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Introduction

1. This report seeks to advise Rutland County Council, as Surveying Authority (“the Authority”) on the evidence available regarding an application made to it under the Wildlife and Countryside Act 1981.
2. Any person may make an application to the council to change the Definitive Map and statement, using a Definitive Map Modification Order application. Such an application is made under section 53(5) of the Wildlife and Countryside Act 1981, and Schedule 14 of that Act.
3. The council is obliged to determine such applications that satisfy the submission criteria in accordance with Schedule 14 of the Act. However, the council may waive defects in the application when determining the application.
4. The council needs to investigate and to consider what the evidence shows. The evidence can come from documentary sources, the user evidence submitted by the applicant in support of their claim, and any evidence provided by the current and/or former landowner. The Council cannot consider other factors, such as the effect on the environment, suitability, safety, security or the wishes of any individuals or groups.
5. The council needs to make its decision, based on the available evidence, as to whether a highway (i.e. a right of way) has been dedicated, and if so, what is its status and width, and is it maintainable at public expense. The evidence of dedication can either be of an express nature, such as a creation agreement or inclosure award; or else be inferred, such as through use. There may be documentary evidence to show that a way was dedicated in the past. Alternatively, evidence of use can show the existence of a highway under either statute or common law, or evidence can show that such dedication has not occurred or has been prevented¹.
6. This reports set out the evidence available to the Council in respect of an application² made, under the Wildlife and Countryside Act 1981, to record a footpath linking Main Street, Barrow, to Sheepdyke, Cottesmore (Appendix A). Additional copies of documents not included in the application are provided in Appendix B. The documents listed can also be viewed at the location given in the reference. The report also sets out the legal considerations that the Council will need to take into account when it makes its decision.

¹ *Guidelines on how such evidence would be evaluated by a rights of way inspector is provided in <https://www.gov.uk/government/publications/definitive-map-orders-consistency-guidelines/wildlife-and-countryside-act-1981-definitive-map-orders-consistency-guidelines>, but please note the caveat as to when this information was last updated*

² RCCDC_M17 - <http://www.rutland.gov.uk/resources/assets/inline/full/0/131842.pdf>

Application

7. On 7th December 2021, Jon Mitchell of 'Ways Around Cottesmore' made an application to add a footpath leading from Main Street, Barrow south-eastwards to Sheepdyke, Cottesmore. Cottesmore lies north-east of Oakham, in Rutland. The application was accompanied by a statement setting out Mr Mitchell's view on the documentary evidence and copies of the evidence relied upon. There is no user evidence in this case.
8. The evidence submitted was as follows:
 - 1883 Ordnance Survey Boundary Sketch Map (Barrow)
 - 1883 Ordnance Survey Boundary Remark Books (Barrow)
 - 1884 OS Survey 6 inch plan
 - 1885 OS survey 25 inch plan
 - 1899 OS Survey 1 inch map
 - 1909-1945 Cottesmore Parish Council Meeting Minutes
 - 1910 Finance Act records
 - 1915 Diary entry for Norah Thompson's diary
 - 1950 Home Guard Map
 - 1950 OS Plan 1:25000
 - 1949-1952 Draft Definitive Map Parish Survey returns

Description of the Route

9. The claimed route of the footpath is shown on page 3 of the Application (Annexe A).
10. The application route is described as leading from Main Street, Barrow (OS Grid Ref SK 8916 1512 to Sheepdyke, Cottesmore (SK 9014 1394). The route runs southwards for just over a kilometre from Main Street, along an unnamed green lane (white road) which is recorded as Village Green 29 (Green Lane), continuing southwards across a field to the parish boundary and then south-eastwards across 3 further fields, a track and belt of trees, to the western side of the Market Overton Road. The application route then continues from the eastern side of the Market Overton Road south-eastwards for approximately 565 metres across another 3 fields to join the public road known as Sheepdyke, in Cottesmore.

Legislative Background

11. Section 53 of the Wildlife and Countryside Act 1981 provides that the Definitive Map and Statement should be kept under review by the Authority and modified by making orders if there is evidence to support modification.
12. Such evidence needs to show that a route has been dedicated as a public right of way, i.e. a highway, where there is a right to pass and re-pass in perpetuity. The evidence of dedication can either be of an express nature, such as a creation agreement or inclosure award; or else be inferred, such as through use. There may be documentary evidence to show that a way was dedicated in the past. Alternatively, evidence of use can show the existence of a highway under either statute or common law.

13. Section 32 of the Highways Act 1980 states:

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

14. The evidence needs to be judged on the civil standard of proof i.e. on ‘the balance of probabilities’. The test is not ‘beyond all reasonable doubt’.

15. The legal test under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 that needs to be considered, when deciding whether or not an order should be made for this application, is:

“The discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway, or subject the section 54A, a byway open to all traffic.”

16. The ‘discovery of evidence’ connotes the finding of some information that was not known to the authority when the map was prepared. This can be information which may, or may not, have existed at that time. Where a case has already been investigated, be it as a result of an objection at the time of the first Definitive Map or for any subsequent application or investigation, there cannot simply be re-examination of the same evidence that was previously considered. There must be ‘new’ evidence (i.e. ‘not previously considered’) that, together with the evidence already considered, would justify a modification order being made³.

Documentary evidence

17. There are records available at the Leicestershire Records office, deposited by the Noel family, Earls of Gainsborough and Viscounts Campden. The land crossed by the application route was still in the ownership of the Earl of Gainsborough one hundred years ago. However, whilst these documents are available to view at the records office, the documents may not be copied or photographed without the express permission of the depositor.

Parliamentary inclosure

18. Enclosure was the process of physically changing the landscape to benefit the development of modern farming practices as technology improved. It was popular from the late medieval period to the 19th century and was carried out on a parish-by-parish basis. As it changed the layout and size of fields it also changed the routes of roads and rights of way.

³ See *Burrows v. Secretary of State for Environment Food and Rural Affairs* [2004] EWHC 132 (Admin)

19. Inclosure was the legal process of carrying out the physical changes. It could be carried out by agreement, but, where this was not possible, an Act of Parliament was needed to grant the powers to make the desired changes. Through time, such Acts became more popular than agreements. Prior to 1801, these powers were granted to each parish individually by private Acts of Parliament. In 1801, the first General Act was passed, which could be used by any parish. Further General Acts were passed in 1836 and 1845. However, private Acts continued to be obtained if the required powers were not granted by the General Acts. The Acts are important evidence as they show what powers the Commissioners had and, if available, they should be read in conjunction with the Inclosure Award and Inclosure Map, which recorded the inclosure process.
20. As inclosure was a detailed legal process, with powers granted by Parliament, the documents can provide conclusive evidence of a right of way.
21. Cottesmore with Barrow was subject to inclosure. The Parliamentary Inclosure of 'Exton, Cottesmore and Barrow 1807'⁴ shows that the fields crossed by the claimed path had already been enclosed prior to that date (Appendix B, Document 1).
22. Investigation of the records held at the Leicestershire records office showed that there had been an earlier enclosure of land in Cottesmore and Barrow around 1642. There was however no copy of a plan showing this enclosure.
23. The Inclosure documents therefore do not provide any evidence of the application route.

Map evidence

24. A map of Cottesmore and Barrow⁵, produced for the Earl of Gainsborough in about 1730, shows that at that time some of the land around Barrow had already been enclosed, but that much of the land around Cottesmore was still unenclosed. The road network was very different then as there was no road shown running north-south between Barrow and Cottesmore (i.e. Market Overton Road). There is no reference to any footpaths shown anywhere on the map, although the later road layout following the 1807 inclosure has been added.
25. Whilst this map does confirm that the 1807 inclosure did not affect the land crossed by the application route, the map does not provide any evidence of the application route.

Evidence from Cadastral maps and records

26. Cadastral maps show the extent, value, and ownership of land, especially for taxation purposes. In the context of the determination of definitive map modification order applications, tithe maps and apportionments prepared for the commutation of tithe under the Tithe Commutation Act 1836, and Valuation Survey records produced for land valuation carried out under the Finance (1909-1910) Act 1910 may provide evidence of status.

⁴ *Leicestershire Records Reference: EN/A/R13/1 (DE2182)*

⁵ *Leicestershire Records Reference: DE3214/4571 (copying not permitted)*

27. There is no tithe map for Cottesmore and Barrow, as the need to pay tithes had been removed when the land was enclosed.

Finance Act (1909-1910) 1910 valuation records

28. The applicant provided copies of the records⁶ that had been passed from the IR Valuation Office to the National Archives, Kew.
29. The Finance (1909-1910) Act 1910 was passed in order that a tax could be levied on any increase in the value of land when it changed hands. In order to ascertain the value of all land as at 30th April 1909, a survey was carried out assessing each piece of land.
30. The task of the valuers was to provide information for tax purposes. This required the plotting and recording of every piece of land, giving every land holding a number (referred to as a 'hereditament'), and providing ownership and occupation details of each plot for valuation purposes. Two parts of the Act were pertinent to highways and are now relevant for rights of way purposes. First, Section 35 of the Act provided for excluding public vehicular roads from adjoining landholdings. Second, land needed to be assessed for the tax relief available where the land was crossed by footpaths and bridleways. In Section 25 of the Act while assessing the value of the land, deduction was made inter alia for, "...the amount by which the gross value would be diminished if sold subject to any public rights of way...".
31. The OS Second Edition Plans were usually used as the base maps and annotated. Details were recorded in field books and valuation books. These books included a column which noted the deduction in tax if a public right of way crossed the land. Every property was given a plot or 'hereditament' number which was then referred to in the valuation books and maps. Hereditaments were coloured on the maps to identify land holdings. Not all land was coloured. Evidence from Finance Act maps can be supported by evidence from the Valuation Book (colloquially known as the "Domesday' Book"), Forms 37 (Valuation field notes) and Field Books.
32. Once a provisional valuation of a property had been reached, landowners were given the opportunity to appeal. The whole process was carried out under statutory authority by the Valuation Department of the Inland Revenue and there were criminal sanctions associated with the falsification of evidence. It would have been negligent to omit such land from the survey, including private roads, which might have had value. However, it was not a criminal offence not to deduct tax if a right of way did cross your property. Consequently, the resultant records carry a high level of evidential weight as to the routes which they show to exist, but are unlikely to be good evidence that rights of way do not exist.
33. The fact almost all individual pieces of land in private ownership were recorded (identified by coloured boundaries) enables one to deduce valuable information about the existence of untaxed public roads which were generally excluded from the parcels of private land. Where a route is shown uncoloured on the plans and excluded from the taxable land this provides very strong evidence of it being public

⁶ *National Archives Reference*
OS Sheet Rutland V.3 IR 130/6/485;
OS Sheet Rutland V.7 IR 130/6/489
Field Book IR 58/76841 and IR 58/76842

highway. Usually this will be of vehicular status unless there is other contemporary evidence to indicate otherwise. But this does not mean that it should be assumed that roads included, or part included, in a hereditament were not subject to carriageway rights.

34. Where footpaths and bridleways cross privately owned land these may be recorded as a reduction to the tax. However, where routes cross large hereditaments it can be difficult to establish which route is considered to be the right of way without additional details.
35. The Inland Revenue plan held at the The National Archives at Kew⁷ shows the application route crossed hereditaments numbered 2, 23 and 105. The field books⁸ show that all the land in these hereditaments was owned by the Earl of Gainsborough, Exton Park, Oakham. The land was occupied by Arthur Dalby, George Cecil Matthews and Joseph Marriott respectively. The entry for each of these hereditament refers to two footpaths.
36. Hereditament No.2 refers to two footpaths, 'Barrow to Cottesmore' and 'Teigh Lane to Market Overton'. The entry in the field book records that a deduction of £25 was given for the footpaths crossing this hereditament. Market Overton lies north of Barrow, and Teigh lies to the north-west of Barrow. Teigh Lane leads westwards out of Barrow. The plan (OS Rutland sheet V.3 - See Appendix B, Document 2) shows 3 areas marked as Hereditament 2. These are:
 - i) an area north of Barrow,
 - ii) an area south of Barrow, and
 - iii) an area west of Barrow.

The OS base map shows routes, labelled as 'F.P.', crossing the areas of hereditament 2 lying to the north and south of Barrow. There is no route shown crossing the area to the west of Barrow. The description given in the field book of a footpath 'Barrow to Cottesmore' would apply to the route shown crossing the land to the south of Barrow, i.e. to the application route. The description of a footpath 'Teigh Lane to Market Overton' fits with the route shown crossing the land north of Barrow. Today, this route is recorded on Rutland's Definitive Map and Statement as 'Market Overton and Barrow FP E108'.

37. Hereditament No.23 refers to two footpaths, 'Barrow to Cottesmore' and 'Teigh House to Ashwell'. The entry in the field book records that a deduction of £50 was given for the footpaths crossing this hereditament. Ashwell lies south-west of Barrow, but Teigh House is not labelled on the OS plan. The plan (OS Rutland sheet V.3 - See Appendix B, Document 2) shows 4 areas marked as Hereditament 23. These are:
 - i) an area immediately west of Barrow, with Teigh Lane running through it,
 - ii) a small area west of Barrow and adjoining Teigh Lane on the south,
 - iii) a larger area that extends westwards off Sheet V.3 to the west of the old canal, and

⁷ National Archives Ref: IR 130/6/485 and IR 130/6/489

⁸ National Archives Ref: IR 58/76841 and IR 58/76842

iv) a large area west of the Market Overton Road, south of Barrow.

The OS base maps shows routes, labelled as 'F.P.' crossing the last two of these areas. The area to the south of Barrow shows two 'F.P.'s crossing it, one of which is the application route. The other route shown heads due south to what is now the B668 Burley Road. The area to the west of the canal shows a small section of FP near the sheet edge, that runs from Ashwell to Teigh Lane. Today, this route is recorded on Rutland's Definitive Map and Statement as 'Barrow FP E111'.

38. Hereditament No.105 refers to two footpaths, 'Cottesmore to Barrow' and 'Ashwell to Barrow'. The entry in the field book records that a deduction of £25 was given for the footpaths crossing this hereditament. The plan (OS Rutland sheet V.3 and V.7) shows 1 large area in Cottesmore parish marked as Hereditament 105 lying to the north and west of Cottesmore village. The extract of OS base map shows three routes, labelled as 'F.P.', crossing hereditament 105⁹. The description 'Cottesmore to Barrow' would appear to apply to the route shown running north westwards from Cottesmore towards Barrow. The field book does not appear to refer to either the route shown cutting the corner off the field between Mill Lane and the Market Overton Road, nor to the route shown running north-south from Barrow to what is now the B668 Burley Road.
39. The applicant states that it is clear that at the time of valuation the landowner and valuer acknowledged the existence of the application route. This resulted in the deduction that was made. Further, there is no ambiguity as to the footpaths to which the deduction applied as the application route is named in the field book.
40. The Finance Act documents provide clear evidence identifying the routes of 3 footpaths that crossed hereditaments 2, 23 and 105, which can be correlated with routes shown, and labelled, by the OS as 'F.P.'. Of the three footpaths referred to in these documents, only the application route is not recorded as a public right of way today. These documents provide strong evidence that the application route did exist and was considered to be a footpath.

Ordnance Survey records

41. The applicant provided copies of various Ordnance Survey plans, dated between 1883-1950 at scales varying between 1:2,500 (25 inch) to 1:63,360 (1 inch). Mr Mitchell also provided extracts from the Ordnance Survey Sketch Map and Remarks Book for the parish of Barrow.

Ordnance Survey Boundary records

42. The applicant states that the Ordnance Survey was given the duty of ascertaining and recording all public boundaries by the Ordnance Survey Act 1841. He considers that the Boundary Sketch Maps (OS 27) and Boundary Remark Books (OS 26) are of particular value for determining highway status. This is because these documents were produced under Parliamentary authority (the 1841 Act), with the power to summon the Clerk of the Peace and any books, maps, papers or other documents he held (s.5 of the 1841 Act). Section 8 of the 1841 Act made it an offence to obstruct or hinder the surveyor appointed under the 1841 Act. In addition, the Boundary Sketch Map was advertised for public inspection. These records have been held in official custody, firstly by the Ordnance Survey, and latterly by The National Archives.

⁹ A copy of the adjoining OS sheet has not been provided

43. The OS Boundary Sketch Maps in The National Archive (TNA) class OS 27 show the whole of a parish and indicate which of the Boundary Remark Books is needed to look at a specific section of the parish boundary.
44. The Cottesmore Boundary Remarks Book only described the boundary to the south and east of Cottesmore. However, both the Boundary Sketch Map, and the Boundary Remarks Book, provided for the parish of Barrow, record a feature along the alignment of the claimed footpath where it crosses the parish boundary. There is no reference in the extracts provided as to what the feature shown represents.
45. The applicant notes that the feature shown on the line of the claimed footpath is also used elsewhere on the parish boundary to show other known public rights of way. He considers that the documents show that the application route existed and was sufficiently important to be recognised in 1883, especially as its existence was approved by meresmen in both Barrow and Cottesmore.
46. Whilst these documents provide some evidence of the existence of a feature on the alignment of the path, the documents themselves do not clearly identify the feature as a public footpath. This interpretation can only be inferred by looking at how other footpaths are depicted where they cross the parish boundary. As such, it is not of sufficient weight to show that a footpath did exist, as the presumed existence of the footpath can only be inferred.

Ordnance Survey Maps

47. The applicant has referred to copies of Ordnance Survey (OS) plans held by the National Library of Scotland. The earliest plan referred to in the application was surveyed in 1884 and published in 1885, and the latest was published in 1951. The plans provided include 3 different scales - one inch (1:63,360), six inch (1:10,560) and twenty-five inch (1:2,500).
48. All these plans mark the alignment of the claimed footpath, and some of them label the route as 'F.P.'
49. The Guidance to Inspectors set out in Section 14 of Definitive Map Orders:Consistency Guidelines refers to how inspectors should evaluate this evidence, and includes the following:

“14.2.20. The practice of annotating paths ‘F.P.’ on large scale maps from 1883 arose from an instruction to surveyors issued in February of that year (quoted by Dr R Oliver in ‘OS Maps – a Concise Guide for Historians’) that ‘the object of...’F.P. being that the public may not mistake them for roads traversable by horses or wheeled traffic’. The inclusion of “F.P.” gave rise in 1885 to letters being written to The Times complaining that the public were likely to view such annotations as indicating the existence of a public footpath. On behalf of the OS, Col. Pilkington-White responded that it was the practice to show paths on the ground, irrespective of whether they were public or private. From 1888, Ordnance Survey maps carried a disclaimer to the effect that the representation of a track or way on the map was not evidence of the existence of a public right of way. (On late 20th century OS maps which show those ways which are recorded in definitive maps and statements, the disclaimer is modified to acknowledge that some routes shown are public rights of way.)

14.2.21. An 1893 OS circular instructed that “all footpaths over which there is a well-known and undisputed public right of way should be shown”. This instruction appears to be at odds with the disclaimer that the post-1888 maps carried and with the 1885 response of Col. Pilkington-White in *The Times*. The 1893 Circular was also issued after the 1893 Dorrington Committee had concluded that no inquiry by the surveyor could determine whether a path was a public or private one.

14.2.22. The Instructions to Surveyors (see ‘Other Publications’ above) set out the parameters under which the surveyors were to undertake their task. It was not until 1905 that surveyors were instructed that ‘OS does not concern itself with rights of way, and survey employees are not to inquire into them.’ However in the same paragraph of these Instructions, there is a note stating that ‘A clearly marked track on the ground is not in itself sufficient to justify showing a path, unless it is in obvious use by the public’. The 1905 instructions appear therefore to be somewhat ambiguous; subsequent instructions to surveyors contain equally ambiguous instructions as surveyors were given directions as to the nature of paths that should and should not be recorded whilst maintaining that public rights of way were not the concern of OS.”

50. The guidance goes on to state that:

14.2.32. Later OS surveys and maps, especially the larger scale plans, provide an accurate representation of routes on the ground at the time of the survey. The inaccuracies of the earlier projection were virtually eliminated by the development of an alternative form of map projection. However, it should be emphasised that the depiction of a way on an OS map is not, of itself, evidence of a highway. The courts have treated Ordnance Survey maps as not being evidence of the status of a way. For example, in the case of *Attorney-General v Antrobus* [1905] 2 Ch 188 at 203, Farwell J stated in relation to an Ordnance map of 1874: “Such maps are not evidence on questions of title, or questions whether a road is public or private, but they are prepared by officers appointed under the provisions of the Ordnance Survey Acts, and set out every track visible on the face of the ground, and are in my opinion admissible on the question whether or not there was in fact a visible track at the time of the survey”.

14.2.33. Similarly, in *Moser v Ambleside Urban District Council* (1925) 89 JP 118 at 119, Pollock MR stated: “If the proper rule applicable to Ordnance maps is to be applied, it seems to me that those maps are not indicative of the rights of the parties, they are only indicative of what are the physical qualities of the area which they delineate”

14.2.34. In *Norfolk CC v Mason* [2004] NR205111, Cooke J observed “Throughout its long history the OS has had a reputation of accuracy and excellence..... It has one major, self-imposed, limitation; it portrays physical features, but it expresses no opinion on public or private rights— though no doubt it is obvious what a blue line labelled “M1” must mean.”

14.2.35. Nevertheless, the inclusion of a route on a series of OS maps can be useful evidence in helping to determine the status of a route, particularly when used in conjunction with other evidence.”

