

Appendix B

Research into the History of a Claimed Footpath running in a North Easterly direction between Bridleway no.5 (known as Sutton Mill Road) and Biggleswade Road in the Parish of Potton.

INTRODUCTION

1. A claim has been submitted to record a public footpath between the Bridleway No. 5 known as Sutton Mill Lane in the parish of Potton, heading in a north easterly direction to the public road known as Biggleswade Road. The claimed route crosses open fields across the Greensand Ridge. Both entrances have locked gates. The Sutton Mill Road entrance is opposite house No. 44. The path is grass and terminates onto a small tarmac lane adjacent to the engine house, Where it exits out onto Biggleswade Road between the houses, Drews Cottage and No. 22.

EVIDENCE

2. Section 32 of the Highways Act 1980 requires a court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.
3. There is a distinct and important difference between the “cumulative” and “synergistic” approach to the weighing of documentary evidence. Under the cumulative approach a number of relatively lightweight pieces of evidence (e.g. three commercial maps by different cartographers, all produced within the same decade or so) could be regarded as mere repetition. Thus, their combined evidential weight may not be significantly more than that accorded to a single map. If, however, there is co-ordination between relatively lightweight pieces of highway status evidence (For example an Ordnance Survey map, a commercial map and a Tithe map), then this synergy (co-ordination as distinct from repetition) would significantly increase the collective impact of those documents.

DOCUMENTARY EVIDENCE

4. Inclosure documents have an evidential value as legal documents, they had the effect of creating or extinguishing public highways depending upon the powers given to the commissioners. Awards and maps may also provide

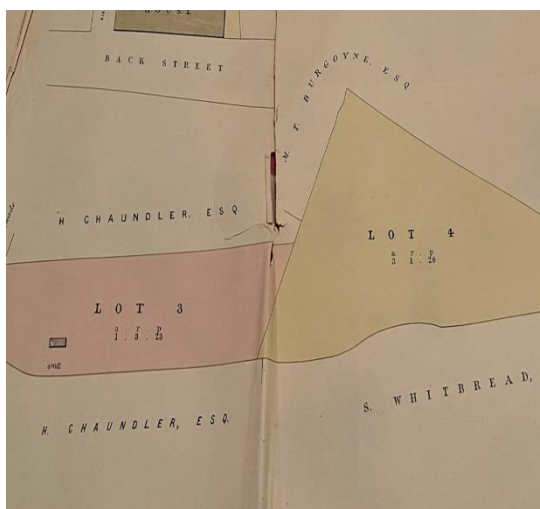
supporting evidence of other matters such as the existence or status of public rights of way over land adjacent to but outside the area of the award.

5. **Inclosure Award** Potton (Bedford Archives Ref: MA58/2) and Award Book (Bedford Archives Ref: Award Book N) 1832 .

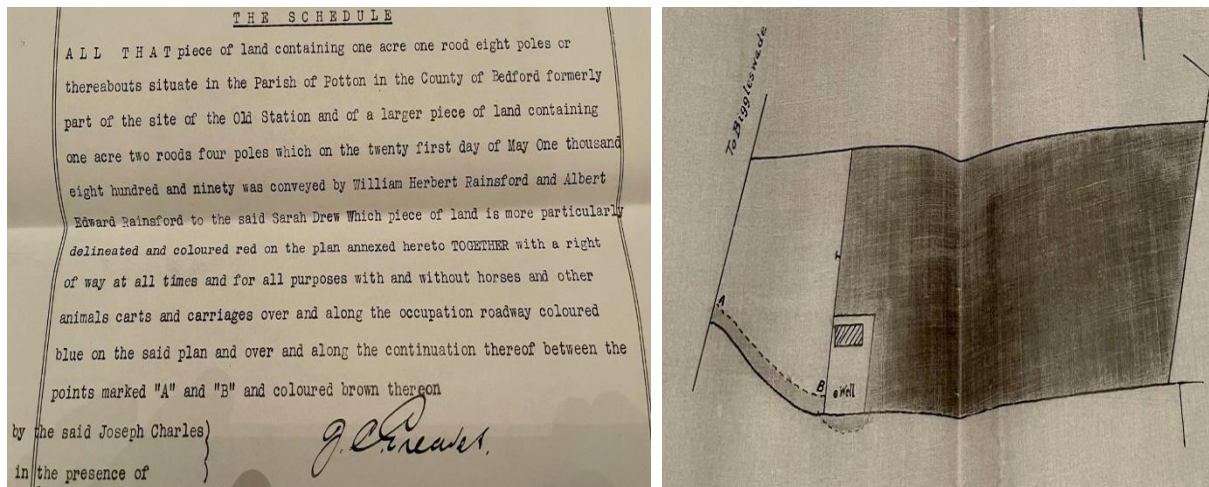
The inclosure map showed that the area between what is now Sutton Mill Road and Biggleswade Road had already been inclosed. Therefore, neither the map or text gives an account of those lands or any associated rights of way. The Land in question is part of Pump Close owned by W H Whitbread and Mill Close owned by Ann Emery. The Southern and most of the Eastern edge of Pump Close lies on the same line today. There is no path or mark of a path or split diagonally across the field from North East to South West as there is today.



