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## Order Decision

Site visit made on 28 September 2016

**by Helen Slade MA FIPROW**

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

**Decision date: 09 November 2016**

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### **Order Ref: FPS/W1850/7/16**

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ('the 1981 Act') and is known as The County of Hereford District Council Addition of Footpath 110 Whitchurch Modification Order.
- The Order is dated 18 June 2008 and proposes to modify the Definitive Map and Statement for the area by adding a footpath as shown in the Order plan and described in the Order Schedule.
- There was one objection outstanding when Herefordshire Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

**Summary of Decision: The Order is confirmed.**

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### **Procedural Matters**

1. The parties have agreed to this Order being determined using the written representation procedure. Herefordshire Council (the Order Making Authority or 'OMA') has adopted a neutral stance in this matter. The original applicant, Mr Vivian Jarrett, has passed away and, due to the passage of time, none of the other supporters of the Order had been traced at the time the Order was submitted to the Secretary of State, except for the local representative of the Open Spaces Society ('OSS'). The objector is Mr Atkinson, of Rowan House.
2. I carried out an unaccompanied visit during the afternoon of the 28 September 2016. I was able to access the garden of the objector's property, across which the claimed route allegedly runs. I also spent some time looking at, and using, other rights of way in the vicinity. The weather was fine, although there had been a light shower immediately prior to my visit.
3. Since the submission of the case by the OMA, Mr Morgan, the OSS representative, has managed to contact two of the original supporters of the Order who had completed user evidence forms ('UEF's'). Mr Adrian Jarrett submitted a statement on behalf of himself and his wife during the period of written exchanges. I have taken his comments into account.

### **The Main Issues**

4. This Order has been made in consequence of an event specified in Section 53(3)(c)(i) of the 1981 Act which requires that if I am to confirm the Order I must be satisfied that the evidence discovered by the Council, when considered with all other relevant evidence available, shows that a right of way which is not shown in the Definitive Map and Statement subsists over the route shown on the Plan attached to the Order and described in the schedule.

5. Section 31 of the Highways Act 1980 ('the 1980 Act') states that where there is evidence that any way over land which is capable of giving rise to a presumption of dedication at common law has been used by the public as of right and without interruption for a full period of 20 years, that way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention to so dedicate during that period. The period of 20 years is to be calculated retrospectively from the date when the right of the public to use the way was brought into question.
6. It is also open to me to consider whether dedication of the way has taken place at common law. This requires me to examine whether the use of the path by the public and the actions of the landowners or previous landowners have been of such a nature that dedication of a right of way can be shown to have occurred expressly or, alternatively, whether dedication can be inferred. No prescribed period of use is required at common law; the length of time required to allow such an inference to be drawn will depend on all the circumstances.
7. Section 32 of the 1980 Act requires a court or tribunal to take into consideration any map, plan or history of the locality, or other relevant document which is tendered in evidence, giving it such weight as is appropriate, before determining whether or not a way has been dedicated as a highway. The process of determination of an Order of this type constitutes an appropriate tribunal.
8. I have taken into account the guidance issued by the Department for Environment, Food and Rural Affairs in Circular 1/09, and relevant legal judgements.
9. The standard of proof required in this matter is the balance of probabilities.

## **Reasons**

### ***Background***

10. This Order stems from an application made originally in October 1994 on behalf of Whitchurch and Ganarew Group Parish Council ('the Parish Council'). Notice of the application was served on the landowner, Mr Atkinson. The following September, for reasons which have not been expressly set out, the Parish Council stated that it no longer wished to pursue the application, and a fresh application was made by one of the Parish Councillors in a private capacity. Mr Vivian Jarrett made his application on 24 October 1995 and submitted 14 UEF's in support of it.
11. I consider that it is doubtful whether a properly made application of this sort can be 'withdrawn' as the information contained in it is, by that time, before the relevant authority (the OMA) which is then obliged to determine it. However, in this case it makes little difference as the application made by Mr V Jarrett is, to all intents and purposes, the same as that made by the Parish Council a year earlier, and is based on the same evidence.
12. The application was prompted by action taken by Mr Atkinson in 1994 to block off and infill a strip of land at the edge of his property. Some local residents considered that the strip of land concerned was a public footpath. Mr Atkinson vigorously denied this at the time, and continues to claim that it was a storm gully.

