

MAINTAINING OUR PARISH RIGHTS OF WAY PROJECT

Meeting to discuss Parish Paths held at the Bridge Inn on Thursday 20 October at 2.30pm
Present: Celia Bloor (CB), Kate Down (KD), Peter Kay (PK), Geoff Seddon (GS) , Jean Stainthorpe (JS), Heather Jones (HJ)

The meeting was called to review the possible impact of a change in legislation on 1 January 2026 when the official map of public rights of way is scheduled to be closed to claims for public footpaths and bridleways which existed before 1949 but have not been recorded on it. These pre-1949 public paths will then be formally extinguished and the rule '*once a highway, always a highway*' is, in effect, revoked.

What's the '2026 cut-off' date?¹

Under the Countryside and Rights of Way Act 2000 (the 'CROW' Act), provision was made for closing the Definitive Map to historical claims after 2026. This was seen as an opportunity to bring more certainty for the public and landowners alike as to what and where the recorded Public Rights of Way were. Claims can still be made after the 1st January 2026 for routes that have acquired long usage (twenty years or more) since 1949, equally claims to upgrade an existing route can be made on this basis.

A project entitled '[Discovering Lost Ways](#)' was initiated by Natural England in a few test case authorities, one of which was Cheshire, in an attempt to quantify the potential pool of claims that may be out there and also to streamline a methodology for achieving claims to be made within the existing legislative framework. This project demonstrated that the means to achieve the 'completion' of the Definitive Map was not currently available.

A National Stakeholder Working Group was set up to consider how to improve the processes to identify and record 'lost ways' and in 2010 a report entitled '[Stepping Forward](#)' set out 32 proposals to achieve this.

'[Improvements to the Policy and Legal Framework for Public Rights of Way](#)' was published by Defra as a consultation document in May 2012 as a response to Stepping Forward and how those changes could be achieved. At present we are awaiting the response to this consultation.

What this means:

An article from the Open Spaces Society (<http://www.oss.org.uk/>) indicating the categories of path which are particularly vulnerable is attached (scanned)

The Open Spaces Society also provide a link to an outline of a suggested process for claiming unrecorded public footpaths.

¹ This excerpt is taken from:

http://www.cheshireeast.gov.uk/leisure_culture_and_tourism/public_rights_of_way/the_definitive_map.aspx

<http://www.oss.org.uk/what-we-do/rights-of-way/claiming-a-public-footpath/>

Information available from The Open Spaces Society:

We recently obtained from Natural England, with its kind co-operation, a copy of the [Discovering Lost Ways dataset](#). This is around 0.25 terabytes of data arising from the inconclusive work undertaken by contractors for the Countryside Agency 2005–06 to research records and claim unrecorded public rights of way in several local authority areas: Cheshire, Dorset, Nottinghamshire, Warrington, Wiltshire and Wirral.

We now hold copies of the documents photographed in each of these areas, and Natural England has provided individual summary sheets for each area. Anyone undertaking research in any of these local authority areas ought to be aware of the work already done, and particularly the documents already available in electronic form. This overall summary is not intended to be a comprehensive listing of the data, but helps illustrate its breadth: please read the introductory notes to understand the content.

We are not resourced to provide individual documents on request, but we will try to help members of the society where practicable. We understand that Natural England is likely to be willing to provide further copies of the data (or parts of the data) to research groups established for the relevant local authority areas. We are happy to put people in touch, to try and answer questions about the data, and provide samples of the data or copies of the area summary sheets.

Action agreed:

- Write to neighbouring Parish Councils to ask them to check linkage is extant on local paths which cross parish and county boundaries (Parish Clerk)
- Ask individuals who have lived most of their lives in Audlem if they recall any paths which are no longer in use and document (All)
- Identify permissive paths within the village (eg the one from Mill Lane, Swanbach towards the canal) and ensure they are logged (All)
- Approach individuals and organisations who may be willing to check paths (ARS, dogwalkers, youth organisations) - All
- Consider splitting the village into sections for each group member to check validity of paths (next meeting)
- Ensure all paths, roads etc identified are checked against the Definitive Map and errors and omissions logged with the appropriate authority. Process to be discussed at the next meeting (All)

It was agreed that it was vital to ensure that farmers do not see this initiative as a threat and that the intention is to adopt a collaborative approach.

