

ROSSES AND GUISES LANES,  
WICHENFORD: CONDITION AND  
STATUS REPORT

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## **Rosses and Guises Lanes, Wichenford: condition and status report**

### **Summary**

This report addresses issues surrounding the use of Rosses and Guises Lanes in Wichenford, Worcestershire. It starts by describing the present condition of the lanes, their likely legal status, and ecological and archaeological issues. It goes on to clarify the significance, condition and impact of use of the lanes, and to make a number of management recommendations.

### **Legal status**

A legal study was completed by Worcestershire County Council's Definitive Map Officer. The study aimed to establish the correct status (either public or private) of the lanes and involved consulting historical documents and papers held by the County Records Office, Modern Records Department, Public Rights of Way section and other records as appropriate. Over 14 documents are considered to be significant in determining the status of the two lanes. These include various historical maps, Ordnance Survey maps (historical), Wichenford Tithe map, Parish minutes, County Council lists and the Definitive Map and Statement for Worcestershire.

The study concluded that, individually, none of these documents provide significant evidence as to the status of Guises Lane and Rosses Lane, other than that they have both existed as topographical features for over three hundred years. Nevertheless, collectively these same historical documents provide cogent evidence to indicate that the two lanes formed part of the local highway network and that public vehicular rights are very likely to subsist along them.

The study also concluded that this evidence is sufficiently compelling that Definitive Map Modification Orders be made (under the terms of the Section 53 of the Wildlife & Countryside Act 1981) to add both lanes to the Definitive Map and Statement as, Byways Open to All Traffic. The 1981 Act defines a byway as, 'a highway over which the public have a right of way for vehicular and all kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used'.

### **Ecological issues**

Countryside Consultants Ltd were commissioned to provide a detailed analysis of both lanes ecological values and the likely impacts of different types of access on this value.

This was achieved by the completion of an ecological survey, which adopted the national standard for the survey of vascular plants to identify and characterize the principal wildlife habitats. These habitats included several types of semi-natural oak/ash woodland, ancient hedgerows, ponds and veteran trees.

These habitats were evaluated against a range of scientific criteria used to provide an objective overview of the value of wildlife sites. This revealed that both lanes contain features of national and local importance, which collectively form significant components of the local biodiversity network. Both lanes draw much of their ecological value from their history and lack of disturbance. This makes them irreplaceable, whilst their narrowness and vulnerability to small changes in surrounding land management or use makes them very fragile.

Given the irreplaceable and fragile nature of the lanes ecology, it was felt that a precautionary principle be adopted and that the use of the lanes by vehicles be prevented, except during a very limited period, dependent upon weather/ground conditions on Rosses Lane. Officers of the Council felt that it would be impracticable to sustain such a period of use, due to the remote location and the inability to effectively enforce such a condition, during such a limited period, especially due to this condition being so limited in respect of weather and ground conditions. Thus it was felt that vehicular use of both lanes should be prevented throughout the year.

Future management of the lanes needs to take account of the lanes ecological importance and include the creation of a management plan, to address key issues identified where practicable in the report.

### **Archaeological issues**

The Worcestershire Historic Environment and Archaeology Service were commissioned to investigate the archaeological and historical aspects of the lanes. The study involved consulting a wide range of archaeological, historical and cartographic evidence, and observations made in the field.

In summary, both Rosses Lane and Guises Lane can be seen as locally significant historic trackways. Rosses Lane is almost certainly the oldest surviving trackway in the locality, being of medieval or earlier origin. It contains a range of features representing its more recent history of use and maintenance, and has a limited potential to contain buried remains.

Guises Lane is probably of medieval or early modern origin, and contains much the same visible evidence for past maintenance and use, and has much the same potential for buried remains. On the basis of these assessments, the study recommended that both lanes should be added to the Worcestershire Historic Environment Record, and that they should be used and maintained in ways that reflect their archaeological status and significance.

The assessment of the impact upon the lanes of different types and frequencies of use concludes that low and moderate use by pedestrians, cyclists and horseriders will have a negligible or low impact on the archaeology of the lanes, providing that use is restricted to existing thoroughfares. The impact of vehicle use is more difficult to assess, as more variables are involved. However, it is concluded that vehicle use will have limited impact on archaeological features and deposits.

## 1. Background

### 1.1 Reasons for the report

Two unsurfaced unclassified “green lanes” called Rosses Lane and Guises Lane in the parish of Wichenford in mid Worcestershire have recently become the subject of disagreement between different users. The disagreement concerns the legal status of the lanes, and whether or not this allows its use by four-wheel drive/off road vehicles. It also concerns the condition of the lanes, and their ecological and archaeological significance. As the local authority with responsibility for the management of these lanes, Worcestershire County Council felt it was important to resolve this matter, and commissioned this report, and the research that underpins it, to address the issues in an informed, balanced and objective way.

