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App. Ref. No.....

Form A1

WILDLIFE AND COUNTRYSIDE ACT 1981

APPLICATION FOR DEFINITIVE MAP MODIFICATION ORDER

DEFINITIVE MAP OF RIGHTS OF WAY FOR SHROPSHIRE

To: The Outdoor Recreation Manager

Outdoor Recreation

Shropshire Council

Shirehall

Abbey Foregate

Shrewsbury

SY2 6ND

~~of~~ We Anne Suffolk of: Lubstree Park (Name of Applicant)
Farmhouse, Telford TF2 8LW

of Ian Baker of: Raddle Hall, (Address of Applicant)
Broseley, TF12 5BX

Christine Welch of: 37A Church St,
Broseley TF12 5BX

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 following right of way

Parish..... BROSELEY

Status: ~~Byway Open to All Traffic/Restricted Byway/Bridleway/Footpath*~~

* delete as appropriate

From..... Intersection of Footpaths: 0114/UN16/1 and 0114/UN17/1

To..... The start of hadywood in Telford..... (Location of right of way)
+ Wrekin.

as shown on the map accompanying this application.


(A map must be supplied with a scale of at least of 1:25,000)

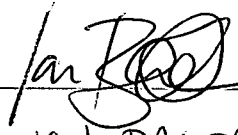
I/We attach the following documentary evidence including evidence of use statements, in support of this application:

1. Document of historical evidence.

2. 9 user evidence statements.

Dated 7th Feb. 2024

Signed  PRINT
NAME ANNE SUFFOLK

Signed 
NAME IAN BAKER

Signed C. Welch.
NAME: CHRISTINE WELCH

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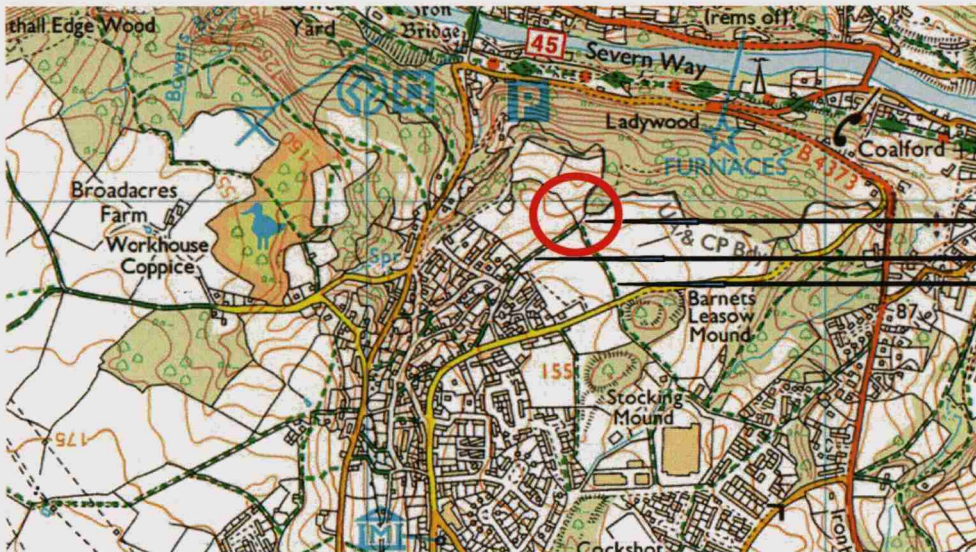
Wildlife and Countryside Act 1981

Definitive Map Modification Order Application

Modification order to add a right of way to the definitive map: section 53(3)(b)

To claim for public use as a footpath, a section of path linking the junction of footpaths 0114/UN16/1 and 0114/UN17/1, to the open access wood known as Ladywood.

1st February 2024



Missing section of a footpath into Ladywood

0114/UN16/1

0114/UN17/1

The grid reference for this path is : SJ 67473 02967

Image source :

<http://www.streetmap.co.uk/map?X=367337&Y=303062&A=Y&Z=115>

Applicants.

1. My name is Anne Suffolk of Lubstree Park Farmhouse, Lubstree Park, Humber Lane, Telford TF2 8LW. I am a co-applicant for this application. I have previously lived at 7a Maypole Road, Broseley Wood, Broseley, Shropshire. I moved to Maypole Road Broseley in March 1985 and I ceased to live there end of April 2019. I have been Chairperson of the Telford and East Shropshire Group of the Ramblers Association since 2016. This Group includes the town of Broseley. I still walk here regularly. I am a founding member and a present committee member of Broseley Walkers Are Welcome.

I have also been the footpaths officer for Broseley Town Council from 2017 to 2021. In these three capacities, and as a committed and keen walker, I have walked in the local area for nearly 38 years, including regularly walking the path from Broseley Wood, through Ladywood and to Ironbridge and Jackfield. I continued to use the path on a regular basis while I lived in Broseley but gave up in 2018 when the path was blocked.

2. My name is Ian Baker of Raddle Hall, Church St, Broseley, I am a co-applicant for this application. I have lived in Broseley since 2006; before that I lived at Ladywood, Ironbridge, from 1993-2006; meaning that for a total of 30 years I have lived in close proximity to this route. I have been a regular walker throughout this period and consequently I have a good knowledge of the local footpath network.

I was also chair of local woodland conservation charity, the Severn Gorge Countryside Trust (SGCT) from 2001 to 2006 and before that a trustee from 1994. SGCT owns all of the woodland of Ladywood falling within Telford and Wrekin Borough, I am therefore fully aware that the whole woodland offers open access to walkers. In addition to offering open access, the Trust maintained the route through Ladywood, recognising its importance in linking the two communities. Indeed, its management plan committed the Trust to maintaining this footpath to the edge of its ownership, i.e., to the point it is now blocked.

Therefore throughout three decades I have been very aware of this route, which used to be one of my favourite walks. Indeed, throughout this time, until it was completely blocked in approximately 2018, I used it regularly including the section for which this application is made; it being one of the few off road routes that links Ironbridge and Broseley.

3. My name is Christine Welch of 37A Church Street Broseley, TF12 5BX; I am a co-applicant to this application. I moved to Broseley in 2016; I am a keen walker and co-founder of the Walkers Are Welcome group in Broseley. I am

interested in the history of the area and have researched documents for the purpose of making this application.

4. This application is made because the path has been used historically by walkers but is not shown on the definitive map as a public right of way. It provides a recreational route and a vital link from Broseley to the Ironbridge Gorge.

5. This application is made because after the 1st January 2026, it will not be possible to include historical evidence when applying for footpaths, bridleways or higher rights to be included on the Definitive Map.

