

## LATE SHEET

### DEVELOPMENT MANAGEMENT COMMITTEE – 4 DECEMBER 2013

#### **Item 6 (Pages 11 – 44) - Recording the width of Barton- le-Clay Footpath No 9 in the Definitive Statement**

The report proposes that Central Bedfordshire Council makes a Definitive Map Modification Order under Section 53 of the Wildlife and Countryside Act 1981 to record a width and position for Barton-le-Clay Footpath No. 9 in the Definitive Statement between points A-B-C-D as shown on the plan at Appendix A.

Representation of John Corbett joint owner of 44, Sharpenhoe Road, Barton Le Clay, Bedfordshire, recorded & registered dwelling property.

I submit the following for the information of the Central Bedfordshire Council Development Management Committee meeting on the 4th December 2013, in direct response to the last received circulated report.

I am submitting this because my request to have this matter adjourned has been deemed disagreeable, despite the fact that other parties involved have been given additional time to produce their submissions and are not disadvantaged by the meeting falling within the normal working day.

I have bullet pointed matters which I believe require the presiding Councillor's particular attention as I believe the Council revised report is now overly wordy, omitting images and information therefore easily be misconstrued.

I ask that this be taken into consideration on the basis that I am unable to attend and am the acknowledged principle landowner over which this public footpath is located.

- This section of land has historically been recorded upon maps as a public footpath between Sharpenhoe Road and what was previously known to some as the 'old bull field' which is now Taylor Close of the Grange Farm Estate.
- It has along its entirety for over the last 50 years had a recorded width of six feet according to the local Parish Council records..
- The current green metal sign erected adjacent the Sharpenhoe Road footpath currently within the hedgerow clearly identifies the footpath route to be taken across private land.
- It is inconceivable that this old footpath sign has recently been moved and therefore the only reasonable conclusion is that at one time this marker was placed adjacent the footpaths easterly most point.
- A private vehicular benefit is recorded along part of this section of footpath for just three parties, although currently exercised by just one.
- This long-standing entitlement is stipulated to be of a twelve feet width.
- This concession has made it impossible for the lands owner/occupier to differentiate between those who use the old footpath route and those with separate rights.
- Parties not appreciating their specific walking entitlement do stray across the land until reaching its now western fence boundary, in large part due to the Council's

failure to ever maintain the footpath. An altered image showing this neglect appears in the report.

- The current western boundary erected for privacy and security is now defined by a brick wall and fence since the adjacent properties, numbers 44 & 46 Sharpenhoe Road were constructed in 2002.
- The footpaths surface has noticeable depressions along its route (asserted original centre line) which gives a clear indication of the line adopted by most users prior to the Taylor Close developments completion.
- Since the developments completion I alone have continued to improve and develop the walkway for the benefit of all who use it.
- Images within the Local Authority report show the existence of a telegraph pole at the lands northern boundary. Prior to 2011 the footpaths exit point onto the now Taylor Close tarmac footpath. This small gap, no more than three feet wide was situated on the eastern side of this telegraph pole partially restricted by a sunken upended railway sleeper.
- Original building plans held by the Council for the Taylor Close development identify that the tarmac footpath was shown to meet up with the far eastern corner of the disputed area.
- However, this plan was later revised without full neighbourhood consultation and in consequence unauthorised removal of fencing was completed by building contractors acting upon the instruction of a Council Rights of Way officer who assumed she had a right to do so.
- The current gap between the southern gate post and hedge was authorised and compliant with instructions of a Council Rights of Way officer and meets the minimum restrictive 1.5 metre requirement.
- No difficulties or complaints have been forthcoming from parties observed using the southern area of land with child buggies or disabled assisting appliances/motorised transport to the landowners.
- Any suggestion that current arrangements impede one neighbour's privileged vehicular access is a private matter but in essence simply nonsense when they have been provided with written authorisation providing a far safer route namely my driveway and which they have always adopted.
- The properties builder initially separated the northern plot with chain link fencing to prevent encroachment over the entire rear garden area.
- Whilst there is no objection to the whole community's use of the available width of the land, its public footpath must be recorded properly as it should be appreciated that this is also part of a garden. The current fence being erected by the previous and maintained by the current owners to afford privacy and security. The latter being in accordance with local published police advice.

