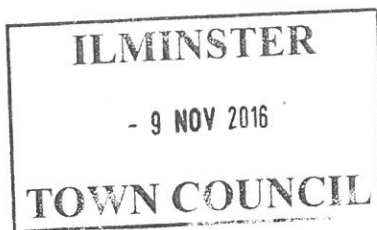


Somerset County Council

County Hall
Taunton
Somerset
TA1 4DY

30/11/16 msg left
Saying response
after 6/12/16

WWW.SOMERSET.GOV.UK



Agenda No 7

Miss J. Norris, Clerk
Ilminster Town Council
Council Offices
North Street
Ilminster
TA19 0DG

please ask for
Erica Darch

direct line
01823 356242

email
edarch@somerset.gov.uk

my reference
RW/533M

08 November 2016

Dear Miss Norris

WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53 APPLICATION **To upgrade footpath CH 32/20 (Green Lane) to a restricted byway, Ilminster**

The County Council has received an application from the South Somerset Bridleways Association. The Association believe that the above mentioned footpath in Ilminster (i.e Green Lane) has been wrongly recorded on the Definitive Map and Statement¹ and that it should in fact be shown as a Restricted Byway². The application therefore seeks to modify the Map and Statement to reflect this. The route in question is coloured blue on the enclosed plan.

To support their application the Association has submitted various historic documents. The applicant is of the opinion that the evidence demonstrates that, at some point in the past, higher rights existed over the route. If this is correct, and if those rights have not subsequently been extinguished or diverted, then they will still legally exist today and as such will need to be recorded on the Definitive Map.

I am in the process of investigating this claim and should be very grateful if you would assist by providing me with any information that you consider relevant. It would be particularly helpful if your council could provide any factual evidence relating to the route under investigation. I should be grateful if you would let me know the records you have retained, the years they cover and whether or not they reveal any information to help our enquiries. I realise that this may not be a simple task and so, if there is anything that I

¹ The Definitive Map and Statement are the legal record of public rights of way in the county.

² Restricted byways are rights of way which can be used by any member of the public on foot, horseback, bicycle or any other non-mechanically propelled vehicles such as a horse and cart.

can do to assist or if you would like any further information regarding the application or the process currently being followed please feel free to contact me.

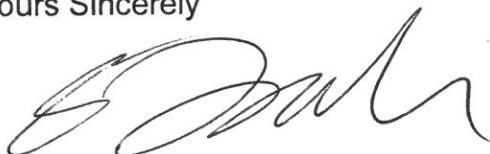
Under Section 53 of the Wildlife and Countryside Act 1981, the County Council has a responsibility to consider all applications of this type and to decide whether or not a legal Order should be made to amend the Map. Importantly, under the current legislation, opinions on the desirability or otherwise of the proposed modifications are irrelevant. Instead the County Council is tasked with deciding what, if any, public rights already exist over the routes in question. Further information about our responsibilities, the Definitive Map and the legal background to applications of this type can be found in Natural England's booklet entitled 'A Guide to Definitive Maps and Changes to Public Rights of Way'³.

It would be helpful if you were able to submit any evidence in the next 28 days. However, if you need more time, or if you have any questions concerning the application please let me know.

Please note that under the current rules governing Parish Councils I am afraid that I am unable to accept representations from a member of the Parish Council on behalf of the Council. The response from the Parish Council must come from the clerk (or the chairman if acting as clerk). To this end I should be grateful if you would add this consultation as an agenda item at your next meeting and send me a copy of the resolution.

Thank you for your help.

