

## THE WILDLIFE AND COUNTRYSIDE ACT 1981

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

### LUTON BOROUGH COUNCIL, FOOTPATH NO 159 (LANGLEY PLACE, LUTON) DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2020

#### 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, 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 map 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 now 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) the Council’s administrative area (“the Excluded Area”).

However, Section 55(3) of the Wildlife and Countryside Act 1981 provides a duty upon the Council 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

In developing proposals to convert Unit 4 of the Telmere Industrial Estate in the New Town area of Luton to 12 bedsits, which have been approved by the Council under Part 3 Class O of the Town & Country Planning (General Permitted Development) Order 2015, the owner has provided the Council with evidence of an historic path known as Langley Place which ran alongside

the Sugar Loaf public house. This Explanatory Statement and copies of the Order and the Public Notice, along with a link to further information including the evidence on which the decision is based are also available on the council's [Public rights of way webpage](#).

Luton Borough Council has also carried out research of its own and has accordingly made a Definitive Map Modification Order to:

**Modify the Definitive Map to record Footpath No. 159 Langley Place, Luton as running from New Town Street to the rear boundary with Unit 4 of the Telmere Industrial Estate.**

The final paragraph of the Public Notice states that “this proposed Order is identical to the proposals contained in a notice and Order dated 24th October 2019”. As there were objections to the Order published last Autumn, we submitted those to the Planning Inspectorate (PINS) in mid-January for the Secretary of State to decide whether to confirm the Order or to hold a hearing/public inquiry. As a result of the Government’s lockdown, the PINS office has been closed and they currently have no access to the case files. In order to progress a decision on this case I shared an electronic copy of the documents with them. As a result PINS have informed the Council of an error with regards to the ‘Relevant Date’, which as a result they therefore consider the previous Order to be invalid. This matter has been addressed in the Order published in May 2020.

#### 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 Team Manager, Sustainable Development and Transport, Luton Borough Council, George Street, LUTON, LU1 2BQ 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 orders. Please telephone Keith Dove on 01582 547211.

#### 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.**