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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:-

- a) Upgrading to a bridleway the footpath which runs from Point E (OSGR SJ5725 1945) to Point C (OSGR SJ5935 2050) and
- b) Upgrading to a restricted byway the bridleway which runs from Point C (OSGR SJ5935 2050) to Point D (OSGR SJ5931 2104)

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/ 157.001 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
- 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": 1 mile, entitled "Folder 1 1833 - 1835", dated 1833 - 1835
- Ordnance Survey 25" 1st Edition, BL Vol. 691 (38), Vol. 691 (39) Sheet XXIX.3, Sheet XXIX.2, Vol. 691 (42)
- Ordnance Survey 25" 2nd Edition, BL "Shropshire sheet XXIX.2", 1603 (6), "Shropshire sheet XXIX.3", "Shropshire sheet XXIX.6", dated 1900
- Finance Act Survey Map, TNA IR 132/4/311, entitled "Shropshire Sheet XXIX.6 - Second Edition 1901", dated 1910
- Finance Act Survey Map, TNA IR 132/4/308, entitled "Shropshire Sheet XXIX.3 - Second Edition 1901", dated 1910
- Finance Act Survey Map, TNA IR 132/4/307, entitled "Shropshire Sheet XXIX.2 - Second Edition 1901", dated 1910

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

Signed:



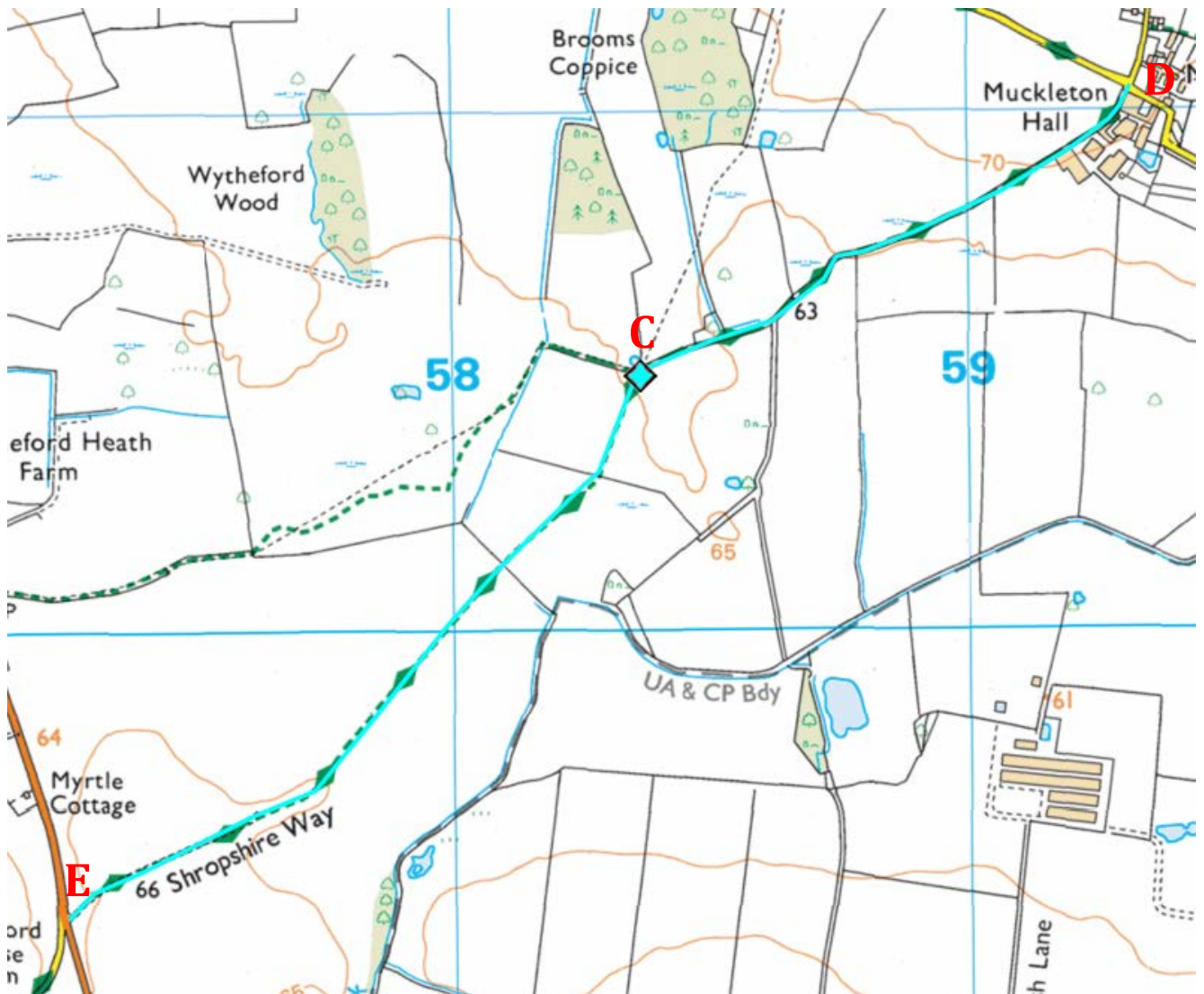
Date: 17/09/2020

Wildlife and Countryside Act 1981

## Map to Accompany Definitive Map Modification Order Application

For a route at Wytheford in the Parish of Shawbury, Shropshire to be shown as a  
Public Bridleway and Restricted Byway

*Applicant's Reference: DLW SH/157.001*



17/09/2020

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/157/001
<b>Name</b>	Un-named
<b>Historic County</b>	Shropshire
<b>Sub-Unit</b>	Shropshire Sub-unit 1
<b>Parish(es)</b>	Shawbury
<b>Surveying Authority</b>	Shropshire County Council
<b>Definitive Map Ref. No.</b>	0225/15Y-0/FP, 0225/15-1/BW, 0225/15-2/BW & 0225/15-0/FP
<b>Other Designation(s) Ref. No.</b>	None
<b>Route Length</b>	4252 metres
<b>OS 1:10,000 Sheet(s)</b>	SJ52SE
<b>Grid Ref (start)</b>	SJ5705 2007
<b>Grid Ref (end)</b>	SJ5724 1945
<b>ARU ASSESSMENT OUTCOME</b>	
<b>Status/Class</b>	E – D Public carriageway
<b>Strength</b>	E – D: Tentative A – C: Insufficient evidence for further action
<b>Comment</b>	Shown uncoloured and excluded from the hereditaments on the Finance Act Survey map, described in part as a 3rd class metalled road on the OS 1" New Series Map

Date:

**02 May 2008**

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	27
8. Overall Evaluation of Evidence	35
Appendix A - Methodological Statement	39
Appendix B - Acknowledgements	40

## 1. Summary of Findings

Case file SH/157/001 was included in the research scope by the Discovering Lost Ways Project as Shropshire County Council suggested that there may be evidence of higher un-recorded rights over existing public footpaths, 0225/15Y-0/FP & 0225/15-0/FP and public bridleways 0225/15-1/BW, 0225/15-2/BW currently shown on the definitive map and statement.

The route has been divided in two distinct sections for evaluation purposes, A – C and E – D as shown on the Case File Route Map.

From the documents examined it is possible to establish that length A – C is shown on the Finance Act Survey map included within hereditaments. There is no corresponding entry for a deduction for public rights of way given in the associated field book. There is no evidence for length A – C on either of the Non-Ordnance Survey Commercial maps.

The Ordnance Survey 1" Revised New Series map demonstrates evidence for the route. Part of length A – C is shown on the map and described under the headings "Unmetalled Roads" and "Footpaths" in the map key. 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. The length A – C is not shown in this way and it is considered therefore that a public vehicular right of way cannot be shown to have existed over this length of the route at that time.

There is no evidence to suggest that length A – C is under-recorded therefore this length has been categorised as "insufficient evidence for further action".

