

**Decision Report**  
**Wildlife and Countryside Act 1981 – Section 53**  
**Application to Add a Footpath to the Definitive Map and Statement of Public Rights of**  
**Way – Donhead St Andrew**

**Appendix 2 - Historical Evidence Summary**

<b>Document</b>	<b>Cranbourne Chase Inclosure Award (E/A 141)</b>
<b>Date</b>	1828
<b>Relevant Documents</b>	Award Map no.7 “Berwick St John and Donhead St Andrew” Award
<b>Size</b>	Map size – 17.5cm x 21cm (approx), Scale 32 chains to 1 inch and 24 chains to 1 inch
<b>Significance</b>	<p>Inclosure was a process by which lands which had previously been communally farmed by the inhabitants of the manor, were redistributed amongst people having rights of common. By the 18<sup>th</sup> Century new innovations in farming were increasing output, but where communal farming was still in place it was difficult to modernise without the agreement of all parties. Therefore the larger landowners, who wished to increase the productivity of their land, set about obtaining parliamentary authority to redistribute property rights.</p> <p>Inclosure Awards provide sound and reliable evidence as they arise from Acts of Parliament. Prior to 1801 inclosure was dealt with by local acts for specific areas. Post 1801 local acts generally operated with the Inclosure Consolidation Act of 1801 which standardised the process and gave the Commissioners the power to change the highway network of the parish and authorised and required the Commissioners to set out and appoint public and private highways, including bridleways and footways, within the parish.</p> <p>Weight can be given to routes included within Inclosure Awards as landowners had a strong influence over the process and wanted to minimise public highways over their land. Parishes also had motives to reduce the number of public highways in order to reduce their repair costs as it was the duty of the parish to maintain such highways. To balance this, the public nature of the inclosure process was clearly set out within the Act, e.g. notice of the public and private roads to be set out was required and opportunity given for objection to the inclusion or non-inclusion of public and private highways.</p> <p>One of the main purposes of the Inclosure award and plan was to record highways.</p> <p>The Cranbourne Chase Inclosure Award dated 1829 arises from “An Act for disfranchising Cranbourne Chase in the counties of Dorset and Wiltshire”. Donhead St Andrew is included with Berwick St John on Map no.7, the maps are signed and sealed by Phillip Williams the Inclosure Commissioner.</p>
<b>Conclusion</b>	The map of the lands to be inclosed within the parish of Donhead St Andrew, does not include the land in question, over which the claimed route passes. The inclosure award would normally be a significant piece of historical evidence, but no conclusions can be drawn from this document, in this case.

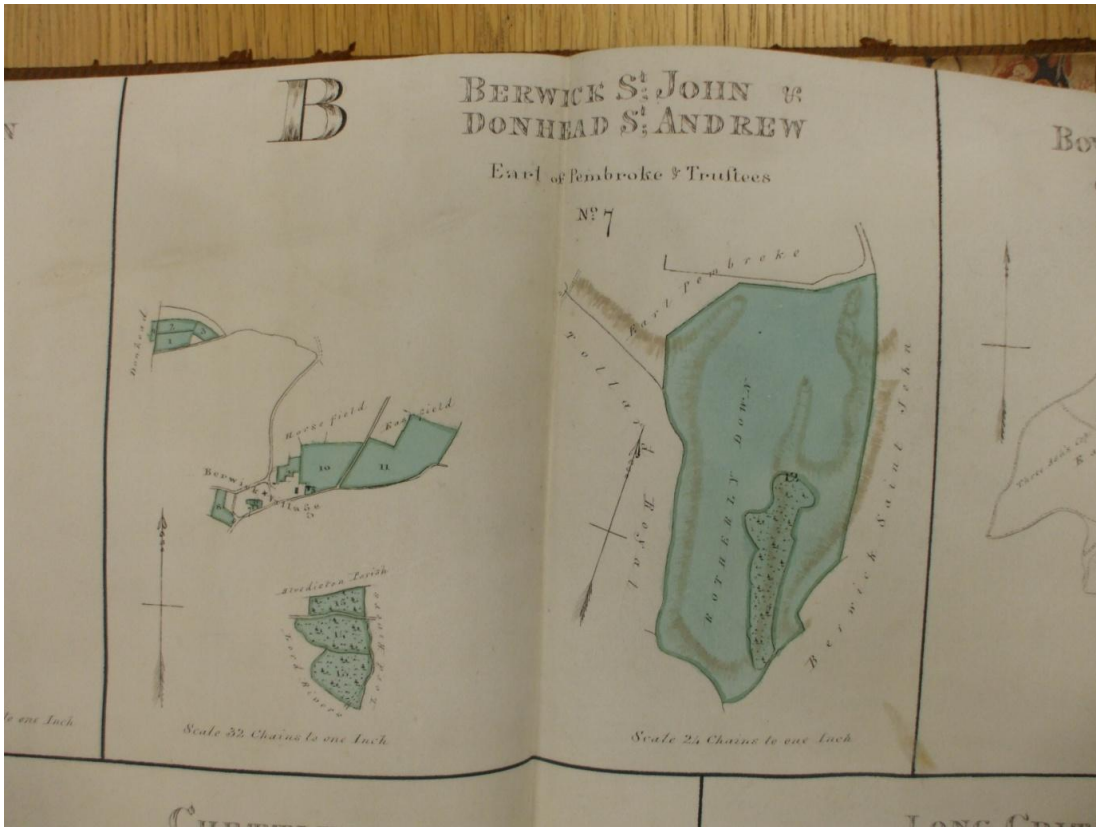


Fig.1 - Cranbourne Chase Inclosure Award 1828 (Map no.7)



Fig.2 - Cranbourne Chase Inclosure Award 1828 (Map no.7)

<b>Document</b>	<b>Parish Claim</b>
<b>Date</b>	Survey date 1950
<b>Relevant Documents</b>	Parish claim map Parish record card
<b>Size / Scale</b>	6" to 1 mile
<b>Significance</b>	<p>The 1949 National Parks and Access to the Countryside Act required all Surveying Authorities to produce a definitive map and statement of public rights of way and to undertake a quinquennial review of this map. Following this instruction to authorities, Wiltshire County Council sent Ordnance Survey Maps to all Parish Councils, who surveyed and recorded what they considered to be public rights of way within their parish, with an accompanying description of each path.</p> <p>Parish Councils were required to convene a meeting at which the public rights of way information, to be provided to Wiltshire County Council, was agreed locally. This information was to form the basis of the definitive map and statement of public rights of way which was published and advertised between 1952 and 1953, depending upon the Rural District or Urban District area.</p> <p>Detailed guidance regarding the Parish Councils input into the definitive map process was issued and the Planning Inspectorates "Definitive Map Orders: Consistency Guidelines" state that the legal "presumption of regularity" applies, i.e. unless otherwise demonstrated, it should be assumed that Parish Councils received this guidance and complied with it in undertaking the parish claim.</p> <p>Each stage of the process, i.e. the publication of the draft map and the provisional map was advertised and there was opportunity for comment and objection to the inclusion or non-inclusion of a path; its provisionally recorded status and route.</p>
<b>Conclusion</b>	The parish survey map and statement for Donhead St Andrew records Footpath no.'s 4 and 5, but not the application route. There is no correspondence relating to the claimed route and it can be concluded that at the time of survey the Parish Council did not consider the claimed route to be a public right of way and despite public consultation, no objection to its non-inclusion was made.

