

## **NOTICE OF MAKING OF AN ORDER**

### **HIGHWAYS ACT 1980**

#### **NORTH SOMERSET DISTRICT COUNCIL (PARTS OF FOOTPATHS AX 14/24 AND AX 14/26, CHURCHILL ACADEMY SCHOOL, CHURCHILL GREEN, CHURCHILL) PUBLIC PATH DIVERSION ORDER NO. 5 2018**

The above Order, made on 28<sup>th</sup> September 2018, under section 119 of the Highways Act 1980, will divert those parts of Public Footpaths AX 14/24 and AX 14/26 in the Parish of Churchill within the District of North Somerset as described below:

**Public Footpath AX 14/24** *from* point A (grid reference ST 43329 60240), running in a south easterly, then east, south easterly direction for approximately 158 metres to point B (grid reference ST 43458 60153);

*to* a footpath from point A (grid reference ST 43329 60240), running in a south, south easterly direction for approximately 111 metres to point C (grid reference ST 43355 60133) and then a generally south, south westerly direction for approximately 64 metres, to point D (grid reference ST 43324 60077);

**Public Footpath AX 14/26** *from* point E (grid reference ST 43571 60257), running in a south westerly direction for approximately 121 metres to point F (grid reference ST 43484 60173);

*to* a footpath from point G (grid reference ST 43565 60273), running in a south westerly direction for approximately 100 metres to point H (grid reference ST 43491 60204), then running in a south, south westerly direction for approximately 32 metres to point F (grid reference ST 43484 60173);

**Public Footpath AX 14/26** *from* point I (grid reference ST 43451 60146), running in a west, south westerly direction for approximately 145 metres to point D (grid reference ST 43324 60077);

*to* a footpath from point I (grid reference ST 43451 60146) running in a north westerly direction for approximately 60 metres to point J (grid reference ST 43403 60183) then running in a south westerly direction for approximately 69 metres to point C (grid reference ST 43355 60133).

The proposals are shown on the Order Map No. PPO 172, with existing routes shown by bold continuous lines and proposed routes shown by bold broken lines. References to lettered points in this Notice are references to the points marked on the Order Map. The three diverted sections will have a grassed surface and have a width of 2 metres.

Copies of the Order and Order map have been placed and may be seen free of charge at the Reception desk, North Somerset Council Offices, Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ from 9.00am to 4.30pm Mondays to Thursdays and 9.00am to 4.00pm on Fridays, or may be viewed on the Council's Web site (at the address: [www.n-somerset.gov.uk/notices](http://www.n-somerset.gov.uk/notices)). Copies are also available for inspection at Churchill Post Office, Front Street, Churchill, BS25 5NG during normal opening hours (7.30am-5.30pm Mondays to Fridays, 8.00am to 1pm Saturdays and 8.30am to 12.00pm Sundays). A copy can be obtained from North Somerset Council at the price of £6.60 if collected and £7.90 if posted out.

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Any representations about or objections to the Order may be sent in writing to the Director of Development and Environment, Natural Environment Team, Streets and Open Spaces, North Somerset Council, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ not later than **1<sup>st</sup> November 2018**, quoting the reference **PAP/PPO 172**. Please state the grounds on which they are made.

If no such representations or objections are duly made, or if any so made are withdrawn, North Somerset District Council may confirm the Order as an unopposed Order. If the Order is sent to the Secretary of State for the Environment for confirmation, any representations and objections which have not been withdrawn will be sent with the Order.

Dated: 4<sup>th</sup> October 2018

**Colin Medus**  
**Head of Highways and Transport**

North Somerset Council  
Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ



## **EXPLANATORY STATEMENT**

### **HIGHWAYS ACT 1980**

#### **NORTH SOMERSET DISTRICT COUNCIL (PARTS OF FOOTPATHS AX 14/24 AND AX 14/26, CHURCHILL ACADEMY SCHOOL, CHURCHILL GREEN, CHURCHILL) PUBLIC PATH DIVERSION ORDER NO. 5 2018**

#### **THIS STATEMENT IS FOR INFORMATION ONLY AND DOES NOT FORM PART OF THE ORDER**

Under the provisions of S.119 of the Highways Act 1980 County and District Councils have the power to make orders to divert public rights of way. A notice that such an order has been made has to be advertised on the site of the path in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed change.

North Somerset District Council ("the Council") has made this Order because it appears to the council that in the interests of the owner of the land and of the public it is expedient that the lines of the paths should be diverted.

