

REGISTER OF APPLICATIONS - MODIFICATION ORDERS

DETAILS OF APPLICATION

District East Herts File Name Stanstead Abbots FP 10
 Parish Stanstead Abbots Application Date 4 / 12 / 05

Grid References

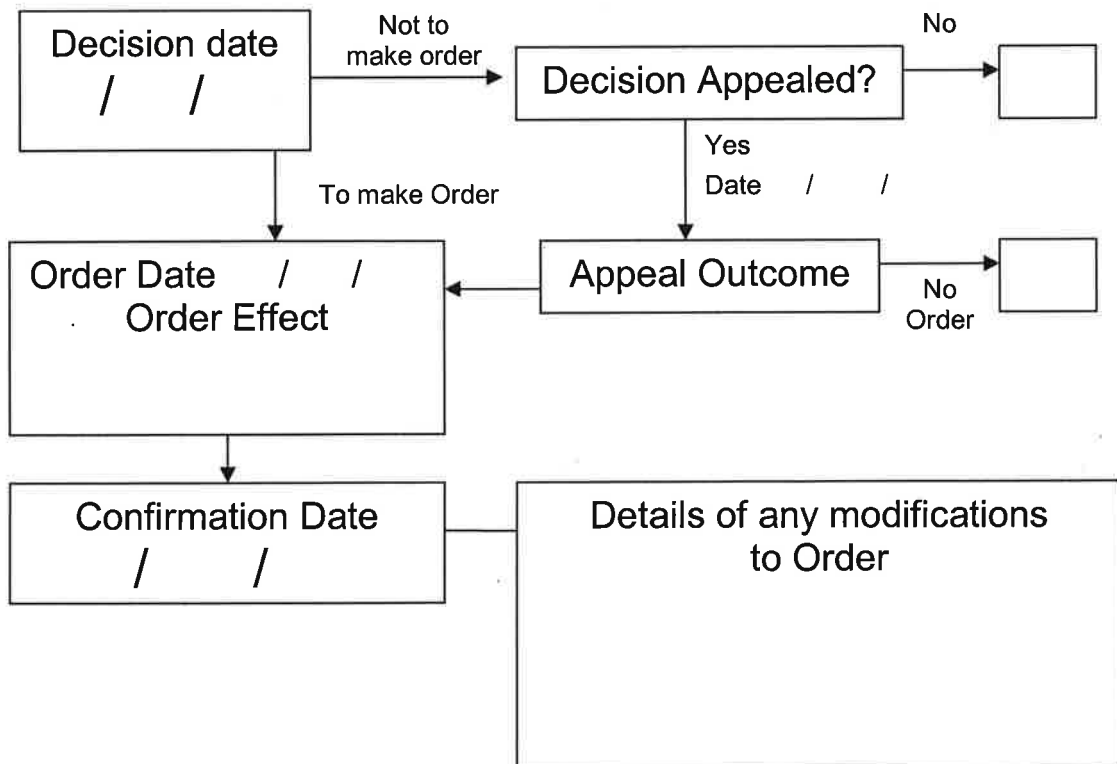
Application to realign FP10 Point A 5400 2105
 Point B 5401 2105

Applicant Mr Tower (landowner)

Nearest City Town Village

Addresses of properties affected House Name/Street Postcode
Stanstead Bury SG12 8JZ
Wave

DETERMINATION (DECISION) OF APPLICATION





RIGHTS OF WAY

MODIFICATION ORDER PACKAGE

containing

**ADVICE TO APPLICANTS
MAKING AN APPLICATION
DIAGRAM SHOWING PROCEDURE & TIMESCALE**

plus

- * *Application form*
- * *Notices to be served*
- * *Certificate that notices were served*
- * *Summary form*
- * *Sample Evidence Form*

June 2004

ADVICE TO APPLICANTS

The Definitive Map & Statement

The Definitive Map & Statement is a legal document which shows Public Rights of Way in Hertfordshire. It is conclusive evidence of the existence of a right of way which is shown (although other rights of way may exist which are not shown) and comprises;

- a 1:10 000 map showing the position of each path - the DEFINITIVE MAP
- a written description of the route of each path - the DEFINITIVE STATEMENT

The Definitive Map & Statement shows four categories of right of way;

- Footpath - for people on foot only
- Bridleway - for people on foot, riding or leading a horse or riding a bicycle
- BOAT (Byway Open to All Traffic) - open to vehicles but mainly used as a footpath or bridleway
- RUPP (Road Used as Public Path) - for people on foot, riding or leading a horse, riding a bicycle, or in horse-drawn vehicles.
Under the Countryside & Rights of Way Act 2000, all RUPPs will be reclassified as Restricted Byways (RB).