51. The applicant considers¹⁰ that these OS plans should be interpreted in line with contemporary expectations and wisdom, not with modern understanding. He refers to the Instructions given to surveyors about not investigating public status, but that it was not sufficient to show clearly marked tracks on the ground unless it is in obvious use by the public. This was at odds with the OS disclaimer (given on maps since 1888) that “*The representation on this Map of a Road Track or Footpath, is no evidence of the existence of a right of way*”. He suggests that contemporary wisdom¹¹ was that it was “to absolve them from being involved in any footpath litigation. A path which is shown, may, however generally be presumed to be public.”
52. The applicant considers that the presence of the route on these maps as a footpath is evidence of the existence of the application route as a recognised footpath. The route of the footpath follows a logical desire line for anyone wishing to make a direct passage between Barrow and Cottesmore indicating it as a route existing from long ago.
53. In conclusion, it is clear that the Ordnance Survey maps have consistently shown a route along the alignment of the claimed footpath, marked as ‘F.P.’ since 1885. Although the accepted position is that the OS shows evidence of existence, but not evidence of rights, the evidence provided by the OS needs to be considered in conjunction with other evidence available.

Parish Minutes

54. The applicant provided copies of minutes from the Parish Council between 1909-1945. He suggests that parish councils play a key role in working with local authorities to ensure rights of way remain suitably maintained for public use.
55. Prior to the Highways Act 1835, the parish was responsible for the maintenance of highways in their parish. Each parish appointed a surveyor of highways who was responsible for the maintenance and also ensuring that highways remained unobstructed. Since 1835, it has been possible, in rural areas, to transfer the responsibility for maintenance and enforcement to Highways Boards. Under the Local Government Act 1894, the Rural District Council were made responsible for the maintenance highways¹² and enforcement of rights of way¹³. Parish Councils were still able to undertake the repair and maintenance of all or any to the public footpaths within their parish¹⁴.
56. The minutes consistently refer to the unsatisfactory state of a footpath running from Cottesmore to Barrow. There are references made to:
 - a footpath crossing land occupied by a Mr G Cecil Matthews between 1909-1910,

¹⁰ See Appendix A of the application

¹¹ as declared in *The Countryside Companion* 1948, page 320

¹² section 25 Local Government Act 1894

¹³ section 25 Local Government Act 1894

¹⁴ section 13(2) Local Government Act 1894

- a footpath in Cresswell's field¹⁵ in 1919,
- the footpaths to Barrow in 1921,
- the footpath from Cottesmore to Barrow in 1930.
- the main hand gate on the footpath to Barrow about to be repaired in 1935
- the hedges overhanging the gate of the Cresswell footpath in 1937
- The ploughing of the Cottesmore Barrow footpath in 1940

57. In 1910, the minutes state that Mr G. Cecil Matthews had not heeded the parish council's request not to plough the footpath, and that the Clerk was to contact the Right Honourable Earl of Gainsborough, as owner of the land, requesting that he preserve to the public the right of the footpath. Whilst there is no copy of any response received, the parish has been persistent in its assertion of the footpaths rights that existed on this path over many years.
58. The applicant considers that documented discussions demonstrate that the application route physically existed and was clearly recognised by Cottesmore Parish Council. The fact the route was not further minuted until Aug 1930 likely suggests the issue from 1910 was addressed to the council's satisfaction at that time.
59. These documents show that the Parish considered the route was a public footpath, and were asserting the rights of the public to use it by making sure it was properly maintained. This is strong evidence that the path did exist at that time due to the time period over which the right was being asserted, and there is no evidence to suggest that the landowner challenged the parish council as this time.

Personal diary - Norah Thompson 1915.

60. The applicant provided an extract from the diary of Norah Thompson. This is a private record, currently in the possession of Dr. Richard Thompson.
61. This document provides contemporary evidence that, on April 7th (1915), the writer accompanied by another person went for a walk presumably starting from Cottesmore, to the old canal, crossing the railway and returning via the Warren & the Cresswells and Clatterpot Lane.
62. The applicant states that although it is not specifically stated that the application route was used, it is logical that they did as it was only logical route to follow to Sheepdyke. The applicant considers that this evidence shows the route physically existed, and was used by residents at that time.
63. This document provides evidence that locals walked in the area at that time, although it is not clear that the route used was considered to be public footpath at that time. However, it is possible that part of the application route was used on this occasion.

Home Guard Field Map 1940-1945

64. The applicant has provided a copy of the Home Guard Field map, drawn by R Sterndale Bennett of the home guard Rutland Battalion in conjunction with estate agents and local farmers. It was produced to assist with the quick location of

¹⁵ the location of Cresswell's field is identified in the Home Guard map of 1950 below

incidents by reference to local field names and landmarks. Copies of the map are held at the Rutland Museum, Oakham.

65. The map appears to be based on the OS 6 inch map from 1933 to which the names of all the fields have been added, and the roads coloured yellow.
66. The applicant notes that the application route is clearly shown on the map as footpath. They consider that as the map was compiled by locals and reviewed by local landowners it is highly unlikely the footpath would have been included unless it was in existence and in use as a footpath.
67. This document does provide useful contemporary evidence showing the field names at that time. However, it is not clear whether the alignment of the footpath shown on the map is one that was considered at the time or was just part of the base map, like the 'TRENT Catchment Area Bdy' which is also shown.

Definitive Map process

68. The applicant has provided copies of the Parish Survey returns held at the Leicestershire records office¹⁶.
69. Under the National Parks and Access to the Countryside Act 1949, the County Council was required to prepare a Definitive Map and Statement to show and describe the public rights of way in the county. This record is conclusive evidence of what it shows, but is without prejudice to what is not shown. The rights to be recorded were public paths (defined as "footpaths", "bridleways") and "roads used as public paths". There was no requirement to record public vehicular highways.
70. The process to create this record started with the parish surveying their rights of way and submitting them to the County Council. Each path was marked on an OS map, numbered and a written description of it produced. The County Council collated the information from all the parishes to compile a Draft Map and Statement. In doing so, the County Council often renumbered the paths and gave the paths different numbers from the ones that had been allocated to them by the parish.
71. The Draft Map and Statement was then advertised. Any member of the public could object to what was included or what was omitted. Hearings were held to consider these objections and recommendations were made based on the evidence presented. As a result of the recommendations, the Draft Map and Statement would be amended, and a new document - the Provisional Map and Statement was produced.
72. The Provisional Map and Statement was then advertised again, but only landowners, lessees and tenants could object. These objections were heard by the Quarter Sessions Court, and the court's finding needed to be reflected in the map and statement. The records, as amended, became the final version - the (First) Definitive Map and Statement.
73. In Rutland only some of these records have been found. The parish council minutes from 12 April 1950 (Appendix B, Document 2) record that the parish had been asked to provide details of rights of way for the Map. Details from the Parish survey, carried

¹⁶ *Leicestershire Records Reference: DE8719*

out by the Ramblers Association have been found, but not the parish survey map. The London Gazette advertised the publication of the Draft Map on 9th December 1952, the Provisional Map on 18th November 1955 and the First Definitive Map on 1st August 1956 (Appendix B, Document 3). No copy of the Draft or Provisional Map has been found, nor any copies of objections or details of any hearings.

74. The path descriptions from the Parish survey record 7 footpaths in Cottesmore (Appendix B, Document 4) and 4 footpaths in Barrow (Appendix B, Document 5). The application route is included as Barrow FP4 which is described as connecting to Cottesmore FPs 3 & 4. Cottesmore FPs 3 & 4 are described as leading to Barrow. Cottesmore FP4 describes the application route.
75. However, the Definitive Map¹⁷ (Appendix B, Document 6) does not record a footpath leading between Barrow and Cottesmore. In Barrow, it shows FPs 1-3, but no FP4. In Cottesmore, 3 paths are shown, numbered 1, 2, and 7. This numbering indicates that all 7 paths were shown on the Draft Map, but that paths 3-6 were then removed.
76. The applicant considers that this evidence confirms the physical existence of the route on the ground including the presence of structures. He states that it would be highly unlikely for the landowners to have gone to the expense of installing these for a private route. He adds that although it was recognised at the time that the path was not in current use, overgrown and ploughed up, both parishes clearly wanted the paths to be retained.
77. The parish survey documents provide evidence that the application route was recorded by the Ramblers Association when they carried out the survey, and the parish councils endorsed their survey and stated that they wanted the application route retained. There are no documents explaining why the route was not recorded on the Definitive Map.

Stopping up and Quarter Sessions records

78. The applicant states that stopping up and Quarter Sessions records have been examined, but no documentary evidence has been found showing the stopping up or diversion of the application route.
79. As part of any search for rights of way, it is important to check these records to make sure that the claimed route has not already been stopped up (extinguished) or diverted.
80. No such document has been found.

Village Green No. 29

81. Green Lane in Barrow has been recorded as a Village Green (No.29) under the Commons Registration Act 1965. On 21st May 1973, a Commons Commissioner declared¹⁸ that Oakham Rural District Council were to be declared the owners of the land (Appendix B, Document 7).

¹⁷ *Leicestershire Records reference*: DE 1381/534

¹⁸ www.acraew.org.uk/commissioners_decisions/leicestershire

Conclusion

82. The application route has been consistently shown following the same route, labelled as 'F.P.' by the Ordnance Survey since 1884. The strongest piece of evidence acknowledging that the route was a footpath is given by the Finance Act documents which refer to the footpath running across land owned by the Earl of Gainsborough. His land was divided into three different hereditaments occupied by Arthur Dalby, George Cecil Matthews and Joseph Marriott respectively. In each case there was reference to a deduction to be made for the two footpaths crossing the hereditament and for each footpath the location of the start and end points of the path in question.
83. There is contemporary evidence from the parish council minutes in 1909 and 1910 complaining about Mr G. Cecil Matthews having ploughed the footpath from Cottesmore to Barrow. This reference to Mr G. Cecil Matthews will be the same Mr Matthews who was referred to by the Finance Act documents where a deduction was claimed due to the footpath running across the land he occupied. Although there is no copy of a reply from the Earl of Gainsborough, further minutes of the parish council relating to issues with the path suggest that the existence of the footpath was not challenged in 1910.
84. The parish survey documents that have survived show that the parish council continued to consider the application route was a public footpath as they supported the inclusion of the path on the Draft Map. What is not known is who objected to the footpath, what objections were made to the definitive map, or what evidence was put forward at the hearing.
85. In cases such as this, where a route has already been considered, there needs to be the discovery of new evidence. In this case, the Finance Act records, being tax records, were not available to view when the Definitive Map and Statement were being prepared. The Finance Act documents therefore constitute 'new' evidence.
86. It is noted that the evidence of the existence of the footpath predates the date of registration of the Green Lane in Barrow as Village Green 29. The subsequent registration of this land as village green would not prevent the footpath from being recorded.
87. Finally, as the evidence shows this path was included on the Draft Definitive Map, it is considered that if an order were made, then this route should be maintainable at public expense.

Recommendation

88. The Council must make a decision about whether a public right of way exists based on the evidence before it.
89. The evidence available is, on balance, consistent enough to show that a public footpath subsists over a route leading from Main Road Barrow, crossing the Overton Road, and continuing to Sheepdyke in Cottesmore (A-B).
90. This recommendation is based on the evidence currently available, but subject to the receipt of any further information of evidence by the Council.

91. Any order made would need to consider the width of the Footpath, the location of structures along the route as suggested in the Parish Survey. As the path was proposed for inclusion on the Definitive Map, it is recommended that the path would be maintainable at the public expense.

Appendices

Appendix A - Copy of DMMO Application

Appendix B - Copies of documents investigated that were not included in the application

Rosalinde Emrys-Roberts

Routewise Consulting

13 December 2022

Rutland County Council

APPLICATION FOR MODIFICATION ORDER

WILDLIFE & COUNTRYSIDE ACT 1981
DEFINITIVE MAP MODIFICATION ORDERS

(This form to be completed by the applicant and served on Rutland County Council)

To: Public Rights of Way Officer, Rutland County Council, Catmose, Oakham LE15 6HP

APPLICATION

I/We Jon Mitchell (Ways Around Cottlesmore)
of [REDACTED] Post Code [REDACTED]

hereby apply for an order under Section 53 of the Wildlife & Countryside Act, 1981, to modify the Definitive Map & Statement for the area by:-

(Delete any of the following sections that do not apply)

Deleting the footpath/bridleway/byway (delete as appropriate)

From To

OR

Adding the footpath/bridleway/byway (delete as appropriate)

From Main St, Barrow To Sheepyke, Cottlesmore

OR

~~Upgrading/Downgrading the footpath/bridleway/byway to a
footpath/bridleway/byway/restricted byway (delete as appropriate)~~

From To

OR

~~Varying the particulars of the footpath/bridleway/byway (delete as appropriate)~~

From To
by providing that

(in all cases) and shown on the map annexed hereto.

I/We attach copies of the documentary evidence (including statements of witnesses) in support of this application.

Signed [REDACTED] Dated 7-Dec-2021



Wildlife and Countryside Act 1981

Definitive Map Modification Order Application

**For a route from Main Street, Barrow to Sheepdyke, Cottesmore, Rutland
to be added as a footpath**

Applicant's Reference: WARCs-LP1

1-Dec-2021

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

OS County Series map	Rutland: Sheets V3 and V7
Modern OS Explorer map	15 Rutland
Grid references of ends of route (approximate)	From: Main St, Barrow (SK90121396) To: Sheepdyke, Cottesmore (SK89151508)

Applicant:	Jon Mitchell on behalf of Ways Around Cottesmore (WARCs) community group
Reason for application:	The route is currently missing on the definitive map and statement, but our research has discovered there are multiple historical documents over a sustained period prior to the creation of the definitive map. Collective there is strong evidence that the route physically existed with public right of way status and has erroneously gone unrecorded on the definitive map.

1 Introduction

This application is made because, on the cut off day, the effect of s.53(3) and (4)(c) Countryside and Rights of Way Act 2000 on a public highway that existed prior to 1949 is to extinguish the rights on a route not shown in the definitive map and statement.

I believe this application will pass the planned Preliminary Assessment Test required by para 2 Sch 13A Wildlife and Countryside Act 1981 because:

- This application statement includes explanations as to how the evidence applies to the application route, and the application contains one or more of the following forms of supporting evidence:
 - I 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).
 - II 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).
 - III Documentary evidence of expenditure that would be unlawful unless the way was a public highway, for example Highway Board records.
 - IV Documentary evidence of reputation, for example an Ordnance Survey map, coupled with public scrutiny, or evidence of highway status in a landowner produced document.
 - V 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.

2 The Application Route

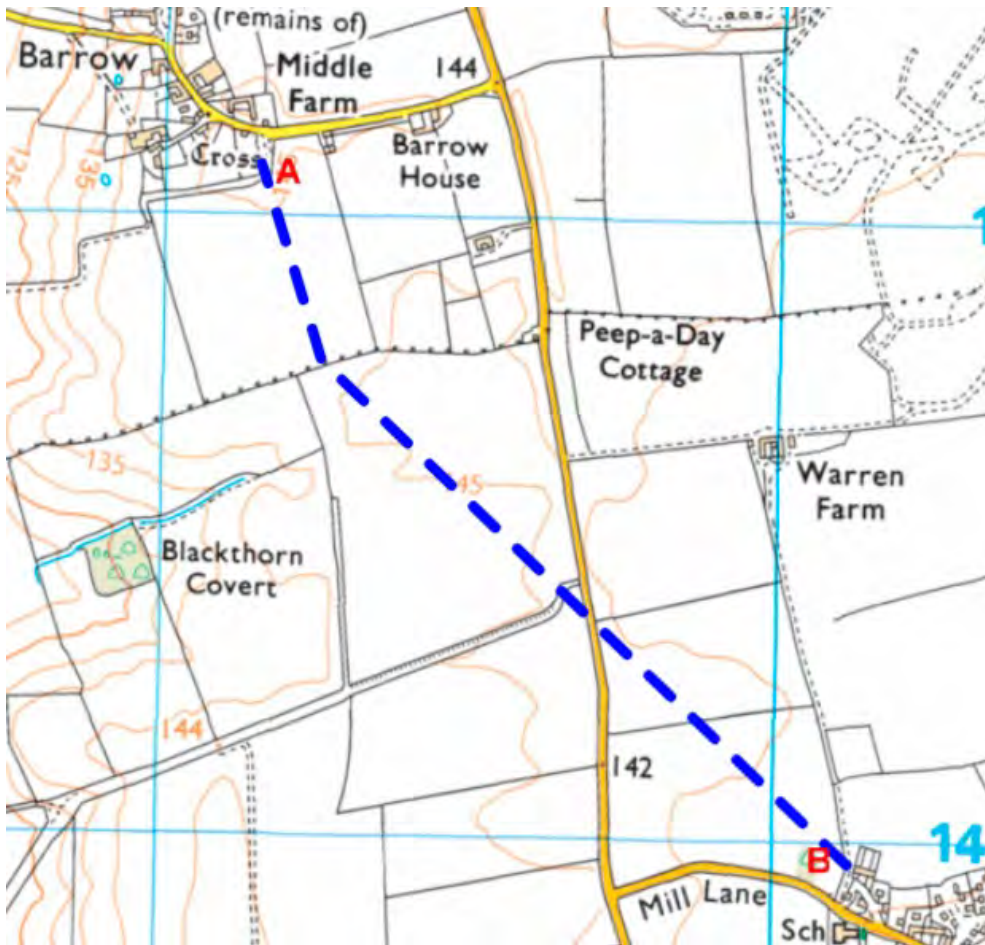
The application route is shown on the plan below:

- Point A is the junction with and an unnamed green lane (White Road), leading from Main Street, Barrow
- Point B is the junction with public carriageway on Sheepdyke, Cottesmore

The application route is not currently shown on the definitive map of rights of way for Rutland:

- Point A to Point B is not shown.

The application route is also not currently shown on the online list of streets.



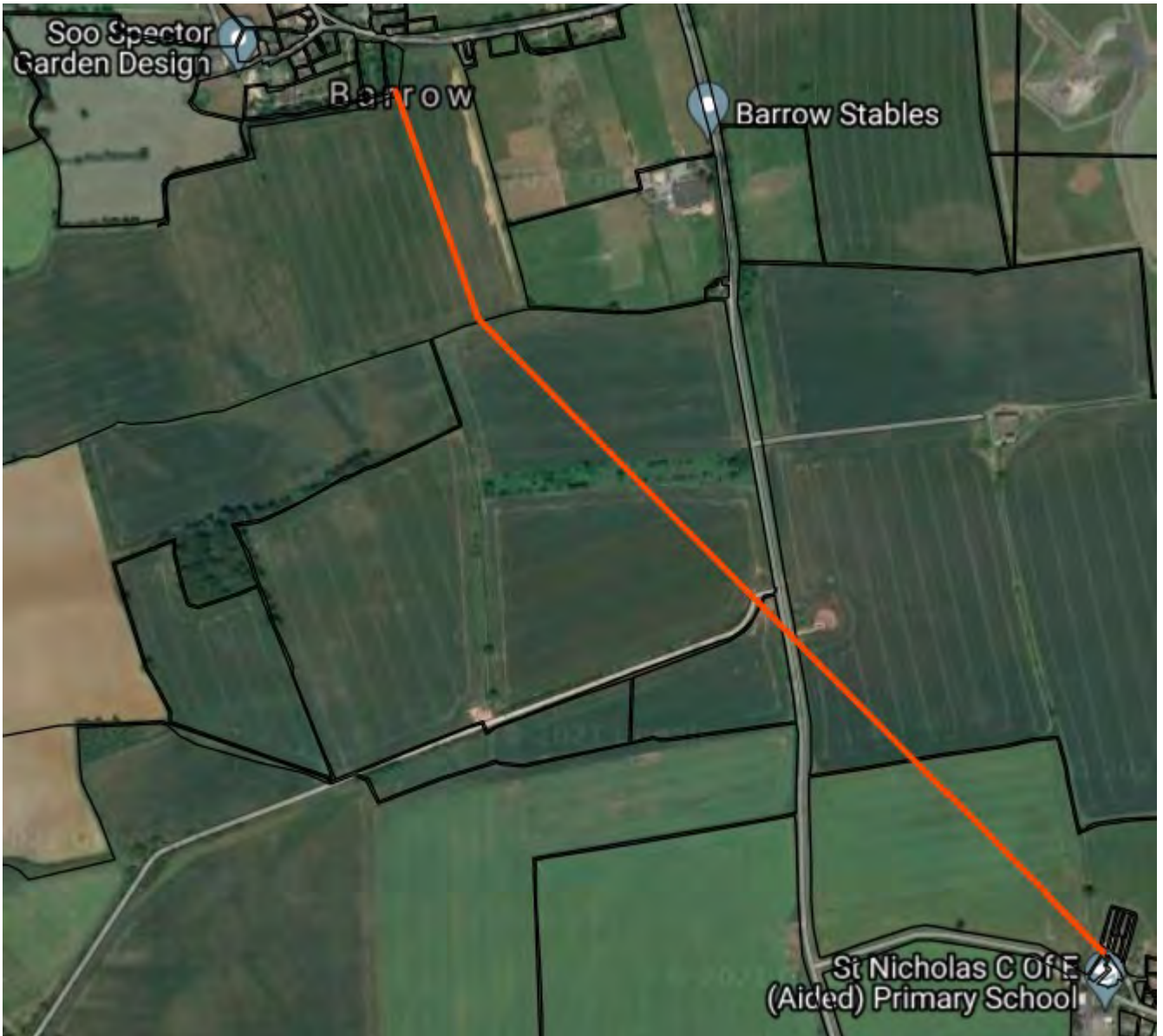
Ordnance Survey 1:25000 scale map extract showing application route as a blue dotted line



Photograph 1 from Point A looking south along the unnamed green lane leading from Main St, Barrow



Photograph 2 from Point B looking west from the end of Sheepdyke, Cottesmore



Route track marked on the current Google satellite map in Red. Also showing the outline of the current INSPIRE land polygons from the Land registry in black

3 Documentary Evidence of Highway Status

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](#).

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."

While no single piece of evidence is conclusive, the applicant believes that taken as a whole the pieces of evidence demonstrate the routes existence and highway/Right of Way reputation over many years, indicating that the route remains as a highway / Right of Way today.

Research has discovered multiple pieces of historical documentary evidence, which we are presenting here in a chronological order of when the first record of each piece evidence was dated. Collectively this shows evidence over a 70-year period prior to the creation of the definitive map to present evidence that the route existed as a public right of way.

