

Our Ref: COR-1122

**Cornwall Council**

FORM 1

**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**

from:

to:

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

from: County Road U6034 Gridref: SW65513746

to: County Road U6034 Gridref: SW65643740

(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.

**Our Path Reference: COR-1122**

**Parish:** Camborne **Grid Reference:** SW655374

## Application Details

### Map of Path:

Route applied for is shown in RED DASHES



### Description of Path:

Path starts at County Road U6034 SW65513746 and ends at County Road U6034 SW65643740

Old Lane

### Current Recorded Status:

Path is recorded on the Definitive Map

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:

It is not known whether the path is obstructed in any way.

Recorded as Footpath 30

**Our Path Reference: COR-1122 Grid Reference: SW655374**

Path starts at County Road U6034 SW65513746 and ends at County Road U6034 SW65643740

## **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**

Sheet 352 Publication date: 1896 Shown as a minor road.

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

Cornwall LXX.1 Surveyed: 1876 to 1877 Path is clearly shown as a road part of plot no. 3215. in common with current county road. This suggests it was the original route of the county road.

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

Cornwall LXX.NW Surveyed: 1877 to 1878 - Path is shown clearly as road in common with current county roads

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

10/63 - A - Publication date: 1951 Path is clearly shown as a 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 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.

128/5/831 Shows path clearly excluded from adjoining hereditaments which 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.

Camborne Tithe - The route appears to be part of the through road at the time, running below Stennack, Roads have since been added to and changed.

#### **Parish Area Books**

Camborne Plot 3215 -Described as 'Road'

## **Other Evidence:**

### **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.

The Land Registry shows that no part of the path is registered. Some plots on both sides are registered excluding the path. The ownership map supports the premise that this path was the route of the original highway as can be seen on the Land Registry 'Inspire' Map.

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

The Inland Revenue map shows all of the road excluded from the adjacent hereditaments. This is very good evidence that it was excluded because it was a public road.

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

The Tithe map evidence is very supportive of highway status.

The Land Registry shows the path is not registered. This is very supportive of the path being an ancient public highway, and the original route of the county Road as can be seen on the Land Registry 'Inspire' Map.

The combination of the evidence from Old Maps, Inland Revenue map 1910, Tithe and Area Book gives 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

Northern End



Southeast End - Overgrown when photo taken



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

1896 Shown as a minor road.



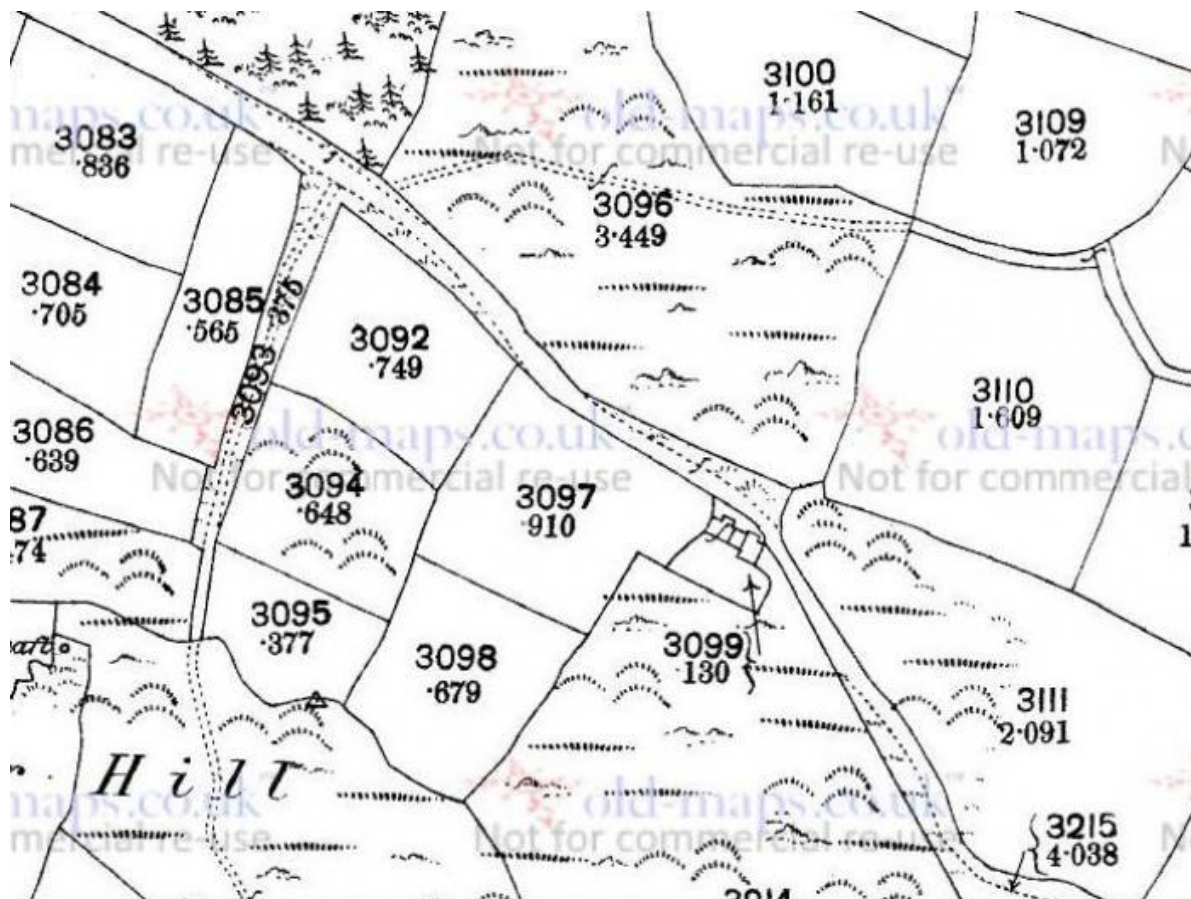
## Ordnance Survey Maps - 25 inch England and Wales, 1841-1952

