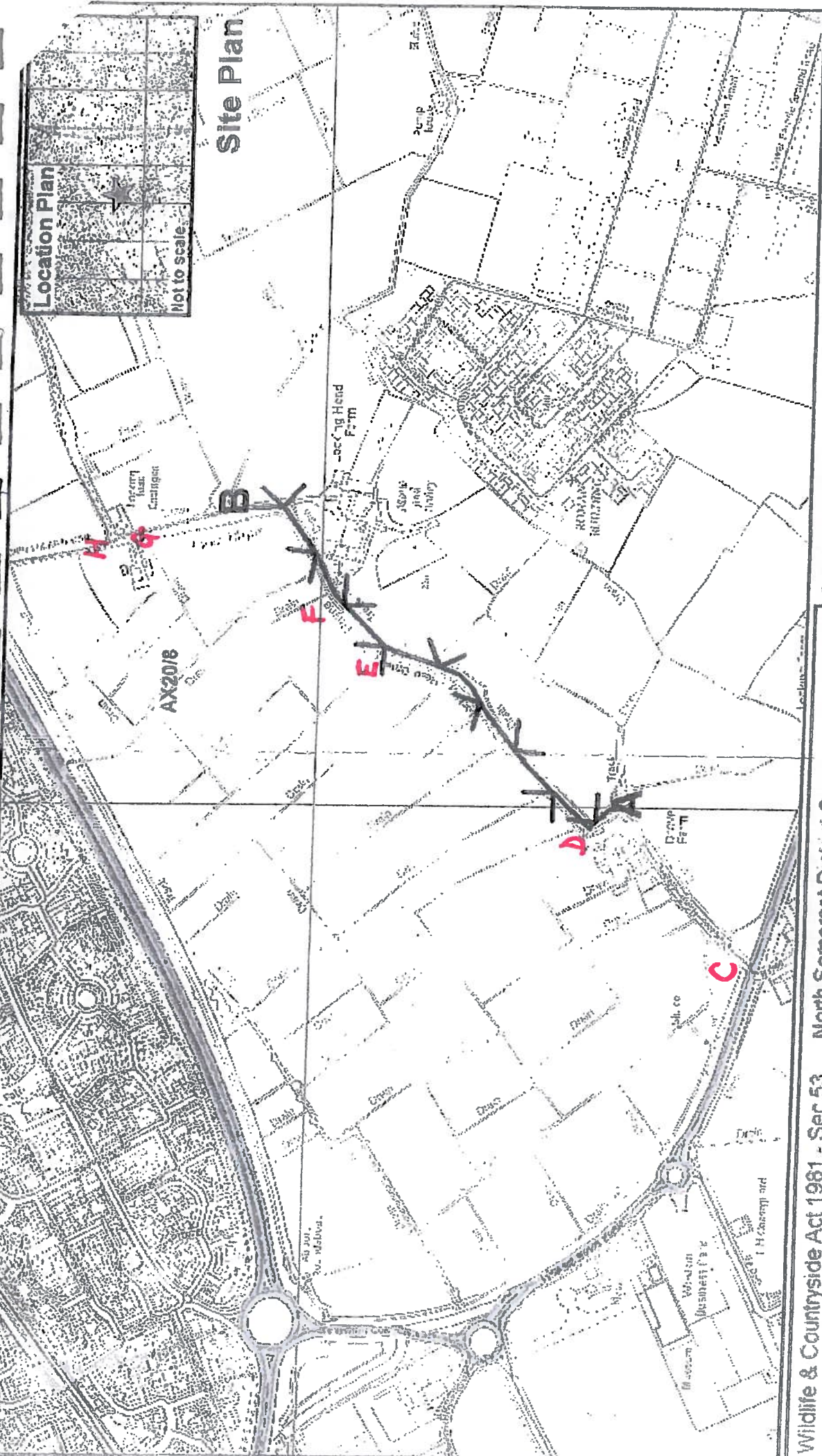


**Location Plan**  
 Not to scale

**Site Plan**

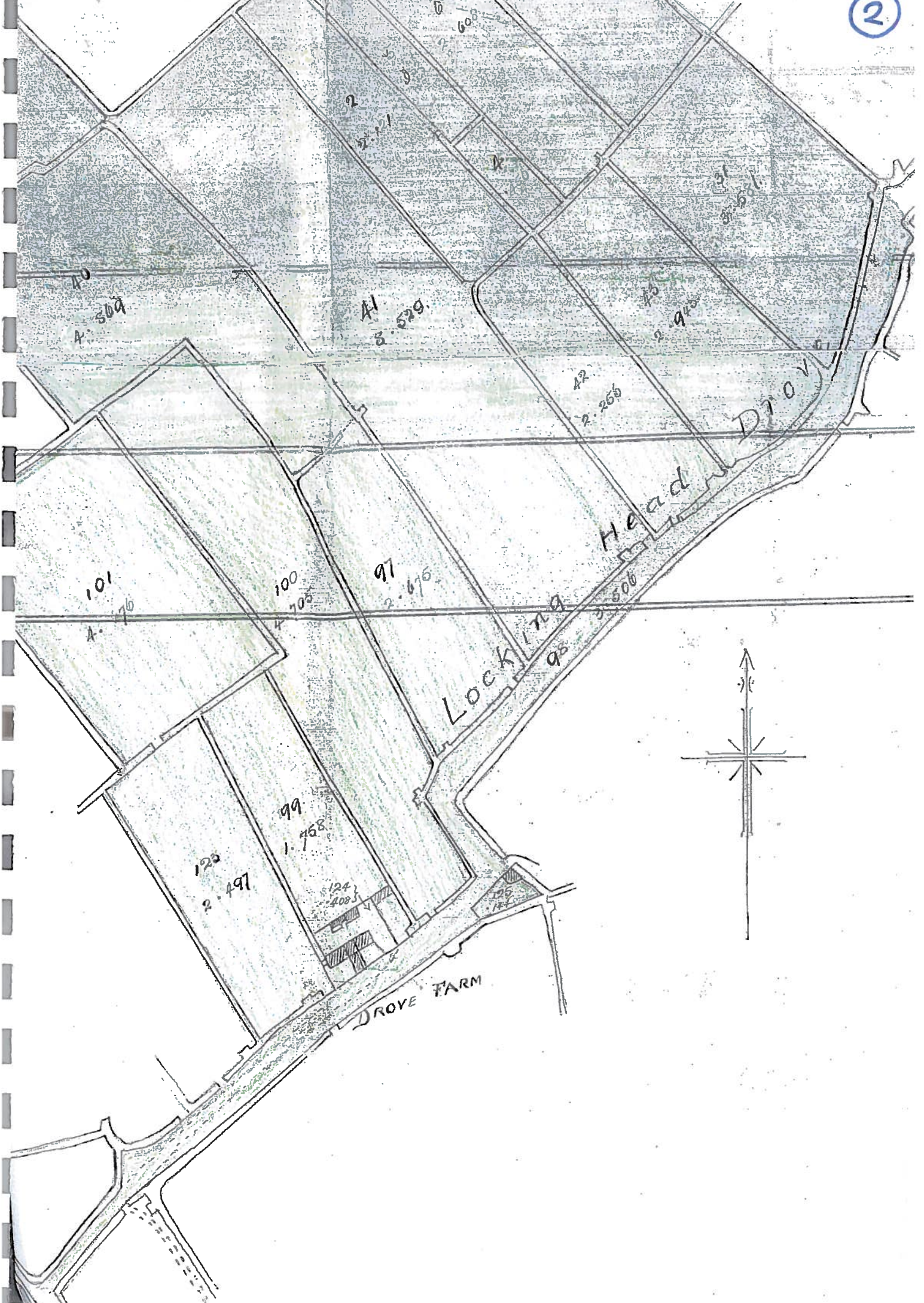


**Map No.** EB1104 19  
**Scale** 1:7794  
**Grid Reference** STJ3660  
**Date** 30 November 2016  
**Claimed BOAT**

**Development & Environment**  
 Public Right of Way  
 Streets etc Open Space  
 North Somerset Council  
 Town Hall  
 Wallissee Grove Ross  
 Weston Super Mare  
 BS23 1JW  
 Tel: 01254 558 802

**Wildlife & Countryside Act 1981 - Sec 53** North Somerset District Council  
**Locking Head Drove Locking LANDOWNERS' SUBMISSION PLAN**  
**Claimed Byway Open to All Traffic (BOAT)**  
**Definitive Map Modification Order Application**  
**Pre Order Consultation**

© Crown Copyright and Database Right 2016. Ordnance Survey (OS) is the official name of the Ordnance Survey. You are not permitted to copy, store, distribute or sell, or to make data available in any form.



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	Ordnance No	Description	State	Tithe Quantity			Ordnance Quantity
				A.	R.	P.	
200	124	House, Garden	Buildings &c.	2	0	38	408
	99	Paddock	Pasture	2	1	23	1758
199	123	Moor Leaze	Do.	4	3	22	2497
202	100	Do.	Do.	7	1	28	4705
203	97	Do.	Do.	8	1	29	2675
	40	Do.	Do.	2	1	28	4869
204	41	Do.	Do.	2	1	28	8529
205	42	Do.	Do.	2	3	21	2256
206	43	Do.	Do.	3	2	21	2943
207	31	Do.	Do.	3	2	12	3581
208	7	Do.	Do.	2	1	26	3367
209	6	Do.	Do.	0	1	28	2608
210	4	Do.	Do.	0	3	36	450
211	5	Do.	Arable	2	0	12	932
212	32	Do.	Do.	3	1	2	2121
213	3	Do.	Pasture	4	3	21	3196
215	101	Do.	Do.	3	2	0	4676
11a	98	Pt. Locking Head Drove...	Do.	0	0	10	3506
201	125	Site Cottage					144
WORLE PARISH.							
82	763	Langridge	Pasture	1	2	28	1770
83		764	Do.	Do.	1	2	5
				A.58	2	30	A.58515

Tenant—Mr. W. J. Cook.

