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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:-

**Adding** the *bridleway* which runs from Point E (OSGR 34873298) to Point D (OSGR SJ35363350)  
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/073/010BHS which contains copies of the following documents or extracts thereof:**
- Ordnance Survey Surveyors Drawings, BL 316, entitled "PARTS OF Cheshire, Shropshire, Flintshire and Denbighshire",
- Ordnance Survey 1" Revised New Series, Sheet 137 Oswestry (outline), dated 1897
- Ordnance Survey 25" 1st Edition, entitled "Shropshire Sheet XIII.8 – (Ellesmere Rural; Whittington)" dated 1874
- Ordnance Survey 25" 1st Edition, entitled "Shropshire Sheet XIII.5 – (Ellesmere Rural; Whittington)" dated 1874
- Ordnance Survey 25" 2nd Edition, entitled "Shropshire Sheet XIII.5 (Ellesmere Rural; Whittington), dated 1901
- Ordnance Survey 25" 2nd Edition, entitled " Shropshire Sheet XIII.8 (Ellesmere Rural; Whittington), dated 1901
- Finance Act Survey Map, TNA IR132/4/106, dated 1909-1910
- Finance Act Survey Map, TNA IR132/4/93, dated 1909-1910

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

Signed:



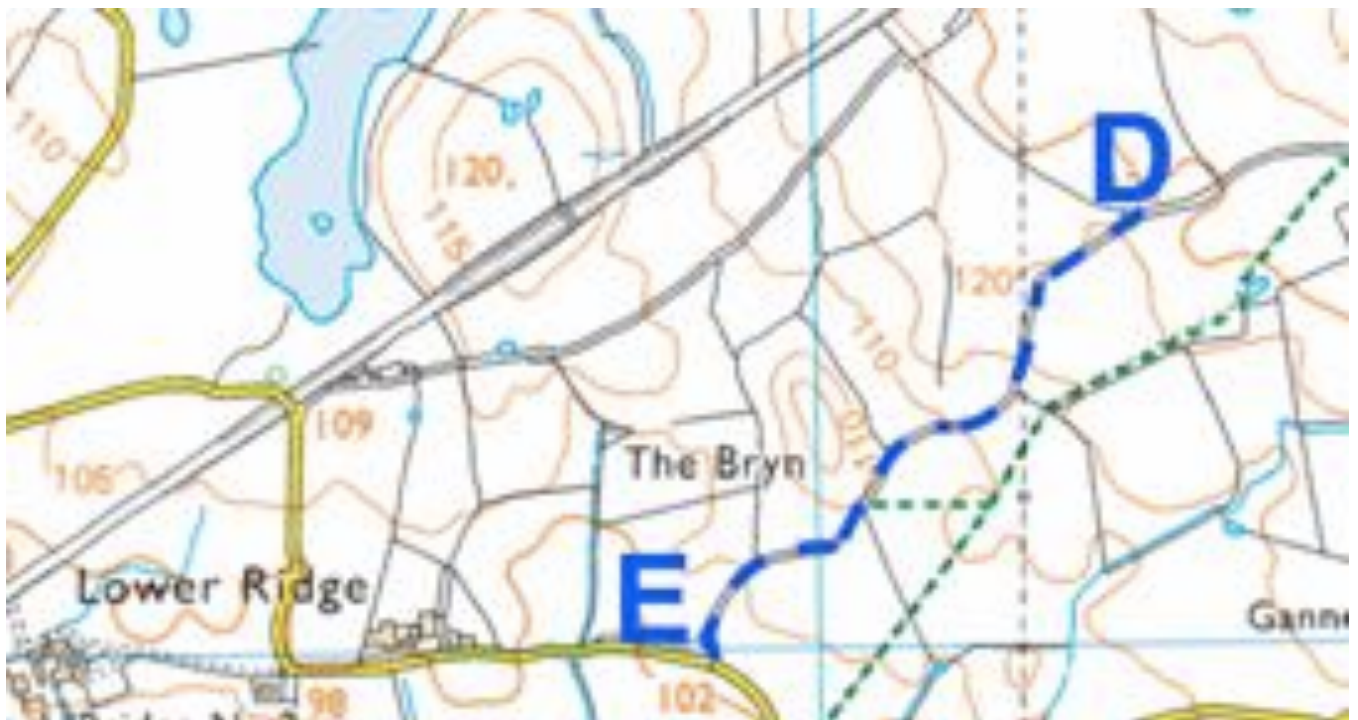
Date: 27/08/2020

Wildlife and Countryside Act 1981

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

For a route at Welsh Frankton in the Parish of Ellesmere Rural, Shropshire to be shown as a Public Bridleway

*Applicant's Reference: DLW SH/173/010*



27 / 08 / 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**

<b>Case File Ref. No.</b>	SH/073/010
<b>Name</b>	Un-named
<b>Historic County</b>	Shropshire
<b>Sub-Unit</b>	Shropshire Sub-unit 1
<b>Parish(es)</b>	Ellesmere Rural
<b>Surveying Authority</b>	Shropshire County Council
<b>Definitive Map Ref. No.</b>	None
<b>Other Designation(s) Ref. No.</b>	None
<b>Route Length</b>	2521 metres
<b>OS 1:10,000 Sheet(s)</b>	SJ33SE, SJ33SW
<b>Grid Ref (start)</b>	SJ3438 3327
<b>Grid Ref (end)</b>	SJ3585 3365
<b>ARU ASSESSMENT OUTCOME</b>	
<b>Status/Class</b>	Part public bridleway part public carriageway
<b>Strength</b>	Strong
<b>Comment</b>	Described as "Public" in the Deposited Railway Records, excluded from hereditaments on the Finance Act Map and part described as 3 <sup>rd</sup> class metalled road on the OS 1" New Series Map.

Date:

**17 October 2007**

LandAspects  
Rowan House  
Lloyd Drive  
Ellesmere Port  
Cheshire CH65 9HQ

## **Table of Contents**

1. Summary of Findings	5
2. Description of Route	6
3. Location Plan	7
4. Current Definitive Paths	8
5. Case File Route Map	9
6. Details of Documentary Evidence	10
7. Interpretation of Evidence from Individual Records	22
8. Overall Evaluation of Evidence	31
Appendix A - Methodological Statement	35
Appendix B - Acknowledgements	36

## **1. Summary of Findings**

Case file SH/073/010 was included in the research scope by the Discovering of 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 part of the case file route is described in the Deposited Railway Records as “Public”, in this case a “Public Road”, “Public Carriage Road” and “Public Highway” and the owner of the route is described as a public body.

