

**Wildlife and Countryside Act 1981
Section 53**

North Somerset District Council

**(Upgrade of part of Footpath AX 20/8 to Bridleway AX20/9 and
addition of Bridleway AX 20/9 at Locking Head Drove Locking)
Definitive Map and Statement Modification
Order No 5 2018**

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

File ref: Mod 19

WILDLIFE AND COUNTRYSIDE ACT 1981

THE COUNTY OF SOMERSET DEFINITIVE MAP AND STATEMENT AXBRIDGE RURAL DISTRICT

NORTH SOMERSET DISTRICT COUNCIL
(UPGRADE OF PART OF FOOTPATH AX 20/8 TO BRIDLEWAY AX20/9 AND ADDITION OF BRIDLEWAY AX 20/9 AT LOCKING HEAD DROVE LOCKING)
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 5 2018

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)(i) & (ii) of the Act; namely that a right of way which is not shown in the map and statement subsist or is reasonable alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic and 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.

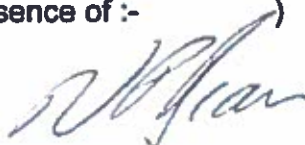
The Council have consulted with every local authority whose area includes the land to which the Order relates. The Council hereby orders that:

1. For the purpose of this Order the relevant date is 1 April 2018.
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 (Upgrade of part of Footpath AX 20/8 to Bridleway AX20/9 and addition of Bridleway AX 20/9 at Locking Head Drove Locking) Definitive Map and Statement Modification Order No 5 2018

Given under the Common Seal of North Somerset District Council on the 13 day of April 2018.

18038

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



HEAD OF LEGAL AND DEMOCRATIC SERVICES

SCHEDULE

PART I

Modification of Definitive Map

Description of public right of way to be added

Description of Bridleway to be added as AX20/9

The route commences from the end of the Class 4 (Unclassified Road) known as Locking Head Drive, Point A (Grid Ref: ST36001 60531) and continues in a generally north westerly, then north-easterly direction for a distance of approximately 488 metres to a gate, Point B (Grid Ref ST36235 60896), then continuing for a distance of approximately 158 metres to Point C (Grid Ref: ST 36354 61003) its junction with Footpath AX 20/8.

