
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:-

Adding the *bridleway* which runs from Point A (OSGR SJ4885 3360) to Point B (OSGR SJ4911
3413) 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/195/017 BHS which contains copies of the following documents or extracts thereof:**
- 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/30/29/347, entitled "PLAN of the Township of WHIXALL in the Parish of Prees in the County of SALOP", dated 1847
- Railway Plan, SHR DP/404, entitled "ELLESMERE, RUABON, AND SHREWSBURY RAILWAY. Plans and Sections", dated 1861-1862
- Railway Book of Reference, SHR DP/404, entitled "Ellesmere Rualon & Shrewsbury Railway Oswestry Ellesmere & Whitchurch Railway Book of Reference ", dated 1862
- Ordnance Survey 25" 1st Edition, BL Vol 687 (23), entitled "Shropshire (Northern Division) Sheet XIV.6 - Wem Parish & Prees (Det)", dated 1880
- 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" 2nd Edition, BL 1599 (21), entitled "SECOND EDITION 1901 SHROPSHIRE SHEET XIV. 6", dated 1899
- Finance Act Survey Map, TNA IR 132/4/123, entitled "Shropshire Sheet XIV.6 - Second Edition 1901", dated 1909/1910
- 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
- 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:



Date: 23/09/2020

Wildlife and Countryside Act 1981

Map to Accompany Definitive Map Modification Order Application

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

Applicant's Reference: DLW SH/195/017



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/195/017
Name	Un-named
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 (U1953/10)
Route Length	643 metres
OS 1:10,000 Sheet(s)	SJ43SE
Grid Ref (start)	SJ4885 3360
Grid Ref (end)	SJ4911 3413
ARU ASSESSMENT OUTCOME	
Status/Class	Public carriageway
Strength	Strong
Comment	Shown excluded in the hereditaments in the Finance Act Map, and described as a 3 rd 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/195/017 was included in the research scope by the Discovering 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 part-adopted by Shropshire County Council and recorded on the List of Streets (U1953/10).

From the documents examined it is possible to establish that the case file route has existed as a physical feature since at least 1847 as shown on the Tithe Survey map. The Finance Act maps show the route uncoloured and excluded from hereditaments and depicted as consisting of two parallel solid black lines. 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 deposited railway records describe the route as ‘public’ in this case a “public highway” and the owner of the route is described as a public body. The Ordnance survey records also support the physical presence of the route.

The Ordnance Survey 1” New Series Map demonstrates evidence for the route. The route is shown on the map and is described in the key as ‘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 or 3rd class metalled roads on OS 1” New Series maps will be taken as evidence of the existence of public vehicular rights. The case file route is shown in this way and it is felt therefore that a public vehicular right of way existed over the route at that time.

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.

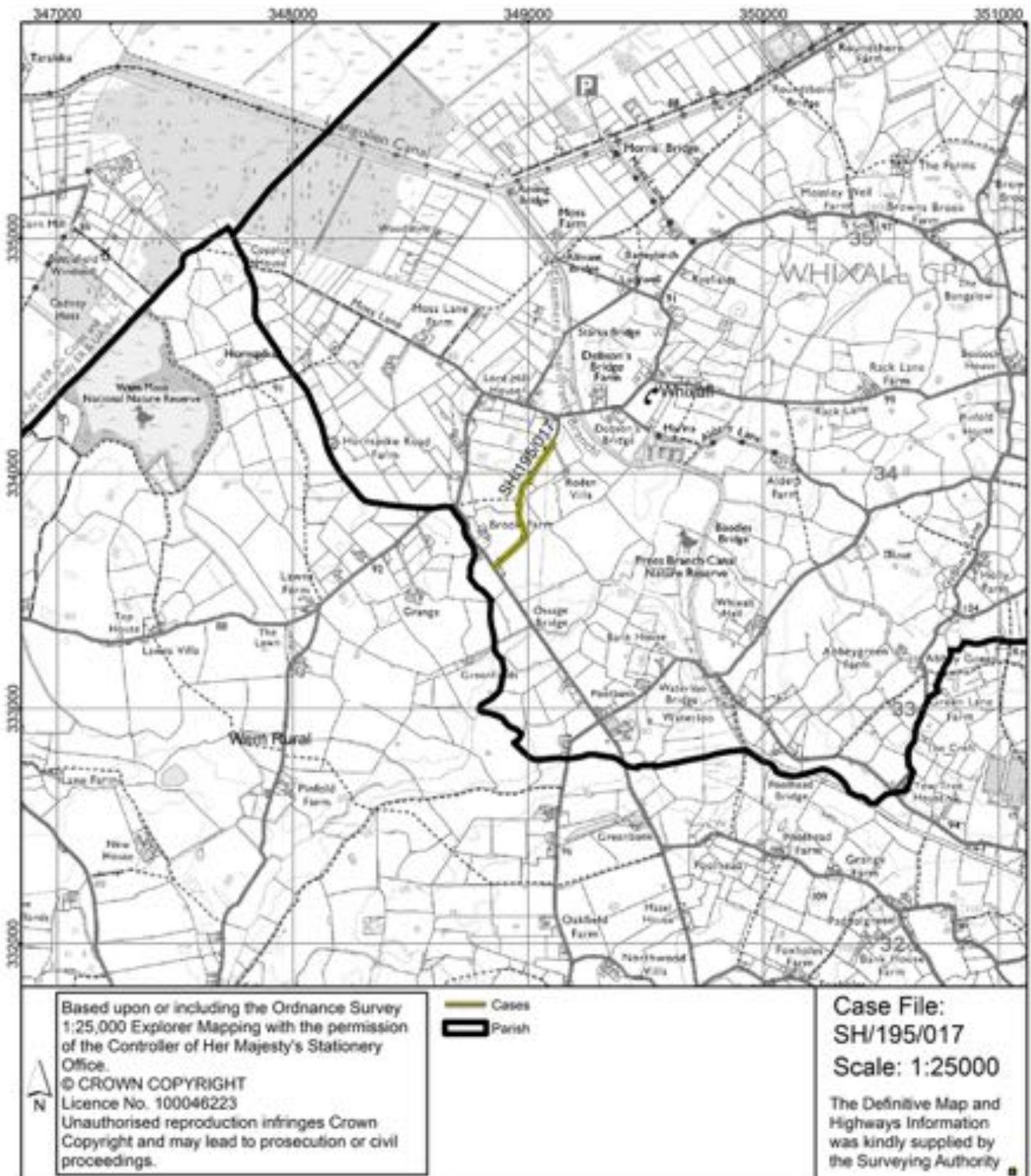
2. Description of Route

The route begins on U1953/10 at the junction with Ossage Lane (C2066/10 and C2066/20) at coordinate SJ4885 3360 (point A on the case file route map). The route continues along U1953/10 in a north easterly direction to where this it terminates at coordinate SJ4911 3413 (point B on the case file route map).