From the documents examined it is possible to establish that length E - D is shown on the Finance Act Survey map. The length E – D is shown part excluded from hereditaments (C – D). This suggests that length C - D 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 length E – C is shown included within hereditaments and there is no corresponding entry for a deduction for public rights of way given in the associated field book. The length E – D is shown in part on two Non-Ordnance Survey Commercial maps. On Baugh's map part of length C – D is shown on the map and described under the heading "By-roads" in the map key. On Greenwood's map part of length C – D and part of length C – E are shown

on the map and described under the heading "Cross Roads" in the map key. For the purposes of 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, but is not taken in itself to provide evidence of the class of these rights above that of a bridleway.

The Ordnance Survey 1" Revised New Series map demonstrates evidence for the route. Length E – C is shown on the map and described under the headings "3<sup>rd</sup> class metalled roads" and "Footpaths" in the map key. Length C – D is shown on the map and described under the heading "3<sup>rd</sup> class metalled roads" in the map key. 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 a public vehicular right of way existed over parts of length E – C and all of length C - D of the route at the time of the survey.

Although the evidence for part of the length E – D meets the standards set out in Section 53 of the Wildlife & Countryside Act, 1981, the case as a whole has been categorised as "tentative". It is considered that evidence for the whole route would be needed before a definitive map modification order could be made to record public carriageway rights on the definitive map.

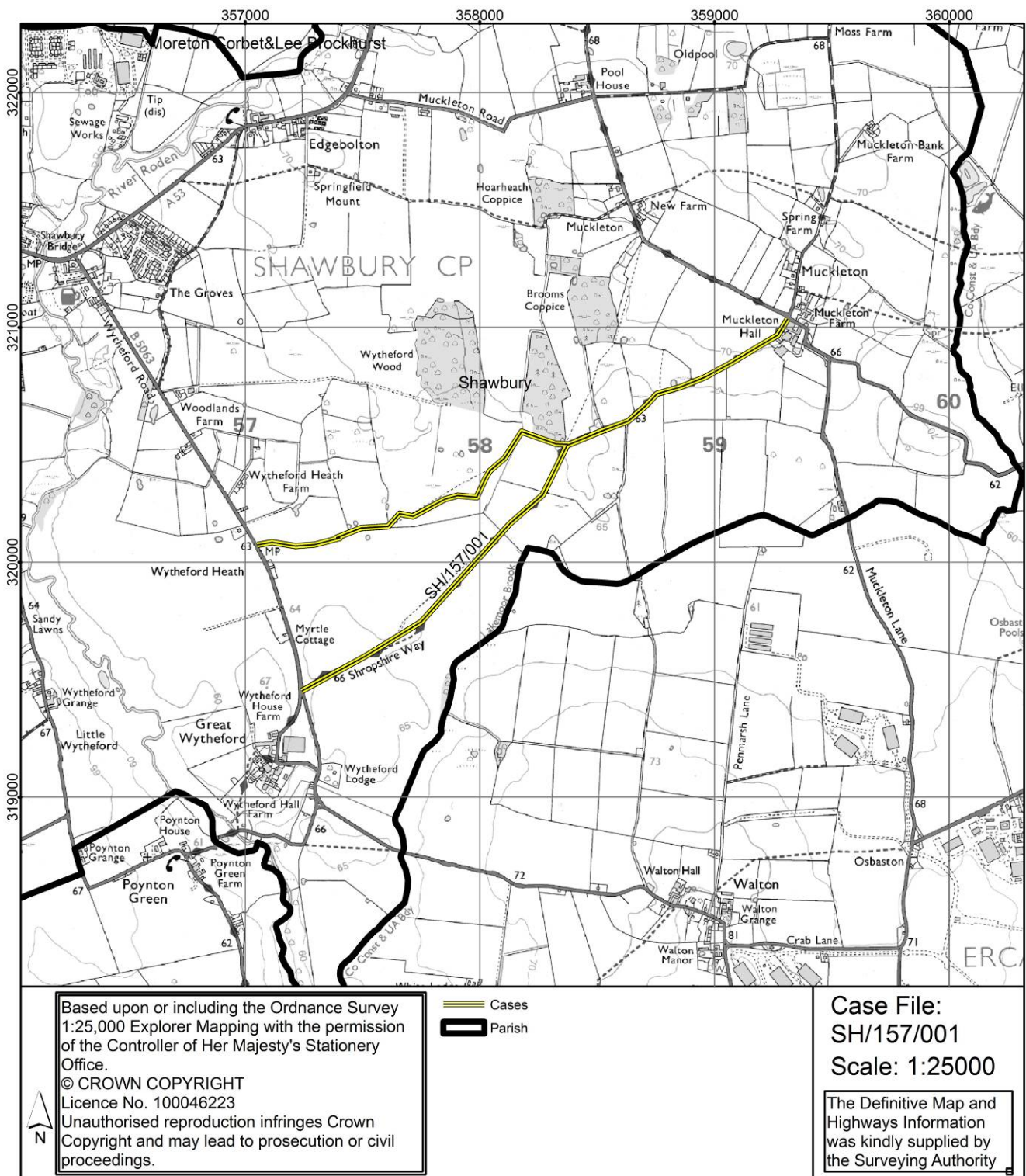
## 2. Description of Route

The route begins on public footpath 0225/15Y-0/FP (the reference given on Shropshire County Council's definitive map and statement) at the junction with Wytheford Road (which has been given the reference B5063/210 on Shropshire County Council's List of Streets) at coordinate SJ5705 2007 (point A on the Case File Route Map). The route heads along public footpath 0225/15Y-0/FP (the reference given on Shropshire County Council's definitive map and statement) in a north easterly direction to the junction with public bridleway 0225/15-1/BW (the reference given on Shropshire County Council's definitive map and statement) at coordinate SJ5818 2056 (point B on the Case File Route Map). The route then heads along public bridleway 0225/15-1/BW (the reference given on Shropshire County Council's definitive map and statement) in south easterly direction to the junction with public bridleway 0225/15-2/BW and public footpath 0225/15-0/FP (the references given on Shropshire County Council's definitive map and statement), where the route splits into two at coordinate SJ5837 2050 (point C on the Case File Route Map). The first part of the route heads along public bridleway 0225/15-2/BW (the reference given on Shropshire County Council's definitive map and statement) in a north easterly direction to the junction with C2104/10 and U3307/10 (the references given on Shropshire County Council's List of Streets) at coordinate SJ5931 2104, where this part of the route terminates (point D on the Case File Route Map). The second part of the route heads along public footpath 0225/15-0/FP (the reference given on Shropshire County Council's definitive map and statement) in a south westerly direction to the junction with Wytheford Road and U3420/10 (the reference given on Shropshire County Council's List of Streets) at coordinate SJ5724 1945, where this route terminates (point E on the Case File Route Map).

The route has a length of 4252 metres.

