

**Wildlife and Countryside Act 1981  
Section 53**

**North Somerset District Council**

**(Bridleway AX16/58 Carditch Drove Congresbury)  
Definitive Map and Statement Modification  
Order No 2 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 30c**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

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

**NORTH SOMERSET DISTRICT COUNCIL  
(BRIDLEWAY AX16/58 CARDITCH DROVE CONGRESBURY)  
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO. 2 2018**

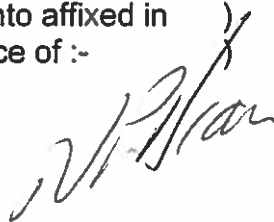
This Order is made by North Somerset District Council ("The Council") under Section 53(2) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to North Somerset District Council that the County of Somerset Definitive Map and Statement Axbridge Rural District requires modification in consequence of an event specified in section 53(3)(c)(i) 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;

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 (Bridleway AX16/58 Carditch Drove Congresbury) Definitive Map and Statement Modification Order No.2 2018.

Given under the Common Seal of North Somerset District Council on the 6 day of April 2018.

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



18033

HEAD OF LEGAL AND DEMOCRATIC SERVICES

## SCHEDULE

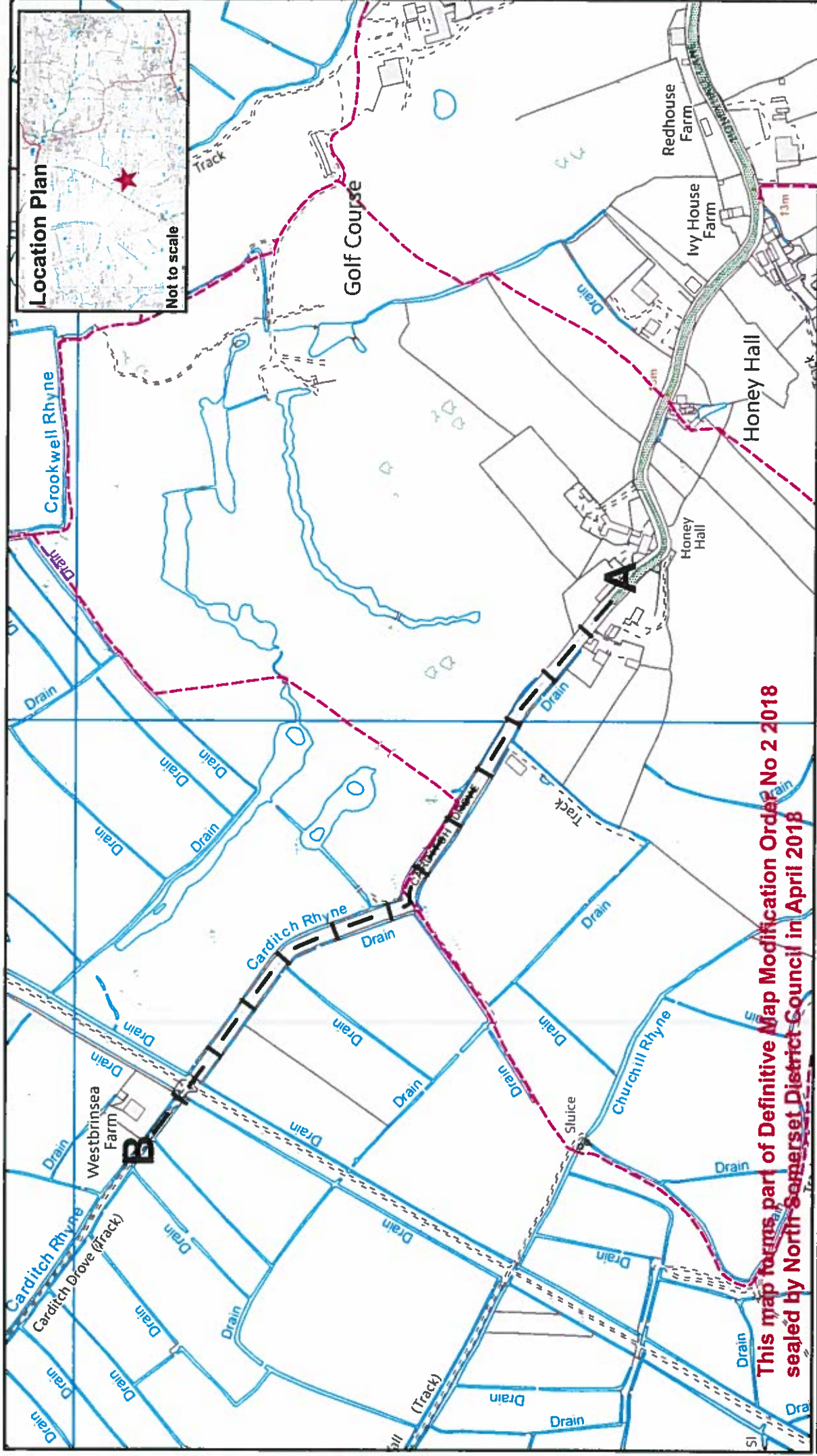
### PART I

#### Modification of Definitive Map

#### **Description of public right of way to be added**

##### Description of Bridleway to be added as AX16/58

The Bridleway commences from point A (Grid Ref: ST43142 61368) from the western end of Honeyhall Lane and proceeds in a north-westerly direction along a route known as Carditch Drove for a distance of approximately 429 metres where it crosses Footpath AX 16/20. The route then continues in a north westerly direction along Carditch Drove for a distance of approximately 354 metres to its junction with the linear route known as the Strawberry Line, which it crosses and continues to Point B (Grid Ref: ST 42503 61916 ) for a further distance of approximately 85 metres. This route will be known as Bridleway AX 16/58 approximately 868 metres in length and a width of 3 metres.



Development & Environment  
 Public Rights of Way  
 Streets and Open Spaces  
 North Somerset Council  
 Town Hall  
 Walliscote Grove Road  
 Weston-super-Mare  
 BS23 1UJ  
 Tel: 01934 888 802

Map No.  
**EB/Mod 30c**

Grid Reference  
**ST 4621**

Scale 1:6000

Date  
**4 April 2018**

North

Bridleway A - B - - - - -

**This map forms part of Definitive Map Modification Order No 2 2018 sealed by North Somerset District Council in April 2018**

Wildlife & Countryside Act 1981 - Sec 53 North Somerset District Council  
**Bridleway AX16/58 Carditch Drove Congressbury**  
**Definitive Map Modification Order No 2 2018.**

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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 30c	Bridleway AX16/58	Honeyhall Lane USRN 47804268	ST43142 61368		ST42503 61916	<p>The Bridleway commences from the western end of Honeyhall Lane and proceeds in a north-westerly direction along a route known as Carditch Drove for a distance of approximately 429 metres where it crosses Footpath AX 16/20. The route then continues in a north westerly direction along Carditch Drove for a distance of approximately 354 metres to its junction with the linear route known as the Strawberry Line, which it crosses and continues for a further distance of approximately 85 metres. This route will be known as Bridleway AX 16/58 approximately 868 metres in length and a width of 3 metres.</p>	<p>Wildlife and Countryside Act 1981</p> <p>Addition of Bridleway AX16/58 Carditch Drove to Definitive Map</p>

