

[REDACTED]  
23rd January 2025

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Re: Public Inquiry, Land on North West side of Mays Lane, Arkley, Barnet, EN5 2AH

PINs Reference APP/N5090/W/24/3346789

I made a comment about the original planning application to LBB and I would like to make a submission to the public inquiry that includes results of significant new research since my original comment. I have been in contact with [REDACTED] Case Officer at the Planning Inspectorate who gave the following advice by email:

*“Interested parties are welcome to attend the Inquiry and can speak at the event, at the discretion of the Inspector. As you are aware the Inquiry is due to open at 10am and will be held in Hendon Town Hall, The Burroughs, Hendon, NW4 4B and I would advise you attend the opening session and make your request to the Inspector then.*

*If you intend to read out your statement at the Inquiry, please can you bring copies for the Inspector, the Council, the Appellant and Quinta Village Green Residents Association (QVGRA) (Rule 6 Party).”*

My statement is attached

[REDACTED]  
D. M. Lauder, BSc, PhD, MIET

Re: Public Inquiry, Land on North West side of Mays Lane, Arkley, Barnet, EN5 2AH  
PINs Reference APP/N5090/W/24/3346789

My volunteer roles.

I am a registered volunteer with the Ramblers' Association (The Ramblers) and the Cyclists' Touring Club (Cycling UK). I have been researching present day and historic walking and cycling routes in the area around the development site including active travel routes into and out of the new London Ultra Low Emission Zone (ULEZ). My volunteer roles are as follows:

(1) As a researcher for the Ramblers "Don't lose your way" campaign to find unrecorded rights of way. In this role I have done further research on historic routes adjacent to the development site and also former routes into and out of the new London Ultra Low Emission Zone.

(2) As the Ramblers Local Footpath Secretary for the parishes of Ridge, South Mimms and caretaker for Potters Bar. In this role I have submitted a substantial 64 page comment with maps to Hertsmere Borough Council on the Hertsmere Local Cycling and Walking Infrastructure Plan (LCWIP). My comments include active travel journeys that start in outer areas of the London Boroughs of Harrow, Barnet and Enfield and permit walking or cycling into and out of the London Ultra Low Emission Zone (ULEZ).

As a Cycling UK Local Representative, I am compiling a list of suggestions with maps and ESRI Shapefiles for the London Borough of Barnet Rights of Way Improvement Plan, which has not yet been published and for the London Borough of Barnet Local Cycling and Walking Infrastructure Plan (LCWIP) which does not appear to have been started..

#### My submission to this inquiry

My submission is based on a comment that I made on 9<sup>th</sup> Oct 2023 about the original LBB planning application for the above site 23/3816/FUL Land n The North West Side Of Mays Lane Arkley Barnet EN5 2AH but I am adding a substantial new information and not merely restating the original comment. I have also added further information to Section 1 with a revised map since 20<sup>th</sup> Jan 2025 based on further rights of way research.

My original comment was as follows:

Mr David Lauder [REDACTED] (Objects)  
Comment submitted date: Mon 09 Oct 2023

Along the northwest boundary of the proposed development site there is a strip of land between the proposed development site and Whittings Hill Open Space. This is shown on 1:50,000 Ordnance survey map as a black dashed line indicating a track although not currently dedicated as a public right of way. This track is shown on HM Land Registry Inspire Polygons as unregistered land. This unregistered land is currently a wildlife habitat and I am concerned that future occupiers of the development site may attempt to acquire additional land to the northwest by adverse possession, by means of encroachment of fences or construction of brick walls. I have first hand experience of this at various other locations in London Borough of Barnet and in neighbouring boroughs where unlawful "land grabs" have taken place. Registered common land has been enclosed, trees have been felled, grass verges have been dug up and concreted and fences have been erected thereby destroying wild life habitat and obstructing active travel. As the strip of land in question is unregistered land, it has less protection from encroachment than would be the case if it were registered land, highway land, registered common land or Countryside and Rights of Way Act 2000 Section 15 land or CRoW Act 2000 Access land. I therefore request that if planning permission is granted, safeguards should be put in place to protect adjoining unregistered land from encroachment. This should be done by means of a planning condition that there shall be no encroachment outside the boundary of the

development site at any time in the future, in order to protect wildlife habitat. If such a planning condition were imposed, then any encroachment would constitute a breach of planning conditions against which enforcement action could be taken by the planning Authority, in this case London Borough of Barnet.

