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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) **Adding** the *bridleway* which runs from Point A (OSGR SJ6720 2724) to Point B (OSGR SJ6735 2732) **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 DLW SH/044/003 BHS which contains copies of the following documents or extracts thereof:**

Estate Map, SHR 327/5/16/20, entitled "A Plan of certain Farms at Childs Ercall; as proposed to be Let from Ladyday 1802", dated 1802

- Tithe Map, TNA IR 30/29/76, entitled "Plan of the Parish of Childs Ercall in the County of Salop", dated 1840
- Ordnance Survey 25" 1st Edition, BL Vol 690 (2), entitled "Shropshire (Northern Division) Sheet XXIII.2 - Hinstock, Childs Ercall, Stoke Upon Tern and Drayton in Hales Parish", dated 1879 & 1880
- Ordnance Survey 25" 2nd Edition, BL 1601(34), entitled "SECOND EDITION 1902 SHROPSHIRE SHEET XXIII. 2." dated 1900
- Finance Act Survey Map, TNA IR 132/4/240, entitled "Shropshire Sheet XXIII.2 - Second Edition 1902", dated 1909/1910

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



Signed: .....

Date: 20/08/2020

Wildlife and Countryside Act 1981

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

For a route at Hungryhatton in the Parish of Child's Ercall, Shropshire to be shown  
as a Public Bridleway

*Applicant's Reference: DLW SH/044/003 BHS*



*08 / 01 / 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/044/003
<b>Name</b>	Un-named
<b>Historic County</b>	Shropshire
<b>Sub-Unit</b>	Shropshire Sub-unit 1
<b>Parish(es)</b>	Childs Ercall
<b>Surveying Authority</b>	Shropshire County Council
<b>Definitive Map Ref. No.</b>	None
<b>Other Designation(s) Ref. No.</b>	None
<b>Route Length</b>	170 metres
<b>OS 1:10,000 Sheet(s)</b>	SJ62NE
<b>Grid Ref (start)</b>	SJ6720 2724
<b>Grid Ref (end)</b>	SJ6735 2732
<b>ARU ASSESSMENT OUTCOME</b>	
<b>Status/Class</b>	Public carriageway
<b>Strength</b>	Strong
<b>Comment</b>	Shown un-coloured and excluded from the hereditaments on the Finance Act map, 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

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## **1. Summary of Findings**

Case SH/044/003 was included in the research scope by Discovering of Lost Ways Project as the route is a potential gap in the definitive map network between current public Footpath 1 Childs Erccall (which has been given the reference 0205/1-0/FP on Shropshire County Council's current Definitive Map and Statement) and a current public road (which has been given the reference C2094/40 Shropshire County Council's List of Streets).

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 route is also shown as a physical feature on the Tithe Survey map.

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 "3<sup>rd</sup> Class Metalled Roads". For the purpose of the Discovering Lost Ways Project research it has been agreed that the showing of routes as 1st, 2nd or 3rd class metalled roads on OS 1" New Series maps will be taken as evidence of the existence of public vehicular rights. 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 a public right of way subsists or is reasonably alleged to subsist and has therefore been categorised as "Strong", supporting the making of a Definitive Map Modification Order application to add the route to the Definitive Map.

