

Our ref: DMMO/2026

Date: February 2021

Dear County Councillors, District Councillors & Clerks to Parish Councils,

Public Rights of Way and the significance of 2026

I am writing to you regarding a change in legislation which means that certain unrecorded rights of way in your area may shortly be lost.

You may be aware of historic tracks and ways within your parish which are perhaps no longer used on a daily basis but are considered to be part of your Parish's history. You should know that if these ways are not currently shown on the official records of rights of way, they could be permanently closed off in 2026 by the owner of the land over which they cross. It is important therefore that these routes are protected now.

The Countryside and Rights of Way Act 2000 introduced a cut-off date for adding historic paths to the Definitive Map (which is the legal record of rights of way). This means certain routes which existed before 1949 and which aren't recorded on the Definitive Map by 1st January 2026 may be extinguished. The information within this email gives you further information about why.

It is important to note, however, that rights of way already shown on the Definitive Map are unaffected by this change and will not be extinguished as a result.

In order to protect any currently unrecorded routes, they will need to be identified and claimed before the 1 January 2026 cut-off. These unrecorded routes exist in law; many exist on the ground and are in current use, while others could provide useful additional routes and links to the existing path network.

I have enclosed a document summarising the process for recording a right of way (what is known as a Definitive Map Modification Order) and also an information sheet suggesting documentary sources that can be accessed online, given the current restrictions on accessing archives.

However, should your Council have any queries about the "2026 cut-off" or require assistance in how to research a route or make an application to record a path, then please do not hesitate to contact me. In the first instance, please email modificationorders@gloucestershire.gov.uk. Following that initial contact, we can arrange a convenient time to discuss any concerns (whether via phone, email or by video link).

Yours sincerely,

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