

Date: 14 August 2017
My ref: EB/Mod 20
Your ref:
Contact: Mrs E Bowman
Direct dial: 01934 427406
Email: Elaine.Bowman@n-somerset.gov.uk



Councillor T Leimdorfer
1 Verlands
Congresbury
Somerset
BS49 5BL

Streets and Open Spaces
Natural Environment Team,
Public Rights of Way
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

DX 8411 Weston-super-Mare

Dear Councillor Leimdorfer

Wildlife and Countryside Act 1981 – Section 53 and Schedule 14
North Somerset District Council
(Footpath AX 16/31 Wrington Road to Cleeve Hill Road Congresbury)
Definitive Map and Statement Modification Order No 1 2017

Following the Appeal Decision issued by the Secretary of State dated 11 April 2017 North Somerset Council have been directed to make an Order relating to the claim that Footpath AX 16/31 Congresbury should be recorded on the Definitive Map for the area as a Bridleway. I enclose a copy of the Order which was sealed by the Council on 10th August 2017.

For your information I have also enclosed a copy of an Explanatory Statement regarding the history of this matter and the Notice that will appear in the Western Daily Press on 17th August 2017.

It should be noted that the deadline for receipt of objections to the making of this Order is **2nd October 2017**. Should you have any queries at all regarding this matter please do not hesitate to contact me.

Yours sincerely

Elaine Bowman
Senior Access Officer
Public Rights of Way

Enc: A copy of Modification Order No 1 2017, an Explanatory Statement and copy of Public Notice dated 17th August 2017.

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www.n-somerset.gov.uk
Town Hall, Weston-super-Mare BS23 1UJ



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Freedom of Information Act 2000

Section 53 of the Wildlife and Countryside Act 1981
The County of Somerset Definitive Map and Statement
Axbridge Rural District

North Somerset District Council
(Footpath AX16/31 Wrington Road to Cleeve Hill Road Congresbury)
Definitive Map and Statement Modification Order No 1 2017

The above Order made on 10th August 2017, if confirmed as made, will modify the definitive map and statement for the area by upgrading Footpath AX 16/31 recorded on the Definitive Map for the area as Bridleway AX 16/31.

The footpath commences from point A (Grid Ref: ST44624 64219) on the adopted highway known as Wrington Road and proceeds in a north easterly direction for a distance of approximately 160 metres to point B (Grid Ref: ST44763 64310), it then proceeds in a south easterly direction for a distance of approximately 90 metres to point C (Grid Ref: ST44838 64258), it then continues in a north north easterly, then north easterly direction for a distance of approximately 840 metres to point D (Grid Ref: ST45596 64548), then in an easterly direction for a distance of approximately 1340 metres to point E (Grid Ref: ST46909 64635), then in a northerly direction for a distance of approximately 80 metres to point F (Grid Ref: ST46899 64707) as shown on the attached map EB/Mod 20. This route will be in total an approximate length of 2510 metres and will be known as Bridleway AX 16/31.

A copy of the Order and the Order map together with the explanatory statement may be seen free of charge at the reception of North Somerset Council Offices, Castlewood, Tickenham Road, Clevedon (opposite Clevedon Garages) from 9am to 4.30pm, Monday to Thursday (4.00pm Friday) or may be viewed on the Council's website www.n-somerset.gov.uk/notices. A copy is also available for inspection at Congresbury Parish Council Offices, Old School Rooms, Station Road, Congresbury during their normal opening hours.

Any representation or objection relating to the Order must be sent in writing to Director of Development & Environment, North Somerset Council, Streets and Open Spaces, Town Hall, Walliscote Grove Road, Weston Super Mare, BS23 1UJ not later than **2 October 2017**, applicants are requested to state the grounds on which it is made.

If no representations or objections are duly made to the Order, or to any part of it, or if any so made are withdrawn, North Somerset Council, instead of submitting the Order to the Secretary of State (or part of it if the authority has by notice to the Secretary of State so elected under paragraph 5 of Schedule 15 to the Wildlife and Countryside Act 1981) may itself confirm the Order (or that part of the Order). If the Order is submitted to the Secretary of State for the Environment, in whole or in part, any representations or objections which have been duly made and not withdrawn will be sent with it.

