

**Wildlife and Countryside Act 1981  
Section 53**

**North Somerset District Council**

**(The upgrading of northern part of Footpath AX29/78, the addition of  
an unrecorded section of Roman Road and the upgrading of eastern  
part of Footpath AX 29/41 to be Restricted Byway AX29/87)  
Roman Road Sandford  
Definitive Map and Statement Modification Order No 8 2018**

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

**File ref: Mod 53**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

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

**NORTH SOMERSET DISTRICT COUNCIL  
(THE UPGRADING OF NORTHERN PART OF FOOTPATH AX29/78, THE ADDITION OF AN UNRECORDED SECTION OF ROMAN ROAD AND THE UPGRADING OF EASTERN PART OF FOOTPATH AX29/41 TO BE RESTRICTED BYWAY AX29/87) ROMAN ROAD SANDFORD  
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 8 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; and (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 July 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 (The upgrading of northern part of Footpath AX29/78, the addition of an unrecorded section of Roman Road and the upgrading of eastern part of Footpath AX29/41 to be Restricted Byway AX29/87) Roman Road Sandford Definitive Map and Statement Modification Order No 8 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 :- )

18219

A. Rich.

for

HEAD OF LEGAL AND DEMOCRATIC SERVICES

## SCHEDULE

### PART I

#### Modification of Definitive Map

##### Upgrading of part of Footpath AX 29/78 to Restricted Byway AX 29/87

The part of footpath AX 29/78 to be upgraded commences from Point A (Grid Ref: ST41804 59648) at its junction with the adopted highway known as Station Road and proceeds in a south easterly direction along the un-adopted highway known as Roman Road for a distance of approximately 156 metres to Point B (Grid Ref: ST41868 59509).

##### Description of Restricted Byway AX29/87 to be added

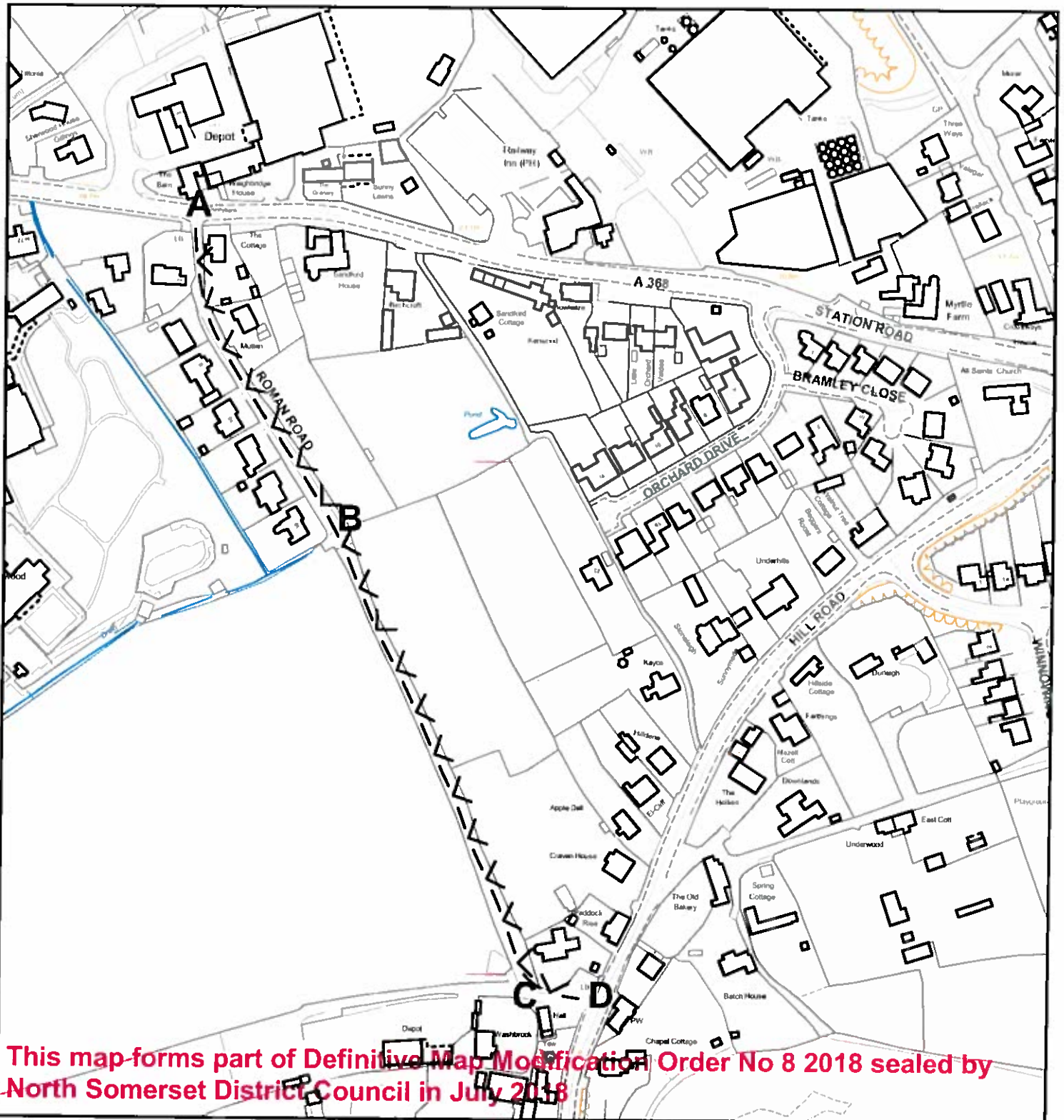
The unrecorded route known as Roman Road continues from Point B (Grid Ref: ST41868 59509) and proceeds in a south easterly direction for a distance of approximately 235 metres to its junction with Footpath AX29/41 Point C (Grid Ref: ST41962 59293).

