



Cornwall Council

FORM OF APPLICATION FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981

Definitive Map and Statement for the former District / Borough* of Penwith / Kerrier / Carrick / Restormel / North Cornwall / Caradon*

To: Cornwall Council

of: New County Hall, Treyew Road, Truro TR1 3AY

I/We

of of

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:

(a) Deleting the footpath / bridleway / restricted byway / byway open to all traffic*

from:Grid Ref.....

to:Grid Ref.....

(b) Adding

from:

to:

(c) Upgrading to a Restricted Byway the footpath

from: College Lane County Road Gridref: SW71284323

to: County Road C0073 Gridref: SW71804244

(d) Varying /adding to the particulars relating to the footpath/bridleway/restricted byway/byway open to all traffic *

from:Grid Ref.....

to:Grid Ref.....

by providing that

.....

and shown on the map accompanying this application.

* Please delete text as applicable

I / We attach copies of the following documentary evidence (including statement of witnesses) in support of this application:

.....
.....DOCUMENTARY EVIDENCE ATTACHED
.....
.....
.....
.....
.....

Signed:

..... Dated: 11 August 2019

Application Details

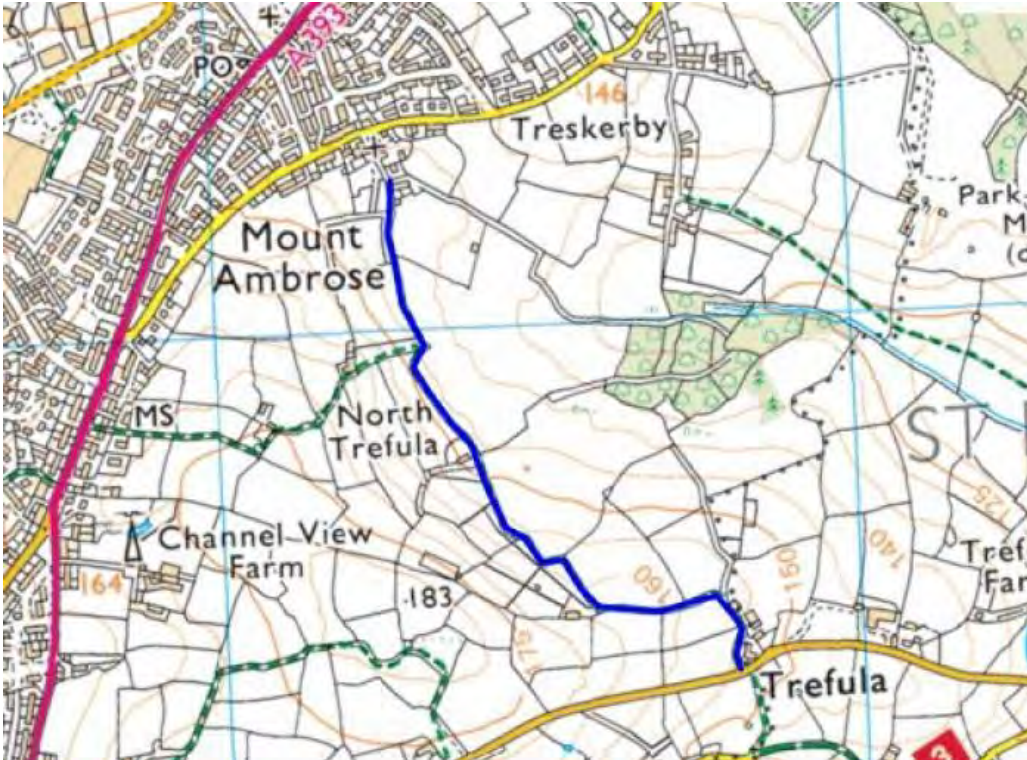
Our Path Reference: 224/I

Grid Reference: SW714426

Parish: Redruth

Map of Path:

Route applied for shown in blue.



Description of Path:

Path starts at College Lane County Road SW71284323 and ends at County Road C0073 SW71804244

An old hedged lane 0.7 miles long which is recorded as FP

Current Recorded Status:

Path is recorded on the Definitive Map

Path is recorded as Footpath on the Definitive Map.

