



## Parish Councils and Rights of Way

Rights and Powers of Parish Councils / Meetings

The Definitive Map

Finding Lost Rights of Way

Adding Lost Rights of Way To The Map

Issues

## Rights & Powers of Parish Councils/ Meetings



### Parish Councils Can (Highway includes all Rights of Way)

- Undertake maintenance of any publicly maintainable footpath, bridleway or restricted byway within the parish (this does not remove the duty on the highway authority) – Highways Act 1980, Sections 43 and 50
- Install and maintain lighting on any public footpath or bridleway  
Parish Councils Act 1957, Section 3
- Provide or contribute to signage warning of danger (with permission from landowner)  
Road Traffic Regulation Act 1984, Section 72
- Prosecute anyone who wilfully obstructs the highway – Highways Act 1980, Sections 137 and 137A
- Prosecute anyone who has unlawfully disturbed a highway, or ploughed a footpath or bridleway without remaking the surface  
(Highways Act 1980, Sections 131A and 134)
- Signpost and waymark on behalf of the local highway authority – Countryside Act 1968, Section 27
- Create, by agreement with the landowner, new highways in the parish or adjoining parishes – Highways Act 1980, Section 30
- Install and maintain seating or shelter in convenient places on land abutting any highway in the parish  
– Parish Councils Act 1957, Section 1

## **Rights & Powers of Parish Councils/ Meetings**



### **Parish Councils or Parish Meetings where there is no Parish Council (Highway includes all Rights of Way)**

- Make representations to the local highway authority of an unlawful obstruction, which the highway authority has a duty to remove – Highways Act 1980, Section 130(6)
- Hold a copy of the Definitive Map and Statement for public inspection – Wildlife and Countryside Act 1981, Section 57(5)
- Veto proposals by the highway authority to apply to the magistrates' court for a stopping up or diversion – Highways Act 1980, Section 116
- Refuse a proposal from the local highway authority to agree to not installing and maintaining a signpost where a right of way leaves a metalled road – Countryside Act 1968, Section 27(3)
- Additionally, parish councils and parish meetings (where there are no councils) must be consulted at various stages of the Definitive map Modification Order process.
- They must also be served notice of any orders made to divert, create or extinguish public path orders.



## The Definitive Map



- The 1949 Act required all public rights of way to be recorded,
- A survey was done by parish councils who then sent their results to their local highway authority who created a definitive map of these.
- There were omissions and mistakes in the information provided. Drafting errors also occurred in the transfer of information onto the Definitive Map.
- The 1981 Act laid out the process for making changes to this map. This is called a Definitive Map Modification Order (DMMO) Application.
- 2000 Act stated that all mistakes had to be rectified by 2026. So if a right of way was missed off an application had to be made by Jan 1 2026. The government said they were going to repeal this but have not yet done so.



## 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

<https://roam.somerset.gov.uk/roam/map>



Explore Somerset [To Registers](#) [Log in](#)

Path: Y 11/6  
Path Type: PRoW  
Legal Status: Footpath  
Parish: Haselbury Plucknett CP  
Summary: 1 Assigned Issue  
[Print](#)

Limitations

Statement  
The junction of footpaths 2,3,4 and 5 and runs through fields to

Amendments  
That part of footpath Y 11/6 running from its junction with

[Additional Information](#) [Statement](#)

