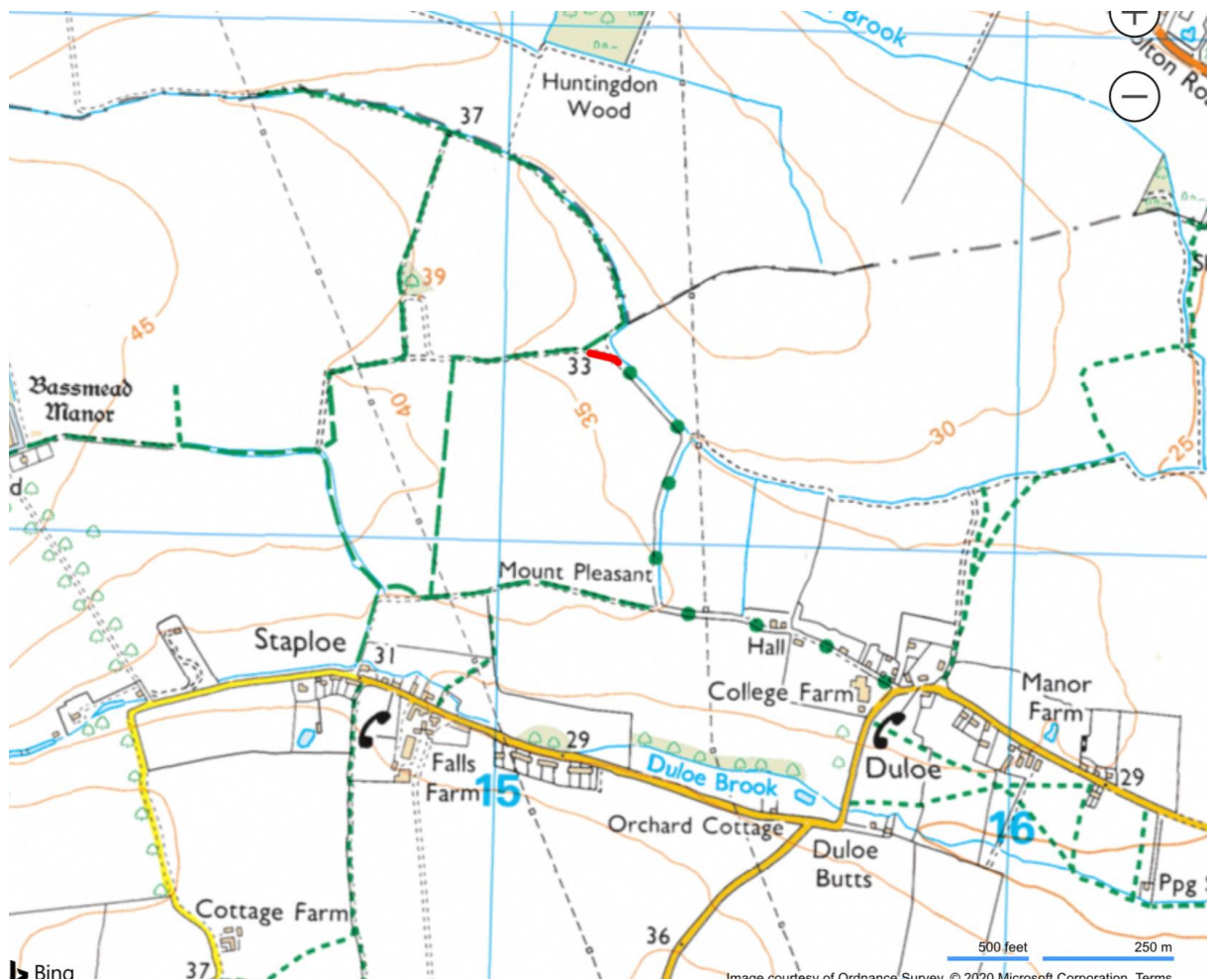


Wildlife and Countryside Act 1981 Summary of Evidence

Definitive Map Modification Order Application

Parish: Duloe **Grid Reference:** TL153609

Map of Path: Route applied for is shown on the RED route below between Bridleway 26 at approximate grid reference TL15166136 going south east about 50m and ends at the start of Woodhouse Lane, Duloe by the gate at approximate grid reference TL15256132. The route is shown as an ORPA on an unclassified road, is privately owned and is a small section from Woodhouse Lane to access the bridleways on OS Maps and is not on the online Bedford Borough Definitive Map.



