

Form of application for Modification Order

Wildlife and Countryside Act 1981

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

To: Norfolk County Council

Of: County Hall, Martineau Lane, Norwich, Norfolk, NR1 2SG

~~I/We,~~ Helen Chester, Norfolk County Access and Bridleways Officer
of The British Horse Society, Access Department, Abbey Park, Stratton, Kenilworth,
Warwickshire, CV8 2XZ
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 (please delete as
required):

~~deleting the footpath / bridleway / restricted byway / byway open to all traffic
from _____ to _____~~

~~adding the footpath / bridleway / restricted byway / byway open to all traffic
from _____ to _____~~

~~upgrading/downgrading to a footpath / bridleway / restricted byway / byway open to
all traffic/
the footpath / bridleway / restricted byway / byway open to all traffic
from Common Road to Diss Road to Market Lane to Durbidges Hill
(FP35) FP32~~

~~varying/adding to the particulars relating to the footpath / bridleway / restricted byway
/ byway open to all traffic
from _____ to _____
by providing that~~

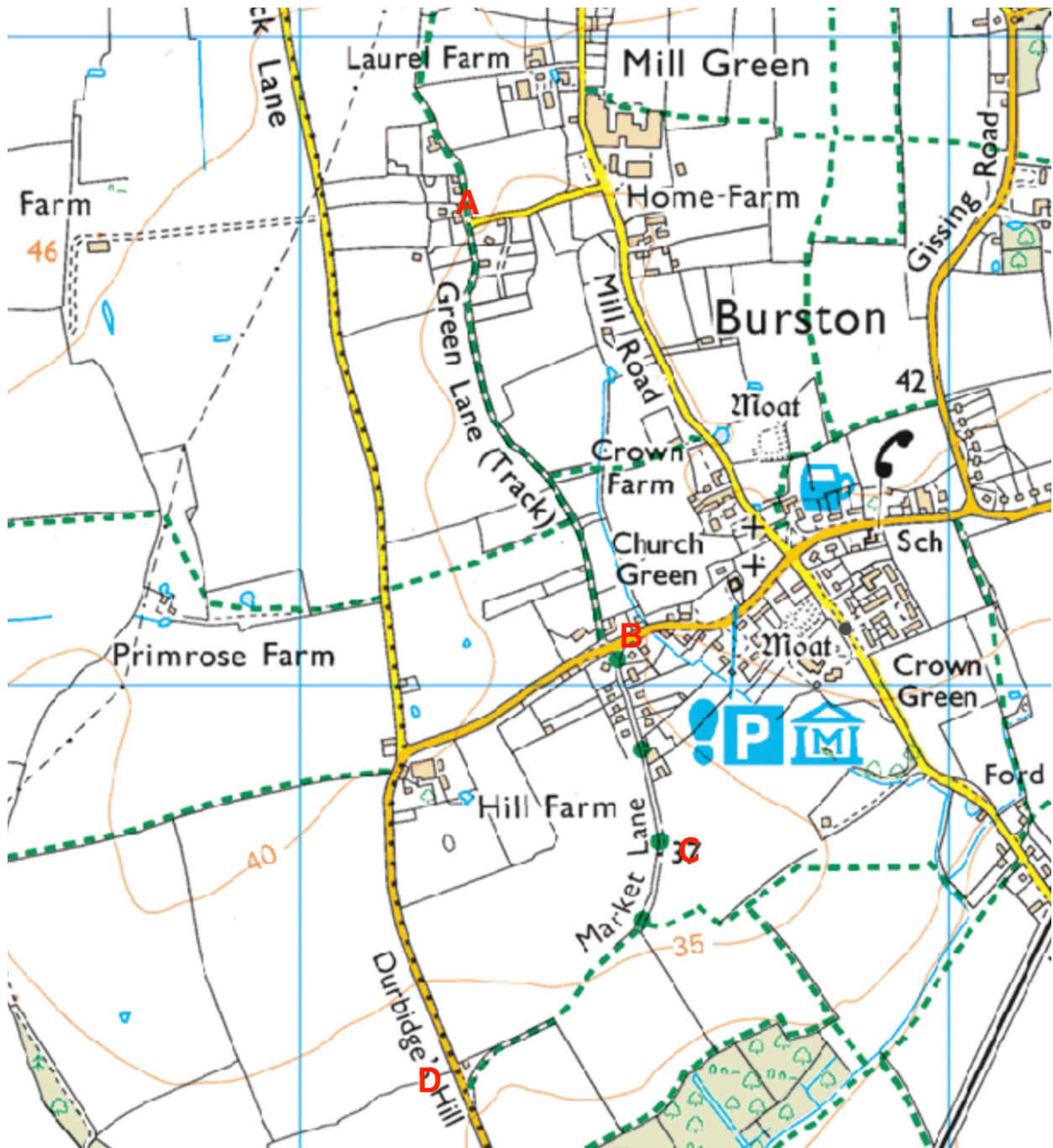
and shown on the map accompanying this application.

