

# North Somerset Council

<b>REPORT TO THE</b>	<b>PUBLIC RIGHTS OF WAY SUB COMMITTEE</b>
<b>DATE OF MEETING:</b>	<b>20 MARCH 2019</b>
<b>SUBJECT OF REPORT:</b>	<b>CLAVERHAM DROVE TO KENNMOOR ROAD</b>
<b>TOWN OR PARISH:</b>	<b>YATTON AND KENN</b>
<b>OFFICER/MEMBER PRESENTING:</b>	<b>DIRECTOR OF DEVELOPMENT &amp; ENVIRONMENT</b>
<b>KEY DECISION:</b>	<b>NO</b>

## RECOMMENDATIONS

It is recommended that

- (i) The Public Rights of Way Sub Committee authorise the relevant officer to reject this application relating to Mod 63 Claverham Drove to Kenn Moor Yatton on the grounds that there is insufficient evidence to support the suggestion that Footpath LA21/38 (A-B), Footpath LA21/37 (B-C-D-E-F) and Footpath LA10/6 (A-B) shown on the attached Location Plan should be recorded as Bridleways.

## 1. SUMMARY OF REPORT

This report considers an application which was made on the 10 March 2005. That application requested that a route, in the Parishes of Yatton and Kenn, currently recorded on the Definitive Map as Footpaths should be recorded as Bridleways. The route affects Footpaths LA 21/38 (A-B), LA 21/37 (B-C-D-E-F), and LA 10/6 (F-G), which are already recorded on the Definitive Map.

Such application for a Definitive Map Modification Order is submitted under Section 53(5) of the Wildlife and Countryside Act 1981. The effect of this request, should an Order be made and confirmed, would be to amend the Definitive Map and Statement for the area.

This report is based on historical documentary evidence. A Location plan, EB/MOD 63, showing the claimed route A-B-C-D-E-F-G is attached.

In order that members may consider the evidence relating to this application, further details about the claim itself, the basis of the application, and an analysis of the evidence are included in the Appendices to this report, listed below. Also listed below are the Documents that are attached to this report. Members are 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 63

**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** – Consultation and Landowners Responses

**Appendix 6** – Summary of Evidence and Conclusion

**Document 1** – Woodspring Bridleways Association Submission

**Document 2** – Yatton and Kenn Enclosure Award Extract Plan 1815

**Document 3** – Yatton and Kenn Enclosure Award 1815

**Document 4** – Yatton Tithe Map 1840

**Document 5** – Finance Act 1910

**Document 6** – 1930 Highways Handover Maps

**Document 7** – Parish Survey Plans

**Document 8** – Parish Walking Card LA10/6

**Document 9** – Parish Walking Card LA21/37

**Document 10** – Parish Walking Card LA21/38

**Document 11** – Long Ashton Rural District Draft Map

**Document 12** – Long Ashton Rural District Draft Map Modification Map

**Document 13** – Long Ashton Rural District Provisional Definitive Map

**Document 14** – Long Ashton Rural District Definitive Map 1956

**Document 15** – North Somerset Internal Drainage Board document Oct 2000

## 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**

This report relates to route A-B-C-D-E-F-G which is currently recorded as Footpath LA 21/38 (A-B) and Footpath LA 21/37 (B-C-D-E-F), and LA 10/6 (F-G) it is necessary for the Committee to consider the legal test:

1. Section 53 (3)(c)(ii) is whether, given the evidence available, that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description;

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

## **4. CONSULTATION**

Although North Somerset Council is not required to carry out consultations at this stage affected landowners have been contacted. In addition to this Yatton and Kenn Parish Councils, 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.

## **6. RISK MANAGEMENT**

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. Due to the number of outstanding applications awaiting determination Officers of North Somerset Council, in conjunction with the Public 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 streamlined 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.

## **7. 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.

## **8. CORPORATE IMPLICATIONS**

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

## **9. OPTIONS CONSIDERED**

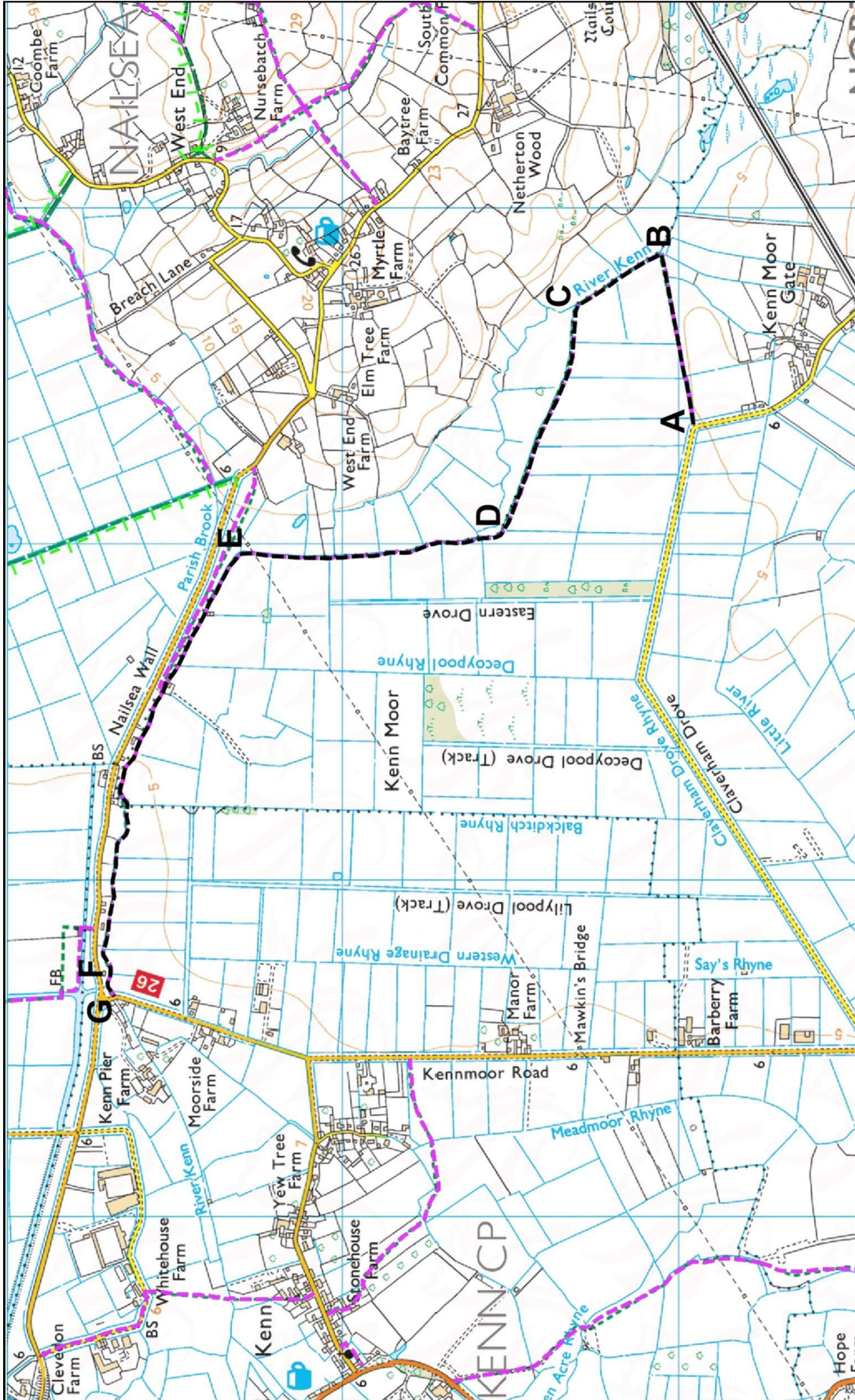
The options that need to be considered are:

1. Whether the evidence supports the making of a Definitive Map Modification Order upgrading Footpath LA 10/6 to Bridleway, points G-F.
2. Whether the evidence supports the making of a Definitive Map Modification Order upgrading Footpath LA 21/37 to Bridleway, points B-C-D-E-F.
3. Whether the evidence supports the making of a Definitive Map Modification Order upgrading Footpath LA 21/38 to Bridleway, points A-B.
4. Whether any of the applications described in 1, 2 or 3 above should be denied as there is insufficient evidence to support the making of an Order.
5. 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**

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**BACKGROUND PAPERS:** - Public Rights of Way File Mod 63.



Scale: 1:15000

Date: 15 August 2018

EB/MOD 63



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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 –

- (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)(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 March 2005 from Woodspring Bridleways Association (“The Association”). The basis of this application was that a route already recorded on the Definitive Map should be recorded as a Bridleway. The applicant did not submit any evidence with their application other than stating on the form Enclosure Awarded.

It has been assumed that the applicants are referring to Yatton and Kenn Enclosure Award 1815

Further evidence was submitted on 30<sup>th</sup> July 2018 by the applicant representative, together with a written statement, which they have referred to:

1800 Map of Yatton  
1821 Survey Map  
1951 Parish Council Minutes  
Land Registry Documents (which copyright denies reproduction)

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

This matter is currently recorded on the Definitive Map Register as Mod 63.

It should be noted that the Council has undertaken additional research into records that are held within the Council as well as those obtained from external sources. These are detailed in **Appendix 4** of this report.

2. The 2005 application claims that a Bridleway should be recorded over a route that is currently recorded on the Definitive Map. The paths that are currently recorded on the Definitive Map and Statement which are affected by this report are Public Footpaths, LA 21/38, LA 21/37, and LA 10/6. The claimed route affects routes in the Parishes of Yatton and Kenn.
3. The route being claimed commences at the junction of the adopted highway on Claverham Drove Point A and proceeds along Footpath LA 21/38 in a north easterly direction for a distance of approximately 510 metres to Point B. The route then continues along Footpath LA 21/37 in a north north-westerly direction alongside the River Kenn for a distance of approximately 290 metres to Point C then north westerly for approximately 740 metres to Point D. The route then continues to the north for a distance of approximately 780 metres to Point E and then north westerly to Point F for a further 1350 metres. The route then proceeds from point F to the west along Footpath LA 10/6 to Point G a distance of approximately 80 metres, terminating at its junction with the adopted highway Kenn Moor Road. The total length of this claimed route is approximately 3750 metres.
4. This claimed Bridleway is illustrated as bold black dashed line on the attached Location Map (scale 1:15000).



