

WILTSHIRE COUNTY COUNCIL

AGENDA ITEM NO.

REGULATORY COMMITTEE
2nd NOVEMBER 2005

WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53
DEFINITIVE MAP MODIFICATION ORDER NO. 7, 2005 -
UPGRADING FOOTPATH NO. 21 GRIMSTEAD (MACKS LANE)
TO A BYWAY OPEN TO ALL TRAFFIC

Purpose of Report

1. To reconsider the report attached at **Appendix 1** and
 - (i) Consider the objections received to the making of a Definitive Map Modification Order, under Section 53 of the Wildlife and Countryside Act 1981, to upgrade Footpath No. 21 Grimstead (Macks Lane) to a byway open to all traffic (BOAT).
 - (ii) Determine the County Council recommendation which should be attached to the Order when it is referred to the Secretary of State for decision.

Background

2. The report was first presented to the Regulatory Committee on 5th October 2005. Prior to that meeting objectors made available to Members their alternative interpretation of many of the historical documents considered by Officers in the making of the Definitive Map Modification Order.
3. Members therefore resolved to defer consideration of the report until the next meeting of the Regulatory Committee, in order that the objectors' interpretation of the historical evidence could be properly considered.

Additional Considerations for the Council

4. Officers have produced a written response to the objectors' interpretation of the evidence which is attached at **Appendix 2**. This should be read in conjunction with **Appendix 3**, Officers original summary analysis of evidence and **Appendix 4**, Objectors' interpretation of the evidence.
5. Members are requested to consider the County Council recommendation in paragraph 30 of **Appendix 1**. The Committee Report and resolution will be attached to the order when it is forwarded to the Secretary of State for decision.

Traffic Regulation Order

6. It is not within the remit of the Regulatory Committee to consider whether or not a Traffic Regulation Order (TRO) should be made and Members of the Committee are not requested to consider this matter.

7. Officers have carried out an initial consultation regarding the possible implementation of a permanent TRO on Macks Lane to ban all vehicular traffic from the path on a permanent basis, subject to the confirmation of the modification order. If a modification order is not confirmed and the path does not have vehicular rights, a TRO is not required.
8. The initial consultation resulted in a number of requests for a pre-emptive TRO to be made, i.e. before the outcome of the modification order is known. It is not the policy of the County Council to make such orders. The policy is as follows:

“Permanent traffic regulation orders on “byways open to all traffic” (BOATs) will be introduced only in response to specific problems and where a degree of enforcement action can be taken.”

9. Following the initial consultation regarding the TRO a number of objections were received which are now being investigated. The results of this process will be presented to the Cabinet Member for Environment, Transport and Economic Development as soon as investigations are complete. The initial consultation responses will also be reported to the Cabinet Member for consideration in deciding whether or not a TRO should be made subject to the confirmation of the Modification Order.

Application from Mr Riley

10. Objectors to the order have questioned the County Council's relationship with the applicant, Mr Bill Riley. The Council's Legal Department has considered the objections and has advised that the Council has acted appropriately in processing Mr. Riley's application.
11. Mr Riley is not employed by the County Council and is not engaged by the County Council in any capacity whatsoever. As far as officers are aware Mr Riley has chosen to look into the historical evidence relating to rights of way in Wiltshire to ensure that rights of way are correctly recorded on the Definitive Map and Statement.
12. The County Council, as the Surveying Authority, has a duty to keep the definitive map under continuous review and update it as necessary. Where evidence is discovered by the Council to show that a right of way may be incorrectly recorded, there is a duty to consider all the relevant evidence in order to determine whether or not a Definitive Map Modification Order should be made. In this way all applicants for Definitive Map Modification Orders are assisting the Council to fulfil its statutory duty by bringing evidence to its attention.
13. Any member of the public may make an application for a Definitive Map Modification Order to be made where they believe that a right of way is incorrectly recorded on the Definitive Map. They are required to submit a list of evidence to the Council to support their claim. Officers could refuse to consider an application where no evidence has been submitted.
14. Having received an application the County Council independently assesses the evidence provided by the applicant and also takes into account all other relevant evidence, either provided by the public, or obtained through research by Council Officers, as required by Section 53 of the Wildlife and Countryside Act 1981. Officers are required under delegated powers to form a view as to the status of a right of way on the balance of probabilities, taking into account all relevant historical and/or user evidence.

15. Where a decision is taken to make a Definitive Map Modification Order and no objections are lodged, the County Council then has the power to confirm the Order. Where objections are lodged, the matter is referred to the Regulatory Committee to consider whether the Secretary of State should be asked to confirm the Order. The Council itself cannot simply abandon a Definitive Map Modification Order to which objections have been duly made.

Recommendation

16. Members are asked to consider the recommendation made at paragraph 30 of the report attached at **Appendix 1**.

GEORGE BATTEN

Director of Environmental Services

Report Author

JANICE GREEN

Rights of Way Officer

The following unpublished documents have been relied on in the preparation of this Report:

Application dated 16th June 2003

Initial consultation by the County Council dated 25th July 2003 and subsequent correspondence

WILTSHIRE COUNTY COUNCIL

AGENDA ITEM NO. 9

REGULATORY COMMITTEE
5th OCTOBER 2005

WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53
DEFINITIVE MAP MODIFICATION ORDER NO. 7, 2005
UPGRADING FOOTPATH NO. 21 GRIMSTEAD (MACKS LANE)
TO A BYWAY OPEN TO ALL TRAFFIC

Purpose of Report

1. To:
 - (i) Consider the objections received to the making of a Definitive Map Modification Order, under Section 53 of the Wildlife and Countryside Act 1981, to upgrade Footpath No. 21 Grimstead (Macks Lane), to a byway open to all traffic (BOAT), (as shown on the plans attached at **Appendices A and B**).
 - (ii) Determine the County Council recommendation, which should be attached to this order when it is referred to the Secretary of State for decision.

Background

2. The County Council received an application, dated 16th June 2003, to upgrade Footpath No. 21 Grimstead (Macks Lane) to a BOAT under Section 53 of the Wildlife and Countryside Act 1981.
3. The claim is based on historical evidence, details of which are available in the **Members' Room**.
4. The County Council carried out an initial consultation regarding the proposals with user groups, District and Parish Councils and other interested parties on 25th July 2003. This resulted in a number of objections to the proposals, as well as some support, (copies of which are available in the **Members' Room**).
5. Officers met with the County Ecologist and several residents of West Grimstead opposed to the Definitive Map Modification Order application, on Tuesday 21st October 2003, to walk the path and further discuss the matter. Officers set out the duties of the County Council with regard to highways legislation and the making of Definitive Map Modification Orders. Following this meeting the County Council began an investigation of the historical evidence.
6. Salisbury District Council has placed a Tree Preservation Order (TPO) on all the trees on both sides of Macks Lane, which include oak, ash, willow, holly, sycamore, poplar, hawthorn, beech and hazel (a copy of which is available in the **Members' Room**). This is a Woodland Order which additionally includes any regeneration of woodland. The County Ecologist has inspected the lane and provided an Ecological Survey Report (a copy of which is available in the **Members' Room**). Environmental issues cannot affect the decision made by Officers regarding the making of a Definitive Map Modification Order as under the present legislation the County Council is only entitled to look at the available evidence, a matter on which there is no flexibility. However, the County Council is aware of the environmental issues regarding this right of way and it is possible that the management of rights may be considered if a Modification Order is subsequently confirmed.

7. Officers have examined the available historical evidence and concluded that, on the balance of probabilities, the evidence does support the claim that vehicular rights can reasonably be alleged to exist on Macks Lane. Officers therefore proceeded to make a Definitive Map Modification Order to upgrade Footpath No. 21 Grimstead to a BOAT, dated 17th March 2005, based upon the historical evidence.
8. The making of the order was advertised and circulated and was followed by a statutory objection period of six weeks, during which time 30 formal objections were received. All objections and representations received are available in the **Members' Room** with a summary of objections and Officer's response.
9. The main points of objection and concern are as follows:
 - (i) Doubt regarding the historical evidence and the interpretation of this evidence by the County Council.
 - (ii) Lack of actual use of Macks Lane by vehicles.
 - (iii) There are suitable alternative vehicular routes in the village by which to reach the same destination.
 - (iv) Vehicles using the lane would create a danger to other path users.
 - (v) The lane is not suitable to carry vehicular traffic.
 - (vi) The entrance and egress of the lane are hazardous to traffic.
 - (vii) Damage to the environment and ecology of the area, through use of the path with vehicles.
 - (viii) Use of the path by vehicles would be a contravention of the Tree Preservation Order placed on Macks Lane by Salisbury District Council.
 - (ix) The amenity value of the lane to the village of West Grimstead will be damaged if the area is opened up to all vehicles.
 - (x) Concerns regarding irresponsible use by vehicular traffic.
 - (xi) Opening the path to all traffic would create an increased maintenance responsibility. Concern over how this will be funded.
 - (xii) County Council policy in this matter is bureaucratic and inflexible.
 - (xiii) An immediate Traffic Regulation Order (TRO) should be applied to prevent damage to the path and the environment now that the Definitive Map Modification Order has been made.

The only valid objections to the making of a Definitive Map Modification Order are those which question whether or not the made Order correctly reflects existing public rights, ie those regarding the evidence discovered by the Surveying Authority.

10. Many of the objectors have requested that a TRO should be placed on Macks Lane to address some of the concerns listed above, particularly environmental damage. Many of these requests have been for a pre-emptive TRO to be placed on the path immediately to protect the ecology and environment in the light of the TPO placed on the trees by Salisbury District Council during the interim period between the making of the Definitive Map Modification Order and its possible confirmation. However, it is not the policy of the County Council to make pre-emptive TROs before the outcome of a Definitive Map Modification Order is known and in response to problems which may not arise.

The County Council's policy is as follows:

"Permanent traffic regulation orders on "byways open to all traffic" (BOATs) will be introduced only in response to specific problems and where a degree of enforcement action can be taken."

11. Officers have already undertaken a consultation regarding the possibility of placing a permanent TRO on Macks Lane prohibiting all vehicular use of the path and will be presenting a report to Members in due course.

Main Considerations for the Council

12. Officers have examined the historical evidence relevant to the assessment of the status of a right of way.

13. Section 32 of the Highways Act 1980, states that:

"...A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced..."

14. The Surveying Authority must apply three tests to the available documents:

- (i) Why were the documents compiled?

- Did the recording of a highway have a legal significance?

