

NOTICE OF CONFIRMATION  
OF MODIFICATION ORDER

Section 53 of the Wildlife and Countryside Act 1981

**HERTFORDSHIRE COUNTY COUNCIL**

Definitive Map and Statement of Public  
Rights of Way in Hertfordshire

**Hertfordshire County Council (Wheathampstead 29 and 105)  
Modification Order 2016**

The above named Order, made on 22 April 2016, was confirmed without modification by Hertfordshire County Council on 16 September 2016.

The effect of the Order as confirmed is to modify the Definitive Map and Statement by:-  
Deleting from them part of Wheathampstead Footpath 29 which is currently recorded running along the public road at Mackerye End from opposite Holly Bush Cottage at TL 1586 1588 (Point A on the Order Plan) for approximately 35 metres to the junction with Wheathampstead Restricted Byway 105 at TL 1588 1591 (Point B on the Order Plan) and

Upgrading to restricted byway that part of Wheathampstead Footpath 29 from the junction with Mackerye End (public road) at TL 1588 1591 (Point B on the Order Plan) which runs generally east for approximately 420 metres to join Marshalls Heath Lane (public road) at TL 1627 1601 (Point C on the Order Plan).

A copy of the confirmed Order may be seen free of charge at Front Reception of Hertfordshire County Council, County Hall, Hertford, from 9.00 am to 4.00 pm on Monday to Friday and can be bought from Hertfordshire County Council at a cost of £2. A copy of the confirmed Order and Notice may also be seen at St Albans City and District Council, Civic Centre, St Peter's Street, St Albans AL1 3JE.

The Order becomes operative as from the date on which it was confirmed, but if a person aggrieved by the Order desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of the Wildlife and Countryside Act 1981, or on the ground that any requirement of the Act, or any regulation made thereunder, has not been complied with in relation to the Order, he may, under paragraph 12 of Schedule 15 of the Act within 42 days from 12 October 2016, make application for the purpose of the High Court.

Date: 12 October 2016

**WILDLIFE AND COUNTRYSIDE ACT 1981**  
The Definitive Map and Statement  
of Public Rights of Way in Hertfordshire

**Hertfordshire County Council**  
**(Wheathampstead 29 and 105)**  
**Modification Order 2016**

This Order is made by Hertfordshire County Council under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Definitive Map and Statement of Public Rights of Way in Hertfordshire require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(ii) and (iii) of the Act, namely

(c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows

- (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description; or
- (iii) that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

The authority has consulted with every local authority whose area includes the land to which the Order relates. Hertfordshire County Council hereby order that:

1. For the purposes of this Order the relevant date is 8 March 2016.
2. The Definitive Map and Statement of Public Rights of Way in Hertfordshire shall be modified as described in Part I and Part II of the Schedule and shown on the plan forming part of this Order ("the Order Plan").
3. This Order shall take effect on the date it is confirmed and may be cited as the Hertfordshire County Council (Wheathampstead 29 and 105) Modification Order 2016.

**SCHEDULE**  
**PART I**

**Modification of Definitive Map**

**DESCRIPTION OF PATH OR WAY TO BE DELETED**

The full width of that part of Wheathampstead Footpath 29 which is currently recorded running along the public road from opposite Holly Bush Cottage at TL 1586 1588 (Point A on the Order Plan) for approximately 35 metres to the junction with Wheathampstead Restricted Byway 105 at TL 1588 1591 (Point B on the Order Plan).

## DESCRIPTION OF PUBLIC RIGHT OF WAY TO BE UPGRADED

That part of Wheathampstead Footpath 29 from the junction with Mackerye End (public road) at TL 1588 1591 (Point B on the Order Plan) which runs generally east for approximately 420 metres to join Marshalls Heath Lane (public road) at TL 1627 1601 (Point C on the Order Plan) to be upgraded to restricted byway.

Width: Varies between 3 metres and 10 metres between TL 1588 1591(Point B on the Order Plan) and TL 1627 1601 (Point C on the Order Plan) as shown excluded from hereditaments on the 1910 Finance Act Map and shown shaded grey on the Order Plan.