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

**NORTH SOMERSET DISTRICT COUNCIL**  
**(BRIDLEWAY AX 16/58 CARDITCH DROVE CONGRESBURY)**  
**DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 2 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.**

The route A-B was the subject of investigation following the submission of an application dated 11 February 1994. That application claimed that the route should be recorded as a Byway Open to All Traffic.

Following the normal statutory procedure it was determined that the applicant's evidence did not support the route as being a Byway Open to all Traffic. However, it was felt that the historical evidence had met the legal test that 'it is reasonable to allege' that the route A-B had established public rights and therefore should be recorded as a Bridleway.

North Somerset Council's Rights of Way Sub Committee considered this application on 27<sup>th</sup> September 2017 and formally resolved that the claim for a Byway Open to all Traffic be declined. However, on the grounds that there is sufficient evidence that Bridleway rights may have been established that an order should be made for the claimed route A-B.

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 9 through to Report 9.2.**

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

The current route A-B commences from the western end of Honeyhall Lane and proceeds in a north-westerly direction along a route known as Carditch Drove for a distance of approximately 429 metres where it crosses Footpath AX 16/20. The route then continues in a north westerly direction along Carditch Drove for a distance of approximately 354 metres to its junction with the linear route known as the Strawberry Line, which it crosses and continues for a further distance of approximately 85 metres to Point B. This route will be known as Bridleway AX 16/58 and will be approximately 868 metres in length.

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 necessary 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**  
**(Bridleway AX 16/58 Carditch Drove Congresbury)**  
**Definitive Map and Statement Modification Order No 2 2018**

The above Order made on 6<sup>th</sup> April 2018, if confirmed as made, will modify the definitive map and statement for the area by adding an unrecorded route known as Carditch Drove recorded on to the Definitive Map for the area as Bridleway AX 16/58.

The Bridleway commences from point A (Grid Ref: ST43142 61368) from the western end of Honeyhall Lane and proceeds in a north-westerly direction along a route known as Carditch Drove for a distance of approximately 429 metres where it crosses Footpath AX 16/20. The route then continues in a north westerly direction along Carditch Drove for a distance of approximately 354 metres to its junction with the linear route known as the Strawberry Line, which it crosses and continues to Point B (Grid Ref: ST 42503 61916 ) for a further distance of approximately 85 metres. This route will be known as Bridleway AX 16/58. This total route will be an approximate length of 868 metres in length and a width of 3 metres.

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 Congresbury Parish Council Offices, Old School Rooms, Station Road, Congresbury, BS49 5DX, 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 24<sup>th</sup> May 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 12<sup>th</sup> April 2018

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