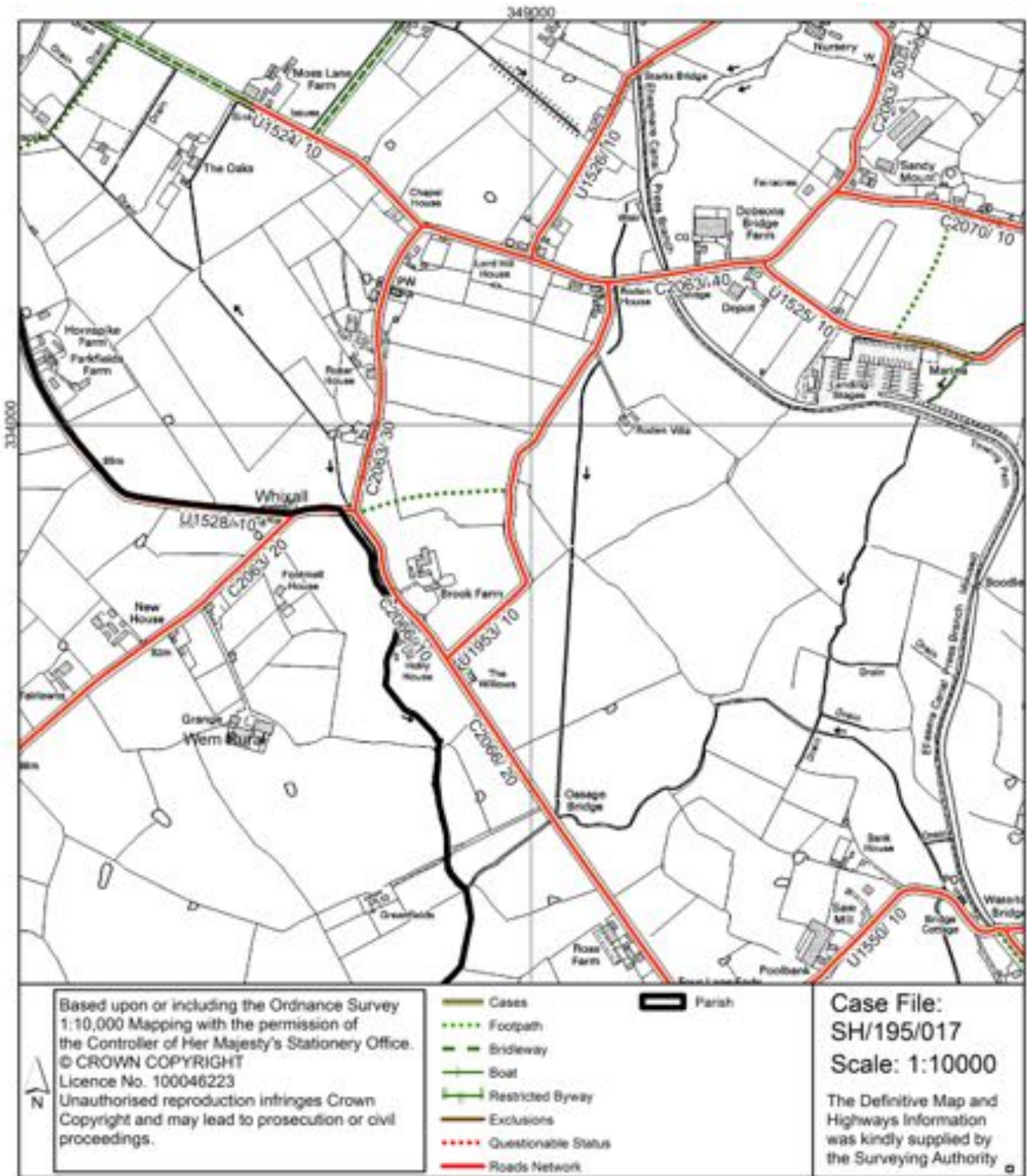
The route has a length of 643 metres.

During the research process, the whole of the case file reference number SH/195/017 was identified with the case route number T000694. 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).

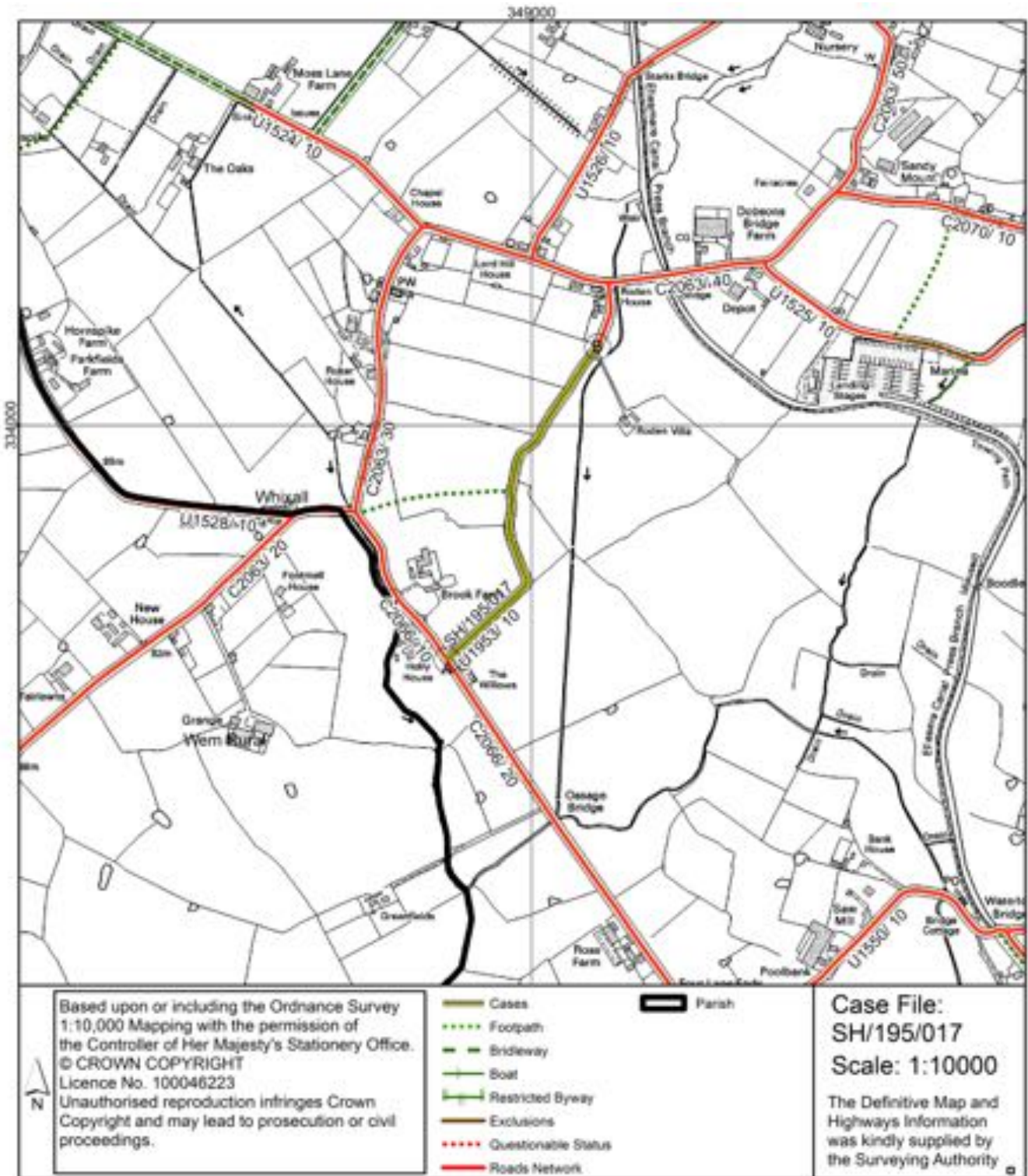
3. Location Plan



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/195/017 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.

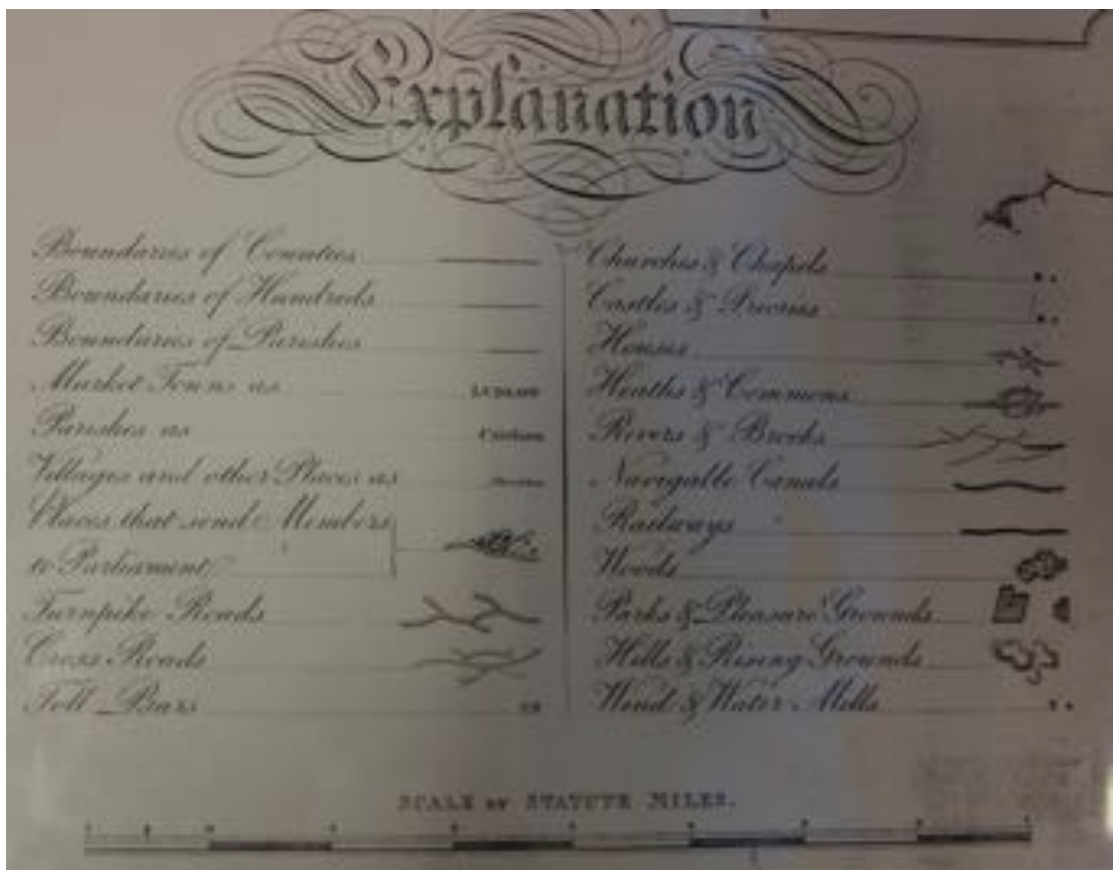
Where a document was researched at the British Library (with an archive reference code BL) no digital image was captured.

