

Manor Farm,
Norton Malreward,
Nr. Pensford,
Somerset.
BS39 4EX.

Appendix 1
Application

Tel/Fax: 01275 832183

P Malarby Esq.
Senior Legal Adviser
Bath & North East Somerset Council
Riverside
Temple Street
Keynsham
Bristol BS18 1LA.

26th March 1998

Dear Mr Malarby,

**Land at Manor Farm & Manor Court, Norton Malreward
Application for D.M.M.O. 1981 W.C.A. Section 53 (3) (C) (iii)**

Following the decision of the High Court on 16th February 1998, we enclose an application for a Modification Order to strike out the existence of Bridleway CL15/11 at Norton Malreward.

The appropriate Notice WCA 6 (photocopy enclosed) has been served on Mr S R Young and a Certificate of Notice WCA 7 is enclosed.

The Council is already in receipt of the Decision Letters of the two Public Inquiries. We assume that you have all of the relevant documents relating to these, and we confirm handing to you a copy of the full Submission and Proof of Evidence from ourselves to the Second Public Inquiry. We have already submitted additional evidence from Mr W G Goldstone which was not considered by either Inquiry.

We would like the Council to re-examine:-

- (a) 1811 Ordnance Survey map supporting the Ramblers claim that a route went south of the Church rather than North.
- (b) Para 177 of the Decision Letter dated 28th May 1997 with the complete set of correspondence sent to you with our letter of the 4th December 1997.
- (c) The last sentence of para 180 of the Decision Letter
- (d) Para 181 of the Decision Letter where the Inspector suggests that the (then) owner dedicated the route as a Bridleway. No factual or written evidence of this alleged dedication has been presented. (Parts of the Parish Clerks submission and her childrens submissions dated 21st February 1997 refer to this aspect).
- (e) The various points raised in our letter of 4th December 1997 and the enclosures sent with it.

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Please let us know if there are any other points you would like clarified.

Lastly, we would be grateful if this matter could be expedited soon, as it has been on-going since 1989, over 9 years.

Yours sincerely



M. J. P. Pye



(Mrs) R A Pye



J G Jones

FORM OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981

BATH AND NORTH EAST SOMERSET DISTRICT COUNCIL

DEFINITIVE MAP AND STATEMENT

To: Head of Legal Services, Bath and North East Somerset District Council

of: Riverside, Temple Street, Keynsham, Bristol BS18 1LA

x/We(1) Michael J. P. Pye, Rosemary A. Pye and J. Gareth Jones

of (2) Manor Farm, Norton Malreward, Pensford, Somerset, BS39 4EX

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 (3)

(a) deleting the footpath/bridleway/burway where no traffic from

Norton Malreward village to Parish Boundry

(b) xxxxxx adding the footpath link xxxxxxxx xxxxxxxx xxxxxxxx xxxxxxxx

..... to

(c) upgrading downgrading to a footpath or the way by way open to all traffic the

footpath/bridge/way/syway open to all traffic from

..... to

(d)xxxxvarying/adding to the particulars relating to the footpath/lanekoway/byway/open to all

XXXXXXXXXXXX

..... to

by providing that "it never legally existed, and no evidence was

or has been produced to show that the route is other than a private road" and shown on the map annexed hereto

I/We attach copies of the following documentary evidence (including statements of witnesses)

in support of this application

(4)

Dated 31 March 19 99 Signed _____

(1) Insert name of applicant(s)

(2) Insert address of applicant(s)

(3) Delete as appropriate

(4) Insert list of documents

WCA7

FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR
MODIFICATION ORDER

Wildlife and Countryside Act 1981

BATH AND NORTH EAST SOMERSET DISTRICT COUNCIL
DEFINITIVE MAP AND STATEMENT

Certificate of Notice of Application for Modification Order

To: Head of Legal Services, Bath and North East Somerset District Council

of: Riverside, Temple Street. Keynsham, Bristol BS18 1LA

We (1) M.J.P. Pye, Mrs R.A. Pye & J.G. Jones

of (2) Manor Farm, Norton Malreward, Pensford, Somerset BS39 4EX

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with in relation to the attached application.

The third landowner involved has been served with Notice WCA6. He is Mr. S.R. Young, Brimley, Beer Road, Seaton, Devon.

Dated 31 March 1998 Signed



(1) Insert name of applicant(s)

(2) Insert address of applicant(s)