

Decision Report

Wildlife and Countryside Act 1981 – Section 53

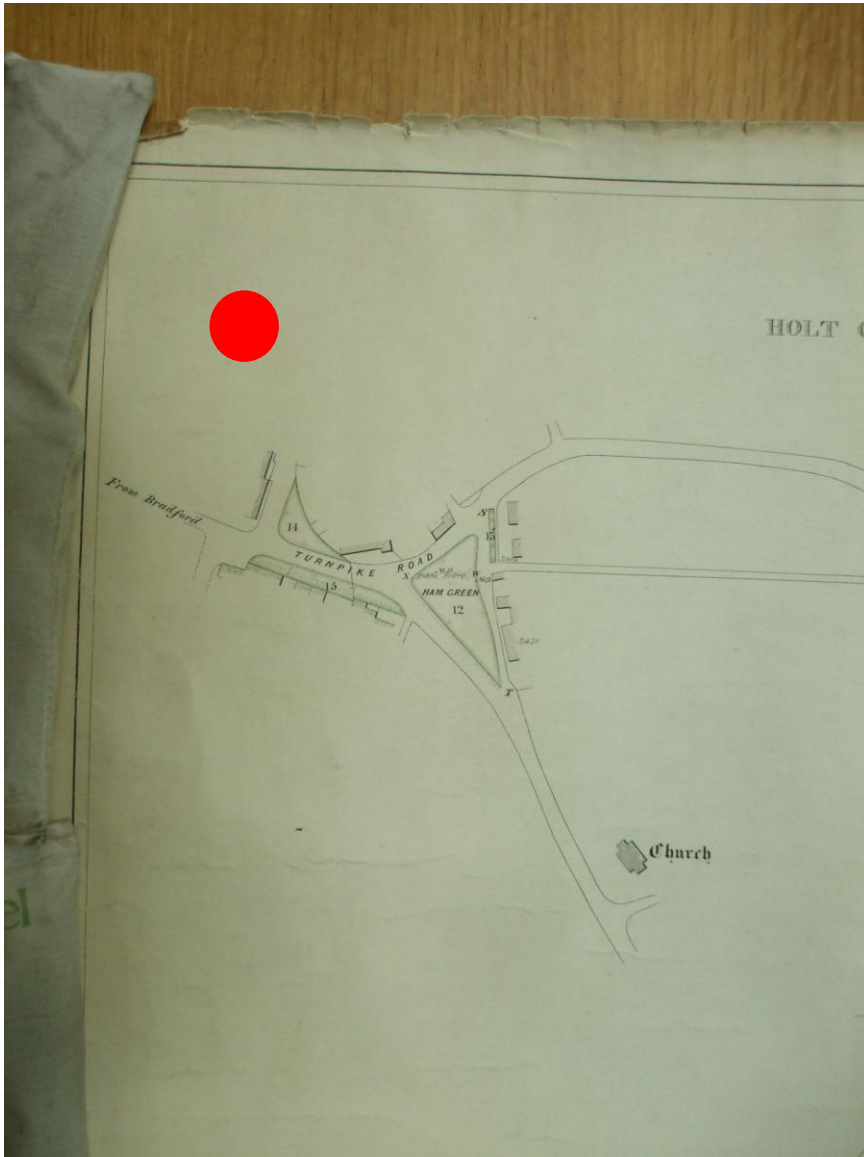
Application to Add a Footpath to the Definitive Map and Statement of Public Rights of

Way – Leigh Road, Holt

Appendix 1 – Historical Evidence Summary

Document	Holt Inclosure Award (E/A 189)
Date	1867
Relevant Documents	Award Map Award
Significance	<p>Inclosure was a process by which lands which had previously been communally farmed by the inhabitants of the manor, were redistributed amongst people having rights of common. By the 18th Century new innovations in farming were increasing output, but where communal farming was still in place it was difficult to modernise without the agreement of all parties. Therefore, the larger landowners, who wished to increase the productivity of their land, set about obtaining parliamentary authority to redistribute property rights.</p> <p>Inclosure Awards provide sound and reliable evidence as they arise from Acts of Parliament. Prior to 1801 inclosure was dealt with by local acts for specific areas. Post 1801 local acts generally operated with the Inclosure Consolidation Act of 1801, which standardised the process. The Commissioners had the power to change the highway network of the parish and were authorised and required the Commissioners to set out and appoint public and private highways, including bridleways and footways, within the parish.</p> <p>Weight can be given to routes included within the Inclosure Awards as landowners had a strong influence over the process and wanted to minimise public highways over their land. Parishes also had motives to reduce the number of public highways in order to reduce their repair costs as it was the duty of the parish to maintain such highways. To balance this, the public nature of the inclosure process was clearly set out within the Act, e.g. notice of the public and private roads to be set out was required and opportunity given for objection to the inclusion or non-inclusion of public and private highways. The setting out of a route</p>

	within the inclosure award is legal event and therefore the route remains to this day unless a legal event has taken place to stop up that highway.
Conclusion	The map of the lands to be inclosed within the parish of Holt, does not include the land over which the claimed route leads pass therefore no conclusions can be drawn from this document.