The below table summarises the relevant historical documentary evidence being presented in support of the application. Further details of each piece of evidence are detailed in the following sections below the table.

Date	Description of Evidence
1883	Ordnance Survey Boundary Sketch Map
1883	Ordnance Survey Boundary Remark Books.
1884	Ordnance Survey Six-Inch
1885	Ordnance Survey 25 inch
1899	Ordnance Survey One-Inch Map
1909	Cottesmore Parish Council Meeting Minutes
1910	Finance Act records
1915	Dairy Entry for Norah Thompson's diary
1950	Home Guard Map
1950	OS Plan 1: 25000
1949-1952	Draft Definitive Map Parish Survey Returns

3.1 (1883) Ordnance Survey Boundary Sketch Map.

Date. These records are dated 1883

Relevance.

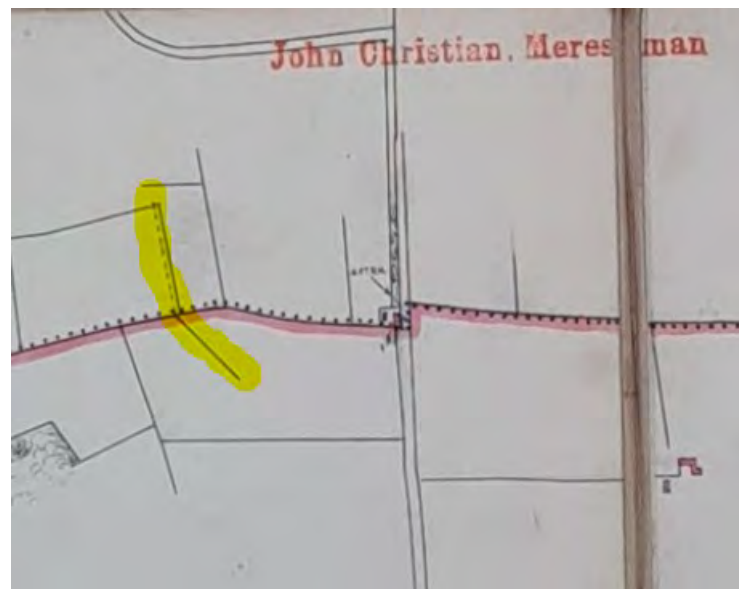
The Ordnance Survey was given the duty of ascertaining and recording all public boundaries by the Ordnance Survey Act 1841. Of particular value for determining highway status are the Boundary Sketch Maps (OS 27) and Boundary Remark Books (OS 26). These were produced under Parliamentary authority (the 1841 Act), with the power to summon the Clerk of the Peace and any books, maps, papers or other documents he held (s.5 of the 1841 Act) and under provisions that an offence be committed for obstructing or hindering the surveyor appointed under the 1841 Act (s.8 of the 1841 Act). The Boundary Sketch Map was advertised for public inspection. The records have been held in official custody, firstly by the Ordnance Survey, and latterly by The National Archives.

The OS Boundary Sketch Maps in The National Archive (TNA) class OS 27 show the whole of a parish and indicate which of the Boundary Remark Books is needed to look at a specific section of the parish boundary.

Archive. The Boundary Sketch Map for the parish of Barrow is held at the TNA under reference OS27/4449.

Meaningful feature. The Boundary Sketch Map for Barrow clearly records the existence of the application route crossing the southern boundary with Cottesmore.

Assessment. It is submitted that the application route existed and must have been sufficiently important enough to be recognised and noted on the OS 27 records.



*Extract from the OS Boundary Sketch Map for Barrow, Cottesmore and Market Overton Parishes.
(Application route highlighted)*

3.2 (1883) Ordnance Survey Boundary Remark Books.

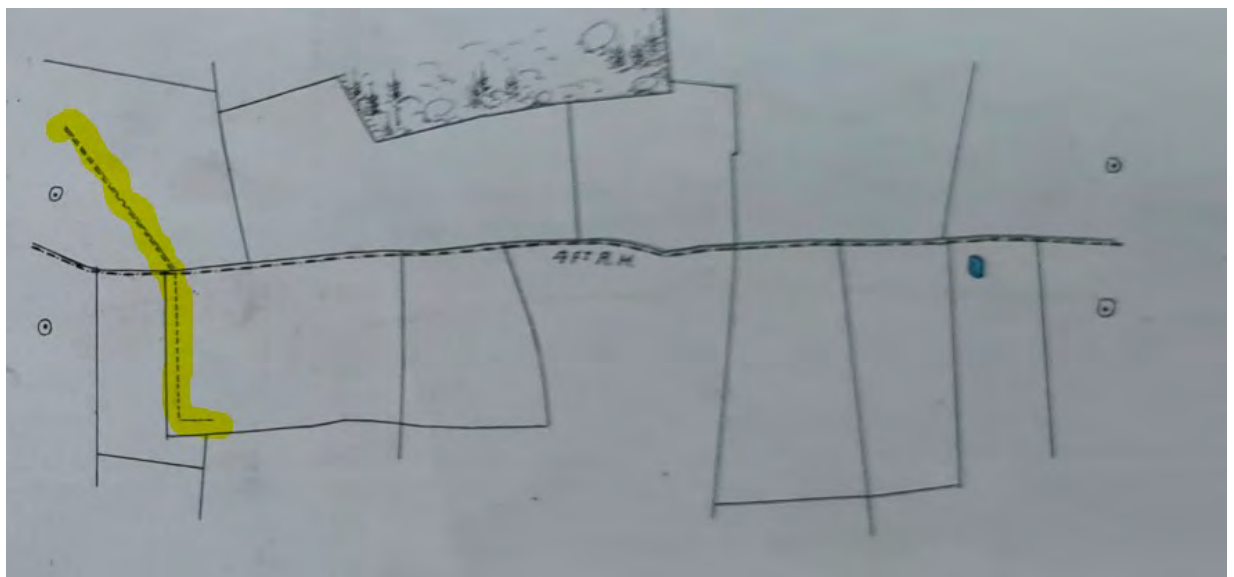
Date. The Boundary Remark Book is dated 1883

Relevance. As the application route is shown on the Boundary Sketch Map, more detailed information can be found in the OS Boundary Remark Books. The boundary survey was approved by representatives, known as meresmen, from each parish. These records are the results of the Ordnance Survey's checking of the boundaries with the meresmen from the parish on each side.

Archive. The Boundary Remark Book for Barrow is held at TNA under reference OS26/8783.

Meaningful feature. The boundary survey, which was approved by representatives from each parish clearly shows the application route crossing the parish boundary on page 7. It is also denoted in the same manner as the now existing footpaths with public right of way status which also crosses elsewhere on the parish boundary.

Assessment. It is submitted that application route must have been a recognised route in order for it to be noted but also significant in that its existence was approved by meresmen in both Barrow and Cottesmore Parishes on the OS 26 records.



Extract (p7) from the OS Boundary Remark Book for Barrow Parish. (Application route highlighted). N.B. the Map is oriented with south at the top

3.3 (1884) Ordnance Survey Six-Inch (County Series)

Date: 1884 OS Sheet Rutland V.NE

Relevance: These maps were made for sale to the travelling public. They showed physical features that appeared on the ground, so if the route became overgrown and unused it would no longer show on the map. The map has a key in which different types of routes are differentiated.

Archive: Multiple publications of these maps exist ranging from 1884 to 1931. They are held by the British Library and can also be viewed on-line at the National Library of Scotland. <https://maps.nls.uk/os/6inch-england-and-wales/>

Published Date	Link to map via the National Library of Scotland
1884	https://maps.nls.uk/view/101599640
1904	https://maps.nls.uk/view/101599637
1931	https://maps.nls.uk/view/101599634
1933	https://maps.nls.uk/view/102191616

Meaningful feature: The application route is clearly shown on the OS map as a footpath. The route is denoted in the same format used for other known footpaths which exist with public right of way status today.

Assessment: Considering the context of published ordnance survey maps as documentary evidence given in Appendix A, the presence of the route on the map as a footpath is evidence of the existence of the application route as a recognised footpath. The route of the footpath follows a logical desire line for anyone wanting to make a direct passage between Barrow and Cottesmore indicating it as a route existing from long ago.



Extract from the Ordnance Survey Six-Inch (Country Series) 1884 Sheet Rutland V.NE. Clearly showing the footpath on the map



3.4 (1885) Ordnance Survey First Edition 25 inch (County Series)

Date: 1885 OS sheet Rutland V3. & V7

Relevance: The early first edition county series (25 inch) OS maps are some of the most detailed maps available and recognised for their accuracy and completeness. The 1904 published versions were chosen to show land hereditaments documented in the 1910 Finance Act maps.

Archive: Copies of the first edition Ordnance Survey 25” maps are held by the British Library. As well as originals, they have created microfiche copies, which can be inspected by the public. Copies can also be viewed on-line at the National Library of Scotland at <http://maps.nls.uk/os/25inch-eng-land-and-wales/index.html> or <http://www.old-maps.co.uk>

Published Date	Map Sheet refrence	Link to map via the National Library of Scotland
1885	Rutland V3	https://maps.nls.uk/view/115398902
	Rutland V7	https://maps.nls.uk/view/115399034
1904	Rutland V3	https://maps.nls.uk/view/115398917
	Rutland V7	https://maps.nls.uk/view/115399061
1930	Rutland V3	https://maps.nls.uk/view/115398932
	Rutland V7	https://maps.nls.uk/view/115399076

Meaningful feature: The application route is clearly shown on the OS map as a footpath. The route is denoted in the same format used for other known footpaths which exist with public right of way status today.

Assessment: Considering the context of published ordnance survey maps as documentary evidence given in Appendix A: the presence of the route on the map as a footpath is evidence of the existence of the application route as recognised footpath. The route of the footpath follows a logical desire line for anyone wanting to make a direct passage between Barrow and Cottesmore indicating it as a route existing from long ago.



Extract from the Ordnance Survey first edition 25" map of the area sheets Rutland V3 & V7, showing the route as a footpath.

3.5 (1899) Ordnance Survey One inch (Revised New Series and New Popular Edition)

Date: 1899 OS Sheet 157 Stamford Hills

Relevance: These Maps were made for sale to the travelling public so would be unlikely to show routes which weren't open to the public.

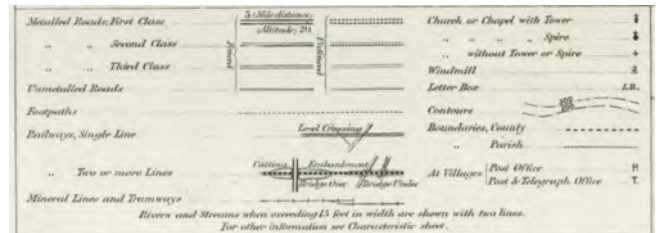
Archive: Copies of the One Inch maps are held by the British Library. As well as originals, they have created microfiche copies, which can be inspected by the public. Copies can also be viewed on-line at the National Library of Scotland.

Published Date	Series	Map Sheet	Link to map via the National Lib-
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			Library of Scotland
1899	Revised New Series	Sheet 157 Stamford Hills	https://maps.nls.uk/view/101167955
1947	New Popular Edition	Sheet 122 Melton Mowbray	https://maps.nls.uk/view/74466921

Meaningful feature: The application route is clearly shown on the OS map as a footpath. The route is denoted in the same format used for other known footpaths which exist with public right of way status today.

Assessment: Considering the context of published ordnance survey maps as documentary evidence given in Appendix A the presence of the route on the map as a footpath is evidence of the existence of the application route as recognised footpath. The route of the footpath follows a logical desire line for anyone wanting to make a direct passage between Barrow and Cottesmore indicating it as a route existing from long ago.



N.B. The representation on this map of a Road, Track, or Footpath, is no evidence of the existence of a right of way.

Extract from the Ordnance Survey One Inch (Revised Edition New Series) map of the area, key and footnote from sheet 157 Sheet Stamford (Hills)

3.6 (1909) Cottesmore Parish Council Meeting Minutes

Date: 1909 to 1951

Relevance: Parish Councils play a key role in working with local authorities to ensure rights of way remain suitably maintained for public use and they therefore often need to deal with matters affecting their use or public right of way.

Archive: Copies of Cottesmore Parish Council Meeting Minutes 1905-1951 are held at the records office for Leicestershire, Leicester and Rutland under reference (LLRRO) DE2759/1

Meaningful feature: The meeting minutes document multiple discussions on issues relating to the application route over a significant period of time covering obstructions and threat to public access.

Assessment: The documented discussions demonstrate that the application route physically existed and was clearly recognised by Cottesmore Parish councillors as a used and valued public right of way which needed to be actively maintained.

23-Mar-1909 Extracted image from Meeting Minutes

at this Meeting to leave the matter...

The Chairman then called attention to the bad state of the footpath across three fields occupied by Mr. C. Matthews of Barrow, and read extracts from the Act 1894 providing the Towns and Parish Councils possessed respecting the condition of footpaths; and after some discussion the following resolution was unanimously agreed to: - That the Clerk be authorised to write to Mr. Cecil Matthews respecting the footpath across the three fields between Cottesmore and Barrow, and request him to put in order the path in the middle field which has been recently ploughed; and to remind him that said footpath is a permanent grass path and should not be disturbed by the plough.

Summary of transcript

The bad state of fields occupied by Mr Cecil Matthews of Barrow and condition of footpaths discussed.

Agreed Clerk to write to Mr Matthews re condition of the 3 fields between Cottesmore and Barrow and request him to 'put in order' the footpath in the middle field which had been ploughed.

3-Nov-1910

Extracted image from Meeting Minutes

The following resolution was unanimously carried: -
 The Parish Council having on two occasions passed resolutions calling the attention of Mr. G. Cecil Matthews to unsatisfactory state of the footpaths through the three fields, his occupation, leading from Cottesmore to Barrow, and having requested him to desist from ploughing up or treating the footpaths in such a manner as to make them practically impassable for foot passengers during the winter months; and he having paid no attention to the request: therewith resolved

to submit the matter to the Right Honourable the Earl of Gainsborough, the owner of the three fields, for his consideration and respectfully request him to preserve to the public the rights of the footpaths which have been used from time immemorial and have hitherto been unimpaired.

The Clerk was instructed to send a copy of the above resolution to the Earl of Gainsborough.

This concluded the business of the Meeting -

C. J. Sillwood
 Chairman

Nov. 3rd 1910.

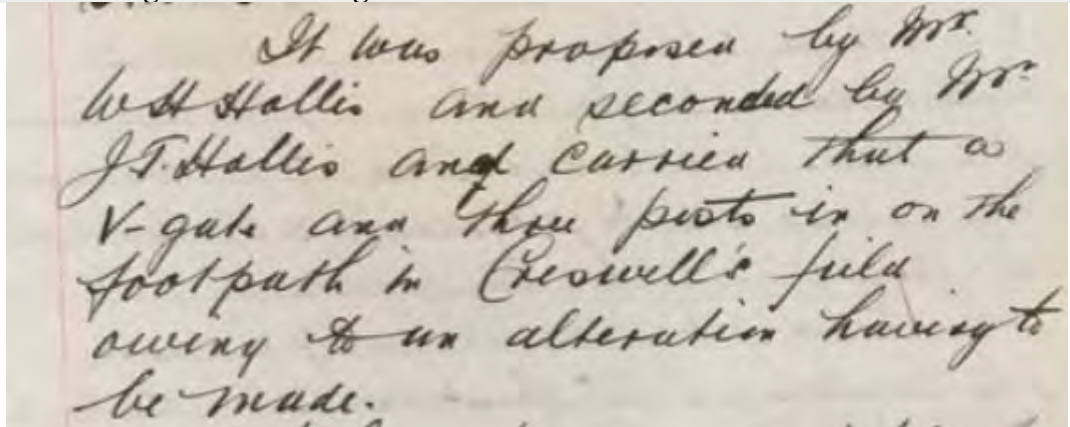
Summary of transcript

re the 3 fields between Cottesmore and Barrow. Mr Cecil Matthews had not restored the footpath which 'was practically impassable for foot passengers during winter months'. Matter was referred to Rt Hon Earl of Gainsborough, owner of the 3 fields, and respectfully requested him to 'preserve the public rights of way' which 'have been used from time im-

memorial and have hitherto been'

1919

Extracted image from Meeting Minutes



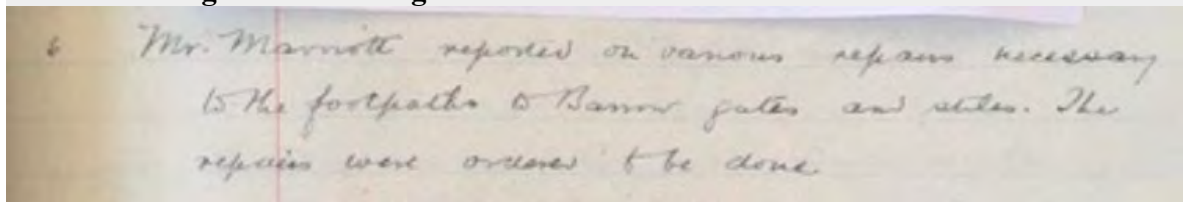
Summary of transcript

PC voted to install a V gate and 3 posts on the footpath in Cresswells field, owing to an alteration having to be made. Cresswells is known to be the field north of Mill Lane

As per section the Home Guard map in section 3.9, Cresswells field runs to the north of Mill Lane as the southerly end of the application route.

10-Mar-1921

Extracted image from Meeting Minutes

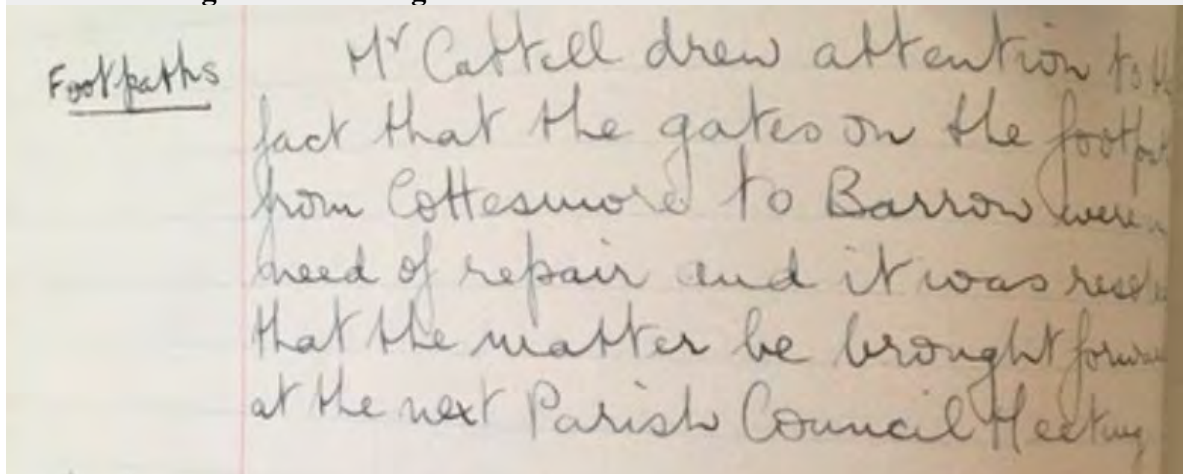


Summary of transcript

Report about various repairs necessary to footpaths to Barrow gates and stiles. Repairs ordered to be done

31-Aug-1930

Extracted image from Meeting Minutes

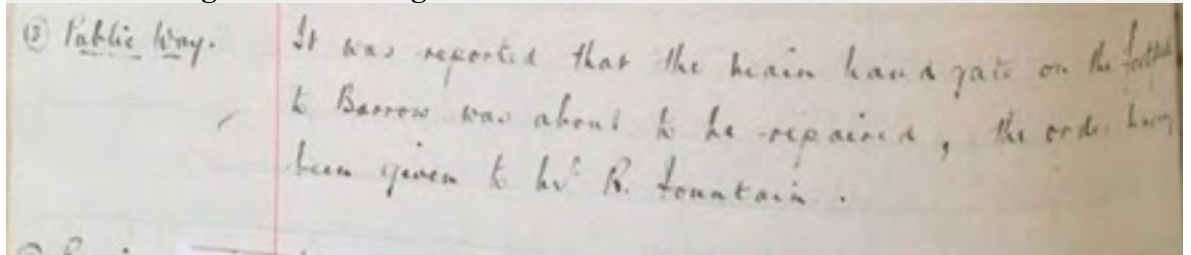


Summary of transcript

Someone reported that the gates on the footpaths from Cottesmore to Barrow needed repairing

9-Jan-1935

Extracted image from Meeting Minutes

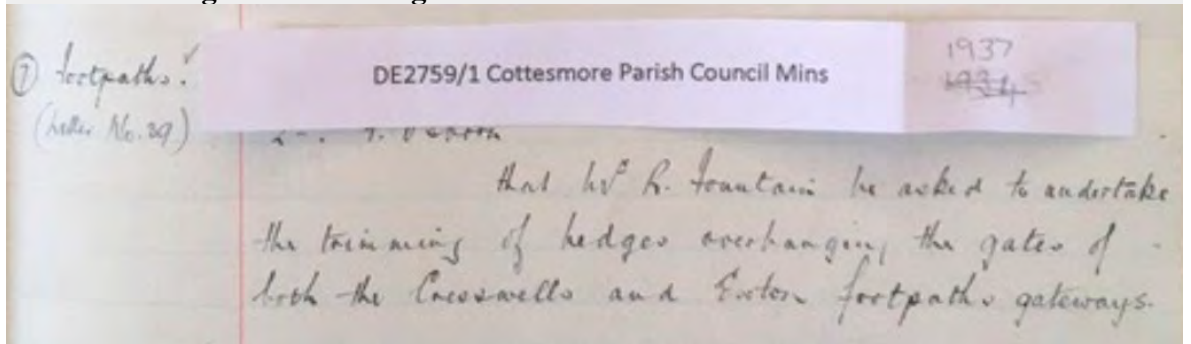


Summary of transcript

The main hand-gate on footpath to Barrow was about to be repaired

1937

Extracted image from Meeting Minutes



Summary of transcript

Council ordered that the hedges overhanging the gates of both the Cresswells and Exton footpaths be trimmed

15-Apr-1940 **Extracted image from Meeting Minutes**

Footpaths. Clerk to write Mr Baker, farmer, Barrow to the effect, that owing certain fields farmed by Mr Baker, through which the Cottesmore Barrow footpath runs, having been ploughed up under the War Emergency scheme, this Council had no intention of relinquishing its rights regarding the said footpath.

