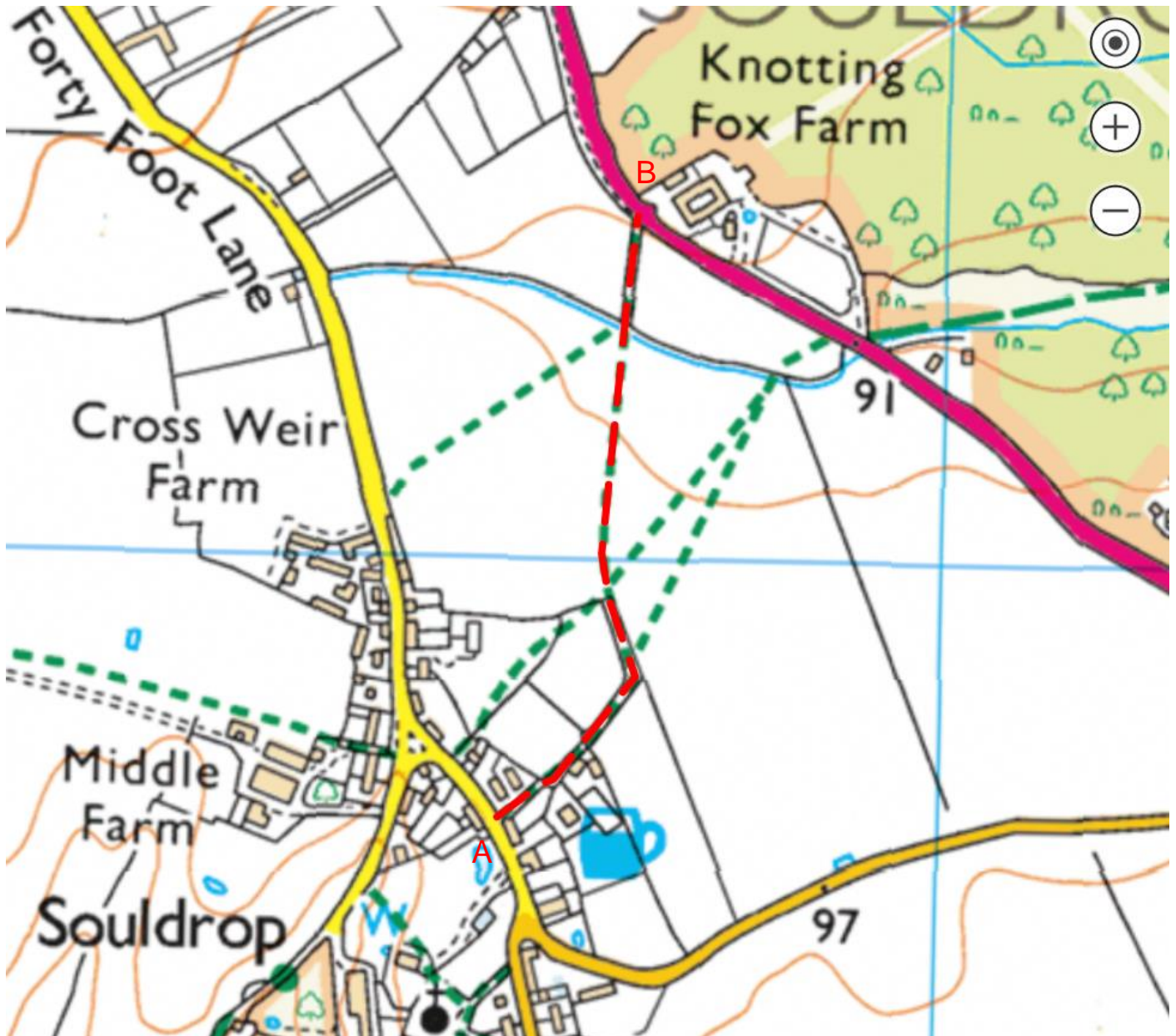


# Wildlife and Countryside Act 1981 Summary of Evidence

## Definitive Map Modification Order Application

**Parish:** Souldrop **Grid Reference:** SP987620

**Map of Path:** Route applied for is shown in RED DASHES starting at High Street, Souldrop goes in a north easterly direction along what is known as Pools Lane, Souldrop also being Knotting & Souldrop footpath 25 to end at Rushden Road, Souldrop otherwise known as the A6 at Knotting Wood. The route is shown as a footpath on OS Maps and on the online Definitive Map. The application is for a bridleway. Ideally for safety reasons in terms of crossing the busy A6, the route would be diverted to join existing bridleway 5 Knotting & Souldrop through Knotting Fox Wood so that users could just go straight across the road.



*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-0201

## Description of Path:

Path starts at High Street, Souldrop at approximate grid reference SP98576174 goes in a north easterly direction along what is known as Pools Lane, Souldrop also being Knotting & Souldrop footpath 25 to end at Rushden Road, Souldrop otherwise known as the A6 at Knotting Wood at approximate grid reference SP98696233. The route is shown as a footpath on OS Maps and 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

