



‘Don’t Lose Your Way’ - What’s it all about?’

'DLYW - What's it all about?'



- Public Rights of Way and the Definitive Map
- Countryside & Rights of Way Act, 2026 and the closure of the Definitive Map
- What can you do to safeguard routes in your area?
- What help can the Rambler give? Financial assistance and the DLYW website

Public Rights of Way and Highways



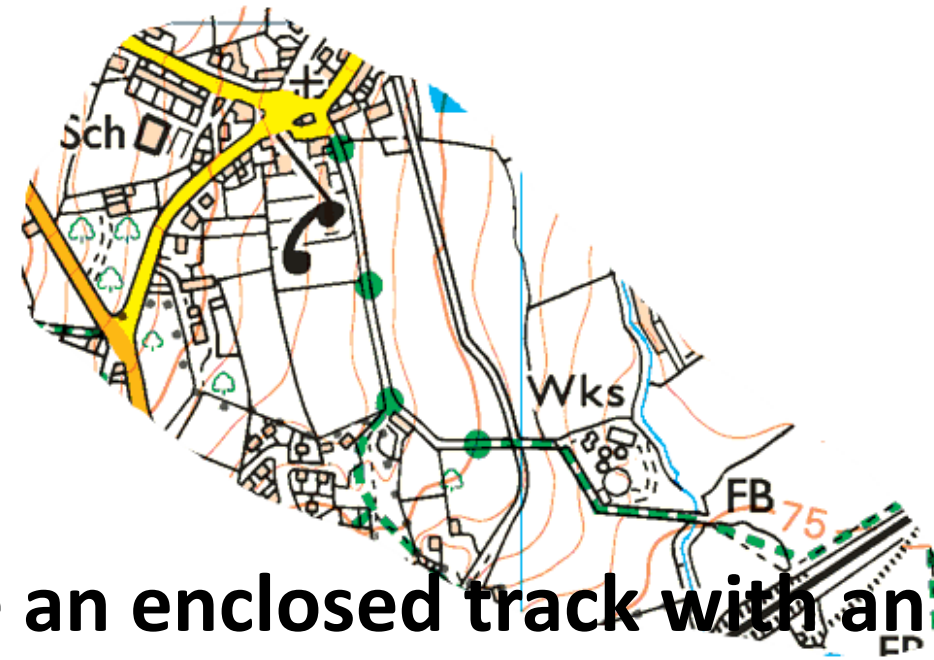
Four categories of Public Rights of Way

- **Footpath - can be used by Walkers**
- **Bridleway – can be used by Horse Riders, Cyclists and Walkers**
- **Restricted Byway – can be used by Carriage Drivers (non-MPV), Horse Riders, Cyclists and Walkers**
- **Byway Open to All Traffic (BOAT) – can be used by Motorised Vehicles, Carriage Drivers (non-MPV), Horse Riders, Cyclists and Walkers**

These are all highways and generally governed by the same legislation as ordinary roads / carriageways – Highways Act 1980, Road Traffic Regulation Act 1984, Road Traffic Act 1988, etc.

