



**APPLICATION FORM
FOR A MODIFICATION TO THE DEFINITIVE MAP AND STATEMENT
WILDLIFE AND COUNTRYSIDE ACT 1981**

**CENTRAL BEDFORDSHIRE DEFINITIVE MAP
AND STATEMENT FOR PUBLIC RIGHTS OF WAY**

To: Bedford Borough Council Public Rights of Way, Definitive Map Team, Bedford Borough Council, 4th Floor Borough Hall, Cauldwell Street, Bedford, MK42 9AP

**████████████████████ on behalf of the British Horse
Society, of Abbey Park, Stareton, Kenilworth, Warwickshire.
CV8 2XZ.**

hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the area by:-

- a) Adding the public bridleway which runs from Point A on the application map (OSGR TL 07156 58556) the southern junction with Thurleigh Road, to Point B (OSGR TL 07699 59511) the junction with Bolnhurst and Keysoe Footpath 16.
- b) Upgrading part of Bolnhurst and Keysoe Footpath 16 to public bridleway which runs from Point B on the application map (OSGR TL 07699 59511), the junction with Bolnhurst and Keysoe Footpath 16, to Point C (OSGR TL 07783 59727) the junction of Bolnhurst and Keysoe Footpath 10, Footpath 16 and Bridleway 15.
- c) Upgrading Bolnhurst and Keysoe Footpath 10 to public bridleway which runs from Point C on the application map (OSGR TL 07783 59727), the junction of Bolnhurst and Keysoe Footpath 10, Footpath 16 and Bridleway 15, to Point D (OSGR TL 07420 60141) the junction of Bolnhurst and Keysoe Footpath 10 and Hatch Lane.

and shown on the map accompanying this application.

I attach copies of the following documentary evidence in support of this application, namely extracts of:-

- I. Ordnance Survey 25" County Series Map Sheets Bedfordshire First Edition VIII.9 and VIII.5 (1884) Second Edition VIII.9 and VIII.5 (1901)
- II. Ordnance Survey 6" County Series Map Sheets VIII.NW and VIII.SW (1884)
- III. Ordnance Survey 1" Map Sheet 186 (1898)
- VI. Map prepared in connection with the Finance (1909-10) Act 1910
- VII. Ordnance Survey Administrative Area Series Sheet 52/05-A 52/06-A (1949)
- VIII. Map produced from HM Land Registry INSPIRE database (2019)

The copies of the above items of documentary evidence are contained in a Summary of Evidence document also attached.

I understand that the information I have provided may be imparted to third parties.

Signed:

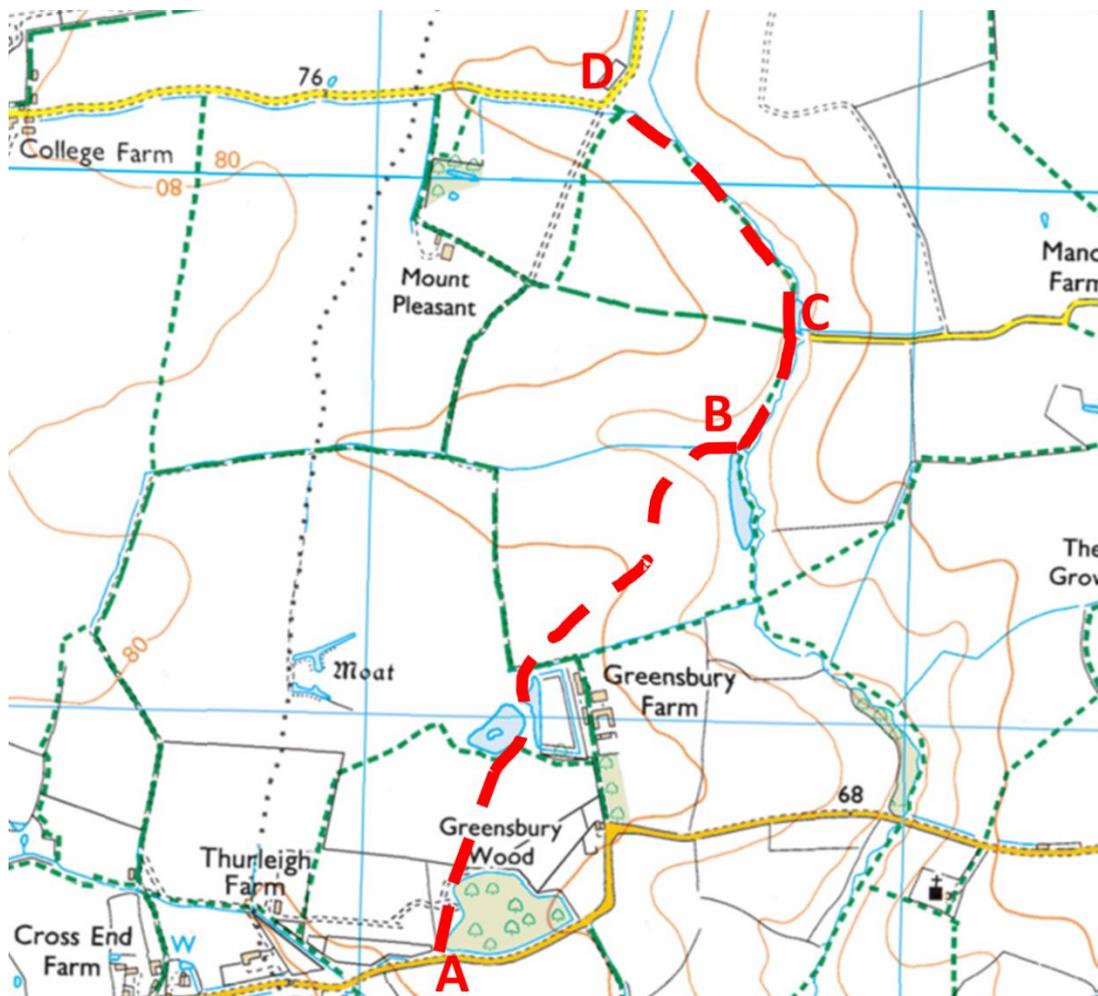
Date: 12th June 2020.

Wildlife and Countryside Act 1981 Map to Accompany

Definitive Map Modification Order Application For a route in the Parish of Bolnhurst and Keysoe to be shown as a Public Bridleway marked on the map below by the red dashed line A-D

