

THE YORKSHIRE, HUMBER AND NORTH LINCOLNSHIRE REGIONAL ACCESS FORUM

Representing the constituent Local Access Forums of:
Barnsley, Bradford, Calderdale, Doncaster, East Riding and Humber, Leeds, North Lincolnshire, North Yorkshire, North York Moors, Rotherham, Sheffield, Wakefield and Yorkshire Dales

Response to an invitation from Natural England (NE) to comment on the implementation of the 2026 “Cut-off-Date”

6 Chairs were present at the meeting on 7th March 2019 and 2 further LAF Chairs sent email responses.

Would LAFs like to see the cut-off-date postponed or got rid of?

7 LAFs agreed that the cut-off-date should be postponed or abandoned.

1 LAF thought postponing or abandoning the cut-off-date, would remove the incentive to get on with correcting the Definitive Map, which is unsatisfactory for both users and landowners.

Reasons for abandoning or postponing the cut-off-date:

Members expressed general dissatisfaction and disappointment at the way successive Governments have handled this:

- *Lack of public awareness:* this is very low considering the importance of the issue. Abolishing the common law maxim ‘*once a highway always a highway*’ is hugely significant, but many parish councillors still do not even know what the cut-off-date is.
- *Too little time:* in 2000 when the cut-off-date was introduced into law, there was time for government to develop and roll out a fair and consistent approach, but successive governments have failed to do so.
- *Lack of funding:* in 2000, funding was allocated to help councils meeting cut-off-date: this was used instead to cover the overspend on delivering Open Access. Since 2010, the austerity cuts have severely reduced the staffing levels in rights of way departments and their ability to process claims.

The scale of the challenge facing our councils is such that they will simply be overwhelmed by the task of meeting the cut-of-date deadline, unless a properly organised strategy is put in place. Some of the more pressing problems that should be, but are not being addressed are set out below:

- *Other Routes with Public Access (ORPAsⁱ):* it is pointless and unhelpful to have routes on maps purporting to be public, without certainty as to how or by whom they can be used. Many authorities are attempting transfer them to their record of public rights of way; calling their status into question, adding to their backlogs and incurring needless expense.
- *Metropolitan districts:* former boroughs have central areas for which no legally binding Definitive Map exists.
- *Privately maintainable streets:* present a problem as public rights are believed to exist over them but the extent is unclear and open to varying interpretations.
- *Backlogs of claims:* many of our members reported large backlogs of unprocessed claims. Councils are already struggling to make any reductions in these.
- *Voluntary researchers:* efforts have been made by LAFs to attract and train volunteers to carry out historical research, but this does not seem to be resulting in an increase in the number of formal applications of claims anticipated.

Members concluded that accurate and fair recording of historical public rights of way requires political leadership, and funding, but there are no assurances that those will be forthcoming.

Didy Metcalf

Vice Chair and Secretary, Y H & NL RAF

ⁱ Highways maintainable at the public expense recorded on Local Authorities List of Streets, often referred to as Unclassified County Roads in rural areas. They are depicted on Ordnance Survey Maps by green pecked lines with diamonds.