THE APPLICATION ROUTE

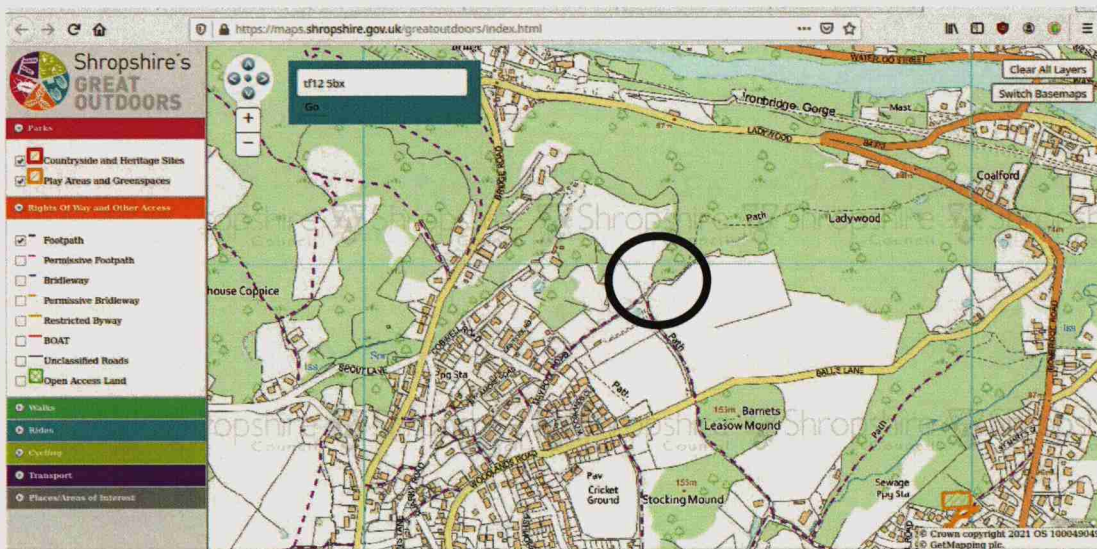
The application route is circled on the Shropshire interactive map below.

The map shows a path, continuous with footpath 0114/UN16/1, covering a short distance before entering Ladywood.

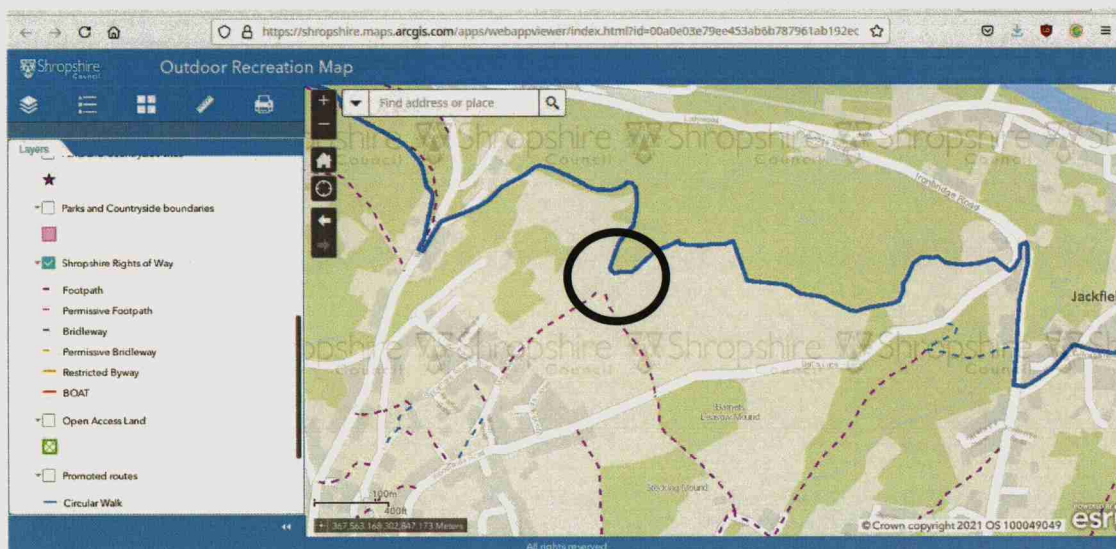
The application is being made for the short section which is in Shropshire, while Ladywood is within Telford and Wrekin. Ladywood is managed by the Severn Gorge Countryside Trust (SGCT) and is an area of open access. Therefore an application for public access, or a continuation of a footpath through Ladywood, is not being made as part of this application.

However the historical evidence contained in this application refers to the continuous length of a path, from Broseley Wood as it continues through Ladywood and down to the Ironbridge road.

This path is clearly shown in the Shropshire interactive map:



Shropshire definitive map : showing the Telford and Wrekin boundary at the start of the finger of land into Ladywood.



The following photographs and images show this section in detail.

Figure 1 : Google maps.

<https://www.google.com/maps/@52.6234074,-2.4815217,224m/data=!3m1!1e3>

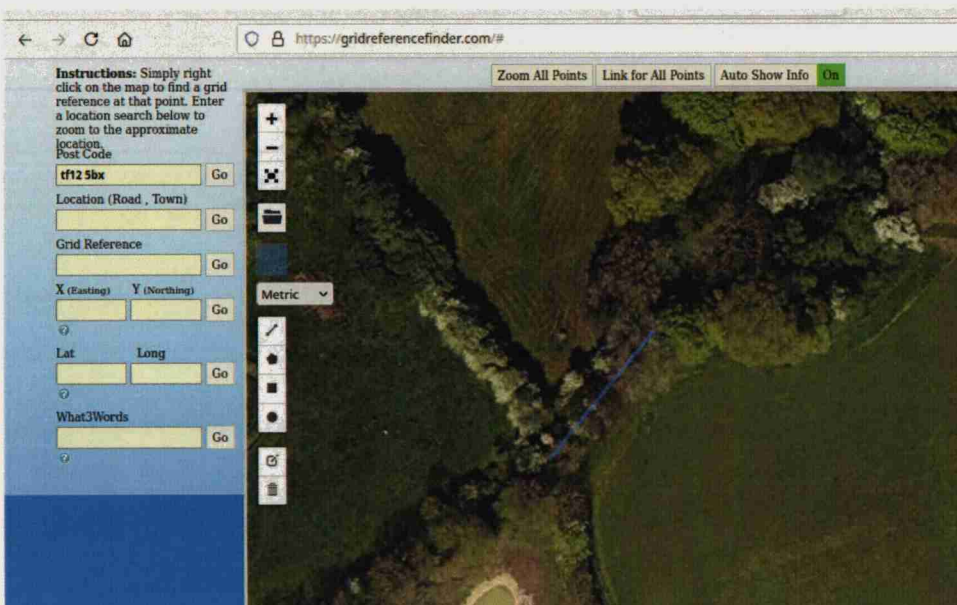


The missing section of path (in Shropshire) into Ladywood is between these two red lines.