Applicant's Reference: BED-0066

12 June 2020



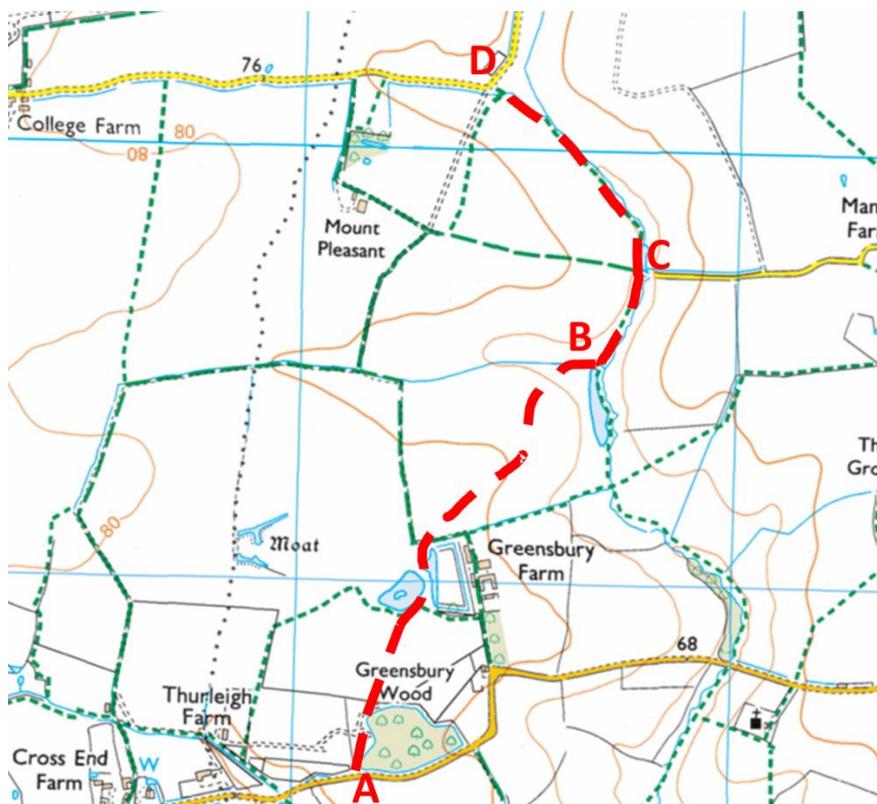
Map produced from extract of Ordnance Survey 1:25,000 scale mapping. When printed on A4 paper, the scale will be not less than 1:25,000 and thus meets the requirement of regulation 2 and regulation 8(2) of The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993.

Wildlife and Countryside Act 1981

Summary of Evidence

Definitive Map Modification Order Application

For a route in the Parish of Bolnhurst and Keysoe to be shown as a Public Bridleway marked on the map below by the red dashed line A-D



Applicant's Reference: BED-0066

12 June 2020

Quick reference path facts to assist the Surveying Authority in its investigation

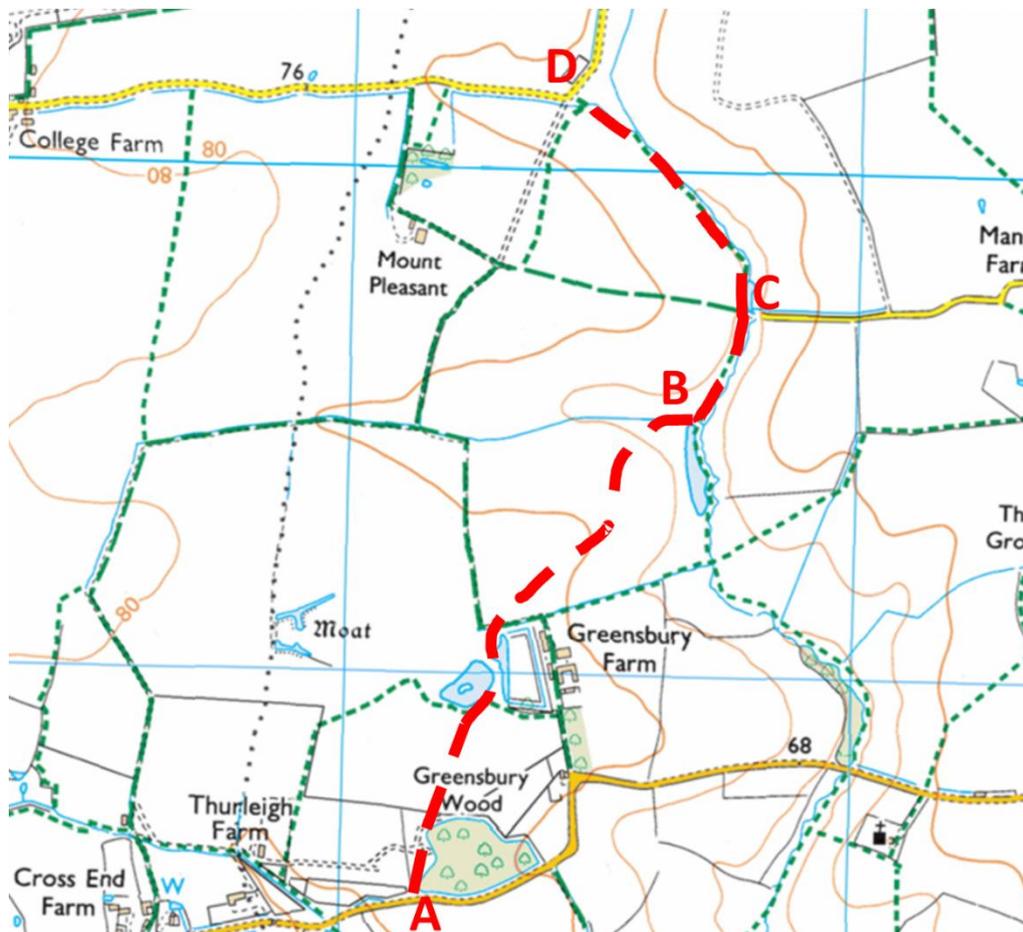
OS County series map	Bedfordshire VIII. 9 and VIII.5
Modern Definitive Map sheet(s) 'Definitive Map and Statement for North Bedfordshire Definitive Map'	
Grid references of ends of route	TL 07156 58556 to TL 07420 60141 (approximate)

1. My name is Charlotte Ditchburn. I am the applicant for the order, for and on behalf of the British Horse Society (BHS). I am employed by the BHS as one of their Access Field Officers and have 2 years of professional experience in the management of public rights of way primarily for local authorities.
2. This application is made because, on the cut off day, 1st January 2026, the effect of s.53(1) and (2) Countryside and Rights of Way Act 2000 on a public path that existed prior to 1949, still exists on the cut-off date, and hasn't been a highway of a different description in between, and is not shown in the definitive map and statement at all is to extinguish all rights on that route. (This applies if the route is determined to be a footpath or bridleway.)
3. I believe this application will pass the planned Preliminary Assessment Test required by para 2 Sch 13A Wildlife and Countryside Act 1981, when introduced, because:
 - a. This application statement includes explanations as to how the evidence applies to the application route, and
 - b. The application contains one or more of the following forms of supporting evidence:
 - (1) Legal document(s) relating specifically to the right of way that is the subject of the application (such as Railway Act, Inclosure Act and Award, Finance Act, Court Order or Main Roads Order evidence).
 - (2) Evidence of reputation in legal document(s), even though not written specifically about the right of way that is the subject of the application (such as Tithe Awards and Maps).
 - (3) Documentary evidence of expenditure that would be unlawful unless the way was a public highway, for example Highway Board records.
 - (4) Documentary evidence of reputation, for example an Ordnance Survey map, coupled with public scrutiny, or evidence of highway status in a landowner produced document.
 - (5) Maps and other documents which, over a period of time, and taken together, provide evidence of reputation that the order route is part of the public road network.

THE APPLICATION ROUTE

4. The application route is shown approximately on the plan below:
 - a. Point A, the southern end of the route, at OSGR TL 07156 58556, the junction of the application route and Thurleigh Road.
 - b. Point B, at OSGR TL 07699 59511, the junction of the application route and Bolnhurst and Keysoe footpath 16.
 - c. Point C, at OSGR TL 07783 59727, the junction of Bolnhurst and Keysoe footpath 16, footpath 10 and bridleway 15.
 - d. Point D, at OSGR TL 07420 60141, the junction of Bolnhurst and Keysoe footpath 10 and Hatch Lane.

