

North Somerset Council

REPORT TO THE**PUBLIC RIGHTS OF WAY SUB
COMMITTEE****DATE OF MEETING:****26 NOVEMBER 2019****SUBJECT OF REPORT:****UPGRADE OF BRIDLEWAY AX 10/108
AND AX 30/67 COPTHORN LANE TO
BYWAY OPEN TO ALL TRAFFIC****TOWN OR PARISH:****WRINGTON/BURRINGTON****OFFICER/MEMBER PRESENTING:****ELAINE BOWMAN****KEY DECISION:****NO****RECOMMENDATIONS**

It is recommended that

- (i) The Public Rights of Way Sub Committee authorise the relevant officer to deny this application relating to Mod 22 Copthorn Lane on the grounds that there is not sufficient evidence to upgrade Bridleways AX 10/108 and AX 30/67 to Byways Open to All Traffic.

1. SUMMARY OF REPORT

Bridleways AX 10/108 and AX 30/67 were the subject of a full investigation following the submission of an application by Mr Gwyn Bedford Thomas dated 15 October 1991. That application claimed that the route from Havyatt Green Farm to the A368 known as Copthorn Lane should be recorded as Byways Open to all Traffic. This route due to ward boundaries passes over AX 10/108 and AX 30/67 as illustrated on the attached plan.

In 1994 a Byway Open to all Traffic Order was made which when advertised attracted objection which led to a Public Inquiry and determination by an Inspector, appointed by the Secretary of State dated 12 November 1996. That Inspector's decision was that the Order should not be confirmed.

A second application was submitted to North Somerset Council on the 14 February 1997 claiming that additional evidence had been found which suggested that this route had been used as a Public Carriage Road therefore, should be recorded as a Byway Open to all Traffic. The applicant claimed that the previous Inspectors

interpretation of the evidence and final decision was inaccurate, however did not choose to challenge that decision within the High Court.

This report is required to consider the new evidence, in conjunction with the evidence previously considered to ascertain whether this information would have led to a different decision and that Bridleways AX 10/108 and AX 30/67 should be recorded as a Byway Open to All Traffic.

Such application for a Definitive Map Modification Order is submitted under Section 53(5) of the Wildlife and Countryside Act 1981. The effect of this request, should an Order be made and confirmed, would be to amend the Definitive Map and Statement for the area. The application relates to the route A-B-C-D-E shown on the attached Location Plan, commencing from existing Bridleway AX 30/67 known as Copthorn Lane and proceeding onto Bridleway AX 10/108 to the junction of the A368.

This report is based on minimal historical documentary evidence, and the previous Inspectors Decision Notice. A **Location Plan, EB/Mod 22**, showing the route as a bold black dashed line A-B-C-D-E being claimed 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 Plan EB/MOD22

Appendix 1 – The legal basis for deciding the claim

Appendix 2 – History and Description of the First Claim

Appendix 3 – History and Description of the Second Claim

Appendix 4 – Analysis of the Documentary Evidence submitted by the Applicant

Appendix 5 – Consultation and Landowner Responses

Appendix 6 – Summary of Evidence and Conclusion

Document 1 – The Planning Inspectorate Decision dated 15 November 1996

Document 2 – “The Wrington Vale Light Railway” by Avon Anglia Productions ISBN 090546611X.

2. POLICY

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

3. DETAILS

Background

i) The Legal Situation

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

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

ii) The Role of the Committee

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

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

Conclusion

As this report relates to a route A-B-C-D-E which is recorded on the Definitive Map as Bridleways it is necessary for the Committee to consider whether, given the evidence available, that a highway shown in the map and statement as a highway of a particular description **ought** to be there shown as a highway of a different description.

If the Committee is of the opinion that this 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 Wrington Parish Council, Local members, interested parties and relevant user groups have also been included. Detail of the correspondence that has been received following these consultations is detailed in **Appendix 5**.

5. FINANCIAL IMPLICATIONS

At present the council is required to assess the information available to it to determine whether there is sufficient evidence to support the application. There will

be no financial implications during this process. Once that investigation has been undertaken, if authority is given for an Order to be made then the Council will incur financial expenditure in line with the advertisement of the Order. Further cost will be incurred if this matter needs to be determined by a Public Inquiry. These financial considerations must not form part of the Committee's decision.

Costs

To be met from existing Revenue Budget.

Funding

To be met from existing Revenue Budget.

6. LEGAL POWERS AND IMPLICATIONS

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

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Improvements or additional routes added to the Public Rights of Way Network encourage sustainable travel by enabling the public to walk, cycle or ride a horse across our District reducing carbon emissions and improving our Environmental footprint.

8. 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 PROW Rights of Way Sub Committee have agreed a three-tier approach when determining the directed applications. A report was presented to the Committee in November 2016 which outlined a more streamline approach. This could result in challenges being made against the Council for not considering all evidence.

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

9. EQUALITY IMPLICATIONS

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

10. CORPORATE IMPLICATIONS

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

11. OPTIONS CONSIDERED

The options that need to be considered are:

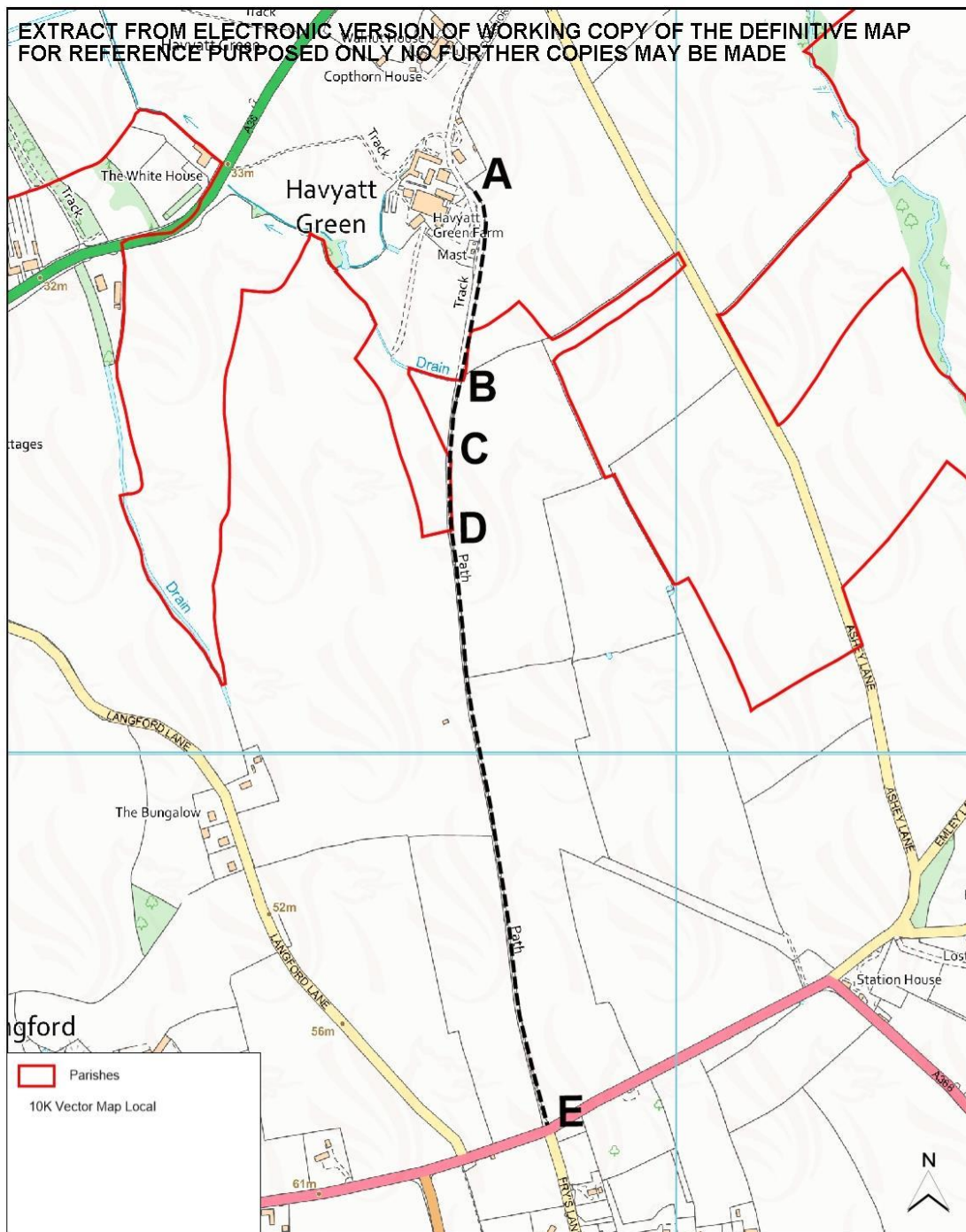
1. Whether the new evidence supports the making of a Definitive Map Modification Order for the upgrade of the route A-B-C-D-E from Bridleway to Byway Open to All Traffic or Restricted Byway if vehicular rights have been established (in accordance with NERC 2006).
2. Whether the application should be denied as there is insufficient evidence to suggest that if presented it would have changed the opinion of the Inspector at the previous Inquiry.

AUTHOR

Elaine Bowman, Principal Access Officer, Access Team, Natural Environment
Telephone 01934 888802

BACKGROUND PAPERS: - Public Rights of Way File Mod 22

LOCATION PLAN EB/MOD 22



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 the 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.



MOD 22

Cophorn Lane
Upgrading Bridleways AX 10/108 and AX 30/67
to a Byway Open to All Traffic

Scale: 1:6000
Drawn by: Lucy Roca
Date: 01 November 2019
Drawing No: EB/MOD22

© Crown copyright and database rights 2019 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form. © Aerial Photography 2009, 2014 and 2017 Imagery copyright Getmapping PLC. www.getmapping.com. © and database right © Crown Copyright and Landmark Information Group Ltd (all rights reserved 2019).

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, making by Order such modifications to them as appear to be required as a result of the occurrence of certain specified events.
2. Section 53(3)(b) describes one event as, "the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway". See paragraph 4.

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

- (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 First Claim

APPLICATION 1 – 15 October 1991

Application submitted by Mr G B Thomas	The basis of this application was that the routes AX 30/67 and AX 10/108 should be recorded on the Definitive Map as a Byway Open to All Traffic (BOAT).
Report presented to the Planning, Highway and Transport (Public Rights of Way) (Policy Implementation) Sub Committee on the 27 July 1993	A report was prepared and presented. Members were advised that this application was supported by 4 pieces of Documentary evidence. Information was also presented regarding responses that had been received to informal consultations. The majority of these objected to the proposal for AX30/67 and AX10/108 to be recorded as a BOAT. The officer recommendation at that time was <i>“that no Order be made”</i>
Report presented to the Planning, Highways and Transport (Public Rights of Way) Sub Committee dated 12 November 1993	A second report was presented which provided further detail of the investigations carried out into documentary evidence relating to the claimed route. Based on the research carried out, there was little evidence to support any vehicular rights along this route. It was concluded <i>“It is the view of the Officers that the Applicant has failed to discharge his burden of proof in this respect – proving merely that Copthorne Lane existed as a “road””</i> . It was therefore recommended <i>“that no Order be made”</i> . However, it was resolved by the Committee members that an Order be made on the basis that; <i>“1) the route has always been a highway for all vehicular traffic; 2) the documentary evidence suggests it was an accepted vehicular road; and 3) the visible evidence does not indicate that it was not used as a vehicular road”</i> .
Byway Open to All Traffic Order made on 9 June 1994	A Definitive Map Modification Order was made and sealed to upgrade Bridleways AX 30/67 and AX 10/108 to a BOAT and was advertised on the 22 June 1994 stating the final date for making representations and objections being the 5 August 1994.
Report presented to the Planning, Highways and Transport (Public Rights of Way) Sub Committee dated 15 November 1994	A third report was presented to advise members of the responses which were received to the Notice of Making of a Modification Order of the claimed route. Members were informed that 5 letters of objection were received. After consideration of the objection letters, it was agreed by the members that the comments were <i>“duly made”</i> and was therefore

recommended "*that the Order be referred to the Secretary of State with a request that Order not be confirmed*". However, this was not seconded and proposed by one of the Committee members "*that a decision be deferred to enable consideration of all the available evidence*".