In summary let me be perfectly clear it is only my requirement that the footpaths definitive line is recorded correctly, not just as a straight line on a map for convenience sake.

I therefore insist the ancient footpath route must remain as it always has, detailed on very old maps, shown on aerial photographs and even upon altered images, commencing at the side of the current green metal signpost at the south eastern corner of my property and finishing at its far eastern corner. Butting up against my neighbour's eastern boundaries will suffice rather than requiring the removal of the encroachments that appear to have already taken place.

John Corbett

## **Barton-Le-Clay Footpath No 9**

We would like to make the following representations with regards to the definitive width of Barton-Le-Clay Footpath No 9 and the latest recommendations. We have lived at No 40 Sharpenhoe Road since 1998.

Footpath No 9 is a path that leads from the Grange Road Estate to Sharpenhoe Road. It is very well used by members of the community. Parents and children going to and from school and to the new Unity Hall are regular users along with people going into the village. The footpath provides easy access for Barton Rovers Football Club and the many adjacent football pitches. Parents with young children and pushchairs use the path regularly. Many people from the Grange Rd Estate use it to pick up lifts on Sharpenhoe Road when going to their place of work. This is environmentally friendly and saves a long trip by car through the estate. Disabled members of the community with mobility scooters also use this footpath. The other path, from Sharpenhoe Road to the Grange Road Estate, is not deemed a public footpath. This path has a dog leg within it and is inadequately lit. There has been a day-time mugging along this path and the safety of the public using any path should be paramount. Footpath No 9 is straight and easily accessible.

Members of the community have known Footpath No 9 to have been widely walked over for at least the past 35 to 40 years. It is clear that users have had the opportunity to walk the full width of the track for more than twenty years and therefore creating public rights across the entire 12 ft. 35 years ago the western edge of the footpath was defined by a line of bullace trees and the existing fence was erected when No 44 & 46 were built. As previously mentioned these trees now form part of No 44's garden. The path should be defined as 12ft. If the path were to be made 6 foot how would this be defined and monitored? How could the use and maintenance of the path be regulated? There would be no physical boundary to mark the path (and cannot be because of vehicular access) creating the situation where users of the path could trespass. Lack of clarity cannot be in the best interest of the general public. Restricting the width of the path, which has vehicular access, has Health and Safety issues. Walkers would have to trespass if confronted by a vehicle. This cannot be in the best interest of the community at large and could create anti-social problems.

We would ask that consideration must also be given to the usage of Footpath No9. In 1950 the path would have been used only by farmers and ramblers. Now the path leads from a housing estate and is widely used by many members of the community.

The 12ft width creates a footpath which feels safe, accessible and is in constant use.

Unfortunately the path has been narrowed to 5ft by the erection of a gate at the Sharpenhoe Road end. This makes access for the disabled and parents with large double push chairs difficult. The planting of pyracantha shrubs along the western edge of the footpath creates a Health and Safety issue. These plants have vicious thorns which are very dangerous for young children and are not suitable planting along a footpath. The needs of one individual must not be given greater consideration than that of the wider community.

The footpath was closed at the northern end in May 2011 and became very over grown. It is right to say that Mr Corbett cleared the path. The Council gave him permission to erect a gate at the Sharpenhoe Road end of the footpath. There was no consultation with other interested parties prior to the installation. This gate was obstructing the 6ft footpath that we believe was recorded in 1950. The gate was not a problem for us as we do not have need for access but we

were concerned that it blocked the footpath and indeed gave the impression that it was private property and not a public path. It also reduced the width of the footpath.

