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## APPLICATION FORM

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

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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:-

Adding the bridleway which runs from Point A (OSGR SJ 4613 2349) to Point B (OSGR SJ 4614 2341) and to  
upgrade the bridleway which runs from Point B to Point C (OSGR SJ 4636 2267) to a restricted byway 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/130/005 BHS which contains copies of the following documents or extracts thereof:**
- Non-Ordnance Survey Commercial Map, SHR R BAUGH 1808 sheet 2, entitled "To the Right Honourable EDWARD EARL OF POWIS (...) dated 1808
- Inclosure Award, SHR QE 1/2/34, dated 1813
- Non-Ordnance Survey Commercial Map, SHR GREENWOODS 1827, entitled "Map of the County of SALOP FROM AN ACTUAL SURVEY Made in the Years 1816 & 1827 (...)", dated 1827
- Ordnance Survey 1" Old Series, SHR Ordnance Survey Old Series 1": 1mile, entitled "Folder 1 1833 - 1835", dated 1833 – 1835
- Tithe Map, TNA IR 30/29/216, entitled "Plan of THE PARISH OF MIDDLE, IN THE COUNTY OF SALOP.", dated 1839
- Ordnance Survey 25" 1st Edition, BL Vol 689 (36), entitled "Shropshire (Northern Division) Sheet XXI.13 - Middle and Baschurch Parishes", dated 1880
- Ordnance Survey 25" 1st Edition, BL Vol 691 (21), entitled "Shropshire (Northern Division) Sheet XXVIII.1 - Baschurch, Middle and Preston Gubbal Parishes", dated 1880
- Ordnance Survey 25" 2nd Edition, BL 1601 (13), entitled "SECOND EDITION 1901 SHROPSHIRE SHEET XXI.13", dated 1900
- 12. Ordnance Survey 25" 2nd Edition, BL 1602(30), entitled "SECOND EDITION 1901 SHROPSHIRE SHEET XXVIII.1." dated 1900
- Finance Act Survey Map, TNA IR132/4/290, entitled "XXVIII.1.", dated 1910
- Finance Act Survey Map, TNA IR 132/4/219, entitled "Shropshire Sheet XXI.13 - Second Edition 1901", dated 1910

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

Signed:



Date: 03/09/2020

Wildlife and Countryside Act 1981

## **Map to Accompany Definitive Map Modification Order Application**

For a route at Myddle in the Parish of Myddle and Broughton, Shropshire to be shown as a Public Bridleway

*Applicant's Reference: DLW SH/130/005*



*03/09/2020*

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**

<b>Case File Ref. No.</b>	SH/130/005
<b>Name</b>	Un-named
<b>Historic County</b>	Shropshire
<b>Sub-Unit</b>	Shropshire Sub-unit 1
<b>Parish(es)</b>	Myddle and Broughton
<b>Surveying Authority</b>	Shropshire County Council
<b>Definitive Map Ref. No.</b>	None
<b>Other Designation(s) Ref. No.</b>	0221/34-1/BW, 0221/34- 2/BW and 0221/34-3/BW
<b>Route Length</b>	1286 metres
<b>OS 1:10,000 Sheet(s)</b>	SJ42SE
<b>Grid Ref (start)</b>	SJ4613 2349
<b>Grid Ref (end)</b>	SJ4628 2227
<b>ARU ASSESSMENT OUTCOME</b>	
<b>Status/Class</b>	Public carriageway (A – C)
<b>Strength</b>	Strong (A – C)
<b>Comment</b>	Shown excluded from the hereditaments in the Finance Act Survey map, and part described as 3rd class metalled road on the OS 1" New Series

Date:

**02 May 2008**

LandAspects  
Rowan House  
Lloyd Drive  
Ellesmere Port  
Cheshire CH65 9HQ

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## **1. Summary of Findings**

Case file SH/130/005 was included in the research scope by the Discovering Lost Ways Project during the course of research due to the discovery of evidence suggesting a right of way existed over the length A – B and that there were additional rights over length B - D.

From the documents examined it is possible to establish that the whole of the case file route is shown on the Finance Act Survey maps as uncoloured and excluded from hereditaments. This suggests that 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. Two Non-Ordnance Survey Commercial maps demonstrate evidence for the route; on one of these maps it is included in the key under the heading “Cross Road”. For the purposes of the Discovering Lost Ways research, the identification of a route as a cross road is taken as evidence of reputation of the route as a highway. Part of length A – B of the route is shown on the Inclosure map as a through route and it is described in the Inclosure award as a public route, “Public carriage and drift roads.....” with its dimensions given, a “.....breadth of thirty feet between the ditches”.

The Ordnance Survey 1" Revised New Series map demonstrates evidence for the route. Part of the route (A – C) is described in the key under the heading “3rd class metalled road”. The remaining length of the route (C – D) is described in the key under the heading “Unmetalled roads”. For the purpose of the Discovering Lost Ways Project research it has been agreed that the showing of routes as 1<sup>st</sup>, 2nd and 3rd class metalled roads on OS 1" New Series maps will be taken as evidence of public vehicular rights. It is considered therefore that over length A - C public vehicular rights existed at the time of the survey.

The evidence found for length A – B meets the standards set out in Section 53 of the Wildlife & Countryside Act, 1981 that a public right of way subsists or is reasonably alleged to subsist and has therefore been categorised as “Strong”, supporting the making of a definitive map modification order application to add the route to the Definitive Map. The evidence found for length B – C meets the standards set out in Section 53 of the Wildlife & Countryside Act, 1981 that on the balance of probability, the way ought to be shown on the definitive map as a highway of a different description to that already recorded. The case has therefore been categorised as “Strong”, supporting the making of a definitive map modification order application to record the existence of carriageway rights over the public bridleway currently shown

on the Definitive Map. There is no evidence to suggest that length C – D of the case file is under-recorded and therefore has been categorised as “insufficient evidence for further action”.

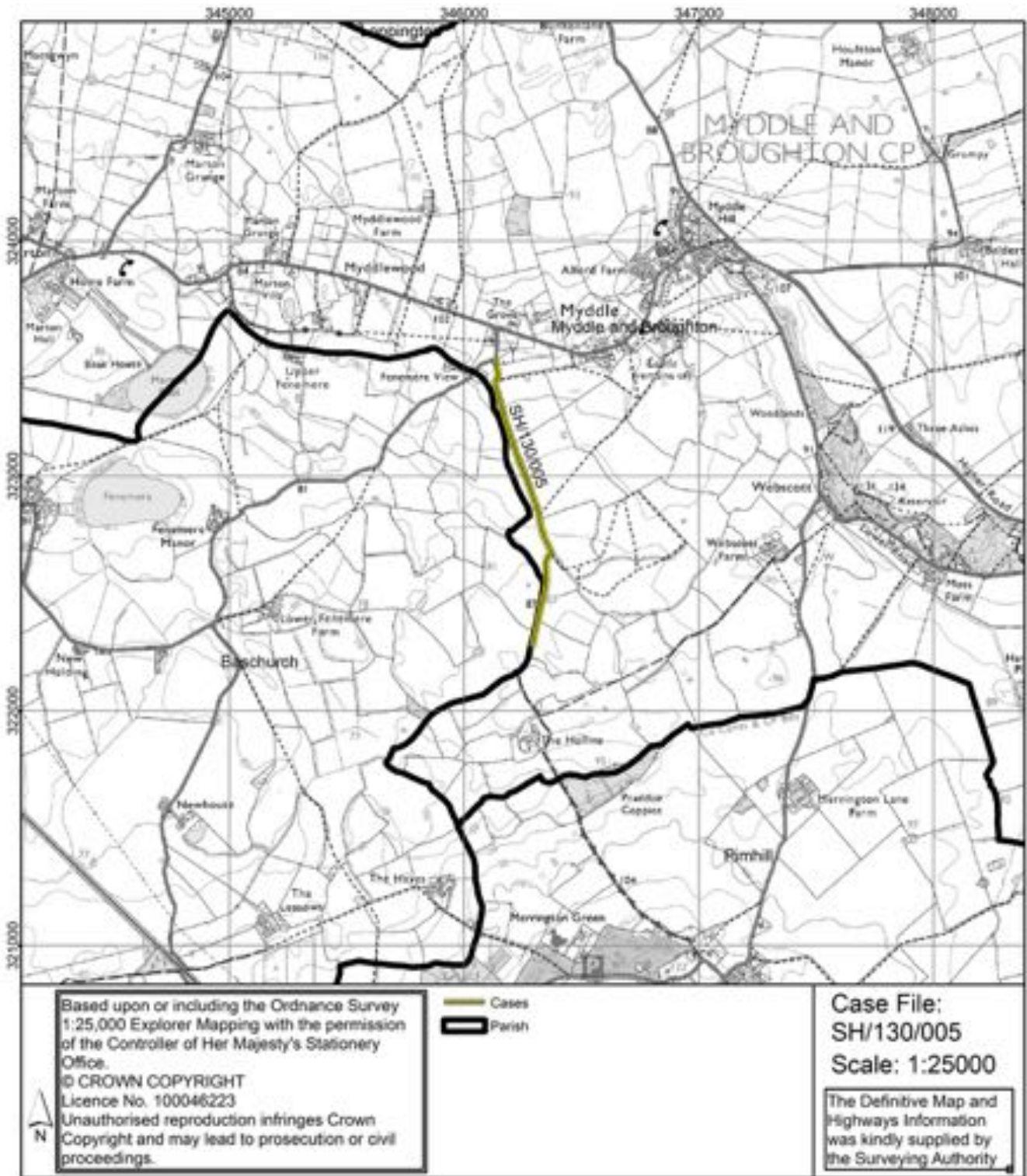
## 2. Description of Route

The route begins at coordinate the junction with U1733/10 (the reference given on Shropshire County Council's list of streets) at coordinate SJ4613 2349 (point A on the Case File Route Map). The route then heads in a southerly direction to the junction with public footpath 0221/27-0/FP (the reference given on Shropshire County Council's definitive map and statement) and public bridleway 0221/34-1/BW (the reference given on Shropshire County Council's definitive map and statement) at coordinate SJ4613 2339 (point B on the Case File Route Map). The route then follows public bridleways 0221/34-1/BW & 0221/34-2/BW (the references given on Shropshire County Council's definitive map and statement) to where it meets a junction with 0221/34-3/BW (the reference given on Shropshire County Council's definitive map and statement) at coordinate SJ4636 2267 (point C on the Case File Route Map). The route then heads in a south westerly direction to coordinate SJ4628 2227 where this route terminates (point D on the Case File Route Map).

