



North Somerset Council

Report to the Public Rights of Way Sub-Committee

Date of Meeting: 22 November 2022

Subject of Report: PPO 200 - Public Path Extinguishment Order and Definitive Map Modification Order, for Public Footpath AX 20/2, Old Banwell Road

Town or Parish: Locking

Officer/Member Presenting: Penny Price

Key Decision: NO

Reason:

This proposal is outside the council's key decision criteria

Recommendations:

It is recommended that the Public Rights of Way Sub-Committee authorise the following:

- (1) (i) the making of a Definitive Map Modification Order (DMMO) adding a Public Footpath along the route shown between points C-D-B on the proposal map (Appendix 2); on the grounds that there is sufficient evidence to show a Public Footpath has been established under section 53(3)(b) and (c) of the Wildlife and Countryside Act 1981;
 - (ii) if no objections are made and sustained that authorisation be given for the confirmation of the DMMO;
 - (iii) if objections are made and sustained, that the DMMO mentioned at (1) above be forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination and the council support the Order through any subsequent procedure;
- (2) (i) if the DMMO authorised above is made and confirmed, that a subsequent Public Path Extinguishment Order (PPEO) be made, to extinguish that part of Public Footpath AX 20/2 between points A-B on the proposal map (Appendix 2), which will no longer be needed for public use;
 - (ii) if no objections are made and sustained that authorisation be given for the confirmation of the PPEO;
 - (iii) if objections are made and sustained, that the PPEO mentioned at (2) above be forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination and the council support the Order through any subsequent procedure;

1. Summary of Report

This report recommends measures to address an anomaly between the council's Definitive Map records of Public Rights of Way and a route being used by the public; where part of Public Footpath AX 20/2 at the western end of 'Old Banwell Road'/the northern end of 'The Bury' in Locking is obstructed by a dwelling and the curtilages of two dwellings.

Appendix 1 states the legal basis for determining this Public Footpath anomaly.

Appendix 2 shows the existing Definitive route at the properties 'Athelstan' and No. 2 Old Banwell Road (A-B), which is not available to walk and the route the public have been using (C-D-B), which instead runs along an alleyway between the two properties. The route used has Public Footpath signage and path furniture.

Appendix 3 shows the research undertaken by officers, which concluded that a Public Path Diversion Order application should be submitted under the Highways Act 1980, if the affected landowners wish to seek amendment of the Definitive Public Footpath line, diverting the route from their properties to the route already being used by the public.

Appendix 4 gives the steps taken to address this Public Footpath anomaly.

and **Appendix 5** contains further photographic and aerial photographic evidence of the 'used' route.

Despite efforts to seek all affected landowners approval for the formal diversion of this route, this has not been possible so, following legal opinion on how this matter should proceed it is believed that the best course is to 'claim' the route which is being used by the public by way of a DMMO and once that process is completed to seek the extinguishment of the currently obstructed recorded line.

2. Policy

The maintenance of the Definitive Map should be considered as part of the management of the Public Rights of Way network and so contributes to the corporate plan "A Thriving and Sustainable Place" (a great place for people to live, work and visit) and "An Open and Enabling Organisation" (collaborate with partners to deliver the best outcomes).

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.

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.

4. Consultation

Submission of the original Public Path Diversion Order application required contacting all parties who have a landowning interest in the existing/proposed routes. As the consent of one landowning party has not been forthcoming, the council has not been able to progress the Diversion Order application, so no further consultations have taken place. If authority is given for the making of a DMMO then a full consultation process will be undertaken.

5. Financial Implications

The making, advertising and confirmation of a Definitive Map Modification Order application does not incur a fee for an applicant. The council covers the costs of advertising the making and confirmation of such an Order.

A Public Path Extinguishment Order is subject to set charges and actual advertisement costs (for two press notices). Funds had already been set-aside for payment of the applicants' costs and these have now been received by the council.

If any Order is submitted to the Secretary of State for Environment, Food and Rural Affairs for determination, the council are liable for any further costs involved in any subsequent Planning Inspectorate procedures.

Compensation for depreciation or damage for disturbance and arising as a result of the coming into force of a Public Path Extinguishment Order is payable under section 28 [as applied by section 121(2)] of the Highways Act 1980 (as amended by the Transport and Works Act 1992).

However, 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

1. Section 53 of the Wildlife and Countryside Act 1981. This section requires that, as regards every Definitive Map and Statement, the surveying authority shall as soon as reasonably practicable, after the commencement date, by order make such modifications to

the Map and Statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in subsection (3).

2. Section 118 Highways Act 1980. This section requires that it is necessary to show that the relevant test has been met before an Order can be made. That test being that the route in question is no longer necessary for use by the public.

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


Without an applicant agreeing to pay the council's application and advertisement costs, the matter of the obstructed Public Footpath will remain recorded on the council's records as an anomaly until such time as staff capacity allows and, with current workload, it will be a good number of years before such anomalies can be looked at.

Further risks are the costs incurred by the council however, as already stated, such implications **must not** form part of the Committee's decision.

9. Equality Implications

Public Rights of Way are available for the population as a whole to use and enjoy irrespective of gender, ethnic background or ability and are free at the 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

If the submitted proposal to rectify the matter of the obstructed Public Footpath is abandoned, with no further progress made, two properties will continue to have a Public Footpath recorded on the Definitive Map, as going through their curtilage and the matter will arise once again, if either property is sold.

In attempting to resolve the matter now for all parties, the council are able to recoup some costs, in the charges and advertising for a Public Path Extinguishment Order.

