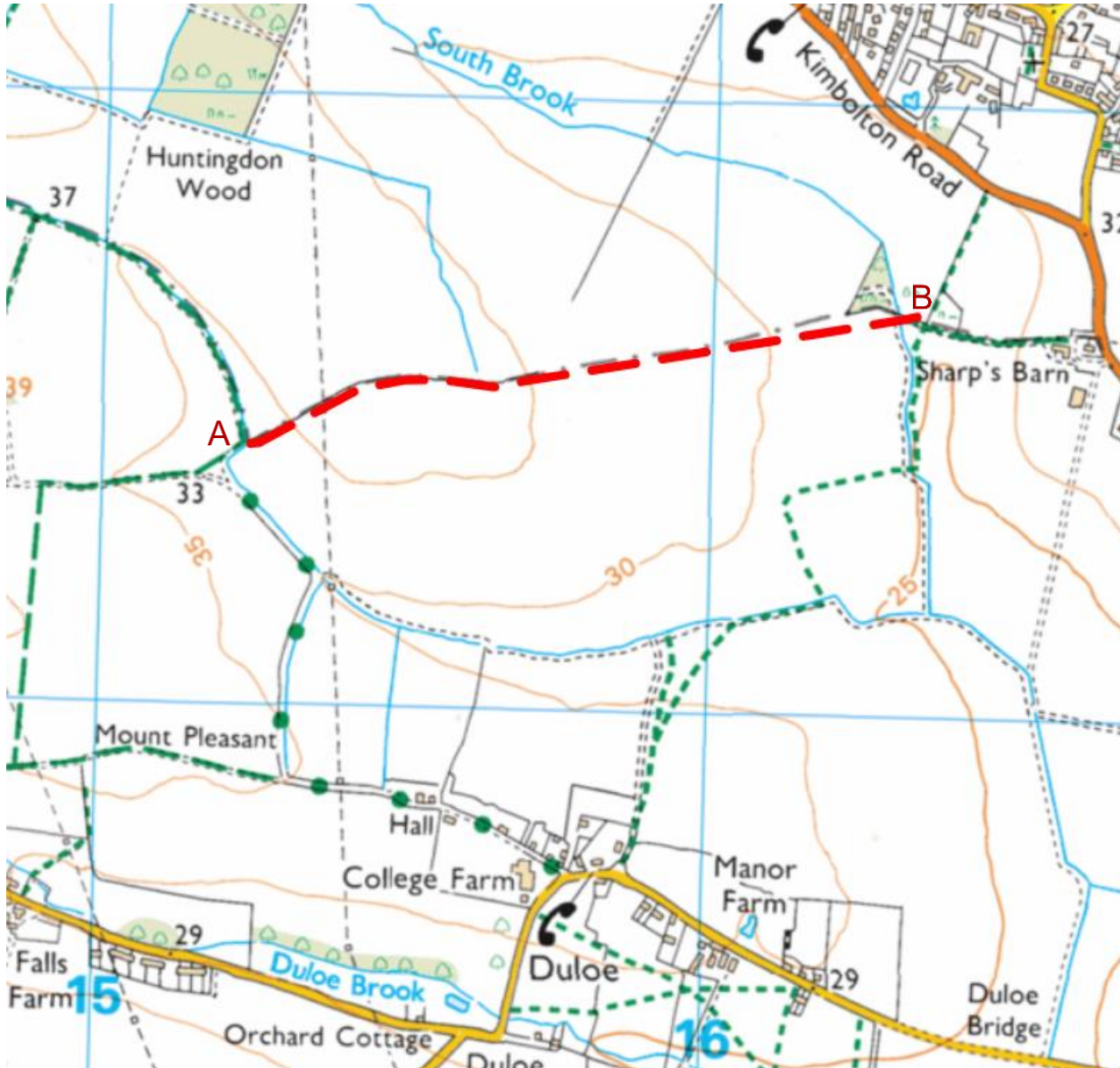


Wildlife and Countryside Act 1981 Summary of Evidence

Definitive Map Modification Order Application

Parish: Staploe **Grid Reference:** TL156615

Map of Path: Route applied for is shown in RED DASHES starting at the junction of existing bridleways 26 and 31 Staploe goes in an easterly direction along the county boundary to end at existing bridleway 43 Staploe near Sharp's Barn at Hail Weston. The route is not shown on OS Maps and is not on the online Definitive Map. The application is for a bridleway.