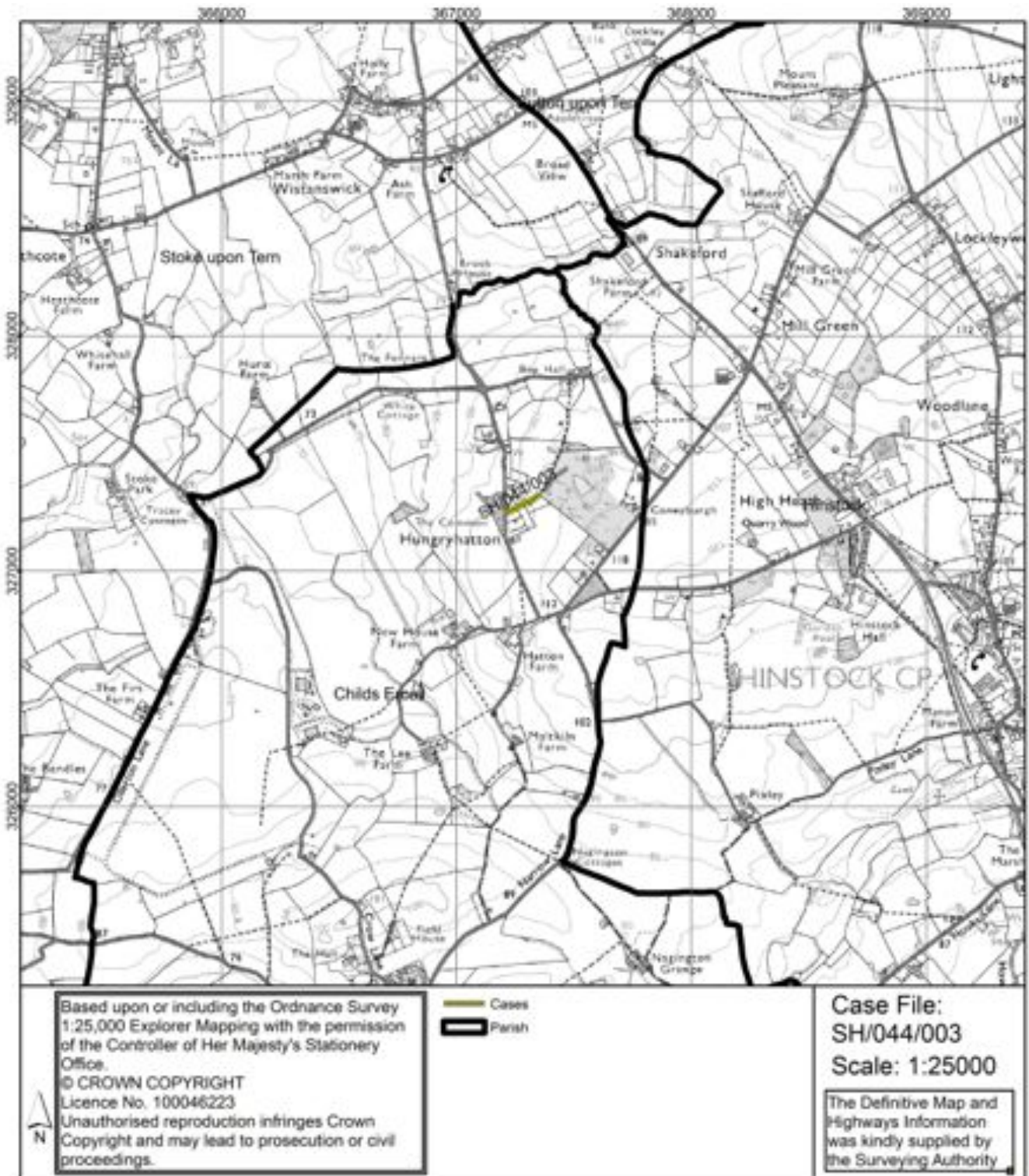
## 2. Description of Route

The route begins at the junction with a current public road (C2094/40) at coordinate SJ6720 2724 (Point A on the case file route map). The route then heads in a north easterly direction to the junction with current public Footpath 1 Childs Ercall (0205/1-0/FP) at coordinate SJ6735 2732, where this route terminates (Point B on the case file route Map).

