

Map and Documentary Evidence - Checklist of Main Sources

Below is a list of the most common evidence types useful to public rights of way research. These are not the only types of evidence so this list should not be treated as a constraint but a prompt for the most likely evidence. Not all sources have to be considered for every case and in no case will all be available – a built feature such as a factory, railway or housing estate might immediately indicate that only evidence before (or after, as the case may be) could be relevant. Remember that it is not only the status that is of interest but the exact line, the width and what structures were present historically.

Document Title	Date	Brief Description of Document & Nature of Evidence
Yates' Map of Lancashire	1786	Small scale commercial map. Such maps were on sale to the public and hence to be of use to their customers the routes shown had to be available for the public to use. However, they were privately produced without a known system of consultation or checking. Limitations of scale also limited the routes that could be shown.
Cary's Map of Lancashire/North Yorkshire	178x	Cary was a cartographer, engraver and publisher who published a series of atlases, maps, canal plans etc. His 1789 map of Lancashire is a close copy of Yates' map.
Greenwood's Map of Lancashire	1818	Greenwood's map of 1818 is a small scale commercial map.
Stockdale's Map of Lancashire	1818	Stockdale's map of 1818 is a small scale commercial map.
Hennet's Map of Lancashire	1830	Small scale commercial map surveyed by George Hennet in 1828 – 1829 and published by Henry Teesdale in 1830. The map was on sale to the public and hence to be of use to their customers it is considered that that the routes would be available for the public to use. However, the map was privately produced without a known system of consultation or checking. Limitations of scale also limited the routes that could be shown.
Tithe Map and Tithe Award or Apportionment	18xx	Maps and other documents were produced under the Tithe Commutation Act of 1836 to record land capable of producing a crop and what each landowner should pay in lieu of tithes to the church. The maps are usually detailed large scale maps of a parish and while they were not produced specifically to show roads or public rights of way, the maps do show roads quite accurately and can provide useful supporting evidence (in conjunction with the written tithe award) and additional information from which the status of ways may be inferred.
Canal and Railway Plans	18xx	Canals and railways were the vital infrastructure for a modernising economy and hence, like motorways and

		high speed rail links today, legislation enabled these to be built by compulsion where agreement couldn't be reached. It was important to get the details right by making provision for any public rights of way to avoid objections but not to provide expensive crossings unless they really were public rights of way. This information is also often available for proposed canals and railways which were never built.
Inclosure Act Award and Maps	18xx	Inclosure Awards are legal documents made under private acts of Parliament or general acts (post 1801) for reforming medieval farming practices, and also enabled new rights of way layouts in a parish to be made. They can provide conclusive evidence of status.
Honor of Clitheroe Map	18xx	This is effectively a Private Estate Map but to a high standard and covered a large area (not just near Clitheroe)
Estate and Sales Documents	xxxx	Private documents which are very variable in how much they show and how reliable that information is. If it can be relied upon and shows public rights that is good evidence that the landowner accepted the existence of those public rights.
Quarter Sessions Records	xxxx	Court records containing Information about criminal activity, some of which related to public rights of way, and administrative affairs including stopping up or diversion of public rights of way. However, most cases and administration did not relate to public rights of way and finding the pertinent information is very hit-and-miss.
First Edition 6 Inch Ordnance Survey Map	1849	The earliest Ordnance Survey 6 inch map for this area surveyed in 1844-47 and published in 1849. ¹
First Edition 25 Inch Ordnance Survey Map	18xx	This is the earliest Ordnance Survey 25 inch map for this area. Surveyed in 18xx and published in 18xx.
1 inch Ordnance Survey (OS) Map	189x	This 1 inch to the mile map was published in 189x. (sheet no. xx)
Bacon's Map	1904	G W Bacon was a publisher of maps and in 1890 his

¹ The Ordnance Survey (OS) has produced topographic maps at different scales (historically one inch to one mile, six inches to one mile and 1:2500 scale which is approximately 25 inches to one mile). Ordnance Survey mapping began in Lancashire in the late 1830s with the 6-inch maps being published in the 1840s. The large scale 25-inch maps which were first published in the 1890s provide good evidence of the position of routes at the time of survey and of the position of buildings and other structures. They generally do not provide evidence of the legal status of routes, and carry a disclaimer that the depiction of a path or track is no evidence of the existence of a public right of way.

of Lancashire		'Commercial and Library Map of Lancashire from the Ordnance Surveys' was published, and later reprinted. As the title states, the maps were derived from Ordnance Survey maps.
Finance Act 1910 Map	1910	<p>The comprehensive survey carried out for the Finance Act 1910, later repealed, was for the purposes of land valuation, not recording public rights of way but can often provide very good evidence. Making a false claim for a deduction was an offence although a deduction did not have to be claimed so although there was a financial incentive a public right of way did not have to be admitted.</p> <p>Maps, valuation books and field books produced under the requirements of the 1910 Finance Act have been examined. The Act required all land in private ownership to be recorded so that it could be valued and the owner taxed on any incremental value if the land was subsequently sold. The maps show land divided into parcels on which tax was levied, and accompanying valuation books provide details of the value of each parcel of land, along with the name of the owner and tenant (where applicable).</p> <p>An owner of land could claim a reduction in tax if his land was crossed by a public right of way and this can be found in the relevant valuation book. However, the exact route of the right of way was not recorded in the book or on the accompanying map. Where only one path was shown by the Ordnance Survey through the landholding, it is likely that the path shown is the one referred to, but we cannot be certain. In the case where many paths are shown, it is not possible to know which path or paths the valuation book entry refers to. It should also be noted that if no reduction was claimed this does not necessarily mean that no right of way existed.</p>
2nd Edition 25 Inch OS Map	191x	The second edition of the OS map at a scale of 25 inch to the mile. Resurveyed in 189x and revised in 19xx and published in 19xx.
Highway 'Adoption' Records including maps derived from the 1929 Handover Maps		<p>In 1929 the responsibility for district highways, which included footpaths and bridleways as well as minor roads, passed from district and borough councils to the County Council. For the purposes of the transfer, public highway 'handover' maps were drawn up to identify all of the public highways within the county. These were based on existing Ordnance Survey maps and edited to mark public. However, they suffered from several flaws – most particularly, if a highway was not surfaced it was often not recorded.</p> <p>A right of way marked on the map is good evidence but</p>