The proposal is shown on the Order Map No. **PPO 172**, with the existing routes indicated by bold continuous lines (points A-B [AX 14/24] and E-F and I-D [AX 14/26]) and the proposed routes shown with bold broken lines (points A-C-D [AX 14/24] and G-H-F and I-J-C [AX 14/26]).

The existing footpaths run across the school playing fields and the now-fenced all-weather pitch. The proposed diverted routes would address the current technical obstructions of the definitive legal footpath lines, caused by the fencing; and they would provide clarity for walkers wishing to access the local footpath network.

At the same time, diverting the paths from the playing fields will help to ensure the safety and well-being of pupils and will better-enable staff to manage public access at the school site.

The suggested alternative routes would benefit both the landowner, Churchill Academy and Sixth Form and the public.

The application complies with the provisions of Section 119 (1) of the Highways Act 1980 on the basis that, in the interests of the owners of the land crossed by the paths or ways and of the public it is expedient that the lines of the paths or ways or parts of those lines should be diverted. It further complies with Section 119 (6) in that the paths or ways will not be substantially less convenient to the public in consequence of the diversion.

The order will come into effect only after it has been confirmed. Making and advertising the Order provides an opportunity for objections or representations to be made.

Any representations about or objections to the order must be made in writing by **1<sup>st</sup> November 2018** to the Director of Development and Environment, Natural Environment Team, Streets and Open Spaces, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ quoting reference **PAP/PPO 172** and stating the grounds on which they are made.

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If any objections are made and not withdrawn the matter will be referred to the Council's Public Rights of Way Sub-Committee who will decide whether or not to submit the Order to the Planning Inspectorate (as agent for the Secretary of State for the Environment, Food and Rural Affairs) for determination. As the Council cannot recharge the costs of an Inquiry or Hearing the Public Rights of Way Sub-Committee may decide to withdraw the Order at this stage. Once submitted, the Planning Inspectorate will then appoint an Inspector who will determine whether to deal with the matter by written representations, a hearing or a public inquiry. The inspector can confirm an Order, confirm it with modifications, or refuse to confirm it. In some cases the Inspectorate may award costs. If no objections are received the Council will be able to confirm the Order itself but has no powers to modify Orders.

The right of objection to an Order is a statutory right, but it should be exercised in a reasonable manner. If you objected at the pre-order stage and still wish to object now that the Order has been made you will need to re-submit your objection by the deadline specified above. Only objections received during this statutory period will be forwarded to the Secretary of State.



Date: 28<sup>th</sup> September 2018

**Highways Act 1980  
Section 119**

**North Somerset District Council**

**(Parts of Footpaths  
AX 14/24 and AX 14/26,  
Churchill Academy School,  
Churchill Green, Churchill)**

**Public Path Diversion Order  
No. 5 2018**

**N P Brain  
Head of Legal and Democratic Services  
Town Hall  
Walliscote Grove Road  
Weston-super-Mare  
BS23 1UJ**

Ref: PPO 172

**HIGHWAYS ACT 1980**

**NORTH SOMERSET DISTRICT COUNCIL**

**(PARTS OF FOOTPATHS AX 14/24 AND AX 14/26,  
CHURCHILL ACADEMY SCHOOL,  
CHURCHILL GREEN, CHURCHILL)**

**PUBLIC PATH DIVERSION ORDER NO. 5 2018**

This Order is made by North Somerset District Council ("the authority") under Section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owners of the land crossed by the footpaths described in paragraph 1 of the order and of the public it is expedient that the lines of the paths should be diverted.

The applicant has agreed to defray any compensation which becomes payable in consequence of the coming into force of this order and any expenses which are incurred in bringing the new site of the paths into a fit condition for use by the public.

**BY THIS ORDER:**

1. The public rights of way over the land situated at Churchill Academy School, Churchill Green, Churchill and shown by bold continuous lines on the Map No. PPO 172 contained in this order and described in Part 1 of the Schedule to this order shall be stopped up on the date on which North Somerset District Council certify that work has been carried out to bring the site of the new highways mentioned in Part 2 of the Schedule into a fit condition for use by the public.
2. Notwithstanding this order Openreach shall have the following rights over the land referred to in paragraph 1 namely: they shall for the purpose of carrying out their undertaking continue to have the same rights in respect of their apparatus as they had immediately before the date on which the footpaths are diverted.
3. There shall at the end of 28 days from the date of confirmation of this order be public footpaths over the land situated at Churchill Academy School, Churchill Green, Churchill described in Part 2 of the Schedule and shown by bold broken lines on the Map No. PPO 172 attached to this order.