- (ii) How were the documents compiled?

- What was the compilation process?
- Were the public invited to participate?
- Was the map surveyed accurately?

- (iii) Who compiled it?

- What were the consequences for the compiler's rights/duties of including, or not including a public right of way?
- What were the consequences for the rights/duties of others?
- Were there any declarations against the compiler's interest?
- Were there any sanctions for falsifying evidence?

A summary of the evidence examined and extracts from the historical documents are available in the **Members' Room**.

Historical Evidence

15. The evidence supports the claim that, on the balance of probabilities, vehicular rights can be alleged to exist on Footpath No. 21 Grimstead. The route appears to have formed part of the parish road network and creates a link between Green Drove and Wind Whistle Lane (see **Appendix A**). The route pre-dates and survives the inclosure process. The Inclosure Award in this particular case only relates to certain areas of the parish which had not been previously inclosed. Whilst the whole parish is mapped, Macks Lane is not awarded or mentioned within the text of the Award itself as it does not cross an area of land to be included within the scope of the Award. The Inclosure Award Map, Finance Act Map and Estate Maps give clues to the path being public as it is excluded from plots of land in private ownership, although the only evidence of status which these maps can provide is the observation that the route is treated in the same manner as other roads which are known to be public vehicular routes and those which are awarded as public carriage roads within the West Grimstead Inclosure Award.
16. These documents must therefore be looked at alongside other evidence. The Tithe Award Map gives more evidence of status, as the British Parliamentary Paper, 1837 XLI 405, sets out the map conventions to be used in plans made under the Commutation of Tithes Act 1836. This shows Macks Lane to be a *"Bye or Cross Roads"*. The Railway plans of the Salisbury Railway from the South Western Railway at Bishopstoke Station to Salisbury are good evidence of the status of Macks Lane. Within these records the lane is referred to as a *"Parish Road"* and *"Public Road"*. The route is also included within the Salisbury Highway Board *"Schedule of Main and District Roads"* in 1882. This evidence is supported by the commercial maps produced between 1773 and 1945 which refer to the path as a *"Road"* and from 1917 onwards the first references to Macks Lane as a *"Motoring Road"* are seen.
17. The Wiltshire County Council Roads and Bridges Committee Meeting Minutes show that the Grimstead Parish Council Minutes supported the existence of vehicular rights on Macks Lane. They refer to the path as an *"old coach road"* which they would ask to be made up to a *"carriageway"* as it once formed part of the route from Farley to Southampton Turnpike Road. In fact other parts of this continuous route had been maintained as County Roads. It seems that Macks Lane had been maintained by the old Highway Board and it is possible that the path first went out of repair when the Rural District Council took responsibility for minor roads following the creation of the Rural District Councils by the Local Government Act of 1894. It would appear that the Rural District Council did not admit liability for repair of the lane and neither did the County Council when it became the Highway Authority following the 1929 Local Government Act which gave them responsibility for all rural roads. However, the Highways Takeover Map 1929 shows the route coloured brown as a *"U/C road on which there is no grant"*. This acknowledges that the path was a public highway but its low priority for maintenance meant that there was no funding available to maintain it, perhaps as there were suitable alternative routes which were given priority (ie Chapel Hill, Grimstead Road and Crockford Road). However, vehicular rights cannot be extinguished simply because that right has not been exercised for a long period or because that right has not been recorded on the Definitive Map.
18. Officers consider that the available documentary evidence, when looked at as a whole, supports the existence of vehicular rights on Footpath No. 21 Grimstead, on the balance of probabilities.

Legal Points to Consider

19. Section 53 of the Wildlife and Countryside Act 1981 places a duty on the County Council, as the Surveying Authority, to keep the Definitive Map and Statement under continuous review as follows (Section 53(2)(b)):

"As regards every definitive map and statement, the surveying authority shall:

- (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event."*

The events referred to in Section 53(2)(b) above which are relevant to this case are as follows:

"(c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:

- (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description."*

20. "Ought to be there shown" places the burden of proof on the balance of probabilities. If the evidence is sufficient to enable it to be reasonably alleged that Footpath No. 21 Grimstead enjoys vehicular rights, on the balance of probabilities a Definitive Map Modification Order should be made under Section 53 of the Wildlife and Countryside Act 1981.

21. Section 56 of the 1981 Act states that the Definitive Map is conclusive evidence of the public rights of way shown, but this is without prejudice to higher rights (i.e. vehicular rights) which may exist as follows:

"(1) A definitive map and statement shall be conclusive evidence as to the particulars contained therein to the following extent, namely:

- (a) where the map shows a footpath, the map shall be conclusive evidence that there was at the relevant date a highway as shown on the map, and that the public had thereover a right of way on foot, so however that this paragraph shall be without prejudice to any question whether the public had at that date any right of way other than that right."*

Environmental Impact of the Recommendation

22. The County Ecologist has identified in the Ecological Survey Report that although Macks Lane is not a Site of Special Scientific Interest or a County Wildlife Site, it does support remnant ancient woodland and has some ecological value. The potential threats and impacts on the ecological interest of the lane through its use by vehicles are listed within the report.
23. The Surveying Authority is not entitled to take into account environmental issues when considering whether or not a Definitive Map Modification Order should be made.

Risk Assessment

24. There is a potential conflict which could arise between the different categories of user. Concern has also been raised regarding the access and egress of the lane being hazardous to vehicular traffic. Use of the right of way can be monitored and the County Council has the requisite powers to manage public rights if specific problems occur.
25. The Surveying Authority is not entitled to take into account the matters listed in paragraph 24 when considering whether or not a Definitive Map Modification Order should be made.

Financial Implications

26. Subject to Footpath No. 21 Grimstead being successfully upgraded to a BOAT, if management of the exercise of public vehicular rights should prove necessary, financial provision for a TRO could be allocated from a specific budget.

Options Considered

27. Officers have carefully examined the available historical evidence which, on the balance of probabilities, supports the existence of vehicular rights on the path. It would appear that Macks Lane is an ancient route which pre-dates and survives the Inclosure process. Therefore, as the Surveying Authority, a duty is placed on the County Council to make an order under Section 53 of the Wildlife and Countryside Act 1981 to upgrade Footpath No. 21 Grimstead to a BOAT. The legislation is such that the County Council has no other option available and it is a statutory duty. Therefore the Order should be forwarded to the Secretary of State for decision, with a recommendation from the County Council that the Order be confirmed without modification.
28. If Members consider that the evidence does not support the existence of vehicular rights on Footpath No. 21 Grimstead, on the balance of probabilities and having examined the objections received, the Order should be referred to the Secretary of State for decision, with the recommendation that the County Council no longer supports the making of the Order and the Order should not be confirmed.

Reason for Recommendation

29. To comply with the County Council's legal duty under Section 53 of the Wildlife and Countryside Act 1981.

Recommendation

30. That the Modification Order, made under Section 53 of the Wildlife and Countryside Act 1981, to upgrade Footpath No. 21 Grimstead to a byway open to all traffic and dated 17th March 2005, be forwarded to the Secretary of State for decision with the recommendation that the Order be confirmed without modification.

GEORGE BATTEN

Director of Environmental Services

Report Author

JANICE GREEN

Rights of Way Officer

The following unpublished documents have been relied on in the preparation of this Report:

Application dated 16th June 2003

Initial consultation by the County Council dated 25th July 2003 and subsequent correspondence

WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53
DEFINITIVE MAP MODIFICATION ORDER NO. 7, 2005 – UPGRADING FOOTPATH
NO. 21 GRIMSTEAD (MACKS LANE) TO A BYWAY OPEN TO ALL TRAFFIC

OFFICER'S RESPONSE TO COMPARISON OF EVIDENCE

(To be read in conjunction with:

Appendix 3 – Officers' original "Summary Analysis of Evidence" and

Appendix 4 – "Objectors' interpretation of the evidence".

Extracts from the historical documents are also available in the Members' Room.)

	OFFICER'S RESPONSE TO COMPARISON OF EVIDENCE
1.	<p>Macks Lane is shown by double solid lines, as is Windwhistle Lane, before it becomes an unenclosed route where it enters the down. The solid/broken line is an accepted mapping convention used to indicate whether or not a way is bounded i.e. by a hedge, fence, wall etc. and does not give any evidence of status.</p> <p>Windwhistle Lane, to which the treatment of Macks Lane within the Inclosure Award dated 1804, is compared, is today an acknowledged U/C Road for use by all traffic. Please see further comments regarding the Inclosure Award at 4.</p> <p>Bridleways and private routes are unlikely to be shown on Andrews and Dury's map of Wiltshire as it is a commercial map, produced for the travelling public of the day. To show private routes and those not available to all traffic, would have encouraged trespass against private landowners and caused difficulties for users. This was not in the interests of the map maker.</p>
2.	<p>The continuation of the route of Windwhistle Lane southwards to the present A36 is not shown where it appears (from other mapping evidence), that it becomes an unenclosed way where it enters the down. All routes are shown by double solid lines and this particular map does not employ the usual convention of differentiating between bounded and unbounded routes. Macks Lane is shown in the same manner as awarded Public Carriage Road No. 1 (the Dean Road) and No. 5 (the Alderbury Road), which suggests that their status is comparable.</p> <p>The meaning of "cross road" in this context is different from the modern understanding of the term. It would appear that "cross road" was first mentioned in Ogilby's Britannia of 1675, which used the term to distinguish secondary roads from direct roads or primary roads (i.e. those originating in London). In the preface of the Britannia, Ogilby states "...having illustrated the principle roads in England and Wales by 85 several itineraries we have distinguished the same into direct and cross roads...and calling such cross as lead from some of the said lesser centres to another like capital town or place of eminency..." It would appear that subsequent map makers consistently used this term with the same meaning until about 1912 and dictionaries still contain a reference to "by-way" in the definition of "cross road".</p>
3.	<p>The Public Bridle Road and Private Carriage Road No. 7, at Willowslade, is not shown on this map as it does not cover this area.</p> <p>This map is limited in what it can tell us, as all routes are shown in the same manner. However, it is considered by officers that it is unlikely that Macks Lane would be shown if it was not public and formed part of this particular estate or another estate.</p>
4.	<p>Macks Lane crossed land which had previously been inclosed, prior to this particular Inclosure Award. It was therefore outside the jurisdiction of the Commissioners and they had no powers to set out rights over it. Although the whole of the parish was mapped, only part of it was inclosed within the Award and therefore in this case the Award is not such valuable evidence as would normally be expected and it must be looked at alongside other documents.</p> <p>The only clue which it may give as to the status of Macks Lane, is that within the map it is treated in the same manner as other routes in the parish which are capable of being used by carriages i.e. awarded Public Carriage Roads (Nos. 1-5), Public Bridle Roads and Private Carriage Roads (Nos. 6 and 7) and Private Carriage Roads (Nos. 8 and 9).</p>