The options that need to be considered are:

1. Whether the evidence supports the making of a Definitive Map Modification Order for a Footpath over the route C-D-B;
2. Whether the application should be denied as there is insufficient evidence to support the making of an Order for a Footpath over the route C-D-B;
3. That it is understood that if an Order is made and receives objections, the Order will be forwarded to the Secretary of State for determination. If this happens, subject to the Officers being content that there was no significant change to the balance of evidence; that authority is given for the Council to support the Order at any subsequent Public Inquiry;

4. That following the confirmation of the DMMO it is understood that it is necessary to process a PPEO to remove the obstructed footpath;
5. Whether, following the confirmation of a DMMO, the Committee require a further report to be brought back to this committee to authorise the making of a PPEO;
6. That the Committee are prepared to give authorisation for the making and confirmation (subject to no objections being received) of a PPEO for the route A-B shown on Appendix 1.

Author:

Penny Price, Access Support Officer, Access Team, Natural Environment Team
Telephone 01934 427467

Appendices:

Appendix 1 – Legal basis for determining this anomaly

Appendix 2 – Proposed map

Appendix 3 – Historical evidence

Appendix 4 – Steps taken to address anomaly

Appendix 5 – Photographic route evidence and aerial photograph extract

Background Papers:

Public Rights of Way File PPO 200

The Legal Basis for Determining this anomaly

Definitive Map Modification Order

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

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

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

The basis of the application in respect of the Footpath is that the requirement of Section 53(3)(c)(i) 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.

Extinguishment Order

1. This Order would be made under Section 118 of the Highways Act 1980, where it appears to a council as respects a footpath, bridleway or restricted byway in their area (other than one which is a trunk road or a special road) that it is expedient that the path or way should be stopped up on the grounds that it is not needed for public use, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, extinguish the public right of way over the path or way.
2. The Secretary of State shall not confirm a public path extinguishment order and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that it is expedient so to do having regard to the extent (if any) to which it appears to him or, as the case may be, them that the path or way would, apart from the order, be likely to be used by the public, and having regard to the effect which the extinguishment of the right of way would have as respects land served by the path or way, account being taken of the provisions as to compensation contained in section 28 above as applied by section 121(2) below.

HIGHWAYS ACT 1980

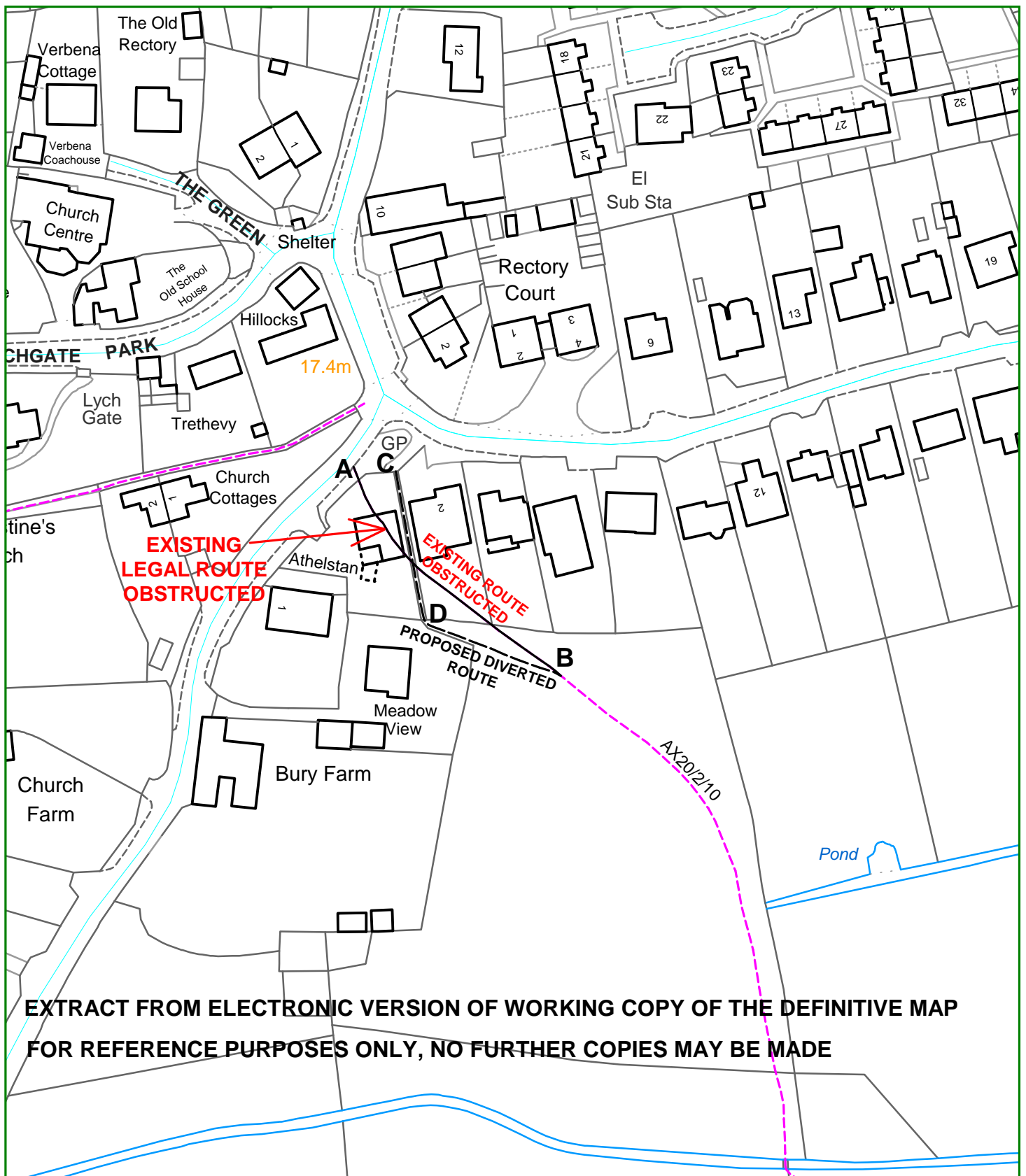
Section 28 - Compensation for loss caused by public path creation order

