



The Trails Trust

Registered Charity No. 1094139 www.thetrailstrust.org.uk

creates, improves and preserves access to the countryside for all - on foot, bicycle, ridden and driven horse and disabled conveyance.

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PRESS RELEASE (NO EMBARGO)

The unforeseen consequences of extinguishing historic public rights of access to the countryside as planned in 2026.

The Trails Trust (TTT) has this week (13th December 2021) written to the English Government asking that the planned 2026 extinguishment of historic public rights of access should be abandoned. The Welsh Government has already made this pledge.

The Countryside and Rights of Way (CROW) Act 2000 introduced a cut-off date for adding historic routes to the legal record of Public Right of Way, known as the 'Definitive Map'. This means that from 2026 no further historic public rights of way can be recorded and added to the Definitive Map.

The public's interest and Government's policy interest in preserving and recording unrecorded and under recorded ways, particularly green lane infrastructure, far outweighs arguments and misconceived notions about so-called 'certainty' and 'balance' promised to landowners by introducing the 2026 deadline.

User groups and volunteers have identified and continue to identify a large number of unforeseen consequences which will become apparent after the Definitive Maps 2026 closure. These consequences will cause a whole scale loss of public rights damaging to local economies, environment, local nature recovery and active travel aspirations. The public could be losing an asset estimated at almost £0.5 billion.

Recommendations

- Abandon the 2026 deadline for extinguishing historic rights of way.
- Abandon any deferment (2031) for extinguishing historic rights of way.
- Re-assess the rights of way reform recommendations introduced in the Deregulation Act 2015 for unforeseen consequences to rights of way width, recording processes and increased burdens inflicted on public and local highway authorities.
- Review membership and terms of reference of the Stakeholders Working Group set up in 2010 and consider replacing it with a National Access Group with a wide remit to consider reforms and creations of a rights of way network fit for modern society similar to the Welsh Access Forum <https://naturalresources.wales/days-out/recreation-and-access-policy-advice-and-guidance/networks-and-partnerships/national-access-forum-for-wales/?lang=en>

Consider ways to overcome barriers including:-

- Repairing access creation and dedication mechanisms that don't currently work well and promote their use (highways act 80 s25, s26, express dedication at common law etc).
- Introducing negotiation into the process at a local level to avoid entrenched positions and misunderstandings arising from the process.
- Including the identification and preservation of historic infrastructure and rights into the new DEFRA Environment Land Management (ELM) Schemes with appropriate advice.
- Setting up a National Access Forum as exists in Wales (as above).

For further information please see our full briefing note - <http://www.thetrailstrust.org.uk/>

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