

Application Form for a Modification Order

Wildlife and Countryside Act 1981

Title of the Definitive Map and statement:	"Humberside County Council Review of Rights of Way Definitive Map and Statement (covering so much of the former East Riding of Yorkshire as became the Administrative County of Humberside)"
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To:	East Riding of Yorkshire Council
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Of:	County Hall, Beverley. HU17 9BA (F.A.O. Definitive Map Team, AS67)
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I	Anthony Corrigan [on behalf of East Yorkshire and Derwent 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)	Adding a restricted byway
from	Grid Reference SE 79996 31397 [Carr Lane, Easttrington]
to	Grid Reference SE 80900 31387 [Sleights Lane]

(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

and shown on the map accompanying this application.
I attach copies of the evidence (including statements of witnesses) in support of this application.

Date	10 th December 2018	Signed
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Document References

Document	Location/Reference No.
OS Explorer map 291 [2015]	OS on line mapping
Bishop Soil Enclosure Act 1767	ERYC Archives Ref - AP/3/10
Bishop Soil Enclosure Award 1777	ERYC Archives Ref - DDHM/236590 - 236592
Bishop Soil Enclosure map [copy] 1883	ERYC Archives Ref - IA/18
OS Map York 223 [1855,1910 & 1953]	National Library of Scotland Mapping website
OS Boundary Remarks Book	Nat Archives - Ref OS 26/11782
Finance Act 1910 Map [York - 223]	Nat Archives - Ref ir 134/5/485
Land Registry Extract [2018]	INSPIRE online mapping
Owsthorpe & Hive Tithe Map 1844	ERYC Archives Ref - PE150/T8
Bryants Map of the East Riding [1829]	ERYC Archives Ref - DDX6/1

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 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 application route is subject of an enclosure award, being named Owsthorpe Road in The Bishop Soil Enclosure Award of 1767. It was awarded as a 'Common King's Highway or Publick Road 60 feet in breadth'
- b) OS maps of 1855, 1910 and 1953 all show the route, mirroring that on the Enclosure map.
- c) Inland Revenue Finance Act Valuation records show the application route was not part of any Hereditament and was not subject of a valuation deduction. Likewise, Land Registry mapping extracts indicate the land has not been registered. This is considered to confirm the proposition that the application route was a public highway.
- d) Tithe maps of 1844 indicate the application route was not subject of an apportionment and is coloured sienna, consistent with it being a public vehicular highway
- e) On current Ordnance Survey maps the application route is highlighted as 'Other Route with Public Access'. It is suggested this confirms it as public but without a determined highway status. However, adding Enclosure Award evidence would determine it as a Carriage and Bridle road.
- f) Bryant's maps of East Yorkshire published for public use supports b) - d).
- g) No evidence is available to indicate the application route has been in public use by those with mechanically propelled vehicles, such use being confined to landowners and agricultural machines. 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 horse 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.

Application Route in red