Other Access rights and terminology - 1

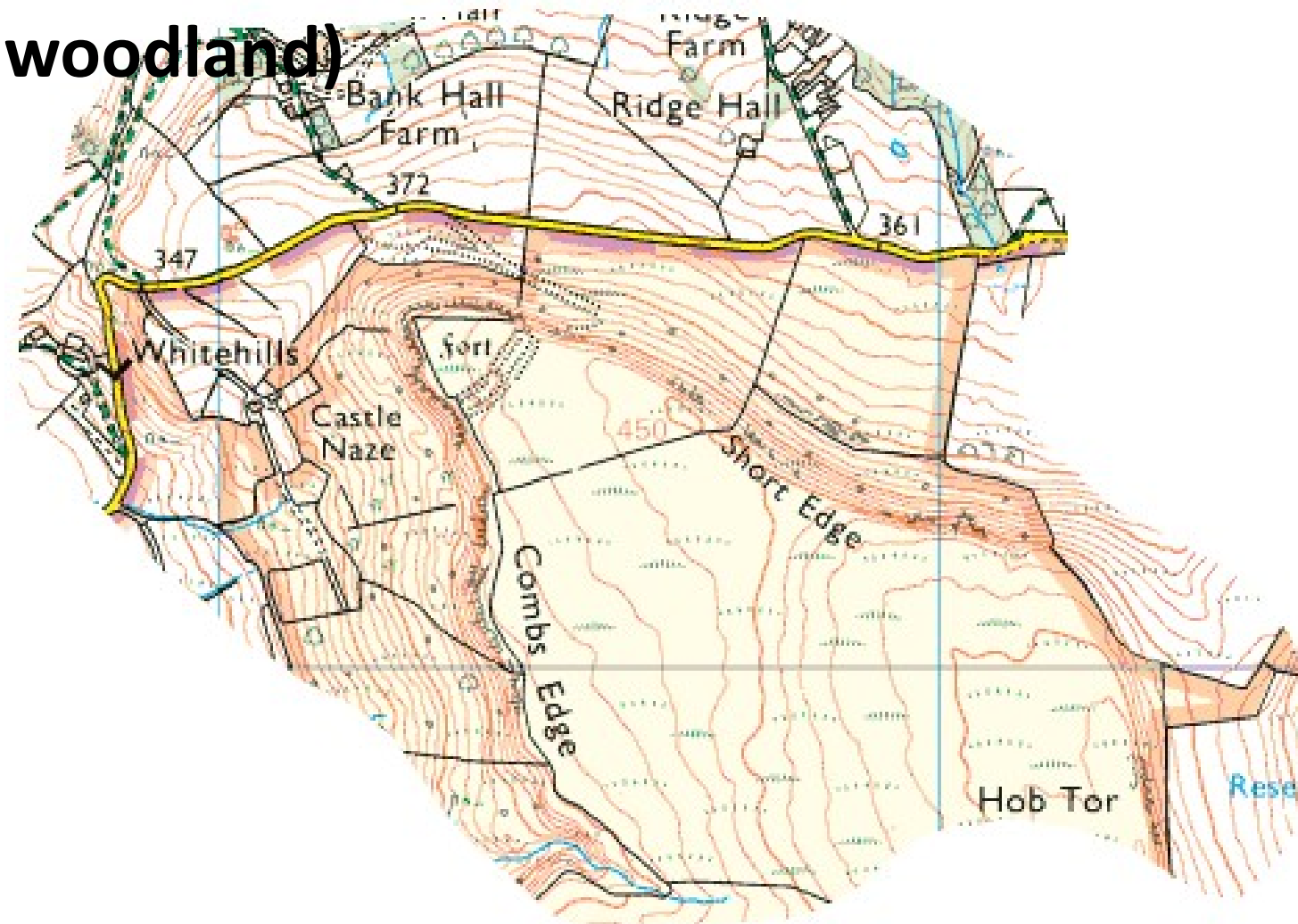
- **Unclassified (County) Road (UCR)** – Route recorded on Highway Authority's List of Streets – Highways maintainable at public expense – check <https://www.findmystreet.co.uk/map> . Probably carry higher rights but can only be certain of footpath status.
- **ORPA (Other Routes with Public Access)**. Shown on OS Explorer Maps with green dots. As for UCR above



- **Green Lane** - non-legal term, normally used to describe an enclosed track with an unsealed surface. Could carry any type of right of way or none at all.

