

Appendix 2. Photographs of the application route taken 2 December 2016.



Point B, taken from the verge of Cross Lane, looking south / south-east.



The wooden structure to the west of the field gate opposite Manor Farm at point B. The notices were placed by SCC as part of the consultation process relating to the investigation of this case.



Appendix 2, continued.



Point A, looking west towards point B (taken from definitive footpath AX 15/14).



Point A, taken from the verge of Cross Lane, looking south-west.

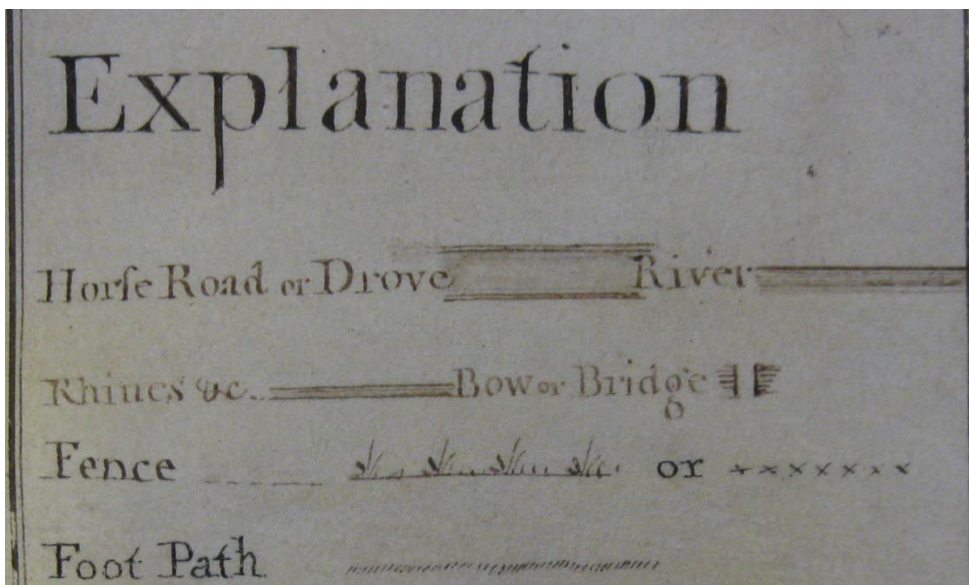


Appendix 3. Compton Bishop New Inclosures Map and Award 1778 – 1779.

Reproduced with kind permission of the South West Heritage Trust, reference: Q/RDE/117.



The red line indicates the approximate position of the application route in relation to the map (not to scale).

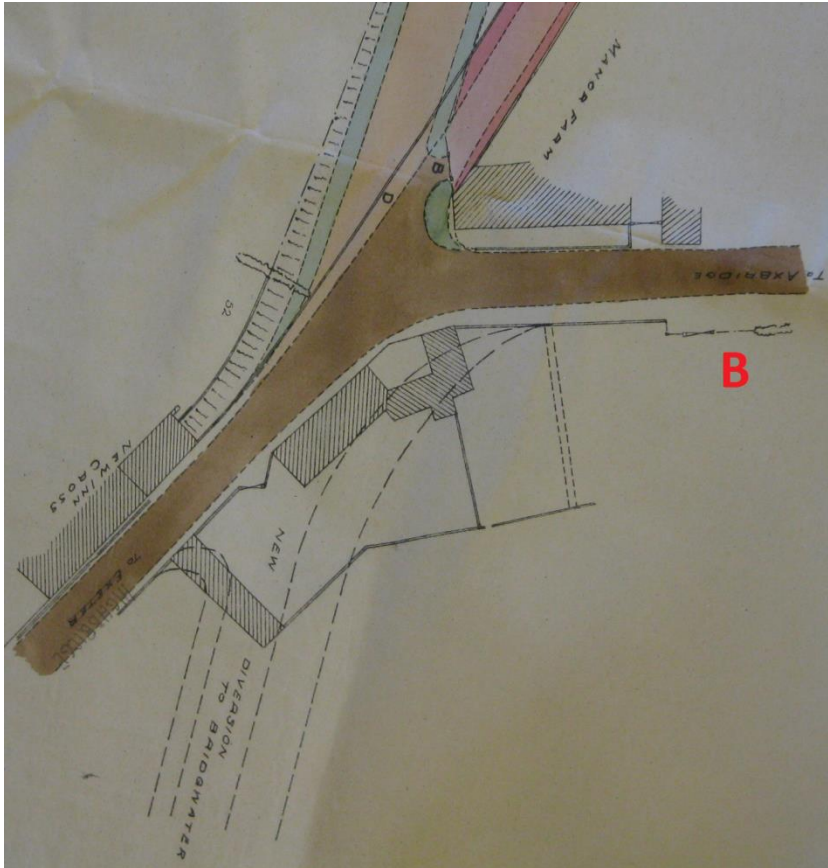




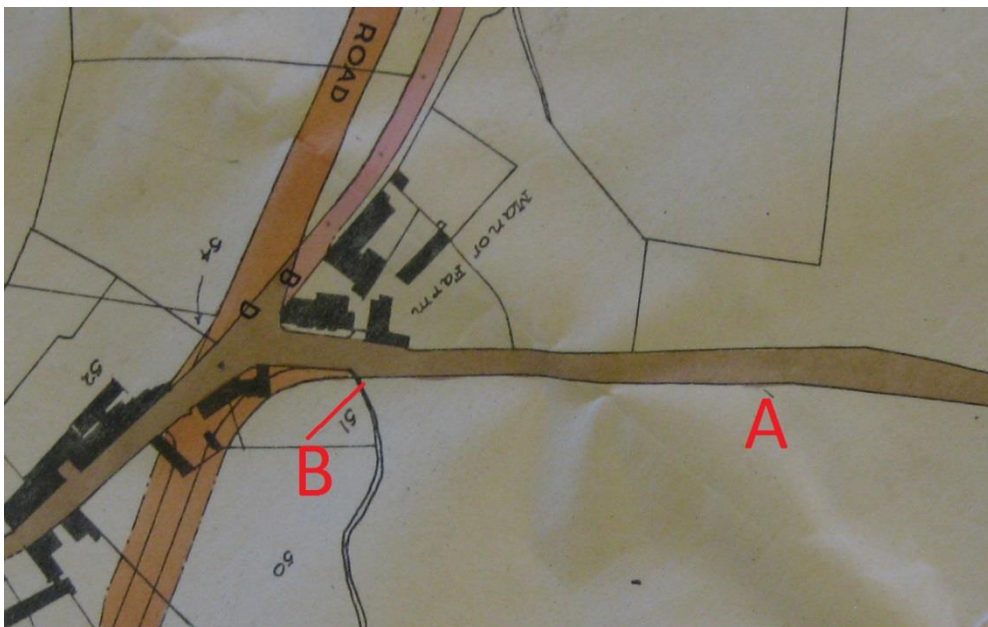


Appendix 4. Sessions roll for Epiphany 1928: Papers relating to the stopping up and diversion of the A38 at Compton Bishop 26 October 1927.

Reproduced with kind permission of the South West Heritage Trust, reference: Q\SR\910/12 – 33.



Enlarged inset.



Main plan.





Appendix 5. Compton Bishop Tithe Map and Apportionment 1838 – 9.

Reproduced with kind permission of the South West Heritage Trust, reference D\D/Rt/M/68 (map) and D\D/Rt/A/68 (apportionment).



The red square is of no significance to the investigation.





Appendix 6. Ordnance Survey 1:2500 Sheet XV11.16.

We are awaiting permission to reproduce this / these document/s. If you wish to see the document, please visit the National Library of Scotland website Map Images section, <http://maps.nls.uk/>

1886 (Surveyed 1884)

1903 (revised 1902)

1930 (revised 1929)





Appendix 7. Ordnance Survey 1 inch: 1 mile Sheet 280, 1898.

We are awaiting permission to reproduce this / these document/s. If you wish to see the document, please visit the National Library of Scotland website Map Images section, <http://maps.nls.uk/>





Appendix 8. Ordnance Survey 1:25000 Sheet ST45, 1959.

We are awaiting permission to reproduce this / these document/s. If you wish to see the document, please visit the National Library of Scotland website Map Images section, <http://maps.nls.uk/>









Appendix 10. Definitive Map.





Appendix 11. Highways records (SCC).

A - Extracts from minutes of meeting WS Atkins 23/08/2001

4. Pedestrian Safety

It is believed that pedestrians potentially require access along Cross Lane and with the existing traffic and the absence of footpaths adjacent to the road it is very dangerous to attempt. There is a footpath route marked on the Ordnance Survey Map along the majority of the field that runs parallel with Cross Lane.

While considering the increased traffic that would be diverted into Cross Lane it was agreed that the footpath details on the edge of the fields be looked into. Clarification as to the requirements of the residents and the farmer whose fields it adjoins is required via consultation with local authorities.

7. Consultation

Consultation with Parish & County Councillors is very important at this stage. A list of initial contacts are given below:

Denis Underhill – County Councillor  
Tel: [redacted] (work)  
Tel: [redacted] (Business) \*  
E-mail: [dgunderhill@somerset.gov.uk](mailto:dgunderhill@somerset.gov.uk) + [redacted]

Meeting @ ANDRIDGE TOWN HALL  
15th/17th SEPT (9.45-10 am)  
KATE BROWN: CLERK

B - 09 2001



Appendix 11 continued.

C - 09 2001



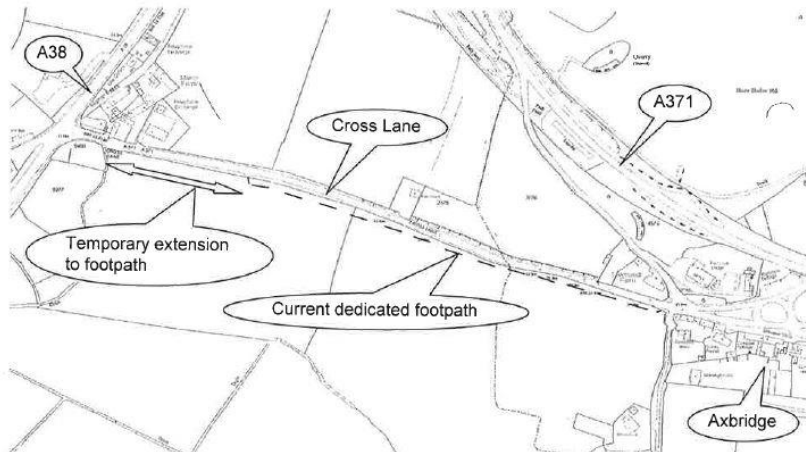
WS Atkins Wessex Consultancy

SCHEME: County Bridge Strengthening  
STRUCTURE: Axbridge Interchange

Document No: BP0656/200

Date: September 2001  
Revision: A

Map of Footpath



D- Extract from minutes of meeting SCC / WS Atkins 17/09/2001.

### 3. Pedestrian safety

It was confirmed that the right of access along the side of the field parallel to Cross Lane continues approximately three quarters of the length of Cross Lane. There is also a temporary footpath running parallel to the single lane access up to the A371.

It was agreed that consultation with the respective farmers [redacted] & [redacted] will be necessary to discuss these footpaths to see if a more permanent surfacing can be arranged to ensure pedestrian and cyclists safety is not compromised.



Appendix 11 continued.

E - Letter from WS Atkins to landowner 25/09/2001.

**WS Atkins Consultants Limited**

Wessex Consultancy

Providing Services on Behalf of Somerset County Council

Your ref

Our ref BP0656.200/007

Date 25<sup>th</sup> September 2001

Compton Estates  
Axbridge  
Somerset



WS Atkins Consultants Ltd  
Wessex Consultancy  
The Crescent  
Taunton  
Somerset TA1 4XE

Telephone (01823) 353433  
Fax (01823) 353430

Direct Line (01823) 358173

12

Dear Sir or Madam:

**BRIDGE STRENGTHENING WORKS - AXBRIDGE INTERCHANGE BRIDGE  
A371 AXBRIDGE BYPASS**

I am writing to you at this time to notify you of the bridge strengthening work that is being planned for January 2002.

The strengthening work is necessary to ensure that that bridge passes all present standards of safety.

To carry out this work in the shortest time we intend closing the A371 over the bridge and diverting traffic along a number of diversionary routes. This will increase traffic volumes along Cross Lane and the single lane access onto the A371.

Having spoken with council members including Lis Scott and Mike Taylor we understand there is a right of access along the edge of the field that runs parallel with Cross Lane (as indicated on the attached map).

