

**Wildlife and Countryside Act 1981  
Section 53**

**North Somerset District Council**

**(Upgrading of Footpath AX 30/60 and part of  
Footpath AX 30/10 to Bridleway at Havyatt Common Burrington)  
Definitive Map and Statement Modification Order No 4 2018**

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

**File ref: Mod 50**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

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

**NORTH SOMERSET DISTRICT COUNCIL  
(UPGRADING OF FOOTPATH AX30/60 AND PART OF FOOTPATH AX30/10  
TO BRIDLEWAY AT HAVYATT COMMON BURREINGTON)  
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO. 4 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 it appears to North Somerset District Council 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 highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different 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 (Upgrading of Footpath AX30/60 and Part of Footpath AX30/10 to Bridleway at Havyatt Common Burreington) Definitive Map and Statement Modification Order No.4 2018.

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

18041

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 upgraded

##### Description of Footpath AX 30/10 to be upgraded to Bridleway AX 30/10

The affected section of footpath commences at the field gate mid way along the footpath at Point A (Grid Ref: ST47554 61049) and proceeds in a southerly direction for a distance of approximately 207 metres to Point B (Grid Ref: ST 47576 60845) at its junction with the A38.

##### Description of Footpath AX 30/60 to be upgraded to Bridleway AX 30/60

The footpath commences from Point C (Grid Ref: ST47472 60672) on the A38, and proceeds in a north-easterly direction across Havyatt Common for a distance of approximately 294 metres to the boundary of the property known as Copthorn House, then in a north north easterly direction along the front of this property for a distance of approximately 35 metres, then an easterly direction for approximately 24 metres to its junction with the adopted highway Copthorn Lane Point D (Grid Ref: ST47759 60793).

The Bridleway A-B is depicted on OS XI.14 Second Edition 1903 as a track over open land unbounded of a width of 2.5 metres. The Bridleway C-D is depicted on OS XVIII NW dated 1888 as a track over Havyatt Common unbounded of a width of 2.5 metres. These routes are also depicted on the Burrington and Wrington Enclosure Award Plan dated 1913.



This Map forms part of Definitive Map Modification Order No 4 2018  
 Sealed by North Somerset District Council in April 2018.

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

**Bridleways AX30/10 and AX30/60 Havyett Common**

**Definitive Map Modification Order No. 4 2018**

*NPS*



Development & Environment

Public Rights of Way  
 Streets and Open Spaces  
 North Somerset Council  
 Town Hall  
 Wallscote Grove Road  
 Weston-super-Mare  
 BS23 1UJ

Tel: 01934 886 602

**Location Plan**



Not to Scale

Scale 1:4000



Date 10 April 2018

Grid Ref. ST 4760

Map No. EB/Mod 50

Bridleway A-B = AX30/10  
 Bridleway C-D = AX30/60



**PART II**  
**Modification of Definitive Map and Statement**

| Map No.   | Class & Right of Way | Description of Route                        |  |                   |  | Particulars as to position, width, limitations of conditions as in the opinion of the Authority it is expedient to record |  | Reason for inclusion   |  |
|-----------|----------------------|---|--|-------------------|--|---|--|--|--|
|           |                      | From  |  | General Direction | 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 50 | Bridleway AX30/10    | Footpath AX30/10                            | ST 47554<br>61049                      | Southerly         | A38 Bristol to Bridgewater Rd USRN 47817489  | ST 47576<br>60845   | The affected section of footpath commences at the field gate mid way along the footpath and proceeds in a southerly direction for a distance of approximately 207 metres to its junction with the A38.   | Wildlife and Countryside Act 1981  |  |
|           | Bridleway AX30/60    | A38 Bristol to Bridgewater Rd USRN 47817489 | ST47472<br>60672                       | North Easterly    | Unclassified Road Copthorn Lane USRN 4705180 | ST47759<br>60793  | The footpath commences from the A38, and proceeds in a north-easterly direction across Hayvatt Common for a distance of approximately 294 metres to the boundary of the property known as Copthorn House, then in a north easterly direction along the front of this property for a distance of approximately 35 metres, then an easterly direction for approximately 24 metres to its junction with the adopted highway. The width for both of these routes will be 2.5 metres as depicted on OS mapping. | Upgrading of Footpath AX30/60 and Part of Footpath AX30/10 to Bridleway Hayvatt Common (Burrington) Definitive Map and Statement Modification Order No.4 2018. |  |



