

North Somerset Council

REPORT TO THE PUBLIC RIGHTS OF WAY SUB COMMITTEE

DATE OF MEETING: 21 NOVEMBER 2018

SUBJECT OF REPORT: FRY'S LANE TO A368 BATH ROAD

TOWN OR PARISH: BURRINGTON AND RICKFORD

OFFICER/MEMBER PRESENTING: DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

KEY DECISION: NO

RECOMMENDATIONS

It is recommended that

- (i) the Public Rights of Way Sub Committee authorise the relevant officer to reject this application relating to Mod 60 Fry's Lane to Rickford Farm Burrington because there is insufficient evidence to suggest that the route AX10/30 (A-B-C-D shown on the attached Location Plan) should be recorded as a Byway open to all Traffic

1. SUMMARY OF REPORT

This report considers an application which was made on the 13 January 2005. That application requested that a route, in the Parish of Burrington, should be recorded as a Byway Open to all Traffic. Such application for a Definitive Map Modification Order is submitted under Section 53(5) of the Wildlife and Countryside Act 1981. The effect of this request, should Orders be made and confirmed, would be to amend the Definitive Map and Statement for the area.

The application, submitted by Sedgemoor Byways and Bridleways Association, has not provided any documentary or user evidence upon which they wish to rely. The claimed route is illustrated on the attached Location Plan EB/MOD 60 as A-B-C-D.

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 viewed by North Somerset Officers is included in the Appendices to this report, listed below. Also listed below are the Documents that are attached to this report. Members are welcome to inspect the files containing the information relating to this application, by arrangement with the Public Rights of Way Section.

Location Map EB/MOD 60

Appendix 1 – The Legal basis for deciding the claim

Appendix 2 – History and Description of the Claim

Appendix 3 – Analysis of Applicants Evidence

Appendix 4. – Analysis of the Documentary Evidence

Appendix 5 – Consultation and Landowners Responses

Appendix 6 – Summary of Evidence and Conclusion

Document 1 – 1884 Ordnance Survey Map

Document 2 – 1898 Ordnance Survey Map

Document 3 – 1904 Ordnance Survey Map

Document 4a – 1904 Bartholomew Half inch to Mile Map

Document 4b – 1904 Bartholomew Half inch to Mile Map Key

Document 5a – 1922 Bartholomew Half inch to Mile Map

Document 5b – 1922 Bartholomew Half inch to Mile Map Key

Document 6 – 1931 Ordnance Survey Map

Document 7 – 1959 Ordnance Survey Map

Document 8 – 1814 Wrington Enclosure Award

Document 9a – Burrington Tithe Map 1840

Document 9b – Burrington Tithe Apportionment

Document 9c – Burrington Tithe Apportionment

Document 10a – 1910 Finance Act

Document 10b – Domesday Valuation Book 1910

Document 11 – 1913 Burrington and Wrington Enclosure Award

Document 12 – 1930 Handover Map

Document 13 – Definitive Map Process Walking Card AX10/30

Document 14 – Definitive Map Process – Draft Map

Document 15a – Definitive Map Process – Objection Sheet

Document 15b – Press Notice 24 July 1964

Document 15c – Definitive Map Process – Draft Modification Map

Document 16 – Definitive Map Process – Provisional Map

Document 17 – 1956 Definitive Map

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 the route A-B-C-D which is currently recorded as Restricted Byway AX 10/30 (A-B), Footpath AX 10/30 (B-C) and Restricted Byway AX 10/30 (C-D) on the Definitive Map it is necessary for the Committee to consider 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 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 pre-order consultation letters have been sent to affected landowners. In addition to this Burrington Parish Council, Local members, interested parties and relevant user groups have also been included. Detail of the correspondence that has been received following these consultations is detailed in **Appendix 5**.

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 as is the case with this application.

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

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:

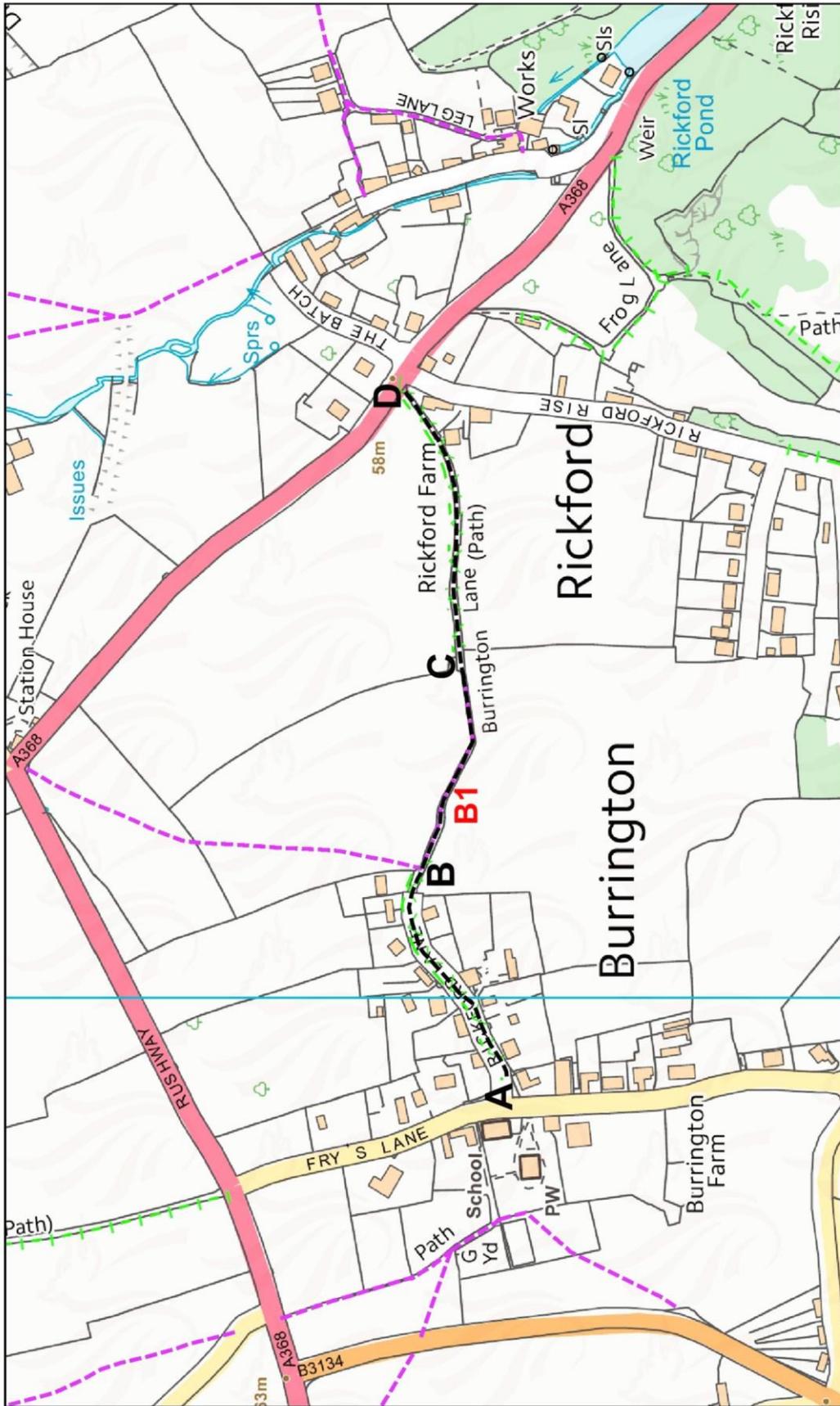
1. Whether the evidence supports the making of a Definitive Map Modification Order upgrading Restricted Byway AX10/30 (A-B) to Byway open to all Traffic
2. Whether the evidence supports the making of a Definitive Map Modification Order upgrading Footpath AX10/30 (B-C) to Byway open to all Traffic
3. Whether the evidence supports the making of a Definitive Map Modification Order upgrading Restricted Byway AX10/30 (C-D) to Byway open to all Traffic.
4. Whether the evidence supports the making of a Definitive Map Modification Order upgrading Footpath AX10/30 (C-D) to either Restricted Byway or Bridleway
5. Whether the application should be denied as there is insufficient evidence to support the making of an Order for any of the above.

AUTHOR

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BACKGROUND PAPERS: - Public Rights of Way File Mod 60

**LOCATION MAP
EB/MOD 60**



PROW

Location Map EB/MOD 60

Fry's Lane to A368 Bath Road Rickford



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Scale: 1:4000
 Drawn by: Lucy Roca
 Date: 29 August 2018
 Time: 10:37:55

Castlewood, Tickenham
 Road, Clevedon, BS21
 6FW



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 because 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 –

- (ii) "that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description"

The basis of the application in respect of the Byways Open to all Traffic is that the requirement of Section 53(3)(c)(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 13 January 2005 from Sedgemoor Byways and Bridleways Association. The basis of this application was that the route A-B-C-D shown on the attached Location Plan should be recorded as a Byway open to all Traffic on the Definitive Map. The Applicant did not supply any user or documentary evidence within their application, but later sent historical plans on 5th April 2018 which they believe supports their claim.

Listed below is the additional evidence the Association has referred to:

1884 Ordnance Survey Map
1898 Ordnance Survey Map
1904 Ordnance Survey Map
1904 Bartholomew Half Inch to the Mile Map
1922 Bartholomew Half Inch to the Mile Map
1931 Ordnance Survey Map
1959 Ordnance Survey Map

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

The Council has undertaken additional research into records that are held within the Council as well as those which had previously been obtained from external sources. These are detailed in **Appendix 4** of this report.

This matter is currently recorded on the Definitive Map Register as Mod 60.

2. The 2005 application claims that a Byway open to all Traffic should be recorded over a route known as Rickford Lane and Burrington Lane which is currently recorded as Restricted Byways and Footpath. The claimed route affects routes in the Parish of Burrington.
3. The route being claimed commences at its junction of Fry's Lane, Point A and proceeds in an easterly direction along Restricted Byway AX 10/30 for 201 metres to Point B.
4. From Point B, the route proceeds along Footpath AX10/30, which passes through an ancient Kissing Gate (Point B1) for approximately 167 metres to Point C. This then joins onto Restricted Byway AX 10/30 and continues in the same direction for a further 253 metres to Point D, ending at its junction with the A368. Therefore, making the total length of this route 621 metres long.
5. This claimed Byway open to all Traffic is illustrated as bold black line on the attached Location Plan (scale 1:4000).

Analysis of Applicants Evidence

1884 Ordnance Survey Map 6 inches to the mile copyright National Library of Scotland

This plan illustrates all classes of routes in this area. It was not possible to draw a distinction between routes that were public or private due to the distance from which these areas were surveyed. The applicant has labelled this route as A – B however it is the full length depicted. The Map illustrates a through route bounded on both sides implying that the route may have been capable for use, however what that use was cannot be confirmed. It should be noted that there appears to be a line drawn across the end of the route near point B.

An extract of this map is attached as **Document 1**.

1898 Ordnance Survey Map

This plan produced in 1898 has started to illustrate routes in a differing fashion. Some routes are drawn thinner than others suggesting that there was an opinion of differing status. The claimed route seems to be illustrates in a similar style to that of Cul de Sac routes. In addition to this the practice of “shading” can be seen.

Information detailed within a publication entitled ‘Ordnance Survey Maps, a concise guide for historians’ by Richard Oliver published in 1993 provides information relating to the practice of shading.

This article advises that the classification of roads by administrative status was practised from 1884 onwards. It states that all metalled public roads for wheeled traffic kept in good repair by highways authorities [‘includes county, district and parish surveyors’] would in future be shaded’.

By 1896 roads were to be classed as first or second class according to whether they were Main or District roads, as classified by the surveyors to Rural District Councils; other roads were to be classed as second class if they were metalled and ‘kept in good repair’. ‘Good repair’ meant that it should be possible to drive carriages and light carts over them at a trot.

Both first and second-class roads were to be shown on the published maps in the same way, by shading one side. Third class metalled and unmetalled roads were to be shown without such shading. The abolition of shading in November 1912 effectively ended this system.

This OS edition illustrates the route as a through route. However, the process described above is not depicted on the claimed route suggesting this to be a third class or less status. It should also be noted that the Applicant has labelled the route as A-B, whereby ‘B’ is located at Point D of the claimed route.

An extract of this map is attached as **Document 2**.

1904 Ordnance Survey Map 6 inches to the mile

This 1904 OS edition map illustrates the route as a through route labelled as ‘Burrington Lane’. However, like the other OS Maps, its depiction does not clarify its status. What can

be seen is the previously described thickened line on routes which are now known to be adopted highways maintained by the Highway Authority. Rickford Lane and Burrington Lane does not have such depiction. The route is shown as a through route capable of being used but is shown as a thinner route than others in the area. It should also be noted that the applicant has labelled the plan 'A-B', whereby Point 'A' is located between the claimed points A and B, and point 'B' is located at the claimed point D.

An extract of this map is attached as **Document 3**.

1904 Bartholomew Half inch to the mile

This map produced in 1904 illustrates the claimed route as a through route. On this map, the route is also depicted as a red dashed line, which states in the key that it was classed as a 'Secondary Class Road (Good)'. Its depiction on this map does not provide evidence of its status only that the route existed on the ground and may have been capable of being used. It should be noted that the key supplied by the applicant has a footnote which reads "N.B. The representation of a road or footpath is no evidence of the existence of a right of way"

An extract of this map and key is attached as **Document 4a and 4b**.

1922 Bartholomew Half inch to the mile

The applicant has also referred to this 1922 edition of the Bartholomew Map, whereby it depicts the route in a same manner as that described above. It should be noted however, that the key provided with this map is different to that previously discussed. This key states that "Through Roads, First Class Roads, and Secondary Roads were motoring roads" No reference is made to the previous 'N.B.'. This is the only document submitted which implies that this route could be used by motor propelled vehicles.

An extract of this map and key is attached as **Documents 5a and 5b**.

1931 Ordnance Survey Map

This OS edition map also illustrates the route as a through route labelled as 'Burrington Lane'. However, like the other OS Maps, its depiction does not clarify its status. What can be seen is the previously described thickened line on routes which are now known to be adopted highways maintained by the Highway Authority. Rickford Lane and Burrington Lane does not have such depiction. It should be noted that the applicant has labelled the route 'A-B' where point B is in the vicinity of the claimed point D.

An extract of this plan is attached as **Document 6**.

1959 Ordnance Survey Map

This later edition of the OS Map again demonstrates the route as a through route. However, unlike other known public highways, that are coloured orange on the map, this route is not coloured in any way. Instead the route is depicted as a Footpath, demonstrated by the label 'FP' alongside. It should be noted that the applicant has labelled the route 'A-B' where point B is in the vicinity of the claimed point D.

An extract of this map is attached as **Document 7**.

Analysis of the Documentary Evidence

Further evidence was investigated by North Somerset Council and is listed below in chronological order. This route is illustrated on the Location Map EB/MOD 60 attached.

Wrington Enclosure Award (1814) Somerset Record Office: Q/RDE/124

This Enclosure Award dated 1814 refers to the allotment and exchanges of land within the parish of Wrington. This Award includes two plans, one to show the allotment of common land, and one to show the exchanges of lands. For the claimed route, points B1-C-D is illustrated on the exchange plan. It would appear that the part of the claimed route which is illustrated has been done to illustrate access to the land which has been detailed in the Enclosure Award. This plan provides evidence of the existence of this part of the claimed route however does not assist in establishing its status.

An extract of this plan is attached as **Document 8**.

Burrington Tithe Map and Apportionment (1840) Somerset Record Office Ref: D/D/Rt/M/100 and D/D/Rt/A/100

The Tithe Commutation Act was passed in 1836 under which all tithes were to be converted into a fixed money rent by an award made by the Commissioners appointed under the Act. It was an enormous task as it required all the land to be assessed for the value of its average produce and each field to be accurately measured and located for the permanent record. This Tithe Map of Burrington illustrates the route A-B-B1-C-D that runs from Burrington to Rickford in the year 1840.

The only apportionment which the claimed route seems to pass through is that numbered 256. This record in addition to the surrounding apportionments are detailed in the table below.