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

Fadens Map of Norfolk	List of Documents
Bryants Map of Norfolk	
Tithe Map - Burston and Shimpling	
OS Map	
Bartholomews Map - sheet 20 suffolk	
Inland Revenue Valuation Act Map - IR127/6/717	
MAF map MAF72/28/150	
Inspire land registry map	

Dated: 27th March 2021

Signed.....*H.Chester*.....

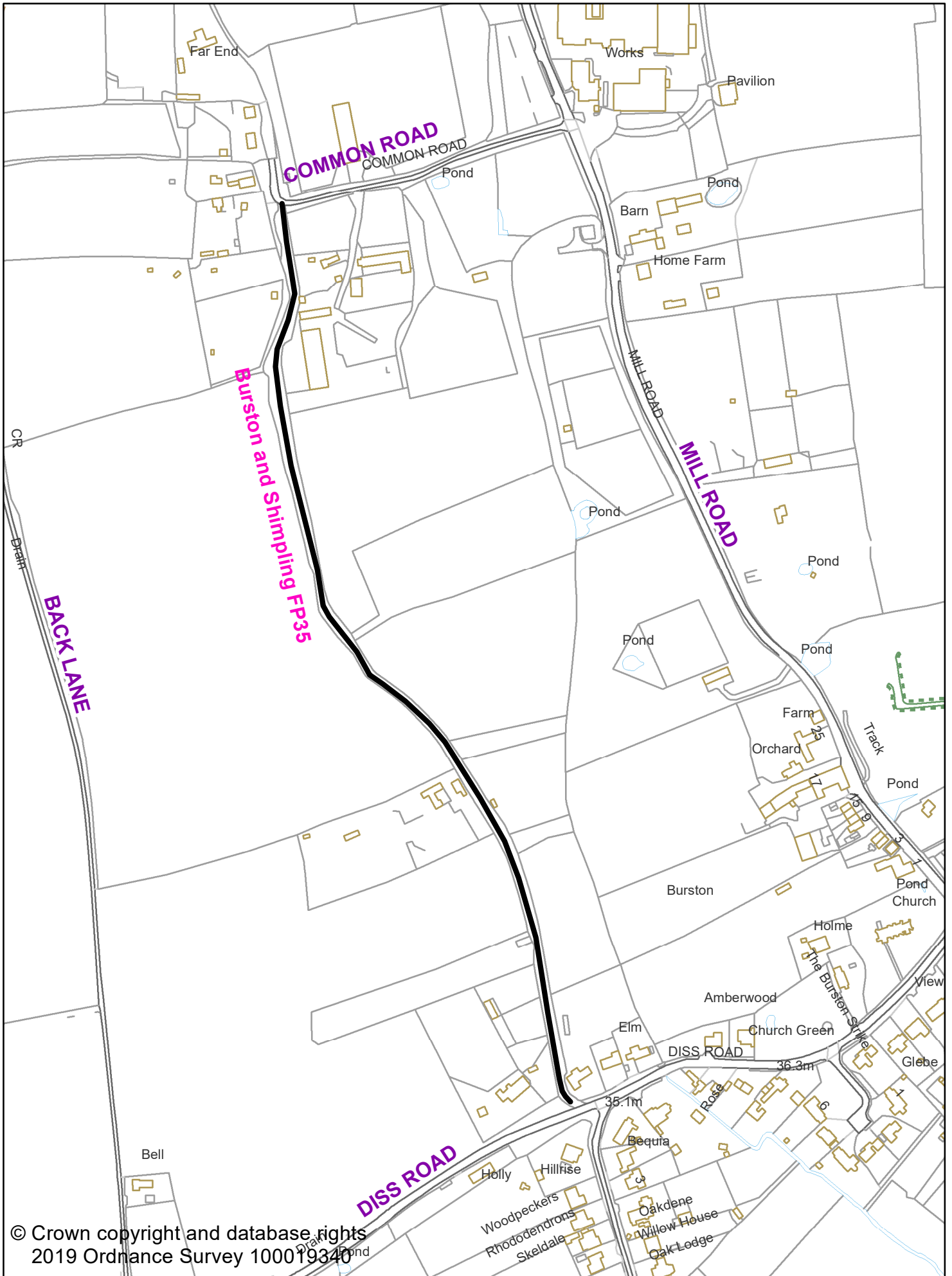


Ordnance Survey 1:25000 scale map extract showing application route

DOCUMENTARY EVIDENCE OF HIGHWAY STATUS

7. 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.

