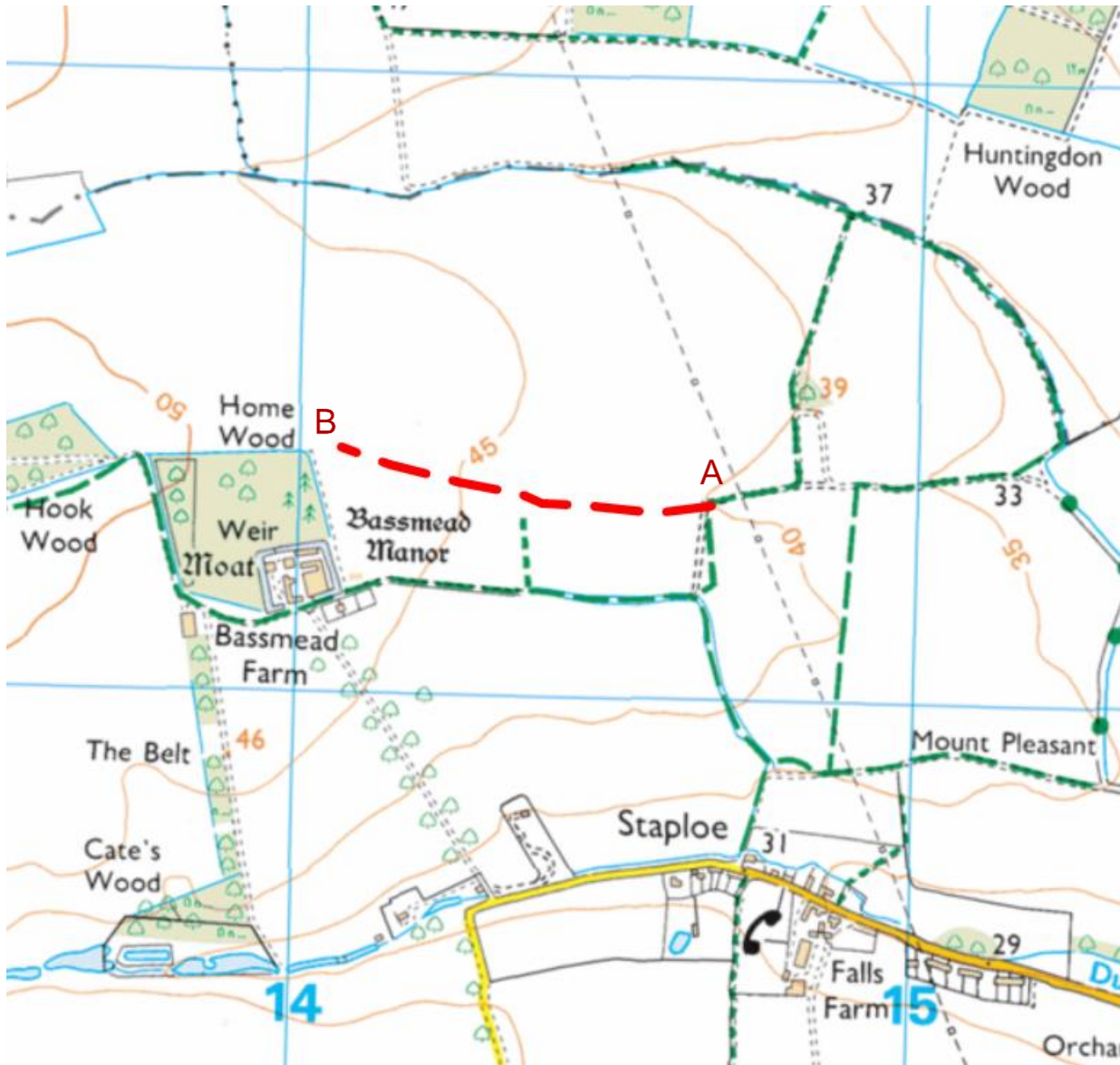


Wildlife and Countryside Act 1981 Summary of Evidence

Definitive Map Modification Order Application

Parish: Staploe **Grid Reference:** TL143613

Map of Path: Route applied for is shown in RED DASHES starting from the corner of bridgeway 29 Staploe goes in a westerly direction to end near Home Wood, Bassmead Manor, Staploe. The application route joins a second DMMO application so is not intended to be a dead end route and also resolves an existing dead end footpath 28 Staploe. The route is not shown on OS Maps and is not on the online Definitive Map. The application is for a bridgeway.