## Analysis of the Applicants Evidence

Other than naming the Yatton Enclosure Award on the application submitted in March 2005 no other supporting evidence was submitted until July 2018 when investigation into this matter was being undertaken. This was received from Mrs A Gawthorpe, also a representative for Woodspring Bridleways Association. Accompanying this evidence Mrs Gawthorpe also submitted Woodspring Bridleways Association opinion on the evidence. The following are extracts from that document. The full document is attached to this report as **Document 1 together with the quoted appendices.**

### 1800 map SRO dd-sas c212-167\_4 appendix 1

This shows the southern end of the claimed route. The map is very damage and the northern part of the route is not available, but it is unlikely it would have end at this point.

**NSC Response** – It is not clear as to whether this map is showing the claimed route (which is what the applicants believe) or the River Kenn.

### Yatton Enclosure Award 1815 SRO Q/RDe 135

The claimed route is shown on the map and in the award as two adjoining routes. They come under the heading *Bridleways and Footways* and are described as:

*Great River Bridleway and Footway of the breadth of six feet commencing at a place called Sluice Stile marked on the said plan with Roman letter P and extending along and after Great River to Kenn Bridge marked with the Roman letter Y. (in the Award it then crosses the 'Great River' and runs along the other side to Roman letter O and into the Old Enclosure but this is not part of the WBA's claim).*

*Sluice Stile Bridleway and Footway of the breath of six feet commencing at a place on Claverham Road and marked on the said plan with the Roman letter W and extending to the Sluice Stile and marked on the plan with the Roman letter P...*

The award differentiates between Bridleways and Footways which cover the same route and other footways such as *Yatton River Footway*

Although there is a main heading in the award '*Private Carriage Roads, Bridleways and Foot Paths*', the term private can only apply to the Carriage Roads because the word is used at the beginning of each description of a carriage road but it is not used to describe the bridleways and footpaths. Therefore, they must be public otherwise they would have been described as private also. Further, there is still a public right of way along these two routes. The WBA has not included a copy of the map and award because these are also held by NSC.

**NSC Response** – Full investigation below.

### The 1821 Survey SRO d-p-yat-13-1-3 pt 3 11 appendix 2

It shows the first part of the route off Claverham Road.

**NSC Response** - This survey plan does not assist this investigation.

### Parish Council Minutes 1951 SRO D\pc/yat 1/2/6 page 68 appendix 3

The minutes of the meeting on Monday 7<sup>th</sup> May says: *Mr Griffin stated that the survey would be finished shortly. In conjunction with Mr Crossman, and with the use of his 1807 map, they had discovered that two bridle paths had been left out, one by the Kenn River, the*

*other off the Claverham Road. The council unanimously agreed to their insertion in the maps.*

The WBA believes the two routes referred to are the two described in the 1815 Award and which are being claimed. The WBA has not been able to find a copy of this 1807 map, but Yatton parish councillors had seen it and that was written in the parish council minutes. Clearly at that time the parish council believed them to be public bridleways as the 1951 survey was for public rights of way and did not include private routes.

**NSC Response** – The Definitive Map Process will be looked at in more detail later in this report.

**Land Registry Document Title number ST160970 (these documents are copyright and cannot be reproduced) Under the Charges Register it says:**

"Subject to the existing rights and liabilities (if any) under the Local Inclosure Act passed in the thirtieth year of King George the Third"

This may be referring to the public rights of way which cross the land held under number. This is the only parcel of land which goes right up to the edge of the river. According to Land Registry documents all the other fields to the south and west of the River Kenn stop short of it.

The WBA believes the historical evidence shows that this is a public bridleway, as set out in the Enclosure Award, and that as it has never been officially stopped up it should be shown as such on the Definitive Map.

**NSC Response-** It should be noted that the wording does include the words "if any". It is acknowledged that the Inclosure Award depicts a bridleway and footway however does not clarify whether this was public or private.

## Analysis of the Additional Documentary Evidence

The claim is based on historical documental evidence. Additional documents have been looked at by North Somerset which are listed below in chronological order. This route is illustrated on the Location Map attached to show the claimed route.

### **Yatton and Kenn Local Act (1810) North Somerset Council**

Before any Enclosure Award could be produced or enacted a local act was written which laid down the role of the appointed Commissioners, the tasks they were to undertake and the Powers which were to be given to them to achieve the results of "Inclosing Lands" lying within the parishes of Wrington, Yatton, and Kenn in the County of Somerset.

Within the act there are headings that relate to the area of Kenn Moor which read as follows;

#### **Commissioner may alter Roads through ancient Inclosure**

*XV1. ....; and in case it shall appear to the said Joseph Wollen, or to any other Commissioner to be appointed for putting this Act in Execution as far as the same relates to the Parishes of Yatton and Kenn, that there are or is any Publick Highways or Highway, Bridle-roads or Bridle Road, Footways or Footway, in, through, over, or on the Sides of the old inclosed Lands or other Grounds within either of the said Parishes of Yatton or Kenn, which may in his Judgement be diverted or turned so as to make the same more convenient to the Public, or be stopped up and destroyed as superfluous and unnecessary, it shall be lawful for the said William White or Joseph Wollen, or such other Commissioner as aforesaid, within the respective Parishes for which he is hereby authorised to act as a Commissioner, with the Concurrence and Order of Two justices of the Peace, acting for the County of Somerset (not being interested in the Matter in Question), and in Manner and subject to Appeal, as in this or the said recited Act is mentioned in and by his Award, to order and direct such Publick Highways or Highway, Bridle-roads or Bridle-road, Footways or Footway as aforesaid, to be altered, turned, stopped up or discontinued in such Manner as such Commissioner shall think proper.*

The Local Act clearly laid out the powers given to the Commissioners and matters which they were to take into consideration when drawing up their award.

### **Yatton and Kenn Enclosure Award (1815) Somerset Record Office Ref: D/RA/9/6**

The Yatton and Kenn Enclosure Award 1815 was produced by Joseph Wollen, a gentleman of Wedmore following an Act of Parliament passed in the forty first year of the Reign of King George III. Joseph Wollen was required to survey the land which was to be enclosed and to produce a true exact and survey plan and valuation of all lands and grounds to be divided allotted and inclosed.

The Allotment map attached within the Enclosure Award illustrates the area of land which is to be divided and enclosed surrounded by Old Enclosures. Upon this plan the route that is being claimed within this application has lettering upon it namely W-a-X-b-P-I-a-Y. Also detailed upon this plan are various names Jones Road, Bakers Road, Sluice Stile Bridleway and Footway and Great River Bridleway and Footway. The route appears to be illustrated with a green line which is dashed on the outer edge.

The Award written by Joseph Wollen states:

**Now Know all Men** by these presents that I the said Joseph Wollen the Commissioner in pursuance and by virtue of the powers and authorised in and by the said several acts to me given and in further execution thereof respectively Do by this my Award set out appoint Award Publish and Declare the following Public Carriage Roads and Highways Private Roads Bridleways Footpaths Drains Watercourses Bridges and Sewers made by me in over upon and through or by the sides of the Allotments of the said Commonable or Waste Lands hereinafter set out and allotted together with such parts of the said Commons or Waste Lands for Stone and Gravel Pits with a convenient road or roads to and from the same with such orders regulations directions and determination in and about the same respectively as are hereinafter particularly mentioned and described of and concerning the same (that is to say) I have set out and appointed and by these presents **Do** set out appoint and Award the following – Public Carriage Roads and Highways through and over the Commons Moors and Waste Lands called Cleve Hill Kenn Moor and Moor Street Common within the said parishes of Yatton and Kenn directed by the said second recited act to be divided allotted and inclosed (that is to say)

Listed in the Award under **Private Carriage Roads, Bridleways and Footpaths.**

**Jones Road** - One Private Road of the breadth of twenty feet beginning at a place in Claverham Road marked on the said plan with the Roman Letter W and extending Eastward to a place marked on the said plan with the Roman Letter X which private Road is therein described by the name of “Jones’s Road”

**Bakers Road** - One Private Road of the breadth of twenty feet beginning at a point in Jones’s Road marked on the said plan with the German text Letter **a** and extending Eastward to an allotment of Land numbered 138 at a point marked on the said plan with the German text Letter **b** which private Road is therein described by the name of “Bakers Road”

Listed in the Award under **Bridleways and Footways**

**Sluice Stile Bridleway and Footway** - One Bridleway and Footway of the breadth of six feet commencing at a place in Claverham Road marked on the said plan with the Roman Letter W and extending to Sluice Stile marked on the said plan with the Roman Letter P Which Bridleway and Footway is therein described by the name of “Sluice Stile Bridleway and Footway”

**Great River Bridleway & Footway** - One Bridleway and Footway of the breadth of six feet beginning at a place called Sluice Stile marked on the said plan with the Roman Letter P and extending along and after Great river to Kenn Bridge marked on the said plan with the Roman Letter Y and crossing the said Bridge to the North Side of the said Great River containing the same to Old Inclosures at a place marked on the said plan with the Roman Letter O Which Bridleway and Footway is therein described by the name of “Great River Bridleway and Footway”

The Award does not provide any detail as to whether these bridleway & footways were to be regarded as Private or Public. The way in which the award is set out is rather confusing. There is a heading **Private Carriage Roads, Bridleways and Footpaths** which is followed by 14 Roads set out as Private Carriage Roads or Private Roads. This is then followed by a new heading which reads **Bridleways and Footways**. Under that heading there are just the two entries detailed above. There then follows another heading of **Footways** under which there are seven footways listed.

The distinction to be drawn from the descriptions for the claimed bridleway is unclear due to the way that this award has been set out, it is unclear as to whether these were public or private bridleways. There is no suggestion that Bridleway rights were set out over Jones's Road or Bakers Road which were set out as Private Roads, therefore inferring a dead end at one end of Sluice Stile Bridleway and Footway.

The Commissioner completed this section of his award by stating

*And I do hereby order and direct that the several private roads bridleways and footways (Except Taylors, Pools, Walls, Pilchards, Jones's, Bakers, Gregorys, Spencers and Says Roads) herein before set out shall be made and at all times forever hereafter be supported and kept in repair by and at the expense of the owners and proprietors for the time being of the lands and grounds in and by this my award divided and inclosed in the shares and proportions specified in the rate or schedule annexed.*

This confirms that **Sluice Stile Bridleway and Footway and Great River Bridleway & Footway** were to be kept in repair by the owners and proprietors of the land. It does not provide clarity that these were intended to be for the use of the Public.

This map and description is attached in **Documents 2 and 3.**

### **Yatton Tithe Map and Apportionment (1840) South West Heritage Centre**

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.

The purpose of this document was not to identify status only land which was capable of producing a crop and thereby providing income from taxation. From this map there is no evidence to support this claim. The only section illustrated is a short section from point A which would match that of Jones Road shown on the Enclosure Plan. Due to the existence of the river we are able to identify the location of the claimed points, A-G, however there is no evidence of a right of way. The Tithe Apportionment is not of assistance with this claim as no number has been recorded upon the map at point A.