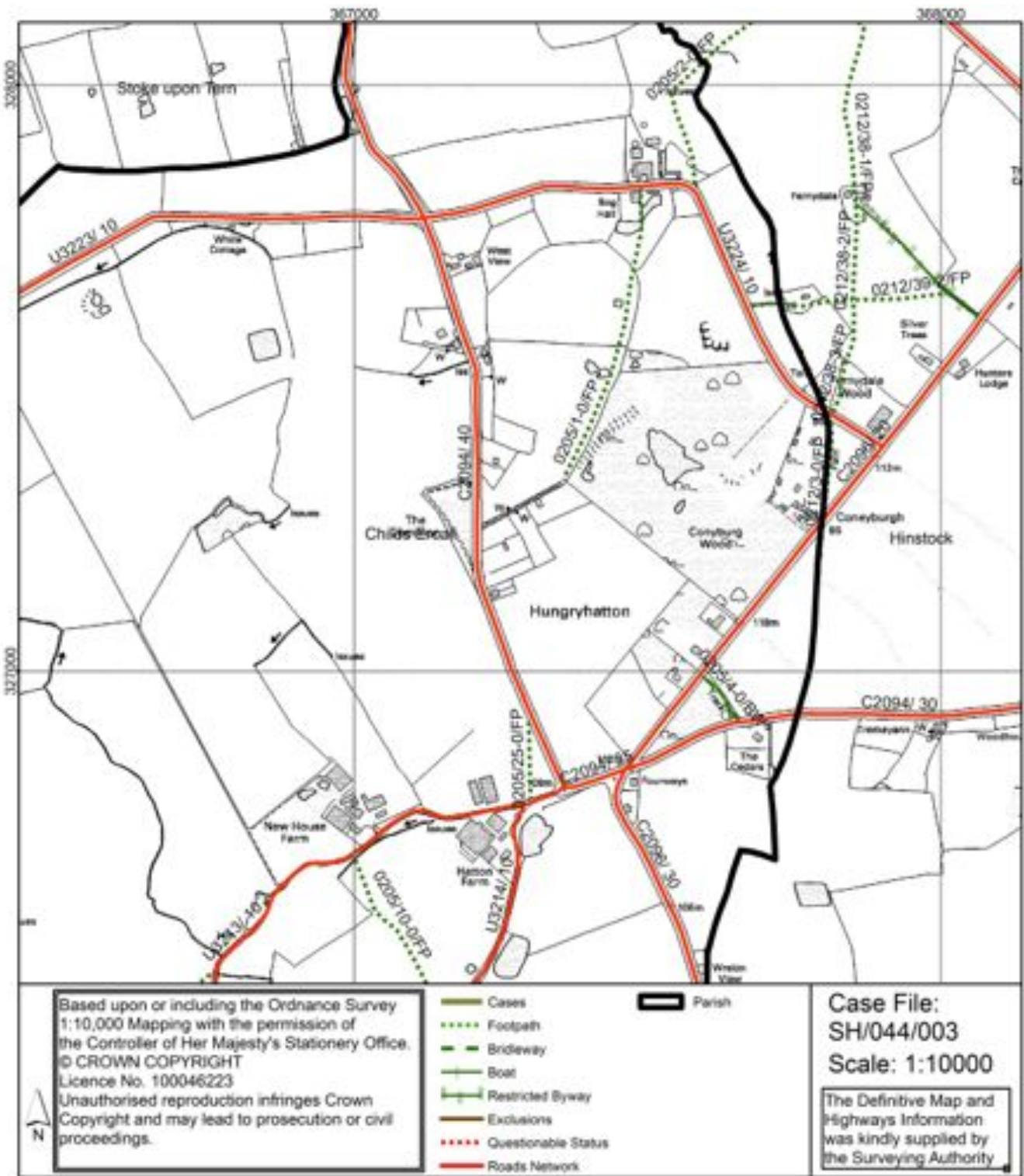
The route has a length of 170 metres

During the research process, the whole of the case file reference number SH/044/003 was identified with the case route number T000720. 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

