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Taking action

Highways under threat

This article is a reprint from our
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Our vice-chairman Phil Wadey explains how you can ensure that you will not be losing vital sections of path on the cut-off day, 1 January 2026.

Section 53 of the Countryside and Rights of Way Act 2000 provides that footpaths and bridleways that existed on 1 January 1949 but are not on the definitive map on the cut-off day will be extinguished, subject to safeguards yet to be put in regulations. The cut-off was to take effect on 1 January 2026 preceded by an intensive quarter century of identifying and applying for routes to be added to the definitive maps.

More than half that time has passed and it is now essential that we carry out research and make applications for unrecorded, or under-recorded, paths to be put on the definitive map of rights of way—or they will be lost for ever.

Three categories of path are particularly vulnerable because they may be wrongly assumed to be correctly recorded and so no one will make an application for their retention. These are: (1) paths shown on the Ordnance Survey map as ‘other routes with public access’ (ORPAs); (2) definitive map anomalies; and (3) routes straddling local authority boundaries.

ORPAs are shown with green blobs on the OS *Explorer* maps and red blobs on the *Landranger* series.

Vulnerable

Examination of ORPAs in Hertfordshire has shown that, although information about these paths was supplied to Ordnance Survey, several are no longer shown on the list of streets (a list of highways maintainable at public expense which, under section 36(6) of the Highways Act 1980, each highway authority has a duty to keep). The danger is that any route that was a public highway before 1949 and is not on the list of streets or definitive map in 2026 will be extinguished, even if it is the only means of access to a continuing footpath, bridleway or byway.

We recommend that you identify the ORPAs on an OS map sheet and highlight those that do not appear to be ordinary roads. For each of those highlighted, you should check the list of streets to see whether it is recorded. If it is not, you should add the route to your ‘highways under threat’ list for future work.

The second category is the one many authorities refer to as ‘anomalies’. This is where a path suddenly changes status, often at a parish boundary. I include in this category those paths that run along or meander close to a parish boundary, where part of the path falls in a different parish from most of the length.

Stop short

In Hertfordshire I have found examples of paths which stop 10 to 50 yards short of another highway, with the gap neither on the definitive map nor on the list of streets. Others have been found where just a short distance falls in a different parish, and it was not recorded there. Where these are highways, they are likely to be lost in 2026 and so need adding to the definitive map.

Worse still, I have found examples where the council signpost is on the road, so the walker or rider would be unaware that the path was in danger. The track in the photograph (right) is signposted as ‘bridleway 32’ just to the left of the photographer, yet the definitive map does not show the bridleway starting for another 30 yards.



Unrecorded track leaving Wallington 32BW in north Hertfordshire, grid reference TL 2942 3368. This route is at risk.
Photo: Phil Wadey

We recommend that you look carefully for any unexpected changes of status of paths, or gaps between paths and the roads they should be joining, and highlight these as needing investigation.

The third category of unusual path is the one that straddles a county or unitary authority boundary.



Road near Peter's Green, Harpenden Hertfordshire, grid reference TL 1389 1877 Photo: Phil Wadey

The route in the photograph (left) looks like a normal road. It is maintained, and anyone driving along it would have no idea that on the cut-off day half of it could vanish due to administrative error. The route runs along the county boundary between Hertfordshire and Central Bedfordshire. In Bedfordshire (the left-hand half) the road is on the list of streets, but in Hertfordshire it is not recorded at all. If there is no application for the route it is likely that only the Bedfordshire strip would retain public rights.

Vehicular rights

When the Natural Environment and Rural Communities Act 2006 extinguished mechanically-propelled vehicle rights that were not recorded, section 67(2)(b) retained the rights on routes shown in the lists of streets. However, in many places the lists were inaccurate; thus there are now many routes which in law probably no longer have the status needed for driving, even though they look like roads.

These routes could be lost to walkers, riders, cyclists and carriage drivers, and I recommend that you examine all routes that run along the boundary with a neighbouring authority, especially those that lead to routes shown on the definitive map, and then that you check the list of streets in both authority areas to ensure the route will be safeguarded.

For more information about applying to add routes to the definitive map see <http://www.restoringtherecord.org.uk>.

While the Open Spaces Society has made every effort to ensure the information obtained in this factsheet is an accurate summary of the subject as at the date of publication, it is unable to accept liability for any misinterpretation of the law or any other error or omission in the advice in this paper.