The two Finance Act Survey maps show the route 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 1” New Series map demonstrates evidence for the route. The route is shown on the map and is described in part in the key under the heading “Un-metalled road”, and described in part under the heading “3<sup>rd</sup> 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 considered therefore that a public vehicular right of way existed over part of the route at the time of the survey, and that taken with the other evidence, there is evidence that the class for that part of the route between A-B-C-D-F is carriageway. For the remainder of the route between D and E the evidence suggests that the class is bridleway.

The whole of the case file route has been shown to exist as a physical feature on number of other Ordnance Survey maps.

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 has therefore been categorised as “Strong”, supporting the making of a definitive map modification order to add the route to the Definitive Map.

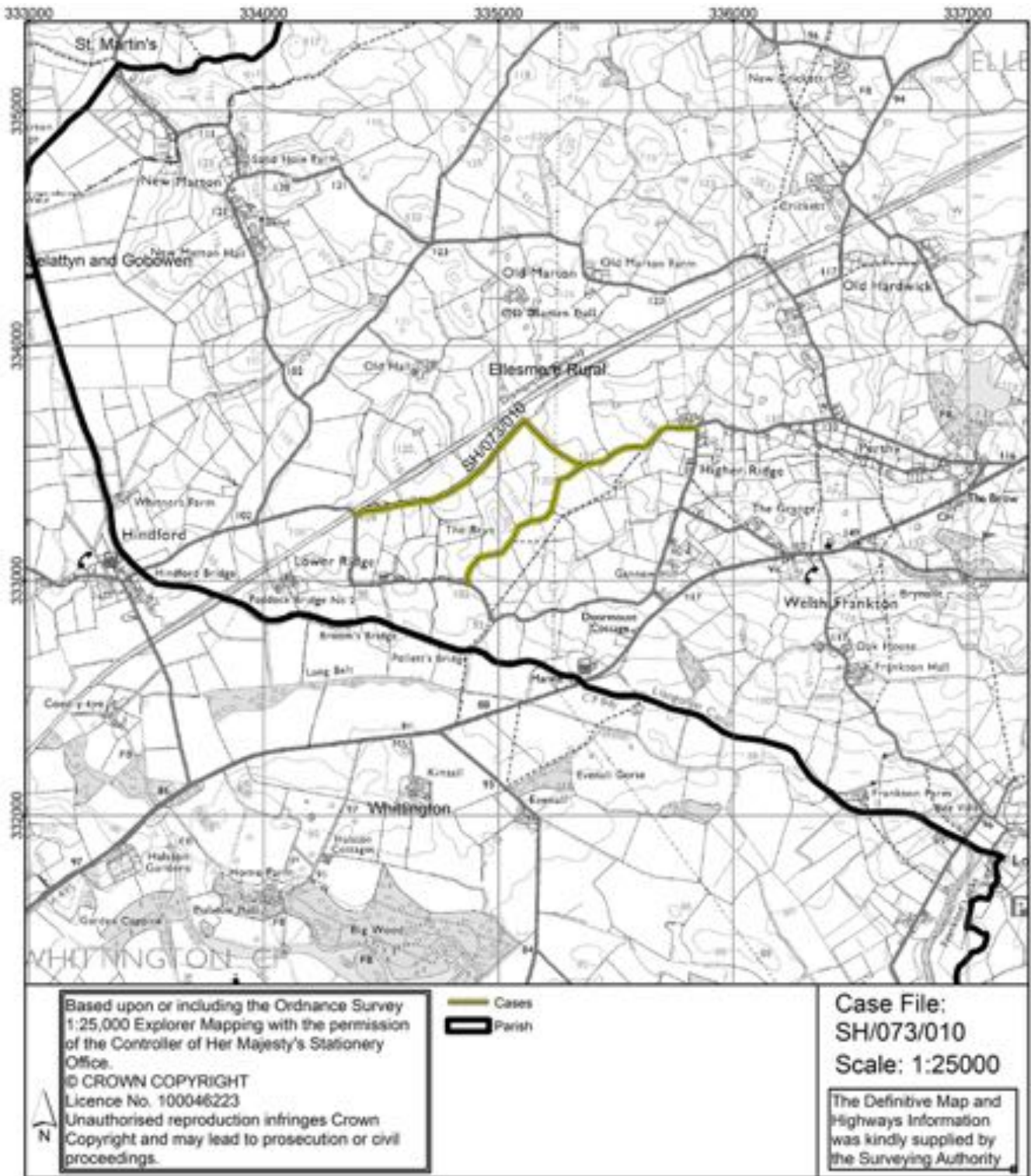
## 2. Description of Route

The route begins at a junction with Green Lane (which has been given the reference U1026/10 on Shropshire County Council's List of Streets) at coordinate SJ3438 3327 (point A on the Case File Route Map). The route then heads in a north easterly direction to coordinate SJ3508 3365 (point B on the Case File Route Map). The route continues in a north easterly direction to coordinate SJ3511 3368 (point C on the Case File Route Map). From here, the route heads in a south easterly direction to coordinate SJ3536 3349 (point D on the Case File Route Map). From here the route branches in opposite directions. One section of the route heads in a south westerly direction to a junction with Green Lane (which has been given the reference U1026/10 on Shropshire County Council's List of Streets) at coordinate SJ3487 3298 (point E on the Case File Route Map). Another section heads north east to where the route terminates at a junction with U1024/10 (the reference given on Shropshire County Council's List of Streets) coordinate SJ3585 3365 (point F on the Case File Route Map).

