

REGISTER OF APPLICATIONS - PUBLIC PATH ORDERS

DETAILS OF APPLICATION

File Name:	
Date application received:	
Name of Applicant:	
Intended effect of application:	

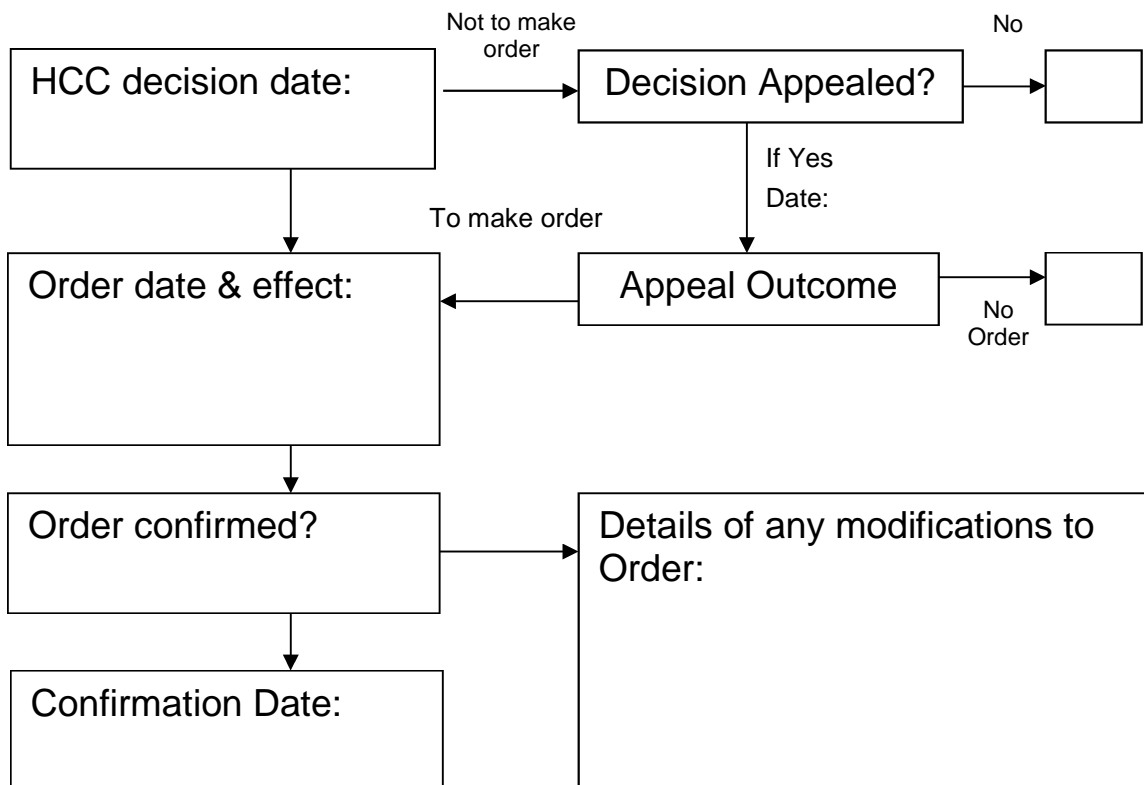
LOCATION OF APPLICATION

District:		Parish:	
Nearest	City:		
	Town:		
	Village:		
	Grid References	or	Definitive Map path reference
Start Point (A)			
End Point (B)			

