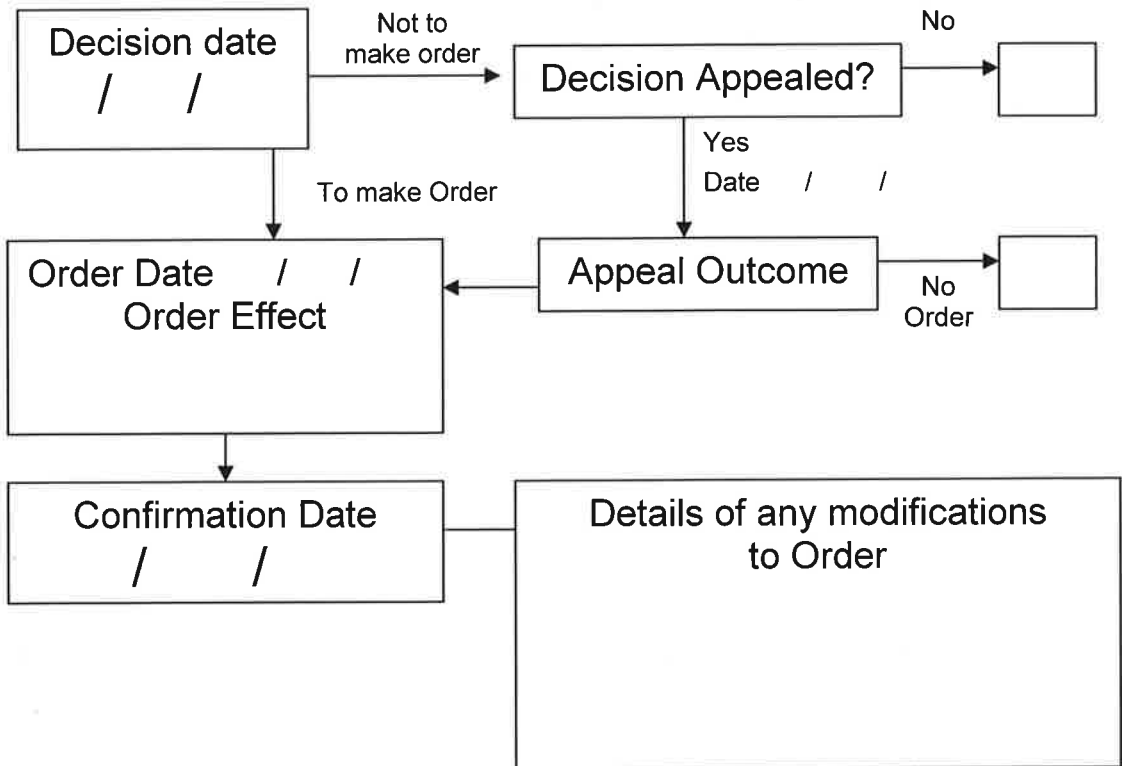


**REGISTER OF APPLICATIONS - MODIFICATION ORDERS**

DETAILS OF APPLICATION

District	<u>NORTH HERTS.</u>	File Name	<u>BARKWAY UOR 1: NEWSSELLS RD</u>	
Parish	<u>BARKWAY</u>	Application Date	<u>27/09/2010</u>	
		Grid References		
Application to	.....	Point A	<u>TL 387, 374</u>	
<u>ADD. A RESTRICTED BYWAY</u>	.....	Point B	<u>TL 388, 381</u>	
Applicant	<u>DR. P WADEY</u>			
	City	Town	Village	
Nearest	<u>CAMBRIDGE</u>	<u>ROYSTON</u>	<u>BARLEY</u>	
Addresses of properties affected	House Name/Street	Postcode		
	<u>FOX COTTAGE, NEWSSELLS, BARKWAY</u>	<u>SG8 8DE</u>		
	.....	.....		
	.....	.....		

DETERMINATION (DECISION) OF APPLICATION



## Wildlife and Countryside Act 1981

### The Definitive Map and Statement of Public Rights of Way in Hertfordshire

To: Hertfordshire County Council  
Of County Hall  
HERTFORD  
SG13 8DN

I, Dr Philip David Wadey of 12 Home Close, Corsham, Wiltshire SN13 0BE 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:

Adding the restricted byway from Barkway 22 BOAT to the county road at Newsells, and shown on the map accompanying this application.