The route has a length of 1286 metres.

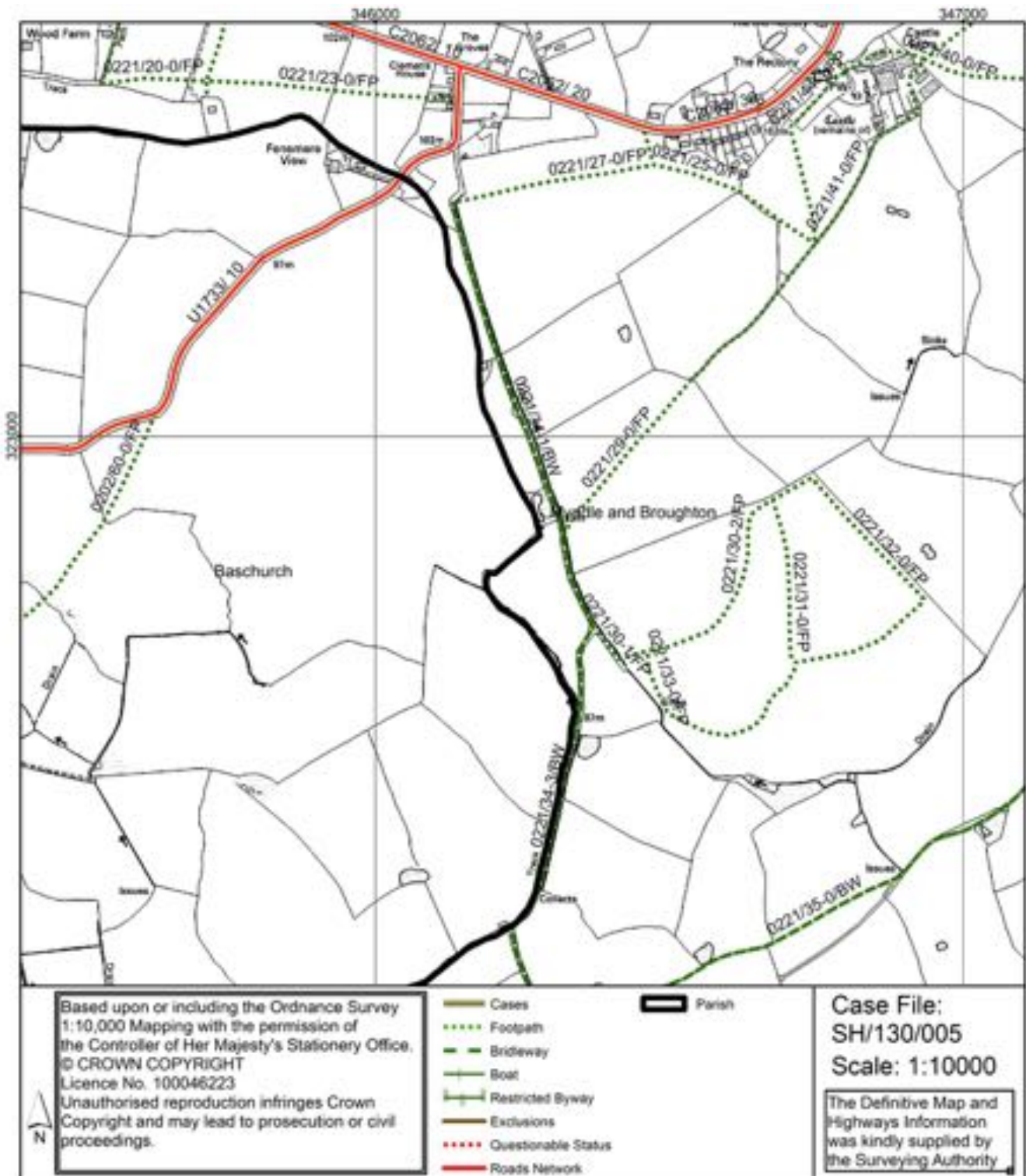
During the research process, the whole of the case file reference number SH/130/005 was identified with the case route numbers T000674 (point A - B) and T000855 (point B - D). All three references are used in section 6 of this report. Where documents are considered to contain relevant evidence the case route number is used (in bold). Where there is no evidence the case file reference number is used (plain text).

### 3. Location Plan

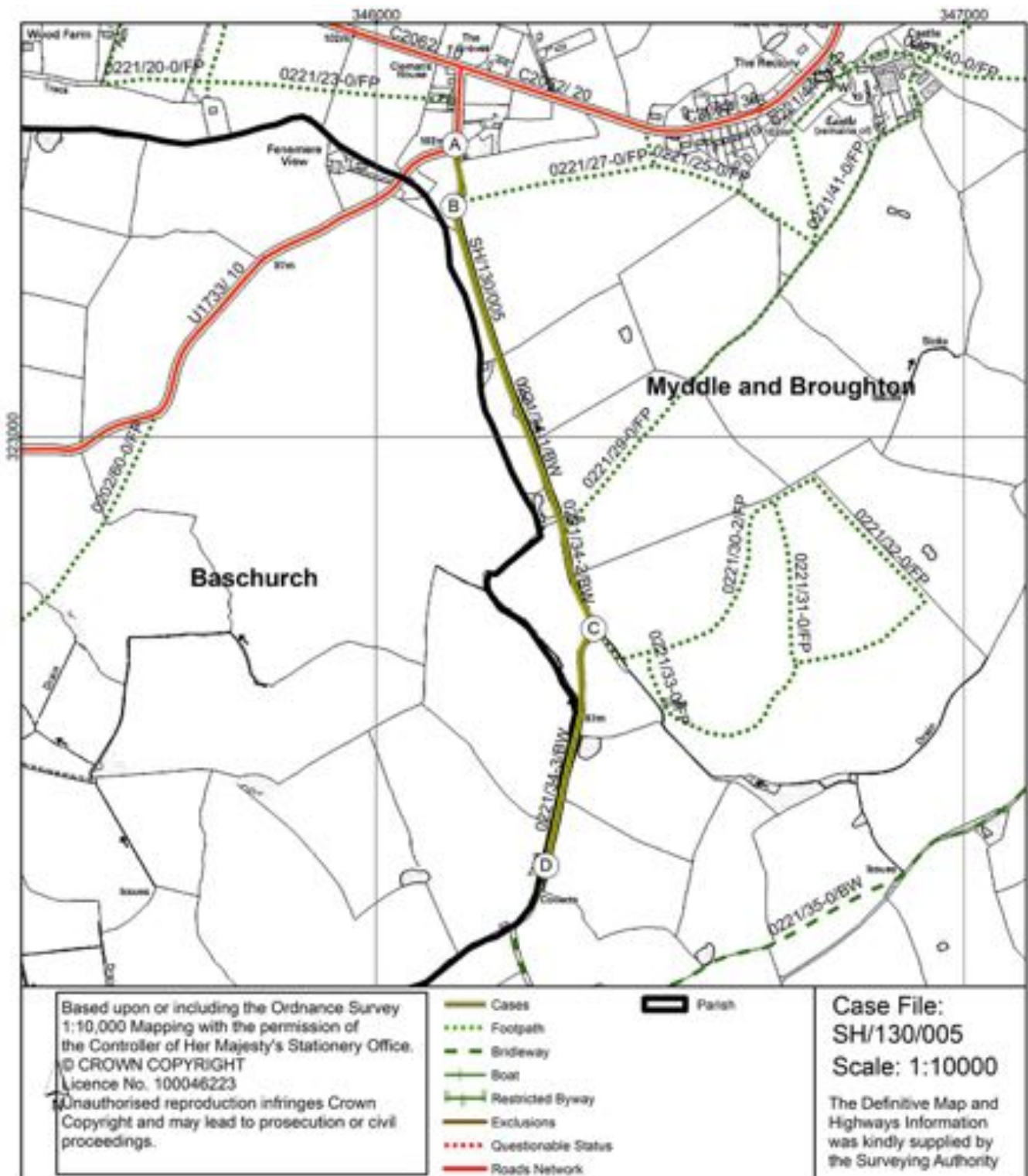




#### 4. Current Definitive Paths



## 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

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/130/005 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" 1<sup>st</sup> and 2<sup>nd</sup> 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. Non-Ordnance Survey Commercial Map, SHR R BAUGH 1808 sheet 2, entitled "To the Right Honourable 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 LORDSHIPS obliged and obedient Servant ROBERT BAUGH", dated 1808, demonstrates evidence for all of route T000674 and T000855. The route is observed to commence at a junction with another route north of the second letter "d" in "Middle" on the map. The route is shown on map and is described in the map key under the heading "By-roads". The route is depicted as consisting of two parallel solid black lines. The route is observed to terminate south east of "Fennymerre" on the map.**