		<p>many public highways that existed both before and after the handover are not marked. In addition, the handover maps did not have the benefit of any sort of public consultation or scrutiny which may have picked up mistakes or omissions.</p> <p>The County Council is now required to maintain, under section 31 of the Highways Act 1980, an up to date List of Streets showing which 'streets' are maintained at the public's expense. Whether a road is maintainable at public expense or not does not determine whether it is a highway or not.</p> <p>The provenance of these sheets is unclear but they may have had their Genesis in the handover maps produced by the districts in 1929 when responsibility for all highways passed to the County. It is not possible to date any particular sheet and it is apparent that many sheets have been redrawn, annotated, amended, tippedexed, etc. over the years in the manner of working documents used for practical management of the highway network.</p>
3rd Edition 25 inch OS Map	193x	Further edition of the 25 inch map surveyed in 189x, revised in 192x and published in 193x.
Authentic Map Directory of South Lancashire by Geographia	Circa 1934	An independently produced A-Z atlas of Central and South Lancashire published to meet the demand for such a large-scale, detailed street map in the area. The Atlas consisted of a large scale coloured street plan of South Lancashire and included a complete index to streets which includes every 'thoroughfare' named on the map. The introduction to the atlas states that the publishers gratefully acknowledge the assistance of the various municipal and district surveyors who helped incorporate all new street and trunk roads. The scale selected had enabled them to name 'all but the small, less-important thoroughfares'.
Aerial Photograph²	1940s	The earliest set of aerial photographs available was taken just after the Second World War in the 1940s. The clarity is generally very variable.
6 Inch OS Map	195x	The OS base map for the Definitive Map, First Review, was published in 195x at a scale of 6 inches to 1 mile (1:10,560). This map was revised before 1930 and is probably based on the same survey as the 1930s 25-inch

² Aerial photographs can show the existence of paths and tracks, especially across open areas, and changes to buildings and field boundaries for example. Sometimes it is not possible to enlarge the photos and retain their clarity, and there can also be problems with trees and shadows obscuring relevant features.

		map.
National Grid Series OS Map	196x	Further edition of 1:2500 map reconstituted from former county series and revised in 1960/1961 and published 196x as national grid series.
Aerial photograph	1960s	Black and white aerial photograph taken in the early 1960s.
Definitive Map Records		The National Parks and Access to the Countryside Act 1949 required the County Council to prepare a Definitive Map and Statement of Public Rights of Way. Records were searched in the Lancashire Records Office to find any correspondence concerning the preparation of the Definitive Map in the early 1950s.
Aerial Photograph	2000	Colour aerial photograph taken in 2000.
Aerial Photograph	2010	Colour aerial photograph taken in 2010.
Parish Council Minutes		Parish Council minutes can refer to public rights of way in many different ways and whilst many are anecdotal perhaps indicating only local reputation of a way being public, this can often help to pin-point hard evidence from elsewhere
User Evidence		Witness statements or evidence-of-use forms can be used to indicate actual use of the alleged highway by members of the public as of right. Actual use by the public, in the absence of evidence to the contrary can be taken as evidence that the landowner was willing to dedicate the way as highway. Contrary evidence can include notices where users would see them, locked gates or barriers, verbal challenges, permission given (permission is not needed if rights exist), etc. as well as deposits under S31(6) of the Highways Act 1980 (below).
Statutory deposit and declaration made under section 31(6) Highways Act 1980		The owner of land may at any time deposit with the County Council a map and statement indicating what (if any) ways over the land he admits to having been dedicated as highways. A statutory declaration may then be made by that landowner or by his successors in title within ten years from the date of the deposit (or within ten years from the date on which any previous declaration was last lodged) affording protection to a landowner against a claim being made for a public right of way on the basis of future use (always provided that there is no other evidence of an intention to dedicate a public right of way). Depositing a map, statement and declaration does not take away any rights which have already been established through past use. However, depositing the

		documents will immediately fix a point at which any unacknowledged rights are brought into question. The onus will then be on anyone claiming that a right of way exists to demonstrate that it has already been established. Under deemed statutory dedication the 20 year period would thus be counted back from the date of the declaration (or from any earlier act that effectively brought the status of the route into question).
Photographs		Often these are family snapshots of children building snowmen or relatives on a picnic but if the location can be identified, including labels on the back or in an album, it may show trodden lines on the ground, notices or gates/stiles.
Physical Landscape Features		A sunken lane is a good indication of a lot of traffic historically, an old flag culvert or remains of bridge footings, gateposts or stiles can be helpful.