28. (1) Subject to the following provisions of this section, if, on a claim made in accordance with this section, it is shown the value of an interest of a person in land is depreciated, or that a person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of a public path creation order, the authority by whom the order was made shall pay to that person compensation equal to the amount of the depreciation or damage.
- (2) A claim for compensation under this section shall be made within such time and in such manner as may be prescribed by regulations made by the Secretary of State, and shall be made to the authority by whom the order was made.
- (3) For the purposes of the application of this section to an order made by the Secretary of State under section 26(2), references in this section to the authority by whom the order was made are to be construed as references to such one of the authorities referred to in that subsection as may be nominated by the Secretary of State for the purposes of this subsection.
- (4) Nothing in this section confers on any person, in respect of a footpath or bridleway created by a public path creation order, a right to compensation for depreciation of the value of an interest in the land, or for disturbance in his enjoyment of land, not being in either case land over which the path or way was created or land held therewith, unless the creation of the path or way would have been actionable at his suit if it had been effected otherwise than in the exercise of statutory powers.
- (5) In this section "interest", in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights.

* * * * *

Section 121 – Supplementary provisions as to public path extinguishment and diversion orders (as amended by the Transport and Works Act 1992)

- 121 (2) Section 28 above (compensation for loss caused by public path creation order) applies in relation to public path extinguishment orders, rail crossing extinguishment orders, public path diversion orders and rail crossing diversion orders as it applies in relation to public path creation orders but as if the references in it to Section 26 (2) were references to section 120 (3).



**EXTRACT FROM ELECTRONIC VERSION OF WORKING COPY OF THE DEFINITIVE MAP
FOR REFERENCE PURPOSES ONLY, NO FURTHER COPIES MAY BE MADE**

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.



Place Directorate
Public Rights of Way
Streets and Open Spaces
North Somerset Council
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

Tel: 01934 888 802

Existing legal route (A-B)
Proposed diversion (C-D-B)

**Location Part of Public Footpath AX 20/2,
The Bury/Old Banwell Road, Locking**

FOR PROW SUB-COMMITTEE REPORT
OS Licence No.100023397

Scale 1:1250

**Drawn by
Penny Price**

**Drawing No.
PAP/Map No. PPO 200**

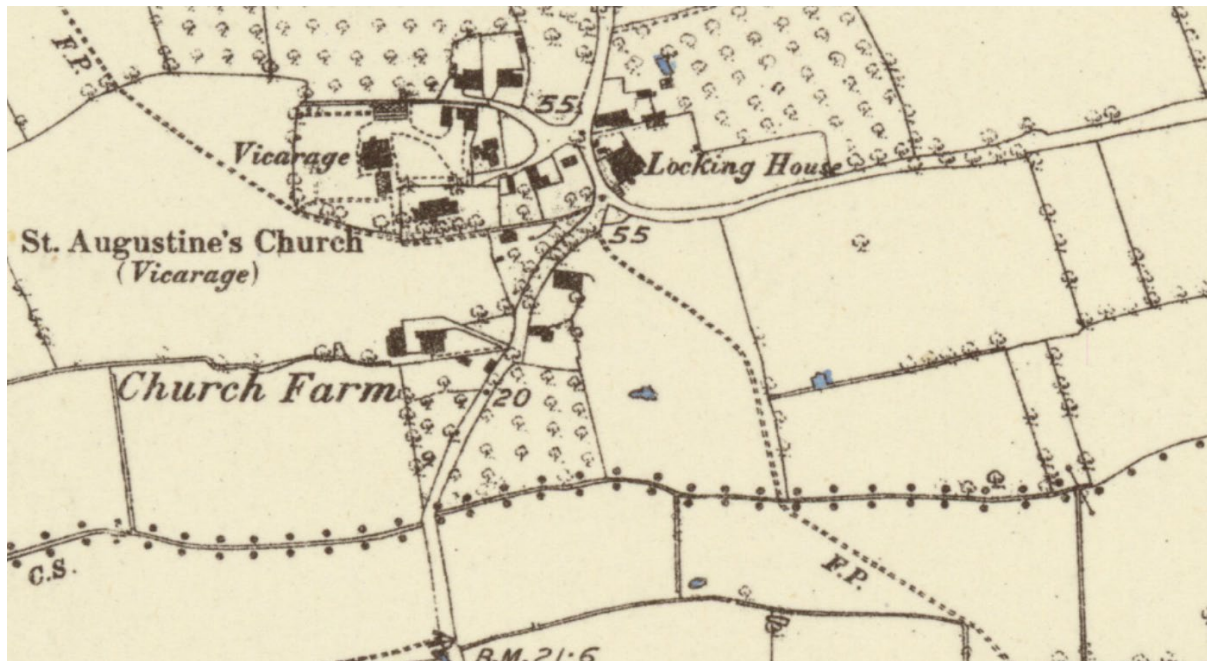
**Date
09 November 2022**

Footpath AX20/2 Locking – Old Banwell Road

Historical research into the existence of Footpath AX20/2 in respect of the buildings Athelstan and No 2 Old Banwell Rd.

1811 OS Map

This map produced in 1811 by OS surveyors has depicted the alignment of a footpath (FP) commencing south of the junction of roads. This is a similar alignment to the route which is shown on the Definitive Map



