

BLUE ANCHOR - CLAIMED PUBLIC FOOTPATH

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Request to Add a right of way in Carhampton between ST 0-2156-43479 and ST 01526-43596 Application 848M



This is a response to a County Notice - ref RW/848 – requesting information about the use of the claimed public footpath across the front of the chalet site in Blue Anchor.

This submission relates to the claimed path between: top of steps at west end of seafront at grid ref: ST 02156 43479 and the join with coastal path at grid ref: ST 01526 43596

As there is no end date to this notice, and no decisions have been made as of January 2026, this submission remains valid. <3advert.jpg>

The definition of a Public Footpath from the Oxford Learner Dictionary:

"A way or track along which people walk, especially in country areas. In England and Wales Public Footpaths are marked on Ordnance Survey maps and are legal rights of way. They are often very old and people have the right to use them even if they cross private land. They allow people to discover the countryside, and organisations like the Rambler's Association try to make sure that they are kept open and are well looked after."

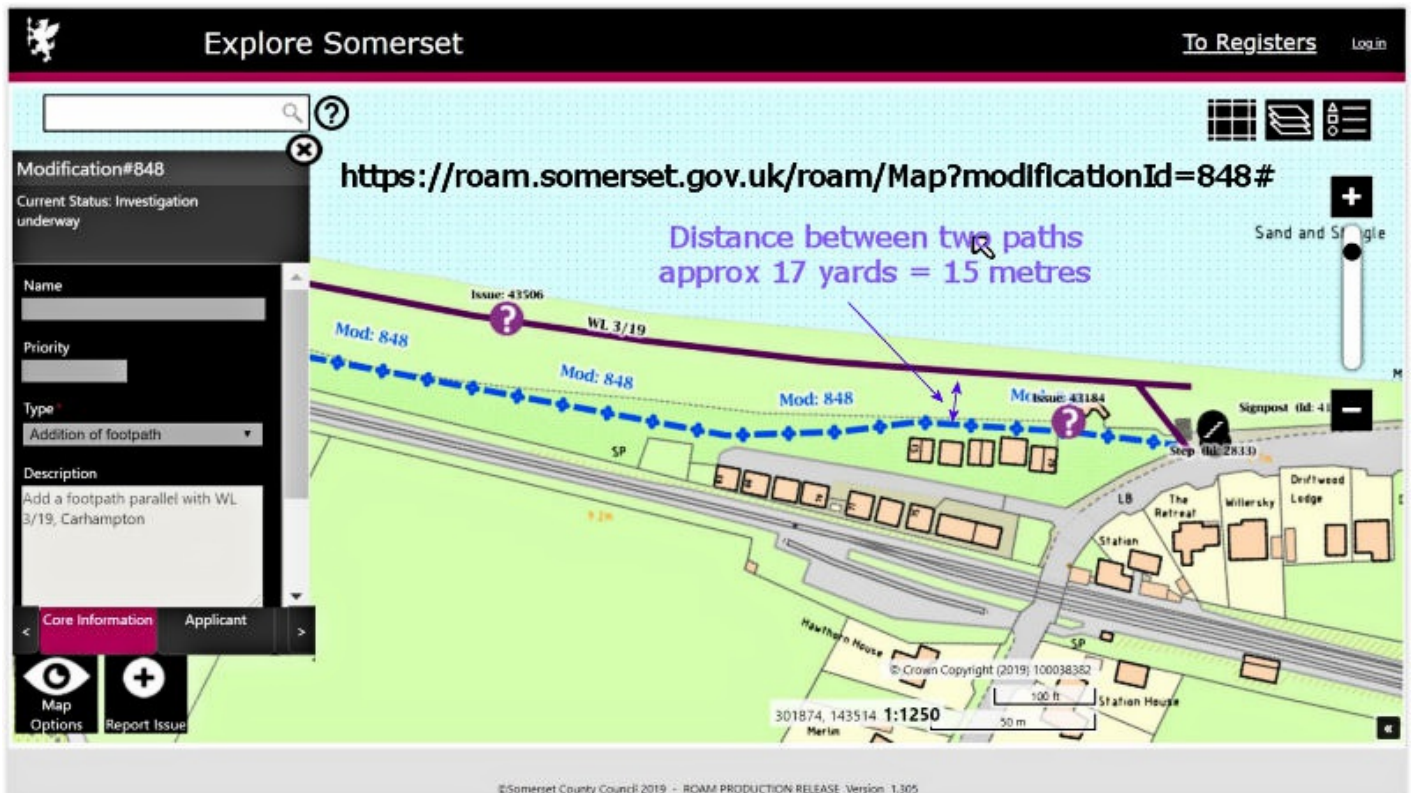
In addition, the Government website:

"www.gov.uk/guidance/public-rights-of-way-local-authority-responsibilities" states that "As a local highway authority (usually a county council or national park authority) you have statutory duties to record and keep public rights of way open."

Despite signing and advertising the footpath on the ground and in documents for many years, Somerset County Council appear to have come to a private agreement with the new owners of the Blue Anchor chalet site to block off an historic and well-used public footpath.