Report presented to the Planning, Highways and Transport (Public Rights of Way) Sub Committee dated 19 April 1995

This fourth report was presented due to a decision deferral at the previous committee meeting. The report reconsiders all the available evidence in regard to the claimed route. From this consideration it was resolved "*that the Order be referred to the Secretary of State with a request that the Order be confirmed for the following reasons; The evidence that the lane could have been wider in the past: a) the presence of older hedgerows on one side of the lane, and more recent hedgerows on the other side of the lane with older hedgerows behind indicating that an original route existed of up to approximately 20 ft in width; b) the obvious erosion of the lane indicated by:*

- *the presence of tree roots showing that the original level of the lane would have been higher.*
- *the higher level of land either side of the lane.*
- c) *the encroachment of the vegetation in the lane.*

The existence of documentary evidence

- *Deposited Plan Wrington Vale Light Railway dated 10th December 1896 Public Road No.12 on Plan "Copthorn Lane", - shown as other public vehicular highways crossed by the railway.*
- *Old Series OS Map Margary Facimile.*
- *Greenwood Map 1822 showing it as part of Road System.*
- *Day and Masters 1782 showing it as part of Road System.*

The lane was a direct route between two settlements, Burrington and Havyatt Green.

The views expressed by Members on visiting the site.

Public Inquiry held on 12 November 1996

A Public Inquiry commenced on 12th November 1996. During that inquiry, the Inspector listened to all of the evidence put forward by North Somerset Council, the supporters for the Order and also the objectors, including landowners. A full copy of the Inspectors Report detailing the evidence presented and the Inspectors opinion is attached as **Document 1**.

Inspectors Decision Notice

The following tables contain information extracted from the Inspectors Decision Notice. It is strongly recommended that the full document placed attached as Document 1 is read in its entirety and considered in the overall recommendation of this application.

Case of Order Making Authority [para.7 to 24]

As detailed in Appendix 2, North Somerset Council were in support of the making of this Order. The documentary evidence which at that time was considered relevant is detailed within the Inspectors report.

The Documentary evidence [para. 10 to 14]

1747 Manorial Court Papers, 182 Day and Masters Map, 1817 Mudge Map, 1822 Greenwood Map, 1839 Burrington and Wrington Tithe Maps, 1886 OS Map, Railway plans, 1903 OS Map, 1910 Finance Act Map, 1914 Burrington and Wrington Enclosure Award, 1929 County Surveyor's Record Map, 1931 OS Map. The applicants claim was based on some of this historical evidence, however Avon County Council undertook further investigation. It would appear that whilst these may have assisted with existence, they did not with status

Status of Route [para. 14]

It was conceded that none of the historic maps are conclusive as to the status of the route, that there could have been limitations of their uses, that there is no evidence of usage and that alternative routes were available for vehicles. The Railway records contain no reference to bridleways as such and so there is no indication of how they might be shown, if not as roads.

Definitive Map process was then presented [para. 15 and 16]

Most of the records had survived and were taken into consideration whereby there were no mentions of any obstructions to the claimed route. It was noted that the walking card for AX 30/67 was handwritten but was not signed or dated. Additionally, there were no recorded objections that these routes were recorded as a Bridleways.

Applicants Evidence [para. 9, 11 to 13, 17, 18]

The Inspector undertook detailed consideration of the Documents which had been submitted by the Applicant giving his conclusions accordingly.

3 Letters of Support [para.25 to 30]

These paragraphs detail the letters of support from Woodspring Bridleways Association, Cyclists Touring Club, and The Trail Riders Fellowship.

**5 letters of objection
[para.31 to 39]**

These paragraphs detail the objections which were received from Woodspring District Council, The Ramblers' Association, the Co-owner of Havyatt Green Farm, Ivor Keel & Sons, and Burrington Parish Council. Despite this advice the Committee resolved that the Order was referred to the Secretary of State for confirmation.

**Consideration by the
Local Authorities [para.
19 and 20]**

After deliberation of whether the Order should or should not be made, it was eventually considered following a site visit in April 1995 that confirmation should be made sought on the grounds that there was evidence that the lane could have been wider in the past, namely, older hedgerows, erosion of the lane, height of the land on either side, encroachment of vegetation and documentary evidence. The objection by Woodspring District Council was withdrawn by North Somerset Council, consequent upon transfer of jurisdiction from Avon County Council.

**Supporters of the
Order**

**Woodspring Bridleways
Association [para. 25]**

The documentary evidence clearly shows that Copthorn lane is an ancient highway and should be a BOAT. There are two routes across Havyatt Green, coloured in brown on the Burrington Inclosure Award, and identified as carriageways and bridleways. The Association has no evidence of vehicular use of the Order route.

**Cyclists Touring Club
[para. 26 to 29]**

The term 'green lane' is not a statutory one and could be a carriageway, bridleway, footpath or private lane. Due to the existence of a Public Bridleway over this route, this does not prejudice the existence of higher rights. Although pedal cyclists may use Bridleways, the lane is considered to be an old public carriageway and the higher status may encourage better maintenance; a bridleway can be ploughed. Consideration of the Inclosure Award, Railway Plans and Tithe Maps indicate that the route could have been used by vehicles. However, it was conceded that no evidence can be offered of vehicular usage. Also state that the width makes no difference; many recognised public carriage roads were as narrow, and the historic width is indicated by the maps.

**The Trail Riders
Fellowship [para. 30]**

The Railway Plans and associated documents were all covered by a comprehensive system of Acts of

Parliament and are therefore good evidence. Has ridden the route annually since 1985, with others; it is not accepted that this is an offence because the Fellowship is confident that higher rights exist.

Case for the Objectors

The Ramblers' Association [para. 31 to 34]

No firm evidence to show that vehicular rights exist. There is no dispute of the depiction of the route on historic maps; but that does not imply use by vehicles. The representative refers to 'Burrington Church and Village – a Short History' By Mr Christopher Marsden-Smedley on page 7; confirms that there were severe limitations which would have precluded carts and carriages from using it.

A Co-owner of Havyatt Green Farm [para. 35 to 38]

The owners of Havyatt Green Farm who had lived here since 1916 presented a number of statements relating to the farming conditions and the claimed route. They state that there were never any gates at the Railway crossing and that the cattle grids were installed at either side of the Lane to prevent cattle from straying onto the railway. Cattle could not get up there in the 1940s and the width has always been restricted – evident from the trees. Between 1910 and 1920, Gypsies camped in the top end and as a result a gate was put in at that time. At the time of the drawing of Tithe Maps, there were many small fields at either side of the Lane, in the hands of different owners and tenants, and the lane provided them with access to their fields and to the pond. As fields were enlarged and carts became more common, Ashey Lane was probably used and Copthorn then fell into disrepair. They also state that cast-iron signs were put up around the Common in 1915 one of which remains at the southern end of Copthorn Lane; a similar one was available at the inquiry. It advised people of the bylaws, on the authority of the Conservators, and these excluded vehicular accesses to the Common. So Copthorn Lane was regarded as part of the common.

Written Representations [para. 39]

Burrington Parish Council state the route is unsuitable for a BOAT and that the junction with the A368 is extremely dangerous. Ivor Keel & Sons believe that the lane is too narrow and vehicles would not be able to pass each other; they also note the same quotation from Mr Christopher

Marsden-Smedley's book; if the order is confirmed, use of the Lane should be restricted in the interests of wildlife.

Inspectors Comments and Conclusions Para 40 to 51

Inspectors comment [para 41 to 49]

The Inspector has clearly evaluated the documentary evidence presented. Although it was undisputed that the Order route was an ancient public highway the Inspector felt there was no evidence at all of past vehicular use of the route and addresses the main issue as to whether this route had established a higher right than that of a bridleway.

The Inspector also refers in depth to the Railway Order and Acts being a statutory force and that the details would therefore be valid evidence in law, but indicates that errors were not impossible: they were anticipated by Section 7 of the 1845 Act and this provision could not guarantee that they would have been put right. In addition to this Section 46 of the 1845 Act required the railway company to provide a road or railway bridge wherever a railway crosses 'any turnpike road or public highway'. Therefore, the inspector believes that the description of 'Public Carriage Road' was used in the order to cover a wider range of highways.

The Inspector concluded in para. 49 with the following statement;

"If Copthorn Lane had, in fact, been a public carriage road, then a bridge or a level crossing would have been a clear statutory requirement of the 1845 Act; accordingly, I conclude that, on the balance of probability, it was not one. The Order does not therefore meet the criteria contained in Section 53 of the Wildlife and Countryside Act 1981. I have taken into account all other matters raised at the inquiry and in the written representations but they do not outweigh the considerations leading to my decision."

For the reasons given within the Inspectors Decision Notice, the Inspector decided not to confirm the Order.

History and Description of the Second Claim

APPLICATION 2 – 14 February 1997

Mr G B Thomas submitted a new application relating to Bridleways AX30/67 and AX 10/108 dated 14 February 1997. He describes the route as along Copthorn Lane from Havyatt Green to the adopted highway A368 shown on the attached location plan EB/Mod 20. This application was supported by claimed new evidence attached as Document 2;

“The Wrington Vale Light Railway” by Avon Anglia Productions ISBN 090546611X.

This document is reported on in **Appendix 4**.

The applicant believes that this new evidence in conjunction with the evidence produced with the first application shows that Bridleways AX30/67 and AX 10/108 should have a status higher than a bridleway, therefore should be recorded as a **Byway open to all traffic**.

Analysis of the Documentary Evidence submitted by the Applicant

As stated within Appendix 1 the legislation is quite clear as to what needs to be taken into consideration. The first application relied upon documentary evidence trying to prove that the requirements of Section 31 of the Highways Act 1980 had been proven, this was not accepted by the Inspector. The second application submitted by the applicant is claiming that this one piece of additional evidence support the first application and if it had been presented at the first Inquiry, would have led the Inspector to reach a different conclusion.

The Wrington Vale Light Railway – Avon Anglia Production ISBN 090546611X, 1978

The applicant has submitted a copy of the Wrington Vale Light Railway booklet, dated 1978, this outlines the history of the rural light railway schemes from production to closure. Marked on this document, the applicant has highlighted the sections which he felt relevant to support his application. It should be noted that the applicant has not submitted the whole document only submitting the pages with the annotated section which he deemed relevant.

