

HERTFORDSHIRE COUNTY COUNCIL



Rights of Way Service

Modification Order Application
Investigation Report

Stevenage 22
and
Stevenage 105 to Graveley 8

Application Details

Two applications have been made for nearby routes and as the same documentary source material is involved for each, they have been investigated together.

1. STEV/28/MOD – to upgrade Stevenage Footpath (“FP”) 22 to bridleway and to add bridleway from the end of Stevenage FP 22 to join Stevenage Footpath FP 17.
2. STEV/34/MOD – to upgrade part of Stevenage FP 17 and part of Stevenage FP 23 to bridleway with bridleway added to create a route along the used line and to upgrade Graveley FP 7 to bridleway to join Graveley Bridleway (“BR”) 8.

Part of application No. 1 has already been achieved - the section between Stevenage FP 22 and Stevenage FP 17 (Point 2 to 3 on the attached Investigation Plan) was dedicated by the landowner (Commission for New Towns) as bridleway on 4 August 2006 and is now recorded on the Definitive Map for Hertfordshire as Stevenage BR 105 (file ref. STEV/18/DED).

Therefore the outstanding applications for bridleway will be investigated as shown as dashed red lines on the attached Investigation Plan. They will be referred to as:

1. Stevenage 22 (labelled as Point 1 to Point 2)
2. Stevenage105 to Graveley 8 (labelled as Point 3 to Point 6)

The applications were made by Dr P D Wadey on 11 March 2006 and 12 February 2014 respectively. Both applications are in the prescribed form and are accompanied by documentary evidence and user evidence forms.

Description of Route

The application routes are located to the north of Stevenage at the edge of the built-up area and link with rights of way around the village of Graveley to the north. Stevenage 22 starts at North Road (Point 1) and runs eastwards along the edge of a level arable field to link with the existing Stevenage BR 105 (Point 2). Stevenage 105 to Graveley 8 runs northwards from the edge of the built-up area (Point 3) and goes uphill across an arable field to a belt of trees at Point 4. The application route turns and runs eastwards to the north side of the trees to Point 5 and then turns northwards uphill, across the next field (crossing the parish boundary which is not indicated on the ground) to link with Graveley BR 8 at Point 6. The application routes are open on one or both sides with a natural surface and no limitations. (Photos taken in April 2014).



Photo A - Start at Point 1 (North Road)



Photo B - View eastwards from Point 1



Photo C – Point 3 looking north to Point 4



Photo D – Point 4 to Point 5 (mid distance)



Photo E – Point 5 towards Point 6



Photo F – near Point 6 route goes through gap to west side of field boundary



Photo G – Point 6 junction with Graveley BR8 (mid distance)

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.

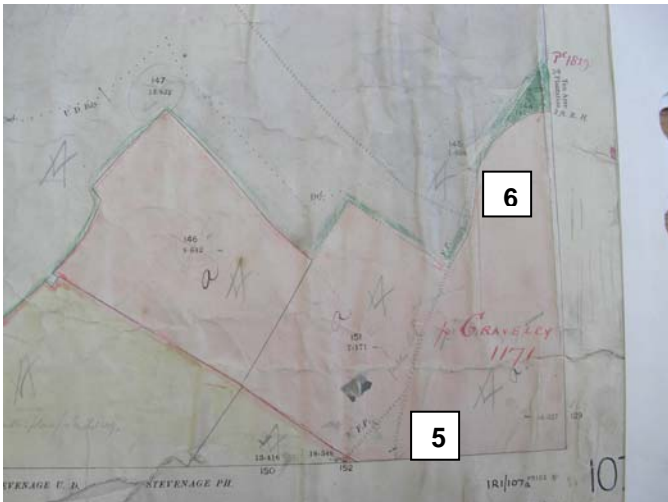
Where the document shows information relevant to the area of the application routes, it is listed with the following information:

- 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 documents have been looked at but do not provide evidence with regard to the application route:

- 1. Dury and Andrews Map, 1766 – Ref: HALS – CM26**
No evidence found relating to the application route.
- 2. Bryant's Map, 1822 – Ref: HALS – CM88**
No evidence found relating to the application route.
- 3. Tithe map for Stevenage, 1834 – Ref: HALS – DSA4/99/2**
No evidence found relating to the application route.
- 4. Inclosure record for Stevenage, 1853 – Ref: HALS – QS/E/63a**
No evidence found relating to the application route.
- 5. Highway Diversion/Extinguishment Records**
See Para 11a for the diversion of part of Stevenage FP22 under the New Towns Act, 1965
- 6. Railway and canal plans**
No records found.
- 7. Highway maintenance records**
No records found.



