

Wildlife and Countryside Act 1981
Section 53

North Somerset District Council

(Restricted Byway LA 21/46 Yatton and Restricted Byway LA 10/8)
Lilypool Drove, Kenn
Definitive Map and Statement Modification Order No 5 2019

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

File ref: Mod 61

WILDLIFE AND COUNTRYSIDE ACT 1981

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

**NORTH SOMERSET DISTRICT COUNCIL
(RESTRICTED BYWAY LA 21/46 YATTON AND RESTRICTED BYWAY LA 10/8)
LILLYPOOL DROVE, KENN
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 5 2019**

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 1st September 2019
2. The County of Somerset Definitive Map and Statement Long Ashton Rural District shall be modified as described in Part I 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 (Restricted Byway LA 21/46 Yatton and Restricted Byway LA 10/8) Lillypool Drove, Kenn. Definitive Map and Statement Modification Order No 5 2019

Given under the Common Seal of North Somerset District Council on the 27th day of September 2019

13933

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

A. Rid.

for

HEAD OF LEGAL AND DEMOCRATIC SERVICES
SCHEDULE

PART I

Modification of Definitive Map

Description of Restricted Byway LA 21/46 to be added

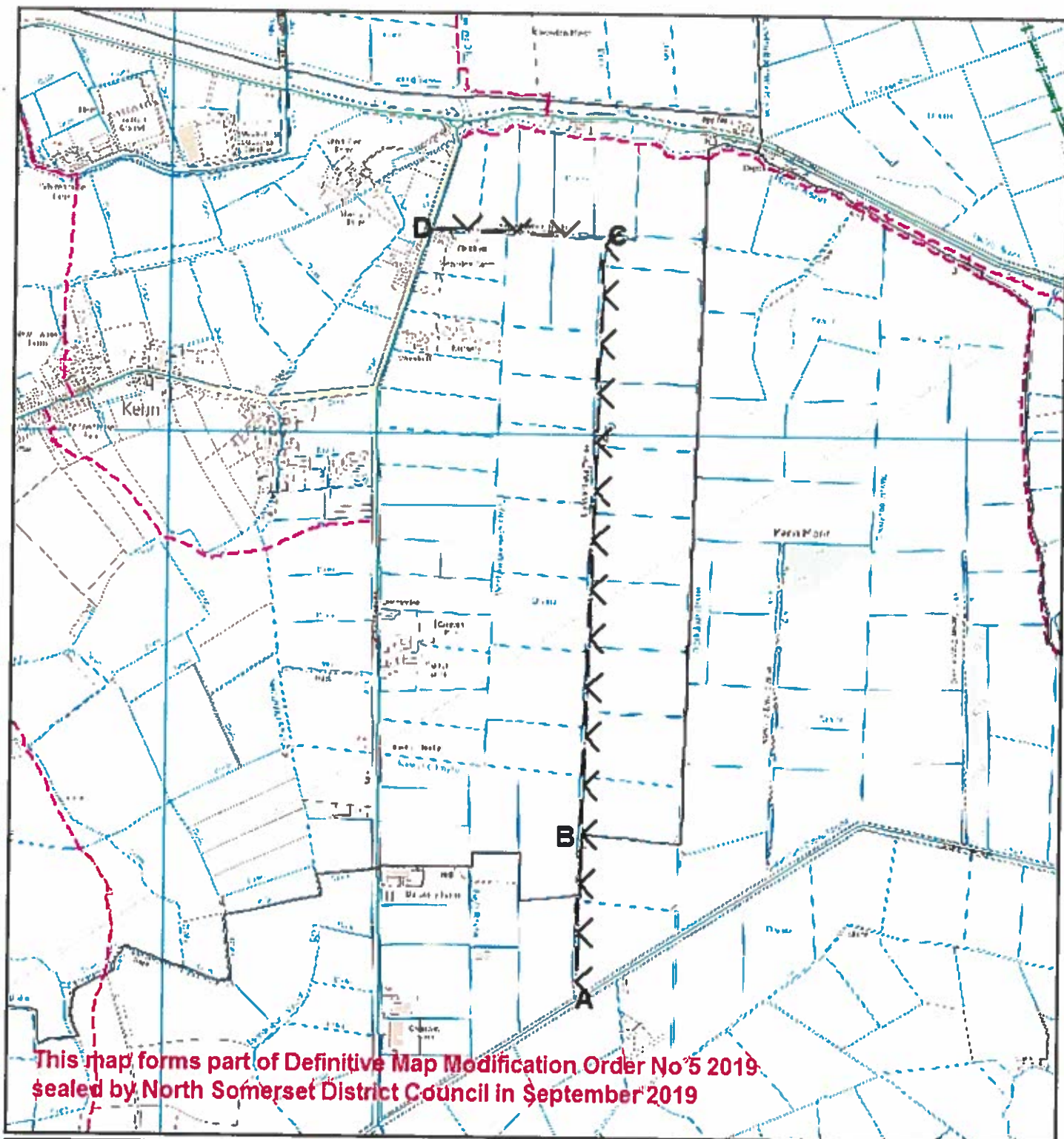
The unrecorded route known as Lillypool Drove commences from Point A (Grid Ref: ST42946 67705) at its junction with the adopted highway known as Claverham Drove in the Parish of Yatton and proceeds in a northerly direction for a distance of approximately 237 metres to Point B (Grid Ref: ST42954 68084) where it then passes into the Parish of Kenn. This section of the route will be known as Restricted Byway LA 21/46.

