

North Somerset Council

REPORT TO THE PUBLIC RIGHTS OF WAY SUB COMMITTEE

DATE OF MEETING: 27 MARCH 2018

SUBJECT OF REPORT: MOD 54 UPGRADE OF PART OF FOOTPATH AX14/28 AND UNRECORDED ROUTE DUCK STREET

TOWN OR PARISH: CHURCHILL

OFFICER/MEMBER PRESENTING: DIRECTOR OF DEVELOPMENT & ENVIRONMENT

KEY DECISION: NO

RECOMMENDATIONS

It is recommended that

1. The Public Rights of Way Sub Committee authorises the relevant Officer to make a Definitive Map Modification Order for the route A-B-C on the grounds that there is sufficient evidence that Restricted Byway rights should be recorded on the Definitive Map.
2. If the Committee accepts the recommendation of the Officer that an Order should be made for A-B-C that they authorise the confirmation of the Order if no representations or objections are received.
3. If objections are made, the Order will be forwarded to the Secretary of State for determination. If this happens, subject to the Officer being content that there was no significant change to the balance of evidence; the Council will support the Order at any subsequent Public Inquiry.

1. SUMMARY OF REPORT

This report considers an application which was submitted by Woodspring Bridleways Association on the 18 July 2004. That application requested that a certain route, in the Parish of Churchill, should be recorded as a Byway Open to all Traffic. The route being claimed commences on King Road running along the river bed to its junction with Footpath AX14/28 continuing to the adopted highway known as Duck Street. Such application for a Definitive Map Modification Order is submitted under Section 53(5) of the Wildlife and Countryside Act 1981. The effect of this request, should an Order be made and confirmed, would be to amend the Definitive Map and Statement for the area by upgrading the recorded Footpath AX14/28 and the addition of a currently unrecorded route.

The applicants have specified the evidence upon which they rely although have not provided any copies for assistance. This report will be based solely on historical

documentary evidence following further research being undertaken by North Somerset Council from documentation held. A Location Plan, EB/Mod 54/Sub is attached illustrating the claimed route as A-B-C

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

Location Plan EB/MOD 54/Sub

Appendix 1 – The Legal basis for deciding the claim

Appendix 2 – History and Description of the Claim

Appendix 3 – Analysis of the Documentary Evidence

Appendix 5 – Consultation and Landowners Responses

Appendix 5 – Summary of Evidence and Conclusion

Document 1 – Day and Masters Plan 1782

Document 2 – British Library OS Map 1811

Document 3 – Greenwood 1822

Document 4 – Churchill Tithe Map 1842

Document 5 – Finance Act Plan 1910

Document 6 – 1930 Highways Handover Map

Document 7 – Parish Walking Card Footpath AX14/28

Document 8a – Definitive Map Process Parish Survey Plan

Document 8b – Definitive Map Process Draft Map

Document 8c – Definitive Map Process Draft Map Modification

Document 8d – Definitive Map Process Provisional Map

Document 8e – Definitive Map Relevant Date 26 November 1956

Document 9 – Object Name Book

Document 10 – Woodspring Bridleways Submission plus Appendices

2. POLICY

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

3. DETAILS

Background

i) The Legal Situation

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

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

ii) The Role of the Committee

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

The Committee should be aware that its decision is not the final stage of the procedure. Where it is decided that an Order should be made, the Order must be advertised. If objections are received, the Order must be referred, with the objections and any representations, to the Planning Inspectorate who act for the Secretary of State for Food and Rural Affairs for determination. Where the Committee decides that an order should not be made, the applicant may appeal to the Planning Inspectorate.

Conclusion

As this report relates to a route A-B which is currently recorded on the Definitive Map as Footpath AX 14/28 and the remainder which is not currently recorded on the Definitive Map (B-C), it is necessary for the Committee to have regard to two legal tests:

1. Section 53(3)(c)(i) relating to the section which is currently unrecorded is whether, given the evidence available that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic.
2. Section 53 (3)(c)(ii) relating to the section recorded as Footpaths AX14/28 is whether, given the evidence available, that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description;

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

4. CONSULTATION

Although North Somerset Council is not required to carry out consultations at this stage Churchill Parish Council, Local members, interested parties and relevant user groups have been consulted. Detail of the correspondence that has been received following these consultations is detailed in **Appendix 4**.

5. FINANCIAL IMPLICATIONS

At present the council is required to assess the information available to it to determine whether there is sufficient evidence to support the application. There will be no financial implications during this process. Once that investigation has been undertaken, if authority

is given for an Order to be made then the Council will incur financial expenditure in line with the advertisement of the Order. Further cost will be incurred if this matter needs to be determined by a Public Inquiry. These financial considerations **must** not form part of the Committee's decision.

Costs

To be met from existing revenue Budget.

Funding

To be met from existing revenue Budget.

6. LEGAL POWERS AND IMPLICATIONS

Section 53 of the Wildlife and Countryside Act 1981. The Wildlife and Countryside Act 1981 requires that applications which are submitted for changes to the Definitive Map and Statement are determined by the authority as soon as is reasonably possible, within 12 months of receipt. Failure will result in appeals being lodged and possible directions being issued by the Secretary of State.

7. RISK MANAGEMENT

Due to the number of outstanding applications awaiting determination officers of North Somerset Council, in conjunction with the PROW Rights of Way Sub Committee have agreed a three tier approach when determining the directed applications. A report was presented to the Committee in November 2016 which outlined a more streamline approach. This could result in challenges being made against the Council for not considering all evidence.

The applicant has the right to appeal to the Secretary of State who may change the decision of the Council (if the Council decided not to make an Order) and issue a direction that an Order should be made. Alternatively if an Order is made objections can lead to a Public Inquiry.

8. EQUALITY IMPLICATIONS

No - Public rights of way are available for the population as a whole to use and enjoy irrespective of gender, ethnic background or ability and are free at point of use.

9. CORPORATE IMPLICATIONS

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

10. OPTIONS CONSIDERED

The options that need to be considered are:

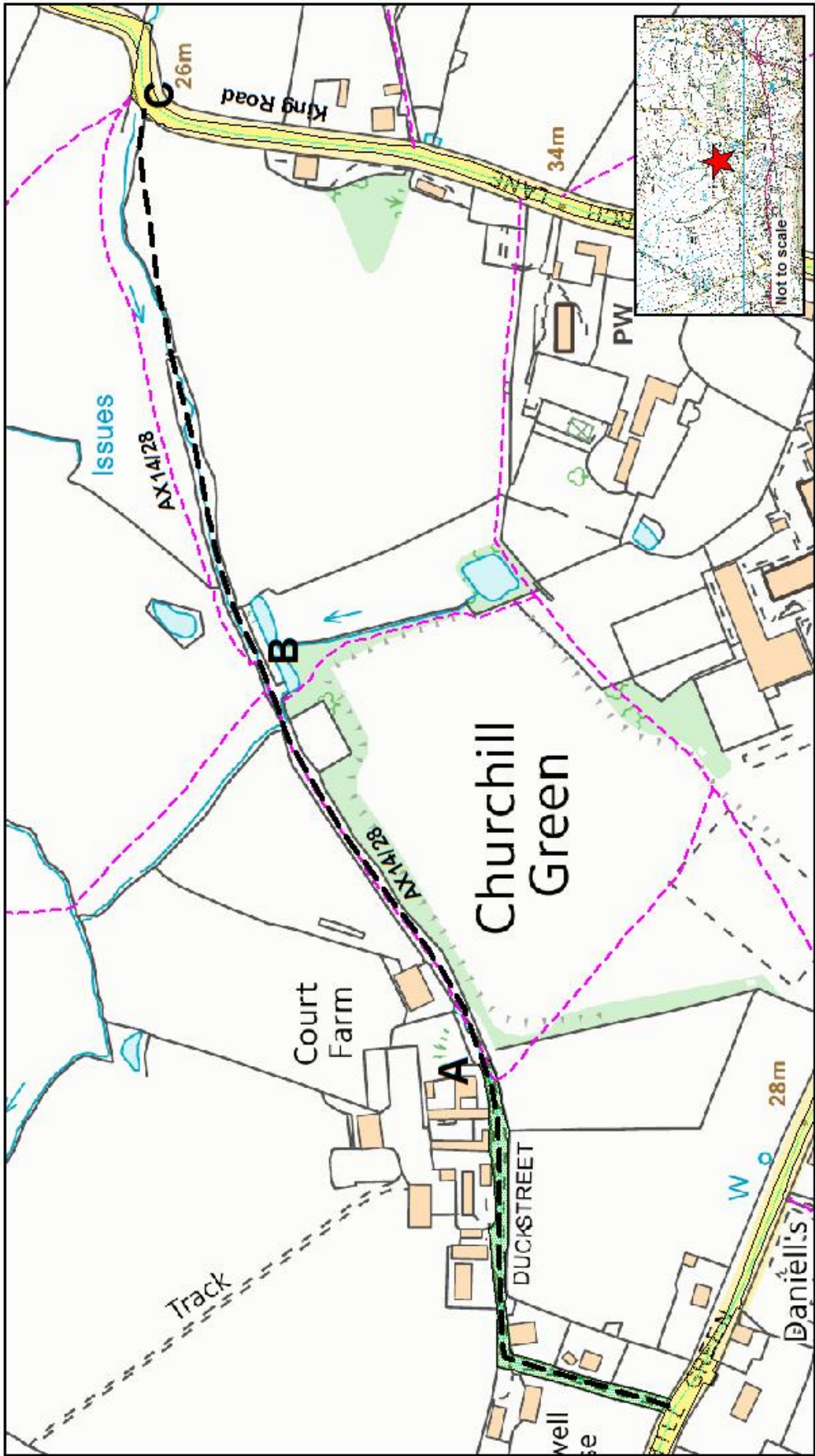
1. Whether the evidence supports the making of a Definitive Map Modification Order to upgrade A-B Footpath AX14/28 to a Byway Open to All Traffic.
3. Whether the evidence supports the making of a Definitive Map Modification Order to add the route B-C as a Byway Open to All Traffic.

4. Whether this application to upgrade Footpath AX 14/28 to Byway Open to All Traffic and to add the section B-C as a Byway Open to All Traffic should be denied as there is insufficient evidence to support the making of an Order.

AUTHOR

Elaine Bowman, Senior Access Officer Modifications, Access Team, Natural Environment
Telephone 01934 888802

BACKGROUND PAPERS: - Public Rights of Way File Mod 54



Map No.	Scale 1:3000
EB/MOD54/Sub	Date
Grid Reference	13 March 2018
ST4360	
Claimed route	-----
A-B-C	

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

Wildlife & Countryside Act 1981 - Sec 53

North Somerset District Council

Public Rights of Way Sub Committee 27 March 2018

Definitive Map Modification Order Application

Duck Street Churchill



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The Legal Basis for Deciding the Claim

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

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

- (i) "that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over the land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic"
- (ii) "that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description"

The basis of the application in respect of the Byway Open to all Traffic is that the requirement of Section 53(3) (c) (i) and (ii) has been fulfilled.

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

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

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

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

(b) Has maintained the notice after the 1st January 1934, or any later date on which it was erected,

The notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as a highway.

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

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

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

History and Description of the Claim

1. An application for a modification to the Definitive Map and Statement was received dated 18th July 2004 from Woodspring Bridleways Association ("The Association"). The basis of their application was that a route commencing from Churchill Green, running along the adopted highway Duck Street, then along Footpath AX14/28 and an unrecorded section to its junction with King Road/Church Lane should be recorded as a Byway open to all Traffic. Submitted with the application was documents which the applicant felt relevant in support of the claim.

Listed below is the documentary evidence that the Association has referred to:

1782 Day & Masters Map
1822 Greenwood Map of Somerset
Avon County Property Services on Survey of Churchill Park.

The above documents will be reported on in **Appendix 3**.

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

This matter is currently recorded on the Definitive Map Register as Mod 54.

2. The 2004 application claims that a Byway open to all Traffic should be recorded over a route part of which is currently recorded on the Definitive Map as Footpath AX14/28 as well as adding the continuation as a new route. The claimed route is in the Parish of Churchill.
3. The route being claimed illustrated upon the submission plan includes a section which is already adopted highway. Therefore the basis of the research which will be undertaken for this investigation will concentrate on the section commencing at the end of the adopted highway on Duck Street, Point A, adjacent to Court Farm, and proceeds along existing Public Footpath AX14/28 for a distance of 283 metres to Point B. The route then continues to the east along an unrecorded route for a further 332 metres to Point C, which joins onto the junction of adopted highway known as King Road/Church Lane.
4. This claimed Byway open to all Traffic is illustrated as a bold black dashed line on the attached Location plan EB/MOD 54/Sub (scale 1:3000).

