

WOODSPRING BRIDLEWAYS ASSOCIATION

New evidence to show that the owners of land crossed by AX 16/31 had agreed as far back as 1925 that the route was a public bridleway and that Congresbury Parish Council acted in error when it put this route on the Definitive Map as a foopath and not a bridleway.

Document 1: A copy of an agreement between Bristol Municipal Charities and Donald Harvey signed in 1925 plus photos of the accompanying map.

This agreement established rights of way for the Trustees, their agents and workman to use certain routes across land owned by Donald Harvey to adjacent public highways 'over and along the roads and paths coloured in blue on the said Ordnance Map'.... 'either with or without carts motor vehicles horses and other animals'

The accompanying map shows the routes marked in blue running up to AX 16/31 but the actual track itself is not coloured in which shows that both parties accepted that this was already public route which could be used by carts, motor vehicles horses or other animals and that BMC did not have to obtain permission from Donald Harvey to use it.

Document 2: A photo of a map from the W and A K Johnston Ltd London to Edinburgh Road Atlas 3 miles to 1 inch published in 1940.

This clearly shows AX16/31 as a route with the same status as other minor roads in the area

Document 3: A photo of a map from the Road Atlas for Great Britain by W and A K Johnston and G W Brian Ltd 3 miles to 1 inch reprinted in 1964, 65 and 66 for motoring, cycling and hiking.

Again this shows the route as having the same status as other minor roads in the area.

Document 4: A photo of map 17 from the Motor Coloured and Contoured Map of England and Wales published by W and A K Johnston 3 miles to 1 inch in 1966.

Again it clearly shows the route as having the same status as other minor roads in the area.

Document 5: A copy of a letter from Donald Harvey to Col Towill, BMC, dated May 3rd 1952.

This letter says that Mr Harvey had discussed the matter of public rights of way with his employees Frank Porter and his son - who lived at Woolmers between 1924 and 1949 - and had

reached the following agreement: "we submit that prior to 1940 there was always a recognised footpath from No 32 at 'The Ball to the Bridle Path No 31." (At the public inquiry Mr Porter's daughter gave evidence that her father often came home furious because riders had trespassed in the woods. Urch's solicitor took this to show that there was no bridleway in the woods, but this letter proves that Mr Porter had been consulted - and had agreed that AX16/31 was a bridleway from before 1940)

Document 6: A copy of the BMC minutes May 1952.

This shows that BMC acknowledged the route was a bridleway and that this was not just a personal view expressed by Colonel Towill.

Document 7: Copy of an undated report of a survey of BMC land at Congresbury made by Nelson Rooke, a Chartered Surveyor and Land Agent prior to its sale.

Page 3: "Public footpaths and bridlepaths (shown in yellow) and Rights of Way (shown in blue)". This shows that an independent surveyor acknowledged there were public bridleways in the woods.

Document 8: Copy of BMC particulars of Congresbury woods which they were proposing to sell.

"Public footpaths and bridle paths are shown on the attached plan." This shows that BMC agreed there were public bridleways in the woods.

Document 9: Copy of a letter from Nelson Rooke to Col Towill, BMC, dated 13th February 1956.

Three public rights of way are referred to in the letter:
a. Westwards from Woolmers to Star Inn, b. Southwards from the south end of Ball Wood to Cleeve - Wrington Road and c. From Ball Wood westward through Urchinwood to Bridle Path.

Document 10: Copy of reply from Col Towill to Mr Rooke dated 16th February 1956.

"The three public rights of way ...must be included in the sale...they have been rights from time immemorial".

If these routes, one of which is described as running to the Bridle Path, are considered as being rights of way from time immemorial then so too must the bridle path.

Document 11: Copy of letter from John D Wood and Co to Col Towill, dated 20th February 1956.

Document 12: Copy of letter from Col Towill to John D Wood and Co dated 21st March 1956.

This letter again reiterates BMC's rights over the routes marked in blue in the 1925 agreement with Donald Harvey. Col Towill says: "The Trustees have from time immemorial had the rights to haul timber of these routes. They have of course owned the land since the sixteenth century and their rights as Lords of the Manor of Congresbury rest on ancient usage."

Later in the letter he says that neighbours to the south have been given permission to use the routes "so that they could extract timber via the bridle paths and out of our woods at the Corporation Cottage entrance."

As the owners of the woods from the sixteenth century, it would seem obvious that BMC would have known exactly which were public rights of way over their property and what the status of those routes were.

Doc. 1
Dated 2nd March 1925.

The Trustees of the Bristol
Municipal Charities
(Queen Elizabeth's Hospital
Foundation)

and

ROBERT DONALD HARVEY
Esq.

A G R E E M E N T

as to rights of way through
certain Woods and land at
Congressbury in the County of
Somerset.

M E M O R A N D U M O F A G R E E M E N T made the Second day of
March One thousand nine hundred and twenty five BETWEEN HERBERT
MIDELTON BAKER CHARLES THEODORE BUDGETT JOHN KENRICK CHAMPION
HERBERT EDWIN CHATCOCK Esquires SIR ERNEST HENRY COOK Knight
CHARLES HUGH BABINGTON ELLIOTT ROGER FORD ALBERT MAGNUS FRY
CHARLES EDWARD LEY GARDNER EDMUND AMEROSE KING ALFRED NEWELL PRICE
FRYWICK RICHARDS KOSSUTH ROBINSON FRANK SHEPPARD FRANK HEATON
TRIBE HAMILTON WILFRED KILLIGREW FAIT JOHN GLADSTONE WILLS and
WALTER MELVILLE WILLS Esquires all of or near the City and County of
Bristol the Trustees of (amongst other the Municipal Charities of the
City of Bristol) a certain Charity called Queen Elizabeth's Hospital
Foundation (hereinafter called "the Trustees" which expression shall
be deemed to include the survivors and survivor of them or other the
Trustees for the time being of the said Charity and their assigns by
Wilfrid Leighton their Secretary and duly authorised Agent) of the
one part and ROBERT DONALD HARVEY of Link Cottage Burrington
in the County of Somerset Gentleman of the other part WHEREAS the
Trustees are seised in unincumbered fee simple in possession of
certain land and Woods at Congresbury in the County of Somerset part
of which are shewn in the annexed Ordnance Map and thereon edged
pink AND WHEREAS the said Robert Donald Harvey is seised in un-
incumbered fee simple in possession of the adjoining land and Woods
also shewn on the said Ordnance Map and thereon edged yellow AND
WHEREAS questions having arisen as to the rights hitherto enjoyed by
the Trustees over the private Roads and paths belonging to the said
Robert Donald Harvey the parties have determined with a view to
settling such questions to enter into the agreement hereinafter
contained NOW IT IS HEREBY AGREED AND DECLARED by and between the
parties hereto as follows:-

1. THAT the Trustees their agents and workmen are entitled to a
right of way for the purposes of carting timber and stone only from
the Woods belonging to the Trustees to the adjacent public highways

Ordinance Map as the said Robert Donald Harvey doth hereby admit and acknowledge.

2. THAT the Trustees their Tenants licensees owners and occupiers for the time being of the Cottages and land at Woolmers shewn on the said Ordinance Map are entitled for all purposes connected with the use and enjoyment of the said Cottages to pass and repass over and along the roads/^{and paths} coloured blue on the said Ordinance Map and either with or without carts motor vehicles horses and other animals as the said Robert Donald Harvey doth hereby admit and acknowledge.

