

Ripple Cross restricted byway: document analysis

Application to record a restricted byway from the Coldblow road near Ripple Cross to Ripple Road

I. Introduction

A. Quick reference

A.1. Location plan (see application map at part II below for scale representation):



A.2. Existing public rights of way comprised in application way: EE446A (part only)

- A.3. Parish of: Ripple, Ringwould with Kingsdown
- A.4. Former parish of: Ripple, Ringwould
- A.5. Termination points: The Coldblow road from a point 140m north-east of Ripple Cross, and Ripple Road.
- A.6. Termination points Ordnance Survey grid references: TR35624872, TR35914914
- A.7. Postcode: CT14 8HD
- A.8. Ordnance Survey Explorer sheet: 138
- A.9. Ordnance Survey County Series 25" sheets: Kent LVIII/12

B. The applicant

B.1. The application, the evidence for which is summarised in this document, is made by Hugh Craddock on behalf of the British Horse Society. I am appointed by the society as a volunteer district access and bridleway officer for the borough of Epsom and Ewell in Surrey, and am also authorised to make applications on behalf of the society in relation to East Kent. I am employed as a casework officer for the Open Spaces Society, and was formerly a civil servant in the Department for Environment, Food and Rural Affairs (and predecessor departments), whose responsibilities included Part I of the Countryside and Rights of Way Act 2000 and the Commons Act 2006.

C. Locational details

C.1. This application relates to a way which connects the Coldblow road from a point 140m north-east of Ripple Cross, and Ripple Road. The way lies in the parishes of Ringwould with Kingsdown, and Ripple, in the district of Dover, Kent. Part of the application way is recorded on the definitive map and statement as public footpath EE446A. The application seeks to record the way as a restricted byway.

D. Application

D.1. The application is made under section 53(5) of the Wildlife & Countryside Act 1981 to Kent County Council that a definitive map modification order be made under section 53(3)(c)(i) and (ii), as the case may be, to record the application way as a restricted byway

D.2. The way begins on the Coldblow road 140m north-northeast of Ripple Cross at A (TR35624872), and passes north-northeast along and within the east edge of a copse for 210m to the parish boundary at B (TR35714891), then continuing in the same direction for 300m (in the line of public footpath EE446A) along the remaining edge of the copse and across an arable field to terminate on Ripple Road at C (TR35914914) approximately 30m east of the centre point of the passing bay.

D.3. The total distance from A to C is 510m.

D.4. The points A to C are identified in the application map at part II below.

E. Existing public footpath EE446A

E.1. Part of the application way, between B and C, is recorded on the definitive map and statement as public footpath EE446A. The path was recorded in the Ringwould parish survey as footpath 29:

'29. FP. 'The Firs' at Playing Fields to Ripple Cross

Starts at junction of F.P's 14, 10 & 11 and crosses ploughed field in S.W direction for 90 yards to Ripple Road which it crosses & then continues S.W. across ploughed field for 130 yards until it reaches meadow surrounded by fence, on left. Path continues between meadow on left and ploughed field on right for additional 130 yards until it reaches Ringwould Firs on the Ripple–Ringwould boundary. Path for first 130 yards stretch is 2 ft: wide and in good condition. Last stretch of 130 yards is 4 feet wide & completely overgrown by grass and bushes. Public now walk on the verge of ploughed field on right & thence S.E of copse which is in Ringwould. Length of path (in Ripple) 260 yards.

Walked 19.9.1950 by Percy W Dennis, 2 Elms Cottages, Ripple. James Dennis, 2 Elms Cottages, Ripple.¹

F. Background

F.1. The application way appears historically to be a cart road between Martin or Ringwould and Walmer or Deal. Older maps show the road to be of at least similar status to the Coldblow Road.

F.2. It is suggested that it is highly likely that the part of the path in the parish of Ringwould (A to B) was not identified in the parish survey because the track is itself on the parish boundary, and the path might have been assumed to be wholly a matter for the parish of Ripple.

G. Grounds for application

G.1. The courts have given guidance on how evidence of highway status is to be considered. In *Fortune and Others v Wiltshire Council and Another*², Lewison LJ said, at paragraph 22,

'In the nature of things where an inquiry goes back over many years (or, in the case of disputed highways, centuries) direct evidence will often be impossible to find. The fact finding tribunal must draw inferences from circumstantial evidence. The nature of the evidence that the fact finding tribunal may consider in deciding whether or not to draw an inference is almost limitless. As Pollock CB famously directed the jury in *R v Exall* (1866) 4 F & F 922:

"It has been said that circumstantial evidence is to be considered as a chain, and each piece of evidence as a link in the chain, but that is not so, for then, if any one link broke, the chain would fall. It is more like the case of a rope composed of several cords. One strand of the cord

1 Kent County Council file FP-R205

2 [2012] EWCA Civ 334

might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength."

G.2. The Planning Inspectorate *Consistency Guidelines* recognise that several pieces of evidence which are individually lightweight in themselves (such as an historic map or a tithe map) may, collectively, convey a greater impact:

'If, however, there is synergy between relatively lightweight pieces of highway status evidence (e.g. an OS 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. The concept of synergism may not always apply, but it should always be borne in mind.'³

G.3. While no single piece of evidence in this application is conclusive, the applicant believes that, taken as a whole, the evidence in this document analysis demonstrates highway reputation over many years, indicating that the route does indeed have highway status, and that prior to the Natural Environment and Rural Communities Act 2006 (as to which, see below), there were full vehicular rights.

H. Natural Environment and Rural Communities Act 2006

H.1. The application seeks to show that the application way is a public carriageway. None of the application way is recorded as publicly maintainable in the list of streets held by Kent County Council under section 36(6) of the Highways Act 1980. The effect of section 67 of the Natural Environment and Rural Communities Act 2006 is to extinguish public rights for mechanically propelled vehicles where none of the exceptions in section 67 apply. The application is therefore made for a restricted byway.

I. Points awarded

I.1. Points have been awarded to each piece of evidence in relation to the application way. But, having regard to the existing status of part of the application way (between B and C) as a definitive public footpath, points have been awarded in respect of this part only insofar as the evidence is indicative of a right of way on horseback or, where relevant, for vehicles — thus evidence which is suggestive of a public footpath attracts no points. Otherwise, the points have been calculated according to the guidance in *Rights of Way: Restoring the Record*⁴.

I.2. Points:

Item	Ref	Points A–C
Francis Hill's Ringwould estate map	IV.A	1
Ordnance Survey, Mudge-Faden one-inch map of Kent	IV.B	1
Greenwood's map of Kent	IV.C	1
Ordnance Survey, Old Series one-inch map of Kent	IV.D	0

³ *Consistency Guidelines*: para.2.17.

⁴ Sarah Bucks and Phil Wadey, 2nd ed. 2017.