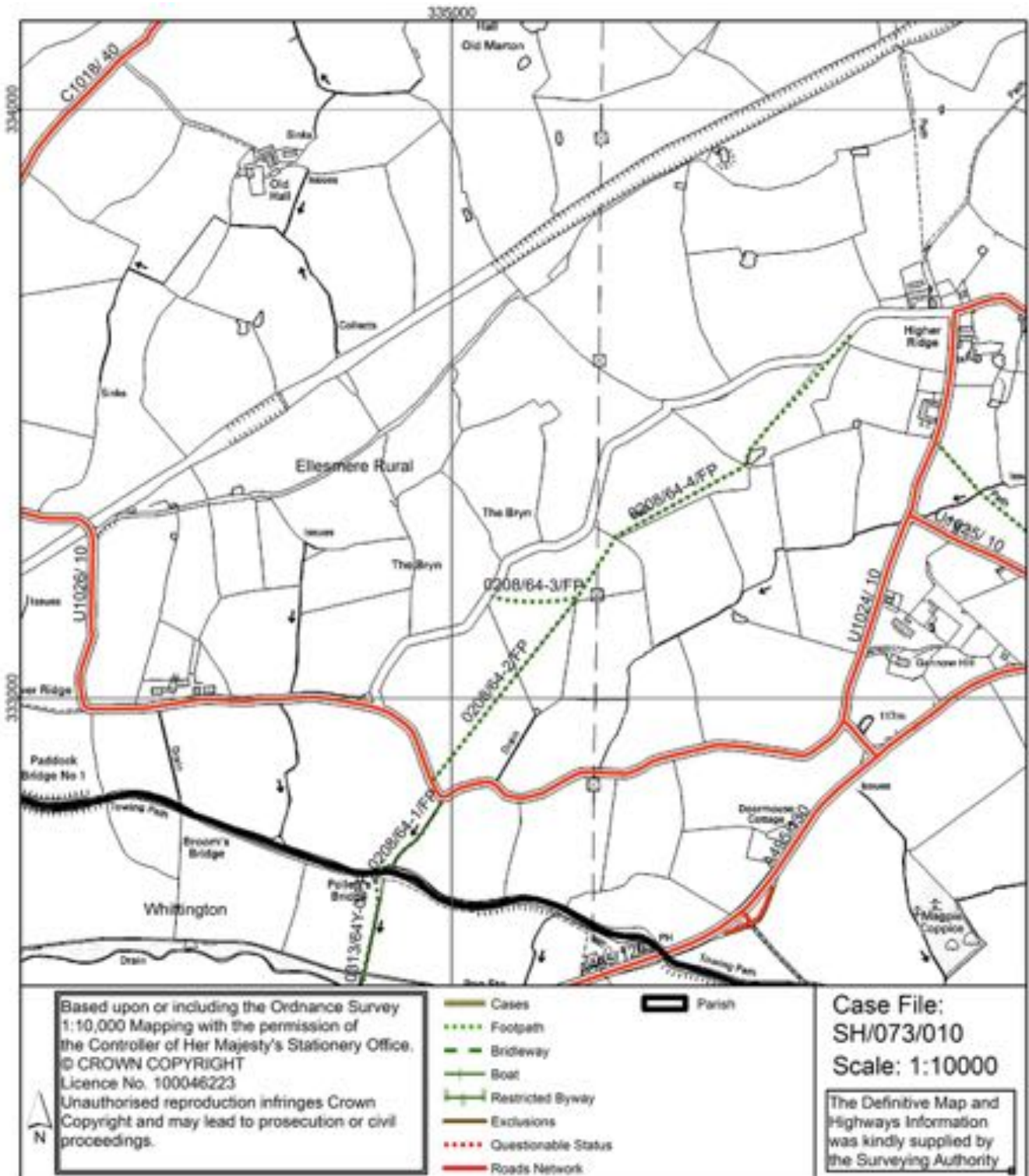
The route has a length of 2521 metres.

During the research process, the whole of the case file reference number SH/073/010 was identified with the case route numbers ER50 (point A to B), ER7 (point B to D), T000651 (point D to E) and T001002 (point D to F). All five 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 the evidence is neutral, the case file reference number is used (plain text).