Extract from Ordnance Survey 1:25000

Applicants Path Reference: BED-0130

Description of Path:

Path starts at Bridleway 26 at approximate grid reference TL15166136 going south east about 50m and ends at the start of Woodhouse Lane, Duloe by the gate at approximate grid reference TL15256132. The route is shown as an ORPA on an unclassified road, is privately owned and is a small

section from Woodhouse Lane to access the bridleways on OS Maps and is not on the online Bedford Borough Definitive Map.

██████████ I am the applicant for the order, for and on behalf of the British Horse Society (BHS). I am a volunteer of the BHS with a key objective 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.)

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:

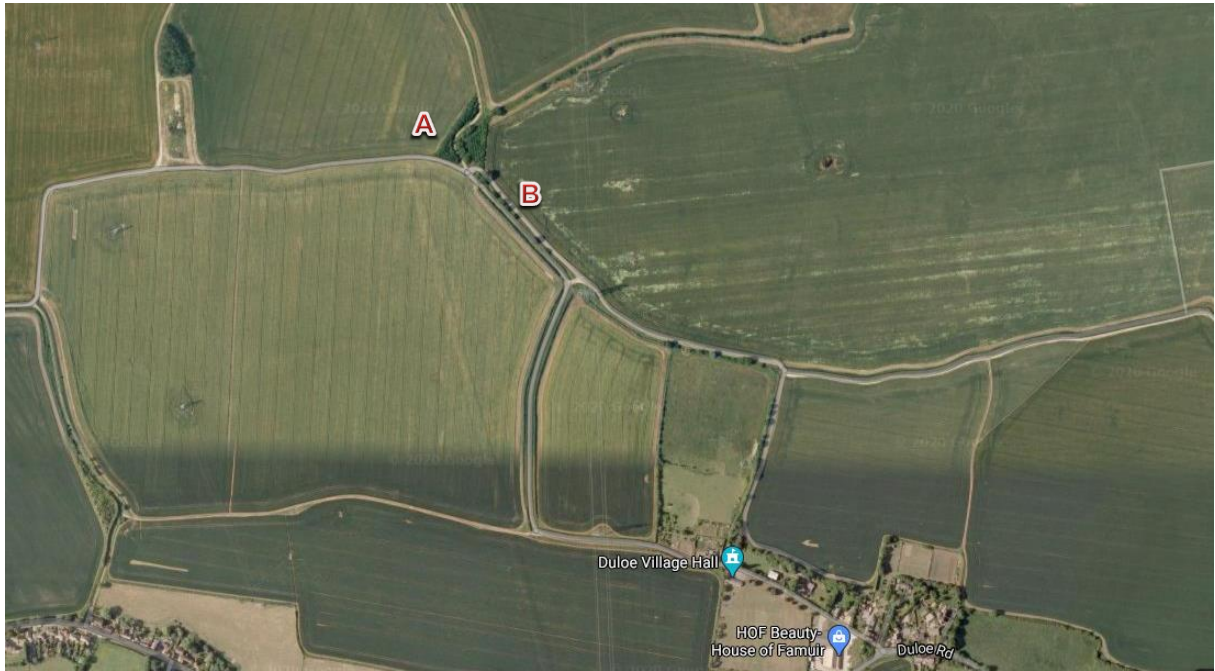
a. This application statement includes explanations as to how the evidence applies to the application route, and

