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 – Countryside Access Officers
Of: Highways Assets & Strategy, Highways and Transport, Economy and Infrastructure, Cumbria County Council, The Parkhouse Building,

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

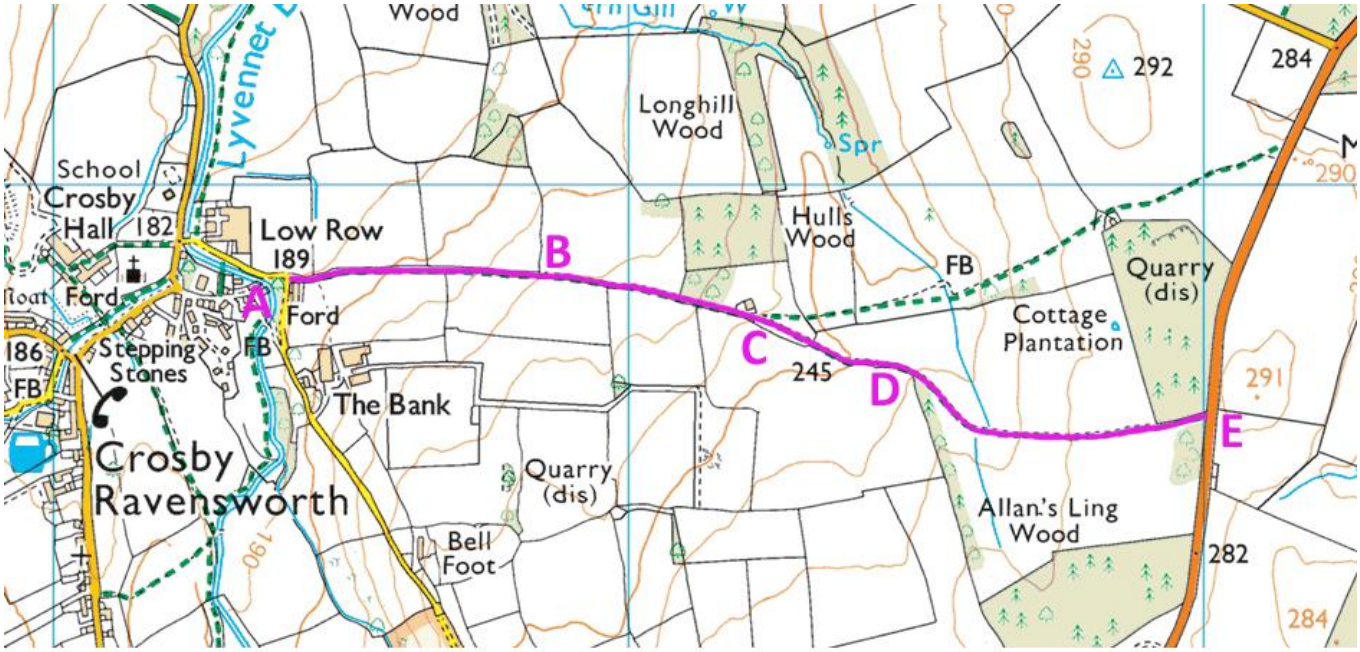
Hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and statements for the area by:

3. **Upgrading to BRIDLEWAY part of the footpath 319048 and the footpath 319047 – JOHNNY HALL TREES BRIDLEWAY, Parish: Crosby Ravensworth, District: Eden**

FROM: Unclassified Road U3250 Bank Lane, Parish: Crosby Ravensworth, Grid Ref: NY 6241 1484 (A)

TO: Classified road B6260, Parish Crosby Ravensworth, Grid Ref: NY 6400 1460 (E)

AS SHOWN ON THE FOLLOWING MAP:



Application Route: Identified by: A, B, C, D, E

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This map should print at 1:13,500 scale when printed on A4 paper. See Appendix D for an unmarked copy of this map.

Description of Application Route:

The Application Route is approximately 1.67km long.

At Point A the route leaves the unclassified road U3250 in the Parish of Crosby Ravensworth on a bend in the road, with a wide entrance allowing vehicular movement in both directions. The route heads east past farm buildings to reach a gate leading to a lane enclosed by hedges. This gate was open at the time of inspection. This section of the route has a stone base and seems to be well used by vehicles.

At Point B there is a gate across the route which leads into open pasture. The route still has a substantial stone base as it follows the hedge to its south and passes through a further gate to reach farm buildings at Point C.

At Point C footpath 319048 heads due east, but the application route now tracks FP 319047 as it follows the wall in a south-easterly direction. When the wall turns south by a shelter belt of trees, the route strikes out across open pasture following the obvious line of an ancient sunken cart road. It then follows the wall along the southern edge of Cottage Plantation to a gate at Point E where it joins the Kendal to Appleby Road B6260.

