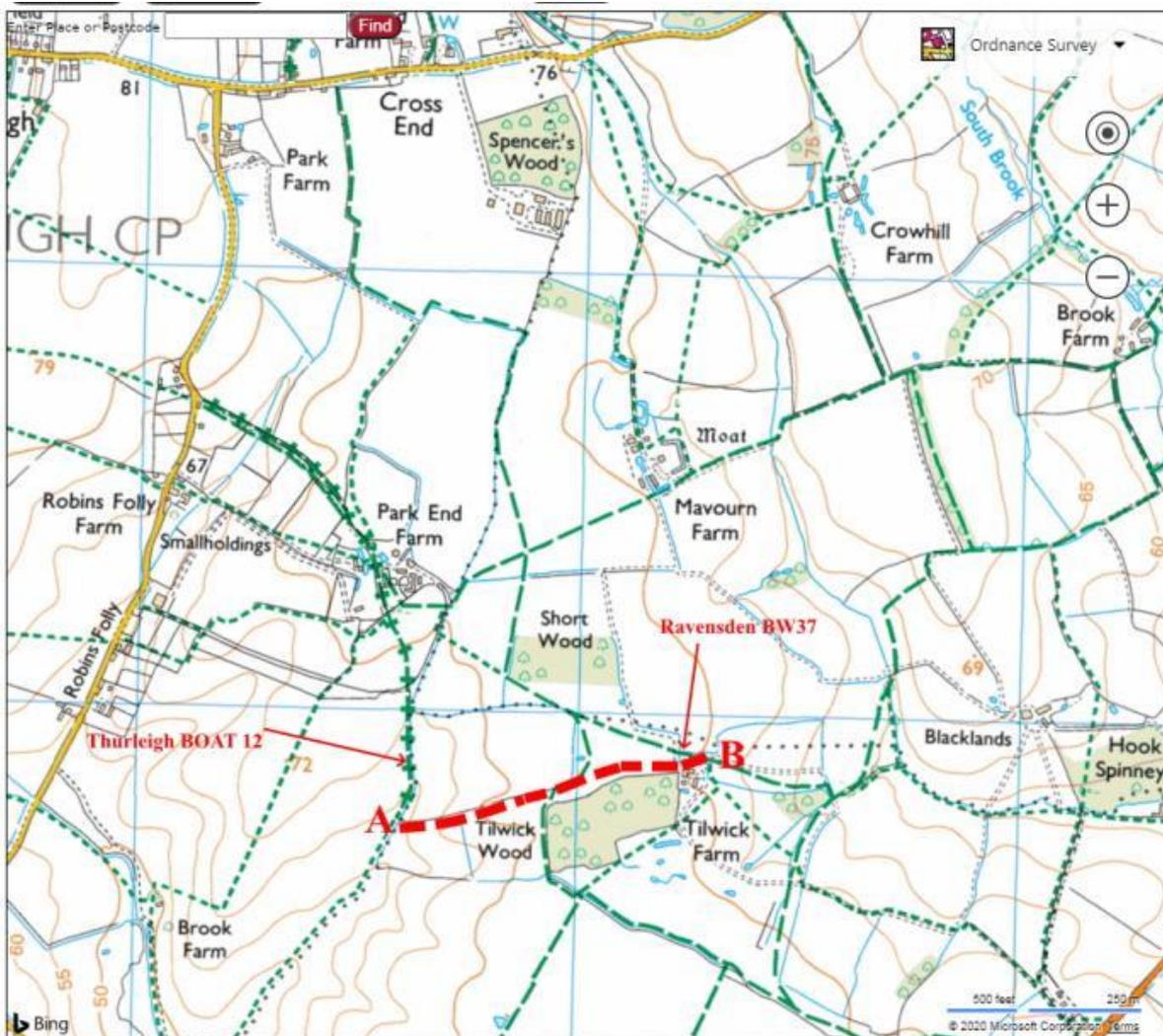


# Wildlife and Countryside Act 1981 Summary of Evidence

## Definitive Map Modification Order Application

Parish: Thurleigh and Ravensden Grid Reference: TL069568

**Map of Path:** Route applied for is shown in RED DASHES starting at the end of Thurleigh BOAT 12 going east to the north of Tilwick Farm and ends at Ravensden Bridleway 37 near Tilwick Farm. The route is not on OS Maps and is not on the online Definitive Map. The application is for a bridleway.



*Map produced from extract of Ordnance Survey 1:25,000 scale mapping. When printed on A4 paper, the scale will be not less than 1:25,000 and thus meets the requirement of regulation 2 and regulation 8(2) of The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993.*

**Applicants Path Reference: BED-0116**

### Description of Path:

Path starts at the end of Thurleigh BOAT 12 at approximate grid reference TL06595674 going east to the north of Tilwick Farm and ends at Ravensden Bridleway 37 near Tilwick Farm at approximate grid reference TL07255690. The route is not on OS Maps and is not on the online Definitive Map.

The applicant for the order is the British Horse Society (BHS) whose key objective is to support and progress Project 2026 in the region.

This application is made because, on the cut off day, 1st January 2026, the effect of

- s.53(1) and (2) Countryside and Rights of Way Act 2000 on a public path that existed prior to 1949, still exists on the cut-off date, and hasn't been a highway of a different description in between, and is not shown in the definitive map and statement at all is to extinguish all rights on that route. This applies if the route is determined to be a footpath or bridleway, OR
- s.53(3) and (4)(a) of the Countryside and Rights of Way Act 2000 on a bridleway or byway but shown as a footpath on a definitive map, is to extinguish all those bridleway or byway rights on that route. OR
- The effect of s.53(3) and (4)(c) Countryside and Rights of Way Act 2000 on a public highway that existed prior to 1949 is to extinguish the vehicular rights on a route shown in the definitive map and statement as a bridleway. OR
- The effect of s.54A Wildlife and Countryside Act 1981 (as inserted by Sch 5 para 4 of the Countryside and Rights of Way Act 2000) on a route that carries public mechanically-propelled-vehicular rights and is not already on the definitive map as a highway of any description, is to prevent it from being recorded. (This applies if the route is shown to be a highway other than a footpath, bridleway or restricted byway.)