In light of the increase in traffic expected along Cross Lane, any pedestrian movement along this road would be very dangerous.

To ensure the safety of all road users we would like your comments about whether we could create a hard surfaced gravel path along the right of access on the edge of the your field to allow pedestrians an all weather access. We would also suggest that we install a fence to prevent pedestrian access onto the fields. Could the footpath be extended to continue along the field edge up to the end of cross lane?

Your comments would be greatly appreciated. Please could you contact me on my direct telephone number to arrange a meeting or alternatively my Email address is: [redacted]@wsatkins.com

Yours faithfully

Jeremy Newman  
Project Engineer



Appendix 11 continued.

F - Record of telephone conversation in reply to E, above.

WS/Atkins		QUALITY ASSURANCE SYSTEM	
TELEPHONE MESSAGE RECORD			
Project	Number	BP0656.200	Date 27/09/01
	Name	AXBRIDGE INTERCHANGE	Time 14 100
Call made By:	MR IAN CRAWFORD	Tel No	PHONE/FAX 01934 732257
	Of: COMPTON BISHOP ESTATES		ESTATE OFFICE 01934 733358
Received By:	JEREMY NEWMAN	Tel No	
	Of: WS ATKINS		
MESSAGE: REPLY TO LETTER ENQUIRING ABOUT EXTENSION OF FOOTPATH TO END OF CROSS LANE.			
IAN EXPLAINED THAT THE FIELD IS GOING TO BE SOLD & HE WOULD SPEAK TO THE PROSPECTIVE OWNERS TO SEE IF THEY ARE SYMPATHETIC.			

G - Extract of email from WS Atkins to DEFRA 27 September 2001

The diversions along cross lane will increase the already dangerous Cross Lane for pedestrians and we would therefore like to lay a 40mm thickness of tarmac as a temporary measure on the footpath for the duration of the diversions. The diversions will last approximately 3 months from the beginning of January 2002.

This temporary hard surface would then be removed and the footpath restored to a better condition which exists at the moment. Currently there is no visible footpath partly due to the lack of use and overgrowth.

Also we would like to continue the existing footpath up to the end of cross lane. I understand that the land owned by Compton Bishop Estate is potentially soon to be sold and therefore this would have to be discussed with the new owners. Ian Crawford will be discussing this matter with them to see if this is possible.

Appendix 11 continued.

H - Memo from SCC Environment and Property to WS Atkins, 26 October 2001

10/103  
12/11/01  
26/10/01  
Environment & Property  
29 55  
JN

(20)

Date: 26 October 2001

MEMORANDUM	
FROM: Tom Reeves Valuation & Estates	TO: Jeremy Newman WS Atkins C Block
EXT: 5394	COPY:
REF: H/A207/E/00	REF: BP0656.200/012

**Axbridge Interchange Bridge Strengthening Scheme**

I met [redacted] on site yesterday to discuss the above. I am dealing with him, as opposed to Ian Crawford, as he is confident that his purchase will be completed shortly in which case he can grant a licence as the land owner. I do not anticipate any difficulties with the monetary compensation but he is concerned about the access at the junction at the western end of Cross Lane, in approximately the position in red on the plan attached. At present there is a field gate which he wishes to keep locked. He is asking for a style. It seems to me that if the gate were to be re-hung on a temporary gate post, slightly into the field, then a style could be erected between the existing gate post and the temporary one. Clearly when the works are finished the style could be removed with minimum disturbance. I write to enquire whether you are content for me to say to [redacted] that such a temporary arrangement can be installed by the contractors as an accommodation work. I look forward to hearing from you.

[redacted]

Tom Reeves  
Valuer



Appendix 11 continued.

I - Photographs dated October 2001



Point A looking west towards point B.



Stile at point A.

Appendix 11 continued.

J - Extract from a Works Order, dated 17/10/01 but accompanying minutes of a WS Atkins meeting dated 01/12/2001

- |            |  |
|------------|--|
| 40 999 10  | Installation of a temporary style to the A38 end of the footpath next to an existing gate by installing a new temporary gate post and positioning the style between existing and new gate posts. The style & temporary gate post will be removed after the diversions end and the gate adjusted to its original position |
| 40 999 10] | Minor repair to existing style halfway along footpath and increase middle plank width  |
| 40 999 10  | Cut grass short (a metre wide strip) all the way along footpath  |



Appendix 11 continued.

K - Extract of email from WS Atkins to landowners 10/12/2001

```
> *
> FAO: [REDACTED]
>
> Dear [REDACTED]
>
> Further to your agreement for the temporary footpath we shall be
installing
> a number of small signs indicating the extent of the footpath. We
> intend
to
> install an extra A4 size sign confirming the temporary nature of the
> footpath across your land.
>
> Please find attached a copy of the sign for your information on
> 'Microsoft PowerPoint'. If you are unable to read this document the
> proposed text are detailed below. This information will be printed on
> an A4 sign with the Somerset County Council logo and WS Atkins logo.
>
> Text:
>
> * THIS SECTION OF FOOTPATH IS TEMPORARY AND HAS BEEN AGREED WITH KIND
> PERMISSION OF THE LAND OWNER FOR THE DURATION OF THE BRIDGE
> STRENGTHENING WORKS.
>
> * THIS TEMPORARY FOOTPATH WILL BE AVAILABLE FROM THE BEGINNING OF
> JANUARY 2002 UNTIL THE END OF MARCH 2002.
>
>
>
>
> Your comments concerning the sign would be greatly appreciated. If you
would
> like to add anything that you feel should be on the sign, please let
> us
know
> and we shall arrange this for you.
>
> If you require any further information please do not hesitate to
> contact
the
> undersigned.
>
> Kind Regards,
>
> Jeremy Newman
> WS Atkins - Project Engineer
>
```

Appendix 11 continued.

L - Agreement between landowners and WS Atkins / Somerset County Council, 10 December 2001. Page 1.

### Environment & Property Department

N Farrow MA (Dxon) DMS MCIPD Corporate Director  
County Hall, Taunton, Somerset TA1 4DY  
Tel: (01823) 355455  
Fax: (01823) 356113/356114/356107



please ask for  
Tom Reeves

extension  
5394

my reference  
HU/A207/E/00/  
TAJR/dg

your reference

7 December 2001

Dear [REDACTED]

#### AXBRIDGE INTERCHANGE BRIDGE STRENGTHENING SCHEME LAND FOR TEMPORARY FOOTPATH

I refer to our meeting on 25 October last, our subsequent correspondence and recent telephone conversation in connection with the above.

I note that you have now completed on the purchase of the subject land.

I write to confirm the terms which I am prepared to recommend for the temporary use of part of your field for the purpose of providing a temporary footpath during the bridge strengthening works and to which I invite your agreement. I understand that it is intended that the repair works will be carried out in a period lasting three to five months commencing at the beginning of January 2002. I intend to adopt an informal licence in letter form upon the following terms and conditions:-

- 1) LICENSOR: [REDACTED]
- 2) LICENSEE: Somerset County Council, County Hall, Taunton, Somerset TA1 4DY.
- 3) LICENCE AREA: As shown coloured pink on the plan attached, measuring approximately 120 metres in length and approximately 2 metres width, running along the northern edge of the field.
- 4) USE OF THE LAND: To provide land for use as a temporary footpath.
- 5) TERM: For a period of five months commencing 1 January 2002 but to terminate a maximum of two weeks from the completion of the works if sooner (by which date the stile and temporary signs shall be removed - see paragraph 9 below).
- 6) CONSIDERATION: A payment to the Licensee of [REDACTED] if, by agreement, the licence is to continue beyond the term shown under paragraph 5 above then the additional payment shall be [REDACTED] (pounds) per month or part thereof. (The purpose of this clause being to deal with any unforeseen eventuality whereby the bridge works are not completed during the anticipated time scale).



Simon Hurrell County Property Services Officer Stuart Jarvis County Planning & Transport Officer  
Julie Clarke Head of Consultancy & Management Services  
Paula Brooks County Waste Services Manager



Appendix 11 continued.

M continued - Agreement between landowners and WS Atkins / Somerset County Council, 10 December 2001.

Page 2

- 7) ACCOMMODATION WORKS: A temporary stile will be provided at the junction of the western end of the temporary footpath and the public highway, the precise location/ specification of which to be agreed between WS Atkins (Jeremy Newman) and [REDACTED]. The footpath will be identified by signs specifically explaining that such footpath is temporary and only for the duration of the works. Likewise the precise wording may be agreed with Jeremy Newman.
- 8) INDEMNITY: The Somerset County Council will fully indemnify the Licensor against any claims, actions, demands or proceedings which may arise out of the County Council's/its approved contractors' temporary use of the land.
- 9) REINSTATEMENT: Upon completion of the works, the licence area shall be reinstated to the reasonable requirements and satisfaction of the Licensor. The temporary stile and signs will be removed within two weeks of the end of the contract.

I trust that the above terms and conditions are acceptable to you in which case I shall be grateful if you will sign and return the attached copy of this letter (marked for the attention of Tom Reeves, Environment and Property Department, County Hall, Taunton TA1 4DY) to indicate your agreement. In due course I shall arrange for a cheque (made payable to [REDACTED]) to be requisitioned and forwarded to you at your above address.

In the meantime, may I take this opportunity of thanking you for your co-operation in this matter.

Yours sincerely

[REDACTED]  
T A J Reeves FRICS  
Valuer

I hereby agree to the aforementioned terms and conditions.

Signed [REDACTED] [REDACTED]

Dated 10/12/01 10/12/01

Appendix 11 continued.

M - Agreement between landowners and WS Atkins / Somerset County Council, 10 December 2001. Page 3 (map)



N - Extract from letter from landowner to WS Atkins / SCC 10/02/2002

You will recall that we agreed a licence with yourselves for a temporary extension to the existing footpath in the field alongside Cross Lane to the A38 end of the field opposite Manor Farm. You will also recall that we are anxious to keep our gates locked for security and for this reason the licence therefore includes for a temporary stile at the A38 end of the temporary footpath.

The bridge strengthening works have commenced and temporary footpath signs erected but no temporary stile. As a consequence the chain used to keep our gate secure has been ripped off and we have had to provide a new one.

This is somewhat irritating as contractors have entered our land without notice, our knowledge or consent and have removed our existing stiles and have erected bridleway gates in their place rendering our field no longer stock proof.

O - Extract from a memo from SCC to WS Atkins regarding the above letter.

justifiably so. I shall be grateful if you can sort out the installation of the stile as, frankly, this is a term of our agreement with him. In addition, please could you investigate the question of contractors

Appendix 11 continued.

P - Extract from email from Compton Bishop Parish Council to WS Atkins.  
14/02/2002.

But.. [REDACTED] to discover there's always a down-side: I'm told, from a usually reliable source!, that the top and bottom gates have now been chained and padlocked. The bottom one doesn't matter too much since the temporary extension is in place but I'm told the action on the top one is making conditions very difficult if not impossible for those, especially the more elderly, who walk from Cross to Axbridge to do their shopping. [REDACTED]



Appendix 12. Parish File for Compton Bishop (held by SCC) and relating to PROW issues) reference RW1/21 file 2.

A - 20 May 1996 SCC internal memorandum, attached plan and transcript of memorandum.

*To: B. Twist  
Rights of Way  
C702*

Somerset County Council  
V/21  
Environment  
Department

**INTERNAL MEMORANDUM**

From: *I. Connell* Date: *20.5.96*  
Tel ext: *5617* Reference: *HD/ES/0346/2/11C*  
Room no: *CH02* Subject:  
Section: *SCE*  
MESSAGE

Cross to Axbridge

*Further to our recent telephone conversation, I attach an extract from a plan showing Hous Farm at Coos, near Axbridge. The plan is owned by Compton Bishop Rectory and its agent is [redacted] (It had discussions with [redacted] in 1976 regarding proposals for a footway/bridleway in the area which did not seem to flourish). [redacted] has contacted me regarding a problem with rambles using the access opposite Hous Farm and leaving the gate open. He would like to prevent this happening on safety grounds and also suggests putting a stile at the entrance. Further east along the A371 where the public footpath commences.*

*I have advised [redacted] that he should speak to the Rights of Way Section concerning this matter (contact Mr. B. Twist) and understand that he will contact you by phone on 21/5/96.*

*Should you require any further information please do not hesitate to contact me. [redacted] phoned (which began today) but agreed not to write you the 2nd gate. Two persons (children) had been considered/road widening/footpath & made Leach's shelter came to attention. Transport had been involved. Stile washed alongside gate. [redacted] passed to J. Quake with recommendation that a stile be provided 2) stile at 1st gate. No public path - PP -> 3) stile at 2nd gate. PP note here/initials*

*I. Connell*

Message prepared using your Vision Desktop  
Please Print to 'Vision' if possible  
Somerset County Council  
Send replies to: *mailto:scce@scce.somerset.gov.uk*

TRANSCRIPT

Somerset County Council Environment Department  
Internal Memorandum

To: B. Twist  
Rights of Way  
C702

From I. Connell  
Tel ext 5617  
Room no CH02  
Section SCE  
Date 20.5.96  
Reference HD/ES/0346/2/IDC  
Message

CROSS TO AXBRIDGE

Appendix 12 A continued.

