

In attendance:

Mr Duncan green, Mr Peter McKay, Richard ball (Assistant director, commissioning) Cllr Bowen (Chairman, General Overview and Scrutiny) , Cllr Rone (Cabinet Member, Roads), Spencer Grogan (Parks and Leisure commissioning manager), Will Steel (Balfour Beatty Living Places), Sam Tweedale (Democratic Services Officer)

Mr Duncan Green and Mr Peter McKay introduced their position as members of the public and members of the Local Access Forum. A significant number of unregistered highways had been identified in Herefordshire. Members of the public had been encouraged to submit DMMO applications in order to have these highways registered appropriately. The process of a DMMO application involved a lengthy legal process with associated resource and officer time costs.

- There was a deadline of 2026 for the registration of these highways. Under Herefordshire Council's current procedure, this would represent a significant cost in combined legal fees and officer time in order to process a large number of DMMO applications ahead of 2026. It was argued that in an environment of limited resources, it would not be prudent to allow this level of cost.
- As such an alternate process for the registration of highways was presented. It was argued that instead of using the DMMO process, the procedure could be simplified by listing all unregistered highways as privately maintained public highways accessible for all traffic. It was proposed that highways could be registered voluntarily by a number of parties, notably including parish councils.

Officers agreed that the processing of large numbers of DMMO applications would have resource and officer time implications and that this was a national issue shared by many other local authorities. It would be of benefit were this process to be simplified, however the feasibility of this was limited for a number of reasons:

- Herefordshire Council, as with most local authorities does not maintain a single digitised list of highways; there are various databases maintained. The unregistered highways referred to were largely listed under a code meaning their status was yet to be identified.
- The bulk processing of highway registrations as proposed would reduce the officer and resource implications of processing DMMO applications. However this would be likely to prompt a large number of complaints and objections from local residents in affected areas. It was initially argued that the resource and officer time implications of these approaches would be broadly equal. In opposition it was argued that the number of objections would be much smaller than the number of DMMOs to be processed otherwise, and so the costs of handling objections would be less significant.
- While a national issue shared by many local authorities, Herefordshire Council would be the first in pursuing an alternative to DMMO applications. This was in large part due to other local authorities sharing an interpretation that processing unregistered highways through DMMO applications was the correct approach as implied by central government guidance. It was acknowledged that relevant central government guidance was very short in length.
- It was noted that a system of self-application for DMMOs had been in place for some time, however this had not generated any interest from the public in registering highways through a simplified procedure.

- Work identifying highways in Herefordshire conducted in the 1950s had not been done with a high degree of accuracy. As a result Herefordshire Council was limited in its ability to resolve highway registration issues quickly. Previous issues in accuracy meant that many highways registrations would need to be examined in detail regardless of the procedures adopted.
- Herefordshire Council as a local authority was bound closely by statute. The extent to which Herefordshire Council could act proactively according to specific interpretations of legislation and guidance was limited as a result.

There was discussion of the wording of Department for Transport Guidance. There was debate over the implications of the council being required to act on all unregistered highways of which it was 'aware'. It was argued that as the council was effectively aware of all highways concerned due to them being listed on at least some council databases, the council should respond proactively. It was explained that the council being 'aware' of an unregistered highway in such cases was complicated due to legal definitions classifying when the council was 'aware' of such issues.

The group agreed that guidance from central government was not comprehensive enough to clarify the procedure which should be followed.

The group agreed that the registration of highways was unnecessarily complicated by multiple levels of bureaucracy.

It was noted that many of the points raised around simplifying the process were valid. However, a lack of specific guidance from central government, as well as restrictive legislation limited the council's ability to act with initiative.

The group agreed that in an environment of limited resources in local government, the prioritisation of work was appropriate. It was accepted that the registration of highways, with an eventual deadline of 2026, while significant, did not necessarily supersede other priority work.

It was noted that the issue raised were relevant to the work of a House of Lords committee.

Review of the highways registration process would require the cooperation of a number of organisations. Notably, DEFRA, and the LGA and government associated software provider Geospace would need to develop an agreed procedure.

Resolved that:

- i) Herefordshire Council would contact the secretariat of the relevant House of Lords Committee in regard to amending the guidance available for the registration of Highways ahead of 2026. This would be done with the intention of lobbying DEFRA and Geoplace, as well as any other relevant bodies on the development, clarification, and improvement of guidance provided to local authorities in reference to the registration of highways.**
- ii) Legal advice on matters related to the registration of highways provided to Mr Duncan Green be circulated with relevant attendees of the meeting.**
- iii) A briefing note would be produced in relation to matters raised for the benefit of the General Overview and Scrutiny Committee**