

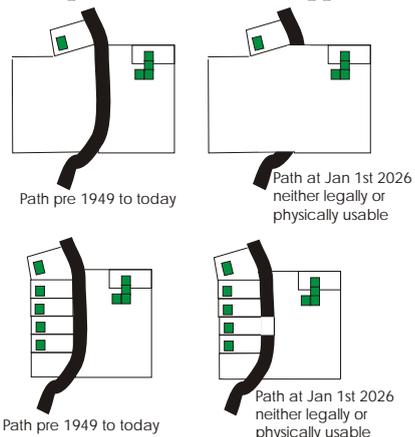
Lost Ways (Unrecorded Ways)

There is a cut-off date of 1 January 2026 when all footpaths and bridleways that were in existence prior to 1949, and that are not on the definitive map at that date, will be extinguished and have all public rights removed.

There are some classes of exceptions. But the fact that a claim (under WCA 81) may have been made is not one of the exceptions and claims will not prevent this extinguishment. But although the CROW Act does allow the government, by Statutory Instrument, to except claimed paths or to extend the cut-off date with parliamentary approval, we would be foolish to assume that such a Statutory Instrument will actually be made.

All such extinguished paths will require fresh dedications or a 20 year period of unchallenged public use to be able to get onto the definitive map. It is not clear whether public use before 2026 will be able to be used to claim the path after that date.

Examples of what will happen on 2nd Jan 2026 to **well-used non-definitive public paths**:



1. A farmer, who owns a field, fences off a path and there is nothing the public or HCC can do about it.

2. A householder, who may or may not own the land, fences off a short length of path thus blocking it and there is nothing whatever that we can do about it.

In both these cases if the public walk the remainder of these paths on 2 Jan 2026 they are trespassing.

Who will look for and claim these lost/unrecorded ways? The Countryside Agency plans to fund some research into truly 'lost' ways, those no longer in current use. It is not clear that they have considered the sort of cases above. It is possible that about one tenth of all public paths in Hertfordshire are at risk. And because total processing time for claims is currently over 12 years in Hertfordshire, that gives us less than ten years to get all the claims in.

Some path user groups are trying a pilot scheme in SW Herts, with a handful of people given maps and charged with nagging everyone to mark the map with all routes used, especially everyday routes not yet on the map. They will have the benefit of the Watford Fieldpath Association's historic records from 1899 to 1908 and beyond, currently being digitised for easy access.

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