

REGULATION COMMITTEE

Thursday 13 January 2022

10.00 am Luttrell Room - County Hall,
Taunton



To: The members of the Regulation Committee

Cllr J Parham (Chair), Cllr N Hewitt-Cooper (Vice-Chair), Cllr M Caswell, Cllr N Taylor, Cllr M Keating, Cllr S Coles, Cllr J Clarke and Cllr A Kendall

All Somerset County Council Members are invited to attend.

Issued By Scott Wooldridge, Monitoring Officer and Strategic Manager - Governance and Democratic Services - 5 January 2022

For further information about the meeting, please contact Jamie Jackson on 01823 357628 or jajackson@somerset.gov.uk or Fiona Abbott on 01823 357628 or fabbott@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda. **In the light of the current situation, any members of the public who wish to attend the meeting / make representations to the Committee are encouraged to attend the meeting virtually.**

This meeting will be open to the public and press, subject to the passing of any resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers

Are you considering how your conversation today and the actions you propose to take contribute towards making Somerset Carbon Neutral by 2030?



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AGENDA

Item Regulation Committee - 10.00 am Thursday 13 January 2022

**** Public Guidance notes contained in agenda annexe ****

1 **Apologies for Absence**

2 **Declarations of Interest**

Details of all Members' interests in District, Town and Parish Councils can be viewed on the Council Website at [County Councillors membership of Town, City, Parish or District Councils](#) and this will be displayed in the meeting room (Where relevant).

The Statutory Register of Member's Interests can be inspected via request to the Democratic Service Team.

3 **Accuracy of the Minutes of the meeting held on 7 October 2021** (Pages 9 - 14)

The Committee will consider the accuracy of the attached minutes.

4 **Public Question Time**

The Chair will allow members of the public to present a petition on any matter within the Committee's remit. Questions or statements about the matters on the agenda for this meeting will be taken at the time when the matter is considered and after the Case Officers have made their presentations. Each speaker will be allocated 3 minutes. The length of public question time will be no more than 30 minutes.

5 **Application for temporary storage of Limestone Scalpings, Land to the North of Torr Works, East Cranmore, Shepton Mallet (SCC/3839/2021)** (Pages 15 - 68)

To consider this report.

Due to the contentious nature of this proposal and because photographs during the presentation may not be sufficient to demonstrate local concerns, a site visit has been arranged for the Regulation Committee Members, to view the site personally.

Regrettably, due to health and safety reasons, it is not possible for all objectors to attend, however two appropriate objectors have received invites to attend and observe the site visit and ensure propriety in line with the SCC Code of Practice.

Item Regulation Committee - 10.00 am Thursday 13 January 2022

6 **Application for temporary planning permission for an extension to Chard Junction Quarry at Westford Park Farm, Chard (SCC/3907/2021)** (Pages 69 - 76)

To consider this report.

7 **Wildlife and Countryside Act 1981 Section 53, Schedule 14 - Application to Upgrade Footpath Y 9/46 in the Parish of East Coker to a Public Bridleway** (Pages 77 - 198)

To consider this report.

8 **Any Other Business of Urgency**

The Chair may raise any items of urgent business.

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Guidance notes for the meeting

1. Council Public Meetings

The former regulations that enabled virtual committee meetings ended on 7 May 2021. Since then, all committee meetings need to return to face-to-face meetings. The requirement is for members of the committee and key supporting officers to attend in person, along with some provision for any public speakers. However due to the current COVID restrictions and social distancing measures only a small number of people can attend as meeting room capacities are limited. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

Anybody attending the meeting in person will be asked to adhere to the current Government guidance and Council procedures in place to safely work during COVID 19. These include limiting numbers in a venue, maintaining social distancing, using hand sanitisers, wiping down areas that you have used, wearing face coverings when not sitting at a table (unless exempt from doing so) and following one-way signs in the venue/building. You will also be asked to sign in via the NHS Test and Trace app or to sign an attendance record and will be asked relevant questions before admittance to the meeting. Everyone attending the meeting will be asked to undertake a lateral flow test up to 72 hours prior to the meeting.

Please contact the Committee Administrator or Democratic Services on 01823 357628 or email democraticservices@somerset.gov.uk if you have any questions or concerns.

2. Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at democraticservices@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers.

Printed agendas can also be viewed in reception at the Council offices at County Hall, Taunton TA1 4DY.

3. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

4. **Minutes of the Meeting**

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

5. **Public Question Time**

If you wish to speak, please contact Democratic Services by 5pm 3 clear working days before the meeting. Email democraticservices@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out.

In order to keep everyone safe, we respectfully request that all visitors to the building follow all aspects of the Covid-Secure guidance. Failure to do so may result in you being asked to leave the building for safety reasons.

After entering the Council building you may be taken to a waiting room before being taken to the meeting for the relevant agenda item to ask your question. After the agenda item has finished you will be asked to leave the meeting for other members of the public to attend to speak on other items.

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. However, questions or statements about any matter on the agenda for this meeting may be taken at the time when each matter is considered.

At the Chair's invitation you may ask questions and/or make statements or comments about any matter on the Committee's agenda – providing you have given the required notice. You may also present a petition on any matter within the Committee's remit. The length of public question time will be no more than 30 minutes in total (20 minutes for meetings other than County Council meetings).

The Chair will usually invite speakers in the following order and each speaker will have a maximum of 3 minutes:

1. Objectors to the application (including all public, parish council and District Council representatives)
2. Supporters of the application (including all public, parish council and District Council representatives)
3. Agent / Applicant

Where a large number of people are expected to attend the meeting, a representative should be nominated to present the views of a group. If there are a lot of speakers for one item than the public speaking time allocation would usually allow, then the Chair may select a balanced number of speakers reflecting those in support and those objecting to the proposals before the Committee.

Following public question time, the Chair will then invite local County Councillors to address the Committee on matters that relate to their electoral division.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish.

If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

An issue will not be deferred just because you cannot be present for the meeting. Remember that the amount of time you speak will be restricted, to three minutes only.

In line with the council's procedural rules, if any member of the public interrupts a meeting the Chair will warn them accordingly.

If that person continues to interrupt or disrupt proceedings the Chair can ask the Democratic Services Officer to remove them as a participant from the meeting.

Provision will be made for anybody who wishes to listen in on the meeting only to follow the meeting online.

6. **Meeting Etiquette for participants**

- Only speak when invited to do so by the Chair.
- Mute your microphone when you are not talking.
- Switch off video if you are not speaking.
- Speak clearly (if you are not using video then please state your name)
- If you're referring to a specific page, mention the page number.
- Switch off your video and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

7. **Exclusion of Press & Public**

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask Participants to leave the meeting when any exempt or confidential information is about to be discussed.

8. **Recording of meetings**

The Council supports the principles of openness and transparency. It allows filming, recording and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the Committee Administrator so that the relevant Chair can inform those present at the start of the meeting.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

A copy of the Council's Recording of Meetings Protocol is available from the Committee Administrator for the meeting.

The Regulation Committee

Minutes of a hybrid meeting of the Regulation Committee held on Thursday 7 October 2021 at 10:00am in the Luttrell/Wyndham Room, County Hall, Taunton.

Present:

Cllr J Parham (Chair)
Cllr N Hewitt-Cooper (Vice Chair)
Cllr M Caswell
Cllr J Clarke
Cllr S Coles
Cllr M Keating
Cllr A Kendall
Cllr M Pullin (substituting for Cllr N Taylor)

Other Members Present:

Cllr C Lawrence

Officers Present:

Ms J Allen, Solicitor
Ms H Vittery, Service Manager-Development & Planning
Mr C Arnold, Principal Planning Officer
Mr J Rose, Apprentice Planning Officer
Mr M Highfield, Technical Advisor-Acoustics
Mr M Bryant, Service Manager – Democratic Services
Ms Jennie Murphy, Sr Democratic Services Officer
Ms M Brookes, Sr Democratic Services Officer

The Chair welcomed everyone to the meeting, noted that only elected Members take decisions, referred to the agenda and papers, highlighted the rules relating to public question time, and outlined the meeting procedures as follows:

- Due to a change in legislation the County Council was no longer able to hold virtual meetings
- Today's meeting would be run using a hybrid format with Committee members and key officers physically present in County Hall

- Other elected members and officers could physically or remotely join the meeting to speak on specific agenda items or observe
- There was also provision for any members of the public who had registered to speak to attend the meeting

1 **Apologies for Absence** - Agenda Item 1

Cllr N Taylor (substituted by Cllr M Pullin)

2 **Declarations of Interest** - Agenda Item 2

There were no new declarations. For reference, the following personal interests of the members of the Regulation Committee have been published in the Register of Members' Interests, which is available for public inspection via the Committee Administrator:

Cllr M Caswell, Member of Sedgemoor District Council

Cllr J Clarke, Member of Mendip District Council

Cllr S Coles, Member of Somerset West and Taunton Council

Cllr N Hewitt-Cooper, Member of Mendip District Council

Cllr A Kendall, Member of South Somerset District Council & Yeovil Town Council

Cllr M Pullin, Member of Mendip District Council

3 **Minutes** - Agenda Item 3

The Minutes of the meeting held on 2 September 2021 were agreed as an accurate representation of the meeting and signed by the Chair as a correct record.

4 **Public Question Time** - Agenda Item 4

There were two members of the public that had registered to speak; their statements were considered as part of Agenda Item 5, Application No. SCC/3840/2021.

5 **Application No. SCC/3840/2021 – Variation of Condition 5 (waste recycling and transfer operations hours) of the Original Planning Permission SCC/3751/2020 for the Redevelopment of Existing Waste Transfer Station and Depot at Walford Cross Depot, Walford Cross, Taunton**

(1) The Committee considered a report by the Planning Officer-Planning and Development on this application, which involved the variation of the waste

recycling and transfer operation hours that had formed Condition 5 of the original application, SCC/3751/2020 for the redevelopment of existing waste transfer station and depot at Walford Cross Depot, Walford Cross, Taunton TA2 8QP, which had been approved. He noted a correction to the report in Section 2, Paragraph 2.4, stating that Walford Farm was actually located approximately 280 metres to the west, rather than 180 metres to the northwest as stated in the report.

(2) The Case Officer outlined the application by reference to the report, supporting papers, and the use of maps, plans (location, site, aerial) and photographs.

(3) The Case Officer's report and presentation covered: A summary of key issues and recommendation(s), description of the site; the proposal; background and planning history; plans and documents submitted with the application, including a Noise Impact Assessment; Environmental Impact Assessment; consultation responses from external and internal consultees and the public; comments from the Service Officer on planning control, enforcement, and compliance; and the conclusion and recommendations including the conditions.

(4) After presenting plans, maps and photos, the Case Officer highlighted the key issues for consideration by the Members, which were: (a) waste planning policy considerations relative to Policy SD1, sustainable development and DM3, and environmental impacts; (b) necessity, economic impacts, and benefits, which had been established by the approval of Application No. SCC/3752/2020; (c) impacts from noise, with changes signifying that the glass loading and unloading will take place later in the morning; and (d) local highway impacts. In relation to these issues, the Case Officer noted that the site development will be sustainable and not give rise to environmental impacts, that the need for the site had been established by the approval of the original planning application, and that the main concern to be considered today entailed the noise issues relative to the hours during which waste recycling and transfer operation, e.g. baling and loading, are permitted.

(5) The Case Officer's report noted with respect to the consultation responses received that 16 neighbour letters had been sent and a site notice erected; there was one objection resulting from the external consultation from Creech St Michael Parish Council, while there were four letters of objection received from the public consultation. Following amendment to the application and re-consultation, there were two letters of continued objection.

(6) The Case Officer noted that the original planning permission (SCC/3751/2020), Condition 5, permitted that, "Waste recycling and transfer operations (e.g., baling and loading) shall not take place prior to 0800 hours on any weekday and not on

Saturdays, Sundays and Bank Holidays.” The proposal considered today initially sought to amend Condition 5 to allow the above operations to take place “on weekdays between 6 AM and 8 PM and on Saturdays between 8 AM and 1 PM, which can be extended until 5 PM on Saturdays following a bank holiday”, which seeks to bring the waste recycling and transfer operations in line with the operational hours as outlined in Condition 4 in order to increase efficiency. Following objections raised and further negotiations with the SCC Acoustic Specialist, the change to Condition 5 is now proposed as follows: “Waste recycling and transfer operations (e.g. baling and loading) shall only take place between 0600 and 1830 (Monday – Friday) and on Saturdays between 0800 and 1300, which can be extended until 1700 on Saturdays following a bank holiday. There shall be no loading of glass into bulk haulage vehicles before 0700 (Monday – Friday) and 0800 on a Saturday.” All other operating hours will remain in accordance with the original application for which planning permission was granted, i.e., 0600-2000 hours on weekdays and Saturdays, 0600-1300 hours on Sundays and Bank Holidays.

(7) In his conclusion, the Case Officer recommended that planning permission be granted subject to the imposition of the conditions set out in Section 9 of his report, with Condition 5, covering the hours permitted for waste recycling and transfer operations (e.g., baling and loading) and specifically with respect to loading of glass, having been amended from the initial proposal and accepted by the SCC Acoustic Specialist.

(8) Two members of the public requested to speak before the Committee: Barry Griffin, local resident, as an Objector; and Niall Kelly, Planning Manager, SUEZ Recycling & Recovery UK, as a Supporter.

Mr Griffin stated that he lived at neighbouring Walford Farmhouse and that he had lived at the farmhouse for 28 years. He stated that his residence was only an estimated 180 metres from the site in question, not 280 metres, and that it was untrue that noise monitoring had occurred on his farm, as he had not been contacted by the Case Officer or Members about noise. He stated that by extending working hours at the site, they would have noise 7 days a week 14 hours a day, which was not acceptable or good for his family’s mental health. He said that there will be bulk container lorries going down the lane, and as there are no waiting facilities at the site, only two loading bays, these lorries will be queued on the lane waiting. He added that he had received correspondence asking him to trim the hedge because the lane is so narrow and they desire that two artic lorries can pass. However, the lane is only 4-1/2 metres wide, and people use the lane to walk to the bus stop; what is more, the lane is an accident

black stop, with accidents occurring almost weekly. He referred to the Council's Acoustic Specialist's noise report, which attributed more than 100 decibels each for glass, movement, plastic, and bulk materials, meaning that put together they created a dramatic noise; and he contested the veracity of the report's assertion that the noise was only 35 decibels at his house. In summary, Mr Griffin requested that the application be refused.

Niall Kelly, Planning Manager for SUEZ Recycling and Recovery, then read a statement in support of the application. He stated that SUEZ had been awarded the Somerset Waste Partnership Waste Collections and Recycling Services contract constituting the collections of household dry recycling and residual waste. As part of this contract, SUEZ is committed to redeveloping and upgrading the existing waste management facilities, including Taunton, to accommodate the new collections contract. In September 2020, SUEZ applied to redevelop the existing Taunton site, which was approved at the end of March 2021. However, it became apparent that the consented operating hours did not meet the requirements of the new waste collection contract. Currently the site is permitted to operate between 0600 and 2000 hours on weekdays and Saturdays, and between 0600 and 1300 hours on Sundays and bank holidays, which entails vehicles accessing the site and tipping. The loading and baling hours specifically are only allowed after 0800 hours on weekdays (and not on Saturdays, Sundays or bank holidays), hence the proposal to allow loading and baling to take place earlier in the morning and on Saturdays. One of the main changes as a result of the development of the new waste transfer station at Taunton is that vehicles that were previously based there to serve the waste collections rounds will no longer be based at the site, meaning that the majority of activities on the site will now relate to waste transfer operations (loading and baling). He requested that the Committee approve the application.

(9) In response to the public speakers' comments, the Chair advised that a number of things mentioned by Mr Griffin had been dealt with last year in the original application. The Case Officer clarified with respect to the distance from the site to Mr Griffin's residence that it was 280 metres from the centre of the site, while it was 180 metres from the site boundary to the residence boundary. The Case Officer confirmed that the noise monitoring had not taken place at Mr Griffin's residence but rather in an adjacent field.

(10) The Committee proceeded to debate, covering matters including the need for the recycling facility, the noise levels involved, and the relatively small change requested to the hours of operation with safeguards regarding the starting time for glass recycling operations. It was pointed out that once the site has been fully

developed, most operations will be inside, which will mitigate much of the noise impact, and that the site is adjacent to the M5 motorway whose noise may be greater than that of the recycling site. In response to a request for clarification, the Technical Advisor-Acoustics stated that the site of noise monitoring was just east of the residence and therefore representative, that 0700 hours is considered daytime hours, and that according to Standard BS4142 the difference between the site noise and the background noise from the highway was not considered significant.

(11) Cllr Caswell, seconded by Hewitt-Cooper, moved that planning permission be granted subject to the conditions set out in Section 9 of the report.

(12) A vote was then taken on the Case Officer's recommendation to approve the application from Walford Cross Depot, Walford Cross, Taunton; all members were in favour. Cllr Caswell's motion was carried, and the Committee accordingly RESOLVED:

(a) That planning permission be GRANTED subject to the conditions set out in Section 9 of the report, specifically Condition 5, as no material changes to legislation or situation have occurred in the intervening period between the last application and this Section 73 application.

(b) That authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Strategic Commissioning Manager - Economy & Planning.

(The meeting ended at 10:32 am)

CHAIR

Somerset County Council

Regulation Committee – 5 January 2021

Report by Service Manager – Planning and Development:

Application Number: SCC/3839/2021

Date Registered: 23 June 2021

Parish: Downhead Parish Meeting,

District: Mendip District Council,

Member Division: Mendip Central East,

Local Member: Councillor Philip Ham

Case Officer: Colin Arnold

Contact Details:

Description of Application: Temporary storage of Limestone Scalpings

Grid Reference: Easting - 369922, **Northing** - 145315

Applicant: Aggregate Industries UL Ltd,

Location: Land to the North of Torr Works, East Cranmore, Shepton Mallet

1. Summary of Key Issues and Recommendation(s)

1.1 This application seeks to allow for the temporary storage of scalpings in an adjacent field to the existing quarry at land to the north of Torr Works, East Cranmore, Shepton Mallet. The main issues for members to consider are:

- planning policy considerations and the justification for the proposal;
- highways and traffic;
- ecology;

- other environmental impacts (such as noise, dust etc) and their control and responses to objectors concerns.

It is recommended that planning permission be granted subject to a satisfactory response to the HRA from Natural England and to planning conditions

2. Description of the Site

2.1 The site is an existing agricultural field on a slight slope. It is an irregular shaped parcel of pastoral farmland covering 9.7 ha of land to the west of the Torr block works stocking yard and adjacent to the northeast corner of the Torr main pit

2.2 At the northwest corner of the Site, the levels within the edge of the western field rise up to 190m AOD to meet an access track leading from Tunscombe Lane to Lodge Hill Farm. Beyond the track, levels continue to rise to approximately 200m AOD associated with the crest of a historic screening earthworks for Torr quarry (known as Tip 2) which was constructed during the early 1990s. The outer faces of this have been landscaped and include groups of and individual mature standard trees. Further wooded screening landform constructed during 1989 and planted between 1998 and 2001 lie to the east of the Site and extend westwards around the northern extents of the main Torr pit.¹

2.3 The site is fairly isolated in terms of non- associated residential properties - but there is a residential farmhouse known as Lodge Hill Farm in proximity which the owner is leasing the land to the applicants to facilitate this development.

3. The Proposal

3.1 Since the grant of the planning permission (2017/1505/CNT) and as a result of past production pressures, there is currently a stockpile of approximately 1.3 million tonnes of quarry scalping material located in the north west corner of the current Torr quarry void. This stockpile is preventing the quarry from being worked to its maximum permitted extent and is therefore sterilising permitted reserves. The quarry's development is now at a stage where it is necessary to move the scalpings in order to continue to deepen the void in accordance with

¹ ES Appendix 6 Landscape and Visual Impact Assessment – David Jarvis Associates (May 2021)

the approved scheme. The scalplings, once removed, will then be washed and sold for use in the construction industry.

3.2 The proposal will not require any traffic to use the local road networks as the internal roads associated with the quarry will be used to transport the scalplings to the field.

3.3 Given the transitory nature of the proposal the site is proposed to be used and thereafter restored to an agricultural field over a time period of fifteen years.

3.4 The field will be scraped with the removal of top soil and turf) and the scalplings will be moved using dumper trucks on the internal roads within the quarry. It is considered that this process will take a year in total.

3.5 The stockpile will have a maximum height of 19 metres and on the north eastern slope seeded with grass to minimise its visual impact (it is appreciated that this may take a period of time to grow etc). Once in situ the scalplings will be removed from the pile to go to the existing washing plant at Torr Works at a rate of approximately 100,000 tonnes per year.

3.6 There is a public right of way which runs along the south-western boundary of the site which will remain in situ and in use throughout the works.

4. Background and Planning History

4.1 2010/0984/Cond.27 - Article 27 submission of a management plan for the 'Earthwork North of Stubbs Wood, Downhead Somerset (Mon. No. 436)' monument, pursuant to Condition 27 of Planning Permission 2010/0984 dated 10 August 2012, for the Deepening of existing quarry by 112m to 3m AOD, the extension of time by 10 years until 2040 and an increase in output at Torr Works Quarry, East Cranmore, Shepton Mallet, Somerset, BA4 4SQ – Decision pending

4.2 2010/0984 – Deepening of existing quarry by 112m to 3m AOD and extension of time by 10 years until 2040, releasing approximately 115 million saleable tonnes of limestone and an increase in output of 2 million tonnes per annum to 8 million tonnes per annum at Torr Works Quarry, East Cranmore, Shepton Mallet, Somerset, BA4 4SQ – Application approved 26 March 2010

4.3 2017/1506/CNT - Variation of consented working scheme from "extraction of limestone to a depth of 115m AOD" to "extraction of limestone to a depth of 141m AOD" and

variation of subsequent restoration scheme from "lake, wetland habitat, calcareous grassland, woodland and exposed quarry faces" to "restoration scheme comprising mix of calcareous grassland and woodland" – Application approved 17th Dec 2019

5. The Application

5.1 Documents submitted with the application

- 2937-4-1-3-DR-0001-S4-P2 Existing Conditions
- 2937-4-1-3-DR-0002-S4-P2 Initial Tipping
- 2937-4-1-3-DR-0003-S4-P2 Proposed Tip at completion
- 2937-4-1-3-DR-0004-S4-P2 Initial Restoration
- 2937-4-1-3-DR-0005-S4-P2 Restoration in Progress
- 2937-4-1-3-DR-0006-S4-P2 Final Restoration
- 2937-4-1-3-DR-0007-S4-P2 Haul Route Access
- 2937-4-1-3-DR-0008-S4-P2 Site Location
- 2937-4-1-3-DR-0009-S4-P2 Cross Sections
- 2937-4-4-4-1-DR-0001-S4-P1 Cross Section – Church of All Saints
- 2937-4-4-2 Environmental Statement Main text
- 2937-4-4-3 Non Technical Summary
- ES Appendixes 1-7

6. Environmental Impact Assessment (EIA)

6.1 A Screening Opinion (undertaken by SCC in Jan 2021) considered the project to be subject to Section 13 (b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Screening Opinion stated that:

...the storage of some 19 metre high scalplings on previously undeveloped agricultural land adjacent to a working farmstead and near a SSSI has the potential to have a significant adverse visual impact...

The Environmental Statement produced by the applicant is a lengthy document but the non technical summary covers the main issues and is reproduced below:

SUMMARY OF ENVIRONMENTAL EFFECTS

General

6.2 The Environmental Statement considered the potential environmental and cumulative effects of the proposed scalplings storage at lands to the northeast of Torr Works Quarry. Based on the studies and content of the individual technical assessments (see Appendices in the ES), the overriding conclusion (in the applicants opinion) is that there is no single topic – or combination of issues – which should objectively prevent the development from proceeding.

6.3 The respective environmental studies have assessed the effects of the proposed development and where relevant, include measures which could minimise effects and/or result in positive enhancements.

6.4 These issues are summarised below. For each topic, the summary describes the key elements of the study, any mitigation measures which have been incorporated into the design of the working and restoration schemes or which would be implemented as part of the development.

Ecology

6.5 A range of surveys were undertaken within and around the site in April 2021. They included surveys of both habitats and plant communities. Further survey work was undertaken to ensure there is no risk from the proposed development to certain species identified as being potentially present at the site. Any measures recommended as a result of those surveys will be included in the proposed development.

Soils

6.7 A soils survey of the site was undertaken to understand soil depth and quality. Soils removed would be either kept for use during restoration or used elsewhere on the Lodge Hill Farm agricultural landholding.

Water environment and flooding

6.8 A Flood Risk Assessment (FRA) was undertaken and confirms that the proposed development will not increase flood risk elsewhere nor will there be any loss of floodplain storage. There are considered to be no over-riding flooding related reasons why the proposed works should not proceed.

Dust

6.9 *An existing Dust Suppression Scheme is in place at Torr Works and will be extended to include the proposed development. The scheme contains a range of measures for ensuring dust does not become a nuisance.*

Archaeology and cultural heritage

6.10 *A Cultural Heritage Assessment has been undertaken and assesses both direct impacts at the site and the indirect impacts on listed buildings and scheduled monuments in the surrounding area.²*

7. Consultation Responses Received

External Consultees

7.0 Downhead Parish Meeting comments:

AI/Downhead Village briefings

We as a village we have had two briefing sessions with Chris Herbert the applicant and his colleagues on behalf of AI.

Numerous individual subjects were raised and the following concessions have been agreed and confirmed to the village by applicant, AI.

These have included the following:

Working Hours for the Project

- AI have agreed to no Saturday working which is to be removed from the application.
- Weekday Working Hours to be amended to 07.00 – 17.00 Agreed.

Movement to the area for the construction of the pile

- The 20 movements per hour has been clarified to mean this is actually 10 full lorry loads in and the return

² Environmental Impact Assessment non-technical summary. David Jarvis Associates May 2021

- We have received confirmation and a commitment that the reversing alerts will be white noise only
- Review Meeting – Should permission be granted AI have committed to after one month of operations, anticipated to be in February 2022 consultation will be carried out with village of Downhead to agree if movements can be increased to complete the work more quickly and over the winter period to reduce and manage more effectively the noise and dust impact on the village over the summer period. This was agreed and welcomed by all.
- All soils removed in the creation of the scalplings pile will be retained on the site or in the Torr Quarry and no transportation will occur of this through the village.
- No movement of any vehicle in connection with this project will enter or exit the site through the Village of Downhead.

Dust and Noise

- The village have agreed in relation to Environmental dust and noise monitoring outlined in the application this provision in the outlined proposals is not sufficient to meet the requirements and concerns of Downhead.
- The village has requested as a minimum at least 8 air and noise monitoring stations installed within the curtilage of the Village with access by computer to the results as a minimum. This should also be provided alongside the ability to the misting system utilisation.
- It has also been requested that access to the road sweeper is improved significantly, and that this is provided as a regular service. This was supported and agreed to by the AI representatives at the village meeting.

Lights

It has been agreed that there would be no lighting on site.

Water

The village was reassured in relation to the drainage ditches and flow relating to run off.

Footpath/Bridleway

- Additional bund at 2.5m to be installed alongside the footpath to safeguard the users in particular one of the local business involving horses. In addition, the provision of the traffic light system for equine crossing the entrance to the project has agreed to be undertaken between a small group of equine users and AI to ensure it is useable safe and practical.
- The footpath that links into across and around the quarry through to the underpass on the A361 – to be enhanced to complete/create a circular footpath/bridleway – regular maintenance and upkeep of this to be undertaken including responsible hedge upkeep which has been lacking in recent times.
- It is recommended that these issues in relation to the footpath and bridleway is included as condition of planning if approved.

Removal of stone from the stockpile

It was agreed that this will commence the furthest area away from the village to shield the village from noise – with the grassed area facing the village being the last area to be removed.

Grassing the stockpile

The village wishes also to ensure that this is done as quickly as possible – agreed by AI.

The local engagement plan

Community support – a more recognisable and tangible support for the community is required across the industry as per the footpath/bridleway work above. A confirmed fund for the community within 5 miles of the quarry to be considered. AI commitment to continue to liaise with Downhead village in this regard.

General Comments

Application Status - As with the Hanson – Westdown applications that closed at the end of June there is an overarching concern at the overall strategy for quarry works and plethora of applications that are currently in process.

Carbon Neutral - There are some references to carbon neutral in these applications but these are not future proofed only complying to the bare minimum as is currently required and with the ever changing horizon on these targets both by SCC for 2030 and also National Government these need to be reviewed and re-submitted being enhanced by a very large percentage – again no foresight in this application at all.

Road Usage - More enforcement Re routes out of the quarry to use the Old Wells road not A361 and then through Canmore piers Rather than the free for all that it is and will become worse – as well as A 106 agreement sought from the Mendip Quarry Producers as a whole Re the construction of the roundabout at the Beacon xroads which is or would be on land already purchased by SCC be expedited as a condition before the quarry can operate.

Maintenance - On going maintenance annual bond of £150k to the SCC for the maintenance of the highway within 5 miles of the perimeter of any quarry to become a standard bond on any future applications re quarrying and allied works to future proof the road if more that 20% of the output is to leave the quarry by road this would also help with the carbon neutral emphasis and ensure that future proofing of the applications was given proper and due consideration prior to their submission in the Future.

7.1 Environment Agency comments:

Thank you for referring the above application, which was received 17 June 2021. The Environment Agency has no objections to this proposal but wishes to make the following comments:

On the basis of the baseline study and subsequent impact assessments there are considered to be no over-riding water resource related reasons why the proposed development should not proceed in the manner described by the application. This conclusion assumes that any planning permission, if granted, should be conditioned by implementation and adherence to any relevant recommendations advanced within the accompanying assessments.

In addition, safeguards should be implemented to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes

The site operator must ensure that appropriate measures are maintained/adopted to ensure wash/waste water does not adversely affect controlled waters or affect any current numeric discharge consents to controlled waters. Any increases in oil/fuel storage must comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"). This development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency, unless a waste exemption applies. The applicant is advised to contact our National Permitting Team on 03708 596506 to discuss the issues likely to be raised.

7.2 Somerset Wildlife Trust comments

Somerset Wildlife Trust is one of 46 Wildlife Trusts working across the UK. We are a science-led movement focused on restoring habitats to support a wide range of wildlife and natural processes that are essential for healthy landscapes and provide vital services such as clean air, water, food, carbon absorption and flood alleviation. With the invaluable support of volunteers and over 20,000 members we manage over 1700 hectares of land for wildlife and people in Somerset. We also work with other organisations and landowners, to protect and connect

wildlife sites, across the county and to inspire local communities and young people to care for wildlife where they live.

Somerset Wildlife Trust has been involved with protecting and restoring species rich habitats and wild species across the Mendip Hills for decades. We have very close links with the communities around the Mendip Hill Quarries, and work closely with, and support, Aggregate Industries, and other partners on a variety of biodiversity enhancement and public engagement projects across the landscape. These are relationships we very much value and want to build on. We therefore welcome the opportunity, as a local and county stakeholder, to respond to this consultation.

We recognise that quarrying for non-energy mineral/aggregate extraction can have direct negative impacts on wildlife through habitat loss and damage; disturbance from noise and vibration; air and water pollution; and changes to hydrology and hydrogeology effecting groundwater quality and quantity, but with careful planning of location and design, The Wildlife Trust believes quarrying can avoid and or minimise impacts and deliver opportunities for wildlife, and the wider environment, through the restoration and / or creation of high biodiversity habitats in areas where there is limited current wildlife value. Where appropriate, we will work with extraction industries to support this.

After careful consideration Somerset Wildlife Trust are concerned about the potential negative impacts of this proposal and have several points, we think need considering.

1) Although a preliminary ecological survey of the site has taken place it clearly recognises that further evidence is required to inform the potential impacts and required mitigation measures for several key species, including reptiles, common dormouse and bat. The survey recognises that the site footprint sits within the Mendip East Bat Consultation Zone and falls within the core range of the greater horseshoe bat colonies for which the Mells Valley SAC is notified.

The application site also contains a section of S41 Hedgerow Habitat that will be greatly impacted by the proposed tipping and moving of scalplings over the lifetime of the proposal, and a section of which may need to be removed to provide site access as part of the application. This type of habitat is particularly important for both bats and dormouse. Without further survey and adequate mitigation, the proposed work may impact on important

populations of these protected species, which prefer tall, wide, established hedgerows to forage and commute (and breed in the case of dormice).

Both greater and lesser horseshoe bat roosts are known to be present in the vicinity of the application, at Green Farm in Downhead as well as in Asham Wood itself. East Mendip bat surveys led by SWT and SBG volunteers in 2015 and 2016 recorded greater horseshoe bats using hedgerows as both commuting routes and foraging habitat near to the application site. Dormice have been found in hedgerows immediately to the east of Asham wood in 2019, and evidence of dormice also recorded to the south of Asham wood in 2013. These two nearby populations represent the only populations of dormice that we are aware of within 4km of the site. Therefore, we would expect further ecological surveys, and careful consideration of how local populations of both dormice and bat species could be affected by loss of established hedgerow in the area, and how best to mitigate for this.

Whilst supportive of the inclusion of a final restoration proposal for the site in the application, including the creation of limestone grassland, we can find no evidence of mitigation for the immediate loss of hedgerow habitat and commuting corridor, and are concerned about the immediate negative effect of this proposal. We think it is critical to see demonstration of net gains in biodiversity on a much shorter timescale, with gains delivered at the earliest opportunity and as an ongoing activity during the period of site operations.

2) The landholding also sits within an important ecological landscape recognised for both statutory and non-statutory recognised sites. These include:

- Mells Valley Special Area of Conservation
- Mendip Woodlands Special Area of Conservation
- Asham Wood Site of Special Scientific Interest (Asham Wood is the largest and most diverse semi natural ancient woodland in Mendips).
- Cranmore Tower Local Wildlife Site (LWS).
- Tadhill Quarry LWS.
- Wood at Downhead LWS.
- Baucombe Coppice South LWS.

- Asham Wood East LWS.
- Norwood LWS.
- Norwood Fields LWS.
- Stubbs Wood LWS.
- Monk Wood LWS.
- Haygrove Wood LWS.

Three areas of woodland listed on the Ancient Woodland Inventory also lie within a 1 km radius, comprising of Asham/Nor/Stubbs Woods Ancient Semi-Natural Woodland (ASNW); An unnamed ASNW; and Monk/Haygrove Woods ASNW.

3) Somerset Wildlife Trust have done extensive work mapping Somersets Ecological Networks, including those on the Mendip Hills, and we have been working on projects in the vicinity of Torr Works for many years. We are therefore concerned about how this proposal will impact the integrity of the surrounding ecological network, particularly when taken in combination with other potential quarry development proposals in the landscape. We believe the cumulative effect of these proposed operations would be significant and we do not find enough evidence on mitigation plans that will account for the impact of this proposal on the wider ecological networks nor how they intend to provide long-term ecological resilience. An ecological network is:

‘A coherent system of natural and or semi-natural landscape elements that is configured and managed with the objective of maintaining or restoring ecological functions as a means to conserve biodiversity...’

(1) (Bennett, 2004), G., (2004). Integrating Biodiversity Conservation and Sustainable Use: Lessons Learned from Ecological Networks., IUCN, Gland, Switzerland, and Cambridge, UK.

The National Planning Policy Framework (NPPF) specifies that ‘ecological networks,’ as a feature of the natural environment, should be conserved and enhanced by the planning system. This stems from a requirement under the Habitats Directive, 1992. Somerset Wildlife Trust worked in partnership with Somerset County Council, the Somerset Environmental Records Centre, and Forest Research to map the ecological networks in the county.

Somerset's Ecological Network maps are now integrated into Somerset County Council planning policy and guidance, including Somerset's Minerals Plan, 2015, as well as all District Council Local Plans, and Somerset's Minerals Plan states: Objective D; To ensure that operational mineral sites are restored to high environmental standards at the earliest possible opportunity, thereby achieving environmental, social and economic gains from mineral development and strengthening local ecological networks.

Further, Section 10.8 (Site Reclamation) states: The delivery of planning policy on restoration regarding aggregate quarries should be informed by Maps 7a and 7b, which have been created by Somerset Wildlife Trust's Living Landscape team in conjunction with Somerset County Council'.

(2) Somerset Minerals Plan – Development Plan Document up to 2030 (Adopted February 2015)

Maps 7a and 7b in the Somerset Minerals Plan show Somerset's broadleaved woodland and grassland ecological networks, respectively, in relation to active quarries in the Mendip Hills.

It is essential that any habitat improvements for this proposal enhance the ability of Asham Wood SSSI the Mendip Woodlands SAC and Mells Valley SAC to benefit the key species that inhabit it.

Somerset Wildlife Trust would hope that the restoration and mitigation plans would go above and beyond; firstly, due to the importance of the adjacent SSSI and SAC which may be impacted as wildlife habitat by increased dust and noise as well as hedgerow habitat loss, secondly because of the position of this proposal in the wider landscape, and thirdly due to the effect this proposal will have on habitat connectivity through hedgerow loss and potential impacts on protected species including bat populations.

In conclusion, we need to see further survey and evidence on the impacts for a number of key species including reptiles, dormouse and bats. Considering the value and sensitivity of habitats and species in Asham Wood SSSI, the wider Mendip Woodlands (SAC) and Mells Valley SAC alongside the potential cumulative effects of this proposal on the integrity of the surrounding ecological network, we would also need much more detail on mitigation plans as well as identified outcomes of the mitigation work undertaken.

Without this detail we can only oppose the current proposal.

Somerset Wildlife Trust would welcome the opportunity to further discuss the detail of the restoration and mitigation plans for this proposal with Aggregate Industries. At a time of both ecological and climate emergencies this is not a good time to be losing valuable habitat. We need at least 30% of our land and sea to be connected and protected by 2030 for nature to recover. The loss of hedgerow habitat at this location and the potential cumulative impacts on the connectivity and ecological resilience of Asham Wood SSSI, the Mendip Hill Woodlands SAC, and Mells Valley SAC could therefore have a huge detrimental impact on wildlife.

We feel that by working together, with our joint expertise, we can maximise the benefits for biodiversity in the quarried landscape and enhance this landscape to provide the resilient network of habitats that nature needs to recover. Maps of the Ecological Networks surrounding the application site are available via the Somerset Environmental Records Centre, and these maps clearly show that there is significant opportunity to build the resilience of the woodland network around Asham Wood and improve its connectivity with other woodland patches to the north.

Somerset Wildlife Trust want to work proactively with Aggregate Industries now, and in the future, to not only minimise impacts on wildlife and biodiversity from operations, but to help them to take steps to actively help nature to recover through the decisions they make. There are huge opportunities here whether through restoration activities post quarrying, mitigation works on adjacent land or through targeted land management to increase the resilience of habitats that remain. Aggregate Industries landholdings are an important part of the Ecological Networks in this area that nature needs to be able to recover on the Mendip Hills, and beyond. We want to help Aggregate Industries to do the right thing, in the best way, for nature and our local communities.

7.3 South West Heritage Trust – no objections

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

7.4 CPRE – objection

CPRE Somerset wishes to OBJECT to this application, for the following reasons:

This proposal is to expand quarry operations onto adjacent Greenfield agricultural land close to an SSSI/ ancient woodland in order to create a new scalplings storage deposit, with a 15 year life. In our view, the environmental harm and noise impacts caused by this development have not been adequately justified, and the proposal would have significant visual impacts on a public right of way.

