

## **The Definitive Map Modification Order Procedure**

A Definitive Map Modification Order (DMMO) can seek to add a route to the Definitive Map and Statement or delete or regrade a route or change information recorded about a route.

### **Applications to Add a Route**

Rather than creating a new route, this is an application to record a route which the applicant believes **already** subsists but is not shown on the DM&S.

### **Applications to Delete or Regrade a Route**

This relates to whether or not there is clear evidence that the status of the way is incorrectly recorded and / or that a mistake was made when it was first shown on the DMS.

We must determine (decide) whether to make an Order as soon as we can after we receive an application. If, after 12 months, we have not, the applicant can apply to the Secretary of State requesting that we do so.

### **We investigate**

We thoroughly consider all available relevant evidence, both for and against. We find out as much as possible about the history and/or use of a claimed route. This can include visiting the site, studying maps and documents, consulting landowners and other interested parties (eg the parish council, local walking / riding societies etc) and, talking to witnesses who submitted evidence with the application.

### **We decide**

Once we have completed research, we produce a report determining if there is sufficient evidence to make a DMMO.

We determine applications based on evidence of the existence or not of public rights. The law does **not** allow us to consider other issues such as need, privacy, security, suitability, etc.

We send notice of our determination (decision) to the applicant and the affected landowners. The determination does not modify the Definitive Map and Statement (DMS); it states whether or not we consider there to be sufficient evidence to make an Order to modify the DMS.

### **We decide not to make an Order**

If we determine that there is not sufficient evidence, the applicant may appeal to the Secretary of State who will decide whether there is a case to make an Order. If the Secretary of State decides there is, we will be directed to make the Order.

### **We decide to make an Order**

If we determine in favour of an application, we will make an Order. This does not alter the DMS at this stage. To change the DMS, an Order must be confirmed.

### **We make an Order and publicise it**

After we make an Order, we advertise it for 42 days by publishing notice of it in a local newspaper and displaying it at each end of the route. We also let affected landowners and occupiers know as well as the District and Parish Councils, other bodies prescribed by the law, and any other interested parties. We also place copies on deposit in County Council Offices & libraries.

### **Anyone may object or make representations**

Anyone can make a formal objection or representation during the 42 day period. It must be made in writing to the Officer and by the date in the notice. The grounds for objection must also be given. To be relevant, objections and representations relate only to the existence or not of the rights that are described in the Order.

There may be issues that may be of genuine concern to people affected by an order but are beyond what we can legally consider, including the desirability of a particular route or its effects on neighbours. We are happy to discuss the concerns of anyone considering objecting or making representations to an Order.

### **We receive no objections or representations**

We can confirm the Order and modify the DMS.

### **We receive objections**

We consider all objections and representations made. If they do not appear to be relevant, we seek their withdrawal.

If any objections are not withdrawn, we must refer the Order to the Planning Inspectorate. The Inspectorate will then arrange for the case to be considered by an inspector. This can be at a Public Inquiry or through an exchange of letters or a public hearing.

### **Confirming the Order**

Once we have, or the Inspector has, confirmed an Order, we give notice of its confirmation by publishing, serving and displaying it as we did when we made the Order.

### **More information**

For more details and information, see our Guidance Notes document further down this page.