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Rt Hon Sir Mike Penning MP  
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20 February 2024

Dear Sir Mike,

Thank you for your letter of 16 November to the Secretary of State on behalf of your constituent and their concerns around the rights of way cut-off date. I am replying as the Minister responsible for this policy area and I apologise for the delay in doing so.

The Government remains committed to implementing the rights of way reform programme, including new processes to streamline procedures and speed up rights of way being added to the definitive map. The cut-off date for unrecorded pre-1949 rights of way was commenced last year and extended to 2031, which will allow more time for applications to be submitted.

I recognise that exceptions to the cut-off date will play an important role in making sure it operates fairly. In addition to the other exceptions the Government is already committed to implementing, we have decided to **bring back an exception for unrecorded pre-1949 rights of way that are in public use**. We have also decided to implement this exception separately in the spring, which I hope will provide reassurance.

The Government is also committed to implementing powers which will enable local authorities for 12 months following the cut-off date to designate certain rights of way that have been extinguished, and a process to add these to the legal record. Regulations setting out these powers and the rest of the cut-off date exceptions will be implemented as soon as is reasonably practicable once we have brought in the major rights of way reforms.

Thank you once again for taking the time to contact us about this important issue.

REBECCA POW MP