legislation states that on receipt of an application, the authority shall start to investigate and make a decision as soon as reasonably practicable. If the authority has not determined the application within 12 months, the applicant has the right to appeal to the Secretary of State who can direct the County Council to determine the claim within a given timescale. Investigation and determination of Map Modification Orders is a time consuming process, particularly if objections are received. Orders can take over a year to complete once started. The Secretary of State will take into account the authority's Priority Statement when considering appeals. Claims can be based on user and/or historic evidence. If after investigation it is considered that the balance of probability is that a right of way exists over a route and it should be recorded in the Definitive Map and Statement or that the status of a right of way should be changed then the County Council must publish a map modification order. The order is subject to objections and if these cannot be resolved they must be submitted to the Secretary of State for the Environment, Food and Rural Affairs and the issue may then be determined by public inquiry.

In keeping the Definitive Map and Statement under continuous review, we will undertake work in the following order of priority, and with the following targets for completing the work:

- 1 Publication of Legal Event Orders listing all legal Orders (for e.g. Diversion Orders) and other events in order to modify the Definitive Map and Statement including the publication of updated map sheets.

We will publish these annually.

- 2 Processing of Rail Crossing Orders under s118A and 119A of the Highways Act 1980 to improve public safety.

We will start processing Orders to improve public safety as soon as an application is received.

- 3 Investigation of all claims for Map Modification Orders under Schedule 14 of the Wildlife and Countryside Act 1981.

We will start processing the application within 2 years of receipt of an acceptable application and make a decision on whether to make a Map Modification Order within 3 years of receipt of an acceptable application. If directed to determine the application by the Secretary of State, we will process the application in accordance with the direction.

We will immediately acknowledge receipt, check notice has been served by the applicant and contact the landowner(s), if they are known, within 6 months of a claim being received.

Applications will be dealt with in date order of receipt. In exceptional circumstances an application may be processed out of date order. This will be decided by the Countryside Access Team Manager in consultation with the Cabinet Member where:

- Planning permission has been granted which, if fulfilled would have the effect of obstructing the alleged right of way;
- There is a safety issue, e.g. the route is an alternative to using a busy road;
- The alleged route would form part of a Rights of Way Improvement Plan improvement;
- A route anomaly would be resolved.

On receipt of an application, the route will be recorded on our on-line Register of Map Modification Orders and inspected on site.

- 4 Processing of Traffic Regulation Orders under the Road Traffic Regulation Act 1984 where there is a need and after considering a countywide assessment.

We will process these Orders in accordance with County policy ¹.

- 5 Processing of applications for Diversion Orders made and funded by landowners, in their interest and securing a significant public benefit in accordance with County policy ².

¹ Surrey County Council Policy on making Traffic Regulation Orders on Byways Open to All Traffic – Approved January 2009

We will process these Orders on receipt.

- 6 Consideration of applications for Public Path Orders made under sections 118B, 118C, 119B, 119C or 119D of the Highways Act 1980.

We will process these Orders when resources are available.

- 7 Processing of Public Path Orders under sections 26, 118 and 119 of the Highways Act 1980 to divert, create or extinguish public paths where the County Council are promoting them in order to resolve problems or improve the rights of way network.

We will process these Orders when resources are available.

- 8 Processing of Cycle Tracks Orders under the Cycle Tracks Act 1984 where there is a need and the route is not suitable as a public bridleway.

We will process these Orders when resources are available.

Since systematic review of the Definitive Statement requires major resource expenditure it will only be updated to reflect legal events. Map Modification Orders solely to modify the description of paths in the statement will only be made in exceptional circumstances.

WHERE THE DEFINITIVE MAP & STATEMENT CAN BE INSPECTED

The Definitive Map for Surrey consists of 89 map sheets and can be inspected together with the accompanying Statement at Countryside Access, Meroo Depot, Meroo Lane, Guildford or County Hall, Kingston-upon-Thames. Please phone 03456 009 009 for an appointment. Surrey County Council is a member of Travel Wise, and encourages visitors to use alternatives to the car. County Hall has secure cycle parking and is well served by public transport.

The Surrey History Centre at 130 Goldsworth Road, Woking (01483 594594) also holds a copy of the Map and Statement.

District and borough councils have copies of the Map and Statement for their area for inspection. Please telephone the appropriate authority for an appointment to view these documents. Parish and town councils also have copies of the Map and Statement for their areas and, where practicable, should make these available.

Surrey's rights of way network can be seen on our website: www.surreycc.gov.uk. Please follow the link to the interactive map. Please note the information shown does not constitute a legal record and for legal reasons such as buying property the paper copy should always be inspected.

Copyright legislation prevents photocopying complete map sheets. However the Ordnance Survey licence allows an A4 extract from the map to be provided. A charge will be made to cover costs.

² Surrey County Council Policy for processing applications for Public Path Orders under sections 118 and 119 of the Highways Act 1980 – Approved January 2009