

Date: 4<sup>th</sup> October 2019

**Highways Act 1980  
Section 119**

**North Somerset District Council**

**(Part of Footpath LA 8/28 Happerton Lane  
Easton In Gordano)**

**Public Path Diversion Order  
No. 5 2019**

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

Ref: PPO 188

**HIGHWAYS ACT 1980**

**NORTH SOMERSET DISTRICT COUNCIL**

**(PART OF FOOTPATH LA8/28 HAPPERTON LANE, EASTON IN GORDANO)**

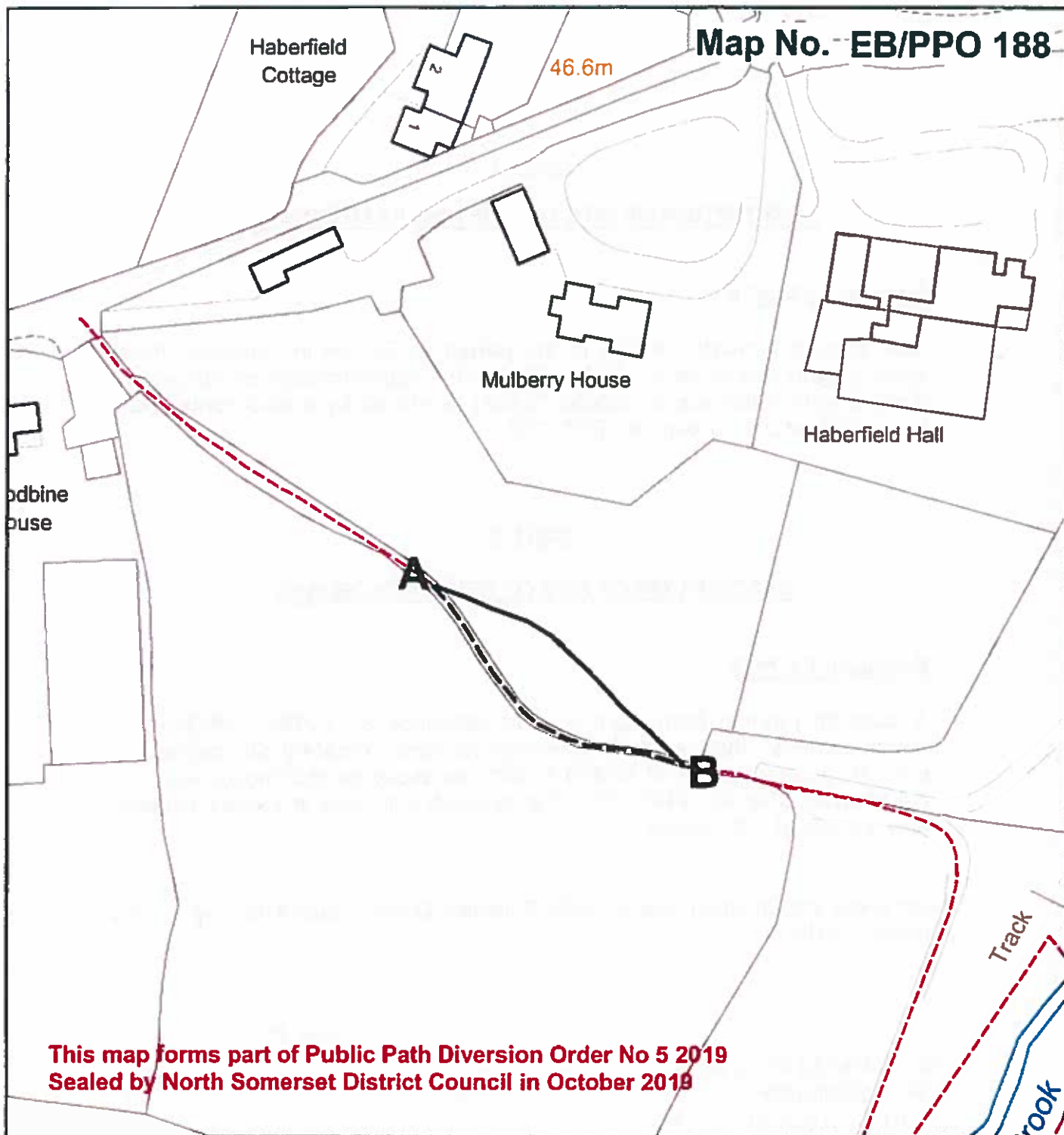
**PUBLIC PATH DIVERSION ORDER NO. 5 2019**

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 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 applicants have 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 at Mulberry House, Happerton Lane, Easton in Gordano shown by a bold continuous line on the Map No. PPO 188 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. There shall at the end of 28 days from the date of confirmation of this order be a public footpath over the land situated at Mulberry House, Happerton Lane, Easton in Gordano described in Part 2 of the Schedule and shown by a bold broken line on the Map No. PPO 188 attached to this order.