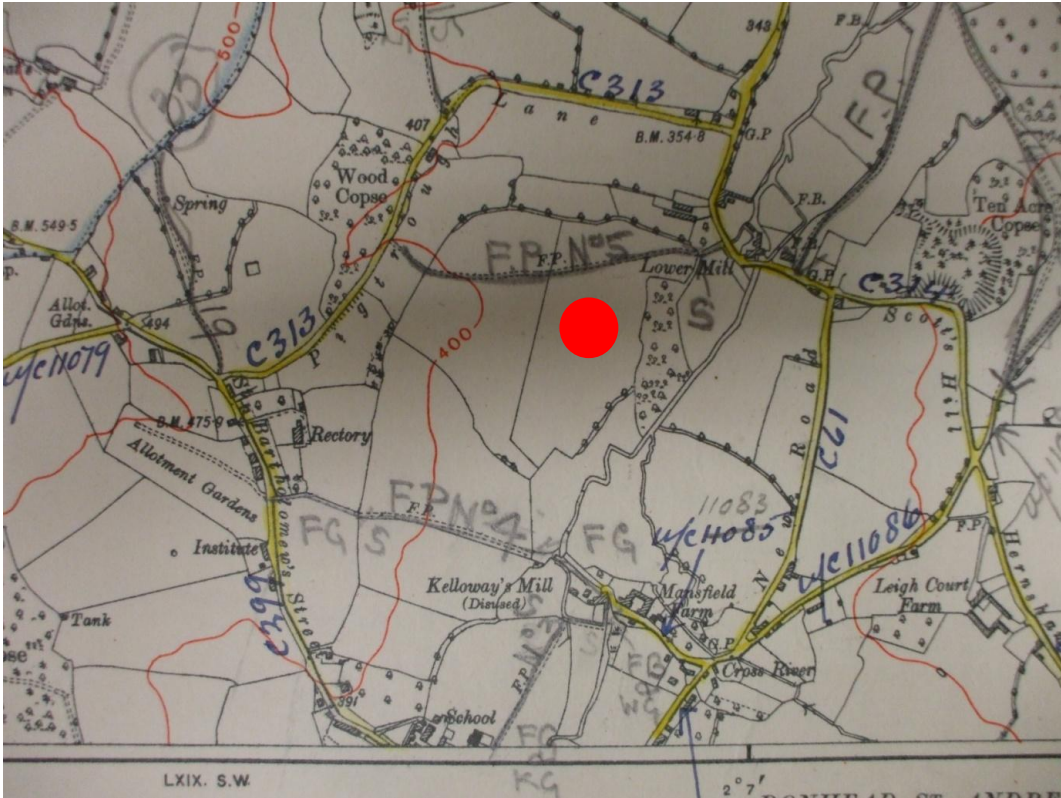


Fig. 3 – Donhead St Andrew Parish Claim Map 1950

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.		PATH No. <u>4</u> (to correspond with No. on map)
PUBLIC RIGHT OF WAY.		PARISH OF <u>Donhead St Andrew</u>
NAME OR SITUATION AND DESCRIPTION (FOOTWAY, BRIDLEWAY, ETC.) <u>From mill lane to Barkem Hill. This footpath starts at a field gate by Kelloway's mill, there is one stile &amp; it comes out through a field gate at Barkem Hill.</u>	LENGTH <u>400 yds.</u> WIDTH	
	WHETHER FENCED OR OPEN <u>open</u>	
	APPROXIMATE PERIOD OF UNINTERRUPTED USER — YEARS FROM	
	WHETHER REPAIRED BY PARISH, DISTRICT, BOROUGH OR COUNTY COUNCIL — <u>PC</u>	
NATURE OF SURFACE <u>grass</u>	DATE OF REPAIR	
STILES, GATES, FOOTBRIDGES, STEPPING STONES <u>Field gate at either end &amp; one stile</u>	WHETHER SUBJECT TO PLOUGHING	
WHETHER DIRECTION POSTS ON WAY (GIVE PARTICULARS) <u>No</u>	DATE OF SURVEY	
	WHETHER SHOWN ON UNDERMENTIONED MAPS — ORDNANCE 6" SHEET, REF. <u>500 LXIX S.W.</u>	
	INCLOSURE AWARD	
OBSERVATIONS: <u>1950</u>	LANDOWNER'S MAP (DEPOSITED UNDER SECTION 1 (4) OF THE RIGHTS OF WAY ACT, 1932)	
	OTHER MAPS —	