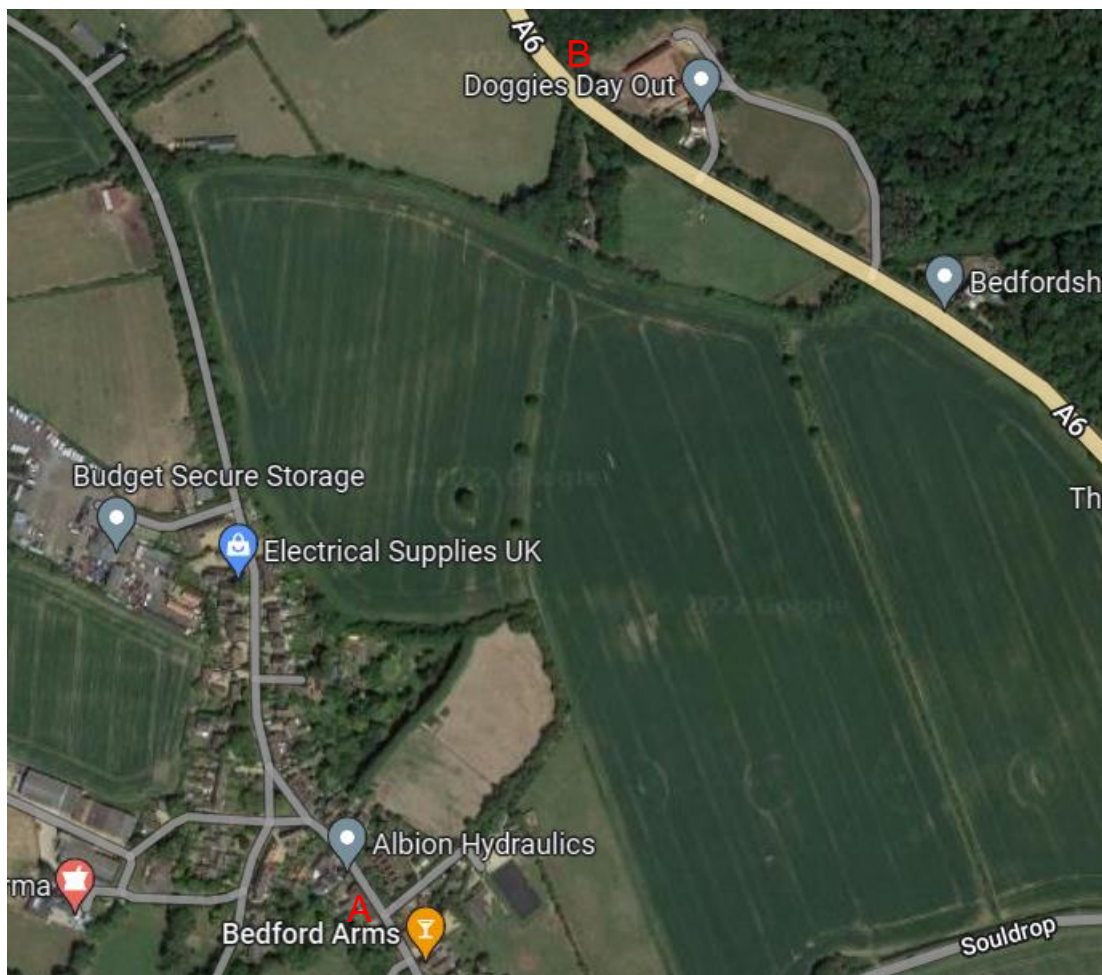
b. The application contains one or more of the following forms of supporting evidence:

- 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 High Street, Souldrop at approximate grid reference SP98576174 goes in a north easterly direction along what is known as Pools Lane, Souldrop also being Knotting & Souldrop footpath 25 to end at Rushden Road, Souldrop otherwise known as the A6 at Knotting Wood at approximate grid reference SP98696233. The route is shown as a footpath on OS Maps and on the online Definitive Map.



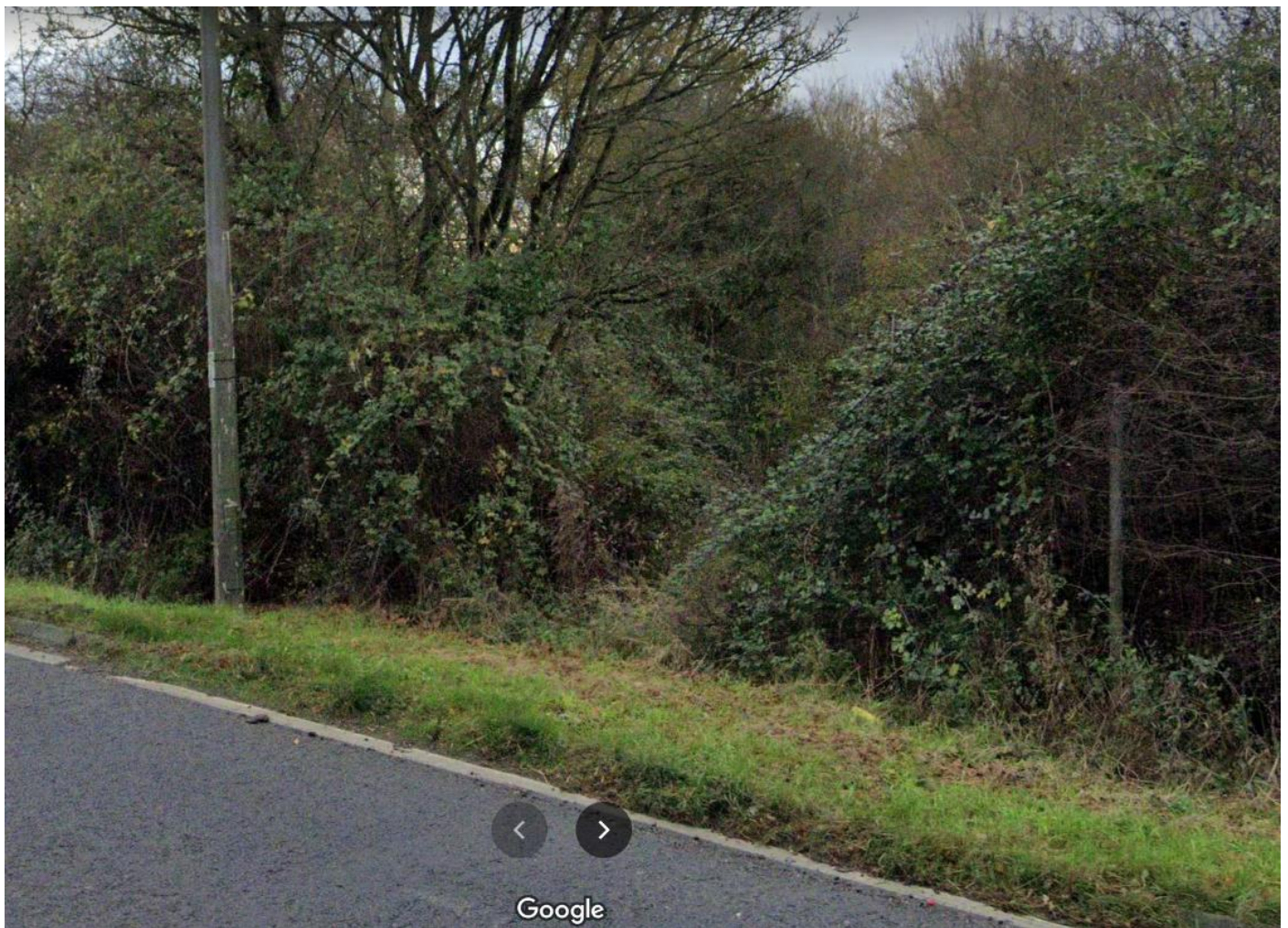


*Extract from a Google Satellite image from 2009, showing the application route from A to B*



