

Agenda item:

Roads and Rights of Way Committee

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Dorset County Council



Date of Meeting	17 January 2013
Officer	Director for Environment
Subject of Report	Application for a definitive map and statement modification order to upgrade Bridleway 12, Littlebredy and Bridleway 8, Winterbourne Steepleton to byways open to all traffic
Executive Summary	In response to an application to upgrade Bridleway 12, Littlebredy and Bridleway 8, Winterbourne Steepleton to byways open to all traffic this report considers the evidence relating to the status of the route.
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>An Equalities Impact Assessment is not a material consideration in considering this application.</p> <p>Use of Evidence:</p> <p>The applicant submitted documentary evidence in support of his application.</p> <p>Documentary evidence has been researched from sources such as the Dorset History Centre, and the National Archives.</p> <p>A full consultation exercise was carried out in September 2012, involving landowners, user groups, local councils, those affected and anyone who had already contacted Dorset County Council regarding this application. In addition notices explaining the application were erected on site.</p> <p>No user evidence forms were submitted.</p>

	<p>Any relevant evidence provided has been discussed in this report.</p> <p>Budget/ Risk Assessment: Any financial/risk implications arising from this application are not material considerations and should not be taken into account in determining the matter.</p>
<p>Recommendations</p>	<p>That:</p> <p>(a) The application be refused;</p> <p>(b) An order be made to modify the definitive map and statement of rights of way to record: -</p> <p style="padding-left: 40px;">(i) Bridleway 8, Winterbourne Steepleton as shown A – B – C – C1 – C2 – D – E – F – F1 – G – H; and</p> <p style="padding-left: 40px;">(ii) Part of Bridleway 12, Littlebredy as shown H – I1 on Drawing 12/23/1 as restricted byways; and</p> <p>(c) If the Order is unopposed, or if any objections are withdrawn, it be confirmed by the County Council without further reference to this Committee.</p>
<p>Reasons for Recommendations</p>	<p>(a) Subject to (b) below the byway open to all traffic claimed does not subsist nor can be reasonably alleged to subsist;</p> <p>(b) The available evidence shows, on balance, that a highway shown on the definitive map and statement as a bridleway ought to be shown as a public vehicular way. As the application was submitted after 20 January 2005, and no other exceptions apply, the provisions of the Natural Environment and Rural Communities Act 2006 extinguished the public rights for motor powered vehicles and therefore an order should be made for a restricted byway over part of the claimed route; and</p> <p>(c) The evidence shows, on balance part of the route claimed is a restricted byway. Accordingly, in the absence of objections the County Council can itself confirm the Order without submission to the Planning Inspectorate.</p>
<p>Appendices</p>	<p>1 - Drawing 12/23/1</p> <p>2 - Law</p> <p>3 - Documentary evidence</p> <ul style="list-style-type: none"> • Table of documentary evidence • Extracts from key documents <ul style="list-style-type: none"> ▪ 1864 Winterbourne Steepleton Inclosure Award ▪ 1841 Winterbourne Steepleton Tithe Plan ▪ 1842 Littlebredy Tithe Plan ▪ c1780 Plan of the Parish and Manor of Winterbourn Steepleton

Background Papers	<p>The file of the Director for Environment (ref. RW/T400)</p> <p>Most of the original historic maps referred to are in the custody of the Dorset History Centre, except for the Finance Act maps, which are at the National Archives, Kew and some are the applicant's own.</p> <p>Copies (or photographs) of the documentary evidence can be found on the case file RW/T400, which will be available to view at County Hall during office hours.</p>
Report Originator and Contact	<p>Name: Phil Hobson Rights of Way Officer</p> <p>Tel: (01305) 221562 Email: p.c.hobson@dorsetcc.gov.uk</p>

1 Background

- 1.1 An application to upgrade Bridleway 12, Littlebredy and Bridleway 8, Winterbourne Steepleton to byways open to all traffic, as shown between points A to J on Drawing 12/23/1 was made by Mr D Oickle on behalf of the Trail Riders' Fellowship on 13 October 2005.
- 1.2 The route claimed commences at its junction with the C10 road known as Coombe Road, in the parish of Winterbourne Steepleton and shown as point A. It heads north towards point B, and continues west, through a farmyard, on the northern side of a barn towards point C. At point B there are two 'heavy' metal gates, each two metres wide. The surface comprises of a gravel and stone mix and is approximately 4 metres wide, its extent defined by the grassy margins and adjoining hedges and woodland.
- 1.3 At point C the route continues west by way of a field gate approximately 15 feet wide leading into a pasture field and the surface is now grassed. The extent of the route is defined by a hedge to the north and the rising ground to the south, the width being approximately 11 metres. At point C2 a small paddock has been enclosed to the southern side of the route, the width from point C to point D of approximately 6.5 metres being defined by this and the fence to the northern side .
- 1.4 From point D the route continues through another field gate approximately 15 feet wide before continuing west, following the headland at the northern margin of an arable stubble field and passing through a gateway or gap at point E (7 metres wide) and through its junction with Footpath 9, Winterbourne Steepleton at point F. The used route continues along the field edge to point G. The surface, comprises stubble and grass (September 2012) and is approximately 4 metres wide, measured from the fence located at the northern boundary to the edge of the stubble.
- 1.5 From point G the route turns towards the northwest and passes through a small area of woodland and scrub and is approximately 3.5 metres wide. At point H the route passes through a gate, approximately 1.3 metres wide, before crossing a ploughed field to point I where it is obstructed by a stock-proof fence. The route then turns west along a stone surfaced track to its junction and termination point with the unnamed road at point J. The width from H to I is undefined and from I to J is approximately 5 metres, being defined by stock-proof fences to either side.
- 1.6 The claimed route is owned by Mr Sturrock between points A and H in Winterbourne Steepleton and by the Bridehead Estate between points H and I in Littlebredy.

2 Law

- 2.1 A summary of the law is contained in Appendix 2.

3 Documentary evidence (Appendix 3) (copies available in the case file RW/T400)

- 3.1 A table of all the documentary evidence considered during this investigation is contained within Appendix 3. Extracts from the key documents are also attached.
- 3.2 The applicant's 'Analysis of Documentary Evidence' submitted with the application can be viewed in full in the case file RW/T400.
- 3.3 In summary, the applicant states "There is a weight of evidence to indicate it is more likely this route carries public carriageway rights rather than any lesser rights".

4 User evidence (Appendix 4)

- 4.1 No user evidence has been submitted in support of this application. The applicant is relying solely on the documentary evidence he has submitted.

5 Additional evidence in support of the application

- 5.1 No additional evidence has been submitted in support of this application.

6 Evidence opposing the application (copies available in the case file RW/T400)

Name	Comments
Mrs K Gocher, Ramblers' Association South Dorset Group	Objects to the application. The Ramblers are "Opposed in principle to the use of mechanically propelled vehicles in the countryside". No further evidence provided.

7 Other submissions received (copies available in the case file RW/T400)

Name	Comments
Mr S Sturrock	Owns the land from point A to H, states that he has never observed any person using the route in a vehicle and if such use had taken place it would have been without his consent.
Mrs E Donnelly of Chesterton Humberts, Agents for the Bridehead Estate	Owners of the land between points H and J, states that the owners are unaware of any use of the drive (I to J) with vehicles other than those of their tenants. Should any other vehicular use have taken place then this would have been with the permission of the Estate.
Claire Pinder, Senior Archaeologist, DCC	"There are at present no recorded archaeological finds or features or historic buildings on or in the very immediate vicinity of the affected route."
Graham Plumbe Natural England Southern Gas Networks	No evidence given.

8 Analysis of documentary evidence

Inclosure Award

- 8.1 The **1864 Winterbourne Steepleton Inclosure Award** was undertaken under powers conferred by “**The Acts for the Inclosure, Exchange, and Improvement of Land**” and is believed to refer to the “**Act to amend and further extend the Acts for the Inclosure, Exchange, and Improvement of Land 1852**” (see Law, Appendix 2).
- 8.2 This Inclosure Award differs from general Inclosure Awards in that although the Valuer did have the power to “set out and make public roads” it may only have been concerned with the division or exchange of existing inclosures. However, the annexed plan does identify a number of public roads, one of which is Public Road No. 22, which, in the opinion of the applicant, provides support to the application. However, as the term ‘road’, which can be applied to any highway to which the public has access, may be considered as being ambiguous as to the status of the highways concerned, further evidence may be required in order to determine, on balance, what the actual status of these roads may be.
- 8.3 Part of the claimed route as shown between points A to H is shown on the Inclosure plan and is identified as Public Road No. 22. It passes through or is adjacent allotments numbered 1, 2, 4 and 17 and is annotated at point H as shown on Drawing 12/23/1 as leading “To Bridport”.
- 8.4 In total, five ‘public roads’ are identified on the Inclosure plan, the majority of which are currently recorded as public highways, including several public carriageways. All of these routes are shown in exactly the same manner, being colour-washed in brown and annotated with their origins and destinations. These details, which follow the conventional method for the depiction of public carriageways on maps of this period, suggest that all these routes were considered as being vehicular.
- 8.5 There is also a public quarry, allotment 16, which is located alongside two of the roads included within the Award and was awarded to the Waywardens of the Parish in order to provide a source of materials for their ongoing maintenance and repair. In all probability horse drawn carts and wagons would have been used to distribute this material by way of the roads identified and although not strong evidence of status would suggest that the roads identified were of a sufficient standard for the passage of vehicles.
- 8.6 In addition to the above, the accompanying schedule demonstrates that the owners or occupiers of the allotments adjacent these roads, including Public Road No. 22, were required to erect and maintain fences against them, a requirement that suggests these routes were more than footpaths or bridleways.