5. The application route is recorded in part on the Council's definitive map and on its online List of Streets as Bolnhurst and Keysoe Public Footpath Numbers 10 and 16 and Hatch Lane (<https://www.bedford.gov.uk/parking-roads-and-travel/roads-and-pavements/find-my-street/>).
6. The route's width should be recorded as shown on the Inland Revenue Valuation Plan.



Extract of Ordnance Survey 1:25000 scale map (Sheet 225 – Huntingdon & St Ives published 2015) showing application route A – D (not to scale)

7. Photographs 1 and 2 are from Google.



Photograph 1 is a Google Aerial View with the route indicated with red dots.



Photograph 2- A Google Streetview photo from 2009 of Point D looking generally south east along the route. The section is a Crossfield section of the route heading towards the tree line ahead.

DOCUMENTARY EVIDENCE OF HIGHWAY STATUS

8. In order to be able to modify the definitive map and statement, the Surveying Authority needs to have a discovery of evidence which shows, on the balance of probabilities, that highway rights exist. The use of the ‘balance of probabilities’ test rather than ‘beyond reasonable doubt’ was confirmed by the High Court in *Todd, Bradley v SOS for EFRA* [2004] 4 All ER 497.

9. The courts have given guidance on how evidence of highway status is to be considered. In *Fortune and Others v Wiltshire Council and Another* [2012] EWCA Civ 334, Lewison LJ said, at paragraph 22,

‘In the nature of things where an inquiry goes back over many years (or, in the case of disputed highways, centuries) direct evidence will often be impossible to find. The fact finding tribunal must draw inferences from circumstantial evidence. The nature of the evidence that the fact finding tribunal may consider in deciding whether or not to draw an inference is almost limitless. As Pollock CB famously directed the jury in R v Exall (1866) 4 F & F 922:

“It has been said that circumstantial evidence is to be considered as a chain, and each piece of evidence as a link in the chain, but that is not so, for then, if any one link broke, the chain would fall. It is more like the case of a rope composed of several cords. One strand of the cord might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength.”

10. While no single piece of evidence is conclusive, the applicant believes that taken as a whole the pieces of evidence demonstrate highway reputation over many years, indicating that the route does indeed have higher highway status rights, and that prior to the Natural Environment and Rural Communities Act 2006, there were full vehicular rights.

11. Ordnance Survey County Series 25 inch Maps.

a. Date. The First Edition of OS sheet Bedfordshire VIII.9 was surveyed in 1882 and published in 1884 and VIII.5 was surveyed in 1883 and published in 1884. The Second Edition of OS sheet Bedfordshire VIII.9 and VIII.5 were surveyed in 1900 and published in 1901.

b. Relevance. The OS County Series 25 Inch mapping was predominantly used for professional purposes rather than for navigation. They are detailed enough to show gates / barriers on roads, tracks and paths. Parcels of land are numbered, and areas shown either under the parcel number or in separate “Area Books” (on some First Edition sheets). Second edition and later maps generally carry the disclaimer “The representation on this map of a Road, Track or (Foot)path is no evidence of the existence of a right of way”. However, scrutiny of some of the detail contained along with contemporary published guidance allows some inferences as to status of routes to be drawn. Additionally, on the first edition only, colour was used on some sheets to give significance to certain features (roads, buildings, water features, etc.)

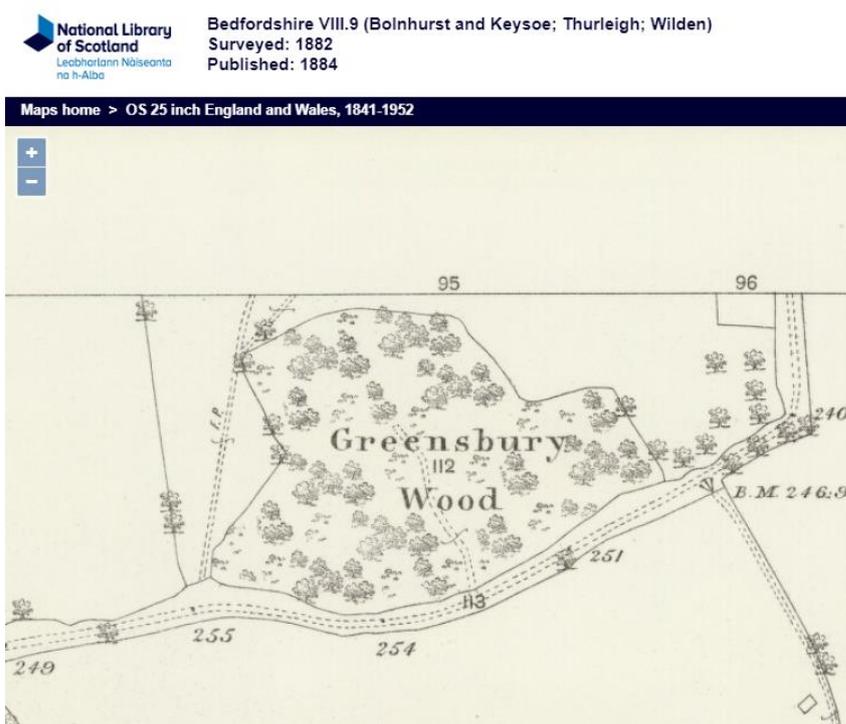
c. Archive. The extracts from this sheet below were obtained from the National Library of Scotland at <https://maps.nls.uk/view/114481623> <https://maps.nls.uk/view/114481599> <https://maps.nls.uk/view/114481602> and <https://maps.nls.uk/view/114481626>.

