
APPLICATION FORM

FOR A MODIFICATION TO THE DEFINITIVE MAP AND STATEMENT WILDLIFE AND COUNTRYSIDE ACT 1981

To: The Outdoor Recreation Manager, Outdoor Recreation, Shropshire Council, Shirehall,
Abbey Foregate, Shrewsbury. SY2 6ND

I, **Will Steel**, for and on behalf of 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:-

Upgrading to *bridleway* the footpath which runs from Point B (OSGR SJ38933254) to
Point D (OSGR SJ3805 3263) and shown on the map accompanying this application.

I attach copies of the following documentary evidence [including statement of witnesses] in support of this
application:-

- ***Natural England Discovering Lost Ways Case File SH/073/006 BHS which contains copies of the following documents or extracts thereof:***
- Ordnance Survey Surveyors Drawings, BL, 1819, entitled "PARTS OF Cheshire, Shropshire, Flintshire and Denbighshire."
- Ordnance Survey, 25 inch to the mile Surveyed (Shropshire XIII.6 Series Ellesmere Rural) dated 1874, Published: 1875
- Ordnance Survey. One-inch to the mile, Revised New Series (Outline Edition) Sheet 138 - Wem Series Revised: 1898 Published: 1899
- Finance Act Map, TNA IR132/4/107, entitled "Shropshire Sheet XIII. 6 2nd Edition 1901", dated 1909-1910
- OS One-inch England and Wales, New Popular Edition 1945-1947 Sheet 118 - Shrewsbury, publication date 1947

I/We understand that the information I/we have provided may be imparted to third parties.



Signed: .

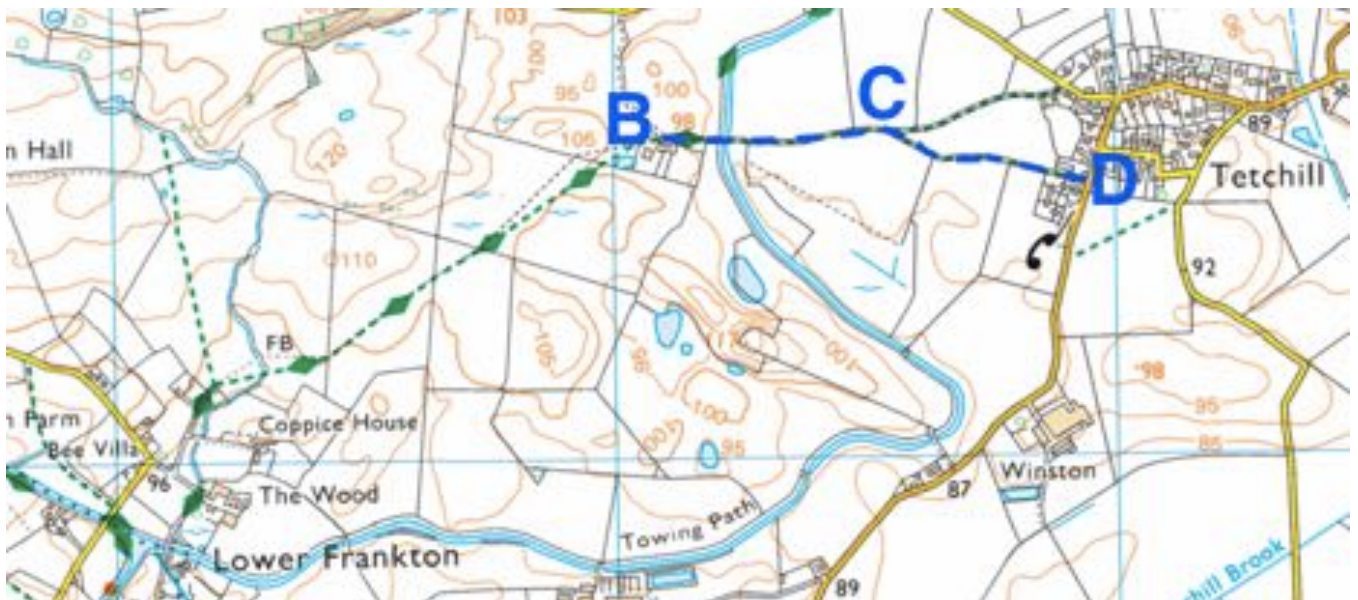
Date:27/8/2020....

Wildlife and Countryside Act 1981

Map to Accompany Definitive Map Modification Order Application

For a route at Lower Frankton in the Parish of Ellesmere Rural, Shropshire to be shown as a Public Bridleway

Applicant's Reference: DLW SH/073/006



27/08/2020

Map produced from extract of Ordnance Survey 1:25,000 scale mapping. When printed on A4 paper, the scale will be not less than 1:25,000 and thus meets the requirement of regulation 2 and regulation 8(2) of The Wildlife and Countryside (Definitive Maps and Statements)

Client:

**Natural England
Discovering Lost Ways Project**

Case File Ref. No.	SH/073/006
Name	Un-named
Historic County	Shropshire
Sub-Unit	Shropshire Sub-unit 1
Parish(es)	Ellesmere Rural
Surveying Authority	Shropshire County Council
Definitive Map Ref. No.	Ellesmere Rural part Footpath 60 and Footpath 60a
Other Designation(s) Ref. No.	None
Route Length	1865 metres
OS 1:10,000 Sheet(s)	SJ33SE
Grid Ref (start)	SJ3720 3215
Grid Ref (end)	SJ3891 3255
ARU ASSESSMENT OUTCOME	
Status/Class	Part public carriageway, part public footpath
Strength	Insufficient / Strong
Comment	Described in the deposited Railway records as "Public Carriage Road" and excluded from Finance Act hereditaments

Date:

17 October 2007

LandAspects
Rowan House
Lloyd Drive
Ellesmere Port
Cheshire CH65 9HQ

Table of Contents

1. Summary of Findings	5
2. Description of Route	7
3. Location Plan	8
4. Current Definitive Paths	9
5. Case File Route Map	11
6. Details of Documentary Evidence	13
7. Interpretation of Evidence from Individual Records	24
8. Overall Evaluation of Evidence	35
Appendix A - Methodological Statement	40
Appendix B - Acknowledgements	41

1. Summary of Findings

Case file SH/073/006 was included in the research scope by Shropshire County Council as the route was identified during consultation for their Access Strategy.

From the documents examined it is possible to establish that part of the case file route, between points B and C, has been shown on the Deposited Railway Records and has been described as a "Public Highway" within the book of reference, and shown in the section as a "Public Carriage Road" to be bridged. The route between points B, C and D is also shown on the Finance Act Survey map uncoloured and excluded from hereditaments, which indicates that a public right of way was considered to exist over this part of the route.

One of the Ordnance Survey 1" New Series maps shows part of the route between points A and B depicted as a single dashed black line on the map and described in the key under "Footpaths". To the east of point B the route is shown on the map consisting of two solid fine parallel black lines and described in the key under the heading "Unmetalled Roads". To the east of the bridge over the canal, between points B and C, the other Ordnance Survey 1" New Series map shows the remainder of the route on to points C and D depicted as consisting of two solid parallel black lines and described in the key, on the basis of its width, as a "3rd class metalled road". For the purpose of the Discovering Lost Ways Project research it has been agreed that the showing of routes as 1st, 2nd or 3rd class metalled roads on OS 1" New Series maps will be taken as evidence of the existence of public vehicular rights. In this case, as the Railway Records indicate that the route was regarded as a "Public Carriage Road" at a point depicted in the 1" New Series map as an "Unmetalled Road" it is considered that the evidence indicates that the public vehicular rights extend over the whole of that part of the route between points B and D.

The Ordnance Survey records support the existence of the route.

No evidence was found that suggested that there were any public rights over the part of the route between points A and B other than the currently recorded class of public footpath. The conclusion is therefore that the evidence shows that carriageway rights exist over that length of the route between points B, C and D. In the absence of evidence of stopping up, these rights can be assumed to exist today.

The evidence found meets the standards set out in Section 53 of the Wildlife & Countryside Act, 1981 that a highway shown in the definitive map and statement as a highway of a particular description ought to be there shown as a highway of a different description and therefore has been categorised as “Strong”, supporting the making of a definitive map modification order application to show the part of the route between points B, C and D in the definitive map and statement as a highway of a different description. For part of the route (A to B) no evidence was found to suggest that the class of public rights over the route was higher than that currently recorded on the definitive map. This section of the case file route has therefore been categorised as “insufficient evidence for further action”.