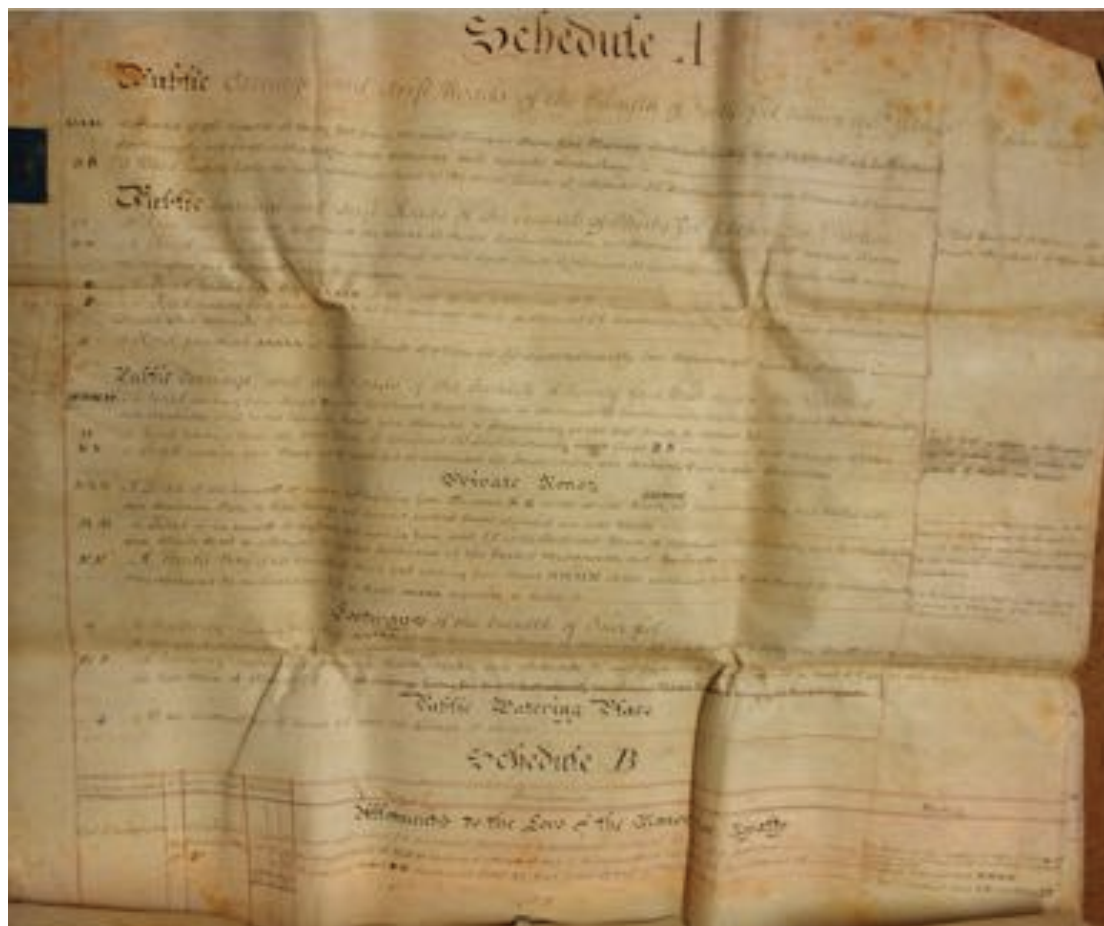


2. Inclosure Map, SHR QE 1/2/34, entitled "Map of Allotments of Waste Lands within the Manor OF Middle", dated 1813, demonstrates evidence for part of route T000674. The route is observed to commence to the north west corner of parcel "31" on the map. The route is shown passing through or between an area excluded from the award and is depicted as consisting of two parallel solid black lines. The route is shown as a through-route and is labelled on the map as "From Merrington". The route is observed to terminate at the south west corner of allotment number "31" on the map.



**Highways:**

**"The general Inclosure Act directs the repair of these roads".**

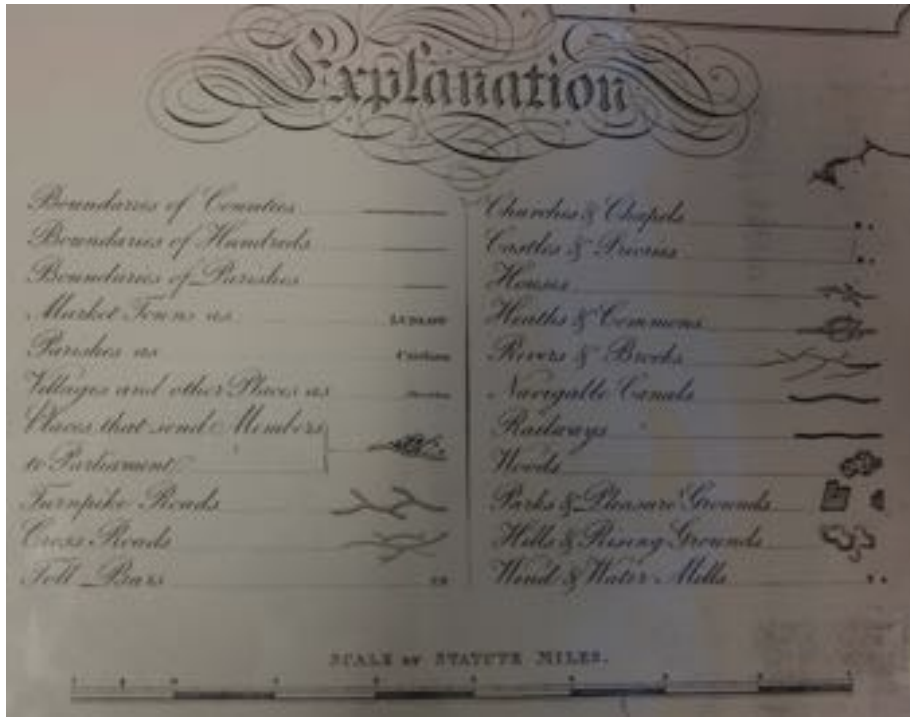


**4. Non-Ordnance Survey Commercial Map, SHR GREENWOODS 1827 , entitled "Map of the County of SALOP FROM AN ACTUAL SURVEY Made in the Years 1816 & 1827 BY C. & J. GREENWOOD, Most Respectfully Dedicated To The NOBILITY, CLERGY & GENTRY OF Shropshire, By THE PROPRIETORS GREENWOOD, PRINGLE & Co. Regent Street, Pall Mall....", dated 1827, demonstrates evidence for all of route T000674 and T000855. The route is observed to commence at a junction with another route north west of the word "Middle" on the map. The route is shown on map and described in the map key**

under the heading "Cross Roads". The route is depicted as consisting of two parallel solid black lines. The route is observed to terminate south east of "Fenemere" on the map.







5. Ordnance Survey Surveyors Drawings, SHR 320 (E), entitled "PART of SHROPSHIRE", dated 1827, demonstrates evidence for all of route T000674 and T000855. The route is observed to commence at "Middle" on the map. The route is shown uncoloured on the Ordnance Surveyor's Drawings and is depicted as consisting of two parallel solid black lines. The route is shown unnamed on the Ordnance Surveyor's Drawing. The route is observed to terminate south of the commencement point.

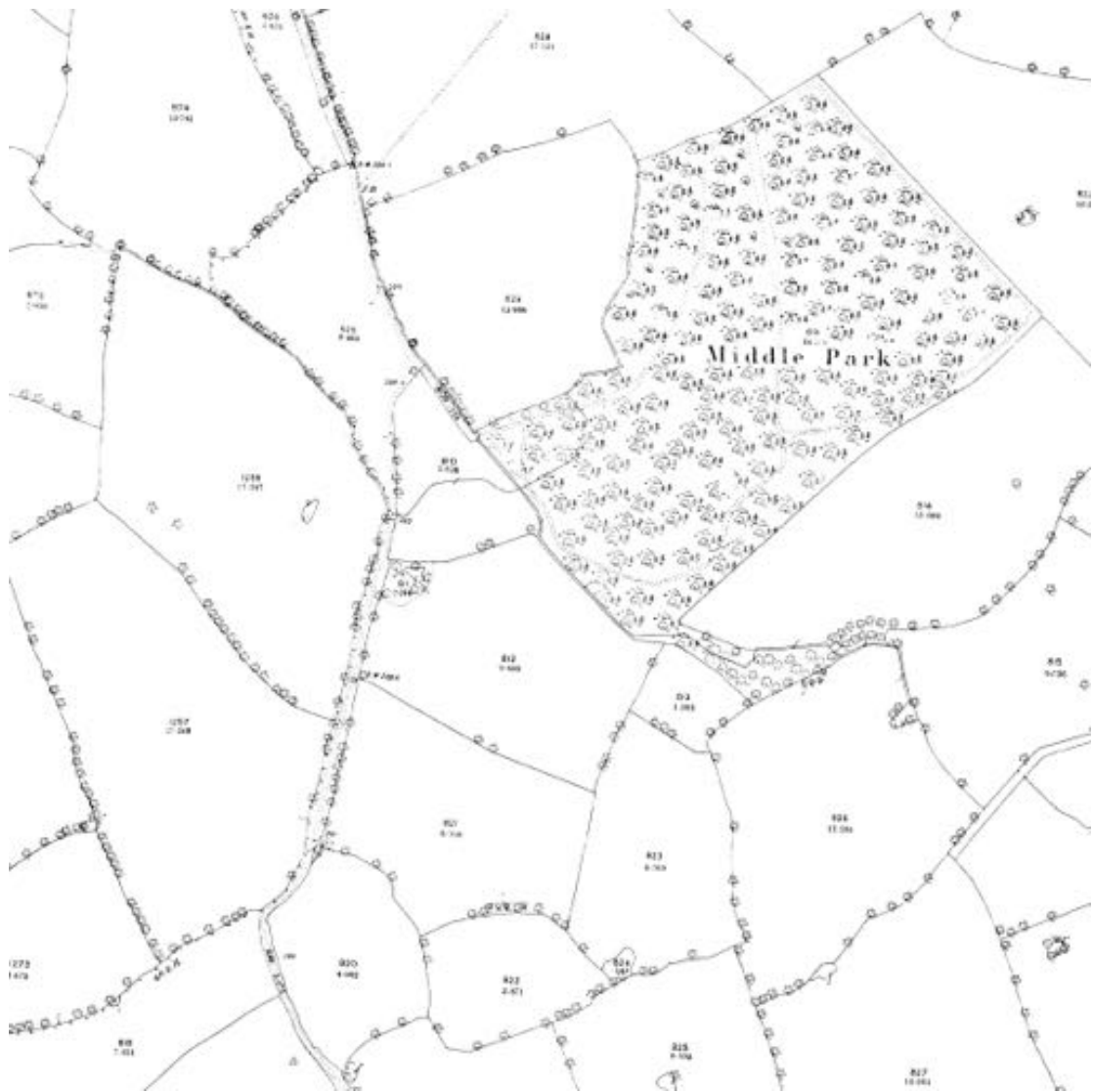
6. Ordnance Survey 1" Old Series, SHR Ordnance Survey Old Series 1": 1mile, entitled "Folder 1 1833 - 1835", dated 1833 - 1835, demonstrates evidence for all of route T000674 and T000855. The route is observed to commence at a junction with another route south east of "Middle Wood" on the map. The route is shown on the map and is depicted as consisting of two parallel solid black lines. The route is observed to terminate north west of "The Hollins" on the map.