The County Council has been unable to respond to the order by The Planning Inspectorate, dated 2nd October 2018, to determine the Ramblers application to keep the public footpath open not later than 12 months from the date of the decision.

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Ordnance Survey have confirmed their maps to be accurate and accurately show the route of the **claimed footpath**. <3countyfootpath848.jpg>

This schematic, drawn by County, shows the definitive path **WL3/19**, in black, and the **claimed path**, in blue, as **Mod 848**.

The vital difference is **height above the beach and sea level**:
WL3/19 is on a pebble beach; is unsafe, unstable and not fully waymarked.

The **claimed path** (blue dashed line) is on the high land between the chalets and the beach.

The Definitive Path WL3/19 is drawn 15 metres further seaward than the **claimed path** which means that the Definitive Path is covered by the sea for significant periods twice a day. The Definitive Path is not waymarked so it is not clear where the turn might take place, a basic requirement of a public footpath.

When this danger was recognised, the County Council, without involving the Parish Council or public consultation, moved their path WL3/19 closer to the land. This new path involves steep steps and a walk across an uneven and changing foreshore and effectively prevents the very young, elderly and unfirm from accessing the long-established footpath towards Dunster.

I register concern that the County Council and Natural England appear to be in the position of acting as both judge and jury on their own decisions, some taken without public or Parish Council involvement.

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Whilst one might have some sympathy with the Chalet Site owners, readers are reminded that the **claimed path** was in use long before the Chalet Site or any of the other routes existed. It would in any case be expected that a prospective chalet owner will have checked first on the presence of footpaths in the area both on the ground and on maps before purchase.

EXECUTIVE SUMMARY

The **Claimed Path** is an historic Public Footpath that has existed and still exists in Common and Statute Law across the front of the chalet site. The issue has unfortunately been conflicted by other footpaths close by - however this document sets out to demonstrate:

Claim 1: HISTORIC "FREEDOM TO ROAM" OVER CHALET SITE

The **Claimed Path** was present as a walked path long before any change of ownership of the chalet site. Continued use by the public is protected by Statutory and Common Law.

Claim 2: DISCRIMINATION AGAINST A SECTION OF THE PUBLIC

Denying public access to their historic **Claimed Path** has caused discrimination against a significant section of the public by directing them off a safe path, down onto a steeply sloping and shifting pebble beach.

Claim 3: STEAM COAST TRAIL PLANNING APPLICATION

An inquiry into the Steam Coast Trail stamped all over the existing and well-used natural access **Claimed Path**. Private negotiations were not open to the public or Parish Council consultation which would have demonstrated the existence of the **Claimed Path** and that the County Definitive Path was unwalkable and dangerous to many members of the public.

BACKGROUND

Blue Anchor is a busy holiday resort that has enjoyed uninterrupted access to the level path to the west of Blue Anchor towards Carhampton and Dunster via the **claimed path** on the high land across the front of the chalet site for time immemorial.

The **claimed path** can still be traced as it passes to the south of the gun emplacement and across the high ground in front of the chalets. Unfortunately, the front chalets have been permitted to encroach on the footpath, which should be restored to its previous width. Further westward, pebbles thrown up by gales have partly obscured the path which would normally have been cleared by footfall when the footpath was in full use.

I firmly believe that public footpaths are historic and are protected by the principle "Once a footpath always a footpath". (*Dawes v Hawkins 1860*).

The following postcard evidence demonstrate that the claimed path has been in continuous use without challenge for many years before it was blocked in 2017.

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Until 2017 the **claimed path** was neither challenged nor required permission to use. It was clearly signposted as seen in this photo.

The public were actively invited onto the site to enjoy facilities like the car park and the shop for many years before and after WW2.

The Lifebuoy Ring was always present as was a further, easier, set of access steps down onto the beach. *<footpath starts.jpg>*

The sign pointing to the **claimed path** was turned round by the County Council to point out to sea in 2017.

The historically established **claimed path** lies very close to the new Coastal Path but is realistically on the high ground above the beach level. The claimed path has been used since time immemorial and certainly predates the chalet site. This is verified by 120 affidavits from long-time users delivered by the West Somerset Ramblers to the Somerset Rights of Way team in 2017.

All seaward (beach) alternatives are known locally to be dangerous due to tides (second highest in the world), shifting mud, steepness and loose pebbles and specifically discriminates against the elderly, infirm, young families etc.



Every year, people are rescued from the mud in the Bay by the Coastguard Service.

The danger is confirmed by the warning signs put up by the County in 2017. *<3dangersign.jpg>*

In February 2017, the County Council redirected the public onto the beach, with appropriate danger warnings. This was an unannounced movement, or creation, of a new footpath which was clearly less safe and has discriminated against many previous users of

the safe **claimed path**, myself included.

Having used the **claimed path** without challenge for 50 years myself, I firmly believe the **claimed path** is, and has always been, valid in terms of both Statutory and Common Law and should not have been blocked. This view is supported by 120 signed affidavits by long-term users via The Ramblers Association; by our former and current M.P. and local Parish and County Council representatives.

