
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:-

- (a) **Adding** the *bridleway* which runs from: Point A (OSGR SJ4951 3417) to Point C (OSGR SJ4962 3415) and from Point D (OSGR SJ4971 3412) to point B (OSGR SJ5012 3406)
- and**
- (b) **Upgrading** to a *bridleway* the footpath which runs from: Point C (OSGR SJ4962 3415) to Point D (OSGR SJ4971 3412)

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/195/019 BHS which contains copies of the following documents or extracts thereof:**
- Canal Plan, SHR DP 295a, entitled "PLAN of the intended WHITCHURCH and Prees Branches", dated 1795
- Canal Plan, SHR 295b, entitled "Plan of the Deviation of the Whitchurch Line of the Ellesmere Canal", dated 1796
- 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 30/29/347, entitled "PLAN of the Township of WHIXALL in the Parish of Prees in the County of SALOP", dated 1847
- Ordnance Survey 25" 1st Edition, BL Vol 687 (18), entitled "Shropshire (Northern Division) Sheet XIV.2 - Wem Parish & Prees Parish (Detached)", dated 1880
- Ordnance Survey 25" 1st Edition, BL Vol 687 (19), entitled "Shropshire (Northern Division) Sheet XIV.3 - Wem Parish & Prees (Det)", dated 1880
- Ordnance Survey 25" 2nd Edition, BL 1599(18), entitled "SECOND EDITION SHROPSHIRE SHEET XIV. 2", dated 1899
- Ordnance Survey 25" 2nd Edition, BL 1599 (19), entitled "SECOND EDITION 1901 SHROPSHIRE SHEET XIV. 3", dated 1899
- Ordnance Survey 25" 2nd Edition ONB, TNA OS35/5957, entitled "Name Book Sheet 14NW - plans 1, 2, 5, 6", dated 1899
- Ordnance Survey 1" New Series, BL Maps 1175 (134.) sheet 138, entitled "OS of England WEM", dated 1902

- Finance Act Survey Map, TNA IR 132/4/119, entitled "Shropshire Sheet XIV.2, Flintshire Sheet XXVI.14 (part of) - Second Edition 1901", dated 1909/1910
- Finance Act Survey Map, TNA IR 132/4/120, entitled "Shropshire Sheet XIV.3 - Second Edition 1901", dated 1909/1910
- Estate Map, SHR D3651/E/1/3/3/26, entitled "WHIXALL ESTATE. AS ALLOTTED FOR SALE."

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

Signed:

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a series of horizontal strokes.

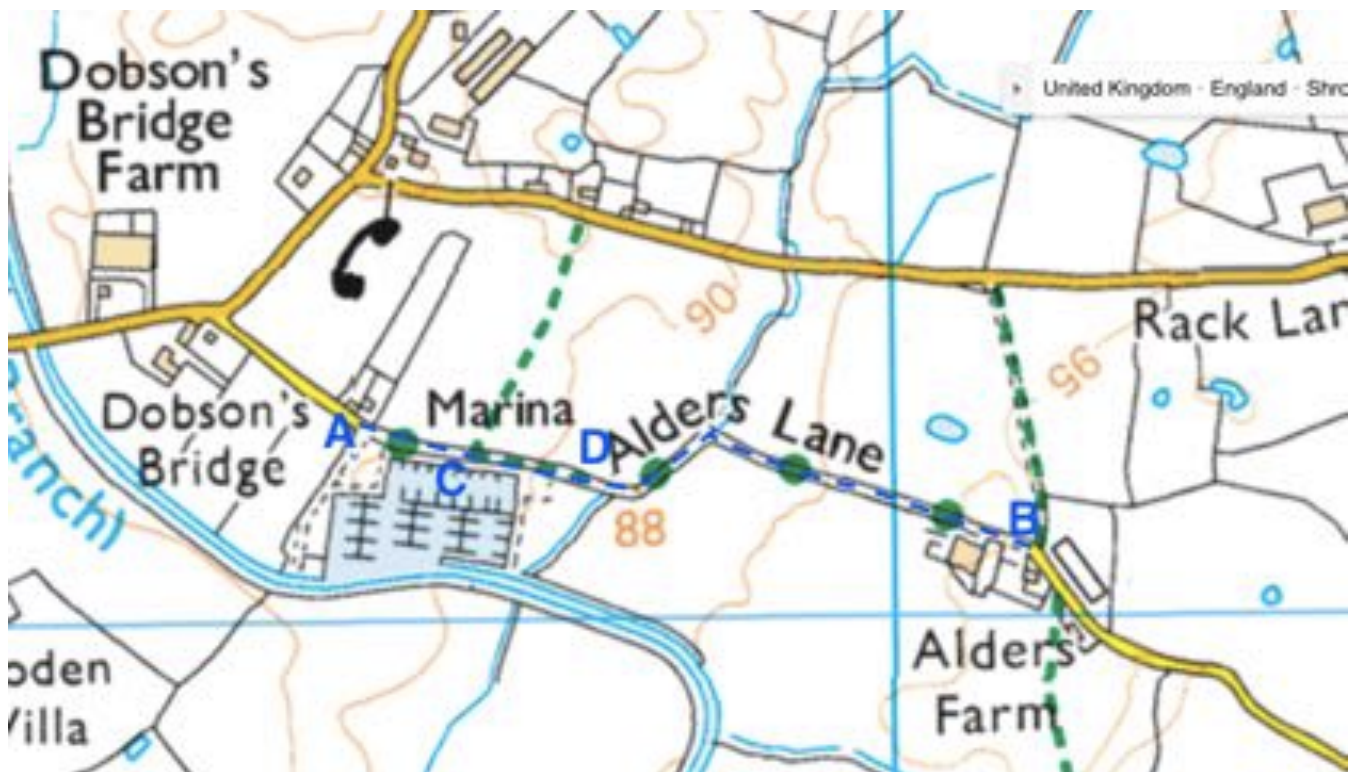
Date: 23/09/2020

Wildlife and Countryside Act 1981

Map to Accompany Definitive Map Modification Order Application

For a route at Alders Lane in the Parish of Whixall, Shropshire to be shown as a
Public Bridleway

Applicant's Reference: DLW SH/95/019



23 / 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**

Case File Ref. No.	SH/195/019
Name	Alders Lane
Historic County	Shropshire
Sub-Unit	Shropshire Sub-unit 1
Parish(es)	Whixall
Surveying Authority	Shropshire County Council
Definitive Map Ref. No.	None
Other Designation(s) Ref. No.	List of Streets (U1525/16).
Route Length	651 metres
OS 1:10,000 Sheet(s)	SJ43SE, SJ53SW
Grid Ref (start)	SJ4951 3417
Grid Ref (end)	SJ5012 3406
ARU ASSESSMENT OUTCOME	
Status/Class	Public carriageway
Strength	Strong
Comment	Shown excluded in the hereditaments on the Finance Act map, and Described 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	6
2. Description of Route	8
3. Location Plan	9
4. Current Definitive Paths	10
5. Case File Route Map	11
6. Details of Documentary Evidence	12
7. Interpretation of Evidence from Individual Records	28
8. Overall Evaluation of Evidence	36
Appendix A - Methodological Statement	40
Appendix B - Acknowledgements	41

1. Summary of Findings

Case SH/195/019 was included in the research scope by the Discovering of Lost Ways Project as the route is shown on the Ordnance Survey Explorer Mapping as an "Other Route with Public Access". The route is not currently recorded on the Definitive Map and Statement, but is adopted by Shropshire County Council and recorded on the List of Streets (with reference U1525/16) and forms part of public footpath 0235/48-0/FP (the reference given on Shropshire County Council's definitive map and statement).

From the documents examined it is possible to establish that the case file route is shown on the Finance Act Survey map 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 Non-OS Commercial map describes the route under the heading "Cross Roads" in the map. 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. The Ordnance survey records support the physical presence of the route. The Ordnance Survey 25" 2nd Edition demonstrates evidence for the route over two sheets. The route is shown on the map named as "Alders Lane". The associated object name book describes the route as a "thoroughfare". The route has the start and / or the end points of the route referred to, in this case as "a thoroughfare extending from near Dobhams Bridge to junction of roads half a mile NE of Whixall Hall". The authority for the name of the road is the owner / occupier of the local farm, therefore for a landowner to describe a route as a thoroughfare could be taken as the implication of public status over the route.

The Ordnance Survey 1" Revised New Series map demonstrates evidence for the route. The route is shown on the map 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" Revised 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. The class of public carriageway is therefore considered to be appropriate.

The evidence found 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 therefore been categorised as “Strong”, supporting the making of a definitive map modification order application to add the route to the definitive map.