Since I made the above comment, I have done a substantial amount of further research in my capacity as a member of the Ramblers and Cycling UK which include the volunteer roles listed above. I therefore wish to make a statement at the public inquiry containing the following topics:

#### 1 Unrecorded rights of way

I have found clear historical evidence on the Barnet Enclosure Map of 1818 and on Inland Revenue valuation maps Ref. IR121/3/1 compiled under the Finance (1909-10) Act 1910 that the 12 metre wide strip of unregistered land to the northwest of the proposed development that I mentioned in my comment of 09/10/2023 is a public vehicular road.

Fig 1 in Appendix 1 shows an extract from a map that I created using QGIS software. This shows HM Land Registry polygons at a scale of 1:10,000. The data is released under Open Government Licence. The numbers are the INSPIRE ID. numbers. I have shown registered land with a purple dot fill including the proposed development site 35495240. Unregistered land shows up as white areas. This could include highway land and land that has not been sold since land registration was introduced.

It can be seen that there is a strip of unregistered land to the Northwest of the development site. Measurement using QGIS software shows that it is 12 metres wide and 490 metres long from the junction with Greenland Road to where it enters a field at the southwest corner of INSPIRE ID title 35472264.

I have done further research into the status of this strip of land by visiting Hertfordshire Archives and Local Studies (HALS) at County Hall Hertford where I have viewed the awards map for the Barnet Enclosure Act 1818. I have photographed the original maps for the purposes of private research after buying a photography permit and the Barnet Enclosure map is also available on CD-ROM at HALS for viewing or purchase. Due to copyright restrictions I have not reproduced the actual Enclosure Act map in this document but it shows strips tinted yellow indicating highway land and I have manually transcribed this onto my own digital map. I have also viewed Inland Revenue valuation maps Ref. IR121/3/1 compiled under the Finance (1909-10) Act 1910 that are held by the National Archives at Kew. Land excluded from valuation under Section 35 of the Finance (1909-10) Act 1910 is shown as white on the Inland Revenue map. I have also manually transcribed this onto my own digital map as yellow shading. Both the Enclosure Act map and the Inland Revenue Valuation Map support the view that the 12 m metre wide of unregistered land to the northwest of the proposed development site is a public vehicular road being a continuation of Bells Hill and Greenland Road.

It therefore appears likely that it is an unrecorded public right of way which could be the subject of an application for a Definitive Map Modification Order (DMMO) Application to London Borough of Barnet as the Highway Authority. The DMMO application could be for a public bridleway or a restricted byway. In either case, this 490 m long way could be used by horse riders, cyclists and pedestrians if the undergrowth were cleared. The highway rights end where the track enters an unregistered field. The Enclosure Act award map shows that the field was awarded to someone so it does have an owner but the identity of the owner cannot be found via HM Land Registry. Although there does not appear to be public access to the unregistered field, the 12 m wide way from Greenland Road does give access to Whittings Wood (Woodland Trust) which is marked as on the 1:25,000 scale Ordnance Survey Map as Countryside and Rights of Way Act 2000 Access Land.

