

Wildlife and Countryside Act 1981
Section 53

North Somerset District Council

(Part of Footpath AX29/48 and unrecorded route between
Drove Way Winscombe and Riverside Banwell)
Definitive Map and Statement Modification
Order No 2 2017

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

File ref: Mod 51

WILDLIFE AND COUNTRYSIDE ACT 1981

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

**NORTH SOMERSET DISTRICT COUNCIL
(PART OF FOOTPATH AX 29/48 AND UNRECORDED ROUTE FROM
DROVE WAY WINSCOMBE TO RIVERSIDE, BANWELL)
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO. 2 2017**

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 15 August 2017.
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 (Part of Footpath AX 29/48 and unrecorded route from Drove Way, Winscombe to Riverside, Banwell) Definitive Map and Statement Modification Order No.2 2017.

SCHEDULE

PART I

Modification of Definitive Map

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

Modification of part of Footpath AX 29/48 to Bridleway AX 29/86

The footpath AX 29/48 commences from point A (Grid Ref: ST41176 61755) on the adopted highway known as Drove Way and proceeds in a south westerly direction for a distance of approximately 674 metres to point B (Grid Ref: ST40745 61235). This section of the route will be known as Bridleway AX 29/86.

Description of Bridleway to be added

The Unrecorded route commences from point B (Grid Ref: ST40745 61235) and proceeds in a south westerly direction for a distance of approximately 543 metres to point C (Grid Ref: ST40440 60790). This section of the route will be recorded as Bridleway AX 29/86.

The route then continues from point C (Grid Ref: ST40440 60790) and proceeds in a westerly direction, for a distance of approximately 571 metres to point D (Grid Ref: ST39874 60716), which ends at an adopted highway known as Riverside. This section of the route will be recorded as Bridleway AX 3/59.

This route will be in total an approximate length of 1788 metres and is shown on the attached map EB/Mod 51.

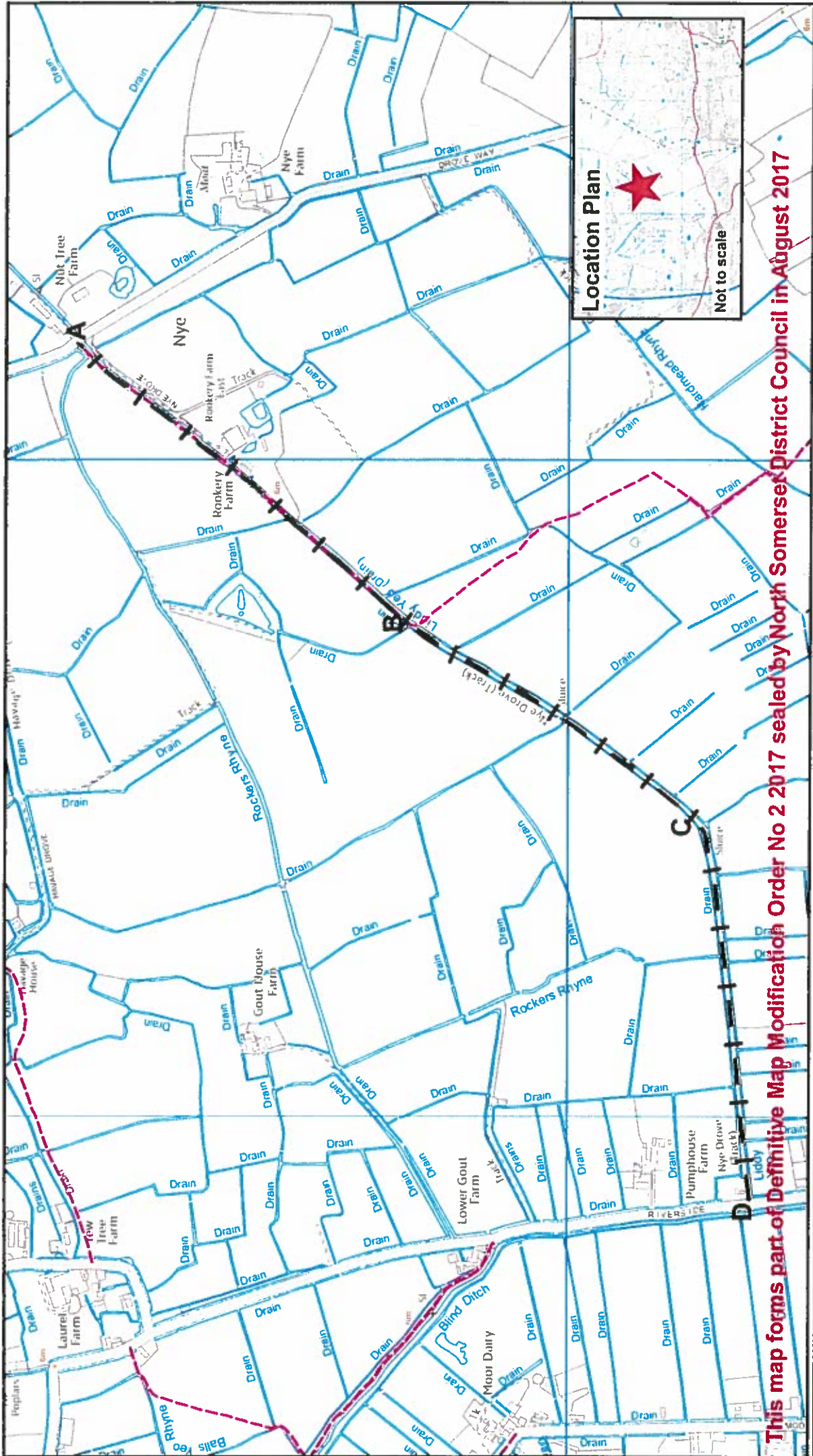
The width of this route is depicted on the OS Second Edition 1903 whereby the full length of the route is depicted as a bounded track. Between A and B the route has a width of 4 metres, between B and C the route is shown with a width varying between 6 and 7 metres, and between C and D the route is depicted with a width of 7 metres to its junction with Riverside.