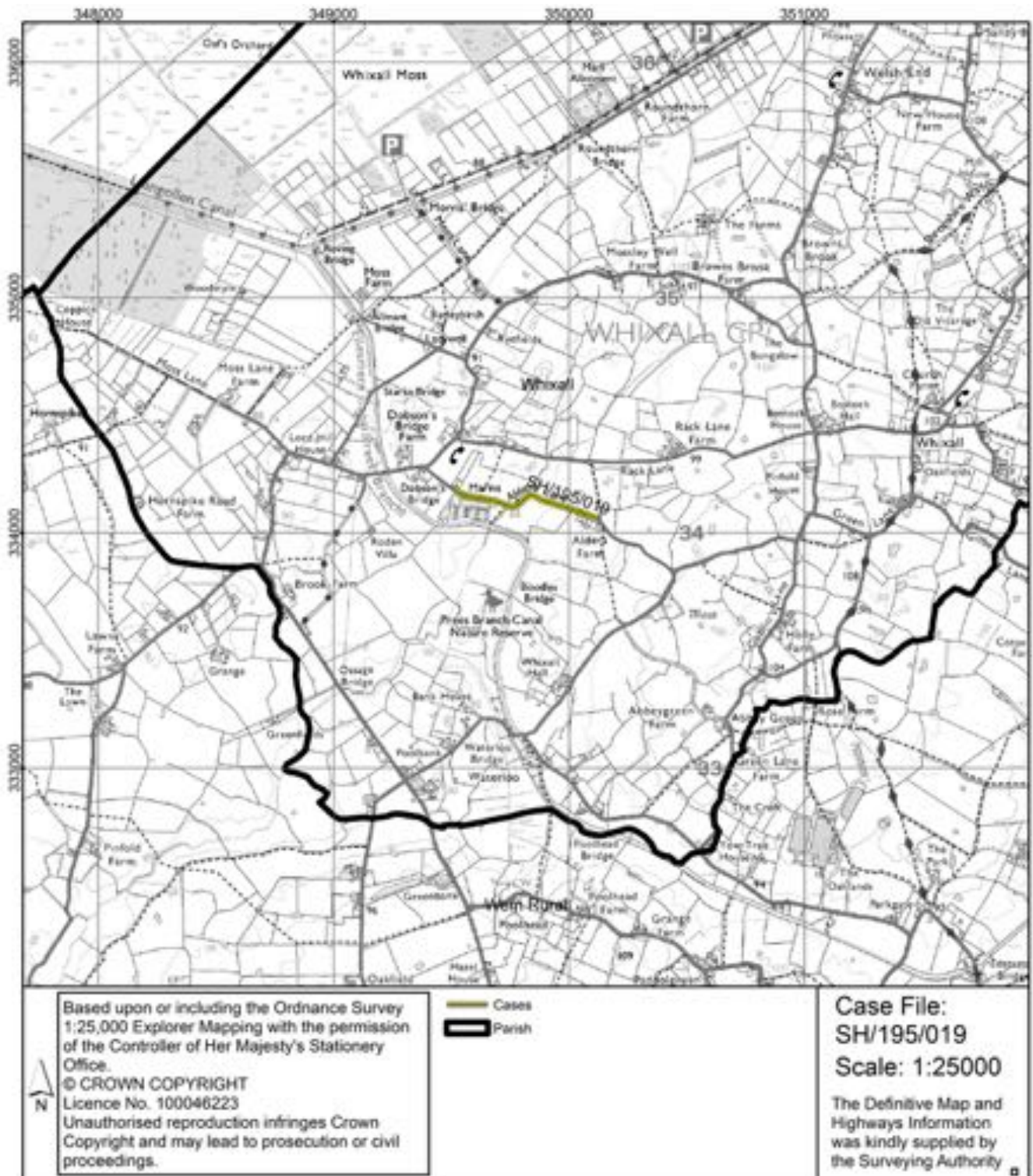
2. Description of Route

The route begins on Alders Lane (which has been given the reference U1525/10 on Shropshire County Council's List of Streets) at coordinate SJ4951 3417 (point A on the Case File Route Map). The route then heads in an easterly direction, to where it terminates on Alders Lane (which has been given the reference U1525/10 on Shropshire County Council's List of Streets) at coordinate SJ5012 3406 (point B on the Case File Route Map).

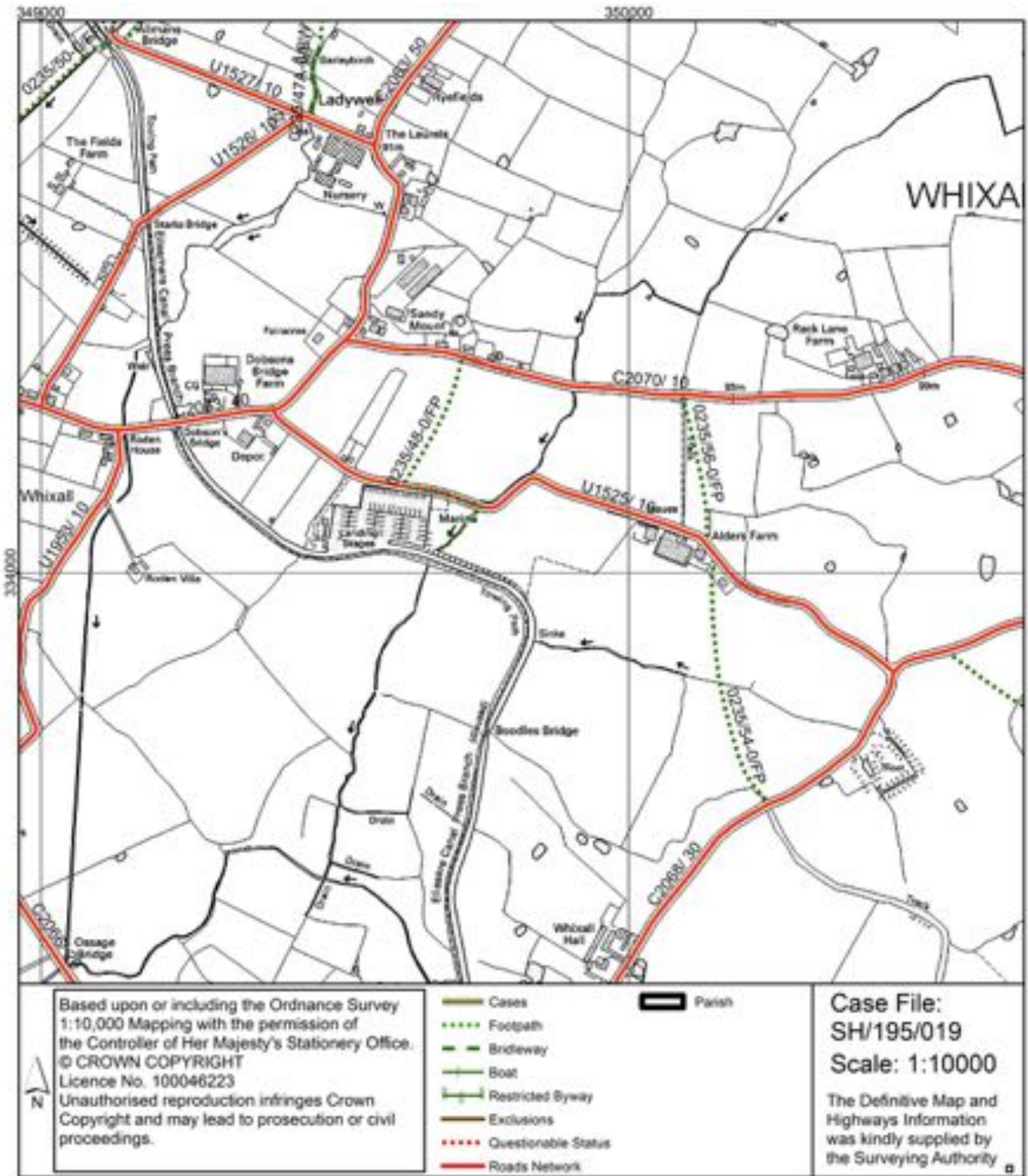
The route has a length of 651 metres.

During the research process, the whole of the case file reference number SH/195/019 was identified with the case route number T000692. Both references are used in section 6 of this report. Where supporting evidence or conflicting evidence is being described, the case route number is used (in bold). Where there is no evidence, the case file reference number is used (plain text).

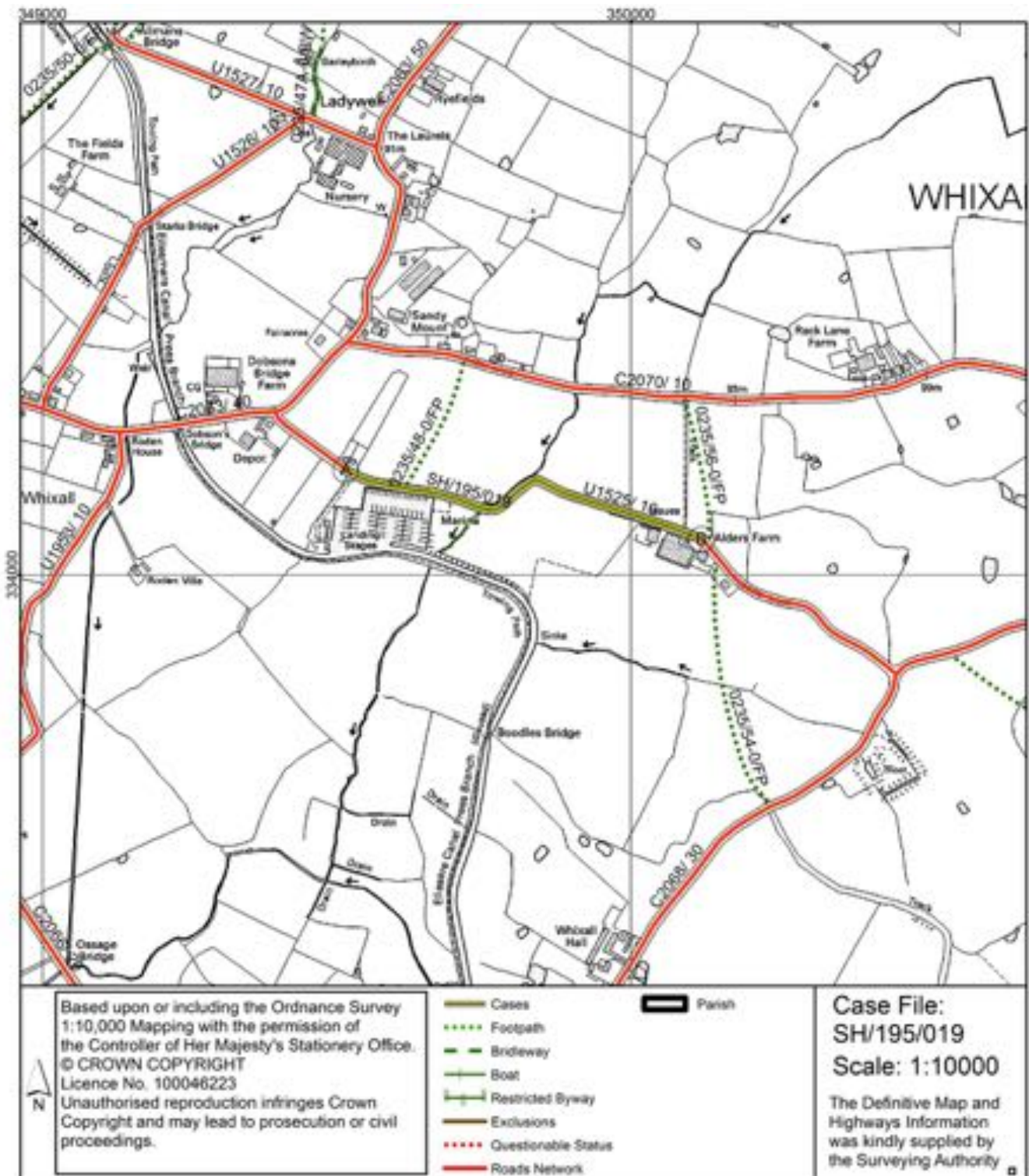
3. Location Plan



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/195/019 are shown in **bold**. This information is arranged in a standard format as follows:

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

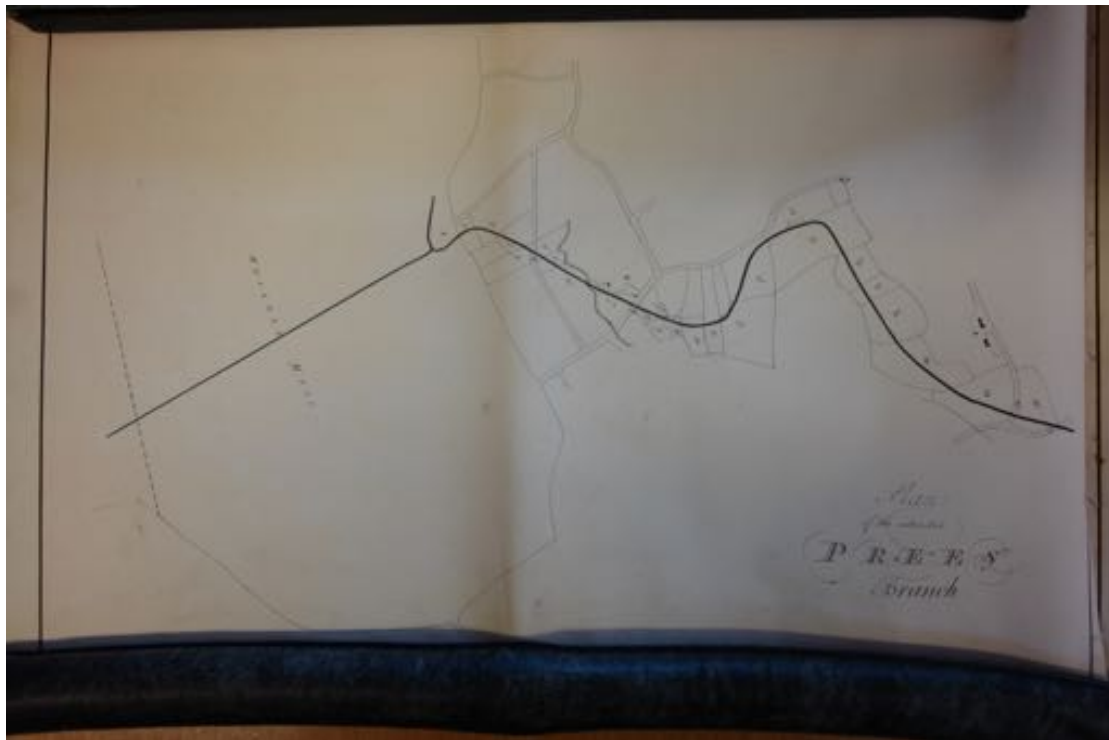
Where a document was researched at the British Library (with an archive reference code BL) no digital image was captured.

The Ordnance Survey 25" 1st and 2nd Edition image tiles (© And database right "Crown copyright and Landmark Information Group Ltd" all rights reserved 2007) included within each case file may not, on occasions, exactly reflect the original versions that have been used for research purposes. The original maps held at the British Library may not always be identical in extent and content to the image tiles

provided by Landmark. The image tiles can therefore only be used as a guide as to what the original document held at the British Library depicted. If the reader of the case files wishes to qualify any statements that have been in the file then they should consult versions held at the British Library.

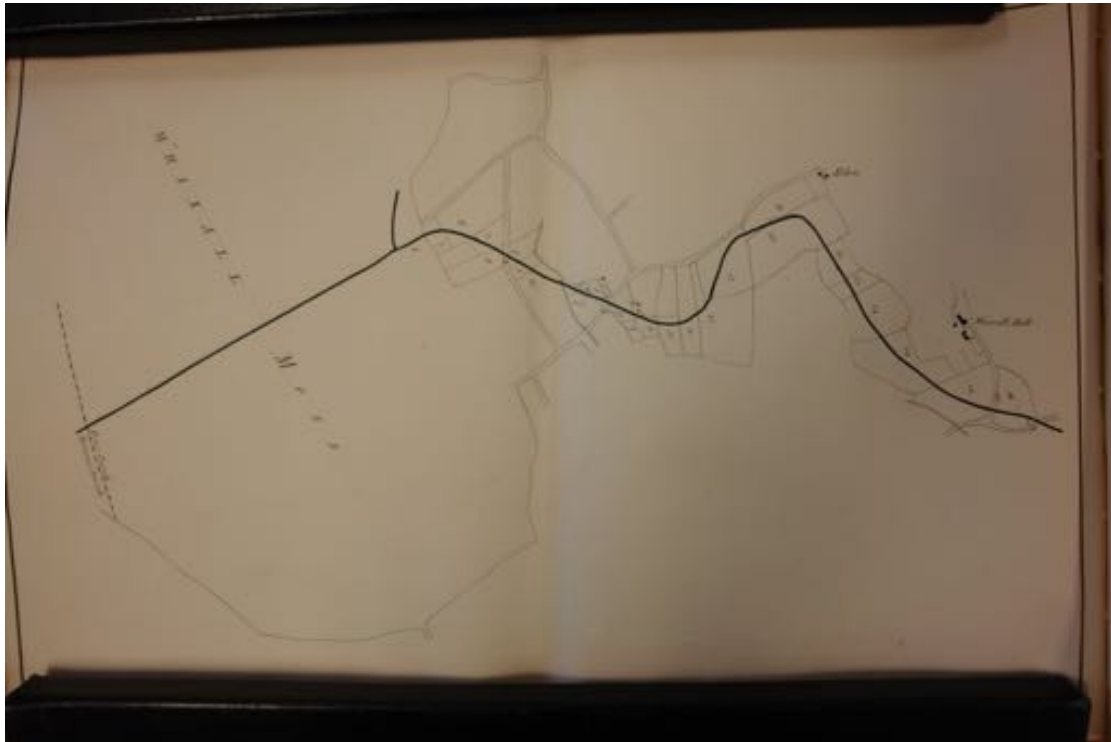
1. Canal Book of Reference, SHR DP 295b, entitled "Reference to the Deviation of the Whitchurch Line of the Ellesmere Canal with the Prees and Ellesmere Branches", dated 1795, covers the area but demonstrates no evidence for case SH/195/019.

2. Canal Plan, SHR DP 295a, entitled "PLAN of the intended WHITCHURCH and Prees Branches", dated 1795, demonstrates evidence for all of route T000692. The route is observed to commence at the north west corner of parcel number "11" on the plan. The route is shown but is un-numbered and is depicted as consisting of two parallel solid black lines. The route is not shown on the Limits of Deviation. The route is observed to terminate at the buildings marked on the map north east of parcel number "13" on the plan.



3. Canal Book of Reference, SHR DP 295a, entitled "Reference to the Deviation of the Whitchurch Line of the Ellesmere Canal with the Prees and Ellesmere Branches", covers the area but demonstrates no evidence for case SH/195/019.

4. Canal Plan, SHR 295b, entitled "Plan of the Deviation of the Whitchurch Line of the Ellesmere Canal", dated 1796, demonstrates evidence for all of route T000692. The route is observed to commence at the north west corner of parcel number "12" on the plan. The route is shown but is un-numbered and is depicted as consisting of two parallel solid black lines. The plan does not show the Limits of Deviation. The route is observed to terminate to the west of the "Alders" on the plan.

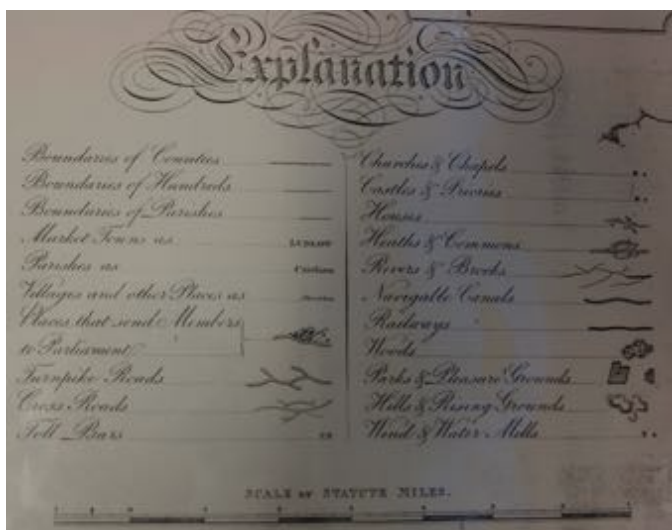


5. Non-Ordnance Survey Commercial Map, SHR R BAUGH 1808 sheet 2, entitled "To the Right Honourable EDWARD EARL OF POWIS Lord Lieutenant and Custos Rotulorum of the Counties of SALOP AND MONTGOMERY This MAP of SHROPSHIRE is humbly and respectfully dedicated by his LORDSHIPS obliged and obedient Servant ROBERT BAUGH", dated 1808, covers the area but demonstrates no evidence for case SH/195/019.

