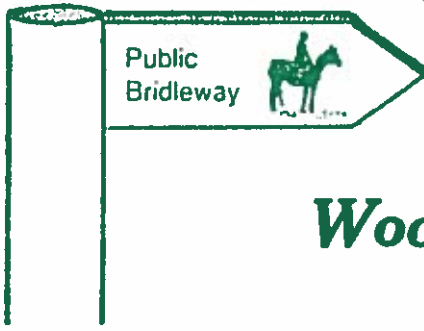


(Received from PM 15.2.94)

DOCUMENT 1
PH39/217



Woodspring Bridleways Association

Affiliated to the British Horse Society

Peter Naylor

Longbottom Farm
Drifham

11 February 1994

Dear Mr Naylor,

Claimed bridleways over A's A72/15, A716/22, A716/21
A716/37 = A370 to junction of A716/22, 16/21 & 16/37

We have now discovered further evidence indicating that the above roads should be BOATs rather than bridleways. We are therefore withdrawing our claim and would like to substitute a new claim as per the enclosed.

We will withdraw the Wink Hill claim as discussed today when we submit the new claim for BOAT status.

Yours sincerely

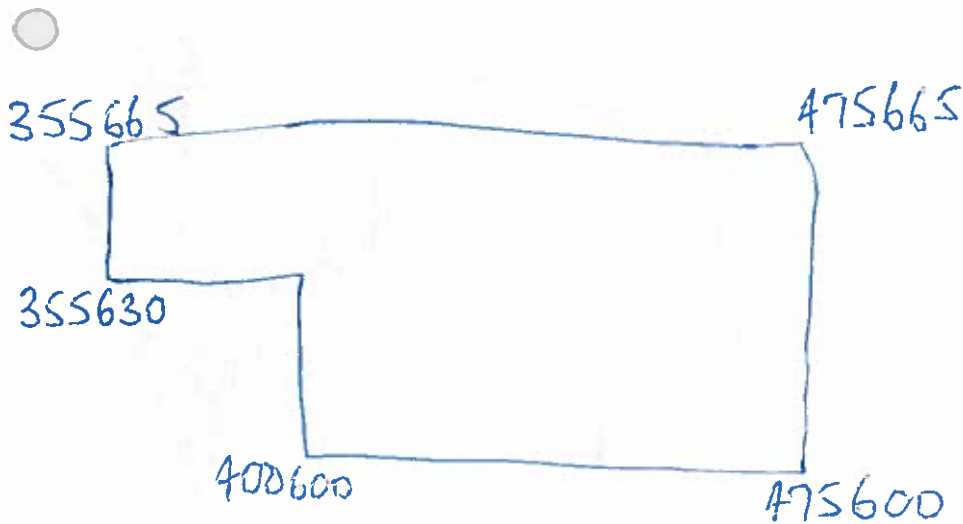
V F Coates

V F Coates
CHAIRMAN

11 February 1994

Mrs Reed,

If you want to know where all the roads set out on the Income Award are please send me a map covering the area from



to be marked up.

Could you also send me a large scale map of the area 370630 - 420570 (Bonwell) including Wint Hill.

Thankyou.

JOANNA ROSEFF

GLENVIEW
WELLS ROAD
PELHAM



74

-10 number

CONGRESBURY CP

Oldbridge River

Puxton Moor

Drains

Drains

Littlewall Rhyne

Brandeer Rhyne

Doilmour Lane

Drains

Crookwell Rhyne

Drains

Littlewall Rhyne

Little Wall Drove

Doilmour Lane

Brandeer Rhyne

CONGRESBURY

Drains

Drains

Sch

Sch

Walnut Tree Farm

Playing Fields

Hockery Farm

Silver Street

Drains

Puxton Moor Lake

Heer Wall Rhyne

Old Bridges

Goosey Drive (Track)

Path

Track

Track

Track

Track

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APPLICATION FOR MODIFICATION ORDERS - CONGRESBURY - PUXTON

The routes claimed are supported by Inclosure Award evidence and Tithe Map and Apportionment evidence. Some user evidence (horse-rider) has already been submitted supporting a bridleway claim.

The Inclosure Award evidence is based on wording in the Award that the routes set out were open for use by "any other person or persons". An extract from the Award and an extract of the Inspectors report interpreting this wording as supporting BOAT status is included in the enclosed report which was submitted to Congresbury, Puxton and Yatton Parish Councils.

We also enclose a map of the area which shows the extent of allotment no. 1777 on the Tithe map which has been prepared from the copy of the Tithe Map held at SRO. The circles on the map indicate the position of the numbers which presumably holds until the next boundary.

There is some ambiguity in that there was no number on the north south route connecting the centre of Dolemoor Lane to the A370 (419644). However, the extreme northern and southern ends of this road are so numbered and we consider it likely that the omission of the number 1777 from the centre section to be a drafting error. In any event, as there was clearly no owner/occupier liable for tithe it was a public road although not necessarily publically maintained. As you know, not all public roads were publically maintainable in 1840.

Also it was not clear whether Crookwell Bow (433622) to Crookwell Rhyne was numbered 1777 or 806. We consider that the evidence of the Inclosure Award alone is sufficient to support BOAT status on the road as it was set out by the Commissioners (as opposed to simply being mapped as an existing road).

Routes claimed	Grid Ref	Supporting evidence
Honey Hall Lane	A 441613 - 425619 B	IA & Tithe
Moor Drove to Crookwell Bow	D 443624 - 433622 E	IA & Tithe
Crookwell Bow to Silver Street	F 433622 - 435628 F	IA & Tithe
Crookwell Bow to Railway line	F 433622 - 428624 G ₂	IA & ? Tithe
Silver Street	H 441629 - 422628 I	IA & Tithe
Dolemoor/Horsecroft Lane	J ₁ 439636 - 419644 K J ₂ 439633	Tithe & IA*
Stepstones Farm to Puxton - Dolemoor Lane	L 426640 - 408633 M	Tithe & IA**

Little Wall Drove	N 435637 - 436635	O	Tithe
Link from Little Wall to Dolemoor Lane	P 433636 - 432634	Q	IA & Tithe
Mays Lane	R 407635 - 403634	S	Tithe & IA***
	S 403634 - 399634	T	IA & Tithe
Goosey Drove	V 417636 - 408638	W	IA****

* referred to as Horsecroft Lane in IA and mapped as pre-existing road

** annotated on IA Plan C at 417635 as "Road to Puxton" which indicates a public carriage road. Also known locally as the old road from Congresbury to Puxton.

*** section 407635 - 403634 referred to in IA as "ancient lane leading towards Goosey Way" and mapped as a pre-existing road.

**** from the descriptions of roads 22 (Puxton Road) and 23 (Macy's Drove) it is evident that Goosey Way originally extended along the track now known as Goosey Drove and over what is now Puxton Lane from its junction with Goosey Drove southwesterly to the junction of May's Lane at Chestnut Farm.

We would also like to draw your attention to the description in the Award of road no 23 (Macy's Drove) which went to "an ancient lane leading towards Goosey Way". If we discover any more evidence about this ancient lane, a bridle/byway claim may follow.

Notices have been served on the Highways Department, ACC, as presumed landowner where indicated on the Tithe Apportionment as being in the ownership and occupation of the Waywardens except where an adjoining landowner has removed the boundary between the drove and his land i.e. owner/occupier of Stepstones Farm, Congresbury.

all grid references refer to Pathfinder ST 46/56

also enclosed is copy of Bartholomew's 1/2" sheet 7 1941.

Congresbury, Week Saint Lawrence and Puxton Inclosure Award

The Local Act was passed in 1809 under the provisions of the General Act of 1801.

Section 8 of IA 1801 provides that the Commissioners shall "set out and appoint the public carriage Roads and Highways, through and over the lands and grounds intended to be divided allotted and inclosed and to divert, turn, and stop up any of the roads and tracts, upon and over, all, or any part of the said lands and grounds, as he or they shall judge necessary, so as such roads and highways shall be, and remain thirty feet wide at the least".

This is currently taken to mean that any roads with public rights, even footpaths, had to be thirty feet wide or the appointment was not valid. However, the Local Act makes it lawful for the Commissioners to "stop up and discontinue any of the public roads, ways or footpaths (except Turnpike Roads) within the said several parishes of Congresbury, Week Saint Lawrence and Puxton, or either of them, which shall be deemed unnecessary, and to widen turn, or alter any of such roads or ways (except as aforesaid) as shall be deemed proper to be widened, turned or altered; and all such public roads as shall be stopped up or discontinued, shall be deemed part of the lands .. intended to be divided, allotted and inclosed".

The proviso that public ways should be at least thirty feet is omitted.

Much of the Congresbury area was already inclosed prior to the award and the map annexed to the award shows that much of the highway network was unaltered. The text also makes references to ancient lanes and footbridges and sets out routes in their "ancient and usual direction. Virtually all of the through routes (and the longer of the cul de sacs) appear to have been existing routes that have been "widened, turned or altered".

An extract from the Award is attached. Forty seven rights of way are mapped and described and appointed to be "for the benefit use and enjoyment of the owners tenants and occupiersand all and every other person and persons who shall or may have occasion to travel there to go pass and repass in through upon and over the same private carriage roads and Bridges either on Foot or Horseback or 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 or either of them shall think proper".

Wording very similar to this has already been decided at Public Inquiry to be evidence of a public right of way with carriages. An extract from the Inspectors report is attached.

Extract from the Inspector's Report of 30 April 1993 (ref FPS/5073/7/23) Dursdon Drove at Priddy

"7.2 I remain satisfied that on the balance of probability the public were granted and enjoyed vehicular rights of way along the whole of Dursdon Drove. My reasons are as outlined in paragraphs 7.4 to 7.12 of my 1989 report."

Extract from the Inspector's Report of 27 February 1991 (ref FPS/5073/7/23 & SW/P/5073/529/5)

"7.8 The Wells Enclosure Award Sections. When some nine years after the Wookey Award was made, the Parish of Wells St. Cuthbert came to make their 1795 Enclosure Award they decided to call their substantial sections of the Drove a private road and to make them only 25 feet wide. The description of the road as "private" and the fact that it was not to be publically repaired or maintained, would on their own, provide significant evidence that it was, indeed, a private road.

7.9 However the wording of the Wells Enclosure Award is very specific, very deliberate and is all embracing. It states (underlining added) that the road is:

"...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 through upon and over the same either on foot or Horseback 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."

7.10 Thus, having specified usage by owners, tenants and occupiers, the Award goes on to grant usage to all other persons. I find it difficult to accept that the phrase "...all.....persons who... travel there" restricts use to a limited category of person and means only those who travel to properties within the Drove. Any such interpretation would be fatally undermined by the subsequent use of the words "through" and "over". Thus, from the wording of the Award, all persons who travel there may pass and repass in, through, upon and over the Drove with free liberty, as often as they think proper, by any means (including by carriage). From this I must conclude that despite the use of the word "private" to describe the road, and despite the fact that repair and maintenance were to be undertaken by the owners, nevertheless unequivocal and unrestricted public rights of way, including vehicular rights, were given. I note that this general interpretation is shared by the County Records Office Archivist who attended the Inquiry on behalf of the Order Making Authority."

Congresbury Tithe and Apportionment

This shows that all plots numbered 1389 & 1777 on the Tithe Map were owned and occupied by the Waywardens of Congresbury. As the name suggests, the Waywardens were responsible for the maintenance of the Parish highway network.

Plots 1389 were described as waste and quarry. These would have provided the means to repair the roads in addition to any rate, as the Waywardens would have sold the grass on the waste, often highway verges, for grazing. These have not been mapped.

Plots 1777 were described as Parish Roads i.e public highways, which is usually taken to mean carriageways unless there is direct evidence to the contrary.

The Highways Acts of the eighteenth century show a tendency towards the enclosing of public carriageways, except where they crossed over common land. The 1773 HA (s15) required all public cartways leading to a market town to be at least twenty feet wide and public horseways or driftways to be eight feet wide at least, "if the ground between the fences enclosing the same will admit thereof".