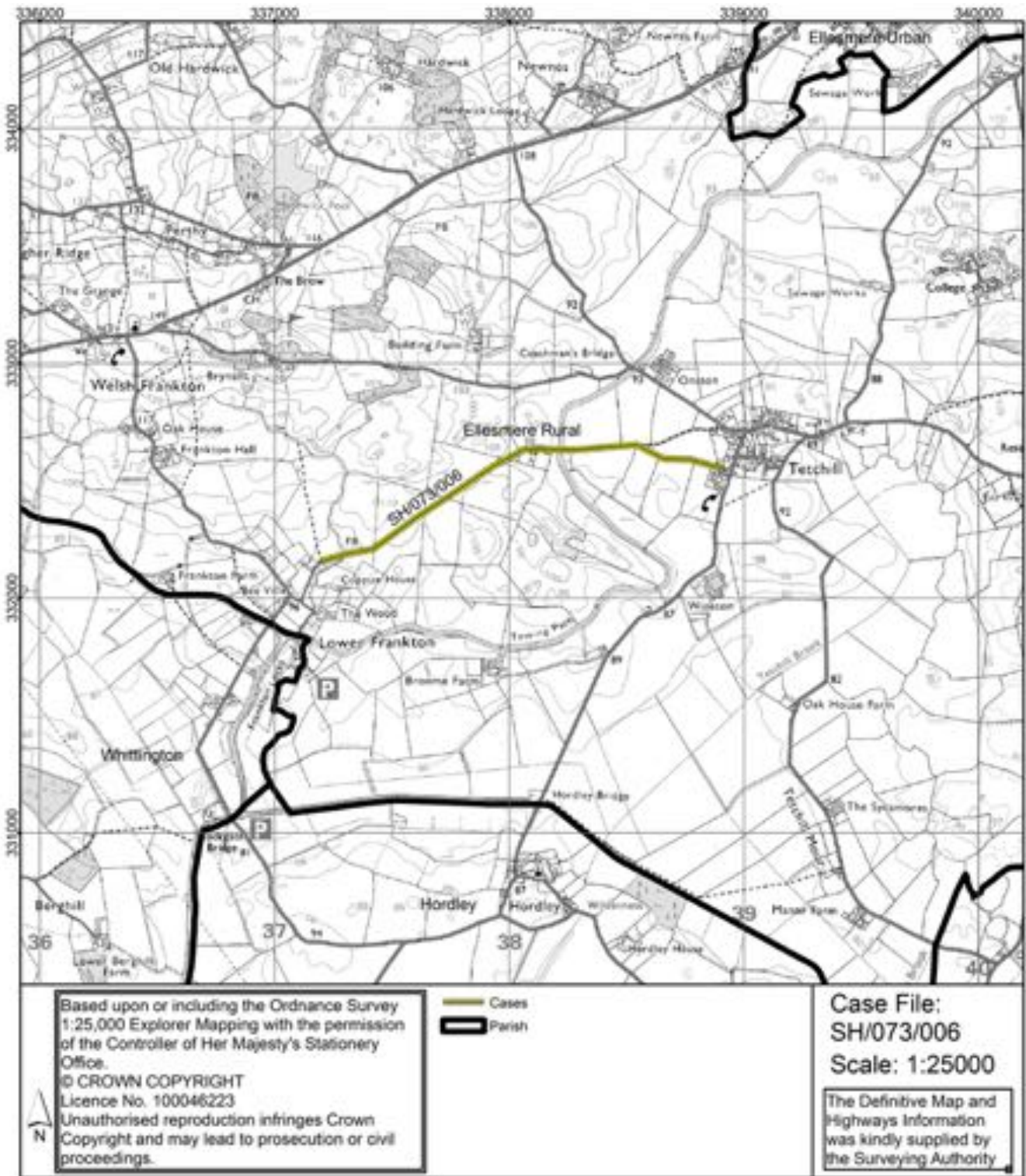
2. Description of Route

The route begins at the junction with Chapel Lane (U1308/10) and 59 Ellesmere Rural (0208/59-0/FP) at coordinate SJ3720 3215 (point A on the Case File Route Map). The route commences as Footpath 60 Ellesmere Rural and continues in a north easterly direction to SJ3807 3264 (point B on the Case File Route Map), where the route becomes Footpath 60A Ellesmere Rural (which has been given the reference 0208/60A-1/FP on Shropshire County Council's Definitive Map and Statement). The route continues along Footpath 60A in an easterly direction to SJ3854 3265 where it becomes 0208/60A-3/FP (the reference given on Shropshire County Council's Definitive Map and Statement) (point C on the Case File Route Map). The route continues along Footpath 60A in a south easterly direction to coordinate SJ3891 3255 where this route terminates at the junction with publicly-maintainable road C1029/20 (the reference given on Shropshire County Council's List of Streets) (point D on the Case File Route Map).

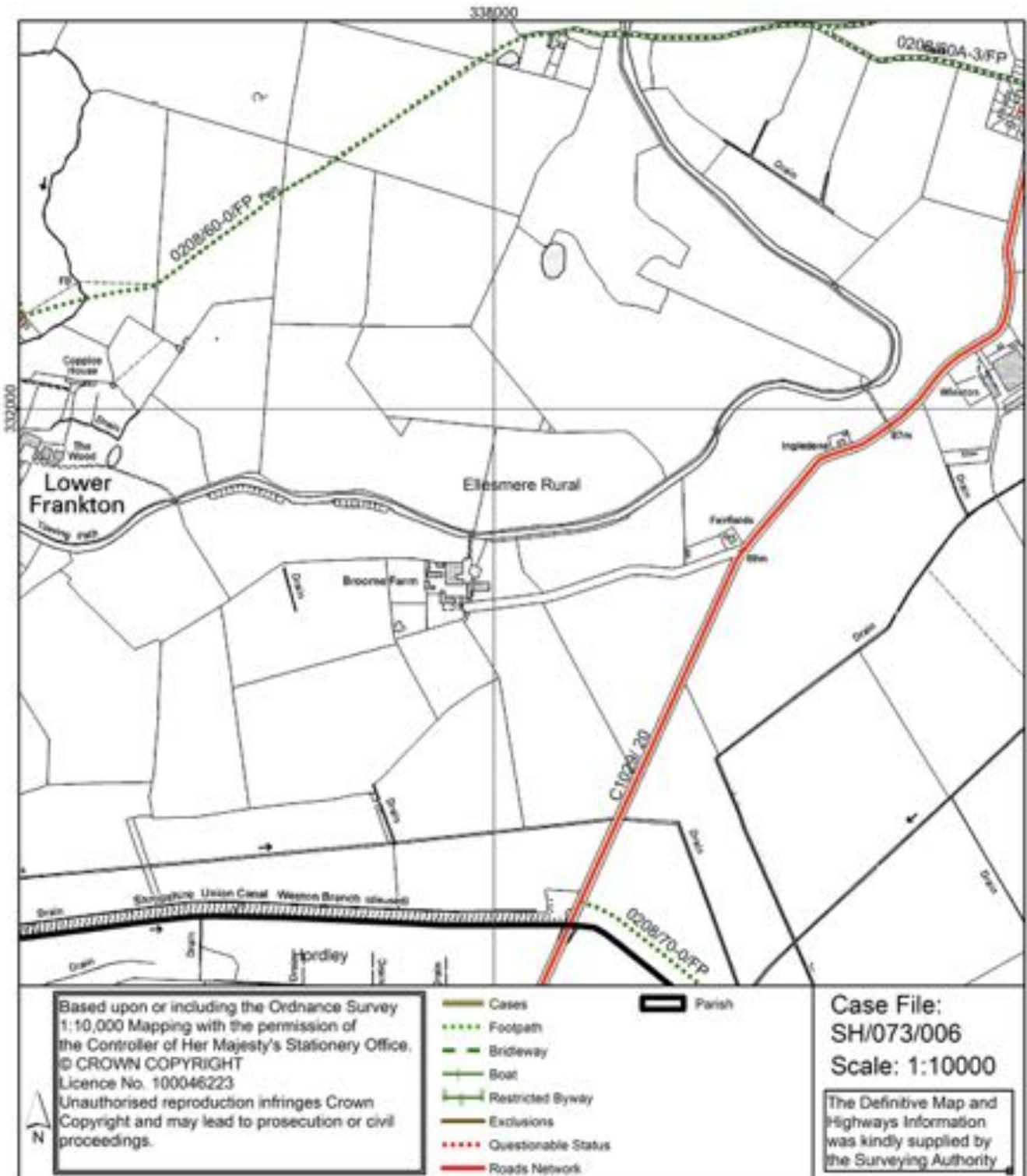
The route has a length of 1865 metres.