### 1.2 Structure of the report

This report summarises information on the following aspects of the lanes:

- their present condition (a general description)
- their legal, ecological, and archaeological status (specialised descriptions and classifications)
- their legal, ecological, and archaeological significance (professional judgements, based on relevant criteria)

Separate reports on the legal, ecological and archaeological aspects of the lanes are available upon request.

On the basis of this information, the report proceeds along the following lines:

- to clarify the likely legal status of the two lanes
- to clarify the condition, significance and impact of the use of the lanes
- to make management recommendations aimed at reducing negative impacts and addressing necessary issues

### 1.3 Methods

This report summarises and builds on the results of separate studies of the legal, ecological and archaeological aspects of the lanes. Each of the studies applied appropriate methods of data collection and analysis. The legal study used a wide range of maps and documents, and referred to relevant legislation, while the ecological and archaeological studies both involved desk- and field-based elements. Full details of the sources, methods, and frames of reference used in these studies are contained in the reports referred to above. The information set out below combines the summaries and conclusions of these reports. The management recommendations are based on this information and on anticipated types and frequencies of use.

## 2. Condition

The purpose of this section is to describe the present condition of the lanes as objectively as possible. The description is based on current digital maps, and on

observations made during ecological and archaeological fieldwork, although these are separated from the interpretations summarised below and set out fully in the detailed reports.

## 2.1 **Rosses Lane**

In this report, Rosses Lane is taken to mean the unsurfaced lane running along the western boundary of the parish from a point near Larkins to the north-west of Kings Green (Ordnance Survey grid reference SO 7677 6088) to Rosses Green, around 400m to the north (Ordnance Survey grid reference SO 7687 6133).

Throughout its length, the lane is defined by hedgerows supplemented by post-and-wire fences. The distance between the hedgerows is about 9m at the southern end of the lane, 18m two-thirds of the way along, and 11m at the northern end (all approximate measurements, taken from Ordnance Survey maps). The hedgerows contain numerous mature trees with overlapping canopies. Ditches can be seen running inside the hedgerows in the central and northern sections of the lane. The area between the ditches is partially covered with trees, shrubs and grasses. In the southern section of the lane, two eroded footpaths follow roughly parallel routes through ground that is relatively clear of vegetation. In the northern section of the lane, the two footpaths merge into one. The narrowest gap between trees on either side of the single footpath is around 4m (measurement taken in the field).

## 2.2 **Guises Lane**

Guises Lane runs from a point 0.5km east of Kings Green (Ordnance Survey grid reference 7765 6088) to a point near the west end of the modern village of Wichenford (Ordnance Survey grid reference 7765 6068). The lane is about 1km long.

Like Rosses Lane, Guises Lane is defined by hedgerows and modern fences, and by ditches running inside these features. Here also, the hedgerows incorporate many mature trees with overlapping canopies. The distance between the hedgerows varies considerably from 7m to 29m in the western section up to a point below Ridgend Coppice, to between 10m and 2.8m in the eastern section (approximate measurements, all but the last taken from Ordnance Survey maps). The lane is unusually wide at its west end, where there is a verge on the south side containing a pond. It is also steeper at this point, rising by approximately 2m in 30m up to the modern road. The western section of the lane is almost covered by young trees, shrubs and grasses, which are especially dense near the west end. Along most of this section, a single eroded footpath passes through a relatively clear area up to 4.5m wide (approximate measurement taken in the field). The footpath becomes indistinct towards the east end of the western section, which is unusually open and grassy. The eastern section is much more overgrown, and except towards the far east end, no footpath can be traced. Around this point a linear pond lies on the south side of the lane, separated from it by a low bank.

## 3. **Status**

### 3.1 **Legal status**

#### 3.1.1 **Rosses Lane**

Rosses Lane is recorded in the County Councils 'Lists of Streets' (a register of highways maintained at public expense) as an unclassified road, U.C 64610. However inclusion in the list of Streets is only confirmation that the lane is

maintained at public expense and not confirmation of its public status, other than that a public pedestrian right exists along it.

A significant amount of research has taken place, using historical evidence including documents and papers held by the County Records Office, Modern Records department, Public Rights of Way Section, and also letters and correspondence from local residents. This evidence was examined, with a view to ascertaining the correct status (either public or private) of Rosses Lane and Guises Lane.