1. "... based on the research of almost 30 years by four historians"
2. "Authorised by a Light Railway Order in 1898 under legislation designed to facilitate the construction of rural railways to less onerous standards than those applying to main lines..."
3. "The other main feature of the WVLR was the six level crossings, two of which had gates (those at Wrington and Langford stations) while the others were protected by cattle grids and illuminated 10mph speed restriction indicators. The only overline bridge was the one at Burrington station."
4. "...taking care at the stations and level crossings, especially the ungated ones... About 1920 a horse which had just been shod was hitched to a gig for return to its owner and was then struck by a Wrington Vale train at one of the crossings... A motor cyclist was killed at Brinsea Road crossing..."
5. "... soon crossed Brinsea Road level crossing. Ungated, and with cattle grids provided to prevent animals from straying onto the track, the crossing provided three warnings to road users 'Beware of Trains', 'Crossing No Gates' and finally, 'Trains Cross Here'. Approaching trains were required to whistle and obey the 10m.p.h. speed limit signs by the trackside but, despite these precautions, accidents were not unknown- as chapter 4 recorded. A mile beyond Brinsea Road the line crossed Iwood Lane, again without gates..."
6. "On the short run from Langford to Burrington trains faced a stiffer climb at 1 in 50, crossing the church lane known as Copthorn Lane..."

7. "... as Bourne Lane level crossing was approached. Here again, were cattle grids but no gates"

Based on the sections of the document that the applicant has highlighted, they mainly relate to the existence of Level Crossings throughout the Wrington Vale Light Railway. As stated in paragraph 3, there were six level crossings of which two had gates located at Wrington and Langford station. The remaining four crossings were located at;

- Brinsea Road – ungated and with cattle grids.
- Iwood Lane – ungated
- Copthorn Lane
- Bourne Lane – ungated and with cattle grids

Unlike the other level crossing descriptions, it appears that Copthorn Lane is not described to be ungated or with cattle grids. This could mean that its use and perceived status was not the same as the others listed.

Whilst the owners of Havyatt Green Farm previously gave evidence regarding the existence of cattle grids either side of the railway, there is no evidence within the document submitted by the applicant to support this.

As detailed in paragraph 5 above, Copthorn Lane is described as a 'church lane' presumably because it is a route that runs south to Burrington Church.

A copy of this document is attached as **Document 2**.

Consultation and Landowner Responses

Consultation Responses

In reviewing the effect that this second application has upon the determination of the 1st application on the 3 July 2019 informal consultations were undertaken where the landowners, applicants and local ward member were contacted.

Responses were received from the following parties, extracts of their comments are as follows:

Name	Support/Objection/No Objection	Statement
Wales & West Utilities	Information	<p>We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed, service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales and West Utilities, its agents or servants for any error or omission.</p> <p>Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.</p>
Atkins Telecoms	No Objection	We refer to the below or attached order and confirm that we have no objections.
Virgin Media	No Objection	Virgin Media and Viatel plant should not be affected by your proposed work and no strategic additions to our existing network are envisaged in the immediate future.
Mr N Green – Alvis Brothers	No Objection	Alvis Bros Ltd are minded not to object to the proposal SUBJECT to any works not compromising the soil drainage in the adjacent field or damage to the mains water supply. We would welcome the opportunity to explain our concerns based on first-hand experience over many years and respectfully

		suggest a site meeting would be more beneficial than remote communication.
Wroughton Parish Council	Objection	<p>Wroughton Parish Council considered the application regarding Bridleway AX10/108 from Havvatt Green Farm and to the junction of A368 at their Council meeting.</p> <p>Wroughton Parish Council do not feel that it is appropriate to turn this route into a Byway Open to All Traffic and so are opposed to the request.</p> <p>The Council feel that there are already not enough lanes/bridleways without motorised traffic in the area so would not want this one to be changed to allow such traffic. The Council also don't feel that there is a need for this to be changed as Ashley Road runs parallel to it.</p>
Burrington Parish Council	Objection	Burrington Parish Council have objected to this application in the past, and our reasons for so doing remain the same. We understand that on the previous occasion the application was refused by the Inspectorate.
National Grid	No Objection	An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus. 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.
Bristol Water	No Objection	<p>The information given shows the approximate location of our 24" raw water main but it will be necessary to take trial excavations to assess its precise position and depth. This work can be carried out by the company with the cost being recharged to the council and approximate costs are available on request.</p> <p>We wish to inform you that part of your proposed footpath, from A to B, will be in our easement strip which extends 5 metres either side of our 24" diameter main. Within which any proposed construction works would be strictly regulated. We shall also require vehicular access along the length of the pipeline at all times and therefore your proposals should take this into account. You should ensure that no reduction in cover or increases in ground levels, more than 200mm over our pipeline, take place.</p> <p>We confirm that we have no objection to the proposed stopping up order of footpath A-B so long as the above requirements are adhered to.</p>

Mr A Brown

Objection

With reference to the above application, I wish to register my objections on the same grounds as I did when the previous application was submitted.

Mr A Brown – Letter dated March 12th 1994

I am writing to oppose the proposition to open Copthorn Lane as a bye-way open to all vehicles including motor vehicles. Copthorn Lane runs from the A368 just north of Burrington Church, in a northerly direction, to a point on Havyatt Green just beside the farm buildings of Havyatt Green Farm. The reasons I am opposing the opening of this lane as a bye-way are outlined below:-

1. The junction of the lane with the A368 is a notoriously dangerous with visibility along the A368 towards Churchill of no more than 10m, and also with very restricted visibility along the A368 towards Blagdon.
2. The lane was originally used as a service track to the fields along its edges and as an access to Havyatt Green Common. The driving of motor vehicles is prohibited on the common.
3. Where Copthorn Lane meets Havyatt Green it also joins up with the occupation road to Havyatt Green Farm. This occupation road is linked to Ashey Lane the nearest public highway. The junction between this occupation road and Ashey lane is also very dangerous.
4. I am the owner occupier at Havyatt Green Farm and as such I am responsible for the upkeep and maintenance for part of the length of this occupation road. Any motor vehicle using to Ashey Lane since they are prohibited to drive on the common (see 2 above). This would consequently cause more unnecessary wear and tear on the road, causing me extra maintenance expense.
5. Copthorn Lane is currently used as a Bridleway and as such is frequently used by horses and walkers. Should motor vehicles be allowed to use this lane they would force the horses and walkers to use either Ashey Lane or Langford Lane which run parallel and either side of Copthorn Lane. Neither of these lanes have footpaths and both are very busy public highways making walking along them extremely dangerous. As neither are very wide either, horse riding along them is also not very safe for motorists or participants.
6. Copthorn Lane is very narrow (indeed 2 horses have difficulty in passing each other for most of its length) and as such would be most unsuitable for motor vehicular use.
7. Copthorn Lane is a habitat for much wildlife which would be destroyed by the introduction of motor vehicles.

Considering these factors I strongly oppose the opening of Copthorn Lane as a Bye-way.

Mrs M Masters

Objection

The records show that I was an Objector to the first Application to 'upgrade' Copthorn Lane from a Public Bridleway to a Byway Open to All Traffic [BOAT]. Claiming that an error of status was made during the preparation of the Definitive Map cannot support a claim of "upgrading."

The first Application was defeated at Public Inquiry and the Inspector's Decision Letter included comprehensive consideration of the Railway evidence.

I maintain my interest in this case.

Listed below for ease of reference are my comments on the second Application submitted by the Applicant, the late Mr.Gwyn Thomas :-

1. First and foremost - It is a legal requirement that the grounds for an Application for a Definitive Map Modification Order ["DMMO"] must be the "discovery" of previously unavailable and unseen evidence, which demonstrates that an error is recorded on the North Somerset Council [Somerset] Definitive Map. Section 53 (3) is primarily concerned with correcting errors, not "upgrading" a path - which requires the landowner's involvement.

2. Secondly - The Applicant attempts to displace two presumptions -

(a) the presumption of regularity - that everything that was done was done correctly.

(b) that the Definitive Map is legally conclusive... unless and until proved otherwise.

Given the classification "BOAT" did not feature in the National Parks and Access to the Countryside Act 1949 ["the 1949 Act"] it is disingenuous to claim that the Parish, District and County Councils collectively made an error by recording a Public Bridleway during the preparation of the [then] Somerset Definitive Map. There were several opportunities for Objection or Representation as to the classification - the Applicant has not provided any evidence that anyone objected to the classification Public Bridleway.

3. Thirdly, the Applicant has simply re-cycled evidence which [the presumption of regularity supports] has already been considered.... some during the preparation of the Somerset Definitive Map or at the Public Inquiry... and has conspicuously failed to provide any new evidence to support his second Application.

4. The second Application is not only frivolous it is extremely vexatious in that in the absence of any new evidence it attempts to resurrect a matter which

[by rejection] has already been decided - and furthermore has been a stressful burden on the landowners for a considerable number of years.

The lack of evidence clearly suggests this Application should be rejected.

Ms D Mallinson
– Green Lanes
Protection
Group

Objection/Comments

Comment on the application

1. The applicant, Mr Thomas, seeks to overturn the decision FPS/D0121/7/2, dated 29 January 1997, in which an Inspector decided that this bridleway did not have public vehicular rights, following an earlier application by Mr Thomas in 1991. Mr Thomas supplied one item of additional evidence with his later application, extracts from a booklet 'The Wrington Vale Light Railway'. But it is not clear from his application what evidence this booklet contains which had not already been considered in the 1997 decision. The booklet was published in 1978, according to the British Library catalogue, so that it could have been submitted as part of the evidence considered by the Inspector in the 1997 decision.

Comments on the evidence

2. The plan and book of reference, deposited in 1896, for the Wrington Light Railway, describe Copthorn Lane as a public carriage road, owned by Somerset County Council and the Axbridge District Council. But Copthorn Lane is not included as a publicly maintainable highway on the County Surveyor's Record Map of 1929, which strongly suggests that the highway authorities in 1896 and 1929 (Axbridge Rural District Council and Somerset County Council) did not consider it had public vehicular rights.

3. In the decision FPS/D0121/7/2, the Inspector considered that the Railway Clauses Consolidation Act 1845 was the legal framework for the Wrington Vale Light Railway Order of 1897, and that the 1897 order was, in effect, the special act which allowed the railway company to use level crossings instead of bridges where public carriage roads crossed the railway. The inspector concluded that, because section 47 the 1845 Act required level crossings of public carriage roads to be gated and manned, and because the crossing at Copthorn Lane had apparently never been gated, the statutory requirement for a public carriage road crossing had not been met and Copthorn Lane was, on the balance of probability, not a public carriage road.

4. I provide two further railway acts, the Light Railways Act 1896 and the Railway Clauses Act 1863, which may also be relevant to interpretation of the Wrington Vale Light Railway Order 1897. Sections 12 and 28 of the Light Railways Act 1896 say that the 1845 Act and the Railway Clauses Act

1863 apply to a light railway if they are incorporated or applied by the order authorising the railway. Section 6 of the Railway Clauses Act 1863 adds further requirements on railway companies where there was a level crossing of a public carriage road, for “the greater Convenience and Security of the Public”. These additional requirements were to erect and maintain a lodge at the crossing and to abide by Board of Trade regulations with regard to the crossing e.g. speed of trains. If the railway company did not erect or maintain a lodge, or appoint a proper person to superintend the crossing, or abide by the regulations, it could be fined for as long as the offence continued.

