
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 SJ6190 3474) to Point B (OSGR SJ6219 3486) 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/126.007 BHS which contains copies of the following documents or extracts thereof:**
- Ordnance Survey Surveyors Drawings, entitled "Market Drayton" BL 209, dated 1817
- Ordnance Survey 1" Old Series, SHR Ordnance Survey Old Series 1": 1 mile, entitled "Folder 1 1833-35", dated 1833-35
- Tithe Map, TNA IR 30/29/226, entitled "PLAN of the Parish of MORETON SAY in the County of SALOP ", dated 1838
- Ordnance Survey 25" 1st Edition, BL Vol 687 (39), entitled "Shropshire (Northern Division) Sheet XV.4 - Moreton Say Parish", dated 1879
- Ordnance Survey 25" 2nd Edition, BL 1599 (36), entitled "SECOND EDITION 1901 SHROPSHIRE SHEET XV. 4", dated 1900
- Finance Act Survey Map, TNA IR 132/4/137, entitled "Shropshire Sheet XV.4 - Second Edition 1901", dated 1909/1910

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

Signed:

Date: ■

Wildlife and Countryside Act 1981

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

For a route at Moretonwood in the Parish of Moreton Say, Shropshire to be shown
as a Public Bridleway

Applicant's Reference: DLW SH/126/007



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 Statements)



Client:

**Natural England
Discovering Lost Ways Project**

Case File Ref. No.	SH/126/007
Name	Un-named
Historic County	Shropshire
Sub-Unit	Shropshire Sub-unit 1
Parish(es)	Moreton Say
Surveying Authority	Shropshire County Council
Definitive Map Ref. No.	None
Other Designation(s) Ref. No.	None
Route Length	311 metres
OS 1:10,000 Sheet(s)	SJ63SW
Grid Ref (start)	SJ6190 3474
Grid Ref (end)	SJ6219 3486
ARU ASSESSMENT OUTCOME	
Status/Class	Public carriageway
Strength	Strong
Comment	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 map

Date:

02 May 2008

LandAspects
Rowan House
Lloyd Drive
Ellesmere Port
Cheshire CH65 9HQ

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1. Summary of Findings

Case file SH/126/007 was included in the research scope by the Discovering Lost Ways Project during the course of research due to the discovery of evidence suggesting the existence of a public right of way.

From the documents examined it is possible to establish that the case file route is shown on the Finance Act Survey map uncoloured and excluded from hereditaments. This suggests that the route was considered to be a public highway at the time of the Finance Act Survey, but does not in itself provide evidence about the class of rights that existed over it. The 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 described in the key under the heading "3rd 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 and 3rd class metalled roads on OS 1" Revised New Series maps will be taken as evidence 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. In the absence of evidence of stopping up these rights are presumed to still exist today.

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.