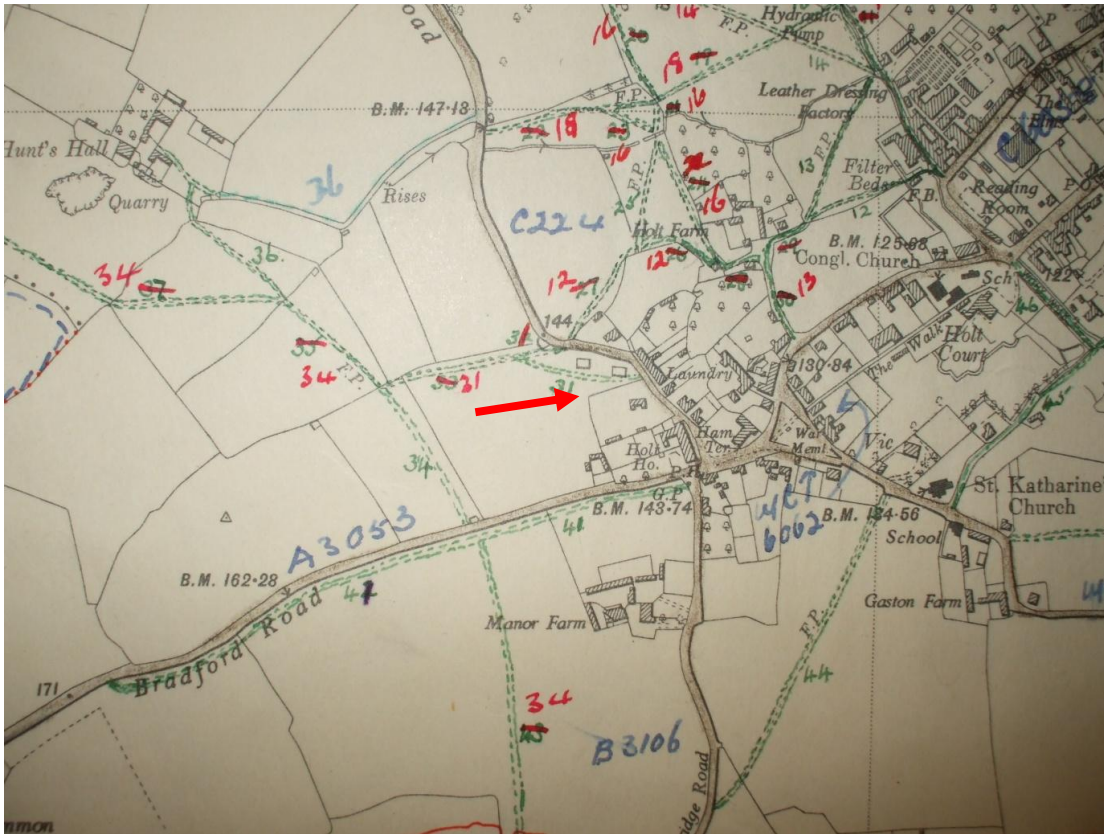
Holt Inclosure Award – 1867

Document	Parish Claim
Date	Survey date December 9 th 1950
Relevant Documents	Parish Claim Map Parish Record Card
Scale	Map scale – 6” to 1 mile

<p>Significance</p>	<p>The 1949 National Parks and Access to the Countryside Act required all Surveying Authorities to produce a definitive map and statement of public rights of way and to undertake to review of this map. Following this instruction to authorities, Wiltshire County Council sent 6" Ordnance Survey (OS) map sheets to all Parish Councils, who surveyed and recorded what they considered to be public rights of way within their parish, with an accompanying description of each path.</p> <p>Parish Councils were required to convene a meeting at which the public rights of way information, to be provided to Wiltshire County Council, was agreed locally. This information was to form the basis of the definitive map and statement of public rights of way which was published and advertised between 1952 and 1953, depending upon the Rural District or Urban District area.</p> <p>Detailed guidance regarding the Parish Councils input into the definitive map process was issued and the Planning Inspectorate "Definitive Map Orders: Consistency Guidelines" state that the legal "presumption of regularity" applies, i.e. unless otherwise demonstrated, it should be assumed that the Parish Councils received this guidance and complied with it in undertaking the parish claim. Each stage of the process, i.e. the publication of the draft map and the provisional map was advertised and there was opportunity for comment and objection to the inclusion of non-inclusion of a path; its provisionally recorded status and route.</p>
<p>Conclusion</p>	<p>When looking at the route claimed by the parish on the map, alongside the description on the record card, there are some discrepancies and Officer's consider that the original description (which is later deleted), may refer to the claimed route, where the route recorded on the claimed map highlights the route shown on the OS base map, i.e. the original definitive line of Footpath no.31 Holt, as extinguished in 2014.</p> <p>The original description reads: <i>"31. F.P. to BRADFORDLEIGH. Starts in Leigh Rd from Iron Stile next to two Cottages and Gardens, for 50 yards between this garden and bungalow garden; then wooden stile, 50 yards in open field where it meets path 32."</i> (path 32 is amended to be part of Footpath no.31 on the claim map). This description is crossed through and replaced with a less detailed description: <i>"F.P. from road C224 north west of Holt House leading west to path no.34."</i></p> <p>The record card also specifies that the route is "open after the first 50</p>

yards which is between hedge and wire fence.” And “Stiles in good condition”, this information is not deleted. The deleted path description and the references to the stiles and the first 50 yards of the route being enclosed between the gardens, being fenced on one side and having a hedge on the other, seems to accord with the claimed route. On the claim map only the boundary of the property to the south (which Officer’s believe to be the garden of the two cottages referred to in the description, which still exist to this day), is shown, so Officers consider that the enclosed part of the route described must run alongside this boundary as the claimed route does, (the bungalow referred to in the description is not recorded on the base map). The base map is an OS map drawn at a scale of 6” to 1 mile, Provisional Edition, first surveyed in 1884, Revision of 1922 with additions of 1938, whilst the parish survey is 1950. It would appear that the parish at the time of its survey marked on the map the route shown on the base map, which appears to be open in its entirety as the route is shown by double broken lines, (Officer’s would expect an enclosed route to be shown on an OS mapping by double solid lines), whilst the original accompanying description records a route which is enclosed for the first 50 yards between gardens and having stiles, Officer’s would not expect stiles to be required on an open route.

The description given as part of the parish claim, appears to support the existence of the claimed route.