Reference Number	Ownership	Occupier/Tenant	Description
238	His Grace the Duke of Cleveland	Henry Collins	Long Craft and Barley Close – Pasture
256	His Grace the Duke of Cleveland	Henry Collins	Slate Mead – Arable
257	His Grace the Duke of Cleveland	John Keel	Paddock in R.Lane - Arable
258	His Grace the Duke of Cleveland	John Keel	Orchard
264	His Grace the Duke of Cleveland	John Keel	Short Lands - Pasture
265	His Grace the Duke of Cleveland	John Keel	Inner Short Lands - Pasture
266	His Grace the Duke of Cleveland	John Keel	Lanbourn & I. Mead - Pasture
267	His Grace the Duke of Cleveland	Henry Collins	Lanbourn - Pasture
295	His Grace the Duke of Cleveland	John Keel	Garden

None of these entries make reference to a route that would be described as a road.

The extracts of the Tithe Map and Apportionment is attached as **Documents 9a, 9b and 9c.**

Finance Act (1910) Somerset Record Office Ref: DD/IR/OS/18.2

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 a special edition of the Second Edition OS County Series Maps at 1:2500 scales. The Finance Act process was to ascertain tax liability not the status of highways. The documents 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.

This plan illustrates the claimed route A-B-B1-C-D as a through route and is labelled as Burrington Lane. From Point B to just past Point C, appears to be included within the Hereditament numbered 43. The continuation to Point D of the claimed route is included within the hereditament numbered 45. Entries relating to these two parcels of land are listed within the Valuation book extract attached.

It should be noted that there are no deductions relating to the existence of a public right of way at this time. In addition to this these hereditaments have encompassed the claimed route, not excluded it.

The extract of this plan and valuation book is attached as **Documents 10a and 10b.**

Burrington and Wrington Enclosure Award (1913) Somerset Record Office Ref: Q/RDE/161

This later Enclosure Award whilst including a full plan of the areas of Burrington and Wrington, has only illustrated areas of common land green and the written document only refers to those green areas. The map within this Enclosure Award of the parishes of Burrington and Wrington, illustrates the route A-B-B1-C-D and is labelled on the map as Burrington Lane.

The map shows the full route A-B-B1-C-D bounded on both sides by the adjacent fields. This route shows an arrow connecting with the number 276 and 0.663 which I believe refers to acres. There isn't any reference to this number within the Award itself. It should be noted that all access routes are numbered in a similar fashion. At this time, it has not been possible to obtain further information relating to this numbering.

An extract of the Map is attached as **Document 11.**

Handover Map (1930) North Somerset Council

These Handover maps, which were drawn up in 1930 are on an 1887 map base. The purpose of these documents was to illustrate routes which were 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 plan shows the full length of the claimed route coloured brown, which today would represent a Class 4 Unclassified Road. However, it is unclear as to what this depiction meant. It should also be noted that the number 78 has been written against this route A

hand written list contained within North Somerset Councils archives lists "78 Burrington Lane as an Unclassified Road".

From Point A, Rickford Lane, to point B1 this section is labelled "CRF", which mean Public Carriage or Cart Road or Green (unmetalled) Lane mainly used as Footpath. Section B1-C is labelled "FP", which means a Footpath. Section C-D is again labelled as "CRF".

This information would indicate that these routes were regarded as very minor highways mainly being used on foot. These markings correspond with how this route is recorded on the Definitive Map. Through various changes in legislation CRF's changed to RUPP's (Roads used as public Path) and then to Restricted Byways.

This map is attached in **Document 12**.

Definitive Map (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 parish council were responsible for surveying and recording the public rights of way in their parish. These routes were recorded on a plan, which in due course would be forwarded to Somerset County Council along with the walking card. Unfortunately, we do not hold a copy of the Parish Survey Plan, however the walking card for AX10/30 reads "The S. side of Bath Weston main road near Rickford Farm. This 9' path is metalled and hedged throughout. After 50 yds F.G (*field gate*) on left after 300 yds is a K.G. (*kissing gate*) The path merges into Burrington Square near gate leading to the orchard of Simon's Cottage. This C.R.B. is known as Burrington Lane". This walking card was handwritten and recorded as a C.R.B (Public Carriage or Cart Road or Green (unmetalled) Lane mainly used as a Bridleway) by later crossed out in pencil and labelled C.R.F (Public Carriage or Cart Road or Green (unmetalled) Lane mainly used as a Footpath). This card was also signed and dated.

A copy of this walking card is attached as **Document 13**.

Once all this information had been passed to Somerset County Council a Draft Map for the area was produced. That draft map was placed on deposit within the Parishes, normally within the Church so that persons could comment on the routes which had been detailed by the Parish Council. Any comments received were considered by Somerset Council and if accepted were then illustrated on the Draft Map Modification Plan. As can be seen on the Draft Map, the full length of the route is illustrated as a green dashed line numbered 10/30. However, the middle section, between point B-C, is marked and labelled "F.P. Only, No Cycling".

An extract of the Draft Map is attached as **Document 14**.

The Draft map objection documents list an entry relating to FP 10/30. This is hand written at the bottom of the page. Although of poor quality this reads "centre section has the Cycling Order therefore FP10/30". In a notice placed in the press on 24 July 1964 which lists modification which are to be made to the Draft Map this entry is described as Re-

designate CRF 10/30 (part) as FP. This shows that this section of the route was issued a 'no cycling rule' confirming that the route should be known as FP 10/30. This can be seen on the Draft Modification Map, as illustrated as a solid purple line between points B and C.

An extract of the Objection sheet and Draft Modification Map is attached as **Documents 15a, 15b and 15c.**

The Provisional Map was again placed on deposit within the Parish, this time so that Landowners could comment on the routes which had been recorded by Somerset County Council. If objections were received, these entries were either maintained or removed from the map. As can be seen from this map, it illustrates the claimed route A-B as a green dashed line C.R.F 10/30, B-C as a purple solid line Footpath 10/30, and C-D as a green dashed line C.R.F. 10/30.

An extract of this map is attached as **Document 16.**

Following this process, the Definitive Map which carries a relevant date of 26 November 1956 was published around 1965. This is our legal record of public rights of way and illustrates the claimed route of A-B-C-D as described above and labelled Burrington Lane.

All the above documents illustrate that the Definitive Map process was conducted in line with the requirements of the 1949 Act. The information relating to the existence of a Cycling Order prohibiting cyclists caused Officers of the time to re-designate the central section to Footpath and no challenge to that decision was registered..

This map is attached in **Document 17.**

Evidence from Burrington Parish Council – Parish Council Minutes

The following extracts have been provided by Burrington Parish Council Chairman, obtained from the Parish Council Minutes held by him. These provide evidence relating to the installation of the kissing gate at point B1.

February 26th 1898 –

"A meeting of the Parish Council was held at the Schoolhouse Burrington on Saturday Feb 26th at six o'clock... It was proposed by Mr Llewellyn and seconded by Mr Phillips and carried that a committee consisting of Messers Sprat, Phillips, & Baker be authorised to have the Turnstile in the "Dring" leading from Burrington to Rickford so altered that horses cannot be taken by that way as is at present the custom.

October 15th, 1898 –

*"... The Committee appointed Feb 26th 1898 To deal with the difficulty arising from horses and machines being taken through the 'Dring' between Burrington & Rickford reported that although they had directed Mr John Clarke, builder, to give an estimate for a new stile nothing had been done, It was now decided that the same Committee should at once have the **re-altering** work done by some other carpenter and that no further delay should take place..."*

December 17th 1898 –

"... The committee appointed to see to the repair of the parish pump and to the erection of a gate in the Rickford Dring reported the progress made."

January 7th 1899 –

“...It was unanimously agreed that the new style as erected in the Rickford dring was unsecure and must be without any delay attended to.”

April 29th 1899 –

“Rickford Dring – It was reported that this Tram hatch in Burrington Rickford Dring had been securely erected.”

April 9th 1900 –

“Rickford Gate – It was resolved that the Gate and pump in the Dring leading from Burrington to Rickford be painted White.”

February 11th 1901 –

“... The District Council be asked to pay a bill of day hours for painting the gate in the path leading from Burrington to Rickford.”

April 16th 1904 –

“Rickford Path – Mr Harding was requested to lay before the District Council condition of the gate in the path leading from Burrington to Rickford.”

April 15th 1910 –

“Rickford Path – The Clerk was requested to write the District Council respecting the Tram Hatch and ask them to put the same in repair at once, also the agent of Mr Douglas asking him to make good the hedge on the S Side...”

January 21st 1911 –

“The Clerk was instructed to write Mr Baber agent to A.D.Pass respecting the fence by the gate in this path and ask him to put same in repair.”

April 19th 1913 –

“Having heard the inspector of nuisances was writing Mr Cox respecting the nuisances running from his manure across the path the matter was deferred”

April 16th 1914 –

“It was resolved that Mr Parker be asked if his request had been carried out with regard to the nuisance in this path”

November 13th 1945 –

“Tram Hatch in Rickford Lane – The Clerk reported that the tram hatch and railings in Rickford Lane was in a bad state of repair. The gate had been lifted off and railings broken and after discussion Mr Brooks prop that the Clerk be authorised to have the repair done this seconded by Mr Elsworth and put to the meeting and carried...”

April 17th 1946 –

“... The Clerk produced bills for payment, Clerks salary £7 – 10s. 0, audit stamp 5% Fidelity Bond 5%, R.J Millar £8.15.0 for repairing and refitting tram hatch and railings in Rickford Lane.”

January 25th 1949 –

“Cycling on Footpath – Cycling on Footpaths not by the side of County Roads and after discussion Mr Payne proposed that Rickford Lane should come under the Bye Law prop by the County Council this was sec: by Mr Elsworth and put to the meeting and carried.”

July 15th 1952 –

“Mr Plumley raised the question of removing the (Tram Hatch) in Burrington Lane for the convenience of parents with small children and after discussion the Clerk was instructed to ask the advice of the Highway surveyor on the matter.”

“... Matters arising was the question of the removal of the Tram-Hatch in Burrington Lane. The Clerk reported that he had an interview with the District Highway Surveyor on the matter and he stated that the County Council would raise no objection to the removal of the gate and after discussion Mr S Brooks prop: that the tram hatch should remain. This was seconded by Mr A.E. Milliar an amendment that the gate should be removed for a period of one month this was by Mr K Plumley and on been put to the meeting the amendment was carried by the casting vote of the Chairman.”

September 30th 1952 –

“The minutes of the last meeting was read confirmed and signed matter arising was the question of the Tram Hatch in Burrington Lane. The Clerk stated that the trial period was up and Mr Milliar reported that motor cycles had been ridden through the lane and after discussion on the matter Mr G Brooks proposed that the Tram Hatch be reinstated and that a small portion of the railings on the south side of the gate be made to open for the convenience of persons with prams this was seconded by Mr K Plumley put to the meeting and carried correspondence was needed from the Solicitor to the Somerset Association of parish Councils stating that the parish council was responsible for repair to footpaths and stiles on Glebe Land.”

January 27th 1955 –

“...The County Council Highway Surveyor and he had stated that the two footpaths in question were public footpaths and that the maintenance was the liability of the county council. The Clerk stated that he had written to the County Council RE: the riding of cycles and motor cycles through Rickford Lane and was waiting a reply.”

“... Complaint Re: Cattle been driven down through Rickford Lane was raised, The Clerk was instructed to write Mr Hobbs on the matter.”

July 28th 1959 –

“... correspondence was then read from Mrs Jones protesting re the County Council bye law prohibiting cycling in a part of Rickford Lane. After discussion on the contents of the letter the Chairman stated he would write to Mrs Jones and explain to her the reason why the bye law had been sanctioned.

This information from the Parish Council Minutes has provided verification on a couple of matters relating to this path. The claimed route was referred to as “The Dring”, my understanding of this is that this is a locally used term for a narrow green lane. It also verifies that there has been a structure at the spot marked B1 since 1898. This structure now a wrought iron kissing gate has been referred to as a Gate, Stile or Tram Hatch.

Reference has been made to use by horses and cattle however action was taken to stop such use, this being the introduction of the gate at Point B1.in 1898. A clear intention that such use was not wanted and no intention by the owner of the land to dedicate.

Further to this a ‘No Cycling Bye Law’ is believed to have been in existence since 1949, this is documented in the minutes above. It is claimed that until recently no cycling signs were visible. Photographic evidence of the existence of this sign can be viewed via Google Street view dated March 2009 and November 2015.

Unfortunately, it has not been possible to locate the cycling byelaw which has been referred to within the above minutes. Various locations including Somerset Record Office and North Somerset Council Legal Department have drawn a blank.

A document which has been located is that relating to Burrington Commons Byelaws and Regulations. These byelaws and regulations are in respect of areas of Commons Land situate in the Parishes of Burrington, Priddy and Wrington in the Counties of Somerset and Avon for the proper management and control of the said Commons. This document is dated 12th May 1982, it is unclear as to whether the claimed route is affected by these byelaws, which does make reference to a prohibition of cycling.

Consultation and Landowner Responses

Consultation Responses

Pre Order Consultation letters were dispatched on the 3 July 2017 to local user groups, utility companies, known landowners and parties who had expressed an interest to the notices that had been placed on site. Additionally, correspondence that was held on Council files has also been taken into consideration.

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 order of Footpath A to B so long as the above requirements are adhered to.
P Mason – Ramblers Association	Objection	<p>This morning I walked along Burrington Lane, this being the path in question between Fry's Lane, Burrington and Rickford Farm. For much of its route it is less than 2m wide between hedgerows.</p> <p>I am aware that I am unable to oppose this path being available for horses due to evidence dating back to 1840, however there will be no such precedent for mechanically propelled vehicles. On this basis, and on the grounds of safety and common sense, I oppose this path being shown as a BOAT on the RoW mapping but would find it acceptable for it to be a Public Bridleway.</p> <p>I find it strange that as this request originated from the Sedgemoor Byways & Bridleways Association that they didn't request that this path be a Public Bridleway as surely horse riders would prefer to avoid motorised vehicles if possible.</p>
Atkins Global	No Objection	Please accept this email as confirmation that Vodafone: Fixed does not have apparatus within the vicinity of your proposed works detailed below.
Wales & West Utilities	No Objection	According to our mains records Wales and West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned by be present in this area. Information with regard to such pipes should be obtained from the owners.
National Grid and Cadent Gas	No Objection	Searches based on your enquiry have identified that there is no record of apparatus in the immediate vicinity of your enquiry. Cadent and National Grid therefore have no objection to these proposed activities.
Openreach	No Objection	Openreach Ltd plc does not appear to have plant in the area of your proposals. I enclose one copy of BT plan for that area, showing the approximate position of BT apparatus.
G Plumbé – Green Lanes Protection Group	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:
"We attach copies of the following documentary evidence ... in support of this application:-
(iv) Documentary evidence in your own archives"

Signed ... Dated 13/01/05

The law

NERCA 2006

67 Ending of certain existing unrecorded public rights of way
(1) An existing public right of way for mechanically propelled vehicles is extinguished if it is over a way which, immediately before commencement-

.....

But this is subject to subsections (2) to (8).

.....

(3) Subsection (1) does not apply to an existing public right of way over a way if -

(a) before the relevant date, an application was made under section 53(5) of the Wildlife and Countryside Act 1981 (c. 69) for an order making modifications to the definitive map and statement so as to show the way as a byway open to all traffic,

SCHEDULE 14 TO THE WILDLIFE AND COUNTRYSIDE ACT 1981

Applications for certain orders under part III, Section 53

Form of applications

1 An application shall be made in the prescribed form and shall be accompanied by—

(a)

(b) copies of any documentary evidence (including statements of witnesses) which the applicant wishes to adduce in support of the 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

I am informed by NSC that "No evidence was submitted with the application for Mod 60."

In my submission this application does not qualify for exemption under s63(3).

Dr G Offer Objection

I note that the Mrs V Craggs has not included a single piece of evidence in support of her application.

Historic Evidence – The 1838 Tithe map of Burrington shows that at this time Rickford Lane and Burrington Lane were not continuous. On this map the lane starting from Rickford Lane finishes in the field and the lane starting from Rickford Farm clearly terminates before this. The Footpath is defined at its Rickford end by a set of posts, again restricting traffic along the footpath to pedestrians. A map drawn up in the 1990's by Western Power and shown me by Mr Hobbs shows the position of these posts.