Map produced from extract of not less than 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-0291

Description of Path:

Path starts from the corner of bridleway 29 Staploe at approximate grid reference TL14666131 goes in a westerly direction to end near Home Wood, Bassmead Manor, Staploe at approximate grid reference TL14066139. The application route joins a second DMMO application so is not intended to be a dead end route and also resolves an existing dead end footpath 28 Staploe. The route is not shown 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:

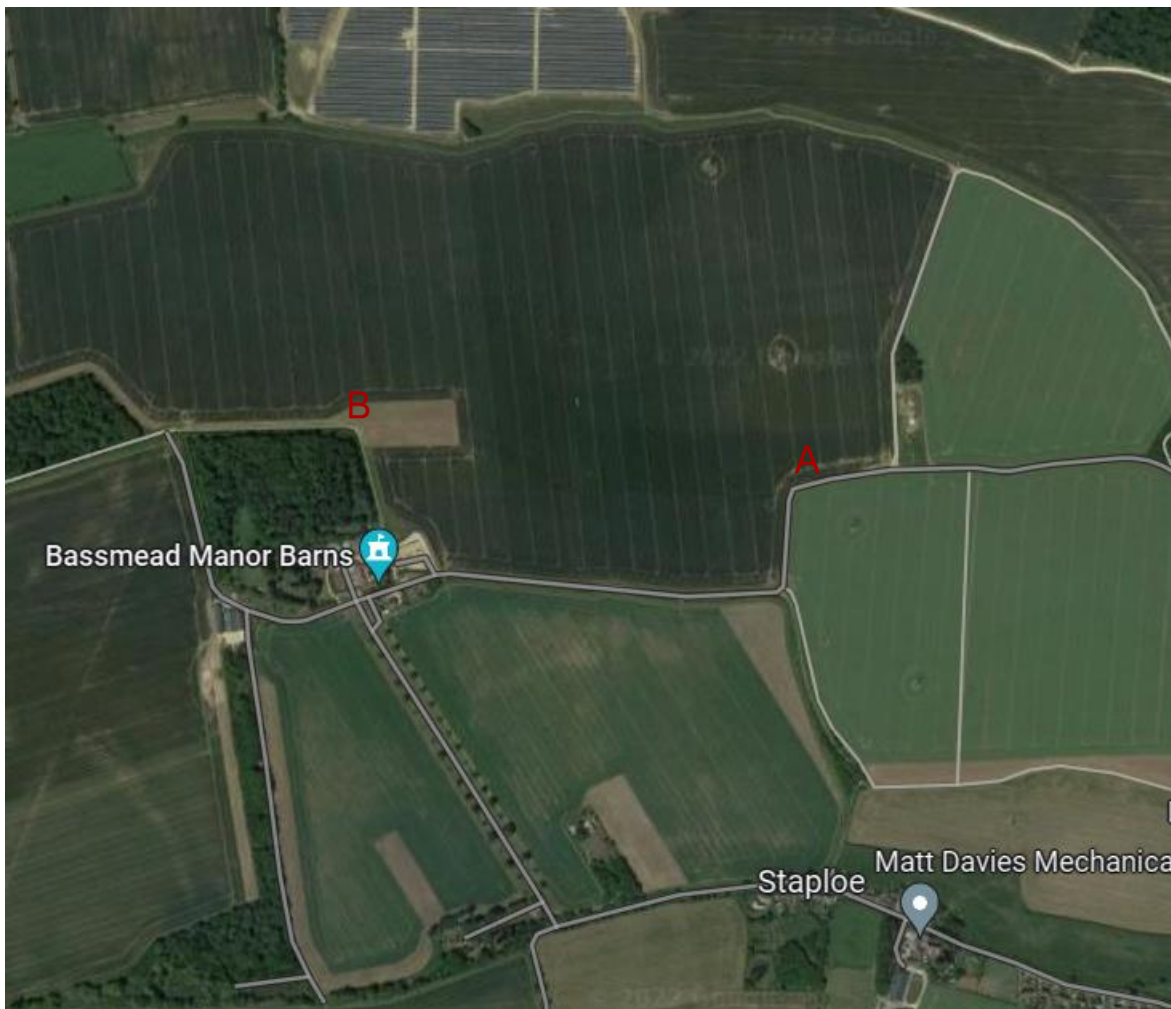
a. This application statement includes explanations as to how the evidence applies to the application route, and

