
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 a bridleway the footpaths known as 0231/3/1 in Wem Urban Parish and part of 0230/UN1/2 in Wem Rural Parish,
running from Point A1 (OSGR SJ 5222 2865) to Point C1 (OSGR SJ 5231 2847) 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/ 184.002 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 Surveyors Drawings, SHR 320 (E), entitled "PART of SHROPSHIRE", 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 30/29/334, entitled "PLAN OF THE TOWNSHIP OF ASTON IN THE PARISH OF WEM IN THE COUNTY OF SALOP", dated 1842
- Tithe Map, TNA IR 30/29/34, entitled "No 3 MAP OF THE TOWNSHIP OF WEM IN THE PARISH OF WEM IN THE COUNTY OF SALOP", dated 1844
- Ordnance Survey 25" 1st Edition, BL Vol 689 (27), entitled "Shropshire (Northern Division) Sheet XXI.4 - Wem, Moreton Corbett and Lee Brockhurst Parishes", dated 1880
- Ordnance Survey 25" 2nd Edition, BL 1601 (4), entitled "SECOND EDITION 1902 SHROPSHIRE SHEET XXI.3", dated 1900
- Finance Act Survey Map, TNA IR 132/4/210, entitled "Shropshire Sheet XXI.4 - Second Edition 1901", dated 1909/1910

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

Signed: .



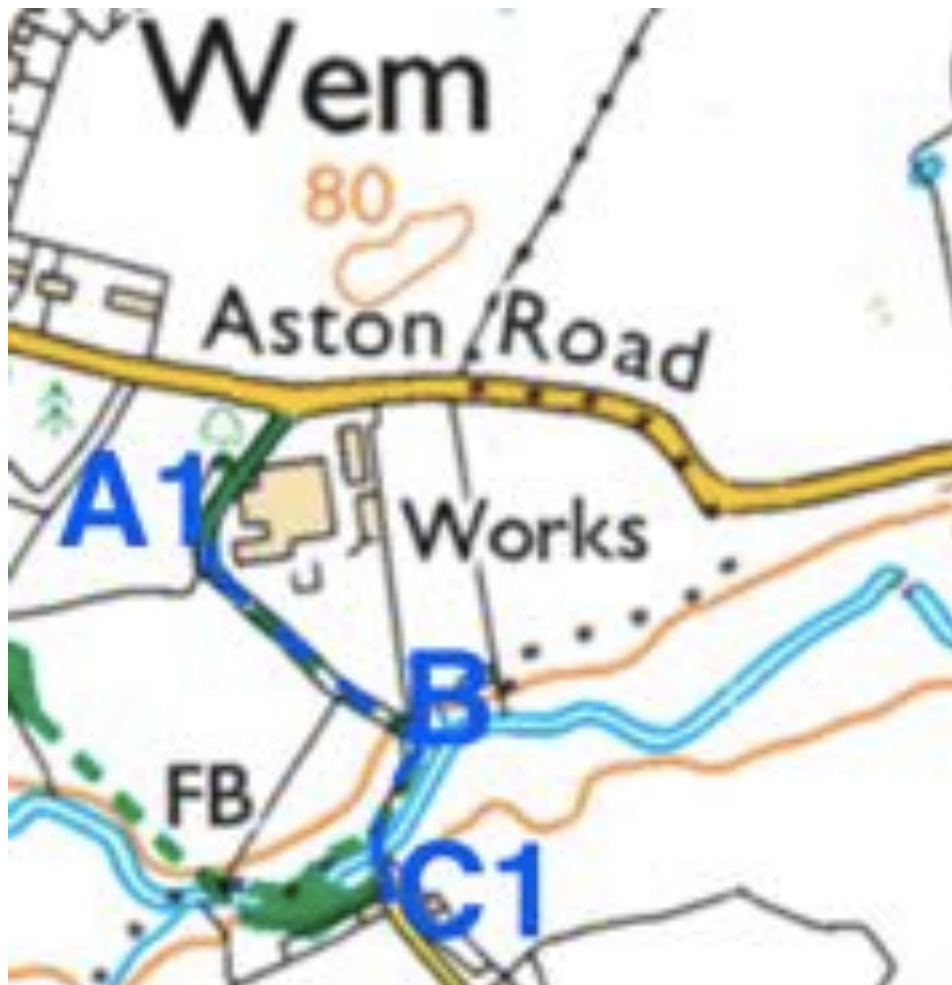
Date: 10/03/2021

Wildlife and Countryside Act 1981

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

For a route off Aston Road in the Parish of Wem Urban to Wier Lane in the Parish of Wem Rural, Shropshire to be shown as a Public Bridleway