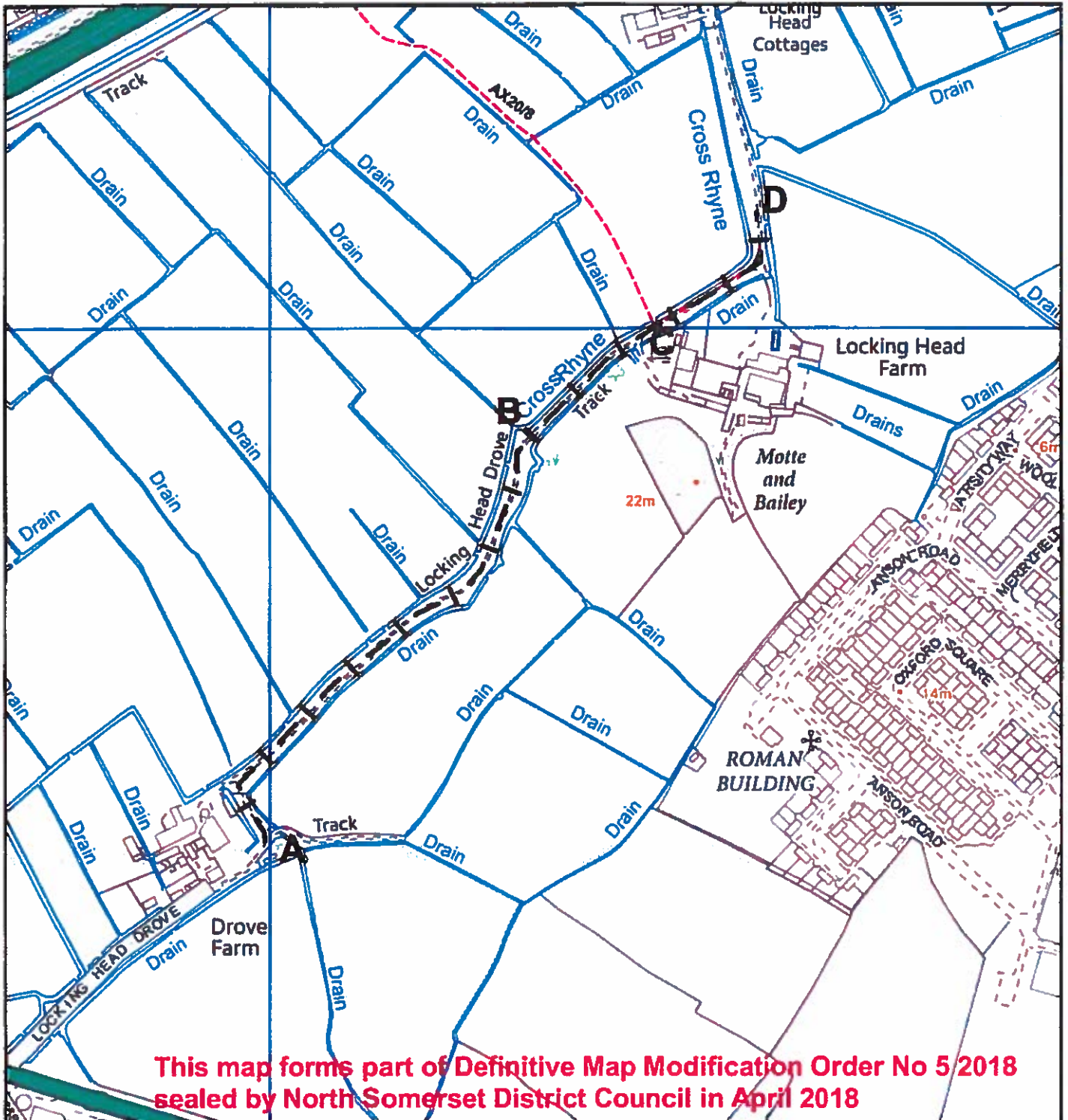
Description of public right of way to be modified

Description of Footpath AX20/8 to be known as Bridleway AX 20/9

The route commences from Point C (Grid Ref: ST 36354 61003) at its junction with Footpath AX20/8 and continues in a north easterly, then northerly direction for a distance of approximately 154 metres to Point D (Grid Ref: ST 36447 61105) where it meets the Class 4 (Unclassified Road) known as Locking Head Drive.

Both of the routes described above are shown on the attached map EB/Mod 19.

The width of the route between Point A and Point B is defined by the rhynes on either side of it for its full length that width being approximately 15 metres as depicted on OS Mapping dating back to 1850's. The route between Point B and C continues to be bounded by rhynes with a width of approximately 10 metres and between Points C and D a width of approximately 13 metres. The route of the Bridleway would be that of the track which runs throughout this route and a minimum width of 3 metres.



This map forms part of Definitive Map Modification Order No 5 2018 sealed by North Somerset District Council in April 2018

Wildlife & Countryside Act 1981 - Section 53 North Somerset District Council

**Bridleway AX20/9 Locking Head Drive
Definitive Map Modification Order No. 5 2018**

NPS



Development & Environment
Public Rights of Way
Streets and Open Spaces
North Somerset Council
Town Hall
Welliscote Grove Road
Weston-super-Mare
BS23 1UJ
Tel: 01934 868 802



Scale 1:5000
Date 12 April 2018
Grid Ref. ST3660
Map No. EB/Mod 19

Bridleway A-B-C-D
- | - | - | -

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 19	Bridleway AX 20/9	Locking Head Drove USRN 47830096	ST 36001 60531	Locking Head Drove USRN 47830096	ST 36447 61105	North Easterly	<p>The route commences from the end of Locking Head Drove and continues in a generally north westerly, then north-easterly direction for a distance of approximately 488 metres to a gale, Point B (Grid Ref ST36235 60886), then continuing for a distance of approximately 158 metres to its junction with Footpath AX 20/8. The route continues in a north easterly, then northerly direction for a distance of approximately 154 metres to where it meets the Class 4 (Unclassified Road) known as Locking Head Drove.</p> <p>The route of the Bridleway would be that of the track which runs throughout this route and a minimum width of 3 metres.</p>	<p>Wildlife and Countryside Act 1981</p> <p>Modification of Definitive Map Bridleway AX 20/9</p>

WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53

NORTH SOMERSET DISTRICT COUNCIL
(UPGRADE OF PART OF FOOTPATH AX 20/8 TO BRIDLEWAY AX 20/9 AND
ADDITON OF BRIDLEWAY AX 20/9 AT LOCKING HEAD DROVE LOCKING)
MODIFICATION ORDER NO 5 2018

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.

Locking Head Drove was the subject of investigation following the submission of an application dated 22 March 1994. That application claimed that a route known as Locking Head Drove from its junction with the A371 through to Somerset Avenue should be recorded as a Bridleway.

North Somerset Council's Rights of Way Sub Committee considered this application on 28th March 2017 and formally resolved that **"the Public Rights of Way Sub Committee deny the making of a Definitive Map Modification Order because there is insufficient evidence to support it."**

The report that was considered by the Committee is available on the Council's website as **Report 7.**

<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 14 November 2017 directed North Somerset Council to make a Bridleway Order. The Inspectors decision was reported to the Public Rights of Way Sub Committee on the 24th January 2018.

The report that was produced to the Committee is also available on the Council's website as **Report 6.**

<http://apps.n-somerset.gov.uk/cairo/committees/comidx204-2017.asp>

Although the two reports produced to the Committee refer to the route C-A-B-I, the sections between Points C-A and B-I are already recorded on North Somerset Council's List of Streets as adopted highway, therefore already available for public use. Therefore

the attached Order plan refers to the route A-B-C-D, which is the currently unrecorded section and identifies different points along the route such as a gate at Point B and its junction with Footpath AX20/8 at Point C. The route is described as:

The route commences from the end of the adopted highway Class 4 (Unclassified Road) known as Locking Head Drove, Point A and continues in a generally north westerly, then north-easterly direction for a distance of approximately 488 metres to a gate, Point B, then continuing for a distance of approximately 158 metres to Point C its junction with Footpath AX 20/8. From Point C the route continues in a north easterly, then northerly direction for a distance of approximately 154 metres to Point D where it meets the adopted highway Class 4 (Unclassified Road) known as Locking Head Drove.

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



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

North Somerset District Council

(Upgrade of part of Footpath AX 20/8 to Bridleway AX 20/9 and addition of Bridleway AX 20/9 at Locking Head Drove Locking) Definitive Map and Statement Modification Order No 5 2018

The above Order made on 13th April 2018, if confirmed as made, will modify the definitive map and statement for the area by upgrading part of Footpath AX 20/8 and adding an unrecorded route to the Definitive Map for the area as Bridleway AX 20/9

The route commences from the end of the Class 4 (Unclassified Road) known as Locking Head Drove, Point A (Grid Ref: ST36001 60531) and continues in a generally north westerly, then north-easterly direction for a distance of approximately 488 metres to a gate, Point B (Grid Ref ST36235 60896), then continuing for a distance of approximately 158 metres to Point C (Grid Ref: ST 36354 61003) its junction with Footpath AX 20/8. The route then continues from Point C in a north easterly, then northerly direction for a distance of approximately 154 metres to Point D (Grid Ref: ST 36447 61105) where it meets the Class 4 (Unclassified Road) known as Locking Head Drove. This route described is shown on the order map EB/Mod 19, and will be known as Bridleway AX 20/9.

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, Town Hall, Walliscote Grove Road, Weston-Super-Mare, BS23 1UJ 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 Hutton Parish Council Office, Hutton Village Hall, Church Lane, Hutton, Weston-Super-Mare, BS24 9SN, 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 7th June 2018, 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 19th April 2018

David Carter
Director of Development & Environment

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