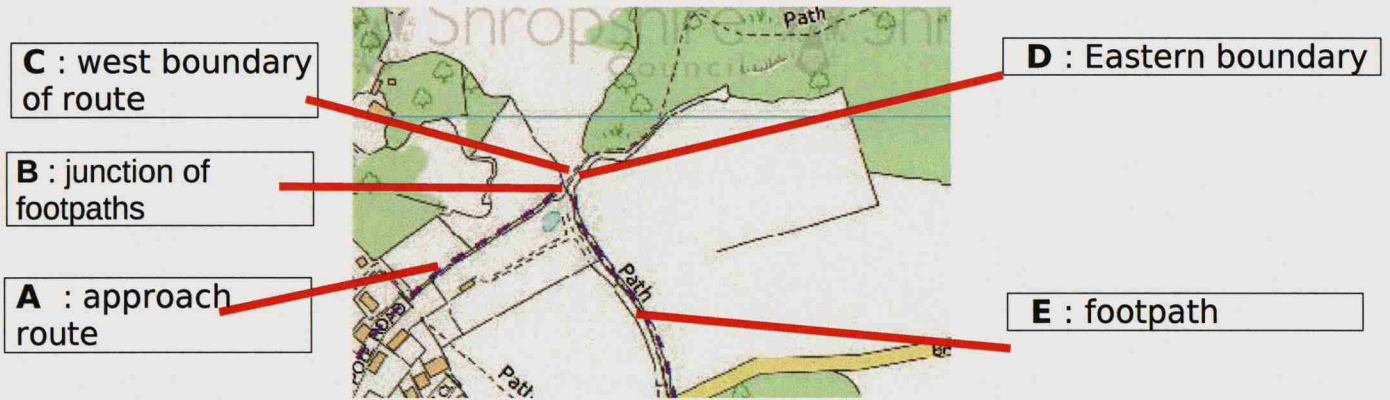
Start of Ladywood in Telford & Wrekin

Junction of two existing footpaths in Shropshire

Figure 2 : Grid reference software shows the section to be approximately 16m long. <https://gridreferencefinder.com/#gr=SJ6741601825|broseley|1>



The photographs that follow refer to these points on the route.



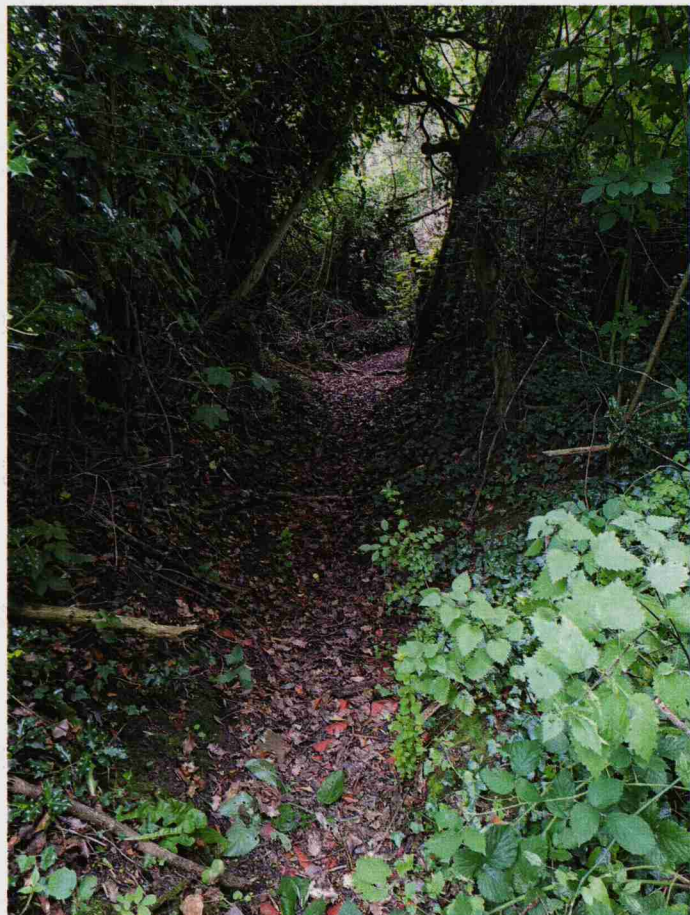
F : shows photographs between boundaries **C** and **D**, along the application route.

A. The approach route footpath 0114/UN16/1.

A well defined track; the footpath is lined with trees.

Note the general appearance which will be compared with the application route, photographs, F.

The appearance of this path is very typical of other worker paths and trackways in and around Broseley.



B : Junction of paths 0114/UN16/1 and 0114/UN17/1 and start of the application route.

The start of the route has been blocked with branches and tree stumps (not visible).

The footpath 0114/UN17/1 at 90° up a small flight of steps, just visible.



E : Footpath 0114/UN17/1.

This path runs along the side of a field and is completely different in nature to the path which approaches the start of the application route.

It is not similar with the path shown in photograph A; it is unlikely that this path was once continuous with the path shown in A. It does not appear to be a continuation of a 'workers' path or trackway.



F : Application route still existing between boundaries C and D.

Path is still visible just past the initial blockage of cut trees. It quickly opens up into a clearly defined path.



Further away from the blockage, from the Ladywood end, the path is now very clear.

It is consistent in appearance with the approach path as shown in photograph A. It does appear to be a continuation of a 'workers' path or trackway.



This is further evidence demonstrating that footpath 0114/UN16/1 once continued northwards until it reached Ladywood and entered the SGCT managed open access woodland.

Photographs taken in August 2021, from Ladywood. The path is so well defined as to still exist despite having been unused for approximately four years,

DOCUMENTARY EVIDENCE OF RIGHT OF WAY STATUS.

In order to be able to modify the definitive map and statement, the Surveying Authority needs to have a discovery of evidence which shows, on the balance of probabilities, that right of way exists. The use of the 'balance of probabilities' test rather than 'beyond reasonable doubt' was confirmed by the High Court in *Todd, Bradley v SOS for EFRA* [2004] 4 All ER 497.

The courts have given guidance on how evidence of highway status is to be considered. In *Fortune and Others v Wiltshire Council and Another* [2012] EWCA Civ 334, Lewison LJ said, at paragraph 22:

"In the nature of things where an inquiry goes back over many years (or, in the case of disputed highways, centuries) direct evidence will often be impossible to find. The fact finding tribunal must draw inferences from circumstantial evidence. The nature of the evidence that the fact finding tribunal may consider in deciding whether or not to draw an inference is almost limitless."

As Pollock CB famously directed the jury in *R v Exall* (1866) 4F & F 992:

"It has been said that circumstantial evidence is to be considered as a chain, and each piece of evidence as a link in the chain, but that is not so, for then, if any one link broke, the chain would fall. It is more like the case of a rope composed of several cords. One strand might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength."

