

Black Lane: eastern termination and EKLR crossing

A. Introduction

A.1. This note explores two possible adjustments to the legal course of Black Lane identified on the map included in the definitive map modification order, the Kent County Council (Bridleway EE488 at Goodnestone & Eastry) Definitive Map Modification Order 2019.

A.2. It concludes that the legal course requires adjustment at the crossing of the former East Kent Light Railway (point F on the order map) and between the Dover Road and Straight Mile (between points L and M).

B. East Kent Light Railway crossing

B.1. Line 1 of the East Kent Light Railway was planned to cross Black Lane between Knowlton and Thornton Lane. The deposited plan and book of reference described Black Lane as a 'footpath' vested in the Eastry parish council.

B.2. The line was authorised by the Board of Trade in the East Kent Mineral (Light) Railways Order 1911, made under the Light Railways Act 1896. Under article 3(1) of the Order, certain provisions of the Railways Clauses Consolidation Act 1845 were incorporated in the order, but, *inter alia*, sections 46 to 48 and 59 were excluded.

B.3. Article 23(1) empowered the railway company to carry the railway across any public highway (other than those addressed in articles 21 and 22) on the level.

B.4. Section 16 of the Railways Clauses Consolidation Act 1845, incorporated by article 3(1) of the 1911 Order, empowered the railway company to: '...divert or alter, as well temporarily as permanently, the course of any such rivers or streams of water, roads, streets, or ways, or raise or sink the level or any such rivers or streams, roads, streets, or ways, in order the more conveniently to carry the same over or under or by the side of the railway, as they may think proper'.

B.5. Section 53 of the 1845 Act provides that: 'If...it be found necessary to cross, cut through, raise, sink, or use any part of any road, whether carriage road, horse road, tram-road, or railway, either public or private, so as to render it impassable for or dangerous or extraordinarily inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the company shall, before the commencement of any such operations, cause a sufficient road to be made instead of the road to be interfered with, and shall at their own expence maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.'

B.6. Soon after construction, the surveyor to Eastry Rural District Council reported to the council on 22 July 1913 that, 'The Bridle Rd from Betteshanger to Knowlton is obstructed with high embankment of Chalk: Mr Wilks [the representative of the railway proprietors] suggests that this should be diverted a few yards towards Eastry and over the line where the embankment is not so high.' The report book is annotated that this proposal was 'approved subject to diversion being satisfactory'.¹

¹ See items AT and AV of the application document analysis, v.1.7.

B.7. Accordingly, it appears that the railway company employed its powers under sections 16 and 63 of the 1845 Act (as incorporated) to make a small diversion of Black Lane in order to cross the railway embankment. It may be that the diverted route remains maintainable by the successor railway authority as provided for in section 63.