Further to our recent telephone conversation I attach an extract from a plan showing Manor Farm at Cross, near Axbridge. The farm is owned by Compton Bishop Estates and the agent is [REDACTED] (I had discussions with [REDACTED] in 1994 regarding proposals for a footway / cycleway in this area which did not come to fruition).

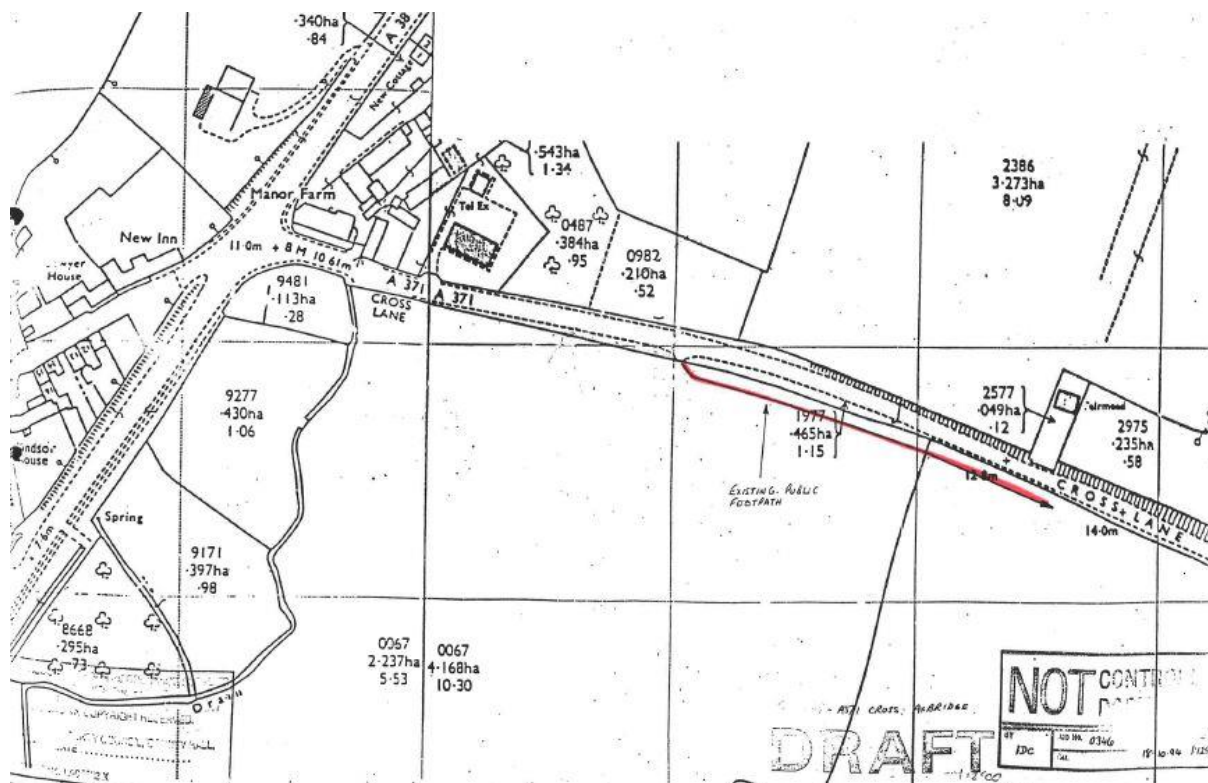
[REDACTED] has contacted me regarding a problem with ramblers using the access opposite Manor Farm and leaving the gate open. He would like to prevent this happening on safety grounds and also suggests putting a stile at the entrance further east along Rd A371 where the public footpath commences.

I have advised [REDACTED] that he should speak to the Rights of Way Section concerning this matter (contact Mr B. Twist) and understand that he will contact you by phone 21/05/96.

Should you require any further information please do not hesitate to contact me.

[REDACTED] phoned (week beginning 20 May 96) BUT agreed def route goes to the second gate. Two previous schemes had been considered / Road widening / Footpath & cycle track. Neither came to fruition. Temperley had been involved. Stile wanted alongside gate BUT passed to J. Searle with recommendation that

- 1) stile be provided
- 2) Notice at the gate No public path + FP →
- 3) Notice at second gate FP ends here / rejoin road.



Appendix 12 continued.

B - Documents faxed to SCC together.

Bi. 21 April 2002. Letter from Compton Bishop Parish Council to landowners, sent to SCC as a fax.

21: LAM TABRETT 01504 732219 Jun. 29, 2022 10:46 AM P03

*-7/6/02 Faxed to Audrey Westall  
SCC rights of way section*

**Compton Bishop Parish Council**  
Email [ComptonBishopPC@hotmail.com](mailto:ComptonBishopPC@hotmail.com)

Chairman  
Patrick Simpson  
[Redacted]

Clerk  
Amenda Lane  
[Redacted]

21 April 2002



Dear [Redacted]

**Cross Lane Footpath**

Firstly, thank you for your time on the telephone when our Clerk contacted you last week.

As you are aware, many people from Cross, Compton Bishop and Axbridge, benefited recently when you kindly allowed them to use of your land to effectively extend the footpath while road works were being carried out. There are plans to improve the existing footpath, and we wondered if this would be an appropriate time to explore with you any possibilities of extending the footpath on a more permanent basis.

Obviously this would require a great deal of thought and consideration on your part, but if there were any possibility I would welcome an opportunity to discuss a way forward with you.

Yours sincerely

Patrick Simpson  
Chairman

Appendix 12 continued.

Bii. 23 June 2002. Text of email sent to SCC as a fax, hand dated '23/06/02' (not shown on image).

Dear [REDACTED]

As you will know from our own previous contact as well as the letter to you from Compton Bishop Parish Council chairman Patrick Simpson dated April 21, and subsequent contact by our clerk Amanda Lang, our PC is concerned about the danger to users of the Cross Lane public footpath being forced by the existing entrance/exit to walk a considerable stretch of the western end of the narrow and very busy main road where there is no pavement.

The PC was most grateful to you for allowing the temporary permissive extension to opposite Manor Farm during the congestion caused by the Axbridge bypass bridge strengthening work, and we know how much it was appreciated by residents of Cross.

Clearly the path is extremely well used - among others by villagers going to the shops in Axbridge, and by students of Cheddar's K&W School - and the PC has received a number of complaints since the temporary stile was taken out of use last week.

The PC is hoping that in the interests of safety you would consider allowing the temporary permissive extension of the footpath to become a permanent permissive path, and would like to invite you to the next meeting at the Memorial Hall, Cross, on Wednesday July 3 at 7.30pm - to discuss the situation.

Perhaps you could let me know if this is convenient so the matter can be included on the agenda.

With best wishes

Ian Tabrett  
Vice-chairman, Compton Bishop PC

Biii. 25 June 2002. Text of email from Landowners to Compton Bishop Parish Council, sent to SCC as a fax.

*(rec'd by e-mail 25/6/02)*

Dear Mr Tabrett,

Thank you for your message about Cross Lane footpath.

Whilst we understand the desire to improve pedestrian safety along Cross Lane, we do not want to consider any changes to the arrangements in isolation at the present time.

Regards

[REDACTED]

Appendix 12 continued.

C. 28 June 2002. Memorandum referring to the above documents.

*Somerset Property Services*

Date: 28 June 2002

MEMORANDUM	
FROM: Audrey Westall	TO: Rowena Smith
EXT: 6264	COPY:
REF: RW 1/21	REF:

**Footpath at Compton Bishop**

I received a telephone call from Mr Ian Tabrett who is the vice chairman and footpath officer for Compton Bishop Parish Council.

They are having a parish council meeting next Wednesday evening and this footpath is likely to be on the agenda.

The footpath in question is used a great deal by locals, school children and also by rambblers, but it exits onto a very busy stretch of road which has no pavement. Because of the quarry traffic and other heavy usage the road is not suitable for walking the rest of the way to Cross. Very dangerous with no room for passing with pedestrians an heavy traffic.

Recently a temporary extension was granted by the landowners while W S Atkins were doing essential bridge maintenance in the area. This brought the walkers out much further down the road and after crossing the busy road they were on pavement (at the crossroads near to Manor Farm).

As the work is now finished the temporary gate at the cross roads is now no longer available for them to use and some additional road works (using JCB to clean ditches) made it impossible for walkers to be on that stretch of road. [REDACTED] went home and used his car instead).

They recently wrote to the landowners to see if they would grant permission for the continued use of the path to the crossroads but the reply was that they did not wish to. (copies of correspondence to be faxed to me).

Is there anything that we can do ? I said that I would pass this information on.

The Landowners Are A [REDACTED]

Mr Tabrett's phone number is [REDACTED]



Appendix 12 continued.

D - 9 July 2002. Fax from SCC to Compton Bishop Parish Council.

## FAX MESSAGE



Environment and Property Department  
County Hall  
TAUNTON  
TA1 4DY

Fax: 01823 356107  
Tel No: 01823 355455

TO: Mr I Tabrett - Vice Chairman Compton Bishop Parish Council	FROM: Rowena Smith - Group Manager, Rights of Way
FAX NO: [REDACTED]	DATE: 9 July 2002

No. of Pages (including this sheet) 2

If transmission is not received satisfactorily, please telephone the sender on either  
Ext5417 or direct on (01823) 355417

SUBJECT: Temporary Footpath Extension to Cross

MESSAGE:

MESSAGE:

Dear Mr Tabrett

Mrs Westall has passed your query to me regarding the creation of a permanent footpath link to Cross.

There are two ways in which a footpath can be added to the Definitive Map in a situation like this; the first is by agreement with the landowners and the second is by way of a compulsory creation order. The first option is the quickest, most straightforward and cheapest option, but I understand that the approach from the Parish Council on this subject has already been refused. The compulsory creation of a public footpath would be expensive, time consuming and may not necessarily succeed. These are the only options open in a situation like this, although an offer to buy the land may overcome the landowner's objections and it would then be possible for the Parish Council to dedicate it to the public. I do not know if the Parish Council would be in a position to make such an offer.

Alternatively, you may wish to consider approaching Andrew Combes, the County Council's

"Safe Routes to School" officer, for advice on this, as I understand the footpath is used by school children. He may be able to come up with some different options to solve the problem. He can be contacted on Taunton (01823) 355412.

I am sorry I cannot be more helpful.

Yours sincerely

R L B Smith (Mrs)  
Group Manager  
Rights of Way

Appendix 12 continued.

E - 17 July 2002. Letter from Compton Bishop Parish Council to SCC.

**Compton Bishop Parish Council**

C/o The Clerk [REDACTED]

Mrs R.L.B Smith  
Group Manager Rights of Way  
Environment & Property Dept.,  
County Hall,  
Taunton  
Somerset TA1 4DY



17<sup>th</sup> July 02

Dear Mrs Smith,

Thank you for your letter date July 12<sup>th</sup>. We note the points you make but clearly cannot be held responsible for the content of any report of our meetings, which may appear in the media.

Of course, we share your gratitude to [REDACTED] for allowing the temporary extension to the Cross Lane footpath for the duration of the Axbridge bypass bridge strengthening. The extension and the relief it gave from the increasingly heavy traffic on the main road was much appreciated by the many parishioners, including school students, who use the path. Its closure again led to a number addressing our July meeting to express their concerns.

Following your letter dated July 9<sup>th</sup> to my vice-chairman, Cllr Ian Tabrett, we have made a further approach to [REDACTED] for an informal meeting to discuss any ideas they have for the future of the path; as a small parish with extremely limited funds we feel we are not in any position to purchase the land, but hope that in consultation with the [REDACTED] we may be able to act as the focus for funds from other organizations.

When we have received a response from [REDACTED], we will indeed approach SCC's "Safe Routes for School" officer and no doubt will contact your office again for further help and advice.

