

Dear All,

I am writing to make you aware that we, The Bedhampton Heritage Alliance will be making a DMMO application to HCC in the near future. I attach a draft version (v5) for your information. There is, clearly some significant evidence to be gathered if available. We already have some weighty historic and user evidence of improper loss of ROW. The evidence we are searching for such as historic deeds of ownership, an Extinguishment order for Narrow Marsh Lane or a Legal process for removal of ROW are proving difficult to identify. This increases our concern that legal process may not have been followed. However, given the pressure arising from the fast moving events related to The Conservation Area Review, APP/19/00427 and HBC PsP 2036, we will continue the search with urgency, but in the spirit of co-operation, we feel that you should all be aware and be able to use the information garnered to date as you see fit.

PUBLIC RIGHT OF WAY EVIDENCE FORM

Please complete one form per person per path.

Route of way:

A) Original route of Narrow Marsh Lane, Bedhampton from Lower Road to Landing Place, Langstone Harbour. From grid ref 701063 to 710052.

B) Route used by applicant from Lower Road to Mill Lane, From grid ref 701063 via 701061 (railway bridge) to 702062.

For history see attached notes outlining documentary and user evidence.

1. Have you used the above way? **Yes.**
If so:
a) During which years? **2002 to 2006.**
b) Where were you going to and from? **From home (Lower Road) to Mill Lane and on to Langstone Harbour. Route (B) as above.**
c) For what purpose? **Recreation. Health and wellbeing.**
d) How many times a year? **Weekly.**
e) By what means? **On foot.**
2. Has the way always run over the same route? If not, give details and dates of any changes.
Yes.

The original Narrow Marsh Lane ran all the way from Lower Road (Summer Way) to "Landing Place" in Langstone Harbour as detailed in (A) above. With the construction of the Bedhampton to Warblington Havant bypass (circa 1965), the 3rd quarter of Narrow Marsh Lane toward the south from its junction with Lower Road, was lost to construction and land reclamation / fill. The earliest documentation of Narrow Marsh Lane is in The Belmont Estate Deeds of 1747 (Portsmouth City Records Office ref:1115A/1 - 43). This was almost 300yrs ago. For further significant historical evidence see attached notes.

3. Have there to your knowledge ever been any stiles or gates on the way? If so, state (with details of location) where the stiles or gates stood.
Not until circa 2007.
4. If you were working for any owner or occupier of land crossed by the way at the time when you used it, or were then a tenant of any such owner, give particulars and dates. If not, write No.
No.
5. If so, did you ever receive any instructions from him as to the use of the way by the public? If so, what were they?

Not applicable.

6. Have you ever been stopped or turned back when using this way, or do you know, or have you heard of anyone else having been stopped or turned back? If so, state when the interruption took place and give particulars.

No.

7. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

No, but I am aware of a friend being challenged but not threatened in May 2019.

8. Have you ever known any locked gates or other obstruction to the way? If so, state when and give particulars.

Around 2006-7 access from Lower Road was denied by the farmer, with at first agricultural machinery and later padlocked gates. Access from Mill Lane was denied with large tree trunks. See paragraph I. page 10.

9. Have you ever seen notices such as Private., No Road., No Thoroughfare. or Trespassers will be Prosecuted. on the route? If so, what did the notices say?

None.

10. Have you ever asked permission to use the way?

No.

11. Please give any other information that you think is relevant overleaf.

Please see paragraphs C to J pages 2 to 11.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

