

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 [Redacted]

of [Redacted]

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 the ~~footpath / bridleway / restricted byway / byway open to all traffic~~
from: Odd Mill, Week st Mary Grid Ref. SX 24878 99026
to: Highway, Primary School Grid Ref. SX 26527 98444
- (c) ~~Upgrading / downgrading to footpath / bridleway / restricted byway / byway open to all traffic~~
~~the footpath / bridleway / restricted byway / byway open to all traffic~~ Footpath 564/9/1
from: 564/9/1 Hilton Woods Grid Ref. SX 25359 99310
to: Odd Mill Week St Mary Grid Ref. SX 24878 99026
- (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:

Please see separate list enclosed in addition to evidence previously submitted.....
.....
.....
.....
.....
.....

Dated: 29.4.22.....

Signed.....

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The Data Controller for all the information you provide on this form is Cornwall Council, New County Hall, Treyew Road, Truro TR1 3AY. Data Protection Registration Number: Z1745294

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Documentary Evidence List –

- 1) Application route map**
- 2) 1839 Tythe Map CRO**
- 3) Conveyance of Edward Mucklow 1876 (CRO)**
- 4) Boundary Remark book 1880 OS 26/1737 NA**
- 5) Boundary Sketch Map 1881 National Archives OS 27/604**
- 6) OS Map 1885 (Nat Lib Scot)**
- 7) OS Map 1888 (NLS)**
- 8) OS Map 1892 (NLS)**
- 9) OS Map 1893 (NLS)**
- 10) Bartholemew's map 1897 (6) (NLS)**
- 11) IR Map 90/6/209 1905 NA**
- 12) District Record Map 1906 NA**
- 13) OS Map 1907 NLS**
- 14) Farebrother Freehold Estate map 1909 NA**
- 15) OS Map 1937 NLS**
- 16) Johnston and Bacon Map 1940**
- 17) OS Map 1.25,000 1945 NLS**
- 18) OS 7th Series 1955 NLS**
- 19) Geographia Road map of cornwall 1960 My copy**
- 20) Bude OS Map sheet 174 1960 My copy**

Applicant's statement.

Currently this route does not have any designation for public access at all despite being easily accessed via an existing public footpath and already being a green lane. I wish to modify it to a restricted byway because there is an extreme shortage of routes in the area for walkers, horse riders and other unmotorised users. This route is a wide green lane throughout the proposed length, and it leads into the large area of Forestry Commission land at Swannacott Forest which already has public access and through which it is possible to walk or ride back up to the village of Whitstone.

Walkers and riders are currently forced onto the nearby narrow main roads with fast moving traffic. My evidence shows that even within living memory this route was used for public access even with motor vehicles, and therefore I feel it should be returned to public use. My evidence is listed as follows with explanations-

1) Application route map

2) Tythe map 1839

The original map is in the County Records office. Although there is no apportionment number, this map shows a shaded road on the route which was considered public, and is depicted in the same way as other current public roads in the area.

3) Conveyance of Edward Mucklow 1876 (CRO) this map shows the route depicted in the same manner as the public carriageway through the village marked 'to whitstone'.

4) Boundary Remark Book 1880 OS 26/1737 NA

This document is attached to an explanatory map. If you note points A and B you can see where the 1880 boundary map refers to the modern map attached and the application route. At point B the stream which is the boundary, goes under a substantial stone bridge. You will also note the very substantial stone built bridge at this point which still exists and is illustrated in the attached up to date photo. This evidence shows therefore that the route existed in 1880 and although no remarks particularly refer to it in the book, the bridge that still exists shows that the route was intended for public use and large vehicles. A bridge of this sort would not have been built for mere farm vehicles or a footpath.

5) Boundary Sketch Map 1881 National Archives OS 27/604

This evidence again is presented with a modern map for comparison. Again you can see points A and B to assist with locating. The route here is shown in the same manner as other main roads shown on the map.

6) OS Map 1885 (Nat Lib Scot)

This map shows the route depicted in the same manner as other minor roads in the area.

7) OS Map 1888 (NLS)

This map shows the route depicted in the same manner as other minor roads in the area.

8) OS Map 1892 (NLS)

This map shows the first section of the route depicted in the same manner as other public roads in the area (for example rd number 829 at the middle top of the page).