Analysis of Documentary Evidence

The claim is based on documentary evidence suggested by the applicant and documents held within North Somerset Council's records. This route is illustrated A-B-C on the Location Plan EB/MOD 54/Sub (Scale 1:3000).

Day and Masters Map (1782) North Somerset Council

The applicant has referred to this document within their original application. This plan relates to the area of land covering Weston super Mare, Churchill and Nailsea. The full length of the claimed route is not illustrated. It is only possible to suggest the location points of A and C. The applicants are making an assumption that there is a through route connecting the two points. This plan does not assist this investigation as to whether a Byway Open to all Traffic should be recorded. An extract of this plan is attached as **Document 1**.

British Library O S Map 1811

This plan produced by Ordnance Survey covers an area of land from Wrington in the north to Wells in the south and is considered to be a detailed map of its time. Undertaken by surveyors looking from advantage points of height, the routes depicted upon this plan illustrate existence but do not assist with status. This map illustrates the claimed route A-B-C as a through route between Churchill Green and King Road similar to other routes depicted which are now known to be public highways. It should be noted that routes to farms and private access are also depicted. An extract of this plan is attached as **Document 2**.

Greenwood Map of Somerset (1822) North Somerset Council

The applicant has referred to this document within their original application. This map illustrates the route A-B-C as a through route bounded on both sides. Unfortunately the word 'Churchill' is obscuring the junction with King Road so it is not possible to see if there is anything marked. Its depiction on this plan does not provide evidence of its status only that its appearance of a through route existed on the ground. An extract of this plan is attached as **Document 3**.

Churchill Tithe Map (1842) Somerset Record Office – Reproduced with kind permission of the South West Heritage Trust – D/D/Rt/A/394 and D/D/Rt/M/394

The whole of this document covers the area of Churchill over which the claimed route A-B-C passes. The map illustrates the route as a through route, bounded on both sides excluded outside of those plots considered relevant for Tithe Tax. It is depicted in the same manner as other routes within the area which are now classed as adopted highways, or farm accesses. This route is not marked with an apportionment number therefore will not be detailed on the apportionment records. Whilst this provides evidence of its existence it does not provide evidence of status.

An extract of this plan is attached as **Document 4**.

Finance Act (1910)

The Finance Act allowed for the levying of a tax on the increase in value of land. All holdings or hereditaments were surveyed and recorded with an individual number on the Second Edition OS County Series Maps at 1:2500 scales. The Finance Act process was to ascertain tax liability not the status of highways. The documents are relevant where a deduction in value of land is claimed on the grounds of the existence of a highway. It should be noted that these plans are the working documents rather than the final versions which would normally be held at the Record Office at Kew. It has not been possible to obtain any other version.

The claimed route is illustrated on the map as a through route points A-B-C which is enclosed on either side excluded from the adjoining hereditaments 104, 1, 242, 263 and 212. The route has been given an O.S parcel number of 691 with a measurement of 1.798 of an acre. It can also be seen that at Point C is the indication of a pecked line. The reason for this pecked line is unclear. This plan assists with illustrating that at this time a through route was considered to exist but does not assist with status.

An extract of this map is shown in **Document 5**.

Handover Map of Winscombe (1930) North Somerset Council

These Handover maps, which were drawn up in 1930 on an 1887 map base, illustrate the claimed route A-B-C. The purpose of these plans were to illustrate routes which were considered to be public highways maintained by the local authority. As can be seen routes are coloured according to their differing category, Red being main routes, blue being secondary routes and yellow minor highways.

This map shows the initial section of the claimed route coloured as yellow beginning from Greenhill Green to Point A. This section is numbered 92 ending at Lower Court Farm. This section continues to be recorded on North Somerset Council's Highways Records as a Class 4 (Unclassified Road) with a USRN 47802691. Greenhill Green is coloured blue. The continuation of the claimed route A-B-C is not coloured or marked, the plan does have trees illustrated between points B and C with a FP marked in a similar location to that of Footpath AX14/28 continuing into the northern field as is recorded on the Definitive Map. At the junction of Point C and King Road/Church Lane the road is coloured blue for its full length. This would imply that the coloured section of the claimed route was considered as a minor highway maintained by the local authority, however the continuation was not. Although the route is still shown as a through route the illustration of the vegetation between Point B and C would suggest that its character has changed. It should also be noted that at Point C there is the appearance of some form of obstruction.

An extract of this map is located in **Document 6**.

Definitive Map of Winscombe (1956) North Somerset Council

The definitive map process was carried out over many years going through various processes which involved the area being surveyed by local people and advertisements being placed detailing that maps were being held on deposit for public viewing. This process was carried out through a Draft, Draft Modifications and Provisional stage before the Definitive Map was published. Any objections about routes that were included or routes that had been omitted were considered by Somerset County Council and amended if considered relevant.

The 1st stage was the Parish Survey which would have been undertaken by members of the Parish Council. They recorded a route upon a Parish Survey Plan and produced individual Walking Cards.

The walking card for Footpath AX14/28 refers to this path as FP and describes the path starting at King Road – field gate as FP No 27 across field to field gate. Exit by field gate into Duck Lane. The reverse side is signed by W Warren on Sept 28th agreed by W Buchan on 3/1/51 but nothing recorded for approval by Rural District Council.

A copy of this card is attached to this report as **Document 7**.

In order to present a complete picture of this process, copies of the plans produced have been located. The first is the Parish Survey Plan produced by Churchill Parish Council in 1950. This plan illustrates the routes which were considered to be roads coloured brown. Upon this public rights of way have been marked in purple and allocated a reference number. As can be seen the person who undertook this survey has marked FP No 28 commencing in the field adjacent to FP No 25 (which appears to be suggested for deletion). Nothing has been marked upon this plan from Point A through to Point C. This plan would seem to imply that the author did not consider any rights existed along this route. What is interesting and should be noted is that on the opposite side of the road near Laburnum Cottage the letters CRF have been placed verifying the existence of a route that was considered may have higher status. An extract of this plan is attached as **Document 8a**.

The Draft Map illustrates the drawn line of Footpath AX14/28 commencing halfway along Duck Street Point A, continuing along the track to Point B then moving into the field until its junction with King Road Point C. An extract of this plan is attached as **Document 8b**.

The Draft Modification Plan illustrates that no amendment was suggested when the draft map was published and advertised. Only amendment in this area was one relating to Footpath AX14/26. An extract of this plan is attached as **Document 8c**.

The Provisional Plan (which was made available to landowners for comment) illustrates the route of AX14/28 proceeding from Point A on an alignment adjacent to Duck Street and continuing into the adjacent fields to Point C. The base map again illustrates the vegetation between Points B and C. An extract of this plan is attached as **Document 8d**.

The Axbridge Rural District Council Definitive Map for the area carries a relevant date of 26 November 1956. Footpath AX14/28 is illustrated similar to that shown on the Draft Map. An extract of this plan is attached as **Document 8e**.

The above documents 8a, 8b, 8c, 8d and 8e illustrate that the recording of Footpath AX 14/28 was undertaken fully although the illustration on the differing plans hasn't been uniformly recorded. These documents only relate to the Definitive Map Process where at the time of production the recorder felt only public footpath rights needed to be recorded. There is no suggestion that any rights only the claimed route needed to be shown. This would suggest that this route was not being used by the public, presumably as its appearance then was as it is now, a riverbed. However, it should be noted that the base maps used in all of these stages illustrates the claimed route as a through route for its entire length with the indication that vegetation was evidence on the section Point B to point C.

Avon County Property Services Survey on Churchill Park

The applicant has referred to the County of Avon Small Holdings Survey for Churchill Park Farm. This document (date unknown) relates to a Historical Landscape and Conservation Report for Avon County Council Planning Department. This document contains a section relating to Duck Street. This reads:

DUCK Street (SMR 1528, Grade II) Duck Street is an ancient track of indeterminate age which can still be identified as a sunken holloway of up to 3 metres depth running west to east from Churchill Green to the western boundary of Park Farm. Most of this section was still in use in the early years of this century, but now only serves as a drain or watercourse into Churchill Rhyne. Its name, together with that of 'Duck Lane' which it joins at Stock, is still a puzzle, but the 'Street' element, which suggests a metalled road, is often of Roman origin. It certainly predates King Road which deviates through two sharp rights angles as it crosses the street in order to follow the older line for a short distance before continuing its north-south course.

In order for this information to be verified it would require a detailed archaeology survey to be undertaken, which has not been requested. However, it is believed by colleagues in that field of expertise that there is a strong suggestion that Duck Street could be an ancient Roman Road.

Object Name Book

Within the Object Name Book relevant to this area providing assistance for named articles to be recorded on O S Mapping produced in 1902 an entry is made for Duck Street. The following information has been recorded on this page.

This relates to Sheet XL11NE. Names collected & entered by D McCarthy Sapa RE in April 1902. Names ? as added & initialled in red by E Pickwell Sapa RE in April 1902. Names revised August 1929 by D Plummel Sgt RE

Duck Street – Applies to a lane extending from its junction with Jn Rd in Churchill Green (to Jn Rd about 8 chains N of Laburam Cottage – this section has been crossed out) to 15 chains E of Lower Court Farm.

Whilst this description initially records the full length of the claimed route A-B-C it would appear that this description was changed. It is not clear when this change was made. An copy of the relevant page is attached as **Document 9**

Consultation and Landowner Responses

A pre-order consultation letter was sent to adjoining landowners and interested parties on the 6th September 2017. The following responses have been received.

Consultation Responses

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

Name	Objection or Supporter	Comment
Bristol Water	No Objection	We confirm that we have no objection to the proposed stopping up modification order at the above address.
Virgin Media	No Objection	Virgin Media and Vital Plant should not be affected by your proposed work and no strategic additions to our existing network are envisaged in the immediate future.
Atkins Global	No Objection	We refer to the below or attached order and confirm that we have no objections.
Wales and West Utilities	Information	We enclose an extract from our mains records of the area covered by our proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area.
Cadent and National Grid	No Objection	Cadent and National Grid therefore have no objection to these proposed activities
D Mallinson	Comments	I would like to make the following comments on this application, in response to your letter of 6 September. 1. The applicant, Woodspring Bridleways Association (WBA), listed four items of documentary evidence in support of their application. However they did not provide any of them with their application. This means that this application does not qualify for exemption of unrecorded public motor vehicular rights under section 67(3) of the NERC Act. 2. I also question whether some of the evidence listed by WBA supports their application for public vehicular rights over Duck Street and its footpath continuation. My reading of the Day and Masters map of 1782 (as copied in your report on Mod 51 to the Public Rights of Way Subcommittee on 26 July 2017) is that it does not show Duck Street or its footpath continuation, which lie to the north and west of the church at Churchill Green (which church is shown by Day and Masters). As discussed in my response on your consultation on Mod 55, the ancient track named as Duck Street, and identified as Sites and Monument Record Number 1528, by Chapman and Bury in their report on Churchill Park Farm, Langford, is now recorded on North Somerset Council's

online map of archaeological sites (<http://map.n-somerset.gov.uk/HER.html>) as in the vicinity of the footpath continuation of Duck Street. This online map says this site is a medieval hollow way, which is not compatible with Chapman's and Bury's suggestion that the name Duck Street may imply a Roman metalled road. If the application route is a medieval hollow way, this does not help with determining its public rights of way status, as it may have been formed by wholly private use, or by the public on foot or with horses or with vehicles.

Mr G Plumbe **Objection**

I object to the proposed modification because any pre-existing public vehicular rights have been extinguished. My reasons are

Facts - The application, in respect of listed evidence relied on in support, says: "Shown on the following documentary evidence (including statements of witnesses) in support of this application:- 1782 DAY & MASTERS either end. 1822 GREENWOOD through route. All maps to date shown X

X – Avon County (NSDC) Property services on Survey of Churchill Park. Given to NSDC some while ago when Countryside Strategy Maps were done by Phil Tollerton (User Forms to follow)

The Law - NERCA 2006 – 67 Ending of certain existing unrecorded public rights of way and Schedule 14 WLCA Act 1981 Application for certain orders under part III, Section 53 *Form of application*

In the *Winchester* appeal case it was held that the regulations must be strictly applied. That was upheld by the Supreme Court in the *Dorset* case.

Validity of application - None of the evidence accompanied the application which does not therefore qualify for exemption from extinguishment under NERCA s63(3). In passing it is noted that "Given to NSDC some while ago when Countryside Strategy Maps were done by Phil Tollerton" is particularly nebulous, as it could mean anything in terms of timing. One of the central purposes of the application provisions is to assemble the evidence so that it can be inspected by all interested parties prior to making submissions. For that reason, the application must stand alone.

Interpretation of evidence - I endorse and adopt the comments of Mrs Mallinson in her letter of today's date.

Openreach No Objection

Openreach does not appear to have apparatus in the area of your proposal. Openreach will not object to these proposals, however will insist on maintaining our rights under the appropriate legislation.