If a new permissive bridleway or cycleway could be created, subject to agreement with the landowner, along the south and west sides of the unregistered field then this would provide a safe

through route for active travel from Greenland Road to Glebe Lane. Glebe Lane is also shown tinted yellow on the 1818 Enclosure Act plan and white on the Inland Revenue map Ref. IR121/3/1. From Glebe Lane there is access to Barnet Road, Arkley with a pedestrian footway and a regular bus service. This routes of the two potentially unrecorded restricted byways (RB) are shown tinted yellow in Fig 2 in Appendix A. A purple dashed line indicates part of a historic route from Finchley – Barnet – South Mimms – St Albans which pre-dates the 1818 Barnet Enclosure Act, other enclosure acts, the St Albans (Pondyards and Barnet) Turnpike road and the 1831 toll road built by Thomas Telford. Much of this historic Finchley – Barnet – South Mimms route still exists including a section between Grange Avenue Totteridge N20 and Mays Lane Barnet which is a London Borough of Barnet permissive bridleway.

If planning permission for the proposed development is granted then the potentially unrecorded right of way along the northwest edge of the development site would need to be protected from possible encroachment either by the developer or by future occupiers of the premises. To summarise, protecting and reopening what appears to be an unrecorded right of way would provide the following advantages:

- A safe means of pedestrian access to the northwestern side of the development site if planning permission is granted (see also below).
- Safe and convenient pedestrian access to Whitings Wood from Greenland Road on a much wider and drier path that would be a public right of way rather than the wet and muddy permissive path on the south-eastern edge of Whitings Hill Open Space.
- The potential for a through walking and cycling route to be created from Greenland Road to Glebe Lane Arkley. This is an aspirational route if a permissive route around the Arkley South Field can be negotiated with the landowner.

## 2 Further comments on pedestrian access and Travel Plan

The applicant does not appear to have submitted a travel plan. The supporting planning statement from Green Planning Studio states

“Duck Island provides the nearest facilities to the application site. Due to its close proximity, the application site has the means to be deemed sustainable. Facilities such as Whitings Hill Primary School (700m), Quinta Convenience Store (900m) and WhitingsHill Primary School Bus Stop (600m) support the application site as a sustainable location”

Nevertheless, the following issued need to be taken into account:

### **2.1 Unsafe pedestrian access to the development site**

The only route for pedestrian access to the proposed development is along Mays Lane but the footway ends near the junction with Partridge Close. This leaves approximately 140 metres of Mays Lane with no footway and no passable verge due to drainage ditches on both sides of the road. Mays Lane was a highway created by the Barnet Enclosure Act 1818 and further research is required to determine whether the width that was specified in the 1818 Act was the width between hedges or the width between drainage ditches. In any case, the proposed development site is currently unsuitable for any form of residential development as the only pedestrian access is currently via a section of Mays Lane with no verge or footway. Although there is a sign nearby warning Westbound drivers that there is no footway, approaching the development site on foot would nevertheless be hazardous for all pedestrians, particularly children. Although there are street lights, it would be even more hazardous during hours of darkness.

### **2.2 Inadequate walking routes to and from the proposed development site**

As mentioned above, there is no safe walking route to the East along Mays Lane towards Barnet from the development site but there is also no safe walking route to the West along Mays Lane as Mays Lane has no footway and no passable verge. Other potential active travel walking routes within 2 km include a walking route to Ripon Way Borehamwood via

Barnet footpath 04 at Arkley but this footpath and Barnet Footpath 05 have been obstructed and impassable for at least 20 years. The active travel route to Ripon Way Borehamwood is also severed by the A1 Barnet Bypass as there is no gap or chicane in the central barrier of the A1. Transport for London is the highway authority for the A1 at this point.

2.3 **Inadequate cycling routes between Barnet to Potters Bar and South Mimms.**

Cycling into or out of the Borough of Barnet to South Mimms via Kitts End Road to National Cycle Route 12 is frequently impossible in winter months due to flooding of the underpass under the M25 at South Mimms. The only other possible cycling route goes along the busy A1081 St Albans Road which is poorly drained, to M25 Junction 23. There is no safe cycle route around the large M25J23 roundabout nor through the road network at Bignells Corner by the South Mimms motorway service area.