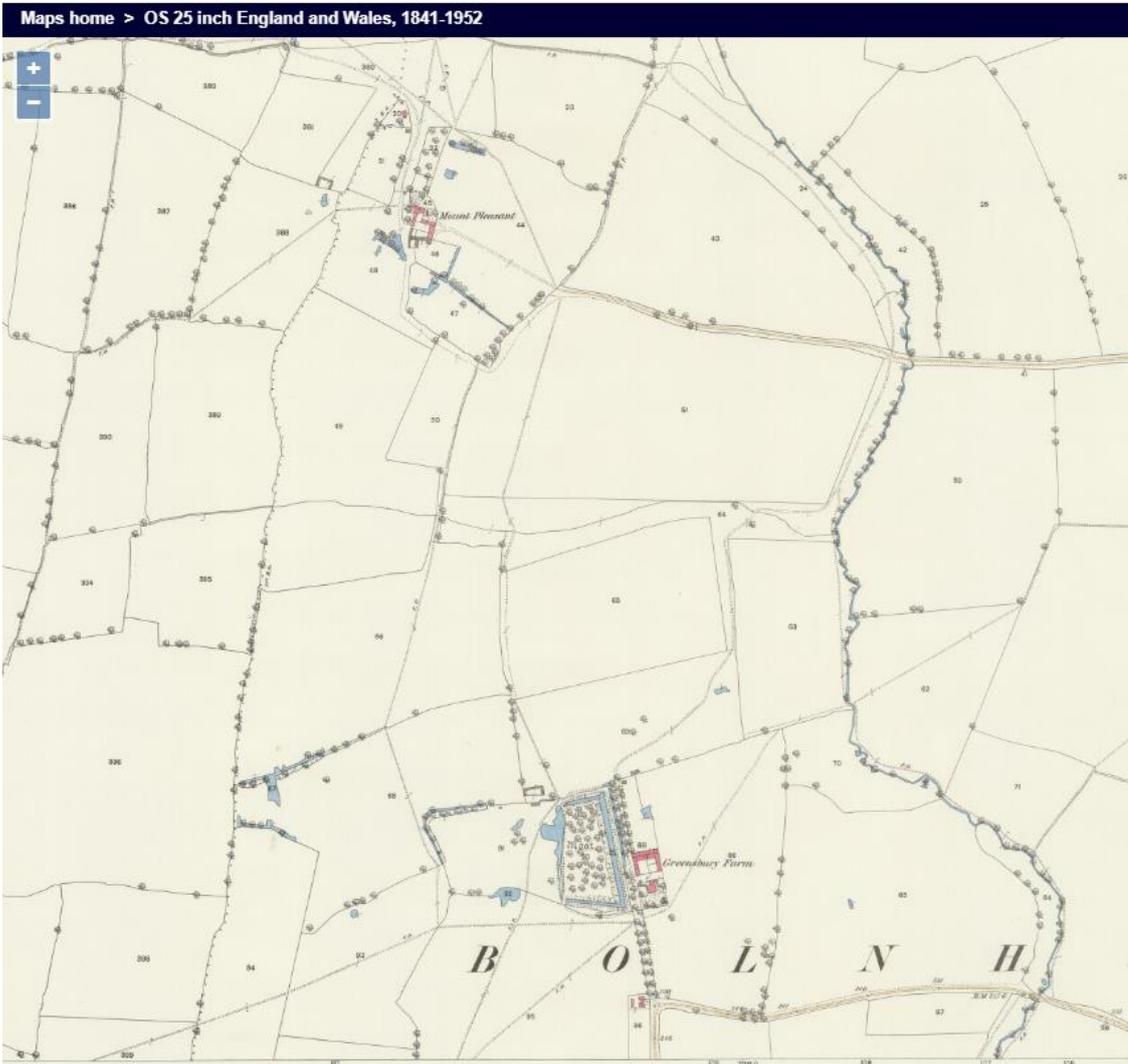
d. Meaning. The route is shown within Bolnhurst and Keysoe Parish, through the fields. There are no gates shown at any point on the route and the route is not separated from the wider road network. The route appears in an almost identical way on the 1901 edition of the sheet but on this edition the route is specifically depicted as 'B.R.'

e. Assessment.

(1) It is submitted that had anyone been aggrieved by the depiction of the route on the 1884 map and complained, the Ordnance Survey would have investigated the allegation and, if found correct, would have altered the depiction. The fact that the route remains shown in the same way on the 1901 edition is some evidence of the correctness of the earlier map.

(2) Today, the route from B-D, is recorded as a public footpath, joining public bridleways with public bridleways and highways. It is submitted that these changes of status would be unlikely to occur within a single land parcel.







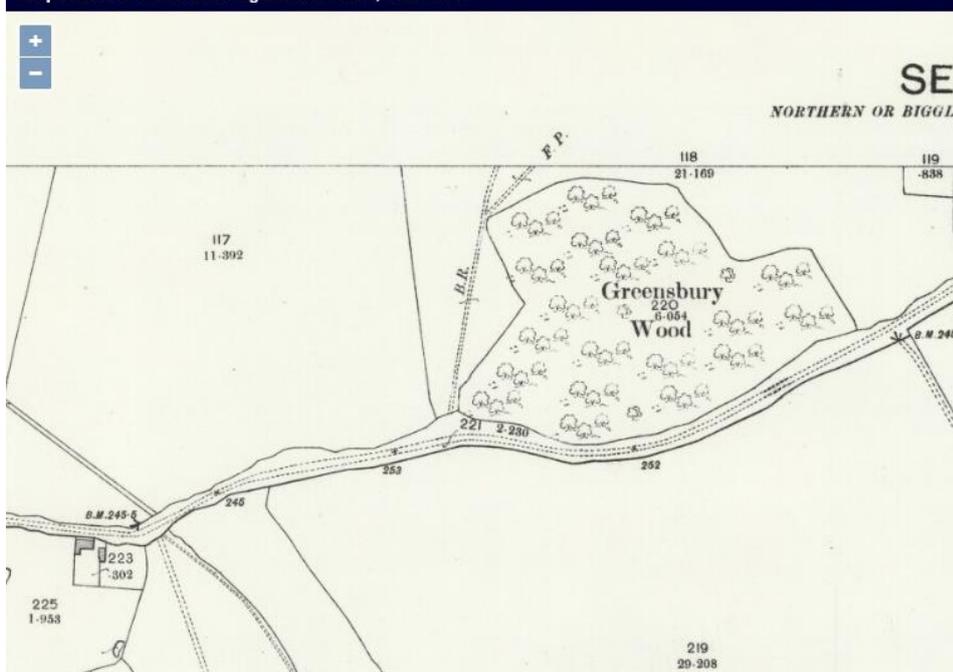
Bedfordshire VIII.5 (Bolnhurst and Keysoe; Thurleigh)
Surveyed: 1900
Published: 1901

Maps home > OS 25 inch England and Wales, 1841-1952



Bedfordshire VIII.9 (Bolnhurst and Keysoe; Thurleigh; Wilden)
Surveyed: 1900
Published: 1901

