

# Application for a Modification Order

## Wildlife and Countryside Act 1981

### The Definitive Map and Statement of Public Rights of Way for the County of Cumbria

To: Cumbria County Council  
Of: Countryside Access, Cumbria County Council, The Parkhouse Building, Kingmoor Business Park, Carlisle, CA6 4SJ

I: D Brooksbank, for and on behalf of The British Horse Society  
Of: C/O Access and Rights of Way Department, The British Horse Society, Abbey Park, Stareton, Kenilworth, Warwickshire, CV8 2XZ

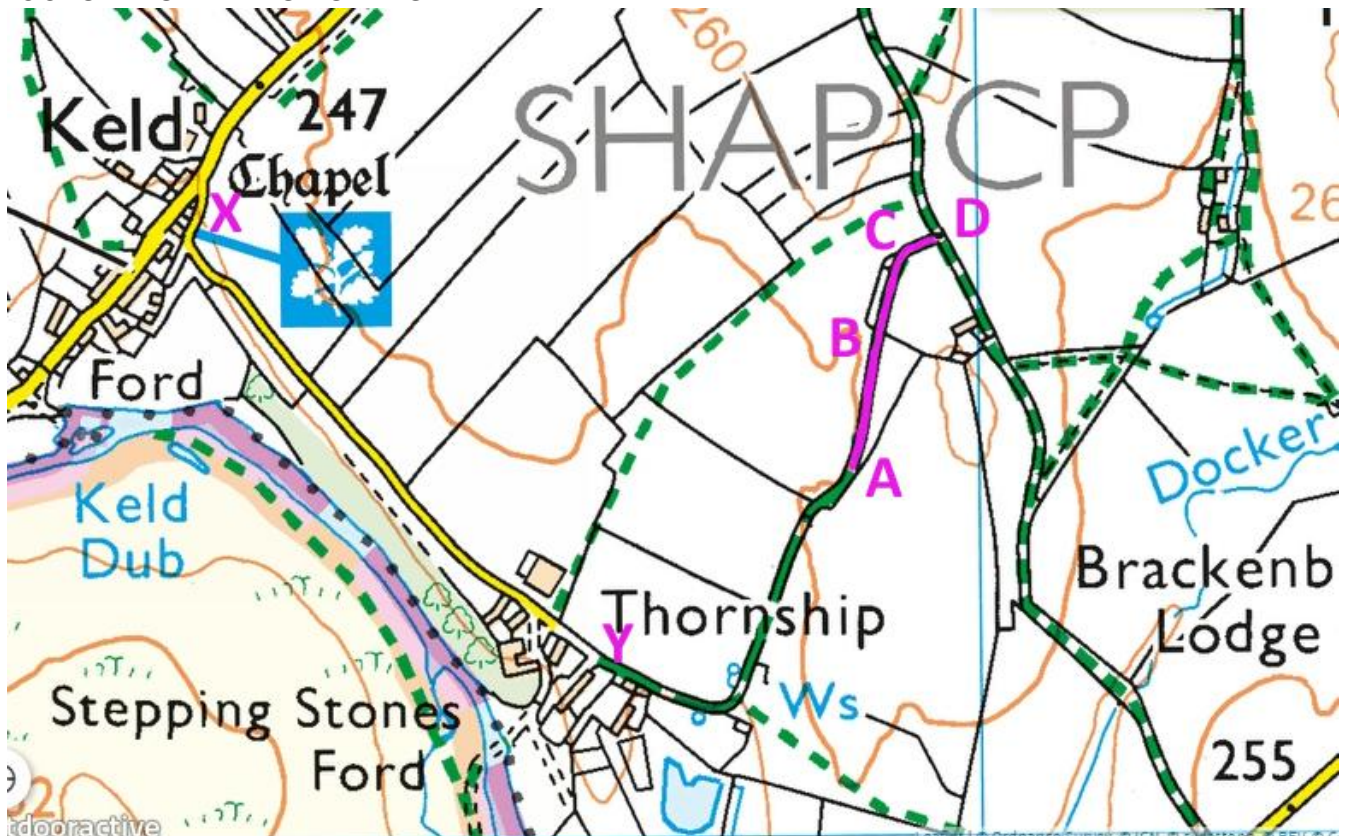
Hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and statements for the area by:

#### 3. Upgrading to BRIDLEWAY the footpath 360008 – THORNSHIP LANE, Parish: Shap, District: Eden

**FROM:** Bridleway 360002 Thornship Lane, Parish: Shap, Grid Ref: NY 5588 1429 (A)

**TO:** Footpath 360007 Copy Hill Lane, Parish Shap, Grid Ref: NY 5596 1448 (D)

AS SHOWN ON THE FOLLOWING MAP:



Application Route: █ Identified by: **A, B, C, D**

Copyright Designs and Patents Act 1988 Section 46 - This copy is made for the purposes of initiating a statutory inquiry and so does not infringe Copyright. Further copies should not be made.

This map should print at 1:12,500 scale when printed on A4 paper. See Appendix D for an unmarked copy of this map.

Note: Points X and Y do not form part of the application route but are referenced in the evidence.

### **Description of Application Route:**

The Application Route is approximately 0.23km long.