6. Inclosure Map, SHR QE/1/2/44, entitled "Plan of Whixall Moss Referred to in the Annexed Award", dated 1821, covers the area but demonstrates no evidence for case SH/195/019.

7. Inclosure Award, SHR QE/1/2/44, covers the area but demonstrates no evidence for case SH/195/019.

8. 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 T000692. The route is observed to commence to the west of the "A" in the place name "Alders" on the map. The route is shown on map and is 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 to the south of the letter "d" of "Alders" on the map.

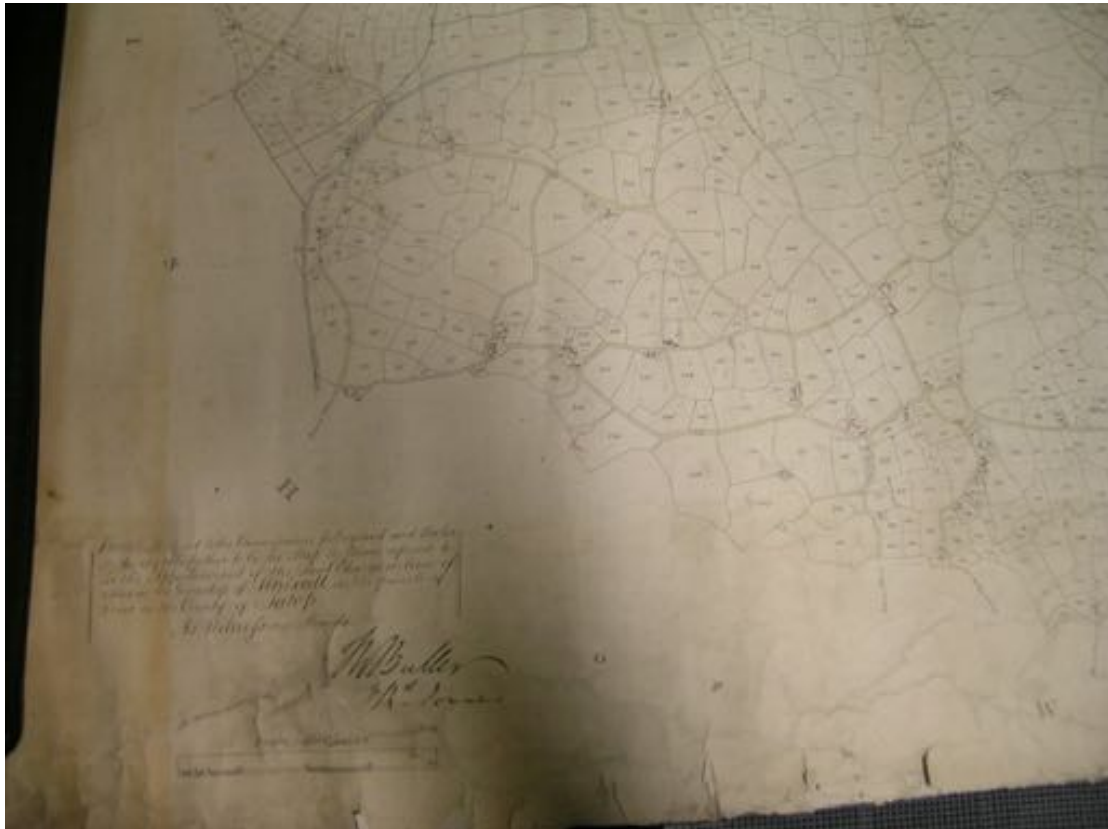


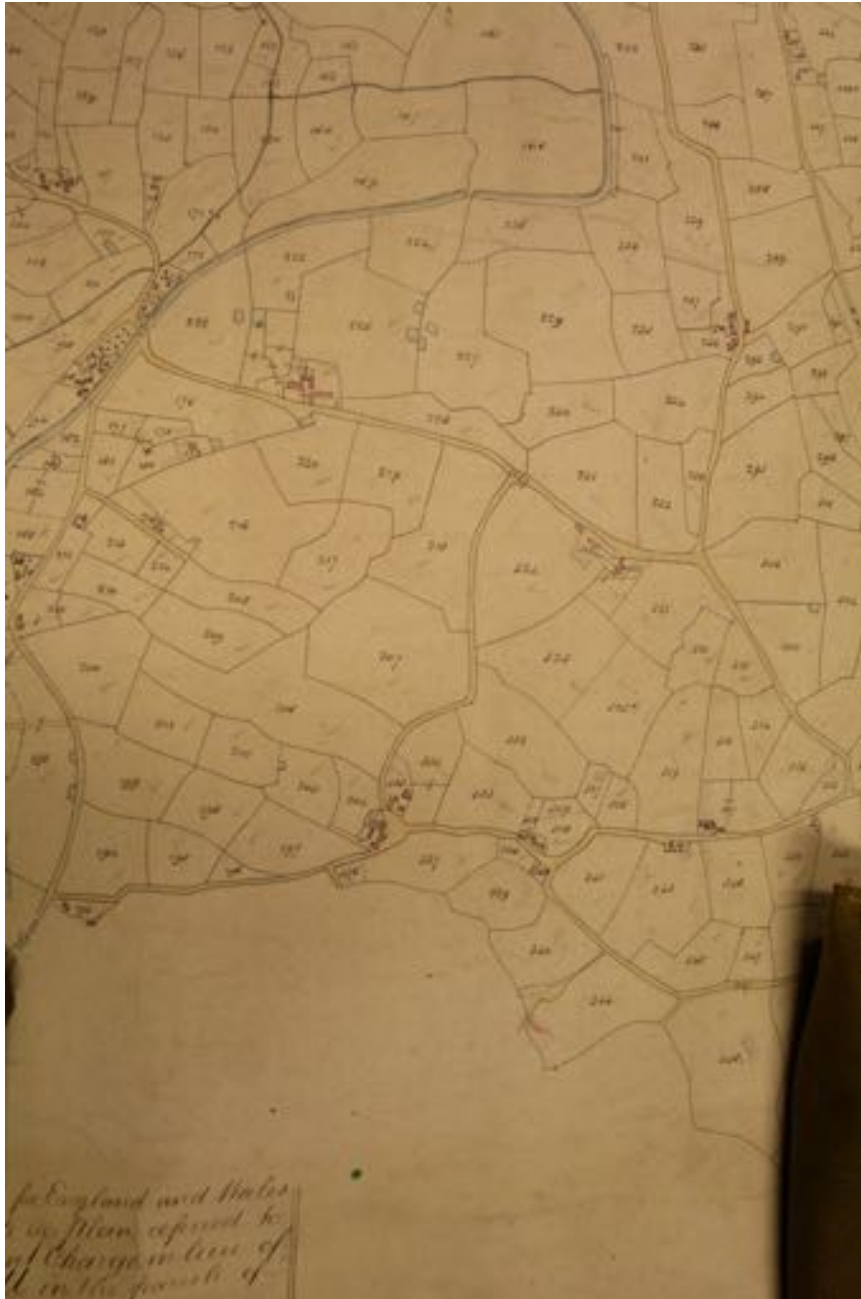
9. Ordnance Survey Surveyors Drawings, BL 326, entitled "PARTS OF Shropshire Cheshire and Flintshire", dated 1829, demonstrates evidence for all of route T000692. The route is observed to commence south west of "Barley Birch" on the map. The route is shown uncoloured on the Ordnance Surveyor's Drawings 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 "Barley Birch" on the map.

10. 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 T000692. The route is observed to commence at the second junction south west of "Lady Well" 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 at the road junction to the west of "Alders" on the map.



11. Tithe Map, TNA IR 30/29/347, entitled "PLAN of the Township of WHIXALL in the Parish of Prees in the County of SALOP", dated 1847, demonstrates evidence for all of route T000692. The route is observed to commence at the north west corner of parcel number "242" 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). The route is observed to terminate at the south eastern corner of parcel number "290" on the map.

