

Application for a Modification Order

Wildlife and Countryside Act 1981

The Definitive Map and Statement of Public Rights of Way for the County of Lancashire

To: The Director of Corporate Services, Lancashire County Council.
Of: PO Box 78, County Hall, Fishergate, Preston, Lancashire, PR1 8XJ

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

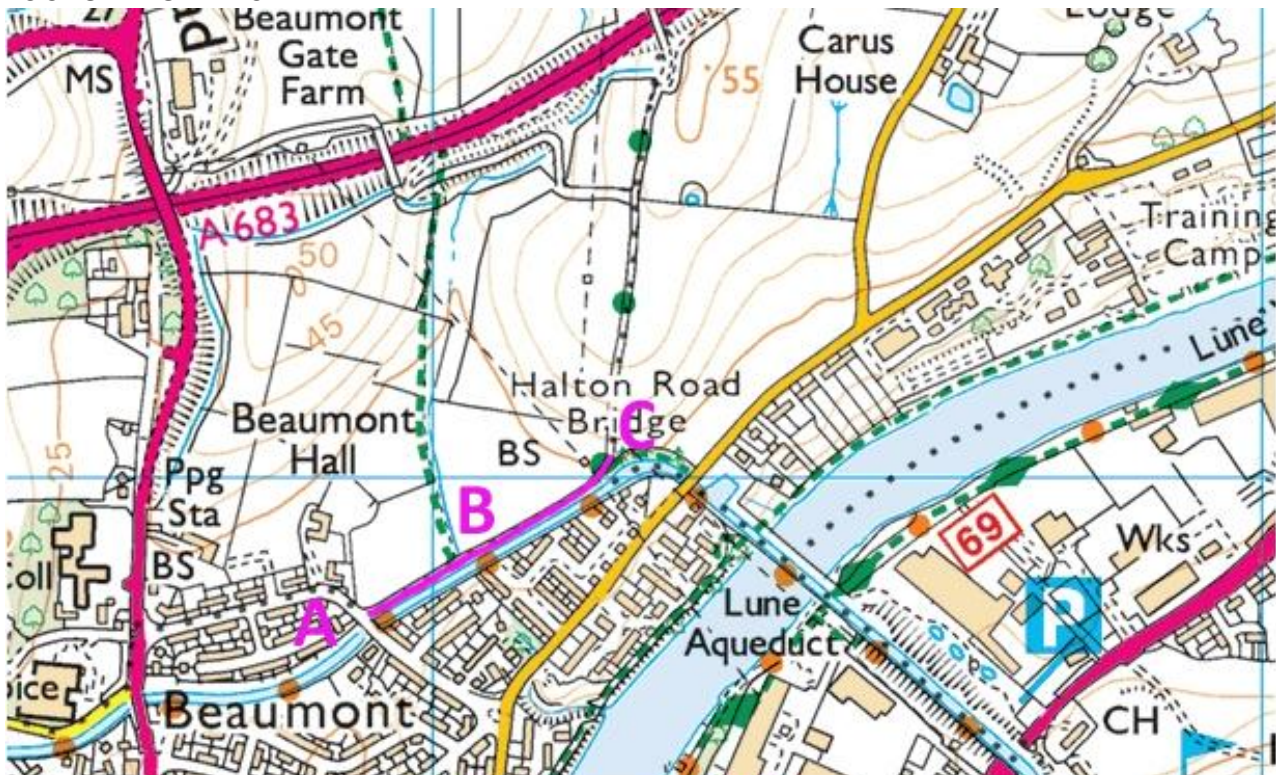
Hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and statements for the area by:

2. Adding the RESTRICTED BYWAY – Green Lane, Beaumont. Parish: Skerton

FROM: Junction with Green Lane – Unclassified Road No. 18462 Lancaster SD 4791 6383 (A)

TO: Green Lane Continuation – Unclassified Road No. 18785 Slyne SD 4821 6402 (C)

AS SHOWN ON THIS MAP:



Application Route:  Identified by: **A, B, C**
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This map should print at 1:9,5000 scale when printed on A4 paper. See Appendix D for an unannotated copy of this map.

Description of Application Route:

The Application Route is approximately 350m long and around 6 to 8m wide throughout. There is a stone base to the Lane throughout, with patched tarmac for the first 50 metres from Point A and a few smaller patches towards Point C. It is largely hedged and fenced on both sides, with a public footpath joining it at Point B and also field gates allowing access to pastures on the northern side. It follows alongside the northern bank of the canal, but does not give access to it. It is at a higher level than the canal and also higher than the fields to the north in places.

