

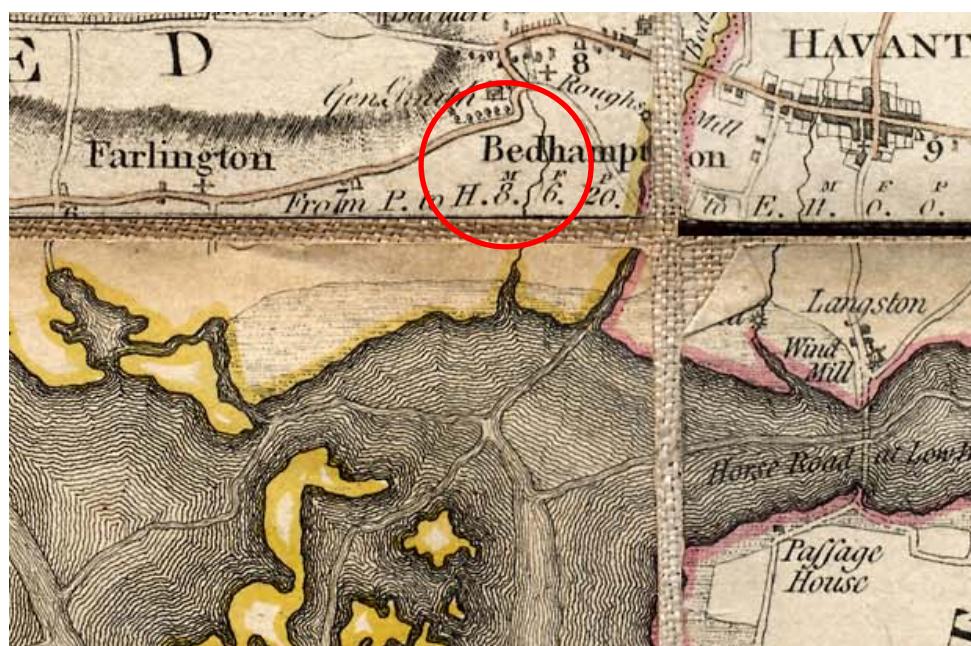
Appendix 2 – Documentary Evidence

Early Commercial Maps

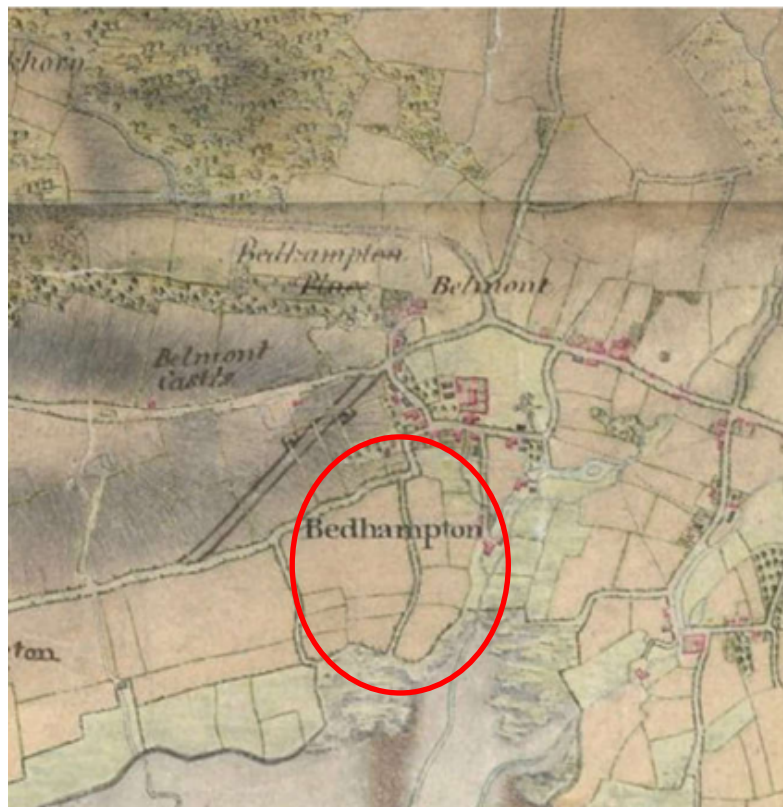
Taylor's Map of Hampshire (1 inch to 1 mile) - 1759