5. If the Railway Clauses Act 1863 was incorporated or applied by the Wrington Vale Light Railway Order 1897, the railway company would therefore have to build a lodge for the superintendent at each level crossing of a public carriage road. There is no evidence of a building at or near the railway crossing of Copthorn Lane on the Ordnance Survey maps which cover the period the railway was in operation (1901 to 1963). This suggests that this crossing was not manned and therefore was not a public carriage road.

6. Section 7 of the Railway Clauses Act 1863 authorises the Board of Trade to require the railway company to construct a bridge or “to execute such other Works, as ... may appear to the Board of Trade best adapted for removing or diminishing the Danger arising from the level Crossing” and that if a bridge were provided, a lodge and superintendent would not be required. It may be argued that the cattle grids reported by the landowner to have been installed on Copthorn Lane on either side of the level crossing “to prevent cattle straying on to the railway” (FPS/D0121/7/2 paragraph 35) were such other works. But this seems unlikely for the following reasons:

7. The applicant has not provided evidence that the Board of Trade required cattle grids to be provided at the crossing of Copthorn Lane.

8. The cattle grids were installed to prevent cattle straying onto the railway, not to make the level crossing less dangerous and more convenient for the public using it. Although the 1978 booklet gives stopping cattle straying as the reason, it is not a reason which the Board of Trade could have used to require the use of cattle grids.

9. if a cattle grid is installed on a public carriage road, it must be provided and maintained by the highway authority and must include a bypass for horse-drawn vehicles and the passage of animals under proper control (e.g. requiring a gate for proper control). If there is no bypass the cattle grid is an

obstruction, not a convenience for the public. There is no evidence that the highway authority provided or maintained the cattle grids on Copthorn Lane, nor that a bypass was provided for the passage of animals under proper control. The landowner said at the public inquiry that there were no gates at the crossing and the inspector found no evidence of gates (nor of cattle grids) on his site visit.

10. The only reference to Copthorn Lane in the 1978 booklet is on page 19, in the chapter "The Route Described":

"On the short run from Langford to Burrington trains faced a stiffer climb at 1 in 50, crossing the church lane known as Copthorn Lane...."

This suggests that the authors of the 1978 booklet considered Copthorn Lane was a way (a footpath or a bridleway) for the inhabitants of Havyatt Green to get to and from the parish church at Burrington.

11. There is no mention of the absence of gates and the presence of cattle grids and warning signs on Copthorn Lane or of speed limit signs where the railway crossed Copthorn Lane in the 1978 booklet. The description of the Copthorn Lane crossing by the authors of the 1978 booklet therefore differs from the descriptions they give for the crossing of Brinsea Road ("Ungated, .. with cattle grids ... three warnings to road users") and Iwood Lane ("without gates") on page 18, and for Bourne Lane ("cattle grids but no gates") on page 19. If Copthorn Lane had appeared to the authors of the 1978 booklet to have been a public carriage road, I would have expected them to have mentioned the ways in which the public vehicular use of the route was protected from danger from trains.

12. Further evidence that Copthorne Lane was not considered to be a public carriage road comes from the large scale (25 inch) Ordnance Survey plans surveyed in 1884 and revised in 1902. The 1884 map shows Copthorn Lane uncoloured, in contrast to other routes which are numbered on the County Surveyor's record map of 1929, and which are tarmac roads today (e.g. Bourne Lane). According to the National Library of Scotland's guide to the Ordnance Survey 25 inch maps, the colouring burnt sienna was used for roads. The absence of colouring indicates that the Ordnance Survey did not consider Copthorn Lane was in use as a road in 1884.

13. Comparison of the 1884 and 1902 maps shows that the plot number 147 which adjoins Copthorn Lane to the west was split into two plots, numbered 147 and 149, by the Wroughton Vale Light Railway. The 1902 map shows a track which leaves Copthorn Lane at the south-east corner of plot 147

and runs to and under the railway, to terminate on the boundary between the railway and plot 149. I think this track and crossing under the railway were constructed (the crossing with the railway company's consent) to provide the farmer with access to plot 149 from plot 147, an access which only became necessary because the railway had split what had been a single plot into two. If Copthorn Lane had been a public carriage road, this track and railway crossing would have been unnecessary, because the farmer would have been able to use Copthorn Lane to access plot 149 from the south. If Copthorn Lane were difficult to use with vehicles, he could have complained to the highway authority to get the authority to make it usable. The fact that he and the railway company provided an alternative route indicates that Copthorn Lane was not considered to be a public carriage road in 1902.

Conclusions

14. The applicant assumes that, because cattle grids were apparently provided on Copthorn Lane to stop cattle straying onto the railway, that these cattle grids were authorised by the Board of Trade as an alternative to the railway company providing a level crossing which was gated and had a resident superintendent. But he provides no evidence that the Board of Trade authorised the railway company to provide such an alternative i.e. a level crossing where the safety of the public using the crossing was secured by the cattle grids.

15. He also provides no evidence that the cattle grids were provided by the highway authority, as required for cattle grids and associated bypasses installed in public carriage roads.

16. The depiction of Copthorn Lane as uncoloured on the 1884 25 inch map shows that it was not considered to be a road by the Ordnance Survey in 1884. This is consistent with its absence from the 1929 County Surveyor's Record Map.

17. The description of Copthorn Lane as a church lane by the authors of the 1978 booklet indicates that they did not consider it to be a public carriage road. This description is consistent with the parish claims for Copthorn Lane as a bridle road when the definitive map and statement were being compiled.

18. The provision of a track through plot 147 by the farmer and a crossing under the railway by the railway company (as shown in the 1902 25 inch map) to provide the farmer with access from Copthorne Lane to plot 149 indicates that Copthorn Lane was not regarded as a public carriage road by users or the railway company in 1902, one year after the railway was opened.

A Gawthorpe - Axbridge Bridleways Association	Withdrawal	On behalf of the Woodspring Bridleway Association (now Axbridge Bridleways Association) I give notice that we are withdrawing the above DMMO.
Ms L Thomson	Information	<p>Thank you for your letter regarding Copthorn Lane. Sadly, my partner Mr Gwyn Thomas, died on 30th September 2018.</p> <p>He had worked tirelessly in the past on Rights of Way and I hope that this modification order goes ahead.</p>

Each of the full documents detailed above has been placed on file and can be produced if required.

Summary of Evidence and Conclusion

As can be seen from the Inspectors Decision (**Document 1**) a large amount of evidence was presented and considered at the Public Inquiry held in November 1996.

Following the decision of the Inspector, Mr G B Thomas undertook further investigation into this area. Having found a further document which, he believed clarified the availability of the route currently recorded as Bridleways AX 10/108 and AX 30/67. He chose to submit a new application, claiming that had this evidence been presented at the 1st Inquiry the Inspector would have formed a different opinion.

The new evidence submitted was detailed in **Appendix 4** as “The Wrington Vale Light Railway”. The highlighted sections of this evidence only provides clarification as follows;

The document describes the route of the railway, stating the number of roads it crossed and describing the existence of any level crossings.

It does not provide any evidence that Copthorn Lane was gated, what it does tell us is that only Wrington and Langford Stations had gates. The others were protected by cattle grids and illuminated speed restriction indicators.

In addition, Copthorn Lane was only described in the document as a church lane. This does not give any indication of its highway status, this could imply that it was only used on foot and/or horseback, consistent with its recording on the Definitive Map as a Bridleway.

Officers Opinion

It is advised by the Planning Inspectorate that when a new application has been submitted following the decision of an Inspector to decline the confirmation of an Order, it is necessary for the authority to look at both the initial application and the new application to see if the new evidence would have presented a differing view from the Inspector.

I believe that all evidence relevant to this matter has been included within this report so that the Committee can make a balanced judgement as to whether another order should be made.

The information contained within the Inspectors decision (**Document 1**) for the 1st Inquiry illustrates that extensive evidence was taken into consideration, including documentation relating to the Railway, its construction and the various Acts associated with it. That Inspector concluded that Section 47 of the Railway Clauses Consolidation Act 1845 was not met for Copthorn Lane. It should be noted that at the

time of the construction of the Light Railway, the 1845 Act was the legal framework for the Wrington Vale Light Railway Order 1897.

Within the Objection received, in particular, Ms D Mallinson's evidence of the Railway Clauses Act 1896. I agree that no evidence has been submitted to suggest that this level crossing was ever manned, gated or at that time had a cattle grid. The Inspectors decision at paragraph 35, refers to the existence of cattle grids, however it is not clear whether these were installed at the time of the railway was built or in the 1940s. It is acknowledged that the existence of cattle grids would not stop the vehicular use of this route if such use was being undertaken. However, no evidence has been submitted that would support that use.

Furthermore, the evidence submitted with this application, gives no indication that any of the six level crossings detailed within the document met the requirements of the 1863 Act by having a lodge constructed at the crossing.

As detailed in Mrs Masters' objection, the applicant is trying to re-cycle previously presented evidence which has already reached a conclusion. There is no evidence to support the claim that Bridleways AX 10/108 and AX 30/67 were incorrectly recorded on the Definitive Map during the Definitive Map Process. Therefore, the Definitive Map remains the legally conclusive record for these Bridleways.

.

Conclusion

This application affects a route which is already recorded on the Definitive Map as a Bridleway. 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.

Having regard for laid down by Sections 31 or 32 of the Highways Act 1980, having considered the content of the Inspectors Report, together with the new evidence submitted with the second application, it is not sufficient to alter the conclusion drawn by the Inspector at the Inquiry held in 1996 nor does it challenge the current classification of Bridleways AX 10/108 and AX 30/67.

Based on the documentary evidence, the Officer does not feel that the evidence supports the claim that this route should be a Byway Open to all Traffic. As no evidence has been found to suggest that vehicular use has been made of this route I have not had need to have any regard for the Natural Environment and Rural Communities Act 2006 (NERC).

Taking the documentation contained within this report, including the Inspectors Decision Notice I do not consider that sufficient evidence has been submitted to

show that an Order should be made to record Bridleways AX 10/108 and AX 30/67 as a Byway Open to All Traffic on the Definitive Map.

I therefore conclude that this application should be denied as it fails to meet the legal tests required.

1st Inquiry – Planning Inspectorate Decision, 29 January 1997

The Planning Inspectorate

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

Room 15/02
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-9878904
Switchboard 0117-9878000
Fax No 0117-9876241
GTN 1374 8136

The Director of Corporate
Services

North Somerset Council
P O Box 138
Town Hall
Weston-super-Mare

Your Ref: MJ/WC/20/11

Our Ref: FPS/D0121/7/2

BS23 1AE

Date: 29 JAN 1997

Dear Sir

WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53 AND SCHEDULE 15
COUNTY COUNCIL OF AVON DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER NO.8 1994

1. I refer to the above named Order, submitted by your Council to the Secretary of State for the Environment for confirmation, which I have been appointed to determine, in accordance with the provisions of Paragraph 10(1) of Schedule 15 to the Wildlife and Countryside Act 1981. I held a public local inquiry into the Order in The Memorial Hall at Wrington on 12 November 1996 and inspected the Bridleways, identified in the Order, on completion.

2. The effect of the Order, if confirmed without modification, would be to upgrade the Bridleways to Byways Open to all Traffic (BOAT).

3. There were 5 objectors to the Order, including the Burrington Parish Council and the Ramblers' Association, and there were 3 supporters, representing the Cyclists Touring Club, the Trail Riders Fellowship and the Woodspring Bridleways Association. I have taken into consideration all objections and representations. The Council confirmed their compliance with the statutory formalities.