While no single piece of evidence is conclusive, the applicants believe that taken as a whole, the pieces of evidence demonstrate right of public access reputation over many years, indicating that the route does indeed have public footpath status.

Footpath into Ladywood : Historical Evidence.

1. Tithe map for Broseley Parish

a. Date. The apportionment and map was produced between 1838 and 1840.

b. Reason.

(1)The Tithe Commutation Act 1836 enabled tithes (literally a tenth of the produce of the land) to be converted to a monetary payment system. Maps were drawn up to show the titheable land in order to assess the amount of money to be paid. The Act was amended in 1837 to allow maps produced to be either first class or second class.

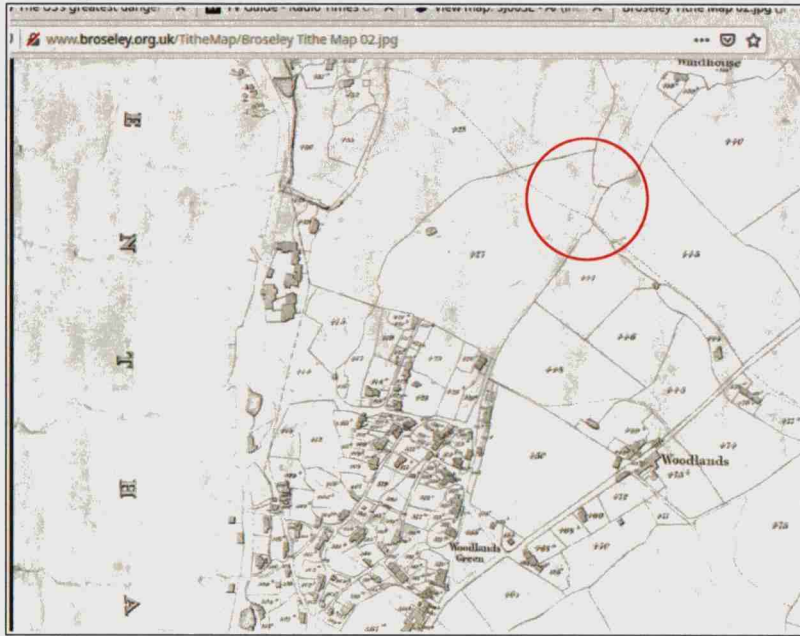
(2)First class maps are legal evidence of all matters which they portray and were signed and sealed by the commissioners (Tithes Act 1847). They had to be at a scale of at least 3 chains to the inch. Second class maps, signed but not sealed, were evidence only of those facts of direct relevance to tithe commutation, and are often at 6 chains to the inch. There was a proposed convention of signs and symbols to be used, which included Bridle Roads and Footpaths, but this was not strictly adhered to.

(3)The tithe process received a high level of publicity as landowners would be particularly keen not to be assessed for more tithe payment than necessary. Non-titheable land deemed to be unproductive was usually excluded from the process. It is common therefore for no tithe to be payable on roads, although wide grass drovers' routes could carry a tithe as they were used as pasture. It was in the interest of the landowners for untithed roads to be shown correctly to minimise their payments. Footpaths and bridleways were more likely to be at least partially productive (for example as pasture). Therefore, although the process was not directly concerned with rights of way, inferences can be drawn from tithe documents regarding the existence of public rights.

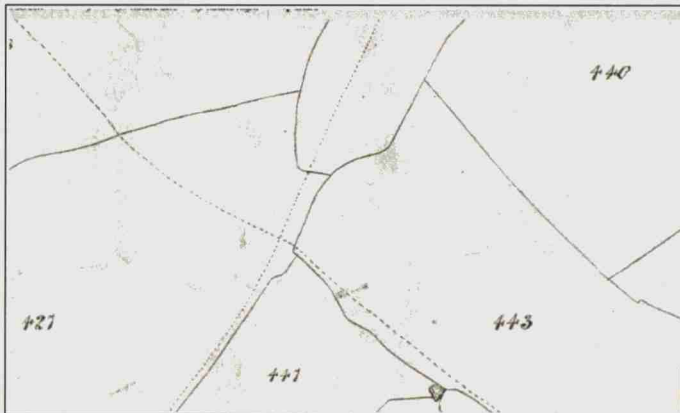
c. Archive and Reference. The tithe map and apportionment for Broseley are held at the Shropshire Archives; however the image below was taken from Broseley History Society archive : www.broseley.org.uk

d. Meaning. The map indicates the application route from a 'crossroads' of paths with the route continuing into a finger of land known as Ladywood.

e. Assessment. This is a second class map and so is only conclusive of matters of relevance to the tithe commissioners. It nevertheless provides useful information from which inferences may be drawn. The application route is clearly shown continuing into Ladywood.



Circled area in greater detail :



2. Ordnance Survey First Edition 6 inch to 1 mile map, published 1883.

a. Date. The Ordnance Survey six-inch to the mile (or 1:10,560) County Series is the most detailed topographic mapping that covers all of England and Wales from the 1840s to the 1950s. It was revised for the whole country twice between 1842-1893 and between 1891-1914, and then updated regularly for urban or rapidly changing areas from 1914 to the 1940s. Source : <https://maps.nls.uk/os/6inch-england-and-wales/info1.html>). This area was surveyed between 1881 and 1882 and published in 1883 (sheet XLIII S.W).

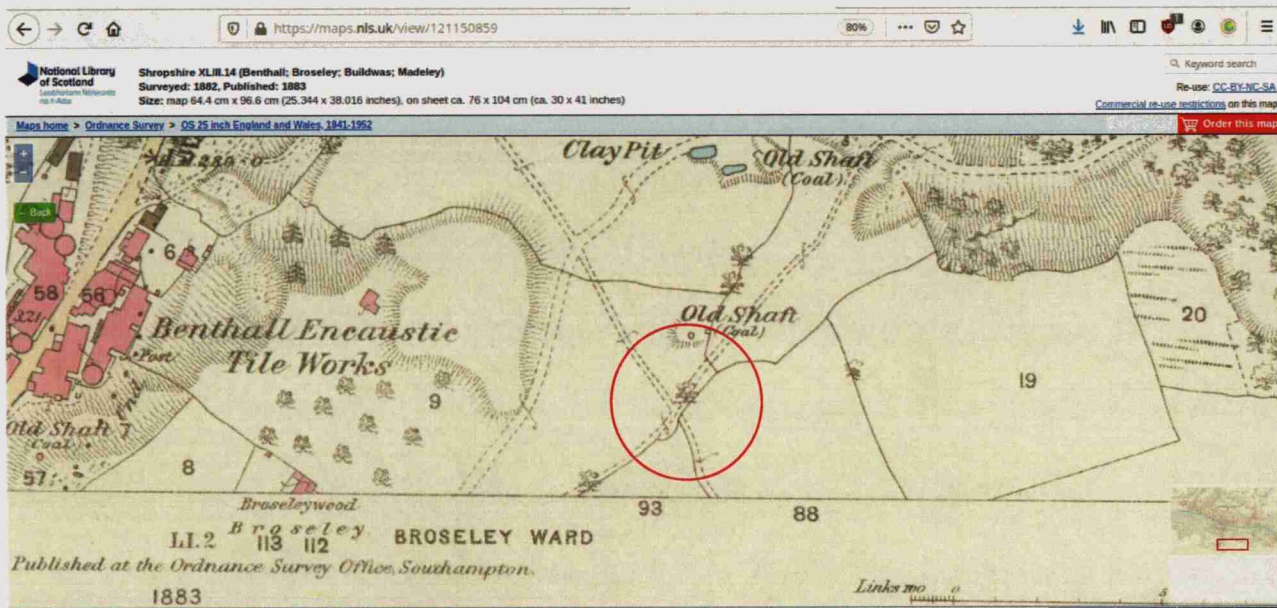
b. Reason. The ongoing improvements in surveying techniques provided maps of higher quality and definition providing further detailed information, including specific measurements about the landscape and features at the time of the survey.