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 from the corner of bridleway 29 Staploe at approximate grid reference TL14666131 goes in a westerly direction to end near Home Wood, Bassmead Manor, Staploe at approximate grid reference TL14066139. The application route joins a second DMMO application so is not intended to be a dead end route and also resolves an existing dead end footpath 28 Staploe. The route is not shown 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. Eaton Socon inclosure records MA20/2 1799.

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 MA20/2 for Eaton Socon.

Meaning. The first extract below is a section of the map MA20/2 showing the application route from A to B as a coloured road. The second extract is a close up of the application route from A to B showing the application route as a coloured road and in the same colour and style as the existing bridleway 19 Staploe that it leaves from at A.

Assessment. The inclosure process was authorised by an Act of Parliament. 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 Eaton Socon Inclosure Map MA20/2 1799 showing the application route from A to B



Extract from Eaton Socon Inclosure Map MA20/2 1799 showing the application route from A to B in close up and in the same style as the existing bridgeway 29 Staploe it leaves from at A

Evidence from Maps:

Map of Bedfordshire by Thomas Jefferys 1765

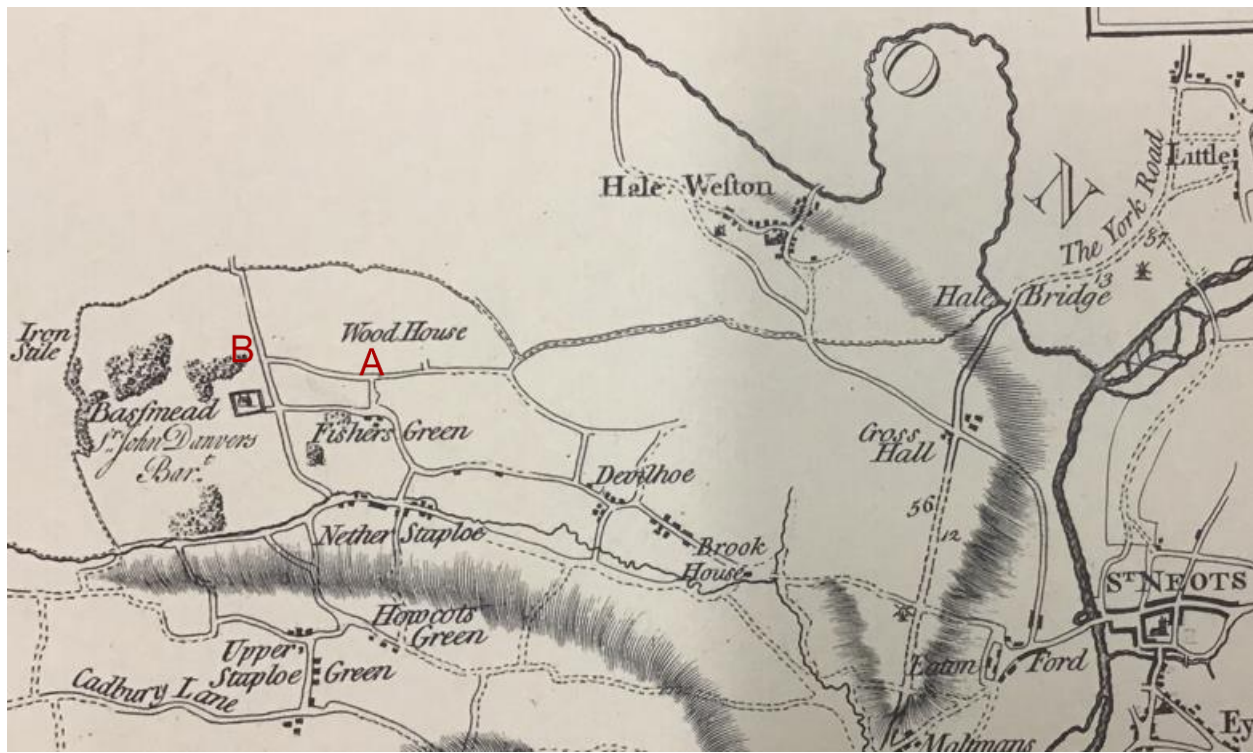
Date. Map of Bedfordshire by Thomas Jefferys 1765.