RIGHT OF WAY AND SURROUNDING AREA

4. The Order site lies immediately to the north of the village of Burrington and the Bridleways follow a well defined route known as Copthorn Lane. The Lane commences on the A368 forming, with the access road to the village, a crossroad junction. At this junction the visibility is very poor owing to the high, dense hedgerows on all sides; there are also two farm access field gates, at the mouth of Copthorn Lane, and a concrete post carrying a fragment of a cast iron sign, described in the evidence of the Owner of the adjacent land.

5. The Lane itself is bounded, for the most part, by sloping banks on both sides; on the banks, are thick tall hedgerows interspersed with trees, leaving little visibility either way. The available width for the user is very restricted, for much of the way, and in some places reduces to around half a metre. The width between hedge roots is difficult to measure but appears to be about 2.5 to 3 metres, rising to some 6 metres at the northern end. A number of mature trees intrude on to the route in the central section; their ages may be indicated by the diameter which, in two cases, was shown, during the accompanied site visit, to be about 60cms.

6. At the junction with the route of the dismantled Wrington Vale Light Railway line, there are metal posts which clearly, at one time, anchored the railway fencing, but there are no remains which might suggest that gates were ever installed. At about the halfway point, a stream abruptly appears in the centre of the Lane, flowing northwards to the drain marked on the Order Map. The final section is again drier under foot and broadens out towards point M.

CASES OF THE PARTIES

The North Somerset Council (the Council)

Procedure

7. The Order was made by Avon County Council, under Section 53(2) and (3)(c)(ii) of the Wildlife and Countryside Act 1981, and it relates to rights of way in the area of the former Woodspring District Council which has been superseded by North Somerset Council. The Council is empowered by Regulation 4 of the 1995 Local Government Changes Regulations, to pursue confirmation of the Order.

The Claim

8. The claimed byway is a combination of two Bridleways, each in 2 sections, which cross and re-cross the boundaries of the parishes of Wrington and Burrington. The route terminates in the south, at the A368, and in the north, on Class 5 Highway No.51029, though the Council accepts that the documentary evidence, produced at the inquiry by the adjacent Landowner, raises some doubt about the precise termination of 51029.

9. The Application was made in October 1991, based on the Deposited Plan of the Wrington Vale Light Railway, dated 10 December 1896, the Old Series Ordnance Survey Map Margary facsimile, a Greenwood Map of 1822 and a Day and Masters Map of 1782. The owners of adjacent land had been notified and it is accepted that they would have title to the Lane; the Council does not own it.

The Documentary Evidence

10. The Order is based solely on documentary evidence, including the additional research by the former Avon County

Council. The first reference to Copthorn Lane is found in the Manorial Court Papers of 23 October 1747, as follows:

'we present Thomas Organ Senior and James Lovel to make or shear their hedges against Copthorn Lane in three months on the penalty of ten shillings each.'

11. The Day and Masters Map of 1782, the Mudge Old Series Ordnance Survey Map of 1817 and the 1822 Greenwood Map all show Copthorn Lane as an enclosed road; the first two of these sources are highly regarded. The Burrington and Wrington Tithe Maps of 1839 both show the Lane as an untithed, enclosed road; the Maps are stamped and signed by the Commissioners. The 1886 Ordnance Survey Map shows and names Copthorn Lane, indicating that it was wider at the northern end; it also shows an adjacent, parallel footpath over some of the route.

12. The Railway Plans show Railway No.1 as running from Yatton to Blagdon. Railway No.2, a short spur to Burrington, was never built. Copthorn Lane was given the number 12 and the Reference Book of 'Lands to be Taken' records No.12 as,

Road,	Owners or reputed owners,	Occupiers,
Copthorn Lane	The Somerset County Council and the Axbridge District Council	The Public

Nos.34,38 and 43 also have the occupiers recorded as being the public and all of these routes are now metalled public highways.

13. The 1903 Ordnance Survey Map shows the Railway crossing the Lane, but the parallel footpath is no longer shown. The 1910 Finance Act Map does not indicate the status of Copthorn Lane. The Burrington and Wrington Inclosure Award of 1914 shows Havyatt Green coloured green to depict the area as common; public roads and bridleways over the commons are coloured brown; Copthorn Lane is not coloured and not shown as a part of the Havyatt Common. The County Surveyor's Record Map of 1929 does not indicate a publicly maintained highway over the Lane. The 1931 Ordnance Survey Map shows little change from 1903; the 1975 Map shows the Railway as dismantled.

14. It is conceded that none of the historic maps is conclusive as to the status of the route, that there could have been limitations on their uses, that there is no evidence of usage and that alternative routes were available for vehicles. The Railway records contain no reference to bridleways as such and so there is no indication of how they might be shown, if not as roads. Nevertheless, The Wrington Vale Light Railway Order of 1897, which among other things empowered the railway company to cross specified roads on the level, describes No.12, which is Copthorn Lane, on page 6, at paragraph 17, as a 'Public Carriage Road'.

Parish Survey and Definitive Map

15. The guidance notes provided to parish councils in the 1950s instructed them to classify each route as a footpath, bridleway or CRF or CRB (Carriage Road Footpath or Bridleway). The original survey cards appear to have survived and the card for AX10/108 records the Kind of Path as 'B.R.' with CRF/CRB crossed out; the description includes the words,

'... crosses over the Railway line. After a further 350yds, it enters Wrington Parish as F.P. After 100 yards ... another stretch of some 80 yards appears in Burrington Parish again... The Lane is very much blocked.'

The card for AX30/67 in Wrington is hand written and not signed or stamped; it too records the Kind of Path as 'B.R.', with CRF/CRB crossed out, and the description refers to the connections with 10/108.

16. The Draft, Provisional and Final Definitive Maps all show the route as Bridleways and of the total of 24 objections to the Maps, none referred to Copthorn Lane. The Relevant Date of the Definitive Map is 26 November 1956 and it has not since been reviewed.

Evidence of the Applicant

17. Green lanes are what is left of a network of carriageways which preceded the motor vehicle; they should be recorded as byways; issues of suitability are irrelevant. Copthorn Lane was shown ungated on the Burrington Tithe Map; it is a direct link northwards to Havyatt Green. It is conceded that there is no evidence of historic usage by vehicles.

18. The Railway Plans should be sufficient in themselves to sustain confirmation of the Order. Highways were described in various ways, 'Occupation roads', 'Footpaths', 'Drove or Lane' and 'Road', 'Roadway' or 'Public Road'. The term 'Bridleway' is not used and therefore if Copthorn Lane is not an all-purpose highway, it is not a bridleway either; the fact that it has a name indicates that it was more than a bridleway, and the north eastern end, between point M and Ashey Lane, is an unclassified county road.

Consideration by the Local Authorities

19. The Report to the Highways and Transport Sub-Committee of the Avon County Council, in July 1993, recommended that an order should not be made, but the Sub-Committee resolved to make a site visit and to seek a further report. In November 1993, it resolved that a modification order should be made. Following receipt of objections, another site visit was made and, in April 1995, it was decided that confirmation should be sought on the grounds that there was evidence that the Lane could have been wider in the past, namely,

- the older hedgerows indicating a width of about 20 feet;
- erosion of the level of the Lane, revealed by tree roots at a higher level;
- the higher level of the land on either side;
- the encroachment of vegetation;
- and the documentary evidence.

20. The objection by the Woodspring District Council was withdrawn by the North Somerset Council, consequent upon the transfer of jurisdiction from Avon County Council.

Summing Up

21. The Railway Clauses Consolidation Act of 1845 does not contain an explicit indication of the purpose in identifying the 'occupiers' of land; the owners were identified in order to serve notice. Section 10 establishes the evidential value in law of railway plans and reference books and Section 7 provides for the correction of errors or omissions.

22. Section 46 is headed 'Crossing of Roads - Level crossings', and contains the following:

'If the line of the railway cross any turnpike road or public highway, then (except where otherwise provided by the special Act) either such road shall be carried over the railway, or the railway shall be carried over such road, by means of a bridge..... Provided always, that, with the consent of two or more justices in petty sessions, as after mentioned, it shall be lawful for the company to carry the railway across any highway, other than a public carriage road, on the level.'

23. However, it is conceded that Section 47, headed 'Provision in cases where roads are crossed on a level' establishes the following requirements:

'If the railway cross any turnpike road or public carriage road on a level, the company shall erect and at all times maintain good and sufficient gates across such road, on each side of the railway... and shall employ proper persons to open and shut such gates; and such gates shall be kept constantly closed across such road on both sides of the railway, except during the time when horses, cattle, carts or carriages passing along the same shall have to cross such railway;...'

And it is accepted that no evidence is available to show that gates were installed on Copthorn Lane.

24. Nevertheless, the test is one of balance of probability and the Council believes that, on balance, there were vehicular rights over Copthorn Lane in 1896: that is what is meant by the term 'Public Carriage Road'.

Supporters

Woodspring Bridleways Association

25. The documentary evidence clearly shows that Copthorn Lane is an ancient highway and should be a BOAT. Once the route is cleared back to its original width there are many carriage drivers who will wish to use it to avoid other more dangerous lanes. The representative notes that there are two routes across Havyatt Green, coloured in brown on the Burrington Inclosure Award, and identified as carriageways and bridleways. It is conceded that the Association has no evidence of vehicular use of the Order route.

Cyclists Touring Club

26. The term 'green lane' is not a statutory one and could be a carriageway, bridleway, footpath or private lane. However, the Order route is already a public bridleway and this does not prejudice the existence of higher rights. Although pedal cyclists may use bridleways, the Lane is considered to be an old public carriageway and the higher status may encourage better maintenance; a bridleway can be ploughed.

27. The Inclosure Award of 1911-13 contains the words, 'no person shall ride over or upon any part of the Commons other than a carriage road or bridleway'. The Railway Plans say that the land was owned by Somerset County Council and the Axbridge District Council but this was not so; all highways run over private land unless it has been publicly purchased, as for motorways. The Tithe Maps are good evidence: they show that the Lane had a continuous line each side, was not gated and was excused from tithing.

28. Copthorn Lane forms a crossroad with the road from Burrington; it is impossible to believe that vehicles turned left or right to go to Havyatt or Wrington when they could go straight on; however, it is conceded that no evidence can be offered of vehicular usage. The width makes no difference; many recognised public carriage roads were as narrow, and the historic width is indicated by the maps. Disused roads shrink and become narrow; as they wear down the banks fall inwards; hedges produce others inside them.

29. The footpath shown on the 1886 Ordnance Survey Map is typical of paths used as a refuge from vehicles on a narrow lane but it is conceded that it could also have arisen as an alternative to walking on a wet and muddy surface.

The Trail Riders Fellowship

30. The Fellowship would not wish to see any great change in the character of the Order route. The Railway Plans and associated documents were all covered by a comprehensive system of Acts of Parliament and are therefore good evidence. One can be certain of the details; there were adequate provisions for objection. The Ordnance Survey Maps are good evidence of width. The representative has ridden the route annually since 1985, with others; it is not accepted that this is an offence because the Fellowship is confident that higher rights exist.

