

## WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53

### DEFINITIVE MAP MODIFICATION ORDERS (DMMO)

### EXAMPLES OF DOCUMENTARY EVIDENCE

Please note this list is not exhaustive; but is intended as a helpful basic guide.

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#### **1. Inclosure Awards**

Inclosure Awards represent some of the best historical documentary sources of evidence available. They are used as evidence in two situations:

1. As evidence of route, status or width of public right; and/or
2. As evidence of liability to repair the way.

The purpose of the Inclosure Awards were to re-allocate agricultural land farmed on the 'open field' system into parcels large enough to be physically separated by walls or hedges from other owners' property. However, there was a duty within all Inclosure Acts to also set out roads, which makes them a useful source of evidence.

When looking at the map (if available) it is important to always refer to the written Award as well; they may also refer to the minimum widths of the highways set out.

#### **2. Tithe Awards**

In the years immediately following the Tithe Commutation Act 1836, the majority of parishes were surveyed by Tithe Commissioners appointed by statute to convert tithe rates into fixed annual rent charges. [Tithes were payments originally due by parish inhabitants for the support of the parish church - originally the tithe was payable in kind and consisted of the tenth part of yearly profits.]

The Commissioners produced detailed large scale parish maps and schedules. They were concerned solely with identifying titheable land and not with roads or their status, but the maps do mark roads quite accurately and they can provide useful supporting evidence.

Public highways were not titheable and were often shown in a special colouring on the plan. As tithes were not payable on public highways the inclusion or omission of a road on the map was a material matter to a landowner over whose land a road might pass. Commissioners appointed under the relevant statute [The Tithe Commutation Act 1836] had power to take evidence from landowners on oath.

#### **3. Maps and Schedules Compiled Under the Provisions of the Finance Act 1910**

The 1910 Act created the increment value duty tax, which was a tax on land. The process of valuation lead to the creation of a number of documents such as Valuation Books (known as "Domesday" books), Field Books and Maps recording property boundaries and hereditament numbers. Amongst the factors taken into account, when assessing land values, was whether there was the existence of a right of way across a particular plot of land. Therefore, the Valuation Books, Field Books and maps can provide evidence of a right of way but may not necessarily show the exact route. They often also provide sufficient supporting evidence to cross reference with other sources.

Any surviving "Domesday" Books, draft maps and other documentation are kept at Gloucestershire Archives, with the Field Books and final maps held at the National Archive at Kew.

#### **4. Ordnance Survey Maps**

It is well established that these maps are not evidence of the status of a right of way, but merely record the physical features at the time of survey. They are, however, very useful in showing the existence of a way at a particular date if not its status - in particular, the first edition 1-inch [surveyed 1811-16] and 25-inch maps [c.1882].

#### **5. Printed County Maps - Greenwood and Bryant Maps of 1824**

There were a number of County maps prepared by private surveyors which may also be useful supporting evidence to show whether or not a way existed at a given date. For example, the Greenwood and Bryant maps of 1824 record the whole County on a single sheet on a scale of 1 inch to 1 mile.

#### **6. Rights of Way Act 1932**

This permissive Act enabled landowners to deposit with the County, Borough or District Council a map of the admitted rights of way on their land and where this has happened it would be strong evidence of the status of any way shown on it. Local authorities could also draw up registers of rights of way. In Gloucestershire, not many maps appear to have been deposited by authorities.

#### **7. Deposited Plans**

Under standing orders of the Houses of Parliament from 1792, a copy of any plan and schedule drawn up in connection with a bill to create a canal, turnpike road, railway or other undertaking involving power to purchase land had to be deposited both in the House of Lords and with the relevant Clerk of the Peace.

If the track or way lies near a canal, turnpike road or railway, then the deposited plan should be checked. It appears that the fields, houses and roads, etc. adjoining the proposed line of the utility were numbered and keyed to a Schedule. The track or way in question could be referred to in the Schedule as, for example, a public road or occupation road and this could give an indication as to how the status of the track was regarded at the time the plan was made.

