

HERTFORDSHIRE COUNTY COUNCIL



Rights of Way Service

Modification Order Application
Investigation Report

Wall Hall Drive

Author: Simon Bell

Application Details

An application has been made to upgrade Aldenham Footpath 84 and part of Aldenham Footpath 12 to bridleway. An extract of the 2010 Definitive Map is attached. It shows where the routes are and it is labelled Point A to Point D.

This application was made by Dr P D Wadey on 25th March 2012 and was submitted in the prescribed form. The application relies on user evidence submitted by the applicant.

Description of Route

The application route runs along the access drive/road to Wall Hall Mansion (which is referred to on old maps as Aldenham Abbey). Wall Hall now forms part of a private development in a rural setting to the north of the village of Aldenham which lies on the north side of the M1 near Watford. The application route is fundamentally level and just under 0.9km long.



The application route commences at a junction with Aldenham Bridleway 77 (Point A on the Investigation Plan (IP), photo 1) and is currently recorded on the Definitive Map of Rights of Way (DM) as Aldenham Footpath 84. This was added to the DM in 2009 as part of a package of rights of way dedications and appropriations in the vicinity. Heading generally N the application route also forms the vehicular access to the properties in the Wall Hall housing development.

After approximately 230m Aldenham Footpath 84 terminates at a junction with Aldenham Footpath 12, which joins from the E then turns and continues N along the driveway (photo 2). From this junction the application route runs northwards along the course of Aldenham 12.

After approximately 210m the application route passes from open fields into the Wall Hall housing development (photo 3, looking north) and a junction with Holbrook Gardens, continuing for approximately 180m to reach a roundabout where Pelham Lane joins from the E (photo 4).

The application route continues NW along the drive for approximately 160m at which point there is a junction with Broadfield Way (photos 5 & 6).

The application route then heads NW for a further 100m to a junction with Aldenham Bridleway 87 (photo 7).

The application route comprises a tarmac surfaced roadway with adjacent tarmac footway (which switches which side of the roadway it lies on at various points along the application route). Width of the roadway varies between 6m and 4.6m over the course of the application route. The footway varies in width between 1.5m and 0.8m. The application documentation does not contain evidence regarding the width of the route applied for. Aldenham Footpath 84 is currently recorded on the Definitive Statement as having a width of 3m. Aldenham Footpath 12 does not have a width recorded on the Definitive Statement of Rights of Way.



As noted above, the application route is currently recorded on the Definitive Map of Rights of Way as Aldenham Footpath 84 and part of Aldenham Footpath 12.

Documentary Evidence

For each investigation, we check at least 10 primary sources of information for any historic evidence relating to the application route. You can view the documents listed below at Hertfordshire Archives and Local Studies (HALS) or at the Rights of Way Service (ROW). The documents are listed below with a reference number (if it has one) and where you can find it.

For further information contact:

Hertfordshire Archive and Local Studies (HALS) -
01438 737333 (or 01923 471333 from area codes 01923 and 020)

www.hertsdirect.org/services/leisculture/heritage1/hals/

Rights of Way Service (RoW) - 01992 555279 to make an appointment.

If you would like more information about documents and how they are important in investigating public rights of way, please go to the Planning Inspectorate's website and view their Guidance Booklet for Definitive Map Orders: Consistency Guidelines. See <http://www.planningportal.gov.uk/planning/countryside/rightsofway/rightsofway> which also gives details about related articles and case law.

Where the document shows information relevant to the area of the application route, it is listed with the following information:

- The Document's name, date and where it can be found (location and reference)
- Why we consider the document important when making our decision
- What is shown by the document in the area of the application route
- Investigating Officer's comments

Please note that where there is no evidence found relating to the application route, this has just been recorded as "no evidence found..." or where there are no records for the document listed, this has been recorded as "No records found."

The following historical documentary sources have been investigated but do not provide evidence with regard to the application route either because the route is not shown or contemporary records exist but none have been found which refer to the application route:

- **Dury and Andrews Map, 1766**
- **Railway and canal plans**
- **Highways Maintenance Records**

1. Aldenham Inclosure Records

Date: 1801 (Act), Act ref: DP/3/26/1
1803 (Award, Map) Award and Maps ref: QS/E/2, QS/E/3

1.1 Why we consider these documents important

Enclosure was the process of physically changing the landscape to benefit the development of modern farming practices as technology improved. It was popular from the late medieval period to the 19th century and carried out on a parish-by-parish basis. As it changed the layout and size of fields it also changed the routes of roads and rights of way.