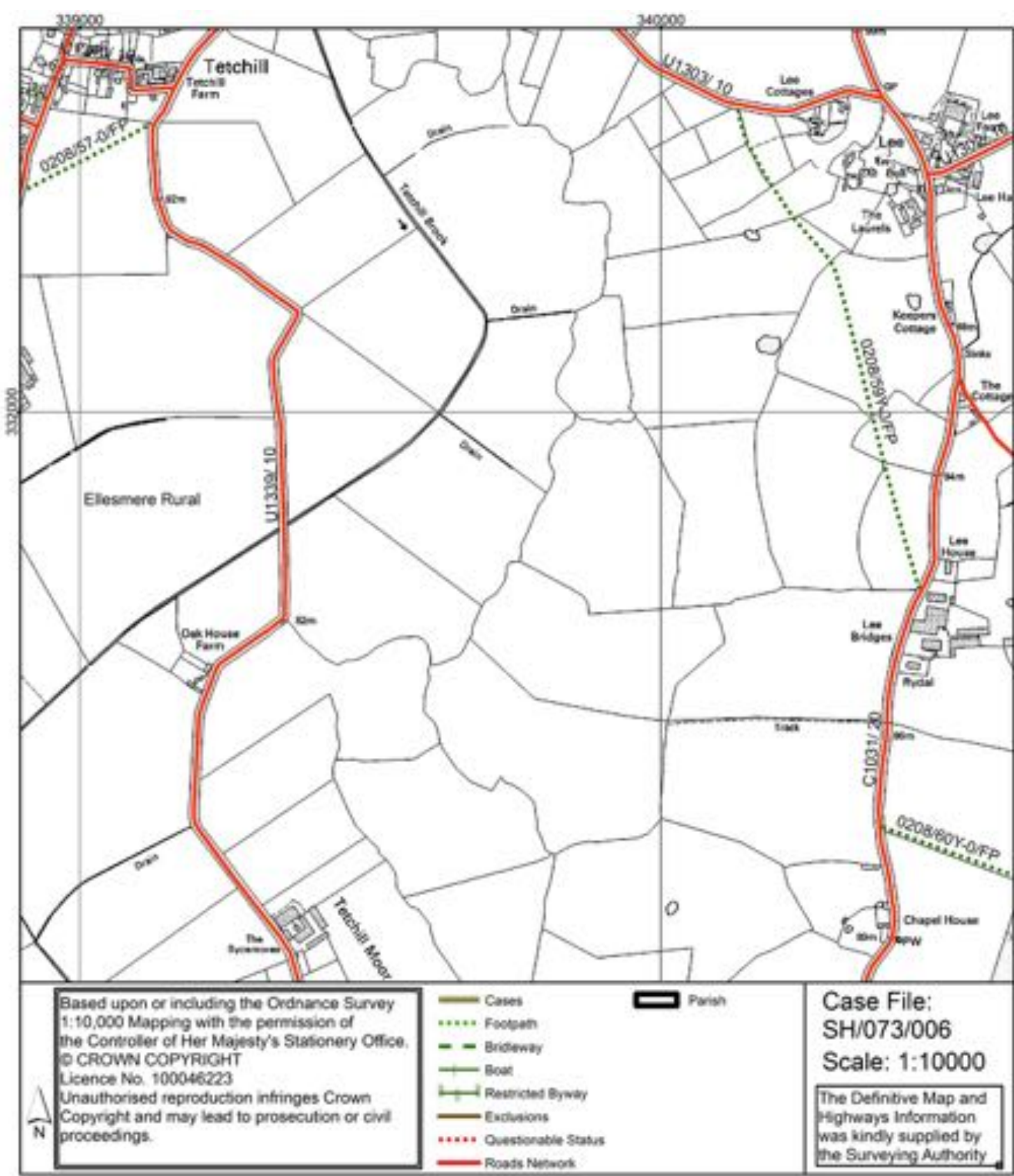
During the research process, the whole of the case file reference number SH/073/006 was identified with the case route number T000881. Both references are used in section 6 of this report. Where supporting evidence or conflicting evidence is being described the case route number is used (in bold). Where the evidence is neutral the case file reference number is used (plain text).

3. Location Plan

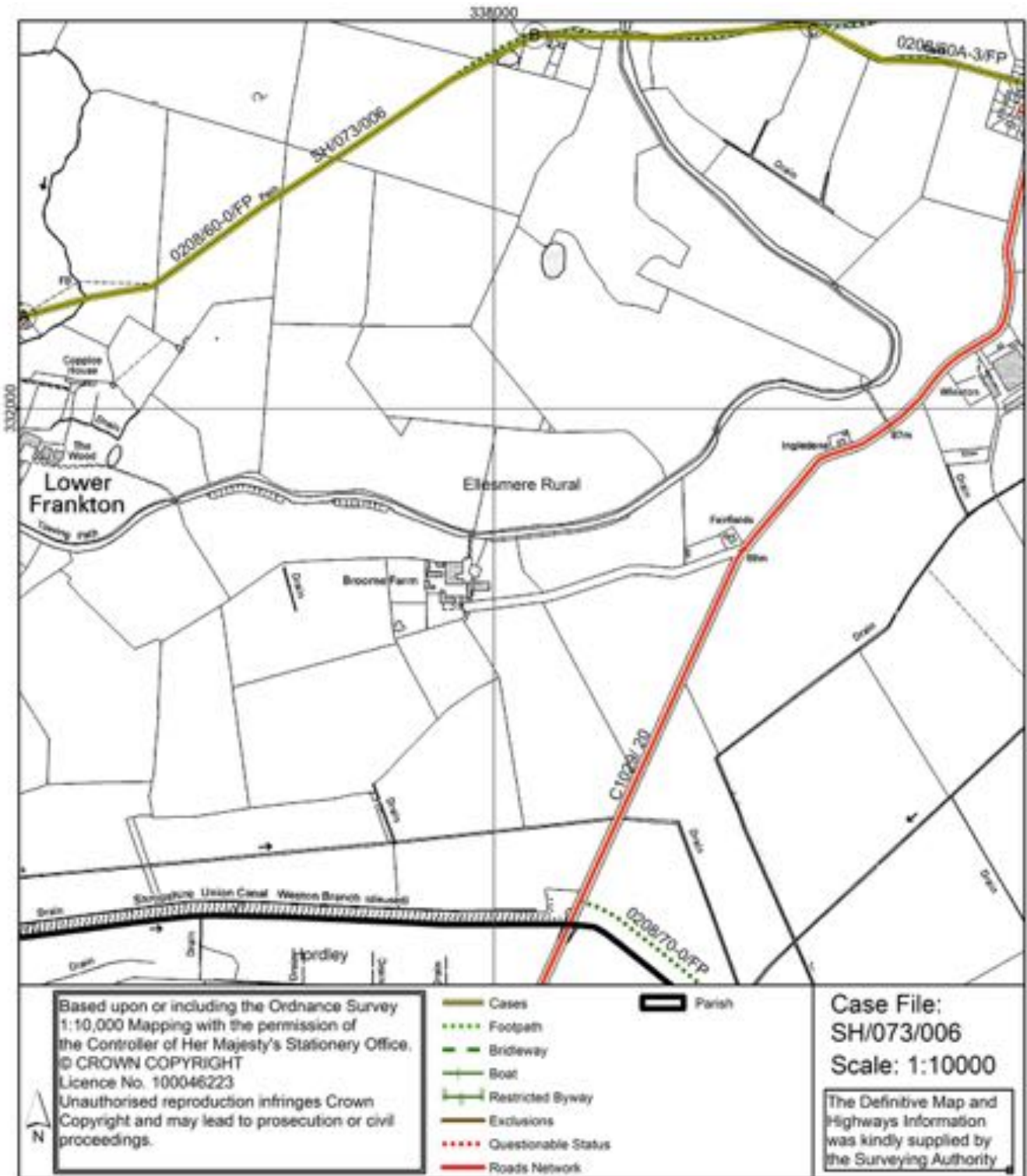


4. Current Definitive Paths





5. Case File Route Map



6. Details of Documentary Evidence

Records were examined at the locations detailed in the following table. A reference code has been allocated to each archive.