Map

© Crown Copyright (2021) 100038382  
2000 ft  
345478 118410 1:17500

## The Ramblers Don't Lose Your Way Project Finding Lost Rights of Way



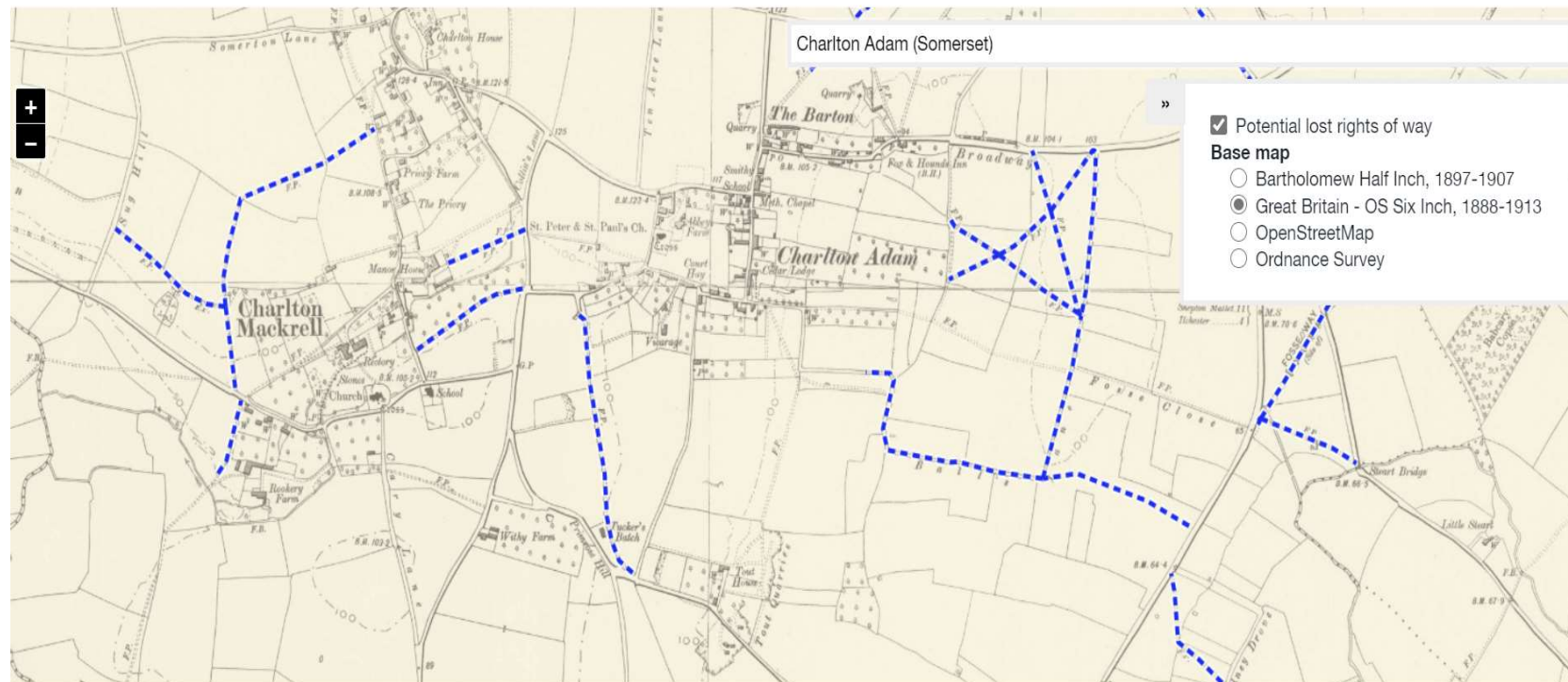
- The ramblers used volunteers to compare the 1888 to 1913 OS map and the Bartholomew map with the 2020 OS map and draw in the missing Footpaths and Bridleways.
- Volunteers looked at every square in England and Wales.
- The rights of way found were then validated by a different volunteer.

# 1888 to 1913 OS Map



[MAP](#)

[SUPPORT US](#)





# The OS Map



← ↻ 🏠 <https://gis-dlyw-ramblers.astuntechnology.com/map/>
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📍 **DON'T LOSE YOUR WAY**

🔍 🗺️

Place, street, postcode, grid reference, path or research record...