7. Footpaths
 Prop. G. W. Chamberlain
 vs W. Stokes that although the Barrowcroft farmed by ~~Mr G. W. Chamberlain~~ Mr G. Hollis, and fields farmed by Mr T. H. Marriott, had been ploughed up under the War Emergency scheme, the Council had no intention of relinquishing their rights regarding the same, namely, that the public are still at liberty to use these footpaths. The clerk was instructed to convey same by letter to the landowner.

Summary of transcript

Clerk to write to Mr Baker farmer of Barrow 'to the effect that owing to certain fields farmed by Mr Baker, through which the Cottesmore to Barrow footpath runs, having been ploughed up under the War Emergency Scheme, this Council had no intention of relinquishing its rights regarding the said footpath'

1945 **Extracted image from Meeting Minutes**

Footpath to Barrow The clerk was instructed to draw the attention of the Frodingham Steel Works Co to the dangerous condition of the footpath leading from Barrow Road to Barrow village and to suggest that a notice board be erected stating 'This footpath is Temporarily Closed'

Summary of transcript

Clerk was instructed to draw the attention of Frodingham Steel & Iron Co to the dangerous condition of the footpath leading from Barrow Rd to Barrow village and to suggest a notice board be erected stating 'This footpath is temporarily closed'

3.7 (1910) Inland Revenue Valuation

Date. The valuation records were produced in the few years following 1910, those in Cottesmore were mostly created in 1914.

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. Each property/parcel of land was given a parish Hereditament number which was annotated onto a copy of the 1904 25-inch Ordnance Survey map. The surveyor made notes about the details of the holding in a Field Book, and then a summary valuation was prepared. Both documents record if deductions for footpaths or bridleways as public rights of way were claimed.

Section 25 of the Act authorised discounts for footpaths and bridleways crossing a property if they were claimed by the landowner. There was no obligation for a landowner 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.”

Archive. The extracts below are from the records that were passed from the IR Valuation Offices to The National Archives at Kew where they are available for public viewing.

National Archive Reference Number	Record Description
IR 130/6/485	Inland Revenue Finance Act 1910 valuation map OS Sheet V3
IR 130/6/489	Inland Revenue Finance Act 1910 valuation map OS Sheet V7
IR 58/76841	Inland Revenue Finance Act 1910 Field book (Hereditaments 1 to 100)
IR 58/76842	Inland Revenue Finance Act 1910 Field book (Hereditaments 101 to 200)

Additionally, the provisional valuation records are held at the Leicestershire, Leicester and Rutland records office (LLRRO)

LLRRO Archive reference number	Record Description
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DE2065/197	Inland Revenue Finance Act 1910 provisional valuation for hereditaments 2 and 23
DE2065/205	Inland Revenue Finance Act 1910 provisional valuation for hereditaments 105

Meaningful feature.

The application route crosses 3 hereditaments shown on sheets V3 and V7 valuation maps

- Barrow hereditament 2: crossing two fields south from a lane shown as a white road (not part of any hereditament and likely authority maintainable) in Barrow to the parish boundary.
- Barrow hereditament 23, crossing three fields southeast towards Market Overton Road
- Cottesmore hereditament 105, crossing 2 fields southeast from Market Overton Road to Sheepdyke

Cross referencing the hereditament numbers with the survey notes in the surveyor’s field books and provisional valuation records shows the landowners of each of the hereditament claimed for a value deduction due on their land because of a footpath running between Cottesmore and Barrow.

Hereditament Number	Deduction claimed for a public right of way in surveyors field books	Deduction recorded for a public right of way in the provisional valuation records
2	£25 for two footpaths. <ul style="list-style-type: none"> • Barrow to Cottesmore • Leigh House to Ashwell 	£25
23	£50 for two footpaths. B <ul style="list-style-type: none"> • Barrow to Cottesmore • Leigh House to Ashwell 	£50
105	£25 for two footpaths <ul style="list-style-type: none"> • Barrow to Cottesmore • Leigh House to Ashwell 	£25

Assessment.

It’s clear that at the time of 1910 Inland Revenue valuations the landowners and valuers of all three hereditaments which the application route crosses acknowledged the physical existence of the application route. The evidence also strongly shows that those landowners themselves recognised the application route as having public right of way status giving them justification to submit a deduction claim due to the route across their land. Further adding to the strength of this evidence is that the Inland Revenue valuers also recognised the same by accepting and documenting the deduction in the field books and provisional valuation records. As the application route is named in the field book there is no ambiguity that the claimed deduction is due in part to the application route.



The above extract is from the Inland Revenue Valuation Map V3 showing the hereditament numbers for the northern end of the application route near Barrow



The above extract is from the Inland Revenue Valuation Map V7 showing the hereditament numbers for the southern end of the application route near Cottesmore

Hereditament number **Extracts from Inland Revenue field books**

2

Reference No. 2 Map No. V.3
 Situation Farm & 1/2 Baines, Farm Barrow
 Description Farm & lands
 Extent 98.492 links
 Gross Value { Land £ 118.33 Rateable Value { Land £ 915.9
 Buildings £ 155.6 Buildings £ 155.6
 Gross Annual Value, Schedule A, £
 Occupier Arthur Dalby
 Owner Earl of Sainsborough, Eaton Park, Cokham
 Interest of Owner
 Superior interests
 Subordinate interests
 Occupier's tenancy, Term Yearly from 6 April 1909
 How determinable Agreement
 Actual (or Estimated) Rent, £ 76.4.0
 Any other Consideration paid
 Outgoings—Land Tax, £ 55.0 paid by L
 Tithes, £ paid by
 Other Outgoings
 Who pays (a) Rates and Taxes (b) Insurance
 Who is liable for repairs
 Fixed Charges, Easements, Common Rights and Restrictions
(1) (2) Footpaths, Barrow to Cottesmore High Lane to [unclear]
 Former Sales. Dates
 Interest
 Consideration
 Subsequent Expenditure
 Owner's Estimate. Gross Value
 Full Site Value
 Total Value
 Assessable Site Value
 Site Value Deductions claimed
 Roads and Sewers. Dates of Expenditure
 Amounts
 (1) Yes about 29 ac under lease if there are any minerals in the soil of the farm, they belong to the owner.
 (1) (b) Leased.
 (1) (c) Farming Lease

Particulars, description, and notes made on inspection
 Reference No. 3044
 The including 3044
 fields 407130 are unfertilized
 41,101 & 25 Cottesmore, are good light loam
 The remainder of the farm is stone grass
 The house is old the buildings & fruit & vegetable
 107a On 3p
 Charges, Easements, and Restrictions affecting market value of Fee Simple
Repn 15% AV x 25yp = £ 377
Land £ 5.12 x 25yp = £ 240
557
 Valuation.—Market Value of Fee Simple in possession of whole property in its present condition
£107 x 25yp = £ 2750
Less Repn. & Land 557
2223
That is for an 15yp = £ 40
40
2223
2260
 Deduct Market Value of Site under similar circumstances, but if divested of structures, timber, fruit trees, and other things growing on the land
 Difference Balance, being portion of market value attributable to structures, timber, &c. 685
 Divided as follows:—
 Buildings and Structures.....£ 570
 Machinery.....£
 Timber.....£ 10
 Fruit Trees.....£
 Other things growing on land.....£ 135
 Market Value of Fee Simple of Whole in its present condition (as before).....£ 2260
 Add for Additional Value represented by any of the following for which any deduction may have been made when arriving at Market Value:—
 Charges (excluding Land Tax).....£
 Restrictions.....£ 25 £ 25
 GROSS VALUE...£ 2285

23

Reference No. 23 Map No. V.273
 Situation Barrow
 Description Farm & 1/2 Cottages Barrow
 Extent 199.599 links
 Gross Value { Land £ 150 Rateable Value { Land £ 103.5.0
 Buildings £ 282.151 Buildings £ 231.15.0
 Gross Annual Value, Schedule A, £
 Occupier George Seal Matthews
 Owner Earl of Sainsborough, Eaton Park, Cokham
 Interest of Owner
 Superior interests
 Subordinate interests
 Occupier's tenancy, Term Yearly from 6th April 1907
 How determinable Agreement
 Actual (or Estimated) Rent, £ 144.5.0.247.4
 Any other Consideration paid
 Outgoings—Land Tax, £ 7.2.8 paid by L
 Tithes, £ paid by L
 Other Outgoings
 Who pays (a) Rates and Taxes (b) Insurance
 Who is liable for repairs
 Fixed Charges, Easements, Common Rights and Restrictions
(1) (2) Footpaths, Barrow to Cottesmore High Lane to [unclear]
 Former Sales. Dates
 Interest
 Consideration
 Subsequent Expenditure
 Owner's Estimate. Gross Value
 Full Site Value
 Total Value
 Assessable Site Value
 Site Value Deductions claimed
 Roads and Sewers. Dates of Expenditure
 Amounts
 (1) (a) Yes
 (1) (b) Leased
 (1) (c) Farming Lease

Particulars, description, and notes made on inspection
 Reference No. 476
 The arable is mostly good light red land
 A small grass field at the house
 The house is stone built but very decayed
 approached. House & all good & well kept
 One new cottage of four
 Charges, Easements, and Restrictions affecting market value of Fee Simple
Repn. 10% AV x 25yp = £ 642
Land £ 11.12.3 x 25yp = £ 390
2932
 Valuation.—Market Value of Fee Simple in possession of whole property in its present condition
AV £ 219.11 x 25yp = £ 257 x 25yp = £ 6425
Less Repn. & Land 2932
5493
That is for an 15yp = £ 65
5560
 Deduct Market Value of Site under similar circumstances, but if divested of structures, timber, fruit trees, and other things growing on the land
 Difference Balance, being portion of market value attributable to structures, timber, &c. 1840
 Divided as follows:—
 Buildings and Structures.....£ 1470
 Machinery.....£
 Timber.....£ 26.20
 Fruit Trees.....£
 Other things growing on land.....£ 350
 Market Value of Fee Simple of Whole in its present condition (as before).....£ 5600
 Add for Additional Value represented by any of the following for which any deduction may have been made when arriving at Market Value:—
 Charges (excluding Land Tax).....£
 Restrictions.....£ 50 £ 50
 GROSS VALUE...£ 5650

Hereditament number	Extracts from Inland Revenue field books
105	

3.8 (1915) Personal Dairy of Norah Thompson

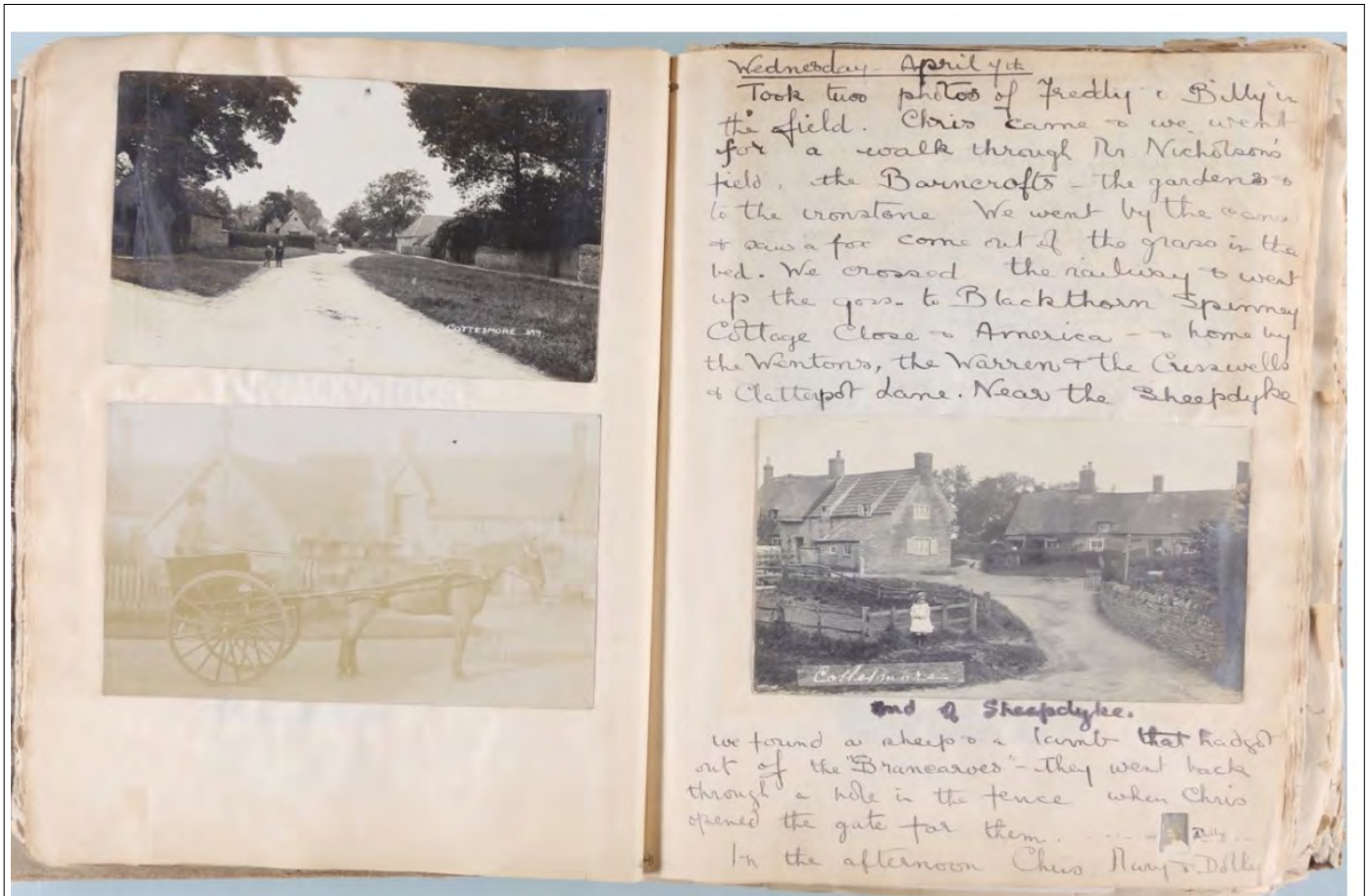
Date: 1915

Relevance: A personal account from the diary of Norah Thompson of a walk which is believed to take in at least the southerly end of the application route.

Archive: Original copies of the diaries are held by Dr Richard Thompson and can be presented on request

Meaningful feature: The diary entry refers to crossing Cresswells fields which from the Home Guard Map in section 3.9 is known to be the field to the north of Mill Lane

Assessment: Although this diary entry doesn't specifically say they walked the application route, it is logical that they did as it would have been the only logical and viable route for them to follow to SheepDyke. The evidence shows the route physically existed and was used by residents of Cottesmore at that time.



Wednesday, April 7th

Took two photos of Freddy & Billy in the field. Chris [Seaton] came & we went for a walk through the Nicholson's field, the Barncrofts – the gardens & to the ironstone. We went by the canal & saw a fox come out of the grass in the bed. We crossed the railway & went up the Goss to Blackthorn Spinney, Cottage Close & America - & home by the Wentons, the Warren & the Cresswells & Clatterpot Lane. Near the Sheepdyke we found a sheep & a lamb that had got out of the 'Barncrofts' - they went back through a hole in the fence when Chris opened the gate for them.

Extract from the diary and a summary of the handwritten entry

3.9 (1945) Home Guard Field Map

Date: 1940-1945 Home Guard Field Map

Relevance: This map was drawn up by Chief guard and intelligence officer R. Sterndale Bennett of the home guard Rutland Battalion in conjunction with estate agents and local farmer. The map shows field names in the area of the route and it's purpose was to assist with the quick locating of potential incident by reference locally know field names and landmarks.

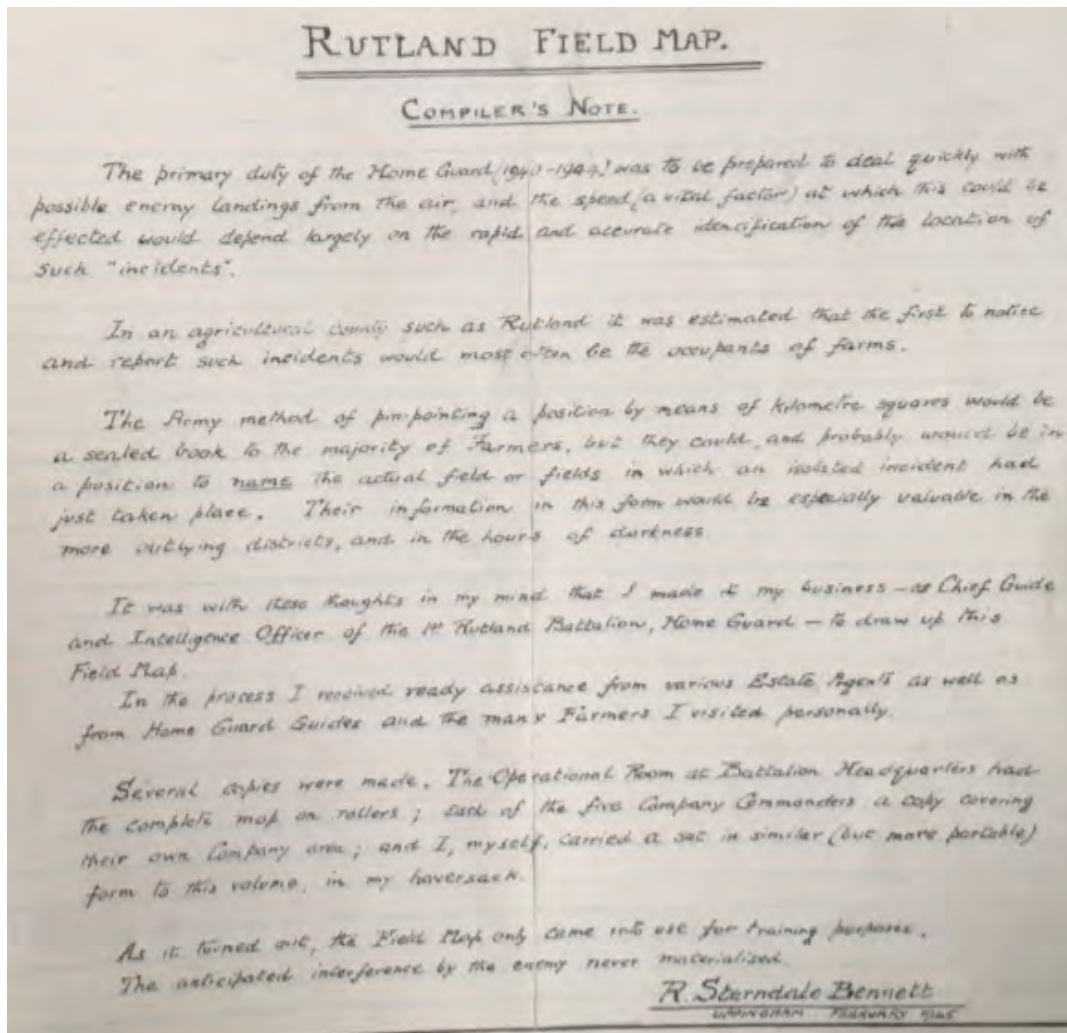
Archive: Copies of the map are held at the Rutland Museum, Oakham, but has no reference number

Meaningful feature: The application route is clearly shown on the map as footpath.

Assessment: The map was compiled by locals and reviewed by the local landowners and used to help locate incidents by local more commonly known topographical features, it is highly unlikely they would have included the footpath unless it was in existence and in use as a footpath.



Extract of the home guard map showing the route clearly as a footpath in relation to the commonly named fields



Extract of the notes made on the map by R. Sterndale Bennett, which details how and why the map was produced by the home guard

3.10 (1950) Ordnance Survey 1:25000 (Provisional)

Date: 1950 OS Sheets 43/81 and 43/91

Relevance: These Maps were made for sale to the travelling public so would be unlikely to show routes which weren't open to the public.

Archive: Copies of the 1:25000 maps are held by the British Library. As well as originals, they have created microfiche copies, which can be inspected by the public. Copies can also be viewed on-line at the National Library of Scotland.

Published Date	Map Sheet	Link to map via the National Library of Scotland
1950	43/81	https://maps.nls.uk/view/91794606
1951	43/91	https://maps.nls.uk/view/91794641

Meaningful feature: The application route is clearly shown on the OS map as an unfenced footpath. The route is denoted in the same format used for other known footpaths which exist with public right of way status today.

Assessment: Considering the context of published ordnance survey maps as documentary evidence given in Appendix B: the presence of the route on the map as a footpath is evidence of the existence of the application route as a recognised footpath. The route of the footpath follows a logical desire line for anyone wanting to make a direct passage between Barrow and Cottesmore.



Conventional Signs

Note:- Road fillings and numbers are shown in orange on the map.

Motorway, Trunk and Main Road (Dual Carriageway)	M 4 or A 6(M)	A 123 or A 123(T)
Trunk & Main Road	A 123 or A 123(T)	
Secondary Road	Fenced B 2314	Unfenced
Road Under Construction		
Other Roads	Good, metalled	Poor, or unmetalled
Footpaths	FP Fenced	FP Unfenced

SHEET 43/91

Price 2/6 net. Paper flat.
 „ 3/6 „ Paper folded.
 „ 4/6 „ Mounted & folded.

The representation on this map of a Road, Track, or Footpath, is no evidence of the existence of a right of way.