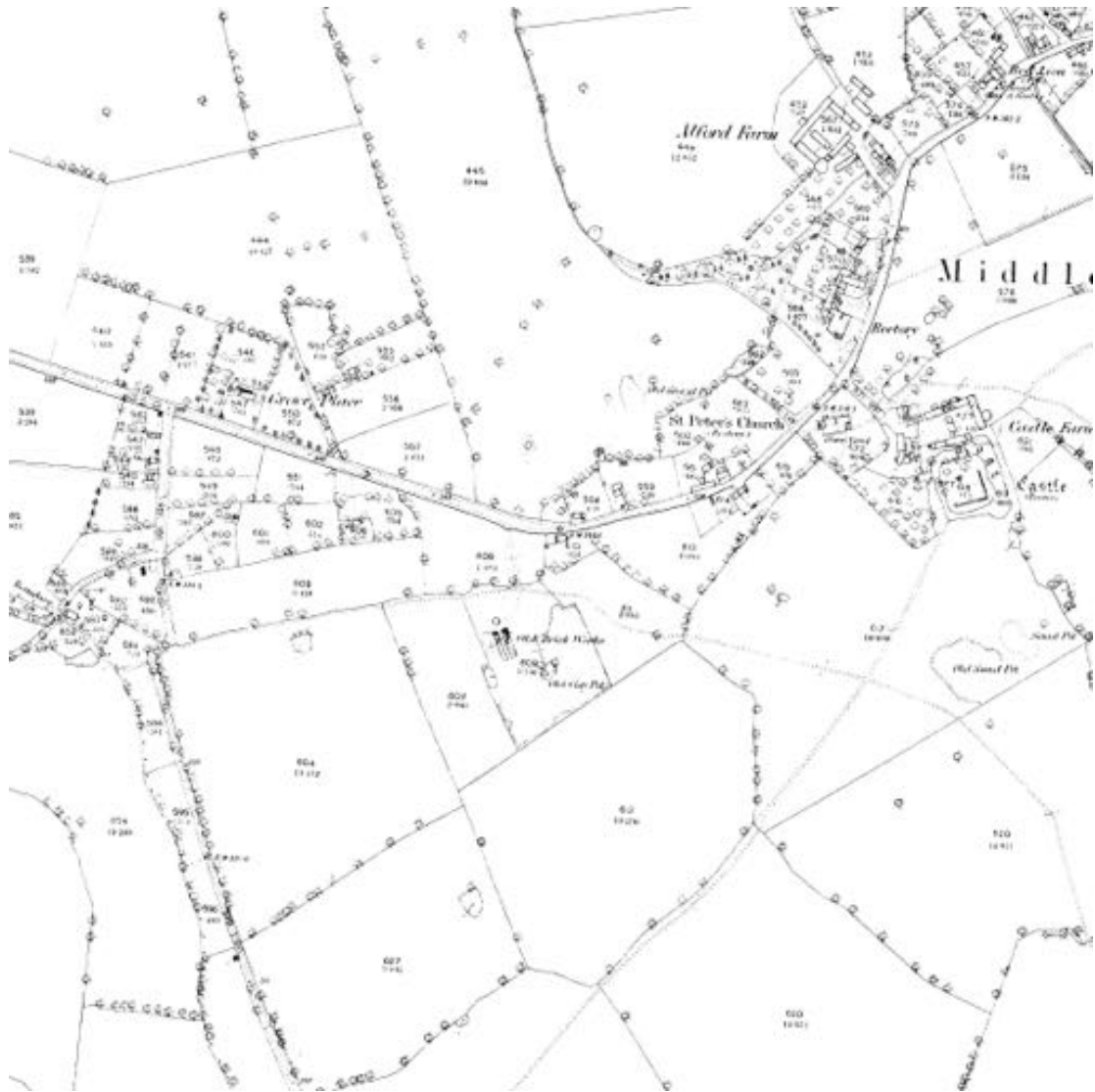


7. Tithe Map, TNA IR 30/29/216, entitled "Plan of THE PARISH OF MIDDLE, IN THE COUNTY of SALOP.", dated 1839, demonstrates evidence for all of route T000674 and T000855. The route is observed to commence at the north east corner of parcel "433" on the map. The route is shown on the map unnumbered and not within a numbered parcel and is depicted as consisting of two parallel solid black lines. The route is observed to change physical characteristics at the south east corner of parcel "621" on the map. From here the route is depicted as consisting of two parallel black lines, solid and dashed. The route is observed to change physical characteristics at the southern-most point of parcel "704" on the map. From here the route is depicted as consisting of two parallel solid black lines. The route is observed to terminate at the south west corner of parcel "744" on the map.

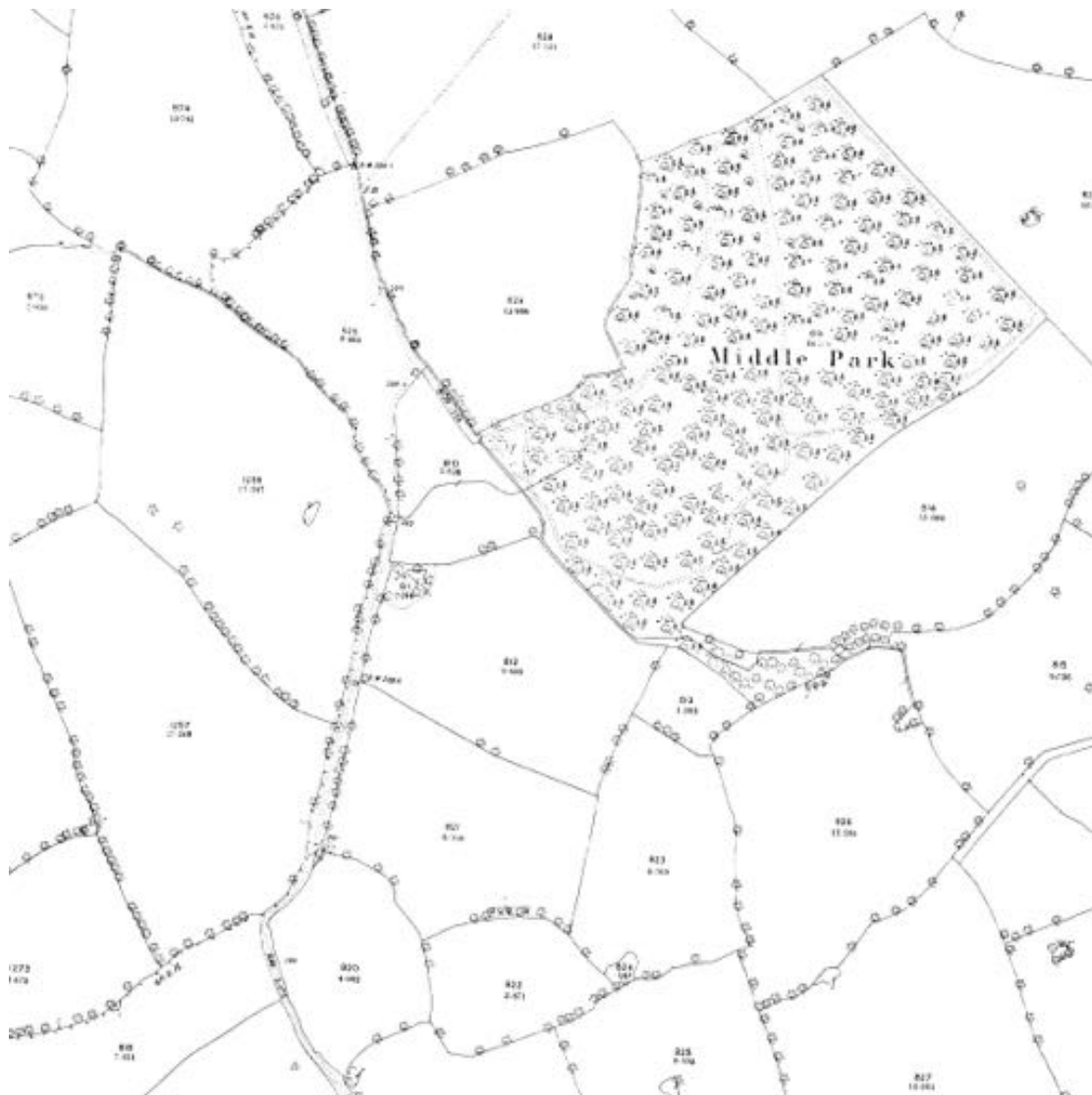


8. Ordnance Survey 25" 1st Edition, BL Vol 689 (36), entitled "Shropshire (Northern Division) Sheet XXI.13 - Middle and Baschurch Parishes", dated 1880, demonstrates evidence for all of route T000674 and part of route T000855. The route is observed to commence at the north east corner of parcel number "592" on the map (shown on 30SJ4623). The route is shown specifically numbered on the map as "599" and is depicted as consisting of two parallel solid black lines with two parallel dashed black lines through the centre. The route is observed to change physical characteristics at the south east corner of parcel number "625" on the map. From here the route is depicted as consisting of two parallel dashed black lines. The route is observed to terminate at the south east corner of parcel number "626" where it is observed to continue onto map sheet XXVIII.1 (shown on 30SJ4622).