It is most unlikely that any enclosed highway, unless very narrow, (I have seen records of a bridleway which was between 2.5 and 4 feet wide) would have been a public footpath.

Congresbury, Week Saint Lawrence and Puxton - Act passed
18 May 1814

p 12 And we the said Young Sturge and John Brown in pursuance and by virtue and in further execution of the said recited Acts have set out and appointed and by these presents do set out and appoint the several Private Roads and Footways (in addition to the several ancient public highways leading from Congresbury towards Bristol Churchill and Worle respectively which are continued in their usual course of the width of fifteen feet from the centre where they adjoin to any waste lands) Ditches Drains Watercourses Quarries Bridges Gates Stiles Mounds Fences Banks Bounds and Landmarks in over upon and through or by the sides of the Lands and Grounds hereby divided and allotted of such dimensions and breadths as are hereinafter particularly described Maps having been prepared in which such Private Roads and Footways were accurately laid down and described which said Maps were signed by the said Young Sturge and James Staples and deposited with their Clerk for the inspection of all persons concerned and Notices having been given of having set out such Roads and deposited such Maps in manner and as directed by the said Act of the Forty first year of the reign of his present Majesty (that is to say)

Private Carriage Roads and Public Footways
in the Parish of Congresbury
in Brinzey Moor

Silver Street Drove - One private carriage road or drove of the breadth of 25 feet extending from a certain public road or Highway leading from Congresbury to Churchill Down Silver Street and across Brinzey Moor to Crookwell Bow called Silver Street Drove and numbered I on the said Plan B

Crookwell Drove - One other private carriage road or drove of the breadth of 25 feet extending from Crookwell Bow aforesaid to the said public road or Highway leading from Congresbury to Churchill at Brinzey Batch called Crookwell Drove and numbered II on the said Plan B

Walls Drove - One other private carriage road or drove of the breadth of 20 feet extending from Silver Street Drove aforesaid to the western extremity of Brinzey Moor called Walls Drove and numbered III on the said Plan B

Willoughbys Drove - One other private carriage road or drove of the breadth of 16 feet extending from an allotment hereinafter set out to John Wall as Lessee under the said Governors of the said Hospital over an allotment hereinafter set out to the Representatives of Sir Christopher Willoughby deceased as Lessee under the said Governors to Crookwell Drove aforesaid called Willoughbys Drove and numbered IV on the said Plan B

One public Footway of the breadth of four feet extending from an Old Inclosure late belonging to John Knight Esquire called Moorhills at the usual Footbridge there

over allotments hereinafter set out to Joanna Gibbs and John Wall as Lessees under the said Governors respectively to a Stile entering an Old Inclosure called Combes and numbered V on the said Plan B

In the New Moor or the Great Moor

Middle Drove - One other private carriage road or drove of the breadth of 25 feet extending from the New bridge over Congresbury River across the said Moor called the New Moor or Great Moor to an allotment hereinafter set out to John Pigot Esquire called Middle Drove and numbered VI on the said Plan A

Binneys Drove - One other private carriage road or drove of the breadth of 25 feet extending from the said New Bridge by the side of Congresbury River to Binneys Pound called Binneys Drove and numbered VII on the said Plan A

New Croft Drove - One other private carriage road or drove of the breadth of 20 feet extending from the Middle Drove aforesaid to the corner of New Croft called New Croft Drove and numbered VIII on the said Plan A

Also one public Footway of the breadth of four feet extending from an Old Inclosure adjoining to the North side of the said New or Great Moor belonging to the said John Pigot at the usual Gate there over the said allotment hereinbefore mentioned to be allotted to the said John pigot to the Middle drove aforesaid and numbered VIIIa on the said Plan A

Also one other public Footway of the breadth of four feet extending from the village of Congresbury at or near the old bridge called Congresbury Bridge in its ancient direction after the River on the South side thereof to the beforementioned New Bridge and numbered IX on the said Plan B

On Wrington Hill

Cleeve Drove - One other private carriage road or drove of the breadth of 20 feet on Wrington Hill extending from the southeast corner of the said Hill adjoining the Parish of Wrington to the Northwest corner of the said Hill adjoining the Parish of Yatton called Cleeve Drove and numbered X on the said Plan A

At Brinzey

Honey Hall Road - One other private carriage road or drove of the breadth of 24 feet extending from a certain place called the Four Elms towards Honey Hall called Honey Hall Road and numbered XI on the said Plan B

Burdges Road - One other private carriage road or drove of the breadth of 20 feet extending from the said public road or Highway leading from Congresbury to Churchill to

an Old Inclosure belonging to Christiana Burdge as Lessee under the Dean and Chapter of Wells called Burdges Road and numbered XII on the said Plan B

Badmans Road - One other private carriage road or drove of the breadth of 10 feet on Brinzey Green extending from the said public road or Highway leading from Congresbury to Churchill to a cottage and garden hereinafter allotted to the said Governors called Badmans Road and numbered XIII on the said Plan B

Macy's Road - One other private carriage road or drove of the breadth of 24 feet extending from the said public road or Highway leading from Congresbury to Churchill to the road next hereinafter set out leading from Congresbury to Langford called Macy's Road and numbered XIV on the said Plan B

Langford Road - One other private* carriage road or drove of the breadth of 24 feet extending from the said public road or Highway leading from Congresbury to Churchill in its ancient direction towards Langford and numbered XV on the said Plan B

* - "private" inserted afterwards

In other Parts of the Waste Lands

Venice Street Road - One other private carriage road or drove of the breadth of 20 feet extending from the said public road or Highway leading from Congresbury to Churchill at or near the corner of an allotment hereinafter set out to Joseph Griffin in its ancient direction down Venice Street to a lane known by the name of Somerset Lane called Venice Street Road and numbered XVI on the said Plan B

Noad Drove - One other private carriage road or drove of the breadth of 15 feet extending from the termination of Venice Street Road aforesaid over Noad Green to several Old Inclosures belonging to James Giles as lessee under the said Governors called Noad Grove (sic) and numbered XVII on the said Plan B

Broad Stone Green Drove - One other private carriage road or drove of the breadth of 20 feet on Broad Stone Green extending from an old lane at or near the corner of an Orchard belonging to Sir Christopher Willoughby deceased as Lessee under the said Governors to the Eastern Extremity of Horsecroft Lane called Broad Stone Green Drove and numbered XVIII on the said Plan B

Broad Wall Drove - One other private carriage road or drove of the breadth of 20 feet extending from Horse Croft Lane to Little Wall called Broad Wall Drove and numbered XIX on the said Plan B

Goosey Way Drove - One other private carriage road or drove of the breadth of 20 feet extending from a certain place called Old Bridges over Goosey Way by the side of the Old Bridge Yeo to a certain Road called the Puxton Road called Goosey Way Drove and numbered XX on the said Plan C

Cox's Drove - One other private carriage road or drove of the breadth of 16 feet extending from Goosey Way Drove to an Old Inclosure belonging to George Cox called Cox's Drove and numbered XXI on the said Plan C

Puxton Road - One other carriage road or drove of the breadth of 24 feet extending from the said public carriage road or Highway leading from Congresbury to Worle at or near the Northeast corner of an allotment hereinafter set out to the said John Pigot in its ancient and usual direction through Old Inclosures to Goosey Way through which it continues also in its ancient and usual direction to the boundary of the Parish of Congresbury adjoining the Parish of Puxton called the Puxton Road and numbered XXII on the said Plan C

Macy's Drove - One other private carriage road or drove of the breadth of 20 feet extending from the said public carriage road or Highway leading from Congresbury to Worle near a certain garden belonging to Baker to an ancient Lane leading towards Goosey Way aforesaid called Macy's Drove and numbered XXIII on the said Plan C

Puxton Drove - One other carriage road or drove of the breadth of 24 feet extending from the Road leading from Congresbury to Week Saint Lawrence at a place called Palmers Elm towards Puxton called Puxton Drove and numbered XXIV on the said Plan C

Bennetts Drove - One other private carriage road or drove of the breadth of 20 feet extending from the said last mentioned Road or Drove over Mays Green to an ancient lane leading towards Goosey way aforesaid called Bennetts Drove and numbered XXV on the said Plan C

In the Parish of Week Saint Lawrence
Sheppards Drove - One other private carriage road or drove of the breadth of 24 feet extending from the village of Week Saint Lawrence at or near a garden belonging to Valentine Sheppard, Yeoman after the Western Boundary of an orchard belonging to the said Valentine Sheppard to an ancient lane near a cottage and garden in the occupation of Hicks called Sheppards Drove and numbered XXVI on the said Plan E

In the Parish of Puxton
Banwell Road - One other carriage road or drove of the breadth of 24 feet in Puxton Moor extending from the entrance into the said Moor at the Place called Moor Gate after an Orchard called Goose Nest Orchard and other Old Inclosures to the corner of the said Moor and thence in a

straight line to the Road leading towards Nye called Banwell Road and numbered XXVII on the said Plan D

Moor Drove - One other private carriage road or drove of the breadth of 24 feet in Puxton Moor aforesaid extending from the last mentioned road called Banwell Road after the Northern boundary of the said Moor to the corner of West Dolmoor called Moor Drove and numbered XXVIII on the said Plan D

Windhams Drove - One other private carriage road or drove of the breadth of 20 feet in Puxton Moor aforesaid extending from the last mentioned Road called Moor drove after the eastern Boundary of the said Moor to an Old Inclosure belonging to John Urch, Yeoman called Windhams Drove and numbered XXIX on the said Plan D

Bisdees Drove - One other private carriage road or drove of the breadth of 20 feet extending from Moor Drove aforesaid across the said Moor called Puxton Moor to an allotment hereinafter set out to William Bisdee, Yeoman as lessee under William Windham Esquire called Bisdees Drove and numbered XXX on the said Plan D

In East Dolmoor

Plaisters Drove - One other private carriage road or drove of the breadth of 16 feet extending from a bridge hereinafter mentioned to be erected over Hollbridge Yeo over East Dolmoor aforesaid to an allotment hereinafter set out to Richard Woolfryes as lessee under the said Governors called Plaisters Drove and numbered XXXI on the said Plan B

City Drove - One other private carriage road or drove of the breadth of 16 feet extending from a Gate known by the name of East Dolmoor Gate to the said allotment hereinafter set out to the said Richard Woolfryes called the City Drove and numbered XXXII on the said Plan B

One public footway of the breadth of four feet extending from the eastern extremity of Plaisters Drove aforesaid over the said Allotment hereinafter set out to the said Richard Woolfryes to the southern extremity of the City Drove aforesaid and numbered XXXIII on the said Plan B

In West Dolmoor

West Dolmoor Drove - One other private carriage road or drove of the breadth of 24 feet extending from a certain gate called West Dolmoor Gate over West Dolmoor to the corner of Puxton Moor called West Dolmoor Drove and numbered XXXIV on the said Plan B

Durbans Drove - One other private carriage road or drove of the breadth of 16 feet leading from West Dolmoor Drove aforesaid to an allotment hereinafter set out to Sarah Durban as lessee under Mrs Jane Somerville called Durbans Drove and numbered XXXV on the said Plan B

One public footway of the breadth of four feet extending from an Old Inclosure on the West side of west Dolmoor at the ancient Footbridge there over the said allotments hereinafter set out to the said Sarah Durban and also over allotments hereinafter set out to the Right Honourable Lord Middleton and Edward Francis Colston Esquire and to Arthur Hewlett respectively to the ancient footbridge on Meer Wall and numbered XXXVI on the said Plan B

In Quadram

Burges Drove - One other private carriage road or drove of the breadth of 16 feet extending from Crookwell Wall over allotments hereinafter set out to John Knight and Charles Shepson as lessees under the said Governors respectively to an Old Inclosure belonging to the said Governors on lease to Robert Burges called Burges's Drove and numbered XXXVII on the said Plan B

In Wickham Furlong

Wickham Furlong Drove - One other private carriage road or drove of the breadth of 16 feet extending from a bridge hereinafter mentioned called Bakers Bridge to an allotment hereinafter set out to James Parker Yeoman called Wickham Furlong Drove and numbered XXXVIII on the said Plan B