Dated 17 August 2017

David Carter
Director of Development & Environment

North Somerset Council
Town Hall
Walliscote Grove Road
Weston-super-Mare BS23 1UJ



WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53

NORTH SOMERSET DISTRICT COUNCIL
(FOOTPATH AX 16/31 WRINGTON ROAD TO CLEEVE HILL ROAD CONGRESBURY)
MODIFICATION ORDER NO 1 2017

EXPLANATORY STATEMENT

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

Public footpaths, bridleways and byways open to all traffic are recorded on Definitive Maps and Statements. These maps and statements provide conclusive legal evidence of the existence of public rights. North Somerset District Council is responsible for the Definitive Map and Statement and has a duty to amend them when evidence suggests that they are inaccurate or incomplete. Such amendments are made by means of modification orders made under Section 53 of the Wildlife and Countryside Act 1981. These orders do not come into effect until confirmed; if there are any objections the Council must refer the order and objections to the Secretary of State for the Environment, Food and Rural Affairs, who will decide whether or not to confirm the order.

Definition of a Bridleway

A highway over which the public have a right of way on foot, on cycle and on horseback or leading a horse, with or without a right to drive animals of any description along the highway.

Footpath AX 16/31 was the subject of investigation following the submission of an application dated 19 July 1989. That application claimed that Footpath AX16/31 should be recorded as a Bridleway. Following the normal statutory procedure it was determined by an Inspector appointed by the Secretary of State following a Public Inquiry on the 23rd to 26th May 1995. That Inspector's decision was that the Order should not be confirmed.

A second application was submitted to Avon County Council on the 25 February 1996 claiming that additional evidence had been found which proved that this route should be recorded as a Bridleway. The applicants claim that the previous Inspectors interpretation of the evidence and final decision was inaccurate, however did not choose to challenge that decision within the High Court.

The current route of Footpath AX16/31 commences on the adopted highway known as Wrington Road and proceeds in a north easterly direction for a distance of approximately 160 metres, it then proceeds in a south easterly direction for a distance of approximately 90 metres, it then continues in a north north easterly, then north easterly direction for a distance of approximately 840 metres, then in an easterly direction for a distance of approximately 1340 metres, then in a northerly direction for a distance of approximately 80 metres as shown on the attached Order map EB/Mod 20. This route will be an approximate length of 2510 metres and if this Order is confirmed will be known as Bridleway AX 16/31.

North Somerset Council's Rights of Way Sub Committee considered this later application on 15 November 2016 and formally resolved that **"in respect of the claim that this footpath should be recorded as bridleway that there was insufficient evidence to support the claim and declined to make an Order"**.

The report that was considered by the Committee is available on the Council's website, please note that these have been broken down due to the size of the report and therefore consists of **Report 6 through to Report 6.8.**

<http://apps.n-somerset.gov.uk/cairo/committees/comidx204-2016.asp>

The applicant exercised their right to appeal to the Secretary of State for Environment, Food and Rural Affairs who on the 11 April 2017 directed North Somerset Council to make an Order.

To be relevant, objections or representations should relate to the question as to whether this is a historically used route; other objections or representations (e.g. relating to privacy, security, suitability, desirability or amenity) may be held to be irrelevant.

The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner. **It should be noted that all comments received will form part of the case for this Order and will be forwarded to the Planning Inspectorate and interested parties.**

If there are no objections to the order, or if any made are duly withdrawn, the authority may confirm the order, and the Definitive Map and Statement will then be modified. If there are any objections which are not withdrawn, then North Somerset District Council must refer the order and objections to the Planning Inspectorate acting for the Secretary of State for the Environment, Food and Rural Affairs. The Department will appoint an independent Inspector to consider the order and hear the objections, normally by holding a local Public Inquiry. The Inspector may confirm the order, with or without modifications, or may decide that the order should not be confirmed.

North Somerset Council
Development and Environment,
Streets and Open Spaces
Natural Environment Team,
Town Hall
Walliscote Grove Road
Weston super Mare,
BS22 1UJ

Tel: 01934 427406



Wildlife and Countryside Act 1981
Section 53

North Somerset District Council

(Footpath AX 16/31 Wrington Road to Cleeve Hill Road
Congresbury)
Definitive Map and Statement Modification
Order No 1 2017

Director of Development and Environment
Streets and Open Spaces
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

File ref: Mod 20

WILDLIFE AND COUNTRYSIDE ACT 1981

**THE COUNTY OF SOMERSET DEFINITIVE MAP AND STATEMENT
AXBRIDGE RURAL DISTRICT**

**NORTH SOMERSET DISTRICT COUNCIL
(FOOTPATH AX 16/31 WRINGTON ROAD TO CLEEVE HILL ROAD
CONGRESBURY)**

DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO. 1 2017

This Order is made by North Somerset District Council ("The Council") under Section 53(2) of the Wildlife and Countryside Act 1981 ("the Act") because the Secretary of State has directed under paragraph 4(2) of Schedule 14 of the Act that an order be made because it appears to the Secretary of State that the County of Somerset Definitive Map and Statement Axbridge Rural District requires modification in consequence of an event specified in section 53(3)(c)(ii) of the Act; namely that a certain highway shown on the map and statement as a highway of a particular description ought to be there shown as a highway of a difference description.