1903 OS Map

Shows Footpath AX20/2 as above



1930 Road Records

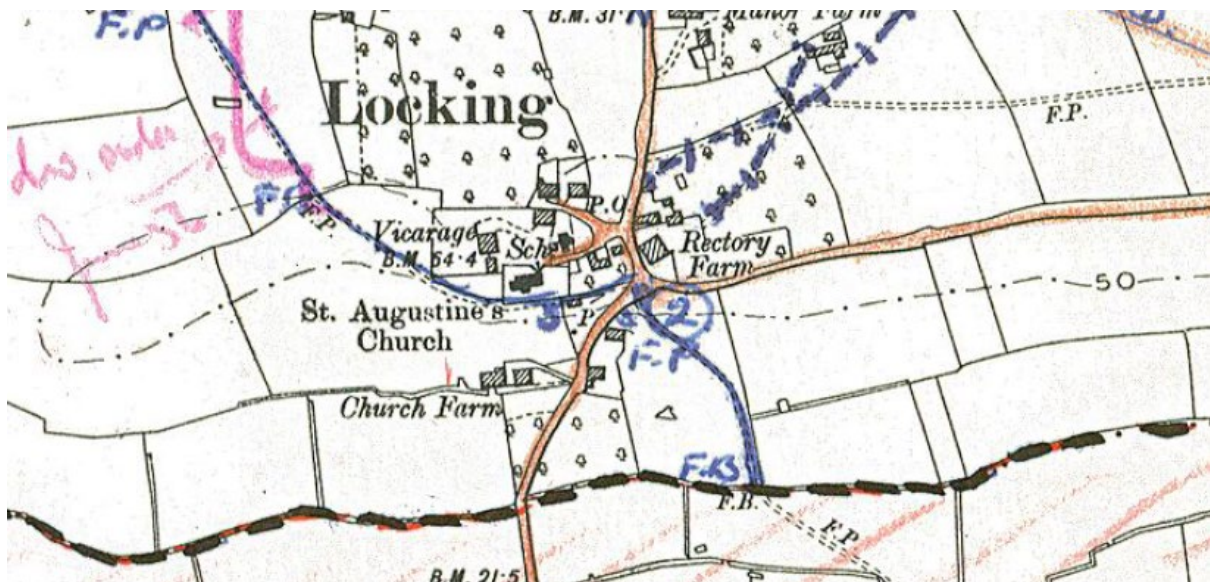
This plan primarily using OS 1903 or 1931 plans depicts routes which are maintained by the Council as adopted roads. As above the FP is shown



Definitive Map process

Parish Survey Plan

This plan produced by the Parish Council in 1950 having walked the routes shows the similar alignment to that shown on our maps today. The date of the base map is not known but believed to be around 1930.



This plan was supported by a walking card which reads:

Kind of Path – FP. The path starts at Top of Bury Hill, Public Footpath N.B., via stile. Proceed in S.E. direction across grass field to Foot Bridge over Rhine. Foot Bridge and Stile in fair condition, used by parties for at least 80 years. Not well defined.

This information was passed from the Parish Council to Axbridge Rural District Council in 1951 who collated all responses relevant to their area and the past to Somerset County Council who produced the Draft Map.

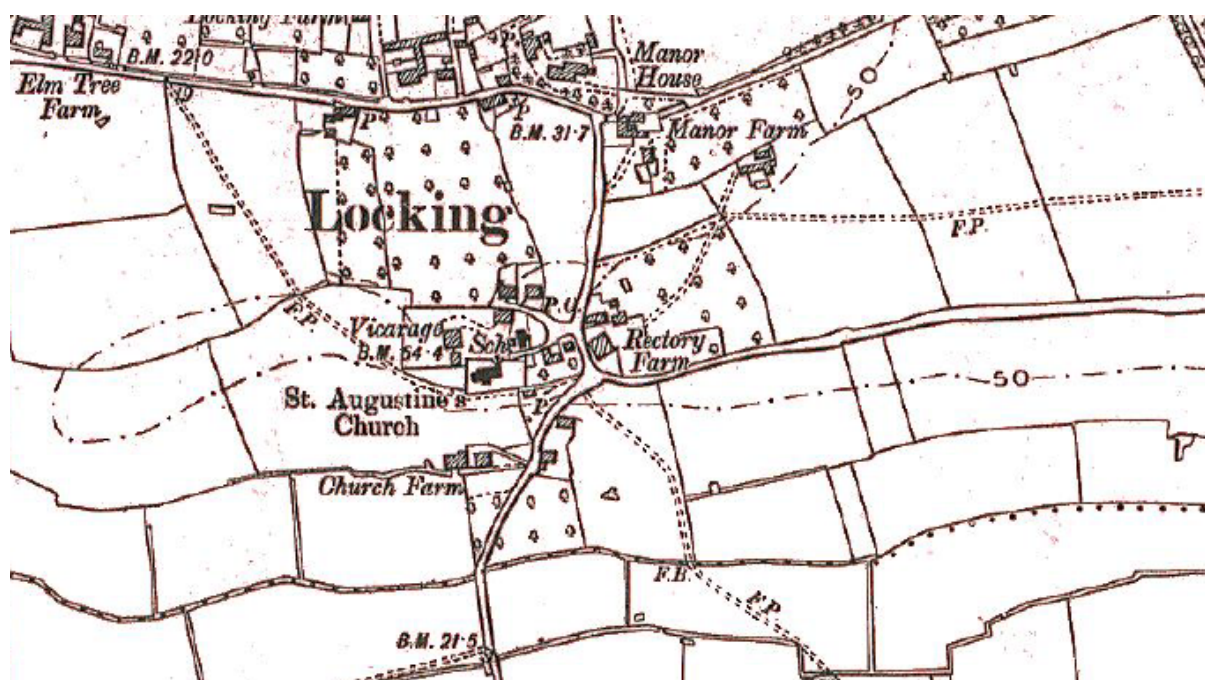
Draft Map

The Draft Map was advertised in the locality, placed on deposit in the local church and in the press. Any correspondence received was listed on a summary list, no comments were received in regard to this route.