3. THAT the said Robert Donald Harvey is entitled to a right of way for all purposes over the small piece of land coloured red on the said Ordinance Map between the public roadway and the two entrances to his Land and Woods coloured yellow on the said Ordinance Map as the Trustees do hereby admit and acknowledge.

AS WITNESS the hands of the parties the day and year first before written.

WITNESS to the signature of the
said Robert Donald Harvey

R. D. HARVEY.

Arthur H. Baggs,
Clerk to Messrs. Page & Co.
Solicitors, Bristol.

SECOND EDITION 1903
SHEET No XLV

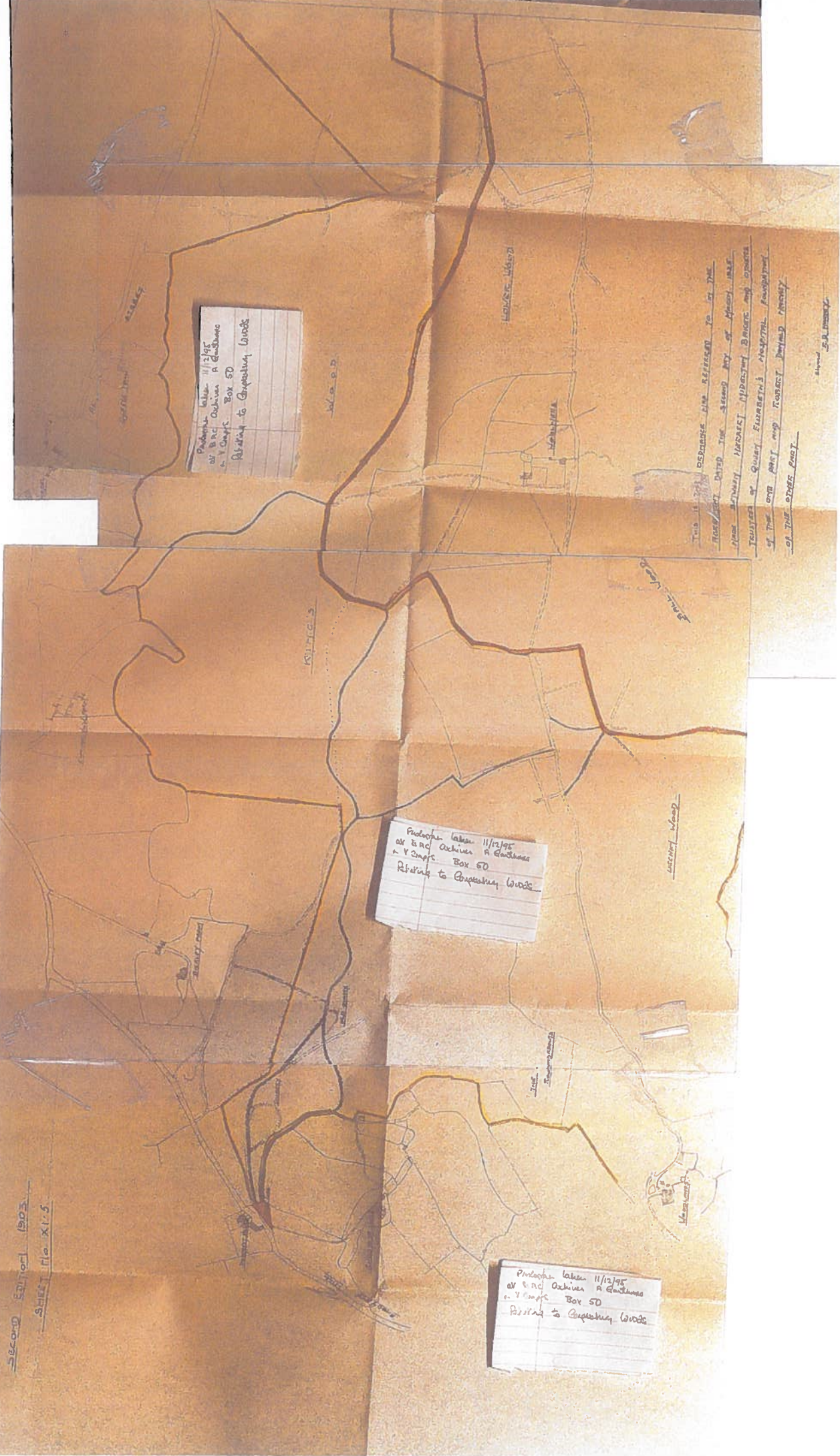
Probes taken 11/2/95
at Enc Oakview A Goshens
- Y Camp Box 50
Referring to Chesapeake Woods

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- Y Camp Box 50
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at Enc Oakview A Goshens
- Y Camp Box 50
Referring to Chesapeake Woods

This is the drainage line referred to in the
Note dated the 22nd day of March, 1885
above entitled HERBERT HUBBERT'S BROTHERS and SISTER
TRUSTEES of QUAKER FARMERS' TRUST, INCORPORATED
of the one part and ROBERT JAMES HUBBERT
of the other part.

Wm. S. HUBBERT



Continued on Map 66

B
R
I
D

PRODUCED BY TIM STEVENS.



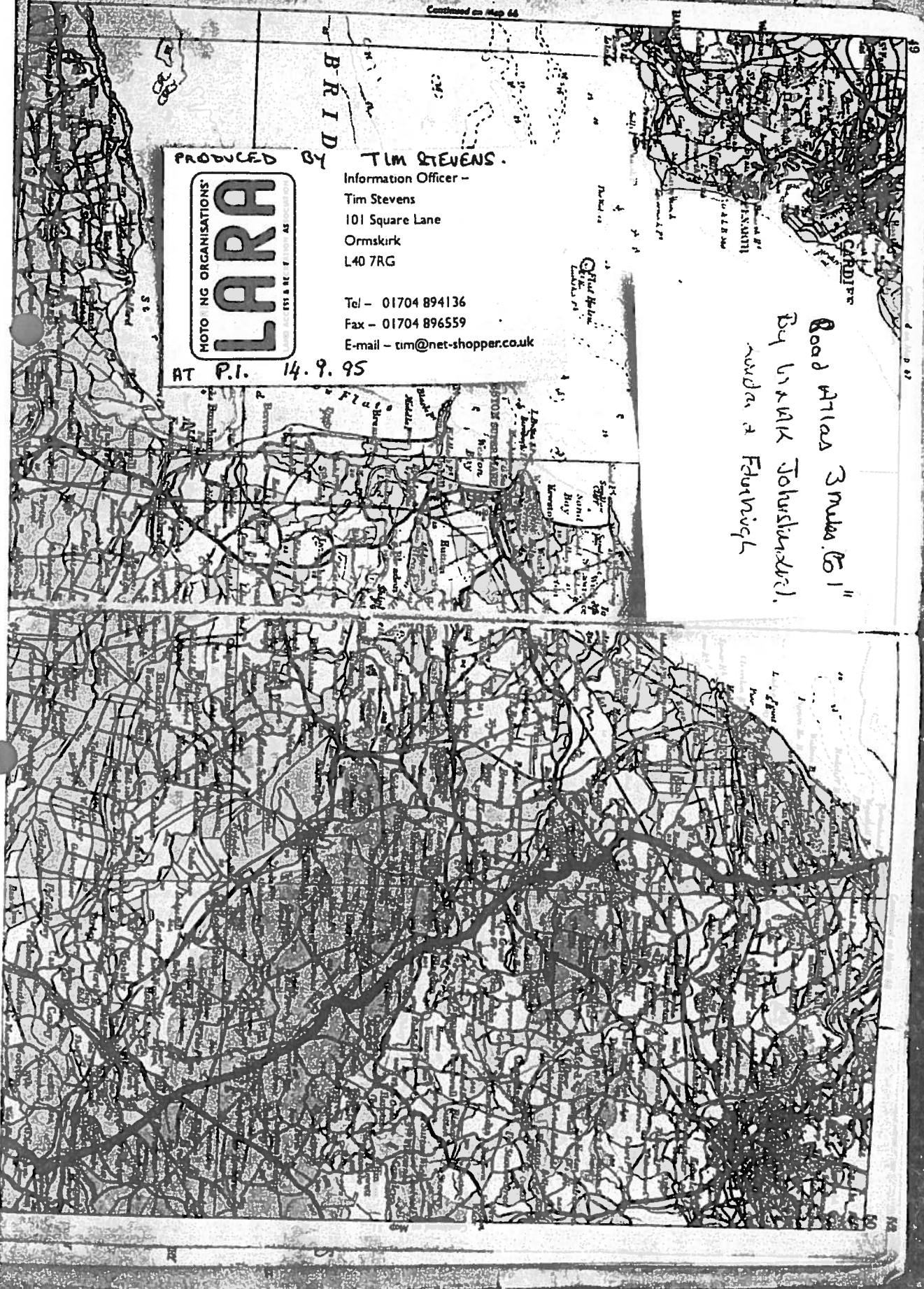
Information Officer -
Tim Stevens
101 Square Lane
Ormskirk
L40 7RG