✕
Table

**Theme:**  
Suggested Priorities

**Area:**  
Somerset (Highway Authority)

Path	Priority sugges...	In u...	Parish	Date
filter col	filter column...	filter col	Buckland D	filter co
88440	High	Not used	Mells CP, Buckla...	27/08/2
88440	Medium	Not used	Mells CP, Buckla...	26/08/2
87531	High	Not used	Buckland Dinha...	16/11/2
87531	Medium	Not used	Buckland Dinha...	27/08/2
87531	High	Not used	Buckland Dinha...	26/08/2
88722	High	Not used	Buckland Dinha...	27/08/2
89551	Low	Not used	Buckland Dinha...	27/08/2

## Potentially Lost Rights of Way



- 1,496 miles of lost rights of way were found in Somerset
- Not all the rights of way that were found can be claimed.
- They may have been legally stopped up, diverted, built over, lost due to quarrying or at the bottom of a reservoir

## How Do We Get a Lost Right of Way Onto The Definitive Map



- The Definitive Map Modification Order Application
- We either have to prove 20 years of use without let or hindrance.
- Or find sufficient new evidence to show, on a balance of probabilities, that the right of way existed in the past, has never been legally stopped up or diverted and it should have been recorded when the definitive map was first created.
- Once a highway always a highway

## Where Do we Get The Evidence From



- Historical documents held in archives
  - Inclosure Orders
  - Tithe Maps
  - Parish and Estate Maps
  - Inland Revenue Land Valuation 1910 Maps
  - Canal / Rail/ Turnpike Maps
- Usage Evidence Over The Last 20 Years