Extract from the Ordnance Survey 1:25000 (Provisional Series) map of the area and relevant information from the key and footnote

3.11 (<1952) Draft Definitive Map Parish Survey Returns

Date: Exact date is not known but it is believed to have been created between 1949 and 1952

Relevance: Part IV of the National Parks and Access to the Countryside Act 1949 laid the foundations for the definitive maps and statements of public rights of way in England and Wales. It required parish councils and parish meetings to co-operate with surveying authorities in preparing the draft map in each authority's area. The parishes' role was fundamental and ensured that public rights of way were correctly identified for inclusion on the definitive map.

Part IV of the 1949 Act required a surveying authority (the county council, or, at that time, a county borough council) to prepare a definitive map and statement of public rights of way. The authority

was to ‘carry out a survey of all lands in their area over which a right of way was alleged to subsist’,

Under s.28(1) of the 1949 Act, it was required to consult with its district and parish councils on the arrangements for the provision of information to contribute to the draft definitive map.

Under s.28(3), those arrangements were required to include provision for each parish council to hold parish meetings, and for parish meetings to be held where there was no council for a parish. And under s.28(4), every parish council had a duty ‘to collect and furnish to the surveying authority such information, in such manner and at such time, as may be provided for by [the] arrangements agreed or determined’.

In practice, those arrangements typically called upon the parish council to conduct a parish survey and described in a schedule of paths. The survey might have been done by parish council members, local volunteers, or representatives of user groups.

The survey was then considered by the parish council and by the parish meeting, so that the parish council would put forward a revised version of the survey for adoption by the surveying authority.

Archive: Copies of the Parish Survey Returns are held at the records office for Leicestershire, Leicester, and Rutland under reference DE8719.

Meaningful feature: The survey conducted by the Ramblers Association (RA) clearly identified the existence of the application route as a right of way. It also captures the right of way determination by the parish councillors for Cottesmore and Barrow.

Assessment: The evidence confirms the physical existence of the route on the ground observing kissing gates, stiles, wicket fences along the route. It’s highly unlikely that landowners would have gone to the expense of installing these for a route for a personal or private use only. Additionally whilst the route is recognised as not being in current use, overgrown and ploughed up the separate assessment by Cottesmore Parish Council and the Barrow Parish Meeting is clear that under their authority and local knowledge they recognise the route as being a public right of way of importance which they clearly wanted to be retained and have added to the definitive map. It’s not clear why the authority therefore didn’t include the application route in the final definitive map, but regardless no evidence has been found to suggest the route was formerly subjected to a stopping up or diversion order.

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF Cottesmore.

Survey carried out by H.A. O.S.Ref.No's. V.N.E.

Type of Right of Way Footpath. No. 4.

DESCRIPTION.

Commences on the North side of Mill Lane near the Council Houses there and runs North West to Barrow. Enter pasture by Field Gate and Kissing Gate near Council Houses, cross pasture North West to stile (Barbed wire) Cross 2nd pasture to Kissing Gate (overgrown) to the Market Overton Road. Cross this road to Wicket Gate and cross three arable fields by a gap, overgrown hedge and a gap (Footpath ploughed up). Then North along East boundaries of two arable fields through Field Gates to Barrow village. Not used nowadays. Parish Council wish to retain as public right of way.

Extract from Draft Definitive Map Parish Survey Returns for Cottesmore Parish

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF Barrow.

Survey carried out by H.A. O.S.Ref.No's. V.N.E.

Type of Right of Way Footpath. No. 5.

DESCRIPTION.

Commences at South of village and runs South to Cottesmore to connect to Footpath Nos. 3 and 4 for Cottesmore Parish.

From field gate due South along East hedge line of arable field to Field Gate and along East hedgeline of 2nd arable field to Gap and Parish Boundary. Connect to footpath Nos. 3 & 4. Cottesmore Parish.

Used very little. Ironstone workings moving Eastwards will eventually affect this path. Parish Meeting suggest retention as it is the only Footpath to the South and Cottesmore.

Extract from Draft Definitive Map Parish Survey Returns for Barrow Parish

3.12 Stopping up orders and quarter session records

Stopping up orders and Quarter Session records have been examined, but no documented evidence has been found to reference any stopping up or diversion of the application route.

4 **CONCLUSIONS**

Each piece of evidence presented is either evidence of reputation of highway rights, or consistent with there being highway rights, or indicates that a civil servant thought that there were highway rights.

While each document could possibly be explained away by another reason, there is no other reason that explains what all of the documents show. It is therefore more likely than not that the explanation for the evidence as a whole is that public highway rights existed at the times that the various documents were compiled.

In examining the evidence as a whole, it will usually be found that the simplest explanation is the best. Suppose that there are three documents capable of being read as providing some evidence of highway status. Each of these documents might be able to be explained away by other reasons. The old maps might have shown a private footpath and the Inland Revenue evidence may relate to land held by a rating authority in its local education authority role. However, it is unlikely that all of these alternative explanations to highway status will be true for the same path. In such circumstances, the explanation of what the evidence shows is much more likely to be highway status than that the route used to belong to a wealthy owner, In the absence of positive evidence that these diverse explanations are actually true (as opposed to mere possibilities), the single explanation of the facts that a highway existed is compelling.

As a result of the common law maxim 'Once a highway always a highway', in the absence of a stopping up order, it follows that highway rights existed immediately before the operation of the Natural Environment and Rural Communities Act 2006.

The antiquity of the route shows that the highway existed prior to 1883. It will therefore be a highway maintainable at the public expense, and so should be added to the List of Streets maintained by the Council under s.36(6) Highways Act 1980.

The applicant requests the surveying authority to add the route to the definitive map as a public footpath.

Name: Jon Mitchell

Position: Group Leader

Organisation: WARCs

Appendix A: Additional Context of Ordnance Survey Maps

The following additional details need to be considered in the assessment of the relevance of published Ordnance Survey maps as documentary evidence.

As with all evidence, it is vital that it is interpreted in line with contemporary expectations and wisdom, not with modern understanding, which can mislead. Ordnance Survey maps are sometimes belittled as having been produced ‘for the military’ but this is not so, they had widespread public sales and use and comments from the Director General of the OS make this clear.

Brigadier HSL Winterbotham, Director General of Ordnance Survey, said of the ‘old series’ one-inch maps, “Administrative boundaries did not appear until long afterwards, and, what must have been a serious drawback, footpaths and inns are not shown.” And, “We are almost, without exception, interested in rights of way, either as landowners or as seekers after fresh air and exercise. But these are best seen on the six-inch plans...” A Key to Maps, 1936.

“Contoured six-inch maps are almost indispensable for engineering projects, such as rail and road alignments, water and power supplies, and drainage, and for town and country planning. Town Planning schemes have had, in fact, by law to be exhibited on six-inch maps. Likewise, are they the statutory deposited maps illustrating acts and orders dealing with boundary alterations. Indeed, the six inch map has been acclaimed and adopted for a wide variety of uses.” A Description of Ordnance Survey Medium Scale Maps, Director General of Ordnance Survey, 1949

Many Ordnance Survey maps carry a statement that depiction of a path, track or road on the map is not indication of a public right of way. However, contemporary wisdom was that this was simply to avoid the potential of litigation, as declared in *The Countryside Companion* (1948 page 320), “In practice the qualifying statement of the Ordnance Survey may be regarded as a safeguarding clause to absolve them from being involved in any footpath litigation. A path which is shown, may, however, generally be presumed public.”

Ordnance Survey surveyors were instructed not to investigate public status, but the Instructions to Ordnance Survey Field Examiners 1905 is clear in its direction that, “Mere convenience footpaths for the use of a household, cottage or farm; or for the temporary use of workmen, should not be shown; but paths leading to any well-defined object of use or interest, as to a public well, should be shown. N.B. —A clearly marked track on the ground is not in itself sufficient to justify showing a path unless it is in obvious use by the public.”

“The object of the insertion of F.P. being that the public may not mistake them for roads traversable by horses or wheeled traffic.” (Ordnance Survey Southampton Circular 1883 signed by Major-General A C Cook). This infers those roads shown were public, since the letters FP were to distinguish those roads which were not suitable for horses and wheeled traffic

“Bridle roads will be shown in the same way as footpaths now are and the initial B.R. written along them.” Ordnance Survey Southampton Circular 1884 signed by Major G Hub Bowland.

“Bridle roads are shown to scale and the words (or contraction B.R.) are written to them. They are sometimes the width of cart tracks, sometimes only of footpaths.” Instructions to OS Field Examiners 1905.

Bridle roads were assumed to be public ways. The definition from this period of the words road and bridleway were:

1800 Johnson's Dictionary – Horse Way: is a broad open way.

1903 Webster's International Dictionary – Road: a place where one may ride, an open place or public passage for vehicles, persons and animals, a track for travel, forming a means of communication between one city or place and another and Bridleroad: same as Bridle path: a path or way for saddle horses and packhorses, as distinguished from a road for vehicles.

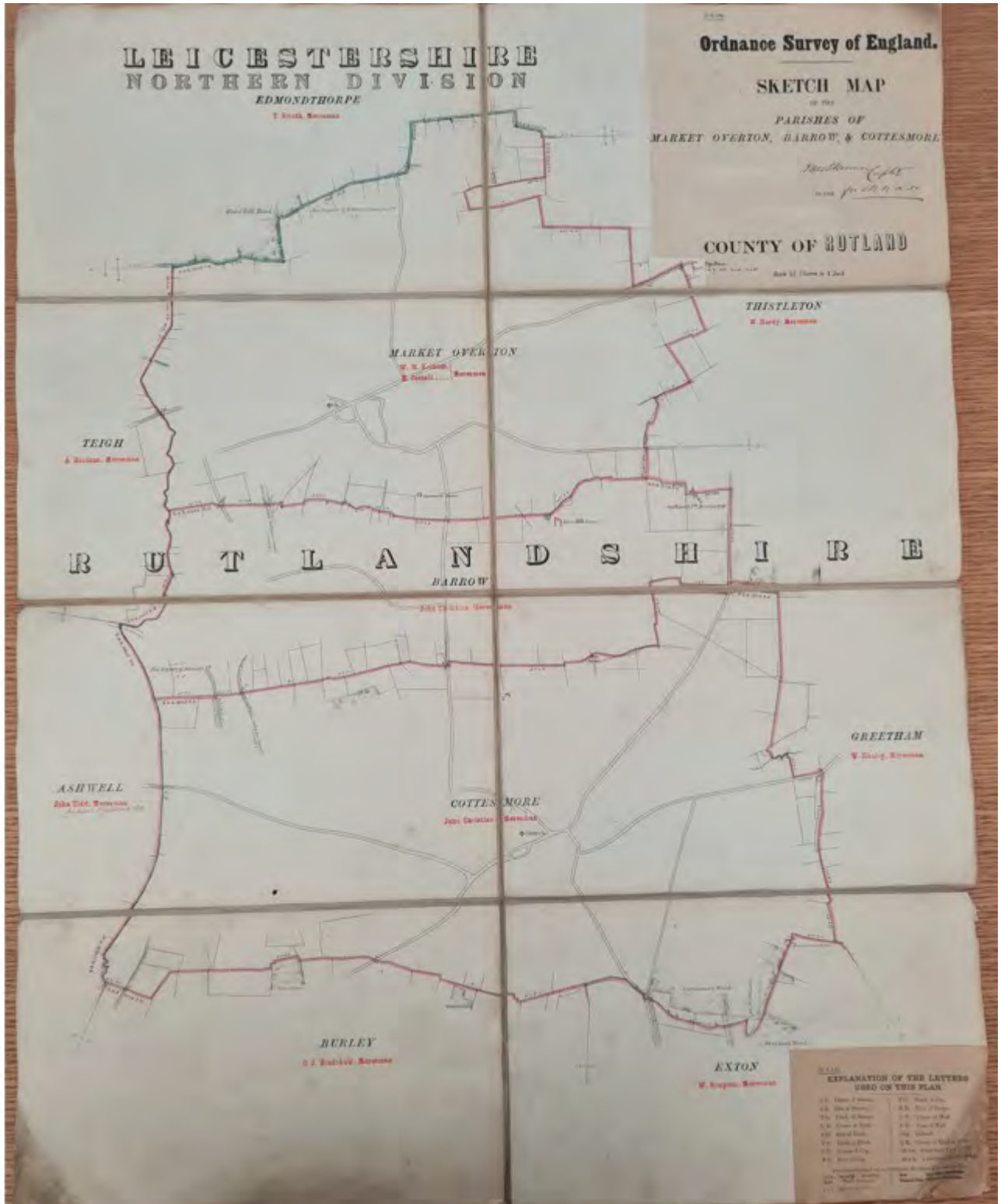
1905 Nuttall's Bijou Dictionary – Road: a public way and Bridleway: is a path for horsemen.

These definitions consistently show that prior to the motor age, when horses were used for transport, all roads

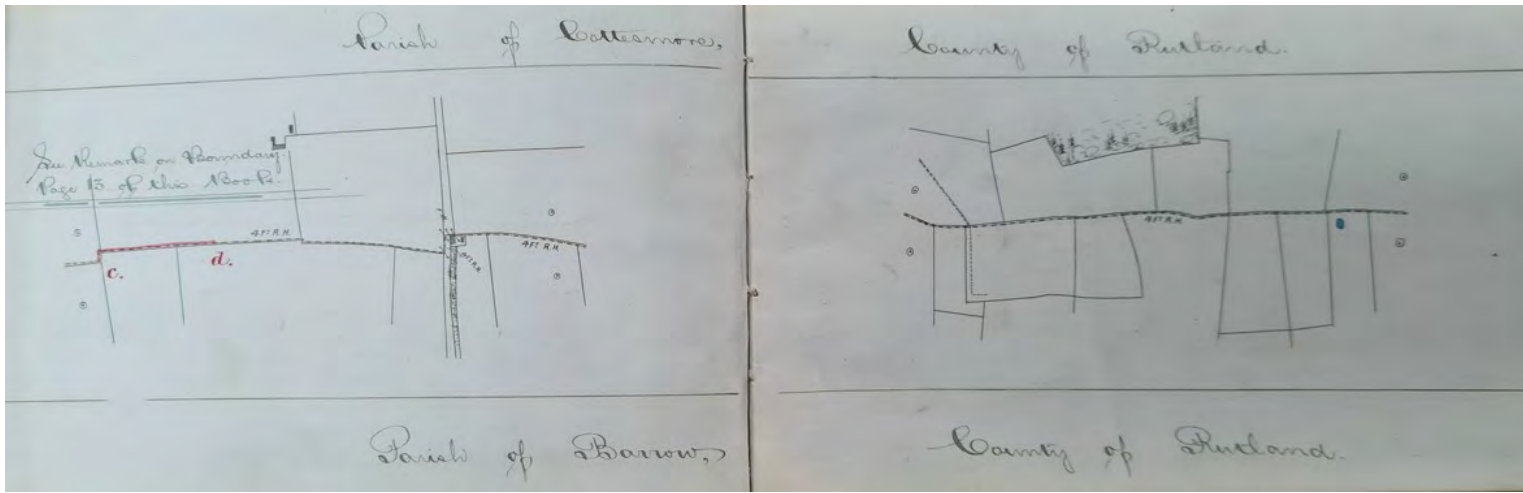
References: Copies of historical documentary records referenced in this application

This section provides copies of any historical documentary evidence referenced in this application where the whole record has not been included above or where the URL link to online copies has not been provided.

Reference 1: Boundary Sketch Map (TNA Document Reference Number: OS27/4449)

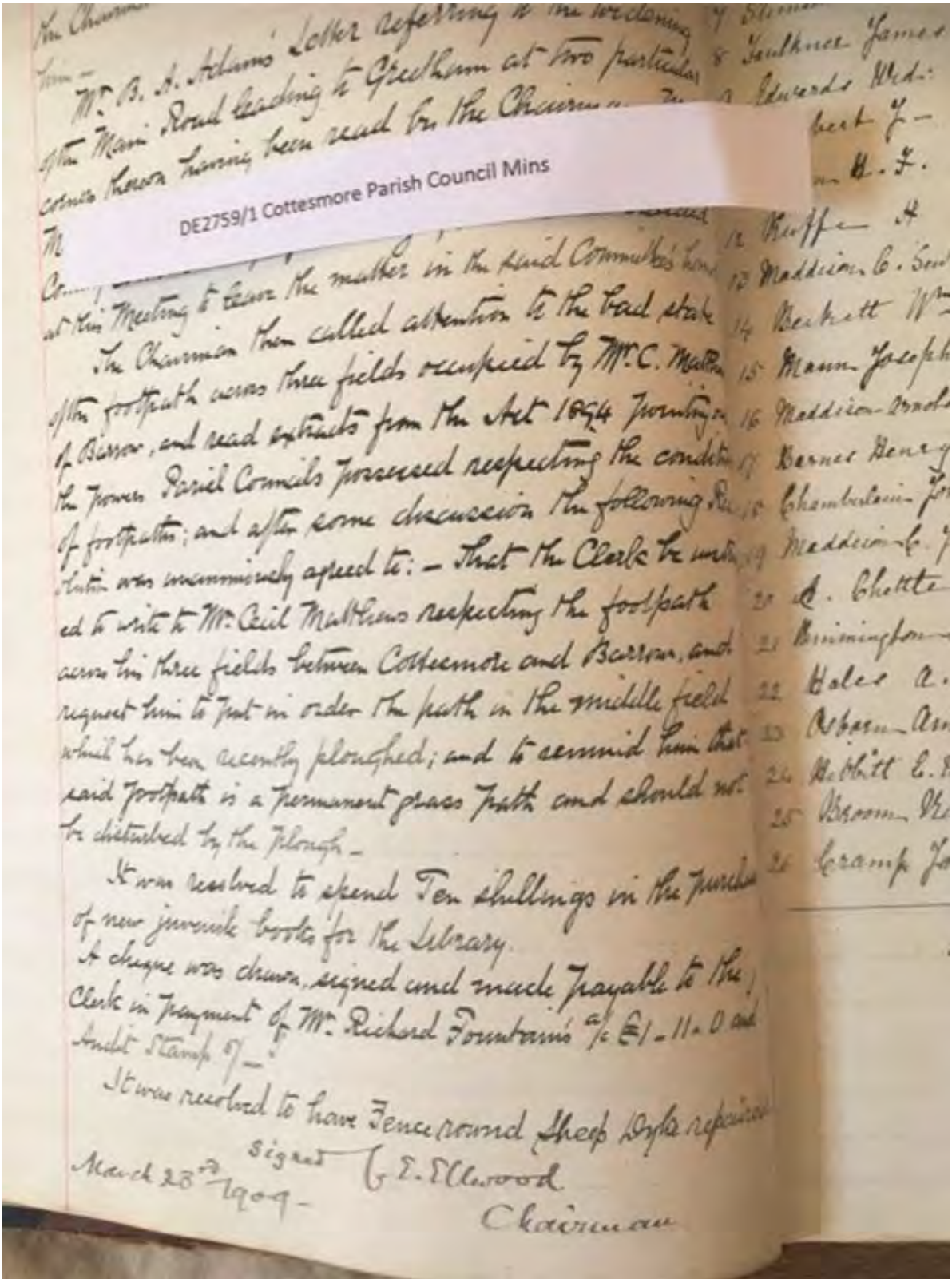


Reference 2: Boundary Remarks Book (TNA Document Reference Number: OS26/8783 pages 6 and 7)



Reference 3: Cottesmore Parish Council Meeting Minutes (LLR0 Reference DE2759/1)

I. 23-Mar-1909



II. 3-Nov-1910

to send a separate message of Condolence to King George and the Queen Mother, but rather consider the expression of their sorrow as included in the vote of Condolence sent to their Majesties by the County of Rutland through the County Council. The above remarks being unanimously accepted were adopted in silence -

The business of the Meeting was then proceeded with

DE2759/1 Cottesmore Parish Council Mins

It was unanimously agreed that a Graveyard for Parish Councils should be provided by the Council -

The following resolution was unanimously carried: -

The Parish Council having on two occasions passed resolutions calling the attention of Mr. G. Cecil Matthews to the unsatisfactory state of the footpaths through the three fields, his occupation, leading from Cottesmore to Barrow, and having requested him to desist from ploughing up or treating the paths in such a manner as to make them practically impassable for foot passengers during the winter months; and the Council having paid no attention to the request: Therefore resolved

to submit the matter to the Right Honourable the Earl of
Gainsborough, the owner of the three fields, for his consideration
and respectfully request him to preserve to the public the right
of the footpaths which have been used from time immemorial
and have hitherto been unobstructed.

The Clerk was instructed to send a copy of the above resolution
to the Earl of Gainsborough.

This concluded the business of the Meeting -

C. E. Ellwood
Chairman

Nov: 3rd 1910.

DE2759/1 Cottesmore Parish Council Mins

room on ...
Rev. C. E. Ellwood, Chair
Beth...

III. 1919

men. The clerk
 instructed to put out notices
 to this effect.