Objectors

The Ramblers' Association

31. No firm evidence has been provided to show that vehicular rights exist. There is no dispute about the depiction of the Lane on historic maps; it is an ancient route but that does not imply use by vehicles; the rights established would be appropriate to its limitations. With reference to the Railway Plans, as there were no other bridle roads which crossed the line there is no way of knowing whether they would have been depicted differently. There is no evidence that those who drew up the 1897 Order did other than assume that all the lanes were carriage roads, as were Langford Lane and Ashey Lane.

32. The Burrington Enclosure Award shows Copthorn Lane uncoloured which would indicate that it was not a carriage road, bridleway or footpath. The Tithe Maps only tell us whether the lanes were productive or not cultivated. The Finance Act Map provides no assistance.

33. In 'Burrington Church and Village - a Short History', Mr Christopher Marsden-Smedley says on page 7,

'... In 1814 there was a discussion on the building of the new road from Burrington to Wrington, this presumably Ashey Lane. Before then the narrow and overgrown path from the bottom of the village straight across the fields towards the A38 would have been the quickest way, but it would never have been wide enough for carriages...'

This confirms the severe limitations which would have precluded carts and carriages from using it. It is at one point only 1.25 metres, between the hedge and a tree stump; it is acknowledged that Copthorn Lane lies on a direct route from Burrington to Havvatt Green but carts and carriages would have been able, at little inconvenience, to use other parallel routes.

34. Mr Marsden-Smedley believes that he obtained the information in the quotation from the Vestry Book of Holy Trinity Church, Burrington; he advises that many duties of a local authority were at that time vested in wardens whose activities were recorded in them; the volume held locally went back to 1838 but the earlier ones are held in Taunton. As to the new road being Ashey Lane, this was, as stated in the book,

only an assumption on his part; he is content to accept that Ashy Lane was already shown on earlier maps.

A Co-Owner of Havvatt Green Farm

35. The Owner's family have lived on this farm since 1916. The Lane has been blocked and the water has drained down it northwards for all of that time and there were never any gates at the railway crossing; grids were installed on either side of the Lane to prevent cattle straying on to the railway. Cattle could not get up there in the 1940s. The width has always been restricted; that is evident from the trees.

36. Gypsies camped in the top end between 1910 and 1920 and, as a result, a gate was put in at that time. Road No.51029 does not extend as far as point M on the Order Map; a letter of 5 March 1969, by the County Surveyor, advised the owner's father that it only extends about 120 yards from Ashy Lane and that, beyond this point, it is considered to be the responsibility of the owners.

37. At the time the Tithe Maps were drawn up, there were many small fields down either side of the Lane, in the hands of different owners and tenants, and the Lane provided them with access to their fields and to the pond. As fields were enlarged and carts became more common, Ashy Lane was probably used and Copthorn then fell into disrepair.

38. Cast iron signs were put up around the Common in about 1915 and one of these stood at the southern end of Copthorn Lane; the remains are there today and a similar one is available at the inquiry. It advised people of the Bylaws, on the authority of the Conservators, and these excluded vehicular access to the Common. So Copthorn Lane was regarded as a part of the Common.

Written Representations

39. Burrington Parish Council believes that the route is totally unsuitable for a BOAT and that the junction with the A368 is extremely dangerous. Ivor Keel & Sons believe that the Lane is too narrow and vehicles would not be able to pass each other; they also note the same quotation from Mr Christopher Marsden-Smedley's book; if the Order is confirmed, use of the Lane should be restricted in the interests of wildlife.

CONCLUSIONS

40. Section 53(2) and (3)(c)(ii) of the Wildlife and Countryside Act require, among other things, that the surveying authority shall keep the Definitive Map under review and make such modifications as appear requisite in response to the discovery of evidence which, when taken together with all other relevant evidence available to them, shows that a right of way which is on the Map ought to be of a different description.

41. It is undisputed that the Order route, known as Copthorn Lane, is an ancient public highway (Paragraphs 25 & 31) yet I find that the much of the evidence presented (Paragraphs 11,12,13,16 & 27) only serves to confirm that fact. The salient issue, however, is whether that public highway can be shown to have higher rights than those of a bridleway and I find that this claim tests crucially on one phrase, namely the description, in the 1897 Order, of Copthorn Lane as a 'Public Carriage Road' (Paragraphs 14 & 24). There is no evidence at all of past vehicular use of the route (Paragraphs 14,17,25 & 28) and no other definitive reference to the status of the Lane, in the various documents.

42. I accept that the Railway Order has statutory force and that the details would therefore be valid evidence in law (Paragraphs 21 & 30). Nevertheless, errors were not impossible: they were anticipated by Section 7 of the 1845 Act (Paragraph 21) and this provision could not guarantee that they would be put right. I must therefore take into account the evidence given to the effect that an error may have been made or that the description 'Public Carriage Road' was used in the Order to cover a wider range of highways (Paragraphs 14,18,31 & 32).

43. Paragraph 17 of the Order was made necessary by the provisions of Section 46 of the 1845 Act (Paragraph 22); this section requires the railway company to provide a road or railway bridge wherever a railway crosses 'any turnpike road or public highway'; I note that the words used encompass more than just carriage roads. Although a concession may be granted by two justices, authorising the use of a level crossing in place of a bridge, the proviso, at the end of Section 46, makes clear that such concessions can only be sought for roads which are not 'public carriage roads'.

44. However, Section 46 also indicates that its provisions may be circumvented by the 'special Act', which I take to be the 1897 Order (Paragraph 14) in this case. Thus, if the railway company wished to use level crossings on public carriage roads, the necessary authority had to be obtained in the special Act.

45. In my view, this explains why all eight of the roads listed at paragraph 17 of the Order are described as public carriage roads; for any road, positively identified as being of a lesser status, concessions could be obtained later. Two of the concessions sought at paragraph 17 are for crossings on Railway No.2, which was never built (Paragraph 12). Thus I conclude that it was in the interest of a railway company to ensure that every possible case which might arise, of crossing a public carriage road, was covered in advance, in the special Act.

46. Section 47 then places on the company mandatory requirements for level crossings (Paragraph 23), and here the wording used does specify that they are required for 'public carriage roads'; these requirements include the erection of gates and the provision of personnel to man them. The Owner of the land, whose family have occupied the farm since 1916, is quite clear that there were never any gates to the crossing on Copthorn Lane (Paragraphs 23 & 35).

47. I believe that this evidence is corroborated in two ways: firstly, the Owner recalls that there were cattle grids, on either side of the Lane, to prevent cattle straying on to the line (Paragraph 35); and secondly, there is no trace on the ground, in the vicinity of the crossing, of any foundations or posts which would certainly have been needed to carry the gates (Paragraph 6); when the railway was dismantled, all four of the terminal posts for the fencing, at the crossing, were left in position; they are there today and I am satisfied that complete removal of these features would have been a great deal easier than complete removal of a level crossing.

48. Thus, on the balance of probability, I conclude that no level crossing, of the type required by Section 47, was constructed on Copthorn Lane, even though provision had been made for one in the special Act. I note that no amendment action appears to have been taken to delete the concession for Copthorn Lane but, equally, no amendment action was taken to delete the concessions for Railway No.2. I can only conclude that no interests were prejudiced by allowing them to stand.

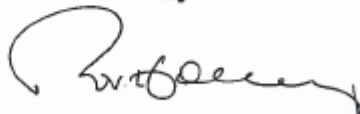
49. If Copthorn Lane had, in fact, been a public carriage road, then a bridge or a level crossing would have been a clear statutory requirement of the 1845 Act; accordingly, I conclude that, on the balance of probability, it was not one. The Order does not therefore meet the criteria contained in Section 53 of the Wildlife and Countryside Act 1981. I have taken into account all other matters raised at the inquiry and in the written representations but they do not outweigh the considerations leading to my decision.

DECISION

50. For the above reasons, and in exercise of the powers transferred to me, I have decided not to confirm the Order. Both copies of the Order are accordingly returned.

51. Copies of this letter have been sent to the objectors and other interested persons.

Yours faithfully



Ronald Holley CB FRAeS MIMechE MIEE
Inspector

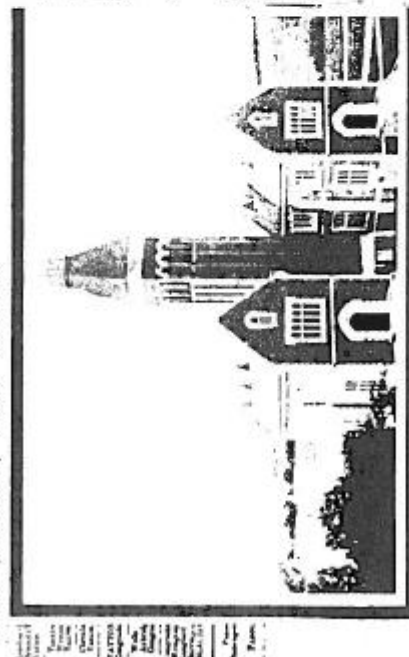
Appendix A: List of Appearances

Appendix B: List of Documents, Plans and Photographs

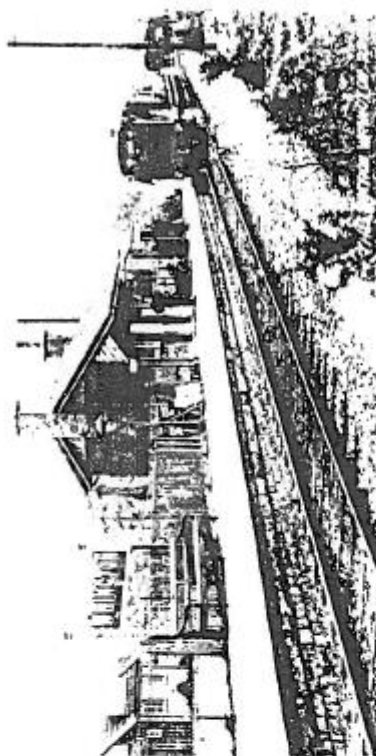
This booklet tells the story of a typical rural light railway from its first abortive scheme to the final closure. It covers not only the railway and its traffic, features and operation, but also the people involved and the area it served. A proposed extension and a revival scheme are described and there is a chapter for modellers, factual appendices and a variety of illustrations including track and gradient diagrams. One of the Avon-Anglia Transport History Series. ISBN 0 905466 11 X.

**GREAT WESTERN RAILWAY.
 OPENING
 OF THE
 WRINGTON VALE
 LIGHT RAILWAY.**

On WEDNESDAY, DECEMBER 4th, 1901.
 This line will be opened for Public traffic with Stations at
**WRINGTON, LANGFORD, BURRINGTON
 and
 BLADDON.**



**WRINGTON VALE
 LIGHT RAILWAY**



An Avon Anglia Production

Preface

Four authors for a comparatively slim volume must be something of a record, so an explanation is necessary. All had been carrying on independently their research on the Wrington Vale Light Railway and it seemed sensible to combine the information they had collected so as to present as complete a picture as possible. As a result of this the four people concerned have agreed that the authors' royalties on this history should be divided between the Great Western Society (which keeps alive the spirit of the company which for almost fifty years operated the WVLJR) and the East Somerset Railway (which operates a preservation scheme on part of the Witham to Yatton line with which the WVLJR made connection at Congresbury).

This history then is a piece of co-operation based on the research of almost thirty years by four historians who have picked the brains of staff, passengers and enthusiasts who knew the line in its heyday. The authors' hope has been that in buying the booklet the reader should not only enjoy recapturing the atmosphere of a delightful branch railway but should also, in the process, contribute to preserving some of the colourful railway history in which Great Britain is so rich.