Parish Claim Map - 1950

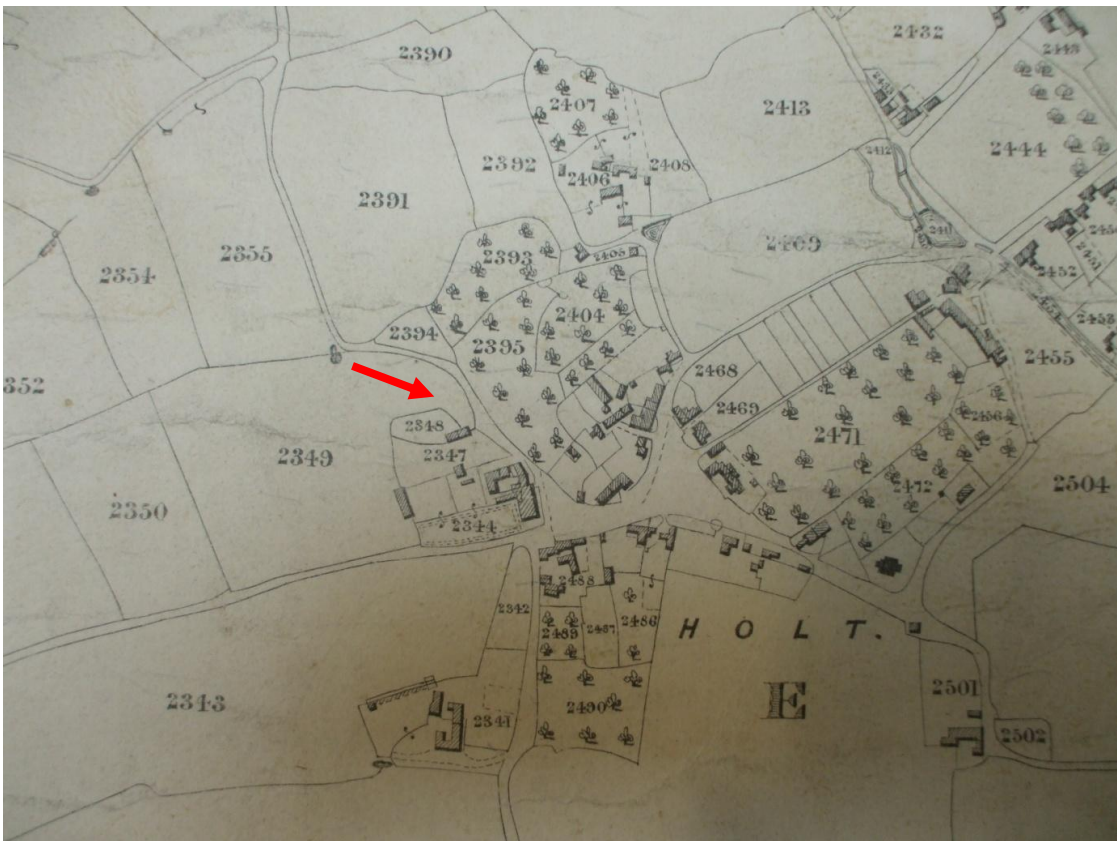
NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.		PATH No. 31.
PUBLIC RIGHT OF WAY.		(to correspond with No. on map)
NAME OR SITUATION AND DESCRIPTION (FOOTWAY, BRIDLEWAY, ETC.)		PARISH OF Holt.
31. F.P. to BRADBOROUGH. Starts in Leigh Rd from Iron Stile next to two Cottages and garden, for 50 yards between this garden and Bangalore garden; then wooden stile; 50 yards in open field where it meets path 32.		LENGTH 360 200 yds. WIDTH 2 ft?
F.P. from road C224 north west of Holt House leading west to path No 34		WHETHER FENCED OR OPEN open after 100ft 50 yards which is between hedge and iron fence
NATURE OF SURFACE Grass-track - ill defined		APPROXIMATE PERIOD OF UNINTERRUPTED USER - 80. YEARS FROM at least
STILES, GATES, FOOTBRIDGES, STEPPING STONES Stiles in good condition		WHETHER REPAIRED BY PARISH, DISTRICT, BOROUGH OR COUNTY COUNCIL - No.
WHETHER DIRECTION POSTS ON WAY (GIVE PARTICULARS) No.		DATE OF REPAIR
OBSERVATIONS:		WHETHER SUBJECT TO PLOUGHING No
		DATE OF SURVEY Dec 9 1950
		WHETHER SHOWN ON UNDERMENTIONED MAPS - ORDNANCE 6" SHEET. REF. WILTSHIRE SHEET XXXII EDN 1926. 26
		INCLOSURE AWARD
		LANDOWNER'S MAP (DEPOSITED UNDER SECTION 1 (4) OF THE RIGHTS OF WAY ACT, 1932)
		OTHER MAPS -

Parish Claim Record Card (Footpath no.31 Holt) - 1950

Document	Tithe Award (T/A Bradford)
Date	1842
Relevant Documents	Tithe Apportionment Tithe Award Map
Scale	Scale – 8 chains to 1 inch, (Enlargements 4 chains to 1 inch)
Significance	<p>Parishioners once paid tithes to the church and its clergy in the form of payment in kind, for example grain comprising an agreed proportion of the annual profits of cultivation and farming. This gradually began to be replaced by monetary payment and this was formally recognised by the Tithe Commutation Act of 1836, which regularised this system.</p> <p>Tithe Awards are not a primary source of evidence as the apportionments and plans were produced as an official record of all titheable areas and it was not their main purpose to record highways. However, they can provide useful supporting evidence, as the existence of a highway could affect the productivity of the land and give important map orientation and plot boundary information, therefore the Commissioners has some interest in recording them.</p> <p>Additionally, the public provenance of the documents adds weight to the information recorded within them.</p>
Conclusion	<p>The Bradford-on-Avon Tithe Award map consists of an inset map showing Holt around Ham Green in further detail and the main map. The area of land over which the claimed route passes is included on both maps, however the claimed route is not recorded and no conclusions can be drawn from this document.</p> <p>It was not the main purpose of the tithe award documents to record public rights of way and if the claimed route was in existence at this time, it is possible that it was not recorded as it did not form a plot boundary; did not add further map orientation information, or did not affect the productivity of the land.</p>

