

**Wildlife and Countryside Act 1981
Section 53**

North Somerset District Council

**Footpaths LA 23/34 and LA 23/35 Portishead
Definitive Map and Statement Modification
Order No 7 2018**

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

File ref: Mod 102

WILDLIFE AND COUNTRYSIDE ACT 1981

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

**NORTH SOMERSET DISTRICT COUNCIL
FOOTPATHS LA 23/34 AND LA 23/35 PORTISHEAD
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO. 7 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)(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 July 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 Footpaths LA 23/34 and LA 23/35 Portishead Definitive Map and Statement Modification Order No.7 2018.

Given under the Common Seal of North Somerset District Council on the 16 day of July 2018.

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

18221

A. Rich.

for:

HEAD OF LEGAL AND DEMOCRATIC SERVICES

SCHEDULE

PART I

Modification of Definitive Map

Description of public right of way to be added

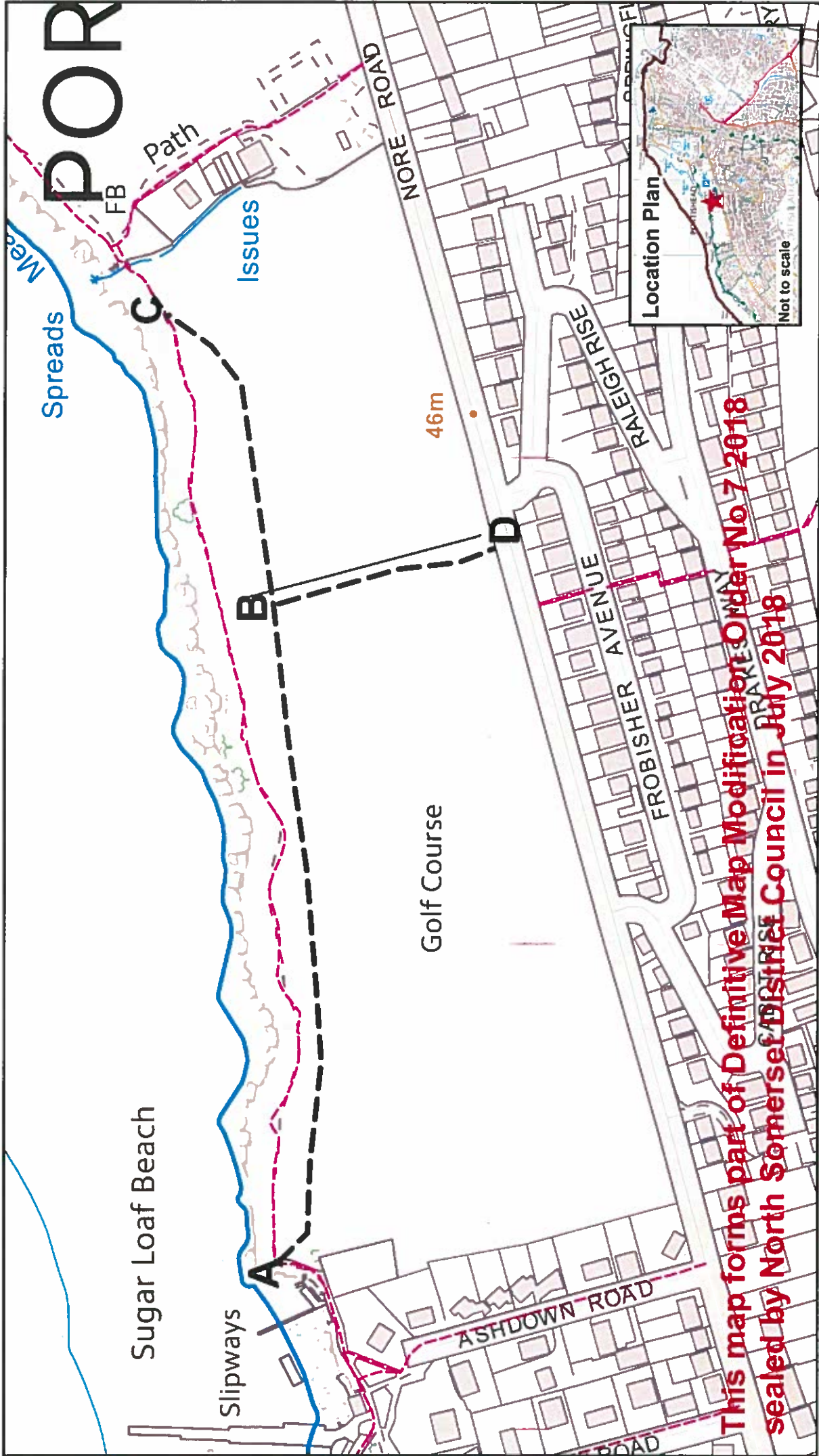
Description of Footpath LA 23/34 to be added

The Footpath commences at its junction with the coastal path LA23/4 at Point A (Grid Ref: ST45164 76659) and proceeds in an easterly direction along the edge of Portishead Golf Course, parallel to the coastal path for a distance of approximately 590 metres passing through Point B (Grid Ref: ST45555 76675) to re-join the coastal path LA23/4 at Point C (Grid Ref: ST45718 76739). This route will be known as Footpath LA 23/34.