Archive	Address	Reference code
British Library	The British Library, St Pancras, 96 Euston Road, London, NW1 2DB	BL
Shropshire Record Office	Castle Gates, Shrewsbury, SY1 2AQ.	SHR
House of Lords Records Office	Parliamentary Archives, HLRO, London, SW1A 0PW, United Kingdom	HLRO
LandAspects	LandAspects, Rowan House, Lloyd Drive, Ellesmere Port, Cheshire, CH65 9HQ	LA
The National Archives	The National Archives, Kew, Richmond, Surrey, TW9 4DU	TNA
National Library of Scotland	92 Cowgate Edinburgh, EH1 1JN	NLS

The following records were examined as part of the research programme. The documents are listed in chronological order. Those documents that are considered to contain relevant evidence for case SH/073/006 are shown in **bold**. This information is arranged in a standard format as follows:

Document Type the Archive Reference Code, followed by the Document Reference Code, the Title and Date.

Where a document was researched at the British Library (with an archive reference code BL) no digital image was captured.

The Ordnance Survey 25" 1st and 2nd Edition image tiles (© And database right "Crown copyright and Landmark Information Group Ltd" all rights reserved 2007) included within each case file may not, on occasions, exactly reflect the original versions that have been used for research purposes. The original maps held at the British Library may not always be identical in extent and content to the image tiles provided by Landmark. The image tiles can therefore only be used as a guide as to what the original document held at the British Library depicted. If the reader of the case files wishes to qualify any statements that have been in the file then they should consult versions held at the British Library.

1. Canal Plan, SHR DP 295a, entitled "Plan of the intended Whitchurch and Prees Branches", dated 1795, demonstrates evidence for part of route T000881. The route is observed to commence at a point just north of the "C" of "Clay Pit". The route is shown specifically numbered on the plan in this case number "24" and is depicted as consisting of two parallel solid black lines. The route is observed to terminate at a point south of the south east corner of parcel number "26".
2. Canal Book of Reference, SHR DP 295a, entitled "Reference to the Deviation of the Whitchurch Line of the Ellesmere Canal with the Prees and Ellesmere Branches", demonstrates evidence for part of route T000881. The route is described on page "2", as parcel number "24" as "Road", with no owner or occupier listed.
3. Canal Plan, SHR 295b, entitled "Plan of the Deviation of the Whitchurch Line of the Ellesmere Canal with the Prees and Ellesmere Branches", dated 1796, demonstrates evidence for part of route T000881. The route is observed to commence at a point just north of the "y" of "Clay Pit". This is shown specifically numbered on the plan in this case number "24" and is depicted as consisting of two parallel solid black lines. The route is not shown on the Limits of Deviation. The route is observed to terminate at a point south of the south east corner of parcel number "26".
4. Canal Book of Reference, SHR DP 295b, entitled "Reference to the Deviation of the Whitchurch Line of the Ellesmere Canal with the Prees and Ellesmere Branches", demonstrates evidence for part of route T000881. The route is

described on page "2", as parcel number "24" as "Road", with no owner or occupier listed.

5. Non-Ordnance Survey Commercial Map, SHR R BAUGH 1808 sheet 1, entitled "To the Right Honorable EDWARD EARL OF POWIS Lord Lieutenant and Custos Rotulorum of the Counties of SALOP AND MONTGOMERY This MAP of SHROPSHIRE is humbly and respectfully dedicated by his Lordship's obliged and obedient servant ROBERT BAUGH", dated 1808, covers the area but demonstrates no evidence for case SH/073/006.
6. Non-Ordnance Survey Commercial Map, SHR GREENWOODS 1827, entitled "Map of the County of SALOP FROM AN ACTUAL SURVEY Made in the Years 1826&1827 BY C. & J. GREENWOOD", dated 1827, covers the area but demonstrates no evidence for case SH/073/006.
7. **Ordnance Survey Surveyors Drawings, BL, 1819, entitled "PARTS OF Cheshire, Shropshire, Flintshire and Denbighshire" demonstrates evidence for part of route T000881. The route is depicted as consisting of two parallel solid black lines.**



8. Ordnance Survey 1" Old Series, SHR Ordnance Survey Old Series 1":1 mile, entitled "Folder 1 1833 - 1835", dated 1833 - 1835, demonstrates evidence for part of route T000881. The route is observed to commence to the

immediate north west of “The Wood” on the map. This is shown on the map and is depicted as consisting of a single dashed black line’. The route is observed to change its physical characteristics to the west of “Val Hill” near the edge of the map. The route is depicted as consisting of two parallel solid black lines. The route is observed to terminate at the edge of the document to the east of “Clipel” on the map.

9. Ordnance Survey 1" Old Series, SHR Ordnance Survey Old Series 1": 1mile, entitled "Folder 1 1833 - 1835", dated 1833 - 1835, demonstrates evidence for part of route T000881. The route is observed to commence from the edge of the map heading towards a point on the map labelled “Tetch hill”. It is shown on the map and is depicted as consisting of two parallel solid black lines. The route is observed to terminate at a point labelled “Tetch hill” near the western side of the map.

10. Tithe Map, TNA IR/30/29/122, entitled "Part 15: Plan of the Township of Tetchill in the Parish of Ellesmere County of Salop", dated 1839, demonstrates evidence for part of route T000881. The route is observed to commence at the south west corner of parcel number “424” on the map. The route is shown un-numbered and not within a numbered parcel and is depicted as consisting of two parallel solid black lines. The route is observed to terminate at the northwest corner of parcel number “301” on the map.

11. Railway Plan, SHR DP/329, entitled "SHROPSHIRE UNION RAILWAY AND CANAL PROPOSED RAILWAY FROM NEWTOWN TO CREWE with Branches Plan and Section", dated 1845, demonstrates evidence for part of route T000881. The route is observed to commence under the letter “P” for Parish marked on the plan. This shows the route specifically numbered on the plan, in this case number “64”, and is depicted as consisting of two parallel solid black lines. The plan also shows the route within the Limits of Deviation. The route is observed to terminate at a junction just beyond the south-east corner of parcel number “63” map.

12. Railway Book of Reference, SHR DP/329, entitled "SHROPSHIRE UNION RAILWAY AND CANAL PROPOSED RAILWAY FROM NEWTOWN TO CREWE", dated 1845, demonstrates evidence for part of route T000881. The

route is described as on page "73" under parcel number "64" as "Public highway", with the owner of the route being listed as "Surveyor of Highways".

13. Railway Section, SHR DP/329, entitled "SHROPSHIRE UNION RAILWAY AND CANAL PROPOSED RAILWAY FROM NEWTOWN TO CREWE with Branches Plan and Section", dated 1845, demonstrates evidence for part of route T000881. The route is shown with the status quoted as "Public", in this case a "Public Carriage Road to be raised 13ft 4in and carried over rails" "Bridge one Arch Span 30ft Height 15 feet".
14. Railway Plan, SHR DP/376, entitled "Ellesmere Railway, 1859", dated 1859, demonstrates evidence for part of route T000881. The route is observed to commence at the south east corner of parcel number "8" on the map. This shows the route specifically numbered on the plan in this case number "9" and depicted as consisting of two parallel solid black lines. It is shown both within and outside the Limits of Deviation. The route is observed to terminate south east of parcel number "17" on the map.
15. Railway Book of Reference, SHR DP/376, entitled "Ellesmere Railway Book of Reference", dated 30 November 1859, demonstrates evidence for part of route T000881. It is described on page "11", in parcel number "9" as "Occupation Road"
16. Railway Section, SHR DP/376, entitled "Ellesmere Railway, 1859", dated 1859, covers the area but demonstrates no evidence for case SH/073/006.
17. Railway Plan, SHR DP/381, entitled "Shrewsbury, Oswestry & Ellesmere Railway", dated 1860, demonstrates evidence for part of route T000881. The route is observed to commence in parcel number "137" in the parish of Whittington at the end of the track shown as parcel number "134". The map shows the route depicted as consisting of a single dashed black line. It is un-numbered specifically but is shown crossing the parish boundary into the parish of Ellesmere and entering parcel numbers "1" and then "5". The route is observed to change in physical characteristics to the north east of parcel number "5". Beyond this point the route is specifically numbered on the plan as parcel number "7" and is depicted as consisting of two parallel solid black lines. The map shows the route both within and outside the Limits of

Deviation. The route is observed to terminate at the south east corner of parcel number "17" at the edge of the map.