Milne's Map of Hampshire (1 inch to 1 mile) - 1791



Map of Bedhampton (author and scale unknown) - 1797

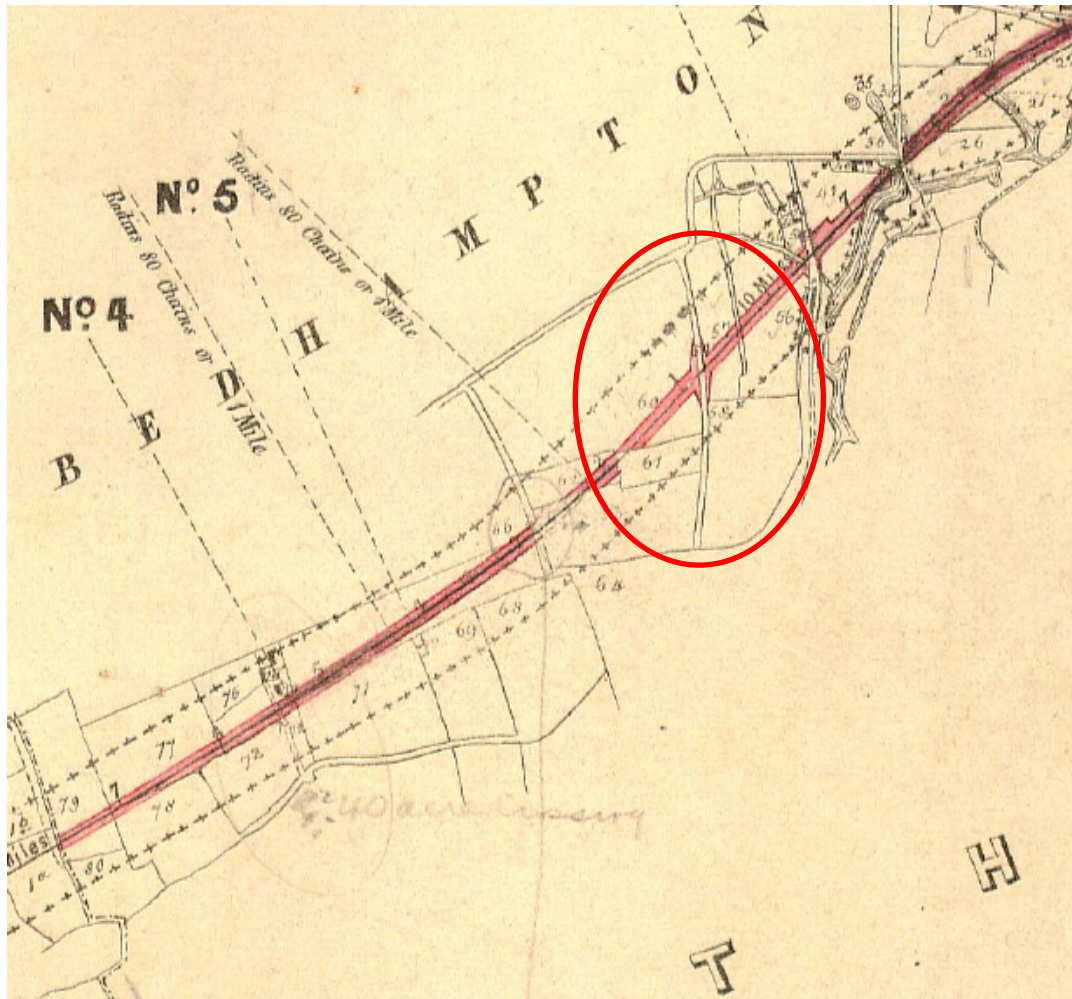


Greenwood's Map of Hampshire (1 inch to 1 mile) - 1826



Deposited Plans

London, Brighton and South Coast Railway – 1845



The Parish of *Richampton* in the County of *Southampton*

No. on Plan.	Description of Property.	Name of Owner, or Reputed Owner.	Name of Lessee, or Reputed Lessee.	Name of Occupier.
56	Meadow land	Lord Sherburne		Woodthorpe Clarke
57	Arable land	same		✓ same
58	Sand	same		✓ same
59	Occupation road	same		✓ same
60	Arable land	same		✓ same
✓ 61	Meadow land	Drain		✓ Drain
✓ 62	Arable land	Rev ^d St. John		✓ Rev ^d St. John
40	House and garden	same		✓ same
41	Arable land	same		✓ Woodthorpe Clarke
49	Plantation	Henry and John Snook		✓ Henry and John Snook
50	Parish road	Surveyors of Highways Woodthorpe Clarke and John Snook Junior		
51	Meadow land	Rev ^d St. John Alder		✓ Rev ^d St. John Alder

