

Norfolk County Council
County Hall, Martineau Lane
Norwich NR1 2SG

December 1, 2020

I, Dr David Ormerod of Mill House, 7 Mill Lane, Swaffham, Norfolk PE37 7EU hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement of the County of Norfolk by the adoption of two lost footpaths in the intervillage between Fincham and Barton Bendish., Also for consideration of the ways adjacent to Barton Leys Wood, in Fincham and Barton Bendish parishes, possibly as a Restricted Byway.

I attach copies of the following documentary evidence in support of the application

- Ordnance Survey 6-inch map, Norfolk Sheet 59SE, 1884 x2.
- Norfolk County Council Online Interactive Public Rights of Way Gazetteer, 2020.
- Norfolk Definitive Map.
- Finance Act (1909-10) I.R.S. Duties on Land Values map.

Footpath A

- Photograph (September 2020): Eastern entrance on Boughton Lane, Fincham, at Point A.
- Photograph (October 2020). Looking along the former cross-field roadbed of Footpath A to the NNW from Point B on the concrete road.
- Photograph (September 2020). View eastward along the concrete road, midway between Points B and C.
- Photograph (September 2020) from beyond Point D, just to the east of the old N-S private, concrete road, looking down the line of the former roadbed towards its exit at the hedgeline (Point E)
- Photograph (September 2020) from Point D at the western end of Barton Bendish FP4, with the extinguished BB FP3 span to Point E in the NW.
- Photograph (September 2020). View of the entrance to BB FP4 close to Barton Bendish St. Mary's Church.
- Photograph (September 2020) of the extinguished BB5, taken from just inside the above-mentioned gate.
- Photograph (September 2020), looking due southwards from the mid-point of BB FP4, showing the extinction of the mid-section of BB FP3 and of BB FP5.
- Photograph (October 2020). View to the NW from the south side of the field on the surviving part of BB FPs, showing the extinction of the central section of BB FP3.
- Photograph (October 2020). View to the ENE from the south side of the field on the surviving part of BB FPs, showing the extinction of BB FP5,
- Photograph (October 2020) of a newly constructed road on the south side of this field.
- Photograph (October 2020) of the south entrance to BB3 on Boughton Long Road, on the east side of Hall Farm

Footpath B

- Photograph (September 2020). View over Point F, the former entrance to Footpath B from Downham Road at Point F.
- Photograph (September 2020) from Point G, looking back to the NW along the old, extinguished cross-field path.
- Photograph (September 2020) along the grassy, former trail between Points G and I
- Photograph (September 2020) from Point I along the extinguished BB FP1. There is an old N.C.C. waymarker at this site.
- Photograph (September 2020) of the former entrance to BB FP1 on Fincham Road, Barton Bendish, looking along the old path bed towards Point I.

Way C

- Photograph (September 2020) of the northern entrance on Boughton Lane, Fincham.
 - Photograph (October 2020), looking to the east at Point L at the side of the Field Barn.
 - Photograph (October 2020) from Point M, looking southward towards Barton Leys Wood.
 - Photograph (October 2020) looking to the east towards Point N.
 - Photograph (October 2020) from Point O to the south, along the east side of Barton Leys Wood, a former trail now overgrown with brambles.
 - Photograph (October 2020) from Point P of the former transit along two sides of the small field to gain the 'exit' road running along the south side.
 - Photograph (September 2020) of the southern entrance to the trail at the side of the Old Dairy House on Boughton Long Lane at Point T.
 - Photograph (October 2020) looking westward along the first section of the metalled road running up to Barton Leys Wood.
 - Photograph (October 2020). View of the substantial drainage ditch to the north, crossed by the highway at Point S.
 - Photograph (October 2020) of the Highway, looking to the WNW between Points R and S.
 - Photograph (October 2020) of the field shown in Fig. 11B, but from its SE corner along the road to Barton Leys Wood.
 - Photograph (October 2020) of the metalled road running through the Barton Leys Wood in an east-to-west direction.
 - Photograph (October 2020). The highway ends at a hedgerow just short of the Lode Dike.
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- Pre-enclosure Map of Fincham and Barton Bendish, 1736.
 - Fincham Parish Enclosure Award and Map, 1773.
 - Barton Bendish Enclosure Award and Map, 1775.
 - Faden's Map of Norfolk, 1797.