Other Private Roads

Sheephouse Drove - One other private carriage road or drove of the breadth of 12 feet extending from the Road leading from Congresbury to Wrington to several old Inclosures numbered XXXIX on the said Plan A

Riding Mead Drove - One other private carriage road or drove of the breadth of 12 feet extending from an Old Inclosure belonging to Philip John Miles Esquire through allotments set out to James Willet to an Old Inclosure called Riding Mead Four Acres and numbered XL on the said Plan B

Crookwell Drove - One other private carriage road or drove of the breadth of 20 feet extending from Crookwell Bow to an allotment called Stony Cly Acre and numbered XLI on the said Plan B

Crookwell Croft Drove - One other private carriage road or drove of the breadth of 20 feet extending from the last mentioned Road called Crookwell Drove at or near the New Bridge there to an allotment called Crookwell Croft and numbered XLII on the said Plan B

Knights Drove - One other private carriage road or drove of the breadth of 12 feet extending from Meer Wall through allotments set out to Christiana Burdge and Thomas Richards respectively to an allotment set out to John Knight and numbered XLIII on the said Plan B

Monkland Drove - One other private carriage road or drove of the breadth of 12 feet extending from an ancient lane leading to Puxton through an allotment set out to Robert Battiscomb Esquire to an Old Inclosure called Monkland Drove and numbered XLIV on the said Plan B

Flood Ditch Drove - One other private carriage road or drove of the breadth of 12 feet extending from the ancient gate leading into Flood Ditch to an allotment set out to Henry Shepson numbered XLV on the said Plan B

Combes Drove - One other private carriage road or drove of the breadth of 12 feet extending from the ancient gate leading into Flood Ditch to an Old Inclosure belonging to Joseph Coombe numbered XLVI on the said Plan B

Bisdees Drove - One other private carriage road or drove of the breadth of 12 feet extending from the ancient gate leading into Wick Field to Old Inclosures belonging to James Bisdee and Joseph Sheppard respectively numbered XLVII on the said Plan E

Bridges

New Bridge - A Bridge erected by us the said Commissioners over the said River called Congresbury River into the Great or New Moor distinguished by the name of New Bridge

East Dolmoor Bridge - A Bridge erected by us the said Commissioners on a certain Rhine called Holebridge Yeo distinguished by the name of East Dolmoor Bridge

Bakers Bridge - A Bridge erected by us the said Commissioners on the said Rhine called Holebridge Yeo and distinguished by the name of Bakers Bridge

Crookwell Bridge - A Bridge erected by us the said Commissioners on a certain Rhine called Crookwell Rhine and distinguished by the name of Crookwell Bridge

And we the said Young Sturge and John Brown do in and by this our Award order and direct that the said several private carriage roads and public Footways hereinbefore particularly mentioned and directed to be set out in over and through the said Lands and Grounds hereby allotted and inclosed shall be and remain of the several respective dimensions and breadths aforesaid that the said public Footways shall be and remain to and for the use of all His Majestys Liege Subjects who may have occasion to use the same and that the said private carriage roads and Bridges shall be and remain 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 and awarded with free liberty for them and every of them and all and every other person and persons who shall or may have occasion to travel there to go pass and repass in through

upon and over the same private carriage roads and Bridges either on Foot or Horseback or 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 or either of them shall think proper And we the said Commissioners Young Sturge and John Brown do hereby further order and direct that such of the private carriage roads and Bridges as are mentioned or referred to in the several Rates or Schedules hereinafter written and also the Gouts and drains crossing the same Roads and by us made and placed there shall from time to time and at all times forever hereafter be repaired amended maintained new-made and kept in good and passable order and condition by the several and respective Owners Tenants and Occupiers for the time being of all and singular the several Divisions and allotments of land hereinafter particularly mentioned to be allotted and set out at their expence and in proportion to their several and respective allotments plots pieces and parcels of Land as the same are particularly adjudged and assessed in and by the several and respective rates or Schedules hereinafter written called Congresbury Road Rate, Week Saint Lawrence Road Rate, Puxton Road rate, Dolmoor Road rate and Crookwell road rate and each of which Rates or Schedules are divided into four separate columns - The First Column contains the description of the roads and bridges The Second Column contains the number in the said Plans of the allotments chargeable with the repairs The Third Column contains the names of the persons to whom the said allotments are awarded The Fourth Column contains the share each allotment is to contribute in proportion to the total amount of each Rate

And we the said Commissioners do hereby order and direct that such of the said roads hereinbefore set out as are not mentioned or referred to in the said several Rates or Schedules hereinafter written shall at all times hereafter be made passable and kept in repair by and at the expence of the owners or occupiers for the time being of the respective allotments through or adjoining which the said Roads are set out

And we the said Young Sturge and John Brown in pursuance and in further execution of the said Act of the Forty first Year of the Reign of His present Majesty here set out and appointed and by these presents do set out and appoint one plot piece or parcel of Land on Cadbury Hill part of the said Moors Commons and Waste Lands containing by admeasurement One Acre One Rood and One Perch (including the Road passing through the same to Cadbury Hill) and numbered on the said Plan A twentyfour as and for a stone quarry for the repairs of the roads within the said Parish of Congresbury to be used in Common by the proprietors of Lands and Estates within the said Parish of Congresbury and their Tenants as well for their own necessary uses as for the Repairs of the Roads within the said Parish

Allotments of Land Sold towards defraying Expences

Number on Commissioners Plan	Plan A No 70
Description and Situation	Allotment in the New Moor or Great Moor
Admeasurement	5A OR OP exclusive of the private carriage road passing by the side of the same
Names of Purchasers	John Knight of Congresbury Esquire
Consideration Money	£710 os od

All the above was set out in columnar form across the parchment

Droves and bridges listed in column 1

Congresbury Road Rate

No 1 Silver Street Drove	No 2 Crookwell Drove
No 3 Walls Drove	No 4 Willoughbys Drove
No 6 Middle Drove	No 7 Binneys Drove
No 8 Newcroft Drove	No 10 Cleave Drove
No 11 Honey Hall Road	No 12 Burdges Road
No 13 Badmans Road	No 14 Macys Road
No 15 Langford Road	No 16 Venice Street Road
No 17 Noad Drove	No 18 Broad Stone Green Drove
No 19 Broad Wall Drove	No 20 Goosey Way Drove
No 21 Coxs Drove	No 22 Puxton Road
No 23 Macys Drove	No 24 Puxton Drove
No 25 Bennetts Drove	The New Bridge
Crookwell Bridge	

Week Saint Lawrence Road Rate

No 26 Sheppards Drove

Puxton Road Rate

No 27 Banwell Road	No 28 Moor Drove
No 29 Wyndhams Drove	No 30 Bisdées Drove

Dolmoor Road Rate

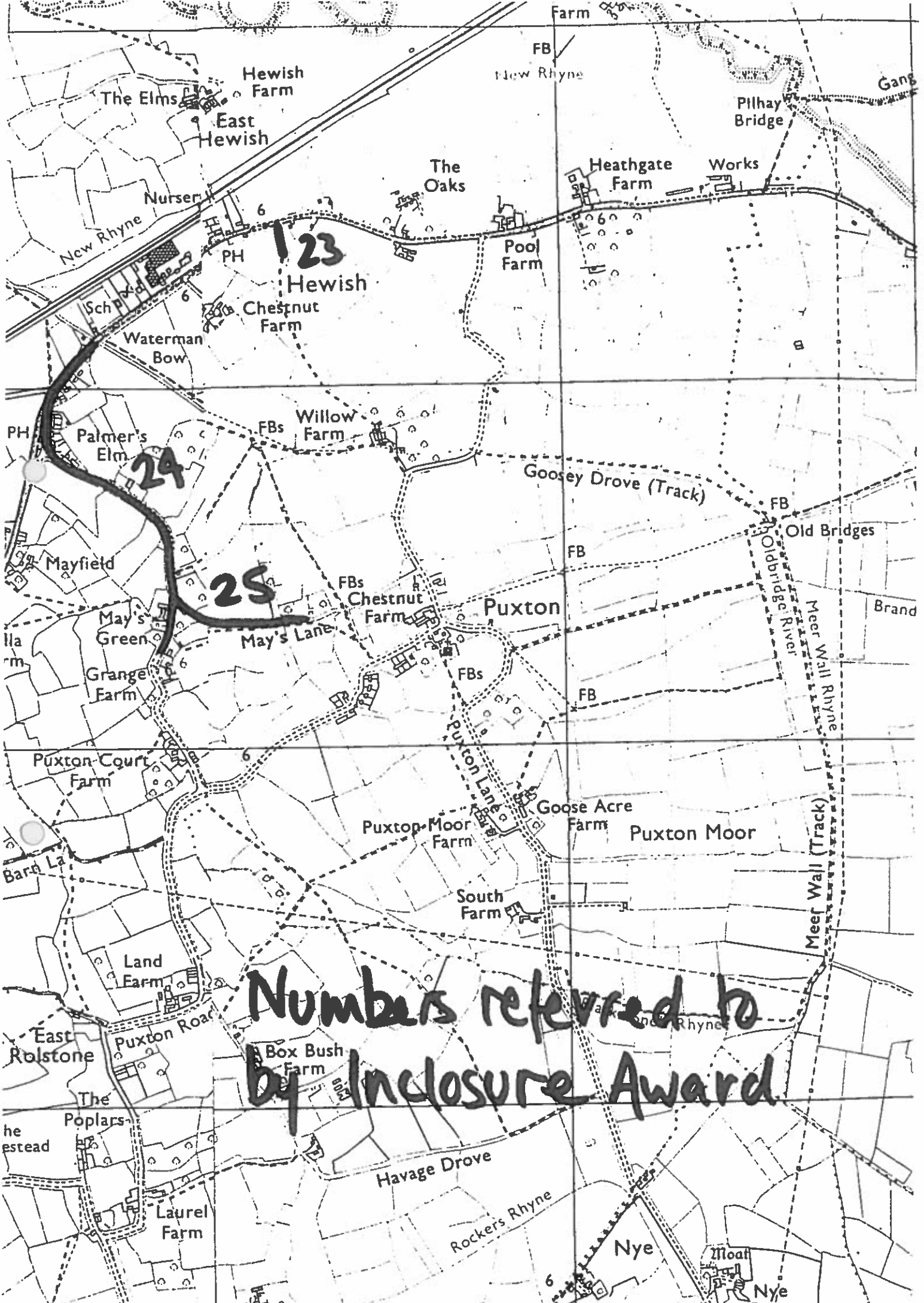
No 31 Plaisters Drove	No 32 City Drove
No 34 West Dolmoor Drove	No 35 Durbans Drove
No 38 Wickham Furlong Drove	East Dolmoor Bridge
Bakers Bridge	

Crookwell Road Rate

No 37 Burges's Drove	No 42 Crookwell Croft [Drove
----------------------	------------------------------