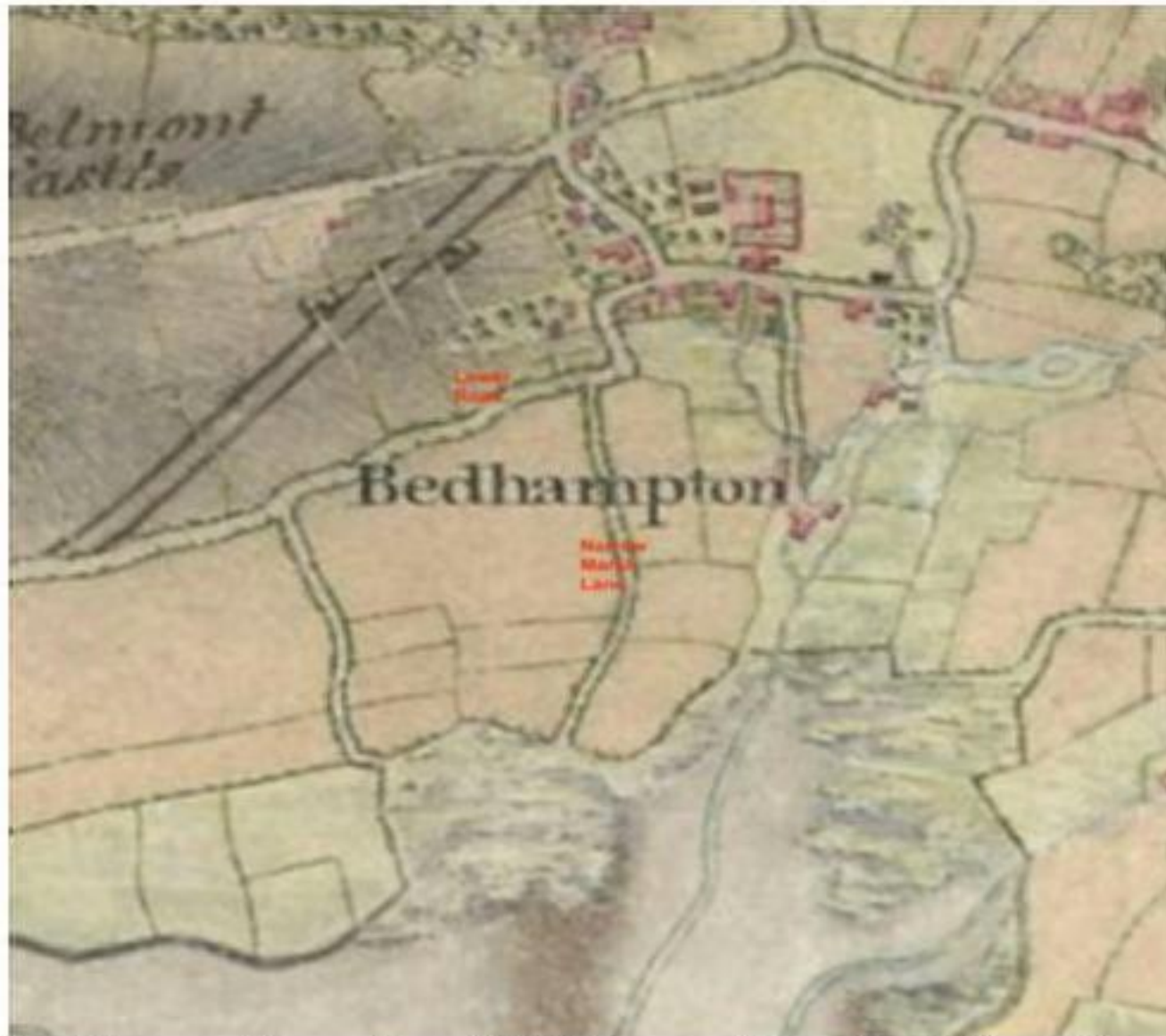
I am/~~am not~~ willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.