Tithe Commutation Act 1836	IV.E	5
Ringwould estate map	IV.F	1
London Chatham and Dover Railway (Extensions to Walmer and Deal)	IV.G	5
Deal and Dover Railway	IV.H	1
Ordnance Survey boundary records	IV.I	0
Dover and Deal Railway	IV.J	0
Auction map	IV.K	0
Total points		15

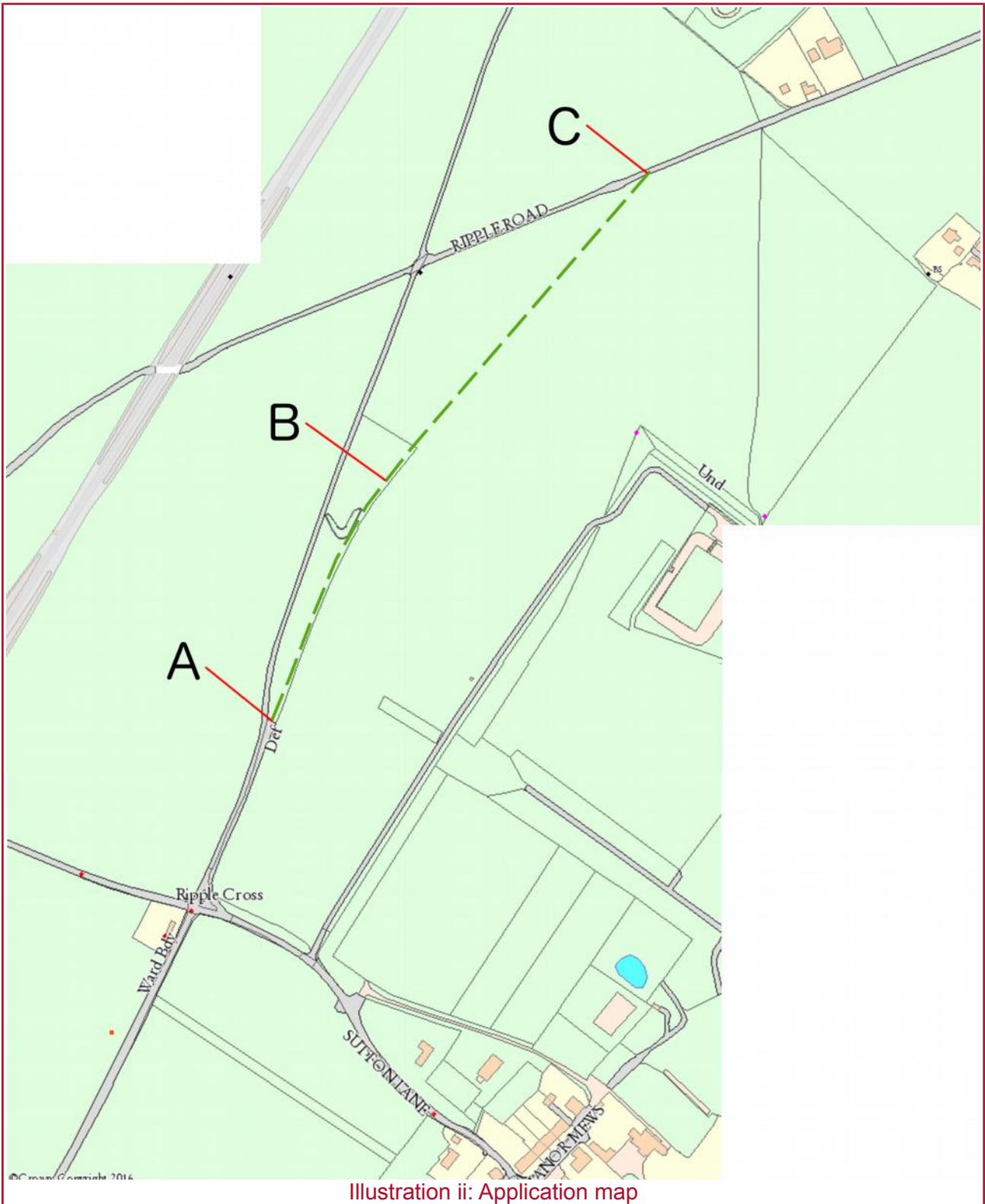
I.3. Of which, 1 point relates to the application way between A and B as of the status of at least public footpath: see item IV.F below.

J. Width of application way

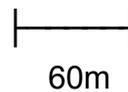
J.1. The definitive statement for public footpath EE446A notes that it: 'Has a recorded width of 2-4 feet'. As a restricted byway, being a historic carriageway, a width of four metres is sought, being the minimum width which can accommodate two horse-drawn vehicles passing.

J.2. The Ringwould tithe map records that parcel 358, which is the public road forming the parish boundary with Ripple between the turning into ER16 and B, has an area of 1a.1r.17p (0.55ha). This road, between these two points, is 660m long, but the parish of Ringwould occupies only half the width of the road. The calculated width of half the road, if averaged across the whole length of the road, is therefore 8.33m, and if the road is assumed to be double the half-width, 16.66m. This seems unduly wide, even allowing for extensive highway verge — but it does suggest that a width of four metres is very conservative.

II. Application map



Map centred on B at TR35714891
Scale: approx. 1:4,320 (when printed A4)
Application way is marked ---



III. Along the way

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IV. Evidence

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A. Francis Hill's Ringwold estate map

A.1. **Date:** 1709

A.2. **Source:** Kent County Archives⁵



Illustration iii: Hill's Ringwold estate map

A.3. **Description:** Original scale: not known; orientation: rotated 270° so that north is approximately top.

'A Map and delcription of all y^e lands belonging to a Certaine Farme, situate lyeing & being in y^e two severall Parishes of Rings-wold, & Sutton, (nere Dover) in y^e County of Kent; belonging to Herbert Jacob Esq^r shewing y^e Contents of each In-dividall Peece as also y^e Quantity in each severall Feild, & Parish, with y^e Total of y^e Whole, likewise shewing y^e Trees, Gates, stiles, baare places, Ponds, foot-paths & horfe Roads leading thorow or by y^e laid land wth y^e Names of those Places leading to, alfo shewing w^t. fence belongs to y^e land &

5 De/P33.

wt. dos not wth. e Names of thofe Perfons whofe land bounders thereunto by y^e
Order of y^e a boue laid Owner. Meafured & Mapt & herein defcribed by me
Fra: Hill. 1709'.

A.4. Hill's map shows a road north-east from A through B towards C. The map does not distinguish the application way from the Coldblow road, but shows a field boundary with a right-angled bend south-east and then north-east from the road, which is coincident with the parish boundary between Ripple and Ringwould. The road appears to be labelled, towards C, as 'Road to Deal', although the lettering is defaced.

A.5. **Conclusion:** Hill's map shows the application way north-east from Ripple Cross, through A and B towards C. Although the map does not separately show the Coldblow road, it is possible to identify the road as consistent with the application way, because the field boundary to the south-east of the road could terminate only on the application way, and has never extended as far as the Coldblow road. The depiction of the road from A towards C, as a road of some substance, and labelled 'Road to Deal', is therefore good evidence of the reputation of the application way at the date of the map, as at least a bridleway.