I believe this application will pass the planned Preliminary Assessment Test required by para 2 Sch 13A Wildlife and Countryside Act 1981, when introduced, because:

a. This application statement includes explanations as to how the evidence applies to the application route, and

b. The application contains one or more of the following forms of supporting evidence:

- Legal document(s) relating specifically to the right of way that is the subject of the application (such as Railway Act, Inclosure Act and Award, Finance Act, Court Order or Main Roads Order evidence).
- Evidence of reputation in legal document(s), even though not written specifically about the right of way that is the subject of the application (such as Tithe Awards and Maps).
- Documentary evidence of expenditure that would be unlawful unless the way was a public highway, for example Highway Board records.
- Documentary evidence of reputation, for example an Ordnance Survey map, coupled with public scrutiny, or evidence of highway status in a landowner produced document.
- Maps and other documents which, over a period of time, and taken together, provide evidence of reputation that the order route is part of the public road network.

## **THE APPLICATION ROUTE**

The application route is shown on the photos below and starts at the end of Thurleigh BOAT 12 at approximate grid reference TL06595674 going east to the north of Tilwick Farm and ends at Ravensden Bridleway 37 near Tilwick Farm at approximate grid reference TL07255690. The route is not on OS Maps and is not on the online Definitive Map.



Extract from a Google Satellite image from 2009, showing the application route from A to B

### **DOCUMENTARY EVIDENCE OF HIGHWAY STATUS**

In order to be able to modify the definitive map and statement, the Surveying Authority needs to have a discovery of evidence which shows, on the balance of probabilities that highway rights exist. The use of the 'balance of probabilities' test rather than 'beyond reasonable doubt' was confirmed by the High Court in *Todd, Bradley v SOS for EFRA* [2004] 4 All ER 497.

The courts have given guidance on how evidence of highway status is to be considered. In *Fortune and Others v Wiltshire Council and Another* [2012] EWCA Civ 334, Lewison LJ said, at paragraph 22, *'In the nature of things where an inquiry goes back over many years (or, in the case of disputed highways, centuries) direct evidence will often be impossible to find. The fact finding tribunal must draw inferences from circumstantial evidence. The nature of the evidence that the fact finding tribunal may consider in deciding whether or not to draw an inference is almost limitless. As Pollock CB famously directed the jury in R v Exall (1866) 4 F & F 922:*

*"It has been said that circumstantial evidence is to be considered as a chain, and each piece of evidence as a link in the chain, but that is not so, for then, if any one link broke, the chain would fall. It is more like the case of a rope composed of several cords. One strand of the cord might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength."*

While no single piece of evidence is conclusive, the applicant believes that taken as a whole the pieces of evidence demonstrate highway reputation over many years, indicating that the route does indeed have highway status, and that prior to the Natural Environment and Rural Communities Act 2006, there were full vehicular rights.

### **Inclosure Records**

**Date.** Map MA47: A Plan of the parish of Thurleigh in the County of Bedford as divided & inclosed under an Act of Parliament passed in the year 1805 and the associated Award Book M.

**Relevance.** These records were compiled when a few landowners grouped together to combine and reallocate lands in order to improve methods of agriculture. This process ring fenced lands and reduced the common grazing areas. The landowners would apply to Parliament for an Inclosure Act to be passed, after which Commissioners were appointed to carry out their survey, prepare the map (s), set out the new road network and make the distribution/award and land ownership allocations. Because the process was authorised by Act of Parliament, and followed a statutory process including rights of complaint by the public, any road or other highway set out at inclosure is highly conclusive evidence of highway status.

**Archive.** The extracts below were taken from the Bedfordshire Record Office reference MA47, and the associated award book M and is signed and sealed by the commissioners.

**Meaning.** The first extract below is a section of the map MA47 showing the existing byway through Park End Farm where it ends to go east at A towards Wilden. That byway is labeled on the map as "No 8 Wilden Road" as circled. The second extract is from the Award book described road number 8 as:

"One other public carriage road and highway of the breadth of thirty feet leading from the South East End of Park End Lane over Park End Green and with the consent of the proprietor thereof through and over an ancient inclosure belonging to Robert Jefferies called Green End Close into and over Park End field and along the East Side thereof to a Lane in the parish of Ravensden being the public carriage road and highway from Park End in Thurleigh aforesaid towards Wilden"

The description of the road that continues from the existing byway into a lane in the parish of Ravensden that carries on towards Wilden is good evidence that the road continued on a lane from A towards B. Note that "Green End Close is marked on the Inclosure map in the first extract, as is the owner Robert Jefferies.

**Assessment.** Other through routes shown in a similar manner are now largely part of the ordinary highway network and along with the description in the Inclosure Award, the application route was a public carriage road in the direction of Wilden. Along with other evidence in this document, this supports the application route being considered a public highway.



Extract from Thurleigh Inclosure Map MA47 1805 showing the application route from A towards B with the label of the road "No 8 Wilden Road" circled

No 8 Public Carriage Road to Wilden  
 One other public Carriage Road and Highway of the breadth of thirty feet leading from the South East End of Park End Lane over Park End Green and with the consent of the proprietor thereof through and over ten ancient inclosures belonging to Robert Jefferies called Green End these into and over Park end field and along the East Side thereof to a Lane in the parish of Ravenston being the public Carriage Road and Highway from Park End in Thurleigh aforesaid towards Wilden And one other public Carriage Road and Highway of the breadth of forty feet branching out of Cross End Road at Bushy's Cottage

Extract from Thurleigh Inclosure Award Book M described Road No 8 Public carriage road to Wilden

## **Inland Revenue Valuation Records - Finance (1908-10) Act 1910**

**Date.** The Inland Valuation Records, produced in the few years after 1910, references are IR 126/2/24

**Relevance.** The Finance (1909–10) Act 1910 caused every property in England and Wales to be valued. The purpose was to charge a tax on any increase in value when the property was later sold or inherited. The valuation involved complicated calculations which are not relevant for highway purposes. However, two features do affect highways: public vehicular roads were usually excluded from adjoining landholdings and shown as ‘white roads’, and discounts could be requested for land crossed by footpaths or bridleways. This is known because s.35 of the 1910 Act provided,

*“No duty under this Part of this Act shall be charged in respect of any land or interest in land held by or on behalf of a rating authority.”*

It is noted that a highway authority was a rating authority. There was no obligation for a land owner to claim any of the other discounts available (applying for discounts was an entirely voluntary act), but Section 25 authorised the discount for footpaths and bridleways if they were claimed:

*“The total value of land means the gross value after deducting the amount by which the gross value would be diminished if the land were sold subject to any fixed charges and to any public rights of way or any public rights of user, and to any right of common and to any easements affecting the land, and ... [other exclusions.]”*