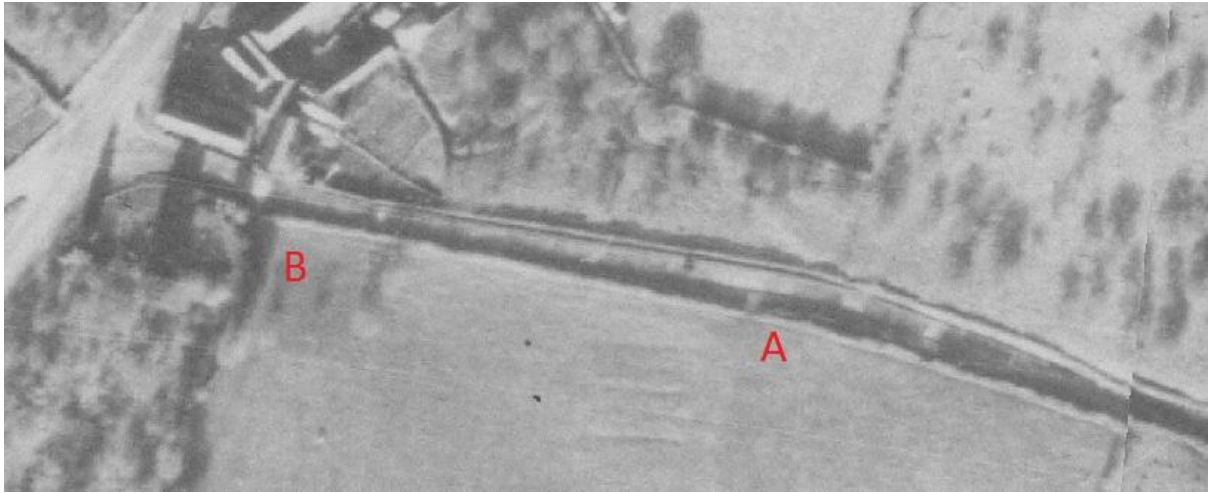
Yours sincerely,

[REDACTED]

Mr Patrick Simpson  
The Chairman Compton Bishop PC



Appendix 13. Aerial photograph 1946.







Appendix 14. Google Earth Images 1999 – 2001, 2006 and 2009



1999 / 2001. Attribution: Google Earth © 2017 Infoterra Ltd & Bluesky



2006. Attribution: Google Earth © 2017 Infoterra Ltd & Bluesky

Appendix 14 continued.



2009. Attribution: Google Earth © 2017 Infoterra Ltd & Bluesky

Appendix 15. Opinion, submitted by the applicant.

**COFFIN LANE CAMPAIGN**

**CROSS LANE FOOTPATH**

---

**OPINION**

---

1. I am asked to advise the Coffin Lane Campaign as to the strength of their claim for a length of footpath to be added to the Definitive Map and Statement which is maintained by Somerset County Council in accordance with Part III of the Wildlife and Countryside Act 1981.
2. For the reasons which follow in my opinion there is cogent evidence which establishes the existence of a public right of way and there is a compelling case for the County Council to make a Modification Order under the terms of the 1981 Act.
3. The length of footpath, referred to as the application footpath, is shown on the plan included with my Instructions as extending from point D in the northwest corner of Moorland Farm field to point C, where it connects with a public right of way for pedestrians. This public footpath (recorded as PROW AX 15/14 on the Definitive Map) continues along the northern edge of Townsend Farm field to point A, which is in Axbridge.
4. Historically it is reputed that the whole length of the route from A to D was used by the public. It connected Axbridge with Compton Bishop. The workhouse in Axbridge

## Appendix 15, continued.

was established in 1830, and the footpath, then known as Coffin Lane, was used, inter alia, for carrying coffins from the workhouse for burial in Compton Bishop Church Yard.

5. However there is no documentary evidence which confirms this historic public use.
6. The application footpath was accessed at its western end by a gate at point D. There is some evidence that it was chained for the protection of livestock when this was in the field, although it appears that this did not prevent public use of the footpath, and was not intended to. At some stage the estate manager, Mr Crawford, arranged for a stile to be erected at point D in order to facilitate pedestrian access. Prior to 2002, at least, it is apparent that the owners were clearly aware of the use of the application footpath, acquiesced in the use and took no steps to prevent it.
7. In 2001 the Compton Bishop Estate was sold to [REDACTED]. In 2002 or 2003 (it is not clear precisely when) they took steps to prevent the continued use of the application footpath: dismantling part of the stile, erecting a notice and locking the gate at point D. For those walking towards Cross on the public footpath it then became necessary to leave the footpath at point C and continue towards Cross Village by walking along the A 371. This is a busy and dangerous road, without a footway, and is unsafe for pedestrians. If a public right of way from C to D is established this would avoid the need to walk in the busy road. Some intrepid local residents have continued to walk along the application route, but it is clear that, since 2002 or 2003 the landowners have been taking steps to prevent this.

Appendix 15, continued.

8. The issue which therefore arises is whether, notwithstanding the landowners' actions, the application footpath is a public right of way, and whether the landowners are entitled to prevent its use.
9. As I have mentioned above, despite the reputation of its historic use, there is no documentary evidence which establishes whether there is a public right of way along the route of the application footpath. However evidence of long user may establish that a right of way has been created through the presumption of dedication in accordance with section 31(1) of the Highways Act 1980. This provides that, where a way over land has been enjoyed by the public as of right and without interruption for a full period of 20 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 that, in considering the period of 20 years, this is to be calculated retrospectively from the date when the right of the public to use the way was brought into question.
10. The first question to consider therefore is when, in this case, the right of the public to use the application footpath was brought into question. It is clear from the user evidence which has been collected that prior to the acquisition of the Estate by [REDACTED] [REDACTED] there was extensive unchallenged use in which the owners and their manager acquiesced. However circumstances changed when [REDACTED] bought the Estate. At some time in 2002 or 2003 they took steps to prevent the continued public use of the application footpath. As I have mentioned above, these steps included dismantling part of the stile, erecting a notice and locking the gate at point D. For the purposes of this opinion it seems to me therefore to be appropriate to



## Appendix 15, continued.

regard 2002 as the date when the use by the public of the application route was brought into question by the landowners' action.

11. It is then necessary to consider whether, prior to that date, there was user as of right by the public for a full period of 20 years without interruption.

12. The evidence forms which have been completed indicate that there was indeed continuous use by the public for a period extending back more than 20 years, to 1968 at least.

13. For this use to be 'as of right' it must be shown that the use was not by force, stealth or with permission.<sup>1</sup>

14. There is no evidence that the use which took place was not peaceable, in the sense of breaking down fences or wilfully flouting or tearing down notices which prohibited entry. Moreover the use was open and conspicuous, and thus not by stealth. So far as permissive use is concerned, the only person who mentions seeking express consent is [REDACTED]. Otherwise it appears that permission was not asked for or granted. Notwithstanding this, the use by the public was such that the landowners were clearly aware of it and indeed, although this did not amount to express consent, took steps to facilitate the public use. As mentioned above, Mr Ian Crawford arranged for a stile at point D to make access for pedestrians easier and so, even when the gate was chained for the protection of livestock, this did not amount to an interruption of the public's use.

15. In my opinion therefore, based on the completed user forms there is cogent evidence of uninterrupted public user as of right for a period of 20 years prior to 2002. There is

---

<sup>1</sup> Nec vi, nec clam et nec precario

## Appendix 15, continued.

no evidence of any lack of intent to dedicate during that period. Consequently I consider that a public right of way on foot over the application footpath should be presumed to have been dedicated in accordance with section 31 of the 1980 Act.

16. Section 53 of the Wildlife and Countryside act 1981 provides that the County Council should maintain, and keep under continuous review, the Definitive Map and Statement which records public rights of way.

17. Where evidence is discovered which shows a right of way not shown on the Map subsists or is reasonably alleged to subsist the Council should make an order, known as a Modification Order, adding the right of way to the Definitive Map. When it is added to the Map that is then conclusive as to its status, see section 56 of the 1981 Act. The procedure for making and confirming Modification Orders is set out in Schedules 14 and 15 of the 1981 Act. The process involves two stages: first the County Council making an order in accordance with schedule 14. If, as is likely, there are objections Schedule 15 applies and an inquiry is held where the evidence of use can be tested.

18. As stated above, the test for making an Order is a low one: when the evidence shows that the way subsists or *is reasonably alleged to subsist*. The Court of Appeal have held that, as long as there is credible evidence of 20 years user as of right, it would be appropriate for the County Council to make the order under Schedule 14 and allow the matter to go forward to be tested at inquiry, see *R v Secretary of State for Wales ex p Emery* [1998] 4 All ER 367 CA.

19. In this case there is manifestly sufficient credible evidence to justify the making of an order. Indeed in my opinion the evidence is compelling.

Appendix 15, continued.

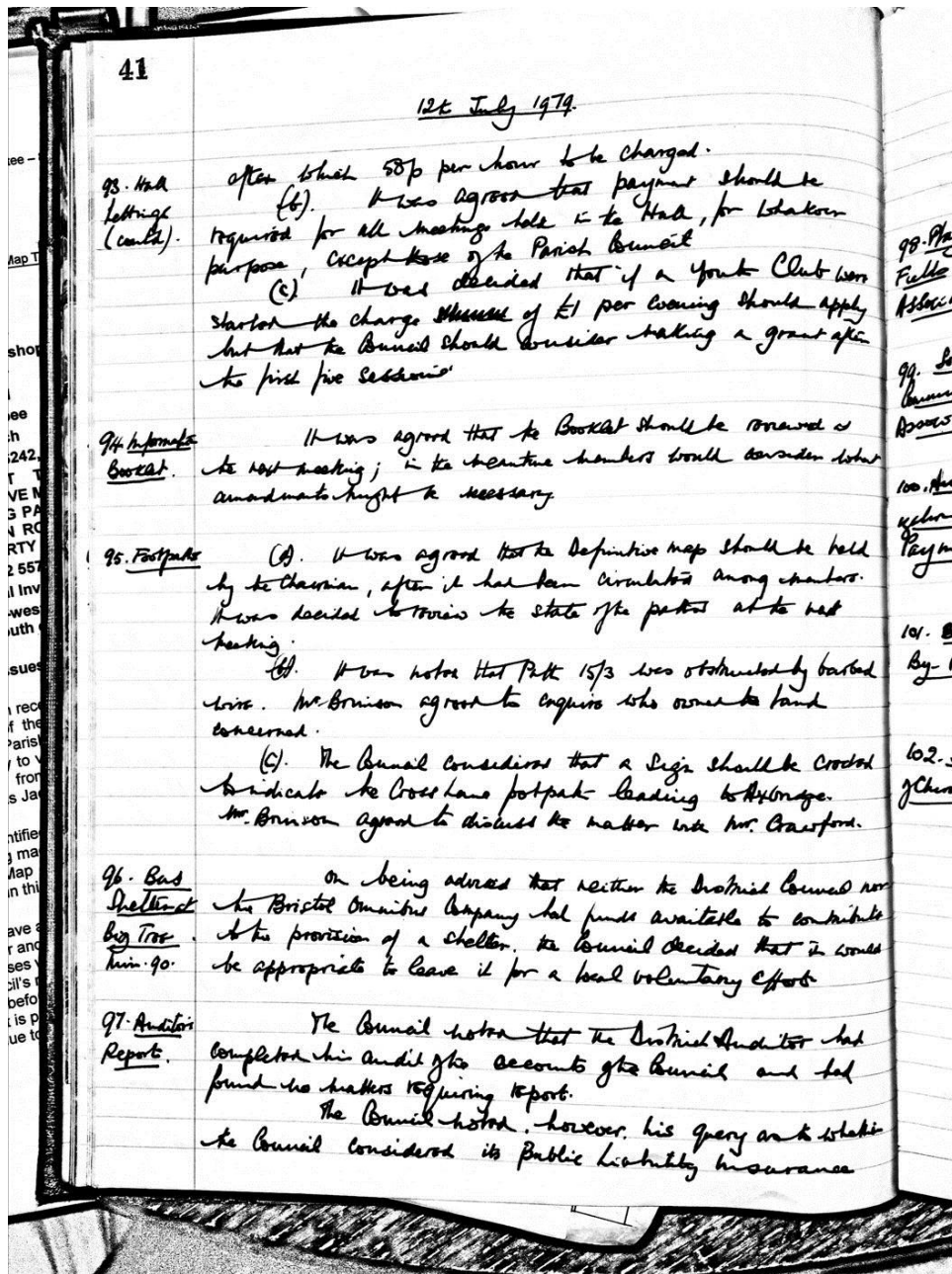
20. An application should therefore be made to the County Council based on the evidence in the user forms. In doing so it would be appropriate to draw the Council's attention to the Court of Appeal's guidance in the *Emery* case. If an order is made I consider that, based on the evidence which has been compiled, there is a strong likelihood that it will be confirmed.

