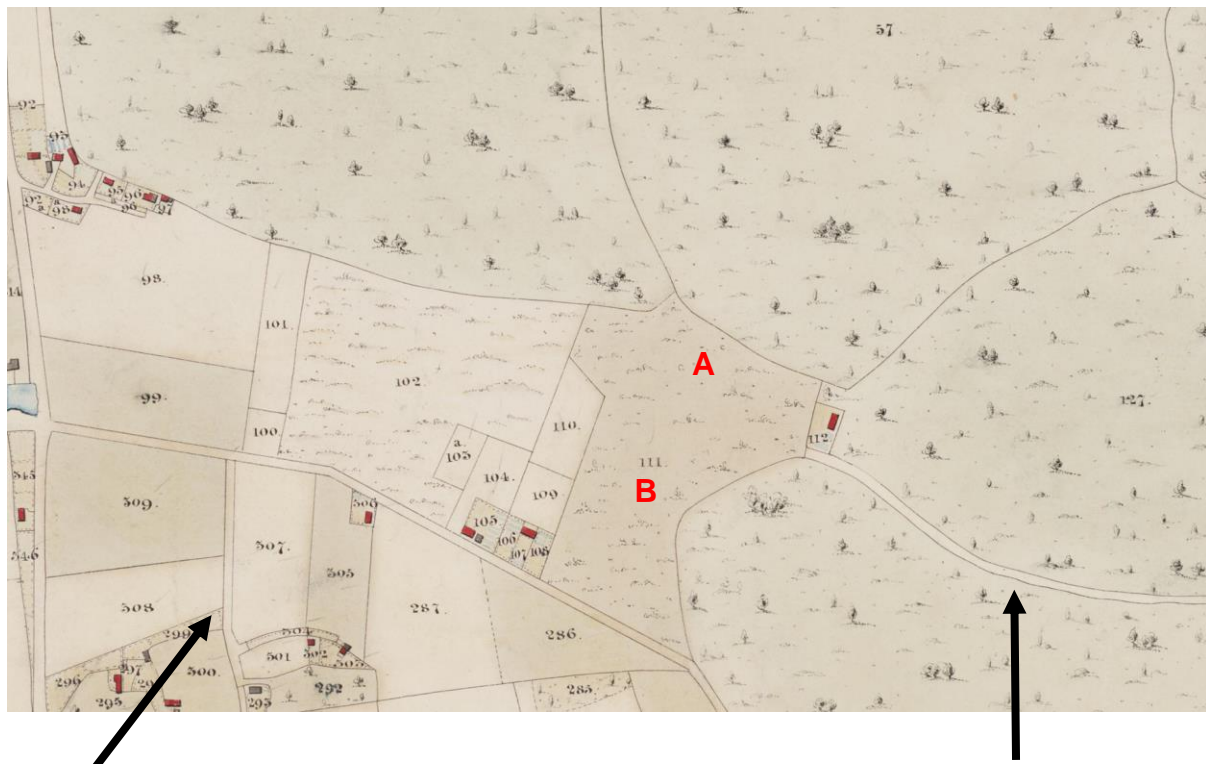


**Application for a Definitive Map Modification Order to record a public footpath  
between Footpaths 19 and 20 in Pamber Green**

**Parish of Pamber**

**APPENDIX 2 – Documentary Evidence**

**Pamber Tithe Map (1838) (A)<sup>1</sup>**



Part of Pamber Footpath 9.

Part of Pamber Footpath 19.

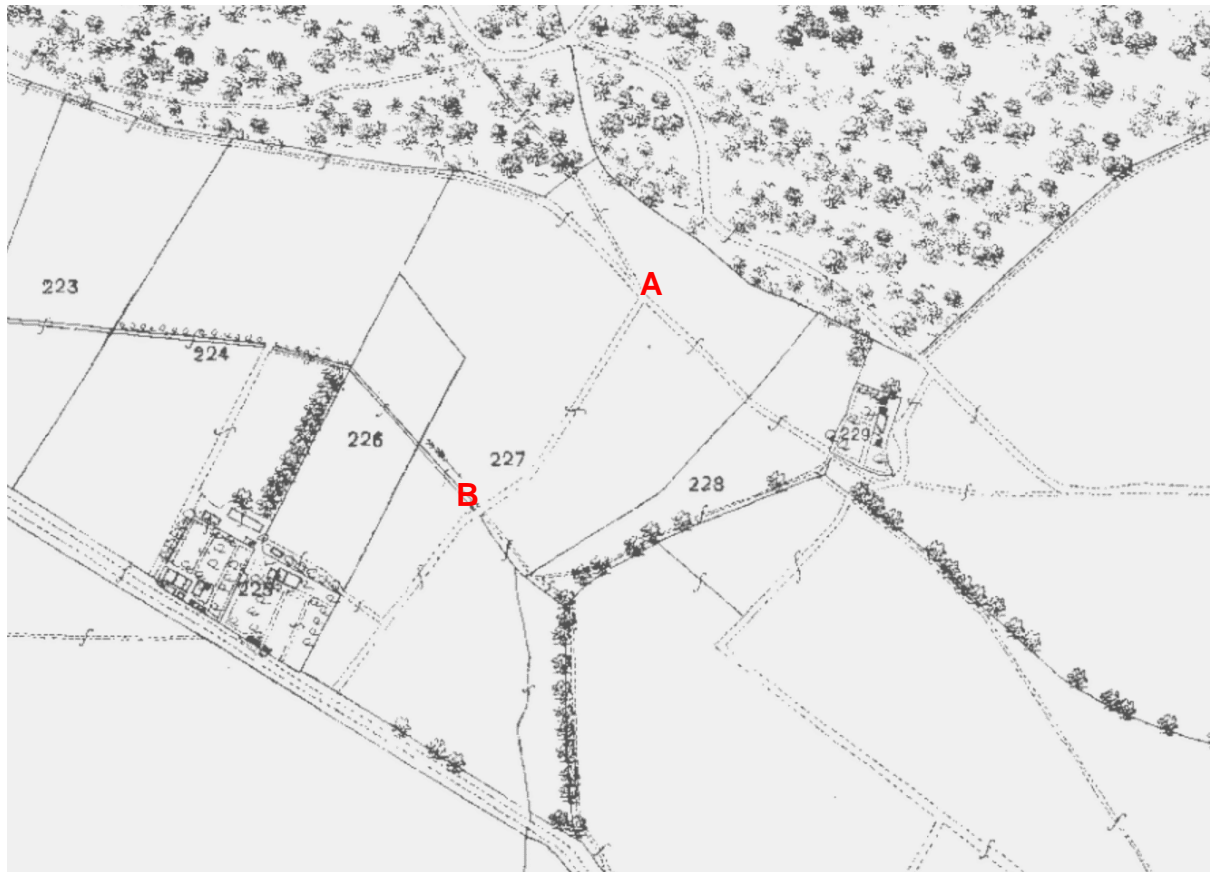
It appears that only minor routes  
which lead to dwellings have been  
depicted on this map.

<sup>1</sup> Hampshire Record Office Reference number – 21M65/F7/185/2  
Not to be reproduced without permission.

