

Wildlife and Countryside Act 1981
Section 53

North Somerset District Council

(Addition of Footpath LA 6/18, Ruggs Lane Cleeve Woods) Cleeve
Definitive Map and Statement Modification Order No 1 2022

N P Brain *Assistant Director Legal*
~~Head of Legal and Democratic Services~~ *+ Governance*
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

File ref: Mod 57

WILDLIFE AND COUNTRYSIDE ACT 1981

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

**NORTH SOMERSET DISTRICT COUNCIL
(ADDITION OF FOOTPATH LA 6/18, RUGGS LANE CLEEVE WOODS) CLEEVE
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 1 2022**

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 the Secretary of State has directed under paragraph 4(2) of Schedule 14 of the Act that an order be made because it appears to the Secretary of State 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) that a right of way which is not shown on the map and statement subsist or is reasonably 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 March 2022.
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 (Addition of Footpath LA 6/18 Ruggs Lane Cleeve Woods) Cleeve Definitive Map and Statement Modification Order No 1 2022

Given under the Common Seal of North Somerset District Council on the 3rd day of March 2022

21/22-577

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



HEAD OF LEGAL AND DEMOCRATIC SERVICES
Assistant Director Legal + Governance

SCHEDULE

PART I

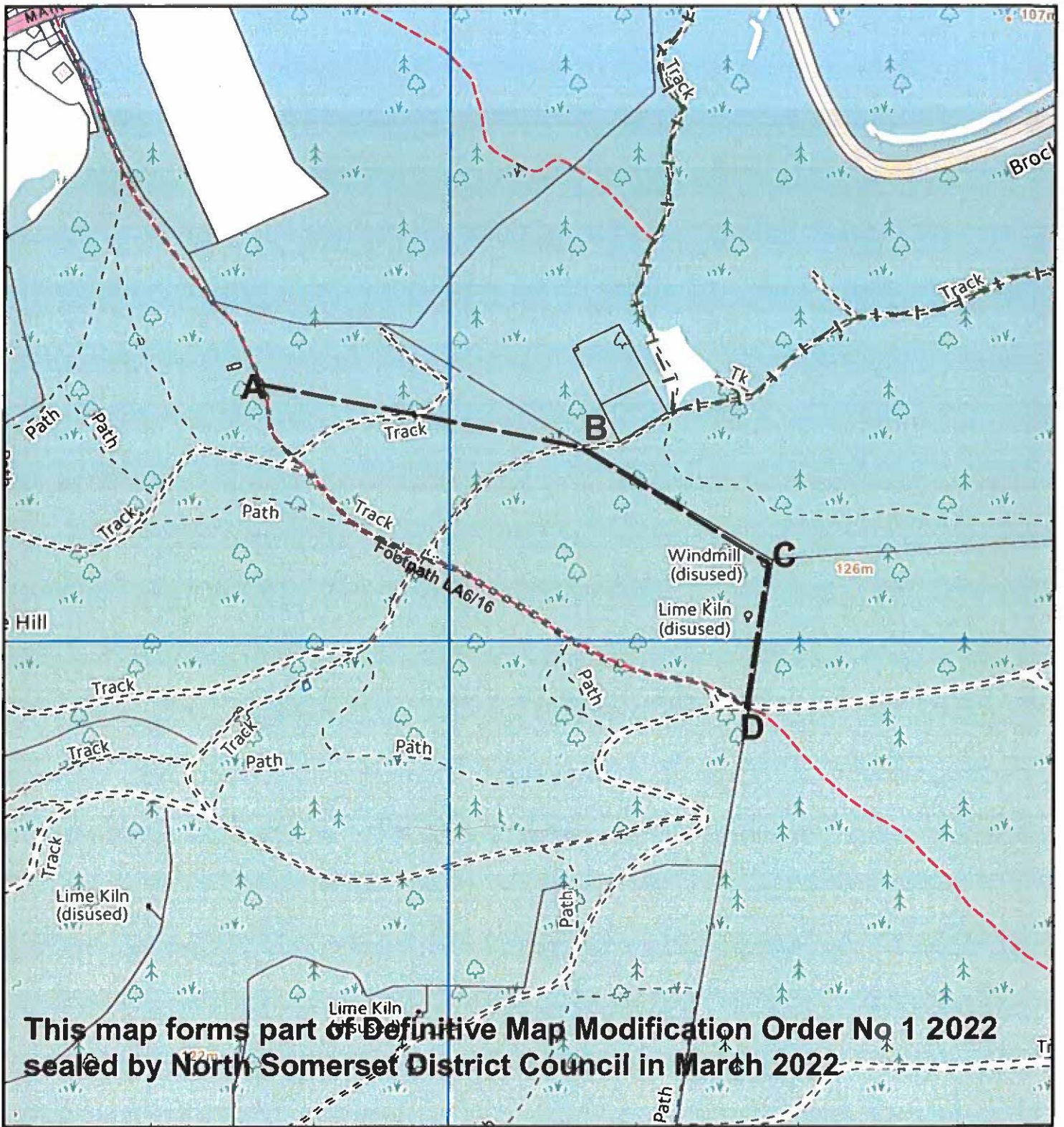
Modification of Definitive Map

Description of Footpath LA 6/18 to be added.

The route commences from the existing Footpath LA 6/16, Point A (Grid Ref: ST46826 66235) and proceeds in an east, south-easterly direction for a distance of approximately 304 metres to Point B (Grid Ref: ST47121 66177). The route then continues in a south-easterly direction parallel to the stone wall for a distance of approximately 204 metres to the disused windmill at Point C (Grid Ref: ST 47293 66072) and proceeds in a southerly direction for a further distance of 133 metres, terminating at Point D (Grid Ref: ST 47277 65940) joining back onto Footpath LA 6/16 as shown on the attached plan EB/Mod 57

The total distance of this Footpath is approximately 641 metres.