Para 6.53 of the Somerset Minerals Plan states that while economic benefits are an important part of reasoned justification, 'it will not be considered acceptable only to state the broad economic impacts without also considering the local setting and local impacts'. The impact and harm on the local community and environment caused by the Applicant in extending quarry operations onto Greenfield land is significant.

The risk of insufficient information being provided within the planning application regarding the opportunities and constraints relating to alternative options is that the grant of planning permission will be perceived by the public as being an agreement by SCC to allow the quarry operator to choose the cheapest and/or most convenient option among a number of possible options, without having proper regard to the alternative options, or to the local **setting** and local impacts.

The Applicant's Environmental Statement ('ES') at 7.1 states, incorrectly in our view, that the EIA Regulations Schedule 4 requires only 'an outline' of the alternatives which were considered. The ES provides a cursory description of each alternative option, followed in each case by a brief statement as to why this alternative option was rejected, but without provision of analysis or detail. In our view the relevant full text in EIA Regulations Schedule 4 shows that more than just an 'outline' is required. The regulatory requirement is as follows:

'2. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, where relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of environmental effects'. (EIA Regulations, Schedule 4 -para 2) [Emphasis added].

Further well-recognised guidance is provided in Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013 (LVIA) published by the Landscape Institute/IEMA. The

guidance in Table 3.1 (p.27) suggests that the EIA action to be taken in regard to the consideration of alternatives is to identify :

'Opportunities and constraints relating to alternative options and make comparative assessments of them in order to identify those with the least (or indeed most beneficial) effects and greatest potential for possible mitigation and enhancement '. [Emphasis added].

Under 3.4 (p.28) this guidance is further explained in these terms:

It is then important to:

- demonstrate how landscape and visual effects have been taken into consideration
- explain the reasoning behind any decisions to reject any of the sites selected and alternatives considered in terms of their landscape and visual effects [emphasis added].

The footprint area of the Torr quarry is enormous, covering 202Ha of which 141Ha are permitted for Mineral extraction. The Leighton extension covers 47Ha of which 28Ha are permitted for mineral extraction. It is not adequately explained why 10 dumper trucks moving scalpings into the Leighton area or into another part of the main quarry would represent a significant impediment, if at all, to other machinery operating within such a large area.

Comparisons have not been provided of the environmental effects of the proposal with each of the alternative options. For example, in landscape and visual terms, it would be less harmful for the Leighton area to be used to store scalping, even if restoration work would need to be deferred or even temporarily reversed, as it lies within the established boundary of the quarry operations.

The rejection of an alternative site within the main Torr quarry area is briefly justified on the basis that there would be more truck movements and materials would be handled twice. However, whether materials would need to be 'handled twice' would surely depend on whether a new site chosen within a disused part of the 202 Ha quarry would need to be changed before the deposit can be washed and sold in its entirety.

If it were to be argued that no part of the quarry is disused, and/or that all parts of it must be held available for quarrying operations, it may nevertheless be the case that a part of this enormous area, particularly in a location where mineral extraction has not been permitted,

could be identified where operations could be placed on hold for a temporary period to allow the scalplings to be stored prior to washing.

Truck movements to ship the scalplings out of the quarry into adjacent Greenfield would presumably need to traverse the quarry floor as many times as truck movements to move the scalplings into the Leighton area, or into a disused part of the main quarry, but in the first instance the trucks would have further to travel, and to a higher level, thereby consuming more fuel. This aspect has not been adequately explained.

It is not explained why additional washing operations cannot be provided in another part of the main quarry, or in the Leighton area, or in an area where mineral extraction has not been permitted, if there is insufficient space in the existing washing/processing area to allow expansion, as stated. It would be unacceptable, in our view, if expansion of quarry related operations onto agricultural land were to take place essentially because of insufficient investment in washing facilities in the past, or a reluctance to invest in their expansion now.

We are also concerned that the farm in closest proximity to the site is stated to have entered into an agreement with the Applicant not to object to an acknowledged high and unacceptable level of noise impacts for the duration. If there were children living within this building, either now or in the future, or other persons not party to the agreement, it is difficult to see how development premised on such an agreement can be said to represent sustainable development.

7.9 Natural England comments:

Thank you for your consultation on the above dated 17 June 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Mells Valley Special Area of Conservation. Natural England requires further information in order to determine the

significance of these impacts and the scope for mitigation.

As stated with the Environmental Impact Assessment, the following information is still required:

- Reptile presence/absence survey;
- Bird survey to establish whether species nests within a 30 m radius of the site;
- Common Dormouse survey along hedgerows to be breached/removed; and
- Bat surveys - both daytime roost assessment and activity survey.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained. Case Officer these have now been provided and sent to Natural England as per their request

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

Despite the proximity of the application to European Sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

As noted within the Environmental Impact Assessment, the development proposal falls within the Mendip Bat Consultation Zone, an extent of land that falls within the core range of the greater horseshoe-bat colonies for which the Mells Valley SAC is notified.

Natural England advises that there is currently not enough information provided in the application to determine whether the likelihood of significant effects can be ruled out.

We recommend you obtain both bat roost assessments and activity surveys to help you undertake a Habitats Regulations Assessment.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Please consult us again once the information requested above, has been provided.

Internal Consultees

7.8 SCC County Highways -no objection

I refer to the above-mentioned planning application received on 21 June 2021 and after carrying out a site visit have the following observations on the highway and transportation aspects of this proposal: -

The proposal would appear to be wholly within the site and not use the public highway and as such there is no objection to the planning application.

7.10 SCC Planning Policy – no objections

Having read through the supporting planning statement and considered the reasons for the proposal, I confirm that no objection is raised from a mineral policy perspective. The scalplings are currently sterilising part of the existing reserves and their relocation to a different location adjacent to the existing works will enable access to those reserves. Relevant policies to consider in the adopted Somerset Minerals Plan are DM1 (Landscape and Visual Amenity), DM2 (Biodiversity), DM7 (Restoration and Aftercare), DM8 (Protection of Local amenity) and

DM9 (Minerals Transportation). Other technical officers will be able to advise in regard to any adverse impacts and any appropriate mitigation.

7.11 SCC Rights of Way – no objections

Thank you for consulting us on the above application. I have not visited the site. I can confirm that there are public rights of way (PROW) recorded on the Definitive Map that are crossed by the proposed haul route at the site (public bridleway SM 8/11/1 and SM 8/9) and there are PROWs that run adjacent to the site (public footpath SM 8/11 and public bridleway 8/12) at the present time.

The Definitive Map and Statement are legally conclusive of the existence and status of those public rights of way that they show. However, they are not conclusive as to what they omit. Therefore, the fact that a right does not appear either on the Map and Statement, does not necessarily mean that it does not exist.

We have no objections to the proposal, subject to the following:

1. Specific Comments

We require further clarity on the proposed crossing points over the bridleways SM 8/9 and SM 8/11/1, including detailed drawings of the crossing points and traffic light system and suggest the following condition: No development hereby approved which shall interfere with or compromise the use of bridleway SM 8/9 and SM 8/11/1 shall take place until detailed drawings of the crossing points, signage and traffic light system have been submitted to and approved in writing by the Local Planning Authority.

Consideration should be given to re-positioning the proposed bund further into the field to prevent any 'tunnelling' effect for the public using path SM 8/11/1 and Tunscombe Lane.

2. General Comments

Any proposed works must not encroach onto the width of the PROW. The following bold text must be included as an informative note on any permission granted:

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply

with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Installing any apparatus within or across the PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: [https://www.somerset.gov.uk/roads-and-transport/apply-for-the](https://www.somerset.gov.uk/roads-and-transport/apply-for-the-temporary-closure-of-a-right-of-way) temporary-closure-of-a-right-of-way.

7.12 SCC LLFA (Lead Local Flood Authority) Initial Response asking for clarification:

I've looked through this application. Surface water flow routes through the site should be considered and stockpiles should avoid areas at risk of surface water flooding. The applicant should ensure that flow routes are not hindered.

- Further details should be provided on the surface water drainage scheme for the site,
- Consideration of the existing catchment that the watercourse is currently taking to ensure that there is sufficient capacity
- Ensure that water flowing off the site is managed and does not exceed greenfield conditions, and that the flow of water in the watercourse is maintained
- Ensure that infiltration is a viable means of discharging surface water from the site, which should include infiltration testing to BRE 365.
- The applicant should clarify the impermeable area used to calculate the attenuation volume
- Exceedance and topography should be considered to ensure that overland flow arising from the site due to the works will be managed and prevented from flowing unrestricted offsite. Whilst the drainage blanket extends the full length of the down gradient margin, the watercourse doesn't, therefore we are unsure where run off from the north of the site will be directed towards.
- It would be useful for the applicant to demonstrate the wider connectivity of the watercourse.
- Please be aware that works to the cross section of an ordinary watercourse may require Land Drainage Consent from ourselves.

Following a clarification note from the agent:

The applicant has addressed our comments and we have no further comments to make.

7.13 SCC Acoustic Specialist initial response:

Introduction

I provided a pre-application response to this proposal in an email to you on 24/2/21 and I now note that the design of this development, with single landform, has changed from the twin landforms previously proposed. Section 3.2 of the Environmental Statement defines the motivation for this application, stating it to be the "result of past production pressures at Torr Works". The scalping stockpile of 1.3Mt currently located in the northwest corner of the

quarry void is also identified as preventing development reaching its maximum permitted extent and is said to be sterilising part of the permitted reserves at a time when there is increased demand for stone output.

Method of construction and use

Sections 4.4-4.9 of the PSS describes the working method for construction and Section 4.7 states that the temporary stockpile would be constructed in 5 metre layers to a maximum height of 199m(aod) with up to a 19m increase in ground height. Section 3.4 of the Environmental Statement indicates initial works of soil stripping will be undertaken using a 360 excavator, dumper trucks and, if necessary, a tracked dozer. Section 3.17 defines the plant to be a CAT D8 dozer or similar a CAT352 excavator or similar and up to 10 Bell 50E or similar (50 tonne payload) articulated dump trucks. I note the planning application suggests 60,800m³ of overburden will be cleared and a boundary bund created with topsoil also stored on a separate south-eastern area.

Tipping will take place over a period of a year (3.21) using dumper trucks and when completed it is estimated(3.12) that material would then be processed at 100,000tpa over a period of 13 years, 'depending on capacity at the wash plant '. Based on a conservative estimate of 3000 annual working hours at the tip site from the initial proposal (50 weeks at 60hrs) I estimate this would imply the washing process would be processing at the equivalent of 33tph, which would appear a low processing rate and the reasons for the limited spare capacity of the plant are not understood. Looking at an article (Adding Value at Torr Works | Agg-Net) it would appear the process capacity of the DUO washing plant is 600tph and therefore, it would seem possible to process 1.8Mt over the 3000-hour period required to move materials. In my view it is not therefore clear why the capacity of the washing plant appears to dictate the 13-year period for use of scalpings and might indicate other factors are dictating the expected life of this proposal.

Planning noise limits

At the time of the pre-application, I noted that the aerial image appeared to identify a number of residential locations within the 200m radius of the closest extent of the tip. New Manor Farm has a single address point at Lodge Hill Manor, and this has now been clarified in Appendix 2 of the Planning Supporting Statement, to be in the ownership of John Yeoman,

the landowner and part-lessee facilitating this development. At the time of the pre-application, I indicated links of ownership, or interest with this application, could have relevance to the consideration of the noise limits that might apply to the development. This point is recognised in section 4.57 and 7.6 of the PSS where it indicates that the landowner would be happy to accept a temporary relaxation of noise limits at this property to enable these works to progress.

The property of Lodge Hill Farm is closer to the development and this appears to have two further address points listed to caravans. However, the relationship of these potential residential locations to the application is still not understood and has not been described in the supporting detail of this, or previous applications. This may point to the fact these locations are no longer occupied or the operator has not clarified any ownership of the property and holds the view that this discounts the location from further consideration.

Activities within the quarry complex are controlled by two planning permissions; 2010/0984 (10/08/2012) for Torr Quarry, and 2017/1506/CNT (17/12/2019) for Leighton Quarry and the exportation of materials from the quarry to construct the tip development will fall within these conditions. Currently noise levels from any activity associated with the Torr Quarry permission are restricted by a non-specific condition set at 55dB(A) at any residential property(cond.17) with more specific limits defined at three named locations on the west of the quarry(cond.18). The conditions at named locations were carried over from the 2003 consent (101341/026) at the request of the new operator, Aggregate Industries, and were conditions applied to earlier operations undertaken under Foster Yeoman's ownership. Historically conditions may not have been specified at property on the eastern boundary and this may possibly be due to the ownership links of property with Foster Yeoman however, I can find no confirmation of this in my earlier reports.

I find the Planning Statement of the 2010 application for the deepening of Torr Quarry did not discuss eastern boundary property but, this may not have been seen to be significant at that time as a worsening of impacts was not anticipated. My report (302700N.140 - 10/6/10) stated the following:

The report provides insufficient information to validate any prediction however, this may not be necessary as the report concludes that quarrying operations could continue to work within existing planning limits and in section 11 states:

We recommend that for general operations at the quarry the current noise criteria contained in planning permission reference 101341/026 and dated 5th December 2003 are maintained for future operations down to 3 m AOD at Torr Quarry.

In my view it would therefore seem unreasonable to object to this application on the basis of noise if the effectiveness of present noise conditions has been established and there is an intention to continue to maintain noise control measures to these limits.

Looking further back my report 302700N.086 in 1995 considered the proposal of premature working of a north-western extension area and noted that the 1990 consent 101341-003 had only two monitoring locations (47dB(A) at Hillview 53dB(A) at Downhead & Heale Farm Cranmore). The reasoning for higher noise limits at Heale Farm Cranmore had been described in 1995 to result from the owners dislike of a proposed bund and negotiations between R Evans (SCC Principle Planner) and the operator. My report recommended adding a noise limit to the unoccupied Heale Farm Downhead as this was closer to the working area but noted "The presence of this condition [Heale Farm-Cranmore] makes it difficult to justify specifying a lower limit 300 meters away". I subsequently noted in 2000 that Heale Farm Downhead was then in the ownership of then Director of Foster Yeomans Quarry and this ownership link may have been realised in 1995. The limit of 53dB(A) at both Heale Farm locations would therefore have been greater than that based on consideration of the environment in the absence of quarrying but fell within the acceptable range of limits suggested in the MPG11 guidance at that time.

Other aspects of noise control might relate to restricted hours of working and I note the noise report supporting this current application indicates(NR6.3) that the applicant can restrict operations and activity within the new application site boundary to hours between 07:00 to 19:00 on Monday to Friday and between 07:00 to 12:00 on Saturdays. However, I note this differed from the more restrictive hours in the application form that stated 07:00 to 18:00 on the Monday to Friday period. I now note a recently proposed amendment has been made by the agent on 8/7/21 and this reduces working hours further to 07:00 to 17:00 on Monday to Friday, with no weekend working. This change will help to avoid noise at times when expectation for amenity is greater and reduce the impact of the development.

Noise impacts

The noise report has undertaken predictions based on the distance losses from continuously operating noise sources and I have confirmed these to be reasonable. The table below shows my calculations that indicate the variation in noise at differing working separation distances, and also include prediction at the closest potential dwelling of Lodge Hill Farm should it be found to require further consideration.

Predictions indicate worst-case noise to be 68dB(A) at Lodge Hill Farm and 58dB(A) at Lodge Hill Manor. The predicted noise at other unknown potential residential locations at Lodge Hill Farm have not been predicted or discussed in this or the applicant's reports. The predicted noise at Shute Farm and Green Farm when combined with the assessed noise in the presence of current working would suggest the additional noise from development could arise and remain within the existing planning limits and this view was also indicated within the noise report.

The predictions above would indicate minimal noise contributions would be likely to arise from activities within the area where scalplings are to be removed and the levels of noise are also likely to be reduced further by local barrier screening. Without better detail of the construction of the storage tip it is difficult to estimate the potential noise mitigation that might be possible during construction. I would however, disagree with the noise consultants belief that "There is no realistic prospect of reducing the noise levels by way of bunding due to the height of the storage area and the manner in which it will be constructed and progressively removed". In my view it would appear feasible to incorporate construction measures to reduce noise and the early completion of approach road bunding and perimeter tipping within each phase of height increase might then offer screening of the direct noise propagation from subsequent in-filling. The reduced duration that plant might remain visible from overlooking noise sensitive development might then be considered a reasonable mitigation measure in addition to the use of broadband reverse warning systems and possibly more selective choice of working hours during the noisiest stages of development close to as yet uncertain residential development.

Conclusion

I remain uncertain why the capacity of the washing plant appears to dictate the 13-year period for use of scalplings and this might require further explanation if it is to justify the expected life of this proposal.

In my view it is likely that perceptible change will be noted in the noise environment at some locations more remote from this development, as dumpers travel on higher ground, and this and other construction activity will become a significant feature at several locations close to the storage site. In my view there are opportunities for the development of bunding to minimise these impacts and this should be explored.

The planning limitation of noise arising with the move of materials to and from the new site would, in my view need to be conditioned as part of any allowance presently permitted under 2010/0984 (10/08/2012), as it would not be possible to proportion noise contributions from different consents. This would appear feasible and the developer would not appear to be seeking any increased noise limits at the noise sensitive locations historically considered during the development of Torr Quarry. The letter provided by Mr Yeoman clarifies a situation where relaxed noise limits might be defined at his property and these, and any further limits that may be required at any closer residential situations within Lodge Hill Farm, can then be clarified and agreed.

The intention of the applicant to extend an existing noise monitoring regime to include the application area and provide for more regular noise monitoring during the construction period is welcomed.

Subject to presentation of additional information it would not appear that noise impacts should substantiate a planning objection.

I hope these comments are helpful and I await further clarification of the points I raise.'

Following further clarification from the agent:

Thank you for forwarding the letter of clarification provided by Chris Herbert on 4/8/21 and this addresses all the points I raised in my consultation response dated 23/7/21 in that:

The operator's response to Councillor Hayden provides an explanation for the limited spare processing capacity of the washing plant and provides justification for the extended lifespan of tip activities.

The description of phased tip development now recognises the opportunity for improved noise mitigation by the early development of boundary bunding.

The description of the process for material removal from the tip outlines a working method to minimise noise.

The ownership of Lodge Hill Farm is confirmed to be with Mr Yeoman who has leased land to facilitate this development and who has indicated an agreement to accept the greater exposure to noise from this development.

The operator has removed risk of weekend noise disturbance by restricting tip activities to the weekday periods of 07:00 to 1700 hours.

Distractive elements of noise from vehicle reversing alarms have been minimised by requiring the use of broadband reverse warning alarms on all plant involved in the project.

A further aspect of good practice was detailed in section 6.5 of the noise impact assessment prepared by Advance Environmental. This indicated the activities associated with development could be incorporated into the existing Environmental Noise Monitoring Scheme currently applied to other quarrying activities. In doing this the operator conveniently details measures for routine periodic monitoring and the actions to be undertaken to record and investigate any issues of noise disturbance. I would suggest that the scheme indicate an intention to assess noise during initial site development, so as to demonstrate the compliance of the activities with the noise conditions defined in the planning consent. The operator's intention for further periodic monitoring of the development may then be governed by the initial measurement outcomes, and if appropriate, monitoring might then adopt the approach currently taken for existing quarrying operations.

In my view the noise impacts to be expected from this development are not sufficient to sustain a planning objection.

Clarification has established there is recognition, and agreement to, a relaxation of noise limits at the properties in the ownership of Mr J.F.Yeoman. If consent is to be granted, I would therefore suggest the following planning conditions be considered to define these controls on the noise from this development:

- 1.** The use of plant associated with the permitted activities of site preparation, tip construction and removal of materials shall be restricted to 0700 to 1700 hours Monday to Friday with no working on Bank Holidays and weekends

Reason: To minimise the risk of noise disturbance arising during more sensitive time periods

2. With exclusion of the properties of Lodge Hill Manor and Lodge Hill Farm, noise from this permission shall be considered to form part of operational noise currently constrained by condition 17 and condition 18 of consent 2010/0984.

Reason: To limit and prevent growth in the noise associated with existing quarrying operations.

3. Noise at Lodge Hill Manor arising from this permission shall not exceed a free-field Leq(1hour) level of 58dB(A) within 20m of the property.

Reason: To limit noise from this permission yet provide allowance for development as agreed by the land and property owner Mr J.F.Yeoman, as detailed in his letter dated 20/5/21.

4. The operator shall minimise the noise affecting residential development by adopting measures that include:

- The use of broadband (white noise) reversing warning systems on all plant operating within the site;
- A construction approach based on the early development of the boundaries of tipping so as to provide visual and acoustic screening of the activities associated with tip development from noise sensitive locations.
- An operational approach to material removal that optimises noise mitigation and screening of activities from noise sensitive locations.

Reason: To minimise noise and recognise the mitigation measures detailed by the applicant on 4/8/21

5. Prior to the commencement of works the operator shall submit and obtain written agreement for revision to the Environmental Noise Monitoring Scheme currently applied to the operations at Torr and Leighton Quarry.

Reason: To detail and incorporate appropriate measures for noise monitoring and for actions to record and investigate any occurrences of noise complaints.'

7.14 SCC Ecologist – initial response

'I have reviewed the application for temporary storage of limestone scalplings, land north of Torr Works... Somerset Wildlife Trust response dated 06/07/2021 highlighted concern with how the proposed scheme will impact the integrity of surrounding ecological networks and the proposals do not set out mitigation plans that outline how this will be accounted for. The NPPF 2021 specifies that ecological networks should be conserved, enhanced and made more resilient by the planning system. Somersets Ecological Network maps are now integrated into all District Council Local Plans (see Policy 5 Mendip District Council Local Plan Part I: 2006-2029) and Somerset Minerals Plan: Objective D 'To ensure that operational mineral sites are restored to high environmental standards at the earliest possible opportunity, thereby achieving environmental, social and economic gains from mineral development and strengthening local ecological networks'. Further, Section 10.8 of Somerset Minerals Plan states 'The delivery of planning policy on restoration regarding aggregate quarries should be informed by Maps 7a and 7b, which have been created by Somerset Wildlife Trust's Living Landscape team in conjunction with Somerset County Council'. SES would welcome a response to this point from the applicant.

Veteran Trees

- All veteran trees should be retained with protection measures. The applicant should specify protection plans for veteran trees (and other retained habitats, i.e., hedgerows) throughout the application lifetime. There is no mention of this within the ES.

Bats

- The Preliminary Ecological Appraisal (PEA) states there are three veteran trees along the application site boundaries. The Bat Report states 'None of the trees are significantly old or large', which is contradicted by the above comment. One would expect at least one of the three veteran trees reported in the PEA to hold potential roosting features for bats and/or barn owl. There are no images of any of the veteran trees provided. Clarification required.

Badger

- The PEA identified active badger setts within the application site. There is no further impact assessment or details of mitigation for badger setts within documentation. It is possible badger impacts would require sett closure due to the proximity to proposed works. Clarification required.

Dormouse

- Although dormouse surveys did not record presence, surveys in 2020 by Wood PLC recorded dormouse in the hedgerows 1.5km east of the application to the south of Westdown Quarry. The site boundaries are connected to these hedgerows via woodland, including that of Mendip Woodlands SAC of which the citation states 'The site [SAC] is in the centre of the range of common dormouse *Muscardinus*'. It is highly likely dormouse are present, albeit at a low density, and therefore should be considered as a precaution.

Environmental Statement

- The ES should be updated with the results and recommendations of surveys from 2021 (including bats, dormouse, reptiles, and Eurasian hobby) and the above comments. Furthermore, the ES lacks any impact assessment to ecological receptors. The ES states 'Ecological Impact Assessment – Andrews Ecology Ltd' when referring to EcIA, however the only ecology report from Andrews Ecology Ltd in the ES is a Preliminary Ecological Appraisal (PEA). The ES also lacks details of mitigation, these are rather spread out across various third-party reports.

Field Ditch

- The ES states 'The existing field ditch (230 m length) will be cleared out and maintained at the following dimensions...'. Further details on this ditch is required as there is no reference to it in the PEA and it could support Protected and/or Priority Species.

Habitat Regulation Assessment

- SES are awaiting a copy of the HRA (now received). This should be submitted alongside an updated ES (now received and updated).

Habitat Evaluation Procedure

- The HEP confirms a 2.92ha field within AIUKs holding will be used as replacement / enhancement habitat. SES welcomes the mitigation proposed here. The HEP outlines monitoring / management that lasts up to 10 years.. '

Following production of requested surveys and information;

Hobby survey – none found

Reptile Survey – none found

Dormice survey – none found

Badger Survey – Badgers near to site boundary (see below – mitigation agreed)

HRA produced (concludes no adverse impact subject to conditions) and sent to NE for comment.'

Public Consultation

7.15 80 letters of objection

- We object because this stockpile would be right next to Asham Wood, almost the mirror of Westdown. Therefore, Asham is potentially assaulted from both sides having regard to the quarrying proposals adjoining the eastern edge of the wood.
- Loss of agricultural land.
- This is quite unnecessary; it would incur a lot of lorry movements. If the exercise is to get rid of the scalpings they should be moved by train, and dumped somewhere into the sea. This would reduce the acidification of the oceans.
- They should invest in extra washing plant rather than lose virgin farmland.

Adverse impact on Tunscombe Lane bridle path which is used by horse riders and this may affect my business.

- Dust issues could cause COPD in horses
- With the potentially huge extra amount of stone scalpings being washed with water from Whatley Brook/Fordbury Water which is then returned to the stream we would ask for this application to be refused.
- This is quite unnecessary; it would incur a lot of lorry movements. If the exercise is to get rid of the scalpings they should be moved by train, and dumped somewhere into the sea. This would reduce the acidification of the oceans.
- Waste could be contaminated.
- the mitigation for the generation and management of environmental pollutants, noise, dust, water run off into the adjacent farming land and water tables would appear not to have been addressed, will new consents to discharge be required - each transfer of material to its final dispatch from the quarry will generate airborne and noise pollution.

- visual impact.
- misuse of the nations raw materials by previous owners of this old quarry.
- reflection of lack of investment by previous and current owners.
- the existing secondary and wash plant currently sit on good material when will they be removed to access the virgin mineral beneath.
- this proposal is a sad reflection of asset stripping by the parent company and ignores the impact to the global and local environment.
- Concern about proposed operating hours (case officer note: During the processing of this application the applicant has amended the proposed working hours to 0700 to 1700 Monday to Friday only and this can be conditioned as such).
- Lack of detail that the applicant's Alternatives Considered section.
- Poor and largely omitted analysis of impact of the proposed development on Climate Change.
- Unacceptable levels of noise that do not comply with government standards.
- Contrary to NPPF in particular paras 170 and 171.
- Impact on climate change.
- The Torr Quarry should not negatively impact the natural landscape for the sake of profits, if the addition of an extra washing facility is technically feasible, the costs to make it economically feasible should be borne by the end consumer. The surrounding community should not be responsible to bear such cost on their local environment.
- Loss of rare Licon (officer note – Lichen?)– suggest a site visit.
- There was an awareness of possible need to respond to increase in demand; presumably there was an awareness for the potential increase in volume of scalplings? The sterilisation referred to here, in Leighton void, is presented as permanent (though research into economic use of filter cake is current). The reserves currently under the pile of scalplings in Torr void are referred to as 'sterilised', this implies a potential permanence to the situation which is disingenuous.
- Machinery will be visible from the top of the pile from our property.
- Noise issues.
- Dust issues.

8. Comments of the Service Manager – Planning Control, Enforcement & Compliance

8.1 The key issues for Members to consider are:-

- planning policy considerations and the justification for the proposal;
- highways and traffic;
- ecology;
- other environmental impacts (such as climate change, noise, dust etc) and their control and response to objectors' concerns

8.2.1 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the following documents, with their policies of relevance to this proposal being listed in Section 10 of this report:

- Somerset Minerals Plan (adopted 2015)
- Mendip Local Plan Part I: Strategy and Policies 2006-2029 (adopted 2014)

8.3 Material Considerations

8.3.1 Other material considerations to be given due weight in the determination of the application include the following:

- the National Planning Policy Framework, February 2019
- Planning Practice Guidance
- Mendip Local Plan Part II: Sites and Policies (emerging)
- North Somerset and Mendip Bats Special Area of Conservation Guidance on Development

8.4 Planning Policy context and the justification for the proposal

Policy SMP3 is the most relevant Policy when assessing this application and it reads as follows:

'Policy SMP3: Proposals for the extraction of crushed rock

Planning permission for the extraction of crushed rock will be granted subject to the application demonstrating that:

- a)** the proposal will deliver clear economic and other benefits to the local and/or wider communities; and
- b)** the proposal includes measures to mitigate to acceptable levels adverse impacts on the environment and local communities.

Land has been identified as an Area of Search for Silurian Andesite extraction as shown in policies map 1b'

It is considered that the moving of the scalplings to free up quarry reserves will have a positive impact economically by keeping workers employed in quarrying activities. In terms of benefit to local and/or wider communities the production of carboniferous limestone as building material is deemed highly important and its use is considered paramount in development (roads, houses etc etc)

The measures contained within the proposed conditions will mitigate against adverse impacts on the environment and local communities also in accordance with SMP3 (b)

Also relevant is Policy DM1 as identified by the Policy team:

'Policy DM1: Landscape and visual amenity

Planning permission for mineral development will be granted subject to the application demonstrating that:

- a) the proposed development will not generate unacceptable adverse impacts on landscape and visual amenity; and
- b) measures will be taken to mitigate to acceptable levels adverse impacts on landscape and visual amenity.

All mineral development proposals must be informed by and refer to the latest, relevant character assessments, nationally and locally. National Parks and Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty. Proposals for mineral development within or adjacent to an Area of Outstanding Natural Beauty will need to take full account of the relevant AONB Management Plan; and proposals

within or adjacent to Exmoor National Park will need to take full account of the Exmoor National Park Local Plan.'

In this instance it is clear that there will be an impact on visual amenity but this will be only temporary and the benefit of increased employment and continuity of building materials supply outweighs the minor impact of visual amenity by replacing an agricultural field with a stockpile of scalplings.

Also relevant is Policy DM7 which reads as follows;

'Policy DM7: Restoration and aftercare

Planning permission for mineral development will be granted subject to the applicant submitting restoration and after-use proposals, which:

- a) clearly state how the criteria in the reclamation checklist (Table 7) have been met; and
- b) include satisfactory information on the financial budget for restoration and after-use, including how provision for this work will be made during the operational life of the site. Restoration proposals will be subject to a five year period of aftercare. Where proposals require a longer period of management, the proposal will only be permitted if it includes details of how this will be achieved.'

In this case the restoration would be the subject of a planning condition (number 10 detailed below).

In relation to impact on amenity Policy DM8 needs to be referred to:

Policy DM8: Mineral operations and the protection of local amenity

Planning permission will be granted for mineral development subject to the application demonstrating:

- a) that the proposed development will not generate unacceptable adverse impacts on local amenity;
- b) measures will be taken to mitigate to acceptable levels (and where necessary monitor) adverse impacts on local amenity due to:
 - i) Vibration;
 - ii) Dust and odour;

iii) Noise; and

iv) Lighting

c) how the applicant intends to engage with local communities during the operational life of the site'

Conditions will be imposed to deal with matters such as noise, vibration, dust and odour. In terms of lighting given the operating hours this will only be likely required during winter and a condition is proposed to state no lighting can be installed without consent to ensure that this does not cause any unnecessary impact on local amenity.

It is noted that the quarry holds a regular liaison meeting with local residents and interested parties – it is considered that this complies with point c of the above policy (community engagement)

8.5 Highways and traffic

In terms of traffic the County Highways authority have raised no objection as the traffic will be using internal quarry roads. There is no impact therefore in highways terms.

8.6 Ecology

In terms of mitigation a habitat for bats is to be created to mitigate any impacts that may occur. A survey taken by competent ecologists revealed that there are no dormice on site. The reptile survey proved negative for all four species of common reptile known to occur in Somerset. Similarly, no hobby (bird species) were shown to be nesting in the Zone of Influence of the proposal to move the scalplings. There are badgers in the vicinity of the site and discussions have undertaken between the county Ecologist and the applicants which have resulted in the application being amended to avoid impact on a badger sett.

A HRA has been prepared by Somerset Ecology Services (on behalf of the Local Authority) and this has now been sent to Natural England for their thoughts/comments. Therefore, the recommendation below is subject to their comments. The HRA concludes that the development would not have an adverse impact and mitigation in the form of planning conditions is considered appropriate.

In terms of biodiversity net gain this doesn't become a mandatory requirement till 2023 and the ecologist would not be requiring it on a scheme of this scale.

8.7 Other environmental impacts (such as climate change, noise, dust etc) and their control and response to objectors concerns;

Noise has been extensively reviewed and scrutinised by the Councils Acoustics specialist and is satisfied that noise won't be an issue subject to the imposition of certain conditions which are duly recommended below. It is duly noted that the only of the nearest farmhouse has given his consent to the works over the temporary period of time (15 years) so potentially the residential property is effectively content. However, the property still needs protection of some degree hence the recommended noise limit planning condition as suggested by the SCC Acoustics specialist being duly supported and reproduced below.

In terms of climate change it should be noted that Somerset County Council have declared a 'climate emergency'. Therefore this must be taken into account in the determination of all applications. It is duly noted that Torr works have the ability to transport materials by rail this means a significant reduction in CO2 emissions of road transport compared to a quarry without the benefit of a rail link. Also as rightly noted in the applicant's environmental statement:

'The proposed development will prevent the sterilisation of mineral which would otherwise need to be quarried elsewhere at sites which are unlikely to have a railhead.

Furthermore, the sale of washed scalplings is considered a sustainable use of what was previously considered quarry waste. It reduces the need for primary aggregate to be quarried and the subsequent emissions that quarrying generates. The proposed scalplings storage area will be an integral part of this process.'

Also when looking at the alternatives to this application this appears to be the most environmentally friendly way of extracting the much needed mineral (see text below) – so in terms of climate change on balance the proposal appears to be the most acceptable.

Other matters raised by objectors

One of the matters raised by objectors is that there may be alternatives to resolve the scalping issue for the quarry. These alternatives are fully explored in the Environmental Statement and summarised as not reasonable as alternatives in the non-technical summary as below;

³Bigger scalpings washing plant

...There is insufficient space at Torr Works to accommodate a bigger washing plant without reducing the amount of mineral that could be quarried (i.e., sterilisation of mineral) and therefore this alternative was not considered viable.

Deposit scalpings in Leighton void

...Moving the scalpings to another part of the quarry known as Leighton was considered. However, Leighton is currently used for depositing the finer material (silts, soil, etc) washed out of the scalpings during the washing process. An alternative location for depositing this material would need to be found. Therefore, this option was discounted.

Storage of scalpings at Leighton once restored

'...Storing the material at Leighton once it is restored was discounted on the basis that it would delay restoration and give rise to greater visual impacts than the proposed development.'

Relocation of scalpings in Torr Quarry void

'...The alternative was discounted as it was considered inefficient due to the number of vehicle movements required.' This is agreed to move the scalpings round the quarry would mean several ore traffic movements that just those to move the scalpings out then onto the washing plant.

It is considered that this represents a cogent and appropriate exploration of alternatives and gives an adequate explanation as to why the proposal is the 'best option' for the applicants.

One of the objectors raises concerns about dust giving horses that use the bridleway COPD or other breathing details and this is considered a valid concern not just for livestock but for people also, therefore a condition (number 16 below) is proposed to make sure any dust is suppressed so as not to cause any issues in terms of pollution. This condition has proved to be effective on the main quarry site and will continue to be effective on this temporary extension to the site.

One of the objectors raises concerns that machinery will be visible when on top of the stockpile and whilst this may be the case this will be for a temporary period only as the pile will decrease

³ EIA Non-Technical Summary (May 2021) David Jarvis Associates Limited

in height – it is in the operator’s interest to do so as the scalpings have a value to them (albeit less than the value of the limestone this will free up – but a value all the same)

An interesting solution from one of the objectors to move the scalpings by train and then dump them at sea to reduce acidification in the oceans would surely require more freight movements and would have to undergo extensive environmental permitting etc – it is far more practical to wash them on site after storing them next to the site.

Overall, it is considered that the objectors concerns can be addressed by planning conditions and within the planning balance in as much as the economic benefits that this proposal will bring.

Conclusion

It is considered that the economic benefits from the continued operation of the quarry and the associated jobs needed to do this and with the limited period involved (just 15 years) outweighs the adverse impact that the storage of scalpings will have in place of arable farmland. The proposal therefore complies with Policy SMP3 of the Somerset Minerals Plan (2015)

9. Recommendation

9.1 It is recommended that planning permission be granted subject to a satisfactory response to the HRA from Natural England and to the following conditions:

1. The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended)

2. The development hereby permitted shall be carried out in strict accordance with the approved plans and specifications, and with any scheme, working programme or other details submitted for the approval of the County Planning Authority in pursuance of any condition attached to this permission, unless prior written approval is obtained from the County Planning Authority to any variation:

- 2937-4-1-3-DR-0001-S4-P2 Existing Conditions

- 2937-4-1-3-DR-0002-S4-P3 Initial Tipping
- 2937-4-1-3-DR-0003-S4-P3 Proposed Tip at completion
- 2937-4-1-3-DR-0004-S4-P3 Initial Restoration
- 2937-4-1-3-DR-0005-S4-P3 Restoration in Progress
- 2937-4-1-3-DR-0006-S4-P3 Final Restoration
- 2937-4-1-3-DR-0007-S4-P2 Haul Route Access
- 2937-4-1-3-DR-0008-S4-P2 Site Location
- 2937-4-1-3-DR-0009-S4-P2 Cross Sections
- 2937-4-4-4-1-DR-0001-S4-P1 Cross Section – Church of All Saints
- 2937-4-1-3-DR-00010 – S4-P3 – Standoff Plan
- 2937-4-4-2 Environmental Statement Main text
- 2937-4-4-3 Non Technical Summary
- ES Appendixes 1-7 (as revised Nov 2021)
- Revised LVIA Addendum Letter (3 Dec 2021)

Reason: For the avoidance of doubt as to the extent of the permission.

3. The use of plant associated with the permitted activities of site preparation, tip construction and removal of materials shall be restricted to 0700 to 1700 hours Monday to Friday with no working on Bank Holidays or weekends.

Reason: To minimise the risk of noise disturbance arising during more sensitive time periods

4. With the exclusion of the properties of Lodge Hill Manor and Lodge Hill Farm, noise from this permission shall be considered to form part of operational noise currently constrained by condition 17 and condition 18 of consent 2010/0984 (shown below:)

(17 Noise levels from any activity associated with this permission shall not exceed a free-field Leq (1 hour) of 55dB(A) when measured at any residential property.

Reason: To protect the amenity of local residents.