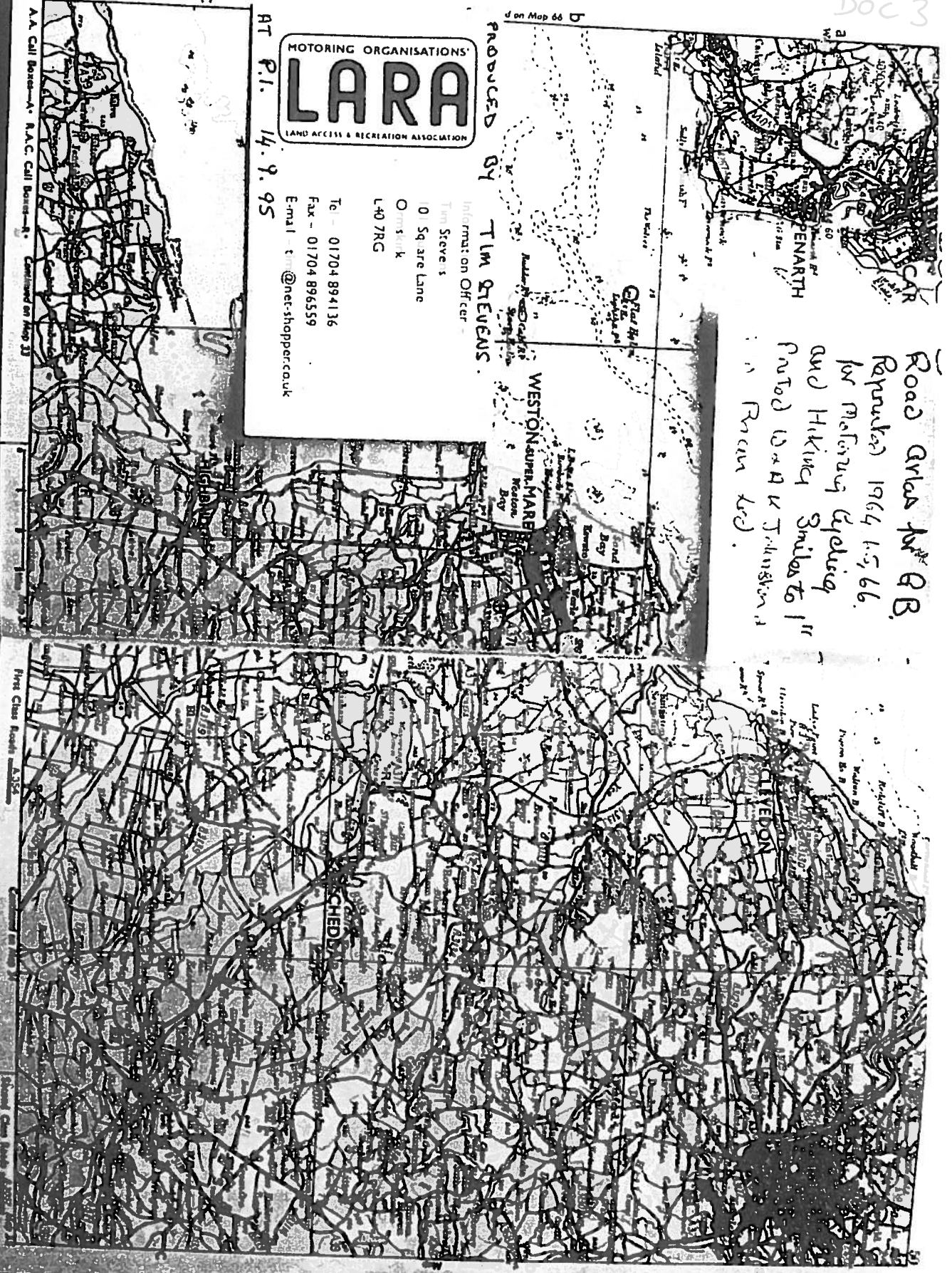
Tel - 01704 894136
Fax - 01704 896559
E-mail - tim@net-shopper.co.uk

AT P.I. 14.9.95

By UNRAK Johnsonskiel.
Roda + Fairwigh
Road Africa 3miles to 1"

Doc 2





Road Atlas for GB.
Reprinted 1964 1.5, 66.
for Motoring Cycling
and Hiking Smiles to 1"
1:100,000 & 1:250,000
in Green led.

MOTORING ORGANISATIONS
LARA
LAND ACCESS & RECREATION ASSOCIATION

PRODUCED BY TIM STEVENS

AT P.I. 14.9.95

Information on Officer
Tim Stevens
0 Sq are Lane
Oreston
L40 7RG
Tel - 01704 894136
Fax - 01704 896559
E-mail - tim@net-shopper.co.uk

