

BHS and Ramblers – Restoring the Record - Training Day 22/10/22

Presented by Sarah Bucks and Phil Wadey. Location – Willand Village Hall.

Attended by DCAF members Tim Felton and Sue Pudduck

This training day was a joint enterprise between the BHS and Ramblers. It is part of the ongoing project to identify and record as many historic but unrecorded rights of way before the 1st January 2026 when the period for recording historic rights, for which no application has been made to the appropriate local authority, will come to a close. Although the Government has stated that this date will not be adhered to, until the threat of a 'cut off' is rescinded by the necessary statute, the BHS and Ramblers take the view that the date remains live and as many rights of way should be subject to an application as possible.

The purpose of the day was to give attendees the tools and confidence to locate, research and submit an application to the local authority that will ultimately result in an order confirming and recording the existence of a right of way. The important thing is to have the application entered and registered by the LA before the 1/01/26.

The speakers were, without doubt, very, very knowledgeable and dedicated to the cause.

For those who want to follow in their footsteps they have produced a very effective text book, Rights of Way, Restoring the Record. Every LAF has been provided with a copy.

The authors have set out a straight forward methodology for the process of researching and making an application. They have identified the types of evidence available and scored them according to their evidential value. They suggest that if you cannot reach a certain score level the application is not worth pursuing either as regards the time involved or the likelihood of securing a positive outcome.

During the training event the attendees were taken through the types of evidence available to researchers, where and how it can be located, how it should be interpreted and its potential evidential value. For example, evidence created as a result of a statutory requirement and recorded as such provides strong evidence as opposed to rights of way recorded in sales particulars or in maps on sale to the public that contain standard disclaimer as regards their accuracy.

Attendees were also provided with a template on which to base their application statement. As part of emphasising the need for a systematic approach to the whole process it was suggested that an application statement should be produced that would provide the basis for any further applications, the evidence and analysis being adjusted as necessary.

Once an application is submitted it takes a length of time for the local authority to make a decision. Currently, the LA is meant to respond within a year. The Deregulation Act proposed putting applications through the Magistrates Court if undetermined within a required timescale. Such regulations are not yet in place.

This was a thoroughly informative and practical training day. In conjunction with the text book and the information provided to us on a USB stick the tools for making a sensible application were provided.

Tim Felton

23/10/22