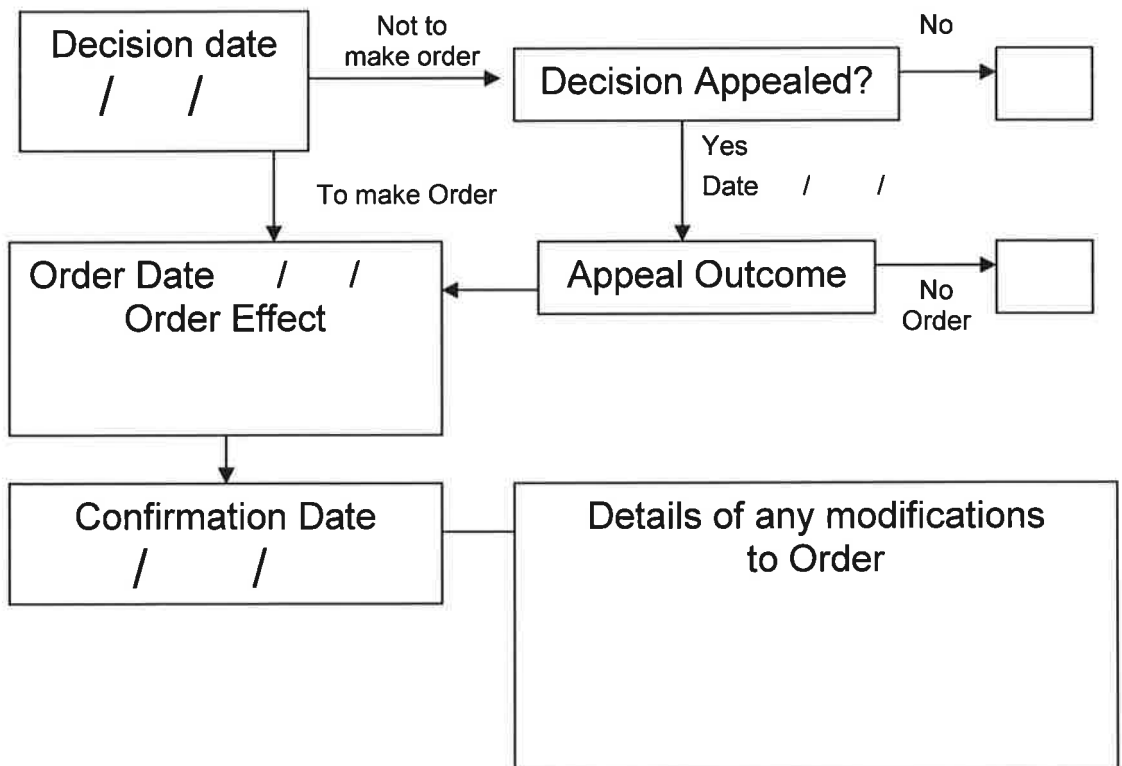


REGISTER OF APPLICATIONS - PUBLIC PATH ORDERS

DETAILS OF APPLICATION

District	WELWYN + HATFIELD	File Name	WGC G7C EXTINGUISHMENT
Parish	WELWYN GARDEN CITY	Application Date	24/04/15
		Grid References	
Application to	EXTINGUISH	Point A	TL 233 110
FOOTPATH		Point B	TL 234 110
Applicant	NETWORK RAIL		
	City	Town	Village
Nearest	ST ALBANS	WELWYN GARDEN CITY	DIGSWELL
Addresses of properties affected	House Name/Street	Postcode	
	
	
	
	

DETERMINATION (DECISION) OF APPLICATION



APPLICATION FOR AN EXTINGUISHMENT ORDER

Highways Act 1980 Section 118

Please read the Test required to be met carefully before filling in the application form.

You will need to submit the following information:

- The completed form
- a plan based on an ordnance survey map of a scale not less than 1:2500, which must show the full extent of the route subject to this application
- evidence in support of the application

This will need to be sent to

**DEFINITIVE MAP OFFICER
RIGHTS OF WAY UNIT, ENVIRONMENT DEPARTMENT
HERTFORDSHIRE COUNTY COUNCIL
COUNTY HALL,
PEGS LANE
HERTFORD. SG13 8DN.**

Application to : Extinguish Public Footpath

Number : 67c

Parish : Welwyn Garden City

Full name(s) of applicant *Network Rail Infrastructure Limited*

Address *1 Eversholt Street, London, NW1 2DN*

Phone No. *01904 389740* Mobile phone no. *07739775026*

Fax no.----- e-mail address *john.mccarthy@networkrail.co.uk*

*(*Delete as appropriate)*

Address for correspondence (if different from above e.g. solicitor)

Desk 92, Floor 2a, George Stephenson House, Toft Green, York, YO1 6JT

1. **Ownership of land affected by the application**

1.1 Are you the freehold owner and occupier of all of the land affected by the proposed extinguishment?

Yes ...✓... go to 1.4
No go to 1.2

1.2 If no,

- list below the names and addresses of all the owners, occupiers or lessees of land affected by the diversion including yourself,
- indicate accurately on the application plan the different ownerships and occupations.