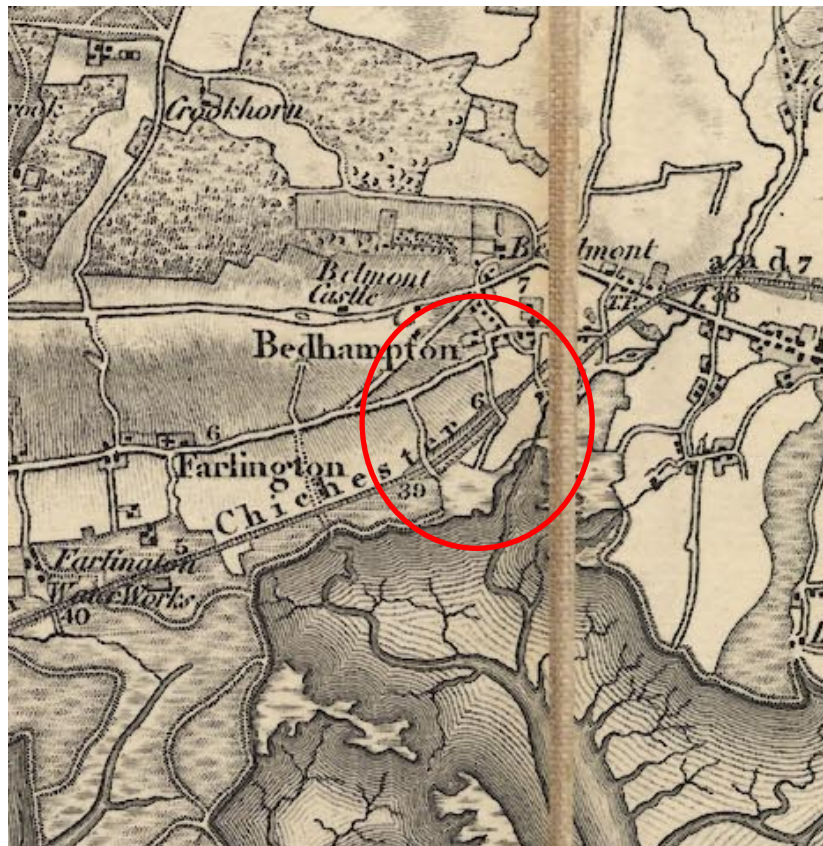
Tithe Records

Bedhampton Tithe Award – 1845

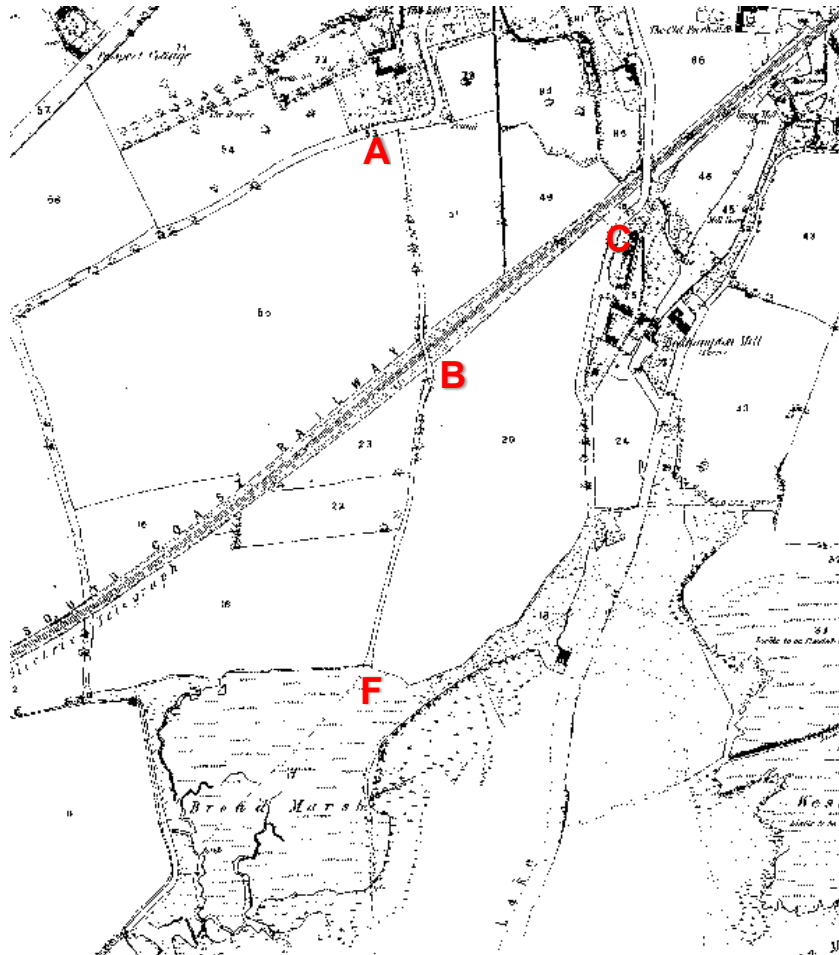