18. Railway Book of Reference, SHR DP/381, entitled "Shrewsbury, Oswestry & Ellesmere Railway", dated 1860, demonstrates evidence for part of route T000881. On page "32", in the parish of Whittington parcel number "137" is described as "Field and Footpaths". On page "33", in the parish of Ellesmere, parcel numbers "1" and "5" are both described as "Field and Footpath". Parcel number "7" is described as "Occupation Road"
19. Railway Section, SHR DP/381, entitled "Shrewsbury, Oswestry & Ellesmere Railway", dated 1860, covers the area but demonstrates no evidence for case SH/073/006.
20. Ordnance Survey 25" 1st Edition, BL, Vol 687 (9), entitled "Shropshire (Northern Division) Sheet XIII.9 - Whittington & Ellesmere Parishes & Halston (Ex Par)", dated 1874, demonstrates evidence for part of route T000881. The route is observed to commence at the end of the route shown as parcel number "1193". The route is shown to be unnumbered but is contained within numbered parcels: "1153", "2466", "2472" and "2505". The route is shown on the map and is depicted as consisting of two parallel dashed black lines. The route is observed to terminate at the eastern edge of the mapped area towards the top of the document.
21. Ordnance Survey 25" 1st Edition, BL, Vol 687 (10), entitled "Shropshire (Northern Division) Sheet XIII.10 - Hordley & Ellesmere Parishes", dated 1874, demonstrates evidence for part of route T000881. The route is observed to commence on this document at the top of the document, towards the eastern edge of the mapped area. It is shown to be unnumbered but is contained within numbered parcels "2505" and "2504". The route is depicted as consisting of two parallel dashed black lines. The route terminates on this document at the western edge of the map towards the top corner.
- 22. Ordnance Survey, 25 inch to the mile Surveyed (Shropshire XIII.6 Series Ellesmere Rural) dated 1874, Published: 1875 demonstrates evidence for part of route T000881. This route is observed to commence on this document at the bottom left of the map to the west of the Shropshire**

Union Canal to the south of parcel number “1902”, in the northwest corner of parcel number “1903”. The route is shown specifically numbered on the map as number “1911”. The route is depicted as consisting of two solid parallel black lines. This route is observed to change parcel number (but not physical appearance) adjacent to the northernmost point of parcel number “2516”. The route is numbered as “1917”. The route is observed to terminate at a junction at the north east corner of parcel number “2520”.



23. Ordnance Survey 25" 1st Edition Book of Reference, BL, entitled "Book of Reference to the Plan of the Parish of Ellesmere (Part of), Hundreds of Oswestry and Pimhill, Shropshire", dated 1876, demonstrates evidence for all of route T000881. It is described in a manner which fails to confer any indication of status, i.e. as "Arable &c" on page “38”, in parcel number “2504”. It is further annotated with "Arable" on page “32” in parcel number “1901”. It is further annotated with "Road" on page “32” in parcel number “1911”. It is further annotated with "Road" in parcel number “1917”.

24. Ordnance Survey. One-inch to the mile, Revised New Series (Outline Edition) Sheet 138 - Wem Series Revised: 1898 Published: 1899 demonstrates evidence for part of route T000881. The route is observed to commence from the edge of the map heading towards a point on the map labelled “Tetchill”. It is shown on the map and is depicted as consisting of two parallel solid black lines. The route is observed to

terminate at a point labelled "Tetchill" on the junction with a road on the southern edge of 'Tetchill'.



25. Ordnance Survey 25" 2nd Edition, BL, 1599(6), entitled "SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 6." dated 1899, demonstrates evidence for part of route T000881. The route is observed to commence at a point in the south west corner of the map, within parcel number "1791". The route is shown on the map and is depicted as consisting of two parallel dashed black lines. The route is observed to change characteristics at the south east corner of land parcel number "2378". This is shown on the map but is un-named and is depicted as consisting of two parallel black lines (solid and dashed). The route is observed to change characteristics at the north east corner of parcel number "2380" where a vertical solid line separates the route's new depiction. It is depicted as consisting of two parallel solid black lines and is numbered as "2370". This route is observed to change parcel number again (but not physical appearance) at the northernmost corner of parcel "2384". Beyond this point the route has parcel number "2364". The route is observed to terminate at the north east corner of land parcel "2386" at a junction with another route.

26. Ordnance Survey 25" 2nd Edition, BL, 1599(9), entitled "SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 9.", dated 1900, demonstrates evidence for part of route T000881. The route is observed to commence at a point along the southern boundary of land parcel "1468". The route is shown on the map with its type indicated as "F.P." and is depicted as consisting of two parallel dashed black lines. The route is observed to change characteristics at a point along the southern boundary of land parcel "1747". From here on in it ceases

to be labelled "F.P.". The route is shown on the map but is un-named. The route is observed to terminate at a point in the north eastern corner of the map sheet.

27. Ordnance Survey 25" 2nd Edition, BL, 1599 (10), entitled "SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 10.", dated 1900, demonstrates evidence for part of route T000881. The route is observed to commence at a point in the northwest corner of land parcel "1790". The route is shown on the map and is depicted as consisting of two parallel dashed black lines. The route is shown on the map but is un-named. The route is observed to terminate at a point in land parcel "1791".

28. Ordnance Survey 1" New Series, BL, Maps 1175 (134.) sheet 137, entitled "Oswestry", revised in 1895 and published in 1902, demonstrates evidence for part of route T000881. The route is observed to commence at a junction with a third class metalled road and footpath between "Bryn-ath" and "Frankton Common". The route is depicted as a single dashed black line on the map and is described in the key as "Footpaths". The route is observed to change physical characteristics to the west of a bridge over the "Shropshire Union Canal" north of "Broom". From that point, the route is shown on the map consisting of two solid fine parallel black lines and is described in the key as "Unmetalled Roads". The route is observed to cross the bridge and terminate on this document at the eastern edge of the mapped area. It continues onto map sheet 138.

29. Finance Act Map, TNA IR132/4/107, entitled "Shropshire Sheet XIII. 6 2nd Edition 1901", dated 1909-1910, demonstrates evidence for part of route T000881. The route is observed to commence at the north eastern corner of OS parcel number "2380". The route is uncoloured and excluded from hereditaments and is depicted as consisting of two parallel solid black lines. Beyond the northwest corner of OS parcel number "2373" the route is shown included with hereditaments, in this case hereditament number "651", but half-braces are applied to either side of the route. The route is observed to terminate at the junction with another route in "Tetchill".



30. Finance Act Map, TNA IR132/4/110, entitled "Shropshire Sheet XIII. 9 2nd Edition 1901", dated 1909-1910, covers the area but demonstrates no evidence for case SH/073/006.
31. Finance Act Field Book, TNA IR/58/75731, entitled "Cockshutt Assessment No. 601-700", covers the area but demonstrates no evidence for case SH/073/006.
32. Finance Act Map, TNA IR 132/4/111, entitled "Shropshire Sheet XIII.10 - Second Edition 1901", covers the area but demonstrates no evidence for case SH/073/006.
33. Finance Act Field Book, TNA IR/58/75745, entitled "Cockshutt Assessment No. 2001-2067", demonstrates evidence for all of route T000881. The route is

shown passing through hereditament number "2044". In the section "Fixed Charges, Easements, Common Charges and Restrictions" the text "footpath" is written. A deduction for public rights of way is provided and this corresponds to the route shown on the map, in this case a "Rt of Way £25". The area given in the Field Book, of slightly over 26 acres, corresponds with the area given on the OS sheet for parcel number "1791".

