

NOTICE OF MAKING OF AN ORDER

HIGHWAYS ACT 1980

NORTH SOMERSET DISTRICT COUNCIL

(PART OF FOOTPATH LA 20/59,

RUNNING NORTH EASTERLY FROM CHARLTON DRIVE, WRAXALL AND FAILAND)

PUBLIC PATH DIVERSION ORDER NO. 7 2018

The above Order, made on 28th September 2018, under section 119 of the Highways Act 1980, will divert that part of Public Footpath LA 20/59 in the Parish of Wraxall and Failand within the District of North Somerset as described below:

From that part of footpath LA 20/59 from point A (grid ref. ST 49532 73103) at Charlton Drive, running in a generally north, north easterly direction, to point B (ST 49541 73146); **to** a footpath from point A (ST 49532 73103) at Charlton Drive, running in a north westerly direction to point C (ST 49514 73123), then in a north easterly direction to point B (ST 49541 73146); as shown on the Order Map No. PPO 176.

The path will have a width of 2 metres and will run along the road of Charlton Drive between points A-C and then along a surfaced agricultural access track between points C-B.

Copies of the Order and Order map have been placed and may be seen free of charge at the Reception of North Somerset Council Offices, Clevedon from 9.00am to 4.30pm (4.00pm on Fridays), or may be viewed on the Council's Web site (at the address: www.n-somerset.gov.uk/notices). Copies are also available for inspection at Failand Post Office, Failand, Bristol BS8 3UL, during normal opening hours. A copy can be obtained from North Somerset Council at the price of £6.60 if collected and £7.90 if posted out.

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 **1st November 2018**, quoting the reference **PAP/PPO 176**. 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If no such representations or objections are duly made, or if any so made are withdrawn, North Somerset District Council may confirm the Order as an unopposed Order.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to the Secretary of State for the Environment for confirmation, any representations and objections which have not been withdrawn will be sent with the Order.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: 4th 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 (PART OF FOOTPATH LA 20/59, RUNNING NORTH EASTERLY FROM CHARLTON DRIVE, WRAXALL AND FAILAND) PUBLIC PATH DIVERSION ORDER NO. 7 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 crossed by the footpath and of the public it is expedient that the line of the path should be diverted.

The legal line of this footpath is routed through a short section of woodland bordering agricultural land and there is a desire to bring the woodland into agricultural use for the grazing of pigs. Such grazing would require gates to be installed across the path for stock control and may bring walkers into contact with those animals, which the applicant is seeking to avoid.

Most members of the public already follow the proposed alternative route by continuing along Charlton Drive to the agricultural access track approximately 26 metres to the north. The track is firm and even under foot and clear of vegetation at all times of the year.

The proposed diversion would regularise the current situation by recognising the route used by most members of the public as being a Public Right of Way, whilst allowing the applicant to make better use of his woodland. The proposed diversion is, therefore to the benefit of both the land owner 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 **1st 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 176** and stating the grounds on which they are made.

Contd./...

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: 28th September 2018

Highways Act 1980
Section 119

North Somerset District Council

(Part of Footpath LA 20/59,
running north easterly from Charlton Drive,
Wraxall and Failand)

Public Path Diversion Order
No. 7 2018

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

Ref: PPO 176

HIGHWAYS ACT 1980

NORTH SOMERSET DISTRICT COUNCIL

**(PART OF FOOTPATH LA 20/59,
RUNNING NORTH EASTERLY FROM CHARLTON DRIVE,
WRAXALL AND FAILAND)**

PUBLIC PATH DIVERSION ORDER NO. 7 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 owner of the land crossed by the footpath described in paragraph 1 of the order and of the public it is expedient that the line of the path 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 path into a fit condition for use by the public.

BY THIS ORDER:

- 1 The public right of way over the land situated running north easterly from Charlton Drive, Wraxall and Failand and shown by a bold continuous line on the Map No. PPO 176 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 highway mentioned in Part 2 of the Schedule into a fit condition for use by the public.
2. Notwithstanding this order Western Power Distribution Plc, Wales and West utilities and Bristol Water Plc 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 footpath is diverted.
3. There shall at the end of 28 days from the date of confirmation of this order be a public footpath over the land situated running north easterly from Charlton Drive, Wraxall and Failand, described in Part 2 of the Schedule and shown by a bold broken line on the Map No. PPO 176 attached to this order.

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That part of footpath LA 20/59 in the Parish of Wraxall and Failand from point A (grid reference ST 49532 73103) at Charlton Drive, running in a generally north, north easterly direction for approximately 45 metres, to point B (grid reference ST 49541 73146), as shown by a bold continuous line on the attached Map No. PPO 176.

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

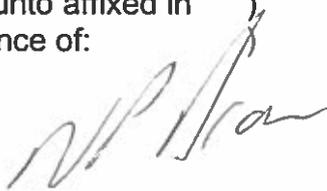
A footpath from point A (grid reference ST 49532 73103) at Charlton Drive, running in a north westerly direction for approximately 27 metres to point C (grid reference ST 49514 73123), then in a north easterly direction for approximately 35 metres to point B (grid reference ST 49541 73146), as shown with bold broken lines on the attached Map No. PPO 176.

The path will have a width of 2 metres and will run along the road of Charlton Drive between points A-C and then along a surfaced agricultural access track between points C-B.

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

13857

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

A handwritten signature in black ink, appearing to read 'N.P. Han', is written over the closing parenthesis of the text above.

HEAD OF LEGAL AND DEMOCRATIC SERVICES