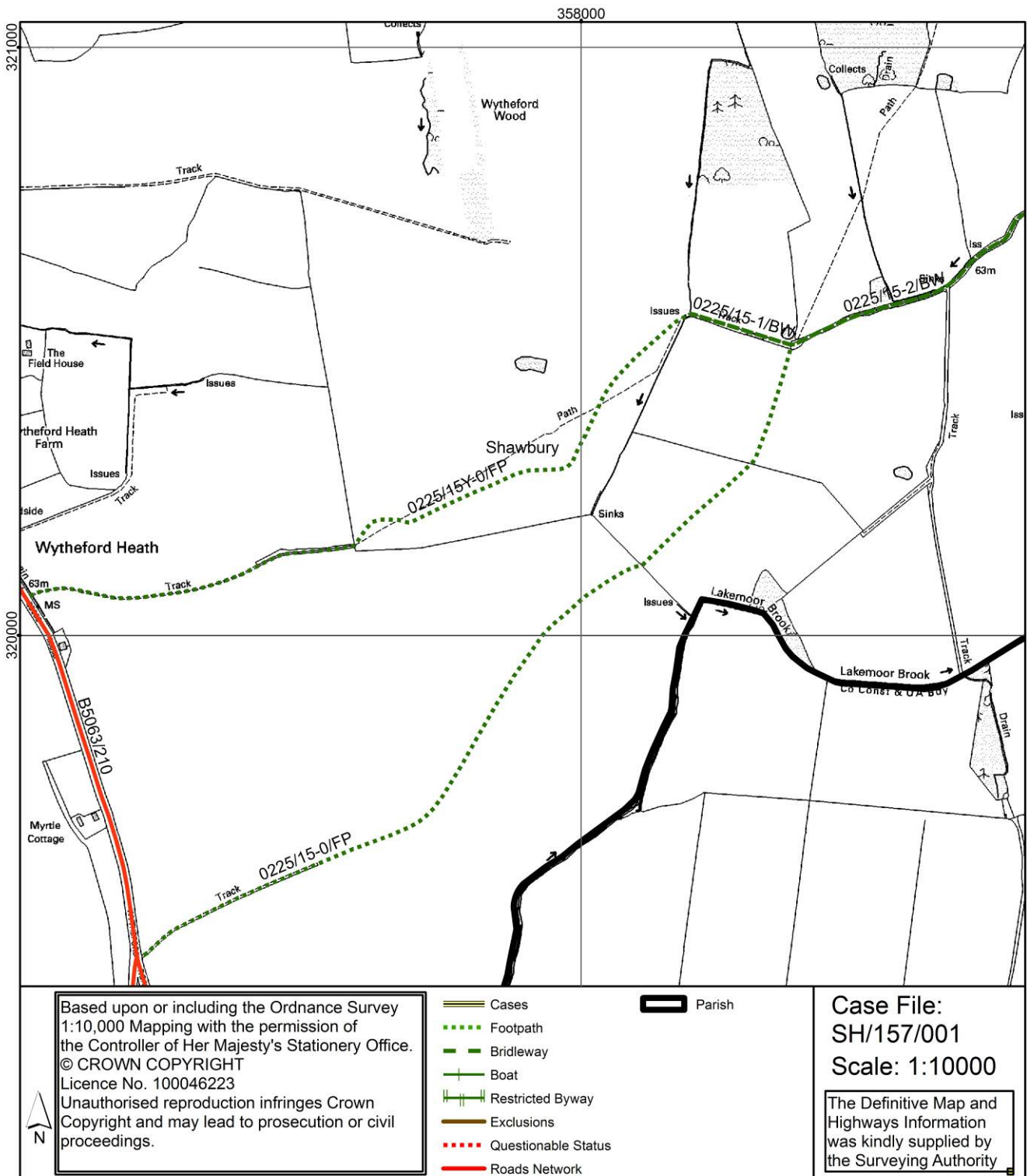
During the research process, the whole of the case file reference number SH/157/001 was identified with the case route number T000861. Both references are used in section 6 of this report. Where documents are considered to contain relevant evidence the case route number is used (in bold). Where there is no evidence the case file reference number is used (plain text).