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 Commercial Survey 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/195/017.

2. Non-Ordnance Commercial Survey Map, SHR GREENWOODS 1827, entitled "Map of the County of SALOP FROM AN ACTUAL SURVEY BY C. & J. GREENWOOD.", dated 1827, demonstrates evidence for all of route T000694. The route is observed to commence at a junction with another route to the north of the letter "s" of "Lees" on the map. The route is shown on map and depicted or described as "Turnpike Roads" in the key and is depicted as consisting of one bold and one fine solid parallel black line. The route is observed to terminate at a junction with another road to the west of the letter "A" of "Alders" on the map.



3. Ordnance Survey Surveyors Drawings, BL 326, entitled "PARTS OF Shropshire Cheshire and Flintshire", dated 1829, demonstrates evidence for all of route T000694. The route is observed to commence at a point north west of that labelled "Village Bridge" on the map. The route is shown un-named and uncoloured on the Ordnance Surveyor's Drawings 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 where it meets another route.



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 T000694. The route is observed to commence at a junction with another route to the north west of the letter "O" of "Ossage Bridge" 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 a junction with another route to the west of "Alders" on the map.



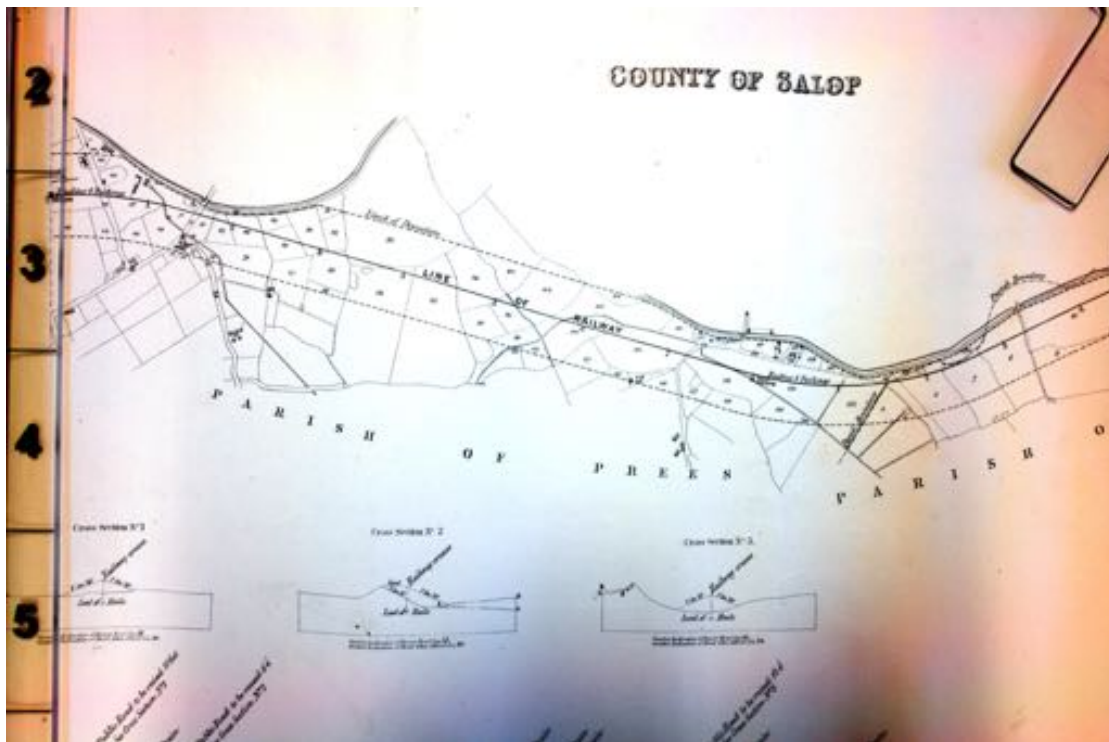
5. Tithe Map, TNA IR/30/29/347, entitled "PLAN of the Township of WHIXALL in the Parish of Prees in the County of SALOP", dated 1847, demonstrates evidence for all of route T000694. The route is observed to commence at the south east corner of land parcel "63" on the map. It is shown but is un-numbered 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 north eastern corner of land parcel "52" on the map.



6. Tithe Apportionment, TNA IR29/29/347, 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/195/017.

7. Railway Plan, SHR DP/404, entitled "ELLESMERE, RUABON, AND SHREWSBURY RAILWAY. Pland and Sections", dated 1861-1862, demonstrates evidence for part of route T000694. The route is observed to commence to the north west of the "A" of the label "PARISH OF PREES". This shows the route specifically numbered on the plan in this case "78" and is depicted as consisting of two parallel solid black lines. This shows the route outside the Limits of Deviation. The route is observed to terminate at "78" marked on the map.



8. Railway Section, SHR DP/404, entitled "ELLESMERE, RUABON, AND SHREWSBURY RAILWAY. Plans and Sections", dated 1861-62, covers the area but demonstrates no evidence for case SH/195/017.

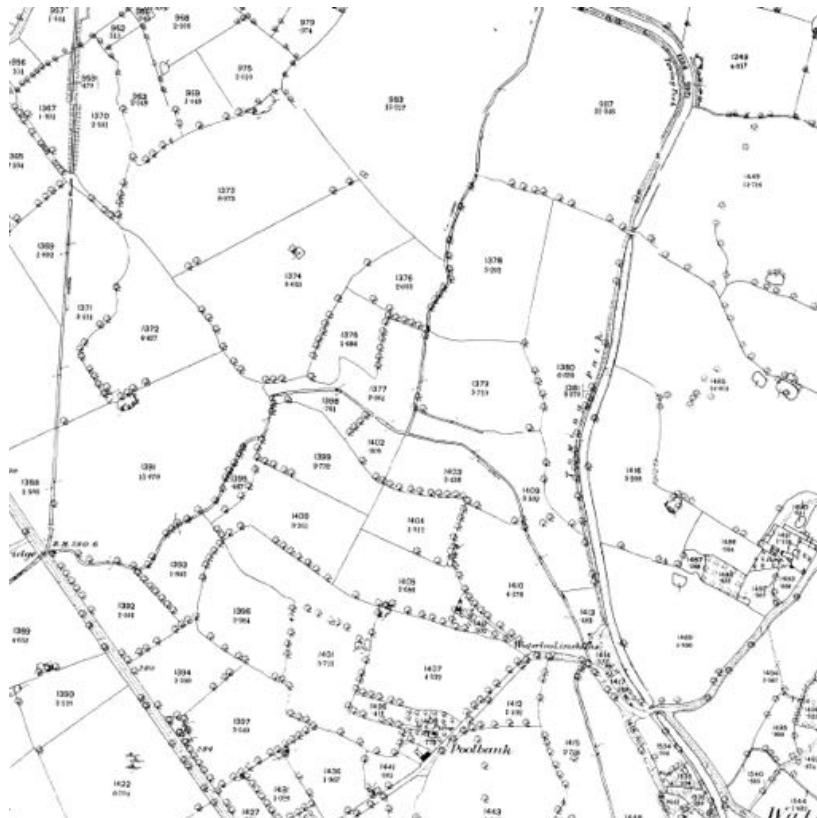
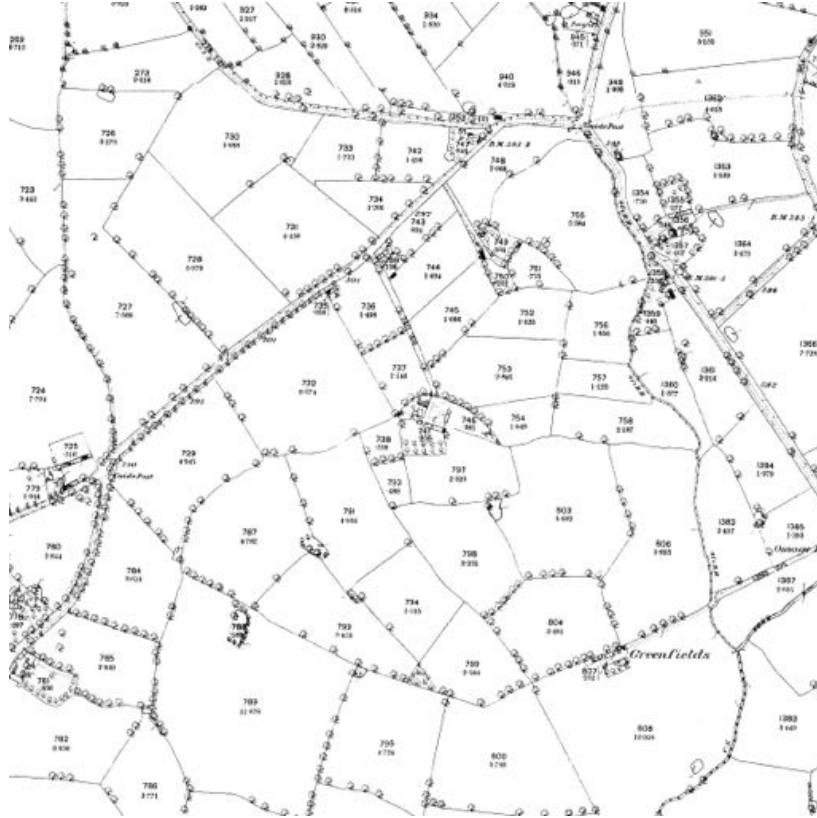
9. Railway Book of Reference, SHR DP/404, entitled "Ellesmere Rualon & Shrewsbury Railway Oswestry Ellesmere & Whitchurch Railway Book of Reference ", dated 1862, demonstrates evidence for all of route T000694. This is described as 'public' in this case a "Public Highway" in parcel number 78. This is listed with the owner of the route being listed as a public body or