Applicant's Reference: DLW SH/184/002



10/03/2021

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/184/002
Name	Un-named
Historic County	Shropshire
Sub-Unit	Shropshire Sub-unit 1
Parish(es)	Wem Urban
Surveying Authority	Shropshire County Council
Definitive Map Ref. No.	0231/3-0/RUPP and U231/3-0/FP
Other Designation(s) Ref. No.	None
Route Length	348 metres
OS 1:10,000 Sheet(s)	SJ52NW
Grid Ref (start)	SJ5225 2872
Grid Ref (end)	SJ5231 2846
ARU ASSESSMENT OUTCOME	
Status/Class	Public carriageway
Strength	Strong
Comment	Shown uncoloured and excluded in the hereditaments in the Finance Act Survey Map and described as a 3rd class metalled road on 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	6
3. Location Plan	7
4. Current Definitive Paths	8
5. Case File Route Map	9
6. Details of Documentary Evidence	10
7. Interpretation of Evidence from Individual Records	20
8. Overall Evaluation of Evidence	27
Appendix A - Methodological Statement	30
Appendix B - Acknowledgements	31

1. Summary of Findings

Case file SH/184/002 was included in the research scope by the Discovering Lost Ways as Shropshire County Council suggested that there may be evidence of higher rights over an existing public footpath.

From the documents examined it is possible to establish that the case file route is shown on the Finance Act Survey map 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. The route is shown on two Non-Ordnance Survey Commercial maps. On Greenwood's map the route is described in the map key under the heading "Cross Roads". 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. Baugh's map describes the route under the heading "By-roads" in the map key.

The Ordnance Survey 1" Revised New Series map demonstrates evidence for the route. The route is shown on the map and is described in the map key under the heading "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 and 3rd class metalled roads on OS 1" New Series maps will be taken as evidence of public vehicular rights. The route is also shown on the Ordnance Survey 25" 1st & 2nd Edition maps as a ford in the river, which is suggestive of bridleway or carriageway rights. It is considered therefore that a public vehicular right of way existed over the route at the time of the survey.

The evidence found 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 to record the existence of carriageway rights over the length currently shown on the Definitive Map as a public footpath.

