

REGISTER OF APPLICATIONS - MODIFICATION ORDERS
PUBLIC PATH

DETAILS OF APPLICATION

File Name:	Bushey 3 diversion
Date application received:	11 July 2016
Name of Applicant:	David Woolman & Matthew Sugars
Intended effect of application:	To divert footpath

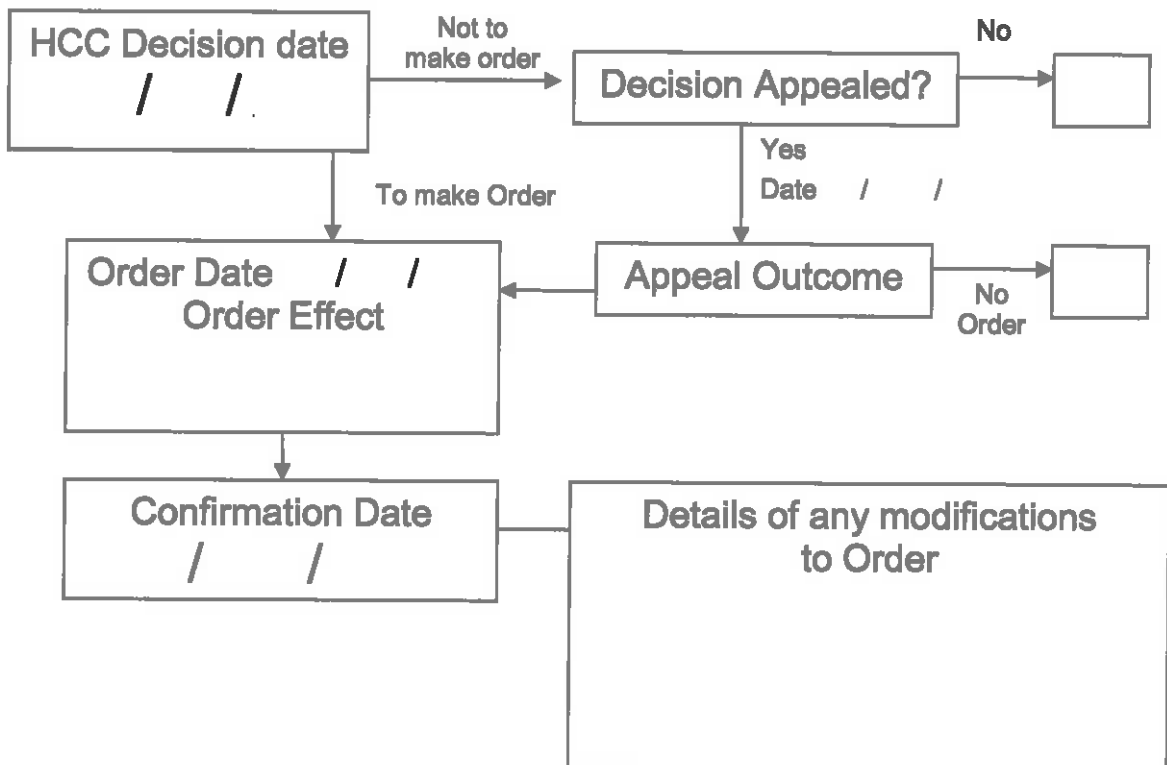
LOCATION OF APPLICATION

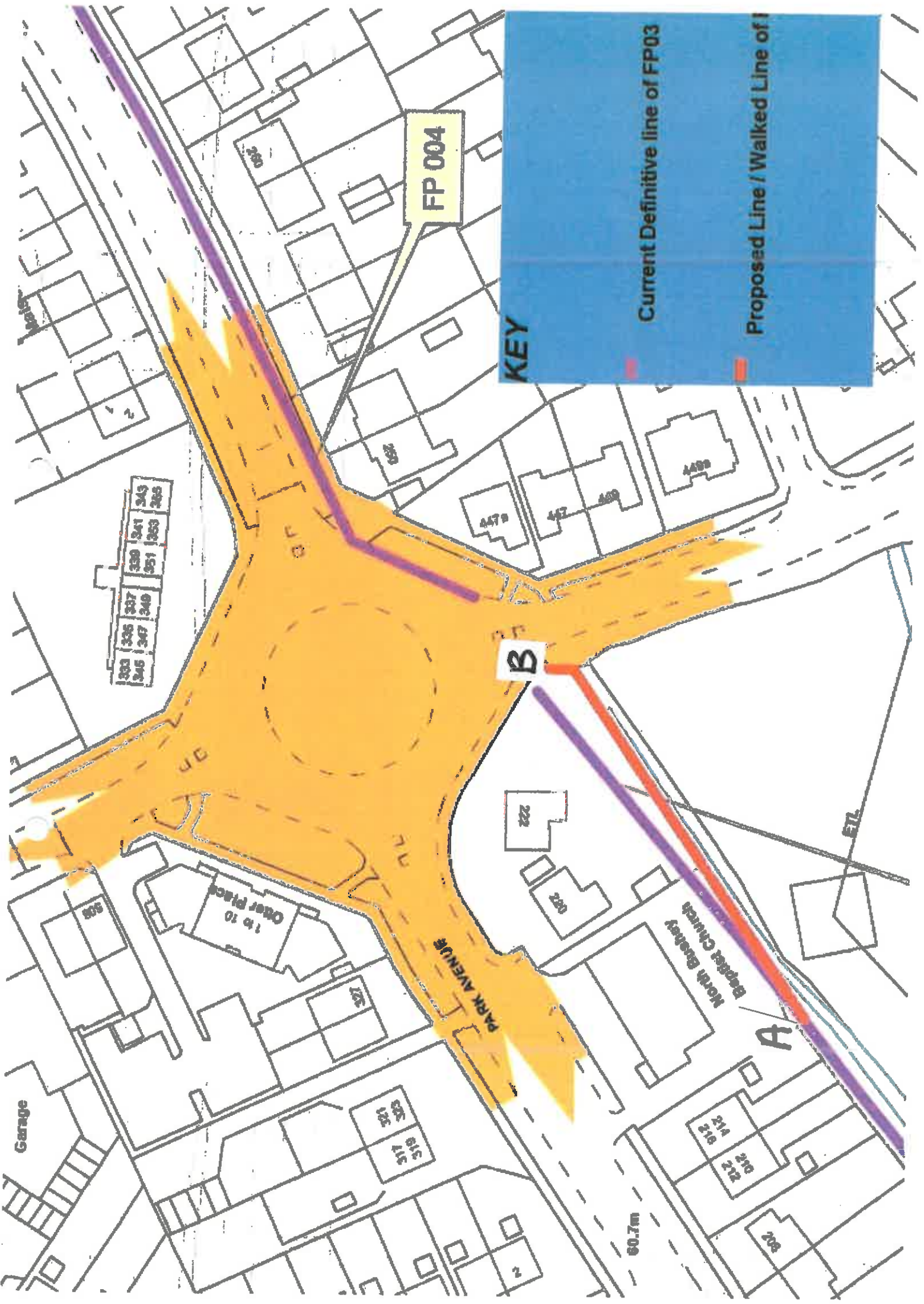
District:	Hertsmere	Parish:	Bushey
Nearest	City:	St Albans	
	Town:	Watford	
	Village:	Bushey	
	Grid References or		Definitive Map path reference
Start Point (A)	TQ 1269 9735		
End Point (B)	TQ 1275 9740		