13. The OMA investigated the claim, and examined historical documents in addition to taking the evidence of use into account. Some of the user witnesses were interviewed by the OMA in 2001, some six years after Mr Jarrett's application and some seven years after most of the witnesses had completed their UEF's. It then took another seven years to publish the Order, and a further delay of eight years before the Order was submitted to the Secretary of State.
14. This delay of over 20 years is very regrettable and poses significant problems to any determination of the Order. Firstly many of the user witnesses are no longer available either because they have passed away or moved elsewhere. Secondly the situation on the ground has changed considerably since the original application was made and, as discovered by the OMA, makes it very difficult to picture the topography of the land at the that time.
15. Apart from the original applicant and his witnesses, the only other supporter of the Order, Mr Morgan from the OSS, has no actual knowledge of the path and I agree with Mr Atkinson that his comments do not amount to evidence. I have not taken any of Mr Morgan's comments into account.

### ***Historical evidence***

16. The OMA has examined and submitted a number of maps and plans as part of its evidence: Ordnance Survey maps from 1886 – 1952; an extract of the Tithe Map for Whitchurch dated 1848; and an extract of the map prepared of the area in connection with the 1910 Finance Act ('the 1910 Act'). It is the view of the OMA that all these maps are consistent in showing a feature which is shown in the same way as other tracks and paths shown in the vicinity. The feature appears to be excluded from the valuation plots on both the Tithe Map and the 1910 Act map, which is consistent with it being a track, and suggesting it may have been considered to be part of the highway network.
17. Mr Atkinson's interpretation of these documents is rather different: he considers that the solid line shown on the Ordnance Survey ('OS') maps (on the north side of the feature) represents a drain or gully, and the dotted line (to the south side of the feature) is the path. He claims that any path is not on his land, but on the neighbouring land belonging to the property Woodchester. He is of the view that the path claimed by Mr V Jarrett and shown on the Order plan is not the footpath, but the gully. Mr Atkinson has gone to great lengths and has valiantly argued that there were two features adjacent and broadly parallel to each other.
18. Leaving aside for a moment the question of whose land the path might traverse, I look firstly at the information to be gleaned from the maps presented. I can see that the Order route is shown consistently on the OS maps. On the 1868 map it is shown with a solid line on either side; and on later maps with one solid line to the northern side and one dotted or dashed line to the south side. I note that the adjoining tracks, Drag Lane (or Road) and Ashes Road (to the west and east respectively) are also shown in the same way on all the maps prior to 1924 where they abut the parcel of land on which Woodchester now stands. Indeed Drag Lane continued to be shown with one solid line and one dotted line adjacent to the Woodchester land on the 1952 OS map. Mr Atkinson refers to this land as having been a cider orchard. I note also that a number of other paths in the vicinity which are now recorded on the Definitive Map and statement are shown in a similar fashion with one side, or both sides, delineated by a dashed line.