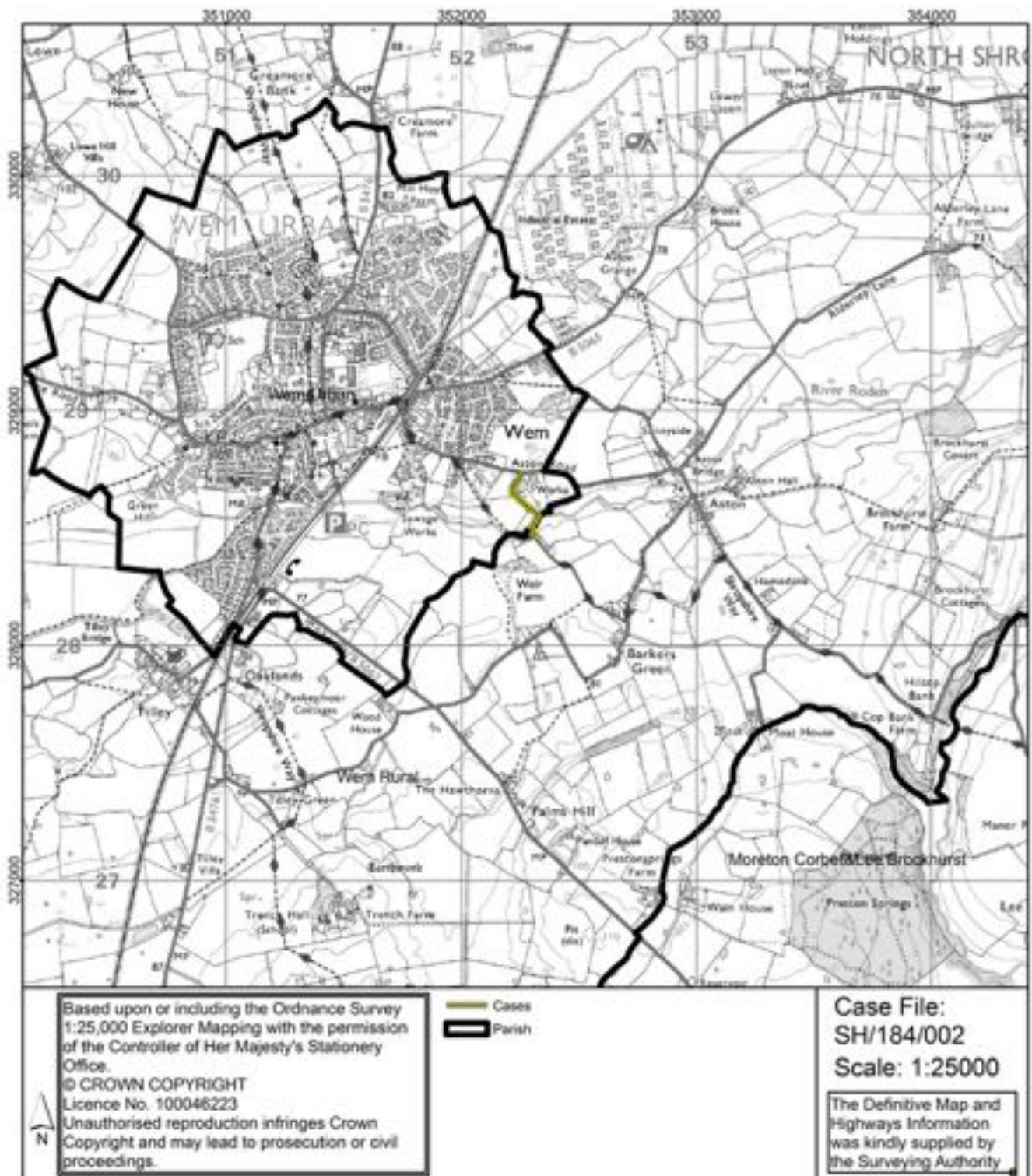
2. Description of Route

The route begins on 0231/3-0/RUPP (the reference given on Shropshire County Council's definitive map and statement) at coordinate SJ5225 2872 (point A on the Case File Route Map). The route then heads along 0231/3-0/RUPP (the reference given on Shropshire County Council's definitive map and statement), then 0231/3-0/FP in a southerly direction to coordinate SJ5233 2855 (point B on the Case File Route Map). The route then heads along 0231/3-0/FP (the reference given on Shropshire County Council's definitive map and statement) in a southerly direction to the Wem Urban/Wem Rural parish boundary. The route then heads in a south westerly direction to the junction with Weir Lane (which has been given the reference U2419/10 on Shropshire County Council's List of Streets) at coordinate SJ5231 2846, where this route terminates (point C on the Case File Route Map).

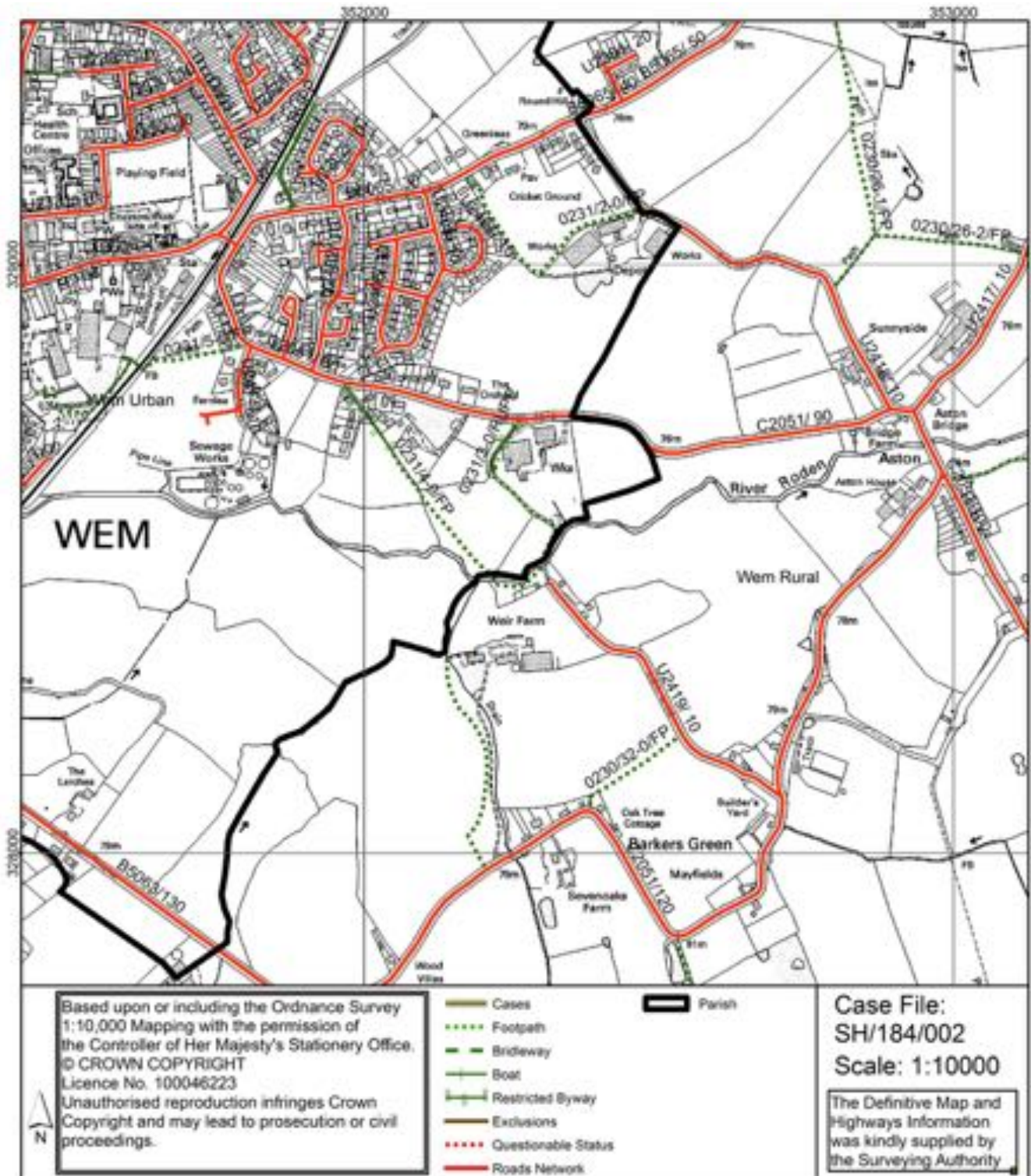
The route has a length of 348 metres.

