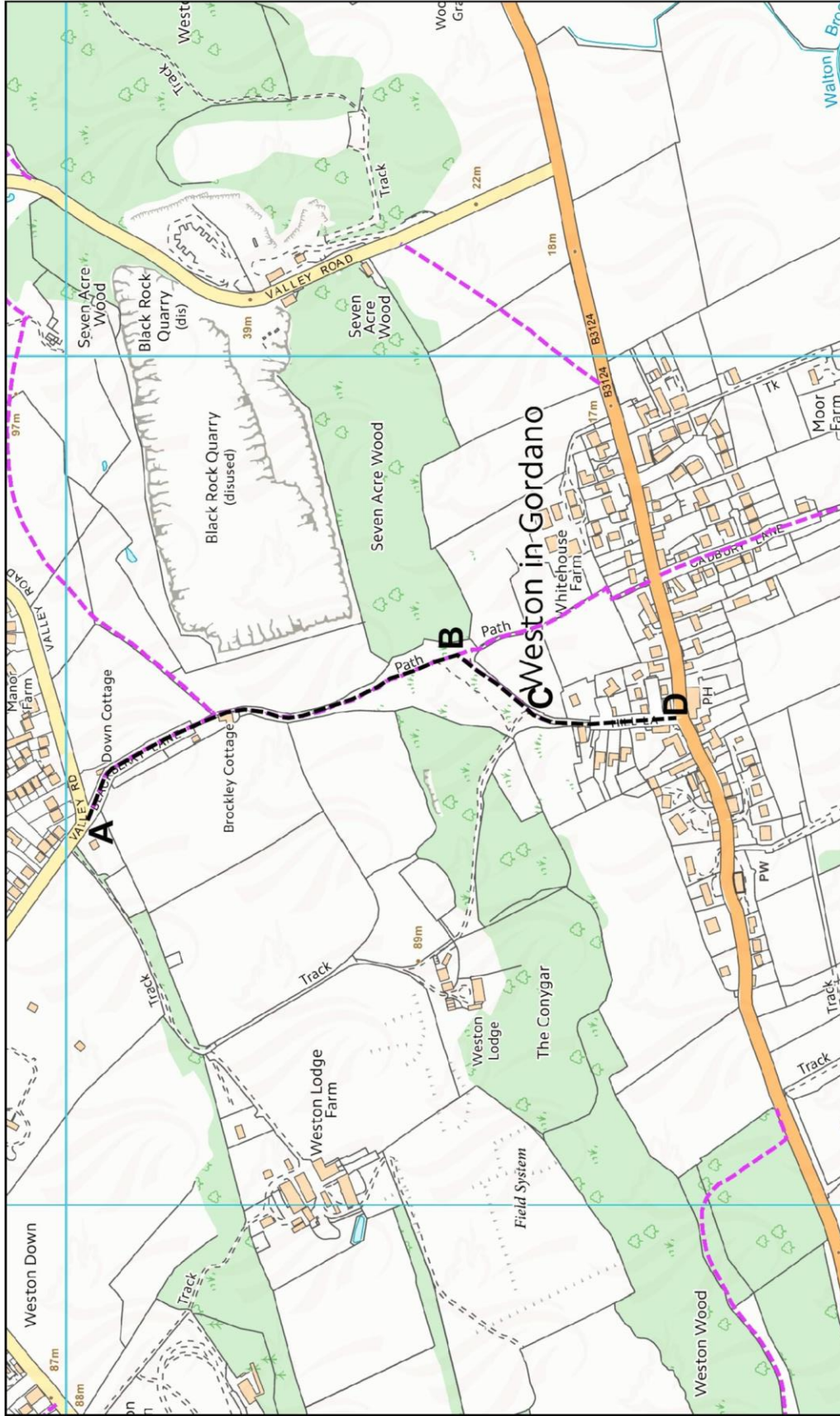


DOCUMENT 1

ROUTE A-B-C-D



MOD 34 - Blackberry Lane

Route A-B-C-D (ST:4474)