6. **The 1895 Original Title plan** – provided by the Landowners (Drew family). Shows no track across the land.



7. **1945 Assent text and plan** explaining the rights of way between A-B. Provided by the Landowners (Drew Family). Shows no track across the remaining land.

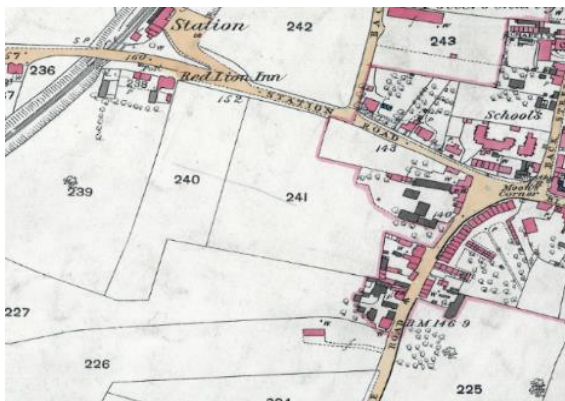


8. **Sandy and Potton Railway May 1856.**

(Potton History Society) Following the opening of Sandy railway station by the Great Northern Railway in 1850, local landowner Captain William Peel, third son of former Prime Minister Sir Robert Peel, saw the benefits of a connecting link to his estate in Potton and added his voice to those of local traders who were calling for the construction of a line. Peel, the owner of an estate of around 1,400 acres between Potton and Sandy, offered to give permission for the line to cross his land and, furthermore, to construct it at his own expense. Construction began in May 1856 and by 25 June 1857 was ready for opening to goods traffic. The line, 3 miles long did not require an Act of Parliament as it ran through private land owned by Captain Peel. It was the fifth railway to be built in Bedfordshire. The outlay in constructing the railway was soon recovered through the fruit and vegetable traffic carried from Peel's estate and the manure and fertiliser transported in, turning a £70 per annum profit for his estate in 1853 to one of £500 per annum in 1858. Passenger traffic commenced in November 1857 after an inspection from the Board of Trade. The initial station at Potton was equipped with very basic facilities; there was no booking office or passenger waiting room. A goods shed, small staff office and locomotive shed were however provided. The station was sited in a field to the west of the Biggleswade Road, the locomotive shed, or engine house still survives today. It is believed that the visible track on the ground belonging to the claimed footpath is the line of the Peel railway due to the raised nature of some of the surviving track route between Sutton Mill Road and Biggleswade Road.

Ordnance Survey Maps

9. It is worth noting that the OS maps do not concern themselves with rights of way and do not provide evidence of the status or subsistence of rights of way. The maps record the physical features that were regarded as important on the ground at the time of survey. Surveyors were advised between 1884-1975 not to enquire about them. Gravelled and paved paths were shown in public parks, gardens, and recreation grounds. As were all principal paths in market and allotment gardens. Which relates to the claimed footpath in this report as the surrounding land was market garden until recent times, which could indicate why the route was shown as F.P.
10. Ordnance Survey 25 inches Map of Potton 1884 (Bedford Archives community histories ([Hosted By Bedford Borough Council: Potton Maps](#)), shows the new re-sited station and the former engine house, marked W and a track to it, this is shown as dotted black parallel lines, to the south of the map off Biggleswade Road, in the plot of land numbered 226.



11. Ordnance Survey 25 inches Map of Potton 1901 ([Hosted By Bedford Borough Council: Potton Maps](#)) showing the re-sited station and railway line. To the south of the map, you can see the former engine house marked W, in a plot of land numbered 77, set to the west of Biggleswade Road, there is no marking of the track to it shown on this map.