Maps home > OS 25 inch England and Wales, 1841-1952

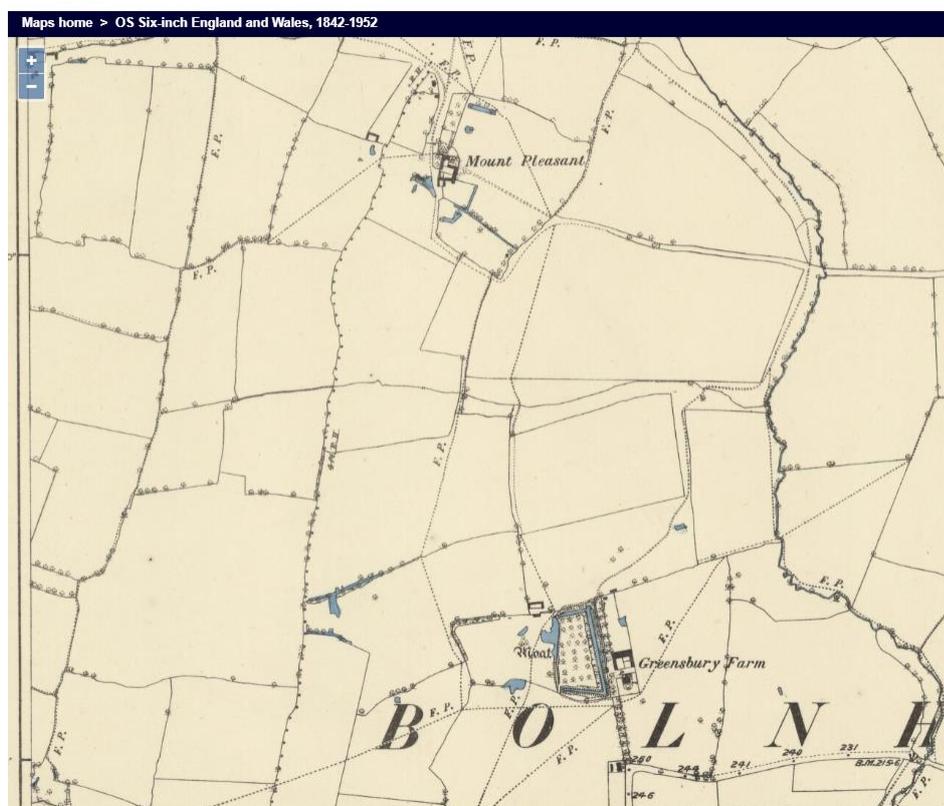


12. Ordnance Survey 6 inch Maps.

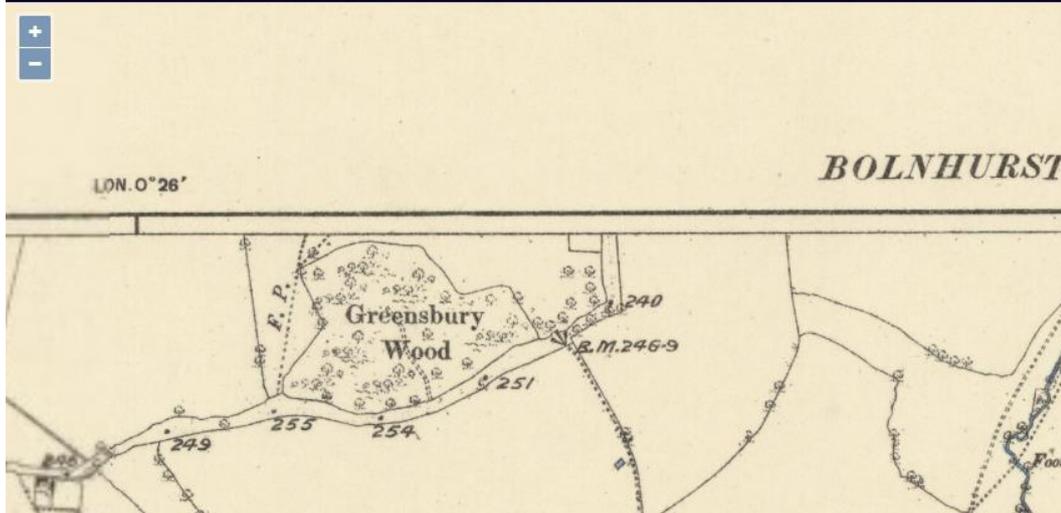
- a. Date. OS sheet VIII.NW was surveyed in 1882 and published in 1884 and VIII.SW was surveyed in 1882 and published in 1884.
- b. Relevance. The 6" maps were based on and derived from the 25" series. Consequently they seldom show any topographical differences from the larger scale. However, useful information can sometimes be derived from the particular conventions used to show detail.
- c. Archive. The extracts from this sheet below were obtained from the National Library of Scotland at <https://maps.nls.uk/view/101567663> and <https://maps.nls.uk/view/101567681>.
- d. Meaning. The Characteristics Sheet for the 6" Maps differentiate between main and other roads through the use of a bold boundary on one side of a road. The claimed route is shown as 'F.P.'
- e. Assessment. This series of maps supports the inference drawn from the 25" maps, that the route is incorrectly recorded as a footpath, the depiction of 'F.P.' does not indicate that there has been a legal order to reduce the status of the route, only that at the time of survey the surveyor believed the route to be a footpath.



Bedfordshire VIII.NW (includes: Bolnhurst and Keysoe; Colmworth; Little Staughton.)
 Surveyed: 1882
 Published: 1884



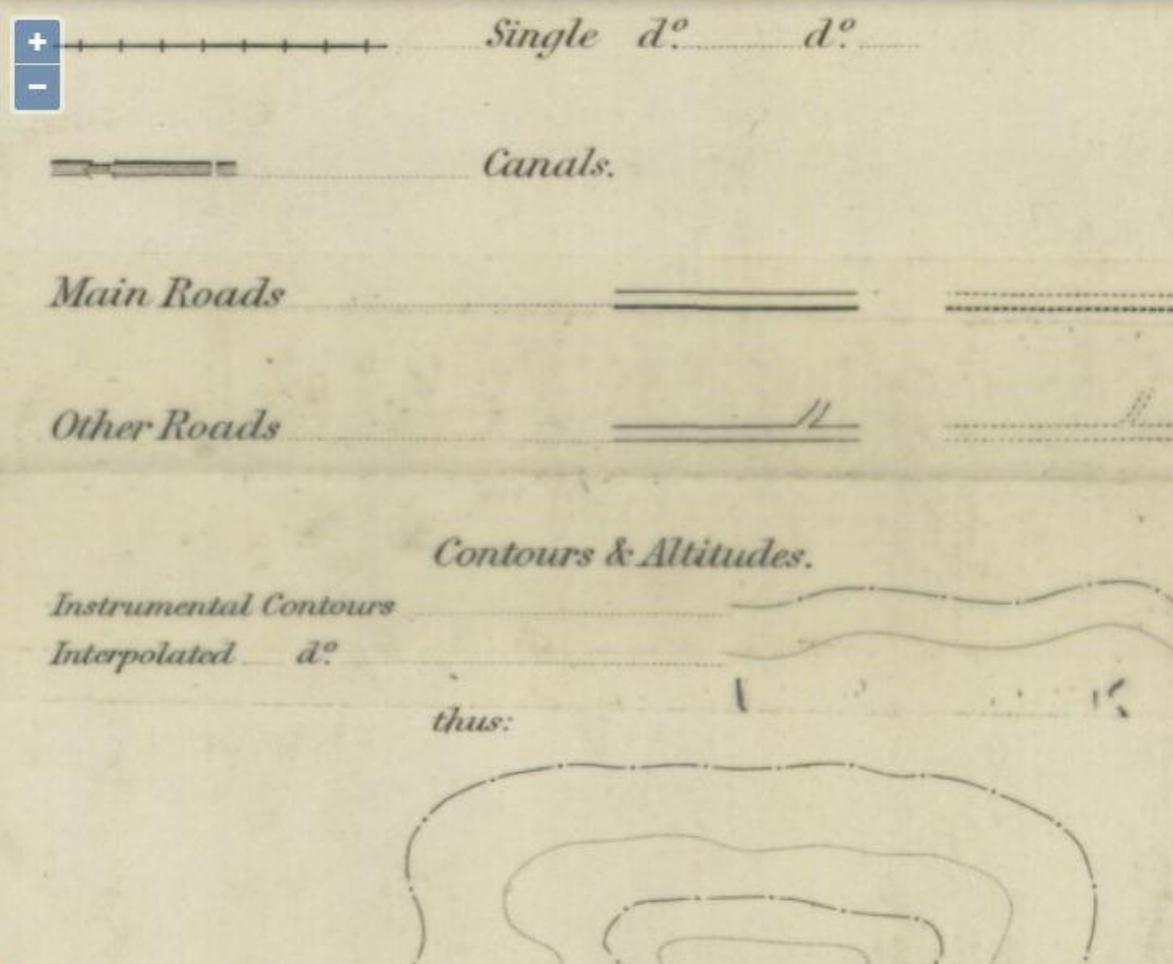
Maps home > OS Six-inch England and Wales, 1842-1952