ADDRESS OF PROPERTIES ON THE APPLICATION ROUTE

218-220 Park Avenue	WD23 2BD		
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DETERMINATION (DECISION) OF APPLICATION





FP 004

KEY

Current Definitive line of FP03

Proposed Line / Walked Line of FP03

B

A

PARK AVENUE

North Gateley Baptist Church

303	336	337	338	341	343
345	347	349	351	353	355

Over place 1 to 10

Garage

60.7m

ETL

**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 <u>extinguish</u> a path under section 118 of the Highways Act 1980 | <input type="checkbox"/> |
| 1.2 | I am applying to <u>divert</u> a path under section 119 of the Highways Act 1980 | <input checked="" type="checkbox"/> |
| 1.3 | My application relates to a
footpath
bridleway
restricted byway | <input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/> |
| 1.4 | Path number (if relevant) <u>Bushey Footpath 3</u> | |
| 1.5 | Parish _____ | |
| 1.6 | Full name(s) of applicant <u>David Woolman & Matthew Sugars</u> | |
| 1.7 | Address <u>Blenheim Woolbro Ltd</u>
<u>128 Goddard Place</u>
<u>London N19 5GT</u> | |
| 1.8 | Phone number (daytime) <u>07834 - 206491</u> | |
| 1.9 | Mobile number <u>same</u> | |
| 1.10 | E-mail address <u>david.woolman@woolbroholdings.com</u> | |

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 David M Smith
Public Highway Ltd
86 - 90 Paul Street London EC2A 4NE
07534 - 617373 DAVID@PUBLICHIGHWAY.CO.UK

(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 of consent to the diversion, from all of the owners, occupiers and lessees affected.

Name	Address	Status (landowner, occupier or lessee)
Mr & Mrs D Sosner	220 Park Ave Bushey	Landowner/Freeholder
Mr S Keating	222 Park Ave Bushey	Landowner/Freeholder
Baptist Union Corporation Ltd	218 Park Ave Bushey	Leaseholder

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.

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

Yes

No

If yes, state what apparatus may be affected.

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.)

The definitive line of the footpath currently traverses the rear of 218, 220 & 222 Park Avenue, Bushey.

numbers 220 & 222 are to be redeveloped and the new owners would like to formalise the current arrangement of the walked footpath that has been in place since at least 1980. We believe the proposed diversion meets the legal tests of being in the interests of the owner, lessee or occupier of the land, as well as being both in the interests of and more convenient to the public

4. **Description of route(s)**

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.

BUSHEY FOOTPATH 3 - as recorded on the definitive map

distance _____ (metres) width _____ (metres)

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

N/A

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

Grid references for the length of affected path are from E: 512697 N: 197354 to E: 512757 N: 197396. This being the entire section from the rear of the North Bushey Free Church (Baptist) and 220 & 222 Park Avenue to the junction of Bushey Mill Lane

distance 71.00 (approx) (metres) width 3.00 (legal width)
2.00 (physical width) (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.

In 1980 when the current properties were built, the definitive map was supposed to be altered to match the "walked" line of the path. This was not done and currently the area of the rear gardens to 220 & 222 Park Avenue are enclosed by fencing, meaning the definitive line of the path is obstructed.

Please refer to the attached plans showing the definitive line & the currently unobstructed walked line

5. Costs

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

5.2 I/We enclose a cheque for the application fee.

Signed _____

Date 11.07.16

on behalf of Blenheim Woolbro Ltd

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

I/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.

I/We understand that I/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.

I/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)

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

I/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)

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

I/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 11.07.16

on behalf of Blenheim Woolbro Ltd