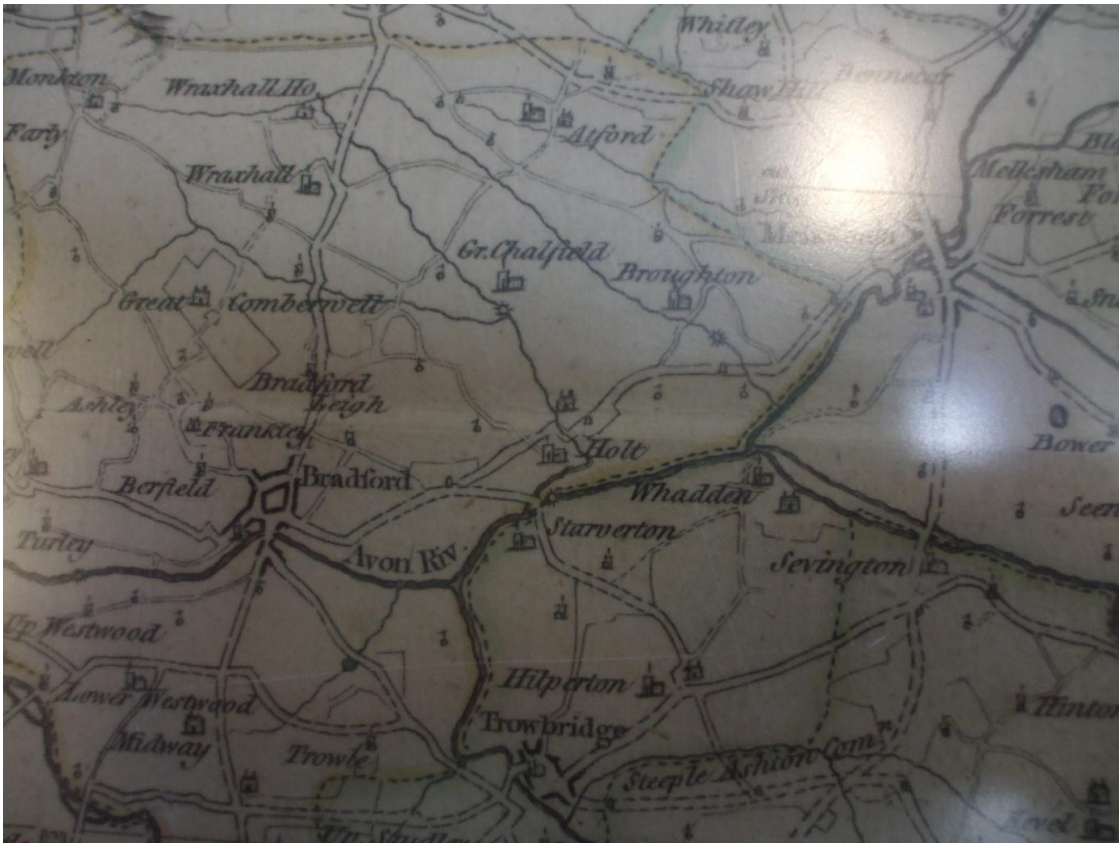


Bradford-on-Avon Tithe Award (Inset Map) – 1842



Bradford-on-Avon Tithe Award (Main Map) – 1842

Document	Andrews' and Dury's Map of Wiltshire
Date	1773 & 1810
Relevant Documents	1773 Index Map 1773 Map Plate no.6 (of 18 plates) 1810 Index Map 1810 Map Plate no.15 (of 18 plates)
Scale	1773 – 2 inches to 1 mile 1810 – 2 inches to 1 mile
Significance	<p>Commercial maps were produced for profit and intended for sale to the whole of the travelling public. Andrews' and Dury's Map of Wiltshire dated 1773 is a commercial map of the county based on original survey. The map is dedicated "<i>To Noblemen Gentlemen Clergy shareholders of the County of Wilts This MAP is inscribed by their most obedient and devoted servants JOHN ANDREWS ANDREW DURY</i>".</p> <p>The 1810 second edition map is a corrected and updated edition of the 1773 map.</p> <p>Being intended for sale to the whole of the travelling public and the constraints of small scale mapping, made it unlikely that footpaths and bridleways would be shown. Additionally the map makers would not have wished to encourage trespass onto private land or encourage vehicles onto a footpath which would cause difficulty for the landowners from whom the map makers sought subscriptions.</p>
Conclusion	The claimed route is not recorded on the 1773 map or the 1810 revised edition, perhaps for the reasons given above, therefore these documents are inconclusive.



Andrews' and Dury's Map of Wiltshire (Index Map) – 1773



Andrews' and Dury's Map of Wiltshire (Plate 6) – 1773



Andrews' and Dury's Map of Wiltshire (Index Map) - 1810



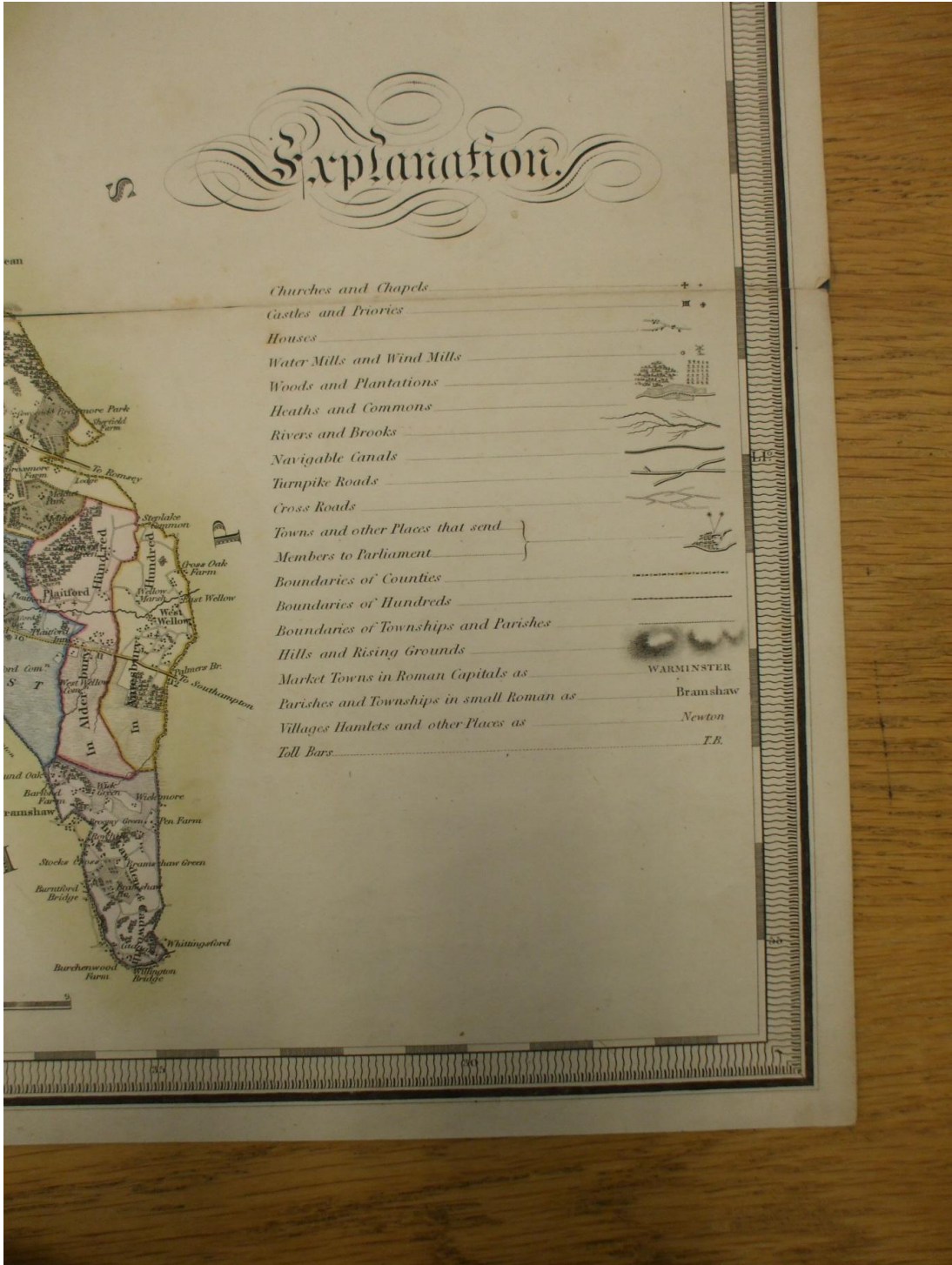
Andrews' and Dury's Map of Wiltshire (Plate 15) - 1810

Document	Greenwoods Map of Wiltshire (1820 – 1390/142 & 1829 – Map Folder 3.3)
Date	1820 & 1829
Relevant Documents	1820 - 4 map sheets of the County (reduced and folded), NE, NW, SE and SW (NW sheet is relevant) 1829 - Map of Wiltshire
Size and scale	1820 – Sheet size 75cm x 56.5cm (approx), Scale 1 inch to 1 mile 1829 – Sheet size 56.5cm x 68cm (approx), Scale 1 inch to 3 miles
Significance	Greenwood re-surveyed and produced a set of updated County Maps between 1817 and 1839. Greenwood appears to have carried out actual survey, supported by existing secondary sources such as inclosure and estate maps, printed guide books, official sources and local knowledge collected by surveyors. Greenwood's first edition "Map of the County of Wilts from Actual Survey", dated 1820 is a commercial map, produced for the travelling nobility who contributed to its production. The inscription reads "To the Nobility Clergy and Gentry of Wiltshire This Map of the County is most respectfully Dedicated by the proprietors".

