



Shropshire Archives

With the Shropshire County Council Countryside
Access Team

24. A short guide to Public Rights of Way

The **Definitive Map** is the legal record of public rights of way. Shropshire's definitive map is held at Shirehall and is maintained by the Countryside Access Team (Please call 01588 255056 to make an appointment to view the map). The Map is not static and changes are constantly being made. Any copies held elsewhere are unlikely to be up to date and must be regarded as of purely historical value.

Changes that can be made to the Definitive map include the addition or deletion of routes, alteration of the line or status. Any changes to the map require the publication of a legal order which will only be published if there is sufficient evidence to support the proposal. This evidence can be of two types:

- User evidence-usually in the form of witness statements which should normally indicate that a route has been used for the required number of years
- Historical Evidence - A variety of documents can help to confirm or corroborate other evidence in support of a change.

As a result of legislation introduced under the **Countryside and Rights of Way Act 2000** applications for changes to the definitive map based on historical evidence will no longer be accepted after 2026. As a result the **Discovering Lost Ways Project**, an initiative of Natural England, aims to uncover all routes or ways that may not be currently recorded, or may be under recorded. Shropshire is one of the pilot areas and as of mid-2006 research has been undertaken in the County and National Archives.

There are a number of sources that can be consulted in **Shropshire Archives**. These include:

County Maps principally Roques (1752), Baughs(1808) and Greenwoods (1827). Due to the scale they only show significant roads or lanes.

Ordnance Survey Maps show the physical existence of routes but do not record public rights. The key series are:

2" to mile Original Survey of the early 1800s,

1" to mile 1838 (also published by David and Charles),

25" to mile 1st Edition 1881-1887 and 2nd Edition 1901-1908 (these are on aperture card so you will need a microfiche reader to view them).

A **Shropshire Archives Readers Ticket** will be required to consult the following original documents. Some, such as tithe maps, large estate maps and some enclosure awards, are also copied on microfiche. The microfiche should always be consulted first to ensure the required area is included. Newspapers and tithe apportionments are held on microfilm. Please note that some of the maps can be bulky and cumbersome to use. Some documents, particularly the deposited plans, may be very fragile and so cannot be produced.

Enclosure Awards (around 1750-1860) can provide definitive evidence of the existence of public rights of way as long as the award was carried out correctly and under the appropriate legislation. The awards, which usually consist of a map and the award itself enclosed land for the improvement of agriculture. Commissioners were given powers to set out public and private rights of way which provided access across the often considerably altered landscape.

Tithe Maps (around 1840s) - public roads and other routes are often coloured 'straw' but seldom identify between public or private. However, a comparison between colouring and known current public and private routes is helpful. If the route is numbered it will be described in the apportionment which accompanies the map. If it not numbered (i.e. not titheable) it may be public.

Deposited Plans are plans of proposed railways, bridges and canals, copies of which had to be approved by with the Quarter Sessions Court. The plans show a corridor of land either side of the proposed routes. Each land parcel and any roads, tracks and paths that cross the line are numbered. Books of reference identify landownership and if the path of interest is owned, or part owned, by the Highway Surveyor this can indicate the route was public. Sometimes these plans were never followed through but can still provide useful information.

Finance Act 1910 - under this Act all landholdings were identified and valued in order to apply tax on capital appreciation. If public rights of way crossed the land a landowner would receive a deduction on that value. The records consist of a map based on the OS 1:2500 2ND Edition 1902 which identifies and numbers the landholdings or 'hereditaments'. The information on the hereditaments are contained within the 'Domeday Books', or in more detail on 'Forms 37'. This information can indicate that public rights of way crossed a holding but it can be difficult to attribute deductions to specific routes. If a route is not contained within a hereditament i.e. excluded from valuation, it is a good indication that the route is either publicly, or jointly, owned.

Sales Catalogues will enable you to determine whether the route formed part of a landholding when offered for sale. Not being for sale with adjacent land could indicate public ownership. The schedules of sale usually list and describe each lot.

Estate maps often commissioned by large landowners, show the physical existence of routes at the time but seldom identify status.

Quarter Sessions Order Books may record diversions, stoppings up, etc. They also provide cases of parishes being indicted for failure to repair certain highways.

Newspapers advertised the published orders relating to public routes. Most newspapers are on microfilm but some may be original only.

Parish/Vestry Minutes - individual parishes and townships were responsible for the upkeep of roads and ways within their own boundaries. Minutes of parish meetings sometimes reveal issues relating to public rights of way.

Highways Board Minutes - the Highways Act 1938 made provision for the setting up of area based Highways Boards who were responsible for the maintenance of roads and paths and took over from the individual parishes. Minutes of the Board meetings may provide evidence of a route being publicly maintained.

Please note the above refers to **public** rights of way. The Countryside Access Team does not deal with any **private** rights of way. A solicitor should be consulted if the matter concerns a private right of way.

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Gateway to the history of Shropshire and Telford

Short guide to sources no. 24 (6/07)

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