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Grey shaded evidence – ‘primary evidence’

NB A361 this Section Turnpiked 1751 to 1870. u/c = unclassified road maintainable at public expense. u/c 6077 links u/c 6076 with A361.

Date	Document	States/shows	Officer’s comment	Objector’s comment	Notes
1551	WSHC 1875/6 Lease of two mills, one of which is Seend Head Mill.	Mill and land leased to Thomas Barksdale and mill and tenement leased to Thomas Ilyes.	No references to roads or access	n/a	n/a
1674	WSHC A1/110/1674E Great Roll Wiltshire Quarter Sessions.	A presentment for Seend in Melksham parish relating to highways being not sufficiently repaired. One is “in the lane leading to Seen head mill”	Refers to road u/c6076, not Keevil23 as different parish.	Refers only to lane ‘leading to the mill’ and not as the ‘road to Trowbridge’.	Agreed, however reference only refers to extent of lane not sufficiently repaired.
1675H	WSHC A1/110/1675H Great Roll Wiltshire Quarter Sessions	A certificate confirming that the inhabitants of Seend in “a certain place called Seend Head Mill” had sufficiently repaired and mended the Kings Highway for horses, carts and carriages.	Refers to road u/c6076 at Seend Head Mill being the Kings Highway repaired by the inhabitants for carts and carriages. .	As above	Confirms vehicular nature of the route at Seend Head Mill in Seend parish. Enrolled Quarter Sessions certificate, signed and sealed.
1695	PCA Ogilby’s Britannia Plate 35	Strip map showing the Roads from London to Bath and Wells. Shows the u/c6077 marked “to Trowbridge” Baldham Mill shown annotated “Baldham mill wood bridge and brook”	The u/c6077 formed part of a route to Trowbridge. Baldham Bridge was made of wood in 1695.	A map of this age may not properly be relied upon. Even the most accurate are indicative of existence rather than status.	For the u/c6077 to form a route to Trowbridge some or all of the order route must have been a part.

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1749	WSHC 1908/1H A Map of the Manor of Keevil in the County of Wilts the Estate of Thomas Beach Esq. surveyed by James Sartain, Land Surveyor.	Large map (1:3168) well drawn and annotated with grid squares. Keevil 23 is shown ungated as "the road to Seend Head" Land is enclosed and belongs to Sir Edward Seymour. Other public roads are labelled in the same way – "road to Devizes and Lavington" "road from Hinton to Keevil".	Shown in the same manner as other public roads The road is shown continuing over (or through) the Semington Brook.	The road is not shown as a through road but a road with a single destination. The bridge over the brook is represented differently to the bridge at Baldham.	Seend Head was/is a hamlet comprising a large house and some dwellings all of which are north of Seend Head Mill hence Seend Head is also a destination. Agreed, bridge is shown differently but this is more likely to be a drawing error, the colouring of the brook is very clearly broken by the bridge at Seend Head.
1752	Turnpiking of the A361 in Keevil/Seend.	The Devizes Road was Turnpiked in 1752 and remained so through various acts of 1768, 1799, 1819, 1854 and 1870 when the act was repealed.	Maintenance of Turnpike by Turnpike Trust from 1752 to 1870.		
1773	WSHC and CH Andrews' and Dury's Map of Wiltshire (approx two inches to one mile).	Shows Keevil 23 as a gated hedged road leading from the Turnpike (A361) at the Turnpike Gate through a side gate north to the hamlet of Seend Head leading on to Seend Row or west where over Semington Brook to rejoin the A361.	Shown as gated road enclosed by hedge linking into road network.	Gated at south end. Narrower than the Turnpike (A361).	The use of u/c6076 and u/c6077 would have avoided a toll on the Turnpike hence the presence of a side gate is unsurprising and not uncommon.

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1773	WSHC 873/16 Perambulation of Seend Row Manor	A detailed map is included which shows Seend Head Mill with the mill race bridge shown cross hatched. Seend Head Bridge is annotated "Seend hd Bridge" and drawn as an arched bridge in the same manner as Baldham Bridge.	Shown as road past the mill passing over a named bridge.	Other than an artistic representation of a bridge (symbolic?) it is difficult to see how this document helps determine status.	The bridge was clearly significant at this time (as it was named) and drawn. Agreed no status indicated, private or public.
1785	Paterson's British Itinerary "a new and accurate delineation and description of the direct and principal cross roads of Great Britain..."	Map shows Keevil 23 as a cross road leading from the A361 north where it joins a route east (the u/c6077) and a route west which no longer exists (but could be part of Seend Head Lane).	Principal cross road.	Considers cross roads to be no guarantee of public vehicular status.	See Planning Inspectorate Advice note 4.
1786	WSHC A1/316/16 Quarter Sessions Justice Certificate and plans.	Map does not extend far enough west. Shows the eastern end of u/c 6076 and a currently unrecorded footway leading "to Seend Head" A361 shown annotated as "Turnpike Road from Trowbridge to Seend".		u/c 6076 only went to Seend Head.	Seend Head is the hamlet and house, not the mill. If this were the case the road would not have gone to the mill, which the 1674 records show it did. The u/c6076 clearly went beyond Seend Head but this was the next destination off of the map.