Public Benefit – Children and their parents regularly use the lane to get to and from Burrington School. Their safety would be greatly jeopardised if mechanically propelled vehicles were allowed. I would estimate that in school days the daily average number of transits east-west and west-east would be at least 30. In addition, the lane is used by many villagers to walk between Burrington and Rickford, sometimes at night. Furthermore, particularly on weekends, the lane is used and enjoyed by many visiting walkers on a variety of circular walks many of them in the AONB. This amenity would be ruined if

motorised traffic were allowed. A reasonable estimate of the daily numbers involved would at least be 20. It is likely that pedestrians of all three groups would be strongly deterred from using the lane were motorised vehicles allowed. Children going to Burrington School would then need to be transported by car, adding to the morning and afternoon chaos in the square. In striking contrast, the 2006 DEFRA survey of byways open to all traffic in England found that there was a daily average of only 4 motor vehicles. In summary, there is an overwhelming case for retaining the status of our greatly used footpath in the interest of the public at large.

Amenity Issues – Burrington village is essentially a cul-de-sac since Ham Link is too narrow and twisting to be such used. Consequently, compared with most neighbouring villages, it is delightfully quiet. This is especially true in Rickford Lane, a cul-de-sac leading from a cul-de-sac. Vehicles in Rickford Lane are in effect restricted to those of its residents, their visitors and tradesmen. The quietness of Rickford Lane would be greatly compromised if traffic were allowed.

Health and Safety Considerations – Apart from the danger to pedestrians that the presence of motor vehicles would incur if a BOAT were approved, there would also be a grave danger to the motor vehicles. The junction of the A368 with Burrington Lane at Rickford Farm would be extremely dangerous. There are very restricted sightlines in both directions for anyone proceeding out of the lane. It is already hazardous for pedestrians. Traffic in the square in Burrington is very difficult for cars and delivery vehicles creating chaos at school opening and closing times and endangering the children's lives. This would be exacerbated if the lane were to be made a BOAT as some parents might use a 4x4 to cut a corner to reach the school.

D Mallinson –
Green Lanes
Protection
Group

Objection

The applicant, Sedgemoor Byways and Bridleways Association, did not list the documentary evidence in support of their application. They referred to documentary evidence held by North Somerset Council but did not specify what that evidence was. Nor did they provide any evidence with their application. These omissions mean that this application does not qualify for exemption of unrecorded public motor vehicular rights under section 67(3) of the NERC Act.

Mr R Hobbs

Objection

Further to my previous correspondence regarding the BOAT Application at Burrington, one of our elderly neighbours has asked if I could write to you on their behalf expressing their personal objection to the application. I appreciate that the deadline for responses has passed, however the neighbour in question has difficulty reading and writing due to his age. I would therefore appreciate it if you would consider his opinion on this matter as he feels passionate about the proposal for a BOAT at this location.

Mr Hobbs is 84 years old and has lived at the ... his whole life. He has seen the Lane in question evolve and change in this time, but strongly wishes that the Lane be designated a footpath for pedestrians only. Mr Hobbs also brought to my attention signs erected at either end of Burrington/Rickford Lane which prohibit cyclists (official disc sign showing a bicycle in a red circle). These signs have fallen into disrepair and are now totally obscured by vegetation. Mr Hobbs also informed me that a legal challenge was made approximately 5-10 years ago to make the status of the Lane prohibited to the use of vehicles, cyclists and horse riders. I am not aware of this status as I believe it to be a bridleway, not a footpath - however Mr Hobbs is insistent that this is the case.

In essence, Mr Hobbs is concerned about the safety of pedestrians, especially children using this Lane to get to Burrington Primary School and is keen to avoid conflict with cyclists, horse riders or any type of vehicle.

Ms Tranter –
Mendip
Society Objection

I wish to comment, on behalf of The Mendip Society, on this application by Sedgemoor Byways & Bridleways Association in January 2005. The Society supports the quiet enjoyment of the Mendip Hills AONB landscape for outdoor recreation including walking, cycling and horse riding.

The Mendip Society is aware that this is an historic route evidenced by maps dating back to the early 19th century during which time it has been used by pedestrians, horse riders and cyclists. It is an important link for these recreational users which connects Rickford with the wider network of footpaths and bridleways at Burrington Ham, and avoids using busy roads including the A368.

Whilst the applicant claims the route was used by 'mechanically propelled vehicles' the Society does not consider that this should be interpreted as a right of way for motorised vehicles. Furthermore, motorised vehicles and some mechanically propelled vehicles have long been prevented from using this right of way as a through route by the kissing gate near Burrington.

The Society considers it highly likely that conflict would arise if this route was opened up to motorised vehicles - mainly cars and motorcycles. Whilst it acknowledges it is an historical route, it is necessary to consider this application against current conditions. Conflict and aggressive behaviour by motorcyclists and motor vehicles are common occurrences which is identified as an important issue in the Mendip Hills AONB Management Plan 2014 - 2019. The path is narrow and substantially enclosed by hedgerows which would prevent pedestrians moving out of the path of oncoming motorised vehicles.

The Society strongly objects to the proposal to allow access to all traffic, including motorised vehicles. To do so would jeopardise the safety and enjoyment of pedestrians, cyclists and horse riders. As there is an established network of local roads that can continue to be used by motorised vehicles there is no overriding need to permit their access on this narrow byway.

Mr P Mackie Objection

It is with great concern that I am writing to you in response to your letter dated 28th March 2018. In your letter, you state that a request has been made to North Somerset Council that the route in question should be recorded on your Rights of Way mapping as a Byway Open to All Traffic (BOAT) which can be used by pedestrians, horse riders, cyclists and mechanically propelled vehicles. In the first instance, please can you explain the justification and need to convert this route into a BOAT? Myself, my wife and local residents cannot understand the reasoning or justification for this proposed change of use. The lanes in question, known as 'Rickford Lane' and 'Burrington Lane' function perfectly well in their current form for local residents and visitors to the area including ramblers, cyclists and horse riders – there appears to be no logical reason or justification to change this. I also think it is necessary to clarify the current usage and status of Rickford Lane and Burrington

Lane. With reference to your plan, MOD 60: A-B: 'Rickford Lane' has a National Speed Limit applies sign at its entrance from Fry's Lane implying that it is an adopted highway (although the end of this adopted highway is not defined). This section of 'road' is used by local residents (including ourselves) to access properties and to all intents and purposes is a cul-de-sac. OS Maps show the status of this section to be a Bridleway and it is used by horses, pedestrians and cyclists travelling between Rickford and Burrington. I politely suggest you check the status of this section as I believe you have incorrectly labelled it as a Restricted Byway (AX10/30) in your correspondence. B-C: This length is colloquially known as 'Rickford Lane' and commences with a kissing gate (not noted in your correspondence) just to the east of point B which allows for pedestrian, horses and cyclists to pass, but not motorised vehicles. From discussions with local residents, the age of this kissing gate is thought to pre-date the second world war. The status of this section according to OS Mapping, is a Footpath, which correlates with the status you have stated in your correspondence. It should be known that this length of footpath is narrow with the metalled surface measuring approximately 2.0m in some places. It should be noted that in the spring-summer months that the vegetation along this section grows to such an extent that the usable width of this footpath is approximately 600-800mm: enough for single file pedestrians, horse riders and cyclists, but no more. C-D: This length is known as 'Burrington Lane' and is also denoted on an official sign at point D (although this is often not visible because of vegetation). This length is denoted as a Restricted Byway on OS Mapping which correlates with the status in your correspondence. The width of the metalled surface and effective width between vegetation is wider along this length (approximately 2.4m) than B-C. It should be noted that there is no physical restriction to motorised vehicles accessing Burrington Lane from the A368 adopted highway, although there is a sign (often obscured by vegetation) stating 'Unsuitable for Motorised Vehicles' at point D. It is understood that a bollard once existed at this location preventing access to motorised vehicles, but this is no longer present. The proposed change of use of the three lengths described above (Bridleway, Footpath and Restricted Byway) to a BOAT raises serious concerns in relation to safety for all users, particularly non-motorised users. The proposed BOAT status of the lengths in question I believe would mean a National Speed Limit (60mph) would apply unless otherwise stated by a Traffic Regulation Order and accompanying signage. A vehicle travelling at this speed, or even 10mph along these lengths would be a serious hazard to other users as width and visibility is clearly not suitable. Furthermore, the width of lengths B-C and C-D is not suitable for passing. A scenario where say a horse rider encounters a motorised vehicle in the opposite direction does not lend itself to safe passage of either user as there is no physical width to pass each other – furthermore, reversing of either of these users creates another hazard (e.g. wing mirrors of a vehicle cannot be safely observed). Another question is raised when a motorised vehicle travelling from A-D attempts to join the A368 public highway (thought to be a 40mph road) at point D. As a Chartered Civil Engineer who has experience of highway junction design, I can confidently state that the visibility at this junction is unsafe in its current form and would undoubtedly fail a Road Safety Audit (RSA).

For the reasons stated above, I strongly believe that the change of use of the lengths in question would fail scrutiny under a Walking, Cycling and Horse-Riding Assessment and

Review (WCHAR), RSA, or assessment by a health and safety body such as ROSPA (Royal Society for the Prevention of Accidents). For the reasons given above I hope it is clear that I am writing to you to strongly object against the proposed change of use of Rickford Lane and Burrington Lane to a Byway Open to All Traffic (BOAT). I would like to add that anecdotally, this feeling is shared with many local residents and members of the local community.

I would of course be willing to discuss this further with you if you wish and I would also encourage you to visit the site to observe the issues described above first-hand.

Mr C Walters Objection

I live in Rickford Rose and have done so for the past 18 years. I strongly object to the suggested change of usage for the following reasons;

- Like many local residents I make regular use of this pedestrian link. I do so with friends and family including young grandchildren. I am horrified at the prospect that this could be opened to traffic. I am aware that it is a daily safe walkway for infant children and parents from Rickford to Burrington primary school, parish rooms and the church. To make this into a hazardous journey is both anti-social and pointless.

- I have no fundamental objection to BOATs, if they serve a purpose. In this case no benefit is gained. The Lane joins Rickford with Burrington square. There are already perfectly good routes between these two points servicing the needs of motorists, horse riders and cyclists;

 - via the A368 and into the village from the main street approaching from the North.

 - Up Rickford Rise and proceeding along Ham Link approaching from the South.

So why endanger life by allowing traffic on a narrow lane, anger local residents and attract use to what is a quiet and pleasant footpath?

- I have never known anybody, during my 18 years living here, to have successfully negotiated the footpath with a vehicle. It is simply too narrow and also has a lovely old kissing gate part way along. To make this wide enough would destroy the natural habitat and compromise civilised rural usage over decades.

- I understand the applicant has no connection with Burrington. It would seem to me that he or she is fighting some 'cause' which is misguided in the extreme. Nobody who lives nearby or is actually affected by this waste of your time and taxpayer money. If my impression is wrong I would very much appreciate the opportunity to examine any case which has been presented here which purports some theory as to why a BOAT may be beneficial to the parish.

Mr & Mrs
Smallbone Objection

We were appalled to learn of the application to reopen the classification of the above path to a byway open to all traffic which was submitted as long as 2005 and was dismissed at that time for a very good reason. We have lived in Rickford for 45 years and raised our family here with our children educated at Burrington Church Primary School. This path, colloquially known as 'Church path' has served both villages well as a safe and affective route free of traffic cyclists and horses allowing access without the need to use vehicles to attend school, church, village functions, and the only local public house. There has always been a 'no cycling' sign in situ but this has recently mysteriously disappeared – the sign has been in place for 45 years plus. Please ensure that this application is again dismissed as there is absolutely no reason to change a very

satisfactory safe pedestrian only route between our two villages.

Mr & Mrs
Vaghela

Objection

We understand that an application has been made to you by Sedgemoor Byways and Bridleways Association to reclassify Rickford Lane/ Burrington Lane as a byway open to all traffic, and that you are considering this application in your role as Senior Access Officer.

As long standing residents of Rickford Rise (within Burrington Parish), we would like to lodge our strong objection to this application for the following reasons:

- The lane is simply too narrow for vehicles to use, less than 4' in places. There is an old kissing gate half way along it, so to make the lane suitable for vehicles would be both costly and unnecessary (there are already two alternative short routes from Burrington to Rickford which are entirely suitable for vehicles, cyclists and horses, namely the A368 and also Ham Link)

- Turning into (or exiting) Rickford Rise from the A368 is already hazardous. Vehicles regularly speed down the road, and there are two blind bends very near to Rickford Rise. Additionally, there is another road (The Batch) directly opposite Rickford Rise. If vehicles, cyclists or horses were also travelling along the Lane, this would effectively make this a very dangerous blind five-way junction.

- We consider ourselves part of Burrington Parish, and regularly use Burrington Lane to walk to the Parish Rooms and into Burrington itself and take our own elderly parents down this route regularly. Many local residents including children, elderly and disabled people use this important pedestrian link to Burrington Primary School and the church. Should the Lane become used by cars, we would not feel safe walking along it and would have to use our car. This is costly and the environmental impact would surely conflict with the Council's own commitment to our environment, especially within our cherished Area of Outstanding Natural Beauty.

- There is no evidence of support for this application amongst the local community. In fact, every single person with whom we have discussed this opposes the application. Granting the application would negatively affect the quality of life for local residents and would simply unnecessarily anger them.

- We understand that this application was also submitted in 2005 so is out of date and irrelevant as nothing has arisen which would make changing the status of the Lane now desirable. We also understand that the applicant has no connection with the Parish or local community, no interest in this route and thus would not gain any benefit from a change in status. We believe that this application is frivolous and vexatious and should be dismissed as such. The rights of others outside of the village should not be put before the rights of the local community.

- There is also no case for Burrington Lane to be reclassified as a Restricted Byway, for the same reasons stated above, and that it should remain in it's current status.

We do not fully understand the process by which this application will be considered, nor the 'proper' way to formally register our objection. However, we do feel very strongly about it, so we would appreciate an acknowledgement of this email so we can be sure our objection will be taken into account during the decision making process.

Ms F Wall

Objection

I am emailing you to register my unease about the resubmitted proposal to classify Rickford Lane as a 'byway open to all traffic'. This is not an example of nimbysism but a genuine concern to introducing traffic to a local pedestrian route linking

the villages of Burrington and Rickford. The thought of the elderly or very young children being subjected to the danger of cars, horses or fast-moving cyclists is ridiculous – the route is only a metre wide in places. In this age of ever faster moving vehicles and what is seen as a lack of concern for local countryside and its traditions shouldn't we all take the opportunity to preserve this track in its safe and extremely useful form.

Mr & Mrs Wren Objection

I list below my husband and my objections to the reclassifying of the above lane.

1. I/We have lived in Burrington for the past 23 years. We are dog owners and for the past 23 years we have walked our dogs every day (with the exception of holidays) along the Burrington Fry's/Rickford lane.

During the summer months we cannot walk side by side along the section marked 'B -C' on the map provided. We have to walk single file. In the winter when the vegetation had died back, it is still easier to walk 'single file'. Our objection is that the lane is not wide enough for motorised vehicles / cars/ bikes.

2. The 'Kissing Gate' has always been there since we came to the village in 1995, this too can be difficult to negotiate on foot.

3. We can see no practical advantage to opening the lane to any vehicle, all it would be is a cut-through to the village square serving no purpose as the A368 does precisely this and can be seen from the lane. A great deal of time and expense for absolutely nothing.

Mrs S Gearing Objection

I would be interested to know what the reason could possibly be for doing this. The lane is at present a very useful footpath linking Burrington and Rickford and used frequently by pedestrians. As a leading writer for the country walks in North Somerset – both in the Western Daily Press and in Mendip Times – I have used the footpath as part of my circular walking routes on many an occasions. If the path was to be shared with wheeled users it would be totally spoiled and be a danger to those on foot. I would urge you to reject this application.