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-0233

Description of Path:

Path starts at the junction of existing bridleways 26 and 31 Staploe at approximate grid reference TL15246142 goes in an easterly direction along the county boundary to end at existing bridleway 43 Staploe near Sharp's Barn at Hail Weston at approximate grid reference TL16336166. 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:

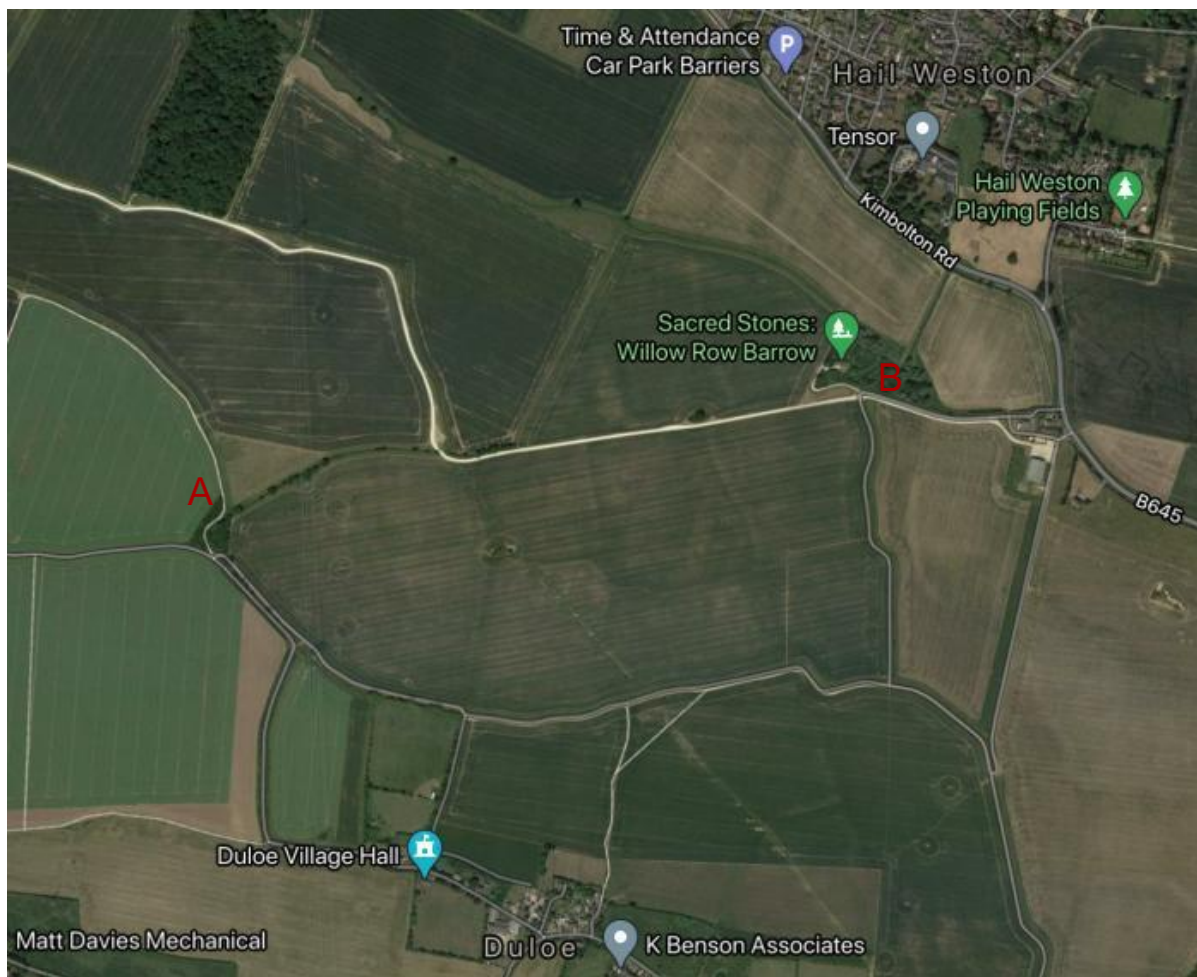
a. This application statement includes explanations as to how the evidence applies to the application route, and

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 at the junction of existing bridleways 26 and 31 Staploe at approximate grid reference TL15246142 goes in an easterly direction along the county boundary to end at existing bridleway 43 Staploe near Sharp's Barn at Hail Weston at approximate grid reference TL16336166. 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



Extract from a Google Streetview image from 2009, showing the existing bridleway 43 off the Kimbolton Road looking towards B on the application route