A letter was read from
 H. Rusland was Agricultural

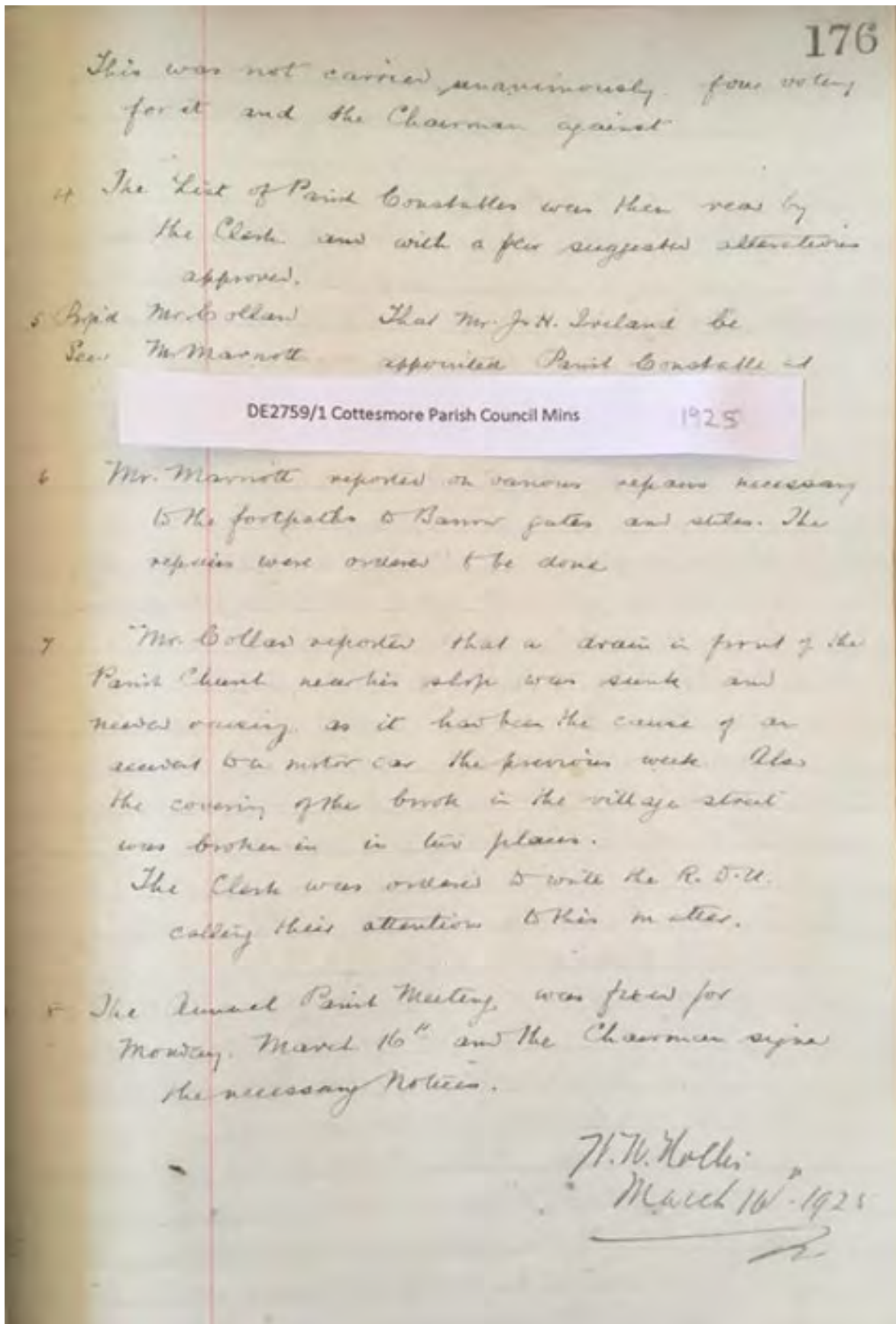
DE2759/1 Cottesmore Parish Council Mins

desirous of
 shoots.

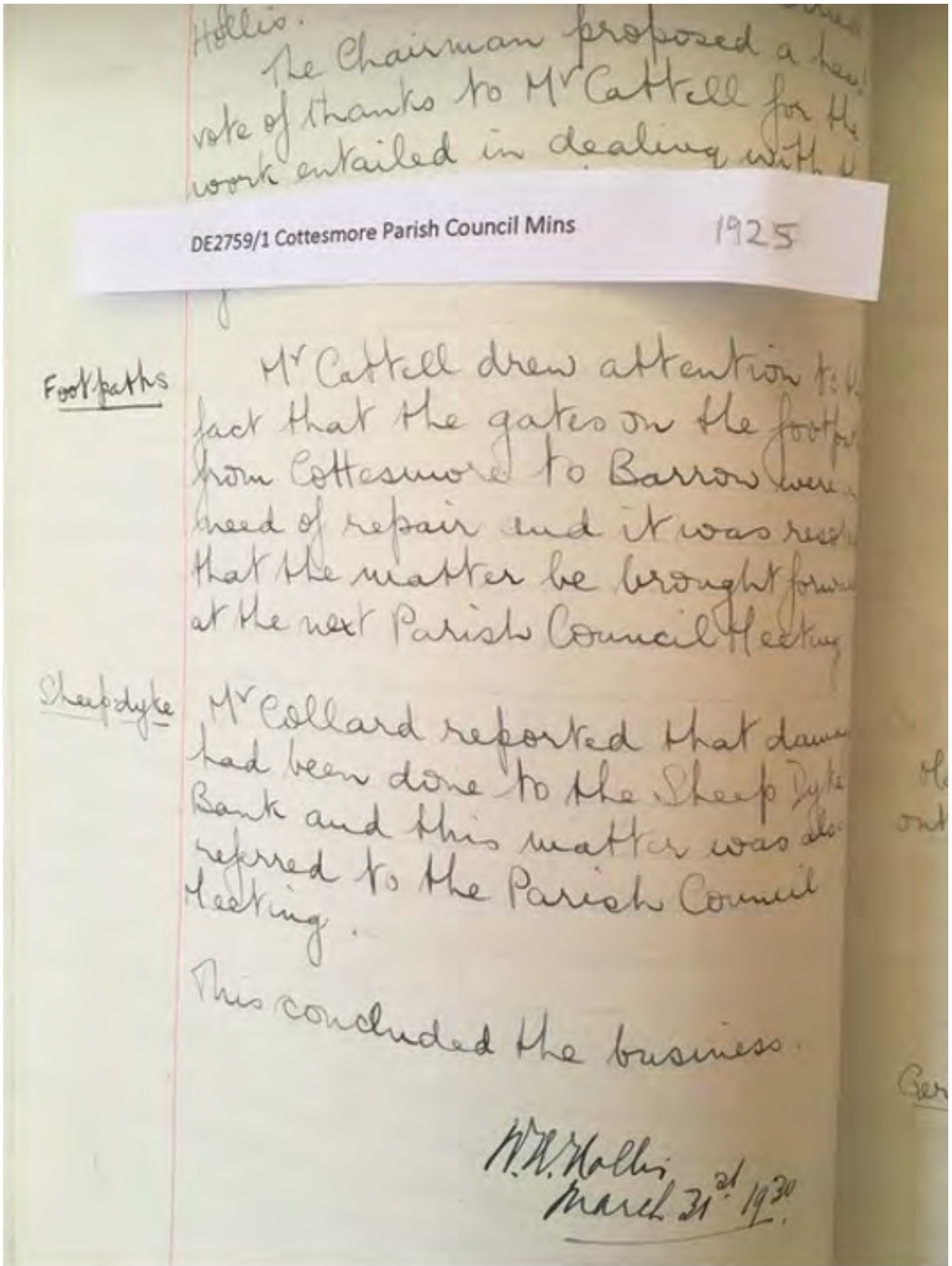
It was proposed by Mr.
 W. H. Hallis and seconded by Mr.
 J. T. Hallis and carried that a
 V-gate and three posts in on the
 footpath in Creswell's field
 owing to an alteration having to
 be made.

A list of men, suitable for
 Parish Constables, was laid on
 the table. It was proposed
 by Mr. J. T. Hallis and seconded
 by Mr. J. B. Marriott and
 carried that John Henry
 Ireland be appointed as
 parish constable for the year
 ending 1919 at a salary of
 £1-11-0 for the year.

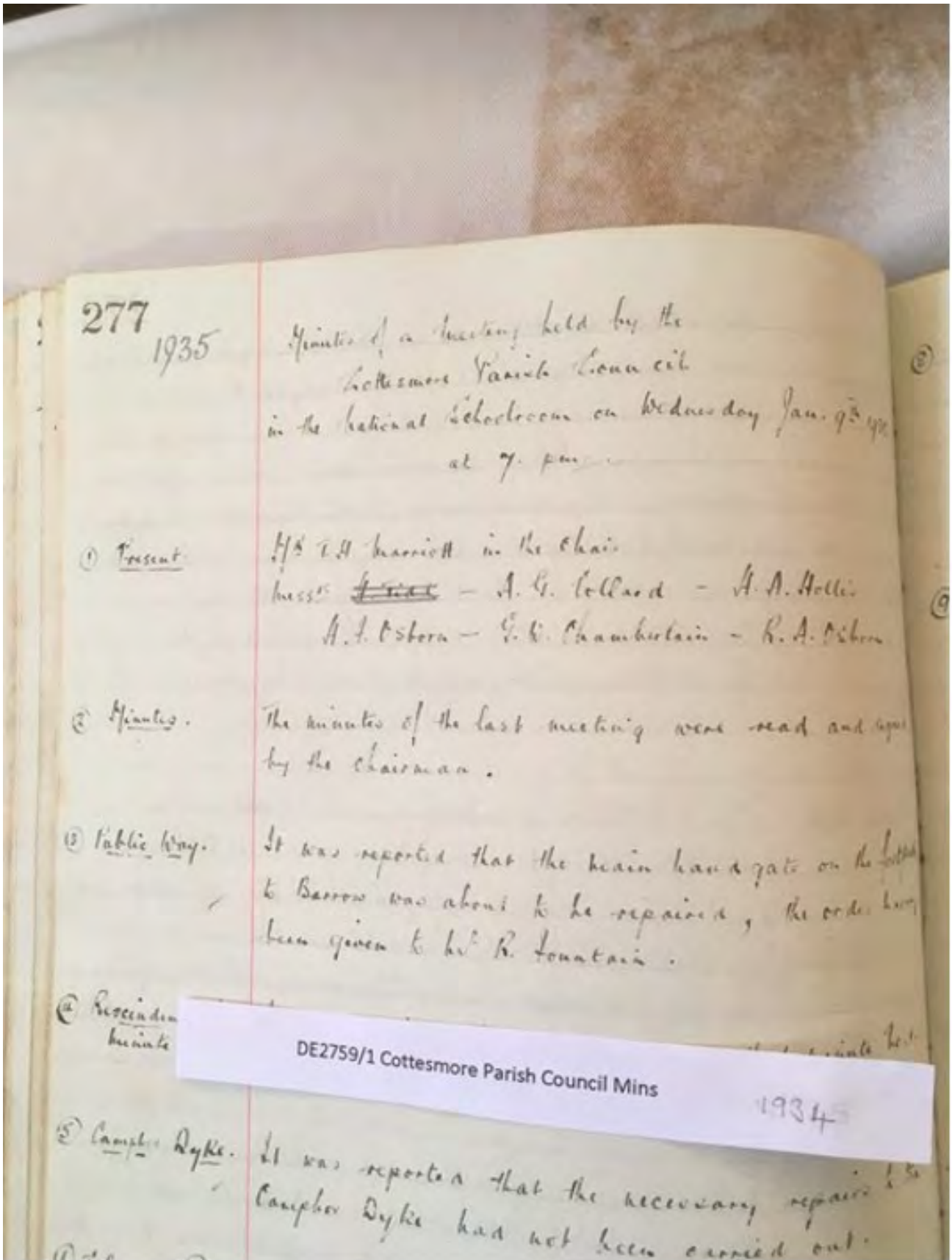
IV. 10-Mar-1925



V. 31-Aug-1930



VI. 9-Jan-1935



VII. 1937

to an outsider. This Council also feels that to treat Council Houses, when the letting of them is concerned, as though they were a semi-aristocratic colony, is a very serious breach of the purpose for which Council Houses were originally intended.

① Shepdyke

As a result of complaints received from cottagers in the vicinity of the Shepdyke, it was Prop. J. Chamberlain
2nd W. Stokes

that as many of the Council as were able should meet at the Shepdyke on Sunday Nov. 28th at 12.30 p.m. to look round and discuss what improvements were necessary to render the property safe and sanitary.

② Footpaths.
(Order No. 29)

DE2759/1 Cottesmore Parish Council Mins

1937

1937

that Mr R. Fountain be asked to undertake the trimming of hedges overhanging the gates of both the Crosswells and Eaton footpaths gateways.

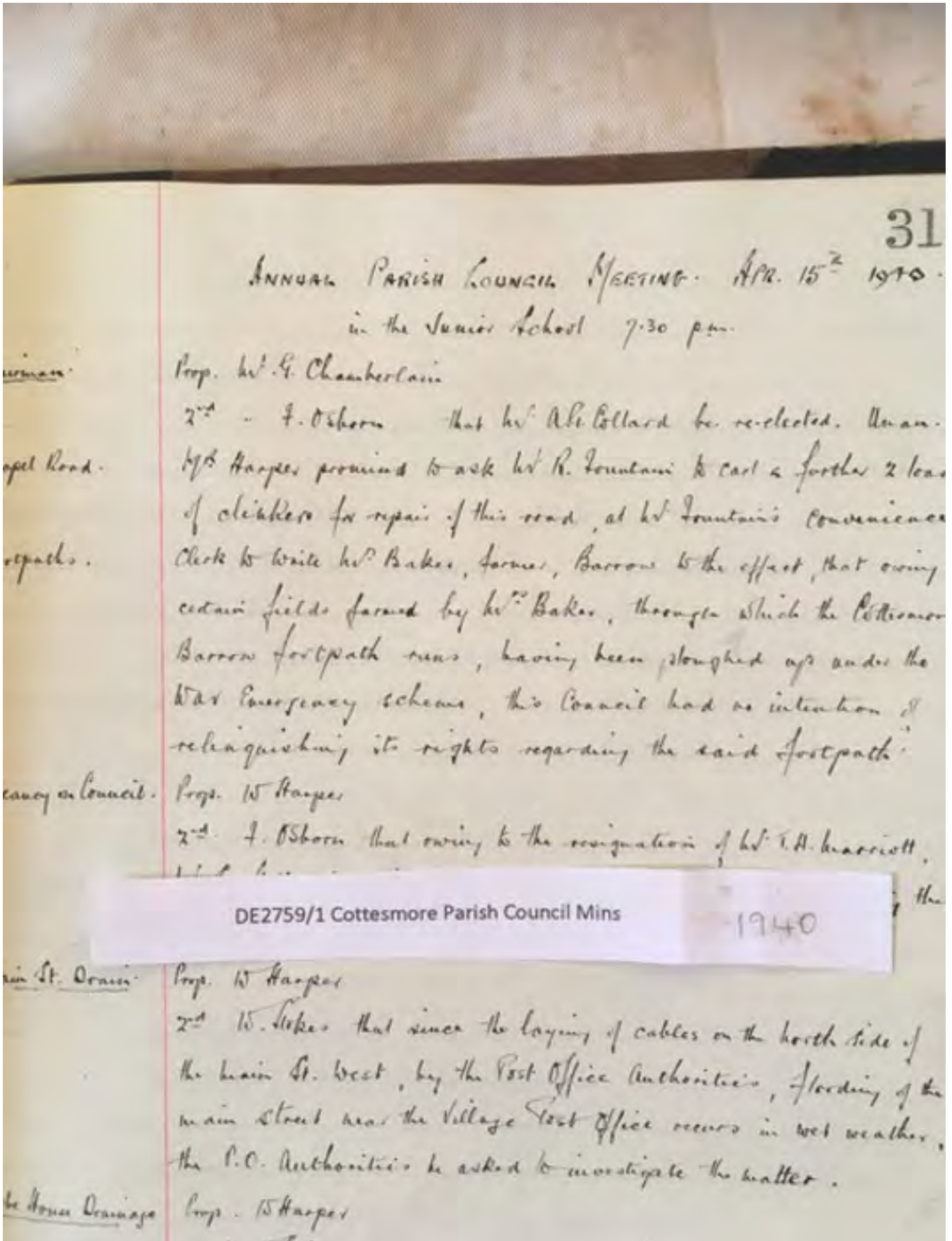
③ Clatterpot

Prop W Stokes
2nd J. Osborn

(Order 44)
(Order 46)

that in view of the fact that Clatterpot Lane constituted the direct right of way for inhabitants of the Shepdyke area in reaching the centre of the village i.e. Shop, Post Office, Telephone etc; and also

VIII. 15-Apr-1940



the Church Stoves
 when water pipes finish and hot fountain is at liberty
 It was unanimously agreed that an acknowledgment
 be sent to the Rector, who offered same in the first place
 It was agreed that any action regarding the Lampber Dyke
 deferred for time.
 It was agreed that the acquisition of a Charities Register
 from Cottesmore be left until the Annual Parish Meeting
 although there had been received no official minutes

- 2. Lampber Dyke
- 3. Charities
- 4. Resignation

DE2759/1 Cottesmore Parish Council Mins 1940

- 7. Footpaths

Prop. E.W. Chamberlain
 re W. Stokes that although the Barrowfoot formed by
~~W. Stokes~~ W. Stokes, and the
 formed by W. Stokes, had been ploughed up under the
 War Emergency Scheme, the Council had no intention of
 relinquishing their rights regarding the same, namely, as
 the public are still at liberty to use these footpaths
 The clerk was instructed to convey same by letter to the
 The clerk was instructed to give the order to W. Stokes
 the necessary repairs to the Sheepdyke fence

- 8. Sheepdyke

- 9. Danger to Public

The Chairman reported that he had received several complaints
 regarding the extremely dangerous condition of some boundary
 trees on the Eaton Road, near the East entrance to Cottesmore
 Grange. It was prop. by W. Stokes that the clerk write
 2nd by A. F. Gibson

IX. 1945

ago be given a visit to the Cinema at an early date, and that a general celebration should be left over until the early summer of 1946. This matter to be placed on the agenda for discussion at the Annual Parish meeting to be held in April next.

Salvage Agreed that arrangements be made with the local salvage officers for a renewal of collection of waste paper, etc.

Savings Club The Council agreed to give its support

DE2759/1 Cottesmore Parish Council Mins

1945

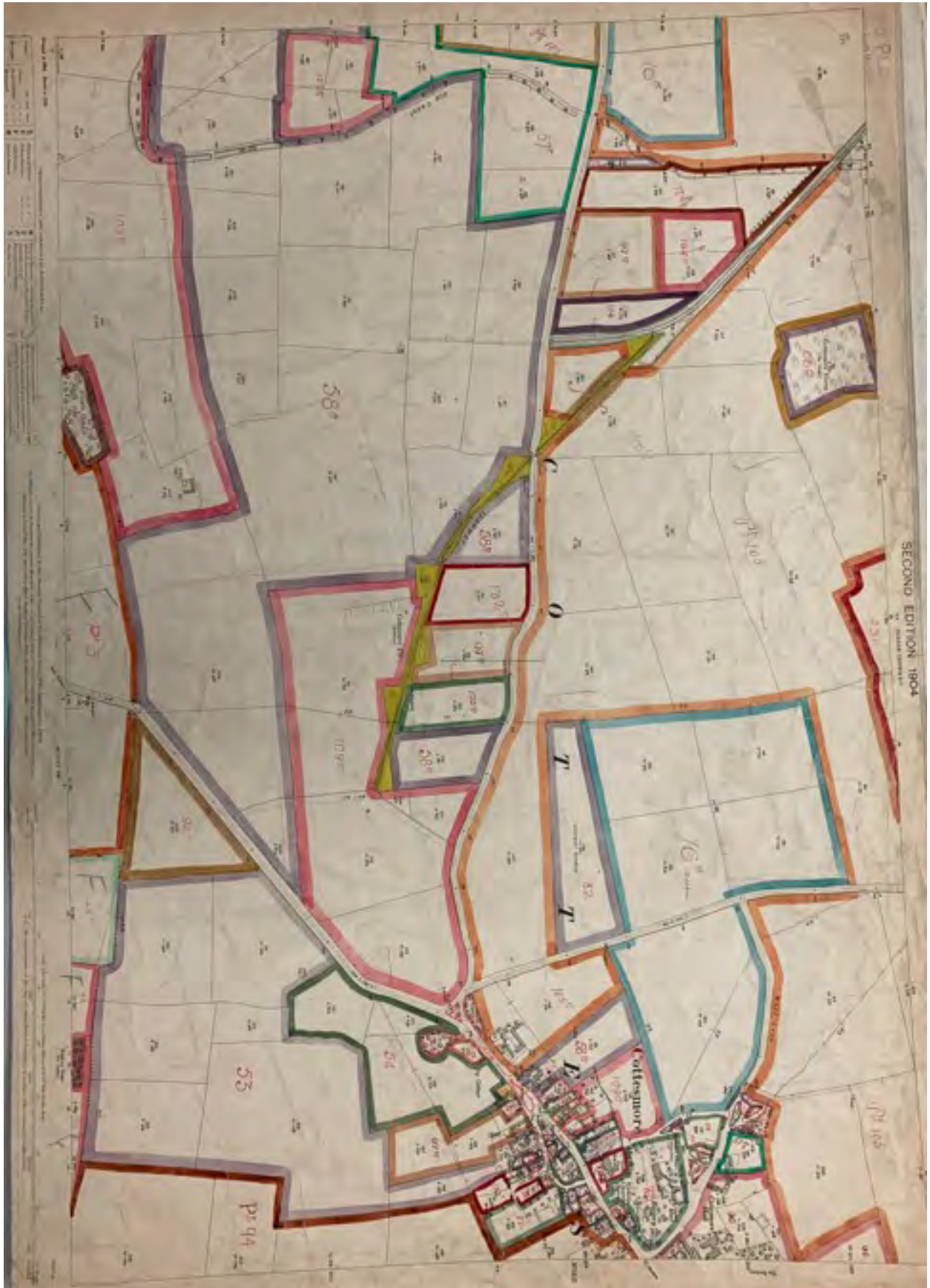
Footpath to Barrow The clerk was instructed to draw the attention of the Frodingham Steel Works Co to the dangerous condition of the footpath leading from Barrow Road to Barrow village, and to suggest that a notice board be erected stating "This footpath is Temporarily Closed".

Reference 4: Finance Act Maps

- i. Sheet V3 (TNA Reference IR 130/6/485)



ii. Sheet V7 (TNA Reference IR 130/6/489)



Reference 5: Finance Act Provisional Valuations (LLRRO reference DE2065/205)

i. Hereditament 2

FINANCE (1909-10) ACT, 1910.
DUTIES ON LAND VALUES.

The name of the parish and number of the hereditament should be quoted in all communications.

