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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:-**

Upgrading the footpath which runs from Point A (OSGR SJ 7028 3799) to Point B (OSGR SJ 7040  
3708) to a bridleway 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/138.001 BHS which contains copies of the following documents or extracts thereof:**
- Ordnance Survey 1" Old Series, SHR Ordnance Survey Old Series 1": 1 mile, entitled "Folder 1 1833-35", dated 1833-35
- Ordnance Survey 25" 1st Edition, BL Vol 686 (27), entitled "Shropshire (Northern Division) IX.11 - Norton in Hales & Drayton in Hales Parishes", dated 1879
- Ordnance Survey 25" 2nd Edition, BL 1598(27), entitled "Shropshire9 sheet IX.11", dated 1899
- Finance Act Survey Map, TNA IR 132/4/74, entitled "Shropshire Sheet IX.11, Staffordshire Sheet XXII.6 & 10 (parts of)", dated 1909/1910

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

Signed:



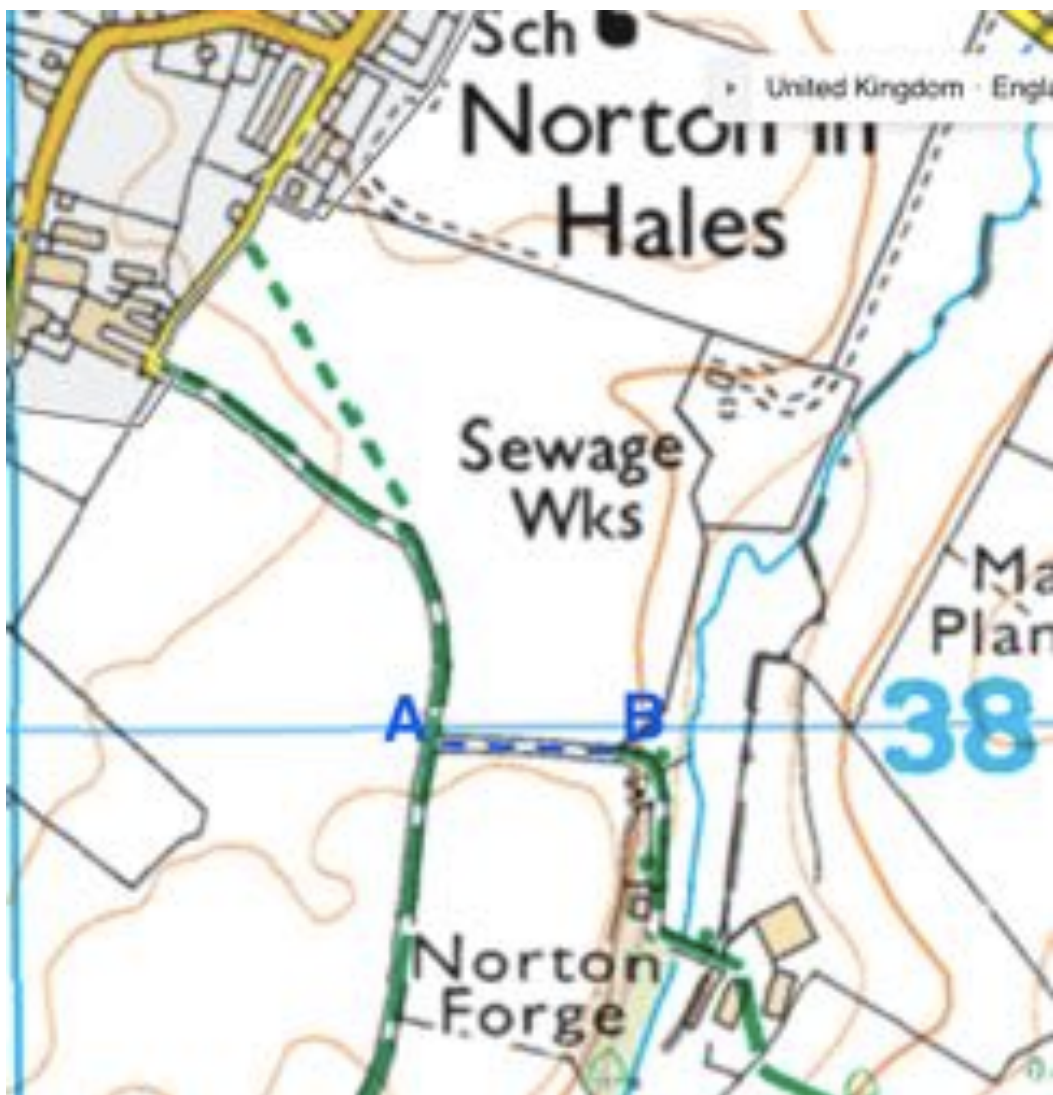
Date: 03/09/2020

Wildlife and Countryside Act 1981

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

For a route at Norton Forge in the Parish of Norton in Hales, Shropshire to be shown as a Public Bridleway

