

Our Ref: 203/C	Cornwall Council	FORM 1
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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 :

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** Restricted Byway

from: Footpath 30 SW65643730

to: County Road U6034 Gridref: SW65813714

(c) **Upgrading to** a Restricted Byway the Footpath

from: County Road Copper Hill U6034 Gridref: SW65643740

to: Unrecorded road SW65643730

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

from:Grid Ref

to:Grd Ref

by providing that historical evidence has been discovered to establish a public right of way.

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

DOCUMENTARY EVIDENCE IS ATTACHED

.....
.....
.....

Signed:

.....Dated: 2 February 2021.....

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.

Ordnance Survey, 1:25,000 maps of Great Britain - 1937-1961

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.

Definitive Map Records

Cornwall Council

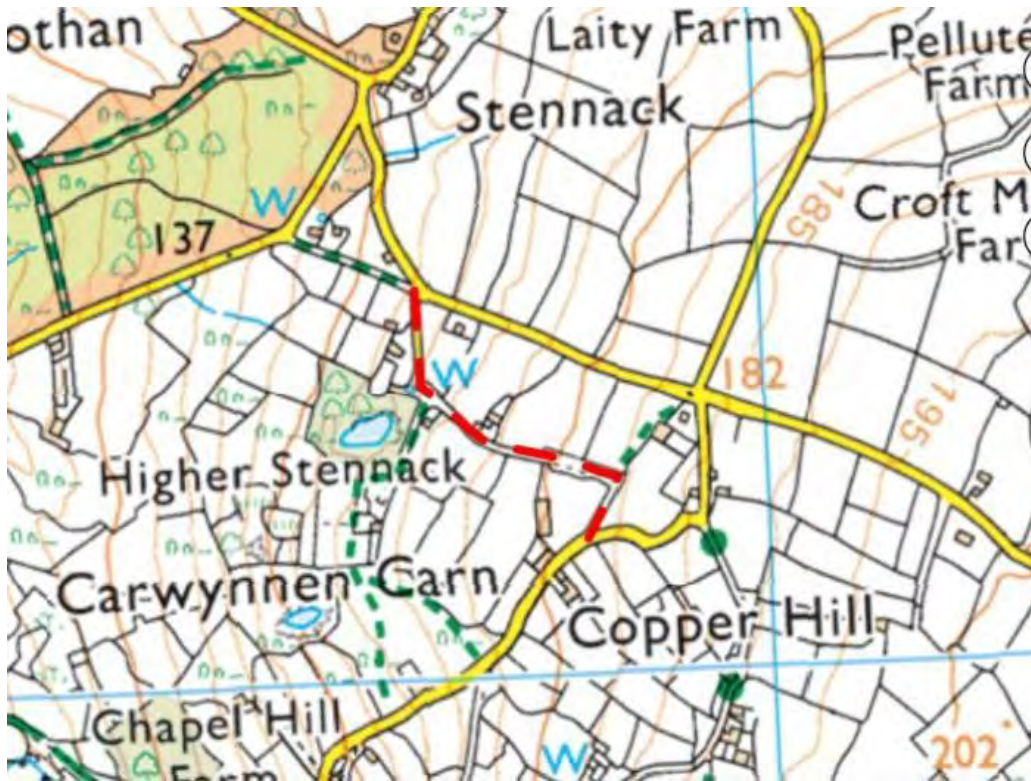
Our Path Reference: 203/C

Parish: Camborne **Grid Reference:** SW657372

Application Details

Map of Path:

Route applied for is shown in RED DASHES



Description of Path:

Path starts at County Road Copper Hill U6034 SW65643740 and ends at County Road U6034 SW65813714

Old hedged lane -

Current Recorded Status:

Path is not recorded on the Definitive Map

Part of the path is recorded as Footpath on the Definitive Map.

Path is not recorded on the List of Streets.

Status being applied for: Restricted Byway

Notes:

Path is not believed to be obstructed.

Path is believed to be walked, ridden.

Our Path Reference: 203/C Grid Reference: SW657372

Path starts at County Road Copper Hill U6034 SW65643740 and ends at County Road U6034 SW65813714

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, 1809 to 1913

Sht 31, 1856 not shown Sheet 352 Publication date: 1896 Path is clearly shown as a road.

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

Sht LXX.1 1880 & 1908, clearly shown as today, parcel 2862

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

Sheet 352 - Falmouth (Outline)

Publication date: 1896 Route is clearly shown as a road

Ordnance Survey, 1:25,000 maps of Great Britain - 1937-1961

10/63 - A Publication date: 1951 Path is shown in same style as other contemporary county roads.

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 and lying between hereditaments, 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.

IR 128/5/831 white track clearly excluded from hereditaments in common with adjacent county roads. This exclusion is undoubtedly because it is 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.