Mr M Hartley Objection

I confirm that I am a resident of Rickford having moved to the Parish in September 2007. Burrington Lane, marked by the Ordnance Survey (2017) to be a "Path" runs between Rickford and Burrington. I walk this route regularly; almost on a daily basis. I am therefore an interested party and set out below my observations in response to the Application which has been received and circulated by Burrington Parish Council.

A. The Application

The Application was signed on 13 January 2005. It is not clear whether this a manuscript error. If it is not an error the Application is, to say the least, archaic. Save for a bald statement referring to North Somerset Council's "...own archives" no evidence, documentary or otherwise, has been submitted in support of the Application. The Applicant's interest and/or motivation underlying the Application is not stated. I am not aware of any information to indicate that the Applicant has any immediate connection with the locality or indeed any pressing need to pursue a Modification Order.

B. The Evidence (Respondents')

Historical - documentary

The timeline for evidence can, it seems, be taken back to an 1838 Tithe Map. Subsequent maps to the present confirm the route and dimensions of Burrington Lane which, on the face of these documents, have not changed. It is clear that the middle

section of the Lane has always been restricted in width being considerably narrower than the end sections at Burrington and Rickford.

Save for farm access at each end section (gateways to adjoining fields), there is nothing on the maps to suggest that the Lane, in its entirety, was intended for anything other than access to and from the villages on foot. Physical width and construction of the footpath and environmental evidence being the proximity of (now) well-established trees and hedgerows supports this.

A filing card from circa early 1950s which I understand to be a contemporaneous record of a walking route confirms Burrington Lane's use as a footpath (I recall it being noted no bicycles) and the presence of a kissing gate its purpose being to allow people but not livestock to pass through.

Factual witness testimony

Burrington Lane is used as a footpath by members of the public of all ages. Throughout the years of my residency in the Parish I confirm that I have never seen Burrington Lane being used by Mechanically-propelled vehicles or Motor Vehicles or by horse riders or those leading a horse.

I gather that at some point in time there were "no cycling signs" at either end of the Lane. The remains of metal sign post can be found at the Burrington end of the Lane. I have not seen cyclists using the Lane regularly or in any significant number (maybe 3 in the last 12 months). Those cyclists that have used the Lane may have done so without knowledge of any prohibition. In my opinion, the middle section of the lane is not wide enough for a cyclist and a pedestrian to pass safely without stopping and dismounting.

With regard to the kissing gate which remains in situ and working order, I note that much longer term residents of the Parish will confirm the gate's existence well before the written record made in/around the early 1950s. Its intended purpose, and I would add historical significance for the local community is an important fact that should not be discounted or underestimated.

C. Summary

There is no evidence to support the Application. On a balance of probabilities the historical and current facts show that there can be no presumption in favour of the Applicant.

The Application does not reflect a need to remedy any perceived inaccuracy purportedly removing an intended right(s) of access or use or confirm the grant of rights that have been acquired by Statute or Common Law. As such, there are no reasonable grounds for making a Modification Order.

The Application and/or its regeneration seems nothing more than meretricious without evidence and without consideration of the consequences, being the impact on the local community from a safety and environmental perspective and the costs that will necessarily be incurred (without a cost burden falling on the Applicant).

Mr & Mrs
Taylor

Objection

With regard to the above application to modify the route to a 'Byway open to all traffic' we would wish to raise the following points.

1. The Kissing Gate forms a barrier to what is now regarded as a footpath – point B – C on the map enclosed with your letter dated 28 March 2018. The Kissing Gate has been in place ever since we moved to the village in January 1979, and according to elderly local residents is known to have been in place for over 90 years.

2. At the far end of the footpath (eastern end) there is evidence of posts either side of the path clearly indicating there was some sort of barrier/gate at one time – again denoting an entry point to the footpath.

3. Historical maps indicate the Frys Lane/Burrington Lane from Burrington village – points A – B on your map, was an access point only into fields.

4. Again, historical maps indicate the section D – C on your map as a right of way only into fields.

5. There has been no evidence of any mechanically propelled vehicle driving through the lane since we have lived here.

6. The 'footpath' middle section of the lane is so narrow in places as to make it totally unsuitable for any use other than pedestrians – indeed it is difficult for two people to walk abreast of one another.

In conclusion, we object to any change / modification under Section 53(5) of the Wildlife and Countryside Act 1981.

Whilst not strictly historical evidence to make any change in classification to this footpath would grossly impact on local children who use it to walk to school and to the many people and walking groups who use the footpath. Safety should be given high regard especially as there is not a clear sight view along the length B – C on your map.

Mrs N
Parsons

Objection

I am writing to object to the above path being upgraded from a footpath to a BOAT for the following reasons:

I moved to the outskirts of Burrington Village in 1984, and before that walking the path occasionally.

It is such an important safe pedestrian link between the villages of Burrington and Rickford where school children can actually walk to school safely.

I do remember "No Cycling" signs certainly at the Burrington end of the path.

Over the years I have used it as a safe path with my children who were at Burrington School in the 1980's and 1990's.

I now use it several times a week dog walking and pushing my granddaughter in her buggy.

The Rickford end has a dangerous road crossing. If vehicles were to use this path it could become an accident black spot.

Mr G Wessell

Objection

I am led to believe you are dealing on behalf of North Somerset Council with the application by Sedgemoor Byways & Bridleways Association to reclassify the Rickford Lane to a "Byway Open to All Traffic". I firstly have to express amazement that an application from 2005 has been rekindled particularly as I understand no local resident has sought for the lane to be reclassified. I take it there is no statute of limitations?!

I reside in Rickford and am a regular user of the lane both as a dog walker and runner. I am not against progress but I particularly value the 'English country' nature of this lane with its established hedgerows and the wonderful kissing gate. So typically English and part of the fabric of the wonderful villages of Rickford and Burrington. As part of the AONB/on the edge surely every step should be taken to ensure this landscape isn't lost.

With its use as a footpath joining the villages for probably hundreds of years I can see no material benefit for any resident of either village by a change of designation & subsequent use. In fact, through my occupation as a senior Police Officer, I can foresee considerable potential detriments. Rickford is already regularly subject to anti-social off-road motorbikes using the Ford as a means of cleaning their bikes. To open the lane would give a further access route to the Ford and the Mendip Hills for this illegal behaviour. Secondly,

opening the lane up to cycles (for which there isn't sufficient width in my opinion) could be dangerous particularly for children as they emerge onto the A368 near the Batch, without some form of barrier or warning, the installation of which would defeat the object of the BOAT anyway?

It is the A368 end which causes me further concern from a crime perspective. Criminals often exploit unusual access routes when committing burglaries of high value properties (which all Burrington/Rickford properties meet the definition of). The ability to easily escape down the lane and have quick access onto the A368 and onwards to Bristol whilst any policing response would be likely to use the existing access routes into Burrington, should not be under-estimated when it comes to the risk opening the lane up causes. We thankfully live in a low crime area but this does not mean we should not take every step to ensure we are not targeted and this fanciful application only increases the risk for no value outcome for the local residents.

I strongly oppose the application and fully support North Somerset in likewise seeking to block the application.

Mr W Parsons Objection

I am writing in objection to the path from Burrington Village to Rickford being classed as a Byway open to all traffic. This is a path that I have used from the for 34 years of my life, I am currently 38. I have walked the path to visit friends after school in Rickford and throughout my adult life as a resident in Burrington. The path is used by Parishioners for accessing both villages on foot and for walking to the school in Burrington.

My wife currently uses it to walk with our 18 month old daughter as it is the only place in the village without cars. Never do I remember it being used for anything other than pedestrian use, there were no cycling signs there until very recently.

There is already a substantial amount of traffic in Burrington and the road crossing with the A368 at the Rickford end is very dangerous. Allowing cars to cross the road here will almost certainly lead to traffic accidents.

Mr & Mrs Routh Objection

It is with great concern that I have just learnt of the 2005 application to reclassify Burrington Lane.

The application submitted on 13 January 2005 is without substance or proof. It is spurious, without merit and was clearly submitted as nothing more than a tactical measure in response to the provisions of section 67(1) of the NERC Act 2006 - notably the cut off date being 20 January 2005. Save for the date of the application, the exemptions contained within paragraphs 67(2) or 67(3) of the NERC Act are incapable of being satisfied.

I have lived in Rickford for nearly 3 years and 12 years in Blagdon before that. I enjoy walking with my family and have regularly walked along Burrington lane since 2003. The lane provides safe passage for my family to walk to Burrington, this is particularly important for my children.

Notwithstanding the illegitimate basis of any application for its reclassification, the lane is physically unfit to be anything more than currently recorded use on the definitive map. The width of the lane is narrow and in sections only a couple of feet with no passing places. Use of the lane by cyclists, horses or motorised vehicles would present a significant health and safety issue that pose a risk to life.

Of note, local knowledge confirms the kissing gate dates back to the early 1900s; further evidence that the application is without substance and must be dismissed.

Mr C Mills	Objection	<p>Similar to Nick we have lived in Rickford for about 2 and a half years but prior to that in Blagdon for 13 years and regularly use Burrington Lane as a safe passage to Burrington for the family to attend events at the village hall and to walk in the Mendips.</p> <p>From the research we did into the history of our home and the village it appears to me that Burrington lane has served this purpose for many years and is unfit to be used for any broader purpose.</p>
Mr P Wall	Objection	<p>I am an inhabitant of Rickford, living at Fullers Hay, BS40 7AJ.</p> <p>I wish to express my concerns at the prospect that our local byway, Rickford Lane, could be 'opened to all traffic' to satisfy an application submitted in 2005 by Sedgemoor Byways and Bridleways Association. I have been informed that you will be considering this issue in the next few weeks and I strongly urge you to consider the negative implications most carefully.</p> <p>The byway in its current form serves the needs of the residents of Rickford and Burrington very well, as it has done for a very long time. Nobody who lives here sees any merit in the proposal to open it to all traffic. Acceding to the application would be imposing a change to satisfy people who don't live here and have no close interest in the route.</p> <p>If people need to get from the bottom of Rickford Rise to Burrington Square they have two routes to choose from which already carry cycles, horses and motor vehicles: the A368 to the north and Rickford Rise/Ham Link to the south. Opening the byway to all traffic would:</p> <ul style="list-style-type: none"> • Incur unnecessary cost and impose significant ecological damage • Impose unnecessary erosion of the rural ambience of the area, which is designated as an Area of Outstanding Natural Beauty • Increase noise and traffic fumes for local inhabitants • Significantly reduce safety of pedestrians, including school children, moving between the villages - there is no pavement on the A368 and the traffic is only regulated to 40mph; very large vehicles pass through regularly • Increase tendency to drive vehicles where people currently walk e.g. to Burrington School, Burrington Church and to The Plume of Feathers Public House • Send very negative messages about the preservation of the rural environment, which is already under significant threat <p>I am very grateful for your consideration of these points, and I look forward to providing any more detail as required.</p>
Mr & Mrs McLennan	Objection	<p>We note that the application originally submitted in 2005 to classify Rickford Lane/Burrington Lane as a "BOAT" has resurfaced after a period of 13 years.</p> <p>We have lived in Rickford for 40 years, regularly using the footpath including walks to the school and church. Our children used the footpath to and from school and we now take our young grandchildren for walks to Burrington along the footpath. Throughout the 40 years we have used the footpath safely, secure in the knowledge that we would not get bowled over by cyclists, horses or indeed a motor vehicle.</p> <p>There is a delightful kissing gate in the path which, judging by the octagonal post and finial may well date from late Victorian times. The OS map of 1885 shows the route clearly marked as</p>

a footpath, which is exactly what it is and doubtless has been for centuries.

For years there were two "No Cycles" signs located along the footpath but unfortunately these fell into disrepair some years ago. However, the intention was clear that cycling was not allowed along the footpath.

In the 40 years that we have used the footpath we have never seen it used by horses or any form of motorised transport and it is far too narrow for such use. Anybody using the footpath would be in great danger if trying to pass a horse in such a confined area.

We understand that the applicant does not live in the parish, and it is sad therefore that 'outsiders' should seek to reclassify a rural footpath that has been in existence for centuries and is held precious to those of us who reside in the parish and use it solely for the purpose for which it was intended.

The whole idea is ill-founded, unwanted and unreasonable.

Mrs J
Freeman

Objection

This application was made thirteen years ago and I am unaware of the motivation of the applicants who, I believe, do not live in the area. Rickford/Burrington Lane has been a footpath between the two villages for as long as I can remember and has provided a safe route for children walking to Burrington Primary School, it is also used by people attending Church the village hall and by walkers. The lane is narrow with little space for pedestrians to stand aside if confronted by motor vehicles, bicycles or horses and I feel concern about the reaction of horses if confronted by walkers and dogs in such a narrow space. There is also the problem of the junction at Rickford Rise with the A368. This is a very difficult junction when approached from Rickford Rise as visibility to the right is very restricted and the situation would be more hazardous if traffic of any sort was crossing into Rickford lane at that Point. One final point is that opening the lane to traffic would require removal of the kissing gate which has been part of the character of the villages for longer than can be remembered.

Mrs K
Jackson

Objection

We have grave concerns about this application as we use the lane regularly as a family and have done from approximately 32 years. I am originally from Bourne lane and the safest route to my Aunt and Uncles house was along the lane, we now live and work in Rickford, we own the Plume of Feathers and have done for 13 years. We use Burrington Lane everyday to get to and from the primary school with our son. The lane holds an important and safe pedestrian link to the two villages and as I said it is used regularly by myself, my son and our customers who visit the Plume of Feathers.

We feel that the application is now extremely out of date as it was made approximately 13 years ago, when there was not many children who lived in Rickford, to date there are 18 children who live in Rickford and 10 of them go to Burrington Primary, who use the lane regularly to walk to and from school. We also think that the lane is far too narrow to even think that motor vehicles should be allow to travel along, in some places you can not walk two abreast, there is also a lovely old kissing gate along the lane which is part of the heritage of the two villages and has been there far longer that I have used the lane.

Mr D Fox &
Ms A Bowie

Objection

This is just a quick email to formally make an objection to the 2005 (!) application to alter the use of the pedestrian Burrington Lane (between Rickford and Burrington) to a Byway Open to All Traffic.

I walk with my toddler there often and I push my other daughter in a pushchair along the lane. I do not want it to change as there are very few child-safe paths around here other than rough tracks unsuitable for pushchairs. We will be using the path to and from Burrington Primary when our eldest starts there soon and, given that the Lane is so narrow, I do not believe it to be safe for traffic to pass pedestrians.

Mr & Mrs N
Williams

Objection

Today I was shocked to learn about an application that was submitted in 2005 by Sedgemoor Byways and Bridleways Association. These organisations seek to classify Rickford Lane/Burrington Lane as a byway open to all traffic between the square and its junction with the A368 near Rickford rise and The Batch. Now I learned that this old and irrelevant application is progressing.

I herewith would like to oppose to this applications for a number of reasons. First, it is unnecessary: This would make the square busy with through traffic and this traffic can easily take the A 368 around the village as that will take the same amount of time.

Second, it will create a very unsafe situation for children. Our children (age 8 and 10) wouldn't be able to play in the square anymore and wouldn't have anywhere to cycle or walk without having to look out for a constant flow of cars. There are no pavements anywhere, so that means they are locked in. The primary school located in the square has to take nearly 70 children every day from the school to the village hall for lunch and all have to walk over the square. The byway will make this situation very unsafe. The current local traffic is aware there is a school there and takes care. A constant flow of through traffic is not wanted.

Third, it will ruin nature. There is absolutely no benefit to anyone to create a byway there. It is simply another unnecessary road that will ruin a hidden gem for walkers and destroy the natural environment and the related pleasure of walking between the fields and hearing the birds sing.

I really hope you consider our arguments and reject the application. It would destroy the heart of a calm and peaceful village, the joy of many walkers and one of the last hidden gems of the Mendip hills.

Burrington
Parish
Council

Objection

This application, which was submitted in 2005 by Sedgemoor Byways and Bridleways Association, seeks to classify Rickford Lane/Burrington Lane as a 'Byway Open to All Traffic' between the Square and its junction with the A368 near Rickford Rise and The Batch.

