

A.7. Ordnance Survey Explorer sheet: 138

A.8. Ordnance Survey County Series 25" sheets: Kent LVIII/15

B. The applicant

B.1. The application, the evidence for which is summarised in this document, is made by Hugh Craddock on behalf of the British Horse Society. I am appointed by the society as a volunteer district access and bridleway officer for the borough of Epsom and Ewell in Surrey, and am also authorised to make applications on behalf of the society in relation to East Kent. I am employed as a casework officer for the Open Spaces Society, and was formerly a civil servant in the Department for Environment, Food and Rural Affairs (and predecessor departments), whose responsibilities included Part I of the Countryside and Rights of Way Act 2000 and the Commons Act 2006.

C. Locational details

C.1. This application relates to two connecting public rights of way to the south and east of Ringwoud Road, which lie in the parish of Langdon, in the district of Dover, Kent, with part of the application way straddling the parish boundary between Langdon and Ripple.

C.2. The way is not currently recorded on the definitive map and statement. The application seeks to record the way as a public bridleway.

D. Application

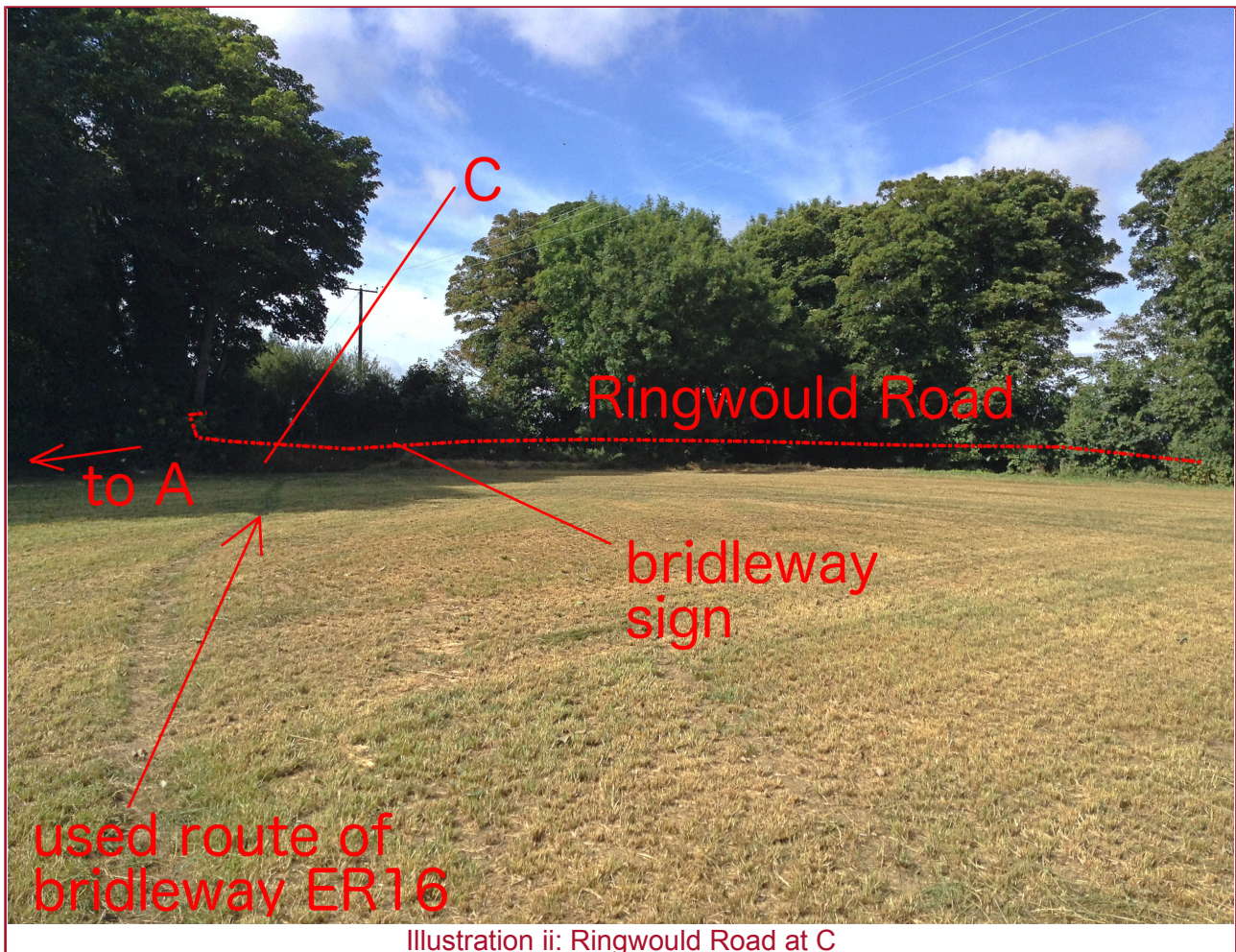
D.1. The application is made under section 53(5) of the Wildlife & Countryside Act 1981 to Kent County Council that a definitive map modification order be made under section 53(3)(c)(iii), that particulars contained in the map and statement require modification, and to any extent necessary, under section 53(3)(c)(i), to show a way in the definitive map and statement for Kent as a bridleway.

D.2. So far as can be achieved under s.53(3)(c)(iii), the application seeks to add to the particulars of the definitive map relating to the bridleway ER16 which leads from Hangman's Lane, a residential street in the parish of Ringwoud with Kingsdown for a distance of 450 metres in a southwesterly direction to a point 60 metres southeast of the junction of Ringwoud Road and Hangman's Lane (public footpath EE451) at Ordnance Survey grid reference TR35254793. It would add to the particulars of the definitive map by providing that said bridleway is extended 60 metres west-northwest from that point, straddling the parish boundary of Ripple and Langdon, to join Ringwoud Road opposite the junction with Hangman's Lane, so as to conform with the said definitive statement;

D.3. So far as cannot be achieved under s.53(3)(c)(iii), the application is made under section 53(3)(c)(i), so as to add a bridleway beginning on Ringwoud Road in the parish of Langdon at the southwestern corner of a triangular copse on the southeastern side of the road near, but southwest of, the junction with Hangman's Lane, at B (Ordnance Survey grid reference TR35134785). The way proceeds northeast for 140 metres along the south edge of the copse and to pass through a belt of woodland, to the meeting of the parish boundaries of Ringwoud with Kingsdown, Langdon and Ripple, and the southwest termination of bridleway ER16 so far as is shown on the definitive map, at A (TR35254793). Then turning west-northwest to pass along or inside the edge of a belt of woodland, straddling the parish boundary of Ripple and Langdon, for a distance of 60 metres to end on

Ringwold Road opposite the junction with Hangman's Lane at C (TR35194795). The total distance from A to C is 200 metres.

D.4. The photograph below shows Ringwold Road on an approach along the informal line of bridleway ER16, which terminates on the road at approximately C, where a public bridleway sign has been erected.



D.5. The points B, A and C are identified in the application map at section II below.

E. Background

E.1. Public bridleway ER16 leads out of Hangman's Lane (a residential street) in Ringwold village towards Ringwold Road. Bridleway ER16 may occupy the former course of Hangman's Lane from Ringwold to Sutton, although the available evidence suggests that the lane, an enclosed way, adopted a more circuitous alignment via the other limb of bridleway ER16 and what is today known as Ringwold Road: if so, then bridleway ER16 may be a long-established direct short-cut across fields.

E.2. On the definitive map for Kent, the southwestern end of bridleway ER16 terminates (at point A on the application map at part II below) at a narrow belt of woodland which forms, and since time immemorial has formed, the parish boundary — now, between Ringwold with Kingsdown and Langdon and between Ripple and Langdon, but formerly, between the detached part of Sutton next Ripple and Oxney, and between Ringwold and Oxney.

E.3. The definitive map reflects the original parish survey for Ringwould (see item IV.L below), which recorded a public bridleway between Hangman's Lane in Ringwould village and the parish boundary. However, the definitive statement entry for bridleway ER16 records that the definitive bridleway has connections with Ringwould Road (D1939), as well as a 'track leading to D1939'. The statement therefore records that bridleway ER16 does connect with Ringwould Road, as well as with a separate track leading to that road.

E.4. Older maps show that the path continued in two directions from A, both to join Ringwould Road, at points B and C respectively, consistent with the application routes. It is clear that the alignment of bridleway ER16 is directly in line with a continuation of that route southwest into Langdon parish (formerly Oxney parish), along the application way A to B, and that the spur from A to C was a subsidiary route to permit connection with an alternative continuing route along Hangman's Lane northwest towards West Langdon.

E.5. To the northeast of A, from A to X (the junction of bridleway ER16 with Hangman's Lane in Ringwould village), the definitive and original line of ER16 follows the ancient parish boundary between Ringwould and Kingsdown and Ripple, and formerly, between Ringwould and the detached part of the parish of Sutton next Ripple. This boundary also marked the liberty of the cinque port of Deal. The map prepared under the Finance (1909–1910) Act 1910 continues to show a boundary in land ownership which follows the then parish and liberty boundary. It seems likely that the boundary was at the least marked by boundary stones until the nineteenth century, and probably was in former times marked by a bank (which continues to be shown further east on the first edition of the County Series twenty-five inch map: see item IV.K below). If so, the course of a way between C and X would necessarily, in earlier times, have followed an alignment to the south of a direct line between these points, *i.e.* the line must have detoured via A to pick up the way on the south side of the boundary bank, and to join the established direct way between B and X.

E.6. Historically, there appears never to have been a direct line route between C and X: it is only the absence both of a recorded continuation of bridleway ER16 to B, and any physical obstacle along the former parish and liberty boundary, which has given rise to the present (but unrecorded) alignment of the bridleway 'on the ground' direct between X and C, and this appears to be the alignment reinstated by the farmer. However, this is not the bridleway recorded on the definitive map nor the statement.

E.7. The application therefore seeks to record a public bridleway in the parishes of Langdon and Ripple, to secure on the definitive map and statement the omitted ways from A to both B and C.

E.8. The application route is not one which normally would be followed by a member of the public using bridleway ER16: instead, each of the two limbs, from A to B and A to C, represents alternative routes by which such a member of the public might continue from bridleway ER16 to Ringwould Road.

E.9. The course of the application way between A and C straddles the parish boundary between Ripple and Langdon, and historically, between the detached part of Sutton next Ripple and Oxney. In Illustration xxiv: OS boundary remark book Oxney etc. (item IV.K below) and Illustration xxv, the second edition map, the relevant part of the parish boundary is shown as two feet east of the track of the former hedge; in Illustration xxvi, the third edition map, the boundary is shown as following the centre of the footpath. The application way between A and C may therefore be inferred to pass on the outside of the former hedge, and straddling the parish boundary.

E.10. There can be little doubt that the public bridleway between Ringwold and Ringwold Road is a long-standing, continuous path, which has been defectively recorded on the definitive map and statement. This application will therefore restore the missing links between B and both A and C, by modification of the definitive map so that it is consistent with the definitive statement.

F. Reconciliation of definitive map and statement

F.1. The definitive map shows a public bridleway ER16 which begins at Hangman's Lane in Ringwold at X, and terminates at A. The definitive statement records:

Bridleway Connections – Ringwold Road (D1939), Hangman's Lane (D1942), track leading to D1939 Part was formerly recorded as CRF17. Part reclassified to Bridleway at 1970 Review

F.2. Accordingly, the definitive statement refers to a 'connection' with Ringwold Road (D1939), and also a 'connection' with a track leading to that road. The connection with Ringwold Road appears to be at C, and the connection with the track leading to that road appears to be at B (although arguably, the reverse might be argued). In this context, 'connection' must mean that the statement records bridleway ER16 joining Ringwold Road at C, in contrast with the gap shown on the map.

