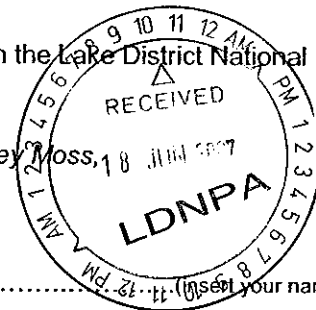




APPLICATION FOR A MODIFICATION ORDER

To amend the Cumbria County Council Definitive Map and/or Statement within the Lake District National Park under the Wildlife and Countryside Act 1981

To: *Rights of Way Officer, The Lake District National Park Authority, Murley Moss, Oxenholme Road, Kendal, Cumbria, LA9 7RL*



I/We, *THOMAS TRAFFORD* (insert your name)

Of *PETER HOUSE FARM, BASSENTHWAITE* (insert your address)

VIESWICK CA 12 4DX

hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and/or statement for the area by:

(choose appropriate section and give grid references if possible * Please delete as appropriate)

(a) **Deleting** the footpath/bridleway/byway open to all traffic* which runs

From:.....

To:.....

(b) **Adding** the footpath/bridleway/byway open to all traffic* which runs

From:.....

To:.....

(c) ~~Deleting~~ **Upgrading/Downgrading** the ~~footpath/bridleway/byway open to all traffic*~~ which runs

From: *BASSENTHWAITE VILLAGE*

To: *HIGH CLOSE (NESTRAL LODGE) AND BRIDLEWAY 206015*
to a footpath/bridleway /byway open to all traffic *

(d) **Varying/adding to*** the particulars relating to the footpath/bridleway/byway open to all traffic*

From:.....

To:.....

By providing that.....

I/We attach copies of the documentary evidence [including statement of witnesses] in support of this application as listed overleaf.

Signed *A. A. 11* [Applicant(s)] Date *15th June 2007*

Notes

For historical evidence it is essential to know the date, author, purpose and present whereabouts of the documents listed. Please give as much information as possible.

For statements by witnesses, a form is available from the National Park Authority which suggests the relevant questions to be addressed.

Documentary Evidence in support of application (including witness statements).

AS ENCLOSED

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Other Relevant Information.....

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I/We enclose with this application:

- A map clearly showing the route(s) referred to in this application at a good scale
- Copies of documentary evidence (including statements from witnesses) to support this application, as listed above.
- A completed form to certify that I/we have served notice on all landowners and occupiers affected by this application (**FORM C**), or a letter explaining why I/we have been unable to ascertain the landowners/occupiers affected by this application and that identifies the steps I/we have taken to find this information (**FORM D**).



NOTICE OF APPLICATION FOR A MODIFICATION TO THE DEFINITIVE MAP AND STATEMENT

To amend the Cumbria County Council Definitive Map and/or Statement within the Lake District National Park under the Wildlife and Countryside Act 1981

To, THOMAS TRAFORD.....(insert name of landowner)

Of PETER HOUSE FARM, BASSENTHWAITIE.....(insert address of landowner)
KISSWICK CUMBRIA

Notice is hereby given that on the 15th JUNE 2007.....(insert date)

I/We, THOMAS TRAFORD.....(insert your name)

Of PETER HOUSE FM, BASSENTHWAITIE,.....(insert your address)
KISSWICK CUMBRIA.

have made an application under section 53(2) of the Wildlife and Countryside Act 1981 to modify the definitive map and/or statement for the area by:

(choose appropriate section and give grid references if possible * Please delete as appropriate)

(a) **Deleting** the footpath/bridleway/byway open to all traffic* which runs

From:.....

To:.....

(b) **Adding** the footpath/bridleway/byway open to all traffic* which runs

From:.....

To:.....

(c) **Upgrading/Downgrading** the ~~footpath/bridleway/byway open to all traffic~~ * which runs

From: BASSENTHWAITIE VILLAGE.....

To: HIGH CLOSE (NEAR LORRINE) AND BRIDLEWAY 206015
to a footpath/bridleway /byway open to all traffic *

(d) **Varying/adding to*** the particulars relating to the footpath/bridleway/byway open to all traffic*

From:.....

To:.....

By providing that.....

Signed A. A. M. I......[Applicant(s)] Date 15/6/07.....



CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

To amend the Cumbria County Council Definitive Map and/or Statement within the Lake District National Park under the Wildlife and Countryside Act 1981

To: The Rights of Way Officer
Lake District National Park Authority
Murley Moss
Oxenholme Road
Kendal
Cumbria
LA9 7RL

I/We, THOMAS TRAFFORD.....(insert your name)

Of PETER HOUSE FARM, BASSETHWAITE.....(insert your address)
KESWICK, CUMBRIA

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife & Countryside Act 1981 have been complied with in relation to the attached application.

Signed.....A. Aylton..... Date 15/6/07

NOTES FOR GUIDANCE

This certificate should only be completed when notice of the application has been served on all owners and occupiers affected by the proposal. A list of the names and addresses of all individuals notified should be provided below. Please indicate if you have been unable to identify all owners and occupiers affected by the proposal.

Notice of Application Sent To:

Name	Address
1. <u>MR W MITTINSON</u>	<u>BASSETHWAITE HILL FARM BASSETHWAITE</u>
2. _____	<u>HE IS ALSO SERVING IN FORMS</u>
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____



PUBLIC RIGHTS OF WAY DOCUMENTARY EVIDENCE CHECKLIST

Wildlife and Countryside Act 1981

To: Rights of Way Officer
Lake District National Park Authority
Murley Moss
Oxenholme Road
Kendal
Cumbria
LA9 7RL

PATH DETAILS:-

PARISH: BASSENTHWAITE DISTRICT: ALLERDALE

BELIEVED STATUS OF PATH: ~~Footpath / bridleway / byway open to all traffic~~
FOOTPATH [delete as appropriate]

DESCRIPTION OF PATH [please indicate route on a map - 1:2500 scale if possible]

FROM: BASSENTHWAITE VILLAGE

TO: HIGH CLOSE (KESTRAL LODGE) BRIDGEWAY 206015

I/We THOMAS TRAFORD

of PETER HOUSE FARM, BASSENTHWAITE, VISSWICK

have carried out research at the County Records Office, The County Council Rights of Way Department and/or Public Records Office and wish the following documents to be considered in support of my application [see notes on reverse of FORM A]:

- | Document | CRO/PRO Reference |
|---|-------------------------|
| Inclasure Award and Map* | |
| Tithe Apportionment and Map* | |
| Finance Act Maps* | |
| Ordnance Survey Maps* | |
| Railway/Canal Survey Maps and Schedules* | |
| Estate Maps and Records* | |
| Parish Council and Highway Board Minute Books* | <u>WAITING FOR SAME</u> |
| Definitive Map Records* | |
| Others [please state]. | <u>STATEMENT</u> |

Signed: Thomas Traford 17/11

Date: 15/6/07

* Delete as appropriate

EVIDENCE - STATEMENT

MY FAMILY HAVE FARMED IN BASSENTHWAITHE FOR 100 YEARS. MOST OF THAT TIME THEY HAVE FARMED ALONG THIS RIGHT OF WAY NO 12008. IN THAT TIME IT HAS ALWAYS BEEN A FOOTPATH. INDEED UNTIL 40 YEARS AGO THE PATH WAS BLOCED BY STONE WALLS WITH SLATE STILED IN THEM.

THE RIGHT OF WAY NO 12008 WAS REGISTERED IN ERROR BECAUSE IN THE 1950 WHEN THE DEFINITIVE MAP WAS MADE. THE PARISH COUNCIL TO SAFEGUARD THE RIGHTS OF PEOPLE WHO OWNED RIGHTS TO GRAZE SHEEP ON BASSENTHWAITHE COMMON, WHO LIVED IN THE VILLAGE OF BASSENTHWAITHE. THE ROUTE TAKEN BY THE GRAZERS WAS ALONG RIGHT OF WAY 12008, IT THEN FOLLOWED RIGHT OF WAY 12009 TO PETER HOUSE FARM WHERE IT JOINED BRIDLEWAY 12026 TO BASSENTHWAITHE COMMON. N.B THE FRIENDS OF THE LAKE DISTRICT AT THAT TIME SAID THAT BRIDLEWAYS MARKED WITH AN ASTERIX HAD A RIGHT TO DRIVE ANIMALS ALONG SAME. THE BRIDLEWAY FROM THE POINT WHERE BRIDLEWAY 12009 JOINS 12008 TO THE POINT WHERE 12008 JOINS 12015 HAS ALWAYS BEEN A FOOT PATH.