*Extract from a Google Streetview image from 2009, showing the application route from approximately point A looking towards B*





*Extract from a Google Streetview image from 2009, showing the application route from approximately point B looking towards A*

### **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.

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

**Date.** The Inland Valuation Records, produced in the few years after 1910, references are IR 126/2/23

**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 126/2/23.

**Meaning.** The map extracts below from the 1910 survey shows the application route from A to B marked as a Bridle Road, BR, circled and crossing plot 173. The second set of extracts from the accompanying field book for plot 173 in Souldrop shows that a deduction in tax was made for the Bridle Roads as public rights of way crossing the landowners property.

**Assessment.** The application route is shown as a Bridle Road from A to B and the field book confirms that a deduction in tax was made for this BR crossing the landowners property. This evidence, along with other evidence in the application gives weight towards the route being considered a Bridle Road (BR) at this time.





Extracts from the Inland Revenue Valuation Map with the application route shown from A to B as a Bridle Road BR crossing plot 173

Parish of <i>Souldrop</i>																				
No. of Assessment	No. of Poor Rate	Christian Names and Surnames of Occupiers	Christian Names and Surnames of Owners, with their Residences	Description of Property— If an Inn, &c., the name or sign by which known	Street, Place, Name and Precise Situation of Property	Poor Rate					Reference to Map	Extent as determined by Value				Original Gross Value	Determination of			
						Estimated Extent	Gross Annual Value	Rateable Value	Acres R. P. Y.				Buildings and other Structures, including Machinery	Tithes	Land, Trees, &c., not included in the above					
									11	12		13					14	15	16	17
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18			
169	76	Wilson Alex R	Wilson Alex R	Land	Souldrop	Acres 4 2 23	R. 5	P. 10	Y. 5											
70	77	various	Bowen A & B	✓ Allotments	do	4 0 12	8	7	10		7	3	25	187		15	15			
71	78	Wallace J K	do	✓ Horse & Cart	Church Farm	0 23	30	23		109	-	4		1905	500	50	100			
72	79	do	do	Land	do	108 0 8	52	17	44 15											
73	80	Bowen A & B	do	✓ do	Clipsay	14 3 24	14	5	12 15											
74	81	Brayfield Henry Joseph	do	✓ Horse & Cart	Down Farm	1 2 1	40	30		568	124			6165	1500	100	300			
75	82	do	do	Land	do	104 2 26	60 1 16	57	15											
76	83	How Edward Joseph	do	✓ Cott. & Garden	Wild Farm	30	4	3												

Extracts from the accompanying field book for Souldrop that shows a tax deduction was made for the BR crossing the landowners property on plot 173





*Extracts from the Inland Revenue Valuation Map for 1926 with the application route shown from A to B*

### **Sales Particulars**

**Date.** Sales conveyance between Francis Charles Hastings, 9<sup>th</sup> Duke Of Bedford, Charles Romilly and Charles Magniac dated 14 August 1889

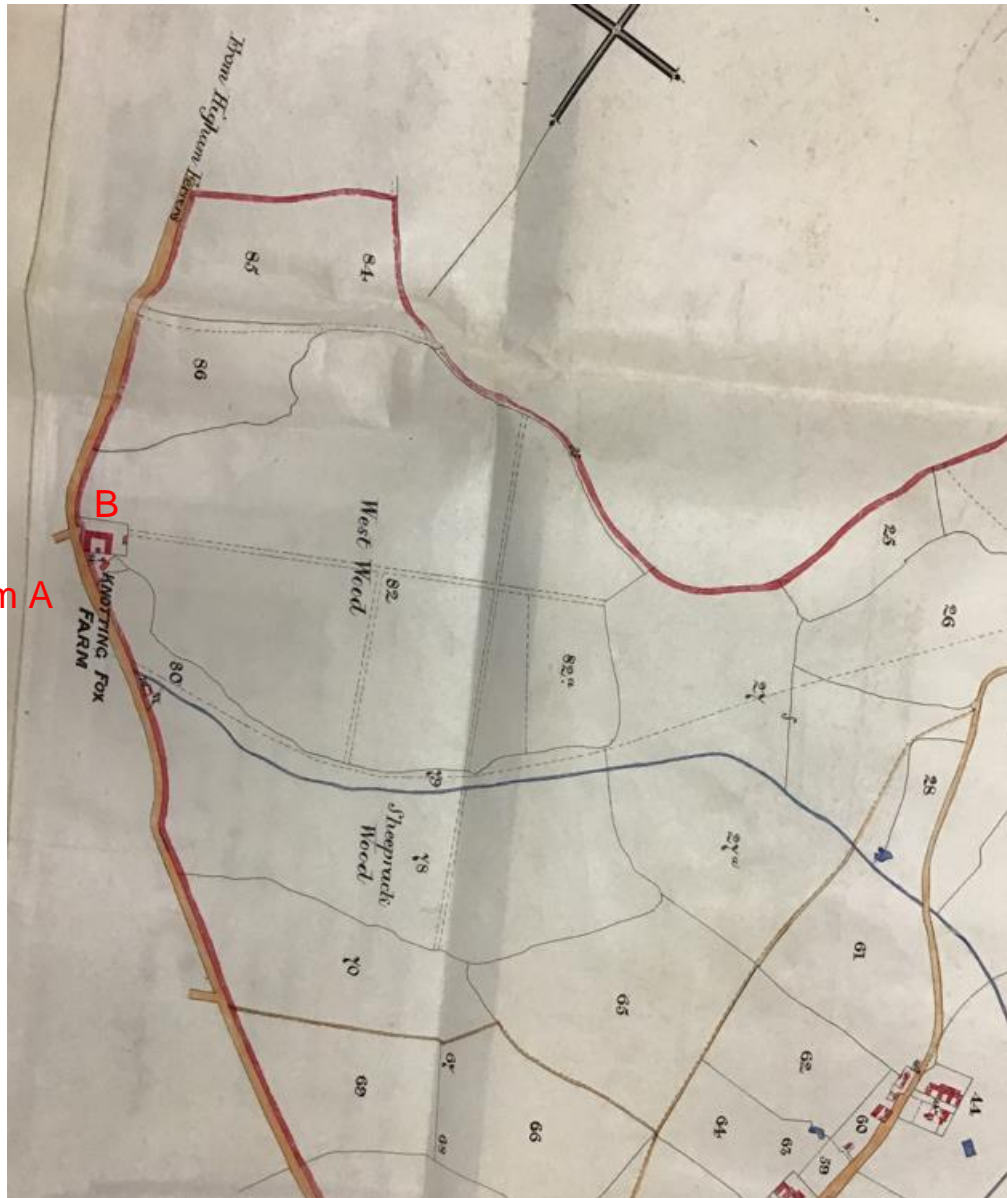
**Relevance.** This conveyance is held at the Bedford Record Office and is an important legal document showing the disposal of the 9<sup>th</sup> Duke of Bedford's land around the parishes of Knotting, Souldrop and the Colworth Estate.



