

North Somerset Council

REPORT TO THE PUBLIC RIGHTS OF WAY SUB COMMITTEE

DATE OF MEETING:	28 MARCH 2017
SUBJECT OF REPORT:	LOCKING HEAD DROVE
TOWN OR PARISH:	LOCKING
OFFICER/MEMBER PRESENTING:	ELAINE BOWMAN
KEY DECISION:	NO

RECOMMENDATIONS

It is recommended that

- (i) the Public Rights of Way Sub Committee deny the making of a Definitive Map Modification Order because there is insufficient evidence to support it.

SUMMARY OF REPORT

This report considers an application which was made on the 22 March 1994. That application requested that a particular route, in the Parish of Locking, should be recorded as a Bridleway/Byways Open to all Traffic. Such application for a Definitive Map Modification Order is submitted under Section 53(5) of the Wildlife and Countryside Act 1981. The effect of this request, should Orders be made and confirmed, would be to amend the Definitive Map and Statement for the area.

This report is based on historical documentary evidence and minimal user evidence, to which the claimed route is attached on the Location Map.

In order that members may consider the evidence relating to this application, further details about the claim itself, the basis of the application, and an analysis of the evidence are included in the Appendices to this report, listed below. Also listed below are the Documents that are attached to this report. Members are also welcome to inspect the files containing the information relating to this application, by arrangement with the Public Rights of Way Section.

Location Plan

Appendix 1 – The Legal basis for deciding the claim

Appendix 2 – History and Description of the Claim

Appendix 3 – Analysis of the Documentary Evidence

Appendix 4 – User Evidence provided by Woodspring Bridleway Association

Appendix 5 – Consultation and Landowners Responses

Appendix 6 – Summary of Evidence and Conclusion

Document 1 – Day and Masters Map 1782

Document 2, 3 & 4– Locking Enclosure Award 1801
Document 5 – Greenwood Map of Somerset 1822
Document 6 & 7 – Locking Tithe Map 1839
Document 8 – Geological Map of North Somerset 1862
Document 9, 10A & 10B – Finance Act 1910
Document 11A – OS Plan 1903
Document 11B – OS Plan 1936
Document 12 & 13 – Locking Sale Particulars Lot 6 1919
Document 14 & 15 – Locking Sale Particulars Lot 7 1919
Document 16 – Handover Map 1930 XVII NW
Document 17 – Handover Map 1930 X SW
Document 18 – OS Map of Weston-Super-Mare 1941
Document 19 – Definitive Map of North Somerset 1956
Document 20 – OS Map of North Somerset 1959
Document 21 – OS Map of North Somerset 1967
Document 22 – Mr Cheal’s Submission for Landowners

POLICY

The maintenance of the Definitive Map should be considered as part of the management of the public right of way network and so contributes to the corporate plan “Health and Wellbeing” and “Quality Places”.

DETAILS

Background

i) The Legal Situation

North Somerset Council, as Surveying Authority, is under a duty imposed by the Wildlife and Countryside Act 1981, Section 53(2) to keep the Definitive Map and Statement under continuous review. This includes determining duly made applications for Definitive Map Modification Orders.

The statutory provisions are quoted in **Appendix 1**.

ii) The Role of the Committee

The Committee is required to determine whether or not a Definitive Map Modification Order should be made. **This is a quasi-judicial decision and it is therefore essential that members are fully familiar with all the available evidence. Applications must be decided on the facts of the case, there being no provision within the legislation for factors such as desirability or suitability to be taken into account.** It is also important to recognise that in many cases the evidence is not fully conclusive, so that it is often necessary to make a judgement based on the balance of probabilities.

The Committee should be aware that its decision is not the final stage of the procedure. Where it is decided that an Order should be made, the Order must be advertised. If objections are received, the Order must be referred, with the objections and any representations, to the Department of the Environment, Food and Rural Affairs (DEFRA) for determination. Where the Committee decides that an order should not be made, the applicant may appeal to the Government Office for the South West.

Conclusion

As this report relates to a route A - B, which is not currently recorded on the Definitive Map it is necessary for the Committee to consider whether, given the evidence available, that a right of way which is not shown in the map and statement subsists 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.

If the Committee is of the opinion that the relevant test has been adequately met, it should determine that a Definitive Map Modification Order should be made. If not, the determination should be that no order should be made. See Appendix 1.

CONSULTATION

Although North Somerset Council is not required to carry out consultations at this stage affected landowners have been contacted. In addition to this Locking Parish Council and Local members, interested parties and relevant user groups have also been included. Detail of the correspondence that has been received following these consultations is detailed in Appendix 5.

FINANCIAL IMPLICATIONS

At present the council is required to assess the information available to it to determine whether there is sufficient evidence to support the application. There will be no financial implications during this process. Once that investigation has been undertaken, if authority is given for an Order to be made then the Council will incur financial expenditure in line with the advertisement of the Order. Further cost will be incurred if this matter needs to be determined by a Public Inquiry. These financial considerations **must** not form part of the Committee's decision.

RISK MANAGEMENT

The Wildlife and Countryside Act 1981 requires that applications which are submitted for changes to the Definitive Map and Statement are determined by the authority as soon as is reasonably possible. The Council's decision must be made considering all of the evidence available correctly. The applicant has the right to appeal to the Secretary of State who may change the decision of the Council (if the Council decided not to make an Order) and issue a direction that an Order should be made. Alternatively if an Order is made objections can lead to a Public Inquiry.

EQUALITY IMPLICATIONS

Public rights of way are available for the population as a whole to use and enjoy irrespective of gender, ethnic background or ability and are free at point of use.

CORPORATE IMPLICATIONS

Any changes to the network will be reflected on the GIS system which forms the basis of the relevant corporate records.

OPTIONS CONSIDERED

The options that need to be considered are:

1. Whether the evidence supports the making of a Definitive Map Modification Order for the route A - B.
2. Whether the application should be denied as there is insufficient evidence to support the making of an Order.

AUTHOR

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BACKGROUND PAPERS: - Public Rights of Way File Mod 19

The Legal Basis for Deciding the Claim

1. The application has been made under Section 53 of the Wildlife and Countryside Act 1981, which requires the Council as Surveying Authority to bring and then keep the Definitive Map and Statement up to date, then making by Order such modifications to them as appear to be required as a result of the occurrence of certain specified events.
2. Section 53(3)(b) describes one event as, "the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway". See paragraph 4.

Subsection 53(3) (c) describes another event as, "the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows –

- (i) "that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over the 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"
- (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 basis of the application in respect of the Byways Open to all Traffic is that the requirement of Section 53(3)(c)(i) and (ii) has been fulfilled.

3. Section 32 of the Highways Act 1980 relating to evidence of dedication of way as highway states " A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered documents, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced".
4. Section 31 (1) of the Highways Act 1980 provides that, "Where a way over land, other than a way of such character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption for a full period of twenty years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it".

Section 31 (2) states, "the period of twenty years referred to in subsection (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question whether by a notice or otherwise".

Section 31 (3) states, "Where the owner of the land over which any such way as aforesaid passes-

- (a) has erected in such manner as to be visible by persons using the way a notice inconsistent with the dedication of the way as a highway; and

(b) has maintained the notice after the 1st January 1934, or any later date on which it was erected, the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as a highway.

For a public highway to become established at common law there must have been dedication by the landowner and acceptance by the public. It is necessary to show either that the landowner accepted the use that was being made of the route or for the use to be so great that the landowners must have known and taken no action. A deemed dedication may be inferred from a landowners' inaction. In prescribing the nature of the use required for an inference of dedication to be drawn, the same principles were applied as in the case of a claim that a private right of way had been dedicated; namely the use had been without force, without secrecy and without permission.

The Committee is reminded that in assessing whether the paths can be shown to be public rights of way, it is acting in a quasi-judicial role. It must look only at the relevant evidence and apply the relevant legal test.

5. Modification orders are not concerned with the suitability for use of the alleged rights. If there is a question of whether a path or way is suitable for its legal status or that a particular way is desirable for any reason, then other procedures exist to create, extinguish, divert or regulate use, but such procedures are under different powers and should be considered separately.

History and Description of the Claim

1. An application for a modification to the Definitive Map and Statement was received dated 28 January 1994 from Mrs V Craggs representing Woodspring Bridleways Association ("The Association"). The basis of this application was that a route should be recorded as a Bridleway/Byways open to all Traffic. Submitted with the application were documents which the applicant felt relevant, the details of the landowners notified of the claim and a list of documentary evidence that was considered to be relevant.

Listed below is the documentary evidence that the Association referred to and belief of its relevance:

1782 Day and Masters (goes into Moor)
1882 Greenwood Map (shown clearly as Road)
1884 David & Charles (shown clearly)
1941 Bartholomew 1/2" (shown as White Road)

The above documents will be reported on in Appendix 3.

This matter is currently recorded on the Definitive Map Register as Mod 19.

It should be noted that the Council has undertaken additional research into records that are held within the Council as well as those obtained from external sources. These are detailed in Appendix 3 of this report.

2. The 1994 application claims that a Bridleway/Byways open to all Traffic should be recorded over a route known as Locking Head Drove which runs between Locking Road to a point east of Lypstone Farm, now its junction with the A370 Somerset Avenue. A small section of this route is recorded on the Definitive Map as Footpath AX20/8 and other sections are now adopted highway. The claimed route falls in the Parish of Locking.
3. It has already been mentioned above that sections of the claimed route are already adopted highway or public footpath therefore public access is permitted dependant on the status. Reference will be made to these sections in this report however the main aim will be to establish whether the claim that higher rights exist over all of the route. The route being claimed commences on Locking Road point C on the Location Plan and proceeds along the adopted highway to point A where the unadopted section commences. This route continues as an unadopted track until it reaches Footpath AX20/8 (Locking Head Farm), then continues as a public footpath to point B where it returns to adopted highway and continues to point I. The length of the claimed route is 1568 metres.
4. The claimed Bridleway/Byway open to all Traffic is illustrated as a bold black dashed line on the attached Location Map (scale 1:12560).

Analysis of the Documentary Evidence

The claim is based on both documentary and minimal user evidence. The documentary evidence is listed in chronological order. This route is illustrated on the Location Map (Scale 1:12560).

Day and Masters Map (1782) North Somerset Council

This plan relates to the areas of Weston-Super-Mare and Locking. I do not believe that the claimed route is illustrated in any form on this map. The applicant claims that the route is shown going into the moor, I disagree that this is the claimed route, therefore it does not provide any evidence to assist or refute this claim. An extract of this plan is attached as **Document 1**

Locking Map and Enclosure Award (1801) Somerset Heritage Record Office Ref: D/P/lock/20/1/1

This map within the Locking Enclosure Award dated 1801, appears to illustrate the claimed route as a bounded track for the full length of the claim. In appearance this would suggest that it was a route capable of being used by walkers, horseriders and vehicles. Written on the map on this route in italics are the words Drove, Locking Head Drove, the wording 'The Merchants' its measurements and is numbered 47. This plan also seems to show a line across the track at point B which is usually the way of illustrating some form of physical obstruction. An extract of this plan is attached as **Document 2**.

Regarding the text shown on the Enclosure plan this is referenced within the Enclosure Award itself, the number 47 states that this route is owned by the Society of Merchants and the land allotted consists of 4 acres, 3 Roods and 13 Perches, which matches what is written on the enclosure plan, **Document 3**.