Where it joins Unclassified Road No. U18785 at Point C, the road turns north and heads uphill away from the canal. However, there is no discernible change in the nature of the lane.

There was no signage visible along the route.

Current Recorded Status:

The route is not recorded on the Definitive Map.

The route is not recorded on the List of Streets, but is shown as “Unadopted” on LCC’s Road Status Map, viewable on MARIO system. However, it was the Highways Act of 1835 which allowed for this classification and evidence points to this being a public highway from at least 1818 (see below: A1 Greenwood Map 1818 and A2 Hennessey Map 1829).

Notes:

The route is regularly used by walkers, riders, cyclists and motor vehicles.

The route is named differently on some older maps – Beaumont Castle Road, Black Castle Road. They all refer to the same actual road.

Summary and Statement of Reasons:

This route is supported by a sufficient body of evidence to be recorded as a **RESTRICTED BYWAY**.

All evidence, spanning over 200 years, points to this being a public highway of status equal to Restricted Byway, even though it is not recorded on the Definitive Map.

1. Before the canal was built, Yates County Map of 1788 showed the route of Green Lane as joining Halton Road due south of Point C.
2. The Application Route is clearly shown as a road on old maps (Greenwood 1818 and Hennessey 1829) post canal. These maps were developed for sale to horse riders and coach drivers and so would strive to accurately show usable routes.
3. The Lancaster Canal was given Royal Assent in 1792 and the Lancaster section was opened in 1797. From that time, the line of Green Lane is shown on maps (Greenwood 1818 and Hennessey 1829) as following the northern bank of the canal from Point A to point C. This narrow section of land is owned by the Canal and Rivers Trust today, so it is reasonable to conclude that the land was bought expressly to re-route the road, rather than build an extra bridge over the canal to maintain the original route of the lane.
4. It is clearly shown as a road on all historic Ordnance Survey Maps inspected, from 1848 to 1961 – including the 25 inch 1st Edition (1891) with its own plot number, separate to abutting land.

5. It is clearly shown as a public road on Bartholomew's Maps. As a commercial Map maker, Bartholomew's would aim to show only highways that their customers (largely motorists and cyclists) could use, so would not knowingly include footpaths or private roads.
6. It is shown as a public road on the Skerton Tithe Map of 1846, contiguous with Beaumont Lane and named "Beaumont Castle Lane". Note: none of the public roads is given a plot number on the Skerton Tithe Map, nor listed in the Tithe Apportionments.
7. It is shown as a "white road" on the IR1910 map; that is: excluded from adjoining hereditaments, which is good evidence that the route was considered a public road.
8. The route is shown as "Unadopted" on LCC's Road Status Map (Road no. X2530), viewable on MARIO system. However, it was the Highways Act of 1835 which allowed for this classification and evidence points to this being a public highway from at least 1797, when the canal was opened (Greenwood 1818 and Hennet 1929). It's inclusion in the list could therefore be taken to infer that the road had been considered a public highway.
9. A footpath (ref. 1-31-FP 7) meets the route at Point B. A public footpath would always have a destination and there is no discernible Point of Interest at this location. It must be deduced, 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 at this point.
10. There are no stopping up orders found.

I attach copies of the following documentary evidence in support of this application:

A: Evidence from Maps

A1: Yates Map (1788)

Map developed for sale to coach drivers and horse riders. Black Castle Lane is shown the same as other minor roads. This map dates to before the canal was built and shows the lane forking off Halton Road and heading north to Point C. The Application Route is not present on this map.

Source: Lancaster University Library- Old Maps <http://library.lancs.ac.uk/maps/Map5R1788.jpg>

A2: Greenwood Map (1818)

The Application Route is now present and shown the same as other minor roads.

Source: Lancashire County Council Environment Directorate's Archaeology Service
<https://www3.lancashire.gov.uk/environment/oldmap/index.asp>

A3: Hennet Map (1829)

The Application Route is now present and shown the same as other minor roads.

