

## REGISTER OF APPLICATIONS - PUBLIC PATH ORDERS

### DETAILS OF APPLICATION

FILE NAME: HERTINGFORDBURY FP10DIV  
DATE APPLICATION RECEIVED: 03/08/2020  
NAME OF APPLICANT: ROUTEWISE ON BEHALF OF MR & MRS GAREY  
INTENDED EFFECT OF APPLICATION: DIVERT FOOTPATH

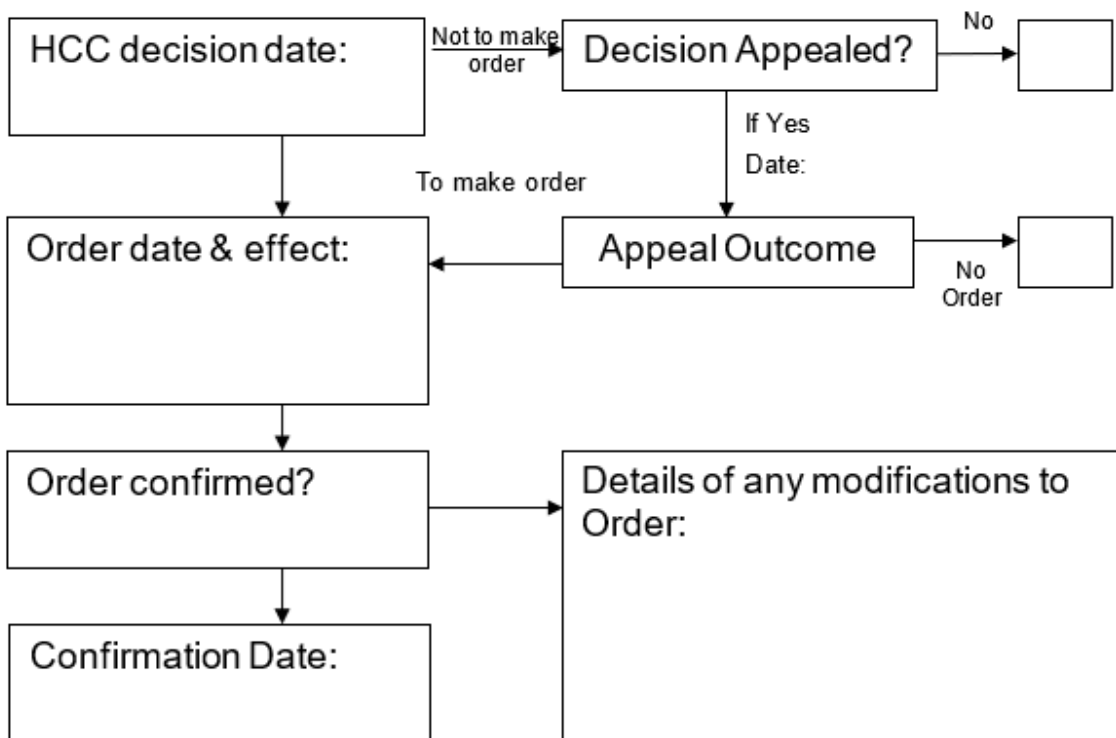
### LOCATION OF APPLICATION

DISTRICT: EAST HERTS PARISH: HERTINGFORDBURY  
NEAREST CITY: ST ALBANS  
TOWN: HERTFORD  
VILLAGE: HERTINGFORDBURY  
GRID REFERENCES OF START AND END POINT OR DEFINITIVE MAP PATH  
REFERENCE: HERTINGFORDBURY FP10

### ADDRESS OF PROPERTIES ON THE APPLICATION ROUTE

.....  
.....  
.....  
.....

### DETERMINATION (DECISION) OF APPLICATION



**Application for an Extinguishment or Diversion Order  
Under sections 118 or 119 of the Highways Act 1980**

Please confirm you have read the Advice to Applicants before filling in this application form.

Once you have filled in the application form please ensure that you send to us the following:

- the completed form
- a plan of your proposal based on an Ordnance Survey map of a scale not less than 1:2500
- proof of ownership of the land and
- a cheque for the application fee, payable to Hertfordshire County Council.

**1. Initial matters**

(Tick relevant boxes below)

- 1.1 I am applying to extinguish a path under section 118 of the Highways Act 1980
- 1.2 I am applying to divert a path under section 119 of the Highways Act 1980
- 1.3 My application relates to a  footpath  
 bridleway  
 restricted byway
- 1.4 Path number (if relevant) 10
- 1.5 Parish Hertingfordbury
- 1.6 Full name(s) of applicant JONATHAN HUGH GAREY  
AMANDA ILONA GAREY
- 1.7 Address BEECHLEIGH, BIRCH GREEN  
HERTFORD SG14 2LP
- 1.8 Phone number (daytime) 01992 - 552559
- 1.9 Mobile number 07867 - 492639
- 1.10 E-mail address Jhg @ gsgarey . co . UK

1.11 Would you like to use an external agent to assist processing your application? If "YES" please tick this box

(Note. Please ensure you provide your Agent with a copy of our 'Directions for Agents consulting on diversion applications etc.' pack which explains in detail what your agent is required to do.)

