

1. The Application Route

The application route runs from Boddington Lane, North Leigh to A4095, North Leigh.
Footpath 312/18

A - Grid ref. SP 39953 13546

B - Grid ref. SP 39879 13288



Extract Ordnance Survey 1:25000 scale map extract showing application route A - B in red.
Copyright Design and Patents Act 1988 Section 46

This copy is made for the purpose of initiating a statutory inquiry and so does not infringe Copyright. Further copies should not be made.

2. Introduction

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. As Pollock CB famously directed the jury in *R v Exall* (1866) 4 F & F 922:

"It has been said that circumstantial evidence is to be considered as a chain, and each piece of evidence as a link in the chain, but that is not so, for then, if any one link broke, the chain would fall. It is more like the case of a rope composed of several cords. One strand of the cord might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength."

An authoritative reference on the subject of Definitive Map Modification Orders is *Rights of Way: Restoring the Record* (2nd Edition 2017), edited by Sarah Bucks and Phil Wadey and published by Bucks and Wadey Publishing. The applicant has followed the evidence scoring system suggested in this book. Total score is given in the 'Conclusion' on the last page of this document, this score suggested a far greater value than the basic evidential test of 5.

While no single piece of evidence is conclusive, the applicant believes that taken as a whole, the pieces of evidence given demonstrate Restricted Byway status.