Limitations: None

## PART II Modification of Definitive Statement

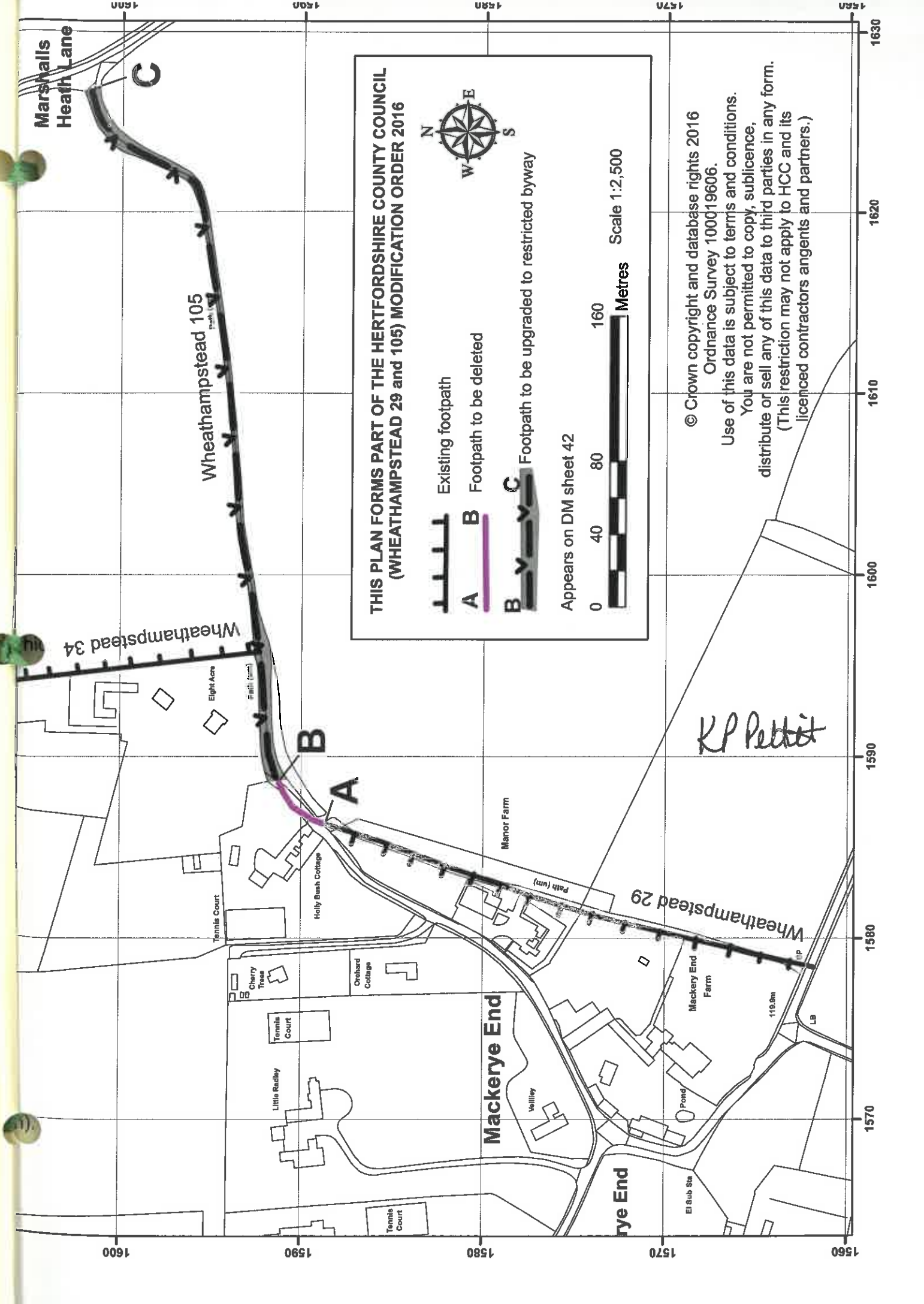
### VARIATION OF PARTICULARS OF PATH OR WAY

A new Statement shall be recorded for Wheathampstead 105 as follows:

Path No	Status	HCC Map Ref
105	RB	HCC 042
Commences from Mackerye End (public road) E of Holly Bush Cottage at TL 1588 1591 and runs generally E for approx. 420m to Marshalls Heath Lane (public road) at TL 1627 1601.		



**Width** Varies between 3m-10m between TL 1588 1591 and TL 1627 1601 as shown in the HCC (Wheathampstead 29 and 105) Modification Order 2016.

**Limitations** None.



**THIS PLAN FORMS PART OF THE HERTFORDSHIRE COUNTY COUNCIL  
(WHEATHAMPSTEAD 29 and 105) MODIFICATION ORDER 2016**



-  Existing footpath
-  **A** Footpath to be deleted
-  **B** Footpath to be upgraded to restricted byway
-  **C** Footpath to be upgraded to restricted byway

Appears on DM sheet 42



© Crown copyright and database rights 2016  
Ordnance Survey 100019606.

Use of this data is subject to terms and conditions.  
You are not permitted to copy, sublicense,  
distribute or sell any of this data to third parties in any form.  
(This restriction may not apply to HCC and its  
licensed contractors agents and partners.)

*KP Pettit*

The Statement for Wheathampstead 29 shall be amended as follows:

Path No	Status	HCC Map Ref
---------	--------	-------------

029	FP	HCC 042
-----	----	---------

Commences from county road E of Mackerye End Farm thence N to public road opposite Holly Bush Cottage at TL 1586 1588.

**Width  
Limitations**

IN WITNESS whereof the COMMON SEAL of HERTFORDSHIRE COUNTY COUNCIL was hereunto affixed this *22nd* day of *April* 2016

The Common Seal of HERTFORDSHIRE COUNTY COUNCIL was hereunto affixed in the presence of:-

**Chief Legal Officer**



*536/16*

*K Pettitt*

Kathryn Pettitt  
Chief Legal Officer

The foregoing Order is hereby confirmed

Chief Legal Officer

Dated *K.Pettitt 16 September 2016*  
.....