officer, "Thomas Woodvine and John Dawson surveyors...", with the implied responsibility for maintenance of public highways.

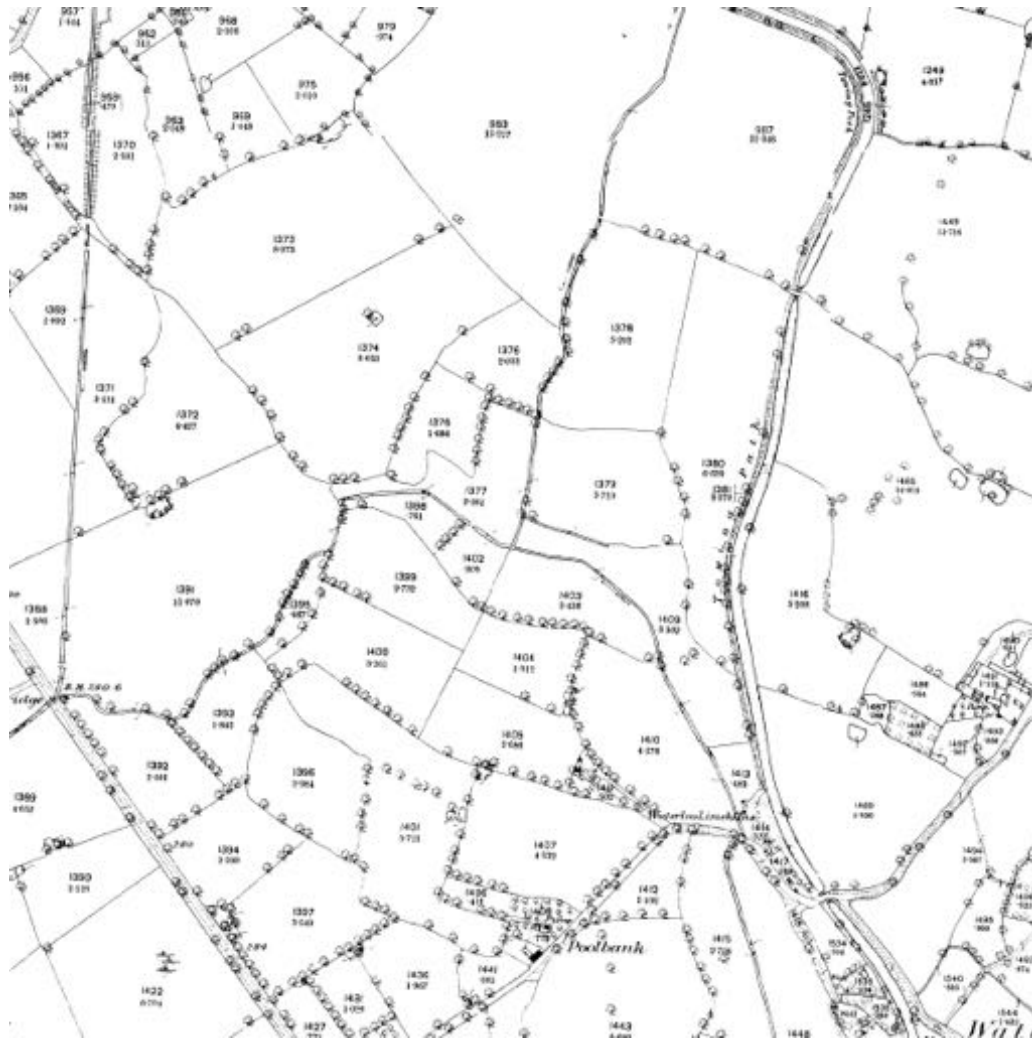


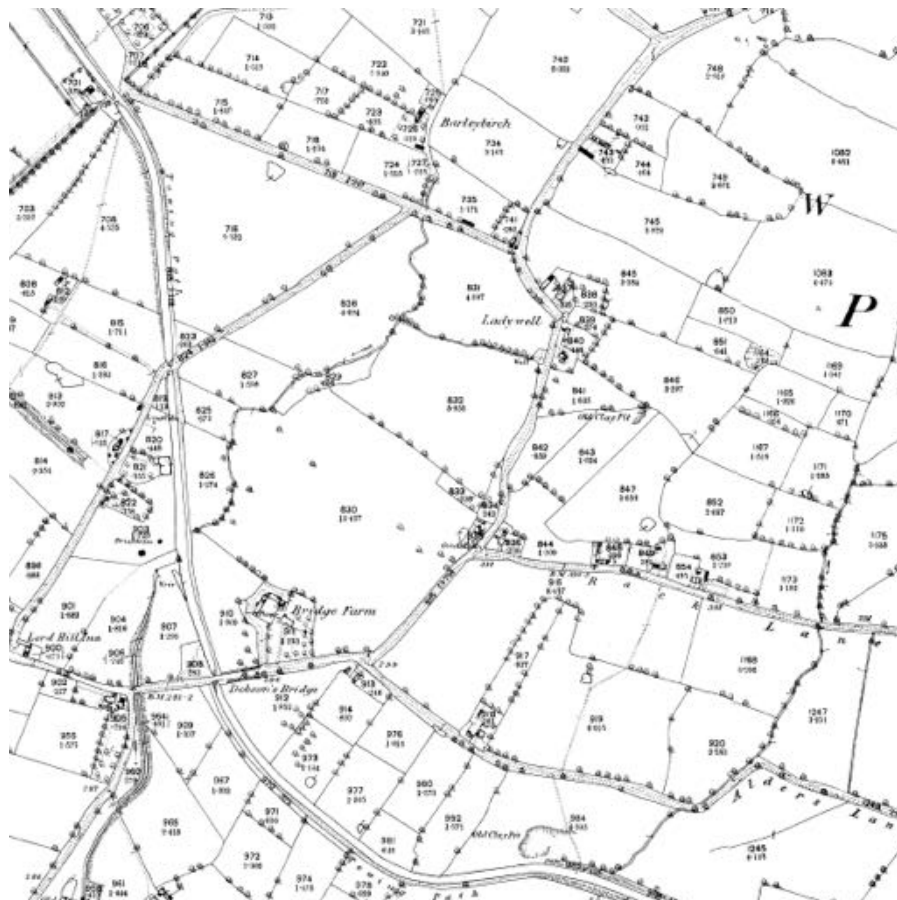
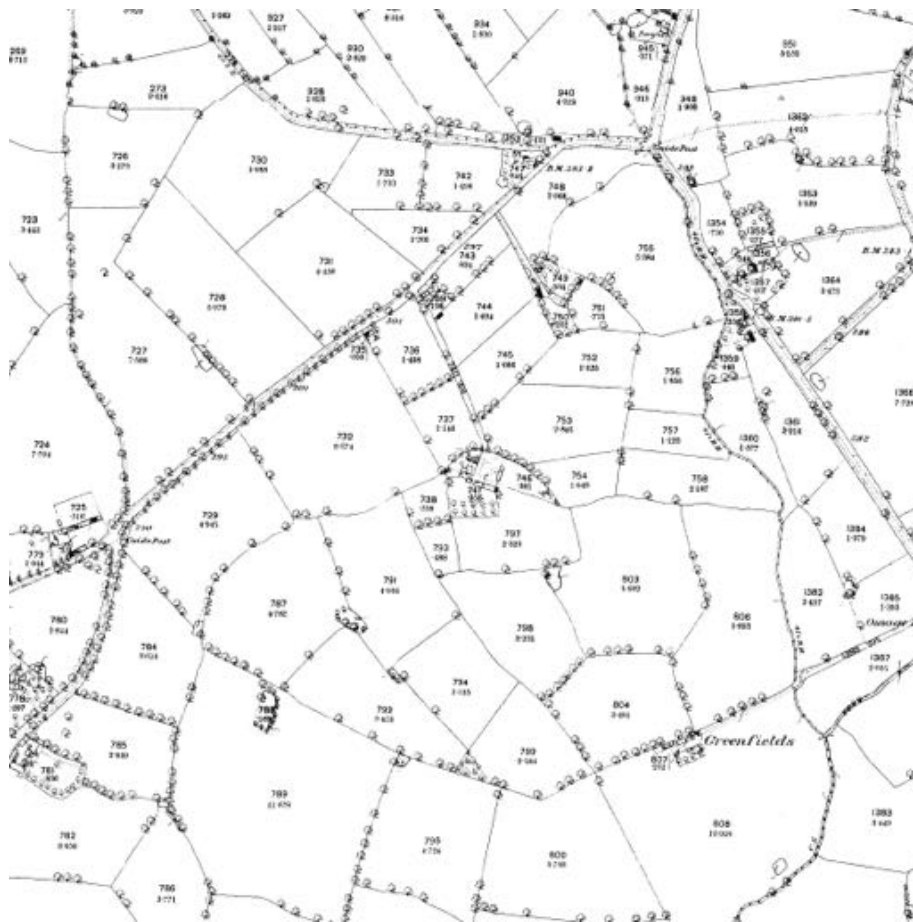
10. Ordnance Survey 25" 1st Edition, BL Vol 687 (23), entitled "Shropshire (Northern Division) Sheet XIV.6 - Wem Parish & Prees (Det)", dated 1880, demonstrates evidence for part of route T000694. This route is observed to commence at the south west corner of parcel "1364" on the map. The route is shown specifically numbered on the map as "954" and is depicted as

consisting of two parallel solid black lines with two dashed black lines along the centre. The route is shown on the map but is un-named. This route is observed to terminate at a point on the eastern boundary of land parcel “1362” on the map.