- 8.7 The schedule also provides the area of land occupied by each road, which in the case of No. 22 was 3 acres, 1 rood and 7 perches or approximately 15,942 square yards. By reference to the Ordnance Survey Second Edition map scale 6 inches:1 mile it can be calculated that the length of Public Road No. 22 equates to approximately 1620 yards. In dividing 15,942 by 1620 the approximate width of the road can be ascertained, which in the case of No. 22 is approximately 30 feet ($15942 / 1620 = 9.84$ yards).
- 8.8 This document was created through a legal process and its accuracy confirmed by the application of the Commissioners' seal. Although it is not clear that it was directly concerned with the creation or alteration of the highway network it nevertheless provides evidence as to the existence of a number of public roads and a public quarry that was awarded for their ongoing repair. The widths of these public roads have been determined as being approximately 30 feet, which exceeds the minimum width of 20 feet that was required in respect of public cart roads or carriageways under the **1835 Highway Act** and would be considered a generous width were they to be only footpaths or bridleways. In addition all of these roads were also required to be fenced, which was a statutory requirement contained under **Section LXV** of the **1845 Inclosure Act** in respect of Public Carriage or Cart Roads and consequently this evidence provides strong support to the conclusion that all of these routes, including Public Road No 22, were recognised as public carriageways.

Tithe Apportionments

- 8.9 The **1841 Winterbourne Steepleton Tithe Apportionment and Plan** depicts that part of the claimed route as shown from point A to point H. It is shown to be within the apportionment numbered 80 but is clearly un-apportioned. The route is uncoloured but clearly defined by two parallel broken lines. At point A it is shown to connect with an existing public carriageway the C10, known as Coombe Road and at point H it is shown to continue north over the parish boundary into Littlebredy parish but is not annotated with either an origin or destination.
- 8.10 The **1842 Littlebredy Tithe Apportionment and Plan** depicts a route that corresponds with that of the claim and which forms a continuation north west of the public road identified in the Winterbourne Steepleton Inclosure Award 1864 that corresponds with the application route A to H, which terminates at point H, the parish boundary. At point I there is a junction of two routes forming a 'cross roads'. One route leads from east to south west, the westerly part corresponding with that of the claim as shown I to J where point J represents its termination point with the unnamed road (D11909) and the easterly part being annotated as being "From Winterborne". The second continues north west to its junction with road (D11904) known as Longlands Lane and shown as point I2, before continuing in a north westerly direction.

- (a) A number of roads are shown upon the plan, they are all depicted in the same manner, being coloured and well defined from the surrounding allotments by either broken or occasionally solid parallel lines. Many of these correspond with currently recorded public carriageways. Only one of these roads appears to have been separately apportioned being given the number 56. The accompanying apportionment describes 56 as “**Roads through the Parish**”, with the state of cultivation being that of a “**Road**” and the total area occupied being 3 Roods and 3 Perches. Several other apportionments are also described as containing roads e.g. **27 “Lower Hoghill including Road”** and **25 “Hoghill Mead including Road”**, in both of these examples the state of cultivation is described as being “**Pasture**”.
- (b) As the state of cultivation of apportionment 56 is described as a parish road it may be considered as reasonable to conclude from this evidence alone that on balance it was a public road, a conclusion supported by the knowledge that its current recorded status is that of a public carriageway. However, in respect of the other roads shown, unless additional supporting evidence is available, it is difficult to determine whether they may have been regarded as either public or private roads.
- (c) In the case of the claimed route, or at least that part of it shown from H to I1, additional evidence can be derived from the **Winterbourne Steepleton Inclosure Award 1864** as it depicts and describes the public road as continuing towards Bridport from point H. However, it is considered that the most likely route this road would have then followed is that shown on the **Littlebredy Tithe Plan** continuing north from point H towards Longlands Lane, point I2, and then by way of Lower Way Drove on towards Bridport and not by way of the claimed route as shown from I to J.

8.11 By themselves Tithe Apportionments rarely, if ever, provide sufficiently strong evidence as to the status of the ways shown upon them. However, they can and do provide positive evidence that a particular route physically existed at the time of the apportionment. Although opinion is divided some experts argue that when a route is colour-washed and annotated with a destination and/or origin this may indicate that it was regarded as a public highway, probably a public carriageway. In this instance the tithe provides some support to that part of the application as shown from A to I1, both as evidence to its physical existence and to the likely course of the route at that time. In light of the evidence provided from the **Winterbourne Steepleton Inclosure Award** it is considered that more weight can be attributed to them.

Map of the Manor or Parish of Winterbourn Steepleton

Conveyance & Mortgage Documents

8.12 There are two plans of the **Parish and Manor of Winterbourn Steepleton**, the first being what appears to be a draft sketched in black and white and which was presumably prepared in preparation for the second document that is coloured.

- 8.13 The survey for the 'draft' **Plan of the Parish and Manor of Winterbourn Steepleton 1778** was undertaken during October 1778. This plan depicts the claimed route from point A to point H, which is roughly defined by two parallel lines that are unbroken for the vast majority of its length. The plan is annotated with the names of the parishes, owners of the land, names and numbers of the allotments and their respective areas, destinations and origins. However, some of this information, for example, the depiction of allotment 16 as being under the ownership of the Waywardens of the parish, would appear to have been added at a later date as the plan pre-dates the Inclosure Award by 86 years and the Tithe Apportionment by 63 years.
- 8.14 It is thought that the date of the second **Plan of the Parish and Manor of Winterbourn Steepleton is circa 1780** (Dorset History Centre) but other evidence may cast doubt on this as certain features may not have existed at this time. Alternatively it is possible that the plan was subject to later alterations and additions. However, it is of a much higher quality than the 'draft' and is also coloured. The claimed route is shown from point A, its junction with another road, now recorded as the C10 road and known as Coombe Road, to point H where it connects with another road. At point H it is annotated as being "from Littlebredy" and leading "To Bridport". The route is defined by two solid parallel lines and is colour-washed in brown. Although these plans precede the Tithe Apportionment Plan by some 60 years they do bear a striking resemblance to it and may well have been used during its production.
- 8.15 A **Conveyance** of landholdings within the parishes of Winterbourne Steepleton and Winterbourne Abbas between F H Lambert and W C Lambert in **March 1869** includes a **plan** of the area showing the lands to be exchanged. The plan also shows the surrounding area and depicts a number of roads, including one that would correspond to that part of the claimed route as shown from A to H. It is defined by two parallel broken lines and is annotated at point H as being "from Littlebredy" and leading "To Bridport" in exactly the same manner as shown on the Parish Plan. There is no indication that the land occupied by these roads was considered to be included within the surrounding allotments.
- 8.16 A further document, the date of which is difficult to distinguish but is possibly from around the same period, concerns the **Mortgage** of an estate at Winterbourne Steepleton, the area concerned being the same as that of the conveyance above. The parties involved were W C Lambert and Sir W Erle and others. The documents include a **plan**, which although similar to that accompanying the conveyance, is drawn in a different style. This plan shows the same roads as the conveyance plan including that part of the claimed route from A to H. It is annotated at H as being "from Littlebredy" and leading "To Bridport" and is defined by two parallel broken lines from A to C1 and by two parallel solid lines from C1 to H.

- 8.17 Only the mortgage plan has an accompanying key and this provides no assistance in determining the status of the route as it is concerned only with land ownership. However, all of these documents share one feature in common with the Winterbourne Steepleton Tithe Apportionment and Plan of 1841, which may suggest that the Conveyance and Mortgage plans derived some or all of their data from it. They show two additional routes in the vicinity of the public quarry, features that do not appear on the later Inclosure Award and Plan.
- 8.18 The majority, if not all, of the routes shown on these plans are recorded as public highways and the manner in which the application route from A to H is depicted upon them and its accompanying annotation suggests that it was not part of any of the adjacent landholdings but was more likely considered to be a public highway, possibly a public carriageway. The annotation at point H suggests the existence of two routes, one leading towards Bridport (I to I2) and the other towards Littlebredy, possibly that of the claim, as shown I to J. However, the status of these routes cannot be determined from these plans alone and consequently, whilst they provide good evidence of the physical existence of those routes shown on them they provide no conclusive evidence towards their status.