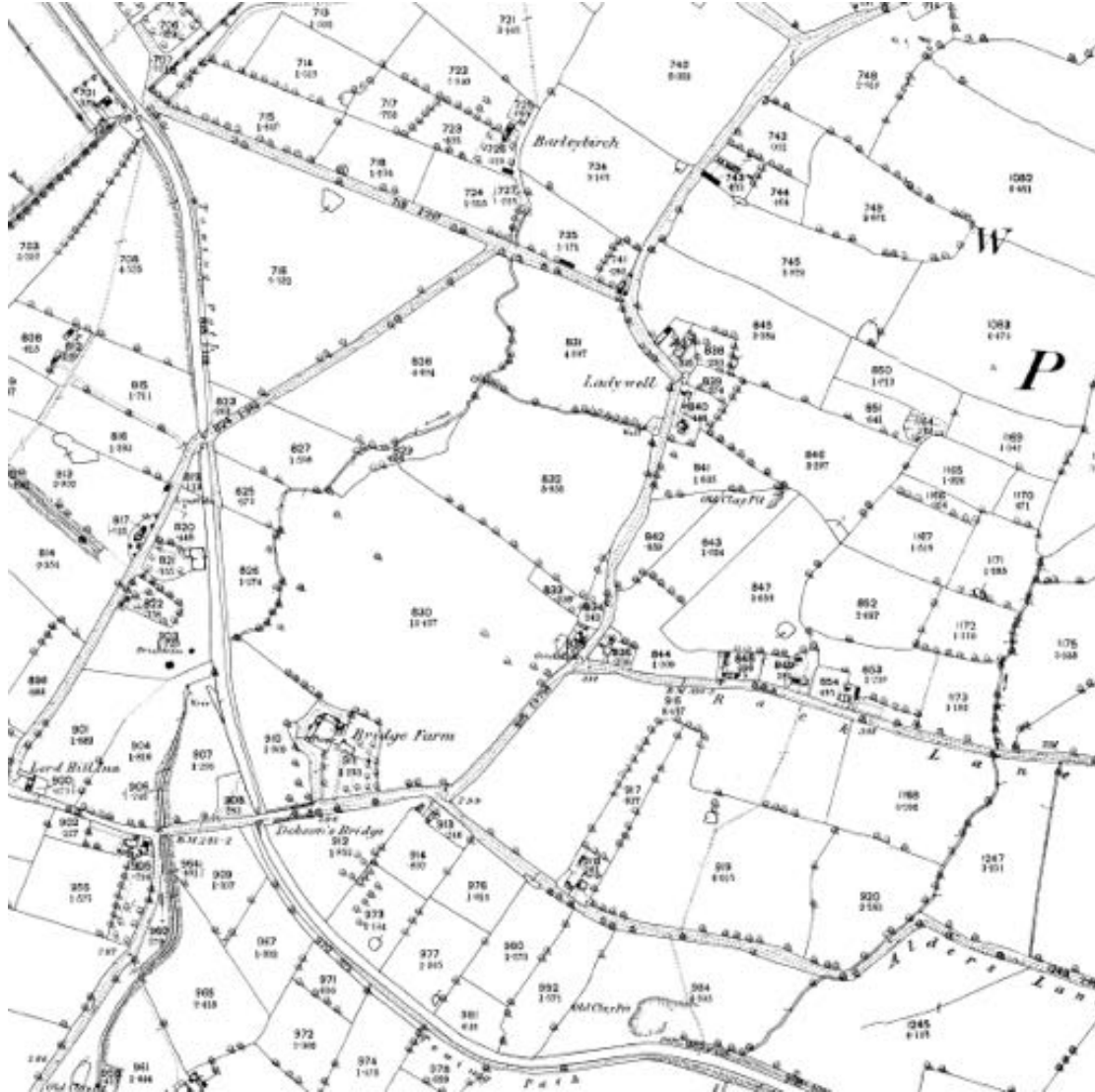




12. Tithe Apportionment, TNA IR 29/29/347, entitled "APPORTIONMENT of the RENT-CHARGE in lieu of TITHES in the Township of Whixall in the Parish of Prees in the County of Salop.", dated 1847, covers the area but demonstrates no evidence for case SH/195/019.

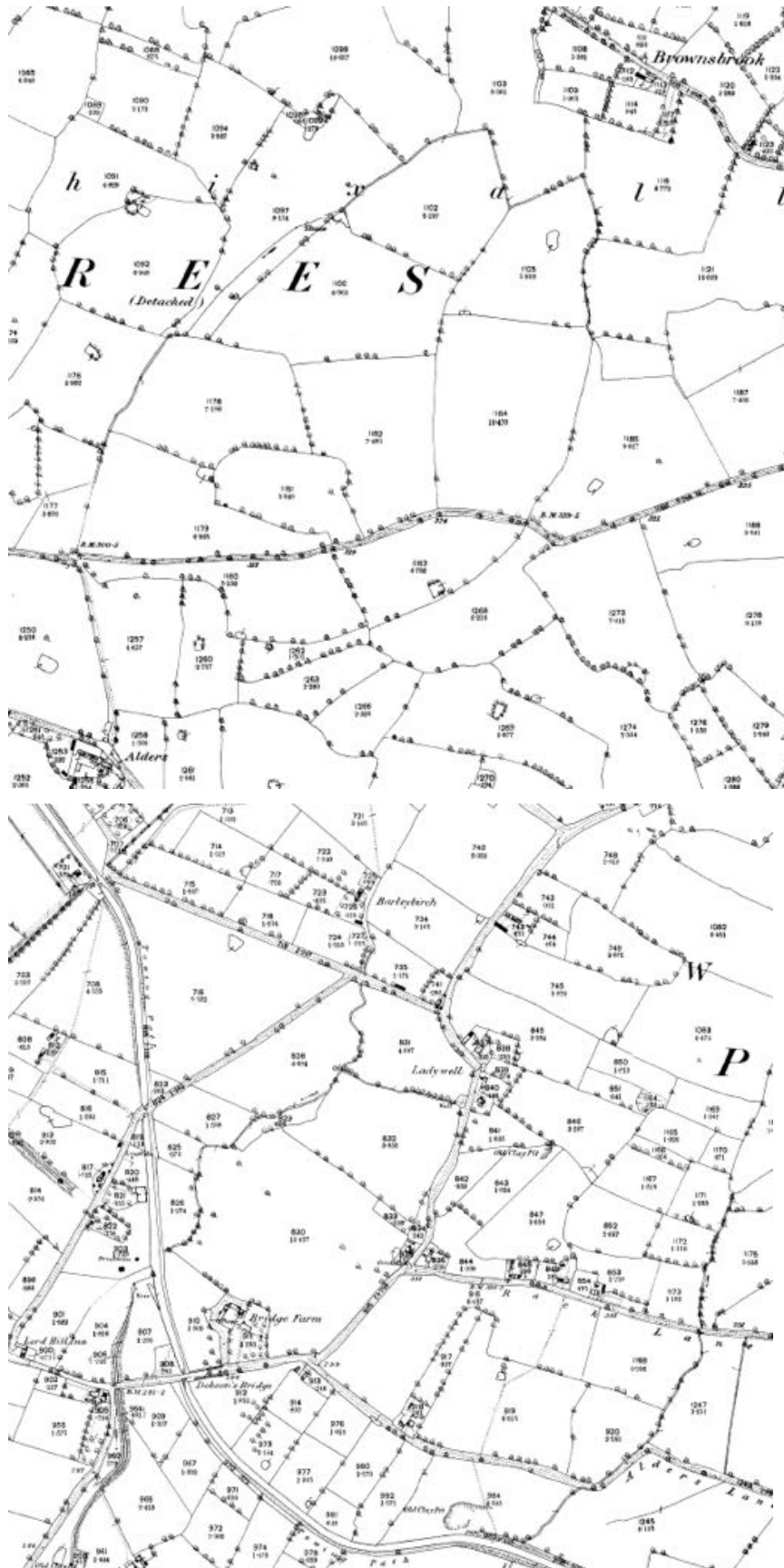
13. Ordnance Survey 25" 1st Edition, BL Vol 687 (18), entitled "Shropshire (Northern Division) Sheet XIV.2 - Wem Parish & Prees Parish (Detached)", dated 1880, demonstrates evidence for part of route T000692. The route is observed to commence at the south west corner of parcel number "919" on the map. The route is shown on the map and named as "Alders Lane" and is

depicted as consisting of two parallel solid lines with two dashed black lines through the centre. The route is observed to terminate midway along the eastern boundary of parcel number "920" on the map where it continues onto map sheet XIV.3.



14. Ordnance Survey 25" 1st Edition, BL Vol 687 (19), entitled "Shropshire (Northern Division) Sheet XIV.3 - Wem Parish & Prees (Det)", dated 1880, demonstrates evidence for part of route T000692. The route is observed to commence midway along the eastern boundary of parcel number "920" on the map where it continues on from map sheet XIV.2 (shown on 30SJ4934). The route is shown on the map and named as "Alders Lane" and is depicted as consisting of two parallel solid lines with two dashed black lines through the centre. The route is shown specifically numbered on the map as "1248". The

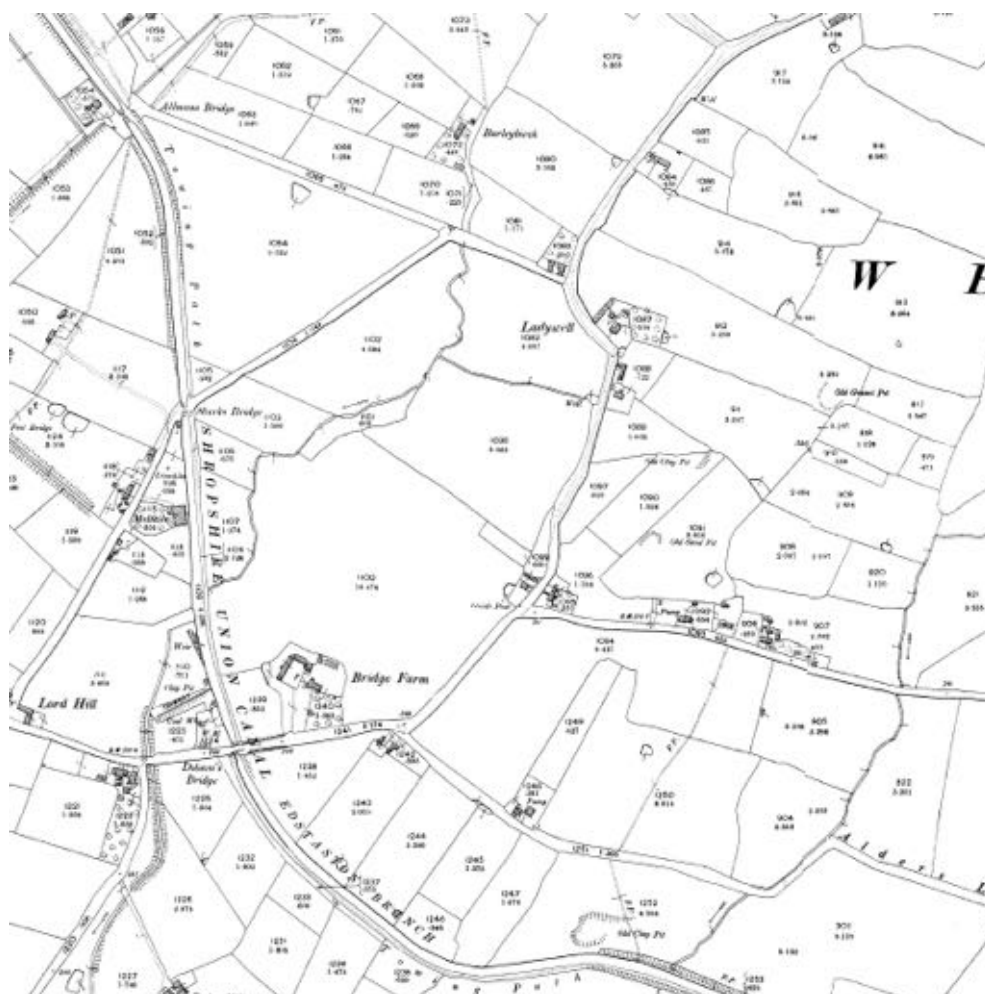
route is observed to terminate at the south east corner of parcel number "1250" on the map (shown on 30SJ5034).