Fig. 4 – Footpath no.4 Donhead St Andrew, Parish Record Card 1950

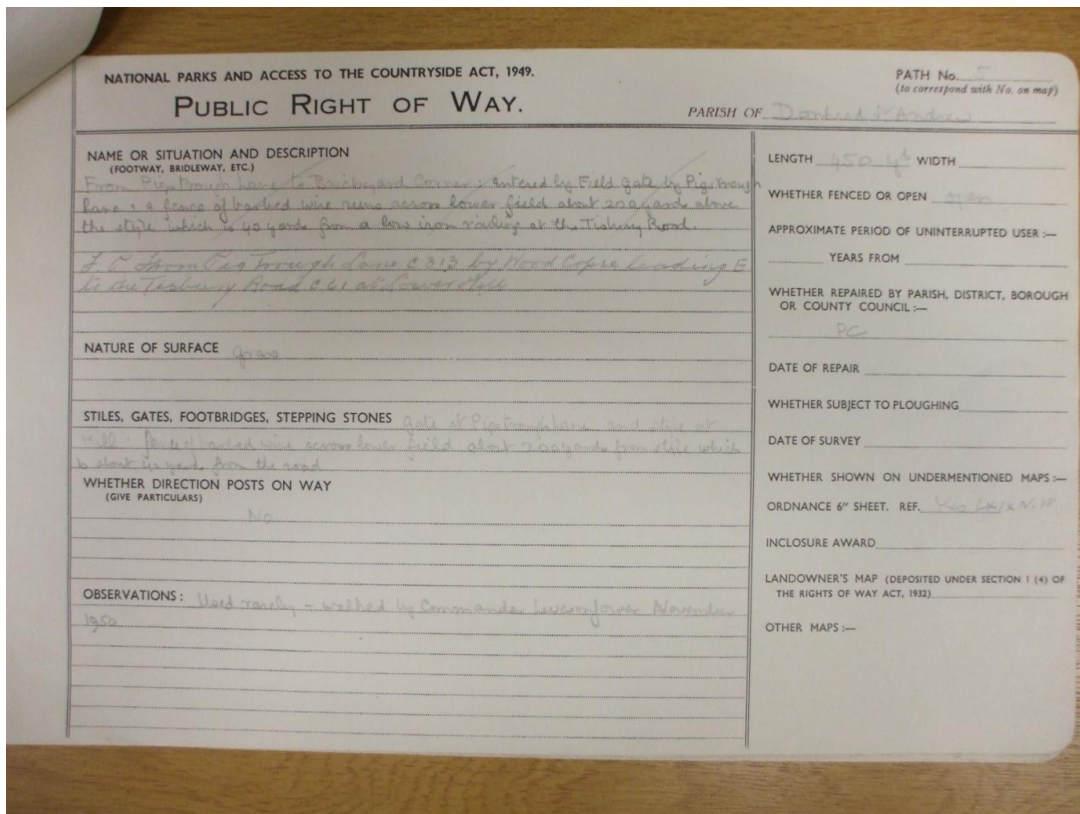


Fig. 5 – Footpath no.5 Donhead St Andrew, Parish Record Card 1950

<b>Document</b>	<b>Donhead St Andrew Tithe Award (T/A Donhead St Andrew)</b>
<b>Date</b>	1841
<b>Relevant Documents</b>	Tithe Apportionment Tithe Award Map
<b>Size / Scale</b>	Map size 183cm x 112cm approx.
<b>Significance</b>	Parishioners once paid tithes to the church and its clergy in the form of payment in kind, for example grain, comprising an agreed proportion of the annual profits of cultivation and farming. This gradually began to be replaced by monetary payments and this was formally recognised by the Tithe Commutation Act of 1836, which regularised this system. Tithe Awards are not a primary source of evidence as the apportionments and plans were produced as an official record of all titheable areas and it was not their main purpose to record highways. However, they can provide useful supporting evidence, as the existence of a highway could affect the productivity of the land and give important map orientation and plot boundary information, therefore the Commissioners has some interest in recording them. Additionally, the public provenance of the documents adds weight to the information recorded within them.
<b>Conclusion</b>	The claimed route is not recorded. It was not the main purpose of the tithe award documents to record public rights of way, and if the route was in existence at this time, it is possible that it was not recorded as it did not form a plot boundary and did not give further map orientation information. On the later 1901 ordnance survey map drawn at a scale of 25" to 1 mile, it is noted that the route between the mills (following the claimed route) is shown braced as part of the field. It is therefore possible that the claimed route (if it was in existence at the time) was shown on the tithe map as it

did not affect the productivity of the land and formed part plot no's. 242, 243, 244, 245. It is noticeable that the tithe map does not record the recognised public rights of way, i.e. Footpaths 4 and 5 Donhead St Andrew, which are also shown on the later 1901 25" Ordnance Survey Map and the 1925 edition, being braced as part of the field.



Fig. 6 – Donhead St Andrew Tithe Award Map 1841

<b>Document</b>	<b>Finance Act 1910 (L8/1 174 &amp; L/8/10/69)</b>
<b>Date</b>	1910
<b>Relevant Documents</b>	Finance Act Map (Sheet no.69/6) Book of Reference
<b>Size / Scale</b>	Scale 25 inches to 1 mile
<b>Significance</b>	The 1910 Finance Act required the Valuation Department of the Inland Revenue to carry out a survey of all hereditaments, for the purposes of levying a tax upon the value of land. It has been referred to as the “Second Domesday” as it was such a comprehensive record of land and there were criminal sanctions for the falsification of evidence. Rights of way across land could be excluded from the land as a tax benefit. Land holdings (hereditaments) are illustrated on OS base maps, coloured and numbered, being referred to in the books of reference which accompany the maps. As rights of way could decrease the value of the land, we would expect them to be shown excluded from the hereditament, or as a deduction made for rights of way within the book of reference. The maps are based on the Ordnance Survey 2 <sup>nd</sup> edition 25” map, dated 1901, (surveyed 1884-5, revised 1900).
<b>Conclusion</b>	The route between Rickett’s Mill and Kelloway’s Mill is shown on the base map, by double broken lines, braced as part of the field, included as part of Plot no.24. Within the accompanying register, Plot no.24 shows no deductions for “Public Rights of Way or User”, which would suggest that the route did not carry public rights. However, over the same plot of land there is also no rights of way deduction for Footpath no.4 and no.5 Donhead St Andrew which are recorded on the base map and which we know to be recorded public rights of way as claimed by the parish in 1950. It is possible that the landowner was more inclined to pay the full tax than admit to having public rights of way over the land, however there were criminal sanctions for the falsification of evidence.