Mr P Avery **Objection**

I am writing in reply to your letter dated 6th September 2017 advising of the request to open Duck Street as a Byway Open to all Traffic. Although shown on the 1782 map as an historical route my family have farmed Lower Court Farm since 1860 and in my lifetime and family knowledge this route has not been used by horses or as a

footpath during that period. I am 71 years old. Avery and Co bought the land showing the route marked B to C in 1969. As a result of no traffic using this proposed route it is now little more than a ditch which drains the field on either side. As you have annotated the footpath uses the field and not the proposed route for this reason. You are probably aware the exit/entrance marked C comes out on a double corner in a narrow country lane which is used heavily by traffic going to and from Churchill Academy, a school of some 1500 pupils. As a farming family we are against opening this ditch as a Byway Open to All Traffic because motorised vehicles will be using a narrow residential lane which is currently an cul-de-sac and driving through the middle of a working farm. If I can be of any further assistance please do not hesitate to let me know.

Churchill
Parish Council

Objection

The Parish Council does NOT SUPPORT the Right of Way Modification Application (Mod 54) and believes that the suggested evidence of historical right of access is not corroborated. Further, a relevant landowner has provided information which conflicts with the assertion of the applicant relating to historical use of the Bye Way.

K J Every

Concern

My concern is the proposed BOAT change around Churchill Green in particular Duck Street. I was brought up in Duck Street and now live in Common Lane and in all this time (some 69 years) I have not seen this lane being used by horses or any other form of traffic apart from access to the first small paddock. Past Court Farm, as the lane narrows considerably it is often overgrown and muddy and it is traversed by a stream. There is also a crossing which joins the Church field and the adjoining field to the North. Duck Street also runs on the Northern boundary of Churchill Academy Sports Field. The children frequently congregate in this area. To make this area available to all passers-by could potentially be a problem for the School. On further investigation I have come across a map of 1884 which indicates a footpath but this runs in the field parallel to Duck Street. Also on checking the Ordnance Survey map (sheet 46/56) this indicates a stream running along the track and the footpath running through the field to the North. If this track is upgraded to take all traffic my concern is that this would become a rat run to avoid Churchill School where the cars park along Church Road and Green End Road

Churchill
Academy &
Sixth Form

Concern

I am responding for the benefit of North Somerset Council's Public Rights of Way Sub Committee on behalf of Churchill Academy & Sixth Form. As the proposed route of the Byway Open to all traffic runs alongside the Academy's site we would have the following concerns about the potential impact particularly if the route was opened to mechanically propelled vehicles. Management of the boundary to ensure our responsibility for safeguarding young people is fully discharged. Management of the boundary to ensure the security of

our site. Implications for road safety if Duck Street is opened to motor vehicles. Potential implications for further development of surrounding fields if Duck Street is opened to motor vehicles. I would like the committee to note that our concern is primarily around motor vehicles using Duck Street, and we would have less concern where the route to be a bridleway, a cycle route or a public footpath. Indeed, these might be positive steps for the Academy and could potentially offer a safer route to school for some of our young people.

Mr E Lyons **Comments**

I refer to the above application in respect of which I wish to make the following comments: 1. The Byeway (if this is what it be) was only ever intended for pedestrians and animals and was in existence many years prior to the invention of motorised transport so it could never have been intended for such use. 2. In any event it is neither safe nor suitable for motorised transport. 3. The exit of the Byeway onto King Road is inherently unsafe. 4. I understand that if it ever was intended for use as a Byeway it has not been used for many, many years so suggesting that there is no use for it. 5. The village of Churchill is already disproportionally riven with roads for vehicles and so does not need any further highway. 6. There is no evidence or adequate evidence to establish that there ever was an historical route.

Dr S Jeacocke **Objection**

I am writing to object strongly to the requested modification to the above footpath to a BOAT. I have lived in Churchill for the last 33 years. My family have walked around this area regularly during this time. This path, as you are well aware, runs in the valley alongside of the Yeo River. We have has a particularly dry 12 month period and it is pleasant and relatively dry underfoot from "B" to "A". However, even under these conditions, the section designated "B" to "C" of the path is muddy. In a wet year, for more than 10 months in such a year, the flow of water along the footpath (section "B" to "C") is in excess of 100 litres per second. We have measurements to confirm this estimate. In addition the path from "A" to "B" under wet conditions is very muddy. Thus to open this footpath to horse riders would make it impossible to use as a footpath due to the effect of hooves on very soft ground. The idea off a modification to a BOAT is totally ridiculous. We live now with far too many vehicles on our roads why desecrate a peaceful footpath in this way. **[Please note that the reference points referred above Point A is King Road (point C) and Point C is point A]**

Mr & Mrs J Murray **Objection**

I write as someone whose land borders the proposed upgrading a footpath to a Byway Open To All Traffic at point B on your BOAT (A-B-C) grid ref ST 4360. I have known this path known as Duck Street since 1954 when we lived at Churchill Court. Whilst the "Street" may in the past have been used for horse and other animal traffic it now ends at Court Farm Bungalow and continues on as a

footpath and is therefore entirely unsuitable to be used for modern vehicular as well as horse traffic the reasons being in my particular area are: 1. The path runs along the edge of a farmyard at Court Farm. 2. The path runs along the top of a narrow wall at my border. 3. The exit at C is directly onto Church Lane /King Road, a narrow lane on a blind bend. This lane is used extensively by Churchill Academy at rush hour when the traffic can be extremely dangerous for pedestrians and footpath users alike. 4. Thereas, the route may well have been illustrated on mapping dating back to 1782, you might be interested to know that the bicycle was only invented in 1818, the 'Boneshaker' in 1861 and the Penny farthing invented in 1871. My point being that it could have only been used for farm carts working between fields or a footpath to and from the farm, not as a Byway Open to All Traffic. I quite understand that the route has been drawn up using old maps without a visual visit to assess its suitability so I hope this detailed submission helps to indicate to you the complete unsuitability of the proposal which I strongly object to. **[Please note that the reference points referred above Point A is King Road (point C) and Point C is point A]**

Natural
Environment
Officer –
Ecology

Comment

With regard to the consultation below, I have no objection to the proposal. I have screened the site in relation to our GIS environmental data. Just to note, there is some botanical interest noted in the local area, with a couple of rarer species recorded, some associated with the water bodies in proximity.

Mrs A
Gawthorpe
Woodspring
Bridleways
Association

Supporter

Mrs Gawthorpe has submitted a statement supported by a number of appendices. These documents are attached to this report as **Document 10**

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

Date of Challenge

For public rights to have been acquired under Section 31 of the Highways Act 1980, a twenty-year period must be identified prior to an event which brings those rights into question. In this case no user evidence has been supplied to assist.

For a public highway to become established at common law there must have been dedication by the landowner and acceptance by the public. It is necessary to show either that the landowner accepted the use that was being made of the route or for the use to be so great that the landowners must have known and taken no action.

All of the early documentary evidence has shown Duck Lane as a through route with no physical barriers to use. However such use appears to have declined perhaps by vegetation, over time.

However, there appears to be no date of challenge for this application. Furthermore the historical evidence suggests that this is an ancient route depicted on mapping since 1811.

Summary of Evidence and Conclusion

Summary of Documentary Evidence

Most of the documentary evidence submitted within this report is held to be important legal documents of their respective time and the information recorded upon them to be legal and accurate.

Taking all of the historical documentation looked at in Appendix 3 into consideration all of these plans except Day and Masters illustrate the route A-B-C in existence as a through route, the earliest of which being 1811 and it has continued to be referred to as Duck Street, however the fact that these are depicted does not confirm status.

Whilst this route may well have been a route capable of being used since 1811 the Object Name Book entry seems to suggest that its appearance or status changed between 1902 and 1929 where the length of Duck Street was reduced. This could be explained by the existence of the river which is now evident on the ground. This does not however preclude the possibility that this route is an ancient highway of some status.

During the production of the Definitive Map in 1950 it has been shown through the documents labelled 7 and 8 that the intention of the route being recorded as Footpath AX14/28 does not seem to have changed. At no time through that process was the suggestion made that the public were using the route between B and C. These surveys were carried out by members of the parish council on foot. This information does not preclude the possibility that higher rights than footpath had previously been established over the full length of the route A-B-C just that these were not being exercised at this time.

Taking all of the documentary evidence into consideration sufficient evidence has been found to support the existence of the claimed route A-B-C. The fact that no physical barriers have been found illustrated on any of the plans included in this report, could lead to the presumption that it was reasonable to suggest that this route was capable of being used by any forms of transport including vehicular traffic. However, no user evidence has been submitted to support this.

In addition to the documentary evidence, when looking at this route on the ground if not for the existence of the stream it is not hard to visualise, especially with all of the vegetation cut back to the hedgerows that there would be a route capable of having been used in the past as a non-metalled route which could have been used by most modes of transport of the time, namely pedestrian, horses and horse and carriage.

Today it is presumed that the section A-B is maintained by the residents in so far as it is a track before leading into a vegetated area. This then widens out into a leafy hollow until you get to Point B where the footpath proceeds into the field. The claimed route then runs over the stream which from appearance does not appear to be deep but stoney to an exit point on King Road. At this time this section between B and C is overgrown with vegetation. Unable to confirm when these hedges were constructed, only that they pre-date 1999.

The claimed route A-B-C has been consistently illustrated in a similar manner to the roads that it connects with suggesting that this route was considered to be of a similar status. However over time this route has ceased to be considered in that way. This does not however remove any public rights which have once been established.

Therefore, the Officer feels that sufficient evidence has been considered to show that the route A-B-C should be of a higher status than footpath, the claim being that this route should be recorded as a Byway open to all Traffic.

Whilst the accepted legal maxim '*once a highway, always a highway*' will apply, sub-section 67(1) of the Natural Environment and Rural Communities Act 2006 provides that an existing public right of way for mechanically propelled vehicles is extinguished unless there is evidence to show that one of the possible criteria for exemption listed in sub-sections 67(2) and 67(3) is satisfied.

Applied now to this case, if the evidence shows that the route in question was historically a public right of way for vehicles, the public rights now in existence would be those associated with a Restricted Byway unless exemption from the extinguishing effects of the 2006 Act was shown to be applicable in which case Byway Open to All Traffic may be the appropriate status to be recorded on the Definitive Map.

No evidence has been submitted by the applicant to offer any comment on whether any of the exemptions listed in sub section 67(2) and 67(3) of the 2006 Act apply here. In fact the applicant has within their enclosed submission requested that their application be amended to a Restricted Byway.

Consultation Responses

As detailed within Appendix 4 a total number of 17 responses were received. One letter of support, five letters of objection, six expressing concern or making comment and five confirming no objection. The objections received relate to concerns regarding the claim for a byway and that this route has not been used by horses or vehicles in living memory. Concern has also been expressed about suitability.

The evidence submitted by the applicant's representative has been referred to within this report and analysis undertaken.

Conclusion

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

When considering this matter it should be noted that no user evidence has been submitted suggesting that the route A-B-C has been used by the public as a Byway Open to All Traffic. However, its depiction on historical plans illustrates that it was a route capable of being used as a through route.

In regard to the route A-B this is already as a public footpath, therefore the higher test of "on the balance of probabilities" needs to be considered. This route has appeared on plans since 1811 as a bounded track. As far as the evidence viewed this route does not seem to have been fenced or gated across only obstructed by vegetation (point B). The existence of this vegetation whilst restricting any use does not preclude a route having been usable in the past.

Having regard for the legal tests that should be applied in respect of the route B-C “does a route subsist or is reasonably alleged to subsist”, the historical evidence shows that a route has been evident on the ground since 1811. Although no user evidence has been produced to support public rights having been established over them there is also no evidence to show that the route was not capable of being used.