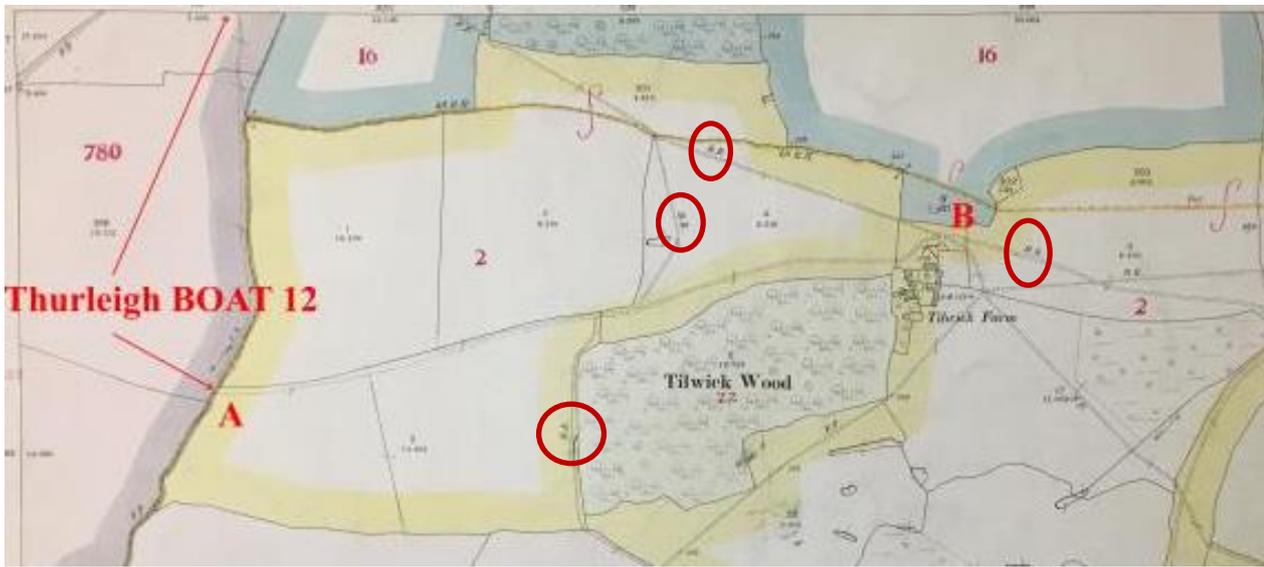
All land had to be valued unless it was exempted by the Act. There were harsh penalties for making false declarations, and Section 94 provided:

*“If any person for the purpose of obtaining any allowance, reduction, rebate, or repayment in respect of any duty under this Act, either for himself or for any other person, or in any return made with reference to any duty under this Act, knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding six months with hard labour.”*

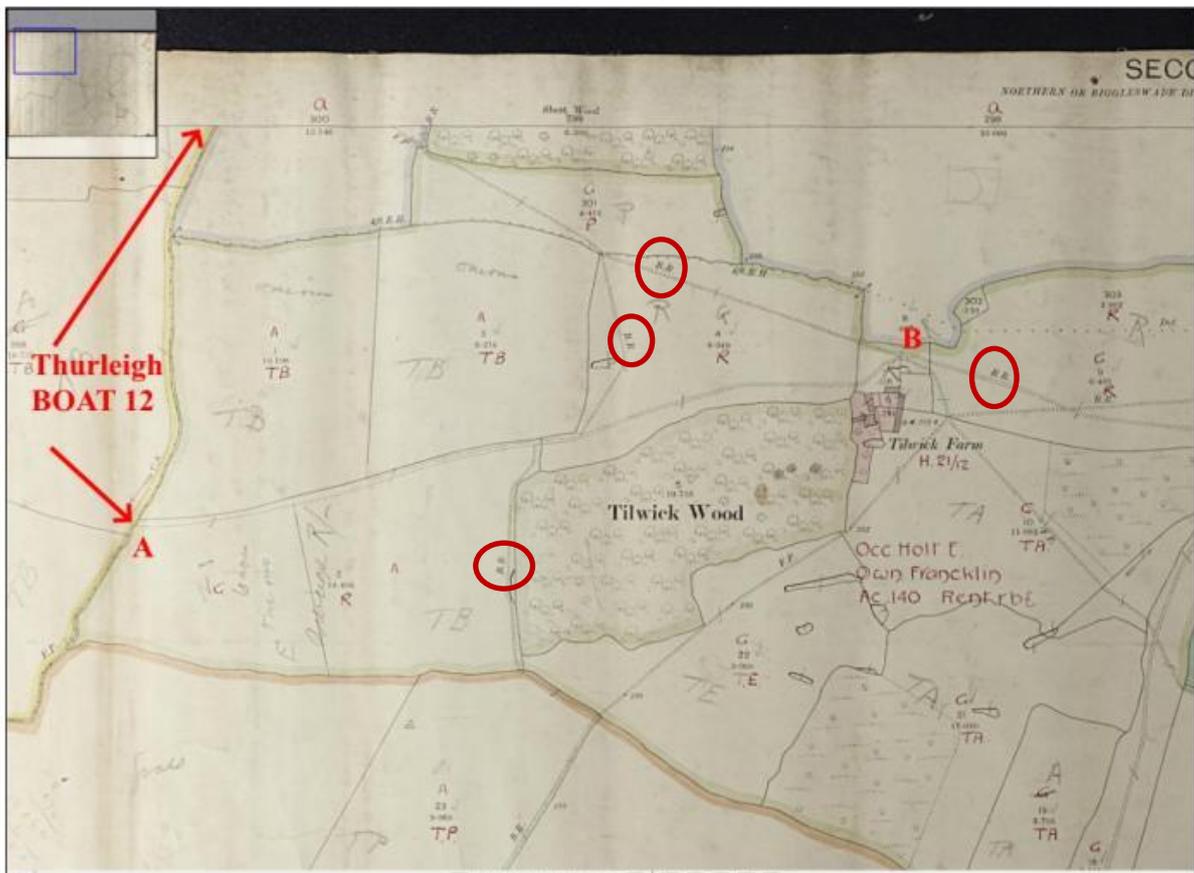
**Archive.** The extracts below are from the records that were passed from the IR Valuation Offices to The National Archives at Kew. The National Archives documents references are IR 126/2/74.

**Meaning.** The first extract below from the 1910 survey shows the application route in the same style as the existing bridleways in the area, circled BR. To the north of Tilwick Farm, the BR crosses another BR and continues from B towards A where it joins the existing byway as marked on the map. The second extract from the 1926 map confirms the same as the 1910 map.

**Assessment.** The route appears to be shown in the same style as the existing bridleway it joins, albeit the application route section is not specifically labelled as a BR however there is a crossover of the BR track in the same style to the north of Tilwick Farm. The applicant has been unable to get a copy of the associated field book to confirm there was a deduction for this bridle road. However this evidence, along with other evidence in the application does give weight towards the route being considered a Bridle Road (BR) at this time.



