

**Wildlife and Countryside Act 1981
Section 53**

North Somerset District Council

**(Footpath AX30/82 Station Road Wrington)
Definitive Map and Statement Modification
Order No 1 2014**

**Director of Development and Environment
Streets and Open Spaces
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ**

File ref: Mod 100

WILDLIFE AND COUNTRYSIDE ACT 1981

**THE COUNTY OF SOMERSET DEFINITIVE MAP AND STATEMENT
AXBRIDGE RURAL DISTRICT**

**NORTH SOMERSET DISTRICT COUNCIL
(FOOTPATH AX30/82 STATION ROAD WRINGTON)
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO. 1 2014**

This Order is made by North Somerset District Council ("the Council") under section 53(2) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the County of Somerset Definitive Map and Statement Axbridge Rural District requires modification in consequence of the occurrence of an event specified in section 53(3)(c)(i) namely the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows 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.

The Council have consulted with every local authority whose area includes the land to which the Order relates. The Council hereby orders that:

1. For the purpose of this Order the relevant date is 1 July 2014.
2. The County of Somerset Definitive Map and Statement Axbridge Rural District shall be modified as described in Part 1 and Part II of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the North Somerset District Council (Footpath AX30/82 Station Road Wrington) Definitive Map and Statement Modification Order No. 1 2014.