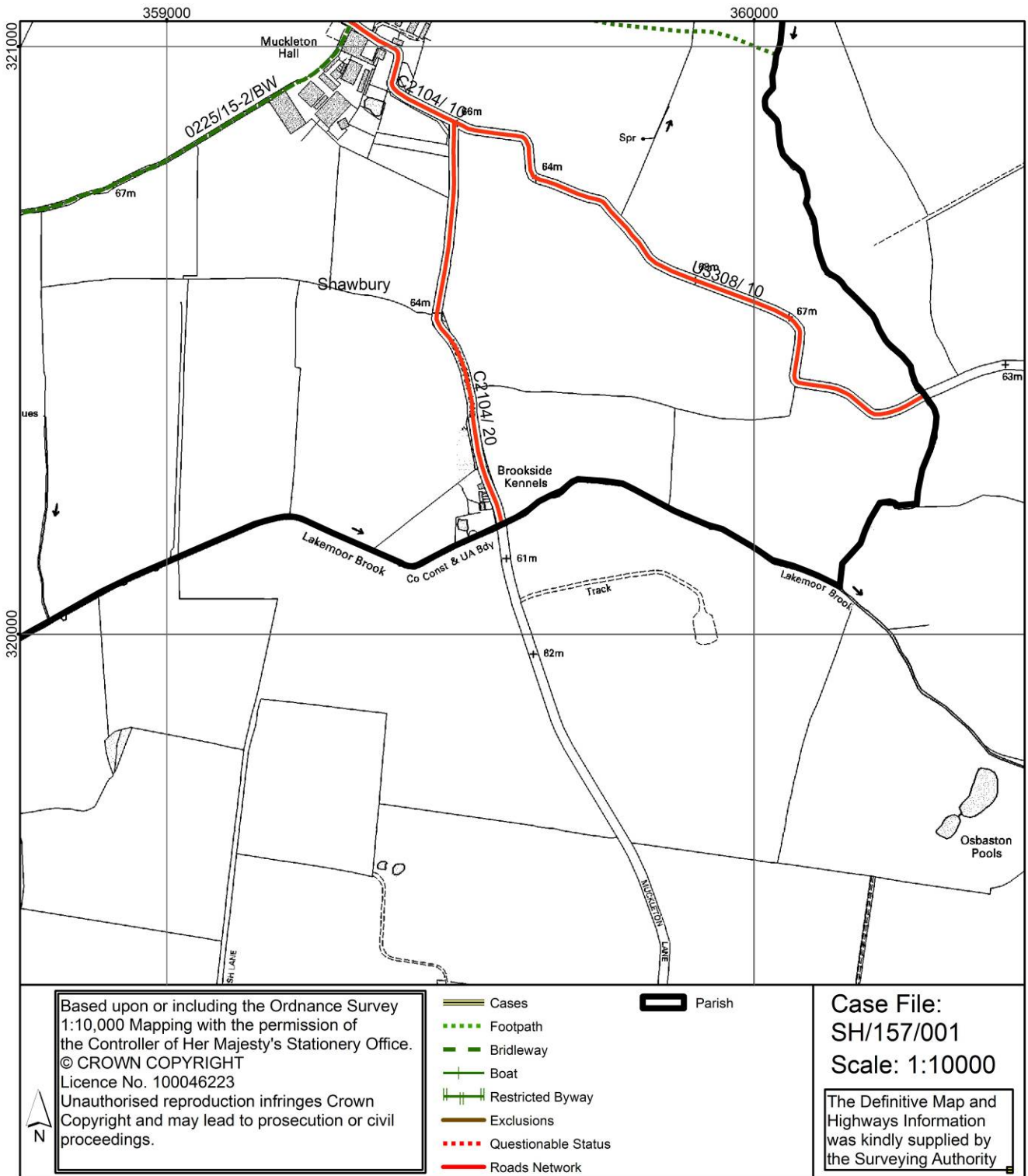
### 3. Location Plan



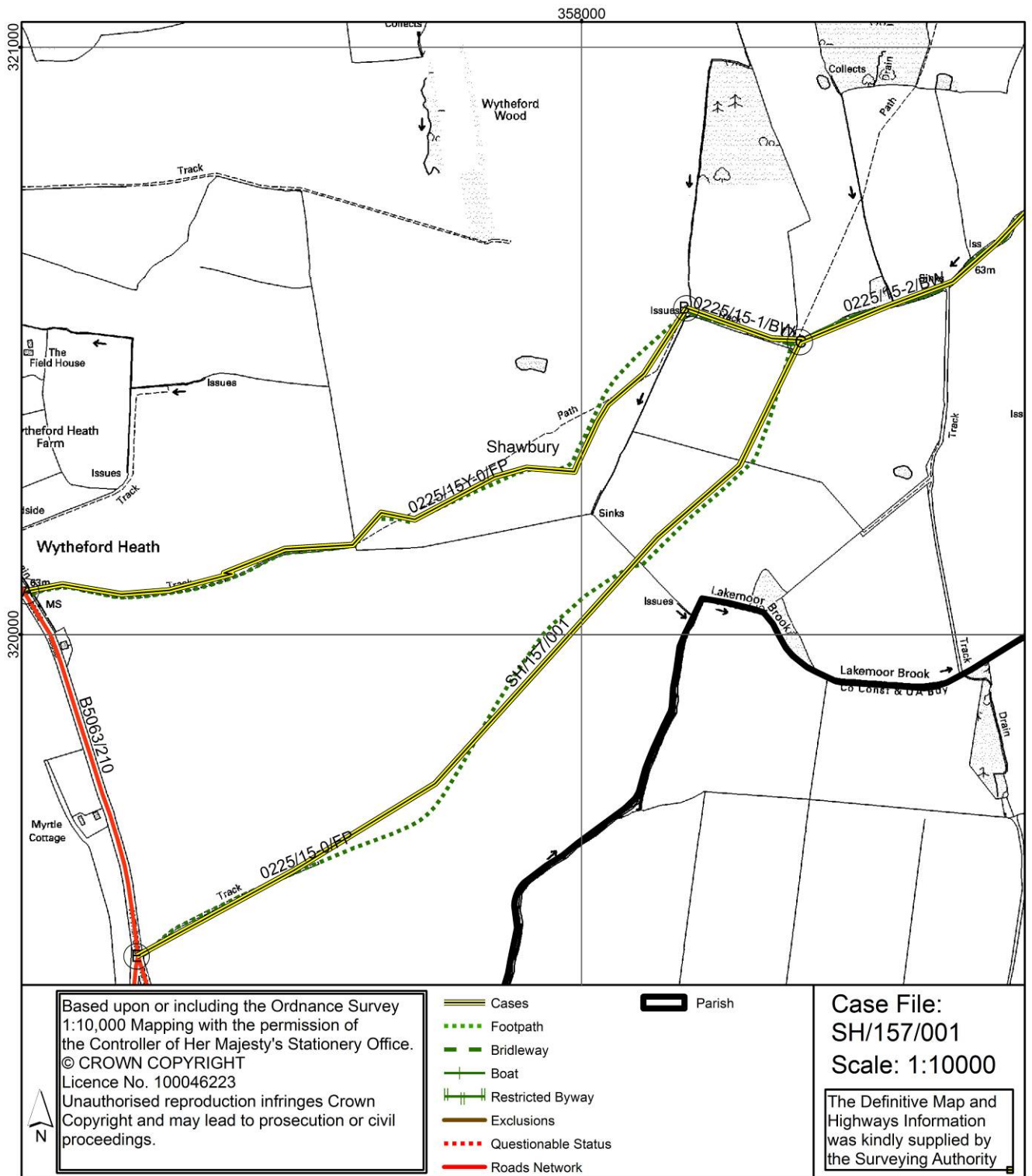


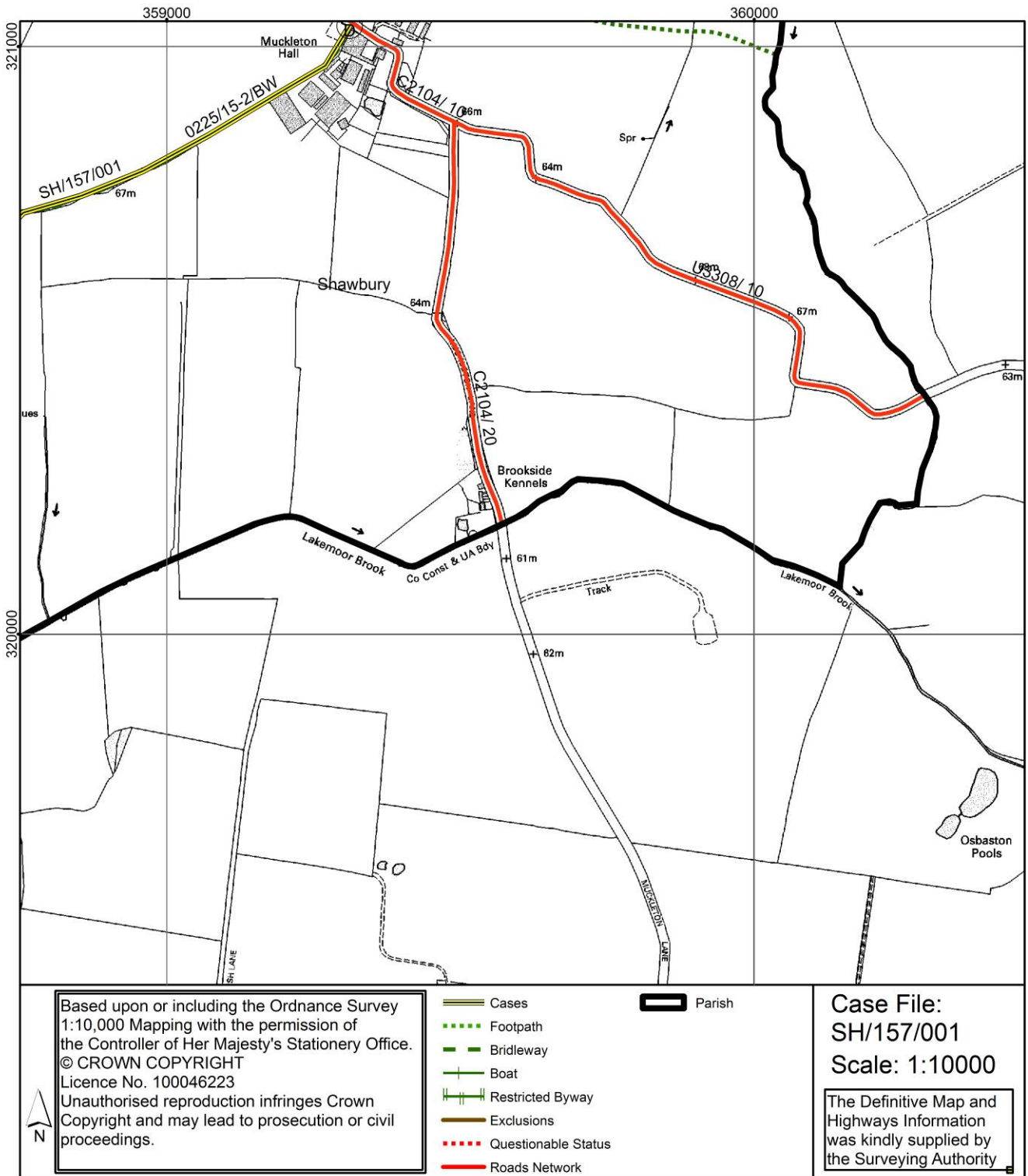
## 4. Current Definitive Paths





# 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/157/001 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.

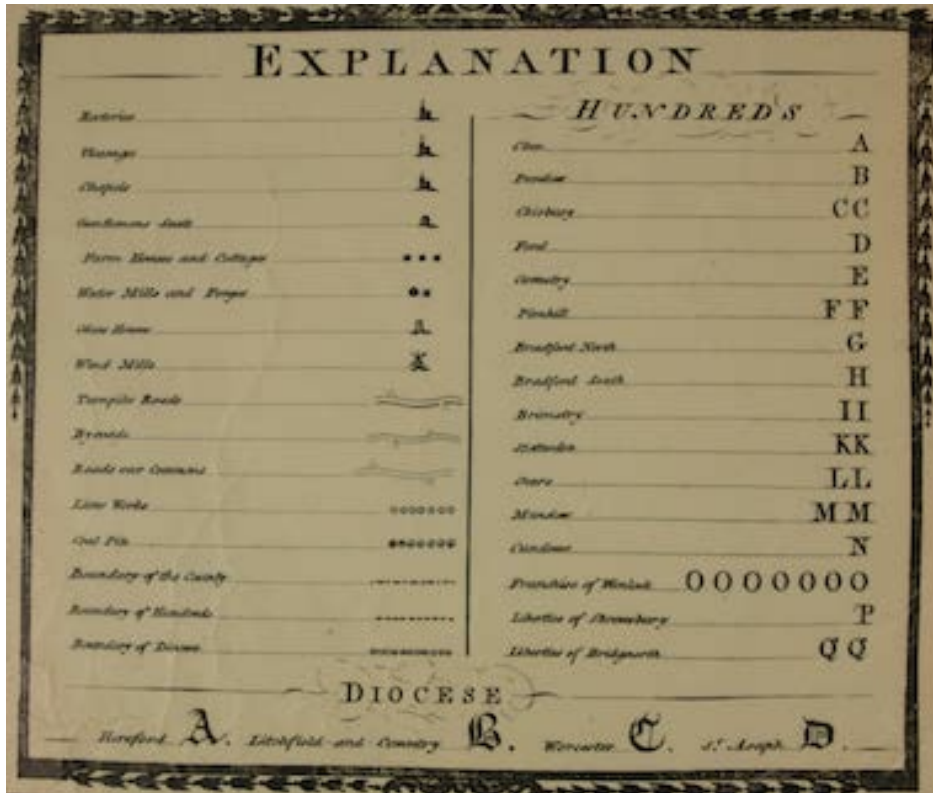
Where a document was researched at the British Library (with an archive reference code BL) no digital image was captured.

