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APPLICATION FOR A MODIFICATION ORDER TO THE DEFINITIVE MAP AND STATEMENT  
Wildlife and Countryside Act 1981  
(Revised Application)

Surrey County Council  
Countryside Legal - Room 365A  
County Hall  
Kingston upon Thames  
Surrey  
KT1 2DY

CY ALL

13 MAR 2018

RECEIVED

We, The British Horse Society  
of Abbey Park, Stareton, 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:

Adding the bridleway which runs in a south westerly direction from Point X (grid ref. 085513)) on the map enclosed to point Y (grid ref. 084509). The bridleway is marked with a black line.

To support this application we enclose 15 Public Right of Way User Evidence forms. In addition we submit that this way is already a bridleway in **common law**, as provided by HA(31)(9), for the following reasons:

- 1) The way was installed by a previous landowner in approximately 2006.
- 2) We understand that the landowner who installed the way had the power to dedicate.
- 3) The way has been in continual use by walkers and horse riders since its installation.
- 4) The way was clearly intended to be a permanent bridleway and has a surfaced central strip with robust fencing along its entire length. See photograph enclosed.
- 5) Permanent metal signs with direction arrows at points marked X, Y and Z on the attached map read "Bridleway for Walkers, Horse Riders and Bikes". These clearly invite the use of this way by these categories of users. See photographs enclosed.
- 6) There are no signs to indicate that the way is permissive and we understand that none have existed.
- 7) We understand that at no time did the landowner make a declaration under HA1980(s31)(6) to protect the land.
- 8) We understand that the landowner who installed the way advised the highway authority that it was intended to be permissive. We submit that this is irrelevant in law. Under HA1980(s31)(5) such a notice is only valid if the landowner "has erected in such a manner as to be visible by persons using the way a notice inconsistent with the dedication of the way as a highway" and (subsection 5) the "notice is subsequently torn down or defaced." There is no evidence that any notice was torn down or defaced or that the landowner made any attempt to communicate to users that the way was intended to be permissive. The permanent and durable nature of the metal signs is evidence to the contrary and this is supported by the witness forms submitted with this application.



Patron Her Majesty The Queen

The British Horse Society

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Fulfilling your passion for horses

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The logo for The British Horse Society, featuring the text "The British Horse Society" in white, stacked vertically, on a solid red square background.

We therefore argue that since these conditions were not fulfilled and in the light of the other evidence submitted the way is deemed to be a highway in common law.

Signed on behalf of the British Horse Society

C.W.Sandford

10<sup>th</sup> March 2018

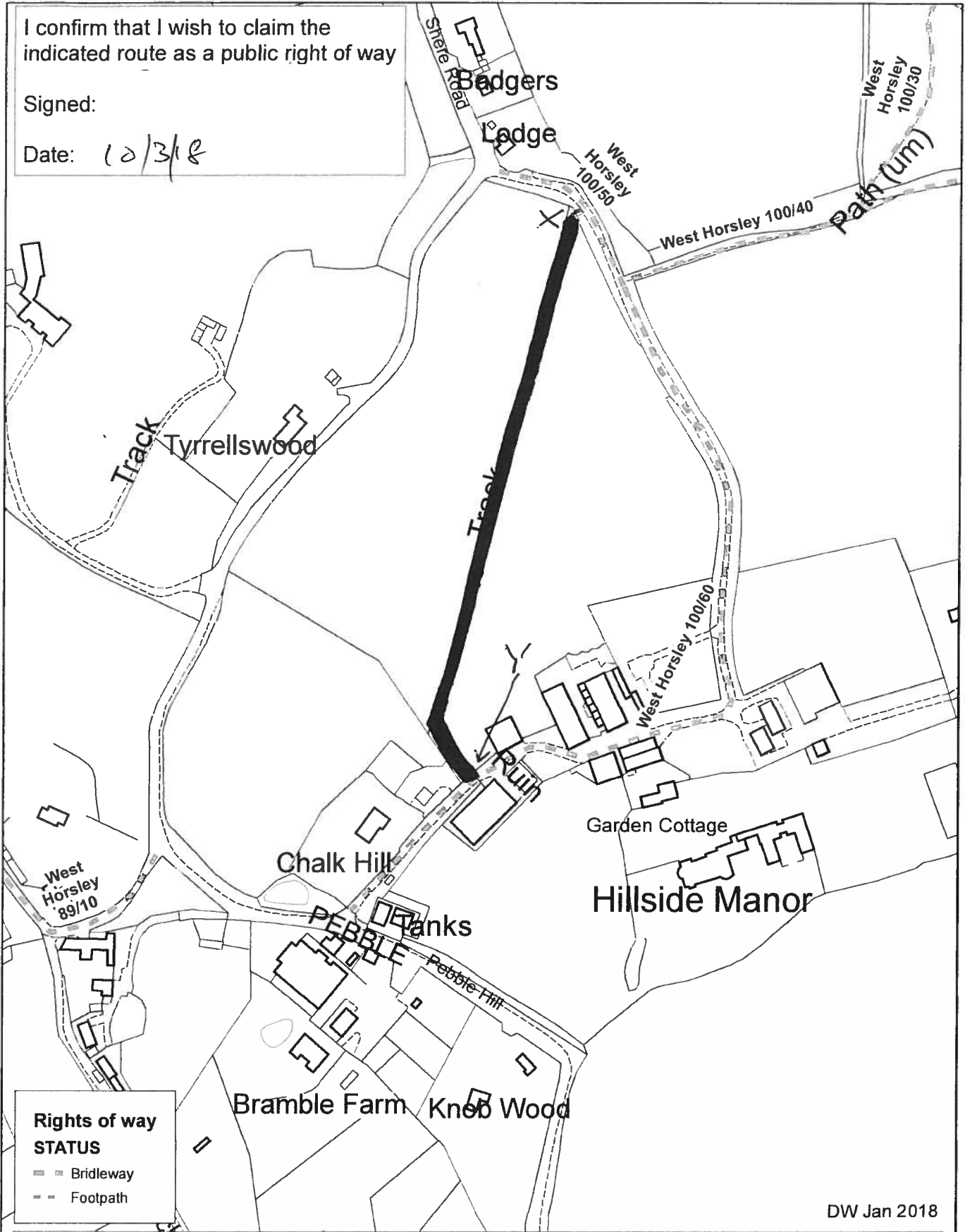
BHS Access and Bridleways Officer, Guildford Area

**PLEASE NOT THAT THIS IS A REVISED APPLICATION. OUR PREVIOUS APPLICATION OF TODAY'S DATE HAS BEEN WITHDRAWN**

I confirm that I wish to claim the indicated route as a public right of way

Signed:

Date: 10/3/18



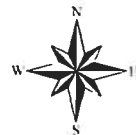
DW Jan 2018

Please indicate the location of any structures along the route or any other relevant information about its character



**Wildlife and Countryside Act 1981**

**Alleged public right of way between parts of  
Bridleway 100 (West Horsley) at Hillside Farm**



Please annotate  
ONE route with a  
dark coloured pen.

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