34. OS 1-inch England and Wales, New Popular Edition 1945-1947 Sheet 118 - Shrewsbury, publication date 1947, demonstrates evidence for part of route T000881. The route is observed to commence on this document west of "Tetchill" on the map. It is depicted as consisting of two solid parallel black lines and is described in the key, on the basis of its width, as a "3rd class metalled road". The route is observed to terminate at a junction with a second class metalled road at the southern end of "Tetchill" on the map.



7. Interpretation of Evidence from Individual Records

Evidence of status:

This evidence concerns the existence of a public right of way. The ARU's research establishes whether a way is described as "public" or "private" and whether public rights can be inferred from other information provided within the documentary source.

Evidence of status is categorised as follows:

Category	Name	Significance
A	Express Dedication	Supporting evidence
B(i)	Surveyor's Opinion / Strong Reputation	
B(ii)	Inferred Dedication / Reputation	
C	Neutral	Status neutral
D	Private	Contradictory evidence
E	Stopping Up	

The individual pieces of evidence which singly or together lead to a particular categorisation vary depending on the particular source being considered and are described in detail in Section 5 of the relevant Research Standard for that source.

The following items of evidence were found to relate to the status of the case file route:

Document Group	Evidence Cat.	Document	Date	See Section	Code	Code Description
Deposited Canal Records	C	Map SHR DP 295a - Plan of the intended Whitchurch and Prees Branches	1795	6.1	CP1	Route specifically numbered on plan
	C	Map SHR 295b - Plan of the Deviation of the Whitchurch Line of the Ellesmere Canal	1796	6.3	CP1	Route specifically numbered on plan
					CP12	Route not shown on LOD
Ordnance Survey Records 2" to 1 Mile Surveyors Drawing	C	Map BL, entitled "PARTS OF Cheshire, Shropshire, Flintshire and Denbighshire.	1819	6.7	OSD4	Route un-named on Ordnance Surveyor's Drawing
Ordnance Survey Records 1" Old Series Map	C	Map SHR Ordnance Survey Old Series 1":1 mile - Folder 1 1833 - 1835	1833 – 1835	6.8	OSM5	Route shown on OS 1" Old Series map

		Map SHR Ordnance Survey Old Series 1": 1mile - Folder 1 1833 - 1835	1833 – 1835	6.9	OSM5	Route shown on OS 1" Old Series map	
Tithe Survey Records	C	Map TNA IR/30/29/122 - Part 15: Plan of the Township of Tetchill in the Parish of Ellesmere County of Salop	1839	6.10	TM3	Route shown on map not numbered specifically or within numbered parcel	
Deposited Railway Records	B(i)	Map SHR DP/329 - SHROPSHIRE UNION RAILWAY AND CANAL PROPOSED RAILWAY FROM NEWTOWN TO CREWE With Branches Plan and Section	1845	6.11	RP1	Route specifically numbered on plan	
					RP3	Route within LOD	
		Book SHR DP/329 - SHROPSHIRE UNION RAILWAY AND CANAL PROPOSED RAILWAY FROM NEWTOWN TO CREWE	1845	6.12	RB2	Described as public	
			RB5		Owner is a public body		
			Section SHR DP/329 - SHROPSHIRE UNION RAILWAY AND CANAL PROPOSED RAILWAY FROM NEWTOWN TO CREWE With Branches Plan and Section	1845	6.13	RS1	Status quoted as public
	C	Map SHR DP/376 - Ellesmere Railway, 1859	1859	6.16	RP1	Route specifically numbered on plan	
					RP3	Route within LOD	
					RP5	Route outside LOD	
	C	Map SHR DP/381 - Shrewsbury, Oswestry & Ellesmere Railway	1860	6.18	RP2	Route un-numbered specifically, within numbered parcel	
					RP3	Route within LOD	
RP1					Route		

						specifically numbered on plan
		Book SHR DP/381 - Shrewsbury, Oswestry & Ellesmere Railway	1860	6.19	RB1	Described as non-status specific i.e. 'occupation road', 'footpath' etc
Ordnance Survey Record 25" 1 st Edition Map	C	Map BL Vol 687 (9) - Shropshire (Northern Division) Sheet XIII.9 - Whittington & Ellesmere Parishes & Halston (Ex Par)	1874	6.20	OSM24	Route un-numbered specifically, within numbered parcel
		OSM6			Route Shown on OS 1st Edition 25" Map	
	C	Map BL Vol 687 (10) - Shropshire (Northern Division) Sheet XIII.10 - Hordley & Ellesmere Parishes	1874	6.21	OSM24	Route un-numbered specifically, within numbered parcel
		OSM6			Route Shown on OS 1st Edition 25" Map	
	C	Map BL Vol 687 (6) - Shropshire (Northern Division) Sheet XIII.6 - Ellesmere Parish	1874	6.22	OSM24	Route un-numbered specifically, within numbered parcel
					OSM6	Route Shown on OS 1st Edition 25" Map
					OSM23	Route specifically numbered on plan
	Ordnance Survey 1" to the mile, Revised New Series Map	B(i)	Ordnance Survey. 1-inch to the mile, Revised New Series (Outline Edition) Sheet 138 - Wem Series Revised: 1898	1899	6.23	NLS1
Ordnance Survey Record 25" 1 st Edition	C	Book BL - Book of Reference to the Plan of the Parish of Ellesmere (Part of), Hundreds of Oswestry and Pimhill, Shropshire	1876	6.24	OSB5	Route described as non-status specific i.e. - 'Occupation Road' or 'Footpath'
Ordnance Survey Record 25" 2 nd Edition Map	C	Map BL 1599 (6) - SECOND EDITION 1901	1899	6.25	OSM12	Route Shown on OS 2nd Edition 25" Map

		SHROPSHIRE SHEET XIII. 6.			OSM9	Route un-named on map
	N/A	Map BL 1599 (9) - SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 9.	1900	6.26	OSM11	Route shown on map with type indicated i.e. - 'FP', 'BR
	C	Map BL 1599 (10) - SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 10.	1900	6.27	OSM12	Route Shown on OS 2nd Edition 25" Map
					OSM9	Route un-named on map
Ordnance Survey Records 1" New Series Map	C	Map BL 1175 (134.) sheet 137 - OS of England Oswestry	1902	6.28	OSM13	Route shown on OS 1" New Series
					OSM14	Route shown un-coloured on OS 1" New Series
					OSM20	Route un-named on map
					OSM27	Route described as 'Unmetalled Roads' on key or Characteristics Sheet
					OSM28	Route described as 'Footpaths' on map / key
Finance Act Survey Records	B(i) part	Map TNA IR132/4/107 - Shropshire Sheet XIII. 6 2nd. Edition 1901	1909-1910	6.29	FA1	Route excluded from Hdtmt
	C	Book TNA IR/58/75745 - Cockshutt Assessment No. 2001-2067	Not given	6.33	FB2	Deduction for public ROW, map not conclusive as to route.
OS 1-inch England and Wales		Map New Popular Edition Sheet 118 Shrewsbury	1947	6.34	NLS2	Route shown uncoloured, described as as minor road

Deposited Railway Records	C	Book SHR DP/376 - Ellesmere Railway Book of Reference	30 November 1859	6.15	RB1	Described as non-status specific i.e. 'occupation road', 'footpath' etc
					RB9	Occupier described as a public body
Deposited Canal Records	C	Book SHR DP 295a - Reference to the Deviation of the Whitchurch Line of the Ellesmere Canal	Not given	6.2	CB1	Described as non-status specific i.e. 'occupation road', 'footpath' etc
	C	Book SHR DP 295b - Reference to the Deviation of the Whitchurch Line of the Ellesmere Canal	Not given	6.4	CB1	Described as non-status specific i.e. 'occupation road', 'footpath' etc

Evidence of class:

This evidence refers of the type of rights enjoyed over the case file route. Evidence is recorded according to the traditional classes of public right of way recorded in documentary evidence: i.e. footpath, bridleway or carriageway. The status and class together may be identified clearly in a document (e.g. public footpath, private carriageway, etc.), but in other cases information on class may not be specified (e.g. "highway").