Status being applied for: Restricted Byway

Notes:

Path is not believed to be obstructed.

Path is walked, ridden and cycled

Our Path Reference: 224/I Grid Reference: SW714426
Path starts at College Lane County Road SW71284323 and ends at County Road C0073 SW71804244

Documentary Evidence

Evidence from Maps:

Old maps provide very good evidence of the history of roads and other paths. Whilst such maps themselves do not record any user rights, any routes must have been significant enough to be mapped and the maps were intended for use by the public. If old maps clearly show the way marked as a road or old lane it is very good supportive evidence of the way being a road.

OS One Inch Ordnance Survey Maps - One-inch England and Wales, 1888 to 1913

Sheet 352 - 1896 - Path is clearly shown as road in common with current county roads

Ordnance Survey Maps - 25 inch England and Wales, 1841-1952

Cornwall LXIII.4 Published: 1880 and 1908 Old Lane is plot number 2042 in a single plot with current County Road

OS Six Inch Ordnance Survey Maps - Six-inch England and Wales, 1888 to 1913

Cornwall LXIII.NE Published: 1888 Path is shown clearly as road in common with current county roads

Bartholomew's Half Inch to the Mile Maps of England and Wales, 1919-1924

These half-inch to the mile (1:126,720) maps were produced with recreation use by motorists and tourists in mind, these maps were popular and influential.

Sheet 37 - 1903 Path is shown as Road.

Primary Evidence:

Inland Revenue Valuation Records - Finance (1908-10) Act 1910

These maps on their own can provide very good evidence of a RoW. If a track is uncoloured on the map, this is very good evidence that it was excluded as being a public road. Footpaths and bridleways are usually included in the hereditament (plot area) but there is a deduction for them in the valuation. It is often not easy to positively identify the routes of footpaths and bridleways for large hereditaments but it may be easier for smaller ones.

IR 128/5/728 IR Shows path as white between hereditaments or passing through a gap in the coloured boundary from an excluded section signifying that that section is also excluded as being continuation of the exclusion. This is good evidence that the path was considered a public road.

Tithe Records

The tithe maps and apportionments are an important source of information about the history and topography of a parish. They provide details of land ownership and occupation, and the type of cultivation of the land. They were produced in order to assess the tithe payable in cash to the parish church for the support of the church and its clergy. Roads were specifically excluded from tithe payments and thus can provide valuable evidence for the existence of Rights of Way. The tithe apportionment often describes public tracks as "Common, wastes and roads" or sometimes "Roads and rivers", which are all areas which generated no tithes for the church. Often such areas excluded from tithe are shaded in a sienna coloured wash. Tithe records can provide reputable evidence on their own taken in support of other standards of public records.

Redruth p9 Plots 3694,3698,3699 Apportionments p64. All listed as roads under Roads and Wastes with no Tithe Payable

Parish Area Books

Redruth - Plot no 2042 is described as 'Road'.

Other Evidence:

Land Ownership

Exclusion of a path from land registrations on either side is very suggestive of public rights. However where an adjacent registration includes a path this does not give any indication against public rights. Land registrations sometimes deliberately or inadvertently extend ownership beyond that shown on the original deeds.

The Land Registry shows that no part of the path is registered. Plots on both sides are registered excluding the path for most of its length.

Summary and Statement of Reasons:

The Inland Revenue map shows all the road excluded from the adjacent hereditaments. This is very good evidence that it was excluded because it was a public road. The Tithe map shows the path as plots listed under 'Roads and Wastes'. The OS 25 inch and associated Area Book evidence gives plot as Road re-enforcing this conclusion. All the old maps, which were intended for public navigation, show the route consistently as a road. This is very strong supportive evidence of the status of the route as a public road.

The combination of the evidence from Old Maps, Inland Revenue map 1910 and Tithe Map gives very strong indication that the path is highway and now should be recorded with Restricted Byway Status. It is significant that the old lane is excluded from all adjacent Land Registry registrations.

In order to be able to modify the definitive map and statement, the Surveying Authority needs to have a discovery of evidence which shows, on the balance of probabilities, that highway rights exist. While no single piece of evidence is necessarily conclusive, the applicant believes that taken as a whole the evidence demonstrates highway reputation.