F.3. The general rule appears to be that: 'Where there is an undoubted conflict between the definitive map itself and the statement then it is the map that will prevail but, in considering a modification order that seeks to remedy the conflict the decision maker must look at all the evidence in order to determine which is correct and what form of modification is required.'¹

F.4. In *Norfolk County Council, R (on the application of) v Secretary of State for Environment, Food & Rural Affairs*², Pitchford J, in considering a discrepancy between the route of a path shown on the definitive map and recorded in the definitive statement, said: 'The very fact that the map and statement are in conflict tends to demonstrate that an error occurred in the preparation either of the map or the statement or possibly both. It does not seem to me that in circumstances such as these the factual assumption of regularity in the preparation of the map but irregularity in the preparation of the statement can be justified.' The judge continued: 'Where the map and statement conflict as to the position of a public right of way I can see no basis for the application of an evidential presumption in favour of one at the expense of the other. ...the fact finder starts from the position that both the map and the statement were prepared following the correct procedures. Save perhaps in the case of demonstrably false particulars in the statement, the natural inference is that the surveying authority was at least attempting conscientiously to record the position of the footpath shown on the map. What is required at review is, in my judgment, simply a consideration which (or which other) route, on a balance of probability, is correct, if any, in the light of all the relevant evidence, including the terms of the map and statement.'

F.5. *Kotarski & Another v Secretary of State for Environment, Food and Rural Affairs*³ is a later case which took account of *Norfolk*, but which was concerned with a spur to a footpath which was described in the statement but not present on the definitive map. In that

1 *Highway Law*, Stephen Sauvain QC, para.12–65

2 [\[2005\] EWHC 119 \(Admin\)](#).

3 [\[2010\] EWHC 1036 \(Admin\)](#).

case, the inspector found ‘strong evidence’ that the spur did exist, and should be recorded too on the definitive map, and the court upheld the decision.

F.6. In the present case, it is clear that the bridleway was marked on the definitive map as stopping short of the Ringwold Road because that was the boundary of the parish of Ringwold, and the parish council of Ringwold believed it had no power or standing to mark the bridleway beyond the parish boundary. It is likely that the parish council of East Langdon (as it was then) overlooked the small part of the bridleway in its own parish. But the county council was not constrained, and in entering details of the bridleway in the definitive statement, it was not obliged to enter details of the bridleway only to the extent depicted in the parish map. The council decided, in the definitive statement, to show the bridleway as continuing to Ringwold Road, and connecting with another way, ‘the track’, to Ringwold Road.

F.7. The applicant submits that the definitive statement contains information as ‘as to the position...thereof’ which correctly records the intention of the county council in preparing the definitive map and statement under section 27(4) of the National Parks and Access to the Countryside Act 1949, and that the definitive map requires modification under section 53(3)(c)(iii) of the Wildlife and Countryside Act 1981. This application therefore seeks to show how the definitive map may be modified to reconcile map and statement.

Private rights

F.8. Several evidential sources described in this document identify or refer to the application way between A and B as a ‘footpath’. It may be claimed that such a footpath is not necessarily a public right of way, and may be an easement, for private or estate use. This claim may particularly be pressed in relation to the label of ‘footpath’ used on a number of Ordnance Survey 1:2,500 plans between the late nineteenth century and the middle of the twentieth century (see item IV.K below).

F.9. A private road (or path) must be attributable to either:

- private ownership, such that the road is owned by a specific landowner who has exclusive control of the road, and who uses the road either for the private purposes of the landowner, or for the landowners’ tenants, employees or others — an example is a carriage drive across a park, where both the drive and park are owned by the landowner, and the carriage drive provides a means of access to the principle house of the landowner;
- private right of way (or easement), such that the road is owned by A (A is the owner of the ‘servient tenement’, in this case the road), but B has a private right of way along the road to provide a means of access to B’s own land (B is the owner of the ‘dominant tenement’) — an example is a track from a public road across a field to a cottage, where A owns the field and the track across it, but B has a right of way along the track as a necessary means of access to the cottage.

F.10. Neither context is remotely likely in relation to the application way. The path across the field northeast of A is recorded as a public bridleway, which, for the purposes of the definitive map, ends at A. A path in continuation of what is legally a public right of way, in the same direction as that right of way, across a parish boundary to join a public road in a relatively remote location, distant from any farm or dwelling which might benefit from an easement, is highly unlikely to be a private path, and in all probability, must also be a public right of way, logically, which is the continuation of public bridleway ER16.

G. Grounds for application

G.1. The courts have given guidance on how evidence of highway status is to be considered. In *Fortune and Others v Wiltshire Council and Another*⁴, 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.”

G.2. Insofar as the test under s.53(3)(c)(i) is applicable to this application, the test is whether: ‘the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows—(i) 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...’. The surveying authority must therefore make an order consequent on this application where the evidence (of the application, taken with any other evidence) shows that there is a reasonable allegation of the existence of the application way.

G.3. While no single piece of evidence in this application is conclusive, the applicant believes that, taken as a whole, the evidence in this document analysis demonstrates [highway reputation over many years, indicating that the route does indeed have highway status, and that the correct status is that of a public bridleway.

H. Points awarded

H.1. [Points have been awarded to each piece of evidence in relation to the application way, calculated according to the guidance in *Rights of Way: Restoring the Record*⁵.]

H.2. Points have been awarded to each piece of evidence in relation to the application way, calculated according to the guidance in *Rights of Way: Restoring the Record*⁶:

H.3. **Points:**

Item	Ref	Points B–A	Points C–A
Francis Hill’s Ringwould estate map	IV.A	0	1
Ordnance Survey, one inch surveyor’s	IV.B	0	1

4 [2012] EWCA Civ 334

5 Sarah Bucks and Phil Wadey, 2nd ed. 2017.

6 Sarah Bucks and Phil Wadey, 2012.

drawing			
Barlow-Hasted map of Kent	IV.C	0	0
Ordnance Survey, Mudge-Faden one inch map of Kent	IV.D	0	1
Ordnance Survey, one inch Old Series map of Kent	IV.E	0	0
Greenwood's map of Kent	IV.F	0	1
Tithe Commutation Act 1836	IV.G	2	3
Ringwold estate map	IV.H	2	2
Railway plans	IV.I	1	0
Ordnance Survey boundary records	IV.J	3	0
Ordnance Survey 1:2,500 county series maps	IV.K	1	0
Ringwold definitive map parish survey	IV.L	0	0
Ordnance Survey 1:25,000 first series map	IV.M	0	0
Total points		9†	9

† of which, 3 points relate to status as at least footpath

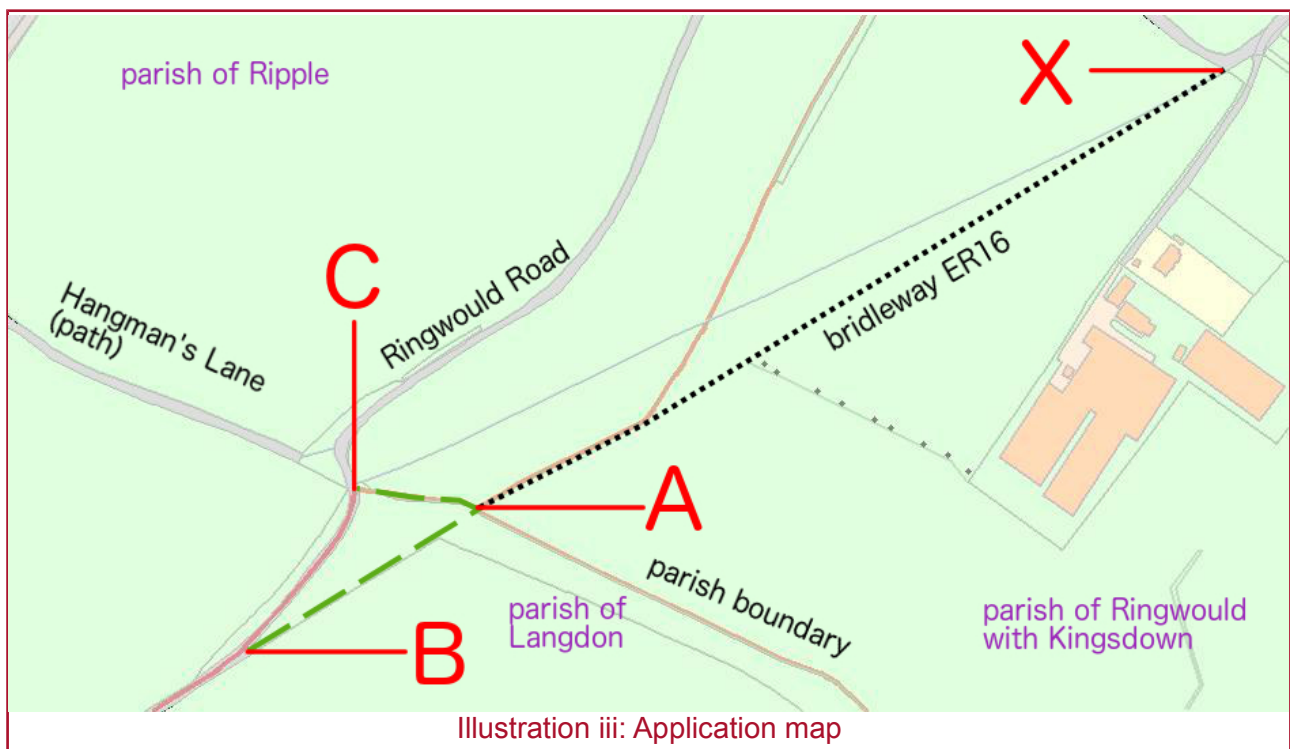
H.4. Should the determining authority conclude that the status of the way between A and B, or between A and C, is that of a right of way on foot only, the applicants seeks that an order be made, or amended (as the case may be) to show that part of the way as footpath vice bridleway.

I. Width of application way

I.1. The historic width of the application way is unknown. Therefore a width of three metres is sought, being the minimum width which can accommodate two horses passing.


I.2. The National Grid plan of 1957 (Illustration xxviii in item IV.K below) assigns an area of 0.06 acres to the application way between the west side of the belt of woodland and B, a distance of 115m. This represents a width of slightly more than 2m. However, the way is shown on the 1957 plan as enclosed, and it seems likely that the enclosed width bears no relation to the historic width of the way.

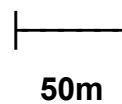
II. Application map



Map centred on A at TR35254793

Scale: approx. 1:3,900 (when printed A4)

Application way is marked 



III. Along the way



Illustration iv: Ringwould Road at B



Illustration v: Ringwould Road at C towards A

IV. Evidence

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A. Francis Hill's Ringwold estate map

A.1. **Date:** 1709

A.2. **Source:** Kent County Archives⁷



Illustration vi: Hill's Ringwold estate map

A.3. **Description:** original scale: not known; orientation: reorientated to 270° so that north is at top.

A.4. The map is annotated:

'A Map and defcription of all ye lands belonging to a Certaine Farme, fituate lyeing & being in ye two feveral Parishes of Rings-wold, & Sutton, (nere Dover) in y County of Kent; belonging to Herbert Jacob Esq^r shewing y Contents of each In-dividall Peece as also y Quantity in each feveral Feild, & Parifh, with

⁷ De/P33.

y^e Total of y^e Whole, likewise fhewing y^e Trees, Gates, ftiles, baare places, Ponds, foot-paths & horfe Roads leading thorow or by y^e laid land wth y^e Names of thofe Places leading to, alfo fhewing w^t. fence belongs to y^e land & w^t. dos not wth. e Names of thofe Perfons whofe land bounders thereunto by y^e Order of y^e a boue laid Owner. Meafured & Mapt & herein defcribed by me Fra: Hill. 1709’.

A.5. The map shows Ringwoud Road, but also shows Hangman’s Lane northwest from C, and a road southeast from C consistent with the application way between A and C. No way is shown consistent with the application way from A to B.

A.6. **Conclusion:** The land crossed by the existing bridleway ER16 is largely excluded from the estate being mapped by Francis Hill. The map shows the application way between A and C as a road southeast from Ringwoud Road at C. However, the destination of the road is unclear: the road is obscured by the cartouche in the top left hand corner of the map, and there is no continuation of the road beyond the cartouche.