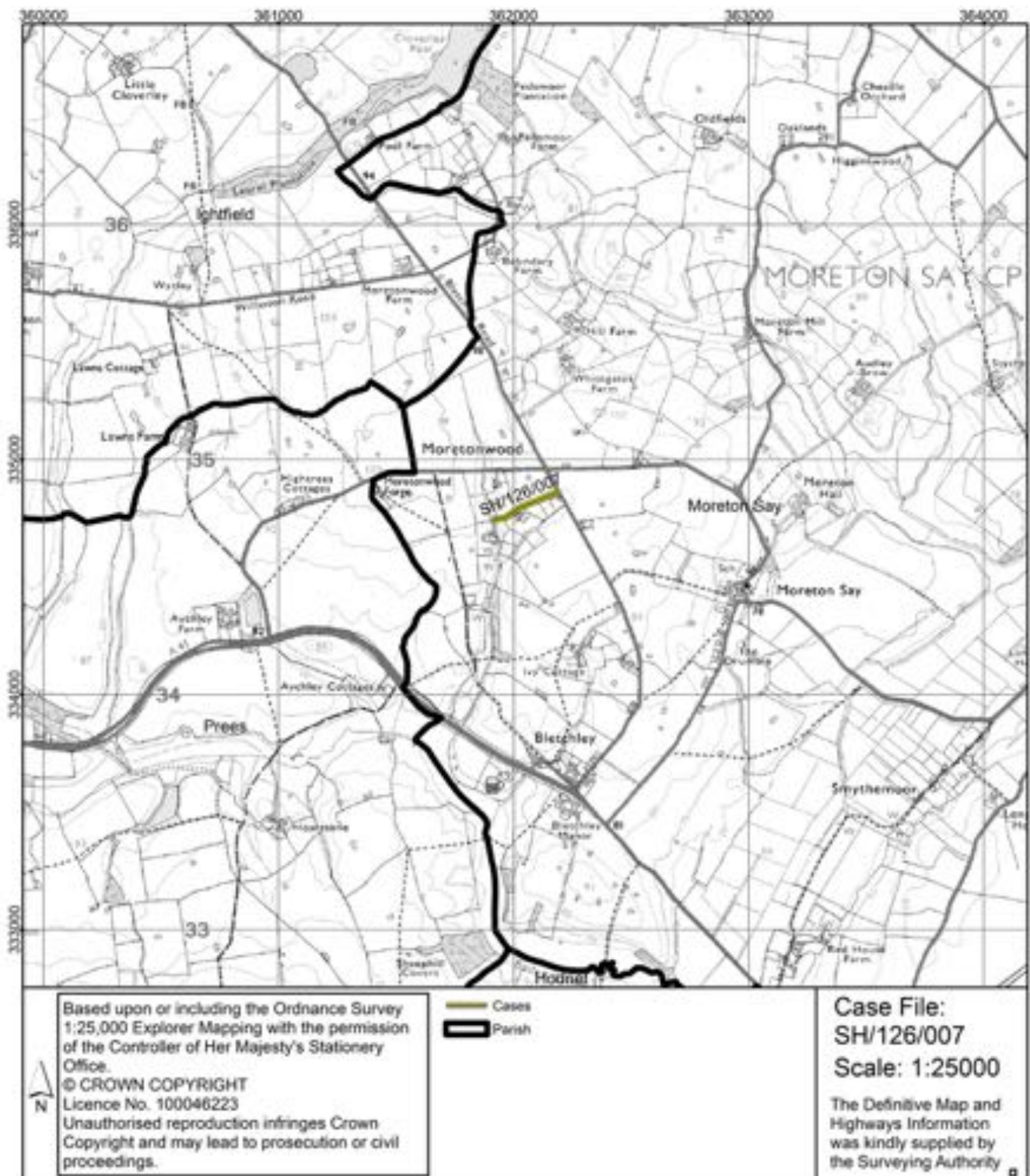
2. Description of Route

The route begins at coordinate SJ6190 3474 (point A on the Case File Route Map). The route then heads in an easterly direction, to where it terminates at a junction with Bletchley Road (which has been given the reference C2081/80 on Shropshire County Council's List of Streets) at coordinate SJ6219 3486 (point B on the Case File Route Map).