## **SCHEDULE**

### **PART 1**

#### **DESCRIPTION OF SITE OF EXISTING PATHS OR WAYS**

##### **Public Footpath AX 14/24**

That part of footpath AX 14/24 in the Parish of Churchill, from point A (grid reference ST 43329 60240), running in a south easterly, then east, south easterly direction for approximately 158 metres to point B (grid reference ST 43458 60153), as shown by a bold continuous line on the attached Map No. PPO 172.

##### **Public Footpath AX 14/26**

That part of footpath AX 14/26, in the Parish of Churchill, from point E (grid reference ST 43571 60257), running in a south westerly direction for approximately 121 metres to point F (grid reference ST 43484 60173), as shown by a bold continuous line on the attached Map No. PPO 172.

##### **Public Footpath AX 14/26**

That part of footpath AX 14/26, in the Parish of Churchill, from point I (grid reference ST 43451 60146), running in a west, south westerly direction for approximately 145 metres to point D (grid reference ST 43324 60077), as shown by a bold continuous line on the attached Map No. PPO 172.

## PART 2

### DESCRIPTION OF SITE OF NEW PATHS OR WAYS

#### Public Footpath AX 14/24

A footpath from point A (grid reference ST 43329 60240), running in a south, south easterly direction for approximately 111 metres to point C (grid reference ST 43355 60133) and then a generally south, south westerly direction for approximately 64 metres, to point D (grid reference ST 43324 60077), as shown by bold broken lines on the attached Map No. PPO 172. The path will have a grassed surface and a width of 2 metres.