During the research process, the whole of the case file reference number SH/184/002 was identified with the case route number T000789. 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).

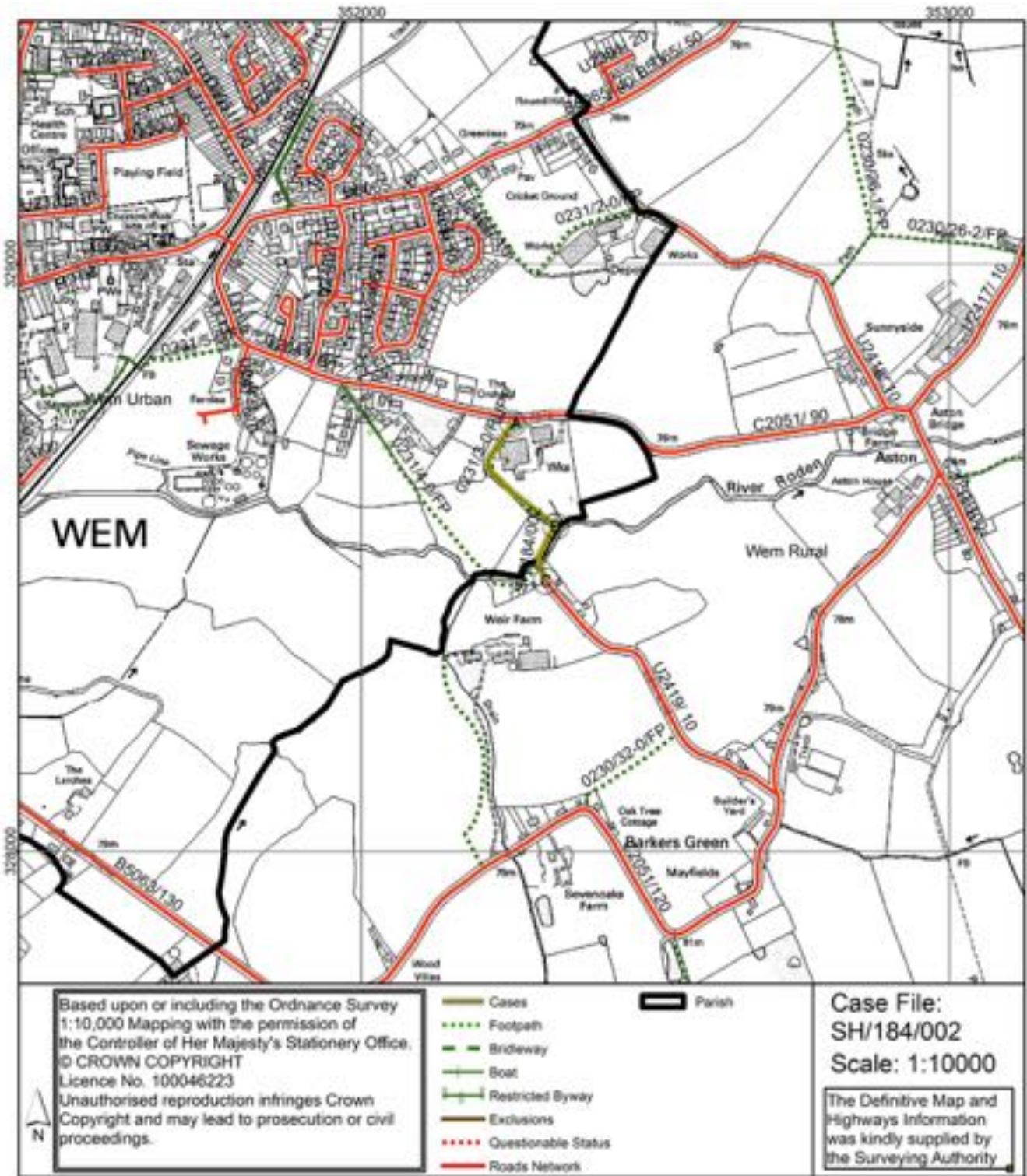
3. Location Plan



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/184/002 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. 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 T000789. The route is observed to commence to the east of "Wem" on the map. The route is described in a manner which fails to confer any indication of status, i.e. as a "By-road" in the map key. The route is depicted as consisting of two parallel solid black lines. The route is observed to terminate north of the second "e" in "Lee Brockhurst" on the map.