 QC

**Landmark Chambers  
180 Fleet Street  
London EC4A 2HG**

**24<sup>th</sup> January 2014**

Appendix 16. Compton Bishop Parish Council Minutes and transcripts of the relevant sections.



12<sup>th</sup> July 1979

95. Footpaths.

- (a) It was agreed that the Definitive map should be held by the Chairman, after it had been circulated among members. It was decided to review the state of the paths at the next meeting.
- (b) It was noted that path 15/3 was obstructed by barbed wire. Mr Brinson agreed to enquire who owned the land concerned.
- (c) The Council considered that a sign should be erected to indicate the Cross Lane footpath leading to Axbridge. Mr Brinson agreed to discuss the matter with Mr Crawford.

Appendix 16 continued.

A meeting of Compton Bishop Parish Council was held at 7.30 p.m. on Thursday 6th September 1979 at the Memorial Hall Cross.

Members present. Mr. J.F.H. Gardner (in the Chair), Mr. B.H. Adams (Vice-Chairman), Mrs. C.J. Thorp and Messrs. J.B. Brinson and R.A. Parker.

Minutes. The minutes of the meeting held on 14th July 1979, having been circulated to members, were taken as read and, having been confirmed, were signed by the Chairman.

103. Matters arising from the minutes.

(i) Play Area. The Council received a letter from the Amenities Officer of Sedgewood District Council, who had been advised that the proposed play area was unlikely to receive Planning approval because of the lack of footpath access for children. The Council noted this advice and it was agreed that members should look for alternative sites.

(ii) Timber Yard at Cross. Consideration was again deferred, pending Min. 92 (iii).

(iii) International Year of the Child. The Chairman enlarged on his Min. 92 (v) comments on participation by members of the Council and suggested that as individuals rather than as Councillors, they should form a Social Committee.

(iv) Information Booklet. Mr. Parker agreed to submit a draft of a new edition.

(v) Footpaths.

(a). The Council discussed complaints that the riding of horses on bridleways was making the surface impassable in places for pedestrians. It was recognized that there was no power to restrict the use of bridleways for riding but any riding on footpaths could be checked.

(b). The Vice-Chairman agreed to submit to the next meeting a schedule of footpaths so that members might systematically walk them all.

(c). Mr. Brinson reported that Path 15/3 was no longer obstructed but he agreed to keep it under observation.

(d). Mr. Brinson said that he was still waiting for an opportunity to discuss the Cross Lane path with Mr. Crawford.

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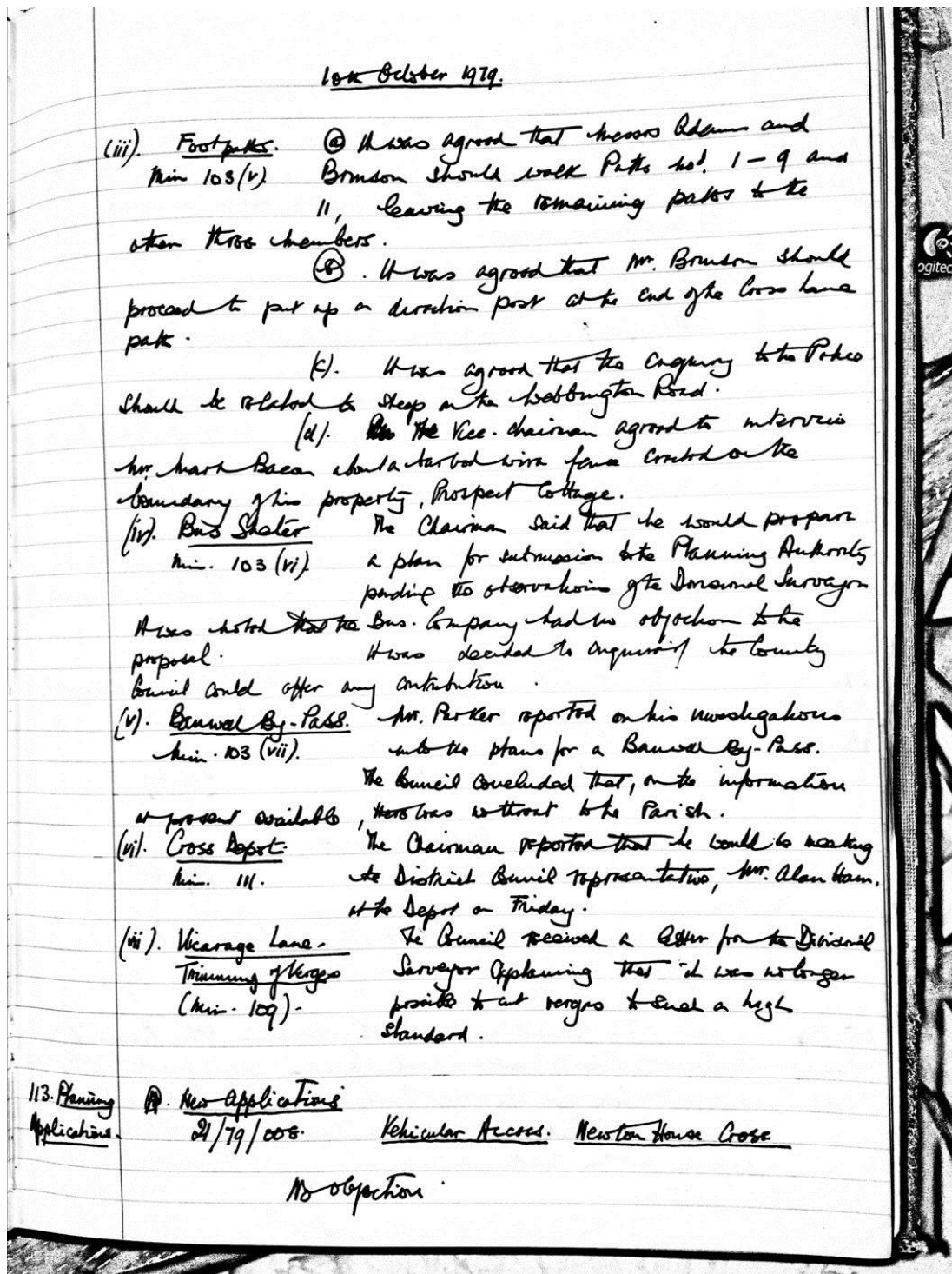
6<sup>th</sup> September 1979

103. Matters arising from the minutes.

(v). Footpaths.

(d). Mr. Brinson said that he was still waiting for an opportunity to discuss the Cross Lane path with Mr. Crawford.



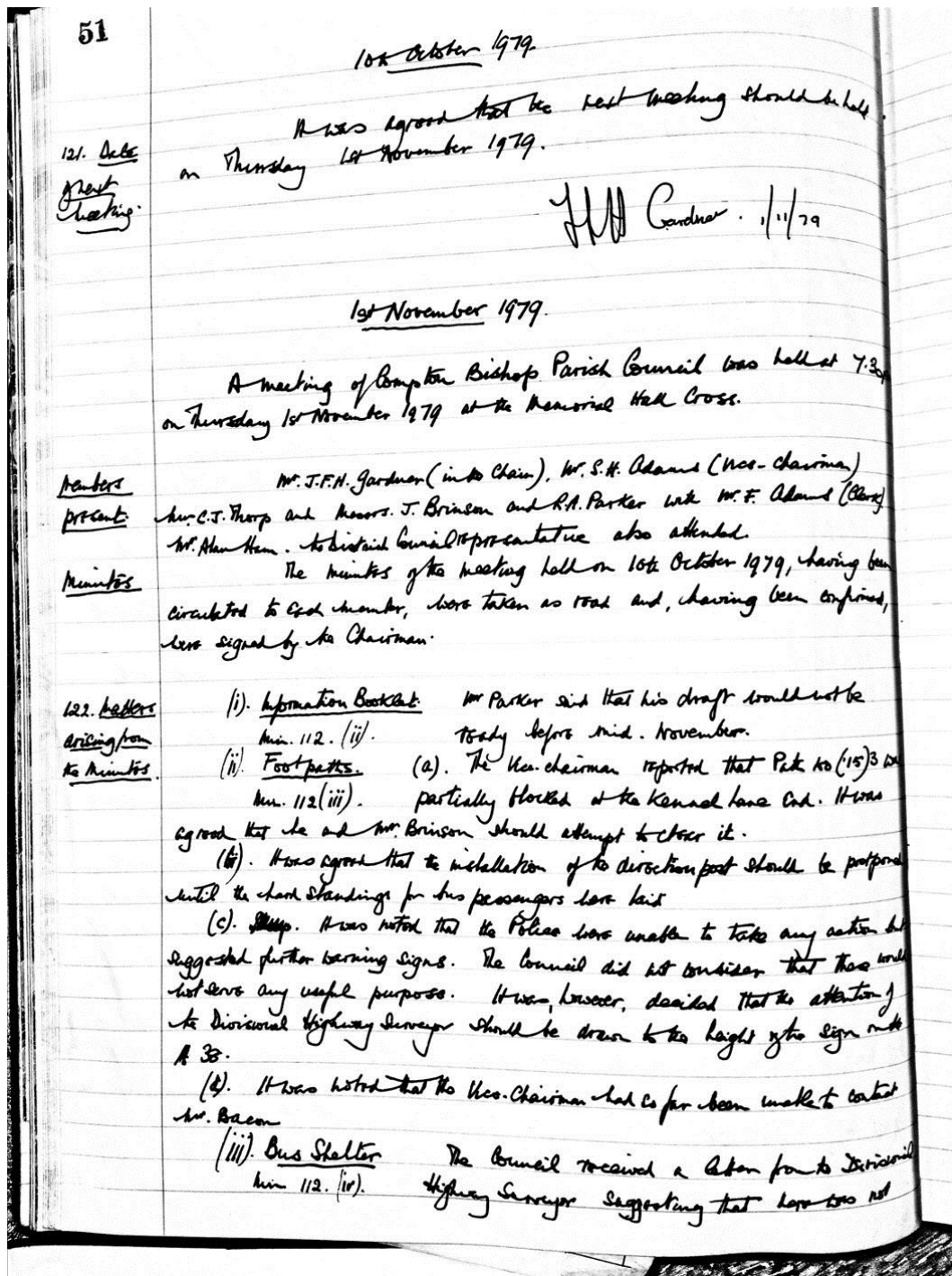


10<sup>th</sup> October 1979

(iii) Footpaths. Min 103(v).

(a) It was agreed that Messrs. Adams and Brinson should walk paths nos. 1 – 9 and 11, leaving the remaining paths to the other three members.

(b) It was agreed that Mr. Brinson should proceed to put up a direction post at the end of the Cross Lane path.



1st November 1979

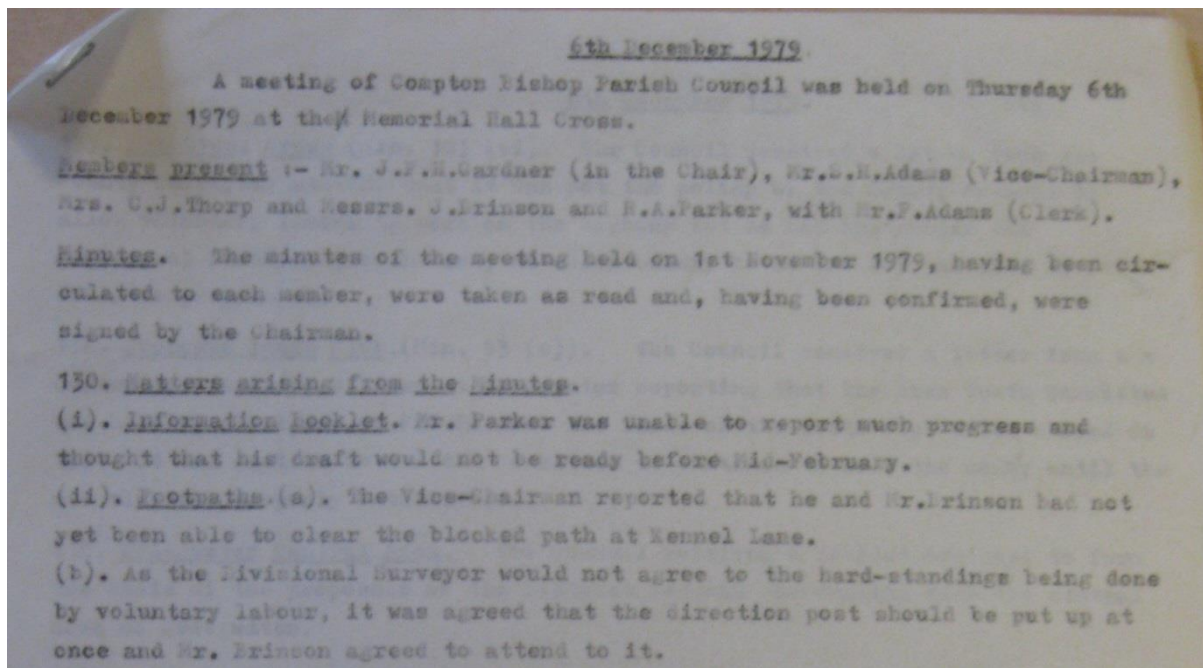
122. Matters arising from the minutes.