Map IR1/107a – the 1898 OS base map for the Inland Revenue map shows a dotted line which is labelled “F.P.” between Point 5 and 6 (the current Stevenage FP23 and Graveley FP7). Part of this path is in the plot coloured pink (Plot 1171) and a small section is in Plot 1827 (the light green plot). The valuation book shows that both plots were owned by Stewart Charles Poyntz and tax deductions of £50 and £75 respectively for public rights of way were claimed.

8.3 Investigating Officer’s comments

The 1898 OS base map for both the Inland Revenue maps shows parts of the application route as footpath but not the whole line. The landowners of the area affected by the application route claimed a deduction of tax for rights of way. However, as there are other footpaths within the same plots or heraditaments, it is not possible to identify which specific routes were considered to be tax deductible rights of way. Therefore the Inland Revenue maps do not provide evidence for the existence or not of the application routes. (For further information about the OS maps see paragraph 10).

9. 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)

9a Definitive Map Records – Stevenage Parish Survey

Date: 1951

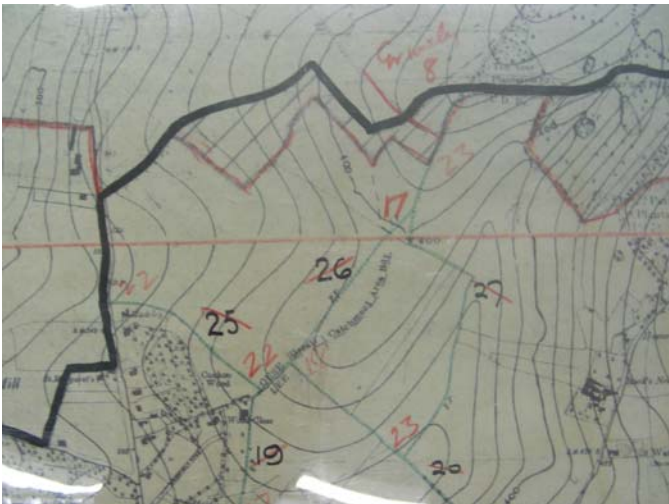
Ref: RoW

9a.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.

9a.2 What is shown by these documents in the area of the application route?



The Stevenage Parish Survey was carried out by the Central London Group of the Youth Hostels Association in 1951. Footpath 22 ("FP 22") (numbered in red) is shown on the Parish Survey Map as a green line starting at North Road and then running E and then SE to link with FP 17. The Statement reads *'Starts in the North Road near House called "Madeley". Follows garden fence and then edge of cultivated field.'* FP 17 (numbered in red) is shown as a green line starting from Rectory Lane running north and then north east to the parish boundary. The Statement reads

'Starts on North side of Rectory Lane. High stiles without steps at the end of the first, second and third meadow. Passes along edge of cornfield and joins with F.P.20.'



The Graveley Parish Survey was conducted by two residents from Stevenage who walked the paths in August 1951. The map shows the south end of both Graveley FP 7 and Graveley Bridleway 8 ("BR 8") (numbered in blue) as stopping short of the application route. (This is because of a later change to the parish boundary). The 1951 boundary is shown as a purple line (with red shading) on the Graveley map and by the heavy black line on the Stevenage Parish Survey map. The Stevenage map also shows the line of the 'new' parish boundary in red just below the black line. The 'new' parish boundary line is much more 'spiky' and had come into existence by the time of the 1st Definitive Map in 1953 (see below). The Parish Survey record for FP 7 reads *'Commences at S.W. end Rectory ... and runs S.E, along hedge of arable field thro' gap and across middle of arable across Parish BDy. (Steve.UD) to junction of path (Stevenage-Chesfield).'* A note alongside states *'Recorded on 6" O.S. map. The farmer treads down path after is has been sown.'* The record for BR 8 reads *'Commences at F.G. (gate missing) west of Chesfield Park Lodge. Track proceeds S.W. along hedge of arable field through gap by 10 acre Plantation to Parish Boundary. Recorded on 6" O.S. map.'* There is also a subsequent note in pencil saying *'Showing F.P. Stevenage UDC.'*

The 'new' parish boundary line is much more 'spiky' and had come into existence by the time of the 1st Definitive Map in 1953 (see below). The Parish Survey record for FP 7 reads *'Commences at S.W. end Rectory ... and runs S.E, along hedge of arable field thro' gap and across middle of arable across Parish BDy. (Steve.UD) to junction of path (Stevenage-Chesfield).'* A note alongside states *'Recorded on 6" O.S. map. The farmer treads down path after is has been sown.'* The record for BR 8 reads *'Commences at F.G. (gate missing) west of Chesfield Park Lodge. Track proceeds S.W. along hedge of arable field through gap by 10 acre Plantation to Parish Boundary. Recorded on 6" O.S. map.'* There is also a subsequent note in pencil saying *'Showing F.P. Stevenage UDC.'*

9a.3 Investigating officer's comments

The Stevenage Parish Survey shows FP 22 starting in the same place on North Road as the current FP 22 but after a short distance running E, it goes along a different line to the existing footpath. (This is explained by a later diversion of the path in 1973 File Ref. DM4/104 –

paragraph 11a). In the Stevenage Parish Survey there is no reference to these paths as bridleways. The Stevenage Parish Survey records therefore provide no evidence in relation to the current application for bridleway.

