



**PLYMOUTH LOCAL ACCESS FORUM**

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**PLYMOUTH LOCAL ACCESS FORUM**

**SUPPLEMENT**

**DATE: MONDAY 17 MARCH 2014**

**TIME: 10.30 AM**

**PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)**

**Committee Members–**

Mr Fairchild, in the Chair

Mr Stewart, Vice Chair

Mr Attrill, Mr Curno, Mr Emery, Councillor K Foster, Councillor Fox, Mr Harvey,

Ms Hitchens, Mr Pawley, Mrs Rodgers, Mr Skinner, Councillor Wheeler

***Please find enclosed additional information for your consideration under agenda item numbers 9 and 10.***

***Members are invited to attend the above meeting to consider the items of business overleaf***

***Members are requested to sign the attendance list at the meeting.***

## **PLYMOUTH LOCAL ACCESS FORUM**

### **9. DEFINITIVE MAP MODIFICATION ORDER UPDATE (Pages 1 - 4)**

The Forum will receive an update on the Definitive Map Modification Order from the Public Rights of Way Officer.

### **10. DEFINITIVE MAP UPDATE (Pages 5 - 8)**

The Forum will receive an update on the Definitive Map from the Public Rights of Way Officer.

# PLAF BRIEFING NOTE

17 March 2014 – Agenda Item 9 – Definitive Map Modification Order Update



## 1.0 Introduction

1.1 This report provides the Plymouth Local Access Forum (PLAF) with an update on matters relating to the processing of Definitive Map Modification Orders (DMMO).

## 2.0 Background

2.1 A DMMO is a legal process by which a member of the public can apply to the highway authority to change the definitive map and statement in some way. The change applied for can be to alter the status of a path (for example from a footpath to a bridleway), to remove a path or to change the details recorded in the statement (such as the width of a path). However the most common change we are asked to make is to add a path to the definitive map that the public think should be recorded as a public right of way. At least 99% of applications we received are to record a public right of way.

2.2 These applications are often referred to as “modification orders” or section 53/schedule 14 applications because of the legislation under which the applications are made (i.e. s.53 or Sch 14 of the Wildlife and Countryside Act 1981).

2.3 The modification order process is a long process. It involves several stages of consultation, the production of topography reports, research of documentary evidence held in records offices and other forms of research and liaison with landowners and their legal representatives. Each application must also be decided by a council committee and from there can lead to a public inquiry. It generally takes us between 18 months to 2 years to take each application from receipt to confirmation and we progress two applications at a time in strict date order of receipt. On this basis the backlog of applications was between 6

– 8 years for current applications already in the queue and a 10 year wait for any new applicant.

2.4 This backlog is partly due to the complexities of the process itself but is also due to our reliance on external legal support associated with public inquiries.

2.5 This report sets out how we are addressing this backlog of applications.

### **3 Definitive Map Modification Orders**

3.1 We identified savings in our existing revenue budgets which we are re-investing in the rights of way service. The first stage of the modification order process is largely procedural and yet is very time consuming. We decided the best use of this money would be to use the saving to outsource the first stage of the modification order process for every outstanding modification order application.

3.2 This work was initiated in January 2014 and the consultant will be taking each of these applications to committee report stage for us to then continue. We expect this work to be completed by summer 2014 although it is too early to be specific about the exact timescale for each application. Eight applications are being progressed.

3.3 With all eight applications at committee report stage we will continue as we do now, two applications running concurrently to completion, but at a much advanced stage allowing us to focus exclusively on the technically complex second stage of the process (from Planning Committee to public inquiry).

3.4 The benefits of this are significant because valuable officer time will be spent on processing legally contentious casework rather than following a protracted, prescribed process that we can currently only allocate a small amount of time towards each week. In this way we can reduce the existing backlog of applications significantly faster (providing a more efficient

service to existing applicants) and thereafter process new claims considerably quicker because there will be less claims to deal with.

3.5 PLAF members who now, or in the future, would like details of: -

- our current backlog of modification order applications;
- details of the specific paths being claimed in current applications;
- progress updates on all or any specific application; or
- details of any concluded applications,

should visit [www.plymouth.gov.uk/prow](http://www.plymouth.gov.uk/prow) as this information is now all available online.

