

# 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.