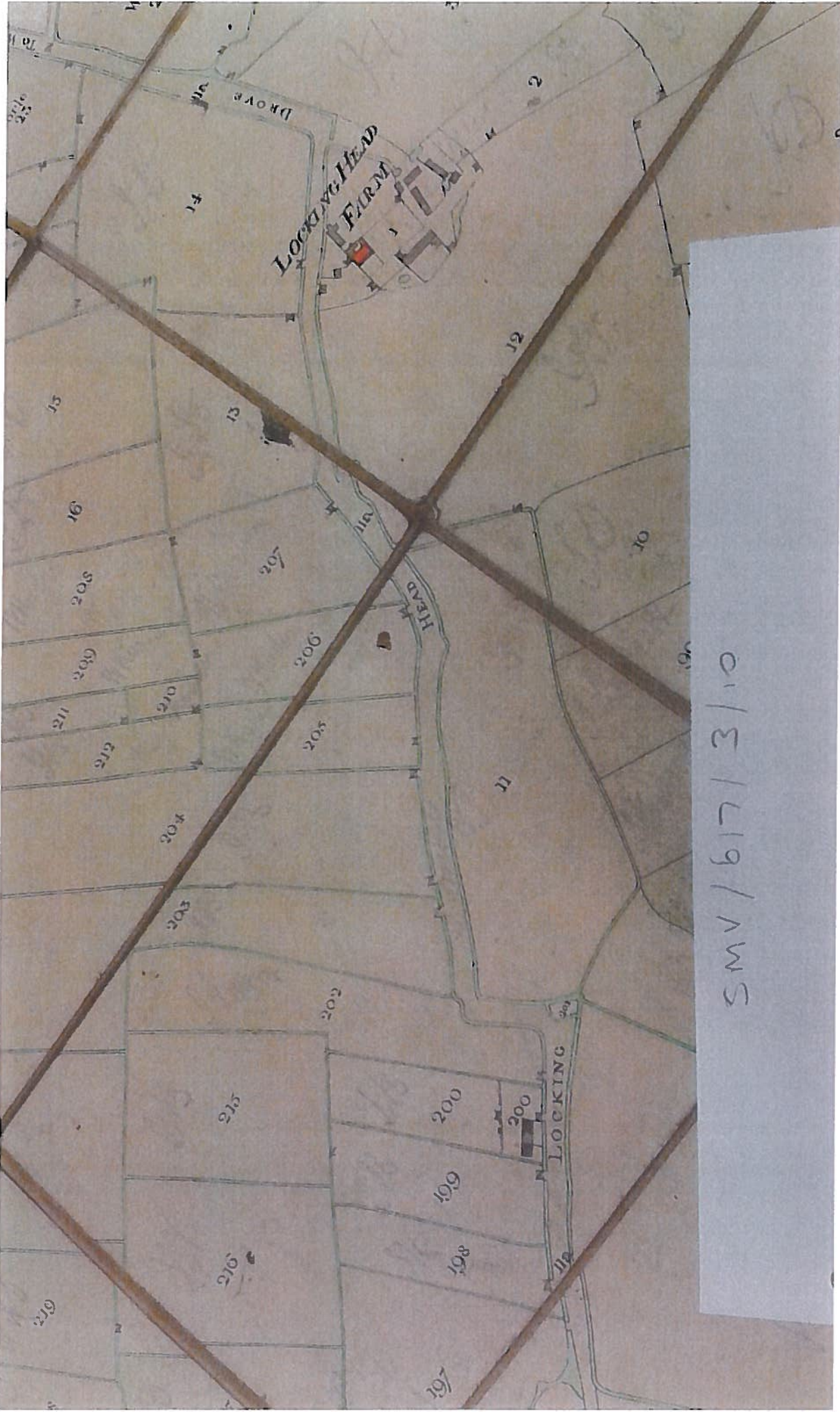
Commuted Tithe Rents Charge, Vicarial £10 15s. 1d.; Rectorial 11/5½; Worle Parish, 18/1.

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.

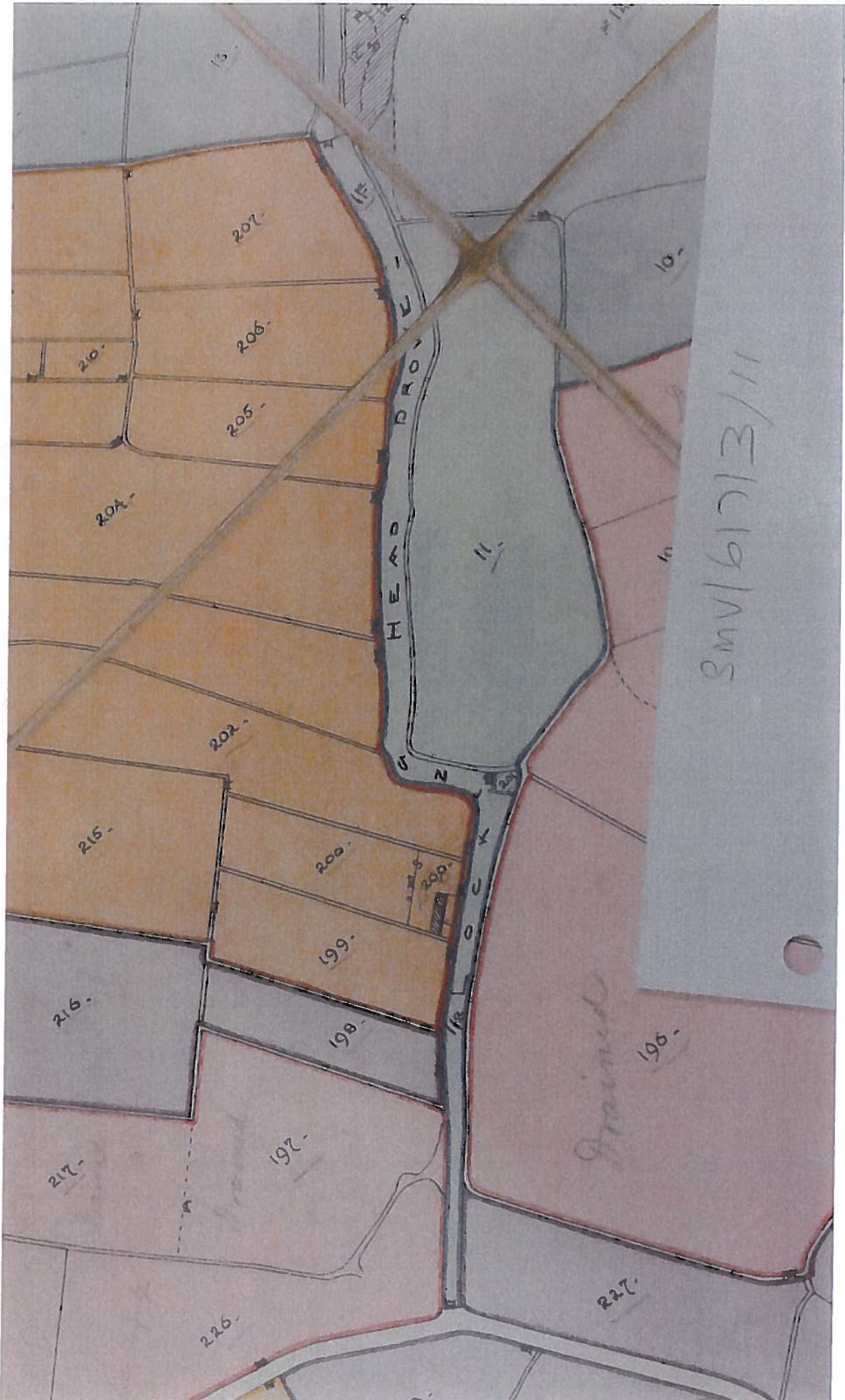
The Land in Worle Parish forming part of this lot is liable to keep in repair in Sand Bay, Kewstoke Works No. 49, 1 Rupe of the Sea Wall Works Worle View of the Commissioners of Sewers.

## Special Conditions of Sale.

1. The property is offered subject to the Conditions following and also to the Public Sale Conditions of the Bristol Incorporated Law Society, a copy of which will be produced at the sale. In case of conflict between the Special and Public Sale Conditions the Special Conditions shall prevail.
2. Each Purchaser shall immediately after the sale pay to the Auctioneer in respect of each Lot bought by him a fee of £1 for every £100 or fractional part of £100 of his purchase money up to £1000 and a fee of 10/- for every £100 or fractional part of £100 of his purchase money above £1000 and up to £3000, and a fee of 5/- for every £100 or fractional part of £100 of his purchase money above £3000, and a like fee to the Vendors' Solicitors towards the expenses of the sale.
3. The deposit shall be at the rate of £10 per cent. of the purchase money and the purchase shall be completed at the office of the Vendors' Solicitors, Messrs. Osborne, Ward, Vassall & Co., No. 41 Broad Street, Bristol, on the 24th day of June next and all current rents and outgoings shall be apportioned up to that day as between the Vendors and Purchasers and each Purchaser shall on the completion of the purchase pay to the Vendors the proportionate part of the current rent up to the 24th day of June next or the quarter's rent (as the case may be) then due.
4. Each of the Purchasers of Lots 1, 2, 3, 4, 5, 7, 10, 12, 15 and 20, shall on completion in addition to his purchase money, pay for the Timber growing on the lot purchased by him the sum stated as the price thereof in the Particulars of sale.
5. The Abstracts of Title shall be ready for delivery at the office of Messrs. Osborne, Ward, Vassall & Co. within 21 days from the sale.
6. The property offered for sale forms part of the possessions of the Charity called Colston's Hospital founded by Edward Colston, Esq., by Indenture tripartite dated the 25th day of November 1708, of which Charity the Vendors are the present Trustees under or by virtue of an Indenture of Conveyance of the Estate of the said Charity dated the 26th day of October 1877. The property is offered for sale by the Vendors as the Trustees of the said Charity with the consent and under the authority of the Board of Education, the Society of Merchant Venturers of the City of Bristol, the Estates Governors and administering Trustees of the Charity consenting to the sale. The Title to the several Lots shall commence as follows:—As to the whole of the property (except the lands numbered 189 and 704 on the Sale Plan) with the said Indenture of the 26th day of October, 1877; As to the land numbered 189 on the Sale Plan and forming part of Lot 5 with a Purchase deed dated the 29th day of October, 1881; And as to the land numbered 704 on the Sale Plan and forming part of Lot 6, with a Purchase deed dated the 25th day of March 1918. No Purchaser shall require the production of or investigate or make any objection or requisition with respect to the prior title whether the same shall appear to be or be in the Vendors' possession or power or not.