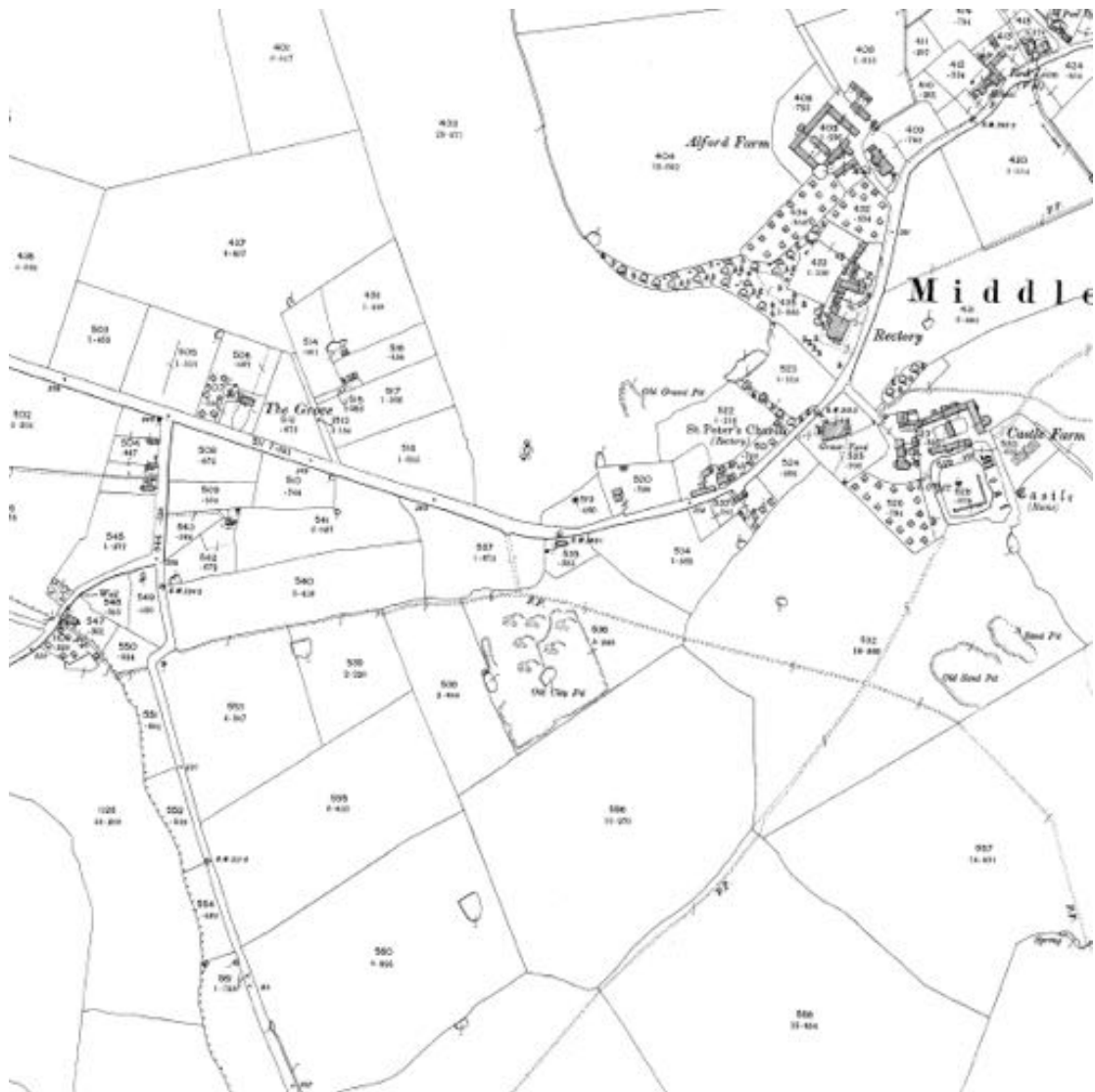


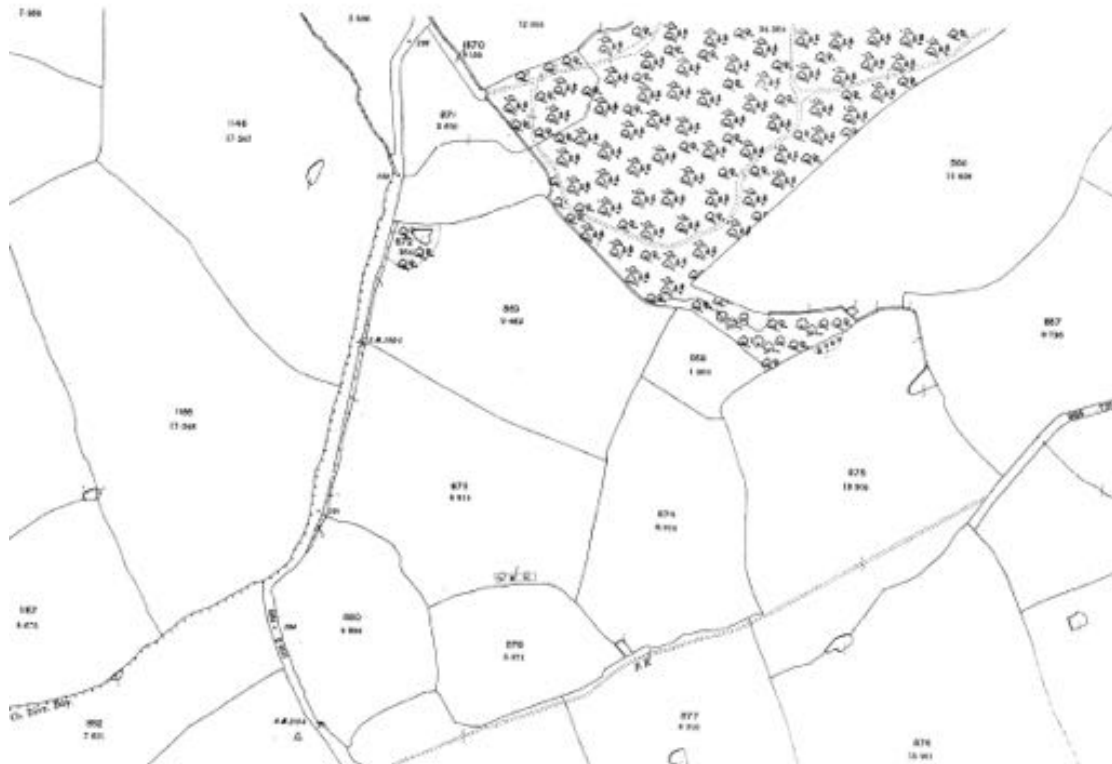
9. Ordnance Survey 25" 1st Edition, BL Vol 691 (21), entitled "Shropshire (Northern Division) Sheet XXVIII.1 - Baschurch, Middle and Preston Gubbal Parishes", dated 1880, demonstrates evidence for part of route T000855. The route is observed to commence at the south east corner of parcel number "626" where it is observed to continue on from map sheet XXI.13. The route is shown on the map and is depicted as consisting of two parallel dashed black lines. The route is observed to change physical characteristics at the south west corner of parcel number "810" on the map. From here the route is depicted as consisting of two parallel solid black lines with two parallel dashed black lines through the middle. The route is shown specifically numbered on the map as "819". The route is observed to terminate at the south west corner of parcel number "821" on the map.



10. Ordnance Survey 25" 1st Edition Book of Reference, BL None, entitled "Book of Reference to the Plan of the Parish of Middle, Shropshire-(Northern Division)", dated 1881, covers the area but demonstrates no evidence for case SH/130/005.