Ordnance Survey six-inch characteristics sheet
Publication date: 1897

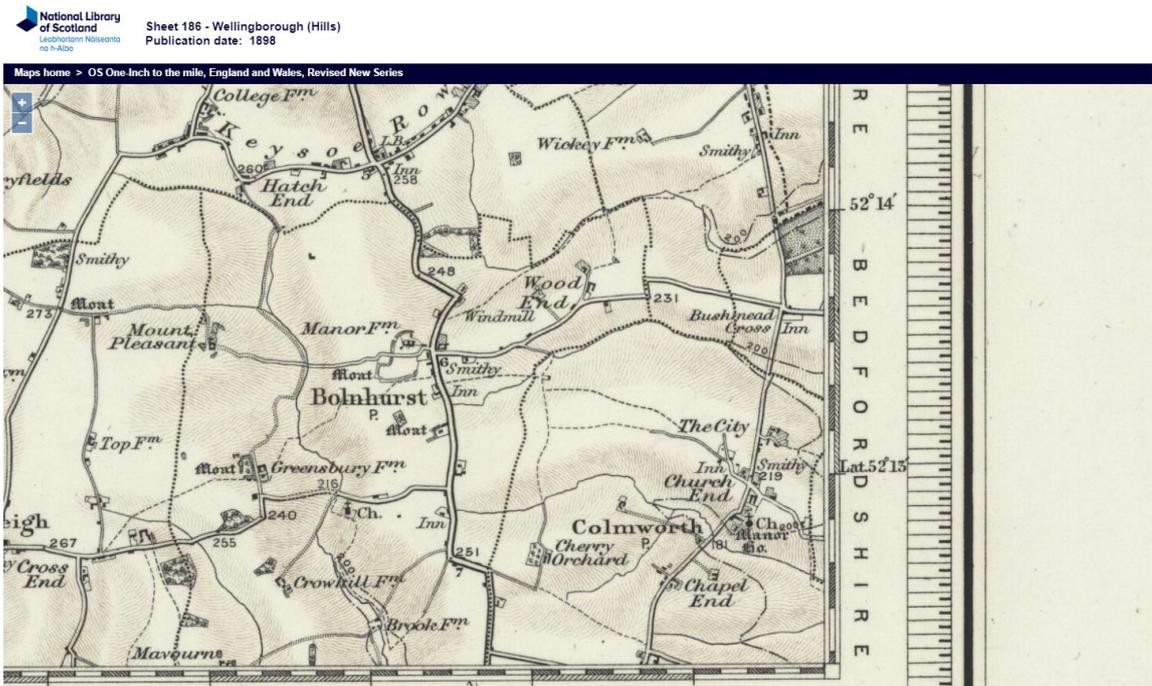
Maps home >

Order this map

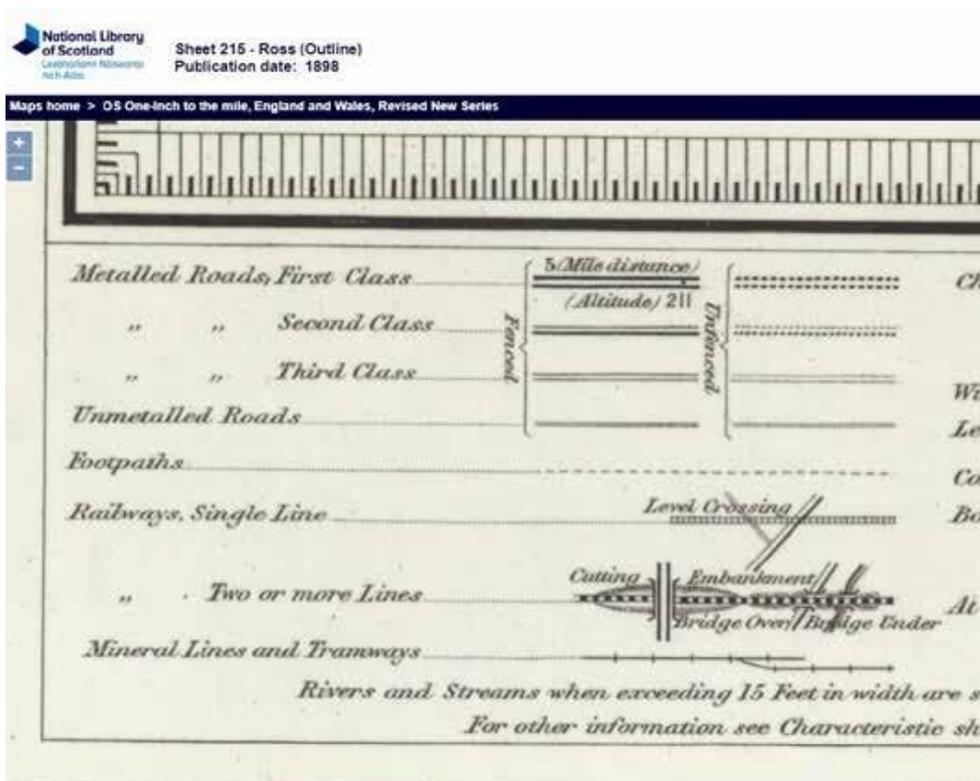


13. Ordnance Survey 1 inch Maps.

- a. Date. OS sheet 221 Bedford was published in 1896.
- b. Relevance. These maps were made for sale to the travelling public and thus would only generally show routes of some significance that were available to them.
- c. Archive. The extracts from this sheet below were obtained from the National Library of Scotland at <https://maps.nls.uk/view/101168147>.
- d. Meaning. The route is shown as “Unmetalled roads”.
- e. Assessment. The route is shown as minor or unmetalled road.



Extract from OS 1" Map showing A-D as “Unmetalled Road”



Extract from Key to OS 1" Map

14. Inland Revenue Valuation / Finance Act 1910 Maps

- Date.** The valuation records were produced in the few years after 1910.
- Relevance.** The Finance (1909–10) Act 1910 caused every property in England and Wales to be valued. The purpose was to charge a tax on any increase in value when the property was later sold or inherited. The valuation involved complicated calculations which are not relevant for highway purposes. However, two features do affect highways: public vehicular roads were usually excluded from adjoining landholdings and shown as 'white roads', and discounts could be requested for land crossed by footpaths or bridleways. This is known because s.35 of the 1910 Act provided,

"No duty under this Part of this Act shall be charged in respect of any land or interest in land held by or on behalf of a rating authority."

It is noted that a highway authority was a rating authority. There was no obligation for a land owner to claim any of the other discounts available (applying for discounts was an entirely voluntary act), but Section 25 authorised the discount for footpaths and bridleways if they were claimed:

"The total value of land means the gross value after deducting the amount by which the gross value would be diminished if the land were sold subject to any fixed charges and to any public rights of way or any public rights of user, and to any right of common and to any easements affecting the land, and ... [other exclusions.]"

All land had to be valued unless it was exempted by the Act. There were harsh penalties for making false declarations, and Section 94 provided:

“If any person for the purpose of obtaining any allowance, reduction, rebate, or repayment in respect of any duty under this Act, either for himself or for any other person, or in any return made with reference to any duty under this Act, knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding six months with hard labour.”

As it appears to be a highway from other evidence, and no duty was assessed in the Inland Revenue Valuation, and the Inland Revenue were under a duty to collect all taxes applying, and hence value the land unless certain that an exemption applied, it is surely for anyone who argues that a different reason for the non-valuation of this white road to show which other exemption could have applied.

c. Archive. The extracts below are from the records that were passed from the IR Valuation Offices to The National Archives at Kew. The National Archives document references are IR 126/2/62, IR 126/2/66 and IR 126/2/70.