An extract of the Enclosure Award describes Locking Head Drove as follows:

Locking Head Drove	<p><i>And also one other private Road or Drove way of the breadth of twenty five feet to be kept open from the said drove or way called Moor Drove from a place there in the said plan marked with the letter E to a place in the said plan marked with the letter F and called by the name of Lockinghead Drove</i></p> <p><i>And we the said Commissioners so in and by this our Award order direct and appoint that the said Roads or Drove Ways hereinbefore particularly mentioned and directed to be set out in and thro the said Moor Commons and waste lands shall be and remain of the several and respective breadths aforesaid between the ditches or fences and for the benefit use and enjoyment of all and every the owners Tenants and occupiers of the several and respective divisions and allotments plots and parcels of land hereinafter mentioned to be by us allotted inclosed and awarded with free liberty for them and every of them and all other person and persons who shall or may have occasion to travel there to go pass and repass in thro upon and over the same to and from such their divisions and allotments pieces and parcels of land either on foot or horse back with horses cattle carts and carriages loaded or unloaded at their and every of their free will and pleasure or otherwise howsoever when and as often as they any or either of them shall think proper</i></p>
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This extract of the Enclosure Award is attached as **Documents 4**.

Greenwood Map of Somerset (1822) North Somerset Council

This map illustrates the route A-B which is being claimed. The claimed route is shown as a bounded track connecting to other tracks. It should be noted that the all the routes are illustrated in a similar way, its depiction on this plan does not provide evidence of its status only that a route existed on the ground. A copy of this map is enlarged in **Document 5**.

Locking Tithe Map (1839) Somerset Record Office Ref: D/D/Rt/M/322 and D/D/Rt/A/322

This Tithe Map of Locking demonstrates the route as a track which is enclosed on both sides for its full length. From the point where Locking Head Drove leaves the highway (which is coloured differently), we can identify a line crossing the route, which would normally indicate a gate or obstruction. Similarly, at Point B there is also a line across the track which could again be indicating a gate. In addition it should be noted that adjacent to field number 207 there is depicted what seems to represent a narrowed area, perhaps a field gate. An extract of the tithe map is attached as **Document 6**.

Along this route the number 11a is illustrated, which when compared with the Tithe Apportionment provides the information that the land was owned by the Society of Merchant Adventurers of the City of Bristol, and was occupied by Arthur Bishop who is also the occupier of the farm located on the side towards point B. The route contained within 11a is also described as A Road being of an area of 4 acres, 3 roods and 13 perches. The lines across the route could be illustrating the start and finish of the landownership subject to apportionment 11a. This being consistent with the information given in the Enclosure Award.

The Society of Merchant Adventurers, which are commonly known as the Society of Merchant Ventures were established under Royal Charter in 1552, to work with the community in Bristol's commercial life and institutions within the city.

An extract of this route is attached in **Document 7**.

Geological Map of North Somerset (1862) Somerset Record Office Ref: A/BIB/1/2

This Geological Map illustrated by W. Saunders produced in 1862 illustrates the claimed route being open and available to be used. It can be seen that at this time that the route continued into fields but does not illustrate any barriers across the route. It would be suggested that this particular route would have been used as access to the labelled, Locking Head Farm and adjoining fields. The purpose of this plan was to map minerals which were held in the ground. This plan assists with confirming the existence of this route however on its own does not assist with establishing a status.

This map is attached in **Document 8**.

David & Charles 1884

The applicant has referred to this document upon the original application form however a copy was not presented. Effort has been made to locate this however nothing has been found, therefore analysis of its importance cannot be verified.

Finance Act (1910) North Somerset Council.

The Finance Act allowed for the levying of a tax on the value of land. All holdings or hereditaments were surveyed and recorded with an individual number on a special edition of the Second Edition OS County Series Maps at 1:2500 scales. The Finance Act process

was to ascertain tax liability not the status of highways. The documents recorded tax deduction for a number of reasons including Tithe, Rights of Way, Rights of Common, Rent or Easements. It should be noted that this plan is the working document rather than the final version which is believed to be held at the Record Office at Kew. Unfortunately, at this time it has only been possible to obtain the copy of the plan held at Taunton Record Office which shows Point A on the claimed route. The base map once again shows a line across the track near to the BM (bench mark) 18.3. This could be the indication of a gated route or the extent of the area marked 98 consisting of 3.506 acres as shown on the map. Unfortunately this plan is damaged so no further information can be obtained.

The extract of this map is attached in **Document 9**.

It would appear from this plan that the track has been included within the hereditament marked 1pt. Additionally, areas of land are shown braced together confirming that the ownership remained the same.

The record for Hereditament 1 reads as follow:

Occupier - Wm J Cook, Owners – Colstons Charities, Description – House, Buildings, Cottages and Lane, Name – Drove Farm, Estimated Extent – 85 acres, 2 Roods and 27 Perches, Original Gross Value £5100, Deductions for Buildings and structures £890, Original Full Site Value £4210, Deductions for Fixed Charges – Tithe £330, Public Rights of Way £100, Original Total value £4670, Original Assessable Site value £3780, Value of Agricultural Land for Agricultural purposes where different from Assessable Site Value £4670.

From the information available to us at this time, it is not clear how much land fell under hereditament No 1 or where the Public Right of Way was which warranted the deduction for tax.

The pages illustrating hereditament No 1 are attached as **Document 10A and 10B**

However the base map showing Point A is dated 1903, a copy of which is held by North Somerset Council. Document 11A shows the area of land missing off the Finance Act plan and shows that it does not go as far as Locking Head Farm. North Somerset Council do not hold a copy of the 1903 plan showing Point B. Document 11B which is dated 1931, shows the line across the route segregating the land. It also shows the depiction of a FG (field gate) at Point B.

The Pages illustrating the plans referred to above are attached as **Document 11A and 11B**

Locking Sale Particulars (1919) Somerset Record Office Ref: C/C/SH/44/4/11

The Sale particular relating to Lot 6 references Drove Farm which is located on the route near Point A. With the map attached in **Document 12** we can see that the route from A is bounded by watercourses allowing access to the fields as described in the Lot. From the land indicated that would be owned with Drove Farm at the north-eastern boundary of the land there is depicted a barrier leading to the continuation of the route in a North Easterly direction. The Sale Particular states as follows:

“This Lot is sold with a right of way to the purchaser for all purposes to, from and over the portion of Locking Head Drove included in Lot 7, and subject to a right of way to, from and over the portion of Locking Head Drove included in this lot for all purposes for the owners

and occupiers of Lots 3 and 7, and for agricultural purposes for the owners and occupiers of Lots 36 and 37.” This is attached in **Document 13**.

Similarly, with Lot 7, the map attached also shows the route to Point B is enclosed on either side by watercourses. There can also be seen the solid line across the track at point B depicting a boundary or obstruction. However, coming back from point B there is a double dashed track depicted which links to Locking Head Farm but also to a route joining from the fields. This depiction matches the route which is currently depicted on the Definitive Map as Footpath AX 20/8. Extracts relating to Lot 7 are in **Documents 14 and 15**.

Handover Map (1930) North Somerset Council

These Handover maps of North Somerset relate specifically to the claimed route of Locking Head Drove by using the coordinate maps of 17NW and 10SW for the year 1930.

As can be seen on **Document 146** there is a section of adopted highway leaving the main road to its junction with Point A. This is numbered 137 and concurs with modern records relating to the elements of adopted highway in this area. From Point A the route is shown as an unadopted track which is enclosed on either side by watercourses. Once again at Point A there appears to be the depiction of a line across the track. Moving on to **Document 17** this is the continuation of this route. Once again, the line across the track can be seen at the word “Head” as part of Locking Head Drove. The section leading to and beyond Point B is illustrated in yellow and numbered 139 which again accords with current highway records. Why only these sections are recorded as adopted highway is unclear.

OS Map of Weston-Super-Mare (1941) Somerset Record Office Ref: A/DXC/7/20

This Ordinance Survey map of Weston-Super-Mare illustrates Locking Head Drove as a route capable of being a through route between the main road from Locking through to Lypstone Farm. It does however, show the lines across the route at both ends illustrating some form of physical obstruction. Once again, the route is depicted bounded on both sides. It would suggest that this route was the access route to the adjoining fields and has both Drove Farm and Locking Head Farm marked upon it. This information having been given in the sales documents detailed above.

This map is shown in **Document 18**.

1941 Bartholomew 1/2” Map

This map has been referred to by the applicant as supporting her claim showing this route as a White Road. The applicant has supplied three motor coloured maps however due to the poor quality of these it is impossible to say whether they are the Bartholomew Map or not or establish any evidence from them.

Definitive Map of North Somerset (1956) North Somerset Council

The Definitive Map carries a relevant date of 26th November 1956. These routes were recorded following a survey by local members of the Parish Council. These were people who knew the locality and presumably the routes that were being used as public rights of way. This map relates to the areas between Locking and Winscombe.

This map shows the full extent of the route claimed including the unrecorded section A-B. It shows that this was a bounded track providing access to the adjoining fields. Around three-quarters along the route, a footpath was recorded partially along the claimed route,

whilst the majority of the route continues across the fields. This footpath was recorded as Footpath AX 20/8. The early stages of the Definitive Map process have been looked at including the sheets listing objections made at the draft stages, nothing has been found to show that the claimed route was considered to have public access of any kind.

An extract of this map is located in **Document 19**.

OS Map of North Somerset (1959) Somerset Record Office Ref: A/BIB/1/2

This Ordinance Survey Map of North Somerset illustrates the claimed route Locking Head Drove being capable of providing a through route as part of a circular route passing Drove Farm, Locking Head Farm, Lypstone Farm, Mill Farm and along Moorland Drove. There is a gate depicted as on other plans near the depicted Motte & Bailey (it looks like a H). Additionally, within the route, there are parallel dashed lines which would suggest a track however it does not specifically state the nature of these dashed lines. It should be noted that Footpath AX20/8 is shown crossing the field between Locking head Drove and Mill Farm.

This map is shown in **Document 20**.

OS Map of North Somerset (1967) North Somerset Council

This Ordinance Survey map of North Somerset illustrates the area of Locking Head Drove, similarly to the previous plan. Once again, this route is depicted as a circular route, noting that a distinction seems to be shown in the status of the parts of the route, namely Lypstone Farm back to the main road shown coloured yellow, similar to other routes which are known to have carried vehicular traffic. The claimed route is shown uncoloured, like other routes which can be seen leading to farms, this does not mean that access has not been available but does seem to draw a distinction in the class of route. This plan assists in illustrating its existence but does not help with establishing its status.

This map is attached in **Document 21**.

User Evidence

User Evidence Forms

Only one user evidence form has been submitted supporting this application. This user claims to have used the route in question between 1942 and 1980. Her form is signed and dated 1994. Within the context of that user evidence form the following information is detailed:

Have you understood this way to be public – Yes

How wide is the way – 60ft

Have you used the route yourself – Yes

During which years – 1942 – 1980

Were you usually travelling the whole length of the route – Yes

What has been the usual purpose of your journey – Picnic

How many times a year – about 20

Did you travel on foot, on horseback, other – Horseback

Were you using the route as a member of an organised group – Riding School

Describe any diversions or alterations to the route while you have used it – The gates were locked.

Any stile – No

Any gates – Yes

Ever worked for the owner of the land – No

Ever been stopped or turned back when using this way – No

Ever told that the way was not public – No

Have you ever known any locked gates – Yes

Ever seen any notices such as 'Private' – No

Have you ever been given permission – No selection made

Do you have a private right to use the route – No

Do you know of anyone else who has used the route – No selection made

The user form is also supported by a plan of the area where upon the user has marked the location of two gates. One at the location marked Point A on the attached plan and the second on the land boundary shown on the sale plans for Lots 6 and 7.

The submission of one user evidence form is not strong evidence that this route has been used by the public at large. This form also illustrates that gates were locked, however it is unclear as to whether this was a new event or had always been.

Conclusion

The submission of one user evidence form makes this impossible to determine whether this route has been used by the public at large.