A.6. **Points:** 1

B. Ordnance Survey, Mudge-Faden one-inch map of Kent

B.1. **Date:** 1801

B.2. **Source:** Kent County Archives⁶

⁶ Also available from MAPCO: mapco.net/kent1801/kent52_02.htm

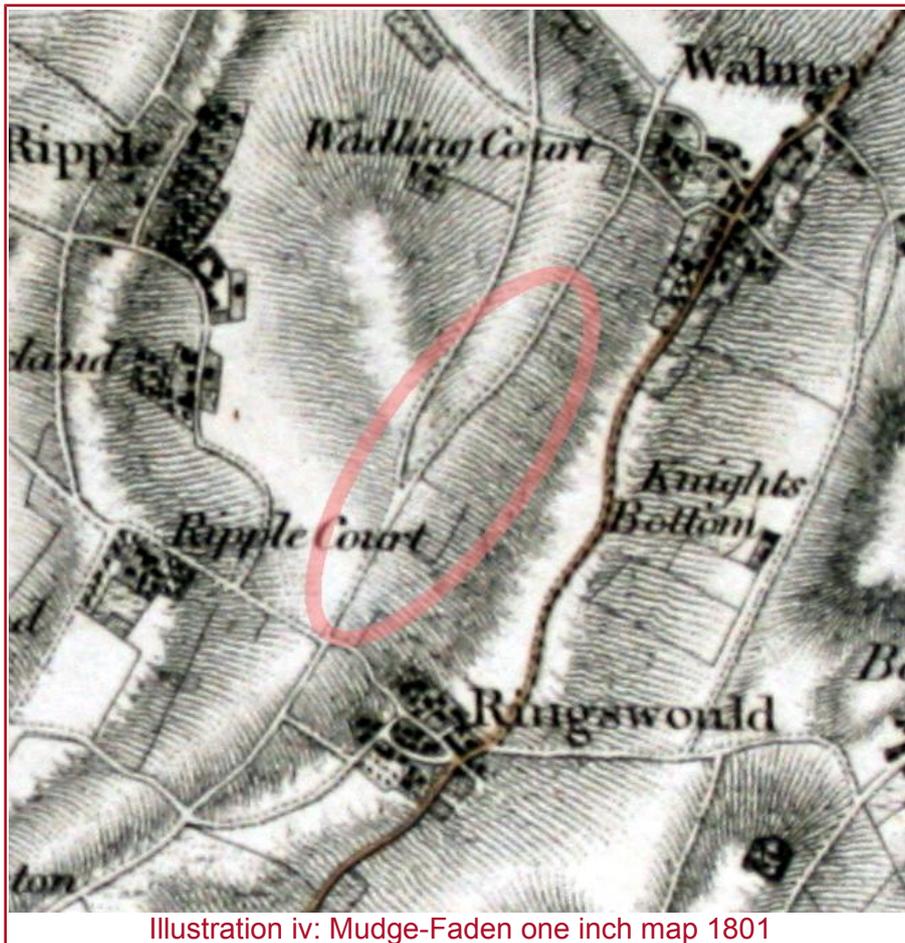


Illustration iv: Mudge-Faden one inch map 1801

B.3. **Description:** Original scale: one inch to one mile (1:63,360); orientation: unchanged (north).

B.4. This map of Kent was the first Ordnance Survey map to be published. The survey of Kent was commenced in the 1790s by the Board of Ordnance, in preparation for the feared invasion of England by the French. However, the map of Kent was not published by the Ordnance Survey until well into the nineteenth century: instead, this map was initially published on 1st January 1801 by William Faden, Geographer to the King, for sale to the public.

B.5. The Mudge-Faden map shows a way, unenclosed on the north-west side, approximately along the alignment of the application way from A to C, and continuing from C north-east towards what is now known as Mayers Road, Walmer. The Ripple Road is not itself shown on the map, and the way continues uninterrupted through C. The Coldblow road is shown diverging from the application way significantly further north than the present junction at A.

B.6. **Conclusion:** The Ordnance Survey map of Kent was prepared in response to an invasion threat, and primarily had a military purpose. However, this map was published privately by Faden for public and not military use. It is therefore likely to reflect the needs of the purchasing public, rather than purely military requirements.

B.7. The application way is shown as part of a direct route between West and East Langdon and Walmer and Deal, parallel to the turnpike. After the establishment of the turnpike, it was probably used by local traffic wishing to avoid the payment of tolls, but probably predates the turnpike as a key route between Dover and Deal serving the inter-

vening villages inland from the coast. Having regard to this context, there is no reason to infer that the application way, and the route as a whole, could have been other than a public highway, very probably a carriageway.

B.8. The displacement of the junction with the Coldblow road to a point some distance north of A may reflect that this road and the application way are closely parallel for about 250 metres, and were shown by the surveyor as a single road; alternatively, it may be that both roads were regarded as a single road to a point north of the parish boundary at B, with the land between regarded as waste: this may explain the location of the chalk pit near B, if it was excavated in highway waste for the maintenance of local roads.

B.9. The Mudge-Faden map provides some evidence for the existence of a carriageway along the application way.

B.10. **Points:** 1

C. Greenwood's map of Kent

C.1. **Date:** 1819–20

C.2. **Source:** Kent County Archives

Greenwood map

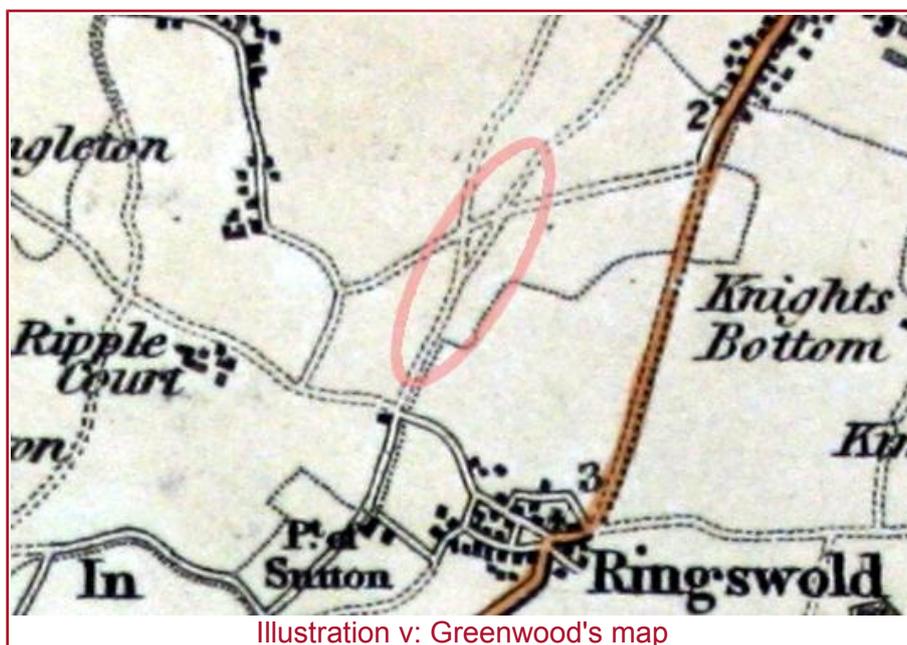
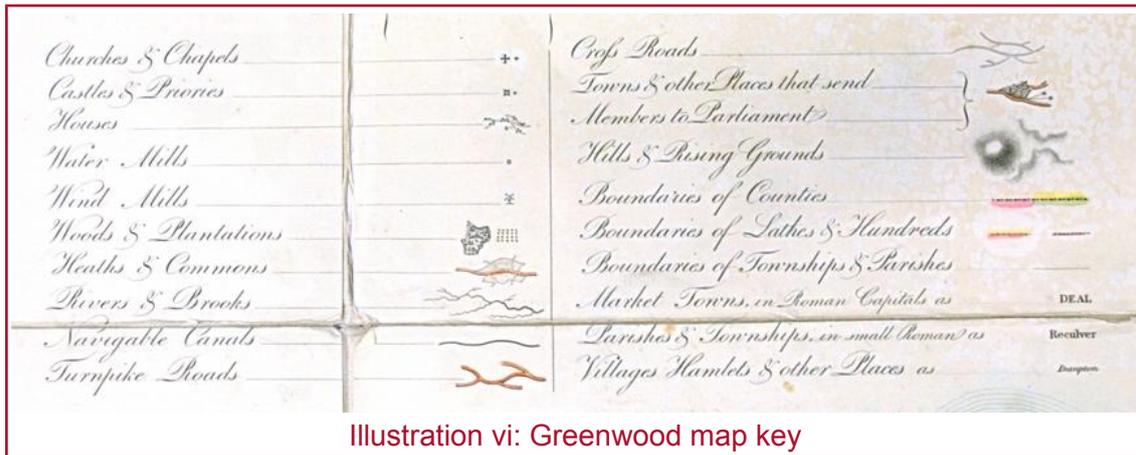


Illustration v: Greenwood's map

Greenwood map key



C.3. **Description:** Original scale: one inch to one mile (1:63,360); orientation: unchanged (north). This copy appears to be state iii, published between 1821 and 1827.