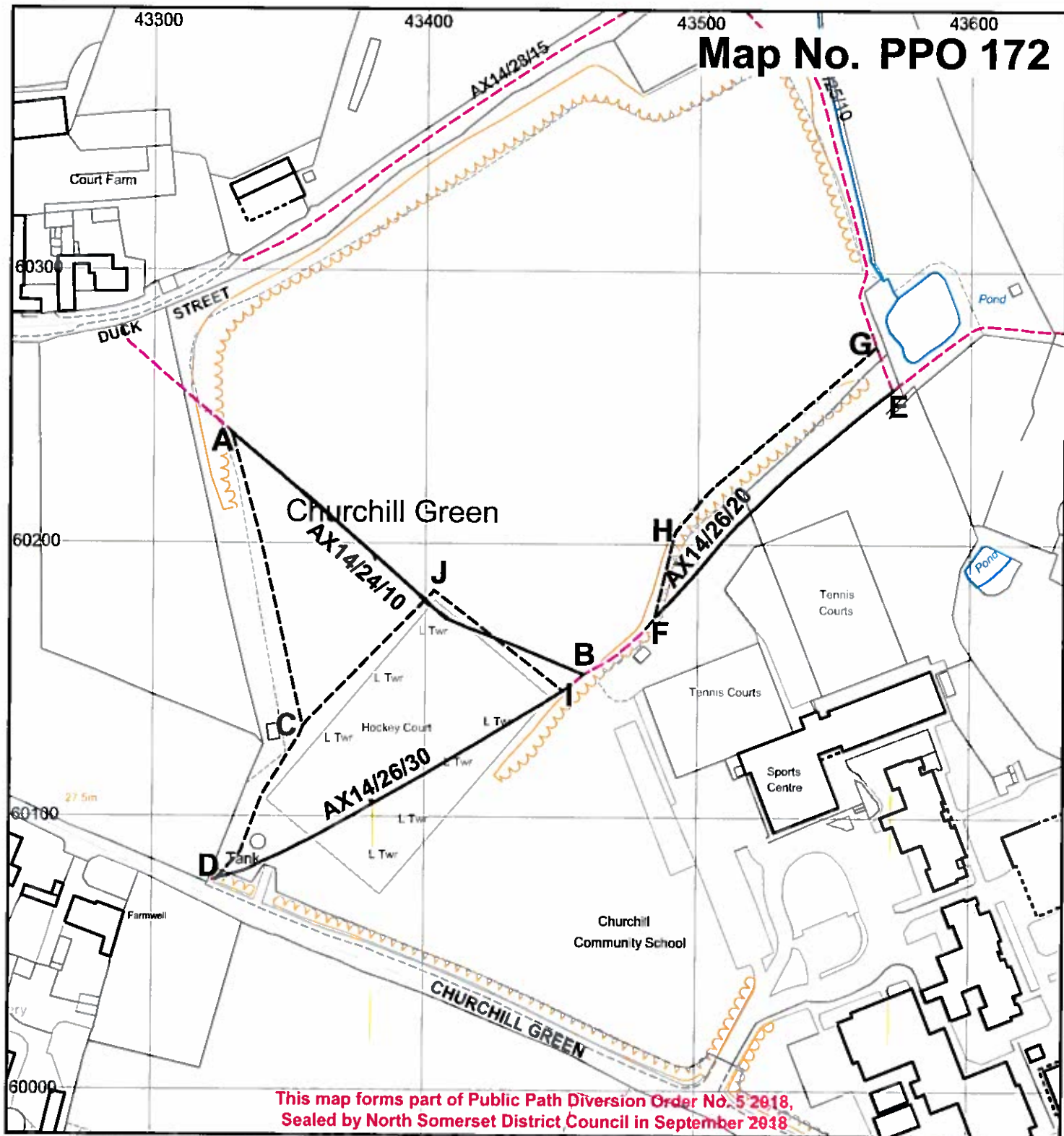
#### Public Footpath AX 14/26

A footpath from point G (grid reference ST 43565 60273), running in a south westerly direction for approximately 100 metres to point H (grid reference ST 43491 60204), then running in a south, south westerly direction for approximately 32 metres to point F (grid reference ST 43484 60173), as shown by bold broken lines on the attached Map No. PPO 172. The path will have a grassed surface and a width of 2 metres.

#### Public Footpath AX 14/26

A footpath from point I (grid reference ST 43451 60146) running in a north westerly direction for approximately 60 metres to point J (grid reference ST 43403 60183) then running in a south westerly direction for approximately 69 metres to point C (grid reference ST 43355 60133), as shown by bold broken lines on the attached Map No. PPO 172. The path will have a grassed surface and a width of 2 metres.





This map forms part of Public Path Diversion Order No. 5 2018, Sealed by North Somerset District Council in September 2018

Highways Act 1980 - Section 119 North Somerset District Council

# Public Path Diversion Order No. 5 2018

Parts of Public Footpaths AX 14/24 and AX 14/26,  
Churchill Academy School, Churchill Green, Churchill

*NPS*

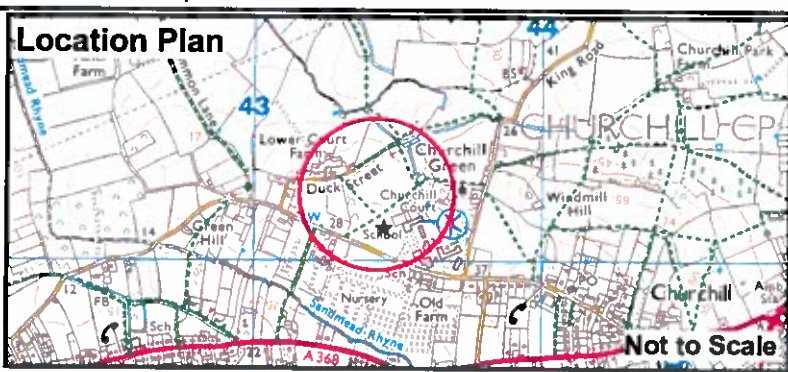
Scale 1:2000



**North Somerset COUNCIL**

Development & Environment

Public Rights of Way  
Streets and Open Spaces  
North Somerset Council  
Town Hall  
Walliscote Grove Road  
Weston-super-Mare  
BS23 1UJ  
Tel: 01934 888 802



Date 27 September 2018  
Grid Square ST4360  
Drawn by Penny Price

**PATHS TO BE DIVERTED**

**Existing** —————  
(A-B, E-F and I-D)

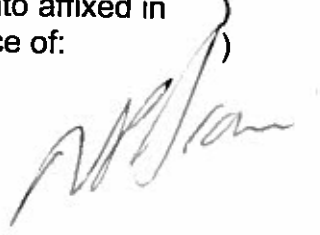
**Proposed** - - - - -  
(A-C-D, G-H-F and I-J-C)

**Connecting Paths** - - - - -

Given under the Common Seal of North Somerset District Council the 28<sup>th</sup> day of September 2018.

THE COMMON SEAL of )  
NORTH SOMERSET )  
DISTRICT COUNCIL )  
was hereunto affixed in )  
the presence of: )

13855

A handwritten signature in black ink, appearing to be 'A. J. ...', written over the closing parenthesis of the text block.

HEAD OF LEGAL AND DEMOCRATIC SERVICES