

**WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53 APPLICATION
UPGRADING FOOTPATHS WN 29/16, WN 29/17, WN 29/18, WN 7/28 TO
BRIDLEWAYS AT LILY LANE, CHARLTON HORETHORNE AND ABBAS AND
TEMPLECOMBE**



646M

Having read Robin Carr Associates' report dated 27th April 2018 I broadly support the conclusions which it reaches (i.e. that the Quarter Sessions records clearly establish that a public bridleway was created between B and E and that there is strong evidence that it continued over A-B)

However, Robin Carr Associates concluded that the bridleway created by the Quarter Sessions ran 'over a route similar, but not identical, to section B-E of the Application Route'. They particularly note that the application route and the route shown on the Quarter Sessions records diverge for part of the distance between point B and C.

It is agreed that, visually, the shape of the route shown on the Quarter Sessions plan does appear to correspond with the shape of the track which exists on the ground today between B and C. However, careful examination of the Quarter Sessions plan and the near contemporary Ordnance Survey maps leads me to conclude that the Quarter Sessions records created a public bridleway over the application route rather than the track on the ground.

The scale and lack of detail make the precise route a little difficult to discern from the line on the Quarter Sessions map alone (for example it has not been possible to georeference that map against modern mapping to a tolerable degree of accuracy). It is therefore helpful to consider other evidence in order to accurately interpret it.

Of particular assistance in this respect are the precise measurements in feet for each section of the route noted on the plan. Between B and C, those distances match the current recorded footpath (and application route) better than the track which physically exists on a different line between B and C today. Furthermore, an almost contemporaneous survey by the Ordnance Survey (County Series 1st Edition 25 inch map, surveyed in 1885, published 1887) shows a physical route in the position of the current recorded footpath and application route suggesting that this is what was constructed and agreed by the Justices only a few years earlier in 1880/81. Subsequently that route may have been physically lost and the current track come into existence, but there is no evidence that the public bridleway rights shown on the Quarter Sessions records in 1880/81 were subsequently diverted. Therefore, they still exist on the line of the application route.



Therefore I agree that:

- i an Order be made, the effect of which would be to upgrade from footpath to bridleway, the route shown A-B-C-D-E on Plan 1 (Appendix 1);
- ii if there are no unwithdrawn objections to such an order it be confirmed
- iii if objections are maintained to such an order, it will be submitted to the Secretary of State for Environment, Food and Rural Affairs.

Signed:



Senior Rights of Way Officer – Definitive Map
Somerset County Council

Dated: 10 June 2020