A.7. Although the map claims to show ‘gates, stiles,...footpaths and horse-roads leading through or by the said land’, the map does not deliver on the promise. It is not possible to state with certainty that the road shown on the map southeast from C is indeed the application way, in view of its omission between A and the village, but it seems likely, because no record has been found of any highway southeast from C along the parish boundary towards the turnpike road from Deal to Sandwich — even if such a way existed, it would have occupied the same alignment as the application way between C and A. The depiction of the road from C towards A, as a road of some substance, is therefore good evidence of the reputation of the application way at the date of the map, as at least a bridleway.

A.8. **Points:**

Part	Points
<i>Between A and B</i>	0
<i>Between A and C</i>	1

B. Ordnance Survey, one inch surveyor’s drawing

B.1. **Date:** 1797

B.2. **Source:** British Library⁸

8 St Margaret’s Bay: www.bl.uk/onlinegallery/onlineex/ordsurvdraw/s/002osd00000006u00368000.html;
Canterbury East: www.bl.uk/onlinegallery/onlineex/ordsurvdraw/c/002osd000000017u00367000.html.

OS Drawing: Canterbury (East)



Illustration vii: OS drawing: Canterbury (East)

OS Drawing: St Margaret's Bay

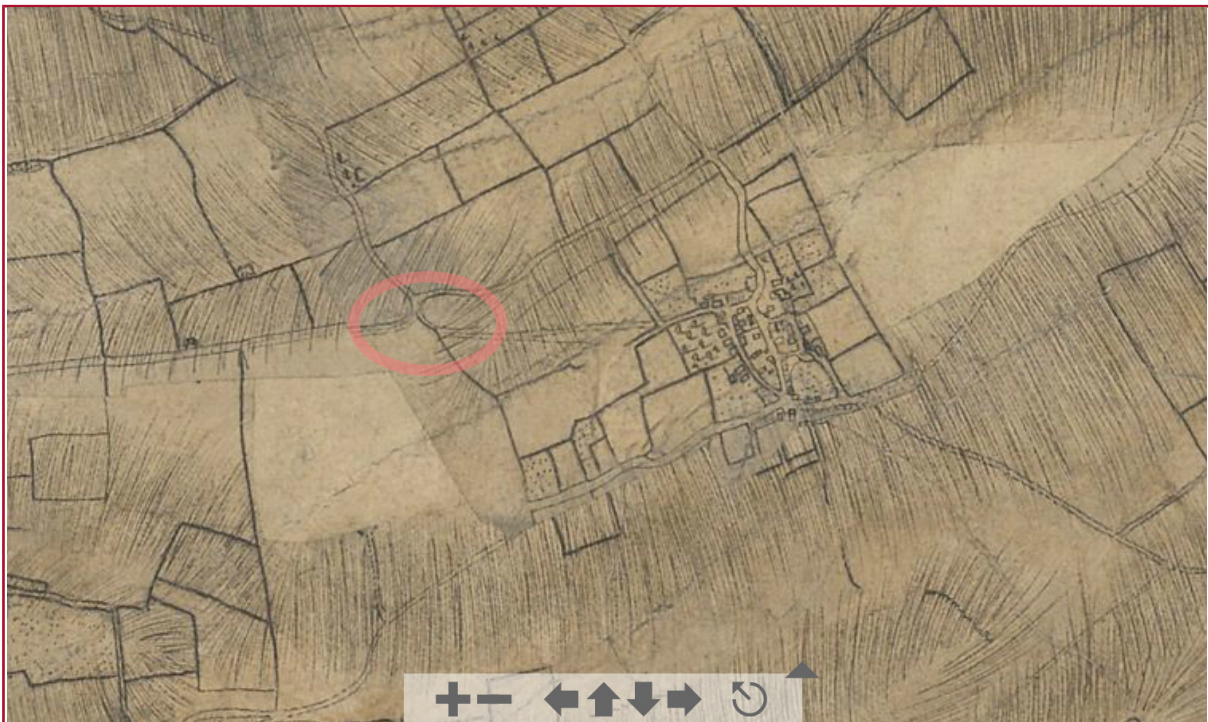


Illustration viii: OS Drawing: St Margaret's Bay

B.3. **Description:** Original scale: believed to be 1:31,680 (two inches to one mile); orientation: unchanged (north).

B.4. Facing the threat of invasion, the English government commissioned a military survey of the vulnerable south coast. An accurate map of Jersey had already been made, soon after a French attempt to capture the island in 1781, but this had been restricted to government use only. The new maps were to be published at the detailed scale of one inch to the mile. Responsibility for what became an historic venture fell to the Board of Ordnance, from which the Ordnance Survey takes its name. From its headquarters in the Tower of London, engineers and draftsmen set out to produce the military maps by a system of triangulation. The survey of Kent was first to go ahead and began in 1795 under the direction of the Board's chief draftsman, William Gardner. Critical communication routes such as roads and rivers were to be shown clearly and accurately. Attention was paid to woods that could provide cover for ambush, and elaborate shading was used to depict the contours of terrain that might offer tactical advantage in battle. Preliminary drawings were made at scales from six inches to the mile, for areas of particular military significance, down to two inches to the mile elsewhere.⁹

B.5. Both drawings show the application way between A and C, as part of a continuous way between X and C.

B.6. **Conclusion:** The Ordnance Survey drawings both show the application way between A and C as part of a route between Ringwould village, continuing northwest along Hangman's Lane towards West Langdon, which coincides with the course of bridleway ER16 between X and A. The drawings provide good evidence of the existence of the application way between A and C at the end of the eighteenth century.

B.7. **Points:**

Part	Points
<i>Between A and B</i>	0
<i>Between A and C</i>	1

C. Barlow-Hasted map of Kent

C.1. **Date:** 1797–1801

C.2. **Source:** Kent County Archives: engraved by William Barlow in Edward Hasted's *The History and Topographical Survey of Kent*: published in 12 Volumes.

9 From the Curator's introduction to the Ordnance Survey drawings, British Library: www.bl.uk/onlinegallery/onlineex/ordsurvdraw/curatorintro23261.html.



C.3. **Description:** Original scale: not known; orientation: unchanged (north). The Barlow-Hasted map of Cornillo hundred appears to be derived from the Andrews-Drury-Herbert map, *A topographical map of the county of Kent* dating from 1769.

C.4. The Barlow-Hasted map shows Hangman’s Lane projecting southwest from Ringwold village, leading to a junction with a right-turn, north-northwest to Ringwold Road, and a half-left turn, southwest along an alignment not reconcilable with any present route.

C.5. **Conclusion:** The Barlow-Hasted map presents inconclusive evidence. It seems most likely that the right turn represents the route of the alternative limb of bridleway ER16, in which case, the half-left turn follows an uncertain route which does not coincide with either part of the application way.

C.6. **Points:**

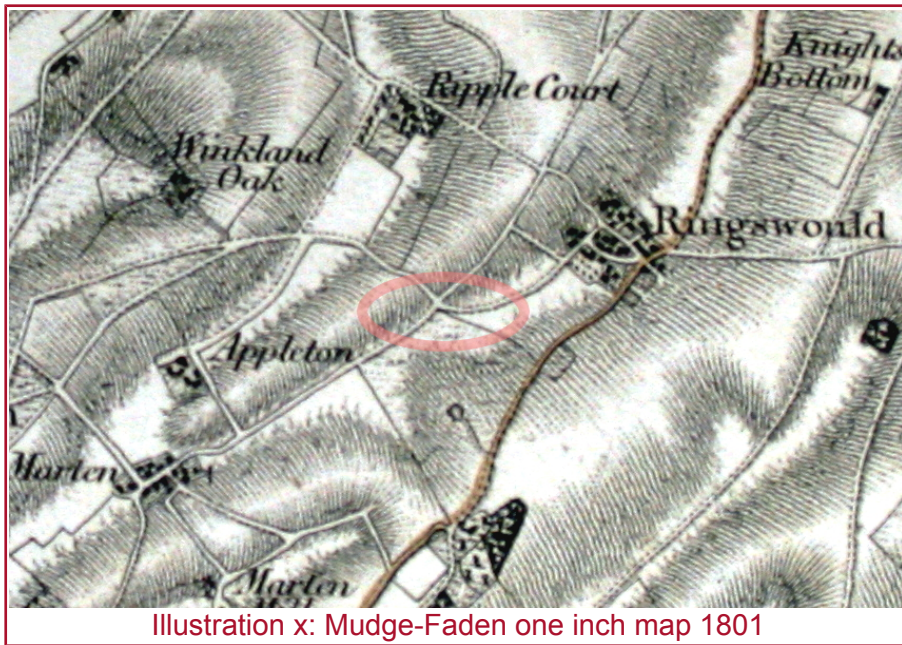
Part	Points
Between A and B	0
Between A and C	0

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

D.1. **Date:** 1801

D.2. **Source:** Kent County Archives¹⁰

10 Also available at: mapco.net/kent1801/kent52_02.htm



D.3. **Description:** original scale: one inch to one mile (1:63,360); orientation: unchanged (north). This map of Kent was the first Ordnance Survey map to be published. The survey of Kent was commenced in the 1790s by the Board of Ordnance, in preparation for the feared invasion of England by the French. However, the map of Kent was not published by the Ordnance Survey until well into the nineteenth century: instead, this map was initially published on 1st January 1801 by William Faden, Geographer to the King, for sale to the public.

D.4. The Mudge-Faden map shows an unenclosed way approximately along the alignment of bridleway ER16 southwest from Ringwold to approximately A, continuing west-northwest to a junction with Ringwold Road at C, opposite Hangman's Lane. No way is shown consistent with the application way from A to B.

D.5. **Conclusion:** The Ordnance Survey map of Kent was prepared in response to an invasion threat, and primarily had a military purpose. However, this map was published privately by Faden for public and not military use. The Mudge-Faden map provides some evidence for the existence of a public highway between A and C, as part of a route between Ringwold village, continuing northwest along Hangman's Lane towards West Langdon, which coincides with the course of bridleway ER16 between X and A .

D.6. **Points:**

Part	Points
<i>Between A and B</i>	0
<i>Between A and C</i>	1

E. Ordnance Survey, one inch Old Series map of Kent

E.1. **Date:** 1831 (but survey dating from late eighteenth century)

E.2. **Source:** National Library of Australia¹¹.

¹¹ <http://nla.gov.au/nla.obj-231917365>.

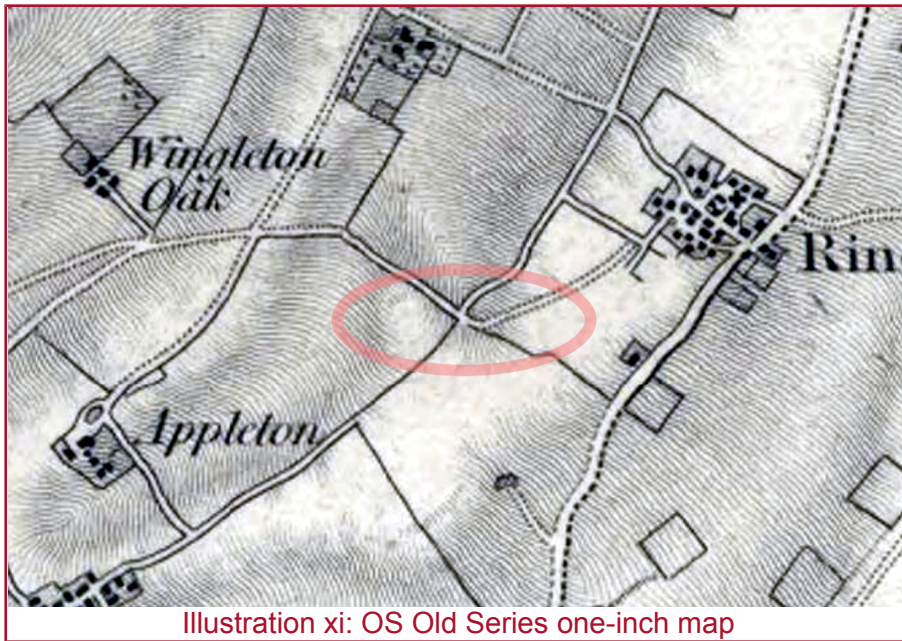


Illustration xi: OS Old Series one-inch map

E.3. **Description:** original scale: one inch to one mile (1:63,360); orientation: unchanged (north). This is the Old Series one inch map first published officially by the Ordnance Survey. The map reproduced here is state 4, from circa 1831, but believed to be unchanged from state 1. Although published some years later than the Mudge-Faden map, the 'official' Ordnance Survey Old Series map was based on the same survey data, and is consistent with the Mudge-Faden map.