I attach copies of the following documentary evidence (including statements of witnesses) in support of this application:

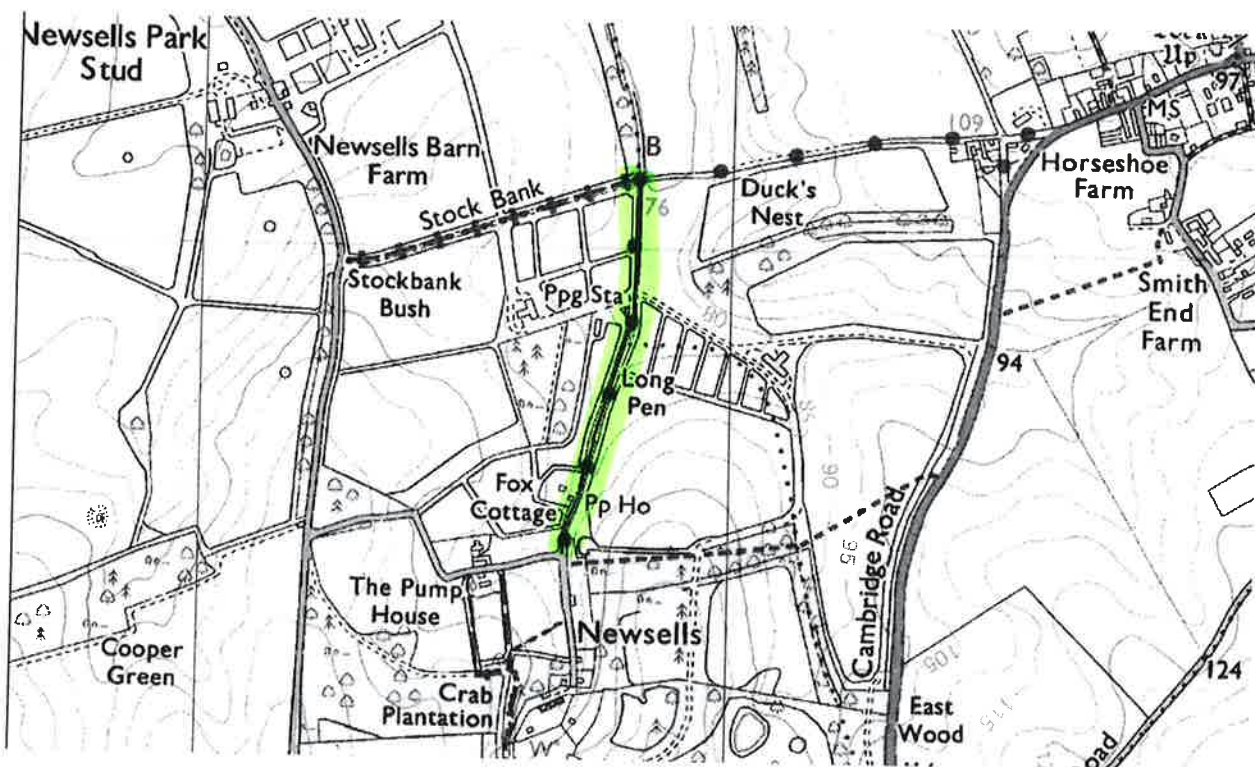
- Dury and Andrews' Map of Hertfordshire, 1766
- Bryant's Map of Hertfordshire, 1822
- IR126/4/31 Inland Revenue Valuation Map, The National Archives.
- Hertfordshire County Council Map of Main and County Roads, 1927.
- MAF 73/18/5 Ministry of Food National Farm Survey, 1941-42.

Dated: 27 Sep 10

Signature: 

Applicant's Reference: EC614B

1. My name is Phil Wadey, and I have been a volunteer access and bridleways officer for the British Horse Society since 1992. I am the applicant for the order, on behalf of the Society.
2. The application route runs from Barkway 22 Byway (as shown on the 2005 publication of the definitive map and statement for Hertfordshire) and the applicant's previous definitive map modification order application route EC614A (HCC reference HN/221) generally southwards to the county road. The application route is not currently shown on the definitive map of rights of way for Hertfordshire (sheet 8). It is shown in red between points B (Byway 22) and C (county road) in the plan below.



*Plan at 1:25000 showing application route in red*

#### DOCUMENTARY EVIDENCE OF HIGHWAY STATUS

3. In order to be able to modify the definitive map and statement, the Surveying Authority needs to have a discovery of evidence which shows, on the balance of probabilities, that highway rights exist. The use of the 'balance of probabilities' test rather than 'beyond reasonable doubt' was confirmed by the High Court in *Todd, Bradley v SOS for EFRA* [2004] 4 All ER 497.
4. While no single piece of evidence is conclusive, the Society believes that taken as a whole the pieces of evidence demonstrate highway reputation over many years, indicating that the route does indeed have highway status, and that prior to the Natural Environment and Rural Communities Act 2006, there were full vehicular rights.
5. Dury and Andrews' Map of Hertfordshire (1766).
  - a. An original is held by the Hertfordshire Archives and Local Studies (HALS).