(ii) Footpaths. Min 112 (iii).

(a) The vice chairman reported that path no (15) 3 was partially blocked at the Kennel Lane end. It was agreed that he and Mr Brinson should attempt to clear it.

(b) It was agreed that the installation of the direction post should be postponed until the hard standings for bus passengers were laid.

Appendix 16 continued



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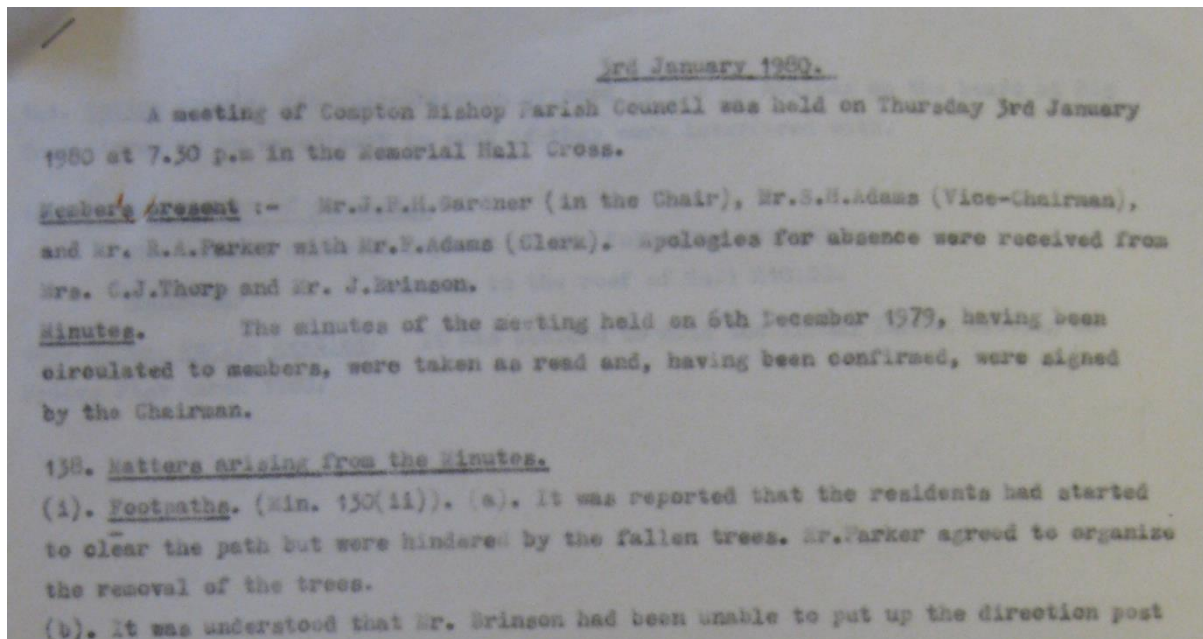
6<sup>th</sup> December 1979

130. Matters arising from the minutes.

(ii). Footpaths.

(b). As the Divisional Surveyor would not agree to the hard-standing being done by voluntary labour, it was agreed that the direction post should be put up at once and Mr. Brinson agreed to attend to it.

Appendix 16 continued.



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3<sup>rd</sup> January 1980

138. Matters arising from the Minutes.

(i). Footpaths. (Min. 130(ii)).

(b). It was understood that Mr. Brinson had been unable to put up the direction post



Appendix 16 continued.

<u>7th February 1980</u>	
	A meeting of Compton Bishop Parish Council was held at 7.30 on Thursday 7th February 1980 in the Memorial Hall Cross.
<u>Members Present</u>	Mr J. F. H. Gardner (in the Chair), Mr. S. H. Adams (Vice-Chairman), Mr. C. J. Throp and Messrs J. Brinson and R. A. Parker (with Mrs. F. Adams (Clerk), and Mr. Alan Ham (District Representative).
<u>Minutes</u>	The minutes of the meeting held on 3rd January 1980 having been circulated to members were taken as read and, having been confirmed, were signed by the Chairman.
<u>144. Matters arising from the Minutes.</u>	(i) <u>Footpaths</u> . (a). It was reported that the residents in Kennel Lane (Min. 138(i)) had cleared the fallen trees. Another larger tree needed attention and it was suggested that the Parish Board should be asked to attend to it. (b). Mr. Brinson reported that he had been unable to obtain a suitable metal post for the direction sign and it was agreed that a wooden post should be used.

7<sup>th</sup> February 1980

144. Matters arising from the minutes.

(i) Footpaths. (Min. 138(i)).

(b). Mr Brinson reported that he had been unable to obtain a suitable metal post for the direction sign and it was agreed that a wooden post should be used.



Appendix 16 continued.

I would like to mention that your P.C. intends to erect a footpath sign for "Coffin Lane", which is the footpath which runs parallel to Cross Lane to Axbridge. Negotiations with the relevant interested parties have been successful & we now have a post and a sign & hope to put it up soon, probably in conjunction with building the bus shelter. We also intend to ask if Axbridge T.C. will deal similarly with their end. We have received complaints that garden rubbish is very dumped on path 15/3 at the Kennel Lane end (as in the Kennel Lane - Axbridge Act) & perhaps somebody would like to comment on that.

8

Reproduced with kind permission of Compton Bishop Parish Council, South West Heritage Trust, reference D\PC\com.b/4/8/5.

21<sup>st</sup> March 1980

Hand written, undated notes, apparently the Chairman's prepared introduction and report to a Parish Assembly of 21<sup>st</sup> March 1980.

I would like to mention that your P.C. intends to erect a footpath sign for "Coffin Lane", which is the footpath which runs parallel to Cross Lane to Axbridge. Negotiations with the relevant interested parties have been successful & we now have a post and a sign & hope to put it up soon, probably in conjunction with building the bus shelter. We also intend to ask if Axbridge T.C. will deal similarly with their end.

65	
	21 <sup>st</sup> March 1980 Annual Assembly
Chairman's Address	<p>He opened his address by introducing the members of the Parish Council, who with one exception, were all new since the last Annual Assembly. He then referred to the work of the previous Council, thanking the Chairman, the Deacon and Foster and the other members of the old Council for the work they had done and paid particular tribute to the late Mrs. M. Simpson, who amongst her many other services to the Community, had been a member and Chairman of the Council for many years.</p> <p>Turning to the activities of the Council, the Chairman stressed the fact that questions were asked. He dealt first with the Play Area, which the Council had abandoned after a refusal of planning permission because of bad access and the apparent lack of demand. He reported that a number of planning applications had been received since dealing with the Council and had regard to the retention of the Chavelling the village and the maintenance of privacy, while upholding the principle of the Cross development policy. Work was in progress as to deposit and how on the prospect of closing into the future. He was pleased in fact welcomed some closure of local industry. It would accordingly be possible to close the timber yard. The approach had been made to the Highway Authority for some improvement to the narrow stretch of road opposite the depot. The Surveyor was in favour of payment on the opposite side but would be a point to be considered. The telephone box would however be moved to a point nearer to the depot.</p> <p>The information booklet was in hand and Chairman Parker appeared for additional information, including sketches and illustrations. Agreement had been reached on a site for the bus shelter at <sup>the depot</sup> and it was hoped that this would shortly be a proposal in the conditions of the building for the new address.</p> <p>The Chairman reported that the footpaths were generally in order. There was some discussion on the state of the path alongside Cross Lane which had been ploughed and there was difficulty at the Axbridge end with barbed wire at the stile. A sign would however, be put up at the Cross end.</p>

Axbridge end but barbed wire at the stile. A sign would however, be put up at the Cross end.

21<sup>st</sup> March 1980 Annual Assembly  
Chairman's Address.

[...]. Chairman reported that the footpaths were generally in order. There was some discussion on the state of the path alongside Cross Lane which had been ploughed and there was difficulty at the Axbridge end with barbed wire at the stile. A sign would however, be put up at the Cross end.

3rd April 1980

Minutes . The minutes of the meeting held on 6th March 1980, having been circulated to members, were taken as read and, having been confirmed were signed by the Chairman.

163. Matters arising from the minutes.

(i) Bus Shelter (Min. 153 (i)). The Council considered prices from the firm in quotes and found them to be much in excess of the likely cost of the Shelter envisaged. A decision was awaited the planning application.

(ii) Bus Stop at Cross. (Min. 148). The Council was pleased to hear that the stop on the northerly side of the road would be moved to the entrance of the Telephone Exchange. It was hoped that work would shortly be carried out on the other side.

(iii) Cross Depot. (Min. 153 (ii)). The Council considered the situation which had arisen as a result of the felling of the Conifers near the entrance and to Crocker of iron railings. Mr. Ham explained that the Cross had been felled as a matter of urgency, as damage was feared because of high winds. The Council felt very strongly about the exposure of the site and the unsuitability of the railings in a rural area. It was decided to ask the District Council to replace the railings with a wood fence with vertical boards with a rustic finish, to be removed after a new hedge had grown.

(iv) Improvement of the Hall. (Min. 153 (iii)). The Council deferred detailed consideration of the suggested improvements to the hall but agreed that in the meantime a copy of the plans should be sent to Mr & Mrs Thorp. It was noted that, if any action was contemplated, a preliminary scheme should be submitted to the District Council by July, if an early grant was to be obtained. The Council approved payment of Mr. Short to account for his out-of-pocket expenses incurred in the preparation and submission of the plans.

(v) Trees Planting. (Min. 153 (iv)). It was hoped that Mr. Shields would be agreed as co-ordinator of any proposals for trees planting and agreed that the matter should be kept on the agenda.

COMPTON BISHOP PARISH COUNCIL. Accounts for year ending 31st March 1980.  
PAYMENTS.  
RECEIPTS.  
Balance brought forward

3<sup>rd</sup> April 1980.

163. Matters arising from the minutes.

(ii) Bus stop at Cross. (Min. 148). The Council was pleased to hear that the stop on the northerly side of the road would be moved to the entrance of the telephone exchange. It was hoped the work would shortly be carried out on the other side.

1st May 1980.

Minutes

The minutes of the meeting held on 3rd April 1980, having been circulated to members, were taken as read and were confirmed. The Chairman was authorised to sign them in due course.

172. Matters arising from the minutes

- (i) Bus Shelter (Min. 163 (i)). It was reported that the Planning Authority had decided that permission was not needed for the erection of the shelter. It was decided to proceed with the work and to ask Mr. Brinson to take charge of it.
- (ii) Bus stop at Cross (Min. 163 (ii)). It was reported that work was in progress and that, whilst it had been found impracticable to provide a lay-by for buses on the Southern side of Cross Lane a hard standing would be provided for bus passengers.
- (iii) Cross Depot (Min. 163 (iii)). A decision was awaited after the Council's protest.
- (iv) Improvement of Hall (Min. 163 (iv)). It was decided to start the improvement by repairing the roof during June and July as a volunteer job and to ask Mr. Graham Sheldley to oversee the work. It was estimated that the cost would be three to five hundred pounds.
- (v) Tree Planting (Min. 163 (v)). It was reported that Mr & Mrs Shillito had agreed to act as coordinators and suggestions as to suitable sites were awaited from parishioners.
- (vi) Church Lane (Min. 163 (vi)). The Vice-Chairman agreed to review the condition of the lane.
- (vii) Keenel Lane (Min. 167). It was noted that work had been done to rectify the condition of the verges at the junction with Woblington Road. The Vice-Chairman agreed to notify Mr. Hall.
- (viii) New house signs (Min. 165 (6)). It was noted that a new street name sign had been put up on Old Coach Road. The Highway Authority was unwilling to provide a place name.

1<sup>st</sup> May 1980

172. Matters arising from the minutes.

(i) Bus Shelter. (Min. 163(i)). It was reported that the Planning Authority had decided that permission was not needed for the erection of the shelter. It was decided to proceed with the work and to ask Mr Brinson to take charge of it.