19. I accept that a certain amount of interpretation is required when examining OS maps because, over the years, conventions have changed and in many cases the same or very similar lines or symbols have been used to denote a number of different features. A solid line, for example, may denote a path, a hedge, a fence, a wall, or a ditch. Similarly a dotted line may be a single line, or a double line, and in both cases may define the route of a path, depending on its width. A dotted line can also define changes in vegetation or levels. By its very nature a map has to be a schematic plan to some extent, and it may have to deliberately leave out features, or show them not-to-scale, depending on the scale of the map and the type of feature.
20. Nevertheless, the OS mapping is very consistent in showing a feature on the line of the Order route and which, in itself, is consistent with the way in which surrounding tracks are shown, many of which are registered public rights of way today. I cannot accept that a linear feature shown with one solid line and one dotted line running parallel relates to two separate features, one of which is a gully. Mr Atkinson has not suggested that this notation represents the situation on Drags Lane or on Ashes Road as it would plainly be a nonsense. In my view the dotted or dashed line in this circumstance denotes a change in the land use which may or may not be accompanied by a small change in levels. This would be consistent with OS map conventions at the time.
21. I am satisfied that the feature shown on the OS maps along the line of the Order route is more likely than not to be a track of some sort.
22. The Tithe Map, dated 1848, pre-dates all the OS maps that have been submitted. Although described as being 'second class' it is coloured, and the line of the Order route is tinted brown in the same way as the adjoining tracks now known as Drag Lane and Ashes Road. Whilst not in the same style as the later OS maps, and whilst showing land parcels not shown on the later maps, the map was an important part of the Tithe Commutation process, and is clearly drawn. It is an important document and admissible as evidence of what it shows. I am satisfied that the feature lying between plots 612 and 613 is the same route identified on the later OS maps mentioned above, and is the same route as the Order route.
23. The 1910 Finance Act map is also very clear. The route shown on the OS base map used for the purpose (1904 edition of the 1:2500 map) which equates to the Order route is demonstrably shown outside the valuation hereditaments on either side of it. The adjoining tracks now known as Ashes Road and Drag Lane are similarly shown.
24. The information contained in the documents relating to the 1910 Finance Act on a national basis is inconsistent and variable in quality. Caution therefore has to be exercised in its interpretation. However, where there is consistency within a document itself I consider it reasonable to place more weight on that information.
25. Mr Atkinson takes the view that the surveyors employed in the exercise of drawing up these plans were working to the Inland Revenue (and, by implication, not concerned with identifying highways) and that the land in the vicinity of the Order route (i.e. on Doward Hill) was not often sold, but passed down or inherited. Under the circumstances he believes that any obligation for the maps to be accurate was unnecessary as the relevant tax was unlikely ever to become due.

26. I disagree with Mr Atkinson. The 1910 Finance Act was a complicated piece of legislation which was designed to collect a variety of different land taxes, not just an incremental duty on the sale of land. The information on the maps was obtained, in the first instance, from the landowners who had to complete a detailed form (Form 4 Land). The maps and associated documents were then checked in the field and the landowners were given the opportunity to check the information. It was a thorough and painstaking process – so painstaking that it took far too long to complete on a national basis and was too expensive to operate. The legislation was repealed about ten years later, but at the time the surveys were being undertaken the importance of obtaining accurate information was clearly understood.
27. In this case, I consider it is more likely than not that the Order route was excluded from the hereditaments because it was a track. Since it linked two other routes that were also excluded from valuation it is more likely than not that it was considered to be of the same status as those two tracks. By 1910 or thereabouts, the track had been in existence for more than 60 years (as demonstrated by the Tithe Map). Given that the two adjoining routes are now recognised as highways, I consider that this provides good evidence that the Order route was also considered to be a highway, and that it was therefore not appropriate for it to be valued for tax purposes.
28. Mr Atkinson has provided some extracts from Parish Council minutes over the years, two of which include reference to repairs to a track adjacent to a property called 'Glenside'. Glenside was the name of the former house on the property now occupied by Rowan House. This plot of land is roughly triangular; one side is bounded by Ashes Road; one side by Drag Lane, and the third side by the Order route. Although both extracts are interesting, the entry for July 1938 is insufficiently detailed to confidently identify which of the three tracks the repair refers to, but I consider that the entry dated April 1948 is more helpful. It refers to repairs required to the "road near the Yew Tree Inn, at the top of the path leading passed (*sic*) Glenside Cottage to the Ashes."
29. It seems to me that, regardless of what action was proposed to the road near the Yew Tree Inn, this entry makes a clear reference to a path running past Glenside Cottage to the Ashes Road. The Yew Tree Inn was the old Cider or Beer House<sup>1</sup> and it is on what is known as Drag Lane. The path described in the extract of the minutes must therefore have run from Drag Lane to Ashes Road past Glenside Cottage. In my view it cannot relate to any other path but the Order route. This is not evidence of the status of the Order route, as the repairs being suggested are for the benefit of Drag Lane, but it is a clear reference to the existence of the Order route on the ground.
30. In relation to the historical documentation and maps submitted, I conclude that the evidence shows that a track existed on the ground which the claimed route is intended to represent. I consider that there is strong evidence that it had a similar status to the surrounding and linking routes, and there is good evidence that it was considered, in 1910 or thereabouts, to be a highway. The path still existed in 1948 as shown by the Parish Council minutes, and in 1952 as shown by the OS mapping.