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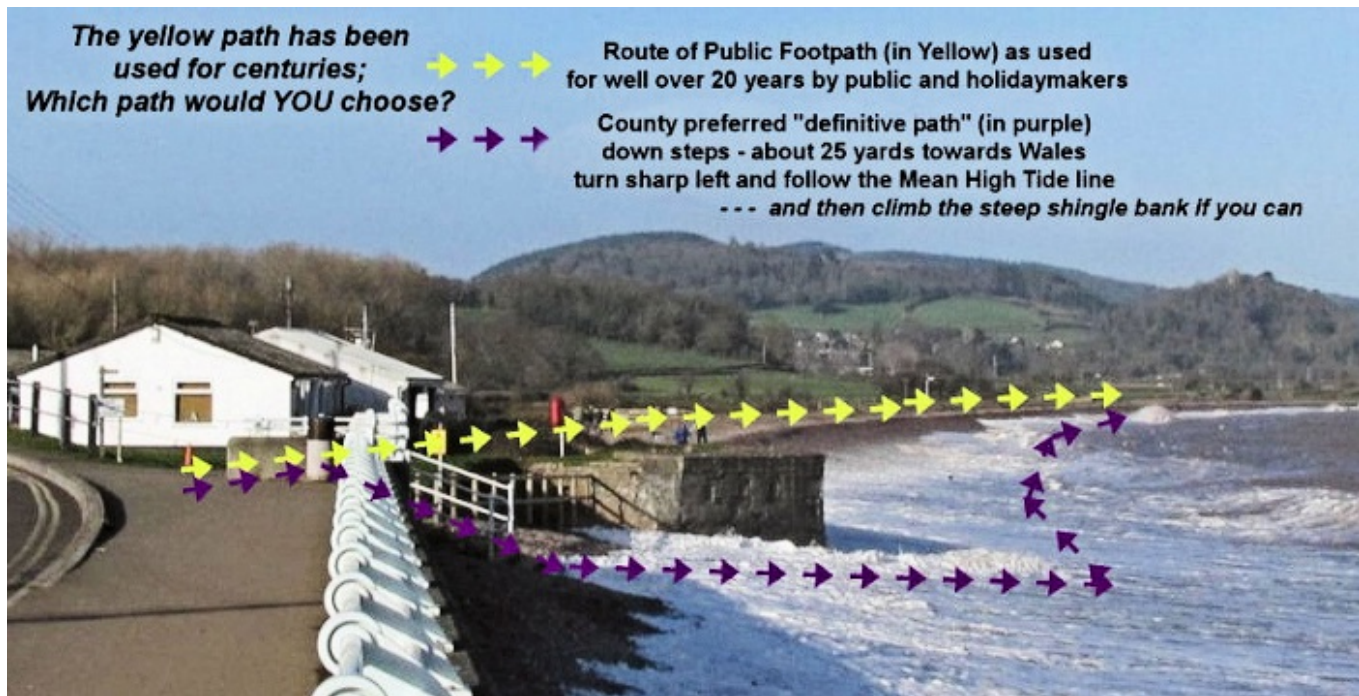
Claim 1: HISTORIC "FREEDOM TO ROAM" OVER CHALET SITE

As the many alternative paths are unsuitable for one reason or another, I therefore focus on the unchallenged use of the **claimed path** leading from the top of the steps at the west end of Blue Anchor promenade passing on the seaward side of the chalets on the seaward (northern) side of the chalet site. Footpaths are historic and are protected by the principle "Once a footpath always a footpath". (*Dawes v Hawkins 1860*).



Before February 2017, there was no fencing and the entrance to the **claimed path** and easy access to the beach was unobstructed.

The wear at the entrance to the **claimed path** is clear. The fingerpost referred to in the Inspectors Report, above, had already been turned to face out to sea however the Lifebelt and mounting were still on top of the old gun emplacement, as they had been for many years. <3beforefeb2017.jpg>

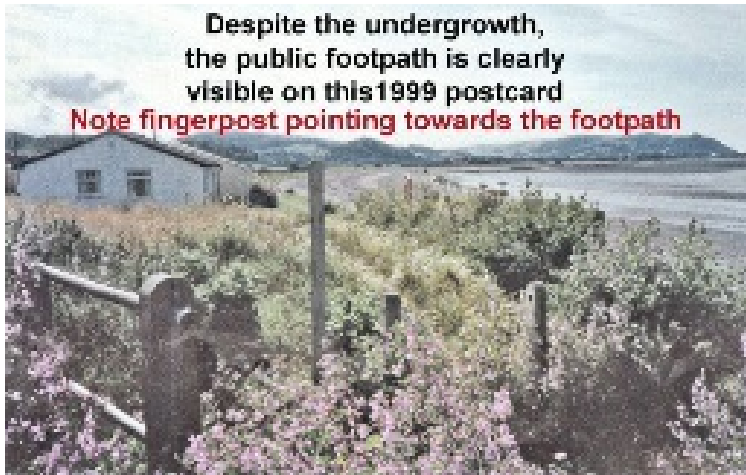


<3comparepaths.jpg>

Before March 2017 what person would voluntarily walk 15 metres out to sea and then across a steeply shelved pebble beach when there was a direct and level path on land?