The following items of evidence were found to relate to the class of the case file route:

Document Group	Document	Date	Code	Code Description
Deposited Canal Records	Map SHR DP 295a - Plan of the intended Whitchurch and Prees Branches	1795	RC14	Unspecified
	Map SHR 295b - Plan of the Deviation of the Whitchurch Line of the Ellesmere Canal	1796	RC14	Unspecified
Ordnance Survey Records 2" to 1 Mile Surveyors Drawing	Map BL, entitled "PARTS OF Cheshire,	1819	RC14	Unspecified

	Shropshire, Flintshire and Denbighshire.			
Ordnance Survey Records 1" Old Series Map	Map SHR Ordnance Survey Old Series 1":1 mile - Folder 1 1833 – 1835	1833 - 1835	RC14	Unspecified
Ordnance Survey Records 1" Old Series	Map SHR Ordnance Survey Old Series 1": 1mile - Folder 1 1833 - 1835	1833 - 1835	RC14	Unspecified
Tithe Survey Records	Map TNA IR/30/29/122 - Part 15: Plan of the Township of Tetchill in the Parish of Ellesmere County of Salop	1839	RC14	Unspecified
Deposited Railway Records	Map SHR DP/329 - SHROPSHIRE UNION RAILWAY AND CANAL PROPOSED RAILWAY FROM NEWTOWN TO CREWE With Branches Plan and Section	1845	RC14	Unspecified
	Book SHR DP/329 - SHROPSHIRE UNION RAILWAY AND CANAL PROPOSED RAILWAY FROM NEWTOWN TO CREWE	1845	RC4	Carriage road
	Section SHR DP/329 - SHROPSHIRE UNION RAILWAY AND CANAL PROPOSED RAILWAY FROM NEWTOWN TO CREWE With Branches Plan and Section	1845	RC4	Carriage road

	Map SHR DP/376 - Ellesmere Railway, 1859	1859	RC14	Unspecified
	Map SHR DP/381 - Shrewsbury, Oswestry & Ellesmere Railway	1860	RC14	Unspecified
	Book SHR DP/381 - Shrewsbury, Oswestry & Ellesmere Railway	1860	RC11	Occupation road
Ordnance Survey Record 25" 1 st Edition Map	Map BL Vol 687 (9) - Shropshire (Northern Division) Sheet XIII.9 - Whittington & Ellesmere Parishes & Halston (Ex Par)	1874	RC14	Unspecified
	Map BL Vol 687 (10) - Shropshire (Northern Division) Sheet XIII.10 - Hordley & Ellesmere Parishes	1874	RC14	Unspecified
	Map BL Vol 687 (6) - Shropshire (Northern Division) Sheet XIII.6 - Ellesmere Parish	1874	RC14	Unspecified
Ordnance Survey Record 25" 1 st Edition	Book BL - Book of Reference to the Plan of the Parish of Ellesmere (Part of), Hundreds of Oswestry and Pimhill, Shropshire	1876	RC10	Neutral
			RC12	Road
	Book BL - Book of Reference to the Parish of Ellesmere (Part of), Hundreds of Oswestry and Pimhill, Shropshire	1876	RC10	Neutral
Ordnance Survey Record 25" 2 nd Edition Map	Map BL 1599 (6) - SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 6.	1899	RC14	Unspecified
Ordnance Survey Record 25" 2 nd Edition Map	Map BL 1599 (9) - SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 9.	1900	RC8	Foot path
			RC14	Unspecified

	Map BL 1599 (10) - SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 10.	1900	RC14	Unspecified
Ordnance Survey Records 1" New Series Map	Map BL 1175 (134.) sheet 137 - OS of England Oswestry	1902	RC8	Foot path
			RC12	Road
	Map BL 1175 (134.) sheet 138 - OS of England WEM	1902	RC12	Road
Finance Act Survey Records	Map TNA IR132/4/107 - Shropshire Sheet XIII. 6 2nd. Edition 1901	1909-1910	RC14	Unspecified
Deposited Railway Records	Book SHR DP/376 - Ellesmere Railway Book of Reference	30 November 1859	RC11	Occupation road
Finance Act Survey Records	Book TNA IR/58/75745 - Cockshutt Assessment No. 2001-2067	Not given	RC8	Foot path
Deposited Canal Records	Book SHR DP 295a - Reference to the Deviation of the Whitchurch Line of the Ellesmere Canal	Not given	RC12	Road
	Book SHR DP 295b - Reference to the Deviation of the Whitchurch Line of the Ellesmere Canal	Not given	RC12	Road

Evidence of physical characteristics:

This evidence relates to the physical appearance of the case file route as recorded in documentary sources, even if these sources do not themselves contain evidence of the route's status or class.

Items of evidence relating to physical characteristics are recorded using a series of 'physical appearance' codes.

The following items of evidence were found to relate to the physical characteristics of the case file route:

Document Group	Document	Date	Code	Code Description
Deposited Canal Records	Map SHR DP 295a - Plan of the intended Whitchurch and Prees Branches	1795	PA1	two parallel solid black lines
	Map SHR 295b - Plan of the Deviation of the Whitchurch Line of the Ellesmere Canal	1796	PA1	two parallel solid black lines
Ordnance Survey Records 1" Old Series Map	Map SHR Ordnance Survey Old Series 1":1 mile - Folder 1 1833 - 1835	1833 - 1835	PA1	two parallel solid black lines
Ordnance Survey Records 1" Old Series Map	Map SHR Ordnance Survey Old Series 1": 1mile - Folder 1 1833 - 1835	1833 - 1835	PA1	two parallel solid black lines
Tithe Survey Records	Map TNA IR/30/29/122 - Part 15: Plan of the Township of Tetchill in the Parish of Ellesmere County of Salop	1839	PA1	two parallel solid black lines
Deposited Railway Records	Map SHR DP/329 - SHROPSHIRE UNION RAILWAY AND CANAL PROPOSED RAILWAY FROM NEWTOWN TO CREWE With Branches Plan and Section	1845	PA1	two parallel solid black lines
	Section SHR DP/329 - SHROPSHIRE UNION RAILWAY AND CANAL PROPOSED RAILWAY FROM NEWTOWN TO CREWE With Branches Plan and Section	1845	Unspecified	

	Map SHR DP/376 - Ellesmere Railway, 1859	1859	PA1	two parallel solid black lines
	Map SHR DP/381 - Shrewsbury, Oswestry & Ellesmere Railway	1860	PA6	a single dashed black line'
			PA1	two parallel solid black lines
Ordnance Survey Record 25" 1 st Edition Map	Map BL Vol 687 (9) - Shropshire (Northern Division) Sheet XIII.9 - Whittington & Ellesmere Parishes & Halston (Ex Par)	1874	PA2	Two parallel dashed black lines
	Map BL Vol 687 (10) - Shropshire (Northern Division) Sheet XIII.10 - Hordley & Ellesmere Parishes	1874	PA2	Two parallel dashed black lines
	Map BL Vol 687 (6) - Shropshire (Northern Division) Sheet XIII.6 - Ellesmere Parish	1874	PA2	Two parallel dashed black lines
Ordnance Survey Record 25" 2 nd Edition Map	Map BL 1599 (6) - SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 6.	1899	PA2	Two parallel dashed black lines
			PA7	Two parallel black lines (solid and dashed)
			PA1	Two parallel solid black lines
	Map BL 1599 (9) - SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 9.	1900	PA2	Two parallel dashed black lines
	Map BL 1599 (10) - SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 10.	1900	PA1	Two parallel solid black lines
Ordnance Survey Records 1" New Series Map	Map BL 1175 (134.) sheet 137 - OS of England Oswestry	1902	PA6	A single dashed black line'
			PA1	Two parallel solid black lines
	Map BL 1175 (134.) sheet 138 - OS of England WEM	1902	PA1	Two parallel solid black lines
	Map IR 132/4/111,	1901	PA1	Two parallel solid

	entitled "Shropshire Sheet XIII.10 - Second Edition 1901			black lines
Finance Act Survey Records	Map TNA IR132/4/107 - Shropshire Sheet XIII. 6 2nd. Edition 1901	1909-1910	PA1	Two parallel solid black lines

Evidence of width:

This evidence relates to the legal width of the case file route – for example, legally defined widths (e.g. in Inclosure Awards).