##### Upgrading of part of Footpath AX 29/41 to Restricted Byway AX29/87

The part of footpath AX29/41 to be upgraded commences from its junction with AX29/87 at Point C (Grid Ref: ST41962 59293) and continues in an easterly direction for a distance of approximately 30 metres to its junction with the adopted highway known as Hill Road, Point D (Grid Ref: ST41990 59289).

This route will be approximately 421 metres in length and is shown on the attached map EB/Mod 53.

The width of this route is defined by the physical boundaries of the properties that front it or the field boundaries adjacent to it. These features are as depicted on the revised 1903 map dated 1929/30. At Point A the route is 5 metres in width, which then widens to 10 metres at Point B. Between Points B and C there are various widths between 6 and 10 metres and 6 metres between Points C and D. Due to existing vegetation and property boundary vegetation a central minimum width of 5 metres will be kept available as the Restricted Byway.

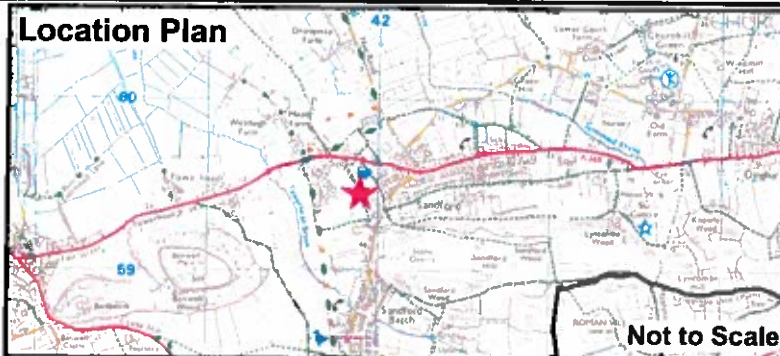


**This map forms part of Definitive Map Modification Order No 8 2018 sealed by North Somerset District Council in July 2018**

**Wildlife & Countryside Act 1981 - Section 53 North Somerset District Council  
 The upgrading of northern part of Footpath AX29/78, the addition of an unrecorded section of Roman Road and the upgrading of eastern part of Footpath AX 29/41 to be Restricted Byway AX29/87) Roman Road Sandford Definitive Map and Statement Modification Order No 8 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 1:2500**  
**Date 10 July 2018**  
**Grid Ref. ST4159**  
**Map No. EB/Mod 53**  
**Restricted Byway A-B-C-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		General Direction	To		
		County Road or Right of Way	Location (with bounding property Nos.)				
EB/Mod 53	Restricted Byway AX29/87	Roman Road USRN 47831947	ST41804 59648	South Easterly	Hill Road USRN 47817056	ST41990 59289	<p>The part of footpath AX 29/78 to be upgraded commences at its junction with the adopted highway known as Station Road and proceeds in a south easterly direction along the un-adopted highway known as Roman Road for a distance of approximately 156 metres. The unrecorded route known as Roman Road in a south easterly direction for a distance of approximately 235 metres to Footpath AX29/41. The part of footpath AX29/41 to be upgraded commences from its junction with AX29/87 and continues in an easterly direction for a distance of approximately 30 metres to its junction with the adopted highway known as Hill Road.</p> <p>Wildlife and Countryside Act 1981</p> <p>Modification of Definitive Map Upgrading of northern part of Footpath AX29/78, the addition of an unrecorded section of Roman Road and the upgrading of eastern part of Footpath AX29/41 to Restricted Byway AX29/87 Roman Road Sandford</p>