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 part of route T000861 (C – D). The route is observed to commence to the east of the letter "y" of the label "Shawbury" on the map. The route is described in a manner which fails to confer any indication of status, in this case under the heading "By-roads" in the map key. The route is depicted as consisting of two parallel solid black lines. The route is observed to terminate at a junction with other route to the west of the letter "M" of the label "Muckleton" on the map.**





2. Ordnance Survey Surveyors Drawings, SHR 208, entitled “Newport”, dated 1814, demonstrates evidence for part of route T00861 (part of A – C, and part of E – D). The length A – C is shown in two sections. The first section of A – C is observed to commence to the south west of the “W” of “Wood” on the map. The route is shown on the map and is depicted as consisting of two parallel solid black lines. The first section of A – C is observed to terminate south of the “d” of “Wood” on the map. The second section of A – C is observed to commence east of the “d” of “Wood” on the map. The route is shown on the map and is depicted as consisting of two parallel solid black lines. The second section of A - C is observed to terminate south west of “Mucklestone” on the map.

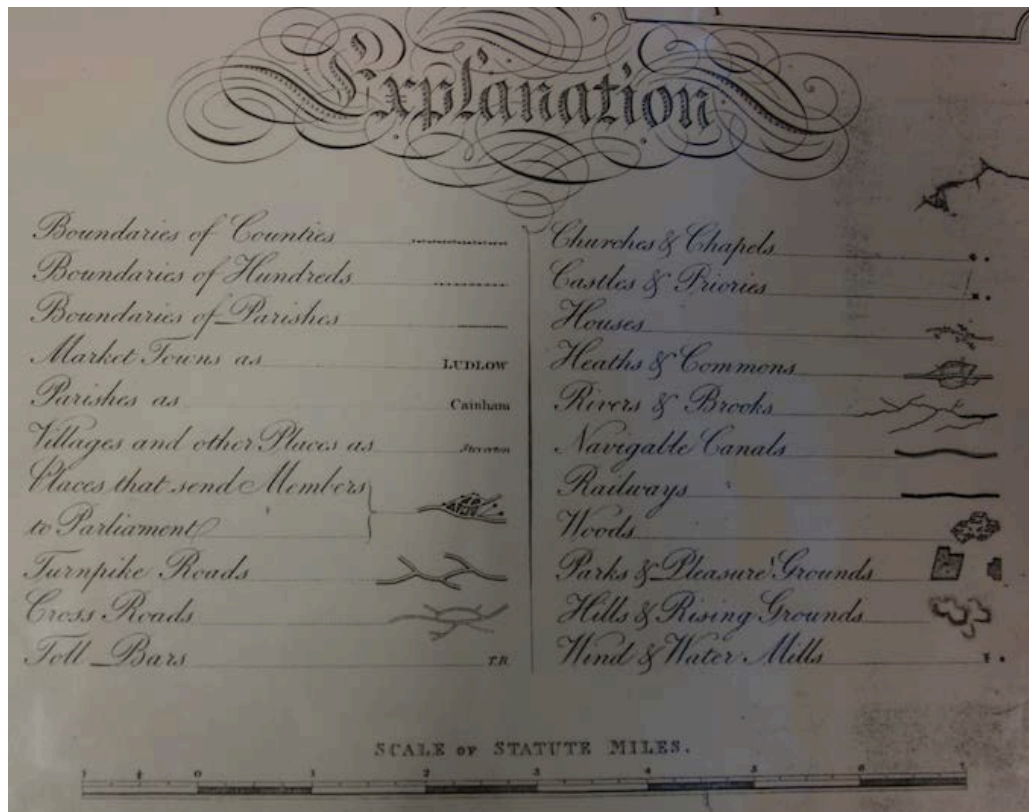
The length E – D is shown in two sections. The first section of E – D is observed to commence north of “Great Withyford” on the map. The route is shown on the map and is depicted as consisting of two parallel solid black lines. The length E – D is observed to terminate south of the “d” of “Whithyford” on the map. The second section of E – D is observed to commence south west of “Mucklestone” on the map. The route is shown on the map and is depicted as consisting of two parallel solid black lines. The second section of E – D is observed to terminate at “Mucklestone” on the map.

3. 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, 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 part of route T000861 (part of E – C & C - D). The length E – C is observed to commence at a junction with another route to the south east of the letter “d” of the label “Great Witherford” on the map. The route is shown on map and described under the heading "Cross Roads" in the map key. The route is depicted as consisting of two parallel solid black lines. The length E - C is observed to terminate to the north east of the letter “d” of the label “Great Witherford” on the map.

The length C – D is observed to commence south of the letter “M” of the label “Muckleton” on the map. The route is shown on map and described under the heading "Cross Roads" in the map key. The route is depicted as consisting of two parallel solid black lines. The route is observed to terminate at a junction with other routes south of the letter “C” of “Muckleton” on the map.







4. Ordnance Survey Surveyors Drawings, SHR 320 (E), entitled "PART of SHROPSHIRE", dated 1827, covers the area but demonstrates no evidence for case SH/157/001.

5. 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 T000861 (part of A – C, and all of E – D). The length A – C is shown in two sections. The first section of A – C is observed to commence at a junction with another route to the east of "7 & 8" on the map. The route is shown on the map and is depicted as consisting of two parallel solid black lines. The first section of A – C is observed to terminate south of the letter "W" of the label "Wood" on the map. The second section is observed to commence south east of the letter "d" of the label "Wood" on the map. The route is shown on the map and is depicted as consisting of two parallel solid black lines. The second section of A - C is observed to terminate at a junction with another route to the south west of letter "C" of the label "Greens Coppice" on the map (C).

The length E – D is observed to commence north west of the letter "G" of the label "Great Withyford" on the map. The route is shown on the map and is

depicted as consisting of two parallel solid black lines. The length E – D is observed to terminate to the south east of the letter “C” of the label “Greens Coppice” on the map.



6. Ordnance Survey 25" 1st Edition, BL Vol. 691 (38), Vol. 691 (39) Sheet XXIX.3, Sheet XXIX.2, Vol. 691 (42), entitled "Shropshire (Northern Division) Sheet XXIX.6 - Shawbury & Ercall Magna Parishes", dated 1880, demonstrates evidence for all of route T000861 (A – C & E – D). The length A – C is observed to commence at the south west corner of parcel “837” on the map. The route is shown on the map and is depicted as consisting of two parallel solid black lines. The route is shown specifically numbered in this case “844”. The route is observed to change physical characteristics at the north east corner of parcel “846” on the map. From here the route is un-numbered and is depicted as consisting of two parallel dashed black lines. The route is observed to change physical characteristics at the north west corner of parcel “819” on the map. From here the route is depicted as consisting of two parallel solid black lines. The length A – C is observed to terminate at the north east corner of parcel "819" on the map.

The length E – D is observed to commence at the south west corner of parcel “866” on the map. The route is shown on the map specifically numbered as “870” and is depicted as consisting of two parallel black solid lines. The route changes physical characteristics at the south west corner of parcel “873” on the map. From here the route is shown un-numbered and is depicted as

consisting of two parallel dashed black lines. The route is observed to change physical characteristics at the north east corner of parcel “819” 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 north east corner of parcel “560” on the map.