ADDRESS OF PROPERTIES ON THE APPLICATION ROUTE

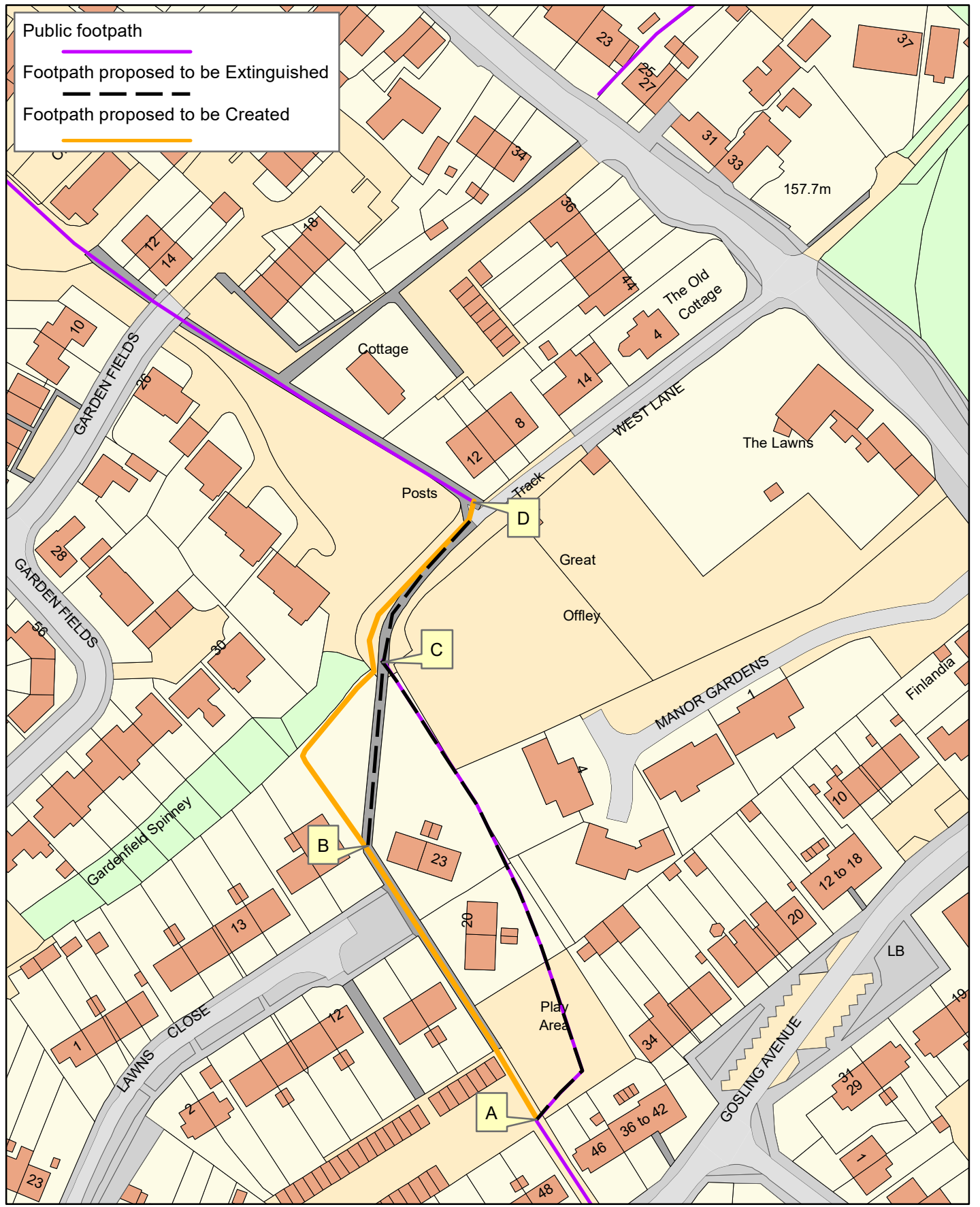
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DETERMINATION (DECISION) OF APPLICATION

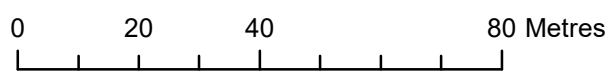




Application plan- Offley Footpath 12. NH/329/CRE & EXT



Scale 1:1,250



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**Application for an Extinguishment or Diversion Order
Under sections 118 or 119 of the Highways Act 1980**

Please confirm you have read the Advice to Applicants before filling in this application form.

Once you have filled in the application form please ensure that you send to us the following:

- the completed form
- a plan of your proposal based on an Ordnance Survey map of a scale not less than 1:2500
- proof of ownership of the land and
- a cheque for the application fee, payable to Hertfordshire County Council.