**Archive.** The extracts from this sheet below were obtained from the Bedford Record Office reference X547/24

**Meaning.** The extract below shows the end of the application route from A to B as a road in the same style as other existing roads in the area such as the one it joins at B.

**Assessment.** This is an important legal document, witnessed and cast into law that shows the application route in a similar manner as the ordinary highway network and thus this is evidence in support of the route being a public highway.



*Extract from Sales conveyance showing the map relating to the conveyance with the application route from A to B in the same colour as the existing road it joins at B*

### **Sales Particulars associated with the Colworth Estate**

**Date.** Abstract of title including several mapsof trustees of will of Sir Albert Edward Bowen, baronet, to lands, hereditaments and woodlands, part of Colworth Estate. 1906-1924

**Relevance.** These documents are important legal documents produced by the offices of Messrs Paddock & Orme, solicitors, Hanley and therefore are legally binding, properly prepared documents in relation to the disposal of land around the parishes of Knotting, Souldrop and the Colworth Estate.

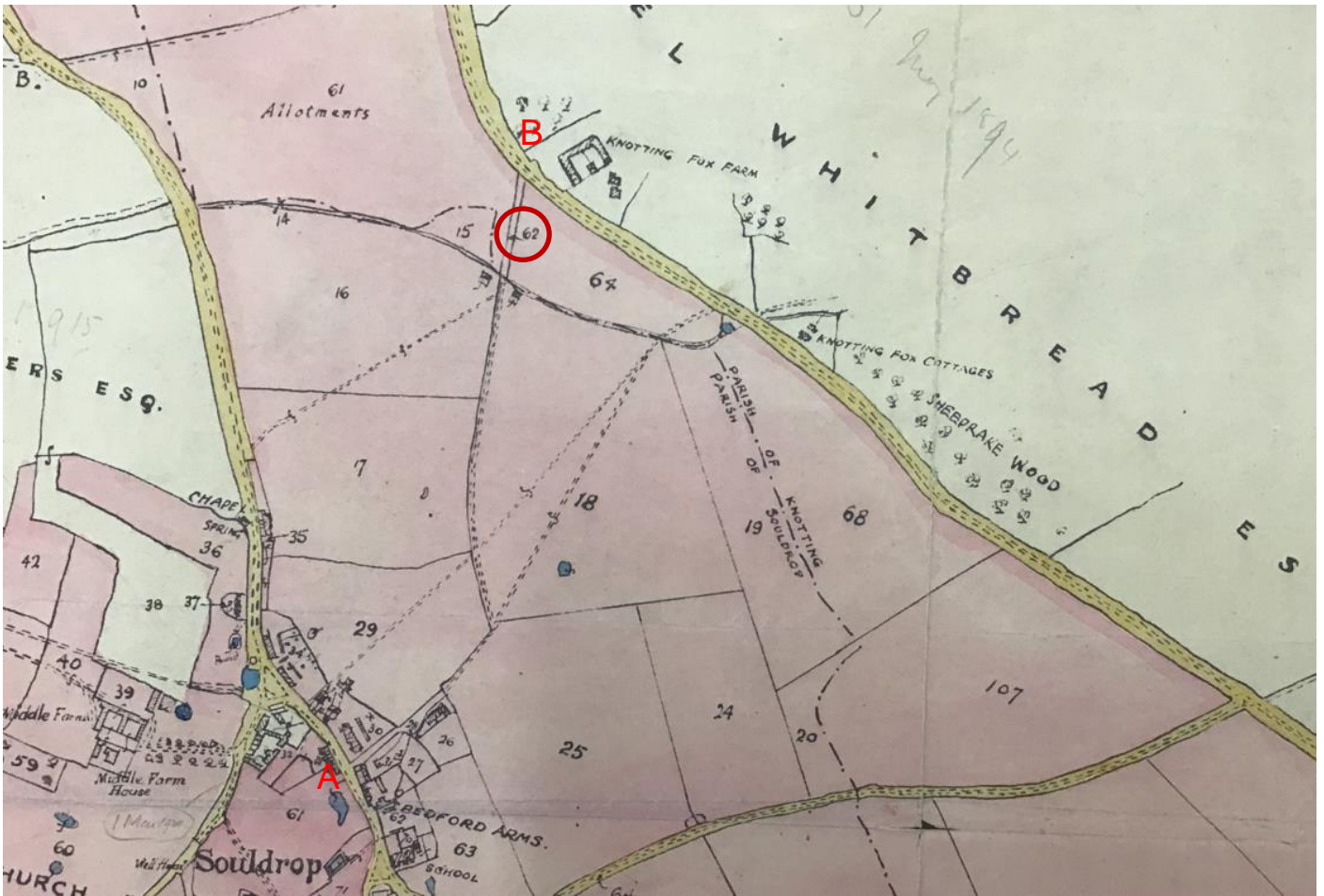
**Archive.** The extracts from this sheet below were obtained from the Bedford Record Office reference X547/149

**Meaning.** The extracts below shows the application route from A to B as a double dashed route in the same style as other existing bridleways in the area shown with a red arrow towards Lee Farm. The second extract shows the application route in close up and labelled as number 62. The accompanying text within the sales particulars shows plot number 62 described as a Lane with joint use and Roadway.