Ordnance Survey Maps

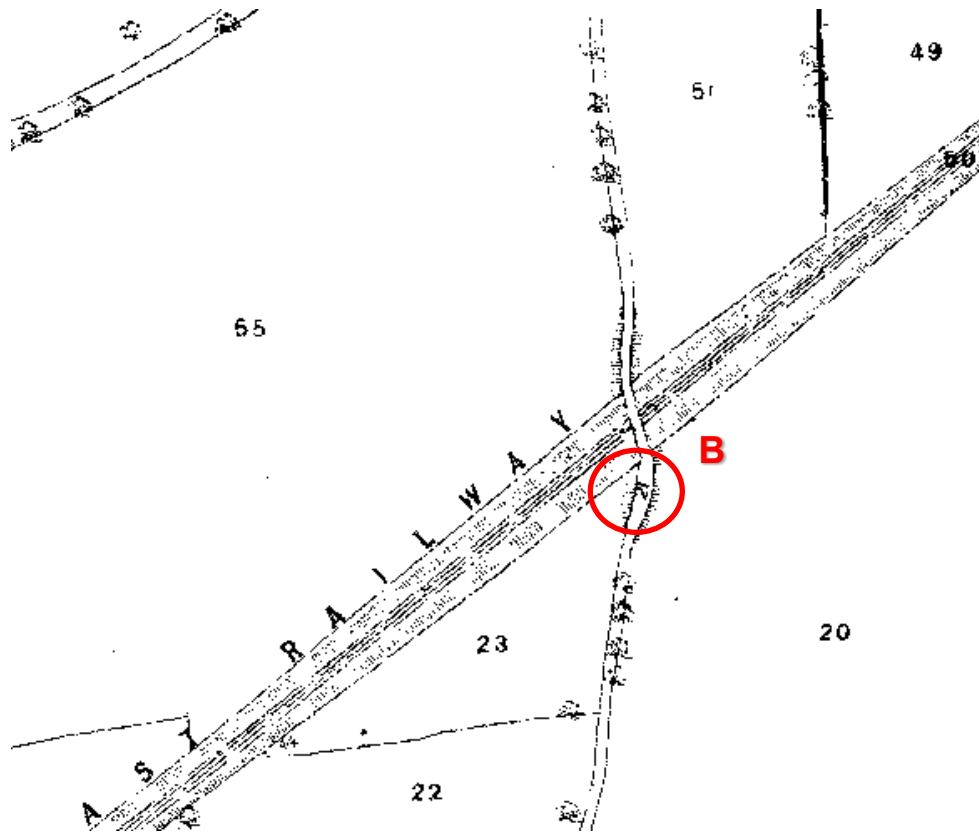
Old Series Map (1 inch to 1 mile) – c1855