1. Initial matters

(Tick relevant boxes below)

1.1 I am applying to extinguish a path under section 118 of the Highways Act 1980

1.2 I am applying to divert a path under section 119 of the Highways Act 1980

1.3 My application relates to a footpath
 bridleway
 restricted byway

1.4 Path number (if relevant) FP12

1.5 Parish Offley

1.6 Full name(s) of applicant Kevin Heaney (All Land Investment Ltd)

1.7 Address Unit 5, 25-27 The Burroughs, Hendon

London

NW4 4AR

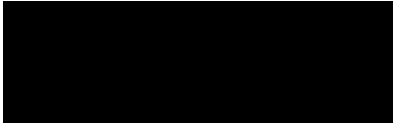
1.8 Phone number (daytime) C/O Agent

1.9 Mobile number C/O Agent

1.10 E-mail address C/O Agent

1.11 Would you like to use an external agent to assist processing your application? If "YES" please tick this box

(Note. Please ensure you provide your Agent with a copy of our [Directions for Agents consulting on diversion applications etc.](#) pack which explains in detail what your agent is required to do.)

Name and contact details of external agent Alistair Rokas
Woods Hardwick Planning Ltd


(Note. You will be solely responsible for your agent's costs. Seeking an agent capable of dealing with the intricacies of rights of way law is recommended)

2. **Ownership of land affected by the application**

2.1 Are you the freehold owner and occupier of all of the land affected by the application? Yes No

If Yes, please supply evidence of your ownership of the land and then go to 2.4

2.2 **If No**: please

- list below the names and addresses of all the owners, occupiers or lessees of land affected including yourself;
- indicate accurately on the application plan the different ownerships and occupiers of the land affected;
- supply copies of proof of title to land affected (clearly labelled);
- **Diversion applications only**; enclose a letter from all of the owners, occupiers and lessees affected, with their comments on whether they agree to the proposal.

Name	Address	Status (landowner, occupier or lessee)
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Please see land ownership schedule enclosed with the Covering Letter

2.3 In the case of a diversion application, will any owners, occupiers or lessees of the land affected claim compensation under Section 28 of the Highways Act 1980?

Yes No

2.4 Does any statutory undertaker (e.g. gas, water, electricity, telephone) have any rights on, over or under the land over which the right of way runs?

Yes

No

If yes, name the statutory undertaker and describe their rights.

2.5 Is the apparatus of any statutory undertaker affected by the application?

Yes

No

If yes, state what apparatus may be affected.

3. **Reasons for application**

3.1 Please state your reasons for applying to extinguish or divert the public right(s) of way. *(Note. You will need to refer to the legal tests. See Section 2 of the Application Pack, and the relevant highways legislation.)*

Please see [Covering Letter and accompanying plans for more information.](#)

4. **Description of route(s)**

The plan accompanying this application must show the paths on an accurate up-to-date plan at a scale of not less than 1:2500.

4.1 Describe the path using grid references and any important landmarks. If the route is already recorded by the Definitive Map and Statement of Public Right of Way in Hertfordshire, please refer to its parish and path number.

[Footpath FP12, Offley. Please see Covering Letter and accompanying for more details.](#)

(path description continued)

distance _____ (metres) width _____ (metres)

existing stiles/gates/bridges (list and show position on plan)

- 4.2 Proposed route (describe the path using grid references and any important landmarks) (leave blank if applying for an extinguishment)

distance _____ (metres) width _____ (metres)

(Note. County Council policy will not normally allow new gates or stiles to be erected on the new route (excluding gates for stock control) except in exceptional circumstances)

- 4.3 Is the existing (definitive) route unobstructed and fully available to the public?

Yes

No

- 4.4.1 If the answer is NO, state fully the reasons why the route is obstructed and describe and show clearly on the application plan the obstruction and the route used by the public.

Definitive Map is incorrect. Route shown on Definitive Map is not accessible.

5. Costs

5.1 In signing this form I/we agree to pay the cost of processing the application.

5.2 I/We enclose a cheque for the application fee.

Signed _____ Date 03/07/2020

on behalf of Kevin Heaney (All Land Investment Ltd)

6. Agreement regarding works (applications to divert paths only)

I/We understand that the applicant must pay the cost of all works which may be required by Hertfordshire County Council including signposting and waymarking to bring the new site of the path into fit condition for use by the public.