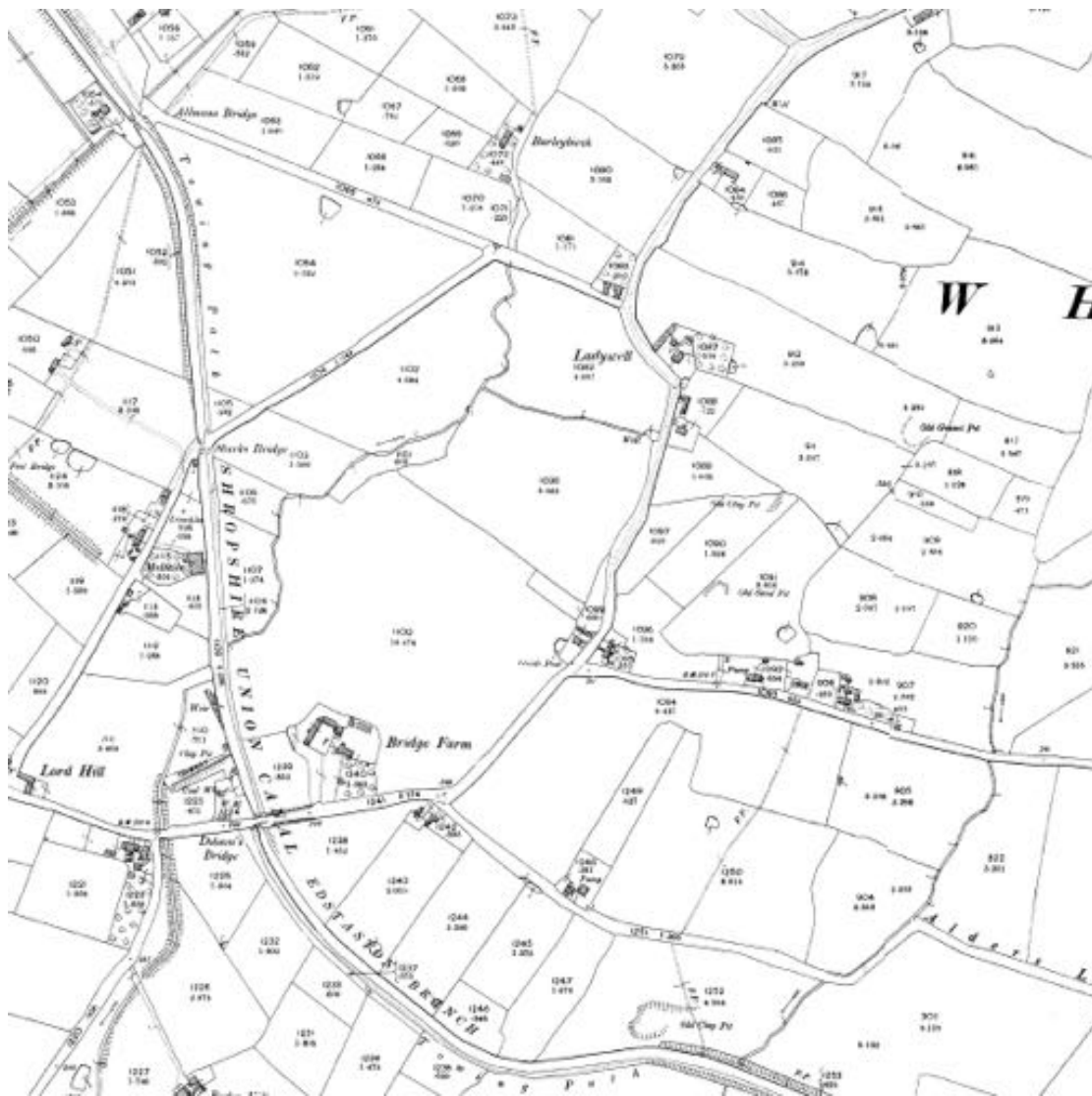
15. Ordnance Survey 25" 1st Edition Book of Reference, BL, entitled "Book of Reference to the Plan of the Parish of Prees in Shropshire", dated 1880, covers the area but demonstrates no evidence for case SH/195/019.

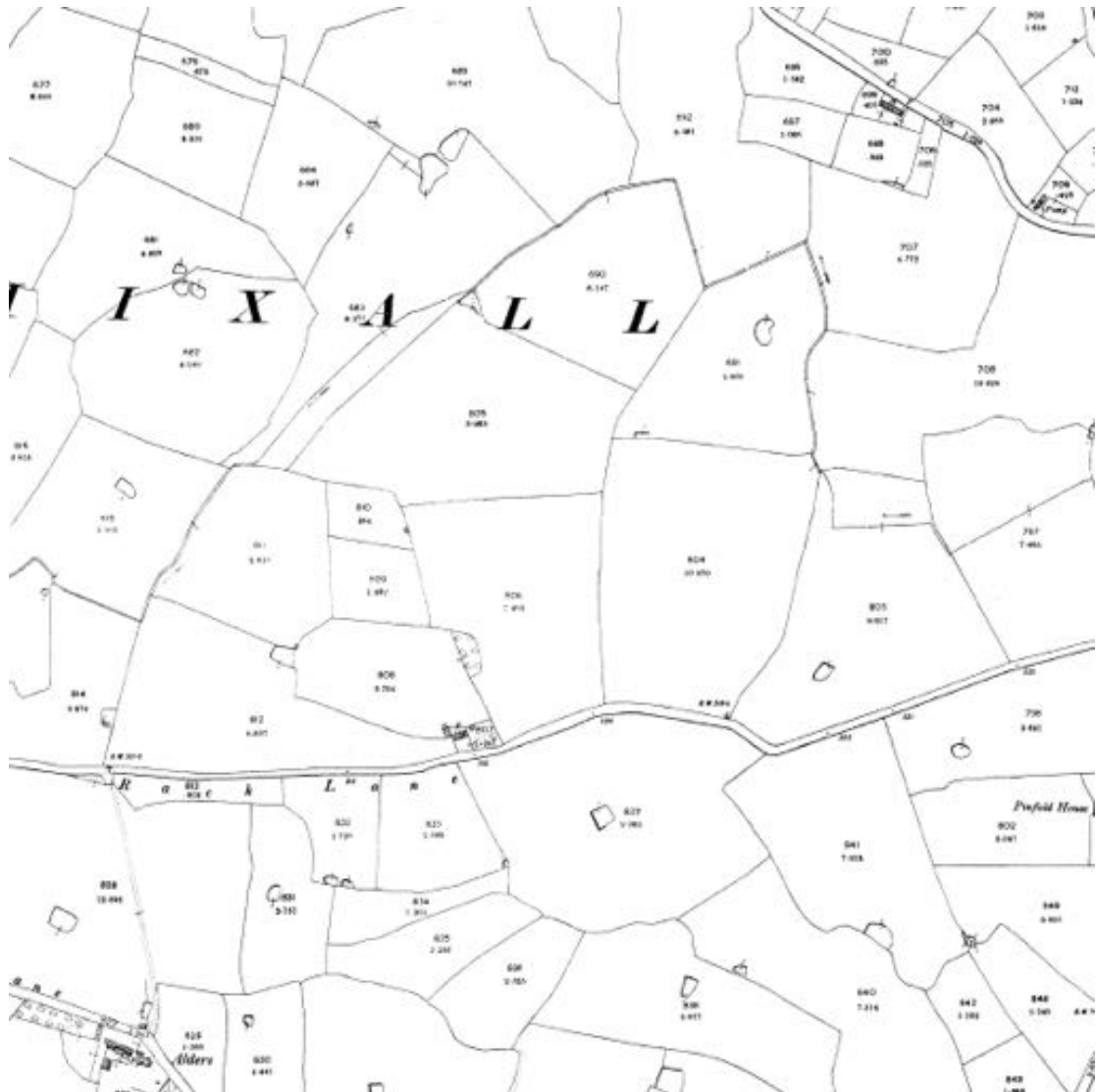
16. Ordnance Survey 25" 1st Edition Book of Reference, BL, entitled "Book of Reference to the Plan of the Parish of Wem, Shropshire-(Northern Division)", dated 1881, covers the area but demonstrates no evidence for case SH/195/019.

17. Ordnance Survey 25" 2nd Edition, BL 1599(18), entitled "SECOND EDITION SHROPSHIRE SHEET XIV. 2", dated 1899, demonstrates evidence for part of route T000692. The route is observed to commence at the south west corner of parcel number "1250" 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 observed to terminate midway along the eastern boundary of parcel number "904" on this map where it continues onto map sheet XIV.3.