C.4. Greenwood's map shows an unenclosed way, approximately along the alignment of the application way from A to Ripple Road at C, and continuing from C north-east towards what is now known as Mayers Road, Walmer. The way is described in the key as a 'cross road'.

C.5. **Conclusion:** Greenwood's map is good evidence for the existence of a defined way along the claimed route. The key describes the route as a 'cross road', which is suggestive of a public way.

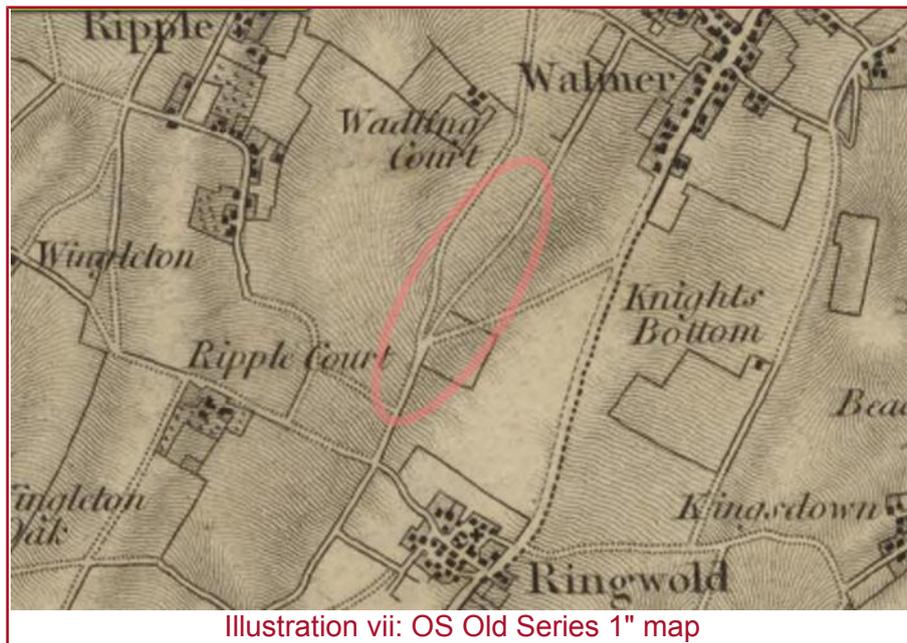
C.6. **Points:** 1

D. Ordnance Survey, Old Series one-inch map of Kent

D.1. **Date:** 1831 (but survey dating from late eighteenth century)

D.2. **Source:** National Library of Australia⁷.

⁷ <http://nla.gov.au/nla.obj-231917365>.



D.3. **Description:** Original scale: one inch to one mile (1:63,360); orientation: unchanged (north).

D.4. This is the Old Series one inch map first published officially by the Ordnance Survey. The map reproduced here is state 4, from circa 1831, but believed to be unchanged from state 1. Although published some years later than the Ordnance Survey, Mudge-Faden one-inch map of Kent, item IV.B above), the 'official' Ordnance Survey Old Series map was based on the same survey data, and is consistent with the Mudge-Faden map.

D.5. The map shows an unenclosed way, approximately along the alignment of the application way from A to C, and continuing from C north-east towards what is now known as Mayers Road, Walmer. The Ripple Road is not itself shown on the map, and the way continues uninterrupted through C. Side turnings are shown approximately at A to Ripple, and between A and B (opposite the turning into the Coldblow road), to the Dover and Deal turnpike: these turnings are not consistent with other maps.

D.6. **Conclusion:** While the Old Series map is not conclusive as to the public status of the way, it was primarily intended for military use, and the surveyor was unlikely to map footpaths being of little military interest.

D.7. The Old Series map is good evidence for the existence of a defined way along the claimed route between A and C.

D.8. The turning at A to Ripple is consistent with a road recorded in the plans of the London Chatham and Dover Railway (Extensions to Walmer and Deal) (see item IV.G below) and the Deal and Dover Railway (see item IV.H below) which was to be stopped up, and subsequently partly recorded on the definitive map and statement as footpaths 27/28 (this footpath was subsequently extinguished in 1959⁸).

D.9. **Points:** 0 (no points are scored as this map is repetitive of the Mudge-Faden map at item IV.B above)

8 Eastry Rural District (Ripple) Extinguishment Order, 1959, notice of the confirmation of which is given in *The London Gazette* on 7 April 1959: www.thegazette.co.uk/London/issue/41676/page/2275/data.pdf

E. Tithe Commutation Act 1836

E.1. **Date:** 1841

E.2. **Source:** map — Kent County Archives⁹; tithe award — Kent Archaeological Society¹⁰