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<sup>1</sup> The property is marked 'B.H.' on the 1886 First Edition OS map

### ***The Definitive Map process***

31. Mr Atkinson points out that the Order route was not claimed as a public right of way during the process of preparing the original Definitive Map in the 1950s, and neither was it ever included at any subsequent reviews; a situation acknowledged by the OMA. As the OMA says, there are a variety of reasons why that may have been the case, but I have not received any clear explanation or argument justifying its omission. Identifying a possible reason would be pure speculation on my part, and that is not appropriate.
32. However, the fact that the absence of the route from the Definitive Map and Statement did not become an issue until 1994, despite a review of the Definitive Map undertaken only 5 years before in 1989, is a factor which cannot be ignored, and must be considered in the light of the user evidence now available as a consequence of the application.

### ***User evidence***

33. The applicant submitted 14 UEF's with the application, 12 of which had been completed the previous year for the earlier application. None of the UEF's that I have seen is accompanied by a map, which reduces the weight that can be given to the information. I say this because although the path is described on most of the forms as "Short Spur joining (or in one case 'Path linking') WC61 to WC62 in an east to west direction" there is no other information to identify it with the route shown on the Order plan. Furthermore, the evidence of Mrs Wyper is far from clear as the path is merely described as running "Between Ashes Lane and Drag Lane". This could refer to the registered public right of way WC72, as suggested by Mr Atkinson. In addition, Tracey Jarrett's form is incomplete and thus not signed, and is also therefore of less value to me.
34. Nine of the witnesses have the same surname – Jarrett – and Mr Atkinson has gone to great lengths to try to establish family links between them all. Latterly, in the letter from Mr Adrian Jarrett, it appears that not all nine people are related to each other, but it seems likely to me that they probably constitute two family groups. That does not make their evidence irrelevant, but it does indicate that usage of the route was, perhaps, not widespread in the community.
35. Mr Adrian Jarrett's letter is useful as it does allow me to be more confident that the UEFs, in general, do relate to the Order route. I am therefore able to place more weight on the evidence contained in them than I might otherwise have done.
36. If I discount Mrs Wypers evidence due to the doubt about the location of the path to which she refers, 13 of the witnesses claim to have used the path for periods varying between 5 years or so (Mr D and Mrs M Jenkins), and 70 years (Mr George Jarrett). Mr Atkinson considers that usage whilst still a minor (i.e. less than 18 or perhaps 21) cannot count towards the number of years of use. He states that he has sought advice on this matter and found it to be legally correct. However he has not submitted the advice nor given me the precise source of that view. Whilst I would be likely to give less weight to claimed usage by children less than five years old in some respects, it seems to me that it is perfectly valid use of the route in other respects. For example, in terms of volume of use I see no difficulty in accepting use by children, of whatever age. However, in terms of evidence of use by the public, I might give it less weight

because it might be assumed that they would be using it as part of a family group or unit. Children over the age of five, and in particular in a rural location like Doward Hill, might well be using a path on their own and I would feel much more able to treat their usage in the same way as any other member of the public.

***Section 31 of the Highways Act 1980:***

*The date on which the right to use the path was brought into question*

37. There appears to be no disagreement that the use of the path was brought into question when Mr Atkinson (on behalf of himself and his then neighbour) constructed a wall at the lower end of the path, off Ashes Road. Mr Atkinson has made no secret of the fact that he carried out the work, and points to the fact that he had sought advice from the relevant Council at that time (Hereford and Worcester County Council or 'HWCC') about the status of the path on the border of his property. I place significant weight on the fact that Mr Atkinson wrote to the Manager of the Rights of Way Section. He referred quite clearly in that letter to the path which formed the southern boundary to his property. He described Ashes Lane and Drag Lane forming the other two borders.
38. The response from HWCC has led to Mr Atkinson claiming that the path was not a right of way but a permissive path. Whilst this may be one way of interpreting the letter of 28 April 1994, it is more accurate to interpret it as set out by the OMA: that the path was not registered as a right of way but that did not mean that it was not a public right of way. It only meant that it was not recorded as such.
39. Be that as it may, this correspondence shows clearly that:
- a) Mr Atkinson recognised that a path of some sort bordered his land;
  - b) He was planning to do some work which would affect the path in question;
  - c) His enquiry in April 1994 presaged the work he undertook later that year;
  - d) The work he undertook caused the first application to be made.
40. I am therefore satisfied that the date on which the use of the path was brought into question is 1994, and that the relevant period of 20 years during which use of the path must be examined is 1974 to 1994.

