

Notice of Making of Orders

Highways Act 1980

North Somerset District Council

Parts of footpaths AX 3/1 and AX 3/21, Lower Rhodyate Farm, The Rhodyate, Banwell

Public Path Diversion Order No. 3 2020

North Somerset District Council

Part of Footpath AX 14/46, Land north of Ladymead Lane, Langford, Churchill

Public Path Diversion Order No. 2 2020

The above Order, made on 5th March 2020, under section 119 of the Highways Act 1980, will divert parts of Public Footpaths AX 3/1 and AX 3/21 in Banwell Parish within the District of North Somerset as described below:

AX 3/1

From a gate at point A (grid reference ST 40157 58932) at The Rhodyate, running in an east, north easterly direction for approximately 42 metres to point B (grid reference ST 40195 58407), then in an easterly direction for approximately 44 metres to a pedestrian gate at point C (grid reference ST 40239 58404), then in an easterly direction for approximately 87 metres to a pedestrian gate at point D (grid reference ST 40326 58394), then in an easterly direction for approximately 123 metres to a pedestrian gate at point E (grid reference ST 40448 58379) and then in an east, north easterly direction for approximately 49 metres to point F (grid reference ST 40493 58394); to a footpath running from point G (grid reference ST 40154 58189) in an east, north easterly direction for approximately 86 metres to a pedestrian gate and a piped/stoned culvert bridge point H (grid reference ST 40232 58226), then running in an east, north easterly direction for approximately 5 metres to point I (grid reference ST 40236 58228), then in a north, north easterly direction for approximately 18 metres to point J (grid reference ST 40230 58245), then in an east, north easterly direction for approximately 150 metres to a pedestrian gate at point K (grid reference ST 40374 58282), then in an east, north easterly direction for approximately 120 metres to point L (grid reference ST 40482 58332) and then in a north, north easterly direction for approximately 63 metres to point F (grid reference ST 40493 58394).

AX 3/21

From point M (grid reference ST 40075 58352) at The Rhodyate, running in a southerly direction for approximately 185 metres to point N (grid reference ST 40102 58170), then in a south, south easterly direction for approximately 190 metres to point O (grid reference ST 40142 57985); to a footpath from a field gate at point M1 (grid reference ST 40060 58345) at The Rhodyate, running in a south easterly direction for approximately 32 metres to point M2 (grid reference ST 40084 58328), then running in a south, south easterly direction for approximately 153 metres, to a pedestrian gate at point P (grid reference ST 40153 58192) and then running in a south, south easterly direction for approximately 3 metres to point G (grid reference ST 40154 58189). The route then runs in a south, south westerly direction for approximately 205 metres to point O (grid reference ST 40142 57985).

The proposal is shown on the Order Map No. PPO 174, with existing routes shown by bold continuous lines and the proposed routes shown by bold broken lines. The diverted paths will have pasture surfaces and widths of 2 metres. References to lettered points in this Notice are references to the points marked on the Order Map

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-

somersex.gov.uk/notices). Copies are also available for inspection at Winscombe Library, 23 Woodborough Road, Winscombe BS25 1AB during normal opening hours (Tuesdays 9.30am-12.30pm and 1.30pm-5pm; Thursdays 10am [9.30am in school holidays] -12.30pm and 1.30pm-5pm; Saturdays 9.30am-1pm. Extended access library opening hours for registered users are given at www.n-somersex.gov.uk/services/winscombe-library/. 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 **9th April 2020**, quoting the reference PAP/PPO 174. 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 12th March 2020

John Flannigan, Community and Environment Service Manager

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

**Explanatory Statement
Notice of Making of Orders
Highways Act 1980
North Somerset District Council
Parts of footpaths AX 3/1 and AX 3/21, Lower Rhodyate Farm, The Rhodyate, Banwell
Public Path Diversion Order No. 3 2020**

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 owners of the land crossed by the footpaths and of the public it is expedient that the lines of the paths should be diverted.

The applications have been submitted for the following reasons:

The western end of Public Footpath AX3/1 is currently routed through Lower Rhodyate Farm, a very active and developing livestock farm with approximately 400 sheep and 130 cattle. The section of path from points A to C passes directly through the farmyard where there are regular and numerous vehicular movements connected with the barns storing fodder, feed and machinery. There are also regular movements of both cattle and sheep across this area. Between points C to D the path passes through the ‘home ground’ fields which, being closest to the farm, are the most frequently used fields for grazing and for the management and treatment of the animals. There are four gates on the current route, positioned at Points A, C, D & E.

Most of the proposed diversion route follows the south side of an historic land drainage ditch, south of a mature hedge; offering an attractive alternative for walkers. There is an 80m section of wire stock fence west from Point H which the applicant proposes to replace with native hedging plants.

The land falls south from the ditch providing extensive views across the Lox Yeo Valley towards Wavering Down on the Mendips. The route also provides a much-improved view of Banwell Castle to the north and allows walkers to pass alongside an attractive ancient stone-lined, spring-fed dew pond near Point L. The fall of the land and presence of a ditch alongside the north edge of the path, will ensure a firm, well-drained surface throughout the year. Only two gates would be required along the diverted section of AX 3/1, at points H and K, rather than the four on the existing route.