5. Noise levels from any activity associated with this permission shall:-

a. at Hillview, Downhead

i. between 0600 and 2000 hours Mondays to Fridays and between 0600 and 1200 hours Saturdays not exceed a free-field Leq (1 hour) of 47dB(A);

ii. between 2000 and 0600 hours Mondays to Fridays and between 1200 hours Saturdays and 0600 hours Mondays not exceed free-field Leq (1 hour) of 40dB(A).

b. at Heale Farm, Cranmore

i. between 0600 and 2000 hours Mondays to Fridays and between 0600 and 1200 hours Saturdays not exceed a free-field Leq (1 hour) of 53dB(A);

ii. between 2000 and 0600 hours Mondays to Fridays and between 1200 hours Saturdays and 0600 Mondays not exceed a free-field Leq (1 hour) 40dB(A).

c. at Heale Farm, Downhead

i. between 0600 and 2000 hours Mondays to Fridays and between 0600 and 1200 Saturdays not exceed a free-field Leq (1 hour) of 53dB(A);

ii. between 2000 and 0600 hours Mondays to Fridays and between 1200 Saturday and 0600 Mondays not exceed a free-field Leq (1hour) of 40dB(A).

d. at Chapel Farm, Leighton

i. between 0600 and 2000 hours Mondays to Fridays and between 0600 and 1200 hours Saturdays not exceed a free-field Leq (1 hour) of 55dB(A);

ii. between 2000 and 0600 hours Mondays to Fridays and between 1200 hours Saturdays to 0600 hours Mondays not exceed a free-field Leq (1 hour) of 40dB(A).

Reason: To protect the amenity of local residents.)

Reason: To limit and prevent growth in the noise associated with existing quarrying operations.

6. Noise at Lodge Hill Manor arising from this permission shall not exceed a free-field Leq (1hour) level of 58dB(A) within 20m of the property.

Reason: To limit noise from this permission yet provide allowance for development as agreed by the land and property owner Mr J.F.Yeoman, as detailed in his letter dated 20/5/21.

7. The operator shall minimise the noise affecting residential development by adopting the measures outlined in the submitted document dated 04/08/2021 (letter from Chris Herbert, Planner Manager – South, Aggregate Industries that includes:

- The use of broadband (white noise) reversing warning systems on all plant operating within the site;
- A construction approach based on the early development of the boundaries of tipping so as to provide visual and acoustic screening of the activities associated with tip development from noise sensitive locations.
- An operational approach to material removal that optimises noise mitigation and screening of activities from noise sensitive locations.

Reason: To minimise noise and recognise the mitigation measures detailed by the applicant on 4/8/21

8. Prior to the commencement of works the operator shall submit and obtain written agreement from the County Planning Authority for revision to the Environmental Noise Monitoring Scheme currently applied to the operations at Torr and Leighton Quarry. The development shall proceed in accordance with the approved details for the lifetime of the permission granted

Reason: To detail and incorporate appropriate measures for noise monitoring and for actions to record and investigate any occurrences of noise complaints.'

9. No development hereby approved which shall interfere with or compromise the use of bridleway SM 8/9 and SM 8/11/1 shall take place until detailed drawings of the crossing points, signage and traffic light system have been submitted to and approved in writing by the CountyPlanning Authority.

Reason: In the interest of highway safety and in accordance with Policy SMP3 of the Somerset Minerals Plan (2015)

10. The measures and recommendations outlined in Flood Risk Assessment by BCL: Limited dated 30th April 2021 shall be fully implemented and retained and maintained in accordance with the submission.

Reason: In the interests of protection from flooding and in accordance with Policy SMP3 of the Somerset and Minerals Plan

11. The site shall be reclaimed to a state suitable for use for agriculture, forestry, amenity, water storage or such other after use as may be agreed in writing by the County Planning Authority (CPA) in accordance with a scheme to be submitted to and approved by the CPA before 15 years from the date of first tipping on the site or within 6 months of operations ceasing at the site, whichever is the sooner. The scheme shall include where appropriate details of:

i/ the preparation of the land surface before soiling;

ii/ the depth and method of spreading and preparation of soils;

iii/ the grass seed mix and location and species of trees, hedges, bushes and shrubs;

iv/ design and location of fencing and hedgerows;

v/ the provision for drainage;

vi/ phasing and timing of reclamation;

vii/ final levels of reclaimed land;

Reason: To ensure that landscaping of the quarry is undertaken in a timely and appropriate manner in accordance with Policy DM1 of the Somerset Minerals Plan.

12. All approved planting shall be carried out within the first available planting season (with all dead/dying/diseased planting removed and replaced on a one to one basis), in accordance with the approved scheme under condition 10.

Reason: To ensure that landscaping of the quarry is undertaken in a timely manner in accordance with Policy DM1 of the Somerset Minerals Plan.

13. At the cessation of the proposed development all plant and buildings shall be removed and the site restored in accordance with the approved scheme required by Condition 10 above,

to the satisfaction of the CPA, unless otherwise agreed in writing by the CPA. At any time prior to the cessation of operations any plant, buildings, machinery or hard standings which is no longer in operation shall be removed from the site within six months of the cessation of such operations.

Reason: To ensure that restoration of the quarry is undertaken in a timely and appropriate manner in accordance with Policy DM7 of the Somerset Mineral Plan.

14. No lighting shall be installed on the site unless a scheme has been submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of amenity and in accordance with Policy DM8 of the Somerset Minerals Plan (2015)

15. No development or vehicular access shall take place within 30 metres of a badger sett (as shown on plan ref. 2937-4-1-3/DR-0010 S4-P3)

Reason: In the interests of biodiversity and in accordance with Policy DM2 of the Somerset Minerals Plan

16. The development shall be carried out in full accordance with the details outlined in Appendix 4 of the Environmental Statement May 2021 (David Jarvis Associates)

Reason: In the interests of amenity and the avoidance of pollution in accordance with Policy DM8 of the Somerset Minerals Plan (2015)

17. The development will provide (within three months of the commencement of tipping at the site) an equivalent minimum of 0.92 hectares of optimal habitat accessible to greater horseshoe bats. The habitat shall consist of species-rich long sward grassland with scattered scrub suitable to produce an abundance of moth species, the main prey of female greater horseshoe bats during the breeding season. The habitat will thereafter be maintained to the benefit of the species:

a) in perpetuity or,

b) until when on completion of the restoration of tip site, a localised alternative site, accessible to greater horseshoe bats, is identified and managed so that the value of the mitigating replacement site is replaced to at least an equal value and, as per Government guidance at that time, enhanced.

Any alternative scheme will be approved in writing by the Minerals Planning Authority prior to the completion of the restoration of the tip site.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species, and in accordance with Mendip District Local Plan 2006-2029: DP5 - Biodiversity and Ecological Networks

18. The management of the Replacement Bat Habitat created as mitigation will be carried out in accordance with the submitted Management and Monitoring Scheme of Replacement Bat Habitat (Wiltshire, 2021) and be implemented within three months prior to the commencement of tipping on the permitted site. A report describing the results of monitoring shall be submitted to the County Planning Authority at intervals identified in the submitted Management and Monitoring Scheme. The report shall also set out (where the results from monitoring show that conservation aims, and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Minerals Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species, and in accordance with Mendip District Local Plan 2006-2029: DP5 - Biodiversity and Ecological Networks.

19. A revised Dust Suppression Scheme shall be submitted to the County Planning Authority for approval prior to use of the site for tipping. The revised scheme will include an additional monitoring station to the north-east of the tip site and measures to mitigate any adverse effects that may occur to biodiversity of the woodland to the north and east of the tip site. The measures in the approved scheme shall be implemented and observed for the duration of the permission.

Reason: In the interests of the integrity of a European site and in accordance with Mendip District Local Plan 2006-2029: DP5 - Biodiversity and Ecological Networks.

20. An updated Torr Biodiversity Management Plan shall be submitted for approval in writing by the County Planning Authority prior to the use of the approved site for tipping. The updated plan shall include a commitment that in the event dust monitoring identifies dust levels are in excess of 1g/m²/day from the proposed development impacting on Asham Wood SSSI, then monitoring of these effects on the bryophyte and lichens within Asham Wood SSSI will be undertaken and the frequency of subsequent monitoring increased to once every three years together with approval of the details of the proposed mitigation by the County Planning Authority if adverse impacts are identified. The proposed mitigation measures shall include appropriate time scales and will be fully implemented in accordance with the approved details and maintained for the lifetime of the development.

Reason: In the interests of the integrity of a European site and in accordance with Mendip District Local Plan 2006-2029: DP5 - Biodiversity and Ecological Networks.

21. The development shall ensure for the maximum period of fifteen years after the commencement of first tipping at the site. The development shall be in full accordance with the proposed restoration plans refs - 2937-4-1-3-DR-0002-S4-P3 Initial Tipping

- 2937-4-1-3-DR-0003-S4-P3 Proposed Tip at completion
- 2937-4-1-3-DR-0004-S4-P3 Initial Restoration
- 2937-4-1-3-DR-0005-S4-P3 Restoration in Progress
- 2937-4-1-3-DR-0006-S4-P3 Final Restoration

Reason: In the interests of visual amenity and biodiversity and in accordance with Policy DM8 of the Somerset Minerals Plan (2015)

INFORMATIVES

10. Relevant Development Plan Policies

1. The following is a summary of the reasons for the County Council's decision to grant planning permission.

2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:-

Somerset Minerals Plan (2015)

- SMP3
- DM1
- SMP8
- DM7

The policies in the development plan particularly relevant to the proposed development are:-

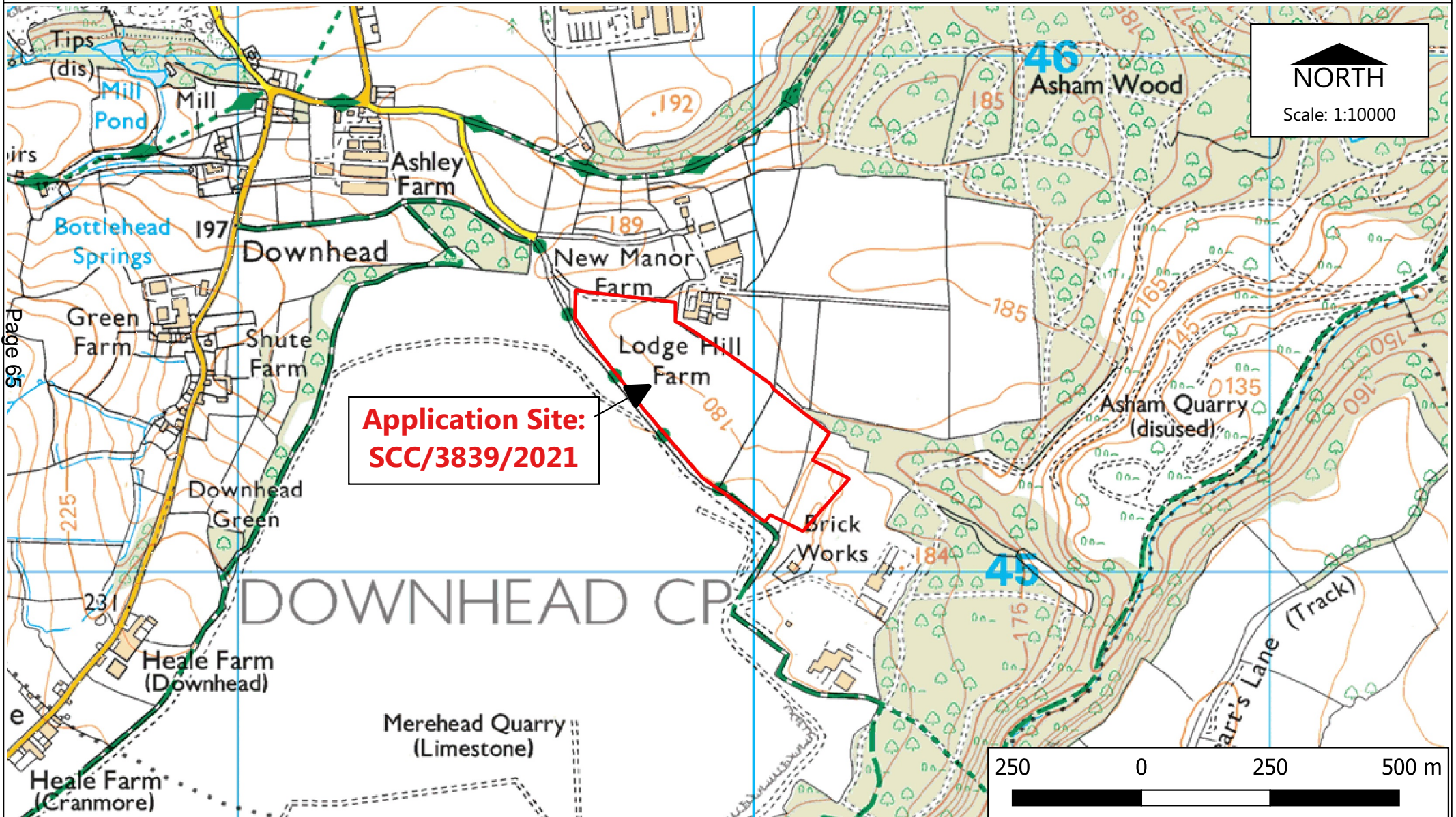
- Mendip District Local Plan 2006-2029
- Core Policy 1 – Mendip Spatial Strategy
- Core Policy 3 – Supporting Business Development and Growth

3. The County Planning Authority has also had regard to all other material considerations.

4. Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

In dealing with this planning application the County Planning Authority has adopted a positive and proactive manner. The Council offers a pre- application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework, Minerals Local Plan and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reasons for approval. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.

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Paul Hickson,
Strategic Commissioning Manager
Community & Environmental Services
Somerset County Council
County Hall, Taunton, TA1 4DY

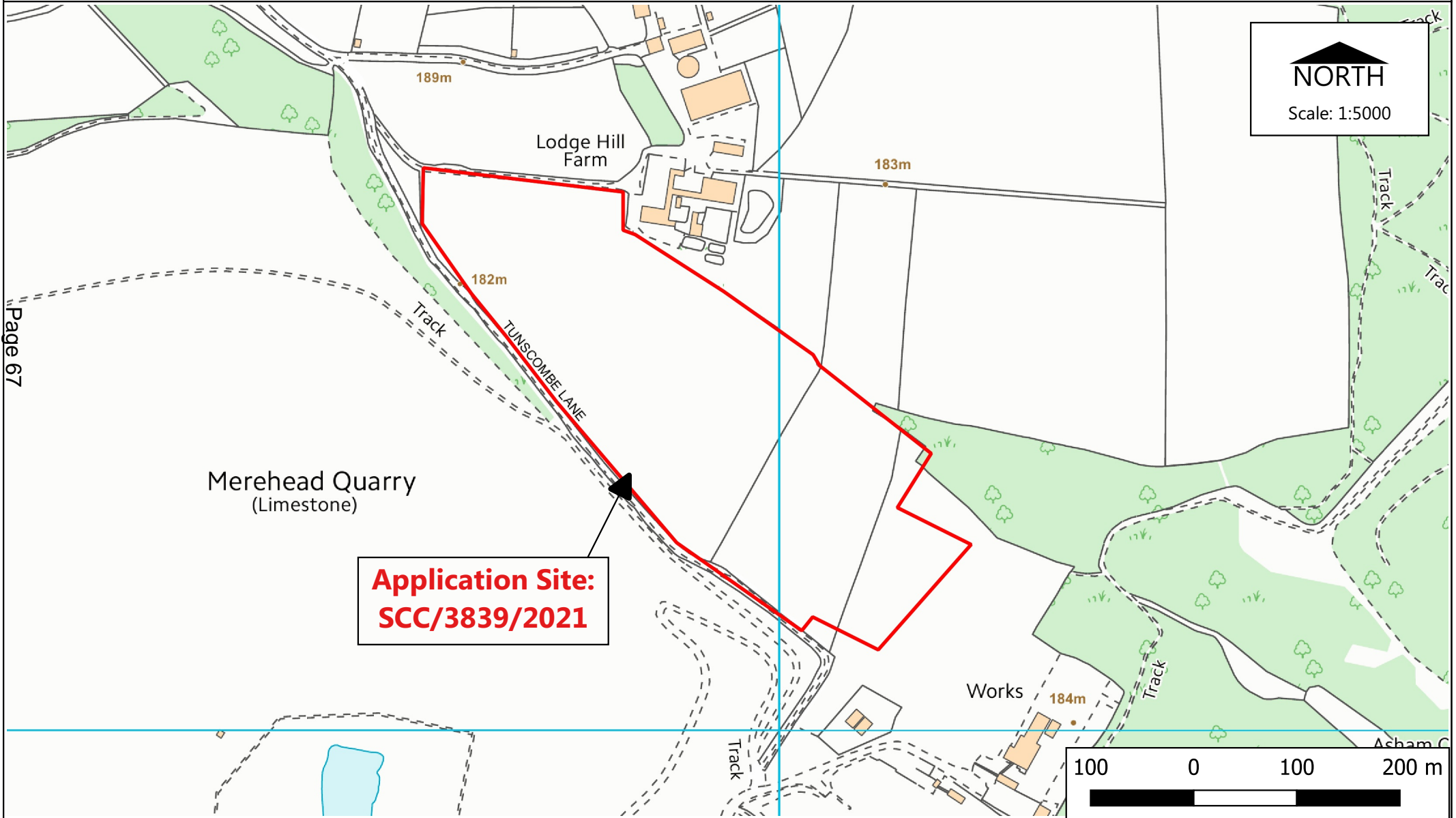
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Planning Control
Drawn by: K Blackmore

Location Plan

Dated: 22/12/21

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Page 67

**Application Site:
SCC/3839/2021**



Paul Hickson,
Strategic Commissioning Manager
Community & Environmental Services
Somerset County Council
County Hall, Taunton, TA1 4DY

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Site Plan

Dated: 22/12/21

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Somerset County Council

Regulation Committee –

Report by Service Manager - Planning & Development, Enforcement & Compliance:

Application Number: SCC/3907/2021

Date Registered: 16th Dec 2021

Parish: Tatworth & Forton Parish Council,

District: South Somerset District Council ,

Member Division: Chard South,

Local Member: Councillor Gemma Verdon

Case Officer: Colin Arnold

Contact Details:

Description of Application: Temporary planning permission is sought for an extension to Chard Junction Quarry at Westford Park Farm for the winning and working of approximately 830,000 tonnes of sand and gravel with progressive restoration to agriculture and nature conservation, inclusive of a new internal haul road and the retention of the existing mineral processing facilities for a period of seven years

Grid Reference: Easting - 334020, **Northing** - 104095

Applicant: Mr Chris Herbert, Aggregate Industries UK Ltd

Location: Chard Junction Quarry

Westford Park Farm

Chard

1. Summary of Key Issues and Recommendation(s)

1.1 Key issues:

- duplicate planning applications have been submitted to Somerset and Dorset County Councils for a site straddling the county boundary, with only a very small proportion of the site being within Somerset;
- Somerset County Council can discharge its function as the determining mineral planning authority for this application to Dorset County Council under Section 101(1) of the Local Government Act 1972.

1.2 It is recommended that the following functions be discharged to Dorset County Council in accordance with Section 101(1) of the Local Government Act 1972:

(a) determination of planning application SCC/3907/2021; and

(b) determination of any applications for the discharge of conditions or nonmaterial amendments pursuant to that application;

subject to Somerset County Council in its roles as mineral planning authority and highway authority, together with the local Divisional Member, being consulted for their views regarding the application.

2. Planning History, Description of the Site and Proposals

2.1 Planning History –

Planning application ref WD/D/19/000451 (SCC ref SCC/3540/2018) for Proposed extension to Chard Junction Quarry at Westford Park Farm to release approximately 930,000 saleable tonnes of sand and gravel, equating to approximately 4.5 years of extraction at the current level of production with a designated haul road to transport sand and gravel back to the existing Chard Junction Quarry for processing was refused (against officer recommendation) for the following reason:

'The development is within the Dorset AONB where exceptional circumstances are required for major development. Bearing in mind the landbank for sand and gravel

and the distance to alternative sources of aggregate, the public interest in minimising HGV movements from other sources and the characteristics of the gravel deposit at Chard Junction do not outweigh the harm identified to the Dorset AONB. The proposal would therefore be contrary to policy DM4 of the Bournemouth, Dorset and Poole Minerals Strategy (2014) and paragraphs 176 and 177 of the NPPF'

2.2 Description of the Site –

Chard Junction Quarry was established in the 1940s and extracts sand and gravel from river terrace deposits to the south of the River Axe. The quarry's processing and stocking area and silt lagoons are established to the south of Chard Junction, with extraction currently taking place to the east of the lagoons in an area known as Carter's Close which was granted consent to recover a further 1.5 million tonnes of sand and gravel on 10th May 2012 (ref number 1/D/12/000079)

2.3 Proposed Development-

It is proposed to develop a new area for extraction at Westford Park Farm to the south west of the processing area, to which it would be linked by a new haul road.

The application site covers 22.3ha and comprises the new extraction area at Westford Park Farm (6.6ha) together with the processing and stocking areas, existing silt lagoons and new haul road.

2.4 The application site lies almost entirely within Dorset, with the exception of part of an existing silt lagoon where an area of 0.4ha lies within Somerset. As the site falls within the boundaries of separate mineral planning authorities, the applicant is obliged to submit duplicate planning applications to Dorset and Somerset County Councils seeking planning permission from each authority for development of the land falling within their administrative area.

2.5 On three previous occasions in 1999, 2012 and 2018 when duplicate cross-boundary applications were submitted to Somerset and Dorset County Councils for mineral development at the quarry, the Regulation Committee resolved under Section 101 of the Local Government Act 1972 to discharge its function as mineral planning authority to Dorset County Council to enable the latter authority to determine both applications.

3. Responsibility for Determination of the Applications

3.1 While it is open to Somerset County Council to determine the planning application for the 0.4ha of land within its administrative area, such an approach would be artificial as this small area is integral to the operation of the quarry as a whole. Separate decisions by the two County Councils could also lead to an uncoordinated approach with differing planning conditions.

3.2 Section 101(5) of the Local Government Act 1972 authorises two or more Local Planning Authorities to discharge any of their functions jointly. This arrangement can be achieved through the establishment of a joint committee. In practice, this type of arrangement is usually established for larger applications or if it is likely that there will be a number of cross-boundary applications, and it would not be appropriate in this case.

3.3 Alternatively, Section 101(1) of the Local Government Act 1972 authorises a local authority to arrange for the discharge of functions by any other local authority. This provision could be relied on by a Local Planning Authority to delegate its development management functions to another Local Planning Authority in respect of a specific cross boundary planning application.

3.4 In this case Somerset County Council could discharge its decision-making powers to Dorset County Council in respect of this cross-boundary planning application. The latter authority would then determine both the application submitted directly to it and the application submitted to Somerset County Council. If Dorset County Council was minded to grant consent for the cross-boundary development, it could grant planning permission authorising the development applied for in both of the administrative areas under the two original planning applications.

3.5 Dorset County Council has confirmed that it is content with such an approach, and it is considered that Section 101(1) will provide the most appropriate mechanism to enable Somerset County Council to delegate its authority. To avoid the need to seek further approvals, it would be prudent to include any future associated applications for the discharge of conditions or approval of non-material amendments within the scope of the arrangement.

3.6 A secondary consideration is that Somerset County Council has not received a planning fee for the application and so would assume all of the costs associated with the processing of the application submitted to it, including publicity (neighbour notification letters, site and press notices), administration and officers' time.

4. Issues

4.1 It is appropriate for Somerset County Council to discharge its function to determine mineral planning applications to Dorset County Council in this case because:

- Dorset County Council is required to deal with mineral applications in a similar way to Somerset County Council, being bound by the same planning regulations and required to consider the same policies;

- The part of the development that lies within the county of Somerset is a very small proportion of the application site overall;
- The impacts of that part of the development that lies within Somerset are minimal;
- The planning application for this mineral development proposal is more coherent and therefore can more properly be considered if it is not split into two smaller, separate applications (i.e. one relating to the area which falls within Somerset and one relating to the area which falls within Dorset), but is dealt with in its entirety by a single planning authority;
- Dorset County Council is better placed to deal with the entirety of the development, having dealt with all previous applications at this site.

4.2 If the power to determine the application is discharged to Dorset County Council it is essential that the Mineral Planning Authority and Highway Authority within Somerset be consulted on the application and it is also considered very important that the local Divisional Member for Chard South be consulted on the application.

5. Conclusion

5.1 Application SCC/3907/2021 can be more properly considered in its entirety rather than being split into two parts. The proportion of the overall application area which lies within Somerset is very small and the development of that part would, of itself, have minimal impacts. Those impacts, in addition to the impacts of the application overall, can be effectively considered and addressed by Dorset County Council, in consultation with Somerset County Council. It is therefore considered appropriate for

Dorset County Council to determine the application in its entirety.

6. Recommendation

6.1 It is recommended that the following functions be discharged to Dorset County Council in accordance with Section 101(1) of the Local Government Act 1972:

(a) determination of planning application SCC/3907/2021; and

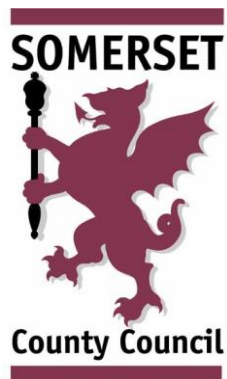
(b) determination of any applications for the discharge of conditions or non-material amendments pursuant to that application;

subject to Somerset County Council in its roles as mineral planning authority

and highway authority, together with the local Divisional Member, being

consulted for their views regarding the application

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WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53, SCHEDULE 14
APPLICATION TO UPGRADE PUBLIC FOOTPATH Y 9/46 IN THE PARISH
OF EAST COKER TO A PUBLIC BRIDLEWAY

Application: 671M

Author: Harry Wood

Date: 29 October 2021

This document is also available in Braille, large print, on tape and on disc and we can translate it into different languages. We can provide a member of staff to discuss the details.



RNID typetalk

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1. Introduction

1.1. On 26 November 2009, South Somerset Bridleways Association (SSBA) made an application under Schedule 14 and Section 53(5) of the Wildlife & Countryside Act 1981 for an Order to amend the Definitive Map and Statement (DMS) by upgrading public footpath Y 9/46, as described in paragraph 3, below, to a public bridleway. The route in question is shown in Appendix 1.

1.2. A public bridleway can be used by the public on foot, with bicycles, or riding or leading a horse (or other 'beast of burden'). There is also sometimes the right to drive livestock along a bridleway.

1.3. The purpose of the report is to establish what public rights, if any, exist.

2. The Application and supporting evidence

2.1. The application is based on documentary evidence and includes extracts of the following documents:

- 1782 Day & Master's Map
- 1811 OS Old Series Reprint (Cassini)
- 1822 Greenwood's Map
- 1839 East Coker Tithe Map
- 1863 Yeovil Highways Board Records
- 1899 OS Revised New Series Reprint (Cassini)
- 1910 Finance Act Valuation Map
- 1911 Bartholomew's Map
- 1919 OS Popular Series Map Reprint (Cassini)
- 1920 Sale Particulars Mr Troyte-Bullock's North Coker Estate
- 1926 Sale Catalogue from Mrs Heneage's North Coker Estate
- 1927 Bartholomew's Map
- 1928 OS Road Map
- Current OS Explorer Map
- Photographs of each end of the route

2.2. Based on these documents, the applicant has concluded that:

"Whilst no single piece of evidence is conclusive, taken as a whole the pieces of evidence demonstrate highway reputation over many years, indicating that the route does indeed have highway status, and that prior to the Natural Environment and Rural Communities Act 2006, there were full vehicular rights.

"There are examples, with the OS maps and the Bartholomew Maps, where these maps were revised and the application route continues to be shown on every revision. The Ordnance Survey records all depict the application route in the same way as public roads.

"All the evidence produced for the application route suggests that vehicular rights existed at the times of the various pieces of evidence were created. While no single piece of evidence is conclusive of highway status, the fact that every standard piece of evidence leans towards vehicular rights means that, on the balance of probabilities, such rights existed prior to the commencement of the Natural England and Rural Communities Act 2006.

"The antiquity of the route shows that the highway existed prior to 1835. It will therefore be a highway maintainable at the public expense and so should be added to the List of Streets maintained by the Council under Section 36 (6) of the Highways Act 1980.

"The applicant requests the Surveying Authority to add the route to the Definitive Map and Statement as a bridleway. The Surveying Authority may, on the evidence provided, decide to add the application route on as a byway, the type of byway, restricted or open to all traffic, will depend on the application of the Natural Environment and Rural Communities Act 2006".

2.3. No user evidence was submitted with the application. No first hand evidence that the general public have used the application route as a bridleway has been found during the investigation.

3. **Description of Route**

3.1. The application route runs from point A at the north-eastern end of Burton Lane in an east south-easterly direction through point A1 to point B, where it is crossed by public footpath Y 9/35.¹ The path then turns slightly northwards towards point C, running adjacent to North Coker Park, before passing under a pedestrian bridge and finishing at point D at the junction with Longlands Lane. The section between points A and B is referred to in some of the documentary evidence as a continuation of Burton Lane, while the section between points C and D is referred to as Sheepsleight, Sheepslake Lane, and North Coker Park Lane.

3.2. The application route links two vehicular roads and is approximately 460 metres in length. The route has an earth surface between points A and C that becomes increasingly muddy at point C. Between points A and C the route is

¹ A Definitive Map Modification Order concerning Y 9/35 was made in May 2021. It was objected to and has therefore not been confirmed. The case will be referred to the Planning Inspectorate in due course.

around three metres wide, while the available walked route is just over one metre. The section between points A and A1 has clear tyre tracks and appears to provide access to the fields on the northern and southern sides of the route. Mature hedges line the route between points A1 and B, which has the character of a sunken lane. Between points B and C there are metal railings on the southern border with North Coker Park. The final section, from points C to D, is recorded in Somerset County Council's List of Streets as an unclassified road.² Though this section is wider, the walked width remains close to one metre. It is bounded to the north by hedges and by a stone wall to the south. The surface between points C and D shows evidence of historical metalling.

3.3. Photographs of the claimed route taken on 26 November 2020 are at Appendix 2.

3.4. A Land Registry search in 2020 identified that there were no registered owners for the application route. The Common Law presumption is that, in the absence of any evidence to the contrary, adjoining landowners own up to the centre point of a highway. However, determining the current ownership of the soil is not a question this report attempts or needs to answer. The landownership is shown at Appendix 4. There are seven adjoining landowners (one holding is in multiple ownership). There is a further area of land that is not registered.

3.5. The case file, including the application, accompanying evidence and consultation responses can be viewed by Members by appointment.

4. **Relevant Legislation**

4.1. Section 53(2)(b) of the Wildlife and Countryside Act 1981 provides that the County Council must keep the DMS under continuous review and *must* make such modifications as appear to them to be requisite in the light of certain specified events. In this case 53(3)(c)(ii) is of particular relevance. It states that the DMS should be modified where the local authority discover evidence which, when considered with all the other available evidence, shows "that a highway shown on the map and statement as a highway of a particular description ought to be shown as a highway of a different description".

4.2. Later in the same Act Section 53(5) enables any person to apply to the local authority (in this instance Somerset County Council) for an Order to be made modifying the DMS in respect of a number of legal "events" including those specified in Section 53(3)(c)(ii), as quoted above. On receipt of such an

² See paragraph 5.5.17. for more information about the List of Streets.

application the local authority is under a duty to investigate the status of the route. It was under these provisions that SSBA made their application.

4.3. The purpose of Section 53 of the Wildlife and Countryside Act 1981 is to record or delete rights which already exist rather than create or extinguish them. Practical considerations such as suitability and the security and wishes of adjacent landowners cannot be considered under the legislation.

4.4. Section 32 of the Highways Act 1980 states that
"a Court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence and shall give weight thereto as the Court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled and the custody in which it has been kept and from which it is produced".

4.5. Sections 66 and 67 of the Natural Environment and Rural Communities Act 2006 (NERC) extinguished rights for mechanically propelled vehicles (MPVs) over any routes that were recorded on the Definitive Map as footpaths, bridleways or restricted byways and over any routes that were not recorded on the Definitive Map or the list of highways maintained at public expense. There are several exceptions to the general rule outlined above, none of which appear to apply in this case. There is therefore no question of rights for MPVs existing over the claimed route.

4.6. Any changes to the DMS must reflect public rights that already exist. It follows that changes to the DMS must not be made simply because such a change would be desirable, or instrumental in achieving another objective. Therefore, before an order changing the DMS is made, the decision maker must be satisfied that public rights have come into being at some time in the past. This might be in the distant past (proved by historical or documentary evidence) or in the recent past (proved by witness evidence). The decision is a quasi-judicial one in which the decision maker must make an objective assessment of the available evidence and then conclude whether the relevant tests set out above have been met.

5. **Documentary Evidence**

5.1.1. The analysis below focuses on the documentary evidence examined as part of this investigation. In some instances it has not been possible to view the original copy of a document and it has instead been necessary to rely entirely on an extract supplied by the applicant. Where this is the case the words "extract only" follow the title of the document. If it has been necessary to give those

documents less weight on account of them only being viewed in part this has been made clear in the description and interpretation of the evidence.

5.1.2. Throughout discussion of the evidence comparison is frequently made to the way in which other routes in the immediate vicinity of the application route have been recorded. Where other rights of way, roads or physical features have been referred to their location has been identified with reference to Appendix 1 or Appendix 3.

5.2. **Tithe Records**

Explanation of the type of evidence

5.2.1. Tithe maps and the written document which accompanied them (the apportionment) were produced between 1837 and the early 1850s in response to the Tithe Commutation Act 1836 to show which landowner owned which pieces of land and as a result how much they owed in monetary terms. The tax replaced the previous payment in kind system where one-tenth of the produce of the land was given over to the Church.

5.2.2. A map was produced by the Tithe Commissioners which showed parcels of land with unique reference numbers, and these were referred to in the apportionment document, which contained details of the land including its ownership, occupation and use.

5.2.3. Public roads which generated no titheable produce were not generally given a tithe number. For the same reason some private roads were also not liable to a tithe. However, both public and private roads could be subject to a tithe if, for instance, they produced a crop such as for grazing or hay cut from the verges.

5.2.4. The map and apportionment must be considered together. Roads are sometimes listed at the end of the apportionment. There is also sometimes a separate list for private roads.

5.2.5. Tithe maps provide good topographical evidence that a route physically existed and can be used to interpret other contemporary documents. However, they were not prepared for the purpose of distinguishing between public and private rights and so tend to be of limited evidential weight.

Evidence

5.2.6. **1839 East Coker Tithe Map**

Source: The National Archives (TNA) (Commissioner's copy supplied by the applicant) (extract only)

Reference: IR/30/30/131

Appendix: 5A

Diocesan Copy

Source: South West Heritage Trust (SWHT)

References: SHC D/D/RT/M/170

Appendix: 5B

Parish Copy

Source: SWHT

Reference: SHC A/AOW/83

Appendix: 5C

East Coker Tithe Apportionment

Source: SWHT

Reference: SHC D/D/RT/A/170

Appendix: 5D

Description and interpretation of evidence

5.2.7. Three tithe maps were produced for each area, for the Diocese, Parish, and Commissioners respectively. All three versions have been examined in relation to this case.

5.2.8. The amending Act of 1837 established two classes of tithe map. First class maps had the Commissioners' seal attached, showing them to be reliable as a true record of matters relating to the purposes for which the map was designed. The map in question does not bear the Commissioner's seal, meaning that it is a second class map, and thus only conclusive evidence in respect of information relating to tithes.

5.2.9. There are no major cartographical differences between the three maps. The Parish copy is distinguished by its naming of some roads and fields. The application route is consistently depicted on all three maps as two solid parallel lines. It is shaded brown, in a manner that the map legend describes as representing a road or lane. These terms appear to describe the physical features of the route rather than the rights over it. There are several routes shown on the tithe maps that are likely to have been private roads, and there does not seem to be consistency in their depiction. While the route providing

access from the north into field 591 (named New Clops on the Parish Copy) is uncoloured, the route heading north from point B (between fields 586 and 540) is coloured.

5.2.10. The alignment of part of the application route differs from that of contemporary mapping. The tithe maps show a distinct dog leg between points C and D, whereas on modern mapping this deviation has been straightened out. Several buildings are shown around the dog leg in the Commissioner and Diocesan copies of the map (described in the legend as "Dwelling Houses"). The Apportionment names two fields around this dog leg as "Sheeps Lake" and records nine tenements and one cottage. This suggests there may have been a small settlement between points C and D.

5.2.11. The application route is not named in either the Commissioner or Diocesan copies of the map, nor does it have an apportionment number. The Parish Tithe Map names the application route Burton Lane between points A and B, and Sheepsleight between points C and D. Neither of these named routes are referred to in the Apportionment.

5.2.12. These maps indicate that the application route was not subject to a tithe. This may have been because the route was a public road. Equally, the route could have been an unproductive (i.e. not used to produce a crop) and therefore unnumbered private road.

5.2.13. Several recognised public roads, including Burton Lane, Longlands Lane, Gunville Lane, Yeovil Road, and Higher Burton, are depicted in the same manner as the application route, shaded brown between solid parallel lines with no tithe number. Other nearby routes depicted in this way include Y 9/49 and Y 9/50, which are now recorded as restricted byways. The southern section of footpath Y 9/35 is also depicted in this manner (see Appendix 1).

5.2.14. The tithe maps are good evidence, despite their second class status, that the application route physically existed in 1839. They are less helpful in determining the reputation or status of the route as regards public rights of way, whether the route enjoyed public or private rights, or indeed, if rights that did exist were higher than those currently recorded. The primary purpose of these documents was to record the payment of tithes, not to ascertain or survey the nature of public or private rights that may have existed. The fact that the application route is depicted as a "road or lane" on the map legend could be read as in favour of public rights, but it seems more likely that these terms were employed to describe the physical features of the route. The presence of a possible settlement named Sheepsleight is suggestive of public rights. The application route would have provided the only means of vehicular access to that settlement and, while it is possible that such access was by virtue of a

private right, it seems more likely that a public right would have been established. On balance, the tithe records should be considered as marginally supportive of higher public rights than currently recorded, but the evidential weight that can be given to them is limited.

5.3. **Ordnance Survey Maps**

5.3.1. The Ordnance Survey (OS) is generally accepted as producing an accurate depiction of what was on the ground at the time of a survey. OS Maps cannot generally be regarded as direct evidence of status. However, the presence of a route on a series of OS maps “can be useful evidence in helping to determine the status of a route, particularly when used in conjunction with other evidence”.³

Evidence

5.3.2. **1808 Surveyor’s Drawing**

Source: SWHT

Reference: SHC 53

Scale: 1:31,680

Appendix: 6A

5.3.3. The application route is shown as an enclosed through route, depicted by solid parallel lines. The map appears to record Burton and Sheepsleight as settlements.

5.3.4. Little is known of OS surveying instructions prior to 1884. OS drawings “were originally prepared for military purposes with no apparent thought of publication”, but from 1801 they were used as the basis for the OS Old Series.⁴ These maps made no differentiation between footpaths, bridleways, and vehicular routes. As their primary purpose was strategic, it can be inferred that depicted routes were thought to be capable of being used for military transportation and troop movement. It therefore seems likely that the route was a prominent physical feature at the time it was surveyed. It is not possible, however, to determine whether the route was thought to be public or private in nature.

³ *Definitive Map Orders: Consistency Guidelines*, (2016), 14.2.35., <https://www.gov.uk/government/publications/definitive-map-orders-consistency-guidelines/wildlife-and-countryside-act-1981-definitive-map-orders-consistency-guidelines>.

⁴ R. Oliver, *Ordnance Survey Maps: a concise guide for historians, third edition* (London: Charles Close Society, 2013), 62.