The application was discussed at a meeting of parishioners in Burrington on 26th June 2018 and considered formally by Burrington Parish Council on 9th July 2018. The Parish Council resolved to oppose the application for the following reasons:

- The application was submitted 13 years ago and should be dismissed as irrelevant and out of date.
- The applicants have no connection with the parish or interest in this route. They have supplied no information in support of their application which is without any justification or merit and is simply frivolous and vexatious.
- Rickford Lane/Burrington Lane is an important pedestrian link between Burrington and Rickford and is particularly important as a safe pedestrian route from Rickford to Burrington Primary School for parents and children, to Holy Trinity Church and the Parish Room, and from Burrington to the Plume of Feathers in Rickford.

- There is no evidence in support of the claim for Burrington/Rickford Lane to be re-classified as a Byway Open to All Traffic.
- Parishioners will be submitting evidence about the current and historic importance of the lane as a safe pedestrian route.
- Nor is there any case for it to be reclassified as a Restricted Byway (open to cyclists, horses and carts).
- The lane should continue in its current status as a safe pedestrian route serving the needs of people living in the parish and other visiting walkers.

The Parish Council also resolved that if the applicants have the temerity to appeal against a refusal of their application by North Somerset Council, the Parish Council will vigorously support North Somerset Council in defending the refusal at appeal, with the support of parishioners.

You are now in possession of copies of Burrington Parish Council's Minute Books relating to the footpath between points B and C on your plan. You have evidence that the kissing gate was erected in March 1899 and that the Parish Council has ensured that the lane has remained a footpath during the past 118 years by adding the tram hatch in 1952 and by applying byelaws in 1949, reinforced in July 1959, to stop cyclists using the footpath.

All the available evidence proves that this path has only ever been used as a footpath.

Mr & Mrs P
Keel
(Landowner)

Objection

I can confirm that I have been a resident of Burrington for 69 years and that I have been the owner of the fields on the north side of the lane known locally as Church path and own the field on the south side of the lane that is listed as a Restricted Byway on the Rickford Farm end of the lane for the last 40 years.

The footpath area, between points B & C on the map attached to the application, has always been used as a footpath as there was until 20 years ago a post in the middle of the path that made it very difficult for cycles and horses to even enter this area. At the Burrington end the kiss gates were erected in 1899 as noted in the Parish Records. The gate beside the kiss gate was added in 1952 to allow prams to pass through the footpath, this is also noted in the Parish Records.

The Parish Council noted that the lane was used by cycles and at meetings in 1949 & 1959 the council decided to reinforce the bye laws about cycling through the footpath and "No Cycling" signs were erected. I can remember until very recently these signs were at points B & C. The signs have in the last few years have gone missing. However no cyclists use this path. The Tithe Map of 1838 shows the footpath was in the field on the south side and was not fenced or enclosed between the two areas of the lane classed as Restricted Byways which were used as farm access for the fields at either end of the lane.

The Up-grading of this footpath to a byway open to all traffic or a restricted byway would be detrimental to our community as this footpath is used daily by local residents walking between Rickford and Burrington. To alter the status of this lane must surely need evidence that the lane has been used in the past by vehicles and horses and there appears to be none.

Mrs Bowman, re;-Footpath known as Burrington / Rickford Lane.

I do hope that the "Historical and Documentary" evidence proves that this path should remain as a footpath. I feel that there is no evidence produced by the applicants and that there can be no reason to change the status of this footpath.

There are many safety issues to be considered if this application is successful and I would hope that these would be considered at some stage.

Mrs T Davis Objection

I would like to protest strongly against the proposal to allow this quiet, narrow lane with its traditional kissing gate to become a byway open to all traffic.

I have lived in Burrington for 18 years and this lane has always been a safe, peaceful place to walk. It connects Burrington and Rickford safely to each other.

We are all encouraged to walk more and most importantly keep our children and grandchildren active.

My granddaughter lives in Bristol but comes to stay once a week and the first thing she wants to do is go for a walk along the lane. She is two.

Children that attend Burrington Primary school walk to school along the lane. The lane is well used by residents and walkers. It would be very sad to see yet another small piece of countryside disappear for no apparent reason.

If the worst was to happen and this application passed, how would the narrow parts of the lane be widened? Pulling out into traffic at the Rickford end would be extremely dangerous as there is a bend in the road and would there need to be a new junction in The Square in Burrington? How would this effect the parking for the Primary School?

My last point is that I find it extremely upsetting that the application has been made by two people who have no connection with the parish and have given absolutely no justification for wanting to disrupt life in a small village.

Mr P Guy Objection

Since moving to Burrington four years ago we use it regularly as a pleasant route for both walking our dog and for running. In addition, it is an excellent pedestrian route from the centre of Burrington to Rickford and vice versa making it a pleasant walk between villages, enabling children to walk safely to and from school, and villagers to access facilities, such as the pub, the church and village hall all by foot. We enjoy the use of this traffic-free path and cannot see why such an important resource to the village should be degraded. If it was open to traffic then we believe people would resort to driving as there would no longer be a safe walking route, this is obviously an undesirable outcome, as car use increase air pollution, and reduces the opportunity for all ages to be active – two current common problems that afflict contemporary society. Our understanding is that one of the applicants applying for the reclassification is not local and lives in Northumberland. She has no connection with the Parish or interest in this route. We can see no case for the lane to be reclassified. We feel that reclassification as a 'Byway Open to All Traffic' may encourage the users of off road vehicles to come to the area. We feel they may well seek to link up with other lanes currently classified as bridleways on Burrington Ham potentially exacerbating a problem that there is already there with illegal off-road vehicle usage in this SSSI. Reclassification as a 'Byway open to all traffic' would require the removal of an antique well-maintained cast iron kissing gate. We see no reason to destroy a historic artefact. We strongly believe the lane should remain as a safe pedestrian route providing amenity access for the villages and other visiting walkers.

Mr P Guy (2) Information

I attach a link to the ordnance survey map of 1884 which (when enlarged) shows a gate in Burrington Lane at the correct spot for the kissing gate as marked of the North Somerset councils Planning Application map to support our

view that this is a significantly old artefact and that the lane did not previously have vehicular traffic.

Mr & Mrs Portch Objection

I am writing as a resident of 65 years to say I could not believe anyone would want to alter the status of the above. The gates have been in place for over 100 years and the very nature of them endorse the use of the path as no vehicle or horse can have accessed the route. If it were to be opened up, imagine a mother with a baby in a pushchair, toddler and dog on lead meeting a 4x4 in this (40" in places) path on the way to school. The net result would be to use the car, causing extra congestion at the school but more importantly the child would be deprived of much needed exercise and this would apply to far more than one example. Road safety at the east end would be risky because of the exit a few feet away of Rickford rise, on already case of poor visibility. This would not be a short cut as a vehicle would have to have the A368 (if used eastwards) come into the village pass down the narrow lane and the distance of this route would be far greater than the length of the path. Net result it would only be use by people wanting to make a route. From a personal point of view. I am the oldest mobile member of the village at 92, I do not walk long distances any more, the circular route the lane affords is very enjoyable, but would be too risky to attempt if it was open to vehicles. The whole thing is crazy and put up by a person who he caused a lot of trouble and exposure to the community in the past and I hope will be ___ with the contempt it deserves and thrown out.

Mr R Shapland Objection

I am extremely concerned to hear of an application (seemingly submitted some time ago) to have the footpath between Burrington and Rickford classified as a BOAT. I have lived in Rickford Rise for 28 years and have never heard of any wish by residents of either Rickford or Burrington to change the status of this quiet link between the communities and the institutions such as the Church, Parish Room, Plume of Feathers and, most importantly, the school. This footpath forms the convenient safe link between the hamlet of Rickford, Rickford Rise and Burrington village, and is used extensively by residents (including many children) and visitors to the Mendips. It is guarded by an ancient "kissing gate", restricting other use in order to provide a safe environment. Along most of its length it is far too narrow to allow other than foot traffic. On at least two occasions, I have personally "rescued" motorists who accidentally took Burrington Lane to be accessible and became trapped. If it were to be reclassified I can only assume that there would have to be major alterations, with resulting damage to wildlife habitats, in order for the path to be suitable as a BOAT. There exist perfectly good routes between the communities for vehicles, horse riders, and cyclists - along the A368, or via Rickford Rise and Ham Link – so what is the underlying case being presented in support of this application? I understand that the applicant lives geographically far distant from the local area. I can only surmise that the application is vexatious, and part of some wider campaign, rather than being based on a real and sensible requirement of a local community.

Ms T Gard Objection

I understand that an application has been made for Burrington Lane to become a Byway Open to All Traffic. I have lived in the village for 18 years. Burrington Lane is the only lane in the two villages of Burrington and Rickford that allows a safe pedestrian walkway between the two villages for

all generations, without fear of being mowed down by a bike, vehicle, or four-wheel drive. It provides a safe walkway for school children, families, people with physical disability, hearing impairment, and ramblers. There is already an established road up Rickford Rise, along Ham Link and down Frys Lane that provides a well-used access for vehicles, horses and cyclists between the two villages without having to travel along the Bath Road I understand that the applicant for this application is not a member of our community and that the application has been made without consideration for the residents, who do not support this scheme. We are a vibrant, caring community and part of the success of our two villages, in this fast-paced modern world, is the fact that many of us walk between the two villages and stop to talk and connect; we are not a dormitory community, only driving in and out. The lane is narrow with a beautiful kissing gate, with abundant wildlife and flora; it is a space of deep tranquillity. As a custodian of this village for future generations, I feel that we have a responsibility to preserve and conserve this piece of rural history in our environment. All children and residents should be able to take a walk safely between the two villages, this is an important part of keeping our unique community spirit alive. Please register my opposition to this application.

Mr M Curtis Objection

I have lived at Coverdale, Rickford Rise, for over thirty years. We are writing to express our disappointment concerning the application to classify Rickford/Burrington Lane as a byway open to all traffic. Our three children attended Burrington Primary school and used the lane as a safe and familiar route to and from school. We hope that children and parents today will continue to use this safe and important pedestrian link to and from school and believe that if the lane is classified as a byway open to all traffic the quality of travel for children and parents will be diminished

Mrs K Wilson Objection

I am writing to object to the application made and believe Rickford Lane and Burrington Lane and adjoining footpath should remain the same as they currently are, and have been for a couple of centuries or so. Many generations of the Wilson family have lived in and around the village of Burrington with the last three, including myself being inhabitants of Rickford Lane... My grandfather was born in 1897 (died 1990) and I remember him telling us, my sister, my brother and I, when we were growing up about how a stream used to run across the surface of the square, that part of the school was the headmasters house, that Burrington had a station and trains ran from Yatton to Blagdon. The parish room was a Men's Club in the beginning and had a rifle range and billiards. If the route between Burrington and Rickford had ever changed he would have informed us – having lived here all his life and walked it on numerous occasions throughout his lifetime, especially when courting a young lady from Rickford and later marrying her. Growing up in the 1970s my sister, brother and I would often spend time in the lane/footpath searching for wildlife, climbing trees, collecting conkers, walking to help out at the farm at Rickford end. The narrowest section (part without a ditch) between the kissing gate Burrington end, and two massive posts (10 inches square) at the other end was a 'no cycling' zone. There were no cycling signs which have disappeared in the last 15 years or so perhaps they were damaged by hedge cutting machinery and then not replaced. The wooden posts perished and were not replaced for some reason. As by generations before, during my lifetime I've witnessed that the lane and footpath are in constant use by residents of Burrington and Rickford walking from one to the

other... to church, to school, to the pub or simply walking the circular route around the whole village – i.e. along the lane, up Rickford rise, along Ham Link (stoney track) and down the hill (Fry's Lane) to the square. There are many walkers who come out to the Mendips using the lane and footpath between the villages, sometimes mountain bikers and occasional horse rider (the single gate next to the kissing gate) just allows enough access. In your letter from March 2018 it says 'The basis of the Applicants request is that this is a historical route, based on evidence dating back to 1840' What is this evidence please as I have recently read some original handwritten parish minutes from the 1890s and reference is made to the upkeep of the gates in the Drain, as it was known then, between Burrington and Rickford, which would mean the gates were in situ sometime before 1890s.

Mr G Elliott Objection

I am writing to formally register my opposition to the application to change the use of Rickford Lane, Burrington and to re classify it as 'byway open to all traffic. The lane is currently used by pedestrians living in both Burrington and Rickford, I live in The Old barn, Rickford Rise Burrington, BS40 7AJ and the lane is very close to my property, therefore any vehicular access would present a noise nuisance to us. We use the lane to visit friends in Burrington, as do many of our neighbours, should permission be granted for vehicular access, it would no longer be safe for us to walk along there. I'm sure you are aware there is a 'kissing gate' towards the Burrington end of the lane, so any vehicle could only go as far as the gate then have to turn around, which due to the width of the lane would not be possible.

The lane forms an important pedestrian link for all who live locally for a variety of reasons, visiting neighbours and friends, access to the church and parish rooms and crucially for access to the primary school for local children who walk from Rickford to the school.

Surely when considering applications of this nature, the main consideration should be for the people who have most use of the lane in its current state and not the few who wish to change it and so disrupt the use we all benefit from. Should the application be refused, as I hope it will, should the applicants appeal against the decision, I fully intend to support our parish council in defending the refusal at appeal.

Mr C Woods Objection

We first moved here 14 years ago and live on the Burrington end of the lane in question. Our opposition to the application is based on the following points.

- The lane is used daily by our children as a safe to catch the school bus after the original route that included a walk along a busy road was deemed unsafe. If motor vehicles, bikes, horses etc were permitted use of the footpath then this route would once again become unsafe.

- The lane is used regularly by ourselves, Burrington primary school children, Church goers, local residents and visiting recreational walkers as a link between the two villages of Burrington and Rickford who are able to enjoy a safe and enjoyable walk.

- We do not believe that historically this route was ever used as, or intended to be used in any other way than as a footpath. When we first moved to the village, conversations with neighbours confirmed that the no cycling signs were correct, that the lane was a footpath only. In fact a neighbour who has lived here for over 70 years recently spoke to me of his go past

the 'kissing gate'. The existence of this gate surely showing that the pathway could not be used by motor vehicles, bicycles, horses etc. Further to this, the map shown below, made by JM Toker in 1832, clearly marks a gate in a similar position to where there is one today, once again making this route suitable as a footpath only.

We question the reason that someone, who has no connection to either of the villages related to this route, would feel the need to up-grade this footpath to a byway open to all traffic. There is absolutely no gain to be had as there already exists a road around the top of Burrington village that takes you from the same starting point to end point.

Mr & Mrs
Leighton

Objection

Please accept this letter as the strongest support to the communication you have received from the Burrington Parish Council. That this application might be taken seriously almost defies belief. Was it purely coincidence that your own notice of the proposal arrived on April Fools' day?

1. The proposal should be assessed in the interests of, and taking the views of, the local community, not an individual in Bridgewater.

2. Every point in the Burrington Parish Council's response should carry weight with your planning authority. I would only add emphasis to the following three issues.

2.1 There is one serious traffic issue affecting Burrington/Rickford local community; the pressure placed on the village square by ever increasing car parking as children are delivered and collected to & from the Burrington Primary School. Arbitrarily to force all Rickford families to make those trips by car, thus adding further to the parking pressures in the square would be so manifestly against the public interest as to be bordering upon the criminal.

2.2 The only alternative pedestrian route linking the two halves of the village and giving access to the shared pub involves considerable gradients for the frail and elderly.

2.3 The lack of footpaths on the main roads only adds to the local community value of this long established and much used footpath.

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.

Summary of Evidence and Conclusion

Summary of Documentary Evidence

This application claims that the full length of the route known as Burrington Lane illustrated on the Definitive Map as Restricted Byways and Footpath AX10/30 should be upgraded to a Byway open to all Traffic, was submitted in January 2005. That application is one based purely on historical documentation, no user evidence having been submitted.

The documents relied upon by the applicant are a series of Ordnance Survey Maps ranging from 1884 to 1959. All of these show the claimed route as a bounded track providing connectivity between the villages of Burrington and Rickford. As detailed within this report some of these maps attempted to illustrate routes which were considered public highways maintain by the local authority by shading the route on one side, however the claimed route is not illustrated in that way. Commercial plans have also been included which do seem to have been coloured with a brown dashed line, the key advising that these were considered good secondary roads however physical appearance today would challenge these maps interpretation. One of these maps contain a footnote which states illustration is not evidence of existence (App 4b).

