



Order Decision

Inquiry held on 22 October 2015

Hearing held on 2 November 2016

by Mark Yates BA(Hons) MIPROW

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

Decision date: 14 June 2017

Order Ref: FPS/M1900/7/82M2

- 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 (Widford 13, 18, 26 and Wareside 84) Modification Order 2011.
- The Order was made by Hertfordshire County Council ("the Council") on 1 July 2011 and proposed to modify the definitive map and statement in respect of rights of way in the parishes of Widford and Wareside, 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.
- In accordance with Paragraph 8(2) of Schedule 15 to the 1981 Act I have given notice of my proposal to confirm the Order with modifications.

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

Procedural Matters

1. My initial Interim Decision ("ID"), dated 14 December 2015, was issued following a public inquiry held on 22 October 2015. I proposed to make modifications to the Order, most notably in relation to the extent of the restricted byway to be recorded in the definitive map and statement.
2. I held a hearing on 2 November 2016 to consider the objections made to my proposed modification to the extent of this route. A second ID was issued on 8 December 2016 in which I agreed with the objectors regarding the alignment of the route and the proposed modifications were therefore revised.
3. No relevant representations were received in response to the second ID. As I made clear in the initial ID it is not my role to consider whether the restricted byway should be diverted.

Reasons

4. For the reasons outlined in the second ID I conclude that the Order should be confirmed with the revised modifications set out below.

Formal Decision

5. I confirm the Order subject to the following modifications:
 - Delete "*Section 53(3)(c)(i)&(iii)*" from the fifth line of the preamble in the first page of the Order and insert "*Section 53(3)(c)(i), (ii)&(iii)*".
 - Delete ", and" from the end of paragraph (i) in the first page of the Order and insert ";(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; and".

- Delete lines two to five of the first description in Part I of the Order Schedule and insert "*TL4131 1616 (Point C on parts 1 and 2 of the Order Plan), for a length of approximately 185 metres, to TL4146 1625 (Point C1 on parts 1 and 2 of the Order Plan)*".
- Delete the remainder of the text after "*Order Plan).*" in the sixth line of the second description in Part I of the Order Schedule and insert "*Then generally east through the sewage works for a distance of approximately 150 metres to TL 4169 1640 (Point F on part 2 of the Order Plan), then generally north east for a distance of approximately 90 metres to TL 4174 1648 (Point G on part 2 of the Order Plan), then generally south east for a distance of approximately 160 metres to the junction with Widford 13 at TL 4184 1637 (Point H on part 2 of the Order Plan).*"

Width 3 metres between TL4131 1616 (Point C on part 1 of the Order Plan) and TL 4184 1637 (Point H on part 2 of the Order Plan).

Limitations: None".

- Delete "*20 feet (6 metres)*" from the sixth line of the third description in Part I of the Order Schedule and insert "*3 metres*".
- Delete "*10 feet (3 metres)*" from the seventh line of the first description in Part II of the Order Schedule and insert "*1.5 metres*".
- Delete the text in the third to sixth lines of the second description in Part II of the Order Schedule and insert "*100 metres parallel with Wareside RB84 to TL 4156 1635, then E through the sewage works for approx. 150m to TL 4169 1640, then NE for approx. 90m to TL 4174 1648, then SE for approx. 160m to the junction with Widford 13 at TL 4184 1637.*"
- Delete "*20 feet (6 metres)*" from the seventh line of the second description in Part II of the Order Schedule and insert "*3 metres*".
- Delete "*10 feet (3 metres)*" from the eighth line of the second description in Part II of the Order Schedule and insert "*1.5 metres*".
- Delete "*10 feet (3 metres)*" from the ninth line of the third description in Part II of the Order Schedule and insert "*1.5 metres*".
- Insert "*C1*" at TL4146 1625 on parts 1 and 2 of the Order Map.
- Delete the section of the claimed route between points E-F-G-H from the relevant parts of the Order Map and replace it with the revised route delineated by red notation.

