

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)"
To:	East Riding of Yorkshire Council	
Of:	County Hall, Beverley. HU17 9BA (F.A.O. Definitive Map Team, AS67)	
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 known as Barmby Lane	
	from	Grid Reference SE 80509 31971 [Sleights Lane, Eastrington]
	to	Grid Reference SE 80487 32742 [Gilberdyke Footpath No 01]
(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 January 2019	Signed

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
Finance Act 1910 Map [York - 223]	Nat Archives - Ref ir 134/5/480 & 485
Land Registry Extract [2018]	INSPIRE online mapping
Bryants Map of the East Riding [1829]	ERYC Archives Refs DDX6/1 and DDSD/731

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 Bishop Soil Enclosure Award of 1767 names and shows the claimed route as Barmby Lane, a carriage road.
- b) It connected Middle Lane [now called Sleights lane] with North Lane [now New Carr Lane].
- c) Inland Revenue Finance Act Valuation records show the application route was not part of a Hereditament nor subject of a valuation deduction. Likewise, Land Registry mapping extracts indicate the land has not been registered. This is considered to support the proposition that the application route was a public highway.
- d) Bryant's maps of East Yorkshire published for public use supports c).
- e) No evidence is available to indicate the application route, which is a cul de sac, has been in public use for mechanically propelled vehicles, such use being confined to landowners and agricultural machines.
- f) In the event that motor vehicular rights have not been extinguished, the applicant opines the cul de sac 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**