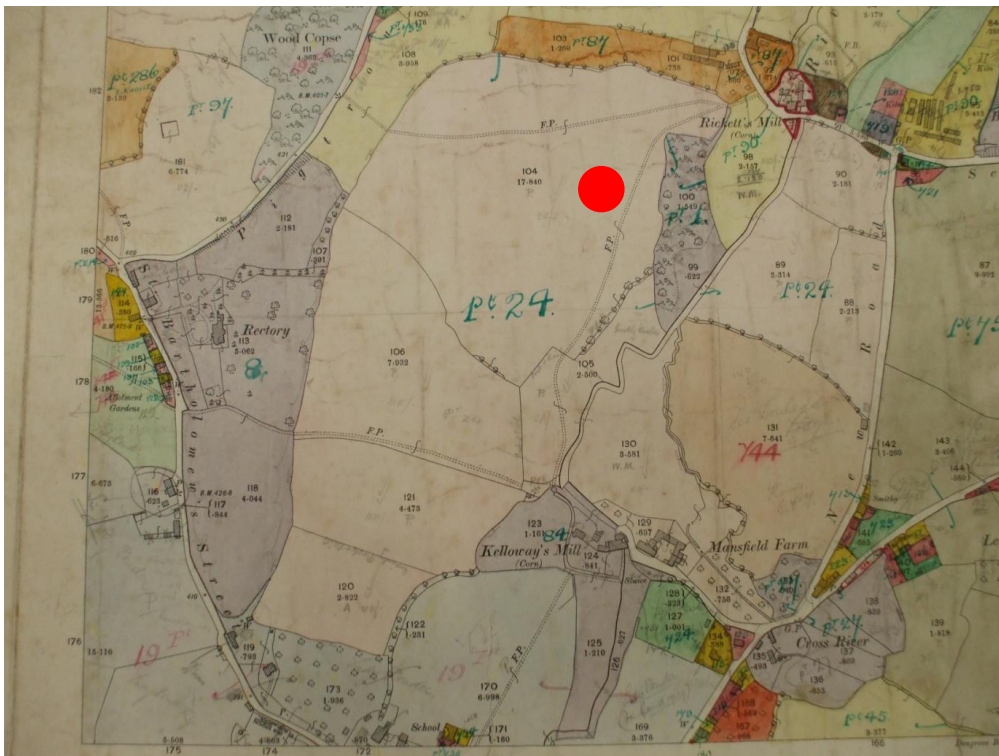


Fig. 7 – Finance Act Map (Sheet no.69/6) 1910

Parish of Corbridge & Endow

No. of Assessment	No. of Feet	Christian Name and Surname of Occupier	Christian Name and Surname of Owner, with their Domicile	Description of Property— If an Est. de. the name of the person by which known	Street, Place, Name and Precise Situation of Property.	Rate				Reference Map	Estimated or Determined by Value				Original Full Site Value
						Estimated Extent	Gross Annual Value	Rateable Value	Reference Map		Area	R.	P.	Y.	
16		Brown Alan D.	J.R. Dutton, High Street	Land	Roadway	1	2	3	3						
17	7	Rest. R. S.	Lady Arnoldell	300 Acre	Park Gate Farm		2	40	36						
		do	do	Land	"	151	164	147	10						
18	8	Lesley Edward	Lady Arnoldell	300 Acre	Paddock		8	7	5						
		do	do	Land	"	6	7	10	6	15					
19	9	Parker Lady Rm	herself	Mrs. Main Farm	Darkwood Moss	2	7	15	12						
20		do	do	Late John & Co	Late Elba		11	10							
21		do	do	Land	"	52	7	69	10	62					
22	10	Leach James	James Leach	200 & 200	Lane Mill	70	8	6		1	7	268	488		
23		do	do	Land	"	8	15	12							
24	11	Dewey Bros	Lady Arnoldell	300 Acre	Manfield Farm		20	18							
		do	do	Land	"	53	75	67	10						
		do	do	Land	Manfield Farm										
25	12	Kirkley Wm	himself	200 & 200	West End Lane	16	30	24							
		do	do	Land	"										
					Total										

Form 31—Land.

Fig. 8 – Finance Act Book of Reference 1910

Commissioners of Inland Revenue, as amended (as of 1910)

Original Full Site Value	Deductions for												Original Total Value	Deductions for												Value of Original Full Site Value less Deductions for	Observations and References					
	1	2	3	4	5	6	7	8	9	10	11	12		13	14	15	16	17	18	19	20	21	22	23	24			25	26	27	28	29
																																Valued with Ref. No. 15
32																															30	Repd. on Form 40. 30.11.11 valued with 32.

Fig. 9 – Finance Act Book of Reference 1910



<b>Document</b>	<b>Andrews' and Dury's Map of Wiltshire (2<sup>nd</sup> Edition 1810 – A1/524/2MS)</b>
<b>Date</b>	1773 & 1810
<b>Relevant Documents</b>	1773 Map Plate no.1 (of 18 plates) 1773 Index Map 1810 Map Plate no.16 (of 18 plates) 1819 Index Map
<b>Size / Scale</b>	1773 – 2 inches to 1 mile 1810 – 2 inches to 1 mile
<b>Significance</b>	Commercial maps were produced for profit and intended for sale to the whole of the travelling public. Andrews' and Dury's Map of Wiltshire dated 1773 is a commercial map of the county based on original survey. The map is dedicated " <i>To Noblemen Gentlemen Clergy shareholders of the County of Wilts This MAP is Inscribed by their most Obedient and devoted servants JOHN ANDREWS ANDREW DURY</i> ". The 1810 second edition map is a corrected and updated edition of the 1773 map. Being intended for sale to the whole of the travelling public and the constraints of small scale mapping, made it unlikely that footpaths and bridleways would be shown. Additionally the map makers would not have wished to encourage trespass onto private land or encourage vehicles onto a footpath which would cause difficulty for the landowners from whom the map makers sought subscriptions.
<b>Conclusion</b>	The claimed route is not recorded on the 1773 map or the 1810 revised edition, perhaps for the reasons given above and therefore these documents are inconclusive.



Fig. 10 – Andrews' and Dury's Map of Wiltshire 1773 – Index Map



Fig. 11 – Andrews' and Dury's Map of Wiltshire 1773 – Plate 1



Fig. 12 – Andrews' and Dury's Map of Wiltshire 1810 – Index Map



Fig. 13 – Andrews' and Dury's Map of Wiltshire 1810 – Plate 16

<b>Document</b>	<b>Greenwoods Map of Wiltshire (1820 = 1390/142 &amp; 1829 = Map Folder 3.3)</b>
<b>Date</b>	1820 & 1829
<b>Relevant Documents</b>	1820 = 4 map sheets of the County NE, NW, SE and SW (SW sheet is relevant) 1829 = Map of Wiltshire
<b>Size / Scale</b>	1820 = Sheet size 75cm x 56.5cm (approx), Scale 1 inch to 1 mile

	1829 = Map size 56.5cm x 68cm (approx), Scale 1 inch to 3 miles
<b>Significance</b>	Greenwood re-surveyed and produced a set of updated County Maps between 1817 and 1839. Greenwood appears to have carried out actual survey, supported by existing secondary sources such as inclosure and estate maps, printed guide books, official sources and local knowledge collected by surveyors. Greenwoods first edition “ <i>Map of the County of Wilts from Actual Survey</i> ”, dated 1820 is a commercial map, produced for the travelling nobility who contributed to its production. The inscription reads “ <i>To the Nobility, Clergy and Gentry of Wiltshire This Map of the County is most respectfully Dedicated by the proprietors</i> ”. Greenwood produced a revised and corrected map of Wiltshire in 1829.
<b>Conclusion</b>	The claimed route is not recorded on Greenwoods Map of 1820 or the later revised edition, perhaps due to the constraints of small scale mapping. This document is inconclusive.

