

# North Somerset Council

**REPORT TO THE PUBLIC RIGHTS OF WAY SUB COMMITTEE**

**DATE OF MEETING: 26 SEPTEMBER 2018**

**SUBJECT OF REPORT: MOD 64 JUBILEE STONE PARSONS COOMBE  
ADDITION OF BRIDLEWAY AND  
DOWNGRADING OF BRIDLEWAY LA2/7C**

**TOWN OR PARISH: BACKWELL**

**OFFICER/MEMBER PRESENTING: DIRECTOR OF DEVELOPMENT &  
ENVIRONMENT**

**KEY DECISION: NO**

## RECOMMENDATIONS

It is recommended that

The Public Rights of Way Sub Committee authorise the relevant officer to reject this application based upon the fact that this is not the correct mechanism to change the location of Bridleway LA2/7c.

### 1. SUMMARY OF REPORT

This report considers an application which was made on the 10 June 2003. That application is requesting that the definitive Map and Statement are modified by adding a bridleway and downgrading of Bridleway LA2/7c to footpath. This application has been submitted under Section 53(2) of the Wildlife and Countryside Act 1981. The effect of this request, should an Order be made and confirmed, would be to amend the Definitive Map and Statement for the area.

The application, submitted by Woodspring Bridleways Association, has supplied two plans and has referred to a previous determination dated 21 January 1994. The claimed route is illustrated on the attached Location Plan EB/Mod 64 as A-B.

The applicants are claiming that the route of Bridleway LA2/7c was incorrectly recorded on the Definitive Map following a Public Inquiry held in 1993. This application is requesting that the recorded route is downgraded to Footpath and a Bridleway is illustrated in a different location. Further detail regarding the history of this previous application will be included in the Documents attached to this report, listed below. 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 64

**Appendix 1** – The Legal basis for deciding the claim

**Appendix 2** – History and Description of the Claim

**Appendix 3** – Analysis of the Applicants Evidence

**Appendix 4** – Analysis of Additional Documentary Evidence

**Appendix 5** – Conclusion

**Document 1** – Application submitted by Woodspring Bridleways Association

**Document 2** – Sealed Order dated 17 September 1991

**Document 3** – Public Notice dated 24 Sept 1991

**Document 4** – Notification of Public Inquiry

**Document 5** – Inspector’s decision dated January 1994

**Document 6** – Notice of Confirmation 1 March 1994

**Document 7** – Letter of thanks 13 June 1994

**Document 8** – Letter from Woodspring dated 4 January 1996

**Document 9** – Letter to Mrs Craggs 17 January 1996

**Document 10** – Letter from Mrs Craggs dated 26 March 2003

**Document 11** – Letter to Mrs Craggs dated 11 April 2003

**Document 12** – Letter from Mrs Craggs dated 22 April 2003

**Document 13** – Letter to Mrs Craggs 25 April 2003

**Document 14** – Letter to V Craggs dated 17 September 2003

## 2. POLICY

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

## 3. DETAILS

### Background

#### i) The Legal Situation

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

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

#### ii) The Role of the Committee

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

The Committee should be aware that its decision is not the final stage of the procedure. Where it is decided that an Order should be made, the Order must be advertised. If objections are received, the Order must be referred, with the objections and any

representations, to the Planning Inspectorate who act for the Secretary of State for Food and Rural Affairs for determination. Where the Committee decides that an order should not be made, the applicant may appeal to the Planning Inspectorate.

## **Conclusion**

As this report relates to a route A-B which is currently recorded on the Definitive Map as Bridleway LA2/7c it is necessary for the Committee to have regard to the following legal tests:

1. Section 53 (3)(c)(ii) relating to the section recorded as Bridleway LA2/7c is whether, given the evidence available, that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description; and;
2. Section 53(3)(c)(i) relating to the section which is currently unrecorded is whether, given the evidence available that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic.

If the Committee believes the relevant tests have 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**

For reasons given later in this report North Somerset Council have not undertaken informal consultations.

## **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 matter.

## **7. RISK MANAGEMENT**

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

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

## **8. EQUALITY IMPLICATIONS**

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

## **9. CORPORATE IMPLICATIONS**

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

## **10. OPTIONS CONSIDERED**

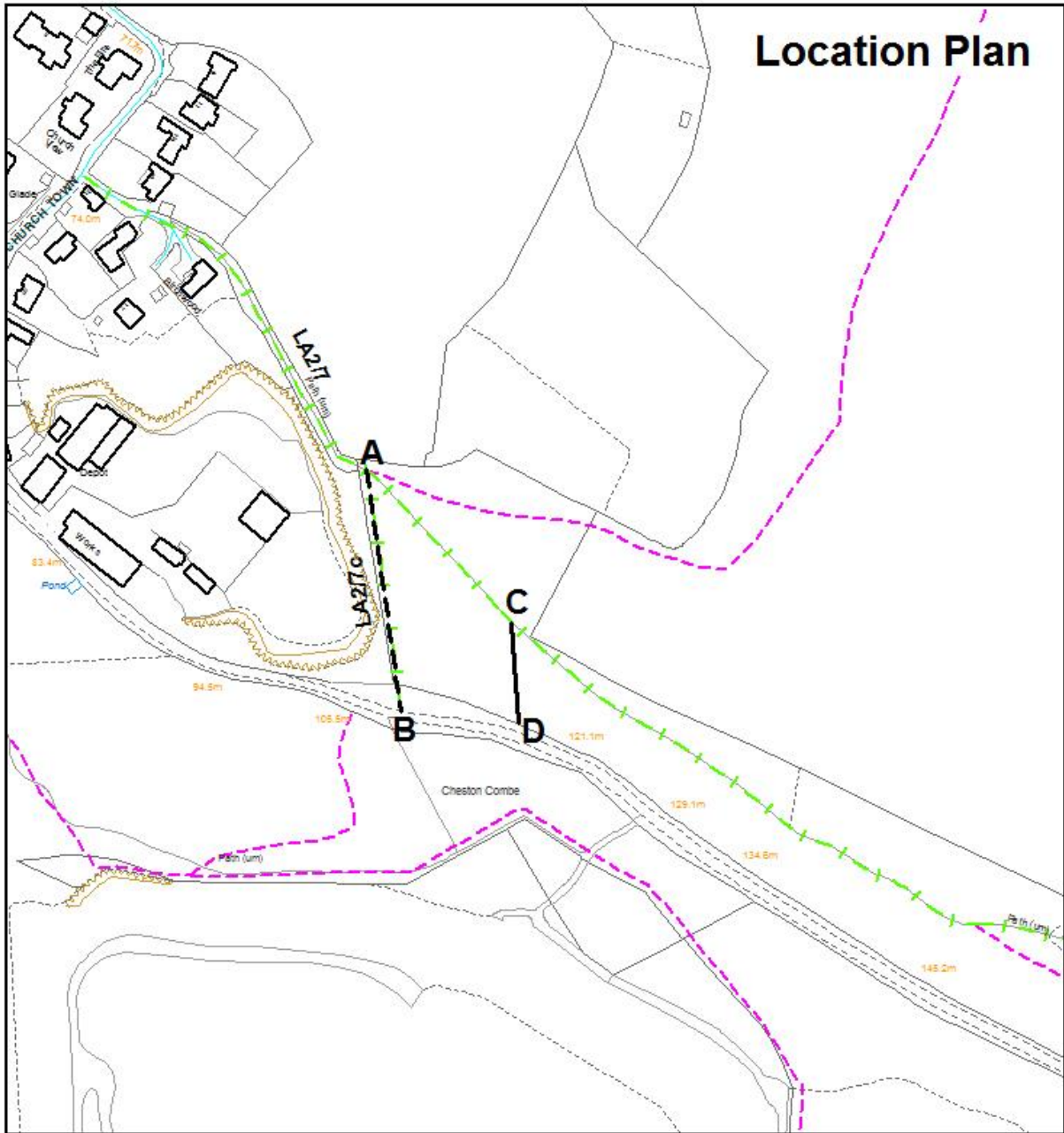
The options that need to be considered are:

1. Whether a Section 53 application is the correct process to make the changes which are being requested by the applicant.
2. Whether the application described within this report should be denied.
3. If the Committee accepts the recommendation of the Officer that this application should be refused that it is understood that the applicant has the right to appeal against the decision of the Committee.

### **AUTHOR**

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

**BACKGROUND PAPERS:** - Public Rights of Way File Mod 64




Wildlife & Countryside Act 1981 - Section 53 North Somerset District Council

**Mod 64 Jubilee Stone Backwell  
Definitive Map Modification Order Application.**

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



Scale 1:2500   
 Date 9 November 2018  
 Grid Ref. ST4968  
 Map No. EB/Mod 64  
 Downgrade to FP  
 A-B  
 Create Bridleway  
 C-D

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## **The Legal Basis for Deciding the Claim**

1. The application has been made under Section 53 of the Wildlife and Countryside Act 1981, which requires the Council as Surveying Authority to bring and then keep the Definitive Map and Statement up to date, then making by Order such modifications to them as appear to be required 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 –

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

The basis of the application in respect of the Bridleway is that the requirement of Section 53(3)(c)(i) and (ii) has been fulfilled.

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

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

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

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

(b) has maintained the notice after the 1st January 1934, or any later date on which it was erected, the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as a highway.

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

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

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

## History and Description of the Claim

1. An application for a modification to the Definitive Map and Statement was received dated 10 June 2003 from Woodspring Bridleways Association (“The Association”). This application requested that a route recorded following a Public Inquiry in 1993 as Bridleway LA2/7c should be downgraded to Footpath and an additional bridleway added. It is the belief of the applicant that a drafting error has been made post Inquiry which needs to be rectified. The basis for this application is detailed in a letter dated 10 June 2001 which was sent to the owner of the land. This letter reads as follows:

*When Avon County Council did the final papers after the Public Inquiry they made a mistake by putting the bridleway up the footpath. You will be aware that this is impossible to ride. The route should be as Plan B.*

*We told the Council of the mistake but they refused to alter the route over the years. We are now left with having to put in for another modification to the definitive map. There is one other way which we would ask you to consider as the landowner. This is to dedicate the route as a bridleway, this would make everyone’s life easier and avoid possible going to another Public Inquiry. The Milwards your predecessors supported the claimed route which I personally used from 1948.*

*If I can be of any help please do phone me and perhaps we can meet on site.*

The submitted application was accompanied by two maps, a copy of the letter sent to the owner of the land, Certificate of Service and written “You have all the original documents and Inspectors Report 21 Jan 1994”.