County Series (25 inches to 1 mile) First Edition - 1860

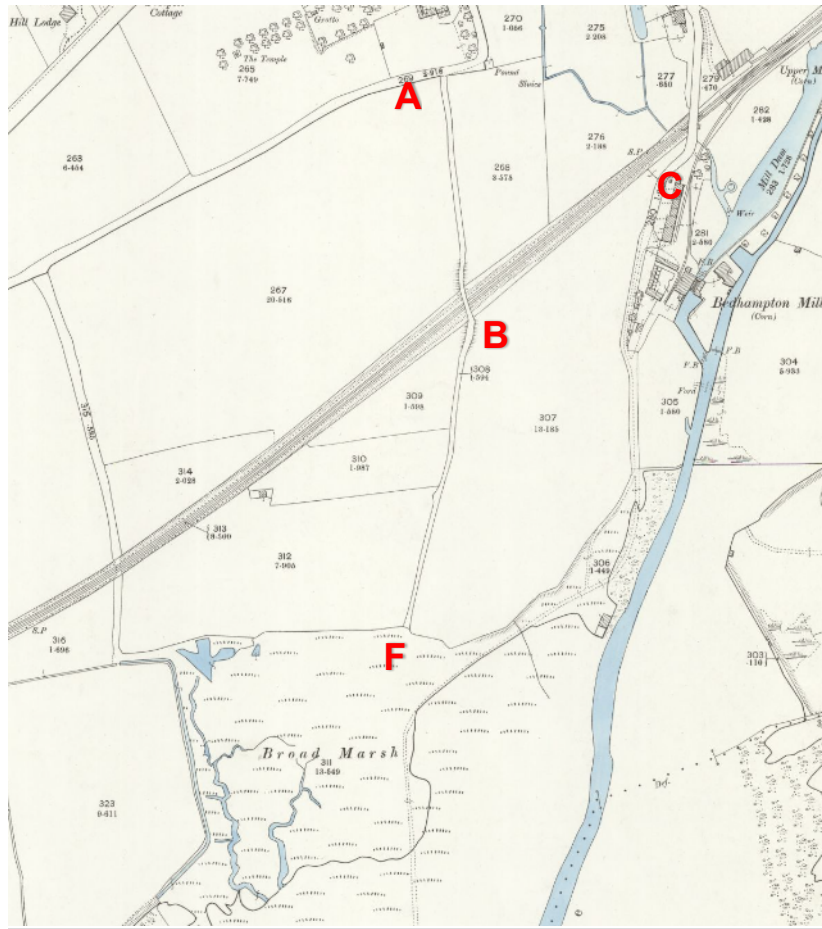


County Series (25 inches to 1 mile) First Edition - 1860



17	13.216	Streams, rough pasture, &c.	52	.017	Pound.
18	1.483	Rough pasture, &c.	53	2.665	Public road.
19	.049	House and yard.	54	3.668	Arable.
20	18.098	Arable.	55	20.510	Arable.
21	.568	Occupation road.	56	6.415	Arable.
22	1.986	Arable.	57	6.091	Public road.
23	1.396	Arable.	58	.039	Arable.
24	1.493	Arable.	59	2.502	Arable.
25	2.190	Houses, yards, gardens, &c.	60	6.900	Arable.
			61	17.967	Arable.
			62	.494	Occupation road.

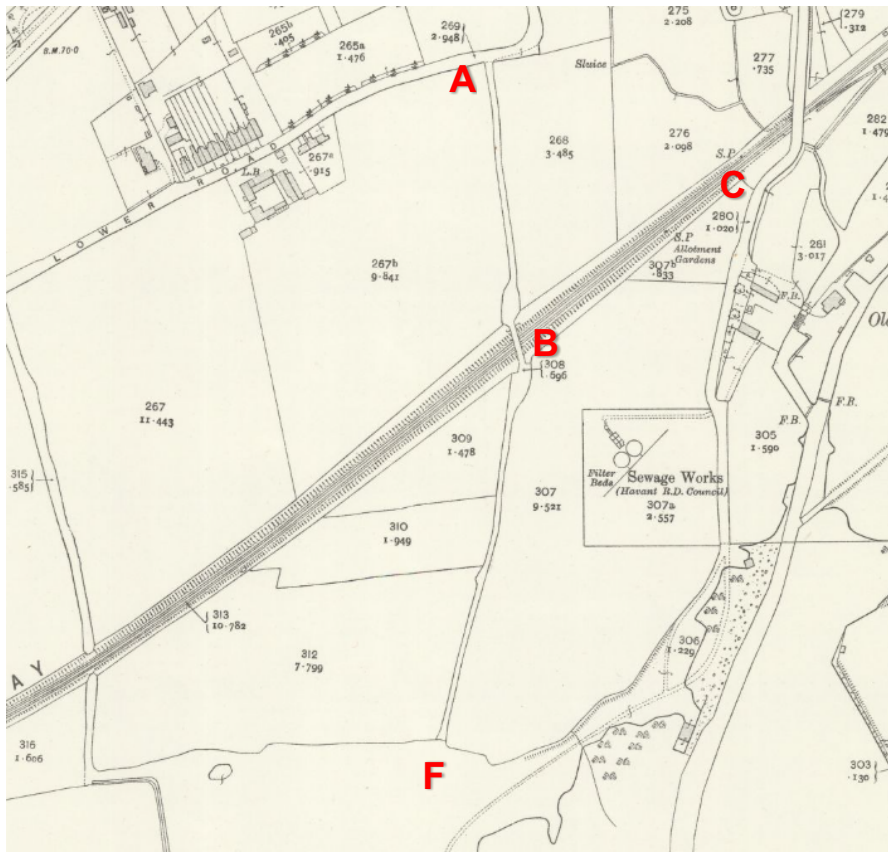
County Series Map (25 inches to 1 mile) - 1897



