

Statement of Priorities for investigation of Definitive Map Modification Order applications

February 2022

Definitive Map and Statement – the background

West Sussex County Council is the surveying authority for the purpose of preparing and maintaining the Definitive Map and Statement for West Sussex.

There are currently 14 Definitive Maps and Statements which make up the County of West Sussex. All 14 of the Definitive Maps and Statements are available in colour format.

The Definitive Map and Statement is the legal record of public rights of way. The existence of a path on the Definitive Map and Statement is conclusive evidence of the existence of a right of way. If a way is not shown on the Definitive Map and Statement then it may still be a public right of way, though its status may have to be proved. Similarly, the fact that a way is shown on the map, as e.g. a footpath, does not preclude the possibility that there exists a higher public right e.g. a bridleway.

Processing Definitive Map Modification Order Applications

Any person can make an application to the County Council to add, change and/or remove a public right of way. This process is commonly known as a definitive map modification order (DMMO) application. West Sussex County Council maintains an [online record](#) of all DMMO's formally accepted and waiting investigation.

The Council is required, as soon as reasonably practicable after receiving an application, to investigate an application, and after undertaking consultation, it must decide whether or not to make an order. Applications can be made on the basis of use over a period of time. Applications can also be made on the basis of historical documents. Both types of applications require significant research and investigation and can take a considerable period of time to process from beginning to end.

If the County Council has not decided an application within 12 months, applicants have a right of appeal to the Secretary of State. The Secretary of State can issue a direction which may result in the County Council being required to decide an application in a set period of time. As part of its decision-making the Secretary of State will take into account any statement of the

County Council that sets out its priorities for keeping the Definitive Map up to date.

Prioritisation of DMMO Applications

The start of an investigation is generally done in order of receipt of an application - this means that no application is more important than another. Once an investigation has commenced applications frequently proceed at different rates and are determined in different time periods. This can be for a variety of reasons e.g. response time of consultees and interested parties, complex historical information to consider, complex legal issues to consider, sheer volume of evidence for the case officer to work through. It is also the case that where no significant evidence in opposition has been received a decision may be taken sooner. This may mean that later applications are sometimes decided before earlier ones. In certain circumstances it may be necessary to take an application out of turn, especially in cases where the impact of deferral could have consequences. Examples could be, but not limited to, cases where there is a potential to satisfy an application by other means such as agreement with the landowner, cases where the extent of the evidence and/or the lack of opposition would involve minimal workload to conclude the matter, or where there is a risk that a path could be lost. The decision to take applications out of order will be taken by the Senior Solicitor. If the County Council is directed to take a decision that will also mean that an application is taken out of order.

In accordance with government guidance the County Council has adopted the following statement of priorities for undertaking the investigation of Definitive Map Modification Order applications.

Prioritisation of applications is, therefore, as follows:

- 1) Commencement of investigation of an application will generally be done in order of receipt**
- 2) The Council will exercise its discretion to take any application out of date order where delay could have consequences and in the following circumstances:**
 - i. there is a potential to satisfy an application by other means such as agreement with the landowner for a dedication or permissive path; or**
 - ii. the extent of the evidence and / or the lack of opposition would involve minimal workload to conclude the matter.**