The above documents will be reported on in **Appendix 3**. This matter is currently recorded on the Definitive Map Register as Mod 64.

It should be noted that the Council has located additional documentation within its records which relates to the first order made, the decision of the appointed inspector and correspondence with prior Rights of Way Officers. These are detailed in **Appendix 4** of this report.

2. The previous application had claimed two routes which following the Public Inquiry became Bridleway LA2/7b and Bridleway LA2/7c. LA2/7 had previously been recorded on the Definitive Map as a Public Footpath. LA2/7c would form a link to Cheston Coombe. The subject of this report is LA2/7c marked on the attached location plan as A-B. The applicant has stated in one document that they wish this route to be downgraded to Footpath and a new Bridleway to be created on the alignment C-D. However, on another document they have indicated that the bridleway (A-B) is to be deleted and another bridleway on a differing alignment is to be created (C-D). Both these requests being shown on accompanying plans. This application affects a route in the Parish of Backwell. The application and accompanying documents are attached as **Document 1**.
3. The Bridleway to be deleted is illustrated as bold black dashed lines on the attached Location Map (A-B) and the Bridleway to be created as a bold black line (C-D) (scale 1:2500).



## Analysis of Applicants Evidence

The applicants claim is that a route placed upon the Definitive Map for the area by Definitive Map Modification Order No 12 1991 has been incorrectly drawn. Their suggestion being that a Modification Order is made which would downgrade LA2/7c from Bridleway to Footpath and add a Bridleway in the location they believe was discussed at the Public Inquiry. These routes are shown on the attached Location Plan as A-B and C-D.

The documents submitted by the applicant are limited relying mainly that documents presented at the Public Inquiry in 1993 would still be available. The application documents have been attached as **Document 1** for information.

Section 53(3)(c)(ii) relates to changing the status of a route recorded onto the Definitive Map which is considered to have been recorded incorrectly and needs to be either downgraded or upgraded. The relevant event would be the discovery by the authority of evidence which shows that a right of way shown in the map and statement of a particular description ought to be there shown as a highway of a different description.

For a route to be added to the Definitive Map there are two mechanisms which could be used. The first would be to modify the map by adding a route as a bridleway. This would need to meet the relevant test. Section 53(3)(c)(i) the relevant event would be the discovery by the authority of evidence which shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over the land. The second being by agreement of the owner of the land that a Bridleway could be created and dedicated by that party.

The application consists of a letter sent to the owners of the land Backwell Down House advising of the reasons that Woodspring Bridleways are resubmitting the application, a copy of the Notice which was served upon the owners of the land, Certificate of Service and service to North Somerset Council together with two plans.

The letter to the owners claims that Avon County Council have incorrectly recorded one of the routes which had been discussed at the Public Inquiry in 1993. This letter is asking the landowners to dedicate the alternative route as a Bridleway.

It should be noted that the application has been submitted on forms which are believed to belong to Somerset, a point of which was challenged by a former Rights of Way Officer but overruled by a later one. That first officer advised that this application was deficient and not accepted however latterly accepted and recorded on the Definitive Map Register. Correspondence relating to this will be presented in Appendix 4.

The applicant has supplied copies of two letters one from H R Milward and Lady Verden Smith which were submitted to the appointed inspector detailing their understanding of the use that was being made of the routes being claimed. However, in my opinion that these letters relate to the route which became LA2/7b, not this route.

No further evidence has been presented to support the claim that this route has been incorrectly depicted.

### Analysis of Additional Documentary Evidence

To decide whether a Definitive Map Modification Order application is the correct path to follow with this matter it has been necessary to look back through documentation held both on this file but also path files held within North Somerset Council offices relating to the period when this matter was previously discussed.

The Definitive Map and Statement Order No 12 1991 made by County Council of Avon dated 17<sup>th</sup> September 1991 described the route A-B in the following way:

*A public bridleway which starts at its junction with LA2/7 in Backwell Parish approximately 192 metres from Church Road and runs in a southerly direction to the road at Cheston Combe, as shown between points B-G by a broken line with crossbars in the intervals on the plan annexed to this Order, the number of this bridleway to be LA2/7c.*

The route illustrated on the Order Plan B-G proceeds adjacent to the fenceline of the adjoining quarry.

A copy of this sealed order is attached as **Document 2**

Notice of the making of the Order was placed in the local press on 24<sup>th</sup> September 1991 (**Document 3**) advising that comments were to be received by 7<sup>th</sup> November 1991. That notice described the route as “adding thereto, the public bridleway which starts at its junction with LA2/7 in Backwell Parish approximately 192 metres from Church Road and runs in a southerly direction to the road at Cheston Combe as shown between points B-G by a broken line with crossbars in the intervals on the plan annexed to the order, the number of this bridleway to be LA2/7c”. Objection to the Order were received therefore the Order was submitted to the Secretary of State for determination.

It was decided that a Public Inquiry would be held, notice of which was placed in the local press (**Document 4**).

The appointed Inspector issued his determination on the 21 January 1994 confirming the Order as made. (**Document 5**). I would particularly draw attention to paragraphs 7, 8, 9, 27, 28 and 29. The Inspector refers to the route drawn on the Order map as “passing though heavily overgrown and tree covered undulating land”. No mention is made within this decision that the alignment of the spur B-G had been drawn in the wrong location. Also, should the route of B-G have been found to be different when the Inspector visited the site this would have been changed on the legal order.

This decision was advertised in the local press on the 1 March 1994 (**Document 6**). As can be seen the wording in this notice and the previous one when the order was made is the same.

Following the issue of the Inspectors decision the route as depicted upon the legal order B-G was recorded on the Definitive Map. On the 13<sup>th</sup> June 1994 a letter of thanks was received from Mrs Craggs (**Document 7**) where this matter seemed to have been completed.

Woodspring Bridleway Association sent in a letter on 4 January 1996 requesting the location of a Bridleway sign upon another route. This letter is the first letter on file relating to the claim that the Bridleway B-G has been placed in the wrong location (**Document 8**).

A response dated 17 January 1996 is recorded as being sent in response where the officer confirms that the signage has been placed as per the Modification Order made (**Document 9**)

The next correspondence found is dated 26 March 2003 (**Document 10**) from Mrs Craggs to a former Access Officer asking for the route B-G to be corrected by a diversion and extinguishment process. This process would close the currently recorded spur and move it to a different location. This is only possible with the agreement of the owner of the land.

A response sent to Mrs Craggs dated 11 April 2003 confirms that the file relating to the making of the Order has been looked at and verified that the Definitive Map Modification Order was made to accurately map the claimed route. This letter also advises how this route can be diverted and the process and costs associated with it (**Document 11**).

Further correspondence from Mrs Craggs dated 22 April 2003 relates to hope that NSC would obtain a dedication from the landowner for a route to be established on an alignment better suited for a bridleway. This letter was followed by a reply dated 25 April 2003 which I think is self-explanatory (**Documents 12 and 13**).

A letter dated 17 September 2003 replying to a letter of 31 August 2003 where Mrs Craggs asked for confirmation of the Mod number which had been allocated to her application for Backwell Jubilee. Richard Broadhead at that time did not accept this application due to the forms which had been submitted (**Document 14**).

All correspondence since this date has been repetition of previous statements made in the earlier documents, the reason as to why this matter is listed on the Definitive Map Modification Order Application Register is unclear, only that a previous Senior Access Officer agreed that it would be added.

## Conclusion

The basis of this claim is that the applicant believes that the wrong route was marked within the Legal Order and subsequently onto the Definitive Map. They are the only ones of this opinion. Why, through the various stages of the Order process this was not picked up or realised cannot be answered. Similarly, why when a site visit was undertaken, presumably accompanied, that the applicants didn't realise that the other parties were not looking at the route they intended to be recorded. To try to put blame on Avon County Council for a fault that they also played a part in is unacceptable. Therefore, I do not intend to revisit all the letters which have been included in this report, I think their content is self-explanatory.

What is clear is that previous Officers who had looked at the original Order were convinced that the routes which had been claimed in 1993 were those which were detailed upon the Definitive Map Modification Order No 12 1993 and were those the subject of the Public Inquiry held.

The Inspectors Decision clearly describes the route of the spur B-G. His words within that decision relating to the Spur B-G clearly describe the route which has been recorded on the Definitive Map. Statements such as "A notable feature on the proposed bridleway spur B-G is a sharp fall through the trees down to Cheston Combe". "The proposed spur B-G passes through heavily overgrown and tree covered undulating land with evidence of wild life habitation immediately east of the former quarry site". "When relating the above to the spur B-G proposed to run over to Cheston Combe, much hangs on the Evidence Forms – certainly there is no evidence on the ground of any sort of path along this route. Whilst it might be thought not to be a particularly suitable or safe route for a bridleway it must be judged on the same grounds as the main path". "The understandable questions of suitability of the path today and overall amenity questions are not matters which I am able to take into account in considering this Order. It will be for the Order Making Authority to consider what action is necessary on the route particularly a difficult section between A and B. They will no doubt also wish to consider the suitability of a path being put through a wild life haven on spur B-G, also its safety aspect on the precipitous last few yards as it reaches the quite busy and narrow Cheston Combe".

It is my opinion that there is no doubt that the Inspector was viewing the route which is recorded as Bridleway LA2/7c.

A route marked upon the Definitive Map as a Bridleway can be downgraded to a Footpath by the making of a Definitive Map Modification Order if the evidence shows that an error has been made during the Definitive Map production. In this case Bridleway LA2/7c was added to the Definitive Map in 1994 following the making of a Legal Order, the holding of a Public Inquiry and the determination by an appointed Inspector. This addition was based upon information placed by persons claiming to have used this route. Therefore it is my opinion that this process is not the correct one.

The only way for a Bridleway to be moved to another location is by means of a Diversion Order made under section 119 of the Highways Act 1980. Such a diversion is only possible with the agreement of the owners of the land and Diversion Order applicant agreeing to meet all of the associated costs.