The Council have consulted with every local authority whose area includes the land to which the Order relates. The Council hereby orders that:

1. For the purpose of this Order the relevant date is 1 August 2017.
2. The County of Somerset Definitive Map and Statement Axbridge Rural District shall be modified as described in Part 1 and Part II of the Schedule and shown on the map attached to this Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the North Somerset District Council (Footpath AX 16/31 Wrington Road to Cleeve Hill Road Congresbury) Definitive Map and Statement Modification Order No.1 2017.

SCHEDULE

PART I

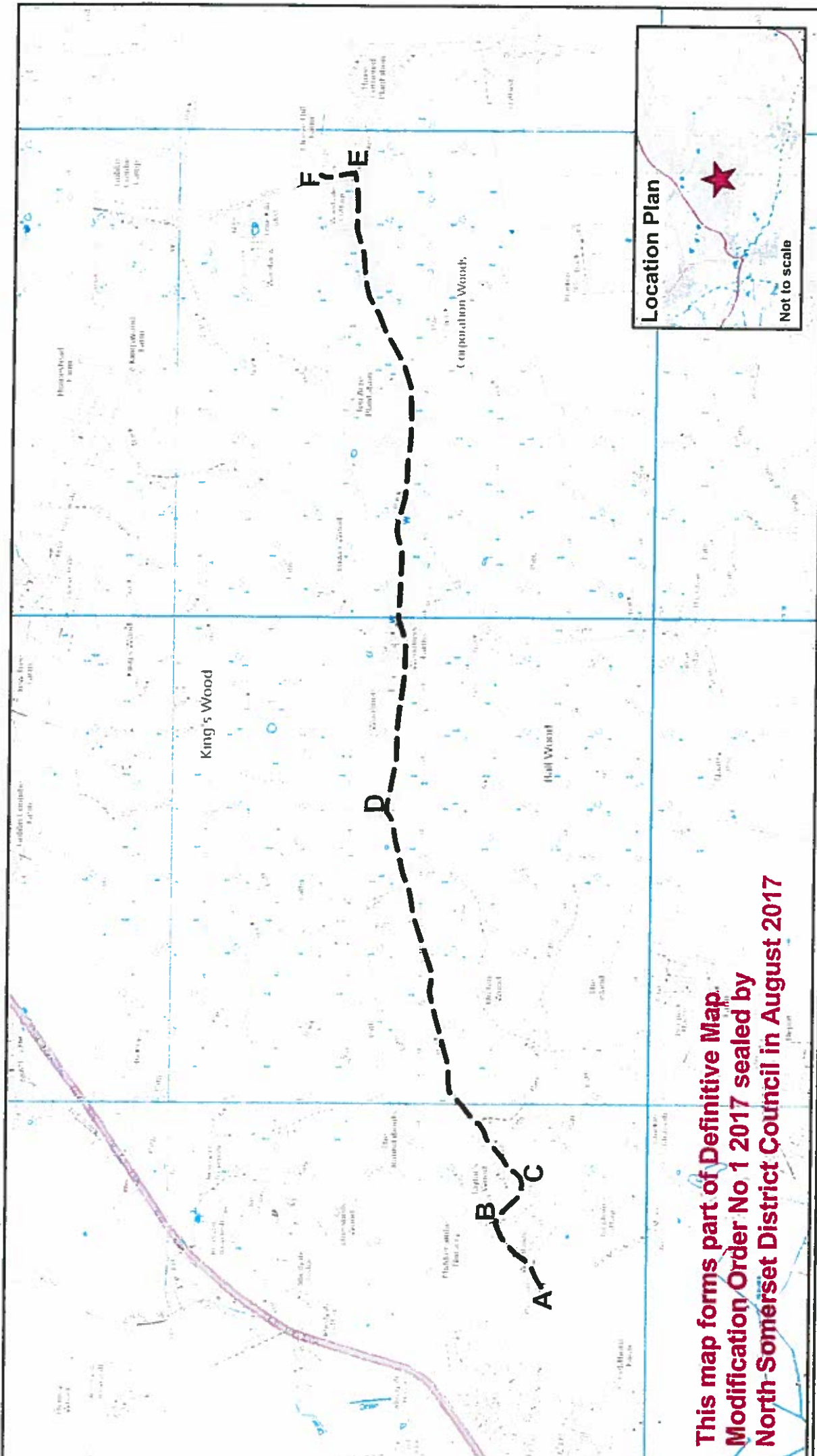
Modification of Definitive Map

Description of public right of way to be modified

Modification of Footpath AX 16/31 to Bridleway AX 16/31

The footpath commences from point A (Grid Ref: ST44624 64219) on the adopted highway known as Wrington Road and proceeds in a north easterly direction for a distance of approximately 160 metres to point B (Grid Ref: ST44763 64310), it then proceeds in a south easterly direction for a distance of approximately 90 metres to point C (Grid Ref: ST44838 64258), it then continues in a north north easterly, then north easterly direction for a distance of approximately 840 metres to point D (Grid Ref: ST45596 64548), then in an easterly direction for a distance of approximately 1340 metres to point E (Grid Ref: ST46909 64635), then in a northerly direction for a distance of approximately 80 metres to point F (Grid Ref: ST46899 64707) as shown on the attached map EB/Mod 20. This route will be in total an approximate length of 2510 metres and will be known as Bridleway AX 16/31.

The width of this route varies and is depicted on the OS Revision of 1936 and Second Edition 1903. (1936 Revision) Between A and B the route is depicted as a bounded track of 3 metres, between B and C the route is depicted as a bounded track of 3 metres, between C and D the route is depicted as a bounded track, then unbounded track varying between 3 and 4 metres, (1936 Revision and 1903 Second Edition) between D and E the route is depicted as an unbounded track varying between 2 and 4 metres and between E and F the route is depicted as an unbounded track varying between 2 and 4 metres to its junction with Cleeve Hill Road.



This map forms part of Definitive Map Modification Order No 1 2017 sealed by North Somerset District Council in August 2017

Wildlife & Countryside Act 1981 - Sec 53 North Somerset District Council
