



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



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

I/We, J.S. PIERKILLS ON BEHALF OF CUMBRIA TRF GROUP (insert your name)
Of PO Box 36, SETTLE, N. YORKS, BD24 0WZ (insert your address)

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) Upgrading/Downgrading the footpath/bridleway/byway open to all traffic\* which runs
From: SEE ACCOMPANYING SHEET, WHICH
To: LISTS THE BRIDLEWAYS FOR WHICH DMMOs ARE REQUESTED
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 JS Pierkills [Applicant(s)] Date 14/10/05
(ON BEHALF OF CUMBRIA TRF GROUP)

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.

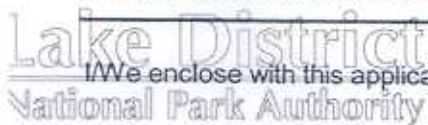
For statements by witnesses, a form is available from the National Park Authority which suggests the relevant questions to be addressed.

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

SEE ACCOMPANYING SHEET



Other Relevant Information



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).

DUE TO THE URGENCY OF SUBMITTING THESE CLAIMS, WE REQUEST THAT THE LDNPA WILL ACCEPT WITNESS STATEMENTS AND LANDOWNER NOTIFICATION AFTER IT HAS BEEN ABLE TO NOTIFY THE CLAIMANTS THAT IT IS ABLE TO ACCEPT THE CLAIMS, AND PROCESS THEM

JSP

(ON BEHALF OF CUMBRIA TRF GROUP)



**CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER**

Lake District  
National Park Authority



Lake District  
National Park Authority

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, JS PIGGILLS ON BEHALF OF CUMBRIA TRF GROUP (insert your name)  
Of PO BOX 36, SEATHRIP, NORTH YORKS (insert your address)  
BD24 0WZ

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 JS Piggills ON BEHALF OF CUMBRIA TRF GROUP Date 27/10/05

REGARDING BLW 585025 OS MAP 97 REF 520998 → 525994, KATERBARROW LANE  
APPLICATION TO UPGRADE TO BOAT MADE 12/10/05

Lake District  
National Park Authority



Lake District  
National Park Authority

**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 ATKINSON</u>	<u>MORRIS FARM, SELSIDE, KENDAL LA8 9JY</u>
2. <u>J.T. LANGLEY</u>	<u>LOW UNDERBARROW, BURNESIDE, KENDAL LA8 9AU</u>
3. <u>J DIXON</u>	<u>VALLEY VIEW, LONGSLEADALE, KENDAL LA8 9BD</u>
4. <u>MESSRS HOWSON</u>	<u>MEMORIAL CROFT, N. GATESIDE, SELSIDE, KENDAL LA8 9JX</u>
5. <u>MR GILLIES</u>	<u>BEETHAM BANK, SKELSMERGH, KENDAL LA8 9AX</u>
6. _____	_____

~~1422-361~~  
1422-585.01

Lake District  
National Park Authority

Rights of Way Officer  
Lake District National Park Authority  
Murley Moss  
Kendal  
LA9 7RL

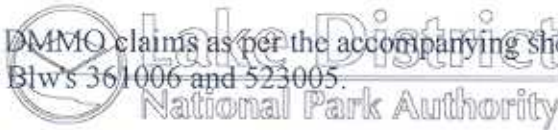


Cumbria TRF Group  
Po Box 36  
Settle  
BD24 0WZ

27.10.05

Dear Sir,

On October 14 we sent you DMMO claims as per the accompanying sheets. Please note the corrected map reference for Blws 361006 and 523005.



Due to the perceived extreme time pressure of the N.E.R.C. Bill we asked that you would provisionally accept them without landowner notification.

We have now completed that notification, your forms herewith.

We would be grateful of your confirmation of receipt of the claims, and your registration of them as soon as possible.

Yours faithfully,

J.S. Pighills (on behalf of the Cumbria TRF Group)



P.S. On October 14 we sent in error a full claim for Blw 585023, which is actually in the National Park, to Cumbria County Council. We have asked them to forward it to you.