7. Ordnance Survey 25" 1st Edition Book of Reference, BL, entitled "Book of Reference to the Plan of the Parish of Shawbury, Shropshire ", 1881, covers the area but demonstrates no evidence for case SH/157/001.

8 Ordnance Survey 25" 1st Edition Book of Reference, BL, entitled "Book of Reference to the Plan of the Parish of the Moreton Corbet, Shropshire-(Northern Division)", dated 1881, covers the area but demonstrates no evidence for case SH/157/001.

9. Ordnance Survey 25" 2nd Edition, BL "Shropshire sheet XXIX.2", 1603 (6), "Shropshire sheet XXIX.3", "Shropshire sheet XXIX.6", dated 1900, demonstrates evidence for all of route T000861 (A – C & E – D). The length A – C is observed to commence at the south west corner of parcel “816” on the map. The route is shown on the map un-named and is depicted as consisting of two parallel solid black lines. The route is shown specifically numbered as “820” on the map. The route is observed to change physical characteristics in the north east corner of parcel of parcel “822” on the map. From here the route is depicted as consisting of two parallel dashed black lines. The route is

observed to change physical characteristics at the north west corner of parcel "795" on the map. At this point there is an annotated limitation in this case a gate or stile. From here the route is depicted as consisting of two parallel solid black lines with a single dashed line running through the centre. The length A - C is observed to terminate at the north east corner of parcel "795" on the map.

The length E - C is observed to commence at the south west corner of parcel "833" on the map. The route is shown with an annotated limitation in this case a gate or stile and is depicted as consisting of two parallel black solid lines. The route is observed to change physical characteristics at the south east corner of parcel "827" on the map. There is an annotated limitation in this case a gate or stile at this point. From here the route is depicted as consisting of two parallel black dashed lines. The route is shown on the map and annotated with "F.P.". The route is observed to change physical characteristics at the north east corner of parcel "795" on the map. There is an annotated limitation in this case a gate or stile at this point. From here the route is shown specifically numbered as "788" & "398" and is depicted as consisting of two parallel solid black lines. The route is observed to terminate in the north east corner of parcel "299" on the map.



**10. Ordnance Survey 1" New Series, BL Maps 1175 (134.) sheet 138, entitled "OS of England WEM", dated 1902, demonstrates evidence for part of route**

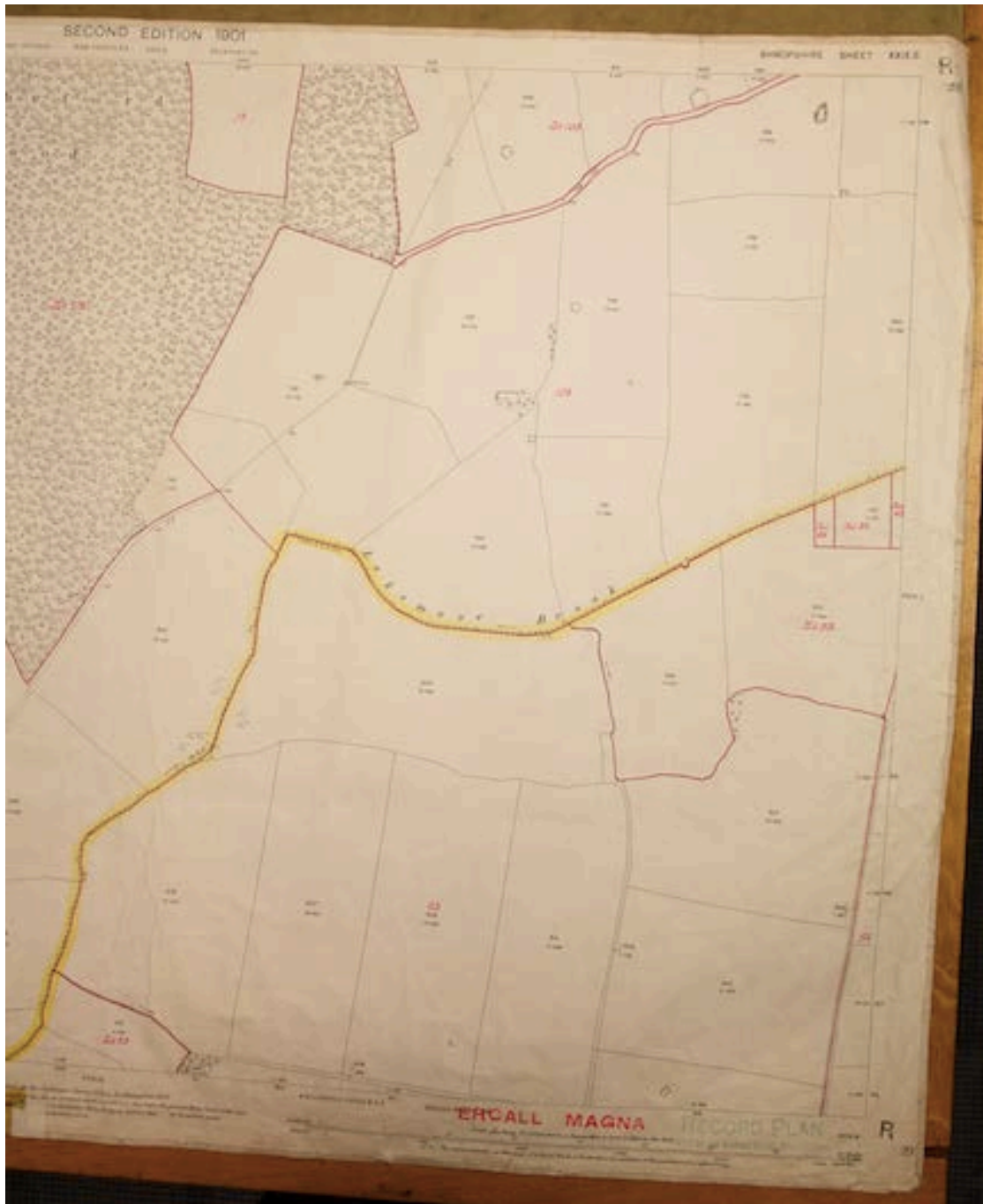
**T000861 (part A – C & all of E – D). The length A – C is observed to commence north of the "d" of "Wytheford Heath" on the map. The route is shown on the map is described in the key under the heading “Unmetalled Roads” and is depicted as consisting of two parallel solid black lines. The route is observed to change physical characteristics north of the "a" of "Wytheford Heath" on the map. From here the route is depicted as consisting of a single dashed black line on map and is described under the heading “Footpaths” in the map key. The length A – C is observed to terminate at the western boundary of "Wytheford Wood" on the map.**

**The length E – D is observed to commence south of the "H" of "Wytheford Heath" on the map. The route is shown on the map and is described in the key under the heading “3rd class metalled road” and is depicted as consisting of two parallel solid black lines. The route is observed to change physical characteristics north east of the commencement point on the map. From here the route is depicted as consisting of a single dashed black line and is described under the heading “Footpaths” in the map key. The route is observed to change physical characteristics again at the eastern boundary of "Wytheford Wood" on the map. From here the route is depicted as consisting of two parallel solid black lines and is described in the key under the heading “3rd class metalled road”. The length E - D is observed to terminate at "Muckleton" on the map.**

**11. Finance Act Survey Map, TNA IR 132/4/311, entitled "Shropshire Sheet XXIX.6 - Second Edition 1901", dated 1910 demonstrates evidence for part of route T000861 (all of A – C & part of E – D). The length A – C is observed commence at the south west corner of OS parcel “816” on the map. The route is shown included within hereditament(s) in this case hereditament(s) “86” & “118” on the map. The length A – C is observed to terminate at the north east corner of OS parcel “795” on the map.**

**The length E – D is observed to commence at the south west corner of OS parcel “833” on the map. The route is shown included within hereditament(s) in this case hereditament(s) “86” & “108” on the map. The route is observed to change Finance Act Survey annotation at the north east corner of OS parcel “795” on the map. From here the route is shown uncoloured and excluded from hereditaments. The length E – D is observed to terminate towards the north**

east corner of OS parcel "399" on the map where it continues onto map sheet XXIX.2.