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

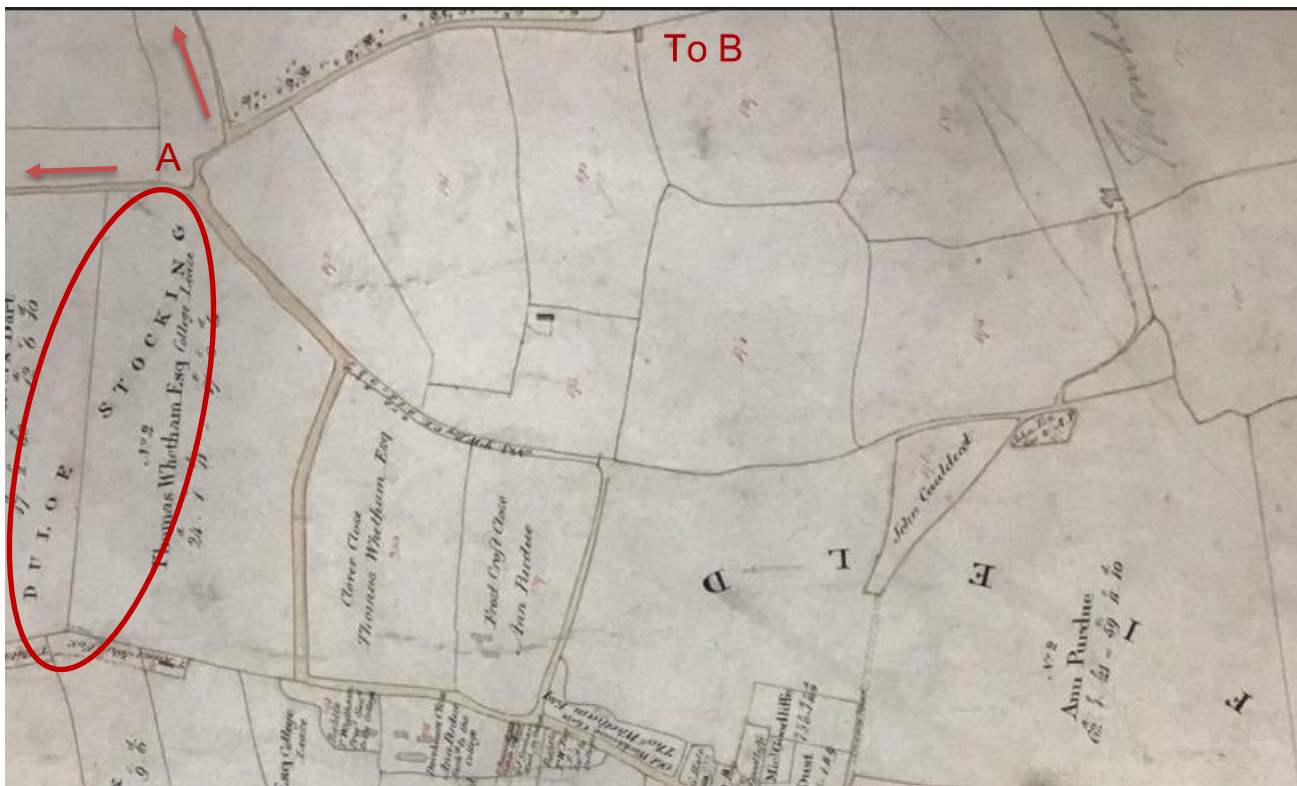
Date. Eaton Socon inclosure records MA20/2 and MA20 1799 and associated award book F 1800-1804. Hail Weston Inclosure Plan of 1838

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 and MA20 for Eaton Socon and associated Award Book F for Southill, Eaton Socon, Dean, Wrestlingworth and Tilbrook. Hail Weston Inclosure plan was taken from Huntingdon record office reference KHAC2/2110/16

Meaning. The first extract below is a section of the map MA20/2 showing the application route from A towards B as a coloured road in the same style as the existing bridleways 31 and 26 that continue north and west from A. The second extract is from a second version of the Inclosure Map MA20 that shows the application route from A towards B and the parish of Hail Weston in the same style as the existing bridleway 31 that continues north west from A. The following extract is from the Inclosure Award and describes a road going to the west and north side of a field Duloe Stocking, shown and circled on the first extract, joining a lane called the Hale Weston Lane which can be assumed to be a lane from Hail Weston being the application route from A to B. The final extract from the Hail Weston Inclosure plan, whilst of poor quality as it is a photocopy of the original shows the application route from A to B as a road in the same style as the existing bridleway it joins at B

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 alongside Duloe Stocking field from A towards and in the same style as the existing bridleway 31 Staploe that continues north west from A and the existing bridleway 26 Staploe that continues west from A. Field name Duloe Stocking is circled.



Eaton Socon Inclosure Map MA20 showing the application route in the same style as the existing bridleway 31 Staploe that continues north west from A and shown by a red arrow

The Duloe Road No. 4 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 Sticking 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

The Hail Weston Road One other public Highway or Road of the Breadth of forty feet leading out of the said Hamlet

Extract from Eaton Socon Award Book F 1800-1804 describing the road joining Hail Weston Lane, circled being the application route from A to B at Hail Weston



Extract from Hail Weston Inclosure Plan of the whole of the application from A to B as a road in the same style as the existing bridleway it joins at B

Tithe Records

Source. Tithe map 16 Huntingdonshire 24 Hail Weston of 1837

Relevance.