You can see the Definitive Map and Statement at County Hall. District Councils, Parish Councils and libraries have copies of the Definitive Map for the local areas.

Modification Order Applications

If you believe the Definitive Map & Statement to be incorrect you may apply for a Modification Order which, if made and confirmed, will change the Definitive Map & Statement.

There are several reasons why you might think that the Definitive Map & Statement is wrong. You may believe that;

- | | |
|---|--|
| • a route should be shown and isn't | i.e. should be added |
| • a route is shown as having the wrong status | i.e. should be upgraded or downgraded to its true status |
| • a route is shown on the wrong line | i.e. should be amended |
| • a route should not be shown at all | i.e. should be deleted |
| • a route ought to be more precisely defined | e.g. have a width recorded |

The Modification Order procedure exists in order to ensure that the Definitive Map & Statement correctly records all Public Rights of Way which already exist. Under the Countryside & Rights of Way Act 2000, there is a 'cut-off' date of 1st January 2026 after which applications cannot be made to record rights of way which came into existence prior to 1949.

YOU MAY NOT USE THIS PROCEDURE TO ALTER A RIGHT OF WAY JUST BECAUSE YOU WOULD LIKE IT ALTERED OR THINK A DIFFERENT ROUTE WOULD BE BETTER.

cont'd

ANY APPLICATION MUST BE SUPPORTED BY EVIDENCE.

Examples of evidence are;

- *use by the public*
If you are providing user evidence, please collect as much as possible.
- *old maps and documents*
If you are providing documentary evidence, you need not carry out a complete historical investigation into a route you are claiming, but you will need to supply a sample of the evidence supporting your application.

Use by the Public

A sample evidence form is included in the pack if you wish to collect user evidence in support of your application. Please ensure that each person who fills in a form encloses a large scale map indicating the route to which their form refers. If you need a map, please let us know.

If you believe a footpath or bridleway should be recorded because it have been used by the public for many years you will need to show;

- at least 20 years use by the public
- that more than just one or two people used the route i.e. the public
- that people used the route believing it to be public rather than with the permission of the landowner or in the belief that they were trespassing
- that the landowner never tried to prevent people using the route
(there is a question in the evidence form which deals with this)
- that a specific route has been used, rather than people wandering freely over open land

It is possible to apply for a route to be recorded if public usage is less than 20 years but you will need to show that a landowner (past or present) intended the route to be public.

Old maps and documents

These might be found at Hertfordshire Archives and Local Studies (HALS - previously the County Record Office), at County Hall. If you are not able to copy a document (or map), please provide a HALS reference and a brief description of the document or map and its relevance.

Evidence relating to the physical existence and status of a route might be found by looking at various documents including;

- old Ordnance Survey maps
- Tithe Maps and Apportionments
- Inclosure Acts, Awards and Maps
- old County maps such as Dury & Andrews, Bryant etc
- old estate maps
- Railway and Canal Plans
- Inland Revenue Plans from 1910-11

If you ask the staff in HALS they will be able to help you to find these.