Therefore, all the evidence submitted by the applicant supports the existence of this route but does not assist in proving its status and as no user evidence has been submitted to support the suggestion that the current classification of these public rights of way is incorrect, this evidence does not assist in establishing whether this route should be a Byway Open to All Traffic.

Similarly, all the documents which have been researched by North Somerset Council illustrate that this through route has existed, either in full or in part, since the Enclosure Award 1814. Its depiction being mainly as a bordered track except where it passed through a field. This route has appeared included within the adjacent hereditament at the time of the Finance Act, unfortunately we do not hold the individual hereditament to ascertain if a deduction was made for a public right of way. We have however included the Domesday Book entries obtained from Somerset Heritage Trust. This shows (column 25) that no deduction was made for either 43 or 45.

The Definitive Map process shows that in 1950 when this route was originally recorded as a CRF throughout its length, that objection was made and accepted relating to the central section. This also verified that a "No Cycling Order" had been made.

This amendment was not challenged, therefore the legal route of AX10/30 was recorded with either end being a CRF and the central section being Footpath.

Taking all the documents detailed in Appendices 3 and 4 into consideration whilst all of these documents illustrate the existence of the claimed route A-B-C-D as far back as 1814 the fact that these are depicted does not confirm status.

No evidence has been found or submitted to suggest that this route has ever been used by mechanically propelled vehicles. In fact, the markings on the 1930's Road records of this route as a CRF would suggest that at most this route was a cart track. As a cart track the use could have been by horse and carriage however the Parish Council minutes confirm that the kissing gate/ tram hatch was installed in 1899 which would have hindered any use

that was being made. The reason for its installation being to stop horse and cattle being taken through.

It would be reasonable to assume that if this route had been capable of being used by all modes of transport that upon installation of that gate the Parish Council would have received complaint. From the minutes that have been read no complaint was received.

Taking all of the documentary evidence into consideration there is no evidence to show that this route has established vehicular rights, therefore, based on this documentary evidence, the Officers do not feel that the evidence supports the claim that the route A-B-C-D should be a Byway open to all Traffic.

Summary of Consultation and Landowner Responses

North Somerset Council undertook pre-order consultations to assist with the determination of this matter. In total 43 responses were received, of which 38 objected to the application claiming that A-B-C-D should be recorded as a Byway Open to All Traffic.

Most of the objections received include along with other information their concern about the impact such a change would have upon the current users. They have knowledge of the area, the use that is being enjoyed and by whom such use is being made. Reference has been made to the existence of the No Cycling signage and the physical condition of the route.

Whilst all of this is important to the objectors and residents of the area suitability and desirability cannot be taken into consideration when determining this matter. What can be taken into consideration is who has used the route and any obstructions on the route.

The consultation responses, apart from three, have denied any use by horses. The existence of the kissing gate when installed would have obstructed the route, only periods of repair may have allowed this access. Similarly, some horse users may have managed to get through the narrow gate which now exists however no user evidence has been presented for consideration

Mr Keel the owner of land either side of this route has lived in the area for 69 years, owning the land for the last 40. His recollection of the area illustrates that any use by horses or cyclists would have been difficult.

Therefore, based upon the evidence from the landowner and other objectors there is sufficient evidence to show that the claimed route A-B-C-D was extensively used as a Footpath, no recollection of use by mechanically propelled vehicles and minimal mention of horse use. Historical documentation relating to the installation of the kissing gate to stop horses and cattle being led along this route is strong evidence to support a lack of intention to dedicate the route for anything higher than footpath status. Such horse use would not be considered sufficient to change this.

Conclusion

This application affects routes which are already recorded on the Definitive Map as Restricted Byways and 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

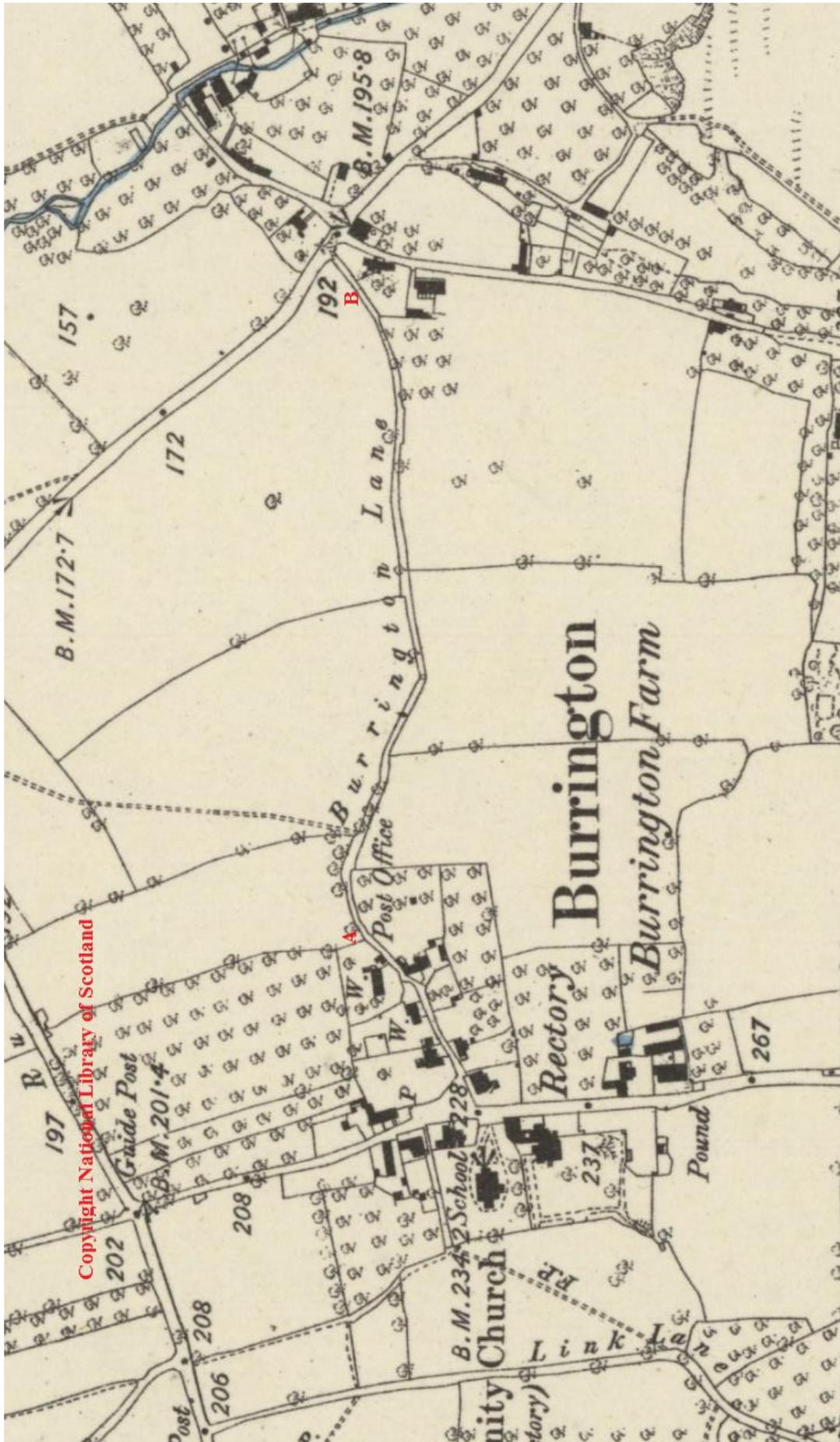
felt that the evidence reviewed in the investigation supports the application on the balance of probabilities.

When considering this matter, it should be noted that the route A-B-C-D has been depicted on historical plans since 1814 as a route which was capable of being used as an open and available through route between the villages of Rickford and Burrington. The introduction of a kissing gate in 1899 and a bollard restricting such use to that of pedestrian is a clear indication that any higher use was not accepted. Similarly, the banning of cyclists by a No Cycling Order.

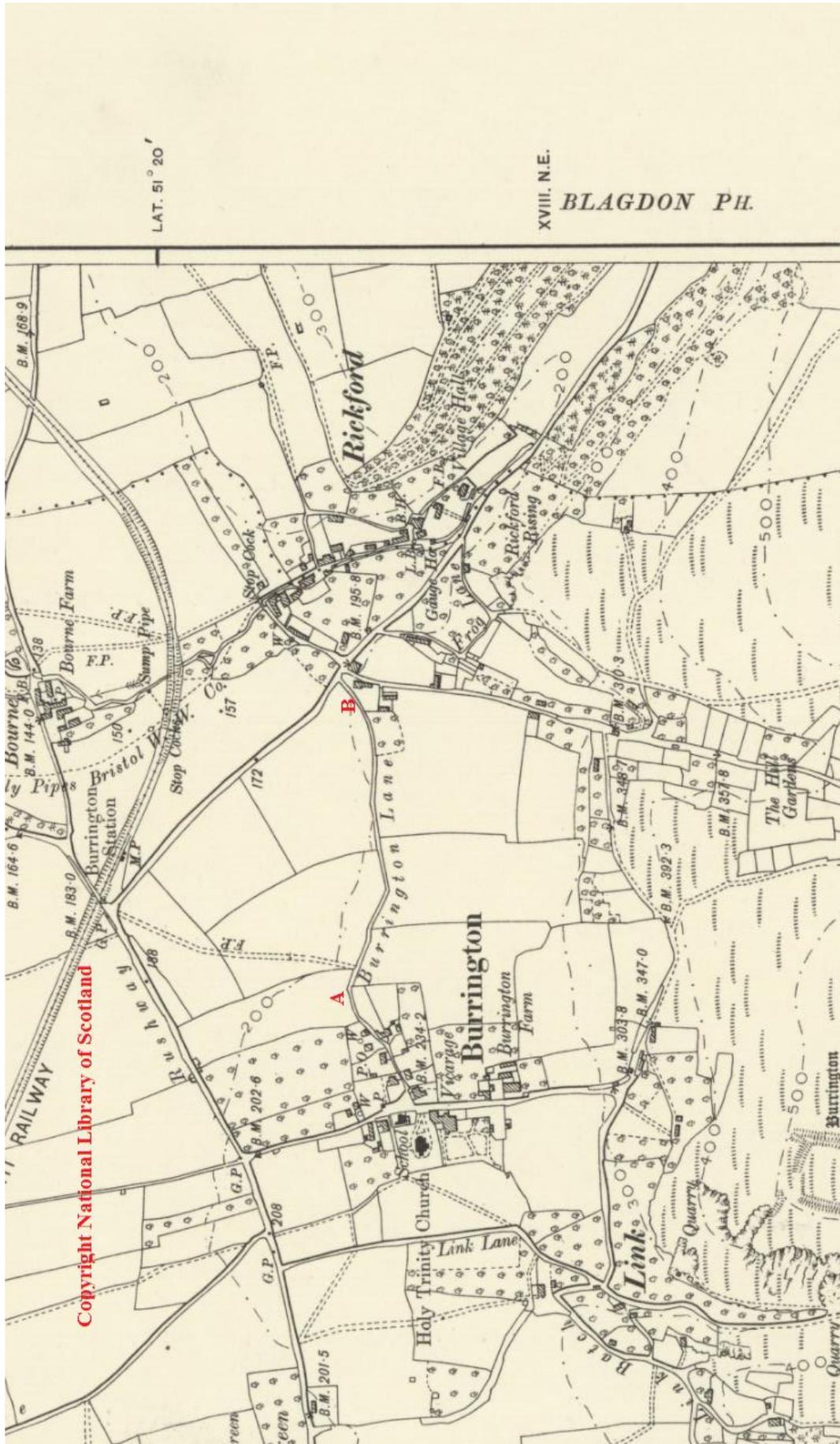
Regarding the route A-B-C-D, as this route is already recorded as Restricted Byway (A-B), Footpath (B-C) and Restricted Byway (C-D) it is necessary to decide whether the applicants Sedgemoor Byways and Bridleways Association have met the legal test required and made a case to change the status of these public rights of way.

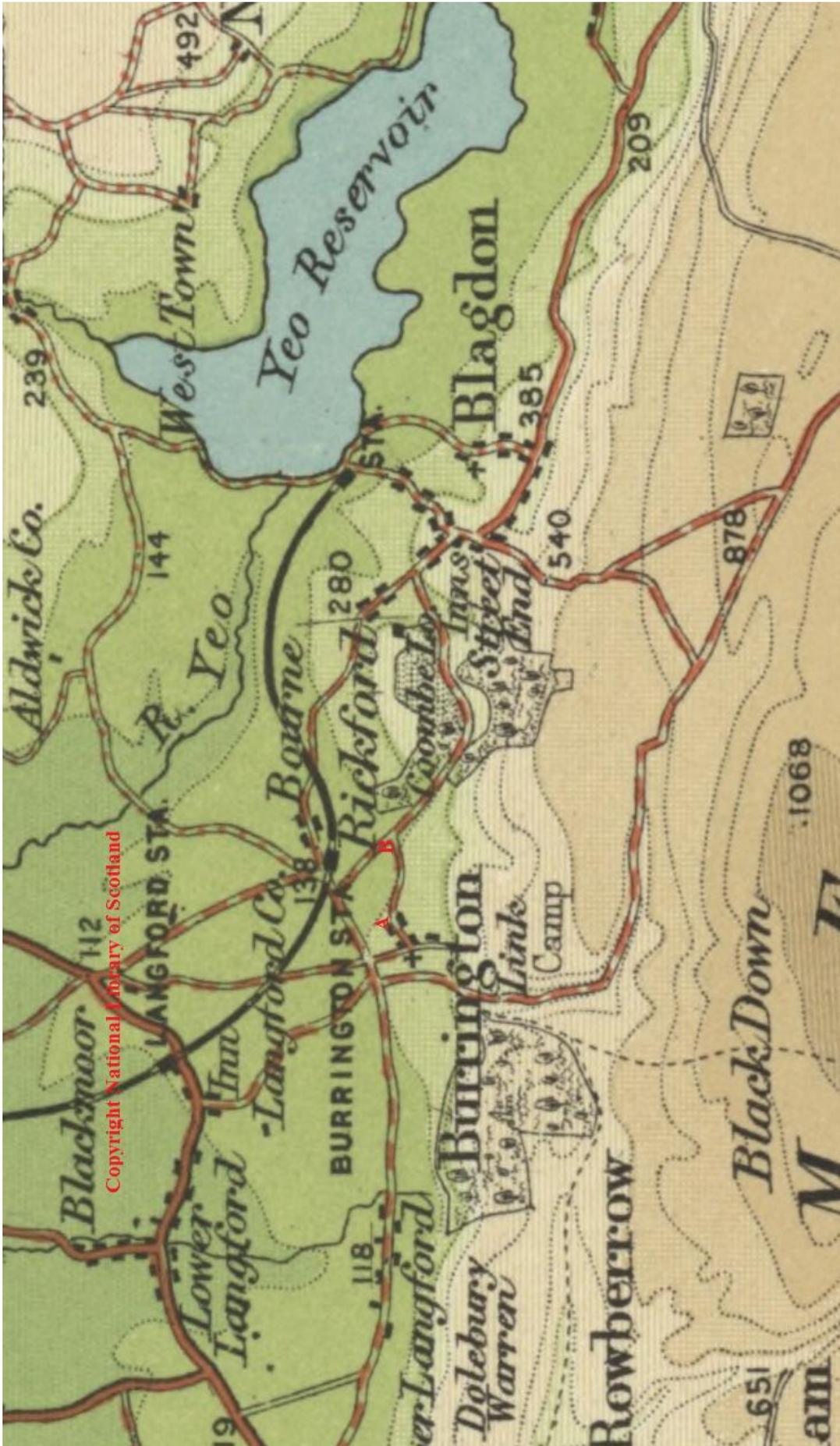
It is this Officers opinion that having considered all the evidence detailed within this report that the applicants have not met the legal requirements and that the evidence considered does not support the claim that AX10/30 should be upgraded to a Byway Open to All Traffic