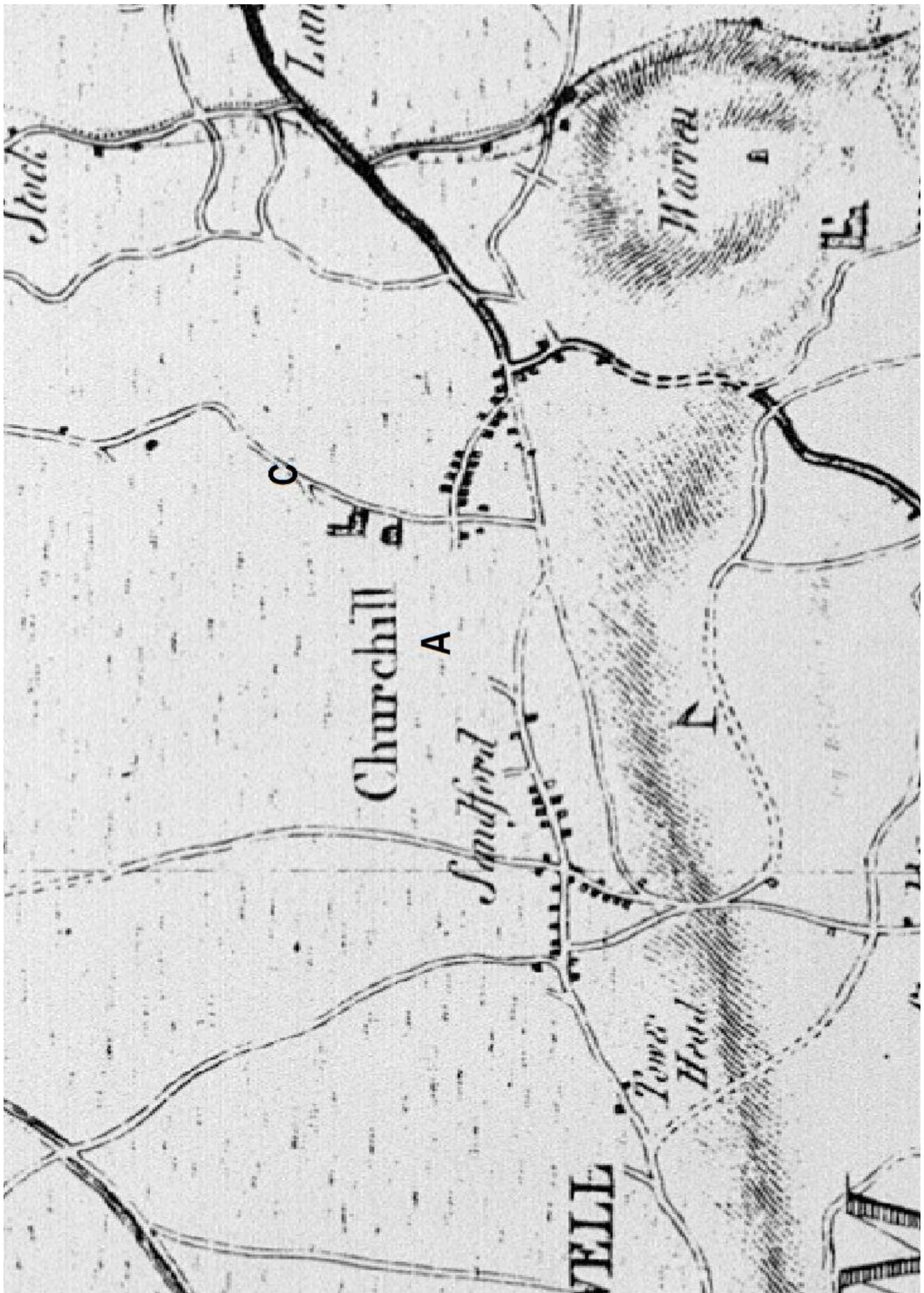
As it would appear that the full extent of the route A-B-C was capable of being used by all means of transport of the time, namely pedestrian, horse and carriage, potentially even mechanically propelled vehicles it is therefore necessary to have regard for sub-section 67(1) of the Natural Environment and Rural Communities Act 2006 and the exemption specified within sections 67(2) – 67(3).

It is this officer’s opinion that any vehicular rights which may have existed over the route A-B-C have been extinguished by Section 67 of the Natural Environment and Rural Communities Act 2006 (no exemptions being suggested), therefore A-B-C should not be recorded as a Byway Open to All Traffic but should be recorded as a Restricted Byway.

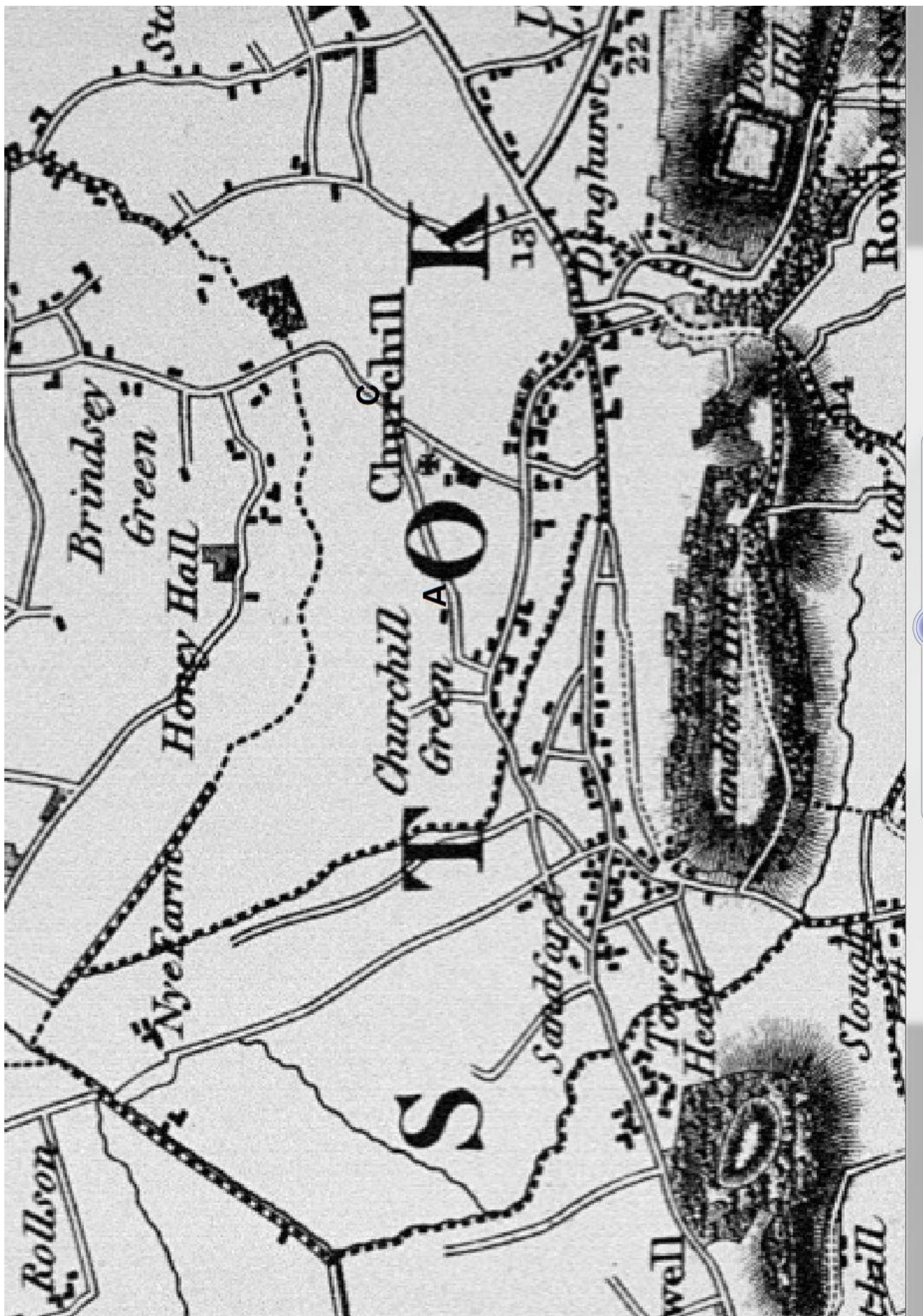
The options that were considered are:

1. Whether the evidence supports the making of a Definitive Map Modification Order for the route A-B-C as a Byway Open to all Traffic
2. Whether having regard for the Natural Environment and Rural Communities Act 2006 that the evidence supports the making of a Definitive Map Modification Order for the route A-B-C as a Restricted Byway
3. Whether any of the applications described in 1, or 2 above should be denied as there is insufficient evidence to support the making of an Order.
4. If the Committee accepts the recommendation of the Officer that an Order should be made for A-B-C they are asked to authorise the confirmation of the Order if no representations or objections are received.
5. That it is understood that if objections are made, the Order will be forwarded to the Secretary of State for determination. If this happens, subject to the Officer being content that there was no significant change to the balance of evidence; the Council will support the Order at any subsequent Public Inquiry.