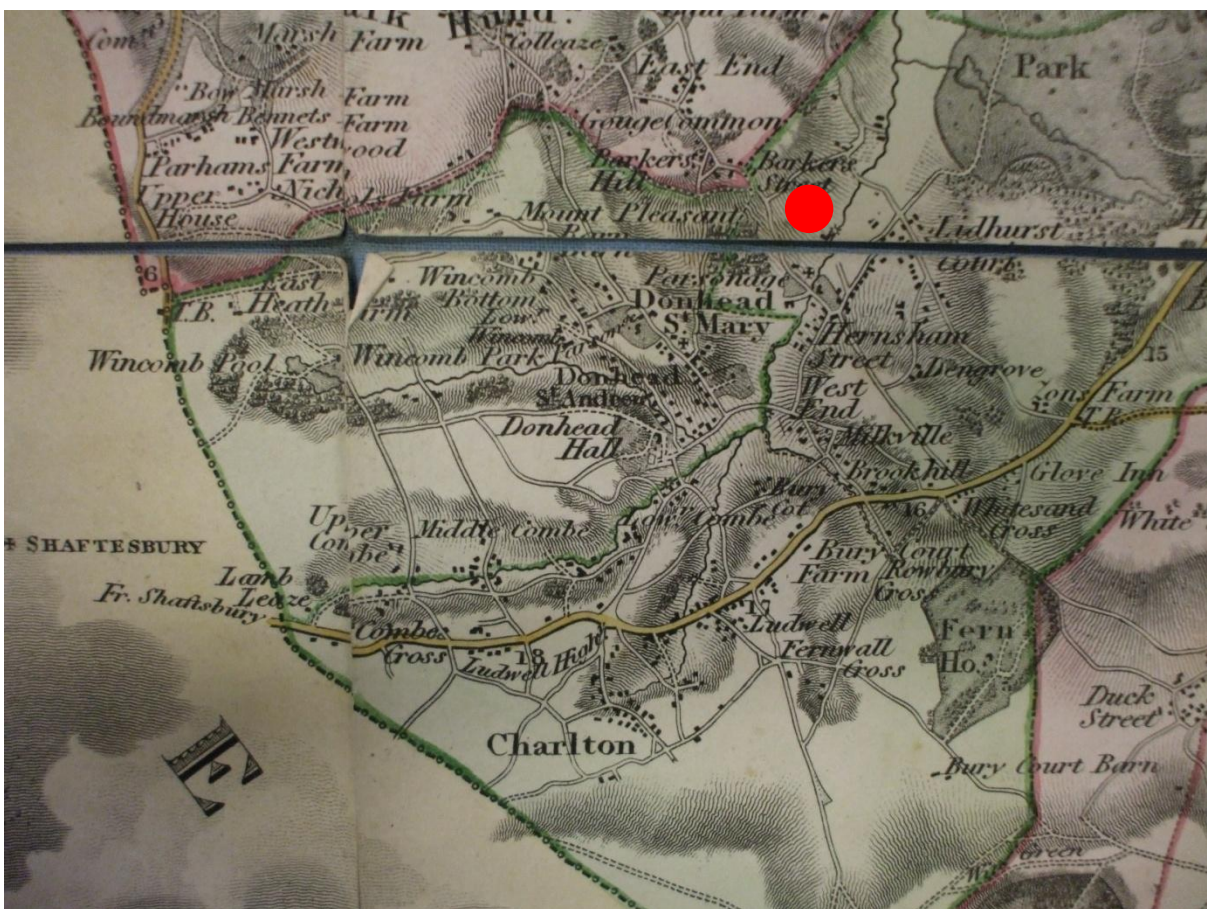


Fig. 14 – Greenwoods Map of Wiltshire 1820

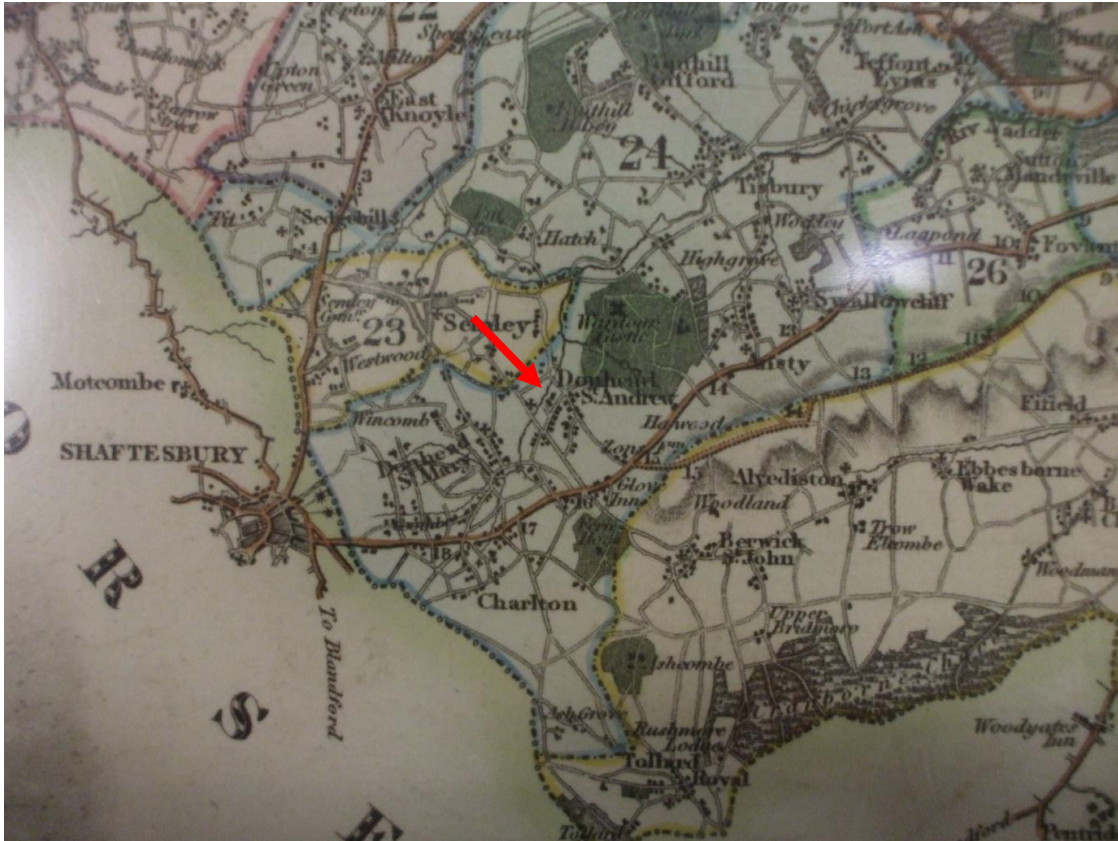


Fig. 15 – Greenwoods Map of Wiltshire 1829

<b>Document</b>	<b>Cary's Map of Wiltshire (Map Folder 3.2)</b>
<b>Date</b>	1801
<b>Relevant Documents</b>	Cary's Map of Wiltshire
<b>Size / Scale</b>	Size 68cm x 55cm (approx), Scale 8 miles to 2 7/8 inches
<b>Significance</b>	John Cary was a cartographer, born in Warminster, Wiltshire in 1755, well known for his series of county maps. In 1794 he became Surveyor of Roads for the Postmaster General, charged with undertaking a survey of all main roads in England. Cary appears to have used actual survey, as well as the work of others, e.g. the Ordnance Survey, in the production of his maps.
<b>Conclusion</b>	The claimed route is not recorded on this map, perhaps due to the constraints of small scale mapping. This document is inconclusive.