**Assessment.** This is an important legal document, witnessed and cast into law that shows the application route in a similar manner as the ordinary highway network and described as a Lane thus this is evidence in support of the route being a public highway.



*Extract from Sales conveyance showing the application route from A to B in the same style as the existing bridleway towards Lee Farm, shown with a red arrow*



Extract from Sales conveyance showing the application route from A to B as a double dashed track and described as plot 62, circled

Parish of Knotting.				
64	Road Close.	Pasture	3	3 1
62	Lane (Joint use)	Roadway.	0	0 29

Extract from Sales conveyance showing plot 62 described as a Lane and Roadway, circled

## 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 <http://www.bl.uk/onlinegallery/onlineex/ordsurvdraw/>

**Meaning.** The application route is shown on the extract below from A to B as a road in the same style as the existing bridleway that is marked with a red arrow.

**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 for Bedford showing the application route from A to B as a road in the same style as the existing bridleway marked with a red arrow*

## **Geographical Survey of Great Britain and Ireland by the Ordnance Survey Office**

**Date.** The Geographical survey map 52. Northampton, Bedford, SW Quad published 1891.

**Relevance.** This geological map series of England and Wales was published beginning in 1834 and is shown on the Ordnance Survey Old Series of One Inch to the Mile base maps (see our 6916.000). A total of 262 sheets were published through 1898: 52 full sheets, 2 half sheets, and 208 quarter sheets. The geological coloring of these maps was done by hand painting well into the 20th century - at a time when most geological maps were produced by color lithography. The resulting color is rich and produces images of great scientific and artistic clarity. Geological maps show the 'solid' (bedrock) geology and the 'drift' deposits (such as peat and glacial deposits) with equal emphasis, if both are shown. See marginalia to determine if the map shows drift geology (surficial) geology, or updates for levels (elevations), railways, and other natural and cultural features.

**Archive.** The extracts from this sheet below were obtained from the David Rumsey Historical Map Collection at <https://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~249239~5515897:52--Northampton%2C-Bedford%2C-SW-Quad>

**Meaning.** The application route is shown on the extract below from A to B as a road in the same style as the existing bridleway that is marked with a red arrow.

**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 Geographical Survey Map showing the application route marked from A to B and in the same style as the existing bridleway towards Souldrop Lodge (now Lee Farm) marked with a red arrow



## **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 the same style as the existing bridleway that is marked with a red arrow.

**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 and in the same style as the existing bridleway marked with a red arrow*

## **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 the same style as the existing bridleway that is marked with a red arrow.



**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 Early Edition Map showing the application route marked from A to B and in the same style as the existing bridleway marked with a red arrow*

### **Ordnance Survey Maps - 25 inch England and Wales**

**Date.** OS County Series Bedfordshire IV.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/114481353>

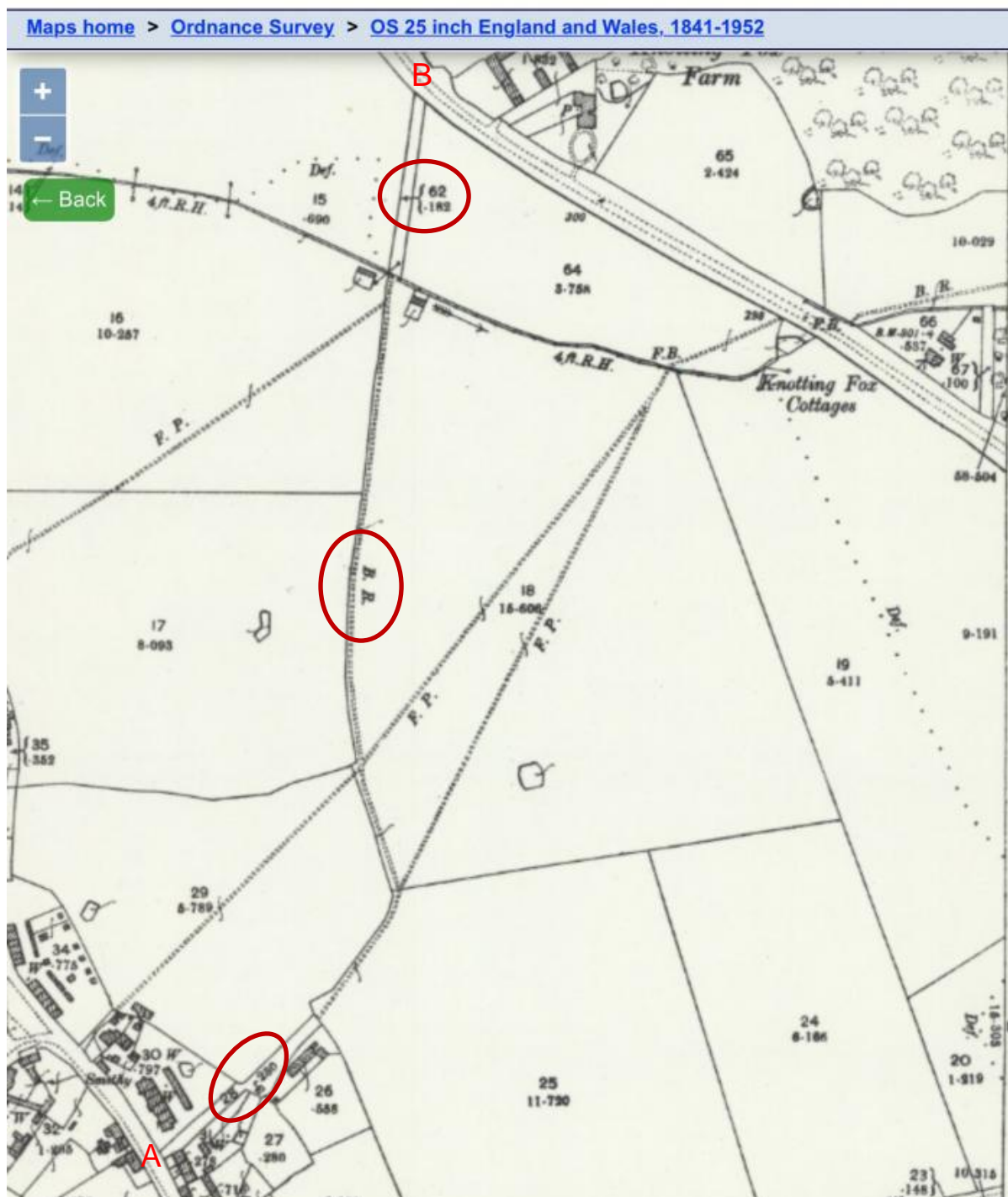
**Meaning.** The route is shown on the image below from A to B initially as a road with separate title, then as a Bridle Road, BR, and finally as a road with separate title, all circled.

