

Public Guidance Note 20

Creating New Public Rights Of Way By Agreement

What is a Creation Agreement?

Section 25 of the Highways Act 1980 provides for the creation of a public path by agreement between the owner of the land and the council.

What is the procedure for entering into a Creation Agreement?

Creation by agreement is relatively straight forward. It is put into effect by a formal agreement between the Council and the landowner. Agreements do not require statutory notices and the process does not provide for a period of public objection.

The local authority does have to consult any other local authority or authorities in whose area the land concerned is situated e.g. the Parish or Town Council.

The agreement is a legal document drawn up by the Council including a description of the path and accompanied by a plan showing the line and status of the path. The agreement is prepared in duplicate and both copies are signed by the landowner and then sealed by the Council. One copy of the agreement is retained by the landowner and the other copy by the Council. Details of the agreement are advertised in the local press and a copy of the agreement and plan is forwarded to the Ordnance Survey. Any path created by agreement is recorded on the Definitive Map and Statement (DMS) of Public Rights of Way.