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 51	Part of Footpath AX29/48 and Unrecorded route	Drove Way USRN 47816527	ST 41176 61755	South-westerly, west	Riverside USRN 47830144	ST 39874 60716	The footpath AX 29/48 commences from point A on the adopted highway known as Drove Way and proceeds in a south westerly direction for a distance of approximately 674 metres to point B. This section of the route will be known as Bridleway AX 29/86. The Unrecorded route commences from point B and proceeds in a south westerly direction for a distance of approximately 543 metres to point C. This section of the route will be recorded as Bridleway AX 29/86. The route then continues from point C and proceeds in a westerly direction, for a distance of approximately 571 metres to point D, which ends at an adopted highway known as	Wildlife and Countryside Act 1981 Modification of Definitive Map part of Footpath AX29/48 to become Bridleway AX29/86 and creation of Bridleway AX 29/86 and AX 3/59

Riverside. This section of the route will be recorded as Bridleway AX 3/59. This route will be in total an approximate length of 1788 metres and is shown on the attached map EB/Mod 51. The width of this route is depicted on the OS Second Edition 1903. Whereby the full length of the route is depicted as a bounded track. Between A and B the route has a width of 4 metres, between B and C the route is shown with a width varying between 6 and 7 metres, and between C and D the route is depicted with a width of 7 metres to its junction with Riverside.



This map forms part of Definitive Map Modification Order No 2 2017 sealed by North Somerset District Council in August 2017

**Wildlife & Countryside Act 1981 - Sec 53 North Somerset District Council
 Bridleway AX29/86 and AX3/59 Nye Drive
 Definitive Map Modification Order No 2 2017**



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

Map No. EB/Mod 51
Scale 1:7791
Grid Reference ST4061
Date 22 May 2017
Claimed Bridleway - | - | - | - | -
A-B-C-D

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Given under the Common Seal of North Somerset District Council on the 31st day of August 2017.

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

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FOR

HEAD OF LEGAL AND DEMOCRATIC SERVICES

Section 53 of the Wildlife and Countryside Act 1981
The County of Somerset Definitive Map and Statement
Axbridge Rural District

North Somerset District Council
(Part of Footpath AX29/48 and unrecorded route from Drove Way Winscombe to Riverside
Banwell)
Definitive Map and Statement Modification Order No 2 2017

The above Order made on 31st August 2017, if confirmed as made, will modify the definitive map and statement for the area by upgrading part of Footpath AX 29/48 and adding an unrecorded route recorded on to the Definitive Map for the area as Bridleway AX 29/48 and AX 3/59.

The footpath AX 29/48 commences from point A (Grid Ref: ST41176 61755) on the adopted highway known as Drove Way and proceeds in a south westerly direction for a distance of approximately 674 metres to point B (Grid Ref: ST40745 61235). This section of the route will be known as Bridleway AX 29/86. The Unrecorded route commences from point B (Grid Ref: ST40745 61235) and proceeds in a south westerly direction for a distance of approximately 543 metres to point C (Grid Ref: ST40440 60790). This section of the route will be recorded as Bridleway AX 29/86. The route then continues from point C (Grid Ref: ST40440 60790) and proceeds in a westerly direction, for a distance of approximately 571 metres to point D (Grid Ref: ST39874 60716), which ends at an adopted highway known as Riverside. This section of the route will be recorded as Bridleway AX 3/59. This route will be in total an approximate length of 1788 metres and is shown on the attached map EB/Mod 51.

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 Banwell Parish Council Offices, Banwell Parish Hall, Westfield Road, Banwell, and 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 **20 October 2017**, 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 7th September 2017

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



WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53

NORTH SOMERSET DISTRICT COUNCIL
(PART OF FOOTPATH AX 29/48 AND UNRECORDED ROUTE BETWEEN DROVE
WAY WINSCOMBE AND RIVERSIDE BANWELL)
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 2 2017

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.

Part of Footpath AX 29/48 is the subject of investigation following the submission of an application dated 9 July 2004. This application claims that part of Footpath AX29/48 and an unrecorded route should be added to the Definitive Map and recorded as a Bridleway. It is supported by written and 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. Their decision was received on the 21 March 2017 which directed North Somerset Council to make a determination.

The current Footpath AX 29/48 commences from the adopted highway known as Drove Way and proceeds in a south westerly direction for a distance of approximately 674 metres. This section of the route will be known as Bridleway AX 29/86. The Unrecorded route commences from the end of Footpath AX 29/48 and proceeds in a south westerly direction for a distance of approximately 543 metres. This section of the route will be recorded as Bridleway AX 29/86. The route then continues and proceeds in a westerly direction, for a distance of approximately 571 metres, which ends at an adopted highway known as Riverside. This section of the route will be recorded as Bridleway AX 3/59.

North Somerset Council's Rights of Way Sub Committee considered this application on 26 July 2017 and formally resolved that **"in respect of the claim that this footpath should be recorded as bridleway that there was sufficient evidence to support the claim and accepted to make an Order"**.

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 9 and Report 9.1**.

<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