**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. The presence of separate titles along the application route further suggests a status of public road.

Bedfordshire IV.13

Surveyed: 1899, Published: 1901

Size: map 64.4 cm x 96.6 cm (25.344 x 38.016 inches), on sheet ca. 76 x 104 cm (ca. 30 x 41 inches)



*Extract from OS 25" Map showing the application route marked from A to B as a road with separate titles and a Bridle Road, BR, all circled*

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

**Date.** OS Six inch series Northamptonshire XLVII.NE published 1901 and Bedfordshire IV.SW published 1947

**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/101575762> and <https://maps.nls.uk/view/101567552>

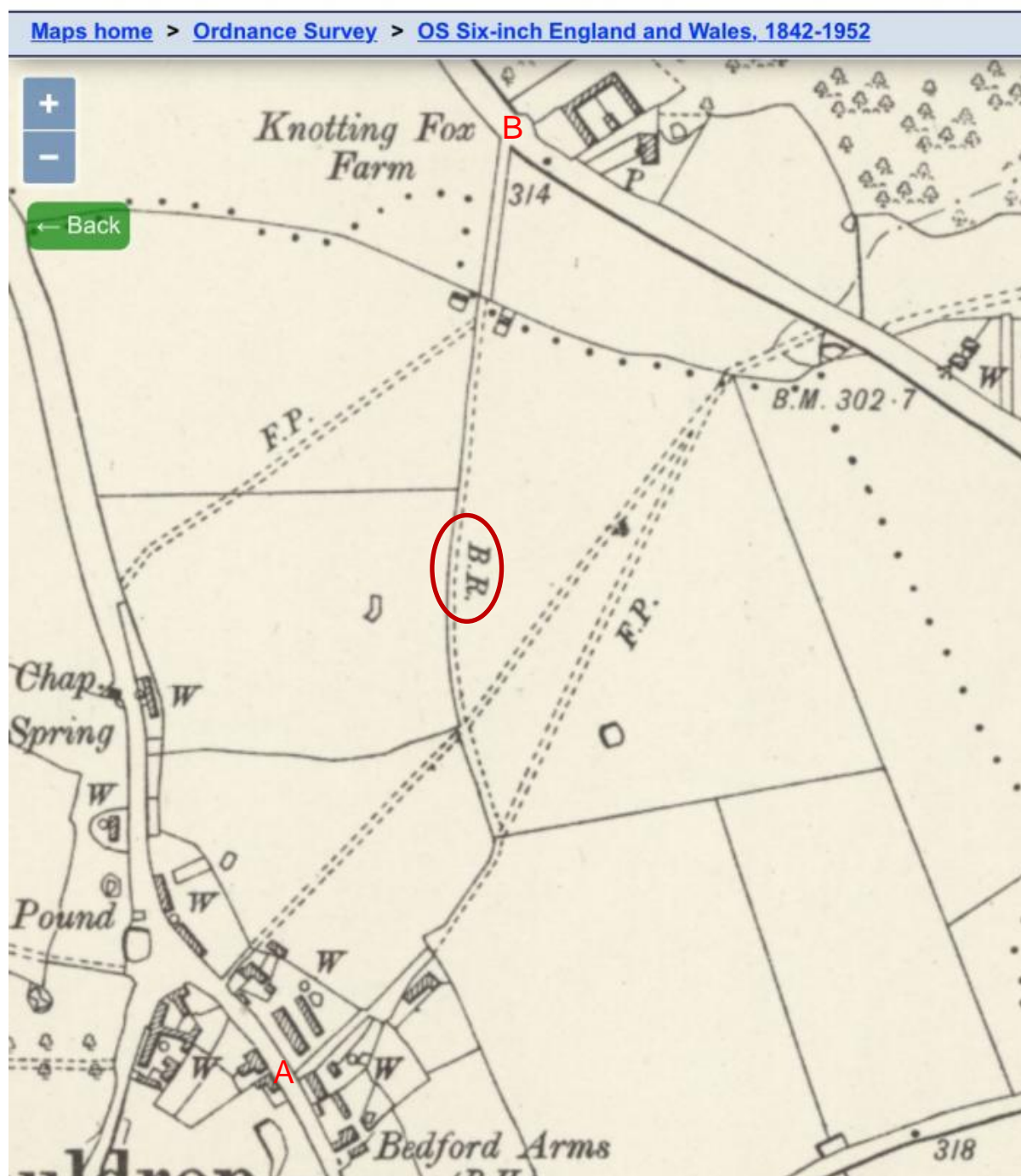
**Meaning.** The route is shown on the first image below from A to B initially as a road, then as a Bridle Road, BR, and finally as a road. The second image from much later, 1947 also shows the application route in exactly the same manner.

