

Excluded Area Project.

1.0 What are the Definitive Map and Statements?

1.1 With the passing of the National Parks and Access to the Countryside Act 1949 ("the 1949 Act") surveying authorities, were required to produce maps of their areas showing public rights of way (footpaths, bridleways & byways). These maps were to be conclusive evidence of the existence the public rights of way recorded on them; they were to be definitive. These definitive maps were to be accompanied by written statements describing the path routes.

1.2 1981 saw the passing of the Wildlife and Countryside Act. Section 53 of this Act required surveying authorities to keep the map and statement under continuous review and to modify them by order upon discovery of evidence (or having evidence presented to them) that they are wrong in some way.

1.3 The Definitive map and Statement are conclusive legal evidence of the existence, status, position and width of any public right of way recorded in them. Maintenance of a Definitive Map and Statement is a statutory duty of county and unitary councils.

2.0 Excluded areas (map below).

2.1 Section 35(4) of the 1949 Act allowed the surveying authority, with the permission of the Secretary of State, to exclude from the survey any part of its area which appeared to it to be already so fully developed that it would be inexpedient to include it.

2.2 In Bedfordshire the urban areas of **Bedford**, Luton, Dunstable and Biggleswade were excluded from the survey.

2.3 The Wildlife and Countryside Act 1981 overhauled the procedure for reviewing the Definitive Map and Statement. It removed the requirement for periodical reviews and replaced it with an obligation to keep the map and statement under continuous review. It also reversed the 1949 provision for urban areas to opt out of the survey. Section 55(3) of the 1981 Act requires that:

"Where, in relation to any area, no such survey has been so begun or such a survey so begun is abandoned, the surveying authority shall prepare for that area a map and statement such that when they have been modified in accordance with the provisions of this Part, they will serve as the definitive map and statement for that area."

2.4 That is, surveying authorities are now required, as a statutory obligation, to produce Definitive Maps and Statements for all their excluded areas.

3.0 Extinguishment of unrecorded rights: - the 'cut-off date'.

3.1 Under the Countryside and Rights of Way Act 2000 (the 'CROW' Act), provision was made for closing the Definitive Map to historical claims after 2026. The 'cut-off date' has been specified at the 1st January 2026 when all rights of way over footpaths and bridleways outside Inner London which existed before 1949 and which have not been recorded on definitive maps will be extinguished.

3.2 This was seen as an opportunity to bring more certainty for the public and landowners alike as to what and where the recorded Public Rights of Way were. After the 'cut-off date' it will no longer be possible to record additional historic ways on definitive maps as byways open to all traffic.

3.3 Claims can still be made after the 1st January 2026 for routes that have acquired long usage (twenty years or more) since 1949, equally claims to upgrade an existing route can be made on this basis.

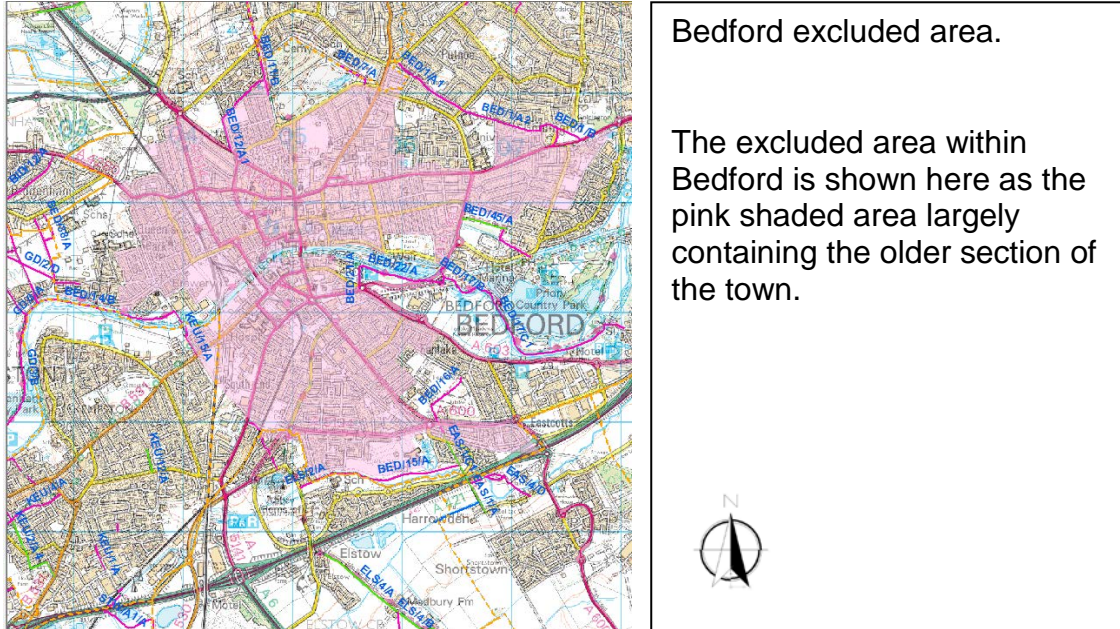
3.4 These conditions set within these Acts allow for completion of mapping the excluded area by the 1st January 2026, so within 6 years and 7 months (as of May 2018). Should Bedford Borough Council fail to make this deadline a number of well used pathways will not have the protection usually available to pathways.

4.0 The Bedford excluded area project.

4.1 This project of identifying, consulting and commissioning public rights is a lengthy process, which is split into phases and those phases into stages. The first phase is a desktop study and map comparisons to identify those routes, currently in public use, on routes already maintained at public expense and which will not be likely to cause (after consultation) any adverse feedback. This is officer led to ensure the basis of the excluded area Definitive Map is secure and published. Further, wider, phases will include those other routes, that are (or have been) used by the public. The evidence for these, either by public usage as of right, or through historic use, is to be researched by monitored volunteers and guided by officers. To date (May 2018) we are still in the early stages of the project.

4.2 Initially 29 routes have been identified, using the above criteria, within the excluded area covering just over 3500m that are suitable on initial desktop studies to have enough historic public use to deem further research worthwhile. From these 29 paths nearly 300 properties are affected either directly as land owners/tenants or where properties abut the route. In addition this project at present directly affects the areas covered by 12 Ward Members. These 300 or so properties, Ward Members along with user groups, interested parties and utilities will be consulted. Following best practice a number of information days will be organised at the central library and at Borough Hall. This will allow anyone to drop in, scrutinise the proposals, understand the underlying issues and to comment in person should they wish. This will run during the consultation period. The consultation will be informative and also request information, should they wish to respond, in support of the route that affects them, or to provide comments to refute if that is the case.

4.3 From the responses that will be received a choice will be made as to which routes are used to provide the first basis of the Definitive Map and Statement for the Bedford excluded area. The process of formalising the paths onto the Definitive Map will be the normal Definitive Map Modification Order (DMMO) process, which allows for a further opportunity to make representations.



To help us inform the public and to be available to answer questions and concerns we will be available, in Bedford library, on Monday 20th August from 2pm until 6pm. There we will have an information stand on the top floor. Feel free to pop along and ask any question, drop off any comments or just to pick up more information.

However if you are unable to see staff on the 20th we are still interested in your views. Please write, email or call through on the following details: -

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