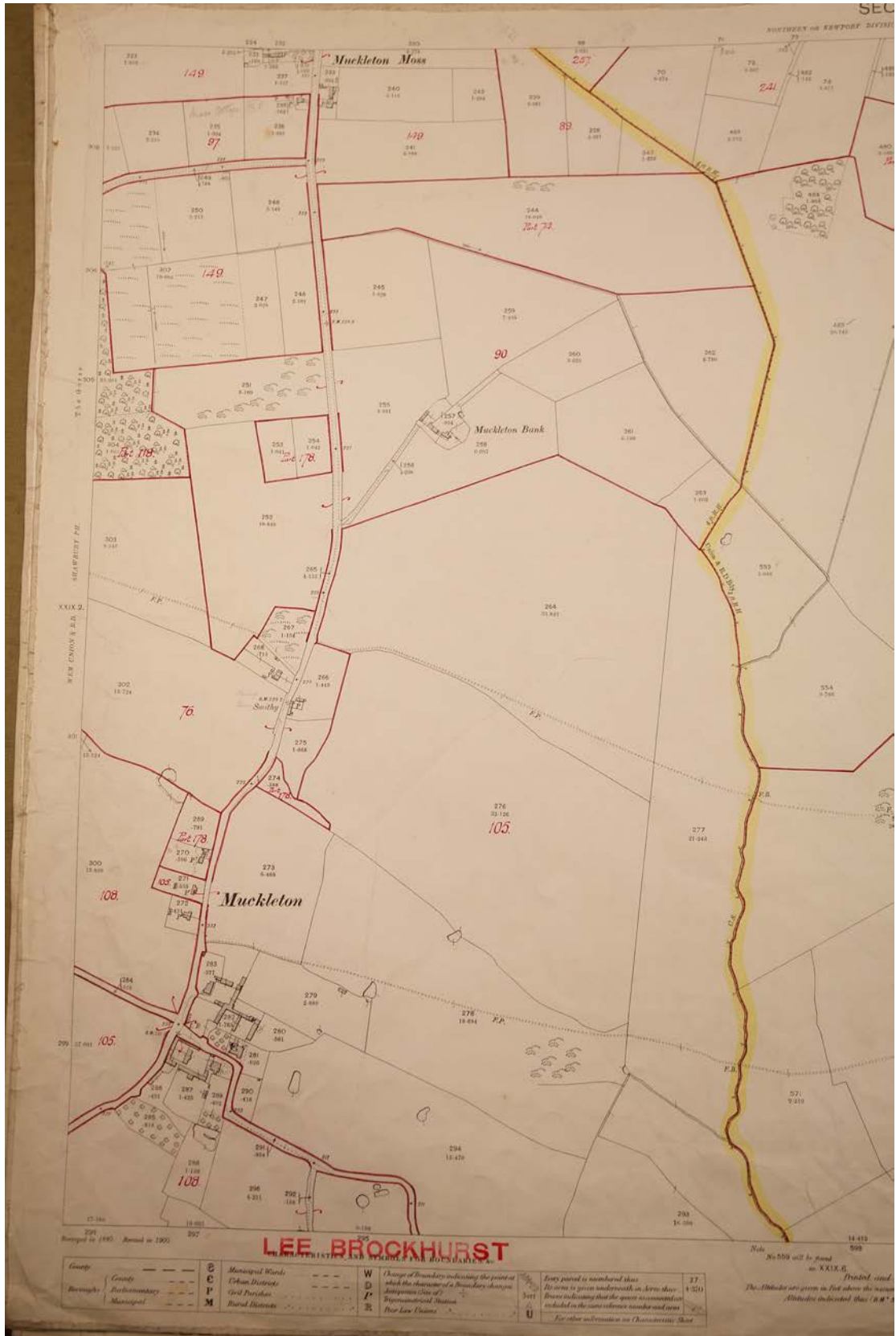




12. Finance Act Survey Field Book, TNA IR/58/75854, entitled "Lee Brockhurst Assessment No. 101-200", dated 1910, covers the area but demonstrates no evidence for case SH/157/001.

**13. Finance Act Survey Map, TNA IR 132/4/308, entitled "Shropshire Sheet XXIX.3 - Second Edition 1901", dated 1910, demonstrates evidence for part of route T000861 (E – D). The length E - D is observed to commence midway along the western boundary of OS parcel "299" on the map where it continues on from map sheet XXIX.2. The route is shown uncoloured and excluded from hereditaments. The length E - D is observed to terminate at the north east corner of parcel "299" on the map.**





14. Finance Act Survey Map, TNA IR 132/4/307, entitled "Shropshire Sheet XXIX.2 - Second Edition 1901", dated 1910, demonstrates evidence for part of

route T000861 (E – D). The length E – D is observed to commence towards the north east corner of OS parcel “399” on the map where it continues on from map sheet XXIX.6. The route is shown uncoloured and excluded from hereditaments. The route is observed to terminate midway along the eastern boundary of OS parcel "299" on the map where it continues onto map sheet XXIX.3.



## 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-Ordnance Survey 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	1808	6.2	NOS10	Route shown on map fits generic description of non-status specific routes as described in legend

		BAUGH				
Ordnance Survey Records Surveyors Drawings	C	SHR 208 -	1814	6.1	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
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	6.3	NOS16	Shown on map and depicted or described as driving road or crossroads in key
Ordnance Survey Records 1" Old Series	C	SHR Ordnance Survey Old Series 1": 1mile - Folder 1 1833 - 1835	1833 - 1835	6.5	OSM5	Route shown on OS 1" Old Series map
Ordnance Survey Records 25"	C	BL Vol 691 (42) - Shropshire	1880	6.6	OSM6	Route Shown on OS 1st Edition 25"

1st Edition		(Northern Division) Sheet XXIX.6 - Shawbury & Ercall Magna Parishes				Map
Ordnance Survey Records 25" 2nd Edition	C	BL 1603 (6) - Shropshire sheet XXIX.6	1900	6.9	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	6.10	OSM26	Route described as '3rd class metalled road' on key or Characteristics Sheet
					OSM27	Route described as 'Un-metalled Roads' on key or Characteristics Sheet
					OSM28	Route described as 'Footpaths' on map / key
Finance Act Survey Records	B(i) part	TNA Map IR 132/4/311 - Shropshire Sheet XXIX.6 - Second Edition 1901	1910	6.11	FA1	Route excluded from Hdtmt
					FA2	Route included in Hdtmt
Finance Act Survey Records	B(i)	TNA Map IR 132/4/308 - Shropshire Sheet XXIX.3 - Second Edition 1901	1910	6.13	FA1	Route excluded from Hdtmt
Finance Act Survey Records	B(i)	TNA Map IR 132/4/307 - Shropshire Sheet XXIX.2 - Second Edition 1901	1910	6.14	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
Ordnance Survey Records Surveyors Drawings	SHR 208 -	1814	RC14	Unspecified
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
Non-Ordnance Survey 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 Mall....	1827	RC12	Road
Ordnance Survey Records 1" Old Series	SHR Ordnance Survey Old Series 1": 1mile - Folder 1 1833 - 1835	1833 - 1835	RC14	Unspecified
Ordnance Survey	BL Vol 691 (42) -	1880	RC14	Unspecified

