

## **DMMO PROCESS**

## The definitive map modification order process – start to finish

These notes are intended to give a general view of the process that a definitive map modification order (DMMO) application has to go through before it is complete.

- 1. DMMO application supported by evidence is received by City of York Council (CYC).
- 2. CYC records the application on its DMMO register.
- 3. Notice is served on all land owners and occupiers affected by the DMMO and the applicant certifies this to CYC
- 4. CYC carries out a 28 day initial consultation.
- 5. In the light of the initial consultation the Executive Member for Transport and a senior officer from CYC make the decision whether or not an order will be made.
- 6. The order is made and publicised by placing an advert in a local newspaper, erecting notices on site, serving noticing on all affected land owners, occupiers, user groups, and other affected councils.

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There is a period of at least 42 days shown on the notice during which representations can be made. Representation must be made in writing (letter or email) directly to the council.

If CYC decides that an order should not be made then the applicant has a right of appeal.

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If no representations opposing the order are made during the 42 day period (or any such representations are withdrawn) then the council can confirm the order provided the evidence shows that a public right of way exists "on the balance of probabilities". Go to step 12 for the rest of the process.

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8. If representations opposing the order are received and the council cannot get them withdrawn the order must be sent to the secretary of state for a final decision.

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9. The case is prepared and sent to the Planning Inspectorate who act on behalf of the secretary of state.

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10. An inspector is appointed to decide the case. The inspector will use one of three methods to decide the case: written representations, a local hearing, or a local public inquiry. A timetable is then issued to which all parties must adhere.

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11. Once process chosen by the inspector is complete all the information submitted will be considered. The inspector will then issue a decision to all parties showing whether or not the order is confirmed.

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or not, CYC must place notices in a local newspaper, on site and serve them on all parties. This notice states that anyone aggrieved by the outcome of the order has a period of at least 42 days to make an application to the High Court.

If an application is made to the High Court then case is administered by the Planning Inspectorate not CYC.

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13. If the order was confirmed the definitive map is changed in accordance with the order.

As mentioned at the beginning this document is only intended as a brief overview of the DMMO application process. You can find more detailed guidance on specific parts of the process on City of York Council's definitive map web page at <a href="https://www.york.gov.uk/DefinitiveMap">https://www.york.gov.uk/DefinitiveMap</a>.

Alternatively please get in touch and we will do our best to answer any questions you may have.

## **Contact details**

You can get in touch with us in the following ways:

By email: rightsofway@york.gov.uk

By telephone: 01904 551550

By letter: The Rights of Way Officer, Rights of Way, City of York Council, West Offices, Station Rise, YORK, YO1 6GA.