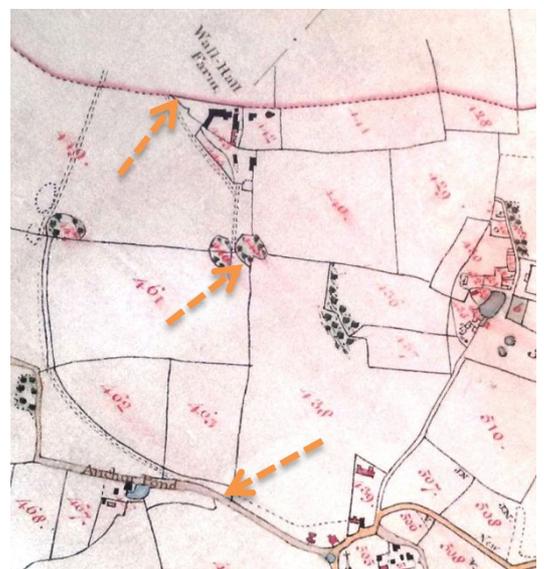
Inclosure was the legal process of carrying out the physical changes. It could be carried out by agreement, but where this was not possible an Act of Parliament was needed to grant the powers to make the desired changes. Through time such Acts became more popular than agreements. Prior to 1801 these powers were granted to each parish individually by private Acts of Parliament. In 1801 the first General Act was passed which could be used by any parish. Further General Acts were passed in 1836 and 1845. However, private Acts continued to be obtained if the required powers were not granted by the General Acts. They are important evidence to show us what powers the commissioners had and, if available, they should be read in conjunction with the Inclosure Award and Inclosure Map, which recorded the inclosure process.

The award is the written record of the changes that were made. It lists the lands that were given to each landowner, the roads and rights of way that were stopped up and those that were set out, or created. The map (which was not legally required until 1845) shows pictorially the changes made.

As inclosure was a detailed legal process with powers granted by Parliament, it can give us conclusive evidence of a right of way.

1.2 What is shown by these documents in the area of the application route?

Aldenham was inclosed under a private act of 1801. At the time the parish boundary with St Stephen ran immediately NW of Wall Hall Farm, bisecting what is now the site of the Wall Hall housing development. The map depicts the route from Aldenham to Otterspool and the route which now forms Aldenham BR77. The course of the application route closely follows the boundary between inclosures 438, 461 & 463 running N from the stopped up road (Point A on the IP) to two small woods (approximately half way between points B and C on the IP), however no route is depicted on the



map between these points. N from the woods a route is depicted by dashed lines to the SW of Wall Hall Farm to the parish boundary, on a course similar to that followed by Aldenham FP12 prior to its diversion to its current course in 1964 (see section 6 Highway Diversion/Extinguishment records below). There is no reference to public routes in the vicinity of Wall Hall Farm in the award.

There are no inclosure records for St Stephen parish so the course of the route from the farm in St Stephen at that time is unknown.

1.3 Investigating Officer's comments

For much of the course of the application route the inclosure documentation provides no evidence. In the vicinity of Wall Hall Farm there is evidence of a route following the current? course of Aldenham FP12 but no evidence regarding the status of it.

2. Bryant's Map

Date: 1822

Ref: HALS - CM88

2.1 Why we consider this document important

Andrew Bryant's 1822 map of Hertfordshire was again drawn from an original survey. Its depiction is much more accurate (like an Ordnance Survey map) rather than being schematic. This may be due to survey equipment (theodolites) becoming commercially available in the 1790s. The "explanation" (or legend) lists "Turnpike and Mail Roads", "Good Cross or Driving Roads" and "Lanes & Bridleways". It is unlikely that it shows routes which, at the time, were thought to be footpaths. Like Dury and Andrews' map, Bryant's map was sold to members of the public and cost 3-4 guineas. The commercial nature of the map means that routes shown are likely to be public unless there is strong contemporary evidence which shows that routes are private. As public roads prior to 1835 were maintainable by the parish, it is likely that routes shown are now publicly maintainable.

