

Glossary of Rights of Way Terms

Act – the relevant Act under which an order is made.

Advertised Modifications - whereby the Inspector has proposed a modification to the Order in his decision that will require further advertising. This opportunity for further comment is advertised in the area's local newspaper as well as on our website and interested parties will also be contacted.

Applicant - the person who applied for an order.

Accompanied Site Visit (ASV) – a visit made by the Inspector in the company of some or all of the parties to the order. The Inspector is unable to accept any further evidence at that time, nor is the Inspector able to deliberate on the merits of the case. Any observations brought to the Inspector's attention must be restricted to those of a geographical nature.

Definitive Map & Statement - the legal record of public rights of way in an area. A way shown on the map is conclusive evidence that the public has the rights shown unless there has been a legal change. Definitive Map evidence is without prejudice to any other rights which might exist. The statement is conclusive evidence as to the position, width, limitations and conditions.

Document – includes a photograph, plan or map etc.

Duly made – a representation or objection is 'duly made' if it is received by the order making authority within the deadline set out in the notice advertising the order. This deadline is prescribed in the Act under which the order is made. Duly made representations or objections to Wildlife and Countryside Act orders must also include the grounds of the representation or objection. (Where an Inspector advertises a proposal to modify an order, representations or objections must be received within the deadline set out in the notice and must be relevant to the proposed modification.)

Hearing - a discussion led by an Inspector who explores the various issues involved. Hearings are less formal, simpler and usually quicker than inquiries. There is usually no formal cross-examination and they usually last no more than one day.

Inspector - person appointed by the Secretary of State to act on his behalf.

Inquiry – a formal setting where evidence is heard and witnesses are open to cross-examination.

Notice of Order – this is the notice which contains the start date for the Order and sets out the timetable for the submissions of statements, proofs of evidence and comments.

Order Making Authority (OMA) – This is the local authority which has made the Order to create, divert, extinguish, stop-up or modify a right of way. This categorisation can include County, Borough, District or Unitary Councils and also National Park Authorities where appropriate.

Prescribed persons - organisations entitled to be served with a notice of an order, as prescribed in Schedule 14 of the Town and Country Planning Act 1990, Schedule 15 of the Wildlife and Countryside Act 1981 and Schedule 6 to the Highways Act 1980.

Proof of Evidence – this is a document containing the written evidence which a person will speak about at a rights of way public inquiry. It should not rehearse all of the available evidence but should focus on the matters in dispute. It should not contain supporting documents.

Relevant person – a person who has duly made and not withdrawn a representation or objection to an order.

Right to be Heard – under the Town and Country Planning Act 1990, Highways Act 1980 and Wildlife and Countryside Act 1981, a relevant person may ask to present their evidence in person to the Inspector. Where this is exercised, a hearing or inquiry will be arranged.

Rules - the Rights of Way (Hearings and Inquiries Procedure) (England) Rules 2007 which can be found at;
<http://www.opsi.gov.uk/si/si2007/20072008.htm#30>

Start Date - date whereby the procedure begins for sending in submissions such as statements of case, proofs of evidence and comments. This is the date specified in the order notice (as mentioned above) and also the date of the initial letter setting out the timetable for the order.

Site Visit – a visit made by the Inspector to see the land to which the Order relates, the surrounding area and to note physical features such as stiles, gates, fences, walls, hedges and trees.

Statement of Case - a written statement containing full particulars of the proposed case to be put forward. It includes copies of any supporting documents which that person intends to refer to or put in evidence and a list of those documents.

The local authority's statement of case may be the same as the statement of reasons setting out the grounds on which the local authority consider the order should be confirmed that it originally sent in with the order.

Written Representations – an alternative to the hearing and inquiry procedure where there is a written exchange of evidence only.