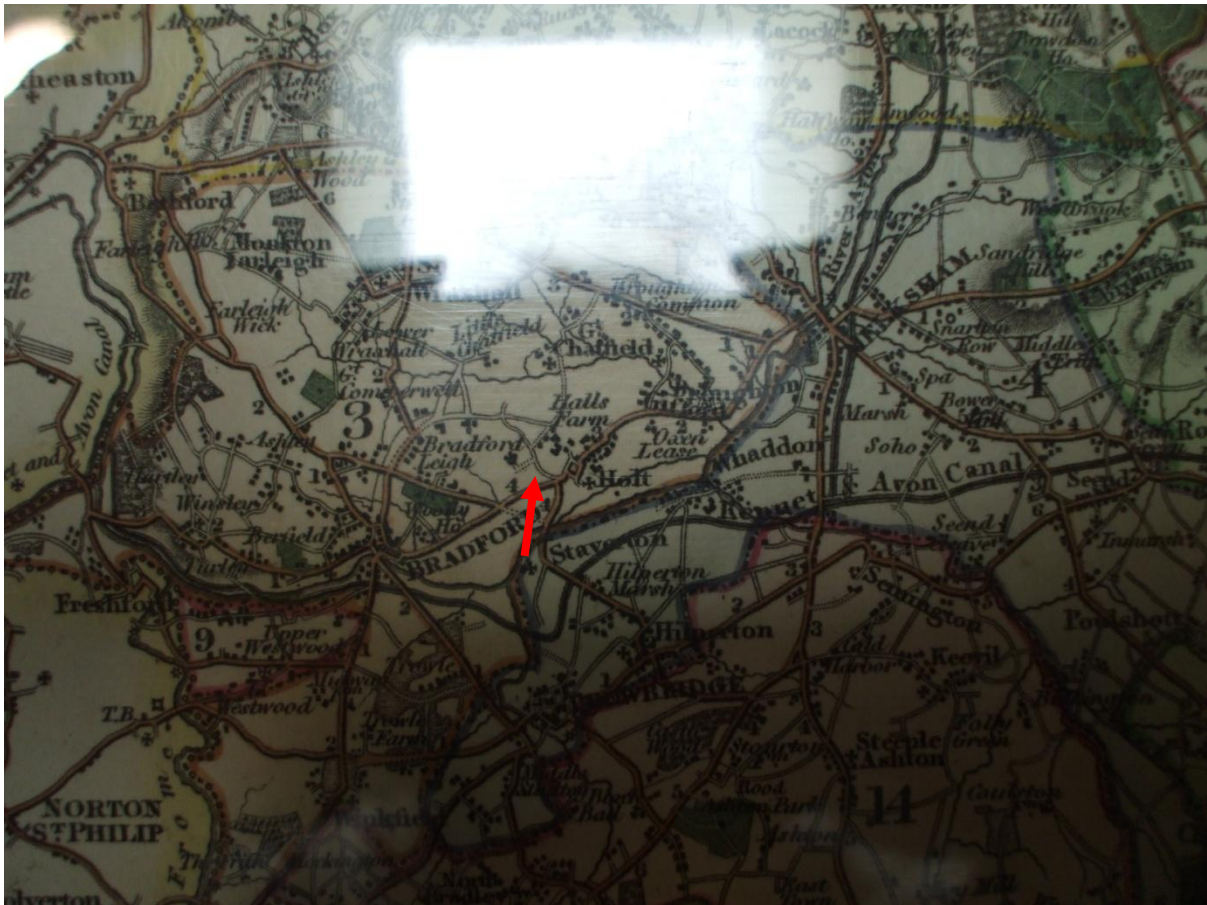
	Greenwood produced a revised and corrected map of Wiltshire in 1829.
Conclusion	The claimed route is not recorded in Greenwoods Map of 1820 and the revised version of 1829, perhaps due to the constraints of small scale mapping.



Greenwood's Map of Wiltshire - 1820



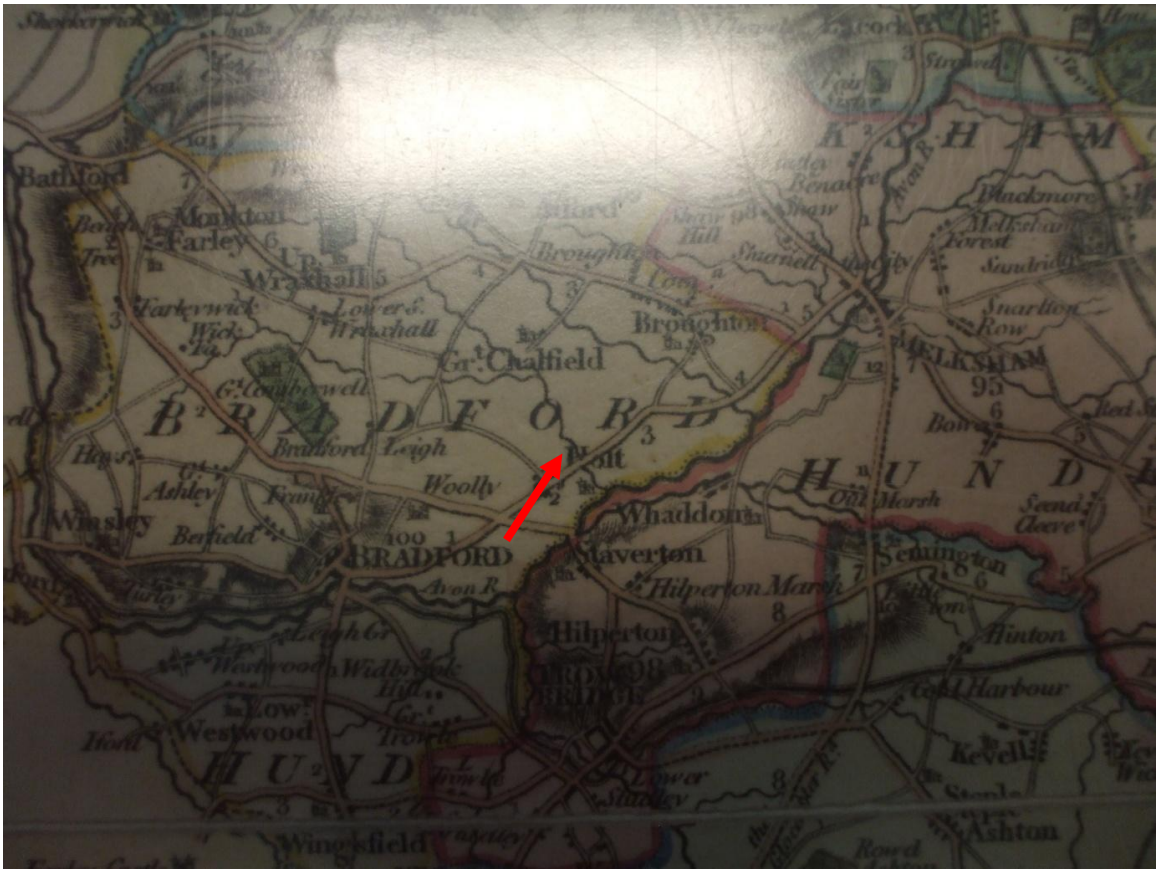
Greenwood's Map of Wiltshire (Explanation) - 1820