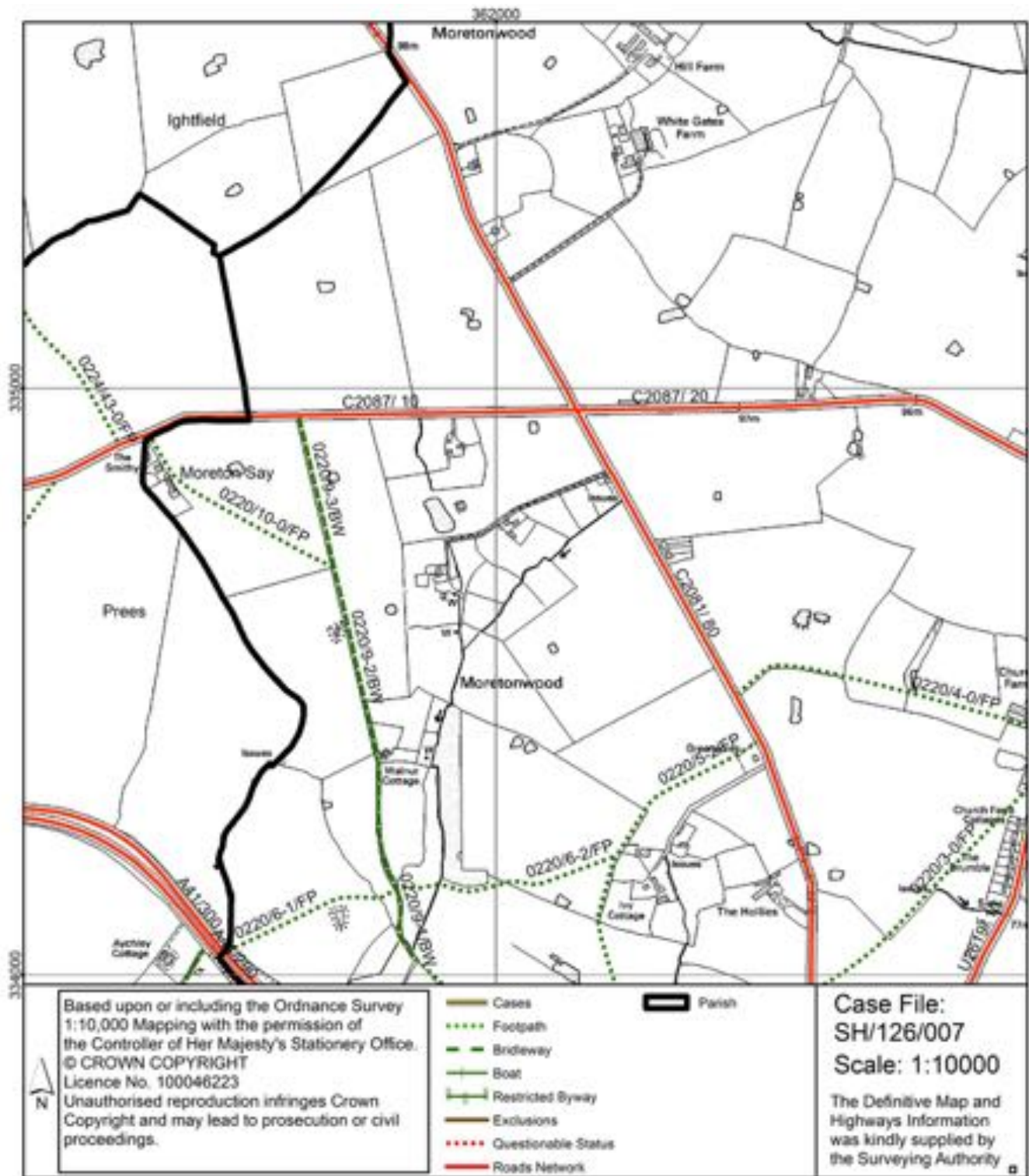
The route has a length of 311 metres.

During the research process, the whole of the case file reference number SH/126/007 was identified with the case route number MTS5. Both references are used in section 6 of this report. Where supporting evidence or conflicting evidence is being described, the case route number is used (in bold). Where there is no evidence the case file reference number is used (plain text).

