

<b>Local Members' Interest</b>	
N/A	

## **Countryside and Rights of Way Panel – 8<sup>th</sup> December 2023**

### **Update on Definitive Map Modification Order Backlog**

#### **Report of the Director for Corporate Services**

#### **Recommendation**

1. That the Panel receive and note the report.

#### **Why is it coming here – what decision is required?**

1. Staffordshire County Council is the authority responsible for maintaining the Definitive Map and Statement of Public Rights of Way as laid out in section 53 of the Wildlife and Countryside Act 1981 (“the 1981 Act”). Carrying out the duties of the Council in respect of s53 of the Act falls within the terms of reference of the Countryside and Rights of Way Panel of the County Council’s Regulatory Committee (“the Panel”).
2. To update the Panel on the progress in respect of the Definitive Map Modification Orders (“DMMO”) backlog following the review which was reported to the Panel on 16<sup>th</sup> June 2023.

#### **Introduction**

3. This report is to update the Panel on the current position in respect of the backlog of undetermined DMMO applications and directions from the Secretary of State together with an update in respect of the later stages in the process following determination.

#### **Update**

4. At the time of writing, the Council has a backlog of 281 undetermined DMMO applications, and of those the number of undetermined applications on which it has been directed by the Secretary of State to determine within a specified timeframe is 52. There are also 4 direction applications pending with the Secretary of State. The Council also has a backlog of 77 DMMOs to be made and published following determination.
5. Since 2017, the Council has received 151 new DMMO applications, and has been directed by the Secretary of State in respect of 167

applications. It has determined 117 applications. These figures are set out in the table below showing the figures for each year since 2017.

6. Also set out in the table below are the figures for each year in respect of the making of DMMOs following determination, together with the number of appeals against refusal to make a DMMO, and the number of contested DMMOs, many of which are not yet concluded and some of which may result in public inquiries being held.

	2017	2018	2019	2020	2021	2022	2023 to date (27/11/23)
Total Number of new DMMO applications received	5	10	14	41	40	33	8
Number of Directions received	22	50	46	29	7	6	7
Number of applications determined	0	16	15	25	23	16	22
Number of appeals against refusal to modify the Definitive Map	0	0	1	0	3	0	4
Number of DMMO's made and published	0	0	2	1	3	11	4
Number of contested DMMOs	0	0	1	1	3	6	1
Number of judicial review cases	0	0	0	0	1	0	0

7. The report which was presented to the Panel on 16<sup>th</sup> June 2023 proposed three new measures to assist in reducing officer time spent on certain stages of the DMMO process. These measures were set out at paragraph 27 of that report.

8. The first of those measures was an increased use of delegated powers which was to be introduced with immediate effect. The delegated powers currently in place only allow for those matters which the local County Councillor and the Director for Economy, Infrastructure and Skills consider appropriate to be dealt with by way of delegated powers, which would generally amount to non-contentious applications. Since June only one decision has been taken using delegated powers.
9. The second and third measures were to be implemented once the processes involved were considered to be sufficiently robust. These measures were resolution of applications by alternative means, and the use of digital solutions for application packs and informal consultations. Work is still ongoing in respect of the implementation of both of these measures, and I will report again on these in the next update.

### **Legal Implications**

1. As with any Council decision, there is a risk of legal challenge, however, the risk is considered to be low.

### **Resource and Financial Implications**

2. The costs of determining applications are met from existing provisions.

### **Risk Implications**

3. None

### **Equal Opportunity Implications**

4. There are no direct equality implications arising from this report.

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