Description of Restricted Byway LA 10/8 to be added

The route then continues from Point B (Grid Ref: ST42954 68084) for a further distance of approximately 1510 metres to Point C (Grid Ref: ST42992 69453) then proceeds in a westerly direction for a further distance of approximately 395 metres to Point D (Grid Ref: ST42595 69467) terminating at its junction with adopted highway known as Kennmoor Road. This section of the route will be known as Restricted Byway LA 10/8.

The width of these Restricted Byways will be 7 metres as depicted on 1903 Ordnance Survey Map.

This route will be approximately 2142 metres in length and is shown on the attached map EB/Mod 61.



This map forms part of Definitive Map Modification Order No 5 2019
sealed by North Somerset District Council in September 2019

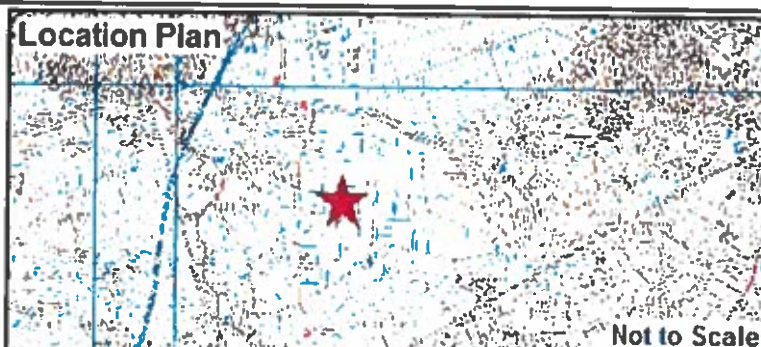
Wildlife & Countryside Act 1981 - Section 53 North Somerset District Council
**Restricted Byway LA21/46 Yatton and Restricted Byway LA10/8
Lillypool Drive Kenn Definitive Map Modification Order No 5 2019**



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

Location Plan



Scale 1:12,500



Date 23 September 2019

Grid Ref: ST4268

Map No. EB/Mod 61

A-B-C Restricted Byway
LA21/46 & LA10/8



PART II
Modification of Definitive Map and Statement

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	
Map No.	Class & Right of Way	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 61	Restricted Byway LA 21/46	Claverham Drove USRN 47804994	ST 42946 67705	North	Lilypool Drove USRN 47850365	ST 42954 68084	The unrecorded route known as Lilypool Drove commences at its junction with the adopted highway known as Claverham Drove in the Parish of Yatton and proceeds in a northerly direction for a distance of approximately 237 metres where it then passes into the Parish of Kenn. This section of the route will be known as Restricted Byway LA 21/46.	Wildlife and Countryside Act 1981 Modification of Definitive Map The addition of an unrecorded route to be known as Restricted Byway LA 21/46 Yatton and Restricted Byway LA 10/8 Lilypool Drove, Kenn	
EB/Mod 61	Restricted Byway LA 10/8	Lilypool Drove USRN 47850365	ST 42954 68084	North, West	Kennmoor Road USRN 47830087	ST 42595 69467	The route then continues for a further distance of approximately 1510 metres then proceeds in a westerly direction for a further distance of approximately 395 metres terminating at its junction with adopted highway known as Kennmoor Road. This section of the route will be known as Restricted Byway LA 10/8.		

WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53

NORTH SOMERSET DISTRICT COUNCIL
(RESTRICTED BYWAY LA 21/46 YATTON AND RESTRICTED BYWAY LA 10/8)
LILLYPOOL DROVE, KENN
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 5 2019

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, and for any vehicles other than mechanically propelled vehicles.

The claimed route was the subject of an investigation between Claverham Drove and Kennmoor Road following the submission of an application dated 13 January 2005. That application claimed that the route should be recorded as a Byway Open to All Traffic.

The route A-B-C-D commences at the junction of the adopted highway known as Claverham Drove, Point A, in the Parish of Yatton and proceeds in a northerly direction for a distance of approximately 237 metres to Point B where it then passes into the Parish of Kenn. This section of the route will be known as Restricted Byway LA 21/46. The route then continues from Point B for a further distance of approximately 1510 metres to Point C and proceeds in a westerly direction for a further distance of approximately 395 metres to Point D terminating at the junction of adopted highway known as Kennmoor Road. This section of the route will be known as Restricted Byway LA 10/8. This route is shown on the attached Order Map EB/Mod61.

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.

North Somerset Council's Rights of Way Sub Committee considered this application on 15 January 2019 and formally resolved that the claim for a Byway Open to all Traffic be declined but authorise the making of an order for Restricted Byway on the grounds that there is sufficient evidence.

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**.

<http://apps.n-somerset.gov.uk/cairo/committees/comidx204-2018.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 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
(Restricted Byway LA 21/46 Yatton and Restricted Byway LA 10/8)
Lillypool Drove, Kenn
Definitive Map and Statement Modification Order No 5 2019

The above Order made on 27th September 2019 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 Restricted Byway LA 21/46 and LA 10/8.

The route A-B-C-D commences at the junction of the adopted highway known as Claverham Drove, Point A, in the Parish of Yatton and proceeds in a northerly direction for a distance of approximately 237 metres to Point B where it then passes into the Parish of Kenn. This section of the route will be known as Restricted Byway LA 21/46. The route then continues from Point B for a further distance of approximately 1510 metres to Point C and proceeds in a westerly direction for a further distance of approximately 395 metres to Point D terminating at the junction of adopted highway known as Kennmoor Road. This section of the route will be known as Restricted Byway LA 10/8.

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.

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 **22nd November 2019** 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 9th October 2019

John Flannigan
Community and Environment Service Manager
North Somerset Council
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