Highways Act 1980 - Section 119 North Somerset District Council

## Public Path Diversion Order No 5 2019

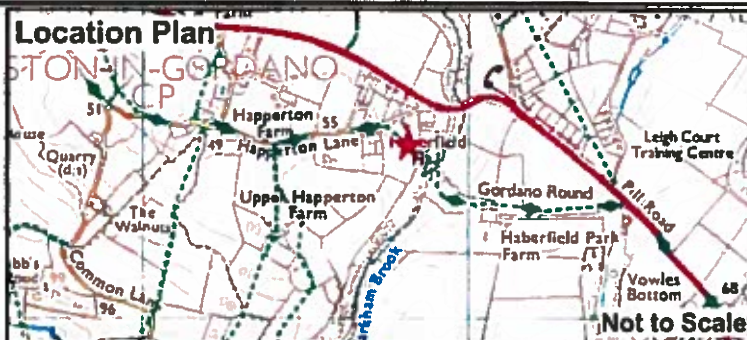
### Part of Footpath LA8/28 Happerton Lane, Easton In Gordano



Development & Environment

Public Rights of Way  
Streets and Open Spaces  
North Somerset Council  
Town Hall  
Walliscombe Grove Road  
Weston-super-Mare  
BS23 1UJ

Tel: 01934 886 802



Scale 1:1000



Date 23 September 2019

Grid Square ST5274

Drawn by Mrs E Bowman  
**PATH TO BE DIVERTED**

Existing —————  
Proposed - - - - -  
Connecting Paths - - - - -

## SCHEDULE

### PART 1

#### DESCRIPTION OF SITE OF EXISTING PATH OR WAY

##### Footpath LA 8/28

That part of footpath LA8/28 in the parish of Easton in Gordano, from point A (grid reference ST 52785 74533) for approximately 58 metres to point B (grid reference ST 52830 74500) as shown by a bold continuous line on the attached Map no. PPO 188.

### PART 2

#### DESCRIPTION OF SITE OF NEW PATH OR WAY

##### Footpath LA 8/28

A footpath running from point A (grid reference ST 52785 74533) in a south easterly, then easterly direction for approximately 60 metres to point B (grid reference ST 52830 74500), as shown by bold broken lines on the attached Map No. PPO 188. The footpath will have a stoned surface and a width of 1.5 metres.

Given under the Common Seal of North Somerset District Council the 4<sup>th</sup> day of October 2019.

13955

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



HEAD OF LEGAL AND DEMOCRATIC SERVICES

## **EXPLANATORY STATEMENT**

### **HIGHWAYS ACT 1980**

#### **NORTH SOMERSET DISTRICT COUNCIL (PART OF FOOTPATH LA8/28 HAPPERTON LANE EASTON IN GORDANO) PUBLIC PATH DIVERSION ORDER NO. 5 2019**

#### **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 is to be made must 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 owners of the land crossed by the footpath and of the public it is expedient that the line of the path should be diverted.

The application has been submitted for the following reasons:

The applicants have recently been in the process of selling their property and the purchasers were concerned that the Definitive Map shows part of Footpath LA8/28 passing through the curtilage of the property. This section of the route is not the route that is being used by the public, they are walking the bounded route on the edge of the property. The applicants, who moved to Haberfield Hall in 1969, claim that prior to the construction of Mulberry House the footpath followed the boundary hedge line of Haberfield House on the same alignment as the route used today, Mulberry House was built in 2002. In correspondence with North Somerset Planning department in 2002/2003 relating to the planning permission for Mulberry House, Condition 18 required that the footpath should be fenced off from the adjoining land which was undertaken. This application requests the diversion of a short section of the legally recorded route of Footpath LA8/28 which falls inside the fenced off curtilage of Mulberry House to be diverted to the used line.

The available flat surface of the path is around one metre. This width is consistent with the sections unaffected by this proposal and has been in use by the public for the last 17 years. However, the applicants have agreed to improve the full length of the footpath which passes the curtilage of this property by increasing the width to 1.5 metres and laying a tarmac membrane and stoned surface. This improvement will be of benefit to the walking public.

Local walking groups and the Parish Council have been consulted. A local walking group expressed concerns regarding the surface and width of this route which has resulted in the applicant undertaking the works detailed before.

Viewed overall, it is felt that the proposed diversion will benefit the landowners and the walking 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 path or way and of the public it is expedient that the line of the path or way should be diverted. It further complies with Section 119 (6) in that the path or way 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 **29<sup>th</sup> November 2019** to the Natural Environment Team, Streets and Open Spaces, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ quoting reference **EB/PPO 188** and stating the grounds on which they are made.

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.



## Notice of Making of an Order

### Highways Act 1980

#### North Somerset District Council

(Part of Footpath LA 8/28 Happerton Lane Easton In Gordano)

#### Public Path Diversion Order No. 5 2019

The above Order, made on 4 October 2019, under section 119 of the Highways Act 1980, will divert part of Public Footpath LA 8/28 in the Parish of Easton-in-Gordano within the District of North Somerset as described below:

**Public Footpath LA 8/28** *from* point A (grid reference ST 52785 74533) in a south easterly, then easterly direction for approximately 60 metres *to* point B (grid reference ST 52830 74500).

This proposal is shown on the Order Map No. PPO 188. The footpath will have a stoned surface and a width of 1.5 metres.

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, Castlewood 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](http://www.n-somerset.gov.uk/notices)). Copies are also available for inspection at Easton in Gordano Post Office, 5 Baltic Place, Pill, BS20 0EJ during normal opening hours. A copy can be obtained from North Somerset Council at the price of £6.70 if collected and £8.00 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 **29 November 2019**, quoting the reference **EB/PPO 188**. 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: 16<sup>th</sup> October 2019

**John Flannigan**  
**Community and Environment Service Manager**

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