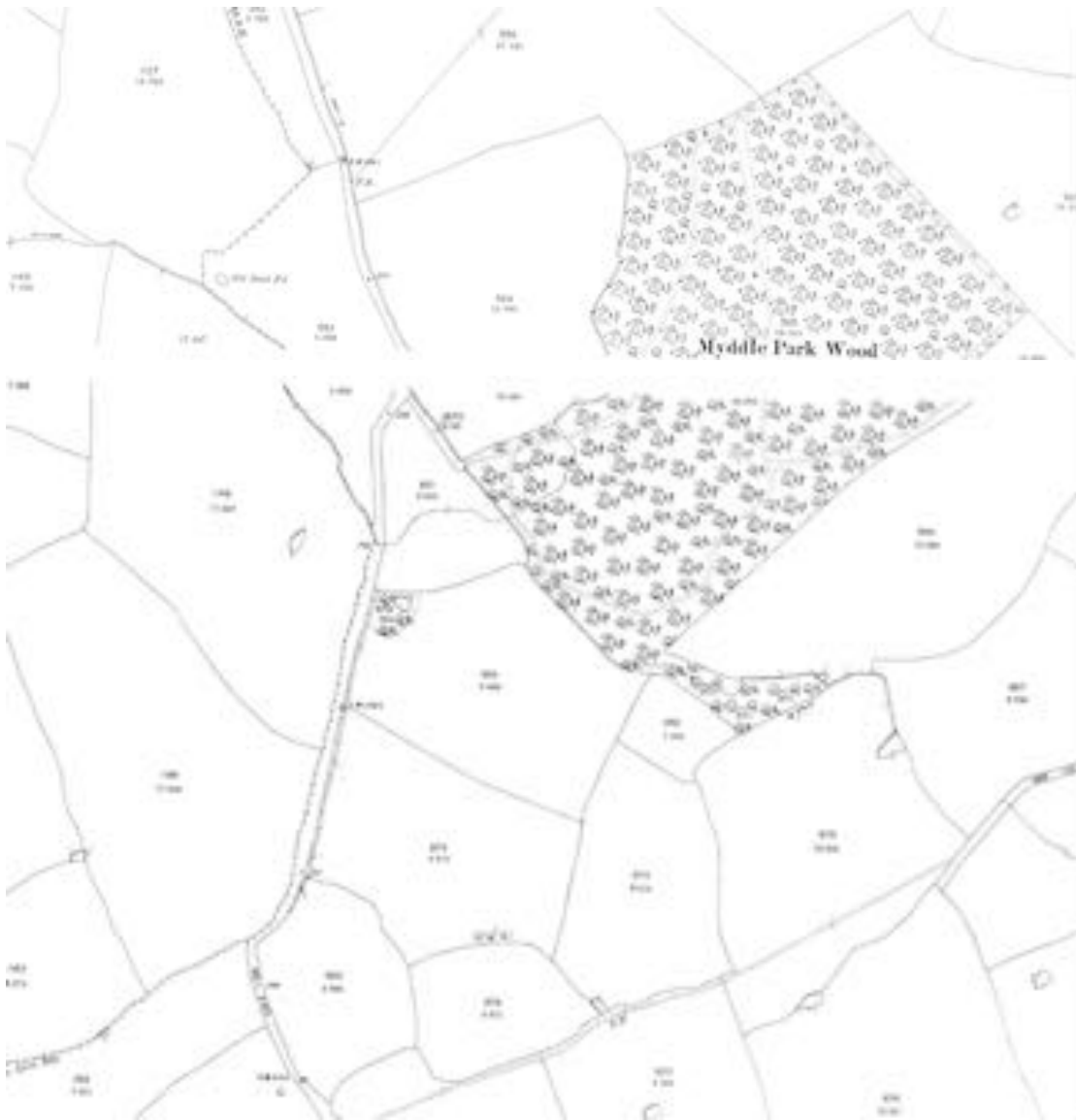
**11. Ordnance Survey 25" 2nd Edition, BL 1601 (13), entitled "SECOND EDITION 1901 SHROPSHIRE SHEET XXI.13", dated 1900, demonstrates evidence for all of route T000674 and part of route T000855. The route is observed to commence at the north east corner of parcel number "549" on the map (shown on 30SJ4623). The route is shown on the map un-named and is depicted as consisting of two parallel solid black lines. The route is observed to terminate midway along the western boundary of parcel number "564" on the map, where it is observed to continue onto map sheet XXVIII.1 (shown on 30SJ4622).**





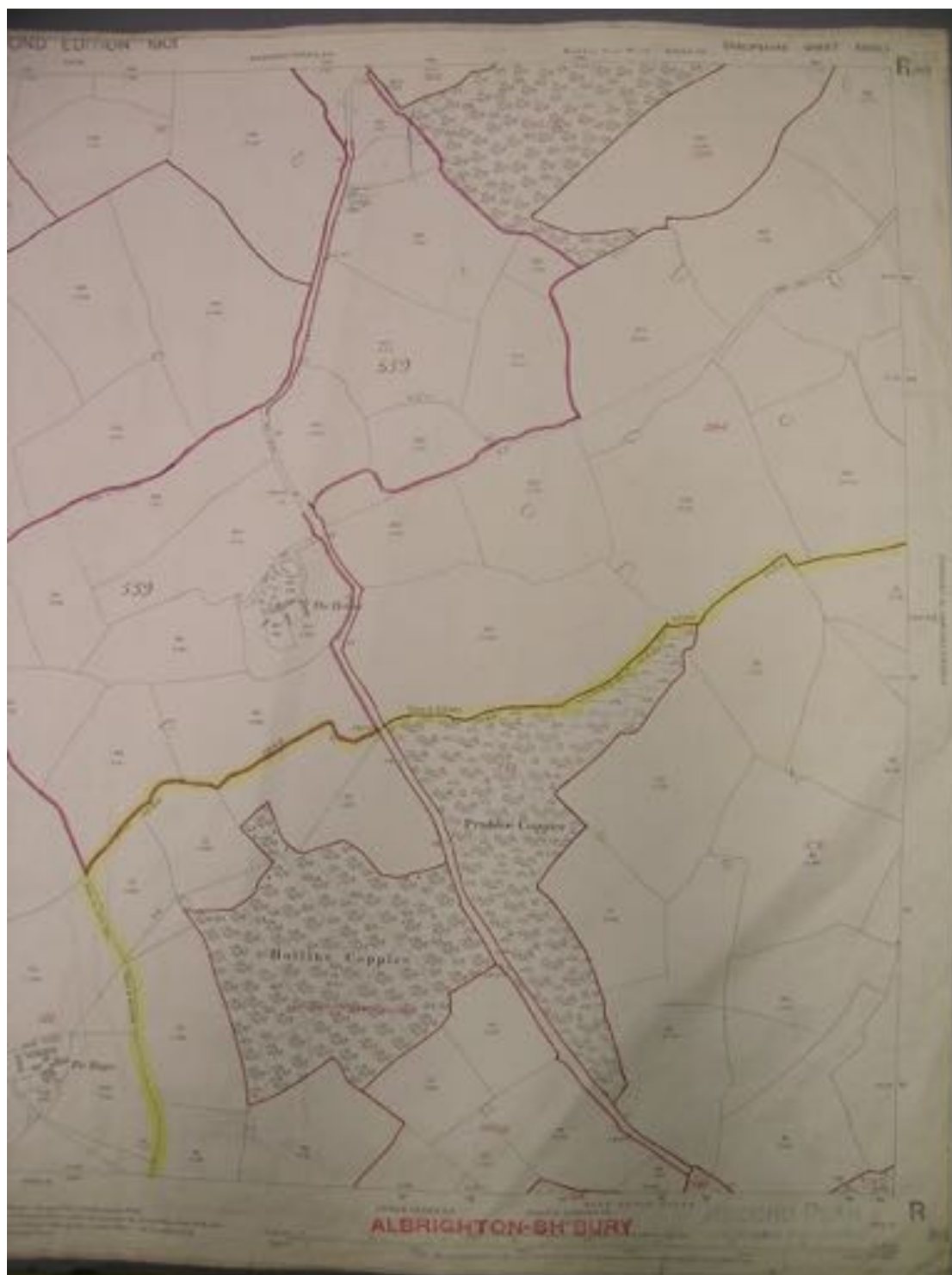
12. Ordnance Survey 25" 2nd Edition, BL 1602(30), entitled "SECOND EDITION 1901 SHROPSHIRE SHEET XXVIII.1." dated 1900, demonstrates evidence for part of route T000855. The route is observed to commence north east corner of the parcel number "871" on the map where it continues on from map sheet XXI.13. The route is shown on the map un-named and is depicted as consisting of two parallel solid black lines. The route is observed to terminate at the south west corner of parcel number "873" on the map.