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

### **Finance Act (1910) North Somerset Council - South West Heritage Centre**

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 either the plans or the hereditaments relating to this area from the offices at Kew at this time.

Unfortunately, we have only been able to obtain the plan which illustrates points E-F-G. The base plan is dated 1903. The plan shows that the section E-F-G crosses a number of hereditaments. There is a double peaked line illustrated half way between Points E and F

and continues to Point G with FP marked against it in one location. It should also be noted that this plan illustrates the location of Foot Bridges (FB) towards point F. There is no other indication of any public access on the continuation of the claimed route which would fall upon this plan.

The extract of this plan is attached as **Document 5**.

### **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 considered to be public highways maintained by the local authority. As can be seen routes are coloured according to their differing category, Red being main routes, blue being secondary routes and yellow minor highways. This area of land is illustrated on two separate plans, extracts of which are attached.

Although this plan is a little fragile, regarding the route leading off Claverham Drove (which is coloured brown) Point A there is no colouring along the track leading to point B. There is no indication on the base map that there was any public access, only the river, which is coloured blue and the rhynes.

This plan provides the continuation from the above illustrating the river in blue. There is no indication of public access anywhere along the claimed route. It can be seen north of the river that roads are coloured yellow and blue. The base map for both extracts is 1884.

The extract referred to above are attached to this report as **Document 6**.

### **Long Ashton Rural District Council** **Definitive Map Process (1956) North Somerset Council**

The definitive map process was carried out over many years going through various phases which involved the area being surveyed by local people (Parish Survey) 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 with a relevant date of 26 November 1956. Any objections about routes that were included or routes that had been omitted were considered by Somerset County Council and amended if considered relevant.

#### **Parish Survey Plan**

Once again these are recorded on two different plans. These Maps relate to the area of Kenn Moor and illustrate the Public Rights of Way recorded by the parish councils. As can be seen the route adjacent to the river is shown in red with the numbering 37 and 38 circled next to it. These extracts are attached to this report as **Document 7**.

#### **Parish Walking Cards**

Starting from Kenn Pier (Point G) the walking card for LA10/6 reads "The path starts at the Yatton Parish Boundary being a continuation of FP 21/37 and runs west along the S bank of the River Kenn to the County Road C5 north of Moorside House". The kind of path is marked FP. The reverse of the card is not completed. A copy of this walking card is attached to this report at **Document 8**.

Continuing from Point F The walking card for LA21/37 reads “The path starts at Kenn Pier, follows Kenn River Bank, (which forms the boundary with Kenn), as far as sluice stile, where it joins Path No 38” Point B. The kind of path is marked BR. The survey was made by M H Crossman and is dated July 1951. This was agreed by the Parish Council on the 5<sup>th</sup> November 1951 and approved by the Rural District on 2 January 1952. A copy of this walking card is attached to this report at **Document 9**.

The walking card for Footpath LA21/38 reads “The path starts at Claverham Drove Road, runs through a green drove, and across two fields to the sluice stile, the junction with Path No 37”. The kind of path is marked C.R.F. The survey was made by M H Crossman and is dated July 1951. This was agreed by the Parish Council on the 5<sup>th</sup> November 1951 and approved by the Rural District on 2 January 1952. A copy of this walking card is attached to this report at **Document 10**.

### Draft Map

Once again, the claimed route falls onto two different sheets of the draft maps. Between G-F-E-D a purple line has been drawn like other footpaths in the area. This continues onto the second plan. The purple line has the numbering of the footpath adjacent to it. The depiction of this route upon the draft map does not accord with the detail given on the walking card or that recorded in the Parish Minutes. Mr Crossman being named on both documents. Extracts of these plans are attached to this report at **Document 11**.

### Draft Map Modification Plan

The Draft Map Modification Plan was produced following the period that the Draft Map had been open to public viewing. Any comments received were listed upon a document entitled Summary of Objections to Draft Map. These two documents do not illustrate or list any comment relating to these paths, therefore suggesting that the public accepted that the route shown on the Draft Map was correct as Footpaths. An extract from the draft Modification Plan is attached as **Document 12**.

### Provisional Map

Following the Draft Map stages landowners were then invited to view the Provisional Map to comment against should they so wish. There are no records that any comment was made to these routes being recorded as Footpaths. The route is shown from G-F-E-D coloured purple (footpath) and labelled with the references LA10/6 and LA21/37 running adjacent to the river. It has not been possible to locate the sheet which shows the continuation. An extract of most of the claimed route on the Provisional Plan is attached as **Document 13**.

### Long Ashton District Council Definitive Map – Relevant Date 26 November 1956

The conclusion of this process was the production of the Definitive Map. This document along with its statement became the legally recorded record for routes shown on that map. This map shows LA 10/6, LA 21/37 and LA 21/38 recorded as Footpaths (purple lines). All through this process there is no explanation as to why Mr Crossman’s survey result suggesting that LA 21/37 should be a Bridleway has not been implemented. The following information may be the reason. An extract from the Definitive Map for this area is attached as **Document 14**.

## Definitive Statements

Footpath LA10/6 reads “The path is a footpath. It starts at the Yatton parish boundary being a continuation of F.P.21/37 and runs along the south bank of the River Kenn to the country road C5 north of Moorside House”.

Footpath LA 21/37 reads “The path is a footpath. It starts at Kenn Parish Boundary at Kenn Pier being a continuation of F.P. 10/6 and runs in a south easterly direction along the bank of the River Kenn. It turns south and then south east again still following the River Bank until it reaches the sluice stile where it joins F.P.38”.

Footpath LA21/38 reads “The path is a footpath. It starts at Claverham Drove Road and runs in a north easterly direction through a green drover and across two fields to the Sluice Stile at the junction of F.P.37”.

These statements are consistent with how the route is recorded on the Definitive Maps.

## **North Somerset Internal Drainage Board Water Level Management Plan, October 2000 (accessed via [www.nslidb.org.uk](http://www.nslidb.org.uk))**

This document obtained from the North Somerset Internal Drainage Board, outlines the Environment Agency’s Drainage Schemes for regions around North Somerset. The document refers to the River Kenn Scheme which is believed to have started in April 1949 and became effective in May 1953 providing relief from flooding of 2,100 acres of moorland between Clevedon, Tickenham and Yatton. The scheme involved the excavation of 2.5 miles of new outfall channel (the New Blind Yeo) and the deepening and widening of 6 miles of existing watercourses. In addition, several new structures were constructed including a new outfall structure, three new road bridges, five accommodation bridges and one railway bridge.

One of those road bridges was the Kenn Pier Culvert which had the important function of diverting the River Kenn into the Blind Yeo.

This document informs us that after the works in 1953, condition in the moors were much improved resulting in a general demand for a lower water level. This caused problems with pollution and a further scheme was put in place in the late 1950’s referred to as the River Kenn Water Control Scheme. This scheme involved the lowering of the bed of the Old River Kenn by an average 450 mm for 1.5 miles. The relevant extract from this document is attached as **Document 15**.

Land Registry records show that the Environment Agency are the owners of a substantial amount of land on the southern side of the River Kenn. They have confirmed that they purchased this land circa 1952 to 1955 for the purposes of widening and deepening the existing channel and to deposit the spoil to a height of 4 ft. Most of their conveyances refer to this, although it does not specifically detail which side of the river was widened. The Environment Agency’s Land Estates assumption would be that they purchased the land the side in which the works were to be undertaken, therefore the southern side.

It is known that the Enclosure Award set out ***Sluice Stile Bridleway and Footway and Great River Bridleway & Footway*** on the same alignment as that which the applicants are claiming (A-B-C-D-E-F-G) at a width of 6 feet adjacent to the river.

The Parish Survey was undertaken in 1951 during the works to the river. It would appear because of the land which was purchased by the Environment Agency that the presumption



is that the works were undertaken on the southern side. Suggestion has been made that the river was widened by 10 feet (although no documentary evidence has been found to confirm this). If this is right then the land over which the Enclosure depicted bridleway would have ceased to exist due to the removal of the land. It is not clear whether any legal processes were entered to remove public rights however unless there was legal documentation relating to rolling the bridleway inland following the completion of the widening works, the bridleway no longer exists.

As these works were being undertaken whilst the Definitive Map process was going through consultation it is surprising that no reference was made to the works and obstruction of the route, which suggests that this route was not being used (noting that Mr Crossman's map was the trigger that suggested the inclusion of a bridleway

The information relating to the widening of the river would seem to suggest that the land over which the bridleway passed was removed. The Definitive Map process laid down new routes namely Footpaths LA10/6, LA21/37 and LA21/38.

## **Consultation and Landowner Responses**

### **Consultation Responses**

Pre- Order Consultation letters were sent on the 3 March 2018 to neighbouring land owners, local user groups and utility companies.

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

<b>Name</b>	<b>Objection or Supporter</b>	<b>Comments</b>
Wessex Water	No Objection	No issues from Wessex Water
Bristol Water	No Objection	We confirm that we have no objection to the proposed stopping up modification order at the above address.
Virgin Media	No Objection	Virgin Media and Vital plant should not be affected by your proposed work and no strategic additions to our existing network are envisaged in the immediate future.
National Grid & 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.
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	Information	You will note the presence of our intermediate/high pressure gas main(s) in proximity to your site. No excavations are to take place above or within 10m of the confirmed position of these mains without prior consultation with Wales & West Utilities.
E Wade – Kenn Parish Council	Objection	This should be retained as a footpath and not recorded on NSC's Rights of Way mapping as a bridleway, due to the possible conflict of walkers and horses at locations along the route. Access is required to parts of the path to enable watercourse dredging to be carried out. The area the path runs through is designated a triple SSI which may therefore require to be fenced to prevent access. It is hoped all landowners adjacent to this have been advised of the proposals.
D Mallinson – Green Lanes Protection Group	Objection	I'm a bit confused about which parishes Mods 61 and 63 affect. Your online register shows the parish affected as Claverham but your consultation letters say Kenn. My reading of current Ordnance Survey mapping is that both applications affect both Kenn and Yatton parishes.  The applications Mods 61 and 62 are to add byways open to all traffic (BOATs) and Mod 63 is to upgrade a footpath to bridleway. However the intended effect of Mod 63 is shown on your online register as upgrading to BOAT, so I am considering the effect of the NERC Act 2006 on all three.

None of these applications can qualify for exemption of unrecorded public motor vehicular rights under section 67(3) of the NERC Act because they were all made after the relevant date (20 January 2005), cited in sections 67(3)(a) and 67(4) of the Act.

There is no evidence that these applications qualify for exemption under section 67(2) of the Act.