2. 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 all of route T000789. The route is observed to commence at a junction with another route south of the letter "M" of the label "WEM" on the map. The route is shown on map and described in the key 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 north of the third letter "r" of the label "Barkers Green" on the map.



3. Ordnance Survey Surveyors Drawings, SHR 320 (E), entitled "PART of SHROPSHIRE", dated 1827, demonstrates evidence for all of route T000789. The route is observed to commence east of "Wem" 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 un-named on the Ordnance Surveyor's Drawing. The route is observed to terminate south east of the commencement point on the map.



4. 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 T000789. The route is observed to commence at the junction with another route south east of the letter "M" of the label "WEM" 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 east of the first letter "e" of the label "The Weir" on the map.



5. Tithe Apportionment, TNA IR 29/29/334, entitled "APPORTIONMENT of the RENT-CHARGE in lieu of TITHES in the Parish of Wem in the County of Salop", dated 1841, covers the area but demonstrates no evidence for case SH/184/002.

6. Tithe Map, TNA IR 30/29/334, entitled "PLAN OF THE TOWNSHIP OF ASTON IN THE PARISH OF WEM IN THE COUNTY OF SALOP", dated 1842, demonstrates evidence for part of route T000789. The route is observed to commence at a junction with another route at the north west corner of parcel "1244" on the map. The route is shown but is un-numbered and not within a numbered parcel and is depicted as consisting of two parallel solid black lines. From the south west corner of parcel "1243" the route is no longer shown, until it recommences at the north west corner of parcel "1241". The route is observed to terminate at the north east corner of parcel "1234" on the map.

