

Application for a Modification Order.

Wildlife and Countryside Act, 1981.

Shropshire County Council Definitive Map and Statement.

To: The Chief Executive, Shropshire County Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND.

I, C.J.Hay of The Cottage, Aston Munslow, Craven Arms, Shropshire, SY7 9ER, do hereby apply for an order under Section 53 (3) (c) (ii) of the Wildlife and Countryside Act, 1981, Modifying the Definitive Map and Statement for the area by upgrading the extreme southern end of Footpath 31 (Munslow Parish) between where it crosses the bottom of Brookhouse Lane and the bridge over the River Corve (Grid Ref.: S.O. 530875), Point 'A' and where it joins the Parish Boundary at the bridge over the drain (Grid Ref.: S.O. 531875), Point 'B', to Bridleway to a minimum width of 3 metres.

To upgrade the south western leg of Footpath 16 (Tugford Parish) from Point 'B' referred to in the above paragraph to where it joins the county road at Baucott on Sandy Lane (Grid Ref.: S.O. 539873), Point 'C', to a minimum width of 3 metres.

The whole of the route is shown in red on the map annexed hereto.

Details of documentary evidence in support of this application is detailed below.

1. The First Edition of the Ordnance Survey 1" map, Sheet 41 (Shrewsbury), published 1st. January, 1833 and surveyed by Lt. Col. Colby clearly shows the route from Munslow to Baucott via Brookhouse Lane and the northern section of Sandy Lane, and beyond as a minor road.
2. Shropshire County Council Records Office (Ref: D.P. 385)
Much Wenlock, Craven Arms and Coalbrookdale Railway Plans and Sections, November 1860, John Fowler Engineer. The accompanying map on page 1 (untitled but identifiable as O.S. 1", 1860) clearly shows the same route as a minor road.
3. S.R.O.Ref: 552/8/917
'Ten Miles Around Ludlow', an undated map from the Ordnance Survey (c. 19th.C) of 14 walks and 8 rides. No descriptive route notes. Engraved by Alfred Adlard, Doctors Commons, and published by John Evans, Ludlow.
Clearly shows the same route as a minor road.

4. S.R.O. Ref.: P200/W/4/8 (Munslow)

This Ordnance Survey 25" map, First Edition, 1884, Sheet 64:8 is coloured and therefore cannot be copied, an accompanying note identifies it as being the property of Munslow Parish and permission of that Parish Council is required to use it as evidence at an Inquiry.

The map shows a ford crossing the River Corve at the bottom of Brookhouse Lane and the highway over the ford then joins up with a double hedged lane between two fields that then runs northwards to join the bridleroad to Baucott via Sandy Lane.

The bridge across the River Corve at the bottom of Brookhouse Lane is to the north-east of the ford.

The first "branch" of the route to Baucott is marked "F.P." (Footpath), the second "branch" is not.

5. Extracts from Ludlow Highways Board Minute Book, 1884-1892. Vol.3
Held by Shropshire County Council Records Office (S.R.O.Ref.: HB/8/3)
Page 240. 6th. August, 1888.
Brookhouse Lane - Munslow.

In consequence of the continued rainy weather since last meeting the state of the river has prevented the work being carried out upon the bridges at Brookhouse which were ordered to be repaired at the above meeting. I will take the first opportunity of having them done.

I am, Gentlemen, your obedient servant,

(signed) W.L.F.Pudge, Surveyor.

Page 244. 17th. September, 1888.

The following reports by the Surveyor were produced and read to the Chairman and Members of the Ludlow Highway Board.

Gentlemen, the Bridges at Broadstone and Brookhouse are now repaired as requested by your Board

Page 272. 4th. March, 1889.

My attention has been called to the state of the Foot and Bridle Bridges between Munslow and Baucott (at Brookhouse). I find that the sides are becoming loose and otherwise dilapidated but the timber on them is oak and could be repaired. The flooring planks have become loose if these were refixed, the sides repaired and a new piece of timber under the centre of the floor, the bridge would be safe for a considerable length of time, the cost of this would be £2. The stonework was thoroughly repaired in September last.

Page 277 11th. April, 1889.

The Committee appointed to view the Bridle Bridge at Brookhouse reported as follows:- Your Committee, the Chairman and Mr. Thomas Marsh (Waywarden for the Parish of Tugford) viewed the above Bridle Bridge (apparently an important means of communication between Munslow and Bawcott &c.) and beg to recommend that tenders be invited for :-

- i) the repair of the present bridge, and
- ii) for a new structure.

This Board have recently repaired the wall abutments.

It was resolved that the above report be approved and adopted by the Board.

Page 284. 15th. April, 1889.