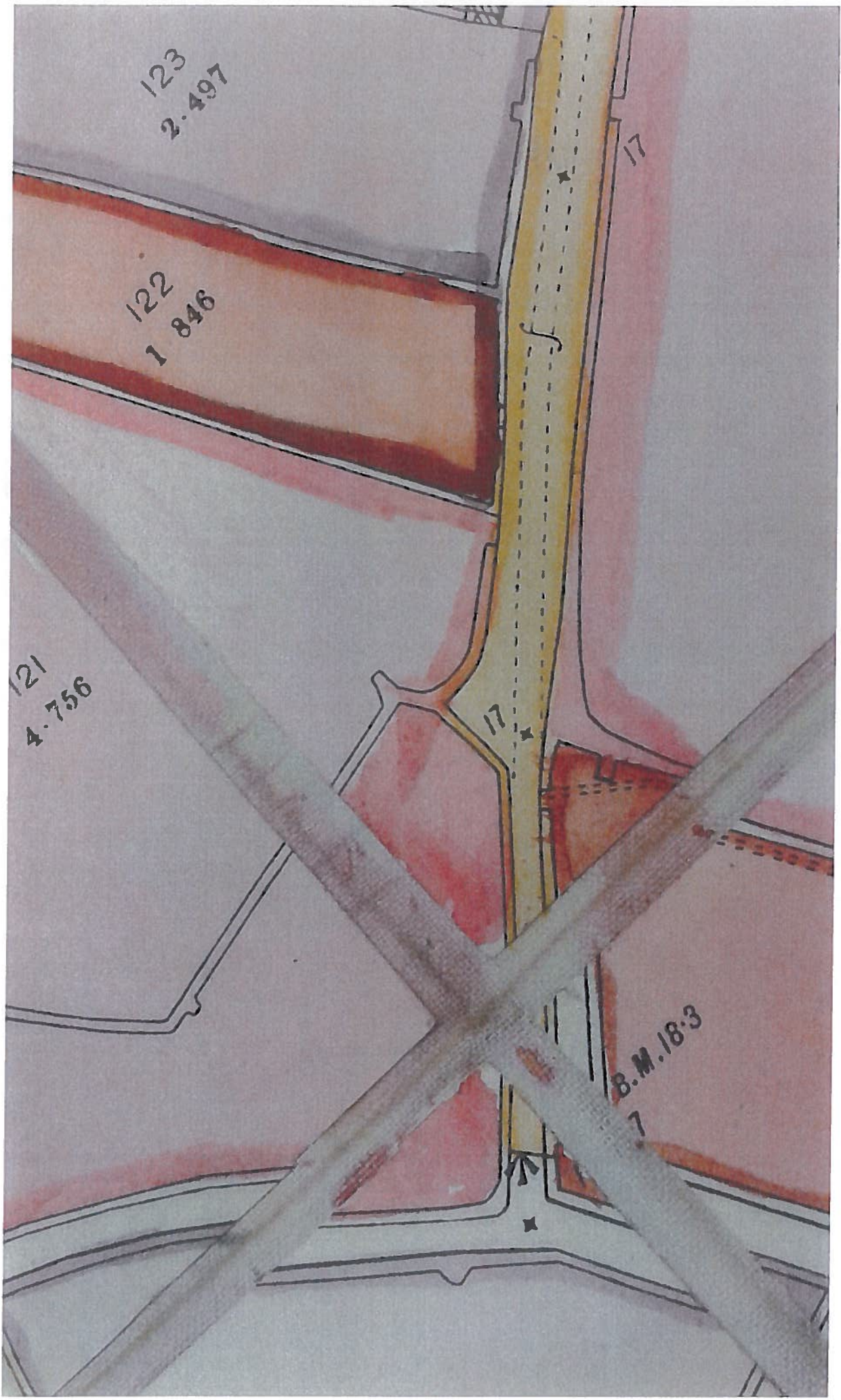


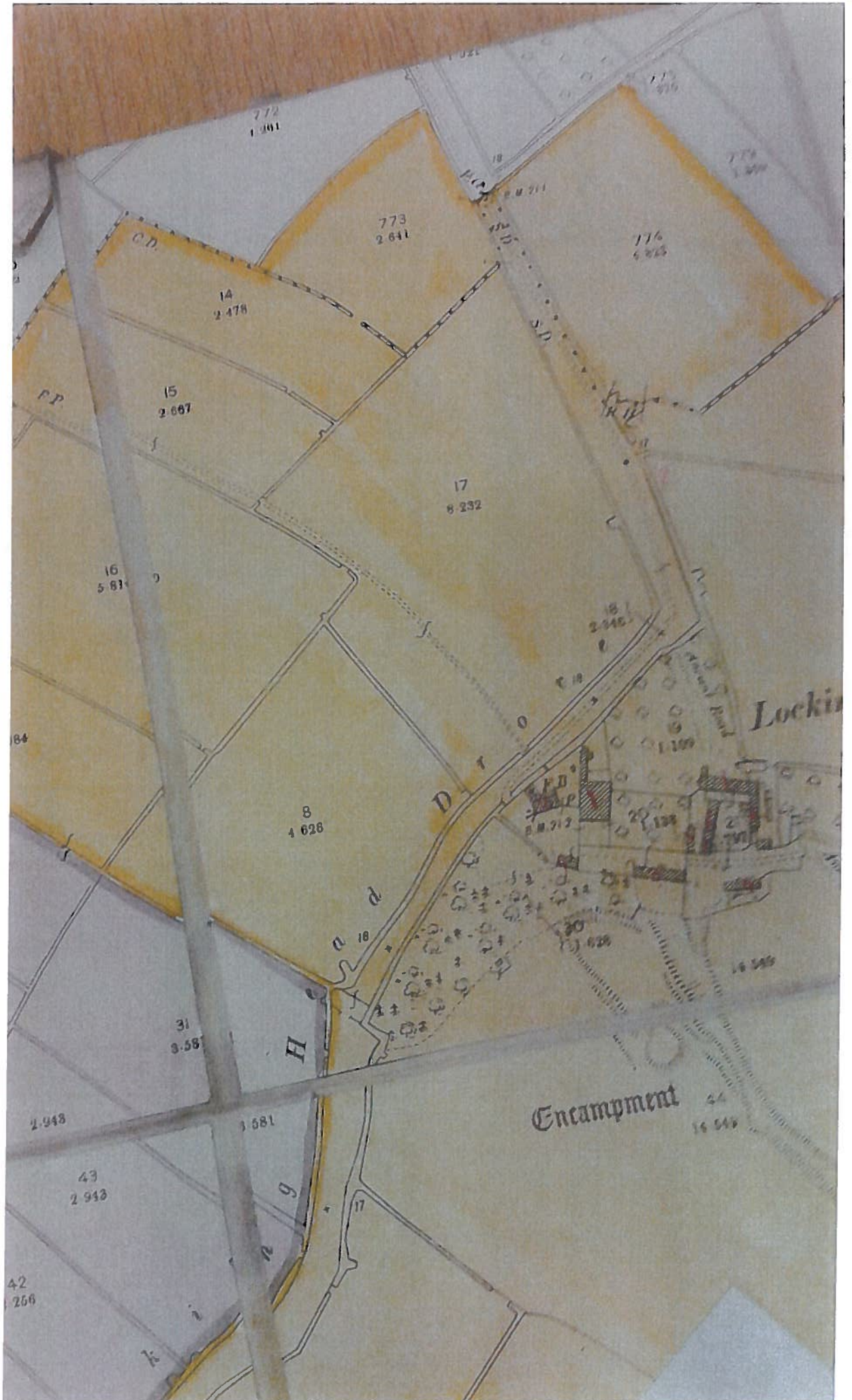
SMV / 617 / 3110



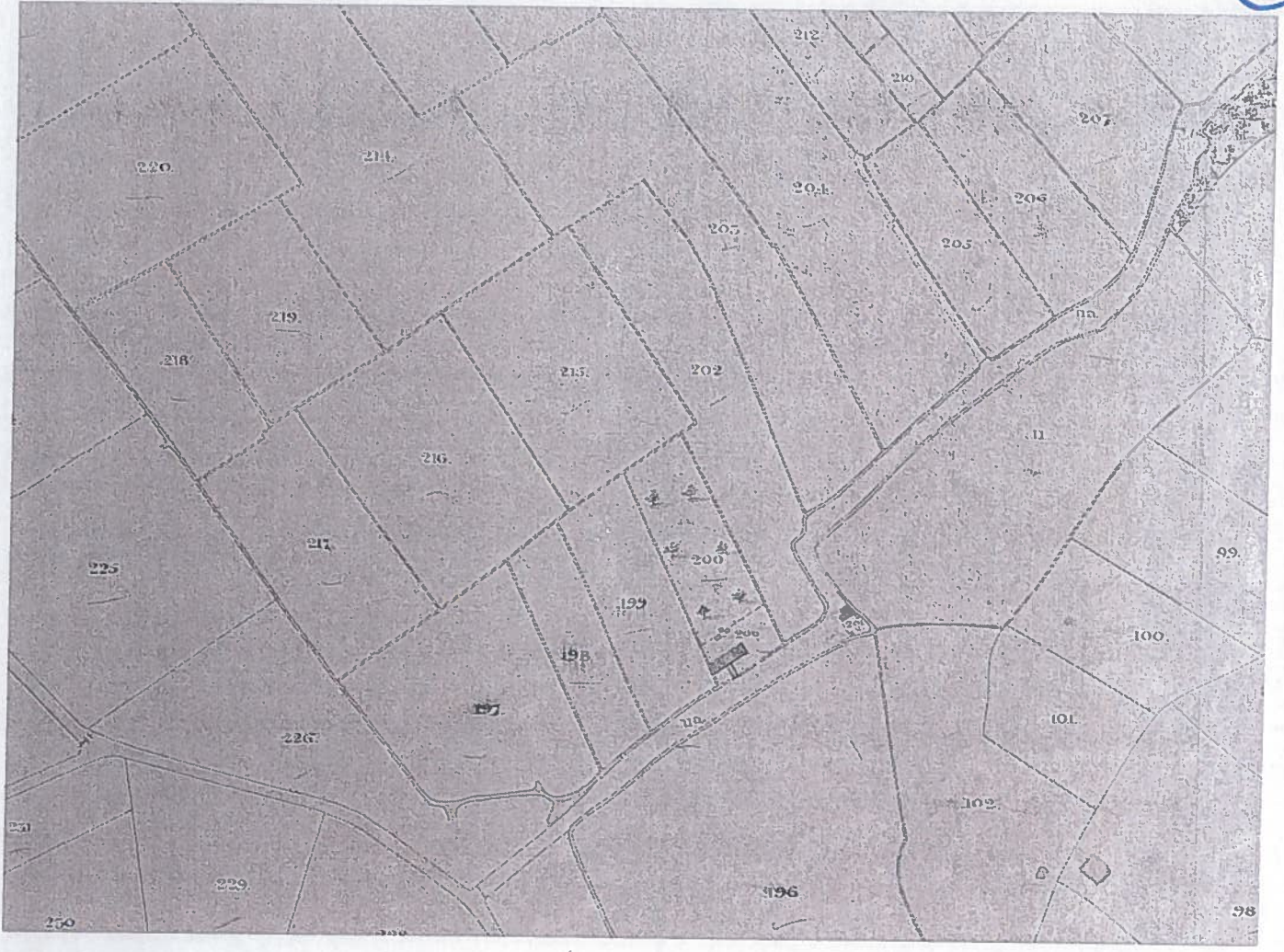
SMV/61713/11

Grained