The proposed diversion would provide a route well away from the main vehicular and animal movement areas around the farm, creating a safer and more attractive walking environment for the public whilst allowing the landowners to continue and expand their farming operations in a more contained and controlled environment. It is therefore felt that the proposed diversion would benefit both the landowners and the public.

Following requests made when the proposed AX 3/1 diversion was initially consulted upon, the landowners/applicant have agreed to incorporate diverting most of AX 3/21 into this proposal, between points M-O, linking with the diverted AX 3/1 at point G.

This will make the resulting diverted routes of AX 3/1 and AX 3/21 more convenient from the Winscombe direction, whilst maintaining the convenience of AX 3/21 if coming from Max Mill Lane. It will remove the northern cross-field AX 3/21 section, with footpath users instead walking along the field edge boundary, as opposed to through the animal grazing area; enabling the landowner to better manage their land.

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 the site works have been certified and after the order 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 **9th April 2020** to the Natural Environment Team, Streets and Open Spaces, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ quoting reference PAP/PPO 174 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.

This is a copy of the Order
Date: 5th March 2020

Highways Act 1980 Section 119
North Somerset District Council
Parts of footpaths AX 3/1 and AX 3/21, Lower Rhodyate Farm, The Rhodyate, Banwell
Public Path Diversion Order No. 3 2020

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 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 sites 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 Lower Rhodyate Farm, The Rhodyate, Banwell and shown by bold continuous lines on the Map No. PPO 174 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 sites of the new highways mentioned in Part 2 of the Schedule into a fit condition for use by the public.
2. Notwithstanding this order Bristol Water 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 Lower Rhodyate Farm, The Rhodyate, Banwell described in Part 2 of the Schedule and shown by bold broken lines on the Map No. PPO 174 attached to this order.
4. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.

Schedule 1 – Part 1 Description of Site of Existing Path or Way

AX 3/1 - That part of footpath AX 3/1 in the parish of Banwell, from a gate at point A (grid reference ST 40157 58932) at The Rhodyate, running in an east, north easterly direction for approximately 42 metres to point B (grid reference ST 40195 58407), then in an easterly direction for approximately 44 metres to a pedestrian gate at point C (grid reference ST 40239 58404), then in an easterly direction for approximately 87 metres to a pedestrian gate at point D (grid reference ST 40326 58394), then in an easterly direction for approximately 123 metres to a pedestrian gate at point E (grid reference ST 40448 58379) and then in an east, north easterly direction for approximately 49 metres to point F (grid reference ST 40493 58394); as shown by a bold continuous line on the attached Map no. PPO 174.

AX 3/21 - That part of footpath AX 3/21 in the parish of Banwell, from point M (grid reference ST 40075 58352) at The Rhodyate, running in a southerly direction for approximately 185 metres to point N (grid reference ST 40102 58170), then in a south, south easterly direction for approximately 190 metres to point O (grid reference ST 40142 57985); as shown by a bold continuous line on the attached Map no. PPO 174.

Schedule 1 – Part 2 Description of Site of New Path or Way

AX 3/1 - A footpath running from point G (grid reference ST 40154 58189) in an east, north easterly direction for approximately 86 metres to a pedestrian gate and a piped/stoned