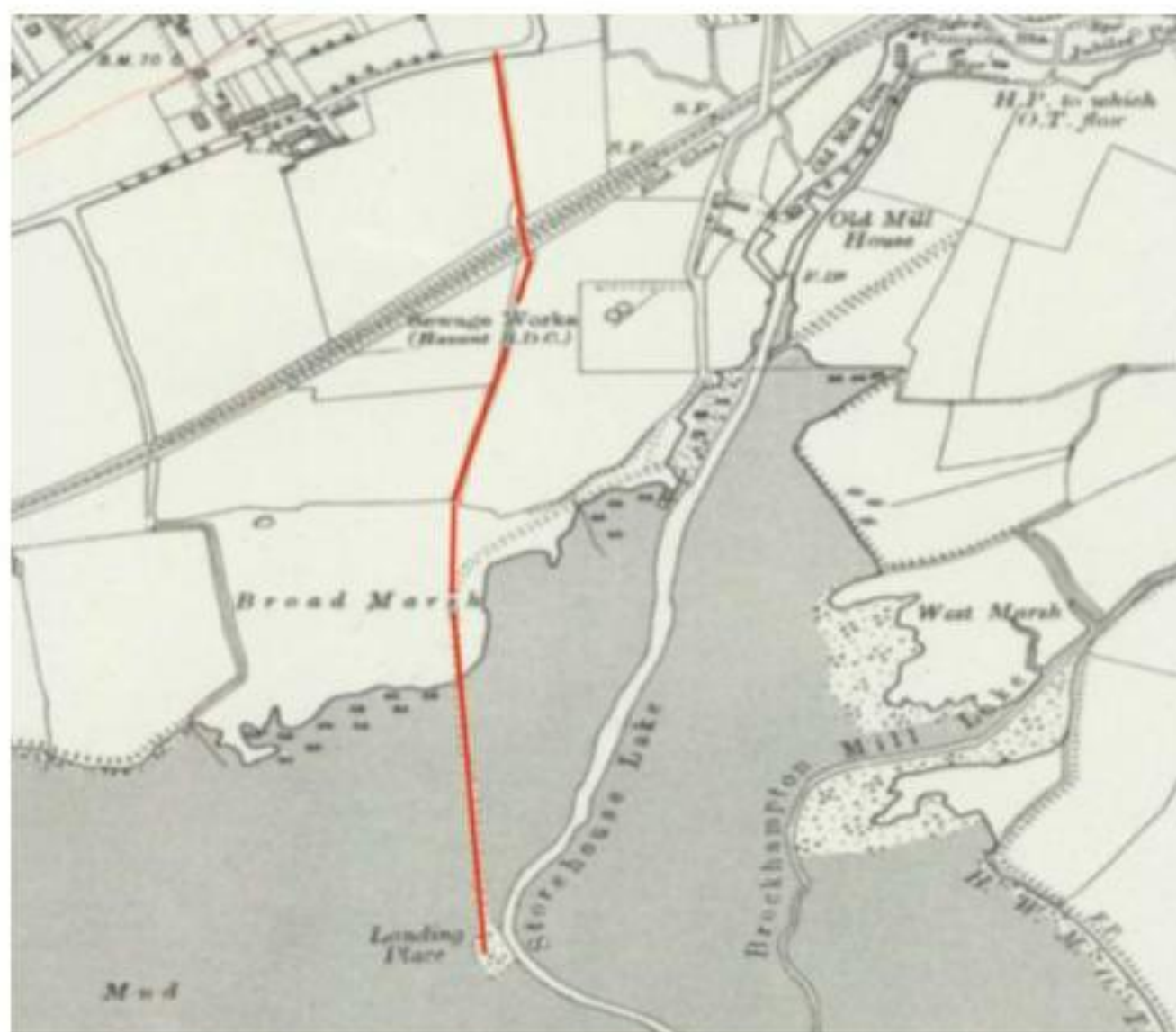
Additional Information:

- C. The earliest evidence found to this date of the existence of Narrow Marsh Lane lies in the Portsmouth Record Office. In 1747 two parcels of land were sold by The Belmont Estate, deeds of 1747 (Portsmouth City Records Office ref:1115A/1 - 43). The lands sat immediately either side of Narrow Marsh Lane and the Lane was referred to in the description of the parcels as forming the eastern boundary of one and the western boundary of the other. This indicates the Lane itself was not in private ownership and was

common land leading to / from the commons and marshes on the shoreline as well as the "Landing Place" in Langstone Harbour for maritime traffic.



1. Narrow Marsh Lane and Lower Road 1797, Sourced from The National Library of Scotland (NLS).



2. Narrow Marsh Lane circa 1895, Sourced from The NLS.

- D. There has never been a Tithe attached to Narrow Marsh Lane lending further weight to the conclusion drawn in paragraph C.



3. 1825 OS Map Extract (The NLS) & Bedhampton Historical Collection.