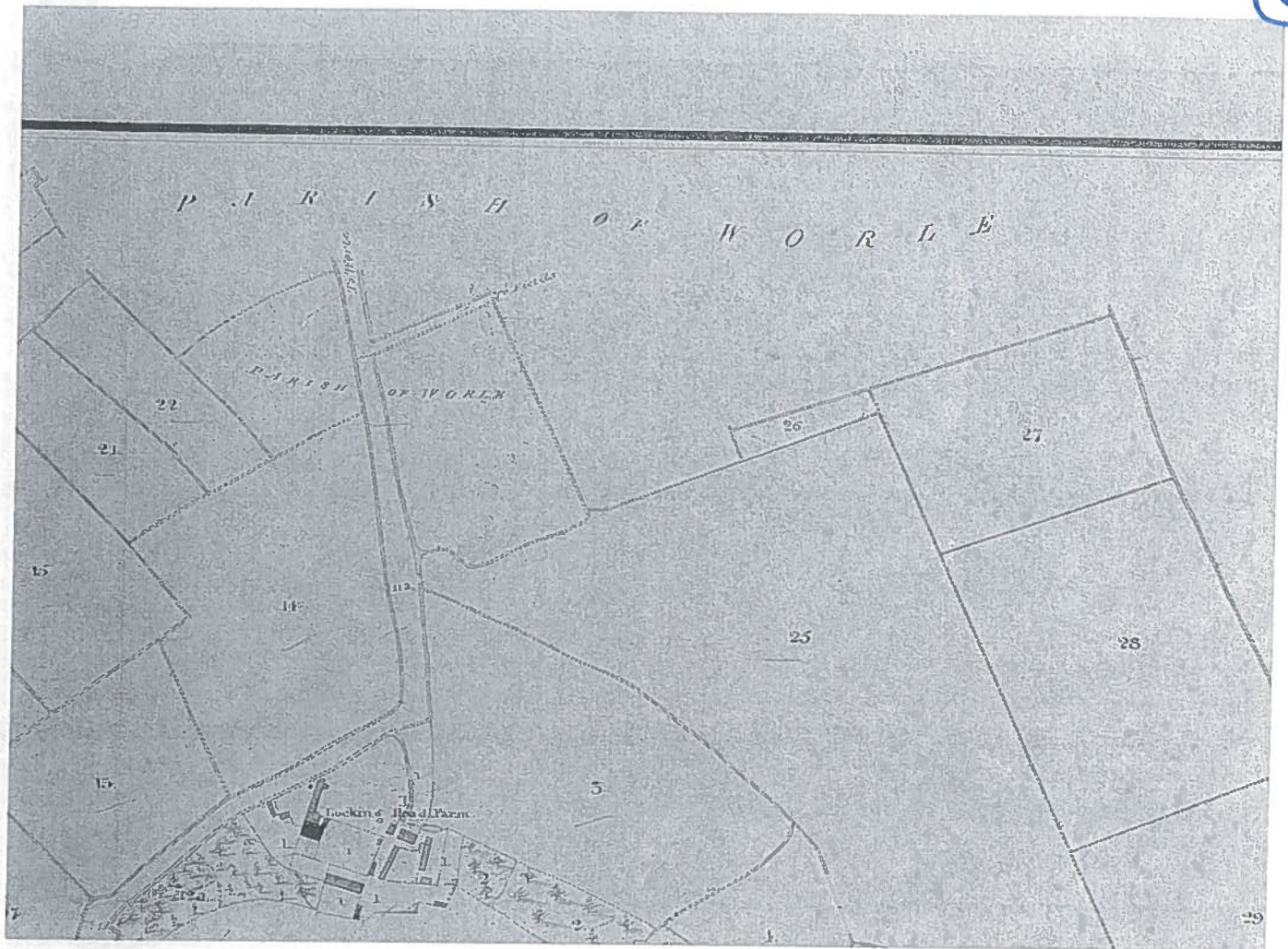






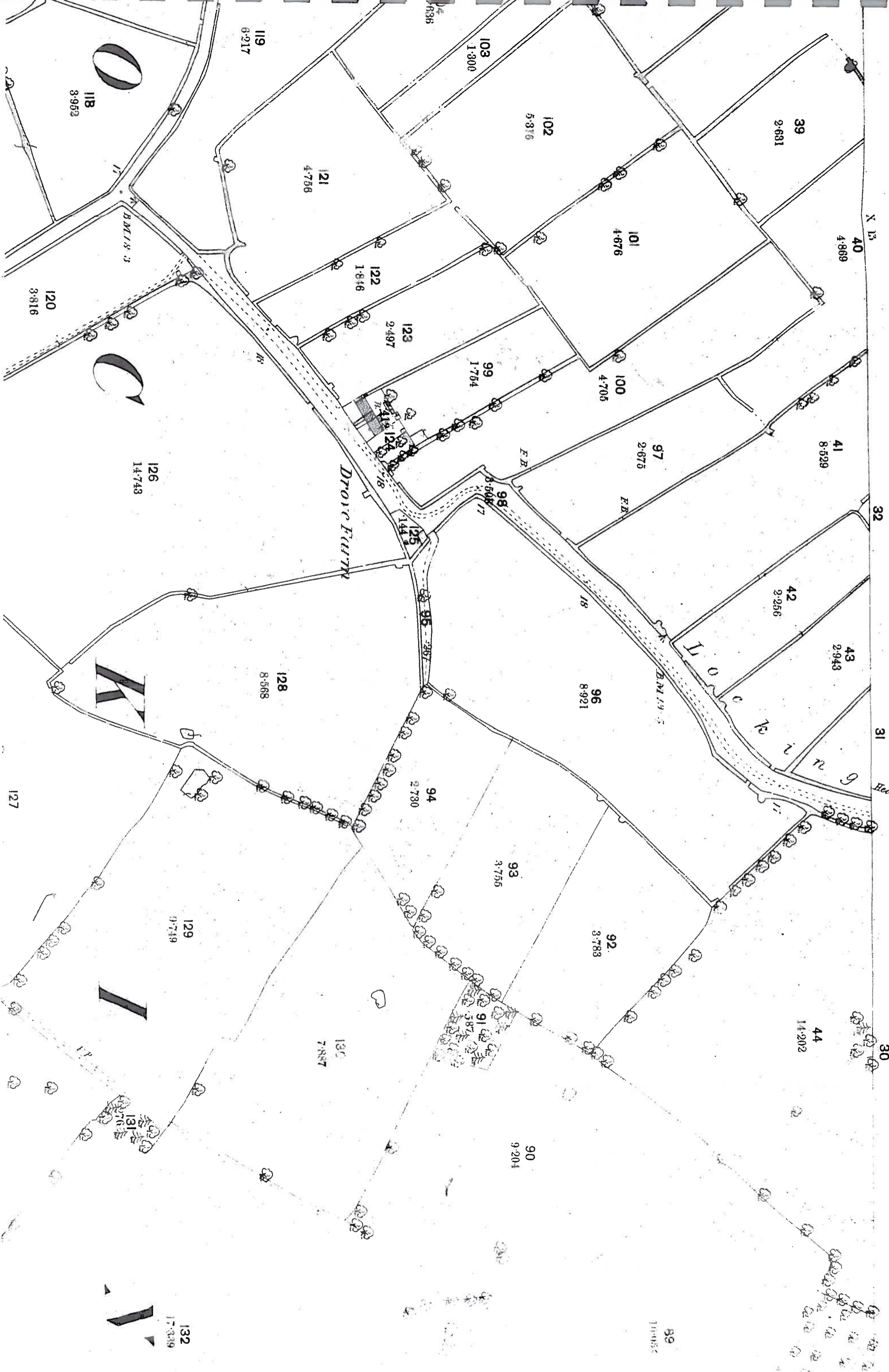
Lockhart 7thc Map 1838/1891

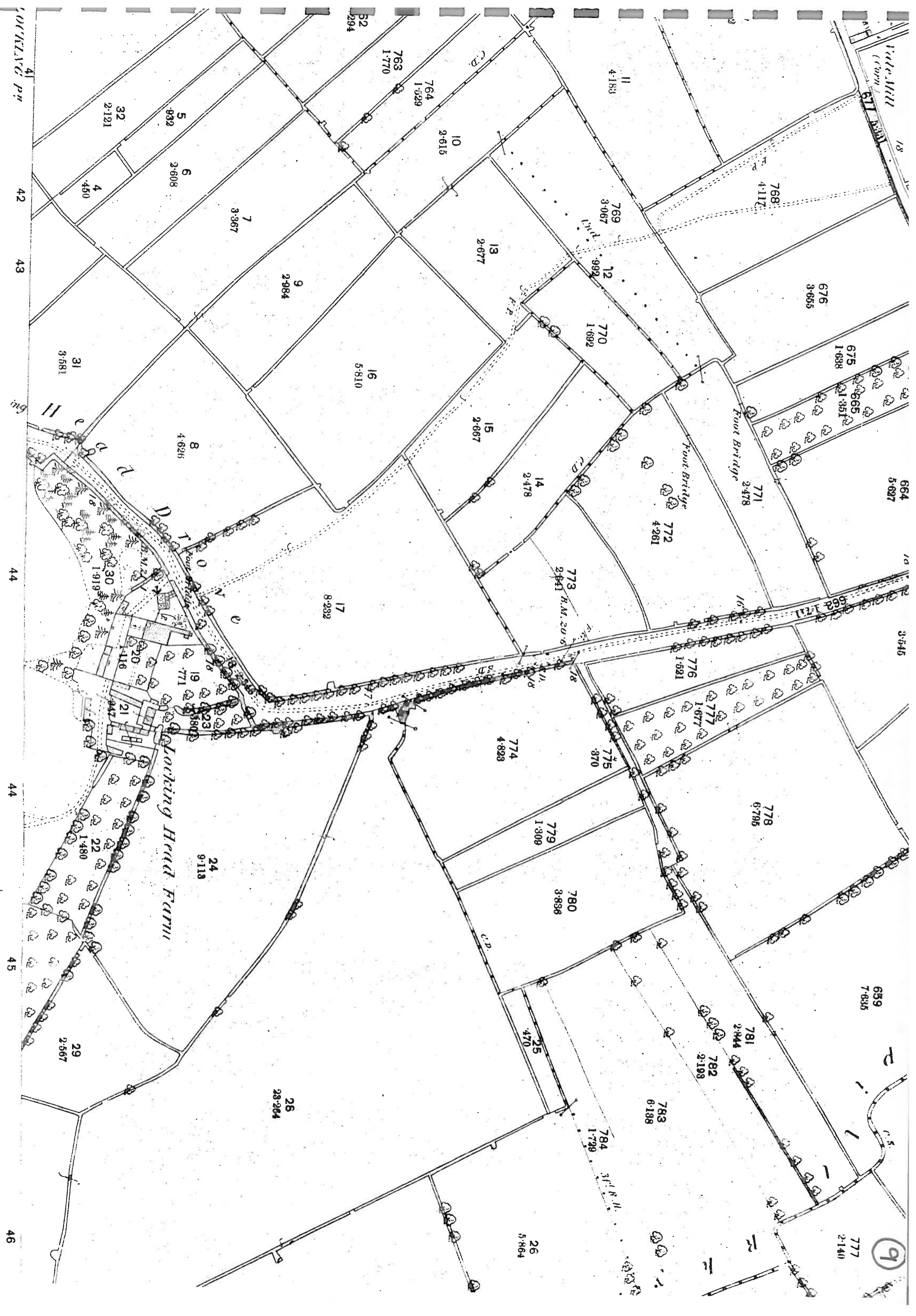
Gate at E (and E).