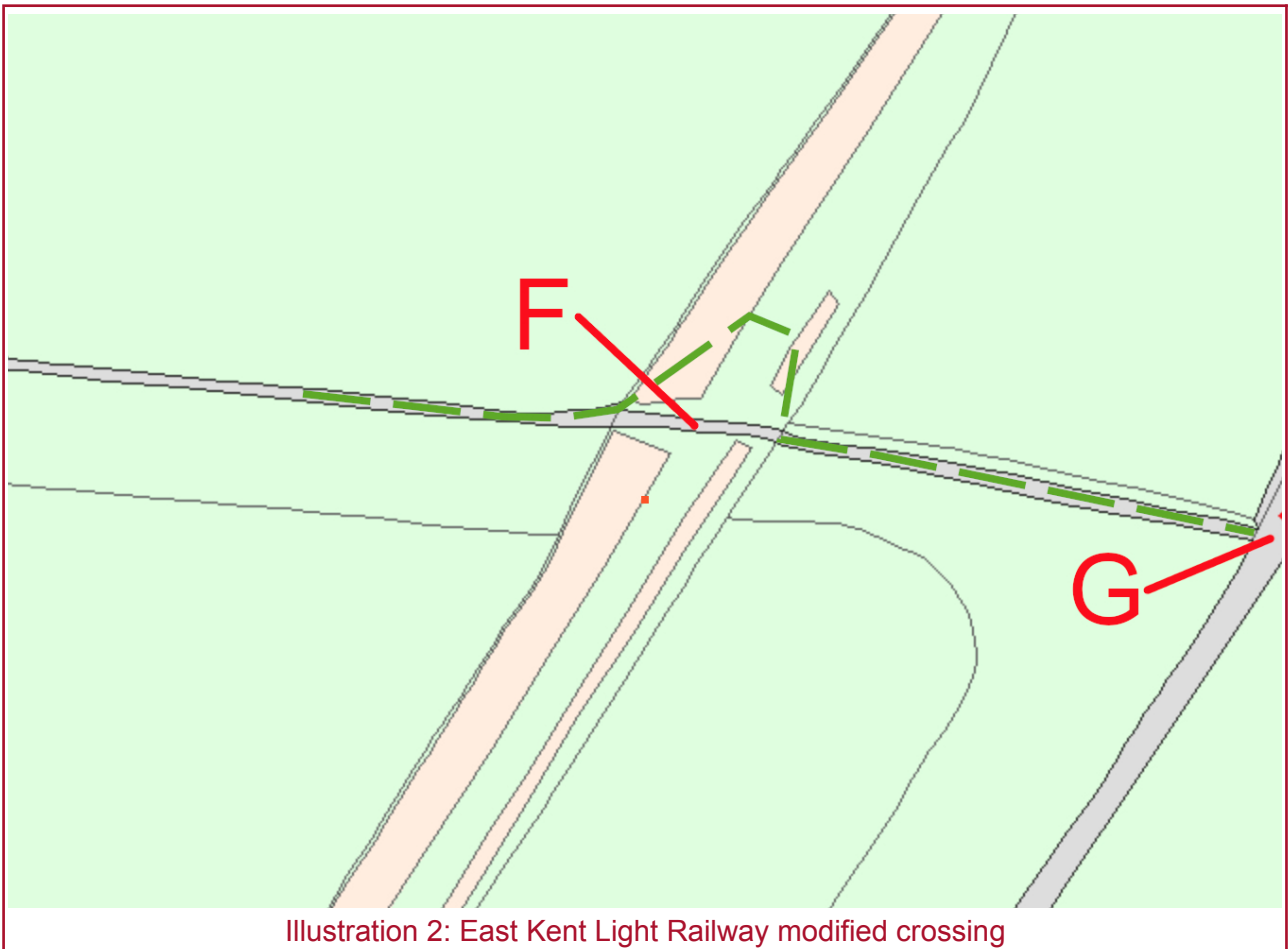
B.8. No map records the diverted route — the Ordnance Survey County Series 1:2,500 map of 1938 is an outline edition which does not show detail within the boundaries of the railway line.



Illustration 1: East Kent Light Railway, west side approach (looking north)

B.9. However, on site survey reveals what may be a more gradual ascent to the crossing on the approach from the west. This is considerably more accessible than the direct alignment visible in the photograph and shown on current large scale mapping, which is impracticably steep for horses.

B.10. It is suggested that the crossing was relocated approximately 20 metres to the north, as shown on the map below.



B.11. The relocation of the crossing being carried out in accordance with the powers conferred by sections 16 and 53 of the 1845 Act, it is submitted that the revised alignment has legal force, and the crossing identified on the definitive map and statement in respect of footpath EE261 is incorrect and requires modification.

C. Eastern termination (Betteshanger)

C.1. The eastern termination of Black Lane — that is, the point at which it merges with Straight Mile² to continue east towards Betteshanger and Deal — is uncertain. Eighteenth and nineteenth century maps record different termination points. The Ordnance Survey County Series first edition map at a scale of 1:2,500 does not show the way here, the course of the way having, by this date, been planted with ornamental woodland.

C.2. The photograph below shows (with a red arrow, with notice of the order visible above the bank) the point of termination (M) on Straight Mile between the Dover Road and Betteshanger identified on the definitive map modification order; the following photographs show (also with a red arrow) the suggested altered point of termination (MX) approximately 40 metres further east along that road at its junction with Cater Road.

² There is some uncertainty about the name of the road between the Dover Road and the junction with Cater Road east of M: it is named Straight Mile, but this is the correct name given to the diverted course of the Betteshanger to Northbourne Road east of Betteshanger village. It is however used here to mean the continuation of that road west to the Dover Road, which then continues west along Thornton Road.