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

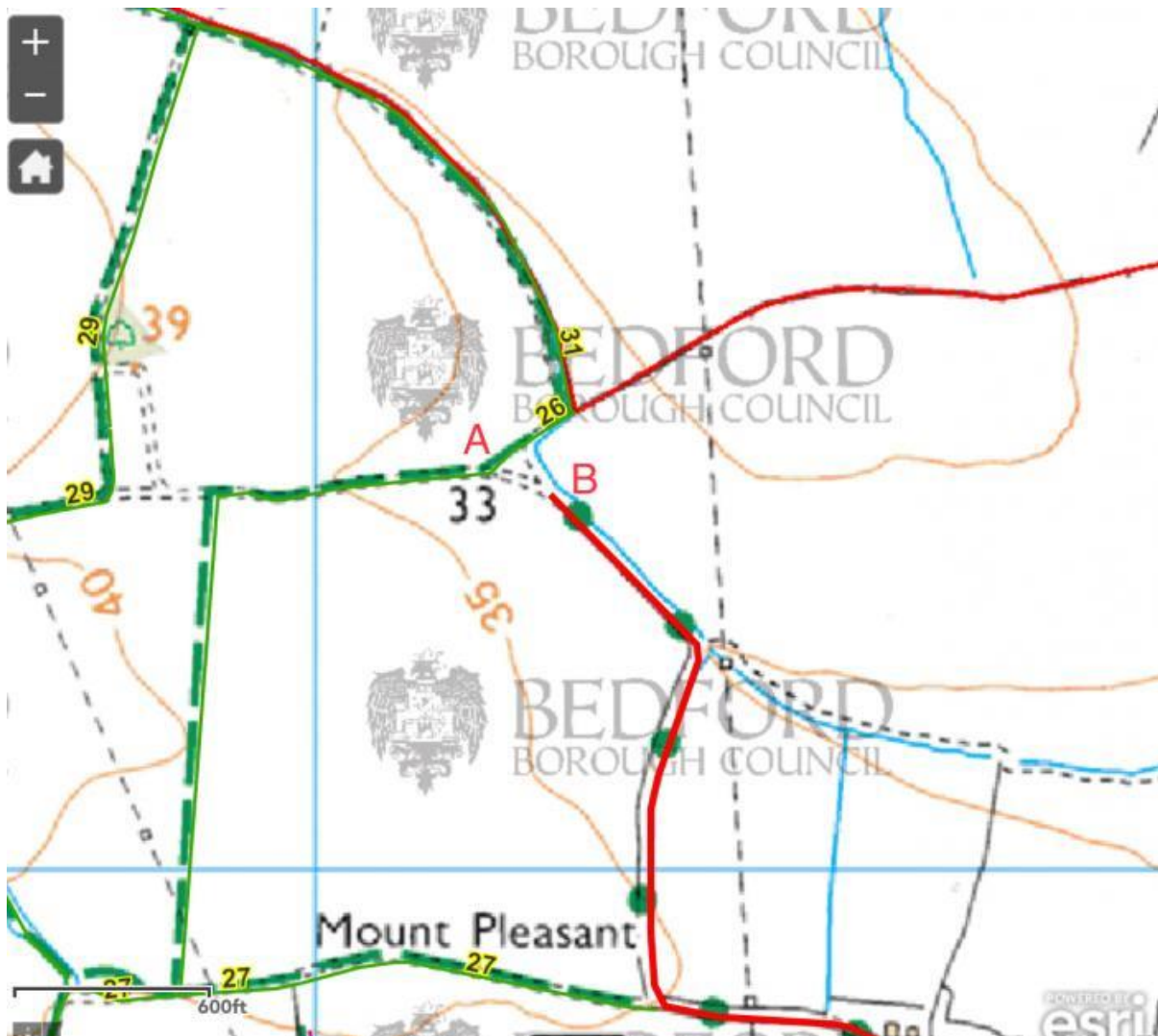
- Legal document(s) relating specifically to the right of way that is the subject of the application (such as Railway Act, Inclosure Act and Award, Finance Act, Court Order or Main Roads Order evidence).
- Evidence of reputation in legal document(s), even though not written specifically about the right 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 images below and starts at Bridleway 26 at approximate grid reference TL15166136 going south east about 50m and ends at the start of Woodhouse Lane, Duloe by the gate at approximate grid reference TL15256132. The route is shown as an ORPA on an unclassified road, is privately owned and is a small section from Woodhouse Lane to access the bridleways on OS Maps and is not on the online Bedford Borough Definitive Map.



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



Extract from a Bedford Borough online Definitive Map showing the section of privately owned land from A to B needed for users to cross to access the bridleway



Extract from a Google Streetview image from 2009, showing the application route close to B where the route becomes privately owned. The existing bridleway is circled on the photo in the distance and is point A on the map above

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. Eaton Socon inclosure records MA20/1 and MA20/2 1799 and associated award book F 1800-1804.

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 MA20/1 and MA20/2 for Eaton Socon and associated Award Book F for Southill, Eaton Socon, Dean, Wrestlingworth and Tilbrook.

