

COUNTY COUNCIL MEETING – 12 OCTOBER 2017

**Question to Gill Heath
Cabinet Member for Communities**

By Dave Jones

Question

Under section 53(5) of the Wildlife and Countryside Act 1981, the County Council is the responsible authority for the processing of Definitive Map Modification Orders (DMMO's). The County Council current has a backlog of 240 applications, which are being progressed at a rate of one per year. Could the Cabinet Member explain why the authority undertakes this statutory duty at such a slow pace?

Reply

The amount of time taken to investigate a DMMO application varies depending on the complexity of the case and increases significantly if an application is appealed.

The Council's progress in determining DMMO applications, like most Surveying Authorities, is slow, but this is partly a reflection of the:

- Quasi-judicial nature of procedures, meaning that extensive investigations are required to determine whether a claim is justified.
- Evaluating historical evidence is complex and the data is not easily accessible.
- Difficult and lengthy negotiations between parties are required to reduce the likelihood of an application being appealed.
- Gathering user evidence and the requirement to interview people who claim to have used a route for 20+ years can be challenging.
- Size of Staffordshire's rights of way network (4,500km).
- Declining and now small resource dedicated to their processing.

The Council is facing real pressure, with its income reducing but demand for services such as adult social care increasing. The Council has decided to prioritise investment in these services in order to maintain care for the county's most vulnerable citizens. This means the rights of way service will need to change going forward, by focusing its limited resources on those routes and on those issues that deliver the greatest benefit to taxpayers. Additionally, it is right that the Council prioritises its spend to keep open those routes that already exist, rather than seeking to add new routes to the network. Staffordshire has 4,500km of rights of way and by determining the 240 applications in the backlog, it would add just 145km to the network.

In recognition of the risk the backlog poses to the Council, officers, cabinet members and the chairs of the Countryside and Rights of Way (CRoW) Panel, and the Staffordshire and Wolverhampton Joint Local Access Forum (JLAF), are working together to look at alternative ways to reduce the backlog.