Consultation and Landowner Responses

Consultation Responses

In researching this application pre order consultation letters were sent on 7 December 2016 to affected landowners, including North Somerset Council, local ward members and interested parties including the applicant.

The following parties responded to this consultation, the content of their response also being recorded.

Name	Objection or Supporter	Comment
Cllr Ap Rees	Objection	Thank you for this notification. Whilst I am aware that farm traffic has used the northern route between Locking Head Farm and the Wolvershill Road, there has never been vehicular access from the A371 or RAF Locking and indeed no public access either, according to signage placed in the vicinity. I would certainly not favour opening the route up to general traffic. I can certainly confirm from my own knowledge that the occupier of the property at the end of the paved section at A marked on the map has had a padlocked gate and signs forbidding access for at least the past 30 years.
Atkins Global	No Objection	
V Craggs	Supporter	I believe that the MOD order was for a through route from the north of the New main Road to B. From A Drove Farm to the County Road. When the New Road was put in I objected to the cutting off of the Drove at the Northern end. I was assured that the HA would dedicate a B/W on the track to the Roundabout at the east where there was to be a subway under the new road. This then made a through route from Worle area to Bleadon. Has this now been swept under the carpet or just forgotten as it was many years ago. Mr Mitchell was the head of the HA. I object to the order as it has no sense unless the route is upgraded all the way through as per the DMMO in 1996. Please see WBA publication on the Right Tracks. Lockinghead Drove was in 1995 on North Somerset Strategy Map done by Phil Tollerton for the use of Cyclists and riders. These were routes for riders and cyclist to enable them to get around North Somerset in safety. Please could your Councillors on the ROW Committee have sight and explanation of this?
Openreach	No Objection	BT will not object to this order, however, will insist on maintaining their rights under the Act.
Mr J Cheal representing Mr & Mrs Edwards	Objection	I am acting for Mr & Mrs Edwards, at Lypstone Cottage, and am instructed to object most strongly to the byway application.
Mr C Barrable	Supporter	I received a notice recently (9/12/16) regarding a DMMO on Locking Head Drove road - BOAT claim. I have looked at some historical documents regarded as legally reliably accurate which show the route clearly in the same manner as other routes now open to traffic, as such they

are a good indicator that the way was regarded as having the same status. I have not looked at tithe or finance act information so cannot comment on whether it was a public highway or not but it certainly appears beyond doubt that the route existed on the ground and it was some form of highway, and there is a legal precedent that 'once a Highway, always a highway'. On that basis I am in support of the application.

Incidentally I went there the other day to have a look at the route. I parked my car on the main road layby and walked up the lane to Drove farm where I met the owner of the property. The yard is fenced and signposted as private and when I asked if I could have a look at the route, showing him the N-Somerset DMMO letter he was extremely against my involvement citing an expected 2000 new homes being built and this route being part of that development. He also said that the route was across his private land and had been gated and locked since the 1950's and that this was some proof that the route was not in use by the horses. I said that it was illegal to obstruct a highway and that lack of use in itself does not remove the right of way. I asked for his name but despite giving mine he would not do so.

M O'Neill NSC Objection
Land &
Property
Manager

As far as I am aware the claimed route has not been open to the public for as long as Locking Head Farm has been in the ownership of North Somerset Council (since Local Government Reorganisation in 1996) nor for a long period in its prior ownership by Avon County Council. As you are probably aware The Drove is gated somewhere around the point marked A on the plan attached to your e-mail adjacent to Drove Farm which effectively prevents access through to the A371 and, therefore, I fail to see how it can be claimed that the route has been open to all traffic. If you think it necessary I can make arrangements for the Council's files relating to Locking Head Farm to be reviewed as I am sure that there will have been correspondence relating to this matter in the past. I assume that you will be consulting with the current Council tenant of Locking Head Farm – Mr Ledbury – and with the owner of Drove Farm who I am sure will oppose this claim

Mr G Plumbe Objection

I object on the grounds that the application is not properly made as there is no list of documents, nor is there any visible list of documents supplied. It therefore fails to win exemption from extinguishment under s67(3) NERCA 2006 as interpreted in the Winchester case. Please advise if all documents relied on were listed separately at the same time as the application and copies of all such documents were supplied.

Locking Parish Objection
Council

I have been instructed by my council to contact you with regards to Application for Modification of the Definitive Map under Section 53(5) of the Wildlife and Countryside Act 1981 – Claimed Byway open to all Traffic Locking Head Drove Locking. The Council believes that an increase in vehicular traffic if granted would constitute road safety issues, because of the already hazardous junction with the A371. This road is also opposite the exit from Locking Village an extremely busy junction. If the application is granted road traffic would pass through the property of Mr Edwards. Member of the public (who live on the proposed route) voiced their concerns. With regard

to the above my Council strongly object to this application and recommend refusal.

From the information detailed in these consultation responses, below is a brief outline of their content.

- Concerns over the implications of introducing Bridleway/Vehicle traffic upon a currently un-used route
- Road Safety issues
- These routes have always been used for agricultural purposes only, never been any general vehicular access or bridleway use.
- Assessment undertaken against requirements of the NERC Act and whether this application would meet the exemptions.

When considering this matter it should be remembered that applications must be decided on the facts of the case, factors such as desirability or suitability cannot be taken into consideration.

Landowner Responses

A substantial submission has been submitted by Mr J Cheal of Mogers Drewitt Solicitors who is representing Mr & Mrs Edwards of Lymstone Cottage and Mr D Legg of Drove Farm. Both of these parties own land which would be affected by this proposal. The full document is attached to this report as **Document 22**. Contained within this document is a plan in section 1 which the writer has referred to (not to be confused with the Council's Location Plan).

Mr & Mrs Edwards own the land over which the claimed Bridleway/BOAT would pass from the A371 (C-A-D) and Mr Legg owns the land (D-E). This land has been in the ownership of Mr Legg's family since 1919.

Mr Cheal has provided lengthy detail pertaining to the ownership and use made of this land, the tenancy and the private rights which are recorded within the deeds to the land. [Para 1 – 13].

Mr Cheal has also undertaken an assessment of the Documentary Evidence.

Para	Document	Content
14	Locking Inclosure 1800	The Inclosure Award of 1800 required public roads in Locking to be of a width of 40ft. The Award set out the first section (C to approx A) as a private road/droeway of a width of 25ft, for the use of the occupiers of the allotted land abutting it. East of A up to the gate at G the Drove was given a number (47) and actually allotted to the SMV, to be used as a private way or drove. The words "The Merchants" are written on that part of the Drove on the Inclosure plan. The schedule to the Award showed that parcel number 47 was owned by the SMV, and described as "The Feed of Locking Head Drove", with a proportionate contribution due to be paid for the maintenance of it of 2s 2d. A grazed and stocked way is most unlikely to be a public carriageway.

15	Locking Tithe and Apportionment 1838/40	This tithe documentation shows the Drove as tithe number IIa (which coincides with that same number shown on the SMV maps). IIa was said to be owned by the SMV, and occupied by one Arthur Bishop. It was described as a "Road etc" - the only way shown in the tithe apportionment - and tithe was payable on it in the sum of 5s and 91/2d. There is no doubt that the Drove was a "Road etc", but it was a private road, privately owned and occupied, and subject to a tithe apportionment payment. This must rule out any public carriageway status on the Drove in 1840, in the same way as the Inclosure provisions had done in 1800. The route was shown gated at C, E, and G on the LSP. See copy Tithe Map extracts attached (Appendix 8), showing those gates and the numbering 11a.
16 and 17	O S Maps	First Edition 1880 - this (Appendix 9) shows gates at C and E, and at the northern end of the Drove at Lypstone Farm. Second Edition 1903 -this shows the Drove gated at C and E. This is the base map for the Finance Act 1910.
18	Finance Act 1910	This map shows the Drove included within hereditament 1, being Drove Farm. The Book Entry shows the owner as the Treasurer of Colston's Charity, Merchants Hall, Bristol, and the occupier as W J Cook. Crucially, the red edging of hereditament 1 clearly runs along the southern edge of the Drove but not the northern edge, thus incorporating that length of the Drove within the farmstead at Drove Farm, and shows a red line across the Drove at the gated entrance (point C LSP).
19	Handover Map	The copy extract we have seen, from Axbridge RDC, appears to be the handover map, and represents the northern section of the Drove, from Lypstone Farm down towards Locking Head Farm as being publicly maintainable, and numbered 139. This was obviously a cul-de-sac way serving Locking Head Farm, and not a public carriageway through-route. Likewise, at the south-west end, the Drove was shown as publicly maintainable from points C-A (LSP) and numbered 137; and likewise this was a cul-de-sac way serving Drove Farm and not a public carriageway through-route.
20	Definitive Map Process	The Drove was not claimed under the 1949 Act, save for the short stretch of public footpath which enters the Drove at point F. It was numbered FP8. The walking survey card suggests that FP8 started at a point opposite Locking Head Farm and then went not along the Drove but across the fields northwards.

Mr Cheal's document also details surface and maintenance which has been undertaken both privately and public [Para. 21 – 27].

This document then refers to the lack of evidence illustrating dedication of the route [Para. 28 – 30] and the consideration which should be applied to the application in regard to the Natural Environment and Rural Communities Act which effectively extinguished any unrecorded route from becoming a BOAT.

Attached to this submission are three statutory declarations. These are from Mr Edwards and Mr Legg who own the land, and Mr Dunn who is the tenant of Locking Head Cottage Farm (Mr Cheals submission Appendix 11, 12 and 13). These Stat Decs provide detail

relating to maintenance, usage, challenges, gates and signage which the landowners have erected advising no public rights.

Finally Mr Cheal comments on the one User Evidence Form which has been submitted and the inference which can be taken from the evidence placed upon her signed form [Para. 38] namely Miss Tonkin's claim to have ridden the route between 1942 and 1980 was as a member of the local riding school. Her recollection of locked gates being opened asserts that access was by permission of the landowner which supports the Stat Decs that no public use as of right was enjoyed, sufficient to amount to a right of way excluding Footpath

In conclusion Mr Cheal re-interates points previously made and asks that the Council should resolve to reject this claim and make no order.

Date of Challenge

For public rights to have been acquired under Section 31 of the Highways Act 1980, a twenty year period must be identified prior to an event which brings those rights into question.

In regard to the full length of the claimed route as depicted on the location plan C-A-B-I there is no evidence submitted which describes the event. It is believed that this claim may have been submitted around the time that consultation regarding the construction of the now present dual carriage way began (Mrs Craggs has made reference to the through route

As this seems to be the only information which can be regarded as a point of challenge which resulted in the application being submitted, the application date of 1994 is to be taken as the date of challenge.

Summary of Evidence and Conclusion

Summary of Documentary Evidence

Taking all of the documents into consideration the majority of these documents illustrate the existence of the route along the same line since 1801, however the fact that these are depicted does not confirm status.

Looking at all of the evidence which has been presented and considered this route has been called Locking Head Drove first mentioned within the Enclosure Award as a Private Road or Drove to be maintained by the owner of the land. The route has continued to be illustrated on documents produced through the ages as a route capable of being used as a through or circular route but primarily providing access to farms and fields. This piece of evidence is clear indication that at this time the route was not considered to be for the use of the public.

However, the Locking Tithe Map of 1839 clearly illustrates the depiction of barriers at three locations along the route. These depictions match locations where gates exist today. The Apportionment numbered 11a calls this route a Road, falling into land that was in private ownership. Its appearance at that time may have been similar to other routes. The Tithe Map, does however, have roads coloured in an ochre colour which seems to draw a distinction between routes which are now known to be public and others which are not.