*Applicant's Reference: DLW SH/138.001*



*03/09/2020*

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 Statement



Client:  
**Natural England**  
**Discovering Lost Ways Project**

<b>Case File Ref. No.</b>	SH/138/001
<b>Name</b>	Un-named
<b>Historic County</b>	Shropshire
<b>Sub-Unit</b>	Shropshire Sub-unit 1
<b>Parish(es)</b>	Norton in Hales
<b>Surveying Authority</b>	Shropshire County Council
<b>Definitive Map Ref. No.</b>	0222/UN2-1/FP & 0222/UN2-1/RUPP
<b>Other Designation(s) Ref. No.</b>	None
<b>Route Length</b>	302 metres
<b>OS 1:10,000 Sheet(s)</b>	SJ73NW
<b>Grid Ref (start)</b>	SJ7028 3799
<b>Grid Ref (end)</b>	SJ7046 3784
<b>ARU ASSESSMENT OUTCOME</b>	
<b>Status/Class</b>	Public carriageway
<b>Strength</b>	A – B: Strong B – C: Insufficient evidence for further action
<b>Comment</b>	Shown uncoloured and excluded from the hereditaments on the Finance Act Map, and described as a 3rd Class Metalled Road on the OS 1" New Series (evidence of under-recording of existing public footpath – length A - B).

Date:  
**02 May 2007**  
LandAspects  
Rowan House  
Lloyd Drive  
Ellesmere Port  
Cheshire CH65 9HQ

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## 1. Summary of Findings

Case SH/138/001 was included in the research scope as part of the Discovering Lost Ways project by Shropshire County Council as there is a suggestion that an existing public footpath (with reference 0222/UN1-0/FP on Shropshire County Council's definitive map and statement) is under-recorded.

From the documents examined it is possible to establish that the case file route is shown on the Finance Act Survey map. The length A – B of the case file route is shown uncoloured and excluded from hereditaments. This suggests that this length of the case file 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. It is also shown as a physical feature on the supporting Ordnance Survey Records.

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" 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. There is therefore evidence to suggest that length A – B of the case file route is under-recorded.

The evidence found for length A – B of the case file route 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 upgrade the existing public footpath 0222/UN1-0/FP that is already recorded on the Definitive Map. Length B – C of the case file route is already recorded on the definitive map as a RUPP and based on the evidence found this length has been categorised as "insufficient evidence for further action".