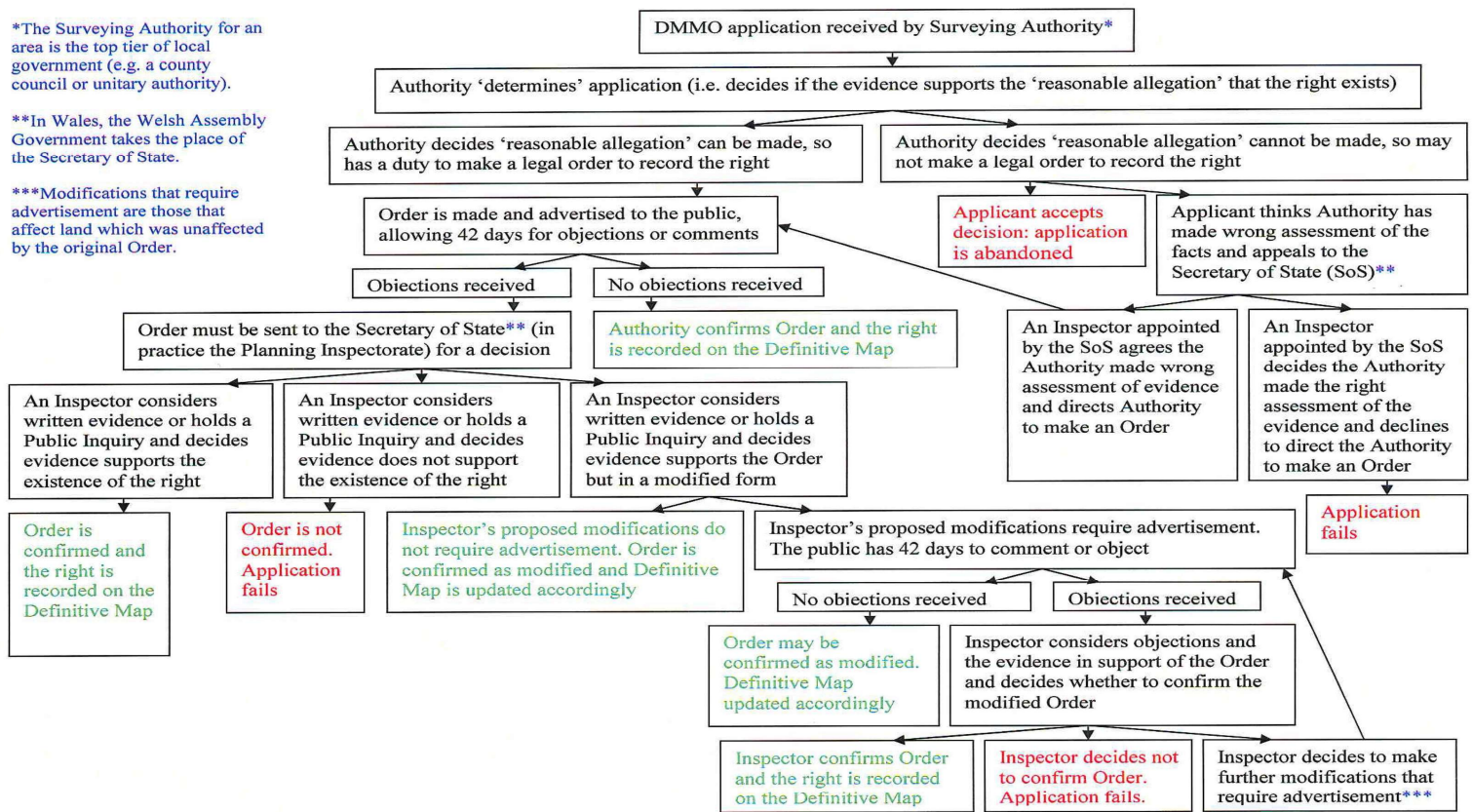


# SCC's DMMO Application Process

\*The Surveying Authority for an area is the top tier of local government (e.g. a county council or unitary authority).

\*\*In Wales, the Welsh Assembly Government takes the place of the Secretary of State.

\*\*\*Modifications that require advertisement are those that affect land which was unaffected by the original Order.





- We have our forebears to thank for the wonderful work they did creating the definitive map which protects our rights of way. It is up to us now to take this last opportunity to put right any mistakes that were made and protect these rights for the benefit of our descendents.
- All we are doing is checking to see if any mistakes were made. We did not ask the government to set the 2026 deadline but we have to work to it. Even if the 2026 deadline is repealed we need to claim and protect these rights of way.
- We want to work collaboratively with all parish councils. They know their rights of way and were responsible back in the 1950s for either putting them on the definitive map or leaving them off.

## Somerset Ramblers DLYW Process



- Review the Ramblers DLYW map parish by parish to identify potential lost rights of way
- Exclude all rights of way that have been diverted, closed or would now go through quarries or lakes.
- Produce a document for each parish showing each potentially lost right of way and request their comments on whether it is walked and would it be useful.
- Ask the parish council if we have missed any rights of way that are walked.
- Does the parish have anybody we could work with to help produce the DMMO Application
- We would prefer the Parish Council to Submit the DMMO Application as if it is submitted by an individual there could be problems if the application is not reviewed by SCC until after the seath of the applicant.

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

The logo for The British Horse Society, consisting of a red square with the text 'The British Horse Society' in white.

The logo for Open Spaces Society, featuring a stylized green figure and the text 'Open Spaces Society'.

The logo for 'we are cycling UK', with 'we are' in orange, 'cycling' in blue, and 'UK' in yellow.

The logo for British Canoeing, featuring a stylized red and blue figure and the text 'BRITISH CANOEING'.

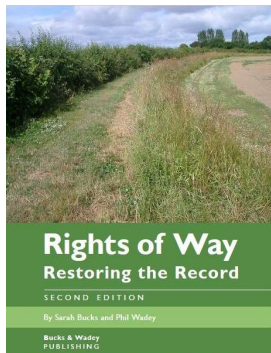
The logo for BMC, featuring a red stylized 'M' shape and the text 'BMC' in red.

The logo for TRF, featuring a green shield with the text 'TRF' and 'CONSERVING GREEN ROADS'.



## 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/>



## Further info

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