The Finance Act plan clearly illustrates that the track was included in the hereditament 1pt which at that time was owned Colstons Charities. It is known that £100 was deducted for Public Rights of Way however the ownership of 1pt exceeds this area of land (a further parcel of land falling under 1pt can be seen on the other side of the main road) therefore it is not possible to confirm where that public right of way relates to.

The Sales documents of 1919 relating to Lot 6 and & clearly show that the track between these two ownerships was for their use only, no mention of there being public access.

All of the plans which have been looked at and included within this report show the route depicted in the same way as a track bounded on both sides by a rhyne or farm buildings. This may suggest a route capable of being used as a through route however often depicting boundaries which would have prevented such use.

The only evidence found which illustrates that the Council have any maintenance responsibility for this area is that referred to in the 1930 Highways Records. The reason why only these sections were maintained is unknown but has remained the same since 1930.

During the production of the Definitive Map in 1950 the only route to be recorded in the survey was that of Footpath AX20/8. The section claimed at that time was from the end of the maintained highway for a short section then crossing over the fields, not continuing along the claimed route, the reason for this is unclear but nothing has been found to suggest that this classification was incorrect. These surveys were carried out by persons on foot.

Taking all the documentary evidence into consideration although sufficient evidence has been found to support the existence of this route, nothing has been found to support its status.

The applicants will suggest that the fact that these routes are illustrated on maps shows that they were routes capable of being used by the transport of the time, at least horse and carriage (Once a Highway, Always a Highway). This may be true, it is not inconceivable to suggest that users of the route would not have been able to dismount and open gates. These would have been an inconvenience but not impossible to navigate if accessible. However, no evidence has been submitted to suggest that is what happened.

As none of the evidence considered above has raised the presumption that this route was used by vehicular traffic, I have not considered the effect of the Natural Environment and Rural Communities Act 2006 (NERC).

Therefore, a judgement can only be made on the evidence placed before us and based on this documentary evidence, the Officer does not feel that the evidence supports the claim that this route should be recorded as a Byways open to all Traffic or a Bridleway.

Summary of User Evidence

As previously stated only one user evidence form was submitted with this application where the user has provided detail of use when part of a Riding School. It is not inconceivable to suggest that such use could have been by permission or arrangement with the owner of the land, in fact the user recalls the existence of the gates and that gates were locked.

Taking into consideration the information that has been collated from the user evidence form this is very minimal and does not provide any support for this claim.

Consultation Responses

As detailed within Appendix 5 out of the consultation which were received nine responses were received. Five letters of objection, two letters of support and two confirming no objection. Those objecting have provided information relating to their personal knowledge of the area of land. The supporters (one of these being the applicant) illustrating why they consider that this route should be recorded as a Byway or Bridleway. No further evidence was submitted which could have been included within this report. Also, objecting were the landowners who would be affected detailing their understanding of the use which had been made of the land.

Summary of Landowner Evidence

Mr Cheal acting for Mr & Mrs Edwards and Mr Legg has submitted a detailed objection to the suggestion that any public access has taken place on this land. As well as an analysis of Documentary Evidence there is also submitted three Statutory Declarations. These documents provide evidence of the actions of the landowners to stop any attempts by the public to use this route, such action being gates, signage and challenges. These documents state that gates have been locked since at least 1965 or even earlier.

These documents clearly show that the owners of the land have been proactive in maintaining their understanding of this route as a private track, not a public one. This application was submitted in 1994 therefore the twenty-year period would be 1974 – 1994 when the landowners clearly claim to have maintained locked gates and notices.

Therefore, based upon the evidence from the landowners and witnesses there is sufficient evidence to satisfy Section 31 (3) of the Highways Act 1980 which states **“Where the owner of the land over which any such way as aforesaid passes – has erected in**

such manner as to be visible by persons using the way a notice inconsistent with the dedication of the way as a highway; and has maintained the notice after the 1st January 1934, or any later date on which it was erected, the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as a highway". Such actions by the landowners clearly demonstrate that they had no intention of the route being dedicated for public use.

Conclusion

This application affects a route which is already recorded on the Definitive Map as a Footpath as well as unrecorded routes. To alter the status of a route on the Definitive Map, the evidence must indicate that the route which is already recorded "**ought**" to be shown as a route of a different status. This is considered a stronger test than a simple addition to the Definitive Map, where the requirement is that a right of way "is reasonably alleged to subsist". The term "ought" involves a judgement that a case has been made and that it is felt that the evidence reviewed in the investigation supports the application on the balance of probabilities.

When considering this matter commencing at Point C passing through Points A, B to Point I their depiction on historical plans illustrates that they may have been routes capable of being used before the construction of the A370 dual carriageway.

Having regard for the legal tests that should be applied in respect of the route C – A – B - I "does a route subsist or is reasonably alleged to subsist". The historical evidence shows that a route has been evident on the ground since 1801 however insufficient user evidence has been produced to support public rights having been established over it. I do not believe that a case has been made

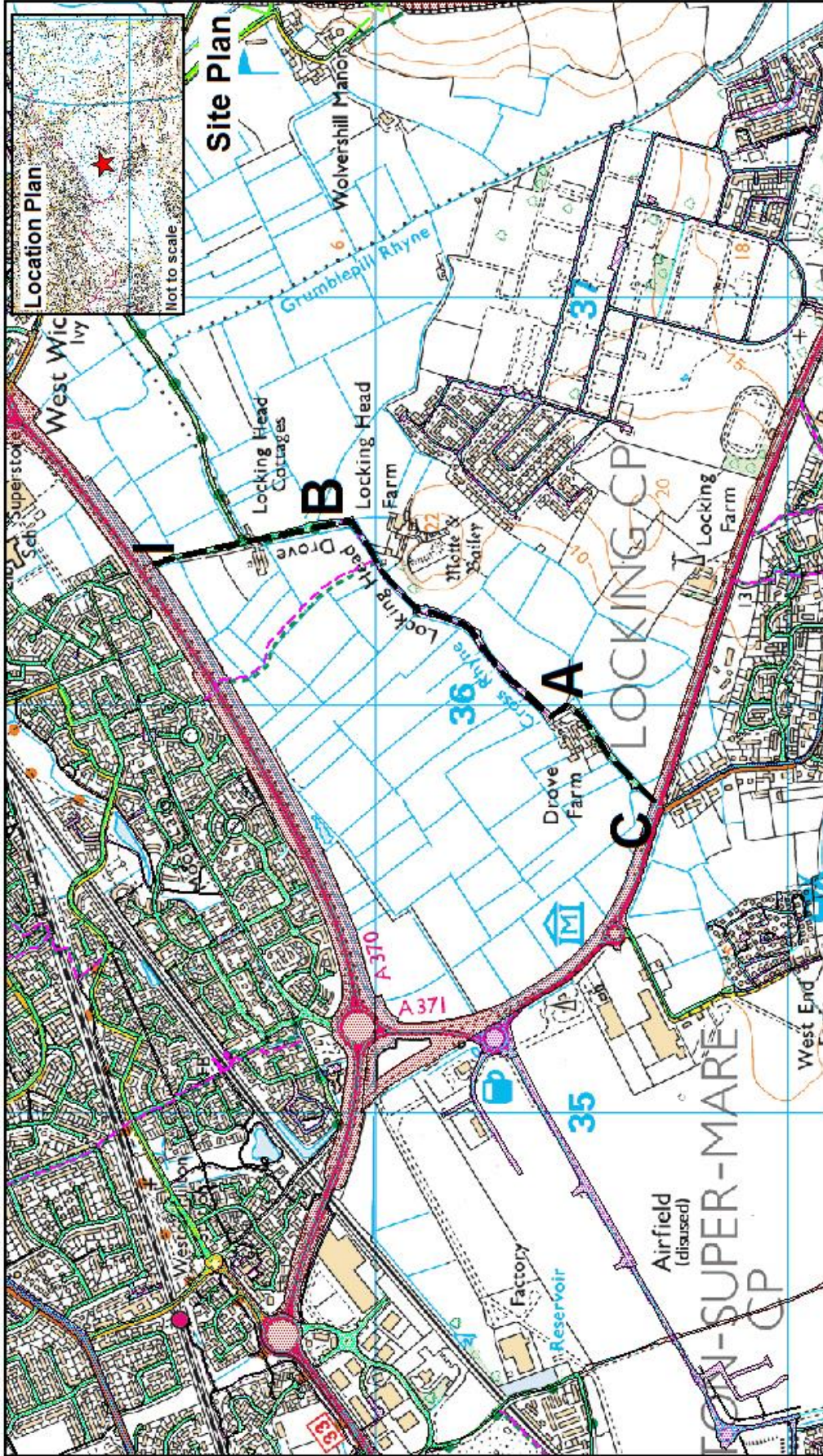
Regarding the section recorded as Footpath AX20/8 as this is already a public footpath the higher test of "on the balance of probabilities" needs to be considered. Once again, this route has appeared on plans since 1801 as a bounded track. The historical evidence has shown that an obstruction at Locking Head Cottages has existed. There is still a gate at this location with evidence of an older one once being there. The existence of a gate does not preclude a route having higher status than that already recorded. Once again insufficient user evidence has been produced to support public rights having been established.

Referring to Appendix 1 Paragraph 4 in assessing this application regard has been given to Section 31 (1) of the Highways Act 1980. The use by the public has been so minimal that use cannot not be claimed under Common Law. Although the user claimed 38 years use, this would appear to have been by permission of the landowner, not as of right.

More so the owners of the land have fully negated any claimed use as required by Section 31 (3) of the Highways Act 1980 by the erection of notices and challenging anyone attempting to use the route.

Therefore, it is felt by the officer that neither the documentary evidence nor the submitted user evidence supports the claim that this route C-A-B-I should be recorded on the Definitive Map as a Byways open to all Traffic or a Bridleway.

LOCATION PLAN



Wildlife & Countryside Act 1981 - Sec 53 North Somerset District Council
Mod 19 Locking Head Drive
Definitive Map Modification Order Application
PROW Sub Committee 28 March 2017