Since living in Sharpenhoe Road, where our back windows overlook the footpath, we have never seen any motor cycles or horses on the footpath. We have spoken to Mr Rogers. He has lived at 42 Sharpenhoe Road since 1989. His property is adjacent to the footpath and he has never seen either a motor cycle or horse use the footpath. Mr & Mrs Vincent, whose garden runs along the eastern edge of the footpath, have never seen horses or motor cycles on the footpath. We cannot agree with the statement at No 45 in the recommendations, that there has ever been a problem with motor bikes. Whether the footpath is 6ft or 12ft, there will be no physical boundary so access would be the same. Surely if there are motor cyclists and horse riders using the footpath they should be reported and dealt with in the appropriate manner.

With regard to the Human Rights Act, it states in the report (Equalities/Human Rights 9) that Mr Corbett to be allowed to a plant pyracantha hedge to protect his property, whilst in another section of the recommendations (Legal.5) it says that security cannot be taken into account. No 44 already has CCTV and a 2.2metre fence with spikes on the top along the western edge of the path. Surely any intruder would rather walk between the open brick pillars at the front of the property than tackle such a fence. No 42 and 32, whose properties bound the eastern edge of the footpath do not seem to have the same problem with security issues as Mr Corbett. We also are surprised that issues relating to the provision of disabled access would need to be disregarded (Equalities 10).

We ask that Central Bedfordshire Council give full considerations to our comments and thank them in advance for taking the time to read them. The public have been able to walk the whole width of the 12ft of Footpath No 9 for well in excess of 35 years. We would suggest that the photographic evidence and local knowledge over at least the last 35 years both show that the Right of Way and Footpath have been one and the same width. We ask that the Council define the width of the footpath as 12 ft for clarity and the good of the local community and by so doing foster good relationships within it.

Anne Stiles    John Stiles    Andrew Stiles    Leah Baldock

40 Sharpenhoe Road  
Barton-Le-Clay  
Bedford  
MK454SD

***Item 7 (Page 45 - 94) – CB/13/02916 – RSPB Potton Road Sandy***

**APPLICATION DEFERRED DUE TO THE LATE OBJECTION RECEIVED FROM CAMBRIDGE AIRPORT REGARDING THE IMPACT OF THE PROPOSED TURBINE ON THEIR RADAR SYSTEM.**

***Item 8 (Pages 95 - 110) CB13/02595/MW The Hangar, Tempsford Road, Everton, Sandy, SG19 2JW***

· Since writing the report the Local Planning Authority has been informed of one odour complaint made to the Environment Agency, and two complaints concerning odour and flies made to the Environmental Health team over the summer of 2013. All the complaints were investigated and found not to be caused by the Tempsford Composting site. Sources of the odour and flies were attributed to the spreading of compost onto the land, and bee excrement.

· The Local Planning Authority received 43 objections against the application since the report was written. One objection was received before the report was written. The LPA also received a petition with 58 signatories, many included comments.

Both the petition and the formal objections suggest that the public was not adequately informed of the application and suggest that approval of the application would result in an increase in the amount of odour and number of flies experienced in Tempsford, Everton and other properties within the vicinity of the site. Many also commented that over the Summer of 2013 odour and flies generated from the site reached their properties.

· Les Alexander, a local resident opposed to the application is scheduled to speak at the committee. His notes have been forwarded to the Committee for consideration.

***Item 9 (Page 113-125) – CB/13/03519 – Land at Mill Lane, Hulcote***

**Additional Consultation/Publicity Responses**

IDB – Following discussions with the applicant it was confirmed that no development including ground raising will take place within flood zones 2 & 3 at the development site, the Board is content to withdraw its objection.

It is the Board's understanding that surface water runoff from the proposed development will be managed by means of infiltration and that the proposed system will aim to provide betterment over runoff from the existing impermeable area.

**Additional Comments**

None

**Additional Advisory Note**

Following comments received from the IDB an advisory note will be attached to any grant of permission.

6. Surface water drainage for the site shall be managed in accordance with the National Planning Policy Framework (NPPF).