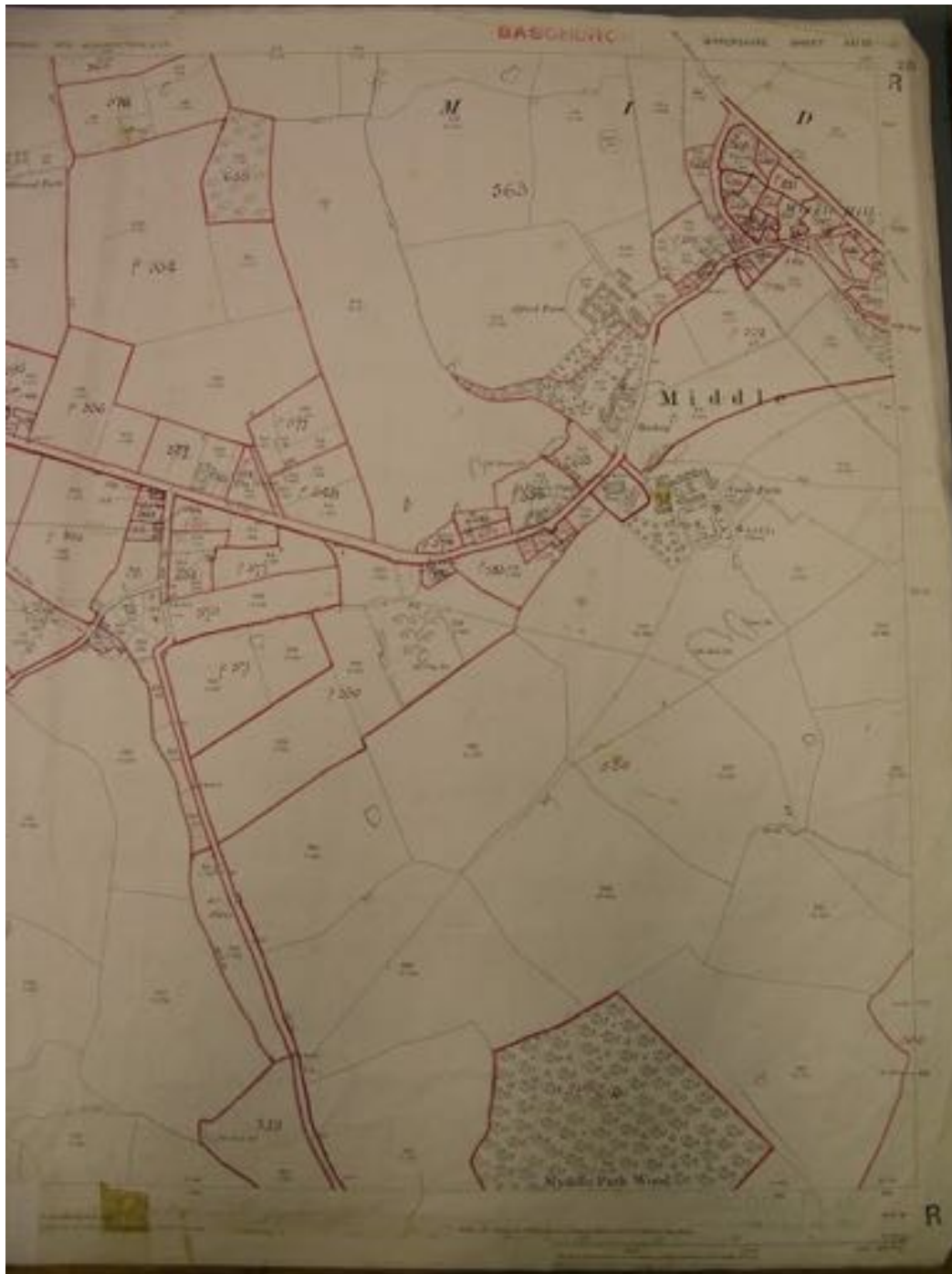


13. Ordnance Survey 1" New Series, BL Maps 1175 (134.) sheet 138, entitled "OS of England WEM", dated 1902, demonstrates evidence for all of route T000674 and T000855. The route is observed to commence east of "Marton Pool" on the map. The route is shown on the map and is described in the key under the heading "3rd class metalled road". The route is depicted as consisting of two parallel solid black lines. The route is observed to change physical characteristics at "Middle Park" on the map (point C). The route is shown on the map consisting of two solid fine parallel black lines and is described in the key under the heading "Unmetalled Roads". The route is observed to terminate south west of "Middle Park" on the map.

14. Finance Act Survey Map, TNA IR132/4/290, entitled "XXVIII.1.", dated 1910, demonstrates evidence for part of route T000855. The route is observed to commence north east corner of the OS parcel number "871" on the map where it continues on from map sheet XXI.13. The route is shown uncoloured and excluded from hereditaments. The route is observed to terminate at the south west corner of OS parcel number "873" on the map.



15. Finance Act Survey Map, TNA IR 132/4/219, entitled "Shropshire Sheet XXI.13 - Second Edition 1901", dated 1910, demonstrates evidence for all of route T000674 and part of route T000855. The route is observed to commence at the north east corner of parcel number "549" on the map. The route is shown uncoloured and excluded from hereditaments. The route is observed to terminate midway along the western boundary of OS parcel number "564" on the map, where it is observed to continue onto map sheet XXVIII.1.



## 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
<b>A</b>	Express Dedication	Supporting evidence
<b>B(i)</b>	Surveyor's Opinion / Strong Reputation	
<b>B(ii)</b>	Inferred Dedication / Reputation	
<b>C</b>	Neutral	Status neutral
<b>D</b>	Private	Contradictory evidence
<b>E</b>	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
Non-OS Commercial Mapping	C	SHR Map R BAUGH 1808 sheet 2 - To the Right Honourable 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 LORDSHIPS obliged and obedient Servant ROBERT BAUGH	1808	6.1	NOS10	Route shown on map and described as non-status specific in map key

Document Group	Evidence Cat.	Document	Date	See Section	Code	Code Description
Inclosure Records	B(i) part	SHR Map QE 1/2/34 - Map of Allotments of Waste Lands within the Manor OF Middle	1813	6.2	IM2	Route passing through or between area excluded from award
					IM7	Annotated 'To', 'From' or named, 'High St'
		SHR Award QE 1/2/34 - none given	1813	6.3	IPA7	Awarded public route, dimensions given
					IPA10	Route awarded non-status specific 'Occ Rd', 'Footpath'
					IPA13	Route described as 'through route' in Highways section of award
Non-OS Commercial Mapping	B(ii) part	SHR Map GREENWOODS 1827 - Map of the County of SALOP FROM AN ACTUAL SURVEY Made in the Years 1816 & 1827 BY C. & J. GREENWOOD, Most Respectfully Dedicated To The NOBILITY, CLERGY & GENTRY OF Shropshire, By THE PROPRIETORS GREENWOOD, PRINGLE & Co. Regent Street, Pall Mall....	1827	6.4	NOS15	Shown on map as Driving Road or Crossroad
Ordnance Survey Records Surveyors Drawings	C	SHR 320 (E) - PART of SHROPSHIRE	1827	6.5	OSD1	Route shown un-coloured on Ordnance Surveyors Drawing Route shown un-coloured on Ordnance Surveyors Drawing
					OSD4	Route un-named on Ordnance Surveyor's Drawing

Document Group	Evidence Cat.	Document	Date	See Section	Code	Code Description
Ordnance Survey Records 1" Old Series	C	SHR Ordnance Survey Old Series 1": 1mile - Folder 1 1833 - 1835	1833 - 1835	6.6	OSM5	Route shown on OS 1" Old Series map
Tithe Survey Records	C	TNA Map IR 30/29/216Plan of THE PARISH OF MIDDLE, IN THE COUNTY of SALOP	1839	6.7	TM3	Route shown on map not numbered neutral, 'Occ Road', 'Ftpath specifically or within numbered parcel
Ordnance Survey Records 25" 1st Edition	C	BL Vol 689 (36) - Shropshire (Northern Division) Sheet XXI.13 - Middle and Baschurch Parishes	1880	6.8	OSM23	Route specifically numbered on plan
					OSM6	Route Shown on OS 1st Edition 25" Map
					OSM23	Route specifically numbered on plan
					OSM6	Route Shown on OS 1st Edition 25" Map
Ordnance Survey Records 25" 1st Edition	C	BL Vol 691 (21) - Shropshire (Northern Division) Sheet XXVIII.1 - Baschurch, Middle and Preston Gubbal Parishes	1880	6.9	OSM6	Route Shown on OS 1st Edition 25" Map
					OSM23	Route specifically numbered on plan
Ordnance Survey Records 25" 2nd Edition	C	BL 1601 (13) - SECOND EDITION 1901 SHROPSHIRE SHEET XXI.13.	1900	6.11	OSM12	Route Shown on OS 2nd Edition 25" Map
					OSM9	Route un-named on map
					OSM12	Route Shown on OS 2nd Edition 25" Map
					OSM9	Route un-named on map

Document Group	Evidence Cat.	Document	Date	See Section	Code	Code Description
Ordnance Survey Records 25" 2nd Edition	C	BL 1602(30) - SECOND EDITION 1901 SHROPSHIRE SHEET XXVIII.1.	1900	6.12	OSM12	Route Shown on OS 2nd Edition 25" Map
					OSM9	Route un-named on map
Ordnance Survey Records 1" New Series	B(ii) part	BL Maps 1175 (134.) sheet 138 - OS of England WEM	1902	6.13	OSM26	Route described as '3rd class metalled road' on key or Characteristics Sheet
					OSM20	Route un-named on map
					OSM26	Route described as '3rd class metalled road' on key or Characteristics Sheet
					OSM27	Route described as 'Unmetalled Roads' on key or Characteristics Sheet
					OSM20	Route un-named on map
Finance Act Survey Records	B(i)	TNA Map IR132/4/290 - XXVIII.1.	1910	6.14	FA1	Route excluded from Hdtmt
Finance Act Survey Records	B(i)	TNA Map IR 132/4/219 - Shropshire Sheet XXI.13 - Second Edition 1901	1910	6.15	FA1	Route excluded from Hdtmt

### Evidence of class:

This evidence refers to 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
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Non-OS Commercial Mapping	SHR Map R BAUGH 1808 sheet 2 - To the Right Honourable 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 LORDSHIPS obliged and obedient Servant ROBERT BAUGH	1808	RC12	Road
Inclosure Records	SHR Map QE 1/2/34 - Map of Allotments of Waste Lands within the Manor OF Middle	1813	RC14	Unspecified
	SHR Award QE 1/2/34 - none given	1813	RC4	Carriage road
			RC12	Road
Non-OS Commercial Mapping	SHR Map GREENWOODS 1827 - Map of the County of SALOP FROM AN ACTUAL SURVEY Made in the Years 1816 & 1827 BY C. & J. GREENWOOD, Most Respectfully Dedicated To The NOBILITY, CLERGY & GENTRY OF Shropshire, By THE PROPRIETORS GREENWOOD, PRINGLE & Co. Regent Street, Pall	1827	RC20	Cross Road