LANDOWNER	OCCUPIER	No.	NAME & DESCRIPTION	STATE OF CULTIVATION	ACREAGE A. R. P.	RENT CHARGE PAYABLE TO RECTOR £. S. d
			ROADS (continued)			
		326	Turnpike etc.		0 0 14	
		327	Road & Waste		6 3 27	
		328	Road Over Hill		3 1 1	
		329	Road		3 0 4	
		330	Road		0 1 3	
		331	Road		0 0 32	
		332	Waste		0 0 24	
		333	Lane to Common Marsh		0 0 23	
		334	Narrow Marsh Lane		0 1 0	
		335	Broad Marsh Lane		0 1 34	
					21 3 8	
				TOTALS	2416 2 7	330. 10. 0

4. Extract from Bedhampton Tithe Schedule 1842, Portsmouth City Record Office CHU26/3/1.



5. Hand drawn tracing of 1824 Tithe Map, Pile J. Local Historian, Bedhampton Historical Collection.

- E.** No evidence has been found for the sale of Narrow Marsh Lane and thus at this time is assumed to still be common land with rights of way. It is understood that adverse rights do not apply in cases concerning the public thoroughfare although there is a great deal of evidence that Narrow Marsh Lane has been a public thoroughfare since before 1747 till 2007 at which time the farmer unilaterally denied access without consultation. This is a period of at least 260 years which is well in excess of "a period of at least 20 years uninterrupted use by the public" allowed by law to gain rights of way (section 31 of the Highways Act 1980).
- F.** The 3rd quarter of Narrow Marsh Lane toward the south from its junction with Lower Road was lost as a result of the construction of the Havant Bypass and land reclamation / fill. However, no Legal Extinguishment (closure) Order can be traced at this time, although a record should be held by HCC Highways and or Traffic England. There has been, as yet no response to enquiries made of HCC (Hants Service Ticket ID 101808672.)
- G.** The construction of a bridge over the railway in 1846 is a strong indication of the importance of this Lane. Allowing commoners to freely move between Bedhampton Village and the common lands of the foreshore of Langstone as well as the harbour itself (Landing Place), all points East (Emsworth and the Chichester Canal) and West (Milton Lock, Canal and Portsmouth). The importance of this thoroughfare to local farmers and merchants is demonstrated by the expense of the bridge to serve this ancient route whilst other routes such as Broad Marsh Lane and 40 Acres Farm had only unmanned level crossings.

This passage has been extracted from Havant Borough Council, "Old Bedhampton Conservation Area Appraisal January 2019", paragraphs 3.35 and 3.36.

"The historic map of 1890 indicates two routes that led across the railway line. Mill Lane which led over the multi-arched red brick bridge over the railway line leading to the lower mill complex and Narrow Marsh Lane with a narrower bridge over the same line. These routes, including bridges, led to Broad Marsh, the harbour and sea offering safer passage at that time. They also served the lands to each side. There is evidence for the use of Narrow Marsh Lane up to 1957 from the records of historian John Pile, dated 1994. Mill Road continues as a public footpath and bridleway beyond the metalled surface. Both are considered to be of historic importance."



6. OS Map 1890. Sourced from The National Library of Scotland.



7. OS Map 1990's. Sourced from The National Library of Scotland.

It should be noted that on the OS Map from the 1990's, Narrow Marsh Lane is marked as "Track" which runs south over the railway bridge to the northern edge of the A27 Havant Bypass before turning west to run under the gyratory in a culvert. The "Track" is in continuity. Was this intended to be the new southern course of Narrow Marsh Lane after truncation by construction of the bypass?

- H. Narrow Marsh Lane from its northern most point at Lower Road to a point just south of the railway bridge remains clearly identifiable and in its "original" state. It is part of an ancient network of Lanes in Old Bedhampton which are part of the Bedhampton Parish Highway System and is almost certainly well over 300 years old. These include Kingscroft Lane, Bidbury Lane, Mill Lane, Brookside Road and Lower Road, all of which are wholly or in part in the Conservation Area of Old Bedhampton or its immediate setting. There is currently a review of the Conservation Area which might propose extensions to include the whole network in Old Bedhampton CA.