APPENDIX I - Documents and Photos

Southern End 2009 note sign showing use by horses



OS One Inch Ordnance Survey Maps - One-inch England and Wales, 1888 to 1913

Shown clearly in similar style to other roads

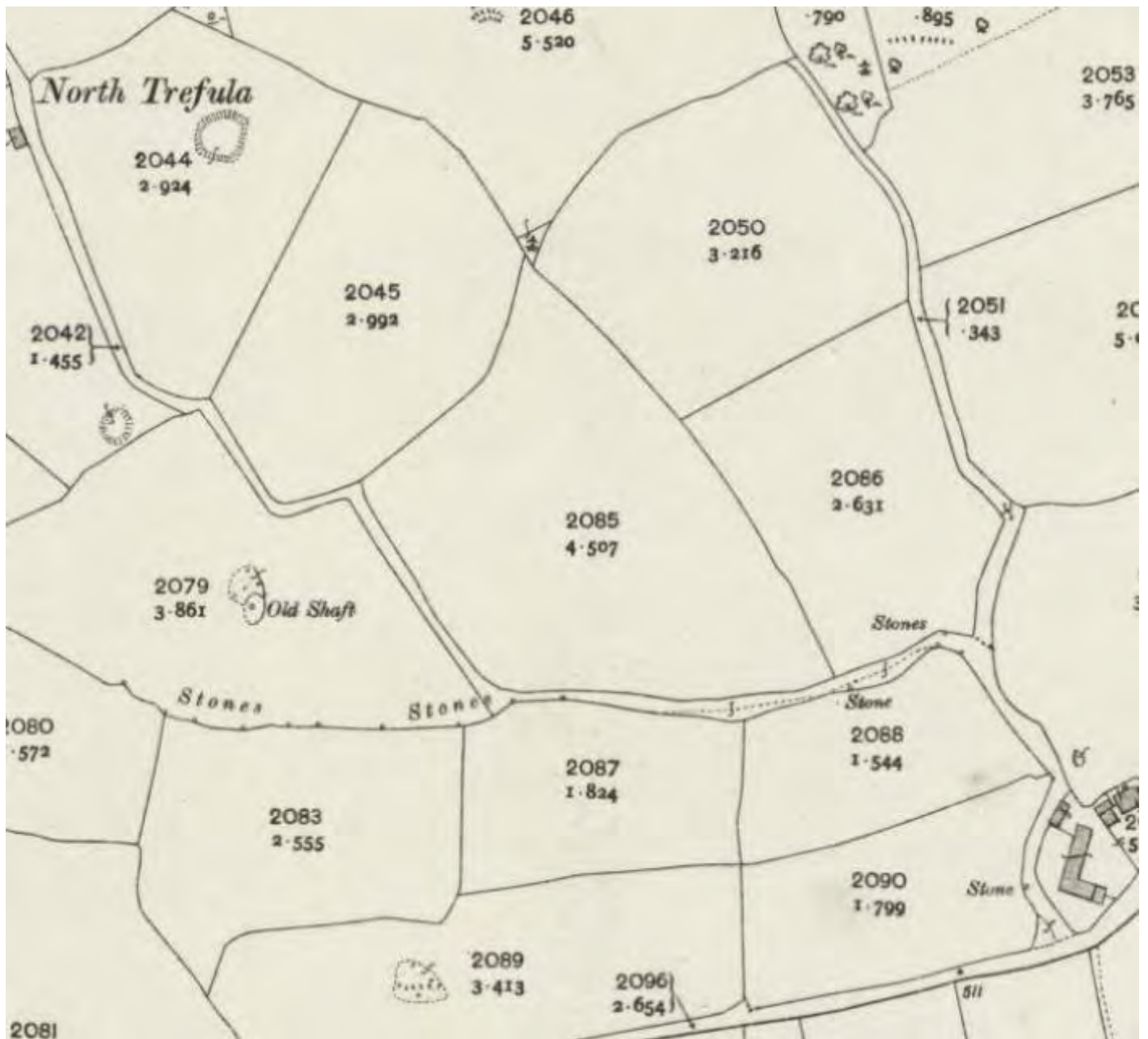


Ordnance Survey Maps - 25 inch England and Wales, 1841-1952

Northern Section



Southern Section