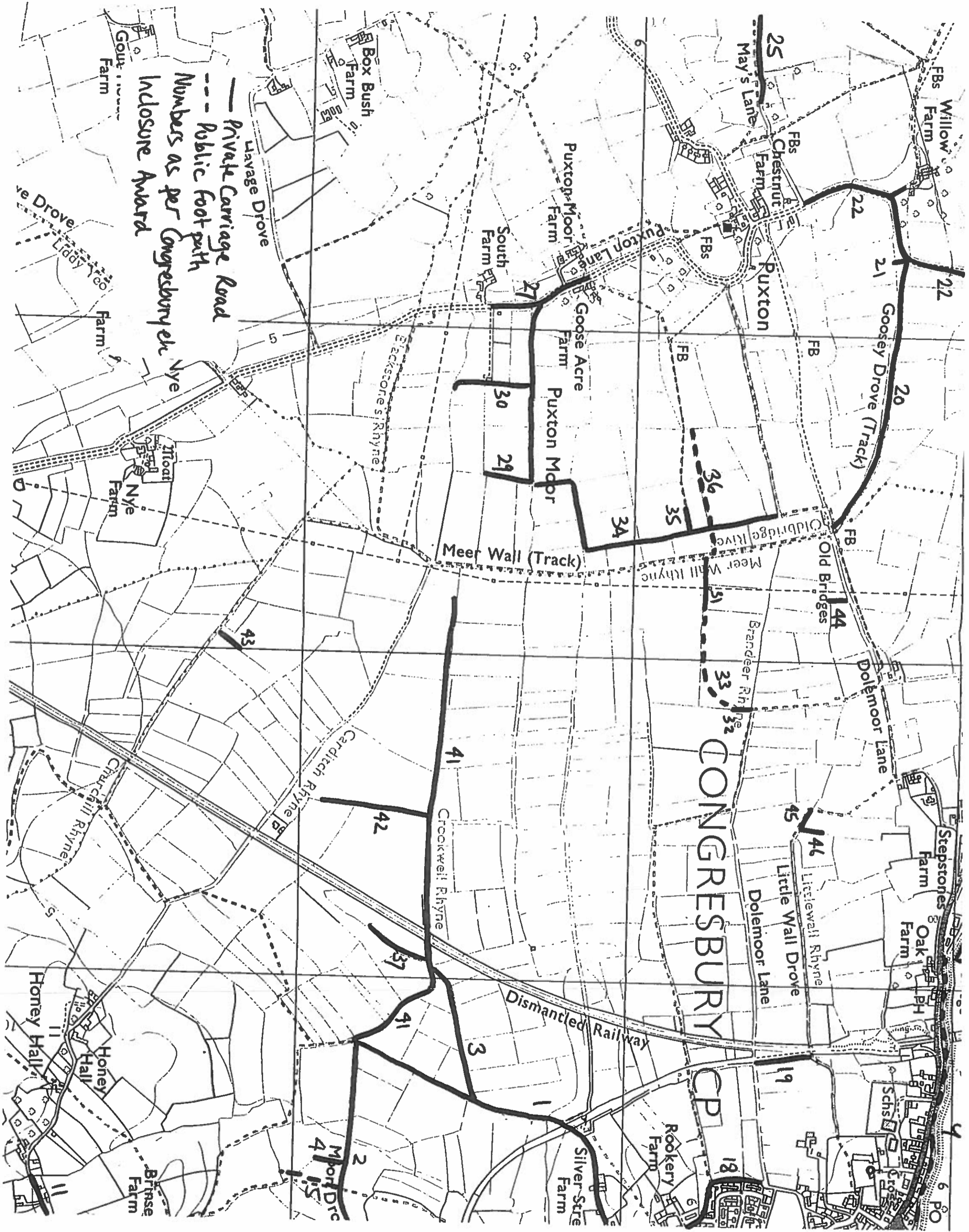
And lastly we the said Young Sturge and John Brown in pursuance and exercise of the powers vested in us in and by the said several recited Acts Have made published and declared and do hereby make publish and declare this to be our Award And we have also caused to be hereunto annexed the said several Maps or plans hereinbefore mentioned and referred to and which are respectively signed by us

In witness whereof we the said Young Sturge and John Brown have to this our Award contained on 114 sides of parchment to the first 113 sides whereof set our hands and to this 114th and last side our hands and seals the 14th day of June in the Fifty sixth year of the Reign of our Sovereign Lord George the Third by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith and in the Year of Our Lord One Thousand Eight Hundred and Sixteen.



Numbers referred to
by Inclosure Award

— Private Carriage Road
- - - Public foot path
Numbers as per Congressbury etc
Inclosure Award



CONGRESBURY

CP

6 PO

Schs

PH

Stepstones Farm

Oak Farm

Dolemoor Lane

Old Bridges

Goosey Drove (Track)

Puxton

Chestnut Farm

Willow Farm

FBS

Little Wall Drove

Littlewall Rhyme

Brandeer Rhyme

Meer Wall Rhyme

Cidbridge River

Goose Acre Farm

Puxton Moor Farm

South Farm

Box Bush Farm

May's Lane

Lavage Drove

Backstones Rhyme

Cardich Rhyme

Churchill Rhyme

Honey Hall

Honey Hall

Brase Farm

Rookery Farm

Silver Stre Farm

Dismantled Railway

Crookwell Rhyme

Cardich Rhyme

Churchill Rhyme

Meer Wall Rhyme

Brandeer Rhyme

Cidbridge River

Goose Acre Farm

Puxton Moor Farm

South Farm

Box Bush Farm

May's Lane

Lavage Drove

Backstones Rhyme

Cardich Rhyme

Churchill Rhyme

Honey Hall

Honey Hall

Brase Farm

NAMES

John Thomas	1887	Wards and Dues	5	7	1
John Thomas	1887	Wards and Dues	2	2	2
John Thomas	1887	Wards and Dues	5	3	11
John Thomas	1887	Wards and Dues	1	26	
John Thomas	1887	Wards and Dues	6	8	80
John Thomas	1887	Wards and Dues	7	16	
John Thomas	1887	Wards and Dues			25
John Thomas	1887	Wards and Dues			2
John Thomas	1887	Wards and Dues			35
John Thomas	1887	Wards and Dues			123
John Thomas	1887	Wards and Dues	1	1	
John Thomas	1887	Wards and Dues	2	28	
John Thomas	1887	Wards and Dues	1	32	
John Thomas	1887	Wards and Dues			213

Wardens of
 Congersbury
 1887
 Wards and Dues

John Clay
 963
 Garden
 964
 Cottage
 970
 Garden

John Welch
 221
 Orchard
 222
 Orchard
 223
 Welch's Duck Pond
 224
 Gule

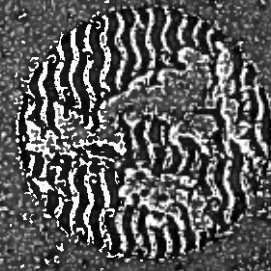
John Welch
 1887

H. A. A. A. A. A.



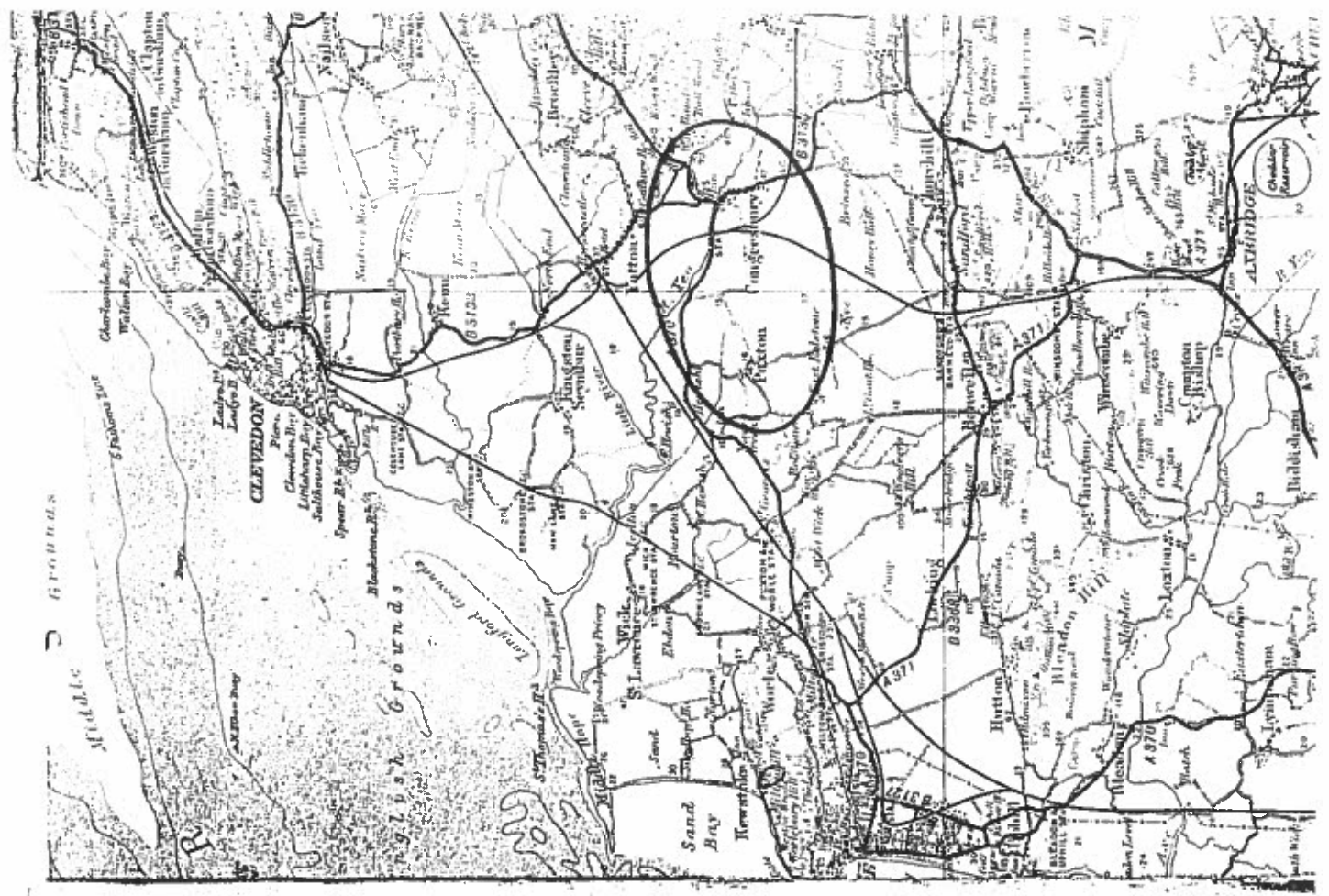
BARTHOLOMEW'S
REVISED "HALF-INCH"
CONTOURED
MAPS