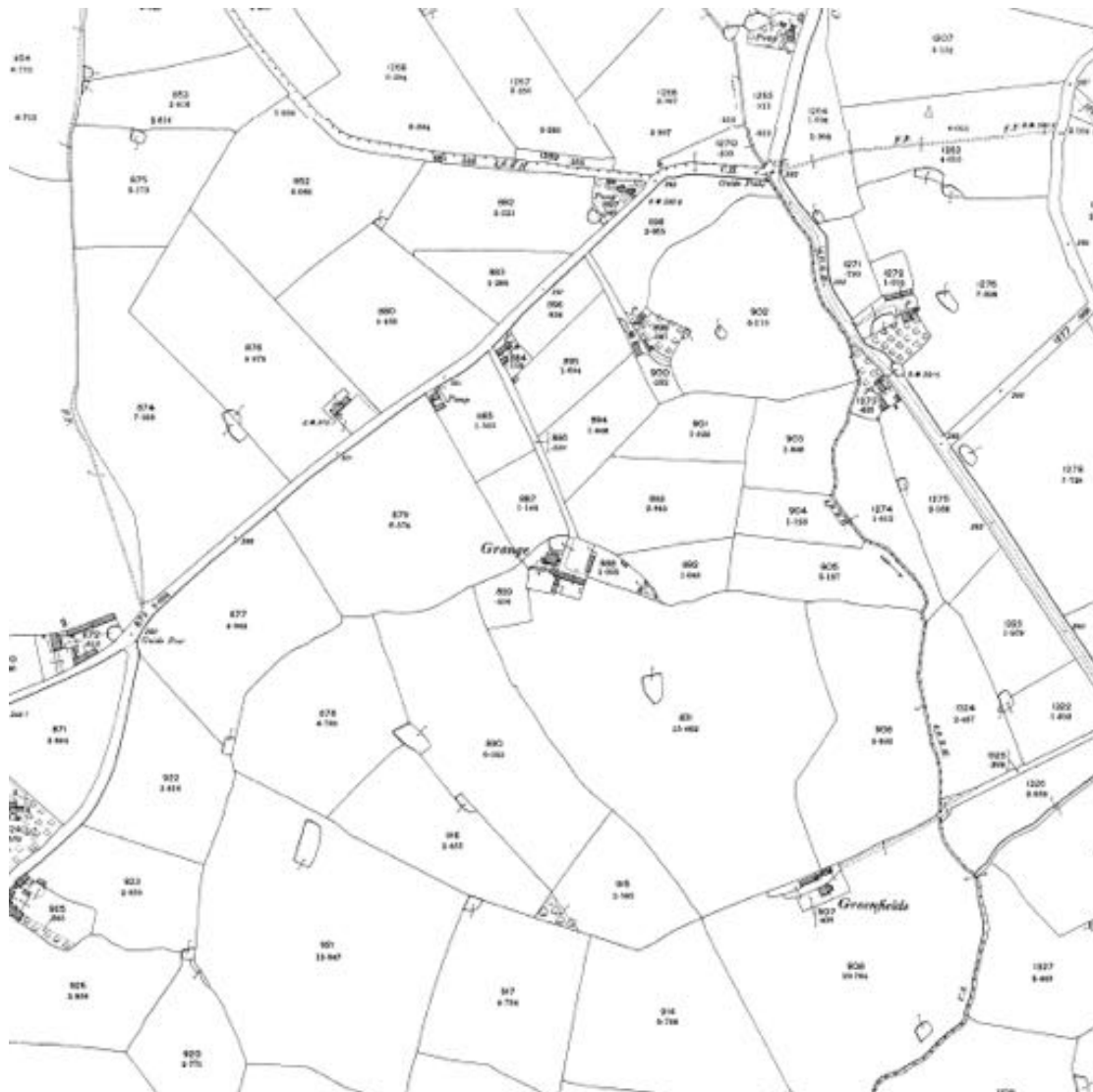
11. Ordnance Survey 25" 1st Edition, BL Vol 687 (18), entitled "Shropshire (Northern Division) Sheet XIV.2 - Wem Parish & Prees Parish (Detached)", dated 1880, demonstrates evidence for part of route T000694. This route is observed to commence at a point that is on the eastern boundary of land parcel "1362". This is shown specifically numbered on the map as "954" and is depicted as consisting of two parallel solid black lines with two dashed black lines along the centre. It is shown on the map but is un-named. This route is observed to terminate at the north west corner of land parcel "957" on the map.