AA Call Boxes - A - RAC Call Boxes - R - Continued on Map 33

First Class Road 1:50,000

Second Class Road 1:250,000

DOC 4

DOC 4

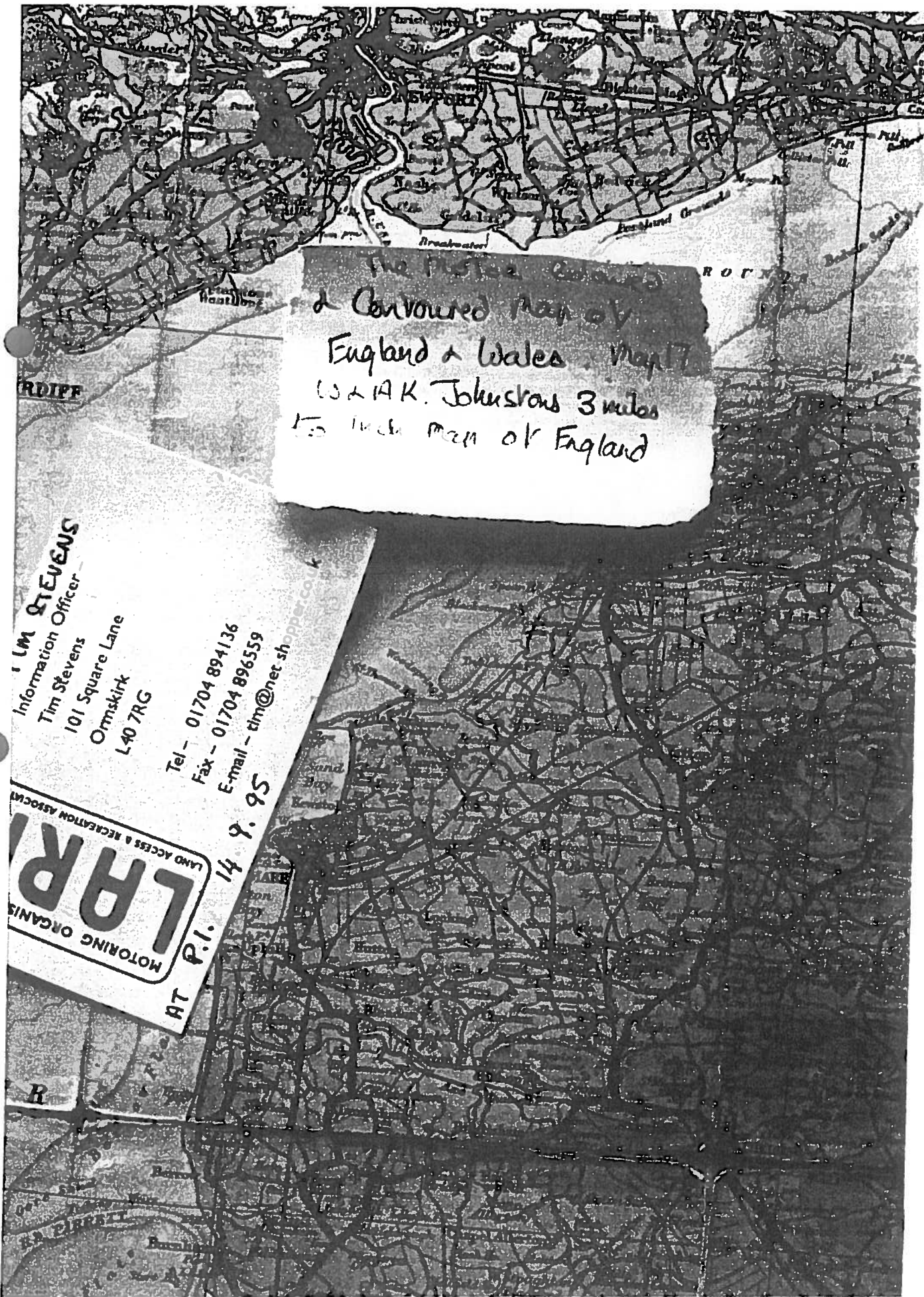
The Historic
 & Contoured Map of
 England & Wales, Map 7
 (S & A.K. Johnsons 3 miles
 to Inch Man of England

TIM STEVENS
 Information Officer
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 101 Square Lane
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14 9 95

MOTORING ORGANISATIONS
LRR
 LAND ACCESS & RECREATION ASSOCIATION
 AT P.I.



- DOC ~~5~~ 5

THE WOODLANDS
CONGRESBURY
NR. BRISTOL
SOMERSET
YATTON 2222

May 3rd, 1952.

Lieut Col F.H. Towill,
Bristol Municipal Charities,
Orchard Street, Bristol. 1.

Re Footpaths.

Dear Colonel Towill,

I acknowledge your letter of the first instant, and am obliged for the copy of your letter of the same date to Mr F. Gosling regarding Footpaths through your Trustees' Woods, and those of mine adjoining. I have since gone into the matter with Mr Gosling and my Solicitor (Mr Leslie Fryer of Wrington), and together with the evidence of Mr Frank Porter and his son - who lived at Woolmers from March 1924 to 1949 (25 years) and are both still in my employment - we submit that prior to 1940 there was always a recognized footpath from No 32 at "The Ball" to the Bridle Path No 31 at Woolmers and on to the Parish ^{boundary} at Kingswood, and then over my land (Ordnance No 668) by the Footpath known as Church Path, to Oleeve and the Bristol Road opposite Rhodyate Garage. Your Trustees have no agreement with me regarding the use of this footpath, which to my knowledge has always been recognized as a public right-of-way (although seldom used) for the past 28 years.

The Agreement entered into with the Trustees in 1925 has reference to the road from Woolmers - immediately north of the Parish boundary - and coming out to the Bristol road directly opposite the Star Inn, at the top of Rhodyate Hill.

(2)

I think you will find that there is a separate Agreement dealing with the small triangular piece of land at the entrance to my King's Wood property opposite the Star Inn. This Agreement is with my Solicitor, so I cannot refer to it, but my recollection is that I entered into it when Mr Warren Jane relinquished the right when he left Rhodyate Lodge.

The Ordnance Survey Maps of 1903 and the Revision of 1936, differ in many respects from the Survey of 1883, and from one another over footpaths, and whilst I am fully aware that the representation on the Maps of a Road, Track or Foot-path, is no evidence of the existence of a right of way, it would be most interesting to know if any of the paths in dispute are mentioned in the Deeds of Conveyance or Documents in the Trustees' possession?

As you probably know, I have objected to the use of some private paths on my property, and for 27 years have always locked the big gate (opposite the Star Inn) every Easter, and have placed Notice-boards and rails to try and prevent riders from galloping over the woods, and in this connection you may be interested in an extract from the Weston Mercury of April 25th last, of my reply to a Mr Parson of Claverham, who claimed rights of way over my Congresbury & Cleeve property. He has not replied to my arguments, but in case he does I should be obliged if you would return the cutting.

If you would care to discuss this matter further with Mr Gosling, the Porters and myself, perhaps you would arrange a meeting here, when we could further study the Survey Maps and straighten out our differences.

Yours sincerely,

Encls

1 St. Michael's 249. 57 St. Michael's Hill. It was reported that Mr. Hurley, one of the Hill-unauthorized of the above property, had returned the keys of the property on 21st March, having vacated the property on the 17th March. There were two unauthorized occupants in part of the premises. It was noted that the Tenancy Agreement was a quarterly one, and that the property was now for rent, which was £10 per annum exclusive of rates up to 24th September. It was, however, decided to accept the surrender of the tenancy and to offer the property to Mr. J.R. Bight, of 9 Lippin Street, Berkeley Place. (Previous Minute No. 213). (Foster)

DOC 6

Country Property - Country Property:

Congresbury Estate. Congresbury Estate:

250. Woods - Footpaths. The Secretary reported that on 15th May he had met Mr. F. Gooling (representing Congresbury Parish Council) and Mr. R. D. Harvey of Woodlands Congresbury, regarding the footpaths through the woods which are claimed to be public rights of way, and it had been agreed that there are only two public rights of way through the Trustees' Woods, viz:

- (1) A bridlepath from Corporation Cottage to the Congresbury - via road near vicarage.
- (2) A footpath from "The Bull" to immediately west of "Wardens" and thence North to Cleave.