DOCUMENT 1
1782 DAY AND MASTERS MAP

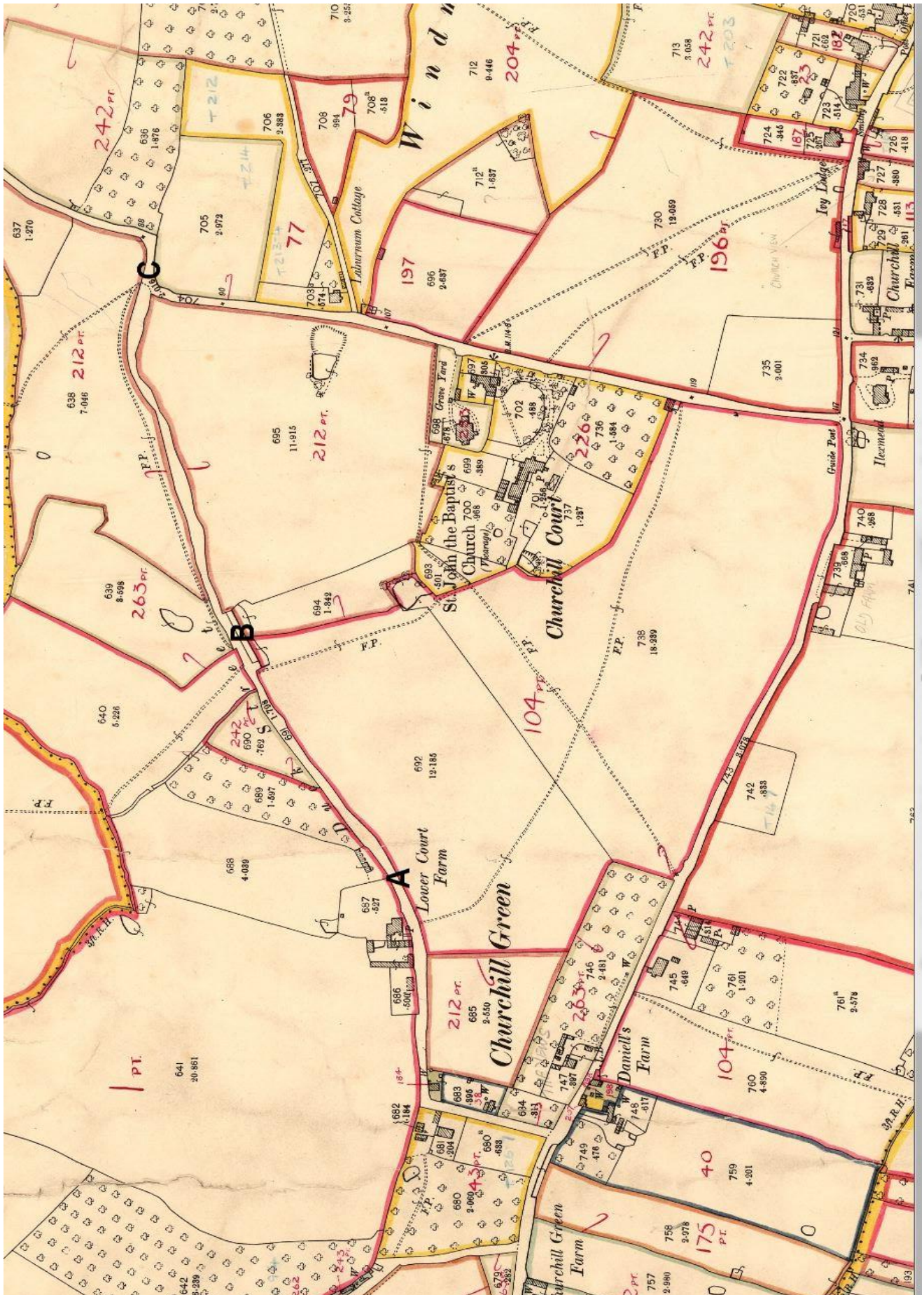


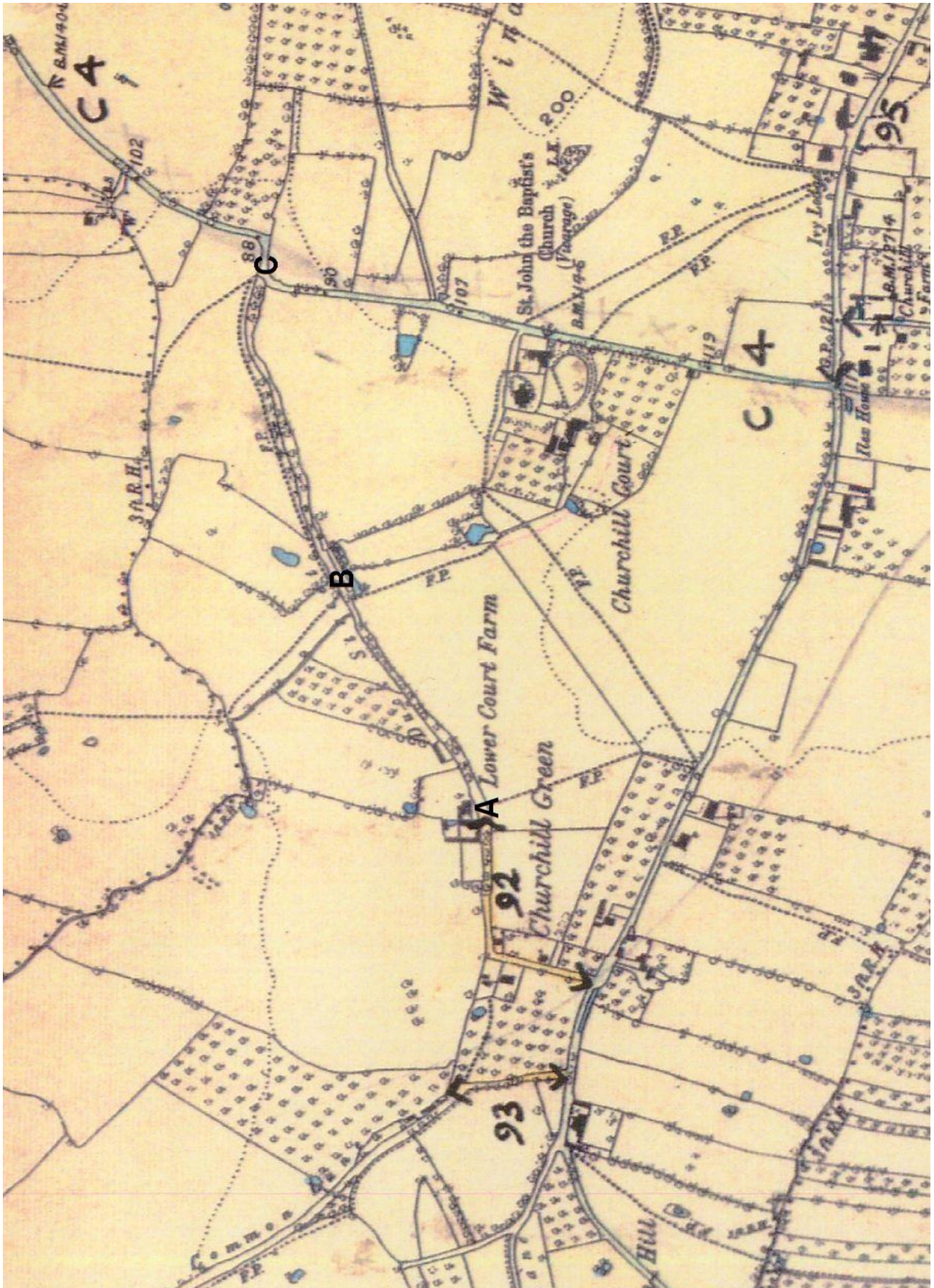




DOCUMENT 4
1842 CHURCHILL TITHE MAP







SOMERSET COUNTY COUNCIL

~~BOROUGH/URBAN DISTRICT~~ PARISH OF: CHURCHILL
(Delete as necessary)

NATIONAL PARKS & ACCESS TO THE COUNTRYSIDE ACT, 1949

SURVEY OF PUBLIC RIGHTS OF WAY.

Parish No. of Path:— 28 Path shown on 6" O.S. No.:—17 N.E. Kind of Path, i.e. F.P., B.R., C.R.F. or B.R.F.:— F.P.

DESCRIPTION:— The path starts at King Rd - field gate as F.P No 27 across field to field gate. exit by field gate. into Duck Lane.

B. 28009

P.T.O.

(Please continue on second card if necessary)

Walking Survey made by:—

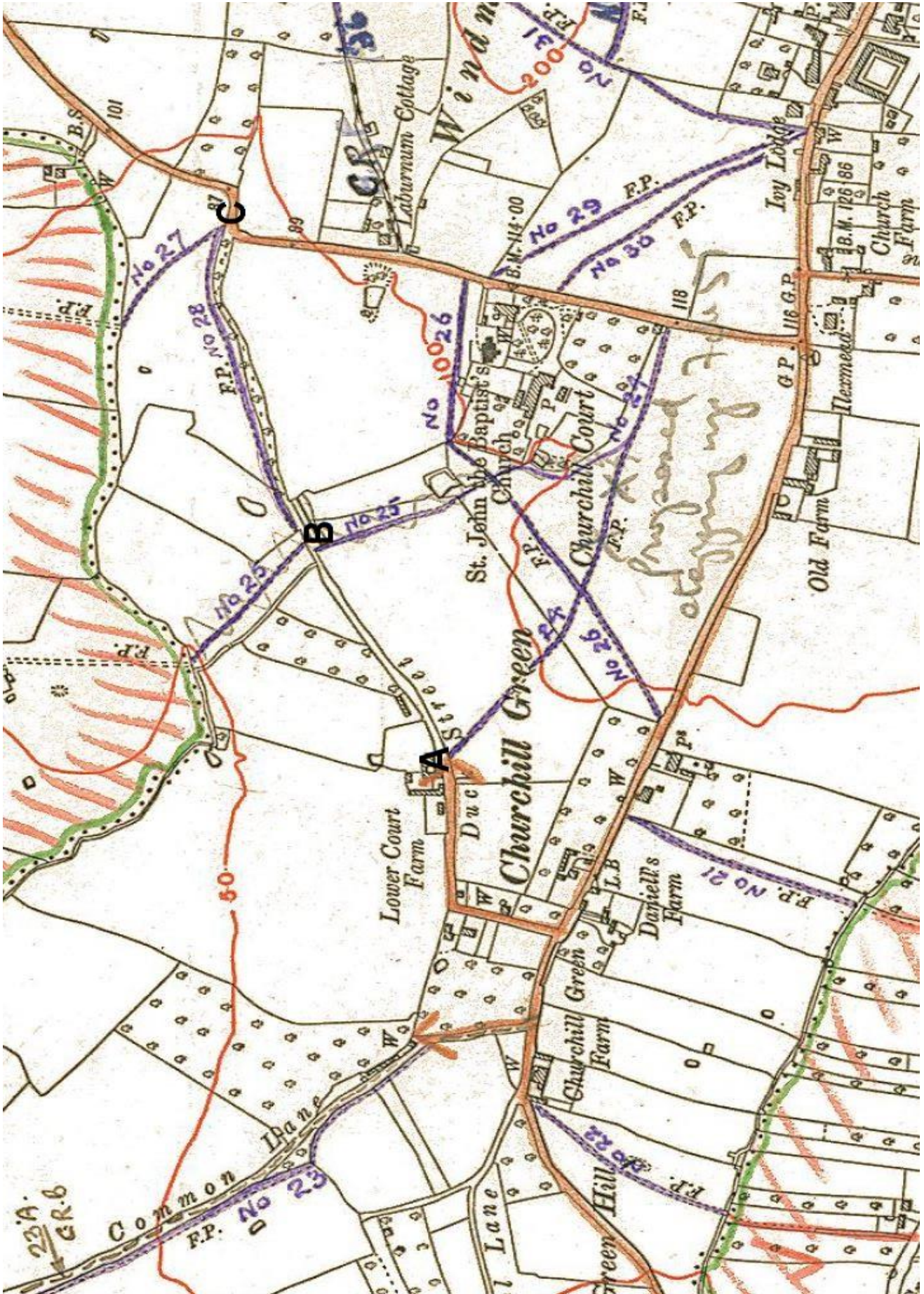
(Signed) W Warren
Date Sep 28th

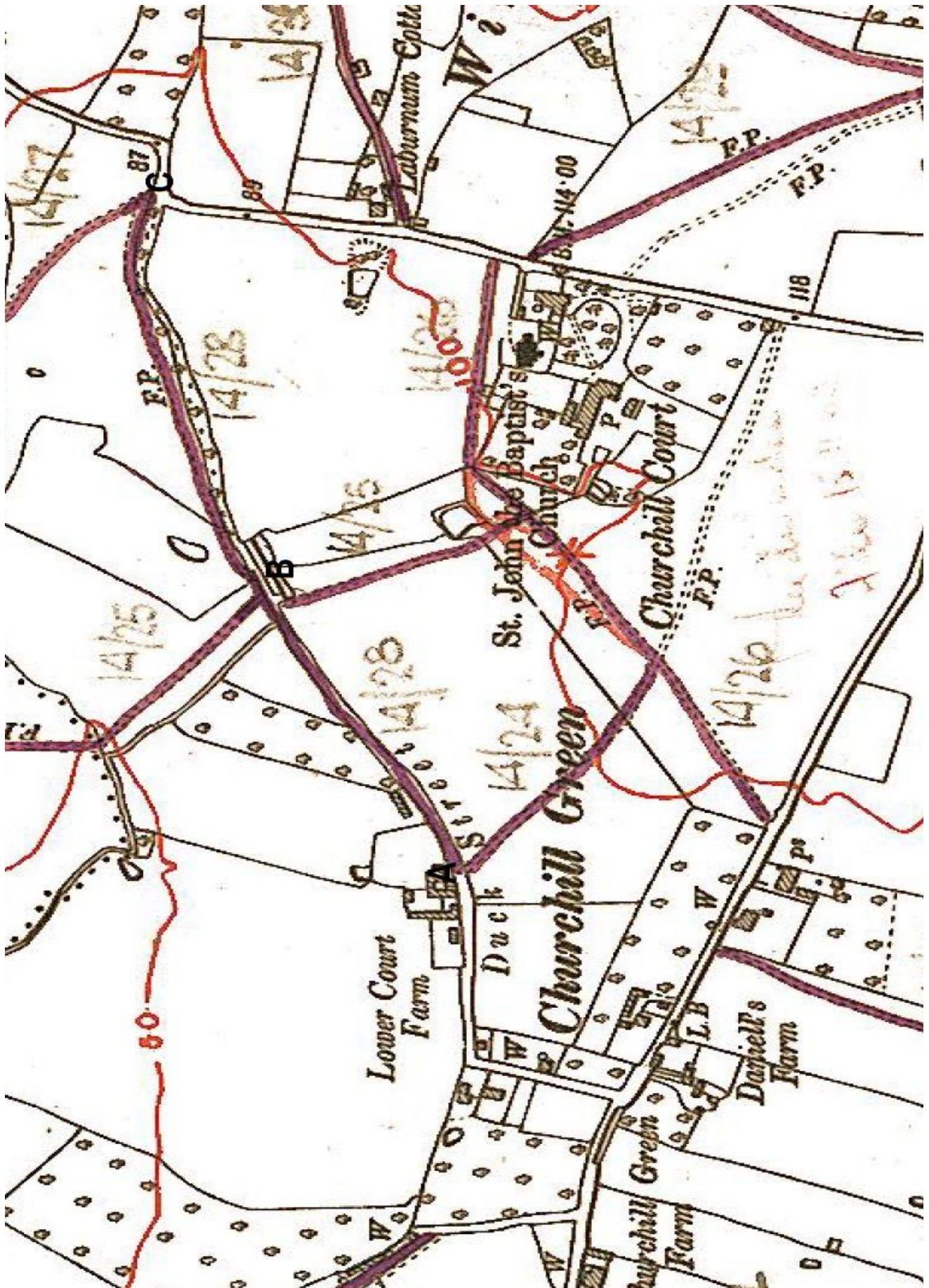
Agreed by (Borough/Urban Parish Council / Meeting)