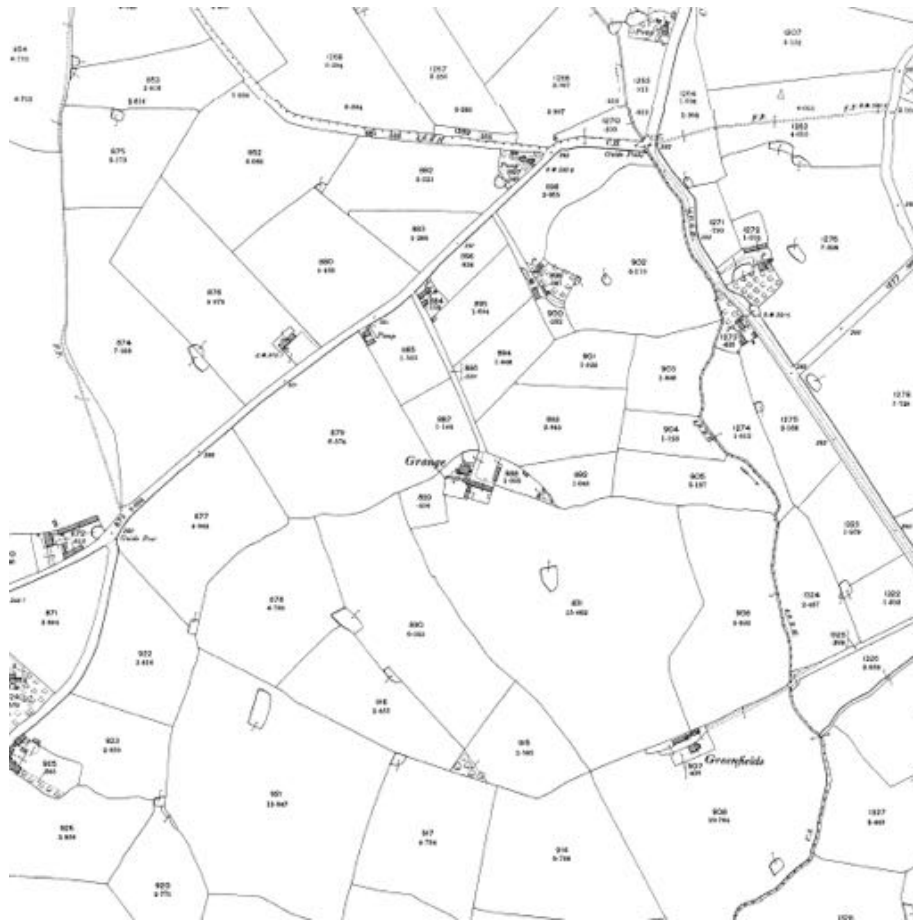


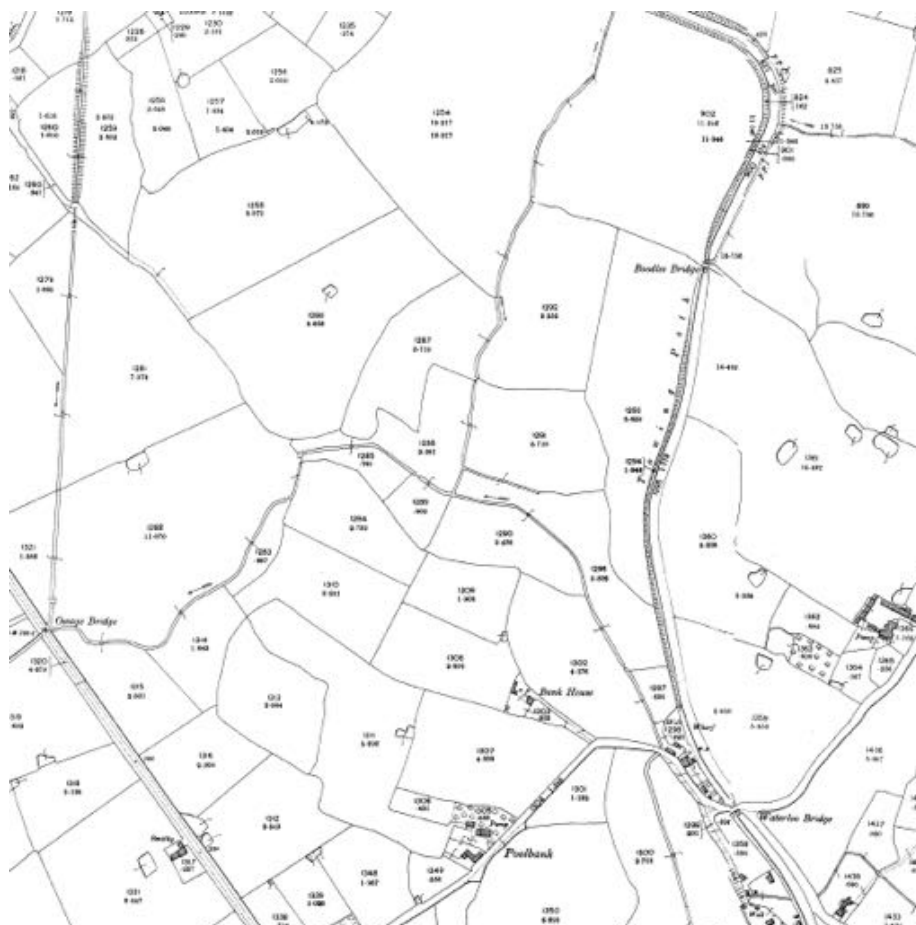
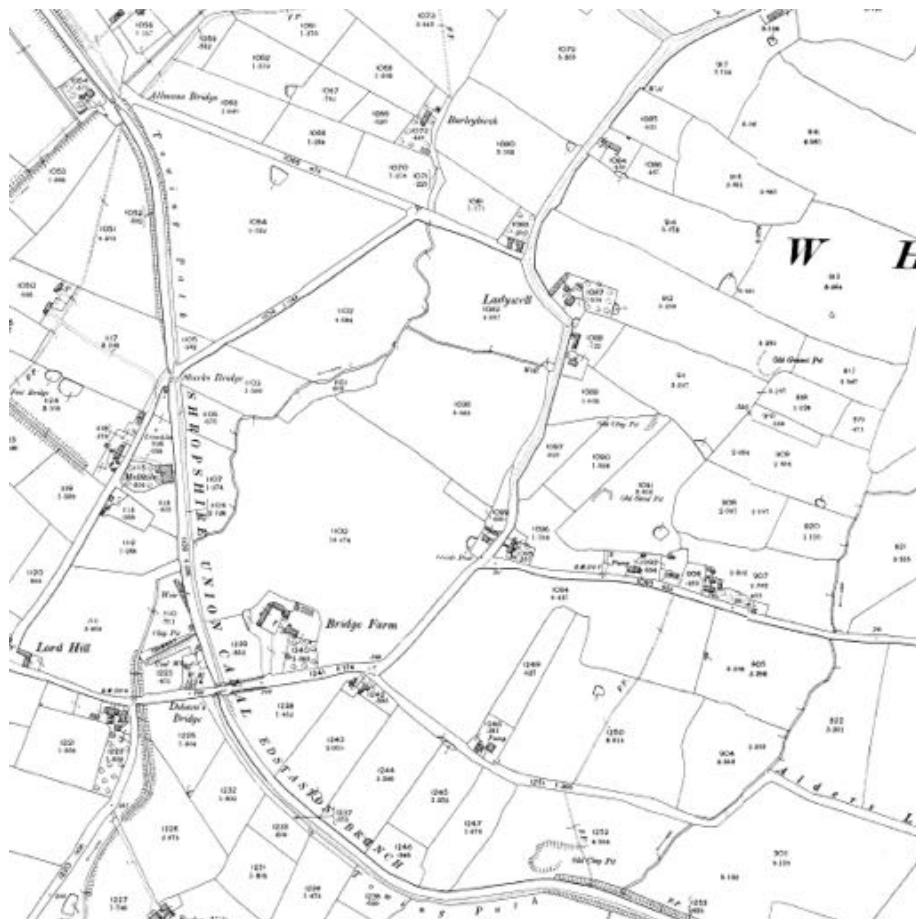
12. Ordnance Survey 25" 1st Edition Book of Reference, BL, entitled "Book of Reference to the Plan of the Parish of Prees in Shropshire", dated 1880, covers the area but demonstrates no evidence for case SH/195/017.

13. Ordnance Survey 25" 2nd Edition, BL 1599 (21), entitled "SECOND EDITION 1901 SHROPSHIRE SHEET XIV. 6", dated 1899, demonstrates evidence for part of route T000694. The route is observed to commence at the south west corner of land parcel "1276" on the map. The route is shown on the map and is depicted as consisting of two parallel solid black lines. The route is shown on the map but is un-named. The route is observed to terminate at a point along the eastern boundary of land parcel "1263" on the map.



14. Ordnance Survey 25" 2nd Edition, BL 1599(18), entitled "SECOND EDITION SHROPSHIRE SHEET XIV. 2.", dated 1899, demonstrates evidence for part of route T000694. The route is observed to commence east of land parcel "1263" on the map. The route is shown on the map and is depicted as consisting of two parallel solid black lines. The route is shown on the map but is un-named. The route is observed to terminate at the north west corner of land parcel "1219" on the map.