MAKING AN APPLICATION

You need not use the forms supplied in this package but if you use your own forms they must comply with the Wildlife and Countryside Act (Definitive Map and Statement) Regulations 1993

You will need to do the following;

- **COMPLETE THE APPLICATION FORM**
If you need any assistance with grid references, please let us know.
- **NOTIFY EVERY OWNER AND OCCUPIER OF LAND AFFECTED BY THE APPLICATION**
Send a copy of the "Notice of Application" to everyone you believe to own and occupy the land. If you are not able to find this out you may ask us for permission to post notices on site addressed to the owner and occupier.
Keep copies of the notices to submit with your application.
- **COMPLETE THE CERTIFICATE THAT YOU HAVE NOTIFIED EVERY OWNER AND OCCUPIER**
N.B. Only do this once you have notified them.
- **COMPILE YOUR EVIDENCE IN SUPPORT OF YOUR APPLICATION**
Send us the originals of any evidence forms you gather - you may wish to keep copies for your records.
- **PREPARE A MAP SHOWING THE ROUTE(S) & OWNERSHIP**
This should be at a scale of 1:25000, 1:10000, 1:2500 or 1:1250.
You should show (by colour or shading) which land belongs to each of the landowners that you have notified.
- **FILL IN THE SUMMARY FORM GIVING DETAILS OF THE ROUTE**

SEND YOUR APPLICATION TO :

**DEFINITIVE MAP OFFICERS
RIGHTS OF WAY, ENVIRONMENT DEPARTMENT
HERTFORDSHIRE COUNTY COUNCIL
COUNTY HALL
HERTFORD
SG13 8DN**

ENSURE THAT YOU INCLUDE:

- COMPLETED APPLICATION FORM
- COMPLETED CERTIFICATE THAT NOTICES WERE SERVED
- COPIES OF THE NOTICES THAT WERE SERVED
- MAP SHOWING THE ROUTE & OWNERSHIP
- SUMMARY FORM DESCRIBING THE ROUTE
- YOUR EVIDENCE

IF YOU HAVE ANY QUERIES ABOUT FILLING IN THESE FORMS OR NEED ANY HELP,
PLEASE CONTACT ONE OF THE DEFINITIVE MAP OFFICERS ON (01992) 555262

APPLICATION FOR A MODIFICATION ORDER

Wildlife and Countryside Act 1981
 The Definitive Map and Statement of Public Rights of Way in Hertfordshire

To : *Definitive Map Officers, Hertfordshire County Council*
 of : *Environment Department, County Hall, Pegs Lane,
 HERTFORD, SG13 8DN*

I/we : *JONATHAN C. G. TROWER*
 of : *STANSTEAD BURY, NR. WARE, HERTFORDSHIRE*

name and
 address of
 applicant(s)

hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981
 modifying the Definitive Map and Statement for the area by

(N.B. Choose ONE of the four options given below)

- | | | | |
|---|---|-------------------------|---|
| 1. deleting the | *footpath *bridleway *RUPP/restricted byway *byway open to all traffic | from # _____ to # _____ | * delete as appropriate |
| 2. adding the | *footpath *bridleway *byway open to all traffic | from # _____ to # _____ | * fill in grid references for start and end of routes |
| 3. upgrading/downgrading the route currently shown as a | *footpath *bridleway *RUPP/restricted byway *byway open to all traffic | from # _____ to # _____ | |
| so that it is shown as a | *footpath *bridleway *byway open to all traffic | | |

3. Varying ~~adding~~ to the particulars relating to the
- by providing that
- from # *540050* to # *540190*
210540 *210570*

explain how you want the particulars altered

The definitive map shows the route of the footpath running to the north rather than the south of the door marked on the ordnance survey map. This is incorrect.

and shown on the map accompanying this application.

I/we attach copies of the following evidence in support of this application;

The latest digital version of the ordnance survey map shows the footpath in the correct position - a copy is attached. All ordnance survey maps that I have seen also mark it correctly these include the 1880, 1920, 1922, 1938, 1960 and 1980 maps.

list the evidence which supports your application

Dated *4th December* Signed _____
2005

CERTIFICATE OF SERVICE OF NOTICE
OF
APPLICATION FOR A MODIFICATION ORDER

Wildlife and Countryside Act 1981
The Definitive Map and Statement of Public Rights of Way in Hertfordshire

To : *Definitive Map Officers, Hertfordshire County Council*
of : *Environment Department, County Hall, Pegs Lane, HERTFORD,*
SG13 8DN

I/we : *JONATHAN C.G. TROWER* name and
address of
applicant(s)
of : *STANSTEAD BURY, ~~ST~~ NR. WARE, HERTFORDSHIRE*
SG12 8JZ

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with and attach a copy of each notice served pursuant to that Paragraph.