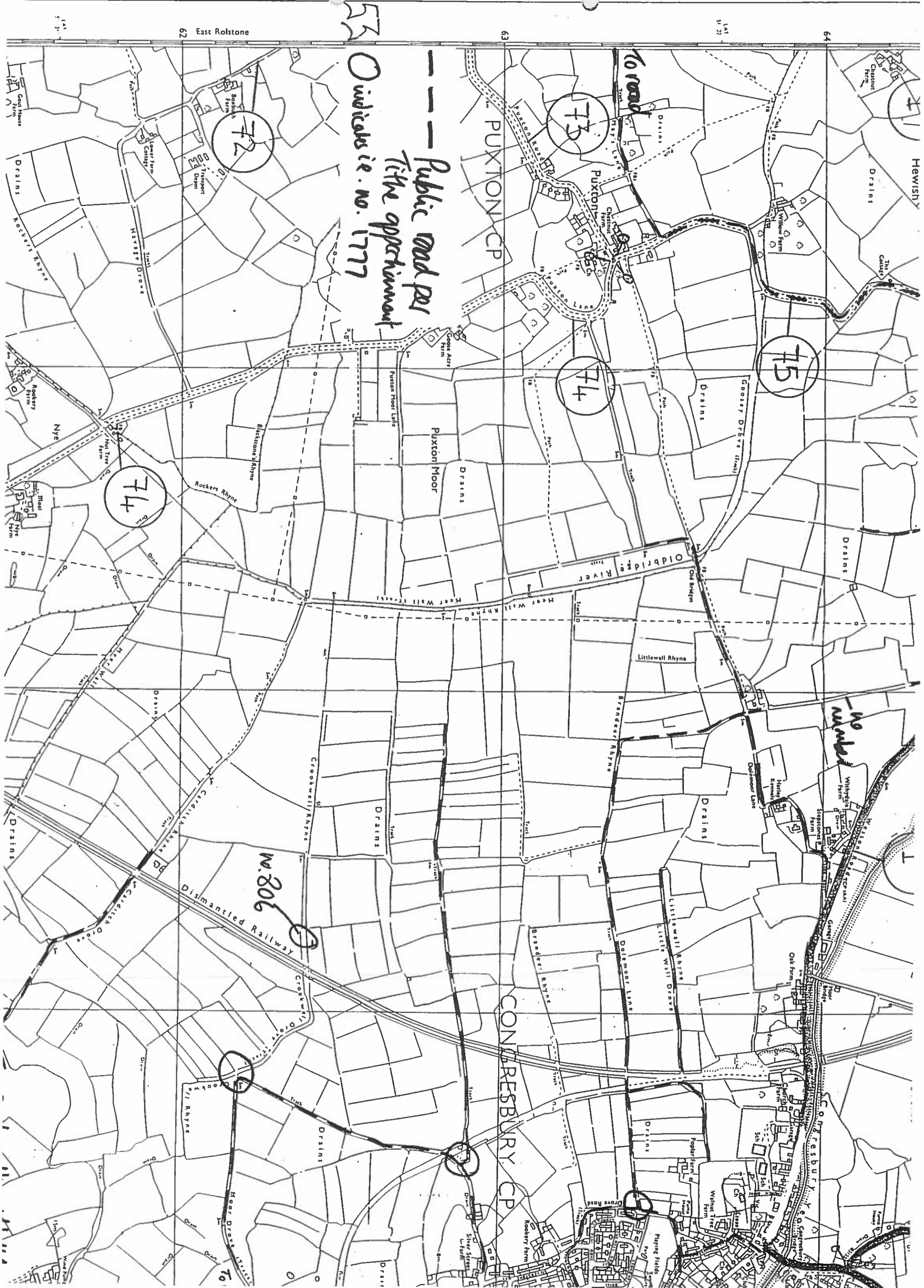
PUBLISHED AT THE EDINBURGH
GEOGRAPHICAL INSTITUTE BY
JOHN BARTHLOMEW & SON LTD



GREAT BRITAIN, SHEET 7

NORTH SOMERSET





52

*-- -- Public road for
Tithe apportionment*

O indicates ie. no. 1777

72

73

74

75

No number

W. 806

East Rolstone

PUXTON CP

CONGRESBURY CP

To road

Oldbridge River

Conresbury Y.E.O. Greenway



COUNTY OF AVONWILDLIFE AND COUNTRYSIDE ACT 1981County of Avon Public Rights of Way Definitive Map & Statement

To: Director of Administration and County Solicitor, Avon County Council

Of: PO Box 11, Avon House, The Haymarket, Bristol BS99 7DE

I/WE⁽¹⁾ **WOODSPRING BRIDGEWAYS ASSOCIATION** of⁽²⁾ **GLENVIEW WELLS ROAD PRUDY**

apply for an Order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the County of Avon

by⁽³⁾ adding/upgrading to BOAT all routes marked on the attached map

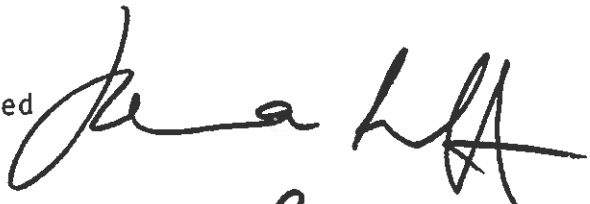
I/WE attach copies of the following documentary evidence (including statements of witnesses) in support of this application:-⁽⁴⁾

McLeave Award - Congresbury, Puxton, Wick St. Lawrence
Tithe Map

Dated this

11th day of February 1994

Signed


JOANNA ROSEFF
CLAIMS SECRETARY

NOTES:

- (1) Insert Name
 - (2) Insert Address
 - (3) Insert details of the proposed modification
 - (4) Attach details of evidence in support of application
- The application must be accompanied by a map drawn to a scale of 1:25000 or larger showing the public right of way in question

WCA 6 SENT TO HIGHWAYS DEPT AVON HSE. ACC BRISTOL

EVIDENCE ENCLOSED.

BARTHOLOMEWS $\frac{1}{2}$ " MAP.

W.C.A 6 GOOSEY DROVE
AND MAP.

SENT TO M KING POPHAR FARM ST GEORGES WESTON-S.-MARE
AVON.

OCCUPIER STERSTONES FARM CONGREBBURY
AS THE HEDGE HAS BEEN REMOVED ON
ONE FIELD.

COUNTY OF AVON

WILDLIFE AND COUNTRYSIDE ACT 1991

County of Avon Public Rights of Way Definitive Map & Statement

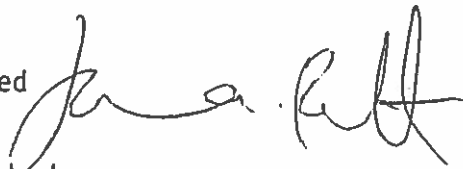
DEPARTMENT OF
 CHIEF EXECUTIVE AND CLERK
 14 FEB 1994
 DST

To: HIGHWAYS DEPARTMENT AVON COUNTY COUNCIL
 Of: AVON HOUSE HAYMARKET BRISTOL

NOTICE IS HEREBY GIVEN that on the 11 February 1994
 BRIDALEWAYS ASSOCIATION OF (1) GREENVIEW WELLS ROAD PRIDDY SOM.
 made application to the Avon County Council of Avon House, The Haymarket,
 Bristol BS99 7DE that the definitive map and statement for the area be
 modified by (3) ADDING/UPGRADING TO BOAT. ALL ROUTES.
 MARKED ON THE ATTACHED PLAN.

Dated this 11 day of February 1994

Signed


 JOANNA ROSEFF
 CLAIMS SECRETARY

NOTES:

- (1) Insert Name
- (2) Insert Address
- (3) Insert details of the proposed modification

MAPS & EVIDENCE OF YOUR OWNERSHIP, ENCLOSED

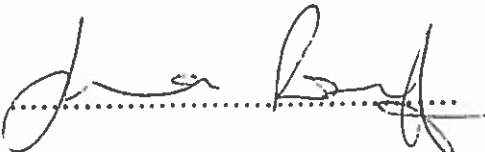
FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR
MODIFICATION ORDER
Wildlife and Countryside Act 1981
COUNTY OF AVON
DEFINITIVE MAP AND STATEMENT

Certificate of Service of Notice of Application for Modification Order

To: County Solicitor and Deputy Clerk, Avon County Council
of: PO Box 11, Avon House, The Haymarket, Bristol BS99 7DE

I/We (1).....JOANNA.....ROSEFF.....OF.....WOODSPRING BRIDGEMANS ASS
of (2)2.....PEATING.....DROVE.....PRIDDY.....WELLS.....BAS 3BA.

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and
Countryside Act 1981 have been complied with in relation to the attached application.

Dated 22 October 1995 Signed 

- (1) Insert name of applicant(s)
- (2) Insert address of applicant(s)

FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR
MODIFICATION ORDER

Wildlife and Countryside Act 1981

COUNTY OF AVON

DEFINITIVE MAP AND STATEMENT

Certificate of Service of Notice of Application for Modification Order

To: County Solicitor and Deputy Clerk, Avon County Council
of: PO Box 11, Avon House, The Haymarket, Bristol BS99 7DE

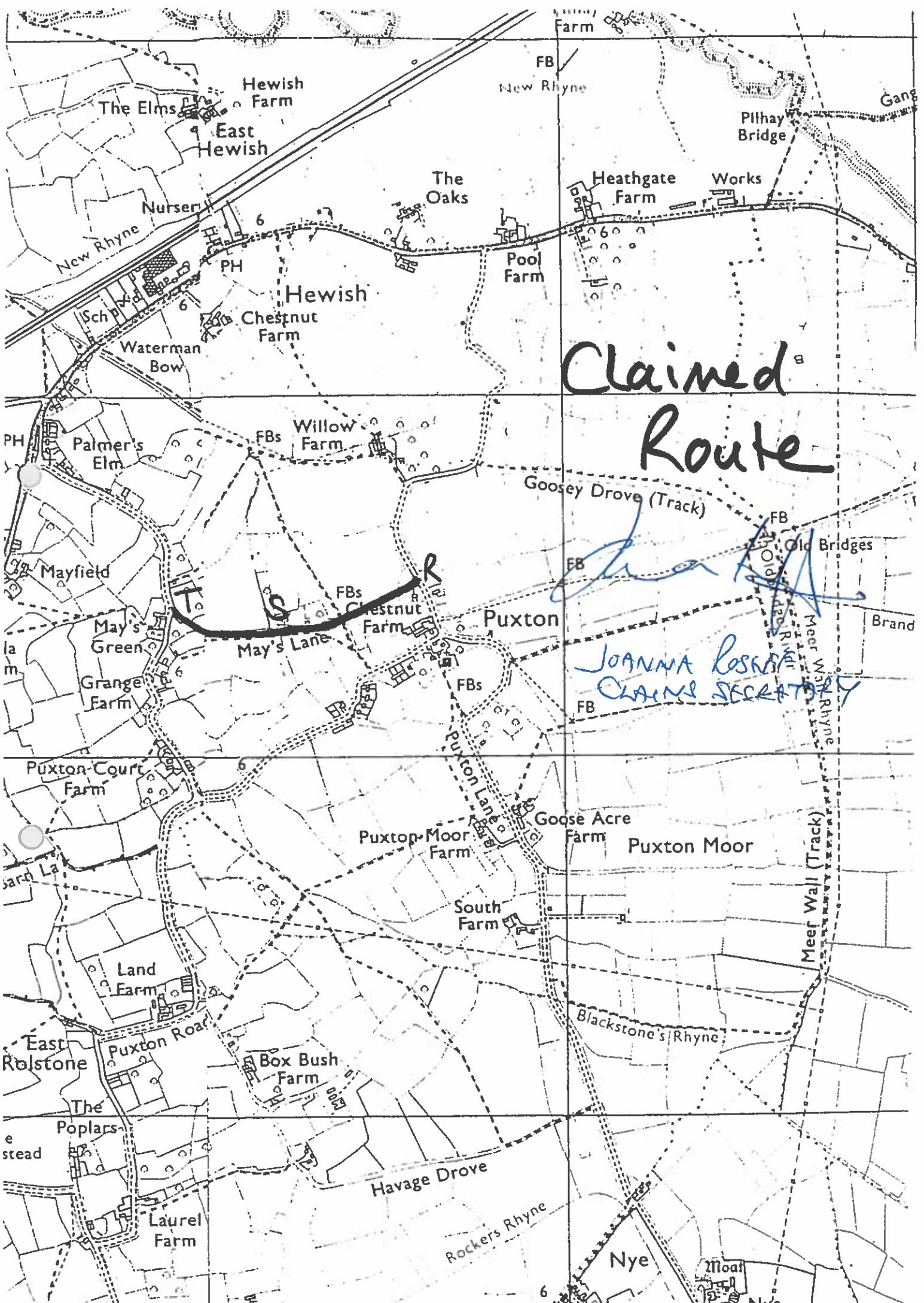
I/We (1) WOODSPRING BRIDLEWAYS ASSOCIATION
of (2) GREEN VIEW WELLS ROAD, PRADY, SOM

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and
Countryside Act 1981 have been complied with in relation to the attached application.