5.3.5. The OS Surveyors Drawing is good evidence that the application route existed in 1808, but it records little about its status.

5.3.6. **1811 OS Old Series Map** Cassini Timeline Reprint

Source: Supplied by applicant (extract only)

Reference: Map 194

Scale: 1:50,000

Appendix: 6B

5.3.7. The Cassini maps are reproductions of the OS One Inch maps enlarged and rescaled to 1:50,000. The OS One Inch maps, as discussed above, were designed with military utility in mind. No key existed on the original Old Series maps, but some symbols were consistently used. Though the Old Series maps differentiated between turnpike roads (or main roads) and minor roads, there was no distinction drawn between footpaths, bridleways, and vehicular roads.

5.3.8. The application route is shown as a through route depicted by two solid parallel lines, meaning that it had the status of "other road".⁵ As with the tithe maps, numerous routes nearby now recognised as public roads (including Burton Lane and Longlands Lane) are recorded in the same manner as the application route.

5.3.9. The OS Old Series Map is good evidence of the physical existence of the application route.

5.3.10. **OS County Series First Edition Map**

Reference: XC.5 (90.5)

Survey Date: 1886

Scale: 1:2500

Appendix: 6C

5.3.11. The full route is depicted in sienna as an enclosed through route of consistent width between solid parallel lines. The southern line is shaded so as to be more prominent than the northern one. As with the tithe maps, the alignment of the application route between points C and D is shown as a dog leg. The collection of buildings around the dog leg is named as Sheepslake.

5.3.12. In relation to shaded casing lines the Planning Inspectorate's *Consistency Guidelines* state that "From 1884 onwards, on the large scale plans, those metalled public roads for wheeled traffic, kept in proper repair by the local highway authority, were to be shown with shaded or thickened lines on

⁵ 'Keys and Legends', Cassini Historical Maps, <http://www.cassinimaps.co.uk/shop/pagelegend.asp>, accessed 15 March 2021.

the south and east sides of the road”.⁶ However, this is not to say that all routes with a shaded line were considered public roads.

5.3.13. From 1885 OS surveyors were instructed that all metalled carriage drives will in future be shaded, but with shading not quite so prominent as on public roads. In the late nineteenth century “carriage drive” appears to have been used by OS to mean private vehicular routes.⁷ This would mean that some public and some private roads would be shown on OS maps with a shaded casing line.

5.3.14. In theory, it should be possible to discern between the depiction of a well-maintained public road and a private carriage road by the prominence of the shaded line, it being less prominent in the latter case. However, in practice it is not always possible to tell whether a shaded line is more or less prominent simply by viewing it in isolation. Instead it is necessary to look firstly at how the route came to be shown on future OS maps and then to compare it to the way in which other routes have been depicted on the same map.

5.3.15. The primary purpose of shading the casing lines was to assist in the production of the One Inch Series maps which, at the time, showed roads in one of four categories.⁸ The route in question is shown on the One Inch Revised New Series Map as a third class road. As this category was used for both public and private roads it does not assist in determining why the application route had a shaded casing line on the First Edition 25 Inch Map.

5.3.16. All shaded lines on the First Edition 25 Inch Map sheet in this case appear to the naked eye to be of a similar thickness. As a result it is not possible to be sure whether the surveyor was giving the application route a more or less prominent shaded casing line. Having said this, each of the other routes with a shaded casing line on this map sheet are either already recorded as restricted byways or are shown as public highways on modern road records. This would suggest that they were given a shaded casing line on account of them being considered well-maintained public roads as opposed to metalled carriage drives. There is no reason to believe that the application route is not shown with a shaded casing line for similar reasons.

5.3.17. Based on this analysis, it seems more likely that the application route was given a shaded casing line on account of it being considered a well-maintained public road. However, in reaching this conclusion it is acknowledged that, while

⁶ *Definitive Map Orders: Consistency Guidelines*, (2016), 14.2.10., <https://www.gov.uk/government/publications/definitive-map-orders-consistency-guidelines/wildlife-and-countryside-act-1981-definitive-map-orders-consistency-guidelines>.

⁷ Y. Hodson, ‘Roads in OS 1:2500 plans 1884-1912’, *Rights of Way Law Review*, 9.3 (1999), p. 109.

⁸ First class, second class, third class and unmetalled. There was a further category for footpaths.

the most common reason for a thickened casing line will be that the route was considered public, there are alternative explanations.

5.3.18. **OS Revised New Series Map** Cassini Timeline Reprint

Source: Supplied by applicant (extract only)

Reference: Sheet 194

Published: 1899

Scale: 1:63,360

Appendix 6D

5.3.19. Although based on the same survey and published at a smaller scale than the First Edition County Series map, the Revised New Series map does include additional detail regarding the character of the ways shown on it. One of the changes to the map was the partial use of colour, principally to meet demand for a clearer map for military purposes and the grading of roads.

5.3.20. The claimed route is shown as an enclosed uncoloured through route, between solid parallel lines. The Revised New Series map legend confirms that this indicates a third class road. This category covered "all other metalled roads suitable for wheel traffic", distinct from first class roads ("main roads generally leading from town to town") and second class roads ("metalled roads in good repair and fit for fast traffic at all seasons").⁹ Private roads could also be included in the third class road category.¹⁰ The fact that the application route is depicted as a third class road, therefore, does not determine whether its status was public or private.

5.3.21. **OS County Series Second Edition Map (Revised)**

Reference: XC.5 (90.5)

Survey Date: 1885; revised 1901

Scale: 1:2500

Appendix 6E

5.3.22. There are three key differences between this map and the First Edition. Both casing lines are the same thickness. This may indicate that by 1901 the route was not thought to be kept in good repair. Equally, the change in casing may relate to a change in approach by OS. The fact that surrounding roads including Gunville Lane and Longlands Lane have experienced the same change in representation suggests this may be the most likely explanation. The dog leg between points C and D has also been straightened out, and the properties shown within this section on earlier maps are no longer depicted. The third difference of note is the presence of a footbridge over the route between points

⁹ 'Instructions to one inch field revisers' (1901), quoted in Oliver, *Ordnance Survey Maps*, 119.

¹⁰ Oliver, *Ordnance Survey Maps*, p. 119.

C and D. A bridge remained in this location as of November 2020 (see Photograph 9, Appendix 2) providing private access from North Coker Park to a field on the northern side of the application route.

5.3.23. **1919 OS Popular Edition Map** Cassini Timeline reprint

Source: Supplied by applicant (extract only)

Reference: Sheet 194

Scale: 1:63,360

Appendix 6F

5.3.24. The Popular Edition was published just after the First World War. It was the first OS Map to be published in full colour for sale to the general public. It also graded both roads and tracks according to their suitability for motor traffic. The complex system attempted to give information about the road surface and how fast it was for motorists.

5.3.25. The Popular Edition contained the instruction "Private Roads are uncoloured". OS maps carried this statement until 1934, the inference being that all private roads were uncoloured, but not all uncoloured roads were private.

5.3.26. The application route is shown as a through route between solid parallel lines. It is uncoloured which according to the key means it was a minor road, but in view of the disclaimer this does not assist in determining whether or not it was considered to carry public or private rights.¹¹

5.3.27. **1928 OS Road Map of Weymouth, Yeovil and Taunton**

Source: Supplied by applicant (extract only)

Reference: Sheet 37

Scale: 1:31,680

Appendix: 6G

5.3.28. The early half inch OS maps were derived from the One Inch maps and used the same four-fold classification system for roads.

5.3.29. The application route is shown as an enclosed, uncoloured through route. According to the key it was a minor road, meaning that it was not easily passable by wheeled traffic. Two recognised public roads, Longlands Lane and Burton Lane (see Appendix 3) are depicted in the same manner as the application route. Other ways depicted as enclosed uncoloured routes are currently recorded as restricted byways, namely Y 9/50 and Y 9/49. Only a small

¹¹ 'Keys and Legends', Cassini Historical Maps, <http://www.cassinimaps.co.uk/shop/pagelegend.asp>, accessed 15 March 2021.

extract of this map has been viewed, so an extended comparative exercise is not possible.

5.3.30. It is unclear what public rights Ordinance Survey considered minor roads to enjoy. This means that the evidential weight of this document is minimal.

5.3.31. **1927 OS County Series Third Edition Map**

Reference: Sheet XC.5 (90.5)

Survey Date: 1885; levelling revised 1901; revised 1927

Scale: 1:2500

Appendix 6H

5.3.32. The application route is depicted in an identical way to that of the County Series Second Edition map.

5.3.33. **1927 OS County Series Third Edition Map**

Reference: Sheet XC.5

Survey Date: 1885; levelling revised 1901; revised 1927

Scale: 1:2500

Appendix 6J

5.3.34. This additional copy of the Third Edition Map was found in the SCC archives. It has numerous annotations in pen of various colours and pencil. This includes markings that show the claimed route coloured purple and numbered 9/46. The date of these annotations is unknown, but is likely to have been since the publication of the Definitive Map. The pencil annotations make reference to a "Section 34 Agreement" with the date "18/2/38". It is unclear what these pencil annotations refer to, but they do not appear to have a bearing on this investigation.¹²

Description and interpretation of evidence

5.3.35. This broad range of Ordinance Survey maps offers a useful representation of the evolving physical character of the application route.

5.3.36. The Surveyor's Drawings indicate that the route physically existed from at least 1808. The County Series Second Edition Map highlights that, by 1901, the route had been realigned between points C and D, and that the buildings labelled Sheepsleight (or Sheepslake) were no longer recorded.

¹² Section 34 of the Highways Act 1980 provides for the conversion of a private street into a highway. No evidence has been found to suggest that this is the nature of the agreement referred to by the above annotations, and given the accompanying date of "18/2/38", it seems unlikely that this section of the Act is of relevance.

5.3.37. The application route has a shaded casing line and is coloured sienna on the County Series First Edition Map. It is significant that all the other routes depicted in this way on the same map sheet are now recorded as restricted byways or are on the modern road records. Such commonality is suggestive of the existence of vehicular rights on the application route. However, this comparative mode of analysis is based on inference rather than certainty, and this inevitably impacts on the evidential value of the source material.

5.3.38. In the County Series Second Edition Map and subsequent mapping the application route is no longer represented with a thickened casing line or sienna tinting, but rather between parallel lines of equal width. This may be because by the point of survey in 1901 the application route was no longer thought to be kept in good repair, though a change in mapping style and approach is a more likely explanation.

5.3.39. The smaller scale maps, such as the 1919 Popular Edition and the 1928 Road Map, provide useful contextual information concerning route classification and the increasingly mobile travelling public, but are naturally less detailed.

5.3.40. The presence of a possible settlement at Sheepsleight (or Sheepslake) raises questions about access, as if there was a settlement between points C and D then the application route would represent the only method of vehicular access. It seems likely that Sheepsleight was a settlement to which the application route provided vehicular access.

5.3.41. Ordnance Survey maps have since 1888 carried the following statement: "The representation on this map of a road, track or footpath is no evidence of the existence of a right of way".¹³ This disclaimer is further confirmed by case law, which states that OS maps are "not indicative of the rights of the parties, they are only indicative of what are the physical qualities of the area which they delineate".¹⁴ Yet while not conclusive of status, OS Maps can provide reliable evidence of the physical existence and evolving character of a route.

5.3.42. While the OS maps in this case provide excellent evidence as to the physical characteristics of the application route and the fact that it was almost certainly used by vehicles, they tend not to provide direct evidence of status. The exception to this is the first edition County Series map which, for the reasons described above, is of limited weight in favour of public vehicular rights.

¹³ Oliver, *Ordnance Survey Maps*, 114.

¹⁴ *Moser v Ambleside Urban District Council* [1925] KLR p. 537.

5.4. **1910 Finance Act**

Explanation of the type of evidence

5.4.1. The 1910 Finance Act provided for the levy and collection of a duty on the incremental value of all land in the United Kingdom.

5.4.2. Land was broken into ownership units known as hereditaments and given a number. Land could be excluded from payment of taxes on the grounds that it was a public highway, and reductions in value were sometimes made if land was crossed by a public right of way. Finance Act records consist of two sets of documents:

- i) Working Plans and Valuation Books: surviving copies of both records may be held at the Local Records Office. Working maps may vary in details of annotation and shading. The Valuation Books generally show records at a preparatory stage of the survey.
- ii) The Record Plans and Field Books: the final record of assessment which contain more detail than the working records. The Record Plans and Field Books are deposited at The National Archives, Kew.

5.4.3. While the Valuation and Field Books were generally kept untouched after 1920, many of the working and record maps remained in use by the Valuation Offices and sometimes information was added after the initial Valuation process.

5.4.4. The 1910 Finance Act material did not become widely available until the 1980s. It cannot therefore have been considered during the Definitive Map making process and can be considered "new evidence". This is of particular importance for meeting the requirements of section 53(3) of the Wildlife and Countryside Act 1981 which requires the "discovery" of new evidence (i.e. evidence not considered when the Definitive Map was originally drawn up or last reviewed) before an order to amend the Definitive Map can be made.

Evidence

5.4.5. **Record Plan**

Source: TNA

Reference: IR/128/9/1102

Appendix: 7

Description and interpretation of evidence

5.4.6. The application route is neither numbered nor coloured in the Record Plan, meaning that it has been excluded from the adjacent hereditaments. The brace across the eastern end of the claimed route is an indication that the parcels of land on either side have been valued together.

5.4.7. As the application route does not have a hereditament number the Field and Valuation Books do not assist in determining its status.

5.4.8. The Finance Act contained specific provision for reducing the gross value of land to take account of any public rights of way. The Planning Inspectorate *Consistency Guidelines* state that "if a route in dispute is external to any numbered hereditament, there is a strong possibility that it was considered a public highway, normally but not necessarily vehicular, since footpaths and bridleways were usually dealt with by deductions recorded in the forms and Field Books".¹⁵ This is supported by case law which suggests that "the fact a road is uncoloured on a Finance Act map raises a strong possibility or points strongly towards the conclusion that the road in question was viewed as a public highway".¹⁶

5.4.9. While the most likely reason for a route to be excluded is because it was considered to be a highway, there are other potential reasons (such as where routes were set out as private roads in an inclosure award). Furthermore, these documents are often not explicit records of rights of way, largely because this was not their primary purpose. The value and evidential weight of these documents, therefore, is contingent on their relationship with the other evidence contained in this report.

5.5. Highway Road Records

Explanation of the type of evidence

5.5.1. Over time responsibility for maintenance of highways has passed between various different authorities. On each occasion a map was typically produced showing those highways which were considered publicly maintainable.

¹⁵ *Definitive Map Orders: Consistency Guidelines*, (2016), 11.2.7., <https://www.gov.uk/government/publications/definitive-map-orders-consistency-guidelines/wildlife-and-countryside-act-1981-definitive-map-orders-consistency-guidelines>.

¹⁶ *Fortune & ORS v Wiltshire Council & ANR* [2012] EWCA CIV 334 [71].

Evidence

5.5.2. **1863 Yeovil Highway Board Map**

Source: SWHT (South Somerset Heritage Collection)

Reference: SHC D/R/yeo/32/4/1

Appendix: 8A

5.5.3. The Highways Act 1862 allowed for the transfer of surveying duties from parishes to highway boards who were answerable to and appointed by the Quarter Sessions.¹⁷ Parish waywardens or surveyors were appointed and parishes contributed a regular amount for maintenance of roads (proportionate to the network).

5.5.4. In 1863 the newly formed Yeovil Highway Board minuted the following instruction to its District Surveyor: "make a return in writing of the state of all the roads within the District as well as the extent of the different Highways within each Parish [...] and in such return classify such roads distinguishing the principal roads from those less frequented by the public".¹⁸ It seems likely that the map at Appendix 8A formed part of the process referred to in this minute.

5.5.5. The map legend indicates that highways are coloured yellow, halter-paths (a term roughly synonymous with bridleway) green, and turnpike roads red. The application route is shown in yellow. It is within the route numbered 11 that runs between reference points L and M. This route also incorporates what is now Burton Lane and part of Longlands Lane. The "Description of Highway" section on the map records its length as 166 perches (834 metres). The majority of routes shown by the Map are categorised as highways. The one route depicted as a halter-path is Isles Lane, recorded in the DMS as bridleway Y 9/44. In turn, what are now the A30 and A37 are depicted in the Highway Board Map as turnpike roads.

5.5.6. The Planning Inspectorate's *Consistency Guidelines* advise that highway records need to be interpreted "with particular attention paid to the meanings of words within the given context."¹⁹ It is important to stress in this regard that the Yeovil Highway Board Map legend does not have a specific footpath category.²⁰ This is relevant because several routes now recorded as footpaths

¹⁷ A. Sydenham, *Public rights of way and access to land*, 2nd edition (Bristol: Jordans, 2003), p. 120

¹⁸ Somerset Heritage Centre, Yeovil Rural District Council Records, Yeovil Highway Board minutes 1863-1881 (D/R/yeo/32/1/1), 4.

¹⁹ *Definitive Map Orders: Consistency Guidelines*, (2016), 6.2.1., <https://www.gov.uk/government/publications/definitive-map-orders-consistency-guidelines/wildlife-and-countryside-act-1981-definitive-map-orders-consistency-guidelines>.

²⁰ The "Description of Highways" section does include the term "Path", as well as "Lane", but these are not specified as categories in their own right.

in the DMS (e.g. the southern section of Y 9/35 and the north-eastern section of Y 9/48) are shown in yellow and therefore depicted as highways by this document. In its most literal sense, the word "highway" includes all forms of public right of way, and refers to "a way over which the public have a right to pass and repass".²¹ By this definition a footpath can be considered a type of highway. However, the Highway Board minutes also emphasise the importance of distinguishing different types of right of way, instructing surveyors to record "the extent of the different Highways within each Parish".

5.5.7. Based on the above it can be concluded that routes which were coloured yellow, such as the application route, were considered to be "highways". Public vehicular highways definitely fell within this category. Footpaths might also have been shown in this way, but bridleways were probably not as these would have been coloured green.

5.5.8. The depiction of the application route as a highway might therefore be seen as consistent with the way in which it is currently recorded in the DMS, i.e. as a footpath. However, it is clear from the 1863 Map that the surveyor saw the application route as part of a longer highway that includes two public vehicular roads (Burton Lane and Longlands Lane). This suggests that the application route was of the same status as these two other roads; had it not been the surveyor would have presumably reflected this difference. This is therefore evidence that the application route was shown as a highway, not because it was considered a footpath, but because the Highway Board considered it to carry public vehicular rights.

5.5.9. It seems reasonable that the Board would have objected to spending money on a way for which it was not responsible, therefore its presence on the Map indicates that the Highway Board had accepted liability for the route in its entirety, and that it was considered a road.

5.5.10. The Highway Board Map provides evidence that the application route was considered a public vehicular road in 1863. Though there is a degree of ambiguity concerning the lack of a footpath category, it remains highly probable that the application route was represented as a highway because it was thought to form the central section of a continuous vehicular road.

5.5.11. **1929 Handover Map and Schedule**

Source: Somerset County Council (SCC)

Reference: Sheet 296

Appendix: 8B

²¹ J. Riddall and J. Trevelyan, *Rights of Way: A Guide to Law and Practice, Fourth edition* (London: Ramblers' Associate and Open Spaces Society, 2007), p. 7.

5.5.12. Responsibility for maintaining many classifications of highway was transferred from rural district councils to county councils by the Local Government Act 1929. In order to assist in the transfer of responsibilities, documents were prepared listing all roads that were maintained at public expense at that time. These road lists were drafted as a record of those highways which were considered maintainable in the view of the various rural district councils.

5.5.13. The application route is depicted with solid parallel lines. The sections between points A and C are not shaded, meaning that it was not recorded as a highway maintainable at public expense in 1929. The eastern section between points C and D is shaded yellow. According to the Wincanton Handover Map legend this colouring indicates a group C road.²²

5.5.14. The schedule of maintained roads that accompanies the map does not list either Burton Lane or Sheepslake Lane. However, it does record Burton House Lane, possibly the lane south of point A (now known as Burton Lane), and "Longlands Lane towards Burton", which may refer to the eastern section between points C and D. There is no specific reference that clearly links the map with the schedule, so it is difficult to conclusively tie the two records together.

5.5.15. **1930 Road Records**

Source: SCC

Reference: 5/45

Scale: 1:10560

Appendix: 8C

1950 Road Records

Source: SCC

Reference: 5/45

Scale: 1:10560

Appendix: 8D

Modern Road Records

Source: SCC

Scale: 1:2500

Appendix: 8E

²² SCC's copy of the Yeovil Rural District Handover Map does not include a legend. Three of the rural districts included legends on their maps: Dulverton, Wincanton, and Wells. The legend included in Appendix 8 and referred to here is taken from the Wincanton Rural District Map. The colouration appears consistent on all of the district handover: First Class Roads in red, Second Class Roads in blue, Group A Roads in Green, Group B Roads in Brown, and Group C Roads in Yellow.

5.5.16. Each of these records depict the application route in a similar manner to the 1929 Handover Map, with the sections between points A and C unshaded and shading between points C and D. This means that the latter is considered on all three maps to be within the publicly maintainable highway system. SCC's current Road Records name the section between C and D as North Coker Park Lane. The provenance of this name is unclear, and it does not appear in any of the other documentary evidence considered during this investigation.

5.5.17. The Highways Act 1980 Section 36(6) requires every highway authority to compile and keep up to date a List of Streets of highways maintainable at public expense. There is no requirement for maps to accompany the list or for any information regarding length, width or status to be included. Burton Lane, Sheepslake Lane, and North Coker Park Lane are on the 2020 list, which can be found on the Somerset County Council website.

Description and interpretation of evidence

5.5.18. The 1863 Highway Board Map shows the whole of the application route as part of a continuous public highway. Whilst it is acknowledged that the map is unlikely to have been subject to public consultation, it was drafted by independent officers with a knowledge of highway law and the Highway Board are unlikely to have accepted liability for a route lightly. This is evidence of the existence of vehicular rights. The later road records highlight that the majority of the application route (that is from points A to C) has not been recorded as a highway maintainable at public expense since at least 1929.

5.5.19. According to the Planning Inspectorate's *Consistency Guidelines*, "[t]he evidential strength of handover maps is they are conclusive evidence of the highway authority's acceptance of maintenance responsibility, a commitment which would not normally have been undertaken lightly".²³ However, it should be recognised that "the maps were purely internal documents and the public had no mechanism of challenging what was shown on them." As a result, "they cannot be regarded as conclusive" as to the status of a highway.²⁴

5.5.20. A route being shown on the road records is, nonetheless, very strong evidence that it was maintainable at public expense and therefore a public highway of the description indicated by the records at that time. Lower rights (footpaths and bridleways) are typically not shown on these maps and so, unless there is evidence to the contrary, the routes shown are likely to have been considered public vehicular routes. The eastern section of the application route,

²³ *Definitive Map Orders: Consistency Guidelines*, (2016), 6.2.9., <https://www.gov.uk/government/publications/definitive-map-orders-consistency-guidelines/wildlife-and-countryside-act-1981-definitive-map-orders-consistency-guidelines>.

²⁴ J. Sugden, 'Highway authority records', *Rights of Way Law Review*, 9.1, p. 14 (CD edition).

between points C and D, has been shown on various road record documents from at least 1929 to the present day. This is strong evidence of this section having carried public vehicular rights.

5.5.21. Despite these documents being good evidence of the status of routes which are actively shown on them, it would be unsafe to hold that where a road has not been recorded it is evidence that said route was not a highway. The authority may simply have been unaware of the existence of highway rights. Alternatively, they may have considered a route to carry public rights but not be maintainable at the public expense. Furthermore, the road record documents did not typically record public bridleways or footpaths, thus the omission of a route does not necessarily indicate the route was not regarded as public.

5.5.22. There is no clear evidence to suggest when or why the section between points A and C of the application route ceased to be recorded as being publicly maintainable. There is no explicit reference in the 1929 Handover Map and accompanying schedule to the 1863 Highway Board Map, nor is there any record of a statutory change in status between 1863 and 1929. The road records offer evidence that the reputation of the application route had changed during this period, and by 1929 was no longer considered a vehicular highway. However, the records do not directly refute or undermine the Highway Board evidence.

5.6. **Definitive Map and Statement preparation records**

Explanation of the type of evidence

5.6.1. The Definitive Map and Statement were produced after the National Parks and Access to the Countryside Act 1949 placed a duty on county councils to survey and map all public rights of way in their area. The process was undertaken in a number of stages:

- i) Walking Survey Cards and Maps - parish councils were required to survey the paths they thought were public paths at that time and mark them on a map. The route was described on a survey card, on the reverse were details of who walked the route and when. Queries for the whole parish are often noted on a separate card.
- ii) Draft Map – Somerset County Council produced the Draft Map from the details shown on the Survey Map. These Maps were agreed by the County Works Committee and the date of this Committee became the “relevant date” for the area. The map was then published for public

consultation; amongst other things this included parish and district councils being contacted directly and notices appearing in local newspapers. Any objections received were recorded in a Summary of Objections found in the District file.

- iii) Draft Modification Map – This stage in the process was non-statutory. Somerset County Council produced a map to show any proposed changes as a result of objections to the Draft Map. Any objections received were recorded in a summary of Counter Objections to the Draft Modification Map, found in the District file.
- iv) Provisional Map – This map incorporates the information from the Draft Maps and the successful results of objections to the Modification Maps. These were put on deposit in the parish and district council offices. At this point only the tenant, occupier or landowner could object.
- v) Definitive Map and Statement – Any path shown is conclusive evidence of the existence and status of a public right of way until proved otherwise. The Definitive Map is without prejudice to other or higher rights.

Evidence

5.6.2. **Survey Card**

Source: SCC

Reference: East Coker Parish No. 46

Appendix: 9A

5.6.3. The Survey Card describes a footpath from the “end of county road at Sewage tanks and runs west along lane to county road by Chapel”.

5.6.4. It is one of thirteen unsigned, undated cards. The majority of the East Coker parish cards are signed and dated in triplicate - by the person who walked the route, the parish council and the rural district council. This suggests that the application route may not originally have been included in the East Coker Parish Council survey but was instead added at a later date.

5.6.5. There is no mention of the application route on the Queries card.

5.6.6. **Survey Map**

Source: SCC

Reference: Sheet XC. NW.

Appendix: 9B

5.6.7. The Survey Map was designed to illustrate rights of way claimed by the parish. These routes are shaded grey on the map.

5.6.8. The application route is unshaded between points A and C, indicating that it was not claimed by the Parish Council. The section between points C and D is shaded brown, indicating that the Parish Council considered it to be a vehicular highway.

5.6.7. **Draft Map (June 1956)**

5.6.8. The Draft Map is missing.

5.6.9. **Ramblers' Association Objection to the Draft Map (January 1960)**

Source: SCC

Reference: YL 36 – 3151/D13

Appendix: 9C

5.6.10. The Ramblers' Association objected to the "omission of a path from the County road just east of the Sewage Tanks westerly to County road". This matches the description of the application route.

5.6.11. Although the original objection letter has not been discovered, the County Council's summary of it and their comments does still exist. Responding to the objection, the County Surveyor stated the following: "not claimed by PC [Parish Council]. Appears reasonable to include".

5.6.12. The County Archivist additionally noted that the route had been shown as a road on 1811 OS Map and was part of the Parish highway system on the 1839 Tithe Map, while it was not covered by inclosure award and did not appear in any Quarter Sessions records.

5.6.13. **Summary of Objections to the Draft Map & Statement**

Source: SCC

Reference: 3151/D13

Appendix: 9D

5.6.14. This document summarised objections received following consultation on the Draft Map. It was used by the County Council's Works Committee when deciding what changes should be made to the Draft Map. The summary includes the Ramblers' Association objection discussed above.

5.6.15. In the column entitled "Observations by Clerk", it is recorded that "evidence of public user [is] available". The determination of the County Council was to "add footpath 9/46".

5.6.16. Draft Modification Map (October 1968)

5.6.17. The Draft Modification Map is missing.

5.6.18. Draft Modification Map Second Schedule

Source: SCC

Reference: 9/46

Appendix: 9E

5.6.19. Having considered each of the objections relating to the Draft Map, SCC decided it was necessary to make a number of updates to it. Those updates needed to be publicised. This stage of the Definitive Map process saw three schedules collated, recording plans to delete, add, or reclassify ways recorded on the Draft Map.

5.6.20. The Second Schedule (concerning ways to be added) includes the application route listed as 9/46. The route is described as starting "at end of County road at sewage tanks and runs west along lane to County road by chapel". The status of the route is listed as bridleway (B.R.).

5.6.21. Provisional Map (1971)

Source: SCC

Reference: Sheet 5

Appendix: 9F

5.6.22. The application route is shaded purple from points A to D, indicating its status as a public footpath. This includes the section between points C and D of the route, which as discussed above, was also included on the road records at that time.

5.6.23. Definitive Map (1972)

Source: SCC

Relevant Date: 4th June 1956

Appendix: 9G

5.6.24. The application route is shaded purple from points A to D, indicating its status as a public footpath.

5.6.25. At point B, the application route is shown as being crossed by footpath Y 9/35. The part of Y 9/35 which runs north from point B is currently the subject

of a Definitive Map Modification Order. The Order (which has been objected to) is supported amongst other things by court records which appear to have created a bridleway in 1899.

5.6.26. Statement

Source: SCC

Reference

Appendix: 9G

5.6.27. The application route is recorded as a footpath. It is described as starting "at end of county road at sewage tanks and runs west along lane to county road by Chapel".

5.6.28. A handwritten note has been added to the statement. Dated 1 March 1983, it reads "NOT SHOWN ON THE DEFINITIVE MAP". No further details are provided.

Description and interpretation of evidence

5.6.29. The Definitive Map and Statement offer conclusive evidence of public rights of way at their relevant date. Together they are the definitive record of the existence of public rights of way. However, the Definitive Map and Statement are without prejudice to other or higher rights.

5.6.30. This context is important for framing the evidence of the Definitive Map and Statement preparation records, as they appear to indicate a degree of confusion surrounding the status of the application route.

5.6.31. East Coker Parish Council did not claim the route during the initial survey. This triggered an objection by the Ramblers' Association, which ultimately led to the route being included on the Provisional Map. During this process the County Archivist expressed their view that at least part of the route (from points C to D) was within the Parish highway system.

5.6.32. Following the above objection, the application route was included on the Provisional Map as a footpath, labelled 9/46. Yet the Second Schedule document, produced to record planned modifications, lists the route as a bridleway. No evidence has been discovered to shed light on this apparent disagreement.

5.6.34. The handwritten note added to the Statement is too ambiguous to be attributed any weight either for or against additional rights. The route was clearly included on the Definitive Map.

5.6.35. There appears to be strong evidence that part of Y 9/35 was created as a bridleway in 1899. This is evidence that the application route is of a similar or higher status. If that were not the case the southern end of Y 9/35 would be a cul-de-sac for horse riders. While cul de-sac rights of way do exist, one would normally expect them to terminate at a point of public interest. There appears to be no particular point of interest at point B of the application route. This being the case, equestrian users of Y 9/35 would presumably have continued their journey over the application route. While far from conclusive (particularly as the Order in relation to Y 9/35 has been objected to) this is in favour of higher public rights.

5.6.35. These documents provide conclusive evidence of the application route being a footpath. However, that is without prejudice to the existence of higher rights. They are indicative of a degree of confusion surrounding the status of what became Y 9/46. Furthermore, the strong evidence in favour of part of Y 9/35 being a bridleway might be seen as supportive of similar or higher rights existing over the application route.

5.7. Local Authority Records

Explanation of the type of evidence

5.7.1. Over the course of the past two hundred years responsibility for the maintenance of highways has passed between various different authorities. Furthermore, even where a local authority was not directly responsible for rights of way, as representatives of the local community they would likely have had an interest in the rights of way network.

5.7.2. In light of the above, evidence as to a route's status can sometimes be found in local authority records and minute books.

Evidence

5.7.3. **East Coker Parish Council Minutes (1896-1971)**

Source: SWHT

Reference: SHC D/PC/Cok.e/1/2/1 - 10

Appendix number: 10A

5.7.4. The application route was discussed numerous times over a 75-year period. The key entries are recorded below.

5.7.5. A number of the entries refer to Herne Lane. This would appear to refer to the southern section of what is now footpath Y 9/35 which begins at the junction with the application route (see appendices 1 and 3) and ends at the junction with Yeovil Road. The Parish copy of the 1839 Tithe Map names numerous fields (in what is now North Coker Park) bordered to the north by the application route and to the west by Y 9/35 which include Herne Orchard, in addition to naming a collection of buildings as Herne Farm. On modern mapping there is a building in the southwestern corner of North Coker Park named Herne Cottage.

7 July 1896 - The clerk was directed to write to Mr Rumsby asking him to cut back a hedge leading from "Sheepslake towards Burton".

4 November 1899 - Mr Chafyn-Grove requested the Council's permission to alter and divert the road through Sheepsleight, which was unanimously agreed to.

20 May 1925 – Headed "Sheepslake Lane". Mr Crumper informed the meeting that a tracing of the old roadway was being prepared for the County Council.

19 December 1950 – Headed "Survey of Public Rights of Way". Mr Board proposed that all paths remain as on original Parish map, seconded by Mr Cornelius and carried.

2 June 1965 – Headed "The lane at the junction of Burton Chapel with Herne Lane". This lane was not publicly repairable according to the Divisional Surveyor and was not on the list of claimed footpaths. Clerk to ask Surveyor to add to the list of claimed footpaths.

14 July 1965 – Headed "The Lane from Burton Chapel to Herne Lane". County Council Works Committee accepted this lane as footpath, and arrangements are being made to clear overgrowth.

11 August 1971 – Headed "Name plate by North Lodge". Debate concerning Yeovil Rural District Council's desire to erect a street sign at North Lodge. "Mrs Mandsley" (presumably the owner of North Lodge, at the corner of what is now Yeovil Road and Longlands Lane) suggests the lane is known as Sheepslake Lane. Parish Council believe Sheepslake Lane refers only to the lane from Sheepslake House to the footpath leading to Herne Lane, and that the lane in question is Longlands Lane.

10 October 1971 – Headed “Lane by North Lodge”. Letter sent to P. Mitchell enclosing two maps. One is dated 1888 and depicts Sheepslake Lane as the path which runs from Longlands Lane to Burton Chapel.

8 November 1978 - Headed “Footpaths”. Agreed that the Council will contact Yeovil District Council’s Technical Department “about the complaint received regarding the general state of the footpaths in the village particularly Sheepslake Lane and Herne Lane.”

5.7.6. **East Coker Parish Council Correspondence**

Letter to Clerk, 3 March 1925

Source: SWHT

Reference: SHC D/PC/Cok.e/4/2/1

Appendix: 10B

5.7.7. This letter is addressed to H. R. Headford, Esq., Clerk to the East Coker Parish Council. Written by Batten and Co. Solicitors of Yeovil, it appears to respond to an initial letter sent by the Clerk. This letter has not been located, therefore the context of the exchange is unknown.

5.7.8. Batten and Co.’s letter reads, “In reply to your letter of the 28th ult., no part of Sheepstake [sic] Lane, East Coker was conveyed to either of the persons mentioned by you.”

5.7.9. Given the lack of detail and contextual information, this source has minimal evidential value as regards the status of the application route.

5.7.10. **East Coker Parish Council Footpath Map**

Source: SWHT

Reference: SHC D/PC/Cok.e/6/4/1

Appendix: 10C

5.7.11. It is likely that this is the map referred to in the Parish Council minutes above dated 19 December 1950, when it was proposed “that all paths should remain as on original map”. Reference is also made to a Parish Council footpath map in the Yeovil Rural District Council Works Committee Minutes, below.

5.7.12. The Rights of Way Act 1932 introduced the procedure that enabled landowners to deposit a map with the highway authority of the recognised rights of way on their land, with an accompanying declaration. The map would be sufficient evidence to rebut any presumption of ways not included during the respective periods. The Footpaths, Commons and Open Spaces Society promoted the Act and suggested that county and district councils might wish

to arrange to list and mark on OS maps all public rights of way in their district, with the assistance of Parish Councils.

5.7.13. It appears that East Coker Parish Council marked public rights of way on a map in accordance with the guidance following the 1932 Rights of Way Act. The declaration that accompanied the map has not been found. The application route is shaded brown. There is no key to the map, which is unfortunate as two colours have been used to annotate routes – blue and brown. All of the blue routes are annotated in red with W.G. (wicket gate), F.G. (field gate) and/or S (stile), and therefore appear to refer to footpaths.

5.7.14. A comparison against the Definitive Map shows that without exception the routes coloured blue are currently recorded as public footpaths. Of the ten routes shaded brown, three are currently recognised public footpaths, three are recognised bridleways, three are mixed status part bridleway/footpath and part no status, and one has no recorded public rights.

5.7.15. While the 1932 Act referred to public rights of way, it did not differentiate between different types of right of way, such as footpaths or bridleways. Brown routes are likely to have indicated higher public rights than blue routes, which appear to have represented footpaths. Given that public carriageways are not recorded on the map, it seems a safe assumption that brown routes were intended to represent bridleways. The lack of corroborating evidence, however, reduces the evidential weight of this document.

5.7.16. **Definitive Map and Statement Preparation Records**

Source: SWHT

Reference: SHC D/PC/cok.e/4/1/17

Appendix: 10D

5.7.17. These records are documents originally held by East Coker Parish Council relating to the preparation of the DMS and subsequently deposited with SWHT. They are consistent with those held by Somerset County Council and examined above, with one exception. On the Parish copy of the Second Schedule, in which the application route is referred to as a bridleway, there is a handwritten note which reads “f.p. on map”.

5.7.18. **Yeovil Rural District Council Minutes 1899-1900**

Source: SWHT (South Somerset Heritage Collection)

Reference: SHC D/R/yeo/2/2/3

Appendix: 10E

5.7.19. As with the Parish records, the application route was discussed several times, albeit over a much shorter period. The key entries are recorded below:

6 November 1899 - Headed "East Coker repair of Sheepslake Lane". An offer by G T Chafyn-Grove Esq to "improve and repair Sheepslake Lane, East Coker by straightening it out and raising the road and putting a culvert under it, was, (upon the motion of Mrs S G Bartlett, seconded by Mr N L W Pearse) accepted with thanks".

8 October 1900 – Headed "Surveyor's Report". Records completion of above repair works. "The lane is now open to the public and gives great satisfaction, as the distance has been shortened by the lane being made straight, the hill lowered and the roadway widened. The entire expense being borne by G T Chafyn-Grove Esq".

5.7.20. **Yeovil Rural District Council Works Committee Minutes 1924-1928**

Source: SWHT (South Somerset Heritage Collection)

References: SHC D/R/yeo/3/1/7 1922-1925 and SHC D/R/yeo/3/1/8, 1925-1928

Appendix: 10F

5.7.21. The Application route was discussed on three occasions, all concerning liability for its upkeep.

19 December 1924 – Headed "East Coker Road from Hunters Lodge to Burton". Records complaint by the East Coker Parochial Committee concerning the condition of the route. The Clerk was "directed to communicate with the Clerk of the Peace for the County of Somerset and endeavour to ascertain the condition upon which the Quarter Sessions some 25 years ago consented to the diversion of this road and possibly the same might throw some light upon the question of who was liable for repair of this road."