Mark Yates

Inspector

**THIS PLAN FORMS PART OF
THE HERTFORDSHIRE
COUNTY COUNCIL
MODIFICATION ORDER
2011**

(WIDFORD 13, 18, 26 AND WARESIDE 84)

- | | |
|--|--------------------------------|
| | Existing Restricted Byway |
| | Restricted Byway to be deleted |
| | Restricted Byway to be added |
| | Existing footpath |
| | Existing bridleway |
| | Parish boundary |

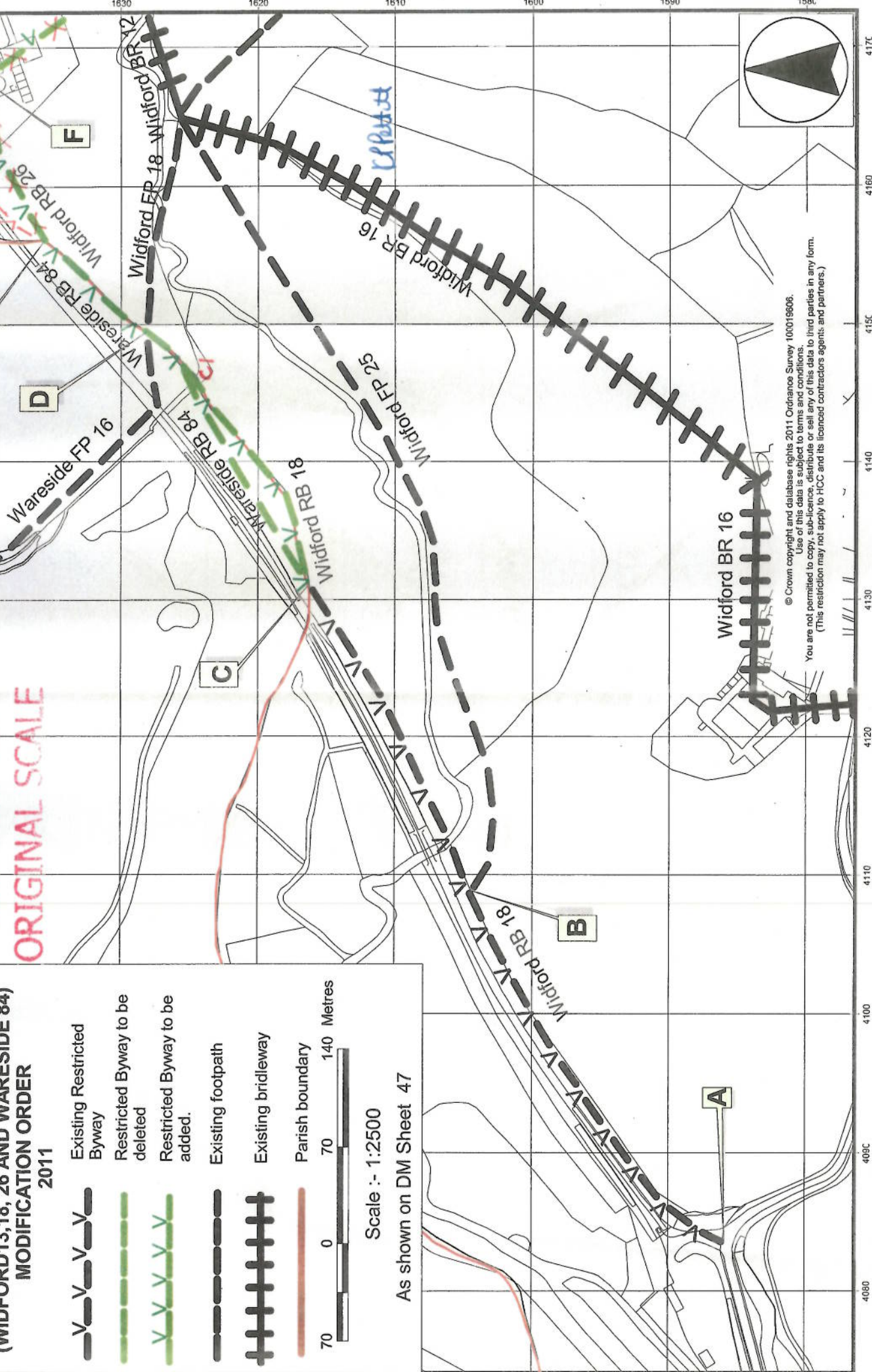


Scale :- 1:2500

As shown on DM Sheet 47

Part 1







**MAP NOT TO
ORIGINAL SCALE**



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(WIDFORD 13, 18, 26 AND WARESIDE 84)

