

Why I applied in 2019 for a Definitive Map Modification Order to correct the status of Footpath EC6.

The track is currently shown on the Definitive Map as a footpath, but the historical evidence indicates that it was historically a public carriageway. In English highway law there is a long-standing legal principle: **“once a highway, always a highway.”** This means that if a route ever acquired public carriage rights in the past, those rights still legally exist today unless they were formally stopped up, which did not happen here. My application is simply to ensure that the Definitive Map reflects the rights that already exist in law.

This map is from around 1805:



The purpose of my application is to protect long-standing rights of access for all the landowners along the track.

A nearby landowner, who owns the subsoil of the track, has in recent years tried to charge neighbouring landowners for using motor-vehicles over it to reach their homes, fields and property. If the track is a public highway, as the historical evidence shows, no one can charge for its use. Correcting the map prevents private disputes and protects everyone's ability to continue using the track as they always have. To be clear, charging for track maintenance is reasonable, charging for vehicle access is unfair.

The change I have requested is to record EC6 as a Restricted Byway.

This reflects the historic public carriage rights while also complying with the Natural Environment and Rural Communities Act 2006, which removed most public motor-vehicle rights over unrecorded historic routes. As a Restricted Byway, the public will be able to use the track on foot, on horseback, by bicycle, and by horse-drawn carriage or other non-motorised vehicles.

This status explicitly **does not permit public motor vehicles**, so the public will not gain the right to drive cars, vans, quad bikes or motorbikes.

I want to stress that this change does not create any new rights for motor vehicles.

I have heard a concern raised that “motorbikes will start using the track.” That is not the case. Motorbikes are not permitted on a Restricted Byway, and their use would remain illegal. If unlawful motor-vehicle use ever became a problem, it could be addressed through enforcement. Nothing in the application increases the risk of motorbike use.

Private access for landowners, including myself.

People who live along the track or who own homes, fields and property served by it will have motor-vehicle access rights that are completely separate from public rights of way. These motor-vehicle access rights allow landowners to use the track to reach their homes, fields and property. No one can wrongly restrict or charge for lawful use.

Overall, the aim is to protect existing rights, prevent future disputes, and ensure the Definitive Map accurately reflects the history and legal status of EC6.

Nothing is being created; we are simply correcting the map so it shows and protects the rights that have always existed.