

Appendix 3

Legal Orders Team

SECTION 2: NATIONAL TARGET 1: “LEGALLY DEFINED”

Component Task		Source	Achievements 2009/10	Targets 2010/11
No	Measure of Success			
2.1	Definitive Map and Statement to be completed for any previously unmapped area	WCA 81 S53(1) (c)	<ul style="list-style-type: none"> Complete 	<ul style="list-style-type: none"> Complete
2.2	No RUPPs remaining on Definitive Map	WCA 81 S54	<ul style="list-style-type: none"> No further reclassification required 	<ul style="list-style-type: none"> Complete
2.3	No backlog of legal events requiring orders to be made	WCA 81 S53(2) (a) & 53(3) (a)	<ul style="list-style-type: none"> Legal Event Modification Order made for all legal events in 2009/10 	<ul style="list-style-type: none"> Legal Event Modification Order to be made for all legal events in 2010/11 Schedule 5 Para 2 of CROW Act 2000, commenced April 2008, obviates need for separate legal event order where Definitive Map change cited. However, national debate about the technical aspects of this provision and advice to LAs is to continue making separate LEMOs for time being.
2.4	No backlog of applications to modify the Definitive Map	WCA 81 Sch 14	<ul style="list-style-type: none"> 2 Schedule 14 applications determined and a further 7 applications under active investigation during the year (see below). 	<ul style="list-style-type: none"> Target depends on recruitment of an income generation post to deal with PPOs and free-up officer time to deal with Schedule 14 applications. If recruited, target is to determine 10 cases. If not,

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No	Measure of Success			
			<ul style="list-style-type: none"> 24 applications remain in backlog (see below). The oldest of these dates to 2002. 	<p>target is 4.</p> <ul style="list-style-type: none"> Resources will not permit investigation of "List B" cases or internal investigations.
2.5	No backlog of other cases that may result in the need to change the Map	WCA 81 S53	<ul style="list-style-type: none"> Completion of last remaining 'Discovering Lost Ways' case following abandonment of project by Natural England. 	<ul style="list-style-type: none"> Complete.
2.6	No backlog of decided applications/other cases awaiting definitive map modification orders	CoAg	<ul style="list-style-type: none"> 1 DMMO order made during the year 2 applications determined Part of 1 application refused 1 DMMO order confirmed 0 appeals against refusal, awaiting decision 0 appeals against non-determination within 12mths 	<ul style="list-style-type: none"> Continue to make orders as soon as reasonably practicable. Contested DMMOs to be submitted to PINs. Directed applications/orders to be processed as required.
2.7	The authority has considered the need to consolidate the Map and take any necessary action	WCA 81 S56	<ul style="list-style-type: none"> Preparation of digital map for consolidation complete. Work to consolidate statements begun. 	<ul style="list-style-type: none"> On hold due to lack of staff.
2.8	Statement of Priorities published	CoAg	<ul style="list-style-type: none"> Statement of Priorities approved by ROW Committee on 1st June 2009. 	<ul style="list-style-type: none"> Continue to prioritise Definitive Map Work in accordance with the Statement of Priorities
2.9	No other matter affecting the Definitive Map	CoAg	<ul style="list-style-type: none"> Electronic list of map anomalies was completed in 2008. 2 anomalies 	<ul style="list-style-type: none"> No progress can be made with rectifying anomalies without additional staff resources (in addition to PPO income

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No	Measure of Success			
	outstanding		corrected during 2009/10.	generation post).

Summary of work from April 2009 to March 2010, backlog of work outstanding and forecasts for 2010/11

Area of work	Work completed/in progress April 2009 – March 2010	Backlog	Projected work 2010/11
Planning application consultations	115	n/a	150
Rights of Way searches	34	n/a	40
Highways Act s31 deposits	6	n/a	10
Temporary & Emergency Closures	45	n/a	60
Gating Orders	0	n/a	0
Public Path Orders HA80	20 Orders confirmed, 17 cases in progress	28 applications on waiting list	30 Orders to confirmation stage if income generation post recruited, 15 if not
Public Path Orders TCPA90	1 Order confirmed, 5 cases in progress	n/a	10 if income generation post recruited, 5 if not
Contested Orders referred to PINs	HA80 = 8 WCA81 = 0 TCPA90 = 0	6 contested WCA81 cases to be referred to PINs	
Definitive Map Modification Order Applications – schedule 14 applications	CH = 1 Order confirmed, 5 in progress	24	10 if income generation post recruited, 4 if not

Definitive Map “List B” issues	0	11	2 if income generation post recruited, 0 if not
Definitive Map Anomalies (investigation/legal orders required)	2 completed	260+	0 without additional staff resources or additional budget to commission consultants