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1787	WSHC 1497/9 Surveyor of the Highways Accounts.	Document referring to a rate made by surveyors of the highways in the parish of Keevil to pay surveyors what they have laid out for materials in the repairing of Highways....The document lists payments to surveyors for named areas – either named fields or in the case of Thomas Beach and the Duke of Somerset, just the name of the landowner. There is a payment for the “Duke of Somerset’s”.	No evidence of the Duke of Somerset owning any other land other than that surrounding Keevil 23 in Keevil parish has been found. The surveyors of the highways would not have been using public funds to maintain the turnpike and it is concluded that these payments were used to maintain Keevil 23.	Believes the point to be somewhat conjectural and should be contrasted against other evidence of the route being a private road and not a through route.	Considerable checking of field names and routes which are now recorded as public roads on contemporary documents (1749 Beach map and 1795 Enclosure Award) was carried out to test the suggestion that the names of fields were used as a way of describing where highway repairs had taken place – this was found to be the case.
1789	WSHC Coroner's Bills	Records a death of someone returning to Keevil from Seend who fell in the mill pond beside the road.	Can not tell where, more likely to be Baldham Mill as direct route back from Seend.	Conjectural. Victim would presumably have been on foot.	Agreed. However all documents viewed are listed.
1790	WSHC CC Maps 26 A Survey of the Parish of Melksham and the hamlet of Seend 1790.	U/c 6076 shown annotated “Rowde” and “lane” and u/c6077 annotated “Mill Way”. Roads shown converging and leading towards Seend Head Mill but this area is not mapped.	Keevil is not mapped. u/c 6076 and u/c 6077 shown joining and continuing south into unmapped area.	This document is good evidence that the u/c6076 linked Seend Row with Seend Head.	

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1790	WSHC 1908/2 Draft Inclosure Map of Keevil	Draft map similar to 1795 award map. Keevil 23 is shown as closed or gated at the southern end continuing north over a narrow bridge beside a mill pond. The narrow bridge possibly has a ford shown to the east (the bridge is deliberately drawn narrower than the carriageway allowed.	Route continuing into Seend Route not given parcel number as surrounding fields are (for example 13. Duke of Somerset, 15. Duke of Somerset).	No destination sign (whereas at Baldham Mill on the Turnpike the map says "to Seend").	
1793	WSHC 947/2197 A plan of the Wilts and Berks Canal.	Shows Keevil 23 and the u/c 6077 linking to the road through Seend to Semington. A short spur is shown west (north of Seend Head Mill) but not continuing over the Semington Brook.	Keevil 23 shown in the same way as the road network.	There is no indication of status.	No status is shown of any routes though it is reasonable to assume that the purpose of including roads on this plan was to illustrate available transport links close to the canal.
1795	WSHC A1/215/27 Enclosure Act and WSHC E/A 46 Award for Keevil	The route of Keevil 23 is shown continuing over the bridge towards Seend. It is shown closed or gated and is unnamed and numbered. Fields on either side are numbered and named. A narrow bridge is shown at the edge of the mill pond but a significant gap is shown suggestive of access to the edge of the pond from the carriageway.	Land surrounding Keevil 23 was already enclosed by the time of this award.	There is no destination sign on Keevil 23. The bridge is very narrow compared to Baldham. A footpath at Axford Mill is depicted in a different manner suggesting that Keevil 23 was not even thought to be a footpath.	Agreed Axford's Mill footpath is shown by a pecked line and annotated accordingly. Agreed there is no destination written on Keevil 23.

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		<p>The award lays out only 2 public roads, 13 private roads and 2 footways.</p> <p>Other routes are shown and unnamed on the plan for example BOAT Keevil 7, nor is the road across Keevil Airfield (part of it by airfield) and nor is the public road past Seend Road Farm.</p>			
c.1800	H7 1332 Litigation plans	<p>Undated and untitled plans that appear to have been produced to support a legal action regarding water supplies between Baldham Mill and Seend Head.</p> <p>Keevil 23 shown as "the road from Def's mill to Trowbridge" and the u/c 6077 shown as "Road to Defendant's Mill. Both roads also labelled "The Mill Way".</p> <p>Bridge over Semington Brook shown as "cradle bridge".</p>	<p>The purpose of these plans is to resolve a dispute over water supplies at two mills, hence the plans refer extensively to mills and the plans are annotated to detail routes relating to the mills.</p> <p>It is taken as significant that the plans states "road from Defendants Mill to Trowbridge" suggesting a destination beyond the turnpike.</p>	This is taken as further evidence that the way was regarded as a way serving the Mill rather than a public through route.	Seend – A Wiltshire Village Past and Present by Edward Bradby (SEE.940 WSHC) records that in relating to Seend Head Mill in 1803 tenant Jane Bell suffered loss of water and was allowed £330 in part payment. The owner, the Duke of Somerset accepted £200 for future loss of water. It is considered likely that it is to this dispute that these plans refer.

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1808	WSHC Ordnance Survey 2" drawing no 61	Drawn from original survey, drawn at 2 inches to one mile. Shows Keevil 23 as a through route with the u/c6076 and the u/c6077 linking to the A361.			
1809	WSHC 653.30 Disbursements of the Highway Account February 1809.	Bulkington parish records listing payments made to people in respect of the highways. Entry 6 th December 1809 'paid William Somner for repairing Mill bridge'.	Bulkington parish not Keevil	n/a	n/a
1817	WSHC 3673L & CH Ordnance Survey one inch to one mile Old Series.	Map produced from 2" drawing above. Shows Keevil 23 as a hedged through route continuous with the u/c6076 and the u/c6077.	Keevil 23 drawn as continuous with local road network. Turnpike gates or gate on Keevil 23 not shown.	This map shows Keevil 23 as narrower than the UCR.	Keevil 23 is narrower than the u/c6077 but is shown in the same manner as the u/c6076 and other minor roads in the area.
1810 revised	WSHC A1/524/2MS Andrews' and Dury's map of Wiltshire.	Shows Keevil 23 as a gated route continuous with the u/c6077 and a route leading west to Seend Head Lane. u/c 6076 is not shown.	Gated road shown as part of network.	Gated at south end, much narrower than the A361.	
1796	WSHC 2856/5 An Abstract of Keevil Vicarial Tythes by Rev Lascelles Iremonger, Canon of Winchester.	Book refers to numbered plots on "award plan and tythe plan". The land surrounding Keevil 23 is numbered 26,27,28 and 29 on Award plan but is not included in these Schedules.	n/a	n/a	n/a

