



# Bath & North East Somerset Council



## DEFINITIVE MAP MODIFICATION ORDER INVESTIGATION REPORT

HANTONE HILL, BATHAMPTON

Date: 11/03/2026

# **INVESTIGATION REPORT**

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**DATE:** 11/03/2026

An application has been made under section 53(5) of the Wildlife and Countryside Act 1981 for an order to be made to amend the Definitive Map and Statement of Public Rights of Way by adding a public footpath.

This report contains a précis of the evidence which Bath and North East Somerset Council (“the Authority”) is aware following a preliminary investigation of records held by the Authority, the Somerset Heritage Centre and Bath Records Office and submitted by the applicant. When the decision is taken as to whether an Order should be made, and if so the status of the route (i.e. footpath, bridleway, restricted byway or byway open to all traffic), it will be based on the Authority’s interpretation of this evidence and any other relevant evidence produced to the Authority before the date of the decision. This Investigation Report is a factual account of the application and its processing up to this point, and the evidence provided and/or discovered which is relevant to the existence and status of the route.

The plan attached at page 4 shows the location of the route under investigation which is in the parish of Bathampton.

An order will be made if the evidence shows that:

- A right of way “subsists” or is “reasonably alleged to subsist”
- “The expiration... of any period such that the enjoyment by the public...raises a presumption that the way has been dedicated as a public path”
- The status of a recorded right of way needs to be changed
- There is no right of way over land as recorded on the Definitive Map and Statement
- Details of the Definitive Map and Statement need to be changed.

When considering evidence, if it is shown that a highway exists, then highway rights continue to exist (“once a highway, always a highway”) even if a route has since become disused; this is until a legal order stopping up or diverting the rights has been made.

Section 53 of the Wildlife and Countryside Act 1981 does not allow factors such as suitability, the security of properties or the desirability of a route to be taken into consideration.

## **2. RELEVANT LEGISLATION CONSIDERED**

The following legislation was considered when this case was investigated; National Parks and Countryside Act 1949, Countryside Act 1968, Highways Act 1980, Wildlife and Countryside Act 1981, Countryside and Rights of Way Act 2000, Natural Environment and Rural Communities Act 2006.

### 3. APPLICATION DETAILS

An application was made by Bathampton Parish Council on 21<sup>st</sup> February 2022, pursuant to section 53(5) of the Wildlife and Countryside Act 1981 to add a public footpath to the Definitive Map and Statement.

### 4. THE ROUTE

The route under investigation commences from a junction with Hantone Hill at grid reference ST 7788 6569 (Point A on the Investigation Plan contained at page 4) (see Fig. 1 below) and proceeds in a generally east-south-easterly direction between houses for approximately 103 metres to grid reference ST 7797 6564 (Point B on the Investigation Plan) and continues for 11 metres to a junction with public footpath BA1/25 at grid reference ST 7798 6564 (Point C on the Investigation Plan) (see Fig. 2 below). The route is hereafter referred to as “the Application Route”.