Order-identified point of termination at M



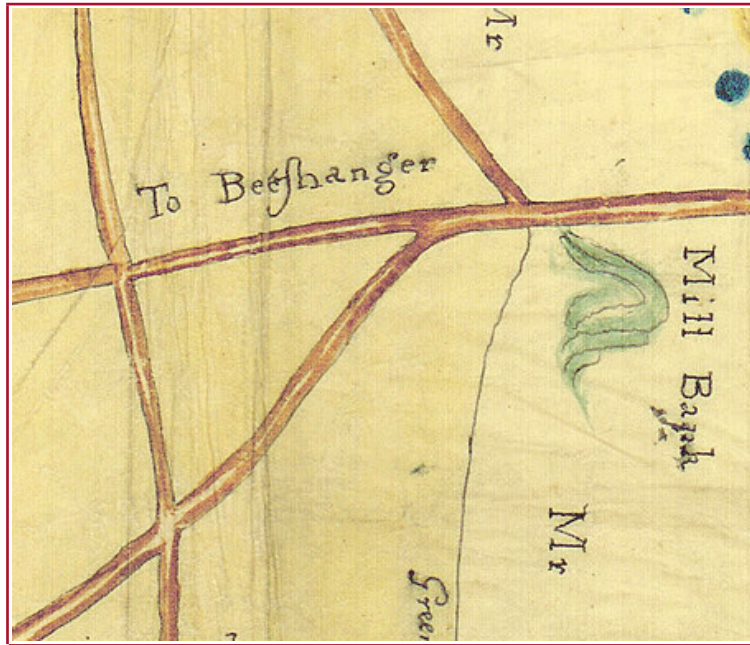
Alternative point of termination MX



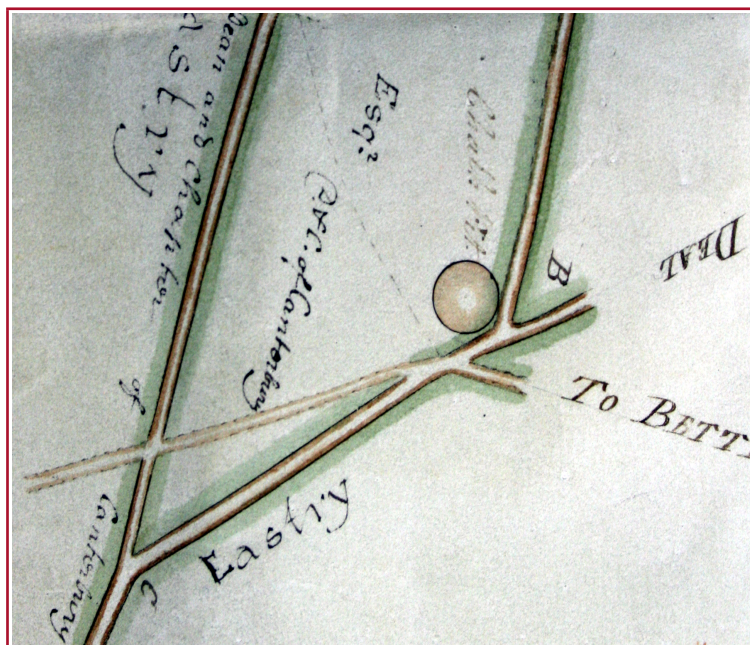
Relevant mapping

C.3. A small number of historical sources show the east end of Black Lane, and are of sufficient scale to attempt to identify its point of termination on the Straight Mile road between the Dover Road and Betteshanger. Extracts are reproduced below, with a cross-reference to their index in the Black Lane document analysis.

Eastry Court estate map 1728³



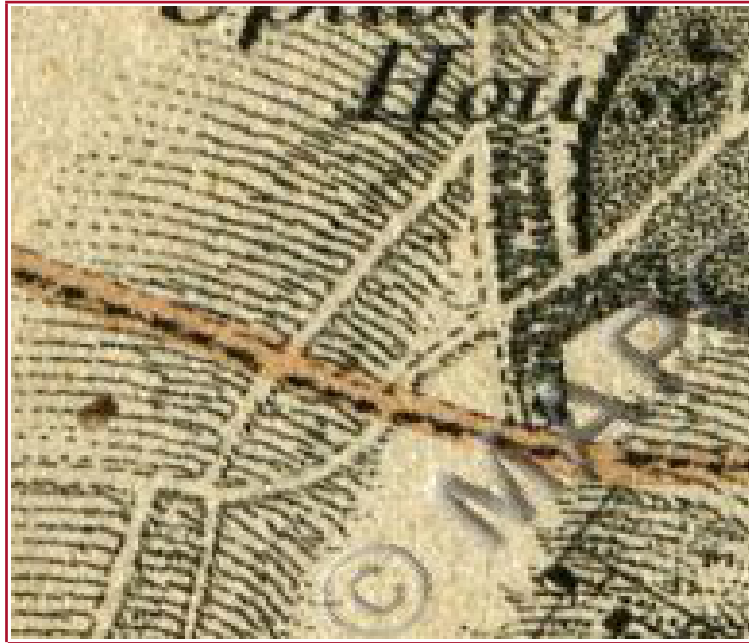
Updown Park diversion order 1789⁴



3 Item B of the application document analysis, v.1.7

4 *Ibid.*, item G.