They will have kept to the well-worn and historical **claimed path**.

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From this 1999 postcard, note the historic gap in the fencing on the main road and the signpost pointing towards Dunster (as mentioned in the Inspectors Report above) at the start of the **claimed path**.

There were complaints at the time about this part of the chalet site which was untended and wild.

The **claimed path** continued to be used without challenge or restriction and the

Lifebelt remained in place on the gun emplacement until 2017. <3footpath1999annotated.jpg>



This is a photo of the County footpath sign, taken in August 2012 - clearly pointing to the **claimed path** and not towards the beach.

This sign was turned around to point out to sea by the County Council in 2017.

This was the time the new Coastal Path was introduced. This Coastal Path should not have affected the historic and long-established **claimed path**. <3footpathsignaug2012.jpg>

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Pictorial Evidence of Historical Use

The Planning Inspector in 2014 stated, in relation to the Coastal Path *"there was a clear evidence of use of this area of land both in terms of the worn track across the grass and the people I observed doing so"*. (Report to the Secretary of State: File ref APP/MCA/BDM/O/3 dated 3rd April 2014) This statement confirms the **claimed path** was in unrestricted use by the public in 2014.

There are many photographs showing the footpath and the public using it. Early Post Cards clearly demonstrate the way the public were invited in - for recreation, access to the car parking area and for the shop. The route of the claimed path is clearly shown on more recent Google Earth and other photographs. The previous owner of the site never placed any restrictions on public use of the whole of the chalet site – the evidence from **Mr Tony Richards** should confirm this.



An early photo demonstrating unrestricted access to the chalet site in the late 1920's or early 1930's – showing pedestrians and car parking.
<3access1920s.jpg>



This photo demonstrates unrestricted access to the chalet site in 1932 - pedestrian and car parking.

Public encouraged to enter, unconditionally, to enjoy Teas and Ices from the shop (far left).
<3shop+carpark1932.jpg>

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Blue Anchor Sands, 1935

87048

Pictured in 1935, clear evidence of the claimed path across the high land before the chalets or gun emplacement were built.

<3footpath1935.jpg>



This 1939 picture, copied from a Francis Frith original, demonstrates there were no restrictions, but active encouragement to enter the chalet site, the shop and public car park. <3shop+carpark1939.jpg>



This well-known 1940's postcard shows no restrictions either to pedestrian entry or to the busy public car park.

Evidence of active encouragement for the public to use the site for access to the beach and shop - and come and buy Wall's Ice Cream.

<3carparklate30s.jpg>

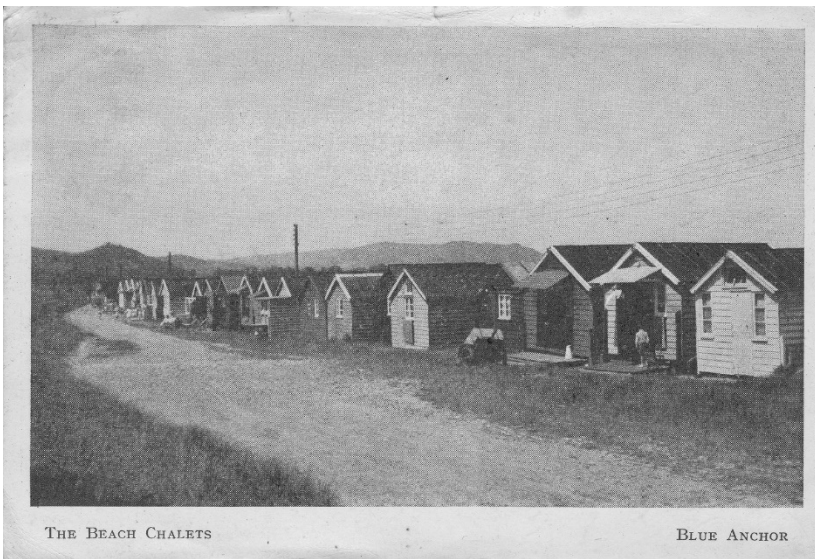
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This 1961 postcard shows the front chalets before their gardens were extended to narrow the claimed path. The worn **Claimed path** in front of the chalets can be seen.

The wooden chalets beyond were removed on Health and Safety grounds in the 1970's.