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1818	WSHC EA107 Inclosure Award Steeple Ashton	Shows Seend Head Lane (bridleway Semington 37) as "By One private carriage road and driftway twenty feet wide marked By on the said map leading eastward and northward from the Devizes turnpike road in Littleton Wood Common to the allotment numbered 1447".	Steeple Ashton Inclosure award shows part of today's Semington parish. Although listed as a private carriageway and driftway in the award Seend Head Lane is today a cul-de-sac bridleway. The award is large and awards 9 public roads only, 70 private roads (all described as 'private carriage roads and driftways', 4 private footways and 19 public footways.	n/a	Demonstrates wide use of terms such as 'private carriage road' in enclosure awards for public routes.
1820	WSHC 4L C Greenwood's Map of the County of Wiltshire from an Actual Survey made in the years 1819 and 1820.	Keevil 23 is shown as a 'Cross Road' continuous from the A361 and the u/c6076 and u/c6077.	<p>Cross roads were roads linking villages and turnpikes and it is likely that they represented a public route on which no toll was payable – valuable information for a traveller or user of such a map.</p> <p>PINS Advice note 4. Hollins v Oldham</p>	<p>Advice note 4 with references to Hollins v Oldham, explains that the fact that a Cross Road appears on an old map or document does not automatically indicate public rights. The designation on a map will depend on analysis of the particular map and in particular, the categorisation of other ways shown on the map.</p> <p>Cary and Greenwood tend to show cul-de-sac lanes, farm access tracks and other private ways.</p>	<p>The Duke of Somerset was a subscriber to this series of maps and is listed in a prospectus issued by C and J Greenwood.</p> <p>As a subscriber the Duke of Somerset would have had a particular interest in how the map represented his property.</p>

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1822	WSHC A1/531/11/1 Bridge Report Baldham Bridge 1822.	The engineer records that Baldham Bridge was built in around 1790 by the Toll Bridge Commissioners of the Turnpike. The engineer records that James Heritage had worked on the road since 1770 and spoke of repair liabilities. He was employed by Wingrove and Fowle who had the contract for the maintenance of the bridge and part of the road.	File accessed because title was unclear as to which bridge it refers. However document does confirm that the Turnpike was maintained by a contractor in the time frame 1770 to 1822.	n/a	In 1695 Baldham Bridge was a wooden bridge. This new bridge is a stone bridge. Supporting document showing that Turnpike was not maintained by parish in 1787.
1823	WSHC and PCA G and J Cary's Map of Great Britain, Sheet 18 Edition of 1823.	Map shows Keevil 23 as a Parochial Road between the A361 and continuous with the u/c6076. U/c 6077 shown as Turnpike.	Parochial road. Other parochial roads shown are now either u/c road, byway or bridleway.	See comment for 1820 Greenwood Map.	
1832	WSHC and PCA Map folder 3.4 G and J Cary's Map of Great Britain two miles to one inch.	Map shows Keevil 23 as a Parochial Road continuous with u/c6076. U/c 6077 shown as turnpike.	Parochial road. See note above.	See above.	
1831	PCA Pigot's Map of Wiltshire 1831 5 miles to one inch.	Map shows Keevil 23 continuous with u/c 6076 as a Cross Road. u/c6077 shown as Turnpike similar to Cary.	Cross Road.	See above	
1837	WSHC T/A Steeple Ashton Chapelry of Semington Tithe Map	Map shows Seend Head Lane as coloured ochre and un-numbered. Covers same area as the Inclosure Award for Steeple Ashton.	n/a	n/a	n/a

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1838	WSHC TA/Seend Tithe Map and Apportionment for Seend.	The map shows the route of the u/c6076 coloured ochre continuing over the two bridges at Seend Head Mill and on into Keevil parish. Excluded as 'roads, canals, water courses and buildings'.	Seend Tithe map shows a total of 9 routes leaving or entering the parish. Keevil 23 is one of these, the others are all either an A class road, a C class road or public bridleways (some with some evidence of higher rights). Keevil 23 is the only route shown that is currently recorded a footpath.	<p>No destination sign and nothing specific of this map to demonstrate the status of the route, being coloured sienna alone is not a sufficient indication. Reference to 'Merstham Manor case' "Tithe Maps make no distinction between a public and a private road".</p> <p>Also PI Consistency Guidelines 8.13 highlighting comparison with other reputable maps of the time. Suggests that of great importance is the Keevil tithe map which stated clearly that the route was a private road.</p>	<p>Map re-examined 21st October 2009. No exits from parish show destinations.</p> <p>Parish exit at Seend Head is shown exactly as the Baldham Mill A361 parish exit is.</p>
1840	PCA Pigot's Map of Wiltshire 5 miles to one inch.	Keevil 23 and u/c6076 shown as continuous route, u/c6077 shown bolder as Turnpike.	Shown as part of road network		
1841	PCA J and C Walker's map of Wiltshire 2.75 miles to one inch	Keevil 23 and u/c6076 shown as continuous route u/c6077 shown bolder as Turnpike.	Shown as part of road network.		