Road is part of Plot 3215



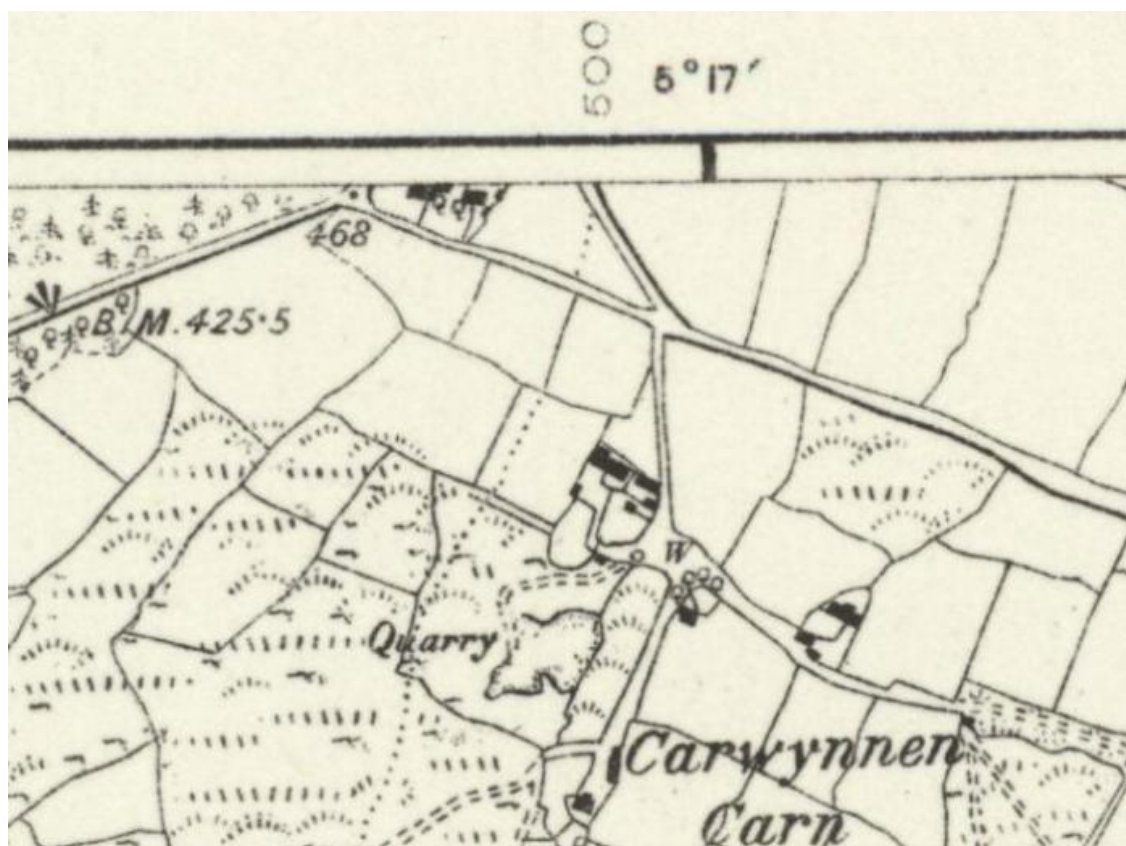


Plot 3215 is the whole and is labelled further down the road to the SE



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

Route clearly shown as contiguous road



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

Route is clearly shown as road.



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





## Tithe Records



## Parish Area Books

Camborne Plot 3215 - 'Road'

090	Road.	3207	2.681	Furze, &c.
655	Pasture.	3208	.351	Furze, &c.
589	Rough pasture, &c.	3209	.959	Furze.
035	Pasture.	3210	4.731	Furze.
350	Pasture.	3211	.361	Furze.
351	Pasture and furze.	3212	.703	Furze.
250	Houses, garden, &c.	3213	2.037	Furze, &c.
172	Rough pasture.	3214	2.984	Road.
2.396	Arable.	3215	.080	Furze.
4.488	Road.	3215a	1.849	Furze, &c.
819	Furze, &c.	3216	.938	Pasture.
653	Pasture.	3217	.130	House, yards, &c.
1.046	Pasture.	3218	.702	Pasture.
423	Furze.	3219		Pasture.

## Land Ownership

Land Registry Polygons show none of the path is registered



## LR 'Inspire' Map





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