This old picture shows a busy scene at Congresbury where the Wrington Vale line joined the Cheddar Valley Branch.

2

The Wrington Vale and Its Railway

By standing on the bracken-covered slopes of the Mendip Hills one could, until as recently as 1950, trace the course of the Wrington Vale Light Railway without difficulty. Now it is less easy and eventually the traces of the line will disappear altogether. Typical of a variety of rural railways which has now vanished from the British countryside, the line performed a useful function during its lifetime and is still remembered with affection in its own locality. Elsewhere, the existence of the railway is less well known although it has featured in articles from time to time and has long been regarded as something of a gem by the modelling fraternity.

Any Somerset (or Avon) man worth his salt will say that Mendip and its environment is something special. The area has a rich industrial and agricultural past and most of its villages can provide items of particular interest ranging from ancient British forts to overshoot watermills. And the north west corner of the area is no exception for here, following part of the course of the River Yeo as it heads for the Severn Estuary, ran the Wrington Vale Light Railway.

Authorised by a Light Railway Order in 1898 under legislation designed to facilitate the construction of rural railways to less onerous standards than those applying to main lines, the Wrington Vale Light Railway ran for 6 miles 49 chains from Congresbury to Blagdon. It was a single line throughout and carried passengers for thirty years following its opening in 1901. Freight then continued until 1950 and, on a small section, until final closure in 1963.

The vale through which the railway passed is predominantly agricultural land but two of the stations on the line served places of some religious significance. At Wrington the church tower, 140ft. high, has been described as the finest square tower in all England while a cleft in the rock at Burringtoncombe is reputed to have sheltered the Reverend Augustus Toplady and inspired him to write the ever-popular hymn 'Rock of Ages'.

The original light railway became part of the Great Western Railway and eventually a humble branch of the national railway system. Those who planned the Wrington Vale line would have been disappointed that it only survived for a little over sixty years—and half that time with only a daily freight train—but British Railways and Dr. Beeching had no time for lines like this and it died too soon for the wave of preservation that ultimately swept the country.

To lovers of the Great Western Railway it must seem strange that such a typical country branch as the WVLJR should have largely escaped the eye of the local historian and the industrial archaeologist. As it is, no apology is made for trying to place the line once again on the map and hopefully to transfer to the reader a little of the magic and nostalgia that the GWR unfailingly revives.

3

The Light Railway

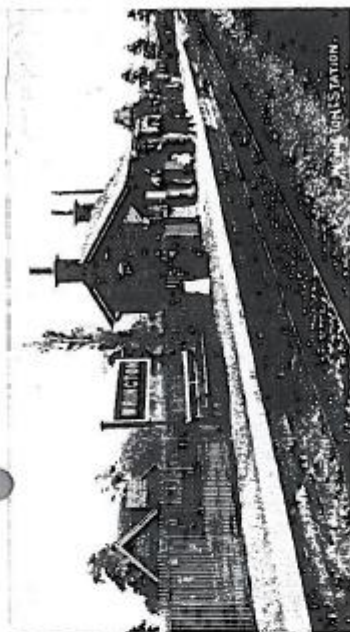
Despite the failure of the earlier scheme there was still a strong feeling among landowners in the Yeo Valley that a railway was necessary if the agriculture of the district was to develop satisfactorily. Something faster than horse transport was required to secure new markets for local produce and to bring in coal, manure and feeding stuffs at reasonable prices. Accordingly, meetings held in the Spring of 1896 took the decision to promote a light railway under the provisions of the Light Railways Act, passed in the same year with the specific objective of assisting railway construction in rural areas by easing some of the normal construction standards.

As a result of the local decision, Col. Evan H. Llewellyn, the Member of Parliament for North Somerset who lived at Langford Court, Sir Edward Hill and others applied to the Board of Trade in November 1896 for a Light Railway Order under the new Act. The route of the proposed railway—from Congresbury nearly due east to Wrington and then curving south through Langford and Burrington to Blagdon, with a short branch to the waterworks there—was substantially the same as that of the 1882 plan. Congresbury, the junction with the GWR, lay on the Cheddar Valley line running from the main line at Yatton to Cheddar and opened on 3 August 1869.

The Light Railway Commissioners, the Earl of Jersey and Colonel Boughie, held the required statutory enquiry at Wrington on 20 May 1897 when Col. Llewellyn claimed that the railway would benefit fourteen parishes with a population of nearly 88,000 and covering an area of fifty square miles. Support was given by the Bristol Waterworks Company which was about to construct its Yeo Valley Reservoir and pumping station. The GWR, of which Evan Llewellyn later became a director, was also represented and undertook, subject to confirmation by its shareholders (subsequently obtained in 1899), to finance, construct and work the railway.

Although three local landowners—James Wise, Allen George Wise and John Henry Sprat, all of Burrington parish—raised some problems which had to be discussed and met, there were no objections to the new scheme and, after submission to the Board of Trade on 16 November 1897, the Light Railway Order was finally confirmed on 18 March of the following year. In addition to a clause covering the transfer of powers to the GWR, the Order included the (quite usual) stipulations of a maximum gradient of 1 in 50 (1 in 30 on the waterworks branch), a maximum speed of 25mph (10mph over ungated level crossings), a minimum rail weight of 60lb per yard and a maximum axle load of 14 tons. The estimated cost was £29,000; the actual cost £25,000.

Soon after the confirmation of the Light Railway Order a contract for building the line was let to Herbert Weldon of Birmingham. Construction was quite rapid as no heavy engineering works were involved except for several cuttings and nine bridges beyond Wrington. Congresbury station, which originally possessed only a single platform and a few sidings, was considerably enlarged for the opening of the Wrington Vale line. A new Up platform was installed, together with a wooden signal box, although no bay platform was provided as almost all the WVLR passenger trains ran through to Yatton using



Passenger goods wagon and a truck at Congresbury station about the year 1918

(WVLR LYN R. photo Records)

the Cheddar Valley metals beyond Congresbury.

All except Burrington had brick and timber offices, corrugated iron sheds and a gents' toilet of cast iron. At first Burrington was little more than a halt with only a 'wayside shelter' (to quote a contemporary report), but later substantial stone buildings and a station house were added and a loop installed on the Blagdon side of the platform. The station buildings at Langford and Blagdon also proved inadequate and a third room had to be added.

Goods sidings were provided on the WVLR at Wrington, Langford and Blagdon and at milepost 6 there was a quarter-mile long branch to serve the pumping station of the Bristol Waterworks Company's reservoir. At the same point a spur called Wills or Lays Lane Siding served Coombe Lodge, the home of Baron Winterstoke, one of the Wills family of tobacco fame. Access to both sidings was controlled by a Waterworks & Wills Siding Ground Frame.

The new line was to be worked using the wooden staff and 'one engine in steam' regulations, with the whole branch forming a single signalling section. This dispensed with the need for working signals although fixed distant protection was provided at each station. All points leading from the main line had facing point locks and the controlling ground frames were worked by an Annett's key on the wooden train staff. A telephone circuit linked all the booking offices, as well as Congresbury and Yatton West signal boxes, and intermediate telephones were also provided in platelayers' huts along the line.

The other main feature of the WVLR was the six level crossings, two of which had gates (those at Wrington and Langford stations) while the others were protected by cattle grids and illuminated lamp speed restriction indicators. The only overline bridge was the one at Burrington station.

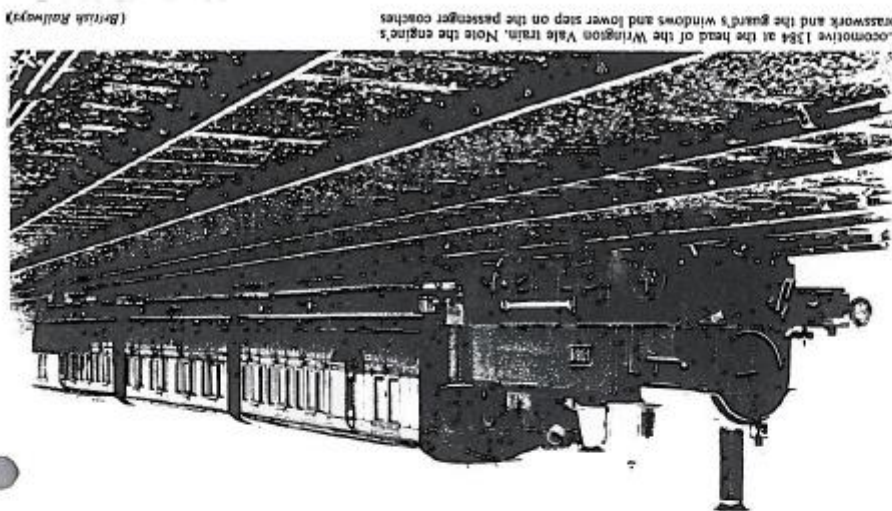
A summer Saturday evening trip was operated until 1901, leaving Blagdon at 7.45 p.m. and Yatton at 8.30 p.m. Apart from this the services changed little over the early years. The midday passenger working was withdrawn in 1919 (in favour of early and late morning and late afternoon departures from Blagdon) but was reinstated on 3 October 1921 operated with a 12.57 p.m. departure from Yatton (returning from Blagdon at 1.32 p.m.) and using the steam rail motor from the Clevedon branch. In the July of the same year the late Down train's stop at Burrington had been made conditional.

Another period of stability followed until 1924. At this time the regular driver was Oliver Oliver, known as 'Oliver Twice', and two firemen were allocated to the line, one of whom was passed for driving duties. Although passenger services were not too well patronised, the coal trade was remunerative and a large quantity of milk, all in 17-gallon churns, was conveyed from the branch to processing plants. The locomotive started and finished the day at Blagdon where the three-coach set with its special steps for use at the low branch platform was left overnight at the station platform. The train crew and the porter guard at this time had lodgings in Blagdon village so that one fireman could be up early enough to light up and the one on late turn could drop the engine fire at the end of the day.

The timetable was extensively revised from 31 March 1924 when the practice of stabling the branch locomotive at Blagdon ceased and the service was operated from the Yatton end. As before, there were four trains in each direction on weekdays (but without using the rail motor) and there was also a Sunday morning trip for milk traffic which did not stop at Burrington. This working left Yatton at 7.10 a.m. and Blagdon at 7.45 a.m. Eighteen months later the Clevedon branch steam railcar re-appeared to cover the Sunday working and one weekday trip, while the Wrington Vale locomotive dealt with freight on the Clevedon line. This service continued until September 1931 although there was a short-lived experiment from September 1926 until the following (4) July involving an early morning trip from Yatton to Wrington and back, operating on Mondays only and designed to provide an earlier service to compete with the buses of the Bristol Tramway & Carriage Company which were beginning to make a significant impact upon the railway's passenger receipts.

Although the first casualty on the Wrington Vale occurred shortly after opening when, on 12 December, 1901, Mr George Brooks fell from the overhanging tree he was trimming and broke his ribs, the railway led a fairly uneventful existence. The 'one engine in steam' regulations meant that the train crew had the line to themselves and could concentrate on handling the traffic, ensuring that shunting was carried out efficiently and taking care at the stations and level crossings, especially the ungated ones. Despite this there were a few mishaps. About 1920 a horse which had just been shod was hitched to a gig (or return to its owner) and was then struck by a Wrington Vale train at one of the crossings. Around the same time a motor cyclist was killed at Brinsford Road crossing and towards the end of the line's history the spidery daily goods train had an argument with an Electricity Board lorry. The line also lost its wooden engine shed in a fire at Blagdon in October 1912.