E.4. The map shows a way approximately along the alignment of bridleway ER16 south-west from Ringwould to approximately A, continuing west-northwest to a junction with Ringwould Road at C, opposite Hangman's Lane. No way is shown consistent with the application way from A to B, but Ringwould Road west of A is not identified, and was presumably unenclosed on its south side.

E.5. **Conclusion:** The Ordnance Survey Old Series map is good evidence for the existence of a public highway between A and C. The unenclosed character of Ringwould Road west of A embraces the possibility of a path connecting A and B which was not of sufficient status to include on the map.

E.6. **Points:**

Part	Points
<i>Between A and B</i>	0
<i>Between A and C</i>	0†

† No points are scored as this map is repetitive of the Mudge-Faden map at item IV.D above.

F. Greenwood's map of Kent

F.1. **Date:** 1819–20

F.2. **Source:** Kent County Archives



Illustration xii: Greenwood's map

F.3. **Description:** original scale: one inch to one mile (1:63,360); orientation: unchanged (north). Greenwood's map shows a way approximately along the alignment of bridleway ER16 southwest from Ringwold to approximately A, continuing west-northwest to a junction with Ringwold Road at C, opposite Hangman's Lane. The way is described in the key as a 'cross road'. No way is shown consistent with the application way from A to B.

F.4. **Conclusion:** Greenwood's map is good evidence for the existence of a public highway between A and C. The key describes the route as a 'cross road', which is suggestive of a public way.

F.5. **Points:**

Part	Points
Between A and B	0
Between A and C	1

G. Tithe Commutation Act 1836

G.1. **Date:** 1841

G.2. **Source:** map — Kent County Archives¹²; tithe award — Kent Archaeological Society¹³

12 Kent tithe maps are available as images on CD.

Oxney tithe

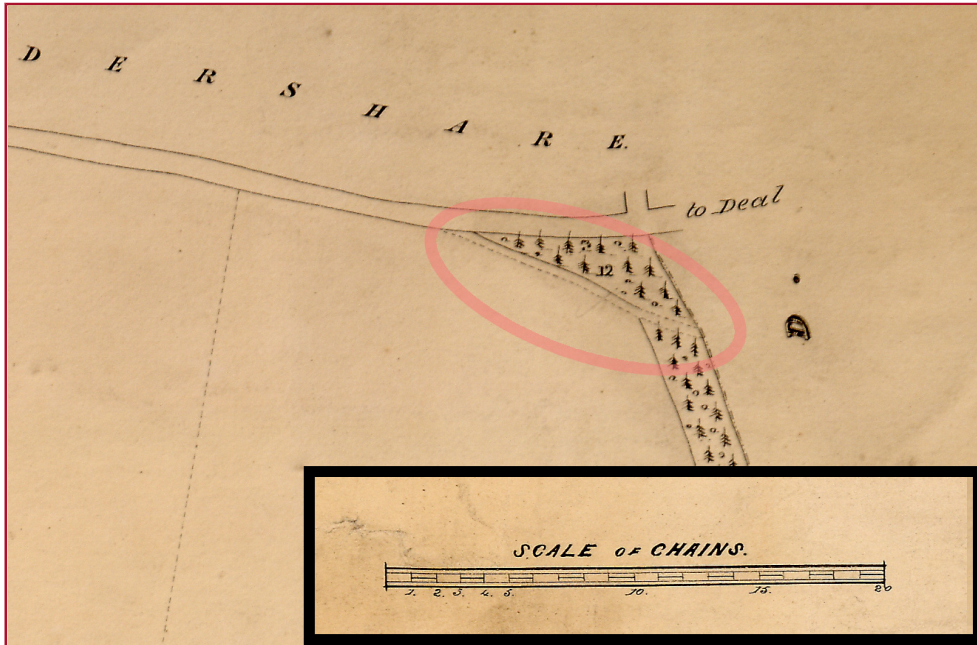


Illustration xiv: Oxney tithe map

Ringwold tithe



Illustration xv: Ringwold tithe map

Sutton (detached) tithe



G.3. **Description:** The tithe map for the detached part of the parish of Waldershare (Illustration xiii: original scale: three chains to an inch; orientation: unchanged (north)) shows two ways projecting southeast from Ringwoud Road, corresponding to both ends of the application way at B and C. The first, more easterly, way at C is on the corner of the turn in Ringwoud Road to meet Hangman's Lane, and is shown coloured ochre, consistently with Ringwoud Road and Hangman's Lane. The second, further west, is not coloured, and is a narrower opening off Ringwoud Road. Calculation shows that the westerly turn is at a distance of 105m from the easterly turn, approximately at B.

G.4. The tithe map for Oxney (Illustration xiv: original scale: the tithe map contains a scale marked in chains [20 chains, marked at intervals of 5 chains]; orientation: unchanged (north)) shows a track, consistent with the application way between A and B.

G.5. The tithe map for Ringwoud (Illustration xv: original scale: three chains to an inch; orientation: rotated by 040° so that north is at the top) shows a track along the line of definitive public bridleway ER16, which is depicted from X as far as the parish boundary at A.

G.6. The tithe map for Sutton (detached) (Illustration xvi: original scale: four chains to an inch; orientation: unchanged (north)) shows an apparently enclosed road approaching from Ringwoud approximately along the line of definitive public bridleway ER16, possibly on a slightly more direct route to the corner of Ringwoud Road at C, passing slightly to the north of A. No separate spur is shown towards B.

G.7. **Conclusion:** The tithe map for Waldershare shows both limbs of the application way, and depicts the way projecting nominally southeast from C towards A in the same form as other public roads are marked. The other limb of the application way, projecting nominally southeast from B towards A, is uncoloured, and shown with a narrower opening, but is correctly placed. The two ways are not shown to a connection, because they do not lie in the detached part of the parish of Waldershare. None of the roads coloured ochre on the tithe map is marked with a tithe parcel number, and these roads are collectively referred to in the tithe award schedule as 'Public Roads': the tithe award schedule elsewhere enumerates 11 occupation roads which are marked on the tithe map with discrete

parcel numbers, and it may therefore be concluded that those roads coloured ochre are public roads.

G.8. The tithe map for Oxney shows the application way between A and B as a track, but of uncertain status.

G.9. The tithe map for Sutton shows the application way approximately as a continuation of bridleway ER16 towards C, though it cannot be stated with certainty that the way lies through A.

G.10. The tithe maps are generally supportive of the existence of the application ways at the time of the tithe redemption survey, and the ochre colouring of the application way between A and C on the tithe map for Waldershare is strongly suggestive of a public right of way of at least bridleway status. The absence of colouring of the application way between A and B on the Waldershare and Oxney tithe maps does not provide the same confidence in status, but in the general context of a known and accepted public right of way from Ringwould village to A, these maps tend to support the existence of a continuing right of way from A to B.

G.11. **Points:**

Part	Points
<i>Between A and B</i>	2
<i>Between A and C</i>	3

H. Ringwould estate map

H.1. **Date:** 1846

H.2. **Source:** Kent County Archives¹⁴

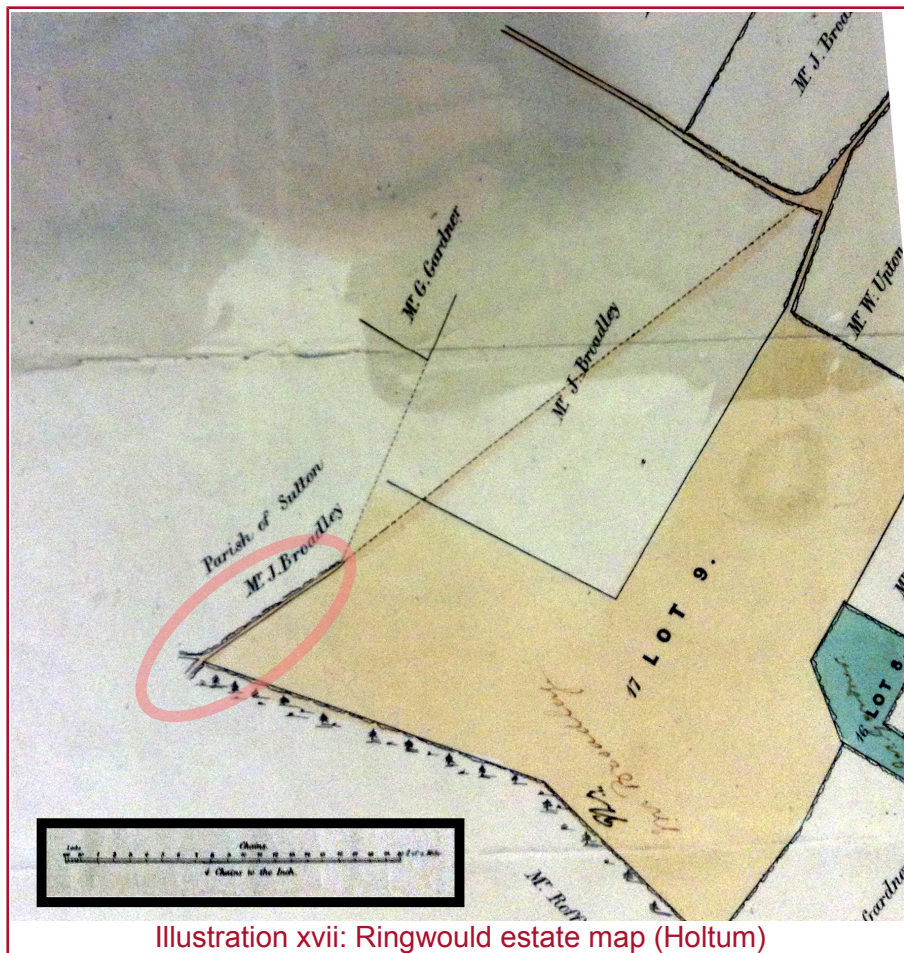


Illustration xvii: Ringwold estate map (Holtum)

H.3. **Description:** original scale: 4 chains to the inch — the map contains a scale marked in chains [20 chains, marked at intervals of 1 chain]; orientation: rotated by 270° so that north is at the top. This is a map of an estate at Ringwold, apparently for sale, as the land is identified into separate lots. The map was drawn by W Holtum of Walmer. The map shows various roads and paths coloured in ochre. The map shows a track along the line of definitive public bridleway ER16 from X, across parcel 17, named West Field (part of lot 9). At the parish boundary at A, the way bifurcates, with truncated spurs in the directions of both B and C; the spur to B is partly coloured ochre.

H.4. **Conclusion:** The spurs from A are consistent with public paths to both B and C. The representation of the way as an enclosed lane coloured ochre is suggestive of status as bridleway, and the continuation of this colouring towards B conveys the draughtsman's confidence that this spur was of the same status — although as both spurs are beyond the extent of the estate being marketed, neither spur is drawn fully to points B and C.