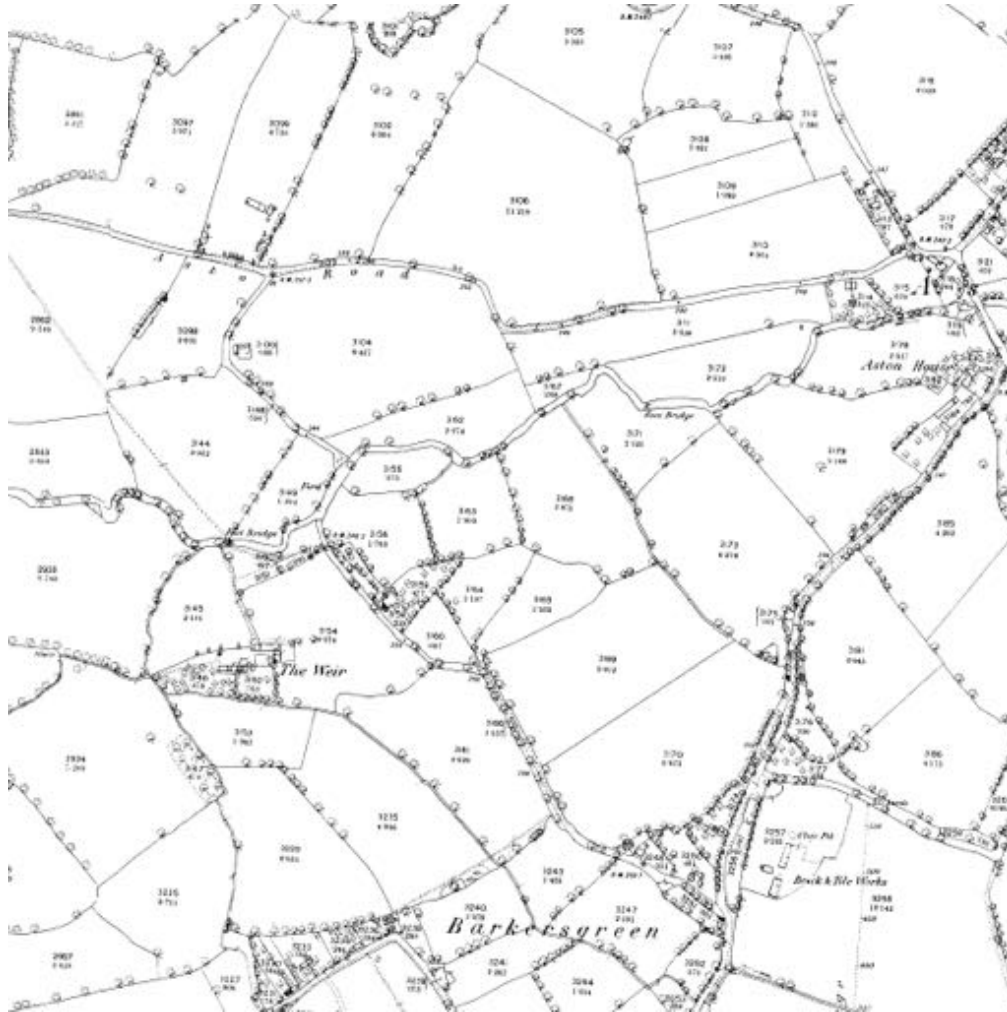


7. Tithe Map, TNA IR 30/29/34, entitled "No 3 MAP OF THE TOWNSHIP OF WEM IN THE PARISH OF WEM IN THE COUNTY OF SALOP", dated 1844,

demonstrates evidence for part of route T000789. The route is observed to commence at the north east corner of parcel "648" on the map. The route is shown but is un-numbered and not within a numbered parcel and is depicted as consisting of two parallel solid black lines (in-filled). From the north east corner of parcel number "650" the route is no longer shown on the map until it re-commences at the north east corner of parcel "651" on the map. The route is labelled on the map as a through-route, "To Barkers Green". The route is observed to terminate at the south east corner of parcel "651" on the map.



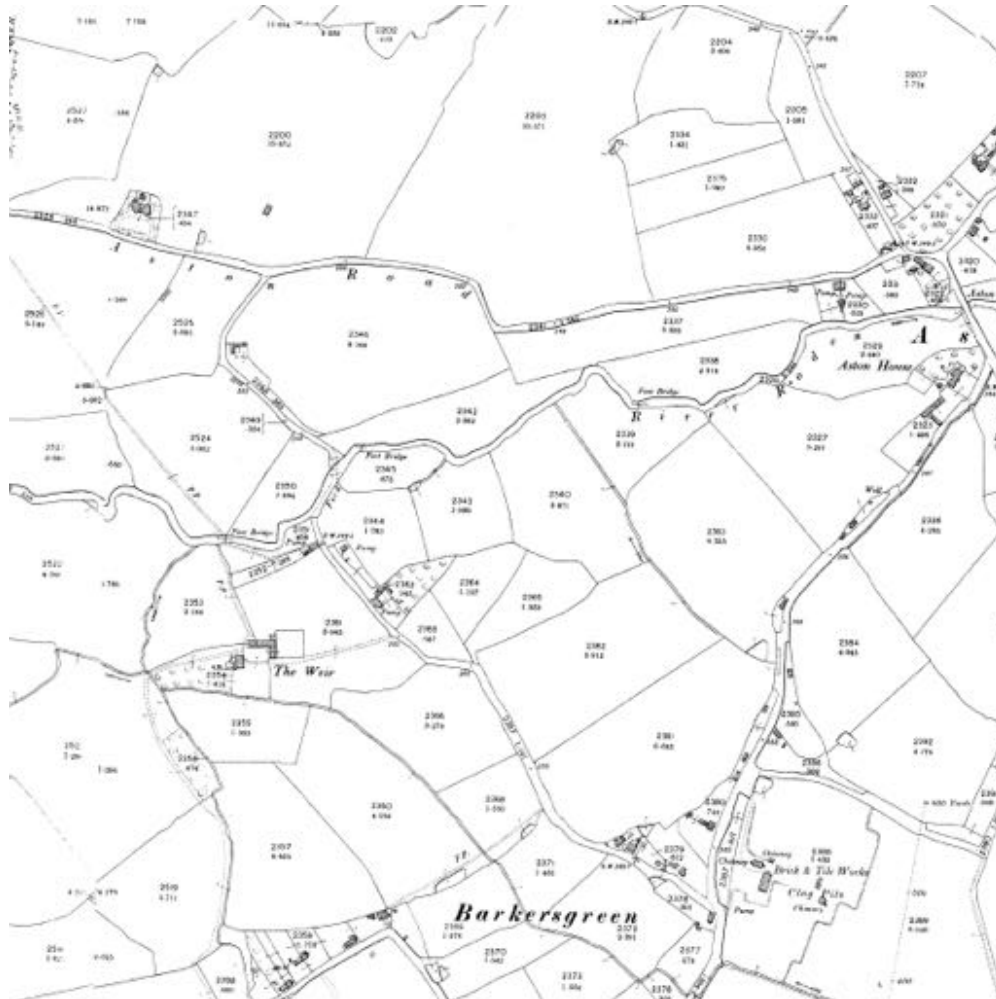
8. Ordnance Survey 25" 1st Edition, BL Vol 689 (27), entitled "Shropshire (Northern Division) Sheet XXI.4 - Wem, Moreton Corbett and Lee Brockhurst Parishes", dated 1880, demonstrates evidence for all of route T000789. The route is observed to commence at the north east corner of parcel "3098" on the map. The route is shown specifically numbered on the map as "3148" and is depicted as consisting of two parallel solid black lines. The route is shown on the map as a "Ford" in the "River Roden". The route is observed to terminate north east corner of parcel "3154" on the map.