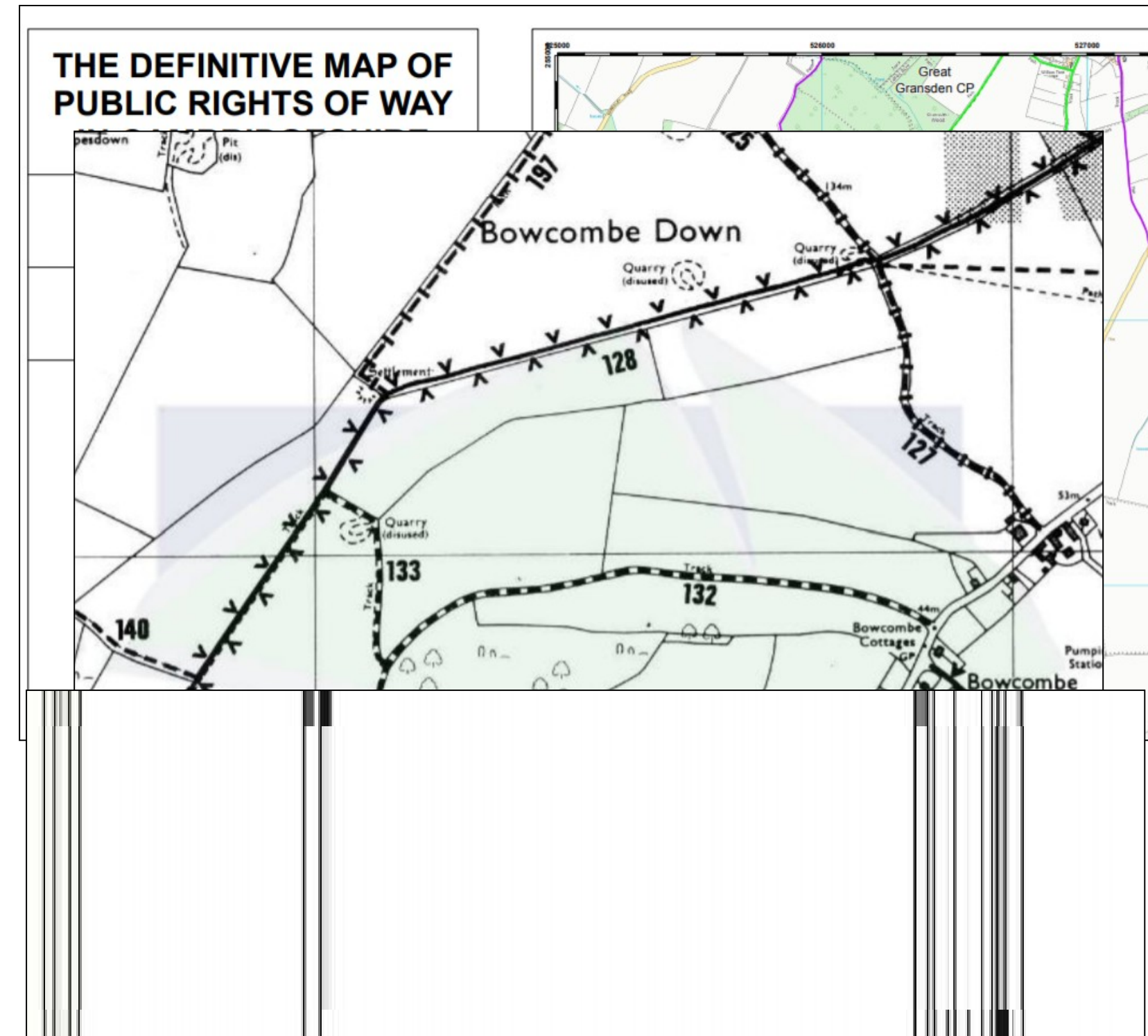
Other Access rights and terminology - 2

- **Access Land.** Introduced by CROW Act 2000. Rights for the public on foot only on land classified as Mountain, Moor, Heath and Down and also on registered Common Land. Other land (and rights) could be dedicated subsequently. Did not affect pre existing rights of access. Shown on OS Explorer Maps as land with a yellow tint and sienna boundary (green for woodland)



The Definitive Map and Statement

- The Definitive Map and Statement (DMS) is the legal record of public rights of way
- The map shows PROW with certain specified line styles
- The statement provides written information about paths – may provide detail on route / location and any limitations or conditions
- It provides conclusive evidence of what is shown (not of what is not shown)
- There is a complex process for changing the DMS – a Definitive Map Modification Order
- “Once a highway, always a highway”



The Definitive Map How Did It Come About

- Inclosure Orders defined who owns what

- Hobhouse Report 1947

“Changes of habitat and circumstances during the century has caused footpaths to fall into disuse. Many have already disappeared. Others have become overgrown and are no longer passable. Many of these footpaths would continue to serve a valuable public purpose, not only to enable countryfolk to go about their business but to enable townsfolk to enjoy fresh air and recreation in the countryside. Unless steps are taken before many more years elapse, these rights of way will be forgotten and lost for all time”

We consider that it is essential that a complete survey shall be put in hand forthwith so that an authoritative record of rights of way in this country may be prepared before it is too late.

- **National Parks and Access to the Countryside Act 1949**

Parish Councils to carry out survey and present information to their local highway authority who will draw up the definitive map.

The Recorded Network



England

117,000 miles of public rights of way

22% carry rights for riders

5% byways and restricted byways

Somerset

3808+ miles of public rights of way

22.7 % carry rights for riders

3.6 % byways and restricted byways

1409 Miles of footpath identified by the DLYW project

What is 2026?



Countryside and Rights of Way Act 2000

- Introduced a cut-off date of 1st January 2026 for the definitive map of public rights of way
- Bridleways and footpaths that were in existence in 1949 and are not recorded by 2026 will be extinguished

The intention was that this will be conditional upon the historic network having been researched and recorded to a high standard

What has happened since 2000?



- BHS Discovering Lost Ways Project 2004-2008
- Stakeholder Working Group 2008-2010 – “Stepping Forward” report recommended a balanced package of changes to legislation to speed the process up
- Deregulation Act 2015
- Ramblers Don’t Lose Your Way Project started
- 2022 – still no sign of Deregulation Act changes being implemented

Less than 4 years to go before unclaimed footpaths are extinguished!!

It is down to **us**...

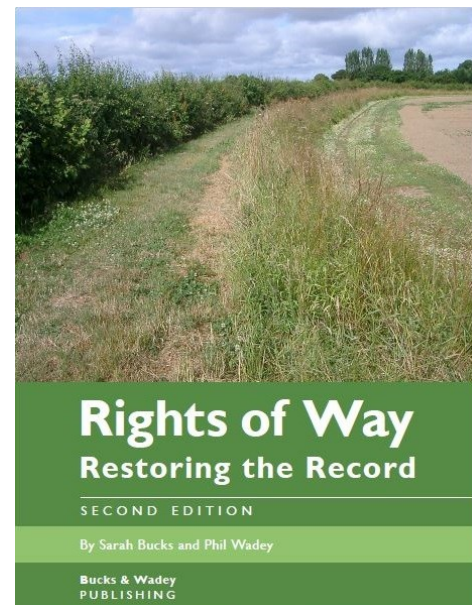


- Government has not delivered on its commitments
- The only protection we have against the loss of valuable routes in 2026 is to ensure Definitive Map Modification Order applications are made to record them
- ...but there are many organisations with a common aim



What is being done now?

