

# **APPLICATION FOR A MODIFICATION ORDER**

## **The Cumbria County Council Definitive Map and/or Statement within the Lake District National Park - Wildlife and Countryside Act 1981**

To: The Lake District National Park Authority  
Of: Murley Moss, Oxenholme Road, Kendal, Cumbria LA9 7RL

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 BRIDLEWAY – Parkside Lane, Parish: Lowther, District: Eden**

**FROM:** Classified Road C3046, Parish: Lowther, Grid Ref: NY 5185 2392 (A)

**TO:** Junction with footpath 342006, Parish: Lowther, Grid Ref: NY 5192 2349 (B)

**AND**

**3. Upgrading to BRIDLEWAY the footpath 342006 – Parkside Lane, Parish: Lowther, District: Eden**

**FROM:** Junction with lane, Parish: Lowther, Grid Ref: NY 5192 2349 (B)

**TO:** Junction with lane, Parish: Lowther, Grid Ref: NY 5205 2227 (D)

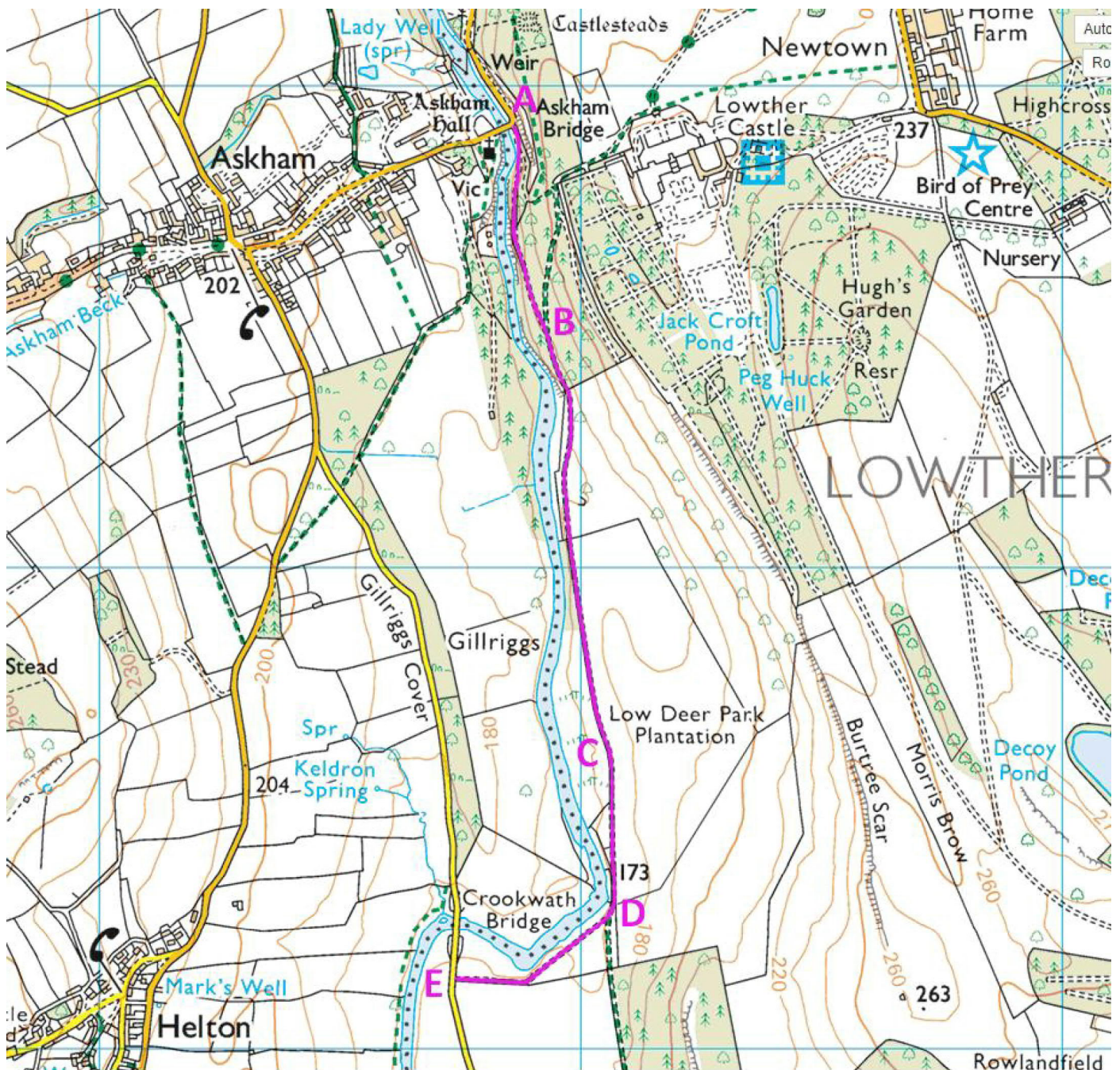
**AND**

**2. Adding the BRIDLEWAY – Parkside Lane, Parish: Lowther, District: Eden**

**FROM:** Junction with footpath 342006, Parish: Lowther, Grid Ref: NY 5205 2227 (D)

**TO:** Unclassified road U3174, Parish Lowther, Grid Ref: NY 5173 2214 (E)

AS SHOWN ON THE FOLLOWING MAP:



Application Route:  Identified by: **A, B, C, D, E**  
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This map should print at 1:12,500 scale when printed on A4 paper. See Appendix D for an unmarked copy of this map.

### Description of Application Route:

The Application Route is approximately 2.04 km long with a good stone surface and largely unenclosed throughout its length.