The Graveley Parish Survey map shows Graveley 7 as a footpath and Graveley 8 as a bridleway with both stopping at the 1951 parish boundary (short of the current parish boundary). The description for FP 7 notes that the southernmost section is across an arable field which the farmer treads down when it is sown. Graveley BR 8, however, is described as a 'track' .. 'along hedge of arable field' and there is a note in pencil commenting that it is 'Shown as F.P. Stevenage UDC'. There is no further information as to why it is considered to be a bridleway in Graveley but on the Stevenage side of the parish boundary the continuation of the route is shown as a footpath. The Graveley Parish Survey does not provide evidence in relation to the current application for bridleway, apart from the fact that the northern continuation of the application route (i.e. Graveley 8) is recorded as a bridleway.

9b Definitive Map Records – Draft, Provisional and First Definitive Map

Date: 1953

Ref: RoW

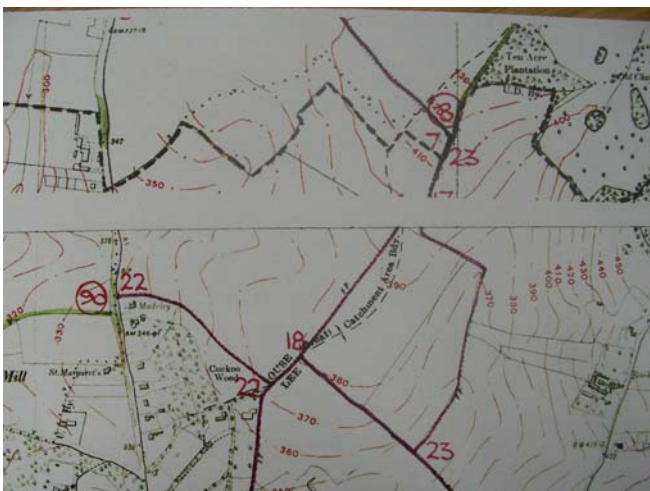
9b.1 Why we consider these documents important

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.

9b.2 What is shown by these documents in the area of the application route?

The 1st Definitive Map (1953) shows Stevenage FP 22 starting at the North Road but running for the most part on a different line to the application route (this is due to a later diversion of FP 22 in 1973). Most of the rest of

the application route running north east to the parish boundary is shown as a footpath

(Stevenage 17). Graveley 7 is also a footpath, though Graveley 8 which continues north east is shown as a bridleway i.e. the southern end of this bridleway is a 'dead end' as it only leads on to footpaths (Graveley 7 and Stevenage 23).

9b.3 Investigating officer's comments

The 1st Definitive Map shows most of the application route as public footpath, though the continuation of the route north east in the parish of Graveley is shown as a bridleway. There is no evidence in the records as to why this 'dead end' bridleway exists.

9c Definitive Map Records - Special Review

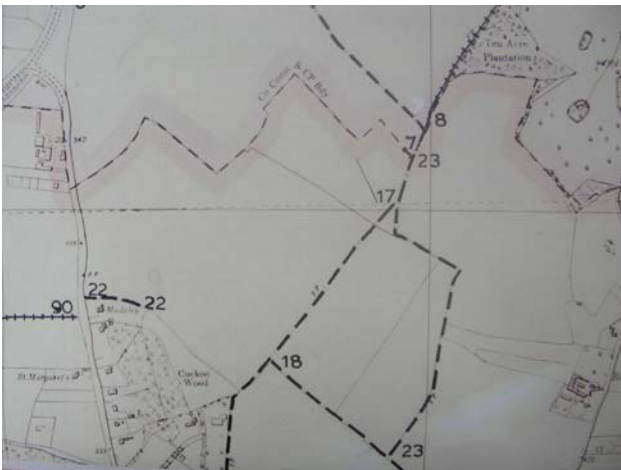
Date: 1980s

Ref: RoW

9c.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.

9c.2 What is shown by these documents in the area of the application route?