### 3. Location Plan

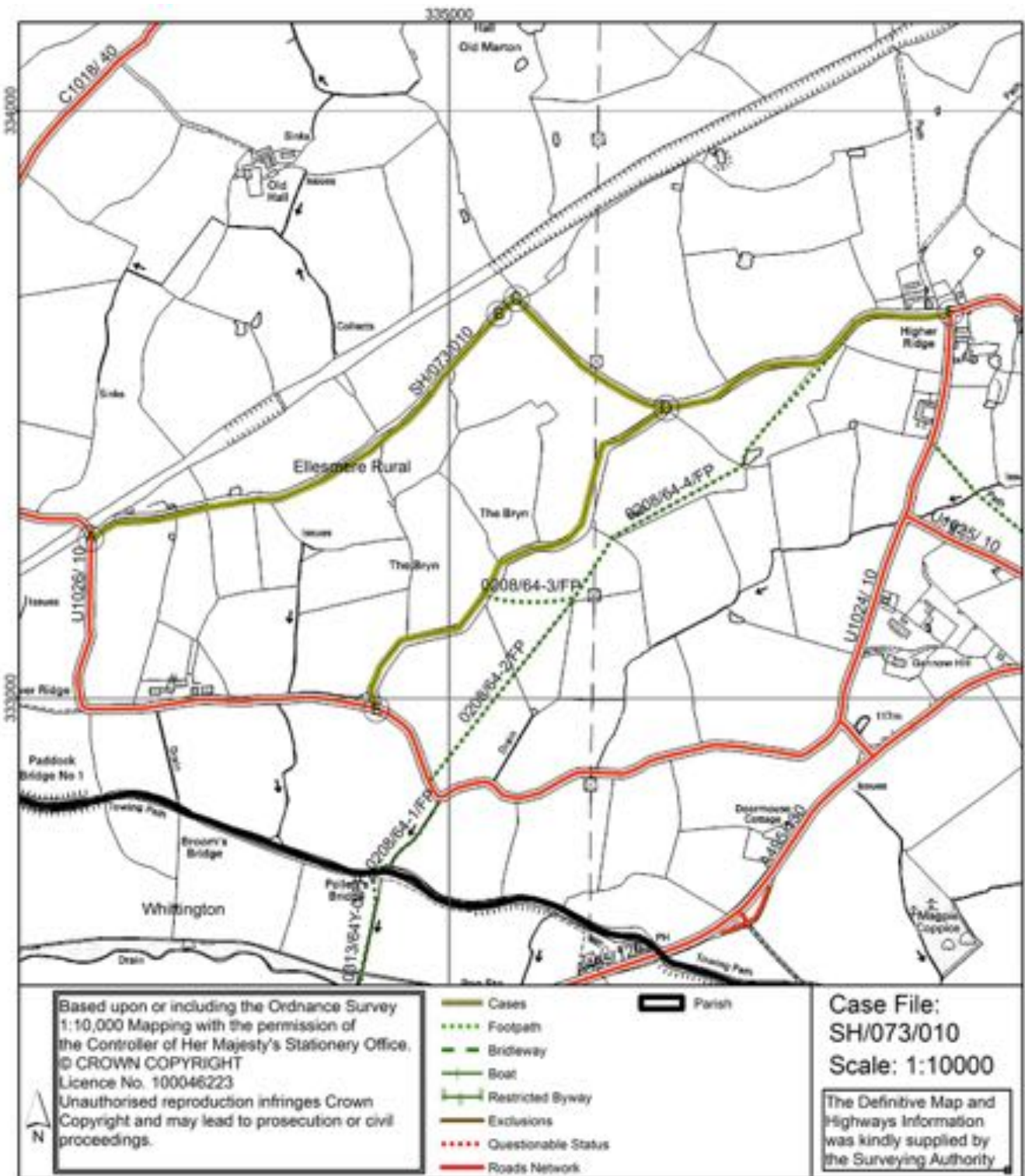


#### 4. Current Definitive Paths





## 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
National Library of Scotland	92 Cowgate Edinburgh, EH1 1JN	NLS

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/073/010 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 1, entitled "To the Right Honorable 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 Lordship's obliged and obedient servant ROBERT BAUGH", dated 1808, covers the area but demonstrates no evidence for case SH/073/010.

2. Non-Ordnance Survey Commercial Map, SHR GREENWOODS 1827, entitled "Map of the County of SALOP FROM AN ACTUAL SURVEY Made in the Years 1826&1827 BY C. & J. GREENWOOD", dated 1827, covers the area but demonstrates no evidence for case SH/073/010.

3. Turnpike Plan, HLRO HL/CL/PB/6/plan1831/36, entitled "Holyhead Road (Or Ellesmere & Chirk...)", covers the area but demonstrates no evidence for case SH/073/010.

4. Turnpike Book of Reference, HLRO HL/CL/PB/6/plan1831/1836, entitled "Reference to the Plan of the Proposed Line of Road from the Northern End of the New Turnpike Road at or near Ketley in the County of Salop to the junction of the Turnpike Road leading from Ellesmere towards Chirk with the Holyhead Turnpike Road near Brynkinalt Lodges in the same county", dated 1832, covers the area but demonstrates no evidence for case SH/073/010.

**5. Ordnance Survey Surveyors Drawings, BL 316, entitled "PARTS OF Cheshire, Shropshire, Flintshire and Denbighshire", demonstrates evidence for all of routes ER 50, ER 7, T000651 and T001002. Route ER 50 is observed to commence at a junction to the north of the "L" of "Lower Ridge" shown on the map. The route extends to the east and north east where it becomes route ER7, which ends at a junction with routes T000651 and T001002. Route**

T000651 is observed to commence at a point east of that labelled "New Buildings" on the map. The route extends to the north east where it becomes T001002. The whole route is shown uncoloured and un-named map and is depicted as consisting of two parallel solid black lines. The route is observed to terminate at a junction at "Higher Ridge" on the map.



6. Ordnance Survey 1" Revised New Series, Sheet 137 Oswestry (outline), dated 1897, demonstrates evidence for all of routes ER50, ER7, T000651 and T001002. The first part of the route, ER50 is observed to commence at a junction with another route to the north of "Lower Ridge" on the map. From here, the route extends to the north east where it becomes ER7 just before the route changes direction. The route branches in opposite directions at a junction to the south west of "Upper Ridge" on the map. Part of the route, T000651, heads in a south westerly direction to where it terminates at a junction with another route, to the south east of "Lower Ridge" on the map. The other section of the route, T001002 heads in a north easterly direction. The whole route is depicted as consisting of two parallel solid black lines. The route is observed to terminate at a junction with other routes at "Upper Ridge" on the map.



7. Tithe Map, TNA IR 30/29/344, entitled "Plan of the Township of Fernhill in the parish of Whittington in the county of Salop", dated 1839, demonstrates evidence for all of route ER50 and part of route ER7. The route is observed to commence at the west corner of parcel number "1677" on the map. It is shown on the map but is unnumbered and not within a numbered parcel. The route is depicted as consisting of two parallel solid black lines. The route becomes ER7 at the middle of the south side of parcel number "1685" on the map. The route is observed to terminate below the south west corner of parcel number "1685b" on the map.

8. Tithe Map, TNA IR 30/29/122, entitled "Plan of the Township of Ridges in the Parish of Ellesmere and County of Salop", dated 1839, demonstrates evidence for all of routes ER50, ER7, T000651 and T001002. The first part of the route, ER50, is observed to commence at the northwest corner of parcel number "132" on the map. From here, the route extends in a north easterly direction where it becomes ER7. This section of the route is observed to terminate at the junction at the east corner of parcel number "62", and the route branches in opposite directions from here. Part of the route, T000651 extends to the south west to where it terminates at a junction with another route at the western edge of parcel number "108". The other section, T001002 extends to the north east. The whole of the route is shown but is unnumbered and not within a numbered parcel and is depicted as consisting of two

parallel solid black lines. The route is observed to terminate at the north east corner of parcel number "72" on the map.

9. Tithe Apportionment, TNA IR 29/29/344, entitled "Apportionment to the Parish of Whittington in the County of Salop" dated 1842, covers the area but demonstrates no evidence for case SH/073/010.

10. Railway Plan, SHR DP/380, entitled "Plans and Sections of the Oswestry, Ellesmere, & Whitchurch Railway. 1860", dated 1860, demonstrates evidence for all of route ER50 and part of route ER7. The first part of the route, ER50, is observed to commence at the north east corner of parcel number "13" on the plan. From here, the route extends to the north east where it becomes ER7. The route is specifically numbered on the plan, in this case "15a" and is depicted as consisting of two parallel solid black lines. The plan also shows the route within the Limits of Deviation. The route is observed to terminate at the south east corner of parcel number "18" on the plan.

11. Railway Section, SHR DP/380, entitled "Plans and Sections of the Oswestry, Ellesmere, & Whitchurch Railway. 1860", dated 1860, demonstrates evidence for all of route ER50. The route is shown with the status quoted as "public" in this case a "Public Road to be diverted and crossed on the level". This is identified as a route to be diverted, which is taken to imply public status.