Ordnance Survey Maps - County Series (25 inches to 1 mile) – c.1870-1932

*Available from the National Library for Scotland. Copies also held by Hampshire Record Office. These images are taken from the Hampshire County Council Geographical Information System (GIS)*

Ordnance Survey Maps - County Series (25 inches to 1 mile) – First Edition, c.1875



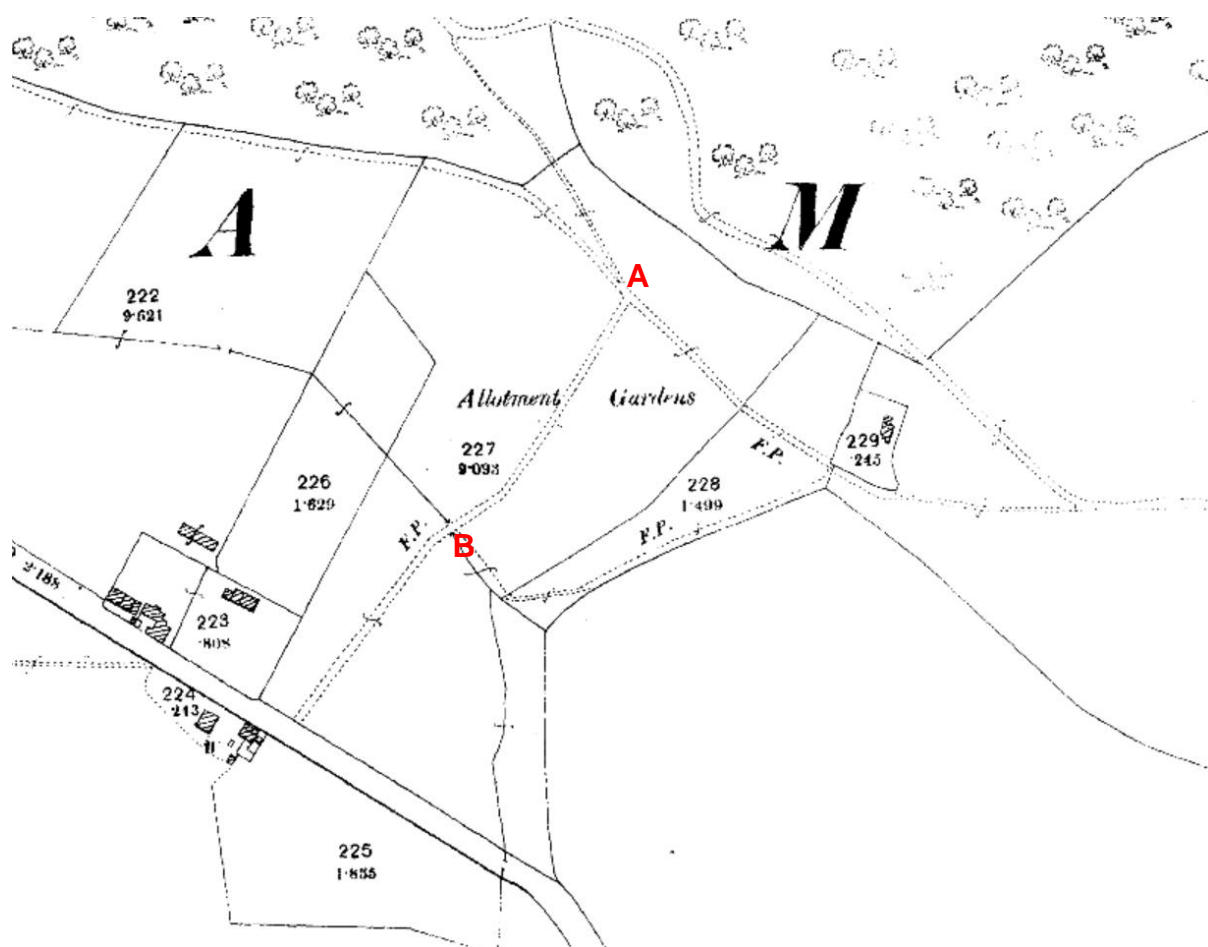
Book of reference to accompany the Ordnance Survey First Edition County Series  
Map (25 inches to 1 mile) – c.1875

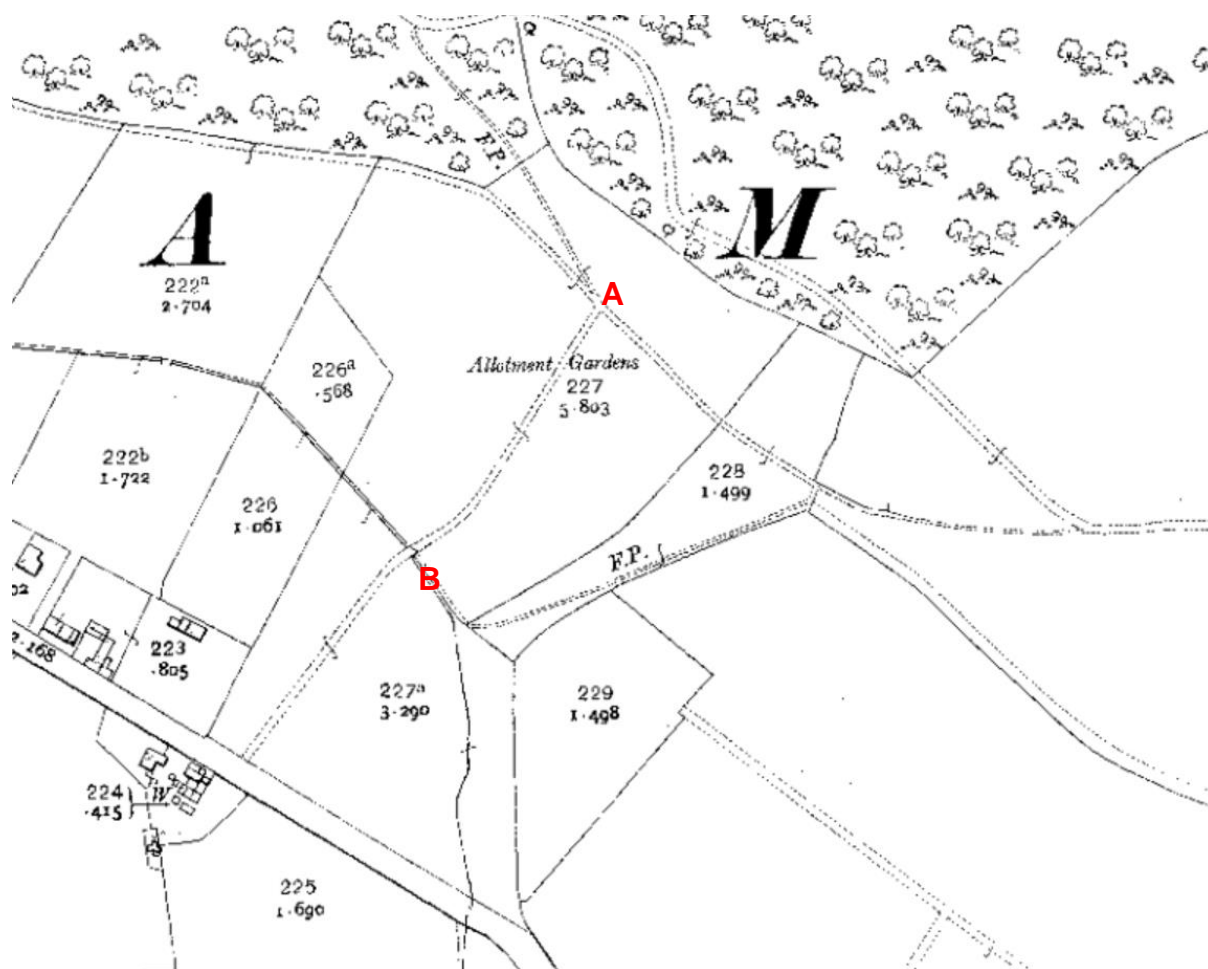
*Document held by Hampshire Countryside Service*

PARISH OF PAMBER.