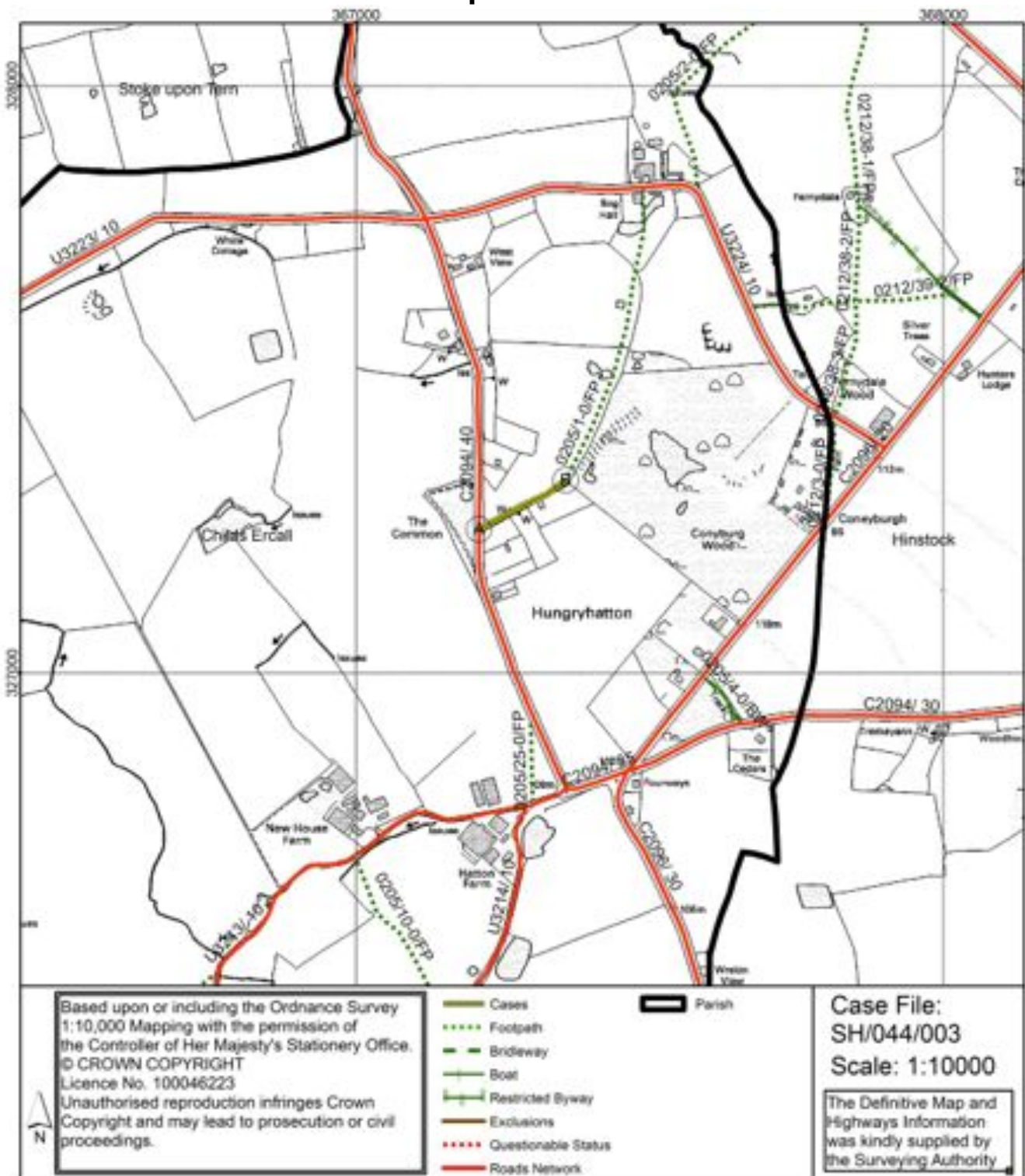


#### 4. Current Definitive Paths





## 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/044/003 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. Estate Map, SHR 327/5/16/20, entitled "A Plan of certain Farms at Childs Ercall; as proposed to be Let from Ladyday 1802", dated 1802, demonstrates evidence for all of route T000720. The route is observed to commence midway along the eastern edge of parcel number "v615" 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. The route is observed to terminate at the southern-most point of parcel number "bd30" on the map.**



**2. Non-Ordnance Survey Commercial Map, SHR R BAUGH 1808 sheet 2, entitled "To the Right Honourable EDWARD EARL OF POWLS 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/044/003.**



3. Ordnance Survey Surveyors Drawings, SHR 209, dated 1817, covers the area but demonstrates no evidence for case SH/044/003.