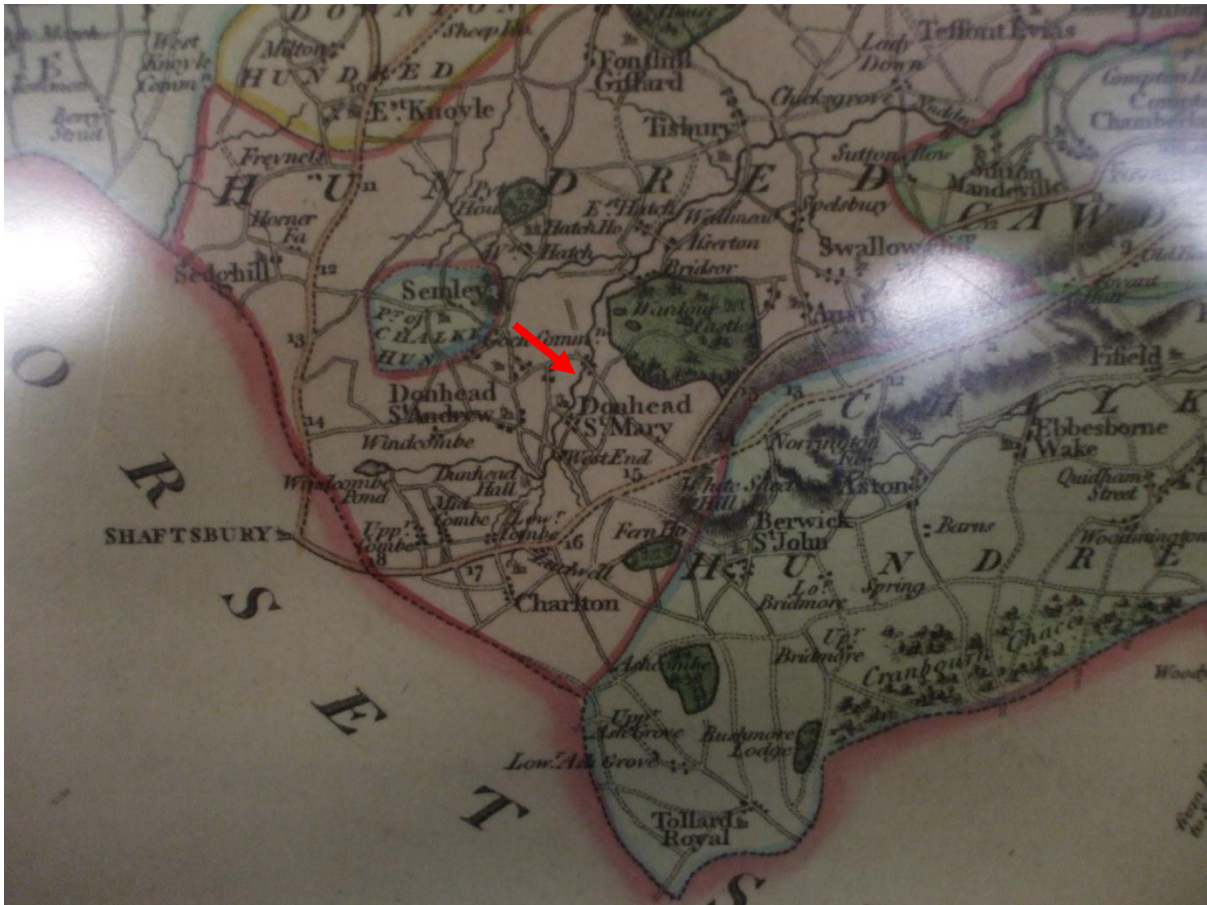


Fig. 16 – Cary's Map of Wiltshire 1801

<b>Document</b>	<b>Ordnance Survey Map</b>
<b>Date</b>	1896 (surveyed 1886)
<b>Relevant Documents</b>	Map sheet no.69
<b>Size / Scale</b>	Map Sheet size 67cm x 98.5cm (approx), Scale: 6 inches to 1 mile
<b>Significance</b>	<p>The Ordnance Survey was founded in 1791, due to demand from the military for accurate maps of Southern England, in preparation for the Napoleonic War. In time the Ordnance Survey developed a range of maps varying in scale and level of detail, to meet changing needs for accurate and updated maps of the country.</p> <p>The maps are based on original survey with revisions and are topographical in nature, i.e. showing only physical features which are recorded by a particular surveyor at the time of survey, with place names and administrative boundaries added.</p>
<b>Conclusion</b>	<p>The claimed route is shown by double broken lines, as a "Minor Road - Unfenced" according to the key, between Ricketts Mill and Kelloways Mill. It is shown in the same manner as Footpath no.4 and Footpath no.5 Donhead St Andrew which are footpaths recorded in the definitive map and statement. It leads into the north-east corner of the field and does not extend southwards from Kelloways Mill to the diverted route of Footpath no.4. Note that the field has several divisions which do not exist today.</p>