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1841	WSHC 1908/3 and ref book 653/17 Map of Keevil dated 1841.	<p>This map and reference book appears to incorporate some information from the 1795 Enclosure Award (for example 'Awarded width 40 feet wide' for the Turnpike) but carries the same plot numbers as the later Tithe map.</p> <p>The route of Keevil 23 is shown as number 14, labelled 'private road' and described in 653/17 as 'private carriage road to Seend Head Mill'.</p> <p>Shown going over narrow bridge and on to mill.</p> <p>Shown with a staggered crossing of 'public footpath' which is not represented in the map where it must travel along plot 14.</p> <p>653/17 lists a number of 'private roads to fields' but Keevil 23 is not listed amongst them.</p>	<p>The map is not considered a tithe map; the map does have a commissioner's stamp on it but no other features (for example commissioner's signature etc). It is known that the tithes were commuted to corn rents at enclosure in 1795 and later to rent charges by virtue of the Tithe amendment act and so it is unclear what the purpose of this map was. It may have been a tithe survey prepared in error.</p> <p>653/17 is not an apportionment document.</p>	<p>Consider it a greatly significant map in establishing the private nature of the route.</p> <p>The map shows destinations on all routes leaving the parish but not this one.</p> <p>The 1840 Keevil Parish survey states that the owner was the Duke of Somerset and that it was solely occupied by one tenant – Samuel Ferris.</p>	<p>Objector refers to this as the Tithe Map. It is not.</p> <p>Map and ref book re-examined 21st October 2009.</p> <p>Destinations are shown on routes exiting the parish but destinations are all distant. There is no need to show the destination as "to...." for Keevil 23 because the map has been extended beyond the parish boundary to show Seend Head itself. In other words the destination out of the parish is shown and there is no need to write "to...." in words.</p>

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1864	WSHC T/A Keevil 3 chains to one inch Tithe map and apportionment (NB In 1795 tithes were commuted to Corn rents in Keevil. Corn rents were converted to rent charges in 1863 under the 1860 Tithe Amendment Act).	The map is very similar to the 1841 1908/3 map. The route of Keevil 23 is shown coloured ochre and numbered 11a. It leads from the Turnpike over the Semington Brook and on into Seend Head. Number 11a is listed in the apportionment as in the ownership of His Grace the Duke of Somerset and occupied by William Taylor. It is described as "Private Carriage Road to Seend Head Mill". The route is not included in the lists of either "public" or "private roads etc" at the end of the apportionment.	<p>There is no doubt that the road is listed as a private carriageway to Seend Head Mill.</p> <p>The path that joins it and leaves it further north, that was shown as a public footpath on 1908/3 is shown, but not in this map labelled as a public footpath.</p>	<p>Further good evidence of private status. Gate shown. Bridge narrow. No destination sign whereas the Turnpike does say "to Seend" and "from Trowbridge".</p> <p>Position consistent in 1836 with this 1864 representation.</p> <p>Useful evidence of reputation. Consistency Guidelines paras 8.11 and 8.12.</p>	<p>From the Victoria History of Wiltshire Vol VIII. Great Tithes in Keevil were leased form around 1538. By 1600 most land had been enclosed and it was only the remnants of open fields that were inclosed by 1795 Act.</p> <p>The 1795 Act commuted the tithes to corn rents.</p> <p>In 1864 (map 1863) (under the 1860 Tithe Amendment Act) the Corn rents were converted to rent charges (when the last lease charge ran out). Small tithes were also commuted in 1795 and converted to a rent charge in 1863. Assigned to the vicar in 1870.</p>

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					Map re-examined 21 st October 2009. Map does show destinations on most other routes (though not on Wick lane). However this was not necessary for Keevil 23 as the map is extended beyond the parish boundary to actually show the destination – Seend Head.
1865	PCA Crutchley's Map of 1865. 2 miles to one inch.	This map shows Keevil 23 as a minor road continuous with u/c6076. u/c 6077 shown wider, as Turnpike is. Crutchley used Cary's plates with later railway information added.	Continuous route shown. Like Cary.		
1885	Ordnance Survey 1:2500 Sheet 39.2 WSHC.	<p>The map shows Keevil 23 as parcel number 18 measuring 0.480 acre. It is shown boldly shaded on the eastern side with a sienna coloured carriageway along the centre. It is shown apparently gated at the southern end.</p> <p>u/c6076 is shown continuing on seamlessly with the u/c6077 joining it from the east as a separate parcel.</p>	<p>Bold shading is the same as the A361. Carriage drives were tinted sienna during this period and in 1885 it was directed that metalled carriage drives will in future be shaded as 2nd class roads but the shading not as prominent as on public roads.</p> <p>Where fenced occupation roads and tracks are less than 10 chains in length they are braced to the</p>	Although the thickened line indicates a metalled surface it does not mean that it was necessarily publicly maintained. We know that the route was not publicly maintained.	See 2 nd (1899) and 1924 editions also.

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			adjacent parcel. This route (and parcel) is less than 10 chains in length and is not braced to the adjacent parcel.		
1885	Ordnance Survey 1:10560 map WSHC surveyed 1885.	Keevil 23 is represented as a gated route (at A361 end) leading north to join the u/c6076 at Semington Brook.	Physical representation of route.	OS maps will show the route but are not determinative of status.	
1893	PCA Houlston's new map of Chippenham 2 miles to one inch.	Keevil 23 and u/c 6076 are continuous and coloured sienna. Keevil 23 and u/c6076 is shown as the through route, u/c6077 joins it. Not all roads are coloured sienna.	Continuous route shown.		
1893	Roads and Bridges Committee Minutes Melksham G2/1/3 page 50.	Committee heard letter from Dr Green who had been challenged in his dog cart and asked if road was public or private. Mr Noad present said it was private and had a perfect right to stop. Surveyor said he had always understood it to be a private road.	Challenge to public rights.	Surveyor affirms Mr Noad's assertion.	This was heard by Melksham Highway Board. Keevil 23 is not in Melksham. The highway in Melksham is public highway; hence the surveyor's comment does not make sense.
1895	PCA Davies half inch map. 2 miles to one inch.	Keevil 23 shown as through route with u/c6076 and u/c6077 is shown as the wider route – as the Turnpike.	Continuous route shown. Like Cary.		
1898	PCA Gall and Inglis' half inch map for Cyclists, Tourists etc.	Keevil 23 and u/c 6076 shown as continuous route also with u/c6077. Uncoloured as minor route.	Continuous route shown.		