Ringwold tithe map

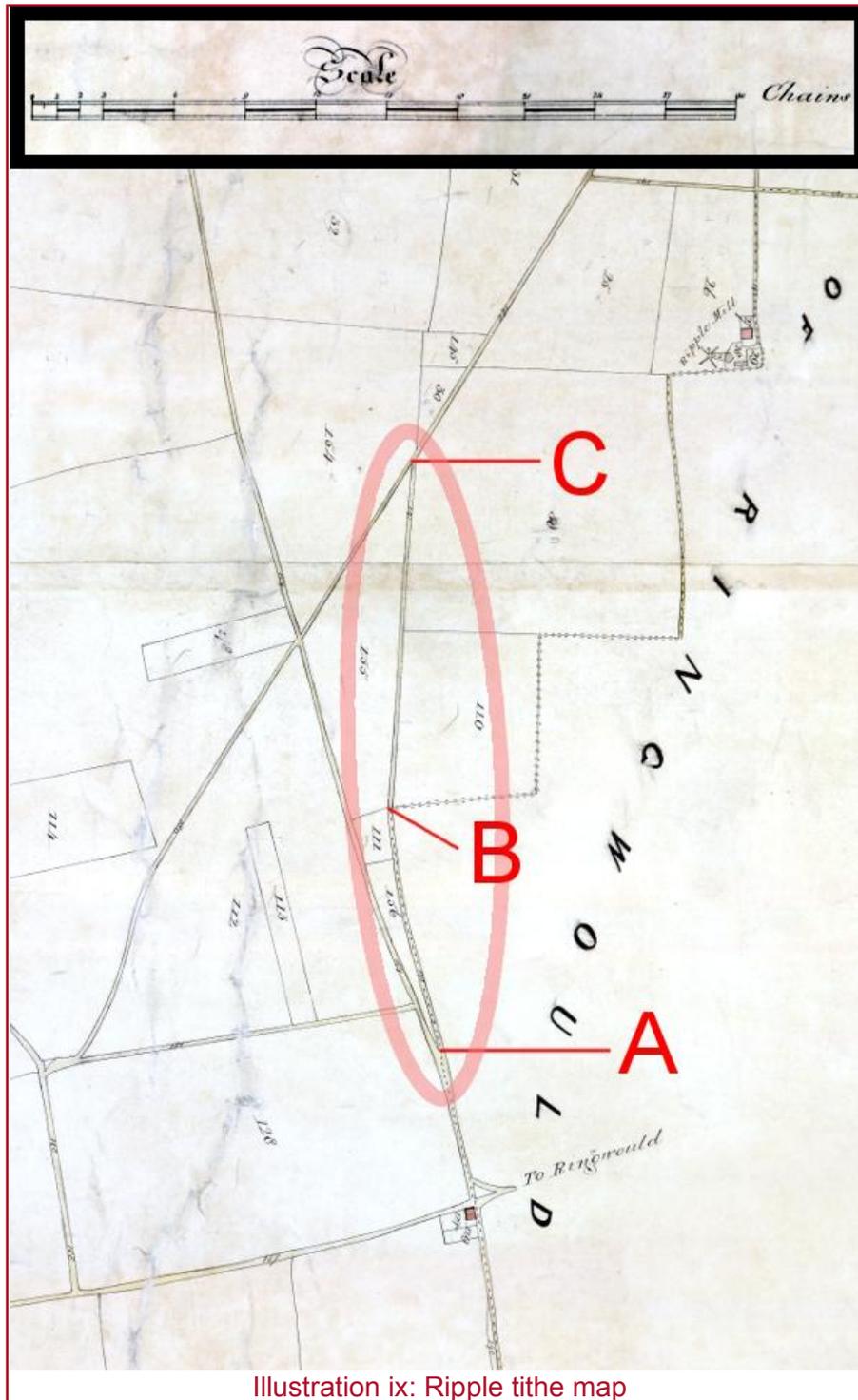


Illustration vii: Ringwold tithe map

⁹ Kent tithe maps are available as images on CD.

¹⁰ www.kentarchaeology.org.uk/Research/Maps/RIN/01.htm,
www.kentarchaeology.org.uk/Research/Maps/RIP/01.htm.

Ripple tithe map



E.3. **Description:** Ringwould — original scale: stated scale of 3 chains to one inch; orientation: unchanged (north). Ripple — original scale: marked on map in chains; orientation: rotated 90 so that top is approximately northeast.

E.4. The tithe map for Ringwould shows a solitary road from Ripple Cross north-east, on an alignment consistent with the application way from A. The Ringwould and Ripple parish boundary is marked along the centre line of the road, before turning a right-angle to the south-east. The road is marked with parcel number 358: in the apportionment, this parcel

is allocated to 'Parish Road', with an area of 1a.1r.17p (0.55ha). At the parish boundary, the road is marked: 'To Deal'. The map does not depict the Coldblow Road, but shows a turning to Ripple approximately at A.

E.5. The tithe map for Ripple shows both the application way and the Coldblow Road as distinct features, both coloured ochre. The Ringwould and Ripple parish boundary is marked along the centre line of the application way, before turning a right-angle south-east. The road is shown to continue north-east to a junction with Ripple Road, marked with parcel number 191: in the apportionment, parcels 179 to 197 are allocated to 'Public Roads & Waste Lands'.

E.6. **Conclusion:** The tithe maps for Ringwould and Ripple both show the application way between A and C, and describe it as a 'parish road' and 'public road' respectively. While tithe maps were not prepared with the specific purpose of identifying public high-ways, they were a matter of public record, and confirmed only after a process of diligent local engagement and consultation. The common attribution of the application way as a public or parish road is good evidence of its status, as is the annotation of the application way on the Ringwould tithe map as continuing to Deal.

E.7. **Points:** 5

F. Ringwould estate map

F.1. **Date:** 1846

F.2. **Source:** Kent County Archives¹¹

¹¹ EK/U725/P12

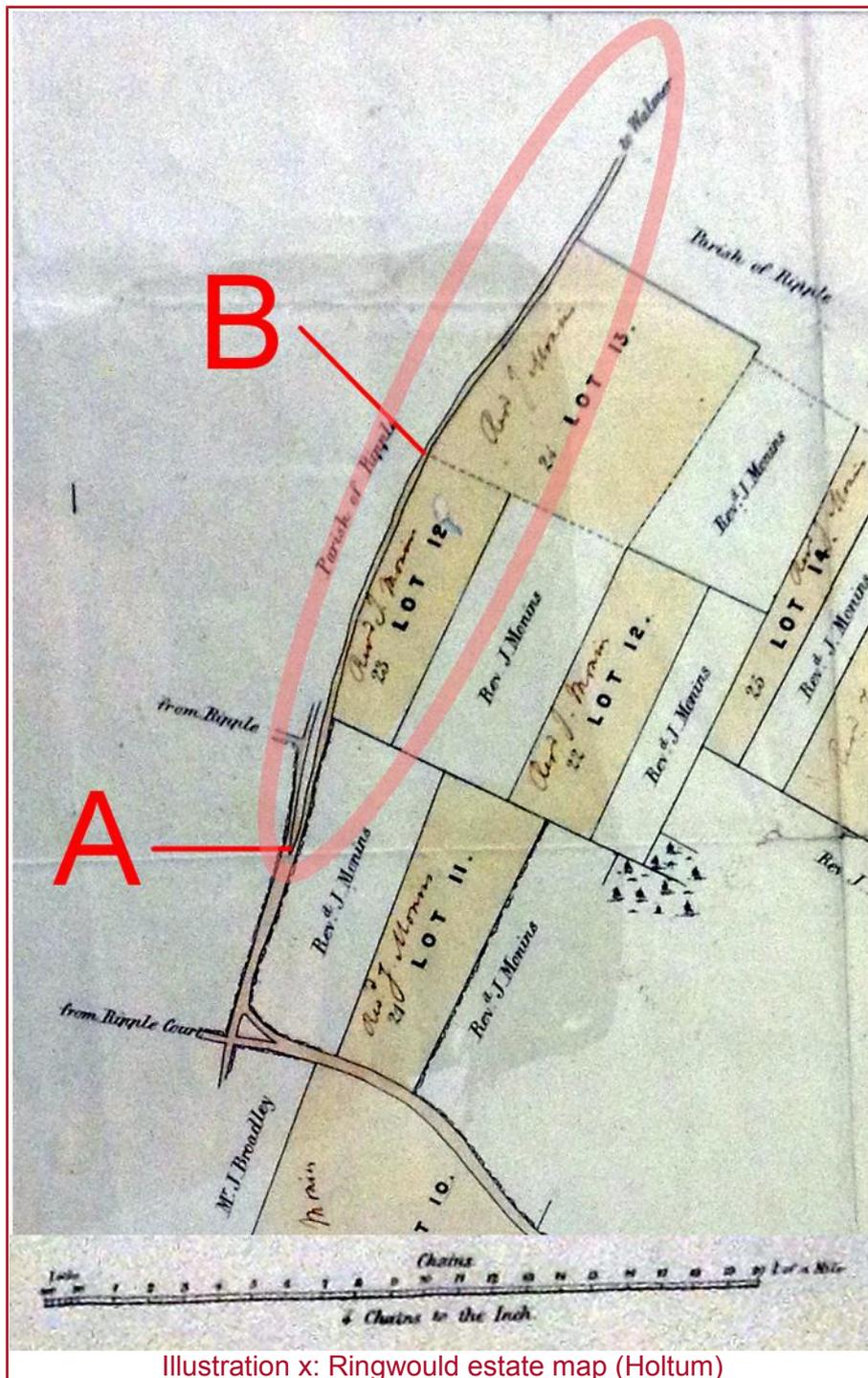


Illustration x: Ringwold estate map (Holtum)

F.3. **Description:** Original scale: marked on map in chains; orientation: unchanged (north).

F.4. This is a map of an estate at Ringwold, apparently for sale, as the land is identified into separate lots. The map was drawn by W Holtum of Walmer. The application way is shown as a distinct road separate from the Coldblow Road, and is coloured ochre. The way is shown to slightly north-east of the Ripple and Ringwold parish boundary, and marked 'To Walmer'.

