

Date: 31 July 2020
My ref: LR/MOD 38
Your ref:
Contact: Miss Lucy Roca
Direct dial: 01934 427539
Email: Lucy.Roca@n-somerset.gov.uk



Mr B Poole
Clerk to Bleadon Parish Council
Coronation Hall
Coronation Road
Bleadon
BS24 0PG

Streets and Open Spaces
Natural Environment Team,
Public Rights of Way
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

DX 8411 Weston-super-Mare

Dear Mr Poole

**Wildlife and Countryside Act 1981 – Section 53 and Schedule 14
North Somerset District Council
(Addition of Bridleway AX 21/11 Loxton and Bridleway AX 18/11 Hutton) Upper
Canada Coombe
Definitive Map and Statement Modification Order No 3 2020**

Following the meeting on 26th November 2019, North Somerset Council's Public Rights of Way Sub Committee have considered this application and resolved that an Order should be made.

I enclose a copy of the Order which was sealed by the Council on 24th July 2020.

For your information I have also enclosed a copy of an Explanatory Statement regarding the history of this matter and the Notice that will appear in the Western Mercury on 6th August 2020.

It should be noted that the deadline for receipt of objections to the making of this Order is **Friday 18th September 2020**. Should you have any queries at all regarding this matter please do not hesitate to contact me.

Yours sincerely

Lucy Roca
Access Officer DMMO
Public Rights of Way

Enc: A copy of Modification Order No 3 2020, an Explanatory Statement and copy of Public Notice dated 6th August 2020.

*A great place to live where people, businesses and communities flourish.
Modern, efficient services and a strong voice for North Somerset.*

www.n-somerset.gov.uk
Town Hall, Weston-super-Mare BS23 1UJ



This letter can be made available in large print, audio, easy read and other formats.

Documents on our website can also be emailed to you as plain text files.

Help is also available for people who require council information in languages other than English. For more information contact the sender of this letter.

The content of this communication is meant for disclosure to the intended recipient(s) only. If you have received this in error, please notify the sender and destroy the communication without copying it or forwarding it.

You should be aware that all communications received and sent by this council are subject to the

Freedom of Information Act 2000

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

North Somerset District Council
(Addition of Bridleway AX 21/11 Loxton and Bridleway AX 18/11 Hutton)
Upper Canada Coombe
Definitive Map and Statement Modification Order No 3 2020

The above Order made on 24th July 2020, 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 Bridleway AX 21/11 and AX 18/11.

The route A-B-C commences at the junction of the existing Bridleway AX 21/10 in the Parish of Loxton, Point A, and proceeds in a west, north-westerly direction for a distance of approximately 409 metres to Point B where it then passes into the Parish of Hutton. This section of the route will be known as Bridleway AX 21/11. The route then continues from Point B in a north-westerly direction for a further distance of approximately 143 metres to a gate at Point C terminating at its junction with the adopted highway known as Canada Coombe. This section of the route will be known as Bridleway AX 18/11.

Due to current Covid-19 restrictions which have affected the opening of local offices, the Order and Order Map can only be viewed online at www.n-somerset.gov.uk/notices. Therefore, a free copy can be obtained by emailing lucy.roca@n-somerset.gov.uk or phoning Elaine Bowman on 01934 427406.

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 **18th September 2020** 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 6th August 2020

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

WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53

NORTH SOMERSET DISTRICT COUNCIL

(ADDITION OF BRIDLEWAY AX 21/11 LOXTON AND BRIDLEWAY AX 18/11 HUTTON)

UPPER CANADA COOMBE

DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 3 2020

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.

The claimed route was the subject of an investigation between Bridleway AX 21/10 and Canada Coombe following the submission of an application dated 6th September 1999. That application claimed that the route should be recorded as a Byway Open to All Traffic.

The route A-B-C commences at its junction with the existing Bridleway AX 21/10 in the Parish of Loxton and proceeds in a west, north-westerly direction for a distance of approximately 409 metres to Point B where it then passes into the Parish of Hutton. This section of the route will be known as Bridleway AX 21/11. The route then continues from Point B in a north-westerly direction for a further distance of approximately 143 metres to Point C terminating at its junction with adopted highway known as Canada Coombe. This section of the route will be known as Bridleway AX 18/11.