12. Railway Book of Reference, SHR DP/380, entitled "Oswestry, Ellesmere, & Whitchurch railway. Book of Reference; containing the Names of Owners or Reputed Owners, Lessees, and Occupiers of Lands, &c., Which may be required for the purposes of the said intended Railway, and the Works ...", dated 30th November 1860, demonstrates evidence for all of route ER50. The route is described in parcel number "15a" as "Public" in this case a "Public Carriage Road". The owner of the route is listed as a public body or officer, "The Surveyor of the Highways in the Township of Ridge Edward Price Surveyor", with the implied responsibility for maintenance of public highways.

13. Railway Plan, SHR DP/400, entitled "Oswestry, Ellesmere, and Whitchurch Railway. Deviations between Oswestry and Ellesmere. Plans and Sessions. Session 1861-1862.", dated 1861-1862, covers the area but demonstrates no evidence for case SH/073/010.

14. Railway Section, SHR DP/400, entitled "Oswestry, Ellesmere, and Whitchurch Railway. Deviations between Oswestry and Ellesmere. Plans and Sessions. Session 1861-1862.", dated 1861-1862, covers the area but demonstrates no evidence for case SH/073/010.

15. Railway Book of Reference, SHR DP/400, entitled "Oswestry Ellesmere & Whitchurch Railway. Book of Reference to the Plans of Deviations between Oswestry and Ellesmere. Session 1862." dated 1862, covers the area but demonstrates no evidence for case SH/073/010.

16. Railway Plan, SHR DP/401, entitled "Plans and Sections of the Ellesmere, Oswestry, Ruabon and Shrewsbury Railway. Session 1861-2", dated 1861-2, demonstrates evidence for all of route ER50 and part of route ER7. The first part of the route, ER50, is observed to commence north west corner of parcel number "13" on the plan. From here, it extends to the north east where it becomes ER7. The plan shows the route specifically numbered on the plan, in this case "15a", and is depicted as consisting of two parallel solid black lines. It also shows the route within the Limits of Deviation. The route is observed to terminate at the south west corner of parcel number "19" on the plan.

17. Railway Section, SHR DP/401, entitled "Plans and Sections of the Ellesmere, Oswestry, Ruabon and Shrewsbury Railway. Session 1861-2", dated 1861-2, demonstrates evidence for all of route ER50. This is shown with the status quoted as "Public" in this case a "Public Road to be diverted and crossed on the level. See Plan and Cross Sections No's 4 & 4a". This is identified as a route to be diverted, which is taken to imply public status.

18. Railway Book of Reference, SHR DP/401, entitled "Ellesmere, Oswestry, Ruabon and Shrewsbury Railways Book of Reference", demonstrates evidence for all of route ER50 and part of ER7. The route is described in parcel number "15a" as "Public" in this case a "Public Highway". The route is listed with the owner of the route being listed as a public body or officer, "The Surveyor of the Highways in the Township of Ridge Edward Jones Surveyor", with the implied responsibility for maintenance of public highways.

19. Ordnance Survey 25" 1st Edition, entitled "Shropshire Sheet XIII.8 – (Ellesmere Rural; Whittington)" dated 1874, demonstrates evidence for all of route ER50 and part of routes ER7 and T000651. The first part of the route, ER50, is observed to commence at a junction with another route at the north west corner of parcel number "1594". The route is specifically numbered on the map as "50". From here, the route extends in a north easterly direction where it becomes ER7 (it then turns southwest). This section of the route shown this map sheet terminates at the right hand side of the map between parcel numbers "1573" and "1575". The other section of the route, T000651, is observed to commence at the right hand side of the map (this section begins on the adjacent map sheet) between parcel numbers "1575" and "1673". The route is shown specifically numbered on the map as "1581". The whole of the route is shown depicted as consisting of two parallel solid black lines (in-filled). This route is observed to terminate at a junction with another in-filled route marked with parcel number "1622" on the map.



Shropshire XII.8 (Ellesmere Rural; Whittington)  
 Surveyed: 1874  
 Published: ca. 1875



20. Ordnance Survey 25" 1st Edition, entitled "Shropshire Sheet XIII.5 – (Ellesmere Rural; Whittington)" dated 1874," demonstrates evidence for part of routes ER7 and T000651, and all of route T001002. The first part of the route, ER7, is observed to commence on this map at the left hand edge between



parcel numbers “1573” and “1574”. From here, it extends to the south east where it becomes T001002. The route is shown specifically numbered on the map as “1674”. This section of the route is observed to terminate at the north east corner of parcel number “1679”. The other section of the route, T000651, is observed to commence at the northern corner of parcel number “1673”. This section is specifically numbered as “1581”. The whole of the route is shown on the map depicted as consisting of two parallel solid black lines (in-filled). This section of the route is observed to terminate at the edge of the map between parcel numbers “1575” and “1673”.



21. Ordnance Survey 25" 1st Edition Book of Reference, BL, entitled "Book of Reference to the Plan of the Parish of Ellesmere (Part of), Hundreds of Oswestry and Pimhill, Shropshire", dated 1876, demonstrates evidence for all of route ER7 and T000651. The first part of the route, ER7, is described in a manner which fails to confer any indication of status, i.e. as "Road" on page "29", in parcel number "1674". The other section, T000651, is described in a manner which fails to confer any indication of status, i.e. as "Road" on page "29", in parcel number "1581".

22. Ordnance Survey 25" 2nd Edition, entitled "SHROPSHIRE SHEET XIII.5 (Ellesmere Rural; Whittington)", dated 1901, demonstrates evidence for part of routes ER7 and T000651, and all of route T001002. The first part of the route, ER7 is observed to commence at the western edge of the map in the south west corner of parcel number “754”. From here, it extends to the east for a short distance where it becomes T001002. The route is depicted by one bold

and one fine parallel black line on the map and is described as “Main Roads” in the 25" Ordnance Survey Characteristics Sheet. This section of the route is observed to terminate at a junction with another route to the north east of parcel number “1631” close to “Higher Ridge on the map”. The other section of the route, T000651, is observed to commence at a junction with the previous route, at the northern corner of parcel number “751” on the map. The route is shown on the map and is depicted as consisting of two parallel solid black lines. The route is specifically numbered on the map as “752”. This section of the route is observed to terminate on this map sheet at the western edge in the north west corner of parcel number “751”.



