



Unrecorded rights of way – Natural England announces new working group

Natural England has announced the membership of a new Stakeholder Working Group on Unrecorded Rights of Way.

The new working group, to be chaired by former civil servant, Ray Anderson, will look at issues around recording old routes for walkers, horse-riders and other countryside users. These routes exist legally, but have not been captured on the official maps. The members of the new Group will:

- 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;
- 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.

Sir Martin Doughty, Chair of Natural England, said: "The new group has been established as a result of the review of the Discovering Lost Ways programme. The review revealed that the regime for processing historic rights of way claims is not fit for purpose, with lengthy backlogs and public inquiries required even where there is cast iron evidence of unrecorded public rights. We want to create a new system that works for all involved."

In addition the review found that the majority of ways are in fact not 'lost' at all – they are still in public use, although not recorded on maps. A small minority of lost ways are inconsistent with the modern use of the land and if claimed successfully would cause real practical problems for the legal interests in the land. The Group will be invited to consider how such problems could best be avoided.

Natural England is challenging the main interest groups to plan reforms to streamline the procedures and make them fairer, to help create a rights of way network fit for the 21st century. Agreeing a balanced package of reforms between the main stakeholders is a precursor to achieving significant change in this area.

Robert Halstead representing rights of way users on the group, said: "The recording of higher rights is an often forgotten part of our heritage and this initiative is a real opportunity to address blockages in the system and bring about a much needed increase in the amount of safe off road routes available through the rights of way network for horse-riders, cyclists and others."

Andrea Graham of the National Farmers Union, said: "The NFU welcomes the

opportunity to participate in a balanced and constructive forum where representations from farmers and landowners as well as user groups on the provision of access can be discussed in a more modern day context.”

Jayne Benson, Policy Director at the Institute of Public Rights of Way Management, said: “We are pleased that having taken the decision for a review, Natural England has selected the group and we look forward to working with our members to bring forward the views of access professionals who work daily with the existing legislation. Current legislation for changing Definitive Maps is based on equitable principles which we would not want to see compromised, although we may welcome some minor changes to improve efficiency alongside better resources.”

The new Stakeholder Working Group on Unrecorded Rights Way comprises:

Chair

Ray Anderson

Representing farming, land management and business interests

Andrea Graham (National Farmers Union)

Alasdair Mitchell (Independent)

Andrew Shirley (Country Land & Business Association)

Sue Steer (Royal Institute of Chartered Surveyors)

Gwyn Williams (Royal Society for the Protection of Birds)

Representing rights of way users

Kate Ashbrook (Open Spaces Society)

Janet Davies (Ramblers Association)

Robert Halstead (Independent)

Alan Kind (Byways & Bridleways Trust)

Mark Weston (British Horse Society)

Representing local authority interests

Richard Gething (National Association of Local Councils)

Alex Lewis (Institute of Public Rights of Way Management)

Rosalind Shaw (Local Government Association)

Mike Walker (County Surveyors Society)

John Thorp (Warrington Borough Council)

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Notes for editors

The Stakeholder Working Group’s first meeting is expected to be held in the Autumn. It will aim to produce a final report by the end of 2009.

Ray Anderson is a recently retired civil servant whose career was centred on MAFF and Defra. Most recently he sought to link policy to delivery for the Single Payment Scheme, following the problems experienced in delivering payments for the 2005 scheme year to farmers in England. He was previously responsible for the Whole Farm Approach, an innovative on-line system to help farmers develop the sustainability of their businesses. He chaired an independent stakeholder group on the agricultural management of commons which reported in 2003, leading to the Commons legislation of 2006.

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