Extracts from the 1910 Inland Revenue Valuation Map IR 126/2/74 with the application route shown from A to B likely as a bridle road BR in the same style as the existing bridle roads circled. Note the crossover of the paths to the north of Tilwick Farm



Extracts from the 1926 Inland Revenue Valuation Map IR 126/2/74 with the application route shown from A to B likely as a bridle road BR in the same style as the existing bridle roads circled. Note the crossover of the paths to the north of Tilwick Farm

## Evidence from Maps:

### Military Maps: Drawings Prepared by the Board of Ordnance 1780s-1840

**Date.** Drawing of Bedford for military purposes for the Board of Ordnance by William Hyett, 1815 in pen and ink on paper.

**Relevance.** War and the threat of war have always proved great incentives for map-making. The eighteenth and early-nineteenth centuries brought both. Facing the threat of invasion, the English government commissioned a military survey of the vulnerable south coast. The new maps were to be published – and at the detailed scale of one inch to the mile.

Responsibility for what became an historic venture fell to the Board of Ordnance, from which the Ordnance Survey takes its name. The Board had been established in Tudor times to manage the supply of stores and armaments for the army and maintain national defences. From its headquarters in the Tower of London, engineers and draftsmen set out to produce the military maps by a system of triangulation. Critical communication routes such as roads and rivers were to be shown clearly and accurately. Attention was paid to woods that could provide cover for ambush, and elaborate shading was used to depict the contours of terrain that might offer tactical advantage in battle.

Preliminary drawings were made at scales from six inches to the mile, for areas of particular military significance, down to two inches to the mile elsewhere. Back in the Drawing Room at the Tower of London, fair copies of the drawings were prepared at the reduced scale of one inch to the mile.

The British Library is very fortunate in possessing 351 of the original preliminary drawings made by the surveyors between the 1780s and 1840. They cover most of England south of a line between Liverpool and Hull. Being significantly larger in scale, the preliminary drawings show much more detail than the printed maps.

**Archive.** The extracts from this sheet below were obtained from the British Library website at [https://upload.wikimedia.org/wikipedia/commons/a/a7/Ordnance\\_Survey\\_Drawings\\_-\\_Bedford%2C\\_Bedfordshire\\_%28OSD\\_233%29.jpg](https://upload.wikimedia.org/wikipedia/commons/a/a7/Ordnance_Survey_Drawings_-_Bedford%2C_Bedfordshire_%28OSD_233%29.jpg)

**Meaning.** The application route is shown on the extract below from A to B as a road continuing in the same style from the existing byway at point A to Tilwick Farm where it joins the existing bridleway at B and continues south towards Wilden as described in the Inclosure Award.

**Assessment.** Other through routes shown in a similar manner are now largely part of the ordinary highway network and thus this is evidence in support of the route being a public highway.



*Extract from Drawing for Board of Ordnance showing the application route from A to B*

### **William Bryant Map of the County of Bedford (1799-1878)**

**Date.** Map of the County of Bedford by William Bryant 1826.

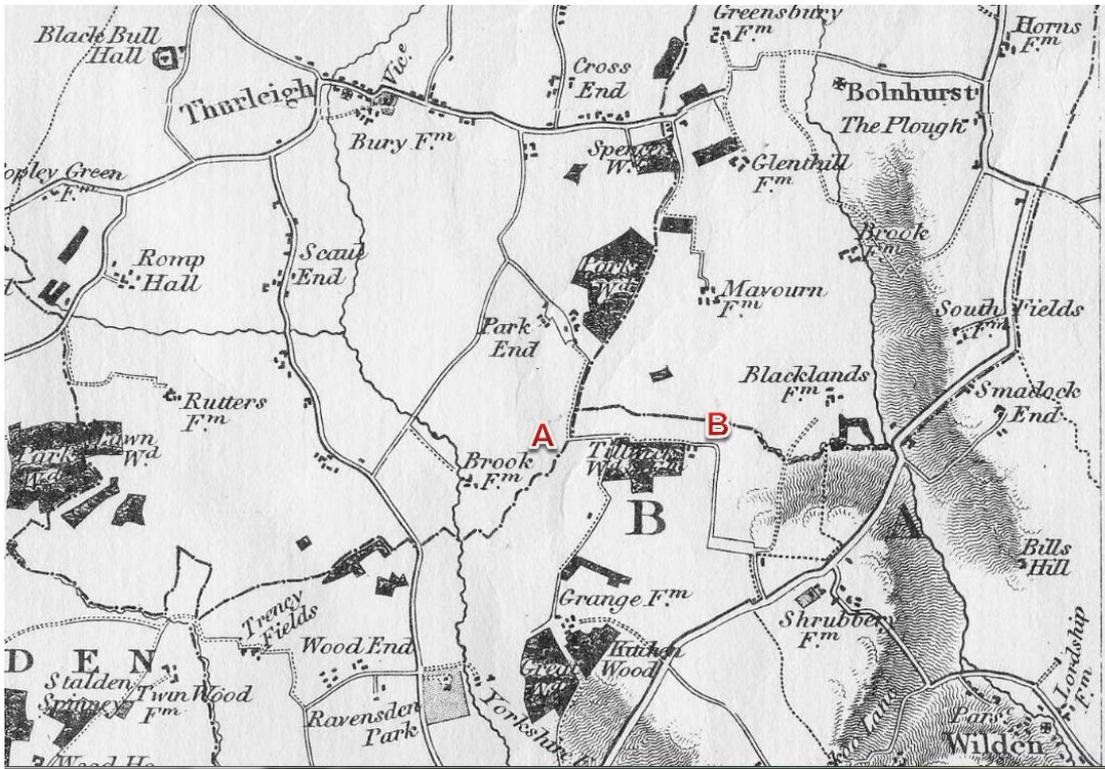
**Relevance.** Andrew Bryant, as he preferred to call himself, was one of the last land surveyors in private practice to endeavour to publish a series of large-scale maps of the English counties, in the face of increasing competition from the Ordnance Survey, the official mapping agency of the British government. It can be no surprise that Bryant failed in his grand scheme; as with many before him, and as with his rivals the Greenwoods, he simply did not have the resources, or the necessary income from his work, to continue the project to completion. That said, he managed to publish 13 maps in the series.

Nonetheless, his cartographic legacy is impressive. The engraving, printing, paper and colouring of the 13 large scale county plans are all of high quality, and yet they are appreciably scarcer than the Greenwood maps to which, where comparison is possible, they appear superior in detail and overall accuracy.