**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.

**Northamptonshire Sheet XLVII.NE**

**Revised: 1899, Published: 1901**

**Size:** map 31 x 46 cm (ca. 12 x 18 inches), on sheet ca. 43 x 58 cm (ca. 17 x 23 inches)



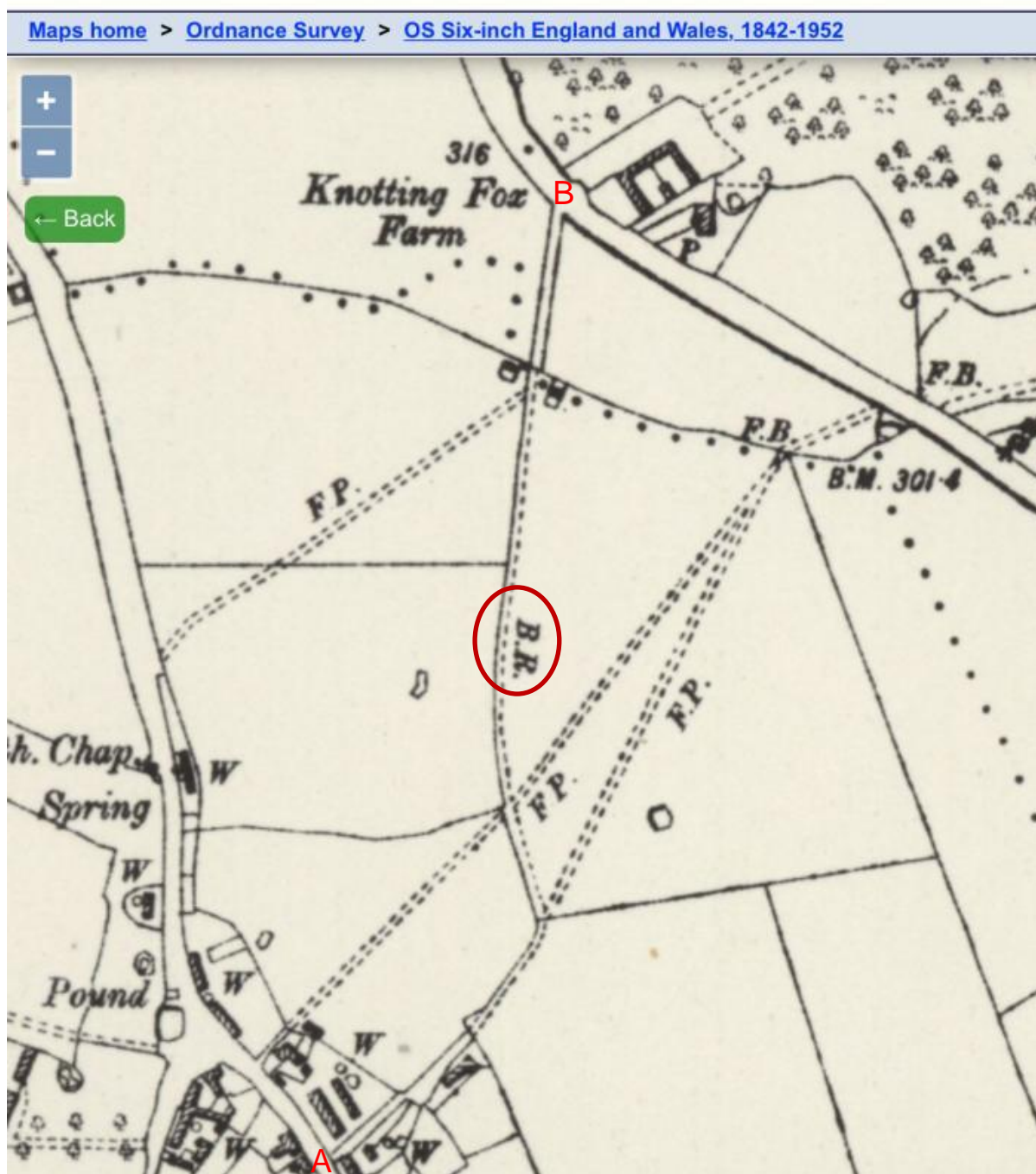
Extract from OS 6 inch Series Map showing the application route from A to B as a road then a Bridle Road, BR then a road



Bedfordshire Sheet IV.SW

Revised: 1899, Published: ca. 1947

Size: map 31 x 46 cm (ca. 12 x 18 inches), on sheet ca. 43 x 58 cm (ca. 17 x 23 inches)



Extract from OS 6 inch Series Map showing the application route from A to B as a road then a Bridle Road, BR then a road

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

**Date.** OS 25k series 42/96 published circa 1948

**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.

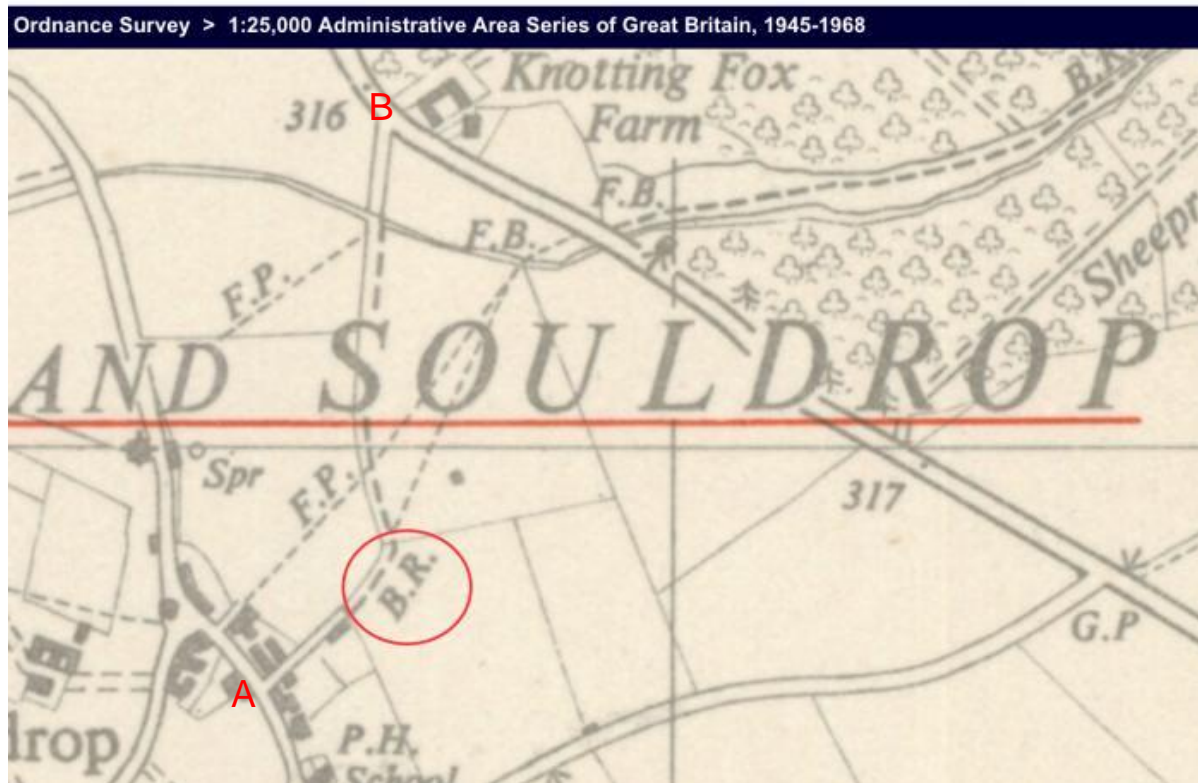
**Archive.** The extracts from this sheet below were obtained from the National Library of Scotland at <https://maps.nls.uk/view/196758458>

