



Order Decision

Inquiry held on 4 April 2018

by Mark Yates BA(Hons) MIPROW

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

Decision date: 10 October 2018

Order Ref: FPS/M1900/7/67R2

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the 1981 Act") and is known as the Hertfordshire County Council (Aldenham 83 and 9) Modification Order 2009.
- The Order was made by Hertfordshire County Council ("the Council") on 9 October 2009 and proposed to modify the definitive map and statement in respect of public rights of way in the parish of Aldenham, as originally detailed in the Order Map and Schedule.
- The Council submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs and part of the Order was confirmed on 6 December 2016.
- In accordance with Paragraph 8(2) of Schedule 15 to the 1981 Act I have given notice of my proposal to confirm the remaining part of the Order with modifications.

Summary of Decision: The remaining part of the Order is confirmed subject to modifications set out below in the Formal Decision.

Procedural Matters

1. This decision should be read in conjunction with my interim decision, dated 29 May 2018, in respect of the remaining part of the Order to be finally determined.

Conclusion

2. For the reasons set down in the interim decision I conclude that the remaining part of the Order should be confirmed with the modifications detailed below. There is a minor change to one of the original modifications to better describe the text to be deleted.

Formal Decision








3. I confirm the relevant part of the Order subject to the following modifications:
 - For the description of the relevant section in Part I of the Order Schedule, in the first line replace "Restricted Byway" with "Byway Open to All Traffic" and amend the grid reference from "TL 1558 0103" to "TL 1557 0103"; in the second line replace "65" with "60"; in the third line amend the grid reference from "TL 1557 0097" to "TL 1555 0097"; in the fourth line replace "45" with "50" and amend the grid reference from "TL 1555 0093" to "TL 1554 0092". In the description of its width, in the first line replace "10" with "12", and amend the grid reference from "TL 1558 0103" to "TL 1557 0103"; in the second line amend the grid reference from "TL 1555 0093" to "TL 1554 0092"; and delete "as shown shaded grey on the Order Plan" and insert "as shown uncoloured [or blue] on the Inland Revenue Valuation Plan prepared under the Finance (1909-1910) Act 1910".
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- For the statement for Aldenham 83 in Part II of the Order Schedule, delete "RB" and in the fourth line amend the grid reference from "TL 1558 0103" to "TL1557 0103"; in the fifth line delete "as a Restricted Byway leaving The Brook on the east bank and running"; in the sixth line amend the grid reference from "TL 1557 0097" to "TL 1555 0097" and replace "crossing The Brook" with "leaving The Brook at TL 1555 0096"; and in the seventh line amend the grid reference from "TL 1555 0093" to "TL 1554 0092". In the description of its width, delete "as shown shaded grey on the plan forming part of the Hertfordshire County Council (Aldenham 83 and 9) Modification Order 2009" and insert "as shown uncoloured [or blue] on the Inland Revenue Valuation Plan prepared under the Finance (1909-1910) Act 1910".
- Delineate the relevant section on the Order Map and supplementary plans by way of the notation for a byway open to all traffic.
- Delete all references to the relevant section as a restricted byway on the Order Map and supplementary plans and amend the map keys accordingly.
- Add to the Order Map, "The Ordnance Survey base mapping on this map does not show the course of The Brook at the date of the making and confirmation of the Order".

Mark Yates

Inspector

**THIS PLAN FORMS PART OF THE
HERTFORDSHIRE COUNTY COUNCIL
(ALDENHAM 83 and 9) MODIFICATION
ORDER 2009**

- Existing Footpath : 
- Existing Bridleway: 
- Existing Restricted Byway : 
- Byway Open to All traffic to be added : 
- Restricted Byway to be added : 
- Footpath to be deleted : 
- Footpath to be added: 