Meaning. The first extract below is a section of the map MA20/1 showing the application route from A to B as a coloured road. The second extract is from the Award and describes the application route as part of a public road that leaves Duloe following the east and north east section of a field name "Duloe Stocking" and joining a lane called the Hail Weston Lane. The third extract is a section of the map from MA20/2 that shows both the route as a coloured road and the location of "Duloe Stocking", therefore the description of the application route as a public road in the Award can be verified as being the correct location using this second map.

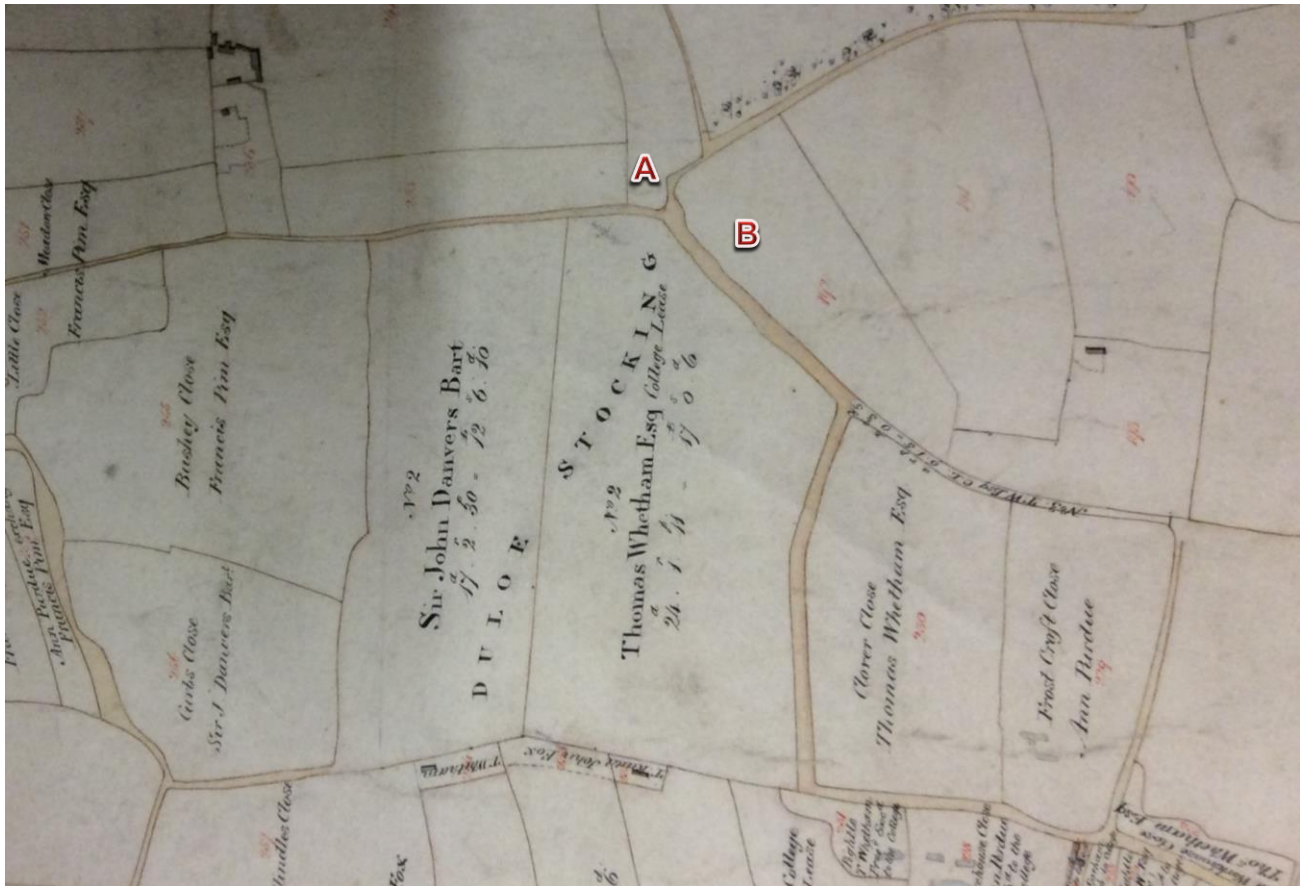
Assessment. The inclosure process was authorised by an Act of Parliament. Accordingly the Act and Award are strong evidence that this route was awarded public highway rights.



