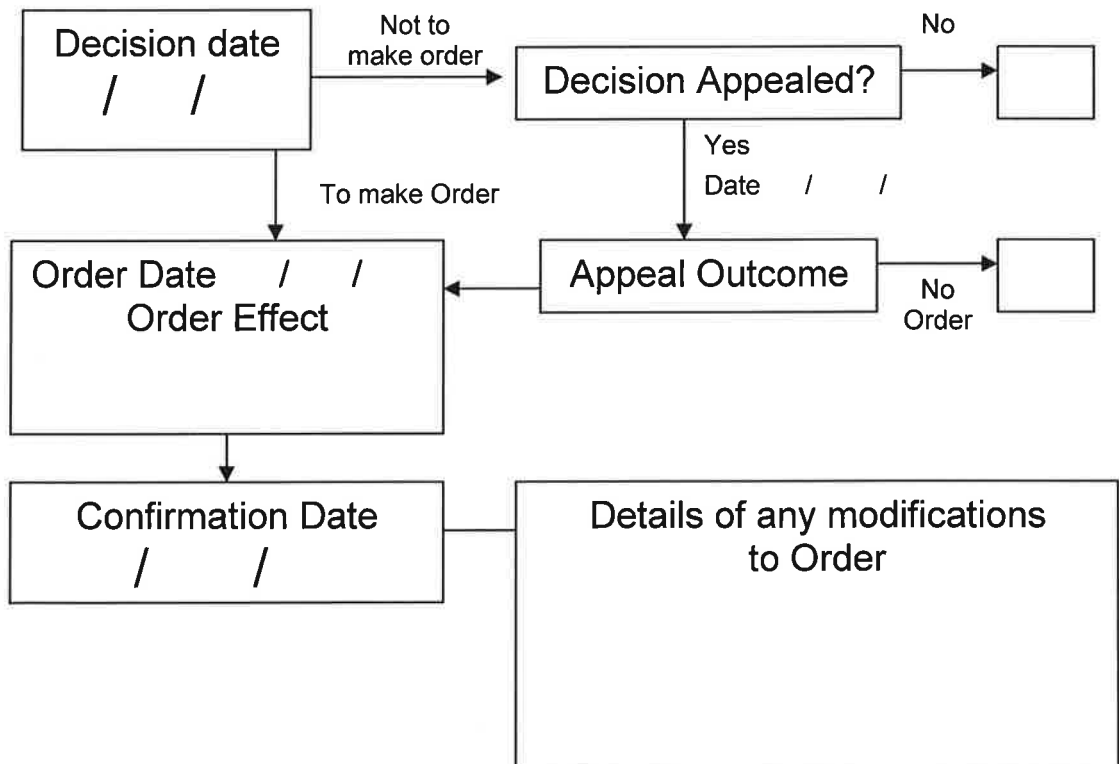


**REGISTER OF APPLICATIONS - MODIFICATION ORDERS**

DETAILS OF APPLICATION

District	<u>NORTH HERTS</u>	File Name	<u>BURNTHOUSE LANE</u>
Parish	<u>CLOTHALL</u>	Application Date	<u>04/10/2010</u>
Grid References			
Application to	<u>ADD A RESTRICTED</u>	Point A	<u>TL 281, 313</u>
<u>BYWAY</u>		Point B	<u>TL 277, 306</u>
Applicant	<u>OR P WADEY</u>		
Nearest	City	Town	Village
	<u>CAMBRIDGE</u>	<u>BALDOCK</u>	<u>CLOTHALL</u>
Addresses of properties affected	House Name/Street	Postcode	
	.....	.....	
	.....	.....	
	.....	.....	

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 known as Burnthouse Lane from the A507 to Clothall 12, 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:

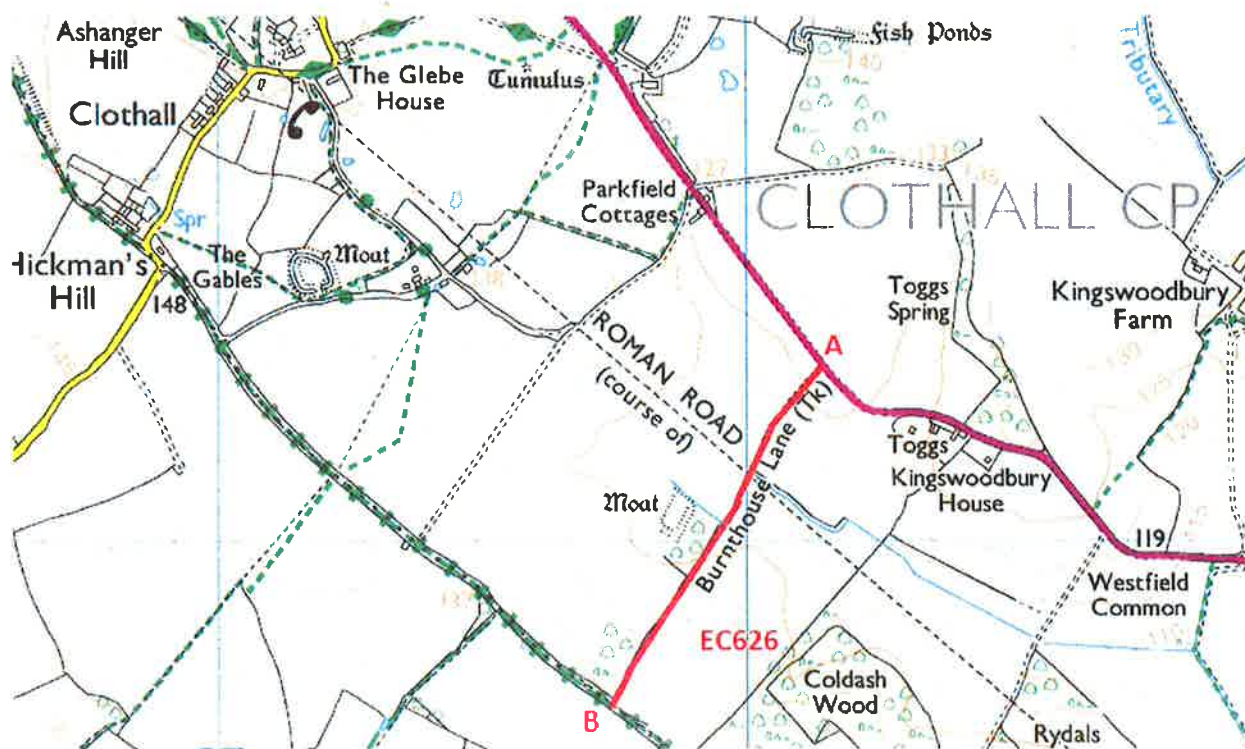
- Bryant's Map of Hertfordshire (1822)
- Ordnance Survey 1<sup>st</sup> edition 25" extract from map Hertfordshire 8 - 13.
- Ordnance Survey Book of reference for Parish of Clothall, British Library.
- OS 35/3249 Ordnance Survey Object Name Book, The National Archives.
- IR126/4/69, Inland Revenue valuation plan, The National Archives.
- MAF73/18/8, Ministry of Food landholdings plan, The National Archives.

Dated: 4 Oct 10

Signature: *Powadey*

Applicant's Reference: EC626

1. My name is Phil Wadey, and I have been the British Horse Society's regional access and bridleways officer for the East of England since 1996. I am the applicant for the order, on behalf of the Society.
2. The application route runs from the A507 (a vehicular highway) to Clothall 12 (a byway open to all traffic). The application route is not currently shown on the definitive map of rights of way for Hertfordshire (sheet 13). It is shown from A (junction with A507) to B (Clothall 12) below.



Ordnance Survey 1:25000 scale map extract showing application route

#### 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. Bryant's Map of Hertfordshire (1822).
  - a. An original is held by the Hertfordshire Archives and Local Studies (HALS).
  - b. This was made for sale to the public, and so is unlikely to show routes that the public could not use. It has a key in which different types of route are distinguished.

Section 53(5) of and Schedule 14 to the  
**Wildlife and Countryside Act 1981**

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

To

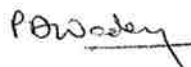
The owners and occupiers of the route known as Burnthouse Lane, between the A507 and Clothall 12 BOAT shown on the definitive map of rights of way for Hertfordshire

I, Dr Philip David Wadey of 12 Home Close, Corsham, Wiltshire SN13 0BE hereby give notice that on 4 October 2010, I made application to the Hertfordshire County Council of County Hall, Hertford SG13 8DN that the definitive map and statement for the area be modified by:

Adding the restricted byway known as Bumthouse Lane from the A507 to Clothall 12

Dated: 22 Oct 2010

Signature:



Applicant's Reference: EC626

HCC Reference: NH

**Note not forming part of the Statutory Notice**

The Definitive Map and Statement of Public Rights of Way in Hertfordshire is a record of rights of way in the County.

This application has been made because it appears that a public right of way exists which has not been recorded in the Definitive Map and Statement.

A definitive map modification order will not create new rights but will just record those rights which already exist.

This application is made in order to assist the County Council to meet its statutory duty to record public rights of way.

For further information, please contact the Hertfordshire County Council Definitive Map team on 01992 55 55 55 and ask for 'definitive map team'.

## Wildlife and Countryside Act 1981

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

#### Certificate of Service of Notice of Application for Modification Order

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

I, Dr Philip David Wadey of 12 Home Close, Corsham, Wiltshire SN13 0BE hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with.

Dated: 28 Oct 2010

Signature:



Applicant's Reference: EC626  
HCC Reference: NH/223

#### Schedule of persons on whom notice was served

- The owners and occupiers of the track between the A507 and Clothall 12 BOAT as shown on the definitive map of rights of way for Hertfordshire