Current Recorded Status:

The route is recorded on the Definitive Map as part of the footpath 319048 and the footpath 319047.

The route is not recorded on the List of Streets.

Notes:

Early documents differentiate between the townships of Crosby Ravensworth and Maulds Meaburn within the Parish of Crosby Ravensworth. The western section of the route from Point A to Point D is in Crosby Ravensworth township and the eastern section from Point D to Point E is in Maulds Meaburn township.

Johnny Hall's Trees are shown and labelled on Hodgson's map of 1828, all OS 25in and 6in maps inspected, as well as early OS 1:25,000 scale maps. They are also shown on the Maulds Meaburn Inclosure Award Map of 1858 and the application route is specifically named "Johnny Hall Trees Bridle Road" in the Inclosure Award document.

Between the 1898 and 1912 Editions of the OS 25in map, the route at Point C was realigned away from the southern wall to a gate in a fence approximately 15m to the north, before rejoining the original route. As the historic evidence spans both alignments it would seem judicious to specify the current route as the application route.

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 Hodgson's Westmorland Map of 1828. Greenwood's map dated 1824 only shows the western section which is an enclosed lane and Jefferey's map of 1770 shows a through route but on a more northerly alignment. Other smaller scale maps which clearly show the route are Philip's map of 1857 and Weekly Dispatch's Map of Cumberland and Westmorland 1863. 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 cart road on all historic Ordnance Survey Maps inspected, from the earliest 25 inch map of 1861 up to the 1:10,560 map of 1956.

3. The Ordnance Survey 25in First Edition Maps of 1861 show the route in its own plots, coloured sienna on the western sheet. Plot numbers 78 in Crosby Ravensworth township and 701 in Maulds Meaburn township are both listed as "Public Road" in the Book of Reference. Plot 78 continues west along Bank Lane which is a public road today.

4. The Ordnance Survey 25in Third Edition maps of 1915 show a footpath terminating on the route at Point C. It can be reasonably inferred, therefore, that the Application Route is a public highway too, as there is no continuation shown of the footpath to join any other public highway from this point. It can also be reasonably inferred that the application route is higher status as it is shown wider than the footpath.

5. 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.

6. 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 Crosby Ravensworth Tithe Plan of 1842 shows the route as a road and plot 597 is listed in the apportionment as "Road" with no tithe payable. It is labelled "to Appleby", which is good evidence the route was a through route used by the public. The western section is not shown on the Maulds Meaburn Tithe Plan dated 1844 but nor is the Kendal to Appleby Turnpike road which was a major public road at that date.

7. The Inclosure Award for Maulds Meaburn dated 1858 included a short section of the application route at its eastern end. It is awarded as a Public Bridle Road and named "Johnny Hall Trees Bridle Road". The rest of the route within Maulds Meaburn township is also shown on the Inclosure Award Plan so it is reasonable to infer that the whole route already existed at that time and the section within the boundary of the Inclosure Award was being formalised.

8. On the Finance Act 1910 Maps, "BR" is written in red along the route on both map sheets, from which it can be reasonably inferred that a deduction was given for this specific route. The landowner must have, therefore, acknowledged that the application route was a public bridleway.

9. 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: Jefferys Map 1770
A2: Greenwood Map 1824
A3: Hodgson Map 1828
A4: Other Old Westmorland Maps
Philip 1857, Digest 1863
A5: Ordnance Survey Maps - 25 inch England and Wales (Drawn scale 1:2,500)
1st Edition 1861, 2nd Edition 1898, 3rd Edition 1915
A6: Ordnance Survey Maps – 6 inch England and Wales (Drawn scale 1:10,560)
1863, 1899, 1920, 1956
A7: Ordnance Survey Maps - One-inch England and Wales (Drawn scale 1:63,360)
1898, 1918, 1947, 1961, 1964
A8: Ordnance Survey, 1:25,000 maps of Great Britain
1947, 1961
A9: Ministry of Transport ½ inch Road Map of Great Britain 1922-23 (Drawn scale 1:126,720)

Appendix B: PRIMARY EVIDENCE

B1: Tithe Records – Crosby Ravensworth Parish 1845
B2: Inclosure Award – Maulds Meaburn township 1858
B3: Finance Act Maps 1910
XIV.16 and XV.13

Appendix C: OTHER EVIDENCE

C1: 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 – 10
D3: Aerial photograph of the route at Point C

SIGNED [redacted]

DATED: 9th July 2021