F.5. **Conclusion:** The map was prepared for the purposes of showing land available for sale: the identification of public rights of access to the land was therefore essential to the

purpose of the map. The application way is shown from A to beyond B, coloured ochre, and annotated, beyond B, as leading to Walmer. Taken as a whole, ochre is used on the map to colour a number of ways which are today recognised as public roads or rights of way, with two exceptions. However, it cannot be concluded with certainty that these rights of way are necessarily more than public footpaths, but the map is good evidence for the continuation of footpath EE446A from B south-southwest towards A.

F.6. **Points:** 1 (as footpath)

G. London Chatham and Dover Railway (Extensions to Walmer and Deal)

G.1. **Date:** 1861

G.2. **Source:** Kent County Archives¹²

London Chatham and Dover Railway plan

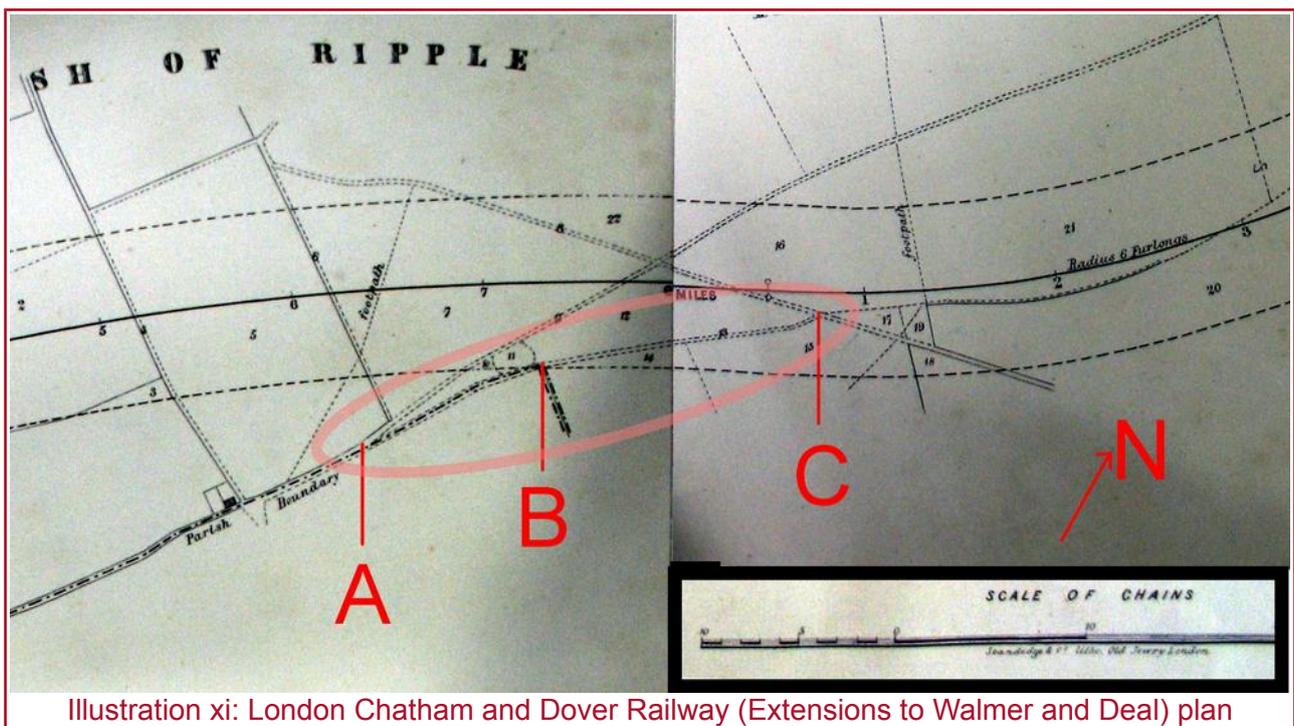


Illustration xi: London Chatham and Dover Railway (Extensions to Walmer and Deal) plan

London Chatham and Dover Railway book of reference

Parish of Ripple in the County of Kent Railway No. 1.

No. on Plan.	DESCRIPTION OF PROPERTY	OWNERS, OR REPUTED OWNERS	LESSEES, OR REPUTED LESSEES	OCCUPIERS
13	Public Road.	Surveyors of Highways.	Commons	Commons

Illustration xii: London Chatham and Dover Railway (Extensions to Walmer and Deal) book of reference

G.3. **Description:** Original scale: marked on map in chains; orientation: rotated approximately 345°.

12 Q/RUm/460

G.4. The deposited plan for the London Chatham and Dover Railway (Extensions to Walmer and Deal) shows the application way between A and C. The parish boundary between Ringwoud and Ripple is shown as following the middle of the application way north-east of A. The application way falls within the limits of deviation between B and C, as to which the way is allocated parcel number 13 in Ripple parish. The book of reference labels parcel number 13 as 'Public Road' in the ownership of the 'Surveyor of Highways'.

G.5. **Conclusion:** The deposited documents for the London Chatham and Dover Railway (Extensions to Walmer and Deal) are good evidence for the status of the application way as a publicly maintainable road.