I FIND IT UNACCEPTABLE THAT FAMILIES THAT HAVE FARMED AS LONG AS MY FAMILY ON THIS RIGHT OF WAY SHOULD BE OVER RULED BY AN OVIOUS ERROR THAT HAS NO EVIDENCE TO SUPPORT IT

THE GEOGRAPHY OF THIS RIGHT OF WAY 12008, PROVE THAT IT HAS NEVER BEEN A BRIDLEWAY. FROM HIGH CLOSE, NOW VESTRAL LODGE IT FOLLOWED A HEDGE UNTIL IT REACHED THE BOUNDARY WALL IT TURNED LEFT FOLLOWED THE WALL 40 METRS TO A STILE, IT THEN WENT OVER THE STONE WALL AND DITCH ACROSS 2 FIELDS WHICH BELONGED TO MY FAMILYS FARM IN

②

BASSINTHWAITHE VILLAGE (IT IS NOW FARMED FROM PETER HOUSE FARM) PART OF THE ROUTE TAKEN BY THIS RIGHT OF WAY, ADJOINED LAND BELONGING TO GREEN FARM, NO ACCESS TO THIS RIGHT OF WAY EXISTS, IN FACT WHEN MY FAMILY FARMED THE LAND WHICH RIGHT OF WAY 12008 FOLLOWS. THE ONLY ACCESS THEY HAD WITH LIVESTOCK WAS FROM ANOTHER DIRECTION, SURELY ~~THE~~ LIVESTOCK WOULD HAVE USED THIS RIGHT OF WAY IF IT HAD BEEN ANYTHING BUT A FOOTPATH.

WHEN RIGHT OF WAY 12008 LEAVES OUR LAND THERE IS ANOTHER DEEP DITCH WITH A STONE BANK MAKING IT IMPASSABLE FOR ANYTHING ELSE BUT PEDESTRIANS.

A FINAL POINT ALL OTHER RIGHTS OF WAY TO BASSINTHWAITHE COMMON ARE BRIDLE WAYS AND FARMING FAMILIES OF MANY GENERATIONS HAVE SAID THIS WAS TO GIVE THEM ACCESS TO GRAZE SHEEP.

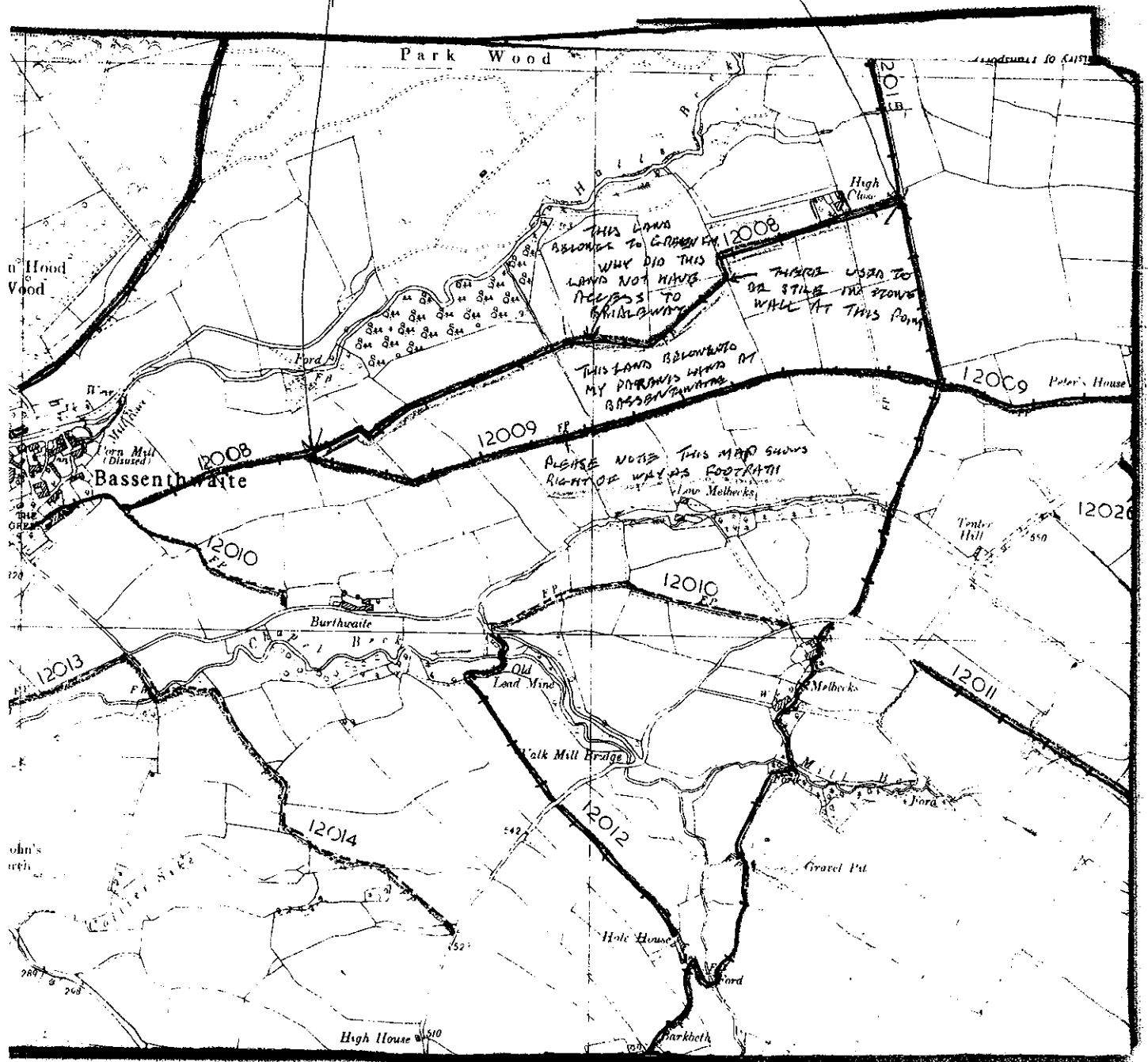
I HAVE SPOKEW TO MR EWART AT BARTBETH FARM. HIS GRANDFATHER WAS A CO SIGNATORY WHEN THESE RIGHTS OF WAY WERE REGISTERED. BECAUSE THE OLD MAPS SHOW THESE RIGHTS OF WAY AS FOOTPATHS AND THERE WAS NO ASTERIX TO SHOW LIVESTOCK COULD USE SAME, THEY UPGRADED THEM TO BRIDLE WAYS, THINKING THAT SHEEP WOULD HAVE AS MUCH RIGHT TO USE THEM AS HORSES, CYCLES, AND INVALID CARRIAGES.