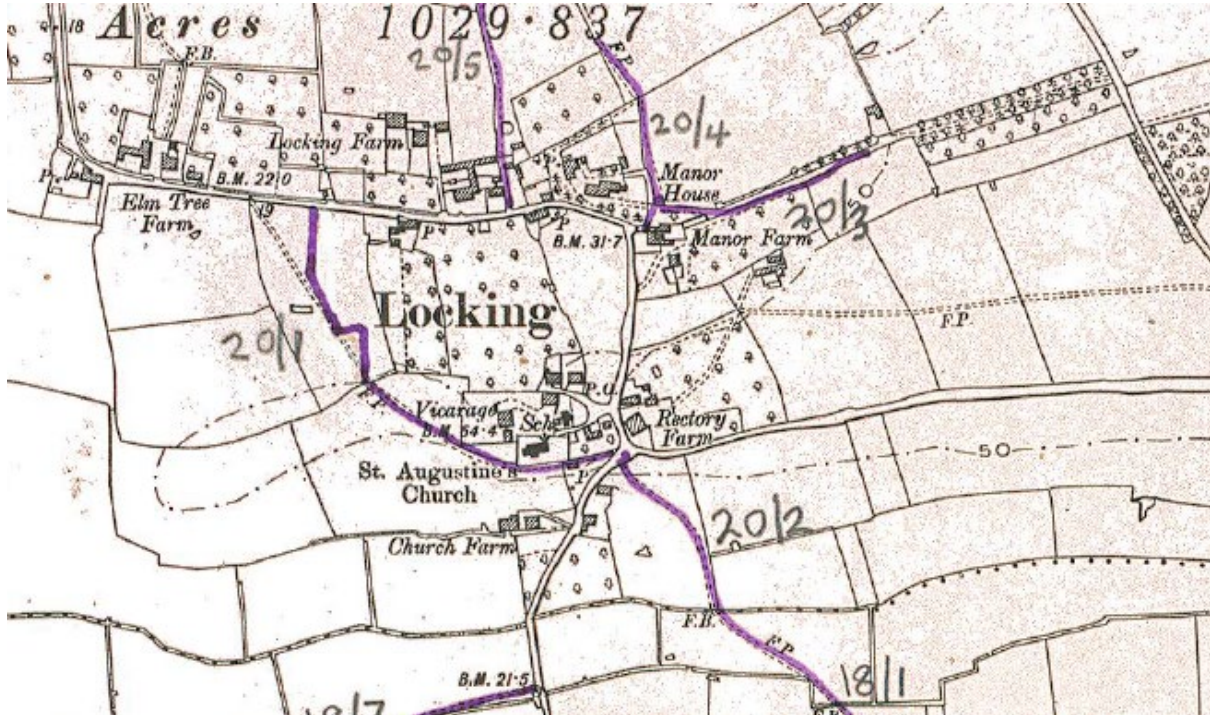
Draft Map Modifications

As no comments were made at the draft stage, I would not expect anything to be shown on the Draft Map (this only showed amendments to the draft map)



Provisional Map

When all objections or comments had been considered by Somerset County Council a Provisional map was produced and advertised once again and placing on deposit for public view, this time allowing landowners to object to routes being incorrectly shown on their land, once again no comments were received



Somerset copy of Definitive Map

The Definitive Map process was finalised around 1967 and carries a relevant date of the 26th November 1956. The depiction of Footpath AX20/2 has been consistent through all its stages of this process.

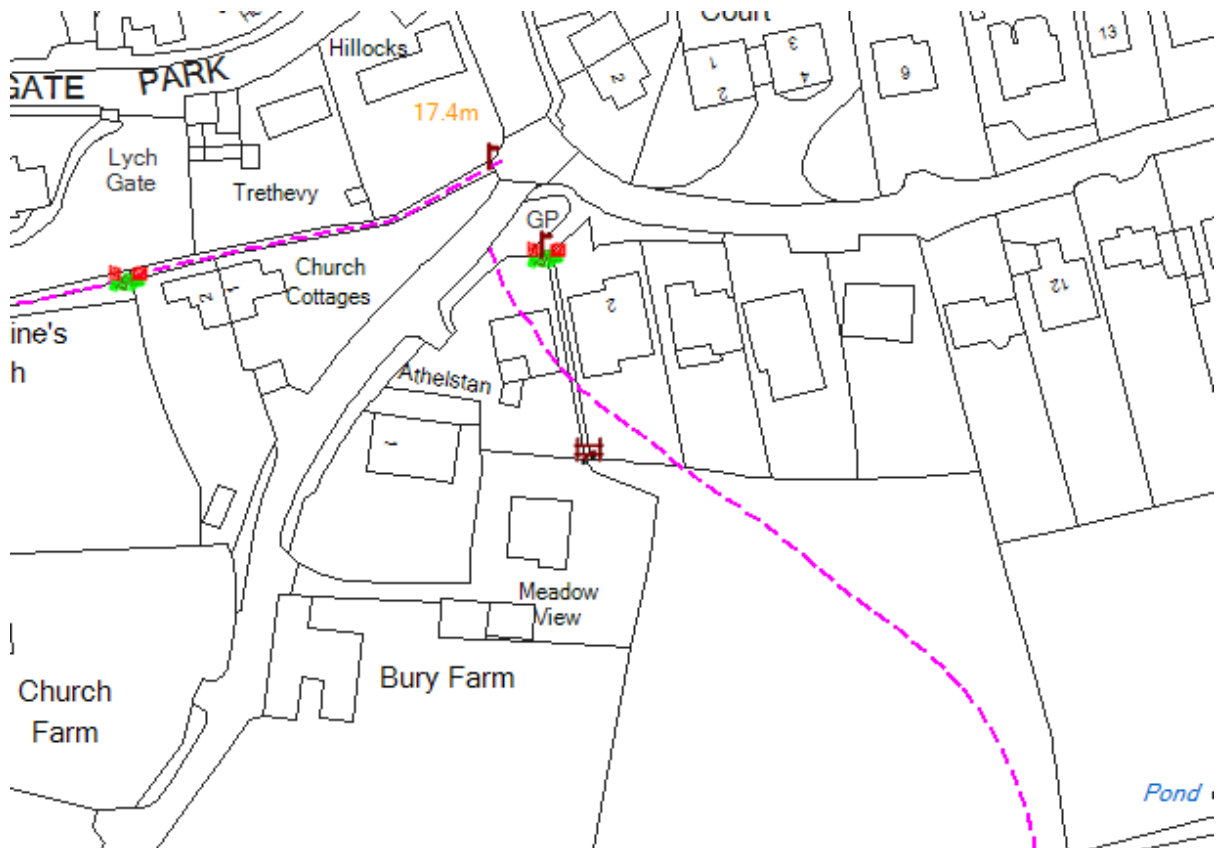


Definitive Statement

This reads “The path is a FP. It starts at the top of Bury Hill on the east side and proceeds south east across field to footbridge over rhine at the parish boundary where it continues as Footpath 18/1 to Elborough”.