c. Archive. Copies of the first edition Ordnance Survey 6 inch maps are held by the British Library. Electronic copies of certain sheets, such as this 1883 sheet are available from the National Library of Scotland (<http://maps.nls.uk/view/101594680>) where it is referenced as sheet LI N.W.

d. Meaning. The application route is shown as a distinctive and continuous path, depicted by double dotted lines. It is recorded in the same breadth as the two known footpaths previously referred to.

e. Assessment. The application route at the time of recording this map, was clearly an access path. Note the indication of shafts and mining in the area as later evidence records this path as the route for workers from Broseley to the Ladywood tile works.

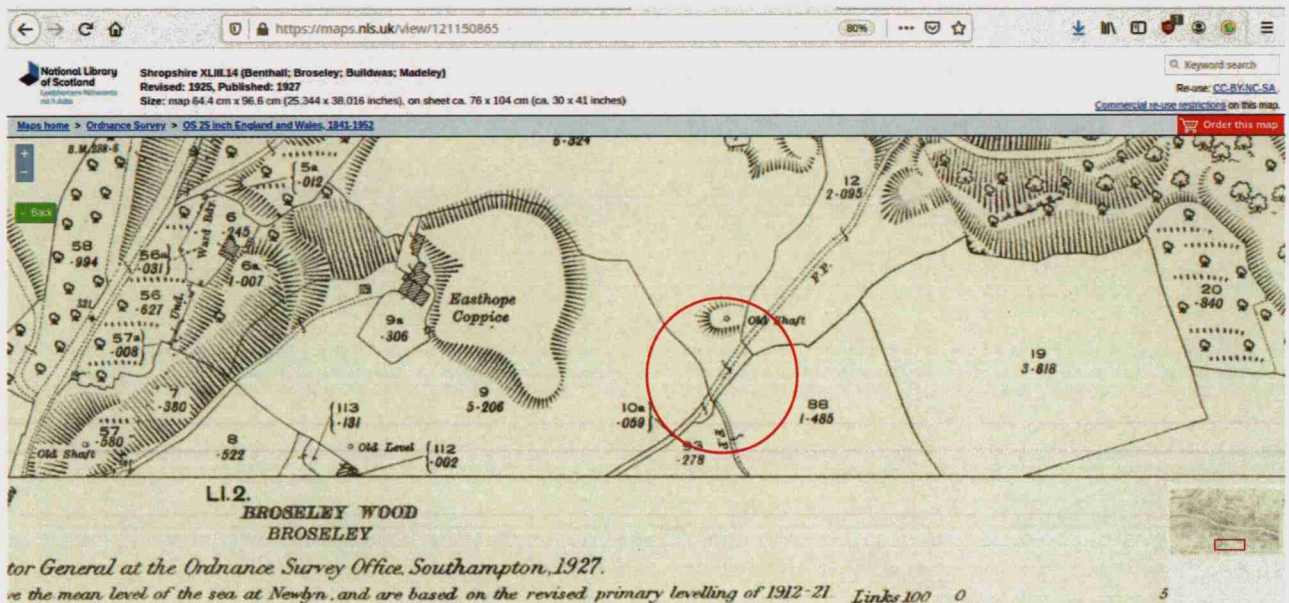
Shropshire XLIII.14 (Benthall; Broseley; Buildwas; Madeley) Surveyed: 1882, Published: 1883
<https://maps.nls.uk/view/121150859>



3. Ordnance Survey Map, revised 1925 published 1927.

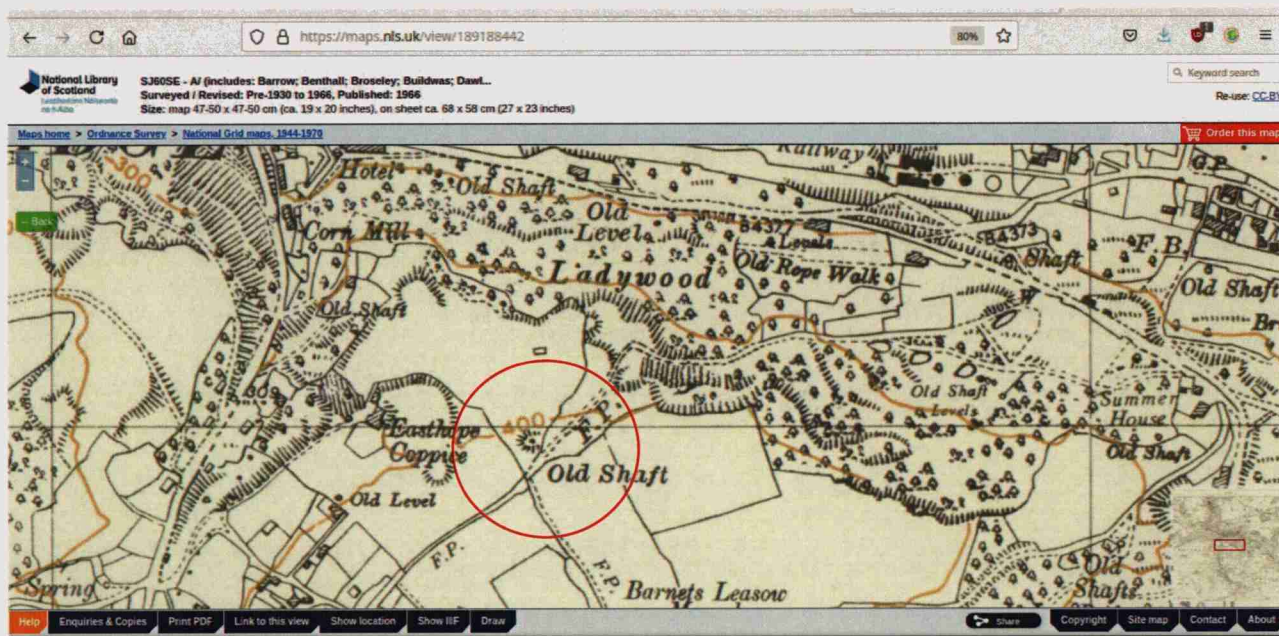
- a. Date. A series of Ordnance Survey map were published as part of the ongoing ordnance survey which occurred before, and continued after, the First World War.
- b. Reason. By the 1920's increased use of the motor car as a means of transport created an entirely new market for maps which were in demand from the public who were enjoying increased social mobility, prosperity and leisure time.
- c. Archive. The map is available to access from the National Library of Scotland <https://maps.nls.uk/view/121150865> where it is referenced as sheet XLIII.14.
- d. Meaning. The application route is now shown as part of the continuous footpath continuing into Ladywood. It is now clearly labelled as 'F.P.' indicating its recognised status as a public footpath.
- e. Assessment. The map is an official map produced and published by the Ordnance Survey, a government organisation, and is considered to be a legal representation of the status of the area at the time.