# REFERENCE THIS CLAIM

## LDNPA DMMO claims along the route of the Old Shap Road

(ref 7) Blw 361006, Parish of Shap Rural  
(ref 6) Blw 523005, Parish of Fawcett Forest  
(ref 5) Blw 523003, Parish of Fawcett Forest  
(ref 4) Blw 585023 Parish of Whitwell & Selside

OS Sheet 90 ref 553 068 – 552 062  
OS Sheet 90 ref 552 062 – 550 055  
OS Sheet 90 ref 547 024 – 542 013  
OS Sheet 90 ref 532 002 – 541 010

### Evidence

This route is part of "that ancient highway, which was the old coach road over Shap" (page 3 Dept of Environment & Transport Letter to CCC ref N5049/166/4D of 24/11/1981)

Originally RUPPs, except for the anomaly of Blw 585023, the route was made Bridleway after review in the '80s primarily on the grounds of suitability and need.

Route appears on Jeffreys map of 1770, Thomas Dix map of 1820, Greenwood map of 1824, Hodgsons map of 1828, Ordnance Survey circa 1<sup>st</sup> edition 1850

## LDNPA DMMO claim for Kate Barrow Lane

(ref 1) Blw 585025, Parish of Whitwell & Selside OS Sheet 90 ref 520 000 – 527 993

### Evidence

Originally an RUPP, and still UCR5274/01, the route was made Bridleway after review in the '80s primarily on the grounds of suitability and need.

Route appears on Jeffreys map of 1770, Thomas Dix map of 1820, Greenwood map of 1824, Hodgsons map of 1828, Ordnance Survey circa 1<sup>st</sup> edition 1850

### Enclosures

Copies of abovementioned documents herewith.

Originals available from Kendal Records Office, except for T. Dix map, which is at Barrow Records Office.

J.S. Pighills, on behalf of Cumbria TRF Group, PO Box 36, Settle, BD24 0WZ

14<sup>th</sup> October 2005

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(ref 6) Blw 523005, Parish of Fawcett Forest  
(ref 5) Blw 523003, Parish of Fawcett Forest  
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J.S. Pighills, on behalf of Cumbria TRF Group, PO Box 36, Settle, BD24 0WZ

14<sup>th</sup> October 2005

(REF) BLW 585025

REPORT ON RESEARCH INTO RIGHTS OF WAY IN WHINFELL,  
WHITWELL AND SELSIDE AND FAWCETT FOREST

Lake District

Lanes 1 & 2

Katebarrow Lane and lane leading from it to Garnett Bridge



Lake Dist

National Park Au

Parish: Whitwell & Selside

These lanes appear on the OS 1<sup>st</sup> Edition 6" (Sheet 33) and 25" maps (Sheets 33.04 & 33.08) c.1860 (photocopies attached) unchanged from their present course, and again on the 1835 Corn Rent map on which the holding now known as Katebarrow is shown under the old name of Cat Barrow.

Inclosure Awards Whitewell and Selside 1823/29 (WOR/L24)

The area which includes these lanes is not included in the Inclosure Awards which cover the area of higher ground to the east of Murthwaite/Mosergh known as Whiteside Common, but the inclosure award documents refer to "*ancient enclosures ... known as Sprints Foot belonging to the Cat Barrow Estate*" which probably refers to the enclosures on either side of the two lanes, which appear much as they are now on the 1835 Corn Rent map.

The main lane (1) appears to be part of the long established drove road which led from the west coast via Ambleside, over Troutbeck and Kentmere to Sadgill and down Longsleddale, then via Selside and Grayrigg to join with a drove road running south from Scotland via Penrith (known as "Old Scotch Road") at Lambrigg park, north east of Kendal (ref: "Roads and Trackways of the Lake District", B P Hindle 1984), with the smaller lane (2) being the route linking the drove road to the settlement of Garnett Bridge, and I could not find anything to suggest its use had ever been discontinued.