Approved. (Previous Minute No. 217) (

Portsmouth Estate - Portsmouth Estate:

251. East Wood. It was reported that Portsmouth Urban District Council had, subject to the approval of the Ministry of Housing and Local Government, agreed to purchase two small pieces of woodland, being part of East Wood, which have an area of approximately 2a. 3r. 33p. for £100, subject to the conditions previously mentioned. The Secretary stated that he had provisionally instructed Messrs J.F. Sturge and Sons to undertake the valuation of the land in question and

DOC 7

DOC 7

CONGRESBURY WOODS.

The Property of - Bristol Municipal Charities, Orchard Street,
College Green, Bristol.1.

REPORT AND CERTIFICATE.

As Chartered Surveyor and Land Agent employed by Bristol Municipal Charities, I, Nelson Rooke, a member of the firm of Rooke, Hobbs & Company, Chartered Surveyors and Chartered Land Agents, of the Estate Office, Badminton, Gloucestershire, and Swansea, Glamorganshire, now report, certify and recommend as follows:

REPORT:

1. Description:

219.774

This woodland property is approx. 220 acres in extent. The greater part of the woods are planted with conifer and hardwood trees of ages varying from about 55 years to recently-planted areas.

Subject to the
Included, are two woodmen's cottages occupied by the Head Woodman and an assistant Woodman upon service tenancies.

Also included is a small area of arable land, O.S. No. 118, 2.339 acres, let to Mr. A. Pope on an annual agricultural tenancy at a rent of £6. per annum. It is understood that the tenant would be willing to give vacant possession if requested.

(c) The shooting is let to Mr. E. P. King at £10. per annum.

(d) The Central Electricity Authority makes an annual payment of £2. 5. Od. in respect of an electric transmission line comprising two steel towers and one leg of a third tower carrying high voltage overhead cables, with a clearance area of about 1½ acres.

(e) Grass keep in the orchard O.S. No. 40 and on part of O.S. No. 42 is let from time to time and is at present taken by Mr. E. Garrett.

Except for these lettings, the property is in hand.

The situation of the property is in the County of Somerset about 12 miles South-West from Bristol City, in the Parish of Congressbury.

The woods are of a mean altitude of approx. 500 feet, and have a general North-West aspect.

The soil is of a medium loam (red marl) character, overlying limestone rock similar to that which forms the main structure of the adjacent Mendip Hills and which at certain points, outcrops on the Estate.

219.774
18/10

Attached is a schedule showing the areas comprised in the proposed sale.

Apart from about 10 acres of Oak standards planted some 80 to 90 years ago, and a similar area of scattered Beech, Sycamore and other mature or near mature trees, the remaining plantations, mainly of Conifers, but with some hardwoods have been planted progressively during the past 35 years. The last compartment was planted in 1954, and it will be necessary to await clearance or partial clearance of some of the standing timber, before further extensive planting can be carried out.

Many of the areas planted 20 to 35 years ago required thinning at an earlier stage and would have shown better growth had they received earlier attention in this respect.

Several of the better parcels were felled by Government Order during the last war, but these areas have in the main been replanted.

Some 10 to 15 acres are steep and rocky and are not capable of being planted.

Land adjacent to the Woodmen's cottages is suited to nursery purposes and has been so used.

Of the 2 cottages; the South one has 4 bedrooms, 2 living rooms, kitchen, etc.

The North cottage has 3 bedrooms and 2 living rooms.

Both are supplied by water from a well in O.S.No.36.

The larger cottage is occupied by Mr. Knight, Head Woodman, and the smaller by Mr. Loveridge an under-woodman.

The attached plan, being part of the Ordnance Survey Map 1/2500 Somerset Sheets, No. XI.5, (Revision of 1936); XI.6, (Second Edition 1903) and XI.9, (Second Edition 1903), shows, verged red, the area comprised in the proposed sale.

Description and Ownership of boundaries is (so far as known to us) as follows:

The boundaries of the woodlands include about 2,130 yards of dry stone walls which will belong to the purchasers and are not in good order and are generally not stock proof. The adjoining owners have however, in every case fenced against their own stock. Considerable repairs to these walls are required now and they are a potential source of liability in the future. There are also about 617 yards of unlaid hedges adjoining agricultural land which generally are not stock proof, but again the adjoining owners have fenced against their own stock.. The North boundary of Lower Wood which follows the Parish boundary, is open and there are the remains of an old stone wall in places. Part of the West boundary of Ball Wood is also open and comprises a bank at the West end of the larch plantation. The remainder of this boundary Northwards is open and undefined except by boundary stones placed at intervals. The East boundary of Ball Wood is also open and follows the East side of the ride but is undefined on the ground for the last 277 yards, where it cuts straight through the woodland.

NOTE:

Description (contd):

Other sections of the boundary, mainly adjoining Kings Wood are marked by a bank and ditch only. The Beech hedges on either side of Plunder Street will belong to the purchaser. Parts of the boundary require clearing as it is becoming overgrown and difficult to find.

X Public Footpaths and bridlepaths (shown in yellow) and Rights of Way (shown in blue) are assumed by us to be timber extraction routes. (X)

The area of arable land let to Mr. A. Pope is shown edged green.

The approximate areas of the woodland compartments are verged with black broken lines. (X)

2. OUTGOINGS:

X Tithe Rent Annuity £2. 2. 8d.

Land Tax None.

Rates:

Cottage No.1.	Old Assessment.	Gross Value.	£9.	R. Value	£5.		
	New	"	"	£13.	"	£8.	
"	" 2.	Old	"	"	£10.	"	£6.
	New	"	"	"	£13.	"	£8.

Poundage 1956. 16/6d. in £1.

Present Wages Bill amounts to £15.14. 0d. per week gross, and two rent free cottages.

Taxation:

Bristol Municipal Charities are not assessed to Income Tax and of course do not bear Estate and Succession Duty.

Conversely, the benefits from Income Tax and Estate Duty concessions as applied to woodlands are not receivable by them.

Costs of Planting:

The total cost of planting and maintaining these woodlands over the past thirty five years to 31st March 1956 was £6,742. all of which has been charged against the income of Queen Elizabeth's Hospital.

3. EFFECT OF SALE:

The proposed sale would provide a substantial lump sum for the purpose of Bristol Municipal Charities, which if invested in Trustee Securities should at present investment rates provide an income of nearly £700. per annum.

Brief Particulars of Congresbury Woods, Somerset, which belong to the Trustees of Queen Elizabeth's Hospital, Bristol, and which they are proposing to sell.

(Reference: O.S. Map 1/2500, Somerset Sheet XI.5 (1936 Rev.) XI:6 (Second Edition 1903) and XI.9 (Second Edition 1907))

1. Brief description of Property.

Congresbury Woods, which are commercial woodlands, are situated in the parish of Congresbury, Somerset, some 12 miles south-west of Bristol, and 8 miles from Weston-super-mare. The area is approximately 220 acres, and is hatched red on the attached plan.

The greater part of the Woods are planted with conifer and hardwood trees, with ages varying from 85 years to recently-planted areas; details are at Appendix A.