Relevance. Thomas Jefferys was the “Geographer to His Majesty” (King George III) was one of the most significant cartographers in the country during the mid-eighteenth century. He enjoyed an international reputation and apparent prosperity as a publisher of American and European maps during the Seven Years War. He has been described as “the leading chart and map supplier of his day” and “most competent English cartographer ... of the eighteenth century”. In the mapping of the British Isles, he played an important role in the promotion of the new topographical surveys which were to revolutionize the basic maps of the country by 1800. Therefore his maps are of major significance of his day.

Archive. The extracts from this sheet below were obtained from the Bedfordshire Archives service reference AD3704

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 bridgeway that it leaves from at A. The second extract shows the key to this style and is likely described as “Inclosed road”.




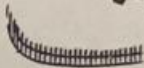
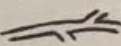

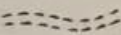
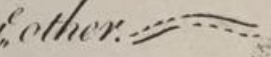
Assessment. Other through routes shown in a similar manner are now largely part of the ordinary highway network and thus this is evidence in support of the route being a public highway.



Extract from the Thomas Jefferys map of Bedfordshire showing the application route from A to B as a road in the same style as the existing bridleway that it leaves from at A

EXPLANATION

0
LII

Market Towns in Capitals, as.....	POTTON.
Parishes in Print, as.....	Odell.
Churches.....	
Seats or noted Houses.....	
Farms or Cottages.....	
Parks.....	
Turnpike Roads.....	
Inclosed Roads.....	
Open Roads.....	
Roads open on one side & Inclosed on y ^e other.....	
The Print Figures are the distances from London, as Inserted on the Mile stones.....	40
The Common figures are the distances from Bedford, beginning at the Post House.....	15 20
The Roman Roads & Stations in Old Print, as.....	Icknield Way.
In this Survey the great Angles were taken by the Theodolite, & the Roads were measured by the Chain & Transcribed on the Plain Table in the Field.	

Extract from the Thomas Jefferys map of Bedfordshire showing the key where the application route is in the style of "Inclosed Roads"

King George III Topographical Collection: The County of Huntingdon 1768

Date. King George III topographical and maritime collection held at the British Library 1768 map of the county of Huntingdon.

Relevance. The King's Topographical collection, the map collection of George III, is one of the world's most important historical resources. Donated to the nation by George IV in 1828, it comprises approximately 30–40,000 maps, plans and views, both printed and hand-drawn, of all parts of the world, particularly Great Britain and the then British Empire. The material ranges in date from about 1540 to 1824 and is extremely varied in terms of format and size.

The Maritime Collection of George III consists of hand-drawn and printed sea charts and atlases of the 16th to 19th centuries. It was donated by George IV to the Admiralty, and from there to the British Museum in 1844.

Archive. The extracts from this sheet below were obtained from the British Library reference <https://www.flickr.com/photos/britishlibrary/50265538327>

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 such as the existing bridleway it leaves from at A.