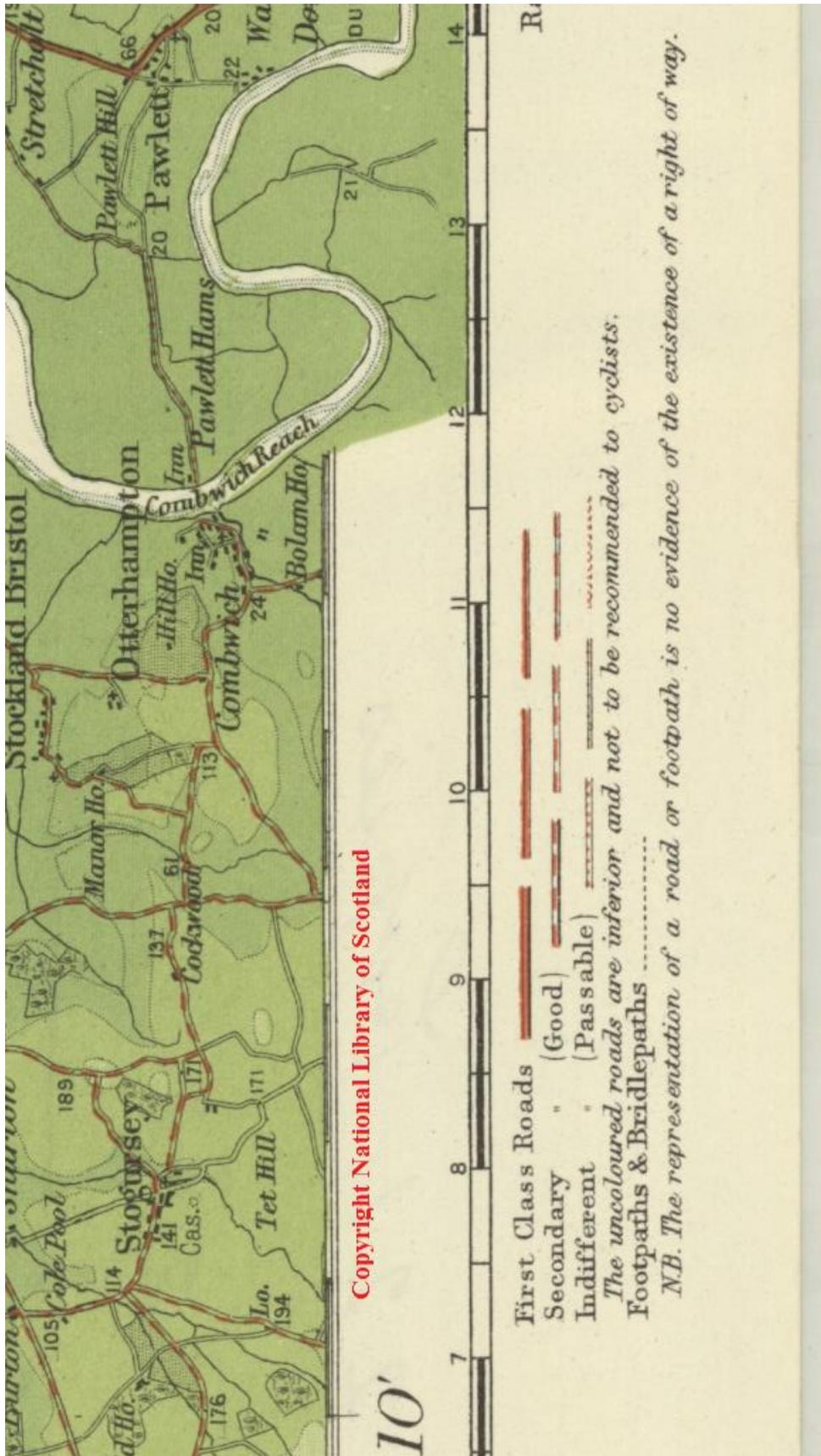
Having made this decision, in the interest of fairness, consideration has also been given as to whether Footpath AX10/30 (B-C) should be upgraded to either Bridleway or Restricted Byway. Based upon the evidence reviewed within this report nothing has been found to support a change to Footpath AX10/30 (B-C).



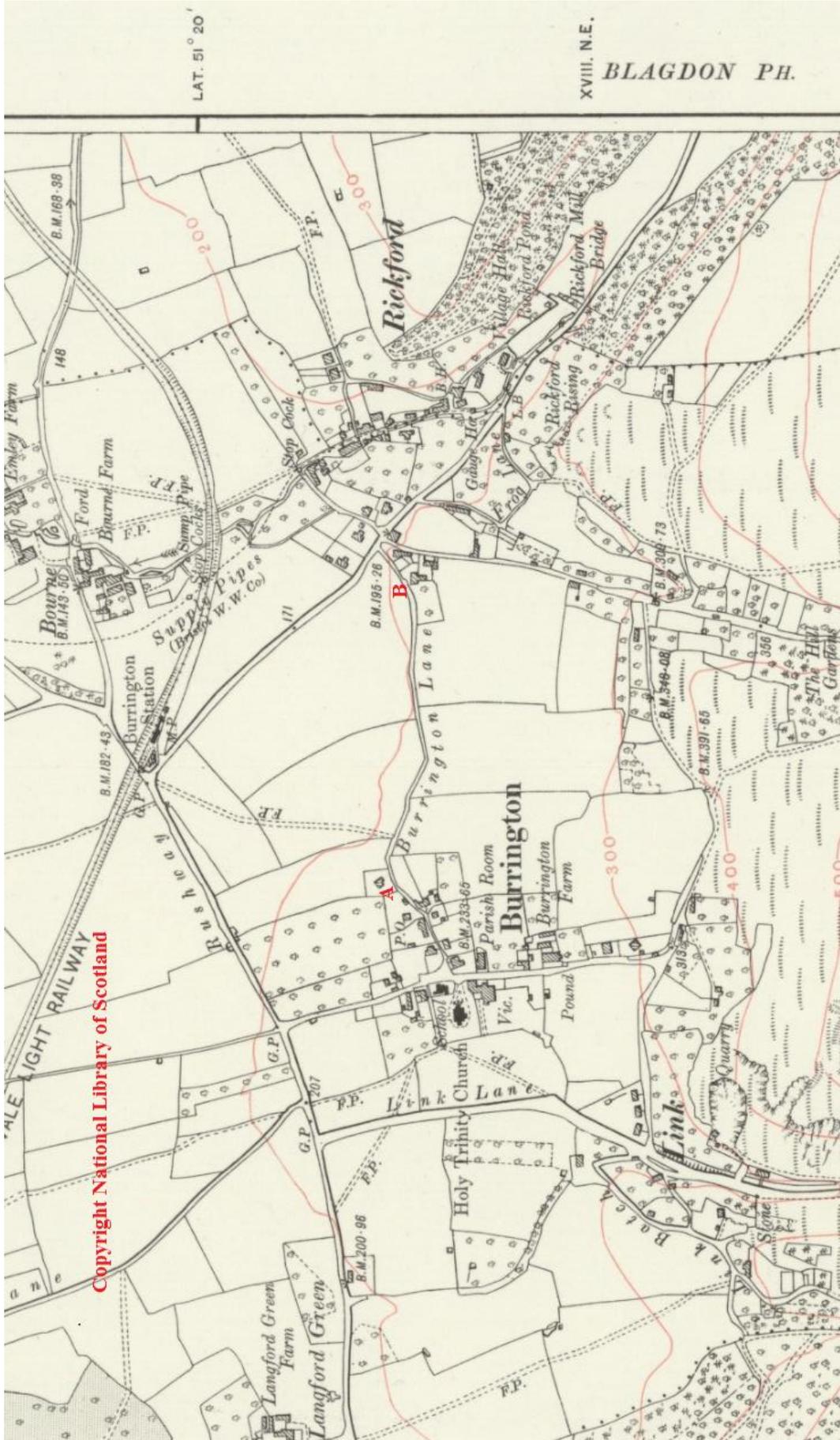




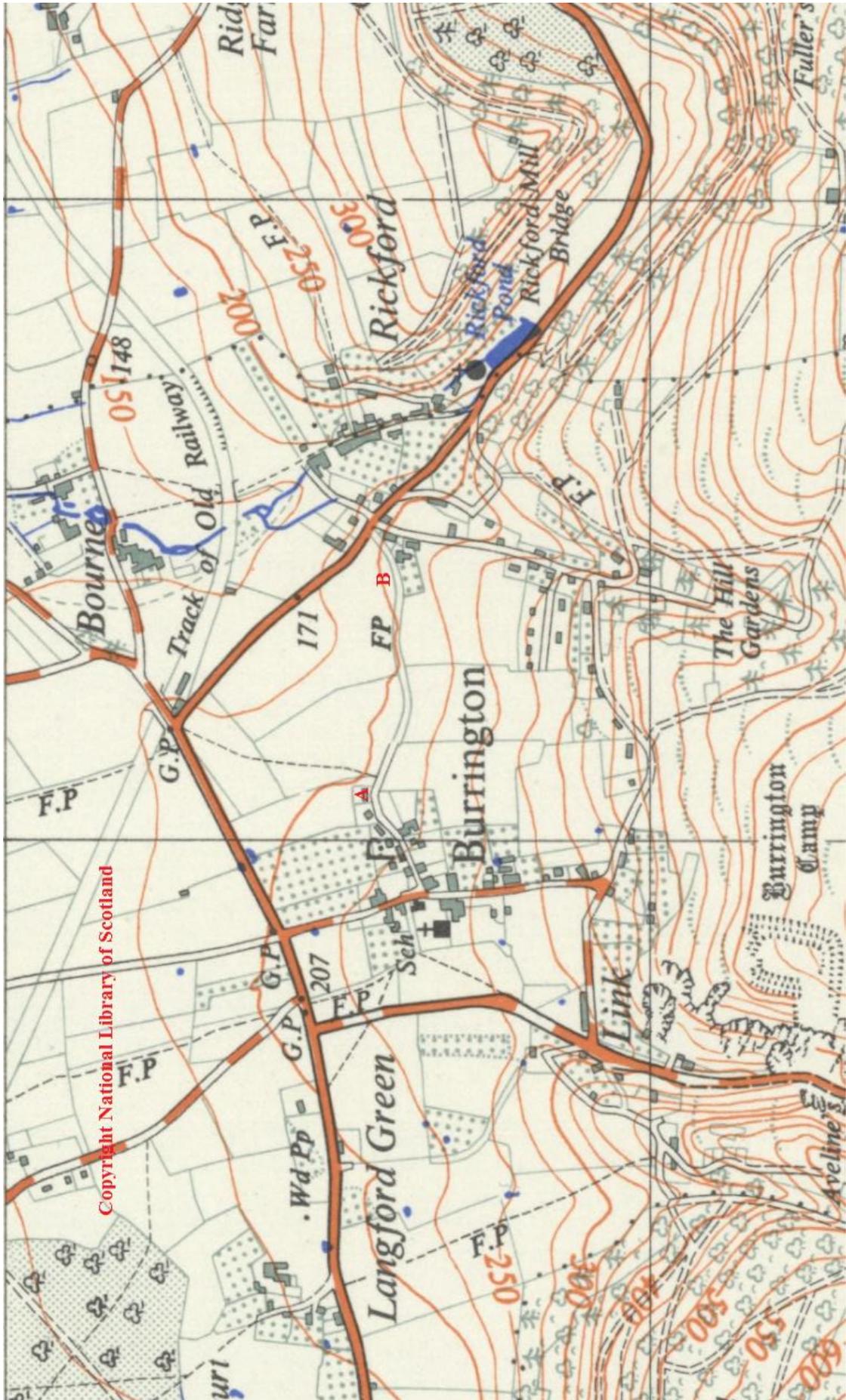








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DOCUMENT 9b
BURRINGTON TITHE APPORTIONMENT

C.—London: Printed and Published by *W. G. Norton*

LANDOWNERS.	OCCUPIERS.	Numbers referring to the Plan.	NAME AND DESCRIPTION OF LANDS AND PREMISES.	STATE OF CULTIVATION.	QUANTITIES IN STATUTE MEASURE.			Amount of Rent-Charge app. Lands, and to which		
					A.	R.	P.	PAYABLE to the Yearly		
								£.	s.	d.
				Brought forward	183	3	37	33	13	1/2
<i>His Grace the Duke of Cleveland (Immuat)</i>	<i>Hollier John</i>	363	<i>Orchard</i>	<i>Orchard</i>	1	1	16	1	1	8
	<i>Sagar James</i>	205	<i>Garden</i>	<i>Garden</i>	1	1	25	1	1	8
		399	<i>Hill Garden</i>	<i>Garden</i>	1	1	27	1	1	0
	<i>Sagar William</i>	396	<i>Hill Garden</i>	<i>Garden</i>	1	1	25	1	1	6
	<i>Lives Leicester</i>	415	<i>Meadow</i>	<i>Pasture</i>	1	1	14	4	1	1
	<i>Lintoun Joseph</i>	339	<i>Hill Garden</i>	<i>Garden</i>	1	1	1	1	1	1/2
	<i>Heel John</i>	252	<i>Orchard</i>	<i>Orchard</i>	1	3	1	4	1	1/2
		257	<i>Paddock in R. Lane</i>	<i>Orchard</i>	2	1	32	6	1	1/2
		258	<i>Orchard</i>	<i>Orchard</i>	1	3	3	5	1	3/4
		259	<i>Lane</i>	<i>Orchard</i>	1	2	33	5	1	3/4
		264	<i>Short Lands</i>	<i>Pasture</i>	4	2	6			
		265	<i>Summer Short Lands</i>	<i>Pasture</i>	2	1	3	3	1	5/4
		266	<i>Lamban & S. Mead</i>	<i>Pasture</i>	6	3	10	1	7	3/4
		277	<i>Summer Mead</i>	<i>Pasture</i>	3	1	37	14	1	6
		278	<i>Short Mead</i>	<i>Pasture</i>	1	3	5	7	1	5/2
		281	<i>Road piece</i>	<i>Orchard</i>	1	2	22	4	1	8
		289	<i>Field by the L. Orchard</i>	<i>Pasture</i>	1	3	18	5	1	7/4
		293	<i>Hilly B. Garden</i>	<i>Garden</i>	1	3	2	1	1	5
		294	<i>Orchard</i>	<i>Orchard</i>	1	3	24			
		295	<i>Garden</i>	<i>Garden</i>	1	1	8	6	1	8
		300	<i>Orchard & 3 Acres</i>	<i>Orchard</i>	1	2	10	9	1	11
		311	<i>Orchard under Hill</i>	<i>Orchard</i>	1	3	17	5	1	4
		313	<i>Orchard</i>	<i>Orchard</i>	1	2	23	3	1	1/2
	<i>Martin Thomas</i>	302	<i>Hill Garden</i>	<i>Garden</i>	1	1	7	1	1	1/4
	<i>Wane Geo. John</i>	16	<i>Part of Summer Cote and Paddock</i>	<i>Pasture</i>	2	1	13	4	1	1/2
		17	<i>Emley</i>	<i>Pasture</i>	3	2	25	5	1	1/2
		18	<i>Ashley</i>	<i>Orchard</i>	3	1	33	14	1	3/2
	<i>James Jacob</i>	22	<i>Emley B. and 3 Acres</i>	<i>Pasture</i>	4	1	33	6	1	3/2
<i>Wm. Malt</i>	61	<i>Haycock</i>	<i>Orchard</i>	1	1	33	5	1	2	
	62	<i>Copthorn</i>	<i>Pasture</i>	3	3	15	15	1	1/2	
<i>Wm. Malt</i>	63	<i>Lower 22 and L. Head</i>	<i>Pasture</i>	2	2	30	10	1	3	
	64	<i>Copthorn</i>	<i>Orchard</i>	1	2	37	6	1	3	
	65	<i>part of the 12 Acres</i>	<i>Pasture</i>	3	1	7	11	1	3	
	66	<i>Ashley L. Orchard</i>	<i>Orch-Pasture</i>	1	3	22	5	1	2	
	221	<i>Upper Cheshlands</i>	<i>Pasture</i>	3	2	36	14	1	7	
	359	<i>Hill Garden</i>	<i>Garden</i>	1	1	25	1	1	6	
<i>Marshall John</i>	378	<i>Garden</i>	<i>Garden</i>	1	1	22	1	1	8	
	67	<i>Part of Copthorn</i>	<i>Orchard</i>	1	2	23	2	1	4	
<i>Parker John</i>	69	<i>Part of Heals</i>	<i>Orchard</i>	4	2	1	14	1	10	
				Brought forward	257	3	1	46	4	8/4