16 January 1925 – Headed "East Coker Road from Hunters Lodge to Burton". Letter is read from the Clerk of the Peace for the County of Somerset which confirms that the diversion referred to above did not relate to the application route. It instead concerned what is now the northern section of footpath Y 9/35 (Appendix 1). The District Surveyor "was instructed to prepare a plan showing the road in question to enable the Clerk to communicate with the Clerk of the Peace again".

12 February 1926 – Headed "East Coker Road from Hunters Lodge to Burton". Clerk of the Peace for the County of Somerset responds stating that he was "he was unable to find any order of the Quarter Sessions dealing with the lane referred to but that it was very unlikely that any

order would contain a direction as to the liability for maintenance of a substituted highway.”

15 May 1934 – Headed “East Coker”. Records and notes that a letter was received from East Coker Parish Council “forwarding a map of East Coker Parish with the footpaths claimed as public Rights of Way marked thereon.” This is likely to be the “original map” referred to in the Parish Council minutes, above.

5.7.22. **Yeovil General File: Survey of Rights of Way 1956**

Source: SCC

Reference: RW/Gen 5

Appendix: 10G

5.7.23. The Yeovil General File, held in the SCC archive, is formed of any rights of way correspondence received by the County Council relating to the Yeovil Rural District

5.7.24. This document is a page of notes relating to rights of way across Yeovil Rural District. Point 8 refers to East Coker (sheet 5) and reads:

“the western end of road referred to from Burton to the corner by Chapel and thence north, is a county road; also the eastern end from a point near sewage tanks eastward to join Gunville Lane. The middle section is not recorded as a county Road. This agrees with the plan deposited under 1929 Act. Should Archives report on this?”

There is a pencil note which responds: “let it go on deposit”.

5.7.25. It is likely that this exchange refers to vehicular roads shown on the 1929 Handover map (see above). The last comment possibly refers to adding a footpath to link the two sections of highway on the deposit of the Draft Modification Map.

5.7.26. **East Coker Parish File 1965**

Source: SCC

Reference: RW/5/45

Appendix: 10H

5.7.27. Similar to the Yeovil General File, this collection is formed of rights of way correspondence relating specifically to East Coker Parish. There are several entries concerning the application route, recorded below:

5 June 1965 - The Parish Council wrote to the Divisional Surveyor regarding the lane from Burton Chapel to Herne Lane, confirming that the lane is shown on the 1933 map owned by the Parish Council and

requests that it is added to the map of claimed footpaths so that work can be carried out on it.

9 June 1965 - The internal memo as a result of the above letter is from the Divisional Surveyor to the County Surveyor suggesting that the footpath is not continuous and the Parish request seems reasonable.

21 June 1965 - Confirmation of the route referred to by the Parish Council is given as "leading due east from Burton Chapel, crosses 9/35 and continues eastward to join the County unclassified road near the sewage tanks".

29 June 1965 - The County surveyor responds by saying that an objection has been received to the omission of the claimed route as a footpath and states that the Committee (works committee) will be advised to accept the footpath. The Divisional surveyor is advised to treat the path as public and go ahead with clearance of surface growth.

30 June 1965 - The clerk of the Council confirmed to the Ramblers' Association that the surveying authority will be advised to add the footpath to the draft map. The undated plan shows the claimed route coloured blue annotated Y 36. The handwritten note reads "This will be included at mod stage, WARS 26/06/65".

Description and interpretation of evidence

5.7.28. The Parish Council minutes confirm much of what has been highlighted by earlier evidence in the report, such as the names Burton Lane, Sheepsleight, and Sheepslake Lane, and the lack of clarity regarding the name and status of the application route. The 10 October 1971 entry is of particular interest, as it suggests that the entirety of the application route was known as Sheepslake Lane.

5.7.29. The application route is at different times referred to as road, roadway, and footpath, but little else is provided regarding rights of way.

5.7.30. The Parish Council and Rural District Council both make reference to realignment of Sheepslake Lane. The route is also described as running "through Sheepsleight". This could mean that the buildings depicted on the tithe maps and earlier OS maps between points C and D constituted a settlement known as Sheepsleight, though no further evidence has been found to confirm this. If Sheepsleight was a settlement, then the application route would represent the only method of vehicular access to it.

5.7.31. The Rural District Council surveyor reported in 1900 that the realignment had been completed and was open to the public. This is likely to have occurred by virtue of a diversion sanctioned by the Court of Quarter Sessions, though no record of an order to this effect has been found. The Yeovil Rural District Council Works Committee Minutes also record that a search for said records in 1926 by the Clerk of the Peace of Somerset yielded no results. This refers to the section between points C and D, which is consistently recorded as public vehicular highway. It is possible that this diversion related to access requirements for the sewage tanks referred to in the Definitive Map documents.

5.7.32. In seeking to determine who was liable for the application route, the Yeovil Rural District Council Works Committee Minutes suggest that the Works Committee believed that the route may have been a highway maintainable at public expense. This offers an important evidential link between the 1863 Highway Board Map and the 1929 Handover Map (see section 5.5.). It is noteworthy that in trying to ascertain the status of the application route, no reference was made by the District or County Councils to the 1863 Map, which would have been of great importance in the matter under discussion. This supports the supposition that the 1863 Map was not consulted by the District Council in their exchanges with East Coker Parish Council between 1924-1926, and by extension, that the 1863 Map was not considered during the drafting of the 1929 Handover Map.

5.7.33. The East Coker Parish Council Footpath Map provides useful contextual evidence regarding the status of the application route, but without the accompanying declaration its evidential value is limited. It appears that the Parish Council considered the application route to be a right of way, but it is less apparent what they considered the extent of this right to be. The comparative analysis of blue and brown-shaded routes suggests that the brown routes were intended to represent bridleways, but a lack of context impacts on the evidential weight of this source.

5.7.34. As a collection the Parish Council archival material is good evidence that public rights were believed to exist on the application route from at least 1896.

5.7.35. In agreeing to the realignment of Sheepslake Lane, the Parish Council referred to this section of the route as a road. In their exchanges with the Clerk of the Peace of the County of Somerset, the Rural District Council also refer to the route as a road. This could be construed as an acknowledgment of vehicular rights across the full length of the application route, rather than the eastern section alone. Equally, the term road could have been employed simply as a reference to the physical character of the route. Later documents would appear to suggest that both councils considered the application route to be a footpath.

5.7.36. The annotations on the SWHT copy of the Second Schedule again suggests a degree of confusion or disagreement surrounding the status of the application route. The hand-written note asserts that the application route, which is recorded as a bridleway by the Second Schedule, appears as a footpath on "the map". However, it is unclear which map this refers to (e.g. the Draft Map, the Provisional Map, or the Definitive Map). The route was ultimately included in the DMS as a footpath, so it can be assumed this debate was resolved.

5.7.37. The Yeovil General and East Coker Parish Files help to corroborate evidence seen elsewhere in the report, notably the Definitive Map and Statement Preparation Records. They add further detail to the process by which the application route was included as a footpath on the Definitive Map. The body of documents highlights a degree of ambiguity surrounding the reputation of the application route, but this debate appears to resolve itself during the DMS process. As such, the material is of minimal evidential value as regards higher public rights than currently recorded.

5.8. Commercial and Other Maps

Explanation of the type of evidence

5.8.1. Commercial maps are those produced primarily for sale to the public.²⁵ They vary widely in terms of their quality and were not all produced for the same purpose. As such the weight to be given to them also varies.

Evidence

5.8.2. **Day & Masters 1782**

Source: SCC

Reference: Map 9

Appendix number: 11

5.8.3. Published in 1782, this commercial map included very little detail, typically only depicting settlements, major roads (particularly those in and between settlements), and rivers.

5.8.4. The full length of the application route is shown on the map, depicted by two solid lines in a manner that the map legend describes as an "Inclosed Road". This suggests that it must have been a prominent physical feature or a route of some importance (or both). Based on this assumption it is perhaps more likely

²⁵ It is accepted that some OS maps were also made for sale to the public, but these are dealt with elsewhere in this report.

that it would have carried public rights higher than those of footpath. However, little is known about the basis upon which Day & Master's selected the features which were to be shown on their maps. Furthermore, if they did consider the route to be a public right of way, this can only be taken as the view of the individual surveyor.

5.8.5. The map is nonetheless of evidential importance. It shows that the application route physically existed in 1782 and can be given some (but not a great deal of) weight in favour of public vehicular rights.

5.8.6. **Map of East Coker 1819**

Source: SWHT (Somerset Archaeological Natural History Society Collection)

Reference: SHC DD/SAS/C212/MAP/41

Appendix: 12

5.8.7. The provenance of this map is uncertain. There are no details about the cartographer or their purpose, and the accompanying book of reference (DD/SAS/C212/C/10) does not help in determining the document's status.

5.8.8. The map records parcel numbers that appear consistent with the later 1839 Tithe Map, though the base maps are not the same. The application route is depicted by two solid parallel lines. The dog leg between points C and D is recorded. In common with the other linear routes in the vicinity, the application route is not coloured, named or numbered.

5.8.9. The map does not appear to distinguish between types of highway. Routes that are of varied status and character in historical and modern records are represented in broadly the same manner, with some minor changes in width and shading.

5.8.10. The map is good evidence of the physical existence of the route, but it does not assist with status. The lack of information surrounding its production and purpose naturally reduces its evidential weight.

5.8.11. **Greenwood's 1822**

Source: SCC

Appendix: 13

5.8.12. Despite some criticism relating to the positional accuracy of Greenwood's maps, they can provide good evidence of a route's physical existence at the time of the survey and also that the surveyor considered it to be of some importance. As the map was produced for use by members of the public, it is likely that the surveyor would have focused on those roads that they

believed to be publicly accessible, or that were useful for the public in some other way.

5.8.13. Greenwood's maps used two classifications for roads, namely turnpike and crossroads. The application route is shown as a "Cross Road". Although not specifically defined on the map, this term was being used to refer to more than just the point at which two roads cross. In one prominent case the courts defined a cross road as "a public road in respect of which no toll is payable".²⁶ However, in that case the judge was considering a map produced 55 years earlier than Greenwood's and by a different cartographer. Therefore, while consideration should be given to this legal precedent, it is important to consider the term cross road in the context of any individual map before drawing any inferences.²⁷

5.8.14. While the majority of cross roads shown on Greenwood's maps are now recognised as public vehicular roads, there are many which are not. Most of those which are not now public vehicular roads are shown on Greenwood's Map as culs-de-sac which are unlikely to have carried public vehicular rights. One example of this is the right-angled cul-de-sac to the northeast of the application route. This route is recorded on the DMS as footpath Y 9/20.

5.8.15. A similar picture emerges when analysing other extracts of the same map. In fact, in some cases Greenwood's shows as cross roads routes which only a few years earlier had been set out as private roads by an inclosure award.

5.8.16. Furthermore, any inference to be drawn from Greenwood's maps needs to be viewed in light of case law. In *Merstham Manor Ltd v Coulsdon UDC* the judge concluded that "there is nothing in the map(s) to show whether or not the topographer-author was intending to represent the road on his map as a public highway".²⁸ However other case law suggests that, if a route is shown as a "cross road" on Greenwood's map, this evidence should be given limited weight in support of public rights over the application route.²⁹

5.8.17. This map therefore confirms the physical existence of the application route in 1822 and supports the view that the route was a thoroughfare. However, it seems as though Greenwood's either did not consider all cross roads to be public vehicular routes, or that he did not make very careful checks about the public status of the routes they recorded. In the circumstances this

²⁶ *Hollins v Oldham* (unreported, 27 October 1995).

²⁷ *Definitive Map Orders: Consistency Guidelines*, (2016), 2.4., <https://www.gov.uk/government/publications/definitive-map-orders-consistency-guidelines/wildlife-and-countryside-act-1981-definitive-map-orders-consistency-guidelines>.

²⁸ *Merstham Manor v Coulsdon and Purley UDC* [1937] 2 KB 77.

²⁹ *Fortune & Ors v Wiltshire Council & ANR* [2012] EWCA Civ 334.

map is only of very limited weight in support of public rights higher than that of footpath over the application route.

5.8.18. **1911 Bartholomew's Map**

Source: Supplied by Applicant

Reference: Sheet 34

Scale: 1:126,700

Appendix: 14A

5.8.19. Bartholomew's maps, which were initially aimed at tourists and cyclists, used OS maps as source documents. They included information on roads and other features provided by engineers, surveyors and local authorities. This additional information is thought to have made Bartholomew's maps more accurate than comparable commercial maps. However, they still contained no explicit distinction between public and private routes. Later editions included the caveat that "the representation of a road or footpath is no evidence of a right of way".

5.8.20. Bartholomew's 1901 map included three classes of roads, First, Secondary (good), and Indifferent (passable). It also recorded footpaths, bridleways, and uncoloured roads. The maps included the advice that "uncoloured roads are inferior and not to be recommended for cyclists." By 1911 a Through Route classification had been added. The first three classes were distinguished by the use of red infill between either solid, pecked or dotted lines.

5.8.21. Bartholomew's map was considered in *The Commission for New Towns and Worcestershire County Council v J.J. Gallagher Limited*.³⁰ In that case it was considered that uncoloured roads on Bartholomew's map were thought to be public carriageways. After referring to the disclaimer (see above) Neuberger J. went on to say at paragraph 108 "I do not consider that that means that one can cast aside what one could otherwise glean from Bartholomew as being of assistance, but the disclaimer underlines the fact that one cannot place much weight on Bartholomew's Maps, or indeed on any map which does not have the positive function of identifying public carriageways." Later in the same judgement (at paragraph 121) Bartholomew's map is referred to as being "actually of assistance to the argument that it [Beoley Lane] was a public carriageway".

5.8.22. The claimed route is shown by solid parallel lines with red dashed infill. This means it was an indifferent route, passable by cyclists. At the time the map was produced cyclists would have been restricted to carriageways, whereas

³⁰ *Commission for New Towns and WCC v J.J. Gallagher Limited* [2002] EWHC 2668 (Ch) [108].

today they can use rights of way from bridleway status and above. This suggests that the author of these maps believed the route to be a carriageway (i.e. to carry full vehicular rights).³¹ The depiction of the application route in this way suggests that it had the appearance and possibly the reputation of a public vehicular road at the time the map was drafted. While this certainly weighs in favour of such rights, it must be remembered that this may only have been the view of the surveyor (the document is unlikely to have been subject to public consultation) and the document explicitly states that it is not evidence of the existence of rights. In light of this, and case law quoted above, the map is found to be in favour of public vehicular rights but can be given little weight.

5.8.23. **1920 North Coker Estate Sales Catalogue**

Source: SWHT

Reference: SHC DD/EDN/42

Appendix: 15A

5.8.24. This sales catalogue and accompanying plan advertises a “Freehold agricultural property being the remaining and greater portion of North Coker Estate”. The plan is a copy of a 1903 Ordinance Survey Map.

5.7.25. The application route is shaded brown, as are all other routes, including those that are currently recorded as vehicular roads, restricted byways and footpaths.

5.8.26. Two of the lots for sale, 4 and 11, abut the claimed route. Lot 4 has landholdings on the northern side of the application route. Lot 11 has holdings to the north and south of the application route, the latter of which would likely require the route for access. The sales catalogue advises that the property is “freehold [...] much of the estate is bordered by and intersected by good hard roads”. It can be assumed that the application route was used for access and thus carried vehicular rights, either public or private.

5.8.27. Clause 7 of the sale document states that “the sale is subject to all outgoing, rights of way, easements, water rights and burdens affecting the estate and any rights, easements and other things”. This means that the document was not conclusive of all easements attached to the land. Each lot is

³¹ Writing in 1902, Robert Hunter outlines contemporary debates over the legal status of bicycles, which were at that time relatively new as a means of mass transportation. He records that the fact “that a rider propels himself has suggested doubts whether a cycle can be properly classed as a carriage; but a series of cases may now be said to have settled this question in the affirmative”, R. Hunter, *Open Spaces. Foot-paths, and Rights of Way* (London: Eyre and Spottiswoode, 1902), pp. 381-386. Such cases include *Cannon v. Earl of Abingdon* [1900] 2 QB 66-72. See also *Commission for New Towns and WCC v J.J. Gallagher Limited* [2002] EWHC 2668 (Ch) [108].

described but this is a general description of facilities, tenants, etc., rather than specific rights or easements relating to the sale.

5.8.28. The sale documents confirm the physical existence of the route. Though they could conceivably be taken as further evidence of vehicular rights, the nature of their production means that little weight can be attributed to them in terms of determining whether those rights were public or private.

5.8.29. 1926 Coker Court Estate Sales Catalogue

Source: SWHT

References: SHC DD/NNE/4, SHC DD/SAS/C/2272/1/1/C11 (Somerset Archaeological Natural History Society Collection)

Appendix: 15B

5.8.30. This sale did not involve any land abutting the application route.

5.8.31. The application route is not shaded, nor are any of the currently recognised vehicular roads.

5.8.32. The purpose of sale documents was not to record status of routes and no weight is given to this map other than confirming its continued physical existence.

5.8.33. 1927 Bartholomew's Map

Source: Supplied by Applicant

Reference: Sheet 34

Scale: 1:126,700

Appendix: 14B

5.8.34. The map depicts the application route in the same manner as the 1911 Bartholomew's map. As such, there is nothing to add to the comments made above.

Discussion and Interpretation of Evidence

5.8.35. The depiction of the application route on the Day & Master's Map (1782) provides the earliest evidence of the route's existence on the ground.

5.8.36. The four commercial maps (Day & Master's, Greenwood's, and Bartholomew's 1911 and 1927) are all supportive of public vehicular rights although, for the reasons given above, they do not carry a great deal of evidential weight

5.8.37. While the two sales plans (1920 and 1926) raise interesting questions about access, they are of limited use in determining the status of the application route.

5.9. Documentary Evidence Sources not used

5.9.1. Other sources of Primary Documentary Evidence which either did not cover the relevant area or did show the claimed route but do not assist in determining the status include:

- **Inclosure** – there is no Award covering East Coker.
- **Quarter Sessions Records** – There are no records covering the application route.
- **Deposited Plans** – there are no records in the vicinity of the application route.
- **Section 31(6) Statutory Declaration** – there is no Section 31 Declaration for East Coker.

6. Landowner Evidence

6.1. Consultations regarding the application route were sent out to all landowners and relevant local and national user group organisations in July 2015. Landowners were consulted for a second time in November 2020. This section of the report includes information provided by the landowners. Factual first-hand evidence carries more weight than personal opinion, hearsay or third-party evidence.

Landowner and response
Landowner A: Has owned adjoining land on the north side of the claimed route between points B and D since 2012. When consulted in 2015 they recorded that they believed the way to be a footpath, as confirmed by the solicitor on purchase. Suggested that the route is regularly used by walkers. On occasion motorbikes and their young, unhelmeted users have been stopped. In 2020 they reiterated their belief that the application route is a footpath, arguing that there is "no evidence whatsoever that this has ever been a bridleway" and referring to several maps as labelling it as a footpath. Asserted that they have seen horse riders occasionally using the route "resulting in very muddy sometimes impassable spots".
Landowner B No response received.

<p>Landowner C The land on both sides of the claimed route between points A and B is in multiple ownership. Two of the owners responded in 2015, both confirming they have owned the land for over 40 years. They both believe the claimed route to be a public footpath and have seen walkers using it. They have never prevented use, erected notices, given permission or requested users to seek permission. In 2020 the joint landowners reiterated the above position, adding that they “have not seen any historic evidence to upgrade Y9/46 to a bridleway”. They drew attention to the East Coker Parish Council Neighbourhood Plan, “checked as a true and correct record by SSDC [South Somerset District Council]”, which records the application route as a footpath. State opposition to proposed upgrade, arguing that it is well used by walkers (including children on their way to school); making the route into a bridleway “would be extremely dangerous”.</p>
<p>Landowner D The owner confirmed the extent of their holdings. They echoed Landowners A and C in their belief that the application route is a footpath.</p>
<p>Landowner E The owner asserted that the route does not cross their land and expressed support for the upgrade plans. They have seen motorcyclists using the route in the summer time, and suggest it is regularly used all year by dog walkers.</p>
<p>Landowner F Suggested that the application route does not run adjacent to their land. Recorded that they had used the application route on horseback during the 1970s and 1980s.</p>
<p>Landowner G No response received.</p>

6.2. None of the landowners who responded to the consultation claim ownership of the route, which they all believe to be a public footpath. One of the landowners claims to have seen equestrian use of the route and has challenged use by motorcyclists. Landowner F records that they used the route on horseback in the 1970s and 1980s, though provide no further details as to the nature of this use.

6.3. Neighbourhood plans (as referred to by Landowner C) are statutory planning documents. The exact nature of the corroboration described by Landowner C is unknown, but the likelihood is that the process involved consulting the Definitive Map and Statement (DMS), which currently records the route as a footpath. The DMS offers conclusive evidence of the existence and status of a public right of way until proved otherwise. It is without prejudice to other or higher rights. The fact that the DMS currently records Y 9/46 as a footpath, then, does not impact any higher rights (such as bridleway rights) that may exist. By extension, the presence of Y 9/46 as a footpath in the East Coker Neighbourhood Plan should not be taken as evidence that higher rights do not exist.

6.4. Whilst the concerns raised regarding safety, amenity and desirability are perfectly understandable, they cannot be considered as part of this investigation. The purpose of this investigation is to determine what, if any, public rights already exist over the application route and therefore whether or not the DMS needs to be changed to accurately record those rights. Only relevant evidence can be considered.

7. Consultation and other submissions

7.1. The table summarises the consultation responses received from parties other than the affected landowners.

<p>Consultee and response</p>
<p>East Coker Parish Council</p> <p>The Parish discussed the proposal at a meeting in August 2015. The approved minutes raised the following concern: "it was felt that the footpath has serious safety implications if also used as a bridleway. Resolution: It was agreed by all council that it would be unsafe and unsuitable to use footpath Y 9/46 as a bridleway. All Council objected to this proposal". Photographs demonstrating the unsuitability were taken by one of the councillors and were offered to SCC. Consulted again in 2021, the Parish Council reiterated their concerns about safety pointing out that the route is currently heavily used by pedestrians including children. They additionally raised objections to the prospect of the route being widened, asserting that such works "will have a huge impact on wildlife habitat with the need to grub up very low hanging hedges and excavate banks." The East Coker Neighbourhood Plan was also raised, with the Parish Council arguing that the application route was recorded as a footpath in this plan without objection.</p>
<p>Area Highways Manager</p> <p>There is no record of maintenance being carried out on this footpath.</p>
<p>Respondent 1</p> <p>Responded to consultation report in 2021. Indicated intention "to challenge the legality of the evidence presented". Questioned the fairness of the application process, arguing that "the whole process of these modification applications weights extremely unfairly on the side of the applicant". Asserted that "there is no evidence of this modification ever being accepted by the Parish".</p>
<p>Respondent 2</p> <p>Responded to consultation in 2015. Asserted that the footpath is regularly used by walkers. Considered the application route too narrow for two thirds of its length (between points A1 to B and B to C) to allow horses and walkers to pass, and believed it could be hazardous for horse riders if they met a dog off the lead on these sections.</p>
<p>Respondent 3</p>

<p>Responded to consultation for modification investigation 812M 874M (footpath Y 9/35). Raised concerns about the width of the application route, suggestion that cyclists and horse riders would struggle to pass one another. Questioned who would have to pay for maintenance, "the tax payer or land owner".</p>
<p>Respondent 4 Responded to 812M 874M consultation. Highlighted that the application route is used regularly by dog walkers and raised safety concerns about sharing route with horse riders.</p>
<p>Respondent 5 Responded to 812M 874M consultation. Referred to "badger activity" on the application route "which could be dangerous to horses" and pointed out that there are "several other bridleways in the area" that horse riders could use.</p>
<p>Respondent 6 Responded to 812M 874M consultation. Asserted that there is "already adequate access for riders via Y 9/49 and Y 9/50" and that "the existing footpath classification should remain to allow pedestrian transit without fear of imposing horse traffic."</p>
<p>Respondent 7 Responded to the consultation report in 2021. Objected strongly to the report's recommendation. Question the legitimacy of using the 1929 Wincanton District Handover Map legend to interpret the Yeovil District Handover Map. Argued that the yellow colouration on the Yeovil Map "did not – and does not – mean a class 'C' road." Questioned what the circles on the Yeovil Handover Map represented. Suggested that the term "Sheepsleight" was used to describe pasture rather than a settlement. Raised concerns about the unsigned and undated Survey Cards. Argued that the reverse side of the Statement should include information as to the evidential basis of the right of way in question.</p>

7.2. No response was received from the following organisations:

- Councillor Yeomans (Chair of Regulation Committee in 2015)
- South Somerset District Council
- Area Rights of Way Warden
- Ramblers' Association (National, Local and Somerset Offices)
- British Horse Society (National, Local and Somerset Offices)
- Trail Riders Fellowship
- All Wheels Drive Club
- Open Spaces Society
- Avon & Somerset Constabulary
- Natural England
- CPRE Somerset Office

7.3. The concerns raised about width relate primarily to the safety of users, which as discussed at paragraph 6.4., cannot be taken into account under the current legislation. Having said this, if the historical width of the route was such that it could not have physically accommodated users (other than those on foot) then it would potentially be evidence that the route would not have been dedicated by the landowner and/or accepted by the public. Such evidence would be very relevant in determining the application.

7.4. This investigation has found no explicit evidence regarding the physical extent of any rights which may exist over the application route. The OS County Series 25 Inch maps (appendices 6C, 6E, and 6H) are suggestive of a wider route than that of the present day, though the 1:2500 scale makes precise extrapolation difficult. The Yeovil Rural District Council Surveyor's Report (Appendix 10E) refers to having the "roadway widened" during the realignment of points C to D, but no reference is made to either the original width or the new width. Nevertheless, it seems reasonable to speculate that the application route was historically capable of taking vehicular traffic. While there might be some debate about whether those vehicles were accessing the route by virtue of a public or a private right, the evidence strongly supports the conclusion that the route was wide enough to take vehicles.

7.5. The East Coker Neighbourhood Plan is discussed at paragraph 6.3., above.

7.6. The evidence considered by this report has, in following section 32 of the Highways Act 1980, been deemed appropriate and relevant by the investigating officer. This section is discussed at paragraph 4.4., above.

7.7. This investigation is concerned with recording correct public rights, which may be higher than those currently recorded. The concerns about environmental implications, suitability and desirability, while understandable, cannot be taken into account under the current legislation. This investigation has also involved a significant degree of consultation. Members of the public, user groups and adjacent landowners were initially consulted in 2015. Adjacent landowners were consulted again in November 2020, and a draft report was circulated for comment in July 2021.

7.8. The rationale behind using the Wincanton Handover Map legend to interpret the Yeovil Handover Map, and the relevance of the yellow colouration, is outlined in footnote 22.

7.9. The circles on the Yeovil Handover Map are understood to represent bridges. No bridges are shown on the application route.

7.10. Very few entries in Somerset's Definitive Statement include evidential information on the reverse side, and this does not undermine their status as records of rights of way.

7.11. Respondent 7 is correct to point out that one meaning of the term "sleight" is sheep pasture.³² However, given the agricultural setting of the application route, it seems highly unlikely that the various representations of the possible settlement Sheepsleight/Sheepslake were intending to highlight a single area of pasture land. Had the intention of the annotation been to identify the land use one would have expected other parcels of land to have been similarly annotated, and this is not the case. However, it should be reiterated (as discussed at paragraph 5.7.30., above) that the existence of this settlement has not been confirmed.

8. Discussion of the evidence

8.1. This investigation has considered a broad range of documentary and consultation evidence. It is important to assess to what extent this evidence has established fact, the degree to which interpretation has relied on inference, and the varying evidential weight of the source material.

8.2. Having assessed these materials, the purpose of this investigation has been to determine whether the evidence supports the contention that higher rights of way subsist on the application route than currently recorded. In doing so the standard of proof to be applied is the *balance of probabilities*. In other words, is it more likely than not that the route carries higher public rights.

8.3. A route which broadly follows that which has been applied for has been present on the ground since at least 1782, as indicated by its depiction on the Day & Master's Map. Subsequent mapping shows the route on the same alignment until 1901, at which point the section between points C and D is depicted as straightened. This change would appear to be the result of a diversion as referenced in Parish and District Council records, though there is no record of this in the Quarter Sessions archive. This lack of evidence could be seen to raise questions concerning the legal validity of the realignment, and by extension, the status of the eastern end of the application route. However, it seems more likely than not that due process was followed in this matter, particularly given that the realignment is well-documented in Parish and District Council records.

8.4. The section between points C and D is recorded as a vehicular highway in the 1863 Highways Board Map, the 1929 Handover Map and subsequent road

³² See *The Oxford English Dictionary*, Vol. IX (Oxford: Clarendon Press, 1933), p, 199, which defines sleight as "A pasture, esp. one for sheep".

records. It is also included on Somerset County Council's List of Streets as of April 2020. This is very strong evidence that this part of the application route carried public vehicular rights.

8.5. The 1863 Highways Board map depicts the full length of the application route (not just C to D) as the central section of a continuous highway. The map is strong evidence that the full route enjoys higher public rights than currently recorded. In turn, no stopping up order has been discovered that would indicate the extinguishment of vehicular rights.

8.6. The East Coker tithe maps depict the application route in the same manner as several recognised public roads. Several "Dwelling Houses" are shown in the Diocesan copy on the section between points C and D, which is named as Sheepsleight in the Parish copy. The Tithe Apportionment names two fields as "Sheeps Lake" and includes details about nine tenements, a cottage, and their occupiers. Sheepsleight is depicted as a settlement by the 1808 OS Surveyor's Drawing and is referred to as both Sheepsleight and Sheepslake in the East Coker Parish Council minutes. The area is named as Sheepslake by the 1885 OS County Series First Edition Map. Though Sheepsleight/Sheepslake may have been a farm to which the application route provided private vehicular access, it seems more likely that it was a small settlement, and that by extension the road to it is likely to have carried public rights.

8.7. The Finance Act Record Plan has excluded the route from adjacent hereditaments. This raises a strong possibility that the application route was considered a public vehicular highway in 1910, particularly as it is corroborated by a large body of supporting evidence. The Finance Act evidence is doubly important because, as outlined above, it can be determined as "new evidence".

8.8. The records of East Coker Parish Council and Yeovil Rural District Council highlight the lack of certainty surrounding the status of the application route, particularly regarding liability for maintenance. This confusion carried over into the Definitive Map consultation and drafting process, where the application route was originally excluded prior to an appeal from the Ramblers' Association. It was eventually recorded as a footpath on the Definitive Map and Statement, despite the Second Schedule document suggesting bridleway status. Ultimately the Parish, District and County Councils appear to have concluded that the route was a footpath. This certainly suggests that they were not aware of the existence of higher rights at the time. However, it will not have extinguished any such rights which might have existed but which they were not aware of.

8.9. The East Coker Parish Council Footpath Map could be seen to suggest that the application route was considered a bridleway in 1933. Yet as there is no map legend, and therefore no clear indication as to what the brown shading of the

route was intended to show, this conclusion needs to be treated with some caution.

8.10. The Ordnance Survey maps provide good evidence of the existence and changing character of the route. The shaded casing used by the County Series First Edition Map can be considered slightly in favour of the existence of higher public rights.

8.11. Day & Masters, Greenwood's, and Bartholmew's maps carry some, if limited, weight in favour of public vehicular rights, particularly when viewed alongside other documents which clearly support the existence of such rights.

8.12. The sales documents (1920 and 1926) are useful in terms of the character of the application route and suggest that the route may have been needed for access to certain parcels of land. However, they give little indication as to whether that was by virtue of a public or private right.

8.13. In summary, the 1863 Highways Board Map and Finance Act Record Plan offer strong evidence that the full length of the application route enjoys higher rights than those currently recorded. The East Coker tithe maps, the East Coker Parish Council Footpath Map, commercial mapping, and Ordnance Survey maps offer supporting evidence that, on the balance of probabilities, higher rights exist on the application route. In relation to C-D this conclusion is further supported by the 1929 Handover Map and subsequent road records.

9. **Summary and conclusion**

9.1. The County Council is under a duty to modify the Definitive Map and Statement where evidence comes to light that it is in error. The standard of proof to be applied in all cases such as this is the *balance of probabilities*, i.e. based on all of the available evidence, are public rights more likely to exist than not.

9.2. Though the application route is currently recorded as a continuous footpath, a distinction has emerged during this investigation between the section at points A to C, sometimes named as Burton Lane, and the section from points C to D, most commonly named Sheepslake Lane.

9.3. There is no evidence that the application route between points A and C was legally created as a bridleway by statute, nor is there evidence of enclosure, or of orders creating or diverting the route. By contrast, it is clear that C to D (Sheepslake Lane, also known as Sheepsleight) was realigned in 1900. This section of the application route, furthermore, has been recorded as a highway maintainable at public expense since at least 1863.

9.4. There is no single document which definitively proves that higher public rights should be recorded along the whole of the application route. However, when all the evidence is taken together it suggests that, on balance, the route has historically been considered to carry public vehicular rights. Two documents in particular are strongly supportive of the existence of higher rights, namely the Highway Board Map and the Finance Act Record Plan.

9.5. The Highway Board Map shows the application route as a highway. The Highway Board would not have agreed to spend public money on a route that was not maintainable. This is therefore strong evidence that the application route was a highway maintainable at public expense. In itself this might leave open the question of what status the highway was considered to be. However, the map draws an important distinction between halterpaths and highways, identifying the application route as the latter. Furthermore, the map depicts the application route as part of a continuous highway of which several sections are currently recognised as public roads, and have been continuously recognised as such across various highway maintenance documents (e.g. the 1929 Handover Map and subsequent road records). This would suggest that the Highway Board considered the application route to be part of a longer route and, presumably, that it was all of the same status (i.e. it carried public vehicular rights).

9.6. It is significant that the 1863 Highway Board Map and the 1929 Handover Map offer contradictory evidence as to the status of the application route, as it suggests that the reputation of the route changed during this period. There is, however, no evidence of a statutory change in status, nor does the latter document refer to the former. Furthermore, in showing the route as a public vehicular route, the 1863 document is consistent with other evidence which was produced both before and after that date. The information contained in the 1863 Map is therefore supportive of the existence of public rights and remains of evidential importance.

9.7. The exclusion of the application route from surrounding hereditaments in the 1910 Finance Act Record Plan raises a strong possibility that it was considered to carry public rights. Given that the application route was represented as a highway in the 1863 Highway Board Map, it seems highly likely that in 1910 the route was excluded from surrounding hereditaments because it was considered to carry public vehicular rights. When assessed alongside all other available evidence, these documents point to the conclusion that, on the balance of probabilities, public vehicular rights were considered to exist in 1910.

9.8. The Highway Board map, Finance Act materials and road records (in relation to C-D) are supported by a range of evidence that, while of less evidential

weight, remain valuable sources and are supportive of the conclusion that the application route carried public vehicular rights. This includes the tithe maps, the shaded casing line on the OS County Series First Edition Map, and the Day and Masters, Greenwood's and Bartholomew's maps. Most of the other evidence, while not necessarily explicitly in favour of public vehicular rights, is certainly not inconsistent with them. The only possible exception to this are the Definitive Map preparation documents (including the relevant Parish Council minutes). Based on the evidence before them those authorities were not persuaded of the existence of higher rights. However, we now have the benefit of evidence which they did not consider at the time. Furthermore, the Definitive Map itself is without prejudice to the existence of higher rights.

9.9. In light of the above it is considered that the application route has historically carried public vehicular rights. Having reached that conclusion it becomes necessary to consider the implications of the Natural Environment and Rural Communities Act 2006 (NERC). As mentioned above, NERC had the effect of extinguishing all unrecorded public rights for mechanically propelled vehicles (MPVs), except in certain specific circumstances. Section 67(1)(b) of the Act extinguishes MPV rights over routes that are shown in the DMS "only as a footpath, bridleway or restricted byway". Section 67(2)(b) exempts routes from this extinguishment that "immediately before commencement" of the Act were "not shown in a definitive map and statement" but were recorded "in a list required to be kept under section 36(6) of the Highways Act 1980" (i.e. a List of Streets). The section of the application route between points C and D is recorded in the List of Streets, but it is also recorded on the DMS as a footpath. This indicates that NERC has extinguished MPV rights over this section. Similarly, none of the NERC exemptions are considered to apply to the section of the application route between points A and C. This being the case, only lower rights on foot, horseback, bicycle and non-mechanically propelled vehicles now exist over the full length of the application route.

10. Recommendation

It is therefore recommended that:

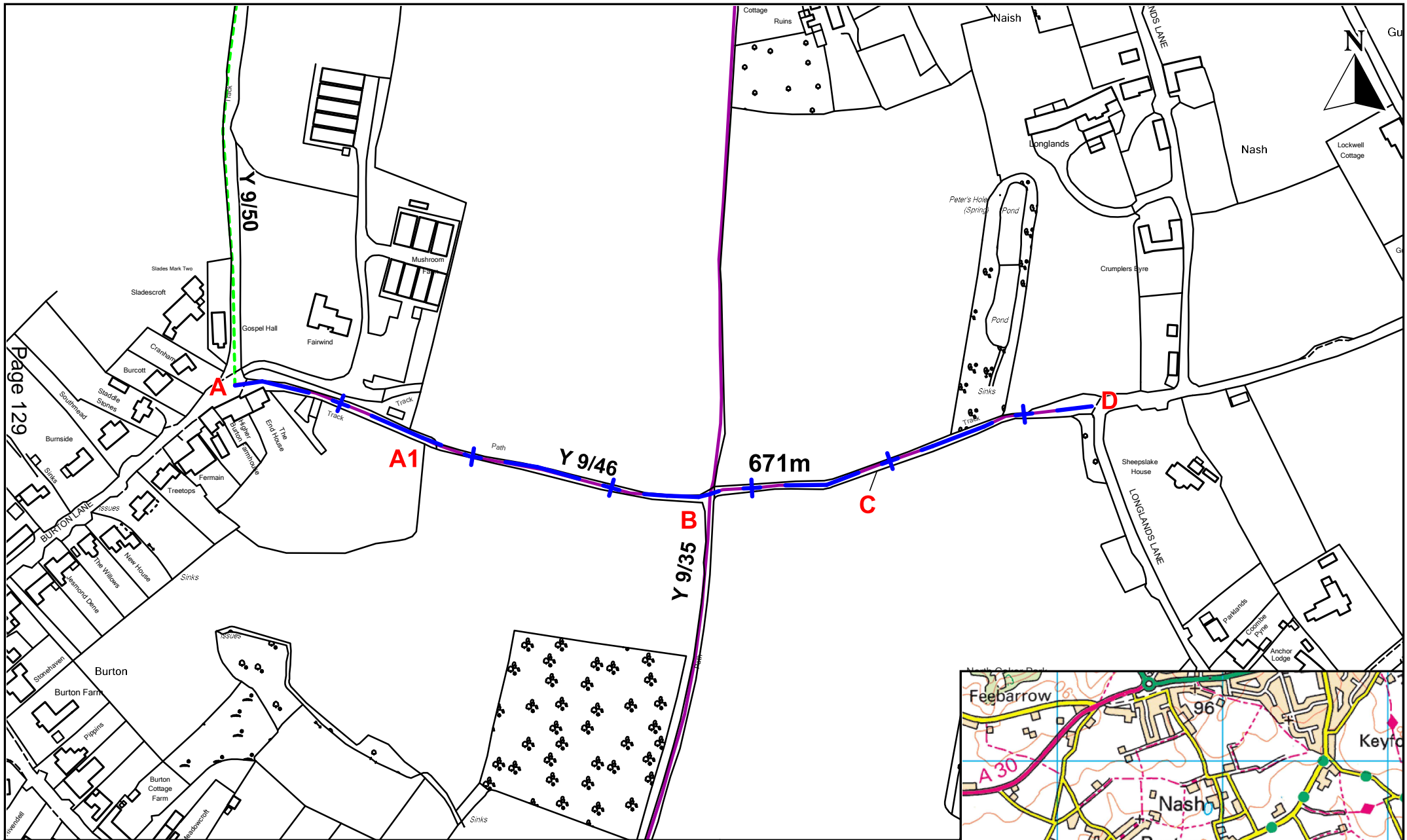
- i. An Order be made, the effect of which would be to amend the Definitive Map and Statement by upgrading public footpath Y 9/46 to a restricted byway between points A – A1 – B – C – D as shown on Appendix 1
- ii. If there are no unwithdrawn objections to such an order it be confirmed

- iii. If objections are maintained to such an order, it will be submitted to the Secretary of State for Environment, Food and Rural Affairs.