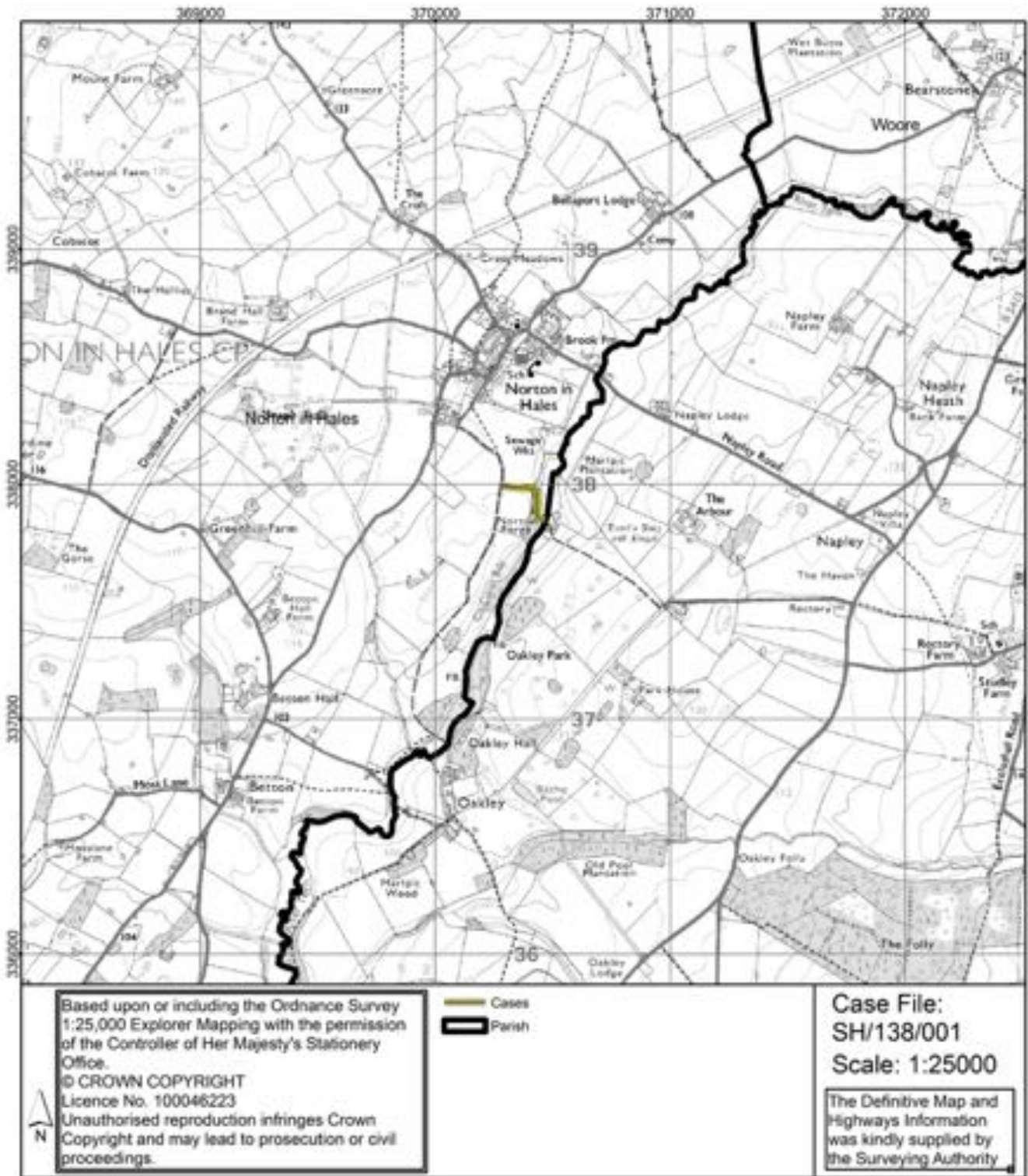
## 2. Description of Route

The route begins at the junction with a current public bridleway (which has been given the reference 0222/6-2/BW on Shropshire County Council's Definitive Map and Statement) at coordinate SJ7028 3799 (point A on the Case File Route Map). The route continues in a south easterly direction roughly following current public footpath, 0222/UN1-0/FP where it meets a junction with current public RUPP, 0222/UN2-1/RUPP at coordinate SJ7042 3797 (point B on Case File Route Map). The route continues along 0222/UN2-1/RUPP to the junction with another current public RUPP 0222/UN2-1/RUPP at coordinate SJ7046 3784, where this route terminates (point C on the Case File Route Map).

The route has a length of 302 metres.