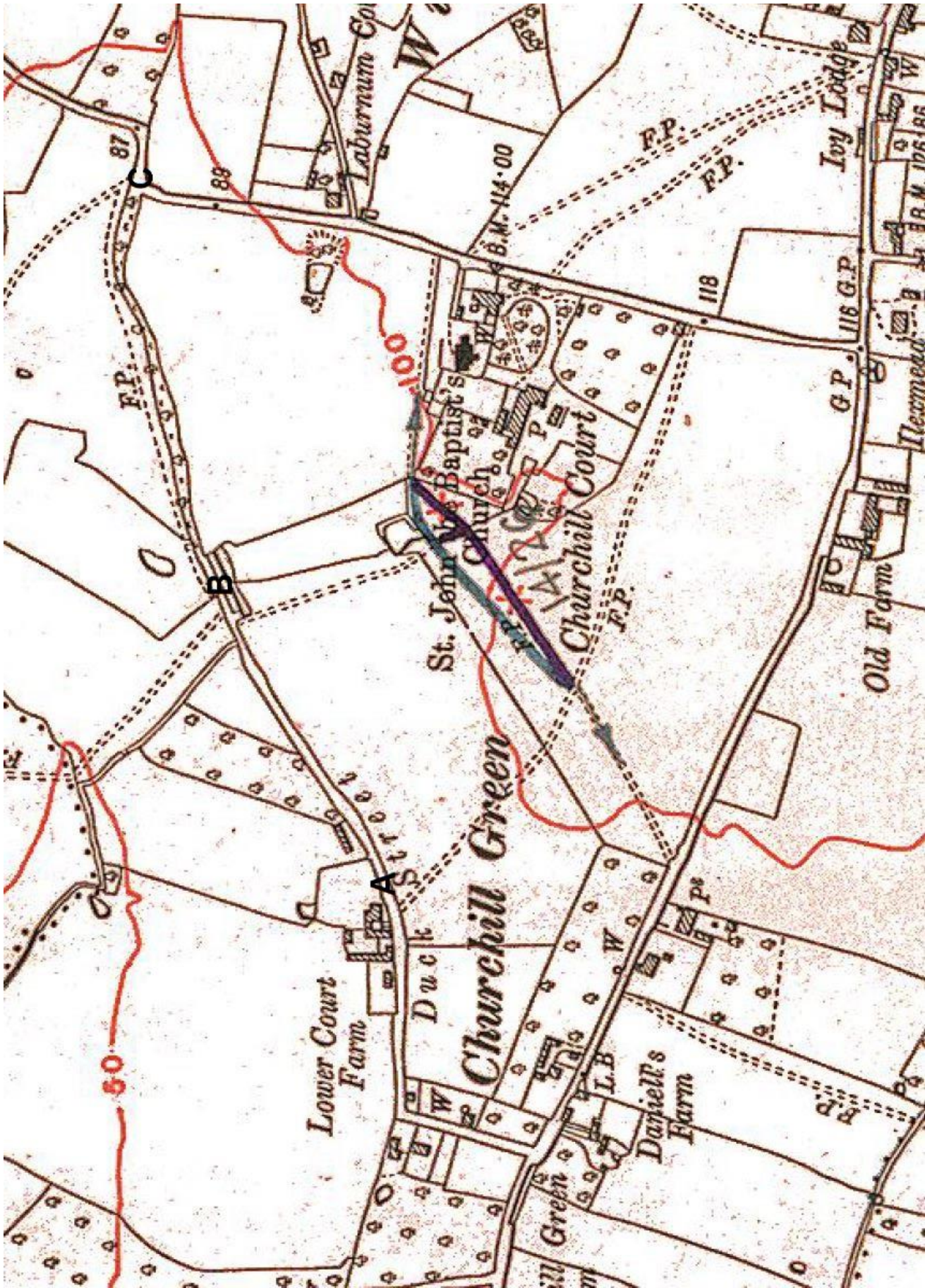
(Signed) W Buchanan
Chairman/Clerk
Date 3/1/51

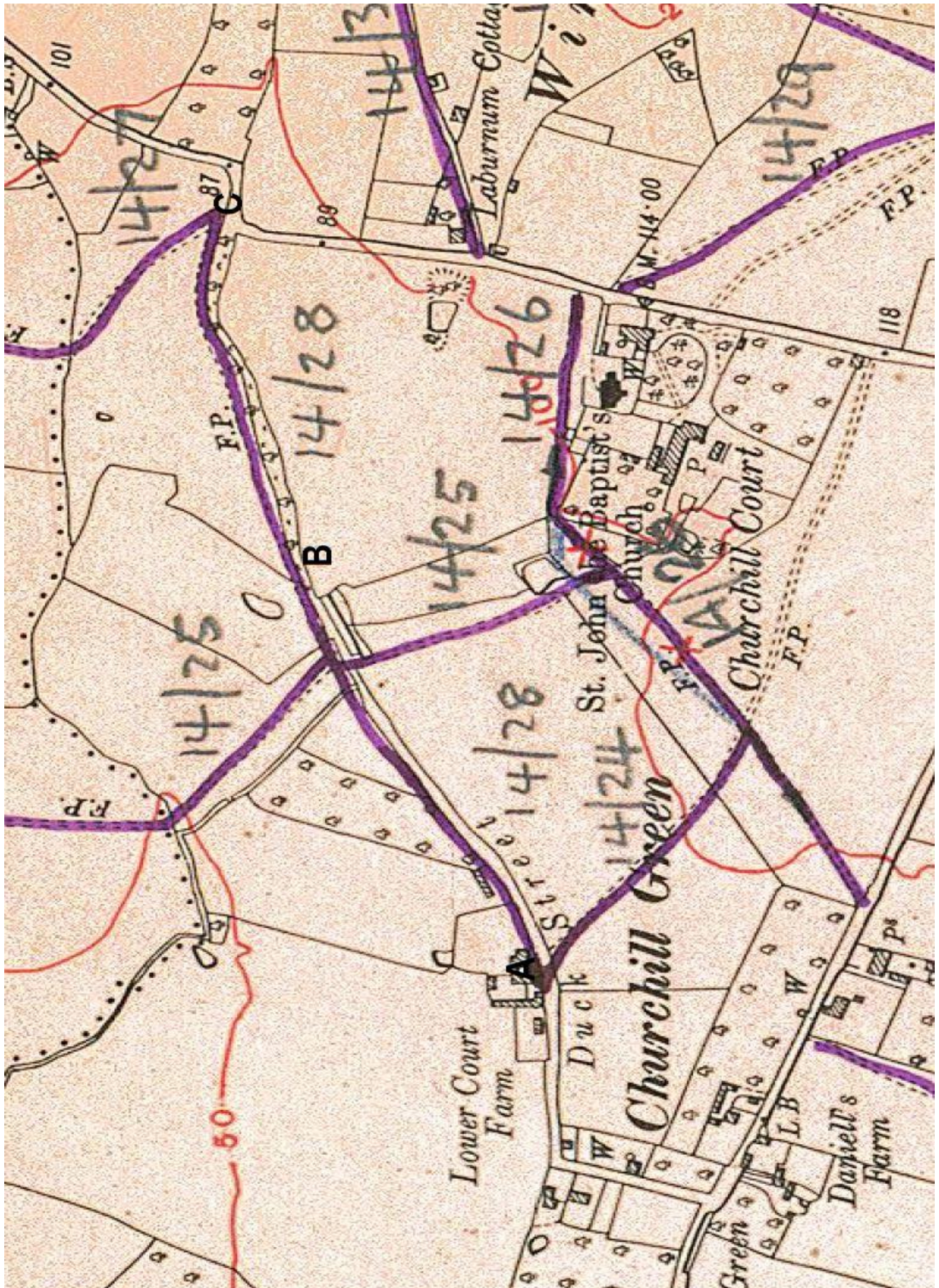
Approved by Rural District Council:—

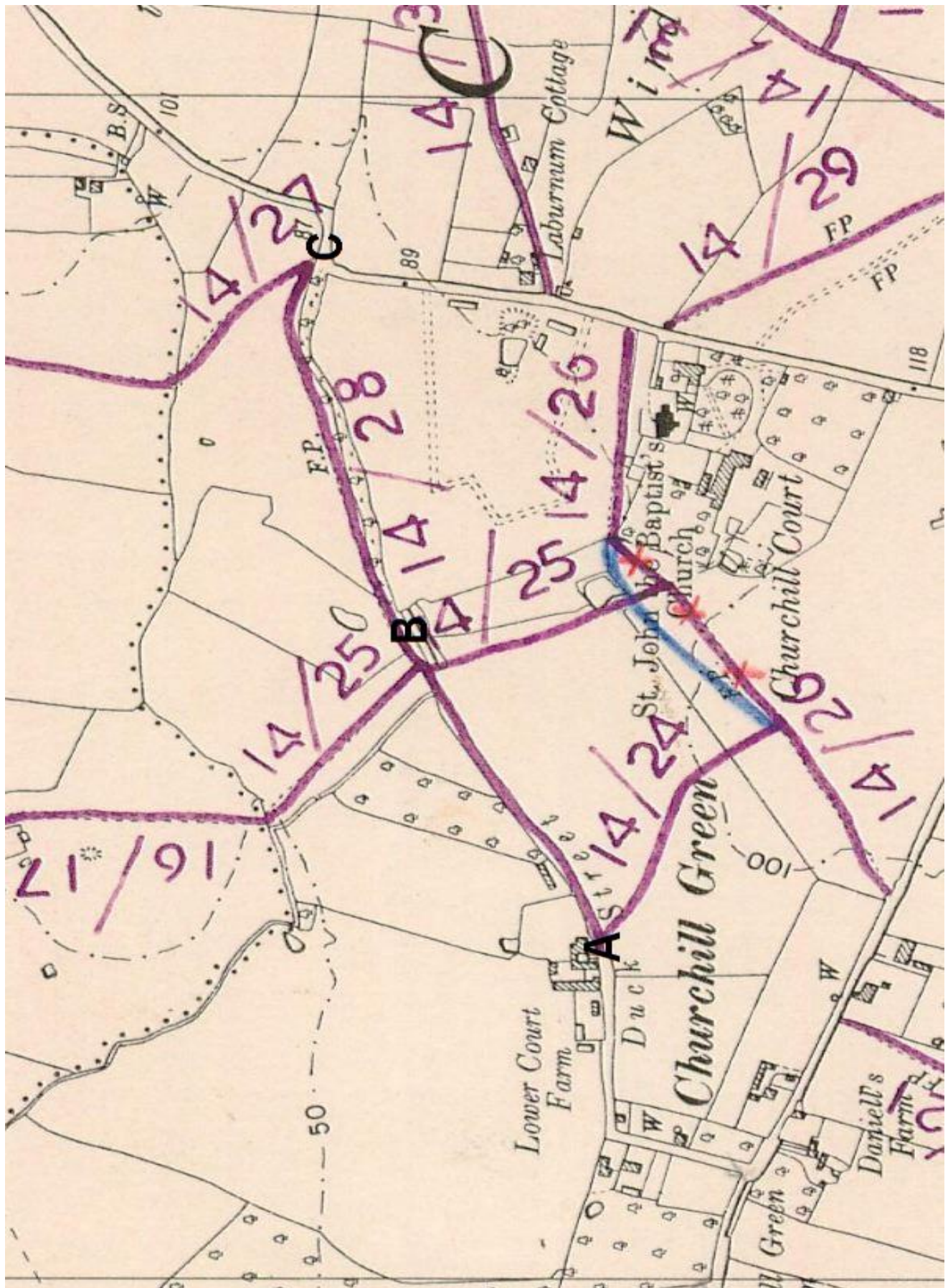
(Signed)
Chairman/Clerk
Date











1 11th St. 11 01 1250

Names collected & entered by Mrs. Carthy Sept 11th in April 1872
W.B.L. (1775) - 2018 - 22005703
Chorus of an added & entered in red by F. Churchill Sept 1872 in April 1902

O. S. 21.

List of Names as written on the Plan	Various modes of Spelling the same Names	Authority for those modes of Spelling	Situation			Descriptive Remarks, or other General Observations which may be considered of Interest
			Sheet	Plan	Trace	
Green Hill	Green Hill	Mrs. B. Lovell's of Green Hill see O.S. 21. 1872 - See O.S. 21. 1872 of XVIII - 4 No. 11	XVIII	4	2	Applies to a small hill feature situated to the west end of Churchill Green
Daniell's Farm	Daniell's Farm	Mrs. B. Lovell's of Green Hill see O.S. 21. 1872 No. 11	XVIII	4	2	A small farm out building situated on the S.E. corner of Churchill Green
Lower Court Farm	Lower Court Farm	Mrs. B. Lovell's of Green Hill see O.S. 21. 1872 No. 11	XVIII	4	2	Applies to a farm out building situated on the S.E. corner of Churchill Green
Common Lane	Common Lane	Mrs. B. Lovell's of Green Hill see O.S. 21. 1872 No. 11	XVIII	4	2	A grass lane extending W. from its junction with O.S. 21. near Churchill Green Farm to an end about 30 chains W. of Green Hill
Duck Street	Duck Street	Mrs. B. Lovell's of Green Hill see O.S. 21. 1872 No. 11	XVIII	4	2	Applies to a lane extending from its junction with O.S. 21. in Churchill Green to O.S. 21. 1872 of Green Hill

15

FORM 1

NORTH SOMERSET COUNCIL

WILDLIFE & COUNTRYSIDE ACT 1981

APPLICATION FORM FOR A MODIFICATION TO THE DEFINITIVE MAP AND
STATEMENT

To: Rights of Way
North Somerset Council
Development and Environment Department
PO Box 141
Weston Super Mare
BS23 1AE

1 We: (i) Woodspring Bridleways As
of: Longbottom Farm Shipton Somerset Somerset BS25 1RW
(ii) Longbottom Farm Shipton Somerset Somerset BS25 1RW

hereby apply for an order under Section 53 (2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the area by (iii) :-

(a) Deleting the footpath / bridleway / byway open to all traffic* which runs

from:
to: /

(b) Adding the footpath / bridleway / byway open to all traffic* which runs

from: King Road (the B.O.A.T.) known as Duck Street Churchill
to: Lower Court Farm County Road Churchill

(c) Up-grading / down-grading / footpath / bridleway / byway open to all traffic* the footpath / bridleway / byway open to all traffic* which runs

from: to from A-B as a
to: Restricted Byway

(d) Varying adding to the particulars relating to the footpath / bridleway / byway open to all traffic* which runs

from: King Road (Duck Street) Churchill
to: Duck Street Lower Court Farm Churchill

by providing that the minimum width of the route
is 14 feet

and shown on the map annexed hereto.