Based upon all that I have included within this report it is my opinion that this application should be rejected based upon the fact that this is not the correct mechanism to change the location of Bridleway LA2/7c.

**DOCUMENT 1**  
**Application submitted by Woodspring Bridleways Association**

COUNTY OF SOMERSET

WILDLIFE AND COUNTRYSIDE ACT 1981

County of Somerset Public Rights of Way

To: Director of Administration and County Solicitor, North Somerset District Council  
Of: Town Hall Weston s Mare Somerset

We Woodspring Bridleways Association of Longbottom Farm Shipham Winscombe Somerset  
BS25 1RW

hereby apply for an Order under Section 53[2] of the Wildlife and Countryside Act 1981  
modifying the definitive map and statement for the County of Somerset by adding a bridleway  
marked on the enclosed map and down grading LA 2/7c to a footpath.

The evidence [including statements of witness] in support of this application are already in the  
hands of the Authority. Order No 12 1991

Dated this 10 day of June 2003

Signed



Maps X 2.

Letter to C/Oupine

Certificate of Service

You have all the Original Documents. & Inspectors Report 21 Jan  
1994.

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

Wildlife and Countryside Act 1981

COUNTY OF SOMERSET

DEFINITIVE MAP AND STATEMENT

Certificate of Service of Notice of Application for  
Modification Order

To: ~~Somerset County Council~~ North Som District Council  
of: ~~County Hall, Taunton, Somerset, TA1 4DY.~~  
Town WESTON S. MARF

I/We (1) .WOODSPRING....RADLEWAYS.....ASS.....  
of (2) LONGBOTTOM...FARM....SHIPHAM....WINSOR...SOM.....  
hereby certify that the requirements of paragraph 2 of Schedule 14 to the  
Wildlife and Countryside Act 1981 have been complied with in relation to the  
attached application.

Dated ..10/06/03.....

Signed ..[REDACTED].....

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

NOTES FOR GUIDANCE OVERLEAF - PLEASE READ CAREFULLY

NOTICE OF APPLICATION FOR MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

COUNTY OF SOMERSET  
DEFINITIVE MAP AND STATEMENT

SECTION A To: OWNER/OCCUPIER  
of: BACKWELL...DOWN...HOUSE...FARLEIGH BACKWELL  
NR BRISTOL Som.

SECTION B Notice is hereby given that on the 10/06/03  
I/we: WOODSPRING...BRIDLEWAYS...RS  
of: LONGBATION...FARM...SMITHY...WINSORBE Som.  
N DISTRICT  
made application to the Somerset County Council that the  
Definitive Map and Statement for the area be modified by:-

SECTION C

- i) deleting the ~~footpath/bridleway/byway open to all traffic\*~~  
from: PARSONS...COMBE "G" LA 2/7C  
to: "B" LA 2/7D PLAN B
- ii) adding the ~~footpath/bridleway/byway open to all traffic\*~~  
from: PARSONS...COMBE "E" PLAN "A" D  
to: E m LA 2/7D
- iii) Upgrading/downgrading\* to a footpath/bridleway/byway open to  
all traffic\* the ~~footpath/bridleway/byway open to all traffic~~  
from: ~~.....~~  
to: ~~.....~~
- iv) Varying/adding\* to the particulars relating to the  
footpath/bridleway/byway ~~open to all traffic\*~~  
from: ~~.....~~  
to: ~~.....~~  
by providing that: ~~.....~~  
~~.....~~

Dated: 10/06/03 Signed: ~~.....~~

\*Please delete as appropriate

Woodspring Bridleways Association  
Long Bottom Farm  
Shipham  
Winscombe 01934 743166

Backwell Down House  
Farleigh Backwell  
Nr Bristol Som.

10/6/03

Dear Sir,

We would like to explain why we have put in this new claim form. When Avon County Council did the final papers after the Public Inquiry they made a mistake by putting the bridleway up the foot path. You will be aware that this is impossible to ride. The route should be as plan B

We told the Council of the mistake but they refused to alter the route over the years. We are now left with having to put in for another modification to the definitive map.

There is one other way which we would ask you to consider as the landowner. This is to dedicate the route as a bridleway, this would make everyone's life easier and avoid possible going to another Public Inquiry. The Milwards your predecessors supported the claimed route which I personally used from 1948.

If I can be of any help please do phone me and perhaps we can meet on site.

Yours Sincerely,





COUNTY COUNCIL OF AVON  
 Definitive Map Modification Order No. 12 1991  
 Wildlife and Countryside Act 1981 Section 53

County Planning Officer  
 PO Box 46  
 Millgate  
 Whitelins  
 Lewins Mead  
 Bristol BS99 7EU  
 Telephone Bristol (0272) 290777

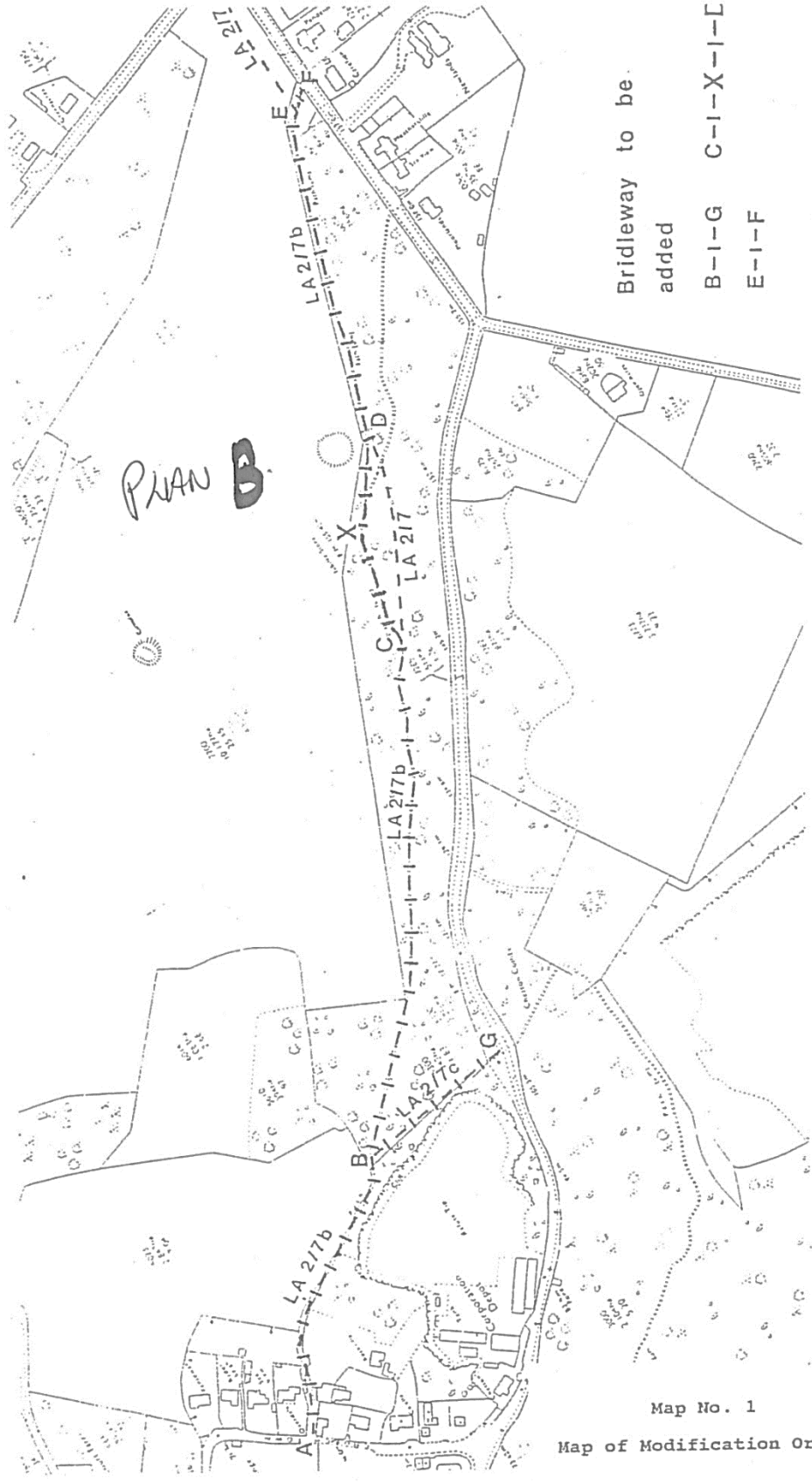
Based on the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office  
 Crown Copyright reserved  
 Licence No. LA071064

Scale: 1 : 100 m

Path to be redesignated

A-I-B-I-C D-I-E

Grid Ref: 493682 Date: August 1991 Map No:



Bridleway to be added

B-I-G C-I-X-I-E  
 E-I-F

Map No. 1  
 Map of Modification Order

COUNTY COUNCIL OF AVON

WILDLIFE AND COUNTRYSIDE ACT 1981

COUNTY COUNCIL OF AVON PUBLIC RIGHTS OF WAY DEFINITIVE MAP  
AND STATEMENT MODIFICATION ORDER NO. 12 1991

Whereas pursuant to section 53(2) of the Wildlife and Countryside Act 1981 (hereinafter called "the Act") it appears to the County Council of Avon (hereinafter called "the surveying authority") that the County Council of Avon Public Rights of Way Definitive Map and Statement requires modification in consequence of the occurrence of events specified in section 53(3)(c)(i) and 53(3)(c)(ii) of the Act namely, that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates and that certain highways shown in the map and statement as highways of a particular description ought to be there shown as highways of a different description;

And whereas the surveying authority have consulted with every local authority whose area includes the land to which the Order relates;

Now, therefore, the surveying authority in exercise of the power conferred by section 53(2) of the Act, hereby makes the following Order:

1. For the purposes of this Order the relevant date shall be 31st August 1991.
2. The County Council of Avon Public Rights of Way Definitive Map and Statement shall be modified as described in Part I and Part II of the Schedule hereto and shown on the map annexed hereto by a broken line with crossbars in the intervals.
3. The Order shall have effect on the date it is confirmed.
4. This Order may be cited as the County Council of Avon Public Rights of Way Definitive Map and Statement Modification Order No. 12 1991.

