

North Yorkshire Local Access Forum**6 July 2016****Recording of public rights of way within the Definitive Map and Statement by 2026****Report of the Assistant Director – Waste and Countryside Services****1.0 Purpose of Report**

- 1.1 To advise NYLAF of the County Council's position in respect to recording of public rights of way within the Definitive Map and Statement by 2026. To ask the NYLAF to comment and advise on our approach.

2.0 Background

- 2.1 At the NY Local Access Forum meeting on 4th February 2016 it was considered that it would be appropriate to prepare a statement for presentation at the July meeting 2016 with respect to the County Council's proposals for ensuring public rights of way were to be included in the Definitive Map and statement by the 2026 'cut-off date' referred to in the Countryside Rights of Way (CROW) Act 2000.
- 2.2 In February it was believed that the relevant Regulations necessary for the implementation of the Deregulation Act 2015, and consequently the implementation of the statute relating to the 2026 'cut-off date', would be issued in July 2016.
- 2.3 The Regulations will dictate what needs to be done in order to satisfy the legislation, and it was envisaged that the content of the Regulations would have become known to the profession by the date of this meeting, allowing some informed comment to be made with respect to devising a strategy to meet the requirements.
- 2.4 However, it has taken the Stakeholder Working Group and other DEFRA officials longer than anticipated to finalise the details and it is now hoped that the Regulations will be able to be completed within the next 6 months, though no formal date has been announced.

3.0 Current Position

- 3.1 At the NY LAF meeting on 4th February 2016 it was considered that it would be appropriate to prepare a statement for presentation at the July meeting 2016 with respect to the County Council's proposals for ensuring public rights of way were to be included in the Definitive Map and statement by the 2026 'cut-off date' referred to in the CROW Act 2000.

- 3.2 Last month Officers attended a workshop aimed at public rights of way managers from the northern authorities to discuss the current understanding of the most pressing elements of the implementation of the Deregulation Act 2015, including the 2026 'cut-off date' and the impact of the proposals in relation to handling new applications for Definitive Map Modification Orders (DMMOs).
- 3.3 The meeting provided useful information regarding an overview of the most pertinent aspects of the Act, but was also useful in terms of a benchmarking exercise between the authorities present, as to how authorities were currently responding to anticipated changes. It was clear that most authorities were taking no immediate action, and were awaiting the clarification that the Regulations and the associated Explanatory Notes will deliver.
- 3.4 The lack of clarity relating to the 2026 cut-off date includes:
- Whether or not the 2026 cut-off date will actually be retained,
 - How much input will be expected of an applicant to ensure new applications are sound,
 - What the process and timescales will be for handling new applications,
 - What the process will be for modification consent orders,
 - Whether processing modification consent orders will affect current prioritisation of applications,
 - What involvement the County Council will have if applications are presented to the Magistrate's Courts,
 - What impact the new procedures will have on existing applications,
 - The process by which any routes not subject to an outstanding application can be protected.
- 3.5 In view of the above, it is considered inappropriate use of officer time to devise a strategy around proposals which are still so unclear. Consequently, no resource has been allocated to making long-term preparations, however, minor changes have been made where there has been more clarity. This approach is consistent with other northern authorities based on the responses shared at the meeting.
- 3.6 The minor changes that are currently being made, or have been made in response to the wider effects of the Deregulation Act include:
- A record has commenced of alleged highways for which we do not yet hold an application, to be the basis of the list of 'Designated routes'. These cases will need supporting evidence and will eventually be subject to the 'Preliminary Assessment' process. The Ratione Tenurae (RT) roads (i.e. maintainable by the owner/occupier) have been added to this record.
 - A revision of the DMMO application Evidence of Use form, in line with recommendations by the Stakeholder Working Group, in order to produce a nominally standard form across the nation.

- Revision of Application forms and Guidance notes for applicants for both DMMOs and Public Path Orders (PPOs).
- Changes to databases and the DMMO Register to enable recording of newly required information.
- Preparation to place formal advertisements for Orders onto the website
- Preparation for more direct access to Land Registry records to identify landowners.

3.7 In conclusion, no specific strategy will be devised until there is greater clarity on the implications of the Regulations although some steps have been taken in preparation of anticipated changes. There will be no additional staff resource in the short term to gather information about any unrecorded routes but there is plenty of scope for other parties, such as the user groups to identify valuable routes and to arrange for applications to be made leading up to the proposed cut-off date. Officers will be happy to provide support and advice to any prospective applicants for DMMOs.

4.0 Legal Implications

4.1 There are no legal implications as this is an advisory report only

5.0 Financial Implications

5.1 There are no financial implications upon the County Council.

6.0 Equalities Implications

6.1 There are no equality implications as this is an advisory report only.

| |
|---|
| <h4>7.0 Recommendation</h4> |
| <p>7.1 It is recommended that LAF members comment on the content of the report.</p> |

IAN FIELDING
Assistant Director – Waste and Countryside Services

Author of Report: Ian Kelly

Background Documents: None