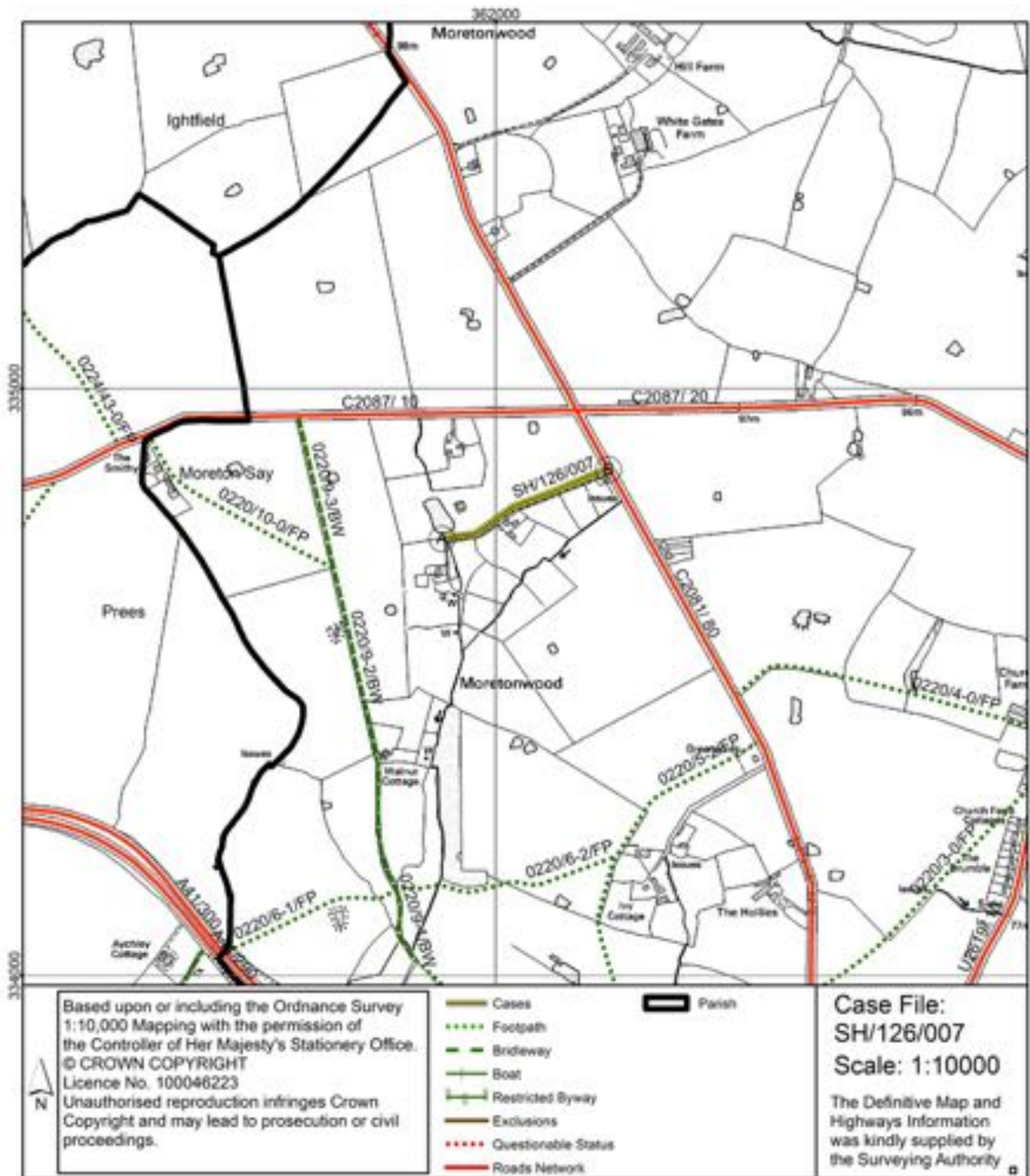
3. Location Plan



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/126/007 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 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/126/007.

2. Ordnance Survey Surveyors Drawings, entitled "Market Drayton" BL 209, dated 1817, demonstrates evidence for all of route MTS5. The route is observed to commence to the east of "Sandford Wood" marked on the map. The route is shown uncoloured and un-named 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 junction with another route, north east of the commencement point on the map.



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 PROPRIETORS GREENWOOD,

PRINGLE & Co. Regent Street. Pall Mall.... ", dated 1827, covers the area but demonstrates no evidence for case SH/126/007.

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 all of route MTS5. The route is observed to commence to the east of "Sandford Wood" 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 at a junction with another route to the north of "Moreton Wood" marked on the map.

