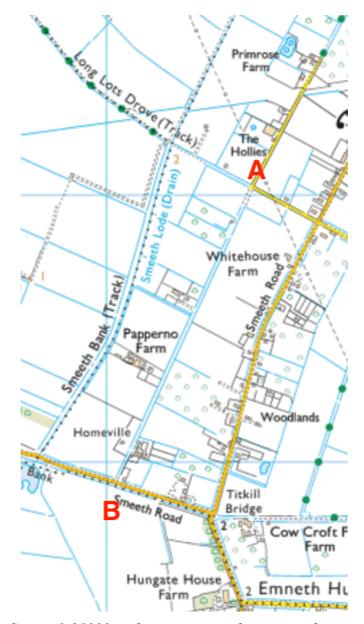
Form of application for Modification Order

Wildlife and Countryside Act 1981

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

Deminitive map and Statement	of Public hights of way for the County of Norton
To: Norfolk County Council	
Of: County Hall, Martineau L	ane, Norwich, Norfolk, NR1 2SG
of The British Horse Society, Ac	orfolk County Access and Bridleways Officer cess Department, Abbey PArk, Stratton, Kenilworth, Warwickshire, CV8 2XZ
hereby apply for an Order under	r Section 53(2) of the Wildlife and Countryside Act ap and Statement for the area by (please delete as
deleting the footpath / bridleway from	r / restricted byway / byway open to all traffic to
from Goose Lane North upgrading/downgrading to a foo	restricted byway / byway open to all traffic to Goose Lane South in the Parish of Marshland St James tpath / bridleway / restricted byway / byway open to
all traffic/ the footpath / bridleway / restrict from	ted byway / byway open to all traffic to
varying/adding to the particulars / byway open to all traffic from	s relating to the footpath / bridleway / restricted byway
by providing that	
and shown on the map accompa	anying this application.
I/We attach copies of the followi witnesses) in support of this app	ing documentary evidence (including statements of blication:
	List of Documents
Bryants Map of Norfolk Tithe Map - Marshland St James First edition OS map Inland Revenue Valuation Act Map Inspire Land Registry Map) IR127/8/264
Dated: 8th May 2021	Signed 11. (. Charle)



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,

'In the nature of things where an inquiry goes back over many years (or, in the case of disputed highways, centuries) direct evidence will often be impossible to find. The fact finding tribunal must draw inferences from circumstantial evidence. The nature of the evidence that the fact finding tribunal may consider in deciding whether or not to draw