*Whether there is evidence of user by the public*

41. As I have already mentioned, of the 14 user witnesses nine of them appear to have come from two extended families. Mr A Jarrett made clear in his letter of 9 September 2016 that not all the Jarretts considered themselves related to each other as it was a very common name in the area. However, in his letter he makes reference to his mother being one of the original user witnesses, and also refers to Rory Jarrett. I assume therefore that at least four of the Jarretts formed his family (Adrian, Wendy, Rory and Eileen Jarrett). Given the address of George Jarrett and his age, I must assume that he is also related to Eileen Jarrett. That leaves four other Jarretts (Vivian, Margaret, Paul and Tracey) all with the same address and thus presumably from the same family as each

other. This would appear to be consistent with the information gleaned from the interviews undertaken in 2001 by the OMA.

42. Mr Atkinson also claims that there are other family connections but Adrian Jarrett denies them. Furthermore he denies the claim (rather self-evidently) that Mrs Joan Jenkins was his brother. What he does not say is whether or not she was his sister!
43. In the context of Section 31 of the 1980 Act, the term 'the public' is not defined. It is usually taken to have a normal, dictionary definition being '*the people as a whole*' or '*the community in general*' and it is generally accepted that in some cases this might only mean local residents<sup>2</sup>. In a case like the one I am considering, I think it is highly likely that usage would mainly be restricted to local residents, due to the location of the path and the relatively isolated nature of the community, and that use by the public should be interpreted in that context.
44. Thus I consider that it would not be unreasonable to interpret usage by the members of a small number of families plus a few other local people as being use by the public.

*Whether there has been user for the requisite period*

45. Due to the time that has elapsed since the claim was originally made, the information on the UEFs is rather more basic than would nowadays be the case. However, some of the witnesses were interviewed in 2001 by the OMA and thus I am able to give slightly more weight to their user evidence as a consequence. Nevertheless, the information is lacking in detail and there has been no opportunity to thoroughly address some of the issues raised by Mr Atkinson in which he questions the evidence of use and details of the topography.
46. The evidence of use spans a period dating back over 50 years from the date on which Mr Atkinson blocked the alleged way. The use described by the witnesses is of a regular but infrequent nature in general. Some of them used it for a substantial portion of their lives, and others have clearly moved into the area (possibly due to marriage in some cases) and their usage picks up on the established pattern. Evidence of use by the younger witnesses also suggests that their pattern of use reflected that of older witnesses, indicating that the route had a reputation for being available for use over a long period.
47. Mr Atkinson suggests that some of the previous occupants of his property may have either given permission to people to use the way, or been members of the same family, but this is vigorously denied by Mr Adrian Jarrett in his recent letter, and none of the witnesses acknowledge any permission having been sought or given. Mr Atkinson moved into his property in 1988 and is not in a position to know what happened before that time. He claims that no-one used the path at all, except for one man from Yew Tree House who started to use the route once he had initially cleared it. He also points to the fact that the route was not, and never had been claimed, as part of the Definitive Map processes prior to 1994.

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<sup>2</sup> *R v Southampton (Inhabitants)* [1887] 19 QB 590



48. I accept that the use of the path was unlikely to have been particularly frequent, and may have reduced to very little by the time Mr Atkinson took over the property. However, I have received no evidence which causes me to suspect that there had been no use of the route at all, nor to doubt that use of the route had been exercised by the public over a period of many years. Neither is there any evidence of any permissions being given to use it. I accept that the failure to seek its registration on the Definitive Map at an earlier stage is a negative factor, but I consider that the nature of the route (short, steep and probably of limited usefulness) may have meant it was overlooked. However this does not mean that it was not, and cannot be, a public right of way.
49. I conclude that it is more likely than not that the claimed route has been used by the public for a period including, and considerably in excess of, the relevant 20 year period relating to the statutory criteria, albeit at a low level.