Finance Act 1910

- 8.19 The claimed route passes through a detached part of **Hereditament 96** (A to C1) and **Hereditament 258** (C1 to H) in **Winterbourne Steepleton**. In **Littlebredy** the route passes through a detached part of **Hereditament 66** (H to J). No part of the route is excluded for the purpose of valuation although by reference to the accompanying valuation books it can be seen that a deduction of £25 for public rights of way or user was granted in respect of **Hereditament 96** and £100 in respect of **Hereditament 258**. No deductions were granted for public rights of way in respect of **Hereditament 66**.
- 8.20 Additional information within the records for **Hereditament 96** indicates that the deduction of £25 for public rights of way was made in respect of a "footpath running along the higher part". This does not appear to relate to the claimed route, which the bracing suggests was included within this parcel of land, and there is no obvious evidence towards the existence of an additional right of way within this detached part of **Hereditament 96**. Consequently, this deduction may relate to a public right of way located within one of the other detached parcels.
- 8.21 With respect to **Hereditament 258**, although it received a substantial deduction in respect of the acknowledged public rights of way and user within it, the information contained within the valuation book is insufficient to establish whether the claimed route may have been the subject of this deduction.
- 8.22 Although the exclusion of a way within these documents would provide strong evidence towards the conclusion that the route was regarded as a public carriageway the reverse is not necessarily true. Whilst there were severe penalties for wrongfully claiming tax relief there were no penalties for not acknowledging the existence of public highways. Consequently, in this instance, the documents cannot be given any weight for or against the claimed status of the route and are therefore considered as being neutral.

National Parks and Access to the Countryside Act 1949

Parish Surveys

- 8.23 The precise date the **Winterborne Steepleton Parish Survey** was undertaken is not known. However, from the correspondence contained within the file it would be reasonable to assume that it was prior to July 1954. The claimed route as shown A to H was included by the Parish within their survey, being defined as 'CRB 5'. CRB is described in the advice used as a practical guide for parish councils as a "Public Carriage or Cart Road or Green (unmettalled) Lane mainly used as a Bridleway".. This classification was the forerunner of a RUPP (Road Used as a Public Path). CRB 5 is described as commencing from Loscombe (point A) and leading to the "Poor Lots" (points G/H). The schedule also refers to the presence of three field gates and describes the condition of the path as "fairly good". The reason for claiming the route was due to the knowledge of its use within living memory.
- 8.24 The precise date the **Littlebredy Parish Survey** was undertaken is also unknown. However, the survey reveals that the Parish Council had made no claim for a right of way that connected with either of the claimed routes within Winterbourne Steepleton that terminated at the parish boundary, shown as point H. Correspondence contained within the parish file does show that the County Council wrote to the Parish Council on 12 July 1954 advising them that Winterborne Steepleton parish had claimed a footpath [Footpath 7] and a "CRB (Bridle over Cart Track)" [the claimed route] leading to the Parish Boundary at Steepleton Poor Lot. The County Council suggested that it appeared desirable to include a "bridle right" within their survey, suggesting two possible routes, one leading directly north to the road, Longlands Lane [H to I2], and the other along the claimed route (H to J). The Parish Council did not agree to either suggestion and no public right of way was recorded.

Draft, Provisional and First Definitive Map

- 8.25 The information collated during and immediately following the parish surveys was used in the production of the draft map of public rights way, which in turn resulted in the publication of the provisional and first definitive maps.
- 8.26 The part of the route within **Winterbourne Steepleton** as shown A to H was recorded as **CRB 5** on the **draft map** for the **South Area**, which was published in January 1955. That part of the claimed route within **Littlebredy** as shown H to J was not recorded.
- 8.27 Between July 1955 and October 1956 a series of objections in respect of the omission of public rights of way from the draft map, including one that would have continued north west of point H in the parish of Littlebredy, were made on behalf of the Ramblers' Association.

- (a) The précis of the claim was that as “path 5 [A to H] had been formerly established as a public road on the Winterborne Steepleton Inclosure Award it must have continued to another public way the evidence of which is shown on the award by the indication of another public road continuing beyond the parish boundary and leading “to Bridport”. In addition the Littlebredy Tithe Apportionment shows this road continuing [north-westerly] from path 5 [point H] to Longlands Lane [point I2] and the wide drove road named Lower Way Drove”.
- (b) The Ramblers’ Association’s representative had provided a map and suggested that the route be recorded “as marked by you” [County Council] (from H to I) “but continuing to Longlands Lane” (I to I2) in accordance with the original claim.

8.28 The National Parks Sub-Committee determined that a footpath should be added to the draft map in the parish of Littlebredy as shown from H to I2, a record of which was published in the London Gazette on 28 March 1958.

8.29 On both the **provisional map** published in 1964 and the **first definitive map** published in 1966 the claimed route within **Winterbourne Steepleton** as shown A to H was recorded as Bridleway 8, that part in **Littlebredy** as shown H to I2 was recorded as Footpath 5 and that part between I to J was not recorded.

Special Review – Revised Draft Map – Current Definitive Map

8.30 **Bridleway 8, Winterbourne Steepleton**, was subject to an investigation during the **Special Review of Rights of Way (1973)**. The Special review Committee were advised that the route was recorded on the draft map as a Carriage Road Bridleway but subsequently recorded as a bridleway on the [first] definitive map. They were further advised that the section was “a rough track across fields and is used by and is suitable for use for farm vehicles only”. On 30 August 1973 the Committee determined that the route be retained as a bridleway as “public vehicular rights not shown thereover”. As a consequence the claimed route (A to H) remained unchanged and was recorded on the **revised draft map (1974)** as Bridleway 8, Winterbourne Steepleton,

8.31 That part of the claimed route as shown H to I and recorded as part of Footpath 5, Littlebredy (H to I2) was not subject to any investigation during the Special Review and remained as such on the Revised Draft Map.

8.32 That part of the claimed route as shown I to J was not the subject of any claim or investigation and remained unrecorded.

- 8.33 In April 1975 an objection was received in respect of the recording of Bridleway 8, Winterbourne Steepleton on the revised draft map. Mrs R Colyer, representing the Ramblers' Association, was of the opinion that this path should have been recorded as a byway open to all traffic and would be in danger of being ploughed if it were not. The notes within the file indicate that this objection was not considered to be a new one, its status having already been investigated as part of the Special Review. Consequently the route was recorded on the **current definitive map (1989)** as Bridleway 8 in Winterbourne Steepleton, (A to H), Footpath 5 in Littlebredy (H to I) and remained unrecorded over that part shown I to J in Littlebredy.

Highways Act 1980 (Creation & Extinguishment Orders)

- 8.34 Footpath 5, Littlebredy (H to I2), including that part of the claimed route as shown H to I, was subject to an **extinguishment Order** confirmed in 1998. A **creation Order** confirmed at the same time provided a new bridleway over that part of the claimed route as shown H – I – J. This raises a number of questions, which have a direct bearing on this investigation.
- (a) If public vehicular rights existed over what was recorded as Footpath 5, Littlebredy, as shown H to I2, did the extinguishment of Footpath 5 in 1998 extinguish the vehicular rights? Current thinking suggests that it did not but without the associated footpath and bridleway rights, which had been extinguished, they could not be recorded on the definitive map.
 - (b) The creation of a bridleway over that part of the claimed route as shown H – I – J restores the associated rights over that part of the route previously recorded as Footpath 5 and shown from H to I1. Therefore, subject to the provisions of the Natural Environment and Rural Communities Act 2006, should vehicular rights be shown to exist there appears to be no impediment to the recording of them on the definitive map.
 - (c) The final question relates to the status of the final section of the claimed route as shown I to J. If, as the related documentary evidence appears to indicate, the continuation of the 'ancient' route from point H followed the course as shown H to I2, what evidence exists to indicate that any public vehicular rights subsist over I – J? Evidence to this effect is summarised and analysed from paragraph 8.42 below.
- 8.35 The evidence derived from the records leading to the publication of the first definitive map provides some support towards the claimed public rights over that part of the route as shown A to H within the parish of Winterbourne Steepleton as it would indicate that the parish understood that their survey was to include the recording of all footpaths, bridleways and RUPPs (CRBs, CRFs). Despite the comments made by the officer conducting the investigation on behalf of the County Council, which suggests he may have misunderstood the definition of a CRB, describing it as a "Bridle right over a Cart Track", the recording of the route as a CRB suggests that during the survey and investigations that led to the publication of the draft map the Parish Council had discovered evidence of or had knowledge to the reputation of the route being that of a public vehicular highway.