Many people are already busy researching and submitting DMMO applications, some as individuals, most as part of a group. Many people are using the Rights of Way book to guide them through the process



<http://www.restoringtherecord.org.uk/>

What makes a DMMO application?

To be a valid application and be added to the authority's register:

- The application must be made on the correct form
- It must be signed and dated.
- It must have a map showing the modification sought at 1:25,000 scale or larger.
- It must have a copy of at least one **new** piece of evidence in support and list that evidence on the form.

Ultimately, for an application to be successful, there has to be sufficient evidence to show, **on the balance of probabilities**, that the alleged rights exist.

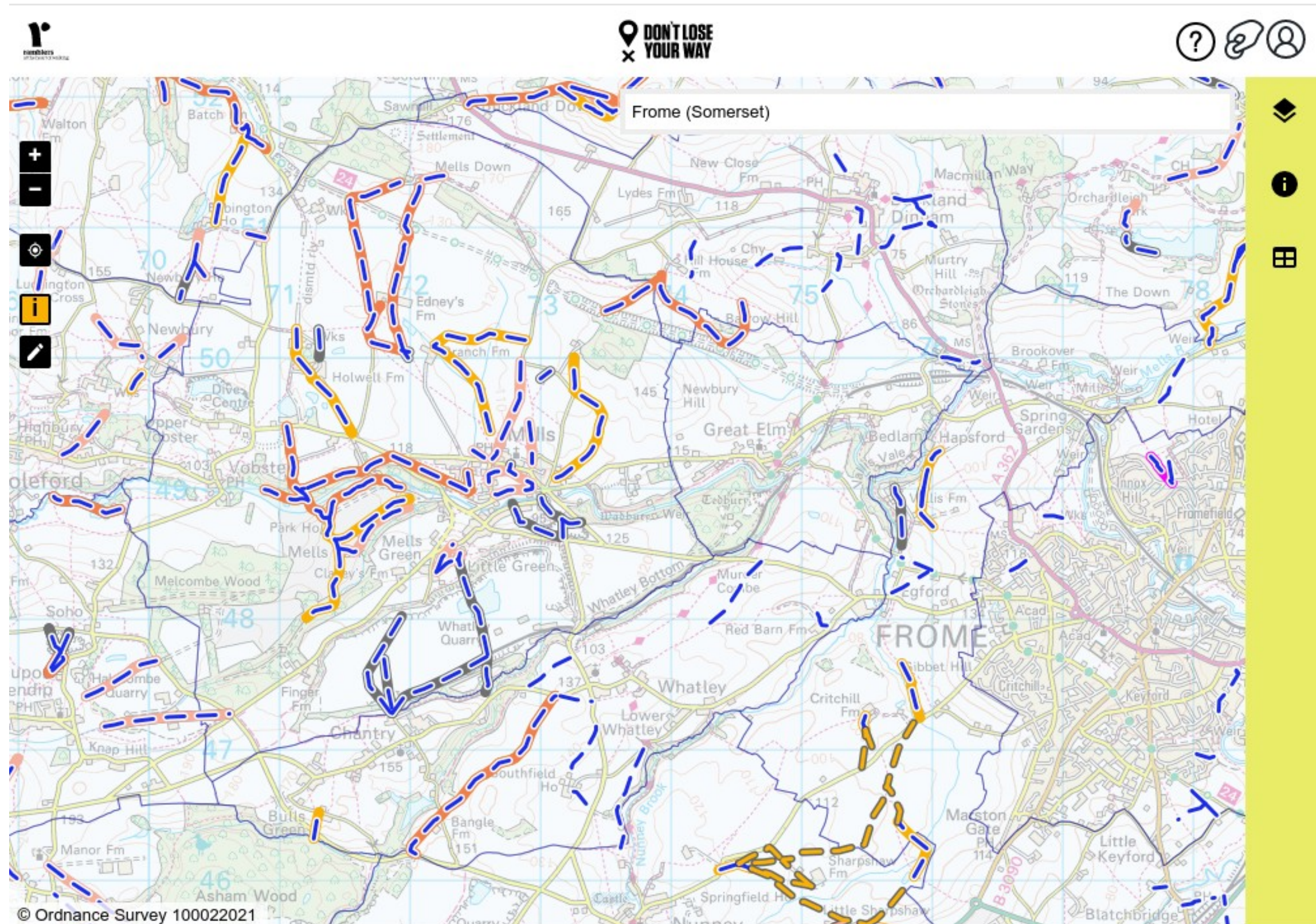
However, in assessing an application the authority must take into account “**all other relevant evidence available to them**”.