H.5. **Points:**

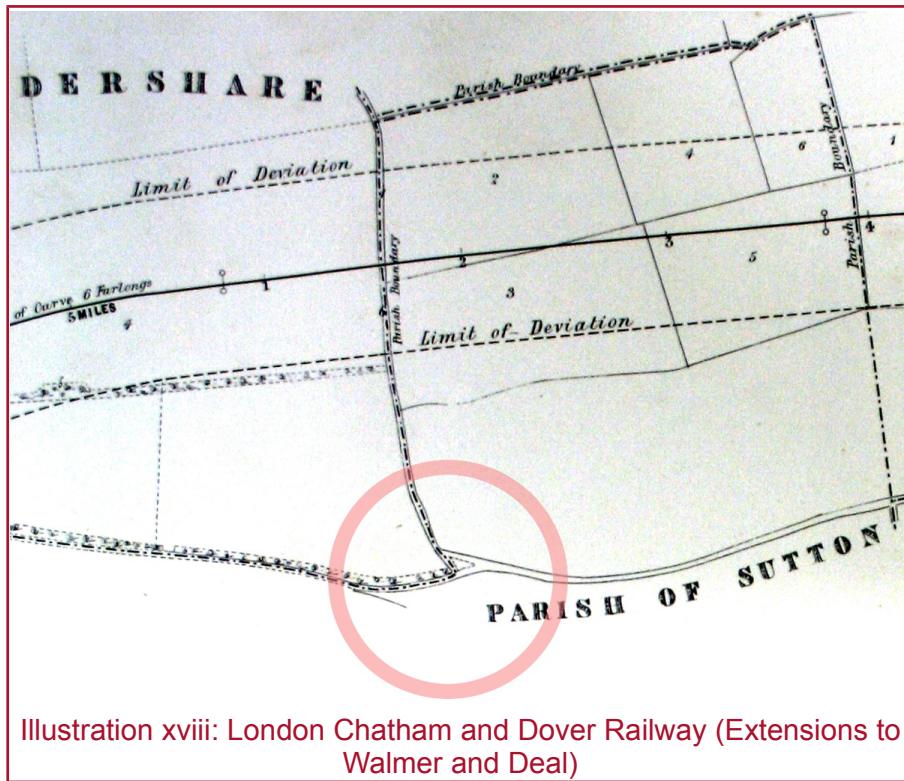
Part	Points
<i>Between A and B</i>	2
<i>Between A and C</i>	2

I. Railway plans

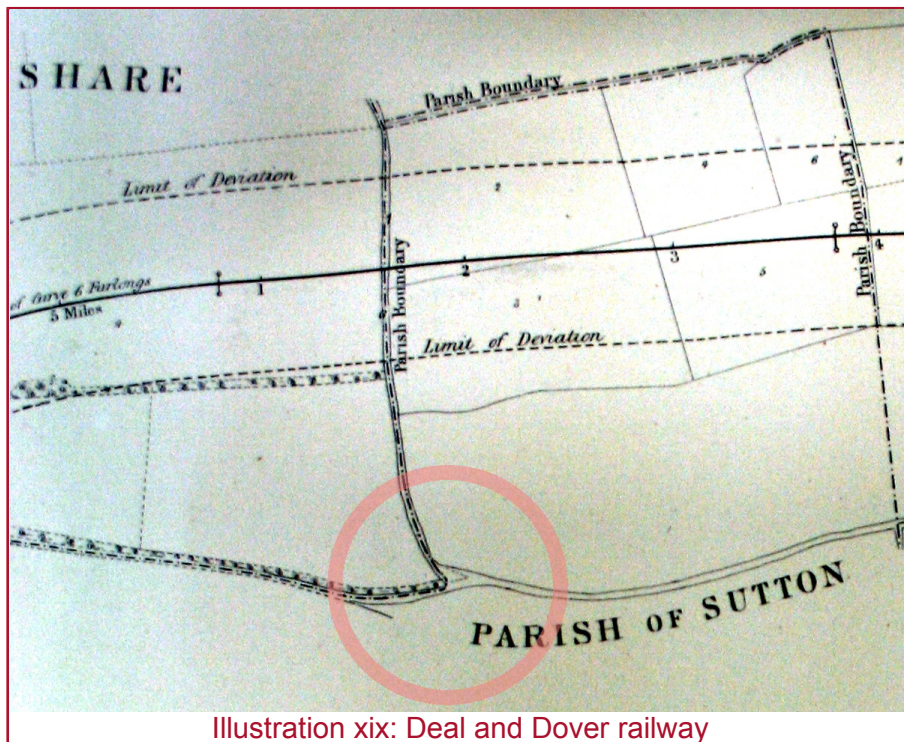
I.1. **Date:** 1861–1874

I.2. **Source:** Kent County Archives¹⁵

London Chatham and Dover Railway (Extensions to Walmer and Deal) 1861



Deal and Dover Railway 1864



15 Q/RUm/460, 517, 623, 634

Dover and Deal Railway 1873–74

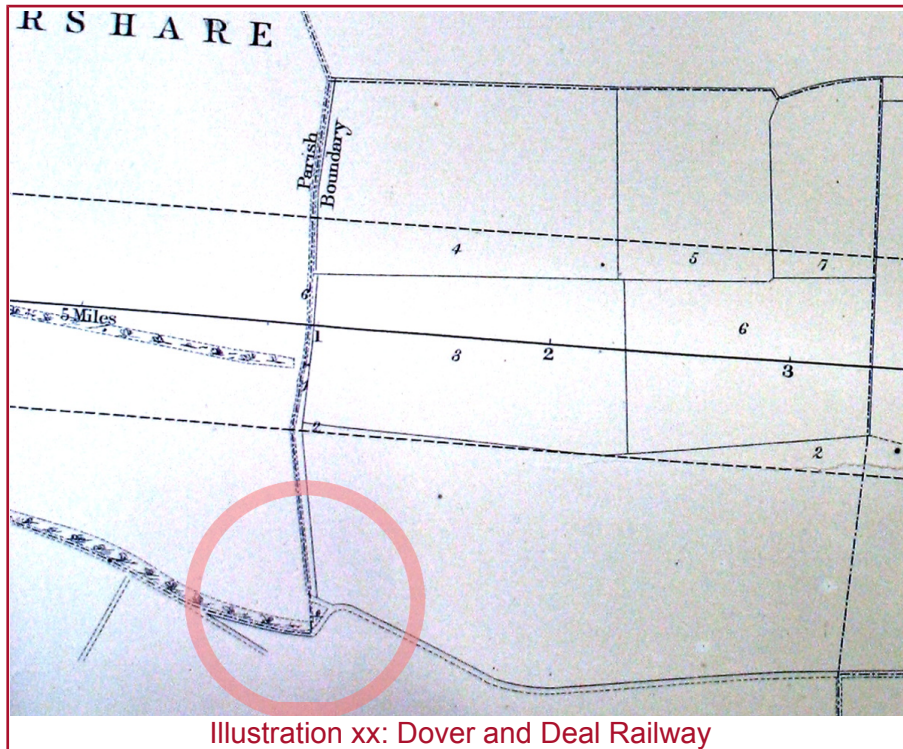


Illustration xx: Dover and Deal Railway

South Eastern Railway (Dover and Deal) 1873–74

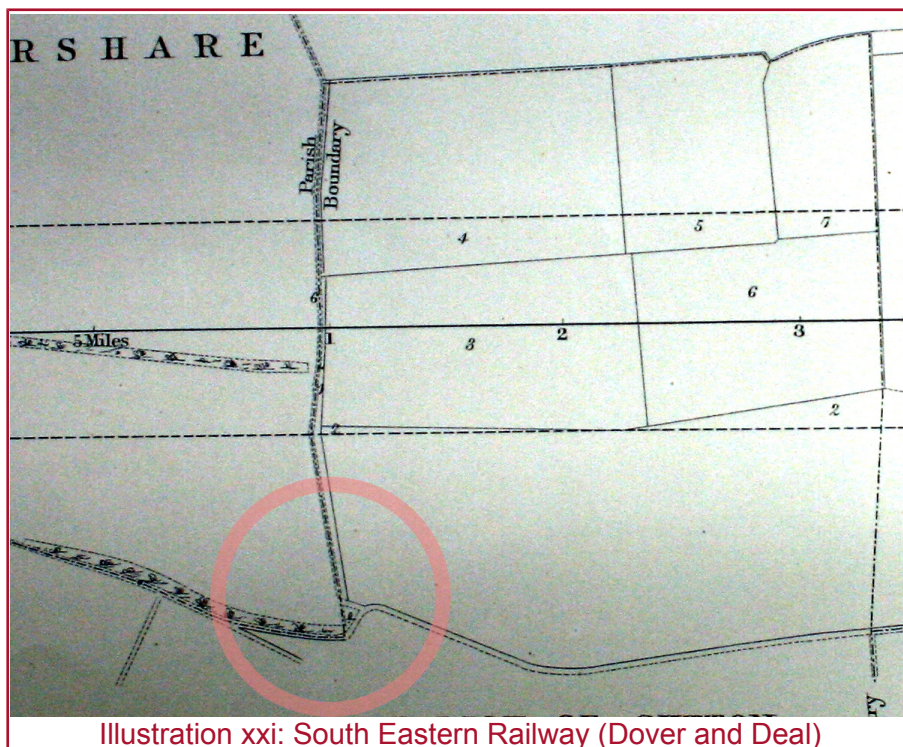


Illustration xxi: South Eastern Railway (Dover and Deal)

I.3. **Description:** Proposals to extend the railway from Deal to Dover were brought forward as soon as the railway had opened to Deal station in 1847, but various schemes fell through, until eventually the South Eastern Railway and the London, Chatham & Dover

Railway co-operated on a joint railway running inland through Martin. Four Bills were brought before Parliament for this route, between 1860 and 1874.

I.4. The extracts are from the deposited plans for each Bill — only the last of these, the South Eastern Railway, was eventually built, opening in 1881. The plans show the railway line crossing Hangman’s Lane northwest of the crossing of Ringwold Road, and the limits of deviation do not include land south of Ringwold Road, nor the application way.

I.5. However, all of the plans do show part of the site of the application way. In Illustration xviii: London Chatham and Dover Railway (Extensions to Walmer and Deal) and Illustration xix: Deal and Dover railway, a single line coincides with the application way northeast from B towards A; in Illustration xx: Dover and Deal Railway and Illustration xxi: South Eastern Railway (Dover and Deal), the application way is shown from B towards A by double pecked lines. The application way between A and C is not identified. As the land is outside the limits of deviation, no part of the relevant land is identified in the book of reference.

I.6. **Conclusion:** The first two plans show no evidence for the application way. The second two plans represent the application way between B and A by double pecked lines, suggestive of a road or well-defined track. As the land was well outside the limits of deviation, the surveyor would have had no interest in identifying farm tracks, but is likely to have shown the application way between B and A as one of several public ways in the vicinity, in the same way that the plan shows Ringwold Road and Hangman’s Lane. The second two plans therefore lend some support to the status of the application way as a public highway.