Lock's Tithe map 1838/100

Gate at G





Locking Head Farm

Foot Bridge

Foot Bridge

Foot Bridge

H.M. 20.6

9

41  
42  
43  
44  
44  
45  
46

41  
42  
43  
44  
45  
46

26  
28-264

26  
5-864

783  
6-188

784  
1-728

779  
1-309

774  
4-828

775  
-870

777  
1-877

776  
1-621

778  
6-795

659  
7-635

781  
2-444

782  
2-198

777  
2-140

676  
3-655

675  
1-638

665  
2-351

664  
5-627

3-545

771  
2-478

768  
4-117

4-183

769  
3-067

12  
-992

770  
1-692

14  
2-478

15  
2-667

16  
5-810

17  
8-232

8  
4-626

9  
2-984

7  
3-367

6  
2-608

5  
-932

4  
-450

32  
2-121

763  
1-770

764  
1-529

10  
2-615

13  
2-677

31  
3-581

30  
1-919

19  
-116

21  
-947

22  
1-480

29  
2-567

24  
9-113

25  
-470

781  
2-444

782  
2-198

784  
1-728

26  
5-864

777  
2-140

676  
3-655

675  
1-638

665  
2-351

664  
5-627

3-545

771  
2-478

768  
4-117

4-183

769  
3-067

12  
-992

770  
1-692

14  
2-478

15  
2-667

16  
5-810

17  
8-232

8  
4-626

9  
2-984

7  
3-367

6  
2-608

5  
-932

4  
-450

32  
2-121

763  
1-770

764  
1-529

10  
2-615

13  
2-677

31  
3-581

30  
1-919

19  
-116

21  
-947

22  
1-480

29  
2-567

24  
9-113

25  
-470

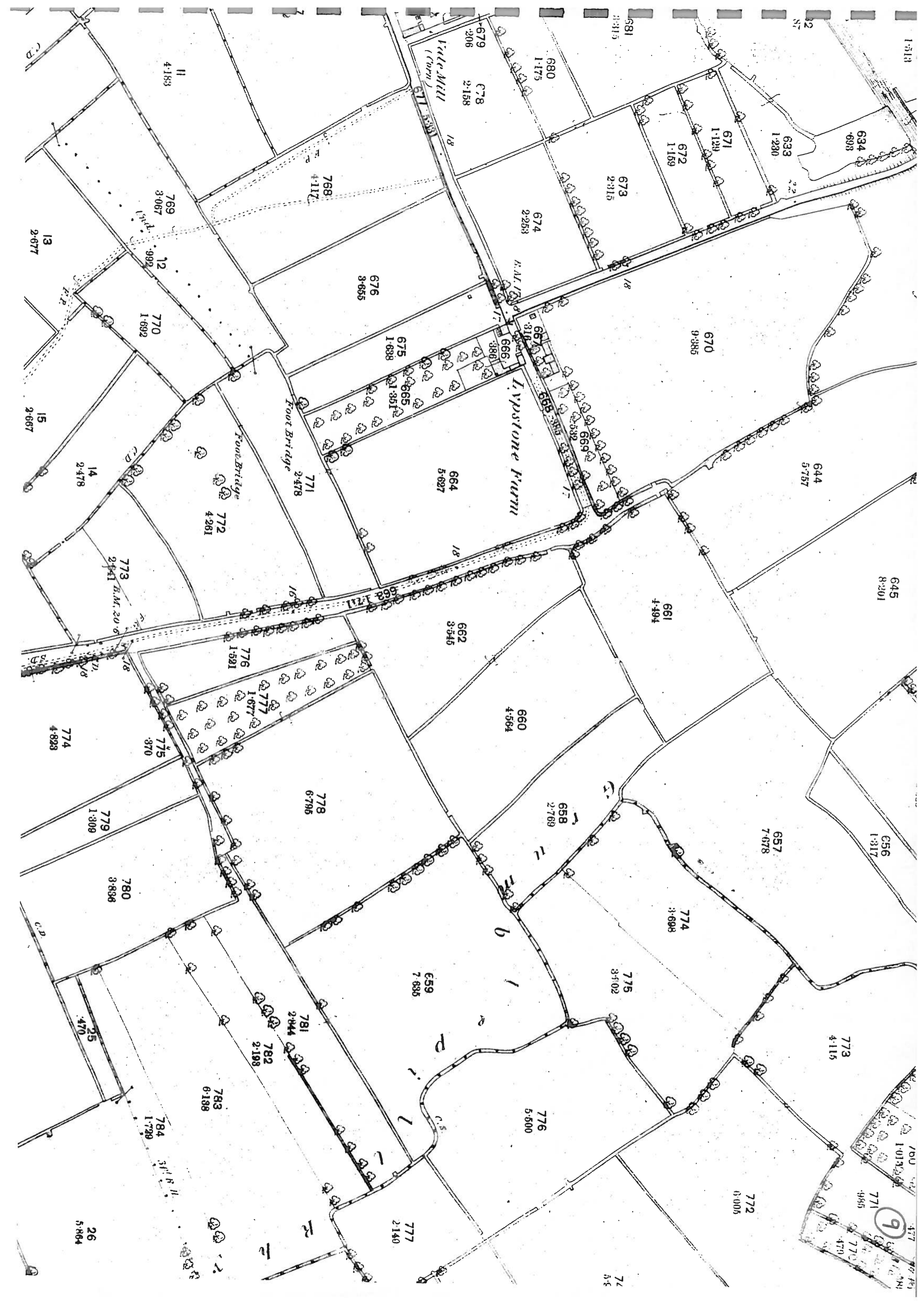
781  
2-444

782  
2-198

784  
1-728

26  
5-864

777  
2-140



Vale Mill  
(Corn)

Lipstone Farm

Foot Bridge

Foot Bridge

9

633 1-230  
634 698  
671 1-129  
672 1-159  
673 2-315  
674 2-253  
675 1-638  
676 3-655  
677 1-117  
678 2-158  
679 206  
680 1-175  
681 3-315  
698  
700 1-692  
701 3-067  
702 3-067  
703 2-677  
704 2-677  
705 2-478  
706 4-261  
707 4-261  
708 2-478  
709 2-478  
710 2-478  
711 2-478  
712 2-478  
713 2-478  
714 2-478  
715 2-478  
716 2-478  
717 2-478  
718 2-478  
719 2-478  
720 2-478  
721 2-478  
722 2-478  
723 2-478  
724 2-478  
725 2-478  
726 2-478  
727 2-478  
728 2-478  
729 2-478  
730 2-478  
731 2-478  
732 2-478  
733 2-478  
734 2-478  
735 2-478  
736 2-478  
737 2-478  
738 2-478  
739 2-478  
740 2-478  
741 2-478  
742 2-478  
743 2-478  
744 2-478  
745 2-478  
746 2-478  
747 2-478  
748 2-478  
749 2-478  
750 2-478  
751 2-478  
752 2-478  
753 2-478  
754 2-478  
755 2-478  
756 2-478  
757 2-478  
758 2-478  
759 2-478  
760 2-478  
761 2-478  
762 2-478  
763 2-478  
764 2-478  
765 2-478  
766 2-478  
767 2-478  
768 2-478  
769 2-478  
770 2-478  
771 2-478  
772 2-478  
773 2-478  
774 2-478  
775 2-478  
776 2-478  
777 2-478  
778 2-478  
779 2-478  
780 2-478  
781 2-478  
782 2-478  
783 2-478  
784 2-478  
785 2-478  
786 2-478  
787 2-478  
788 2-478  
789 2-478  
790 2-478  
791 2-478  
792 2-478  
793 2-478  
794 2-478  
795 2-478  
796 2-478  
797 2-478  
798 2-478  
799 2-478  
800 2-478  
801 2-478  
802 2-478  
803 2-478  
804 2-478  
805 2-478  
806 2-478  
807 2-478  
808 2-478  
809 2-478  
810 2-478  
811 2-478  
812 2-478  
813 2-478  
814 2-478  
815 2-478  
816 2-478  
817 2-478  
818 2-478  
819 2-478  
820 2-478  
821 2-478  
822 2-478  
823 2-478  
824 2-478  
825 2-478  
826 2-478  
827 2-478  
828 2-478  
829 2-478  
830 2-478  
831 2-478  
832 2-478  
833 2-478  
834 2-478  
835 2-478  
836 2-478  
837 2-478  
838 2-478  
839 2-478  
840 2-478  
841 2-478  
842 2-478  
843 2-478  
844 2-478  
845 2-478  
846 2-478  
847 2-478  
848 2-478  
849 2-478  
850 2-478  
851 2-478  
852 2-478  
853 2-478  
854 2-478  
855 2-478  
856 2-478  
857 2-478  
858 2-478  
859 2-478  
860 2-478  
861 2-478  
862 2-478  
863 2-478  
864 2-478  
865 2-478  
866 2-478  
867 2-478  
868 2-478  
869 2-478  
870 2-478  
871 2-478  
872 2-478  
873 2-478  
874 2-478  
875 2-478  
876 2-478  
877 2-478  
878 2-478  
879 2-478  
880 2-478  
881 2-478  
882 2-478  
883 2-478  
884 2-478  
885 2-478  
886 2-478  
887 2-478  
888 2-478  
889 2-478  
890 2-478  
891 2-478  
892 2-478  
893 2-478  
894 2-478  
895 2-478  
896 2-478  
897 2-478  
898 2-478  
899 2-478  
900 2-478  
901 2-478  
902 2-478  
903 2-478  
904 2-478  
905 2-478  
906 2-478  
907 2-478  
908 2-478  
909 2-478  
910 2-478  
911 2-478  
912 2-478  
913 2-478  
914 2-478  
915 2-478  
916 2-478  
917 2-478  
918 2-478  
919 2-478  
920 2-478  
921 2-478  
922 2-478  
923 2-478  
924 2-478  
925 2-478  
926 2-478  
927 2-478  
928 2-478  
929 2-478  
930 2-478  
931 2-478  
932 2-478  
933 2-478  
934 2-478  
935 2-478  
936 2-478  
937 2-478  
938 2-478  
939 2-478  
940 2-478  
941 2-478  
942 2-478  
943 2-478  
944 2-478  
945 2-478  
946 2-478  
947 2-478  
948 2-478  
949 2-478  
950 2-478  
951 2-478  
952 2-478  
953 2-478  
954 2-478  
955 2-478  
956 2-478  
957 2-478  
958 2-478  
959 2-478  
960 2-478  
961 2-478  
962 2-478  
963 2-478  
964 2-478  
965 2-478  
966 2-478  
967 2-478  
968 2-478  
969 2-478  
970 2-478  
971 2-478  
972 2-478  
973 2-478  
974 2-478  
975 2-478  
976 2-478  
977 2-478  
978 2-478  
979 2-478  
980 2-478  
981 2-478  
982 2-478  
983 2-478  
984 2-478  
985 2-478  
986 2-478  
987 2-478  
988 2-478  
989 2-478  
990 2-478  
991 2-478  
992 2-478  
993 2-478  
994 2-478  
995 2-478  
996 2-478  
997 2-478  
998 2-478  
999 2-478  
1000 2-478



**DETR**

*ENVIRONMENT  
TRANSPORT*

*REGIONS*

ROOM 917  
TOLLGATE  
HOUSE  
HOULTON  
STREET BRISTOL  
BS2 9DJ

24-AUGUST 1998

Dear Chief Executive,

**UNCLASSIFIED COUNTY ROADS**

1. This letter is to advise you of the conclusions reached by Department of the Environment, Transport and the Regions on the interpretation of the term "unclassified county road" (UCR). This advice replaces previous advice, usually given in response to specific enquiries rather than a general statement, which was withdrawn in March 1998.
2. We have reached the following conclusions (with the usual proviso that the Secretary of State cannot give an authoritative interpretation of the law as only the Courts can do that) :
  - i) The Highways Act 1980 places a duty on highway authorities to maintain highways, which includes footpaths, bridleways and carriageways. Highway authorities have a further duty under section 36(6) of the Highways Act 1980 (and earlier Highways Acts) to prepare a list of highways maintained at public expense.
  - ii) The Local Government Act 1929 made provision for "unclassified roads", "classified county roads" and "county roads". The term "unclassified road" was made redundant by the Local Government Act 1972. Some routes may, however, be described as unclassified county roads (UCRs) on certain documents, including the list of highways maintained at public expense.
  - iii) In relation to an application under the Wildlife and Countryside Act 1981 to add a route to a definitive map of rights of way, the inclusion of a highway described as a UCR on the Highways Act list of highways maintained at public expense may

provide evidence of vehicular rights. However, this must be considered with all other relevant evidence in order to determine the nature and extent of those rights.

iv) It would, therefore, be possible for a way described as a UCR on a list prepared under the 1980 Act, or elsewhere, to be added to a definitive map of public rights of way, provided the route fulfils the criteria set out in Part III of the Wildlife and Countryside Act.

3. Against this background, we have concluded that we cannot offer any guidance which is applicable in all cases on the rights that exist over routes known as UCRs. Any questions about the status of such routes, and the rights that exist over, will need to be resolved by authorities on a case-by-case basis.