Working copy of the Definitive Map relevant date 26th November 1956

This is our working copy of the Definitive Map which would reflect any changes which have legally been made since the production of the document above. I have looked at our legal orders and can find nothing to suggest that this footpath has been legally moved to the alignment used by the public today.



PROVISO FOR ABOVE MAP EXTRACT: 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.

I have also looked at a file held which holds correspondence relating to this footpath. This correspondence revealed that the property Athelstan was built around 1972/73. Enquiries from solicitors acting for Athelstan, the Parish Council and the owners for No 2 have all been told that the legal line of Footpath AX20/2 has been obstructed by the properties and that whilst no formal enforcement would be taken due to the convenience of the used route provided that it was maintained, that the legal line would present a problem when a property was to be sold. The council advised that the most practical solution would be for those affected to submit an application to the council, requesting that the legally recorded line be formally diverted.

Following this correspondence, I can confirm that no application was submitted.

Elaine Bowman

Principal Access Officer, Public Rights of Way, North Somerset Council

Research undertaken on 12th and 13th May 2021

STEPS TAKEN TO ADDRESS ANOMALY, RESULTING IN THIS REPORT

The council's Definitive Map at 1:10560 scale carries a relevant date of 26th November 1956 and is North Somerset's legal record of Public Rights of Way. Our electronic 'Working Copy' map, produced by transposing the Definitive Map onto a different scale and on an up-to-date map base aims to reflect Public Rights of Way shown on the Definitive Map and any route changes made since the Definitive Map's 'relevant date'.

Enquiries were made to the council's Public Rights of Way Team in 2021, during the sale of No. 2 Old Banwell Road, as to the correct legal line of the northern end of Public Footpath AX 20/2. As there appeared a disparity between the Definitive Map's legal line and that which the public use, officers carried-out research of historical documents, the findings of which are given at Appendix 3.

It was apparent that, with the legal line of AX 20/2 (shown going through the property and curtilage of the property 'Athelstan' and the curtilage of No. 2 Old Banwell Road) being rendered unavailable for use, the public had been using a different route since the formation of an alleyway between the two properties, which then ran near to the southern boundary of No. 2 and connected with the remainder of the Public Footpath in the continuing field. However, there had been no apparent legal diversion to amend the Public Footpath route on the Definitive Map.

As officers' research at Appendix 3 concluded that a Public Path Diversion Order (PPDO) application would need to be submitted if the landowners wished to rectify the situation and there appeared a suitable formal diversion route which the public were already using, the legal representatives (acting as agents for) for the new owners of no. 2 Old Banwell Road submitted such an application in September 2021.

For a PPDO application to be processed, the agreement of all directly affected landowners is required. As the agents were not able to secure authority from one outstanding party to the formal diversion of part of the Public Footpath onto their land, officers wrote to this party via the applicants' agents in November 2021. Our aim was to clarify that the proposed diversion was merely to formally divert the Public Footpath onto the route which was already being used by the public.

The landowning party contacted the council in December 2021, advising they did not wish to make any decision without face to face contact with their solicitor and, due to Covid at that time and the fact they were abroad, this was not possible. The council responded to the party's questions raised in February 2022 but unfortunately have had no further contact from the landowning party so, without their agreement to formally divert the Public Footpath onto the route already being used, the council is unable to proceed with the PPDO application.


The council are charged with keeping Public Rights of Way open and available and, as the new owners of No. 2 Old Banwell Road were still keen to go through the application process, seeking to resolve this anomaly, the council obtained legal opinion on the way forward. This legal opinion recommended that officers should proceed by making a DMMO under section 53(B) of the Wildlife and Countryside Act 1981, due to the evidence of public use (see **Appendix 5** for additional evidence of public use) and then followed by an extinguishment order under section 118 of the Highways Act 1980. Such an Order would acknowledge the evidence that the route between points C-D-B has become public.

The history shows that the route between C-D-B has been in existence since the property Athelstan was built around 1972, allowing the public 50 years of use and access to the wider Public Rights of Way network. The making of the DMMO would acknowledge the evidence that the route between points C-D-B has become public.

As the making and confirming of the above Order would formally record the route the public are using, the existing legal route (through 'Athelstan' and No. 2 Old Banwell Road) on the Definitive Map would no longer be needed for public use, so a Public Path Extinguishment Order would be made to officially remove this line from the Map.

Conclusion

With regards to the route C-D-B, which is not currently recorded on the Definitive Map, it is necessary for the Committee to consider whether, given the evidence available, that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic.