List of Appendices

Please note that the document reproductions in the appendices are not to scale. The report writer has added annotations to various documents to help the reader identify the sections of the route the document is depicting.

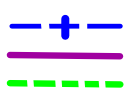
1. Plan showing application route
2. Photographs of application route
3. Wider Area Route Plan
4. Land ownership plan
5. Tithe maps, 1839
6. Ordnance Survey Maps
7. Finance Act Record Plan
8. Highway records
9. Definitive Map and Statement preparation records
10. Local Authority records
11. Day & Master's Map, 1782
12. Map of East Coker, 1819
13. Greenwood's Map, 1822
14. Bartholomew's maps
15. Sales catalogues



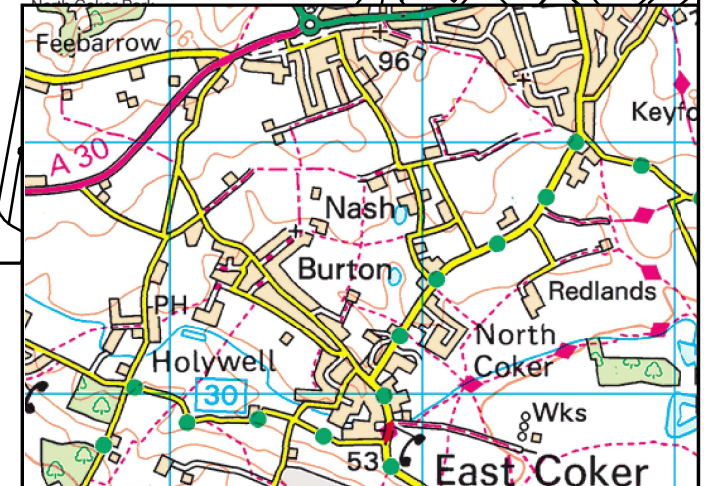
Parish: East Coker
 District: South Somerset
 Date: 27/11/2020
 Drawing No: H74-2020
 Drawn By: MHardwill
 Centre Grid Ref: 353749 113588
 Scale: 1:2500

Proposed Upgrading of Public Footpath
 Y 9/46 to Bridleway
 in the Parish of East Coker
 WILDLIFE & COUNTRYSIDE ACT 1981
 SECTION 53 APPLICATION

Modification 671 - A-A1-B-C-D
 Definitive Footpath
 Restricted Byway



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.
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Appendix 2: Photographs



1. Point A looking east



2. East of Point A looking east



3. Point A1 looking north



4. Point A1 looking east



5. Point B looking west



6. Point B looking east



7. Between points B and C looking east



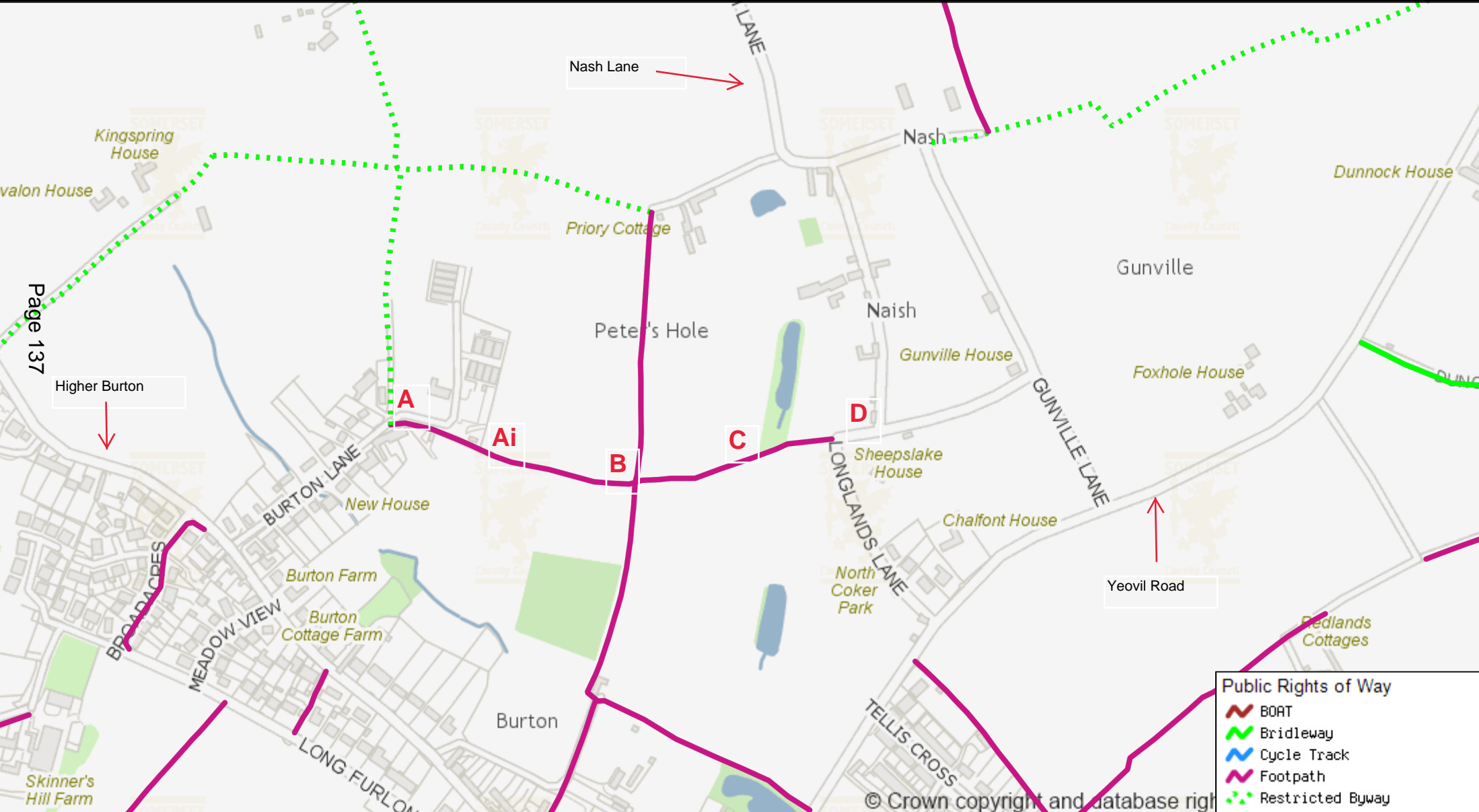
8. Point C looking east



9. Point D looking west

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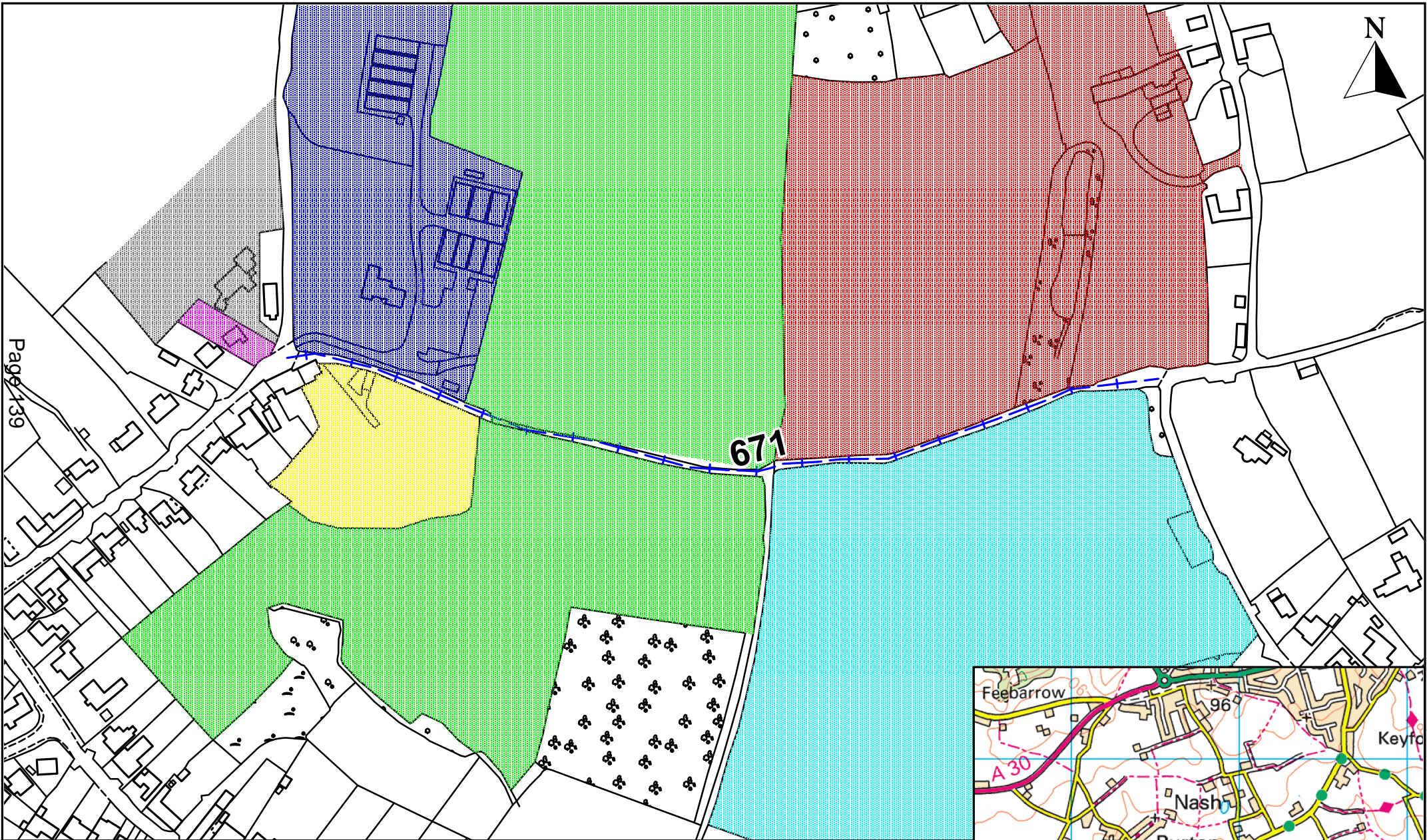
Appendix 3: Wider Area Route Plan



Page 137



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Parish: East Coker
 District: South Somerset
 Date: 18/11/2020
 Drawing No: H69-2020
 Drawn By: MHardwill
 Centre Grid Ref: 353749 113588
 Scale: 1:2500

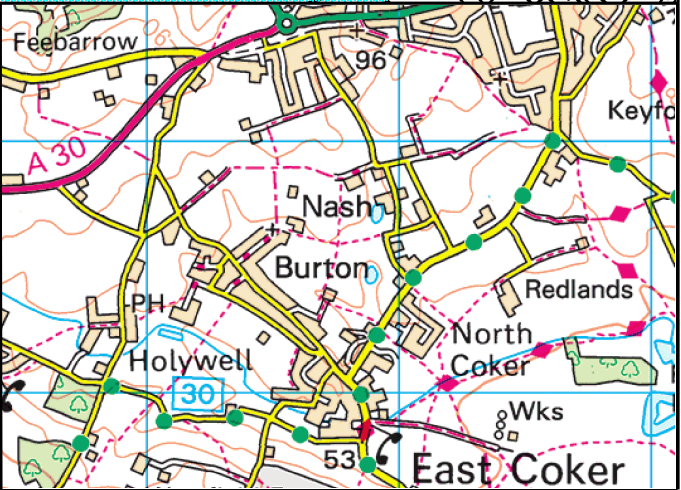
Modification 671

- A
- B
- C
- D

- E
- F
- G



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.
 - For reference purposes only.
 No further copies to be made.
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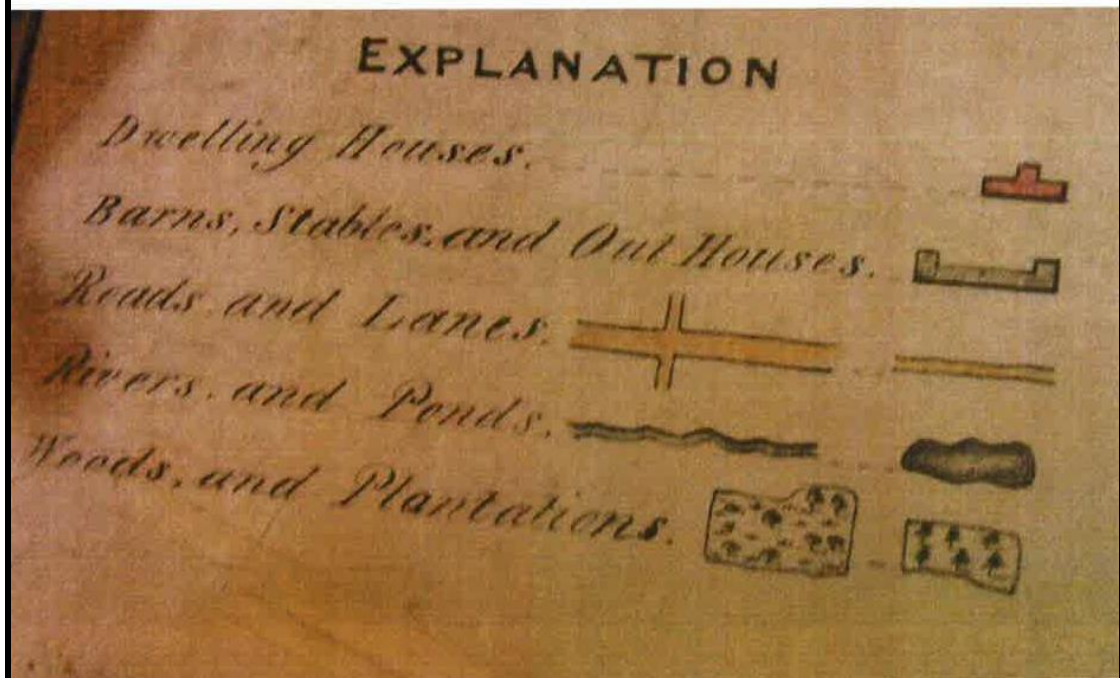
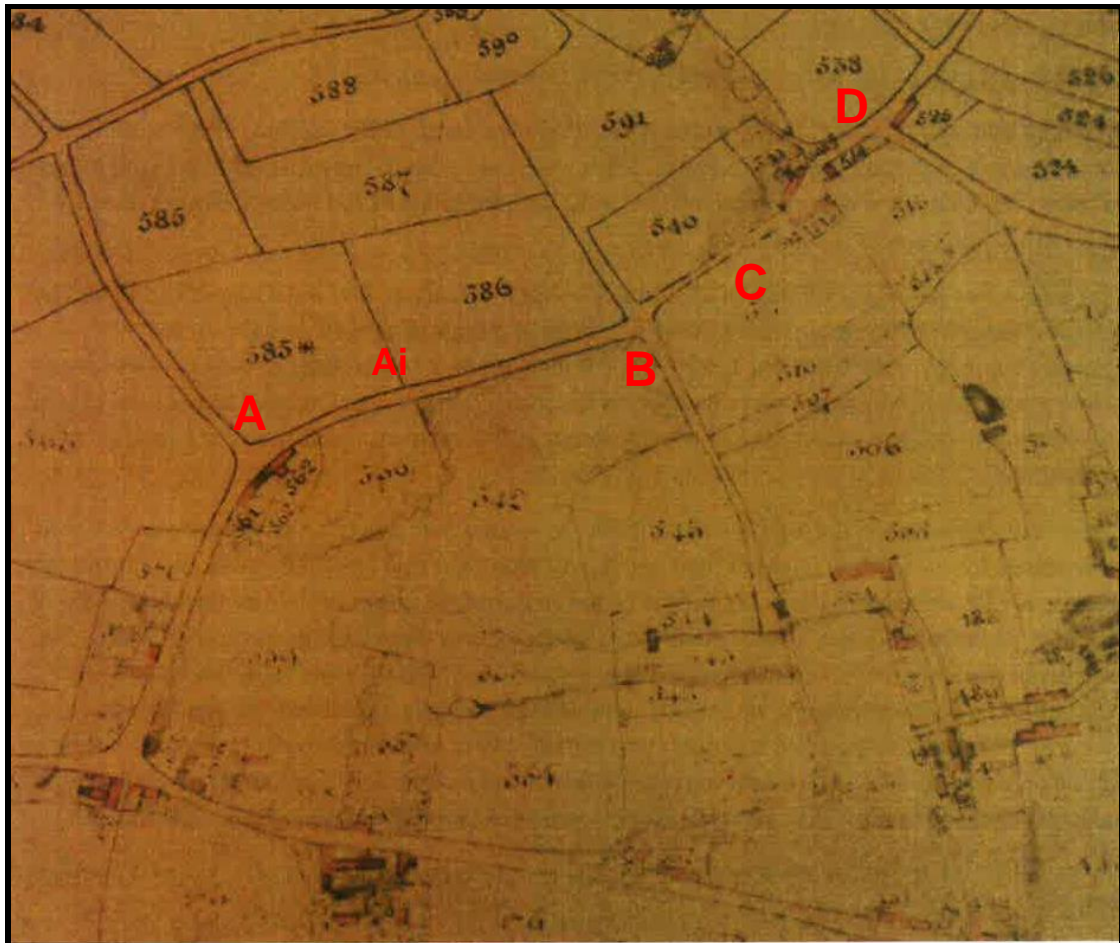


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5A: East Coker Tithe Map (1839) (Commissioner's Copy)

Source: The National Archives (TNA), Reference: IR 30/30/131

Extract supplied by the applicant



5B: East Coker Tithe Map (1839) (Diocesan Copy)

Source: South West Heritage Trust

Reference: SHC D/D/RT/M/170



5C: East Coker Tithe Map (1839) (Parish Copy)
Source: South West Heritage Trust, Reference: SHC A/AOW/83



5D: East Coker Tithe Apportionment (1839)

Source: South West Heritage Trust

Reference: SHC D/D/RT/A/170

Page 144

LANDOWNERS.	OCCUPIERS.	Numbers referring to the Plan.	NAME AND DESCRIPTION OF LANDS AND PREMISES.	STATE OF CULTIVATION.	QUANTITIES IN STATUTE MEASURE.	Amount of Rent-Charge apportioned upon the several Lands, and to whom payable.		REMARKS.					
						PAYABLE to VICAR.	PAYABLE to <i>Impropriate Rectors</i>						
					A.	R.	P.	L.	S.	d.	k.	s.	d.

		540	Sheeps lath	Arable	1. 8. 5	0. 5. 0 ¹ / ₂	0. 14. 0						
		511	Sheeps lath	Arable	2. 0. 24	0. 6. 0 ¹ / ₂	0. 11. 10 ¹ / ₂						

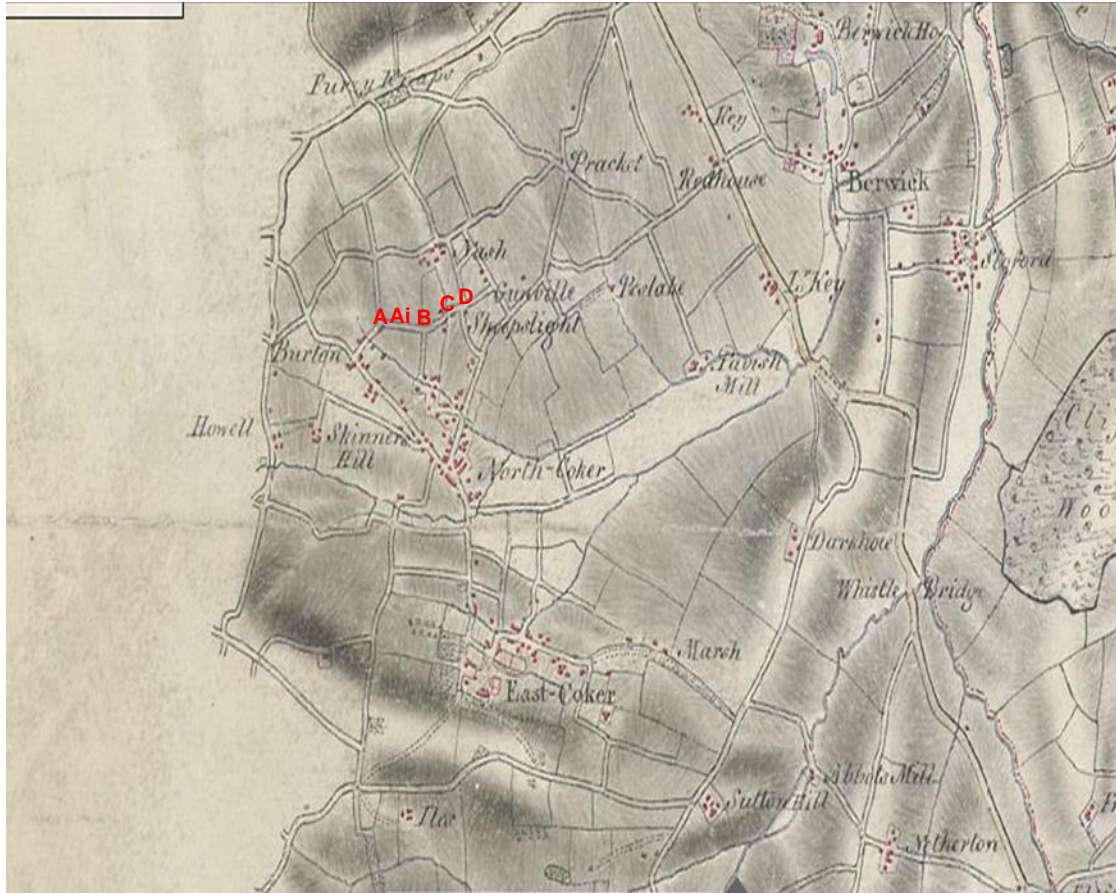
	Walter William & Others	511	3 Tenements & Garden	Garden	0. 1. 13	0. 5. 4 ¹ / ₂							
	Gillingham John	512	Collage & Garden	Garden	0. 0. 15	0. 0. 11 ¹ / ₂							
	Towers Thomas & Co	513	4 Tenements & Garden	Garden	0. 0. 15	0. 0. 11 ¹ / ₂							

	Stude Abraham & Co	514	2 Tenements & Garden	Garden	0. 0. 18	0. 1. 1 ¹ / ₂							
--	--------------------	-----	----------------------	--------	----------	-------------------------------------	--	--	--	--	--	--	--

6A: Ordnance Survey (OS) Surveyor's Drawing (1808)

Source: South West Heritage Trust, Reference: SHC OSD 53

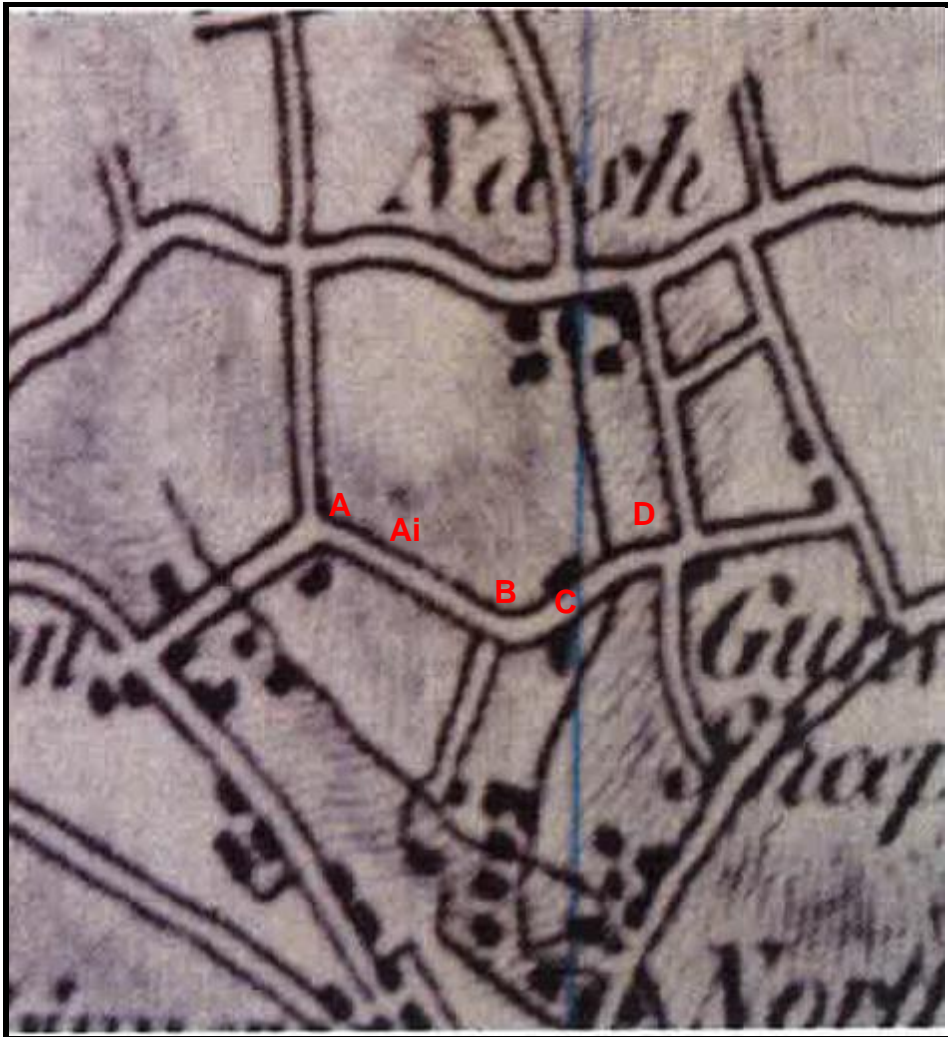
Scale 1:31,680



6B: OS Old Series (1811)

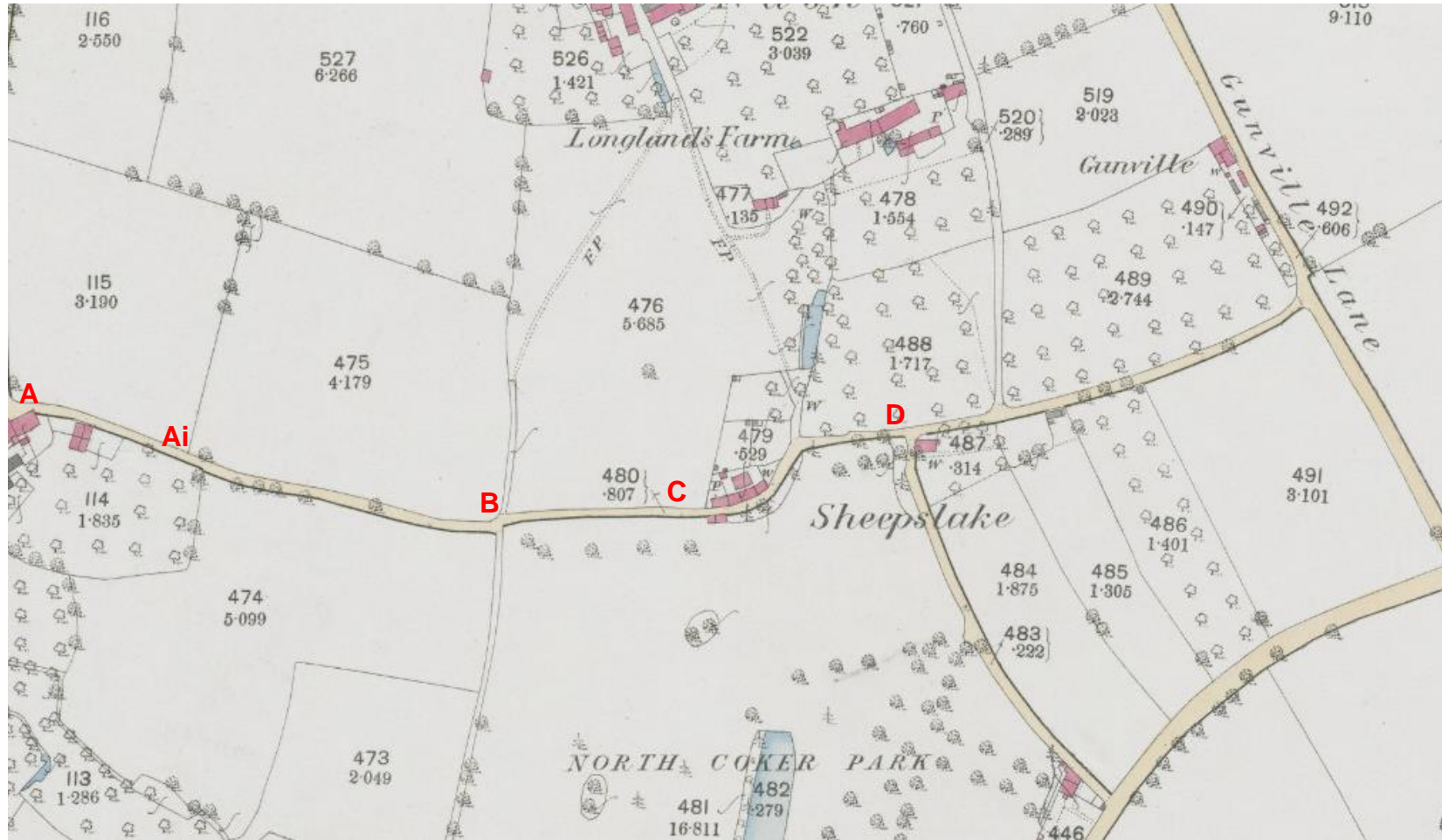
Reference: Map 194

Source: Supplied by the applicant, Scale: 1:50,000



6C: OS County Series First Edition 25 Inch Map

Reference: XC.5, Survey Date: 1886, Scale: 1:2500



6D: OS New Revised Series (1899)

Reference: Sheet 194

Source: Supplied by the applicant, Scale: 1:63,360



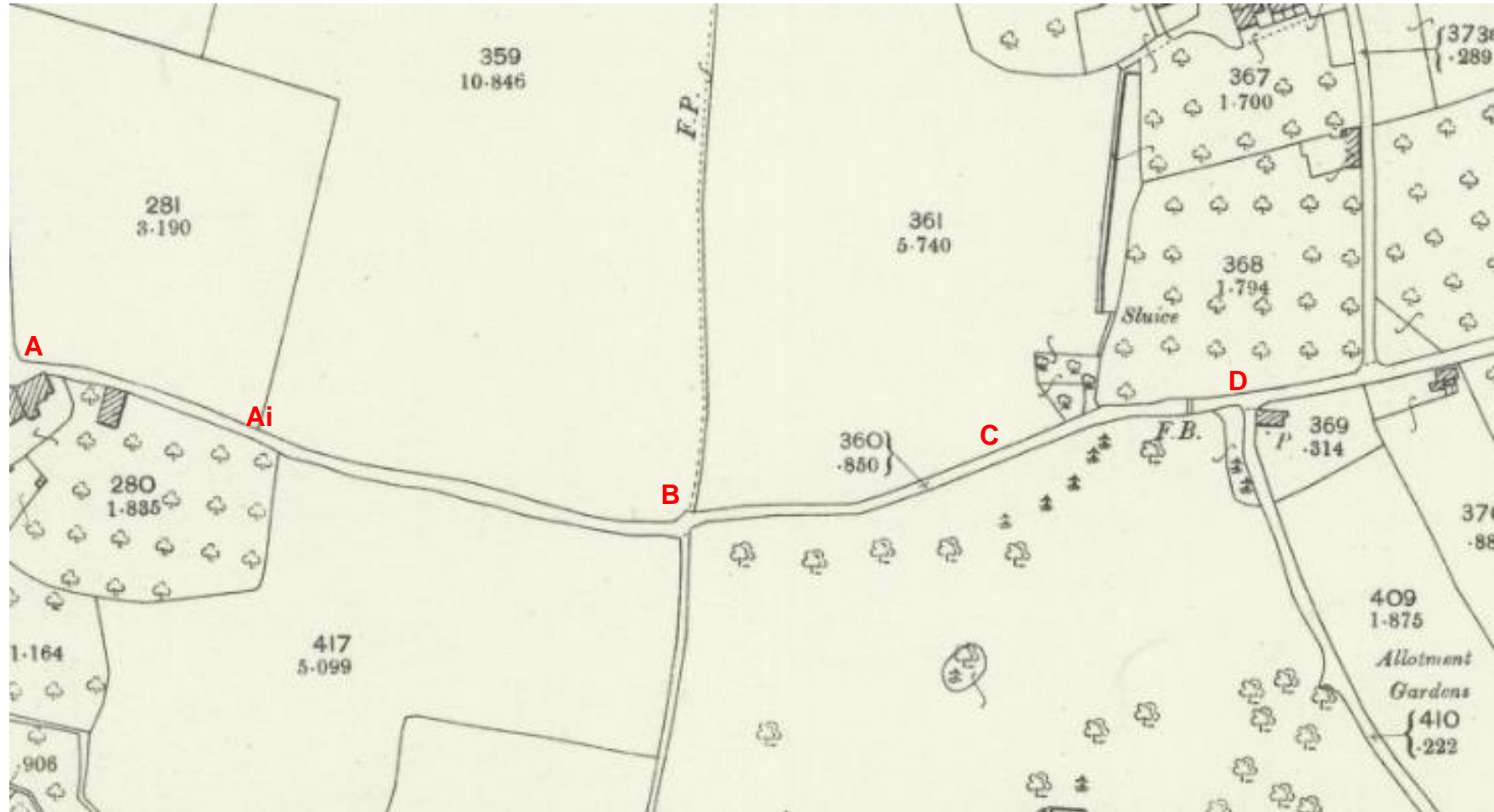
<i>Metalled Roads; First Class</i>	} <i>Fenced</i>	<i>5 (Mile distance)</i>	} <i>Unfenced</i>
" " <i>Second Class</i>		<i>(Altitude) 211</i>	
" " <i>Third Class</i>			
<i>Unmetalled Roads</i>			

'Keys and Legends, Revised New Series', Cassini Historical Maps,
<http://www.cassinimaps.co.uk/shop/pagelegend.asp>, accessed 15 April 2021.