Included in the sale are two woodman's cottages, which are in good condition (one has 4 bedrooms, 2 living-rooms and kitchen, etc., and the other 3 bedrooms and 2 living-rooms) One is occupied by an assistant Woodman on a service occupancy, the other is empty, having just been vacated, and is ready for immediate occupation. Adjacent to the cottages are the nurseries, some of which are used to grow Christmas trees (Norway Spruce).

A small area of arable land, O.S.No.108, 2.339 acres, is let to Mr.A.Pope, The Homestead, Cleeve, near Bristol, on an annual agricultural tenancy at a rent of £6 per annum; the tenant has intimated that he is willing to give possession if required.

The shooting is let to Mr.E.P.King, Uplands, Wrington, near Cleeve, at £10 per annum.

The Central Electricity Board makes a payment of £2. 5. 0. per annum in respect of wires passing through the Woods and the clearance area below them.

The grass keep and orchard, O.S.40 and Pt.O.S.42, is let from time to time, and is at present taken by Mr.J.Garrett.

Apart from the above lettings the property is in hand, a considerable area having been planted over the past 35 years. The Woods have NOT been dedicated.

2. Boundaries.

The Woodlands are bounded in part by dry stone walls, which will belong to the purchasers.

Public footpaths and bridle paths are shown on the attached plan.

The timber extraction routes are good.

DOC 9

DOC 9

Estate Office.

TELEPHONE: BADMINTON 203

Wilder.

JOKE. HOBBS & CO.

CHARTERED LAND AGENTS
CHARTERED SURVEYORS

NELSON ROOKE, F.R.I.C.S., F.L.S.
R. A. HOBBS, F.R.I.C.S., F.L.S.

G. W. SHELLARD, A.R.I.C.S.

Nr/RAW.

Dear Colonel Powell,

J.D. Wood's
13 Bredgely,
Linn W

13th February, 1956.

- Rf SWB/F. 14th Feb

ESTATE OFFICE.

BADMINTON,

GLOUCESTERSHIRE

(AND AT SWANSEA, GLAM., TEL 66183)

Congresbury Woods.

Messrs. J.D. Wood's Surveyor acting for Messrs. Wrightson have asked the following questions.

Can you kindly enable me to reply?

With regard to No.10, I will let you know shortly what my fee is likely to be.

1. Are the following three rights of way to be included in the sale and if so, on what terms as to upkeep?
 - a. Westwards from Woolmers to Star Inn. ✓
 - b. Southwards from South end of Ball Wood to Cleeve - Wrington road. ✓
 - c. From Ball Wood Westwards by track through Urchin Wood to Bridle Path. ✓

It is understood that the woodland ride, south of Corporation Cottage, will be connected up with the main drive - access is now cut off by the sale of Corporation Cottage. Please confirm, and also say whether purchaser of Corporation Cottage would contribute to the upkeep of the drive roadways.

Please confirm that vacant possession is to be given of the arable field O.S.No.113 (part). ✓

Please confirm that Woolmers Cottages are occupied by proper service tenants and are not controlled tenancies. ✓

To whom is the shooting let, at what rent and for what period?

Are the woodlands assessed under Schedule B or D?

Please supply copies of existing timber felling licenses and confirm that the benefit of these will be included in the sale.

Woolmers Cottages, please state whether the work now being carried out will be completed and whether this includes the connection of a water supply and drainage system. Also the bathroom fittings and kitchen range.

DOC 10 11

DOC 10

Your Reference: NR/JAGW.

16th February 1958.

Dear Major Rooke,

Congrestury Woods,

Thank you for your letter dated 13th February.

Your Mr. Wilder spoke to me on the telephone this morning, and arranged that I would send a copy of this letter to Messrs. John Wood of 23 Berkeley Square, London, W.1. as I understand that you wish for the answers tomorrow.

With regard to your queries:-

The three public rights of way which pass through the Woods must be included in the sale - in other words the property is sold subject to these rights of way. They have been rights of way from time immemorial, and the Trustees have never taken any steps to maintain the rights of way except for their own convenience.

The woodland ride south of Corporation Cottage is to be connected to the main drive by the simple expedient of felling five or six indifferent lime trees, which are at the edge of the drive, and this work is to be done by the Estate Workmen. The purchaser of Corporation Cottage has a right of way into his back drive, but the Trustees did not make him responsible for contributing towards the upkeep as any damage done to the drive by his Ford 10 car would be negligible as compared with the heavy timber lorries and tractors. In any case I understand that the owner of Corporation Cottage hopes to make a drive through his garden on to the main road opposite the three cornered plantation.

The tenant of the arable field O.S. 118 told me some months ago that he was quite prepared to hand back possession of the field to the Trustees should they so require it. He is a very old man and I think there would be no difficulty about this, but we have asked him to give up possession of the field pending agreement in principle as regards the sale.

Others Cottages are occupied on service tenancies and are not

Estate Office,

13th February 1956.

controlled tenancies.

- 5) The shooting is let to one of the Trustees, Mr. E. J. King, on an annual tenancy of 10.
- 6) As the Woods belong to a Charity they are not assessed at all either under Schedule "D" or "F".
- 7) The only existing Selling licence which we have is out of date, but the Forestry Commission have indicated that it will be renewed if required, and I am taking steps to have this done. It is for 559 mixed hard woods, and the benefit of this licence will be included in the sale.
- 8) Woolmers Cottages. The Trustees do not propose to do any other work to the cottages other than the painting and redecorating of the cottage, which has been the subject of considerable alterations including re-roofing. The work to the cottage has been done without any grant and it is considered that the installation of a water supply and drainage system to both cottages could be done with grant assistance at a later date if thought appropriate.

Tithe Redemption Annuity is £5. 2. 6. per annum.

Present Wages Bill - 2 full-time men and 1 part-time man -

£14. 2. 1. per week gross.

Vendor's costs required to be paid by the purchaser:-

Trustees' costs re application to Minister
of Education for permission to sell £5. 0. 0.

Cost of Advertising in Press regards sale say £5. 10. 0.

Solicitor's Costs - scale fee on £1,000 £10. 10. 0.

Surveyor's Costs - scale fee on £14,000 - to be furnished by
major books.

There is no tree preservation order affecting the woodlands so far as it is known.

Yours sincerely,

M. Cooke,
Estate Office,
Administrator,
Gloucestershire.

Secretary.

DOC 11

Patents Office

DOC 11

Established 1872

JOHN D. WOOD & CO

TELEPHONE: MAYFAIR 6341 (10 LINES)
TELEGRAMS: WOOD AGENTS (WESOO) LONDON

Auction, Land, Estate & Valuation Offices.

*23 Berkeley Square,
London, W.1*

- A. GORDON SAUNDERS, A.R.I.C.S.
- J. D. P. WHEATLEY, F.R.I.C.S., F.A.I.
- STUART FARRER
- J. H. BAILEY, A.R.I.C.S.
- S. G. R. BILES
- J. O. COOKE
- F. HAZELL
- PETER FARRER, M.C., A.R.I.C.S.
- R. KRUSE, F.R.I.C.S.
- D. P. MORRISON, F.R.I.C.S., F.L.A.S., SCOTTISH MANAGER
- R. H. WILLIS, TOWN MANAGER
- W. BOOTH, GENERAL MANAGER
- H. T. FINCH, ACCOUNTANT

YOUR REF FHT/73
OUR REF JW3/3D

25th February, 1956.