*Whether there is sufficient evidence of a lack of intention to dedicate a right of way*

50. It is interesting to see that, on being interviewed, all the people concerned described the route as a 'well defined gully with hedges on each side of the route'. Mr Adrian Jarrett describes it in his recent letter as 'the old sunken footpath'.
51. Mr Atkinson takes issue with these descriptions, insisting that the claimed route was a storm water gully, and that footpaths are usually on higher ground than a ditch or gutter and separate from them. Based on this reasoning he has asserted that the 'path' is actually on his neighbours land, and not on his land. He supports this statement by pointing to the two surveys undertaken by the OMA at different times which, in his view, came to two different conclusions over the location of the claimed route. The correct outcome should have been what was reflected in the first survey undertaken which suggested that the path was on his neighbours land at Woodchester.
52. I disagree with Mr Atkinson's view for the following reasons. Firstly, there are other registered public footpaths in the vicinity of the Order route which take the form of a gully, and which are likely to carry water in some weather conditions. The claimed route is likely to have been no different. I do not see this as a factor preventing it from being a public right of way.
53. Secondly, having read the correspondence regarding the two surveys it seems to me that both reach the same conclusion about the location of the path. The difference between them is that the 2005 survey made the assumption that Mr Atkins (of Woodchester) owned the land to the north of the dashed line on the OS maps. More recent information from the Land Registry shows that this is not the case. Whether or not the land over which the footpath runs is owned by Mr Atkinson or by his neighbours is not a matter for me to determine, and is only relevant to me in determining what evidence there may be of the landowner's intentions with regard to dedication.
54. Mr Atkinson has not been able to demonstrate that he actually owns the strip of land in question since his land is not registered at the Land Registry and his deeds are apparently missing. Given the documentary evidence I have examined above, I consider that the strip of land over which the alleged path runs was historically excluded from the adjacent parcels of land for taxable

purposes. The landowners of those parcels may, notionally, own the land to the centre line of the route under the legal principle of *ad medium filum*.

55. Until Mr Atkinson blocked the route in 1994 there does not seem to have been any clear action taken to indicate that the right of the public to use the route was being challenged in any way, other than by physical neglect. Mr Atkinson claims that the route was unusable due to the presence of overgrown vegetation and a large tree. However, as I have already mentioned, Mr Atkinson specifically asked the then Highway Authority whether or not there was any legal impediment to stopping the access. His request made specific reference to the feature as 'a path'. His letter implied that he was aware of the existence of a path and of it being used as such, and that he wanted to stop it.
56. The present owners of the other adjacent property, Mr and Mrs Bowen, have written an email, dated 15 September 2015, stating that they clearly remember the footpath, which took the form of a gully, and that they themselves used the route forty years ago when they lived in Whitchurch village. On moving into their present property, they used the path again, prior to Mr Atkinson filling it in.
57. Whether or not Mr Atkinson owns part or all of the land crossed by the claimed route, I am satisfied that there is no evidence of any lack of intention on the part of any potential landowner to dedicate the route during the relevant 20 year period prior to 1994.

#### *Conclusion on statutory dedication*

58. I am satisfied that there has been use of the claimed route by the public for at least the requisite 20 year period dating back from 1994. Despite the failure to claim the route as part of the Definitive Map processes prior to that date, I consider that, on balance, the evidence of use is sufficient to permit the inference of deemed dedication in the absence of any evidence of a lack of intention to dedicate during the relevant period.

#### **Common law dedication**

59. I consider that the documentary evidence is good evidence in support of the existence of a highway over the claimed route. The evidence of use over a long period provided by the witnesses bolsters this reputation of public rights and I conclude that it is more likely than not that the claimed route was already a highway prior to 1994.

#### **Other matters**

60. The route has clearly been obliterated by the work undertaken by Mr Atkinson. My decision is based on the evidence, and I have not allowed the current situation to influence my decision in any way. How the situation is managed in the future is a matter for Herefordshire Council as Highway Authority.