Ordnance Survey Maps

- 8.36 The **Ordnance Survey Drawings**, which were made in preparation for the publication of the First Edition of the 1 inch:1 mile scale map, are drawn at a scale of 2 inches:1 mile and therefore generally contain more detail than the later one inch maps. The drawing that includes the area of the claimed route was completed in **1806** and does not show the claimed route.
- 8.37 The **Ordnance Survey First Edition map of 1811** at a scale of 1 inch:1 mile does not show the claimed route.
- 8.38 The **1888 Ordnance Survey First Edition map** at a scale of 6 inches:1 mile depicts a route that corresponds with that of the claim throughout its length from A to J. The **1903 Second Edition map** at the same scale also depicts the route throughout its length from A to J.
- (a) On the **First Edition map** from A to C1 the route is depicted by means of two parallel solid lines, suggesting that it was bounded by hedges or fences. From C1 to F1 its course is defined by two parallel broken lines with a further solid line to the northern side. This suggests that there was a fence or hedge immediately to the north of the route, the 'worn' course of which was quite apparent to the surveyor. From F1 to J its course is defined by two parallel broken lines suggesting that for this part, although easily discernible, it was unfenced. The only indication that any gate or barrier may have been placed across the route is shown by means of a solid line passing through it at point H, the parish boundary.
- (b) The **Second Edition map** generally shows the claimed route in the same way apart from that section between points C1 to F1 where its course is now defined by the solid line, indicating a fence or hedge to the northern side and a broken line, indicating that it was unfenced, to the south. As shown on the First Edition map the only indication of a possible gate or barrier across the route is shown by means of a solid line passing through it at point H, the parish boundary.
- (c) Two further points of interest are that on both editions that part of the route as shown from I to J is heavily shaded to the southern side, suggesting it may have been considered a first or second class public road for wheeled traffic that was both metalled and kept in good repair (see note under '1884' in Table at Appendix 3). At point I the claimed route branches off this road leading south east to point H whilst the road itself continues in an easterly direction. On the Second Edition map the location of a milestone alongside this road is also indicated, a little to the east of point I and its position is shown on Drawing 12/23/1.

- 8.39 The **1902 Ordnance Survey Second Edition map** at a scale of 25 inches:1 mile depicts the route in the same manner as the Ordnance Survey six inch First Edition map. As shown on the six inch maps the only indication of the possible location of a gate or barrier across the route is shown by means of a solid line passing through it at point H, the parish boundary. In common with the six inch maps it also shows that part of the route from I to J being heavily shaded to the southern side, indicating that it may have been considered to be a first or second class public road for wheeled traffic and the location of the milestone is also shown.
- 8.40 The applicant also provided extracts from several other Ordnance Survey maps in support of the application.
- (a) The **1906 Ordnance Survey map** scale 1 inch:1 mile depicts the route in the same manner as the Ordnance Survey six and 25 inch maps, the route being prominently defined by two parallel solid or broken lines between points A and J. That part of the route from I to J is again heavily shaded to the southern boundary, suggesting a first or second class road although the accompanying key indicates a 'third class unmetalled, unfenced road'.
- (b) The **1919 Ordnance Survey map, sheet 140** scale 1 inch:1 mile depicts the route in a similar manner and reference to the accompanying key suggests that from A to I it was regarded as a mainly unfenced 'minor road'. The part from I to J being uncoloured was regarded as either a 'Private Road' or a badly surfaced 'Other Road'.
- (c) The **1945 Ordnance Survey Popular Edition map, sheet 178** scale 1 inch:1 mile, depicts the route in a similar manner although reference to the accompanying key suggests that the entire route was now regarded as a partially fenced, 'unmetalled road'.
- 8.41 The evidence provided by the early **1806 Ordnance Survey Drawing and 1811 First Edition** one inch **map**, indicates that at this time the route either did not exist or was incapable of the passage of carriages. However, by the time of the publication of the **1888 First Edition** six inch **map**, the route was clearly in existence and recognised as a route capable of the passage of carriages or carts. This suggests that the route may have been improved or only came into existence at some time between 1811 and 1888 and, although it is not thought that the **1864 Winterbourne Steepleton Inclosure Award** created it, should it have existed prior to 1864 (which the **Conveyance and Mortgage Documents of 1869** indicate), this may explain why it was recognised as such within the award.
- 8.42 The shading to the southern side of that part of the route between points I and J, as depicted on both of the **Ordnance Survey 1888 First and 1903 Second Edition** six inch **maps** , the **1902 Second Edition** 25 inch **map** and also the **1906** one inch **map**, provides some evidence that this part of the route may have been regarded as a first or second class public road, although it should also be noted that private metalled carriageways could be shown in the same manner.

- 8.43 Further evidence can be seen in the depiction of the location of a **milestone**, indicating '6 miles to Dorchester', which appears on both the Ordnance Survey Second Edition six and twenty five inch maps. The power to erect milestones and guide posts was conferred on the Surveyor of Highways through Section XXIV of the Highway Act 1835 under the direction of the Justices or with the consent of the inhabitants of the parish. The fact that this feature was not recorded on the 1888 First Edition six inch map may indicate that it was an additional feature for the guidance of travellers that was erected at some time between 1888 and 1902.
- (a) With regard to the remainder of the route as shown between points A to I the **Ordnance Survey Maps** provide no conclusive evidence as to its status although none of them give any indication by means of annotation such as 'B.R.' or 'F.P'. that any part of the route was considered by the surveyor to be either a footpath or bridleway.

Commercial Maps

- 8.44 The applicant provided a number of extracts from various commercially produced maps of Dorset at both large and small scales, some of which are held at the Dorset History Centre Ref DC/BTB:R5. Several other maps have also been submitted and or examined as part of the investigation.
- 8.45 The extracts from the **Commercially Produced Maps of Dorset** examined or submitted in evidence by the applicant, or examined as part of the investigation, are mainly of a commercial nature and in all probability derive their data from other surveys such as the Ordnance Survey. Very few, if any, are wholly independent surveys and several have no accompanying key. However, although it may be considered that these maps all provide evidence of the physical existence of the route they do not, on their own, provide any evidence of significant weight as to its status.
- 8.46 The most significant feature of the collection of small scale maps may well be the fact that the route is not shown on any of the maps that predate the Inclosure Award, which provides support to the conclusion that it came into existence only at or around the time of the Inclosure. Consequently, it is considered that this evidence, whilst providing nothing conclusive, may be seen as adding some support to the claim although no significant weight has been attached to them.

Aerial Photographs

- 8.47 The aerial photograph from **1947** shows that at this time the route physically existed was well established and was of sufficient width to accommodate the passage of vehicles. The photograph from **1972** is not of particularly good quality but appears to show a similar position to that of 1947. The later photographs from **1997** and **2009** merely provide evidence that throughout this period very little change has taken place.
- 8.48 Although the aerial photographs provide no conclusive evidence towards the status of the route they do demonstrate that from 1947 the route was available for and would appear to have been used by vehicles with no obvious physical impediments to such use being present.

9 Analysis of user evidence supporting the application

9.1 No user evidence was submitted in support of the application.

10 Analysis of evidence opposing the application

10.1 Only one objection from Mrs K Gocher, Ramblers' Association, has been received.

- The objection was based on an opinion that mechanically propelled vehicles should not be used on unsealed roads in the countryside. However, opinion is not relevant to the question of whether or not the alleged rights subsist and consequently it cannot be taken into consideration when determining the application.

11 Analysis of other submissions

11.1 Mrs E Donnelly, representing the Bridehead Estate and Mr S Sturrock are the landowners affected by the application. Both state that they are unaware of any public use of the route in vehicles and if it had taken place it was either by permission or without consent.

- It should be noted that no user evidence has been submitted in support of the application. Nevertheless, it is unlikely that it could be demonstrated that the route was kept under observation at all times and therefore not inconceivable that such use could have taken place.
- If it is demonstrated that public vehicular rights exist over the route then any public use of the route in vehicles would not require the landowners' consent.
- Although in this case it does not apply, should it be demonstrated that public vehicular rights did not subsist over the route and the claim was dependant on user evidence a prerequisite of any claim of presumed dedication under Section 31 of the Highways Act 1981 is that such use must have taken place without the permission of the landowner.

11.2 A request was made to the Bridehead Estate for information in respect of the milestone discussed at paragraph 8.43 above and to the status of the road as shown from J to I and then continuing easterly towards Littlebredy. The landowner, Sir Philip Williams, responded, stating that he has always considered the drive to be a private drive, suggesting that the lodges located at either end give credence to this opinion. In respect of the milestone he acknowledges its existence but has always understood it to be a private landmark and notes that it is inconsistent in style to other 'official' milestones within the locality.

