

# **STOCKPORT METROPOLITAN BOROUGH COUNCIL**

## **LOCAL ACCESS FORUM 15.3.21**

### **STATUTORY REGISTERS REPORT**

#### **1. INTRODUCTION**

Stockport Metropolitan Borough Council (“the Council”) is required by law to keep a register containing information in respect of applications for modification orders. The Local Access Forum (“LAF”) at its meeting dated 6 July 2020 discussed the need for an updated register. The aim of this report is to provide the LAF with an update on the Council’s progress in creating and maintaining such a register.

#### **2. STATUTORY PROVISIONS**

Under section 53B of the Act, the Council must keep a register containing such information as is prescribed by regulations, with respect to applications for modification orders.

The Public Rights of Way (Register of Applications under section 53(5) of the Wildlife and Countryside Act 1981)(England) Regulations 2005 (“the Regulations”) provides that the following information must be contained within the register:

- a) A copy of the application with a copy of any map (if submitted with application);
- b) a description of the intended effect of the application;
- c) a description of the geographical location to which the application relates. This must be identified by reference to:-
  - an Ordnance Survey six-figure grid reference in respect of each end of the public right of way or proposed public right of way, or, where the public right of way is already recorded on the relevant definitive map, the path number;
  - the address of any property on which the right of way / proposed right of way lies;
  - the names of the towns or villages nearest to the right of way / proposed right of way; and
  - the parish / ward / district in which it lies.
- d) the applicant’s name and address (including postcode) UNLESS the inclusion of this would or would be likely to cause substantial damage or distress to the applicant or another person;
- e) the date the application was received;
- f) any unique reference number for the application together with the job title, email address and telephone number of the person dealing with the application;
- g) any date set for determination of the application;
- h) the terms of any direction by the Secretary of State under para 3(3) of Schedule 14 to the Act (direction to the Council to determine an application within a specified period);
- i) the date on which the application was determined;
- j) the decision;

- k) where the decision was to make an order on determination of the application, details of whether or not the order was confirmed (with or without modifications) in accordance with Schedule 15 to the Act;
- l) Where an application has been refused, the outcome of any appeal against that decision; and
- m) any other information as deemed appropriate by the Council.

Under section 121B Highways Act 1980 (“HA”), the Council must keep a register containing such information as may be prescribed, with respect to applications under section 118ZA (public path extinguishment orders), 119ZA (public path diversion orders), 118C (school extinguishment orders) and 119C (school diversion orders) of the HA. This provision however, is not yet in force.

### **3. COUNCIL’S POSITION**

Since the previous LAF, the Council have been reviewing its current register to ascertain its accuracy. It is acknowledged that some entries are incomplete and some currently contain inaccurate or out-of-date information. Resources are being directed at reviewing the information on the register and correcting and updating it where required. The LAF will be kept informed of progress in this respect at its meetings.