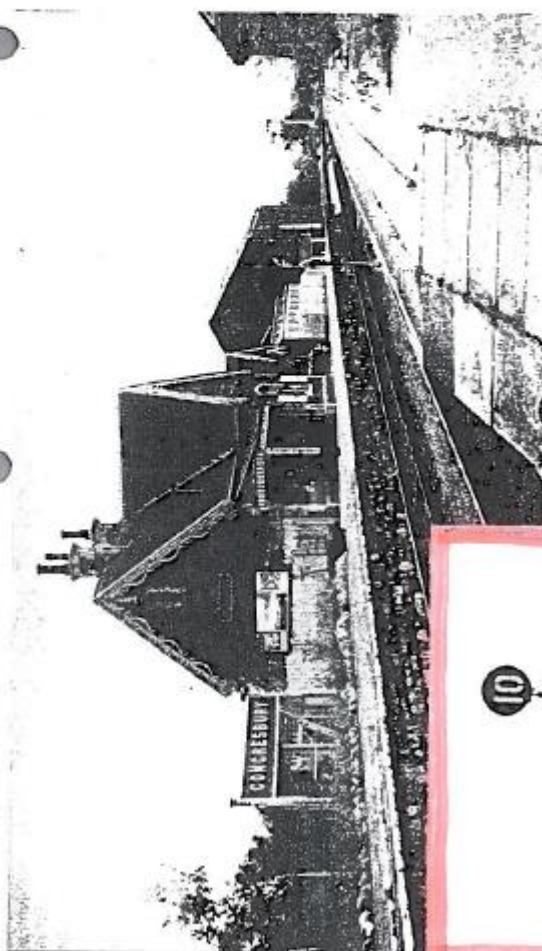
After working on the line for several weeks 2-4-0 tank No. 1384 was displaced (see Appendix 1) and locomotives of the 0-4-2T type normally operated



Locomotive 1384 at the head of the Wrington Vale train. Note the engine's brasswork and the guard's window and lower step on the passenger coaches.

(British Railways)

(Left): Congressbury station, the junction of the Winston Vale and Cleddar Valley line (R. E. Thompson below left): one of the 10mph speed restriction signs used to protect the ungated level crossings on the Bagon line (R. E. Thompson below right): locomotive 1422 leading a Down goods train at Bannock Road level crossing (C. G. Morgan)



14



15

The Route Described

The Wrington Vale junction at Congresbury was a typical Cloddon Valley line station with both station buildings and goods shed constructed in stone. On leaving the station, the WGLR line curved south east after eight chains and soon crossed Brinsea Road level crossing. Ungated, and with cattle grids provided to prevent animals straying onto the track, the crossing provided three warnings to road users: 'Beware of Trains', 'Crossing No Gates' and finally, 'Trains Cross Here'. Approaching trains were required to whistle and obey the 10m.p.h. speed limit signs by the trackside but, despite these precautions, accidents were not unknown—as Chapter 4 has recorded.

A mile beyond Brinsea Road the line crossed Iwood Lane, again without gates, and five hundred yards east of Iwood was the first bridge to cross the River Yeo. In common with all the other bridges it was brick-arched, faced with dressed limestone and had a coping of blue glazed engineering bricks.

The approach to Wrington (2 miles 72 chains from Congresbury), down a steep bank, was heralded by the crossing gates protecting traffic on Station Road which led to the centre of the village. These gates, of which there were only two, were of an unusual and delicate design, similar in detail to those found at the Langford crossing of the A38. The smart little station buildings at Wrington, like those at the other WGLR stations except Burrington, were of red brick and timber and had a zinc roof. They included the familiar GWR cast iron gents' toilet and a corrugated iron parcels shed, with oil lamps along the platform. Only the Great Western would give a light railway such trimmings and dignity! Just beyond the station there was a loop and goods siding on the Downs side. There was also a hand-operated crane in the yard, part of which was still visible as late as 1976.

Observations during the 1950s showed the track as far as Wrington to be of the flat-bottomed type, secured to the sleepers by spikes and in places by square-headed screws embossed 'GWR OCKNOC STEEL'. At this time the rail was stamped with the date 1913. At Wrington the track changed suddenly to the then more familiar bullhead and chaired type, which in places was secured to concrete sleeper blocks with braces. This heavier track was used for preventing rail 'creep' on the gradients of 1 in 50/73/75, the embankments of which were composed mainly of ash. After 1952 the line ended in buffer stops a short distance (19 chains) beyond Wrington station yard, leaving an adequate shunting neck.

Shortly after leaving Wrington the line again crossed the River Yeo, then a 'cattle tunnel' and a smaller bridge over a mill stream before the climb at 1 in 75 to Langford's single platform (4 miles 17 chains) north of the track and west of the A38. On the other side of the level crossing, frequent scene of long queues of road traffic in the latter years of the passenger service, was the Station Master's house erected in 1903 at a cost of £372.

Langford was the home of Col. Llewellyn, a director of the GWR in the 1900s. It was rumoured that this was a good enough reason for buying a

18

station there for a common with many country stations, it was somewhat remote from the place it was supposed to serve. However, it was an important pick-up point for milk (5,000 churns in 1903, 2,000 in 1932) with a generous loop and with sidings available for other commodities. Before the Second World War a sampling couch was kept here and another at Blagdon.

On the short run from Langford to Burrington trains faced a stiffer climb at 1 in 50, crossing the church lane known as Copthorn Lane and finally reaching the Stop Board which required Up goods (and formerly 'mixed') trains in the opposite direction to pin down the wagon brakes to control the descent to Langford. It was on this climb that the Clevedon steam rail motor sometimes ran out of steam and on damp or frosty mornings in the freight era regular driver Fred Flower or his fireman, 'Ginger' Parsons, might be seen running ahead of the locomotive to pour sand on the rails for better adhesion. Here also inspectors were wont to check train crews on procedure.

Continuing in the Down direction Burrington station, framed by a road bridge and situated in a cutting, appeared at 5 miles 7 chains from Congresbury. Originally no more than a halt with just the single platform south of the line, stone station buildings were brought into use on 26 September, 1907. In addition to a Station Master's house, the station also received a wooden platform awaiting to become the only station on the branch with the familiar GWR styling. A cost of £281 for the station house in 1907, a salary of £87 a year for the Station Master in 1913 and of £219 for the porter in 1923 gave some idea of contemporary economics.

Improved facilities were provided for Burrington's milk traffic in October, 1909, the station having a platform of two heights to facilitate loading. Just beyond the station, on the Up side, was a goods loop provided on 2 July, 1903, and handling the inwards coal traffic. There was also a weighbridge in the station yard. Burrington and Langford stations were demolished in 1958.

Continuing in the direction of Blagdon on undulating gradients rising and falling at 1 in 70/75, the line crossed Rickford Brook onto an embankment holding the track high above field level and then gradually falling away as Bourne Lane level crossing was approached. Here again, were cattle grids but no gates.

The waterworks sicing was a private one, worked by the owners and originally built to facilitate the construction of the pumping station. Until April 1949 the station had four compound beam engines at work. These were built and erected by Glenfield & Kennedy of Kilmarnock between 1902 and 1905 and two remained in situ as late as 1976 although the boilers had been disconnected. At the same period about twenty yards of original track could still be seen in the floor of one of the former coal stores.

Blagdon station (6 miles 49 chains) was provided with the normal station buildings (north of the line), run-round loop, mileage sidings, loading dock and, originally, an engine shed. Located in a cutting with fir trees as a backcloth, the station has now been carefully renovated and provides a home with a difference for a family who are not unsympathetic to things Great Western. A GWR 'Toad' brake van is in use as a tool shed, a signal has been provided to give atmosphere

19

The Avon-Anglia Guides, to:
LIGHT RAILWAYS, STEAMERS, AIRCRAFT AND INDUSTRIAL PRESERVATION. Includes description, facilities, access data and opening periods for the main collections, locations and museums. Illustrated. Timetables. 75p.
CARS, CARRIAGES, COUNTRYSIDE AND WILDLIFE COLLECTIONS. A companion volume covering motor and horse-drawn vehicles, farms, folk and countryside museums, zoos, wildlife, safari and pleasure parks. Illustrated. 60p.
THE DEAN FOREST RAILWAY SOCIETY. Describes the Forest of Dean railways and sites and gives details of the preservation society. 40p.
THE SKYFAME AIRCRAFT STORY. Tells the pioneering story of creating the Skyfame Aircraft Museum and describes its aircraft collection. 40p.
THE CLEARWELL CASTLE STORY. Covers the history, disasters and amazing D.I.Y. reconstruction of an historic Forest of Dean house. 40p.
OTHER TITLES
RAILWAY AND STEAM ENTHUSIASTS' HANDBOOK. Volume 7. A comprehensive work for the devotees of railways and other steam machinery. Available in two versions: Part 1 covering preservation and BR data, £1.25, and a full hardback version (Parts 1 and 2) containing, in addition, extensive directory, reference, trade, etc. data, £3.25.
ELLESMERE PORT—CANAL TOWN. A canal and social history of the Shropshire Union Canal and its town during the years 1795 to 1921. Slip RAIL—125. The official booklet describing BR's High Speed Train. 50p.

and the station lights (from Seend) have been placed, as far as possible, in the original positions.

When trains still operated, Blagdon had just its loop and two sidings which reduced the points to four sets. A camping coach was allocated to the terminus in later years and proved popular with those seeking to fish for trout in the reservoir. Curiously, despite the proximity of the station to the reservoir, water was a problem and had to be pumped for the locomotive.

Blagdon was the only WVLR station on the level, although the civil engineering works on the railway were not dramatic. Overall, the line rose a total of 137ft to 152ft above sea level at the terminus and, apart from the 1 in 50 between Langford and Burrington, the gradient mainly involved rises of 1 in 75, 145, 60 and 79 to Wrington, further rises to the steep climb beyond Langford, a drop (1 in 73 and 346) through Burrington and then a dip down at 1 in 70 and up at 1 in 75 to the final station level at Blagdon. The curves were relatively modest, the most notable being ones of 0/14 chains near Wrington and others between 19 and 22 chains at various points along the branch.

20

Modelling the Wrington Vale

The Wrington Vale line has much to offer the railway modeller, not least its simplicity and modest space requirements. Whereas the average Great Western branch needs six pairs of points for the terminus, Blagdon requires only four and the later terminus at Wrington just three. In 00 gauge Blagdon will fit into a space 4ft 6in by 1ft 6in (although 6ft by 2ft is preferable) and Wrington is ideal for a corner site, as even the prototype was situated on a curve.

Another big advantage is the fact that the stations can realistically be modelled on flat board. None were built on an embankment and both the deep cutting at Burrington and the shallow banks surrounding Blagdon are easy to reproduce by traditional methods.

Although relatively simple, the station buildings on the WVLR were attractive and they do look right in the modelled situation. Nor was the signalling complicated. Except at Congressbury there were no working signals, just fixed distant, although there were plenty of ground frames, loading docks, wagon load gauge, warning signs and other paraphernalia to compensate for. There were both gated and ungated crossings.



This 1953 working scene at Wrington shows how the structure of the line in 85 working can still be seen for operational modelling.

21