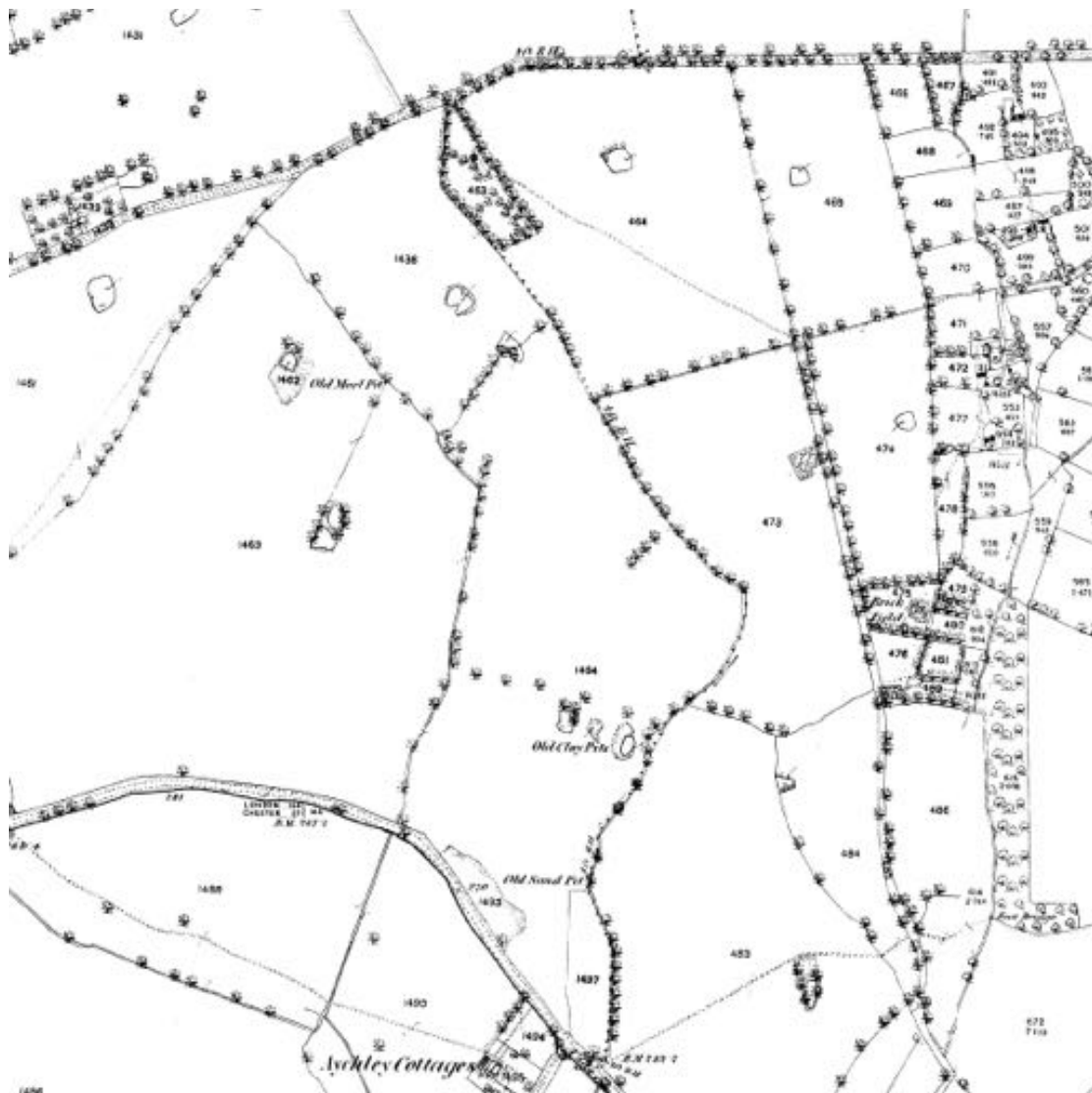


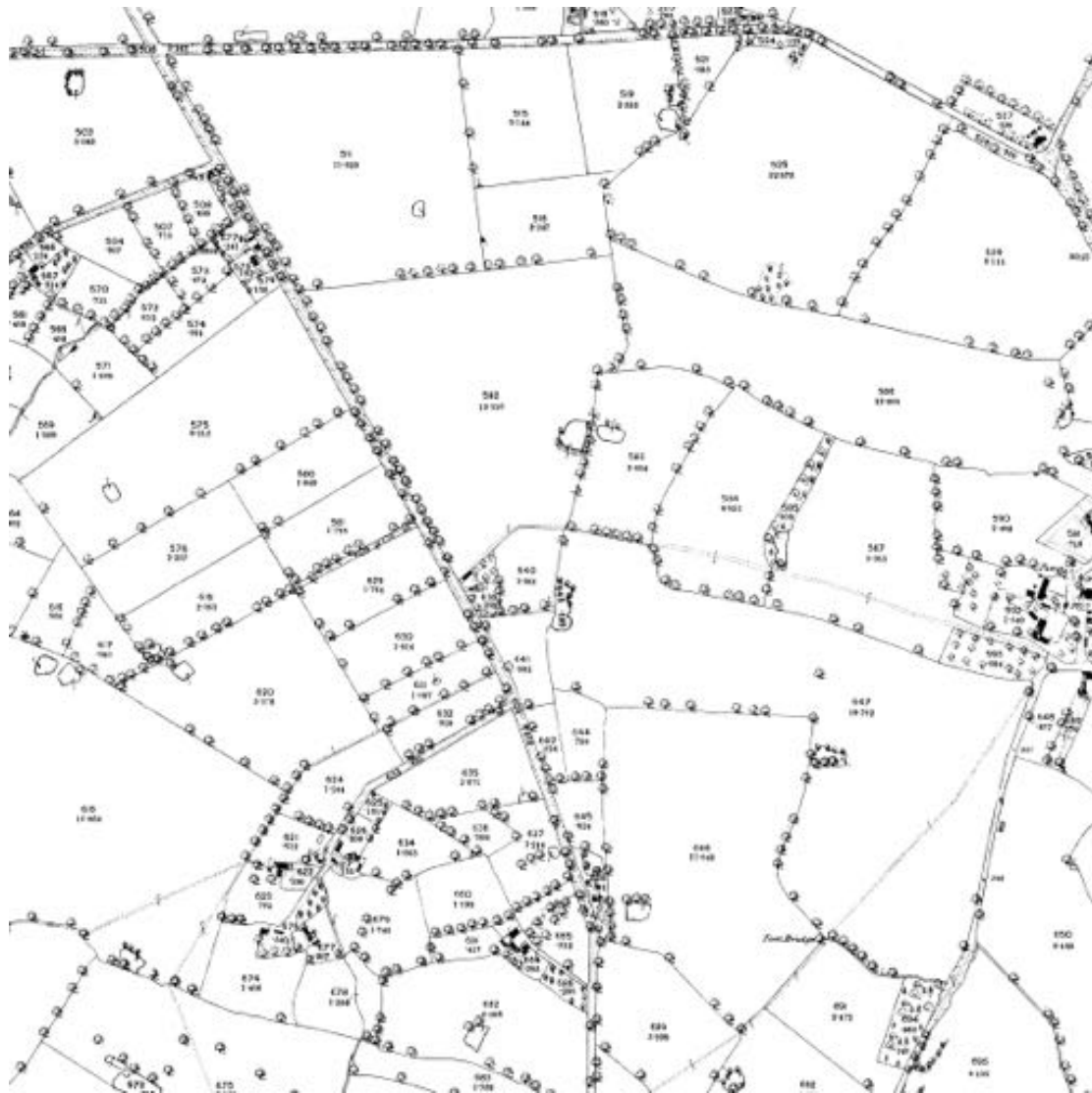
5. Tithe Apportionment, TNA IR 29/29/226, entitled "Apportionment of the Rent Charge in lieu of Tithes in the Chapelry Parish or Place of Moreton Say in the County of Salop.", dated 1837, covers the area but demonstrates no evidence for case SH/126/007.