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 King George III's topographical map of 1768 showing the application route from A to B in the same style as the existing bridleway it leaves from at A

John Cary Map of the County of Huntingdon 1787

Date. County map of Huntingdonshire by John Cary 1787 from Cary's New and Correct English Atlas

Relevance. A first edition map of Huntingdonshire 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~8~1~307273~90077208>

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 such as the existing bridleway it leaves from at A.

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 Huntingdonshire map by John Cary 1787 showing the application route from A to B in the same style as the existing bridleway it leaves from at A

Map of County of Bedford by Thomas Jefferys 1794

Date. Map of County of Bedford by Thomas Jefferys 1794.

Relevance. Thomas Jefferys was the "Geographer to His Majesty" (King George III) was one of the most significant cartographers in the country during the mid-eighteenth century. He enjoyed an international reputation and apparent prosperity as a publisher of American and European maps during the Seven Years War. He has been described as "the leading chart and map supplier of his day" and "most competent English cartographer ... of the eighteenth century". In the mapping of the British Isles, he played an important role in the promotion of the new topographical surveys which were to revolutionize the basic maps of the country by 1800. Therefore his maps are of major significance of his day.

Archive. The extracts from this sheet below were obtained from the British Library reference <https://www.flickr.com/photos/britishlibrary/50263074598>

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 such as the existing bridleway it leaves from at A.

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 Thomas Jefferys map of county of Bedford showing the application route from A to B in the same style as the existing bridleway it leaves from at A

John Cary Atlas of England, Wales & Scotland 1794

Date. John Cary Atlas of England, Wales & Scotland 1794.

Relevance. 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 David Rumsey collection at <https://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~36985~1210048>

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 such as the existing bridleway it leaves from at A.

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 John Cary Atlas showing the application route from A to B in the same style as the existing bridleway it leaves from at A

John Cary Map of the County of Bedford (1786-1885)

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 such as the existing bridleway it leaves from at A.

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 in the same style as the existing bridleway it leaves from at A

Magna Britannia book: Concise Topographical Account of the Several Counties of Great Britain 1806-1822

Date. Magna Britannia Volume 1: a concise topographical account of the several counties of Great Britain 1806

Relevance. Magna Britannia was a topographical and historical survey published by the antiquarians Daniel Lysons and his brother Samuel Lysons in several volumes between 1806-1822. It covers the counties of Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Cheshire, Cornwall, Cumberland, Derbyshire and Devon. The work was curtailed in 1819 by Samuel Lysons' death.

Unlike other similar works published in the seventeenth and eighteenth centuries, Magna Britannia is of significant value to economists and social historians because the Lysons brothers included content on topics such as population, manufacture and commerce. They were also far less preoccupied than many antiquarians with coats of arms and pedigrees and did not overstate the grandeur of the counties, as local topographers were apt to do.

Archive. The extracts from this sheet below were obtained from the British Library at <https://www.flickr.com/photos/britishlibrary/11000535656>

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 such as the existing bridleway it leaves from at A.

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 1806 Magna Britannia book Volume 1 including the County of Bedfordshire and showing the application route from A to B as a road in the same style as the existing bridleway it leaves at A

Greenwood Map of the County of Bedford (1786-1855)