- Although the Estate was unable to provide any positive evidence to assist in the investigation no further supporting evidence has been discovered to reinforce any initial presumption that this route may have been regarded as a public road. On balance, it is reasonable to conclude in this case that the size and style of the milestone is inconsistent with others within the locality and that the nature of the drive is more consistent with it being private rather than public.

- 11.3 Claire Pinder, Senior Archaeologist, Dorset County Council, raised concern that vulnerable historical sites within the vicinity could be affected by any increased vehicular use or associated works.
- Although Ms Pinder's concerns are not relevant to the question of whether or not the claimed rights subsist they are issues that would be taken into consideration in the ongoing management of the route, whatever the outcome of the application.

11.4 The other letters contain no evidence to be considered.

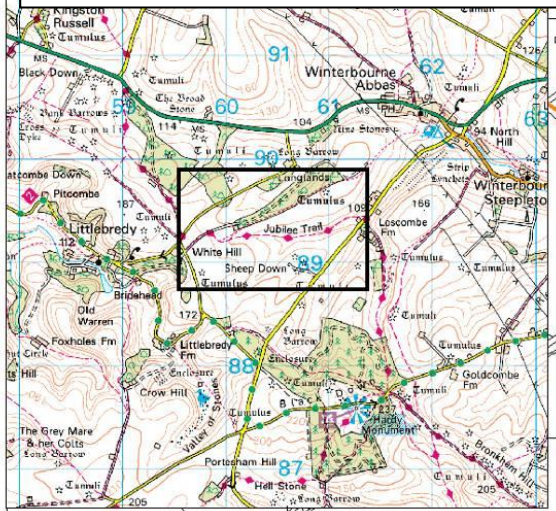
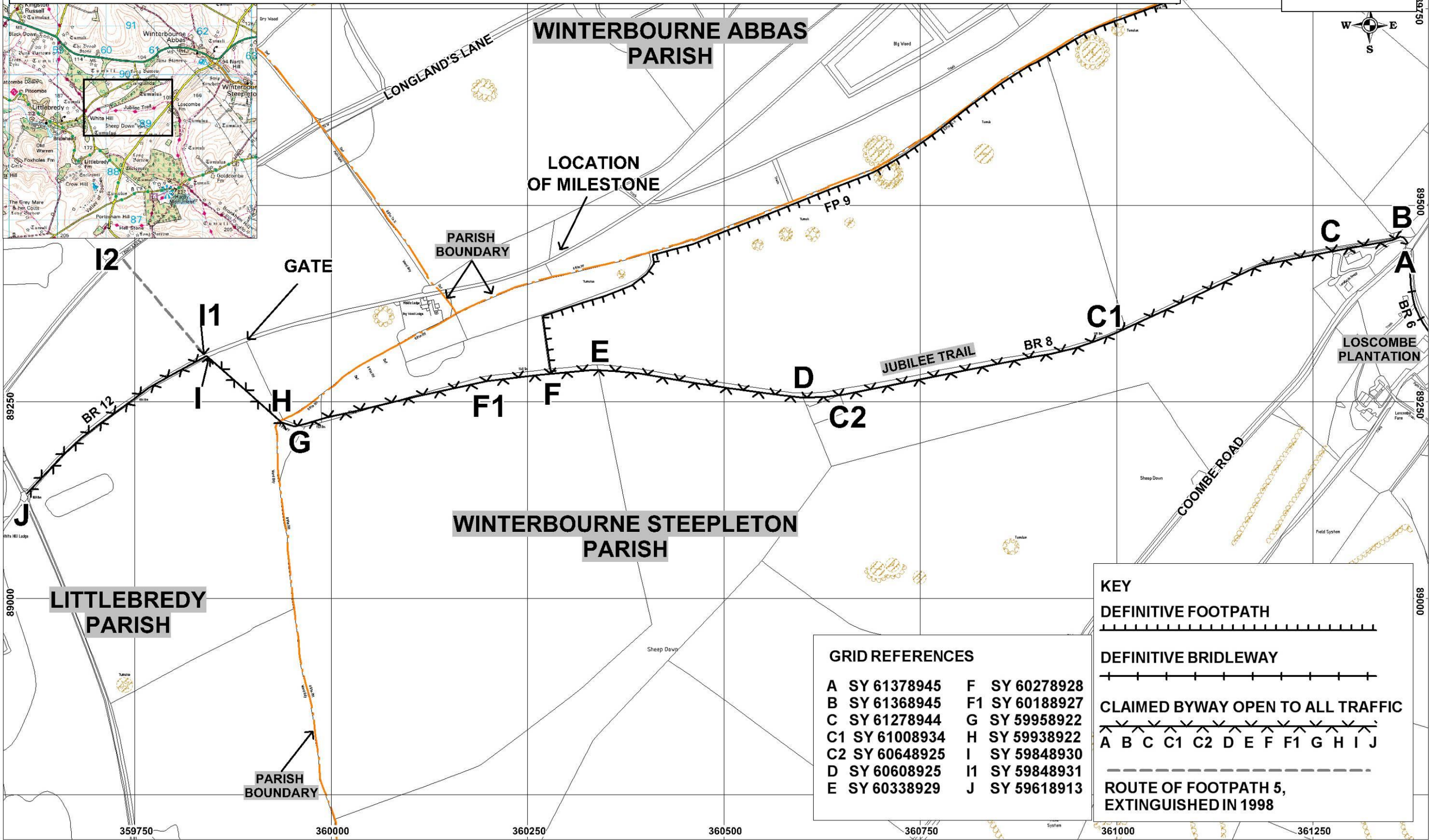
12 Conclusions

- 12.1 As the whole of the claimed route is already recorded upon the definitive map and statement as a public bridleway it is necessary for members to determine whether, on the balance of probability, the highways (or parts of them) shown on the definitive map and statement as bridleways ought to be shown as highways of a different description.
- 12.2 It is considered that the most significant piece of evidence is that of the **1864 Winterbourne Steepleton Inclosure Award**. Although the award does not specifically describe the public roads shown on it as public carriageways there is sufficient information contained within the award and schedule to conclude that, on balance, these public roads, including that described as Public Road No. 22 that corresponds with that part of the claimed route as shown from A to H on Drawing 12/23/1, were in all probability public carriageways. In addition, the annotation clearly indicates that it continued beyond the extent of the Inclosure area (point H) towards Bridport.
- 12.3 The recording of the route, as shown from A to H, on both the **Winterbourne Steepleton Parish Survey map** and the **draft map** and its description within the accompanying schedules as a **CRB** would lend further support to the public vehicular status of this part of the route.
- 12.4 Although not conclusive on their own, in light of the conclusions in respect of the Inclosure Award, further supporting evidence in respect of that part of the route as shown A to H can be found in the evidence derived from the **1841 Winterbourne Steepleton Tithe Apportionment and Plan, the 1778 and 1780 Plans of the Parish and Manor of Winterborne Steepleton** and the **Winterbourne Steepleton Conveyance and Mortgage Documents and Plans circa 1869**.
- 12.5 **The 1842 Littlebredy Tithe Apportionment Plan** in conjunction with the **1864 Winterborne Steepleton Inclosure Award** suggest that the continuation of the public road from point H was most likely through points I, I1 and I2 before continuing in a northerly direction towards Bridport. Although these vehicular rights, subject to the provisions of NERC, still exist over the route as shown from H to I2 they cannot be recorded over that part shown from I1 to I2 as the associated footpath and bridleway rights were extinguished in 1998.

- 12.6 With respect to that part of the route as shown I to J the evidence derived from the **Ordnance Survey 1888 and 1903 First and Second Edition** six inch maps, **1902 Second Edition** twenty-five inch map and also the **1906 one inch map**, which show the route to be heavily shaded to its southern boundary and also the location of a milestone, suggest that it may have held public vehicular status. However, in this instance, due to the style of the milestone and the nature of the route, it is considered on balance that the shading relates to a private carriage road rather than a public one.
- 12.7 The remaining **Ordnance Survey and Commercial Maps** provide no conclusive evidence towards the status of the claimed route although they do provide evidence in support of its physical existence throughout the period they encompass.
- 12.8 With the exception of the extinguishment and creation of public footpath and bridleway rights in 1998 (H to I2) and subject to the provisions of the Natural Environment and Rural Communities Act 2006 no evidence has been discovered to suggest that these public vehicular rights have been the subject of any lawful extinguishment or diversion.
- 12.9 The documentary evidence is sufficient to demonstrate, on balance, that the claimed public rights subsist or can be reasonably alleged to subsist along part of the claimed route between points A and I1 and an order should be made.
- 12.10 As no user evidence has been provided or discovered the question of whether dedication may have occurred under Section 31 of the Highways Act 1981 or under common law does not arise.
- 12.11 As no exception to the provisions contained in Section 67 of the Natural Environment and Rural Communities Act 2006 appears to apply to the claimed route, the public mechanically propelled vehicular rights have been extinguished.
- 12.12 Therefore it is recommended that a definitive map modification order be made to record that part of the claimed route as shown from point A to I1 on Drawing 12/23/1 as a restricted byway.
- 12.13 If there are no objections to a modification order, the County Council can itself confirm the order if the criterion for confirmation have been met.