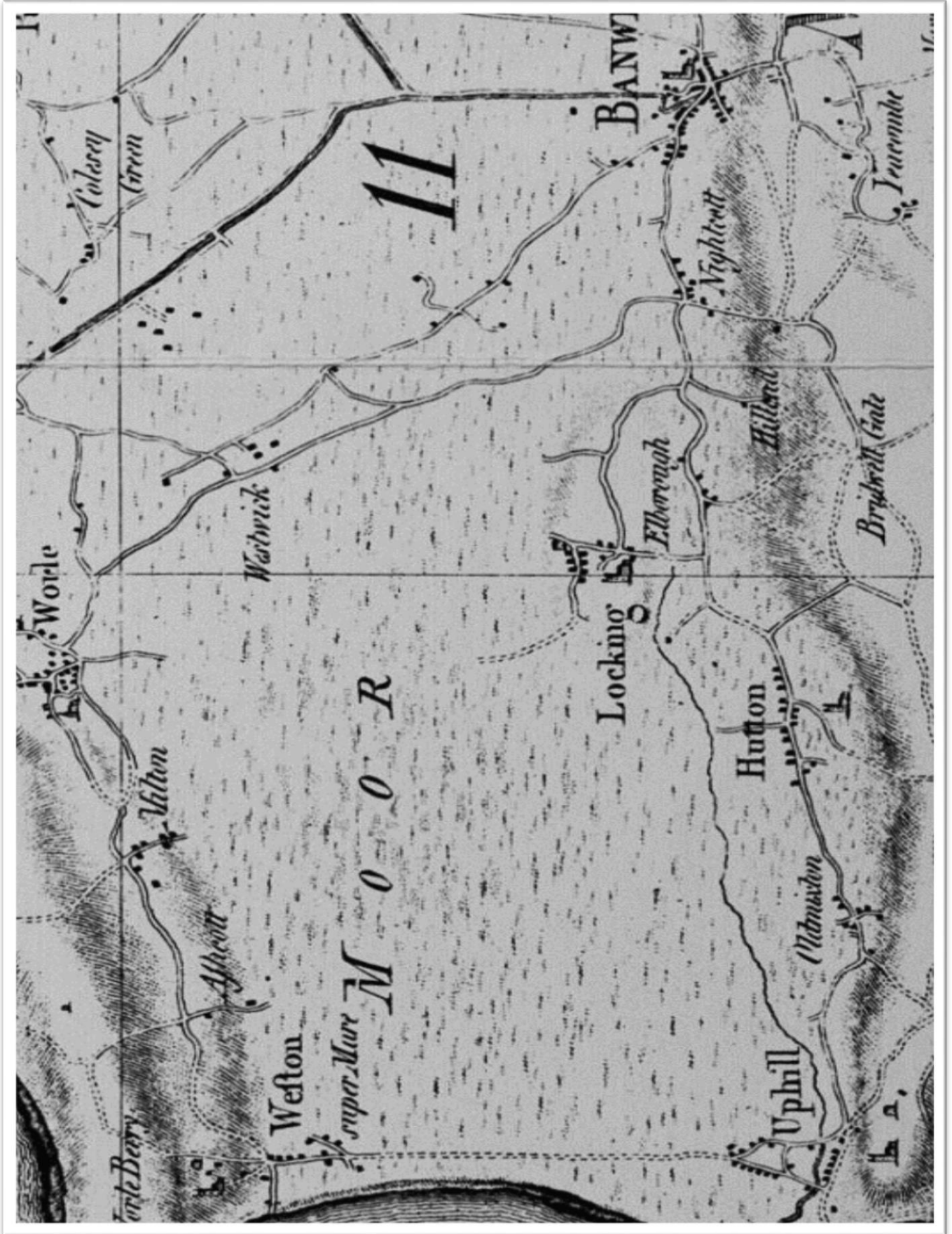
Development & Environment
 Public Rights of Way
 Streets and Open Spaces
 North Somerset Council
 Town Hall
 Wallscote Grove Road
 Weston-super-Mare
 BS23 1UJ
 Tel: 01934 888 802

Map No.
 EB/Mod 19 Committee
 Grid Reference
 ST3660

Scale 1:12560
 Date
 28 February 2017

Claimed route - C - A - B - I

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DOCUMENT 2
LOCKING ENCLOSURE AWARD 1801

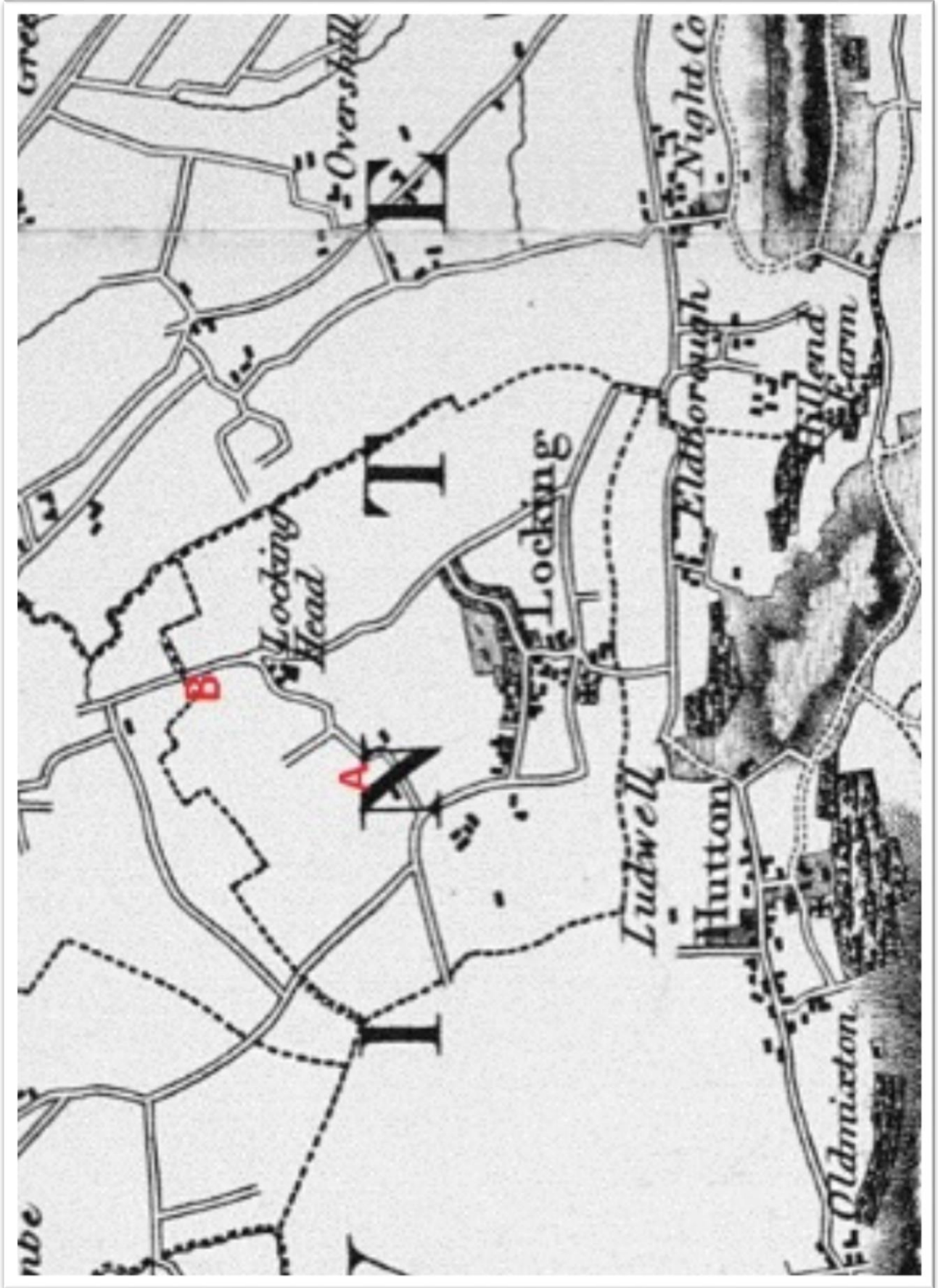


to do thereby expressly take charge and enjoy the same in the several proportions
 in making maintaining and repairing the several and respective private roads
 and land down in the said Close Common and waste lands in manner follow

Proprietors	Acres	Sound Matted	Capital Money
Tenements			
The Society of Auctioneers	47	4	3 13
Joseph Broadbent and the Society of Merchants	23	1	4
Edward Bazel and Joseph Bellings	14	8	1 13
Do	15	1	2 31
William Cornall	24	4	2 10
Do	3	25	3 30
William Coome	18	4	2 98
William Hudd	19	4	1 18
Do	3	20	1 1
Robert Jenkins	27	20	1 36
			1 10 2

Part of late Mansions in exchange 3 25 3 30 1 6
 Part of late Mansions in exchange 18 4 2 98 7 3
 Part of late Mansions in exchange 19 4 1 18 7 3
 Part of late Mansions in exchange 3 20 1 1 2 1
 Part of late Mansions in exchange 27 20 1 36 1 10 2

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DOCUMENT 6
LOCKING TITHE MAP 1839



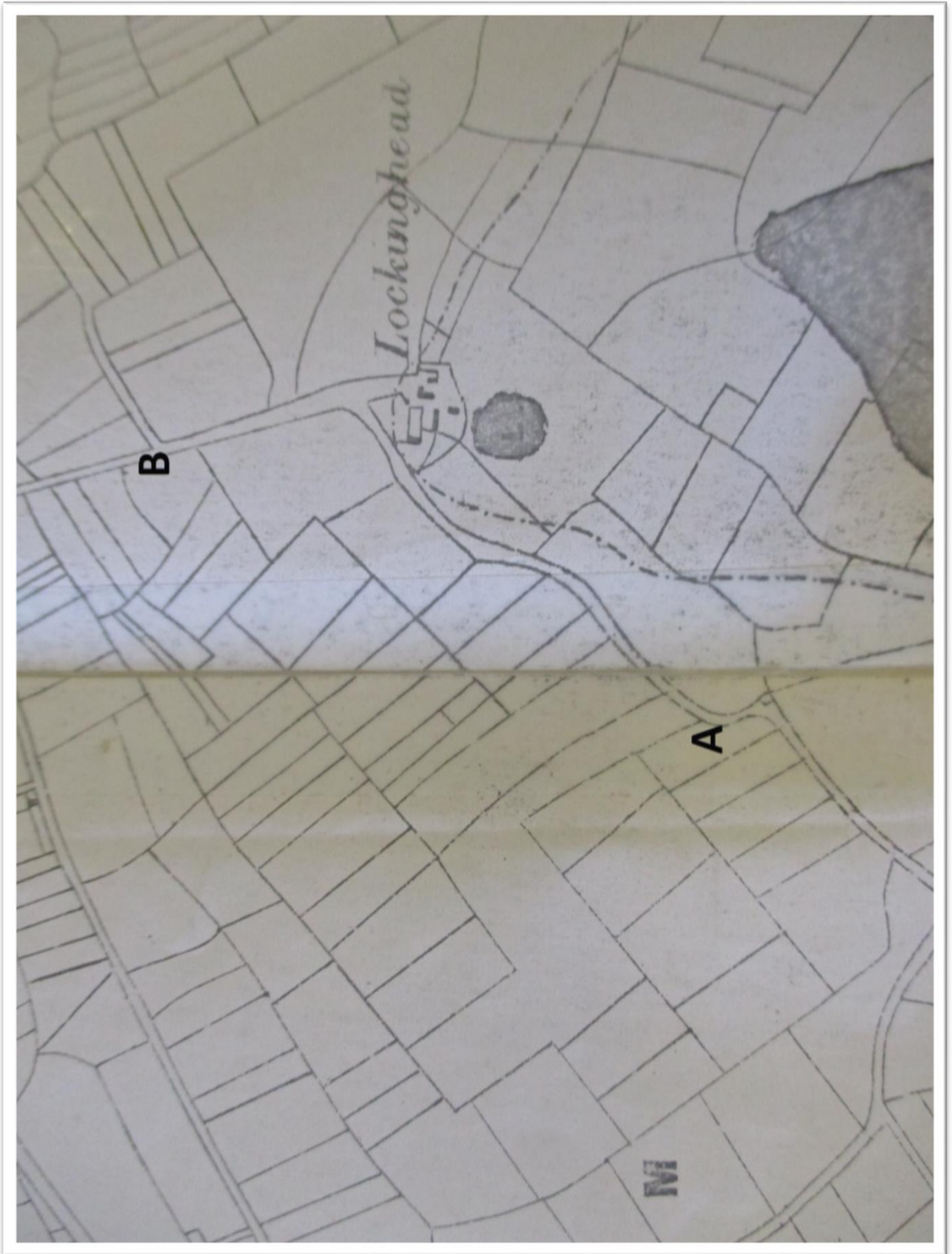
DOCUMENT 7
 LOCKING TITHE MAP 1839 APPORTIONMENT

C. London: Printed and Published, by Stone & Sons, 137, B. 195, Fetter Lane.

The name of each owner is written in the margin of each lot, and the value payable for the same is written in the margin of each lot.

