

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

Ms A Price
Clerk to Ledbury Town Council
Town Council Office
Church Street
LEDBURY
HR8 1DH

20th October, 2020

Our ref: PROW/M293/LJC

Dear Ms Price

**DEFINITIVE MAP MODIFICATION ORDER
WILDLIFE AND COUNTRYSIDE ACT 1981
ADDITION OF FOOTPATHS LR39 LEDBURY RURAL AND DN8 DONNINGTON**

In accordance with the relevant statutory provisions, I now enclose, for information, copies of a Notice of Modification Order, Explanatory Statement, Sealed Order and Order Plan.

A copy of the Notice of Modification Order will appear in the Malvern Gazette on 23rd October, 2020. Please note that any comments or objections should be received by the date as stated in the said Notice.

Yours sincerely



Lisa Creed
Assistant Rights of Way Officer
lisa.creed@balfourbeatty.com
Tel: 07597 506016

Enc.

NOTICE OF MODIFICATION ORDER

SECTION 53 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF HEREFORDSHIRE

HEREFORDSHIRE COUNCIL (ADDITION OF FOOTPATHS LR39 LEDBURY RURAL AND DN8 DONNINGTON) MODIFICATION ORDER 2020

The above Order made on 11th August, 2020, if confirmed as made, will modify the Definitive Map and Statement for the area by adding to them Footpaths LR39 Ledbury Rural and DN8 Donnington as follows:

Addition of Footpath F-G-H

Commences at County Road B4216 at OS Grid Reference SO 7076 3544 (point F on the order plan) and proceeds in a west-south-westerly direction for approximately 144 metres to OS Grid Reference SO 7063 3537 (point G on the order plan). The path turns north-westerly before continuing in a west-south-westerly direction for approximately 455 metres to the Ledbury Rural/Donnington parish boundary at OS Grid Reference SO 7023 3520 (point H on the order plan). The total length of the path is approximately 599 metres. (To be known as Footpath LR39 Ledbury Rural.) The path has a width of 2 metres.

Addition of Footpath H-I

Commences at the Ledbury Rural/Donnington parish boundary at OS Grid Reference SO 7023 3520 (point H on the order plan) and proceeds in a generally south-south-westerly direction for approximately 80 metres to the County Boundary at OS Grid Reference SO 7019 3514 (point I on the order plan). (To be known as Footpath DN8 Donnington.) The path has a width of 2 metres.

A copy of the order, the order plan and explanatory statement, have been placed and may be seen free of charge at Thorn Offices, Rotherwas, Hereford, HR2 6JT **by appointment only**. Copies are also available on the Council's website at www.herefordshire.gov.uk.

Any queries in relation to this Order may be discussed with Susan White, Public Rights of Way, Balfour Beatty Living Places, on telephone 01432 261800, or by e-mail to susan.white@balfourbeatty.com.

Any formal representations about or objections to the Order must be made in writing to Public Rights of Way Manager, Balfour Beatty Living Places, Unit 3, Thorn Business Park, Rotherwas Industrial Estate, Hereford, HR2 6JT, or by email to HerefordshirePROW@bblivingplaces.com, quoting reference PROW/M293, to be received not later than 7th December, 2020. Please state the grounds on which any objections are made.

Please note that the substance of any objection, or comment, may be imparted to third parties.

If no representations or objections are duly made to the Order, or if any so made are withdrawn, the Council, instead of submitting the Order to the Secretary of State may itself confirm that Order. If the Order is submitted to the Secretary of State, Department of Environment Food and Rural Affairs, any representations or objections which have been duly made and not withdrawn will be sent with the Order.

Dated: 23rd October, 2020

Mairead Lane
Acting Assistant Director for Highways and Transport

1258

WILDLIFE AND COUNTRYSIDE ACT 1981 DEFINITIVE MAP MODIFICATION ORDER

EXPLANATORY STATEMENT

Introduction

Public footpaths, bridleways, restricted byways and byways open to all traffic are recorded in Definitive Maps and Statements. These maps and Statements provide conclusive evidence of the existence of public rights of way and are very important to both landowners and users as a record of where the public has a right to walk, ride horses and bicycles and drive vehicles. Clearly, it is in everyone's interest for the Map and Statement to be as accurate and up to date as possible.

Herefordshire Council ("the Council") is responsible for keeping the Definitive Map and Statement for the County up to date and has a duty under the Wildlife and Countryside Act 1981 to amend them when **evidence** is discovered that they are inaccurate or incomplete. Such amendments are made by means of Modification Orders under Section 53 of the Act.

This Order

The Secretary of State has directed the Council to make a Modification Order to add Footpaths LR39 Ledbury Rural and DN8 Donnington to the Definitive Map and Statement. This Order simply recognises public rights which the Secretary of State believes have already come into existence and records them in the Map and Statement. The Order does not create any new public rights of way.

THIS STATEMENT DOES NOT FORM PART OF THE ORDER. It has been prepared to explain why the Order has been made.

The Order has been made after considering an application originally submitted by Malvern Hills District Footpath Society.