Name and contact details of external agent

Rosalinde Emrys-Roberts  
Routewise Consulting  
ros@routewise.org  
07850 506 924

(Note. You will be solely responsible for your agent's costs. Seeking an agent capable of dealing with the intricacies of rights of way law is recommended)

**2. Ownership of land affected by the application**

2.1 Are you the freehold owner and occupier of all of the land affected by the application?

Yes  No

If Yes, please supply evidence of your ownership of the land and then go to 2.4

2.2 If No: please

- list below the names and addresses of all the owners, occupiers or lessees of land affected including yourself;
- indicate accurately on the application plan the different ownerships and occupiers of the land affected;
- supply copies of proof of title to land affected (clearly labelled);
- **Diversion applications only;** enclose a letter from all of the owners, occupiers and lessees affected, with their comments on whether they agree to the proposal.

| Name | Address | Status<br>(landowner, occupier or lessee) |
|------|---------|---|
|------|---------|---|

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |
|  |  |  |

2.3 In the case of a diversion application, will any owners, occupiers or lessees of the land affected claim compensation under Section 28 of the Highways Act 1980?

Yes  No

- 2.4 Does any statutory undertaker (e.g. gas, water, electricity, telephone) have any rights on, over or under the land over which the right of way runs?

Yes  No

If yes, name the statutory undertaker and describe their rights.

BT apparatus - see below.

- 2.5 Is the apparatus of any statutory undertaker affected by the application?

Yes  No

If yes, state what apparatus may be affected.

Telegraph pole at Point X

### 3. Reasons for application

- 3.1 Please state your reasons for applying to extinguish or divert the public right(s) of way. (Note. You will need to refer to the legal tests. See Section 2 of the Application Pack, and the relevant highways legislation.)

Security is the reason for our application.  
We have had various individuals ignore the  
footpath and walk right up to our house,  
in addition people continue to use bicycles on  
the footpath. One particular incident occurred on  
16th May 2020 when a man walked right up to our  
kitchen door. This was reported to the police (Ref

4. Description of route(s) HC - 16052020/0840)

The plan accompanying this application must show the paths on an accurate up-to-date plan at a scale of not less than 1:2500.

- 4.1 Describe the path using grid references and any important landmarks. If the route is already recorded by the Definitive Map and Statement of Public Right of Way in Hertfordshire, please refer to its parish and path number.

Hertingfordbury 10

(path description continued)

please refer to accompanying plans.  
The path runs from cottages on Hatfield -  
Herford Road, N of Birch Green running  
generally NNW to A414  
distance approx 150 (metres) width None recorded. (metres)

existing stiles/gates/bridges (list and show position on plan)

None recorded in statement. Following  
consultation with HCC, kissing gate now at  
Point B. There is also a kissing gate at Point A

4.2 Proposed route (describe the path using grid references and any important landmarks) (leave blank if applying for an extinguishment)

please refer to accompanying plans.  
The new path will run N from the Cottages  
then W along Southern boundary of Beechleigh  
then N on E side of Western boundary  
to Point B.

distance approx 175 (metres) width 3 (metres)

(Note. County Council policy will not normally allow new gates or stiles to be erected on the new route (excluding gates for stock control) except in exceptional circumstances)

4.3 Is the existing (definitive) route unobstructed and fully available to the public?

Yes  No

4.4.1 If the answer is NO, state fully the reasons why the route is obstructed and describe and show clearly on the application plan the obstruction and the route used by the public.

NA

**5. Costs**

5.1 In signing this form  we agree to pay the cost of processing the application.

5.2  We enclose a cheque for the application fee.

Signed

Date 27/7/2020

on behalf of Beechleigh, SS14 2LP

**6. Agreement regarding works (applications to divert paths only)**

We understand that the applicant must pay the cost of all works which may be required by Hertfordshire County Council including signposting and waymarking to bring the new site of the path into fit condition for use by the public.

We understand that  we will be required to enter into an agreement to carry out works specified in a schedule to be drawn up by Hertfordshire County Council.

We understand that if the works are not completed within the time specified, or to the required standard, the county council will, after notice in writing, carry out or complete the works and that I/we will be liable for all costs so incurred.

**7. Compensation (all applications)**

We confirm that  we are the sole owner(s) and occupier(s) of the land affected by this application.

We agree to pay any compensation which may become payable in consequence of the order made as a result of this application becoming operative.