(ii) Bus stop at Cross. (Min. 163(ii)). It was reported that work was in progress and that, whilst it had been found impracticable to provide a lay-by for buses on the Southern side of Cross Lane





Appendix 18. Photograph forming part of planning application 21/03/00016, showing point B.



Gate secured to post.



Structure to the west of gate at B.





Appendix 19. Evidence supplied by the landowner.

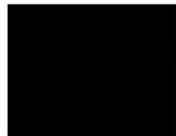
A. Tenancy agreement, page 1.

**THIS DEED** of Profit à Prendre is made the THIRD day of APRIL 2000

**BETWEEN**



(hereinafter called "the Owner") and



(hereinafter called "the Grazier")

**NOW THIS DEED WITNESSETH AS FOLLOWS:-**

1. In consideration of the payment of [REDACTED] payable in three equal installments the first of [REDACTED] on the signing of this Deed , the second of [REDACTED] on 1st June 2000 and the third of [REDACTED] on 1st August 2000 the Owner grants unto the Grazier the sole right of herbage on the land (hereinafter called the said land) and situated at Manor Farm at Cross, in the County of Somerset extending to 71.11 acres as detailed on the attached schedule and as shown edged in red on the attached plan **TO HOLD** unto the Grazier from 31<sup>st</sup> March 2000 to 30<sup>th</sup> November 2000 .
2. The Owner hereby covenants:
  - (i) to mow or spray spear thistle, creeping or field thistle, curled dock, broad leaved dock and ragwort
  - (ii) to spread manure stacked on the said land and where necessary reseed and crop the grass
  - (iii) to keep gates fences and ditches in good order other than damage caused by the Grazier his servants or stock
  - (iv) to keep the said land fertilised in the spring

## Appendix 19. Evidence supplied by the landowner, continued.

### A. Tenancy agreement, page 2.

3. The Grazier hereby covenants:

- (i) not to permit any trespass on the said land
- (ii) to use the said land for the purpose of grazing cattle and sheep only
- (iii) not to allow any animals other than the graziers own to graze the said land
- (iv) not to allow horses, diseased or quarantined stock or confirmed fence breakers on the said land
- (v) to ensure that her servants or agents and any person attending or for the time being in charge of the livestock present on the said land will comply with The Welfare of Livestock Regulations 1990 or any statutory modification or reenactment thereof for the time being in force
- (vi) to indemnify the Owner in respect of all liabilities and payments including legal costs and expenses incurred by the Owner as a result of proceedings brought in respect of the welfare of livestock under the Agricultural (Miscellaneous Provisions) Act 1968 and the Welfare of Livestock Regulations 1990 or any statutory modification of re-enactment thereof for the time being in force
- (vii) to indemnify the Owner against any claims made by third parties resulting from any activities or negligence by the Graziers on the said land
- (viii) not to assign underlet or part with possession of the grazing right hereby granted
- (ix) the Grazier shall at all times during the period 31<sup>st</sup> March 2000 to 30<sup>th</sup> November 2000 comply with the provisions of the Somerset Levels and Moors Environmentally Sensitive Area Scheme Agreement under Tiers 1 ( permanent grassland) and Tier 1 A ( extensive permanent grassland) details of which are attached hereto

4. It is hereby agreed that the Owner shall have a lien upon all the Grazier's animals for the time being depastured on the said land for any sum owing or expense incurred for which under this Agreement the Grazier is liable and this lien may be enforced by the sale of any animals belonging to the Grazier for the time being pastured upon the said land.

5. Milk Quota

Appendix 19. Evidence supplied by the landowner, continued.

B. Letter from David James and Partners, 21/11/2017

Our ref: RWN/so  
Date: 21 November 2017

DAVID  
JAMES  
& PARTNERS

T: 01934 864 300  
F: 01934 310 574  
W: djandp.co.uk  
Barley Wood Stables  
Long Lane  
Winton  
North Somerset  
BS40 5SA

DD: 01934-864301  
M: 07770-966372  
E: Richard@djandp.co.uk

Dear [REDACTED]

RE: LAND PREVIOUSLY PART OF THE COMPTON BISHOP ESTATE

As you are aware, we have acted for [REDACTED] of the Compton Bishop Estate since the 1990s and have prepared numerous grazier agreements. All such agreements included, under the grazier's covenants, the clause *not permit any trespass on the said land*.

I trust this is helpful but if you have any queries please let me know.

Yours sincerely

[REDACTED]  
Richard W Nanceljvell MRICS FAAV RICS Registered Valuer  
Director



RURAL | RESIDENTIAL | DJ&P | COMMERCIAL | DESIGN

Regulated by RICS

AMC Finance Agents

David James & Partners Limited is a company registered in England and Wales No: 9975407  
Registered Office: Harley House, Badminton Road, Old Sodbury, South Gloucestershire BS37 6LX



Appendix 19. Evidence supplied by the landowner, continued.

C. Contract of sale, 09/11/2001.

**CONTRACT FOR SALE OF FREEHOLD LAND (UNREGISTERED)**

**AGREEMENT** dated 9 NOVEMBER 2001

**BETWEEN :**

(1) The Seller :

[REDACTED]

(2) The Buyer :

[REDACTED]

**1. DEFINITIONS**

In this Agreement the following expressions have the following meanings :-

- 1.1 "Property" : the freehold property consisting of 69.96 acres and known as Lot 3 Manor Farm Cross Axbridge Somerset shown for the purposes of identification only coloured green on the Plan and forming part of the property more particularly described in the Conveyance
- 1.2 "Price" : [REDACTED]
- 1.3 "Conveyance" : the Conveyance of the Property dated 29 August 1985 and made between [REDACTED] and [REDACTED] (1) and [REDACTED] (2)
- 1.4 "Completion Date" 23 NOVEMBER 2001

Appendix 19. Evidence supplied by the landowner, continued.

D. Letter from current landowner to Previous Landowner 1, including map.

[Redacted]

20<sup>th</sup> November 2017

Dear [Redacted]

**Manor Farm Cross**

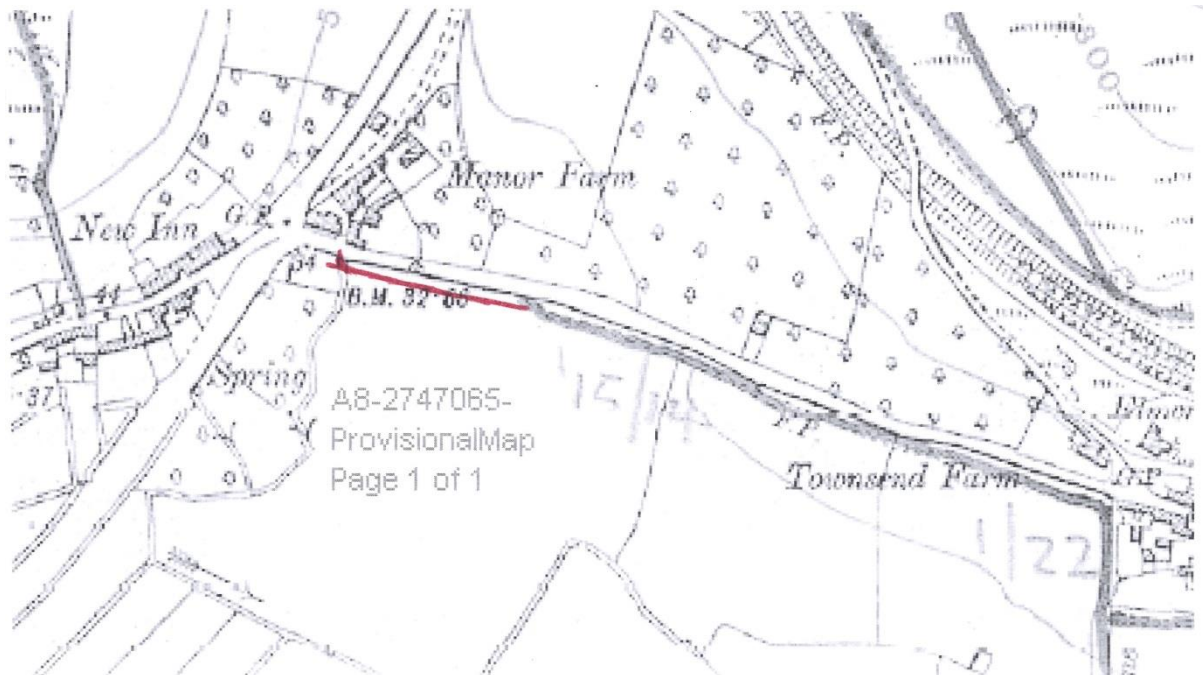
You may recall that I wrote to you in August last year (and thank you for your reply) explaining that an application has been made to alter the definitive map to add a public footpath from the gate opposite Manor Farm to join up with the existing footpath AX15/14 towards Axbridge. I enclose a map on which I have marked in red the footpath that they want to add.

I wonder whether during your period of ownership you, as the landowner, dedicated or intended to dedicate the route shown in red on the attached map as a public footpath.

Thank you in advance for any help you may be able to give.

Kind regards

[Redacted]





Appendix 19. Evidence supplied by the landowner, continued.

E. Letter from PL1 to current landowners, 04/01/2018

[REDACTED]  
[REDACTED]  
[REDACTED] 4/7/18

Dear [REDACTED]

Thank you for your letter of 21 December, however I can't recall receiving your earlier letter of 20 November 2017.

I can confirm that I did not dedicate nor intended to dedicate any part of Main Farm, Cross including

the area shown in red, or intended to dedicate it as a footpath.

I hope this is sufficient for your purposes, and wish you all the best for 2018.

Kind regards

[REDACTED]

Appendix 20. Declaration made by Somerset County Council 1 March 2001, closing Rights of Way on Somerset.

**SOMERSET COUNTY COUNCIL**

By virtue of Article 35B of the Foot and Mouth Disease Order 1983 as amended by the Foot and Mouth Disease (Amendment) (England) Order 2001 SOMERSET COUNTY COUNCIL hereby makes the following Declaration: -

1. With effect from 2 March 2001 all public footpaths bridleways and cycleways in the administrative area of the County of Somerset other than those specified in paragraph 2 below are closed and the movement of any person on any such right of way without lawful authority is prohibited
2. The footpaths excluded from this Declaration are those lying wholly within urban areas
3. Contravention of this Declaration constitutes an offence under Section 73 of the Animal Health Act 1981 and any person found guilty of such an offence is liable to a fine of up to £5,000
4. This Declaration shall remain in effect until further notice

DATED *1st March* 2001

The common seal of )  
SOMERSET COUNTY COUNCIL. )  
was herewith affixed )  
in the presence of )



*[Signature]*

County Solicitor

Number in Register *11917*

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL

*[Signature]*  
COUNTY SOLICITOR  
COUNTY HALL  
TAUNTON  
*1/3/01*

0201x078.wpd



## Somerset County Council (Foot-and-Mouth Disease) Declaration No. 14 2001

Dated: *1st June* 2001

Somerset County Council, acting in exercise of the powers conferred on it by the Foot-and-Mouth Disease Order 1983 (as amended) and of all other powers enabling it in that behalf, makes the following Declaration.

### Title

1. This Declaration may be cited as the Somerset County Council (Foot-and-Mouth Disease) Declaration No. 14 2001.

### Amendment of Regulations relating to Public Rights of Access

2. Regulation 3 of the Somerset County Council (Foot-and-Mouth Disease) Regulations 2001 (As Amended) and Regulation 2 of the Somerset County Council (Foot-and-Mouth Disease) (No. 2) Regulations 2001 shall not apply to any of the footpaths, bridleways, cycleways, roads used as a public footpath (RUPPs), byways open to all traffic and unclassified county roads in the following parishes in the County of Somerset.

### PARISHES

#### In the District of Sedgemoor:-

Brean  
Bridgwater  
Bridgwater Without  
Burtle  
Chedzoy  
Chilton Trinity  
Cossington  
Durleigh  
Enmore  
Goathurst  
Greinton  
Lyng  
North Petherton  
Pawlett  
Puriton

Appendix 21 continued.

