

# Norfolk Local Access Forum

Item No.

<b>Report title:</b>	<b>Definitive Map Modification Orders</b>
<b>Date of meeting:</b>	<b>7 February 2018</b>
<b>Responsible Chief Officer:</b>	<b>Steve Miller, Assistant Director Culture and Heritage</b>
<b>Strategic impact</b> The County Council has a duty to make Definitive Map Modification Orders where appropriate. The deadline of 1 January 2026 for submitting Orders to recognise certain public rights of way before legislation closes a major route for applying for them is expected to generate considerable numbers of applications before this deadline (a process which the LAF is supporting). The LAF is asked to consider and advise the County whether the current approach to these applications should be reviewed.	

## Executive summary

The current policy of the County, since 2011, has been to take a neutral stance on the majority of modification orders made by the Authority under section 53 of the Wildlife and Countryside Act 1981. It is questioned whether this policy (1) is fair to applicants, particularly when the Council makes an order at a higher level than that sought by the applicant; and (2) is consistent with the Council's duty (Highways Act 1980, s.130(1)) "to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority ...".

### 1. Proposal (or options)

That the LAF asks the County (a) to review this policy; (b) to indicate the criteria by which it decides which orders it will promote; and (c) to provide statistical information since the change of policy in 2011 to show how many orders have been made, how many promoted, how many opposed and on how many it has taken a neutral stance.

### 2. Evidence

The subgroup received a statement provided by John Shaw, Senior Engineer Highways Development Management (Appendix 1). This was discussed by the subgroup on 8 January, when views expressed (recorded in minute 3.5 – Minutes (Appendix 2). Since that time, a further statement has been received from the Legal Orders and Registers Team (Appendix 3).

### 3. Financial Implications

There could be financial implications with respect to staff time required. However the volume of work is difficult to assess at this time (it is reactive).

### 4. Issues, risks and innovation

There may be implications for staff time.

### 5. Background

Please refer to the 'Evidence' section of this report.

## Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

**Officer name :** Ken Hawkins

**Tel No. :** 07505 426750

**Email address :** ken-hawkins@tiscali.co.uk



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