

Peak District Local Access Forum

Date: Wednesday 19 February 2025

Item: 7

Title: Prioritisation of Definitive Map Modification Order (DMMO) Applications

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Purpose of Report

To agree the advice which Derbyshire's Local Access Forums will provide to Derbyshire County Council with regard to the prioritisation of DMMO applications received by the Authority in respect of unrecorded rights of way based on historic (pre-1949) evidence.

Background

This has been a subject of discussion for some time since the Joint LAF Sub-Group for Public Rights of Way, Open Access and Unrecorded Ways met back in January 2017 to discuss the growing concern amongst Forum members about the loss of historic rights of way not registered before the 1st January 2026 cut-off date introduced by the Countryside and Rights of Way Act 2000 (which has since been extended to 2031).

The Joint LAF Sub-Group includes five members from DADLAF and three from the Peak District LAF. It has also, from time-to-time, invited others with a relevant expertise to participate in Sub-Group meetings in order to widen the discussion. Its aim is to explore what the LAFs can do to facilitate the registration of these Unrecorded Ways. It was recognised that whilst the LAFs may not have the expertise or resources to take an active role in researching and claiming these routes, they could help in raising public awareness and facilitating/ guiding the work of others, bringing interested parties together and encouraging collaborative working, as well as identifying where assistance is needed, how it might be provided and managing people's expectations.

Several successful training events and visits to the Record Office in Matlock were organised for volunteers interested in carrying out the research and preparing/ submitting DMMO applications.

More recently the Sub-Group has concentrated on a number of issues, including the length of time it takes to process DMMO applications and how this might be made easier. Having reached the conclusion that there was little

that could be done to alter the processes and procedures which are governed by legislation and statutory regulations, the Sub-Group has concentrated on how they might be prioritised in the light of an ever-increasing backlog. It is understood that this now exceeds 300 outstanding applications and that the staffing resources available to deal with them has now been reduced to only one full time member of staff.

Having discussed this with several experts in the field and looked at various statement of priorities, criteria and matrices adopted by other Authorities, the Sub-Group generally felt there was a need to prioritise the most useful applications, rather than dealing with them in strict chronological order. This is the County Council's current policy/ practice which it sees as being the most equitable.

At the Joint Sub-Group meeting held on 12 August 2024 to look specifically at the prioritisation of DMMOs for Unrecorded Ways submissions, suggestions ranged from reviewing the detailed points scoring system proposed by the County Council back in 2005, but which was never implemented, through to not even trying as no system would meet the needs of all interested parties.

However, a general consensus emerged that what was required was to propose a more strategic approach to the County Council. It was agreed that following the meeting, Sub-Group members would provide any further thoughts so a set of recommendations could be produced for both LAFs to consider at their meetings to be held on 6 December 2024 in the case of the DADLAF and 19 February 2025 in the case of the Peak District LAF. The set of recommendations which was subsequently produced is set out in bold below and was approved by DADLAF members at the meeting held on 6 December 2024.

It is recommended that when considering DMMO applications, priority should be given to those for multi-user unrecorded ways ie claims for bridleway and above. Multi-user routes, whether they are new Rights of Way or upgrades, would benefit the most people and help link up these currently fragmented networks; and giving them priority would fit in with sustainable transport policies. It is also recommended that this new Unrecorded Ways DMMO strategy considers routes in batches by area to reduce duplication.

Recommendation: That Members of the Peak District Local Access Forum approve this set of recommendations and agree that they are conveyed to the County Council in a letter which also raises concerns about the lack of resources which are currently available for dealing with this area of work.