County Series Map (25 inches to 1 mile) - 1909



County Series Map (25 inches to 1 mile) - 1932

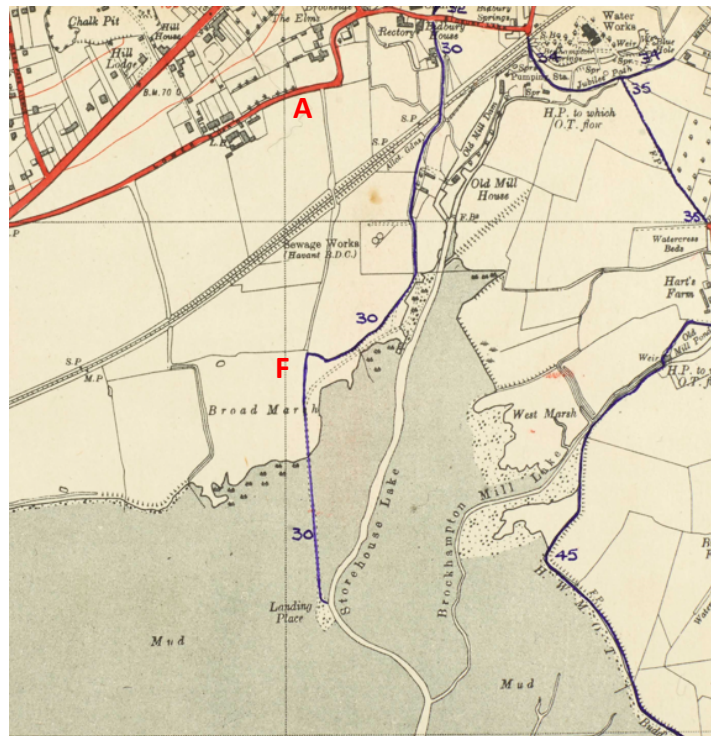


County Series Map (25 inches to 1 mile) - 1943



Definitive Map

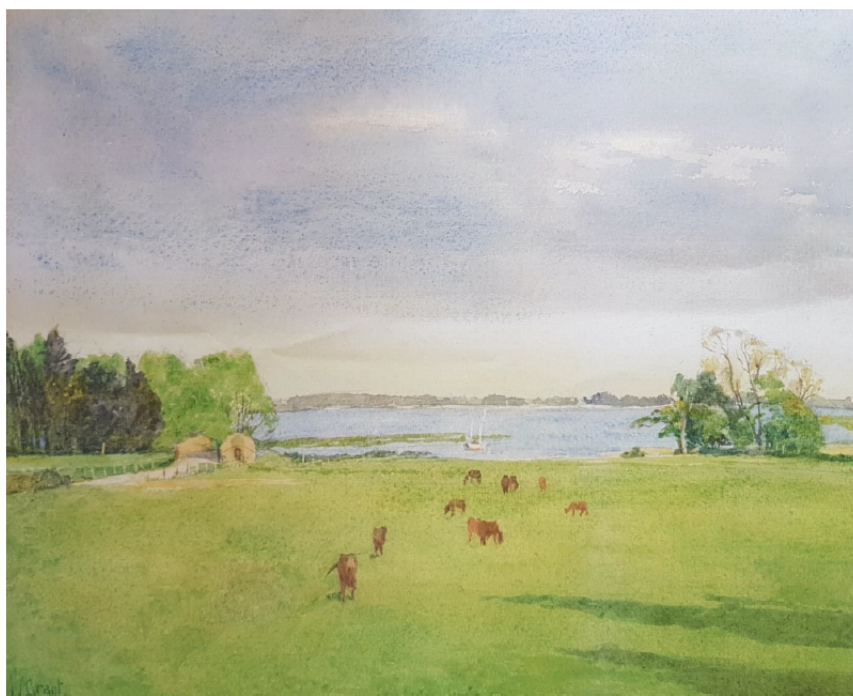
First Definitive Map - 1953



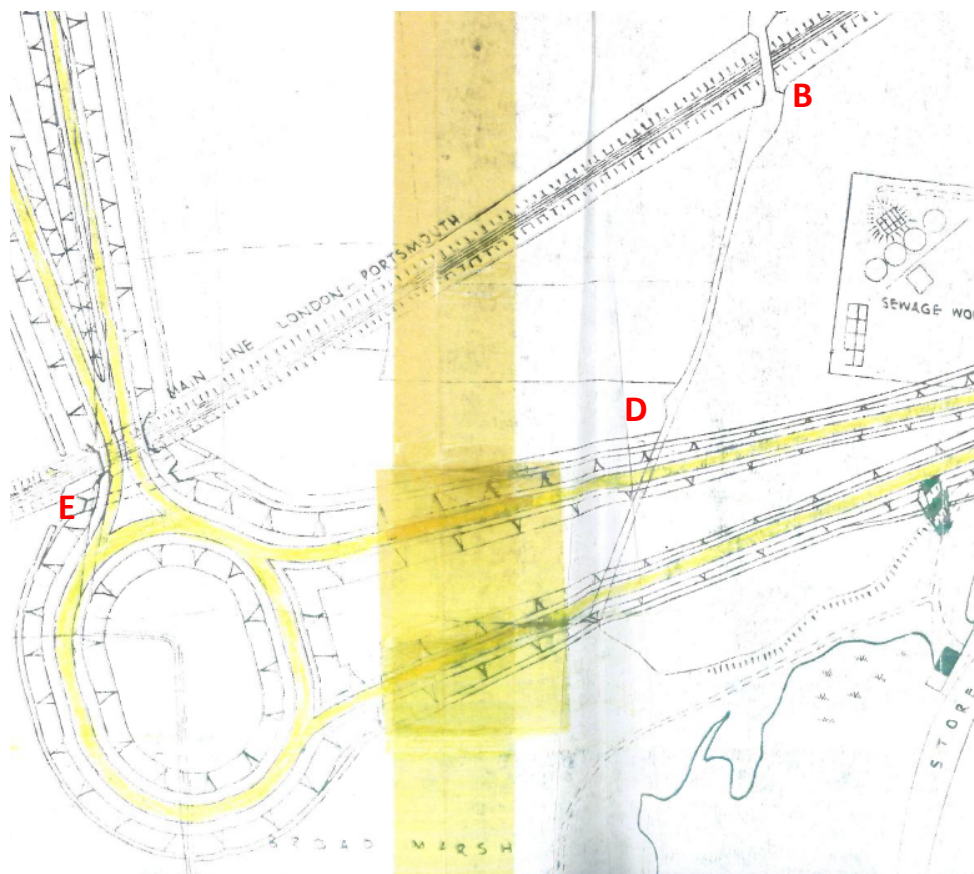
Map referenced in letter from County Surveyor to Havant and Waterlooville Urban District Council - 1958



Watercolour – William Grant – c1950



The Folkestone-Brighton-Southampton-Dorchester-Honiton Trunk Road (Havant By-pass Improvement) Order - 1962



Aerial Photograph – 2000



Aerial Photograph – 2004



Aerial Photograph – 2007



Aerial Photograph – 2013



Aerial Photograph – 2016



Aerial Photograph – 2018



Evaluation of Historical Documents

Under Section 32 of the Highways Act 1980, any court or tribunal determining the existence of public highway rights is required to take all evidence tendered into consideration before determining whether a way has or has not been dedicated as a highway, giving such weight to each document as it considers is *“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 was produced.”*

The Planning Inspectorate’s Definitive Map Orders Consistency Guidelines have the following to say on the analysis of evidence:

“There is a distinct and important difference between the ‘cumulative’ and ‘synergistic’ approach to the weighing of evidence. Under the cumulative approach a number of relatively lightweight pieces of evidence (e.g. three commercial maps by different cartographers, all produced within the same decade or so) could be regarded as mere repetition. Thus, their cumulative evidential weight may not be significantly more than that accorded to a single map. If, however, there is synergy between relatively lightweight pieces of highway status evidence (e.g. an OS map, a commercial map and a Tithe map), then this synergy (co-ordination as distinct from repetition) would significantly increase the collective impact of those documents. The concept of synergism may not always apply, but it should always be borne in mind.”