(1) The Tithe Commutation Act 1836 enabled tithes (literally a tenth of the produce of the land) to be converted to a monetary payment system. Maps were drawn up to show the titheable land in order to assess the amount of money to be paid. The Act was amended in 1837 to allow maps produced to be either first class or second class.

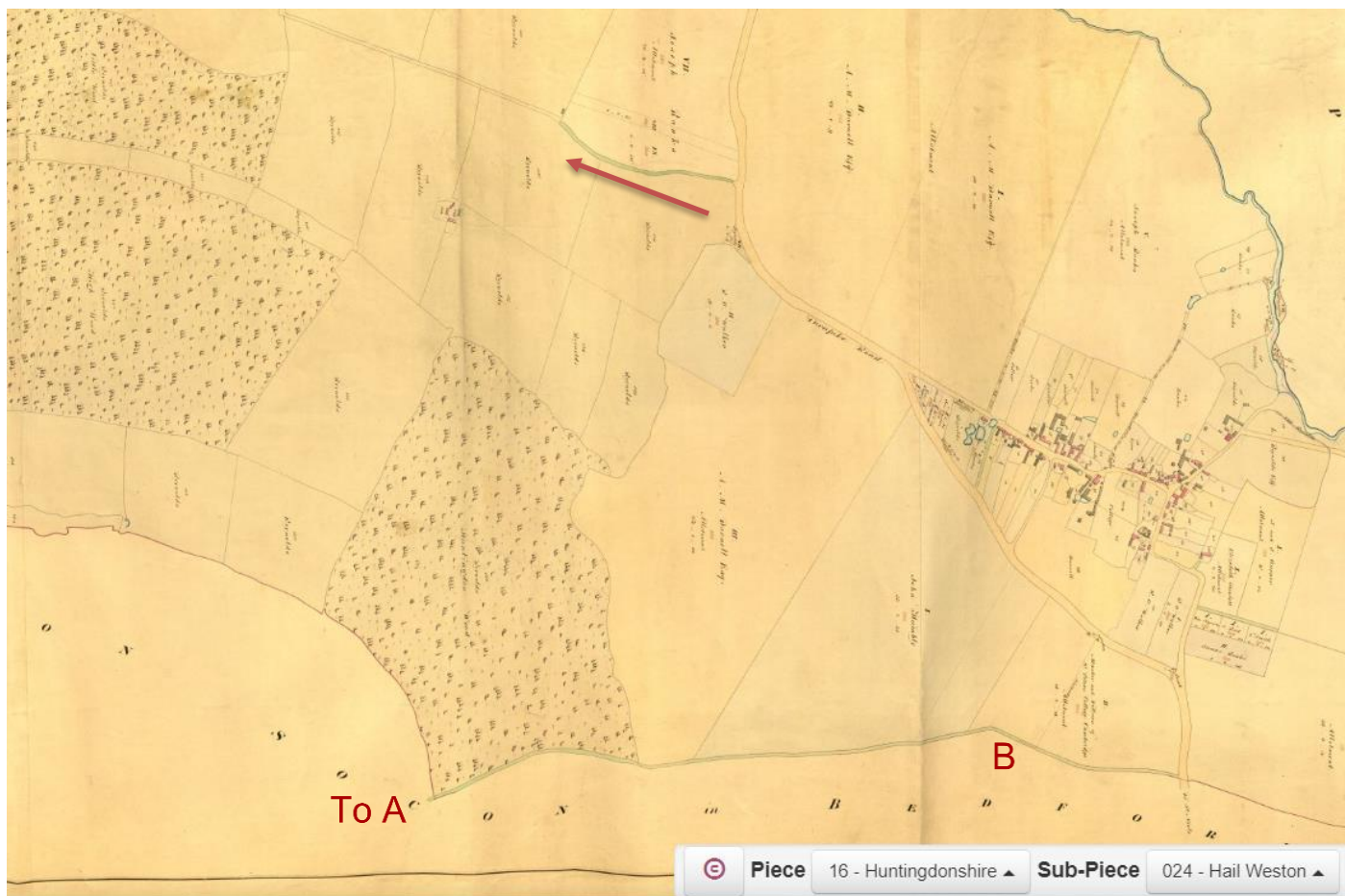
(2) First class maps are legal evidence of all matters which they portray and were signed and sealed by the Commissioners (s.2 Tithes Act 1847). They had to be at a scale of at least 3 chains to the inch. Second class maps, signed but not sealed, were evidence only of those facts of direct relevance to tithe commutation, and are often at 6 chains to the inch. There was a proposed convention of signs and symbols to be used, which included Bridle Roads and Footpaths, but this was not strictly adhered to.