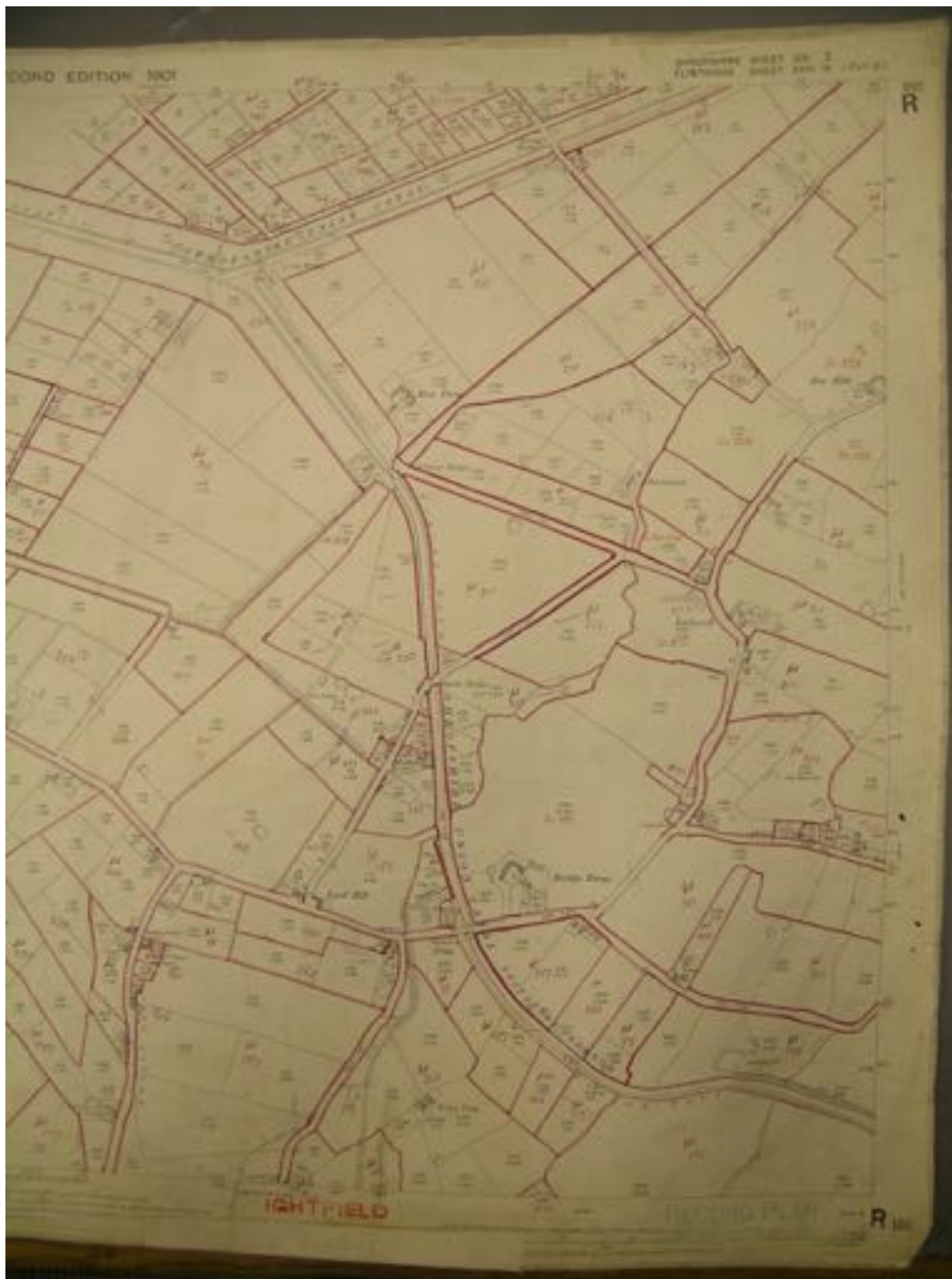
18. Ordnance Survey 25" 2nd Edition, BL 1599 (19), entitled "SECOND EDITION 1901 SHROPSHIRE SHEET XIV. 3", dated 1899, demonstrates evidence for part of route T000692. The route is observed to commence midway along the eastern boundary of parcel number "904" on this map where it continues on from map sheet XIV.2 (shown on 30SJ4934). The route is shown on the map and named as "Alders Lane" 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 "829" on the map (shown on 30SJ5034).





19. Ordnance Survey 25" 2nd Edition ONB, TNA OS35/5957, entitled "Name Book Sheet 14NW - plans 1, 2, 5, 6", dated 1899, demonstrates evidence for all of route T000692. The route is described in a manner which implies public status, i.e. as "thoroughfare" on page "14.NW". The route has the start and / or the end points of the route annotated as "To" or "From" in this case as "a thoroughfare extending from near Dobhams Bridge to junction of roads half a mile NE of Whixall Hall".

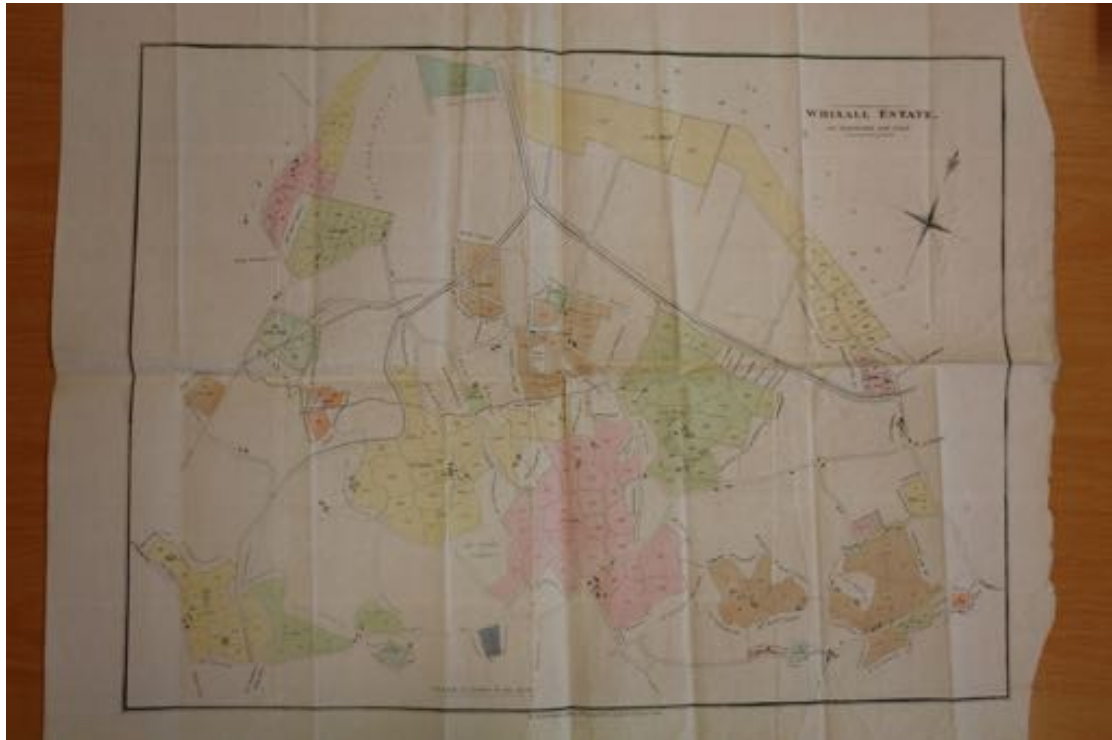
21. Finance Act Survey Map, TNA IR 132/4/119, entitled "Shropshire Sheet XIV.2, Flintshire Sheet XXVI.14 (part of) - Second Edition 1901", dated 1909/1910, demonstrates evidence for part of route T000692. The route is observed to commence at the south west corner of OS parcel number "1250" on the map. The route is shown uncoloured and excluded from hereditaments. The route is observed to terminate midway along the eastern boundary of OS parcel number "904" on this map where it continues onto OS map sheet XIV.3.



22. Finance Act Survey Map, TNA IR 132/4/120, entitled "Shropshire Sheet XIV.3 - Second Edition 1901", dated 1909/1910, demonstrates evidence for part of route T000692. The route is observed to commence midway along the eastern boundary of parcel number "904" on this map where it continues on from OS map sheet XIV.2. The route is shown uncoloured and excluded from hereditaments. The route is observed to terminate at the south west corner of parcel number "829" on the map.



23. Estate Map, SHR D3651/E/1/3/3/26, entitled "WHIXALL ESTATE. AS ALLOTTED FOR SALE.", demonstrates evidence for all of route T000692. The route is observed to commence at the north west corner of parcel number "127" on the map. The route is shown on the map un-numbered and not within a numbered parcel and is as consisting of two parallel solid black lines. The route is observed to terminate at the north east corner of parcel number "133" on the map.



7. Interpretation of Evidence from Individual Records

Evidence of status:

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

Evidence of status is categorised as follows:

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

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

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

Document Group	Evidence Cat.	Document	Date	See Section	Code	Code Description
Deposited Canal Records	C	SHR Plan DP 295a - PLAN of the intended WHITCHURCH and Prees Branches	1795	6.2	CP4	Route un-numbered on plan
					CP12	LOD not shown on plan
		SHR Plan 295b - Plan of the Deviation of the Whitchurch Line of the Ellesmere Canal	1796	6.4	CP4	Route un-numbered on plan
					CP12	LOD not shown on plan
Non-OS Commercial Mapping	B(ii)	SHR Map GREENWOODS 1827 - Map of the County of SALOP FROM AN ACTUAL SURVEY Made in the Years 1816 & 1827 BY C. & J.	1827	6.8	NOS15	Shown on map as Driving Road or Crossroad

		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	C	BL Map 326 - PARTS OF Shropshire Cheshire and Flintshire	1829	6.9	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 Map Ordnance Survey Old Series 1": 1mile - Folder 1 1833 - 1835	1833 - 1835	6.10	OSM5	Route shown on OS 1" Old Series map
Tithe Survey Records	C	TNA Map IR/30/29/347 - PLAN of the Township of WHIXALL in the Parish of Prees in the County of SALOP	1847	6.11	TM3	Route shown on map not numbered specifically or within numbered parcel
Ordnance Survey Records 25" 1st Edition	C	BL Map Vol 687 (18) - Shropshire (Northern Division) Sheet XIV.2 - Wem Parish & Prees Parish (Detached)	1880	6.13	OSM1	Route named on map
					OSM23	Route specifically numbered on plan
		BL Map Vol 687 (19) - Shropshire (Northern Division) Sheet XIV.3 - Wem Parish & Prees (Det)	1880	6.14	OSM1	Route named on map
					OSM23	Route specifically numbered on plan
Ordnance Survey Records 25" 2nd Edition	C	BL Map 1599(18) - SECOND EDITION SHROPSHIRE SHEET XIV. 2.	1899	6.17	OSM12	Route Shown on OS 2nd Edition 25" Map