## **WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53**

### **NORTH SOMERSET DISTRICT COUNCIL (UPGRADING OF FOOTPATH AX 30/60 AND PART OF FOOTPATH AX 30/10 TO BRIDLEWAY AT HAVYATT COMMON BURREINGTON) DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 4 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.**

Two routes A-B and C-D-E were the subject of investigation following the submission of an application dated 9 July 2004. That application claimed that the route should be recorded as a Bridleway

Following the normal statutory procedure, it was considered that the applicant's evidence had met the legal test that 'footpaths already illustrated on the definitive Map should be shown as highway of a different status' and that the routes A-B and C-D should be recorded as Bridleway.

North Somerset Council's Rights of Way Sub Committee considered this application on 15<sup>th</sup> November 2017 and formally resolved the application on 24<sup>th</sup> January 2018 on the grounds that there is sufficient evidence that an order should be made for the claimed routes A-B and C-D.

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 7 through to Report 7.1**

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

The route A-B commences at the field gate mid-way along footpath AX30/10 at Point A and proceeds in a southerly direction for a distance of approximately 207 metres to Point B at its junction with the A38.

The route C-D commences from Point C on the A38, and proceeds in a north-easterly direction across Havyatt Common for a distance of approximately 294 metres to the boundary of the property known as Copthorn House, then in a north north easterly direction along the front of this property for a distance of approximately 35 metres, then an

easterly direction for approximately 24 metres to its junction with the adopted highway Copthorn Lane Point D. This route is shown on the attached Order map EB/Mod50 and if the Order is confirmed will be known as Bridleways AX 30/10 and AX 30/60.

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 if objected to 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**  
**(Upgrading of Footpath AX 30/60 and part of Footpath AX 30/10 to Bridleway at Havyatt**  
**Common Burrington) Definitive Map and Statement Modification Order No 4 2018**

The above Order made on 13<sup>th</sup> April 2018, if confirmed as made, will modify the definitive map and statement for the area by upgrading Footpath AX 30/60 and part of Footpath AX 30/10 on the Definitive Map for the area as Bridleways AX 30/10 and AX 30/60.

One section of bridleway will commence at the field gate mid way along the footpath at Point A (Grid Ref: ST47554 61049) and proceeds in a southerly direction for a distance of approximately 207 metres to Point B (Grid Ref: ST 47576 60845) at its junction with the A38. This section of the route will be known as Bridleway AX 30/10.

The second bridleway will commence from Point C (Grid Ref: ST47472 60672) on the A38, proceeds in a north-easterly direction across Havyatt Common for a distance of approximately 294 metres to the boundary of the property known as Copthorn House, then in a north north easterly direction along the front of this property for a distance of approximately 35 metres, then an easterly direction for approximately 24 metres to its junction with the adopted highway Copthorn Lane Point D (Grid Ref: ST47759 60793). This route will be known as Bridleway AX 30/60.

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 Friday (4.00pm Friday) or may be viewed on the Council's website [www.n-somerset.gov.uk/notices](http://www.n-somerset.gov.uk/notices). A copy is also available for inspection at Wrington Post Office, Amor Stores, Broad Street, Wrington, Bristol, BS40 5LA, 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 7<sup>th</sup> 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 19<sup>th</sup> April 2018

**David Carter**  
**Director of Development & Environment**  
North Somerset Council  
Town Hall  
Walliscote Grove Road  
Weston-super-Mare  
BS23 1UJ