23. Ordnance Survey 25" 2nd Edition, entitled "SHROPSHIRE SHEET XIII.8 (Ellesmere Rural; Whittington), dated 1901, demonstrates evidence for all of route ER50, and part of route ER7 and T000651. The first part of the route, ER50, is observed to commence at a junction with another route at the north west corner of parcel number “696”. The route is shown specifically numbered on the map as “663”. The route is depicted by one bold and one fine parallel black line on map and is described as “Main Roads” in the 25" Ordnance Survey Characteristics Sheet. The route extends to the north east where it becomes ER7. This section of the route (ER7) is observed to terminate at the edge of the map at the southern tip of parcel number “754”. The other section of the route, T000651 is observed to commence at the eastern edge of the map between parcel numbers “753” and “751”. This section of the route is shown

specifically numbered on the map as “711” and is depicted as consisting of two parallel solid black lines. The entire length of the route is shown un-named on the map. This section of the route (T000651) is observed to terminate at a junction with another route to the north of parcel number “716” on the map.



24. Ordnance Survey 1" New Series, BL Maps 1175 (134.) sheet 137, entitled "OS of England Oswestry", dated 1902, demonstrates evidence for all of route ER50, ER7, T000651 and T001002. The first part of the route, ER50, is observed to commence adjacent to the “Cambrian Railway”. From here, the route extends eastwards where it becomes ER7. The route is described in the key under the heading “3rd class metalled road” and is depicted as consisting of two parallel solid black lines. This part of the route is observed to terminate at a point where it meets an un-metalled road, south west of "Higher Ridge". At this point, part of the route, T000651, heads in a south westerly direction towards “The Bryn”. This part of the route is described in the key under the heading “Un-metalled Roads” and is depicted as consisting of two parallel solid black lines. This section of the route is observed to terminate at a junction with a 3rd class metalled road, to the east of “Lower Ridge”. The final section

of the route, T001002, is observed to commence at the junction to the south west of "Higher Ridge" on the map. The route is described in the key under the heading "3rd class metalled road" and is depicted as consisting of two parallel solid black lines. The whole of the route is shown uncoloured and un-named on the map. The route is observed to terminate at a crossroads at "Higher Ridge" on the map.

**25. Finance Act Survey Map, TNA IR132/4/106, entitled "Shropshire Sheet XIII. 5 2nd Edition 1901", dated 1909-1910, demonstrates evidence for part of routes ER7 and T000651, and evidence for all of route T001002. The first part of the route, ER7, is observed to commence at the western edge of the map to the south of OS parcel number "754". At the junction, the route branches in opposite directions. Part of the route, T000651, extends to the south west to where it terminates at the edge of the map. The other section, T001002, extends to the north east. The whole of the route is shown uncoloured and excluded from hereditaments and is depicted as consisting of two parallel solid black lines. The route is observed to terminate at a junction with another route at the north east corner of OS parcel number "1631" on the map.**



**26. Finance Act Survey Map, TNA IR132/4/93, entitled "Shropshire Sheet XII. 8 2nd. Edition 1901", dated 1909-1910, demonstrates evidence for all of route ER50 and part of routes ER7 and T000651. The first part of the route, ER50, is**

observed to commence adjacent to the railway to the north of OS parcel number "696". From here, it extends to the north east where it becomes ER7. There is an annotation "GREEN LANE" on the map. This section of the route is observed to terminate at the edge of the map. The other part of the route, T000651, is observed to commence at the eastern edge of the map to the north of OS parcel number "751". The whole of the route is shown uncoloured and excluded from hereditaments 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 south east corner of OS parcel number "707" on the map.



27. Finance Act Survey Field Book, TNA IR/58/75734, entitled "Cockshutt Assessment No. 901-1000", covers the area but demonstrates no evidence for case SH/073/010.

## 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" New Series Map	C	Revised New Series, Sheet 137 Oswestry (outline)	1837	6.6	NLS1	Route shown on OS 1" Old Series map
Tithe Survey Records	C	TNA Map IR/30/29/344/ PART3/2 - Plan of the Township of Fernhill in the parish of Whittington in the county of Salop	1839	6.7	TM3	Route shown on map not numbered specifically or within numbered parcel
		TNA Map IR/30/29/122 - Plan of the Township of Rudes in the Parish of Ellesmere and County of Salop	1839	6.8	TM3	Route shown on map not numbered specifically or within numbered parcel
Deposited	B(i)	SHR Plan	1860	6.10	RP1	Route

Railway Records		DP/380 - Plans and Sections of the Oswestry, Ellesmere, & Whitchurch Railway. 1860.				specifically numbered on plan	
					RP3	Route within LOD	
		SHR Section DP/380 - Plans and Sections of the Oswestry, Ellesmere, & Whitchurch Railway. 1860.	1860	6.11		RS1	Status quoted as public
						RS4	Identified for stopping up or diversion
		SHR Book Of Reference DP/380 - Oswestry, Ellesmere, & Whitchurch railway. Book of Reference; containing the Names of Owners or Reputed Owners, Lessees, and Occupiers of Lands, &c., Which may be required for the purposes of the said intended Railway, and the Works ...	30th November 1860	6.12		Described as public	
						RB2	
Deposited Railway Records	B(i)	SHR Plan DP/401 - Plans and Sections of the Ellesmere, Oswestry, Ruabon and Shrewsbury Railway. Session 1861-2	1861-2	6.16		Route specifically numbered on plan	
						RP1	
						RP3	Route within LOD
		SHR Section DP/401 - Plans and Sections of the Ellesmere, Oswestry, Ruabon and Shrewsbury Railway. Session 1861-2	1861-2	6.17		RS1	Status quoted as public
						RS4	Identified for stopping up or diversion
		SHR Book Of Reference DP/401 - Ellesmere, Oswestry, Ruabon and Shrewsbury Railways Book of Reference	Not given	6.18			Described as public
						RB2	
						RB5	Owner is a public body