	OFFICER'S RESPONSE TO COMPARISON OF EVIDENCE
	<p>When looked at alongside the Tithe Award Map, Estate Maps, Sale Particulars, Conveyance and the Finance Act Map, the Inclosure Award Map may also give supporting evidence that the route is public, as it is excluded from the plots. There are two routes which do not carry any public rights which are set out within the Award (Nos. 8 and 9), but the meaning of "private" within this award is questionable as the award requires that the Private Carriage Roads are repaired in the same manner as the Public Carriage Roads:</p> <p><i>"And all other the said public roads hereinbefore set out shall in the first instance be put in repair by the Surveyor of Highways appointed by the said Commissioners by and out of the monies directed to be paid by the several owners and proprietors of the lands and grounds directed by the said act to be divided and allotted in the proportions set out against their respective names in the second column in the rate made by the said commissioners for defraying the charges and expenses of obtaining and passing the said act and carrying the same into execution and that from and after such roads shall be made completed and put into repair the same and also the said private roads shall for ever after be kept in repair in such and the same manner as the public carriage roads are by the laws of the realm directed to be kept in repair".</i></p> <p>All awarded routes, including private ones, were made the responsibility of the Surveyor of Highways and the stone for the repairs of all these highways was to come from the public stone and gravel pit. Why would the Surveyor of Highways be concerned with the repair of private roads, (particularly No. 8 and No. 9 which have no awarded public rights, being private carriage roads). Officers consider it very likely that the public would have used these routes.</p> <p>In comparing the treatment of Windwhistle Lane, (the southern continuation of Macks Lane), to suggest that Macks Lane is also a Public Bridleway and Private Carriage Road, Officers consider that caution should be used when placing so much emphasis on an Inclosure Award where Macks Lane is not awarded, especially when considering the status of Windwhistle Lane today as an U/C road for use by all traffic. It is known from the Inclosure Award that Windwhistle Lane is capable of being used by carriages as a private right and it is therefore possible that if the public had over time, used the route with carriages, as well as on horseback and the landowner had not objected to this, that the route acquired public carriage rights, through use. It is likely that if a route was open and available, the public would have used it, whatever the private rights set out.</p> <p>With regard to the assessment of the rate payable by landowners for the repair of public and private roads, William Emmett has an assessment for private roads. Land owned by William Emmett alongside Macks Lane is not included within the scope of the Inclosure Award and therefore any reference to rates does not apply to this land. He has however, been awarded two new plots at Willowlade (Nos. 18 and 19), to the south of the public stone and gravel pit. It is considered that his allocation for private routes is likely to refer to Private Carriage Road No. 8, by which he may have accessed these plots.</p>
5.	<p>The Ordnance Survey maps are topographical in their nature and record only what was in existence on the ground at the time of the survey. The map is of poor quality, but it would appear that Windwhistle Lane and Macks Lane are treated in the same manner as awarded Public Carriage Road No. 5, the Alderbury Road.</p> <p>Officers would agree that this map can reveal little other evidence of the status of Macks Lane, but records that there was an enclosed track in existence at that time.</p>
6.	<p>Macks Lane is shown on the main index page for the map, showing the whole County of Wiltshire at a smaller scale. The interpretation is that Crockford Road, Butterfurlong Road and Long Drove are not shown. Macks Lane is shown in the same manner as awarded Public Carriage Road No. 5, the Alderbury Road.</p> <p>The meaning of "cross road" in this context is different from the modern understanding of the term (see comments at 2).</p>

7.	<p>Windwhistle Lane is awarded as having some public rights, it is maintainable in the same manner as awarded public carriage roads and is therefore included on this map as forming part of the parish road network. These routes have been coloured separately and excluded from the individual plots. If routes were private, Officers would expect them to be numbered or included within individual plots.</p> <p>Estate maps should be viewed with caution, alongside other evidence as their main purpose is not necessarily to show highways.</p>
8.	<p>The map was reproduced in 1933.</p> <p>Ordnance Survey maps are topographical, showing only those features on the ground which were visible to the Surveyor at that time. Therefore, Windwhistle Lane would be expected to be shown as it is a route suitable to take carriages, even if this is only a private right. The treatment of both Macks Lane and Windwhistle Lane can be compared to awarded Public Carriage Road No. 5, the Alderbury Road.</p>
9.	<p>Macks Lane is shown on the map as a "Bye Road" according to the Explanation, in the same manner as awarded Public Carriage Road No. 5 and Windwhistle Lane.</p> <p>The interpretation of this map is that Crockford Drove and Chapel Hill are not shown, therefore the remaining route must be Macks Lane. Officers consider that the places of worship shown are those in Chapel Lane and south of Manor Farm, East Grimstead. The very small scale of the map makes it appear compacted and buildings on the east side of Macks Lane may be those in Chapel Hill.</p>
10.	<p>Windwhistle Lane is awarded as having some public rights and being maintainable in the same manner as public roads. It is shown on this map as a "cross road" in the same manner as Macks Lane and the awarded Public Carriage Roads. If Windwhistle Lane was only a bridleway Officers consider that it would not be shown on this small scale map.</p> <p>The meaning of "cross road" in this context is different from the modern understanding of the term, (see comments at 2).</p>
11.	<p>Windwhistle Lane is awarded as having some public rights and being publicly maintainable. It is shown on this map as a "cross road" in the same manner as Macks Lane and the awarded Public Carriage Roads. If Windwhistle Lane was only a bridleway Officers consider that it would not be shown on this small scale map.</p> <p>The meaning of "cross road" in this context is different from the modern understanding of the term, (see comments at 2).</p>
12.	<p>This map does exist and is available to be viewed in the County Records Office, Map Folder 1.17, labelled as "W. Darton (? 1822)".</p> <p>The meaning of "cross road" in this context is different from the modern understanding of the term, (see comments at 2).</p>
13.	<p>The field entrance to Post Close Field is shown and appears to form part of the highway network. This route is consistently shown on the mapping evidence as an extension of the Grimstead Road and appears to be publicly available at the same status as the Grimstead Road.</p> <p>Windwhistle Lane is awarded as having some public rights, it is capable of use with a carriage and is also included as a "cross road" on this map, in the same manner as the awarded Public Carriage Roads and Macks Lane.</p> <p>The meaning of "cross road" in this context is different from the modern understanding of the term, (see comments at 2).</p>
14.	<p>The entrance to Post Close Field is shown in the same manner as other routes on the Inclosure Award and seems to form part of the highway network. However, it is later omitted from the highway record, perhaps due to its lack of use by the public, it serves little public purpose and therefore it is unlikely that there would have been money available for its maintenance. Windwhistle Lane appears to form part of the parish road network, it is awarded having some public rights and Officers would therefore expect it to be shown. It is treated in the same manner as routes which we know to be awarded Public Carriage Roads.</p>

	<p>See 12, Darton's Map 1822, Map folder 1.17 recorded as "?1822". In its deliberations Wiltshire County Council Officers have used a version of this map, labelled 1822 as we have been unable to locate Dartons Map dated 1832, as referred to by the applicant. The map reference given as "Map Folder 1:20" is R.K. Dawson's map of Wiltshire dated 1832, which contains no information regarding Macks Lane.</p>
15.	<p>Macks Lane and Windwhistle Lane are treated in the same manner as awarded Public Carriage Road No. 5, the Alderbury Road.</p> <p>Officers have interpreted the difference between the "Carriage Roads which are Parochial Roads" and "Parochial Roads", in a similar way to the differentiation between classes of road based on condition in the Bartholomews series of maps, as will be seen later.</p> <p>The purpose of this map must be looked at, i.e. a commercial map available to be purchased by the travelling public of the day. What the map appears to do is set out three classes of road, the mail and turnpike roads, followed by the carriage roads which are parochial roads and then parochial roads. It seems to be recommending to the public travelling long distances by carriage, the most direct and most suitable routes to be used, i.e. if travelling to East Grimstead from Salisbury, the most suitable route is marked in red leading from the Mail Road to East Grimstead. It is probable at that time that this was the route most suitable for use by carriages both in terms of condition and directness. For example today, if travelling between West Grimstead and West Dean, one is more likely to use the Grimstead Road than the Dean Road as the most direct and most suitable route (the Dean Road route is longer and has a low bridge).</p> <p>The treatment of Macks Lane as a "Parochial Road" does not mean that it does not have vehicular rights. This is further supported by the comparison with awarded Public Carriage Road No. 5, which is known to have vehicular rights. Windwhistle Lane is treated in the same manner and it is known that this route is capable of being used by carriages.</p>
16.	<p>Officers consider that Macks Lane is shown, but that Grimstead Road and Green Drove are not. Macks Lane and Windwhistle Lane are both shown on this map as "Bye Roads". This is also true of awarded Public Carriage Road No. 5, the Alderbury Road.</p>
17.	<p>The Planning Inspectorate "Definitive Map Orders Consistency Guidelines June 2005", Section 8, Tithe Commutation documentation, states at 8.7:</p> <p><i>"Following the amendment to the 1836 Act (1837), the Tithe Commissioners revised their instructions on the forms of maps, setting out that the most acceptable plans would be the plain working copy containing little ornamentation and colour...Whilst First Class Maps still had to conform to the prescribed technical specifications in terms of surveying techniques, the Commissioners no longer considered it essential for a system of conventional signs".</i></p> <p>Officers acknowledge that the information contained in the British Parliamentary Paper 1837 was not essential, but the West Grimstead Tithe Award indicates that they are using the particular conventions recommended within this paper i.e. lakes and ponds, area of wood lands, roads, bridle roads and foot paths. Additionally on the map, "Bridle Road" and "Foot-Path" are labelled with this wording. It is considered unlikely that Tithe Commissioners, once implementing these conventional signs, would no longer have used them once they became unnecessary. The same Tithe Commissioners are consistently seen throughout Wiltshire, so there is consistency between Tithe Awards in the County. It should also be noted in this case that the Commissioners have certified <i>"this to be the map or plan referred to in the apportionment of the Rent Charge in lieu of Tithes in the Parish of West Grimstead in the County of Wilts"</i>, i.e. it is not a copy.</p>
18.	<p>The map is of such a small scale that Officers consider that only principal would be shown, particularly historically established public routes, as the map has been drawn to be looked at in conjunction with the written history of the parish. It is therefore considered that, due to the purpose and scale of the map, private routes are unlikely to be shown.</p> <p>The Post Close Field entrance is again shown on this map at the same status as Grimstead Road, but the mapping evidence supports this as an area of highway available to the public.</p>