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1899	Ordnance Survey 1:2500 Edition Sheet 39.2 surveyed 1884 revised 1899 WSHC.	Keevil 23 is shown separately numbered and measured as parcel 18 0.480 acres. It is shown with bold shading on the eastern side and is shown possibly gated at the southern end.	Southampton Circular 25.6.1884 "All metalled public roads for wheeled traffic kept in good repair by highway authority will in future be shaded. Cancelled 1912.	No Guide Post on this road but there are at other points. The closed off junction does not necessarily mean the way was gated it is suggested that the way may have been free of public maintenance. The thickened line only shows a metalled surface.	<p>Ordnance Survey expert Richard Oliver is not aware of a specific instruction regarding gates though "all gates and toll gates across roads and tracks will be shown closed (RB63, B60)</p> <p>See also First Edition 1:2500 1885 and 1924 Edition.</p> <p>Evidence reviewed 21st October 2009. Guide Posts are not consistent for example none shown on the u/c6077 and A361 junction either.</p> <p>It is also noted that a guide post may have several finger boards and it is possible that a guide post at the A361/Keevil road junction (opposite the toll house) could have had four finger boards on it.</p>

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1899	PCA Murray's Handbook for Residents and Travellers in Wiltshire and Dorset 2 miles to one inch.	Keevil 23 and u/c6076 shown as continuous route – minor road, also joining u/c6077.	Continuous route shown		
1899 (1906?)	PCA Ordnance Survey 1" Revised New Series Sheet 281. One inch to one mile.	Keevil 23 and u/c6076 shown as continuous route "metalled road; Third class". Bridging of brook and mill race clearly shown. Map does show footpaths but not over Keevil 23 or surrounds. Map carries OS disclaimer "The representation on this map of a Road, track or Footpath, is no evidence of the existence of a right of way".	Continuous route shown as road. Footpath not shown.	Draws attention to OS disclaimer. 20 th century commercial maps will no doubt show the route but tend not to be determinative of status. Not much weight should be given to them, it is disingenuous to suggest because a map "aimed at motorists" showing the route was subject to public vehicular rights.	
1901	Ordnance Survey Quarter Inch map, 1 st edition 1901 and 1903 PCA Four inches to one mile.	Keevil 23 and u/c 6076 is shown as a continuous route – "Road, third class".	Continuous route shown.		Also see 2 nd , 3 rd and 4 th editions (1913,1919 and 1934)
1902	PCA Through Guide Series Bath and Bristol and Forty Miles Round. 2 miles to one inch.	Keevil 23 and u/c6076 shown as continuous route (with u/c6077) passing from the A361 through Seend Head, Seend Row and The Stocks.	Continuous route shown.	As above	

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1904	PCA Bartholomew's half inch survey Atlas Plate 64 1904 2 miles to one inch.	Keevil 23 and u/c6076 (and u/c6077) shown as "Other Driving Road". Footpaths and Bridlepaths shown on map but not along Keevil 23 or crossing it.	Continuous route shown.	As above	
1906	PCA Ordnance Survey 1" Third Edition Sheet 281. Surveyed 1882-1884, revised in 1903-1904.	Keevil 23 and u/c6076 represented as through route and shown "metalled road, third class". Fenced. Seend Head shown as hamlet, Mill in smaller type as "Mill". c/f Baldham Mill all in smaller type. Bridges clearly represented. No footpath shown along Keevil 23. Map carries disclaimer "The representation on this map of a Road, Track or Footpath, is no evidence of the existence of a right of way.	Continuous route shown. Footpath not shown.	As above	
1910	Finance Act records WSHC Map 39.2 L8/10/39. Valuation books L8/1/113 (Bulkington and Keevil) and L8/1/107 Seend. Map 39.2 L8/10/39. Valuation books L8/1/113 (Bulkington and	The whole of Keevil 23 is shown excluded from neighbouring hereditaments. It runs between hereditament 153 which is recorded as being owned by the Duke of Somerset c/o A W Hartopp (?), Maiden Bradley. The Duke of Somerset's name has been subsequently crossed out and the name B. C. Thompson d'd (?) written above. The hereditament is	Route shown excluded from valuation. Usual exclusion in this way is because route was in the control of the rating authority.	Public road evidence is not corroborated as we know the route has always been in the private ownership of D of S. Maintains lack of capacity to dedicate 1893 to 1910.	See Smyth case for exclusion of private road as a construction. But where did the public footpath come from in the 1922 deed of conveyance? There is no evidence for it pre 1921 so if this could have been

	<p>Keevil) and L8/1/107 Seend.</p>	<p>shown as being in the occupancy of H and J S Noad.</p> <p>Also see Thornham Farm</p>	<p>Private road colour washed in with main hereditament.</p>		<p>dedicated during this time then so too could a road.</p> <p>Evidence re-examined 21st October 2009. Examples Stoggy Lane was excluded from hereditaments – today part u/c road and part bridleway. Also note Hereditament 66 has double hedged private track (OS parcel 168) shown coloured as part of hereditament.</p>
1910	<p>Finance Act records held at TNA, Kew IR125\7\53 and IR\11\442 XXXIX.2 and valuers field book IR58\73568.</p>	<p>Record copy map shows the whole of Keevil 23 shown uncoloured and separate from hereditaments in the same way as other public roads.</p> <p>Field book refers to a £25 deduction for rights of way or user and details the OS parcel numbers valued in with this hereditament. Parcel number 18 which is the roadway of Keevil 23 is not included in the hereditament.</p>	<p>As above</p>	<p>As above</p>	