G.6. **Points:** 5

H. Deal and Dover Railway

H.1. **Date:** 1864

H.2. **Source:** Kent County Archives¹³

Deal and Dover Railway plan

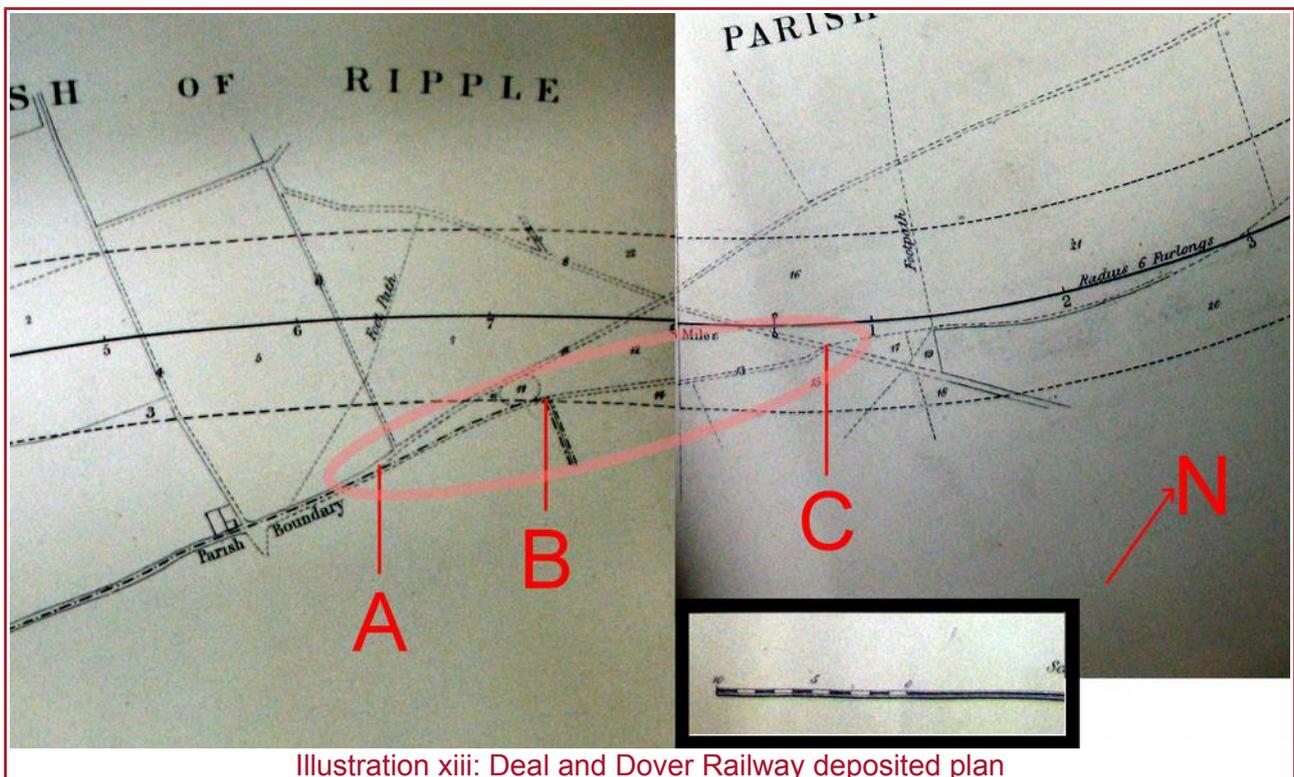


Illustration xiii: Deal and Dover Railway deposited plan

Deal and Dover Railway plan

The image shows a handwritten document titled "Parish of Ripple in the County of Kent Railway No. 1." It contains a table with the following columns: "No. on Plan.", "DESCRIPTION OF PROPERTY.", "OWNERS OR REPUTED OWNERS.", "LESSEES OR REPUTED LESSEES.", and "OCCUPIERS." The first row of the table has the following entries: "13", "Public Road", "Surveyor of Highways", and two empty cells.

No. on Plan.	DESCRIPTION OF PROPERTY.	OWNERS OR REPUTED OWNERS.	LESSEES OR REPUTED LESSEES.	OCCUPIERS.
13	Public Road	Surveyor of Highways		

Illustration xiv: Deal and Dover Railway book of reference

H.3. **Description:** Original scale: marked on map in chains; orientation: rotated approximately 245°.

H.4. The deposited plan for the Deal and Dover Railway shows the application way between A and C. The parish boundary between Ringwould and Ripple is shown as following the middle of the application way north-east of A. The application way falls within the limits of deviation between B and C, as to which the way is allocated parcel number 13 in Ripple parish. The book of reference labels parcel number 13 as 'Public Road' in the ownership of the 'Surveyor of Highways'.

H.5. **Conclusion:** The deposited documents for the Deal and Dover Railway are good evidence for the status of the application way as a publicly maintainable road.

H.6. The railway was authorised by the Deal and Dover Railway Act 1865¹⁴, but not proceeded with, owing to lack of funds and capacity for investment, and the proposal was abandoned under the London, Chatham and Dover Railway Act 1871¹⁵.

H.7. **Points:** 1 (repeats and confirms data in earlier entry for London Chatham and Dover Railway (Extensions to Walmer and Deal) at item IV.G above.

I. Ordnance Survey boundary records

I.1. **Date:** 1869–71

I.2. **Source:** National Archives¹⁶

14 c.ccxcvi, 28 & 29 Vict.

15 c.cxxxi, 34 & 35 Vict.

16 OS 27/2758, OS 28/241

Ringwold field sketch map

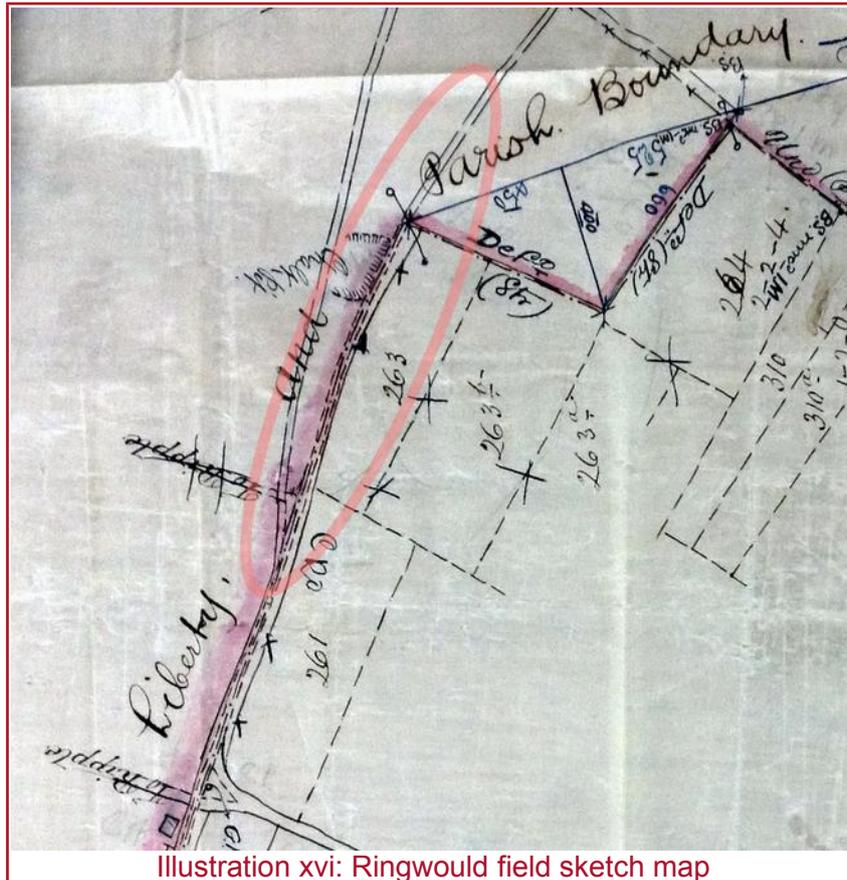


Illustration xvi: Ringwold field sketch map

I.3. **Description:** boundary sketch map — original scale: stated scale 12 chains to one inch; orientation: not relevant; field sketch map — original scale: stated scale 3 chains to one inch; orientation: not relevant.

I.4. The Ordnance Survey boundary maps date from the late 1860s, and record the Ordnance Survey's surveyors efforts to capture the precise location of parish boundaries from local knowledge. These maps were drawn up following perambulation of the boundaries by the surveyor accompanied by the parish meresman (that is, a senior resident of the parish who was specially tasked with knowledge of the parish's boundaries, and who very likely would have acquired such knowledge first hand from his predecessor as meresman).

I.5. The Ringwold boundary sketch map (illustration xvi above) depicts the parish boundary between Ringwold and Ripple along a track between A and B, marked 'C.R.', i.e. centre of road. The Ringwold field sketch map (illustration xvii below) provides the basis for the boundary sketch map.