6. Tithe Map, TNA IR 30/29/226, entitled "PLAN of the Parish of MORETON SAY in the County of SALOP ", dated 1838, demonstrates evidence for all of route MTS5. The route is observed to commence at the north east corner of parcel number "609" on the map. The route is shown on the map 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 a junction with another route along the south western boundary of parcel number "525" on the map.



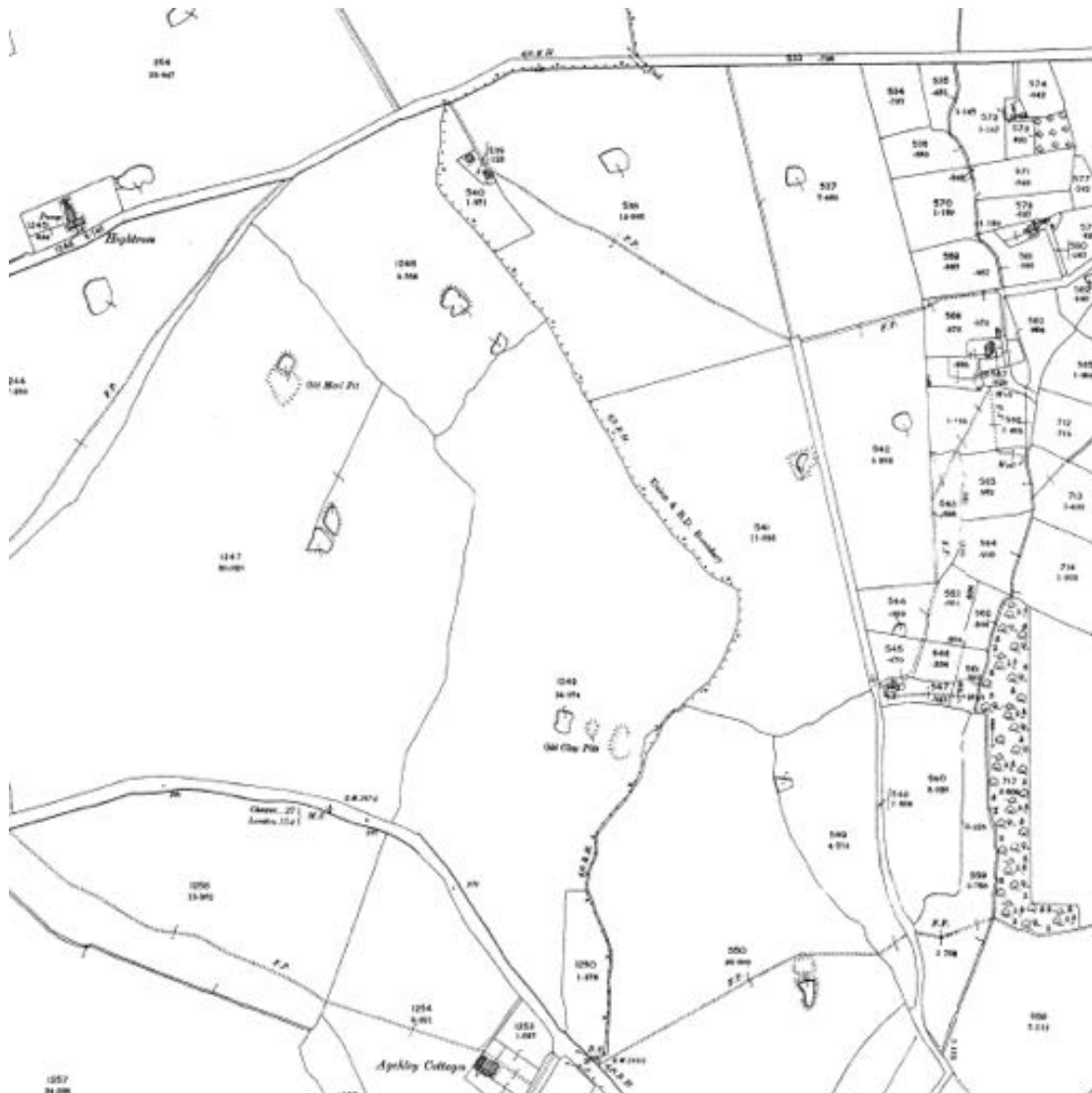
7. Ordnance Survey 25" 1st Edition, BL Vol 687 (39), entitled "Shropshire (Northern Division) Sheet XV.4 - Moreton Say Parish", dated 1879, demonstrates evidence for all of route MTS5. The route is observed to commence at the south west corner of parcel number "499" on the map (shown on 30SJ6134). The route is shown specifically numbered on the map as "502" and is depicted as consisting of two parallel solid black lines with two dashed black lines along the centre. The route is observed to terminate at a south east corner of parcel number "503" on the map (shown on 30SJ6234).





