



Order Decision

Site visit made on 1 November 2011

by Heidi Cruickshank BSc (Hons), MSc, MIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 11 SEP 2012

Order Ref: FPS/M1900/7/62M

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 and is known as The Hertfordshire County Council (Thundridge 57 and 58 and Wareside 80 and 81) Modification Order 2006.
- The Order is dated 8 September 2006 and proposed to record a byway open to all traffic to the Definitive Map and Statement for the Parishes of Thundridge and Wareside by way of addition and upgrading of parts of existing routes. Full details of the route are set out in the Order Plan and Schedule.
- In accordance with paragraph 8(1) of Schedule 15 to the Wildlife and Countryside Act 1981 notice has been given of my proposal to confirm the Order so as alter the recorded status of parts of the route.
- No objections or representations were received in response to the notice.

Summary of Decision: The Order is confirmed subject to the modifications I formerly proposed.

Preliminary Matters

1. This Order resulted in a second interim Order decision ("the IOD"), issued on 8 May 2012, within which I proposed a modification to record the route with the status of restricted byway rather than byway open to all traffic, as the Order was originally drafted.
2. No objections or representations have been made to my proposed modifications.

Main issues

3. On considering the relevant matters in the initial IOD, issued on 28 November 2011, I was satisfied that it should be confirmed, subject to the proposed alteration to status. Nothing has been provided to alter my original decision on that evidence.

Reasons

4. For the reasons already set out in the IODs I am satisfied that the Order should be confirmed on the basis that, on the balance of probabilities, the documentary evidence shows that Order route was historically a public highway but that the vehicular rights have been extinguished by the Natural Environment and Rural Communities Act 2006.

Conclusions

5. I am satisfied by consideration of all the evidence available that, on the balance of probabilities, the Order should be confirmed subject to the modifications formerly proposed in the second IOD.

Formal Decision

6. In exercise of the powers transferred to me, the Order is confirmed subject to the modifications previously proposed:

- Throughout the Order:
 - replace "...byway open to all traffic..." with "...restricted byway...";
 - replace "BOAT..." with "...RB...";
- In Part I of the Schedule in relation to the '*Description of path to be upgraded*':
 - remove section relating to Wareside Restricted Byway 1;
- On the Order maps:
 - in the '*Key to Proposals*' replace "...byway open to all traffic..." with "...restricted byway...";
 - replace notation for byway open to all traffic with that for restricted byway.

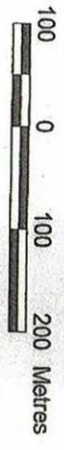
Heidi Cruickshank

Inspector

Hertfordshire County Council (Thundridge 57 and 58 and Wareside 80 and 81) Modification Order 2006

Plan 1

- Existing footpath
- Existing bridledway
- Existing restricted byway
- Byway open to all traffic
- to be added or upgraded



Scale 1:5000

MAP NOT TO ORIGINAL SCALE

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