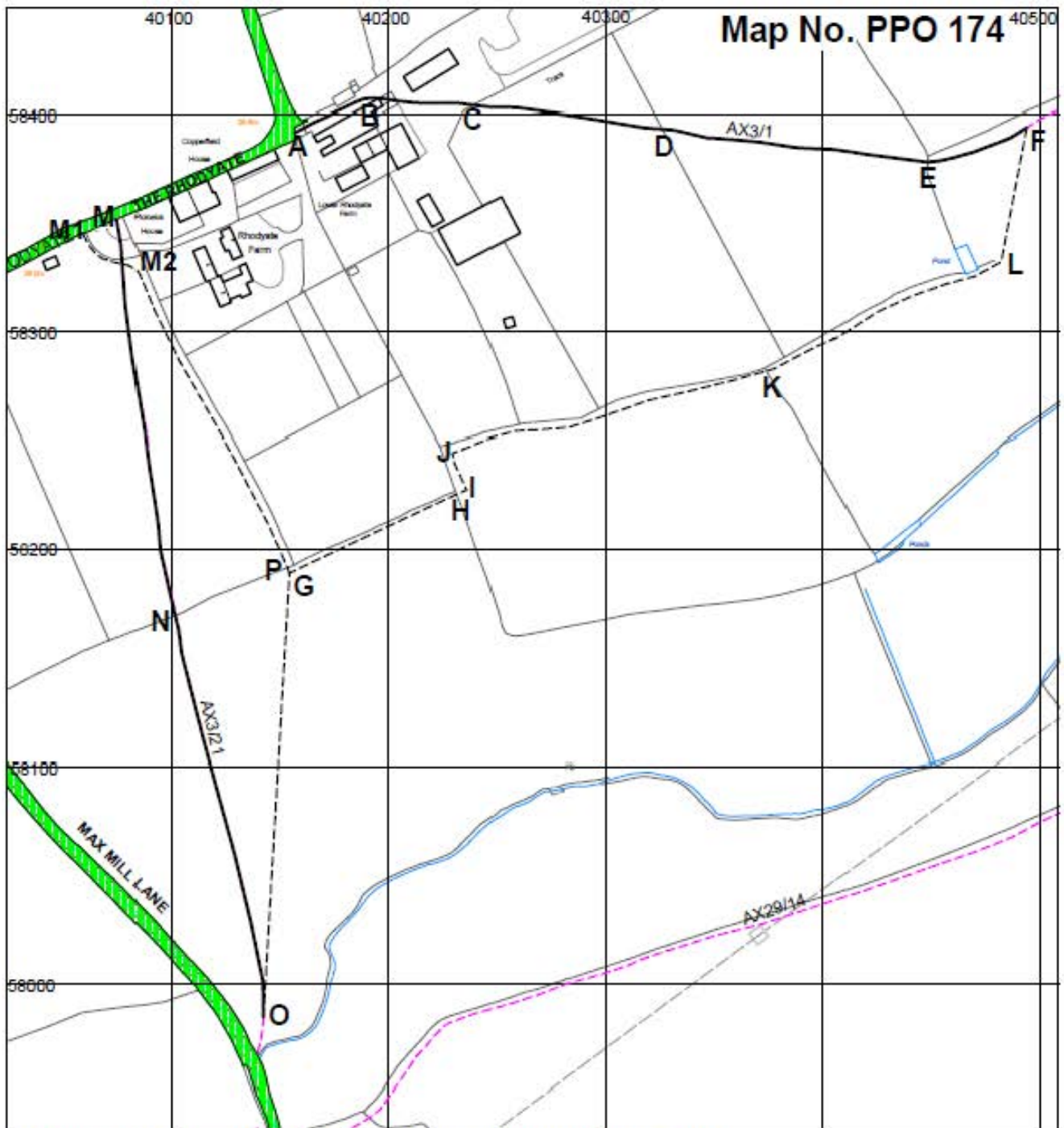
culvert bridge point H (grid reference ST 40232 58226), then running in an east, north easterly direction for approximately 5 metres to point I (grid reference ST 40236 58228), then in a north, north easterly direction for approximately 18 metres to point J (grid reference ST 40230 58245), then in an east, north easterly direction for approximately 150 metres to a pedestrian gate at point K (grid reference ST 40374 58282), then in an east, north easterly direction for approximately 120 metres to point L (grid reference ST 40482 58332) and then in a north, north easterly direction for approximately 63 metres to point F (grid reference ST 40493 58394), as shown by bold broken lines on the attached Map No. PPO 174. The path will have a pasture surface and a width of 2 metres.

AX 3/21 - A footpath from a field gate at point M1 (grid reference ST 40060 58345) at The Rhodyate, running in a south easterly direction for approximately 32 metres to point M2 (grid reference ST 40084 58328), then running in a south, south easterly direction for approximately 153 metres, to a pedestrian gate at point P (grid reference ST 40153 58192) and then running in a south, south easterly direction for approximately 3 metres to point G (grid reference ST 40154 58189). The route then runs in a south, south westerly direction for approximately 205 metres to point O (grid reference ST 40142 57985), as shown by bold broken lines on the attached Map No. PPO 174. The path will have a pasture surface and a width of 2 metres.

Schedule 1 – Part 3 Limitations and Conditions

Point H (Grid Reference ST 40232 58226) – Pedestrian Gate
Point H (Grid Reference ST 40232 58226) – Piped/stoned Culvert bridge
Point K (Grid Reference ST 40374 58282) – Pedestrian Gate
Point M1 (Grid Reference ST 40060 58345) – Field Gate
Point P (Grid Reference ST 40153 58192) – Pedestrian Gate

The pedestrian gates specified above are to be provided to comply with BS 5709.2018 and should be considered for removal in the event that they are no longer required to prevent the ingress or egress of animals or if the land is no longer used for agricultural purposes (including forestry and the keeping of horses).



Highways Act 1980 - Section 119 North Somerset District Council

Public Path Diversion Order No. 3 2020

Parts of Footpaths AX 3/1 and AX 3/21, Lower Rhodyate Farm, The Rhodyate, Banwell



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 868 802



Scale 1:2500

Date 20 February 2020

Grid Squares ST4057/4058

Drawn by Penny Price

PATHS TO BE DIVERTED

Existing ———
(A-B-C-D-E-F for AX 3/1
& M-N-O for AX 3/21)

Proposed - - - - -
(G-H-I-J-K-L-F for AX 3/1
& M1-M2-P-G-O for AX 3/21)

Connecting Paths - - - - -

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Given under the Common Seal of North Somerset District Council the 5th day of March 2020.

The Common Seal of North Somerset District Council was hereunto affixed in the presence of:
North Somerset District Council Seal No. 19/20 - 229 was affixed here on March 2020.

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