Ordnance Survey, Mudge-Faden one inch map of Kent c.1801⁵



Ordnance Survey, Old Series one inch map 1831 (based on late C18 survey)⁶



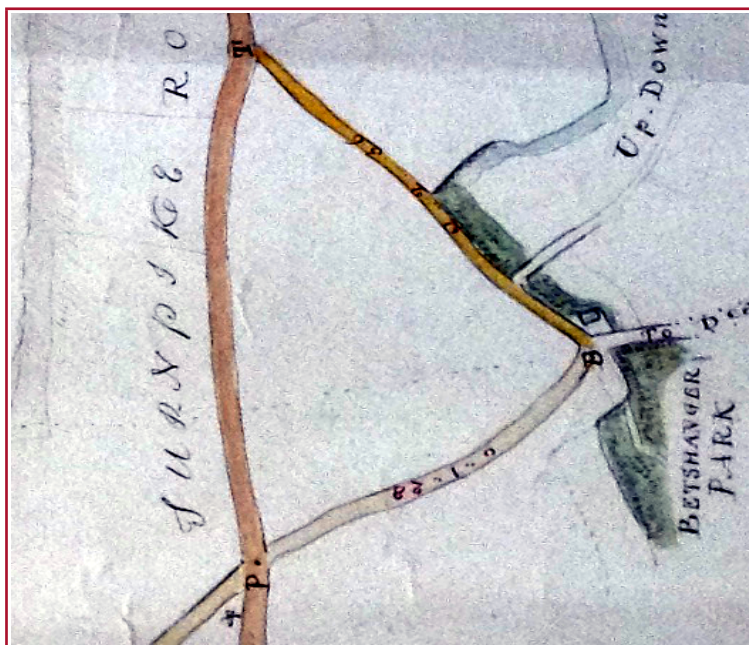
5 *Ibid.*, item N.

6 *Ibid.*, item U.

Greenwood's map of Kent 1819–20⁷



Contracted map of principal roads in Eastry 1836⁸



7 *Ibid.*, item V.

8 *Ibid.*, item AD.

Eastry tithe map 1841⁹



Plan of estates in Eastry and Worth mid-C19¹⁰



Analysis of maps

C.4. This analysis refers to the junction between Black Lane and Straight Mile identified in the order as M, to the junction between Cater Road and Straight Mile as MX, and to the junction between the diverted Updown Park road and Straight Mile as MY.

9 *Ibid.*, item AG.

10 *Ibid.*, item AH.

C.5. Of these sources, the Eastry Court estate map 1728 shows a junction significantly to the west of the present-day junction with Cater Road.

C.6. The Updown Park diversion order of 1789 clearly identifies the chalk pit now occupied by Trees Cottage, on the corner of the Straight Mile road and Cater Road. Cater Road is not marked, but a footpath is shown on a similar alignment. This map shows a junction approximately adjacent to, but west of, the chalk pit, approximately at the point at which the footpath joins the Straight Mile road, at or near MX. However, its reliability is rendered less certain by the spur, at the same junction, to the southeast, labelled to Betteshanger — no other map appears to show a way on this alignment.

C.7. The one-inch maps surveyed by the Ordnance Survey towards the end of the eighteenth century — the Ordnance Survey Mudge-Faden map of Kent published around 1801, the Ordnance Survey Old Series map (here shown in a later state of 1831), as well as Greenwood's contemporary map of Kent published in 1819–20, all show a junction well to the west, approximately half-way along the Straight Mile road between the Dover Road and Cater Road. These maps also show the new line of the Updown Park road diverted in 1789, which appears to join the Straight Mile road between the Dover Road and Betteshanger at the same place as Black Lane. They all show an alignment for Black Lane which suggests that passage west from Betteshanger along Black Lane would have adopted a straight alignment, whereas passage along Thornton Road would have required a marked turn to the left. This suggests, today, a junction adjacent to the junction with the Updown Park diverted road at MY.

C.8. The Contracted map of principal roads in Eastry 1836 and the Eastry tithe map of 1841 both show Black Lane joining the Straight Mile road between the Dover Road and Betteshanger precisely at the junction with Cater Road, MX.

C.9. Finally, the plan of estates in Eastry and Worth, thought to date from the mid-nineteenth century, adopts approximately the same plan as the Ordnance Survey one-inch maps, showing a junction approximately one-third of the way between M and the Dover Road, again probably at MY.

C.10. No later map shows the junction at a large scale, and neither the first nor any later edition of the Ordnance Survey County Series large scale 1:2,500 map shows the way east of the Dover road.