19.	<p>Railway plans are considered to be a very reliable source of evidence as much of the information regarding roads was provided by the Highway Authority at that time. Although Surveyors could make use of other historical sources available to them, comments from engineers involved in the process suggested that they found inclosure and tithe award maps unsuitable for this particular purpose and they preferred to carry out their own surveys. Most footpaths and some bridleways were shown by a single pecked line whilst vehicular routes are generally shown by double parallel lines.</p> <p>It is not unusual for there to be variations in the "Description of Property" contained within the Book of Reference. In Wiltshire over 150 types of way have been counted and in the three books mentioned, Macks Lane is referred to differently, i.e. "Parish Road", "Road" and within the technical drawings as a "Public Road". Awarded Public Carriage Road No. 4, the Salisbury Road, is referred to within the documents in the same manner as Macks Lane.</p>
20.	<p>This map must be considered alongside other mapping evidence. From the Inclosure Award it is known that all the routes coloured sienna on the map of the parish are capable of being used by carriages and later mapping evidence and minutes indicate that the path adjacent to Macks Lane is a footpath. Therefore this map supports that Macks Lane has a higher status than the adjacent footpath.</p> <p>It should also be noted that the footpath only appears on the larger scale Ordnance Survey mapping which supports the contention that the smaller scale maps are only able to show principal routes.</p>
21.	<p>Officers do not consider that the entrances to Post Close Field and Redlynch Plantation are shown on this map. The central section of Windwhistle Lane is not shown where it becomes an unenclosed route as it enters the down.</p> <p>Awarded Public Carriage Roads No. 1 and No. 5 are shown, in the same manner as Macks Lane and that section of Windwhistle Lane.</p>
22.	Macks Lane and Windwhistle Lane are shown in the same manner as awarded Public Carriage Road No. 5, the Alderbury Road.
23.	The key simply records all routes shown as "Roads", using a different width to differentiate between main and secondary roads. The footpath adjoining Macks Lane is not shown and Macks Lane and Windwhistle Lane are treated in the same manner as awarded Public Carriage Road No. 5, the Alderbury Road.
24.	<p>Macks Lane and Windwhistle Lane are shown in the same manner as awarded Public Carriage Road No. 5, the Alderbury Road.</p> <p>The main purpose of this map is a railway map, so it is considered that only principal routes would be shown.</p>
25.	<p>The map gives a clear indication that Macks Lane is not a private route, as it is excluded from the land to be sold.</p> <p>The wording of the description "<i>surrounded by good roads</i>", must be considered in conjunction with the plan. The land in question is surrounded on all sides by routes coloured orange. The treatment of Macks Lane can be compared to that of awarded Public Carriage Road No. 1.</p>
26.	Again the treatment of Macks Lane can be compared to that of the awarded Public Carriage Road No. 1, which is shown in the same manner. There is no Lot 5 within this conveyance, but Lot 59 on the map is numbered as No. 5 in the sale particulars above (at 25). The entrance to Post Close Field forms part of the public highway.
27.	Windwhistle Lane is numbered 130 and Public Carriage Road No. 1 is numbered as 153, both of which are recorded as "Road".
28.	<p>Macks Lane and Windwhistle Lane are coloured and treated in the same manner as Public Carriage Road No. 1.</p> <p>There is a well shown in Macks Lane on this map. However, the Inclosure Award, Tithe Award, Estate Maps, Conveyance, Sale Particulars and Finance Act Map support the route being public. The well is shown within the metalled area of the highway but to the very eastern side of the route and it is not shown on any other maps.</p>

	<p>Routes which are private, i.e. between Grimstead Road and the Brickworks, and that leading south from the Church, are braced to show that they are included within that parcel of land. This bracing can also be seen on Crockford Road between the areas of verge, and the coloured area (which shows the extent of metalled carriage way), to show that these two separate areas form part of the same plot, in this case highway.</p> <p>The field entrance to Post Close appears to be included in the highway network, numbered as part of "Road" No. 115 and coloured to show that it has a metalled surface. The field entrance to Redlynch Plantation is numbered 149 as "Road", but its lack of colouring perhaps suggests that it does not have a metalled surface. If these routes were private Officers would expect them to be braced within the plots surrounding them.</p>
29.	<p>At the front of the book is a title page inscribed:</p> <p><i>"1882</i> <i>Mileage returned to Local Government Board</i> <i>June 1882</i> <i>miles</i> <i>furlongs</i> <i>yds</i> <i>Main roads</i> 52 4 123 <i>District</i> 203 0 203</p> <p><i>Salisbury Rural District Council</i> <i>Main</i> 44 2 219 <i>District</i> 162 7 182"</p> <p>The second set of results (in pencil) are perhaps those recorded when the book was copied for the Highway Surveyor of the Salisbury Rural District Council in 1920. This inscription makes clear the purpose of this document. The document is available in the Members' Room.</p>
30.	<p>Macks Lane, Windwhistle Lane and the field entrance to Post Close are shown in the same manner as awarded Public Carriage Roads. Macks Lane appears to form part of the main parish road network. This map shows the footpath to the east of Macks Lane, which it is known to have a lower status, by a different mapping convention.</p>
31.	<p>The key to this map is located at the top left hand corner, under "Wiltshire" and the scale bar. Being a cycling map the key firstly refers to "Cycling Roads Coloured Brown" followed by "Cross Roads" and "Railways", with stations marked.</p> <p>The definition of "Cross Roads" in this context is different to the modern understanding of the term, (see comments at 2).</p> <p>Macks Lane and Windwhistle Lane are shown in the same manner as awarded public carriage road No. 5, the Alderbury Road.</p>
32.	<p>Macks Lane, Windwhistle Lane and the entrances to Post Close Field and Redlynch Plantation, are shown in the same manner as awarded public carriage road No. 5, as minor fenced roads. Officers consider that the map is of too small a scale to show bridleways and the footpath to the east of Macks Lane is not shown.</p>
33.	<p>Macks Lane is shown in the same manner as awarded Public Carriage Road No. 5, the Alderbury Road.</p> <p>West Grimstead Church is shown and from the key it is suggested that one of the purposes of the map is to show churches.</p> <p>Butter Furlong Road and the southern section of Windwhistle Lane, where it becomes an unenclosed track as it enters the Down, are not shown. However, Macks Lane is shown in a manner consistent with other mapping.</p> <p>The very small scale of this map means that footpaths and bridleways are unlikely to be shown.</p>
34.	<p>The awarded Public Bridleways and Private Carriage Roads are included on this map as "Cross Roads" and are shown in the same manner as the awarded Public Carriage Roads, i.e. forming part of the parish road network.</p> <p>The definition of "cross roads" in this context is different from the modern understanding of the term, (see comments at 2).</p>

35.	This minute must be looked at alongside the other mapping evidence which suggests the existence of a footpath alongside a higher status route. It is unlikely that two footpaths existed parallel to each other, but more likely, as seen before in other cases, that a carriage way existed (Macks Lane), and when this route became wet or boggy, pedestrians would have encountered difficulty and would have diverted to use a path to the east of Macks Lane which became traditionally used by pedestrians. It is a common situation in the case of sunken vehicular lanes for a footpath to be run parallel to them for this very reason. In the opinion of Officers, this adds weight to the existence of a higher status route in Macks Lane.
36.	<p>The field entrances to Post Close and Redlynch Plantation are again shown as part of the parish road network, they are not braced as part of the plots surrounding them and appear to be publicly available.</p> <p>Some of the roads within the parish are shown by a thicker line on one side. This technique was known as the "shaded line", a line drawn thicker than usual to delineate a given feature, for example on roads it was said to reflect the shadow cast by the supposed camber of the road. This technique was used on the 1 inch map from its beginnings in 1801 and on the 25 inch map, from the 1850's until 1912, to distinguish primary routes. This can be seen on the Grimstead Road, Chapel Hill, Crockford Road, Butterfurlong Road and Green Drove. This does not necessarily mean that Macks Lane does not carry vehicular rights, but that it was no longer a principal route through the village.</p> <p>The maps are topographical in their nature and the Surveyor would only have recorded features which were visible on the ground at that time. Footpaths appear with "FP" beside them.</p>
37.	<p>Macks Lane and Windwhistle Lane are shown in the same manner as awarded public carriage road No. 5, the Alderbury Road.</p> <p>Officers do not consider that footpaths are shown on this map due to its small scale.</p>
38.	If Windwhistle Lane and Macks Lane were bridleways only, Officers consider that they would be shown on this map by different notation. The key shows footpaths and bridleways treated separately, which suggests that they are not included within the class of "other driving road". Officers consider that "other driving road" relates to a second class road, for use by all vehicles.
39.	<p>The Rural District Council was responsible for the maintenance of minor roads by 1904 and routes often went in and out of use due to conditions, maintenance etc. and it is possible that the main routes identified then are not the primary routes today, i.e. this map indicates the northern route from West Grimstead to West Dean as being most suitable for use.</p> <p>Bartholomew has tried to give users an idea of the ease of use of a route based on its conditions and most importantly the maps are constantly updated and revised to reflect any changes. In later editions it can be seen that changes have even been made to the classifications to try to correctly record roads. The routes which are known to be awarded as public carriage roads are included on the map as inferior, where Macks Lane is recorded as a "Secondary Road (good). It is not a footpath or a bridleway as these are shown by different notation.</p>
40.	This map, produced by another party concurs Bartholmews map of 1904, (see 39), identifying Macks Lane as a route in good condition for use, being called a "best cycling road". The main routes between the villages at this time may have been selected purely on the condition of a way and paths went in and out of use depending upon condition and maintenance, which may not necessarily reflect priority routes today.
41.	See comments at 36 ref OS 1901 25" base map. The colouring of the Finance Act Map can only indicate that the route is public, i.e. it is not contained within the plots in private ownership and no deductions have been made from the private plots for rights of way. Private routes, such as that to the west of Windwhistle Lane, (linking Grimstead Road to Windwhistle Lane), are coloured to show that they are contained within the ownership of that parcel of land.
42.	<p>Macks Lane and Windwhistle Lane are treated in the same manner as awarded Public Carriage Road No. 5.</p> <p>The map is of such a small scale that it cannot possibly show footpaths and bridleways.</p>
43.	See comments at 39.
44.	<p>This map again reflects the condition of routes and the ease of use. Macks Lane is still referred to as a secondary road which is consistent with the other small scale motoring and cycling maps. Windwhistle Lane and the awarded Public Carriage Roads are shown as "other roads" and Crockford Road is not shown at all, perhaps due to its poor condition or lack of maintenance at that time.</p> <p>Officers acknowledge that the church is shown in the wrong location, but only the 4 miles to 1 inch versions of Bartholomews maps show it in this position.</p>

