

**Application Form for a Modification Order****Wildlife and Countryside Act 1981**

<b>Title of the Definitive Map and statement:</b>		Humberside County Borough of East Yorkshire Definitive Map and Statement of Public Rights of Way	
<b>To:</b>	East Riding of Yorkshire Council		
<b>Of:</b>	County Hall, Beverley. HU17 9BA (F.A.O. Definitive Map Team, AS67)		
	I	Anthony Corrigan on behalf of East Yorkshire and Derwent Area Ramblers	
	of	2 Lysander Drive, Market Weighton YO43 3NQ	
hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by:-			
(a)	Deleting the footpath / bridleway / restricted byway / byway open to all traffic		
	from		
	to		
(b)	<b>Adding a Restricted Byway known as Throughleys Lane, Melbourne</b>		
	<b>from</b>	SE 75503 42256	
	<b>to</b>	SE 74601 42115.	
(c)	Upgrading / downgrading to a [footpath / bridleway / restricted byway / byway open to all traffic] the [footpath / bridleway / restricted byway / byway open to all traffic]		
	from		
	to		
(d)	Varying / adding to the particulars relating to the footpath / bridleway / restricted byway / byway open to all traffic		
	from		
	to		
	by providing that		
<b>and shown on the map accompanying this application.</b>			
I attach copies of the evidence (including statements of witnesses) in support of this application.			
<b>Date</b>	19 <sup>th</sup> April 2018	<b>Signed</b>	

## Document References

Document	Location/Reference No.
Melbourn and Storthwaite Enclosure Act	ERYC Archives ref AP/3/27
Melbourn and Storthwaite Enclosure Award	ERYC Archives ref IA/108/1
Melbourn and Storthwaite Enclosure Map	ERYC Archives ref IA/108/2
OS Maps Yorkshire 193 & 207 [1854 onwards]	National Library of Scotland [extracts]
OS Object Name Books	TNA – ref OS 35/8713 and OS 35/8755
Finance Act Maps 1910	TNA - ref ir134_5_300-1 & ir134_5_367
Land Registry [extract]	INSPIRE [2018] on line mapping search
Bryant's map of Yorkshire - extract	ERYC Archives ref DDX 6/1

*Give your reasoned case as to how the evidence submitted with this application proves on the balance of probabilities that a Definitive Map Modification Order should be made to amend the Definitive Map and Statement.*

All the evidence produced for this application route suggest highway rights existed at the times the various pieces of evidence were created. Whilst no single piece is conclusive of highway status, when considered together evidence leans towards rights of Restricted Byway. On the balance of probabilities it is suggested such highway rights existed.

- a) The 'Melbourn and Storthwaite' Enclosure Awards 1777 created a public road called Throughleys Road. It describes the route as southward to an 'ancient lane' called Through Leys Lane. Pre – dating Section 23 of the Highways Act, the enclosure award directed all public and private roads to be maintained.
- b) Ordnance Survey maps from 1854 to the present day all name the ancient lane and from 1910 show the awarded 'Throughleys Road' also as Lane, essentially depicting a continuous highway.
- c) Ordnance Survey Object Name Books for Melbourne, dated February 1910 identify this application route as Throughleys Lane and record that it extends half a mile west. This is essentially along the length of the ancient lane.
- d) Inland Revenue Finance Act Valuation records show the route has not been incorporated into any hereditament
- e) The application route connects in two places with existing public footpaths.
- f) The first section of the application route was awarded as a public road. It is an unsurfaced track, cul de sac, leading to two farm properties with no evidence of vehicle use by the general public.
- g) The second section leading from the first is a green lane used by farm vehicles for field access. There is no evidence to suggest it has been used by the public with mechanically propelled vehicles
- h) In the event that motor vehicular rights have not been extinguished, the applicant opines the route is clearly more conducive to and indeed used by the public for riding and walking rather than by motor vehicles and so would meet the criterion for being recorded on the definitive map and statement as a restricted byway.
- i) The applicant requests the surveying authority adds the route to the definitive map as such.

