

**Wildlife and Countryside Act 1981
Section 53**

North Somerset District Council

**(Upgrade of Footpath LA18/5 and part of Footpath LA18/4 to
Bridleway) Blackberry Lane Weston-in-Gordano
Definitive Map and Statement Modification
Order No 3 2018**

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

File ref: Mod 34

WILDLIFE AND COUNTRYSIDE ACT 1981

**THE COUNTY OF SOMERSET DEFINITIVE MAP AND STATEMENT
LONG ASHTON RURAL DISTRICT**

**NORTH SOMERSET DISTRICT COUNCIL
(UPGRADE OF FOOTPATH LA 18/5 AND PART OF FOOTPATH LA 18/4 TO
BRIDLEWAY BLACKBERRY LANE WESTON-IN-GORDANO)
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO. 3 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 Long Ashton Rural District requires modification in consequence of an event specified in section 53(3)(c)(ii) 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 Long Ashton 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 Footpath LA 18/5 and part of Footpath LA 18/4 to Bridleway Blackberry Lane Weston-In-Gordano) Definitive Map and Statement Modification Order No.3 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 :-)



18032

HEAD OF LEGAL AND DEMOCRATIC SERVICES

SCHEDULE

PART I

Modification of Definitive Map

Description of public right of way to be upgraded to a Bridleway

Modification of part of Footpath LA 18/4 to Bridleway LA18/4

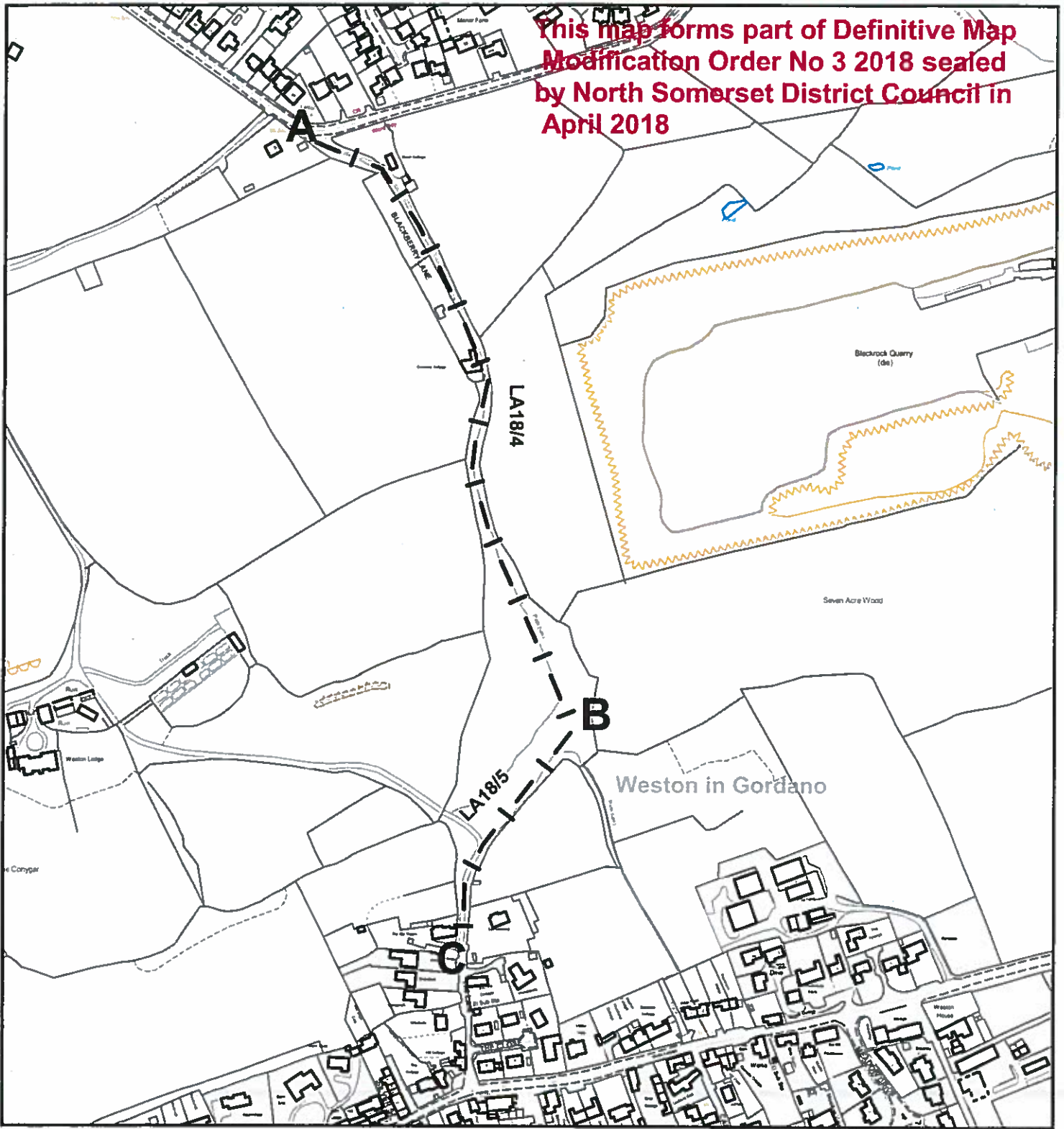
Footpath LA 18/4 commences from point A (Grid Ref: ST44453 74977) at the junction of Valley road and the un-adopted Blackberry Lane and proceeds in a south-south easterly direction for a distance of approximately 506 metres to point B (Grid Ref: ST44645 74539). This section of the route will be known as Bridleway LA18/4. The width of this bridleway will be 2 metres as depicted on OS mapping dated 1884.