Fig. 17 – Ordnance Survey Map – 6" to 1 Mile 1896

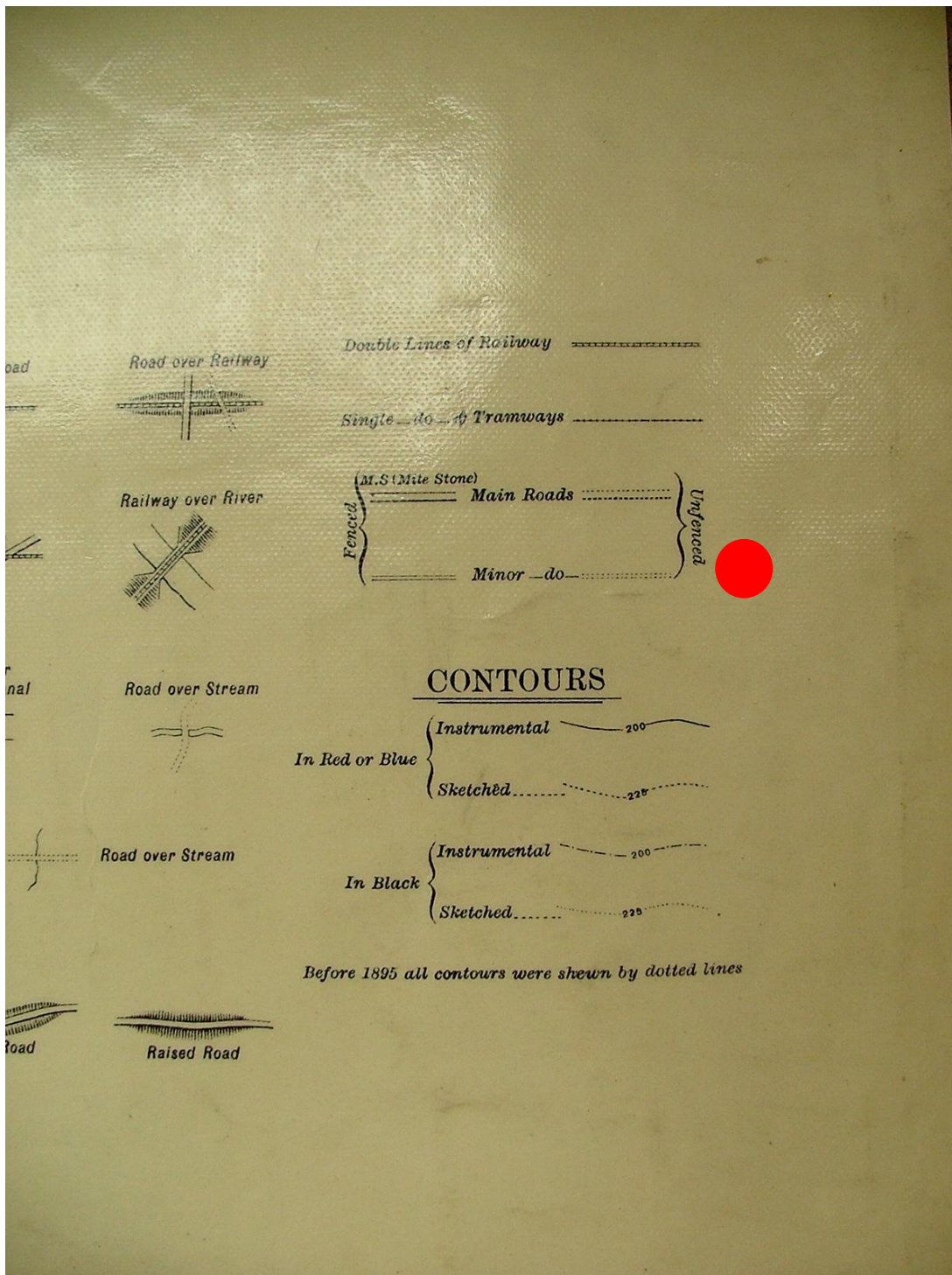


Fig. 18 – Ordnance Survey Map – 6" to 1 Mile 1896 (Key)

<b>Document</b>	<b>Ordnance Survey Map</b>
<b>Date</b>	1901 (surveyed 1884-5, revised 1900)
<b>Relevant Documents</b>	Map Sheet 69/6
<b>Size / Scale</b>	Sheet size 64cm x 96.5cm (approx), Scale 25 inches to 1 mile
<b>Significance</b>	As above (please see entry for 1896 Ordnance Survey 6" map)
<b>Conclusion</b>	The claimed route is shown from the north-east corner of the field from



Ricketts Mill to Kelloways Mill, braced as part of the field. There is no connection to the diverted route of Footpath no.4 further south. The route is shown by double broken lines suggesting that there is no boundary and the path is open to the field. "F.P." is written alongside the route. Note field divisions still in place.



Fig. 19 – Ordnance Survey Map – 25" to 1 Mile - 1901

<b>Document</b>	<b>Ordnance Survey Map</b>
<b>Date</b>	1925 (surveyed 1884-5, revised 1924, levelling revised 1900)
<b>Relevant Documents</b>	Sheet no.69/6
<b>Size / Scale</b>	Sheet size 64cm x 96.5cm (approx), Scale 25 inches to 1 mile.
<b>Significance</b>	As above (please see entry for 1896 Ordnance Survey 6" map)
<b>Conclusion</b>	The claimed route is not recorded on this later edition of the OS 25 inch map. Note field divisions still in place at the time of survey and Kelloways Mill is marked as "Disused".