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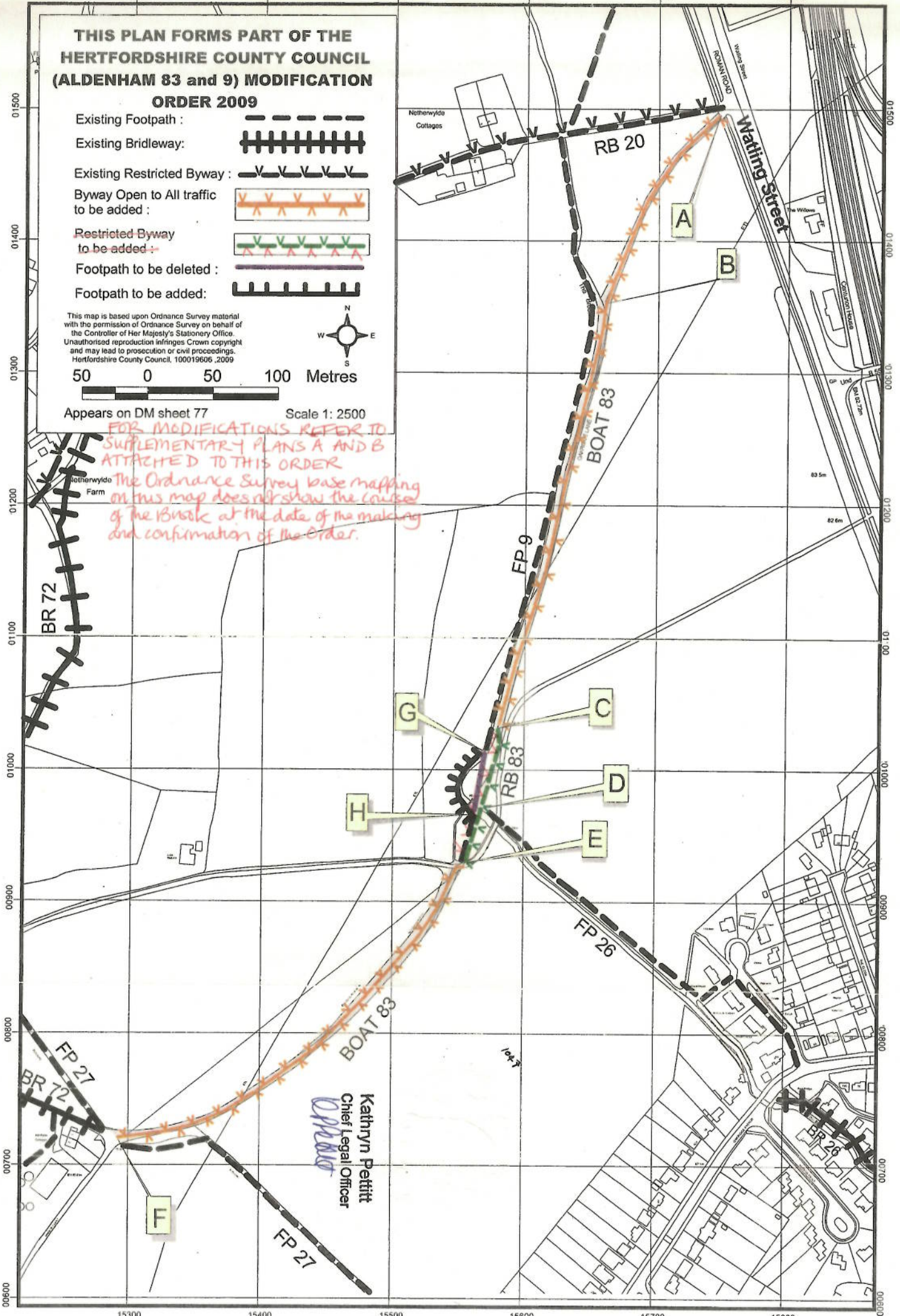