8. Possible route to Broad Marsh foreshore. OS map 1960's. Sourced from The NLS.

This network of quiet semirural lanes provides a marvellous and safe amenity for walkers of all types to exercise themselves and their dogs thus improving the health and wellbeing of not only residents but also visitors from outside the area.

There is the chance to improve the current network by extending Narrow Marsh Lane either to the southwest as in image 3 or to the east as in image 4 or in both directions. This will create a local circular route whilst also allowing access to Langstone Harbour and Wayfarers Walk and hence a far more extensive network of foot paths.

To the southwest there is already a track separate to the slip road with a culvert under the gyratory. It will require some steps on the west side of the gyratory to take pedestrians up an embankment to an already constructed cycle way and path to Broad Marsh and and thus onward connections.

The extension to the east just south of the railway will require some minor construction of a footpath over approximately 300 metres before it connects with Mill Lane just south of the bridge.



9. Possible route from Lower Road to Mill Lane via Narrow Marsh Lane. OS maps 1960's. Sourced from the NLS.

- I. This series of 4 historic satellite images (Google Earth Pro) demonstrates clearly how access to Narrow Marsh Lane from Lower Road was unimpeded in 1999 and 2004 but by 2007 access had been denied unilaterally without consultation and without any local notices to indicate "no entry" or "trespassers will be prosecuted".



10. Access to Narrow Marsh Lane from Lower Road 1999. Free access no gates.



11. Access still open with no gates etc 2004.



12. Access now denied by agricultural machinery, 2007. Gates followed shortly after.



13. Lower Road Narrow Marsh Lane 2016. Overgrown gate.

It should be noted how the hard cored unmetalled northern section of narrow Marsh Lane remains clearly visible over the years and at different times of the year. The lane surface indicates the previous movement of heavy loads for all seasons and not just pedestrians in the summer.

In addition to the irrefutable historical evidence there are numerous local residents who are willing to testify to the use of Narrow Marsh Lane on a regular basis to walk or even practice the bagpipes until 2006 - 7!

I have been a resident in Lower Road, Bedhampton since 1971 and like the majority of residents in the neighbourhood am alarmed at the proposed development.

Numerous very valid objections have been submitted to the Council but as far as I am aware consideration has not been given to the right of way which has, for as long as I can remember, been across the proposed building site and continued around the edge of a field leading to Mill Lane and connecting up with the country walkway into Havant/Langstone. The field was ploughed right up to the hedgerow, hence discouraging local people from taking this well established walkway. For many years my Husband and myself used this right of way for dog walking. This was far more favourable than using Bidbury Mead recreation ground! When the fields became used for commercial strawberry growing, the main gate onto Lower Road became closed presumably, once again, to discourage people from taking this route but many of the neighbours were aware that there was still a right of way which to my knowledge still exists. Over recent years the gateway has been allowed to become overgrown and form what looks like part of the hedgerow, obviously with the intention of concealing the right of way.

Regarding probable traffic problems: There was an instance in the past when the owners of the field in question allowed it to be used for a well advertised "Car Boot Sale". This caused the whole village to become gridlocked and residents could not even get back to their own homes. I personally wrote to the owners and suggested that they hold their next car boot sale outside their own residence.


14. Note dated 19/02/2019.

- J. **Conclusion:** There is a great weight of documented historical evidence to support the fact that there has been a public right of way over Narrow Marsh Lane for at least 272 years and almost certainly longer. This right appears to have been unilaterally withdrawn without consultation in 2007 by the farmer. There is no record of an Extinguishment Order and no evidence of a legal process to withdraw the right of way. Ownership of the land over which Narrow Marsh Lane runs is also in doubt as no deeds have been traced to date.

Further research is on going for completion of this draft DMMO application which includes searches for deeds at Portsmouth Records, Hampshire Records, West Sussex Records and National Archives. It is also hoped that the 1884 plans for the construction of the railway by The Brighton and Chichester Railway company will throw further light on ownership of adjacent lands and why a bridge was built over Narrow Marsh Lane lending further weight to ROW.

This is a fantastic opportunity to improve on an already excellent amenity of pathways around Old Bedhampton whilst protecting a heritage asset and leaving a worthwhile legacy for future generations. All that is needed is a vision and leadership to drive the project forward.