

REGISTER OF APPLICATIONS - PUBLIC PATH ORDERS

DETAILS OF APPLICATION

District East Herts File Name Hertingfordbury FP8
 Parish Hertingfordbury Application Date 10 / 08 / 11

Grid References

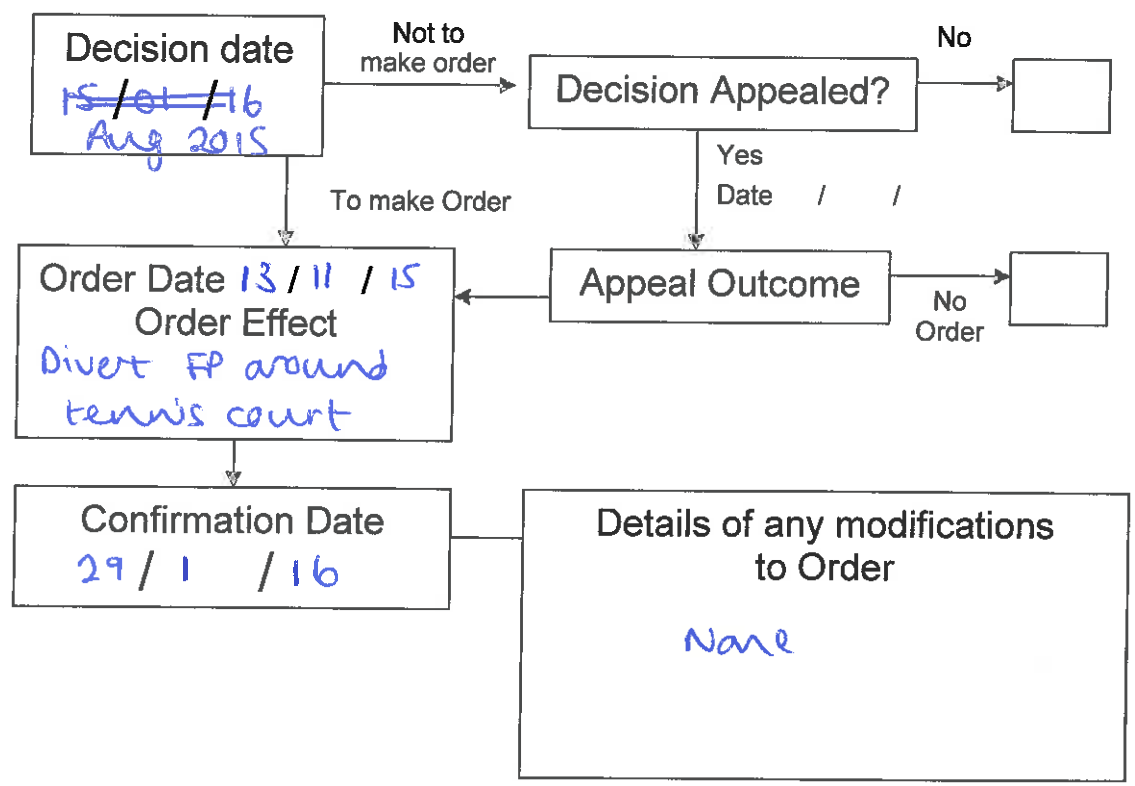
Application to Divert FP8 Point A TL 2840 1123
around tennis court Point B TL 2850 1129

Applicant Mr Gower + Ms Johannes

	City	Town	Village
Nearest	<u>St Albans</u>	<u>Hertford</u>	<u>Labby Green</u>

Addresses of properties affected	House Name/Street	Postcode
	<u>Parthing Hall</u>	
	<u>29 Station Rd</u>	<u>SG14 2NL</u>
	<u>Coe Green</u>	
	<u>Hertford</u>	

DETERMINATION (DECISION) OF APPLICATION



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

Please read the Advice to Applicants carefully before filling in the 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 £70, 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 | <input checked="" type="checkbox"/> |
| | Bridleway | <input type="checkbox"/> |
| | restricted byway | <input type="checkbox"/> |
| 1.4 | Path No: 8 | |
| 1.5 | Parish: Hertingfordbury | |
| 1.6 | Full name(s) of applicant: Christopher Peter John Gower and Roberta Gayle Johannes | |
| 1.7 | Address: Farthing Hall, 29 Station Road, Cole Green, Hertford, Hertfordshire, SG14 2NL | |
| | Correspondence Address: Mrs C M Ramsden, Birketts LLP, 24-26 Museum Street, Ipswich, IP1 1HZ | |
| 1.8 | Phone number (daytime): c/o Carol Ramsden - 01473 406338 | |
| 1.9 | Mobile number: c/o Carol Ramsden - 07854 834139 | |
| 1.10 | E-mail address: c/o Carol Ramsden – carol-ramsden@birketts.co.uk | |

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

✓

(Note: An Agents' Pack has been produced explaining in detail what your agent is required to do. When processing of your application can start, this pack will be sent to you unless you have provided us with details of your agent.)

Name and contact details of external agent

Mrs Carol Ramsden, Birketts LLP, 24-26 Museum, Ipswich, IP1 1HZ
Telephone: 01473 406338
Mobile: 07854 834139
E-mail: carol-ramsdend@birketts.co.uk

(Note: You will be solely responsible for their 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)
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Owner 1:

Christopher Peter John Gower & Roberta Gayle Johannes of Farthing Hall, 29 Station Road, Cole Green, Hertford, Hertfordshire, SG14 2NL.

Owner 2:

The Honourable James Donald Diarmid Ogilvy and The Honourable Charles Edward Vere Cecil of Hatfield House, Hatfield, Herts, AL9 5NF as Trustees of the Marquis of Salisbury's 1969 Settlement of which the registered address is Hatfield Park Estate Office, Hatfield, Hertfordshire, AL9 5NQ.

Occupier of Owner 2 Land: Gascoyne Holdings Limited, Hatfield Park Estate Office, Hatfield, Hertfordshire, AL9 5NQ.

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

None known

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, describe the rights.

Telegraph pole located near to point A on the attached Plan A.

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, or the relevant highways legislation.)*

See attached Statement of Grounds.

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 Existing route as recorded by both the Definitive Map and the Definitive Statement of Public Rights of Way in Hertfordshire. (Describe the path using grid references and any important landmarks)

A: OS grid reference – Easting: 528413.88m, Northing: 211231.52m

B: OS grid reference – Easting: 528467.31m, Northing: 211256.64m

C: OS grid reference – Easting: 528493.25m, Northing: 211284.95m

A-B: crosses private garden and tennis court within the curtilage of Farthing Hall.

B-C: crosses arable land

approx. distance 50 (A-B) metres	width n/a (metres)
40 (B-C) metres	width n/a (metres)

existing stiles/gates/bridges (list and shown position on plan): None

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

A: OS grid reference - Easting: 528413.88m, Northing: 211231.52m

D: OS grid reference - Easting: 528476.69m, Northing: 211243.00m

C: OS grid reference - Easting: 528493.25m, Northing: 211284.95m

A-D: within and adjacent to the southern boundary of Farthing Hall

D-C: across arable land, adjacent to the brook

Distance (metres)	Width (metres)
A-E: 25 metres	A-E: 2 metres
	E: 5 metre splay
E-D: 45 metres	E-D: 3 metres with pinchpoints to 2m
D-C: 50 metres	D-C: 2 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 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.

The route recorded on the Definitive Map is not available on the alignment A-B due to the construction of a tennis court by previous owners of the property. The precise location of the tennis court is shown on Plan B attached. In consequence walkers use the proposed alignment.

5. Costs

5.1 In signing this form we agree to pay the cost of processing the application as detailed in the Application Pack advice notes.

5.2 We enclose a cheque for £70

Signed CHI

Date 10/8/11

Signed ROBERTA GAYLE JOHANNES

Date 10/8/11

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 we will be liable for all costs so incurred.

7. Compensation (all applications)

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 undertake not to further obstruct the existing path(s) in any way until any orders n on.

Signed

Date 10/8/11

Signed

Date 10/8/11

ROBERTA GAYLE JOHANNES