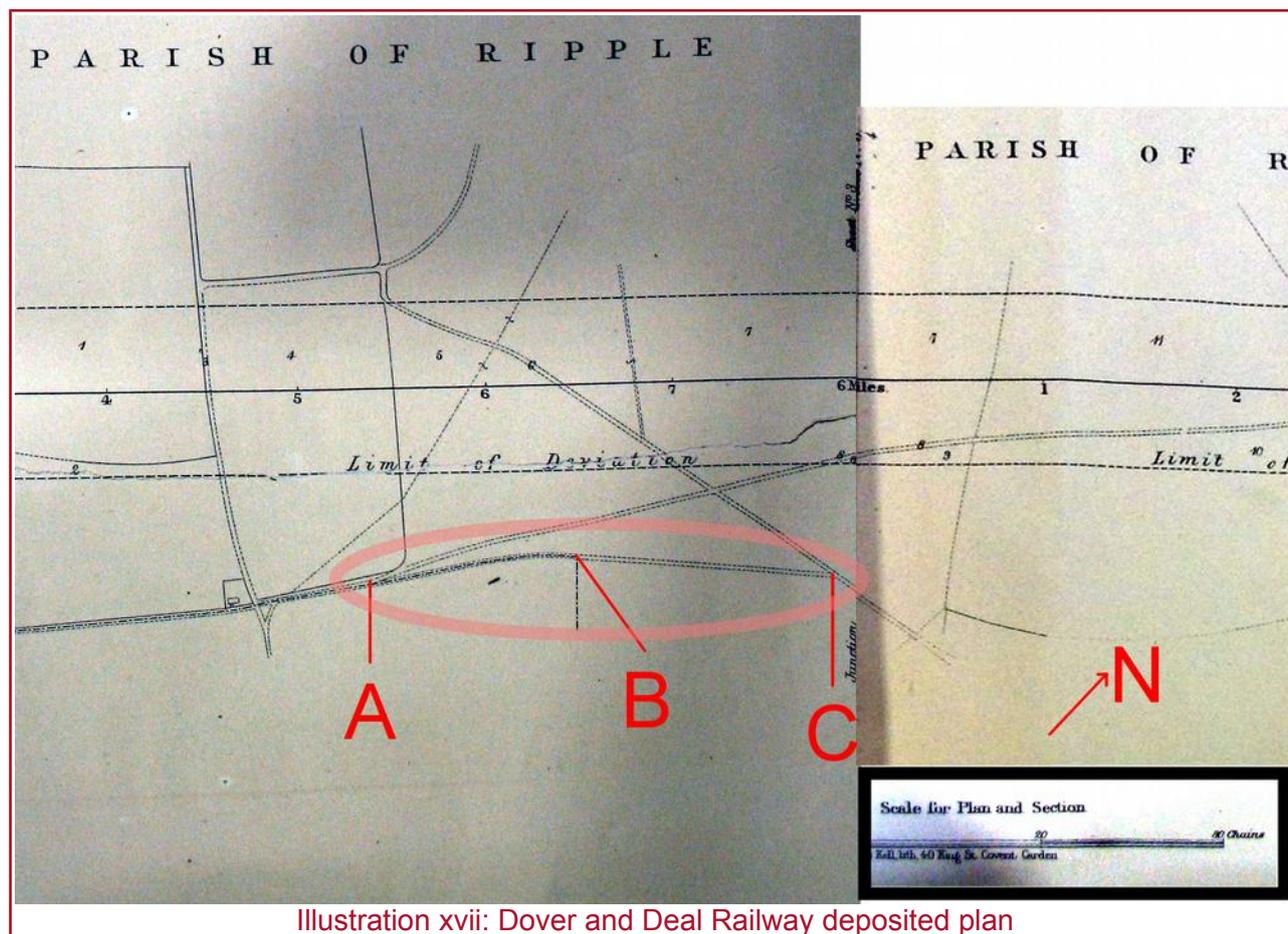
I.6. **Conclusion:** The depiction of the parish boundary coincident with the application way between A and B, labelled 'centre of road', provides some support for the status of the application way as a public road.

I.7. **Points:** 0

J. Dover and Deal Railway

J.1. **Date:** 1873–74

J.2. **Source:** Kent County Archives¹⁷



J.3. **Description:** Original scale: marked on map in chains; orientation: unchanged (top is northwest).

J.4. The deposited plan for the Dover and Deal Railway shows the application way between A and C outside the limits of deviation.

J.5. **Conclusion:** The depiction of the application way on the deposited plan provides some evidence as to the status of the application way between A and B as a public road, as it is depicted in the same notation as other public roads recorded as such in the book of reference.

J.6. An identical presentation as respects the application way is contained in the deposited plans and book of reference for the South Eastern Railway (Dover and Deal) line, 1873¹⁸. However, it was the Dover and Deal railway, which was proposed to be put into effect jointly by the South Eastern Railway and the London, Chatham and Dover Railway, which received Parliamentary authority under the Dover and Deal Railway Act 1874¹⁹, and opened in 1881. Owing to the delay, the powers to construct the railway were extended by

17 Q/RUm/623

18 Q/RUm/269

19 c.lii, 37 & 38 Vict.

the Dover and Deal Railway Act 1877, the Dover and Deal Railway Act 1878, and the Dover and Deal Railway Act 1879²⁰.

J.7. **Points:** 0

K. Auction map

K.1. **Date:** 1887

K.2. **Source:** Kent County Archives²¹

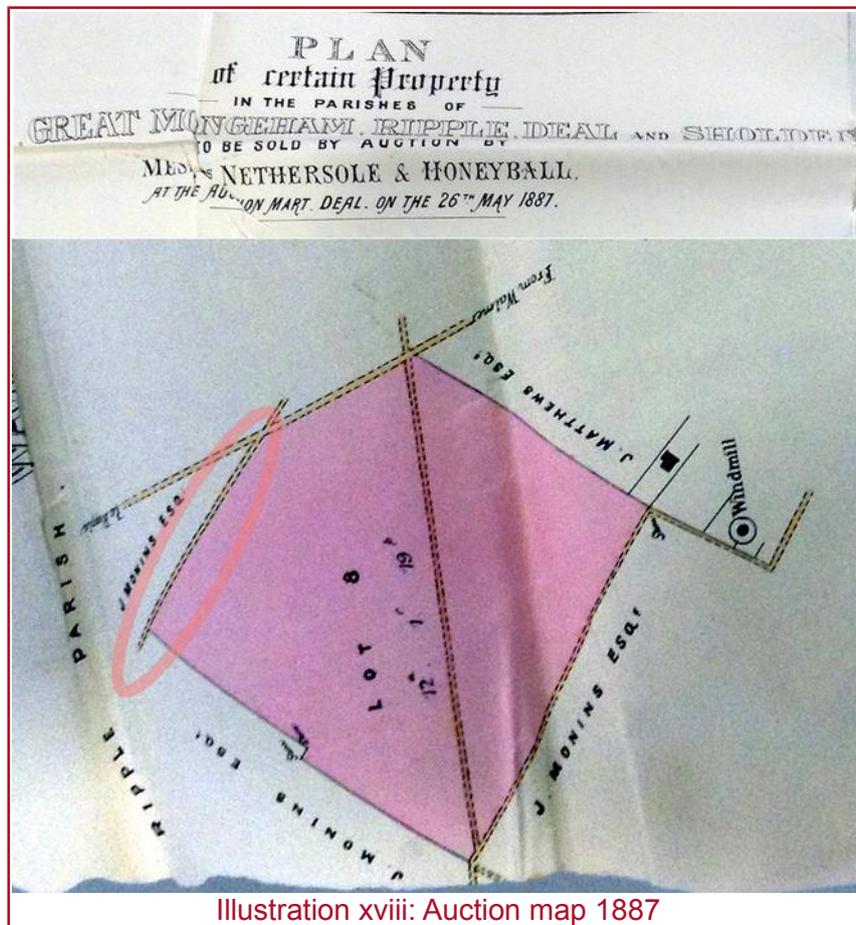


Illustration xviii: Auction map 1887

K.3. **Description:** Original scale: not stated; orientation: rotated by 250°.

K.4. This map accompanies an auction for sale of property in the Ripple area in 1887. The map is filed with papers which do not describe the land being auctioned, and must therefore be taken in isolation. The map shows the application way from north-east of B, across Ripple Road at C, continuing towards Walmer. The application way is coloured ochre, in common with other known roads and ways now recorded as public footpaths.

K.5. **Conclusion:** The colouring of the map is inconclusive about the status of the application way, suggestive of a status of at least a public footpath. However, the map includes only part of the application way, from C west to, but short of, B, and does not add to the status of this part of the application way as a public footpath recorded in the definitive map and statement.

²⁰ cc. ccxxxi, 40 & 41 Vict; clxxxvi, 41 & 42 Vict; v, 42 & 43 Vict.

²¹ EK/U924/P9/9

K.6. **Points:** 0