9. Ordnance Survey 25" 1st Edition Book of Reference, BL Area book/Wem, entitled "Book of Reference to the Plan of the Parish of Wem, Shropshire-(Northern Division)", dated 1881, covers the area but demonstrates no evidence for case SH/184/002.

10. Ordnance Survey 25" 2nd Edition, BL 1601 (4), entitled "SECOND EDITION 1902 SHROPSHIRE SHEET XXI.3", dated 1900, demonstrates evidence for all of route T000789. The route is observed to commence at the north east corner of parcel "2525" 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 change physical characteristics at the north east corner of parcel number "2350" on the map. From here the route is depicted as consisting of two parallel dashed black lines. The route is shown on the map as "Ford" in the "River Roden". The route is observed to change physical characteristics at the south west corner of parcel "2345" on the map. From here the route is depicted as

consisting of one bold and one dashed parallel black line. The route is observed to change physical characteristics at the north east corner of parcel "2351" 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 "2361" on the map.



11. Ordnance Survey 1" New Series, BL Maps 1175 (134.) sheet 138, entitled "OS of England WEM", dated 1902, demonstrates evidence for all of route T000789. The route is observed to commence east of the "M" of "WEM" 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 shown on the map but is un-named. The route is observed to terminate north of the "Ford" on the map.

12. Finance Act Survey Map, TNA IR 132/4/210, entitled "Shropshire Sheet XXI.4 - Second Edition 1901", dated 1909/1910, demonstrates evidence for all of route T000789. The route is observed to commence at the north east corner of

parcel "2525" on the map. The route is shown uncoloured and excluded from hereditaments. The route is observed to terminate at the north east corner of parcel "2361" 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
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	1808	6.1	NOS10	Route shown on map fits generic description of non-status specific routes as described in legend

		BAUGH				
Non-OS Commercial Mapping	B(ii)	SHR Map GREENWOODS 1827 - 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....	1827	6.2	NOS15	Shown on map as Driving Road or Crossroad
Ordnance Survey Records Surveyors Drawings	C	SHR 320 (E) - PART of SHROPSHIRE	1827	6.3	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
Ordnance Survey Records 1" Old Series	C	SHR Ordnance Survey Old Series 1": 1mile - Folder 1 1833 - 1835	1833 - 1835	6.4	OSM5	Route shown on OS 1" Old Series map
Tithe Survey Records	B(ii) part	TNA Map IR/30/29/334 - PLAN OF THE TOWNSHIP OF ASTON IN THE PARISH OF WEM IN THE COUNTY OF SALOP	1842	6.6	TM3	Route shown on map not numbered specifically or within numbered parcel
						Route shown on map and described as a through-route

Tithe Survey Records	C	SHR Map IR/30/29/34 - No 3 MAP OF THE TOWNSHIP OF WEM IN THE PARISH OF WEM IN THE COUNTY OF SALOP	1844	6.7	TM3	Route shown on map not numbered specifically or within numbered parcel
Ordnance Survey Records 25" 1st Edition	C	BL Vol 689 (27) - Shropshire (Northern Division) Sheet XXI.4 - Wem, Moreton Corbett and Lee Brockhurst Parishes	1880	6.8	OSM23	Route specifically numbered on plan
Ordnance Survey Records 25" 2nd Edition	C	BL 1601 (4) - SECOND EDITION 1902 SHROPSHIRE SHEET XXI. 3.	1900	6.10	OSM12	Route Shown on OS 2nd Edition 25" Map
Ordnance Survey Records 1" New Series	B(ii)	BL Maps 1175 (134.) sheet 138 - OS of England WEM	1902	6.11	OSM26	Route described as '3rd class metalled road' on key or Characteristics Sheet
					OSM20	Route unnamed on map
Finance Act Survey Records	B(i)	TNA Map IR 132/4/210 - Shropshire Sheet XXI.4 - Second Edition 1901	1909/1910	6.12	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
Non-Ordnance	SHR Map R BAUGH	1808	Unspecified	