If North Somerset Council determines that any of these routes have public vehicular rights, they should therefore become restricted byways, not BOATs.

G Plumbe – Green  
Lanes Protection  
Group

Objection

I object to these applications. As Mrs Mallinson says, and I endorse:-

I'm a bit confused about which parishes Mods 61 and 63 affect. Your online register shows the parish affected as Claverham but your consultation letters say Kenn. My reading of current Ordnance Survey mapping is that both applications affect both Kenn and Yatton parishes.

The applications Mods 61 and 62 are to add byways open to all traffic (BOATs) and Mod 63 is to upgrade a footpath to bridleway. However the intended effect of Mod 63 is shown on your online register as upgrading to BOAT, so I am considering the effect of the NERC Act 2006 on all three.

None of these applications can qualify for exemption of unrecorded public motor vehicular rights under section 67(3) of the NERC Act because they were all made after the relevant date (20 January 2005), cited in sections 67(3)(a) and 67(4) of the Act.

There is no evidence that these applications qualify for exemption under section 67(2) of the Act.

If North Somerset Council determines that any of these routes have public vehicular rights, they should therefore become restricted byways, not BOATs.

Mr C Pyke

Objection

I wish to formally submit my objection to such change and the reasons to be considered by the Public Rights of Way Sub Committee when reviewing the report on the date to be confirmed. The proposed route passes along my fields between points D and E (at the end towards E). The reasons why I object are as follows;

- Whilst WBA have based this request on it being a historical route based on purported evidence dating back to 1815 it has not been in such use in the 70 years it has been owned by my family
- The route is already a footpath but is unsuitable for horses as; It is SSSI status land the ground conditions are too soft in the winter for horses. Heavy plant machinery is used to clean the River Kenn during the summer which would mean horses would have to come off the proposed route further into my land to avoid such machinery

Mr & Mrs Bye

Objection

Please receive this letter as my formal opposition to the proposed bridleway, marked on the map A-F. As stated in my letter regarding the proposed open byway at Lilypool Drove application, we have both found this application to be frustrating and stressful, partly due to the council failing to notify us the correct manner. I also request a copy of the evidence that this is a historic route. This area would have been partially flooded for most of the year, until the 1950s when the moors were drained, and it was common place to travel across the moors by boat, hence the name of our farm, Kenn Pier Farm.

The safety and welfare of our stock is our main priority, and the opening of a bridleway as shown on the map, would in no doubt impact on both safety and welfare. We also have concerns regarding the impact on wildlife. My family have been farming this area for four generations and have always aimed to do this in a wildlife friendly and sustainable way. The increased traffic along the route would disturb many species, including ground nesting birds and bat feeding grounds. For this reason, we keep much of the land on the moor as permanent pasture.

#### **Biosecurity and animal welfare concerns**

Since the foot and mouth crisis of 2001, farming practices have been shaped by maintaining extremely high levels of biosecurity. Bovine tuberculosis is the present threat that looms over us, and now a reality for many local farmers. The government advice is to keep farms as closed units and to minimise animal-to-animal contact, even suggesting coordinating with adjoining farmers so cattle are not coming into contact over field boundaries. A route that crosses the land of many different farmers poses a serious biosecurity threat. Horses and pedestrians moving from field to field could unknowingly spread disease, or even encourage the spread of invasive plant species. Neosporosis (a parasite found in dog poo that causes abortion in cattle) is already a major concern for farmers. We already have to clear-up dog poo, and bags of dog poo left in hedges, to ensure that our cattle are not infected. Aborted calves are not just an economic loss but very distressing for the mother and stressful for the farmer.

Another complication with the route through our fields (Point F to Blackditch Rhyne) is that the river the water source for stock to drink from. Any disturbance near the river, such as horse riders and pedestrians, will prevent stock from drinking. We have had a couple of animals drown in this stretch of river and we can only put that down to animals being disturbed or spooked while drinking. The disturbance must have come from the field side to make an animal leave the herd and risk entering water – most likely a barking dog.

As the river bank cannot be fenced off, there is also the possibility of horse riders and pedestrians straying across the fields. In the winter and spring, we use these fields to graze our pregnant ewes close to home, and then return them to these fields once they have lambed. Any disturbance such as fast horses, noise or dogs off leads (something that we witness regularly) can cause the ewes to abort. We had several ewes abort this season we can only attribute this to stress, most like from being chased by dogs, as they are very fit and healthy animals.

#### **Safety Concerns**

There are a number of safety concerns regarding the route. Due to the nature of the wet moor land, the fields, particularly those along point A-E are extremely wet and boggy for the majority of the year. As an experienced horse owner, I would not advise anyone to ride along this route during the wetter months of year for fear of serious injury to the horse. Horses can quickly become stuck in boggy ground, and the access for a rescue fire engine and crew is very limited.

In the summer months we use this land to graze young cattle. These cattle are very inquisitive. As soon as spot someone entering the field they run to towards them. They could easily push the gate open while someone was trying to get a horse through. The implications of 30 plus young cattle are very serious; risk of injury or death to the animals, to other road users and a financial impact for us. Again, Lilypool Drove provides a much safer route for everyone. We also run the cattle across a number of these adjoining fields at a time, often giving the impression that the fields are empty if the cattle are out of view. This can mean gates being left open, or closed when we need

then to remain open. We are already having to constantly monitor the route to ensure the welfare of our stock.

Point F on the map shows the bridle path finishing at Kenn Pier. The gateway at the point is on a very narrow road and on a sharp bend. This site is an ongoing site of traffic accidents, with cars ending up in the river on several occasions. Horses using this as a gateway would be extremely hazardous and is an accident waiting to happen. As horses are already using the nearby Lilypool Drove as a bridle track, it would be much safer for this to be used as a bridle path rather than putting all road users at risk. Thank you for carefully reading our concerns. As I stated in my letter regarding Lilypool Drove, we are not against Lilypool being used as a bridle path. It provides a safe route for riders, and doesn't impact on the welfare of stock.

Mrs A Olsen	Objection	<p>As you are aware Kenn Moor has SSSI Status. We have a plethora of wildlife including many protected species such as bank voles and newts. Land owners have always been very careful not to disturb these creatures. With regard to the WBAs request that this is a route dating back to 1815, I was under the impression that this land was flooded then and would have been virtually impossible to have been used as a bridleway. Perhaps you will be able to clarify this when we arrange a meeting with you.</p>
Ms A Bye	Objection	<p>I am contacting you to oppose and comment on the above application of modification to open a bridleway from Claverham Drove to Kenn Moor. I would like to formally request a copy of the evidence WBA have presented regarding the historical route that dates back to 1815. The land in this area was drained by a series of drainage ditches which were cut in the 1952. Until the area was drained, the majority of the land was flooded for most of the year, so it is highly unlikely this was a well-used route.</p> <p>My main concern regarding the application is the negative impact on increase traffic, in the form of horse riders and dog walkers, will have on the flora and fauna found along the route; and negative the impact will have on the land owners along the route.</p> <p>As a zoologist, I am very surprised that this SSSI area that spans 25 fields has been selected to open a bridleway. Due to the nature of the wet moorland, and the sensitive way the local farmers have been managing the land, this area is valuable haven for many species. We along with many other local farmers and neighbours, regularly observe rare species such as barn owls, otters, voles, grass snakes and numerous bat species along the drove. The increase in noise, disturbance and erosion of the river bank will unquestionably have a negative impact on biodiversity of the site. Animal health and welfare also needs to be considered. The route crosses approximately 25 different fields, belonging to a number of different farmers. This means the path could become a transmission route for disease, especially as the route is very muddy and mud will travel on horses and pedestrians. My mother, father and brother who farm the land are already carrying out regular dog poo checks along the path due to the parasites and pathogens that maybe harbouring. Neosporosis causes spontaneous abortion in cattle and is a constant worry for farmers that have paths over their land. Dog walkers can also cause other issues, such as allowing dogs off leads which may disturb wildlife or chase livestock. Horse riders that stray off assigned routes of course cause similar issues.</p> <p>Lastly, point F on the map, the entrance/exit onto the route at Kenn Pier end is an unsafe point for horse riders to join or leave the route. The gateway is on the road side meaning that horse riders would be in the road while the negotiated the gateway. The road at this point is narrow, and on a sharp bend, and due to the fast traffic is often the site of serious collisions. Approximately 100m further on is the entrance to Lilypool Drove which would</p>

offer a much safer and less impactful route for horse riders to take.

Mr & Mrs D Ridley                      Objection

I believe the basis of this application is based on historical evidence, and the route on the map provided is the route set out in the Land Enclosure Act of 1815, Yatton & Kenn under the heading of " Private Carriage Roads, Bridle Ways and Foot Paths" where it is named "Great River, Bridleway and Foot way" this also ran into another Private Carriage Road named "Sluice Stile Bridleway and Foot way" which connected to Claverham Road, I attach below the relevant extract from the original award. It has been brought to my attention by several farmers that a meeting was held between North Somerset Council and the farmers concerned with this application and it is my opinion they were grossly misinformed, by which I mean that the farmers/land owners were told that "an ancient bridleway" actually existed on this route

By anyone's standards these private carriage roads were awarded as private and remain private until proved otherwise, there purpose was strictly for the use of the farmers of the various fields and access to the river for maintenance purposes. The reference to "an ancient bridleway" of course does not mean that it was "public" to the world because any such suggestion is defeated by the the fact that the Commissioners irrefutably and actually awarded a Private Bridleway, the fact that it is ancient is not relevant to its legal status, what is relevant is whether there has been any legal procedure which changed the Private status, the 1815 Enclosure Award does not.

I am aware that a Public Footpath exists on this route and I believe only defined in the 1949 procedure, this award has been in place for over 200 years and has stood the test of time, to my knowledge without any challenges to its legal status until WBA came along trying to gain more pleasure routes for their members on someone else's land, inconvenience and expense. I strongly object to this application.

Mr M Uren NFU  
Representative for  
Mr & Mrs Williams                      Objection

We write in support of NFU members Andy and Judith Williams of Bridge Field Farm, Claverham Drove, Lower Claverham, North Somerset BS49 4PX as we are concerned about the above application for a bridleway.

We understand that:

- In 2005 Woodspring Bridleways Association (WBA) requested that a route that proceeds from Claverham Drove in a north westerly direction along footpath LA 21/38 to the river Kenn, then alongside the river in a north easterly, then easterly direction terminating on the adopted highway known as Kenn moor road.
- That the bridleway could be used by horses and pedestrians and that the basis of WBA's request is that this is a historical route based on evidence from 1815, and;
- As North Somerset have a backlog of these requests that the council have been instructed by the Planning Inspectorate to process this application by 31st December 2018 but that as these matters are so complex this will not be presented until January 15th 2019, 2pm at the Town Hall in Weston super Mare; a meeting we wish to attend.

Ahead of that decision being made, we would like to make the following points related to the evidence for a historic right of way;

- Extracts of The Yatton and Kenn Enclosure Award 1815 state under 'sluice stile bridleway and footway' that 'one bridleway and footway of the breadth of six feet beginning at a place called sluice stile marked on the said plan'.

- To prevent users moving further in-field, the member intends fence off the width of the path (six feet) from the field as this is the width mentioned in the Enclosure Award, however Government guidance is that the minimum width a landowner would need to keep undisturbed is 1.5 metres for a field edge footpath or 3 metres for a field edge bridleway. The width listed in the Yatton and Kenn Enclosure Award 1815 is not wide enough for a bridleway to be created.
- The Yatton and Kenn Enclosure Award 1815 Extracts show that the route is listed as “Great River Bridleway and Footway” – it does not say ‘public’.
- Furthermore, we understand that river widening works on the main channel were carried out in 1952 and whilst this is not directly on land owned by Andy & Judith Williams, it is part of the proposed route and we would like to know whether the council can establish that a diversion order was put in place at the time that would protect the original route.

We would like to a number of additional points which relate to the suitability of the path as it now stands in relation to land use, development and the environment;

- The landowners and NFU members directly affected, Andy & Judith Williams, have deeds going back to 1900s, none of these mention a bridleway and no horses are ridden there; only two or three people a week use the footpath
- Andy & Judith Williams farm part of the land that would be affected by this proposal; from Claverham drove. The land is question in peat land on the levels (SSSI and floodplain) and it becomes a bog in winter and completely unusable for people or horses and unsafe.
- We would like to know what steps the council would take to ensure that users of the right of way, if established, would take to ensure their safety. For instance, will the council be creating a risk assessment for the route to minimise the risk of injury to users? If there was a serious injury on this route, we do not believe that there is any way that an emergency services vehicle would be able to access the land to help someone in need.
- There is a bridge in the field which is approximately 12ft wide, to install a separate bridleway gate would, we believe, require widening the bridge; we would like assurance that this cost has been factored in and that there are sufficient funds available to deliver this.
- Further, we feel that we must point out that posts placed into peat tend to slip; we believe that the gate would need to be serviced every 6 months so that the latch on the gate still lines up and closes or cattle would get out. Can we be assured that North Somerset would service the gate regularly to ensure that it stays in good working order?
- We are concerned that users of any bridleway created may park 4x4s and horse boxes on the drove when using the bridleway; the drove cannot be blocked.

Having had the benefit of reading correspondence between Elaine Bowman, Senior Access Officer and NFU members, Andy and Judith Williams, we understand that North Somerset Council ‘cannot take suitability and desirability in consideration and that if an order is made that there are mechanisms which can be enacted if considered necessary’

However we feel that if granted, the proposed route will create numerous challenges for both the landowners and the council and wish to ensure the council have considered these before making

any decision and would sincerely welcome any opportunity to speak with anyone involved with the decision making process before an order is made.

Andy and Judith are very happy to show the proposed route to any interested party.

### **Date of Challenge**

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

Similarly for a public highway to become established at common law there must have been dedication by the landowner and acceptance by the public. There is no user evidence to show that this route has been used by the public at any time other than a public footpath.

The basis of the application is the recording of a bridleway upon the Yatton and Kenn Enclosure Award in 1815 which they believe needs to be recorded.



## Summary of Evidence and Conclusion

### Summary of Documentary Evidence

Taking all the documents into consideration the documents which would seem to support the claim being made by the applicants are the Enclosure Award, a Parish Minute and the Parish Walking Card.

The Yatton and Kenn Local Act of 1810 laid down the process to produce the Enclosure Award. This local act provided the power for the Commissioner to set out and stop up routes, whether public or private as seen to be necessary.

Woodspring Bridleways Association believe that the route illustrated on the plan attached to this Enclosure Award in 1815 and entitled "Great River Bridleway and Footway and Sluice Stile Bridleway and Footway" should have been recorded upon the Definitive Map. This is the earliest illustration of this route presented for consideration. As this document was produced because of an Act of Parliament and followed a full consultation process, this could be regarded as good evidence that the applicants claim should be met. The Award confirms that these bridleway footways were to be 6 feet in width. Additionally, the description for Sluice Stile commences on Claverham Road. However, it is not clear whether these were regarded as public or private routes.

Supporting this is the evidence contained in the Parish Minutes advising that regard was being given to the 1807 Plan owned by Mr Crossman, these pre-dates the Enclosure Plan by eight years.

Literature held within the PROW section relating to Enclosure Awards refers to routes which were set out in Awards but not physically existing on the ground. It suggests that it is necessary to have supporting evidence that the new route was physically laid out and came into public use. Whilst Mr Crossman acknowledged that this route was illustrated on his 1807 map there is no confirmation that this route was being used as a bridleway.

The Definitive Map process began with the Parish Survey where the walking card for LA 21/37 refers to a BR (Bridleway). However, LA10/6 and LA21/38 either side of this route were recorded as FP (Footpath) and CRF (Carriage or cart Road used as a Footpath). No mention being made of these routes being used by horses, only that they were depicted upon the 1807 plan. The Parish Plan was illustrated with a purple line like other footpaths recorded at that time.

It is known that around the time of the Definitive Map process being undertaken that the Environment Agency undertook major works upon the River Kenn which required them to purchase land on the south of the river. Their Estate Officer believes that it is reasonable to assume that this land was purchased to accommodate the works which included the widening and deepening of the river. Suggestion has been made that the river was widened by 10 feet although no evidence has been found to support this. If this information is correct then the existing bridleway would have been removed within the widening of the river. These works may explain why a footpath, rather than a Bridleway is now recorded along the river.

The other documents which have been looked at within this report have not provided any assistance with this matter.

## Summary of consultation responses

The Owners of the land over which the claimed route A-B-C-D-E-F-G passes have responded to the pre- order consultation describing the effect of opening this route to horse riders would have upon their working practices as well as the impact upon an area which is regarded as part of the SSSI. Although these points cannot be considered when determining this matter some of these responses have confirmed that no evidence of bridleway use on this route has been known.

Therefore, based upon the evidence from the respondents there is sufficient reason to question whether these routes although referred to within the award were set out on the ground and came into public use.

## Conclusion

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

When considering this matter, it should be noted that no evidence has been provided to show that the routes A-B-C-D-E-F-G has been used by horses.

It is claimed that these routes first appeared upon a map of 1807, although this has not been presented. Looking at these routes individually B-C-D-E-F-G was set out in the Enclosure Award 1815 as Great River Bridleway and Footway with the rest of the route A-B as Sluice Stile Bridleway and Footway”. No further depiction can be seen of any access over this land until the Definitive Map Process which commenced in 1949/50.

It has been verified by the Environment Agency that extensive works were carried out upon the River Kenn which included widening the river, the suggestion being that this was by 10 feet. If this is the case then the ground over which Great River Bridleway and Footway set out as six feet would have been removed therefore removing this bridleway.

It is acknowledged that these works did not affect the section A-B Sluice Stile Bridleway and Footway however no evidence has been found to support the suggestion that this route was set as specified in the Enclosure Award or that it has ever been used as a bridleway.

These works seem to be the only explanation as to why Mr Crossman didn't pursue the routes shown on his 1807 map and why these routes became recorded on the Definitive Map as Footpaths.

Having regard for the legal tests that should be applied in respect of the route A-B-C-D-E-F-G as this is already a public footpath the higher test of “on the balance of probabilities” needs to be considered. The only documentation which supports this application is that of the Enclosure Award and initial parts of the Definitive Map process. Whilst reference was made to bridleway status on the Parish Walking Card for LA21/37 this was not recorded upon the Definitive Map.

Therefore, having regard for all the information which has been collated together in this report it is felt that Footpaths LA10/6, LA21/37 and LA21/38 should remain as Footpaths and that this application should be denied.

**Modification Order number 63 – bridleway along the side of Kenn River from  
Claverham Drove to Kenn Pier**

The claim is based on historical evidence although local riders have used the route on occasions

**1800 map SRO dd-sas c212-167\_4 appendix 1**

This shows the southern end of the claimed route. The map is very damaged and the northern part of the route is not available, but it is unlikely it would have ended at this point.

**The Enclosure Award 1815 SRO Q/RDe 135**

The claimed route is shown on the map and in the award as two adjoining routes. They come under the heading *Bridleways and Footways* and are described as:

*Great River Bridleway and Footway of the breadth of six feet commencing at a place called Sluice Stile marked on the said plan with Roman letter P and extending along and after Great River to Kenn Bridge marked with the Roman letter Y. (in the Award it then crosses the 'Great River' and runs along the other side to Roman letter O and into the Old Enclosure but this is not part of the WBA's claim).*

*Sluice Stile Bridleway and Footway of the breadth of six feet commencing at a place on Claverham Road and marked on the said plan with the Roman letter W and extending to the Sluice Stile and marked on the plan with the Roman letter P...*

The award differentiates between Bridleways and Footways which cover the same route and other footways such as *Yatton River Footway*

Although there is a main heading in the award '*Private Carriage Roads, Bridleways and Foot Paths*', the term private can only apply to the Carriage Roads because the word is used at the beginning of each description of a carriage road but it is not used to describe the bridleways and footpaths. Therefore they must be public otherwise they would have been described as private also. Further, there is still a public right of way along these two routes. The WBA has not included a copy of the map and award because these are also held by NSC.

**The 1821 Survey SRO d-p-yat-13-1-3 pt 3 11 appendix 2**

It shows the first part of the route off Claverham Road.

**Tithe Map**

This is held by NSC and will be looked at by the rights of way officer.

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### **Finance Act**

This is held by NSC and will be looked at by the rights of way officer.

### **Parish Council Minutes 1951 SRO D\pc/yat 1/2/6 page 68 appendix 3**

The minutes of the meeting on Monday 7<sup>th</sup> May says: *Mr Griffin stated that the survey would be finished shortly. In conjunction with Mr Crossman, and with the use of his 1807 map, they had discovered that two bridle paths had been left out, one by the Kenn River, the other off the Claverham Road. The council unanimously agreed to their insertion in the maps.*

The WBA believes the two routes referred to are the two described in the 1815 Award and which are being claimed. The WBA has not been able to find a copy of this map, but Yatton parish councillors had seen it and that was written in the parish council minutes. Clearly at that time the parish council believed them to be public bridleways as the 1951 survey was for public rights of way and did not include private routes.