The evidence on which the Secretary of State has instructed the Council to make the Order is documentary evidence.

The Secretary of State considers that, on the basis of this evidence, the rights of way in the Order "subsist or are reasonably alleged to subsist" (see Wildlife and Countryside Act 1981, Section 53(3)(c)(i)).

Objecting to the Order

Objections or representations relating to the Order must be made in writing by the date stated in the Notice to Public Rights of Way Manager, Balfour Beatty Living Places, Unit 3, Thorn Business Park, Rotherwas Industrial Estate, Hereford, HR2 6JT, or by e-mail to HerefordshirePROW@bblivingplaces.com.

To be relevant, objections or representations should relate to the question of the existence or status of the rights of way in question. **Representations or objections relating to such matters as the need for the path, security or privacy are not relevant to the evidence and cannot be taken into account.**

The Council is willing to discuss the concerns of anyone considering objecting or making representations relating to the Order. Please contact Susan White, Public Rights of Way, Balfour Beatty Living Places on telephone 01432 261800, or by e-mail to susan.white@balfourbeatty.com.

The right of objection to an Order is a statutory right, but it should be exercised in a reasonable manner. Costs are normally awarded against objectors in cases of unreasonable behaviour.

What will happen next?

If there are no objections to the Order, or if all objections are withdrawn, the Council will confirm the Order and the Definitive Map and Statement will be modified accordingly.

If any objections are made and not withdrawn, Herefordshire Council must refer the Order to the Secretary of State, Department of Environment Food and Rural Affairs who will appoint an independent inspector to consider the Order and hear the objections, normally by holding a public local inquiry. Objectors to the Order will be given the opportunity to put forward their case at such an inquiry and will be able to cross examine any witnesses produced by the Council. The Inspector may then decide to confirm the Order, with or without modifications, or may decide that the Order should not be confirmed.

SCHEDULE

PART I

Modification of Definitive Map

Description of path or way to be added

Addition of Footpath F-G-H

Commences at County Road B4216 at OS Grid Reference SO 7076 3544 (point F on the order plan) and proceeds in a west-south-westerly direction for approximately 144 metres to OS Grid Reference SO 7063 3537 (point G on the order plan). The path turns north-westerly before continuing in a west-south-westerly direction for approximately 455 metres to the Ledbury Rural/Donnington parish boundary at OS Grid Reference SO 7023 3520 (point H on the order plan). The total length of the path is approximately 599 metres. (To be known as Footpath LR39 Ledbury Rural.)

The path has a width of 2 metres.

Addition of Footpath H-I

Commences at the Ledbury Rural/Donnington parish boundary at OS Grid Reference SO 7023 3520 (point H on the order plan) and proceeds in a generally south-south-westerly direction for approximately 80 metres to the County Boundary at OS Grid Reference SO 7019 3514 (point I on the order plan). (To be known as Footpath DN8 Donnington.)

The path has a width of 2 metres.

PART II

Modification of Definitive Statement

Variation of particulars of path or way

Footpath LR39 Ledbury Rural

Commences at County Road B4216 at OS Grid Reference SO 7076 3544 and proceeds in a west-south-westerly direction for approximately 144 metres to OS Grid Reference SO 7063 3537. The path turns north-westerly before continuing in a west-south-westerly direction for approximately 455 metres to the Ledbury Rural/Donnington parish boundary at OS Grid Reference SO 7023 3520. The total length of the path is approximately 599 metres. The path has a width of 2 metres.

Footpath DN8 Donnington

Commences at the Ledbury Rural/Donnington parish boundary at OS Grid Reference SO 7023 3520 and proceeds in a generally south-south-westerly direction for approximately 80 metres to the County Boundary at OS Grid Reference SO 7019 3514. The path has a width of 2 metres.

MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF HEREFORDSHIRE

HEREFORDSHIRE COUNCIL
(ADDITION OF FOOTPATHS LR39 LEDBURY RURAL AND DN8 DONNINGTON)
MODIFICATION ORDER 2020

This order is made by the County of Herefordshire District Council (known as "Herefordshire Council") under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") in accordance with the direction of the Secretary of State given on 6th January, 2020 because it appears to the Secretary of State that the Definitive Map and Statement for the County of Herefordshire requires modification in consequence of the occurrence of an event specified in section 53(3)(c)(i) of the Act, namely the discovery of evidence which shows that a right of way subsists or is reasonably alleged to subsist

Herefordshire Council hereby orders that:

1. For the purposes of this order the relevant date is 22nd April, 2020.
2. The Definitive Map and Statement for the County of Herefordshire shall be modified as described in Part I and Part II of the Schedule hereto and shown on the plan attached to this order.
3. This order shall take effect on the date it is confirmed and may be cited as Herefordshire Council (Addition of Footpaths LR39 Ledbury Rural and DN8 Donnington) Modification Order 2020.

Dated 11th August 2020

THE COMMON SEAL of the County of)
Herefordshire District Council was affixed)
BY ORDER)

Authorised Officer

KIMBELLEY GAFFEY



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