

Application for a Modification Order

Wildlife and Countryside Act 1981

The Wildlife and Countryside (Definitive Maps and Statements) Regulations, 1983 (Schedule 7)

Definitive Map and Statement for the Parishes of: WALTON and IRTHINGTON

District of: CARLISLE

Public Right of Way No: 135009, 119007 and sections not currently numbered

To: Cumberland Council

Of: Countryside Access, The Parkhouse Building, Kingmoor Business Park, Carlisle, CA6 4SJ

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:

3. Upgrading to BRIDLEWAY part of the footpath 135009 Parish: Walton, District: Carlisle

FROM: Terminus of Unclassified Road U1102, junction with FP135023 Parish: Walton, Grid Ref: NY 5149 6425 (A)

TO: Point where FP135009 leaves historic route for the footbridge, Parish: Walton, Grid Ref: NY 5115 6393 (C)

2. Adding the BRIDLEWAY – CAMBECK LANE, Parishes: Walton and Irthington, District: Carlisle

FROM: Point where FP135009 leaves historic route for the footbridge, Parish: Walton, Grid Ref: NY 5115 6393 (C)

TO: Point where FP119007 rejoins the historic route, Parish: Irthington, Grid Ref: NY 5100 6388 (D)

3. Upgrading to BRIDLEWAY part of the footpath 119007 Parish: Irthington, District: Carlisle

FROM: Point where FP119007 rejoins the historic route, Parish: Irthington, Grid Ref: NY 5100 6388 (D)

TO: Point where FP119007 diverges from the historic route, on the approach to Cambeck Hill Farm, Parish: Irthington, Grid Ref: NY 5086 6376 (D1)

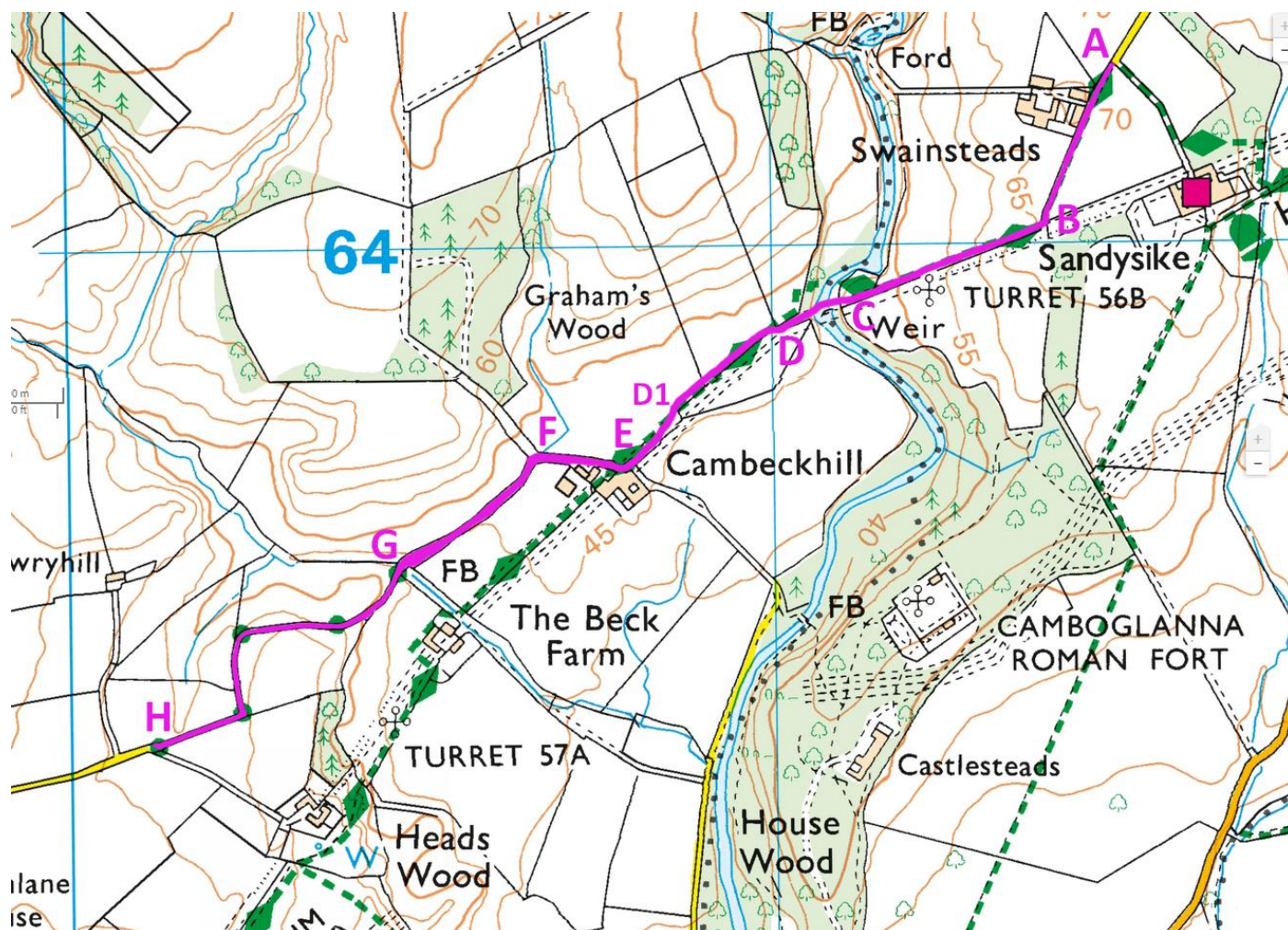
2. Adding the BRIDLEWAY – CAMBECK LANE, Parish: Irthington, District: Carlisle