Over 14 documents are considered to be significant in determining the status of the two lanes. These are in summary, as follows:

Map of the Manor of the Bishop of Worcester dated 1729,  
Issac Taylor's map of Worcestershire dated 1772,  
Greenwoods map of Worcestershire dated 1822,  
Map of Rosses, Whittal and Rimmers Estate dated 1828,  
Wichenford Tithe map dated 1838,  
1910 Finance Act map,  
Ordnance Survey 1<sup>st</sup> Edition One inch to One mile map of 1831,  
Ordnance Survey County Series maps dated 1885, 1901 and 1927,  
Parish Minutes for Wichenford,  
County Councils List of Streets,  
District Council Handover Maps,  
Former Worcestershire County Council highway search documents,  
Definitive Map and Statement for Worcestershire.  
Statements and letters from local residents.

It is concluded that individually, none of these documents provide conclusive evidence as to the status of Rosses Lane and Guises Lane, other than that both lanes have existed as topographical features for over three hundred years. Nevertheless, collectively these same historical documents provide cogent evidence to indicate that the two lanes formed part of the local highway network and that public vehicular rights are very likely to subsist along them.

### 3.1.2 **Guises Lane**

Like Rosses Lane, noted above, Guises Lane is also included in the County Council's 'List of Streets' as an unclassified road, the U.C.64612, which again can only be taken as evidence of public pedestrian status. Nevertheless, after research of relevant historical documentary evidence (as detailed above), it has also been concluded from this evidence that public vehicular rights are very likely to subsist over Guises Lane.

It is further concluded that this evidence is sufficiently compelling that Definitive Map Modification Orders be made (under the terms of the Section 53 of the Wildlife & Countryside Act 1981) to add both lanes to the Definitive Map and Statement as, Byways Open to All Traffic. The 1981 Act defines a byway as, 'a highway over which the public have a right of way for vehicular and all kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used'.

## 3.2 Archaeological status

### 3.2.1 Rosses Lane

Rosses Lane currently has no official archaeological status as an archaeological monument. However, the research shows that it can be described as an archaeological monument on the basis of its historical associations, visible features, and potential to contain buried remains.

In summary, historic maps and documents suggest that the precursor of the present lane formed part of a trackway that ran from a point above the River Teme to a point on the Shrawley Brook. This trackway is likely to have existed before the parish boundary of Wichenford was established in the medieval period, and it may have existed before the Anglo-Saxon estate of *Wican* was defined in the 11<sup>th</sup> or 8<sup>th</sup> century. The lane incorporates visible features reflecting 19<sup>th</sup> or 20<sup>th</sup> century maintenance and use, principally ditches, laid hedgerows and pollarded trees. Deposits and features relating to earlier periods of maintenance and use might also survive beneath the surface.

### 3.2.2 Guises Lane

Like Rosses Lane, Guises Lane currently has no official archaeological status, but research has shown that it can be regarded as an archaeological monument for the same reasons as given above.

In summary, historic maps and documents suggest that some time before the early 18<sup>th</sup> century, and most probably during the medieval period, the precursor of the present lane formed part of trackway linking Kings Green to one of the main roads to Worcester. The visible features along Guises Lane are of a similar type and date to those along Rosses Lane, but include hedgebanks and two man-made ponds. Guises Lane also has a similar potential to contain buried remains of earlier arrangements.

## 3.3 Ecological status

### 3.3.1 Rosses Lane

Rosses lane is bounded in part on both sides by ancient character hedgerows with standard and veteran and pollarded trees. There were three main types of vegetation present; woodland, hedgerows and grass verges. The hedgerows present are indicative of ancient boundary features, although they are fragmented.

### 3.3.2 Guises Lane

The profile of Guises Lane changes markedly along its length. The lane has banked ancient hedgerows, with standard and veteran trees along much of its course, though this was fragmented in one section. It contains several ponds. The main types of vegetation present were woodland community, hedgerows, scrub and an open area dominated by a sedge community

## 4. Significance

### 4.1 Rosses Lane

Rosses Lane is an unsurfaced unclassified road where the extent of public rights is uncertain. However, historical research suggests that public vehicular rights subsist

over the lane (see above), and that it should be included in the definitive map and statement as a Byway Open to All Traffic.

In terms of its archaeological significance, Rosses Lane can be seen as a locally significant archaeological monument. It is almost certainly the oldest surviving trackway in the locality being of medieval or earlier origin. It contains a range of typical features representing its more recent history of use and maintenance, and has a limited potential to contain buried remains of earlier arrangements. As an archaeological monument, the lane is currently in reasonably good condition, and has a high amenity value. The implications of this assessment are that the lane should be added to the Worcestershire Historic Environment Record, and that, if possible, it should be used and maintained in ways that reflect its archaeological significance.