Shropshire XLIII.14 (Benthall; Broseley; Buildwas; Madeley) Revised: 1925, Published: 1927 <https://maps.nls.uk/view/121150865>



4. Ordnance Survey maps to the present day, continue to show a path from Broseley Wood, continuing through Ladywood to the Ironbridge road.

For example, OS map SJ60SE – published in 1966 clearly marks the ‘F.P.’ footpath through Ladywood. <https://maps.nls.uk/view/189188442>



5. History of the County of Shropshire: Volume 10, Munslow Hundred (Part), the Liberty and Borough of Wenlock.

a. Date. Published in 1998 by Victoria County History of London, as part of the history of the county of Shropshire.

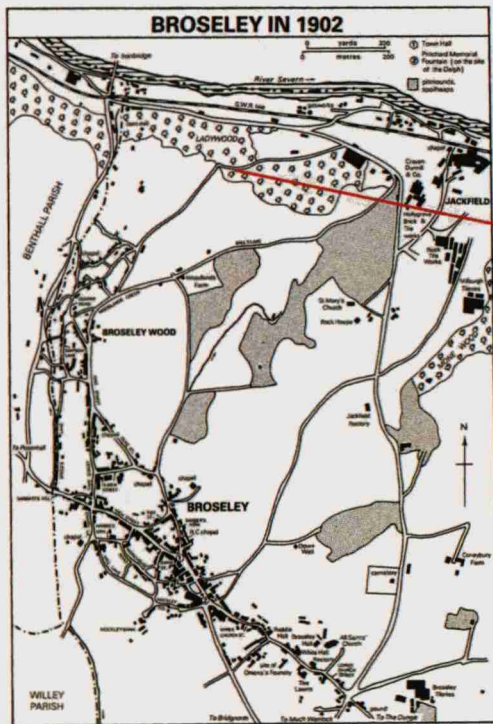
b. Reason. British History Online is a not-for-profit digital library based at the Institute of Historical Research. It brings together material for British history from the collections of libraries, archives, museums and academics.

c. Archive. The map is available to access from the BHO at <https://www.british-history.ac.uk/vch/salop/vol10/pp257-293>

d. Meaning. This 1902 map shows the application route with equal status with the roads of the area that still exist today, supporting the importance of this route to the area.

e. Assessment. Historical documents used to compile this history of Shropshire are provided in the references for volume 10.

<https://www.british-history.ac.uk/vch/salop/vol10/pp257-293>



Ladywood path

6. Bartholomew Half Inch Map Shropshire, Sheet 17, Publication : 1903.

a. Date. The Bartholomew family business produced the series of half-inch maps of Great Britain, between 1897-1909.

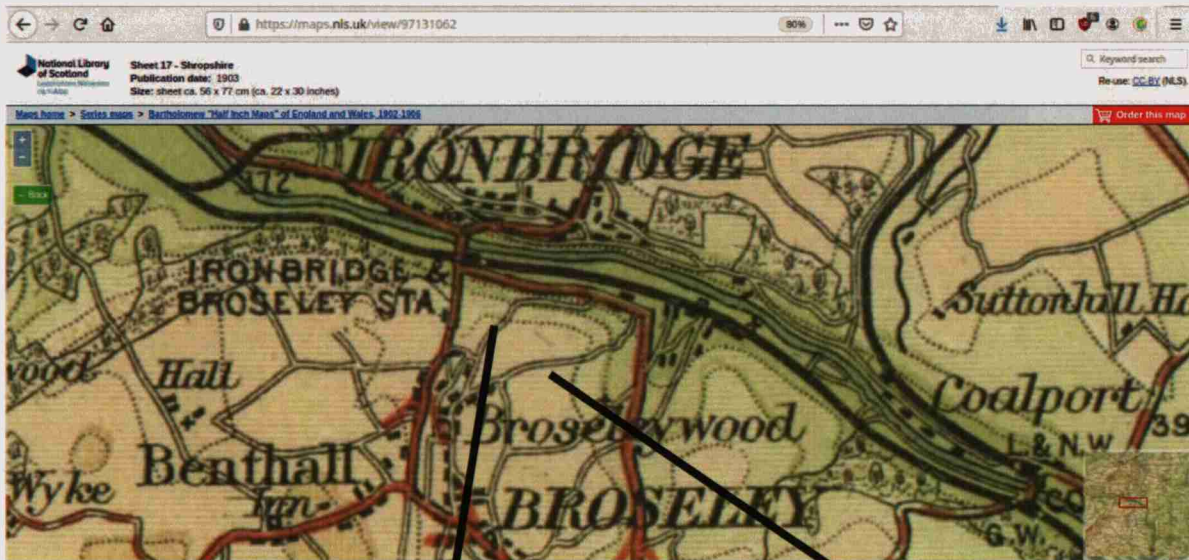
b. Reason. Members of the Bartholomew family were engaged in map-making from the first known map engraving work of George Bartholomew in 1825. John Bartholomew junior started printing operations before 1870. For more than a century afterwards the Bartholomew firm specialised in high-quality map production.

Bartholomew maps were popular and influential, especially for recreation, with cyclists and tourists.

c. Archive. The map is available to access from the National Library of Scotland <https://maps.nls.uk/view/97131062> where it is referenced as sheet 17 - Shropshire Publication date: 1903

d. Meaning. The application route is shown as having the same status as the nearby Balls Lane which is now a public road.

e. Assessment. This indicates that, at the time of production, this route must have been considered sufficiently important to be included on this leisure map.



On this map the path through Ladywood is given the same status ...

... as the nearby highway road called Balls Lane.

