

THE WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE EXCLUDED FULLY DEVELOPED AREA  
OF LUTON

LUTON BOROUGH COUNCIL, FOOTPATH No. LO 75 RUNNING FROM THE SIDE OF 39  
& 41 STANMORE CRESCENT TO 35 & 37 ICKNIELD ROAD, LUTON.  
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2023

INTRODUCTION

Definitive Maps and Statements provide a legal record of the existence and route of any public rights of way over land. They provide conclusive evidence of the existence of public rights of way and are very important to landowners and users as they formally record where the public has a right to walk and where applicable, ride horses and bicycles and drive vehicles.

The National Parks and Access to the Countryside Act 1949 first imposed a legal duty on county councils (known as “surveying authorities”) to carry out a survey of their areas and to embark on a process of producing a definitive map and an accompanying definitive statement describing certain kinds of public rights of way.

The duty to survey was prescribed by section 27(1) of the 1949 Act but was subject to an exception set out in section 35(4) which permitted a county council to “... *by resolution exclude from the operation of the survey provisions any part of the county which appears to the council to be so fully developed that it is inexpedient that those provisions should apply thereto ...*”.

The surveying authority of the day was Bedfordshire County Council (“BCC”) and a definitive map was produced for the area which includes Luton (“the Definitive Map”). BCC resolved to exclude Luton from the survey and therefore no definitive map was produced in respect of around 70% of (what is now) Luton Borough Council’s administrative area (“the Excluded Area”).

However, Section 55(3) of the Wildlife and Countryside Act 1981 provides a duty upon the Council (now Luton Borough) to prepare a definitive map and statement for rights of way within the Excluded Area.

Under Section 53 of the Act, the Council has a duty to keep the Definitive Map and Statement up to date through a process of continuous review. When the Council discovers evidence that the Map or Statement is incorrect and needs changing (known as a modification) it will do so by making and advertising a legal order called a Definitive Map Modification Order.

**THIS STATEMENT DOES NOT FORM PART OF THE ORDER.** It has been prepared to explain why the order has been made.

THIS ORDER

Based on evidence received, which can be found by following this link,

[www.luton.gov.uk/DMS](http://www.luton.gov.uk/DMS)

The council has determined that under section 31 of the Highways Act 1980 this footpath is a public right of way as it has been enjoyed by the public as a right without interruption for 20 years.

Luton Borough Council has accordingly made a Definitive Map Modification Order to:

**Modify the Definitive Map to record the Footpath No. LO 75 from the side of 39 & 41 Stanmore Crescent to the side of 35 & 37 Icknield Road**

OBJECTING TO THE ORDER

**Objections or representations relating to this order must be made in writing by the date stated in the Public Notice to:** The Highways Asset Manager, Highways Services Building, Luton Borough Council, 14 Kingsway Depot, Kingsway, Luton LU4 8AU and should include the grounds upon which they are made. The Council is willing to discuss the concerns of anyone considering objecting or making representations relating to the order. Please telephone 01582 547178.WHAT WILL HAPPEN NEXT

If there are no objections to the order, or if all objections are withdrawn, the Council will confirm the order which will then come into operation.

If objections are made and these are not withdrawn, the Council must forward the order to the Secretary of State for the Environment, Food and Rural Affairs, who will appoint an independent Inspector to consider the evidence and hear the objections, normally by holding a public inquiry or by means of an exchange of written representations. Objectors to the order will be given the chance to put their case to the Inspector. The inspector may then decide to confirm the order, with or without modification, or may decide that it should not be confirmed.

**This order has no effect until and unless confirmed.**