The width of this Footpath is as defined within the Yatton and Kenn Enclosure Award 1815 namely 6 feet in width.



This map forms part of Definitive Map Modification Order No 1 2022 sealed by North Somerset District Council in March 2022

Wildlife & Countryside Act 1981 - Section 53 North Somerset District Council

**Footpath LA6/18 Ruggs Lane Cleeve
Definitive Map Modification Order No.1 2022**

NSDC



Place Directorate
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 1:5000



Date 1 March 2022

Grid Ref.

Map No. EB/Mod 57

Claimed Footpath



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	
		From		General Direction	To		General Description of Route	Reason for inclusion
		County Road or Right of Way	Location (with bounding property Nos.)		County Road or Right of Way	Location (with bounding property Nos.)		
EB/Mod 57	Footpath LA 6/18	Footpath LA 16/6	ST 46826 66235	East, south-easterly, south	Footpath LA 6/16	ST 47277 65940	The route commences from the existing Footpath LA 6/16, and proceeds in an east, south-easterly direction for a distance of approximately 304 metres. The route then continues in a south-easterly direction parallel to the stone wall for a distance of approximately 204 metres to the disused windmill and proceeds in a southerly direction for a further distance of 133 metres, joining back onto Footpath LA 6/16.	Wildlife and Countryside Act 1981 Modification of Definitive Map Addition of Footpath LA6/18

WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53

NORTH SOMERSET DISTRICT COUNCIL, (ADDITION OF FOOTPATH LA6/18, RUGGS LANE CLEEVE WOODS) CLEEVE, DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 1 2022

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 have a right of way on foot only.

This route to be known as Ruggs Lane Cleeve was the subject of investigation following the submission of an application dated 1 August 2004. That application claimed that a route running through the parish of Cleeve should be recorded as a Bridleway.

North Somerset Council's Rights of Way Sub Committee considered this application on the 26th September 2018 and formally resolved that **“the relevant officer be authorised to reject the application relating to Mod 57 on the grounds that there is insufficient evidence to suggest that the routes A-B-D-E-F or B-C-D should be recorded as Bridleways.”**

The report that was considered by the Committee is available on the Council's website as **Report 8**.

<https://n-somerset.moderngov.co.uk/Data/Public%20Rights%20of%20Way%20Sub-Committee/201809261400/Agenda/8%20Mod%2057%20-%20Ruggs%20Lane%20Cleeve.pdf>

The applicant exercised their right to appeal to the Secretary of State for Environment, Food and Rural Affairs who on the 30 December 2019 directed North Somerset Council to make a Footpath Order. The Inspectors decision was reported to the Public Rights of Way Sub Committee on the 24th November 2020.

The report that was produced to the Committee is also available on the Council's website as **Item 7**.

<https://n-somerset.moderngov.co.uk/documents/s683/07%20Mod%2057%20Ruggs%20Lane%20Cleeve%20Secretary%20of%20State%20Direction.pdf>

The Order which is attached refers to the route contained within these reports as L-M-N-O as defined within the Yatton and Kenn Enclosure Award. For the purpose of the legal order these points are now to be known as A-B-C-D. The route is described as:

The route commences from the existing Footpath LA 6/16, Point A (Grid Ref: ST46826 66235) and proceeds in an east, south-easterly direction for a distance of approximately 304 metres to Point B (Grid Ref: ST47121 66177). The route then continues in a south-easterly direction parallel to the stone wall for a distance of approximately 204 metres to the disused windmill at Point C (Grid Ref: ST 47293 66072) and proceeds in a southerly direction for a further distance of 133 metres, terminating at Point D (Grid Ref: ST 47277 65940) joining back onto Footpath LA 6/16 as shown on the attached plan EB/Mod 57

The total distance of this Footpath is approximately 641 metres.

The width of this Footpath is as defined within the Yatton and Kenn Enclosure Award 1815 namely 6 feet in width.

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



Notice of Making of a Definitive Map Order

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, (Addition of Footpath LA6/18, Ruggs Lane Cleeve Woods) Cleeve, Definitive Map and Statement Modification Order No 1 2022

The above Order made on 3rd March 2022, if confirmed as made, will modify the definitive map and statement for the area by adding Footpath LA6/18 to the Definitive Map.

The route commences from the existing Footpath LA 6/16, Point A (Grid Ref: ST46826 66235) and proceeds in an east, south-easterly direction for approximately 304 metres to Point B (Grid Ref: ST47121 66177). The route then continues in a south-easterly direction parallel to the stone wall for approximately 204 metres to the disused windmill at Point C (Grid Ref: ST 47293 66072) and proceeds in a southerly direction for a further distance of 133 metres, terminating at Point D (Grid Ref: ST 47277 65940) joining back onto Footpath LA 6/16. The width of this Footpath is as defined within the Yatton and Kenn Enclosure Award 1815 namely 6 feet in width.

A copy of the Order and the Order Map, together with the explanatory statement can be viewed online at www.n-somerset.gov.uk/notices or a free copy can be obtained by emailing elaine.bowman@n-somerset.gov.uk or phoning 01934 427406.

Any representation or objection relating to the Order must be sent in writing addressed to Natural Environment Team, North Somerset Council at the Town Hall address below not later than **1st June 2022**, quoting the reference **Mod 57**. Please 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 20th April 2022

John Flannigan Head of Open Spaces, Natural Environment and Leisure

North Somerset Council, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