SUSAN CARTER

(11)

**STATUTORY DECLARATION  
of Mr A Edwards**  
re Locking Head Drove, Locking.

I Allan Edwards of Lypstone Cottage, Locking Head Drove, Locking, Weston-super-Mare Somerset, BS24 7BH do SOLEMNLY AND SINCERELY declare as follows:

1. My parents purchased Lypstone Farm in 1965. Part of that farm has now been built upon, and both the farm and the Drove had been severed by the new A370 road. My parents were Mr R P Edwards and Mrs F V Edwards.
2. Our ownership of the Drove was from the electric substation situated past the farm buildings, southwards to point H on the attached plan where the new access road was put in in the mid 1990s. The OS maps on which the Conveyance plans were based show that there were always gates at the north and south end of the stretch of the Drove within the Lypstone Farm ownership. The acreage schedules to those Conveyances make it plain that what was then OS 83 being the Drove was included within the freehold of the Farm.
3. The title to the remaining Lypstone Farm land remains unregistered. It is held by Trustees. The Conveyance to my parents of 1965 contained a specific perpetual right of way (that is a private right of way) along our stretch of the Drove. The grant of that express private right of way would not have been necessary if the Drove had contained public rights of way of any type.
4. My father died in 1968, so he only farmed the farm himself for those three years from 1965 to 1968. I was living and working on the farm with my parents at the time. I was a teenager then (I was born in July 1948). I recall that in those years when my father had the farm he was telephoned from time to time by a Miss Tonkin who rang to seek permission for herself and her riding school to ride along the Drove running south from the old Lypstone Farm.
5. The key point is that Miss Tonkin required permission to ride along the Drove. She asked my father from time to time and he granted permission and she used to ring afterwards to thank him. However, this was only occasional. I was a late teenager at the time and have a clear recollection of those years on the farm and I can definitely state that it was only occasionally that those requests for permission were made and that Miss Tonkin rode through the farm and down the Drove.
6. I understand that she has said in a witness statement that she rode the Drove twenty times a year from 1942 to 1980. This is a substantial overstatement, certainly as far as the period 1965 – 1980 is concerned.
7. After 1968, the farm was run by me. I did all the work on the farm and lived on the farm. My mother had a young child and had little time to devote to the farm. Any phone call from Miss Tonkin would have come to me. I do not believe that Miss Tonkin or her riding school rode the Drove in those years after 1968. We knew the Tonkin family well, had frequent dealings with them, and sold hay to them. She would have approached me if she was going to seek permission but I cannot recollect receiving any such phone calls or witnessing her use of the Drove.
8. By 1976, my wife and I moved into the farmhouse together and took on complete responsibility over the farm on a full agricultural tenancy.



9. I reiterate that in all of those years post my father's death I have no knowledge of any requests for permission by Miss Tonkin nor any use by her or any of her riding school. There was some use of the Drove by horses but that was purely emanating from the stables at Locking Head Cottage Farm. Mr Fred Laver had the stables at Locking Head Cottage Farm at that time (late 1960s/early 1970s). Apart from Miss Tonkin and her horses, and those from Mr Laver's stables all of that use was effectively private use, I cannot recall any riding of the Drove, or indeed any member of the public walking it or driving vehicles along it. Mr Arthur Dunn, who was tenant of Locking Head Cottage Farm and lived there for many years and is still tenant, will vouch for this lack of public use of the Drove.

10. Miss Tonkin's younger sister has told us that she had to go in to see Mr Pontin the previous farmer at Locking Head Farm in order to collect a key and once all the horses had gone through it was her job to take it back. This is because the Tonkins had been given special permission to use the Drove, as the alternative route involved using a narrow main road over two bridges, and their groups included children and novice riders.

11. In the late 1970s we started a family and our children when young would often play out on the Drove with the dogs and we had no worry about that because the public were not coming through, nor had any basis for doing so. The neighbours who exercised a private right of way were aware of the likely presence of our children and dogs and always took care to look out for them.

12. My wife and the children used to walk down the Drove as far as Locking Head Farm to feed the ducks, but we all knew that we could not have gone on any further than that because we knew that the gate at the eastern end of Mr Legg's ownership was always kept padlocked. It had been padlocked since at least 1965 when we first had Lypstone Farm. We knew Mr Legg well, as a good neighbour, and we thus had a good knowledge of the status and the gating of the Drove.

13. In the years 1985 - 1996, we ran a contracting business and did a lot of work for Mr Legg. In order to reach his farm via the Drove we needed to make a prior arrangement with him to get the gate unlocked.

14. There are three intermediate gates on the Drove in the region of points A and D on the attached plan. Two of these are longstanding gates, one more recent. The first gate you come to when travelling up the Drove past the Farm has a Private sign on it. It always had a Private sign on it and indeed I still have the original rail from that old gate with the word Private written on it. The gate at E has always had a Private sign on it. This is directed at people who might be using the Drove going south-west, including people who might be using the footpath emerging onto the Drove at point F who might be tempted then to walk south-westwards. The sign on that side of the gate at E will always have made it plain that there was no public right of access at or beyond E.

15. In the mid 1990s the new road into Weston was opened. That was the new A370. This new road had the effect of severing the Drove. Access to our land on the south side of the new road was from then on only possible on foot. At the same time a new access road was made so that those farms requiring access were able to continue with that access. That new access road emerges onto the Drove between points G and H on the plan, and was available for the farms to use. The Council have put up a new "No Through Road" sign at the beginning of that new road making it plain that it is effectively a vehicular cul-de-sac. If a member of the public had wanted to drive westwards along it, when reaching the junction with the Drove would either have had to turn right or left but, whichever way, would have been blocked by a gate. On the south side of that junction (point G) there was and is a gate across the Drove with a sign on the north face of the gate saying "No Through Road. Farm Access Only". On the north side of the junction (at point H on the plan) the Drove is also gated and padlocked though a kissing

gate is provided beside it for public access on foot. The gate was put in for me by the then Avon County Council. The kissing gate was put in by me. The footpath branches off the Drove further down (at point F), and does not continue through. If a walker had turned south onto the Drove he would have been confronted by the sign on the gate at E and would not have got further than that.

16. At some point in the late 1990s we began to rent some of the ground at Drove Farm from Mr Legg, but at no times were we able to use the gate without Mr Legg opening it for us. In due course, Mr Legg entrusted me with a key to the padlock. At about that time, in the late 1990s, when I began to rent the ground from Mr Legg, I decided that we would raise the level of the gate at point E; there had been occasional attempts to climb the gate, which is why we decided to raise the level of it.

17. In the early 2000s we purchased half the farm from Mr Legg, which is now registered in our names at the Land Registry under title number ST206074. We rented and still rent from Mr Legg the rest of his land, and have now got full control of the gate and padlock. It is now opened by combination rather than by key.

18. The reason for a combination arrangement stemmed from an event in about 2010 when the lock and chain were stolen. The combination number is known only the ourselves, and Mr Legg, and Mr Ledbury who is the tenant of the County Council farm at Locking Head Farm.

19. There has been a noticeable increase in attempted use on foot since approximately 2010. The gate has been damaged on several occasions, and has been bent over and on one occasion a hole was actually cut in one of the fencing panels. Trespassers have even gone as far as moving our stock from the Drove where they were grazing onto one of the fields. Because of our increased vigilance, we can definitely state that the gate has not been damaged during the last eighteen months.

20. There is a continuing increase in attempts to walk the Drove and even on occasions to drive vehicles along it. In recent weeks we have on three separate occasions had people trying to walk the Drove. All of them were denied access. Invariably we will challenge anybody who has no business or right to be on the Drove and invite them to turn back to the road, which they always do. Nobody has actually claimed or asserted a right to be there.

21. The driving of vehicles is another recent phenomenon and we can tell that by the CCTV evidence, of vehicles coming up from the A371, getting as far as the farmyard and then having to turn round and go back. This question of vehicular access is not helped by sat nav and the fact that it appears to be route which is physically open and also by the fact that Locking Head Farm do B&B and because it is now not possible to get across the A370 other than by the new access road, visitors to Locking Head Farm may be tempted to follow their sat nav and to come round from the west end past our house.

22. There has never been any public right of access for vehicles along the Drove, or for horses, or (subject to the short length of footpath) for walkers. The gates have always been locked, and well signed, as mentioned above. Former employees from our contracting days can confirm that the gate at Mr Legg's eastern boundary was always locked.

23. I was surprised to see this application. Having had close knowledge of the Drove since 1965, and now ownership of it, I am certain that no public right of way exists as claimed or at all. The Drove has been privately owned land for centuries and occupied as grazing land together with the rest of the farmland, with several gates, at least two of

which have been locked and no substantive evidence of any attempted public use until recent years, which itself has been strongly challenged by us.

DECLARED by the above named  
Allan Edwards

at: 195-197 HIGH STREET, WORLE

This 16<sup>th</sup> day of

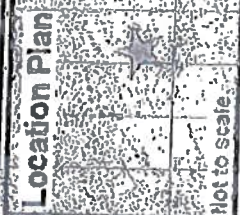
*Allan Edwards*  
January 2017.

Before me,

Solicitor/Commissioner for Oaths

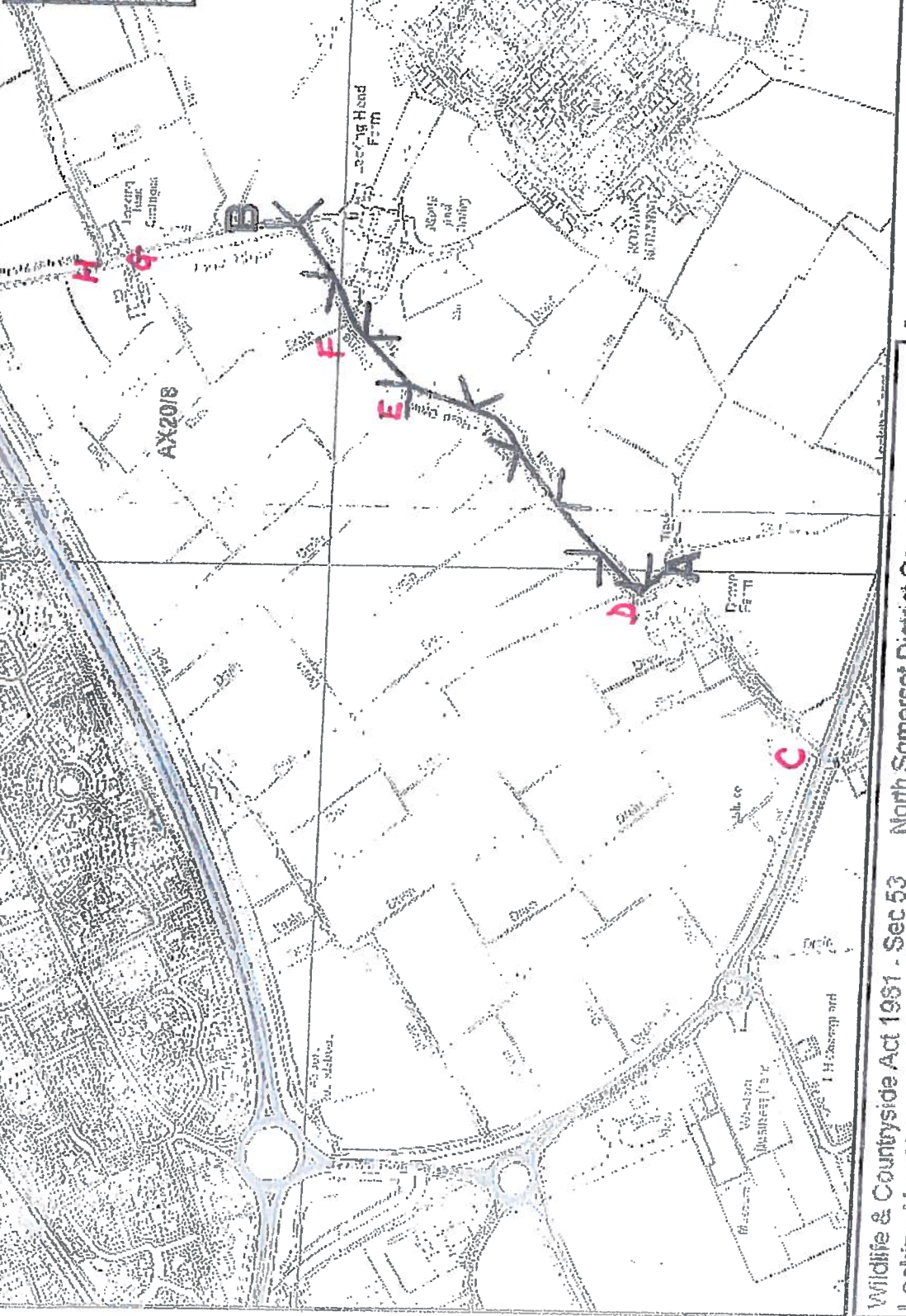
*E. Nislett*  
E. NISLETT

WARDS SOLICITORS  
FIRST FLOOR  
195-197 HIGH STREET, WORLE  
WESTON SUPER MARE, BS22 6JS.  
01934 428811



Site Plan

Not to Scale



Wildlife & Countryside Act 1981 - Sec 53 North Somerset District Council  
 Locking Head Drive Locking **LANDOWNERS' SUBMISSION PLAN**  
 Claimed Byway Open to All Traffic (BOAT)  
 Definitive Map Modification Order Application  
 Pre Order Consultation



Development & Environment  
 Public Rights of Way  
 Streets and Open Spaces  
 North Somerset Council  
 Town Hall  
 Wellington Grove Road  
 Weston-super-Mare  
 BS22 6JQ  
 Tel: 01454 538 802

Map No.  
 EBM0119

Scale 1:7791  
 Date  
 30 November 2016

Grid Reference  
 ST3660

Claimed BOAT



© Crown Copyright and Database Right. All Rights Reserved. Ordnance Survey. You are not to retransmit, reproduce, or otherwise use the material in any way.