45.	This evidence must be viewed alongside other documents. The minute adds weight to evidence that there exists a footpath alongside Macks Lane. As seen from the mapping evidence the footpath is treated in a different manner to Macks Lane itself, and when considered alongside the minutes, this supports the contention that Macks Lane has a higher status than footpath.
46.	See comments at 45.
47.	<p>This map is not similar to the 1911, 4 miles to 1 inch Bartholomews map. It is the next edition of the 1910 Bartholomews New Reduced Survey for Tourists and Cyclists, scale 2 miles to 1 inch which has obviously been revised. On the editions of this map West Grimstead Church is shown in the correct position.</p> <p>Awarded Public Carriage Road No. 1, Green Drove and Long Drove are now also shown in the same manner as Macks Lane, as "Secondary Routes (Good)". This shows that Bartholomew was constantly reviewing and updating the maps to record as accurately as possible the situation on the ground. Routes could go in and out of use due to conditions and levels of maintenance. At this time the field entrance to Post Close still forms part of the highway network.</p>
48.	<p>The main route from Whaddon to West Dean is not shown on the map. This does not make the map inaccurate, but is more likely to reflect the condition of that route for use at that time. It is not known what standard maintenance was carried out on this route.</p> <p>Macks Lane and Windwhistle Lane are shown in the same manner as awarded Public Carriage Road No. 5, the Alderbury Road.</p> <p>These small scale motoring and cycling maps have been looked at alongside each other and it has been concluded that even where some of the maps appear to be inaccurate or omit information, Macks Lane is consistently shown.</p>
49.	<p>This map is not identical to Bartholomews 1912. Although the same routes are coloured the classification of these routes has now been revised to record them as "Motoring Roads – Secondary Roads", which shows that Bartholomews has further revised the maps to more accurately record the situation on the ground.</p> <p>Macks Lane and Windwhistle Lane are shown in the same manner as awarded Public Carriage Road No. 5, the Alderbury Road.</p>
50.	<p>This map is similar to Bartholomews map of 1911. However Macks Lane, Windwhistle Lane and awarded Public Carriage Road No. 5 are shown as uncoloured "other roads" rather than "secondary roads", as at 1911. The Church is still shown in the wrong location, but this is not the main purpose of this map.</p> <p>Officers consider that scale and purpose are the reasons for the variation in Bartholomews map at the scale of 4 miles to 1 inch and Bartholomews New Reduced Survey for Tourists and Cyclists at a scale of 2 miles to 1 inch. The 2 miles to 1 inch series of maps are of a larger scale, so it is possible to show more routes and they were produced with cyclists in mind, so may also show routes suitable only for cyclists. The 4 miles to 1 inch maps are more restricted by the constraints of scale and this edition is entitled Bartholomews Road Map of England and Wales, so it is unlikely to show routes only suitable for cyclists and not vehicular traffic i.e. Crockford Road which is omitted from the 4 miles to 1 inch maps.</p> <p>Since 1911 Macks Lane has become an "other road", as the map is revised.</p>
51.	This map is identical to the Bartholomews map of 1917, the classification of Macks Lane remains the same and there are no revisions in this edition. See comments at 49.
52.	Officers would agree that the section referred to is the southern section of the lane which was presumably required to be maintained for access to the properties at this end of the lane. This minute must be looked at alongside other evidence and the Parish Council later refer to the whole of Macks Lane as an old coach road and forming part of the route from Farley to the Southampton Turnpike Road.
53.	As original statement
54.	As original statement
55.	As original statement
56.	This map is identical to the Bartholomews maps of 1917 and 1920. See comments at 49 and 51. It is not new evidence but does form supporting evidence. Bartholomews revised and updated his maps which are known for their accuracy. Any errors recorded are unlikely to have been continued to the next revision and Macks Lane is shown consistently.

57.	<p>The Ordnance Survey map is topographical, i.e. it only shows what was visible to the Surveyor at the time of the survey. If the private road to the brickworks is a similar width and bounded like Macks Lane, it would be expected to be shown in the same manner. The private route is not braced on this occasion, within the surrounding land parcel, but to differentiate between public and private routes was not within the scope of the survey.</p> <p>It can give some indication of the status of Macks Lane, as the footpath to the east is marked "FP", where Macks Lane has no such inscription. This can be looked at with the minutes and other mapping evidence to suggest that Macks Lane is of a higher status than the footpath alongside it. The field entrances to Post Close and Redlynch Plantation appear to be consistently shown as part of the highway network.</p>
58.	<p>This map is identical to the Bartholomews maps of 1917, 1920 and 1924. See comments at 49, 51 and 56. It is not new evidence, but does form supporting evidence. Bartholomews revised and updated his maps which are known for their accuracy. Any errors recorded are unlikely to have been continued to the next revision and Macks Lane is shown consistently.</p>
59.	<p>Field No. 59 on the Tithe Map is Post Close Field, which has until now been shown as part of the highway network. Macks Lane and the entrance to field No. 59 are shown differently on this map because it has a different purpose.</p> <p>It is unlikely that the field entrance would be included as an extension of the classified road No. C.12024, as maintenance funding was only available for those routes used by the public. It served no public purpose and was therefore unlikely to receive much public use and therefore it was not included as a route to be publicly maintained by the new highway authority.</p> <p>The base map is the revised 1922, 6 inch to 1 mile Ordnance Survey Map, which has been coloured separately to notify the County Council of those routes which were publicly maintainable, or had a record of maintenance by the Rural District Council. There is no key to the map to show the colour coding, but a Roads and Bridges Committee Meeting Minute, dated 3rd October 1952, gives us some idea of what was in the mind of the Surveyors in preparing the maps has to be relied on:</p> <p>Consideration was given to Potterne Parish Council's complaints of an obstruction of various roads in the Parish (coloured brown on the highway takeover map). The County Surveyor explained that the <i>"highway authority are being asked to carry out maintenance work to what in the past has been classed as a non-repairable track. These tracks come under the heading of U/C roads on which there is no grant, and there is no money provided in the estimates for this sort of work."</i></p> <p>The Surveyor was Mr. H.S. Ganderton who was the County Surveyor at the time of the preparation of the Take Over Maps.</p>
60.	<p>This map is a motoring map and therefore it is unlikely to show routes which are not available for all traffic, as this would encourage trespass against landowners and cause difficulties for map users. The map classes all routes in West Grimstead as "Other Roads" i.e. not being first or second class, but available for motorists. It makes no further classification within this category regarding the condition of individual routes.</p> <p>The Parish Council Minutes suggest that Macks Lane is in a poor state of repair at this time, but this is subjective and open to interpretation, i.e. for what class of user was the route in a poor condition for use.</p>
61.	<p>The phrase <i>"subject to a right of way"</i>, is a disclaimer, a similar version of which had been used by Bartholomews. Within its instructions to Field Examiners and Revisers dated 1912, the Ordnance Survey states <i>"Foot-paths.- The Ordnance Survey does not concern itself with rights of way, and Survey employees are not to enquire into them"</i>.</p> <p>Macks Lane and Windwhistle Lane are treated in the same manner as awarded Public Carriage Road No. 1 and No. 5.</p>
62.	<p>This is a very small scale map, which shows very few routes in West Grimstead, only Long Drove, Butterfurlong Road, Grimstead Road and what Officers consider to be Macks Lane, although it is appreciated that the map is of such a small scale that this is open to interpretation, it could be Chapel Hill.</p> <p>This map has been looked at against other mapping of the time, particularly Bartholomews of 1937 which also refers to Macks Lane as a "Serviceable Road". There are a number of routes omitted from this map so it is important that it is considered alongside other evidence.</p>

63.	<p>This map is not identical to Bartholomews of 1912. The Grimstead Road, Long Drove and awarded Public Carriage Road No. 1 are described as “Good Secondary Roads”. Macks Lane, Windwhistle Lane and awarded Public Carriage Road No. 5 are shown as “Serviceable Roads”. The road classifications have been updated and therefore it does form new evidence.</p> <p>The Parish Council Minutes suggest that Macks Lane is in a poor state of repair at this time, but this is subjective and open to interpretation, i.e. for what class of user was the route in a poor condition for use.</p>
64.	<p>See comments at 57.</p> <p>The field entrances to Post Close and Redlynch Plantation are still shown on the map as topographical features on the ground, but it is now known from the Highway Takeover Map, that these routes are not publicly maintainable. However, it is not within the remit of the survey to distinguish between publicly maintainable and non-maintainable routes.</p>
65.	<p>As at 62, this map is again of a very small scale and shows very few routes in the parish of West Grimstead, i.e. only Long Drove, Butterfurlong Road, Grimstead Road and what Officers consider to be Macks Lane, although it is appreciated that the map is of such a small scale that this is open to interpretation, the route shown could be Chapel Hill.</p> <p>This map has been looked at against other mapping to conclude that the route shown is Macks Lane.</p>
66.	<p>This map is not the same as Bartholomews 1937 map, as the road classifications have again been altered and revised. Macks Lane remains as a “Serviceable Road”, but other categories have changed i.e. “Recommended Through Routes”, “Other Good Roads”, “Other Roads and Tracks”. This map therefore constitutes new evidence.</p>
67.	<p>Whether or not the work was carried out, the Parish Council believed the route to be a road which should be maintainable at the public expense.</p>
68.	<p>As original statement.</p>
69.	<p>The Wiltshire County Council Roads and Bridges Committee Meeting Minutes of 3rd January 1947 state that <i>“no work has been done on it by the County Council, except the cutting back of growth in about 1934 by unemployed labour as “Test Work”</i>. This test work may have been to test techniques or assess costs for works on other highways for which there was budget available for maintenance. The Parish Council believed the route to be a road which should be maintainable at the public expense.</p>
70.	<p>As original statement.</p>
71.	<p>As original statement.</p>
72.	<p>As original statement.</p>
73.	<p>As original statement.</p>
74.	<p>As original statement.</p>
75.	<p>As original statement.</p>
76.	<p>As original statement.</p>
77.	<p>As original statement.</p>
78.	<p>As original statement.</p>
79.	<p>As original statement.</p>
80.	<p>The original claim which has been crossed out, refers to the first section of Macks Lane only, before the footpath crosses into the field to the east of the lane at the entrance to Emmotts Farm. The section of Macks Lane claimed had by that time been made up and formed the access to properties at this end of the path. The amount of information coming in from the parish councils at this time made it very difficult for Officers at the County Council to check everything claimed and it is highly unlikely that they would have been able to check the details of all paths and there is no evidence that they carried out any historical research to assess the true status of rights of way. However, it would appear that the anomaly regarding the reference to the end of Macks Lane being at Mr Beauchamps Farm was picked up and the claimed path was moved to make the whole of Macks Lane a footpath. The former description is crossed out as incorrect and the claim over the full length of Macks Lane was not objected to over a period of public consultation and was therefore eventually recorded on the definitive map. However, the modification order process exists to acknowledge that mistakes may have been made at the preparation of the definitive map and enable those mistakes to be rectified.</p> <p>The path is coloured brown on the highways record as a U/C Road upon which there is no grant. It is not given a U/C number because there is no money available to maintain the path, most likely due to the existence of two alternative routes.</p>