FROM: Point where FP119007 diverges from the historic route, on the approach to Cambeck Hill Farm, Parish: Irthington, Grid Ref: NY 5086 6376 (D1)

TO: Terminus of Unclassified Road U1099, Parish: Irthington, Grid Ref: NY 5010 6330 (H)

AS SHOWN ON THE FOLLOWING MAPS:

MAP 1 – application route:

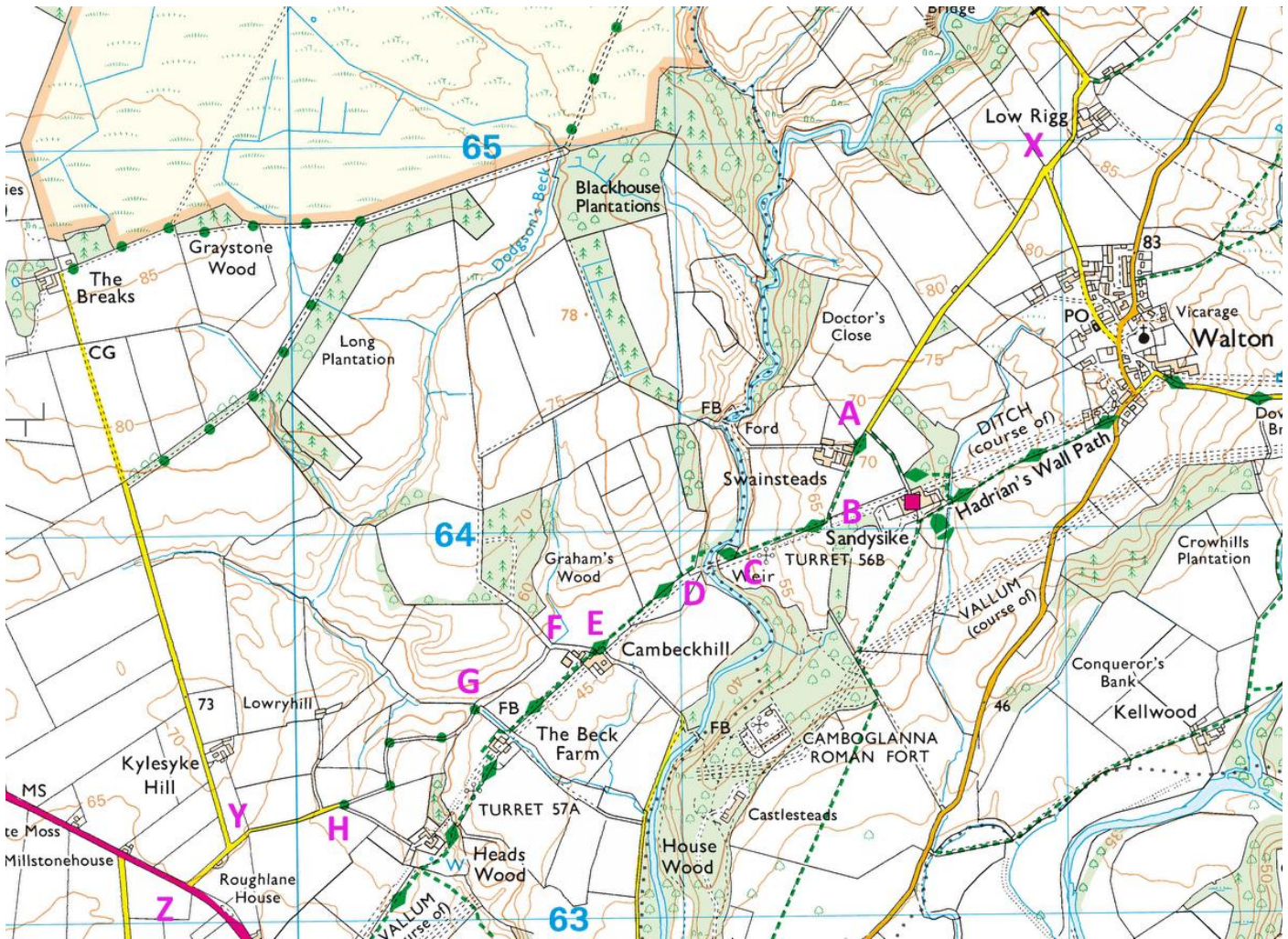


Application Route: Identified by: **A, B, C, D, E, F, G, H**

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This map should print at 1:10,000 scale when printed on A4 paper. See Appendix D for an unmarked copy of this map.

MAP 2 – wider area:



Note: Points X, Y and Z do not form part of the application route but are referenced in the evidence presented in support of this application.

Description of Application Route:

As parts of the application route are not currently registered as Rights of Way, it has not been possible to examine the entire route.

The Application Route is approximately 1.85km long.

Where Unclassified Road U1102 ends (Point A), the application route continues on the same alignment along a track. It crosses a cattle grid with field gate to the right and kissing gate to the left. Where the track turns right into Swainsteads farm yard, the route continues ahead to reach a field gate. In a few metres there is a signpost pointing along the north side of Hadrian's Wall's northern ditch (Point B).