2.2 What is shown by this document in the area of the application route?

Bryant shows the application route in the manner of 'Lanes & Bridle Ways', running from W of Aldenham past buildings at the location of Wall Hall Farm to Aldenham Abbey. The area around the farm and Aldenham Abbey is depicted in the manner of 'Gentlemans Parks' (as shown in the map 'Explanation').

2.3 Investigating Officer's comments

Although the application route clearly existed at the time of Bryant it is an access route from Aldenham to a 'Gentlemans Park' (Aldenham Abbey) and as such no clear inference can be made regarding public rights along the route.

3. Aldenham, St Stephen Tithe Maps and Tithe Apportionments

Date: St Stephen 1838, Aldenham 1841

Ref: HALS DSA4/3/2, DSA4/89/2

3.1 Why we consider these documents important

A 'tithe' was literally a 'tenth' of the produce of the land and was paid in kind to finance the Church (crops were stored in 'tithe barns'). The tithe surveys were carried out under the Tithe Commutation Act of 1836 to reform this system to an easier money payment. Maps were drawn up to show the titheable land in order to assess the amount of money to be paid.

In 1837 the Act was amended to allow maps produced to be either 1st class or 2nd class. They did not have to be made from an original survey. 1st class maps are legal evidence of

all matters which they portray, and were signed and sealed by the commissioners. They had to be at a scale of at least 3 chains to the inch. 2nd class maps were evidence only of those facts of direct relevance to tithe commutation, and are often at 6 chains to the inch. Both 1st and 2nd class maps have been accepted by the courts as evidence. Unfortunately the proposed convention of signs and symbols to be used, which included Bridle Roads and Footpaths, was not strictly adhered to.

The tithe process received a high level of publicity. This ensured the documents were an accurate record of the agricultural landscape at this period of history. Therefore, although the process was not directly concerned with rights of way, inferences can be drawn from tithe documents regarding the existence of public rights. Non-titheable land deemed to be unproductive could be excluded from the process. No tithe was therefore payable on roads and so it was in the interest of the landowners for these to be shown correctly. Taken together with corroborative evidence, highways that are coloured yellow or sienna can indicate public status. Footpaths and bridleways are not often shown on tithe maps as they did not generally affect the productivity of land and so the calculation of tithe rent.

3.2 What is shown by these documents in the area of the application route?

The Aldenham Tithe map (extract shown) only depicts a short section of the application route in the immediate vicinity of Wall Hall Farm, coloured sepia. The number 41 is partially on the route, this is listed as Farm Buildings in the award and clearly relates to the adjacent Wall Hall Farm. At that time the Aldenham/St Stephen parish boundary was immediately to the N of the farm, so the depiction of the application route peters out soon after crossing the parish boundary, this area being marked 'Extra Parochial' on the map. To the S of the farm the application route is depicted as being crossed by a solid line (possibly signifying a gate or barrier), although the sepia colouring continues S for a short distance into apportionment 38, listed in the award as 'Plantation'. There is no depiction of a route through apportionment 38 S of this point or through to the junction with what is now Aldenham Bridleway 77 (point A on the IP), which is depicted on the Tithe Map coloured sepia, numbered 36, and listed as 'Road' in the award.



The St Stephen Tithe Map depicts Aldenham Abbey but the application route is not shown. The course of the application route crosses apportionment 762 (described in the Award as Little Leys and Grass), The course of the application route follows the boundary of the Abbey grounds SE from here but there is no depiction of any route on the map.

3.3 Investigating Officer's comments

The depiction of part of the application route suggests that at the time of the Tithe map a section of it may have been a public highway of bridleway status or higher. However, the weight of this evidence is lessened as only a very small section is depicted and the remainder is not.

4. Inland Revenue Documents

Date: 1910 Ref: HALS IR1/453, IR1/468, IR2/3/1, IR2/66/1

4.1 Why we consider these documents important

The Finance (1909-1910) Act 1910 was passed in order that a tax could be levied on any increase in the value of land when it changed hands. In order to ascertain the value of all land as at 30th April 1909, a survey was carried out assessing each piece of land. The OS 2nd Edition Plans (usually from 1898) were used as the base maps and annotated. Details were recorded in field books and valuation books. These books included a column which allowed a deduction in tax if a public right of way crossed the land. Every property was given a plot or 'hereditament' number which was then referred to in the valuation books and maps. Hereditaments were coloured on the maps to identify land holdings. Not all land was coloured.