Dear Colonel Towill,

Congresbury Woods.

Thank you for your letter of the 16th instant enclosing copy of your letter of that date to Major Rooke and I am very grateful to you for having supplied the answers to my queries so quickly. There is however, one point upon which it appears from your letter to Major Rooke, there may be some slight confusion. This concerns No. 1, the Rights of Way.

What I asked Major Rooke for at our meeting was that the benefit of the three Rights of Way coloured blue and numbered 1, 2 and 3 on the enclosed plan, should be included in the sale of these woodlands to my Clients. I should be glad to have your confirmation as soon as possible that these Rights of Way will be included and upon what terms as to upkeep etc. They are of course quite vital to the conduct of the forestry operations within these woodlands and indeed I understand, have always been enjoyed by the Vendors. There is in fact, no other proper access to the south end of Bell Wood, other than Right of Way No. 1, and Nos. 2 and 3 are both required for the removal of heavy timber loads. I am extremely doubtful whether my Clients would confirm the purchase without having the benefit of these Rights of Way.

It appears from your letter to Major Rooke that you are thinking of internal public Rights of Way through the woodlands which is not what I referred to at my meeting with Major Rooke.

Would you please be good enough to return the enclosed plan with your reply.

Yours truly,

J. M. Bourne

Colonel F. H. Towill,
Bristol Municipal Charities,
Orchard Street,
College Green, Bristol, 1.

DOC 12

Enclos.

DOC 12

Our Reference: JWB/BD.

Dear Sirs,

21st March 1956.

Congresbury Woods.

I regret the delay in replying to your letter of the 20th February, which has been due to circumstances beyond my control. I have also received your letter of the 16th March, which I hereby acknowledge.

With regard to Rights of Way on your plan, which I now return:-

Right of Way 1: This is the extraction road for the southern area of the estate, and no other person has any hauling rights inside the gate. We will appreciate that my Trustees are retaining the orchard and fields on the southern edge of the Woods, which I have shaded in pencil, and our course will retain full rights of access to these fields over Right of Way 1. This will not affect the extraction of timber from the Woods.

Rights of Way 2 and 3: The Trustees have from time immemorial had the right of hauling timber over these routes. They have, of course, owned the Woods since the sixteenth century, and their rights as Lords of the Manor of Congresbury rest on ancient usage. In 1925 the late Mr. P.D. Harvey of Woodlands, whose widow now owns the neighbouring Woods, assigned the Trustees' rights with regard thereto, and a Memorandum of Agreement was entered into with Mr. Harvey, and I am enclosing for your attention a copy of the document in question, which is dated 2nd March 1925 together with a tracing of the routes, boundaries, etc.

Originally, when the Parish Council carried out a survey of the Woods in 1952, Mr. Harvey agreed that some of the footpaths, including those going north and west from Coolmers, which are shown in blue on the plan attached to the Memorandum of Agreement, are in point of fact public rights, and I pointed out that this was contrary to the Memorandum. Mr. Harvey was quite agreeable to accept the footpaths in question as public footpaths.

In point of fact, apart from Mr. Harvey, we have never had, as far as I am aware, our rights questioned in any way. We have from time to time given neighbouring owners to the south permission to use our roads.

John D. Wood and Company.

21st March 1956.

so that they could extract timber via the bridle paths and out of our Woods at the Corporation Cottage entrance.

As for terms of upkeep of the routes, there are none as far as I know, but if we ever do any damage, we, being good neighbours, always make good the damage.

I trust the above information is what you require. If not, will you please let me know.

Yours faithfully,

Secretary.

Mrs. John D. Hood and Company,
23 Berkeley Square,
London, W.1.

KML.

History of public rights of way from Wrington Road to Cleeve Hill called AX16/31 which runs behind the property known as The Woodlands, past cottages at Woolmers and onto Cleeve Hill Road near Corporation Cottage.

February 3 1925: Mr Harvey bought Woodlands from a Mr Lewis. There is no mention in the deeds of right of way along AX16/31. This evidence was provided by Mr Urch.

March 2nd 1925: An agreement is reached between Donald Harvey and Bristol Municipal Charities over public rights of way across their adjoining land.

March 3 1952: Mr Frank Gosling, chairman of the footpaths committee, reported to the parish council that footpath survey had been completed.

March 10- 24 1952: Footpath map displayed in church porch and advertised in Weston Mercury.

April 7 1952: Parish meeting to discuss survey of footpaths. Clerk reported a meeting with Mr Towell sec of Bristol Municipal Charities regarding paths through its property.

April 22 1952: A discussion was held between Mr Gosling and Mr Towell, secretary to Bristol Municipal Charities

April 25 1952: A letter (dated April 22) from Mr Donald Harvey in the Weston Mercury in reply to a Mr Parsons regarding the footpath survey states he recognises three public footpaths and one bridleway running from Wrington Road to Cleeve Hill Road (AX16/31) on his land and that he had recognised them for 28 years since 1924. A copy of this letter was sent to Congresbury Parish Council.

May 1 1952: Letter from Mr Towell of Bristol Municipal Charities to Mr Gosling regarding the meeting on April 22 and stating that footpath 31 is also a bridleway. Bristol Municipal Charities also wrote to Mr Harvey.

May 3 1952: Mr Harvey replied to Bristol Municipal Charities suggesting a meeting in it he referred to 31 as a bridleway

May 3rd 1952: Letter from Mr F Gosling to Col Towill thanking him for May 1st letter and saying it will be brought to parish council meeting on May 5th.

May 5 1952: Mr Gosling met Col Towill and they discussed Towill's letter dated May 1st. Later, it was reported at parish council meeting that Mr Gosling had consulted with Mr Towell. "A letter in regard to certain footpaths had been sent to Mr Gosling and the council, this letter was read by the Clerk. Mr T Day moved and Mr S Coward, sec. Footpath 32 to remain as scheduled and 33 to be deleted". It would appear this was the

letter sent to Mr Gosling by Mr Towell on May 1st. According to the evidence given by Mrs Grant there was no mention of any decision on footpath 31, but we know that the letter stated it was a bridleway.

May 7th 1952: A letter from Col Towill to Mr Harvey agreeing a meeting be arranged between them and Mr Gosling.

May 8th 1952: Mr Harvey wrote to Somerset County Council over a footpath, but we do not know which one or why

May 10th 1952: Letter from Mr Harvey to Col Towill apologising for delay in arranging meeting but Mr Gosling is 'very elusive'. A meeting has at last been arranged for May 15th.

May 12 1952: Letter from Towill to Harvey confirming meeting.

May 14th 1952: Letter from Somerset Country Council saying they had not had the information from parish council but would bear Mr Harvey's letter in mind.

May 15 1952: Meeting between Mr Gosling, Mr Harvey and Mr Towell, it also included Mr Harvey's gamekeeper. From subsequent letters it appears they all agreed 31 was a bridleway.

May 24 1952: Mr Gosling reported to parish council about the meeting with Mr Harvey and Mr Towell. We don't know what he said or what their decision was.

June 9 1952: Letter from Bristol Municipal Charities to Mr Gosling regarding meeting held on May 15 with Mr Harvey when it was agreed AX 31 is a bridleway.