3

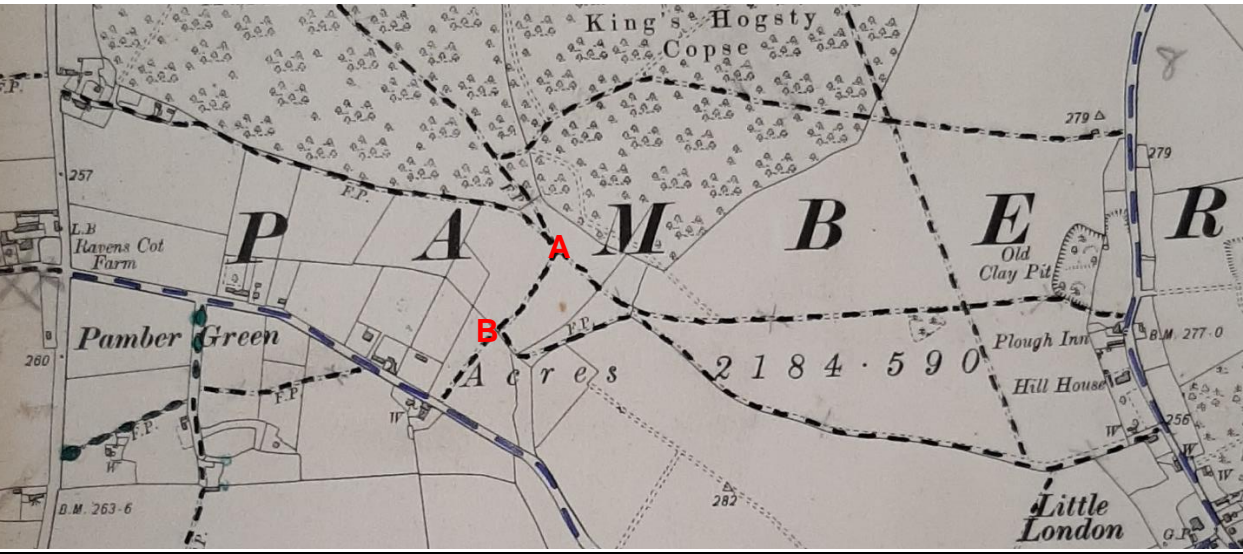
No. on Plan.	Area in Acres.	Remarks.	No. on Plan.	Area in Acres.	Remarks.
166	2.758	Arable.	216	.623	Road.
167	.992	Arable.	217	2.660	Arable.
168	.643	Pasture.	218	1.666	Arable.
169	.305	Houses and garden.	219	.144	Houses, garden, &c.
170	1.021	Pasture.	220	1.261	Houses, garden, &c.
171	1.866	Arable.	221	2.259	Pasture.
172	.532	Houses, gardens, &c.	222	.999	Arable.
173	.326	Houses, gardens, &c.	223	2.888	Arable.
174	.224	Road.	224	5.602	Arable and pasture.
175	.419	Houses, gardens, &c.	225	.940	Houses and gardens.
176	6.641	Arable.	226	1.629	Arable.
177	62.826	Wood.	227	9.093	Arable.
178	57.040	Wood.	228	1.499	Pasture.
179	74.411	Arable.	229	.245	Houses, gardens, &c.
180	1.138	Rough pasture, furze, &c.	230	47.134	Arable.
181	1.867	Houses, pasture, &c.	231	.483	House, pasture, &c.
182	.188	Houses and garden.	232	.075	Houses and garden.
183	.169	Pasture.	233	.582	Pasture.
184	.462	Pasture.	234	.928	Pasture.
185	.099	Houses and garden.	235	.750	Arable, &c.
186	14.121	Arable, &c.	236	.341	Houses, gardens, &c.
187	12.171	Arable.	237	.848	Pasture.
188	17.710	Arable.	238	1.176	Pasture.
189	7.093	Arable.	239	.422	Houses, gardens, &c.
190	4.375	Pasture.	240	.329	Houses, gardens, &c.
191	6.384	Arable.	241	1.079	Pasture.
192	.203	Wood.	242	.330	Houses, gardens, &c.
193	.570	Wood.	243	16.370	Wood.
194	7.223	Arable.	244	4.284	Arable.
195	.958	Houses gardens &c.	245	5.327	Arable, &c.
196	2.829	Road.	246	3.681	Arable, &c.
197	19.619	Arable.	247	7.933	Arable, &c.
198	6.025	Arable.	248	22.866	Arable, &c.
199	.692	Stackyard.	249	10.046	Arable, &c.
200	.944	Houses, gardens and yards.	250	2.186	Arable, &c.
201	.227	Pond.	251	20.792	Arable.
202	.423	Houses and gardens.	252	.521	Pasture.
203	3.699	Arable.	253	.653	Houses, gardens, &c.
204	3.990	Arable.	254	.909	Houses, garden, and pasture.
205	2.552	Arable.	255	1.726	Pasture.
206	.515	Houses, gardens, &c.	256	12.863	Wood.
207	1.006	Pasture.	257	.545	Arable.
208	.154	Houses and gardens.	258	3.191	Wood.
209	1.825	Pasture and houses.	259	.289	Road.
210	37.433	Arable.	260	19.503	Arable.
211	.247	Houses and garden.	261	2.393	Orchard.
212	.948	Pasture.	262	.698	Pond.
213	.206	Houses, garden, &c.	263	1.772	Houses, pasture, and yards.
214	.228	Road.	264	.181	Pond.
215	.469	Arable.	265	.319	Arable.

Ordnance Survey Maps - County Series (25 inches to 1 mile) – Second Edition, 1896

Ordnance Survey Maps - County Series (25 inches to 1 mile) – Third Edition, 1911



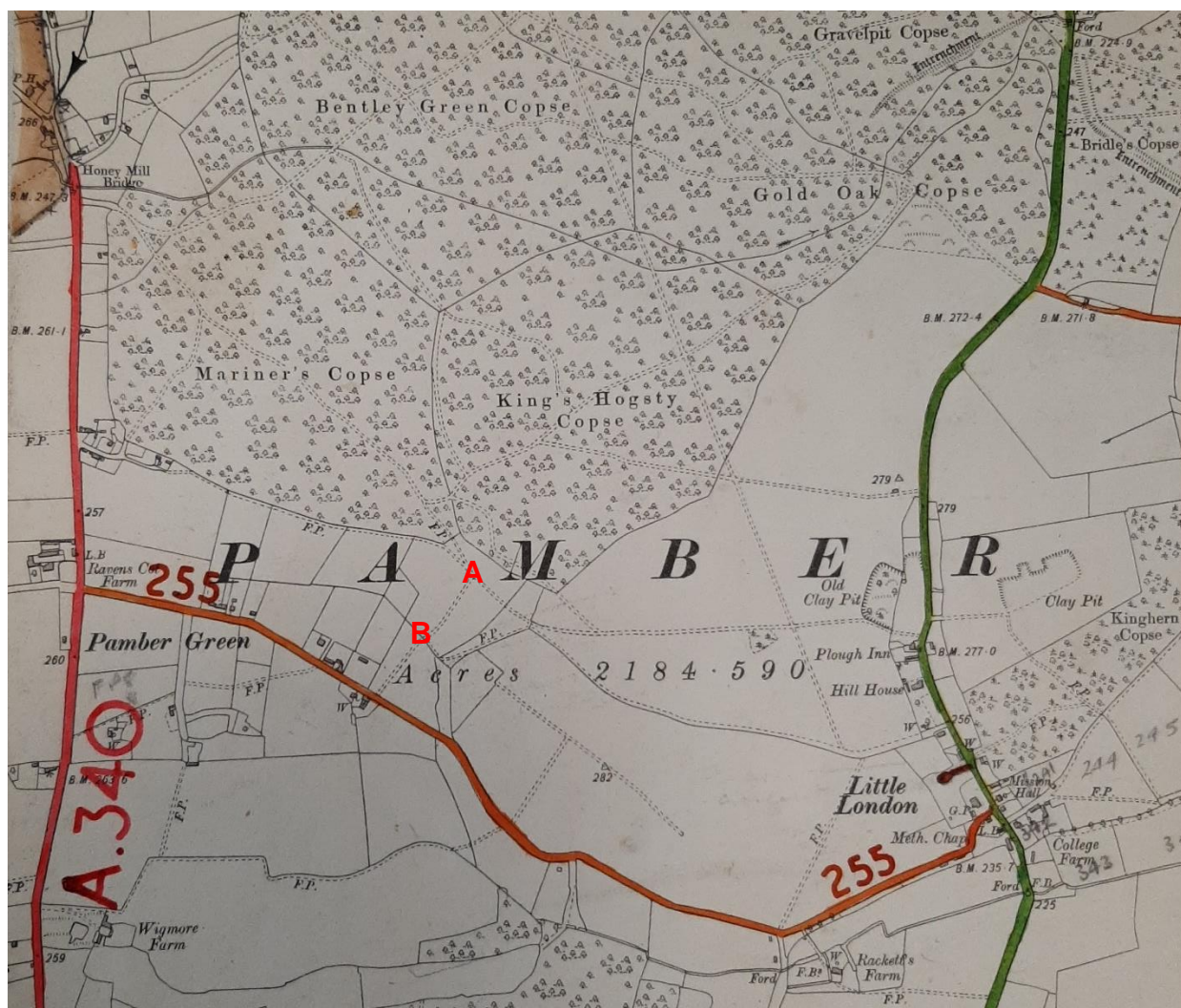
Basingstoke Rural District Council Highway Handover Map (1929) (A)<sup>2</sup>