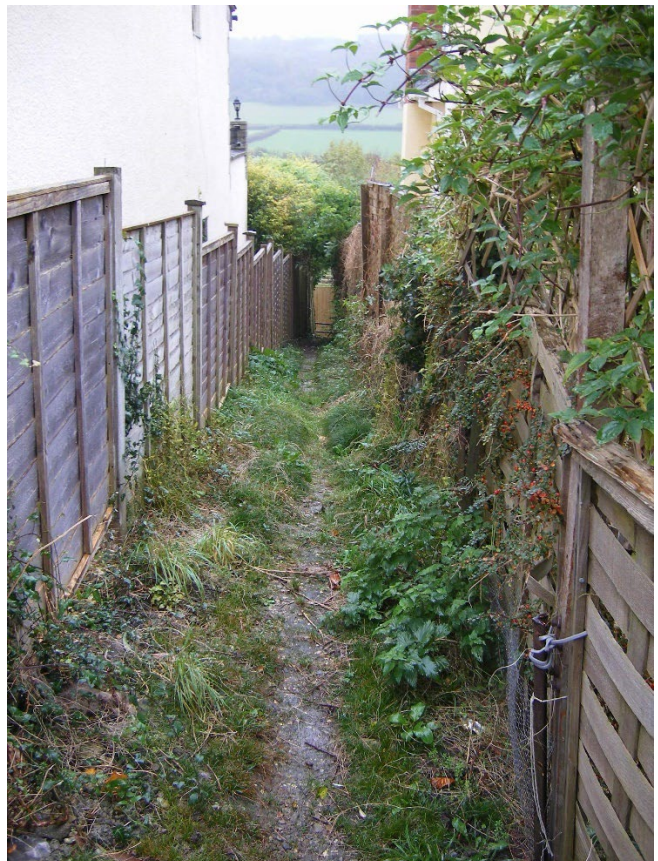
If the Committee believes in respect of the claimed section that the relevant test has been adequately met, it should determine that a DMMO should be made. If not, the determination should be that no order should be made. 

If a DMMO is made and confirmed, it will be necessary to extinguish the route A-B from the Definitive Map by way of a PPEO, as this will no longer be required for public use.

1. SELECTION OF PHOTOGRAPHS FROM PUBLIC RIGHTS OF WAY TEAM ELECTRONIC RECORDS

a. PHOTOGRAPHS UNDERSTOOD TO BE FROM NOVEMBER 2006

Public Footpath fingerpost signage and stile at northern end of 'used' route; and looking southerly along 'alleyway' of used route, between 'Athelstan' and No. 2 Old Banwell Road.





At end of initial 'alleyway' stretch of 'used' route, where route then runs along northern side of fence (before coming out into field).



Where route runs along northern side of fence (before coming out into field) and then looking back up to where the used route has come from (right-hand side of second photo).



Looking back up 'used' route (up through field) and then looking back up through alleyway of used route, towards northern end.



Looking back up northerly, towards stile and signage.

B. PHOTOGRAPHS OF UPGRADED PATH FURNITURE

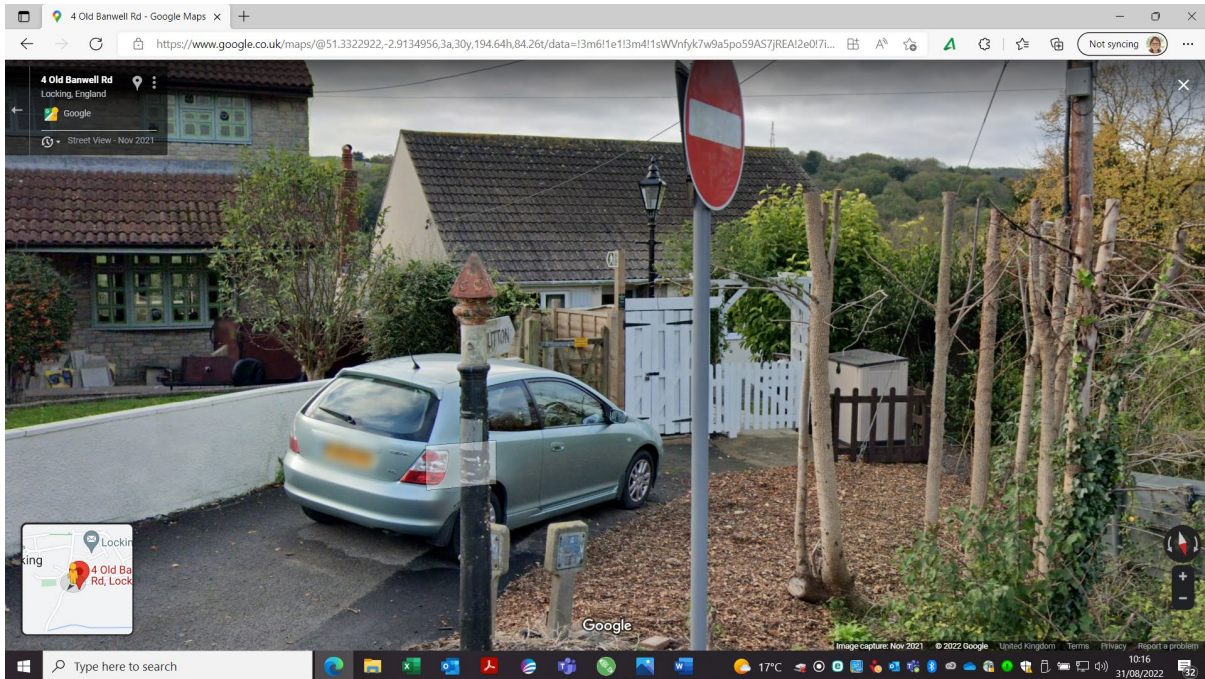
At the end of the initial stretch of used-path, between the two properties, a metal pedestrian gate has replaced the previous step-over metal bars, as shown in following photos (from July 2021):



Public Rights of Way Team records include a number of photographs, when the Team looked at the condition of fencing (the responsibility of adjoining landowner) adjoining the alleyway of the 'used' route (dates shown on actual photos, below). The Team also have photos of checks on vegetation, alongside the fence further along. These photos show the route was being used, matters were being reported to the council and the Team were active in looking at any issues on the 'used' route.



C. 'GOOGLE MAPS' EXTRACT (PRINTED AUGUST 2022, IMAGE CAPTURE NOVEMBER 2021), SHOWING NORTHERN END OF 'USED' ROUTE



Former stile location now has wooden pedestrian gate, with wooden post/'Public Footpath' fingerpost signage (upgraded from previous Public Footpath signage on metal pole), pointing walkers southerly between 'Athelstan' and No. 2 Old Banwell Road.