Given under the Common Seal of the County Council of Avon the 17th day of September 1991.

The COMMON SEAL of the  
COUNTY COUNCIL OF AVON  
was hereunto affixed  
in the presence of:-

- 18555

*J. E. Ordlin*

County Solicitor  
and Deputy Clerk

AUTHORITY FOR SEALING	
Council resolution	P.R.T. (Public Rights of Way) (Policy Implementation)
Sub-Committee minute	55 of 14.7.91
Initials	M.J.

The Foregoing order is hereby confirmed.

A handwritten signature in black ink, consisting of a large, stylized loop followed by several smaller, connected strokes.

21 JANUARY 1994

An Inspector appointed  
for the purpose by the  
Secretary of State for  
the Environment.

## SCHEDULE

### Part I

#### Description of paths to be re-designated.

1. That section of public footpath numbered LA2/7 in Backwell Parish which starts at Church Town and runs generally south easterly to a point approximately 53 metres west of the Jubilee Stone, hitherto shown on the Definitive Map as a footpath but henceforth to be re-designated to a bridleway as shown between points A - B - C by a broken line with crossbars in the intervals on the plan annexed to this Order, the number of this bridleway to be LA2/7b;
2. That section of public footpath numbered LA2/7 in Backwell Parish from a point approximately 90 metres south east of the Jubilee Stone and runs generally south easterly to a point approximately 20 metres north of Backwell Hill, hitherto shown on the Definitive Map as a footpath but henceforth to be re-designated to a bridleway as shown between points D - E by a broken line with crossbars in the intervals on the plan annexed to this Order, the number of this bridleway to be LA2/7b;

#### Description of bridleways to be added.

3. A public bridleway which starts at junction with LA2/7 in Backwell Parish approximately 53 metres west of the Jubilee Stone and runs generally easterly and south easterly passing the Jubilee Stone, to a junction with LA2/7 approximately 90 metres south east of the Jubilee Stone, as shown between points C - X - D by a broken line with crossbars in the intervals on the plan annexed to this Order, the number of this bridleway to be LA2/7b.
4. A public bridleway which starts at LA2/7 in Backwell Parish approximately 20 metres north of the road called Backwell Hill and runs generally south easterly to the said road, as shown between points E - F by a broken line with crossbars in the intervals on the plan annexed to this Order, the number of this bridleway to be LA2/7b.
5. A public bridleway which starts at its junction with LA2/7 in Backwell Parish approximately 192 metres from Church Road and runs in a southerly direction to the road at Cheston Combe, as shown between points B - G by a broken line with crossbars in the intervals on the plan annexed to this Order, the number of this bridleway to be LA2/7c.

**COUNTY COUNCIL OF ACON**  
**Definitive Map Modification Order No. 12 1991**  
**Wildlife and Countryside Act 1981 Section 53**

Grid Ref: 493682 Date: August 1991 Map No:

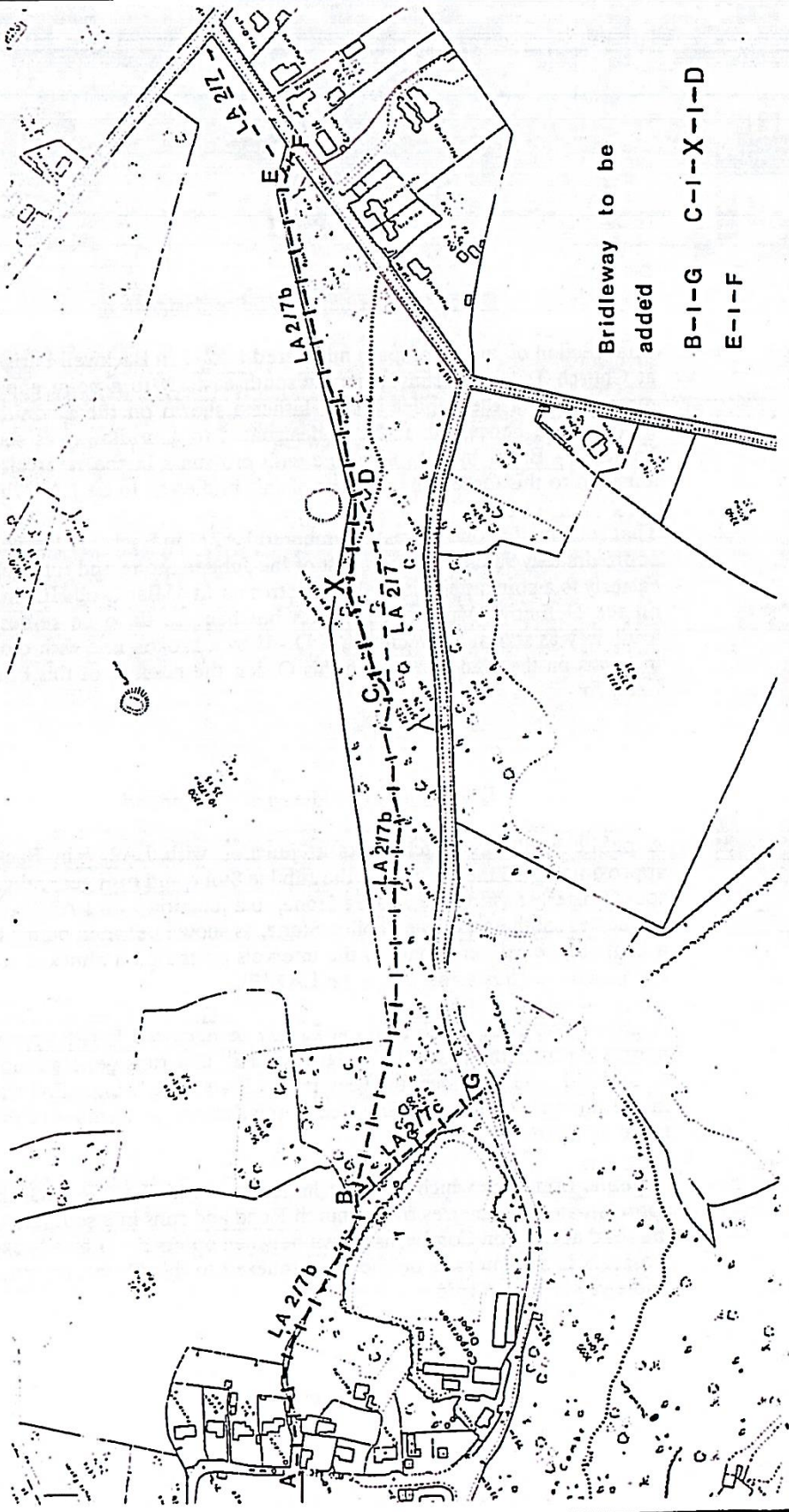
County Planning Officer  
 PO Box 46  
 Middlegate  
 Whiteknats  
 Lewins Mead  
 Bristol BS99 7CU  
 Telephone Bristol (0272) 290777

Based on the Ordnance  
 Survey map with the permission  
 of the Controller of Her  
 Majesty's Stationery Office  
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Scale: 100m

Path to be redesignated

A-I-B-I-C D-I-E



Bridleway to be  
 added

B-I-G C-I-X-I-D  
 E-I-F

PART II  
**MODIFICATION OF DEFINITIVE MAP AND STATEMENT**

The Definitive Statement is to be modified by the re-designating as bridleways the public rights of way described in Part I of the Schedule with description as follows:-

Map No.	Class & Right of Way	DESCRIPTION OF ROUTE					Via O.S. Parcel Nos.		Particulars as to position, width, limitations or conditions as in the opinion of the Authority it is expedient to record.	Reason for inclusion
		FROM		General Direction	County Road or Right of Way	Location (with bounding property Nos.)	Location (with bounding property Nos.)	(Ezitions 1921/23 unless otherwise stated)		
		County Road or Right of Way	Location (with bounding property Nos.)							
	BW LA2/7b	49740	15 Church Town (Overdale) 21 Church Town (Sheep Cottage) Grid Ref: 4936 6822	SE	49739	Backwell Hill opposite property known as Carleton Grid Ref: 5010 6772	175 174 168	5300 0074	From start point follows track and path to near Jubilee Stone thence continues to Backwell Hill, junctions with LA2/7c Grid Ref:4948 6809 LA2/7 Grid Ref:4976 6787 LA2/7 Grid Ref:4988 6782 LA2/7 Grid Ref:5008 6774 Width: varies Length: approx 900 metres	Included on Definitive Map and Statement, upgraded by Wildlife and Countryside Act 1981 Modification Order No. 12 1991
	BW LA2/7c	1	Grid Ref: 4948 6809	S	49739	Cheston Combe Grid Ref: 4950 6797	168 171	5300	From start point follows boundary of Depot to road in Cheston Combe Width: varies Length: approx 114 metres	Wildlife and Countryside Act 1981 Modification Order No. 12 1991

PART II

MODIFICATION OF DEFINITIVE MAP AND STATEMENT

The Definitive Statement is to be further modified by updating the descriptions of existing public rights of way to take account of the modifications described in Part I of the Schedule with description as follows:-

Map No.	Class & Right of Way	DESCRIPTION OF ROUTE						Via O.S. Parcel Nos.		Particulars as to position, width, limitations or conditions as in the opinion of the Authority it is expedient to record.	Reason for inclusion
		FROM		General Direction	County Road or Right of Way	TO		(Editions 1921/23 unless otherwise stated)	Post 1945		
County Road or Right of Way	Location (with bounding property Nos.)	Location (with bounding property Nos.)	Location (with bounding property Nos.)								
FP LA2/7	HW LA2/7b	(1) Approx 53 metres west of Jubilee Stone Grid Ref: 4976 6787	S11	LA2/7b	Approx 90 metres south of Jubilee Stone Grid Ref: 4988 6782	168	5300	From start point (1) footpath runs in a south easterly direction approx 26 metres south of Jubilee Stone to reconnect with LA2/7b thence from start point (2) footpath crosses field to a junction with LA2/5 at road Width: varies Length: approx 138 metres	Included on Definitive Map and Statement		
	HW LA2/7b	(2) Approx 20 metres north of road, Backwell Hill Grid Ref: 5008 6774								168	0088



COUNTY OF AVON

WILDLIFE AND COUNTRYSIDE ACT 1981

COUNTY COUNCIL OF AVON PUBLIC RIGHTS OF WAY DEFINITIVE MAP  
AND STATEMENT MODIFICATION ORDER NO. 12 1991

RE-DESIGNATION OF FOOTPATH AND THE ADDITION OF BRIDLEWAYS  
AT CHURCH TOWN, BACKWELL

The above-named Order, made on 17th September 1991, is about to be submitted to the Secretary of State for the Environment for confirmation or to be confirmed, as an unopposed Order, by the County Council of Avon.