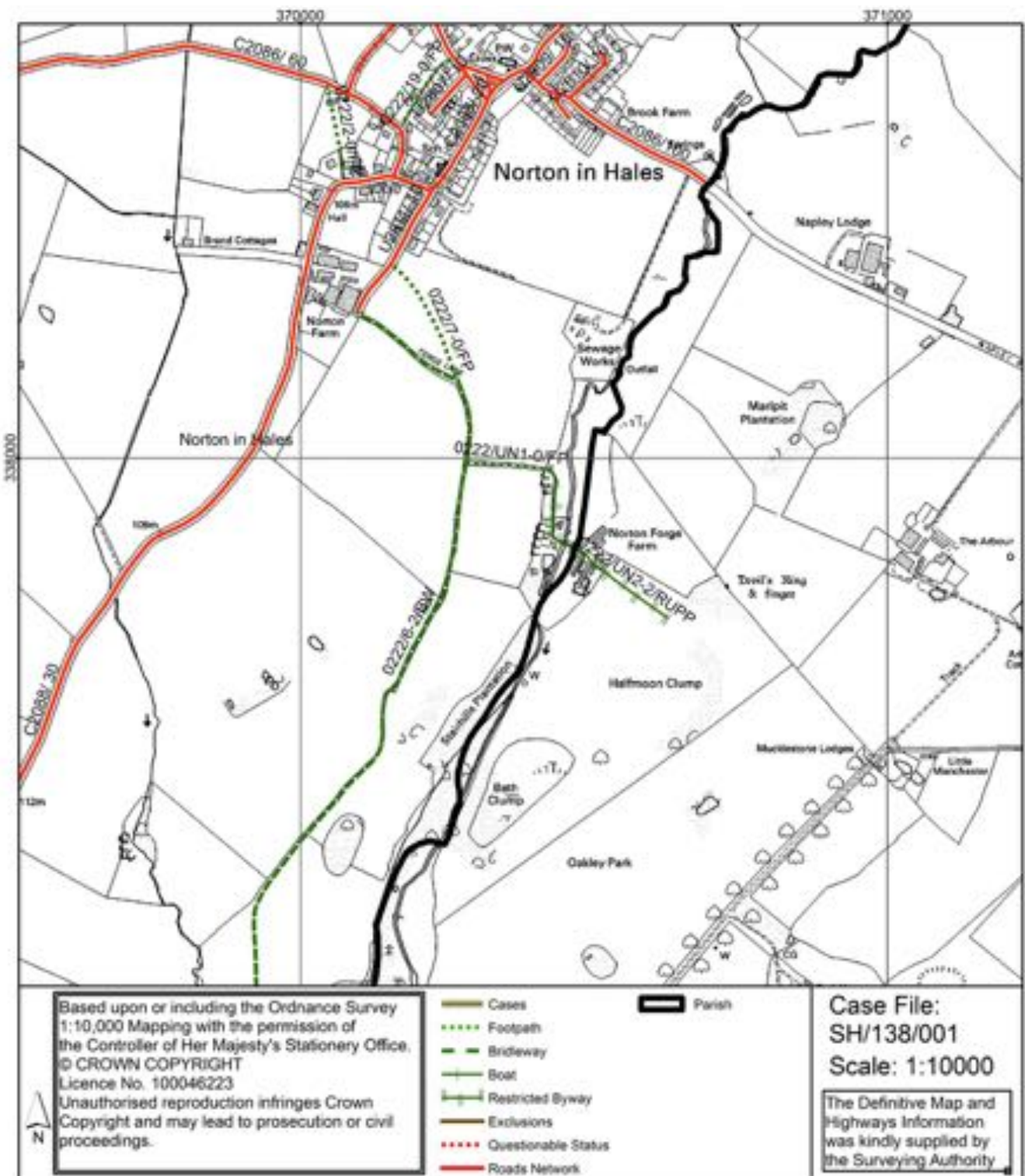
During the research process, the whole of the case file reference number SH/138/001 was identified with the case route number T000765. Both references are used in section 6 of this report. Where documents are considered to contain relevant evidence the case route number is used (in bold). Where there is no evidence the case file reference number is used (plain text).