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 26th November 2019 and formally resolved that the claim for a Byway Open to all Traffic be declined but authorise the making of an order for Bridleway on the grounds that there is sufficient evidence.

The report that was considered by the Committee is available on the Council's website;

<https://apps.n-somerset.gov.uk/Meetings/ByCommittee/3/2019/11>

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



Wildlife and Countryside Act 1981
Section 53

North Somerset District Council

(Addition of Bridleway AX 21/11 Loxton and Bridleway AX 18/11
Hutton) Upper Canada Coombe
Definitive Map and Statement Modification Order No 3 2020

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

File ref: Mod 38

WILDLIFE AND COUNTRYSIDE ACT 1981

THE COUNTY OF SOMERSET DEFINITIVE MAP AND STATEMENT AXBRIDGE RURAL DISTRICT

NORTH SOMERSET DISTRICT COUNCIL
(ADDITION OF BRIDLEWAY AX 21/11 LOXTON AND BRIDLEWAY AX 18/11 HUTTON)
UPPER CANADA COOMBE
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 3 2020

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.

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 July 2020
2. The County of Somerset Definitive Map and Statement Axbridge 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 Bridleway AX 21/11 Loxton and Bridleway AX 18/11 Hutton) Upper Canada Coombe Definitive Map and Statement Modification Order No 3 2020

Given under the Common Seal of North Somerset District Council on the **24** day of July 2020

20/21-119

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



HEAD OF LEGAL AND DEMOCRATIC SERVICES
SCHEDULE

PART I

Modification of Definitive Map

Description of Bridleway AX 21/11 to be added

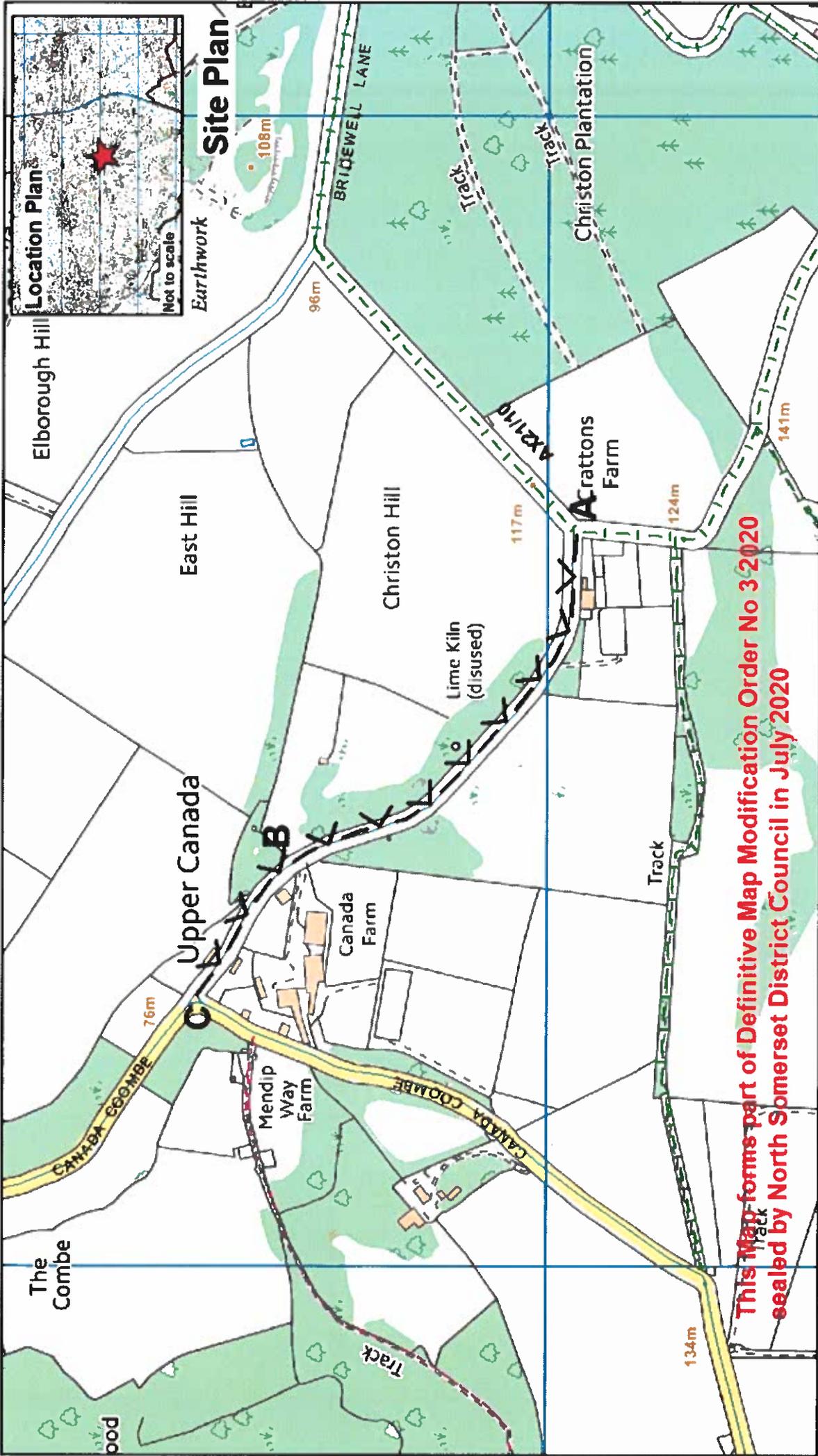
The unrecorded route known as Upper Canada Coombe commences from Point A (Grid Ref: ST 36634 57977) at its junction with the existing Bridleway AX 21/10 in the Parish of Loxton and proceeds in a west, north-westerly direction for a distance of approximately 409 metres to Point B (Grid Ref: ST 36349 58218) where it then passes into the Parish of Hutton. This section of the route will be known as Bridleway AX 21/11.