June 9th 1952: Letter from Col Towill to Mr Harvey enclosing copy of letter to Mr Gosling.

July 28 1952: "Mr Reg Wear for Mr F Gosling (not Mr Gosling as Mr Jeapes wrote in his report - this may seem a small point but it shows he was not accurate) reported that consequent to Mr R D Harvey's illness, it had been possible to complete the footpath survey as between the properties of the Charity Trustees (Bristol Municipal Charities) and R D Harvey Esq". AX16/31 not specifically mentioned as far as we can tell.

September 8 1952: "Mr Reg Wear reported Mr F Gosling and R D Harvey agreed in regard to certain footpaths on Charity Trustees property and were meeting Mr Towell in the matter of the final decision".

October 17 1952: Letter from Mr Gosling to Col Towill regarding footpaths.

November 10 1952: A report to parish council said: "Mr F Gosling it is hoped would be present at the next meeting to report on the footpath survey and in particular to the path Charity Trustees property. Woolmers"

February 2 1953: "In regard to the scheduling of footpaths, Mr Reg Wear reported seeing Mr Gosling on the matter. One path Rhodyate to Woolmers adjacent to property held by Charity Trustees is in dispute (this is not AX16/31 but a path Bristol Municipal Charities did not agree was a right of way). Attempts have been made by Messrs R D Harvey, F Gosling in consultation with Mr Towill, sec to the Trustees to overcome the difficulty of the course of the path in question. After discussion Mr Wear moved and Mr Ford sec. 'The paths to be scheduled'"

February 13 1953: Letter from Bristol Municipal Charities to Mr Gosling which says AX31 is a bridleway. Also mentions AX16/32 and the one opposite the Star Inn on the Rhodyate and says BMC no longer objects.

March 2 1953: "Mr Reg Wear reported Towell has written to Mr Gosling on the matter of the path running through their property. The matter has now been settled. That being so the committee could proceed to filling in the cards". Was this letter the one written on February 13 which said 31 was a bridleway? Also we do not know what had been settled.

August 1st 1954: Mr Harvey died.

October 27 1954: Letter on micro-film "I understand Congresbury Parish Council has now completed their survey of public rights of way and the maps and schedules will be submitted in the course of the next few weeks."

August 15 1955: Letter from Bristol Municipal Charities to Mr King confirming AX31 a bridleway.

December 3 1956: Draft Map and Statement deposited for inspection.

March 1957: Draft map compiled.

June 3rd 1957: Parish council agree map should be hung in church porch because it had been hanging in the offices of J G Walters and Sons. We do not know if this was done.

1958: Letter from Bristol Municipal Charities to Tillhill Forestry which brought the woods that year, confirming AX16/31 is a bridleway. The sale plans also showed the route to be a bridleway.

September 1966: Provisional map.

April 1st 1968: County council footpath agreement completed and a copy returned to parish council. The Parish council association to be asked for information about creating bridlepaths for which a local resident had expressed a need.

Unspecified date 1968: Newspaper report said Colonel Towell told parish council that paths in woods were used by pack horses to carry teasels. At same meeting Jean Day said the tracks were frequently used by horse riders.

May 6th 1968: County council indicated there were means of creating bridleways. Col Towell told parish council tracks were ancient rights of way and he would investigate his records.

July 1st 1968: Mrs Gawthorpe to be told enquiries being made on matter of bridleways.

August 5 1968: Footpath committee agreed to meet riders. (Ann Gawthorpe cannot remember the meeting but it may have taken place)

December 2 1968: Cllr Mrs Birkett said she had evidence AX16/31 confirmed as a bridleway in 1952. Agreed to ask RDC to designate AX16/33 as a bridleway as well to make circular route for riders.

December 5th 1968: Woodlands auctioned.

1969: Property bought by Clifford Holder subject to footpath AX16/31. (The late Mr Holder confirmed to the chairman of the Woodspring Bridleways Association that horses occasionally used track.)

April 1 1970: Letter from Tilhill Forestry to Parish council. Not agreeable to further extension of existing public facilities. "This is primarily with regard to proposed conversion of footpaths to bridleways". This could mean the conversion of paths other than AX16/31 which BMC has already told Tilhill was a bridleway.

July 27 1970: Letter from Tilhill to parish council. "You mention bridleways whereas we understand all paths approved are footpaths". What letter is this replying to?

1973: Property bought by N Toogood subject to footpath AX16/31. (He later wrote to WBA that track frequently used by horses and walkers and even vehicles)

August 20 1973: Planning permission given to Mr Toogood for garages on land adjoining The Woodlands. This meant the bridleway now ran between the house and the garages.

1975: Property bought by Mr Urch.

June 6th 1984: Parish council wrote to Miss Di Roberts regarding her request for a bridleway and suggested a meeting with a sub committee.

Between 1984 and 1985 Di Roberts asked for a modification order for AX16/31.

August 30th 1985: Letter from Jenny Reed of Avon County Council to Bristol Municipal Charities asking for confirmation that AX16/31 was shown on sale plans as bridleway.

September 9th 1985: Parish council agrees to support county council to have bridleway reclassified.

September 12 1985: Letter from Lawrence Tucketts (Mr Urch's solicitors) to Cyril Trenfield of the Ramblers Association saying it was of little direct importance to Mr Urch whether AX16/31 was a footpath or a bridleway.

October 8th 1985: Letter from Bristol Municipal Charities to Avon confirming the sale plans, when the land was sold to Tilhill showed AX16/31 as a bridleway.

October 14 1985: Parish council rescinded its decision to back Avon following receipt of letter from Mr Urch's solicitor, pending further discussion by leisure committee.

October 28th 1985: Mrs Towill asked to confirm in writing that she is willing for green lane on her property to be opened as bridleway. The proposed bridleway in woods would then be considered.

1986: a letter from Cyril Trenfield of the ramblers association to the parish council complaining about the state of the paths which are being churned up by horses and objecting to proposed bridleway.

April 21 1986: Letter from parish council to Cyril Trenfield of the ramblers association saying it had rescinded its decision to support the bridleway and there would be no further developments. It also realised the footpaths were being churned up by horses

1989: Venetia Craggs asks for modification order on AX16/31 and AX16/33.

Aug 19 1989: A letter written by Mr Holder confirms horses used the track AX16/31. "During that time there were a few occasions when riders used it".

November 21st 1990: Avon agrees to seal an order modifying the definitive map to include AX16/31 and AX16/33 as bridleways.

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May 14 1993: Solicitors acting for Mr Urch object to the order on five grounds including it will restrict enjoyment of Mr Urch's rights and reduce the value of his property.

This is completely different to his letter of 1985 when he said it was of little importance to him whether it was a bridleway or footpath.

March 32 1994: Letter from Tilhill Forestry to Venetia Craggs saying the record for the Congresbury Estate may have been destroyed when the office was re-located.

May 1995: Letter from Cyril Trenfield pointing out that AX16/31 is showing wear and tear from walkers not horses and this has been the situation in living memory. Yatton Ramblers have collected names and addresses from walkers who have hardly ever seen a horse on the track to Public Inquiry.

This, of course is a complete reversal of his earlier letter in 1986.

The evidence from Congresbury Parish Council is sketchy because we were unable to see the relevant minutes for ourselves and had to rely on extracts taken by the Clerk, Mrs Sue Grant, who was an objector herself as well as putting forward the parish council's objections.