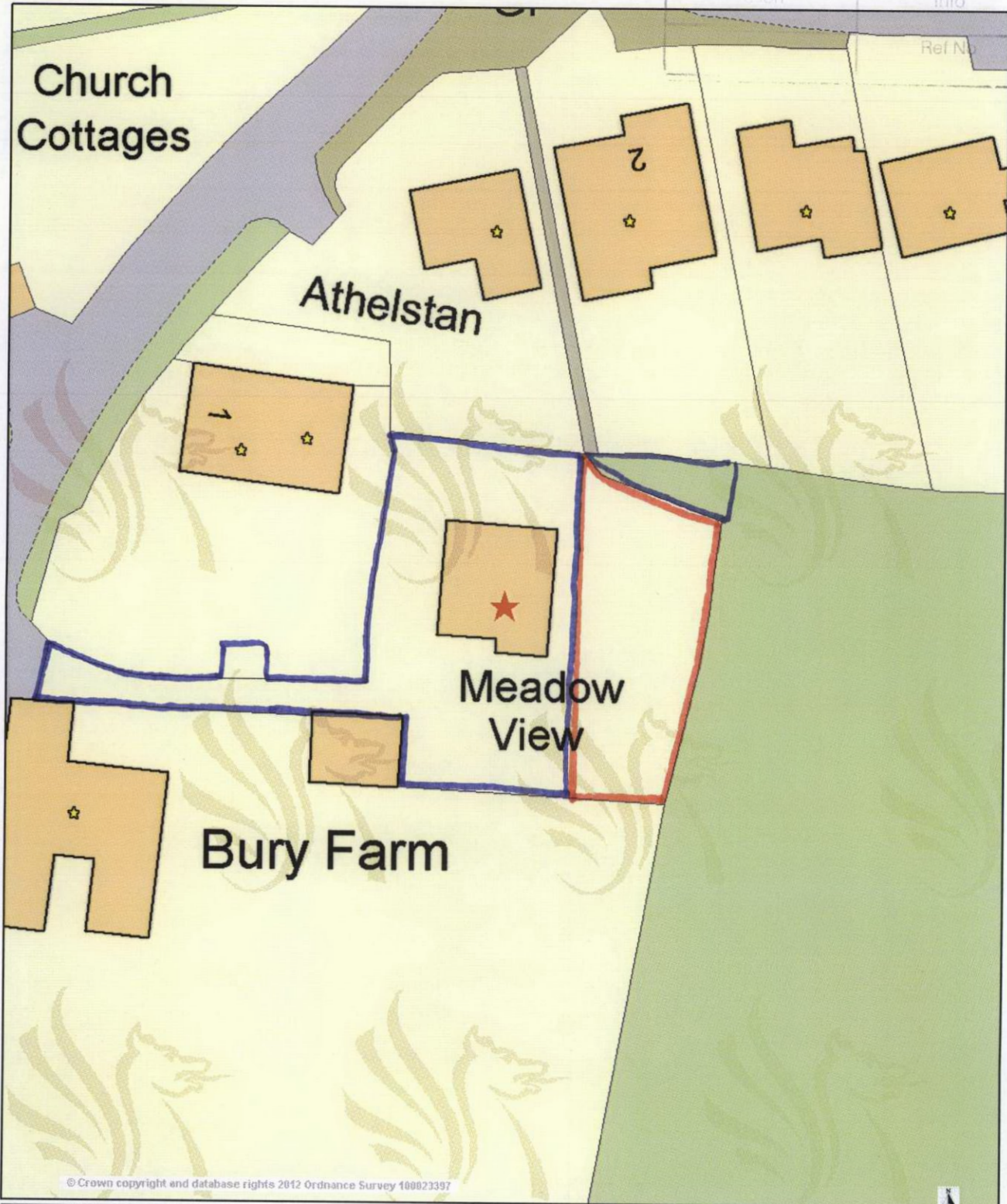
2. PLANNING APPLICATION 12/P/0301/F – THE 'RED LINE' ON THE SITE LOCATION PLAN KEPT THE USED PUBLIC FOOTPATH OUT OF THE APPLICATION AREA

This planning permission was for "Change of use from agricultural/equestrian land to residential to extend curtilage (retrospective)" at Land to the east of Meadow View, The Bury.

However, the site locations plans on the online planning application record reveal that part of the 'Meadow View' curtilage was shown as the 'red edged' application site and the land which it appears the public have used as the Public Footpath is *outside* the red edging, in land edged blue on the site location map (this normally means it's *not* within the application site but is owned by the applicant(s) to the Planning Application).

1:500 scale 'Site location plan 2' attached below.

Referred To	
Recd	17 FEB 2012
Location	Info
	Ref No



© Crown copyright and database rights 2012 Ordnance Survey 100023397



Project	Scale 1/500
Location	Drawn by
Client	Drawing No. <i>MCSI</i>

OS Licence No. 00023397 / 2012 Centre = 336450 E 159578 N
Date 13/2/2012
Aerial Photography by UK Perspectives.com / © North Somerset Council / © BlueSky International/ 2009 Imagery copyright Getmapping PLC. www.getmapping.co.uk
Historic Mapping © and database right Crown copyright and Landmark Information Group Ltd (All rights reserved 2009)
Scale is approximate to be used as a guide only
SourceMap is for general guidance only and cannot be relied on for the existence or details of any PROW. The Council accepts no responsibility for any omission or error thereon
A formal reply will be provided by the Council in reply to relevant enquiry in a Local Search
© Crown copyright and database rights 2012 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 by Imagery copyright Getmapping PLC. www.getmapping.com



Development & Environment

Town Hall
Weston-super-Mare
BS23 1UJ

Tel: 01934 888 888

Project

Aerial Photo extract, with Definitive route indicated

Location

Part of Public Footpath AX 20/2, Locking

For NSC PROW Sub-Committee Report,
to show route used.

OS Licence No.

100023397



Scale 1:500

Drawn by
Penny Price

Drawing No.
PAPPPO 200/AP1

Date
10 November 2022