8. Ordnance Survey 25" 1st Edition Book of Reference, BL, entitled "Book of Reference to the Plan of the Parish of Moreton Say, Shropshire", dated 1880, covers the area but demonstrates no evidence for case SH/126/007.

9. Ordnance Survey 25" 2nd Edition, BL 1599 (36), entitled "SECOND EDITION 1901 SHROPSHIRE SHEET XV. 4", dated 1900, demonstrates evidence for all of route MTS5. The route is observed to commence at the south west corner of parcel number "581" on the map (shown on 30SJ6134). The route is shown on the map un-named and is depicted as consisting of two parallel solid black lines. The route is observed to terminate at the south east corner of parcel "number 576" on the map (shown on 30SJ6234).





10. Ordnance Survey 1" New Series, BL Maps 1175 (134.) sheet 138, entitled "OS of England WEM", dated 1902, demonstrates evidence for all of route MTS5. The route is observed to commence to the north east of "Aychley Fm" marked on the map. The route is shown on the map is described in the map key under the heading "3rd Class Metalled Road". The route is observed to terminate at a road junction north east of the commencement point on the map.

11. Finance Act Survey Map, TNA IR 132/4/137, entitled "Shropshire Sheet XV.4 - Second Edition 1901", dated 1909/1910, demonstrates evidence for all of route MTS5. The route is observed to commence at the south west corner of OS parcel number "581" on the map. The route is shown uncoloured and excluded from hereditaments. The route is observed to terminate at the south east corner of OS parcel "number 576" on the map.



7. Interpretation of Evidence from Individual Records

Evidence of status:

This evidence concerns the existence of a public right of way. The ARU's research establishes whether a way is described as "public" or "private" and whether public rights can be inferred from other information provided within the documentary source.

Evidence of status is categorised as follows:

Category	Name	Significance
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
Ordnance Survey Records Surveyors Drawings	C	SHR Map BL 209	1817	6.2	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" : 1 mile - Folder 1 1833-35	1833-35	6.4	OSM5	Route shown on OS 1" Old Series map
Tithe Survey Records	C	TNA Map IR/30/29/226 - PLAN of the Parish of MORETON SAY in the County of	1838	6.6	TM3	Route shown on map not numbered specifically or within numbered parcel