Incl. 10 x 3

PROVISIONAL VALUATION.

Description of Property	House Buildings & Land Barrow & Cottesmore		
Situation	County	No. of hereditament	
Name of Occupier	County <i>Northampton</i>	<i>Barrow</i> 2	
Extent	Ares	Roods	Poles & Yards
	<i>107</i>	—	<i>3</i>

The Commissioners of Inland Revenue have caused to be made the following Provisional Valuation of the land described above:—

ORIGINAL GROSS VALUE.....£	<i>2285</i>
----------------------------	-------------

Deductions from Gross Value

(a) To arrive at Full Site Value	(b) To arrive at Total Value		
Difference between Gross Value and Value of the Fee Simple of the Land (exclusive of Buildings, Trees, &c.)	*	For Fees, Taxes, Rates, Surcharges, &c.	Public Rights of Way or Easement
	*	Office perpetual Rent or Annuity	Right of Common
	*	Tithe or Tithes Rent Charge	Encumbrance
	*	Rent or charge payable by agreement at law, or assumed by Act of Parliament	Restrictions under Deed or Agreement
	*	If Capped, Rent of Endowment	Total Deductions
*	<i>685</i>		<i>25</i>
ORIGINAL FULL SITE VALUE, £	<i>1600</i>	ORIGINAL TOTAL VALUE.....£	<i>2260</i>

Deductions from Total Value to arrive at Assessable Site Value


Deductions from Gross Value to arrive at Full Site Value (as above)	<i>685</i>	Endowment of Tithes
Works executed		Release of Restrictive Covenants
Capital Expenditure		Goodwill or personal elements
Appropriation of Land for streets, roads, squares, &c.		Cost of clearing Site
Redemption of Land Tax or Fixed Charge		Total Deductions
		<i>685</i>
ORIGINAL ASSESSABLE SITE VALUE.....£		<i>1575</i>
Value of Agricultural Land for Agricultural purposes where different from Assessable Site Value.....£		<i>2200</i>

Given under my hand this *28th* day of *November* 191*3*.

M. J. ... Valuer appointed by the Commissioners of Inland Revenue.
Lincoln District.

Form 37—Land.
[2009] 2009a 4/10/10 12 x 3 294

ii. Hereditament 23



FINANCE (1909-10) ACT, 1910.
DUTIES ON LAND VALUES.

THE COMMISSIONERS OF INLAND REVENUE.

The name of the parish and number of the hereditament should be quoted in all communications.

No. 76 106.

PROVISIONAL VALUATION.

Description of Property	House Cottage Old Land Barrow Cottesmore		
Structure	County	Parish	No. of Hereditament
	Northants	Barrow	23
Name of Occupier	G. C. Mathew		
Extent	Acres	Roods	Poles
	2 1/2	—	24

The Commissioners of Inland Revenue have caused to be made the following Provisional Valuation of the land described above—

ORIGINAL GROSS VALUE.....£	5150
----------------------------	------

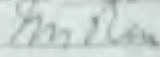
Deductions from Gross Value

(a) To arrive at Full Site Value	(b) To arrive at Total Value		
Difference between Gross Value and Value of the Fee Simple of the Land (Amount of Buildings, Trees, &c.)	£	1840	
			Public Rights of Way or Easement
			50
			Right of Vicinity
			Easements
			Restrictions under Covenant or Agreement
			Total Deductions
			50
ORIGINAL FULL SITE VALUE, £	3310	ORIGINAL TOTAL VALUE.....£	3600

Deductions from Total Value to arrive at Assessable Site Value


Deductions from Gross Value to arrive at Full Site Value (see above)	Entitlements of Creditable
£	
1840	Release of Restrictive Covenants
	Goodwill or personal rights
	Cost of clearing Site
	Total Deductions
	1840
ORIGINAL ASSESSABLE SITE VALUE.....£	3460
Value of Agricultural Land for Agricultural purposes where different from Assessable Site Value.....£	5580

Given under my hand this 28 day of November 1912.


 (Valuer appointed by the Commissioners of Inland Revenue.)
 Lincoln District.

Form 37 (Ampl.)
1910. Price 4/6 (Net) 5/6 (Gross)

iii. Hereditament 105



FINANCE (1909-10) ACT, 1910.
DUTIES ON LAND VALUES.

The name of the parish and number of the hereditament should be quoted in all communications.

THE COMMISSIONERS OF INLAND REVENUE.
PROVISIONAL VALUATION.

Description of Property	Two House Buildings & land Cottesmore			No. of hereditament	105
Situation	County Rutland Parish Barrow				
Name of Occupier	J. B. Marriott				
Extent	Acres	Roods	Perches	Yards	
	5 01	—	26		

The Commissioners of Inland Revenue have caused to be made the following Provisional Valuation of the land described above:—

ORIGINAL GROSS VALUE.....£	11.040
----------------------------	--------

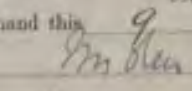
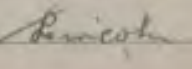
Deductions from Gross Value

(a) To arrive at Full Site Value	(b) To arrive at Total Value			
Difference between Gross Value and Value of the Fee Simple of the Land divested of Buildings, Trees, &c. 3275	£	Fee Farm Rent, Rent, Quit Rent, Chief Rent, or Rent of House	Public Rights of Way or Use	25
		Other perpetual Rent or Annuity	Right of Common	
		Tithe or Tithe Rent Charge	Easements	
		Burden or charge arising by operation of law, or imposed by Act of Parliament	Restrictions under Covenant or Agreement	
		If Copyhold, Cost of enfranchisement	Total Deductions	25
ORIGINAL FULL SITE VALUE, £	7765	ORIGINAL TOTAL VALUE.....£	11015	

Deductions from Total Value to arrive at Assessable Site Value

Deductions from Gross Value to arrive at Full Site Value (see above)	Deductions from Total Value
3275	Enfranchisement of Copyholds
Works executed	Reliance of Restrictive Covenants
Capital Expenditure	Goodwill or personal elements
Appropriation of Land for streets, roads, open spaces, &c.	Cost of clearing Site
Redemption of Land Tax or Tithe Charge	Total Deductions
	3275
ORIGINAL ASSESSABLE SITE VALUE.....£	7740
Value of Agricultural Land for Agricultural purposes where different from Assessable Site Value.....£	10770

Given under my hand this 9th day of Jan 1910.

 (Valuer appointed by the Commissioners of Inland Revenue,
 District.

Form 37—Land.
 (1910) 2000 4/1200 0 & 5 3741 4447

Reference 6: Home Guard Map (Rutland Museum no reference number)



Reference 7: Draft Definitive Map Parish Council Survey Returns (LLRRO reference number DE8719)

i. Cottesmore Parish

COUNTY OF RUTLAND. X

National Parks and Access to the Countryside Act 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF Cottesmore.

Survey carried out by N.A. O.S. Ref. No's. V.H.2.

Type of Right of Way Footpath. No. 4. X

DESCRIPTION.

Commences on the North side of Mill Lane near the Council Houses there and runs North West to Barrow. Enter pasture by Field Gate and Kissing Gate near Council Houses, cross pasture North West to stile (Barbed wire) Cross 2nd pasture to Kissing Gate (overgrown) to the Market Overton Road. Cross this road to Wicket Gate and cross three arable fields by a gap, overgrown hedge and a gap (Footpath ploughed up). Then North along East boundaries of two arable fields through Field Gates to Barrow village. Not used nowadays. Parish Council wish to retain as public right of way.

ii. Barrow Parish

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF Barrow.

Survey carried out by E.A. O.S. Ref. No's. V.N.E.

Type of Right of Way Footpath. No. 6. 4.

DESCRIPTION.

Commences at South of village and runs South to Cottesmore to connect to Footpath Nos. 3 and 4 for Cottesmore Parish.

From field gate due South along East hedge line of arable field to Field Gate and along East hedgeline of 2nd arable field to Gap and Parish Boundary. Connect to footpath Nos. 3 & 4. Cottesmore Parish.

Used very little. Ironstone workings moving Eastwards will eventually affect this path. Parish Meeting suggest retention as it is the only Footpath to the South and Cottesmore.

Decs

Bus Shelters.

Proposed Mr Dracup, seconded Mr Cramp, & carried, that the payment of the bill for £ 82- 8- 6 to Golling & Son for the fencing of the Sheepcote Pond be made. The Clerk reported he had received a reply to his letter from the Lincolnshire Road Car Co. asking them if they were prepared to help in the erection of Bus Shelters in the Parish. As they were against helping in the matter, the Council agreed that a letter be sent to Major de-la-Rue, Town and Country Planning Officer, asking him for plans of shelters that would be suitable, also if he could give the cost of a shelter.

Festival of Britain

The Clerk reported he had received a circular from the Minister of Health dealing with any arrangements that may be made to celebrate the Festival of Britain for 1951. The Council decided to wait until we hear further about it.

Putland Rural Community Council.

Correspondence was discussed dealing with the proposed formation of a Community Council. The Council felt it would be to our advantage to join it, and Mr Dracup was elected to attend the meeting, when its functions would be explained, other councillors would attend if the meeting was held at a convenient time.

Public Footpaths etc.

The Clerk reported he had received a circular from the Town & Country Planning Officer asking for the help of the Council in finding out all the old Footpaths, Kissing Gates, Stepping Stiles, Bridle Roads, Green Lanes etc in the Parish so that they may be shown on the map for the use of Hikers, or anyone wishing to use them.

Kissing Gate Removed.

The Clerk was instructed to write to the Manager of the United Steel Co, saying that their attention had been drawn to the removal of a Kissing Gate, and a fence put in its place on the footpath leading from the Oakham Road to the Exton Road by his Co during the working of the Quarry. The Council were anxious that the Kissing Gate should be retained, and hoped he would have the Gate restored. This concluded the business.

Signed C. H. H. H.

Date: 28/4/50

Present

Minutes

Matters Arise

Erection of two wooden Posts by Mr Dracup near his House.

Removal of Kissing Gate.

Bus Shelters



The London Gazette

Publication date: 9 December 1952

Issue: 39714 Page: 6500

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949

COUNTY OF NORTHUMBERLAND

Public Rights of Way

NOTICE is hereby given that the County Council of Northumberland have prepared, in accordance with the provisions of Part IV of the National Parks and Access to the Countryside Act, 1949, a draft map and statement showing the public rights of way which in their opinion subsisted, or were reasonably alleged to subsist, on the 22nd September, 1952, in the parts of the Administrative County of Northumberland comprised by the county districts specified in the first column of the Schedule hereto.

A copy of the draft map and statement may be inspected at the office of the Clerk of the County Council, County Hall, Newcastle-upon-Tyne, 1, on weekdays between the hours of 10.0 a.m. and 4.0 p.m. (on Saturdays between 10.0 a.m. and 12.0 noon) and copies of so much thereof as relate to each of the county districts concerned may also be inspected between the same hours at the addresses specified in the second column of the Schedule.

Representations or objections with respect to the draft map and statement may be sent in writing to the Clerk of the County Council, County Hall, Newcastle-upon-Tyne, 1, not later than the 30th April, 1953, and any such representation or objection should state the grounds on which it is made.

THE SCHEDULE

1	2
County Districts	Places where the parts of the draft map and statement relating to individual county districts may be inspected
Borough of Berwick-upon-Tweed	Town Clerk's Office, Municipal Buildings, Berwick-upon-Tweed.
Borough of Morpeth	Borough Surveyor's Office, 36 Bridge Street, Morpeth.
Borough of Wallsend	Town Clerk's Office, Town Hall, Wallsend-on-Tyne.
Alnwick Urban District	The Clerk of the Council's Office, The Council House, Wagonway Road, Alnwick.
Gosforth Urban District	Surveyor's Office, High Street, Gosforth.
Newbiggin-by-the-Sea, Urban District	The Clerk of the Council's Office, Council Offices, Newbiggin-by-the-Sea.
Newburn Urban District	The Clerk of the Council's Office, Council Offices, Newburn.

Dated the 8th day of December, 1952.

County Hall, Newcastle-upon-Tyne, 1.

E. P. HARVEY,
Clerk of the County Council.

(202)

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949

RUTLAND COUNTY COUNCIL

Survey of Public Rights of Way

NOTICE is hereby given that the County Council, in accordance with section 27 of the above mentioned Act, has made a survey of all lands in the County of Rutland to ascertain the rights of way which subsist, and has prepared a draft rights of way map and statement in relation to the rights of way within the said County, which, in their opinion, are used as public paths.

A certified copy of the draft Map and Statement has been deposited for public inspection at the County Offices, Oakham.

Certified copies or extracts from the draft Map and Statement so far as they relate to the undermentioned districts have also been deposited for public inspection at the offices of the District Councils mentioned below.

	<i>Mondays to Fridays</i>	<i>Saturdays</i>
Ketton Rural District Council, Ironmonger Street, Stamford (and also at the Police Station, Ketton)	9.30 a.m. to 1 p.m. 2 p.m. to 5 p.m.	9.30 a.m. to 12 noon
Oakham Rural District Council, Council Offices, Oakham (and also at the Police Station, Cotesmore)	9 a.m. to 1 p.m. 2 p.m. to 5 p.m.	9 a.m. to 12.30 p.m.
Uppingham Rural District Council, Orange Street, Uppingham	9 a.m. to 1 p.m. 2 p.m. to 5 p.m.	9 a.m. to 12.30 p.m.
Oakham Urban District Council, Catmose Street, Oakham	9 a.m. to 1 p.m. 2 p.m. to 5 p.m.	9 a.m. to 12 noon

For the convenience of the public, extracts from the draft Maps and Statements relating to each Parish have been deposited with the Chairmen of the respective Parish Councils, or in those cases where the Parish has no Council the Chairman of the Parish Meeting.

The copies or extracts of the draft Map and Statement so deposited are available for inspection free of charge by all persons interested at the places mentioned above at the hours given and at the County Offices, Oakham, from 9 a.m. to 1 p.m. and 2 p.m. to 5 p.m. on Mondays to Fridays and 9 a.m. to 12 noon on Saturdays, and the other places mentioned at all reasonable hours.

Any objection or representation with reference to the draft Map and Statement may be sent in writing to the undersigned before the eighteenth day of April, 1953, and any such objection or representation should state the grounds on which it is made and the right of way which it concerns.

Dated this 9th day of December, 1952.

A. BOND, Clerk of the County Council.

County Offices, Oakham.

(261)

The London Gazette

Publication date: 22 November 1955

Issue: 40638 Page: 6591



Page 6591

subject to the usual provisions regarding the Rural District of St. Germans in the County of Cornwall. The said land is shown coloured red on a plan, which, together with a certified copy of the Direction, may be inspected at all reasonable hours at the County Hall, Truro, and at the St. Germans Rural District Council Offices, Lower Port View, Saltash.

SCHEDULE.

All or any development of the description specified in Class I of Part I of the First Schedule to the Town and Country Planning General Development Order, 1950, that is to say:—

The enlargement, improvement or other alteration of a dwellinghouse.

Dated this 18th day of November, 1955.

(313) E. T. VERGER, Clerk of the County Council.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

RUTLAND COUNTY COUNCIL.

Survey of Rights of Way.

NOTICE is hereby given that, in accordance with section 30 of the above Act, the Rutland County Council has prepared a provisional Map and Statement of the Rights of Way within the county of Rutland.

A copy of or extract from the Provisional Map and Statement has been deposited and may be seen free of charge during all reasonable hours at the following places:—

A complete copy:

The County Planning Office, County Offices, Oakham.

An extract relating to the relevant Urban or Rural District:

The Offices of the Clerks of the Oakham Urban District Council, the Ketton Rural District Council, the Oakham Rural District Council and the Uppingham Rural District Council. The Police Stations at Cottesmore and Ketton.

The owner, lessee or occupier of any land on which the said Map and Statement show a right of way may apply to the Appeals Committee of Quarter Sessions for a declaration that at the relevant date (1st December, 1952)—

(a) there was no public right of way over the land,

(b) the rights of the public differed from those shown on the Map and Statement,

(c) the position or width of the public right of way differed from those given in the Map and Statement, or

(d) the public right of way was subject to limitations or conditions in addition to or different from those shown in the Map and Statement.

Any such application must be made in writing to the Clerk of the Peace, County Offices, Oakham, and must reach him not later than the 22nd December, 1955. The application must specify the land to which the application relates, the nature of the application and the grounds on which it is made, and the name of the surveying authority, which is the Rutland County Council. It would be appreciated if the Parish and the reference number of the right of way as shown on the Provisional Map were also given.

Within the same period notice of any such application must be served upon any other owner, lessee or occupier of land affected by the application and upon the Clerk of the Rutland County Council, County Offices, Oakham.

Applicants should consult the National Parks and Access to the Countryside Act, 1949, and the Public Rights of Way (Applications to Quarter Sessions) Regulations, 1952.

A. BOND, Clerk of the County Council.
18th November, 1955.
(001)

BARLEY	730,762	23 1
OATS	97,982	24 2

NOTE.—The above statement is based on returns received from 174 prescribed towns in England and Wales in the week ended 19th November, 1955. The prices represent the average for all sales at these towns, and include transactions between growers and merchants, and transactions between merchants, during the week ended 12th November, 1955.

P. G. ELLIS.

Ministry of Agriculture, Fisheries and Food,
Great Westminster House,
Horseferry Road,
London, S.W.1.

The Registrar General, being satisfied that METHODIST CHURCH, Melbourne Street, Oswaldtwistle, in the registration district of Darwen, in the county of Lancaster, is no longer used as a place of worship by the congregation on whose behalf it was on 28th June, 1906, registered for marriages in accordance with Marriage Act, 1836, now incorporated in the Marriage Act, 1949, has cancelled the registration.—Dated 16th November, 1955.

H. CHADWICK, Superintendent Registrar.

The Registrar General, being satisfied that METHODIST CHURCH, Warwick, Wetheral, in the registration district of Corder, in the county of Cumberland, is no longer used as a place of worship by the congregation on whose behalf it was on 14th February, 1947, registered for marriages in accordance with Marriage Act, 1836, now incorporated in the Marriage Act, 1949, has cancelled the registration.—Dated 16th November, 1955.

W. J. FIDLER, Superintendent Registrar.

The Registrar General, being satisfied that CENTRAL METHODIST CHURCH, London Road, Lowestoft, in the registration district of Lothingland, in the county of East Suffolk, is no longer used as a place of worship by the congregation on whose behalf it was on 30th August, 1878, registered for marriages in accordance with Marriage Act, 1836, now incorporated in the Marriage Act, 1949, has cancelled the registration.—Dated 16th November, 1955.

THOS. G. SNOWLING, Superintendent Registrar.

The Registrar General, being satisfied that RUSSELL ROAD CHAPEL, Russell Road, Bowes Park, Southgate, in the registration district of Wood Green, in the county of Middlesex is no longer used as a place of worship by the congregation on whose behalf it was on 19th March, 1934, registered for marriages in accordance with Marriage Act, 1836, now incorporated in the Marriage Act, 1949, has cancelled the registration.—Dated 16th November, 1955.

WILLIAM F. CHAPMAN, Superintendent Registrar.

Friendly Societies Act, 1896.

Advertisement of Dissolution by Instrument.

NOTICE is hereby given that the PRINCE OF WALES SICK AND DIVIDEND SOCIETY, Register No. 2088 Warwick, held at the Prince of Wales Inn, Angelina Street, Birmingham, in the county of Warwick, is dissolved by Instrument, registered at this Office the 18th day of November, 1955, unless within three months from the date of the Gazette in which this advertisement appears proceedings be commenced by a Member or other person interested in or having any claim on the funds of the society to set aside such dissolution, and the same be set aside accordingly.—Dated the 18th day of November, 1955.

C. B. CRABBE, Chief Registrar.
17, North Audley Street, London, W.1.
(157)

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The London Gazette

Publication date: 7 August 1956

Issue: 40850 Page: 4554

The Comprehensive Development Area Map relates to land wholly within the Municipal Borough of Jarrow.

Certified copies of the Town Map and of the Comprehensive Development Area Map as submitted for approval have been deposited for public inspection at the County Planning Office, 10, Church Street, Durham.

Certified copies of the Town Map have also been deposited for public inspection at the following places:—

- The Town Hall, Jarrow.
- The Hebburn Urban District Council Offices, Argyle Street, Hebburn.
- The Boldon Urban District Council Offices, Boldon.
- The Felling Urban District Council Offices, Council Buildings, Felling.

A certified copy of the Comprehensive Development Area Map has also been deposited for public inspection at the Town Hall, Jarrow.

The copies of the Town Map and of the Comprehensive Development Area Map so deposited are available for inspection free of charge by all persons interested at the places mentioned above during normal office hours.

Any objection or representation with reference to the Town Map or the Comprehensive Development Area Map may be sent in writing to the Secretary, Ministry of Housing and Local Government, Whitehall, London, S.W.1, before the 24th day of September, 1956, and any such objection or representation should state the grounds on which it is made. Persons making an objection or representation may register their names and addresses with the Durham County Council at the office of the Clerk of the County Council, Shire Hall, Durham, and will then be entitled to receive notice of the eventual approval of the Town Map and of the Comprehensive Development Area Map.

Dated this 2nd day of August, 1956.

J. K. HOPE, Clerk of the Durham County Council.
Shire Hall,
Durham.

IMPORTANT NOTE

The above documents replace those previously submitted to the Minister of Housing and Local Government on 7th November, 1955, and which are now withdrawn.

(153)

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PENRYN BOROUGH COUNCIL.

Penryn Borough Council—Oystershell Lane Extinguishment Order.

NOTICE is hereby given that on the 30th day of July, 1956, the Minister of Town and Country Planning confirmed the above Order.

The effect of the Order is to extinguish the public right of way from Commercial Road to The Square, Penryn.

A certified copy of the Order and of the map contained in the Order as confirmed by the Minister has been deposited at the Municipal Offices, Penryn, and will be open for inspection free of charge during usual office hours: Week-days 9 a.m. to 1 p.m., 2 p.m. to 5 p.m., Saturdays 9 a.m. to 12 noon.