There is no evidence to support a specific legal width for the route.

8. Overall Evaluation of Evidence

The evaluation of the evidence has been carried out in accordance with the Discovering Lost Ways Project's series of Research Standards (for specific references see Appendix A below).

Findings from the main documentary sources:

1. Tithe Survey Records

The Tithe Survey map demonstrates evidence for part of the route. The route is shown un-numbered and not within a numbered parcel. The route is depicted as consisting of two parallel solid black lines.

2. Deposited Railway Records

The Deposited Railway records demonstrate evidence for the route on three plans. The route is shown specifically numbered on the plan and is depicted as consisting of two parallel solid black lines. It is also shown within the limits of deviation. The book of reference entitled "SHROPSHIRE UNION RAILWAY AND CANAL PROPOSED RAILWAY FROM NEWTOWN TO CREWE", describes part of the route as "Public" in this case a "public highway" with the owner of the route being listed as "Surveyor of Highways". The Section also refers to the route at this point: "Public Carriage Road to be raised 13ft 4in and carried over rails". The books of reference entitled "Shrewsbury, Oswestry & Ellesmere Railway", and "Ellesmere Railway Book of Reference", both describe part of the route in a manner which fails to confer any indication of status, i.e. as "Occupation Road"

3. Deposited Canal Records

The canal records demonstrate evidence for part of the route on two plans. The route is shown specifically numbered on the plans and is depicted as consisting of two parallel solid black lines. The book of reference describes the route in a manner which fails to confer any indication of status, i.e. as "Road"

4. Finance Act Survey Records

The Finance Act Survey maps show evidence for part of the route. The route is depicted as consisting of two parallel solid black lines and is shown uncoloured and excluded from hereditaments. This suggests that part of the route was considered to be a public highway at the

time of the Finance Act survey, but does not in itself provide evidence about the class of rights that existed over it. The field book entry describes a deduction for Public Rights of way, but this cannot be attributed to the case file route, while a deduction for "£25" was made under the heading "Public Rights of Way User".

5. Ordnance Survey Records

a) Ordnance Survey Surveyors Drawings

The Ordnance Survey Surveyors Drawings demonstrates evidence for part of the route. The route is shown uncoloured and un-named on the Ordnance Surveyor's Drawings and is depicted as consisting of two parallel solid black lines.

b) Ordnance Survey 1" Old Series

The Ordnance Survey Map 1" Old Series demonstrates evidence for part of the route; it is shown on the map and is depicted as consisting of two parallel solid black lines.

c) Ordnance Survey 25" 1st Edition

The Ordnance Survey 25" 1st Edition demonstrates evidence for the route on three maps. "Shropshire (Northern Division) Sheet XIII.9, - Whittington & Ellesmere Parishes & Halston (Ex Par)" shows the route on the map where it is depicted as consisting of two parallel dashed black lines. The route is observed to change characteristics to be depicted as consisting of two parallel solid black lines.

On the "Shropshire (Northern Division) Sheet XIII.6 - Ellesmere Parish" map, the route is shown on the map un-numbered and depicted as consisting of two parallel dashed lines. The route then changes physical characteristics to be shown specifically numbered.

On the "Shropshire (Northern Division) Sheet XIII.10 - Hordley & Ellesmere Parishes", the route is shown and is unnumbered. It is depicted as consisting of two parallel dashed black lines. The book of reference describe in a manner that fails to confer any indication of statutes, i.e. as "Arable &c"

d) Ordnance Survey 25" 2nd Edition

The Ordnance Survey 25" 2nd Edition demonstrates evidence for the route on three maps: The "SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 6." shows the route on the map where it is depicted as

consisting of two parallel dashed black lines. The route is observed to change characteristics to be depicted as consisting of two parallel solid black lines.

On the "SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 9." map, the route is shown with its type indicated as "FP" and is depicted as consisting of two parallel dashed lines. The route is then observed to change characteristics where it ceases to be labelled "FP", the route is also shown as un-named.

On the "SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 10." Map the route is shown un-named. It is depicted as consisting of two parallel solid black lines.

e) Ordnance Survey 1" New Series Map

Ordnance Survey 1" New Series, BL, Maps 1175 (134.) sheet 137, demonstrates evidence for part of the route. The route is depicted as a single dashed black line on the map and is described in the key as "Footpaths". The route is observed to change physical characteristics and is shown on the map consisting of two solid fine parallel black lines and is described in the key as "Unmetalled Roads".

Ordnance Survey 1" New Series, BL, Maps 1175 (134.) sheet 138 demonstrates evidence for part of the route. It is depicted as consisting of two solid parallel black lines and is described in the key, on the basis of its width, as a "3rd class metalled road". For the purpose of the Discovering Lost Ways Project research it has been agreed that the showing of routes as 1st, 2nd or 3rd class metalled roads on OS 1" New Series maps will be taken as evidence of the existence of public vehicular rights.

Alignment of the case file route:

There are minor variations in alignment at the western end of the route between the documents referred to at section 6.17, 6.20 and 6.24.

Evidence of width:

There is no evidence to support a specific legal width for the route.

Contradictory evidence:

No contradictory evidence was found.

Outcome of the evaluation:

Case file SH/073/006 was included in the research scope by Shropshire County Council as the route was identified during consultation for their Access Strategy.

From the documents examined it is possible to establish that part of the case file route, between points B and C, has been shown on the Deposited Railway Records and has been described as a "Public Highway" within the book of reference, and shown in the section as a "Public Carriage Road" to be bridged. The route between points B, C and D is also shown on the Finance Act Survey map uncoloured and excluded from hereditaments, which indicates that a public right of way was considered to exist over this part of the route.

One of the Ordnance Survey 1" New Series maps shows part of the route between points A and B depicted as a single dashed black line on the map and described in the key under "Footpaths". To the east of point B the route is shown on the map consisting of two solid fine parallel black lines and described in the key under the heading "Unmetalled Roads". To the east of the bridge over the canal, between points B and C, the other Ordnance Survey 1" New Series map shows the remainder of the route on to points C and D depicted as consisting of two solid parallel black lines and described in the key, on the basis of its width, as a "3rd class metalled road". For the purpose of the Discovering Lost Ways Project research it has been agreed that the showing of routes as 1st, 2nd or 3rd class metalled roads on OS 1" New Series maps will be taken as evidence of the existence of public vehicular rights. In this case, as the Railway Records indicate that the route was regarded as a "Public Carriage Road" at a point depicted in the 1" New Series map as an "Unmetalled Road" it is considered that the evidence indicates that the public vehicular rights extend over the whole of that part of the route between points B and D.

The Ordnance Survey records support the existence of the route.

No evidence was found that suggested that there were any public rights over the part of the route between points A and B other than the currently recorded class of public footpath. The conclusion is therefore that the evidence shows that carriageway rights exist over that length of the route between points B, C and D. In the absence of evidence of stopping up, these rights can be assumed to exist today.

The evidence found meets the standards set out in Section 53 of the Wildlife & Countryside Act, 1981 that a highway shown in the definitive map and statement as a highway of a particular description ought to be there shown as a highway of a different description and therefore has been categorised as “Strong”, supporting the making of a definitive map modification order application to show the part of the route between points B, C and D in the definitive map and statement as a highway of a different description. For part of the route (A to B) no evidence was found to suggest that the class of public rights over the route was higher than that currently recorded on the definitive map. This section of the case file route has therefore been categorised as “insufficient evidence for further action”.

Appendix A - Methodological Statement

A series of technical papers describing the standard for research carried out by the Archive Research Unit have been developed. The DLW Research Standards provide a basis for quality assurance of evidence reports produced by the ARU and the accreditation of any lost ways claims made by Natural England.

The following Research Standard technical papers were used to develop this evidence report:

Technical paper
Discovering Lost Ways Research Standard 3.2: Tithe Survey Records
Discovering Lost Ways Research Standard 3.3: Finance Act Records
Discovering Lost Ways Research Standard 3.4: Deposited Railway Records
Discovering Lost Ways Research Standard 3.7: Ordnance Survey Records
Discovering Lost Ways Research Standard 4.0: Combining & Evaluating Evidence

Appendix B - Acknowledgements

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