LANDOWNERS	OCCUPIERS	Number of Acres in the Lot	NAME AND DESCRIPTION OF LANDS AND PREMISES	STATE OR CULTIVATION	QUANTITIES IN ACRES	PAYABLE TO		REMARKS	
						THE TITHES	THE INCUMBENT		
The Society of Merchant Adventurers of the City of Bristol		1	Barren house with building	Homestead	3 1/2	0	0		
		2	Waterside yard	Orchard	1 2/4	13	11		
		3	East original 12 Acres	Pasture	10 2/3	2	16 1/2		
		4	The eight Acres	Pasture	2 2/3	17	0		
		5	Living Orchard	Orchard	3 3/8	1	16 1/2		
		6	Coopers	Pasture	0 3/4	1	1		
		7	The six Acres	Pasture	0 2/3	1	16 1/2		
		8	Widow's house	Pasture	10 1/2	2	0		
		9	The Barrows	Pasture	0 2/3	1	14 1/2		
		10	Plantation	Plantation	2 2/2	1	11 1/2		
		11	Parsonage	Pasture	3 3/4	17	1	11 1/2	
		12	Wood	Wood	0 3/4	13	0	11 1/2	
		13	Locking Head Drive	Homestead	6 3/4	13	5 1/2	0	
		14	The Field	Pasture	13 3/4	26	2	0 1/2	
		15	The Parke F Plantation	Plantation	1 3/4	21	0	0 1/2	
		16	Lower six Acres	Pasture	6 2/2	25	0	0 1/2	
		17	The seven Acres	Pasture	0 1/2	36	1	17 1/2	
		18	East Bushy Close	Pasture	5 2/3	31	1	2 1/2	
		19	Longridge Head	Pasture	3 2/4	17	2	2 1/2	
		20	Longridge Head	Pasture	2 2/4	36	0	0 1/2	
		21	Longridge Head	Pasture	2 2/4	36	0	0 1/2	
		22	Longridge Head	Pasture	4 1/2	0	1 3/4	0	
		23	Old field three Acres	Pasture	2 2/3	33	0	0 1/2	
		24	Old field	Pasture	2 1/4	10	0	0 1/2	
		25	Great twenty eight Acres	Pasture	29 3/4	4	19 1/2	0	
		26	The half acre on Hilliers	Pasture	2	3	0	0 1/2	
		27	New Head	Pasture	5 2/2	20	1	2 1/2	
		28	Head	Pasture	10 2/3	13	2	1 1/2	
		29	Widow's House	Pasture	0 2/4	17	1	17 1/2	
						178	1 3/4	57 1/2	10
Joseph Palmer		170	Head three Acres	Pasture	2 3/4	12	2		
		171	Widow's two Acres	Pasture	2 2/8	9	6		
		172	Widow's Head	Pasture	1 2/3	0	3		
		173	Widow's	Pasture	6 2/4	1	9	0	
		174	East three Acres	Pasture	1 3/4	37	0	0	
175	Head Orchard yard and Garden	Homestead	1 1/4	7	0	1			
176	Upper East Head	Pasture	2 2/4	1	11	1			

DOCUMENT 8
GEOLOGICAL MAP OF NORTH SOMERSET 1862



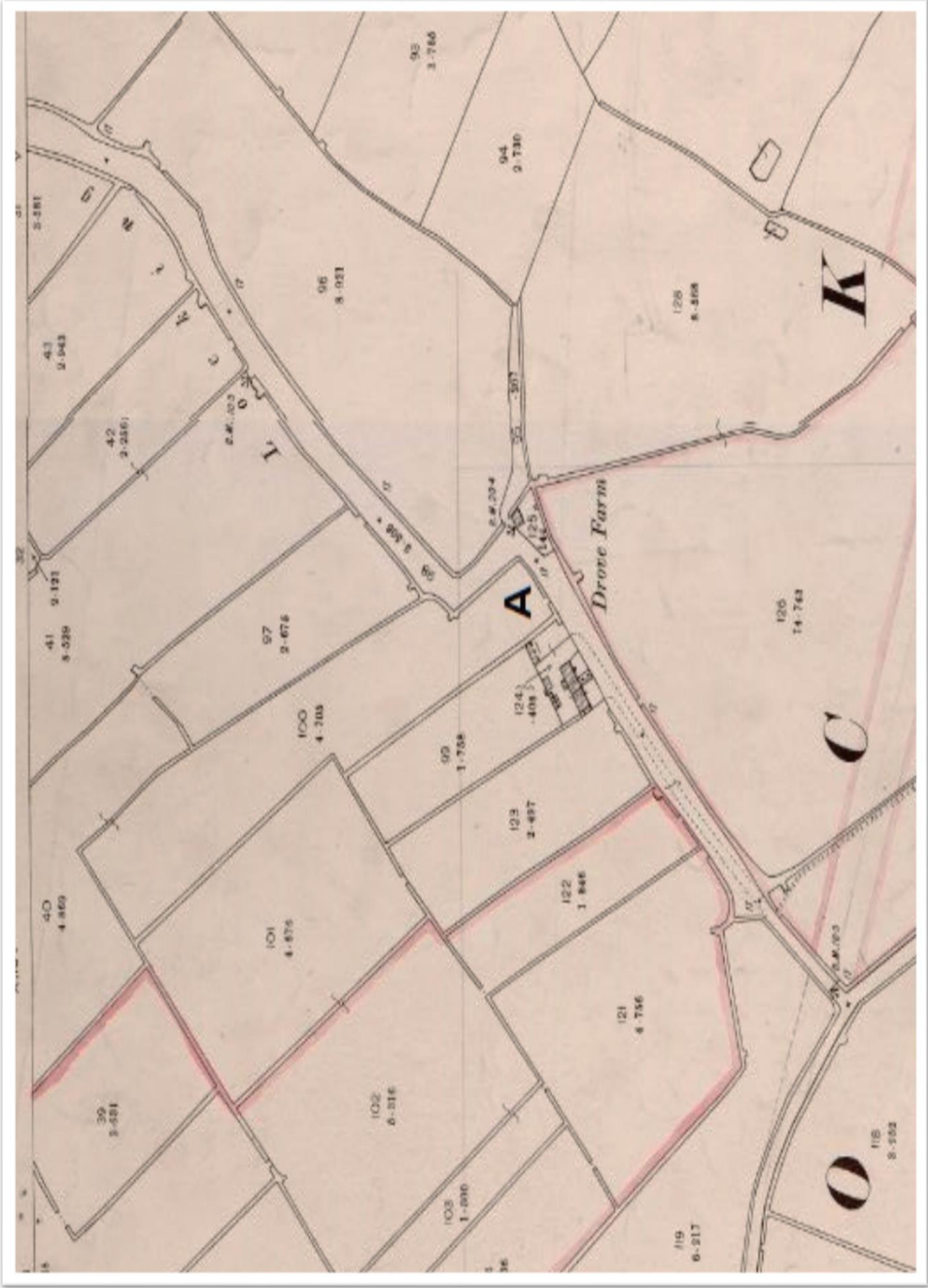


Pariish of <i>Lackington</i>		Commissioners of Inland Revenue, at annual Valuation														
No. of Assessment	No. of Four Rate	Christian Names and Surnames of Occupier	Christian Names and Surnames of Owners with their Residences	Description of Property - If an Inc. H. the name or sign by which known	Street, Place, Name and Precise Situation of Property	Four Rate		Reference to Map	Extent as determined by Valuer				Disturbances		Original Value	Total Charges
						Estimated Extent	Rateable Value		Acres	R.	P.	V.	Original Value	Disturbances		
1	1	<i>Wm. J. Cook</i>	<i>Rev. L. J. Surman</i> <i>London House</i> <i>41, Victoria Street</i>	<i>House & 1/2 Acre of Land</i>	<i>Down Lane</i>	<i>2 1/2</i>	<i>95</i>	<i>27</i>	<i>80</i>	<i>2</i>	<i>27</i>	<i>13</i>	<i>14</i>	<i>15</i>	<i>25</i>	<i>330</i>
2	2	<i>Chaplin L. M.</i>	-	<i>Cottage & 1/2 Acre</i>	<i>Lackington</i>	<i>1/2</i>	<i>115</i>	<i>15</i>	<i>130</i>	<i>15</i>	<i>15</i>	<i>17</i>	<i>18</i>	<i>15</i>	<i>25</i>	<i>330</i>
3	3	<i>Chapman Mrs. J.</i>	-	<i>House & 1/2 Acre of Land</i>	<i>Down Lane</i>	<i>6 1/2</i>	<i>1045</i>	<i>66</i>	<i>3830</i>	<i>1045</i>	<i>66</i>	<i>8</i>	<i>14</i>	<i>15</i>	<i>25</i>	<i>290</i>
4	4	<i>Clark John</i>	-	<i>Cottage & Garden</i>	<i>St. Barnos</i>	<i>3</i>	<i>145</i>	<i>111</i>	<i>180</i>	<i>145</i>	<i>111</i>	<i>14</i>	<i>15</i>	<i>35</i>	<i>25</i>	<i>686</i>
5	5	<i>Smith A. W. J.</i>	-	<i>House & 1/2 Acre of Land</i>	<i>Lackington Down Lane</i>	<i>10 1/2</i>	<i>1740</i>	<i>150</i>	<i>2660</i>	<i>1740</i>	<i>150</i>	<i>25</i>	<i>14</i>	<i>15</i>	<i>25</i>	<i>60</i>
6	6	<i>Davis Geo.</i>	<i>Wm. J. Suspect</i> <i>3, York Street, W. 1</i>	<i>House</i>	<i>47 Moor</i>	<i>16 1/2</i>	<i>960</i>	<i>16</i>	<i>960</i>	<i>16</i>	<i>16</i>	<i>15</i>	<i>15</i>	<i>25</i>	<i>60</i>	<i>60</i>
7	7	<i>Spencer L.</i>	<i>Wm. J. Suspect</i> <i>3, York Street, W. 1</i>	<i>Cottage & Garden</i>	<i>Lackington</i>	<i>7</i>	<i>150</i>	<i>13</i>	<i>150</i>	<i>13</i>	<i>13</i>	<i>14</i>	<i>15</i>	<i>25</i>	<i>60</i>	<i>60</i>
8	8	<i>Billingham Miss A.</i>	<i>H. A. Dill</i> <i>10, St. Paul Street, W. 1</i>	<i>House</i>	<i>Lackington</i>	<i>8 1/2</i>	<i>70</i>	<i>14</i>	<i>60</i>	<i>14</i>	<i>14</i>	<i>15</i>	<i>15</i>	<i>25</i>	<i>60</i>	<i>60</i>
9	9	-	-	<i>Cottage & Garden</i>	<i>Lackington</i>	<i>1</i>	<i>5</i>	<i>14</i>	<i>5</i>	<i>14</i>	<i>5</i>	<i>14</i>	<i>15</i>	<i>25</i>	<i>60</i>	<i>60</i>
10	10	-	-	-	-	<i>3</i>	<i>2</i>	<i>14</i>	<i>3</i>	<i>2</i>	<i>14</i>	<i>15</i>	<i>15</i>	<i>25</i>	<i>60</i>	<i>60</i>
					Total											