- Thomas Yeakall Jr. O.S. Map of Feltwell St. Nicholas, 1813.
- General Plan of the Stow Hall Estate (including Fincham), 1818.
- Ordnance Survey 1st series 1-inch map of England and Wales, Sheet 65, 1824.
- Bryant's Map of the County of Norfolk, 1826.
- Early 19th-century Barton Bendish map
- Fincham Parish Tithe Apportionment and Map, 1839/40.
- Stow Hall Estate Map, Fincham Landholding, 1841.
- Barton Bendish Tithe Apportionment., 1845.
- Plan of Stow Hall Estate, 1851.
- Ordnance Survey Barton Bendish Boundary Sketch Map, 1882.
- Ordnance Survey 1st Series 25-inch map, Norfolk Sheets 58.13 and 70.1, 1884 x2.
- Bartholomew 1/2-inch map of England and Wales, Sheet 15, Norfolk, 1903.
- Ordnance Survey composite 6-inch maps, Norfolk Sheets 59SW and 70NW, 1906 x2.
- Finance Act (1909-10) I.R.S. Duties on Land Values maps x2.
- Ordnance Survey 25-inch map, Norfolk Sheet 58.13, 1928.
- Ministry of Food National Farm Survey Maps, Norfolk Sheets 58.13 & 70.1, 1943.
- Aerial Photograph of the Intervillage Area, 1946.
- Ordnance Survey composite 1:25,000 map, Norfolk Sheets TF 60 and TF 70, 1955.
- Fairswell Manor, Fincham, Sales Brochure and Map, 1966.
- N.C.C. Aerial Photograph of the Intervillage area, 1988.
- INSPIRE Geo-referenced Land Registry index polygon cadastral map, 2016.
- Section 31(6) Deposit Map (for the L-shaped Field at the start of Footpath A), submitted April 20th, 2020.

Sincerely Yours,



L David Ormerod MB,BS, MBA, MSc, FRCP, FRCS, DTM&H

Applicants' Reference: **EH 060**


Wildlife and Countryside Act 1981

The Definitive Map and Statement of Public Rights of Way for the County of Norfolk

Certificate of Service of Notice of Application for Modification Order

To: Norfolk County Council
County Hall
Martineau Lane
Norwich
NR1 2SG

I, Dr. David Ormerod of Mill House, 7 Mill Lane, Swaffham PE37 7EU hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with.

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| Dated: December 1, 2020 | Signature:  |
|-------------------------|---|

Applicant's Reference: **EH 060**
NCC Reference:

Schedule of persons on whom notice was served

The owners of the land involved in the closure of the former ways across the intervillage between Fincham and Barton Bendish villages, Fincham and Barton Bendish parishes.

1. Ms. Sarah Thorpe, Fincham Parish Council, 88 Smeeth Road, Marshland St James, Wisbech, Cambridgeshire PE14 8JF
2. Ms. Sarah Thorpe, Barton Bendish Parish Council, 88 Smeeth Road, Marshland St James, Wisbech, Cambridgeshire PE14 8JF
3. Albanwise Ltd, Old School House, Fincham Road Barton Bendish, King's Lynn, PE33 9DL
4. Mr. Hugh Mason, Maurice Mason Ltd, Hall Farm, Fincham, Kings Lynn, Norfolk PE33 9DQ
5. LDC (Boston) Ltd, 14A South Parade, Boston, Lincolnshire PE21 7PL

The Definitive Map and Statement of Public Rights of Way for the
County of Norfolk

**Mr. Hugh Mason, Maurice Mason Ltd, Hall Farm, Fincham, Kings Lynn,
Norfolk PE33 9DQ**

I, L David Ormerod, a rights of way volunteer, of 7 Mill Lane, Swaffham, Norfolk PE37 7EU hereby give notice that on 30 April 2019, I made application to the Norfolk County Council of County Hall, Martineau Lane, Norwich NR1 2SG for due consideration that the definitive map and statement for the area be modified as below.

| | |
|-------------------------|------------|
| Dated: December 1, 2020 | Signature: |
|-------------------------|------------|

Applicant's Reference: **EH 060** Norfolk County Council Reference:

Two traditional footpaths between the villages of Fincham and Barton Bendish were closed unilaterally around 30 years ago. No Stopping-off Orders have been discovered. Contiguous footpaths, that included the L-shaped field on Boughton Road, formerly part of the old Fairswell Manor Estate, as well as Barton Bendish FP1, FP2, half of FP3, and FP5 have subsequently been ploughed-out. A remaining Norfolk County Council waymarker is to be seen along one of the footpaths before reaching Barton Bendish FP1, and the connector bridge over a drainage ditch has been allowed to disappear. The reconstitution and registration of these footpaths is proposed.