2.4 **Only one feasible walking route from Barnet to Potters Bar**

The only safe and feasible walking route from Barnet to Potters Bar is via the A1000 Barnet Road. There is an 84B bus service to Potters Bar but the last bus back to Barnet from Potters Bar leaves Potters Bar railway station at 19:10 and there is no Sunday service. There is no safe walking route to Potters Bar via Kitts End Road and Baker Street due to highway verges being overgrown or impassable due to earthworks and/or drainage ditches.

2.5 **No safe or feasible walking route from Barnet to South Mimms**

There is no safe or feasible walking route from Barnet (within the London Ultra Low Emission Zone) to South Mimms where it would otherwise be possible to catch bus 84 to St Albans, 7 days a week including Sunday. The potential walking route via A1081 St Albans Road is very dangerous as a 700 metre section of highway footway is missing, having been buried since 1991 and the walking route via South Mimms bridleway 071 under the M25 is frequently impassable in winter months due to flooding.

## Appendix A

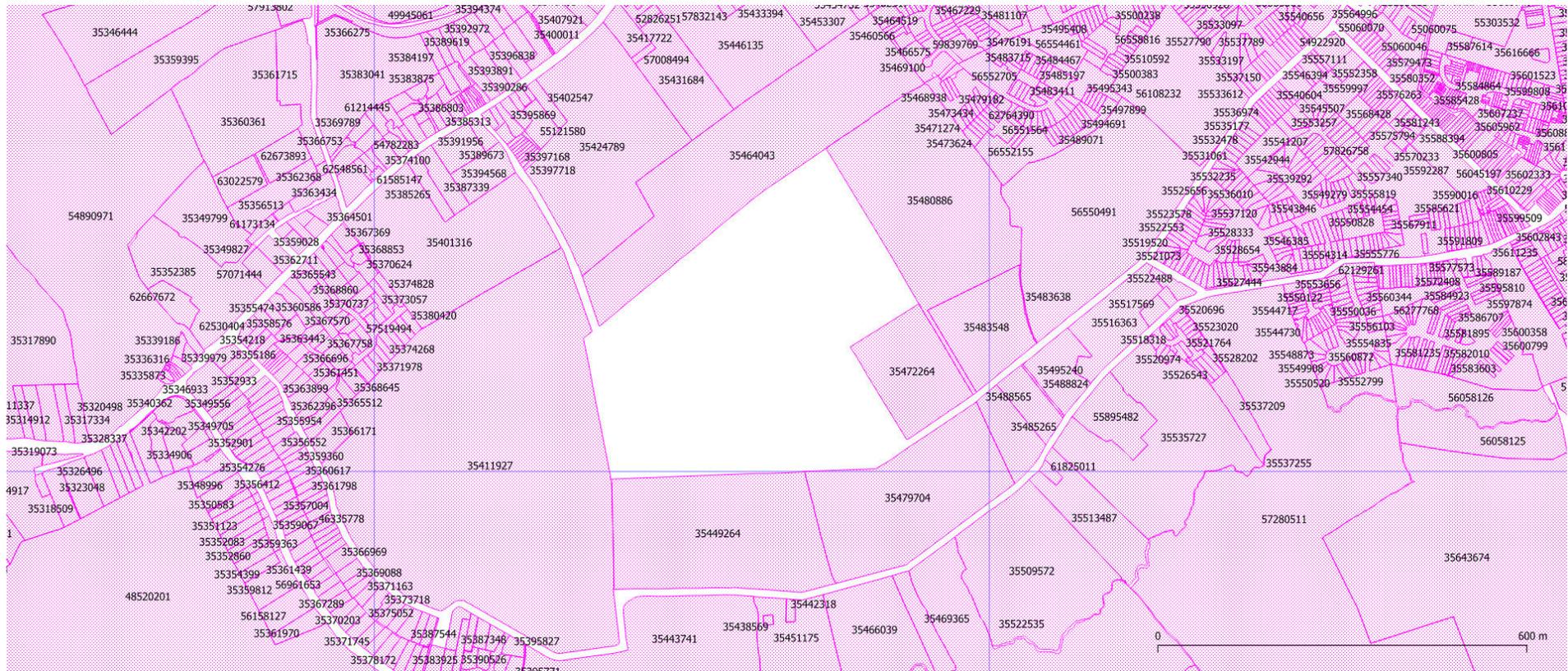


Fig 1. HM Land Registry polygons. The data is released under Open Government Licence.  
Registered land is shown with a purple dot fill including the proposed development site 35495240. White areas are unregistered land or highways.  
Scale 1:10,000