(3) The Tithe process received a high level of publicity as landowners would be particularly keen not to be assessed for more tithe payment than necessary. Non-titheable land deemed to be unproductive was usually excluded from the process. It is common therefore for no tithe to be payable on road, although wide grass drovers' routes could carry a tithe as they were used as pasture. It was in the interest of landowners for untithed roads to be shown correctly to minimise their payments. Footpaths and bridleways were more likely to be at least partially productive (for example as pasture). Therefore, although the process was not directly concerned with rights of way, inferences can be drawn from the tithe documents regarding the existence of public rights, and, in particular, public vehicular rights. In some cases highways are coloured sienna or light brown which typically indicates public status.

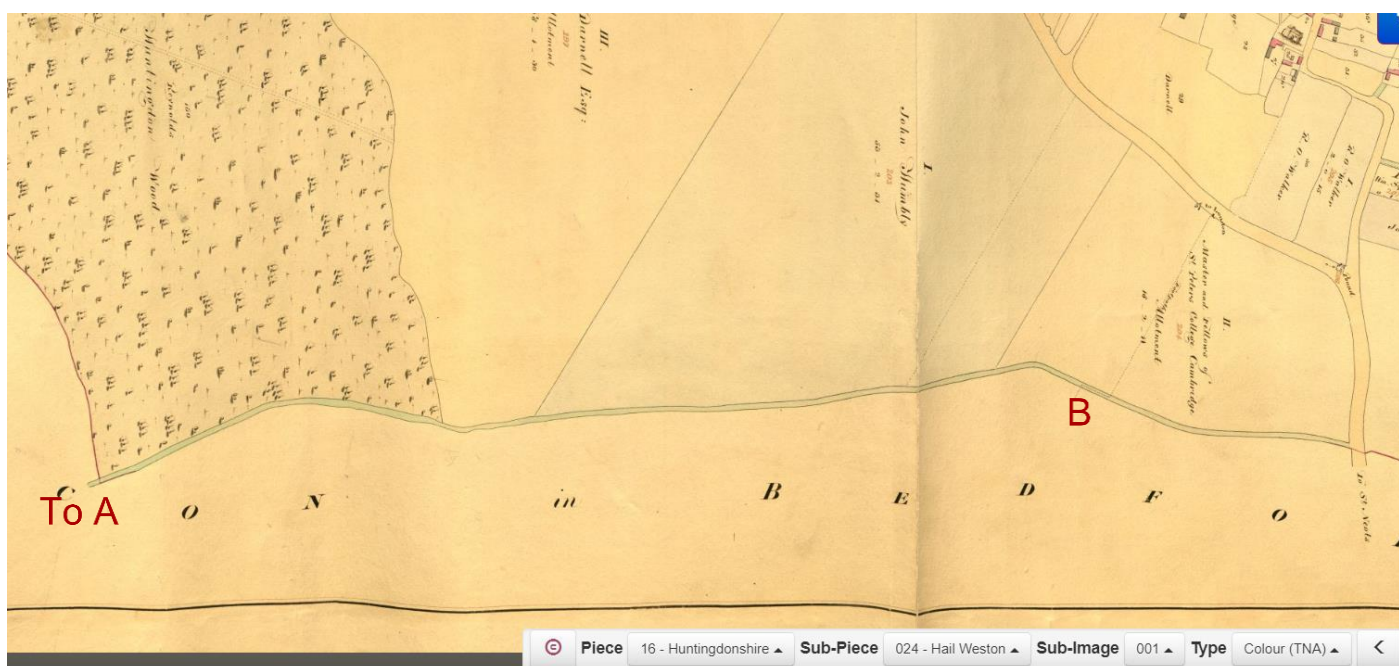
Archive. The tithe map has been accessed via the Genealogist website and the extract is shown below.

Meaning. The first extract below from the Hail Weston tithe map shows the application route as a blue road from A to B and in close up on the second image. The route is shown in a similar style to other existing bridleways in the area such as the one marked with a red arrow on the first extract and the existing bridleway it joins at B.

Assessment. This is probably a second class map and so is only conclusive of matters of relevance to the tithe commissioners. It nevertheless provides useful information from which inferences may be drawn. The application route is shown as a road in similar style to other existing bridleways within the parish including the bridleway it joins at B. This depiction is consistent with the application route being a public vehicular highway at the time of the assessment.



Extract from the Hail Weston tithe map of the application route from A to B as a blue road in the same style as other existing bridleways in the area such as the one marked with a red arrow and the one it joins at B



Extract from the Hail Weston tithe map of the application route from A to B as a blue road in the same style as other existing bridleways in the area such as the one marked with a red arrow and the one it joins at B

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 bridleway that it leaves from at A and joins at B. The second extract shows the key to this style and is likely described as “Roads open on one side and inclosed on the other” or possibly as “Open roads”.