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1912	Melksham Rural District Council Minutes G2/100/13 page 163.	Seend Head Bridge. It was resolved to pay the sum of £5:5 to messrs J and J Noad being the amount incurred by them in repairing the bridge at Seend Head.	Public funds were used to repair the bridge.	Requires strict proof which bridge this refers to. Also comments that bridge repair could have been for footbridge.	<p>Witness reports that there was an engraved stone MDHB (Melksham District Highway Board) by the southerly bridge.</p> <p>The 1773 hand drawn map shows that the southerly bridge was called Seend Head Bridge.</p> <p>WCC policy at time of handover from RDCs of bridges was that only bridges over natural water courses were to be handed over for maintenance. See example of Wilsford Mill F4/160/5.</p>
1913	Ordnance Survey Quarter Inch map Second Edition 1913 PCA.	Keevil 23 and u/c6076 shown as a continuous route "Road, third class".	Continuous route shown.		See also 1 st edition, 3 rd and 4 th editions (1901, 1913, 1919 and 1934).
1914	Daily Mail Milestone Motor Map 1914 (PCA) 3 miles to one inch.	Commercial "Motor Map" for "Motorists, cyclists and golfers". Keevil 23 shown as an 'other metalled road'. Very little detail of roads, u/c 6077 not shown, only u/c 6076.	Keevil 23 and u/c 6076 shown as continuous route from A361 to Seend Row.	Not much weight should be given to them, it is disingenuous to suggest because a map "aimed at motorists" showing the route was subject to public vehicular rights.	

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1914	Sales Plan Seend Row 1225/140/11 WSHC.	u/c6076 continues south past the mill and along the route of Keevil 23. Shown as the dominant route rather than the route of u/c 6077.	Has OS 1:2500 base map.	Destinations shown on the map do not record that Keevil 23 is the route to anywhere named whereas other routes do.	
1919	Ordnance Survey Quarter Inch Third Edition 1919 PCA.	Keevil 23 and u/c6077 shown as a continuous route "other metalled road".	Shown as road continuous with other public roads.		See also 1 st , 2 nd and 4 th editions (1901, 1913 and 1930).
1919 (corrections to 1929).	Ordnance Survey one inch to one mile popular edition sheet 111 1919 – Contoured Road Map PCA.	Route is shown as an 'other road' 'roads under 14' wide. Bridle and footpaths are shown by pecked line and the key carries the line "Private Roads are uncoloured..."	Shown as a public road continuous with u/c6076 and u/c6077.	Not much weight should be given to them, it is disingenuous to suggest because a map "aimed at motorists" showing the route was subject to public vehicular rights.	Map clearly differentiates between private and public routes. Also see Cassini Historical Map 173 – Swindon and Devizes introduction details purpose of the maps being for motorists. Also Popular Series was reviewed by the Road Board and the Royal Automobile Club and were sent to District Surveyors for checking also.

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1921	Extracts from Contract for Seend Head Mill dated 26 th May 1921 and extract from 1921 conveyance plan. supplied by objector.	<p>The whole of the route of Keevil 23 is conveyed with the bridge at this time.</p> <p>The route of Keevil 23 is described in the contract as a Public Footpath (J to K) as is Keevil 24 (H to I).</p>		<p>The wording of the schedule is clear that the Duke and his Trustees up to 1921 intended that no greater right than public footpath existed.</p> <p>It is inconceivable that the Duke's solicitors would have drafted the contract and conveyance in the way they did if the situation had of been otherwise.</p> <p>Strongly dispute the ability to dedicate during the period the route was held under the terms of a settlement created in 1855 by the Will of the 12th Duke under which the tenant for life was "beneficially entitled to the possession of...the hereditaments hereinafter conveyed as tenant for his life with remainders over the Trustees are the present Trustees under the Settlement created by the said Will with power of sale of the same hereditaments" Trustees had to be joined in the 1921 conveyance as it was they who had the power of sale.</p> <p>The Noads were tenants for some of this period.</p>	<p>When was the route dedicated a public footpath? No previous mention of this found.</p> <p>Noads took over running Seend Head mill from Mr John Taylor at the request of the Duke of Somerset in 1879 (A Book of Keevil Vol 4 The Keevil Society KEE940 WSHC).</p>

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1924	Ordnance Survey 1:2500 1924 Edition surveyed 1884, revised 1922. Levelling revised 1899. CH	Route shown as parcel number 18 0.480 acre. Probably gated at southern end. Route continuous with u/c6076. Joined from east by u/c6077.	Consistent representation of route with 1 st and 2 nd editions, allowing for surveyors' instructions changes.		
1925 (roads revised to 1932)	Ordnance Survey half inch road map, sheet 32 1925 (roads revised to 1932) PCA Two miles to one inch.	Route is shown as a continuous route with the u/c6076 and u/c6077. Shown as "road 2 nd class, indifferent or winding" A different symbol is used on these maps to distinguish footpaths and bridleways from roads.	Shown as a road and not a bridle or footpath.	Not much weight should be given to them, it is disingenuous to suggest because a map "aimed at motorists" showing the route was subject to public vehicular rights.	Could have been shown as an "other road" – other private roads were for example Thornham Farm.
c.1930	Geographia Half inch Road Map of Wiltshire 2 miles to one inch. PCA	Route shown as "Other Roads" (Subject to a right of way). Footpaths were shown by pecked lines.	Shown as a road continuous with u/c6076 and u/c6077.	Not much weight should be given to them, it is disingenuous to suggest because a map "aimed at motorists" showing the route was subject to public vehicular rights.	