6E: OS County Series Second Edition 25 Inch Map

Reference: XC.5

Survey Date: 1886 (revised 1901), Scale: 1:2500



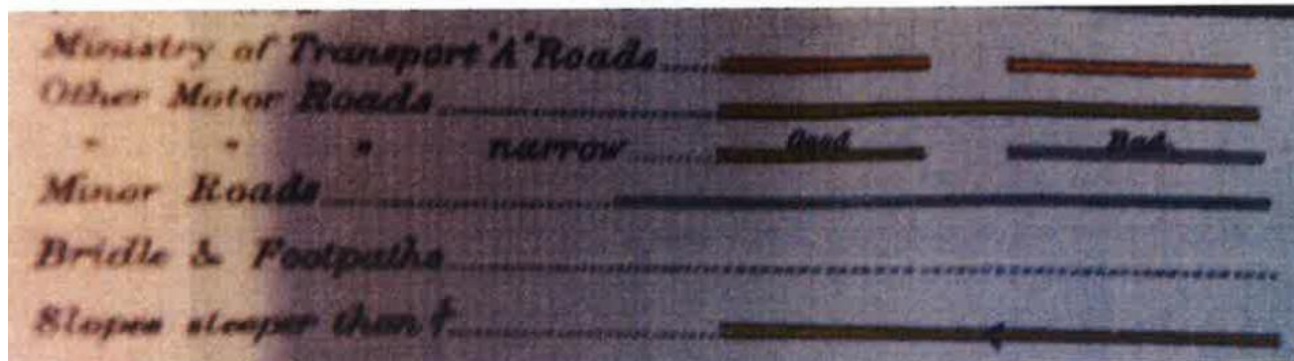
6F: OS Popular Edition (1919), Reference: Sheet 194,
Source: Supplied by the applicant, Scale: 1:63360



6G: OS Road Map of Weymouth, Taunton & Yeovil (1928)

Reference: Sheet 37, Source: Supplied by applicant

Scale: 1:31,680

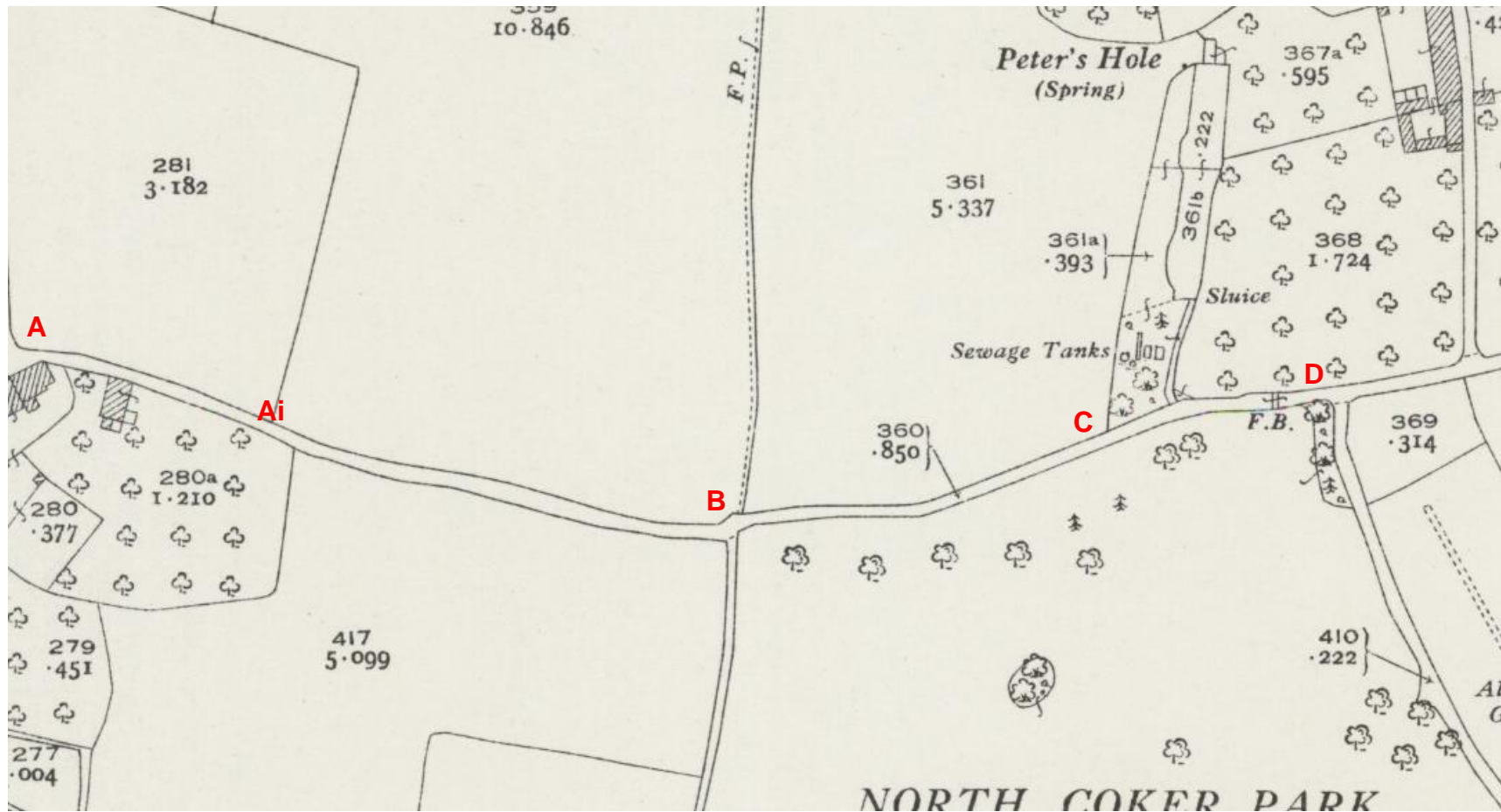


6H: OS County Series Third Edition 25 Inch map (1927)

Reference: XC.5

Survey Date: 1886, revised 1927

Scale: 1:2500

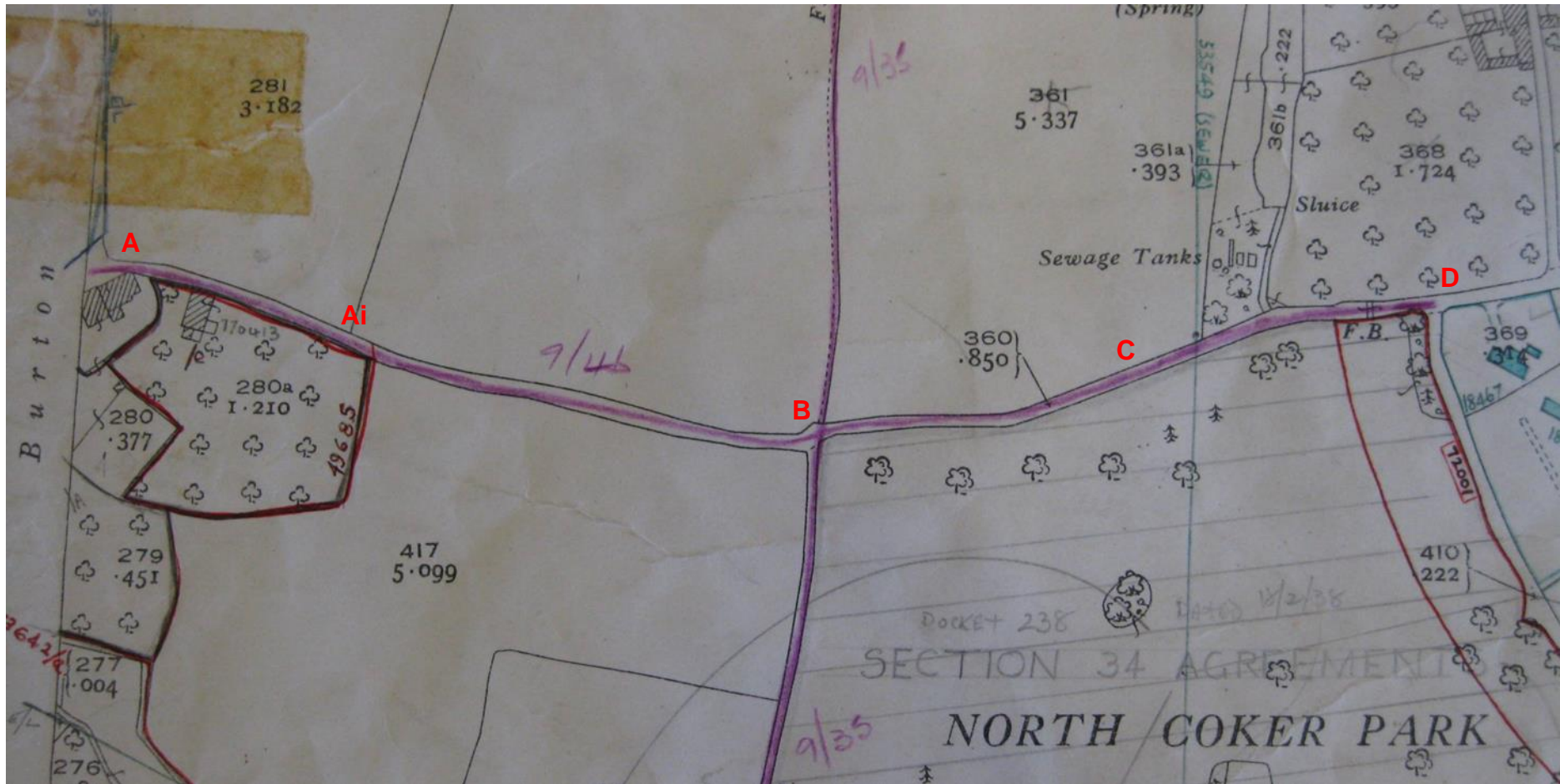


6J: OS County Series Third Edition (1927)

Reference: XC.5

Survey Date: 1886, levelling revised 1901, revised 1927

Scale: 1:2500



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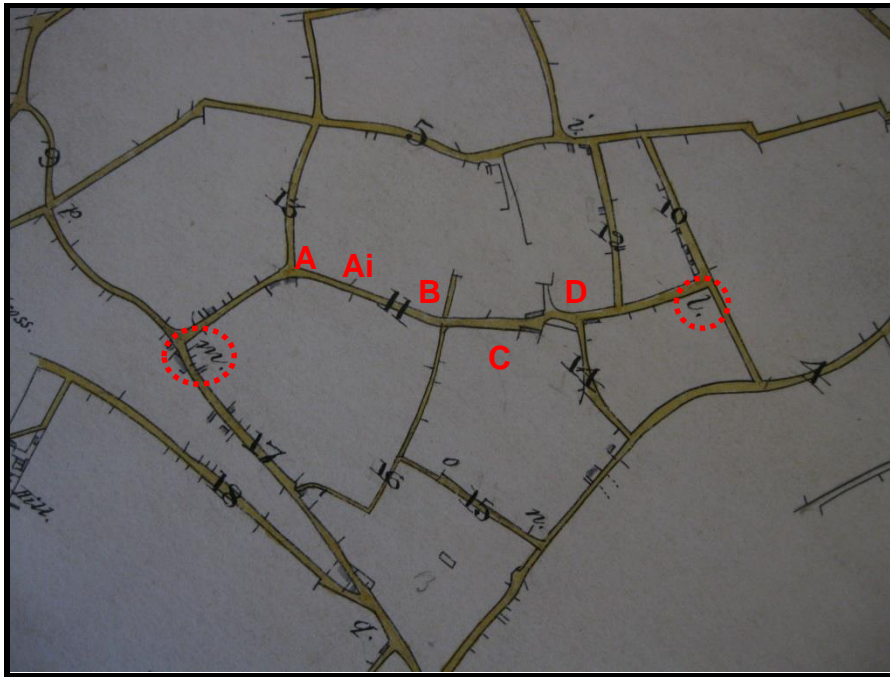
Finance Act Record Plan (1910)

Source: The National Archives, Reference: IR 128/9/1102



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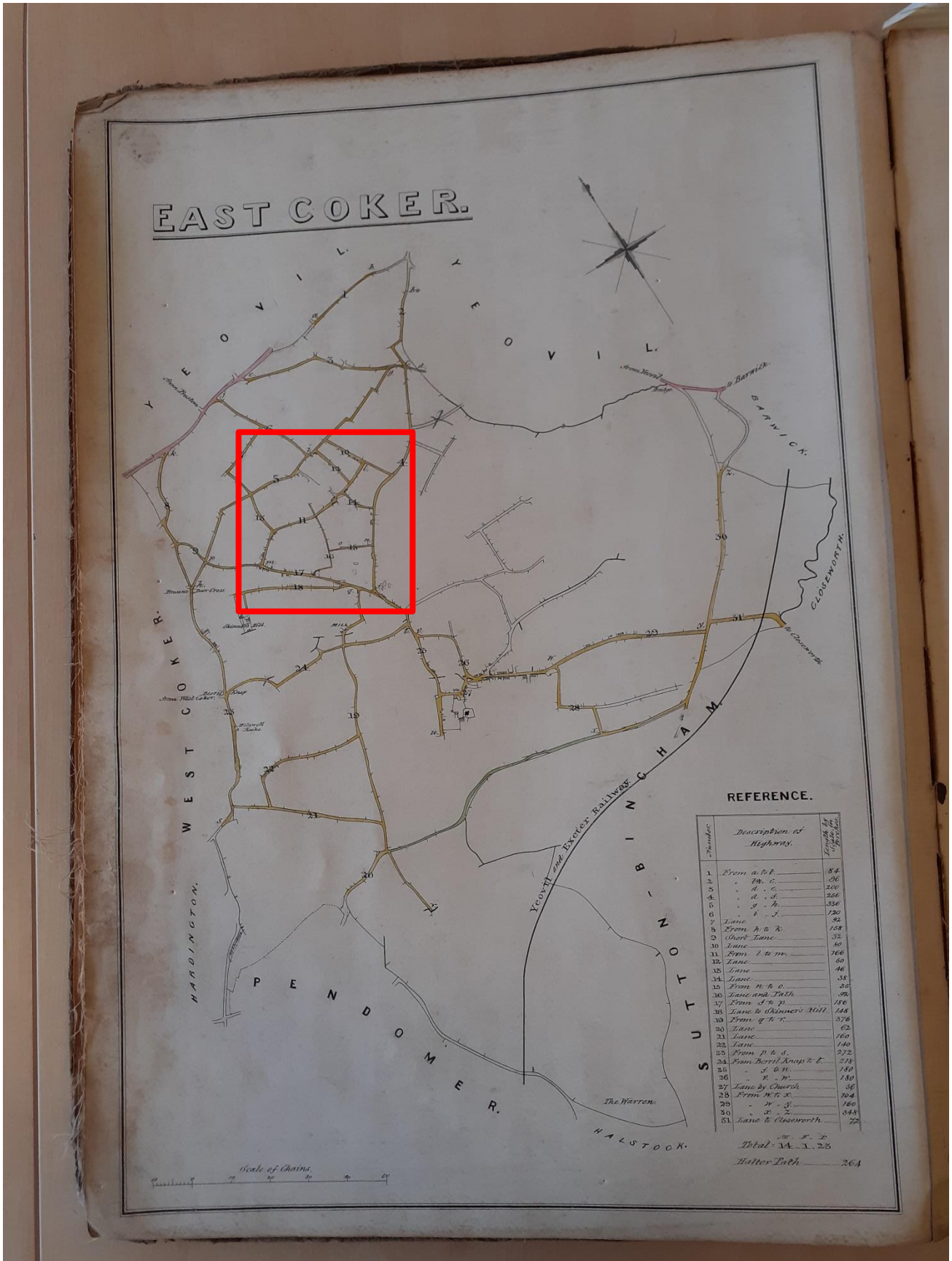
8A: Yeovil Highway Board Map (1863), Source: SWHT
 Reference: SHC DD/EDN/42



*N.B THE HIGHWAYS are colored YELLOW,
 HALTER-PATHS " GREEN,
 TURNPIKE ROADS " RED.*

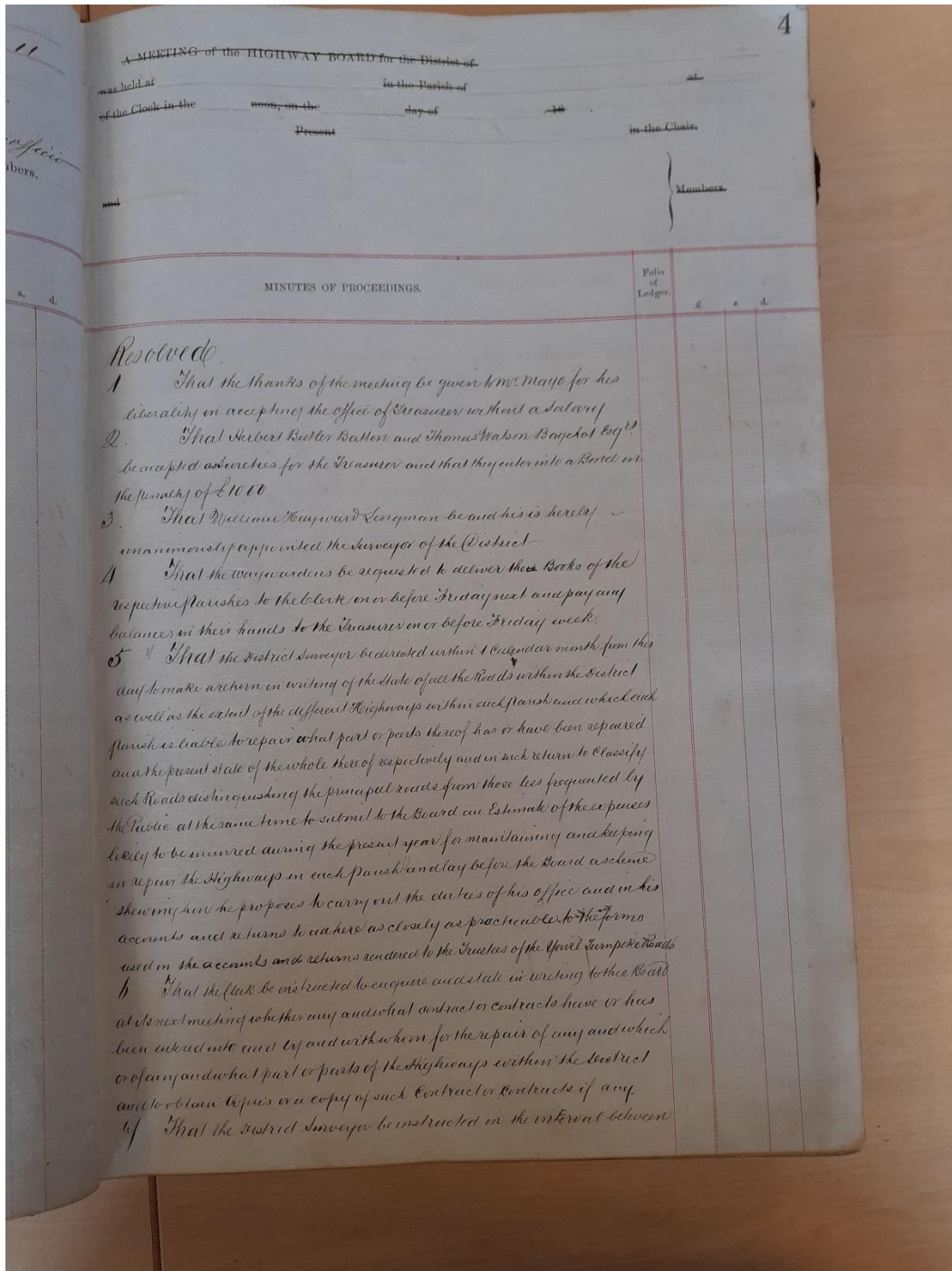
*The References contain the lengths of the Highways as scaled
 and are as follows. — The Highways = ^{M. F. P.} 144, 4, 30 — Halter Paths = ^{M. F. P.} 27, 5, 28*

Number	Description of Highways.	Length by scale, in Furlongs.
1	From a. to t.	84
2	" b. to c.	96
3	" d. to e.	200
4	" f. to g.	256
5	" h. to i.	336
6	" j. to k.	120
7	Lane	92
8	From l. to m.	158
9	Short Lane	32
10	Lane	80
11	From n. to o.	766
12	Lane	50
13	Lane	46
14	Lane	38
15	From p. to q.	35
16	Lane and Path	97
17	From r. to s.	186
18	Lane to Skinner's Hill	148
19	From t. to u.	376
20	Lane	62
21	Lane	160
22	Lane	140
23	From v. to w.	272
24	From Berril Knapp to x.	218
25	" y. to z.	180
26	" a. to b.	180
27	Lane by Church	56
28	From c. to d.	704
29	" e. to f.	160
30	" g. to h.	348
31	Lane to Closerworth	72
<i>M. F. P.</i>		
Total =		14, 1, 23
Halter Path =		204



East Coker Highway Board Map in full

Yeovil Highway Board Minutes

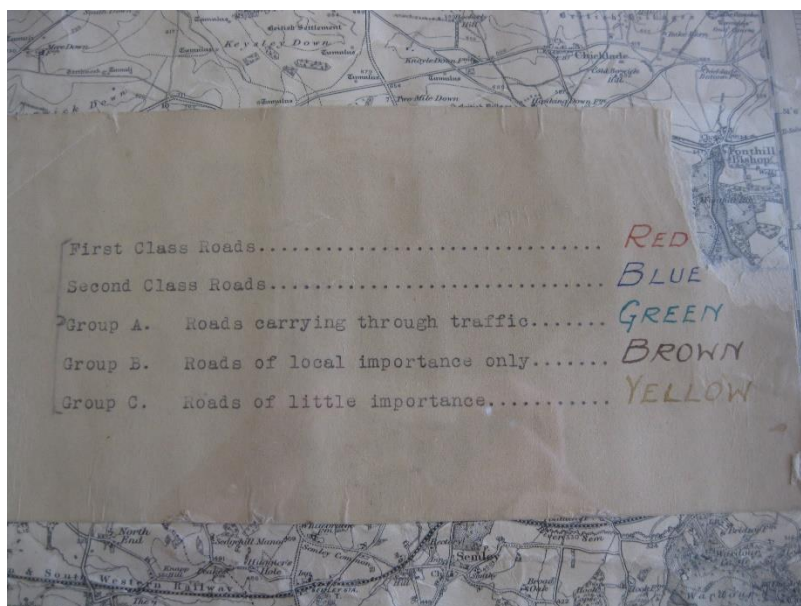


"5. That the District Surveyor be directed within 1 Calendar month from this day to make a return in writing of the state of all the Roads within the District as well as the extent of the different Highways within each Parish [...] and in such return to classify such Roads distinguishing the principal roads from those less frequented by the Public".

8B: 1929 Handover Map

Source: SCC

Reference: Sheet 296



1929 Handover Schedule

GROUP "C". (CONTD). 2.

Group.	Description of Road.	Mileage.
	Brought forward :-	9.93
"C"	Duck Lane (Limington).	.53
	Target Farm Lane (Yeovil Without).	.16
	Farm Lane { " " }	.35
	Woodrow Farm Lane { " " }	.24
	Lover's Lane { " " }	.24
	Long Lane (Barwick).	.54
	Post Office Lane (Barwick).	.09
	Mission Hall Lane (Barwick).	.15
	Paviotts Mill Lane (East Coker).	.39
	Plackett Lane. (East Coker).	.57
	Nash House Lane (East Coker).	.56
	Burton House Lane (East Coker).	.61
	Redlands Lane (East Coker).	.20
	Council Houses Road (East Coker).	.12
	Long Furlong Lane (East Coker).	.44
	Coker Court Lane (East Coker).	.32
	Sewage Farm Lane { " " }	.12
	Church Lane (Sutton Bingham).	.08
	Stonage Lane (East Coker).	.60
	Manor Farm Lane (Closworth).	.06
	Westfield Lane (East Coker).	.12
	Wicketts Beer Lane (East Coker).	.26
	Farm Lane (Pendomer).	.15
	Gullivers Grave to Camp.	.43
	Wash Lane (West Coker).	.44
	Church Road (West Coker).	.12
	Barton Farm Church Path (West Coker).	.16
	Chur Lane (West Coker).	.25
	Marsh Dairy Farm Lane (Hardington).	.38
	Carrd. Fwd. :-	18.61

GROUP "C" 5.

Group.	Description of Road.	Mileage.
	Brought forward :-	33.01
"C"	Fernhill Lane (Odcombe).	.29
	Windmill Lane (Montacute).	.68
	Church Lane (Lufton).	.08
	Dairy Farm Lane, (Thorne).	.06
	Preston Farm Lane (Preston).	.41
	Turner's Barn Lane (Yeovil Without).	.50
	Three side roads off West Land Road, (Yeovil).	.11
	Lane to Alvington Railway Bridge (Preston).	.07
	Church Road (Chiselborough).	.06
	Hempland Lane	.12
	Lane at Back of Church (Odcombe).	.07
	Parsons Close Lane (West Coker).	.08
	Longlands towards Burton (East Coker).	.13
	Back Street (East Coker).	.06
	Hill End Lane (Hardington).	.22
	Pipplepen Farm to Ford (North Perrott).	.25
	Skate Lane (West Camel).	.34
	Hills Lane (Martock).	.06
	East Street Drive (Martock).	.04
	Lamprey Lane (South Petherton).	.16
	Footpath from Hele to Cole Lane (South Petherton).	.30
	Dimmocks Lane (Martock).	.07
	Tunwell Lane (Stoke).	.07
	37.24	
	1.09	
	36.15	
	.03	

Added to Yeovil Borough 1/3/30

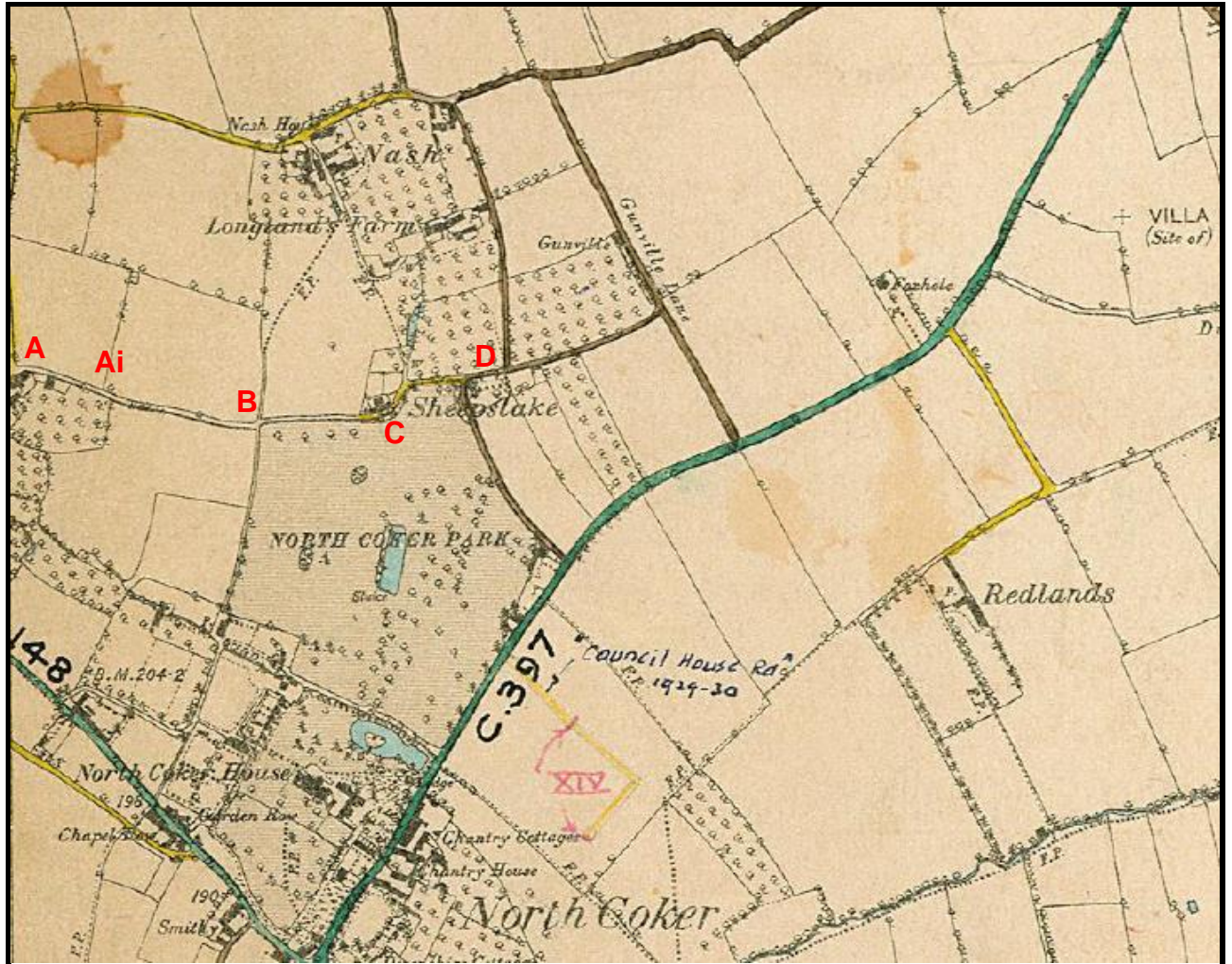
Whitfield Lane, South Petherton.

8C: 1930s Road Records

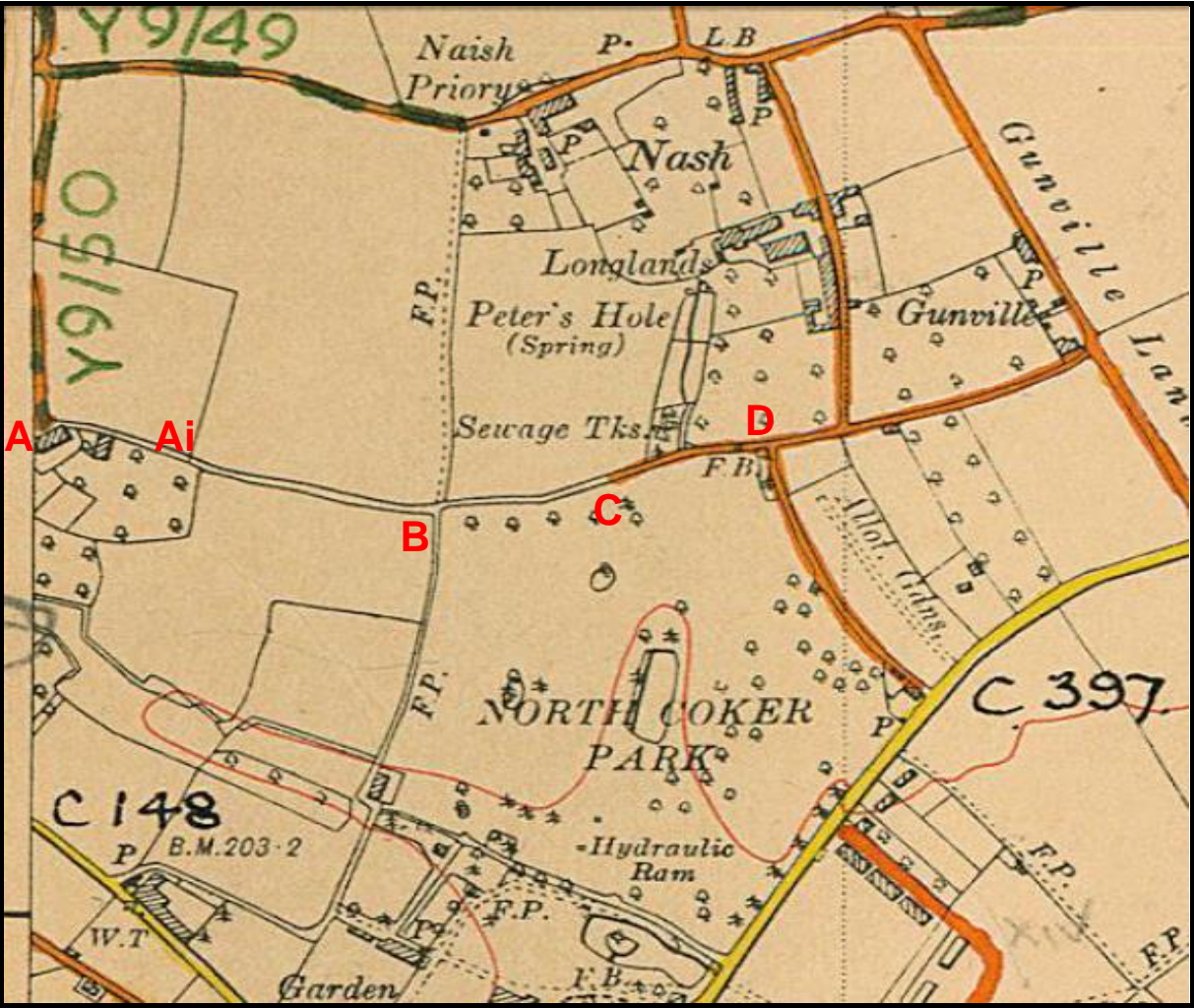
Source: SCC

Reference: 5/45

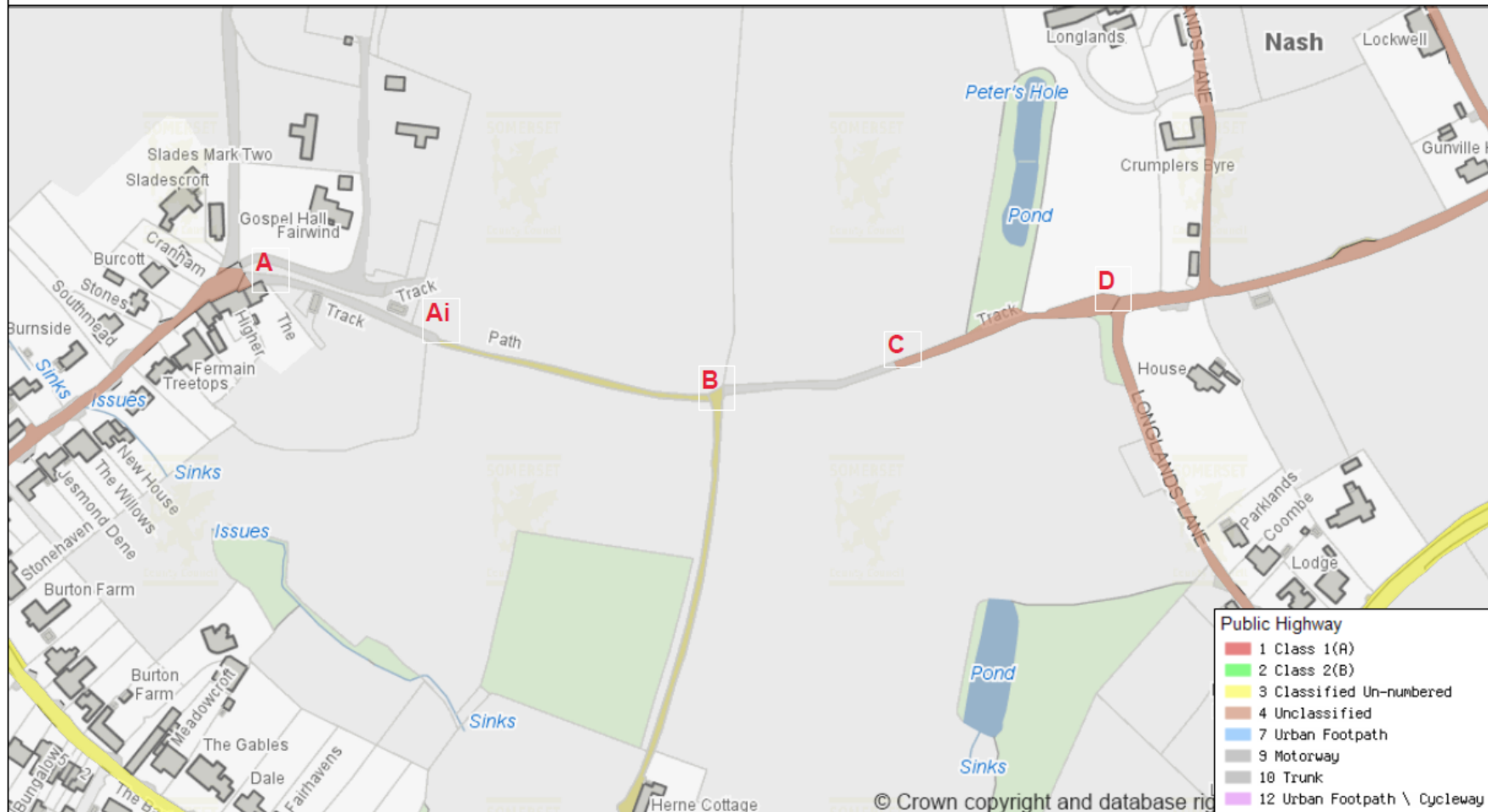
Scale: 1:10,560



8D: 1950s Road Records, Source: SCC, Reference: 5/45, Scale: 1:1056



Appendix 8E: Modern Road Records



Public Highway	
Red	1 Class 1(A)
Green	2 Class 2(B)
Yellow	3 Classified Un-numbered
Brown	4 Unclassified
Blue	7 Urban Footpath
Grey	9 Motorway
Grey	10 Trunk
Purple	12 Urban Footpath \ Cyclway

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Somerset
County Council
County Hall
Taunton
TA1 4DY
0300 123 2224

Scale:1:2500
Centre:353773, 113575
Date produced:2021-04-16
15:11:01

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9A: Survey Card

Source: SCC

Reference: East Coker Parish No. 46

SOMERSET COUNTY COUNCIL

BOROUGH / URBAN DISTRICT / PARISH OF *East Coker*
(Delete as necessary)

NATIONAL PARKS & ACCESS TO THE COUNTRYSIDE ACT, 1949
SURVEY OF PUBLIC RIGHTS OF WAY.

Parish No. of Path :- *46* Path shown on 6" O.S. No. :- *90NW* Kind of Path, i.e. F.P., B.R., C.R.P. or B.R.P. :-

DESCRIPTION :- *The path starts at end of county road at sewage tanks
a runs west along lane to county road by Chapel*

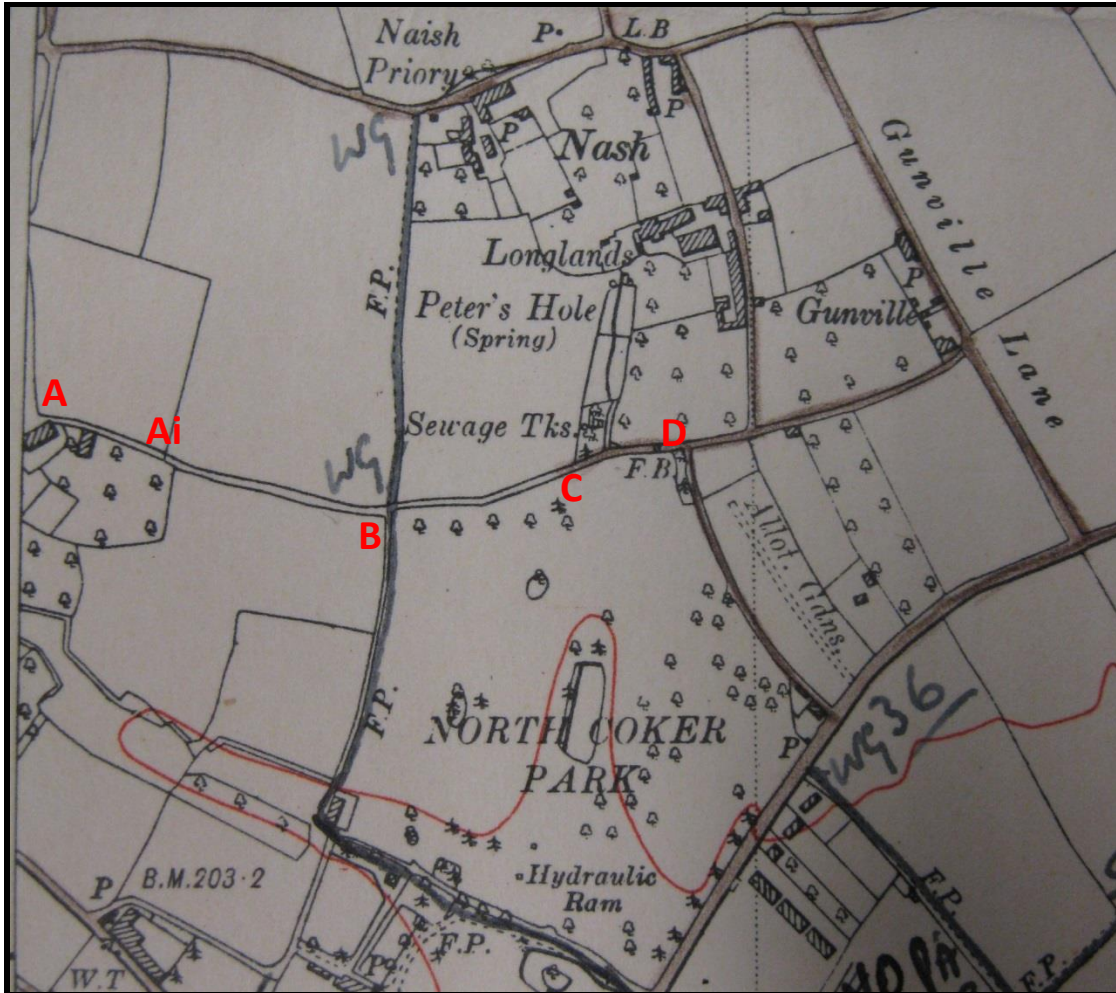
(Please continue on second card if necessary)

Walking Survey made by :- (Signed) Date	Agreed by (Borough/Urban Parish Council / Meeting) (Signed) Chairman / Clerk Date	Approved by Rural District Council :- (Signed) Chairman / Clerk Date
---	--	---

9B: Survey Map

Source: SCC

Reference: Sheet XC. NW.



9C: Ramblers' Association Objection to the Draft Map (January 1960)

Source: SCC, Reference: YL 36 – 3151/D13

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SOMERSET COUNTY COUNCIL
NATIONAL PATHS AND ACCESS TO THE COUNTRYSIDE
ACT, 1969
SURVEY OF RIGHTS OF WAY

TEWIT RURAL DISTRICT PARISH OF East Coker

Objection No. YL 36 - 3151/D13
By the Ramblers' Association

PART I
Particulars of Objection

Caution of path from County road just east of Sewage Tanks westerly to County road.

PART II
(To be completed by Parish Council)

(a) Observations of the parish council on the objection:-

(b) Does the owner and/or tenant of the land affected wish to raise any objection to the claim of the Ramblers' Association?