Dated 11 February 1994 Signed [Signature]

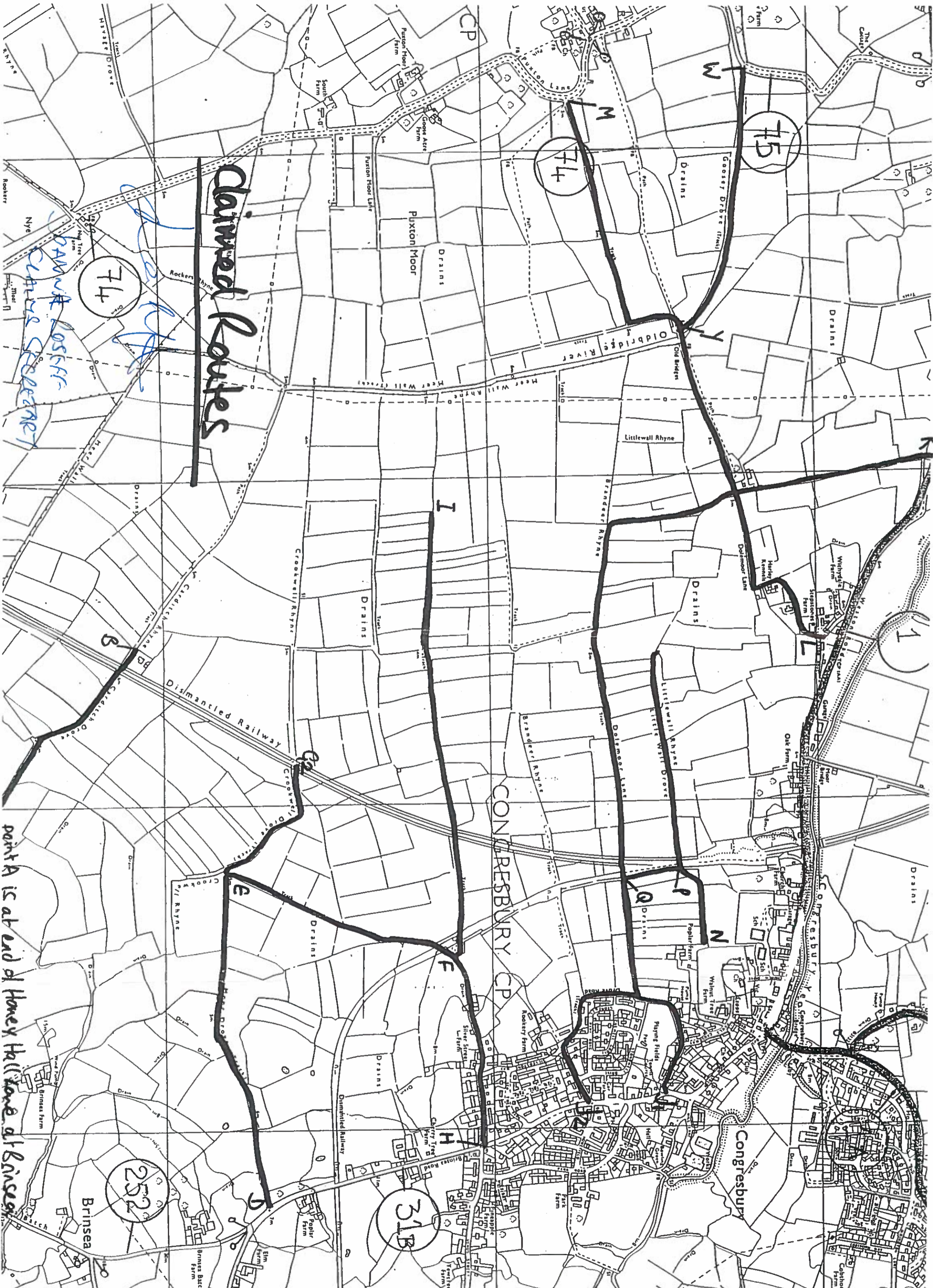
JOANNA ROSEFF
CLAIMS SECRETARY

- (1) Insert name of applicant(s)
- (2) Insert address of applicant(s)



