

Natural England Commissioned Report NECR035

Stepping Forward

The Stakeholder Working Group on Unrecorded Public Rights of Way: Report to Natural England

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Natural England commission a range of reports from external sources to provide evidence and advice to assist us in delivering our duties.

This report was written by the Stakeholder Working Group on Unrecorded Rights of Way, which Natural England established. It recommends a package of legal and procedural changes that would require detailed implementation by Government.

Natural England has unreservedly commended the Group's report to Government.

Further information

This report and the covering letter to Ministers from Natural England Chair Poul Christensen can be downloaded from the Natural England website: www.naturalengland.org.uk

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FOREWORD BY RAY ANDERSON, CHAIRMAN OF THE STAKEHOLDER WORKING GROUP

The incompleteness of the legal record of public rights of way has been a contentious subject for many years. The Countryside and Rights of Way Act 2000 sought to address this. It provided for a 'cut-off date' in 2026, so that unrecorded pre-1949 public rights of way would cease to exist if not specifically preserved by regulations.

This has brought into sharp relief the task of capturing on the definitive map and statement before that date those currently unrecorded pre-1949 public routes that are already in use, or are useful or potentially useful to the connectivity of the local rights of way network. It was an inherent component of the Government's policy in enacting the cut-off provision that such routes should be preserved. However, one major source of concern, for all concerned, has been the complexity and long-windedness of the recording procedures.

Natural England set up in the autumn of 2008 this Stakeholder Working Group on Unrecorded Rights of Way, with membership from all parts of the interest spectrum. Natural England challenged the members of the Group to work together constructively to achieve progress in this area. The Group has now concluded its work, and has reached agreement on a cohesive package of proposals that it considers would deliver real benefit to all sides. This Report to Natural England sets out these proposals and the Group's underlying reasoning.

Arriving at this consensus has involved extended and profound debate, with all Group members playing a full and vital role. All have displayed an admirable willingness to take on board others' perspectives, to find ways to overcome differences, and to look for mutually acceptable ways to simplify and improve this important regime. All are clear that implementation of the proposals in full is crucial to preserving the balanced nature of the package, to maintain the consensus that has been established and that is a prerequisite for reform in this difficult area.

Equally important is for Government to act quickly in developing the detailed changes in existing law and procedures that will be needed to give effect to the Group's top level proposals, and then consulting widely to ensure that this fine detail reflects the needs of the wide range of interests involved. As the cut-off date gets ever closer, the requirement for a real step forward on this front is increasingly important.

I commend the Group's Report to Natural England as a blueprint for lasting progress in this area, born out of goodwill and a genuine desire to work together for the benefit of all concerned.



Ray Anderson, March 2010