

*The Surveying Authority for an area is the top tier of local government (e.g. a county council or unitary authority).

**In Wales, the Welsh Assembly Government takes the place of the Secretary of State.

***Modifications that require advertisement are those that affect land which was unaffected by the original Order.

DMMO application received by Surveying Authority*

Authority 'determines' application (i.e. decides if the evidence supports the 'reasonable allegation' that the right exists)

Authority decides 'reasonable allegation' can be made, so has a duty to make a legal order to record the right

Authority decides 'reasonable allegation' cannot be made, so may not make a legal order to record the right

Order is made and advertised to the public, allowing 42 days for objections or comments

Objections received

No objections received

Order must be sent to the Secretary of State** (in practice the Planning Inspectorate) for a decision

Authority confirms Order and the right is recorded on the Definitive Map

Applicant accepts decision: application is abandoned

Applicant thinks Authority has made wrong assessment of the facts and appeals to the Secretary of State (SoS)**

An Inspector appointed by the SoS agrees the Authority made wrong assessment of evidence and directs Authority to make an Order

An Inspector appointed by the SoS decides the Authority made the right assessment of the evidence and declines to direct the Authority to make an Order

An Inspector considers written evidence or holds a Public Inquiry and decides evidence supports the existence of the right

An Inspector considers written evidence or holds a Public Inquiry and decides evidence does not support the existence of the right

An Inspector considers written evidence or holds a Public Inquiry and decides evidence supports the Order but in a modified form

Inspector's proposed modifications require advertisement. The public has 42 days to comment or object

Application fails

Order is not confirmed. Application fails

Inspector's proposed modifications do not require advertisement. Order is confirmed as modified and Definitive Map is updated accordingly

Order may be confirmed as modified. Definitive Map updated accordingly

Inspector considers objections and the evidence in support of the Order and decides whether to confirm the modified Order

Inspector confirms Order and the right is recorded on the Definitive Map

Inspector decides not to confirm Order. Application fails.

Inspector decides to make further modifications that require advertisement***

Order is confirmed and the right is recorded on the Definitive Map

Inspector confirms Order and the right is recorded on the Definitive Map