Fig. 1: Point A looking ESE



Fig. 2: Point C looking WNW

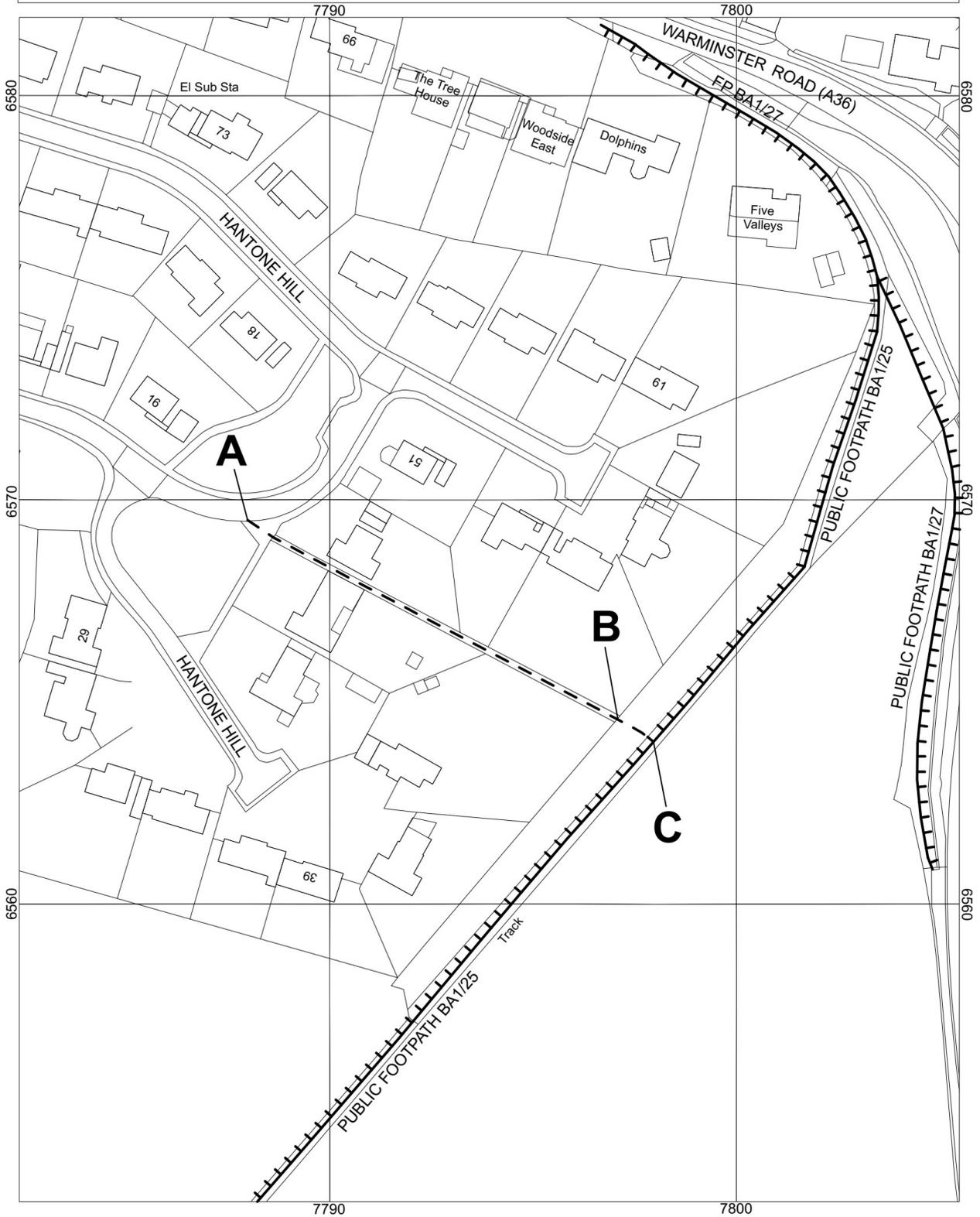
# INVESTIGATION PLAN

Application Route  A — B — C  
Unaffected public footpath 

**Bath & North East  
Somerset Council**

Improving People's Lives

Scale 1:1250



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## 5. DOCUMENTARY EVIDENCE

Doc No.	DOCUMENT TITLE	DATE	BRIEF DESCRIPTION OF DOCUMENT & NATURE OF EVIDENCE	DOC. REF. (& LOCATION)
1.	Day and Masters' Map	1782	<p><b>County Map made from an original survey to be sold to the travelling public, which could be indicative of routes shown probably being public. Footnote states that the map was published according to an Act of Parliament.</b></p> <p>The Application Route is not shown on Day and Masters' map.</p>	D:\B\wsm\38\6 (SHC)
	Investigating Officer's comments		This does not provide any evidence relating to the Application Route.	
2.	Greenwood's map	1822	<p><b>County Map made from an original survey carried out in 1820 and 1821 to be sold to the travelling public, which could be indicative of routes shown probably being public.</b></p> <p>The Application Route is not shown on Greenwood's map.</p>	A\AUS\60 (SHC)
	Investigating Officer's comments		This does not provide any evidence relating to the Application Route.	
3.	Tithe Map and Tithe Award or Apportionment	1843	<p><b>The <u>Tithe Map</u> is a detailed large scale map of the parish. It was produced to locate titheable land described in the award, not rights of way and their status. The <u>Tithe Award</u> is a legal document (produced under the Tithe Commutation Act of 1836) to show the value of titheable lands in a parish.</b></p> <p>The Application Route runs through enclosures 100 and 104 on the Bathampton Tithe Map. The Application Route is not demarcated on the Tithe Map and Tithe was paid on both enclosures.</p>	D/D/rt/M/450 D/D/rt/A/450 (SHC)
	Investigating Officer's comments		This does not provide any evidence relating to the Application Route.	
4.	Ordnance Survey maps	1886-1970	<p><b>The Ordnance Survey has produced a series of topographic maps at different scales notably the One Inch, Six Inch and 1:2500. The large scale 1:2500 plans from the 1870's onwards provide the good evidence of position of routes and the existence of any structures, and also good evidence of width. They generally do not provide evidence of status.</b></p>	<a href="https://maps.nls.uk/">https://maps.nls.uk/</a>

