

# Deregulation Act update

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- Clauses developed by Stakeholder Working Group (Stepping Forward). Included in draft legislation (Deregulation Bill) and now waiting to be fully enacted in Deregulation Act.
- Regulations and full implementation later this year
- SWG continues to meet to discuss details of regulations e.g. the *Basic Evidential Test*.
- NE working with partners/user groups to develop resources to facilitate DMMO applications

# Deregulation Act measures - users



## Protection for routes/potential PROW:

- Once applications are made to the authority they have to be considered before and/or post-cut-off. ie applications are protected unless they fail the BET
- If the application passes the test, the authority must inform the applicant and serve notice on every owner and occupier affected
- A surveying authority may not, after the cut-off date, make a deletion order if this will affect the use of a definitive right of way + just as historic rights of way cannot be claimed or upgraded after the cut-off, they also cannot be downgraded
- The authority must consider the application within four months.

# Landowners



- The Right to Apply:
- The Highways Authority will have power to divert a route at application stage and also be able to negotiate an alternative route with the landowner before recording the way
- Modification Consent Orders to be made within 12 months of serving the notice on the landowner.
- Landowners will retain a private right to reach their properties over a public right of way which has been extinguished on the cut-off date.
- Gates on byways.



# Highway Authorities



## Procedural improvements

- The Basic Evidential Test
- Reduced advertising costs
- Recovery of costs
- Flexibility with objections

# Preparing for 2026



- 100's of unrecorded PROW in most counties
- Many authorities have backlogs of DMMO application
- Needs a huge effort to save as many routes as possible
- Voluntary research needed to maximise number of routes saved
- LAF's experience and knowledge could be critical in achieving this

# Preparing for 2026 - actions



- Systematic research the key
- Locating potential routes – what to look for
- Locating routes – Build up a map-based database
- Check with you HA what they want/work together on BET when known.
- [Documents to check:](#)

Maps: Early  
Commercial

Turnpike

Inclosure

Tithe

Parish,  
Estate Maps

River &  
Drainage

Canal & Railway

OS 1<sup>st</sup> edn +  
Area Books

Highway Board

Main Road  
Orders

Quarter  
Sessions

OS  
Boundary

OS Object  
Name Books

OS  
Published  
Maps

1910 Finance Act

Sales  
Plans

Handover  
Maps

Stopping Up  
Orders

Farm  
Surveys

List of  
Streets

Victorian  
History

Vestry  
Minutes

Manorial

Aerial  
Photos

Tourist  
Maps

INSPIRE

# Preparing for 2026 How LAFs can help



- **Influencing** those involved e.g.: Local authorities
- **Encouragement:** e.g. of PROW departments as they tackle backlogs and new applications.
- **Assist the recording process:** voluntary help is key to getting as many routes on the map as possible. And LAFs are *the* repository of many knowledgeable and keen volunteers.
- **LAF sub groups** looking at different parts of their areas and co-operate between different LAF areas
- **Liaison** e.g. with parish councils, user groups and landowners – many of whom will be represented on the forums