Once a provisional valuation of a property had been reached, landowners were given the opportunity to appeal. The whole process was carried out under statutory authority by the Valuation Department of the Inland Revenue and there were criminal sanctions associated with the falsification of evidence. It would have been negligent to omit such land from the survey, including private roads, which might have had value. However, it was not a criminal offence not to deduct tax if a right of way did cross your property. Consequently, the resultant records carry a high level of evidential weight as to the routes which they show to exist, but are unlikely to be good evidence that rights of way do not exist.

Where a route is shown uncoloured on the plans and excluded from the taxable land this provides very strong evidence of it being public highway. Usually this will be of vehicular status unless there is other contemporary evidence to indicate otherwise. Where footpaths and bridleways cross privately owned land these may be recorded as a reduction to the tax. However, where routes cross large hereditaments it can be difficult to establish which route is considered to be the right of way without additional information.

4.2 What is shown by these documents in the area of the application route?

The application route is depicted on the underlying OS mapping forming part of the access route from Aldenham to Aldenham Abbey (now Wall Hall Mansion), running through hereditaments 507 and 480. The application route is split across two map sheets. Through hereditament 507 the route is shown coloured. Hereditament 480 is outlined in blue but uncoloured.

The valuation book for hereditament 507 records this covering an area of over 314 acres with a deduction of £150 for "Public Rights of Way or User". The valuation book for hereditament 480 records this covering an area of 371 acres with a deduction of £450 for "Public Rights of Way or User". Because both hereditaments are crossed by other routes which may have contributed to the deduction it is not possible to attribute the deductions specifically to the application route.

4.3 Investigating Officer's comments

Although the Inland Revenue records provide evidence of the existence of the application route and that it is possible that the routes might be public, they provide no evidence that public rights do exist over it.

5. Definitive Map Records

The National Parks and Access to the Countryside Act 1949 required the County Council to prepare a Definitive Map and Statement to show and describe the public rights of way in the county. The Map is conclusive evidence of what it shows, but is without prejudice to what is not shown.

The process resulting in today's Definitive Map and Statement consists of several stages which are dealt with below:

- a) the Parish Survey
- b) the Draft Map, Provisional Map and first Map and Statement (1953)
- c) the Special Review (following the Countryside Act 1968)

5a Definitive Map Records – Aldenham Parish Survey

Date: 1951 - 1953

Ref: RoW

5a.1 Why we consider these documents important

Under the National Parks and Access to the Countryside Act 1949 the county was required to show all public paths which were defined as "footpaths", "bridleways" and "roads used as public paths". This last term was never properly defined and has resulted in much confusion ever since. There was no requirement to record public vehicular highways.

In Hertfordshire each parish carried out a survey of the paths which were believed to be public. Sometimes additional surveys were carried out by the Ramblers' Association or the Youth Hostel Association; or comments were made by them on the parish's survey. The surveys once completed were sent to the County Council for collating and publishing as the Draft Map.

5a.2 What is shown by these documents in the area of the application route?

The survey of Aldenham Parish was carried out in 1951 by The Ramblers Association Southern Area. Much of the application route (between points B & D on the accompanying plan) is shown forming part of what became Aldenham FP12 (which runs from the River Colne to Aldenham village via Wall Hall). The southern section of the application route running northwards along Wall Hall Drive from Aldenham BR77 and its junction with Aldenham FP12 (between points A & B on the accompanying plan) was not recorded in the Parish Survey.

5a.3 Investigating officer's comments

The Parish Survey Records provide evidence of the physical existence of part of the application route as footpath but provide no evidence supporting bridleway status.

5b Definitive Map Records – Draft, Provisional and First Definitive Map

Date: 1953

Ref: RoW

5b.1 Why we consider these documents important

The parish surveys were collated into the Draft Map and Statement. Notices were published advertising that the Draft Map and Statement had been produced so that the public (including landowners) could object to what was included or to what was omitted. Hearings were held to consider these objections and recommendations were made based on the evidence presented.

The Draft Map and Statement was amended following the hearings to produce the Provisional Map and Statement. As before, notice of the production of the Provisional Map and Statement was advertised but this time only landowners, lessees and tenants could apply to the crown court to amend the map – the public could not. The map and statement were then amended to reflect the court's finding.