**Archive.** The extracts from this sheet below were obtained from the Bedfordshire Archives service reference X768/27

**Meaning.** The application route is shown on the first extract below from A to B as a road in the same style as the existing byway it leaves at A. The second extract shows the key to this style and is described as "Lanes and Bridle Ways"

**Assessment.** Other through routes shown in a similar manner are now largely part of the ordinary highway network and thus this is evidence in support of the route being a public highway.



Extract from the County map of Bedford by William Bryant 1826 showing the application route from A to B as a road in the same style as the existing byway it leaves from at A

Names of Hundreds	as FLITT
Market Towns	LUTON
Parishes	Turvey
Villages, Gentlemens Seats, Lanes, Heaths, Commons, Woods, Hills, Water, &c.	In Italics
Buildings	
Churches	
Parks	
Castles	
Nursery Grounds & Gardens	
Wind & Water Mills	
Rivers & Water	
Canals	
Heaths & Commons	
Woods	
Hills	
Turnpike & Mail Roads	
Good Crops on Driving Roads	
<u>Lanes &amp; Bridle Ways</u>	
Miles distant from London	24
Toll Bars	
Fox Covers	
County Boundary	
Hundred Boundary	
Parish Boundary	

Extract from the County map of Bedford by William Bryant 1826 showing the key where the application route is in the style of "Lanes and Bridle Ways" circled

## Weller Map of the County of Bedford (1819-1884)

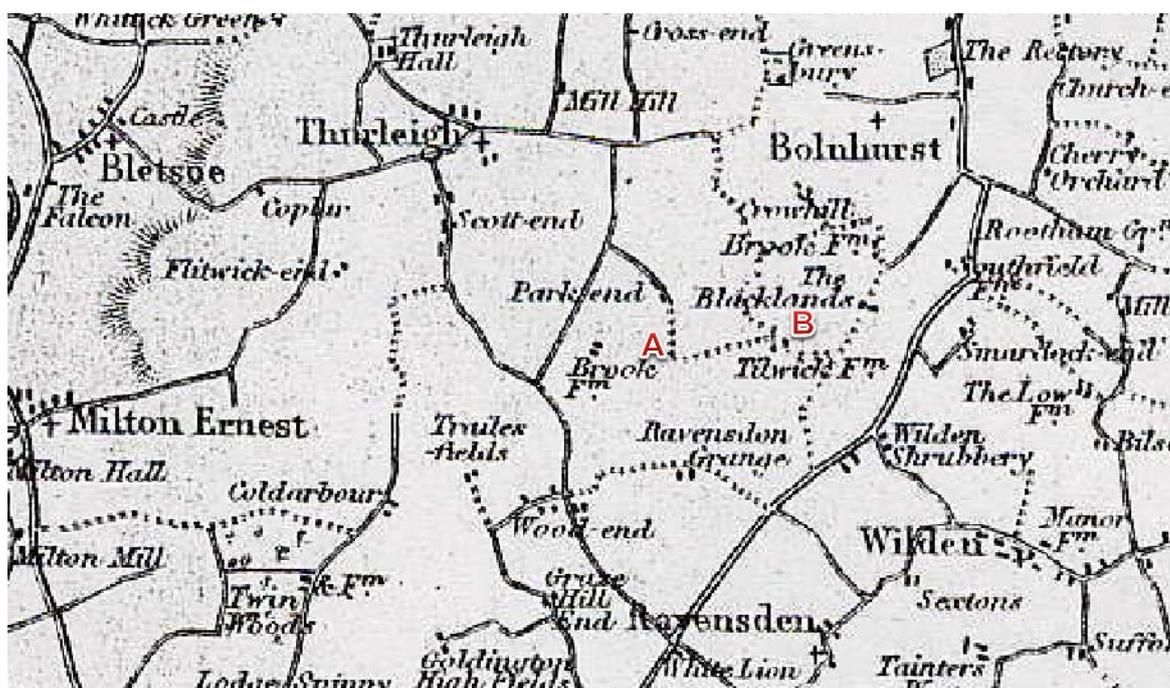
**Date.** Map of the County of Bedford by Weller 1866.

**Relevance.** Edward Weller (1819-1884) was a British engraver and cartographer who was one of the first to produce maps using lithography. He was a "London-based engraver, cartographer and publisher, working from offices in Red Lion Square and later, Bloomsbury", who produced detailed steel plate engraved maps. He is best known for his maps for Cassell's "Weekly Dispatch Atlas" (c1862), including the detailed street plans of London & suburbs, plus some English county maps. He was unofficial cartographer to the Royal Geographic Society.

**Archive.** The extracts from this sheet below were obtained from the Bedfordshire Archives Service reference MC2/63

**Meaning.** The application route is shown on the extract below from A to B as a road in the same style as the existing byway it leaves at A and the existing bridleway it joins at B.

**Assessment.** Other through routes shown in a similar manner are now largely part of the ordinary highway network and thus this is evidence in support of the route being a public highway.



*Extract from the County map of Bedford by Edward Weller 1866 showing the application route from A to B as a road in the same style as the existing byway it leaves from at A and existing bridleway it joins at B*