-  Existing Restricted Byway
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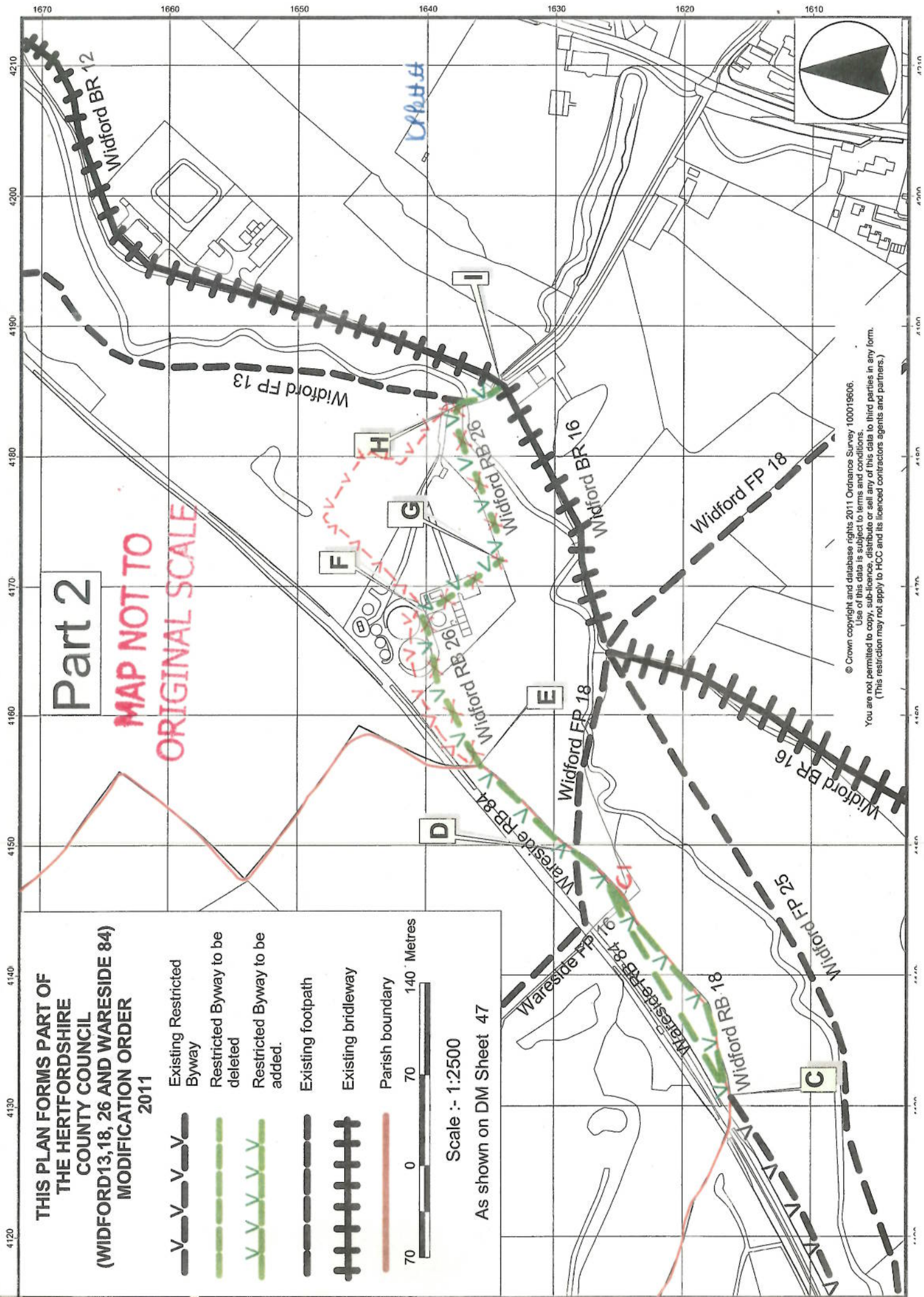


Scale :- 1:2500

As shown on DM Sheet 47

Part 2

**MAP NOT TO
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