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

(iv) 1783 DAY & MASTERS either end
1822 Greenwood through route
all maps to date shown

Signed: [Signature]

Dated: 18/7/04

(i) Insert name of applicant(s) (ii)* Delete as appropriate
(ii) Insert address of applicant(s) (iv) Insert list of documents

X Good County (now NSDC) Property services on Survey of
Churchill Park. Given to NSDC some while ago
when Countryside Strategy Maps were done by Phil Toller
/ Used Forms to follow

Statement submitted by Woodspring Bridleways Association

Woodspring Bridleways Association DMMO for Duck Street, Mod 54.

Firstly, in the light of changes in legislation, the WBA has changed its claim from a BOAT to a Restricted Byway.

Secondly, the WBA has changed part of its claim from A to B, on the attached map, to be an upgrade to the current footpath. The section from B to C is to remain the same ie adding an unregistered track. And just to clarify, the WBA is not claiming the footpath along this section but the unregistered track,

I have attached some additional evidence, which the WBA believes shows that Duck Street should be shown on the Definitive Map as a Restricted Byway.

Additional Evidence

Appendix 1 – 1811 Surveyor's Map: Duck Street is shown as a continuous route from Churchill Green to King Road. It is also named on this map which the WBA believes shows it is not only much older than 1811, but it must have carried public rights, higher than a footpath. It is unlikely that a private route would have been named. Only one other road in the Congresbury/Churchill area is named on the map and that is Venus Street, which is public. In the Park Farm Historical Survey, which was attached to the original claim, the writers say that the term Street may be Roman. On the NSC interactive map it is designated a medieval Holloway. On some websites a Holloway is described as a track which has been worn away through use so that it is lower than the surrounding land.

Appendix 2a and 2b 1884 6 inch to the mile map: The claimed route is shown as a continuous route and is named. There appears to be a line across the King Road end. Footpath 14/28 is shown running parallel to the claimed route for the eastern half.

Appendix 3a and 3b 1904 6 inch to the mile map: The claimed route is shown the same as the 1884 map, but there is no barrier at the King Road end, it is completely open. The parallel footpath is also shown in the same position

Appendix 4a and 4b 1931 6 inch to the mile map: The claimed route is shown as the same as the previous two maps with the parallel footpath in the same position. This is a similar situation to Yanley Lane where there is a parallel footpath.

Appendix 5 Walking Card 14/28: Strangely, Duck Street is called Duck Lane, but the card clearly relates to Duck Street. The description says it starts from the King Road end and crosses two fields until it reaches Duck Street. The two fields are clearly shown on the maps and still look the same on Google Earth which suggests that the footpath stopped at point B on the WBA map. This must mean that Duck Street was public from B to A and that it had a higher right than a footpath on that section otherwise the walking card would have described the footpath continuing down a track. The parish council only had to look at footpaths, bridleways and RUPPs so the inference has to be that the footpath ended on a public highway with higher rights than the footpath. At some stage, during the Definitive Map process, the section from B to A was downgraded to a footpath.

Appendix 6 Object Names Book: I still cannot read the full description. The first part says: *Applies to a lane extending from the junction with ?? in Churchill Green....* I have asked for a better quality photo to be sent to me, but it hasn't arrived yet. However the term lane can mean a public route with a higher right than a footpath. Justice Shearman, in *Attorney General v Council of the Metropolitan Borough of Woolwich (Kings Bench Division 1929)* said that he considered the term lane to usually mean a minor road leading to one main road and another main road. It is clear from the maps that the claimed route runs from one main road to another.

I know that you are looking at the maps held by NSC which include the following:

Day and Master
Greenwood: where it is shown as a continuous route.
Banwell & Churchill Enclosure Award
Churchill Tithe: It has a hereditament number
Finance Act 1910
Handover Map 1930

The WBA believes Duck Street is a very old road which fell into disuse, but once a highway always a highway. We therefore believe it should be shown on the Definitive Map as a Restricted Byway.

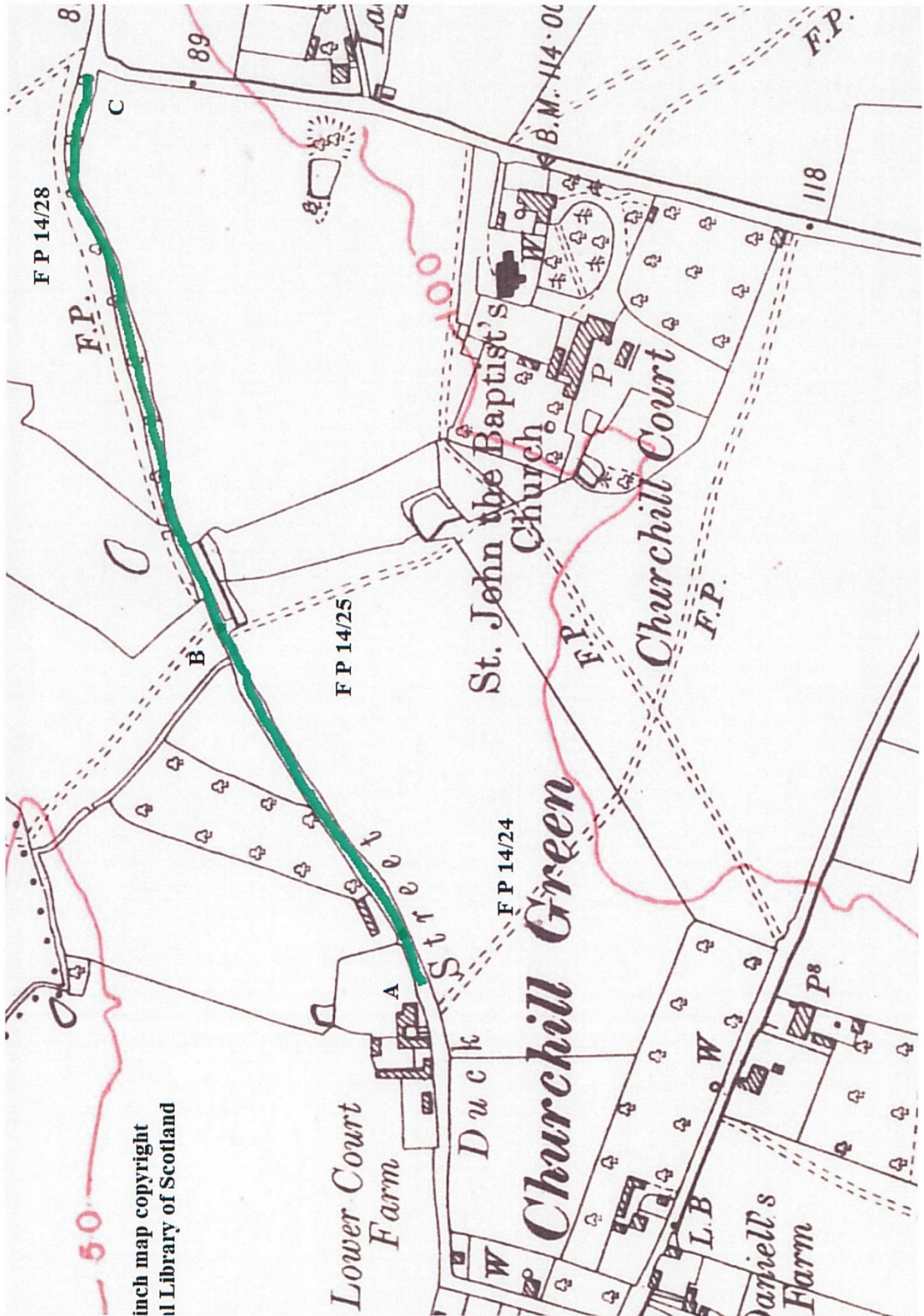
List of Documents

SENT WITH ORIGINAL APPLICATION
ACC Property Survey Park Farm

DOCUMENTS NSC IS LOOKING AT
Day & Masters
Greenwood
Avon County Property Services Survey
Banwell & Churchill Enclosure Award
Churchill Tithe
Finance Act 1910
Handover Map 1930
Definitive Map including Statement and Walking Cards

NEW EVIDENCE
Appendix 1 1811 OS Surveyors Drawing
Appendix 2 1884 OS 6 inch map
Appendix 3 1904 OS 6 inch map
Appendix 4 1931 OS 6 inch map
Appendix 5 Walking Card 14/28
Appendix 6 Object Names Book