### 3. Location Plan



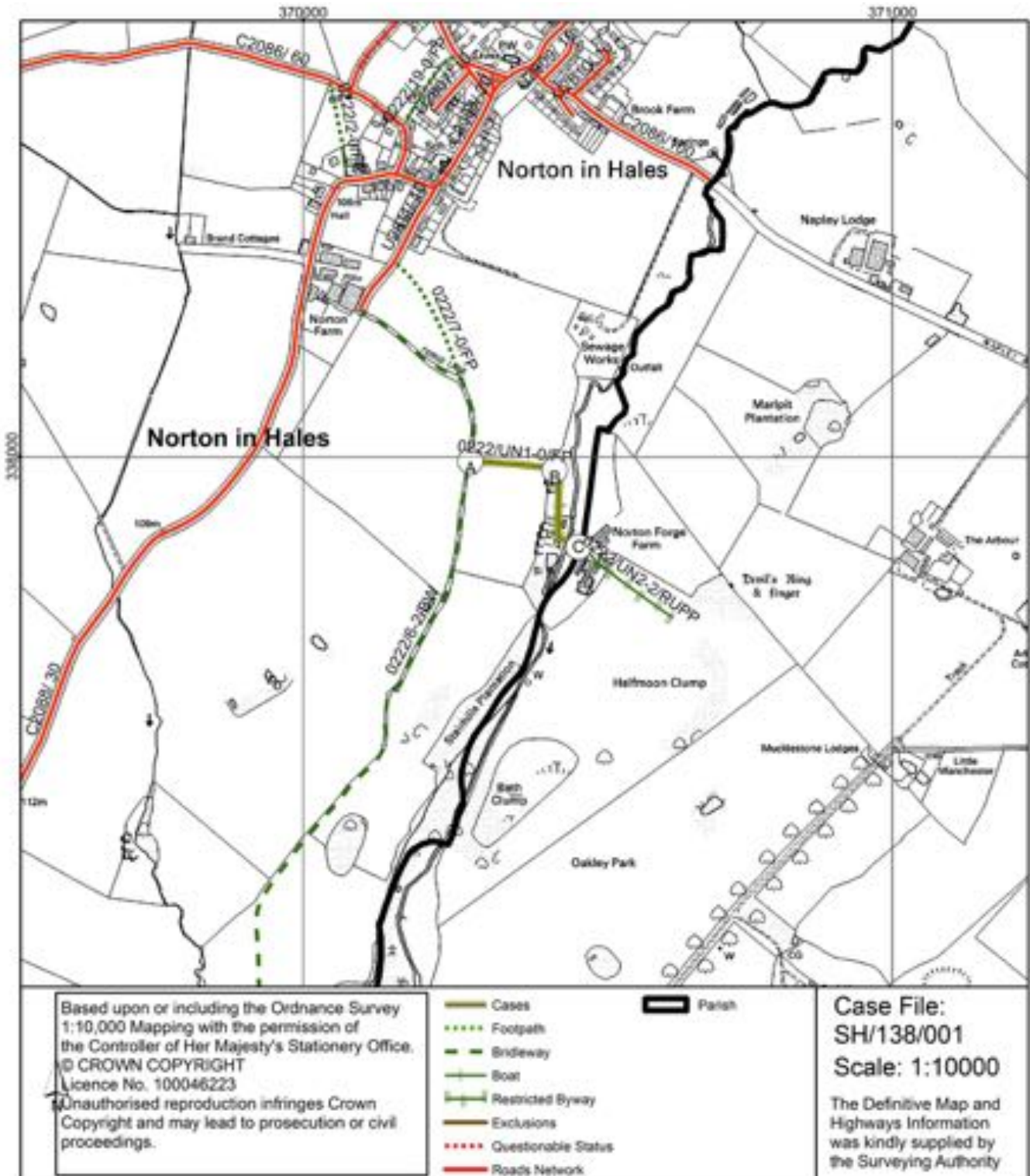


#### 4. Current Definitive Paths





## 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/138/001 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

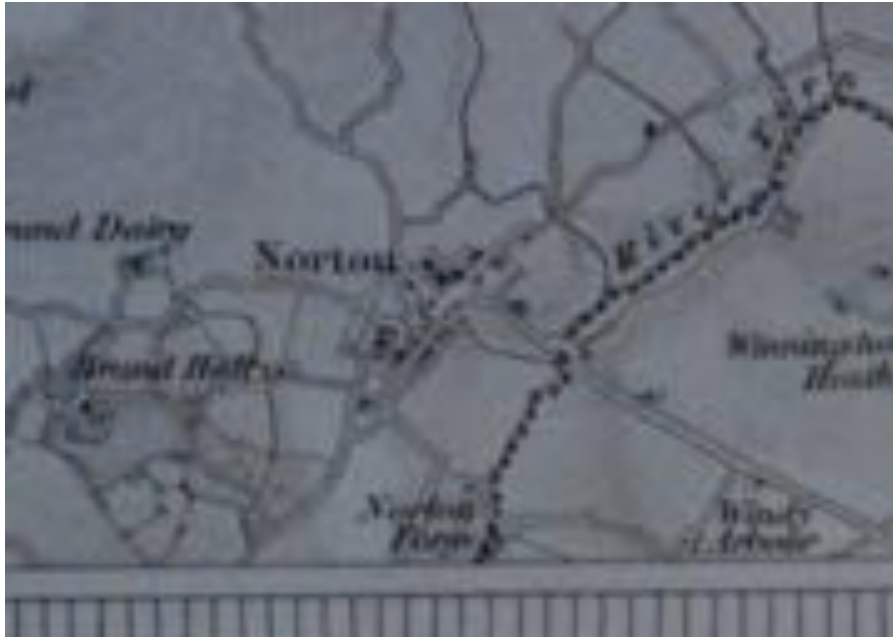
provided by Landmark. The image tiles can therefore only be used as a guide as to what the original document held at the British Library depicted. If the reader of the case files wishes to qualify any statements that have been in the file then they should consult versions held at the British Library.

1. Non-Ordnance Survey Commercial Map, SHR R BAUGH 1808 sheet 2, entitled "To the Right Honourable EDWARD EARL OF POWIS Lord Lieutenant and Custos Rotulorum of the Counties of SALOP AND MONTGOMERY This MAP of SHROPSHIRE is humbly and respectfully dedicated by his LORDSHIPS obliged and obedient Servant ROBERT BAUGH", dated 1808, covers the area but demonstrates no evidence for case SH/138/001.