In the south of Fincham and Barton Bendish, a wide road, running at field edges either side of Barton Leys Wood, has been a feature of maps for over 200 years. It appears to have been a private highway. However, up to the end of WWII, there is good formal evidence that the section in Barton Bendish, eastward from the Fincham parish boundary, was a public vehicular highway, and in Victorian times supported a brick works. Roads where the rights of way are terminated at a parish boundary are indeed suspicious if the extinction cannot be explained by a Road Order. The historical data has been forwarded to Norfolk County Council, for their perusal of their own records. The subsequent loss of the public right of way along this southern section after WWII remains unexplained.

Note not forming part of the Statutory Notice

The Definitive Map and Statement of Public Rights of Way in the County of Norfolk 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 Norfolk County Council Case Officer on

0344 800 8020. Notes on finding and interpreting evidence of highway status can be found in Rights of Way: Restoring the Record ISBN 978-0-9574036-1-1.

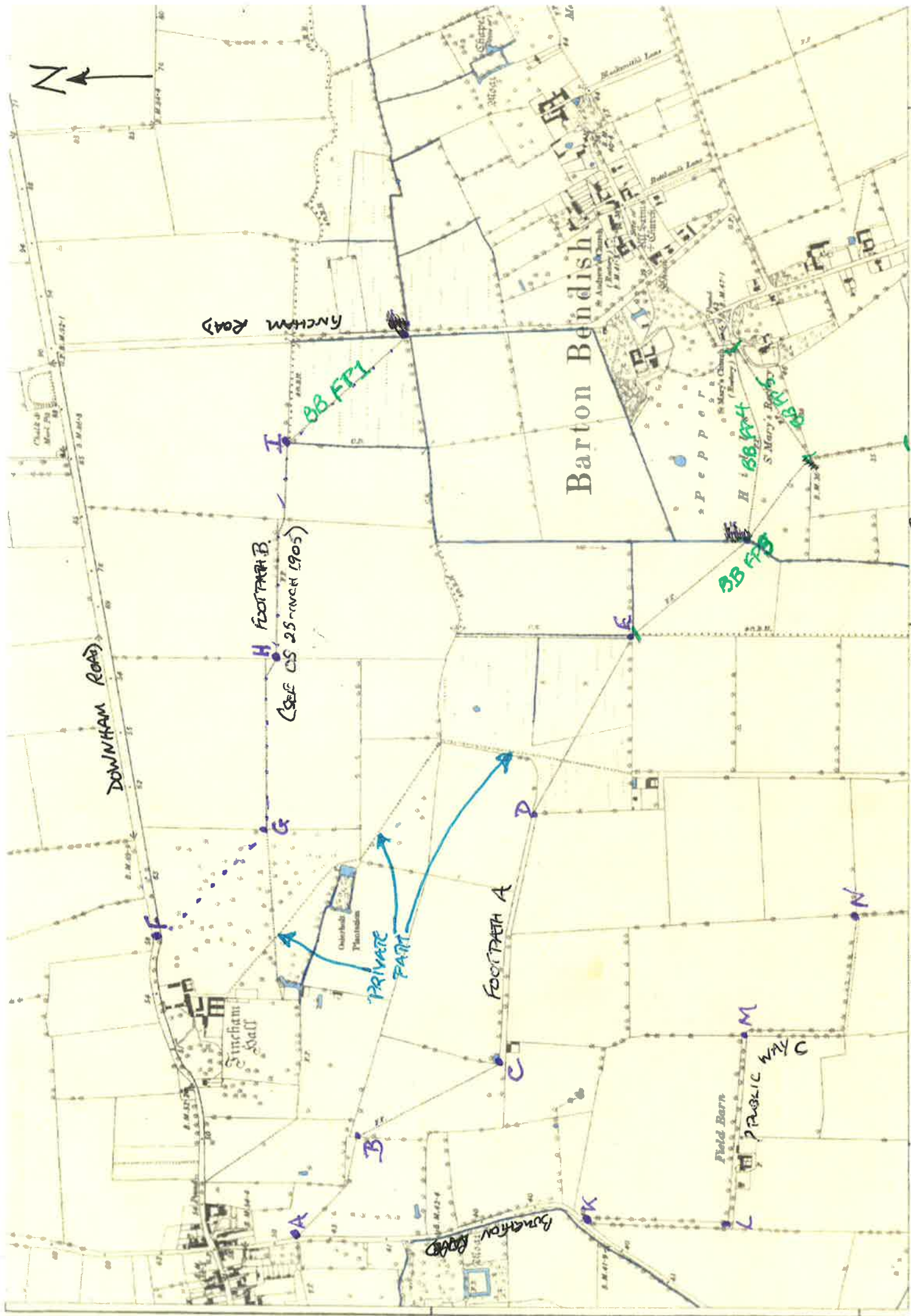


FIGURE 1A. ORDNANCE SURVEY 6-INCH MAP, NORFOLK SHEET 59 SE, 1884 I NORTH. PATHS BETWEEN ANICHAM AND BARTON BENDISH.