Source: Lancashire County Council Environment Directorate's Archaeology Service
<https://www3.lancashire.gov.uk/environment/oldmap/index.asp>

A3: Ordnance Survey Maps – 6 inch England and Wales (Drawn scale 1:10,560)

1848 - shown as road; **1895, 1919, 1933 and 1947** - shown as road

Source: 1848 map - Lancashire CC Maps and Related Information Online (MARIO) system
<http://mario.lancashire.gov.uk/aqsmario/default.aspx>

Source: all other maps - National Library of Scotland Online Map database <https://maps.nls.uk/>

A4: Ordnance Survey Maps - 25 inch England and Wales (Drawn scale 1:2,500)

First Edition 1892 the route is shown as road; Plot 123 on Lancashire Sheet XXX.7, separate to abutting fields, and shaded sepia denoting a public road. **1913** and **1932** Editions, also shown as public road; Plot 719 separate to abutting fields. **1939** Edition, also shown as public road; Plot 42 separate to abutting fields.

Source: National Library of Scotland Online Map database <https://maps.nls.uk/>

A5: Ordnance Survey Maps - One-inch England and Wales (Drawn scale 1:63,360)

1898 and 1947 shown as 3rd class road

Source: National Library of Scotland Online Map database <https://maps.nls.uk/>

A6: Ordnance Survey, 1:25,000 maps of Great Britain

1952 and 1963 - shown as Other Road

Source: National Library of Scotland Online Map database <https://maps.nls.uk/>

A7: Bartholomew's Half Inch to the Mile Maps England and Wales (Drawn Scale 1:126,720)

As a commercial Map maker, Bartholomew's would aim to show only highways that their customers (largely motorists and cyclists) could use, so would not knowingly include footpaths or private roads. On **1905, 1920** and **1941** maps shown as "other road" (not coloured).

Source: National Library of Scotland Online Map database <https://maps.nls.uk/>

B: Primary Evidence

B1: Tithe Records 1841

Shown as public road with no plot number. It is shown as contiguous with Beaumont Lane and named "Beaumont Castle Lane".

Note: On the Skerton Tithe Map, none of the public roads is given a plot number nor listed in the Apportionments.

Source: *The Genealogist* – Crown copyright images reproduced courtesy of The National Archives.

B2: Inland Revenue Valuation Records - Finance (1908-10) Act 1910

Shown as "white road" on IR1910 maps, that is: excluded from adjoining hereditaments, which is good evidence that the route was considered a public road.

Source: Photographed at The National Archives IR133/3/76

C: Other Evidence:

C1: Lancashire County Council Road Status Map (MARIO)

The route is listed as Unadopted Road, Road no. X2530. It's inclusion in the list could be taken to infer that the road had been considered a public highway.

Source: Lancashire CC Maps and Related Information Online (MARIO) system

<http://mario.lancashire.gov.uk/aqsmario/default.aspx>

C2: Further Evidence

Stopping Up Order - search returned no records.

Source: The Gazette official public record <https://www.thegazette.co.uk/all-notices/notice>

D: Map and Photographs of the Application Route:

D1: Current OS 1:25,000 map of Applicant Route

Approximate scale when printed on A4 paper – 1:8,500

Source: Viewranger personal subscription. Map data: Ordnance Survey, Crown copyright

D2: Recent Photograph at the Junction with Green Lane (Point A)

The patched asphalt surface ends after approximately 50 metres and the stone surface is in good repair. It is between 6 and 8 metres wide. The route would appear to be in regular use by vehicles.

Source: Applicant's own image

D3: Recent Photograph from Point B looking south west along the route to Point A

Here the road is still 6 metres wide and seemingly well used by vehicles.

Source: Applicant's own image

D4: Recent Photograph where footpath joins route from field below (Point B)

The route has been built up to be higher than the canal to the south, which also means it is higher than the land to the north.

Source: Applicant's own image

D5: Recent Photograph from Point C looking south west along the route

Here the road is still 6 metres wide and seemingly well used by vehicles. The route is moving away from the line of the canal at this point.

Source: Applicant's own image

D6: Recent Photograph just beyond Point C looking north

Here it joins Unclassified Road No. U18785 as the lane turns north and heads uphill away from the canal. However, there is no discernible change in the nature of the lane.

Source: Applicant's own image

DATED:

SIGNED:

THE FOLLOWING DOES NOT MAKE UP PART OF THE ABOVE FORM

Please return the completed application form to:

The County Secretary and Solicitors Group, Lancashire County Council, PO BOX 78
County Hall, Fishergate, Preston, PR1 8XJ (REF: LSG4/PROW/SK)

NOTE: Please be advised that evidence supplied will be used in accordance with the processes under the Wildlife and Countryside Act, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.

NOTE: Lancashire County Council is obliged to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicants name and address would, or would be likely to, cause substantial damage distress to the applicant or to another person and such damage would be or would be unwarranted, please contact Lancashire County Council who can remove these details from the register and from any documents contained on the register.