9) OS Map 1893 (NLS)

This map shows the whole route depicted in the same manner as other minor public roads in the area.

10) Bartholemew's map 1897 (NLS)

This map shows the route depicted in the manner of other public minor roads in the area. The key (attached) confirms the category of 'other roads'.

11) IR Map 90/6/209 1905 NA

This Valuation record map shows the first section of the route depicted as a 'white road' in the same manner as other public roads in the area, this shows that the valuer was not including it in the valuation of the property as it was then considered to be a public road.

12) District Record Map 1906 NA

This district record map shows the route depicted in the same manner as other public roads in the area.

13) OS Map 1907 NLS

This map shows the whole route depicted in the same manner as other public roads in the area.

14) Farebrother Freehold Estate map 1909 NA

This map again shows the whole route depicted in the same manner as other public roads in the area.

15) OS Map 1937 NLS

This map shows the whole route depicted in the same manner as other public roads in the area.

16) Johnston and Bacon Map 1940

This map which was intended as a commercial roadmap for use by public motor vehicles, shows the whole route depicted in the same manner as other public roads in the area. Indeed many local people still recount memories of driving along the application route as recently as the 1960s.

17) OS Map 1.25,000 1945 NLS

Another example of the whole route being depicted for the public, in the same way as other public roads in the area.

18) OS 7th Series 1955 NLS

This map is still showing the whole route complete, in the same manner as other minor public roads.

19) Geographia Road map of Cornwall 1960 (My copy)

This is a road map intended for use by motor vehicle drivers, this is my copy and the key was missing so I have attached the key for the same series of maps which I obtained from a separate map, it shows the route depicted as an 'Other road'.

20) Bude OS Map sheet 174 1960 (My copy)

This map shows the route depicted as a partially unfenced minor road, as confirmed on the attached key to the same map.

APPENDIX to DMMO application EVIDENCE

Ref Odd Mill to Swannacott Wood

This application route has now been extended to avoid being a 'cul de sac'. My original application went from the house at Odd Mill into Swannacott wood and along to a ruined bridge in the wood at point F.

The amended application starts at point H at Hilton wood along a driveway (Public footpath) to Odd Mill, then leaves the ROW up into Swannacott wood and back to the village of Whitstone where it ends at the Primary school. My amended map is attached.

The evidence submitted previously and numbered 1-20 from the original application is still valid and in many cases includes the sections in the amended route. But I would like to submit this further evidence to apply to the extended sections, listed below-

Previous evidence that applies to the extended sections -

- 6) OS map 1885.
- 7) OS map 1888.
- 9) OS map 1895.
- 13) OS map 1907.
- 14) Farebrother estate map 1909
- 15) OS map 1937
- 16) Johnston & Bacon Road Atlas 1940.
- 17) OS map 1945
- 18) OS map 1955
- 19) Geographia Road map 1960
- 20) OS map 1960

Further evidence for amended sections-

- 21) Amended Map showing added sections to the original route.
- 22) Survey of Manor of Swannacott 1735
- 23) Tythe Map 1839
- 24) Farebrother Clark Sale map 1875
- 25) OS map 1892 showing road numbers.
- 26) IR map 1905
- 27) OS map 1963
- 28) District Record Map 1905
- 29) IR map 1906
- 30) GRAVER SALE CAT - JULY 1911 - applies to whole of application route
- 31) SURVEY OF SWANNACOTT MANOR 1735 - Ref road 903 Thugh Hildon Wood.

Conclusion -

From the earliest Tythe map of 1839 through to the early 1960s, 17 maps of different origins and dates show that this route has been considered a public 'road' for well over 100 years. As well as this, the boundary remark book 1880, boundary sketch map of 1881, and Inland revenue map of 1905 confirm it's existence. The route is a green lane, around 12 -15 feet wide throughout, mostly with hedged or fenced boundaries of historic note and two substantial stone bridges wide enough for motor vehicles to pass over, one of which remains intact, further indicating it's historic use as a carriageway. This route was the original route to the ancient property known as 'Odd Mill' which was mentioned in the Domesday Book, and there were also two other dwellings along the same route in the 19th century between Odd Mill and the Village of Whitstone, one known as Herriot Park, and another as Marrias. I am confident that this is enough evidence to justify the authority investigating this modification order.