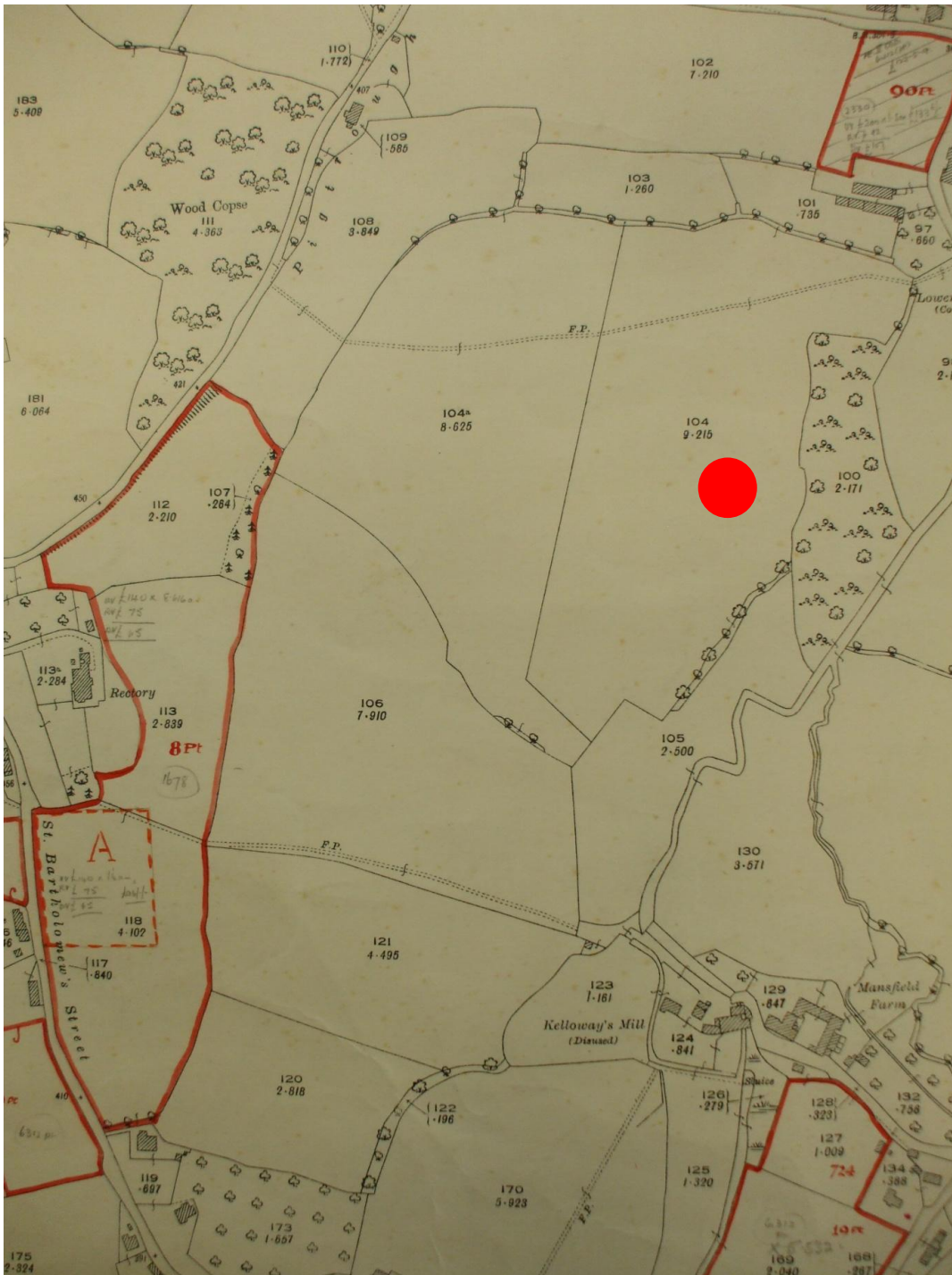


Fig. 20 – Ordnance Survey Map – 25" to 1 Mile - 1925

<b>Document</b>	<b>Map of Donhead St Andrew (2132/251)</b>
<b>Date</b>	1768
<b>Relevant Documents</b>	Map of Donhead St Andrew, the Estate of the Right Honourable Henry Lord Arundell, Baron of Wardour
<b>Size / Scale</b>	Map size 97cm x 82.5cm (approx), Scale 8 chains to an inch
<b>Significance</b>	<p>The inscription to the map reads “<i>A Map of Donhead St Andrew being the fifth part of the Manor of Donhead in the County of Wilts containing no’s 1 and CCCLXXXIV inclusive the Estate of the Right Honourable Henry Lord Arundell Baron of Wardour and Count of the Sacred Roman Empire Surveyed in the year 1768 by George Ingman</i>”.</p> <p>Estate maps were produced for various reasons and the finished maps varied depending upon the specific instructions which had been issued to the surveyor by the landowner, e.g. some were working documents to be used by the estate manager and others could be a means of representing the wealth of the landowner and showing their entire estate in pictorial form. For this reason estate maps are not a primary source of evidence and are unlikely to give reliable highways information as a single document, i.e. they must be considered alongside other evidence. Some useful information can be found on these maps, as the location of highways could help with map orientation and give plot boundary information.</p>
<b>Conclusion</b>	The claimed route is not recorded on this plan, but it may not have been necessary to do so, perhaps where it did not affect the productivity of the land, (on later OS mapping the claimed route and the recorded rights of way no’s 4 and 5 are shown braced with the surrounding land), or the route was not required to be shown for the purposes of plot boundary and map orientation information. It should be noted that the recorded rights of way, Footpath no.4 and no.5 Donhead St Andrew are also not shown on this map. This document is therefore inconclusive.



Fig. 21 – Map of Donhead St Andrew - 1768

<b>Document</b>	<b>Plan of Lower Donhead (1732/31)</b>
<b>Date</b>	1810
<b>Relevant Documents</b>	Plan and Book of Reference
<b>Size / Scale</b>	Map size 58cm x 73cm (approx), No scale

<b>Significance</b>	<p>The plan forms part of a valuation of the parish of Donhead St Andrew. The inscription within the book of reference, reads:  <i>“This valuation of the parish of Donhead St Andrew in the County of Wilts was made in the year 1812, for the purpose of assessing the land thereof to the poor-rate by William Bond and John Rogers. It was revised and re-written, without altering the value of the lands in any one instance by Wm Green of Ludwell in the year 1836; whose object alone was in his conviction to distribute the lands according as they are now held by the existing farmers. W Dansey Rector June 14. 1837.”</i></p> <p>It was not the main purpose of the map to record highways and it is noted that only the main highways within the parish are shown and buildings are not shown.</p>
<b>Conclusion</b>	<p>The claimed route is not recorded on this plan, perhaps where it was not necessary to record the route as it did not affect the value of the land, (on later OS mapping the claimed route and the recorded rights of way, Footpath no’s 4 and 5 are shown braced with the surrounding land) and/or it did not give additional plot boundary information. It is noted that the recorded routes of Footpath no’s.4 and 5 are not recorded either. This map is inconclusive.</p>

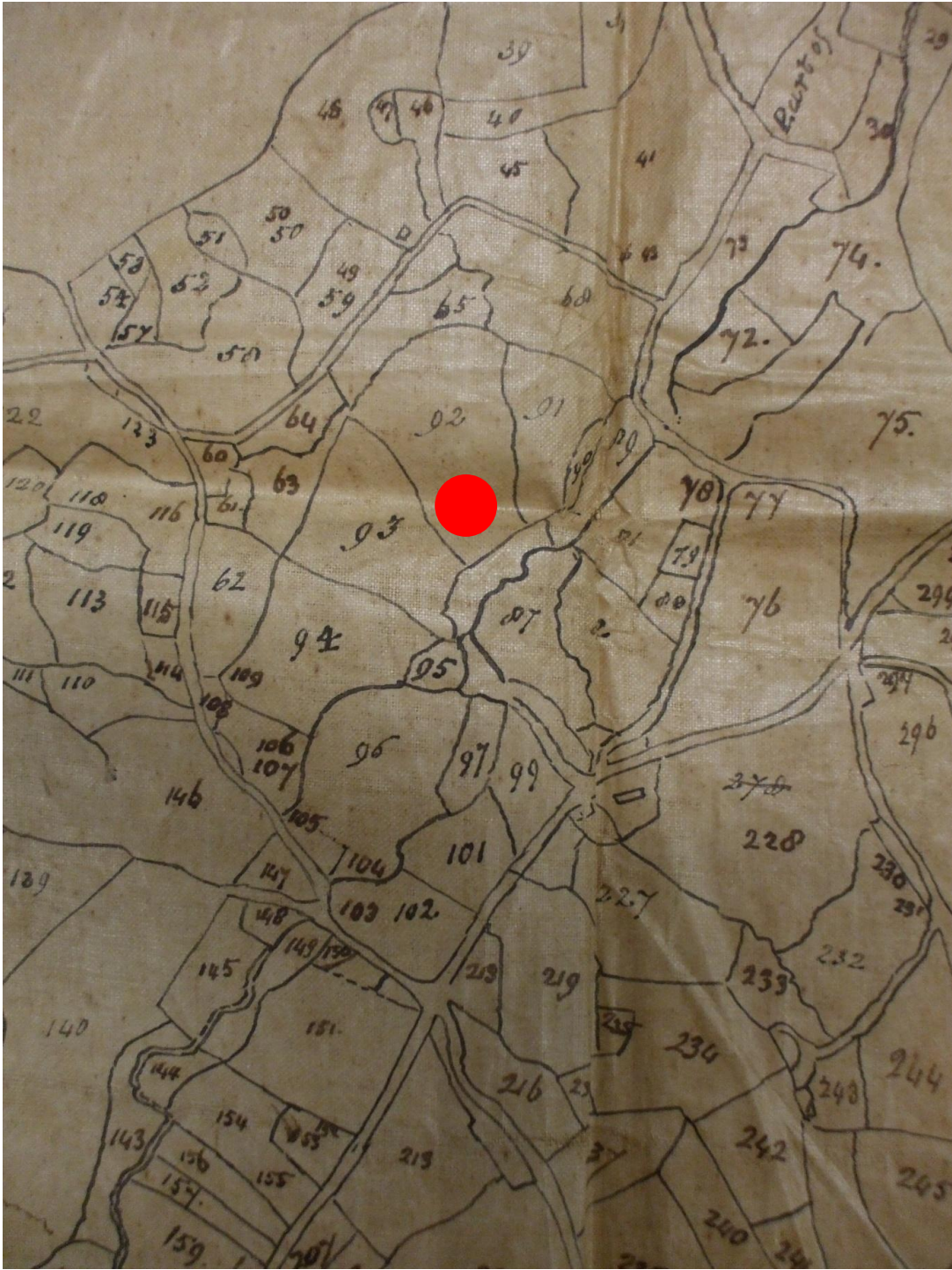


Fig. 22 – Plan of Lower Donhead 1810