Extract from Eaton Socon Inclosure Map MA20/1 1799 showing the application route from A to B

The Duloe Road is herein distinguished and called by the Name of the Duloe Road One other public Highway or Road of the Breadth of forty feet leading out of the said Hamlet of Duloe at the South east Corner of a Field called Duloe stretching in a northerly Direction along the East and North east Sides of the said field to a Lane called Hail Weston Lane in Eaton Socon aforesaid which last described Road is herein distinguished and called by the Name of the Hail Weston Road

Extract from Eaton Socon Award Book F 1800-1804 describing the application route joining a lane known as Hail Weston Lane



Extract from Eaton Socon Inclosure Map MA20/2 1799 showing the application route alongside Duloe Stocking field from A to B

Evidence from Maps:

Manorial and Estate Maps

Date. Map of Bedfordshire by John Cary 1801.

Relevance. A new map of Bedfordshire divided into hundreds exhibiting its roads, rivers, parks by John Cary engraver, being a complete set of county maps, from actual surveys, corresponding in size with his general atlas.

First published in 1787/88, Cary's 'New English Atlas' was one of the most revolutionary county atlases ever printed. In his influence on the cartography of Great Britain Cary may be ranked with Saxton and with Ogilby. For the 1809 edition, an entirely new set of maps had to be engraved that emphasized detail, clarity and accuracy. The atlas consists of double-page engraved title and 46 double-page county maps, some multiple sheets, copperplate engraving hand-coloured, descriptive text pages, index and errata at end, printed contents slip pasted to front free endpaper. Maps dated 1801-1809 bound in light brown worn marbled paper-covered boards, quarter bound with medium brown leather, with title English Atlas on spine. Cary made this atlas much larger than his earlier and smaller English County Atlas of 1787 (see our 12501.000) and intended it to accompany his Universal Atlas of 1808 (see our 1657.000). There is a remarkable resemblance between the maps of this atlas

and those in Smith's New English Atlas. Cary's atlas was reprinted in 1807, 1809, 1811, 1818, 1823, 1828 and 1833, and by Cruchley and others in 1855, 1869, 1879, 1883, 1885 and probably a number of other dates.

Archive. The extracts from this sheet below were obtained from the Bodleian Library website at <https://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~311236~90080908>

Meaning. The application route is shown on the extract below from A to B as a road in a similar style to local existing highways.

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 Bedfordshire map by John Cary 1801 showing the application route from A to B

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 <http://www.bl.uk/onlinegallery/onlineex/ordsurvdraw/b/002osd000000023u00192000.html>

Meaning. The application route is shown on the extract below from A to B as a road in a similar style to local existing highways.

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

OS One Inch Ordnance Survey Maps - One-inch England and Wales, 1809 to 1913

Date. OS sheet 187 –Huntingdon (Hills) published in 1899.

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/101168153>

Meaning. The application route is shown on the extract below from A to B as a “third class metalled road” in a similar style to local existing highways.

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 1" Map showing the application route from A to B

<i>Metalled Roads; First Class</i>	Fenced	<i>5 (Mile distance)</i>	Unfenced
" " <i>Second Class</i>		<i>(Altitude) 2 1/2</i>	
" " <i>Third Class</i>			
<i>Unmetalled Roads</i>			