At Point A the route continues north along the same lane as BW 360002, which is immediately to the south. The lane continues, enclosed on both sides by dry stone walls for its whole length.

At Point D the application route joins Copy Hill Lane.

There are footpath marker posts at Point A and Point D.

### **Current Recorded Status:**

The route is recorded on the Definitive Map as the footpath 360008.

The route is not recorded on the List of Streets.

### **Notes:**

It has not been possible to exactly ascertain the Grid Reference of Point A, as the end of Bridleway 360002 is shown in different places on various maps and records. The intention of this application is for the Application Route to be contiguous with Bridleway 360002.

The Point marked X on the map and evidence is where Unclassified Road U3225 Thornship Lane leaves Unclassified Road U3224 Keld Lane.

The Point marked Y on the map and evidence is where Unclassified Road U3225 Thornship Lane ends and Bridleway 360002 starts.

Copy Hill is spelt "Coppo Hill" on several maps and documents.

Thornship township is referred to as "Thorn Shap" on the Tithe Award 1842.

The Application Route meets Copy Hill Lane at Point D. An application has been submitted to add Copy Hill Lane, Shap, to the Definitive Map and Statement as a Bridleway as well.

### **Summary and Statement of Reasons:**

This route is supported by a sufficient body of evidence to be recorded as a **BRIDLEWAY**.

The evidence presented, dating back almost 200 years, points to this route being considered a public highway of status at least equal to Bridleway, even though it is only recorded on the Definitive Map and Statement as a footpath.

1. The application route is clearly shown on Greenwood's Map of Westmorland dated 1824 and Hodgson's Westmorland Map of 1828. These maps were developed for sale to horse riders and coach drivers by some of the most respected mapmakers and so could be expected to accurately show publicly-usable routes.
2. The application route is clearly shown as a through road on all historic Ordnance Survey Maps inspected, from the earliest 25 inch map of 1861 up to the 1in map of 1961.
3. The Ordnance Survey 25in First Edition Map of 1861 shows the route in its own plot, coloured sienna. Plot numbers 973 in Shap Parish is listed as "Thornship Lane, public" in the Book of Reference. Plot 973 extends from the junction with Keld Lane at Point X past Point Y and Point A to Point D, which infers that the application route was considered a public road at that time.
4. The Ministry of Transport Half-inch Maps of 1922-3 were based on the Ordnance Survey maps and showed the new road classifications prominently. Developed specifically for sale to motorists, the maps aimed to show only public roads and the application route is shown as a road which is a good indication this route was considered a public highway.
5. The primary purpose of Tithe Plans was to record ownership of the land parcels in a parish, so that tithes could be levied. Roads are not always shown on tithe plans, but were usually identified where they were enclosed and separate to the titheable lands. The Hardendale, Mardale, Swindale, Tailbert and Rayside, Thornshap and Keld, Toathmain and Wet Sleddale Tithe Plan of 1842 shows the Application Route as a road, coloured sienna. At Point D it is labelled "To Thornshap". This infers that the application route was part of a through road to Thornship at that time.
6. On the Finance Act 1910 Maps, the entire route is shown as a "white road" - that is, excluded from adjoining hereditaments, which is good evidence the route was considered a public highway.
7. Land Registry hold no record of ownership of the application route. The land on both sides of the route from Point B to Point C is part of the same land parcel, but the lane is excluded, which is further evidence that it is a public highway.
8. There are no stopping up orders found.

I attach copies of the following documentary evidence in support of this application:

#### **Appendix A: EVIDENCE FROM MAPS**

**A1 Greenwood Map 1824**

**A2: Hodgson Map 1828**

**A3: Ordnance Survey Maps - 25 inch England and Wales (Drawn scale 1:2,500)**

1<sup>st</sup> Edition 1861, 2<sup>nd</sup> Edition 1898, 3<sup>rd</sup> Edition 1915

**A4: Ordnance Survey Maps – 6 inch England and Wales (Drawn scale 1:10,560)**

1863, 1899, 1920, 1956

**A5: Ordnance Survey Maps - One-inch England and Wales (Drawn scale 1:63,360)**

1898, 1918, 1947, 1961, 1964

**A6: Ordnance Survey, 1:25,000 maps of Great Britain**

1947, 1960

**A7: Ministry of Transport ½ inch Road Map of Great Britain 1922-23 (Drawn scale 1:126,720)**

**Appendix B: PRIMARY EVIDENCE**

**B1: Tithe Records – Hardendale, Mardale, Swindale, Tailbert and Rayside, Thornshap and Keld, Toathmain and Wet Sleddale; Shap Parish 1842**

**B2: Finance Act Maps 1910**

XIV.14

**Appendix C: OTHER EVIDENCE**

**C1: Land Registry Records**

**C2: The Gazette - Stopping Up search**

**Appendix D: MAP AND PHOTOGRAPHS OF THE APPLICATION ROUTE**

**D1: Current OS 1:25,000 map of Applicant Route**

**D2: Photographs of the route**

Photos 1 – 5

DATED: 22<sup>nd</sup> October 2021

SIGNED:

A handwritten signature in black ink, appearing to read 'Brookdale', written over a light blue horizontal line.