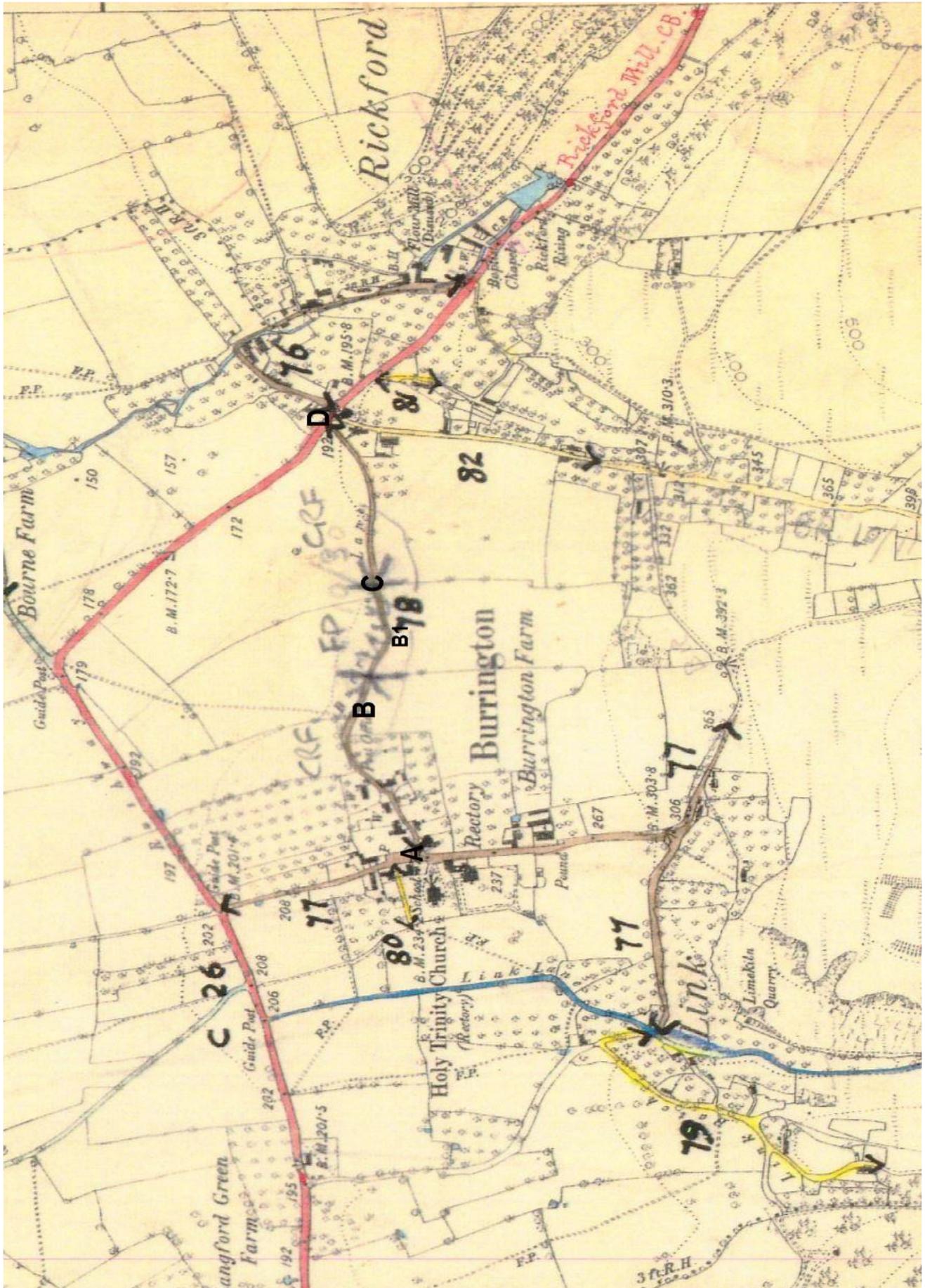
DOCUMENT 9c
BURRINGTON TITHE APPORTIONMENT

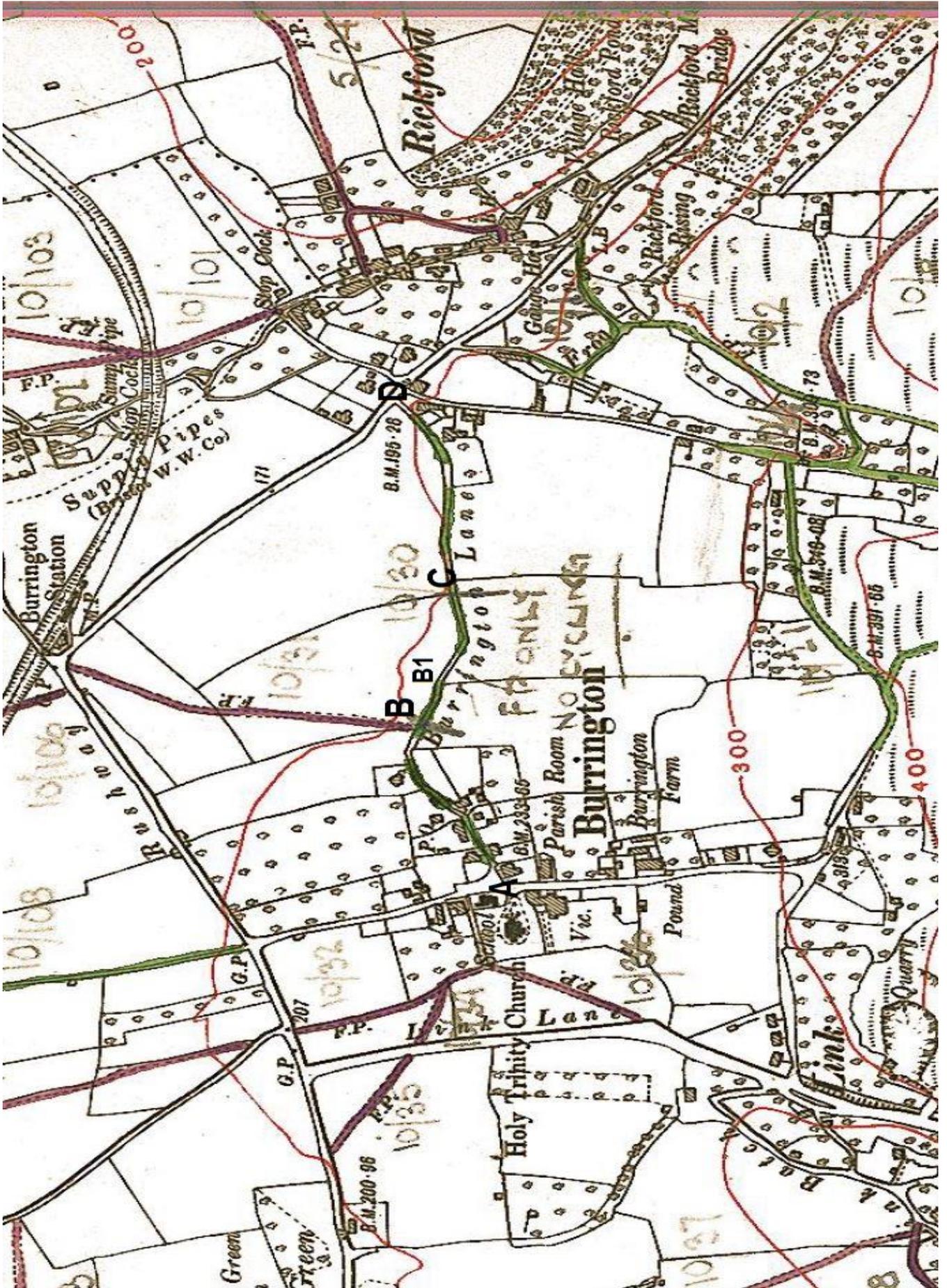
C—London: Printed and Published by Authority

LANDOWNERS.	OCCUPIERS.	Numbers referring to the Plan.	NAME AND DESCRIPTION OF LANDS AND PREMISES.	STATE OR CULTIVATION.	QUANTITIES IN STATUTE MEASURE.			Amount of Rent-Charge, appertaining to the Lands, and to what PARISH.			
					A.	R.	P.	£.	s.	d.	
His Grace the Duke of Cleveland (continued)	Ball Philip	368	Hill Garden	Brought forward	4	2	8	0	15	1/2	
		321	Garden	Garden		1	8		1	1/2	
		323	Hill Garden	Garden		2	16		3	5/2	
	David George	329	Hill Garden	Garden			24			5/2	
	Baker William	204a	Garden	Garden		1	7		1	1/2	
	Sheppard George	234		Garden			10			2/2	
	Susant Hugh	235									
		236	Garden &c	Garden &c		1	2	21		0	4/2
		237									
		9	Late Pinnace	Arable		1	3	9		6	3/2
	Buxton Thomas	371	Garden	Arable		1	3	7		5	6
		369	Garden	Garden		1	3	17		11	6
		349	Hill Garden	Garden			1	3		1	0
		361	Hill Garden	Garden			1	26		1	6
	Bennet George	367	Garden	Garden			2	14		3	5/2
	Cockburn James Esq	1	Richard	Richard pasture			2	30		5	1/2
	Colls Richard	56	Copthorn	Arable		2	1	2		7	1/2
		390	Garden	Garden			2	7		3	5/2
		393	Hill Garden	Garden			1	39		1	4/2
		394	Hill Garden	Garden				14			5
	Collins Henry	70	Lower Head	Arable		3		24		10	1/2
		71	Upper Head	Arable		2	2	1		8	7/2
		72	Heals	Arable		2		39		7	1/2
		73	Heals	Pasture		7		33		1	6
		74	Heals	Pasture		3	3	34		16	1/2
		75	Copthorn	Arable		3		7		11	3
		84	Pinnacled	Pasture		4	2	11		12	6/2
		86	Little de Barley close	Pasture							
		87	and Ridleys	Pasture		6		11		1	5
		225	West Head	Pasture		3	1	8		11	4/2
	238	Long Shaft and Barley Close	Pasture		6		12		13	3	
	68	Little Head Office	Wood			2	30			6	
	239										
	240	Garden &c	Garden & Past		3		28		1	9	
	241										
	242	Upper Ground	Pasture		6	3	11		17	3/2	
	246	Hill Ground	Arable		2	1	4		5	3/2	
	249	Great Head and									
	256	Little Head	Arable		7	2	6		1	1	
	267	Landown	Pasture		3	2	16		14	6	
				Brought forward	84	3	6		15	2	



The Ordnance Survey Office, Southampton, 1903.
A vertical which is 0.650 of a Foot below the general Mean Level of the Sea.
Holdings, Walls, &c. those marked thus (* 52) to surface levels.
Edition reserved.





NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949

COUNTY OF SOMERSET

WESTON-SUPER-MARE BOROUGH, BURNHAM-ON-SEA URBAN
DISTRICT AND AXBRIDGE RURAL DISTRICT

Modification of Draft Map and Statement of Rights of Way

NOTICE IS HEREBY GIVEN that the Somerset County Council in exercise of the powers conferred upon them by sub-section (3) of Section 29 of the National Parks and Access to the Countryside Act, 1949, have determined to modify the particulars contained in the draft rights of way map and statement prepared under Section 27 of the above mentioned Act in relation to the rights of way within the area of the County Council. A list of the modifications is set out in the schedule to this notice, and the modifications are shown on a map and statement which has been deposited at County Hall, Taunton, and at the offices of the Axbridge rural district council, Council Offices, West Street, Axbridge. The map and statement may be inspected at all reasonable hours, free of charge.

Copies of so much of the map and statement as relate to the Borough of Weston-super-Mare and the urban district of Burnham-on-Sea have also been deposited for public inspection as aforesaid at the Town Hall, Weston-super-Mare, and the Town Hall, Burnham-on-Sea respectively.

Relevant extracts of the map and statement aforesaid relating to the rural district of Axbridge have also been deposited in each parish affected and may be inspected at all reasonable hours, free of charge, by arrangement with the Clerk of the parish council or Chairman of the parish meeting concerned.

Any representation or objection with respect to these determinations shall be made in writing and addressed to the undersigned not later than 26th August, 1964, and shall state the grounds upon which the representation or objection is made.

DATED this 24th day of July, 1964.

E. S. RICHARDS,

Clerk of the Somerset County Council.

County Hall,
TAUNTON.

Note: In the Schedule hereto F.P. means "footpath",
B.R. means "bridleway" and CRP means "road
used as a public path" viz: either as a footpath
or bridleway.

SCHEDULE OF MODIFICATIONS

Add 2 new F.P.s and 1 new B.R.
Amend routes of F.P. 15/18 and B.R. 15/6
Redesignate F.P.s 15/1 and 15/6 as CRPs.

and 31/3
Delete F.P.s 31/1 (part), 31/6, 31/31
and 31/37.

Parish of Congresbury

Delete F.P.s 16/18 and 16/19

Parish of Hutton

Add 1 new F.P.

THE SCHEDULE

Parish of Axbridge

Add 1 new F.P.

Parish of Banwell

Add 5 new F.Ps and 5 new CRPs
Delete F.Ps 5/2 and 5/39.

Parish of Berrow

Delete F.Ps 4/3, 4/10 and 4/13
Redesignate F.Ps 4/8 and 4/11 as CRPs.

Parish of Bladon

Add 3 new F.Ps and 1 new CRP
Amend route of F.P. 5/25
Delete F.P. 5/38 (part).

Parish of Blendon

Amend routes of F.Ps 6/20 and 6/10
Delete F.Ps 6/3, 6/13 and 6/14 (part)
and B.Rs 6/1 and 6/5 (part).

Parish of Brean

Add 1 new F.P.
Amend route of F.P. 7/12.

Parish of Brent Knoll

Add 1 new F.P.
Delete F.P. 8/18 (part)

Parish of Burrington

Add 1 new F.P., 1 new B.R and 1 new CRP
Delete F.P. 10/106
Redesignate CRP 10/30 (part) as F.P.

Parish of Cheddar

Add 2 new F.Ps and 4 new CRPs
Amend route of F.P. 13/23
Delete F.Ps 13/57, 13/59, 13/60 and 13/61

Parish of Churchill

Amend route of F.P. 14/1
Delete F.Ps 14/4 (part) and 14/65
Redesignate F.P. 14/18a as CRP.

Parish of Compton Bishop

Add 2 new F.Ps and 1 new B.R.
Amend routes of F.P. 15/18 and B.R. 15/6
Redesignate F.Ps 15/1 and 15/6 as CRPs.

Parish of Congresbury

Delete F.Ps 16/18 and 16/19

Parish of Hutton

Add 1 new F.P.

Parish of Keystoke

Add 1 new D.R.

Parish of Loxton

Add 3 new F.Ps.

Parish of Lymington

Add 1 new F.P.
Redesignate B.Rs 22/12, 22/13 and 22/14 as CRPs.

Parish of Puxton

Delete F.P. 24/15

Parish of Shipham

Redesignate F.P. 25/46 as CRP.

Parish of Wear

Amend route of F.P. 26/16.

Parish of Wedmore

Add 8 new F.Ps and 2 new CRPs.

Parish of Wick St. Lawrence

Add 1 new CRP.

Parish of Wincoboe

Add 2 new F.Ps.
Amend routes of F.Ps 29/34, 29/42,
29/78, 29/18 and 29/19
Delete F.P. 29/43.

Parish of Writington

Add 10 new F.Ps and 1 new CRP
Amend route of F.P. 30/49
Delete F.Ps 30/25, 30/34 and 30/53.

Barnham-on-Sea Urban District

Delete F.Ps 32/16 and 32/26

Weston-super-Mare Borough

Add 8 new F.Ps
Amend routes of F.Ps 31/41, 31/28
and 31/3
Delete F.Ps 31/1 (part), 31/6, 31/31
and 31/37.