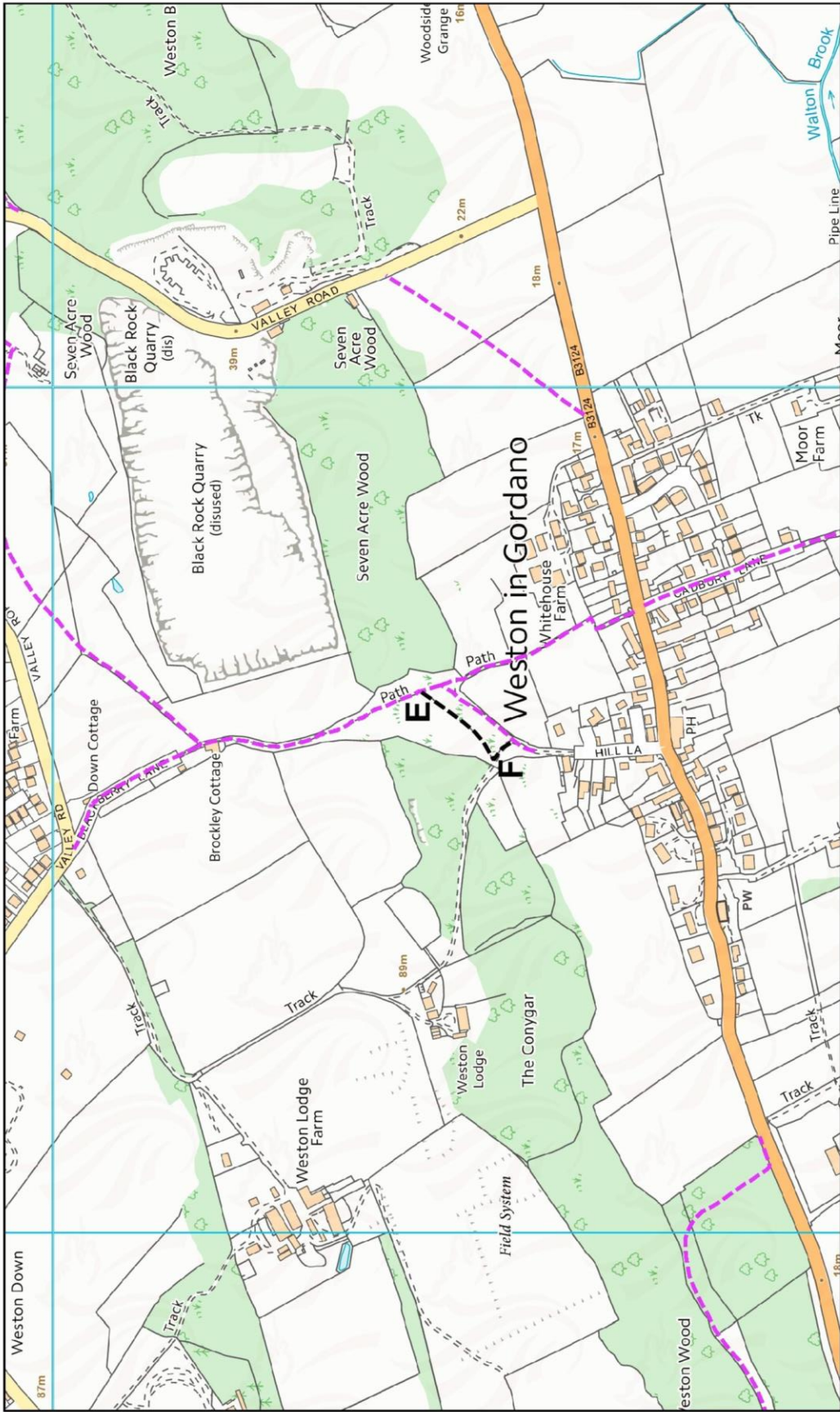
Public Rights of Way

Scale: 1:6000
 Drawn by: Lucy Roca
 Date: 09 August 2017
 Time: 11:04:54

Castlewood, Tickenham
 Road, Clevedon, BS21
 6FW



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Scale: 1:6000
 Drawn by: Lucy Roca
 Date: 09 August 2017
 Time: 11:07:32

Public Rights of Way
 Castlewood, Tickenham
 Road, Clevedon, BS21
 6FW

MOD 34 - Blackberry Lane
 Route E-F (ST:4474)



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Bramble Lane and Somerset's List of Streets

Summary

Highways and routes over which all persons have a right of passage. To stop up the public right of passage a specific legal process involving a 2nd and 3rd party has to be followed.

Private or common ways are routes over which only a limited or fluctuating group have an access right. They can be stopped up in some circumstances, without necessary reference to a 2nd or 3rd party.

A street is "any highway and any road, lane, footpath, square, court, alley or passage, whether a thoroughfare or not, and includes any part of a street".

Streets which the Local Authority (LA) has a duty of care over are shown on a document known as the "List of Streets"

In Somerset the list of streets is currently based upon a collection of coloured maps.

The List of Streets has since circa 1950 shown 4 identifiable standards of streets which LA claims that it is responsible for:

Main Roads	Coloured Red.
B Roads	Coloured Green.
Unclassified Class 3	Coloured Ochre.
Unclassified Class 4	Coloured Brown.

The class four roads are village loop roads, housing estates and roads serving local traffic.

