

Discovering Lost Ways

Briefing prepared for the England Access Forum meeting on 15 May 2008

Following a year long review Natural England has concluded, and recommended to Government, that our focus should move from archive research to facilitating the discussion that will lead to a re-evaluation of the legislation and procedures for recording historic routes.

We are, therefore, in the process of closing down the Discovering Lost Ways project and, in its place, setting up a Stakeholder Working Group to consider all the issues surrounding unrecorded rights of way.

DLW review findings

Discovering Lost Ways has been successful in developing a method of research that enables the identification and submission of evidence for lost ways to local authorities throughout England. However, it does not result in any quicker determination of claims under the current system for recording these routes on the Definitive Map where it takes an average of three years for a route to be processed and recorded.

We have also learnt more about the character of historic routes and our research to date would suggest that Discovering Lost Ways is in fact a misnomer as over 50% of the routes identified are in regular use but not legally recorded. These routes provide vital links and connections to the recorded network often getting people away from busy roads. An unexpected consequence of the cut-off date could have been a net loss of access particularly in urban areas.

On the basis of the review findings our advice to Defra, which has since been endorsed by the Minister, was that Natural England should

- withdraw from a programme of research that seeks to identify “lost ways” throughout England
- focus on convening and facilitating the discussion that will lead to a re-evaluation of the relevant law and procedures
- recommend that Government should make clear its intention not commence section 53 of CROW until the stakeholder working group has reported.

Next steps

As part of the close down activity for the DLW project we will be discussing with the wider stakeholder community how best to share information, lessons learned and good practice as well as encouraging networking amongst those with an interest in unrecorded rights of way.

The data collected by the Archive Research Unit is being transferred to Natural England and the following products will be made available, via our Enquiry Service. Copies will be supplied to the relevant local authorities (Cheshire, Shropshire, Nottinghamshire, Wiltshire and Dorset). It should be noted that there is not comprehensive coverage for these historic counties and the full range of products is only available for those areas where detailed research was undertaken and completed.

Image library

Collection of images of all the historic documents photographed by the ARU during the course of researching lost ways

Document Catalogue

Database containing the catalogue information from each of the national and local archives where research has been conducted. The database includes document-specific information for example the document title, condition etc.

Document Spatial Index

The geospatial polygon of the boundary of researched documents

Document List

List of all documents researched by the Archive Research Unit

Case Files

Final output of the research provides details of the route, together with a summary of findings and full dossier of evidence.

We have been discussing with Cheshire, Shropshire and Nottinghamshire County Councils their proposals for handling the case files we pass to them and there may well be a role for the respective LAFs in prioritisation linked to ROWIP objectives.

A full list of the data and information that is available, together with details on format and how to obtain copies, will be published on our website. In addition we will be making available reports prepared in order to inform the review and the research standards used by the ARU researchers.

Although we are withdrawing from archive research Natural England remains supportive of a project which seeks a sensible use of historic rights to improve the rights of way network for public benefit. This can best be achieved by setting up a Stakeholder Working Group that brings together representatives of the key relevant interests nationally:

- to consider the issues and difficulties associated with the recording of pre-1949 public rights of way that are not currently shown on the definitive map and statement maintained by highway authorities; and
- to work together with the aim of reaching agreement on a balanced package of strategic reforms in law and procedure that in the Group's view would bring real benefit to the various interests potentially affected by the claimed existence of such rights.

In our view it is essential that there should be a clear numerical balance between the three sectors of interest in this subject i.e. land management user and local authority, but that the group is small enough to permit workable debate on complex issues.

We are currently seeking internal sign off for the chairmanship, membership and proposed terms of reference. It is hoped that the first meeting will be in late June/ early July.

It is our intention to provide opportunities for interested parties to submit evidence to the Group and to provide regular updates on the topics under discussion via an E-bulletin.