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

Ordnance Survey Maps - 25 inch England and Wales, 1841-1952

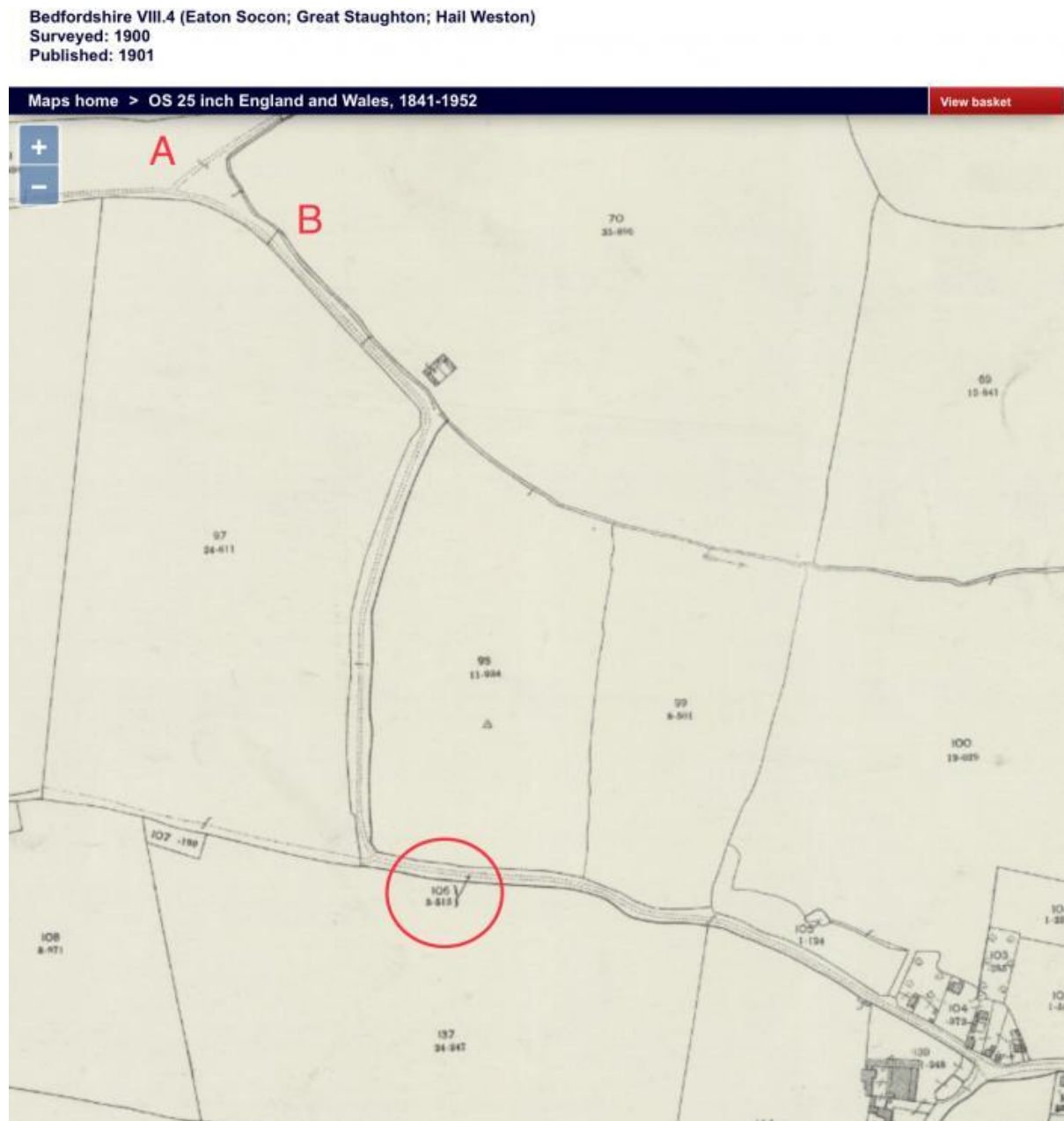
Date. OS County Series Bedfordshire VIII.4 published 1904

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/114481596>

Meaning. The route is shown on the image below from A to B as a road in similar style to neighbouring existing highways. The route is part of a road with separate title number 106 covering 3.513 acres. The separate title further supports the assertion that the route was considered a road at the time the map was published.

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 25" Map showing the application route marked from A to B with separate title number and area circled

OS Six Inch Ordnance Survey Maps - Six-inch England and Wales, 1888 to 1913

Date. OS Six inch series Bedfordshire VIII.NE published 1883

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/101567672>

Meaning. The route is shown on the image below from A to B as a road, similar in style to neighbouring existing roads.

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.

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Bedfordshire VIII.NE (includes: Eaton Socon; Great Staughton; Hail Weston.)
Surveyed: 1882
Published: 1883

OS Six-inch England and Wales, 1842-1952



Extract from OS 6 inch Series Map showing the application route from A to B

Ordnance Survey, 1:25,000 maps of Great Britain - 1937-1961

Date. OS 25k series 52/16-A published circa 1949

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.