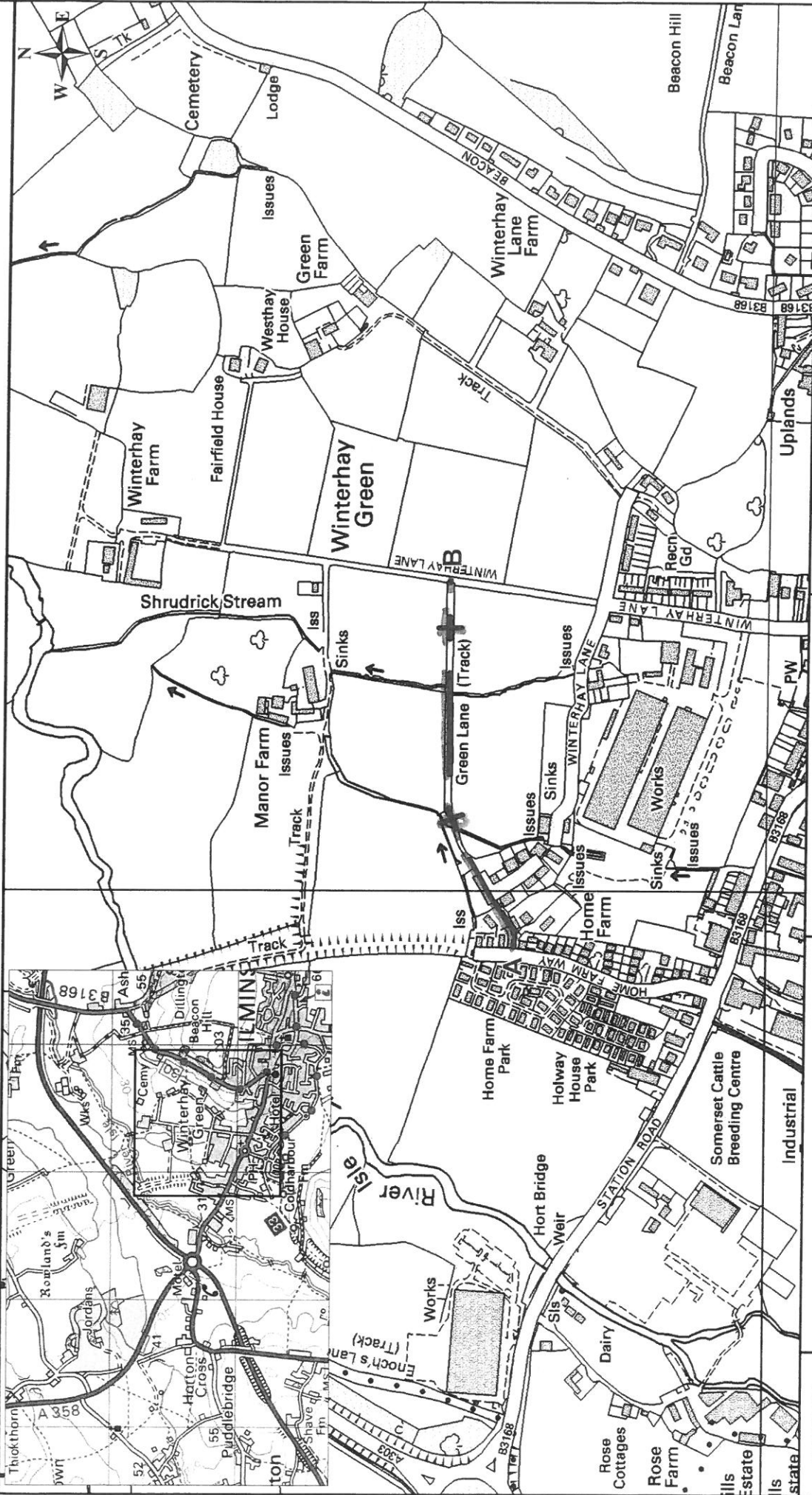
Yours Sincerely



Erica Darch
Rights of Way - Definitive Map Team

Please note that Somerset County Council is a data controller for the purposes of the Data Protection Act 1998. This Act regulates how we obtain, use and retain personal information. The information you supply will be used for the purpose of fulfilling our functions and duties, including those under the Highways Act 1980 and the Wildlife and Countryside Act 1981. Any information provided, including personal details will be available for public inspection, disclosed to interested third parties and may be used during public inquiries and other proceedings. By replying to this consultation you are consenting to your personal information being retained and used for these purposes.

³ A copy of which can be found on this page of their website:
<http://publications.naturalengland.org.uk/publication/31038>.



Claimed Restricted Byway over Footpath

Parish: Iliminster
 District: South Somerset
 Date: 26/10/2016
 Drawing No: H069-2016
 Drawn By: MHardwill
 Grid Ref: 334900 115370
 Scale: 1:6000



533M
 Section 53 Wildlife and Countryside Act 1981.
 Claimed Restricted Byway over Footpath CH 32/20 Green Lane, Iliminster

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 The County Council can accept no responsibility for any error or inaccuracy which may arise from the transposition of the Rights of Way Definitive Map to a different scale.