**Meaning.** The route is shown on the first image below from A to B initially as a road, then as a Bridle Road, BR, and finally as a 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.

Library  
id  
Nóiseanta

42/96 - A (includes: Irchester; Podington; Rushden; Wymington)  
Originally published: 1948; Boundaries: 01/04/1948



*Extract from OS 25k Series Map showing the application route from A to B as a road and Bridle Road, BR, circled*

### List of Streets

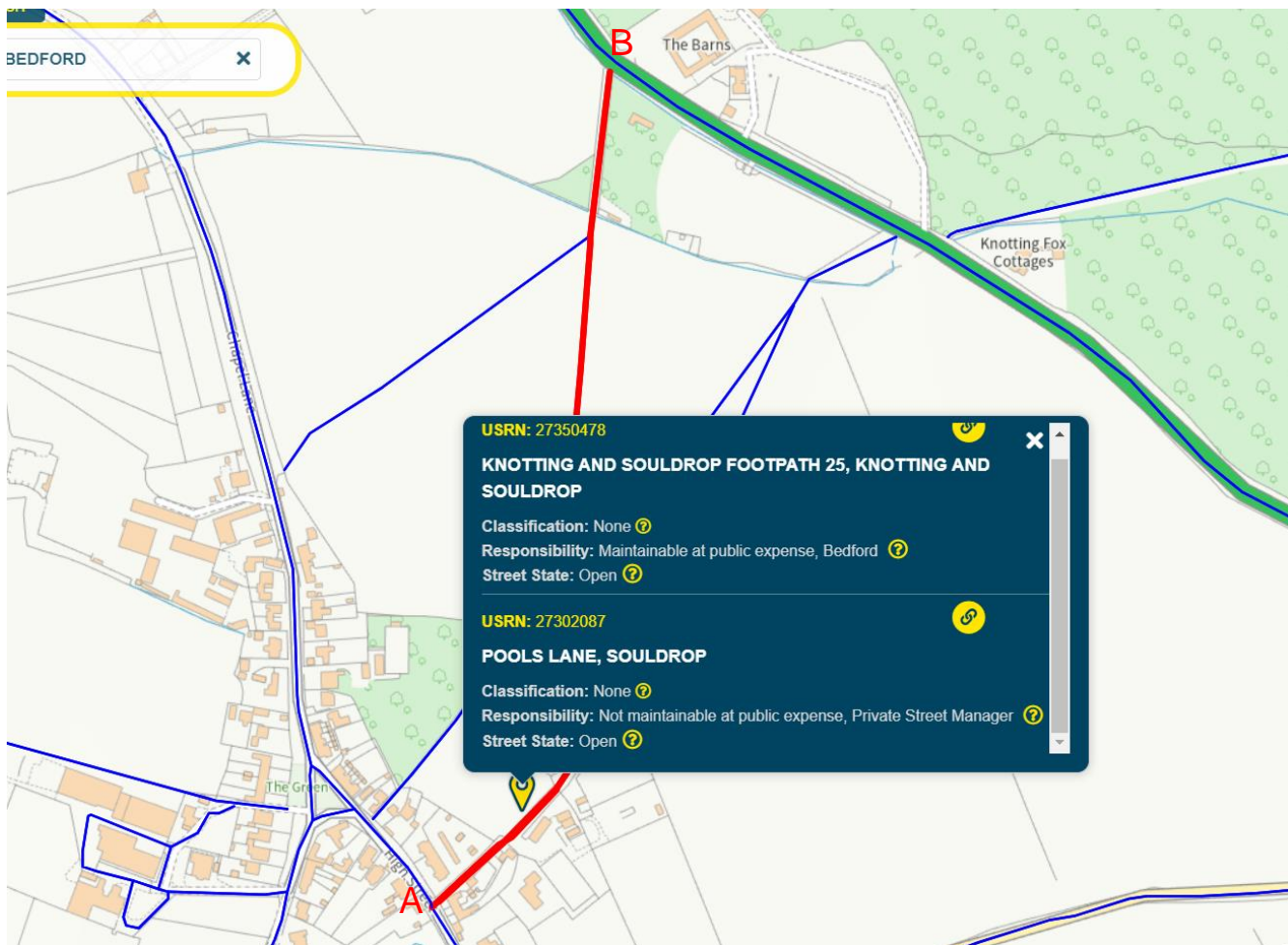
**Date.** The current record of list of streets that is maintainable at the public expense.

**Relevance.** This is a record that must be maintained by the highway authority. It records those highways that the authority considers are maintainable at the public expense. The showing of a route on the list is strong evidence that that route is a highway.

**Archive.** The extracts from this sheet below were obtained from <https://findmystreet.co.uk>

**Meaning.** The application route is shown as USRN 27302087 and described as "Pool's Lane" although it is recorded as not maintainable at public expense. However the fact that it is known as a Lane is good evidence that the route has higher status than its existing footpath status.

**Assessment.** The path is clearly on the current List of Streets described as a Lane. This is excellent evidence for the application route having higher status than it currently has.



*Extract from The Current List of Streets*

## **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: 29 October 2022

Organisation: British Horse Society