I have considered the cost of repairing Brookhouse Bridge as requested by your Committee on the 29th. March (when we met there) and find that the cost of repairs will be £3 . 10 . 0, or to make a new bridge instead of repairing the present one will cost £12.

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It was Resolved :- That Brookhouse Bridge (referred to in the above report) be repaired at the estimated cost of £3 . 10 . 0.

6. Extracts from Ludlow Highway Board's Surveyor's Journal and Report Book, 1885-1889. Held by Shropshire County Council Records Office

S.R.O.ref.: HB/8/22

June 25th., 1888, Munslow & Tugford.

Particulars:- I find that the two bridges at a place called Brookhouse on the Bridle Road leading from Munslow to Bawcott are in a bad state of repair, the one on the Bawcott side is dangerous for horses to pass over.

They will together cost about £1 . 10 . 0 to repair.

Opinion of the Board thereon:- To be repaired at a cost not exceeding 30/-.

August 6th., 1888. Munslow.

Particulars:- In consequence of the continual rainy weather since last Meeting the state of the River has prevented the work being carried out upon the Bridge at Brookhouse which were ordered to be repaired at the above Meeting. I will take the first opportunity of having it done.

Opinion of the Board:- Approved.

March 4th., 1889, Munslow.

Particulars:- My attention has been called to the state of the Foot and Bridle Bridge between Munslow and Bawcott (at Brookhouse). I find that the sides are become loose and otherwise dilapidated but the timber in them is oak and could be repaired. The flooring planks are also become loose. If these were refixed, the sides repaired, and a new piece of timber under the centre of the floor, the bridge would be safe for a considerable length of time. The cost of this would be £2 . 0 . 0 . . . The stonework was thoroughly repaired in September last.

Opinion of the Board thereon:- referred to Waywarden and Chairman to report with power to order repair to be done.

April 15th., 1889, Munslow.

Particulars:- I have considered the cost of repairing Brookhouse Bridge as requested by your Committee on the 29th. March (when they met there) and find that the cost of repairs will be £3 . 10 . 0 or to make a new Bridge instead of replacing the present one will cost £12 . 0 . 0 . .

Opinion of the Board thereon :- To be repaired at a cost of £3 . 10 . 0.

May 13th., 1889. Munslow.

Particulars :- The Bridle Bridge at Brookhouse is repaired as ordered at your last Meeting.

August 1899. Munslow.

Particulars :- The Horse Bridge over Corve leading from Brook House Lane to Tugford was in a dangerous condition. I had it at once repaired.

Opinion of the Board :- Approved.

April 23rd., 1900. Munslow.

Particulars :- My attention was called to the dangerous condition of the Horse Bridge over Corve at the bottom of Brookhouse Lane, I at once had it temporarily repaired but find that a new bridge is necessary for which I procured estimates, the lowest estimate is that of Mr. Smith of Broadstone who will erect a new bridge similar in size to the old one for the sum of £11.

Opinion of the Board thereon:- Surveyor to see Mr. Marsh of Munslow and show him costs.

May 21st., 1900. Munslow.

Particulars:- I have produced two estimates for the proposed new Horse Bridge over the Corve on the Road leading from Brookhouse to Baucott. The first is from Richard Watts, Bach Mill and the second from Wm. Smith, Broadstone, Munslow.

R.Watts - £17 . 18 . 6.

Wm. Smith - £16 . 14 . 9.

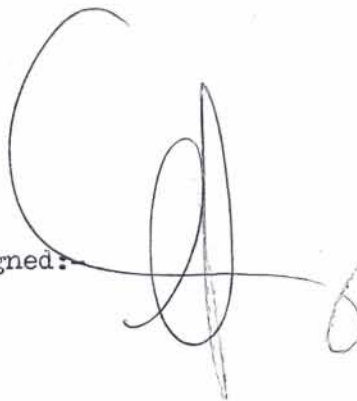
Opinion of the Board thereon :- Referred to the two District Councillors, R. & T. Marsh, the Surveyor to report at next Meeting.

All these details and reports are conclusive evidence that the status of the route in question was recognised as a Public Bridle Road by the two District Councillors, the Tugford Parish Waywarden, the Highways Surveyor, the Bridge Committee and the Chairman and Members of the Ludlow Highways Board.

I have not produced any user evidence as the route has been obstructed by a stile, post and rail, and barbed wire and netting fencing in three different places during the past 20 years (to my knowledge, but probably longer), but I would refer to case law - Harvey v Truro Rural District Council (1903) when Mr. Justice Joyce said 'Mere disuse of a Highway cannot deprive the public of their rights. Where there has once been a highway no length of time during which it may not have been used would preclude the public from resuming the exercise of the right to use it if and when they think proper.'

Dated:- January 27th, 1995.

Signed:



C.J.Hay