### **Definitive Map Survey and walking cards**

These are held by NSC and will be looked at by the rights of way officer.

### **Land Registry Document Title number ST160970 appendix 4a and 4b (these documents are copyright and cannot be reproduced)**

#### **Under the Charges Register it says:**

"Subject to the existing rights and liabilities (if any) under the Local Inclosure Act passed in the thirtieth year of King George the Third"

This may be referring to the public rights of way which cross the land held under number. This is the only parcel of land which goes right up to the edge of the river. According to Land Registry documents all the other fields to the south and west of the River Kenn stop short of it.

The WBA believes the historical evidence shows that this is a public bridleway, as set out in the Enclosure Award, and that as it has never been officially stopped up it should be shown as such on the Definitive Map.

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**Documents attached**

Appendix 1 Map dated 1800

Appendix 2 Map dated 1821

Appendix 3 Parish council minutes

Appendix 4a and 4b Land Registry documents



DOCUMENT 1  
Appendix 2 1821 Survey Plan





Minutes of the Meeting of the Yatton Parish Council, held in the Church Hall, Yatton, at 7.30 p.m., on Monday 7<sup>th</sup> May, 1951. 68

PRESENT: Mr. C. C. Stuckey (Chairman), & Messrs. Burdge, Griffin, Reynolds, M. H. Crossman, D. Walker, B. Crossman, Starke, Price, Pearce, Franklin, Cole, Head, the Clerk.

APOLOGIES: Apologies were received from Messrs. Atlay & Field.

PRAYERS: In the absence of the Chaplain, prayers were offered by the Chairman.

MINUTES: The Minutes of the last meeting, having been circulated, were approved and signed.

1. TELEPHONE KIOSKS. Mr. Reynolds reported that he and Mr. M. H. Crossman had reconnoitred the area near the Bell Inn, for a new site for the Kiosk. Three spots were suggested. Near the Bowling Green, by the War Memorial, and a spot about fifty yards along the Claverham Road, just past the entrance to Holly Lodge. The War Memorial site was thought to be the best, but the Clerk reported that this had already been turned down by the Post Office Surveyors, as the road-way would be narrowed by cars stopping. Mr. Pearce suggested that the same would apply to the site in Claverham Rd, and he thought that opposite Westaway Lodge might do. Mr. Cole proposed the pull-in at the Prince of Orange, this was seconded by Mr. Walker. It was proposed by Mr. M. H. Crossman, seconded by Mr. Franklin that the Claverham Rd site be adopted. A vote was taken, and as a result the Clerk was asked to see Mr. Cook, licensee of the Prince of Orange.

2. STREET LIGHTING. Mr. Cole said that he was still not satisfied, that the lamps were to be put in the right places. He said that eighty per cent were to be on the left-hand side of the street going towards North End, and he thought that the light would not be spread so as to give uniform lighting on both sides of the street. He asked how long the arms would be. Mr. Stuckey stated that he didn't want to close the discussion if anything useful could be gained by keeping it open. The whole subject had been dealt with by co-operation with the S. W. Electricity Board. Similar lighting had been inspected at Long Ashton, and at Portishead where the type of reflector to be used in Yatton, had been selected from two or three different ones. Mr. Pearce pointed out that the reflectors were specially designed to throw the light where it was required.

3. CHURCH ROAD. Mr. Stuckey reported that he and the Vice-Chairman had met Mr. Mitchard and Mr. Clark in Church Road, and it had been decided that as soon as money was available, and materials obtainable, a footpath would be put down on the right-hand side of the road as far as Wakedean Villas, with another pathway on the wider part of the road on the other side, if there were sufficient money. The pot-holes would also be attended to. Mr. Starke observed that stones fell on the roadway when boys climbed the wall and disturbed the loose top.

4. LIGHTING AREA MAPS. Mr. Burton reported that he had received the maps and the geographical description of the area from Mr. Reynolds, and that these had duly been forwarded to Long Ashton.

5. ALLOTMENT HEDGE. Mr. Franklin reported that Mr. Richards of Land Farm had repaired the fence of his field adjoining the allotments with sheep wire. The other gap had also been repaired. Mr. W. Richards had cut thorns and filled the gap. The Clerk was asked to pay Mr. W. Richards one pound for the work. Mr. Franklin then said that the allotments were in a disgraceful state. Mr. M. H. Crossman suggested that they should be let rent free on condition that they were cleaned. Mr. Franklin offered to plough them gratis, but Mr. Stuckey said that the Parish Council should pay for the work. The clerk was asked to look into the matter of agreements. There were now no bees there.

6. CLAVERHAM STREAM. Mr. G. K. Foster, the District Sanitary Inspector, stated, in a letter read by the clerk, that his investigations into the pollution of the stream, revealed that it was caused through a considerable quantity of farm drainage emanating from a local farm, and was not due to trade waste as had been thought at first. He was taking the necessary steps to have this drainage cut off from the stream.

7. FOOTPATHS. Mr. Griffin stated that the survey would be finished shortly. In conjunction with Mr. Crossman, and with the use of his 1807 map, they had discovered that two bridle paths had been left out, one by the Kenn River, the other off the Claverham Road. The Council unanimously agreed to their insertion in the maps.

Mr. Pearce asked if the matter of the diversion of the footpath by Mr. R. Viney's bungalow had been resolved. Mr. Griffin asked about the letter sent to Long Ashton on this subject some while ago. The Clerk stated that nothing had been heard, and he was then instructed to write to Mr. Viney, and advise him that it was not the business of the Council, but that he should apply to the Quarter Sessions for the closure of the footpath concerned.

8. WAR MEMORIAL. Mr. B. Crossman reported that there were plenty of dandelions, but that Mr. Lampert was getting them out before they seeded. Mr. Pearce said he would shift the rubbish in a week or so.

9. CHURCH HOUSES. The Church Houses report was not given as Mr. Atlay was absent.

10. A. G. M. It was arranged that the Annual Meeting of the Parish Council be held on Monday 21<sup>st</sup> May 1951, in the Church Hall at 7.30 p.m.

(102)



Commissioners Declaration

twenty sixth day of May one thousand eight hundred and fifteen in which we do hereby know  
 to all Men by these presents That I the said Joseph Wolcott the Commissioner in pursuance and by  
 virtue of the powers and authorities in and by the said several acts to me given and in further execution  
 hereof respectively Do by this my award set out appoint award publish and declare the following public  
 Carriage Roads and Highways Private Roads Bridleways Footways Drains Watercourses Bridges and  
 Structures made by me in or over upon and through or by the sides of the allotments of the said Commonable  
 or Waste Lands hereinafter set out and allotted together with such parts of the said Commons or Waste  
 Lands for Stone and Gravel Pits with a convenient road or roads to and from the same with such a  
 orders regulations directions and determinations in and about the same respectively as are hereinafter  
 particularly mentioned and described of and concerning the same (that is to say) I have set out and  
 appointed and by these presents Do set out appoint and award the following - *Public Carriage* or  
*Roads and Highways* through and over the Commons Brooks and Waste Lands called *Cleve Hill*  
*Kenn Moor* and *Moor Street Common* within the said Parishes of Yatton and Clew directed by the said  
 several acts to be devised allotted and enjoyed (that is to say)

Jones Road and Bakers Road

Jones's Road	One private road is herein described by the name of " <i>Pritchards Road</i> " One private Road of the breadth of twenty feet beginning at a place in Claverham Road marked on the said Plan with the Roman Letter W and extending Eastward to a place marked on the said Plan with the Roman Letter X
Bakers Road	One private Road of the breadth of twenty feet beginning at a point in Jones's Road marked on the said Plan with the German Letter A and extending Eastward to an allotment of land numbered 138 at a point marked on the said Plan with the German Letter G
Bakers Road	One private Road is herein described by the name of " <i>Bakers Road</i> "

Sluice Stile and Great River Bridleway and Footway

<i>Bridleways and Footways</i>	
Great River } Bridleway } Footway }	One Bridleway and Footway of the breadth of six feet beginning at a place called Sluice Stile marked on the said Plan with the Roman Letter P and extending along and after Great River to Clew Bridge marked on the said Plan with the Roman Letter Y and crossing the said Bridge to the North side of the said Great River containing the same to and at Durlowes at a place marked on the said Plan with the Roman Letter O
Sluice Stile } Bridleway and } Footway }	One Bridleway and Footway of the breadth of six feet commencing at a place in Claverham Road marked on the said Plan with the Roman Letter W and extending to Sluice Stile marked on the said Plan with the Roman Letter P
Yatton River	One Footway of the breadth of six feet beginning at Sluice Stile aforesaid marked on the said Plan with the Roman Letter Q