81.	<p>It would appear that Macks Lane had been repaired by the Old Highway Board and it is possible that it first went out of repair when the Rural District Council took responsibility for minor roads, following the creation of the Rural District Councils by the Local Government Act of 1894. It appears that the Rural District Council did not admit liability for repair of the lane and neither did Wiltshire County Council when it became the Highway Authority, following the 1929 Local Government Act, which gave them responsibility for all rural roads. However, the Highways Takeover Map 1929, shows the route coloured brown as an <i>“U/C Road on which there is no grant”</i>. This acknowledges that the path is a public highway, but its low priority for maintenance meant that there was no funding available to maintain it, perhaps as there were suitable alternative routes which were given priority, i.e. Chapel Hill, Grimstead Road and Crockford Road.</p>
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SUMMARY ANALYSIS OF HISTORICAL EVIDENCE
PATH NO. 21 GRIMSTEAD (MACKS LANE)

Document	Representation of Path No. 21 Grimstead (Macks Lane)
Andrews and Dury's Map of Wiltshire - 1773 (scale: 2 inches to 1 mile)	Macks Lane is shown by double solid lines. Although the Wiltshire map does not have a key, the Hertfordshire map does, (it is unlikely that the Wiltshire Map would employ different map conventions), and it would appear that double solid lines depict an enclosed road. The key refers only to "roads", not footpaths and bridleways. This is a commercial map which was produced for profit and intended for sale to the travelling public of the time. In view of this, (and also due to the constraints of scale), it is unlikely that routes shown would not be for anything other than all traffic.
Smiths Map of Wiltshire - 1801	Another commercial map which shows Macks Lane as a "Cross Roads" according to the key. The key refers only to "roads", with no mention of footpaths or bridleways.
Estate Map - Purchased from Thomas Baker - 1803	The northern section of the route is shown at its junction with Crockford Road, suggesting that the route does continue in a southerly direction, outside the area to be purchased. The road network, including Macks Lane, is excluded from the area to be purchased, suggesting that they are public roads, rather than being part of the private estate.
West Grimstead Inclosure Award Map -1804	Inclosure was a process by which property rights were redistributed, to help modernise farming methods, which was difficult in areas where communal farming was still in place. The West Grimstead Inclosure Award Map shows Macks Lane uncoloured, (as are all other roads in the parish), and hedged on either side. The route appears to form part of the public road network, which pre-dates and survives the inclosure process and it is not awarded. Inclosure Awards often set out roads and their status, i.e. "public carriage road", but this is not the case in this particular award. Macks Lane crossed an old inclosure and whilst the whole parish was mapped, only certain lands were to be enclosed within the scope of the award. Only highways crossing those particular lands to be inclosed, were awarded.
Ordnance Survey Drawing No.76 – Surveyed 1807-8 (scale: 2 inches to 1 mile)	Ordnance Survey maps were based on new surveys which derived from the National Mapping Agency, which employed, trained and regulated a staff of surveyors and draughtsmen. They are public documents which are topographical, showing only physical features recorded by a particular surveyor at the time of survey. They employed a system of conventional signs and symbols to show features, particularly roads and tracks, but due to their topographical nature, they should be viewed alongside other evidence. This particular drawing shows the route by double, solid lines, suggesting an enclosed route.
Andrews and Dury's Map of Wiltshire (Second Edition) - 1810 (scale: 2 inches to 1 mile)	The map purports to show "Turnpike and Cross Roads, Canals", which suggests that Macks Lane is a cross roads, with solid boundaries. It is also significant that it is shown on the main index page which shows the whole county of Wiltshire at a smaller scale, which, due to the constraints of scale can only show more significant routes.
Map of the Manor and Parish of West Grimstead belonging to the Earl of Radnor -1810	The route is shown enclosed by hedges on either side, and coloured sienna, as are other known public roads in the parish. It is not numbered as are other plots in private ownership, which suggests that Macks Lane is public. On estate maps the depiction of roads can be incidental to the purpose of the map, but they can provide useful information for orientation and plot boundaries etc. They should be viewed alongside other evidence.
Ordnance Survey Old Series – 1811 (reproduced 1933) (scale: 1 inch to 1 mile)	This is a small scale map which means that footpaths and bridleways are unlikely to be shown, due to the constraints of scale. Macks Lane is shown by double solid lines as a way bounded on both sides.

Dix – A New Map of the County of Wiltshire – 1816 (scale: 1 inch to 4 miles)	The route is shown as a “ <i>Bye Road</i> ” according to the explanation. The explanation refers only to “roads”.
Greenwoods Map of Wiltshire – 1820 (scale: 1 inch to 1 mile)	Macks Lane is shown by double solid lines (a solid boundary on either side), as a “ <i>Cross Roads</i> ” according to the key, which refers only to “roads”.
Smith - A New Map of the County of Wilts – 1821 (scale: 1 inch to 2 miles)	Macks Lane is shown as a “ <i>Cross Roads</i> ” according to the key, which makes reference only to “roads”.
Darton’s Map of Wiltshire – 1822 (scale: 1 inch to 4 miles)	This is a small scale map which, due to the constraints of scale, can only show significant routes, so the depiction of Macks Lane is important. Macks Lane is a “ <i>Cross Roads</i> ”, according to the key, which refers only to “roads”.
Greenwoods Map of Wiltshire – 1829 (scale: 1 inch to 3 miles)	The route is shown by double solid lines, i.e. having a solid boundary on either side, as a “ <i>Cross Roads</i> ” according to the explanation. The explanation refers only to “roads”.
Map of the Parish of West Grimstead - 1830	Macks Lane is shown as an enclosed way, by double solid lines, coloured sienna (as are other known roads), and not numbered which suggests that it is a public route, as land in private ownership is numbered. A separate footpath appears to be shown by a single broken line to the east of the road which suggests that footpaths are depicted in a different manner and therefore Macks Lane must have a higher status.
Cary’s Map – 1832 (scale: 1 inch to 2 miles)	The route is shown by double solid lines, bounded on both sides. The explanation shows Macks Lane to be a “ <i>Parochial Road</i> ”. The explanation refers only to “roads”
Duncan - New Map of the County of Wiltshire – 1833 (scale: 1 inch to 4 miles)	Again this map is drawn at a small scale, which suggests that all routes shown are significant. Macks Lane is shown by double solid lines, bounded on both sides, as a “ <i>Bye Road</i> ” according to the explanation, which makes reference only to “roads”.
West Grimstead Tithe Award Map - 1838	The Tithe Commutation Act of 1836, regularised the system of monetary payment of tithes to the Clergy. They are significant as they are public documents, being on public display before being confirmed by the Tithe Commissioners and since then being held in continuous public custody. The depiction of roads provides useful information for the boundaries of plots and orientation and the recording of highways may have been of interest to the Commissioners, as the presence of a highway could affect the productivity of an area of land, so there was some merit in recording them. On the West Grimstead Tithe Award Map the route is shown by double solid lines (having a solid boundary on either side), and coloured sienna, as are other known roads in the parish. The British Parliamentary Paper 1837 XLI 405, which sets out the conventional signs to be used in the plans made under the Act for the commutation of tithes, shows the route to be a “ <i>Bye or Cross Roads</i> ”. The footpath to the east of the road is again shown and the Parliamentary Paper also sets out a different convention for footpaths and bridle roads.
Sir Richard Colt Hoare – Map from “The History of Modern Wiltshire, Hundred of Alderbury” - 1837	The map appears only to show the main routes in the area and therefore it is significant that Macks Lane is shown. The route is shown by double solid lines as a path bounded on either side. There is no key to this map and it is drawn at a small scale.