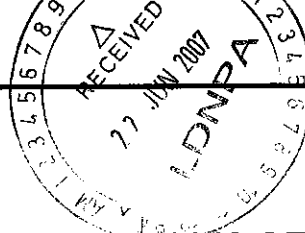
WE ARE STILL WAITING FOR PARISH COUNCIL MINUTES.

Thomas 1/11
THOMAS TRAFFORDS

THIS IS THE PORTION OF THE BRIDGE WAY WHICH WE WANT
DOWNGRADED TO A FOOTPATH

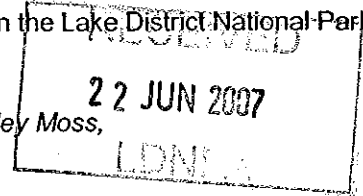
THE BRIDGEWAY FROM BASSENTHWAYTE VILLAGE TO PETER HOUSE
CAN REMAIN AS WE AGREED 20 YEARS AGO





APPLICATION FOR A MODIFICATION ORDER

To amend the Cumbria County Council Definitive Map and/or Statement within the Lake District National Park under the Wildlife and Countryside Act 1981



To: Rights of Way Officer, The Lake District National Park Authority, Murley Moss, Oxenholme Road, Kendal, Cumbria, LA9 7RL

I/We, N MATTINSON (insert your name)

of BASSENTHWAITE HALL FARM (insert your address)

KESWICK CA12 4QP

hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and/or statement for the area by:

(choose appropriate section and give grid references if possible * Please delete as appropriate)

(a) Deleting the footpath/bridleway/byway open to all traffic* which runs

From: BASS

To:

(b) Adding the footpath/bridleway/byway open to all traffic* which runs

From:

To:

(c) ^{connection} Upgrading/Downgrading the footpath/bridleway/byway open to all traffic* which runs

From: BASSENTHWAITE VILLAGE

To: HIGH CLOSE

to a footpath/bridleway /byway open to all traffic *

(d) Varying/adding to* the particulars relating to the footpath/bridleway/byway open to all traffic*

From:

To:

By providing that:

I/We attach copies of the documentary evidence [including statement of witnesses] in support of this application as listed overleaf.

Signed N Mattinson [Applicant(s)] Date 20.6.07

Dale View,
Embleton,
Cockermouth,
CA13 9YA

My brothers and I walked to
school from High Close via
this footpath unhindered some
years ago. It was definite
no horse could use this path.