Stockland Bristol  
Thurloxton  
Westonzoyland

**In the District of Mendip:-**

Berkley  
Binegar  
Chilcompton  
East Pennard  
Frome  
Lydford  
Meare  
Stoke St Michael  
West Bradley  
West Bradley (detached)  
Whatley  
Witham Friary  
Wookey

**In the District of West Somerset:-**

None

**In the Borough of Taunton Deane:-**

Comeytrowe  
Taunton

**In the District of South Somerset:-**

Bratton Seymour  
Inminster  
Ilton  
Puckington  
Seavington St Michael  
Shepton Beauchamp  
Stocklinch  
Yeovil (without detached)

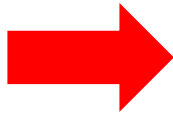
3. Regulation 3 of the Somerset County Council (Foot-and-Mouth Disease) Regulations 2001 (As Amended) and Regulation 2 of the Somerset County Council (Foot-and-Mouth Disease) (No. 2) Regulations 2001 shall not apply to any of the footpaths, bridleways, cycleways, roads used as a public footpath (RUPPs), byways open to all traffic and unclassified county roads in the parishes listed in the first column of the Schedule except for the footpaths, bridleways, cycleways, roads used as a public footpath (RUPPs), byways open to all traffic and unclassified county roads listed in the Schedule.



SCHEDULE

IN THE DISTRICT OF SEDGEMOOR

PARISH	PATH NO	STATUS	DESCRIPTION
Ashcott	BW1/11	FP	
Ashcott	BW1/12	FP	
Ashcott	BW1/13	FP	
Ashcott	BW1/25	FP	
Ashcott	BW1/26	FP	
Ashcott	BW1/26a	FP	
Ashcott	BW1/26b	FP	
Ashcott	BW1/28	FP	
Ashcott	BW1/29	FP	
Ashcott	BW1/31	FP	
Ashcott	BW1/45	FP	
Axbridge	AX26/10	FP	
Axbridge	AX26/11	FP	
Axbridge	AX26/14	FP	
Axbridge	AX26/15	FP	
Axbridge	AX26/20	FP	
Axbridge	AX26/22	FP	
Axbridge	AX26/24	FP	
Axbridge	AX26/25	FP	
Axbridge	AX26/26	FP	
Badgworth	AX2/1	FP	
Badgworth	AX2/2	FP	
Badgworth	AX2/3	FP	
Badgworth	AX2/4	FP	
Badgworth	AX2/12	FP	
Bawdrip	BW2/46	FP	
Berrow	AX4/23	BR	
Berrow	AX4/25	BR	
Brent Knoll	AX8/1	FP	
Brent Knoll	AX8/2	FP	
Brent Knoll	AX8/3	FP	
Brent Knoll	AX8/4	FP	
Brent Knoll	AX8/5	FP	
Brent Knoll	AX8/6	FP	
Brent Knoll	AX8/7	FP	
Brent Knoll	AX8/8	FP	
Brent Knoll	AX8/9	FP	
Brent Knoll	AX8/11	FP	
Brent Knoll	AX8/12	FP	
Brent Knoll	AX8/13	FP	
Brent Knoll	AX8/14	FP	
Brent Knoll	AX8/15	FP	
Brent Knoll	AX8/16	FP	
Brent Knoll	AX8/17	FP	
Brent Knoll	AX8/18	FP	
Brent Knoll	AX8/19	BR	
Burnham-on-Sea and Highbridge	AX32/13	FP	



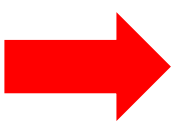
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Appendix 21 continued.

IN THE  
PARISH

IN THE DISTRICT OF SEDGEMOOR

PARISH	PATH NO	STATUS	DESCRIPTION
Burnham Without	AX9/2	FP	
Burnham Without	AX9/3 (pt)	BR	From the County Road to AX9/1
Burnham Without	AX9/4	FP	
Burnham Without	AX9/6	FP	
Burnham Without	AX9/7	FP	
Cannington	BW5/12	FP	
Cannington	BW5/28	FP	
Catcott	BW6/4	FP	
Catcott	BW6/4a	FP	
Catcott	BW6/5	FP	
Chapel Allerton	AX12/22	FP	
Charlinch	BW7/6	FP	
Cheddar	AX13/3	FP	
Cheddar	AX13/4	FP	
Cheddar	AX13/29	FP	
Cheddar	AX13/38	FP	
Cheddar	AX13/39	FP	
Cheddar	AX13/41	FP	
Cheddar	AX13/44	BR	
Cheddar	AX13/46	BR	
Cheddar	AX13/47	BR	
Cheddar	AX13/48	BR	
Cheddar	AX13/53	FP	
Cheddar	AX13/63	FP	
Cheddar	AX13/65	FP	
Cheddar	AX13/67	FP	
Cheddar	AX13/68	FP	
Cheddar	AX13/69 (pt)	FP	From junction with AX26/21 to Cradle Bridge
Cheddar	AX13/93	FP	
Cheddar	AX13/97	FP	
Chilton Polden	BW9/2	FP	
Chilton Polden	BW9/3	FP	
Chilton Polden	BW9/6	FP	
Chilton Polden	BW9/7	FP	
Chilton Polden	BW9/10	FP	
Chilton Polden	BW9/12	FP	
Chilton Polden	BW9/13	FP	
Chilton Polden	BW9/14	FP	
Chilton Polden	BW9/15	BR	
Compton Bishop	AX15/5	FP	
Compton Bishop	AX15/9	FP	
Compton Bishop	AX15/13	FP	
Compton Bishop	AX15/14	FP	
East Brent	AX17/1	FP	
East Brent	AX17/2	FP	
East Brent	AX17/11	FP	
East Brent	AX17/13	FP	
East Brent	AX17/14	FP	
East Brent	AX17/16	FP	
East Brent	AX17/17	FP	
East Brent	AX17/14	FP	
East Brent	AX17/16	FP	
East Brent	AX17/17	FP	
East Brent	AX17/19	FP	
East Brent	AX17/25	FP	
East Brent	AX17/26	FP	
East Brent	AX17/27	FP	



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## Appendix 22. Press release, 19 July 2001.

**From:** [REDACTED]  
**Sent:** 19 July 2001 18:09  
**To:** AllUsers  
**Cc:** [REDACTED]  
**Subject:** Foot and Mouth weekly message 19th July

### Key Messages this week:-

- The Quantocks are completely open (including Cothelstone Hill)
- The infected area status has been removed from North Newton
- Only the paths in the 10 km infected area around Ashbrittle and Stawley near the Devon County boundary remain closed
- All of these paths will re-open on Saturday, July 28th after which only those paths within the 3km protection zone in that area will remain closed
- All farmers have been sent letters to let them know that they can to District Councils for a temporary diversion of footpaths around stockyards (one month temporary notice). District Councils will be approving and posting these notices.

### PRESS RELEASE - 19 JULY

Somerset County Council will this week lift footpath restrictions around the North Newton area following the lifting of the Foot and Mouth infected status in that area last weekend. As from Saturday morning Rights of Way officers will be opening up all closed paths in an area from Taunton eastwards including Bridgwater and Langport and from Pawlett and Puriton in the north to Hatch Beauchamp in the south. The lifting of the infected area status also means that all of the Quantock Hills including Cothelstone Hill (Seven Sisters) and all of the Taunton-Bridgwater canal towpath will be re-open. The re-opening of these paths leaves only the paths in the 10 km infected area around Ashbrittle and Stawley near the Devon County boundary closed.

All of these paths will re-open on Saturday, July 28th after which only those paths within the 3km protection zone in that area will remain closed. There are however, approximately 30 premises in the county with Form A notices and paths running through these premises which will remain closed. Following their representations to the Department of the Environment, Food and Rural Affairs (DEFRA), Somerset County Council was one of a handful of authorities granted an extension of their closure order until July 28th, with the majority of footpaths across the country set to open this weekend. However appeals by the county council to retain 'local flexibility' over the decision of pathway closures after July 28th in the advent of further outbreaks of the disease was not allowed.

Should further outbreaks occur, then footpaths within the 3 kilometre zone surrounding any location would automatically close. However outside these areas the County Council would only retain powers under Animal Welfare legislation to close pathways and then, only with the agreement and support of a State Veterinary officer.

Since the re-opening of pathways outside infected areas last weekend staff from the county's Rights of Way section have been busily collecting in all old signs, both official and those unofficial signs posted on paths by farmers and landowners. As a result most of the old signage in West Somerset, the Quantocks, Sedgemoor and South Somerset had been cleared and teams were working on collecting in signs across the Mendip area.

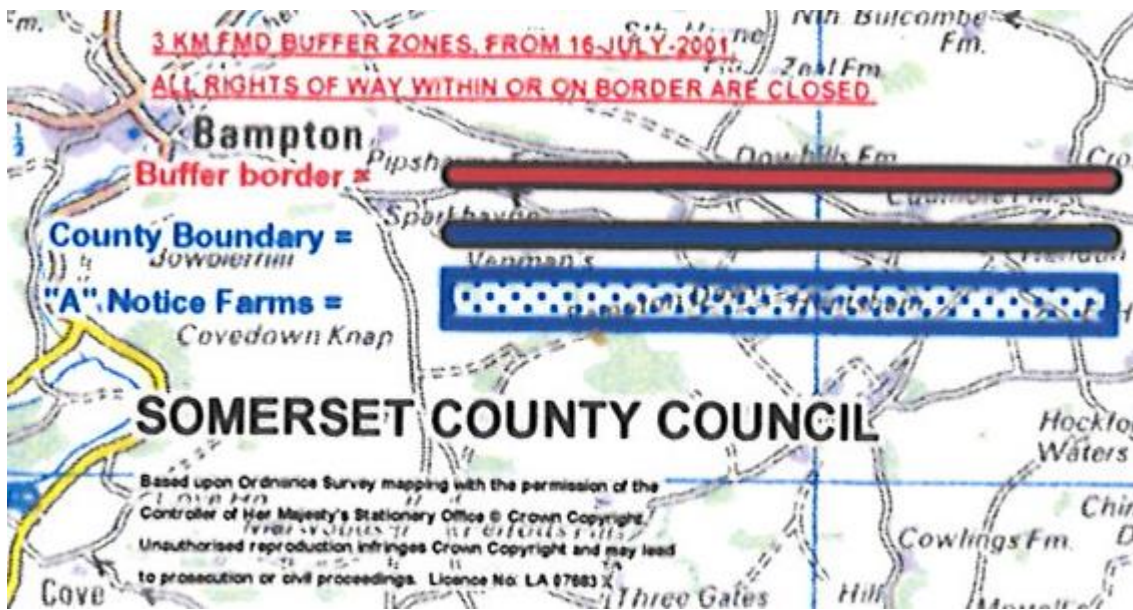
The District Councils have also allowed a small number of temporary diversions where a path runs through an active farmyard. In the interim staff from the county's Community Protection team are reminding farmers that over the next week they will be carrying out checks made on livestock vehicles. Glenn Berry from the Animal Welfare team said: "We will be ensuring that farmers comply with the conditions of their licences particularly in relation to the cleansing and disinfecting of the vehicles."

For details of the paths contact the Rights of Way Team on 01823-356288 or 01823-356002  
Animal Welfare Issues contact Glen Berry on 01823-355242 or Stuart Musgrove in  
Community Protection on 01823-357241





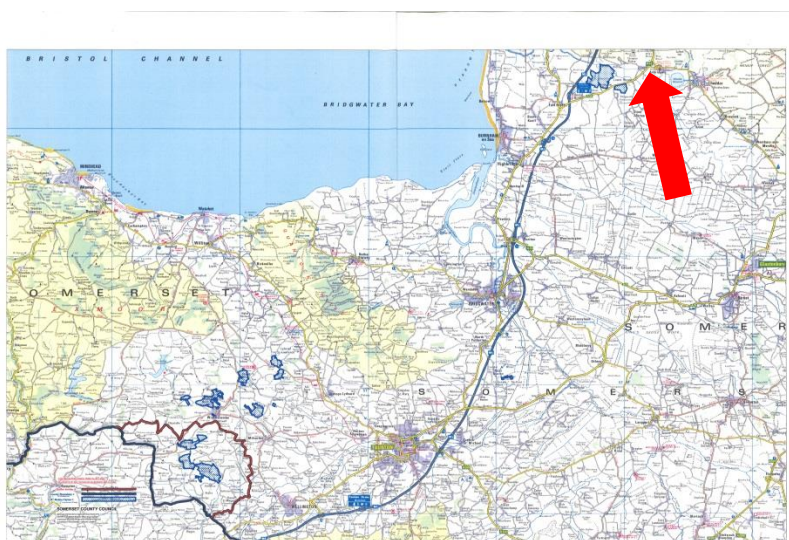
Appendix 23. SCC map showing 'Buffer Zone and 'A Notice Farms'.



Key



Detail. Red arrow indicates application route



Overview.