Early Commercial Maps

A number of map-makers (such as Isaac Taylor, Thomas Milne and C & J Greenwood) were producing small-scale maps (often one inch to the mile or less) during the 17th – 19th centuries. These were often sponsored by local landowners, and purchased as works of art rather than aids to navigation. The quality of surveying varied, and prior to 1800 was generally poor compared with similar scale Ordnance Survey maps produced from 1808 onwards. Although in isolation they do not prove the status of the roads and tracks shown on them, when considered alongside other evidence they can be helpful in identifying the status, location, and early origin of a route.

Tithe Maps and Awards

The Tithe Commutation Act 1836 completed a process that had been going on piecemeal for some years, and required the payment of tithe (i.e. local taxes payable (usually) to the church or its representative) to be converted from a percentage of the produce of land, to a money payment, in order to calculate and record the titheable value of land detailed maps were drawn up for each parish. These are valuable pictures of land use and ownership at the relevant time (usually between 1838 and 1845). The way in which roads and tracks are recorded on the map and in the award can be helpful in determining their status (public roads, were often untitheable, because they did not have a value for agriculture and might be recorded in the ‘Roads and Waste’ section of the award). These maps have a high evidential value, because they were part of a statutory process which was open to public scrutiny. However, they were not prepared with a view to recording the existence or status of public highways and, in the past, their significance for rights of way has been overstated. It is impossible to apply a general set of interpretative rules for all tithe maps: different maps treat public highways in different ways and each must be studied and evaluated individually if any reliable conclusion is to be drawn from them.

Railway and Canal Plans

Plans of the intended routes of railways (and, more rarely, canals) were deposited before Parliament at the same time as bills seeking authorisation for their construction. Plans and accompanying books of reference detailing the proposed line were required to provide details of the land to be crossed, including existing public highways. The process was open to public scrutiny and formed the basis of compulsory purchase and compensation payments. In consequence, they are normally regarded as good evidence of the status of highways crossed by the proposed lines. Not all of the railways and canals were built and so many more plans survive than routes were eventually constructed. There are sometimes inconsistencies between different plans which must cast some doubt on their reliability, but in general these are seen as a good source of evidence for the existence and status of public highways.

Ordnance Survey Maps and Records

The first maps of Hampshire produced by the Ordnance Survey and commercially available date from the early 19th century and were a great improvement on contemporary maps of a similar genre. The most useful series of maps are the 1:2,500 County Series maps, produced at intervals between the late 1860s and the 1940s. These maps provide an accurate picture of the landscape at the date of survey, and carry strong evidential weight, but it should always be borne in mind that the surveyors mapped physical features and not legal rights. These maps cannot be taken in isolation as evidence of the legal status of the paths and tracks shown on them.

Additional help in determining the status of a path can be found in other Ordnance Survey Records: the first edition County Series Map was accompanied by a Book of Reference, which identified 'Roads' (and sometimes even 'Public Roads' or 'Occupation Roads'); the object name books (some have survived for the third edition, circa 1909) relied on local knowledge (for example, the Overseer of Highways) to describe features, including public roads; boundary books can record public highways where they also form parish boundaries and levelling records may also refer to roads and other features.

Maintenance Maps (the 1929 'Handover' Map & 1946 Maintenance Map)

Handover Maps were prepared by the Surveyor of each district within Hampshire when responsibility for the maintenance of rural, unclassified roads was transferred to the County Council (as prescribed in the Local Government Act of 1929). The maps must be given some weight because they are good evidence of what the highway surveyor considered to be publicly maintainable. Having said that, it is not known how rigorous were the inquiries that resulted in the colouring that appears on the maps, and it should also be borne in mind that they were internal documents that were not subject to public scrutiny. Further, the maps were a record of maintenance responsibility, not public rights – a route left uncoloured on the Handover Map may nevertheless have been in public use.

The Maintenance Maps were produced as internal working documents to provide an updated picture of local highway network maintenance responsibilities after the Second World War. They add weight to a body of evidence where they are consistent with it, but great care needs to be taken before attributing too much importance to them where they contradict earlier evidence of the use and status of a path.