Ordnance Survey Records 25" 1st Edition Map	C	"Shropshire Sheet XIII.8 – (Ellesmere Rural; Whittington)	1874	6.19	NLS2	Route specifically numbered on plan
					NLS2	Route Shown on OS 1st Edition 25" Map
Ordnance Survey Records 25" 1st Edition Map	C	"Shropshire Sheet XIII.5 – (Ellesmere Rural; Whittington))	1874	6.20	NLS3	Route specifically numbered on plan
					NLS3	Route Shown on OS 1st Edition 25" Map
					NLS3	Route un-named on map
Ordnance Survey Records 25" 1st Edition BOR	C	BL - Book of Reference to the Plan of the Parish of Ellesmere (Part of), Hundreds of Oswestry and Pimhill, Shropshire	1876	6.21	OSB5	Route described as non-status specific i.e. - 'Occupation Road' or 'Footpath'
Ordnance Survey Records 25" 2nd Edition Map	C	"Shropshire Sheet XIII.5– (Ellesmere Rural; Whittington)	1901	6.22	NLS4	Route described as 'Main Roads' on 25" Ordnance Survey Characteristics Sheet
					NLS4	Route un-named on map
					NLS4	Route Shown on OS 2nd Edition 25" Map
Ordnance Survey Records 25" 2nd Edition Map	C	"Shropshire Sheet XIII.8 – (Ellesmere Rural; Whittington)	1901	6.23	NLS5	Route described as 'Main Roads' on 25" Ordnance Survey Characteristics Sheet
					NLS5	Route un-named on map
					NLS5	Route Shown on OS 2nd Edition 25" Map
Ordnance Survey Records 1" New Series Map	C part B(ii) part	BL Maps 1175 (134.) sheet 137 - OS of England Oswestry	1902	6.24	OSM26	Route described as '3rd class metalled road' on key or Characteristics Sheet
					OSM20	Route un-named on map
					OSM27	Route described as 'Unmetalled Roads' on key or



						Characteristics Sheet
Finance Act Survey Records	B(i)	TNA Map IR132/4/106 - Shropshire Sheet XIII. 5 2nd Edition 1901	1909-1910	6.25	FA1	Route excluded from Hdtmt
	B(i) part	TNA Map IR132/4/93 - Shropshire Sheet XII. 8 2nd. Edition 1901	1909-1910	6.26	FA1	Route excluded from Hdtmt
Ordnance Survey Records Surveyors Drawings	C	BL 316 - PARTS OF Cheshire, Shropshire, Flintshire and Denbighshire.	Not given	6.5	OSD1	Route shown un-coloured on Ordnance Surveyors Drawing
					OSD4	Route un-named on Ordnance Surveyor's Drawing

#### 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 Map	SHR Map Ordnance Survey Old Series 1":1 mile - Folder 1 1833 - 1835	1833 - 1835	RC14	Unspecified
Tithe Survey Records	TNA Map IR/30/29/344/PART3 /2 - Plan of the Township of Fernhill in the parish of Whittington in the county of Salop	1839	RC14	Unspecified
Tithe Survey	TNA Map	1839	RC14	Unspecified

Records	IR/30/29/122 - Plan of the Township of Rudges in the Parish of Ellesmere and County of Salop			
Deposited Railway Records	SHR Plan DP/380 - Plans and Sections of the Oswestry, Ellesmere, & Whitchurch Railway. 1860.	1860	RC14	Unspecified
	SHR Section DP/380 - Plans and Sections of the Oswestry, Ellesmere, & Whitchurch Railway. 1860.	1860	RC12	Road
	SHR Book Of Reference DP/380 - Oswestry, Ellesmere, & Whitchurch railway. Book of Reference; containing the Names of Owners or Reputed Owners, Lessees, and Occupiers of Lands, &c., Which may be required for the purposes of the said intended Railway, and the Works ...	30th November 1860	RC4	Carriage road
Deposited Railway Records	SHR Plan DP/401 - Plans and Sections of the Ellesmere, Oswestry, Ruabon and Shrewsbury Railway. Session 1861-2	1861-2	RC14	Unspecified
	SHR Section DP/401 - Plans and Sections of the Ellesmere, Oswestry, Ruabon and Shrewsbury Railway. Session 1861-2	1861-2	RC12	Road

Deposited Railway Records	SHR Book Of Reference DP/401 - Ellesmere, Oswestry, Ruabon and Shrewsbury Railways Book of Reference	Not given	RC16	Highway
Ordnance Survey Records 25" 1st Edition Map	BL Map Vol 686 (46) - Shropshire (Northern Division) XII.8 - Whittington & Ellesmere Parishes & Whittington Parish (Det)	1874	RC14	Unspecified
Ordnance Survey Records 25" 1st Edition Map	BL Map Vol 687 (5) - Shropshire (Northern Division) Sheet XIII.5 - Whittington & Ellesmere Parishes & Whittington Parish (Det)	1874	RC14	Unspecified
Ordnance Survey Records 25" 1st Edition BOR	BL - Book of Reference to the Plan of the Parish of Ellesmere (Part of), Hundreds of Oswestry and Pimhill, Shropshire	1876	RC12	Road
Ordnance Survey Records 25" 2nd Edition Map	BL Map 1599(5) - SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 5.	1901	RC12	Road
			RC14	Unspecified
Ordnance Survey Records 25" 2nd Edition Map	BL Map 1598 (45) - Shropshire sheet XII.8	1901	RC14	Unspecified
Ordnance Survey Records 1" New Series Map	BL Maps 1175 (134.) sheet 137 - OS of England Oswestry	1902	RC12	Road
Finance Act Survey Records	TNA Map IR132/4/106 - Shropshire Sheet XIII. 5 2nd Edition 1901	1909-1910	RC14	Unspecified
	TNA Map	1909-1910	RC14	Unspecified

	IR132/4/93 - Shropshire Sheet XII. 8 2nd. Edition 1901			
Ordnance Survey Records Surveyors Drawings	BL Map 316 - PARTS OF Cheshire, Shropshire, Flintshire and Denbighshire.	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
Ordnance Survey Records 1" Old Series Map	SHR Map Ordnance Survey Old Series 1":1 mile - Folder 1 1833 - 1835	1833 - 1835	PA1	two parallel solid black lines
Tithe Survey Records	TNA Map IR/30/29/344/PART3 /2 - Plan of the Township of Fernhill in the parish of Whittington in the county of Salop	1839	PA1	two parallel solid black lines
Tithe Survey Records	TNA Map IR/30/29/122 - Plan of the Township of Rudges in the Parish of Ellesmere and County of Salop	1839	PA1	two parallel solid black lines
Deposited Railway	SHR Plan DP/380 -	1860	PA1	two parallel solid