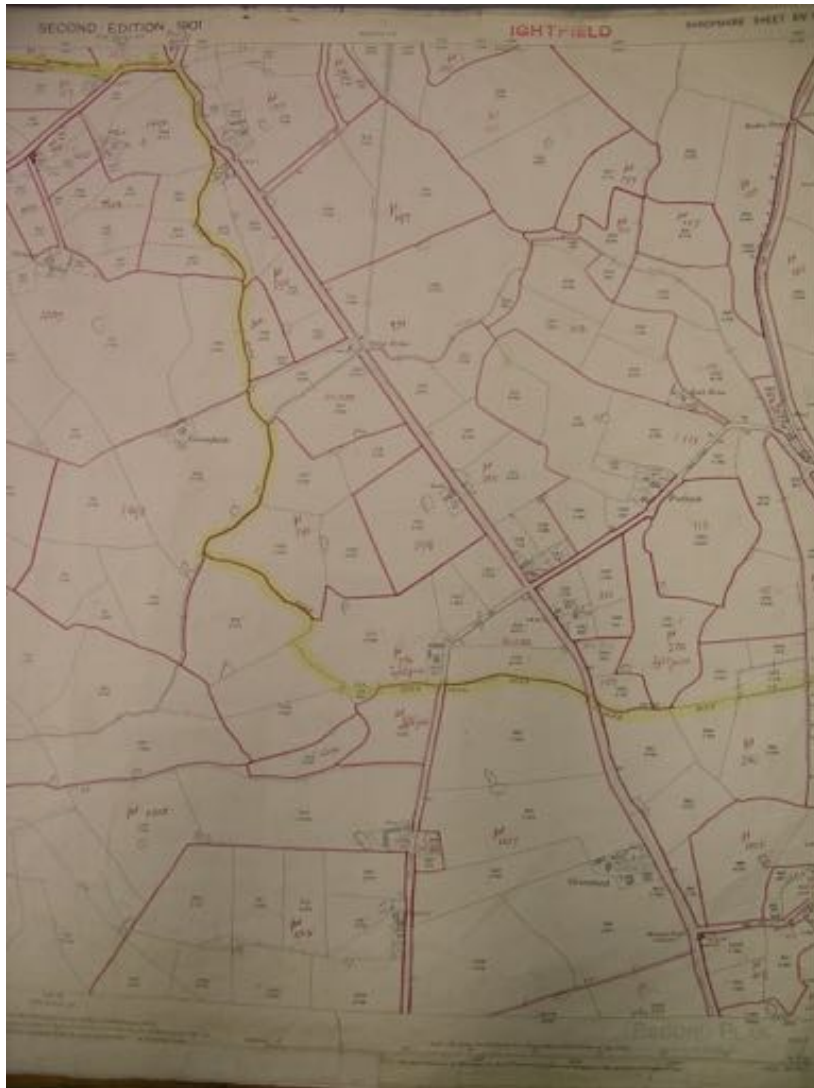




15. Ordnance Survey 1" New Series, BL Maps 1175 (134.) sheet 138, entitled "OS of England WEM", dated 1902, demonstrates evidence for all of route T000694. The route is observed to commence at a point north east of "The Lawn" on the map. The route is shown on the map consisting of two parallel solid black lines and is described in the key as '3rd class metalled road'. The route is shown on the map but is un-named. The route is observed to terminate at a point north east of the commencement point where it meets another route.

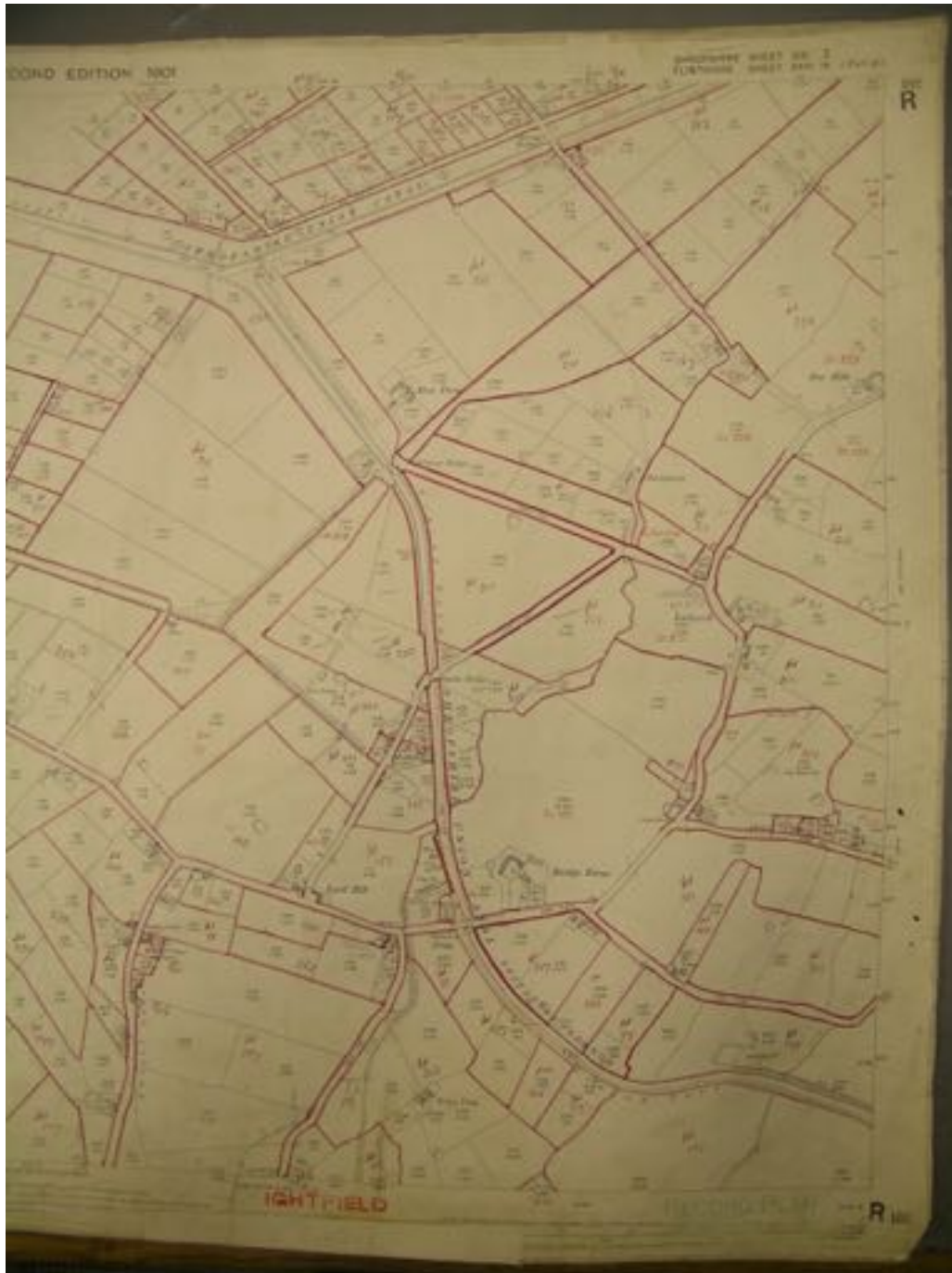
16. Finance Act Survey Map, TNA IR 132/4/123, entitled "Shropshire Sheet XIV.6 - Second Edition 1901", dated 1909/1910, demonstrates evidence for part of route T000694. The route is observed to commence at the south west corner of hereditament "157" on the map. It is shown uncoloured and excluded from hereditaments. The route is observed to terminate at a point that is on the north west corner of heraditament "296" on the map.





17. 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 T000694. This route is observed to commence at a point that is on the southern edge of the documents extent at the eastern boundary of OS land parcel "1263". The route is shown uncoloured and excluded from hereditaments. This route is observed to terminate at the north west corner of OS land parcel "1219".





18. Estate Map, SHR D3651/E/1/3/3/26, entitled "WHIXALL ESTATE. AS ALLOTTED FOR SALE.", demonstrates evidence for all of route T000694. The route is observed to commence at its junction with a main route at the south west corner of field parcel 64 ("Lot XVII"). 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 a point that is north of the commencement point.



