

Poul Christensen
Chair

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Huw Irranca-Davies
Minister for the Natural and Marine Environment
Wildlife and Rural Affairs
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Dear Minister

STAKEHOLDER WORKING GROUP ON UNRECORDED RIGHTS OF WAY

I am delighted to inform you that our Stakeholder Working Group has now concluded its discussions about the legal and procedural reforms that are needed in this area. The outcome is unanimous agreement about the way forward, in the form of the enclosed Report. We will be publishing this in due course but I wanted you to have this pre-publication copy without delay.

Public rights of way provide a remarkable network of 190,000 km of traffic-free routes connecting from town, city and village centres right out into and through the countryside. As such, they are a primary mechanism for delivering on our joint objectives for engaging people positively with both the natural and the farmed environment, and for promoting healthier lifestyles. For example, the Chief Medical Officer estimates that walking at least six miles a week can reduce premature death by as much as 30% and our Walking for Health scheme is estimated to save £81million a year in treatment costs for conditions such as heart disease, strokes and diabetes, as well as enabling thousands of people every week to experience and enjoy high quality natural environments at first hand.

As you will know, though, the claimed existence of old public rights of way has long been a source of controversy between the various interests. The context for the Group's deliberations was the 2026 cut-off date enacted by the Countryside and Rights of Way Act 2000, under which unrecorded pre-1949 rights of way will be extinguished at this date. In 2008 our review of the Discovering Lost Ways (DLW) project concluded that the existing processes in this area are too complex and unwieldy to permit the forced completion of the definitive map and statement by 2026. We formed the Group in the autumn of that year, and challenged its members to work together to develop a balanced package of deregulatory reforms.

The task facing the Group at that stage was a daunting one. Views were highly polarised in the wake of the DLW project closure. The Group's success in navigating over the intervening months towards a consensus view is a remarkable testament to the willingness of its members to leave baggage at the door and look for constructive and workable solutions. I also pay tribute to the skilful independent chairmanship of Ray Anderson, which has greatly assisted the Group in its endeavours.

Though it was acknowledged from the outset that a perfect world was unattainable, the Report offers a top level blueprint for streamlining the relevant procedures and thereby delivering real benefit to all involved – land managers and businesses, users, and surveying authorities. Moving away from the convoluted and adversarial style of the current regime, and towards a simpler set of processes with more room for local negotiation, has been a key driver behind the Group's thinking.

When the Natural England Board discussed the Report last week, it warmly endorsed this direction of travel and the important contribution that implementation of the Group's recommendations would make towards achieving our outcomes. We hope you will now seize the momentum created by this landmark report by asking your officials to set directly to work on planning the specific legal and procedural changes required to give effect to the Group's vision.

Natural England stands ready to support Defra in developing this next level of detail, with a view to a public consultation exercise in due course on proposals for a legislative reform order. You will also note the welcome commitment in the Conclusion to the Report from all the members of the Group, both as individuals and in their day to day roles, to work to promote and support effective implementation, and to help engender the culture shift that they see as essential if the greatest benefit is to be realised from making these changes.

As Ray indicates in his foreword to the Report, the Group feels strongly that the changes it advocates are a cohesive package. Any partial implementation of its recommendations would unbalance the position, and damage this impressive consensus.

I commend the Group's proposals to you unreservedly.

Yours sincerely

A handwritten signature in black ink that reads "Poul Christensen". The signature is written in a cursive style with a large initial 'P' and a trailing flourish.

Poul Christensen
Chair