		SALOP				
Ordnance Survey Records 25" 1st Edition	C	BL Map Vol 687 (39) - Shropshire (Northern Division) Sheet XV.4 - Moreton Say Parish	1879	6.7	OSM23	Route specifically numbered on plan
					OSM6	Route Shown on OS 1st Edition 25" Map
Ordnance Survey Records 25" 2nd Edition	C	BL Map 1599 (36) - SECOND EDITION 1901 SHROPSHIRE SHEET XV.4.	1900	6.9	OSM12	Route Shown on OS 2nd Edition 25" Map
					OSM9	Route un-named on map
Ordnance Survey Records 1" New Series	B(ii)	BL Maps 1175 (134.) sheet 138 - OS of England WEM	1902	6.10	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)	TNA Map IR 132/4/137 - Shropshire Sheet XV.4 - Second Edition 1901	1909/1910	6.11	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 Surveyors Drawings	SHR Map BL 209	1817	RC14	Unspecified
Ordnance Survey Records 1" Old Series	SHR Map Ordnance Survey Old Series 1" : 1 mile - Folder 1 1833-35	1833-35	RC14	Unspecified
Tithe Survey Records	TNA Map IR/30/29/226 - PLAN of the Parish of	1838	RC14	Unspecified

	MORETON SAY in the County of SALOP			
Ordnance Survey Records 25" 1st Edition	BL Map Vol 687 (39) - Shropshire (Northern Division) Sheet XV.4 - Moreton Say Parish	1879	RC14	Unspecified
Ordnance Survey Records 25" 2nd Edition	BL Map 1599 (36) - SECOND EDITION 1901 SHROPSHIRE SHEET XV. 4.	1900	RC14	Unspecified
Ordnance Survey Records 1" New Series	BL Maps 1175 (134.) sheet 138 - OS of England WEM	1902	RC12	Road
Finance Act Survey Records	TNA Map IR 132/4/137 - Shropshire Sheet XV.4 - Second Edition 1901	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 Surveyors Drawings	SHR Map BL 209	1817	PA1	two parallel solid black lines
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
Tithe Survey Records	TNA Map IR/30/29/226 - PLAN of the Parish of MORETON SAY in the County of SALOP	1838	PA3	two parallel solid black lines (in-filled)

Ordnance Survey Records 25" 1st Edition	BL Map Vol 687 (39) - Shropshire (Northern Division) Sheet XV.4 - Moreton Say Parish	1879	PA14	two parallel solid black lines with two dashed black lines along the centre
Ordnance Survey Records 25" 2nd Edition	BL Map 1599 (36) - SECOND EDITION 1901 SHROPSHIRE SHEET XV. 4.	1900	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

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 as a physical feature only. The route is shown un-numbered and not within a numbered parcel therefore there is no evidence for the route in the associated apportionment.

2. Finance Act Survey Records

The Finance Act Survey map demonstrates evidence for the route. The route is shown uncoloured and excluded from hereditaments. This suggests that the route was considered to be a public highway at the time of the Finance Act Survey, but does not in itself provide evidence about the class of rights that existed over it.

4. Ordnance Survey Records

a. Ordnance Survey Surveyor's Drawings

The Ordnance Survey Surveyor's Drawing demonstrates evidence for the route as a physical feature only.

b. Ordnance Survey 1" Old Series

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

c. Ordnance Survey 25" 1st Edition

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

d. Ordnance Survey 25" 2nd Edition

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

e. 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 and is described in the key

under the heading “3rd 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 and 3rd class metalled roads on OS 1" Revised New Series maps will be taken as evidence of public vehicular rights. It is considered therefore that a public vehicular right of way existed over the route at the time of the survey.

Alignment of the case file route:

From the analysis of the early Tithe Survey map and modern Ordnance Survey maps the route does not appear to have changed alignment.

Evidence of Width:

There is no evidence to support a legal width for the route.

Contradictory evidence:

No contradictory evidence was found for the route.

Outcome of the evaluation:

Case file SH/126/007 was included in the research scope by the Discovering Lost Ways Project during the course of research due to the discovery of evidence suggesting the existence of a public right of way.

From the documents examined it is possible to establish that the case file route is shown on the Finance Act map uncoloured and excluded from hereditaments. This suggests that the route was considered to be a public highway at the time of the Finance Act Survey, but does not in itself provide evidence about the class of rights that existed over it. The 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 described in the key under the heading “3rd 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 and 3rd class metalled roads on OS 1" Revised New Series maps will be taken as evidence 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. In the absence of evidence of stopping up these rights are presumed to still exist today.

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 3.7: Ordnance Survey Records
Discovering Lost Ways Research Standard 4.0: Combining & Evaluating Evidence

Appendix B - Acknowledgements

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