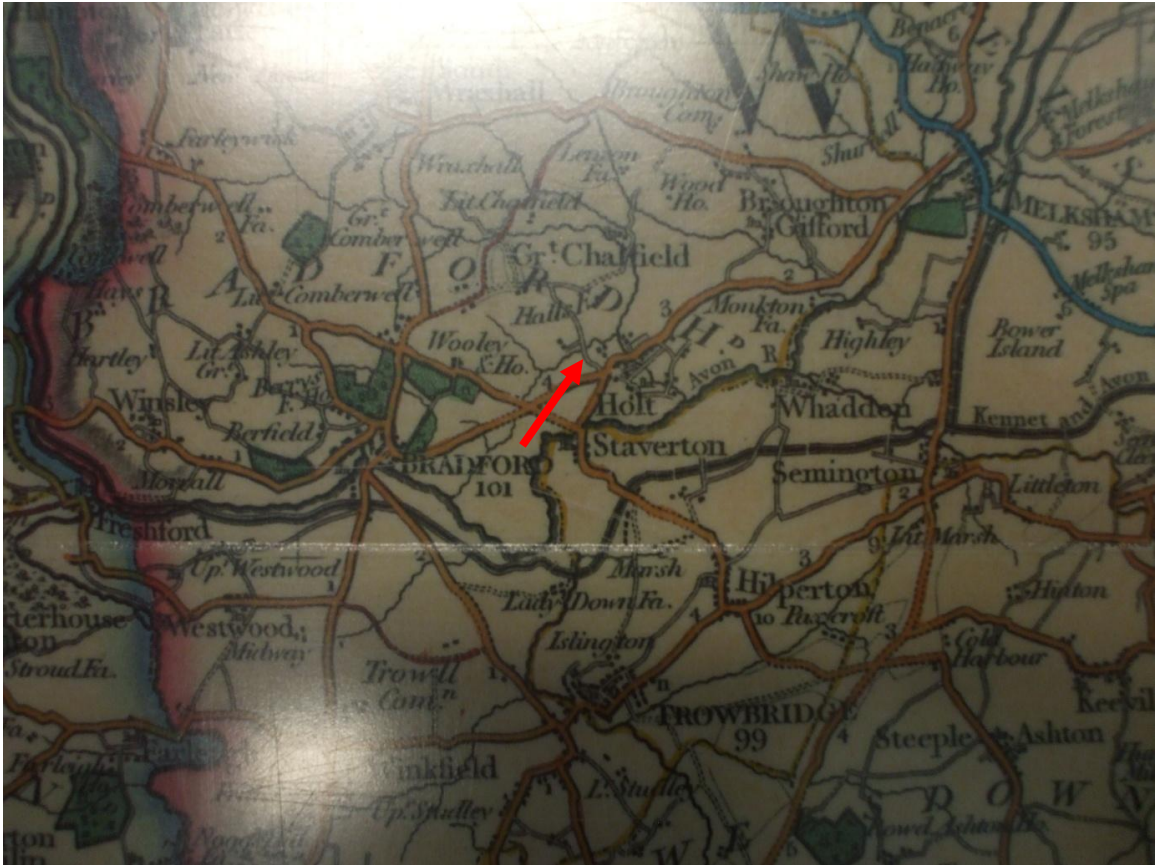
Greenwood's Map of Wiltshire – 1829

Document	Cary's Map of Wiltshire (1801 – Map Folder 3.2; 1823 – Map Folder 3.2A; 1832 – Map Folder 3.4)
Date	1801, 1823, 1832
Relevant Documents	1801 – Map of Wiltshire 1823 – Sheet 28 1832 – Sheet 11
Size and scale	1801 – 55cm x 68cm (approx), Scale – 2.5 miles to 1 inch 1823 – Sheet size 54.1cm x 67.3cm (approx), Scale – 2 miles to 1 inch 1832 – Sheet size 56cm x 67.6cm (approx), Scale – 2 miles to 1 inch
Significance	John Cary was a cartographer, born in Warminster, Wiltshire in 1755, well known for his series of county maps. In 1794 he became Surveyor of Roads for the Postmaster General, charged with undertaking a survey of all main roads in England. Cary appears to have used actual survey, as well as the work of others, e.g. the Ordnance Survey, in the production of his maps.
Conclusion	The claimed route is not recorded on these maps, perhaps due to the