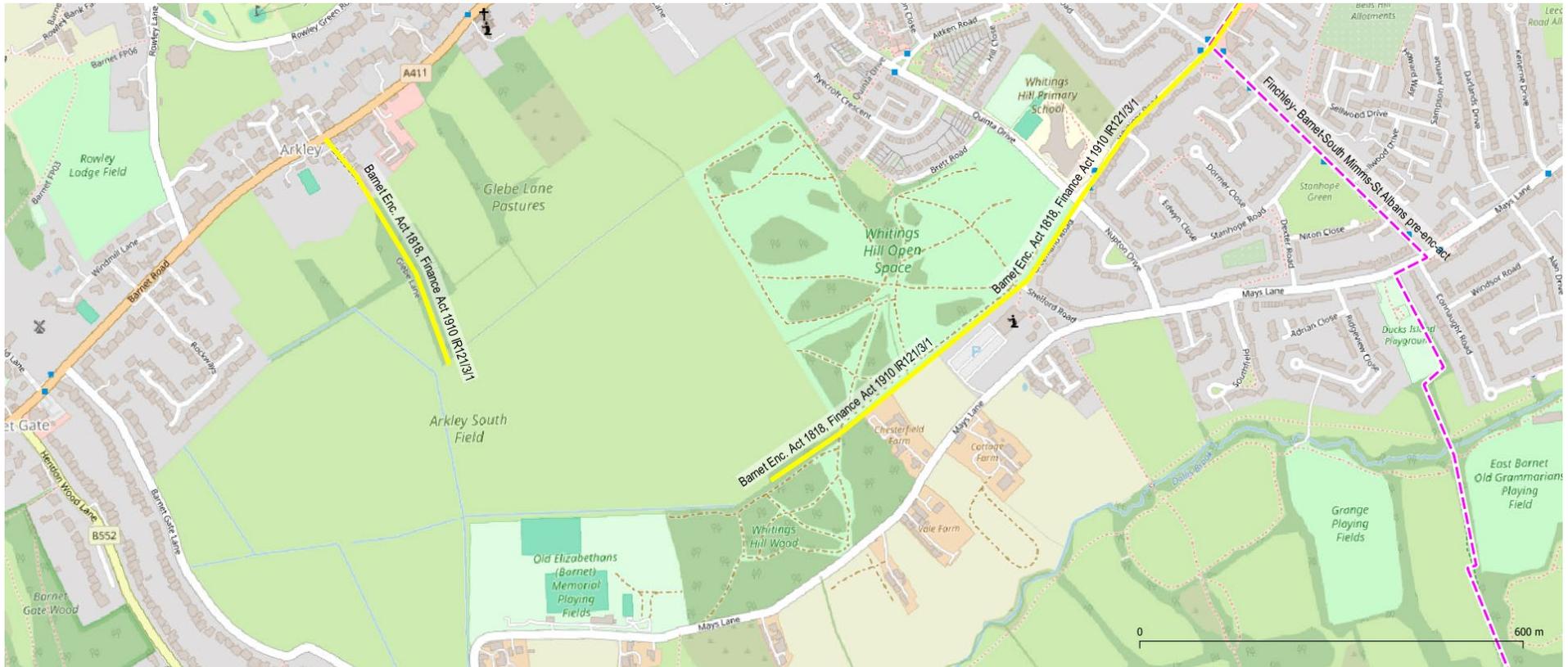


Fig 2 Openstreet map (CC-by-SA) with the addition of potentially unrecorded rights of way (solid yellow line) and part of the historic Finchley – Barnet – South Mimms route (purple line)  
Scale 1:10,000