12. Ordnance Survey maps(Online at National Library for Scotland [Ordnance Survey Maps - National Library of Scotland \(nls.uk\)](https://nls.uk))

The claimed route was shown as a dotted line and marked F.P on the 1940's maps, which were used as base maps for the definitive map process. The earlier maps dating from 1884 through 1901, do not show the claimed route as F.P, neither do the maps dating from 1960. They show a dotted line, but it is not marked F.P.



TL24NW - A
Surveyed / Revised: Pre-1930 to 1959, Published: 1960
Size: map 47-50 x 47-50 cm (ca. 19 x 20 inches), on sheet ca. 68 x 58 cm (27 x 23 inches)

[Maps home](#) > [Ordnance Survey](#) > [National Grid maps, 1944-1970](#)



Bedfordshire XVIII.3
Surveyed: 1924, Published: 1926
Size: map 64.4 cm x 96.6 cm (25.344 x 38.016 inches), on sheet ca. 76 x 104 cm (ca. 30 x 41 inches)

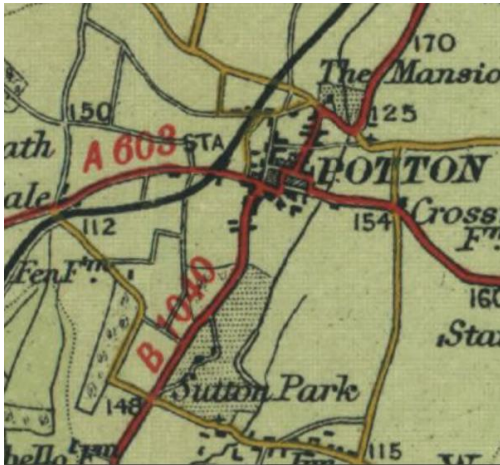
[Maps home](#) > [Ordnance Survey](#) > [OS 25 inch England and Wales, 1841-1952](#)



Commercial and other maps.

13. **Bartholomews Map c 1940** (Online at National Library for Scotland <https://maps.nls.uk/view/128076537>)

Shows Bridleways 8 and 5 as 'other roads' but does not show a footpath between Sutton Mill Road and Biggleswade Road.



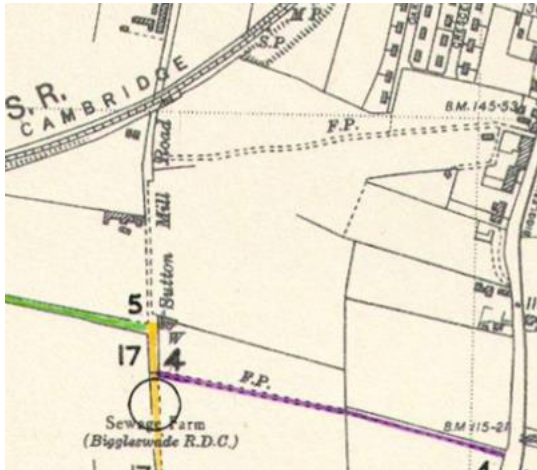
14. **Parish Survey map circa 1946** (Bedfordshire Archives Ref Lei/RW12/6/FS119).

The claimed route is shown on the Survey map, however it was not highlighted in red to be included in the definitive map. The base map used was the Ordnance survey map of the time hence the claimed route is shown on it as a dotted line and marked F.P. The footpath across the fields to the south between Sutton Mill Road and Biggleswade Road has been highlighted in red and marked with a 4 in pencil.



15. **Provisional Map 1947-1948**

The claimed route is still shown as a dashed line marked F.P as per the Ordnance Survey base map used. The public footpaths are shown in purple as can be seen to the south where footpath No. 4 has been marked.



16. Draft Map circa 1953

The claimed route is shown as a dashed line marked F.P as the base map is the Ordnance Survey map. However, the route has not been highlighted to show it as a public footpath. The path further to the south across fields linking Sutton Mill Road to Biggleswade Road has been highlighted and named No. 4 and was included in the Definitive Map.



Aerial photos

17. They show a track like feature across the fields, less defined by 1991 after farming operations had ceased.

1968



1976



1991



18. The many open sewage works ponds can be clearly seen in the 1968 photo and their proximity to FP No.4, shown in purple just above the middle of the picture.

Sewage Works and FP No. 4 1968