Dated *4th December* Signed 
2005

Paragraph 2 of Schedule 14 to the Wildlife and Countryside Act states that ;

"the applicant shall serve a notice stating that the application has been made on every owner and occupier of any land to which the application relates"

"if, after reasonable inquiry has been made, the authority are satisfied that it is not practicable to ascertain the name or address of an owner or occupier of any land to which the application relates the authority may direct that the notice ... may be served by addressing it to him by the description 'owner' or 'occupier' of the land (describing it) and by affixing it to some conspicuous object or objects on the land"

NOTICE OF APPLICATION FOR A MODIFICATION ORDER

Section 53(5) and Schedule 14 to the Wildlife and Countryside Act 1981
The Definitive Map and Statement of Public Rights of Way in Hertfordshire

To : J.W.S. Clark & J.C.G. Trower name and address of owner or occupier
of : STANSTEAD BURY, WARE, HERTFORDSHIRE SG12 8JZ

Notice is hereby given that on the 4th day of December 2005 give the date of your application

I/we : J.C.G. TROWER name and address of applicant(s)
of : STANSTEAD BURY, WARE, HERTFORDSHIRE SG12 8JZ

made application to the Definitive Map Officers, Hertfordshire County Council, County Hall, HERTFORD, SG13 8DN that the Definitive Map and Statement for the area be modified by

| | | | | |
|---|--|--------|------|--|
| *deleting the | *footpath | from # | to # | * delete as appropriate - take detail from application |
| | *bridleway | | | |
| | *byway open to all traffic | | | |
| *adding the | *footpath | from # | to # | * fill in grid references for start and end of routes |
| | *bridleway | | | |
| | *byway open to all traffic | | | |
| *upgrading / downgrading the route currently shown as a | *footpath | from # | to # | |
| | *bridleway | | | |
| | *byway open to all traffic | | | |
| to be shown as a | *footpath | | | |
| | *bridleway | | | |
| | *byway open to all traffic | | | |
| *varying /adding to the | *footpath | from # | to # | |
| particulars relating to | *bridleway | | | |
| the | *byway open to all traffic | | | |
| by providing that | <u>the definitive map shows the footpath running to the North side of the bank of the drain marked on the original survey map. This is incorrect</u> | | | explain how you want the particulars altered |

and shown on the map accompanying this notice.

Dated 4th December 2005 Signed

SUMMARY OF MODIFICATION ORDER APPLICATION

Wildlife and Countryside Act 1981

The Definitive Map and Statement of Public Rights of Way in Hertfordshire

Name and address
of Applicant

JONATHAN C. G. TROWER
STANSTEAD BURY, WARE,

Date of Application

Description

Please describe the route starting at one end and working through to the other end.
Describe any feature of note, roads, landmarks, buildings, hedges etc.
If the route has a name or nickname please give it here.

FOOTPATH IS RUNNING FROM THE TOLL ROAD IN THE
NORTH WEST TO THE BIPI NEAR ROYDON STATION IN THE EAST.
THE FOOTPATH CROSSES THE RYE MEADS AND HOUSEHOLD MEAD.
I AM CONCERNED WITH A STRETCH OF APPROXIMATELY 100 METRES
IN THE MIDDLE OF THE FOOTPATH WHERE IT HAS BEEN
INCORRECTLY MAPPED ON THE DEFINITIVE MAP & STATEMENT.

Length

Please give the approximate length of the entire path in metres.
If you are claiming more than one path in the same application please give the length of each path separately.

1.8 KM. THE SECTION TO BE MODIFIED
100 METRES

Width

Please give the full width of the path you are claiming.
Please also give the width of the claimed path as it is now

Width
claimed

1.8 METRES

Width now

1.8 METRES

Nature of surface

Please describe the surface of the path e.g. grass, made up track, ploughed, mud.

GRASS

Location of structures

Please give details and grid references for any gates, stiles, fences, bollards, barriers etc which are on the route
now. Do not give details of fences if they run beside the route unless they are encroaching.