There are several trees growing along the edge of the ditch as it descends towards Cam Beck, but lower down it is clear that the old road ran inside the ditch which had been widened and levelled. At Point C there is a fence across the route with a kissing gate off to the right where the footpath now heads towards the footbridge. The historic route reaches the beck upstream from a substantial weir, which was built to improve the water flow along the mill race to Irthington Mill. After crossing above the weir, the route then

heads up an engineered slope on the western bank to where the current path rejoins the historic route (Point D).

The route now follows the current path for around 200m, then (at Point D1) veers left towards the boundary wall to reach the field gate and enter the Cambeck Hill farmyard (Point E). Now turning right, the route follows the surfaced track heading in a westerly direction for approximately 100m, then (Point F) forks left along the green lane which it follows to cross Dodgson's Beck (Point G) and eventually join the tarmac lane – Unclassified Road U1099 – at Point H.

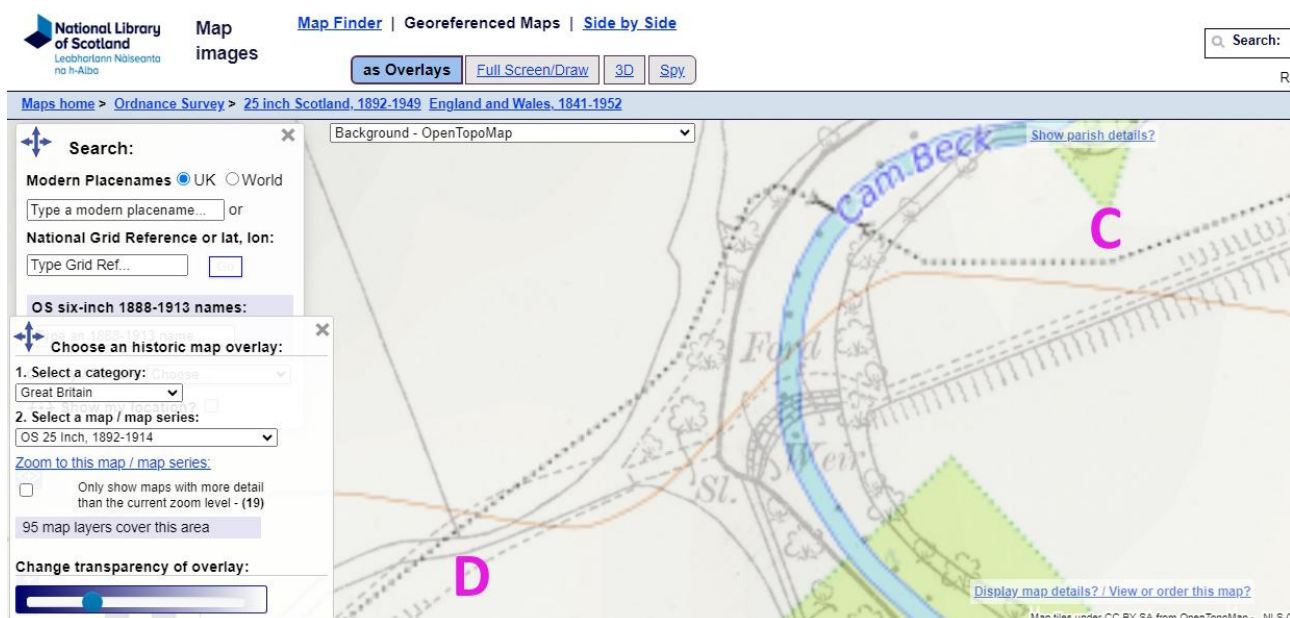
Current Recorded Status:

Sections of the route are recorded on the Definitive Map: from Point A to Point C as Footpath 135009; from Point D to Point D1 as Footpath 119007. The remainder of the route is not recorded on the Definitive Map.

The route is not recorded on the List of Streets.

Notes:

- The current OS 1:25,000 and 1:50,000 mapping show the route from Point G to Point H as “Other Road with Public Access” (ORPA). However Cumberland’s online map of ‘Public Rights of Way in Cumbria’ doesn’t show it as either a Public Right of Way or a Public Highway. This section has therefore been included in this application.
- This application is based on historical evidence, therefore the route applied for is the historic one, supported by this evidence. This differs from the current footpath between Point C and Point D over Cam Beck in that it continued straight ahead to cross the beck immediately upstream of the weir. At the time of inspection, the ford was blocked by trees which had been washed downstream and lodged behind the weir and there was also much young tree growth on both banks, hindering access to the ford. It may therefore be expedient to consider an alternative crossing point.



- The Application route from Point B to Point E follows along the north side of Hadrian's Wall, which is a Scheduled Monument and a World Heritage Site.
- Castlesteads is called Casteads on the Walton Inclosure document of 1742. The house was rebuilt in grander style in 1790, when its name was changed to Walton House, which is the name marked on the Tithe Plan of 1841 and also the OS 1st Ed map of 1864, but it later changed back to the historic name.

Summary and Statement of Reasons:

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

While no single piece of evidence is conclusive, the applicant believes that taken as a whole the pieces of evidence presented in this application demonstrate highway reputation spanning 250 years, indicating that the route does indeed have highway status at least equal to Bridleway, even though it is not all recorded on the Definitive Map, and those sections which are, are recorded only as footpaths.

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

Evidence presented in this application:

1. **Walton Inclosure Award 1742** – no record has been located of this inclosure award, although a typed copy of a document dated 1st March 1742 details the decision on who is responsible for which fences and hedges. It states: *"that part of Waltonrigg which is bounded on the north with the River Camock and adjoins to the **Highway leading between Casteads Gate and the Haining on the south**"* This is clear evidence that there is a highway – either awarded by the Inclosure or an ancient highway pre-dating the inclosure – at least from Point A to Point B, which was the historic route to Castlesteads.
2. **Donald's Map of Cumberland dated 1773** post-dates the Walton Inclosure and pre-dates the Irthington Inclosure. It shows the application route from Point A, crossing the Cam Beck to reach Cambeckhill Farm (Point E), then continuing west, past Point H before heading north to Broomwell and Hethersgill Lane. This is good evidence that the application route existed as a through route in 1773 and is an ancient road.
3. **Irthington Inclosure Award of 1781** awards a road leading from current Classified Road A6071 (Point Z) to 'Cambeck Hill Gate' on the edge of the area of inclosure, which is just east of Point Y: *"also one other Public Highway from the said Public Highway [current A6071] to **Cambeck Hill Gate** as the same is set out on the said Moors Commons and waste Grounds and described in the said Plan marked A from the said Letter **b** to the Letter **h** and so to the Letter **i**"*. The Plan shows the route continuing beyond the edge of the inclosure area and it is labelled ***"To Cambeck Hill"***. This is good evidence that the application route is an ancient highway, as they would not have gone to the expense of creating a public highway for a farm access.
4. **Greenwood's Map of Cumberland dated 1824** was developed for sale to horse riders and coach drivers by some of the most respected mapmakers and so could be expected to accurately show publicly-usable routes. The application route within Irthington Parish is clearly shown from Cam Beck (Point D) to Point H and it is depicted as a Cross Road. Within Walton Parish, the route is only

shown as a stub south of Point A. Greenwood does not include footpaths or bridleways in his explanation, so this depiction is consistent with the route being a bridleway.