**8. Undertaking not to obstruct the public right of way (all applications)**

We declare that the existing public right of way is open and available for use by the public.

We undertake not to obstruct the existing public path(s) in any way until any orders made are confirmed AND  have come into operation.

Signed

Date 27/7/2020

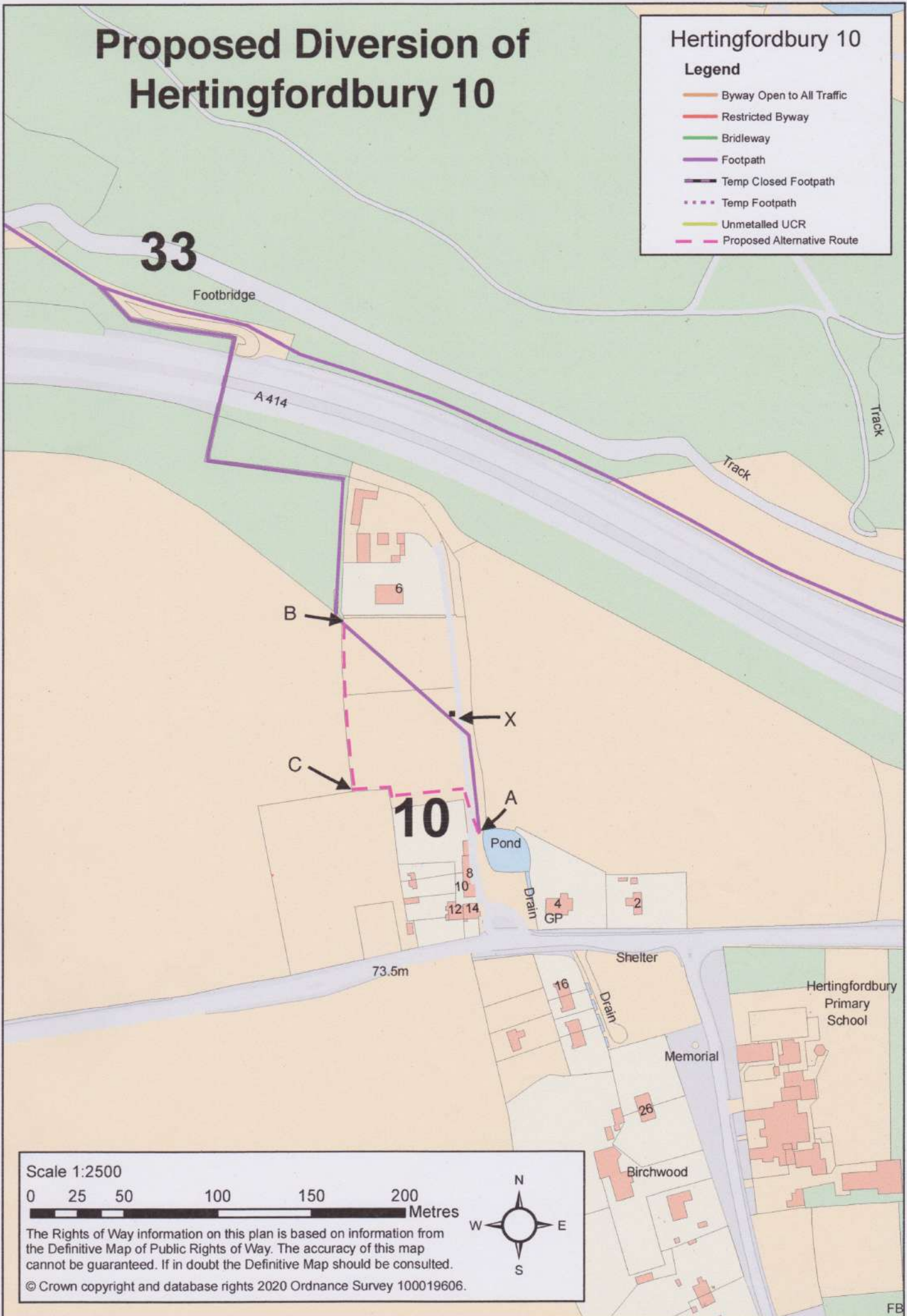
on behalf of Beechleigh SS14 2LP

# Proposed Diversion of Hertingfordbury 10

## Hertingfordbury 10

### Legend

-  Byway Open to All Traffic
-  Restricted Byway
-  Bridleway
-  Footpath
-  Temp Closed Footpath
-  Temp Footpath
-  Unmetalled UCR
-  Proposed Alternative Route



Scale 1:2500

0 25 50 100 150 200 Metres

The Rights of Way information on this plan is based on information from the Definitive Map of Public Rights of Way. The accuracy of this map cannot be guaranteed. If in doubt the Definitive Map should be consulted.

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