Name

Address

Status (i.e. landowner, occupier or lessee)

1.3 Will any owners, occupiers or lessees of the land affected by the proposed extinguishment to your knowledge claim compensation under Section 28 of the Highways Act 1980?

Yes No ...✓..

1.4 Does, to your knowledge, 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 (e.g. wayleave)

1.5 Is to your knowledge the apparatus of any statutory undertaker affected by the proposed extinguishment?

Yes No ...✓..

If yes, state what apparatus may be affected

2.

Reasons for application

- 2.1 Please list the evidence enclosed in support of your application for a Rail Extinguishment Order, together with your reasons for making this application. Remember that the County Council may not make an order unless it is satisfied that it is expedient in your interests to do so.

In 1965 the Minister for Housing and local government on behalf of the Welwyn Garden City Development Corporation applied to extinguish the public footpath 67 on the west side of the railway line. A new diversionary route was created on the east side of the line linking up with footpath 66 but regrettably (possibly because the land did not belong to the WGDC) the application did not include the extent of the public footpath over the East Coast Main Line, leaving a legal footpath over the railway line that stops at the boundary fence on the west side.

Network Rail and Hertfordshire County Council would like to remove any residual risk from the existence of this right of way. Anyone crossing the line at this point would not have any alternative other than to turn around and cross back. Network Rail have not received any formal request to re-open the right of way.

The railway at this point is a four-track railway with running speeds of up to 115mph.

3. **Description of routes**

The routes should be shown on an accurate up-to-date plan at a scale of not less than 1:2500.

Shown by a red line between the points A to B on the attached plan No.1.

3.1 **Existing Route** (i.e. the path recorded on the Definitive Map)

from *point A on the attached plan No 1 OS grid ref TL233110*

to *point B on the attached plan No 1 OS grid ref TL234110*

distance *approx. 47.9 metres* width *unknown*

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

None

3.2 Proposed Route (Diversion Applications Only)

from _____ OS grid ref

to _____ OS grid ref

(if known)

distance _____ metres width

proposed stiles/gates/bridges (list with grid refs and show position on plan). The Council will not normally agree to stiles or gates in the Order setting out the new route. If necessary they may be authorised separately under s147 of the Highways Act 1980 to prevent the ingress or egress of stock.

3.3 Is the existing (definitive) route unobstructed and fully available to the public?

Yes No ..✓...

3.4 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 walked/ridden by the public.

The route crosses the operational railway i.e. the East Coast Main Line. The crossing appears to have been removed when other routes in the area were extinguished in 1965. It is unclear why this route was not extinguished formally at the time.

4. COSTS

4.1 We agree to pay the cost of processing the application as detailed in the Advice to Applicants. *I/We enclose a cheque for £70.

Date

24/4/15

on behalf of Network Rail Infrastructure Limited

5. AGREEMENT REGARDING WORKS AND COMPENSATION COSTS

5.1 Works

We understand that the applicant must pay the cost of all works which may be required by the County Council including signposting and waymarking to bring the new site of the path diversion 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 the Countryside Access Officer. We understand that if the works are not completed within the time specified, or to the required standard, the Countryside Access Officer will, after notice in writing, carry out or complete the works and that we will be liable for all costs so incurred.

5.2 Compensation

We confirm that we are the sole owner(s) and occupier(s) of the land affected by the proposed extinguishment.

~~*I/We enclose letters of consent from all landowners, occupiers or lessees of the land affected by the diversion and agree to pay any compensation which may become payable in consequence of the order becoming operative.~~

~~*I/We declare that the existing public right of way is not obstructed as described in 3.1 and is fully available to the public.~~

~~*I/We undertake not to obstruct the existing public path(s) in any way before the confirmed diversion order comes into operation.~~

~~*I/We understand that the diversion is not operational until the works, as specified, have been completed.~~

Date

24/4/15

on behalf of *Network Rail Infrastructure Limited*

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Centre of Map Window (E,N): 523360 , 211018

**WELWYN GARDEN CITY
LEVEL CROSSING NO 4
Plan No. 1**

Plot Scale 1:2500

Plot Date 3/2/2015



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