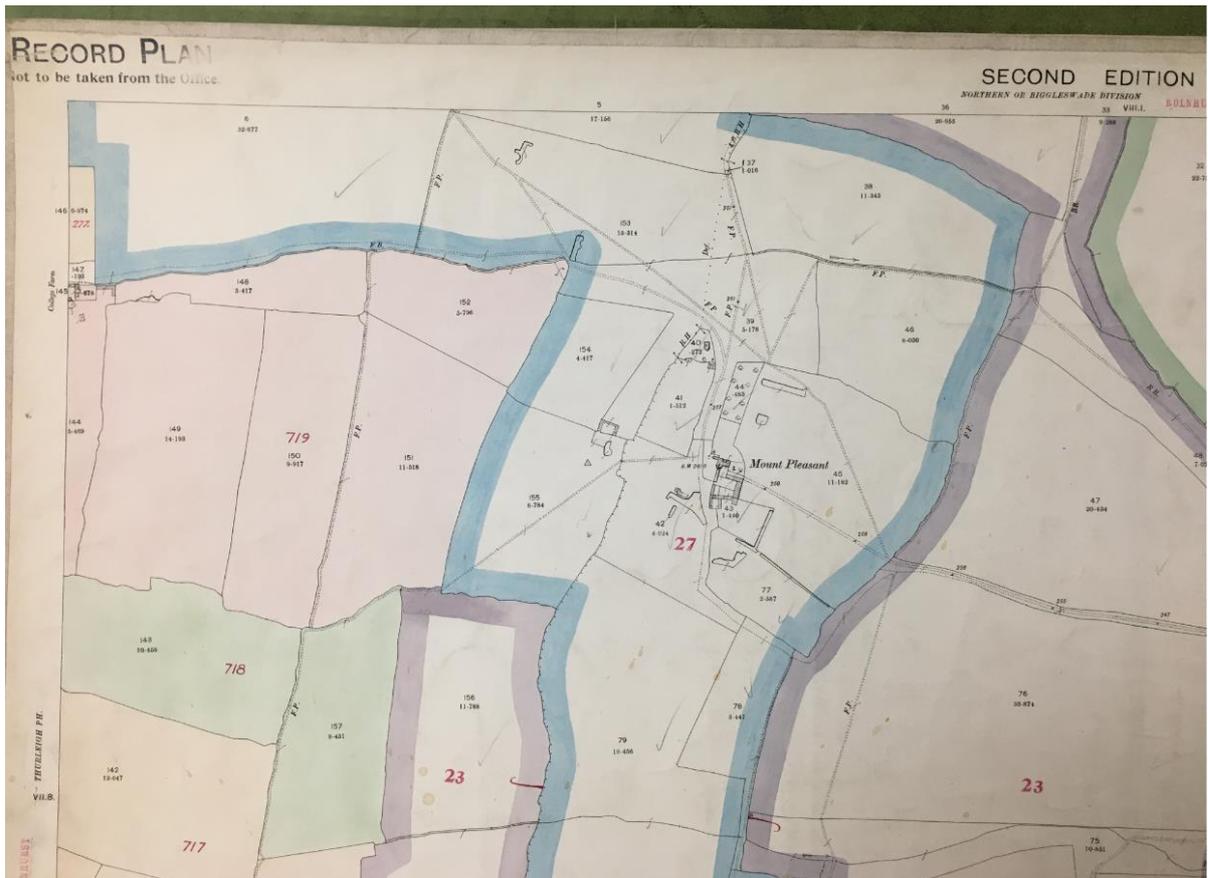
d. Meaning.

- (1) Document IR 126/2/62, IR 126/2/66 and IR 126/2/70 show the route of a double dotted line track that is marked ‘B.R.’ on the underlying Ordnance Survey plan. Photographs of these plans are below. The track joins one vehicular highway to another.
- (2) The path crosses hereditament number 23.
- (3) It is likely that owner of hereditament number 23 would have taken deductions for a public right of way.

e. Assessment. The ‘B.R.’ shown along the route indicates that deductions were taken by landowner for a bridleway across their land parcels. This is good evidence that the landowners claimed deductions and the valuers accepted that there was a public bridleway as shown on the underlying County Series OS map. In turn this is good evidence that public bridleway rights exist along this route.



Extract from the Inland Revenue Valuation Map IR 126/2/62



Extract from the Inland Revenue Valuation Map IR 126/2/66



Extract from the Inland Revenue Valuation Map IR 126/2/66

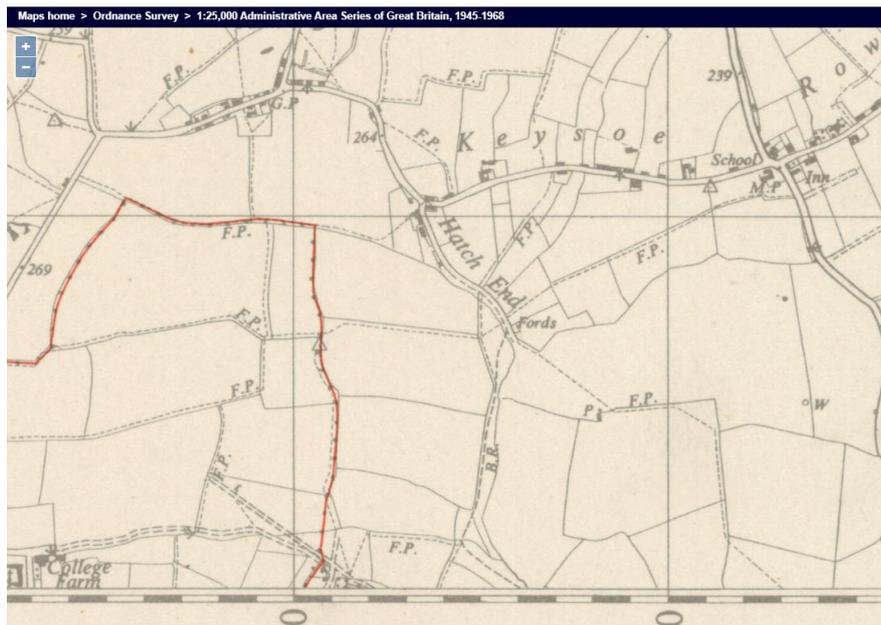


Extract from the Inland Revenue Valuation Map IR 126/2/70

17. Ordnance Survey Administrative Area Maps.

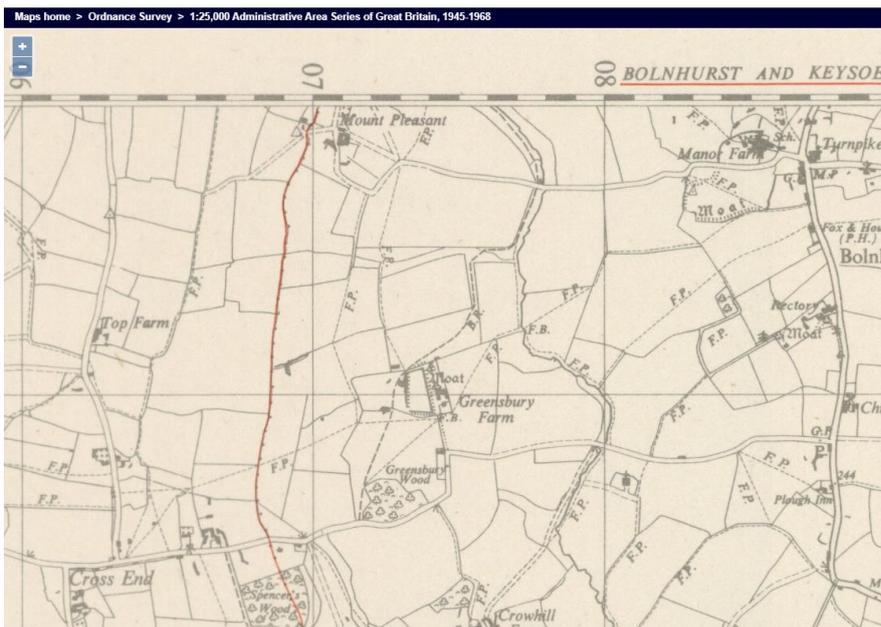
- a. Date. OS sheet 52/05-A and 52/06-A were published in 1949.
- b. Relevance. These maps were made for sale to the travelling public and thus would only generally show routes of some significance that were available to them.
- c. Archive. The extracts from this sheet below were obtained from the National Library of Scotland at <https://maps.nls.uk/view/196759340> and <https://maps.nls.uk/view/196759343>.
- d. Meaning. The route is shown as 'B.R.' for bridleway.
- e. Assessment. The other routes similarly depicted with the dashed lines and labelled as 'B.R.' are bridleways today. This is good evidence that the route carried bridleway rights as this was what the Ordnance Surveyor saw on the ground in the late-1940s.