Maurice Graham

BRIDLEWAY 206008

THE BASSETHWATE TO HIGH CLOSE FOOTPATH WAS IN EXISTENCE BEFORE MY PARENTS CAME TO LIVE HERE IN 1920. IT FOLLOWS THE OLD "SHEEP DRIVE" TO BASSETHWATE COMMON INTO MY FIELD MARKED 496 ON THE MAP. THE SHEEP THEN HAD TO GO THROUGH A "HOGG HOLE" IN THE FENCE. (THERE WAS NO GATE) UNTIL DURING THE WAR IN THE 1940'S WHEN PERMISSION WAS OBTAINED FROM TWO DIFFERENT FARMERS OWNING FIELD NO'S 592 & 591 TO USE THE SHEEP DRIVE FOR PLOUGHING PURPOSES.) THE RIGHT OF WAY TO FIELD 496 ~~IS~~ WAS VIA PARK WOOD ROAD THROUGH THE RIVER. IN FIELD NO 496 THE PATH FOLLOWS AN OLD DYKE CAST TO A GATEWAY, HERE IT LEAVES THE SHEEP DRIVE. THIS IS WHERE THE MISTAKE HAS BEEN MADE BY THE PARISH/COUNTY COUNCILS. THE PATH THEN CONTINUES THROUGH FIELD 497 AND INTO 498 WHERE IT GOES STRAIGHT TO THE HILL TOP AND THEN FOLLOWS AN OLD DYKE CAST TO WHERE THE STYLE HAS ALWAYS BEEN (SOME OLD DYKE CAST LANDMARKS STILL REMAIN ALTHOUGH SOME WERE DESTROYED WITH PLOUGHING). THIS STYLE IS PROOF THAT THIS COULD NOT BE A BRIDLEWAY AS THE SMALL GHYLL IS TOO AWKWARD FOR ANY ANIMAL TO CROSS, AND TAKING THE FOOTPATH LINES ON THE MAP, AND ALSO THE ANGLE IT TAKES AS IT CROSSES INTO FIELD NO 506 BELONGING TO MR TRAFFORD THIS STYLE IS IN THE CORRECT PLACE. WHY NOW HAS THE L.D.N.P.A. AND ONLY NOW, INFORMS US THAT THE STYLE IS IN THE WRONG PLACE IT SHOULD BE 10-15 MTS TO THE NORTH WHERE THE LAND IS FLAT. THEY SAY THERE MEASUREMENTS ARE CORRECT WHEN THE ANGLES ON THE MAP SHOW THEY ARE NOT. WHERE DID THESE MEASUREMENTS COME FROM?

Notes

For historical evidence it is essential to know the date, author, purpose and present whereabouts of the documents listed. Please give as much information as possible.

For statements by witnesses, a form is available from the National Park Authority which suggests the relevant questions to be addressed.

Documentary Evidence in support of application (including witness statements).

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Other Relevant Information

.....
THE PARISH COUNCIL MAP and NOTES WERE PASSED
TO THE COUNTY COUNCIL AS A FOOTPATH, YET
THEY RECORDED IT AS A BRIDLEWAY, IT WAS
MISTAKENLY DONE SIMPLY BECAUSE IT WAS A
BRANCH OFF THE SHEEP DRIVE REGISTERED NOW
REGISTERED AS A BRIDLEWAY
.....

I/We enclose with this application:

- A map clearly showing the route(s) referred to in this application at a good scale
- Copies of documentary evidence (including statements from witnesses) to support this application, as listed above.
- A completed form to certify that I/we have served notice on all landowners and occupiers affected by this application (FORM C), or a letter explaining why I/we have been unable to ascertain the landowners/occupiers affected by this application and that identifies the steps I/we have taken to find this information (FORM D).



**NOTICE OF APPLICATION FOR A MODIFICATION TO THE
DEFINITIVE MAP AND STATEMENT**

To amend the Cumbria County Council Definitive Map and/or Statement within the Lake District National Park under the Wildlife and Countryside Act 1981

To, MR N MATTINSON.....(insert name of landowner)
Of BASSENTHWAITE HALL FARM.....(insert address of landowner)
KESWICK CA12 4QP.

Notice is hereby given that on the.....(insert date)
I/We, NICHOL MATTINSON.....(insert your name)
Of BASSENTHWAITE HALL FARM.....(insert your address)
KESWICK CA12 4QP.

have made an application under section 53(2) of the Wildlife and Countryside Act 1981 to modify the definitive map and/or statement for the area by:
(choose appropriate section and give grid references if possible * Please delete as appropriate)

(a) **Deleting the footpath/bridleway/byway open to all traffic*** which runs
From:.....
To:.....