#### **8. Quarter Sessions Records**

Up to 1958, when this power was transferred to Magistrates' Courts, Quarter Sessions could stop up or divert public rights of way by means of an Order which was to be enrolled in the records of the Clerk of the Peace.

These should be checked if possible if it is suspected that a way has existed at some stage but has since been diverted or stopped up.

#### **9. Estate Maps**

Ownership of Estate and other private maps usually remain with the owner (whether or not they are deposited with Gloucestershire Archives or any other 'public' collection). It would be necessary to obtain permission from the owner of the maps for them to be used as evidence in any Public Inquiry. Such maps can provide useful supporting evidence.

#### **10. Current Definitive Map of Public Rights of Way**

The current Definitive Map of Public Rights of Way held in the Map Room at Shire Hall can be checked to ascertain whether any particular route is already a public right of way and to what recorded status.

#### **11. Examples of Online resources**

(a) **Electronic Representation of the current public rights of way network, Register of DMMO Applications, and Depositions under S31(6) of the Highways Act 1980 & S15(A) of the Commons Act 2006** <https://ww3.goucestershire.gov.uk/PROW/>

(b) **National Library of Scotland (NLS) Map Library (also covers England)**  
<https://maps.nls.uk/> and <https://maps.nls.uk/os/>

Ordnance Survey (OS) maps at 1 inch, 2½ inch, 6 inch and 25 inch to the mile:

**(c) Know Your Place – West of England**

<http://maps.bristol.gov.uk/kyp/?edition=glos>

This is a digital mapping project that is "putting your neighbourhood's heritage on the map". The maps that have been digitised for Gloucestershire include:

Tithe maps (c.1840s), Enclosure maps (c.18th-19th century), OS maps (25" 1st, 2nd, 3rd / revised editions c.1880s – 1930s), OS Town Plans (1: 500 scale, c.1880s), Goad Fire Insurance plans for Gloucester (late 19th century), National Grid sheets (c.postwar-1965), East Dean Inclosures Map 1856, Cheltenham Map 1855, Gloucester Board of Health Map 1852

**(d) Coaley.net**

<https://coaley.net/index.php>

This has a number of historic maps of Gloucestershire including:

OS 1-inch First Edition Gloucestershire, Bryant Gloucestershire 1824, Greenwood Gloucestershire 1824, Atkinson Forest of Dean 1847

**(e) British History Online**

<https://www.british-history.ac.uk/search/series/vch--glos>

Includes text of Victoria County History- Gloucestershire (history by parish; includes references to original sources)

**(f) British Library**

<https://commons.wikimedia.org/w/index.php?search=pen+and+ink+ordnance+survey+drawings+glocestershire+&title=Special:MediaSearch&go=Go&type=image>

The British Library holds a digitised collection of the original preliminary drawings made by the OS surveyors between the 1780s and 1840 (2" to 1 mile scale.)

**(g) 1910 Finance Act Survey for Gloucestershire**

<https://www.glos1909survey.org.uk/index.html>

Online copies of draft Valuation Plans and transcribed entries from final Valuation Books and Form 37s (originals held at Gloucestershire Archives)

**12. Gloucestershire Archives contact details**

Gloucestershire Archives, Clarence Row, Alvin Street, Gloucester. GL1 3DW.

Telephone (01452) 425295; [archives@gloucestershire.gov.uk](mailto:archives@gloucestershire.gov.uk).

**13. Any questions?**

If you have any questions about Documentary evidence relating to the DMMO process, please contact us:

- Post: Highway Records & DMMO Team, Gloucestershire County Council, Shire Hall, Gloucester GL1 2TH
- Email: [modificationorders@gloucestershire.gov.uk](mailto:modificationorders@gloucestershire.gov.uk)
- Web: [www.goucestershire.gov.uk/prow](http://www.goucestershire.gov.uk/prow)