Commissioners Final Declaration

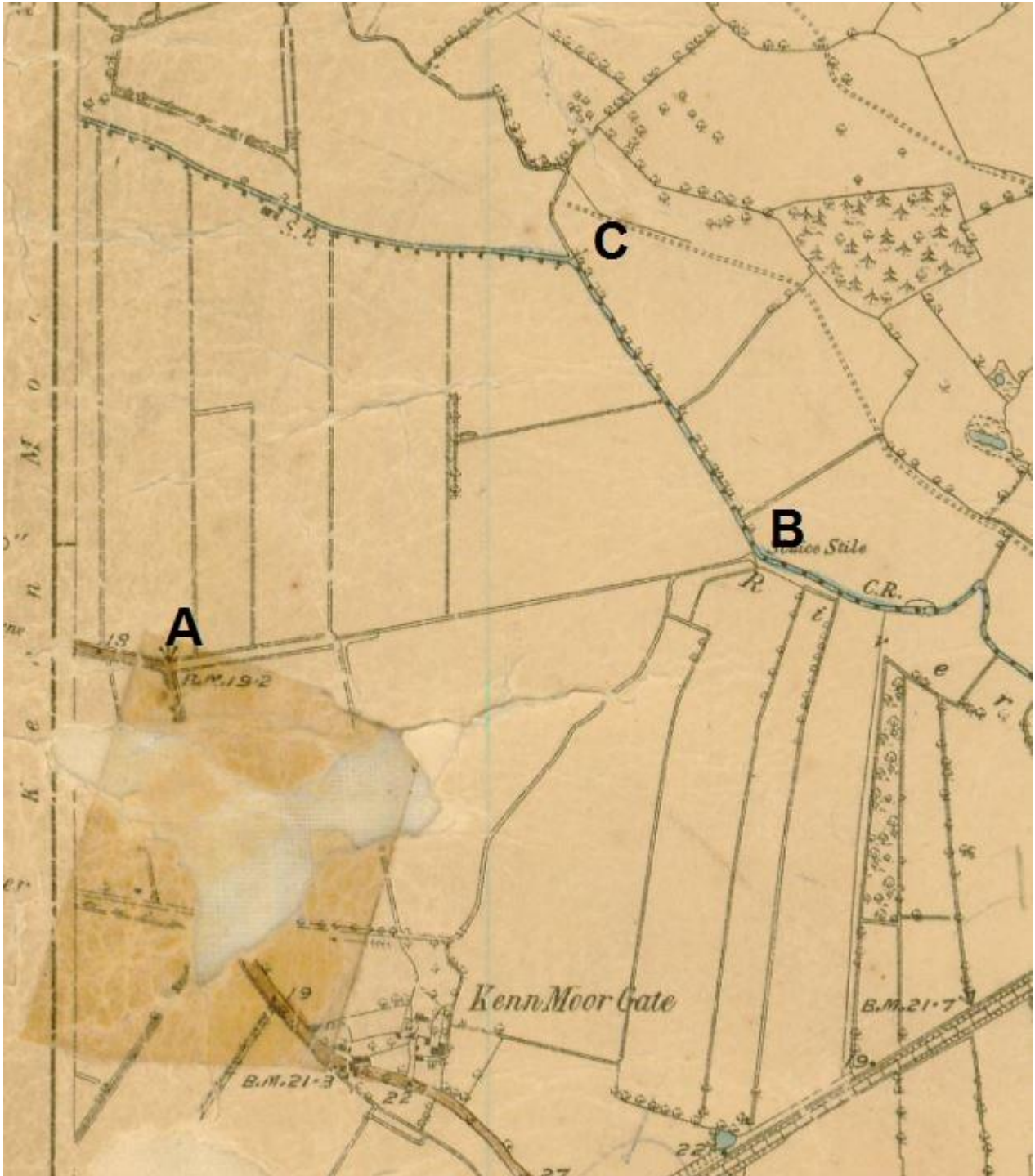
*Bed Footway* - And I do hereby order and direct that the several private Roads Bridleways and Footways (except Taylors pools, walls, pits, ditches, drains, dykes, and dikes) shall be made and at all times for ever hereafter be supported and repaired by and at the expense of the Owners and proprietors for the time being of the lands and tenements in and by this my award divided and inclosed in the shares and portions specified in the Statute or Ordinance aforesaid.

DOCUMENT 4  
Yatton Tithe Map 1840

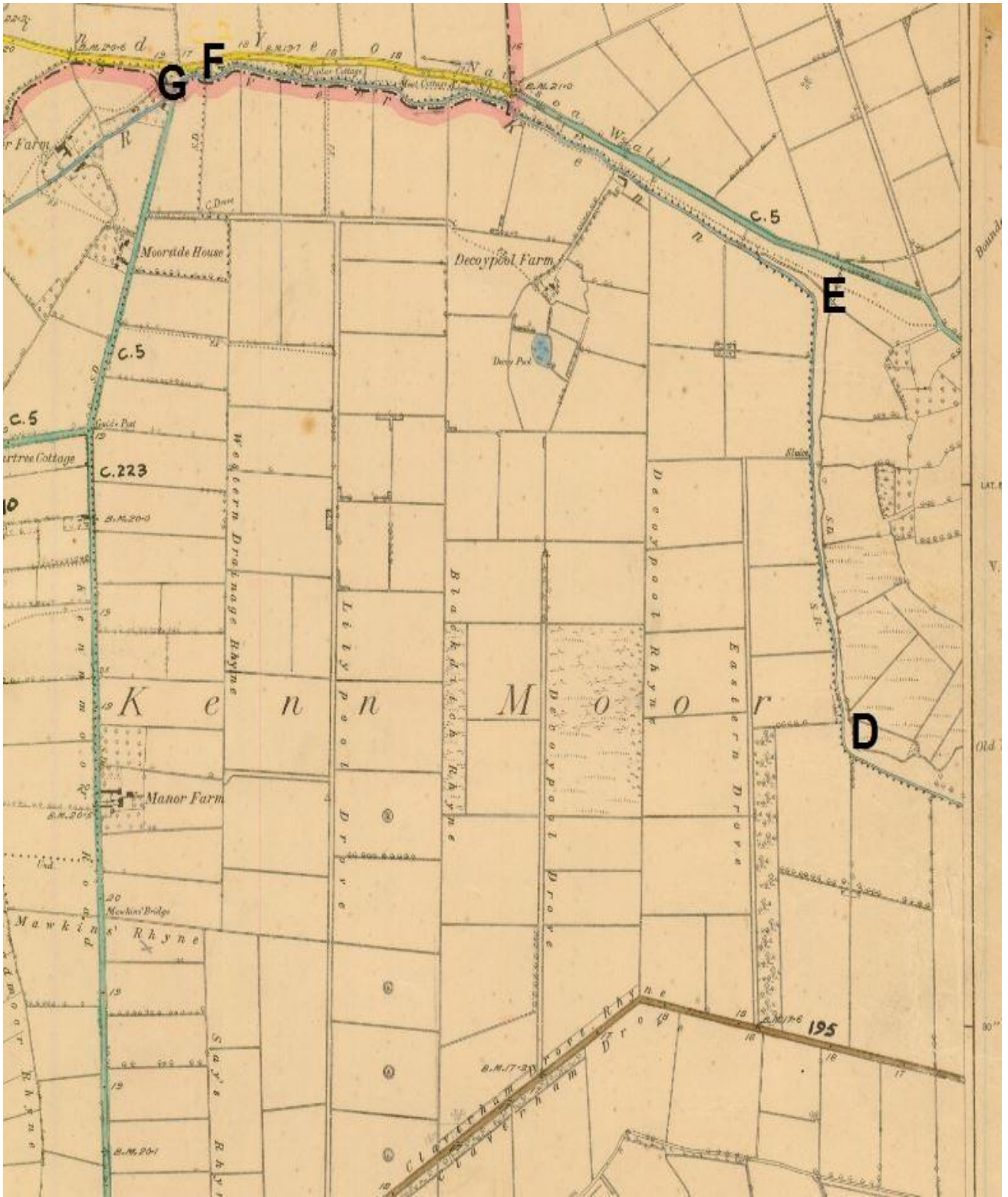




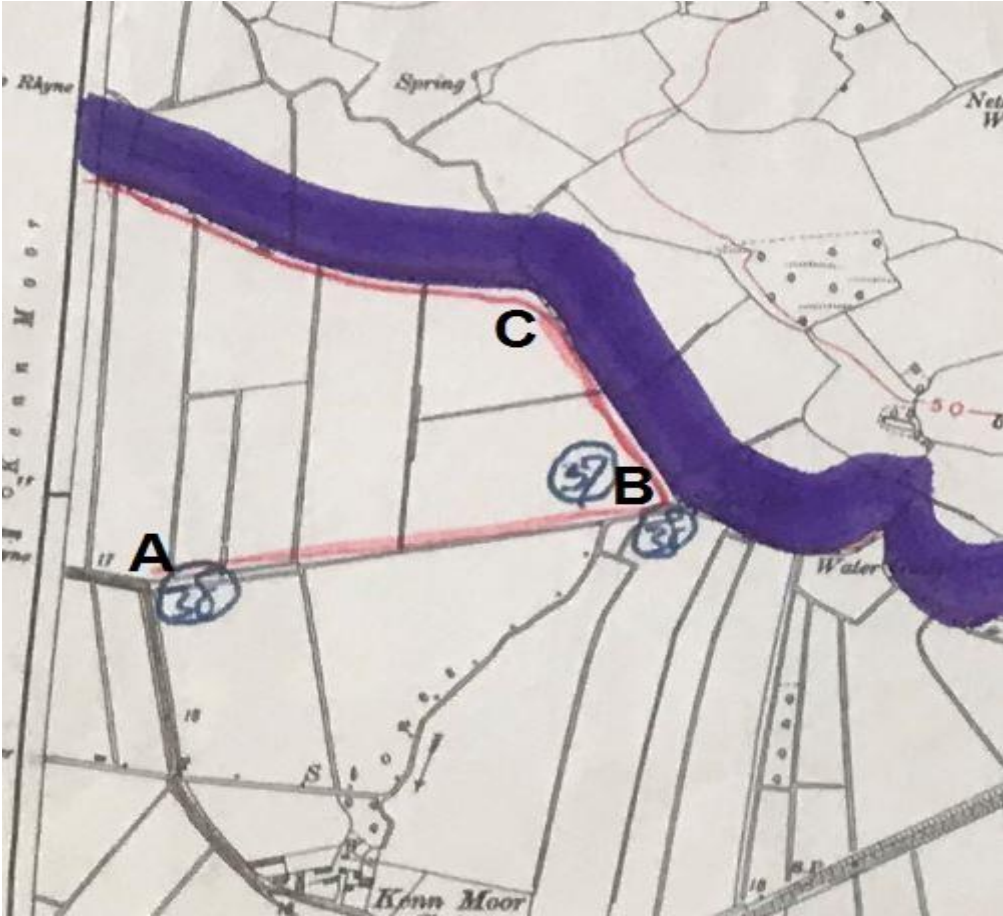
DOCUMENT 6  
1930 Highways Handover Maps  
Plan 1



1930 Highways Handover Map  
Plan 2



DOCUMENT 7  
Parish Survey Plans





KENN.

SOMERSET COUNTY COUNCIL                      BOROUGH/URBAN DISTRICT/PARISH OF :-  
(Delete as necessary)

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

Parish No. of Path :- 6      Path shown on 6" O.S. No. :- 14 SE      Kind of Path, i.e. F.P., B.R., C.R.P. or B.R.P. :-

DESCRIPTION :- The path starts at the Yutton Parish boundary being a continuation of F.P. 21/37 and runs <sup>west</sup> along the bank of the River Kenn betw County road C5 north of Moorside house.

S. 34023

P.T.O

(Please continue on second card if necessary)

Walking Survey made by :-  (Signed)  Date	Agreed by (Borough/Urban Parish Council / Meeting)  (Signed)  Date                      Chairman/Clerk	Approved by Rural District Council  (Signed)  Date                      Chairman/Clerk
---	--	--

SOMERSET COUNTY COUNCIL

~~BOROUGH~~ ~~URBAN~~ DISTRICT PARISH OF ~~---~~ Yatton.  
(Delete as necessary)

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

Parish No. of Path :- 37. Path shown on 6" O.S. No. :- 1V, SE Kind of Path, i.e. F.P., B.R., C.R.F. or B.R.F. :- B.R.  
V. SW

DESCRIPTION :- The path starts at Kenn Pier, follows Kenn River Bank, (which forms the boundary with Kenn Parish), as far as sluice stile, where it joins Path No. 38.