## OS First Edition Ordnance Survey Maps - One-inch England and Wales, 1784-1869

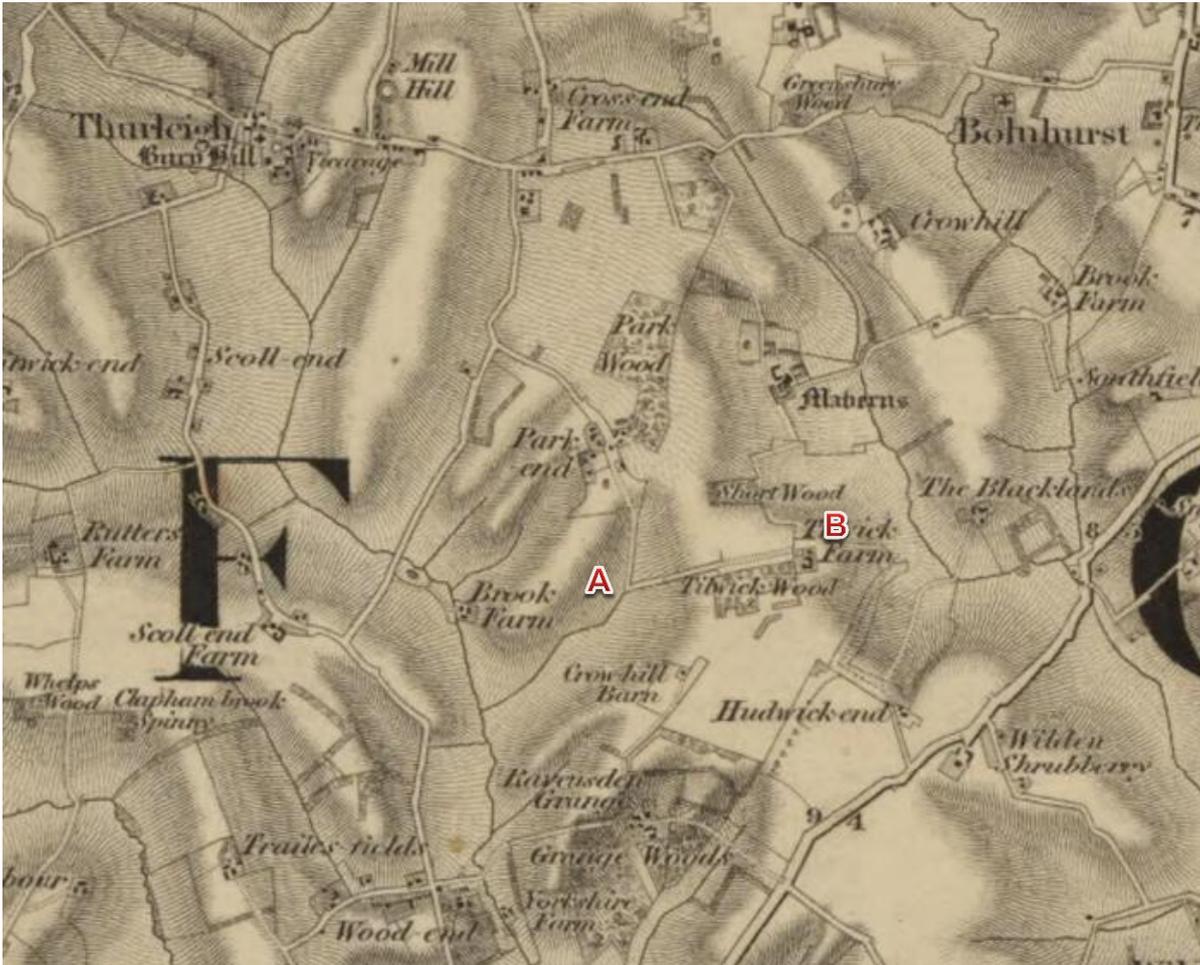
**Date.** First edition Ordnance survey maps of the topographic series of England and Wales, surveyed 1784-1869

**Relevance.** These maps were made for sale to the travelling public and thus would only generally show routes of some significance that were available to them. They purported to show physical features that appeared on the ground. They were published by Lt. Col Mudge and later by Lieu M Colonel Colby of the Royal Engineers. They were sold by Jas. Gardner, agent for the sale of Ordnance Survey maps.

**Archive.** The extracts from this sheet below were obtained from the National Library of Australia at OS First Series 1813 <https://nla.gov.au/nla.obj-231923201/view>

**Meaning.** The application route is shown on the extract below from A to B as a road continuing in the same style from the existing byway at point A to Tilwick Farm where it joins the existing bridleway at B and continues south towards Wilden as described in the Inclosure Award.

**Assessment.** Other through routes shown in a similar manner are now largely part of the ordinary highway network and thus this is evidence in support of the route being a public highway.



*Extract from OS First Edition Map showing the application route marked from A to B*

## **OS One Inch Ordnance Survey Maps - One-inch England and Wales**

**Date.** OS One Inch sheet 203 –Bedford (Outline) published in 1896.

**Relevance.** These maps were made for sale to the travelling public and thus would only generally show routes of some significance that were available to them. They purported to show physical features that appeared on the ground.

**Archive.** The extracts from this sheet below were obtained from the National Library of Scotland at <https://maps.nls.uk/view/101168267>

**Meaning.** The application route is shown on the extract below from A to B likely as a “third class metalled road” that was unfenced as indicated by the key in the second extract. The application route is shown in the same style as the existing byway it leaves at A and the existing bridleway it joins at B.

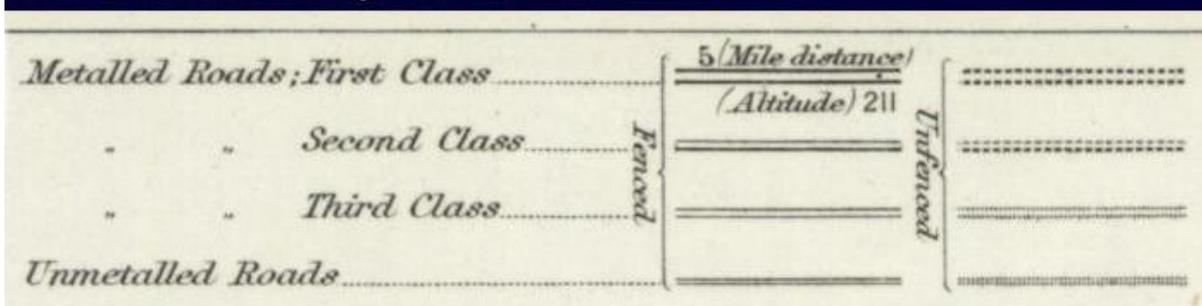
**Assessment.** Other through routes shown in a similar manner are now largely part of the ordinary highway network and thus this is evidence in support of the route being a public highway.