**STATUTORY DECLARATION**  
**of Mr D K Legg**  
re Locking Head Drove, Locking.

I Douglas Kerton Legg of Drove Farm, Locking, Weston-Super-Mare do SOLEMNLY AND SINCERELY declare as follows:

1. I, Douglas Kerton Legg, was born on 9<sup>th</sup> August 1922 at Drove Farm, Locking. I have lived here ever since. I am 95 years old this year.

2. I have farmed Drove Farm ("the Farm") all my working life and am in a strong position to give evidence about the ownership, occupation, and use of Locking Head Drove, or at least the south-western part of it between the A371 road and Locking Head Farm ("the Drove").

3. The Farm includes the freehold of the Drove. The Farm and the Drove have together been in my family's ownership and occupation since 1919.

4. Formerly, the Farm and the Drove were owned by the Society of Merchant Venturers. By a Conveyance dated 27<sup>th</sup> June 1919 the Society and the Colston Trustees conveyed the Farm and the Drove to my ancestor Thomas Kerton, who purchased for £4,100. Thomas Kerton was my maternal grandfather.

5. The schedule to the 1919 Conveyance included the whole of OS parcel number 98, described as "*Part Locking Head Drove: Pasture: 3.506 acres*". The other part of Locking Head Drove was no doubt the stretch running eastwards past Locking Head Farm, and then northwards.

6. It was not just that the freehold of the Drove was conveyed to our family in 1919, but also that **private rights of way** were granted and reserved: Drove Farm was granted the benefit of a private right of way for all purposes eastwards and northwards along the rest of the Drove; and there was reserved along the Drove through the Farm a private right of way, likewise for all purposes, benefiting Locking Farm and Locking Head Farm.

7. The existence of these private rights of way for all purposes means that there cannot have been any **public** carriageway along the Drove, or else those private rights of way for all purposes would not have been required.

8. A copy of the 1919 Conveyance plan is attached showing the extent of the Farm and Drove coloured green, and a copy of the 1919 Sales Particulars confirming the acreage and the private rights.

9. As far as use by the public is concerned, I can and do categorically state that the Drove is not and has never been used as a public right of way of any type. I state this from my own observation having lived at and farmed Drove Farm all my life.

10. Gates. The Drove has historically been gated at the following points:

10.1 at the west end, where the Drove meets what is now the A371 road (point C on the plan attached) there was a gate there in the 1920s, and there is a gate there now;

10.2 likewise, there has always been a gate at the eastern end of the section of Drove within my ownership (point E on the plan). The 1883 map confirms that both gates were then in existence;

10.3 the eastern gate (E) was padlocked by us in approximately 1965, and has remained padlocked ever since. That padlocking was first done by us in agreement with our neighbouring farmer Mr George Pontin who had Locking Head Farm; each farm had a key for the padlock so that each could continue to enjoy the mutual private right of way.

11. It has been our policy to challenge any member of the public seeking to have access along the Drove through the Farm. No member of the public has ever driven a vehicle through there. On the extremely rare occasions of a member of the public walking through, we have challenged them, and have informed them that the Drove is not a public right of way. Of course, that would not apply to anyone with a private right of way, or to anyone to whom we had given permission.

12. For example there was a local riding school nearby in the old days who used to ask us for permission to take the pupils along the Drove on horseback, which we were happy to grant, despite the fact that it involved the unlocking and re-locking of the gate (at E) on each occasion. Likewise, whenever the hunt came through we would grant them permission and then unlock and re-lock the gate (at E) on each occasion.

13. As to surface maintenance, it is the case that the south-western end of the Drove, from the A371 road up as far as the Farm has in theory been subject to public maintenance, and I believe the same is the case at the other end of the Drove, but I suspect that this only came about by the tarmacking gang in the old days having been asked as a favour to help with the cost of some surfacing work to get the farm vehicles up as far as the Farm. The first time that the western end was tarmacked by the council was in the late 1920s. Since then, there has been hardly any public maintenance.

14. The section of Drove in my ownership from the farmyard eastwards to the padlocked gate at E was a mud track; we put some hardcore down in the mid/late 1950s and also in the early 1970s.

15. I oppose any attempt to make the Drove a public right of way of any type, as I do not believe it is one, and never has been.

DECLARED by the above named  
Douglas Kerton Legg  
at: 195-197 HIGH STREET, WORLE, BS22 6JS

This 16<sup>th</sup> day of

Before me,

F. NIBLETT

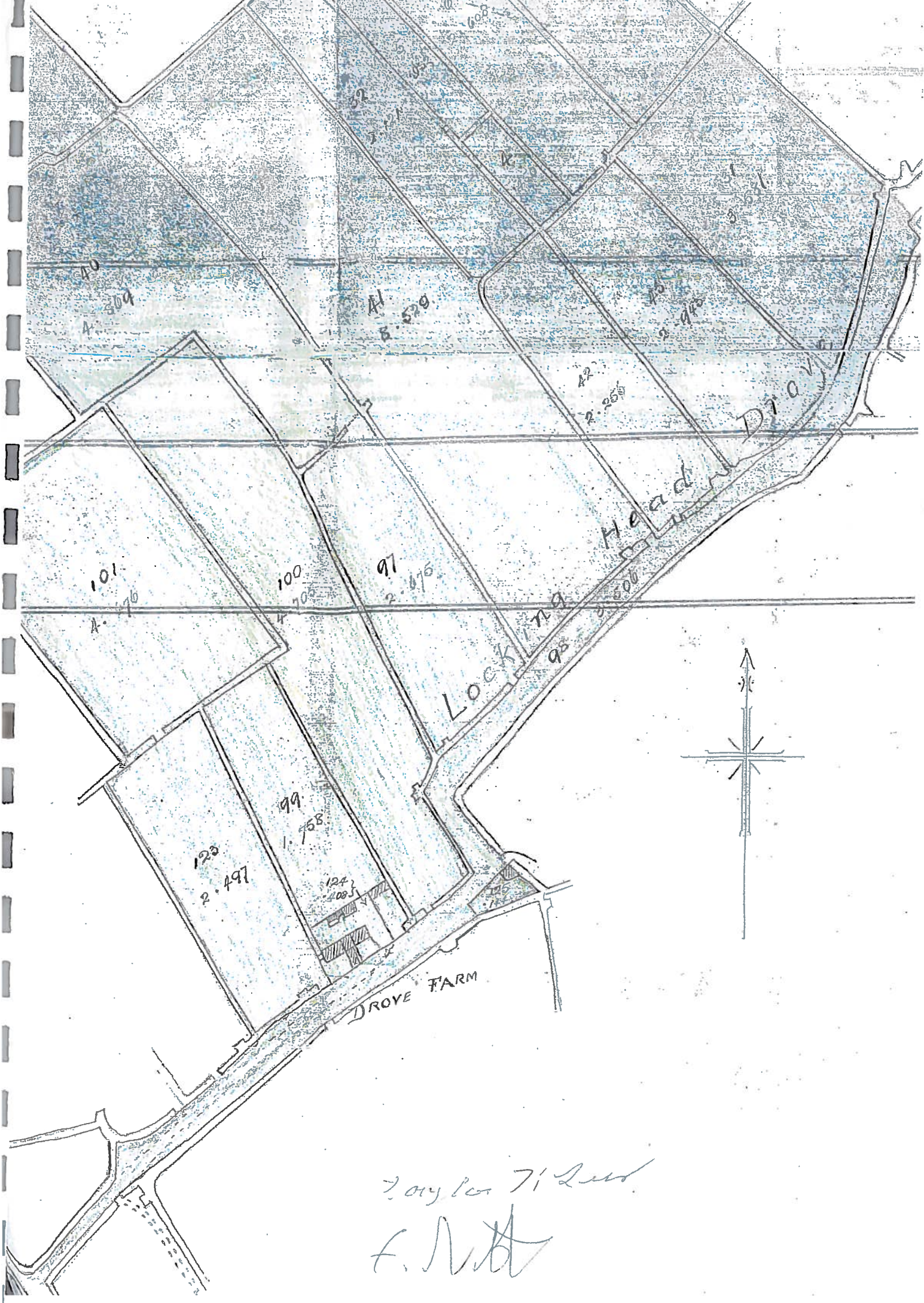
*Douglas Kerton Legg*

January

2017.

Solicitor/~~Commissioner for Oaths~~

WARDS SOLICITORS  
FIRST FLOOR  
195-197 HIGH STREET, WORLE  
WESTON SUPER MARE, BS22 6JS.  
01934 428811



Taylor T. Lusk  
F. N. H.

All that Stone-built and then

# 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	Size	Title Quantity			Ordinance Quantity
				A.	R.	P.	
200	124	House, Garden	Buildings &c. {	2	0	38	408
	99	Paddock	Pasture				1'758
199	123	Moat Leaze	Do.	2	1	23	2'497
202	100	Do.	Do.	4	3	22	4'705
203	97	Do.	Do.	7	1	28	2'675
	40						4'869
204	41	Do.	Do.	5	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	3	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
110	95	Pt. Locking Head Drove...	Do.	3	2	0	3'506
201	125	Site Cottage		0	0	10	144
WORLE PARISH.							
82							
83	763	Langridge	Pasture	1	2	28	1'770
	764	Do.	Do.	1	2	3	1'524
				A. 58	2	30	A. 58'515

Tenant—Mr. W. J. Cook.