(c) Name(s) and address(es) of the owner(s) and/or tenant(s) affected:-

(Signed).....
Date

PART III
(To be completed by the County Surveyor)

Observations of the County Surveyor on the objection:-

Not claimed by P.C.
Appears reasonable to include

J. H. H. WILKES
(Signed).....
Date..... 4 JAN 1960

PART IV
(To be completed by the County Archivist)

Observations of the County Archivist on the objection:-

O.S. Map - 1811 - Shown as a road
Tithe Map, 1839 - Shown as a road - part of the parish highway system
Enclosure Awards - Area not covered by Award
Quarter Sessions Orders - None applicable

(Signed).....
Date 4 JAN 1960

9D: Summary of Objections to the Draft Map & Statement

Source: SCC, Reference: 3151/D13

Page 168

Serial No. of Objection (1)	District or Parish (2)	No. (if known) on Draft Map (3)	Name and Address of Objector and reference (if any) (4)	Nature or Reason for Objection (5)	Observations by Clerk (6)	Determination (7)
27.	East Coker	-	Ramblers' Association 3151/D41	Omission of path from Gunville Lane to Placket.	This is already a County road - objection withdrawn.	No action. ✓ 9/42
28.	do.	-	Ramblers' Association 3151/D16	Omission of path known as Tarratt Lane from Little Tarratt southerly to Dunnook's Lane.	Appears to be an ancient way.	Add bridleway. ✓ 9/42
29.	do.	-	Ramblers' Association 3151/D12 County Council	Omission of CRF, known as Back Street.	Partly an unclassified road - remaining section (170 yards) a CRF.	Add CRF. to 9/42 Draft Map for northern section of Back Street - approx. 170 yds. ✓ 9/42
30.	do.	-	Ramblers' Association 3151/D29	Omission of path from "253" north-east to road.	Already a County road - objection withdrawn.	No action.
31.	do.	-	Ramblers' Association 3151/D14	Omission of path from Key Bridge to Daroole Cottages.	Objection withdrawn.	do. ✓ 9/42
32.	do.	-	Ramblers' Association 3151/D28	Omission of path from road north of Abbet's Mill Bridge north-easterly to Whistle Bridge.	Shown as a footpath on Deposited Railway Plans, 1855.	Add footpath. ✓ 9/42
33.	do.	9/39	Yeovil Rural District Council, 28 Kingston, Yeovil.	Route of path from Helena Road to Nash Lane incorrectly shown.	Agreed path should run west of route shown.	Amend Draft 9/39 Map. ✓ 9/43
33a.	do.	-	East Coker Parish Council	Omission of path from Wrazhill Road to East Coker Road.	Agreed.	Add footpath. ✓ 9/43
34.	do.	-	Ramblers' Association 3151/D21	Omission of CRF, from north end of Wicketsbeer Road generally easterly along Isles Lane to Sutton Hill.	Eastern end is a County road. Appears to be an ancient way.	Add bridleway. ✓ 9/42
35.	do.	-	Ramblers' Association 3151/D30	Omission of path from spot height 297 east of Westfield Farm, west north-westerly to north-western corner of Jennings Plantation, thence south to junction with 9/5.	Appears to be an ancient way.	do. ✓ 9/45
36.	do.	-	Ramblers' Association 3151/D13	Omission of path from County road just east of Sewage Tanks westerly to County road.	Evidence of public user available.	Add footpath. ✓ 9/42
37.	do.	-	Ramblers' Association 3151/D15	Omission of CRF, known as Dunnook's Lane from Foxhole generally easterly to County road at "G.P."	Appears to be an ancient way.	Add bridleway. ✓ 9/42
38.	do.	-	Ramblers' Association 3151/D11	Omission of path from junction with 9/35 at the point where it turns east, south south-westerly to road at Garden Row.	Ordered to be laid out as a public footpath by Quarter Sessions, Spring 1851.	Add footpath. ✓ 9/42
39.	Hardington Mandeville	-	Ramblers' Association 3151/D33	Omission of path from Lyatts north along parish boundary.	Objection withdrawn.	No action. ✓ 10/48
40.	do.	-	Ramblers' Association 3151/D10	Omission of path from junction with 10/31 and 10/28 west of Ashland Coppice, south to County boundary and west to junction with 10/32.	Appears to be an ancient highway.	Add footpath. ✓ 10/4
41.	Haselbury Plucknett	-	Ramblers' Association 3141/D24 and Haselbury Plucknett Parish Council	Omission of path from Easthams Bridge (B.M. 127.8) generally southerly along river to Pyke's Mill (Merriott).	Agreed.	do. ✓ 11/00

9E: Draft Modification Map Second Schedule

Source: SCC

Reference: 9/46

<u>SECOND SCHEDULE</u>			
(Additions)			
Parish	Status	Description	
East Chinnock	CRF.	From the top of Chinnock Hollow south-west along Green Lane to Back Lane.	
do.	CRF.	From County road at Stump Stone south down lane past Furzyclose Plantation to end of County road at Weston Farm.	
do.	CRF.	From County road on East Chinnock Hill, south and west along Green Lane to County road at The Rookery.	
East Coker	9/39 F.P.	From the new housing estate south to lane.	90NW
do.	9/40 B.R.	Tarratt Lane from south of Little Tarratt to Dunnock's Lane.	90NW
do.	9/41 CRF.	Northern section of Back Street - approximately 170 yards.	90NW
do.	9/42 F.P.	County road at Whistle Bridge south-west to County road near Netherton Road Bridge at north end of Sutton Bingham Reservoir.	90SW
do.	9/43 F.P.	From end of cul-de-sac on the Wraxhill Road Housing Estate, east to the East Coker road.	90NW
do.	9/44 B.R.	From County road at Wicketsbeer Road junction, east along Islés Lane to County road.	{ 90SW 89SE
do.	9/45 B.R.	From County road (Primrose Hill) south-east to Haygrove Plantation, thence north and east to end of County road at Westfield Farm.	{ 89NE 89SE
do.	9/46 B.R.	From end of County road at sewage tanks, west along lane to County road by chapel.	90NW
do.	9/47 B.R.	From County road at Foxhole east along Dunnock's Lane to County road (Pavyotts Lane).	90NW
do.	9/48 F.P.	From path 9/35 south to County road just west of Garden Row.	90NW
do.	9/49 CRF.	From end of County road by Naish Priory, west and south-west to spot height 233 on County road.	{ 90NW 89NE
do.	9/50 CRF.	From County road by chapel, north along Chapel Lane, thence east to Nash Lane.	{ 90NW 89NE
do.	9/51 CRF.	From County road at Placket, north-west along Placket Lane to unclassified road by Furzy Knap.	90NW
do.	9/52 CRF.	From County road at Placket west to Gunville Lane.	90NW

9F: Provisional Map (1971)

Source: SCC

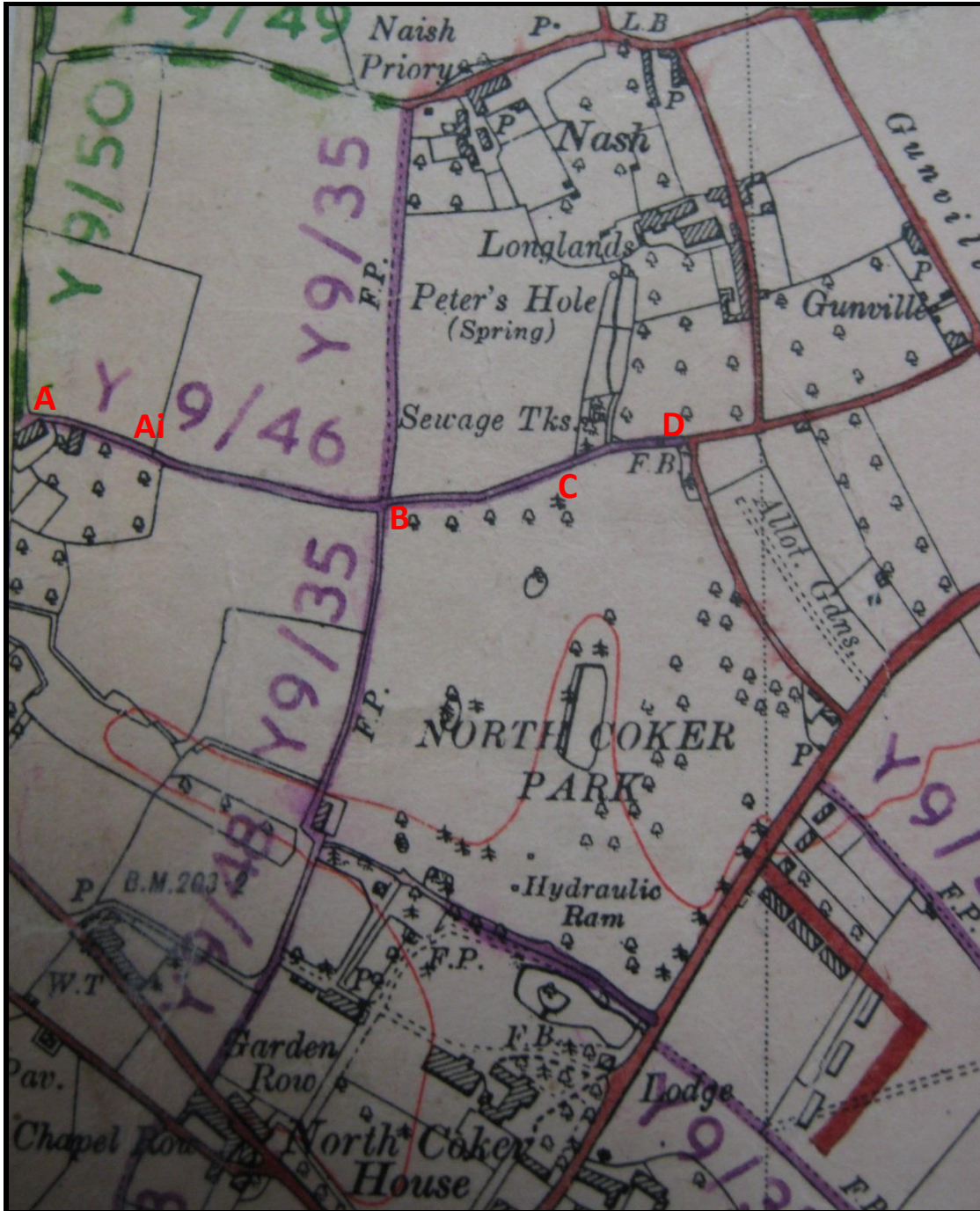
Reference: Sheet 5



9G: Definitive Map and Statement

Source: SCC

Relevant Date: 4th June 1956



(2) CONCISE DESCRIPTION OF PATH (TO INCLUDE WIDTH, NATURE OF SURFACE, MEANS OF ACCESS, OBSTRUCTIONS, ETC.)

FROM: End of county road at sewage tanks
County road by Chapel

TO: _____

DESCRIPTION: THE PATH IS A _____ FP _____ IT STARTS AT end of county road at sewage tanks and runs west along lane to county road by Chapel.

NOT SHOWN ON THE
DEFINITIVE MAP 1. 3. 83.

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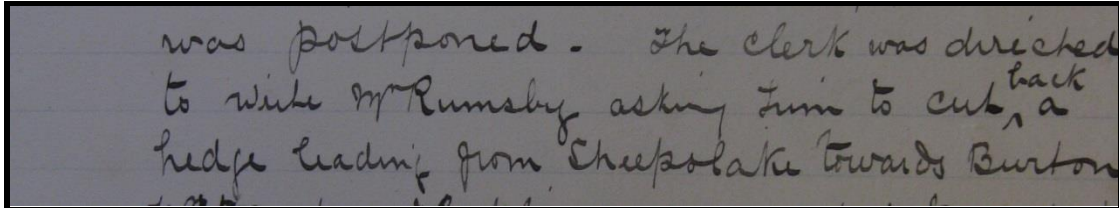
10A: East Coker Parish Council Minutes 1896-1971

Source: South West Heritage Trust (SWHT)

References: D/PC/Cok.e/1/2/1 - 10

SHC D/PC/Cok.e/1/2/1

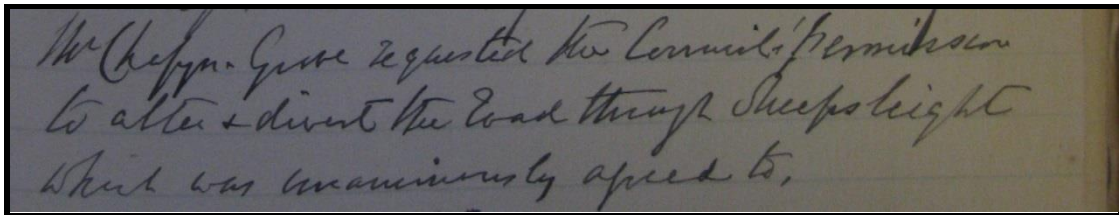
7 July 1896



was postponed. The clerk was directed to write Mr Runsbey asking him to cut ^{back} a hedge leading from Sheepslake towards Burton

SHC D/PC/Cok.e/1/2/2

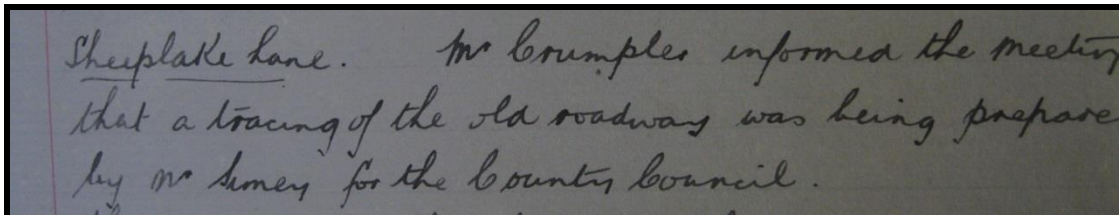
4 November 1899



Mr Cheppin gave requested the Council's permission to alter & divert the road through Sheepslight which was unanimously agreed to.

SHC D/PC/Cok.e/1/2/3

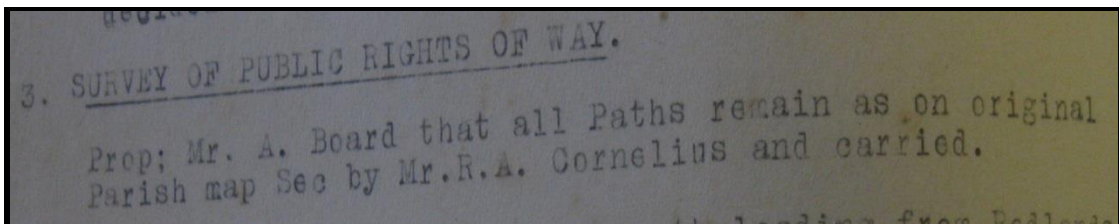
20 May 1925



Sheepslake Lane. Mr Crompler informed the meeting that a tracing of the old roadway was being prepared by Mr Honey for the County Council.

SHC D/PC/cok.e/1/2/4

19 December 1950



3. SURVEY OF PUBLIC RIGHTS OF WAY.
Prop; Mr. A. Board that all Paths remain as on original Parish map Sec by Mr. R.A. Cornelius and carried.

SHC D/PC/Cok.e/1/2/5

2 June 1965

The lane at the junction of Burton Chapel with Herne Lane. A letter from the Div. Surveyor stated that this is not publically repairable & is not on the claimed list of footpaths in the Parish. The clerk was asked to look this up on the map & if the lane wasn't on to ask the Surveyor to add it to the list of claimed footpaths.

SHC D/PC/Cok.e/1/2/6

14 July 1965

The lane from Burton Chapel to Herne Lane. A letter from the Divisional Surveyor stated that the County Works Committee would be recommended to accept this lane as a footpath & arrangements had been made to clear the overgrowth.

SHC D/PC/Cok.e/1/2/7

11 August 1971

Name-plate by North Lodge. A letter from the Y.R.D.C. said when Mrs. Mandesley was contacted for permission to erect the sign 'Longlands Lane', she said the name of the lane is Sheepslake Lane & this is the name preferred by the local residents. It was agreed that a letter be sent that the name Longlands Lane had been decided by the P.C. after much thought & Sheepslake Lane applies only to the lane from Sheepslake House to the footpath leading to Herne Lane. Three of the four residents approached are agreeable to the name Longlands Lane & the P.C. see no reason why the correct name should not be used.

10 October 1971

lane by North Lodge. A letter had been sent to Mr. P. Mitchell stating that 2 maps - one dated 1888 confirmed that Sheepslake Lane is the path which runs at right angles from Longlands Lane to Burton Chapel & the P.C. re-affirms that the lane in question should be called Longlands Lane.

SHC D/PC/Cok.e/1/2/8

8 November 1978

*Mr. Bugler
Footpaths. It was agreed to write again
to the YDC Tech. Dept. about the complaints
received regarding the general state of
the footpaths in the village particularly
Sheepstake Lane & Herne Lane.*

10B: East Coker Parish Council Correspondence

Letter to Clerk, 3 March 1925

Source: SWHT

Reference: SHC D/PC/Cok.e/6/4/1

EHH/AL.

BATTEN & CO
SOLICITORS.
H. C. C. BATTEN.
TELE. NO 152.

CHURCH HOUSE,
YEOVIL.

3rd March, 1925.

Dear Sir,

In reply to your letter of the
28th ult., no part of Sheepstake Lane,
East Coker was conveyed to either of the
persons mentioned by you.

Yours faithfully,

H. R. Headford

H. R. Headford, Esq.,
Clerk to East Coker Parish Council,
East Coker,
YEOVIL.

10C: East Coker Parish Council Footpath Map 1928-1933

Source: SWHT

Reference: SHC D/PC/Cok.e/6/4/1



Note: application route is shaded brown.

10D: Definitive Map and Statement Preparation Records

Source: SWHT

Reference: SHC D/PC/cok.e/4/1/17

do.	9/46	B.R. [*]	From end of County road at sewage tanks, west along lane to County road by chapel.	90NW
do.	9/47	B.R.	From County road at Foxhole east along Dunnock's Lane to County road (Pavyotts Lane).	90NW
do.	9/48	F.P.	From path 9/35 south to County road just west of Garden Row.	90NW
do.	9/49	CRF.	From end of County road by Naish Priory, west and south-west to spot height 233 on County road.	{ 90NW 89NE
do.	9/50	CRF.	From County road by chapel, north along Chapel Lane, thence east to Nash Lane.	{ 90NW 89NE
do.	9/51	CRF.	From County road at Placket, north-west along Placket Lane to unclassified road by Furzy Knap.	90NW
do.	9/52	CRF.	From County road at Placket west to Gunville Lane.	90NW
ington Mandeville		F.P.	From County boundary as continuation from Dorset, north to join path 10/32 south of Romsey Farm.	
do.		F.P.	From junction of paths 10/31 and 10/28, south around Ashland Coppice, along lane past Coal Pits Coppice, thence west to join path 10/32.	

x F.P. on map.

- 2 -

10E: Yeovil Rural District Council Minutes 1899-1900

Source: SWHT

Reference: SHC D/R/yeo/2/2/3

6 November 1899

East Coker repair
of Sheepslake
Lane.

An offer by G. J. Chafyn-Grove, Esq., to improve and repair Sheepslake Lane, East Coker, by straightening it and raising the road and putting a culvert under it, was, (upon the motion of Mr S. G. Bartlett, seconded by Mr W. J. W. Pearce) accepted with thanks.

Surveyor's Report, 8 October 1900

Gentlemen,

I beg to report that the improvements to the lane at Sheepslight, North Coker, are completed according to the plans laid before and sanctioned by this Council. The lane is now open to the public and gives great satisfaction, as the distance has been shortened by the lane being made straight; the hill lowered, and the roadway widened. The entire expense has been borne by G. J. Chafyn Grove, Esq.

(1) Adopted
thanks to
Chafyn Grove

10F: Yeovil Rural District Council Works Committee Minutes 1924-1928

Source: SWHT

References: SHC D/R/yeo/3/1/7 1922-1925 & D/R/yeo/3/1/8, 1925-1928

D/R/yeo/3/1/7

19 December 1924

19th December, 1924.

EAST COKER : ROAD FROM HUNTER'S LODGE TO BURTON :

The East Coker Parochial Committee having complained of the condition of this Road, the Clerk was directed to communicate with the Clerk of the Peace for the County of Somerset and endeavour to ascertain the conditions upon which Quarter Sessions, some 25 years ago, consented to the Diversion of this Road, as possibly the same might throw some light upon the question of who was liable for the repair of the Road.

16 January 1925

2. EAST COKER : ROAD FROM HUNTER'S LODGE TO BURTON :

A letter was read from the Clerk of the Peace for the County of Somerset, stating that an Order was made at the Michaelmas Quarter Sessions 1899 for the stopping up of a footway commencing at a point close to the North West corner of North Coker Park and running in a north westerly and northerly direction to the Highway adjoining Nash House. There was nothing in this Order as to liability for the upkeep and maintenance of the bridleway.

Mr. Crumpler stated that the footpath referred to in this Order was not the one under consideration at the last Meeting, and the Surveyor was instructed to prepare a plan showing the road in question to enable the Clerk to communicate with the Clerk of the Peace again.

SHC D/R/yeo/3/1/8

12 February 1926

3. EAST COKER - ROAD FROM HUNTER'S LODGE TO BURTON:

A communication was read from the East Coker Parochial Committee, enquiring whether any decision had been arrived at as to the liability for the up-keep and repair of this Road.

The District Surveyor presented a letter he had received from the Clerk to the County Council, stating that he was unable to find any Order of Quarter Sessions dealing with the Lane referred to, but that it was very unlikely that any Order would contain a direction as to the liability for maintenance of a substituted Highway.

The Clerk was instructed to inform the Parish Council accordingly, and to add that the District Council could not admit liability for the repair of the Lane.

15 May 1934

(B) EAST COKER:

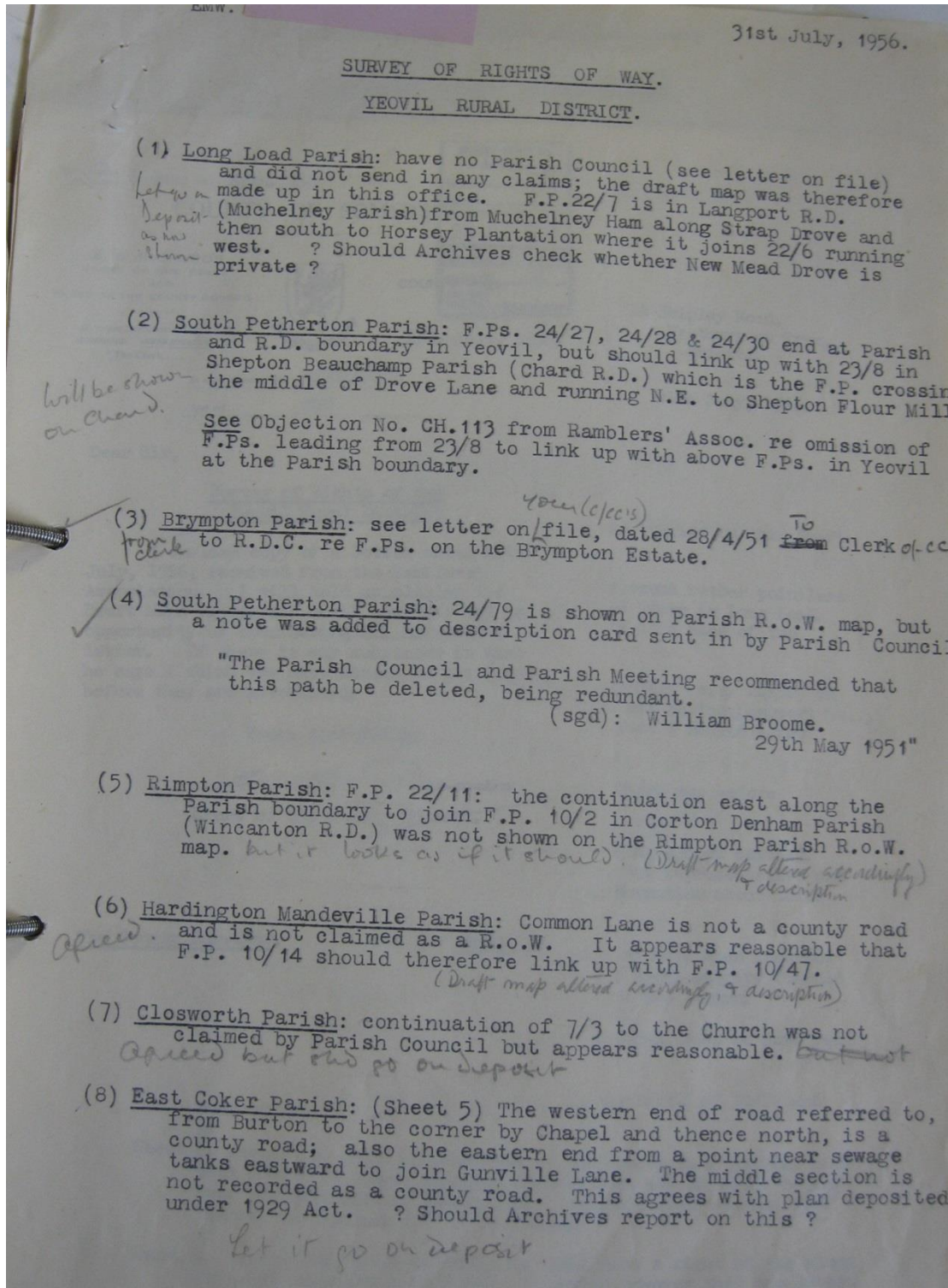
The East Coker Parish Council, with a letter dated 15th May, 1934, forwarded a map of East Coker Parish with the footpaths claimed as public Rights of Way marked thereon.

This was noted.

10G: Yeovil General File: Survey of Rights of Way 1956

Source: SCC

Reference: RW/Gen 5



Note: pencil note below final paragraph reads, "Let it go on deposit".

10H: East Coker Parish File 1965

Source: SCC

Reference: RW/5/45

5 June 1965

Dear Sir,

Thank you for your letter dated 24th September 1964, ref.4/08 (DS) regarding the lane leading from Burton Chapel to Herne Lane which is overgrown.

This lane is marked on the map owned by this Council dated 1933, so will you please add it to the list of claimed footpaths, that work may be carried out on it.

9 June 1965

Public Rights of Way - East Coker

I enclose herewith a copy of a letter I have received from East Coker Parish Council which is self explanatory. The footpath referred to is not continuous and it would seem reasonable to comply with their request.

[Handwritten signature]

Divisional Surveyor.

*DS. is identifying this
14.6.65 Jev*

APPROVED TO
ACTION
TAKEN

21 June 1965

Public Rights of Way - East Coker

Further to my memorandum of the 9th June, I have now received confirmation from the Clerk to the East Coker Parish Council that the footpath that they wish to include is that one leading due east from Burton Chapel (Somerset Sheet XC North West). This footpath crosses 9/35 and continues eastward to join the County unclassified road near the sewage tanks.

The Parish Council have also requested that a further section of footpath be taken over. This footpath runs from the south-west corner of North Coker Park (Somerset Sheet XC North West) from the point where footpath 9/35 turns south-east. You will see from the Ordnance Sheet that a track runs from this point for a short distance south, then for a short distance west, joining the Class III road near Bench Mark 203.2. It is this section of track that the Parish Council wish to be included as a footpath.

29 June 1965

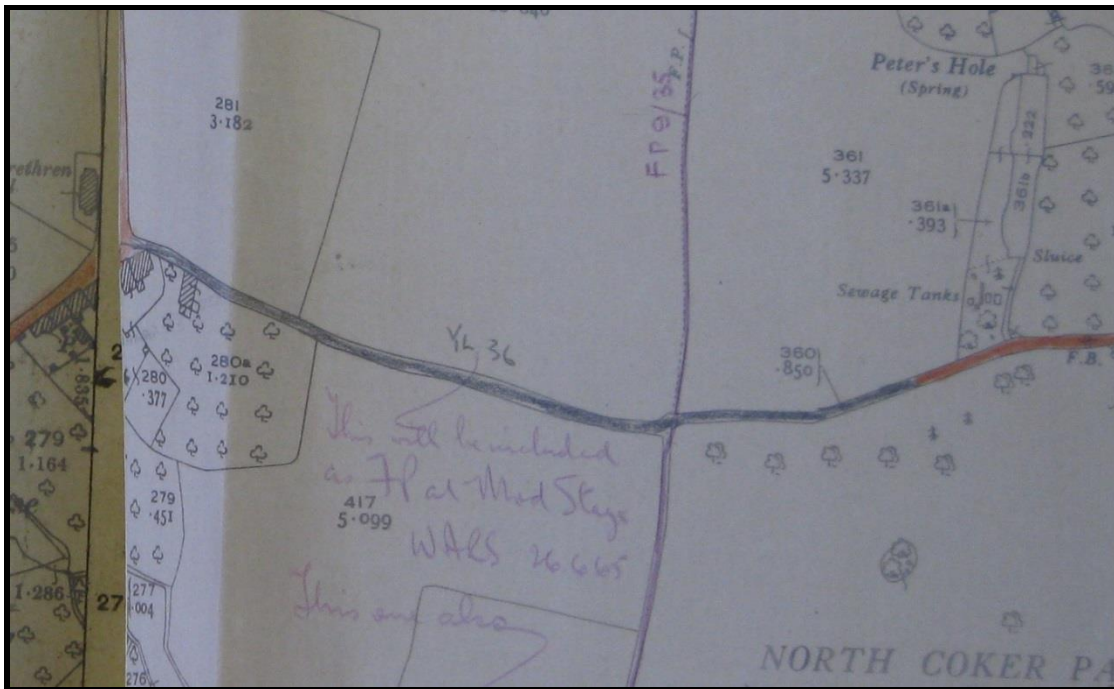
In reply to your letter dated the 21st June, 1965, I have verified that the two ways referred to were not claimed by the Parish Council in the original survey. There has however been an objection lodged to their omission as footpaths and the Committee will be recommended to accept them as such. I shall be obliged if you would treat them as such and carry out any clearance of surface growth. Please charge the work to code 9/1.

30 June 1965

Survey of Rights of Way
Parish of East Coker
YL.36

I am writing to inform you that I propose to advise the surveying authority to add a public footpath to the Draft Map in this case.

Undated plan



Note: pencil note below final paragraph reads, "This will be added at Mod stage WARS 26/06/65".

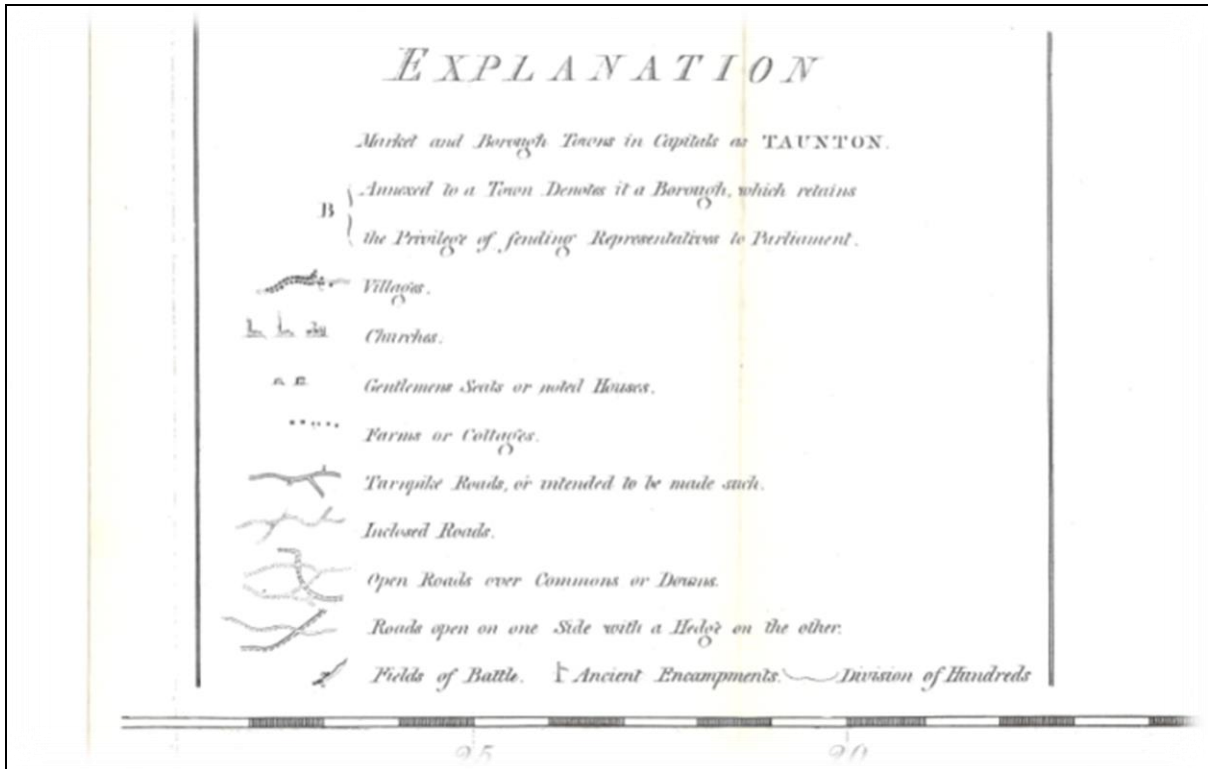
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Day & Master's 1782

Source: SCC

Reference: Map 9





Map of East Coker 1819

Source: SHC, Reference: DD/SAS/C212/MAP/41



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Greenwood's Map 1822

Source: SCC



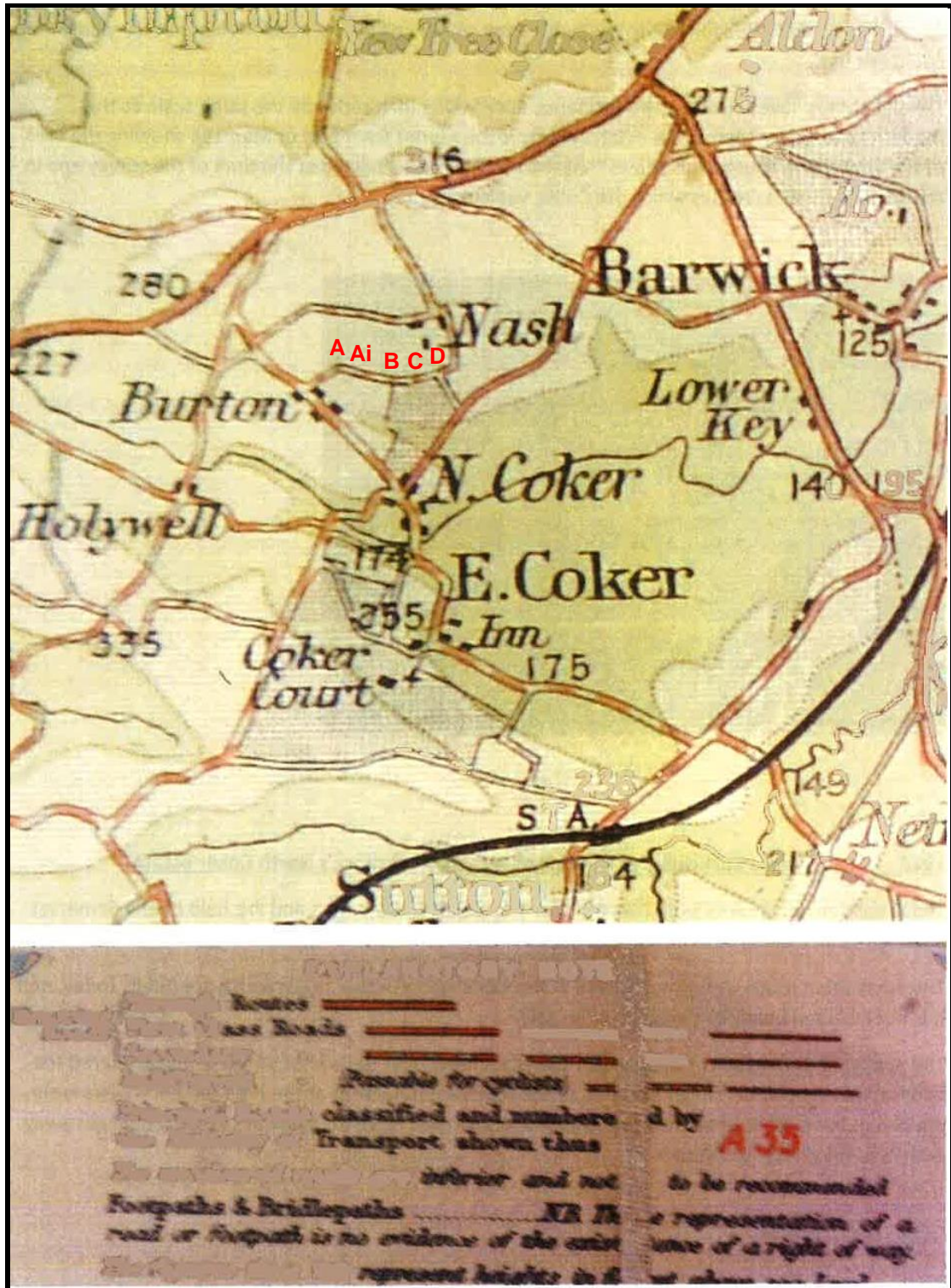
Explanation

Churches & Chapels	+
Castles & Forts	■
Houses	□
Water Mills	○
Wind Mills	⊞
Coal Pits	⊞
Woods & Plantations	[Pattern]
Heaths & Commons	[Pattern]
Rivers & Brooks	[Pattern]
Navigable Canals	[Pattern]
Turnpike Roads	[Pattern]
Cross Roads	[Pattern]
Towns & other Places that send Members to Parliament	[Pattern]
Hills & Rising Grounds	[Pattern]
Boundaries of Counties	[Pattern]
Boundaries of Hundreds	[Pattern]
Boundaries of Townships & Parishes	[Pattern]
Market Towns in Roman Capitals as	BATH
Parishes & Townships in small Roman as	Holwell
Villages Hamlets and other Places as	Willshurst
Toll Bars	T. B.

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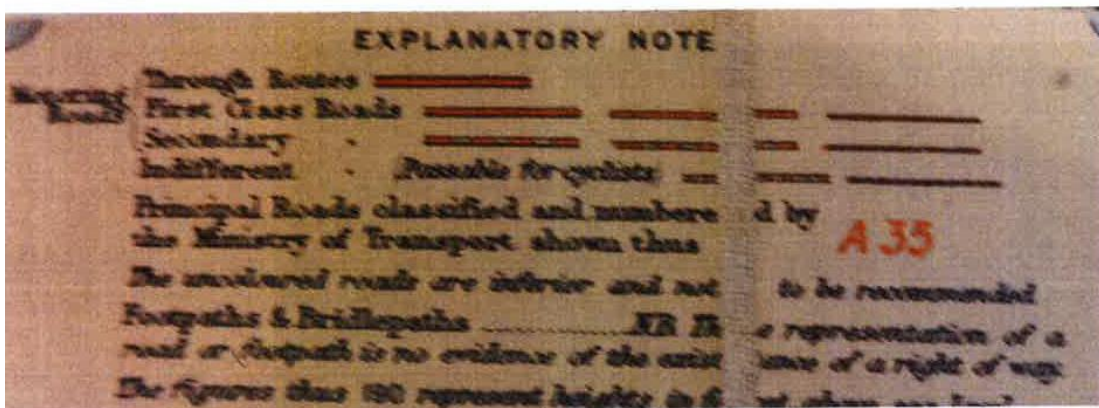
14A: Bartholomew's Map 1911

Source: supplied by applicant, Reference: Sheet 34



14B: Bartholomew Map 1927

Source: supplied by applicant, Reference: Sheet 34



15A: North Coker Estate Sales Catalogue 1920

Source: SHC

Reference: D/R/yeo/32/4/1



15B: Coker Court Estate Sales Catalogue 1926

Source: SHC

Reference: DD/SAS/C2273/1/C11/1