OS Six Inch Ordnance Survey Maps - Six-inch England and Wales, 1888 to 1913

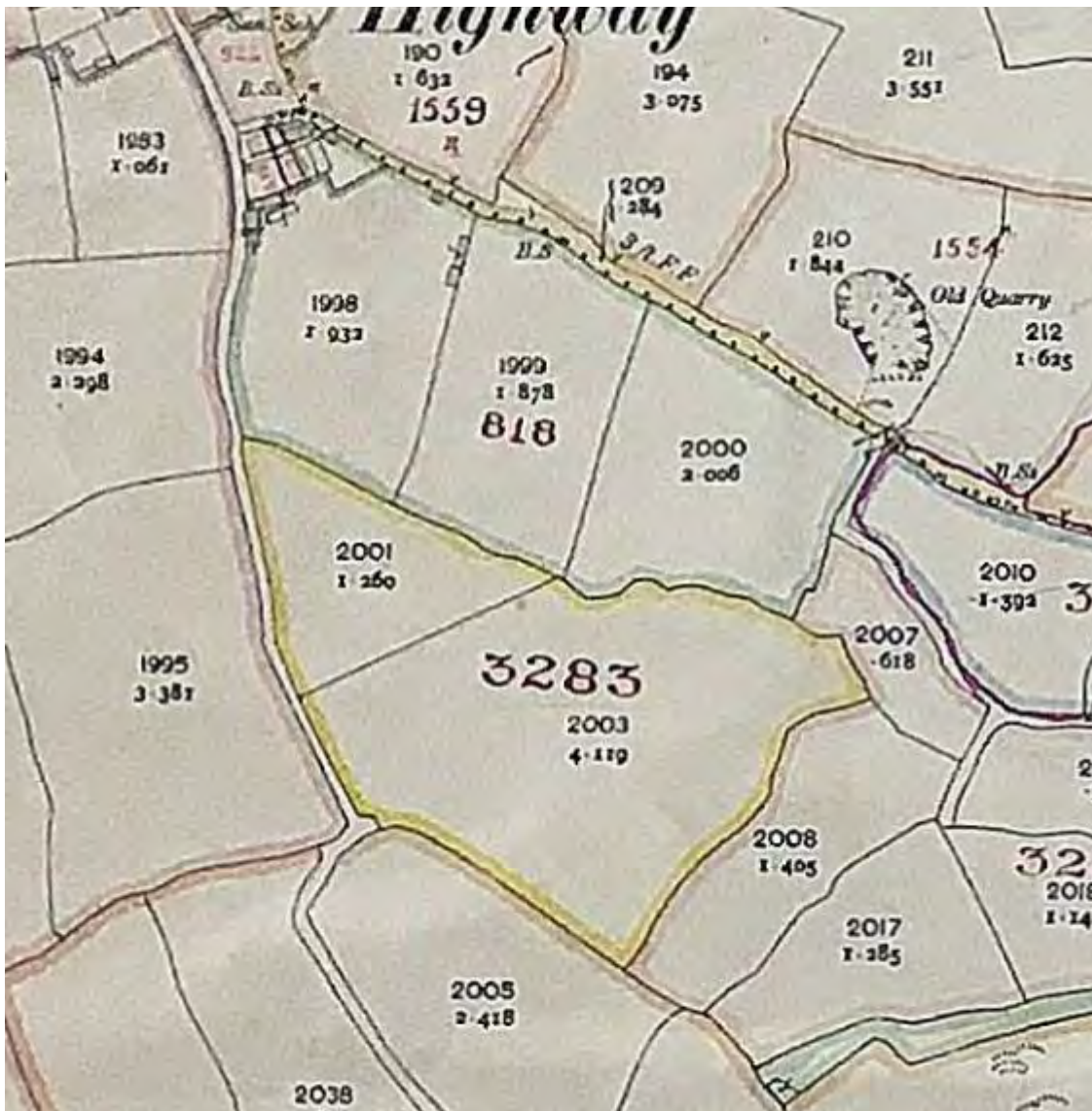
Clearly shown as road



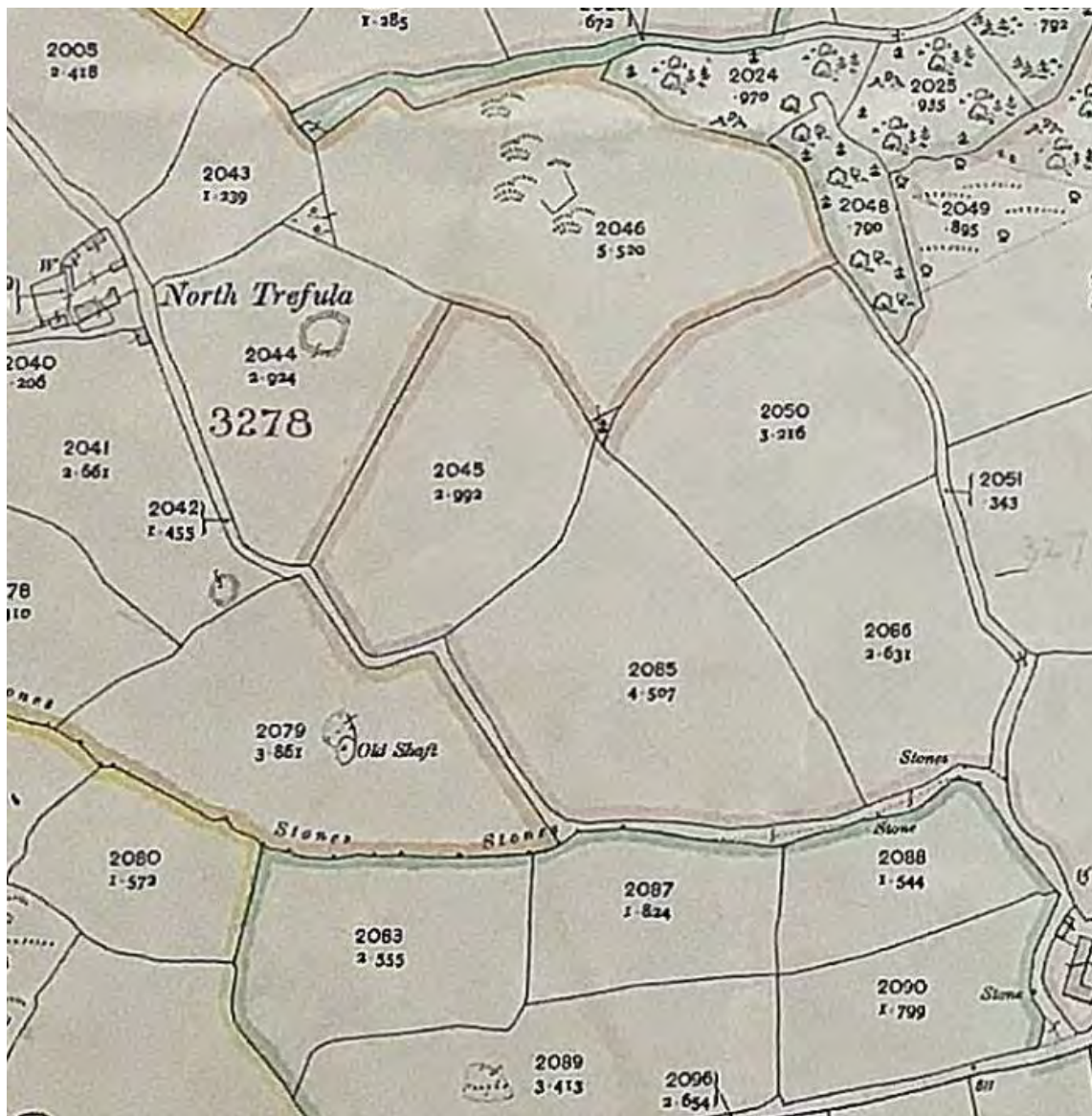
Clearly shown as road



Northern Section - note exclusion continuing through break on coloured boundary.



Southern Section



Northern Section



This is a detailed cadastral map of a rural area, likely from the 19th century. The map shows a network of land parcels, each labeled with a unique number. The parcels are irregularly shaped and separated by thin lines. The numbers range from 2140 to 2258. The map includes a network of roads, a river or stream, and various symbols indicating buildings, fences, and other features. The parcels are oriented with North at the top.