7. SGCT Management Plan for Ladywood.

a. Date. Published in 2000 by the Severn Gorge Countryside Trust (SGCT).

b. Reason. The Severn Gorge Countryside Trust manages woodlands and other countryside throughout the Ironbridge and Coalbrookdale area. This summary outlines the management priorities and proposals for Ladywood and includes the objective of balancing the conservation of landscape, wildlife with the public access to the area.

c. Archive. The pdf of the management summary can be downloaded via a google search: <https://www.google.com/search?channel=fs&client=ubuntu&q=SGCT+management+plan+2000>

d. Meaning. The management plan contains multiple references to the footpath through Ladywood. It states that:

- The path is an important link between Broseley and Ironbridge, including the fact that the original path permitted access into and out of Broseley.
- That one aim of the plan was to maintain and improve the path.
- That access within Ladywood is important
- Information boards should be placed at either end of the path for the benefit of walkers. This is a clear indication that walking was through the wood, not simply around the wood.

e. Assessment. The access section of the plan is based on the knowledge, past history and experience by SGCT of the route and its use, particularly

by people from Broseley. As such, it provides very clear evidence of the existence and use of this path prior to 2000, and the expectation that the path would continue to be used after 2000.

Many people in Broseley would contest the assertion that the path was 'little used', but it may be that the comparison was being made with other paths in the SGCT that experience heavy tourist footfall.

The management plan includes these references to public access through Ladywood.

Page 2

Access within the wood is limited to a long established non-definitive footpath which runs roughly east-west through the central section of the wood and is an important but low-key link from Ironbridge to Broseley.

The plan evaluates the land against key values, confirming that the area is important in terms of landscape, nature conservation, cultural value and low-key access.

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ACCESS

- Maintain and improve existing east-west path and corridor
- Investigate potential realignment of path at south-western (Broseley) end to match original line

INFORMATION / INTERPRETATION

- Install site name / welcome markers at unobtrusive locations either end of path
- Develop simple site information sheet

6.3 Access

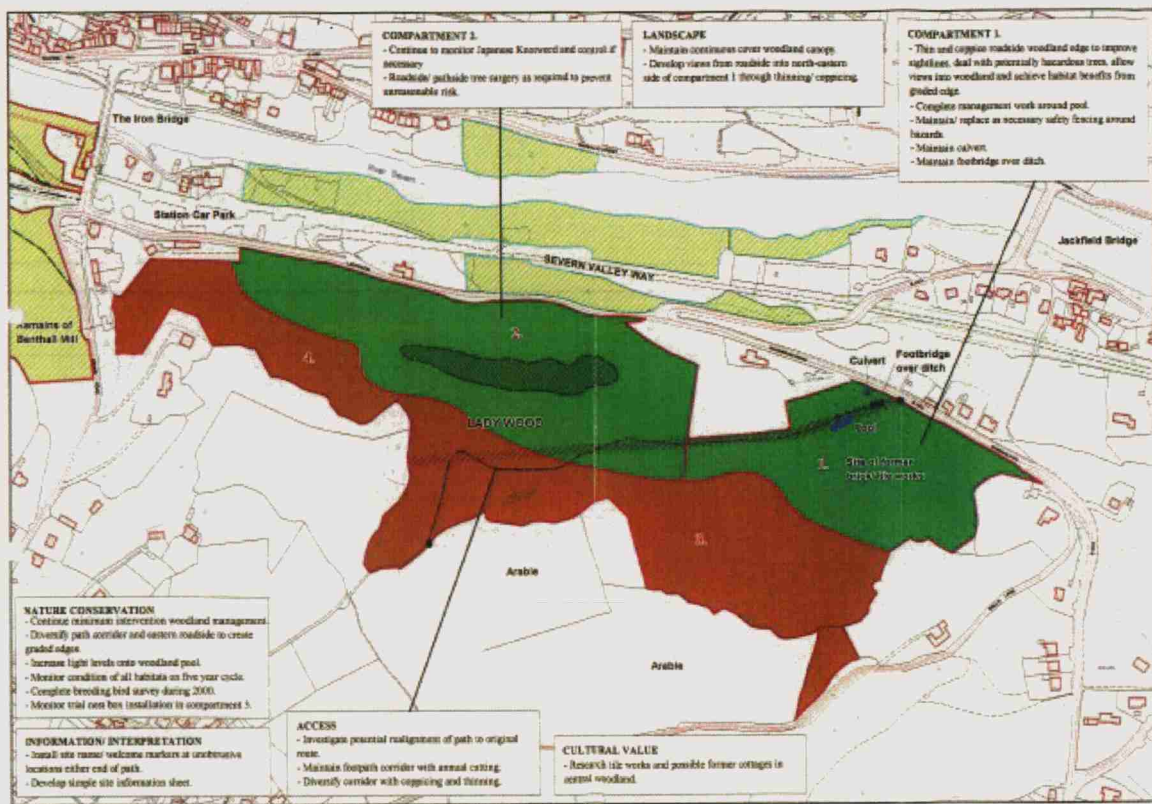
Ladywood contains only one significant footpath. This path runs roughly east / west along the former line of the power cables. This non-definitive footpath runs from the roadside at the eastern edge of the wood, just below the former tile works, across the central section of the woodland before cutting steeply to the south to exit the woodland onto adjacent arable land north of Balls Lane, Broseley.

This path follows almost exactly the line of a well-defined trackway shown on the 1883, 1902 and 1927 OS Maps, with the exception of a slight alteration at the south-western end of the path. The current line of the path brings it out onto farmland further east of its original line. It originally linked directly onto a narrower route, labelled 'FP' for footpath on the 1902 / 1927 maps, running in a south-west direction towards the northern edge of Broseley, past old coal shafts.

The current path through Ladywood does not appear to be used by great numbers of people. However, it is a significant and important footpath link from Broseley to Ironbridge and vice versa. The nature of the ground along the route, with disturbed clays, wet flushes and overspill from the pool at the eastern end tends to cause muddy conditions through much of the year.

The final steep section at the southern edge, taking the path out onto farmland can also be difficult and slippery. It would seem prudent to examine the feasibility of reinstating the original line of the path at this south-western edge of the wood and reinforcing its connection with the original path line into / out of Broseley.

2000 SGCT Management Plan for Ladywood, showing the route of the path; it recommends path clearance and possible re-alignment within Ladywood.



Ladywood Management Plan. Management Proposals, Plan 2.

8. Aerial photograph taken in 1949.

a. Date. The Britain from Above collection of aerial photographs dates from 1919 to 2006. This picture below is an enlargement of a photograph of The River Sever, Ironbridge and the Iron Bridge together with the surrounding area. It was taken in 1949.

