

**Wildlife and Countryside Act 1981
Section 53**

North Somerset District Council

**(Bridleway AX 24/25 Mays Lane Puxton)
Definitive Map and Statement Modification
Order No 1 2018**

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

File ref: Mod 29b

WILDLIFE AND COUNTRYSIDE ACT 1981

THE COUNTY OF SOMERSET DEFINITIVE MAP AND STATEMENT AXBRIDGE RURAL DISTRICT

**NORTH SOMERSET DISTRICT COUNCIL
(BRIDLEWAY AX24/25 MAYS LANE PUXTON)
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO. 1 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 March 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 AX24/25 Mays Lane Puxton) Definitive Map and Statement Modification Order No.1 2018.

Given under the Common Seal of North Somerset District Council on the 29th day of March 2018.

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

18025

A Red

FOR: HEAD OF LEGAL AND DEMOCRATIC SERVICES

SCHEDULE

PART I

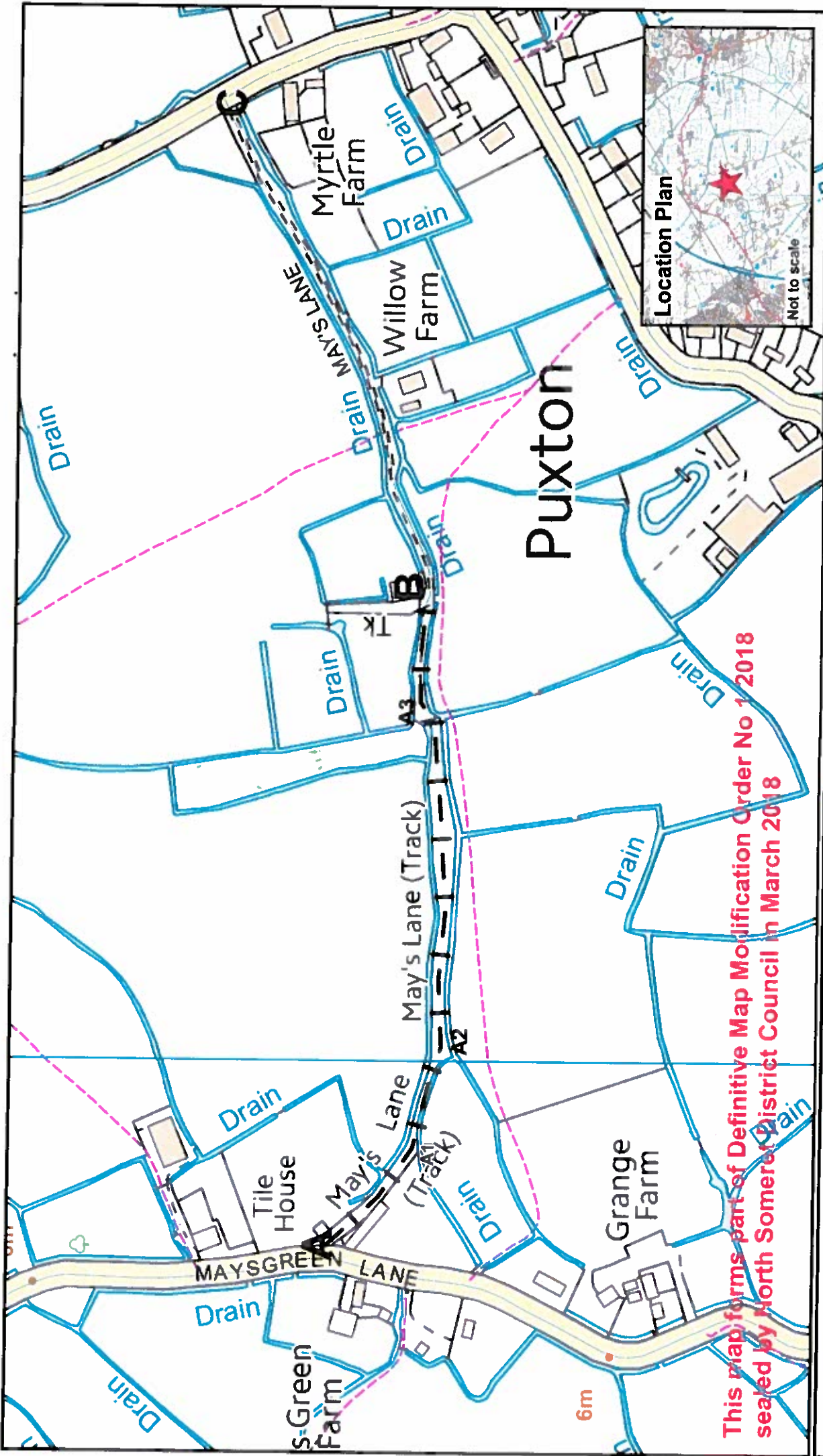
Modification of Definitive Map

Description of public right of way to be added

Description of Bridleway to be added as AX24/25

The Bridleway commences from point A (Grid Ref: ST39885 63415) at its junction with the adopted highway known as Maysgreen Lane and proceeds in a south easterly, then easterly direction for a distance of approximately 431 metres to point B (Grid Ref: ST40281 63356), where it then joins the adopted highway known as Mays Lane and its connection to Puxton Lane. This route will be known as Bridleway AX 24/25

The width of this route is depicted on the OS Second Edition 1903. Between A and A1 the route is depicted as a bounded track of 7 metres, between A1 and A2 the route is depicted as a bounded track of 3 metres, between A2 and A3 the route is depicted as a bounded track of approximately 10 metres and between A3 and B the route is depicted as a bounded track of 4 metres.



This map forms part of Definitive Map Modification Order No 1 2018 sealed by North Somerset District Council in March 2018

Wildlife & Countryside Act 1981 - Sec 53 North Somerset District Council
Bridleway AX24/25 Mays Lane Puxton
Definitive Map Modification Order No. 1 2018



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

Map No. **EB/Mod 29/b**
 Grid Reference **ST 3963 - 4063**
 Scale **1:3140**
 Date **26 March 2018**
 Bridleway A-B - | - | - | - | -

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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 29b	Bridleway AX24/25	Maysgreen Lane USRN 47831720	ST 39885 63415	Mays Lane USRN 47805158	ST 40281 63356	<p>The Bridleway commences at its junction with the adopted highway known as Maysgreen Lane and proceeds in a south easterly, then easterly direction for a distance of approximately 431 metres to where it then joins the adopted highway known as Mays Lane and its connection to Puxton Lane. The width of this route is depicted on the OS Second Edition 1903. Between A and A1 the route is depicted as a bounded track of 7 metres, between A1 and A2 the route is depicted as a bounded track of 3 metres, between A2 and A3 the route is depicted as a bounded track of approximately 10 metres and between A3 and B the route is depicted as a bounded track of 4 metres.</p>	<p>Wildlife and Countryside Act 1981</p> <p>Addition of Bridleway AX24/25 Mays Lane to Definitive Map</p>

WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53

**NORTH SOMERSET DISTRICT COUNCIL
(BRIDLEWAY AX 24/25 MAYS LANE PUXTON)
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 1 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-C 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 considered 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 and minimal user evidence had met the legal test that 'it is reasonable to allege' that the route A-B has established public rights and therefore should be recorded as a Bridleway.

North Somerset Council's Rights of Way Sub Committee considered this application on 27th 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 7 through to Report 7.2.**

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

The route A-B commences on the adopted highway known as Maysgreen Lane (Point A) and proceeds in a south easterly, then easterly direction along an unadopted track known as Mays Lane for a distance of approximately 431 metres to a gate at Point B where it then joins the adopted highway known as Mays Lane and its connection to Puxton Lane (Point C) as shown on the attached Order map EB/Mod29b. The length of the bridleway will be approximately 431 metres in length (as the continuation is already adopted highway) and if this Order is confirmed will be known as Bridleway AX 24/25.

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
(Bridleway AX 24/25 Mays Lane Puxton)
Definitive Map and Statement Modification Order No 1 2018

The above Order made on 29th March 2018, if confirmed as made, will modify the definitive map and statement for the area by adding an unrecorded route onto the Definitive Map for the area as Bridleway AX 24/25.

The route commences from point A (Grid Ref: ST39885 63415) at its junction with the adopted highway known as Maysgreen Lane and proceeds in a south easterly, then easterly direction for a distance of approximately 431 metres to point B (Grid Ref: ST40281 63356), where it then joins the adopted highway known as Mays Lane and its connection to Puxton Lane. This route will be known as Bridleway AX 24/25 and is shown on the attached map EB/Mod29b.

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. A copy is also available for inspection at Congresbury Parish Council Offices, Orchard House, 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 24th 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 12th April 2018

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