LOCAL GOVERNMENT ACT, 1929.	
REFERENCE.	
Boundary of District.	Yellow Band
<b>Public Highways (Carriageways) :—</b>	
Repairable by District Councils :—	
Metalled	Firm Blue Lines
Unmetalled (including those to which no repairs executed)	Dotted Blue Lines
Repairable <i>ratione tenurae</i> :—	
Metalled	Lines of Red Crosses
Unmetalled	Lines of Blue Crosses
<b>Bridges on Public Highways (Carriageways) :—</b>	
Repairable by District Councils	Red Circles 1-in. in diameter with name of bridge
Repairable <i>ratione tenurae</i>	Blue Circles 1-in. in diameter with name of bridge
<b>Public Footpaths (other than those at side of Carriageways) :—</b>	
Repairable by District Council :—	
(a) repaired by the District Council	Dotted Red Lines
(b) repaired by the Parish Council	Dotted Green Lines
(c) not repaired	Dotted Black Lines
Repairable <i>ratione tenurae</i>	Double Black Lines
<b>Property held by District Council as Highway Authority.</b>	
Gravel Pits	Black Circles 1-in. in diameter
Sand Pits	Green Circles 1-in. in diameter
Other Property	Mark and describe
<b>Railway Bridge Approaches.</b>	
Repaired by District Council under agreement with Railway Company	Double Red Lines
Repaired by District Council at cost of District Council	Double Green Lines
Repaired by Railway Company	Double Blue Lines






















<sup>2</sup> Hampshire Record Office Reference number – H/SY3/6/4

# Highways Maintenance Map, Basingstoke Division (c1946) (A)<sup>3</sup>




<sup>3</sup> Hampshire Record Office Reference number – H/SY3/3/24/3

County Council Memorandum regarding the Highways Maintenance Map legend (1992) (A)<sup>4</sup>

<b>HAMPSHIRE</b>																			
<p>Memorandum from:</p> <p style="text-align: center;">COUNTY SURVEYOR</p> <p>Please quote: RHS/GENERAL</p> <p>Your Ref:</p> <p>Ext: 6917</p>	<p>To:</p> <p style="text-align: center;">COUNTY COUNTRYSIDE AND COMMUNITY OFFICER RIGHTS OF WAY SECTION</p> <p>Date: 29 May 1992</p>																		
<p><b>1946 MAP/COLOURING</b></p> <p>Following your request for information regarding the colouring of various highways on the 1946 series of maps. There is no legal interpretation on the colouring but it is considered by the Surveyors Department to be representative of the status of the roads.</p> <table style="width: 100%;"> <tr> <td style="width: 30%;">A class roads</td> <td style="width: 10%; text-align: center;"></td> <td style="width: 60%;"></td> </tr> <tr> <td>B class roads</td> <td style="text-align: center;"></td> <td></td> </tr> <tr> <td>C class roads</td> <td style="text-align: center;"></td> <td></td> </tr> <tr> <td>U class roads</td> <td style="text-align: center;"></td> <td></td> </tr> <tr> <td>U 'unmetalled' roads</td> <td style="text-align: center;"> </td> <td></td> </tr> <tr> <td>Private Streets</td> <td style="text-align: center;"></td> <td></td> </tr> </table>		A class roads			B class roads			C class roads			U class roads			U 'unmetalled' roads	 		Private Streets		
A class roads																			
B class roads																			
C class roads																			
U class roads																			
U 'unmetalled' roads	 																		
Private Streets																			

COUNTRYSIDE AND  
COMMUNITY DEPARTMENT

-2 JUN 1992

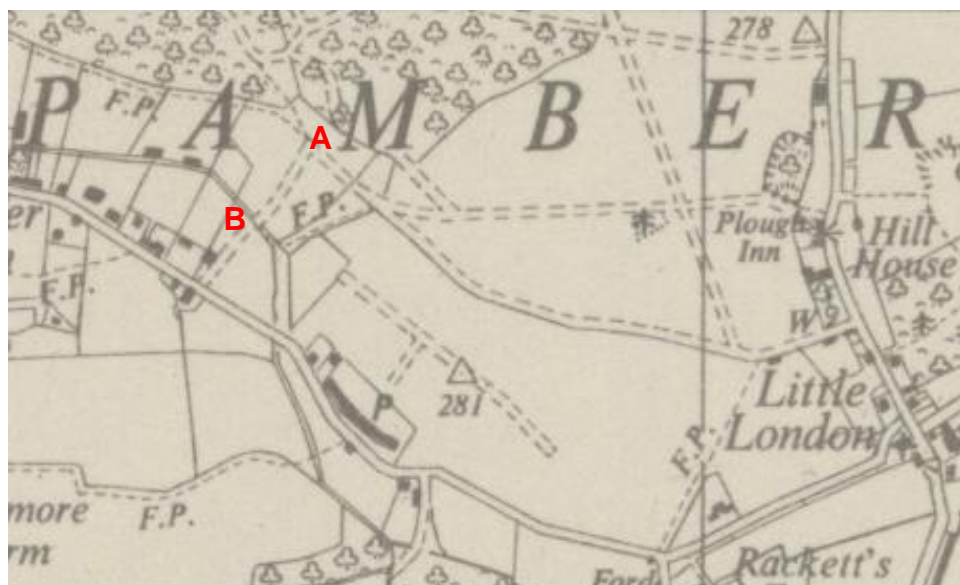
Passed to	
Copies to	
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<sup>4</sup> Held by Hampshire Countryside Service

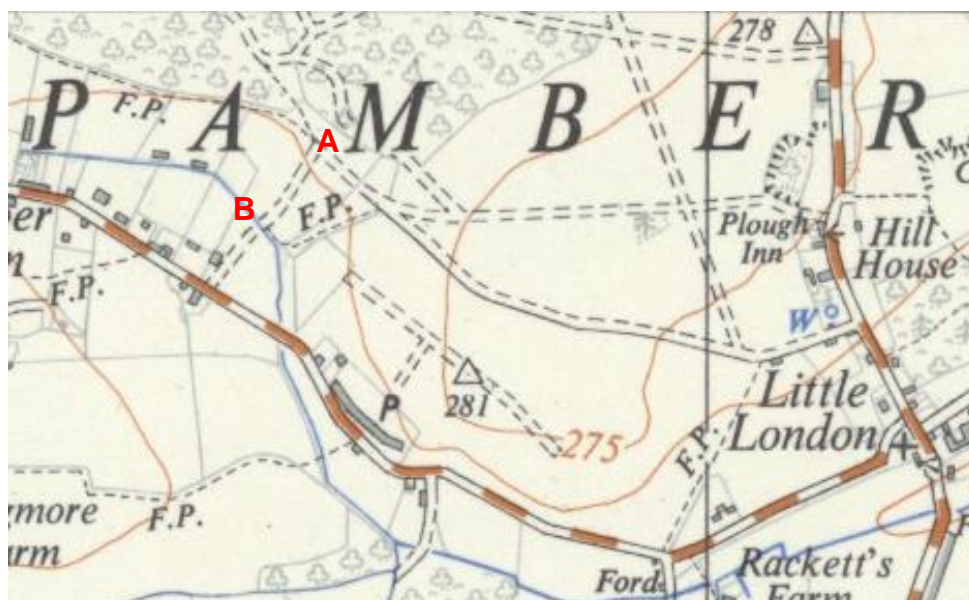


Ordnance Survey Maps – 1:25,000 Outline Series of Great Britain – c.1948 – 1958(A)<sup>5</sup>