The effect of the Order, if confirmed without modification, will be to modify the Definitive Map and Statement for the area by:-

1. providing more detailed particulars and re-designating to a bridleway, that section of public footpath numbered LA2/7 in Backwell Parish which starts at Church Town and runs generally south easterly to a point approximately 53 metres west of the Jubilee Stone, hitherto shown on the Definitive Map as a footpath and shown between points A - B - C by a broken line with crossbars in the intervals on the plan annexed to the Order, the number of this bridleway to be LA2/7b;
2. providing more detailed particulars and re-designating to a bridleway, that section of public footpath numbered LA2/7 in Backwell Parish which starts at a point approximately 90 metres south east of the Jubilee Stone and runs generally south easterly to a point approximately 20 metres north of Backwell Hill, hitherto shown on the Definitive Map as a footpath and shown between points D - E by a broken line with crossbars in the intervals on the plan annexed to the Order, the number of this bridleway to be LA2/7b;
3. adding thereto, the public bridleway which starts at junction with LA2/7 in Backwell Parish approximately 53 metres west of the Jubilee Stone and runs generally easterly and south easterly passing the Jubilee Stone to junction with LA2/7 approximately 90 metres south east of the Jubilee Stone as shown between points C - X - D by a broken line with crossbars in the intervals on the plan annexed to the Order, the number of this bridleway to be LA2/7b;
4. adding thereto, the public bridleway which starts at LA2/7 in Backwell Parish approximately 20 metres north of the road called Backwell Hill and runs generally south easterly to the said road as shown between points E - F by a broken line with crossbars in the intervals on the plan annexed to the Order, the number of this bridleway to be LA2/7b;

5. adding thereto, the public bridleway which starts at its junction with LA2/7 in Backwell Parish approximately 192 metres from Church Road and runs in a southerly direction to the road at Cheston Combe as shown between points B - G by a broken line with crossbars in the intervals on the plan annexed to the Order, the number of this bridleway to be LA2/7c.

The Order will also make any necessary consequential amendment to the Definitive Map and Statement arising from this in so far as it affects the existing description of LA2/7.

A copy of the Order and the plan contained in it has been deposited and may be inspected free of charge at the undermentioned offices (callers should report to Reception and ask for the Statutory Orders Section) and at Woodspring District Council Offices, Town Hall, Weston-super-Mare, BS23 1UJ during normal office hours and at Backwell Public Library, Station Road, Backwell, Bristol, BS19 3NW during normal opening hours or may be purchased at a reasonable cost from the undermentioned offices.

Any representation or objection with respect to the Order may be sent in writing to the County Solicitor and Deputy Clerk at the undermentioned address quoting reference MJ/WC/18/2 before 7th November 1991 and should state the grounds on which it is made. Please note that all representations received may be considered in public by the County Council and that the substance of any representation together with the name and address of the person making it could become available for public inspection.

If no representations or objections are duly made to the Order, or to any part thereof, or if any so made are withdrawn, the County Council of Avon may, instead of submitting the Order (or that part thereof if the authority has by notice to the Secretary of State so elected) itself confirm the Order (or that part of the Order). If the Order is submitted to the Secretary of State for the Environment in whole or in part, any representations and objections which have been duly made and not withdrawn will be included.

Avon House  
The Haymarket  
BRISTOL BS99 7DE

J E ORTON  
County Solicitor  
and Deputy Clerk

Dated: 24th September 1991

AND RUNS GENERALLY SOUTH EASTERLY TO A POINT APPROXIMATELY 20 METRES NORTH OF BACKWELL HILL, HITHERTO SHOWN ON THE DEFINITIVE MAP AS A FOOTPATH AND SHOWN BETWEEN POINTS D - E BY A BROKEN LINE WITH CROSSBARS IN THE INTERVALS ON THE PLAN ANNEXED TO THE ORDER, THE NUMBER OF THIS BRIDLEWAY TO BE LA2/7b;

3. ADDING THERETO, THE PUBLIC BRIDLEWAY WHICH STARTS AT JUNCTION WITH LA2/7 IN BACKWELL PARISH APPROXIMATELY 53 METRES WEST OF THE JUBILEE STONE AND RUNS GENERALLY EASTERLY AND SOUTH EASTERLY PASSING THE JUBILEE STONE TO JUNCTION WITH LA2/7 APPROXIMATELY 90 METRES SOUTH EAST OF THE JUBILEE STONE AS SHOWN BETWEEN POINTS C - X - D BY A BROKEN LINE WITH CROSSBARS IN THE INTERVALS ON THE PLAN ANNEXED TO THE ORDER, THE NUMBER OF THIS BRIDLEWAY TO BE LA2/7b;

4. ADDING THERETO, THE PUBLIC BRIDLEWAY WHICH STARTS AT LA2/7 IN BACKWELL PARISH APPROXIMATELY 20 METRES NORTH OF THE ROAD CALLED BACKWELL HILL AND RUNS GENERALLY SOUTH EASTERLY TO THE SAID ROAD AS SHOWN BETWEEN POINTS E - F BY A BROKEN LINE WITH CROSSBARS IN THE INTERVALS ON THE PLAN ANNEXED TO THE ORDER, THE NUMBER OF THIS BRIDLEWAY TO BE LA2/7b;

5. ADDING THERETO, THE PUBLIC BRIDLEWAY WHICH STARTS AT ITS JUNCTION WITH LA2/7 IN BACKWELL PARISH APPROXIMATELY 192 METRES FROM CHURCH ROAD AND RUNS IN A SOUTHERLY DIRECTION TO THE ROAD AT CHESTON COMBE AS SHOWN BETWEEN POINTS B - G BY A BROKEN LINE WITH CROSSBARS IN THE INTERVALS ON THE PLAN ANNEXED TO THE ORDER, THE NUMBER TO BE LA2/7c.

THE ORDER WILL ALSO MAKE ANY NECESSARY CONSEQUENTIAL AMENDMENT TO THE DEFINITIVE MAP AND STATEMENT ARISING FROM THIS IN SO FAR AS IT AFFECTS THE EXISTING DESCRIPTION OF LA2/7.

J. E. Acton.

J E ACTON  
AN ASSISTANT CHIEF PLANNING INSPECTOR  
DEPARTMENT OF THE ENVIRONMENT

NOTICE OF PUBLIC LOCAL INQUIRY

WILDLIFE AND COUNTRYSIDE ACT 1981

NOTICE IS HEREBY GIVEN THAT

MR M LAW FRSA FRIPi

THE INSPECTOR APPOINTED BY

THE SECRETARY OF STATE FOR THE ENVIRONMENT

TO DETERMINE THE COUNTY COUNCIL OF AVON PUBLIC RIGHTS OF WAY DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO.12 1991.

WILL ATTEND AT

BACKWELL PARISH HALL, STATION ROAD, BACKWELL.

ON

TUESDAY, 12 OCTOBER 1993

AT 10.00 AM

TO HOLD A PUBLIC LOCAL INQUIRY INTO THE ORDER

THE EFFECT OF THE ORDER, IF CONFIRMED WITHOUT MODIFICATION, WILL BE TO MODIFY THE DEFINITIVE MAP & STATEMENT FOR THE AREA BY:-

1. PROVIDING MORE DETAILED PARTICULARS AND RE-DESIGNATING TO A BRIDLEWAY, THAT SECTION OF PUBLIC FOOTPATH NUMBERED LA2/7 IN BACKWELL PARISH WHICH STARTS AT CHURCH TOWN AND RUNS GENERALLY SOUTH EASTERLY TO A POINT APPROXIMATELY 53 METRES WEST OF THE JUBILEE STONE, HITHERTO SHOWN ON THE DEFINITIVE MAP AS A FOOTPATH AND SHOWN BETWEEN POINTS A - B - C BY A BROKEN LINE WITH CROSSBARS IN THE INTERVALS ON THE PLAN ANNEXED TO THE ORDER, THE NUMBER OF THIS BRIDLEWAY TO BE LA2/7b;

2. PROVIDING MORE DETAILED PARTICULARS AND RE-DESIGNATING TO A BRIDLEWAY, THAT SECTION OF PUBLIC FOOTPATH NUMBERED LA2/7 IN BACKWELL PARISH WHICH STARTS AT A POINT APPROXIMATELY 90 METRES SOUTH EAST OF THE JUBILEE STONE

*Backwell*



## The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room	13/24	Direct Line	0272-218904
Tollgate House		Switchboard	0272-218811
Houlton Street		Fax No	0272-218
Bristol BS2 9DJ		GTN	1374

County Solicitor  
County Council of Avon  
P O Box 11  
Avon House  
The Haymarket  
BRISTOL BS99 7DE

165275

Your Ref: FRP/WC/18/2

Our Ref: FPS/FO100/7/19

Date 21 JAN 1994

Dear Sir

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53 AND SCHEDULE 15  
COUNTY COUNCIL OF AVON PUBLIC RIGHTS OF WAY DEFINITIVE MAP AND  
STATEMENT MODIFICATION ORDER No 12 1991

1 I refer to the above named Order, submitted by your Council to the Secretary of State for the Environment, for confirmation, which I have been appointed to determine in accordance with the provisions of Paragraph 10(1) of Schedule 15 to the Wildlife and Countryside Act 1981. I held a public local Inquiry into the Order at the Backwell Parish Hall, Backwell on Tuesday, 12 October 1993 and inspected the lines of the existing footpath and proposed bridleway on the same day.