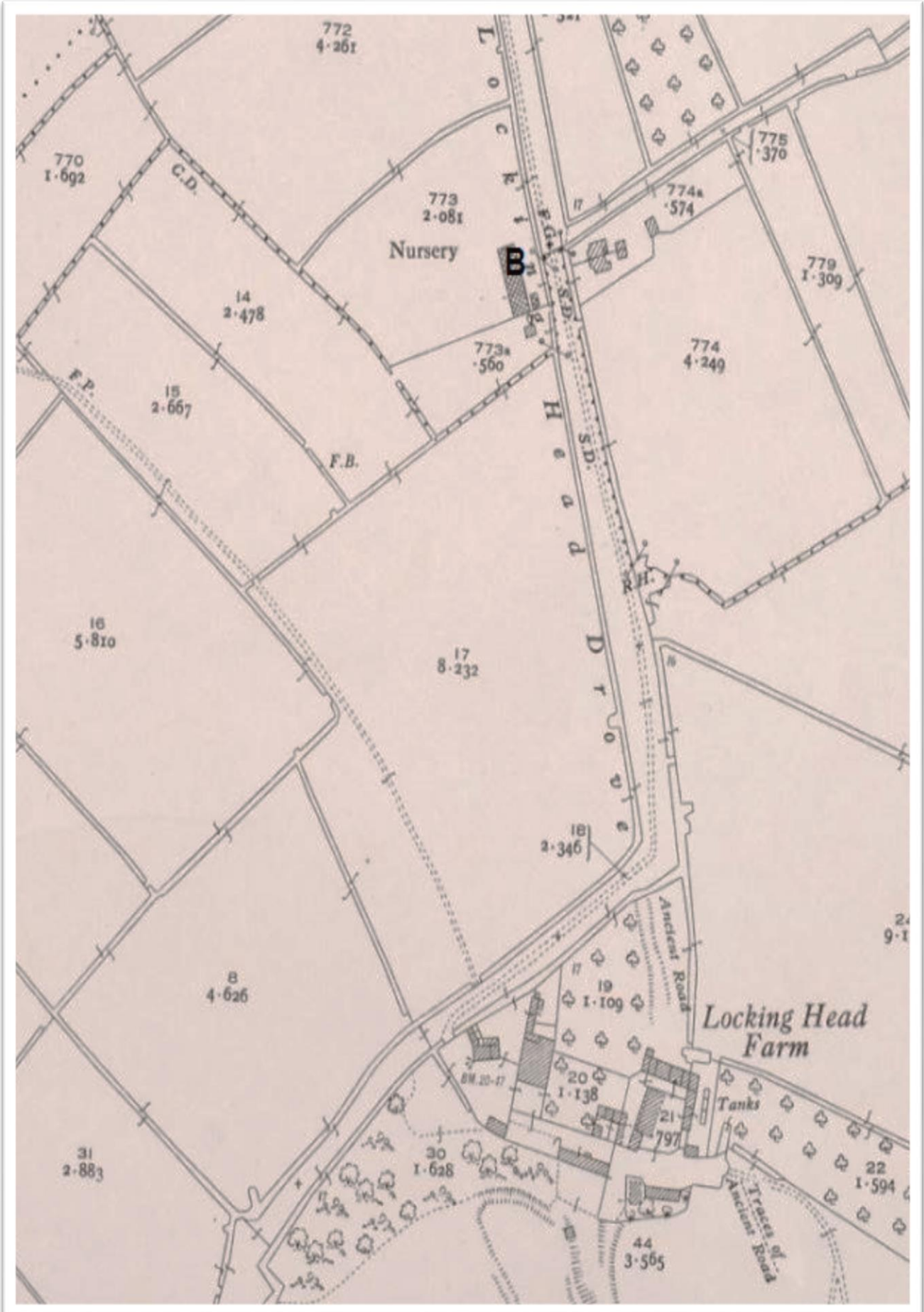
DOCUMENT 10B
Finance Act 1910 Hereditament No 1

P. Y.	Determination of		Commissioners of Inland Revenue, as amended on Appeal (if any)													Observations and References											
	Original Gross Value	Deductions for	Original Full Site Value	Fixed Charges	Deductions for							Original Total Value	Works executed	Capital Expenditure	Appropriation of Land		Redemption of Land	Entrenchment of Covenants	Losses of Restrictive Covenants	Goodwill or personal elements	Cost of clearing Site	Original Assessable Site Value (or Original Capital Value of Hereditaments)	Value of Agricultural Land for special purposes, different from Agricultural Site Value				
13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
27	5100	860	4210	330								100				4670								3760	4670		13.10.13
47	130	115	15													130								15			22.9.15
8	3330	1045	2785	270												3640								2495	3640		13.11.13
11	180	145	35													180								35			22.9.15
25	8660	1740	6920	686							100					7874								6184	7874		13.10.13
16	960		945	60												900								885	900		27.8.13
3	150		25													150								25			22.9.15

DOCUMENT 11A
OS Plan 1903



DOCUMENT 11B
1936 Plan



DOCUMENT 12
Locking Sale Particulars 1919 – Lot 6



LOT 6

All that Stone-built and Tiled

Farm House

with Small Garden in front, called

DROVE FARM

The House contains 4 Bedrooms, 2 Sitting-rooms, Kitchen, Larder, Dairy, Coal-house, together with the

6-ROOMED COTTAGE, &c., adjoining

The Outbuildings comprise 2-stall Stable, Coach-house, 2 Loose Boxes, Barn, Fowls-house, Pigs-house, Wagon and Cart-house, Cow-house (12 ties), Calving-house, &c., and more fully described as follows :—

Title No.	Ordinance No.	Description	State	Tithe Quantity		Ordinance Quantity
				A.	R. P.	
200	124	House, Garden	Buildings &c.	2	0 38	'408
	99	Paddock	Pasture	2	1 23	1'758
199	123	Moor Leaze	Do.	4	3 22	2'497
202	100	Do.	Do.	7	1 28	4'705
203	97	Do.	Do.	8	1 29	2'675
	40	Do.	Do.	7	1 28	4'869
204	41	Do.	Do.	8	1 29	8'529
205	42	Do.	Do.	2	1 28	2'256
206	43	Do.	Do.	2	3 21	2'943
207	31	Do.	Do.	3	2 21	3'581
208	7	Do.	Do.	3	2 12	3'367
209	6	Do.	Do.	2	1 26	2'608
210	4	Do.	Do.	0	1 28	'450
211	5	Do.	Arable	0	3 36	'932
212	32	Do.	Do.	2	0 12	2'121
213	3	Do.	Pasture	3	1 2	3'196
215	101	Do.	Do.	4	3 21	4'676
11a	98	Pt. Locking Head Drove	Do.	3	2 0	3'506
201	125	Site Cottage		0	0 10	'144
WORLE PARISH.						
82	763	Langridge	Pasture	1	2 28	1'770
83		Do.	Do.	1	2 5	1'524
				A. 58	2 30	A. 58'515

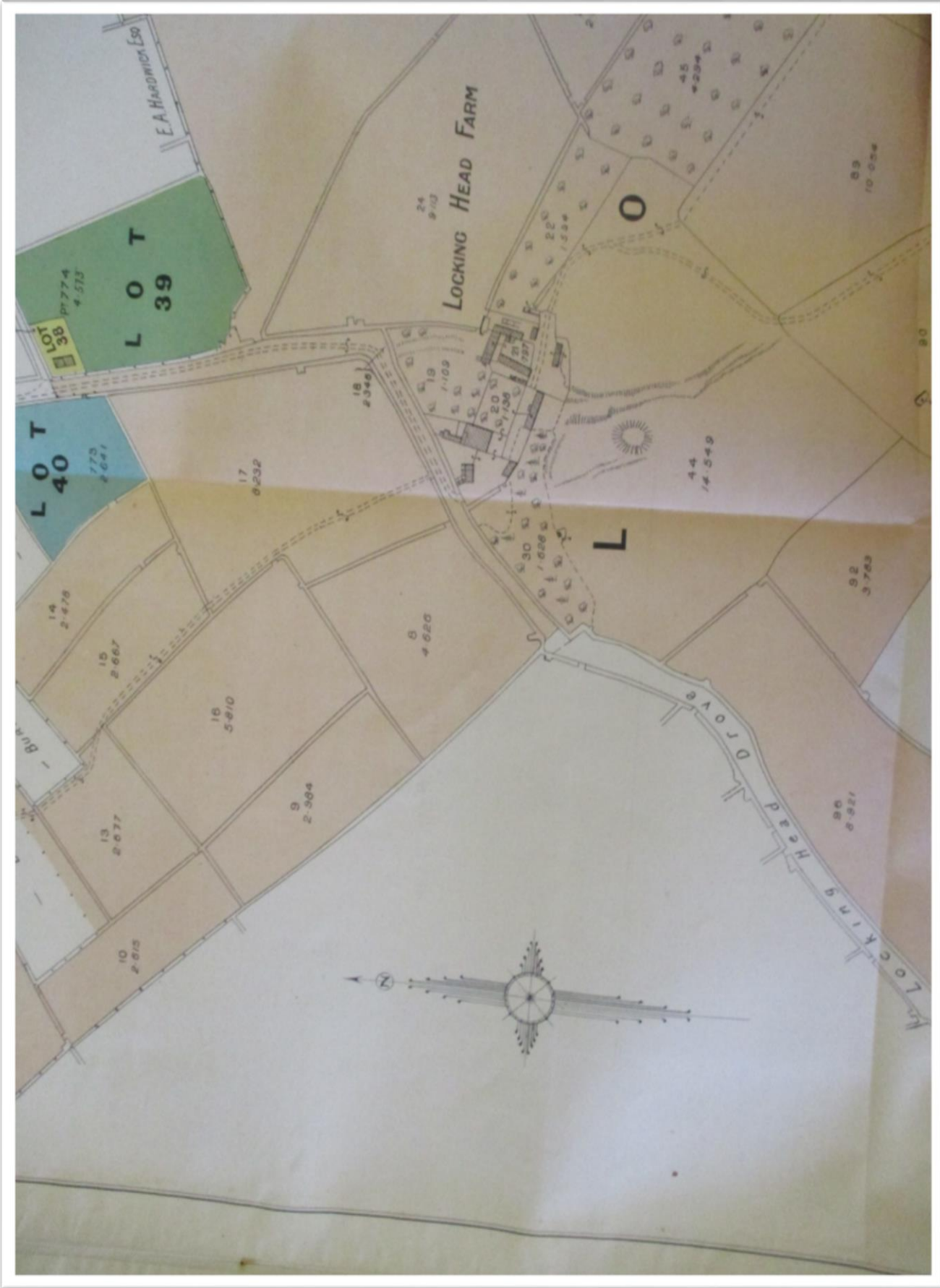
Tenant—Mr. W. J. Cook.

Commuted Tithe Rents Charge, Vicarial £10 15s. 1d.; Rectorial 11/5½; Worle Parish, 18/1.

This lot is sold with a right of way to the Purchaser for all purposes to, from and over the portion of Locking Head Drove included in Lot 7, and subject to a right of way to, from and over the portion of Locking Head Drove included in this lot for all purposes for the owners and occupiers of Lots 3 and 7, and for agricultural purposes for the owners and occupiers of Lots 36 and 37.

The Land in Worle Parish forming part of this lot is liable to keep in repair in Sand Bay, Kewstoke Works No. 49, 1 Rope of the Sea Wall Works Worle View of the Commissioners of Sewers.

DOCUMENT 14
Locking Sale Particulars 1919 – Lot 7



LOT 7

All that most substantially erected and conveniently arranged Stone-built and Tiled

Residence

facing South, and known as

LOCKING HEAD FARM

with well-kept Lawn and Flower Garden in front and Walled-in Vegetable Garden.

The House contains—Entrance-hall, Dining and Drawing-rooms, China Pantry, Kitchens, Scullery, 5 Bedrooms, 4 Attics, Fitted Bath-room, Dairy, Potato and Coal-houses.

