

## Appendix B – Rights of Way Background

- B1. In 1949 the former Bedfordshire County Council became obliged to produce a map of public rights of way under the National Parks and Access to the Countryside Act 1949. The former County Council asked each parish/town council to survey their area between 1952-3.
- B2. In 1952 Langford Parish Council recorded Bridleway No. 5 as running from point B on the plan at Appendix 1 southwards along a “cart road” to point Z before being diverted off westwards in a loop to rejoin the track further to the south close to point G. The diversion appears to have been because the original route was "missing" according to the comments on the survey map which was out of date and did not show any of the quarries or lakes which would have been present at the time of the parish survey. The westwards loop of the bridleway passes through the southernmost fishing lake owned by the Letchworth Garden City Angling Association (“the LGCAA”) as shown on the map at Appendix 1.
- B3. The parish maps were collated and the information published on a Draft Map of Public Rights of Way in 1953. The bridleway was shown on the Modified Draft Map and Provisional Map stages. The 1964 Definitive Map of Public Rights of Way depicted the bridleway as still running through marshland (no quarries or lakes were recorded on the base map even at this time).
- B4. It may not have been until after newer maps of Bedfordshire were produced in c.1975 that the Council realised that the legal line of the bridleway ran through the southernmost lake. This anomaly in the public rights of way network became obvious when the paths were digitised in the early 1990s prior to the first consolidation of the Biggleswade area of the Definitive Map in 1997.
- B5. The northern end of Bridleway No. 5 at point B has never connected to Common Road in Langford and was legally a dead-end with no public right onwards travel until Footpath No. 12 was added to the Definitive Map in 1995. This footpath headed eastwards towards the nearby railway line.
- B6. The southern end of the bridleway currently terminates at the bridge over the River Ivel where it connects with Henlow Footpath No. 19. Consequently the bridleway is “landlocked” for equestrians and cyclists who cannot legally access it from either the north (Langford) or the south (Henlow) as the only connections are via public footpaths which only permit use by pedestrians.

B7. Due to the presence of the bridleway through the lake, and the later restrictions on public access, the former County Council has had to deal with multiple concurrent applications to either move the bridleway or claim further public access past the fishing lakes. The following paragraphs give details of the last five applications relating to public rights of way in the Poppy Hill lakes area and to mediation talks aimed at resolving the issue of the obstructed bridleway.

- (a) In 1996 the former County Council received an application from the LGCAA to divert the bridleway under the Highways Act 1980 onto the Haul Road. The ensuing public path diversion order was objected to by local residents and Henlow Parish Council. In June 2000 the order was not confirmed by the Inspector after a public inquiry. The Inspector found that the Haul Road would not as an enjoyable a route as the existing line of the bridleway – were it available for public use. The Haul Road is a track running immediately to the east of the lakes which was the access route for the quarry lorries.
- (b) In September 1999 the former County Council received an application under the Wildlife and Countryside Act 1981 (the 1981 Act) from a local resident to add a claimed public footpath around the western side of the southernmost fishing lake and along the eastern river bank through the nearby conifer plantation. The definitive map modification order was objected to by the LGCAA and a second public inquiry ensued in November 2001. The order to add the claimed footpath was not confirmed by an Inspector as she found that the claimed route had not been accessible and thus could not have been used by the public. This resulted in the former County Council paying some £16,000 in costs to the LGCAA.
- (c) In January 2001 the former County Council received an application under the 1981 Act from the LGCAA to delete the bridleway through the lake on the ground that it was recorded incorrectly on the Definitive Map. A parallel application sought to add the bridleway on what was claimed to be its correct line along the Haul Road. The ensuing definitive map modification order was objected to by Henlow Parish Council and some local residents causing a third public inquiry to be held in August 2003. The Inspector determined from the evidence at hand that the bridleway did indeed exist through the lake and so did not confirm the deletion order.

- (d) In February 2003 the former County Council received an application under the 1981 Act from a local resident to add a claimed public footpath along the Haul Road between Common Road, Langford and the River Ivel bridge in Henlow. The former County Council refused to make an order but was subsequently directed to make one in October 2004 after the applicant appealed to the Secretary of State for Environment, Food, and Rural Affairs. The definitive map modification order was objected to by the LGCAA. However, in July 2008 the LGCAA agreed to withdraw its objection if the former County Council agreed to pursue the removal of the bridleway from the fishing lake.
  - (e) In January 2007 the former County Council received another application from the LGCAA under the 1981 Act to delete the bridleway through the lake on the ground that it was recorded incorrectly on the Definitive Map; no provision was made to record it on an alternative line. The former County Council's Rights of Way Team Leader had written back to the LGCAA in July 2007 informing them that the evidence they had supplied to support their application did not count as new evidence and so their application would be refused. However, as the former County Council did not formally determine the application it still stands and therefore needs to be determined by Central Bedfordshire Council.
  - (f) In July 2007 the former County Council, LGCAA, Henlow Parish Council and some of the local residents who had played an active role in the previous orders agreed to independent mediation to find a solution. One was reached involving the acquisition of land by a third party. However, when this solution was put to parishioners at a meeting of Henlow Parish Council it was rejected. The offer of land was withdrawn and the mediation was deemed to have failed.
- B8. In October 2010 Henlow Parish Council served notice on Central Bedfordshire Council ("the Council") under Section 130(A) of the Highways Act 1980 requiring it to remove obstructions on the bridleway. These included: trees and vegetation, metal fencing, and the lake itself. The Council surveyed the route in preparation of taking enforcement action but did not carry this out due to the possibility of moving the bridleway onto the nearby Haul Road.
- B9. The period in which Henlow Parish Council can apply to the Magistrates' Court for a court order to compel the Council to remove the obstructions is now expired. Henlow Parish Council has stated that it will re-serve notice if it is not satisfied with the Council's progress with the proposal which is the subject of this report.

- B10. The LGCAA met with the Council's Minerals and Waste Team on 14<sup>th</sup> November 2011 to discuss infilling the fishing lake which obstructs Bridleway No. 5 with landfill material. Whilst the original 1947 planning consent for extraction is deemed to have lapsed, the requirement to reinstate remains active. However, it probably would be impossible to comply with this requirement as the original planning conditions required that reinstatement could only take place using the existing overburden banded around the site.
- B11. The LGCAA wrote to the Countryside Access Team in December 2011 stating that it intended to drain the lake to make the legal line of the bridleway available for public use and would remove any obstructions attributable to it on the line of the bridleway. The LGCAA requested that the Council take action to remove any vegetation or trees growing on the line of the bridleway. The Council responded to the LGCAA's letter, stating that it neither required, supported nor consented to the proposed drainage of the lake and required the LGCAA to obtain all the necessary consents and permissions prior to any works being undertaken. To date (February 2012) no lake draining has occurred.
- B12. In mid-February the Council instructed contractors to clear the legal line of the bridleway of any obstructing vegetation. The Council will also be requiring the LGCAA to remove any structures on the legal line of the bridleway.