SCHEDULE

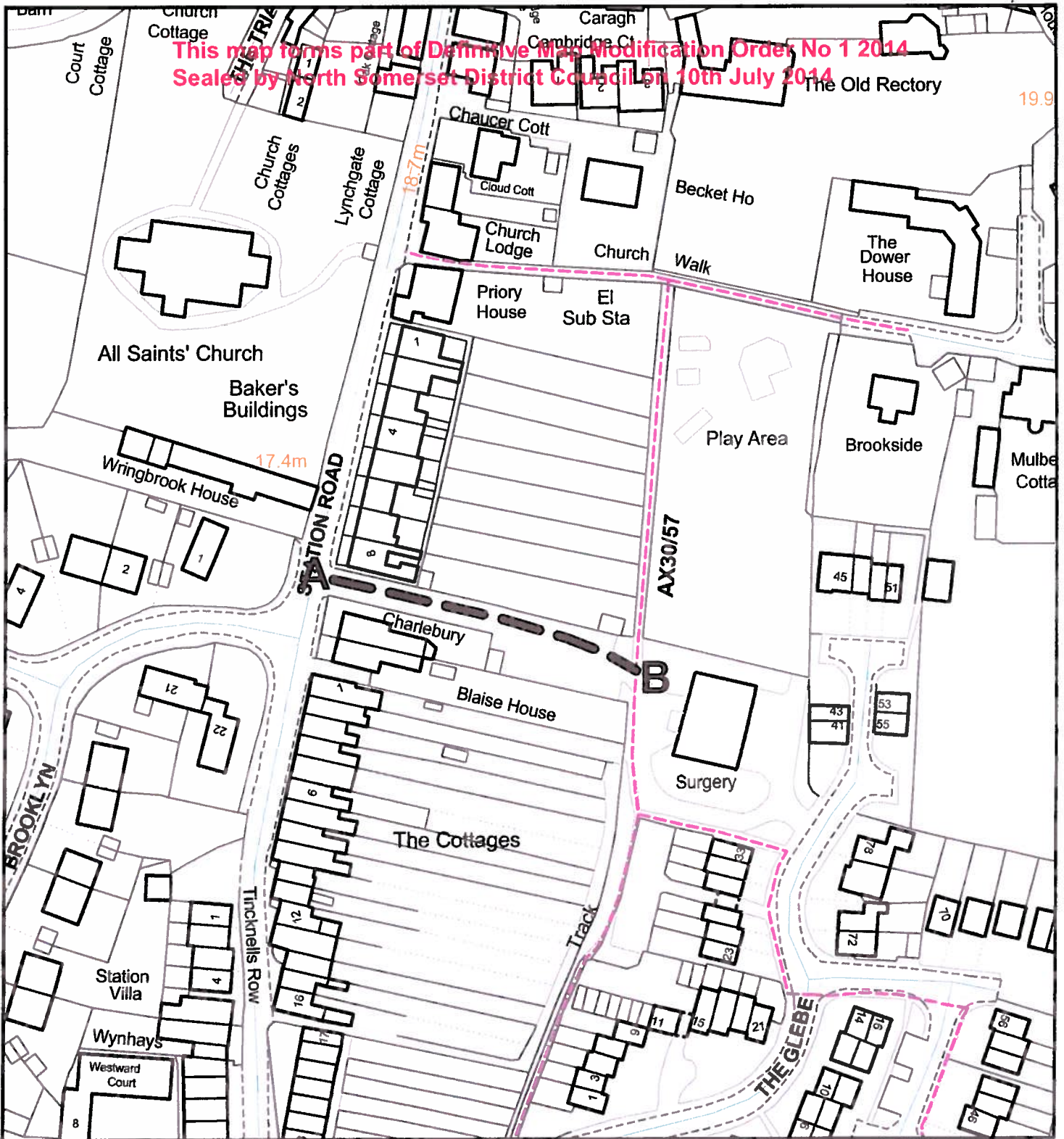
PART I

Modification of Definitive Map

Description of path to be added

The footpath commences from point A (Grid Ref: ST 46819 62646) on the adopted highway known as Station Road and proceeds in a westerly direction for a distance of approximately 73 metres to point B (Grid Ref: ST 46889 62625) where it meets Public Footpath AX30/57 as shown on the attached map EB/Mod 100. The width of the footpath between point A and point B is a minimum width of 3.5 metres within and the boundaries of the adjacent properties.

This map forms part of Definitive Map Modification Order No 1 2014
 Sealed by North Somerset District Council on 10th July 2014



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

Definitive Map Modification Order No.1 2014

Footpath AX30/82 Station Road Wrington



Development & Environment

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



Scale 1:1250



Date 4 July 2014

Grid Ref. ST6826

Map No. EB/Mod 100

Claimed route



Not to Scale

PART II

Modification of Definitive Map and Statement

Map No.	Class & Right of Way	Description of Route				Particulars as to position, width, limitations or conditions as in the opinion of the Authority it is expedient to record		Reason for inclusion
		From		To				
		County Road or Right of Way	Location (with bounding property Nos.)	General Direction	County Road or Right of Way	Location (with bounding property Nos.)	General Description of Route	
EB/Mod 100	Footpath AX30/82	Station Road USRN 47817725	ST 46819 62646	Westerly	Footpath AX30/57	ST 46889 62625	<p>The footpath commences on the adopted highway known as Station Road and proceeds in a westerly direction for a distance of approximately 73 metres to where it meets Public Footpath AX 30/57 as shown on the attached map EB/Mod 100. The width of the footpath between point A and point B is a minimum width of 3.5 metres within the boundaries of the adjacent properties.</p>	<p>Wildlife and Countryside Act 1981</p> <p>Modification of Definitive Map to add Footpath AX30/82</p>

Given under the Common Seal of North Somerset District Council on the 10th day of July 2014.

The COMMON SEAL of)
NORTH SOMERSET)
DISTRICT COUNCIL)
was hereunto affixed in)
the presence of :-)

A handwritten signature in black ink, appearing to be 'A. Allen'.

15783

HEAD OF LEGAL AND DEMOCRATIC SERVICES

WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53

**NORTH SOMERSET DISTRICT COUNCIL
(FOOTPATH AX30/82 STATION ROAD WRINGTON)
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER NO 1 2014**

EXPLANATORY STATEMENT

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

Public footpaths, bridleways and byways open to all traffic are recorded on Definitive Maps and Statements. These maps and statements provide conclusive legal evidence of the existence of public rights. North Somerset District Council is responsible for the Definitive Map and Statement and has a duty to amend them when evidence suggests that they are inaccurate or incomplete. Such amendments are made by means of modification orders made under Section 53 of the Wildlife and Countryside Act 1981. These orders do not come into effect until confirmed; if there are any objections the Council must refer the order and objections to the Secretary of State for the Environment, Food and Rural Affairs, who will decide whether or not to confirm the order.

Definition of a Footpath

A highway over which the public have a right of way on foot only.

An application was submitted by Wrington Parish Council in 2013 claiming that a route which ran from Station Road through the former Doctors Surgery land to The Glebe in the Wrington area should be recorded as a Byway Open to all Traffic.

A report was taken to the Public Rights of Way Sub Committee on the 18 March 2014 which covered this route. The recommendation made to the Committee read as follows:

It is recommended that the Public Rights of Way Sub Committee reject this application to record this route as a Byway Open to All Traffic based on the fact that the Bath and Wells Diocesan Board of Finance have not been notified about this application and that mechanically propelled vehicular rights have been extinguished by Section 66 and 67 of the NERC Act 2006.