Camborne p11, Eastern part is shown, not coloured brown, parcel 3657. Apportionment p9 'Common, Waste', owner, occupier, no tithe. Northern connection is not shown. It gives good indication of how the through route evolved.

Parish Area Books

Camborne p30, plot 2862 Road.

Other Evidence:

Definitive Map Records

Three footpaths join the old lane. The only conclusion to reach is that the lane must be highway and thus could not be recorded on the definitive map. There is a narrow stone stile where FP 32 joins the lane. User would not have turned around and gone back but would go over the stile on to the lane

Land Ownership

Exclusion of a path from land registrations on either side is very indicative 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.

Land Register: All route is unregistered but plots either side are registered for much of the route.

Summary and Statement of Reasons:

The Inland Revenue map shows all of the road excluded from the adjacent hereditaments. This is very good evidence as public highways generally were excluded from registration. This exclusion is undoubtedly because it is a Public road there is no evidence against this premise.

The OS 25 inch map and associated Area Book evidence gives plot as Road re-enforcing this conclusion.

The tithe map clearly shows the origins of the path across common and waste.

Also of great significance is that a Definitive Footpath three footpaths join the route, which indicates strong understanding that at the time the map was drawn the path was considered to be a Public Road and therefore could not be recorded on the Definitive Map. All Footpaths deliver user to this old road.

The Land Registry shows that no part of the path is not registered, yet along much of its length plots either side are registered. This is strongly supportive of an ancient public highway.

There is no evidence to show that the path has not been dedicated as highway.

The combination of the evidence from Old Maps, Inland Revenue map 1910, Area Book, and Definitive Map give exceptionally strong indication that the path is highway and now should be recorded with Restricted Byway Status.

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

North Western End - tarmaced road



Aerial View of Eastern part - appears well used



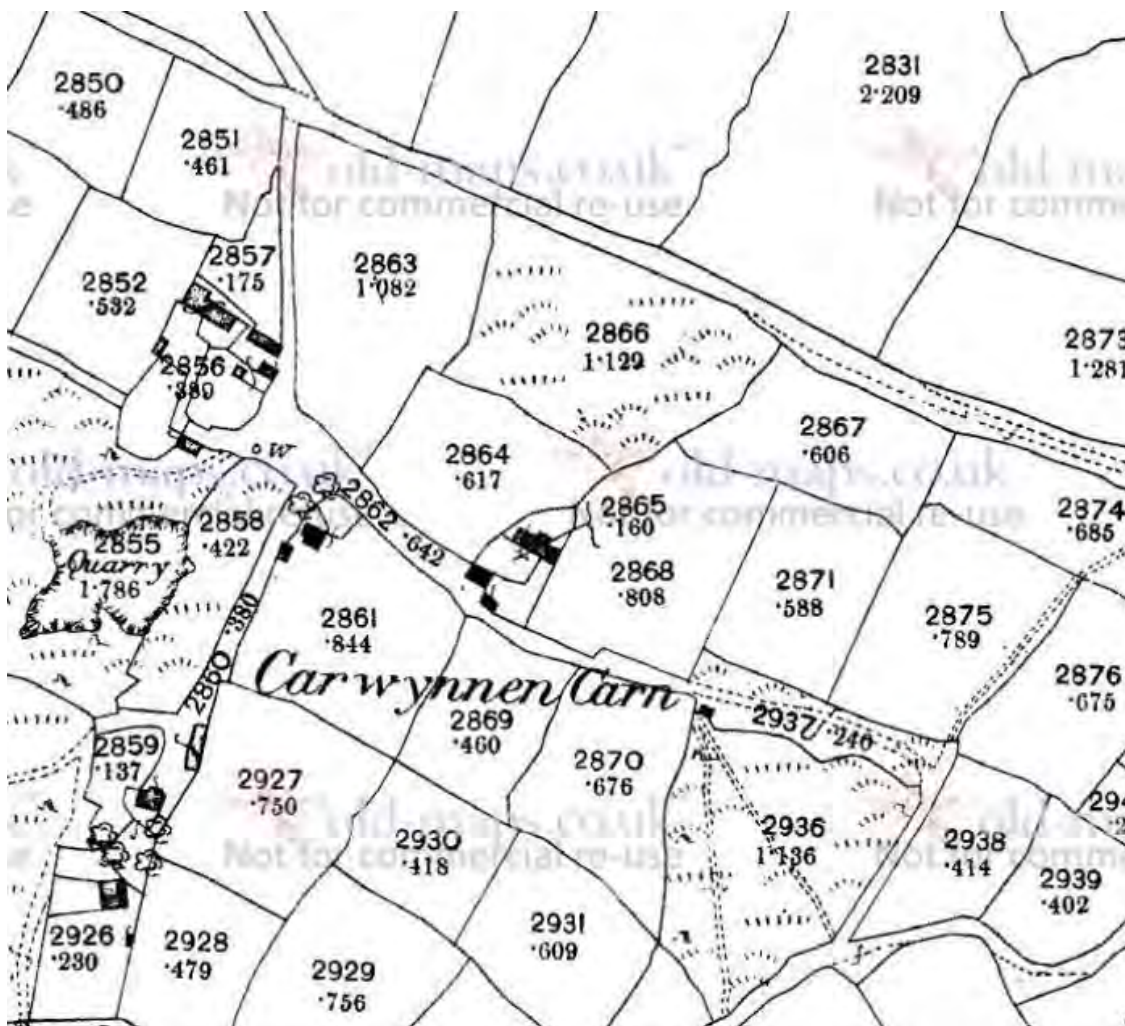
OS One Inch Ordnance Survey Maps - One-inch England and Wales, 1809 to 1913