Survey Commercial Mapping	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			
Non-Ordnance Survey Commercial Mapping	SHR Map GREENWOODS 1827 - 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....	1827	RC14	Unspecified
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/30/29/334 - PLAN OF THE TOWNSHIP OF ASTON IN THE PARISH OF WEM IN THE COUNTY OF SALOP	1842	Unspecified	
Tithe Survey Records	TNA Map IR/30/29/34 - No 3 MAP OF THE TOWNSHIP OF WEM IN THE PARISH OF WEM IN THE COUNTY OF SALOP	1844	RC14	Unspecified
Ordnance Survey Records 25" 1st Edition	BL Vol 689 (27) - Shropshire (Northern Division) Sheet XXI.4 - Wem, Moreton Corbett and Lee Brockhurst Parishes	1880	RC14	Unspecified
Ordnance Survey Records 25" 2nd Edition	BL 1601 (4) - SECOND EDITION 1902 SHROPSHIRE SHEET XXI. 3.	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 IR 132/4/210 - Shropshire Sheet XXI.4 - Second Edition 1901	1909/1910	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
Non-Ordnance Survey 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-Ordnance Survey Commercial Mapping	SHR Map GREENWOODS 1827 - 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....	1827	PA1	two parallel solid black lines
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/30/29/334 - PLAN OF THE	1842	PA1	two parallel solid black lines

	TOWNSHIP OF ASTON IN THE PARISH OF WEM IN THE COUNTY OF SALOP			
Tithe Survey Records	TNA Map IR/30/29/34 - No 3 MAP OF THE TOWNSHIP OF WEM IN THE PARISH OF WEM IN THE COUNTY OF SALOP	1844	PA3	two parallel solid black lines (in-filled)
Ordnance Survey Records 25" 1st Edition	BL Vol 689 (27) - Shropshire (Northern Division) Sheet XXI.4 - Wem, Moreton Corbett and Lee Brockhurst Parishes	1880	PA3	two parallel solid black lines (in-filled)
Ordnance Survey Records 25" 2nd Edition	BL 1601 (4) - SECOND EDITION 1902 SHROPSHIRE SHEET XXI. 3.	1900	PA1	two parallel solid black lines
			PA2	two parallel dashed black lines
			PA12	one bold and one fine dashed parallel black lines
			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).

There is no evidence to support a 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

Two Tithe Survey maps demonstrate evidence for the route. The route is shown un-numbered and not within a numbered parcel therefore there is no evidence for the route in the associated apportionment. On Tithe Survey map IR 30/29/34 the route is shown as a through-route and labelled as "To Barkers Green".

2. Finance Act Survey Records

The Finance Act Survey map demonstrates evidence for the route. The route is shown 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.

3. Non-Ordnance Survey Commercial Mapping

The route is shown on two Non-Ordnance Survey Commercial maps. Greenwood's map shows the described in the map key under the heading "Cross Roads". 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. Baugh's map describes the route under the heading "By-roads" in the map key.

4. 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 Ordnance Survey 25" 1st Edition map demonstrates evidence for the route. The route is specifically numbered but there is no evidence for the route in the associated book of reference. The route is shown on the map as a ford in the river, which is suggestive of bridleway or carriageway rights.

d) Ordnance Survey 25" 2nd Edition

The Ordnance Survey 25" 2nd Edition demonstrates evidence for the route. The route is shown on the map un-named therefore the object name book has not been examined. The route is shown on the map as a ford in the river, which is suggestive of bridleway or carriageway rights.

e) Ordnance Survey 1" Revised New Series

The Ordnance Survey 1" Revised New Series map demonstrates evidence for the route. The route is shown on the map and is described in the key under the heading "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 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 the route at the time of the survey.

Alignment of the case file route:

From the analysis of the Greenwood's map and modern Ordnance Survey maps the route does not appear to have changed alignment.

Evidence of Width:

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

Contradictory evidence:

No contradictory evidence was found for the route.

Outcome of the evaluation:

Case file SH/184/002 was included in the research scope by the Discovering Lost Ways as Shropshire County Council suggested that there may be evidence of higher rights over an existing public footpath.

From the documents examined it is possible to establish that the case file route is shown on the Finance Act Survey map 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. The route is shown on two Non-Ordnance Survey Commercial maps. On Greenwood's map the route is described in the map key under the heading "Cross Roads". 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. Baugh's map describes the route under the heading "By-roads" in the map key.

The Ordnance Survey 1" Revised New Series map demonstrates evidence for the route. The route is shown on the map and is described in the map key under the heading "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 and 3rd class metalled roads on OS 1" New Series maps will be taken as evidence of public vehicular rights. The route is also shown on the Ordnance Survey 25" 1st & 2nd Edition maps as a ford in the river, which is suggestive of bridleway or carriageway rights. It is considered therefore that a public vehicular right of way existed over the route at the time of the survey.

The evidence found 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 length currently shown on the Definitive Map as a public footpath.

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 3.8: Non-OS Commercial Mapping
Discovering Lost Ways Research Standard 4.0: Combining & Evaluating Evidence

Appendix B - Acknowledgements

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