Please note that these records vary across the county as a full sequence of Draft Map and then Provisional Map has not always been kept.

After the amendments to the Provisional Map and Statement were made, the First Definitive Map and Statement for Hertfordshire was produced. The Map and Statement together provide conclusive evidence of the existence of those public rights of way shown at the 'relevant date' of 1953; i.e. the information shown was correct at that date.

5b.2 What is shown by these documents in the area of the application route?

The Draft Map showed Aldenham FP12 as per the Parish Survey, but an objection was received and following consideration the route was amended and a section of this footpath was recorded running on a course further to the W, in the vicinity of what is now Holbrook Gardens (this course is marked *FP* on pre-WW2 OS maps).

5b.3 Investigating officer's comments

The Definitive Map Records provide evidence of the physical existence of that part of the application route which formed part of Aldenham FP12 but provide no evidence regarding bridleway status.

5c Definitive Map Records - Special Review

Date: 1977

Ref: RoW

5c.1 Why we consider these documents important

The Countryside Act 1968 created the new designation right of way to be recorded - a "byway open to all traffic". This was the first time that vehicular rights were recorded on the Definitive Map. It also required county councils to carry out a Special Review to reclassify all "roads used as public paths" as either "footpaths", "bridleways" or "byways open to all traffic". In Hertfordshire the Special Review was started in 1977. This was later extended to include all the amendments to the network made by diversions since the first Definitive Map. It also showed if applications had been made to add or amend details of routes. Copies of the Special Review Draft Map showing all these changes were published, inviting objections from the public. Due to the number of objections received and not resolved, the Secretary of State ordered the abandonment of the Special Review in Hertfordshire in 1984. The Definitive Map and Statement was amended to show all changes which did not have outstanding objections, and these were shown on the Definitive Map and Statement produced in 1986.

5c.2 What is shown by these documents in the area of the application route?

The Special Review maps show the application route on the underlying mapping and forming part of Aldenham FP12, but the application route is not specifically referred to as part of the Special Review.

5c.3 Investigating officer's comments

The Special Review provides no evidence regarding bridleway status for the application route.

6. Highway Diversion/Extinguishment Records

Date: 1964

Ref: R.o.W. DM3/153/DIV

6.1 Why we consider these documents important

Most orders diverting or extinguishing rights of way were made under the Highways Acts. The orders could be made by certain courts, which up until the mid-part of the 20th century

were the Quarter Sessions courts and were held 4 times a year. The Quarter Sessions courts were superseded by the magistrates' court in 1972. Certain orders can now also be made by other authorities, such as a governmental department or local highway authority. Orders relating to highways can also be made under other Acts of Parliament, such as the New Towns Acts, the Housing Acts, the Town and Country Planning Acts or the Defence Acts. Side roads orders are made under the Highways Acts to deal with changes to the local highway network following the construction/improvement of a road. These can be made by the government minister in respect of trunk roads, or by the highway authority in respect of all other highways.

In all cases, these legal orders affect the public highway rights by creating, diverting and extinguishing them. As these are legal documents they provide conclusive evidence of those matters actually decided, but are not conclusive in relation to other matters.

6.2 What is shown by these documents in the area of the application route?

Part of the course of Aldenham Footpath 12 was altered by the Watford Rural District Council (Wall Hall, Aldenham) Public Path Diversion Order, 1963. This Order diverted the section of footpath running adjacent to the cricket field onto the course originally shown on the Parish Survey and Draft Map (see section 5 above). This was done to facilitate the layout of a residential hostel for students at the Wall Hall Training College (although this appears to have never been built). The description of the new section of route states that the width is 4ft and it runs "...in a northerly direction...along the western boundary of the existing private road..." The Order makes no reference to structures.

6.3 Investigating Officer's comment

The Highway Diversion/Extinguishment records provide no evidence regarding bridleway status relating to the application route.

7. Ordnance Survey maps

Date: Various

Ref: British Library online records, HALS

7.1 Why we consider these documents important

The original surveys were carried out by Royal Engineers at the time of the Napoleonic wars in order to better plan the transportation of ordnance around the country. It was only in the early 20th century that the OS evolved to become a public service that sold its mapping information to the public. Since the 1960s this mapping information has included public rights of way, which are derived from each county's Definitive Map.