Miles Butler
Director for Environment

December 2012



KEY

- DEFINITIVE FOOTPATH
- DEFINITIVE BRIDLEWAY
- CLAIMED BYWAY OPEN TO ALL TRAFFIC
- ROUTE OF FOOTPATH 5, EXTINGUISHED IN 1998

GRID REFERENCES

A SY 61378945	F SY 60278928
B SY 61368945	F1 SY 60188927
C SY 61278944	G SY 59958922
C1 SY 61008934	H SY 59938922
C2 SY 60648925	I SY 59848930
D SY 60608925	I1 SY 59848931
E SY 60338929	J SY 59618913

WILDLIFE AND COUNTRYSIDE ACT 1981
 APPLICATION TO UPGRADE BRIDLEWAY 12, LITTLEBREDY AND BRIDLEWAY 8, WINTERBOURNE STEEPLETON TO BYWAYS OPEN TO ALL TRAFFIC

Ref: 12/23/1
 Date: 04/12/2012
 Scale 1:4500 AT A3
 Drawn By: ACH
 Cent X: 360490
 Cent Y: 89236

GEOGRAPHICAL INFORMATION SYSTEMS

DORSET
County Council

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THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

LAW

General

- 1 Wildlife and Countryside Act 1981
 - 1.1 Section 53 of the Wildlife and Countryside Act 1981 requires that the County Council keep the definitive map and statement under continuous review and in certain circumstances to modify them. These circumstances include the discovery of evidence which shows that a highway shown on the definitive map and statement as a highway of a particular description ought to be there shown as a highway of a different description.
 - 1.2 Section 53 of the Act also allows any person to apply to the County Council for an order to modify the definitive map and statement of public rights of way in consequence of the occurrence of certain events. One such event would be the discovery by the authority of evidence which, when considered with all other relevant evidence available to them, shows that a highway shown on the definitive map and statement as a highway of a particular description ought to be shown as a highway of a different description.
 - 1.3 The Committee must take into account all relevant evidence. They cannot take into account any irrelevant considerations such as desirability, suitability and safety.
 - 1.4 The County Council must make a modification order to alter the status of a route on the definitive map and statement if the balance of evidence shows that a highway shown in the map and statement ought to be shown as a highway of a different description.
 - 1.5 An order can be confirmed if, on the balance of probability, it is shown that the route should be recorded with the proposed status.
 - 1.6 Where an objection has been made to an order, the County Council is unable itself to confirm the order but may forward it to the Secretary of State for confirmation. Where there is no objection, the County Council can itself confirm the order, provided that the criterion for confirmation is met.
- 2 Highways Act 1980
 - 2.1 Section 32 of the Highways Act 1980 says that the Committee must take into consideration any map, plan or history of the locality. Documents produced by government officials for statutory purposes such as to comply with legislation or for the purpose of taxation, will carry more evidential weight than, for instance, maps produced for tourists.

3 Human Rights Act 1998

3.1 The Human Rights Act 1998 incorporates into UK law certain provisions of the European Convention on Human Rights. Under Section 6(1) of the Act, it is unlawful for a public authority to act in a way which is incompatible with a convention right. A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by Section 6(1) and that he is (or would be) a victim of the unlawful act, may bring proceedings against the authority under the Act in the appropriate court or tribunal, or may rely on the convention right or rights concerned in any legal proceedings.

(a) Article 8 of the European Convention, the Right to Respect for Private and Family Life provides that:

(i) Everyone has the right to respect for his private and family life, his home and his correspondence.

(ii) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

(b) Article 1 of the First Protocol provides that:

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Case specific law

4 Act to amend and further extend the Acts for the Inclosure, Exchange, and Improvement of Land 1852

4.1 Section 34 states “In citing this Act, the said recited Acts, and the Acts passed in pursuance of the annual or any special reports of the commissioners, or any or either of them, in other Acts of Parliament, in conveyances, documents, and legal instruments, it shall be sufficient to use the expression, “The Acts for the Inclosure, Exchange, and Improvement of Land.”

4.2 Section 30 Act states “The Commissioners may, if they shall think fit, direct the Valuer to annex to his award, in substitution for the Map referred to by his report, a copy thereof, of which the Accuracy shall be certified under their Seal”.

5 Finance Act 1910

- 5.1 The Finance Act 1910 required the Commissioners of Inland Revenue to cause a valuation of “all land in the United Kingdom” and plans were prepared identifying the different areas of valuation. In arriving at these valuations certain deductions were allowed, including deductions for the existence of public rights of way.
- 5.2 Public ‘fenced’ roads were generally excluded from the valuation. Where public rights passed through, for example a large field and were unfenced, they would be included in the valuation and a deduction would be made in respect of the public right of way.

6 National Parks and Access to the Countryside Act 1949

- 6.1 The National Parks and Access to the Countryside Act 1949 required the County Council as “Surveying Authority” to compile the record of the public rights of way network and the District and Parish Councils were consulted to provide the County Council with information for the purposes of the survey.

7 Natural Environment and Rural Communities Act 2006

- 7.1 Section 67 of the Natural Environment and Rural Communities Act 2006 (NERC) extinguishes (subject to certain exceptions) unrecorded rights of way for mechanically propelled vehicles. Where it is found that a route was historically a public vehicular route before NERC, that route may be recorded as a restricted byway rather than a byway open to all traffic.

Table of documentary evidence

Date	Document	Comment
1778	Map of Parish and Manor of Winterbourn Steepleton	Shows route from point A to point H
1780	Map of Parish and Manor of Winterbourn Steepleton	Shows route from point A to H annotated "From Little bredy" and "To Bridport" at H
1796	Isaac Taylor's Map of Dorset	Does not show the route
1806	Ordnance Survey Drawing	Does not show the route
1811	Ordnance Survey First Edition map scale 1 inch:1 mile	Does not show the route
1841	Winterbourne Steepleton Tithe Apportionment and Plan	Shows part of route from A to H. Uncoloured and well defined by two parallel broken lines.
1842	Littlebredy Tithe Apportionment and Plan	Does not show route as area of apportionment does not include the route
1864	Winterbourne Steepleton Inclosure Award	Shows part of route A to H being identified in schedule as Public Road No. 22. Annotated at H "To Bridport". Schedule determines width as being approx 30 feet
1869	Conveyance & Plan	Shows part of route A to H. Annotated "from LittleBredy" and "To Bridport" at H
c1869	Mortgage & Plan	Shows part of route A to H. Annotated "To Bridport" at H
1884	NOTE: The classification of roads by administrative status was practiced on Ordnance Survey maps from 1884. All metalled public roads for wheeled traffic were to be shaded.	
1888	Ordnance Survey First Edition map scale 6 inches:1 mile	Shows all of route A to J. I to J shaded to southern side indicating it was considered to be a public road for wheeled traffic.
1889	NOTE: The statement that "the representation on this map of a road, track or footpath is no evidence of a right of way" has appeared on Ordnance Survey maps since 1889.	
1896	NOTE: By 1896 roads on Ordnance Survey maps were to be classified as first or second class according to whether they were Main or District roads, other roads were to be classed as second class if they were metalled and kept in good repair. Both first and second class roads are shown on published maps in the same way, by shading on one side. Third class metalled and unmetalled roads are shown without shading.	
C1900	W & A K Johnston's Map scale 3 inches:1 mile	Shows all of the route A to J - shown in a similar manner to other public carriageways but there is no accompanying key to assist in determining its status.