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	B(ii)	SHR Map GREENWOODS 1827 - Map of the County of SALOP FROM AN ACTUAL SURVEY BY C. & J. GREENWOOD.	1827	6.2	NOS14	Route shown on map and depicted or described as Turnpike, Postal, Driving Road etc in key / legend on map
Ordnance Survey Records Surveyors Drawings	C	BL Map 326 - PARTS OF Shropshire Cheshire and Flintshire	1829	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 Map 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	C	TNA Map IR/30/29/347 - PLAN of the Township of WHIXALL in the Parish of Prees in the County of SALOP	1847	6.5	TM3	Route shown on map not numbered specifically or within numbered parcel
Deposited Railway Records	B(i)	SHR Plan DP/404 - ELLESMERE, RUABON, AND SHREWSBURY RAILWAY. Pland and Sections	1861-1862	6.7	RP1	Route specifically numbered on plan
					RP5	Route outside LOD
		SHR Book Of Reference DP/404 - Ellesmere Rualon & Shrewsbury Railway Oswestry Ellesmere & Whitchurch Railway Book of Reference	1862	6.9	RB2	Described as public
					RB5	Owner is a public body
Ordnance Survey Records 25" 1st Edition	C	BL Map Vol 687 (23) - Shropshire (Northern Division) Sheet XIV.6 - Wem Parish & Prees (Det)	1880	6.10	OSM23	Route specifically numbered on plan
					OSM2	Route un-named on map
		BL Map Vol 687 (18) - Shropshire (Northern Division) Sheet XIV.2 - Wem Parish & Prees Parish (Detached)	1880	6.11	OSM23	Route specifically numbered on plan
					OSM6	Route Shown on OS 1st Edition 25" Map
Ordnance Survey Record 1:2500 2 nd Edition	C	BL Map 1599 (21) - SECOND EDITION 1901 SHROPSHIRE SHEET XIV. 6	1899	6.13	OSM12	Route Shown on OS 2nd Edition 25" Map
					OSM9	Route un-named on map
		BL Map 1599(18) - SECOND EDITION SHROPSHIRE SHEET XIV. 2.	1899	6.14	OSM12	Route Shown on OS 2nd Edition 25" Map
					OSM9	Route un-named on map
Ordnance Survey Record 1" New	B(ii)	BL Maps 1175 (134.) sheet 138 - OS of	1902	6.15	OSM26	Route described as '3rd class metalled road'

Series		England WEM				on key or Characteristic s Sheet
						OSM20
Finance Act Record	B(i)	TNA Map IR 132/4/123 - Shropshire Sheet XIV.6, - Second Edition 1901	1909/1910	6.16	FA1	Route excluded from Hereditament
		TNA Map IR 132/4/119 - Shropshire Sheet XIV.2, Flintshire Sheet XXVI.14 (part of) - Second Edition 1901	1909/1910	6.17	FA1	Route excluded from Hereditament
Estate Record	C	SHR Map D3651/E/1/3/ 3/26 - Whixall Estate. As Allotted for Sale.	Not given	6.18	EM2	Shown on map un- numbered and not contained within numbered parcel

Evidence of class:

This evidence refers of 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-OS Commercial Mapping	SHR Map GREENWOODS 1827 - Map of the County of SALOP FROM AN ACTUAL SURVEY BY C. & J. GREENWOOD.	1827	RC17	Turnpike Road
Ordnance Survey Records Surveyors Drawings	BL Map 326 - PARTS OF Shropshire Cheshire and Flintshire	1829	RC14	Unspecified
Ordnance Survey Records 1" Old	SHR Map Ordnance Survey Old Series	1833 - 1835	RC14	Unspecified

Series	1": 1mile - Folder 1 1833 - 1835			
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
Deposited Railway Records	SHR Plan DP/404 - ELLESMERE, RUABON, AND SHREWSBURY RAILWAY. Pland and Sections	1861-1862	RC14	Unspecified
	SHR Book Of Reference DP/404 - Ellesmere Rualon & Shrewsbury Railway Oswestry Ellesmere & Whitchurch Railway Book of Reference	1862	RC16	Highway
Ordnance Survey Records 25" 1st Edition	BL Map Vol 687 (23) - Shropshire (Northern Division) Sheet XIV.6 - Wem Parish & Prees (Det)	1880	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	RC14	Unspecified
Ordnance Survey Records 25" 2nd Edition	BL Map 1599 (21) - SECOND EDITION 1901 SHROPSHIRE SHEET XIV. 6	1899	RC14	Unspecified
Ordnance Survey Records 25" 2nd Edition	BL Map 1599(18) - SECOND EDITION SHROPSHIRE SHEET XIV. 2.	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 132/4/123 - Shropshire Sheet XIV.6 - Second Edition 1901	1909/1910	RC14	Unspecified

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
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
Non-OS Commercial Mapping	SHR Map GREENWOODS 1827 - Map of the County of SALOP FROM AN ACTUAL SURVEY BY C. & J. GREENWOOD.	1827	PA11	one bold and one fine solid parallel black lines
Ordnance Survey Records Surveyors Drawings	BL 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 Parish of Prees in the County of	1847	PA3	two parallel solid black lines (in-filled)

	SALOP			
Deposited Railway Records	SHR Plan DP/404 - ELLESMERE, RUABON, AND SHREWSBURY RAILWAY. Pland and Sections	1861-1862	PA1	two parallel solid black lines
Ordnance Survey Records 25" 1st Edition	BL Map Vol 687 (23) - Shropshire (Northern Division) Sheet XIV.6 - Wem Parish & Prees (Det)	1880	PA2	two parallel dashed black lines
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" 2nd Edition	BL Map 1599 (21) - SECOND EDITION 1901 SHROPSHIRE SHEET XIV. 6	1899	PA1	two parallel solid 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 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 132/4/123 - Shropshire Sheet XIV.6 - Second Edition 1901	1909/1910	PA1	two parallel solid black lines
Finance Act Record	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
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. The route is shown un-numbered and not within a numbered parcel. The route is depicted as consisting of two parallel solid black lines (in-filled).

2. Finance Act Survey Records

The Finance Act Maps of 1909/1910 show evidence for the route. It is depicted as consisting of two parallel solid black lines and 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 Railway Records

The Deposited Railway Plan demonstrates evidence for the route. The route is shown specifically numbered on the plan and is depicted as consisting of two parallel solid black lines. The route is shown outside the limits of deviation. The book of reference describes the route as 'Public' in this case a "public highway" and the owner of the route is described as a public body.

4. Estate Records

The route is also shown on the Estate map as consisting of two parallel solid black lines. The route is shown un-numbered and not within a numbered parcel.

5. Non-Ordnance Survey Commercial Mapping

The Non-Ordnance Survey Map demonstrates evidence for the route. The route is shown on the map and depicted as or described as "Turnpike Road" in the Key or legend. The route is depicted on the map as consisting of one bold and one fine solid parallel black line.

6. Ordnance Survey Documents

a. The Ordnance Survey Surveyors Drawings

The Ordnance Survey Surveyor's Drawing shows evidence for the route. It is shown as uncoloured and un-named and is depicted as consisting of two parallel solid black lines.

b. The Ordnance Survey 1" Old Series

The Ordnance Survey 1" Old Series demonstrates evidence for the route. The route is shown on the map and is depicted as consisting of two parallel solid black lines.

c. The Ordnance Survey 1:2500 1st Edition

The Ordnance Survey 25" 1st Edition demonstrates evidence for the route on two sheets. The route is shown on the both maps and is depicted as consisting of two parallel dashed black lines (in-filled), and is specifically numbered on both maps.

d. The Ordnance Survey 1:2500 2nd Edition

The Ordnance Survey 25" 2nd Edition demonstrates evidence for the route on two sheets. The route is shown on both maps and is depicted as consisting of two parallel solid black lines. The route is shown but is un-named on both.

e. The Ordnance Survey 1" New Series

The Ordnance Survey 1" New Series Map demonstrates evidence for the route. The route is shown on the map as consisting of two solid or pecked fine parallel black lines and is described in the key as '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 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 felt 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 Finance Act Map and Modern Ordnance Survey Maps, the route does not appear to have changed alignment.

No 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/195/017 was included in the research scope by the Discovering 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 part-adopted by Shropshire County Council and recorded on the List of Streets (U1953/10).

From the documents examined it is possible to establish that the case file route has existed as a physical feature since at least 1827 as shown on the Tithe Survey map. The Finance Act maps show the route uncoloured and excluded from hereditaments and depicted as consisting of two parallel solid black lines. 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 deposited railway records describe the route as ‘public’ in this case a “public highway” and the owner of the route is described as a public body. The Ordnance survey records also support the physical presence of the route.

The Ordnance Survey 1” New Series Map demonstrates evidence for the route. The route is shown on the map and is described in the key as ‘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 or 3rd class metalled roads on OS 1” New Series maps will be taken as evidence of the existence of public vehicular rights. The case file route is shown in this way and it is felt therefore that a public vehicular right of way existed over the route at that time.

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 3.4: Deposited Railway 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 3.9: Estate Records
Discovering Lost Ways Research Standard 4.0: Combining & Evaluating Evidence

Appendix B - Acknowledgements

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