4. Non-Ordnance Survey Commercial Map, SHR GREENWOODS 1827 , entitled "Map of the County of SALOP FROM AN ACTUAL SURVEY BY C. & J. GREENWOOD.", dated 1827, covers the area but demonstrates no evidence for case SH/044/003.



5. Ordnance Survey 1" Old Series, SHR Ordnance Survey Old Series 1":1 mile, entitled "Folder 1 1833-35", dated 1833-35, covers the area but demonstrates no evidence for case SH/044/003.

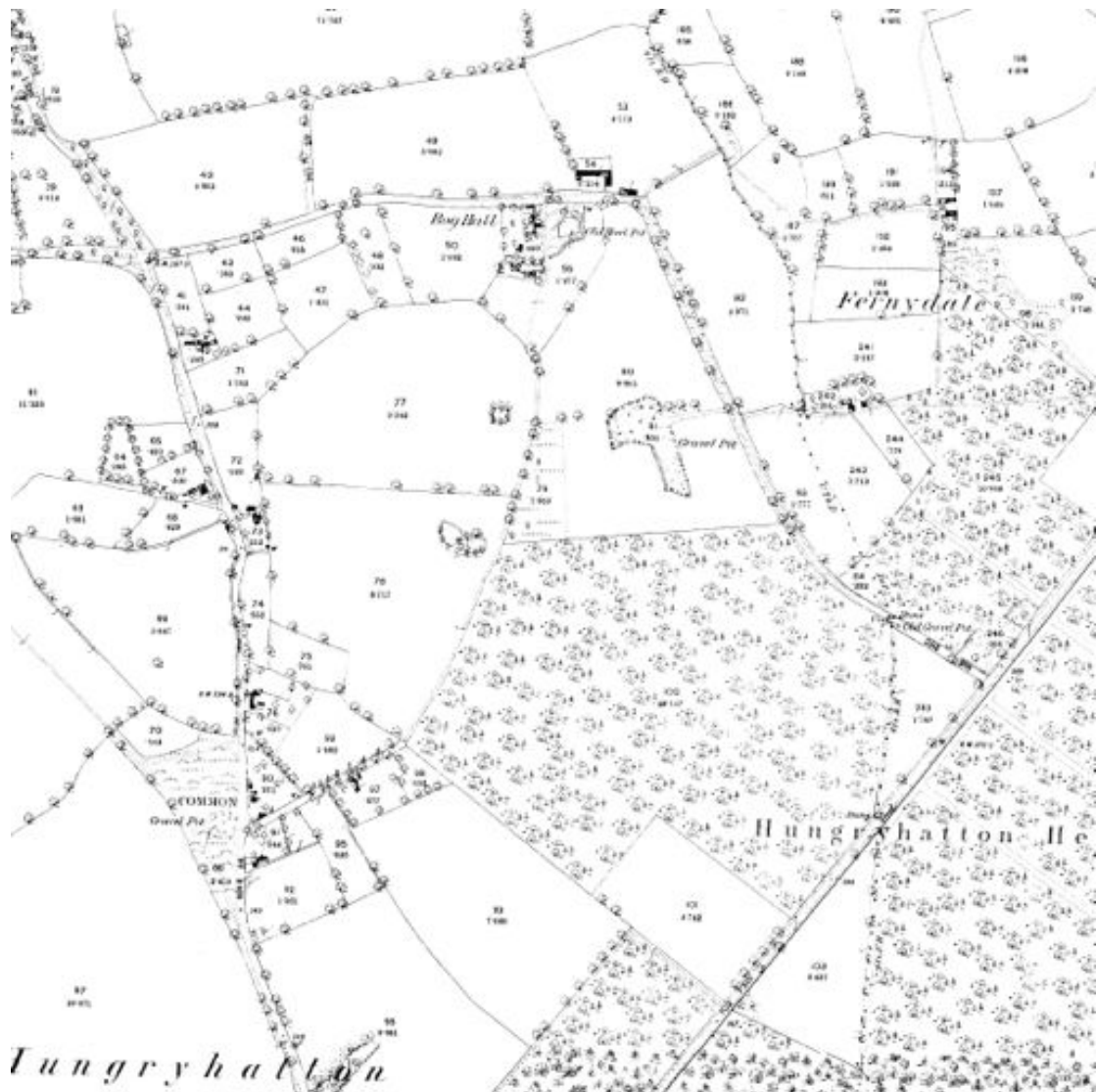


6. Tithe Apportionment, TNA IR 29/29/76, entitled "Apportionment or Rent charge in Lieu of Tithes in the parish of Childs Erval in the County of Salop", dated 1839, covers the area but demonstrates no evidence for case SH/044/003.