Records 25" 1st Edition	Shropshire (Northern Division) Sheet XXIX.6 - Shawbury & Ercall Magna Parishes			
Ordnance Survey Records 25" 1st Edition	BL Vol 691 (38) - Shropshire (Northern Division) Sheet XXIX.2 - Shawbury Parish	1880	RC14	Unspecified
Ordnance Survey Records 25" 1st Edition	BL Vol 691 (39) - Shropshire (Northern Division) Sheet XXIX.3 - Shawbury & Moreton Corbet Parishes	1880	RC14	Unspecified
Ordnance Survey Records 25" 2nd Edition	BL 1603 (6) - Shropshire sheet XXIX.6	1900	RC14	Unspecified
Ordnance Survey Records 25" 2nd Edition	BL 1603 (2) - Shropshire sheet XXIX.2	1900	RC14	Unspecified
Ordnance Survey Records 25" 2nd Edition	BL 1603 (3) - Shropshire sheet XXIX.3	1900	RC14	Unspecified
Ordnance Survey Records 1" New Series	BL Maps 1175 (134.) sheet 138 - OS of England WEM	1902	RC12	Road
			RC8	Foot path
			RC12	Road
			RC12	Road
			RC8	Foot path
Finance Act Survey Records	TNA Map IR 132/4/311 - Shropshire Sheet XXIX.6 - Second Edition 1901	1910	RC14	Unspecified
Finance Act Survey Records	TNA Map IR 132/4/308 - Shropshire Sheet XXIX.3 - Second Edition 1901	1910	RC14	Unspecified
Finance Act Survey Records	TNA Map IR 132/4/307 - Shropshire Sheet XXIX.2 - Second Edition 1901	1910	RC14	Unspecified

**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
Ordnance Survey Records Surveyors Drawings	SHR 208 -	Not given	PA1	Two parallel solid black lines
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
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	1827	PA1	Two parallel solid black lines



	NOBILITY, CLERGY & GENTRY OF Shropshire, By THE PROPRIETORS GREENWOOD, PRINGLE & Co. Regent Street. Pall Mall....			
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
Ordnance Survey Records 25" 1st Edition	BL Vol 691 (42) - Shropshire (Northern Division) Sheet XXIX.6 - Shawbury & Ercall Magna Parishes	1880	PA1	Two parallel solid black lines
Ordnance Survey Records 25" 1st Edition	BL Vol 691 (38) - Shropshire (Northern Division) Sheet XXIX.2 - Shawbury Parish	1880	PA1	Two parallel solid black lines
Ordnance Survey Records 25" 1st Edition	BL Vol 691 (39) - Shropshire (Northern Division) Sheet XXIX.3 - Shawbury & Moreton Corbet Parishes	1880	PA1	Two parallel solid black lines
Ordnance Survey Records 25" 2nd Edition	BL 1603 (6) - Shropshire sheet XXIX.6	1900	PA2	Two parallel dashed black lines
			PA1	Two parallel solid black lines
Ordnance Survey Records 25" 2nd Edition	BL 1603 (2) - Shropshire sheet XXIX.2	1900	PA1	Two parallel solid black lines
Ordnance Survey Records 25" 2nd Edition	BL 1603 (3) - Shropshire sheet XXIX.3	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
			PA6	A single dashed black line'
			PA1	Two parallel solid black lines
			PA6	A single dashed black line'

**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. Finance Act Survey Records

The case file route is shown traversing three Finance Act Survey map sheets. The length A – C of the route is shown included within hereditaments and there is no corresponding entry for a deduction for public rights of way given in the associated field book. The length E – D is shown part excluded from hereditaments (C – D). This suggests that length C - D 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 length E – C is shown included within hereditaments and there is no corresponding entry for a deduction for public rights of way given in the associated field book.

#### 2. Non-Ordnance Survey Commercial Mapping

The length E – D is shown in part on two Non-Ordnance Survey Commercial maps. On Baugh's map part of length C – D is shown on the map and described under the heading "By-roads" in the map key. On Greenwood's map part of length C – D and part of length C – E are shown on the map and described under the heading "Cross Roads" in the map key. For the purposes of 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, but is not taken in itself to provide evidence of the class of these rights above that of a bridleway. There is no evidence for length A – C on either of the Non-Ordnance Survey Commercial maps.

#### 3. Ordnance Survey Records

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

Part of lengths A – C and E – D are shown on the Ordnance Survey Surveyor's Drawing as physical feature only.

b) Ordnance Survey 1" Old Series

The Ordnance Survey 1" Old Series map demonstrates evidence for part of length A – C and all of length E – D as physical features only.

c) Ordnance Survey 25" 1st Edition

The entire length of the case file route is shown on the Ordnance Survey 25" 1st Edition map. Part of lengths A – C and E – D are shown specifically numbered on the map but there is no evidence in the associated book of reference.

d) Ordnance Survey 25" 2nd Edition

The entire length of the case file route is shown on the Ordnance Survey 25" 2nd Edition map. The route is shown un-named therefore the object name book has not been examined. Part of length E – D is shown annotated on the map with "F.P."

e) Ordnance Survey 1" Revised New Series

The Ordnance Survey 1" Revised New Series map demonstrates evidence for the route. Part of length A – C is shown on the map and described under the headings "Unmetalled Roads" and "Footpaths" in the map key. Length E – C is shown on the map and described under the headings "3<sup>rd</sup> class metalled roads" and "Footpaths" in the map key. Length C – D is shown on the map and described under the heading "3<sup>rd</sup> class metalled roads" in the map key. 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 a public vehicular right of way existed over parts of length E – C and all of length C - D of the route at the time of the survey. The length A – C is not shown in this way and it is considered therefore that a public vehicular right of way cannot be shown to have existed over this length of the route at that time.

**Alignment of the case file route:**

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

**Evidence of Width:**

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

**Contradictory evidence:**

No contradictory evidence was found for the route.

**Outcome of the evaluation:**

Case file SH/157/001 was included in the research scope by the Discovering Lost Ways Project as Shropshire County Council suggested that there may be evidence of higher un-recorded rights over existing public footpaths, 0225/15Y-0/FP & 0225/15-0/FP and public bridleways 0225/15-1/BW, 0225/15-2/BW currently shown on the definitive map and statement.

The route has been divided in two distinct sections for evaluation purposes, A – C and E – D as shown on the Case File Route Map.

From the documents examined it is possible to establish that length A – C is shown on the Finance Act Survey map included within hereditaments. There is no corresponding entry for a deduction for public rights of way given in the associated field book. There is no evidence for length A – C on either of the Non-Ordnance Survey Commercial maps.

The Ordnance Survey 1" Revised New Series map demonstrates evidence for the route. Part of length A – C is shown on the map and described under the headings "Unmetalled Roads" and "Footpaths" in the map key. 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. The length A – C is not shown in this way and it is considered therefore that a public vehicular right of way cannot be shown to have existed over this length of the route at that time.

There is no evidence to suggest that length A – C is under-recorded therefore this length has been categorised as "insufficient evidence for further action".

From the documents examined it is possible to establish that length E - D is shown on the Finance Act Survey map. The length E – D is shown part excluded from hereditaments (C – D). This suggests that length C - D 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 length E – C is shown included within hereditaments and there is no corresponding entry for a deduction for

public rights of way given in the associated field book. The length E – D is shown in part on two Non-Ordnance Survey Commercial maps. On Baugh’s map part of length C – D is shown on the map and described under the heading “By-roads” in the map key. On Greenwood’s map part of length C – D and part of length C – E are shown on the map and described under the heading “Cross Roads” in the map key. For the purposes of 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, but is not taken in itself to provide evidence of the class of these rights above that of a bridleway.

The Ordnance Survey 1" Revised New Series map demonstrates evidence for the route. Length E – C is shown on the map and described under the headings “3<sup>rd</sup> class metalled roads” and “Footpaths” in the map key. Length C – D is shown on the map and described under the heading “3<sup>rd</sup> class metalled roads” in the map key. 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 a public vehicular right of way existed over parts of length E – C and all of length C - D of the route at the time of the survey.

Although the evidence for part of the length E – D meets the standards set out in Section 53 of the Wildlife & Countryside Act, 1981, the case as a whole has been categorised as “tentative”. It is considered that evidence for the whole route would be needed before a definitive map modification order could be made to record public carriageway rights on the definitive map.

## 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 3.2: Tithe Survey 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 4.0: Combining & Evaluating Evidence

## **Appendix B - Acknowledgements**

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