In terms of its ecological significance, the two principle features of Rosses Lane are; its semi-natural woodland and its ancient boundary hedges, with historically important pollards (veteran trees) and ancient woodland indicators such as small leaved lime. Both features are identified by the Worcestershire Biodiversity Action Plan (BAP), whilst ancient hedgerows are identified as a priority habitat by the United Kingdom BAP. This makes Rosses Lane of national significance for its hedgerow boundaries and local significance for its veteran trees and woodland. As an integrated component of the local biodiversity resource, Rosses Lane is recognised by Article 10 of the Habitats Directive of the EC. It is also likely to exceed the criteria required for designation as a Special Wildlife Site.

#### 4.2 **Guises Lane**

Guises Lane is another unsurfaced unclassified road where the extent of public rights is uncertain, although here again, historical research suggests that public vehicular rights subsist over the lane, and that it should be included in the definitive map and statement as a Byway Open to All Traffic.

Guises Lane is also a locally significant archaeological monument, being a trackway created in the medieval or early modern period. Although it is probably not as early as Rosses Lane, it contains a wider range of features representing its past maintenance and use. It has the same potential of buried remains of earlier arrangements. The implications of this assessment are the same as those outlined above for Rosses Lane.

In terms of its ecological significance, the two principle features of Guises Lane are; its semi-natural woodland and its ancient boundary hedges, with historically important pollards (veteran trees) and ancient woodland indicators such as small leaved lime and wild service tree. Both features are identified by the Worcestershire Biodiversity Action Plan (BAP), whilst ancient hedgerows are identified as a priority habitat by the United Kingdom BAP. This makes Guises Lane of national significance for its hedgerow boundaries and local significance for its veteran trees and woodland. The Lane is likely to exceed the criteria required for designation as a Special Wildlife Site.

### 5. **Likely impact of types of access**

#### **Archaeology**

The assessment of the impact upon the lanes of different types and frequencies of use concludes that low and moderate use by pedestrians, cyclists and horseriders will have a negligible or low impact on the archaeology of the lanes, providing that use is restricted to existing thoroughfares. The impact of vehicle use is more difficult

to assess, as more variables are involved. However, it is concluded that vehicle use will have limited impact on archaeological features and deposits.

### **Ecology**

The assessment of the impact upon the lanes of use by pedestrians, cyclist and horse riders at present levels is not considered to have a deleterious impact on the ecology of both lanes. It is felt that the use of vehicles on Guises lane in all its forms and at any time of year is likely to cause damage to the ecological features of the lane along approximately two thirds of the lane and is therefore highly likely to have a deleterious effect on the overall ecological value of the lane. It is felt that the use of vehicles on Rosses Lane carries a risk of damage whenever the ground is wet. The use of the lane should therefore be restricted to a limited period in the year, should this be practicable.

## **6. Management issues**

It is recognised that a brief management plan needs to be completed for both lanes, taking into account key issues raised in this report in relation to ecology, archaeological and other relevant issues. Thereafter agreed actions detailed in this plan will need to be implemented.

In respect of the recommendation detailed in the Ecological report completed by Countryside Consultants Ltd, regarding the maintenance of an 'accessible' period for vehicles on Rosses Lane. Officers of the Council felt that it would be impracticable to sustain such a period of use, due to the remote location and the very probable inability to effectively enforce such a condition, during such a limited period, especially due to this condition being so limiting in respect of weather, ground conditions, and the potential risk of damage to such a fragile and irreplaceable ecological resource. Thus it was felt that vehicular use of both lanes should be prevented throughout the year.

## **7. Management recommendations**

### **7.1 Rosses and Guises Lanes**

- 7.1.1 It is recommended that Definitive Map Modification Orders be made, to record the public rights in the definitive map and statement as detailed in this report.**
- 7.1.2. That the temporary Traffic Regulation Orders (TRO's) be maintained on both lanes, with a view to putting in place permanent TRO's preventing vehicular use, as soon as is practicable.**
- 7.1.3 That the Council investigate the creation of Tree Preservation Orders where appropriate as detailed in the Ecological report.**
- 7.1.4 That a brief management plan be completed for both lanes, taking into account key issues raised in this report in relation to ecology, archaeological and other relevant issues.**
- 7.1.5. That agreed actions as detailed in the management plan be taken forward.**