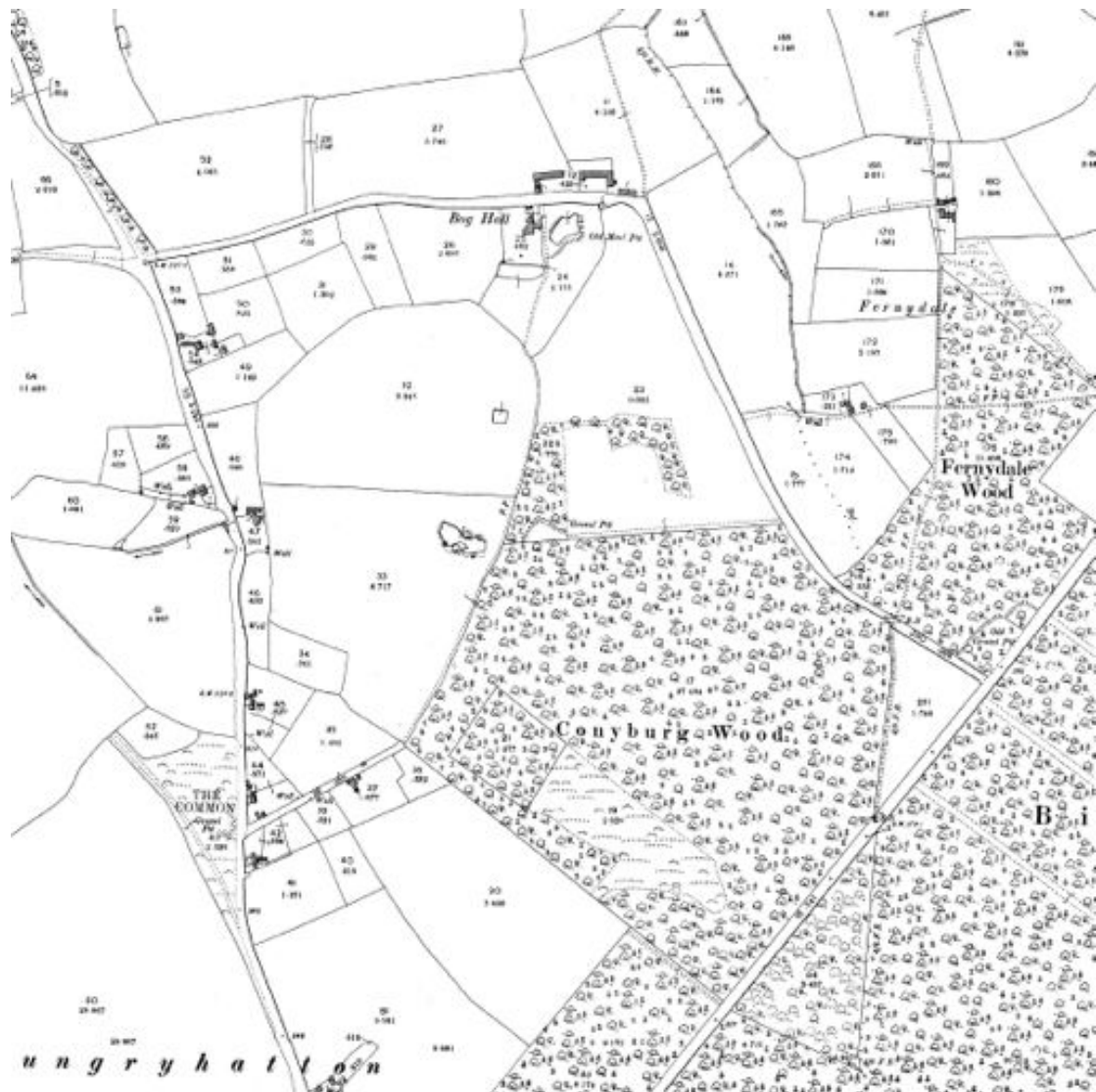
8. Ordnance Survey 25" 1st Edition, BL Vol 690 (2), entitled "Shropshire (Northern Division) Sheet XXIII.2 - Hinstock, Childs Ercall, Stoke Upon Tern and Drayton in Hales Parish", dated 1879 & 1880, demonstrates evidence for all of route T000720. This route is observed to commence at the south west corner of parcel number "90" on the map. The route is shown on the map and is specifically numbered as "94". The route is depicted as consisting of two parallel solid black lines. This route is observed to terminate at the northern most point of parcel number "98" on the map.