2 The effect of the Order, if confirmed without modification, would be to modify the Definitive Map for the area by redesignating parts of footpath LA2/7 to the status of bridleway and by adding new sections of bridleway in Backwell parish all between the roads known as Church Town and Backwell Hill, Backwell. The proposed bridleway would commence between numbers 15 and 21 Church Town (point A on the Order Plan) and would run approximately south eastwards to the north of the public road and the Council Tip and Depot with a link south back to the road at the eastern end of the Depot site. The link is marked B - G on the Order Plan.

3 The main proposed bridleway would continue on the line of Footpath LA2/7 from point B through the wooded belt north of Cheston Combe to point C approximately 53 metres west of a feature known as the Jubilee Stone. Here the bridleway would deviate to the north of the existing footpath, pass close to the Jubilee Stone and regain the line of existing footpath LA2/7 some 90 metres to the east of the Stone - point D. It would continue on the existing line through the northern edge of the wood close to the adjacent field boundary fencing to reach point E where that footpath enters the adjoining field by way of a stile. Here the proposed bridleway would turn south for some 20 metres, along an existing field access track, to reach the public highway known as Backwell Hill, where it terminates at point F on the Order plan. The Order makes no attempt to change the status of the two unaffected lengths of footpath LA2/7 between C and D and to the east of E.

4 Objections to the Order were made by the owners of Nos 17 and 19 Church town and by the Ramblers Association Avon Branch. The owner of No 19 and the Ramblers appeared at the Inquiry. Further objection was raised at the Inquiry by two local residents. For the Order Making Authority, Avon County Council's Divisional Planning Officer appeared with two further witnesses. The British Horse Society Avon Committee appeared in support with two further witnesses, one being the person originally applying for the Order. The press were not present at the Inquiry.

5 In my determination of this case, I have taken all objections and representations into account.

#### DESCRIPTION OF THE EXISTING AND PROPOSED RIGHTS OF WAY AND THE SURROUNDING AREA

6 The footpath and proposed bridleways, subject of this Order, are located on the edge of the village of Backwell, a sizable community straddling the A370 Bristol to Weston-Super-Mare road, some seven miles south west of the city of Bristol in Woodspring District. The more open countryside north and west of A370 falls away whereas south of A370 the area surrounding the paths in question, known as Backwell Hill, generally rises quite steeply with much woodland and is scenically attractive. Several active quarries are cut deeply into Backwell Hill and surrounding area.

7 The route of footpath LA2/7, commencing in the old village of Backwell at Church Town runs eastwards steadily uphill within a woodland belt adjoining and north of Cheston Combe. The path is clearly defined with open access and a footpath sign from the village end and terminates on Backwell Hill Road with a signpost, a stile and fence at the roadside. A notable feature on the proposed bridleway spur B - G is a sharp fall through the trees down to Cheston Combe. The latter road is narrow, just wide enough for two cars to pass and without paths. The lane at Church Town is narrow whereas the two roads known as Backwell Hill Road at the eastern extremity of the path are straight and of reasonable width with margins.

8 The proposed bridleway would rise steadily and quite steeply moving eastwards. The route is presently very overhung with vegetation and is generally narrow albeit capable of having a strip of surrounding tree and scrub cover cleared along its length. There are excellent views to the north and west in fine weather in the vicinity of the Jubilee Stone. The proposed spur B - G passes through heavily overgrown and tree covered undulating land with evidence of wild life habitation immediately east of the former quarry site.

9 The total length of the proposed bridleway A - F is some 900 metres (2,954 feet), the spur B - G additionally running for some 114 metres (374 feet) across to Cheston Combe.

#### CASE FOR THE ORDER MAKING AUTHORITY

10 Avon County Council's case was based on their acceptance of a claim of presumed dedication arising from 20 years' uninterrupted use in the period up to 1989. They acknowledged that the Definitive Map showed a public footpath and that there was no challenge to the existence of a right of way. They were under a duty under S.53 of the Wildlife and Countryside Act 1981 to keep rights of way under continuous review. They

had been in receipt of an application by Mrs V F Craggs on 30 May 1989, with 21 evidence forms, seeking the upgrading of the majority of the footpath and addition of a spur to Cheston Combe, all to Bridleway status. The precise claimed routes were established by site visit.

11 The evidence forms give clear proof of use by horseriders over a great many years, some going back to the 1930s, at least eight covering the entire 20 year period in question. Some rode for pleasure, for exercise and to obtain the view. Riders originated in many villages around Backwell, most using the route as one leg of a longer circuit. All of those completing evidence forms and maps showed the main path and the spur in use. Users described the route as between 8 and 12 feet wide for the most part and most used it between 20 and 100 times a year.

12 There was no doubt that there had never been restrictive notices placed on the route. Some recalled a rail across the path near the Church Town end and there was occasional obstruction by rubbish. Parts of the path had been encroached upon by surrounding scrub in recent years. The respondents were unanimous in confirming that they had neither sought nor obtained permission from the owners but rather believed the path to be available to horseriders as of right over very many years.

13 Map and document searches, whilst certainly confirming the existence of a path during this century, offer no proof as to the status of the path. As was common practice the letters F.P. appear along this route on earlier maps of the Ordnance Survey but this was not conclusive evidence. The paths run through what is described on earlier maps as a Golf Course without a separately annotated woodland edge. The golf course has subsequently reverted to agricultural use and the margin adjacent to Cheston Combe to young woodland with scrub. The 1951 Parish Survey for the definitive map accords the route footpath status.

14 Formal consultation resulted in the Parish Council not supporting the route's upgrading to bridleway on suitability grounds, noting particularly the steep and narrow section nearer to Church Town. The owner of 19 Church Town argued that use by horses would render the Church Town end unusable by pedestrians. He stated that he had stopped riders and he understood his predecessor at 19 had also done so. The owner of Backwell Down House objected because of potential misuse, trespass onto his surrounding land and damage to the path.

15 Two Inquiry witnesses gave evidence of riding the path for many years from the 1940s to 1983 up to 20 times a year, the other for 29 years up to last year, riding particularly on weekdays and early mornings. Neither had been stopped and both believed they used the route as of right. The County believed that whatever may or may not have been included in a 1968 land charge, for a period of over 20 years up to 1989, horseriders had been able to ride this path without let or hindrance and as of right. Woodspring District Council did not object when consulted.

16 The County Council had considered all the evidence and had concluded that on the balance of probabilities a presumed dedication of the routes as described had occurred and sought confirmation of the Order.

#### THE SUPPORTERS' CASE

17 The British Horse Society Avon Committee appeared to support the County Council's case and to bring the direct evidence of three witnesses and to submit a further 14 letters of support. One further letter

expressing similar views was received after the Inquiry closed. The Society's case was that a great many individual horseriders had used the path continuously over very many years. Hardly any had been stopped - though one witness acknowledged that owner/objector Mr Allsop had spoken to her and she had turned back on one occasion. There were no notices forbidding horseriders. It is a popular and safe route up to the top of Backwell Hill and as part of a longer network of bridleways.

18 One witness Mrs Craggs gave evidence of her use since a child (then on a pony) in 1948. She later rode with friends and relations and over a great number of rides annually could say she had never been turned back. She understood it was a bridleway and had never asked anyone's permission to ride what she was sure was a public bridleway. She believed the access from Church Town had narrowed since a new house was built, also some domestic rubbish had from time to time been dumped on the path. She accepted that the Parish Council had asked her to stop using the path but they had declined to back their concerns by having a gate erected to stop horses when this was suggested in 1973. Parish minutes were submitted.

19 A second witness Mrs Slight accepted that she had been stopped by Mr Allsop on one occasion but still believed that in fact she had a right on horseback going back very many years. This view was confirmed by the Parish Council statement on 4 April 1991 quoted by the County Council to the effect that 'local knowledge indicates that LA2/7 in Church Town has been used as a bridleway on occasions for many years.' A bundle of fourteen letters was handed in all expressing support for the existence of the bridleway rights, many stressing the dangers of local roads as alternative routes for horses. In particular two letters from Lady Verdon-Smith and from Mr H R Milward confirmed that during their periods of ownership of much of the land traversed by the paths (partly within the relevant 20 years) they raised no objection to horseriders using the claimed bridleway. The Society had no doubts that in this case the bridleway rights had been proved beyond doubt.

#### THE OBJECTORS' SUBMISSIONS

20 The Ramblers Association Avon Area, Mr Brian Allsop of 19 Church Town and Mr W Charnock of 17 Church Town wrote objecting to the Order, the first two giving evidence at the Inquiry. Additional objection came from Mr Charles Hatcher and Mr Brian Huggins who both gave evidence as Church Town residents.

21 Whilst not refuting many claims of usage by riders, the Ramblers pointed to reference to obstructions and to the presence of a rail across the way at one time. They claimed that local residents both past and present did seek to stop horseriding on what the Definitive Map clearly indicates is a footpath. One resident frequently observed horses on the roads, had not seen horse riders in the last two years and was concerned for pedestrian safety notably if meeting a horse on the steep Church Town end of the path. Another resident, a very regular walker on the path over the past three years hardly ever saw horses on the path, they were mostly on the road.

22 The owner-occupier of 19 Church Town on 12 June 1989 challenged bridleway rights upon receiving notification that the claim had been made. The access to his property is crossed by the right of way and he stated at the Inquiry that since moving into his home in 1988 he has stopped riders using the path. In recent times there had been little attempt by riders to use the path. His understanding was that the previous occupant, now

deceased, always stopped horses. He submitted a copy of Land Registry Entry No AV176827 which referred, inter alia, to a licence dated 28 October 1968 affecting Backwell Down Estate and expressly excluding rights of bridleway over "rights of way indicated in purple". It was not clear if the land referred to included the land over which the right of way LA2/7 passed. However a plan received after the close of the Inquiry showed paths indicated in purple along the route of LA2/7. A letter from a local resident was also forwarded by the objector after the Inquiry closed. This stated that at least up to 1947 there was a stile at point B, a friend of the writer recalling the stile more recently.

#### CONCLUSIONS

23 In determining this Modification Order made under Section 53 of the Wildlife and Countryside Act 1981, the main consideration must be whether bridleway rights have been enjoyed without interruption for a full period of 20 years prior to 1989. Ample evidence has been brought forward without challenge on the question of actual use by horseriders over that period. However to qualify, that use must have been as of right and not with express permission and it must have been uninterrupted use. Whilst one or two horseriding users have spoke of 'having the owner's permission' most have ridden without seeking any such approval. There therefore seems to have been 'as of right' usage.

