



**LEDBURY TOWN COUNCIL**

**24 MAY 2018**

Mrs Karen Mitchell  
Ledbury Town Council  
Church Lane  
Ledbury  
Herefordshire  
HR8 1DL

**Balfour Beatty**

**Herefordshire  
Council**

**Working for Herefordshire**

Unit 3  
Thorn Business Park  
Rotherwas Industrial Estate  
Hereford  
HR2 6JT

**RECEIVED**

**14 MAR 2018**

12 March 2018

Our ref: PROW/SKW/M292,M293 & M294

Dear Mrs Mitchell

**Wildlife and Countryside Act 1981 section 53**

**Application for Definitive Map Modification Orders to add 3 footpaths in the parishes of Ledbury Rural and Donnington**

You might be aware of an application that the Council received in 2007 to modify its Definitive Map of public rights of way to include three footpaths. Herefordshire Council has a long list of such applications that require significant investigation and this case has now reached a point where the Council is looking to determine the matter.

The Definitive Map is a document that the Council is required to hold and keep up to date, being the legal record of the existence of all public rights of way in the county and the Council has a further duty to keep it up to date by modifying it should it be made aware of previously unrecorded rights. There are many such examples.

In this case, evidence has been provided seeking to indicate that the three footpaths indicated on the plan (Appendix 1 at the back of the attached report) are historic footpaths and should be recorded on the map.

In straightforward terms, the Council must investigate the evidence provided, along with any other evidence that it holds, knows of or becomes aware of and determine whether or not such rights exist and, if they do (on the balance of probabilities), make an Order to record them on the map. So this is a matter of whether or not public rights subsist and the law dictates that the Council can have no regard to whether these rights are wanted, needed or have any other potential impacts.

The evidence has been assessed with a view to determining the level of public rights that exist. The law is such that, any rights established in the past, still exist today unless any legal event has taken place to stop up those rights.

A report has been compiled with our recommendation to Herefordshire Council. You will note that it is recommended that the three routes should *not* be added to the definitive map and that the

applications are *rejected*. This is because there is insufficient evidence, on the balance of probabilities, to indicate that such public rights exist.

I would welcome any information that might be helpful in the investigation and any comments to the report that the Parish Council may have.

I hope that I have explained the process sufficiently. If not, please do let me know if I can help further.

I look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S White', with a small flourish at the end.

**Susan White**  
**Rights of Way Officer**

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