			The Application Route is not shown on the Six-Inch to the Mile Ordnance Survey (OS) maps published in 1886, 1903, 1933 and 1947 or the 1:10,560 OS map published in 1961 but the section of the Application Route between points A and B on the Investigation Plan is shown running between two parallel solid lines on the 1:2500 OS map published in 1970.	
	Investigating Officer's comments		This indicates that the Application Route has physically existed since at least 1970.	
5.	Inland Revenue documents	1910-1914	<p><b>Plans, valuation books, and field books created under the Finance (1909-10) Act 1910. Deductions in value provide good evidence of public rights if position can be accurately located. Annotations on field maps and colouring of routes may provide supporting evidence of status. However, if no reduction was claimed this does not necessarily mean that no rights of way exist.</b></p> <p>The Application Route runs through hereditaments 22 and 102. No reductions are recorded as having been claimed in respect of these hereditaments in the accompanying Valuation Book.</p>	DD/IR/OS/14/2 DD/IR/B/18/5 (SHC)
	Investigating Officer's comments		This does not provide any evidence relating to the Application Route.	
6.	Definitive Map records	1949-1973	<p><b>The National Parks and Access to the Countryside Act 1949 required the County Council to prepare a Definitive Map. To this end, each Parish carried out a <u>Parish Survey</u> and <u>Draft and Provisional Maps</u> were subsequently published before publication of <u>Definitive Map and Statement</u>.</b></p> <p>The Application Route is not referred to in any of the Definitive Map records.</p>	(BANES)
	Investigating Officer's comments		This does not provide any evidence relating to the Application Routes.	
7.	Planning Applications	1963	<p><b>Planning applications are accompanied by associated documents which support and clarify the proposals. They are a good indication of what physically existed and what was proposed for a site.</b></p> <p>The section of the Application Route between points A and B on the Investigation Plan is shown on the Site Layout Plan (dated March 1963) for two planning applications related to the Manor Estate and annotated "4' 6" <i>Public footpath</i>". The remainder of the Application Route is outside the planned area.</p>	D/R/ba22/1/6 29/638/6075 & 6083 (SHC)
	Investigating Officer's comments		This indicates that it was proposed that the section of the Application Route between A and B on the Investigation Plan would be a 4' 6"-wide public footpath.	

8.	Highway Records	1974 1996 2026	<p><b>Respective highway authorities maintain records of the adoption of highways and their maintenance liabilities which provide evidence of public rights.</b></p> <p>The Authority does not possess the documentation expressly adopting any section of the Application Route as highway maintainable at public expense. However, the section of the Application Route between points A and B on the Investigation Plan is shown on the record of adopted highways from when Avon County Council took over responsibility as the highway authority from Somerset County Council in 1974 and on the record of adopted highways from when the Authority took over responsibility as the highway authority from Avon County Council in 1996. The same section of route is shown on the current List of Streets maintainable at public expense as Class 6 highway (public footpath).</p>	(BRO) (BANES)
			This indicates that the section of the Application Route between points A and B on the Investigation Plan has been a public footpath since at least 1974.	

The above documents are available for public inspection. Please note that the references are as follows:

SHC = Somerset Heritage Centre

BRO = Bath Records Office

BANES = Documents held by Bath & North East Somerset Council

## 6. USER EVIDENCE FORMS

36 user evidence forms were received by the Authority detailing use of the Application Route on foot. One form did not contain the user's details or signature and have been excluded from the summary below:

