

Hedgerows and Rights of Way

Some Starting Points (Non-Record Office material)

If checking on current rights of way in the North Devon District Council area, the definitive map is held by the Council at the Civic Centre, Barnstaple. For the Torridge District Council area, the definitive map is held at the Council Offices, Riverbank House, Bideford.

The Devon County Council website at www.devon.gov.uk has a number of pages relating to hedgerows, footpaths, rights of way, etc., including minutes of relevant committees and details of the Public Rights of Way service.

Information relating to hedgerows can be found on the Devon Sites and Monuments Register, which can be accessed through the Environment Directorate, Devon County Council, County Hall, Exeter, 01392 382246.

Useful published works include *A Guide to Definitive Map Procedures*, Countryside Commission (1990) and *Discovering Documentary Evidence*, David Lamb, (Rights of Way Law Review, Sep 1991, pp. 33-37).

Ordnance Survey Maps (Non-Record Office material)

The Local Studies Library holds the following Ordnance Survey maps: 1930s-1990s, various scales for north Devon on paper; 1890 and 1904, 6" and 25" scales, for north Devon on microfiche. The North Devon Athenaeum holds Ordnance Survey maps at 6" scale on paper, 1890-1904.

Ordnance Survey maps are, of course, extremely accurate and often detailed. The 6" and 25" maps show field boundaries, though these are not always indicative of hedgerows. In searching rights of way, 6" maps are also often useful in identifying tracks that are indecipherable on earlier maps, while on the 25" maps of 1890 areas of highway waste within a track are distinguished from the route itself. In terms of current mapping, the Pathfinder or Explorer series show all rights of way clearly.

Tithe Maps

The North Devon Record Office holds copies of tithe maps and apportionments for all Devon tithe districts on microfiche. Some original north Devon parish copy tithe maps are also held. Tithe maps and apportionments for most Devon parishes are also available online at www.devon.gov.uk/tithemaps.htm.

Tithe maps, drawn up around 1840, show each plot of land in a parish with its own number. These numbers are listed (not numerically, but in alphabetical order of landowner) in the accompanying tithe apportionments, which show who owned and occupied each plot, together with its name, a brief description, acreage, etc.. As with Ordnance Survey maps, tithe maps will show field boundaries without defining which boundaries were hedged. They are more useful in showing rights of way, because tithes were not paid on public roads. Therefore, privately-owned roads will generally be numbered, while public routes remain unnumbered. Coloured routes on an original map will often indicate a carriageway or driftway (drover's road).

Enclosure Maps

Before the General Enclosure Acts of 1836 and 1845, each local enclosure was sanctioned by a Private Act. The Westcountry Studies Library at the Devon Heritage Centre, Bittern Road, Sowton, Exeter 01392 384253, holds an index to many Devon acts, as well as a selection of originals. The Devon Heritage Centre also holds enclosure awards dating from the early 19th century and some maps showing enclosed land. The North Devon Record Office holds a selection of enclosure records and these can be found by looking at the subject index in the searchroom, under ENCLOSURE or PLANS: enclosure.

As the very act of enclosing land often meant creating hedgerows (to divide common land between private individuals, for instance), the awards and maps can be a useful source. However, it must be remembered that much of Devon was enclosed during the Middle Ages, well before the advent of maps and awards. Again, evidence of enclosure is not always evidence of hedging.

The enclosure award may define the exact status of a track, though terms used may not have the same meaning as those in use today. It is also often difficult to tell which particular track is being referred to in the record.

Deposited Plans

The Devon Heritage Centre, Great Moor House, Bittern Road, Sowton, Exeter holds hundreds of these plans from the 1790s onwards, although many are damaged and unfit for production. Deposited plans were drawn up whenever a public railway, canal, turnpike road, etc. was proposed, and show each plot of land that the proposed route was to pass through. Deposited plans may show the status of any nearby track at the time. A list of the plans held in Exeter is available in the North Devon Record Office and on the Discovery website at www.discovery.nationalarchives.gov.uk/.

Estate Maps

Estate maps were produced from the end of the 16th century, though they are fairly rare prior to the 19th century. However, many early estate maps tend to be pictorial in form and, therefore, where they do survive, can provide good evidence of the existence of hedgerows.

Roads and tracks may be shown in some detail. However, details can vary widely from one map to another, as can accuracy. As many estate maps were accompanied by a survey giving further information on the land concerned, an unnumbered road on an estate map might be interpreted as a right of way (though this is not always the case). Other rights of way may be labelled as such.

Other estate records, such as accounts, correspondence, sale catalogues or title deeds, may contain references to hedgerows, boundaries or rights of way.

Estate records can be located by checking the North Devon Record Office place index first under parish, and then under 'estates', 'sale catalogues', 'maps' or 'title deeds', or through the Discovery website at www.discovery.nationalarchives.gov.uk/.

Leases and Title Deeds

Leases and title deeds sometimes contain detailed descriptions of the property being conveyed and also certain rights connected with the property, including rights of way through adjoining land. Hedgerows may occasionally be mentioned, though rarely specifically.

Leases and title deeds can be located by checking the North Devon Record Office place index first under 'parish', and then under 'estates' or 'title deeds', or through the Discovery website.

Manorial Records

Manorial records are of most importance before the mid-16th century and the advent of the Anglican parish as the main unit of local government. Previously, the manor courts dealt with the business of local administration, including boundary disputes, rights of way, and cases of trespass.

Where medieval manorial records survive, they will be written in heavily abbreviated Latin. However, printed transcripts of manorial records can sometimes be found in village histories, and in periodicals such as the Transactions of the Devonshire Association, etc..

Manorial records can be located by checking the North Devon Record Office place index first under parish, and then under the sub-heading 'manorial' or through the Manorial Documents Register (see separate source guide to the records of manors and estates).

Court Records

Cases of trespass may involve private roads and can be found in the papers of Petty and Quarter Sessions Courts. The North Devon Record Office holds Petty Sessions records from around the late 19th century for north Devon (ref. B102) and also the following Quarter Sessions records: Barnstaple 1328-1971 (refs. B1, BC, 2654 and 3835); Bideford 1659-1952 (refs. 46 and 1064); Great Torrington 1686-1836 (ref. 2558); and South Molton 1671-1733 (ref. 1190). County Quarter Sessions records for the whole of Devon, 1592-1971 are held at the Devon Heritage Centre, Bittern Road, Sowton, Exeter.

Local Authority Records (Partly non-Record Office material)

The North Devon Record Office holds local district and selected parish council records from 1894 onwards. These include minutes, correspondence, planning files, maps, etc. which may refer to local public roads or paths. Planning files may be particularly useful if there have been disputes over rights of way or boundaries, or where applications have been made to alter or cut down hedgerows.

Local authority records can be located by checking the 'List of Collections' in the searchroom or on our website. This will provide the relevant collection numbers which can then be followed up in more detail by using the lists housed in the bookshelves to the left of the indexes. Copies of lists of many of the collections held by the North Devon Record Office can be found on the Discovery website.

Bound North Devon and Torridge District Council minutes from 1974 to c2000 are held by the Local Studies Library and are available from the enquiry desk.

Stopping Up and Diversion Orders

These Parliamentary orders for closing or diverting rights of way are often accompanied by maps, and are held for Devon at the Devon Heritage Centre, Bittern Road, Sowton, Exeter. A full catalogue is available on the Discovery website.

1910 'Domesday' Valuations

The properties assessed for duty under the 1910 Finance Act are listed by parish in the so-called 'Domesday' valuation books. A few of these have associated Ordnance Survey maps on which the valuation information was superimposed and which detail abatements in respect of public rights of way, although the original Finance Act record maps and field books are kept at the National Archives, Kew, Richmond, Surrey. The North Devon Record Office holds the 'Domesday' valuation books for parishes in the north Devon area (Ref. 3201). The volumes for other parishes belonging to the extensive Barnstaple District (which covered much of north and mid Devon) are held by the Devon Heritage Centre, Bittern Road, Sowton, Exeter.

Newspapers (Non-Record Office material)

The Local Studies Centre holds various newspapers on hard copy and on microfilm, including the North Devon Journal from 1824 to date. The North Devon Athenaeum has compiled a subject index to the North Devon Journal, currently covering c1850-1895. This includes sections on 'Crime: trespass', 'Footpaths' and 'Roads'.

Footnote

It is seldom possible to prove without doubt the existence or otherwise of a public right of way from historical documents alone, although they can provide important supportive evidence in individual cases. Please note that many of the sources listed above are held by the Record Office on behalf of their owners, and that it is necessary for permission to be obtained before such records can be used as evidence at public enquiries.

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