Date	Document	Comment
1902	Ordnance Survey Second Edition map scale 25 inches: to 1 mile	Shows all of route A to J. I to J shaded to southern side indicating it was considered to be a public road for wheeled traffic. Location of milestone also depicted on map.
1903	Ordnance Survey Second Edition map scale 6 inches: 1 Mile	Shows all of route A to J. I to J shaded to southern side indicating it was considered to be a public road for wheeled traffic. Location of milestone also depicted on map.
C1906	Ordnance Survey Second Edition 1 inch Map (coloured)	Shows all of route A to J. I to J shaded to southern side indicating it was considered to be a public road for wheeled traffic. Key appears to define it as an 'Unmetalled Road'
1910	Finance Act	Route not excluded from valuation. Deduction of £25 for Heraditament 96 (A to C1) and £100 for public rights of way in Heraditament 258 (C1to H)
1911	Bartholomew Map scale 1 inch:2 miles	Shows all of route A to J. Defined as 'inferior road' in key.
1912	NOTE: The system of classification adopted on Ordnance Survey maps in 1896 was abolished in November 1912.	
1919	Ordnance Survey map Sheet 140 scale 1 inch:1 mile	Shows all of route A to J. A to I defined as mainly 'unfenced minor road', I to J being defined as either a 'private road' or a badly surfaced 'Other Road'.
1920	Bartholomew Map scale 1 inch:2 miles	Shows all of route A to J. Defined as 'inferior road' in key.
1925	Harding's Guide Map to Dorchester	Shows all of route A to J. Key defines as 'Other Road'
c1940	Geographia Large Scale Road Map of Dorsetshire scale 2 inches:1 mile	Shows all of route A to J. Key defines as 'Other Road'
1944	Bartholomew Map scale 1 inch:2 miles	Shows all of route A to J. Defined as 'serviceable road' in key.
1945	Ordnance Survey Popular Edition Map Sheet 178 scale 1 inch: 1 mile	Shows all of route A to J. Defined as partially fenced 'unmetalled minor road'.
1947	Aerial Photograph	Shows all of route A to J.

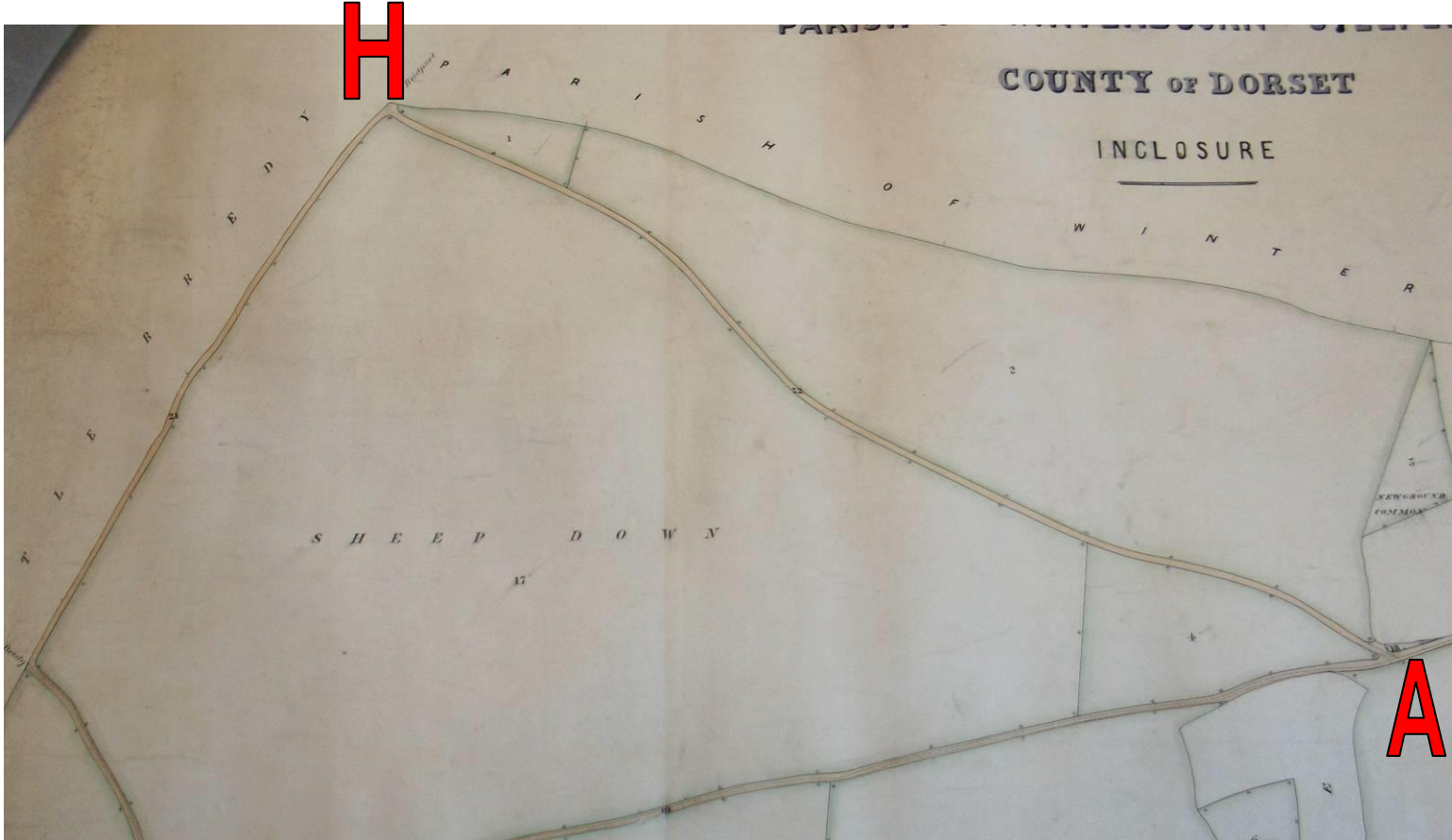
Date	Document	Comment
1949	National Parks and Access to the Countryside Act 1949 NOTE: Parish Councils received advice on the recording of public rights of way in a booklet provided to them by the Open Spaces Society. The booklet included information on the different classes of rights of way which included the designations of CRB (Carriage or Cart Road Bridleway) and CRF (Carriage or Cart Road Footpath). Parish Councils were advised that a public right of way used mainly by the public on foot but also with vehicles should be recorded as a CRF and a route mainly used by the public on foot or horseback but also with vehicles should be recorded as a CRB.	
1951	Bartholomew Map scale 1 inch:2 miles	Shows all of route A to J. Defined as 'inferior road' in key.
1952	Winterbourne Steepleton Parish Survey	Route claimed from point A to H as CRB 5 See '1949' above
c1952	Littlebredy Parish Survey	Route not claimed
1955	Draft map	Part of route in Winterbourne Steepleton, A to H, recorded as CRB 5. H to J in Littlebredy unrecorded
C1956	Objection(s) to Draft Map	Objection to the omission of path in Littlebredy. National Parks Sub-Committee determined that a footpath be added H-12
1958		NOTE: In 1958 the National Parks Sub-Committee determined that the designation of certain rights of way as CRF or CRB be abandoned and that in future such rights of way be shown only as footpaths (F.P.) or bridleways (B.R.)
1964	Provisional map	Part of route in Winterbourne Steepleton, A to H, recorded as Bridleway. H to I in Littlebredy recorded as Footpath. I to J unrecorded
1967	First definitive map	Part of route in Winterbourne Steepleton, A to H, recorded as Bridleway. H to I in Littlebredy recorded as Footpath. I to J unrecorded
1972	Aerial Photograph	Shows all of route A to J.
1973	Special Review	Status of Bridleway 8, Winterbourne Steepleton (A to H) reviewed. Committee's decision was to retain as bridleway on revised draft map as vehicular rights not shown to exist
1974	Revised draft map	Part of route in Winterbourne Steepleton, A to H, recorded as Bridleway. H to I in Littlebredy recorded as Footpath. I to J unrecorded

Page 27 Application for a definitive map and statement modification order to upgrade Bridleway 12, Littlebredy and Bridleway, 8 Winterbourne Steepleton to byways open to all traffic

Date	Document	Comment
1975	Objection to revised draft map	Bridleway 8, Winterbourne Steepleton should be a byway. As not a new claim, path to remain as bridleway
1989	Current definitive Map	Part of route in Winterbourne Steepleton, A to H, recorded as Bridleway. H to I in Littlebredy recorded as Footpath. I to J unrecorded
1997	Aerial Photograph	Shows all of route A to J.
1998	Highways Act 1980 Extinguishment and Creation Order	Footpath 5, Littlebredy, including that part of claimed route as shown H to I extinguished and that part of route shown H – I – J created as bridleway.
2009	Aerial Photograph	Shows all of route A to J.