(b) **Adding the footpath/bridleway/byway open to all traffic*** which runs
From:.....
To:.....

(c) ~~Upgrading/Downgrading the footpath/bridleway/byway open to all traffic*~~ which runs
From: BASSENTHWAITE VILLAGE
To: HIGH CLOSE
to a footpath/bridleway /byway open to all traffic *

(d) **Varying/adding to*** the particulars relating to the footpath/bridleway/byway open to all traffic*
From:.....
To:.....
By providing that.....

Signed N Mattinson.....[Applicant(s)] Date 20 6 07.....



PUBLIC RIGHTS OF WAY DOCUMENTARY EVIDENCE CHECKLIST

Wildlife and Countryside Act 1981

To: Rights of Way Officer
Lake District National Park Authority
Murley Moss
Oxenholme Road
Kendal
Cumbria
LA9 7RL

PATH DETAILS:-

PARISH: BASSETHWAITE DISTRICT: ALLERDALE

BELIEVED STATUS OF PATH: footpath / bridleway / byway open to all traffic
[delete as appropriate]

DESCRIPTION OF PATH [please indicate route on a map - 1:2500 scale if possible]

FROM: BASSENTHWAITE VILLAGE
TO: HIGH CLOSE

~~I/We~~
of BASSENTHWAITE HALL FARM.

have carried out research at the County Records Office, The County Council Rights of Way Department and/or Public Records Office and wish the following documents to be considered in support of my application [see notes on reverse of FORM A]:

- | Document | CRO/PRO Reference |
|--|-------------------|
| Inclosure Award and Map* | |
| Tithe Apportionment and Map* | |
| Finance Act Maps* | |
| Ordnance Survey Maps* | |
| Railway/Canal Survey Maps and Schedules* | |
| Estate Maps and Records* | |
| Parish Council and Highway Board Minute Books* | |
| Definitive Map Records* | |
| Others [please state]. | |

Signed: A Mattinson Date: 20 06 07

* Delete as appropriate



CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

To amend the Cumbria County Council Definitive Map and/or Statement within the Lake District National Park under the Wildlife and Countryside Act 1981

To: The Rights of Way Officer
Lake District National Park Authority
Murley Moss
Oxenholme Road
Kendal
Cumbria
LA9 7RL

11/11/06, MR N MATTINSON.....(insert your name)
OF BASSENTHWAITE HALL FARM.....(insert your address)
KESWICK CA 12 4QP

.....
hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife & Countryside Act 1981 have been complied with in relation to the attached application.

