

Environment
Transport, Access & Road Safety



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Tel: 01992 555232
Email: Angela.simpkins@hertfordshire.gov.uk
My ref: EH/315/MOD
Date: 8th June 2017

Dear Mr Marks

Application for a Modification Order to amend the Definitive Map of Public Rights of Way in the Hare Street area

I am contacting you from the Rights of Way Service regarding an application which has been received to amend the record the county council keeps of public rights of way in Hertfordshire.

Public rights of way are defined as:

- footpaths – a right of way on foot
- bridleways – a right of way on foot, horseback and bicycle
- restricted byways – a right of way on foot, horseback, bicycle and for non-mechanically propelled vehicles i.e. horse drawn carts or carriages
- byways open to all traffic – as above plus mechanically propelled vehicles (i.e. motorbikes and cars) but mainly used in the same way as a bridleway.

What is the application for?

I am investigating this application to add a footpath from the B1368 on the south side of Hare street to Buntingford Bridleway 23 (as shown on the plan in the investigation report). This Application Route lies East of Buntingford. The investigation is to establish whether a public right of way exists or not, and if so, whether it is publically maintainable.

What is the role of Hertfordshire County Council?

Our role is to act impartially by gathering and assessing all available evidence either for or against the application route. This evidence is then considered at a decision meeting. We will keep you informed at each main stage of the process – please see the flowchart of our process which can be viewed on our website and via this link: <http://www.hertfordshire.gov.uk/services/envplan/countrysideaccess/row/apps/>.

I have carried out research into the historical evidence such as old maps and documents held at County Hall. The investigation report includes any evidence supplied by the applicant, and contains a description and my interpretation of each document researched and also (if applicable) a summary of any witness evidence

received. This report has been put on our website and is also sent to the applicant, landowner(s), user groups, other relevant parties and parish and district councils.

Normally the decision meeting will be held in six weeks' time. The evidence collected (contained in the investigation report, together with any evidence submitted as a result of this consultation) will be considered at that decision meeting. More information on how we reach our decision can be found in our leaflet *How Do We Make a Decision?* which is available on our website.

As explained in our leaflet '*How Do We Make a Decision?*' the evidence is tested 'on the balance of probabilities' and the decision is made **based only on the evidence collected**. We also consider how current legislation and case law applies to the case. Where relevant, details will be given about this in the investigation report.

If the decision is to make an order, the location of the route and its status (as footpath, bridleway, restricted byway or byway) are determined by the evidence of its previous use. **Therefore the order may differ from the original application.**

It should be noted that the law does not allow us to take into account the suitability of a route for a certain status, the wishes of any individual or organisation or the effect that use of a public right of way may have on any property if a route is shown to exist. These are issues which can be considered if necessary at a later stage through management of the route.

What can I do now?

Please can you send us any additional evidence which you have about the application route not already referred to in the investigation report. This can be documentary evidence such as old maps, documents or your knowledge of the use of the route. You may also ask others to complete and submit witness evidence forms, but please note we need one form per person per route. (User evidence forms are available on our website).

Please could you send any additional evidence about the application route **by Monday 10th July 2017** to ensure that it can be considered at the decision meeting.

If you have any queries about this case or the process involved, please telephone me on 01992 555232. Further information, including the process, is available on our website.

Yours sincerely



Angela Simpkins
Definitive Map Officer
Hertfordshire County Council