The Special Definitive Map shows a similar scenario to the 1st Definitive Map. The only difference is that Stevenage 22 is shown as just a short length of footpath starting at North Road but with no link to any other rights of way.

9c.3 Investigating officer's comments

The same comments as the 1st Definitive Map apply. The missing link of Stevenage 22 may be due to the on-going diversion of this part of the route in the early 1970s - File Ref. DM4/104 – Paragraphs 11a & 11b.

10. Ordnance Survey maps

Date: 1898

Ref: RoW

10.1 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.

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

The 1898 2nd edition OS map is already covered in paragraph 8.2 and 8.3 as it is used as the base map of the Inland Revenue Map. Subsequent editions of OS maps show the paths in the same manner as the 1898 2nd edition OS map, until the diversion of Stevenage FP22 was recorded (see paragraph 11a below).

10.3 Investigating officer's comments

The 1898 OS map shows most of the application route as footpath but not the full line of the claimed route. This provides evidence of the physical existence of most of the application route but not whether it was a right of way or not. As already stated, the disclaimers on OS maps from the 2nd edition onwards state that the representation of any track or way is no evidence of a public right of way

11. Other documentary evidence

11a Order under the New Towns Act, 1965 - File Ref. DM4/104



This file contains an Order dated 7 December 1972 under the New Towns Act 1965, section 23 for the extinguishment of part of Stevenage FP 22 and the provision of an alternative path. There is correspondence which shows that this was agreed on behalf of the Secretary of State on 4th April 1973. A map illustrating the general effect is shown alongside.

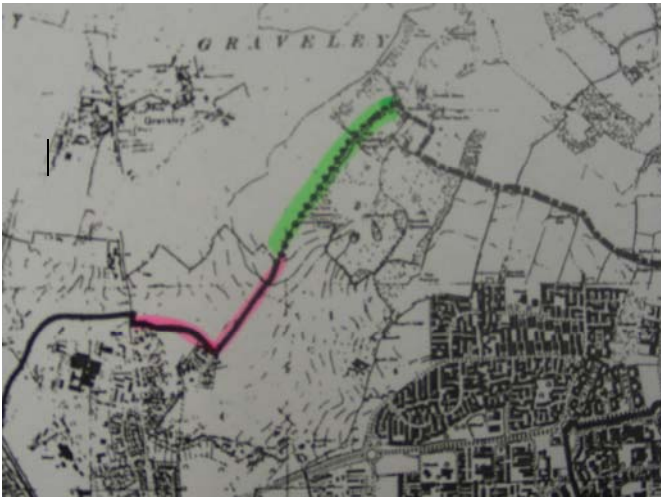
11a.1 Investigating Officer's comments

The above Order explains the current line of Stevenage 22 on the edge of the new housing development, which replaced the 'old' route which ran further to the south as shown on the 1st Definitive Map and Statement (1953) and maps prior to 1973.

11b Stevenage Horse and Pony Riding Route, published 1978

(evidence supplied by the applicant)

This booklet was published by Stevenage Borough Council in 1978. It explains that *"although the development of Stevenage has unavoidably resulted in the closure of many bridleways, it is hoped that the pony route around and through the town will effectively reduce the balance.... and..make riding in Stevenage safer."* A map titled 'Stevenage Riding Route'



shows the permanent and interim routes. The dotted line (green highlight) shows existing bridleway (Graveley 8) and the solid line (pink highlight) shows the application route and is described in the key as 'Phase One.' The text states "*Phase 1 is now open and works are in progress to establish the complete route.*" Other sections of the route in a dashed line (no highlight) are described in the key as 'Ultimate'.

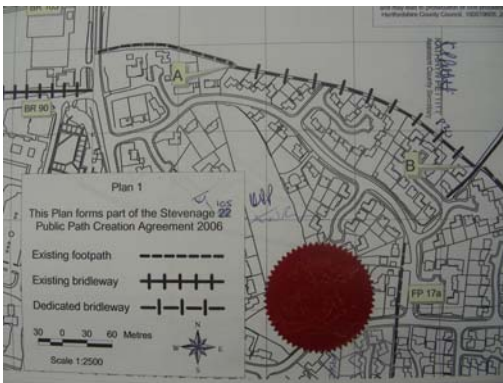
The written description of the Stevenage Horse and Pony Riding Route is as follows: "*Taking a northerly starting point, the route*

begins as a continuation of the statutory bridleway leading in a south-westerly direction from Chesfield Park. On approaching the housing area around Chancellors Road, the route detours to the west, curving round Lister Hospital..." Stevenage Borough Council also stated that they would be organising meetings with riding groups and clubs to discuss the maintenance of the routes.