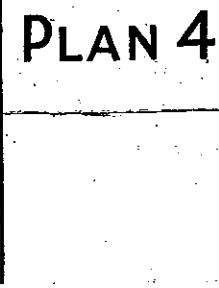
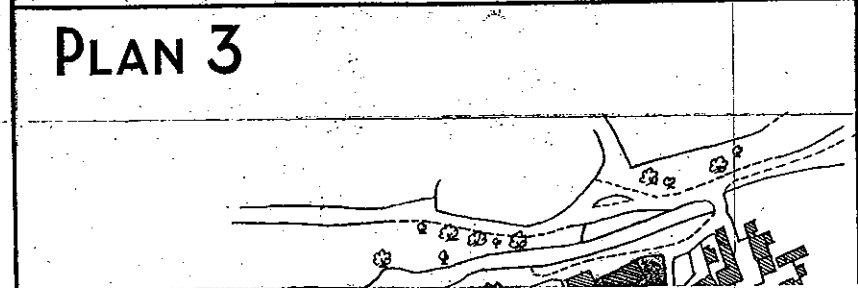
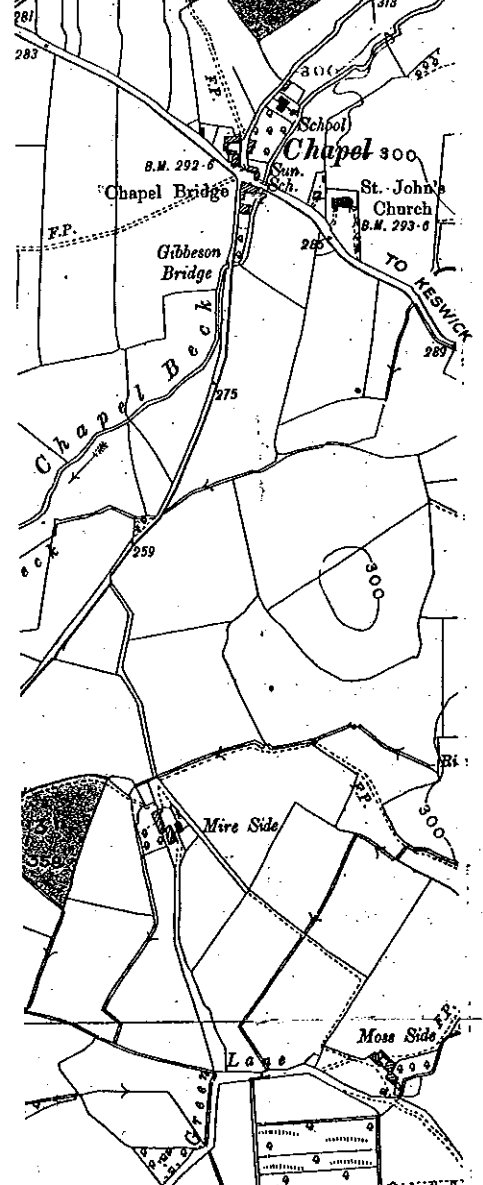
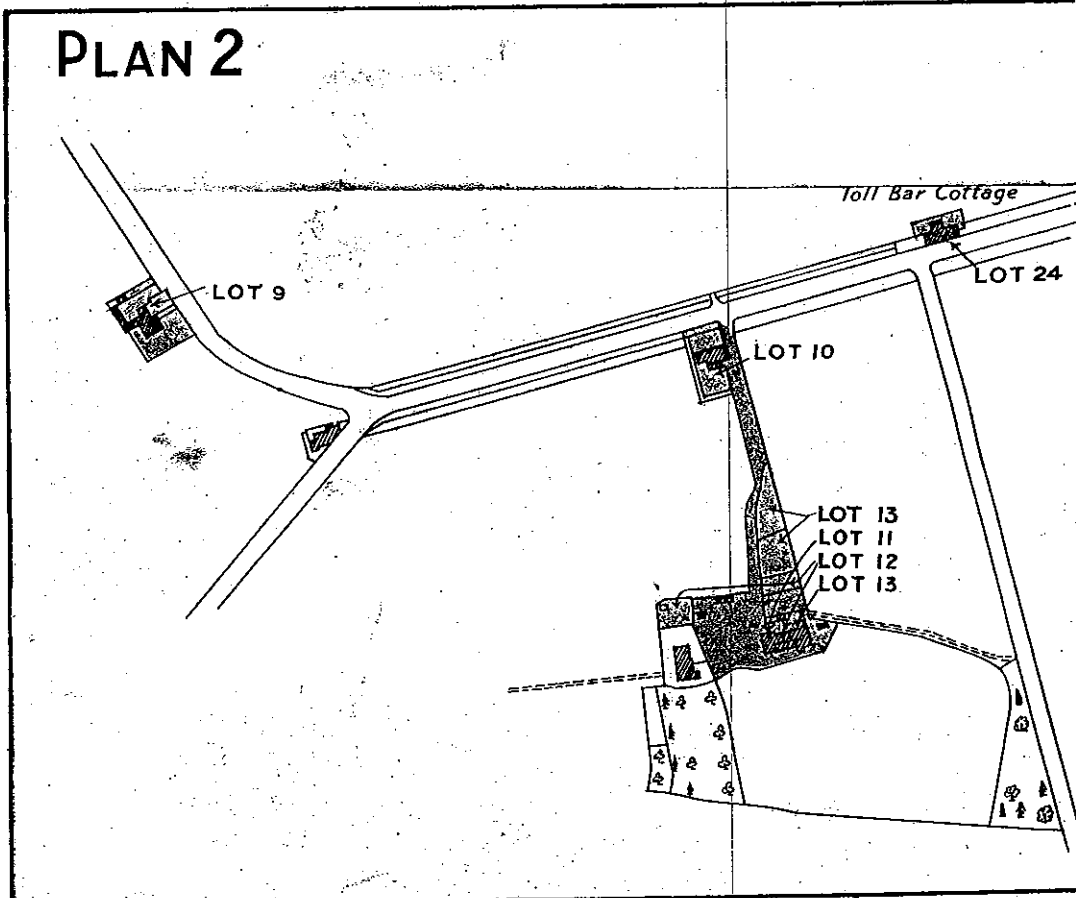
Signed N Mattinson..... Date 20.6.07.....