Ordnance Survey Records 25" 2nd Edition	C	BL Map 1599 (19) - SECOND EDITION 1901 SHROPSHIRE SHEET XIV. 3.	1899	6.18	OSM8	Route named on map
Ordnance Survey Records 25" 2nd Edition ONB	C	TNA OS35/5957 - Name Book Sheet 14NW - plans 1,2,5,6	1924	6.19	ONB5	Route described as non-status specific i.e. - 'Occupation Road' or 'Footpath'
					ONB3	Description mentions start and / or end points i.e. - 'To' or 'from'
Ordnance Survey Records 1" New Series	B(ii)	BL Maps 1175 (134.) sheet 138 - OS of England WEM	1902	6.20	OSM26	Route described as '3rd class metalled road' on key or Characteristics Sheet
					OSM20	Route un-named on map
Finance Act Survey Records	B(i)	TNA Map IR 132/4/119 - Shropshire Sheet XIV.2, Flintshire Sheet XXVI.14 (part of) - Second Edition 1901	1909/1910	6.21	FA1	Route excluded from Hdtmt
		TNA Map IR 132/4/120 - Shropshire Sheet XIV.3 - Second Edition 1901	1909/1910	6.22	FA1	Route excluded from Hdtmt
Estate Records	C	SHR Map D3651/E/1/3/3/26 WHIXALL ESTATE. AS ALLOTTED FOR SALE	Not given	6.23	EM2	Route shown on map un-numbered and not within a numbered parcel

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
Deposited Canal Records	SHR Plan DP 295a - PLAN of the intended WHITCHURCH and Prees Branches	1795	RC14	Unspecified
Deposited Canal Records	SHR Plan 295b - Plan of the Deviation of the Whitchurch Line of the Ellesmere Canal	1796	RC14	Unspecified
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 Mall....	1827	RC12	Road
Ordnance Survey Records Surveyors Drawings	SHR Map 326 - PARTS OF Shropshire Cheshire and Flintshire	1829	RC14	Unspecified
Ordnance Survey Records 1" Old Series	SHR Map Ordnance Survey Old Series 1": 1mile - Folder 1 1833 - 1835	1833 - 1835	RC14	Unspecified
Tithe Survey Records	TNA Map IR/30/29/347 - PLAN of the Township of WHIXALL in the Parish of Prees in the County of SALOP	1847	RC14	Unspecified

Ordnance Survey Records 25" 1st Edition	BL Map Vol 687 (18) - Shropshire (Northern Division) Sheet XIV.2 - Wem Parish & Prees Parish (Detached)	1880	RC15	Lane
Ordnance Survey Records 25" 1st Edition	BL Map Vol 687 (19) - Shropshire (Northern Division) Sheet XIV.3 - Wem Parish & Prees (Det)	1880	RC15	Lane
Ordnance Survey Records 25" 2nd Edition	BL Map 1599(18) - SECOND EDITION SHROPSHIRE SHEET XIV. 2.	1899	RC15	Lane
Ordnance Survey Records 25" 2nd Edition	BL Map 1599 (19) - SECOND EDITION 1901 SHROPSHIRE SHEET XIV. 3.	1899	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 132/4/119 - Shropshire Sheet XIV.2, Flintshire Sheet XXVI.14 (part of) - Second Edition 1901	1909/1910	RC14	Unspecified
Finance Act Survey Records	TNA Map IR 132/4/120 - Shropshire Sheet XIV.3 - Second Edition 1901	1909/1910	RC14	Unspecified
Ordnance Survey Records 25" 2nd Edition ONB	TNA OS35/5957 - Name Book Sheet 14NW - plans 1,2,5,6	1924	RC10	Neutral
Estate Records	SHR Map D3651/E/1/3/3/26 WHIXALL ESTATE. AS ALLOTTED FOR SALE	Not given	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
Deposited Canal Records	SHR Plan DP 295a - PLAN of the intended WHITCHURCH and Prees Branches	1795	PA1	two parallel solid black lines
Deposited Canal Records	SHR Plan 295b - Plan of the Deviation of the Whitchurch Line of the Ellesmere Canal	1796	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 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 Map 326 - PARTS OF Shropshire Cheshire and Flintshire	1829	PA1	two parallel solid black lines
Ordnance Survey Records 1" Old Series	SHR Map Ordnance Survey Old Series 1": 1mile - Folder 1 1833 - 1835	1833 - 1835	PA1	two parallel solid black lines
Tithe Survey Records	TNA Map IR/30/29/347 - PLAN of the Township of WHIXALL in the	1847	PA3	two parallel solid black lines (in-filled)

	Parish of Prees in the County of SALOP			
Ordnance Survey Records 25" 1st Edition	BL Map Vol 687 (18) - Shropshire (Northern Division) Sheet XIV.2 - Wem Parish & Prees Parish (Detached)	1880	PA2	two parallel dashed black lines
Ordnance Survey Records 25" 1st Edition	BL Map Vol 687 (19) - Shropshire (Northern Division) Sheet XIV.3 - Wem Parish & Prees (Det)	1880	PA2	two parallel dashed black lines
Ordnance Survey Records 25" 2nd Edition	BL Map 1599(18) - SECOND EDITION SHROPSHIRE SHEET XIV. 2.	1899	PA1	two parallel solid black lines
Ordnance Survey Records 25" 2nd Edition	BL 1599 (19) - SECOND EDITION 1901 SHROPSHIRE SHEET XIV. 3.	1899	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
Finance Act Survey Records	TNA Map IR 132/4/119 - Shropshire Sheet XIV.2, Flintshire Sheet XXVI.14 (part of) - Second Edition 1901	1909/1910	PA1	two parallel solid black lines
Finance Act Survey Records	TNA Map IR 132/4/120 - Shropshire Sheet XIV.3 - Second Edition 1901	1909/1910	PA1	two parallel solid black lines
Estate Records	SHR Map D3651/E/1/3/3/26 WHIXALL ESTATE. AS ALLOTTED FOR SALE	Not given	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

The Tithe Survey map demonstrates evidence for the route as a physical feature only. The route is shown un-numbered and not within a numbered parcel therefore there is no evidence for the route in the corresponding apportionment.

2. Finance Act Survey Records

The Finance Act Survey map demonstrates evidence for the route. It 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. Deposited Canal Records

The Canal Records show evidence for the route on two plans. The route is shown but is un-numbered and not within a numbered parcel therefore there is no evidence for the route in the corresponding books of reference.

4. Estate Records

One Estate map demonstrates evidence for the route as a physical feature only.

5. Non-Ordnance Survey Commercial Mapping

One Non-Ordnance Survey Commercial map (Greenwood's) demonstrates evidence for the route. The route is shown on map described in the 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.

6. 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 route as a physical feature only.

c. Ordnance Survey 25" 1st Edition

The Ordnance Survey 25" 1st Edition demonstrates evidence for the route over two sheets. The route is shown on the map and named as "Alders Lane". The route is shown specifically numbered but there is no evidence for the route in the associated book of reference.

d. Ordnance Survey 25" 2nd Edition

The Ordnance Survey 25" 2nd Edition demonstrates evidence for the route over two sheets. The route is shown on the map and named as "Alders Lane". The associated object name book describes the route as a "thoroughfare". The route has the start and / or the end points of the route referred to, in this case as "a thoroughfare extending from near Dobhams Bridge to junction of roads half a mile NE of Whixall Hall". The authority for the name of the road is the owner / occupier of the local farm, therefore for a landowner to describe a route as a thoroughfare could be taken as the implication of public status over the route.

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 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 early Deposited Canal plans 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 SH/195/019 was included in the research scope by the Discovering of Lost Ways Project as the route is shown on the Ordnance Survey Explorer Mapping as an "Other Route with Public Access". The route is not currently recorded on the Definitive Map and Statement, but is adopted by Shropshire County Council and recorded on the List of Streets (with reference U1525/16) and forms part of public footpath 0235/48-0/FP (the reference given on Shropshire County Council's definitive map and statement).

From the documents examined it is possible to establish that the case file route is shown on the Finance Act Survey map 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 Non-OS Commercial map describes the route under the heading "Cross Roads" in the map. 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. The Ordnance survey records support the physical presence of the route. The Ordnance Survey 25" 2nd Edition demonstrates evidence for the route over two sheets. The route is shown on the map named as "Alders Lane". The associated object name book describes the route as a "thoroughfare". The route has the start and / or the end points of the route referred to, in this case as "a thoroughfare extending from near Dobhams Bridge to junction of roads half a mile NE of Whixall Hall". The authority for the name of the road is the owner / occupier of the local farm, therefore for a landowner to describe a route as a thoroughfare could be taken as the implication of public status over the route.

The Ordnance Survey 1" Revised New Series map demonstrates evidence for the route. The route is shown on the map 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" Revised 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. The class of public carriageway is therefore considered to be appropriate.

The evidence found 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 therefore been categorised as “Strong”, supporting the making of a definitive map modification order application to add the route to 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 3.5: Deposited Canal 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

In reproducing certain images from historic documents contained within this report the following copyright terms and conditions apply:

The National Archives

Images reproduced by courtesy of The National Archives, London, England.

www.nationalarchives.gov.uk

The National Archives gives no warranty as to the accuracy, completeness or fitness for the purpose of the information provided.

Images may be used only for purposes of research, private study or education. Applications for any other use should be made to The National Archives Image Library, Kew, Richmond, Surrey, TW9 4DU. Infringement of the above condition may result in legal action.

Landmark Information Group

© And database right "Crown copyright and Landmark Information Group Ltd" (all rights reserved 2007).

Historic Ordnance Survey

Where out of copyright images are reproduced from historic Ordnance Survey material the appropriate catalogue reference number and date of publication are indicated.