



Order Decision

Inquiry held on 29 January 2019

Site visit on 26 February 2020

by Sue M Arnott FIPROW

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

Decision date: 13 November 2020

Order Ref: ROW/3201752M

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981. It is known as the Hertfordshire County Council (Graveley 15, 18 and 21 and Wymondley 24) Modification Order 2016.
- The Order is dated 19 February 2016. It proposes to modify the definitive map and statement for the area by adding a bridleway, upgrading a footpath to restricted byway status and upgrading a footpath to a bridleway along Green Lane, Turf Lane and Milksey Lane respectively, in the parishes of Graveley and Wymondley, as described in the Order. Only the status of Milksey Lane is at issue here.
- There was one objection outstanding when Hertfordshire County Council submitted the Order for confirmation to the Secretary of State for Environment, Food & Rural Affairs.
- In accordance with Paragraph 8(2) of Schedule 15 to the Wildlife and Countryside Act 1981 I gave notice of my proposal to confirm the Order with modifications, to which three objections were submitted. I subsequently gave notice of my proposal to confirm the Order with further modifications; no objections have been received in response.

Summary of Decision: The Order is confirmed subject to modifications previously proposed.

Reasons

1. If confirmed with the modifications set out in paragraph 53 of my interim Order Decision issued on 1 July 2020, the Order would not record on the definitive map and statement a bridleway as originally proposed. Further, the route at issue here, Footpath No 18 (Graveley), would not be recorded over the full width of the lane as shown in the Order as made but would exclude (a) a narrow strip along its southern side (in effect the raised roadside verge), (b) a small triangle of land near to its junction with Restricted Byway 15 in Graveley Parish (shown on the Order map as point B) and (c) an area on the south side of Milksey Lane immediately to the west of the gate at point C. Nevertheless, the Order *would* confirm the existence of a public right of way on foot over the remaining width of Milksey Lane shaded grey on the Order map. No limitations would be recorded on the definitive statement for Footpath 18 (Graveley).
2. There are no objections to these proposed modifications to the Order.

Conclusion

3. Having regard to the above and to all other matters raised at the inquiry and in the written representations, I conclude the Order should be confirmed subject to the modifications that have been advertised and as set out below.
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Formal Decision

4. I confirm the Order subject to the following modifications:

In the Order schedule

- In **Part I: Modification of the Definitive Map - 'Description of public right of way to be upgraded'**: delete the entry for Milksey Lane;
- In **Part II: Modification of the Definitive Statement - 'Variation of particulars of path or way'**: amend 'Width' to read "Between 1.83m and 8m...";
- Change all references to 'Bridleway' (or 'BR') 18 to 'Footpath' (or 'FP') 18;

On the Order map

- Delete from the key "footpath to be upgraded to bridleway (B-C)" and amend "Existing footpath" to read "Existing footpath/footpath to be recorded with additional width (B-C);
- Amend the notation used on the map for B-C to that for the above and reduce the area shaded grey.

Sue Arnott

Inspector