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

**NORTH SOMERSET DISTRICT COUNCIL**  
**(THE UPGRADING OF NORTHERN PART OF FOOTPATH AX 29/78, THE ADDITION**  
**OF AN UNRECORDED SECTION OF ROMAN ROAD AND THE UPGRADING OF**  
**EASTERN PART OF FOOTPATH AX 29/41 TO BE RESTRICTED BYWAY AX 29/87)**  
**ROMAN ROAD SANDFORD**  
**DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 8 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 Restricted Byway**

**A highway over which the public have a right of way on foot, on cycle and on horseback or leading a horse, cycling and for any vehicles other than mechanically propelled vehicles.**

Footpath AX 29/78, an unrecorded section of the route and part of Footpath AX 29/41 is the subject of investigation following the submission of an application dated 18 July 2004. This application claims that the full length of the route should be added to the Definitive Map and recorded as a Bridleway/Byway Open to All Traffic. It is supported by historical evidence which the applicant considers proves its status.

Due to inaction by North Somerset Council, the applicant exercised their right to appeal to the Secretary of State for Environment, Food and Rural Affairs against non-determination within 12 months of receipt. The Appeal decision was received on the 21 March 2017 which directed North Somerset Council to make a determination.

Footpath AX 29/78 runs from Point A at its junction with the adopted highway known as Station Road and proceeds in a south easterly direction along the un-adopted highway known as Roman Road to Point B.

The Unrecorded section commences from Point B and runs in a south easterly direction to its junction with Footpath AX 29/41 at Point C.

The route then continues from Point C and continues easterly to its junction with the adopted highway known as Hill Road, Point D. This full route will be recorded as Restricted Byway AX 29/87.

North Somerset Council's Rights of Way Sub Committee considered this application on 27 March 2018 and formally resolved that **"the relevant Officer be authorised to make a Definitive Map Modification Order for the route A-B-C-D on the grounds that there is**

**sufficient evidence that Restricted Byway rights should be recorded on the Definitive Map"**

The report that was considered by the Committee is available on the Council's website as **Report 6**.

<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 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**

**(The upgrading of northern part of Footpath AX 29/78, the addition of an unrecorded section of Roman Road and the upgrading of eastern part of Footpath AX 29/41 to be Restricted**

**Byway AX 29/87) Roman Road Sandford**

**Definitive Map and Statement Modification Order No 8 2018**

The above Order made on 16<sup>th</sup> July 2018, if confirmed as made, will modify the definitive map and statement for the area by upgrading parts of footpaths AX 29/78 and AX 29/41 and adding an unrecorded route, recorded on to the Definitive Map for the area as Restricted Byway AX 29/87.

The part of footpath AX 29/78 commences from Point A (Grid Ref: ST41804 59648) at its junction with adopted highway known as Station Road and proceeds in a south easterly direction along the un-adopted highway known as Roman Road to Point B (Grid Ref: ST41868 59509) for a distance of approximately 156 metres. The unrecorded route known as Roman Road continues from point B (Grid Ref: ST41868 59509) and proceeds in a south easterly direction for a distance of approximately 235 metres to its junction with Footpath AX 29/41 Point C (Grid Ref: ST41962 29293). The part of footpath AX 29/41 commences from Point C (Grid Ref: ST41962 29293) and continues in an easterly direction onto the junction of the adopted highway known as Hill Road, Point D (Grid Ref: ST41990 59289) for a distance of approximately 30 metres. This route will be recorded as Restricted Byway AX 29/87 and is shown on the attached Order plan EB/Mod 53.

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, Town Hall, Walliscote Grove Road, Weston-Super-Mare, BS23 1UJ 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](http://www.n-somerset.gov.uk/notices). A copy is also available for inspection at Winscombe and Sandford Parish Council Offices, The Parish Office, 11 Sandford Road, Winscombe 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 **2<sup>nd</sup> 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 19<sup>th</sup> July 2018

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