I.7. **Points:**

Part	Points
<i>Between A and B</i>	1
<i>Between A and C</i>	0

J. Ordnance Survey boundary records

J.1. **Date:** 1869–71

J.2. **Source:** National Archives¹⁶

16 OS 27/2824, OS 27/2604, OS 26/5285

Boundary sketch map, Ripple

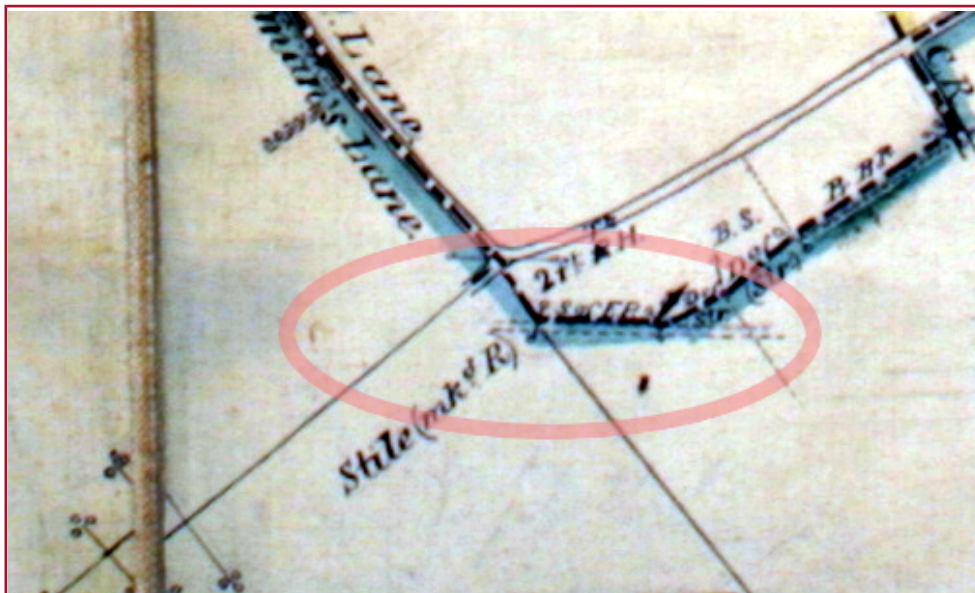


Illustration xxii: OS boundary sketch map Ripple, Sutton

Boundary sketch map, Waldershare

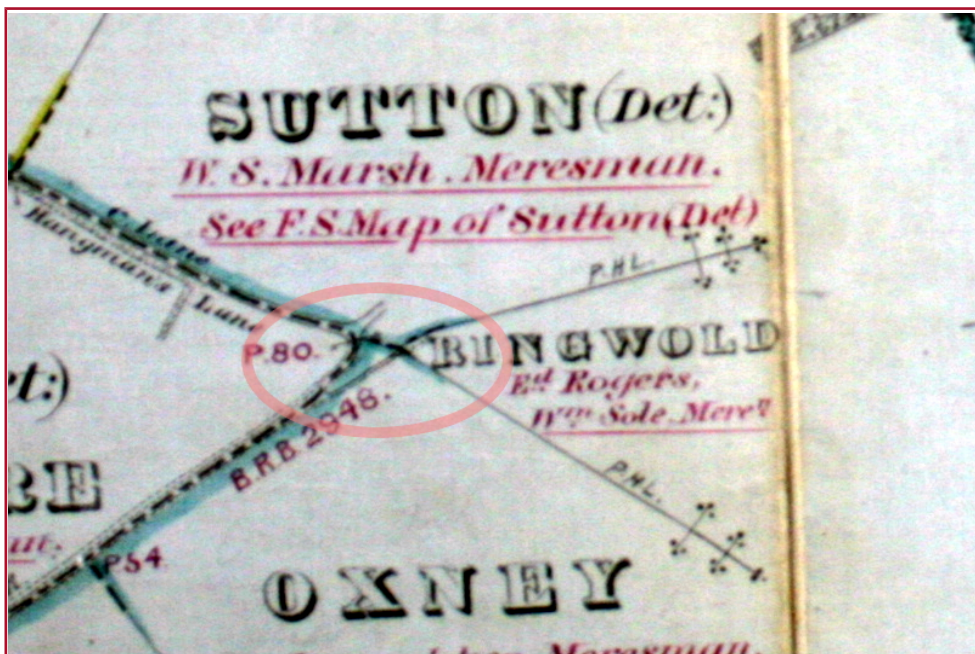


Illustration xxiii: OS boundary sketch map Waldershare

Boundary remark book, Oxney

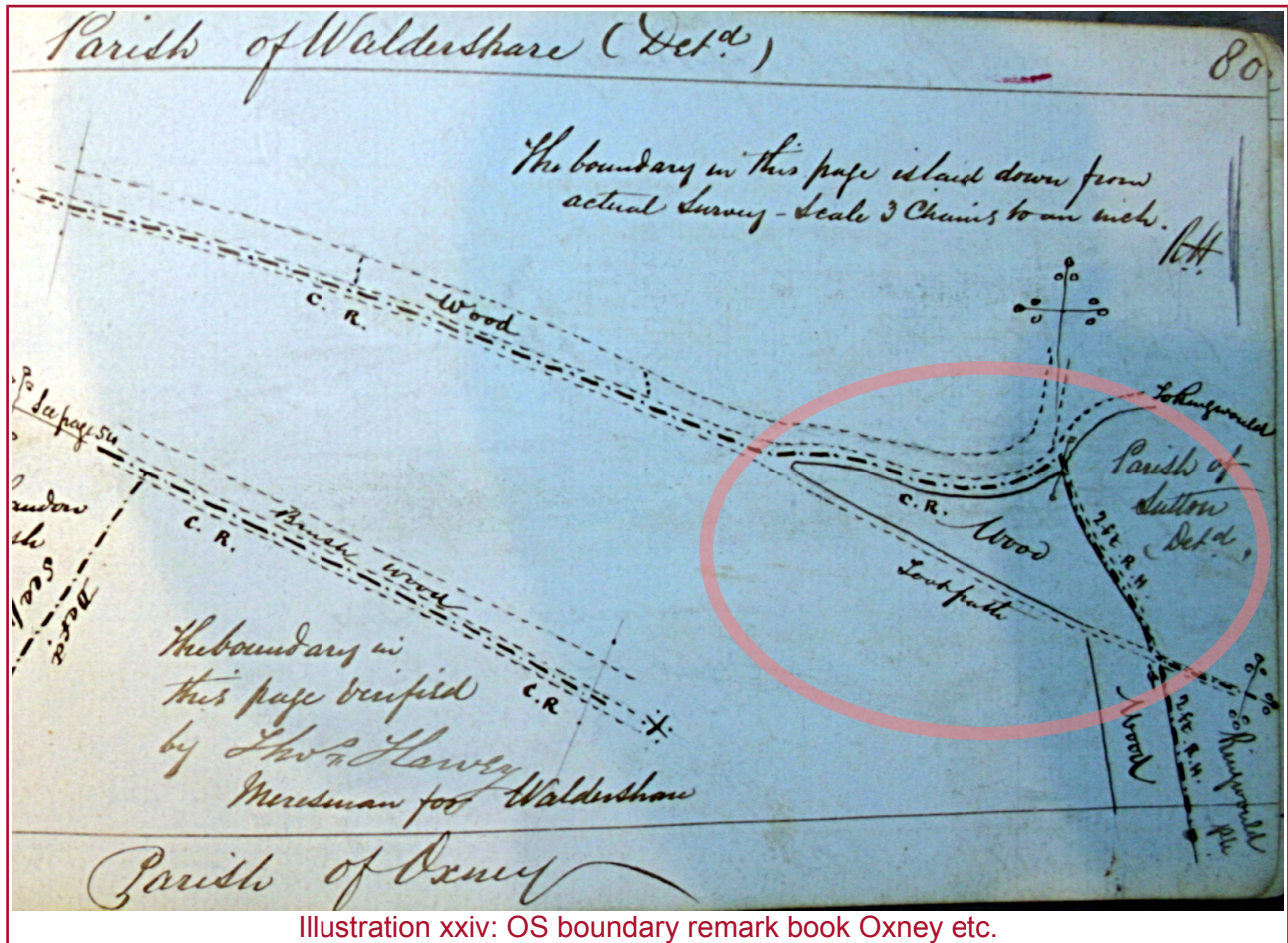


Illustration xxiv: OS boundary remark book Oxney etc.

J.3. **Description:** original scale: boundary sketch maps for Ripple, Sutton (Illustration xxii) and Waldershare (Illustration xxiii), 12 chains to the inch; boundary remark book for Oxney (Illustration xxiv), 3 chains to the inch (see below); orientation: unchanged for all. The boundary sketch maps dates from the 1860s, and record the Ordnance Survey's surveyor's efforts to capture the precise location of parish boundaries from local knowledge. The boundary of the parishes of Ringwold and Sutton (detached) (Illustration xxii) was recorded southwest along part of the line of definitive public bridleway ER16 as far as A, before turning west-northwest along the belt of woodland to C. The bridleway is shown as an unenclosed track, and the boundary is labelled 'S of FP' (*i.e.* side of footpath). The boundary changes direction at A at a point labelled 'stile (mk^d R)' (possibly meaning marked right). The boundary of the parish of Waldershare (Illustration xxiii) was recorded along Ringwold Road and then turning up Hangman's Lane, but the surveyor was careful to include a track along the line A to B, to link to the boundary of Sutton and Ringwold.

J.4. The boundary remark book for Oxney and neighbouring parishes (Illustration xxiv) records the boundary between Oxney and Waldershare (detached) parish: the application way between A and B is marked at a 'Footpath' in direct continuation of what is recorded today as bridleway ER16. The page is endorsed that: 'The boundary in this page is laid down from actual Survey — Scale 3 Chains to one inch.' It is also stated that: 'The boundary in this page verified by Thos Harvey Meresman for Waldershare'. The application way between A and C is marked only as a track, along which the parish boundary (between Sutton and Oxney) is defined as 2 feet from the root of hedge.

J.5. **Conclusion:** The boundary sketch map for Ringwould and Sutton records the alignment of definitive public bridleway ER16 northeast from A towards X as a track, and shows the track continuing west-northwest from A towards B: the track is also shown on the boundary sketch map for Waldershare. The presence of a stile at A does not necessarily suggest that the track from A to B is only a footpath, as the stile may have stood on the north side (or right side looking west-northwest) of the track, to supplement a gate across the track. However, the footpath label against the track nominally northwest (actually southwest) from A and the presence of a stile at A is suggestive that the track from A towards B was regarded as a right of way. These conclusions are corroborated by the remark book for Oxney *etc.*, which clearly records the way between A and B as a footpath. However, although the surveyor is very likely to have intended to record a public right of way between A and B, the surveyor may not have identified that the path was also used by horse riders: the absence of any reference to use as a bridleway does not exclude the likelihood of rights to use it as such.

J.6. Only the boundary remark book for Oxney clearly identifies a path or track between A and C, following a hedge (later removed or absorbed into the belt of woodland), so that the parish boundary follows a line two feet from the root of hedge, which must therefore lie along the track itself. This is consistent with the Ordnance Survey County Series third edition 1:2,500 map, which records the parish boundary as along 'centre of footpath'.

J.7. **Points:**

Part	Points
<i>Between A and B</i>	3†
<i>Between A and C</i>	0

† As at least a footpath.

K. Ordnance Survey 1:2,500 county series maps

K.1. **Date:** 1898–1945

K.2. **Source:** British Library¹⁷; National Library of Scotland¹⁸; Oldmaps.co.uk¹⁹ (© Crown copyright and database rights Oldmaps.co.uk 2016)

17 OS sheet LVIII–15, County Series first edition.

18 OS sheet LVIII–15, County Series second, third and fourth editions: maps.nls.uk/view/103681985; maps.nls.uk/view/103681982; maps.nls.uk/view/103681979.