Claimed Route

JOANNA ROSS
CLAIMS SECRETARY



Claimed Routes

SPAWN ROSSER
CHARLES SEEDBURY

point A is at end of Honey Hall Lane at Brinsea

74

74

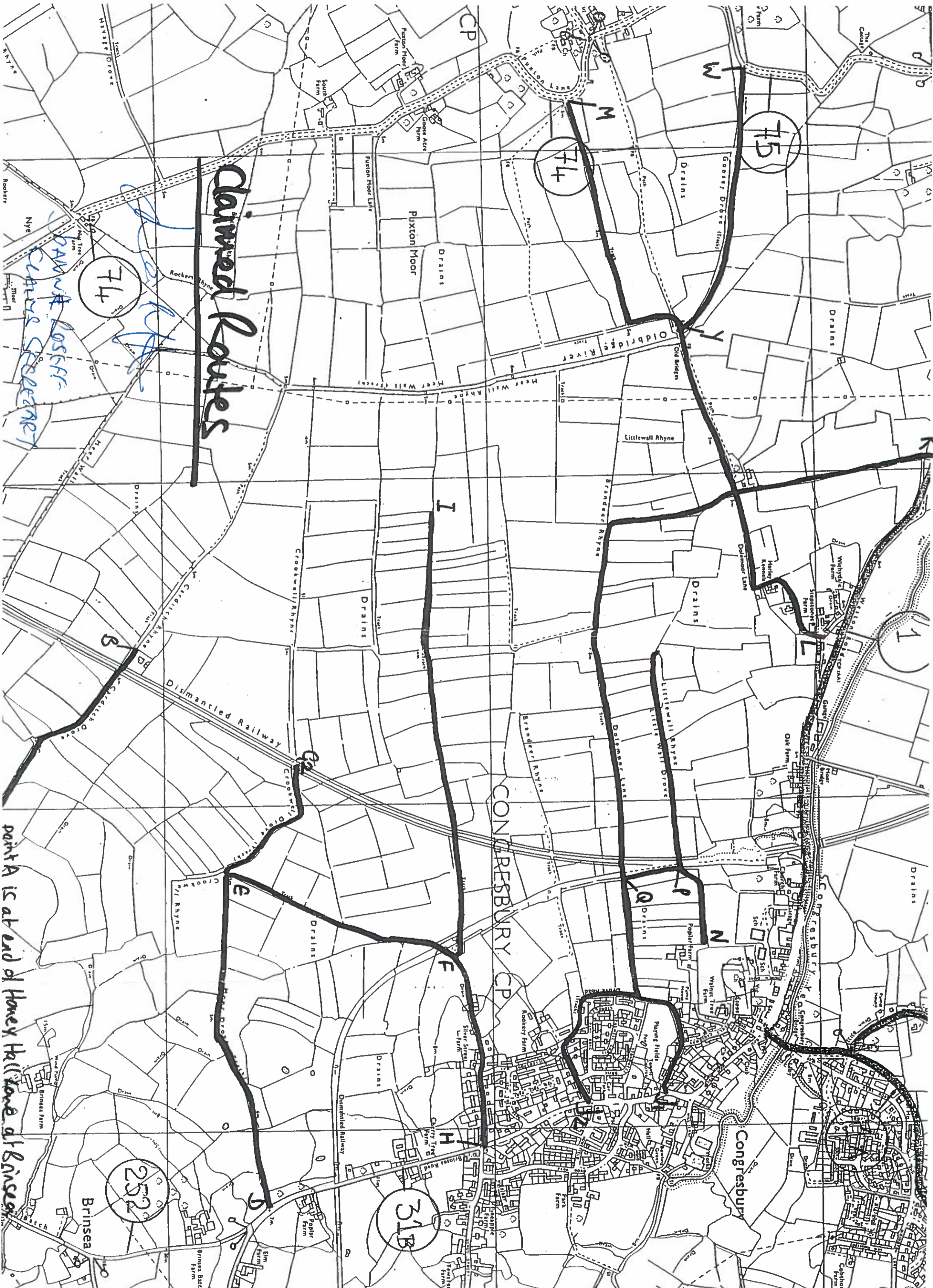
75

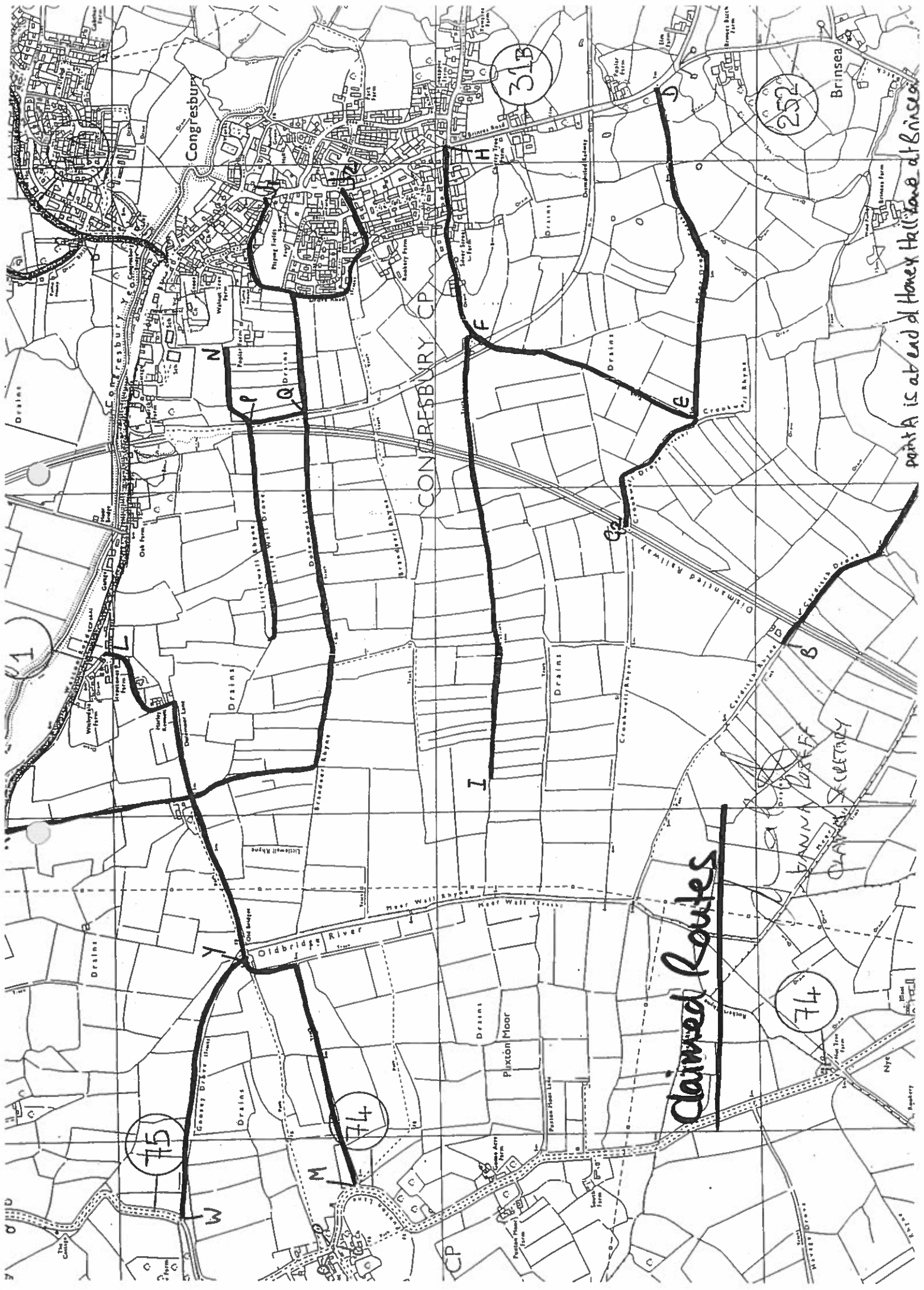
252

31B

CONGRESBURY CP

Congresbury





Claimed Routes

ANNEX
SECRET

point A is at end of Honey Hall Lane at Brinslea

75

74

31B

232

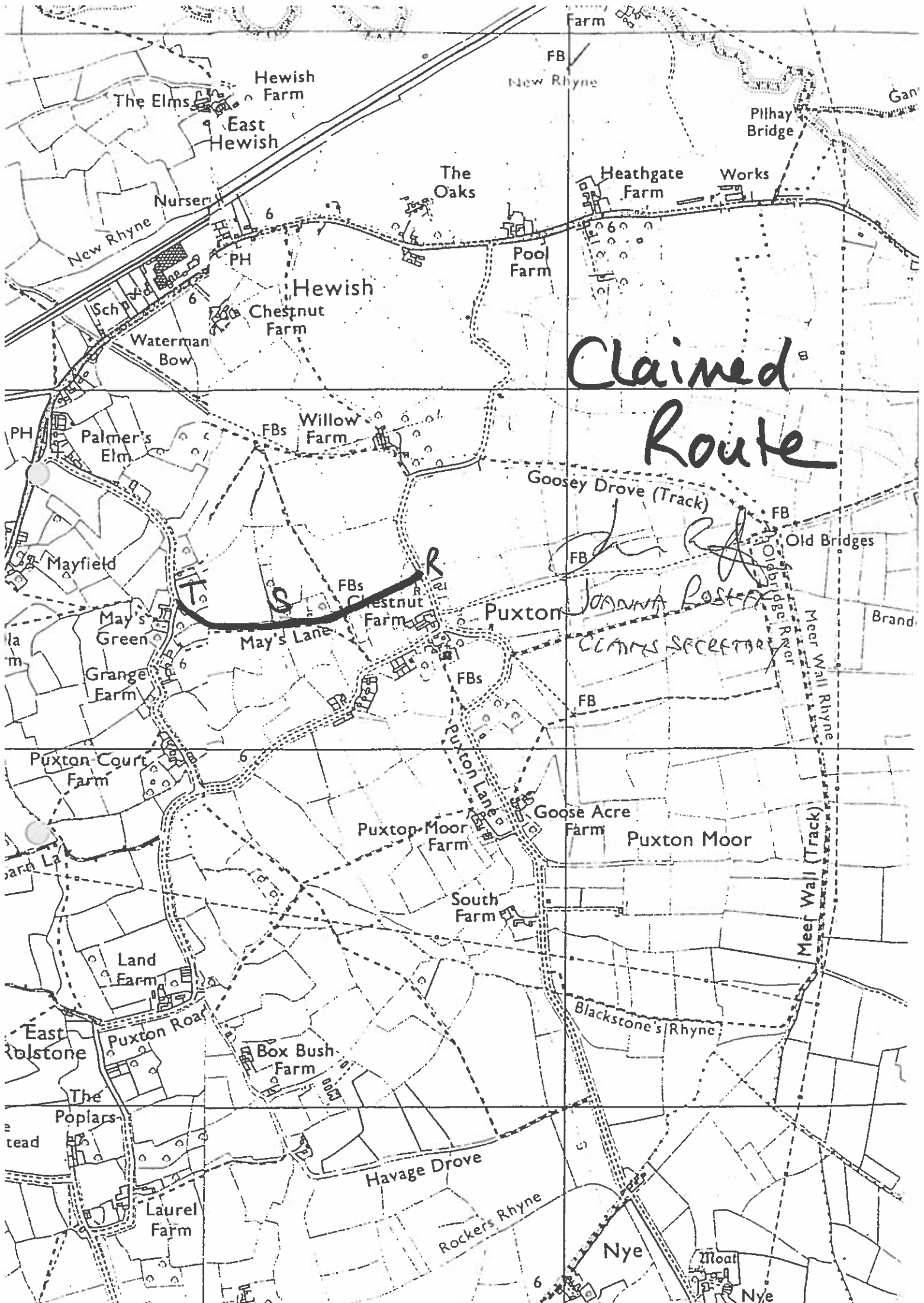
74

7

CP

C

NYC



Claimed
Route

Joanna Rosta
CLAIMS SECRETARY

The Elms
Hewish Farm
East Hewish

FB
New Rhyne

Pillhay
Bridge

The
Oaks

Heathgate
Farm

Works

New Rhyne

PH

Pool
Farm

Hewish

Chestnut
Farm

Waterman
Bow

Claimed
Route

PH
Palmer's
Elm

FBs
Willow
Farm

Goosey Drove (Track)

FB
Old Bridges

Mayfield

May's
Green

May's Lane

FBs
Chestnut
Farm

Puxton

Joanna Rosta
CLAIMS SECRETARY

Meer Wall Rhyne

Brand

Grange
Farm

Puxton Court
Farm

Puxton Moor
Farm

Goose Acre
Farm

Puxton Moor

South
Farm

Land
Farm

East
Rolstone

Puxton Road

Box Bush
Farm

Blackstone's Rhyne

The
Poplars

Havage Drove

Laurel
Farm

Rockers Rhyne

Nye

Moat

Nye

APPLICATION FOR MODIFICATION ORDERS - CONGRESBURY - PUXTON

The routes claimed are supported by Inclosure Award evidence and Tithe Map and Apportionment evidence. Some user evidence (horse-rider) has already been submitted supporting a bridleway claim.

The Inclosure Award evidence is based on wording in the Award that the routes set out were open for use by "any other person or persons". An extract from the Award and an extract of the Inspectors report interpreting this wording as supporting BOAT status is included in the enclosed report which was submitted to Congresbury, Puxton and Yatton Parish Councils.

We also enclose a map of the area which shows the extent of allotment no. 1777 on the Tithe map which has been prepared from the copy of the Tithe Map held at SRO. The circles on the map indicate the position of the numbers which presumably holds until the next boundary.

There is some ambiguity in that there was no number on the north south route connecting the centre of Dolemoor Lane to the A370 (419644). However, the extreme northern and southern ends of this road are so numbered and we consider it likely that the omission of the number 1777 from the centre section to be a drafting error. In any event, as there was clearly no owner/occupier liable for tithe it was a public road although not necessarily publically maintained. As you know, not all public roads were publically maintainable in 1840.

Also it was not clear whether Crookwell Bow (433622) to Crookwell Rhyne was numbered 1777 or 806. We consider that the evidence of the Inclosure Award alone is sufficient to support BOAT status on the road as it was set out by the Commissioners (as opposed to simply being mapped as an existing road).

Routes claimed	Grid Ref	Supporting evidence
Honey Hall Lane	A 441613 - 425619 B	IA & Tithe
Moor Drove to Crookwell Bow	D 443624 - 433622 E	IA & Tithe
Crookwell Bow to Silver Street	E 433622 - 435628 F	IA & Tithe
Crookwell Bow to Railway line	E 433622 - 428624 G2	IA & ? Tithe
Silver Street	H 441629 - 422628 I	IA & Tithe
Dolemoor/Horsecroft Lane	J1 439636 - 419644 K J2 439633	Tithe & IA*
Stepstones Farm to Puxton - Dolemoor Lane	L 426640 - 408633 M	Tithe & IA**

Little Wall Drove	N 435637 - 436635	O	Tithe
Link from Little Wall to Dolemoor Lane	P 433636 - 432634	Q	IA & Tithe
Mays Lane	R 407635 - 403634	S	Tithe & IA***
	S 403634 - 399634	T	IA & Tithe
Goosey Drove	V 417636 - 408638	W	IA****

* referred to as Horsecroft Lane in IA and mapped as pre-existing road

** annotated on IA Plan C at 417635 as "Road to Puxton" which indicates a public carriage road. Also known locally as the old road from Congresbury to Puxton.

*** section 407635 - 403634 referred to in IA as "ancient lane leading towards Goosey Way" and mapped as a pre-existing road.

**** from the descriptions of roads 22 (Puxton Road) and 23 (Macy's Drove) it is evident that Goosey Way originally extended along the track now known as Goosey Drove and over what is now Puxton Lane from its junction with Goosey Drove southwesterly to the junction of May's Lane at Chestnut Farm.

We would also like to draw your attention to the description in the Award of road no 23 (Macy's Drove) which went to "an ancient lane leading towards Goosey Way". If we discover any more evidence about this ancient lane, a bridle/byway claim may follow.

Notices have been served on the Highways Department, ACC, as presumed landowner where indicated on the Tithe Apportionment as being in the ownership and occupation of the Waywardens except where an adjoining landowner has removed the boundary between the drove and his land i.e. owner/occupier of Stepstones Farm, Congresbury.

all grid references refer to Pathfinder ST 46/56

Plot No

OCCUPIER

OWNER

A 2 2

NAME

Maynardens of
Conquestbury

Maynardens of
Conquestbury

1389 West and
1777 Parish Road

William Webb

John Clay Junr

963 Garden
964 College
970 Garden

John Welch

John Welch

221 Orchard

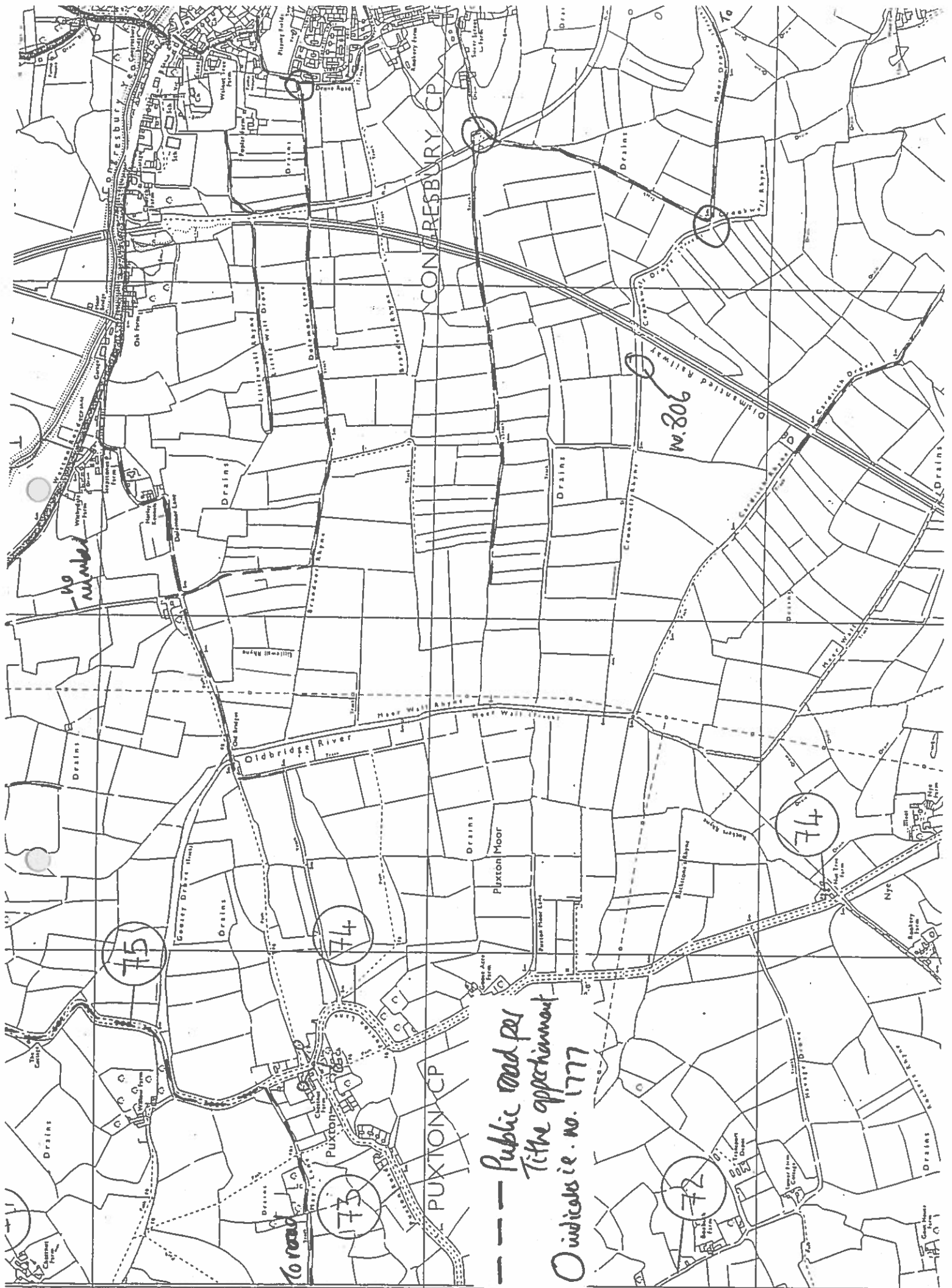
John Gould

222 Orchard

223 Welch's Puddock
Gale

Hard
Stucco

3	17	1
2	2	2
5	5	11
1	26	80
68	3	80
70	16	1
23	2	38
1	23	1
1	1	2
1	2	28
1	52	2
2	2	2



64

15 15

61

79 East Rolstone

15 15

FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR
MODIFICATION ORDER

Wildlife and Countryside Act 1981

COUNTY OF Avon.

DEFINITIVE MAP AND STATEMENT

Certificate of Service of Notice of Application for
Modification Order

To: Avon. County Council

of: Po Box 11 Avon House The Haymarket Bristol

I/we (1) JOANNA ROSEFF.....

of (2) WOODSPRING BRIDLEWAYS ASSOCIATION.....

hereby certify that the requirements of paragraph 2 of Schedule 14 to the
Wildlife and Countryside Act 1981 have been complied with in relation to the
attached application.