The Star Rating System for Evidence

10 stars	Legally conclusive, for example Acts of Parliament, court orders affecting the subject path, administrative orders	Inclosure Awards
5 stars	Evidence of reputation in a legally conclusive document, but where the legally conclusive document is not written specifically about the subject path, for example court orders that shows the route as an adjoining highway but do not make changes to it.	1910 Finance Act "White Roads"
4 stars	Evidence of expenditure that would be unlawful unless the route was a public highway, for example highway board records.	Highway Board Minutes
3 stars	Evidence of reputation coupled with public scrutiny, or evidence of highway status in a landowner produced document.	Estate Sale Plans
2 stars	Evidence of reputation but without formal public scrutiny, for example old maps sold to the travelling public.	County Maps such as Greenwoods or Bryants
1 star	Physical evidence only	Depiction on OS Published Maps

The Don't Lose Your Way Website

<https://dontloseyourway.ramblers.org.uk/>



National Library of Scotland online maps

The National Library of Scotland has a wealth of historic maps that can be used as evidence in making a DMMO application

OS maps and maps made by other map makers such as Bartholemews Cycle maps. All can be used as evidence



Herefordshire XLI.5 (Much Marcle; Putley; Woolhope)
 Surveyed: 1887
 Published: 1888

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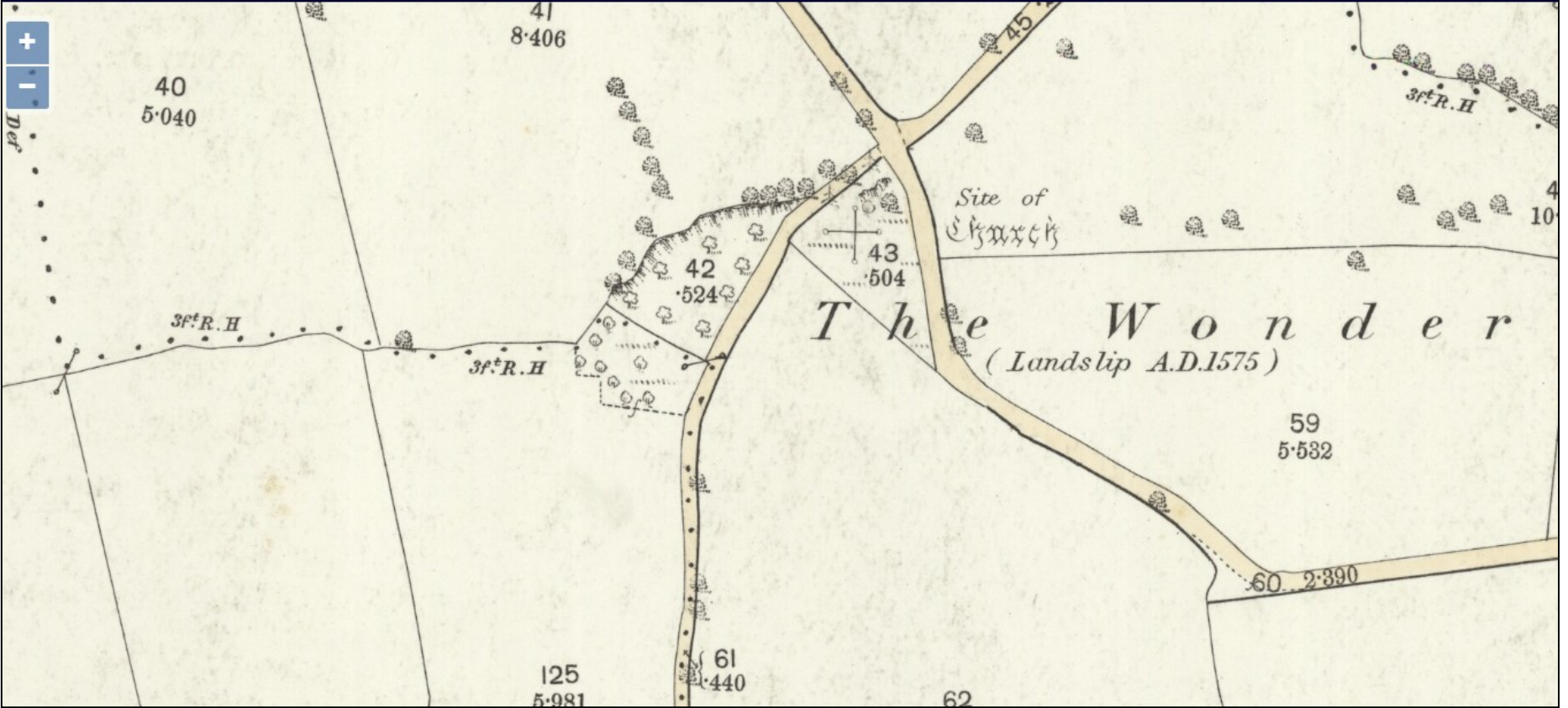
Hold [Alt] and [Shift] keys, and select (drag cursor) to rotate.