11b.1 Investigating Officer's comments

The booklet shows that it was the intention of Stevenage Borough Council to provide a circular horse/pony riding route around and through Stevenage and that the application route, shown as part of 'Phase One', formed part of this and was considered to be open and usable.

11c Dedication of part of Stevenage 22 as bridleway, 2006 – File Ref. STEV/18/DED



The Commission for New Towns (landowner) dedicated part of Stevenage 22 as bridleway on 4 August 2006. This is shown as Point A to B on the Order Plan alongside. This new section of bridleway was recorded on the Definitive Map for Hertfordshire as Stevenage BR 105 (shown as Point 2 to 3 on the Investigation Plan).

11c.1 Investigating Officer's comments

This dedication confirms the intention of Stevenage Borough Council to create a permanent horse route around Stevenage as detailed in the above Stevenage

Horse and Pony Riding Route booklet.

12. Contemporary Evidence of Use

12.1 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 tables outlining the information provided in the user evidence forms.

12.2 Summary of Evidence

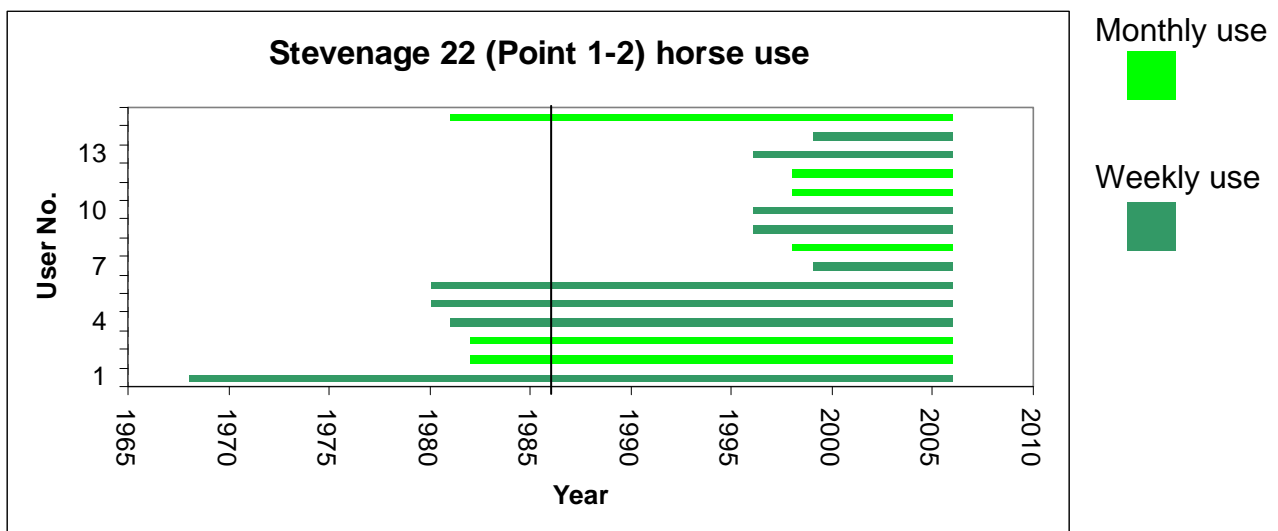
Although this Report is dealing with two nearby routes, the applications were submitted at different dates with different user evidence forms for each route. Therefore the user evidence has to be considered separately for each route, though some users have supplied evidence for both routes.

The user evidence forms were drafted by the applicant and the above tables provide all the information that can be extracted. There was no information about the width of the routes or further details about how the routes were used.

User evidence for Stevenage 22 (Point 1 to 2)

User No	No of years used	Start Yr	End yr	Type of Use	Frequency	Notices	Per-mission	Chall-enge	Obstruc-tion
1	38	1968	2006	Horse	Weekly	No	No	No	No
2	24	1982	2006	Horse	Monthly	No	No	No	No
3	24	1982	2006	Horse	Monthly	No	No	No	No
4	25	1981	2006	Horse	Weekly	No	No	No	No
5	26	1980	2006	Horse	Weekly	No	No	No	No
6	26	1980	2006	Horse	Weekly	No	No	No	No
7	7	1999	2006	Horse	Weekly	No	No	No	No
8	8	1998	2006	Horse	Monthly	No	No	No	No
9	10	1996	2006	Horse	Weekly	No	No	No	No
10	10	1996	2006	Horse	Weekly	No	No	No	No
11	8	1998	2006	Horse	Monthly	No	No	No	No
12	8	1998	2006	Horse	Monthly	No	No	No	No
13	10	1996	2006	Horse	Weekly	No	No	No	No
14	7	1999	2006	Horse	Weekly	No	No	No	No
15	25	1981	2006	Horse	Monthly	No	No	No	No

