
Issues identified by the group

The List of Streets (LoS) itself

Note: the requirement to keep a List of Streets is entirely separate from the requirement to maintain the Local Street Gazetteer (LSG).

- There has been no change to the concept of LoS since 1925 (at least)
- There is no definition of what it is except a list of highways maintainable at public expense
- Its only existence seems to be by virtue of being on deposit.
- No-one knows what format it should take
- What is a 'street' – clarification is needed.
- What should it include in addition to the name of the street?
 - Parish?
 - Length?
 - Start and end points?
 - grid references?
 - status?
 - Surface?
- Would welcome some national guidance or best practice
- Guidance or legislation would mean that additional resources would be needed to ensure compliance.
- Gulliksen routes – these have been ignored by many authorities but need to be researched and defined otherwise may be paying out un-necessary insurance claims.
- The LoS does not include highways which are not publicly maintainable
- There is a common misconception that publicly maintainable is the same as adopted.
- How does/should it relate to the NSG and BS7666?
- How should the LoS be changed, additions and removals be carried out?
- What evidential value does it have?
- Ideally there would be single record, with each route categorised

Recording and researching status and extent

- There is time lost by re-researching issues around highway status and extent – particularly if not researched properly at the beginning or not recorded properly – a hidden cost.
- Lots of legal records (orders, adoptions, road schemes info) have been discarded over the years.
- Difficult to define what the records exist – many of them are scattered widely across an authority
- Records are often disposed of during reorganisations both of and within authorities – there is a lack of foresight where they should be retained.
- There is a huge corporate pressure to reduce paper records, and often a lack of space. It is not always possible to persuade the archives section to accept the records.
- Digital scanning is worth doing but costs money.
- Need some best practice guidance for determining highway extent – documents to consult and their meaning (Norfolk may be able to take a lead on this?)
- Legal teams do not always store the highway documents in a way which is searchable – often stored by site location, not by type of document.
- Need a checklist of documents to consult for highway status as well as extent
- Paper trails within authority – often when HA constructs a route, the records are thrown away so there is no evidence of extent of highway.
- 'Tippex culture' is a problem – people amending the record to show what an authority actually maintains, rather than what is publicly maintainable.

- There is no legal record of highway status and so nowhere to record it and no standard format for recording it
- How should authorities record extent?
- There is a definite need for an audit trail so that routes are not re-researched and so that a consistent answer is given to queries.
- If an audit trail is developed it's important to know which routes have an audit trail and which pre-date it.
- There is a need to record routes which have been determined to be private, so that these are not re-researched multiple times.
- There is a need for formal internal procedures
- Ideally have just one nominated person to deal with extent and encroachment queries.

Understanding of the law and liability of maintained highways

- Confusion between 'adopted' and 'publicly maintainable'
- Difficulty in persuading highway maintenance teams to accept that non-tarmac routes can be highways, and that if public then not necessary to go out and tarmac them
- Maintenance staff can be too helpful and won't tell people to go away if the route is private – need to refer the question on.
- Highways staff do not always realise all their work arises from the fact a route is on the List of Streets.
- There needs to be better understanding that there is more than just 'adopted roads' A highway can be (amongst other things)
 - publicly maintainable
 - privately maintainable
 - footpath, bridleway, byway open to all traffic, restricted byway and cycletrack
- Maintenance teams need to have basic grounding in highway law e.g. not just vehicular, can't allow gates It is very important for staff to be trained – especially those in the highways frontline.
- Poor culture in understanding highway law – no formal training, often trained by senior staff 'we've always done it that way' – 1960s attitudes not necessarily the right ones in the 21st century
- need to address unlawful expenditure – esp on private routes – could be an audit problem.

Overlap with Local Street Gazetteer

- List of Streets and Local Street Gazetteer are not the same thing – increasingly LSG is more likely to be used in practice

Searches / Land Charges

- Clarity over the searches question – people think they are asking whether a property abuts a vehicular highway, but that is not the question. The LoS does not record status so should it be given in response?
- When answering highway extent queries it is only possible to give the highway extent, not to say whether the highway abuts a property.
- Land Registry and others have (in some cases) misunderstood 'highway maintainable at public expense'
- Many search teams are also unaware of the 1998 letter from Defra (to the effect that vehicular rights cannot be presumed, and each UCR must be considered on its merits).

NERC

- Has any authority actually saved a copy of the LoS on the implementation date?

- privately maintainable public routes will automatically have lost their rights for motor vehicles unless one of the other exceptions applies
- dual recorded routes likely to have lost rights for motor vehicles unless one of the other exceptions applies
- lack of understanding of NERC outside rights of way teams – perceived only as a rights of way problem Highways colleagues are generally unaware of NERC and its implementation, and are not necessarily interested. Legal teams are often also unaware.
- Many searches teams are unaware of the effect of NERC due to structural differences between authorities
- no mechanism for proving private rights where public rights lost by NERC – no guidance or processes – this would be helpful
- if private rights can be claimed where motor vehicular rights have been lost – is this over the whole route (may be 2km or only over so much of the route is necessary (may be 100m)

Cycletracks

- There needs to be an understanding of where cycletracks fit in.
- The Cycle Tracks Act 1984 is not much used, and the legislation does appear to be a problem.
- There is lots of funding for cycling
- Ideally cycletracks would be recorded on the Definitive map
- Ideally, every cycletrack would include pedestrian rights.
- Where do cycleways sit? Often created by highways teams but not always publicly maintainable and not always recorded in LoS, and there are sometimes no maintenance arrangements in place once built

Misc

- problem with people needing easements over footpaths, bridleways and restricted byways