The Ordnance Survey has produced a series of topographic maps at different scales notably the one inch, six inch and 1:2500. The detailed, large scale 1:2500 maps from the 1870s onwards provide the best evidence of the position and width of routes and the existence of any structures on them. These maps provide good evidence of the physical existence of routes at the time the map was surveyed. When compared with earlier, less accurate maps they can help corroborate the existence of routes. Ordnance Survey maps show features that physically exist and may label routes as footpaths and bridleways etc. However, the disclaimer which has been added to all editions since the 2nd edition maps (circa 1897/8 in Hertfordshire), along with official guidance to the surveyors of the maps at the time, states that the representation of any track or way is no evidence of a public right of way.

7.2 What is shown by these documents in the area of the application route?

The application route is depicted as a feature leading from the route between Aldenham and Otterspool (point A on the accompanying plan), heading N to Wall Hall (point D on the accompanying plan), on OS maps going back to the very first sketch maps dating from 1800.

7.3 Investigating officer's comments

These maps confirm physical existence of the application route going back to at least 1800 but provide no evidence as to public rights.

8. Contemporary Evidence of Use

8.1 Why we consider the evidence important

Evidence is generally provided through the completion of evidence questionnaires by users and from information provided by the owner of the land. User evidence may support historic evidence of a right of way. However, where there is no historic evidence of a route it is possible for a public right of way to come into existence if it can be shown that members of the public have used it 'as of right' without interruption (usually) for a period of 20 years. In order for the public's use of a route to have been 'as of right' it must have been:

- **without force** (e.g. not breaking down a fence to access the route)
- **without secrecy** (e.g. not just using the route when landowners were away)
- **without permission** (i.e. not having the permission of the landowner).

Unless there is historic evidence of rights as well, legislation requires there to be evidence of 20 years' use which ends with a 'date of challenge' (section 31 of the Highways Act 1980). The 'date of challenge' is the date at which the landowner challenges the use of the route e.g. by putting up a notice. Where there is no evidence that use has been challenged, section 31(7B) of the Highways Act 1980 specifies that the date of application should be used as the end of the 20 year period.

Under common law a right of way can also come into existence in less than 20 years if it can be shown that there was dedication of the route by the landowner and acceptance of the route by the public.

Under Section 31, after a period of 20 years use, it is presumed that a right of way has come into existence. Where a landowner can produce evidence to show that they have taken steps to prevent the accrual of new public rights of way through use of a route by the public, no such right will be dedicated. Such steps must be overt and make the public aware of the landowner's intentions. They can include placing and maintaining notices on site stating that the route is not public or that it is used with permission; by erecting and locking gates; or by telling people seen using the route that it is not public, etc.

