

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 Station Road, Fransham to Spicers Corner~~

The route know as Moor Lane Fransham

~~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:

List of Documents

Bryants Map of Norfolk
Tithe Map for Fransham
OS first edition
Bartholomew's Map
Inland Revenue Valuation Act Map
Inspire Land registry Map
12 user evidence forms

Dated: 24th January 2021

Signed.....*H.C. 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,