

## **Bridleway No 18 – Current Status**

The Little Berkhamsted Parish Council has been contacted by a number of residents concerned that they are unable to use it. I have been asked to provide a brief update on the current status for all readers of The Parish Magazine. It is a complicated situation and I hope not to confuse !

Bridleway 18 starts in Little Berkhamsted and has been used regularly for many years by residents, walkers ( and their dogs ! ) and horse-riders.

In Little Berkhamsted, this right-of-way starts by passing through the land of a private property, Breach House. The owners of Breach House has contacted Herts County Council because they believe the Map designating the Right Of Way is incorrect and does not conform to the Statement designating the Right-of-Way.

Right-of-Way law is a complex area and essentially is determined by two legally binding documents, a "Definitive Statement" – a written description of a right-of-way, like a footpath, or bridleway, and a "Definitive Map" – a graphic description – showing on a map, the right-of-way as outlined in the "Definitive Statement".

The owners of Breach House believe there is a discrepancy between the "Definitive Statement" and the "Definitive Map", and using the legal investigation process to which they are fully entitled to pursue, have asked Herts County Council to resolve the issue. It is important to clarify that the responsibility for doing this rests with Herts County Council. Little Berkhamsted Parish Council has no legal powers or responsibility to investigate or make a ruling in this right-of-way dispute.

In an email to me dated 15<sup>th</sup> January 2020 (which I read out at the Parish Council Meeting on the same day), Mr Gavin Harbour Cooper, Senior Definitive Map Officer, Herts County Council stated:

- a) "there may be a discrepancy between the location of Bridleway 18, as shown on the definitive Map and its description on the Definitive Statement.
- b) there is untested evidence that public rights exist along the path through Breach House (either as the correct alignment of BR18 or as a public right-of-way in its own right)
- c) the existence of any such rights has been both challenged and claimed."

Mr Harbour-Cooper clarified that Herts Council has not agreed to, or allowed the owners of Breach House to close the path through their property, but until this matter has been investigated and the route formally recognised as a right-of-way, the County Council has no powers to enforce its continued use. Herts Council agreed to remove the sign identifying Bridleway 18 until the matter has been fully investigated.

Against this background, an additional legal process is underway. If it can be demonstrated that a path has been used regularly over a period of time, a new right-of-way can be assigned. This is a process known as a "Definitive Map Modification Order". Anyone is legally able to apply for this. In order for this

process to succeed, it is necessary to demonstrate that a path has been habitually used regularly over a period of time. This is usually done by users of the footpath / bridleway confirming in writing the length of time and frequency they have used it.

Members of The British Horse Society (BHS) obviously use Bridleway regularly to ride their horses and the BHS have developed great expertise into right-of-way's disputes. The BHS have made over 200 "Definitive Map Modification" applications in Hertfordshire alone.

The BHS have now made a specific application for the path known as Bridleway 18 to be formally recognised as a right-of-way. This means that if the County Council were to rule in favour of the owners of Breach House in their dispute, should the BHS be successful in their Modification Application the path of Bridleway 18 would be established as a right-of-way. The owners of Breach House would also have a legal right to appeal this decision should they choose to.

This is a complex and developing situation, I hope this brief summary is helpful.

Ellis Downes  
Chairman,  
Little Berkhamsted Parish Council