9 30005 P.T.O.

(Please continue on second card if necessary)

---

Walking Survey made by :- M. H. Crossman Esq.,  (Signed) <i>M H Crossman</i> Date July, 1951	Agreed by (Borough, Urban Parish Council / Meeting)  (Signed) <i>[Signature]</i> Chairman / Clerk Date 5th. November, 1951	Approved by Rural District Council :-  (Signed) <i>[Signature]</i> Chairman / Clerk Date 2/1/52
--	--	---

SOMERSET COUNTY COUNCIL Yatton.  
~~BOROUGH/URBAN DISTRICT~~ PARISH OF :—  
(Delete as necessary)

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

Parish No. of Path :— 38. Path shown on 6" O.S. No. :— V.S.W. Kind of Path, i.e. F.P., B.R., C.R.F. or B.R.F. :—C.R.F.

DESCRIPTION :— The path starts at Claverham Drove Road, runs through a green drove, and across two fields to the sluice stile, the junction with Path No. 37.

P.T.O.

(Please continue on second card if necessary)

<p>Walking Survey made by :— M.H. Crossman Esq., (Signed) <i>M H Crossman</i> Date July, 1951.</p>	<p>Agreed by (<del>Borough/Urban</del> Parish Council / Meeting) <i>XXX</i> (Signed) <i>M. Crossman</i> Chairman/Clerk Date 5<sup>th</sup>. November, 1951.</p>	<p>Approved by Rural District Council :— (Signed) <i>M. Crossman</i> Chairman/Clerk Date 2/1/52</p>
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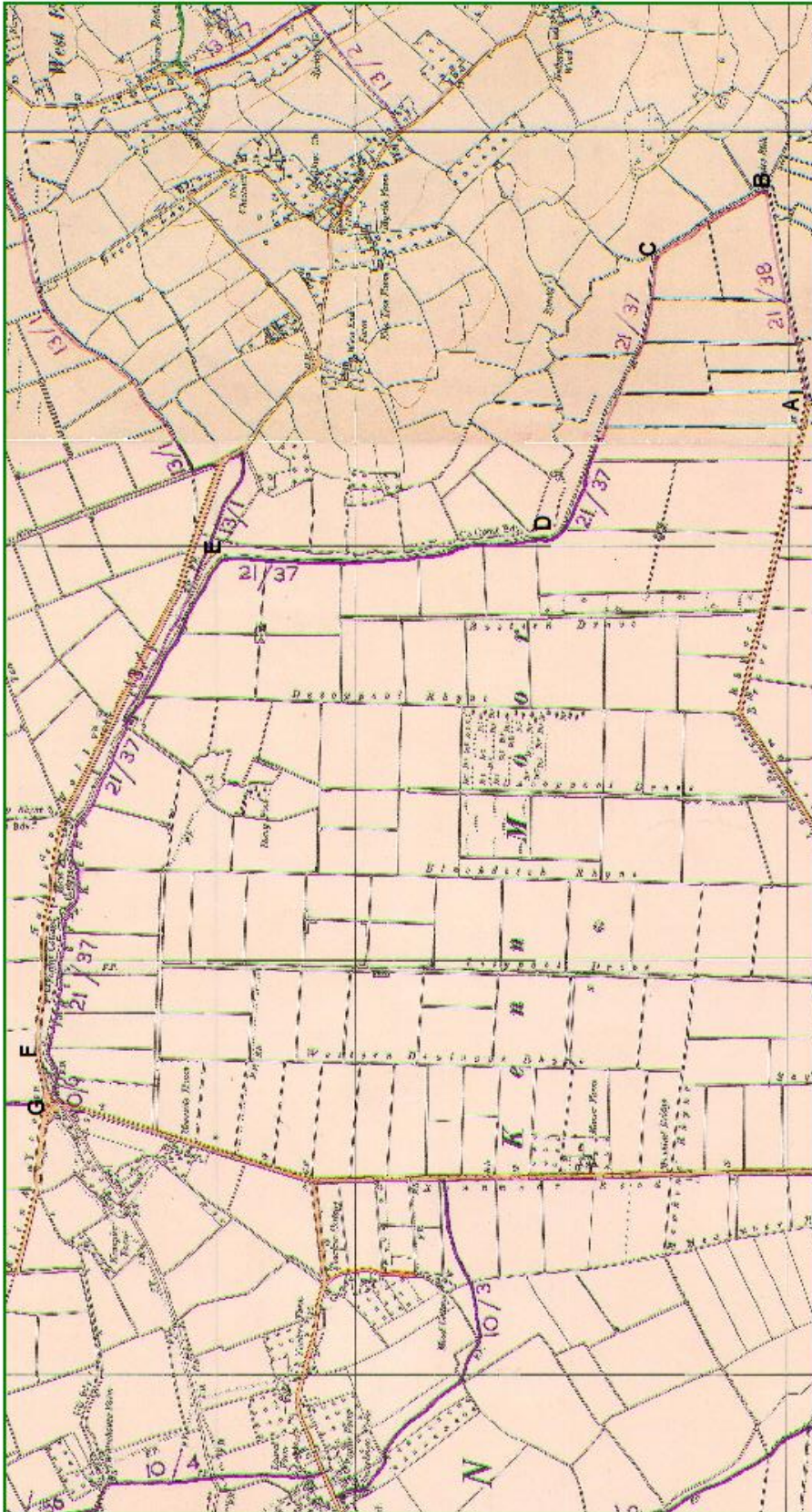
DOCUMENT 11  
Long Ashton Rural District Council Draft Map





DOCUMENT 12  
Long Ashton Rural District Council Draft Map Modification







The Definitive Map has a relevant date of 26th November 1956 and has not been formally re-published since then. This map shows an electronic working copy of this Definitive Map which attempts to show the information on the Definitive Map and any subsequent legal changes. The Council can accept no responsibility for any error or inaccuracy which may arise from use of the electronic Working Copy map.

	<b>Development &amp; Environment</b> Public Rights of Way Streets and Open Spaces North Somerset Council Town Hall Walliscote Grove Road Weston-super-Mare BS23 1UJ Tel: 01934 888 802	<b>Project</b> Definitive Map Extract	 Scale 1:13339
	OS Licence No. 100023397	Drawn by Mrs E Bowman	Drawing No.

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There are no operational landfill sites within the WLMP area. There are however some closed landfill sites which are listed below :

- a.) Stileway Farm (three sites) near Clevedon
- b.) North Drove, Nailsea
- c.) Chelvey Court
- d.) Woolley's Farm, Backwell

In addition there is a closed Household Waste Amenity Site at Clevedon. These sites are however unlikely to have an effect on current and future water level management.

#### ENVIRONMENT AGENCY WATER LEVEL MANAGEMENT AND NATURE CONSERVATION STRATEGY

In 1991 the Environment Agency (acting as the National Rivers Authority at the time) launched the Somerset Levels and Moors Water Level Management and Nature Conservation Strategy. This recognises the outstanding nature conservation interest of the Somerset Levels and Moors that this is in decline.

The Strategy promotes a review of flood defence practices, particularly within SSSIs. In these areas a presumption in favour of positive water level management for nature conservation is adopted through agreement.

The aim of the Strategy is, through prudent water level management, to safeguard and enhance the ecological value of the area whilst at the same time supporting other traditional land use practices. It is recognised that the success of this Strategy depends upon the joint action of those bodies that have an active involvement in the area.

This Strategy has not been formally adopted for the North Somerset Levels, however the Agency have adopted many of its recommendations in principle for this area.

A review of this Strategy for the Somerset Levels and Moors is currently being undertaken and is programmed to be completed in April 1999. Once this is complete a separate review of the water level management and nature conservation for the North Somerset Levels will be considered. However it is possible that proposals of the Strategy review for the Somerset Levels and Moors may be taken on board for North Somerset and incorporated where appropriate as future Agency objectives for this WLMP.

#### ENVIRONMENT AGENCY NORTH SOMERSET DRAINAGE SCHEMES

##### INTRODUCTION

Below is a basic outline of the major drainage improvements schemes in the North Somerset area.

##### **RIVER KENN SCHEME**

This scheme which was started in April 1949 and was in effective operation in May 1953 provided relief from flooding of 2,100 acres of moorland between Clevedon, Tickenham and Yatton.



This involved the excavation of 2.5 miles of new outfall channel (the New Blind Yeo) and the deepening and widening of 6 miles of existing watercourses. In addition several new structures were constructed including a new outfall structure, three new road bridges, five accommodation bridges and one railway bridge.

One of these road bridges was the Kenn Pier Culvert which had the important function of diverting the River Kenn into the Blind Yeo.

Further work was undertaken beyond 1953 as part of this scheme including constructing a concrete structure at the end of the Black Ditch Rhyne and the dredging of the River Kenn.

## RIVER KENN WATER CONTROL SCHEME

### Background Information

After the New Blind Yeo came into operation in May 1953, conditions in the moors were so much improved that there was a general demand for a lower water level, particularly in summer, than had been originally allowed for. This meant that little or no water could be fed into the Old River Kenn, and that channel from Kenn Pier Sluice to the outfall at Hook's Ear, had to depend upon the very limited local drainage. In consequence it became stagnant and frequently polluted with salt which came in from the outfall on most tides, and there were many complaints from householders who used the water for domestic and farm purposes.

A scheme for remedying the trouble was thus put in place in the late 1950's referred to as the ' River Kenn Water Control Scheme '.

### The Scheme

The scheme comprised the lowering of the bed of the Old River Kenn by an average of 450 mm for a distance of 1.5 miles, penning doors at Treblehouse Farm and at Kenn Moor Bridge, improvements at the outfall, modification of Kenn Pier Sluice to give closer control over penning levels and a new sluice at the end of the Black Ditch Rhyne.

The principal dates for various aspects of the scheme have been summarised below:

August 1956	Tidal flap at outfall replaced
March 1957	Install penning doors at Treblehouse Farm and Kenn Moor Bridge
April 1957	Complete dredging of Old River Kenn (Kenn Pier to Outfall)
1957	Kenn Pier Sluice - penning modifications
March 1958	New penning sluice (Black Ditch Sluice)

## M5 MOTORWAY LAND YEO/BLIND YEO SCHEME

This scheme in the early 1970's came about from the construction of the M5 motorway through the area. In principal it involved the diversion of flood flows from the Land Yeo through Clevedon into the Blind Yeo system.

This involved a new connecting channel along the line of the Yearling Ditch, the enlargement of the New Blind Yeo, a supplementary outfall for the Blind Yeo, a double penning sluice at the junction of the Yearling Ditch and the Middle Yeo (Cook's Clyse) and the modification of several bridges across the relevant channels.