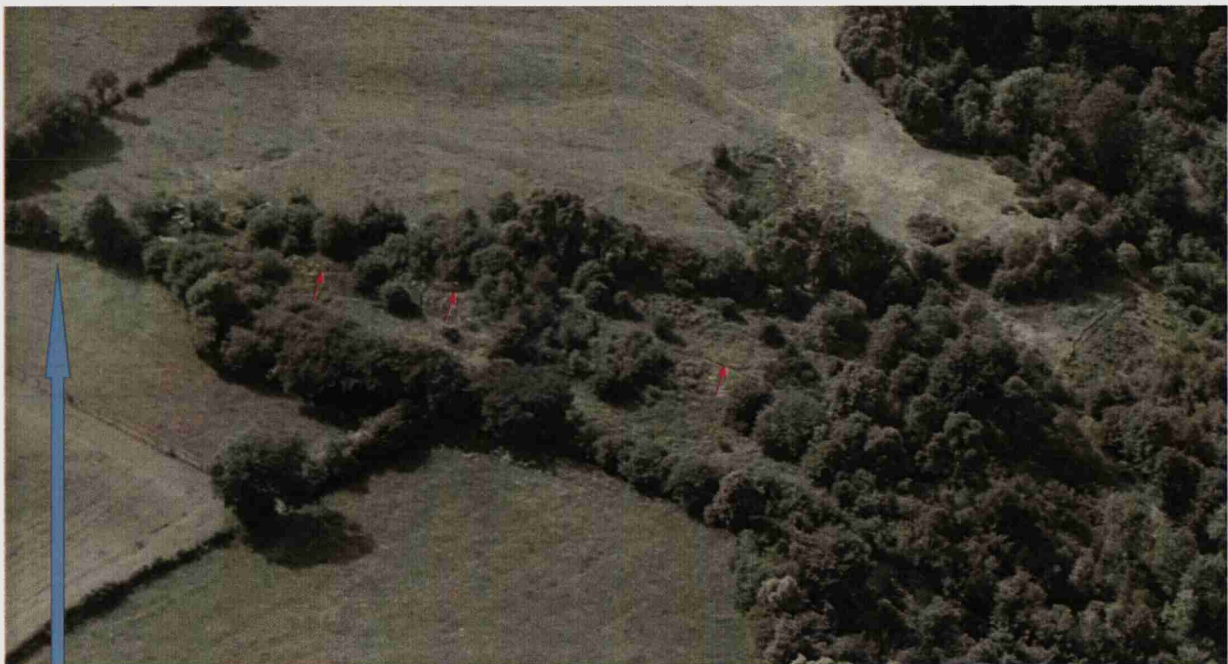
b. Reason. The Britain from Above website features images from the Aerofilms collection, a unique aerial photographic archive of international importance. The collection includes 1.26 million negatives and more than 2000 photograph albums. Dating from 1919 to 2006, the total collection presents an unparalleled picture of the changing face of Britain in the 20th century.

c. Archive. The image is available at the 'Britain From Above' website at this reference: <https://britainfromabove.org.uk/en/image/EAW024220>

d. Meaning. A path is clearly visible through Ladywood, and clearly extends into the left most section for which this DMMO application is being made.

e. Assessment. This indicates that, at the time of the photograph, this route was being regularly walked such that a path is clearly visible among the vegetation. The line of this path is consistent with ordnance survey maps which show a footpath.

<https://britainfromabove.org.uk/en/image/EAW024220>



Section for which this application is being made; small red arrows mark the visible path through Ladywood.

9. Land Registry map for SL109595.

a. Date. Title plan, and title deed were accessed on 1st Feb 2024.

b. Reason. To confirm any ownership of this path.


c. Archive. Available from <https://www.gov.uk/government/organisations/land-registry>

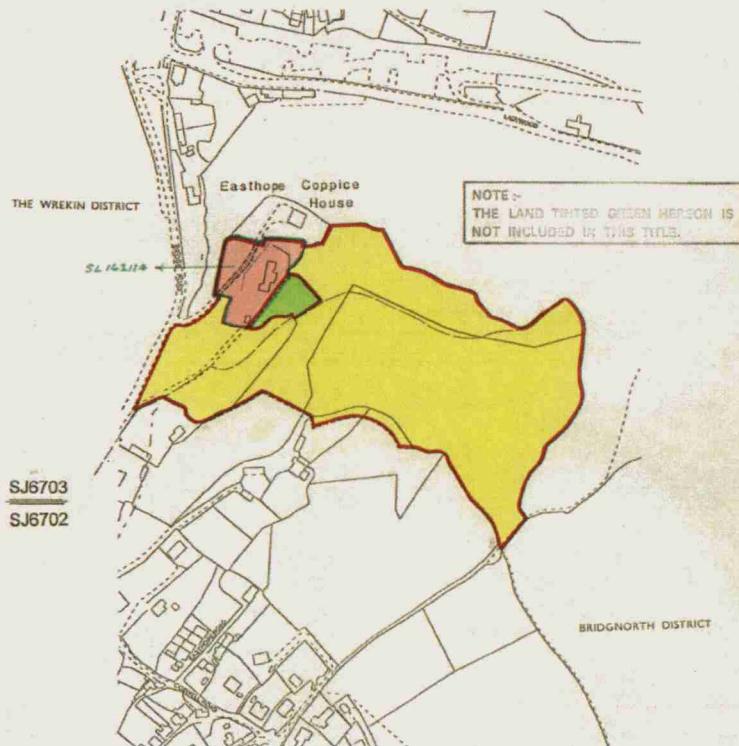
d. Meaning.

The path is clearly visible on the lower right hand section of the land shaded in yellow. Path 0114/UN16/1 can be seen entering the boundary marked in red, then continuing though and into the unshaded section of Ladywood, that extends like a finger.

e. Assessment.

The path is shown in the same way as footpaths: 0114/UN16/1 & 0114/UN17/1 suggesting that it had the same status as these two public rights of way.

H.M. LAND REGISTRY		TITLE NUMBER SL109595	
ORDNANCE SURVEY PLAN REFERENCE	SJ6702 SJ6703	Scale 1/2500	
ADMINISTRATIVE AREA SHROPSHIRE		© Crown Copyright	



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CONCLUSIONS

1. The evidence presented is consistent with there being a publicly used path from Broseley that entered Ladywood, since at least the 1830's.
2. Consequently the short section from the footpath paths junction (0114/UN16/1 and 0114/UN17/1) to the start of Ladywood, between what are now two barbed wire boundaries, must have been part of this continuous path.
2. It must be noted that the change of authority from Shropshire to Telford and Wrekin at the start of Ladywood, may explain why a short section of path in Shropshire might have been 'missed off' when the Shropshire definitive map was being constructed.

It is not uncommon for rights of way to be 'lost' at the boundaries between different authorities.

3. This historical documentation is being supported with evidence statements.

REQUEST

The applicants request that the surveying authority add the route to the definitive map as a public footpath.