<3chaletsnogardens1961.jpg>

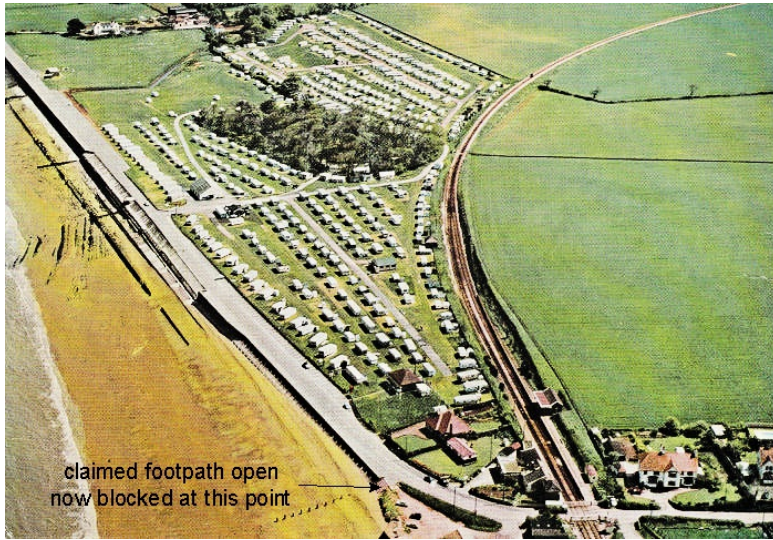


This 1950's postcard confirms the continuation of the **claimed path** on the high land behind the former wooden chalets (removed on Health and Safety grounds in the 1970's).

Some of the width at this point will have been due to chalet owners using cars to access their chalets and to enable the Coastguard access to the shoreline. <3beachchalets.jpg>

The Steam Coast Trail may like to note this earlier unchallenged use of the continuation of the access through the chalet site and on towards Carhampton and Dunster.

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This late 1960's postcard gives an idea of the size of the close-by tourism trade.

Bottom centre of this picture shows two open and ungated accesses to the chalet site, including the (smaller) post-war public carpark.

By blocking the **claimed path** (the only safe access to the west), County has damaged the significant tourist trade and the income it produces.

<3caravansite.jpg>

When the road and pavement was realigned to make it safer for people leaving the station - the fence was renewed BUT the gap at the start of the footpath remained. So County accepted AT THAT TIME the presence of the valid **claimed path**, and it was signed, documented and walked accordingly.

It is noteworthy that the chalet site owners placed a gate at their main vehicle entrance some years ago, whilst no attempt was made to block off the claimed path at that time. The entrance to the claimed path remained wide open until 2017 when the **Claimed path** was blocked and walkers directed down steep steps onto the shelving and dangerous beach. From this it may be assumed that the Chalet Site owners are well aware of the existence of the historic **claimed path** but are now denying access to the **claimed path**.

Contacts with the previous Chalet Site owner (*via respondent **Tony Richards***) confirm the view that there have never been any restrictions on accessing any part of the Chalet Site.



After the chalets were built, and for many years, the chalet site had a shop that was open to everybody without any restrictions.

Not shown in this view are the toilets used by the public and the public car parking area. <3chaletsiteshop.jpg>

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Claim 2: DISCRIMINATION AGAINST A SECTION OF THE PUBLIC

The Bristol Channel has the second highest rise and fall in the world and many have been caught in the shifting mud in Blue Anchor Bay and needed rescue (ask the Coastguard).

By denying public access to the historic **claimed path**, it discriminates against a significant section of the public by directing them down onto a steeply sloping and shifting pebble beach.



Rounding the gun emplacement has always been difficult. A typical gale in December 2021 scoured out the beach making it almost impossible to walk around the gun emplacement for all but the keen and fit walkers.

Blocking the **Claimed path** in favour of this Coastal Path route is a discriminatory action against the elderly, unfit, cyclists and the prams of young families.

The new County Defined Path does not show in this picture as it is neither signed nor practical <gun emplacement 2.jpg>



Being on the beach, the new County Path is evidently less safe than the **claimed path** which is on the level higher grassed land to the left of this picture.

Access to this stretch of the new County path is only achieved after walking down steep steps, and around the seaward side of the gun emplacement – impossible for many members of the public. <beach scoured.jpg>

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Other Issues

This comment by our former MP appeared in the West Somerset Free Press of 6th October 2017, relating to the Steam Coast Trail, a multi-million pound scheme to link up coastal communities. His comments are also relevant to the **claimed path** through the site.

"I was somewhat disheartened to learn that the latest attempt to break the deadlock over the coastal footpath at Blue Anchor has ended without agreement."

"As a result what should be - and was designed to be - an easily negotiable pedestrian route from Dunster Beach is incomplete, with users obliged to scramble down a shingle bank and along the beach for the last few dozen yards - not really an option if you are old, frail or pushing a buggy."

"Rights of way and access issues are invariably complicated but in this case we appear to be faced with a particularly intractable problem. The chalet owners are claiming there is no general access across the land fronting their properties - despite the fact that it has been continuously walked for years and that they only erected their barriers once the formal route from Dunster Beach was all but completed and being used."

The Definitive Path

The formal Definitive Map held by the County Council is hand-drawn on a large-scale map dated 31/5/1954 with a relevant date of 09/59.

Unfortunately this is based on an ancient Ordnance Survey map (it appears to be based on the OS 6" 1888-1913 series) drawn long before the chalets (or the gun emplacement) were built so there is no clear reference point.



