

**COUNTY HALL, PEGS LANE
CHN103, HERTFORD SG13 8DN**

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Contact: Ian England
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My Ref: EH/307&308/MOD
Your Ref:
Date: **21 October 2010**

Dear Sir

Application for a Modification Order to amend the Definitive Map of Public Rights of Way in the Widford area

I am contacting you from the Rights of Way Unit as I deal with investigations into public rights of way which are:

- Footpaths – a right of way on foot
- Bridleways – a right of way on foot, horseback and bicycle
- Restricted byways – a right of way on foot, horseback, bicycle and for non-mechanically propelled vehicles (i.e. horse drawn carts or carriages)
- Byways Open to All Traffic – as above plus mechanically propelled vehicles (i.e. motorbikes and cars) but mainly used in the same way as a bridleway.

What is being investigated?

I am investigating an application for a BOAT from the start of restricted byway18 at the B1004 Widford Road, northeast to Pegs Lane (as shown on the attached plan) which is north of Widford. This is to establish whether a public right of way exists or not.

Why is this happening?

Any member of the public can make an application to record or amend a right of way on the Definitive Map – the legal map that records rights of way in the county.

A right of way will not be 'created' just because someone wants one. However, it is possible to prove that one exists already. This can be done by using evidence from historical documents and/or by demonstrating that members of the public have used the route for more than 20 years 'as of right' i.e. without force, without secrecy and without permission.

As the surveying authority, Hertfordshire County Council has a legal duty to investigate applications to amend the Definitive Map.

How could this affect me?

I am contacting you because you may know about the alleged route and I would be pleased to receive any evidence which could help the investigation.

What is the role of Hertfordshire County Council?

Our role is to act impartially by gathering and assessing all available evidence either for or against the alleged right of way.

What is the process?

I have enclosed a flowchart showing the process. It takes a considerable time (months and sometimes years) to complete this due to the varied nature of each case and because of set consultation periods required by law.

1. Investigation (i.e. research and consultation)

- I have already carried out research into the historical evidence such as old maps, title deeds etc held at County Hall. I enclose a list of the documents that have been investigated. The report is sent to the landowner(s), applicant, Parish and District Councils. If you have any additional information please could you send this to me by 30 November 2010 to ensure that it is considered at the decision meeting.
- I am also consulting with landowners, Parish and District Councils, other user groups and other relevant parties to collect evidence about the alleged route.

2. Decision

- The evidence collected (contained in the Investigation Report, together with any evidence submitted as a result of the consultation) is considered at a meeting between myself as the case officer, a solicitor and another experienced Rights of Way Officer.
- The evidence is tested 'on the balance of probability' and the decision is made **based only on the evidence collected**. The law does not allow us to take into account the suitability of a route for a certain status, the wishes of any individual or organisation or the effect that use of a public right of way may have on any property if a route is shown to exist. (These issues can be considered at a later stage through management of the route).
- The outcome of the decision meeting is either:
 - a) to make an order for a right of way – or
 - b) not to make an order
- If a) is agreed, the status of the route (as footpath, bridleway, restricted byway or byway) is determined by the evidence of its previous use. **This may differ from the status applied for originally.**

What can I do about the application?

- You can send us any evidence you have about the alleged right of way, either for or against the route. This can be documentary evidence such as deeds and old maps or your knowledge of the use of the route.

- To help people record their knowledge of the route, we have devised a standard User Evidence form which indicates the type of evidence required. Please let me know if you would like a copy or print one off our website.
- I have consulted with the owner of the route and have asked them whether or not they would be willing to dedicate the route as it has been applied for. If you have any comments to make regarding this possibility please contact me.

Who else is involved?

To obtain evidence for the investigation, we contact all landowners affected by the route, the applicant, the Parish and District Councils, the County Councillor for the area and the relevant user groups. Everyone who is consulted is informed of the final decision.

When are things likely to happen?

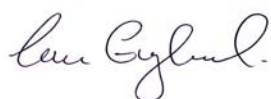
The decision meeting will be held in 5 weeks time. We will keep you informed at each main stage of the process – please see the enclosed flowchart.

TO SUMMARISE:

- If you would like to submit any evidence about the alleged route, we need to receive this in writing **by 30 November 2010**.
- Please contact me if you would like a User Evidence form.

If you have any queries about this case or the process involved, please telephone me on 01992 556185. Please remember that further information is contained on our website, www.hertsdirect.org/row.

Yours sincerely



Ian England
Definitive Map Officer
Rights of Way Service
Environmental Management Group

Enc. Plan
Flowchart
List of documents consulted

List of Documents Consulted

This is a summary of the documents that have been looked at in connection with this application.

Doc. No.	Document Title	Date	Doc. Ref. & Location
1	Dury and Andrew's map	1766	CM26 HALS
2	Bryant's map	1822	CM88 HALS
3	Tithe map and award. Ware.	Map Undated Award 1839	HALS DSA/4/117/2 DSA/4/117/1
4	Tithe map and award. Wareside.	Map 1845 Award 1845	HALS PC35B/PC38
5	Inclosure records	1856	HALS QS/E/74
6	Railway plans	Act 1858 Plan 1860	HALS D/ELB383/2 QSR627/628
7	Quarter Sessions records	1876	HALS QSR93a/62 & 63
8	Inland revenue documents	1910	HALS IR1/278a & 279 & 252.
9	Definitive Map records	1949 1953 1977	RoW

These documents are available for inspection. Please note that the locations are as follows:
HALS = Hertfordshire Archives and Local Studies Centre
RoW = Documents held within the Rights of Way Unit