Route is clearly shown as a road



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

Route is plot 2862



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

Route is clearly shown as a road



Ordnance Survey, 1:25,000 maps of Great Britain - 1937-1961

Route is clearly shown as a road



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

Route is excluded in common with adjacent county roads



Tithe Records

parcel 3657. Apportionment p9 'Common, Waste'



Parish Area Books

Plot 2862 Road.

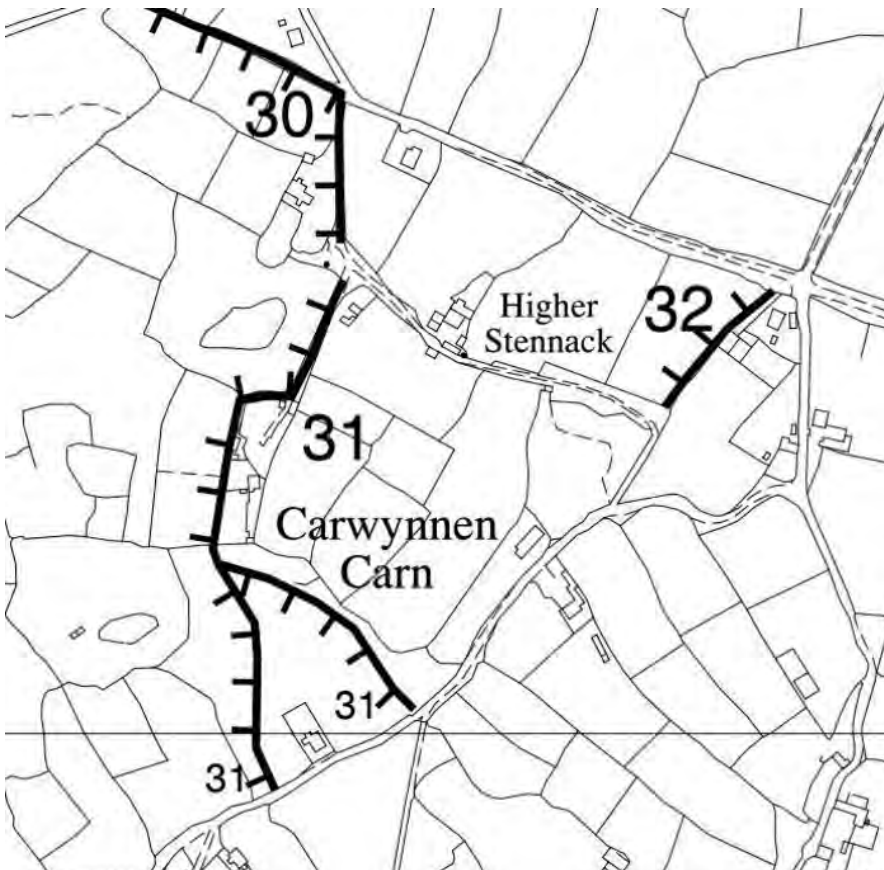
2855	1·786	Rough pasture, &c.	2906	·235	Arable.
2856	·389	Houses, gardens, &c.	2907	1·004	Pasture, &c.
2857	·175	Garden.	2908	·406	Pasture.
2858	·422	Rough pasture.	2909	·357	Pasture.
2859	·137	Pasture.	2910	·442	Pasture.
2860	·380	Houses, gardens, &c.	2911	·339	Pasture.
2861	·844	Houses, pasture, &c.	2912	·311	Pasture, &c.
2862	·642	Road.	2913	·333	Rough pasture, &c.
2863	1·082	Arable.	2914	·397	Road.
2864	·617	Arable.	2915	·690	Pasture, &c.
2865	·160	Houses, yards, and garden.	2916	·311	Arable.
2866	1·129	Rough pasture.	2917	·448	Pasture.
2867	·606	Arable.	2918	·777	Pasture, &c.
			2919	1·286	Rough pasture, &c.

Definitive Map Records

Cornwall Council GIS RoW Map



Definitive Map - All Footpaths deliver user to this old road.



Land Ownership

LR plogygons show lane is not registered



LR Inspire 'Map'



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