9. Ordnance Survey 25" 1st Edition Book of Reference, BL None, entitled "Book of Reference to the Plan of the Parish of Childs Ercall, Shropshire-(Northern Division)", dated 1881, covers the area but demonstrates no evidence for case SH/044/003.

**10. Ordnance Survey 25" 2nd Edition, BL 1601(34), entitled "SECOND EDITION 1902 SHROPSHIRE SHEET XXIII. 2." dated 1900, demonstrates evidence for all of route T000720. The route is observed to commence at the south west corner of parcel number "44" 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 at the northern most point of parcel number "36" 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 T000720. The route is observed to commence at a point north east of "New Ho". The route is shown on the map un-named and is described in the key under the heading "3rd Class Metalled Roads" and is depicted as consisting of two parallel solid black lines. The route is observed to terminate at a point north east of the commencement point at the very edge of the map.

12. Finance Act Survey Map, TNA IR 132/4/240, entitled "Shropshire Sheet XXIII.2 - Second Edition 1902", dated 1909/1910, demonstrates evidence for all of route T000720. The route is observed to commence at the south west corner of parcel number "44" on the map. The route is shown uncoloured and excluded from hereditaments and is depicted as consisting of two parallel

solid black lines. The route is observed to terminate at the northern most point of parcel number "36" 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
<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
Estate Records	C	SHR Map 327/5/16/20 - A Plan of certain Farms at Childs Ercall; as proposed to be Let from Ladyday 1802	1802	6.1	EM2	Shown on map un-numbered and not contained within numbered parcel
Tithe Survey Records	C	TNA Map IR 30/29/76Plan of the Parish of Childs Ercall in the County of Salop	1840	6.7	TM3	Route shown on map not numbered specifically or within numbered parcel
Ordnance Survey Records 25" 1st Edition	C	BL Vol 690 (2) - Shropshire (Northern Division) Sheet XXIII.2 - Hinstock, Childs Ercall, Stoke Upon Tern and Drayton in Hales Parish	1879 & 1880	6.8	OSM2	Route un-named on map
					OSM23	Route specifically numbered on plan
					OSM6	Route Shown on OS 1st Edition 25" Map
Ordnance Survey Records 25" 2nd Edition	C	BL 1601(34) - SECOND EDITION 1902 SHROPSHIRE SHEET XXIII. 2.	1900	6.10	OSM12	Route Shown on OS 2nd Edition 25" Map
					OSM9	Route un-named on map
Ordnance	B(ii)	BL Maps	1902	6.11	OSM26	Route

Survey Records 1" New Series		1175 (134.) sheet 138 - OS of England WEM				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 132/4/240 - Shropshire Sheet XXIII.2 - Second Edition 1902	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
Estate Records	SHR Map 327/5/16/20 - A Plan of certain Farms at Childs Ercall; as proposed to be Let from Ladyday 1802	1802	RC14	Unspecified
Tithe Survey Records	TNA Map IR 30/29/76 Plan of the Parish of Childs Ercall in the County of Salop	1840	RC14	Unspecified
Ordnance Survey Records 25" 1st Edition	BL Vol 690 (2) - Shropshire (Northern Division) Sheet XXIII.2 - Hinstock, Childs Ercall, Stoke Upon Tern and Drayton in Hales Parish	1879 & 1880	RC14	Unspecified

