

Buckinghamshire Council
Definitive Map Application - Statement of Priorities 2020

***“Keeping Buckinghamshire Thriving and Attractive –
Continue to protect our high quality environment”***

*Maintain records & registers as set out in legislation & safeguard the
Public Rights of Way network*

The Definitive Map and Highway Searches Team process applications to both modify the Definitive Map and Statement upon the discovery of evidence that it requires modification (these are called Definitive Map Modification Orders – “DMMOs”), and also to change the Public Rights of Way network upon an external event or application made by a landowner (these are called Public Path Orders – “PPOs”). The team also processes Creation Agreements to create new public rights of way and also Town or Village Green Applications and Common Land Deregistration Applications.

The Council, in achieving its strategic outcome, seeks to prioritise these applications to achieve the best possible outcome for the people of Buckinghamshire.

DMMOs

Applications of this nature are seeking to amend the Definitive Map and Statement upon discovery that the records may require amendment i.e. additional routes have been used and should be added, routes should be removed or diverted, or the status of the route needs changing. This is a statutory function of the Council. These applications are based upon either documentary evidence or user evidence from witnesses or a combination of both. Applications will be investigated in date of chronological Order of receipt subject to a suitably experienced Officer being available. The Council will however prioritise certain applications under the following circumstances:

1. The evidence in support (either fully or in part) of the application is that of User Evidence
2. There is a threat of development affecting the claimed route
3. If the evidence in support of the application is shared with another application within the chronological list and it would be efficient to investigate the applications concurrently

PPOs

Applications of this nature are seeking to amend the Public Rights of Way Network by diverting, extinguishing or creating public rights by Order. These applications are made by landowners in the interests of land use, privacy and security; or may be made by Developers to realign routes or supersede routes through development sites by adopted roads / footways; or through the Council exercising its compulsory Creation Order powers. Processing these applications is a power of the Council and not a duty and as such will be accepted at Officer discretion; applications can be refused if they are not expedient or if they fail to meet the criteria outlined below. Applications will be investigated in date of chronological order of receipt subject to a suitably experienced Officer being available. The Council will however prioritise certain applications under the following circumstances:

1. Changes to the network are needed to facilitate development

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2. Where the change to the network would save costs in the wider Rights of Way service provision i.e. by avoiding enforcement action
3. Where an application is made for a School's Special Order
4. Where an application seeks a betterment to the network
5. Where an application improves or enhances public safety

Creation Agreements

Creation Agreements are a discretionary power of the Council which will only be exercised in certain circumstances:

1. Where little or no maintenance work is required to bring the route up to an acceptable standard for public use
2. If the Council is satisfied it is prepared to take on the ongoing future maintenance liability of the route to be created; all surface works must be to the Council's required standard before an agreement is entered
3. Where a route has been dedicated by the landowner, subject to points 1 and 2 above, and/or where it would make efficiency savings by avoiding a DMMO
4. Where a route forms part of a s106 agreement

Town or Village Green and Common Land Deregistration Applications

Applications of this nature are processed as a statutory function of the Council. Applications to register new Town or Village Greens will be dealt with in chronological order of receipt unless the land is affected by development, in which case that application would be prioritised.

Applications to deregister Common Land pursuant to the implemented sections of Part 1 Commons Act 2006 in Buckinghamshire will also be processed in chronological order of receipt unless an application land is affected by development, in which case that application would be prioritised.