19 OS sheet LVIII–15, National Grid plan.

OS 1:2,500 County Series 1st edition (published 1873)

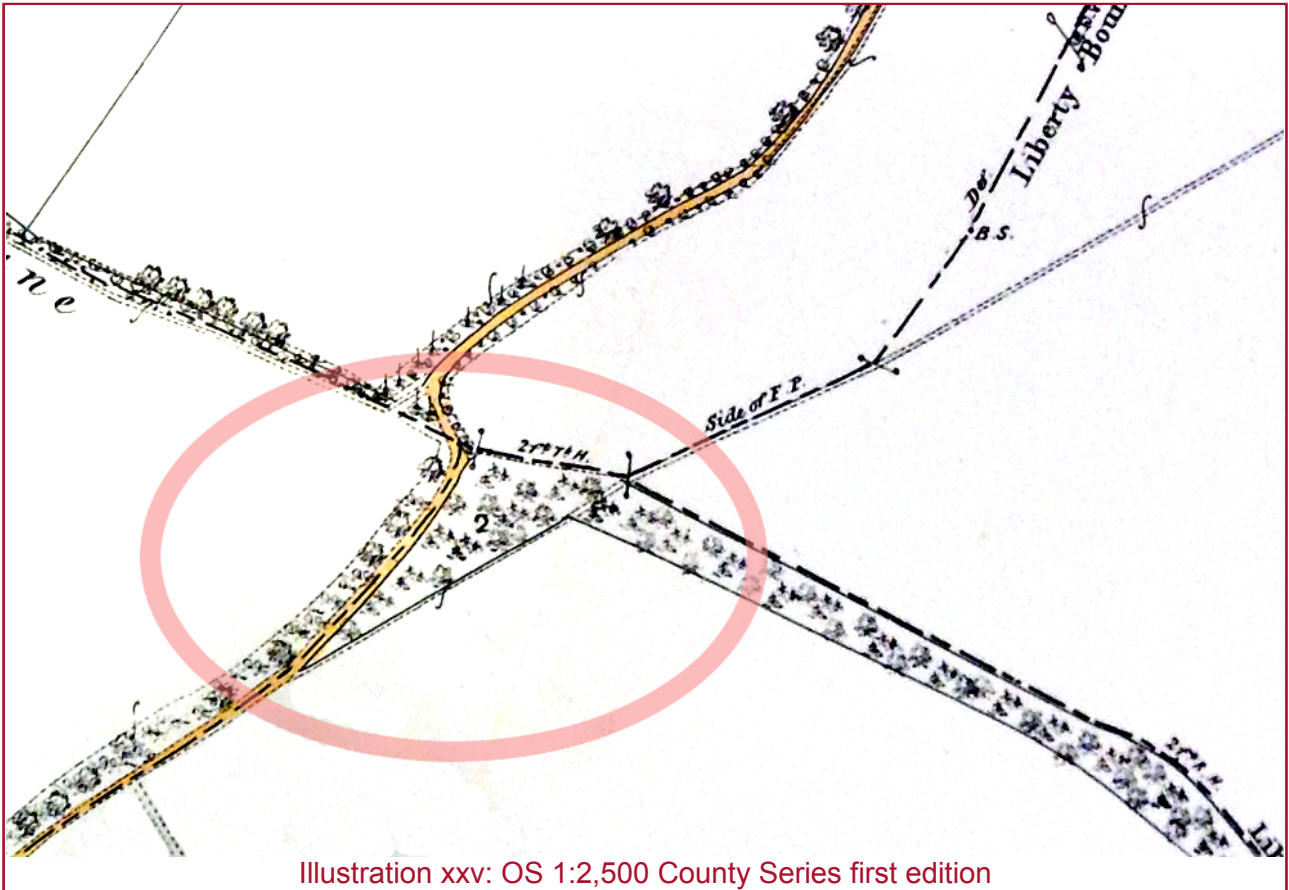


Illustration xxv: OS 1:2,500 County Series first edition

OS 1:2,500 County Series 2nd edition (published 1898)

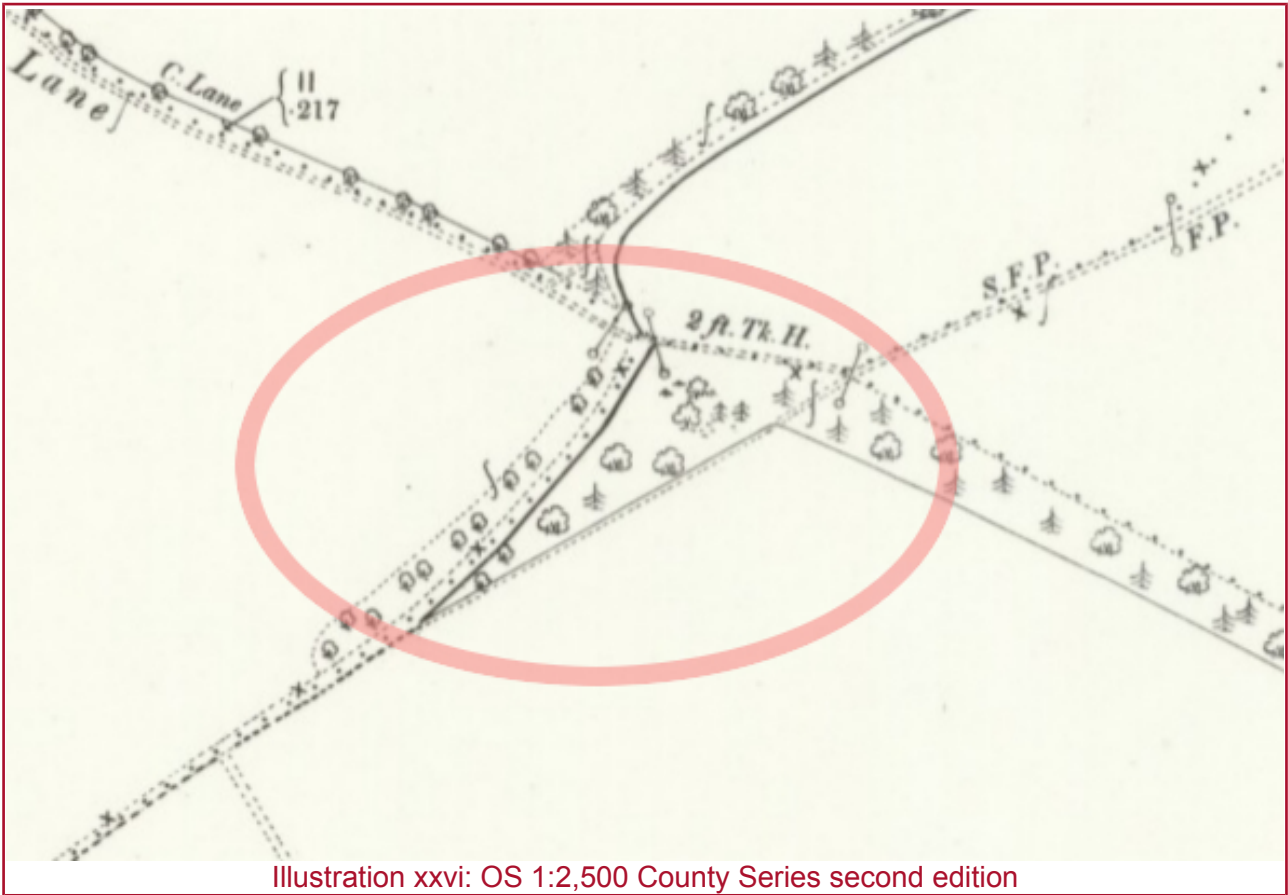
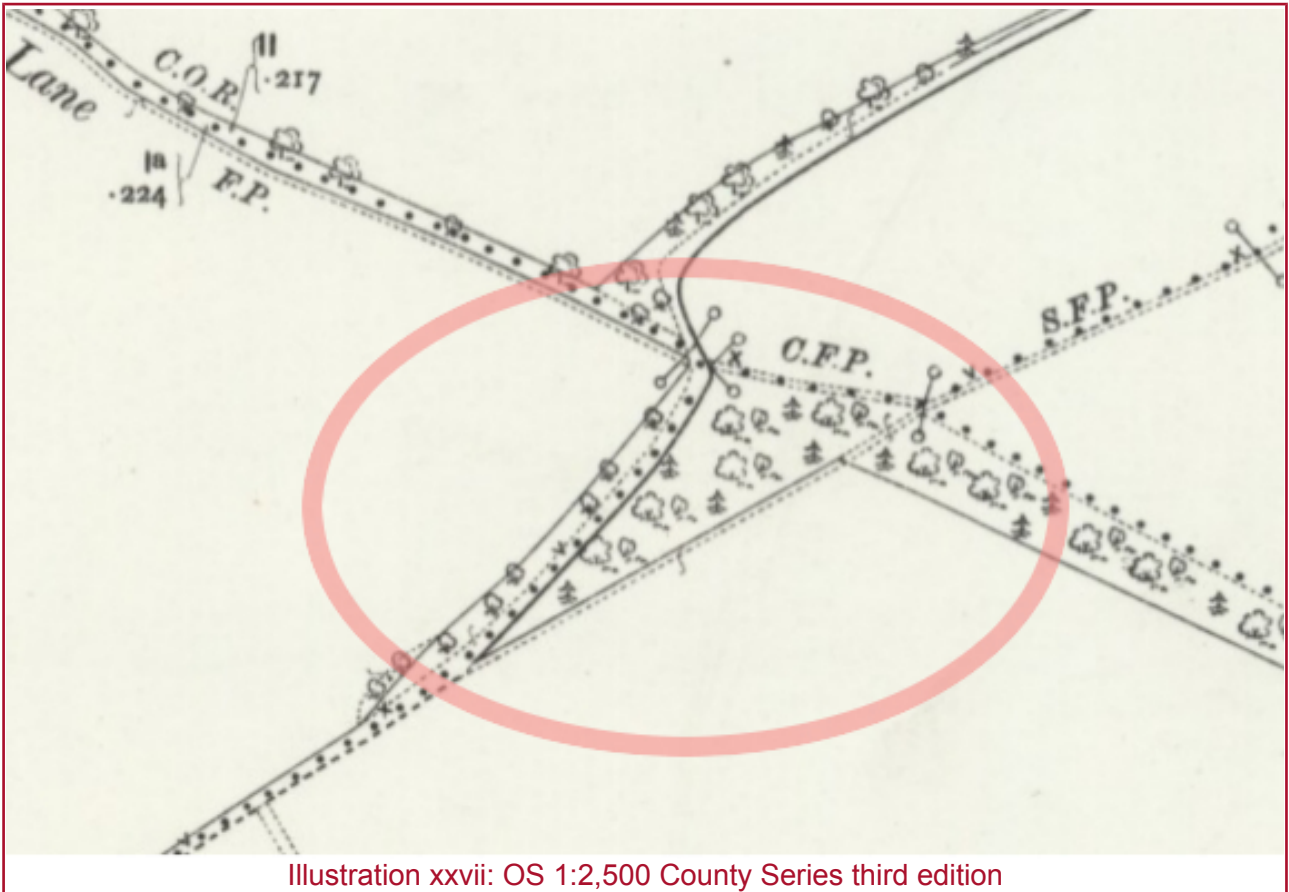


Illustration xxvi: OS 1:2,500 County Series second edition

OS 1:2,500 County Series 3rd edition (published 1907)



OS 1:2,500 County Series 4th edition (published 1938)

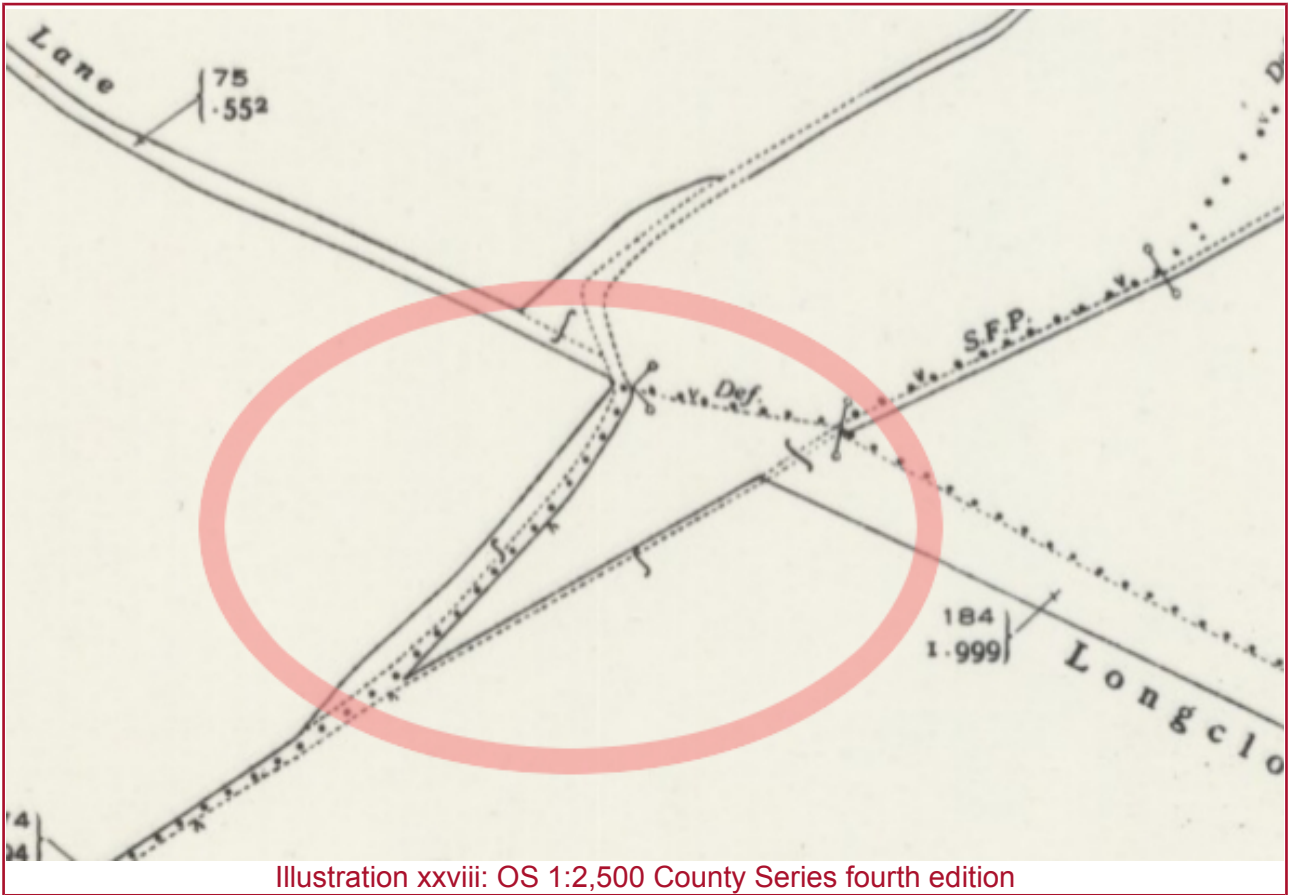


Illustration xxviii: OS 1:2,500 County Series fourth edition

OS 1:2,500 National Grid (published 1957)