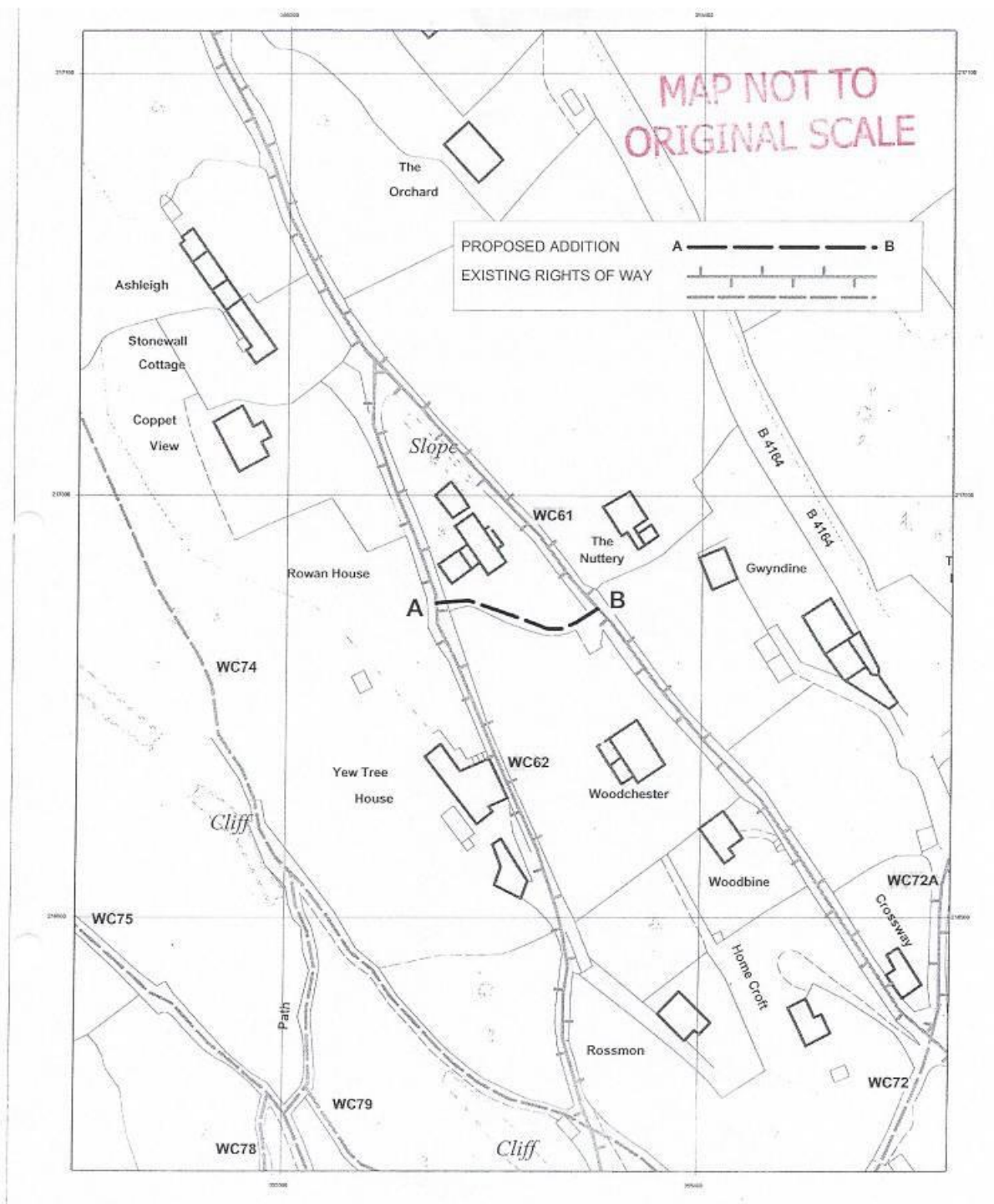
#### **Conclusions**

61. Having regard to these and all other matters raised in the written representations I conclude that the Order should be confirmed.

**Formal Decision**

62. I confirm the Order.

*Helen Slade*  
**Inspector**



LOCATION PLAN - PARISH OF WHITCHURCH  
MODIFICATION ORDER. PROPOSED  
ADDITION OF FOOTPATH  
DWG No. M138/410-GEN  
SCALE 1:1250

Herefordshire Council  
Public Rights of Way  
PO Box 41  
Leominster  
HR6 0ZA  
Tel.: (01432) 260000  
Fax.: (01432) 260579

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