However, the depth of the conversation during the Committee meeting related more to the use that has been made of this route by pedestrians than that by mechanically propelled vehicles. Further representation, both written and verbal, was made to the Committee Members. Supporters of this route made a request that a section of the claimed route be re-considered as a Footpath, the section in question being that from Point A Station Road on the committee plan through to its junction with Footpath AX 30/57. Having listened to both the officer and the speaker, the Committee resolved to accept the Officer Recommendation detailed above but also wished the inclusion of a recommendation of their own.

The Committee agreed that having evaluated the evidence alone over the land which is in the ownership of Medcentres, it was felt that there was sufficient evidence to reasonably allege that a footpath subsists over the land and to raise the presumption of dedication as a right of way. Therefore the legal test for Section 53(3)(c)(i) Wildlife and Countryside Act 1981 and Section 31(1) Highways Act 1980 had been met. They therefore agreed that the users request for a footpath between Station Road and Footpath AX 30/57 should be actioned and resolved:

That the relevant Public Rights of Way Officer be instructed to make a Definitive Map Modification Order under Section 53 Wildlife and Countryside Act 1981 or obtain a dedication agreement from the landowner to record a Public Footpath from Station Road Wrington to its connection with the existing public right of way network at Footpath AX 30/57.

This report can be seen on the Council's website

<http://apps.n-somerset.gov.uk/cairo/docs/doc25522.htm>

This Order has been made and was sealed by the Council on the 10th July 2014. The Officer concerned, Elaine Bowman, is willing to discuss the concerns of those considering objecting or making representations relating to the order. Objections or representations relating to the order must be made in writing by **10 September 2014**, to the under mentioned offices.

To be relevant, objections or representations should relate to the question of the existence or status of public rights; other objections or representations (e.g. relating to privacy, security, suitability, desirability or amenity) may be held to be irrelevant.

The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to orders are normally awarded against objectors only in cases of unreasonable behaviour.

If there are no objections to the order, or if any made are duly withdrawn, the authority may confirm the order, and the Definitive Map and Statement will then be modified. If there are any objections which are not withdrawn, then North Somerset District Council must refer the order and objections to the Secretary of State for the Environment, Food and Rural Affairs. The Department will appoint an independent Inspector to consider the order and hear the objections, normally by holding a public inquiry. The Inspector may confirm the order, with or without modifications, or may decide that the order should not be confirmed.

North Somerset Council
Development and Environment,
Streets and Open Spaces
Natural Environment Team,
Town Hall
Walliscote Grove Road
Weston super Mare,
BS22 1UJ

Tel: 01934 427406

Section 53 of the Wildlife and Countryside Act 1981
The County of Somerset Definitive Map and Statement
Axbridge Rural District

North Somerset District Council
(Footpath AX30/82 Station Road Wrington)
Definitive Map and Statement Modification Order No 1 2014

The above Order made on 10 July 2014, if confirmed as made, will modify the definitive map and statement for the area by adding a new footpath to the network to be known as Footpath AX30/82.

The new footpath commences from point A (Grid Ref: ST 46819 62646) on the adopted highway known as Station Road and proceeds in a westerly direction for a distance of approximately 73 metres to point B (Grid Ref: ST 46889 62625) where it meets Public Footpath AX30/57 as shown on the order map EB/Mod 100. The width of the footpath between point A and point B is a minimum width of 3.5 metres within the boundaries of the adjacent properties.

A copy of the Order and the Order map together with the explanatory statement may be seen free of charge at the reception of North Somerset Council Offices, Castlewood, Tickenham Road, Clevedon (Opposite Clevedon Garages) from 9am to 4.30pm, Monday to Thursday (4.00pm Friday) or may be viewed on the Council's website www.n-somerset.gov.uk/notices. A copy is also available for inspection at Wrington Parish Council Offices, The John Locke Room, Silver Street, Wrington, North Somerset, BS40 5QE on Tuesday to Friday mornings between 9.30am and 12.30pm.

Any representation or objection relating to the Order must be sent in writing to Director of Development & Environment, North Somerset Council, Streets and Open Spaces, Town Hall, Walliscote Grove Road, Weston Super Mare, BS23 1UJ not later than **10 September 2014**, applicants are requested to state the grounds on which it is made.

If no representations or objections are duly made to the Order, or to any part of it, or if any so made are withdrawn, North Somerset Council, instead of submitting the Order to the Secretary of State (or part of it if the authority has by notice to the Secretary of State so elected under paragraph 5 of Schedule 15 to the Wildlife and Countryside Act 1981) may itself confirm the Order (or that part of the Order). If the Order is submitted to the Secretary of State for the Environment, in whole or in part, any representations or objections which have been duly made and not withdrawn will be sent with it.

Dated 30 July 2014

D Turner
Director of Development & Environment