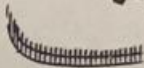
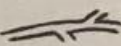

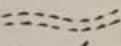
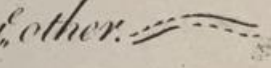
Assessment. Other through routes shown in a similar manner are now largely part of the ordinary highway network and thus this is evidence in support of the route being a public highway.



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 and joins at B

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..... | Ickniel 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 "Roads open on one side & inclosed on the other" or "Open Roads"

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 and 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 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 and joins at B

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 brideway it leaves from at A and 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 Thomas Jefferys map of county of Bedford showing the application route from A to B as a road in the same style as the existing brideway that it leaves from at A and joins at B

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

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 and 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 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 and joins at B

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

Date. Map of Huntingdonshire 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~8~1~311252~90080892>

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 and 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 Huntingdonshire map by John Cary 1801 showing the application route from A to B in the same style as the existing brideway it leaves from at A and joins at B

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

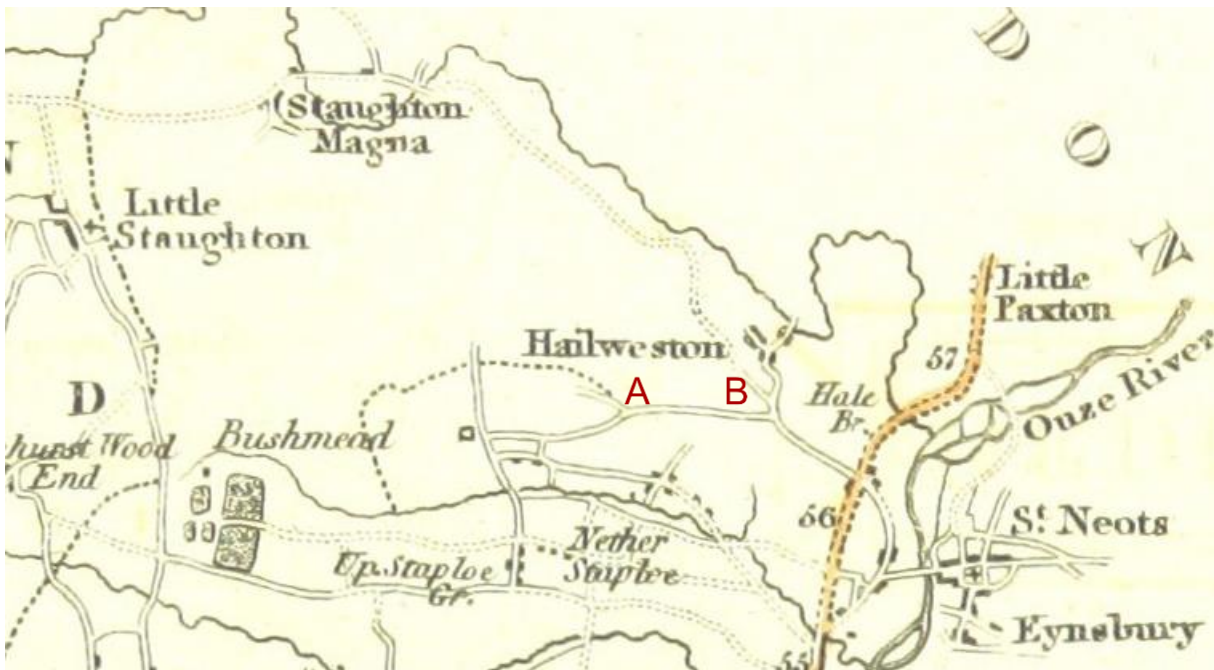
Relevance. Magna Britannia was a topographical and historical survey published by the antiquarians Daniel Lysons and his brother Samuel Lysons in several volumes between 1806-1822. It covers the counties of Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Cheshire, Cornwall, Cumberland, Derbyshire 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 brideway it leaves from at A and 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 1806 Magna Britannia book Volume 1 including the County of Bedfordshire and showing the application route from A to B in the same style as the existing bridleway it leaves from at A and joins at B