Structure

Grid Ref

Structure

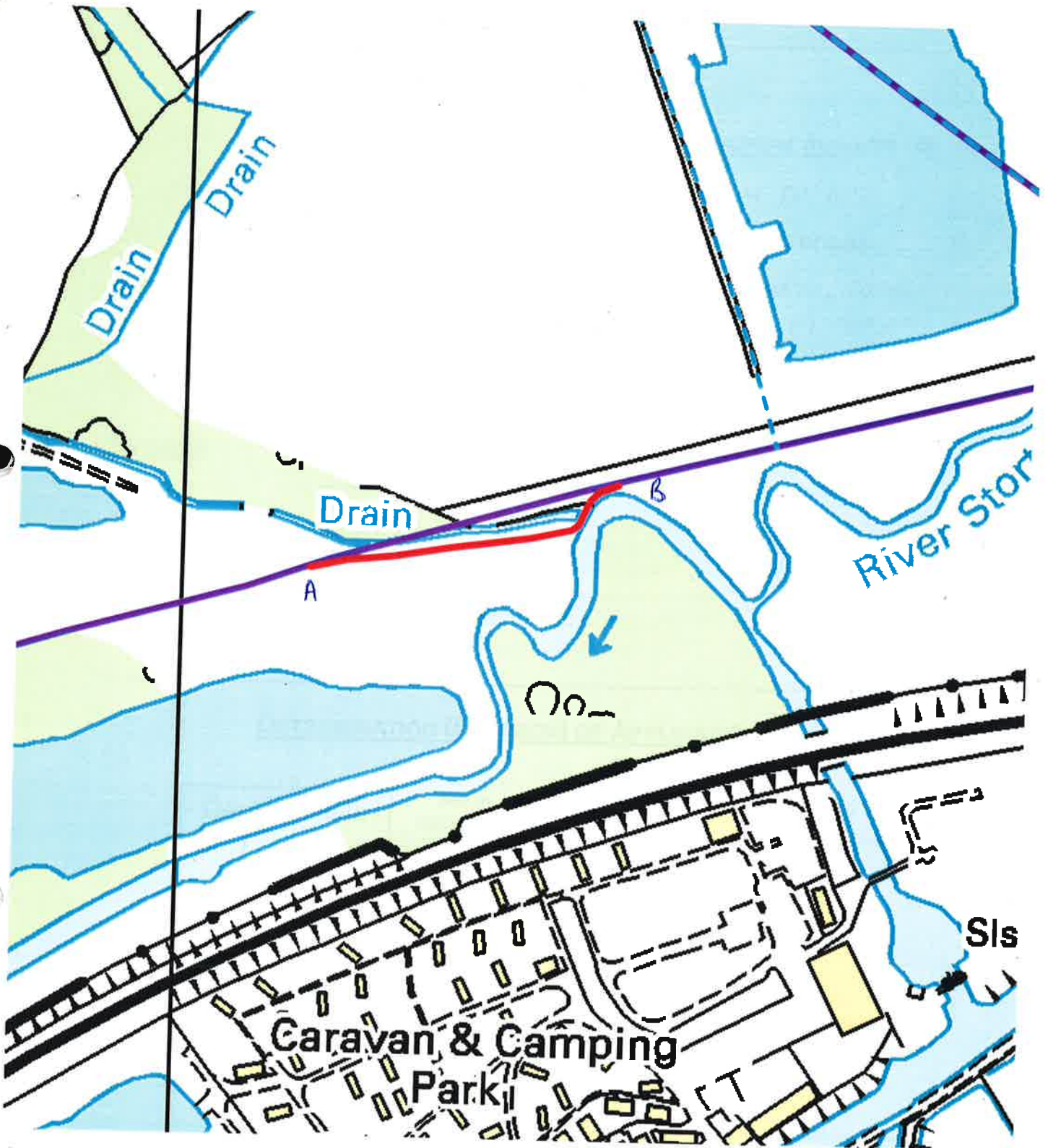
Grid Ref

Structure

Grid Ref

N/A or section of path is questioned

Stanstead Abbots Footpath 10



Key

Footpath 10



Proposed realignment