Woodspring Bridleways Claimed Route



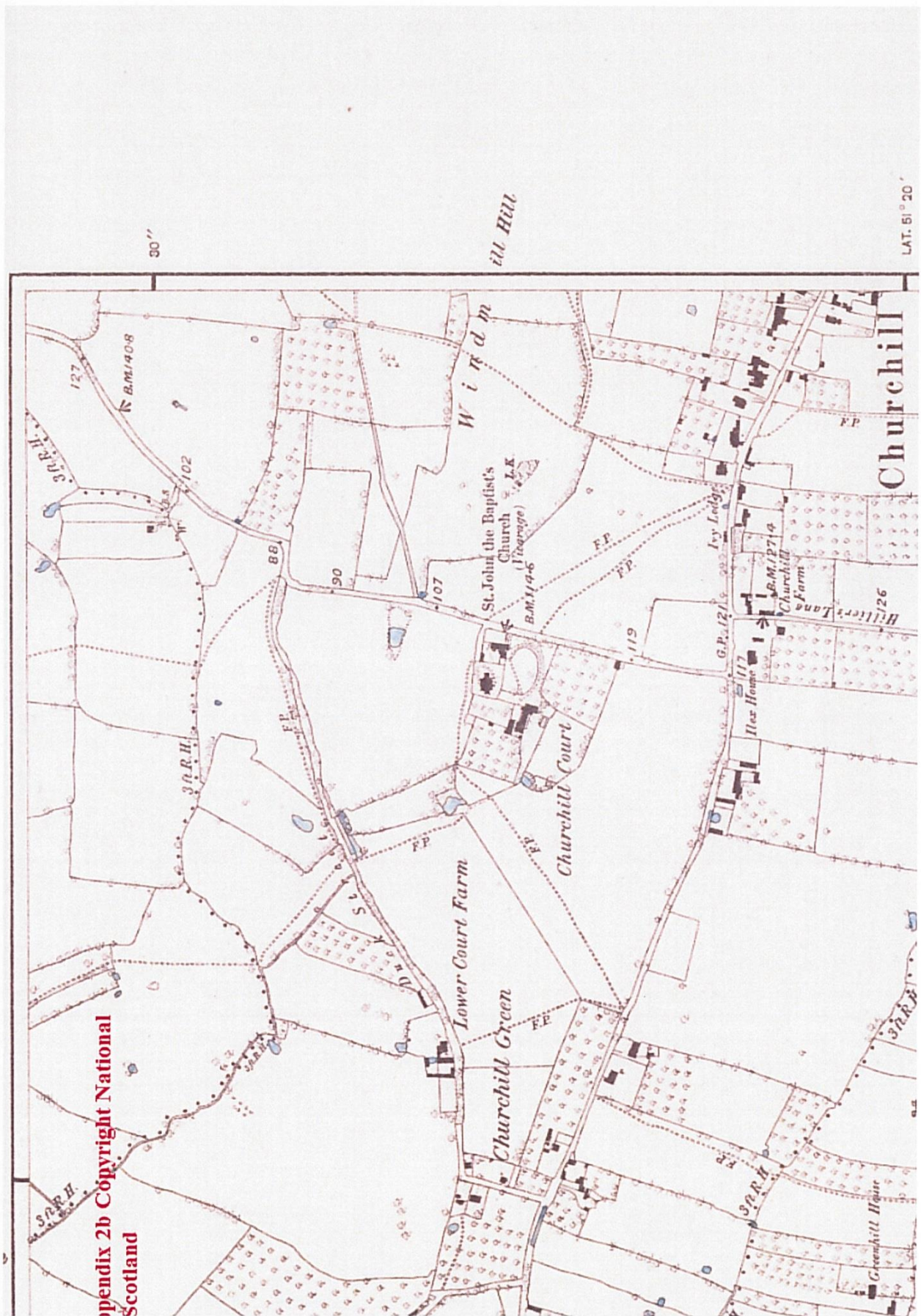
APPENDIX 1 – 1811 SURVEYORS MAP

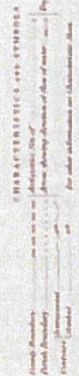


APPENDIX 2a
1884 6 inch to the mile map

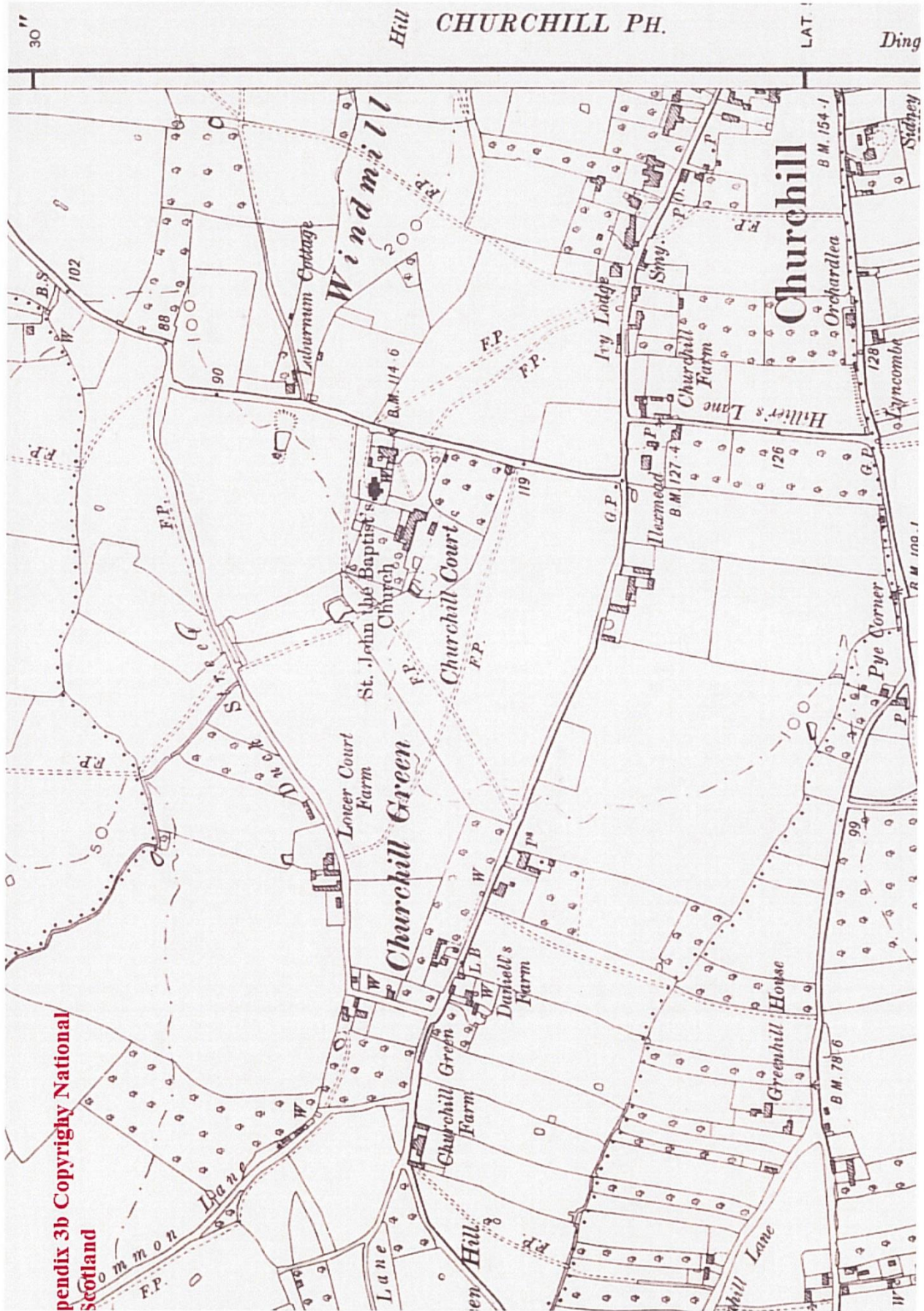


APPENDIX 2b
1884 6 inch to the mile map



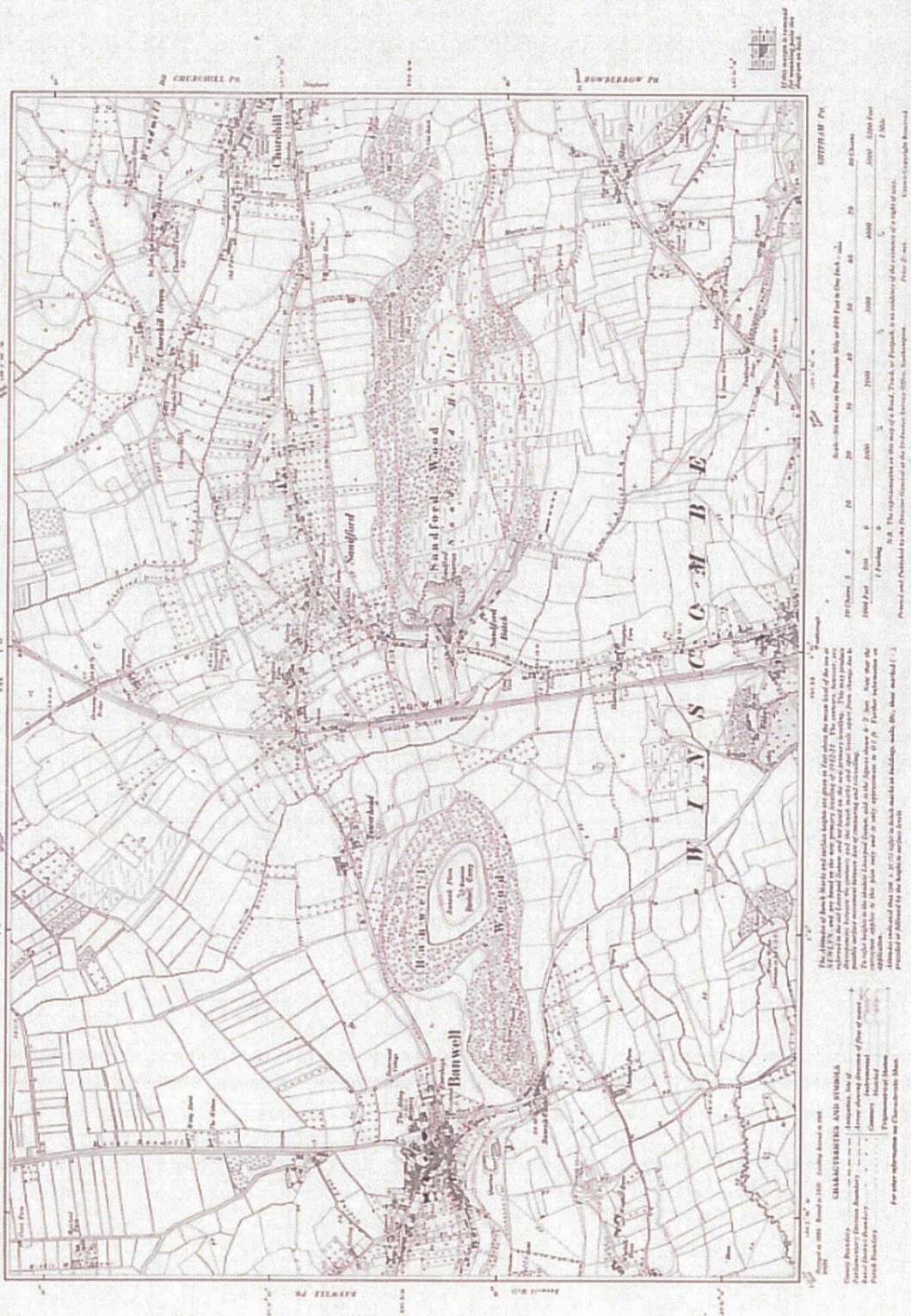


APPENDIX 3b
1904 6 inch to the mile map



WBA appendices 4a Copyright National Library Scotland

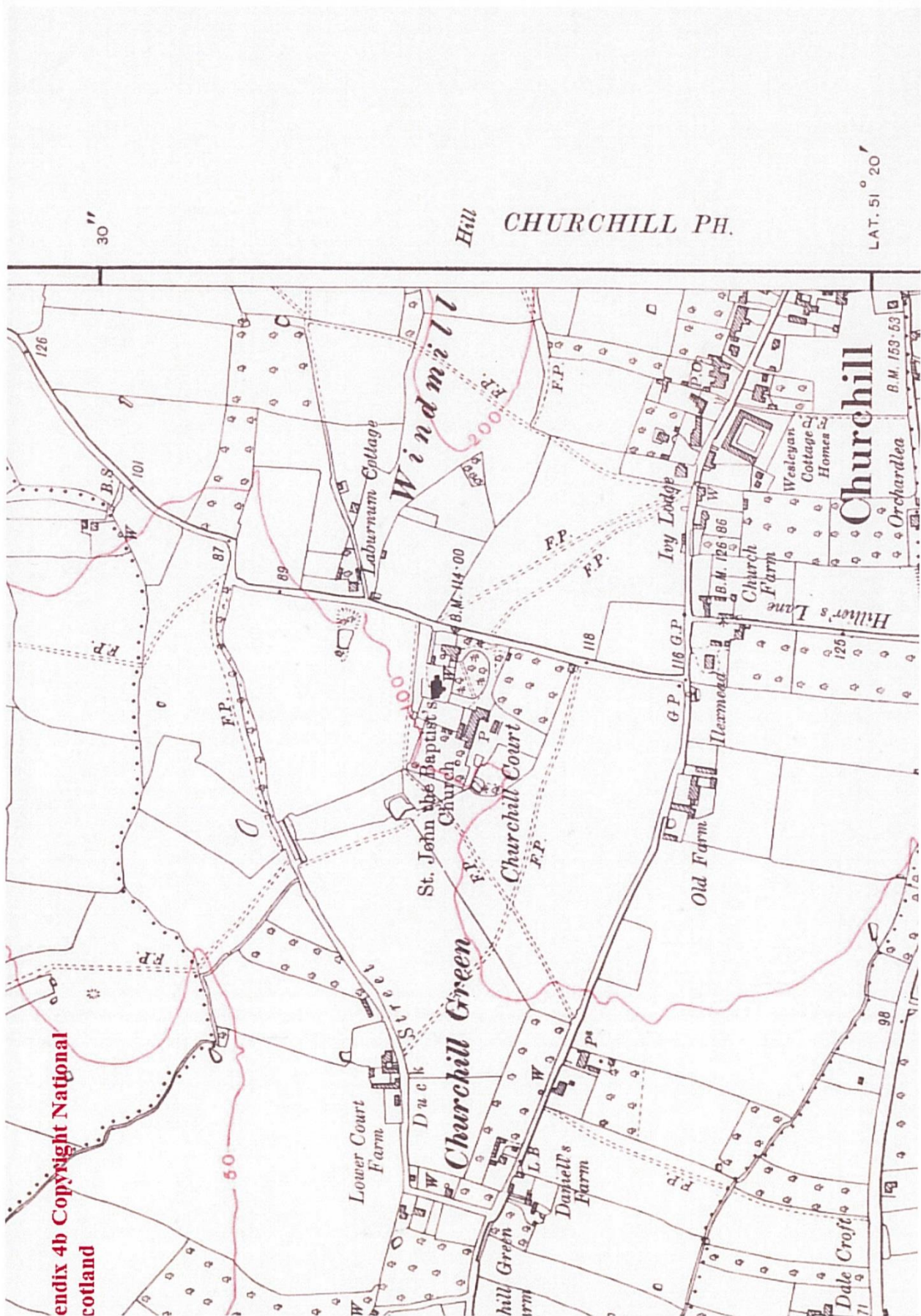
EDITION OF 1931



APPENDIX 4a

to the mile map

APPENDIX 4b
1931 6 inch to the mile map



SOMERSET COUNTY COUNCIL BOROUGH-URBAN-DISTRICT-PARISH OF - CHURCHILL
(delete as necessary)

NATIONAL PARKS & ACCESS TO THE COUNTRYSIDE ACT, 1949
SURVEY OF PUBLIC RIGHTS OF WAY.

Parish No. of Path :- 28 Path shown on 6" O.S. No. :- 17 N.E. Kind of Path, i.e. F.P., B.R., C.R.F. or B.R.F. :- F.P.

DESCRIPTION :- The path starts at King Rd - field gate as F.P No 27 across field to field gate - exit by field gate into Duck Lane.

P.T.O.

Commerce & Finance to be established on the 1st of January 1901.

[illegible]