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1930	Highway Takeover Maps and Highway Record CH. Melksham Rural District Council and Westbury and Whorwellsdown Rural District Council.	Keevil 23 wholly in Westbury and Whorewellsdown area. Originally coloured as a publicly maintained route but subsequently scratched out (Takeover Map only). u/c6076 wholly in Melksham Rural District Council area. Coloured to parish boundary (centre of brook). Extension of route south has pencil note written on it "Not Repairable". A361 also annotated.	Takeover maps were produced by surveyors attending County Hall with their own maintenance records and copying routes to new maps. Records are very carefully drawn.	Suggests a drafting error subsequently scratched out.	Annotation records that it was not repairable, not that it was private.
1933	Survey of County and Other Bridges 1933 WSHC F4.	Melksham Rural District Council records not present in file.			
1934	Ordnance Survey Quarter Inch Map 4 th Edition 1934 PCA.	Keevil 23 and u/c6077 shown as a continuous route and shown as "other metalled road".	Shown as a road continuous with other public highways.		
1934 to 1987	Keevil Parish County Surveyors Correspondence WSHC F4/300/133.	No correspondence relating to Keevil 23.			
1936 and 1941	Bartholomew's Revised half inch maps 2 miles to one inch Sheet 28 1936 and Sheet 7 1941 PCA.	Sheet 28 1936 shows Keevil 23 and u/c 6076 as a continuous route "serviceable road" Sheet 7 1941 shows Keevil 23 and u/c6076 and u/c6077 as continuous route "serviceable motoring road".	Shown as a continuous road with other roads. Could have been shown as "other road" but was not.		

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1939	Application for Consent to Building, Access or Permanent Excavation WSHC F4\760\241.	Application is from J and J Noad who describe themselves as 'prospective owners'. Describe and show the council road ending at Semington Brook.	Document clearly indicates J and J Noads understanding of public rights at this time. Contrast this with the same Mr Noad's blocking of the road in the 1980s.		
1940-1945	Johnston's Road Atlas. 3 miles to one inch. CH	The map shows Keevil 23 and u/c6076 as minor roads and a through route from the A361. The Road Atlas does show footpaths but does state that "the representation of a footpath is no evidence of a right of way".	Continuous route, part of roads network.		
1948	Johnston's Road Atlas 3 miles to one inch PCA.	Keevil 23 shown as a continuous route with other public highways.			
1948	Ordnance Survey 1:25000 Provisional Edition 1948 PCA.	Keevil 23 and u/c6076 shown as continuous and ungated. Shown as other road. Footpaths and bridleways shown separately.	Continuous route with other public highways.		Map carries the disclaimer 'representation on this map of a road, track or footpath is no evidence of the existence of a right of way.
1951	WCC Schedule of Trunk and County Roads and Bridges 1951 CH	U/c 6076 recorded as going past Seend Head Corn Mill to bridge over Semington Brook. Bridges not recorded.			

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1953	Warminster and Westbury RDC Definitive Map and Statement.	<p>Keevil 23 added as a footpath after objection by the Ramblers Association. "The road is certainly an old public carriageway but now there is a gate across marked 'private road', but there is nothing to show that the footway has been closed".</p> <p>The statement describes the path as leading "from the S. end of road u/c6076 at Seend Head."</p>	<p>Definitive map shows footpath extending from the A361 to the parish boundary midway across the Semington Brook and its junction with u/c6076 as per highway record/Takeover records.</p> <p>The Keevil Parish survey was not extensive and only identified just over a half of the paths that were finally recorded. (13 paths identified out of 25 finally recorded).</p>	<p>In the summary of evidence WCC make the point that no objection was received to this addition to the map, but again it would be disingenuous to suggest that landowners were aware of those changes".</p>	<p>The objection was agreed and publicised according to NPACAct 1949 after publication of the Draft map and hence appeared on the Provisional Map. This was duly advertised and it was only landowners, lessees and occupiers of land that had the right to object at this stage. Given the processes followed and the length of time spanning the definitive map process it must be considered that landowners were aware of these changes.</p>
1988 and 1991	WCC correspondence and Highways Act 1980 Section 143 notice.	<p>Notice served on J Noad regarding obstruction of highway u/c6076 in 1988.</p> <p>Obstructions not removed by 1991 (photo) and note that WCC agreed to act. No record of action taken.</p>			

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1991	Wiltshire County Council Bridge File Bridge 5067 CH	<p>Following inspections by WCC in 1991 the southerly bridge was recorded with a 5067 bridge number (private bridge number or other).</p> <p>Also contains correspondence from Seend Parish Council (1988) requesting that the road be opened to 'pedestrians and the occasional horse rider only'. Parish Council also state that if the owner were to apply to have the cul-de-sac closed the council would oppose the application.</p>	<p>Correspondence is confused regarding extents of highways and rights of way and is at odds with definitive map.</p> <p>Neither bridge recorded as publicly maintained.</p>		<p>Bridge engineer found ancient and substantial foundations to the bridge pre-dating current structure.</p>

Additional Evidence received from local people:

- 1) 30 September 2008 Beverley Hiscock. Moved to Seend Cleeve in 1983 and frequently rode horse along Keevil 23 for a number of years until the gate was locked. Spoke to older residents who remember the gate being unlocked and usable.
- 2) 30 September 2008 Mrs P Church. Has walked and cycled along Keevil 23 for many years. Also a neighbour cycled. The gate was sometimes fully opened or sometimes chained in such a way as the long chain allowed the gate to be opened for a cycle. The gate opened about one metre.
- 3) 7 October 2008 Janet Rawlings. Lived at Whites Farm, Seend Cleeve from 1957 to 1967 and in those years regularly rode Keevil 23 to Keevil and to Steeple Ashton for the blacksmith.
- 4) 5 October 2008. Anita Shea. Moved to Seend Cleeve 32 years ago and walked from Seend Cleeve down Row Lane and passed the gate which now says it is a private gated road.
- 5) 9 October 2008. Lucy Garton. Lived in Seend Cleeve since 2001. The Avon Vale Hunt always used to use it and said there was never any trouble, they are however unlikely to give evidence.
- 6) 14 October 2008. Pamela and Richard Church. Submitted WCC witness evidence form. Walked regularly but only cycled a few times in 2001-2003 and occasionally later. Knows of others who rode horses and cycled along the track. Remembers access by opening the gate wide on its long chain but found it locked on 26 June 2003. Assumed the barrels at the other end were only to stop cars and not cyclists or walkers. Bailer twine has recently appeared across the road by the barrels.