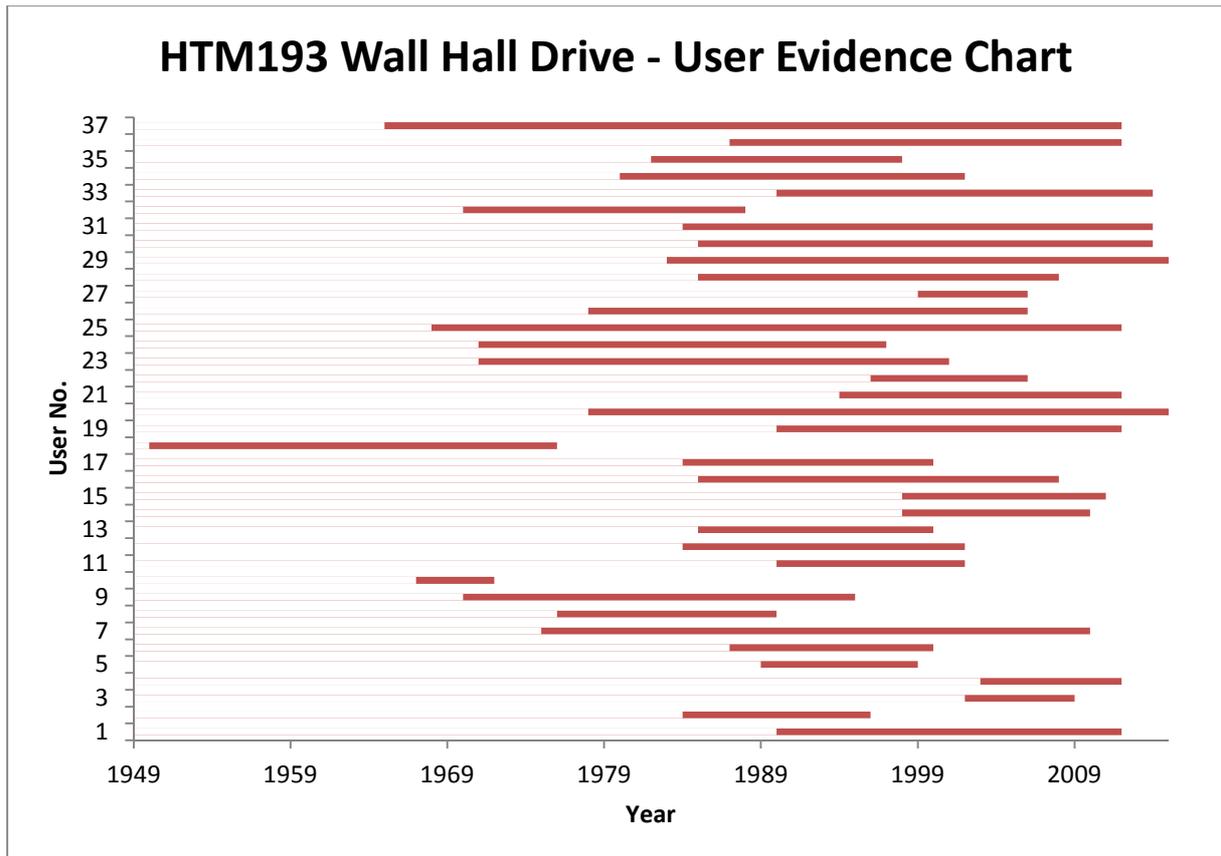
In addition to placing notices on site, section 31(6) of the Highways Act 1980 (following on from the Rights of Way Act 1932) allows landowners to deposit a map and statement with the County Council showing the public rights of way across their land. Following this, declarations need to be made regularly to the effect that no additional ways have since been dedicated. It should be noted that making such deposits and declarations will not affect pre-existing rights.

Below is a summary of the evidence we have received, including a table outlining the information provided in the user evidence forms.

8.2 Summary of Evidence

| User | Type of Use | Frequency of Use | Period of Use | Summary of User Comments |
|------|-------------------|-------------------|---------------|---|
| 1 | Horse | Weekly/3x weekly | 1990-2012 | Notices not specified. Challenged "on numerous occasions, about 10 times in last year by residents". |
| 2 | Foot, horse | Weekly/bi-monthly | 1984-1996 | 84-91 weekly, 91-96 bi-monthly. Prior to gate at point C* (<i>*n.b. this is point D on HCC plan</i>) it was possible to carry on to Aldenham BR22 |
| 3 | Bicycle | 3x yearly | 2002-2009 | |
| 4 | Horse | 2x monthly | 2003-2012 | Permission asked during building of estate, for safety purposes. |
| 5 | Horse | Monthly | 1989-1999 | |
| 6 | Horse | 2-3x weekly | 1987-2000 | |
| 7 | Horse | Bi-monthly | 1975-2010 | |
| 8 | Foot, horse | Monthly | 1976-1990 | Moved away 1990 hence ceasing of regular use - occasional use on foot since. |
| 9 | Foot, horse | Weekly | 1970-1995 | Mentions gate at C* (not on app route, now removed anyway). |
| 10 | Foot, horse | Weekly | 1967-1972 | |
| 11 | Horse | Weekly | 1990-2002 | |
| 12 | Horse | Monthly | 1984-2002 | |
| 13 | Horse | Monthly | 1985-2000 | Gate at golf course end (C?*) sometimes shut, but passable. |
| 14 | Foot, horse | Weekly | 1998-2010 | |
| 15 | Horse | Weekly | 1998-2011 | |
| 16 | Horse | 2-3x year | 1985-2008 | |
| 17 | Horse | Monthly | 1984-2000 | Gate occasionally shut but space at side. |
| 18 | Horse | Monthly | 1950-1976 | Rode path regularly as a child, gap in use whilst at college & in Devon, more occasional use after that. |
| 19 | Horse | Monthly + | 1990-2012 | Asked not to use it whilst building work in progress for H&S reasons. |
| 20 | Horse | Monthly | 1978-2015 | Use daily 1978-80 |
| 21 | Horse | 2x weekly | 1994-2012 | Gates at entrances have space to pass. |
| 22 | Horse | Weekly | 1996-2006 | |
| 23 | Horse | Weekly | 1971-2001 | |
| 24 | Horse | 2-3x weekly | 1971-1997 | |
| 25 | Horse | Weekly | 1968-2012 | (Gate) at point C*, space at side |
| 26 | Horse | Monthly | 1978-2006 | |
| 27 | Horse | 2-3x monthly | 1999-2006 | |
| 28 | Horse | Monthly | 1985-2008 | During 1985-95 gate at C* prevented unhindered use, causing 50 yd diversion. |
| 29 | Horse | Weekly | 1983-2015 | "only a gate to stop cars going down" (location not stated) |
| 30 | Horse/Foot | Weekly/Monthly | 1985-2014 | Gate at end of Wall Hall area (C?*), room to pass on horse or foot. |
| 31 | Foot, horse, bike | Weekly | 1984-2014 | Gate only prevented vehicular access |
| 32 | Horse | Bi-monthly | 1970-1988 | |