2. Ordnance Survey Surveyors Drawings, SHR 209, "Market Drayton", dated 1815, covers the area but demonstrates no evidence for case SH/138/001.

3. Non-Ordnance Survey Commercial Map, SHR GREENWOODS 1827 , entitled "Map of the County of SALOP FROM AN ACTUAL SURVEY Made in the Years 1816 & 1827 BY C. & J. GREENWOOD, Most Respectfully Dedicated To The NOBILITY, CLERGY & GENTRY OF Shropshire, By THE PTOPRIETORS GREENWOOD, PRINGLE & Co. Regent Street. Pall Mall.... ", dated 1827, covers the area but demonstrates no evidence for case SH/138/001.

**4. Ordnance Survey 1" Old Series, SHR Ordnance Survey Old Series 1": 1 mile, entitled "Folder 1 1833-35", dated 1833-35, demonstrates evidence for part of route T000765. The route is observed to commence north west of "Norton Forge" marked 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 where it reaches the line signifying the "River Tern" on the map.**



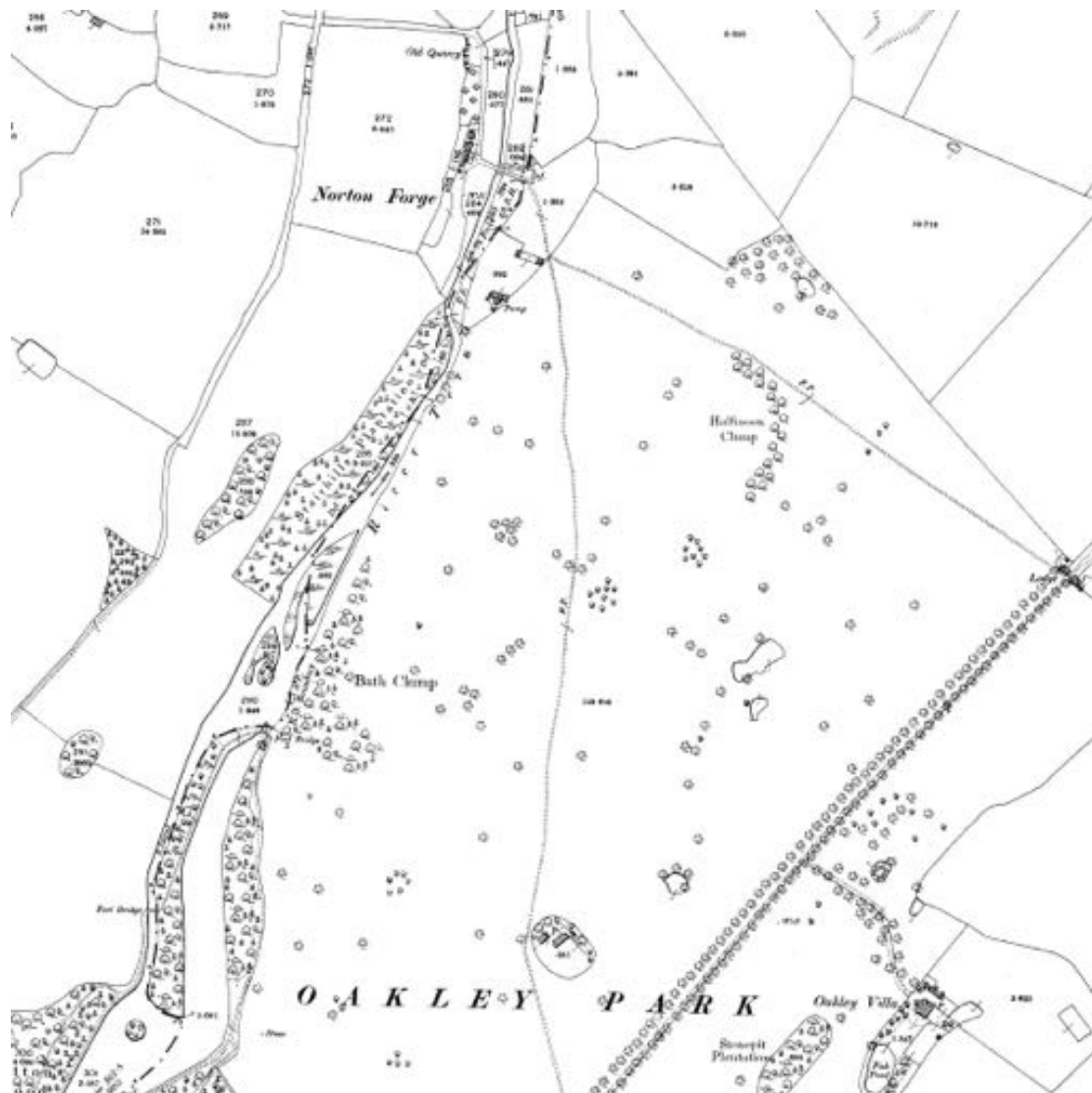
5. Ordnance Survey 25" 1st Edition, BL Vol 686 (27), entitled "Shropshire (Northern Division) IX.11 - Norton in Hales & Drayton in Hales Parishes", dated 1879, demonstrates evidence for all of route T000765. The route is observed to commence at the north west corner of parcel number "333" on the map. At this point there is annotated limitation, in this case a gate across the route. The route is observed to change its physical characteristics at the north west corner of parcel number "337" on the map. From here the route is depicted as consisting of two parallel black lines (solid and dashed). The route is shown specifically numbered on the map as "336". The route is observed to change its physical characteristics again at the north east corner of parcel number "338" on the map. From here the route depicted as consisting of two parallel solid black lines. The route is observed to change its physical characteristics again at the south west corner of parcel number "339" on the map. From here the route is depicted as consisting of two parallel black lines (solid and dashed). The route is observed to change its physical characteristics again at the south east corner of parcel number "339" on the map. From here the route depicted as consisting of two parallel solid black lines. The route is observed to terminate at the north east corner of parcel number "347" on the map.