Husband always spoke to landowner when he saw him – in the 1980s and in 2001/02.

Mrs Church with a friend cycled through and had 'a very interesting conversation with a man who seemed to own the mill, he talked about his plans for installing a generator'.

- 7) 19 October 2008. Anita Shea. By e.mail can't date when the gate at the northern end was signed as private. People in the village say there was no private sign during the 1980s but there were barrels to stop vehicles. The mill appeared uninhabited. By 2001 there was a gate across and a private sign.
- 8) 14 October 2008. Beverley Hiscock. Told by locals to ride on Keevil 23 from 1983 approx 1990 when found gate locked. Cycled and rode horse. Would pass the time of day with an elderly relative.

- 9) 20 October 2008. John R Daniels. Used by walking cycling and riding a horse between 1956 and 1960, 1963 and 1967 and last used it in 1987. Used it on a paper round also Seend FC played football in the fields off the road and coaches used the road to get to the field. Saw other users by several means. Didn't find gate at A361 closed until 1990. Corn mill traffic used the road until mill was closed, and then barrels appeared at north end. The last person who lived at the mill supported the football team and was aware and also allowed people to use the road.
- 10) 20 October 2008. Mrs P Church. Has re-examined diaries and finds that she found the gate locked while out cycling on 25 February 2002. Her expectation was to push the gate back on its long chain.
- 11) 3 November 2008. Jonathon Cheal acting for landowner. 'We are obtaining further witness statements and will let you have them as soon as possible, so please don't conclude your recommendation yet.
- 12) 17 November 2008. Lucy Garton. Rode a horse sporadically along route 2002-3 by opening gate – chain was wound round but not locked. Spoke to Joe Noad and asked if he minded her riding the track and he said 'I would rather you did not' and subsequently the gate was locked. Gate at northern end was mostly open or closed with a piece of string. Mr Noad told her that the route from the bend to the river was not even a footpath.
- 13) Mr J Hampton Born in Seend 1953 and lived there until 1973. Had grandparents who lived in a cottage (now demolished) opposite Seend Head House. Remembers roads past the mill to the river always being open and used by the public. There was no gate or signs at this end at this time. People also accessed the river banks for recreation. Father, grandparents and other residents always maintained that the lane from the river to the A361 was public. Grain lorries also used the lane.
- 14) Mr D Hampton Brother of the above. Offers recollections of his father who was born at Seend Head in 1922 (and died in 1994). There was a marker stone inscribed MDHB just before the bridge. Melksham District Highways Board. His father complained about obstructions to the u/c6076 and Mr Hampton attended Parish Council meetings to speak of concerns. His father thought that the southern stretch (Keevil 23) shouldn't be driven but could be walked on. The grandfather had spoken of the banks of the mill pool being very shallow and that people used to drive their cattle there to drink and it is probable that they would have done that from both Seend Row and The Strand (A361 end). The Noads had paid for the tarmac and he said they locked the gate once a year but that anyone could use the lane for the rest of the year. The gate was however locked more often and he wasn't happy about that.

The following four statements were submitted by the objector on the 17 February 2009

15) Mr G L Noad. Has had close knowledge of Seend Head Mill all of his life (born 1925). Recalls that the route of Keevil 23 has always been private and does not believe that there was any public right along there. He also does not accept that there was a public right of way south from the mill to the parish boundary. His father believed the same but gave people permission (out of courtesy) if they tried to use the route. The gate at the A361 end was locked from time to time and it has two signs on it, one giving a weight limit and the other saying 'private road'. Lorries tended to enter the mill full from the north end and exit empty from the south end because they were lighter then.

16) Mr K J Noad. Recalls Seend Head Mill from about 1957 and started work at the mill in August 1959. He was a partner in the mill business with his father. Wheat was washed at Baldham Mill, taken in lorries to Seend Head Mill where it was ground and then taken to local bakeries. Unloading lorries blocked the road completely, certainly for three or four hours at a time and probably up to seven hours a day. The road south of the mill (u/c6076 and Keevil 23) was always a private road and he doesn't think there were ever any public rights along it. George Node (cousin) lived at the mill house and stopped people that tried to use the route telling them it was private and that they were not entitled to use it. The odd motorist did try to use the lane. The southern end was always gated but was regularly left open and would remain open most working days though was shut at weekends and bank holidays. George Node would shut the gate if someone used the route without permission. Everyone local believed it was private and there was a sign at the southern end probably saying "private road". His family would have objected strongly to any recording of the way as public because it would have interfered with their business.

17) Mrs D M Webb. Recalls living at the mill from 1943 until 1967 and visited regularly between 1967 and 1977 at least twice a week. The route has always been private and local people will confirm this. It has always been privately surfaced and has not been maintained by the Council. Does believe there is a public footpath on most of Keevil 23 but nothing else. Her father stopped people who tried to travel along the u/c6076 north of the bridge. Other people were given permission to walk on the lane (Keevil 23) but others were challenged and always turned back. Most of the time there was a lorry parked on the road. Horse riders who tried to come through had permission to do so. The gate at the southern end tended to be shut when her parents were away.

18) Mr C W Smith. Witness statement from Mr Smith who is the chairman of Seend Parish Council, however the statement is not given in this capacity. Born in 1939 and has lived and farmed in the area all his life. He never used Keevil 23 because he knew it was private. The gate was opened for mill use and for the hunt. There was a 'private road' sign on the southern gate in the 1950s. Has never seen non mill traffic on the route.

Sally Madgwick
6 October 2009