50 0 50 100 Metres

Appears on DM sheet 77

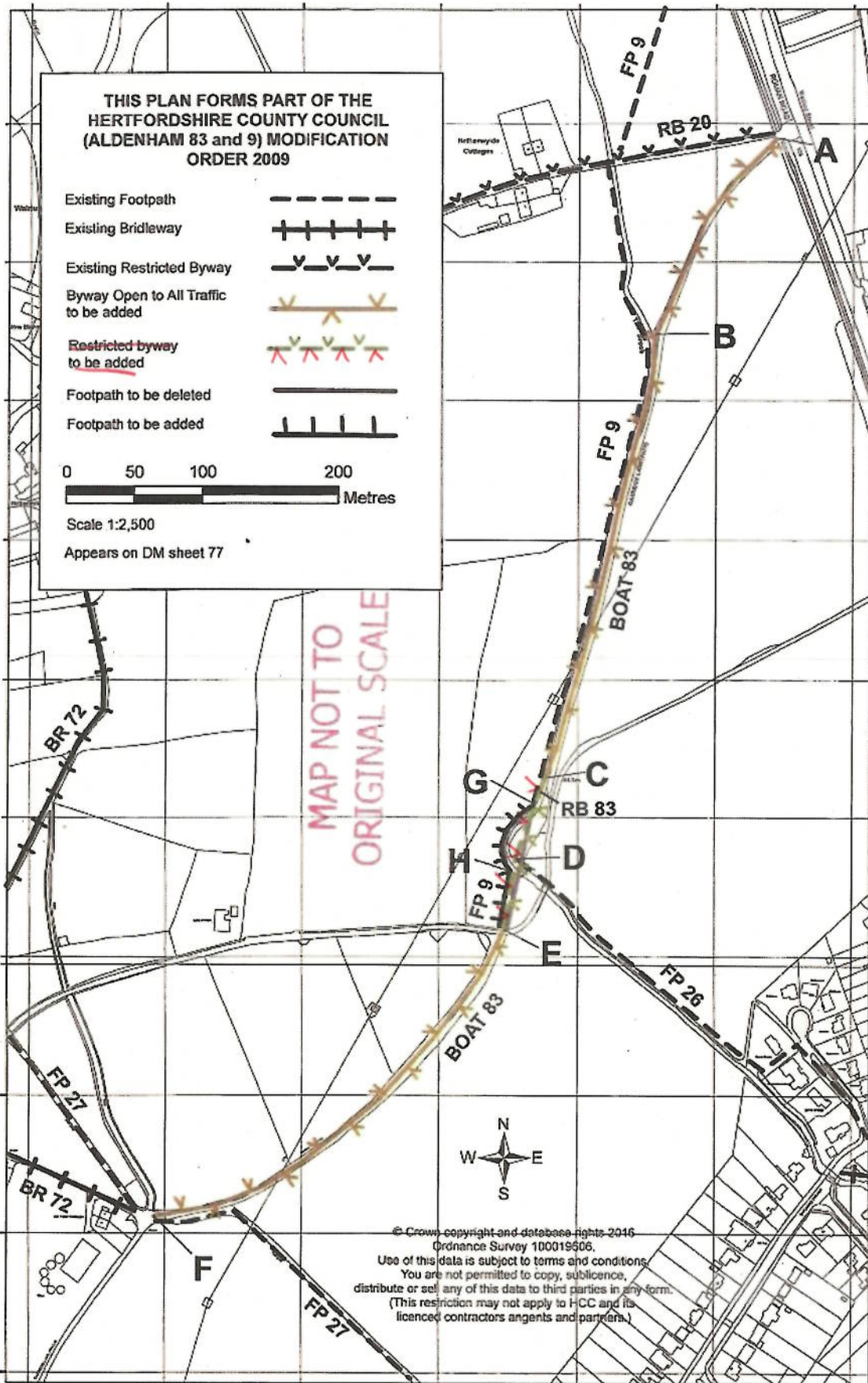
Scale 1: 2500

*FOR MODIFICATIONS REFER TO
SUPPLEMENTARY PLANS A AND B
ATTACHED TO THIS ORDER
The Ordnance Survey base mapping
on this map does not show the course
of the Brook at the date of the making
and confirmation of the Order.*



Kathryn Pettitt
Chief Legal Officer

SUPPLEMENTARY PLAN A



SUPPLEMENTARY PLAN B