However this Definitive Path, drawn on a map has no relevance to the claim. I point out that this definitive path was unknown (and impractical) to the public or Parish Council prior to 2017.
<3countytemporaryfootpath.jpg>

County has drawn a line on their Definitive Map to represent the Definitive Path (see below) that is just above high tide level. However OS mapping (Explorer OL9 2½ inch to mile) shows this footpath as lying to the south of the gun emplacement.

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This is not related to the safe claimed path on higher land that has been used for centuries. The Definitive Path is not a safe alternative (the signs say so) to the claimed path that has been freely used without challenge forever.

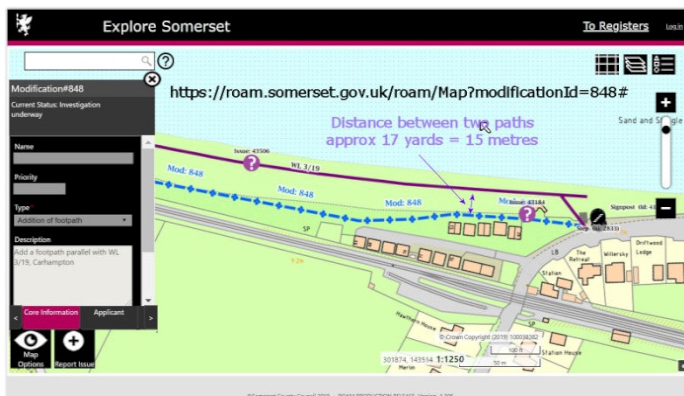
By directing pedestrians onto the new Coastal Path route, County have effectively abandoned the Definitive Path as drawn. Moving the Definitive Path has neither been advertised or local councils given the opportunity to comment upon.

The precise route is not indisputably clear beyond the fact that it clearly lines up with the pavement along the sea-front and this view is supported in writing by the Ordnance Survey mappers and accurately shown on past and current OS maps of the area.

Responding to the direct question, in an email to me (31/3/2017) Ordnance Survey state: *"The most likely source for this Right of Way (ROW) would have been the Somerset Definitive Map. Comparing the current definitive map and the alignment of footpaths on our mapping they are in agreement."* - which suggests there might be a later, different, Definitive Map?

Although it has become more recently a Parish Council responsibility to check footpaths in their area, there appears to be no evidence that this DP drawing from 1959 has ever been presented to the Parish Council to confirm its accuracy or otherwise. There appears to be no provenance for the Defined Path mapping, as it was never signed as a footpath or ratified by the Parish Council.

There may well be other claimed paths in the country under water at various times - but none will have a patently well-walked and safe land path immediately alongside. The hand-drawn position of the DP defies logic and has never been validated by Public or Parish Council consultations or by the O.S.



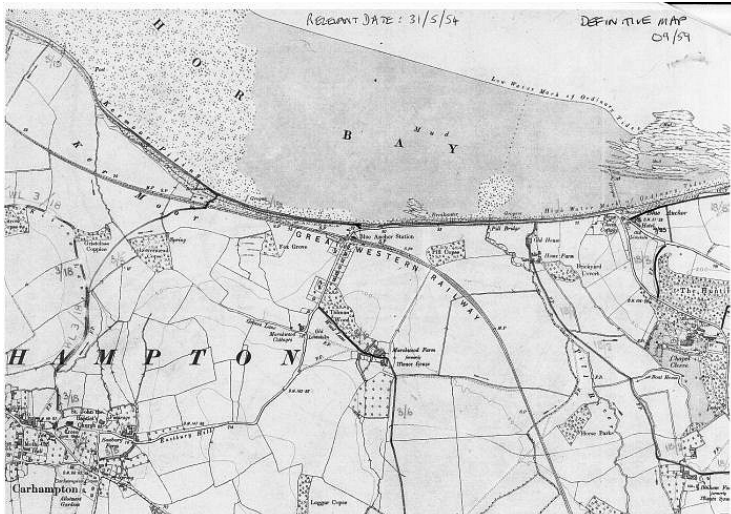
This is one of the official maps presented by the County Council

<<https://tinyurl.com/yz4c4v32>>

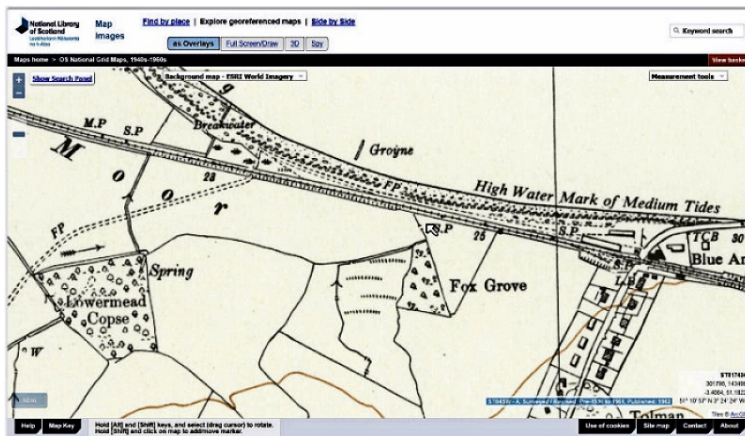
<3countyfootpath848.jpg>

Can it really have been the intention of the hand-drawn line on an ancient drawing to place the DP 15 metres out to sea? More sensibly the intention would have been for it to align with the existing level claimed path on the coastline? To the independent onlooker viewing the large-scale map it would be difficult to suggest otherwise.