The Outbuildings comprise 4-stall Stable with Loft over, Coach-house; large Wagon, Cart and Trap-houses, large Barn, 3 newly-erected Cattle-pens, 4 Loose-boxes, 3 Cow-houses (20 and 14 ties) with water supply laid on, Enclosed Yard with 2 Sheds, Bull's-house, Chaff-house, 3 Pig-styes, Cow-house and Shed adjoining, Fowls-house, 4-section bay Hay-barn, 20ft. high x 60ft. x 25ft. with iron pillars and galvanised roof, &c., and more fully described as follows:—

Tithe No.	Ordnance No.	Description	State	Tithe Quantity	Ordnance Quantity
		Mr. A. M. B. CRIDDLE, Tenant			
1	19, 20, 21	Farmhouse, Outbuildings, Gardens, Yards, &c.	Homestead	A. R. P.	ACRES
2	22	Old Orchard	Orchard	3 1 6	3'044
3	24	East or Great 12 Acres	Pasture	1 2 4	1'594
4	29	The Eight Acres	Do.	10 2 38	9'113
5	45	Young Orchard	Do.	2 2 15	2'567
6	46	Coomers	Orchard	3 3 38	4'294
7	88	The Six Acres	Pasture	9 3 37	10'283
8	89	Shibley Leaze	Arable	6 0 29	6'139
pt. 9	90	The Barrows	Do.	10 1 12	10'054
9a	91	Plantation (in hand)	Pasture	9 0 22	9'204
10	92	Dormead	Plantation	0 2 14	587
11	96, 95	Broadmead	Pasture	3 3 17	3'783
11A	18	Locking Head Drove	Do.	9 0 13	9'188
12	44	The Hills	Drove, &c.	2 1 15	2'346
13	30	Plantation	Pasture	13 3 26	14'549
14	8	Lower Six Acres	Plantation	1 3 21	1'628
15	17	West 12 Acres	Pasture	4 2 25	4'626
16	16	The Seven Acres....	Do.	8 1 34	8'232
17	9	East Rushy Close	Do.	5 2 31	5'810
18	13	Langridge Mead	Do.	3 0 17	2'984
19	10	Langridge	Do.	2 2 36	2'677
20	11	Langridge Mead	Do.	2 2 16	2'615
21	12	Do.	Do.	4 1 8	4'183
22	15	Oldfield Three Acres	Do.	0 3 8	992
23	14	Oldfield	Do.	2 2 33	2'667
24	28	Great 28 Acres	Do.	2 1 21	2'478
25	26	Half Acre and New Mead	Do.	22 3 4	23'264
26, 27	27	Great Mead	Do.	6 0 39	6'334
28	47	Scotch Hams	Do.	10 2 13	10'508
29	48	Great Moor Mead	Do.	9 2 17	9'562
		Mr. M. J. WILLIAMS, Tenant			
30	48	Great Moor Mead	Do.	6 1 4	6'425
31	50	Broad Moor Mead	Do.	7 1 13	7'433
32	49	Shortlands	Do.	8 0 13	7'921
				A. 197 2 37	A. 197'084

The Purchaser of this lot to pay £279 10s. for Timber.

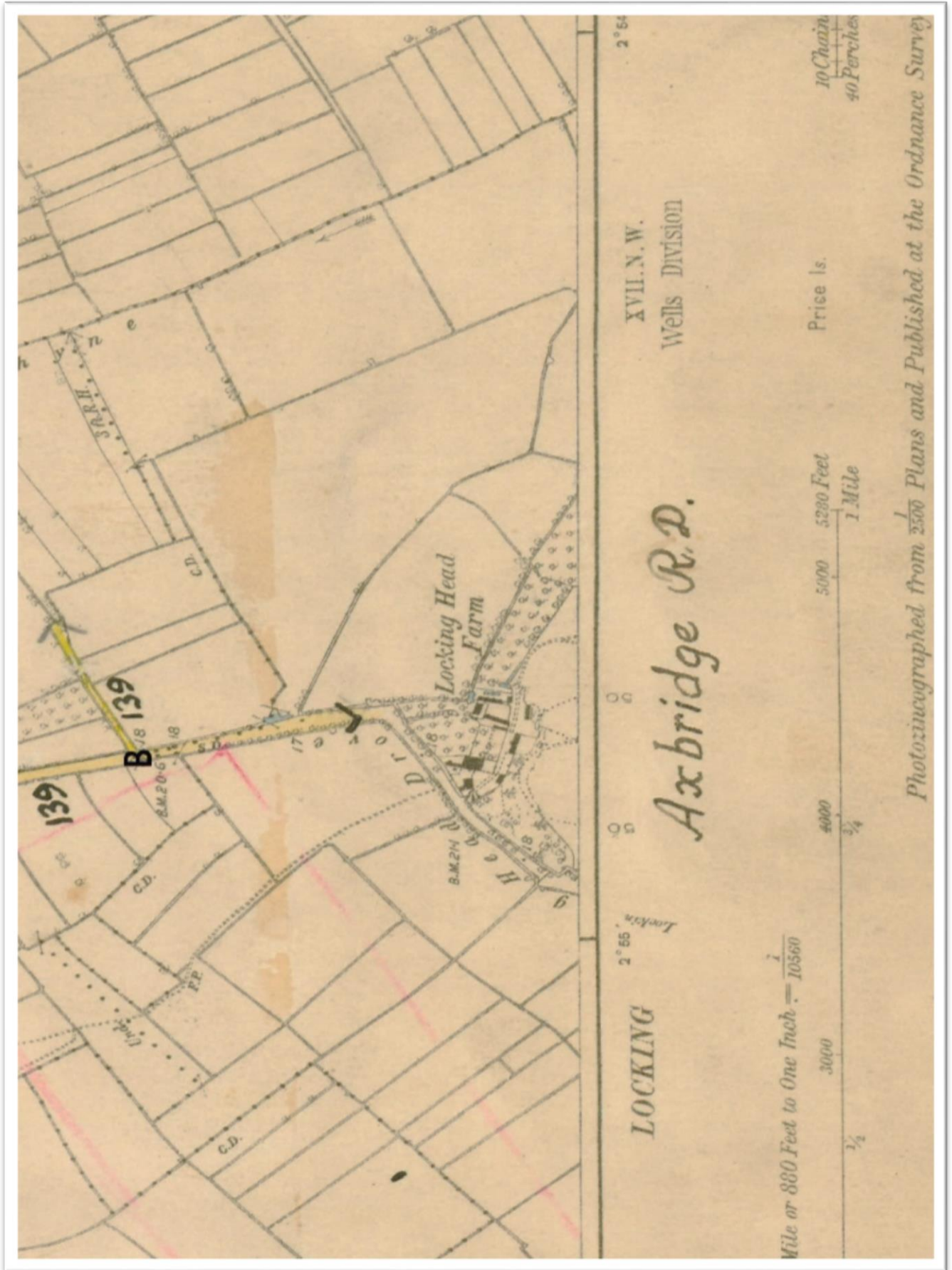
Commuted Tithe Rents Charge, Vicarial £4 8s. 6d.; Rectorial £37 8s. 0½d.

This lot is sold with a right of way to the Purchaser for all purposes to, from and over the portion of Locking Head Drove included in Lot 6, and subject to a right of way to, from and over the portion of Locking Head Drove included in this lot for general purposes for the owners and occupiers of Lots 3, 6, 38 and 39, and for agricultural purposes for the owners and occupiers of Lots 36 and 37.

DOCUMENT 16
Handover Map 1930 – XVII NW

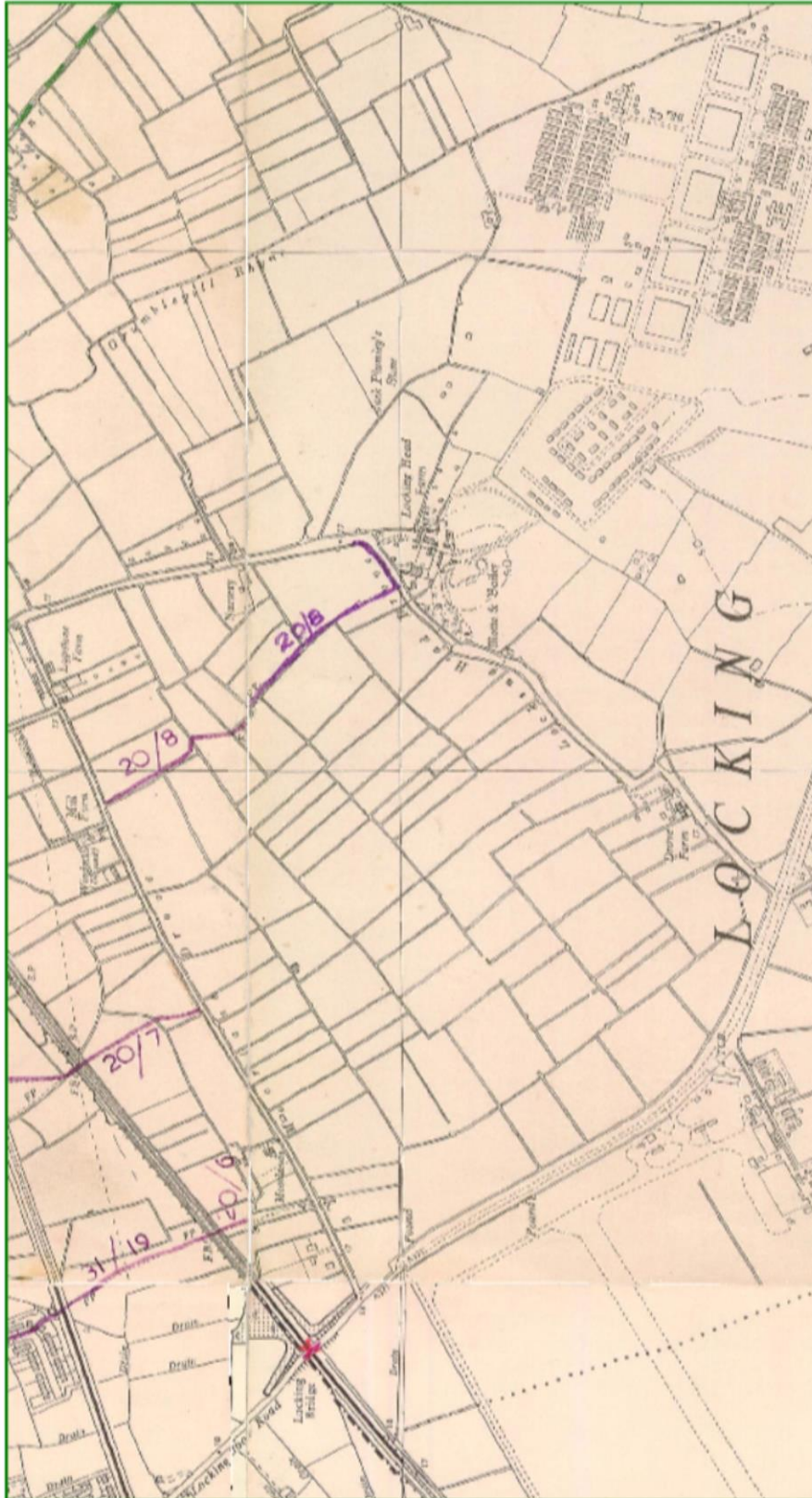


DOCUMENT 17
Handover Map 1930 X SW



DOCUMENT 18
OS Map of Weston super Mare 1941





The Definitive Map has a relevant date of 26th November 1956 and has not been formally re-published since then. This map shows an electronic working copy of the Definitive Map which attempts to show the information on the Definitive Map and any subsequent legal changes. The Council can accept no responsibility for any error or inaccuracy which may arise from use of the electronic Working Copy map.

	Project MOD 19 - Definitive Map Extract	 Scale 1:10560
	Development & Environment Public Rights of Way Streets and Open Spaces North Somerset Council Town Hall Wallscote Grove Road Weston-super-Mare BS23 1UJ Tel: 01934 888 802	Location Locking Head Drive
	Client PROW Sub Committee 28 March 2017	
	OS Licence No. 100023397	

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DOCUMENT 21
OS Map of North Somerset (1967)