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# PLAF BRIEFING NOTE

17 March 2014 – Agenda Item 10 – Definitive Map Update



## 1. Introduction

- 1.1 This report provides the Plymouth Local Access Forum (PLAF) with an update on matters relating to the republication of the definitive map which follows from earlier advice received.

## 2 Officers Report

- 2.1 Officers have considered the recommendation of the PLAF with regard to the accessibility and usefulness of the definitive map and statement and its availability in our First Stop reception area. We agree that positive changes could be made to the way we display and present this information.

- 2.2 In a briefing note presented to the PLAF in September 2013 a number of suggested changes to existing working practices were set out. This briefing note updates members on progress made against those changes. Details of our recommendations are below with updates.

- 2.2.1 Republish the Definitive Map to ensure the most up to date information is in the public domain.

The definitive map was republished in March 2014. It is available in our First Stop reception and local libraries.

- 2.2.2 Work with our software suppliers to put in place a quicker and more efficient way to republish the definitive map on a 3 year update cycle.

We have reduced the scale of the definitive map from a 1:5000 scale to a 1:10,560 scale (6 inch to the mile). This has the effect of reducing the number of A1 map sheets from 17 down to 4. The reduction in scale is at the sacrifice of detail however it makes the map easier to reproduce. There are existing mechanisms in place to allow for the exact route of any particular path to be clarified if needed and the relevant legislation requires definitive maps to be produced at a scale no smaller than 1:25,000 so we are complying with the statutory minimum scale.

### 2.2.3 Make digital copies of the Definitive Map available online as well as the usual paper copies available in First Stop and public libraries

A digital version of the definitive map and statement is available online on our website.

### 2.2.4 Make all public notices for Orders available online increasing public access to them

We have created an area on the rights of way pages of our website for public notices. Future consultation on legal Orders will refer user groups to the website rather than provide paper copies of Orders and Plans unless we are required by statute to do so.

### 2.2.5 Implement a public online register of Modification Order applications showing the route being claimed, details of the claimant and the stage in the process each application is currently at

This public register is now available online. It includes a full list of any extant s.53 applications along with details of the current stage each application is at, copies of the application form and plan and any other relevant background papers.

### 2.2.6 Implement a public register for section 31(6) deposits.

We will implement this public register in due course. However it is likely to be linked to online interactive mapping (see below).



2.2.7 Should the authority implement suitable online mapping then this information will be moved onto this system.

This is an ongoing issue which is being considered corporately. There are no plans to implement online mapping at this time.

2.3 In addition to the above we have noted the PLAF's comments regarding the provision of a working copy definitive map. We have considered this advice however we do not intend to make a working copy map available to the public. We do not believe a working copy map would be a simple and effective way to show changes (i.e. confirmed orders) that have been made since the last republication. This is because whilst the working copy map does show this information it also shows every proposal, every aspiration, every legal process we have ever dealt with successful or otherwise along with all furniture, logged issues, complaints and defects, surface types and landownership all of which is driven by a database and is not a physical map. This would be very difficult to separate out and maintain and this level of information would be impossible to present in a way which is easy to understand. It also only exists as a database on a single computer (which is a matter of software license) and contains information relating to individuals who are protected under the Data Protection Act. As such we do not believe the publication of a working copy map is necessary and is likely to cause confusion regarding the status of the definitive map. This is essential as the sole purpose of the definitive map is to make it absolutely clear which paths carry public rights and we do not propose to interfere with the public's understanding of that. Any changes we have made to the definitive map since its last publication date are available for inspection on our website.

2.4 We have however improved access to information regarding changes to the rights of way network. It is clear our placing copies of confirmed Orders in our reception is not seen as the best way forward. As such we have decided to stop this practise and instead make this information available online only outside of the statutory notice periods. Any confirmed Public Path Order or Definitive Map Modification Order and any signed Permissive Path Agreement or Creation Agreement will instead be placed online. Every time we republish the definitive map this information will be removed and we will restart our list. In this way anyone can at any time see every change we have made to our rights of way network.

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