

NOTICE OF APPLICATION FOR A MODIFICATION ORDER

Section 53(5) and Schedule 14 to the Wildlife and Countryside Act 1981
**The Definitive Map and Statement of Public Rights of Way
 in Bath and North East Somerset**

To : Dormie Holdings Ltd c/o Mr N Hoyland
 of : Watson, Betram and Fell, 6 Old King Street, Bath, BA1 2JW

*name and
address of
owner or
occupier*

Notice is hereby given that on the 30 day of April 20 21

*give the date
of your
application*

I/we : DONALD MACINTYRE
 of : MANOR FARM, LANBRIDGE, BATH, BA1 8AT

*name and
address of
applicant(s)*

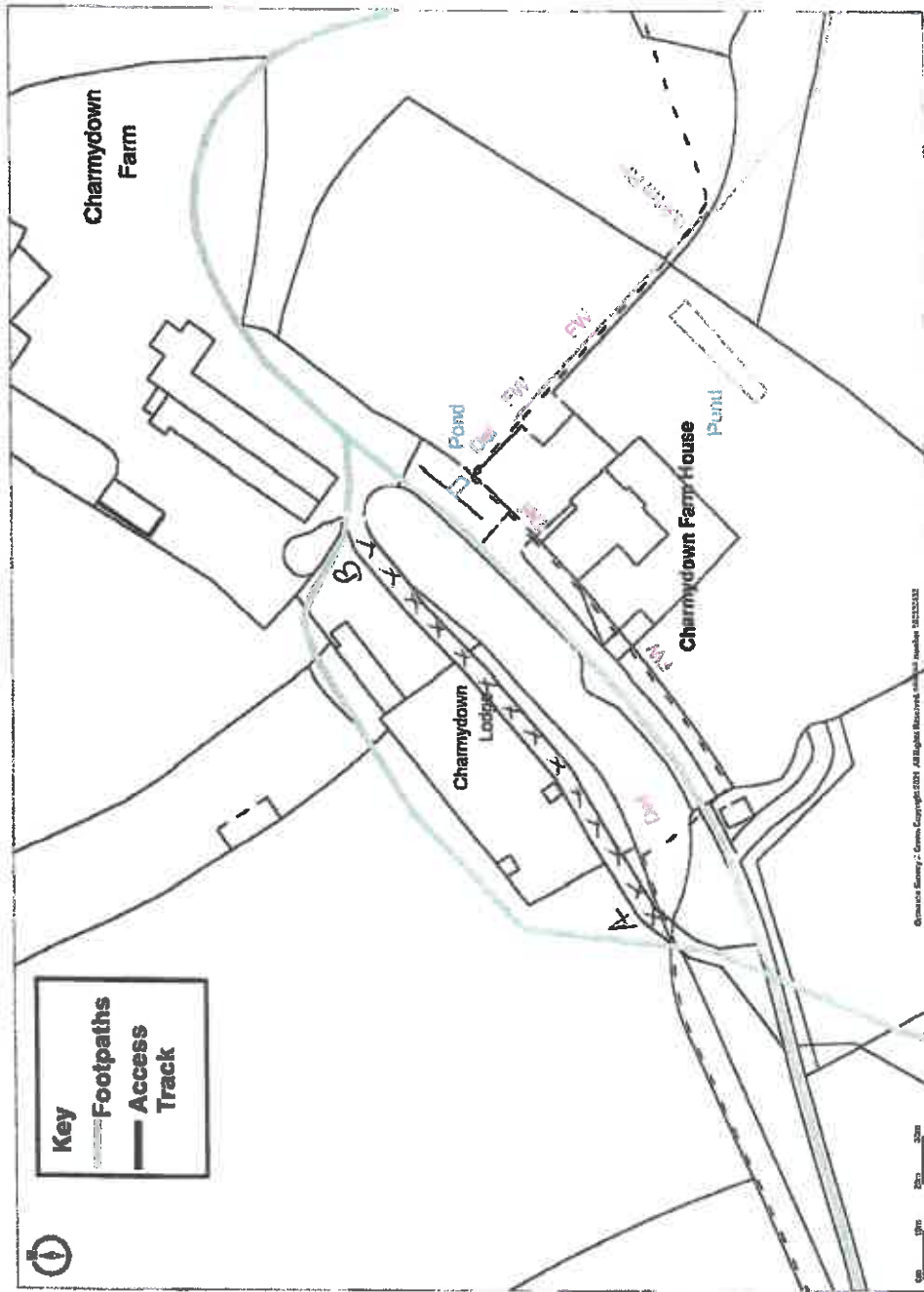
made application to the Public Rights of Way Team, Bath and North East Somerset Council, Lewis House, Manvers Street, Bath, BA1 1JG that the Definitive Map and Statement for the area be modified by;