Published c.1948

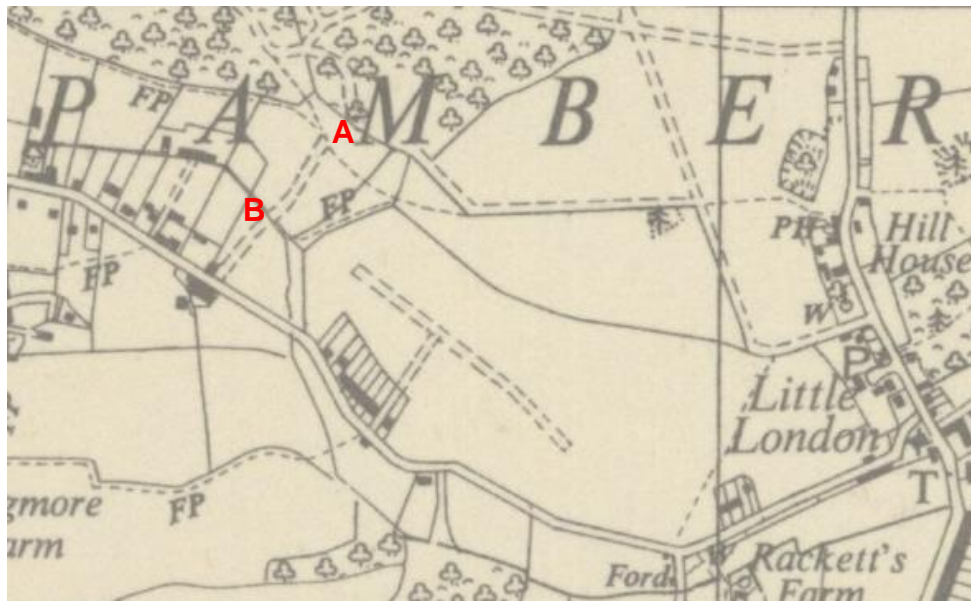


Published c.1948

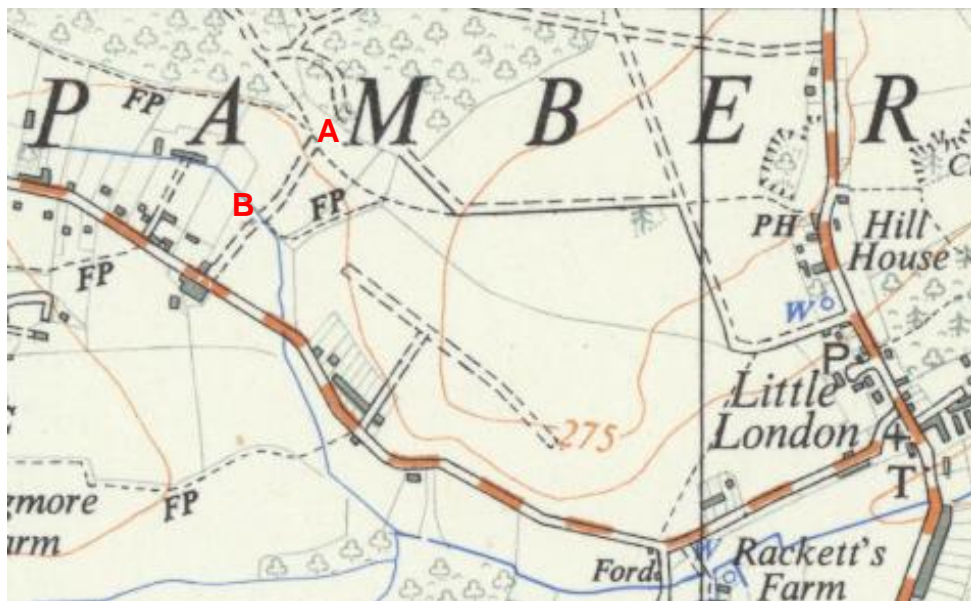


<sup>5</sup> Available from the National Library of Scotland: [Map Finder - with Outlines - National Library of Scotland \(nls.uk\)](https://www.nls.uk/map-finder/)