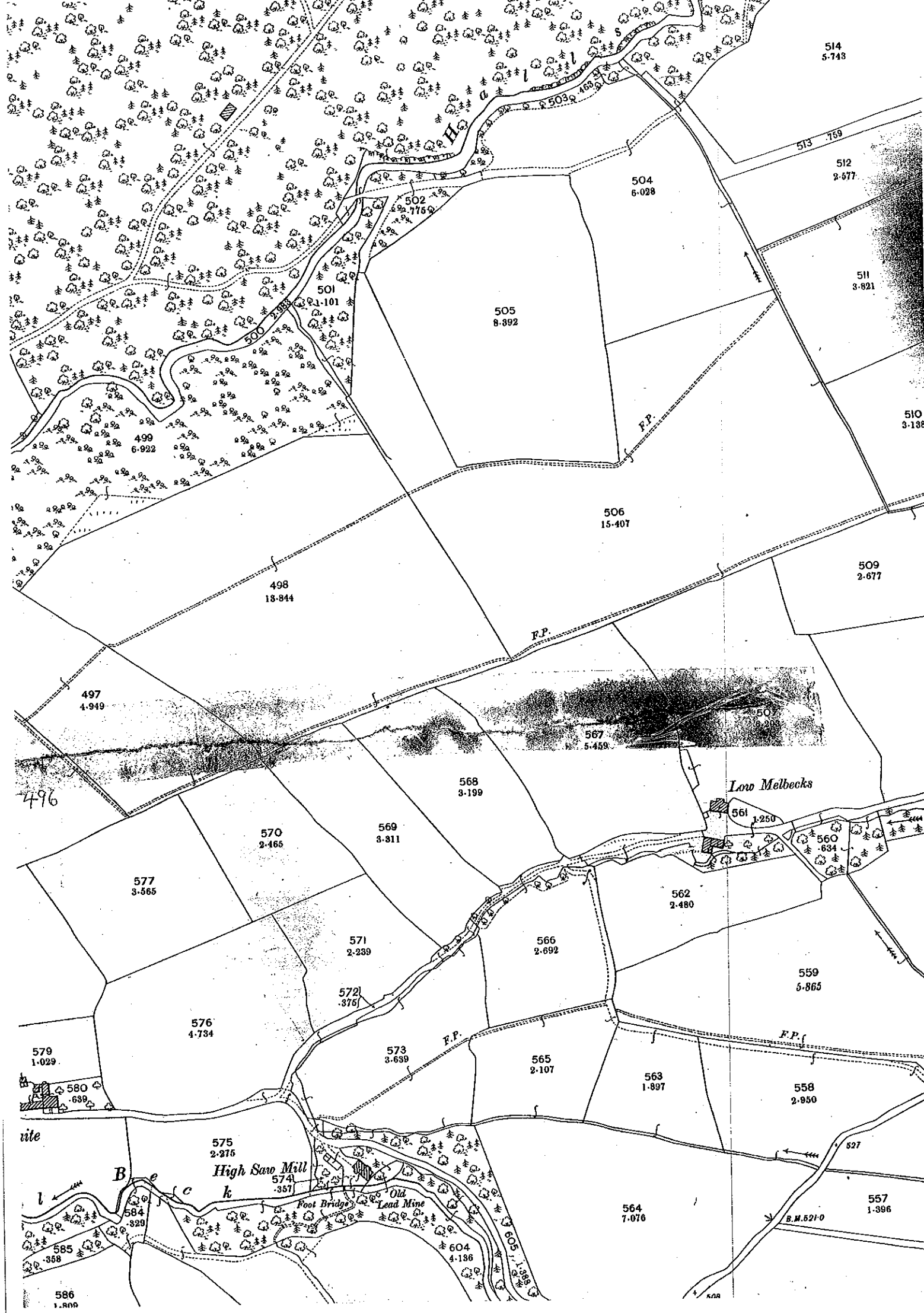
NOTES FOR GUIDANCE

This certificate should only be completed when notice of the application has been served on all owners and occupiers affected by the proposal. A list of the names and addresses of all individuals notified should be provided below. Please indicate if you have been unable to identify all owners and occupiers affected by the proposal.

Notice of Application Sent To:

	Name	Address
1.	<u>T TRAFFORD</u>	<u>PETER HOUSE FARM BASSENTHWAITE</u>
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____







439
6.219

593
4.235

592
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491
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594
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590
3.463

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1.029

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.639

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573
3.639

568
3.199

565
2.107

566
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493
1.736

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