6. Ordnance Survey 25" 1st Edition Book of Reference, BL, entitled "Book of Reference to the Parish of Norton-in-Hales, Shropshire", dated 1880, covers the area but demonstrates no evidence for case SH/138/001.

7. Ordnance Survey 25" 2nd Edition, BL 1598(27), entitled "Shropshire sheet IX.11", dated 1899, demonstrates evidence for all of route T000765. The route is observed to commence at the north west corner of parcel number "272" on the map. At this point there is annotated limitation, in this case a gate across the route. The route is observed to change its physical characteristics at the north east corner of parcel number "272" on the map. From here the route is depicted as consisting of two parallel black lines (solid and dashed). The route is shown un-named on the map. The route is observed to change its physical characteristics again at the north east corner of parcel number "285" on the

map. From here the route depicted as consisting of two parallel solid black lines. The route is observed to change its physical characteristics again at the south west corner of parcel number "280" on the map. From here the route is depicted as consisting of two parallel black lines (solid and dashed). The route is observed to change its physical characteristics again at the south east corner of parcel number "280" on the map. From here the route depicted as consisting of two parallel solid black lines. The route is observed to terminate at the north east corner of parcel number "283" on the map.



8. Ordnance Survey 1" New Series, BL Maps 1175 (134.), entitled "OS of England & Wales", dated 1902, demonstrates evidence for all of route T000765. The route is observed to commence at a point west of "Arbours Fm" marked on the map. The route is shown on the map depicted as consisting of two parallel solid black lines and is described in the key under the heading "3rd



**Class Metalled Road". The route is observed to terminate at a point south east of the commencement point.**

**9. Finance Act Survey Map, TNA IR 132/4/74, entitled "Shropshire Sheet IX.11, Staffordshire Sheet XXII.6 & 10 (parts of)", dated 1909/1910, demonstrates evidence for all of route T000765. The route is observed to commence at the north west corner of OS parcel number "272" on the map. The route is shown uncoloured and excluded from hereditaments. The route is observed to change Finance Act Survey annotation in the north east corner of OS parcel number "272" on the map. From here the route is shown included in hereditaments, in this case hereditament number "389" (which was valued in Staffordshire under 389 Ashley). The route is observed to terminate at the north east corner of OS parcel number "283" on the map.**



10. Finance Act Field Book, TNA IR 58/59670, entitled "Ashley (North Staff) assessment 301-400", dated 1910, covers the area but demonstrates no evidence for case SH/138/001.

11. Finance Act Field Book, TNA IR 58/75924, entitled "Norton in Hales assessment 1-100", dated 1910, covers the area but demonstrates no evidence for case SH/138/001.