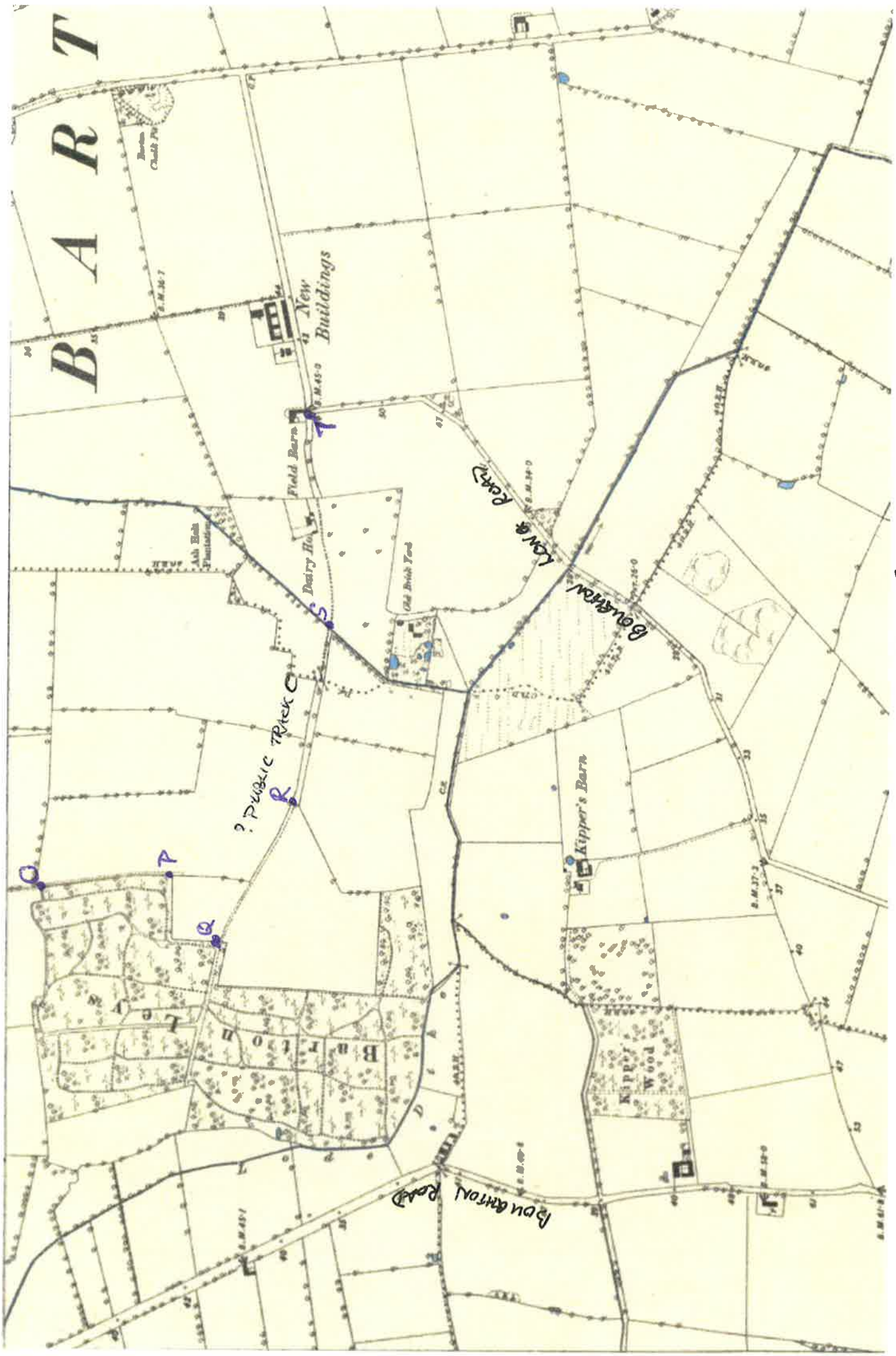


FIGURE 1B. ORDINANCE SURVEY 6-INCH MAP, NORFOLK SHEET 59 SE, 1884 II SOUTH. PATHS BETWEEN ANCHAM AND BARTON BENDISH.