Railway Plans - 1843	<p>The Salisbury Railway from the South Western Railway at the Bishopstoke Station to Salisbury. Three sets of plans:</p> <ol style="list-style-type: none"> (1) The northern section of Macks Lane is shown within the limit of deviation, by double solid lines, suggesting an enclosed way, labelled <i>"To West Grimstead"</i> and numbered 61. In the Book of Reference accompanying the plan, 61 is shown to be owned by the Surveyors of Highways, occupied by the public and is described as a <i>"Parish Road"</i>. The technical drawings show the path as a <i>"Public Road – level unaltered"</i>. (2) The northern section of the route is shown within the limit of deviation, by double solid lines, labelled <i>"To West Grimstead"</i> and numbered 61a. In the Book of Reference the route is described as for plan 1. The technical drawings show the path as a <i>"Public Road – level unaltered"</i>. (3) The northern section of the route is shown within the limit of deviation by double solid lines, numbered 13. The Book of Reference refers to No.13 in the Parish of West Grimstead as a <i>"Road"</i>, owners or reputed owners as the <i>"Surveyor of Highways"</i>.
Map of the Parish of West Grimstead - 1854	The route is shown by double solid lines (having a solid boundary on either side) and coloured sienna, as are other roads in the parish. The footpath to the east is again shown by a dotted line, which suggests that Macks Lane must have a higher status, as footpaths are shown by a different map convention.
Crutchley's Railway Map of Wiltshire - 1855	The principal purpose of this map is to show railways, stations and telegraph lines. The depiction of roads is therefore incidental to the maps purpose and they are not mentioned within the explanation. It would seem that main/turnpike roads are coloured, but Macks Lane is shown uncoloured, perhaps as a secondary road. The purpose of the map and its small scale mean that only significant routes are likely to be shown, footpaths and bridleways are unlikely to be shown.
Crutchley's Map – 1860 (scale: 1 inch to 2 miles)	Index Map to the Salisbury, Poole and Dorset Junction Railway 1860 – 1862. The map shows the route of Macks Lane by double solid lines, as a way bounded on both sides. The map has no key and its main purpose is as a railway plan. This and the small scale mapping constraints make it likely that only significant routes are shown. Footpaths and bridleways are unlikely to be shown.
Weller – Map of Wiltshire -1862 (scale: 1 inch to 3 miles)	Macks Lane is shown as a <i>"Road"</i> according to the key. Double solid lines suggest that it is bounded on both sides. It is unlikely that paths of a lower status i.e. footpaths and bridleways would be shown due to the constraints of the small scale.
Railway Map "London and South Western Railway" – 1864 (scale: 1 inch to 2 miles)	The route is shown by double solid lines being bounded on both sides. There is no key to this map, but the scale is small and the principal purpose of the map is as a railway plan. Only significant routes of a higher status are likely to be shown.
Sale Particulars, Freehold Estate, West Grimstead - 1872	<p>Text: Lot 2: <i>"This is a particularly attractive and compact Residential Lot, being situate in the Village of West Grimstead, surrounded by good Roads..."</i> Macks Lane does form a boundary to this plot.</p> <p>Map: Macks Lane is shown coloured sienna, as are other known public roads, by double solid lines, bounded on both sides. It is excluded from Lot 2 and from the land owned by the Earl of Radnor and Mr Swayne to the east, further suggesting that it is a public route.</p>
Conveyance - 1872	The route is shown coloured brown, as are other roads in the parish road network, excluded from the property (coloured green) and the land owner by the Earl of Radnor and Mr Swayne, on the east. This suggests that the path is public and double solid lines indicate that the route is bounded on both sides.

Ordnance Survey County Series 25" 1st Edition Book of Reference 1873-1879	On the 1881 1 st Edition 25" Ordnance Survey Map (see below), Macks Lane is labelled as No.118. According to the Book of Reference this area is a "Road".
Ordnance Survey 25" Map - 1881	The route is coloured sienna and labelled 118, (see book of reference above), where Macks Lane is referred to as a "Road". The footpath to the east of Macks Lane is shown by different notation and included within plot No.120 "Pasture". The sienna colouring on the published first edition 25" plans, was used to indicate a metalled surface.
Salisbury Highway Board Schedule of Main and District Roads - 1882	Macks Lane is included within the schedule, described as "Mac's Lane From Salisbury and Dean Road to Railway Arch". The purpose of this document is to show "Main and District Roads".
Ordnance Survey 6" Map - 1883	Macks Lane is shown by double solid lines (having a solid boundary on either side), as a "Fenced Main Road", according to the key. The footpath is shown to the east by a different map convention.
Philips' County Cycling Map, Wiltshire – c.1890 (scale: 1 inch to 3 miles)	Macks Lane is shown as a "Cross Roads" according to the key, by double solid lines suggesting that the route is bounded on both sides. The map was produced for cyclists and therefore footpaths are unlikely to be shown.
Ordnance Survey 1" Map - 1892	The route is shown as a "Minor Road – Fenced" according to the key. Footpaths are shown by a different convention.
Map from Kelly's Directory of Wiltshire, 1895	This is a very small scale map of the County of Wiltshire and therefore footpaths and bridleways are unlikely to be shown, due to the constraints of scale. The key does not make any mention of roads, but does show railways and churches. The addition of highways may therefore be incidental to the purpose of the map, suggesting that only significant and principal routes would be shown. Macks Lane is shown by double solid lines indicating that it is enclosed on both sides.
Bacon's Commercial and Library Atlas of the British Isles – 1895 (scale: 1 inch to 4 miles)	Macks Lane is shown by double solid lines as a bounded route. The map purports only to show "Main and Cross Roads" according to the explanation and it is most likely that Macks Lane is intended to be shown as a "Cross-roads". Small scale mapping constraints also apply.
West Grimstead Parish Meeting Minutes – 25 th March 1895	"Proposed by Mr E Hopkins and seconded by Mr Curtis, that the attention of the Highway Authorities be called to the stiles in the footpath leading by the side of Max Lane". The footpath is differentiated from Macks Lane, supporting previous mapping evidence that a footpath exists alongside Macks Lane and that Macks Lane is of a higher status.
Ordnance Survey 25" Map – 1901	The route is shown by double solid lines as a way bounded on either side. The footpath to the east of Macks Lane is shown by a different notation and labelled "F.P." Macks Lane is not labelled in this way suggesting that it is not a footpath.
Gall and Inglis County Maps of England for Cyclists and Tourists - 1902	The route is shown by double solid lines, being bounded on either side. There is no key, but the map is of a very small scale and its purpose is to show routes for Cyclists and Tourists. Footpaths are therefore unlikely to be shown.
Bartholomew's Atlas of England and Wales - 1903 (scale: 1 inch to 2 miles)	Macks Lane is shown as an "Other Driving Road" according to the Explanatory Note. Footpaths and bridleways are shown by a different notation.
Bartholomew's New Reduced Survey for Tourists and Cyclists - 1904 (scale: 1 inch to 2 miles)	Macks Lane is shown as a "Secondary Road (good)" according to the Explanatory Note. Footpaths and Bridleways are shown by a different mapping convention.

Bacon's New Half Inch Map for Cyclists and Motorists - 1905	The route of Macks Lane is shown as a " <i>Best Cycling Road</i> " according to the Explanatory Note. Footpaths are not referred to in the key, but due to small scale mapping constraints and the purpose of the map, it is unlikely that footpaths would be shown.
Finance Act Map - 1910	The Finance Act 1910, 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 incremental value of a site. Rights of way across land could be excluded as a tax benefit, in which case they could be shown uncoloured on the survey plan. Macks Lane is shown uncoloured, which suggests that it had no value for the purposes of any tax and with the other documentary evidence available in this case, this does support the assertion that the path is a public highway. The survey uses the Ordnance Survey 25" Map, 1901 as its base map.
Bacon's County Map and Guide for Cyclists and Tourists (divided into five mile squares) - 1910	The route is shown by double solid lines as a bounded way. Only main roads are referred to on the reference. Macks Lane is not a main road as it is not coloured, but the map is of a very small scale, produced for cyclists and tourists and is unlikely to show routes of footpath status.
Bartholomew's New Reduced Survey for Tourists and Cyclists - 1910 (scale: 1 inch to 2 miles)	The route is shown as a " <i>Secondary Road (Good)</i> ", according to the Explanatory Note. Footpaths and bridleways are shown by different mapping conventions.
Bartholomew's Map, inside book "Wiltshire" by Frank R Heath - First published 1911 (scale - 1 inch to 4 miles)	Macks Lane is shown as a " <i>Secondary Road</i> " according to the key. The map is of a very small scale and is therefore only likely to show significant routes.
West Grimstead Parish Meeting Minutes - 7 th April 1911	<i>"Mr G Light proposed and Mr R Beauchamp seconded that the Chairman write to Mr Mason with regard to the state of the stiles by Max Lane"</i> . This minute refers to the stiles on the footpath beside Macks Lane. It supports the mapping evidence that there is a footpath located to the east of Macks Lane and that Macks Lane is of a higher status than the footpath.
West Grimstead Parish Meeting Minutes - 25 th March 1912	<i>"The Chairman was requested to write Mr with regard to the state of the two stiles by Max Lane."</i> Again this minute supports mapping evidence of the existence of a footpath alongside Macks Lane, Macks Lane being of a higher status than this path.
Bartholomew's New Reduced Survey for Tourists and Cyclists - 1912 (scale: 1 inch to 2 miles)	The route is shown as a " <i>Secondary Route (Good)</i> " according to the Explanatory Note. This map does purport to show footpaths and bridleways, but they are shown by a different map convention to routes of a higher status.
Daily Mail Milestones Motor Map for Motorists, Cyclists and Golfers - 1916 (scale: 1 inch to 3 miles)	The route is shown by double solid lines as a way bounded on both sides. The map has no key, but its purpose is for Motorists, Cyclists and Golfers so it is unlikely to show routes that cannot at least be used by cyclists. The map is referred to as a " <i>Motor Map</i> ".
Bartholomew's New Reduced Survey for Tourists and Cyclists - 1917 (scale: 1 inch to 2 miles)	The route is shown as a " <i>Motoring Road - Secondary Road</i> " according to the Explanatory Note. Footpaths and bridleways are shown by a different convention.