N.B. CHOOSE ONE OR MORE OF THE FOUR OPTIONS GIVEN BELOW

*adding the	*footpath *bridleway *restricted byway *byway open to all traffic	from# <u>ST76620 68911</u>	to # <u>ST7669068963</u>	* delete as appropriate - take detail from application
*upgrading/downgrading the route currently shown as a	*footpath *bridleway *restricted byway *byway open to all traffic	from#	to #	# fill in grid references for start and end of routes
to be shown as a	*footpath *bridleway *restricted byway *byway open to all traffic			
*deleting the	*footpath *bridleway *restricted byway *byway open to all traffic	from#	to #	
*varying /adding to the particulars relating to the	*footpath *bridleway *restricted byway *byway open to all traffic	from#	to #	
by providing that			<i>explain how you want the particulars altered</i>

and shown on the map accompanying this notice.

Dated 30.4.21 Signed 



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APPLICATION FOR A MODIFICATION ORDER

Wildlife and Countryside Act 1981 The Definitive Map and Statement of Public Rights of Way in Bath and North East Somerset

To : *Public Rights of Way, Bath and North East Somerset Council*
of : *Lewis House, Manvers Street, Bath, BA1 1JG*

I/we : DONALD MACINTYRE
of : MAJOR FARM, LANGRIDGE, BATH, BA1 8AJ

name and address of applicant(s)

hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the area by;

N.B. CHOOSE ONE OR MORE OF THE FOUR OPTIONS GIVEN BELOW

* adding the *footpath* from # ST76620 68911 to # ST76690 68963
bridleway
restricted byway
byway open to all traffic

** delete as appropriate*

fill in grid references for start and end of routes

* ~~upgrading/downgrading the route currently shown as a~~ *footpath* from # _____ to # _____
bridleway
restricted byway
byway open to all traffic
so that it is shown as a *footpath*
bridleway
restricted byway
byway open to all traffic

* ~~deleting the~~ *restricted byway* from # _____ to # _____
byway open to all traffic
bridleway
restricted byway
byway open to all traffic

* ~~varying /adding to the particulars relating to the~~ *footpath* from # _____ to # _____
bridleway
restricted byway
byway open to all traffic

by providing that _____

explain how you want the particulars altered

and shown on the map accompanying this application.

I/we attach copies of the following evidence in support of this application;

list the evidence which supports your application

X User Evidence Forms 56 USER EVIDENCE FORMS
Documentary Evidence 3 WITNESS STATEMENTS

Dated 30.4.21 Signed _____

CERTIFICATE OF SERVICE OF NOTICE
OF
APPLICATION FOR A MODIFICATION ORDER

Wildlife and Countryside Act 1981
**The Definitive Map and Statement of Public Rights of Way
in Bath and North East Somerset**

To : *Public Rights of Way, Bath and North East Somerset Council*
of : *Lewis House, Manvers Street, Bath, BA1 1JG*

I/we : DONALD MAELINTYRE
of : MANOR FARM, LANGRIDGE, BATH, BA1 8AJ

*name and
address of
applicant(s)*

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with and attach a copy of each notice served pursuant to that Paragraph.

Dated 30.4.21 Signed 

Paragraph 2 of Schedule 14 to the Wildlife and Countryside Act states that ;

"the applicant shall serve a notice stating that the application has been made on every owner and occupier of any land to which the application relates"

"if, after reasonable inquiry has been made, the authority are satisfied that it is not practicable to ascertain the name or address of an owner or occupier of any land to which the application relates the authority may direct that the notice ... may be served by addressing it to him by the description 'owner' or 'occupier' of the land (describing it) and by affixing it to some conspicuous object or objects on the land"

SUMMARY OF MODIFICATION ORDER APPLICATION

Wildlife and Countryside Act 1981
**The Definitive Map and Statement of Public Rights of Way
 in Bath and North East Somerset**

Name and address of Applicant DONALD MACINTYRE
MANOR FARM, LANGRIDGE, BATH, BA1 2AJ