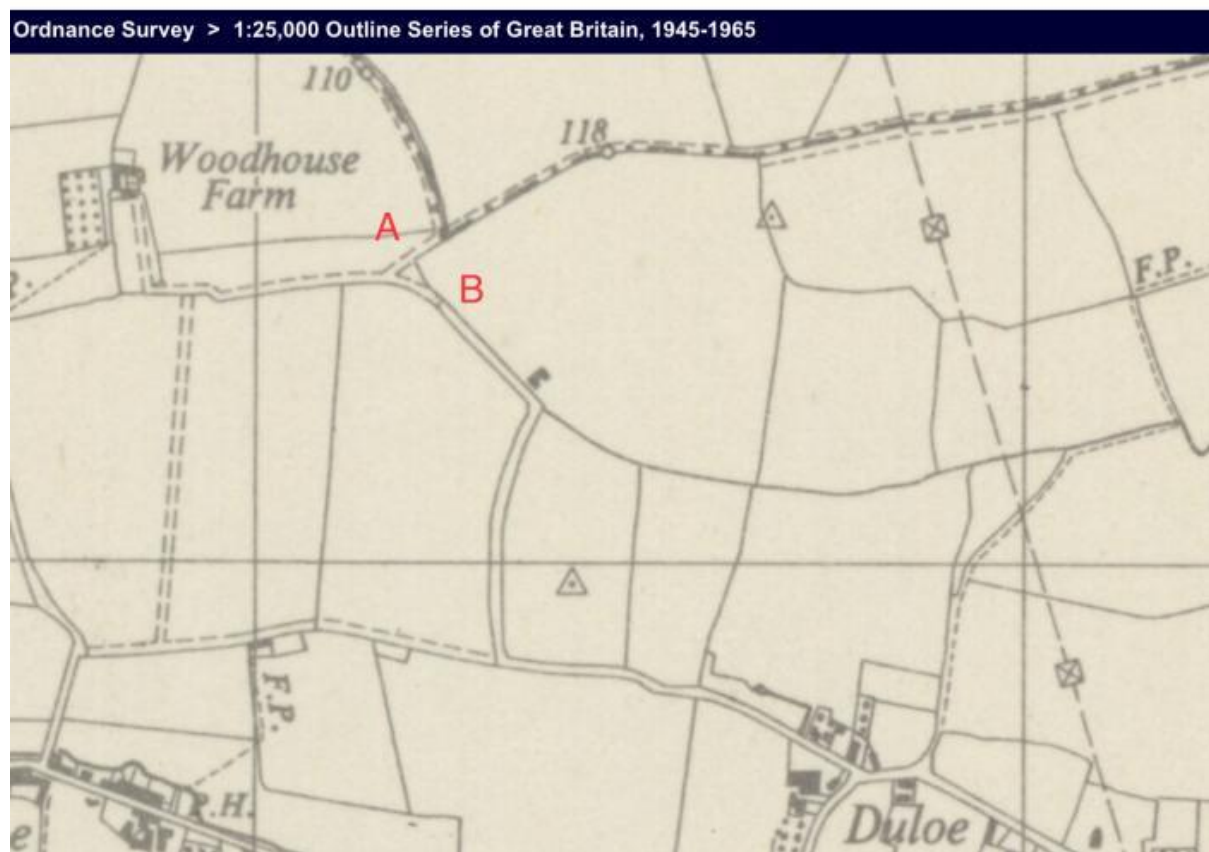
Archive. The extracts from this sheet below were obtained from the National Library of Scotland at <https://maps.nls.uk/view/207355716>

Meaning. The route is shown on the image below from A to D as a road in similar style to local existing highways.

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.

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52/16 - A (includes: Buckden; Diddington; Grafham; Great Staughton; Hail Weston; Little Paxton; Southoe and Midloe)