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Herefordshire XLI.5 (Much Marcle; Putley; Woolhope)
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Online maps



The Internet has many sites that have historical maps

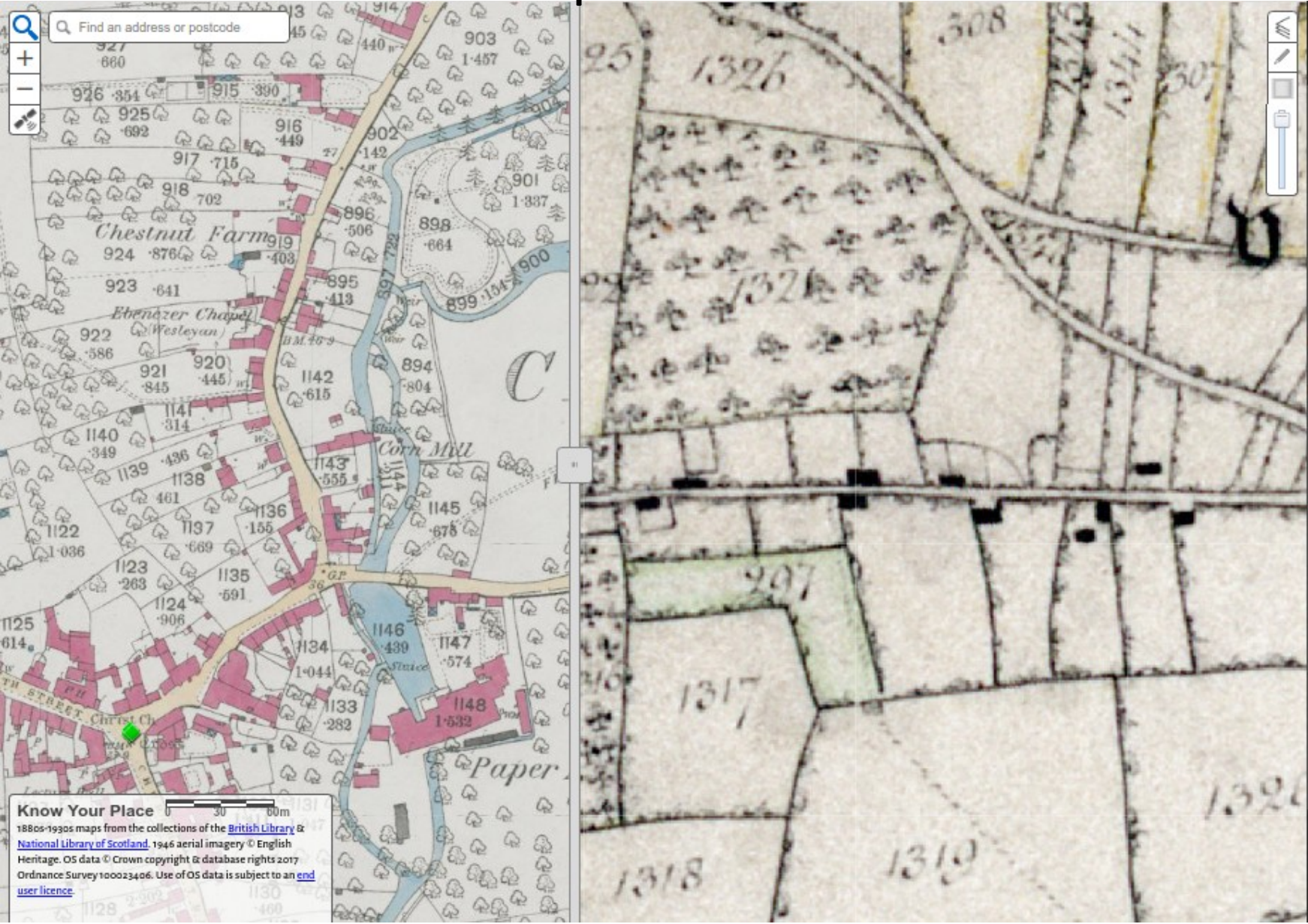
A good starting point is the Know Your Place website
<https://maps.bristol.gov.uk/kyp/?edition=som>