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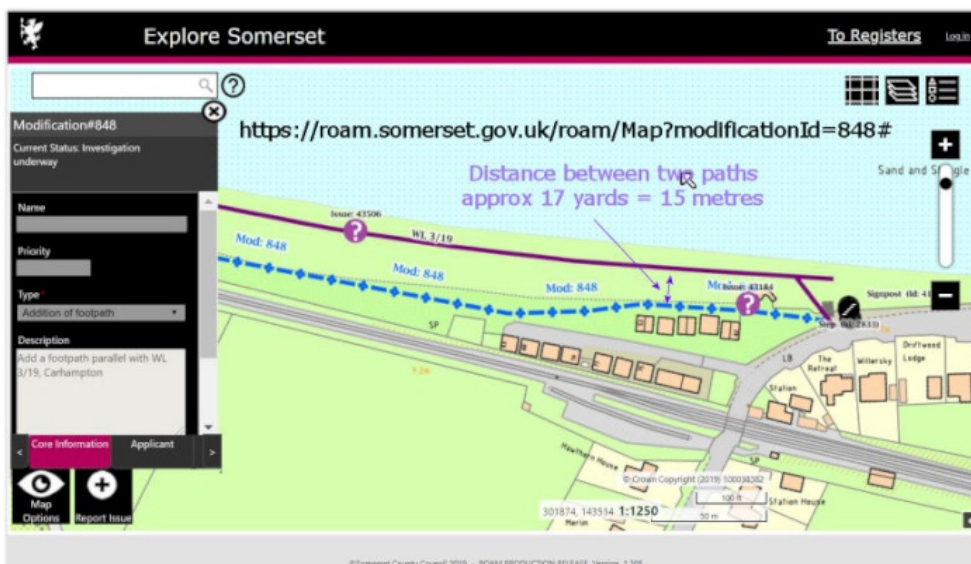


However this map, from OS 1:10,560 series 1949-1968 <<https://tinyurl.com/yerqxa5o>> was current at the time the Definitive Path (DP) was drawn somewhere below the high tide line. It clearly shows the claimed path along the high ground leading into the Chalet Site - and demonstrates the existence of the claimed path into and through the Chalet Site. <3definitivepath.jpg>



Why this was not seen both on the ground and on paper at the time the DP was drawn is open to conjecture.

The well-worn claimed path clearly shown in many postcards from the 1930s to today should rightly have been brought forward as the DP on grounds of usage and commonsense. <3osfootpathmap4868.jpg>

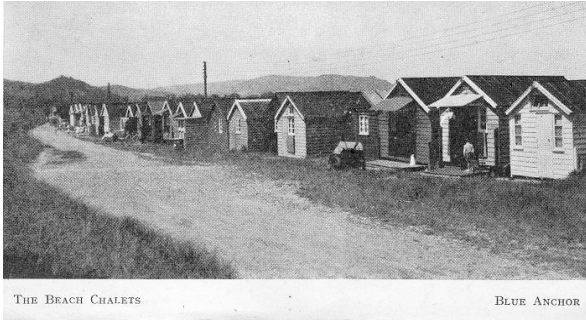


A reminder of our request to reinstate the Public Footpath shown here in blue and in the same position as shown and confirmed on the OS maps above.

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Claim 3: STEAM COAST TRAIL PLANNING APPLICATION

The Steam Coast Trail (SCT) put in an application for the Trail to pass through the centre of the Chalet Site. In private negotiations, County and the Chalet owners failed to come to any agreement; consequently, and through lack of knowledge of the situation on the ground, there is a gap in the Steam Coast Trail.



The Steam Coast Trail (SCT) - Natural England Chapter 11 Blue Anchor to Minehead noted that:

It is unfortunate that the proposed SCT comes close to the **claimed path** as it *"follows the public right of way across Dunster Beach"* although it does note the *"level gradient of the footpath afforded by the low lying coastline"*. <3beachchalets.jpg>

Unfortunately negotiations with the Chalet owners failed and the SCT now ends at the boundary of the Chalet Site land ownership. Users coming from Carhampton or Dunster are now forced to slide down a steep pebble bank (or clamber up it on the return journey) that shifts with the tides.

Other than the mention above, the existence of the claimed path through the chalet site was not acknowledged, despite the very obvious wear path on the ground and the OS map shown above. Public and the Parish Council don't appear to have been involved or they would have mentioned the claimed path which at all times was neither blocked nor permissive.

The Coastal Path - Section 9 - Blue Anchor to Dunster Beach

This was similarly agreed without any consultation with residents (or I believe, the Parish Council, as it is not mentioned) about the **claimed path**, despite the path being clearly visible on the ground and well used.