5. **Smaller Scale County Maps dating from 1789 to 1834** also show the application route as a through route, mostly described as a “Cross Road”. These include Cary 1789, Jollie 1794, Faden 1810 and Greenwood 1834.
6. The **Walton Tithe Plan of 1841** shows the application route heading southwest past Swainsteads towards Castlesteads (called Walton House at the time of the Tithe Plan), before turning west to cross Cam Beck into Irthington Parish.
7. The **Newtown Tithe Plan of 1843** – clearly shows the application route as it passes all the farmsteads and is labelled “To Walton” as it approaches the parish boundary.
8. The **Ordnance Survey 25in First Edition Map of 1864** shows the entire route in its own plots, coloured sienna. Plots number 98, 103 and 189 in Irthington Parish, Newtown township, and Plot number 110 in Walton Parish are all listed as “Public Road” in the Books of Reference. Walton Plot 110 continues northeast along current Unclassified road U1102, which is a public road today. Where the route crosses Cam Beck it is labelled “Ford”. This is good evidence the application route had the reputation of being a public highway at that time.
9. **George Joseph Bell was the County Surveyor and Bridge Master for Cumberland County.** His Road Map of 1892 is considered to be a highly accurate representation of the road network at that time. The application route is clearly depicted as a “District Road” from Point A to Point B and from Point E to Point H. This supports the later evidence that the application route was still considered a public highway, but of bridleway status, rather than road, in its central section. His Road Map identified the current A6071 Brampton to Longtown Road as having been “disturnpiked” at the passing of the Act in 1878, plus the current C1013 Road to Walton “Declared a Main Road” between 1878 and 1892. From this time, these main roads would have provided a well maintained alternative route, free at the point of use, which it is reasonable to infer would have been used in preference to the rougher route over the ford, and this marks the start of the application route’s diminishing importance.
10. The **Ordnance Survey 25in 2nd Edition Map of 1901** shows the route within Irthington Parish in its own plots. In Walton, from Point B to Point C the route is labelled “BR” and from Point A to Point B it is depicted as a cart road, wider and higher status than the Bridle Road. The route is again labelled “Ford” where it crosses Cam Beck. This is good evidence that the route continued to be considered a public thoroughfare as a Bridle Road.
11. On the **Finance Act 1910 Maps**, the western section of the route from Point E to Point H is shown as a “white road” - that is, excluded from adjoining hereditaments, which is good evidence this part of the route was still considered a public highway at that time.
12. The **Ordnance Survey 25in 3rd Edition Map of 1926** shows the route within Irthington Parish largely in its own plots. In Walton, from Point A to Point B the route is depicted as a cart road, but the section from Point B to Point C is omitted, with only markings depicting the course of Hadrian’s Wall and the northern Ditch. The beck crossing is no longer labelled.
13. No stopping up orders relating to the application route have been found. This supports the evidence that the route diminished in importance but was never stopped up.

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

Appendix A: EVIDENCE FROM MAPS

A1: Hoskinson and Donald Map 1773

A2: Greenwood Map 1823

A3: Smaller scale County Maps

Cary 1789, Jollie 1794, Faden 1810, Greenwood 1834

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

1st Edition 1864, 2nd Edition 1901, 3rd Edition 1926

A5: Ordnance Survey Maps – 6 inch England and Wales (Drawn scale 1:10,560)

1868, 1901, 1926

A6: Ordnance Survey Maps - One-inch England and Wales (Drawn scale 1:63,360)

1868, 1898, 1925, 1947, 1955, 1972

Appendix B: PRIMARY EVIDENCE

B1: Copy of Inclosure Award document – Walton 1742

B2: Inclosure Award – Irthington 1781

B3: Tithe Records – Walton Parish 1841

B4: Tithe Records – Irthington Parish, Newton Township 1843

B5: Public Road Network Map of Cumberland by Bell, County Surveyor 1892

B6: Finance Act Maps 1910

XI.16, XVII.4

Appendix C: OTHER EVIDENCE

C1: The Gazette - Stopping Up search

Appendix 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 – 8

D3: Aerial Photographs of the route

Photos 1 – 2

DATED: 5th May 2025

SIGNED