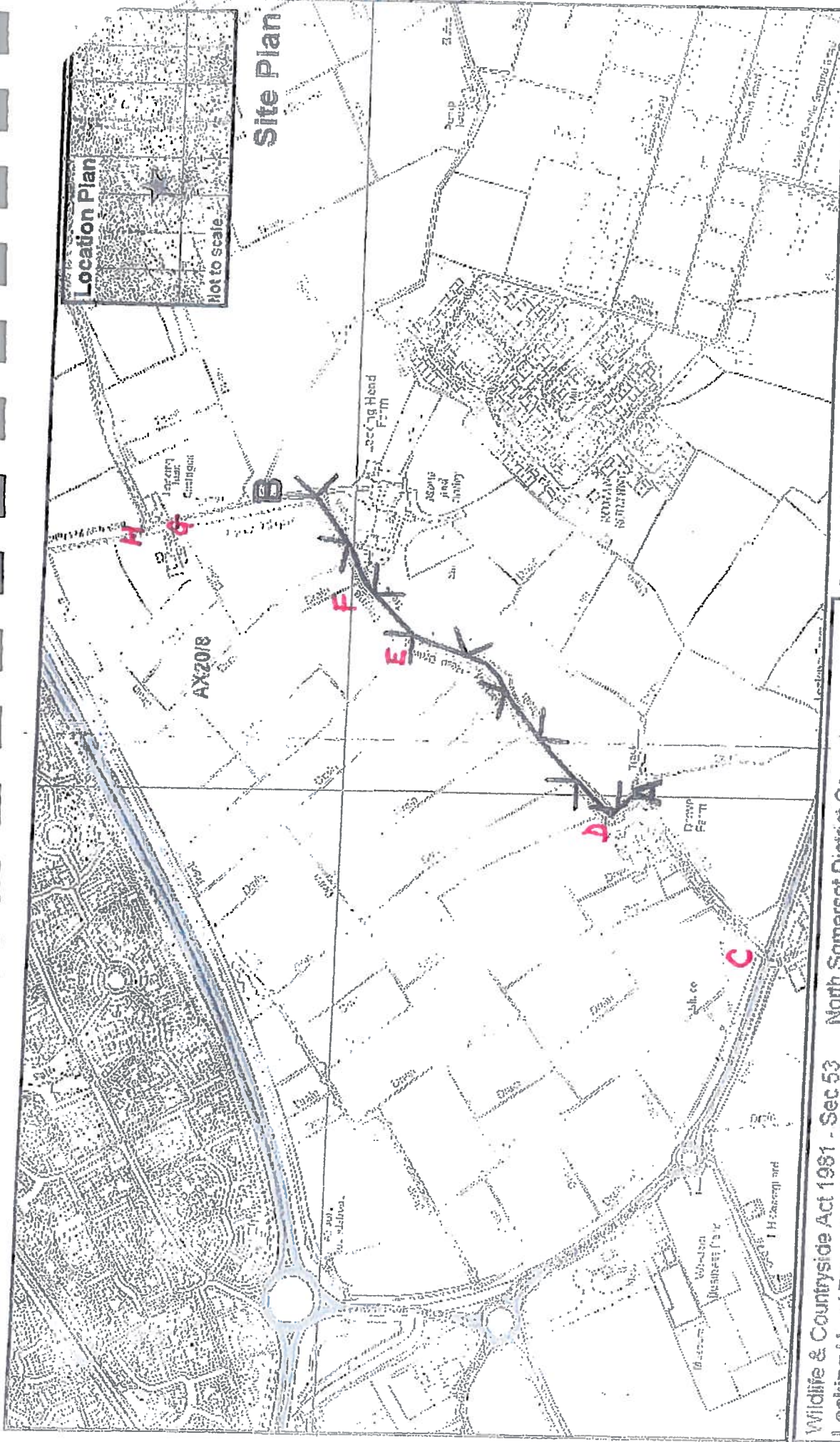
Commuted Tithe Rents Charge, Vicarial £10 15s. 1d.; Rectorial 11/5½; Worle Parish, 18/1.

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.

Day by 7c  
 F. N. B.





**Location Plan**  
Not to Scale

**Site Plan**

Map No. EB/Mod 19  
Scale 1:7794  
Grid Reference STS660  
Date 30 November 2016  
Claimed BOAT

Development & Environment  
Public Rights of Way  
Streets and Open Spaces  
North Somerset Council  
Town Hall  
Wellington Grove Road  
Weston-super-Mare  
BS23 3JL  
Tel: 01274 338 602

Wildlife & Countryside Act 1981 - Sec 53 North Somerset District Council  
 Locking Head Drive Locking **LANDOWNERS' SUBMISSION PLAN**  
 Claimed Byway Open to All Traffic (BOAT)  
 Definitive Map Modification Order Application  
 Pre Order Consultation

© Crown Copyright and Database Right. All Rights Reserved. Ordnance Survey, 2016. This document is the property of North Somerset Council.

**STATUTORY DECLARATION**  
**of Mr A Dunn**  
re Locking Head Drive, Locking.

1. I Arthur Dunn of 1 Ryecroft Avenue, Nutwell Road, Worle, Weston-Super-Mare, Somerset, BS22 6ER do SOLEMNLY AND SINCERELY declare as follows:
2. I used to live at Locking Head Cottage Farm, where I was tenant of the County Council.
3. I moved into that farm in 1967 and I lived there permanently until the mid 1990s when I bought my current house in Worle. Since the mid 1990s I have remained tenant of the farm and I often visit it and am more than familiar with Locking Head Drive.
4. Before the new road came, the only access to the farm was via Moor Lane and Lypstone Farm. As far as I was concerned I had a private right of way as part of my tenancy which enabled me to get to and from my farm.
5. As far as I am aware Locking Head Drive is not a public right of way. I had a right to get to my farm and Mr Pontin and others who farm along the Drove had a right to get to theirs.
6. There was always a gate at the northern end of the Drove just where you turned southwards past the electric substation at Lypstone Farm. That gate was always kept closed and had to be opened and then closed again after use. From that point southwards to my farm was the extent of my right of way.
7. I was aware that other farmers, such as Mr Pontin at Locking Head Farm used it but part from that there was hardly any use of the Drove. The only vehicles that would have used it were those visiting farms.
8. I certainly never saw any public use by vehicle, such as motorbikers or off-roaders, nothing like that.
9. The only horses I ever saw using it were many years ago when Miss Tonkin used to come down through there with several horses. From the late 1960s to the early 1980s I would have said that Miss Tonkin and her horses came through once or twice a year. I would not have said it was more frequently than that. I was there full time and I would have been aware of that if they had come through more often than that. The last time I saw her using her horses was, I would say, about thirty-five years ago, in the early 1980s.
10. There were some stables near my farmhouse. I remember that Fred Laver had those stables until the two holdings got merged together. Fred was there when I started in 1967 and would have died sometime in the early 1970s. He may have had horses at the stables who might have used the Drove, but I myself have not been involved in any horses stabled at my farm.
11. The only walker I ever saw on there was a lady who was looking for a footpath and I directed her from my land onto the Drove. That was the only walker I have seen. There is a footpath which does join the Drove further down.

195-197 HIGH STREET, WORLE  
WESTON SUPER MARE, BS22 6JS  
01934 429911  
FIRST FLOOR  
YARDS SOLICITORS

DECLARED by the above named  
Arthur Dunn  
at: 195 - 197 HIGH STREET, WORLE, BS22 6JS  
This 16<sup>th</sup> day of

*A G Dunn*

January

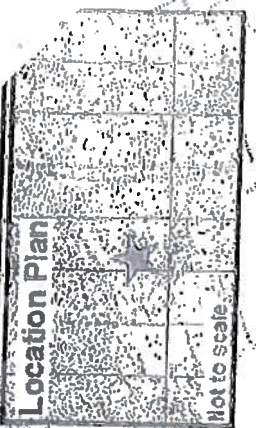
2017.

Before me,  
*E. Niblett*  
E. NIBLETT

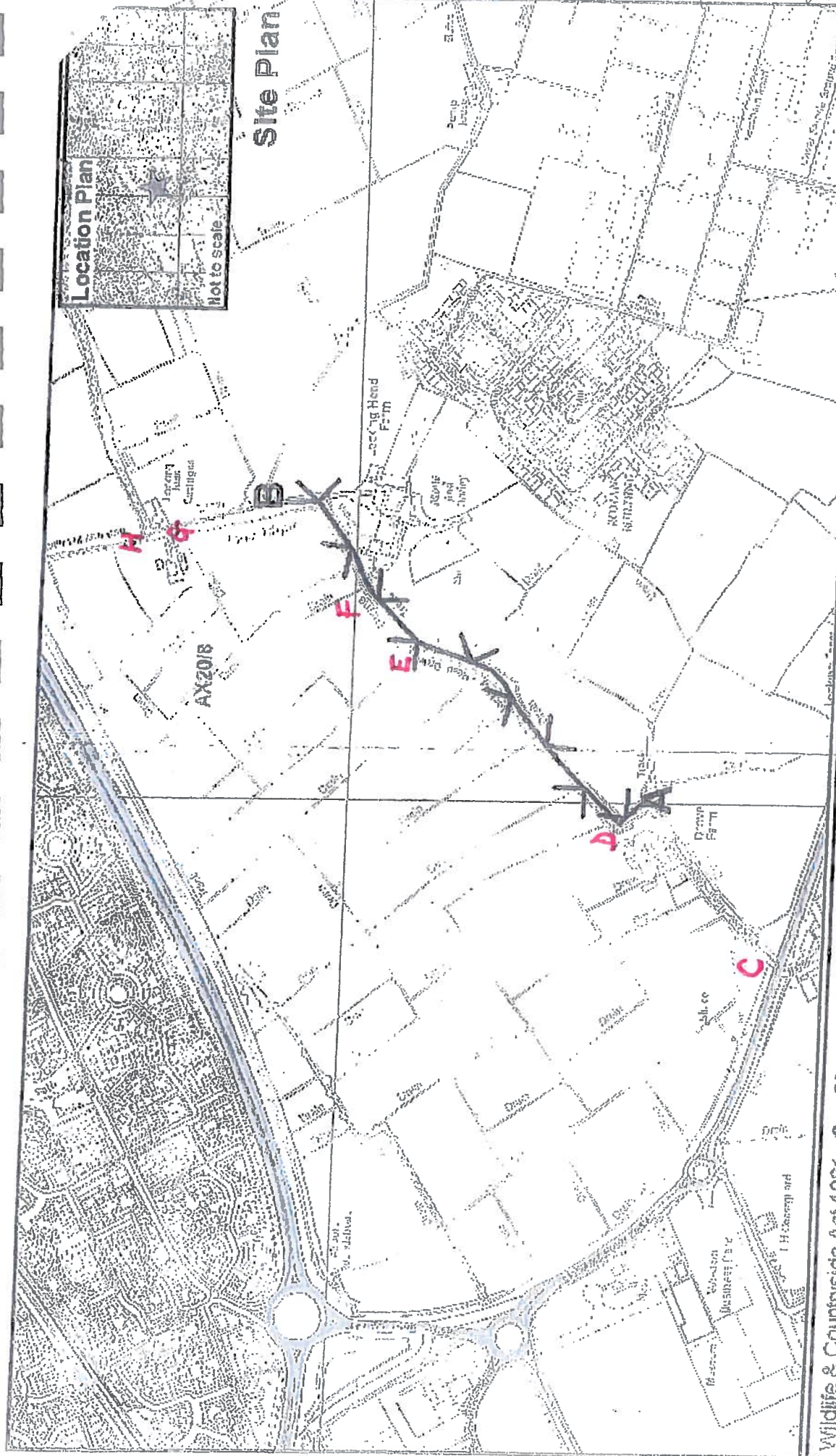
Solicitor/Commissioner for Oaths

A G Duns

F. N. B. J.



Site Plan



Development & Environment  
Public Right of Way  
Streets and Open Space  
North Somerset Council  
Town Hall  
Wellscote Grove Road  
Weston-super-Mare  
BS23 3UJ  
Tel: 01454 333 802

Map No.  
EBR10d 19  
Grid Reference  
SI3660

Scale 1:7791  
Date  
30 November 2016

Claimed BOAT

Wildlife & Countryside Act 1981 - Sec 53 North Somerset District Council  
 Locking Head Drive Locking **LANDOWNERS' SUBMISSION PLAN**  
 Claimed Byway Open to All Traffic (BOAT)  
 Definitive Map Modification Order Application  
 Pre Order Consultation

North Somerset  
COUNCIL

© Crown Copyright and Database Right 2016. Ordnance Survey (OS) is a registered trademark. All other trademarks are the property of their respective owners.