The above information is shown in the graph below, with the line showing use 1996-2006

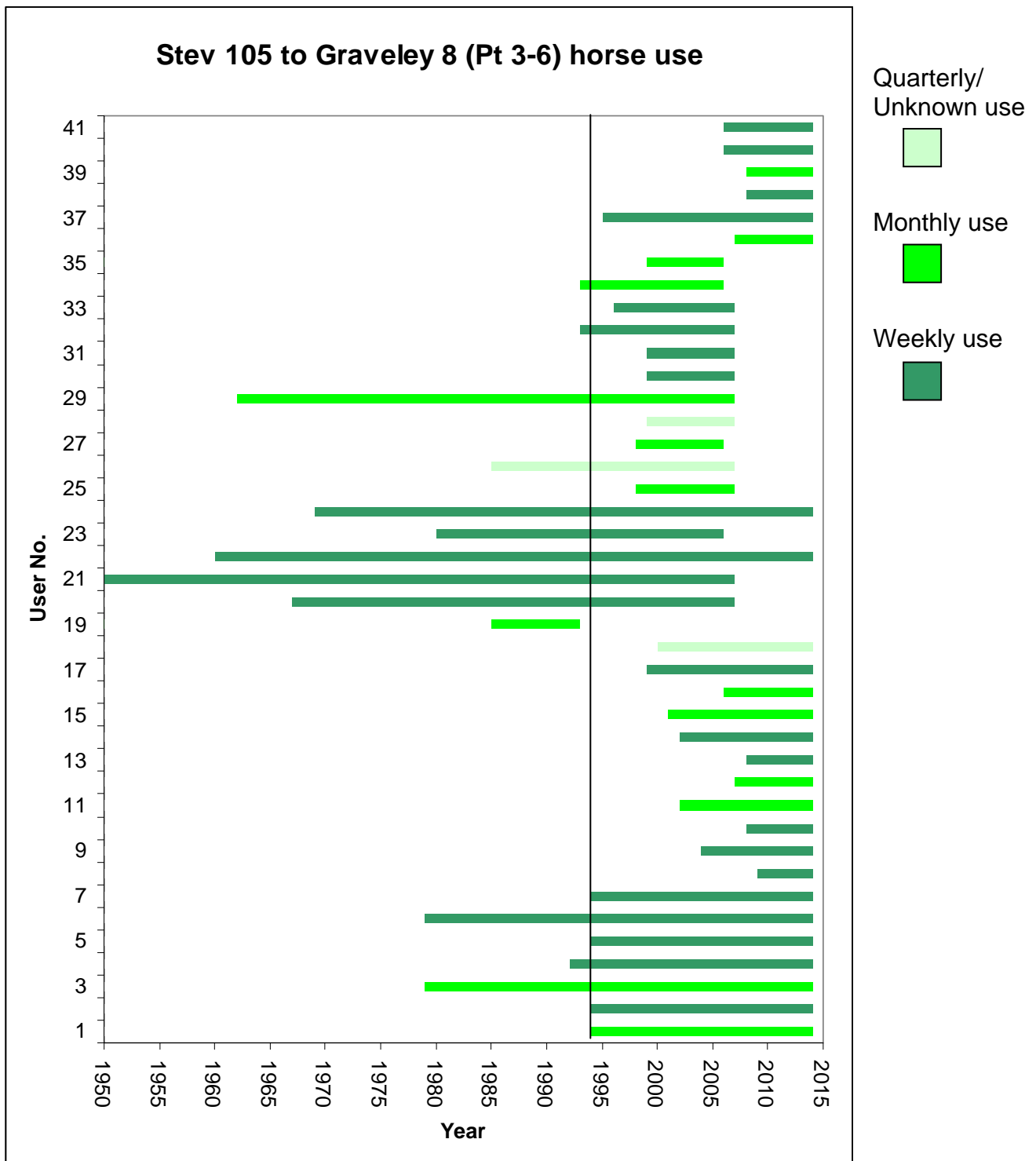


Four users with over 20 years' use (Users Nos. 1, 4, 5 & 8) also stated that they cycled along Stevenage 22, 3 of these cycling weekly and 1 monthly.