Description of Bridleway AX 18/11 to be added

The route then continues from Point B (Grid Ref: ST 36349 58218) in a north-westerly direction for a further distance of approximately 143 metres to a gate at Point C (Grid Ref: ST 36234 58303) terminating at its junction to adopted highway known as Canada Coombe. This section of the route will be known as Bridleway AX 18/11.

The width of these Bridleways has been defined by its depiction on the Country Series OS Map of 1903. That map shows a varying minimum width of 7 metres between Point A and Point B and a minimum width of 5 metres between Point B and Point C.

This route will be approximately 552 metres in length and is shown on the attached map LR/MOD 38.



This Map forms part of Definitive Map Modification Order No 3 2020 sealed by North Somerset District Council in July 2020

Wildlife & Countryside Act 1981 - Sec 53 North Somerset District Council
Bridleway AX21/11 Loxton and Bridleway AX18/11 Hutton
Definitive Map Modification Order No 3 2020.



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. LR/MOD38
Scale 1:4452
Grid Reference ST6679 - 6383
Date 15 July 2020

Claimed route - - - - -

AKS

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		To			
		County Road or Right of Way	Location (with bounding property Nos.)	County Road or Right of Way	Location (with bounding property Nos.)		
LR/Mod 38	Bridleway AX 21/11	Bridleway AX 21/10	ST 36640 57977	AX 18/11	ST 36351 58218	<p>The unrecorded route known as Upper Canada Coombe commences from Point A at its junction with the existing Bridleway AX 21/10 in the Parish of Loxton and proceeds in a west, north-westerly direction for a distance of approximately 409 metres to Point B where it then passes into the Parish of Hutton. This section of the route will be known as Bridleway AX 21/11.</p> <p>A Field and Bridleway Gate are located at Point A.</p>	<p>Wildlife and Countryside Act 1981</p> <p>Modification of Definitive Map The addition of Bridleway AX 21/11 Loxton and Bridleway AX 18/11</p>
LR/Mod 38	Bridleway AX 18/11	AX 21/11	ST 36351 58218	Canada Coombe USRN 47802813	ST 36236 58303	<p>The route then continues from Point B in a north-westerly direction for a further distance of approximately 143 metres to Point C terminating at its junction with adopted highway known as Canada Coombe. This section of the route will be known as Bridleway AX 18/11.</p> <p>The width of these Bridleways has been defined by its depiction on the Country Series OS Map of 1903. That map shows a varying minimum width of 7 metres between Point A and Point B and a minimum width of 5 metres between Point B and Point C.</p> <p>A Field Gate is located at Point C.</p>	