> Ordnance Survey > One-Inch, England and Wales, Revised New Series, 1892-1908



Extract from OS 1" Map showing the application route from A to B

home > OS One-Inch to the mile, England and Wales, Revised New Series



Extract from OS 1" Map showing the key to the roads

## Ordnance Survey Maps - 25 inch England and Wales

**Date.** OS County Series Bedfordshire VIII.13 published 1901.

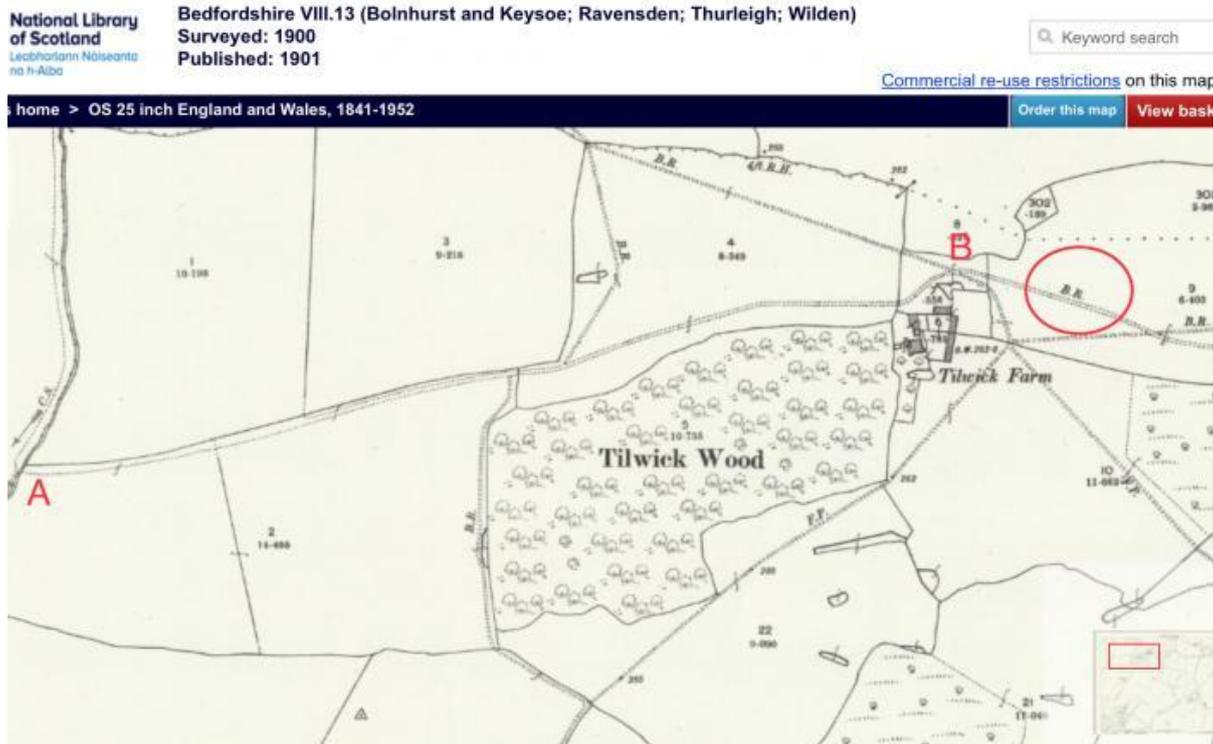
**Relevance.** The OS First and Second Edition County Series mapping was at 25 inch to the mile scale which would predominantly have been used for professional purposes rather than navigation. They were detailed enough to show gates and barriers on road and tracks.

**Archive.** The extract from this sheet below were obtained from the National Library of Scotland at <https://maps.nls.uk/view/114481650>

**Meaning.** The route is shown on the image below from A to B partly in the same style as the existing byway it leaves at A (note that the thicker line continuing south at A is the parish boundary marker) and partly in the same style as the existing bridleway it joins at B and is labeled as BR (circled). Note that to the north of Tilwick Farm, there is a crossover of two tracks, both labeled BR so although the application route is not specifically labeled it seems likely

that it was a continuation of one of the labeled BR routes on the map. The entire route has f handles, an indication that the route was considered part of the public highway network as shown on all other existing public rights of way on the map.

**Assessment.** Other through routes shown in a similar manner are now largely part of the ordinary highway network and thus combined with other evidence in this application this is evidence in support of the route being a public highway.



*Extract from OS 25" Map showing the application route marked from A to B and in the same style as the existing byway it leaves at A and existing bridleway it joins at B*

### **OS Six Inch Ordnance Survey Maps - Six-inch England and Wales**

**Date.** OS Six inch series Bedfordshire VIII.SW published 1902

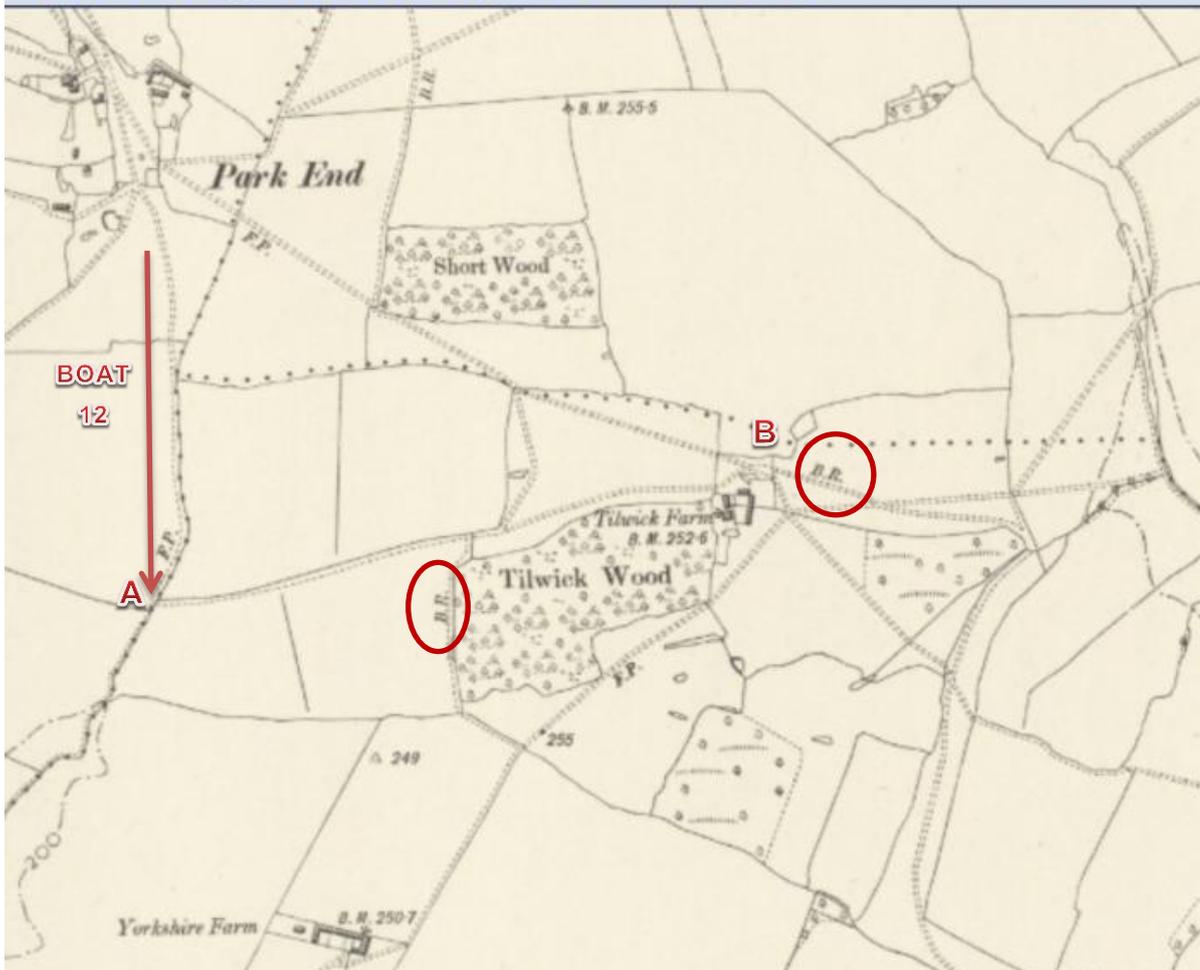
**Relevance.** The OS Six Inch Series were the most comprehensive, topographic mapping covering all of England and Wales from the 1840s to the 1950s. Two editions for all areas were published, and then regular updates in the 20th century for urban or rapidly changing areas.