This has Inclosure Maps and Tithe Maps

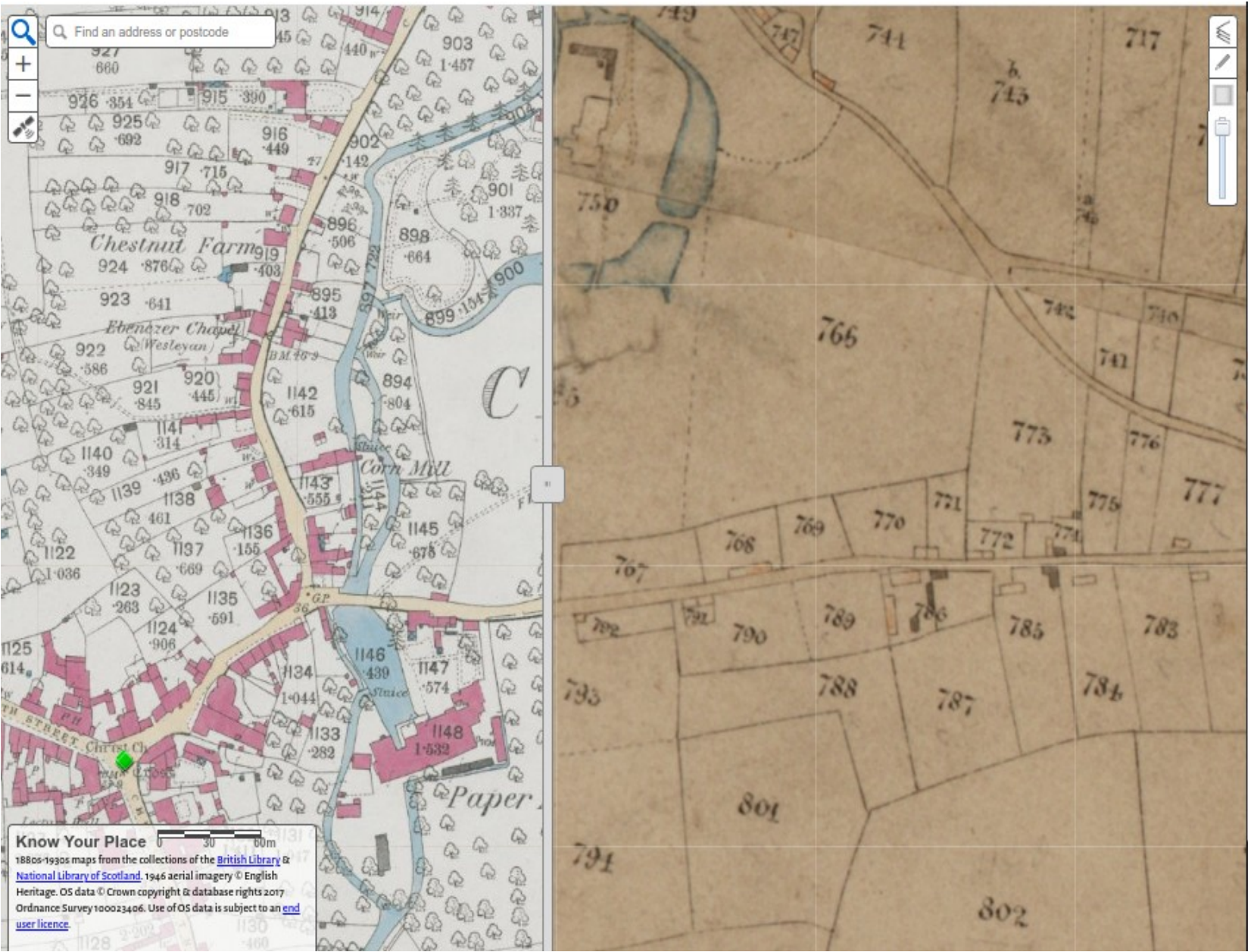
Know Your Place



Inclosure Award Map



Tithe Map



Producing Application Forms & Summary of Evidence



Documentary Evidence

Our Path Reference: HER-0001
Parish: Much Marcle

Grid Reference: SO632358

Map of Path:

Description of Path:

Path starts at Marcle Ridge SO63063553 and ends at The Wonder SO63383652

The Wonder - route should follow line of white road

Current Recorded Status:
Path is not recorded on the Definitive Map

Status being claimed: Restricted Byway

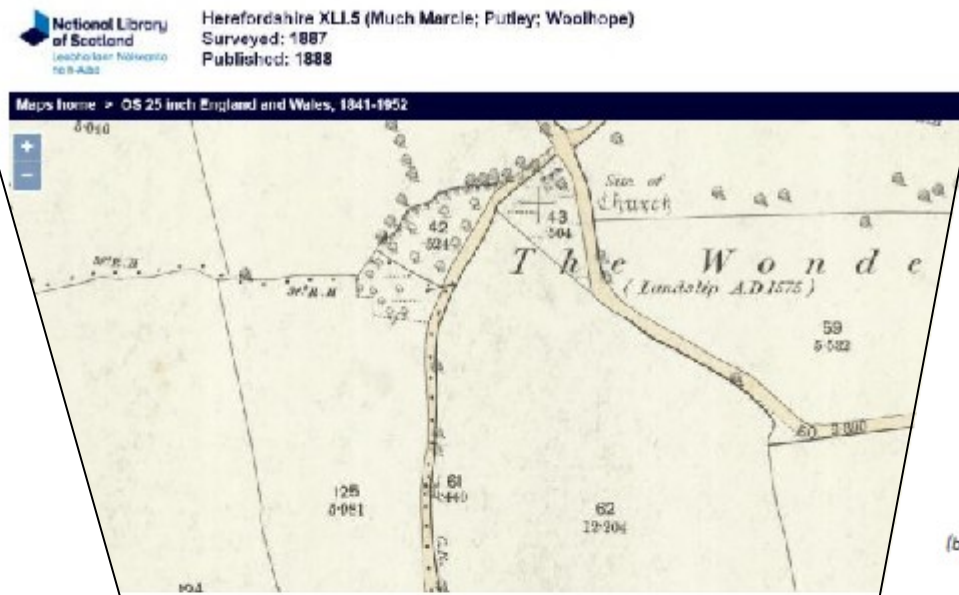
Notes:

It is not known whether the path is obstructed in any way.
Path is believed to be walked
Path is believed to be ridden
Path is believed to be cycled
Route is promoted but not legally recorded. Route research by WS

Evidence from Maps:

OS One Inch Ordnance Survey Maps - One-inch England and Wales, 1888 to 1913
1898 Clearly shown as a road.

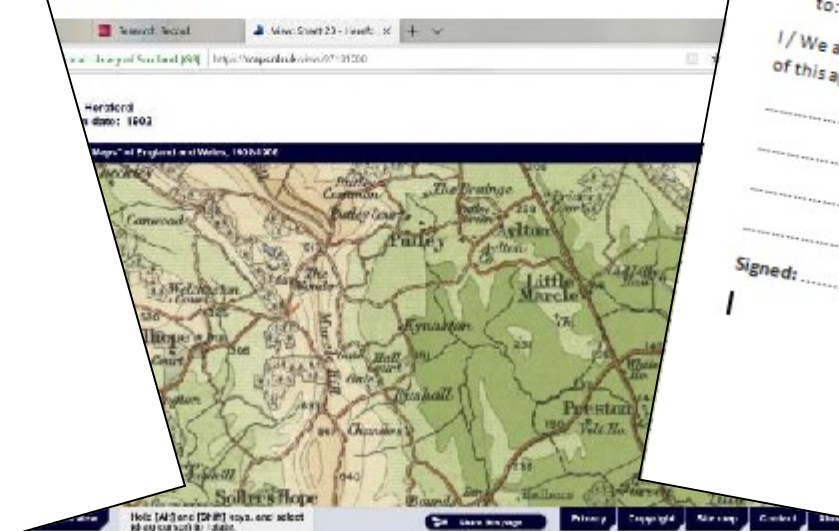
Ordnance Survey Maps - 25 inch England and Wales, 1841-1952
[XLI.5 1888] Path is clearly shown as a road or lane, plot nos. [61,127,173]. Coloured sepia as other known public roads except for SW corner to Marcle Ridge. Parish boundary marks annotated C.R. = centre of road"



OS Half Inch to the Mile Maps of England and Wales, 1919-1924

shown as Road except for SW link to Hoopers Oak

ortholomews 1902



FORM OF APPLICATION FOR MODIFICATION ORDER Wildlife and Countryside Act 1981 Definitive Map and Statement

FORM 1

To: Herefordshire Council
of: Plough Lane, Hereford
I/We Will Steel
of c/o BHS

hereby apply for an Order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by:

(a) Deleting the footpath / bridleway / restricted byway / byway open to all traffic*
from:
to: Grid Ref.

(b) Adding Restricted Byway
from: Marcle Ridge Gridref: SO63063553
to: The Wonder Gridref: SO63383652

(c) Upgrading to a
from:
to: Grid Ref.

I / We attach copies of the following documentary evidence (including statement of witnesses) in support of this application:

Signed:
Dated:

Process To Prioritise Lost Paths And Create DMMO.

1. For each Parish
2. Using the DLYW Map. Suggest a priority for each path
 - Some will have been legitimately closed or diverted
 - Some built over, quarried or flooded by reservoir.
3. Share findings with Parish Council and hopefully a local Ramblers member. Asking
 - Are any of these paths currently walked?
 - Would the path be useful. Will the parish support / help us get evidence
 - Are ther any paths not on the definitive map anor on the lost paths list that are walked?
4. Try and get help from budding historians in the parish to help do the research as this will require visits to archives and photocopying evidence.
5. Produce DMMOs

Further info



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Website: <https://dontloseyourway.ramblers.org.uk/>