I/We understand that I/we will be required to enter into an agreement to carry out works specified in a schedule to be drawn up by Hertfordshire County Council.

I/We understand that if the works are not completed within the time specified, or to the required standard, the county council will, after notice in writing, carry out or complete the works and that I/we will be liable for all costs so incurred.

7. Compensation (all applications)

I/We confirm that I/we are the sole owner(s) and occupier(s) of the land affected by this application.

I/We agree to pay any compensation which may become payable in consequence of the order made as a result of this application becoming operative.

8. Undertaking not to obstruct the public right of way (all applications)

I/We declare that the existing public right of way is open and available for use by the public.

I/We undertake not to obstruct the existing public path(s) in any way until any orders made are confirmed AND have come into operation.

Signed _____ Date 03/07/2020

on behalf of Kevin Heaney (All Land Investment)

3556/AR

County Hall
Pegs Lane
Hertford
SG13 8DQ

03/07/2020

RE: APPLICATION MADE UNDER SECTION 118 OF THE HIGHWAY ACT 1980 FOR THE EXTINGUISHMENT OF A SECTION OF A PUBLIC RIGHT OF WAY AT LAND OFF WEST LANE, OFFLEY

Dear Sir/Madam,

Please find enclosed herewith materials in support of an application made under Section 118 of the Highway Act 1980 (henceforth: The Act) for a Public Path Extinguishment Order (PPEO) at land off West Lane, Offley. The following materials accompany this application:

- Proposed Diversion Plan (18394-FP-P001)
- Land Registry Title Plans and Registers
- Correspondence from landowners

This PPEO is sought for the section of Public Right of Way (PROW) FP12 that commences at the terminus of PROW FP46 and then extends to the rear of 18, 20, 21 & 23 Lawns Close before connecting to PROW FP12 adjacent 44 Gosling Avenue. This route, as displayed on the Definitive Map, is incorrect and inaccessible, and, as a result, a non-definitive section of footpath has formed diagonally across the field at West Lane; it also proposed to extinguish this non-definitive section also. The attached plan (Ref: 18394-FP-P001) shows the route of PROW FP12 as displayed by the Definitive Map and the non-definitive, actual walked route of PROW FP12.

This PPEO is being submitted in tandem with an application made under Section 26 of the Act for a Public Path Creation Order (PPCO) which seeks the realignment PROW FP12 and the creation of a new section of PROW to facilitate this proposed alignment. It is proposed to realign PROW FP12 to continue westwards along West Lane, before turning south and connecting to the existing footpath that begins adjacent to Lawns Close. The realignment would then extend southwards along this existing path to the point at which PROW FP12 is located adjacent to rear garden of 46 Gosling Avenue. The new section of improved footpath will extend from the terminus of FP46 on West Lane and connect to the existing footpath adjacent to Lawns Close.

Section 118 of the Highway Act 1980 provides that:

(1)Where it appears to a council as respects a footpath in their area (other than one which is a trunk road or a special road) that it is expedient that the path or way should be stopped up on the ground that it is not needed for public use, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, extinguish the public right of way over the path or way.

(2)The Secretary of State shall not confirm a public path extinguishment order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that it is expedient so to do having regard to the extent (if any) to which it appears to him or, as the case may be, them that the path or way would, apart from the order, be likely to be used by the public, and having regard to the effect which the extinguishment of the right of way would have



as respects land served by the path or way, account being taken of the provisions as to compensation contained in section 28 above as applied by section 121(2) below.

(5) Where, in accordance with regulations made under paragraph 3 of the said Schedule 6, proceedings preliminary to the confirmation of the public path extinguishment order are taken concurrently with proceedings preliminary to the confirmation of a public path creation order then, in considering—

(a) under subsection (1) above whether the path or way to which the public path extinguishment order relates is needed for public use, or

(b) under subsection (2) above to what extent (if any) that path or way would apart from the order be likely to be used by the public,

the council or the Secretary of State, as the case may be, may have regard to the extent to which the public path creation order provide an alternative path or way.