The parliamentary gazetteer of England and Wales, 1841

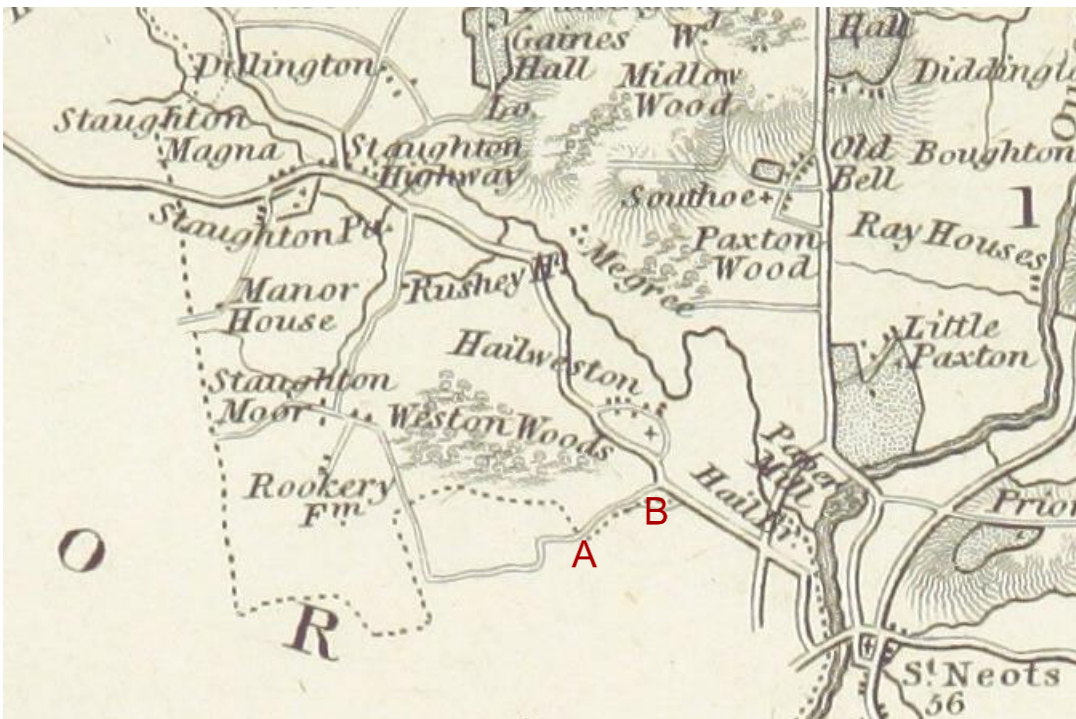
Date. The parliamentary gazetteer of England and Wales, 1841 adapted to the new Poor-law, franchise, municipal and ecclesiastical arrangements, and compiled with a special reference to the lines of railroad and canal held at the British Library

Relevance. The parliamentary gazetteer of England and Wales, adapted to the new Poor-law, franchise, municipal and ecclesiastical arrangements, and compiled with a special reference to the lines of railroad and canal communication, as existing in 1840-43. Illustrated by a series of maps forming a complete county-atlas of England, and by four large maps of Wales. With an appendix containing the results, in detail, of the census of 1841

Archive. The extracts from this sheet below were obtained from the British Library at <https://flickr.com/photos/britishlibrary/11020560426>

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 and 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 1841 Parliament Gazetteer showing the application route from A to B in the same style as the existing bridleway it leaves from at A and joins at 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 such as the existing bridleway it leaves from at A and 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 Drawing for Board of Ordnance showing the application route from A to B as a road in the same style as the existing bridleway it leaves from at A and 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 in a similar style to local existing highways such as the existing bridleway it leaves from at A and 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 OS First Edition Map showing the application route marked from A to B as a road in the same style as the existing bridleway it leaves from at A and joins at B

OS Early Edition Ordnance Survey Maps - One-inch England and Wales, 1865

Date. Early edition Ordnance survey maps of the topographic series of England and Wales, 1865

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 Rights of Way officer for Central Bedfordshire

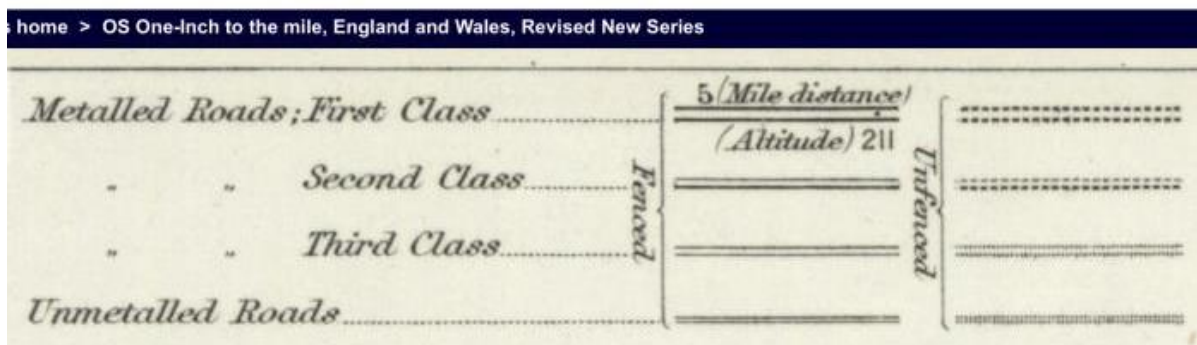
Meaning. The application route is shown on the extract below from A to B as a road in a similar style to local existing highways such as the existing bridleway it leaves from at A and joins at B.