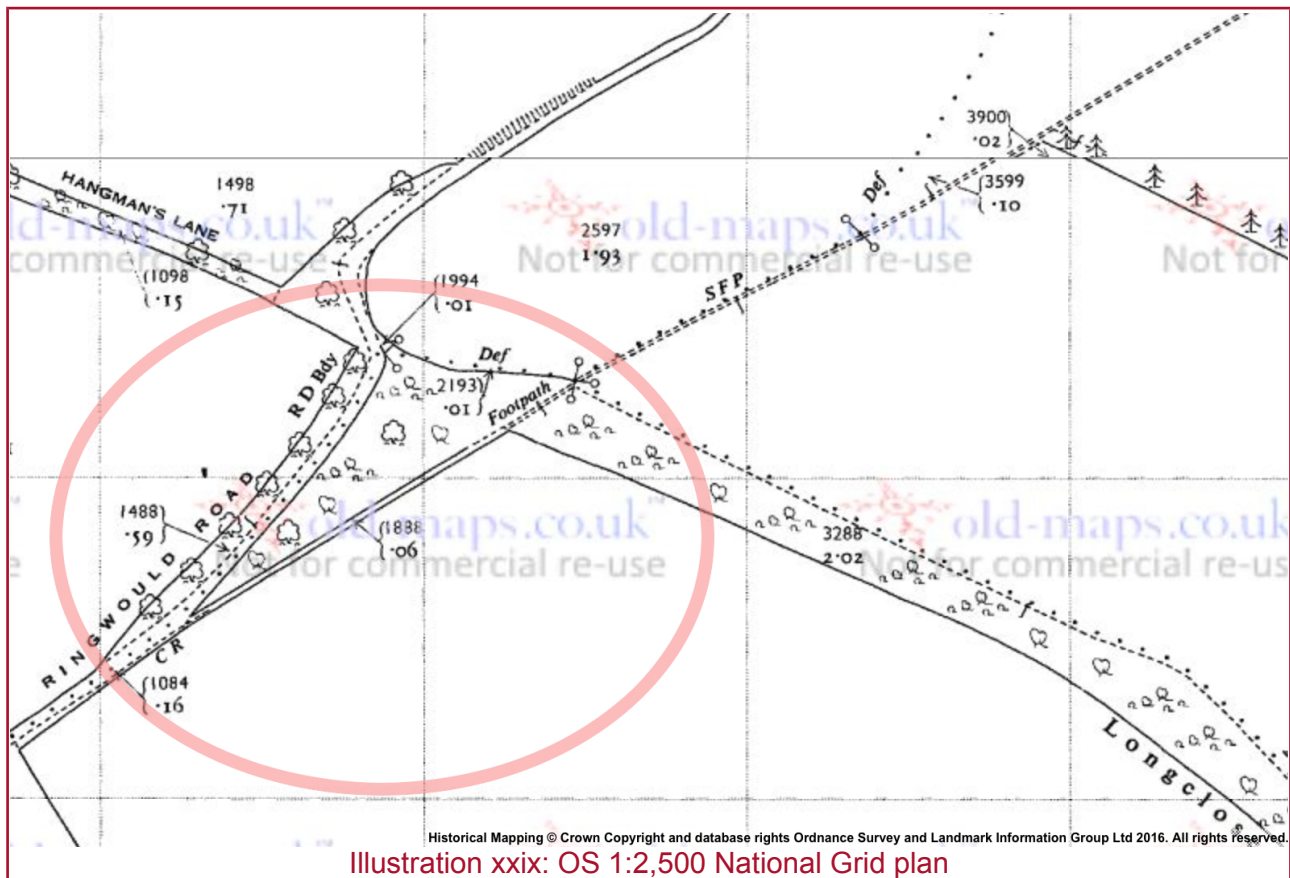


Illustration xxix: OS 1:2,500 National Grid plan

K.3. **Description:** original scale: 1:2,500; orientation: unchanged (north). These illustrations show the first, second, third and fourth editions published in 1871–2, 1898, 1907 and 1945 respectively.

K.4. Illustration xxv: OS 1:2,500 County Series first edition, published in 1871–72, shows bridleway ER16 recorded as 'F.P.' (coincident with the parish boundary between Ringwould and Sutton (detached), which follows 'Side of F.P.': *i.e.* side of footpath). At A, no track is shown from A to C, but the parish boundary, now between Ringwould and Oxney, is marked '2 ft.Tk.H.', *i.e.* following two feet outside the track of hedge. The path is shown projecting in a direct line from A to B.

K.5. Illustration xxvi: OS 1:2,500 County Series second edition, revised in 1896 and published in 1898, the information shown is similar, but a path is now shown between A and C.

K.6. Illustration xxvii: OS 1:2,500 County Series third edition, revised in 1905 and published in 1907, shows the same information, except that the parish boundary between A and C is now marked 'C.F.P.', *i.e.* following the centre of the footpath.

K.7. Illustration xxviii: OS 1:2,500 County Series fourth edition, revised in 1938 and published in 1945, shows the same information, except that no path or track is marked between A and C, and the parish boundary is marked as 'Def[aced]'

K.8. Illustration xxix: OS 1:2,500 National Grid plan was published in 1957. It does not show any path between A and C, but shows the continuation of bridleway ER16 marked as 'Footpath', initially as an unenclosed path, and then as an enclosed path along the

southern side of the copse adjacent to Ringwoud Road, from A to B. The path is given a distinct parcel number, 1838, with an area of 0.06a.

K.9. **Conclusion:** The Ordnance Survey 1:2,500 maps consistently show a path or track projecting southwest from A in a direct continuation of bridleway ER16, towards Ringwoud Road at B. Some of the earlier maps also show a spur west-northwest from A to C, which is variously marked as a track or footpath. While these maps do not attempt to distinguish public rights of way, they provide cogent evidence that bridleway ER16 did continue from its present point of termination at A, both in a logical continuation to Ringwoud Road at B, and to the same road at C opposite the junction with Hangman’s Lane.

K.10. **Points:**

Part	Points
Between A and B	1
Between A and C	0

L. Ringwoud definitive map parish survey

L.1. **Date:** 1950

L.2. **Source:** Kent County Council²⁰

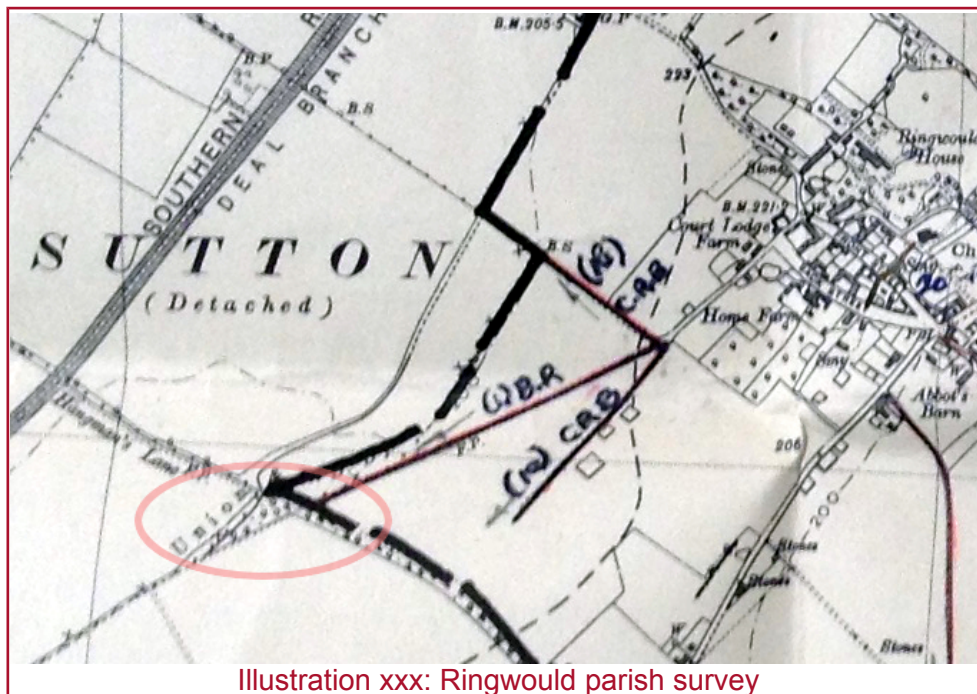


Illustration xxx: Ringwoud parish survey

L.3. **Description:** original scale: 1:10,560; orientation: unchanged. The Ringwoud parish survey recorded a bridleway (now known as ER16) between Hangman’s Lane in Ringwoud village and the parish boundary at B between (the then parishes of) Ringwoud and East Langdon.

L.4. **Conclusion:** The right of way was not recorded beyond the parish boundary at A, either in the same direction towards B, or towards C. This is because, in common with all rights of way crossing the parish boundary out of the parish of Ringwoud, the role of the

20 FP/R 204

parish survey was perceived to be limited to the extent of any right of way within the parish itself.

L.5. **Points:**

Part	Points
<i>Between A and B</i>	0
<i>Between A and C</i>	0

M. **Ordnance Survey 1:25,000 first series map**

M.1. **Date:** 1960

M.2. **Source:** National Library of Scotland²¹



Illustration xxxi: OS 1:25,000 first series map

M.3. **Description:** original scale: 1:25,000; orientation: unchanged. The Ordnance Survey first series map at a scale of 1:25,000 was published in 1960, towards the end of the programme to roll out maps of Britain at this scale. The map shows a continuous way between Ringwold village at X and B, via A, incorporating the alignment of bridleway ER16. No spur is shown to C. The way is annotated 'F.P.'

M.4. **Conclusion:** Ordnance Survey maps of this era do not purport to identify public rights of way. However, the map is evidence of the existence of a path, identified from survey²², along the route of bridleway ER16 and continuing through A to B. It is evidence that the path was in use at the time the map was surveyed, primarily as a route continuing along Ringwold Road towards Martin. The surveyor did not identify any path between A and C. The annotation of the path as a footpath is not material to the status of the applica-

²¹ OS sheet TR34 and parts of TR33: maps.nls.uk/view/95750454.

²² The source for this map would have been the OS six inch map Kent LVIII.SE & LVIIIA.SW, revised 1938 and published 1950: maps.nls.uk/view/101430039.

tion way between A and B, because maps at this scale and date do not distinguish foot-paths and bridleways.

M.5. **Points:**

Part	Points
<i>Between A and B</i>	0
<i>Between A and C</i>	0