Ordnance Survey Records 25" 2nd Edition	BL 1601(34) - SECOND EDITION 1902 SHROPSHIRE SHEET XXIII. 2.	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 132/4/240 - Shropshire Sheet XXIII.2 - Second Edition 1902	1909/1910	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
Estate Records	SHR Map 327/5/16/20 - A Plan of certain Farms at Childs Ercall; as proposed to be Let from Ladyday 1802	1802	PA1	two parallel solid black lines
Tithe Survey Records	TNA Map IR 30/29/76 Plan of the Parish of Childs Ercall in the County of Salop	1840	PA1	two parallel solid black lines
Ordnance Survey Records 25" 1st Edition	BL Vol 690 (2) - Shropshire (Northern Division) Sheet XXIII.2 - Hinstock, Childs Ercall, Stoke Upon Tern and Drayton in Hales Parish	1879 & 1880	PA1	two parallel solid black lines
Ordnance Survey Records 25" 2nd	BL 1601(34) - SECOND EDITION	1900	PA1	two parallel solid black lines

Edition	1902 SHROPSHIRE SHEET XXIII. 2.			
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 132/4/240 - Shropshire Sheet XXIII.2 - Second Edition 1902	1909/1910	PA1	two parallel solid black lines

**Evidence of width:**

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

There is no evidence to support a 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 examined demonstrates evidence for the route. The route is shown un-numbered and not within a numbered parcel, therefore there is no corresponding entry in the associated apportionment.

#### 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. Estate Records

The route is shown on an Estate map un-numbered and not within a numbered parcel; therefore the map only provides evidence for the route as a physical feature.

#### 4. Ordnance Survey Records

##### a) Ordnance Survey 25" 1<sup>st</sup> Edition

The Ordnance Survey 25" 1<sup>st</sup> Edition demonstrates evidence for the route. The route is shown on the map specifically numbered but the corresponding entry in the associated book of reference provides no evidence for the case file route.

##### b) Ordnance Survey 25" 2<sup>nd</sup> Edition

The Ordnance Survey 25" 2<sup>nd</sup> Edition demonstrates evidence for the route. The route is shown on the map un-named therefore the corresponding object name book has not been examined.

### c) 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 "3<sup>rd</sup> Class Metalled Roads". For the purpose of the Discovering Lost Ways Project research it has been agreed that the showing of routes as 1st, 2nd or 3rd class metalled roads on OS 1" Revised New Series maps will be taken as evidence of the existence 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 Estate 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 SH/044/003 was included in the research scope by Discovering of Lost Ways Project as the route is a potential gap in the definitive map network between current public Footpath 1 Childs Erroll (which has been given the reference 0205/1-0/FP on Shropshire County Council's current Definitive Map and Statement) and a current public road (which has been given the reference C2094/40 Shropshire County Council's List of Streets).

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 route is also shown as a physical feature on the Tithe Survey map.

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



“3<sup>rd</sup> Class Metalled Roads”. For the purpose of the Discovering Lost Ways Project research it has been agreed that the showing of routes as 1st, 2nd or 3rd class metalled roads on OS 1” New Series maps will be taken as evidence of the existence of public vehicular rights. 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 a public right of way subsists or is reasonably alleged to subsist and has therefore been categorised as “Strong”, supporting the making of a Definitive Map Modification Order application to add the route to the Definitive Map.

## 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 3.3: Finance Act Survey Records
Discovering Lost Ways Research Standard 3.7: Ordnance Survey Records
Discovering Lost Ways Research Standard 3.9: Estate Records
Discovering Lost Ways Research Standard 4.0: Combining & Evaluating Evidence

## **Appendix B - Acknowledgements**

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