Key features include:

- Parcel Numbers:** 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2162, 2164, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871,

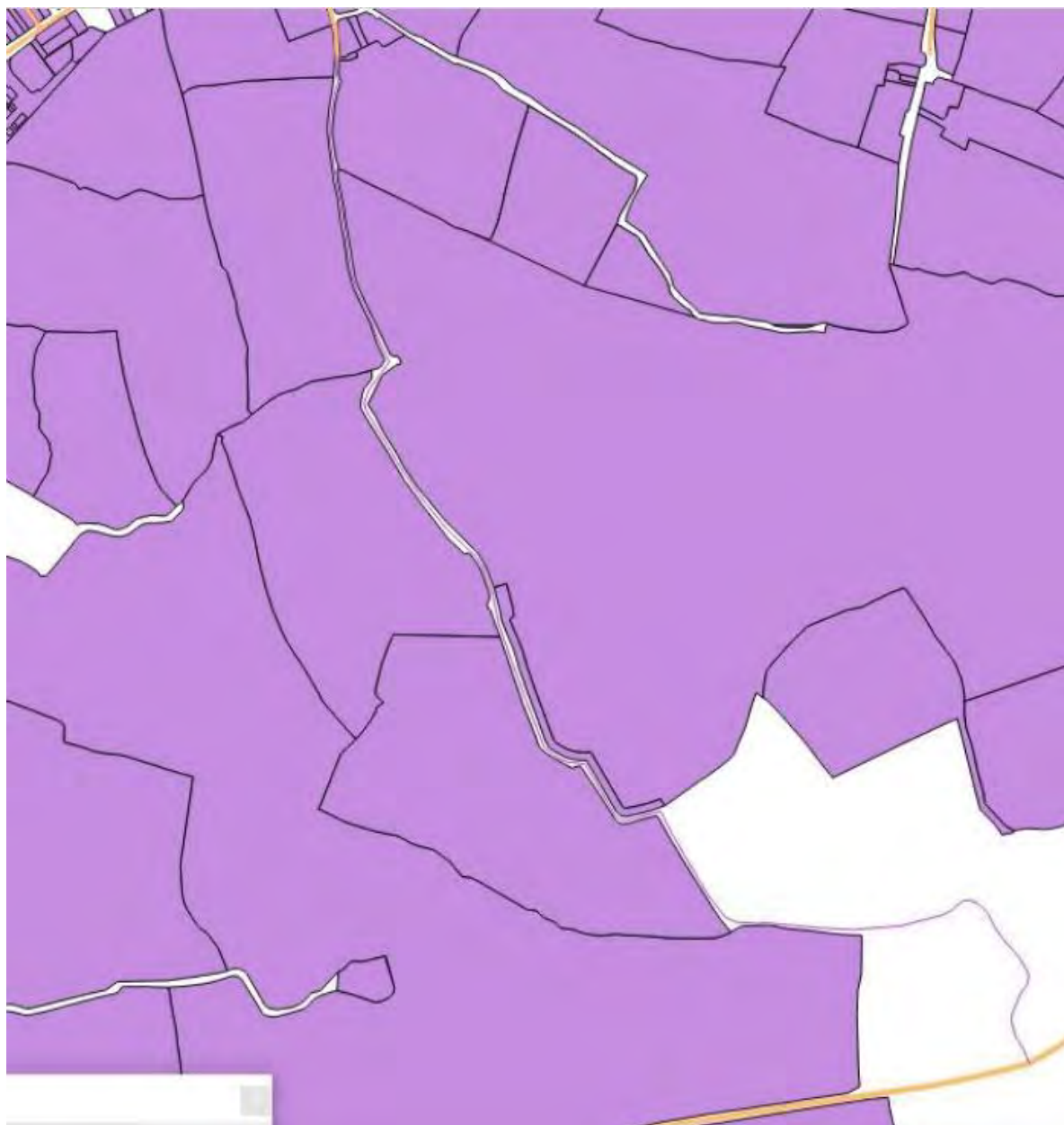
Nos. referring to the Plan.	Name and Description of Lands and Premises.]	State of Cultivation.	Quantities in Statute Measure.	Charge appor- tioned upon the several Lands, & payable to the Rector.	RE
			A. R. P.	£. s. d.	
ROADS AND WASTES.					
	Brought forward,		163	2 10	
3674	Coffin Lane, from Turnpike through Dopp's,			1 14	
3675	From Hayle Shop to East Turnpike,			3 0	
3676	Truro Turnpike, from Clemow's E. to Jolly House,		1	3 8	
3676A	Road to Peter Phillipps's Cardrew,			1 6	
3677	From the Turnpike to Lower Cardrew,			3 14	
3678	From Thomas Teague's Harmony, North in Lower Cardrew,			1 11	
3679	Road and Waste in Cardrew,			1 5	
3680	From the Ambrose to C.			2 8	
3681	Road to Pat Tresidder's Tenement,			38	
3682	From do. to Turnpike at Shallow Audit,			2 15	
3683	The Truro „ to Bassett's Road,			4	
3684	Near Bond's Tenement,			19	
3685	Bassett's Road from Cardrew Downs to Shallow Audit, ..			1 21	
3686	Truro Turnpike, from the Toll House to do.		3	1 13	
3686A	From the Toll House to Peter Phillips's Cardrew, ..			33	
3687	From Truro Turnpike to Redruth Highway,			1 32	
3688	Truro Highway,			3 24	
3689	North to the Turnpike,			10	
3690	From the Turnpike, by Ann Murton's, to meet 3688, ..			30	
3691	Road from Truro Turnpike, by Pascoe's, through Trefula, ..		1	33	
3692	Road through Turnpike,			22	
3693	From Highway, South,			32	
3694	Do.			2 8	
3695	Road to College,			1 39	
3696	Road and Waste at College,			1 14	
3697	From Paul Rabey's to the Moor,			3 33	
3698	Do.			2 0	
3699	From the Road to St. Day and Tregoning, North, ..			1 21	
3700	Through Tregoning's Place,			2 16	
3701	Do.			1 16	
3702	Tregoning's Place to Vogue,		1	0 18	
3703	Road to William Rabey's,			1 3	
3704	to Vogue,			1 29	
3705	Half the Road in Cuckold Moor,			1 10	
3706	From Tregoning's Place to Trevena's,		1	0 37	
3707	Waste, and Part of Road to Cuckold Moor, ..			3 5	
	by Trevena's,				
3708	Road to Cocking's Land,			3	
3709	„ to Beacon Croft,			1 8	
3710	„ to Cocking's Place,			13	
3711	From the Peak Field to do.			19	
3712	„ at Cocking's,			29	
3713	Road to Beacon Croft,			25	
3714	„ to Grambler,			12	
3715	Do.			1 19	
3716	Road from Hayle Shop to B. Treven's,			2 21	
			186	1 0	