## 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
Ordnance Survey Records 1" Old Series	C	SHR Map Ordnance Survey Old Series 1" : 1 mile - Folder 1 1833-35	1833-35	6.4	OSM5	Route shown on OS 1" Old Series map
Ordnance Survey Records 25" 1st Edition	C	BL Map Vol 686 (27) - Shropshire (Northern Division) IX.11 - Norton in Hales & Drayton in Hales Parishes	1879	6.5	OSM23	Route specifically numbered on plan
					OSM6	Route Shown on OS 1st Edition 25" Map
Ordnance Survey Records 25" 2nd Edition	C	BL Map 1598(27) - Shropshire sheet IX.11	1899	6.7	OSM12	Route Shown on OS 2nd Edition 25" Map
Ordnance Survey Records 1" New Series	B(ii)	BL Maps 1175(134.) - OS of England & Wales	1902	6.8	OSM26	Route described as '3rd class metalled road' on key or

						Characteristics Sheet
					OSM20	Route un-named on map
Finance Act Survey Records	B(i) part	TNA Map IR 132/4/74 - Shropshire Sheet IX.11, Staffordshire Sheet XXII.6,10 (parts of)	1909/1910	6.9	FA1	Route excluded from Hdtmt

### 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
Ordnance Survey Records 1" Old Series	SHR Map Ordnance Survey Old Series 1" : 1 mile - Folder 1 1833-35	1833-35	RC14	Unspecified
Ordnance Survey Records 25" 1st Edition	BL Map Vol 686 (27) - Shropshire (Northern Division) IX.11 - Norton in Hales & Drayton in Hales Parishes	1879	RC14	Unspecified
Ordnance Survey Records 25" 2nd Edition	BL Map 1598(27) - Shropshire sheet IX.11	1899	RC14	Unspecified
Ordnance Survey Records 1" New Series	BL Maps 1175(134.) - OS of England & Wales	1902	RC12	Road
Finance Act Survey Records	TNA Map IR 132/4/74 - Shropshire Sheet IX.11, Staffordshire Sheet XXII.6,10 (parts of)	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
Ordnance Survey Records 1" Old Series	SHR Map Ordnance Survey Old Series 1" : 1 mile - Folder 1 1833-35	1833-35	PA1	two parallel solid black lines
Ordnance Survey Records 25" 1st Edition	BL Map Vol 686 (27) - Shropshire (Northern Division) IX.11 - Norton in Hales & Drayton in Hales Parishes	1879	PA1	two parallel solid black lines
			PA7	two parallel black lines (solid and dashed)
Ordnance Survey Records 25" 2nd Edition	BL Map 1598(27) - Shropshire sheet IX.11	1899	PA1	two parallel solid black lines
			PA7	two parallel black lines (solid and dashed)
Ordnance Survey Records 1" New Series	BL Maps 1175(134.) - OS of England & Wales	1902	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. Finance Act Survey Records

The Finance Act Survey map demonstrates evidence for the route. The length A – B of the case file route is shown uncoloured and excluded from hereditaments. This suggests that this length of 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. Length B – C is shown included in hereditaments and there is no corresponding deduction for a public right of way / user or easement listed in the associated field book.

#### 2. Ordnance Survey Records

##### a. Ordnance Survey 1" Old Series

The Ordnance Survey 1" Old Series map demonstrates evidence for the route as a physical feature only.

##### b. Ordnance Survey 25" 1<sup>st</sup> Edition

The Ordnance Survey 25" 1<sup>st</sup> Edition map demonstrates evidence for the route as a physical feature only. The route is shown on the map and is specifically numbered but there is no evidence for the route in the associated book of reference.

##### c. Ordnance Survey 25" 2<sup>nd</sup> Edition

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

##### d. 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. There is therefore evidence to suggest that length A – B of the case file route is under-recorded.

**Alignment of the case file route:**

From the analysis of the early Ordnance Survey maps 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/138/001 was included in the research scope as part of the Discovering Lost Ways project by Shropshire County Council as there is a suggestion that an existing public footpath (with reference 0222/UN1-0/FP on Shropshire County Council’s definitive map and statement) is under-recorded.

From the documents examined it is possible to establish that the case file route is shown on the Finance Act Survey map. The length A – B of the case file route is shown uncoloured and excluded from hereditaments. This suggests that this length of the case file 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. It is also shown as a physical feature on the supporting Ordnance Survey Records.

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” 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. There is therefore evidence to suggest that length A – B of the case file route is under-recorded.

The evidence found for length A – B of the case file route 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 upgrade the existing public footpath 0222/UN1-0/FP that is already recorded on the Definitive Map. Length B – C of the case file route is already recorded on the definitive map as a RUPP and based on the evidence found this length has been categorised as “insufficient evidence for further action”.

## 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 4.0: Combining & Evaluating Evidence

## **Appendix B - Acknowledgements**

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