

## **STATEMENT OF PRIORITIES FOR DEALING WITH APPLICATIONS MADE UNDER SECTION 53 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981**

### **Background - Processing applications for Definitive Map Modification Orders**

Anyone who identifies evidence of an error or omission in the Definitive Map and Statement can apply to the County Council for a Definitive Map Modification Order ('DMMO') to modify it by adding, deleting, upgrading or downgrading a right of way, or by amending particulars in the Definitive Statement. Applications are to be made in accordance with Schedule 14 of the Wildlife and Countryside Act 1981.

The County Council must investigate and determine whether to make the requested Order as soon as reasonably practicable after receiving an application, but if a decision is not made within twelve months the applicant can write to the Secretary of State for Environment, Food and Rural Affairs and ask them to direct the County Council to determine the application by a specified date.

Hampshire County Council finds itself in a similar position to many councils across the country. The County Council has a long backlog of outstanding applications, each of which requires significant research and investigation. Many applications are contentious, and opposed Orders delay resolution and impact upon the County Council's capacity to take up fresh applications for investigation. A single application may take several years to resolve, depending on various factors (including the requirement to submit opposed orders to the Secretary of State). New applications continue to be received on a regular basis.

This makes it increasingly unlikely that incoming applications will be determined within the statutory twelve-month period specified in Schedule 15 of the 1981 Act. The waiting time for new applicants currently stands at more than 15 years.

Details of all DMMO applications are available in a statutory register published on the County Council's website.

### **Prioritisation of DMMO Applications**

The County Council recognises that the current situation does not reflect the level of service that it would be expected to provide. Unfortunately, the County Council's current financial position means that an increase in staffing levels is unlikely to be achievable in the immediate future, and so the County Council has reviewed its existing processes with a view to providing more flexibility in its approach to tackling the backlog and improving service delivery.

Notwithstanding the need for greater flexibility, the County Council will retain a presumption in favour of processing applications in chronological order of receipt, this being the fairest approach to prioritisation. However, in certain instances, it may be necessary or appropriate to process some applications out of turn, for example where it is considered that the resolution of the application could be achieved relatively swiftly, or where the impact of delaying a determination could be prejudicial to one or more of the affected parties. For this reason, the County Council will retain an element of

discretion and if it considers that expediting an application is warranted, it may process it 'out of turn'. It should be noted that alongside this, the County Council will continue to respond to directions handed down by the Secretary of State to determine applications by a specific deadline.

### **Criteria for Prioritisation**

1. Applications will be placed on a waiting list and, as a general rule, will be investigated in order of date of receipt.
  
2. An application may be taken out of turn and processed if it can be demonstrated that:
  - the route is at risk of being physically lost to development;\*

*\*A route is unlikely to be considered to be in danger of being lost to development unless planning permission has been granted and officers are satisfied that there is a genuine intention to implement the development immediately*

  - It is apparent that the unresolved application is having a detrimental impact upon an affected party, for example, where it is affecting the sale of a property, or the investigation of an application is likely to be substantially more difficult if it is delayed;
  - The investigation of an application involves the collation and appraisal of evidence that is also relevant to another application on the waiting list;
  - The application route (if the application were to be successful) would help fulfil one of the County Council's objectives (eg the Countryside Access Plan) or has been identified in a transport strategy.
  
3. With the aim of reducing caseloads and bringing down waiting times, the County Council will exercise its discretion to investigate and determine any application on its waiting list, for example:
  - Where the relevant evidence and/or the lack of opposition indicates that the matter could be concluded relatively swiftly, or there is an opportunity to resolve an application by other means (for example through a public path order or public path creation agreement).

**Approved by the Executive Member for Countryside and Regulatory Services on  
23 June 2025**