Published 1958

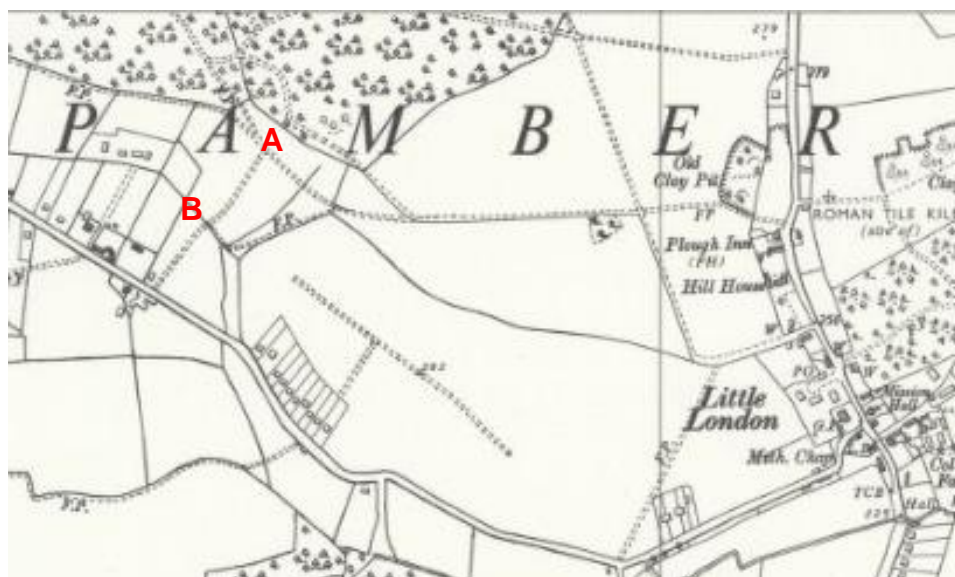


Published 1967

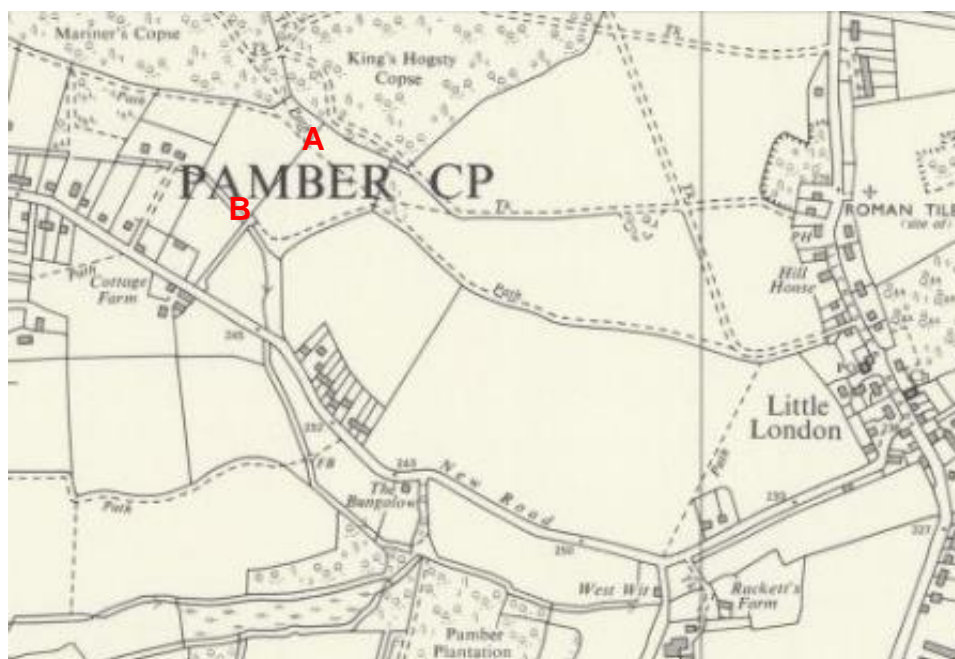


# Ordnance Survey Maps – 1:1,250 National Grid Maps, 1961 – 1970 **(A)**<sup>6</sup>

## Published 1961



## Published 1970



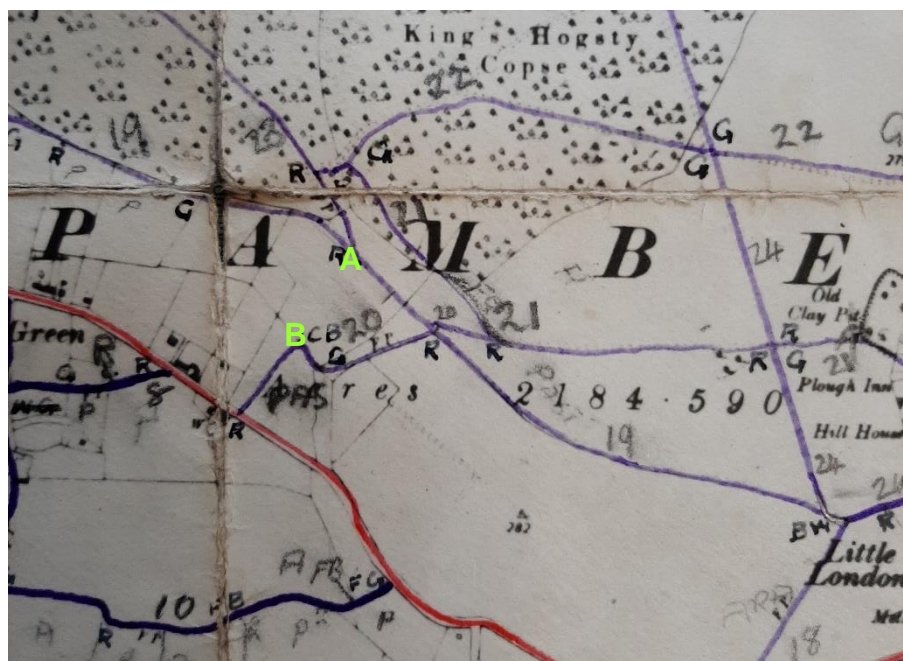
<sup>6</sup> Available from the National Library of Scotland: [Map Finder - with Outlines - National Library of Scotland \(nls.uk\)](https://www.nls.uk/map-finder/)



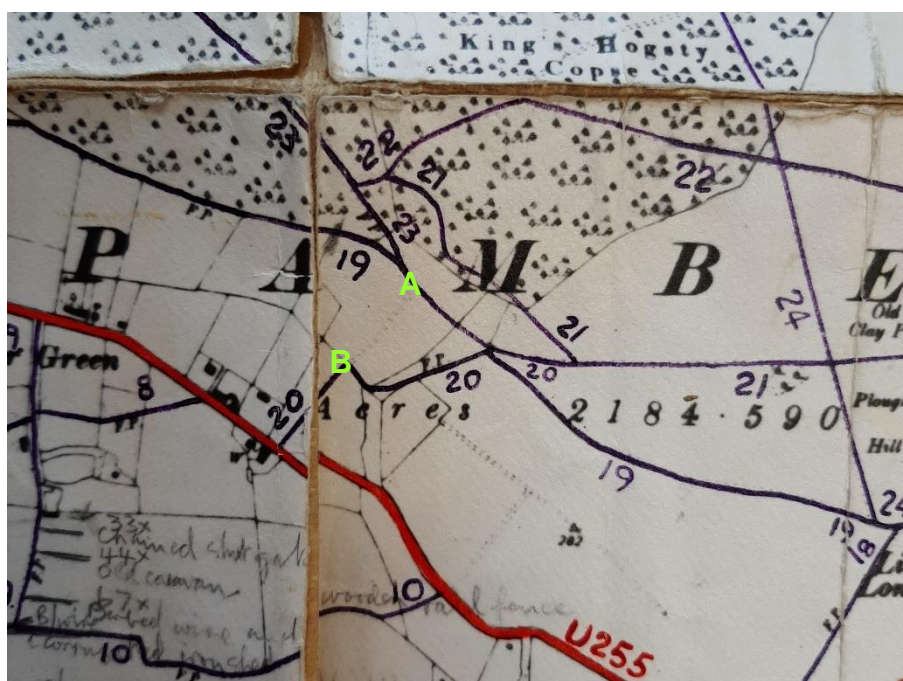
### Parish Map (c.1950)

There are three parish maps for Pamber held by Hampshire County Council.

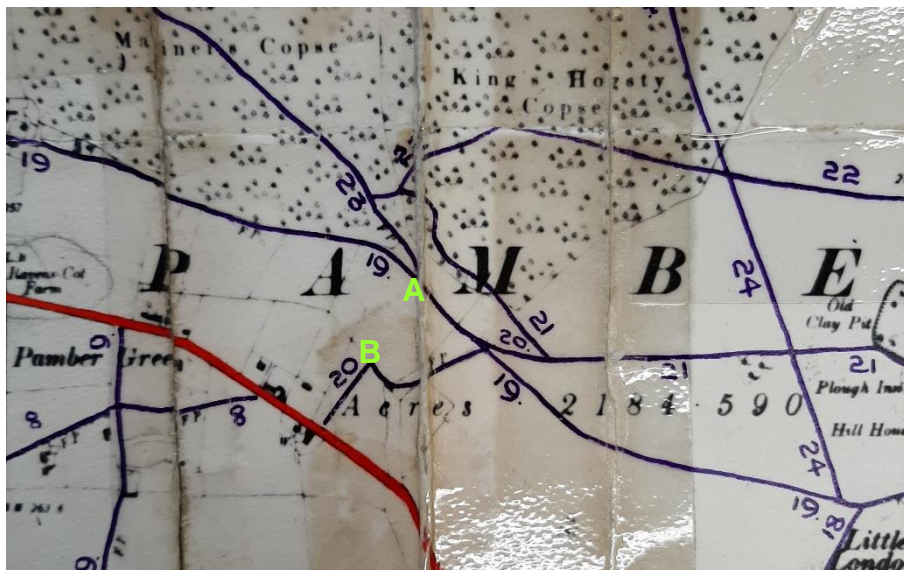
#### Map One



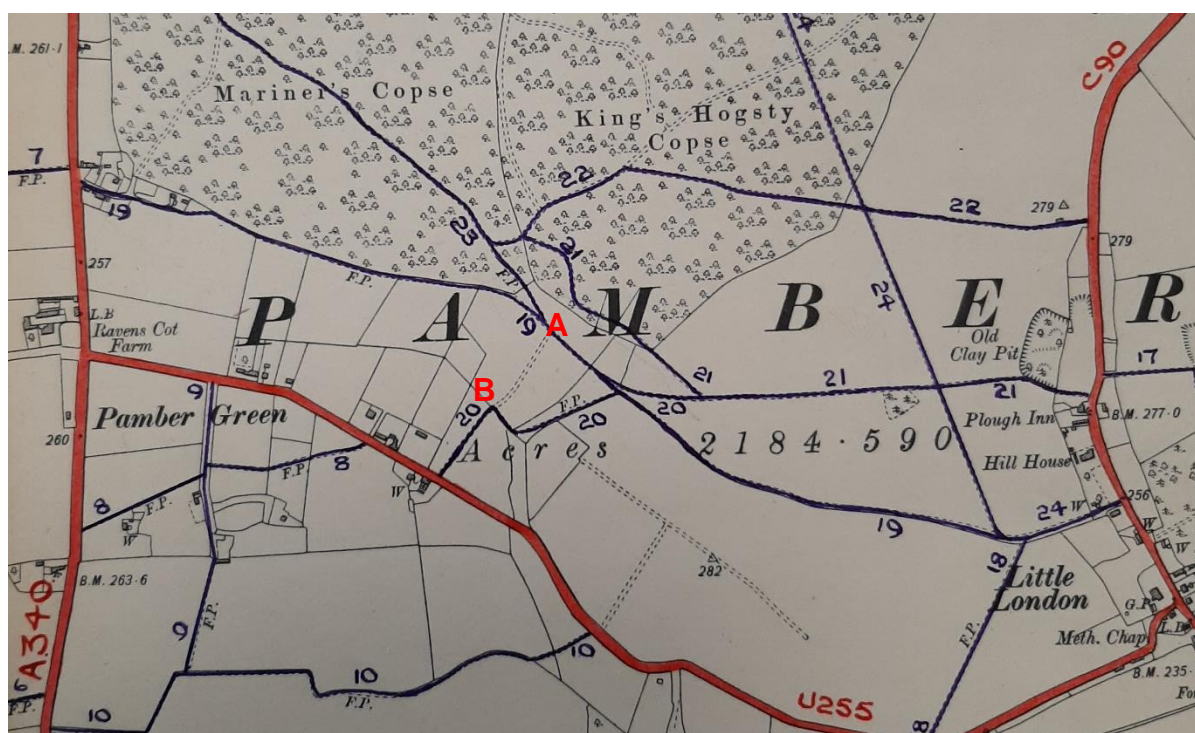
#### Map Two:



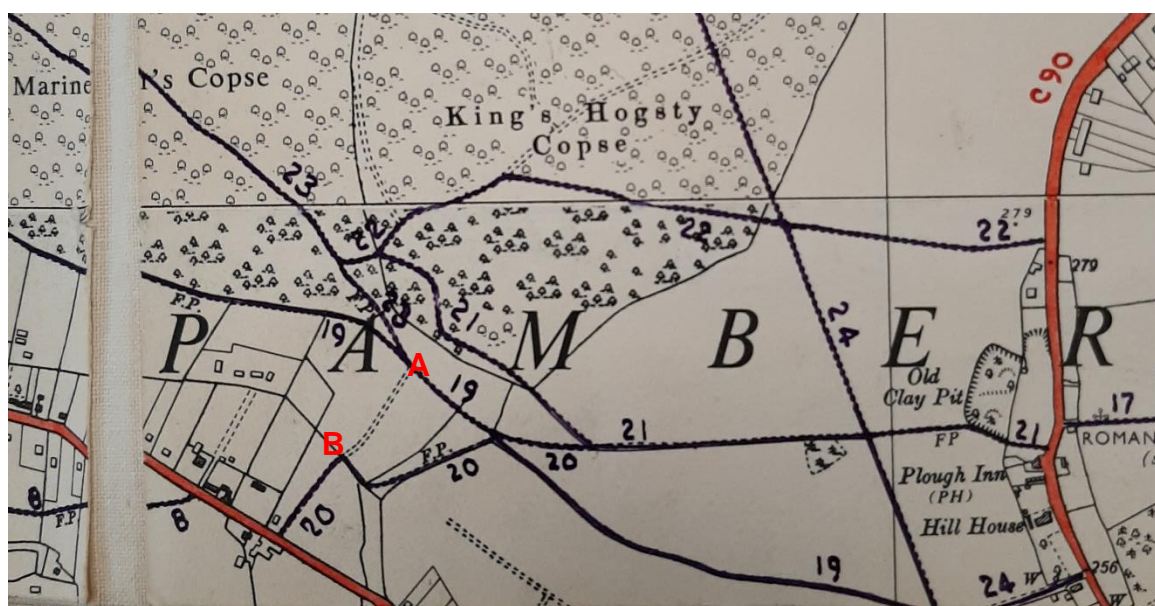


**Map Three:**

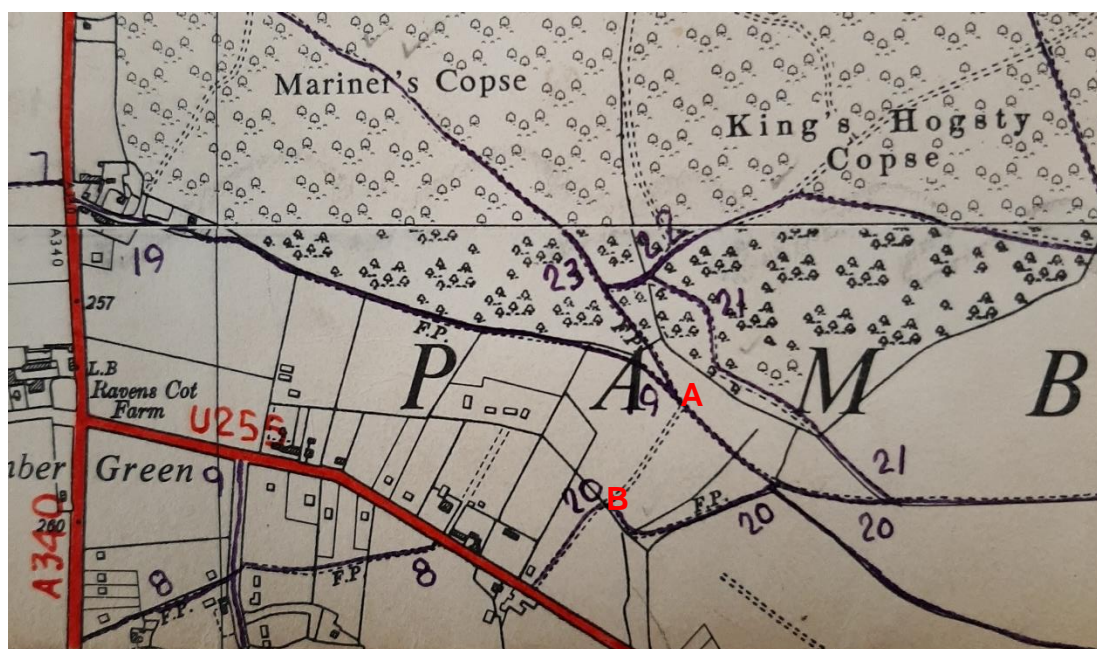
First Definitive Map (1954) (A)<sup>7</sup>



<sup>7</sup> Hampshire Record Office Reference number – H/CL1/2/3

Second Definitive Map (1954) (A)<sup>8</sup>

<sup>8</sup> Hampshire Record Office Reference number – H/CL1/2/29a

Draft Third Definitive Map (c1958-1964) (A)<sup>9</sup>

<sup>9</sup> Hampshire Record Office Reference number – H/CL1/2/40



### Aerial Photography

*Aerial Photography has been obtained from Hampshire County Council's GIS system, Hampshire Record Office, the National Library for Scotland, and Google Streetview.*

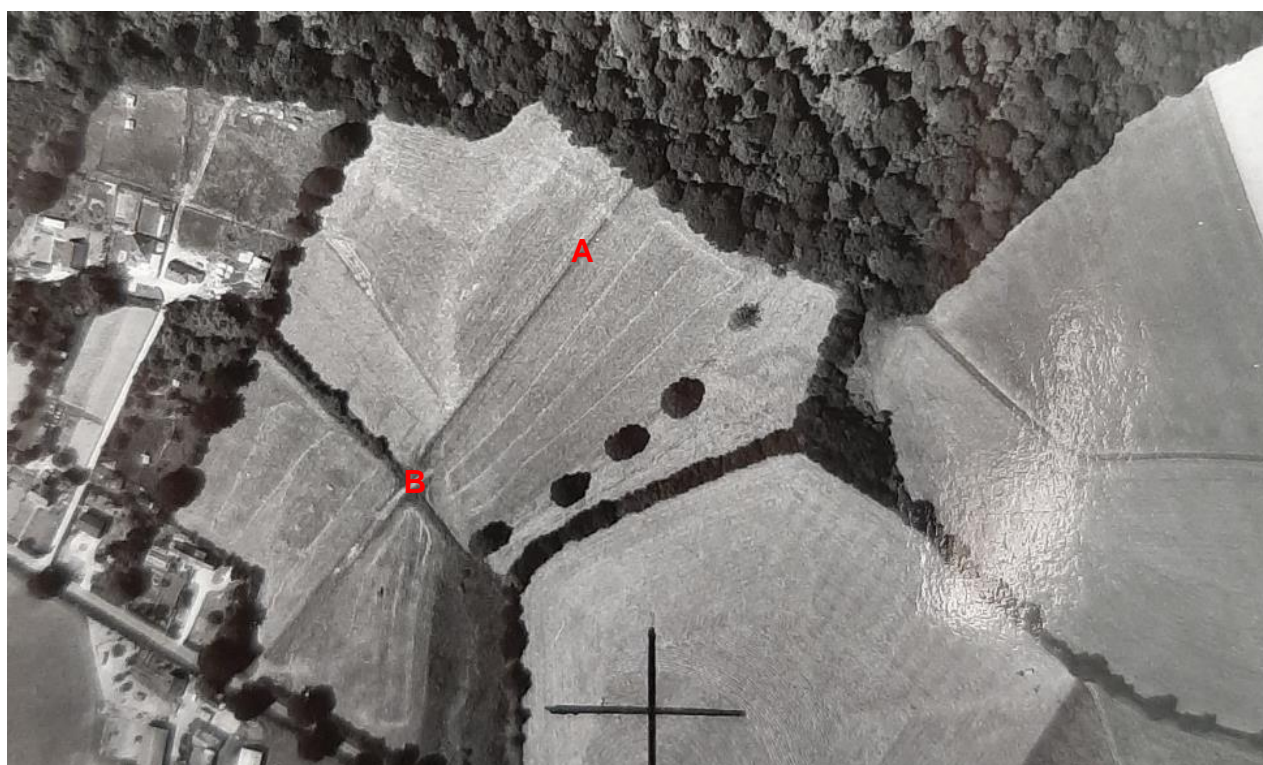
#### **1947 (National Library for Scotland)<sup>10</sup>**



