

Press Release

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PATH “FINDERS” CAUSE CONCERN FOR FARMERS

Farmers and landowners faced with the “discovery” of a new right of way or footpath across their land under a new Government-funded project should not be afraid to challenge the claims, according to leading local law firm Bridge McFarland.

Consultants employed by the Countryside Agency are about to start looking for evidence of any ancient rights of way in Lincolnshire, Nottinghamshire and the Humber region that have become disused and forgotten with the course of time.

Claims for missing paths already seem to have been increasing, possibly as a result of work carried out by groups representing walkers and horse riders ahead of the project, according to Bridge McFarland.

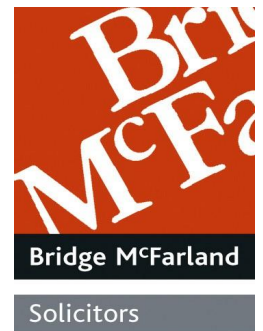
The firm has a large rural practice in the region and is now advising farming clients who find themselves facing a claim for an historic right that they should seek professional advice if they believe it is unjustified and they wish to challenge it.

Bridge McFarland’s rural affairs consultant Peter Geldart said challenges to claims for rights of way normally depended on being able to gather documentary material to counter evidence for the existence of the path.

He said: “We have recently been consulted by a number of farmers and landowners about the apparent rediscovery of an old right of way across their land and we expect many more cases when the Countryside Agency’s consultants fully start their work early next year.

“Farmers are naturally concerned because paths and bridleways across fields make field work more awkward, costly and time consuming and because a significant amount of productive land can be lost.

“It can be especially irritating for farmers when the rights of way being ‘found’ seem unlikely to provide any real benefits to walkers or the public – for example, a path being claimed on land owned by one of our clients simply runs from a road to the middle of a field and stops.



“Farmers are also contrasting the amount of money being spent on this project with the slim resources that are allocated to the maintenance of the existing network of footpaths and bridleways.”

Mr Geldart explained that the Countryside and Rights of Way Act (CROW) 2000 imposed a deadline of 2026 for all historic rights of way to be identified and recorded on the Definitive Map and Statement, the ultimate record of the legal existence of a public right. After 2026, the opportunity to register historic rights will be lost.

The main sources of evidence for the existence of paths include the Inclosure Awards of the 18th and 19th centuries, Railway Acts, Finance Acts, Ordnance Survey maps, estate maps and plans and parish records.

Mr Geldart said: “Though specific awards made in Inclosure documents might seem difficult to rebut, that is not always the case. It is certainly always worth investigating what evidence can be found to defend against a claim for a ‘rediscovered’ right of way.”

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Press release issued by Forest Communications for Bridge McFarland.

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