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



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

Ordnance Survey Maps - 25 inch England and Wales

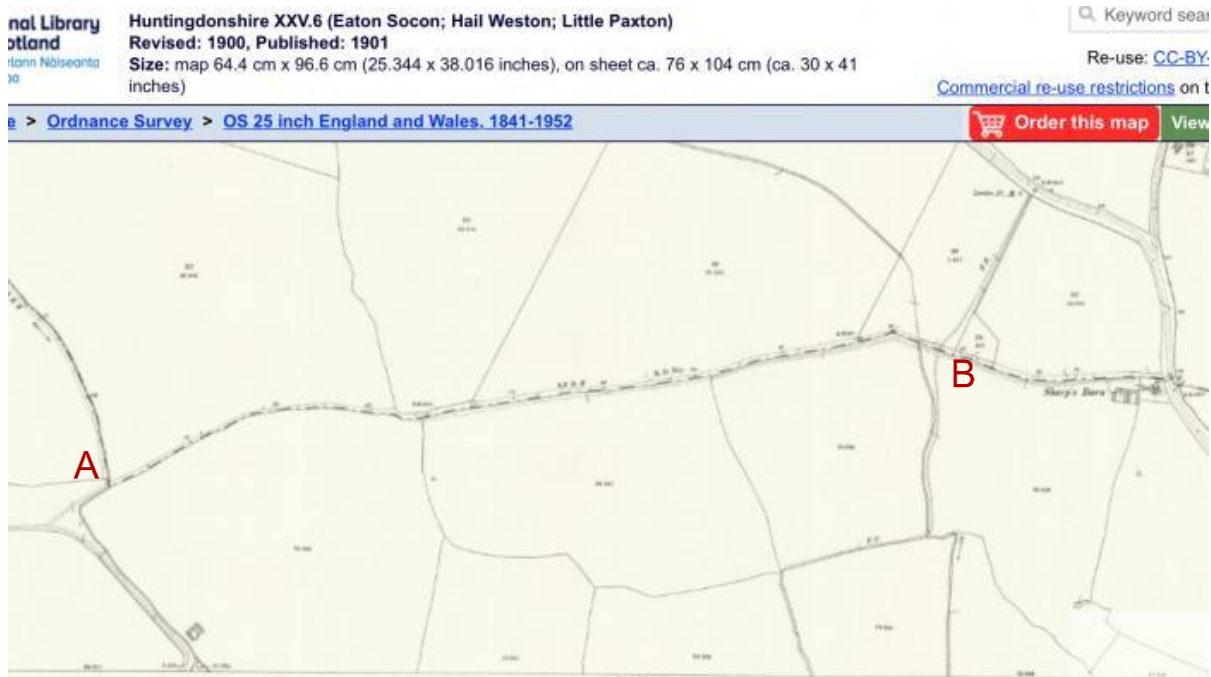
Date. OS County Series Huntingdonshire XXV.6 published 1901.

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/114490223>

Meaning. The application route is shown on the extract below from A to B as an unmarked track but in the same style as the existing bridleway it leaves from at A and 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 OS 25" Map showing the application route marked from A to B and in the same style as the existing bridleway it leaves from at A and joins at B

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

Date. OS Six inch series Huntingdonshire XXV.NW 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/100890920>

Meaning. The application route is shown on the extract below from A to B as an unmarked track but in the same style as the existing bridleway it leaves from at A and 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](#) > [OS Six-inch England and Wales, 1842-1952](#)



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

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

Date. OS 25k series 52/16 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 application route is shown on the extract below from A to B as an unmarked track but in the same style as the existing bridleway it leaves from at A and 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](#) > [1:25,000 Outline Series of Great Britain, 1945-1965](#)



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

Bartholomew's Half Inch to the Mile Maps of England and Wales

Date. Bartholomew map of 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>

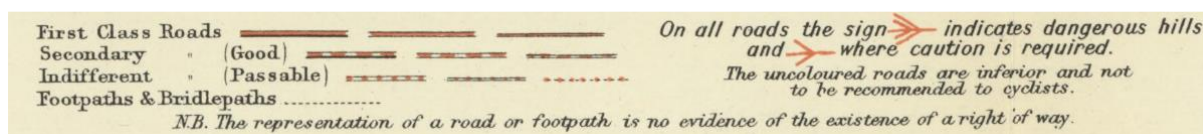
Meaning. The application route is shown on the extract below from A to B as an “indifferent road” as shown on the key in the second image, and in the same style as the existing bridleway it leaves at A and joins at B.

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 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.

Series maps > Bartholomew "Half Inch Maps" of England and Wales, 1902-1906



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



Extract from Bartholomew's Map showing the key

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