GOOSEY DRIVE, PUXTON - NOTICES
HAVE NOW BEEN POSTED AT EITHER END OF THE
CLAIMED ROUTE

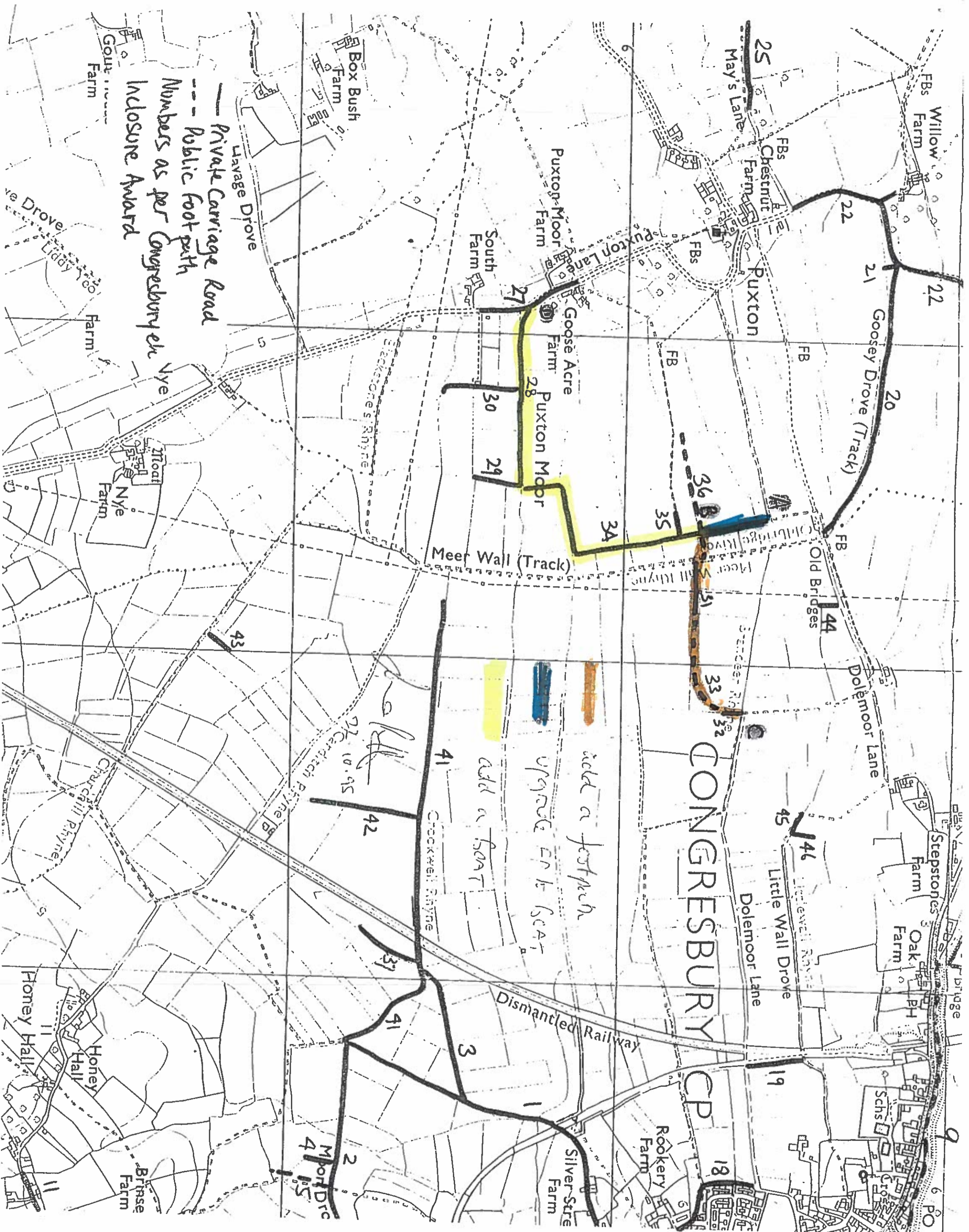
24 May 1994. J. Roseff

Dated 18 May 1994

Signed Joanna Roseff.....

CLAIMS SECRETARY

- (1) Insert name of applicant(s).
- (2) Insert address of applicant(s).



--- Private Carriage Road
 - - - Public Foot Path
 Numbers as per Congresbury etc
 Inclosure Award

CONGRESBURY

add a path
 upgrade E to S of
 add a footpath

DATED 5th July, 1995

STATUTORY DECLARATION

BY

ALBERT EDWARD TUCKER

RELATING TO: DROVEWAYS ON CONGRESBURY AND PUXTON MOORS

**I ALBERT EDWARD TUCKER of Myrtle Farm Puxton Hewish Weston super Mare do
Solemnly and Sincerely declare as follows:-**

1. I was born in Puxton on September 18th 1907, and my father worked for Mrs Burgess of Mayfield Farm and I worked with my father for three years when I was seventeen. I also worked for Mr G Fear of Rookery Farm, Nye. I continued to work in the area until I retired
2. There is now produced and shown tome marked "A.E.T1" a plan showing the route of Mays Lane coloured orange. When I was a child this was an ungated Drove Way and everyone used this route as a short cut. I drove cattle and horses with agricultural implements through to wherever I had to work. No one questioned the use of it as it was a route used for everyone at any time to go to any place. I remember using this way to go to the Blacksmith riding one horse and leading another. The smithy was a Mr Parker at Palmers End. Such use was without the consent or agreement of any person and no claims or objections adverse or otherwise were made in respect of such user.
3. Goosey Drove (the route of which is shown by a green line on the plan annexed hereto marked "A.E.T.1") was used by me with vehicles and implements to get from one place to another. Such use was without the consent or agreement of any person and no claims or objections adverse or otherwise were made in respect of such user. Horses have always used the way. I remember well that the track is supposed to be 12 feet out from the Old Bridge River. The humped back bridge near Willow Farm used to have a weight limit on it with a 5/- Fine. I can well remember that the family

who lived in the cottage where Goosey Drove meets Dolmoor Lane used a horse and cart through Goosey Drove regularly during the summer months to transport coal to their cottage

4. The track ("the route of which is shown by a yellow line on the plan annexed hereto marked "A.E.T.1") running from Puxton via Old Bridge to Stepstones Farm was always a through route, as was the Drove from Penfolds scrap yard to Dolmoor Lane and over the railway. No one ever needed to ask permission to use these old routes as they were always part of the Highway system, and one always took the shortest route with a horse or horse drawn vehicle.
5. Nye Drove (the route of which is shown by a purple line on the plan annexed hereto marked "A.E.T.1") was always a through route and I again have driven it with all sorts of horse drawn farm equipment. Again it was always accepted as part of the road system. I have driven pigs this way to be collected by lorry to go to market. A Mr Wiseman used this route regularly to take his eggs to market at Yatton. I well remember this route being used up until the 1940's and maybe later by local people. Mr Fear and I put up a wooden bridge over onto Nye Drove from Rookery Farm. This was done in front of the stables, which was the first building you get to down the farm lane.
6. All the old drove ways were open to the public at any time and I always believed them to be highways. The use of these drove ways was to the best of my knowledge without the consent or agreement of any person and no claims or otherwise were made

in respect of such user. No one would ever stop you from using the ways. I believe that these should be still open to the general public today.

7. There was a short drove (the route of which is shown by a red line on the plan annexed hereto marked "A.E.T.1") from approximately north of Avon Crops gate (the road leading to Nye from Sandford) going eastward. A house was built very close to the drove. It has been filled in and is now only a footpath now. I remember well driving cattle through here on their way to Mr Harveys the Butchers at Churchill. This drove was well used and should never have been shut off. I believe that this is an old established highway as everyone used this as a short cut.

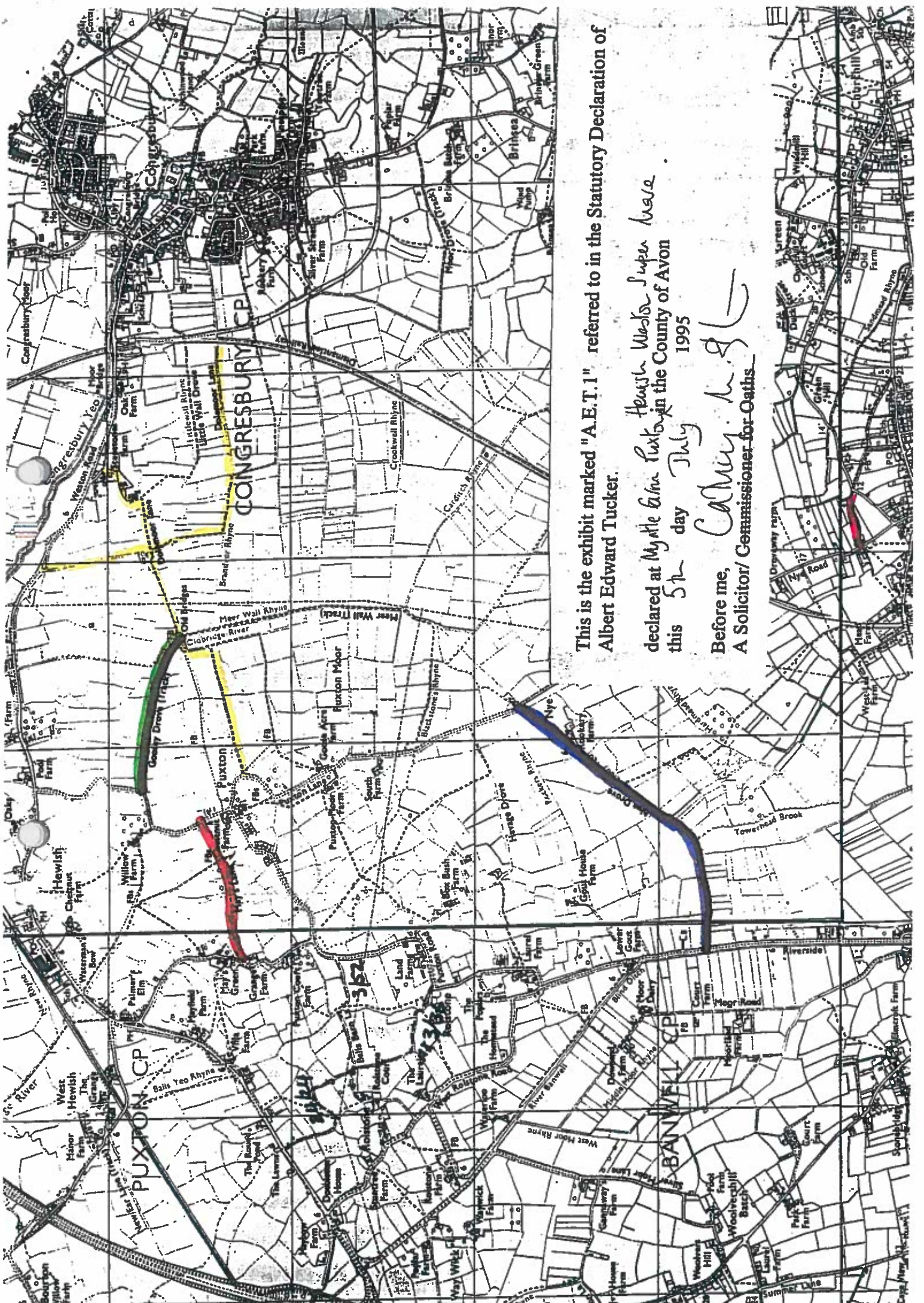
AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the provision of the Statutory Declarations Act 1835.

Declared at Myrtle farm
Buxton Hewish Westonside
in the County of Avon *more* *A. E. Tucker*

this 5th day of July 1995

Before me,

Cathy M. Britton
CATHERINE M. BRITTON
~~A Commissioner for Oaths/Solicitor~~



This is the exhibit marked "A.E.T.1" referred to in the Statutory Declaration of Albert Edward Tucker.

declared at Mythe Farm Puxton in the County of Avon this 5th day July 1995

Before me, *Calvin A. S. G.*
A Solicitor/ Commissioner for Oaths