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# Bath & North East Somerset Council

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## DEFINITIVE MAP MODIFICATION ORDER INVESTIGATION REPORT

HOLCOMBE VALE, BATHAMPTON

Date: 10/09/2025

# **INVESTIGATION REPORT**

**AUTHOR:** GRAEME STARK

**DATE:** 10/09/2025

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 and the Somerset Heritage Centre 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 village and 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.

## **1. APPLICATION DETAILS**

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

## 2. THE ROUTE

The route under investigation commences from a junction with Holcombe Vale at grid reference ST 7771 6618 (point A on the Investigation Plan on page 4) and proceeds in a generally southerly and then south-easterly direction for approximately 78 metres to a junction with Holcombe Vale at grid reference ST 7775 6611 (point B on the Investigation Plan). This route is hereafter referred to as “the Application Route”.





Fig. 1: Looking S from point A.



Fig. 2: Looking NW from point B.

# INVESTIGATION PLAN

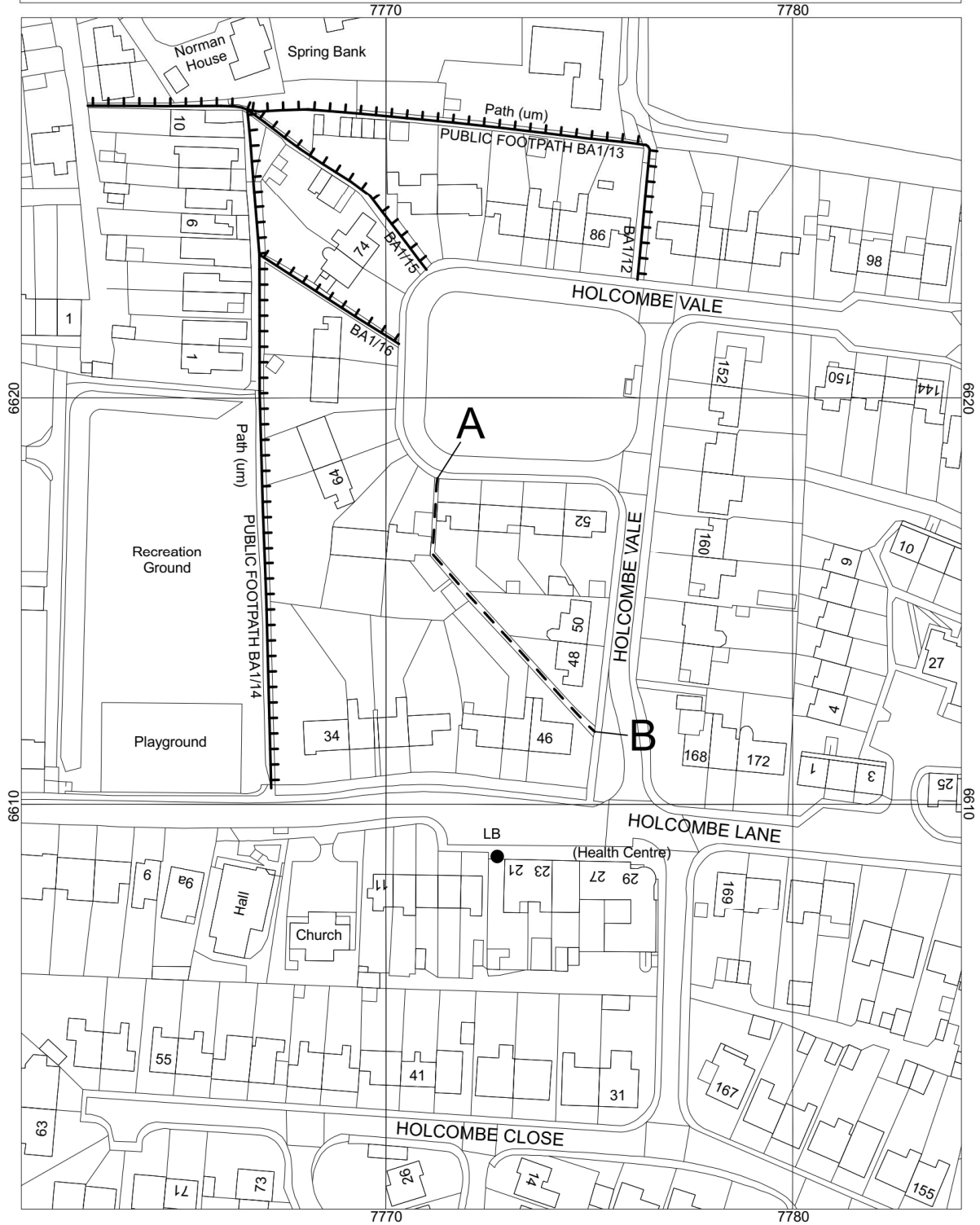
Application Route 

Unaffected public footpath 

**Bath & North East Somerset Council**

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**NOT TO SCALE**



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### 3. DOCUMENTARY EVIDENCE

Doc No.	DOCUMENT TITLE	DATE	BRIEF DESCRIPTION OF DOCUMENT & NATURE OF EVIDENCE	DOC. REF. (& LOCATION)
1.	Day and Masters' Map	1782	<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>  The Application Route is not shown on Day and Masters' map.	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	<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>  The Application Route is not shown on Greenwood's map.	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	1840	<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>  The Application Route runs through enclosure 92 on the Bathampton Tithe Map. The Tithe Map delineates a path in the approximate location of the Application Route; however, the route shown runs in a straight line. The Tithe Apportionment shows that Tithe was paid on this enclosure.	D/D/rt/M/450 D/D/rt/A/450 (SHC)
	Investigating Officer's comments		This indicates that a route physically existed in the vicinity of the Application Route but this appears to follow a different alignment.	
5.	Ordnance Survey maps	1888-1951	<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>	<a href="https://maps.nls.uk/">https://maps.nls.uk/</a>

			The Ordnance Survey 25" to the mile maps published in 1888, 1904, 1932, 1933, 1938 and 1947 delineates a path in the approximate location of the Application Route which is labelled 'F.P.'; however, the houses in the immediately vicinity of the Application Route are not shown and route that is shown runs in a straight line. The OS 1:10,560 map surveyed in 1951 delineates the Application Route with two parallel lines and shows the surrounding houses.	
	Investigating Officer's comments		This indicates that the Application Route has physically existed since 1951 but does not provide any evidence regarding the existence of public rights.	
6.	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 hereditament 22 which is recorded in the book of reference as 'agricultural land'. No deductions were claimed for '<i>Public Rights of Way or User</i>'.</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.	
7.	Highway Adoption Records	1950s	<p><b>Highway Adoption Records</b></p> <p>The Council does not hold any adoption records relating to either Holcombe Vale or the Application Route.</p>	(BANES)
	Investigating Officer's comments		This does not provide any evidence relating to the Application Route.	
8.	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 Route.	

The above documents are available for public inspection. Please note that the references are as follows:  
SHC = Somerset Heritage Centre      BANES = Documents held by Bath & North East Somerset Council

#### 4. USER EVIDENCE FORMS

User evidence forms detailing use of the Application Route on foot by 30 individuals have been received by the Authority. Users 11 and 25 also used the Application Route on bicycle.