FP12 is currently used by the public and were it not for the extinguishment this use would no doubt continue. However, Section 118 (5) of the Act applies as a concurrent PPCO is being sought in accordance with Schedule 6, Paragraph 3 of the Act. This PPCO will provide a suitable alternative route and will ensure no denigration of the public amenity value offered by PROW FP12. The new route for PROW FP12 will represent a marked improvement in terms of legibility in the context of the Definitive Map, but also by ensuring that PROW FP12 is more accessible for those requiring mobility assistance. The PPCO would not negatively affect any land served by it and those with interest in the land are in agreement with the proposed new route. Therefore, compensation does not need to be considered. A detailed schedule of land ownership is provided in Appendix A and the relevant Title Plans and Registers are enclosed with this application.

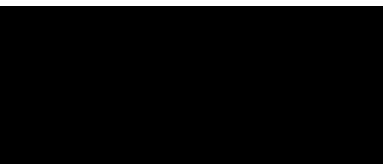
On this basis, it is considered that the concurrent PPCO is a consideration of sufficient weight to justify the PPEO being sought. The proposed arrangement would herald substantial benefits the PROW network in this area, both in terms of legibility but also usability by virtue of the proposed widening and surface treatments to the section PROW FP12. It is considered that this application therefore conforms with the requirements of Section 118 of the Act.

In summary, a PPEO is being sought in tandem with an application for a PPCO relating to a section of PROW FP12. Sufficient justification has been provided to satisfy Section 118 of the Act.

I trust the above makes sense but please don't hesitate to contact me should you wish to discuss further.

Yours Sincerely,

For & on Behalf of Woods Hardwick Planning Ltd.,



ALISTAIR ROKAS

PLANNER



Appendix A – Land Ownership Schedule

Name	Address	Status	Title No
Kevin Christopher Heaney	2 Garden Fields, Offley, Hitchin, SG5 3DF	Landowner	HD572526
Kevin Heaney	2 Garden Fields, Offley, Hitchin, SG5 3DF	Landowner	HD427715
North Hertfordshire Homes Ltd (Shelter)	Rowan House Avenue One Letchworth Garden City Herts SG6 2WW	Landowner	HD422334 ¹

¹ Please see enclosed letter confirming Mr Heaney has exchanged contracts with North Hertfordshire Homes Ltd (Shelter)

**Application for an Extinguishment or Diversion Order
Under sections 118 or 119 of the Highways Act 1980**

Please confirm you have read the Advice to Applicants before filling in this application form.

Once you have filled in the application form please ensure that you send to us the following:

- the completed form
- a plan of your proposal based on an Ordnance Survey map of a scale not less than 1:2500
- proof of ownership of the land and
- a cheque for the application fee, payable to Hertfordshire County Council.

1. Initial matters

(Tick relevant boxes below)

1.1 I am applying to extinguish a path under section 118 of the Highways Act 1980

1.2 I am applying to divert a path under section 119 of the Highways Act 1980

1.3 My application relates to a footpath
 bridleway
 restricted byway

1.4 Path number (if relevant) _____

1.5 Parish _____

1.6 Full name(s) of applicant Kevin Heaney (All Land Investment Ltd)

1.7 Address Unit 5, 25-27 The Burroughs, Hendon

London

NW4 4AR

1.8 Phone number (daytime) C/O Agent

1.9 Mobile number C/O Agent

1.10 E-mail address C/O Agent

1.11 Would you like to use an external agent to assist processing your application? If "YES" please tick this box

(Note. Please ensure you provide your Agent with a copy of our [Directions for Agents consulting on diversion applications etc.](#) pack which explains in detail what your agent is required to do.)

Name and contact details of external agent Alistair Rokas
Woods Hardwick Planning Ltd


(Note. You will be solely responsible for your agent's costs. Seeking an agent capable of dealing with the intricacies of rights of way law is recommended)

2. Ownership of land affected by the application

2.1 Are you the freehold owner and occupier of all of the land affected by the application? Yes No

If Yes, please supply evidence of your ownership of the land and then go to 2.4

2.2 If No: please

- list below the names and addresses of all the owners, occupiers or lessees of land affected including yourself;
- indicate accurately on the application plan the different ownerships and occupiers of the land affected;
- supply copies of proof of title to land affected (clearly labelled);
- **Diversion applications only;** enclose a letter from all of the owners, occupiers and lessees affected, with their comments on whether they agree to the proposal.

Name	Address	Status (landowner, occupier or lessee)
------	---------	---

Please see land ownership schedule enclosed with Covering Letter.

2.3 In the case of a diversion application, will any owners, occupiers or lessees of the land affected claim compensation under Section 28 of the Highways Act 1980?

Yes No

2.4 Does any statutory undertaker (e.g. gas, water, electricity, telephone) have any rights on, over or under the land over which the right of way runs?

Yes

No

If yes, name the statutory undertaker and describe their rights.

2.5 Is the apparatus of any statutory undertaker affected by the application?

Yes

No

If yes, state what apparatus may be affected.

3. **Reasons for application**

3.1 Please state your reasons for applying to extinguish or divert the public right(s) of way. *(Note. You will need to refer to the legal tests. See Section 2 of the Application Pack, and the relevant highways legislation.)*

[An application for a Public Path Creation Order under section 26 of the Highways Act 1980.](#)

[Please see Covering Letter and accompanying plans for more information.](#)

4. **Description of route(s)**

The plan accompanying this application must show the paths on an accurate up-to-date plan at a scale of not less than 1:2500.

4.1 Describe the path using grid references and any important landmarks. If the route is already recorded by the Definitive Map and Statement of Public Right of Way in Hertfordshire, please refer to its parish and path number.

[Please see Covering Letter and accompanying plans for more information.](#)

(path description continued)

distance _____ (metres) width _____ (metres)

existing stiles/gates/bridges (list and show position on plan)

4.2 Proposed route (describe the path using grid references and any important landmarks) (leave blank if applying for an extinguishment)

An application for a Public Path Creation Order under Section 26 of the Highways Act 1980.

Please see Covering letter and accompanying plans for more information.

distance _____ (metres) width _____ (metres)

(Note. County Council policy will not normally allow new gates or stiles to be erected on the new route (excluding gates for stock control) except in exceptional circumstances)

4.3 Is the existing (definitive) route unobstructed and fully available to the public?

Yes

No

4.4.1 If the answer is NO, state fully the reasons why the route is obstructed and describe and show clearly on the application plan the obstruction and the route used by the public.

5. Costs

5.1 In signing this form I/we agree to pay the cost of processing the application.

5.2 I/We enclose a cheque for the application fee.

Signed



Date 03/07/2020

on behalf of Kevin Heaney (All Land Investment Ltd)

6. Agreement regarding works (applications to divert paths only)

I/We understand that the applicant must pay the cost of all works which may be required by Hertfordshire County Council including signposting and waymarking to bring the new site of the path into fit condition for use by the public.

I/We understand that I/we will be required to enter into an agreement to carry out works specified in a schedule to be drawn up by Hertfordshire County Council.

I/We understand that if the works are not completed within the time specified, or to the required standard, the county council will, after notice in writing, carry out or complete the works and that I/we will be liable for all costs so incurred.

7. Compensation (all applications)

I/We confirm that I/we are the sole owner(s) and occupier(s) of the land affected by this application.

I/We agree to pay any compensation which may become payable in consequence of the order made as a result of this application becoming operative.

8. Undertaking not to obstruct the public right of way (all applications)

I/We declare that the existing public right of way is open and available for use by the public.

I/We undertake not to obstruct the existing public path(s) in any way until any orders made are confirmed AND have come into operation.

Signed



Date 03/07/2020

on behalf of Kevin Heaney (All Land Investment Ltd)

3556/AR

County Hall
Pegs Lane
Hertford
SG13 8DQ

03/07/2020

RE: APPLICATION MADE UNDER SECTION 26 OF THE HIGHWAY ACT 1980 FOR THE CREATION OF A NEW PUBLIC RIGHT OF WAY AT LAND OFF WEST LANE, OFFLEY

Dear Sir/Madam,

Please find enclosed herewith materials in support of an application made under Section 26 of the Highway Act 1980 (henceforth: The Act) for a Public Path Creation Order (PPCO) at land off West Lane, Offley. The following materials accompany this application:

- Proposed Diversion Plan (18394-FP-P001)
- Land Registry Title Plans and Registers
- Correspondence from landowners

This PPCO is being sought to realign the route of Public Right of Way (PROW) FP12, including the creation of a new paved section of footpath to facilitate this realignment. It is proposed to realign the section of PROW FP12 that commences at the terminus of PROW FP46 and then extends to the rear of 18, 20, 21 & 23 Lawns Close before connecting to PROW FP12 adjacent 44 Gosling Avenue. This route, as displayed on the Definitive Map, is incorrect and inaccessible, and, as a result, a non-definitive section of footpath has formed diagonally across the field at West Lane. The PPCO seeks to realign PROW FP12 to continue westwards along West Lane, before turning south and connecting to the existing footpath that begins adjacent to Lawns Close. The realignment would extend southwards along this existing path to the point at which PROW FP12 is located adjacent to rear garden of 46 Gosling Avenue. The new section of improved footpath to facilitate this realignment will extend from the terminus of FP46 on West Lane and connect to the existing footpath adjacent to Lawns Close.

The improved section of footpath will be 1.5m wide and paved, ensuring it is more accessible for all members of society, include those requiring mobility assistance. Appropriate boundary treatments will be incorporated as and are outlined in greater detail in the Footpath Alteration Proposed Plan - Detail (18394-FP-03)

This PPCO is being sought in tandem with an application under Section 118 of the Act for a Public Path Extinguishment Order for the section of FP12 shown incorrectly on the Council's Definitive Map, and the non-definitive, actual walked route that extends diagonally across the field at West Lane. The Council's Definitive Map shows PROW FP12 extending from the end of West Lane southwards behind 18, 20, 21 & 23 Lawns Close and then to Gosling Avenue and onwards. The non-definitive, actual route of this footpath extends south-west from the end of West Lane and connects to the existing footpath adjacent to Lawns Close.

Section 26 of the Act provides:

(1) Where it appears to a local authority or a strategic highways company that there is need for a footpath bridleway or restricted byway over land in their area and they are satisfied that, having regard to—



(a) the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, and

(b) the effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in section 28 below,

it is expedient that the path or way should be created, the authority may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed by them as an unopposed order, create a footpath over the land

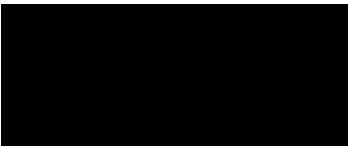
The proposed realignment of PROW FP12 will herald a number of public benefits. The main benefit is the improvement to the legibility of the PROW network insofar as the Council's Definitive Map can be updated to reflect a route for PROW FP12 that is actually accessible and usable. Another benefit is the section of improved footpath, which will be 1.5m wide and paved, replacing the non-definitive section of PROW FP12 that consists of downtrodden grass. Thus, the proposed footpath would be more usable for all members of society, including those requiring mobility assistance. It is considered that this is sufficient to satisfy Section 26 (1) (a) of the Act.

The Applicant does not own all the land required to deliver the PPCO, however, those with interest in the relevant land are in agreement with the proposed route for the PPCO. Section 26 (1) (b) of the Act is therefore satisfied. A detailed schedule of land ownership is provided in Appendix A and the relevant Title Plans and Registers are enclosed with this application.

In summary, a PPCO is being sought in tandem with an application for a public path extinguishment order relating to a section of PROW FP12. There are a number of distinct public benefits emanating from this proposal which are sufficient to satisfy the requirements of Section 26 of the Act.

Yours Sincerely,

For & on Behalf of Woods Hardwick Planning Ltd.,



ALISTAIR ROKAS

PLANNER



Appendix A - Land Ownership Schedule

Name	Address	Status	Title No
Kevin Christopher Heaney	2 Garden Fields, Offley, Hitchin, SG5 3DF	Landowner	HD572526
Kevin Heaney	2 Garden Fields, Offley, Hitchin, SG5 3DF	Landowner	HD427715
North Hertfordshire Homes Ltd (Shelter)	Rowan House Avenue One Letchworth Garden City Herts SG6 2WW	Landowner	HD422334 ¹

¹ Please see enclosed letter confirming Mr Heaney has exchanged contracts with North Hertfordshire Homes Ltd (Shelter)