C.11. None of these maps is conclusive, and the variation between them is marked. The steep and unbroken bank along the north side of Straight Mile between MY and MX suggests that Black Lane has never formed a junction between these two points. This leaves the alternatives of MY and MX. The Ordnance Survey and Greenwood maps are broadly consistent in showing the junction in the vicinity of MY, and the Eastry Court estate map is similar. On the other hand, the Eastry tithe map is carefully and accurately drawn (though not classified as 'first class') and to a large scale (3 chains to one inch: 1:2,376), while the Contracted map of principal roads in Eastry, though drawn to a smaller scale and possibly derived from the tithe map, and the 1789 diversion order, both concur with it.

C.12. We therefore conclude that the tithe map should be relied upon. The following map shows the revised termination point MX, and the alternative termination MY.

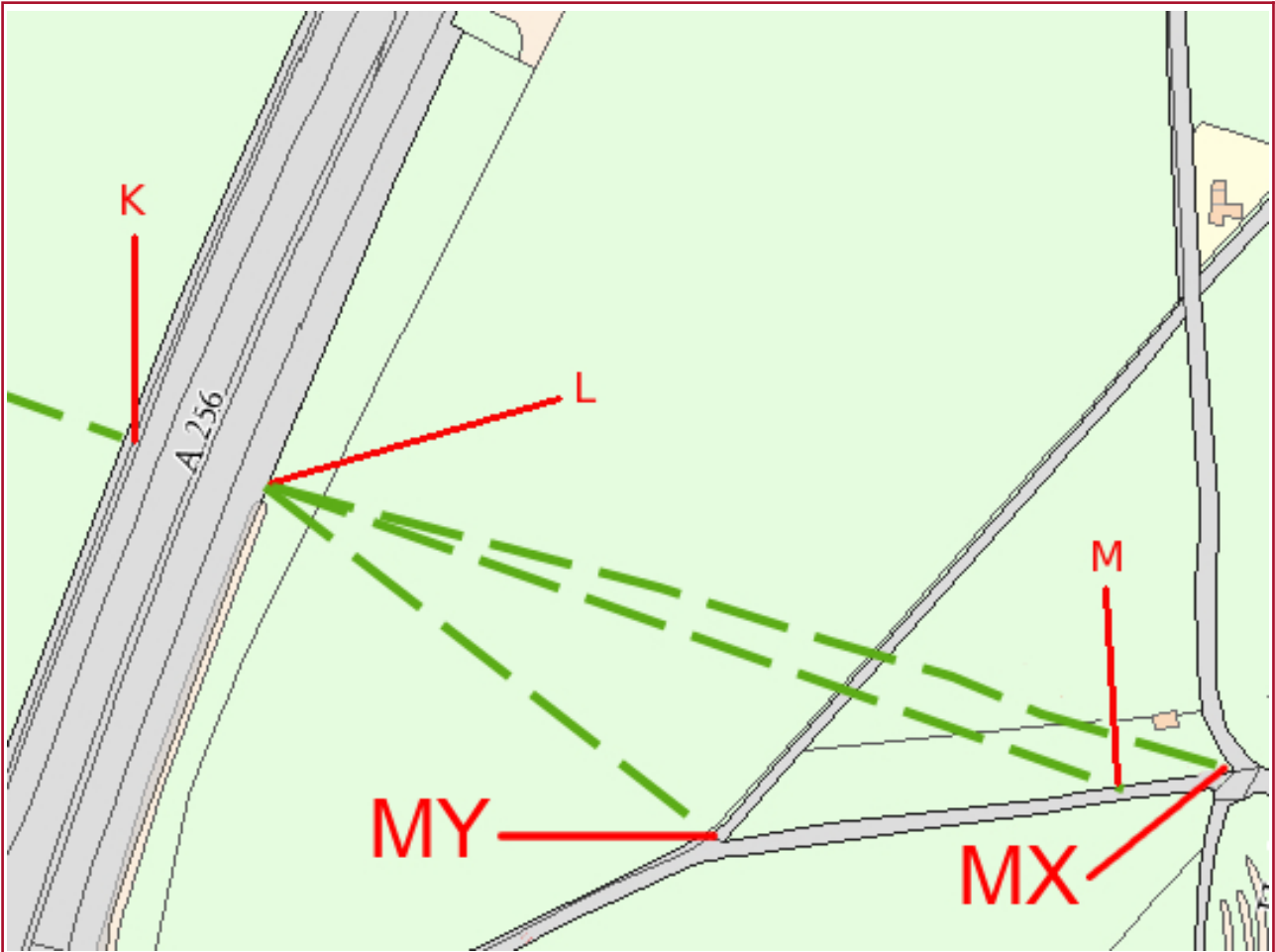


Illustration 3: Revised eastern termination at Betteshanger