Records	Plans and Sections of the Oswestry, Ellesmere, & Whitchurch Railway. 1860.			black lines
Deposited Railway Records	SHR Plan DP/401 - Plans and Sections of the Ellesmere, Oswestry, Ruabon and Shrewsbury Railway. Session 1861-2	1861-2	PA1	two parallel solid black lines
Ordnance Survey Records 25" 1st Edition Map	BL Map Vol 686 (46) - Shropshire (Northern Division) XII.8 - Whittington & Ellesmere Parishes & Whittington Parish (Det)	1874	PA3	two parallel solid black lines (in-filled)
Ordnance Survey Records 25" 1st Edition Map	BL Map Vol 687 (5) - Shropshire (Northern Division) Sheet XIII.5 - Whittington & Ellesmere Parishes & Whittington Parish (Det)	1874	PA3	two parallel solid black lines (in-filled)
Ordnance Survey Records 25" 2nd Edition Map	BL Map 1599(5) - SECOND EDITION 1901 SHROPSHIRE SHEET XIII. 5.	1901	PA11	one bold and one fine solid parallel black lines
			PA1	two parallel solid black lines
Ordnance Survey Records 25" 2nd Edition Map	BL Map 1598 (45) - Shropshire sheet XII.8	1901	PA11	one bold and one fine solid parallel black lines
			PA1	two parallel solid black lines
Ordnance Survey Records 1" New Series Map	BL Maps 1175 (134.) sheet 137 - OS of England Oswestry	1902	PA1	two parallel solid black lines
Finance Act Survey Records	TNA Map IR132/4/106 - Shropshire Sheet XIII. 5 2nd Edition 1901	1909-1910	PA1	two parallel solid black lines

	TNA Map IR132/4/93 - Shropshire Sheet XII. 8 2nd. Edition 1901	1909-1910	PA1	two parallel solid black lines
Ordnance Survey Records Surveyors Drawings	BL Map 316 - PARTS OF Cheshire, Shropshire, Flintshire and Denbighshire.	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 specific 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 two Tithe Survey maps demonstrate evidence for the route. One map demonstrates evidence for the whole route and the other shows only part of the route. The route is shown un-numbered and not within a numbered parcel and is depicted as consisting of two parallel solid black lines on both maps. This is considered to provide neutral evidence of status and class.

#### 2. Finance Act Survey Records

The two Finance Act Survey maps demonstrate evidence for the route. It 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 Railway Plan entitled "Plans and Sections of the Oswestry, Ellesmere, & Whitchurch Railway. 1860" demonstrates evidence for part of the route between A-B-C-D. The route is specifically numbered on the plan and is depicted as consisting of two parallel solid black lines. The plan also shows the route within the limits of deviation. The Railway Section shows the route as a "Public Road". The accompanying Book of Reference describes the route as a "Public Carriage Road" with the owner listed as being a public body.

The Railway Plan entitled "Plans and Sections of the Ellesmere, Oswestry, Ruabon and Shrewsbury Railway. Session 1861-2", demonstrates evidence for part of the route between A-B-C-D. The

route is specifically numbered on the plan and is depicted as consisting of two parallel solid black lines. The plan also shows the route within the limits of deviation. The Railway Section shows the route as a "Public Road". The accompanying Book of Reference describes the route as a "Public Highway" with the owner listed as being a public body.

4. Ordnance Survey Records

The Ordnance Survey records described below are considered to provide evidence of the physical existence of the route from 1819 onwards and as a well-defined track, separated from adjacent enclosures by boundary walls, hedges or fences. With the exception of the 1" New Series map, they are considered to provide neutral evidence of the status of the route.

a) Ordnance Survey Surveyor's Drawings

The Ordnance Survey Surveyor's Drawings demonstrates evidence for the route. It is shown as uncoloured and un-named and is depicted as consisting of two parallel solid black lines. This is considered to provide neutral evidence of status and class.

b) Ordnance Survey 1" Old Series Map

The Ordnance Survey 1" Old Series map demonstrates evidence for the whole route. The route is shown on the map and is depicted as consisting of two parallel solid black lines. This is considered to provide neutral evidence of status and class.

c) Ordnance Survey 25" 1st Edition

The two Ordnance Survey 25" 1st Edition maps demonstrate evidence for the route. The route is shown specifically numbered and is shown depicted as consisting of two parallel solid black lines (in-filled) on both maps. The Book of Reference demonstrates evidence for part of the route, describing it as "Road". This is considered to provide neutral evidence of status and class.

d) Ordnance Survey 25" 2nd Edition

The two Ordnance Survey 25" 2nd Edition maps demonstrate evidence for the route. The route is shown depicted as consisting partly of one bold and one fine parallel black lines and partly two parallel solid black lines (in-filled) on both maps. Part of the route (A-B-C-D-F) is also described as 'Main Roads' in the 25" Ordnance



Survey Characteristics Sheet. This is considered to provide neutral evidence of status and class.

e) Ordnance Survey 1" Revised New Series Map

The Ordnance Survey 1" New Series map demonstrates evidence for the route. Part of the route between A-B-C-D-F is shown on the map as consisting of two parallel solid black lines and is described in the key as "3<sup>rd</sup> 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 considered therefore that a public vehicular right of way existed over part of the route at the time of the survey.

The remainder of the route (D-E) is also shown on the map depicted as consisting of two parallel solid black lines and is described in the key as "Unmetalled 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" New Series maps will be taken as evidence of the existence of public vehicular rights. Part of the case file route is not shown in this way and it is considered therefore that a public vehicular right of way cannot be shown to have existed over this length of the route at the time of the survey.

**Alignment of the case file route:**

From the analysis of the Finance Act Records and modern Ordnance Survey Maps the route does not appear to have changed alignment.

**Evidence of Width:**

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

**Contradictory evidence:**

No contradictory evidence was found for the route.

**Outcome of the evaluation:**

Case file SH/073/010 was included in the research scope by the Discovering of 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 part of the case file route is described in the Deposited Railway Records as “Public”, in this case a “Public Road”, “Public Carriage Road” and “Public Highway” and the owner of the route is described as a public body.

The two Finance Act Survey maps show the route 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 1” New Series map demonstrates evidence for the route. The route is shown on the map and is described in part in the key under the heading “Un-metalled road”, and described in part under the heading “3<sup>rd</sup> 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 considered therefore that a public vehicular right of way existed over part of the route at the time of the survey, and that taken with the other evidence, there is evidence that the class for that part of the route between A-B-C-D-F is carriageway. For the remainder of the route between D and E the evidence suggests that the class is bridleway.

The whole of the case file route has been shown to exist as a physical feature on number of other Ordnance Survey maps.

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 has therefore been categorised as “Strong”, supporting the making of a definitive map modification order 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 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 4.0: Combining & Evaluating Evidence

## **Appendix B - Acknowledgements**

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