24 Whilst the Land Registry document is unequivocal in its exclusion of bridleway rights, the footpath assumption at the date of the 1968 licence is simply consistent with the indication on the 1951 Definitive Map of a footpath along the route LA2/7. I do not consider that the entry of itself invalidates the actual stated actions of the owners as expressed in letter form and in evidence given to the Inquiry. The Parish Council's action in seeking to deter horseriders is noted but they are not the highway authority and have not claimed to be owners of the land and in the event chose not to pursue the matter in 1973. I have noted the existence of footpath signs at the ends of LA2/7 which are consistent with its status on the published Definitive Map. In conclusion I believe that the claim of use 'as of right' has not been successfully challenged.

25 The issue as to its status as a bridleway therefore hangs on the question of interruption. The evidence points to there being one possible physical obstruction - the rail 'by Top House'. There seems to have been such a barrier at one time, albeit it is not clear when but it is likely to have been in place during the 20 year period. However it was apparently a movable rail and it would seem very few riders were aware of it. There is no clear evidence whether this was the 'stile' noted by the writer of the late letter. If it had continued to exist as an obstruction during the 20 year period it would have been remarkable that it caused no hindrance to so many horseriders using the route throughout that period, yet none commented on it. The placing of rubbish on the path is mentioned - fly tipping has sadly long been a common feature everywhere - it is hardly a formal indication of there being no intention of permitting horses to pass along the path.

26 So far as the main length of the path is concerned through the wooded area above Church Town, the evidence points to there having been no actual interruption by owners whatever the terms of their licence to hold the land might or might not have indicated. This leaves the section from Birch Wood to Church Town Lane. Here the evidence brought before the Inquiry points to one owner certainly in recent years seeking to deter horse riders. Even so a number of riders claim to have used the route

without challenge. Of significance is the relatively recent nature of most evidence of effective deterrence and absence of horseriders.

27 When relating the above to the spur B - G proposed to run over to Cheston Combe, much hangs on the Evidence Forms - certainly there is no evidence on the ground of any sort of path along this route. Whilst it might be thought not to be a particularly suitable or safe route for a bridleway it must be judged on the same grounds as the main path and I do not believe such evaluation produces a different result.

28 The understandable questions of suitability of the path today and overall amenity questions are not matters which I am able to take into account in considering this Order. It will be for the Order Making Authority to consider what action is necessary on the route particularly a difficult section between A and B. They will no doubt also wish to consider the suitability of a path being put through a wild life haven on spur B - G, also its safety aspect on the precipitous last few yards as it reaches the quite busy and narrow Cheston Combe.

29 I believe that on balance the evidence supports the view that prior to the date that the claimed bridleway status was called into question - 12 June 1989 - horseriders did generally enjoy for at least 20 years uninterrupted use of the claimed route including the spur B - G. I conclude that the case has been made for confirmation of the Order.

#### DECISION

30 For the above reasons, and in exercise of powers transferred to me, I have decided to confirm the Order. The confirmed Order is enclosed together with an explanatory memorandum.

31 A copy of this letter has been sent to interested persons.

Yours faithfully



M LAW  
Inspector



COUNTY OF AVON

WILDLIFE AND COUNTRYSIDE ACT 1981

COUNTY COUNCIL OF AVON PUBLIC RIGHTS OF WAY DEFINITIVE MAP  
AND STATEMENT MODIFICATION ORDER NO. 12 1991

BRIDLEWAYS AT CHURCH TOWN, BACKWELL

The above-named Order, made on 17th September 1991, has been confirmed by the Secretary of State for the Environment without modifications.

The effect of the Order as confirmed is to modify the Definitive Map and Statement for the area by:-

1. providing more detailed particulars and re-designating to a bridleway, that section of public footpath numbered LA277 in Backwell Parish which starts at Church Town and runs generally south easterly to a point approximately 53 metres west of the Jubilee Stone, hitherto shown on the Definitive Map as a footpath and shown between points A - B - C by a broken line with crossbars in the intervals on the plan annexed to the Order, the number of this bridleway is LA277b;
2. providing more detailed particulars and re-designating to a bridleway, that section of public footpath numbered LA277 in Backwell Parish which starts at a point approximately 90 metres south east of the Jubilee Stone and runs generally south easterly to a point approximately 20 metres north of Backwell Hill, hitherto shown on the Definitive Map as a footpath and shown between points D - E by a broken line with crossbars in the intervals on the plan annexed to the Order, the number of this bridleway is LA277b;
3. adding thereto, the public bridleway which starts at junction with LA277 in Backwell Parish approximately 53 metres west of the Jubilee Stone and runs generally easterly and south easterly passing the Jubilee Stone to junction with LA277 approximately 90 metres south east of the Jubilee Stone as shown between points C - X - D by a broken line with crossbars in the intervals on the plan annexed to the Order, the number of this bridleway is LA277b;
4. adding thereto, the public bridleway which starts at LA277 in Backwell Parish approximately 20 metres north of the road called Backwell Hill and runs generally south easterly to the said road as shown between points E - F by a broken line with crossbars in the intervals on the plan annexed to the Order, the number of this bridleway is LA277b; and
5. adding thereto, the public bridleway which starts at its junction with LA277 in Backwell Parish approximately 192 metres from Church Road and runs in a southerly direction to the road at Cheston Combe as shown between points B - G by a broken line with crossbars in the intervals on the plan annexed to the Order, the number of this bridleway is LA277c.

The Order also makes any necessary consequential amendment to the Definitive Map and Statement arising from this in so far as it affects the existing description of LA277.

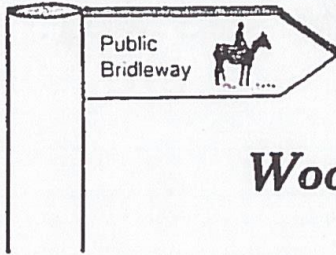
The Order became operative on 21st January 1994 and a copy of the Order, as confirmed, and the map contained in it has been deposited and may be inspected free of charge at the undermentioned offices (callers should report to Reception and ask for the Statutory Orders Section) and at Woodspring District Council Offices, Town Hall, Weston-super-Mare during normal office hours and at Backwell Public Library, Station Road, Backwell during normal opening hours or may be purchased at a reasonable cost from the undermentioned offices.

Any person aggrieved by the Order who desires to question the validity of, or of any provision contained therein on the grounds that it is not within the relevant powers of the Wildlife and Countryside Act 1981, or on the grounds that any of the relevant requirements of that Act has not been complied with in relation to the Order, may within six weeks of the date of this Notice, apply to the High Court for this purpose.

Avon House  
The Haymarket  
BRISTOL BS99 7DE  
Fax. No. 0272 252609  
Dated: 1st March 1994

J E ORTON  
County Solicitor  
and Deputy Clerk

F602:07



## Woodspring ~~Association~~ Bridleways Association

Affiliated to the ~~1879~~ Horse Society

COUNTDOWN		
Date 13 JUN 1994		
INFO	ACTION	ACK'D
JR	JG	
File No. _____		

Venetia Crages  
Longbottom Farm  
Shipham  
Winscombe  
Somerset  
BS25 1RW

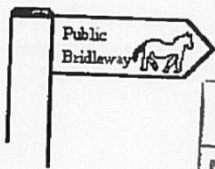
Low Mrs Gradwell,

On behalf of the Association I should like to thank all the Officers and working parties for opening up the Bockwell Turllee Brack path. It is a great joy to me personally to see the track opened once again and, for the local children especially, to be able to use it.

I should also like to say thank you for all the "labours" that have enabled survey data to also be made a Bridleway. I know how much back ground work goes in, to get everything together.

## Woodspring Bridleways Association

Affiliated to the British Horse Society



Mrs V.F Craggs  
Longbottom Farm,  
Shipham,  
Winscombe,  
Somerset  
Tel (0934) 743166

Mrs J Gradwell,  
PO Box 46,  
Middlegate,  
Whitefriars, Bristol.

COUNTY OF AVON PLANNING DEPARTMENT		
No.	179371	
Date	-8 JAN 1996	
INFO	ACTION	ACK'D
JR	JG	
File No. _____		

4/1/96

Dear Mrs Gradwell,

Please could we have a Bridleway sign erected at the top of Bucklands Batch LA 13/4 at the eastern end. I believe that we should also have a horse sign warning drivers of horses jumping into the road. I wonder if you could perhaps advise who could help us in this matter.

I also notice that there is a bridleway sign incorrectly placed on Cheston Combe Church Town, Backwell.

Thank you for your help in these matters.

Yours sincerely,

F602:7c

Date 17 January 1996  
Our reference JG/AB/F626+84  
Telephone 0117 987 4967  
Facsimile 0117 987 4978

Mrs V F Craggs  
Woodspring Bridleways Association  
Longbottom Farm  
Shipham  
Winscombe  
Somerset

Dear Mrs Craggs,

BUCKLANDS BATCH LA 13/4

Thank you for your letter of 4 January.

I shall arrange for a bridleway sign to be erected at the eastern end of the above bridleway.

As regards the advance warning signs, I have sent a copy of your letter to Mr Diarmuid Mulrenan, who is the Area Manager for Woodspring Highway Management in the Highway, Transport and Engineering Department (Tel. 0017 9874506). I made a similar request in 1993 but was then informed that due to budget limitations it could not be given any priority.

The new bridleway sign in Cheston Combe is correctly positioned at the end of LA2/7c as per Modification Order No 12 1991 shown on the attached plan.

Yours sincerely,

MS J GRADWELL  
PRINCIPAL PLANNING OFFICER  
PUBLIC RIGHTS OF WAY

MRS Craggs

Postcode Number	11736
Acknowledgement	YES
Respond by	10/4 RB

Longbottom Farm  
Shipham  
Winscombe  
Somerset

ROW  
Town Hall  
WSM

26/03/03

Dear Richard,

**Re Backwell Jubilee Stone DMMO**

As explained yesterday the FP from Parsons Combe [Cheston Combe] to the top of the quarry was upgraded to a bridleway this was incorrect as this path was never in question and totally impossible for riders to have used. When you get the folder out you will see for yourself the mistake made by ACC. We would like this corrected so we can use the route further up the combe. I think we will need an extinguishment and a diversion. The Land owner is still Backwell Down House but the previous owners are now on Exmoor and supported us in our original claim.