Modification of Footpath LA 18/5 to Bridleway LA18/5

Footpath LA 18/5 commences from its junction with Footpath LA18/4 point B (Grid Ref: ST 44645 74539) and proceeds in a south westerly direction for a distance of approximately 140 metres to point C (Grid Ref: ST 44568 74428) its junction with Hill Lane. This section of the route will be known as Bridleway LA18/5. The width of this bridleway will be 2 metres as depicted on OS mapping dated 1884.

These routes are shown on the attached map EB/Mod 34.

This map forms part of Definitive Map Modification Order No 3 2018 sealed by North Somerset District Council in April 2018



Wildlife & Countryside Act 1981 - Section 53 North Somerset District Council
Upgrade of Footpath LA18/5 and part of Footpath LA18/4 to Bridleway
Definitive Map Modification Order No. 3 2018



Development & Environment

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

Tel: 01934 888 802



Scale 1:4000



Date 5 April 2018

Grid Ref. ST4474

Map No.
 EB/Mod 34

Bridleway A-B-C



Not to Scale.

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.)	General Direction	County Road or Right of Way	Location (with bounding property Nos.)		
EB/Mod 34	Bridleway LA 18/4	Blackberry Lane USRN 47817534	ST44453 74977	South-south easterly,	Bridleway LA18/5	ST44645 74539	Commences at the junction of Valley road and the un-adopted Blackberry Lane and proceeds in a south-south easterly direction for a distance of approximately 506 metres to its junction with Bridleway LA18/5. The width of this bridleway will be 2 metres as depicted on OS mapping dated 1884.	Wildlife and Countryside Act 1981 Modification of Definitive Map upgrade of Footpath LA 18/5 and part of Footpath LA18/4 to Bridleway
	Bridleway LA 18/5	Bridleway LA18/4	ST44645 74539	South-westerly	Hill Lane USRN 47804098	ST 44568 74428	Commences from its junction with Bridleway LA18/4 and proceeds in a south westerly direction for a distance of approximately 140 metres to its junction with Hill Lane. The width of this bridleway will be 2 metres as depicted on OS mapping dated 1884.	

WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53

**NORTH SOMERSET DISTRICT COUNCIL
(UPGRADE OF FOOTPATH LA 18/5 AND PART OF FOOTPATH LA 18/4 TO
BRIDLEWAY) BLACKBERRY LANE WESTON-IN-GORDANO
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 3 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 claimed routes were the subject of investigation between Blackberry Lane and Hill Lane following the submission of an application dated 25 October 2005. That application claimed that these two routes should be recorded as Byways Open to All Traffic.

Following the normal statutory procedure it was determined that the applicant's evidence did not support the routes being a byway open to all traffic. However, it was felt that the historical and user evidence had met the legal test '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'. It was therefore felt that the route A-B-C 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 15th November 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-C.

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 6.2.

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

The route A-B-C commences at the junction of Valley Road and the un-adopted Blackberry Lane and proceeds in a south-south easterly direction for a distance of approximately 506 metres to Point B. This section of the route will be known as Bridleway LA18/4. The route then continues from the junction at point B and proceeds in a south westerly direction for a distance of approximately 140 metres to Point C to its junction with

Hill Lane. This section of the route will be known as Bridleway LA18/5. This route is shown on the attached Order map EB/Mod34.

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
Long Ashton Rural District

North Somerset District Council
(Upgrading of Footpath LA18/5 and part of Footpath LA18/4 to Bridleway)
Blackberry Lane Weston-in-Gordano)
Definitive Map and Statement Modification Order No 3 2018

The above Order made on 6th April 2018 if confirmed as made, will modify the definitive map and statement for the area by upgrading Footpath LA 18/5 and part of Footpath LA 18/4 onto the Definitive Map for the area as Bridleways LA 18/4 and LA 18/5.

Footpath LA 18/4 commences from point A (Grid Ref: ST44453 74977) at the junction of Valley road and the un-adopted Blackberry Lane and proceeds in a south-south easterly direction for a distance of approximately 506 metres to point B (Grid Ref: ST44645 74539). This section of the route will be known as Bridleway LA18/4.

Footpath LA 18/5 commences from its junction with Footpath LA18/4 point B (Grid Ref: ST 44645 74539) and proceeds in a south westerly direction for a distance of approximately 140 metres to point C (Grid Ref: ST 44568 74428) its junction with Hill Lane. This section of the route will be known as Bridleway LA18/5.

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 Portishead Library, Horatio House, 24 Harbour Road, Portishead, BS20 7AL during their normal opening hours of Tuesday to Friday 9.30am – 5pm, Saturday 9.30am to 1pm.

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 May 2018**, objectors 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