Extracts from key documents
 (See the Director for Environment's file RW/T400 for copies of other documents mentioned)

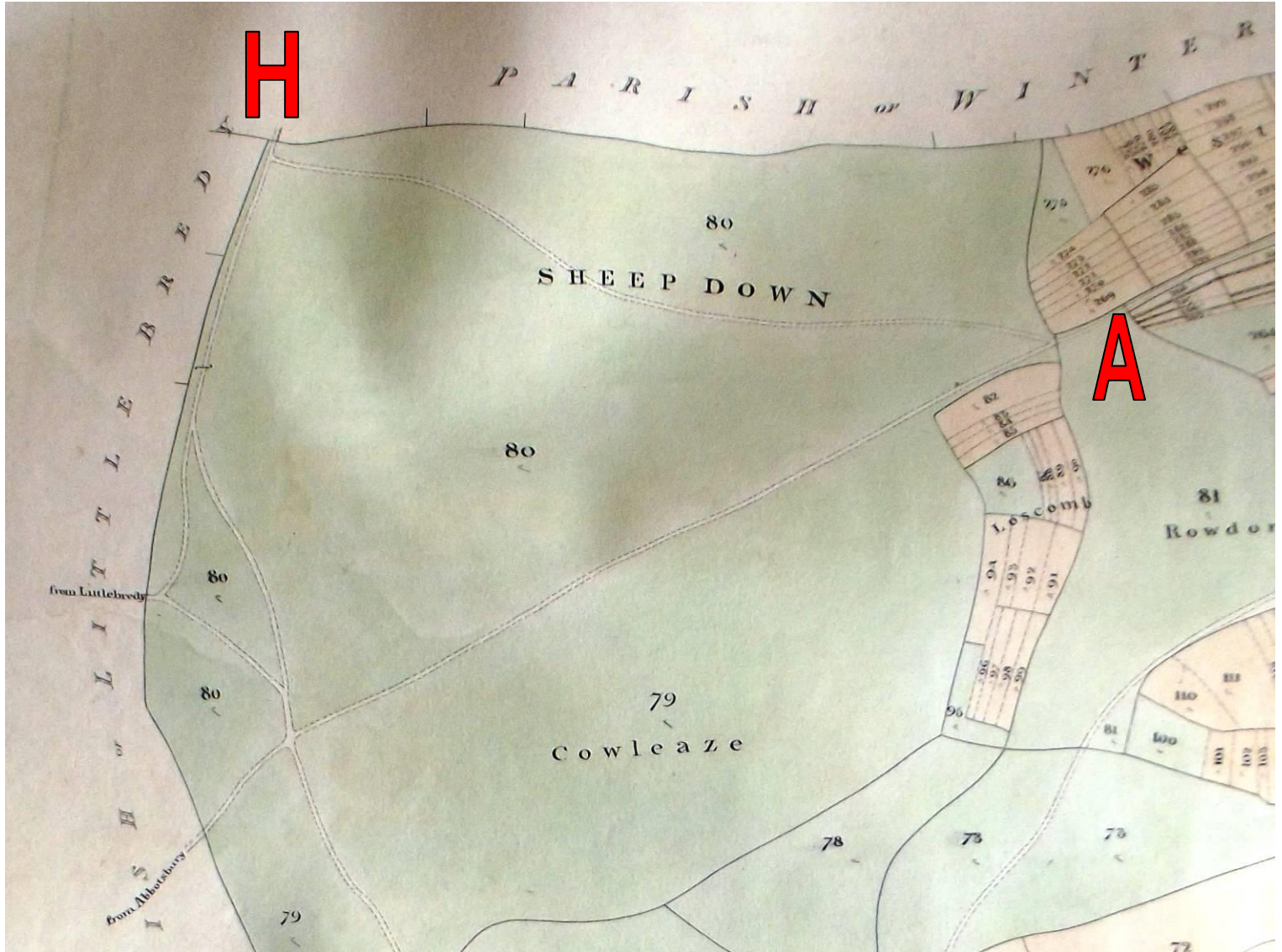
1864 Winterbourne Steepleton Inclosure Award



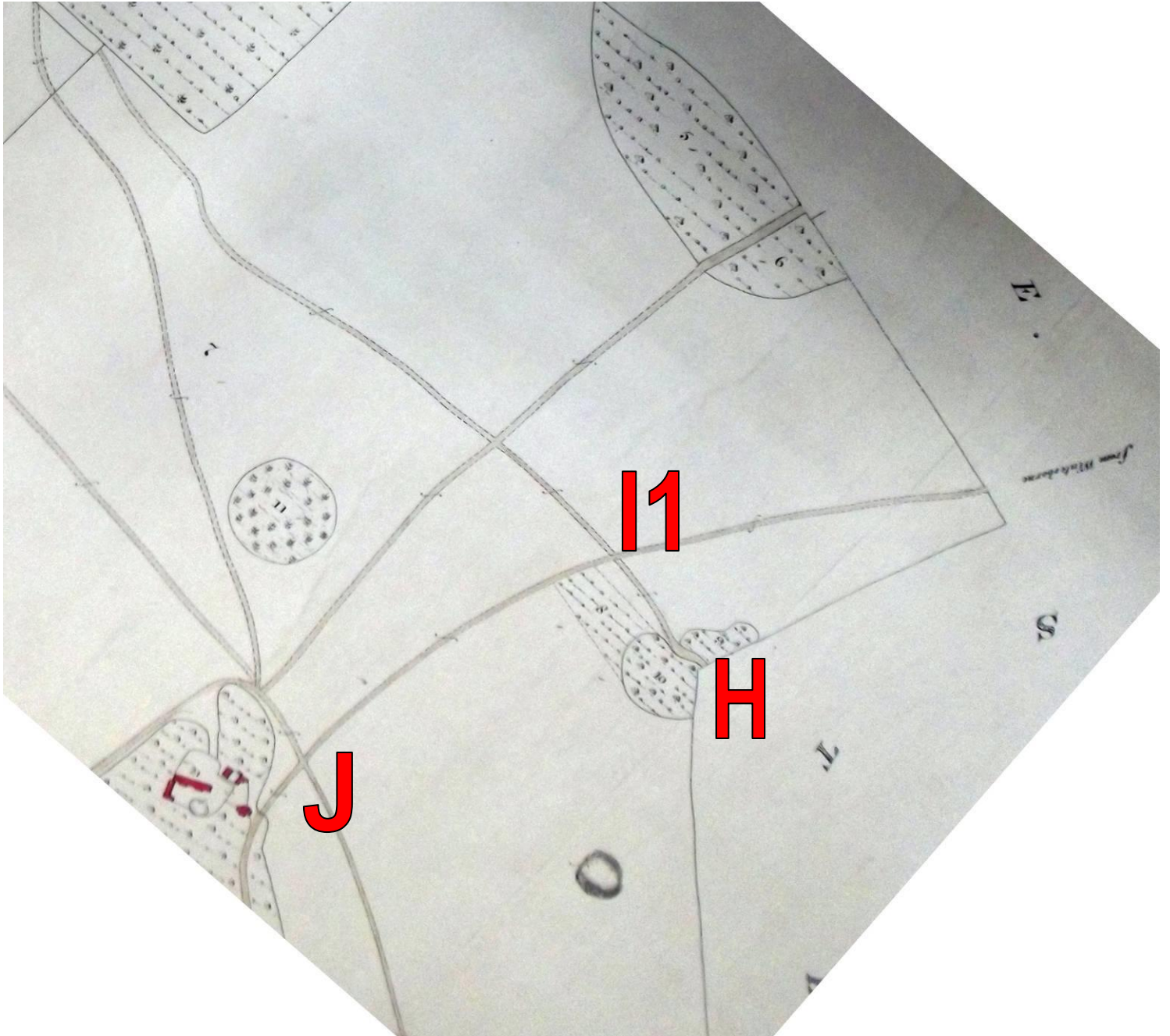
Persons interested Residence and Description	Allotments			Lands in respect of which claims allowed and allotments made		
	N ^o on Map	Extent a r p	Fences to be made and maintained by owner	Number on the Plan and Description	Extent a r p	Remarks
Reverend Martin Hinson, Vicar of Winterbourne Steepleton	2	70 2 50	Against allotment land against the road	1, 2, 10, 101, 123, 133, 135, 152, 157, 161, 184, 199, 204, 222, 227, 227		
	5	2 20	North East and South East against "Westfield"	251, 263, 276, 291, 298, 310, 323 In respect of "The Glebe" of the Parish of Winterbourne Steepleton		
	4	10 2 10	Against the roads			
	1	2 20	On the South against the road			
Fuel Allotment	1	2 20				
The Waywardens of the parish	16	2 20				
Public Roads	19	11 24				
	20	2 3				
	21	1 3 28				
	22	2 1 7				
	25	1 2 9				
Acres		571 1 31				

AND I the said Francis Williams Dymond do hereby order direct and appoint that good and sufficient fences for inclosing the several allotments hereinbefore described if not already set up and made shall be made within the space of Twelve months from the termination by the said Inclosure Commissioners of this my Award

1841 Winterbourne Steepleton Tithe Plan



1842 Littlebredy Tithe Plan



c1780 Plan of the Parish and Manor of Winterbourn Steepleton