Between 1930 and 1950 the colour coding was slightly different and there was also an additional lower class.

Main Roads	Coloured Red.
B Roads	Coloured Blue.
Unclassified Class 3. X Roads	Coloured Green.
Unclassified Class 4. Y Roads	Coloured Brown.
Unclassified Class 5. Z Roads	Coloured Yellow.

This 5th class referred to private roads or common ways which were originally accommodation roads i.e. a road that led to property that did not abut a public highway. As such, Class 5 roads were not the direct responsibility of the LA as they were owned by the land owners that abutted them and did not possess a right of passage for all persons.

However by way of laws such as the Highways Act 1835, the Local Government Act 1888, The Public Health Act 1875 and the Private Street Works Act 1894 (and their following amendments), there has been a duty of care placed upon the LA to monitor and secure the maintenance of class 5 ways. Maintenance requirements could be ordered upon the land owners and if not completed with carried out by the LA at the expense of the owners of the ways. The routes could be adopted by the LA in certain circumstances (with the agreement of the landowner.)

There was and still is a discretionary power for the LA to pay out of the public purse for the works required to bring the private ways up to a standard where they could be adopted, if it could be justified as being to the good of the locality.

Records show that Parish and Urban District Councils undertook the repair and sometimes the adoption, of a number of class 5 roads between 1890 and 1940. Roads formally adopted were done so by a well-documented statutory process and over coloured brown on the list of streets.

Between 1930 and 1950, routes which ceased to be common ways because of changes in land ownership or land use were deleted from the "list" by simply crossing them out as no statutory process needed to be followed.

In the time around 1950 all yellow class 5 roads that still remained were mysteriously re-coloured brown on the list. No adoption process seems to have been followed apart from the use of a marker pen on the maps. The LA has been unable to give any explanation of the adoption of well in excess of 400 class 5 road that took place.

Bramble Lane is a cul de sac route that was until 1934 a common way that led to fields. It was not considered to be a highway by the then LA but was used by a number of local people to access their fields by way of an easement. The common right ceased to exist when the land came absorbed into single ownership and use. It was coloured yellow as a class 5 road on the 1930s list of streets.

The LA considered an adoption of a number of routes around Haslebury Plucknett, including Bramble Lane, in the 1920s and early 30s. Some class 5 yellow routes which were of local use were brought up to standard and formally adopted by the proper and well documented procedure. Bramble Lane's surface, unlike the documented adopted routes, is as it has always been, and unlike the other routes that were adopted, no record of an adoption procedure being followed can be found. However in the mass re-colouring circa 1950 Bramble Lane was re-coloured brown.

Somerset has not correctly investigated the status of Bramble Lane or other ways before claiming ownership of them. Instead of looking at the full history of routes they have referred to their suspect "List of Streets" and stopped there ... until challenged.

When the LA was asked what proof they could provide to show that they has adopted Bramble Lane they carried out an investigation that can best be described as partial. They produced selected paragraph extracts and ignored counter evidence that appeared above and below on the same pages of LA minutes. They have failed to produce any adoption evidence and failed to explain their actions.

It is not for me or the landowners, in the case of Bramble Lane, to prove by negative evidence that the route is not a publicly maintainable highway. It is for the LA to produce some cogent evidence that it is.

I recommend that Somerset County Council are again asked to prove the adoption of Bramble Lane and explain the reasoning or lawful method of the absorption of the class 5 roads into the higher class 4s. If they are unable to provide a satisfactory response they should replace the gate, fence and make good the damage they have caused.

I am unable to decide which of the following reasons have caused the Counties stance and actions:

- The innocent loss of documentary evidence
- The mis-interpretation of the known facts
- Incompetence
- The wish to hide improper actions

I believe Somerset County Councils reluctance to back down on this matter may be because unless they can prove the adoption of Brambles Lane and all other class 5 roads:

1. They appear to have taken without lawful authority a gate and fence belonging to the owners of Bramble Lane.
2. They appear to have claimed (unwittingly?) routes by an improper "adoption" and therefore continuing central government SSA finance for hundreds of unsuitable roads.
3. They have been (unwittingly?) telling purchasers of land, since 1950, that the purchase property is served by a publicly maintained road when no formal adoption procedure has been used.



SUSAN CARTER
HEAD, COUNTRYSIDE DIVISION

DEPARTMENT OF THE ENVIRONMENT
TRANSPORT AND THE 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):

B.R. 323-
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.

*3.6.19 118
119
120*
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

PTO

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 them, will need to be resolved by highway authorities on a case-by-case basis.