	Mall....			
Ordnance Survey Records Surveyors Drawings	SHR 320 (E) - PART of SHROPSHIRE	1827	RC14	Unspecified
Ordnance Survey Records 1" Old Series	SHR Ordnance Survey Old Series 1": 1mile - Folder 1 1833 - 1835	1833 - 1835	RC14	Unspecified
Tithe Survey Records	TNA Map IR 30/29/216Plan of THE PARISH OF MIDDLE, IN THE COUNTY of SALOP	1839	RC14	Unspecified
Ordnance Survey Records 25" 1st Edition	BL Vol 689 (36) - Shropshire (Northern Division) Sheet XXI.13 - Middle and Baschurch Parishes	1880	RC14	Unspecified
Ordnance Survey Records 25" 1st Edition	BL Vol 691 (21) - Shropshire (Northern Division) Sheet XXVIII.1 - Baschurch, Middle and Preston Gubbal Parishes	1880	RC14	Unspecified
Ordnance Survey Records 25" 2nd Edition	BL 1601 (13) - SECOND EDITION 1901 SHROPSHIRE SHEET XXI.13.	1900	RC14	Unspecified
Ordnance Survey Records 25" 2nd Edition	BL 1602(30) - SECOND EDITION 1901 SHROPSHIRE SHEET XXVIII.1.	1900	RC14	Unspecified
Ordnance Survey Records 1" New Series	BL Maps 1175 (134.) sheet 138 - OS of England WEM	1902	RC12	Road
Finance Act Survey Records	TNA Map IR132/4/290 - XXVIII.1.	1910	RC14	Unspecified
Finance Act Survey Records	TNA Map IR 132/4/219 - Shropshire Sheet XXI.13 - Second	1910	RC14	Unspecified

	Edition 1901			
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**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
Non-OS Commercial Mapping	SHR Map R BAUGH 1808 sheet 2 - To the Right Honourable 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 LORDSHIPS obliged and obedient Servant ROBERT BAUGH	1808	PA1	two parallel solid black lines
Inclosure Records	SHR Map QE 1/2/34 - Map of Allotments of Waste Lands within the Manor OF Middle	1813	PA1	two parallel solid black lines
Non-OS Commercial Mapping	SHR Map GREENWOODS 1827 - Map of the County of SALOP	1827	PA1	two parallel solid black lines

	FROM AN ACTUAL SURVEY Made in the Years 1816 & 1827 BY C. & J. GREENWOOD, Most Respectfully Dedicated To The NOBILITY, CLERGY & GENTRY OF Shropshire, By THE PROPRIETORS GREENWOOD, PRINGLE & Co. Regent Street, Pall Mall....			
Ordnance Survey Records Surveyors Drawings	SHR 320 (E) - PART of SHROPSHIRE	1827	PA1	two parallel solid black lines
Ordnance Survey Records 1" Old Series	SHR Ordnance Survey Old Series 1": 1mile - Folder 1 1833 - 1835	1833 - 1835	PA1	two parallel solid black lines
Tithe Survey Records	TNA Map IR 30/29/216Plan of THE PARISH OF MIDDLE, IN THE COUNTY of SALOP	1839	PA1	two parallel solid black lines
Ordnance Survey Records 25" 1st Edition	BL Vol 689 (36) - Shropshire (Northern Division) Sheet XXI.13 - Middle and Baschurch Parishes	1880	PA2	two parallel dashed black lines
Ordnance Survey Records 25" 1st Edition	BL Vol 691 (21) - Shropshire (Northern Division) Sheet XXVIII.1 - Baschurch, Middle and Preston Gubbal Parishes	1880	PA2	two parallel dashed black lines
			PA13	Two parallel solid black lines with two parallel dashed black lines through the centre
Ordnance Survey Records 25" 2nd Edition	BL 1601 (13) - SECOND EDITION 1901 SHROPSHIRE SHEET XXI.13.	1900	PA1	two parallel solid black lines
Ordnance Survey Records 25" 2nd Edition	BL 1602(30) - SECOND EDITION 1901 SHROPSHIRE SHEET XXVIII.1.	1900	PA1	two parallel solid black lines

Ordnance Survey Records 1" New Series	BL Maps 1175 (134.) sheet 138 - OS of England WEM	1902	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).

Document Group	Document	Date	Width
Inclosure Records	SHR Map QE 1/2/34 - Map of Allotments of Waste Lands within the Manor OF Middle	1813	"30 feet between ditches"

## 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. Inclosure Records

The Inclosure map shows part of the route passing through or between an area excluded from the award. The route is shown as a through-route and is labelled on the map as "From Merrington". The accompanying award describes the route as awarded as a public route, "Public carriage and drift roads..." with its dimensions given, a ".....breadth of thirty feet between the ditches".

#### 2. Tithe Survey Records

The Tithe Survey map demonstrates evidence for the route. The route is shown unnumbered and not within a numbered parcel therefore there is no evidence for the route in the associated apportionment.

#### 3. Finance Act Survey Records

The route is shown traversing two Finance Act Survey map sheets. The route is shown uncoloured and excluded from hereditaments on both. This suggests that 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.

#### 4. Non-OS Commercial Mapping

The two Non-Ordnance Survey Commercial maps examined demonstrate evidence for the route. The route is described in the map key under the heading "By-roads" on Baugh's map. On Greenwood's map part of the route is shown described under the heading "Cross Roads" in the map key. For the purposes of DLW research, the identification of a route as a cross road is taken as evidence of reputation of the route as a highway, but is not taken in itself to provide evidence of the class of these rights above that of a bridleway.

#### 5. Ordnance Survey Records

##### a) Ordnance Survey Surveyor's Drawings

The Ordnance Survey Surveyor's Drawing demonstrates evidence for the route as a physical feature only.

b) Ordnance Survey 1" Old Series

The Ordnance Survey 1" Old Series map demonstrates evidence for the whole route as a physical feature only.

c) Ordnance Survey 25" 1st Edition

The route is shown traversing two Ordnance Survey 25" 1st Edition map sheets. The route is shown specifically numbered on the map but there is no evidence given in the associated book of reference

d) Ordnance Survey 25" 2nd Edition

The route is shown traversing two Ordnance Survey 25" 2nd Edition map sheets. The route is shown un-named therefore the object name book has not been examined.

e) Ordnance Survey 1" Revised New Series

The Ordnance Survey 1" Revised New Series map demonstrates evidence for the route. Part of the route (A – C) is described in the key under the heading "3rd class metalled road". The remaining length of the route (C – D) is described in the key under the heading "Unmetalled roads". For the purpose of the Discovering Lost Ways Project research it has been agreed that the showing of routes as 1st 2nd and 3rd class metalled roads on OS 1" New Series maps will be taken as evidence of public vehicular rights. It is considered therefore that over length A - C public vehicular rights existed at the time of the survey.

**Alignment of the case file route:**

From the analysis of the early Non-Ordnance Survey Commercial maps and modern Ordnance Survey maps the route does not appear to have changed alignment.

**Evidence of Width:**

The Inclosure award describes a very small length of the route with its dimensions given in this case a ".....breadth of thirty feet between the ditches".

**Contradictory evidence:**

No contradictory evidence was found for the route.

**Outcome of the evaluation:**

Case file SH/130/005 was included in the research scope by the Discovering Lost Ways Project during the course of research due to the discovery of evidence suggesting a right of way existed over the length A – B and that there were additional rights over length B - D.

From the documents examined it is possible to establish that the whole of the case file route is shown on the Finance Act Survey maps as uncoloured and excluded from hereditaments. This suggests that 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. Two Non-Ordnance Survey Commercial maps demonstrate evidence for the route; on one of these maps it is included in the key under the heading “Cross Road”. For the purposes of the Discovering Lost Ways research, the identification of a route as a cross road is taken as evidence of reputation of the route as a highway. Part of length A – B of the route is shown on the Inclosure map as a through route and it is described in the Inclosure award as a public route, “Public carriage and drift roads.....” with its dimensions given, a “.....breadth of thirty feet between the ditches”.

The Ordnance Survey 1" Revised New Series map demonstrates evidence for the route. Part of the route (A – C) is described in the key under the heading “3rd class metalled road”. The remaining length of the route (C – D) is described in the key under the heading “Unmetalled roads”. For the purpose of the Discovering Lost Ways Project research it has been agreed that the showing of routes as 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> class metalled roads on OS 1" New Series maps will be taken as evidence of public vehicular rights. It is considered therefore that over length A - C public vehicular rights existed at the time of the survey.

The evidence found for length A – B meets the standards set out in Section 53 of the Wildlife & Countryside Act, 1981 that a public right of way subsists or is reasonably alleged to subsist and has therefore been categorised as “Strong”, supporting the making of a definitive map modification order application to add the route to the Definitive Map. The evidence found for length B – C meets the standards set out in Section 53 of the Wildlife & Countryside Act, 1981 that on the balance of probability, the way ought to be shown on the definitive map as a highway of a different description to that already recorded. The case has therefore been categorised as “Strong”, supporting the making of a definitive map modification order application to record the existence of carriageway rights over the public bridleway currently shown

on the Definitive Map. There is no evidence to suggest that length C – D of the case file is under-recorded and therefore has 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 2.0: Research Scope
Discovering Lost Ways Research Standard 3.1: Inclosure Records
Discovering Lost Ways Research Standard 3.3: Finance Act Survey Records
Discovering Lost Ways Research Standard 3.7: Ordnance Survey Records
Discovering Lost Ways Research Standard 3.8: Non-OS Commercial Mapping
Discovering Lost Ways Research Standard 4.0: Combining & Evaluating Evidence

## **Appendix B - Acknowledgements**

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