Parish Area Books

plot 2042 'Road'

1988	1.471	Pasture.	2039	.822	Houses, yards, gar-
1989	1.006	Pasture.			dens, &c.
1990	.801	Arable.	2040	.206	Road.
1991	.908	Pasture.	2041	2.661	Pasture.
1992	1.685	Pasture.	2042	1.604	Road.
1993	2.829	Arable.	2043	1.102	Pasture.
1994	2.298	Pasture.	2044	2.924	Pasture, &c.

Land Ownership



APPENDIX II - Evidence Sources

OS One Inch Ordnance Survey Maps - One-inch England and Wales, 1888 to 1913

National Library of Scotland/Vision of Britain on-line maps.

Ordnance Survey Maps - 25 inch England and Wales, 1841-1952

National Library of Scotland or old-maps.co.uk on-line maps.

OS Six Inch Ordnance Survey Maps - Six-inch England and Wales, 1888 to 1913

National Library of Scotland on-line maps.

Bartholomew's Half Inch to the Mile Maps of England and Wales, 1919-1924

National Library of Scotland on-line maps.

Inland Revenue Valuation Records - Finance (1908-10) Act 1910

Photographed at National Archive - British Horse Society.

Tithe Records

Cornwall Record Office, CD copies.

Parish Area Books

National Archive --scanned Google/British Horse Society.