Description of Footpath LA 23/35 to be added

The Footpath commences on the adopted highway known as Nore Road, Point D (Grid Ref: ST45589 76545) at a pedestrian gate, and proceeds in a north north-westerly direction for a distance of approximately 135 metres to its junction with Footpath LA23/34 at Point B (Grid Ref: ST45555 76675). This route will be known as Footpath LA 23/35.

As the above two routes run along the boundary of the current Golf Course the width of these routes should be recorded on the Definitive Statement as 2 metres.



This map forms part of Definitive Map Modification Order No.7 2018 sealed by North Somerset District Council in July 2018

Wildlife & Countryside Act 1981 - Sec 53 North Somerset District Council
Footpaths LA23/34 and LA23/35 Portishead
Definitive Map Modification Order No.7 2018



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

Map No. EB/Mod 102
 Grid Reference ST4576
 Scale 1:3000
 Date 10 July 2018

Footpath A-B-C and B-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 102	Footpath LA 23/34	Footpath LA23/4	ST 45164 76659	Footpath LA23/4	ST 45718 76739	The Footpath commences at its junction with the coastal path and proceeds in an easterly direction along the edge of Portishead Golf Course, parallel to the coastal path for a distance of approximately 590 metres passing through Point B (Grid Ref: ST45555 76675) to re-join the coastal path. This route will be known as Footpath LA 23/34. This route will have a recorded width of 2 metres.	Wildlife and Countryside Act 1981
EB/Mod 102	Footpath LA 23/35	Nore Road USRN 47830123	ST 45589 76545	Footpath LA 23/34	ST 45555 76675	The Footpath commences on the adopted highway known as Nore Road, at a pedestrian gate, and proceeds in a north westerly direction for a distance of approximately 135 metres to its junction with Footpath LA23/34. This route will be known as Footpath LA 23/35. This route will have a recorded width of 2 metres.	Addition of Footpaths LA 23/34 and LA 23/35 Portishead Golf Course Portishead to the Definitive Map

WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53

NORTH SOMERSET DISTRICT COUNCIL
(FOOTPATHS LA23/34 AND LA23/35 PORTISHEAD GOLF COURSE PORTISHEAD)
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 7 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 Footpath

A highway over which the public has a right of way on foot only, other than such a highway at the side of a public road.

The route A-B-C was the subject of investigation following the submission of an application dated 12 November 2013. That application claimed that the route should be recorded as a Footpath. A second application was later submitted to North Somerset Council on 23 October 2015 claiming the same as the first application with an additional route known as D-B.

The first route commences at its junction with the coastal path at Point A) and proceeds in an easterly direction along the edge of the golf course, parallel to the coastal path for a distance of approximately 590 metres passing through Point B to Point C. This route will be known as Footpath LA 23/34. The second Footpath commences on the adopted highway known as Nore Road, Point D, at a pedestrian gate, and proceeds in a north north-westerly direction for a distance of approximately 135 metres to its junction with the first claimed footpath at Point B. This route will be known as Footpath LA 23/35.

Following the normal statutory procedure, it was considered that the applicant's submitted evidence had met the legal test that 'it is reasonable to allege' that the routes A-B-C and D-B have established public rights and should be recorded as Footpaths.

North Somerset Council's Rights of Way Sub Committee considered this application on 24th January 2018 and formally resolved that there is sufficient evidence that Footpath rights have been established that an order should be made for the claimed routes A-B-C and D-B.

The report that was considered by the Committee is available on the Council's website, and is referred to in **Report 9**.

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

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
Long Ashton Rural District

North Somerset District Council
(Footpaths LA 23/34 and LA 23/35 Portishead Golf Course Portishead)
Definitive Map and Statement Modification Order No 7 2018

The above Order made on 16th July 2018, if confirmed as made, will modify the definitive map and statement for the area by adding Footpaths LA 23/34 and LA 23/35.

The first route runs at its junction with the coastal path at Point A (Grid Ref: ST45164 76659) and proceeds in an easterly direction along the edge of Portishead Golf Course, parallel to the coastal path for a distance of approximately 590 metres passing through Point B (Grid Ref: ST45555 76675) to rejoin the coastal path LA23/4 at Point C (Grid Ref: ST45718 76739). This route will be known as Footpath LA 23/34. The second Footpath runs on the adopted highway known as Nore Road, Point D (Grid Ref: ST45589 76545), at a pedestrian gate, and proceeds in a north north-westerly direction for a distance of approximately 135 metres to its junction with Footpath LA23/24 at Point B (Grid Ref: ST45555 76675). This route will be known as Footpath LA 23/35 and is shown on the Order plan EB/Mod 102.

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 Portishead Town Council Office, The Town Council, The Folk Hall, 95 High Street, Portishead, BS20 6PR during their normal opening hours. Copies of the Order and Map may be purchased £6.60 if collected £7.90 if posted.

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 **2nd September 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 July 2018

Colin Medus
Head of Highways and Transport
North Somerset Council
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