**Archive.** The extracts from this sheet below were obtained from the National Library of Scotland at <https://maps.nls.uk/view/101567678>

**Meaning.** The route is shown on the image below from A to B partly in the same style as the existing byway it leaves at A (note that the thicker line continuing south at A is the parish boundary marker) and partly in the same style as the existing bridleway it joins at B and is labeled as BR (circled). Note that to the north of Tilwick Farm, there is a crossover of two tracks, both labeled BR so although the application route is not specifically labeled it seems likely that it was a continuation of one of the labeled BR routes on the map. Note that the existing byway to the north of A is incorrectly marked as a footpath FP on this map.

**Assessment.** Other through routes shown in a similar manner are now largely part of the ordinary highway network and thus combined with other evidence in this application this is evidence in support of the route being a public highway.

> Ordnance Survey > OS Six-inch England and Wales, 1842-1952



Extract from OS 6 inch Series Map showing the application route marked from A to B and in the same style as the existing byway it leaves at A and existing bridleway it joins at B

### Ordnance Survey, 1:25,000 maps of Great Britain

**Date.** OS 25k series TL05-B published circa 1956

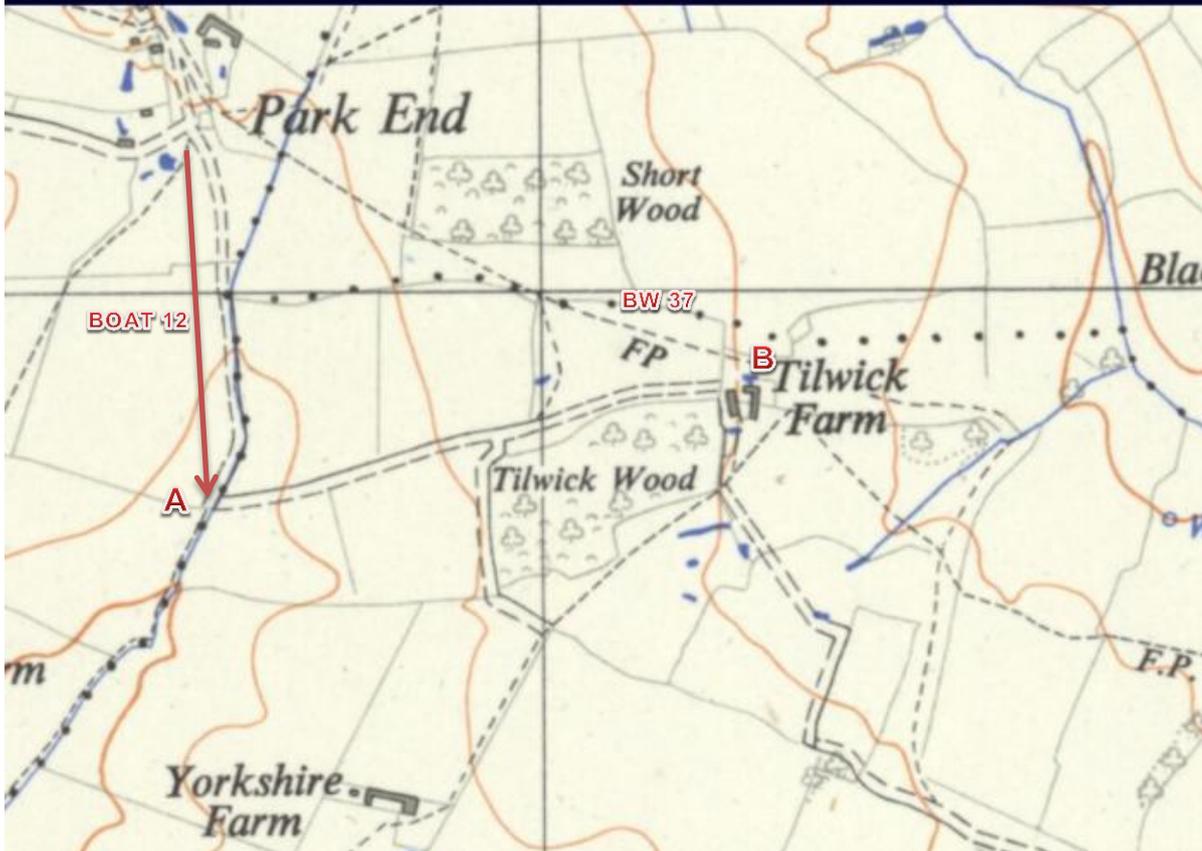
**Relevance.** The 1:25,000 'Provisional edition' or 'First Series', was Ordnance Survey's first civilian map series at this medium scale, the forerunner of the modern *Explorer* and *Outdoor Leisure* maps.

**Archive.** The extracts from this sheet below were obtained from the National Library of Scotland at <https://maps.nls.uk/view/94815774>

**Meaning.** The application route is shown on the extract below from A to B in the same style as the existing byway it leaves at A. Note that the existing bridleway that the application route joins at B is incorrectly marked on this map as a footpath FP.

**Assessment.** Other through routes shown in a similar manner are now largely part of the ordinary highway network and thus this is evidence in support of the route being a public highway.

Ordnance Survey > 1:25,000 maps of Great Britain, 1945-1969



*Extract from OS 25k Series Map showing the application route from A to B in the same style as the existing byway it leaves at A*

## **CONCLUSIONS**

This document presents evidence from many years that consistently indicate that the application route was part of the wider highway network. Whilst no single piece of evidence is conclusive in its own right, taken as a whole it paints a sound picture of the existence of public vehicular rights.

Employing the well-established legal maxim 'Once a highway always a highway', in the absence of a stopping up order, it follows that vehicular highway rights existed immediately before the operation of the Natural Environment and Rural Communities Act 2006.

The applicant requests the surveying authority to add the route to the definitive map as a Bridleway.

Date: 11 September 2021

Organisation: British Horse Society