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<sup>10</sup> [View map: OS Air Photo, 6 inch to the mile \(1:10,560\), Sheet 41/65 N.W. - Ordnance Survey Air Photo Mosaics, 1944-1950 \(nls.uk\)](#)

**1971 (Hampshire Record Office)**



**1984 (Hampshire Record Office)**





**1991 (Hampshire Record Office)**



**1991 (Hampshire Record Office)**



### 1995 (Hampshire Record Office)



### 1999 (Google Earth)







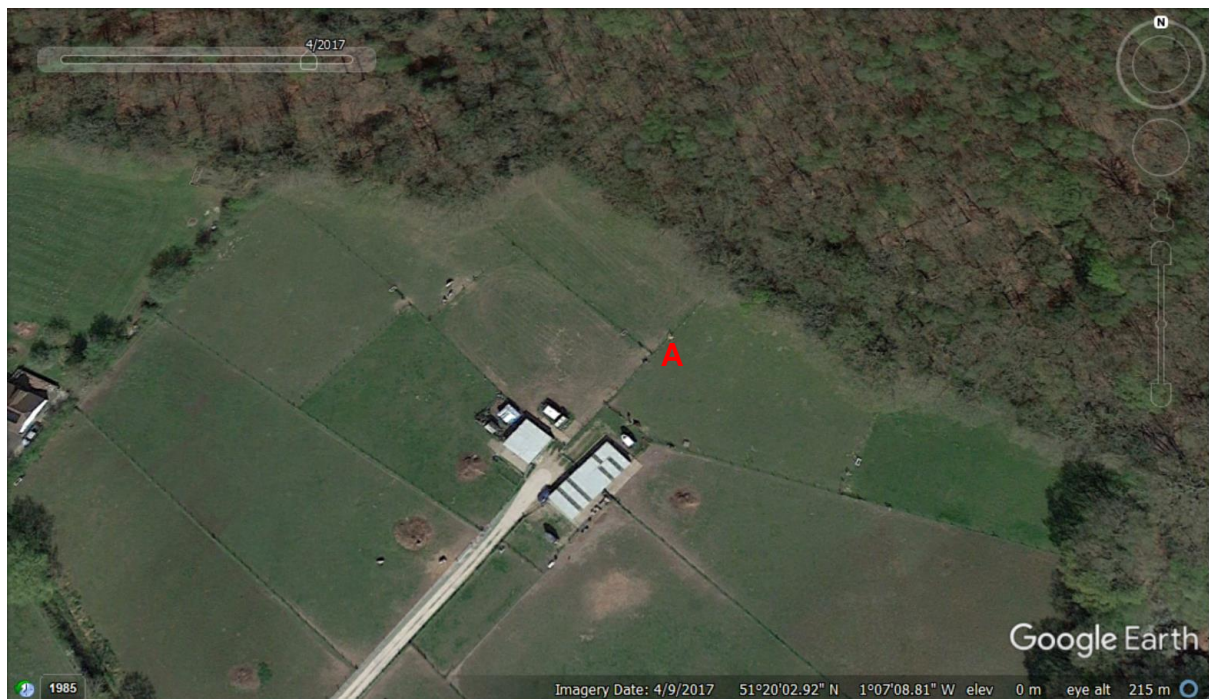
**Enlargement of 1999 image. Red arrows indicate the possible presence of a worn line, consistent with the alignment of Footpath 23.**

**2000 (GIS)****2005 (Google Earth)**

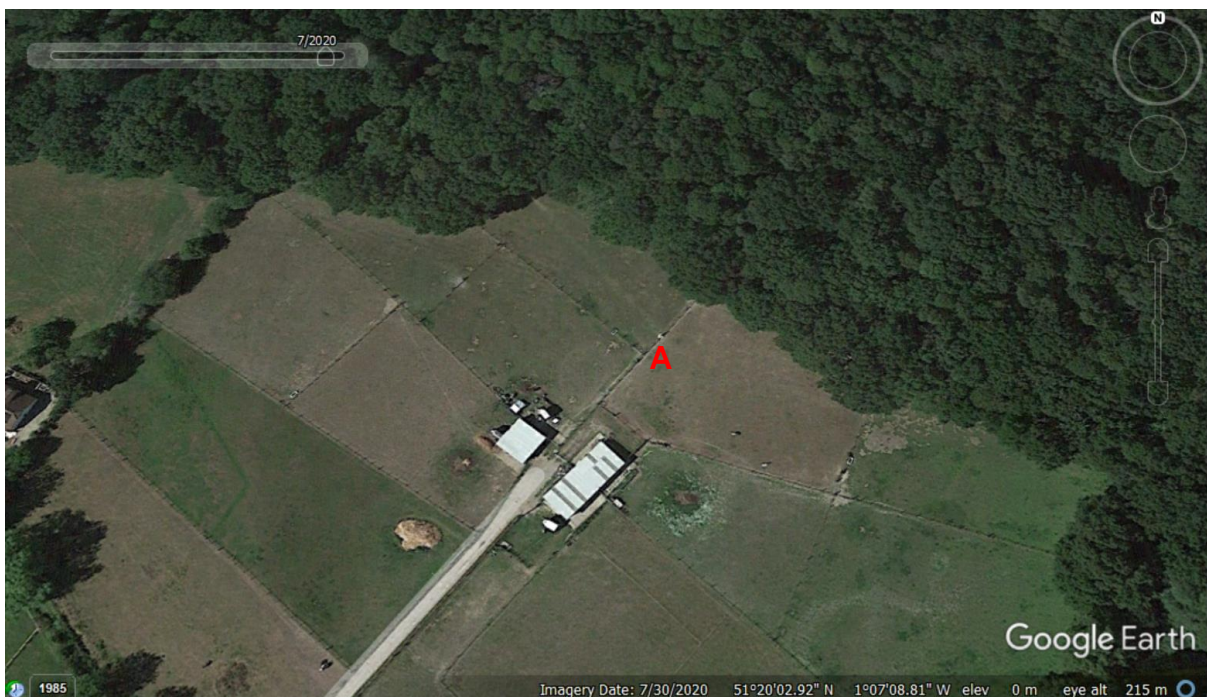


**2008 (Google Earth)****2013 (GIS)**



**2017 (Google Earth)****2018 (Google Earth)**



**2018 (GIS)****2020 (Google Earth)**

## 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. “*

### 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.

### Ordnance Survey Maps and Records

The first maps of Hampshire produced by the Ordnance Survey and commercially available date from the early 19<sup>th</sup> 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.