*Yours sincerely,
Susan Carter*

SUSAN CARTER

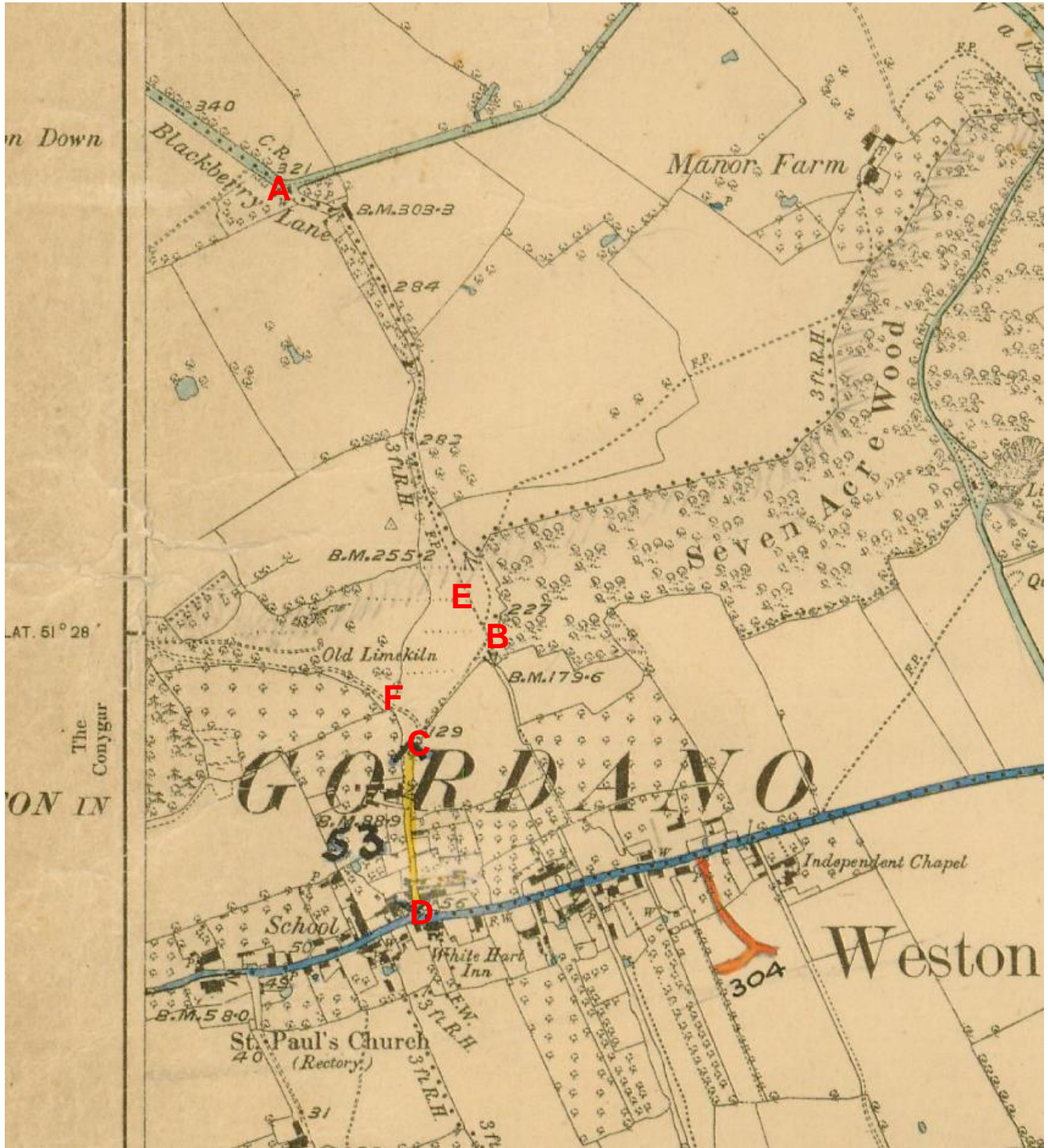
DOCUMENT 6
WESTON-IN-GORDANO TITHE MAP 1840



DOCUMENT 7
WESTON-IN-GORDANO TITHE APPORTIONMENT 1840

Number of acres of the land	Name and Description of the land	Occupier	Use of the land	Value of the land in 1840	Value of the land in 1830	Value of the land in 1820	Value of the land in 1810
	• name and description of the land						
	Weston Lodge House Office		Household	£ 1 5 0			
	Weston Lodge House Office		Household	£ 2 5 0			
	the West side of Great bog		Pasture	£ 1 1 0			
	Stable Yard		Stable	£ 3 9			
	Garden (lady Wood)		Wood	£ 1 8			
	Adjoining the garden			£ 1 5 0			
	Barney			£ 2 2 0			

DOCUMENT 8
1930 HANDOVER MAP



DOCUMENT 9
1956 DEFINITIVE MAP