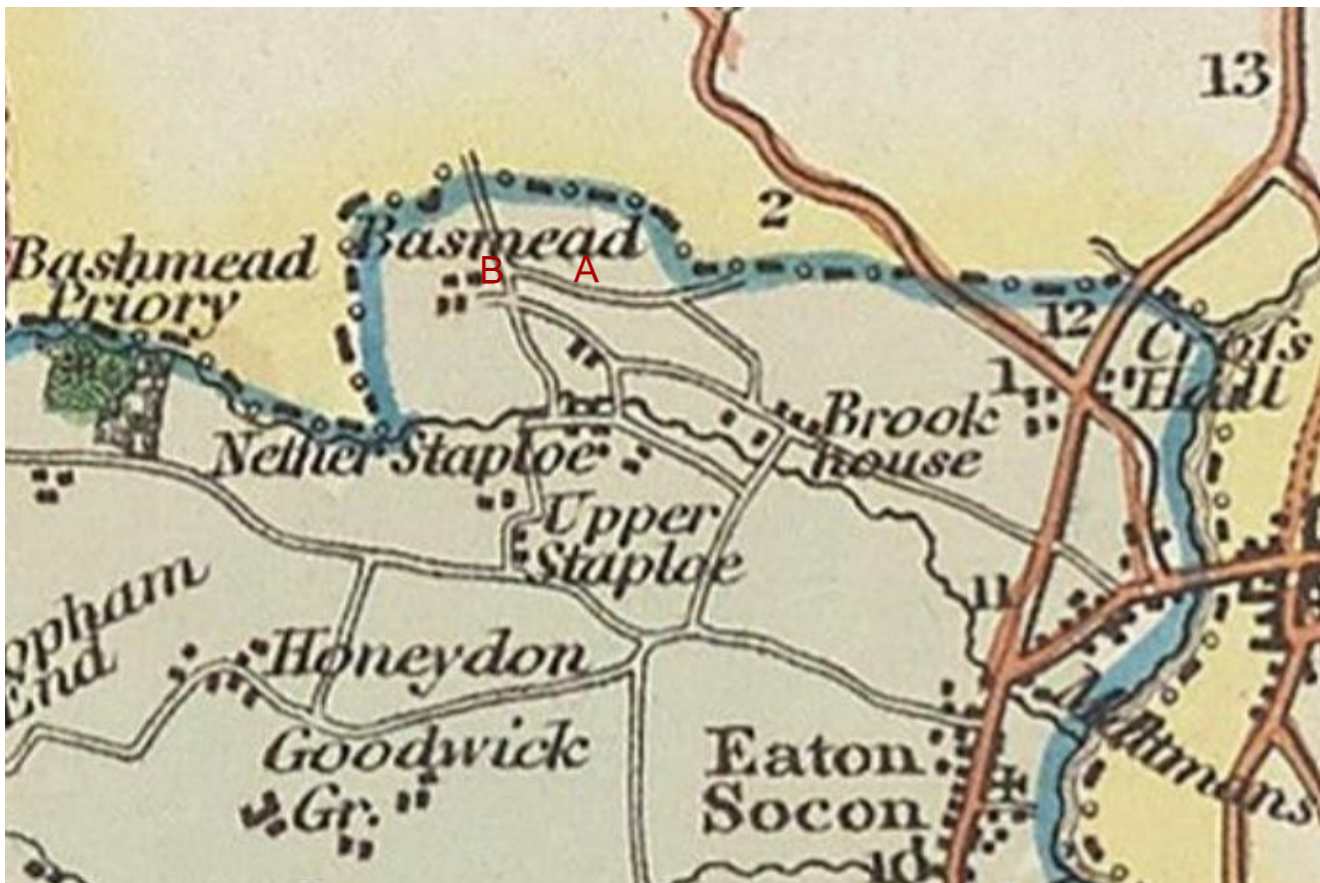
Date. 1825 map of the County of Bedford by Charles & John Greenwood

Relevance. Greenwood's county atlas, engraved by J & C Walker Published April 1st 1831. Atlas consists of engraved title page, with hand coloured index map of England and Wales, showing counties and major towns in each county, and 46 engraved hand coloured unnumbered maps, including 4 maps of counties of Wales and 1 index map. Each map shows the boundaries of the county, parishes, villages, roads, churches, chapels, railways, parks, rivers, canals, woods, watermills and windmills. Includes reference to the wards, liberties and boroughs, place of election and polling places. Relief shown by hachures.

Archive. The extracts from this sheet below were obtained from the Yale University Library at <https://collections.library.yale.edu/catalog/15339124>

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 such as the existing bridleway it leaves from at A.

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 1825 Greenwood map of the county of Bedford showing the application route from A to B as a road in the same style as the existing bridleway 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: 10 October 2022

Organisation: British Horse Society