**Re FP from Venus St.** I wrote two letters asking to see the FP original cards but no answer this has now been going on for weeks without a reply. Please by return now.

The Bridleway over Callow Hill which was upgraded some while ago is now badly over grown. It use to belong to ARC Quarries but they have sold it to Lyncombe Lodge Ski and Riding Centre. The two gates are in need of upgrading the gate is impossible to open with sheep wire on the bottom hanging. The one further to the east is broken and could spike an animal. Just the other side of this gate towards Mapleton lane there is a strand of barbed wire over the footpath, shortly to be upgraded by SCC. I am going to see the owners to see if they will do the work so will follow this up.

**Re Freeman's Farm.** The money given from the Committee was agreed with Adrian as they would not have been given a figure otherwise. Adrian and I agreed what was to be done. He refused the offer of the Post and rail fencing to be given by Fountain Forestry as he said he had plenty of money. I had gone to great lengths to get this donation from FF.

Look forward to an early reply,

Yours Sincerely,

NORTH SOMERSET COUNCIL DEVELOPMENT & ENVIRONMENT DIRECTORATE	
REC'D 28 MAR 2003	
Referred To	
Action	Info
Title	File No

**Date:** 11 April 2003  
**My Ref:** RB/F602/7c  
**Your Ref:**  
**Contact:** Mr R Broadhead  
**Direct dial:** 01275 888518  
**Fax No:** 01275 888502

Mrs V Craggs  
Longbottom Farm  
Shipham  
Winscombe  
Somerset

Dear Mrs Craggs

● **BRIDLEWAY AT CHESTON COMBE, BACKWELL AND OTHER ISSUES**

I have received a letter dated 26<sup>th</sup> March 2003 addressed to "ROW Town Hall WSM", which although it bears neither your name or signature does have your address upon it. I presume that the letter is from your self and that it is intended for me as a follow up to your telephone call of the previous day?

I can comment on the matters you raise as follows:-

1. **Backwell Jubilee Stone DMMO.**

I have checked the file on this as you request, and note that it contains a copy of a letter to you from Chris Mitchell, the Council's former Assistant Director for Environmental Strategy and Policy, dated 1<sup>st</sup> December 1997. This was, as you will be aware, before my time here. Mr Mitchell's letter makes it clear that the Definitive Map Modification Order was made to accurately map the claimed route, and that no further action will be taken.

● If you now wish to apply for a diversion of this route, you will need to obtain the consent of the landowner(s) who will be affected and to bear the costs involved. These will include Council's administration costs, which at current rates will be in the region of £1000 plus the cost of advertising any Order made, together with the cost of any groundworks required. You will also be required to defray the cost of any compensation which becomes payable by the Council as a result of the confirmation of the Order. I should also advise you that it is unlikely that such an application would receive priority due to our current workload of public path order applications and definitive map modification order applications (the latter including many for which your association is the applicant).

2. **Footpath from Venus Street**

I understand from Adrian Leonard that he has forwarded the survey card and statement to you.

**3. Callow Hill bridleway**

I am not sure from your letter whether you are intending to ask the landowners to resolve all of the problems that you have listed on this route, or whether you require any assistance from ourselves. Could you please clarify this?

**4. Freemans Farm**

I note your comments about the funding of this work and the situation regarding the fencing. As you are aware, Adrian has responsibility for this matter and, as previously, I would suggest that you discuss with him any remaining concerns you have about this work.

Yours sincerely,



Richard Broadhead,  
Access Policy Officer



A. Broadhead.  
R.O.W.  
W.S.M.

A.B.F  
Shigaon  
Wrenscombe

My Ref. BJ/FF/RH.  
Yours Ref ABFB027C  
22/04/03.

Dear Richard,

I enclose three ? Ruffs Lane D.M.M.O papers.  
Could I have a better map showing the termini of  
both routes. Which is Ruffs Lane? As you looked at  
the I. Award could you mark it, and inward the  
wording in I. A. as I have not read it.

backwell J. Stone I was hoping N.S.C would take the  
chance of getting a dedication, is this not part of improv-  
ment plan etc. If not it will cost N.S.C. for a D.M.M.O  
which I will have to put in. So let me know what you  
wish to do. Mr Mitchell has gone and its down to you  
guys. Great why you got the job! Tough!!!

Farm A. Hughs office have not paid for the work  
done until Adrian has completed. I sent a fax to tell  
him what was agreed between us (expected by A. Hughs  
Department) No ans. from Adrian. no money will be paid  
till I give the OK. So can we complete please.

Hope this is of help.  
Ve



Backwell

**Date:** 25 April 2003  
**My Ref:** RB/F602/7c  
**Your Ref:**  
**Contact:** Mr R Broadhead  
**Direct dial:** 01275 888518  
**Fax No:** 01275 888502

Mrs V Craggs  
Longbottom Farm  
Shipham  
Winscombe  
Somerset

Dear Mrs Craggs

**BRIDLEWAY AT CHESTON COMBE, BACKWELL AND OTHER ISSUES**

I am in receipt of your letter dated 22<sup>nd</sup> April 2003 concerning the user evidence forms for Ruggs Road at Cleeve, the Jubilee Stone bridleway at Cheston Combe, Backwell, and the Freemans Farm A38 crossing point at Barrow Gurney.

With regard to the submission of user evidence for Ruggs Road (or for any other route), it would not be appropriate for the Council to mark a route on the forms. The whole point of the forms is for people who wish to supply evidence in support of a possible modification order to tell the Council as the order-making authority which route(s) they have used. The authority is not necessarily in a position to know this. The danger for is that if a form is pre-marked with a specific route, users may not precisely check to ensure that it is the route they have actually used.

This could cast doubt upon the reliability of their evidence. There may, in addition, be some variation between a route that has been used in practice and a route that may be supported by documentary evidence, particularly if there have been changes on the ground over the years.

It follows that it would be unwise for you to mark a route on the forms yourself before distributing them to potential claimants. Once the completed forms have been submitted to the Council they can be checked against the documentary evidence that we have discovered so far; as you are aware this has been found as a part of researching another application. There will be considerably more research required before any decision will be made about the making of a definitive map modification order with regard to Ruggs Road, but no progress can be made at least until the backlog of existing applications has been cleared. You will know that we do not at present have the resources available to pursue additional cases alongside the ones currently in progress. The backlog will not be cleared if our attention is constantly being diverted away from dealing with it. If you wish to research any documentary evidence yourself in the meantime, the Inclosure Award can be inspected at the Somerset Records Office in Taunton, which may hold other relevant information.

With regard to the Jubilee Stone/Cheston Combe bridleway, and the Freemans Farm A38 crossing, I can add nothing to my letter of 11<sup>th</sup> April 2003.

Yours sincerely,

Richard Broadhead  
Access Policy Officer

**Date:** 17 September 2003  
**My Ref:** RB/DMMO applications  
**Your Ref:**  
**Contact:** Mr R Broadhead  
**Direct dial:** 01275 888518  
**Fax No:** 01275 888502  
**E-mail:** richard.broadhead@n-somerset.gov.uk

Mrs V Craggs  
Longbottom Farm  
Shipham  
Winscombe  
Winscombe  
Somerset

Dear Venetia

**DEFINITIVE MAP MODIFICATION ORDER APPLICATIONS**

○ Thank you for your letter dated 31<sup>st</sup> August 2003.

I am happy to supply maps (subject to copyrights issue which are currently being checked with Ordnance Survey – I don't expect there will be a problem) for you to mark up with the routes of the potential Definitive Map Modification Order applications you are considering. I propose that these should be at a scale of 1:10,000 to provide the necessary accuracy, but as this requires around 25 individual prints per set to cover the whole of North Somerset, I would appreciate some guidance on the areas that the maps need to cover. If we can only do those that are strictly necessary it simplifies the copyright issues, reduces the preparation time and saves cost!

I was at first surprised by your request for a reference number for your Backwell Jubilee Stone application as I had not received anything, but have eventually found it in the Town Hall addressed to "County Solicitor NSC, R Broadhead Esq, Town Hall, W.S.Mare, Somerset". Could you please ensure that you correctly address all correspondence so that it reaches the right person?

○ It is difficult to see how the evidence that was used to record one specific route on the map can now be used to claim another. As you are aware, this Council does not accept that the original order made for this route did not follow the line applied for. We therefore consider your letter dated 10<sup>th</sup> June 2003 addressed to Backwell Down House to be inaccurate and misleading, and would ask you to withdraw that part of it which refers to the Council's handling of the matter in the past. The Council has not received or made any recent contact with the occupier of Backwell Down House, about this matter and does not propose to make any such approach.

It is also noted that the application has been submitted on forms which it is presumed are or have at some time been issued by Somerset County Council, and although alterations have been made by hand to them, we are unable to accept them as being in the correct form.

It follows that the application must be rejected by this Council at this stage and will not be investigated. No reference number has been assigned to it.

With regard to your question about the Rights of Way Improvement Plan, the requirement upon the Council is to produce this by the autumn of 2006. The Countryside Agency has established a number of exemplar projects with Local Authorities which are to be used in due course to guide the rest of us; this will help us to bring existing proposals and ideas together in an approved format at the appropriate time, and to guide the consultation process. I expect that both the British Horse Society and Woodspring Bridleways Association will be asked to participate in the consultations.

Your final questions concerned the works at Eton Lane/Cannaways, Watercress Farm, Freemans Farm and Elm Farm. I understand that these have already been answered by Rachel Lewis by e-mail on 1<sup>st</sup> September 2003.

I also understand that you telephoned last week during my absence from the office to request information about public inquiry dates. With the exception of the re-arranged inquiry on 8<sup>th</sup> October 2003 about the footpath diversions at Uplands Cottages, Winscombe, there are no other orders that have reached this stage of the procedure.

Yours sincerely,

Richard Broadhead  
Access Policy Officer