 Footpath AX 16/31 to Bridleway AX 16/31 Wrington Lane to Cleve Hill Road
 Definitive Map Modification Order No 1 2017

Development & Environment
 Public Rights of Way
 Streets and Open Spaces
 North Somerset Council
 Town Hall
 Walliscope Grove Road
 Weston-super-Mare
 BS21 1UJ
 Tel: 01934 888 802

Map No. EB/Mod 20
 Grid Reference ST446642 - 469647
 Scale 1:10560
 Date 18 July 2017

Claimed Bridleway A-B-C-D-E-F

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PART II

Modification of Definitive Map and Statement

Map No.	Class & Right of Way	Description of Route				Particulars as to position, width, limitations or conditions as in the opinion of the Authority it is expedient to record	Reason for inclusion
		From		To			
		County Road or Right of Way	Location (with bounding property Nos.)	County Road or Right of Way	Location (with bounding property Nos.)		
EB/Mod 20	Footpath AX16/31	Wrington Road USRN 47818047	ST 44626 64220	Cleeve Hill Road USRN 47804185	ST 46906 64698	<p>The footpath commences on the adopted highway known as Wrington Road and proceeds in a north easterly direction for a distance of approximately 160 metres, it then proceeds in a south easterly direction for a distance of approximately 90 metres, it then continues in a north north easterly, then north easterly direction for a distance of approximately 840 metres, then in an easterly direction for a distance of approximately 1340 metres, then in a northerly direction for a distance of approximately 80 metres as shown on the attached map EB/Mod 20. This route will be in total an approximate length of 2510 metres and will be known as Bridleway AX 16/31.</p>	<p>Wildlife and Countryside Act 1981</p> <p>Modification of Definitive Map Footpath AX16/31 to Bridleway AX16/31</p>

The width of this route varies and is depicted on the OS Revision of 1936 and Second Edition 1903. (1936 Revision) Between A and B the route is depicted as a bounded track of 3 metres, between B and C the route is depicted as a bounded track of 3 metres, between C and D the route is depicted as a bounded track, then between D and E the route is depicted as an unbounded track varying between 2 and 4 metres and between E and F the route is depicted as an unbounded track varying between 2 and 4 metres to its junction with Cleeve Hill Road.

Given under the Common Seal of North Somerset District Council on the day of August 2017.

The COMMON SEAL of)
NORTH SOMERSET)
DISTRICT COUNCIL)
was hereunto affixed in)
the presence of :-)



17503

FDL HEAD OF LEGAL AND DEMOCRATIC SERVICES