At Point A the route leaves the classified road C3046, immediately east of Askham Bridge in the Parish of Lowther. There are large stone blocks placed at Point A to prevent vehicular access. The wide track descends by the side of the bridge parapet to a narrow cattle grid, with a wicket gate to the west and a piece of rough fencing and further stone block to the east. A Lowther estate signpost indicates the route as a cycleway.

Immediately beyond the fence/cattlegrid/gate, the route splits and the application route follows the western branch through woodland alongside the River Lowther. After approximately 450m the route rises to join a track at Point B – current footpath 342006.

The route continues along this vehicle track, heading south, emerging into open park land, then through farmland (with further cattle grids and gates) to arrive at Point D. Here footpath 342006 continues south to Whale and the application route turns south-west then west through farmland to reach Unclassified Road U3174 at Point E. Here there are double field gates with a stile to the south and a narrow cattle grid to the north, and another Lowther Estate signpost marking cycle routes.

### **Current Recorded Status:**

The route is recorded on the Definitive Map as footpath 342006 from Point B to Point D. The rest of the route is not recorded.

The route is not recorded on the List of Streets.

### **Notes:**

Parkside was historically a farmstead between the River Lowther and Lowther Deer Park. It was named Park Foot on the Lowther Tithe Plan. While it is shown on OS 1<sup>st</sup> edition maps, it no longer appears on the 2<sup>nd</sup> edition maps, revised in 1897. It was located at Point C.

On older maps and documents, the parish of Lowther was divided into several townships. From Point A to Point D the application route was in Lowther township and from Point D to Point E it was in Whale township.

Lowther village was located between the Castle and the church until 1758, when the old village was demolished and a new “model village” was built further east. The application route would have been an important link within the parish, especially for the village of Whale.

Parkside Lane is currently presented as a Cycle Route across the Lowther Estate.

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

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

All evidence, spanning over 190 years, points to this being a public highway of status at least equal to Bridleway, even though it is only partially recorded on the Definitive Map, and that part as footpath.

Although its importance has reduced over time, no evidence has been found to suggest its public highway status has been extinguished.

1. Greenwood’s large scale map of 1824 shows the northern part of the application route from Point A to Point D and it is depicted as a cross road.

2. Hodgson's large scale Westmorland County Map of 1828 shows the entire route as a road. This is good evidence it was considered a public highway at that time.
3. The application route is clearly shown as a road on all historic Ordnance Survey Maps inspected, from the earliest 25 inch map of 1861 up to the 1inch map of 1947, although more recent maps mark the northern section from Point A to Point B as footpath.
4. The OS 25in 1<sup>st</sup> Edition map is accompanied by a Book of Reference, which lists the plots that the route passes through as "Public Road". A Guide-post is marked at the junction with Askham-Whale Road at Point E. This is good evidence the route was considered a public highway at that time.
5. The OS 25in 2<sup>nd</sup> and 3<sup>rd</sup> edition maps (1898 and 1915) show footpaths terminating on the application route, and it is shown as higher status than the footpaths. This is further evidence the application route continued to be a public right of way at that time.
6. The Ministry of Transport Half-inch Maps of 1922-3 were based on the Ordnance Survey maps and showed the new road classifications prominently. Developed specifically for sale to motorists, the maps aimed to show only public roads and the application route is shown as a road which is a good indication this route was considered a public highway.
7. It is shown as a 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 private roads. The 1924 edition shows the majority of the route as a "First Class Road".
8. It is shown as a road, coloured sienna on the Lowther Township Tithe Plan of 1838 and labelled "from Lowther" and "to Whale" at the respective ends of the plan. On the Whale Township Plan of 1838 it is also shown as a road and labelled "to Lowther". The index plan shows the entire route as a through route. This is good evidence it was considered a through route between townships. Public roads are not given plot numbers on the Lowther or Whale Tithe Plans, nor listed in the Apportionments.
9. Lowther Estate Records held at Carlisle Archives include a Map of Whale Township which pre-dates the building of Crookwath Bridge (ie. before 1897, but probably earlier). It shows the southern section of the application route from Point D to Point E and is labelled at Point D "to Lowther". This is good evidence that the application route was considered a public highway by the estate at that time.
10. There are no stopping up orders found relating to any part of the application route.

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

#### **A: EVIDENCE FROM MAPS**

##### **A1: Greenwood Map 1824**

##### **A2: Hodgson Map 1828**

##### **A3: Ordnance Survey Maps - 25 inch England and Wales (Drawn scale 1:2,500)**

1<sup>st</sup> Edition 1861, 2<sup>nd</sup> Edition 1898, 3<sup>rd</sup> Edition 1915

##### **A4: Ordnance Survey Maps – 6 inch England and Wales (Drawn scale 1:10,560)**

1863, 1899, 1920, 1956, 1970

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

1898, 1918, 1947, 1961, 1964

**A6: Ordnance Survey, 1:25,000 maps of Great Britain**  
1950

**A7: Bartholomew's Half Inch to the Mile Maps England and Wales (Drawn Scale 1:126,720)**  
1905, 1920 and 1941

**A8: Ministry of Transport ½ inch Road Map of Great Britain 1922-23 (Drawn scale 1:126,720)**

## **B: PRIMARY EVIDENCE**

**B1: Tithe Records – Lowther Parish 1837**

## **C: OTHER EVIDENCE**

**C1: Lowther Estate Records – Map of Whale**

Plan of Whale Township undated, showing the road to Askham crossing river by ford (estimated date pre-1897)

**C2: The Gazette - Stopping Up search**

## **D: MAP AND PHOTOGRAPHS OF THE APPLICATION ROUTE**

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

**D2: Photographs of the route**

Photos 1 - 6

**D3: Photographs of Lowther Estate Cycle and Walking route map**

Images 1 - 3

DATED: 16/12/2021

SIGNED