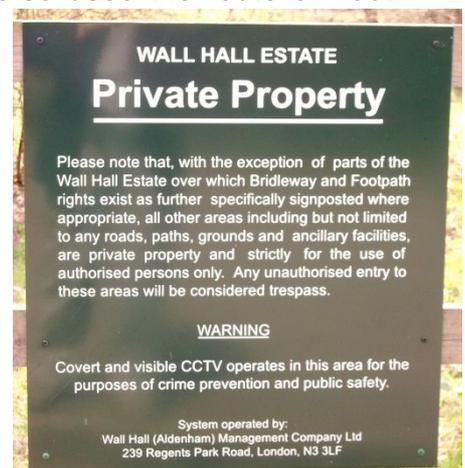
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|----|-------------|----------------|-----------|--|
| 33 | Foot, horse | Monthly | 1990-2014 | |
| 34 | Horse | Weekly | 1980-2002 | |
| 35 | Horse | Monthly | 1982-1998 | |
| 36 | Foot, bike | Monthly | 1987-2014 | No gate except during building works. |
| 37 | Foot, horse | Weekly | 1965-2012 | |
| 38 | Horse | Monthly+/Daily | 1976-2000 | More frequently during school holidays. States width is per tarmac road. |



8.3 Investigating officer's comments

Of the 38 users who have provided evidence forms, 35 claim use of the application route on horseback (of these, 8 also used the route on foot and 1 on foot and bicycle). 2 users claimed use of the application route on bicycle, 1 of these also used the route on foot. 12 claim 20+ years continuous use up to the date of application (2012).

One user reported being challenged on "...numerous occasions..." in the last year (2011/12) by residents, but the only other mention of verbal challenge was by one user during building works (no date was given for this but the works took place during 2004/5). 11 users reported a gate, 1 during building works and 10 at the location that Aldenham 12 continues N as a bridleway beyond the junction with Aldenham Bridleway 22 (point D on the application plan). Several users commented that it was possible to bypass the gate to the side.



Signage relating to access is only mentioned by 1 user, and the nature of it is not specified. There is currently signage in place on the application route, but the date these were posted is not known at the time of writing. This refers to the public rights that currently exist and states that unauthorised entry to other areas will be considered as trespass. Google Streetview images dated September 2009 show a post by the roundabout junction with Pelham Lane (adjacent to point C on the attached plan) holding highway authority style pictogram signage warning of horseriders and cyclists (as well as speed ramps and two way traffic). These signs have since been removed.

There are no section 31(6) deposits covering the land crossed by the application route. In 1936 the then landowners made a deposit under the Rights of Way Act 1932. This showed routes coloured in violet which were admitted to have been dedicated as highways, although this was stated to be not an admission as to the extent and nature of user of such highways. Amongst the routes coloured violet was that part of the application route forming part of Aldenham Footpath 12. The section of the application route currently recorded on the Definitive Map as Aldenham Footpath 84 was not admitted to be dedicated as highway. Deposits under the 1932 Act were renewable by statutory declaration every 6 years, no subsequent declarations are on file for the 1936 deposit covering the application route.

The application route remains open and available for use to this day.

Please note any evidence submitted following the consultation will be appended to this report and included for consideration at the decision meeting.

