



*Neuadd y Sir / County Hall, Llandrindod, Powys, LD1 5LG*

## **QUESTIONS AT ANY TIME TO CABINET PORTFOLIO HOLDERS**

Response by the Portfolio Holder:

The Rambler's Association 'Don't Lose your Way' project relates to public rights of way that were not recorded on the first Definitive Map and that have not subsequently been addressed. If there is sufficient evidence that a public right of way existed prior to the first Definitive Map but was not recorded on it, any person may seek to add it now via an application for a Definitive Map Modification Order. The Council has a statutory duty to assess this type of application, if it is made in the correct legal form. The assessment process is complex, may be contentious and is lengthy, often taking several years for a single application to reach a conclusion and involving a public inquiry. The Council can choose to initiate this process without an application, but given resource constraints, priority is given to assessing applications made by members of the public.

The Countryside and Rights of Way Act 2000 sets a 'cut-off' date of 2026 for the making of applications to add paths to the Definitive Map in this way. Implementation of this 'cut-off' date is being progressed in England through the Deregulation Act 2015, but it is not currently being taken forward in Wales. Instead, it is proposed that the 2026 'cut-off' date be removed altogether in Wales, as part of the Welsh Government's Access Reform proposals.

Given this, the Countryside Access and Recreation team is not carrying out any proactive review of potential 'Lost Ways.' To do so would require very significant additional officer resource, which would impact heavily on the Council's ability to maintain the network of 9250km public rights of way that are already recorded in Powys. If legally valid applications for Definitive Map Modification Orders are received, then they will be assessed in accordance with the legal requirements.

However, the Countryside Access and Recreation team continues to work proactively with landowners and stakeholders to resolve anomalies through public path Orders. These Orders allow for a negotiated solution to be achieved. They can be used in a range of circumstances, including those where a Definitive Map Modification Order application might otherwise be received and are generally much quicker, less contentious and less costly to complete.