User evidence for Stevenage BR105 to Graveley BR8 (Point 3 to 6)

User No	No of years used	Start Yr	End yr	Type of Use	Frequency	Notices	Per- mission	Chall- enge	Obstruc- tion
1	20	1994	2014	Horse	Monthly	No	No	No	No
2	20	1994	2014	Horse	Weekly	No	No	No	No
3	35	1979	2014	Horse	Monthly	No	No	No	No
4	22	1992	2014	Horse	Weekly	No	No	No	No
5	20	1994	2014	Horse	Weekly	No	No	No	No
6	35	1979	2014	Horse		No	No	No	No
7	20	1994	2014	Horse	Weekly	No	No	No	No
8	5	2009	2014	Horse	Weekly	No	No	No	No
9	10	2004	2014	Horse	Weekly	No	No	No	No
10	6	2008	2014	Horse	Weekly	No	No	No	No
11	12	2002	2014	Horse	Monthly	No	No	No	No
12	7	2007	2014	Horse	Monthly	No	No	No	No
13	6	2008	2014	Horse	Weekly	No	No	No	No
14	12	2002	2014	Horse	Weekly	No	No	No	No
15	13	2001	2014	Horse	Monthly	No	No	No	No
16	8	2006	2014	Horse	Monthly	No	No	No	No
17	15	1999	2014	Horse	Weekly	No	No	No	No
18	14	2000	2014	Horse		No	No	No	No
19	8	1985	1993	Horse	Monthly	No	No	No	No
20	40	1967	2007	Horse	Weekly	No	No	No	No
21	57	1950	2007	Horse	Weekly	No	No	No	No
22	54	1960	2014	Horse	Weekly	No	No	No	No
23	26	1980	2006	Horse	Weekly	No	No	No	No
24	45	1969	2014	Horse	Weekly	No	No	No	No
25	9	1998	2007	Horse	Monthly	No	No	No	No
26	22	1985	2007	Horse	Quarterly	No	No	No	No
27	8	1998	2006	Horse	Monthly	No	No	No	No
28	8	1999	2007	Horse	Fortnightly	No	No	No	No
29	45	1962	2007	Horse	Monthly	No	No	No	No
30	8	1999	2007	Horse	Weekly	No	No	No	No
31	8	1999	2007	Horse	Weekly	No	No	No	No
32	14	1993	2007	Horse	Weekly	No	No	No	No
33	11	1996	2007	Horse	Weekly	No	No	No	No
34	13	1993	2006	Horse	Fortnightly	No	No	No	No
35	7	1999	2006	Horse	Fortnightly	No	No	No	No
36	7	2007	2014	Horse	Monthly	No	No	No	No
37	19	1995	2014	Horse	Weekly	No	No	No	No
38	6	2008	2014	Horse	Weekly	No	No	No	No
39	6	2008	2014	Horse	Monthly	No	No	No	No
40	8	2006	2014	Horse	Weekly	No	No	No	No
41	8	2006	2014	Horse	Weekly	No	No	No	No

The above information is shown in the graph below, with the line showing use 1994-2014.



Two users (User Nos. 18 & 24) also stated that they had cycled this route.

Information provided by landowners

A letter was received from the landowner who farms part of the land affected by the application routes (Point 3 to Point 6). This states that during the mid 1990s there were a lot of equine competitions held in the neighbouring Chesfield Park and horses began to use the footpath to reach them. This caused uproar from the walkers because it churned up the footpath and the path spread into the field until it became nearly 3 metres wide. Also, there

were problems with horses trespassing to reach permissive bridleways. The farmer states “*I have farmed on this site for over 60 years and can confirm that the use of horses on this footpath has neither been in existence for ‘over 40 years’ nor is it ‘widely used’ by horses at the moment since the competitions at Chesfield Park have ceased.*” He considers that horses have caused trouble in the past and any change to the status of the footpath would be detrimental to all who currently enjoy it.

12.3 Investigating officer’s comments

User evidence for Stevenage 22 (Point 1 to 2)

There was no evidence of a direct challenge to the public’s use of the route therefore the relevant period of 20 years use is calculated as being the 20 years prior to the date of the application (10 March 2006) i.e. 1986-2006. In total 15 people provided user evidence and all said that they had ridden the route without obstruction, without permission, without being challenged and without seeing any notices challenging their use of the route. Of these 15 people, 7 stated that they had ridden the route for the relevant 20 years (1986-2006) or more: 4 riding weekly and 3 monthly.

User evidence for Stevenage BR105 to Graveley BR8 (Point 3 to 6)

There was no evidence of a direct challenge to the public’s use of the route therefore the relevant period of 20 years use is calculated as being the 20 years prior to the date of the application (12 February 2014) i.e. 1994-2014. In total 41 people provided user evidence and again all said that they had ridden the route without obstruction, without permission, without being challenged and without seeing any notices challenging their use of the route. Of the 41 people, 9 stated that they had ridden the route for the relevant 20 years (1994-2014) or more: 7 riding weekly and 2 monthly. By adding together periods of use which combine to form the required 20 years (e.g. one person who rode from 1990-2006 and another who rode from 2001-2014) it is possible to add further ‘combined periods’ of 20 years use. Using this method, there are 5 further periods of combined use: 4 riding the route weekly and 1 monthly. The total figures are therefore 14 people/combined use over the 20 years 1994-2014: 11 riding the route weekly and 3 monthly.