8. The courts have given guidance on how evidence of highway status is to be considered. In *Fortune and Others v Wiltshire Council and Another* [2012] EWCA Civ 334, Lewison LJ said, at paragraph 22,



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Norfolk County Council
Burston with Shimpling

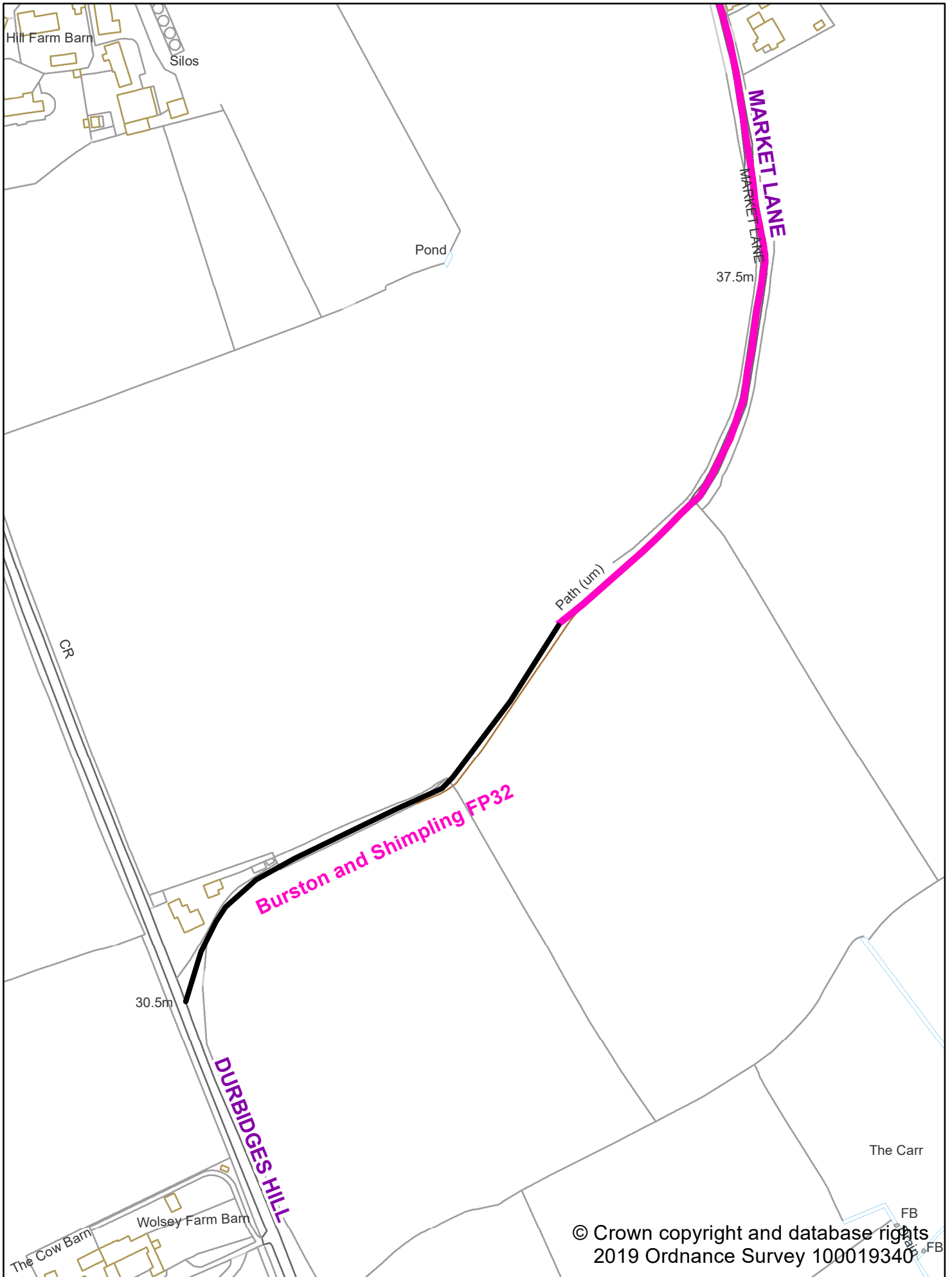
613,405.6083 283,398.4388

Modification application to upgrade FP35

— Application Route

Scale:
 1:3,500





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Norfolk County Council
Burston with Shimpling

613,408.9881 282,557.4679

Modification application to upgrade FP32 (part)

— Application Route

Scale:
1:2,500