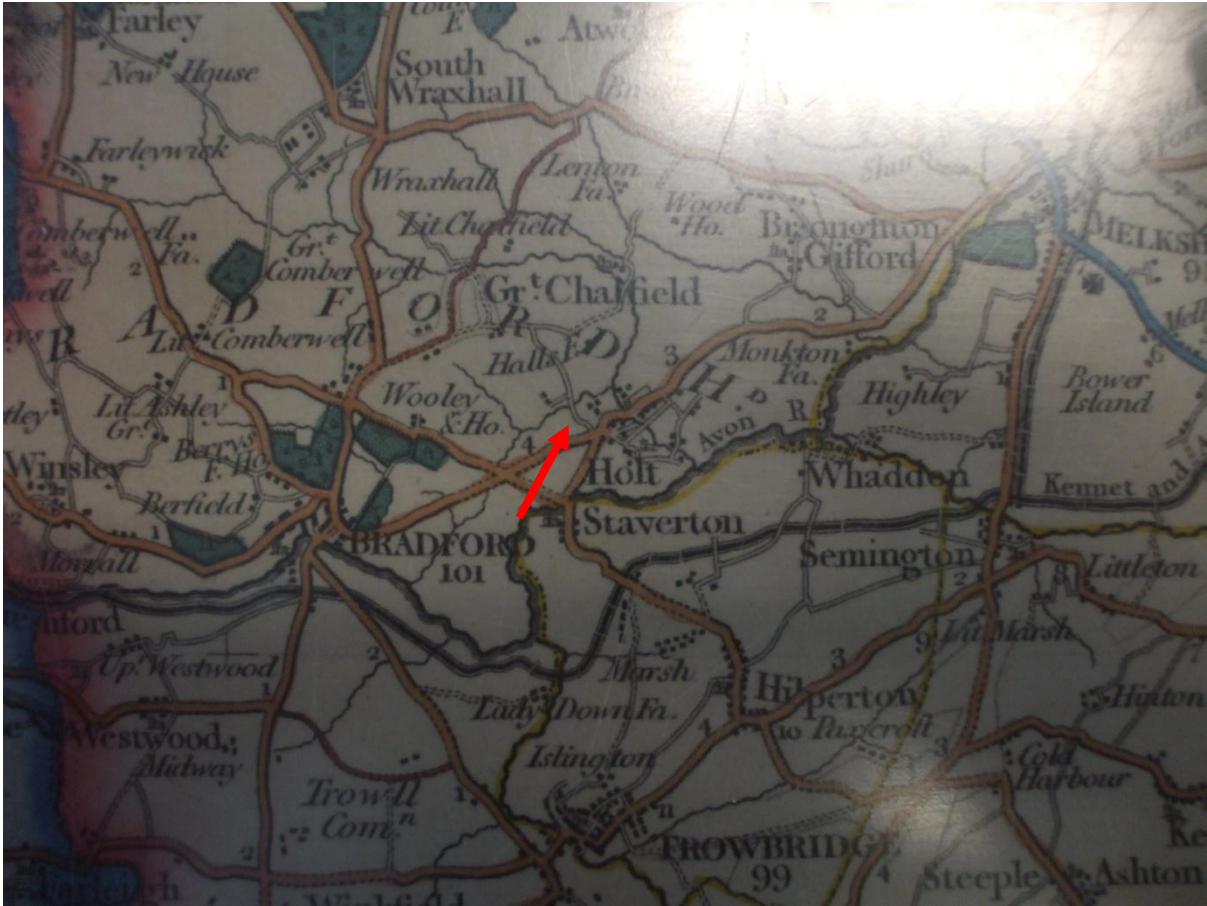
constraints of small scale mapping.



Cary's Map of Wiltshire - 1801



Cary's Map of Wiltshire (Sheet 28) – 1823



Cary's Map of Wiltshire (Sheet 11) - 1832

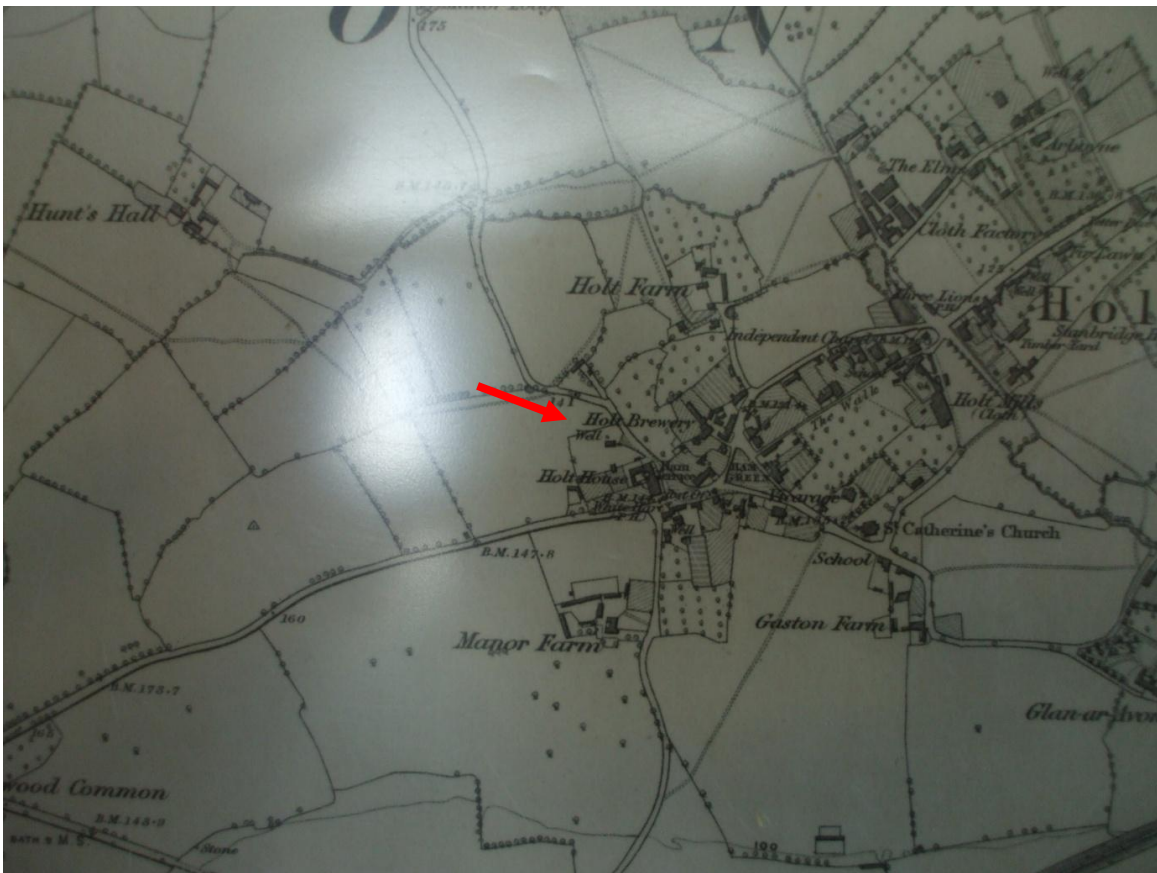
Explanation

- Mail Roads
 - Tumpike Roads
 - Carriage Roads *which are Parochial Roads*
 - Parochial Roads
 - Churches and Chapels
 - Cities
 - Borough Towns { *The Stars denote the Number of Members returned to Parliament* }
 - Market Towns { *The distance from London is prefixed to each town.* } WELLINGTON 154
 - Parishes Sidbury
 - Villages and Farms Crabbake
 - Gentlemens Houses and Grounds
 - Hills { *The Figures denote their Elevation above the level of the Sea* }
 - Lakes and Rivers
 - Navigable Canals
 - Drains
 - Iron Rail Road
 - Antient Earth Work
 - Roman Roads
 - Boundaries of Counties
 - Boundaries of Hundreds
 - Cliffs
 - Piers
 - Rocks *always uncovered*
 - Rocks *covered at high water*
 - Rocks *always covered*
 - Sands *covered at high water*
 - Sands *always covered*
 - Anchorage
 - Direction of the Currents
- The figures on the coast show the depth of water in fathoms*



Cary's Map of Wiltshire (Explanation) – 1832

Document	Ordnance Survey Map
Date	Engraved and Published 1889
Relevant Documents	OS Map Sheet no.32
Scale	6 inches to 1 mile
Significance	<p>The Ordnance Survey (OS) was founded in 1791, due to demand from the military for accurate maps of southern England, in preparation for the Napoleonic War. In time the Ordnance Survey developed a range of maps varying in scale and level of detail, to meet changing needs for accurate and updated maps of the country.</p> <p>The maps are based on original survey with revisions and are topographical in nature, i.e. showing only physical features which are recorded by a particular surveyor at the time of survey, with place names and administrative boundaries added.</p>
Conclusion	The claimed route is not recorded as a footpath on this map and the former definitive line of Footpath no.31 Holt, now deleted, is not recorded.