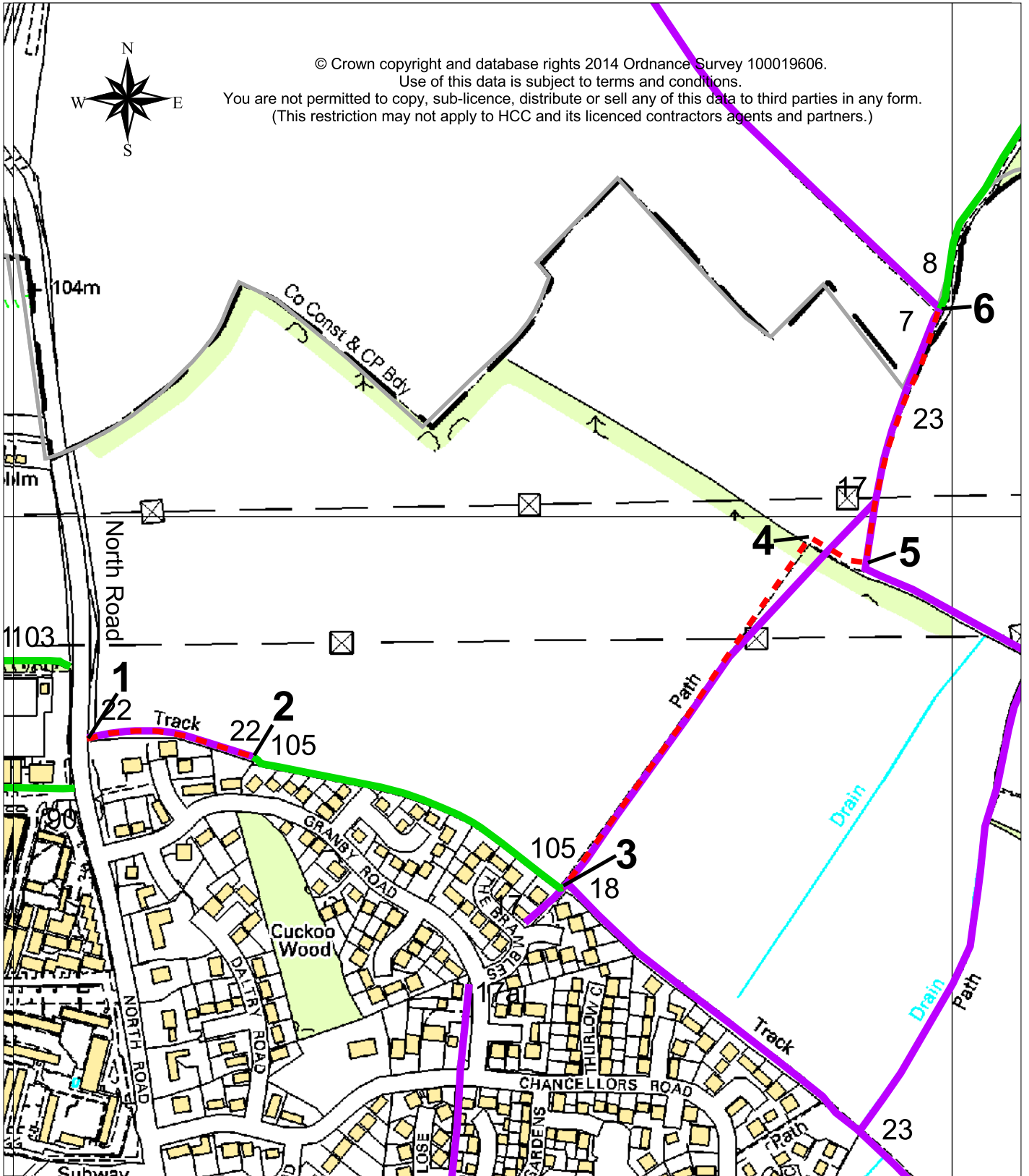
The farmer states that there was considerable use by horses in the mid 1990s but that this has reduced since the competitions at Chesfield Park have ceased (no date).

However, the user evidence from current riders indicates that the application routes are still well used.

Additional Evidence Submitted after consultation

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

Investigation Plan for Stevenage 22 and Stevenage 105 to Graveley 8 (STEV/28/MOD and STEV/34/MOD)



- - - - - Application route
- Existing footpath
- Existing bridleway
- Parish boundary

Not to scale
Appears on DM Sheet 21