National Library of Scotland
 52/06 - A (includes: Bolnhurst and Keysoe; Dean and Shelton; Melchbourne and Yelden; Pertenhall; Riseley; Swineshead)
 Originally published: ca. 1949; Boundaries: 01/08/1948



Extract from OS Provisional Series Map showing C-D as 'B.R.'

National Library of Scotland
 52/05 - A (includes: Bedford; Bolnhurst and Keysoe; Clapham; Milton Ernest; Oakley; Ravensden; Renhold; Thurleigh; Wilden)
 Originally published: 1948; Boundaries: 01/05/1948



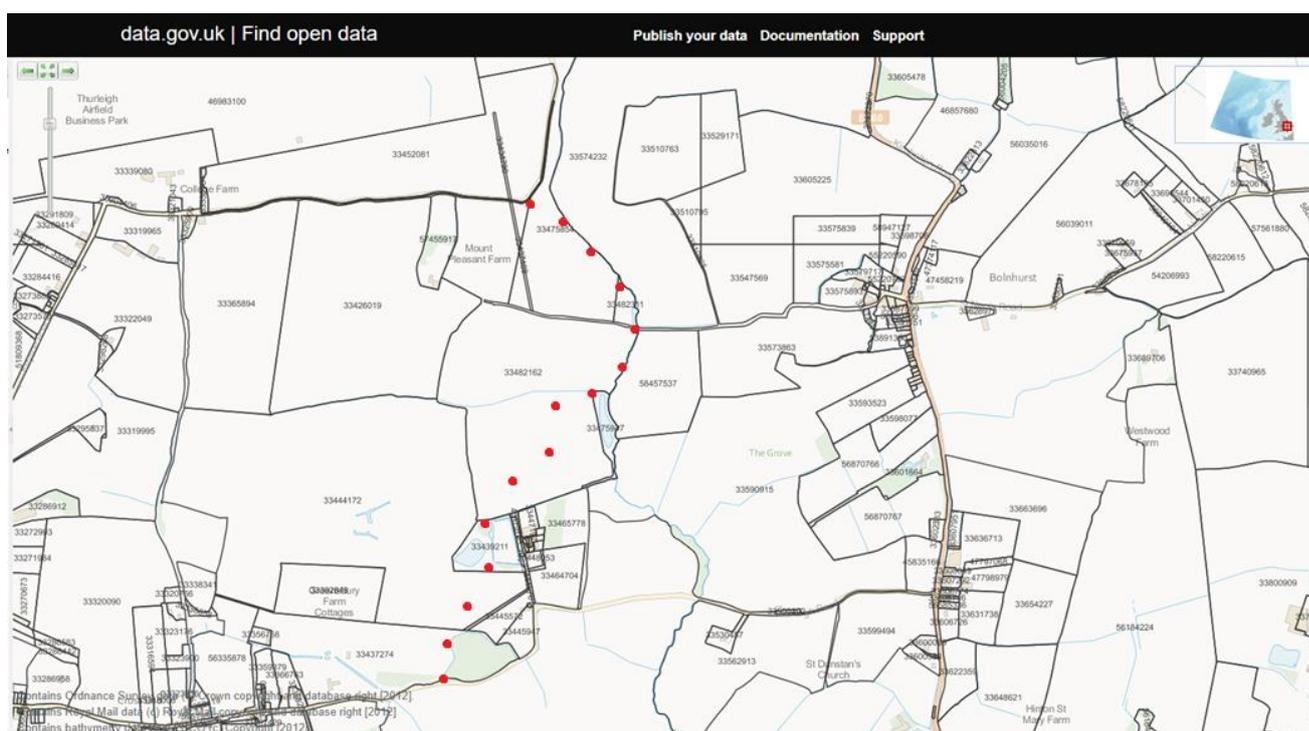
Extract from OS Provisional Series Map showing A-C as 'B.R.'

18. INSPIRE.

- a. Date. This extract from the INSPIRE database was taken on 19 May 2020.
- b. Relevance. The Land Registry INSPIRE Index Polygons Service is a Web Mapping Service which provides map images of HM Land Registry's INSPIRE index polygons.

The INSPIRE index polygon dataset contains only freehold registrations, and the polygons indicate the location of registered land.

- c. Archive. The publicly accessible dataset is found at <https://data.gov.uk/dataset/landregistry-inspire-view-service-and-metadata>. The extract below is taken from a screen shot taken by the Applicant on the date stated above.
- d. Meaning. The application route is shown, indicated by red dots, across several landholdings.
- e. Assessment. This information is given purely to show that the landowners have been identified for the purpose of serving notices.



Extract from the INSPIRE mapping with approximate line of application route indicated by red dots.

CONCLUSIONS

19. This document presents evidence from the last 180 years that consistently indicates that the application route was part of the wider roads network. Whilst no single piece of evidence is conclusive in its own right, taken as whole it paints a compelling picture of the existence of public vehicular rights.
20. Employing the well-established legal maxim 'Once a highway always a highway', in the absence of a stopping up order, it follows that vehicular highway rights existed immediately before the operation of the Natural Environment and Rural Communities Act 2006.
21. It is established law that a public right of way must lead to another connecting highway or place of 'public resort' i.e. a location from which members of the public, having reached the

goal of their journey, either returned via the same route that they had travelled or if, for example, arriving at a river or coast, continued by boat. In this case, at first glance at the successive Ordnance Survey maps and the Inland Revenue maps supplied this creates the impression the route was a 'through route' connecting the bridleway to another road. Taking this into account it should also be considered that bridleway rights continued beyond Point C continuing to the highway of the A600 road as it is unlikely that Holwellbury Farm was a 'public resort' to return from via the same route for equestrian users.

22. The applicant requests the surveying authority to upgrade the route on the definitive map as a bridleway. It is arguable that the evidence suggests that carriageway rights exist over the route, however due to the current construction of the law and the proposed extinguishment of unrecorded rights in 2026, the application will be made for bridleway status with an acknowledgement that the surveying authority should make an order for Restricted Byway status if they consider that merited.
23. The route is not shown as a white road in the Inland Revenue Survey, but of course there was no obligation on a landowner to request the exemptions that were available. Subsequently, the Bedford Borough Council survey of rights of way performed in the 1930s records the route as a bridleway. The latter two pieces of evidence could just be symptomatic of the lessening of importance of the application route. However, the public cannot give up its highway rights through disuse. (*Harvey v Truro Rural Council* (1903) 2 Ch 638).

Name: [REDACTED]
Position: Access Field Officer East Region
Organisation: British Horse Society