However there are a number of revealing comments by the Planning Inspector (April 2014: ref AP/MCA/BDM/O/3) who expressed some surprise that the walked path was not selected to be part of the Coastal Path in her report:

1. Travelling from Blue Anchor towards Dunster Beach, the Report reads *"Follow the public footpath on the Beach Side of the Chalets. **To your right** is another piece of World War 2 defence infrastructure. Continue on the pebbles to follow the path running alongside the railway line"*.
Clearly the **claimed path** on the high ground across the front of the chalets was properly signed and in public use at that time (2014).
2. The Inspectors Report at para 22 makes reference to the "footpath" sign pointing to the claimed path and that *"there was a clear evidence of use of this area of land to reach the beach, without using the steps, both in terms of the worn track across the grass and the people I observed doing so"*.

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3. Further, at para 24, the Report mentions the fact that the OS map suggests the existing footpath crosses the area of land west of the steps.

It is worth repeating: Ordnance Survey state: *"The most likely source for this Right of Way (ROW) would have been the Somerset Definitive Map. Comparing the current definitive map and the alignment of footpaths on our mapping they are in agreement."*

4. The Inspector noted at Para 26 that (paraphrasing) *"where there is a clearly walked route Natural England would normally adopt it"* and *"it is the walked line that is normally proposed"*. In the absence of resident or Parish Council involvement the views of the Chalet site owners were allowed to hold sway.
5. Revealing is that, at Para 5, Site Visit, the Inspector noted there was *"no opportunity for evidence to be presented or to discuss the merits of the case"*. Accordingly, the **claimed path** on which they were standing was not part of the Coastal Path considerations on that day and the claimed path cannot be part of the conclusions arising from this Report.

The salient point here is that an agreement between the Natural England and the Chalet Site owners seeks to rob the residents and holidaymakers of their Statutory and Common Law rights to the **claimed path** despite the presence of the very obvious and historic walked path.

The resulting map shows the route of the Coastal Path which goes to the north of the Gun Emplacement.

It is relevant that from this date in 2014, to the blocking up of the claimed path by the County Council in March 2017, there was no sign, or any other restriction to limit public enjoyment of the claimed path.

County will equally have seen the *"clearly walked route"* at that time and appear to have acted contrary to the public interest by not involving the Parish Council or the public in their private agreement.

Implementation of the Coastal path agreement - March 2017



A diversion down onto the beach was arranged by the County Council in early 2017, which involved vague signing and also blocked the **claimed path**. <3countytemporaryfootpath.jpg>

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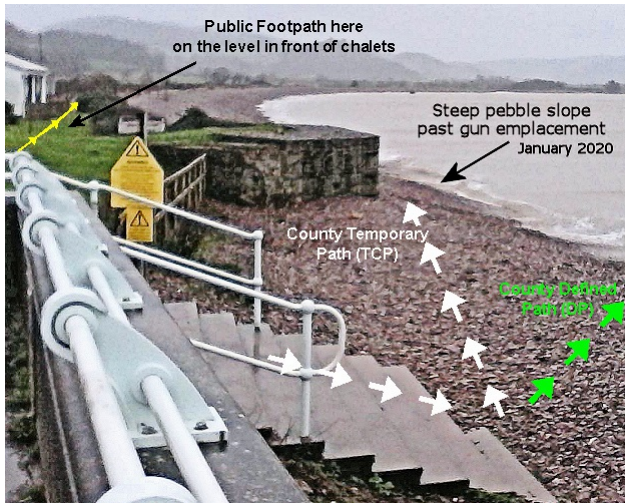
Closing or moving a claimed path without warning or proper procedures is a disregard of equality rights.

The Coastal Path is more than a reroute; it is acknowledged to be dangerous and cannot be used by the elderly, disabled, prams, cycles etc. Many former users of the **claimed path**, together with their families, have had their Common Law rights summarily removed.

<3dangersign.jpg>

Anyone walking the Coastal Path should be aware that contours and underfoot conditions can change between tides as part is below mean high tide level and all is subject to reconfiguration during neap tides.

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Early 2020 and recent storms have piled up the shingle.

The new Coastal Path runs around the gun emplacement with the pebbles at a difficult angle for all but the most steady on their feet.

Late 2021 and the shingle is all but impassable around the gun emplacement; the pencil-drawn old County Definitive Path (green) is long abandoned. *3slopingpath.jpg*

Possible Concerns over Erosion



This 1961 postcard shows the front chalets with the footpath in front. Taken before the chalet patios were extended and narrowed the footpath. *<3chaletsnogardens1961.jpg>*



This 1990 picture shows the vulnerability of the northern chalets after storm damage and flooding - but no erosion. *<3chaletsfloodedfeb1990.jpg>*

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Although masked by undergrowth, this recent (2021) picture again shows there has been no erosion of the land in front of the chalets.

The **claimed path** has been narrowed by encroachment by the front patios and fences of the chalets. <3noerosion2021.jpg>

There was a meeting to resolve the issue at County Hall in 2018. Unfortunately there were no Councillors from West Somerset on the Regulation Committee. Local representatives were present and protesting but their concerns were ignored, which some might feel undemocratic.

Submission by:

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