Ordnance Survey Map 6" to 1 mile – Published 1889

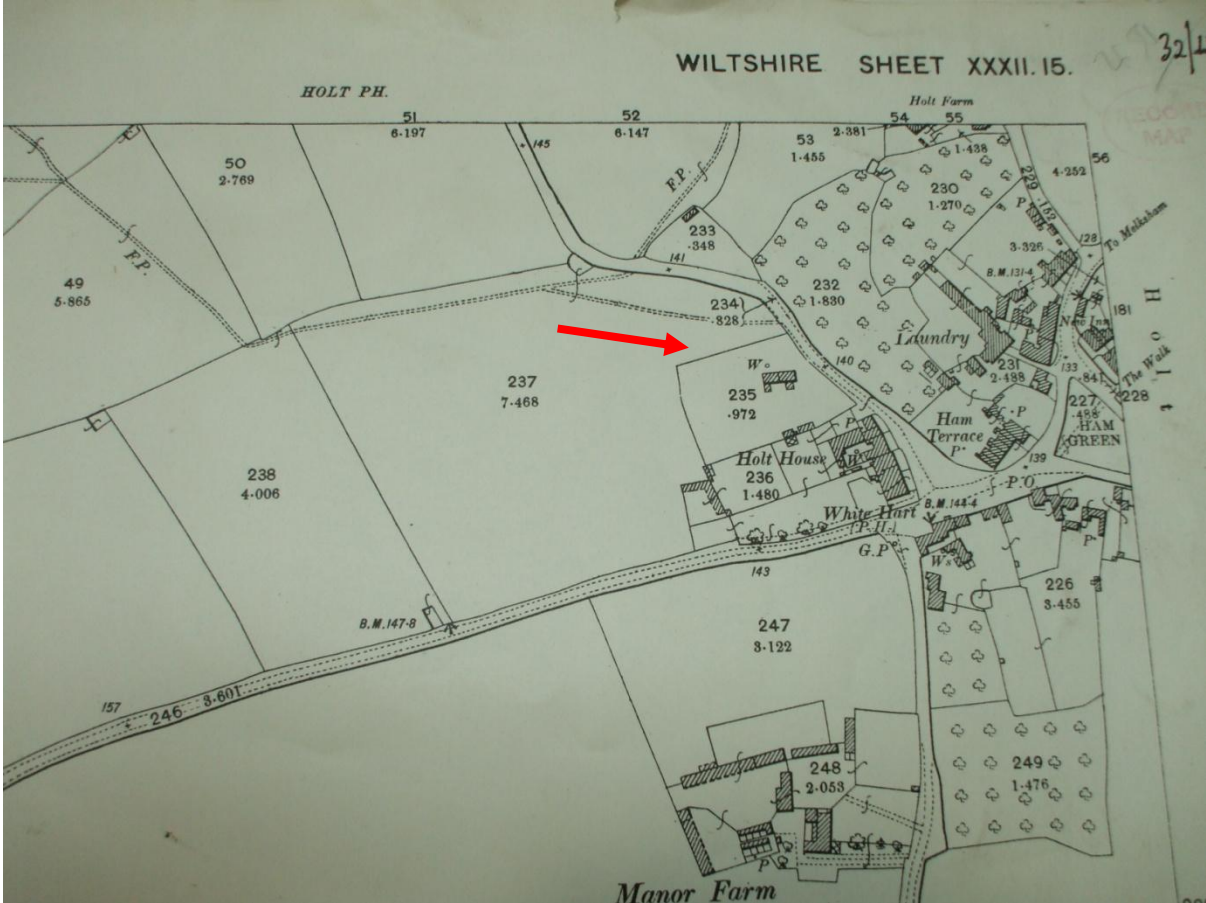
Document	Ordnance Survey Map
Date	Surveyed 1886, Engraved and Published 1886, Re-printed 1892
Relevant Documents	Map Sheet 32/15
Scale	25 inches to 1 mile.
Significance	As above (please see entry for 1889 Ordnance Survey 6" map)
Conclusion	The claimed route and the former definitive line, now extinguished are not recorded on this map.



Ordnance Survey Map 25" to 1 mile – Published 1886

Document	Ordnance Survey Map Second Edition
Date	Surveyed 1884, Revised 1899, Zincographed and Published 1901
Relevant Documents	Map Sheet 32/15
Scale	25 inches to 1 mile.
Significance	As above (please see entry for 1889 Ordnance Survey 6" map)
Conclusion	The former definitive line, now extinguished, is recorded on this map.

Note that the two cottages to the south (as referred to in the parish claim description, 1950), are shown, with the enclosed boundary of their garden, but the bungalow to the north is not recorded on this map.



Ordnance Survey Map 25" to 1 mile – Published 1901

Document	Ordnance Survey Map
Date	Surveyed 1884, Revised 1922, Levelling Revised 1899, Published 1924
Relevant Documents	Map Sheet 32/15
Scale	25 inches to 1 mile
Significance	As above (please see entry for 1889 Ordnance Survey 6" map)
Conclusion	The former definitive line, now extinguished, is recorded on this map. Note that the two cottages to the south are shown, with the enclosed boundary of their garden, but the bungalow to the north is not recorded on this map.



Ordnance Survey Map 25" to 1 mile – Published 1924

Document	Holt Parish Pathways Map
Date	c.1933
Relevant Documents	Parish path information drawn onto OS 1926 base map
Scale	6 inches to 1 mile
Significance	<p>The provenance of this map is not known, however it appears to show known rights of way in the parish of Holt, at around 1933, (prior to the parish survey carried out in 1950 which formed the basis of the definitive map). It is possible that this information was recorded by the Parish Council in around 1933.</p> <p>The key to this map shows roads in red, water in blue and pathways in white.</p>
Conclusion	The former definitive line, now extinguished, is recorded on this map, however it is not shown white as other pathways are, but it is marked with a pencil line. Note that the two cottages to the south are shown, with the enclosed boundary of their garden, but the bungalow to the

north is not recorded on this map.



Holt Parish Pathways Map – c.1933