Extract from OS 25k Series Map showing the application route from A to B

Bartholomew's Half Inch to the Mile Maps of England and Wales, 1919-1924

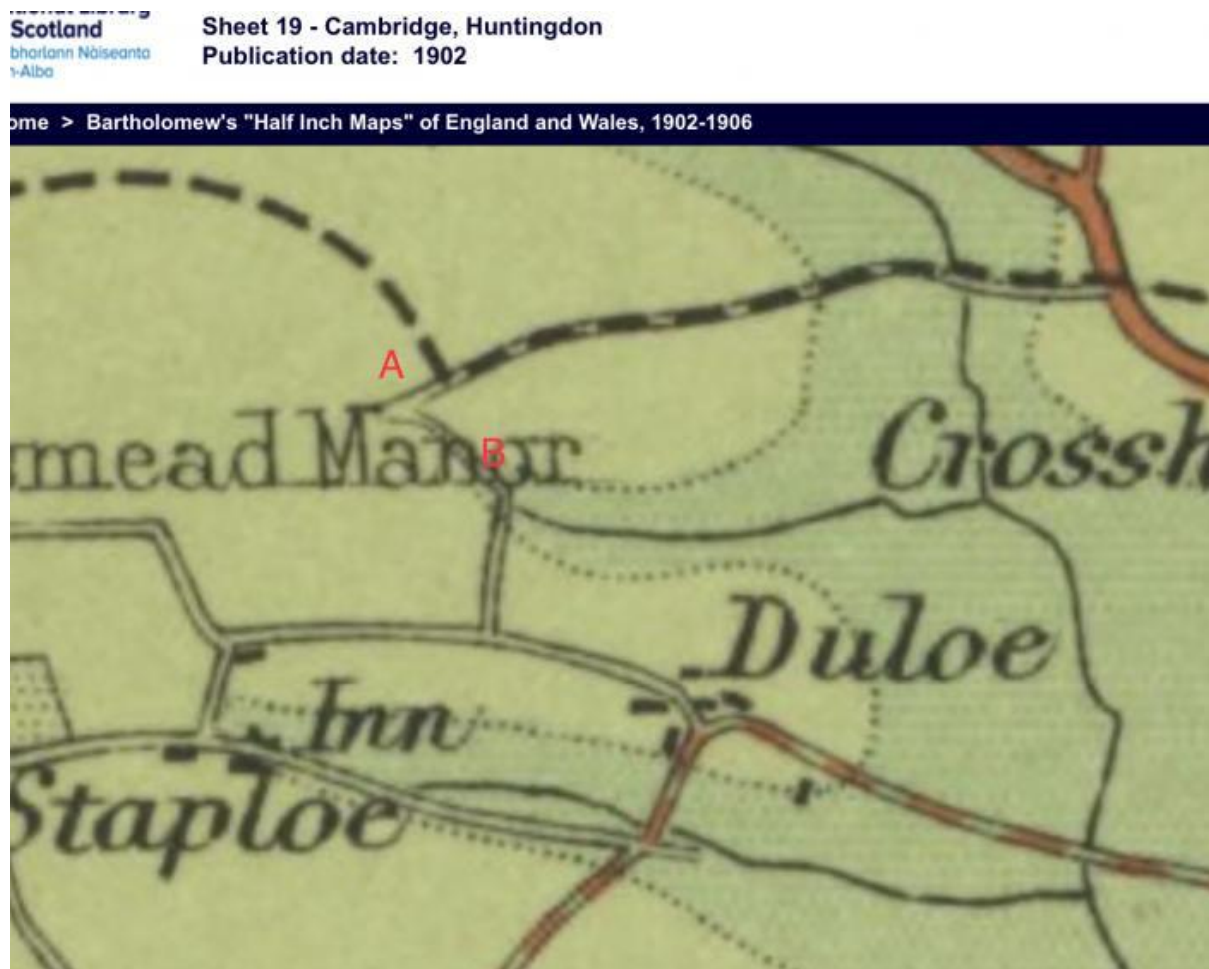
Date. Great Britain, Sheet 19 – Cambridge, Huntingdon published 1902

Relevance. The map was made for sale to the public, particularly for tourists and cyclists and so is unlikely to show routes that the public could not use. It has a key in which different types of route are distinguished. This enables us to draw inferences from how routes are shown.

Archive. The extracts from this sheet below were obtained from the National Library of Scotland at <https://maps.nls.uk/view/97131068>

Meaning. The route is shown on the image below from A to B as a road in similar style to local existing highways.

Assessment. Although the map carries the standard disclaimer that the representation of a road or footpath is no evidence of a right of way, it remains the case that this map was produced for sale to the travelling public. It seems likely that the disclaimer is to avoid the publishers from finding themselves in the midst of legal action. The application route is shown as a good secondary road. The depiction of the route in this manner is evidence in favour of the proposition that the application route was considered to have equestrian and probably vehicular rights.



Extract from Bartholomew's Map showing the application route from A to B

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 for the small section of privately owned land required to access the existing bridleway from A to B.

Date: 30 October 2020

Name: [REDACTED]

Position: Volunteer

Organisation: British Horse Society