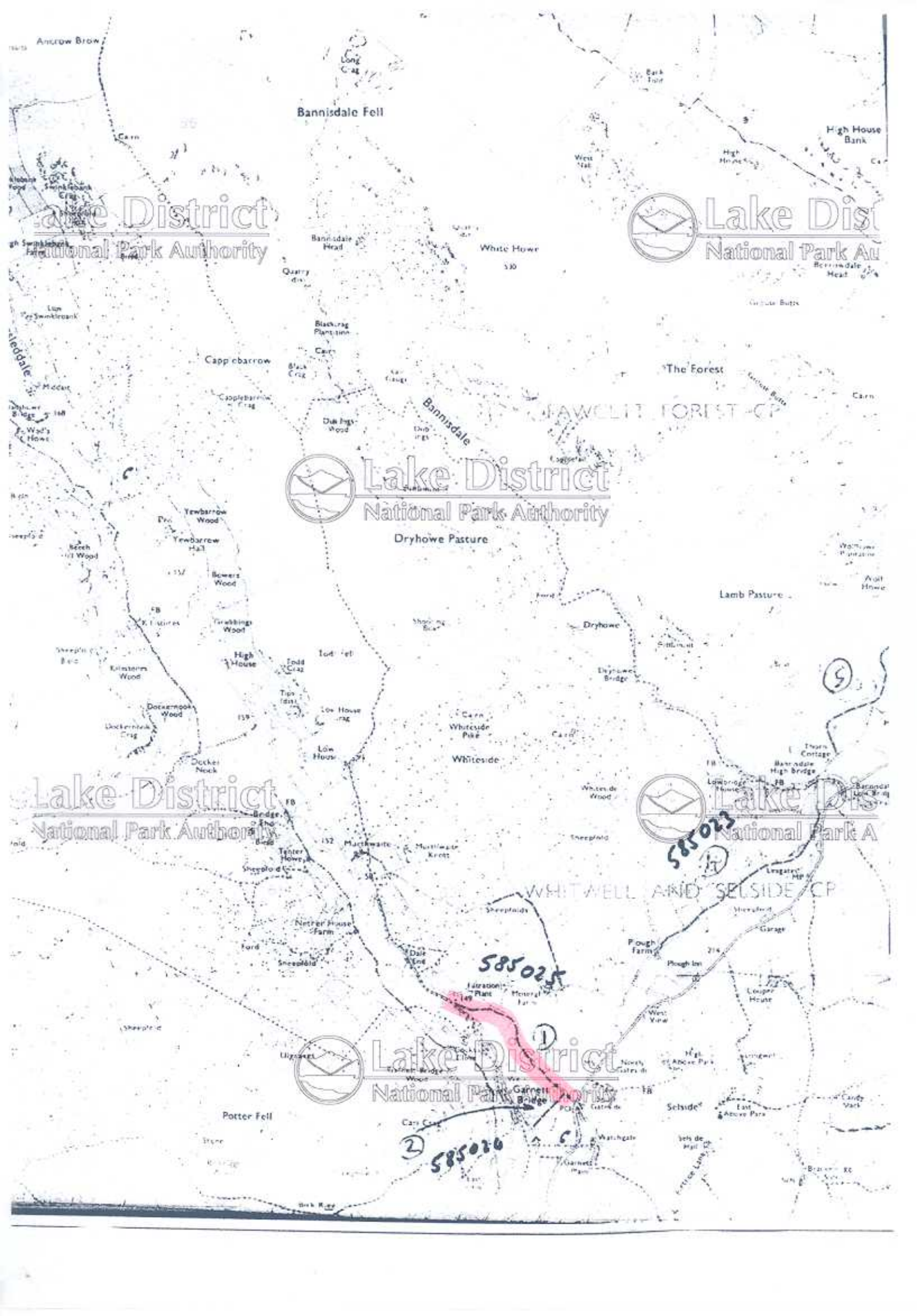
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WHITWELL AND SELSIDE CP

FAWELLT FOREST CP

Dryhowe Pasture

Lamb Pasture

Capp barrow

Bannisdale Fell

White How

West Hat

High House Bank

Andrew Brow

Long Crag

Bark Tait

Carn

Bannisdale Head

Quarry

Grassie Burn

Lip

Blackrag Plantation

West Hat

High House

Swinkbank

Carr

White How

The Forest

Swinkbank

Black Crag

Bannisdale

FAWELLT FOREST CP

Swinkbank

Black Crag

Bannisdale

Lake District  
National Park Authority

Dryhowe Pasture

Swinkbank

Yewbarrow Wood

Yewbarrow Hall

Bowers Wood

Grassing Wood

High House

Dorcas Wood

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