Bartholomew's 4 Miles to the Inch Road Map of England and Wales - 1919	Macks Lane is shown uncoloured as an <i>"Other Road"</i> , according to the key. Due to the small scale of the map it is unlikely to show bridleways and footpaths and the map is produced as a <i>"Road Map"</i> .
Bartholomew's New Reduced Survey for Tourists and Cyclists - 1920 (scale: 1 inch to 2 miles)	The route is shown as a <i>"Motoring Road – Secondary Road"</i> according to the Explanatory Note. Footpaths and bridleways are shown by a different convention.
West Grimstead Parish Meeting Minutes – 29 th March 1921	<i>"Repairs of Max Lane, It was moved by the Rector and seconded by Mr G Harding that the Chairman write to the R.D.C. with a view to them taking on and keeping in repair the road from the top of horse pond hill to Mr Beauchamp path."</i> Macks Lane is referred to as a <i>"road"</i> and the Parish Meeting believed that the Rural District Council should be responsible for its maintenance as a public road.
Salisbury Rural District Council Minutes – 22 nd April 1921	A letter from the Chairman of West Grimstead Parish Meeting, was read, bringing to the attention of Salisbury Rural District Council the bad state of repair of the upper portion of Max Lane. They resolved that no action should be taken.
West Grimstead Parish Meeting Minutes – 24 th March 1922	<i>"A discussion ensued with regard to the repairing of the upper portion of Max Lane in the end Mr moved and Mr H Harding seconded that the Chairman write to the Salisbury Rural District Council asking them to appoint a Sub Committee to meet a deputation of the Parish Meeting on the spot."</i> The Parish Meeting believed the path to be a public highway, repairable by the Rural District Council.
Salisbury Rural District Council Minutes – 21 st April 1922	The sub-committee had inspected the lane and recommended that a portion of the lane be repaired in the future by the Council, as it was stated had been done in the time of the Highway Board. It was recommended that the matter be deferred until the next meeting to enable the Clerk to make further enquiries and report.
Bartholomew's New Reduced Survey for Tourists and Cyclists - 1924 (scale: 1 inch to 2 miles)	Macks Lane is shown as a <i>"Motoring Road - Secondary Road"</i> according to the Explanatory Note. This map does show footpaths and bridleways, but by a different map convention to routes of a higher status.
Ordnance Survey 25" Map – 1925	The route is shown by double solid lines suggesting that the path is bounded on both sides. The footpath to the east of Macks Lane is shown in a different manner and labelled <i>"F.P."</i>
Bartholomew's Revised Half Inch Contoured Map - 1927	Macks Lane is shown as a <i>"Motoring Road – Secondary Road"</i> according to the Explanatory Note. Footpaths and bridleways are shown by a different map convention.
Salisbury Rural District Council Highways Takeover Map - 1929	Following the Local Government Act of 1929, responsibility for all rural roads was transferred from the Rural District Councils to the County Council, as the new Highway Authority. From information given by the individual Rural District Surveyors, public highways which the Surveyors, at the time, considered to be publicly maintainable, or had a record of public maintenance, were recorded. Mack's Lane is shown coloured sienna, i.e. <i>"U/C roads on which there is no grant"</i> . This acknowledges that the route is a public highway, but that it was of such low priority to maintain that funding could not be found to maintain it.
Beales – RAC Official Touring Map of England and Wales – 1930 (scale: 1 inch to 2 miles)	The route is shown by double solid lines as a way bounded on either side. According to the key it is an <i>"Other Road"</i> .

Geographia Large Scale Road Map of Wiltshire – 1931	According to the key, the route is shown as an “ <i>Other Road</i> ” and footpaths are shown by a different notation.
Shell Guide - 1935	Macks Lane is shown as a “ <i>Serviceable Road</i> ” according to the Explanatory Note. Footpaths and bridleways are shown by different notation. This map has been produced for motorists.
Bartholomew’s Revised Half Inch Contoured Map - 1937	According to the key, Macks Lane is a “ <i>Serviceable Road</i> ”. Footpaths and bridleways are shown by different notation.
Ordnance Survey 25” Map – 1939	The route of Macks Lane is shown by double solid lines suggesting that it is bounded on either side. The footpath to the east of Macks Lane is shown separately, by a different map convention. The footpath also has the letters “ <i>FP</i> ” beside it, where Macks Lane itself has no such notation.
Larby – District Touring Map, by John Bartholomew & Son Ltd - 1941 (scale: 1 inch to 4 miles)	Macks Lane is shown as an “ <i>Other Road</i> ” according to the key. The key describes the map as a “ <i>Motoring and Touring Map</i> ”, and refers only to roads. Footpaths and bridleways are therefore unlikely to be shown on this small scale map.
Bartholomew’s Revised Half Inch Contoured Map - 1945	The route is shown as a “ <i>Serviceable Road</i> ” according to the key. Footpaths and bridleways are shown by a different map convention.
Grimstead Parish Council Minutes – 22 nd July 1946	<i>“Mack Lane, West Grimstead – in view of the fact that the Rural District Council trimmed this lane some years ago, could arrangements be made to put the road in order from Main Road Salisbury to farm entrance approximately 60 yards. Proposed by Mr Gamblin, seconded by Mr Read. Carried. Clerk to write to Council.”</i> The route is referred to as a “road” and the Parish Council believed it to be a road which should be maintained by the Rural District Council.
Salisbury and Wilton Rural District Council Minutes – 15 th August 1946	A letter was received from Grimstead Parish Council to request that the surface of Macks Lane be repaired. It was resolved that the matter be referred to the Surveyor for Wiltshire County Council. The Parish Council believed that the path was a public highway, maintainable at the public expense.
Grimstead Parish Council Minutes – 26 th August 1946	<i>“Macks Lane. Letter to be sent to R.D.C. pointing out that this Lane was trimmed in January, 1934.”</i> The Parish Council believed that the path was a public highway, which should be maintainable by the Highway Authority and had previously been maintained at the public expense.
Wiltshire County Council Roads and Bridges Committee Minutes – 4 th October 1946	362- Complaints from Parish Councils and others “39 West Grimstead. Calling attention to the unsatisfactory condition of Macks Lane, West Grimstead”. Committee’s decision: “ <i>This is a non-repairable bridle track for the repair of which the Committee do not admit liability.</i> ” Here the path is referred to as a bridle track by Wiltshire County Council, but the 1929 Highway Takeover Map has already acknowledged that the path is an “U/C road”. The evidence from the Parish Council also suggests that they believed the path to have a higher status than a bridleway. They later referred to the route as part of an old coach road and requested that it be made up as a carriageway.
Grimstead Parish Council Minutes – 4 th November 1946	<i>“Macks Lane, West Grimstead – Letter read from the Surveyor of Wilts C.C., Discussion followed and Clerk was instructed to pursue the matter with the Surveyor with a view to alternate repairing of the Lane.”</i>
Wiltshire County Council Roads and Bridges Committee Minutes – 6 th December 1946	469. Complaints from Parish Councils and others. “31 West Grimstead. Macks Lane. (Min.362-(39)-1946). Asking the Committee to re-consider their decision not to admit liability for the repair of Macks Lane as it is part of an old coach road”. Committee’s decision: “ <i>This is not a repairable highway and the Committee do not admit liability, but the District Roads and Rights-of-Way Sub-Committee will make an inspection.</i> ”

Grimstead Parish Council Minutes – 9 th December 1946	<i>“Mack’s Lane, West Grimstead – Letter from W.C.C. read stating that a Sub Committee would like to meet representatives of Grimstead Parish Council on Thursday, December 12th at 2.30. Proposed by Mr. O. Read and seconded by Mr Gay that the Chairman – Mr. Harwood and Mr. Beauchamp should meet the Sub Committee”.</i>
Wiltshire County Council Roads and Bridges Committee Minutes – 3 rd January 1947	<p>Appendix 4: Report of District Roads and Rights-of-Way Sub-Committee</p> <p><i>“5. West Grimstead. (a) Macks Lane. The Sub-Committee met members of the Parish Council and inspected Macks Lane. This is a track approximately 400 yards in length. It is in a waterlogged and muddy condition and is partially obstructed by overgrown hedges, except at its southern end where a length of about 80 yards forms the access road to a farm and cottages. There are two alternative routes, one 730 yards and the other 1,070 yards, which connect to the extremities of the lane, and both of which are maintained as county highways. The track was not admitted as repairable by the Salisbury Rural District Council, and no work had been done on it by the County Council, except the cutting back of growth in about 1934 by unemployed labour as “Test Work”. The Parish Council consider the track should be made up as a carriageway and should never have been allowed to fall into disrepair as they contend that it is part of a route from Farley to Southampton Turnpike Road, and also that other parts of this route are maintained as county roads.</i></p> <p><i>The Sub-Committee explained that the general policy was to continue the maintenance of roads handed over as repairable by the former highway authority, and pointed out that there was a very large mileage of tracks of the character of Macks Lane which had in the course of time fallen into disuse and for the repair of which liability was not admitted.</i></p> <p><i>The Parish Council’s representatives asked how it was that certain sections of a continuous route were accepted as repairable and others not, and the Sub-Committee stated that this was difficult to determine but that the County Council had generally accepted the position as it was when the Rural District Councils were highway authorities.</i></p> <p><i>If the Committee decline to carry out work to the whole of Macks Lane, the Parish Council ask that the section leading to the farm at the south end, some 80 yards in length, should be made up with hard material.”</i></p> <p><i>The Committee resolved, on reading the report of the meeting of the District Roads and Rights-of-way Sub-Committee held on 12th December, “(d) West Grimstead. (i) Macks Lane. That the Committee are not prepared to carry out any repairs to Macks Lane”.</i></p>
Grimstead Parish Council Minutes – 22 nd January 1947	<i>“Macks Lane. WCC refuse to accept liability for this lane. Proposed by Mr Gamblin and seconded by Mr Gay that the suggestion made to the Sub-Committee of W.C.C, that the portion from Cross Roads to Emmetts Farm be reconsidered.”</i>
Grimstead Parish Council Minutes – 6 th October 1947	<i>“Macks Lane Clerk to take up these matters with the County Surveyor.”</i>
Wiltshire County Council Roads and Bridges Committee Minutes – 10 th October 1947	<i>“9 Grimstead. (ii) Mack’s Lane, West Grimstead. (Min.29(d)(i)-1947). Asking for scarified material to be put down on Mack’s Lane, West Grimstead”. Committee’s decision “That, as there is no surplus scarified material available at present, no action be taken.”</i>
Grimstead Parish Council Minutes – 17 th November 1947	<i>“Macks Lane. Messrs Gamblin and Beauchamp to keep the question in view and notify the Clerk of any road work which would supply material who will contact the Surveyor at Trowbridge.”</i>

Grimstead Parish Council Minutes – 21 st November 1949	<i>“Railway Arch West Grimstead and Gays Corner Drainage. Proposed by Mr Gamblin and seconded by Mr Gay that the drain at the Railway Arch – West Grimstead be attended to as the water from Macks Lane, caused by the use of this as a speedway tract, collects under the arch and is of great inconvenience to pedestrians. Clerk to take up with surveyor Proposed by Mr Gay and seconded by Mr Tod That the drain at Gays Corner East Grimstead be finished. The work was commenced about a year ago but the water at the Bus Stop in wet weather is as bad as ever.”</i>
Original Parish Claim - Surveyed 1950	<p>Map: shows the footpath to the eastern side of what is presently known as Macks Lane in red and numbered 21. The claimed byway is not coloured on the parish claim map, but it does appear on the definitive map as path No. 21.</p> <p>Description: the original statement has been crossed out and replaced by the following description <i>“FP From road C324 opposite U/C 12029 leading north to the railway bridge where it joins road C333”</i>.</p>
Current Highway Record – (1926 base map)	This is the current record of highways maintainable by Wiltshire County Council as the Highway Authority. Macks Lane is shown coloured sienna as an “U/C road on which there is no grant”. This acknowledges that the route is a public highway, but that it was of such low priority to maintain that funding could not be found to maintain it.