Date of Application 4.5.21

Description

*Please describe the route starting at one end and working through to the other end.
 Describe any feature of note, roads, landmarks, buildings, hedges etc.
 If the route has a name or nickname please give it here.*

The route is a short section of gravel track along the established access road to Charmydown
 Barns. The route starts on the access road to the west of Charmydown Lodge and Barns at the 5 bar
 gate (ST76620 68911) on footpath BA21/9, which passes through into a field. The route continues in a
 westerly direction along the Charmydown Barns access road and passes in front of Charmydown
 Lodge. The route then joins BA21/9 at the junction between Charmydown Lodge and Charmydown
 Barns (ST76690 68963). The track runs between a low wall on the southside and hedging on the
 northside. There are no gates across this section of the access road.

Length

*Please give the approximate length of the entire path in metres.
 If you are claiming more than one path in the same application please give the length of each path separately.*

90 Metres

Width

*Please give the full width of the path you are claiming.
 Please also give the width of the claimed path as it is now*

Width claimed : 2.9 Metres
 Width now : 2.9 Metres

Nature of surface

Please describe the surface of the path e.g. grass, made up track, ploughed, mud.

The surface is a made up gravel road.

Location of structures

*Please give details and grid references for any gates, stiles, fences, bollards, barriers etc which are on the route
 now. Do not give details of fences if they run beside the route unless they are encroaching.*

Structure	Grid Ref	Structure	Grid Ref	Structure	Grid Ref

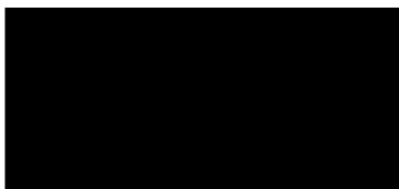
**WITNESS STATEMENT OF
NICHOLAS A ROUTH**

I Nicholas Alexander Routh c/o Wessex Water Services Limited, Operations Centre, Claverton Down, Bath BA2 7WW state as follows:

1. I am the Head of Estates for Wessex Water Services Limited 'Wessex Water'. I have worked in various roles within the Estates Department of Wessex Water since June 1997.
2. The facts and matters set out in this statement are within my own knowledge unless otherwise stated and I believe them to be true.
3. The strip of land subject to this statement is a track located at Charmy Down and approximately edged in red on the attached plan NAR1 ("the Land").
4. The Land and adjoining land immediately to the north and north east was owned by Wessex Water and its predecessors from 14 September 1925 until 03 September 2004. Wessex Water retains much of the surrounding agricultural land in the vicinity.
5. Between 1997 and 2004 my role included visits to the Land and Wessex Water's surrounding landholding to undertake property management tasks and inspections. During these visits I would periodically see the public walking along the Land having accessed it from the east and west.

I believe that the facts stated in this witness **statement** are true.

Signed:



Full name: Nicholas A Routh

Dated: 29 April 2021

My name is Steven James Bean and I live at 15 Withies Way, Midsomer Norton, BA3 2NE

I lived at Charmydown Farm House with my family between 1985 and 1994. This house was in a very remote location at the end of a lane. The nearest neighbour was Charmydown Cottages which was approx 600 mts away. There were a number of footpaths in the area and there was also a footpath through our property. The footpath through our property was rarely/infrequently/used. We were a busy family and I believe walkers were generally uncomfortable walking so close to our house, through our cars with the family about.

However, I regularly saw walkers using the access road to the Barns in front of the derelict cottage, which has now been rebuilt to be Charmydown Lodge. This was regularly used by walkers as the route to and from Batheaston to Northend.

I believe that the facts stated in this witness **statement** are true.

02/05/21



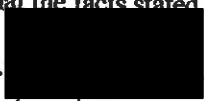
My name is Nancy Davey and I live at 11 Kingsfield, Bath, BA2 2NB

I worked in the Estates Department of Wessex Water for 15 years, leaving at the end of 2004. Part of my role within the department was managing the Charmydown Estate.

I would visit Charmydown on a fairly regular basis dealing with various issues. The attached plan shows the lane (highlighted yellow) which ran passed what was is now known as Charmydown Lodge. This lane was the access route to Charmydown Barns which were sold by Wessex Water in 2004.

This section of access was open to the public as far as I was aware and indeed, during my visits to this area of Charmydown I would quite often see members of the public walking along this section of trackway. I was never asked to prevent public access along this section.

I believe that the facts stated in this witness statement are true.

Signed 

Name..... NANCY DAVEY

Date..... 2nd May 2021