The Order becomes operative as from the 3rd day of August, 1956, but if any person aggrieved by the Order desires to question the validity thereof or of

The Gipping R.D.C. (Parish of Creeting St. Peter No. 1) Extinguishment Order, 1956.

NOTICE is hereby given that the above Order was made on the 27th day of July, 1956, and is about to be submitted to the Ministry of Housing and Local Government for confirmation.

The Order relates to land situate in the parish of Creeting St. Peter.

The effect of the Order will be to extinguish the public right of way commencing at a point in Mill Lane approximately 300 yards east of Clamp Farm and running in a generally easterly direction for a distance of approximately 640 yards to a point in Pound Road approximately 250 yards North from the junction of Pound Road and Mill Lane.

A certified copy of the Order and of the map contained in the Order has been deposited at Council Offices, Needham Market and will be open for inspection free of charge between the hours of 10 a.m. and 4 p.m. on any weekday except Saturday.

Any objection or representation with reference to the Order may be sent in writing to the Secretary, Ministry of Housing and Local Government, Whitehall, London, S.W.1, before the 17th day of September, 1956, and any such objection or representation should state the grounds on which it is made.

Dated this 2nd day of August, 1956.

E. HARWOOD, Clerk of the Council.

Council Offices,
Needham Market,
Near Ipswich.

(140)

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

RUTLAND COUNTY COUNCIL.

Survey of Rights of Way.

NOTICE is hereby given that in accordance with section 32 of the above Act, the Rutland County Council has prepared a Definitive Map and Statement of the footpaths, bridleways and roads used as public paths within the County of Rutland.

A copy of or extract from the Definitive Map and Statement has been deposited and may be seen free of charge during all reasonable hours at the following places:—

A complete copy: The County Planning Office, County Offices, Oakham.

An extract relating to the relevant Urban or Rural District: The Offices of the Clerks of the Oakham Urban District Council, the Ketton Rural District Council, the Oakham Rural District Council and the Uppingham Rural District Council.

For the convenience of the public extracts from the Definitive Map and Statement relating to each Parish have been deposited with the Chairman of the respective Parish Councils or in those cases where the Parish has no Council the Chairman of the Parish Meeting.

Attention is directed to paragraph 9 (1) of Part III of the First Schedule to the National Parks and Access to the Countryside Act, 1949, which gives the right to any person to question the validity of the Definitive Map.

Dated this 1st day of August, 1956.

A. BOND, Clerk of the County Council

County Offices,
Oakham.

(024)

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act, 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF COTTESMORE.

Survey carried out by R.A. O.S. Ref.No's. V.N.E.

Type of Right of Way Footpath. No. 1.

DESCRIPTION.

Leads from the Calham Road opposite that Central School Fields to the rear of houses on the main street and gardens to the rear and ends on the Erton road just North of Cottesmore House. It has been slightly diverted by usage to the North at its beginning.

Enter pasture by a Field Gate cross to second pasture by Field Gate then through Kissing Gate to third pasture over stile, to 4th pasture and through Kissing Gate to next field. (A short footpath joins it here at right angles coming from the village back street with kissing gates at both ends.) Continue East to Gap and thence to Wicket Gate (overgrown) on the Erton Road.

The Parish Council are negotiating with the Ironstone Co's. for repairs to this footpath. They wish to retain this.

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act, 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF COTTISMORE.

Survey carried out by R.A. O.S. Ref.No's. V.N.B.

Type of Right of Way Footpath. No. 2.

DESCRIPTION.

This is a short path across one field to the rear of the Council Houses and leads from the road to the service land (Rogues Lane) to the Greenham Road. It has kissing gates at each end. The field is used for a football pitch. Used fairly frequently, Parish Council wish it to be retained.

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act, 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF COTTESMORE.

Survey carried out by P.A. O.S. Ref.No's. V.N.S.

Type of Right of Way Footpath. No. 7.

DESCRIPTION.

Commences in Main Street and adjoins the Telephone Exchange.
It runs North to the Chapel. It is known as Glattepot Lane
and is metalled for the greater part of its run.

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF Cottesmore.

Survey carried out by R.A. O.S. Ref. No's. V.N.E.

Type of Right of Way Footpath. No. 2.

DESCRIPTION.

This is a short path across one field to the rear of the Council Houses and leads from the road to the service land (Rogues Lane) to the Greetham Road. It has kissing gates at each end. The field is used for a football pitch. Used fairly frequently, Parish Council wish it to be retained.

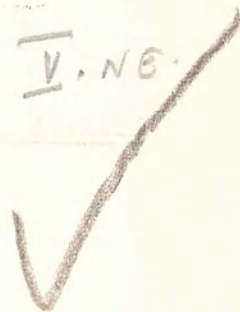
No. 7

Cottemore

Planning Authority

Footpath

V. NB.



Commence in Main St & adjoin the Telephone Exchange
It runs north to the Chapel. It is known as
Clatterpot Lane and is metalled for the
greater part of its run.

C O U N T Y O F R U T L A N D

National Parks and Access to the Countryside Act, 1949.

SURVEY OF RIGHTS OF WAY.

Cottesmore.

PARISH OF _____
R.A.

Survey Carried out by _____

O.S. Ref No's _____
V.N.E.

Type of Right of Way Footpath. _____

No ~~X~~ 3.

DESCRIPTION.

This leads from the Ashwell Road North to Barrow. It starts by a stile on the North side of the Ashwell Road and follows ledge lines along the whole of its length to its termination at the Green Lane leading South from Barrow village.

It goes through gaps and field gates but only has the one stile at its commencement.

A few yards after its commencement a footpath leads off to the Market Overton Road due East. The footpath runs parallel to the Market Overton road all its length,

C O U N T Y O F R U T L A N D

National Parks and Access to the Countryside Act, 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF Cottesmore.

Survey Carried out by Ramblers'
Association

O.S. Ref No's
V. N.E.

Type of Right of Way Footpaths.

No ~~5 & 6~~

DESCRIPTION.

5 & 6 cross the large Glebe field at the rear of the Rectory Gardens.

No.6. running west along the hedge line to the Market Overton Road where there is a stile.

No.5. ran across the same field diagonally to the N.W. with a kissing gate at the Northern end by the road.

It continued across the next field.

This path has been ploughed up.

GENERAL.

C O U N T Y O F R U T L A N D



National Parks and Access to the Countryside Act, 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF _____
Cottesmore.

~~Survey Carried out by~~ _____

O.S. Ref No's _____
V NE.

Type of Right of Way _____
Footpaths, etc.
DESCRIPTION.

No. All



Apart from Footpath 1. along the rear of the village these paths seem of little use, and are hardly of any great amenity value.

In most cases they duplicate existing roads without leading by any scenery of note, they were mostly old working paths which are not now used.

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF Cottesmore.

Survey carried out by R.A. O.S. Ref. No's. V.N.E.

Type of Right of Way Footpath No. 1.

DESCRIPTION.

Leads from the Oakham Road opposite that Central School Fields to the rear of houses on the main street and gardens to the rear and ends on the Exton road just North of Cottesmore House. It has been slightly diverted by usage to the North at its beginning.

Enxter pasture by a Field Gate cross to second pasture by Field Gate then through Kissing Gate to 3rd pasture over stile, to 4th pasture and through Kissing Gate to next field. (A short Footpath joins it here at right angles coming from the village back street with kissing gates at both ends). Continue East to Gap and thence to Wicket Gate (Overgrown) on the Exton Road.

The Parish Council are negotiating with the Ironstone Co's. for repairs to this footpath. They wish it to be retained.

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF Cottesmore.

Survey carried out by R.A. O.S. Ref. No's. V.N.E.

Type of Right of Way Footpath. No. 4.

DESCRIPTION.

Commences on the North side of Mill Lane near the Council Houses there and runs North West to Barrow. Enter pasture by Field Gate and Kissing Gate near Council Houses, cross pasture North West to stile (Barbed wire) Cross 2nd pasture to Kissing Gate (overgrown) to the Market Overton Road. Cross this road to Wicket Gate and cross three arable fields by a gap, overgrown hedge and a gap (Footpath ploughed up). Then North along East boundaries of two arable fields through Field Gates to Barrow village. Not used nowadays. Parish Council wish to retain as public right of way.

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act, 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF BARROW.

Survey carried out by R.A. O.S. Ref.No's. V.N.S.
V.N.S.

Type of Right of Way Footpath. No. 1.

DESCRIPTION.

Commences on the Feigh Road just West of the Old Canal and runs South West to Ashwell. Enter pasture from Feigh Road by a Field Gate. Cross pasture South West to Field Gate and into arable and cross arable field to ditch (no footbridge and barbed wire and wire fence) cross another arable field to Mineral Railway (wicket gates each side) into another arable field to ditch (cart bridge) Cross another arable field to stile (barbed wire back fence) and then across North West corner of arable field to stream and Parish Boundary.

The Path is almost completely ploughed up.

Barrow Parish Meeting suggest retention as right of way through the path is very little used.

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act, 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF BARNWELL.

Survey carried out by H.A. O.S. Ref.No's. V.H.E.

Type of Right of Way Footpath. No. 2.

DESCRIPTION.

Commences on the Teigh Road on East side of Old Canal running North to Market Overton and connection to footpath No.6, for this Parish.

Enter pasture from Teigh Road and continue North alongside East bank of Old Canal. Cross into arable field (East) over fence (broken). Cross North West corner of this arable field to Parish Boundary and Footpath No.6. Market Overton Parish.

Parish Meeting suggest retention as right of way.

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act, 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF BARNOW.

Survey carried out by R.A. O.S. Ref.No's. V.N.E.

Type of Right of Way Footpath. No. 3.

DESCRIPTION.

Commences from North of village and runs North to Market Overton to connect to footpath No.7. for that Parish.

Enter pasture from village street by Field Gate and Kissing Gate and cross North to second pasture by Kissing Gate and Bridle Gate cross to Parish Boundary to connect to Market Overton Footpath No.7.

This footpath is used quite a lot and Parish Meeting suggest retention as right of way.

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF Barrow.

Survey carried out by R.A. O.S. Ref. No's. V.N.E.

Type of Right of Way Footpath. No. 3 & 4.

DESCRIPTION.

Commences at South of village and runs South to Cottesmore to connect to Footpath Nos. 3 and 4 for Cottesmore Parish.

From field gate due South along East hedge line of arable field to Field Gate and along East hedgeline of 2nd arable field to Gap and Parish Boundary. Connect to footpath Nos. 3 & 4. Cottesmore Parish.

Used very little. Ironstone workings moving Eastwards will eventually affect this path. Parish Meeting suggest retention as it is the only Footpath to the South and Cottesmore.

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF Barrow.

Survey carried out by R.A. O.S.Ref.No's. V.N.E.

Type of Right of Way Footpath. No. 3.

DESCRIPTION.

Commences from North of village and runs North to Market Overton to connect to Footpath No.7. for that Parish.

Enter pasture from village street by Field Gate and Kissing Gate and cross North to 2nd pasture by Kissing Gate and Bridle Gate cross to Parish Boundary to connect to Market Overton Footpath No.7.

This footpath is used quite a lot and Parish meeting suggest retention as right of way.

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF Barrow.

Survey carried out by R.A. O.S.Ref.No's. V.N.E.
V.N.W.

Type of Right of Way Footpath. No. 1.

DESCRIPTION.

Commences on the Teigh Road just West of the Old Canal and runs South West to Ashwell. Enter pasture from Teigh Road by a Field Gate. Cross pasture South West to Field Gate and into arable and cross arable field to ditch (No footbridge and barbed wire and wire fence) cross another arable field to Mineral Railway (Wicket Gates each side) into another arable field to ditch (Cart bridge) Cross another arable field to stile (Barbed Wire Back Fence) and then across North West corner of arable field to stream and Parish Boundary.

The path is almost completely ploughed up.

Barrow Parish Meeting suggest retention as right of way through the path is very little used.

COUNTY OF RUTLAND.

National Parks and Access to the Countryside Act 1949.

SURVEY OF RIGHTS OF WAY.

PARISH OF Barrow.

Survey carried out by R.A. O.S.Ref.No's. V.N.E.

Type of Right of Way Footpath. No. 2.

DESCRIPTION.

Commences on the Teigh Road on East side of Old Canal running North to Market Overton and connection to Footpath No.6. for this Parish.

Enter pasture from Teigh Road and continue North alongside East bank of Old Canal. Cross into arable field (East) over fence (Broken) Cross North West corner of this arable field to Parish boundary and Footpath No.6. Market Overton Parish.

Parish Meeting suggest retention as right of Way.

County Of Rutland

DEFINITIVE
MAP
of
Public Rights Of Way

National Parks and Access
to the Countryside Act. 1949.

July 1956

1561/534



COUNTY OF RUTLAND

NATIONAL PARKS & ACCESS TO THE
COUNTRYSIDE ACT. 1949.

PUBLIC RIGHTS OF WAY

DEFINITIVE MAP

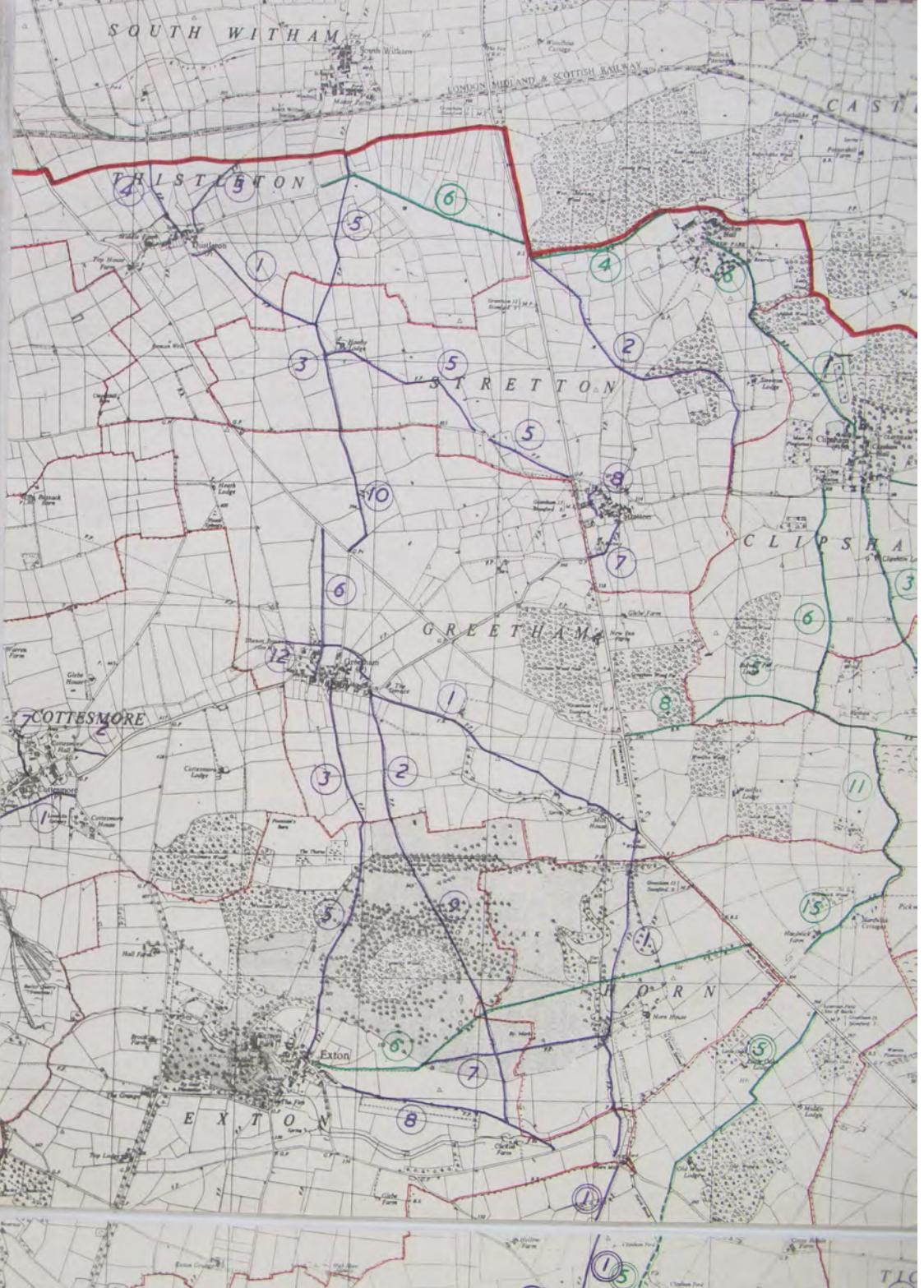
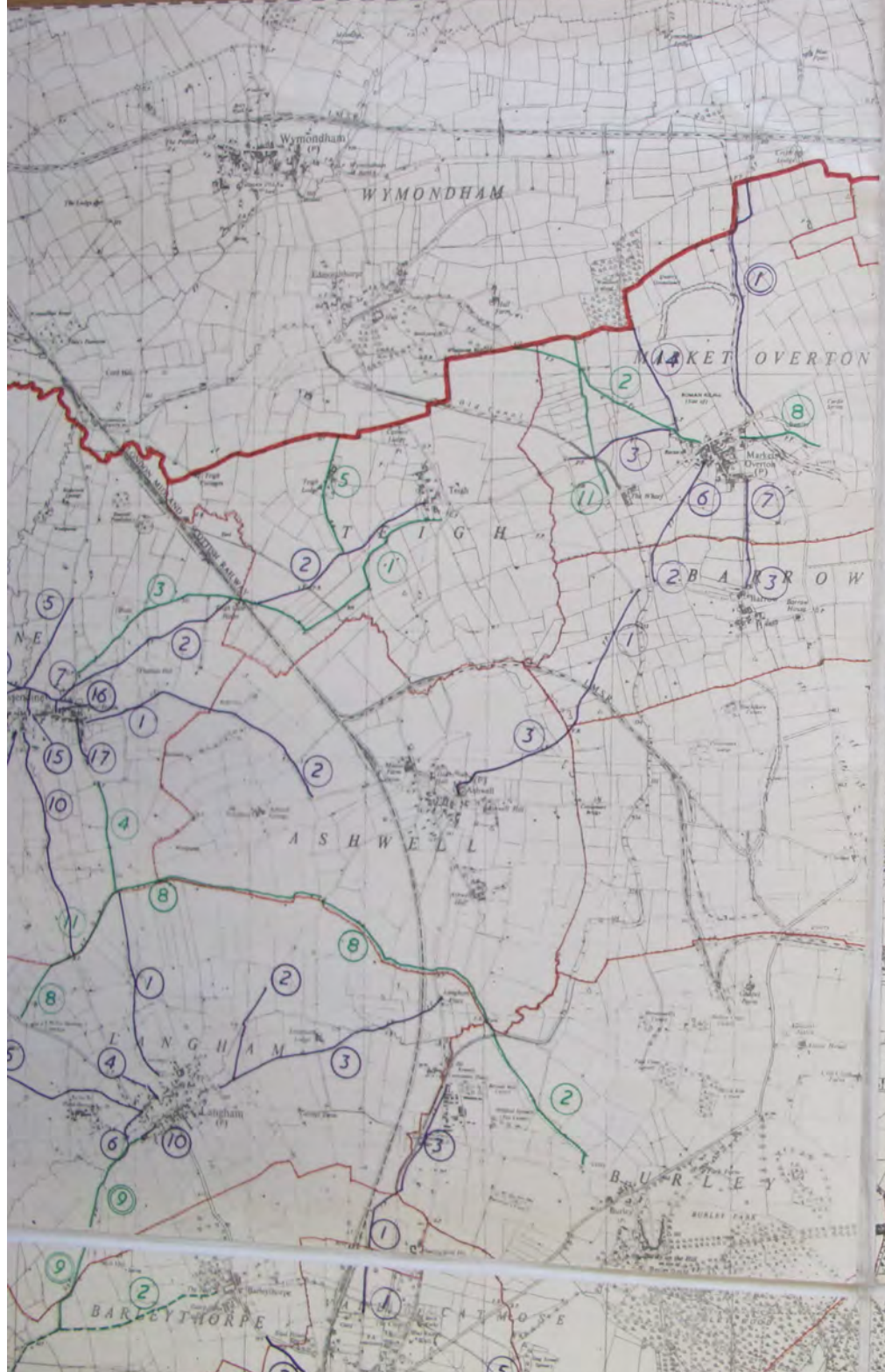
RELEVANT DATE - 1 DECEMBER 1952

SCALE - 1/25000 OR 2 1/2 INCHES TO 1 MILE

KEY

FOOTPATHS		AWARDED PATHS	
BRIDLE ROADS		PARISH BOUNDARIES	
ROADS USED AS PUBLIC PATHS		COUNTY BOUNDARY	

NOTE - PATHS ARE NUMBERED FOR EACH PARISH AND ARE REFERRED TO IN THE WRITTEN STATEMENT





COMMONS REGISTRATION ACT 1965

Reference No 30/U/18

In the Matter of Green Lane, Barrow
Oakham R.D., Rutland

DECISION

This reference relates to the question of the ownership of land known as Green Lane, Barrow, Oakham Rural District being the land comprised in the Land Section of Register Unit No VG.29 in the Register of Town or Village Greens maintained by the Rutland County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Oakham on 8 May 1973. The hearing was attended by Mr J C Matthews in person (he is a resident of Barrow, a member of the Parish Meeting, of the Oakham Rural District Council and of the Rutland County Council) and by Oakham Rural District Council who were represented by Mr R L Francis their clerk.

Mr Matthews said that the land was a long winding strip of grass land; a green lane, with a track (not metalled in any way) leading from the Village (on the north east) to various holdings (on the south west). Neither he nor Mr Francis could offer any evidence of ownership.

In the absence of evidence, I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Rutland County Council, as registration authority, to register Oakham Rural District Council as the owner of the land under section 3(3) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 21st day of May 1973

a. a Baden Fuller

Commons Commissioner