



DECISION OF DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

DECISION NO. 16/17 DE 15

SUBJECT: Section 119 Highways Act 1980

**Proposed Public Path Diversion Order and Creation Agreement
Public Footpaths AX 3/40, AX 3/41, AX 28/23, AX 28/24 and AX 28/27 between Bourton Lane, St Georges and Ebdon Lane, Wick St Lawrence.**

An application has been submitted to North Somerset Council, seeking the diversion of public footpaths AX3/40, AX3/41, AX28/23, AX28/24 and AX28/27 between Bourton Lane St Georges and Ebdon Lane Wick St Lawrence and the creation of additional connecting routes.

Background:

In the main, these paths are on land forming part of the strategic flood alleviation works for 'Weston Villages' development, an area which may become flooded in times of extreme weather. Under planning development (14/P/2206/F2) a number of fields have been excavated for water storage in times of heavy rainfall. Some sections of the existing rights of way could, at times, become flooded therefore it is necessary to divert the existing rights of way onto prepared, easy access paths suitable for less able walkers thereby improving the quality and condition of these frequently used footpaths in an area close to the conurbation.

Paths AX3/41, AX28/27 and a section of AX28/27 fall outside of the flood alleviation scheme but it is felt that these routes should be rationalised so as to provide better links to the paths affected by the flood alleviation works to the west.

The proposed diversions will benefit the public by aligning the public rights of way onto easily accessible paths with clear, unambiguous routes continuing through to Ebdon and Bourton Lanes. The landowner will also benefit as the proposed new routes should reduce trespass and free up sections of land crossed by public rights of way for agricultural use.

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 line of the paths or ways or part of that line 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 proposals are shown on the attached Map No. PPO 163, and will make the following changes:

1. Footpath AX28/24 – Wick St Lawrence

From point C₁ (grid reference ST336889 163983) running in a general easterly direction to G₂ via point K₁ (grid reference ST337058 163993), point W (grid reference ST337234 164010), point I (grid reference ST337435 164099), point M₁ (grid reference ST337674 164133), point G₁ (grid reference ST337729 164147) and point G₂ (grid reference ST337766 164177) a distance of approximately 900 metres;

to a footpath from point C₁ (grid reference ST336889 163983) on the east side of the River Banwell to point G₂ (grid reference ST337766 164177) via point Q (grid reference ST336978 163959), point L (grid reference ST337050 163971), point K₂ (grid reference ST337071 163971), point P₂ (grid reference ST337102 163954), point J (grid reference ST337240 163995), point I (grid reference ST 337435 164099), point T₃ (grid reference ST337572 164048), point M₁ (grid reference ST337674 164133), point M₂ (grid reference ST337719 164156) to point G₂ (grid reference ST337766 164177) a distance of approximately 970 metres.

The alternative route for Footpath AX28/24 will have a surfaced 5m wide path between point C and P₂. From P₂ through to G₂ the route will continue as an unsurfaced 2m wide path.

2. Footpath AX 28/23 – Wick St Lawrence

From point B₂ (grid reference ST336992 164326) in a north to south direction to D₁ (grid reference ST337091 163951) via point K₁ (grid reference ST337058 163993) and K₂ (grid reference ST337071 163971) a distance of approximately 410 metres;

to a footpath from point B₂ (grid reference ST336992 164326) in a south westerly, then south easterly direction to point L (grid reference ST337050 163971) via point Z (grid reference ST336944 164269), point N (grid reference ST 337022 164062) to point L (grid reference ST337050 163971) a distance of approximately 470 metres.

The alternative route for Footpath AX28/23 will have a surfaced 3m wide path between point B₂ and L.

3. Footpath AX28/27 – Wick St Lawrence

From point G₁ (grid reference ST 337729 164147) in a northeast to southeast direction to H₂ (grid reference ST 337613 163775) a distance of approximately 440 metres; and

Footpath AX 3/41 – St Georges

From point H₂ (grid reference ST337613 163775) running in a north to south direction for a distance of approximately 450 metres to point H₁ (grid reference ST337623 163323);

to a footpath from point T₃ (grid reference ST337572 164048) the proposed alternative route for AX28/24 to join the existing public right of way AX3/40 at point E (grid reference ST337437 163517) via point T₂ (grid reference ST337565 164041), point T₁ (grid reference ST337594 163883), point O₂ (grid reference ST337502 163836), point O₁ (grid reference

ST337469 163795) to point E (grid reference ST 337437 163517) a distance of approximately 671 metres.

The alternative route for Footpath AX28/27 and Footpath SX3/41 will have an unsurfaced 2m wide path between T₂ and O₁, which will then continue as a 3m wide surfaced path to point E.

4. Footpath AX 3/40 – St Georges

From point D₂ (grid reference ST337105 163933) running in a south east to north west direction for a distance of approximately 20 metres to point D₁ (grid reference ST337091 163951);

to a footpath from point D₂ (grid Reference ST337105 163933), north end of AX3/40 to meet proposed new route AX28/24 at point P₂ (grid reference ST337102 163954) via P₁ (grid reference ST337105 163945) a distance of approximately 20 metres.

The alternative route for Footpath AX3/40 between points D₂ and P₂ will be a 5m wide surfaced path.

5. Footpaths to be created

In addition to these proposed changes to the Public Rights of Way Network, there will also be created, by dedication, additional footpaths. These are shown on the attached Map as Z–S–C₁-N, O₁-X₂-X₁-Y-P₁ and U-F as red bold broken lines.

Pre-order consultation has been undertaken (utilities, local contacts, St Georges and Wick St Lawrence Parish Council's, Local Ward Councillor) and no objections have been received.

DECISION:

That the Public Path Diversion Order, as detailed above, be made and, subject to no objections being received, be confirmed as an unopposed Order.

That authority also be given to enter into a Highways Act 1980 Section 25 Public Path Creation Agreement for the dedication of the routes specified above in section 5.

Reasons:

The proposed diversions will benefit the public by aligning the public rights of way onto easily accessible paths with clear, unambiguous routes continuing through to Ebdon and Bourton Lanes. The landowner will also benefit as the proposed new routes should reduce trespass and free up sections of land crossed by public rights of way for agricultural use.

Other Alternatives Considered:

None

Risk Assessment:

If any objections made at the Order consultation stage cannot be resolved, the Order will be considered by the council and can only be approved by the Secretary of State.

Financial Implications:

All costs incurred in the establishment of these routes are to be met from the project budget for the Weston Villages Strategic Flood Solutions.

Implications for Future Years:

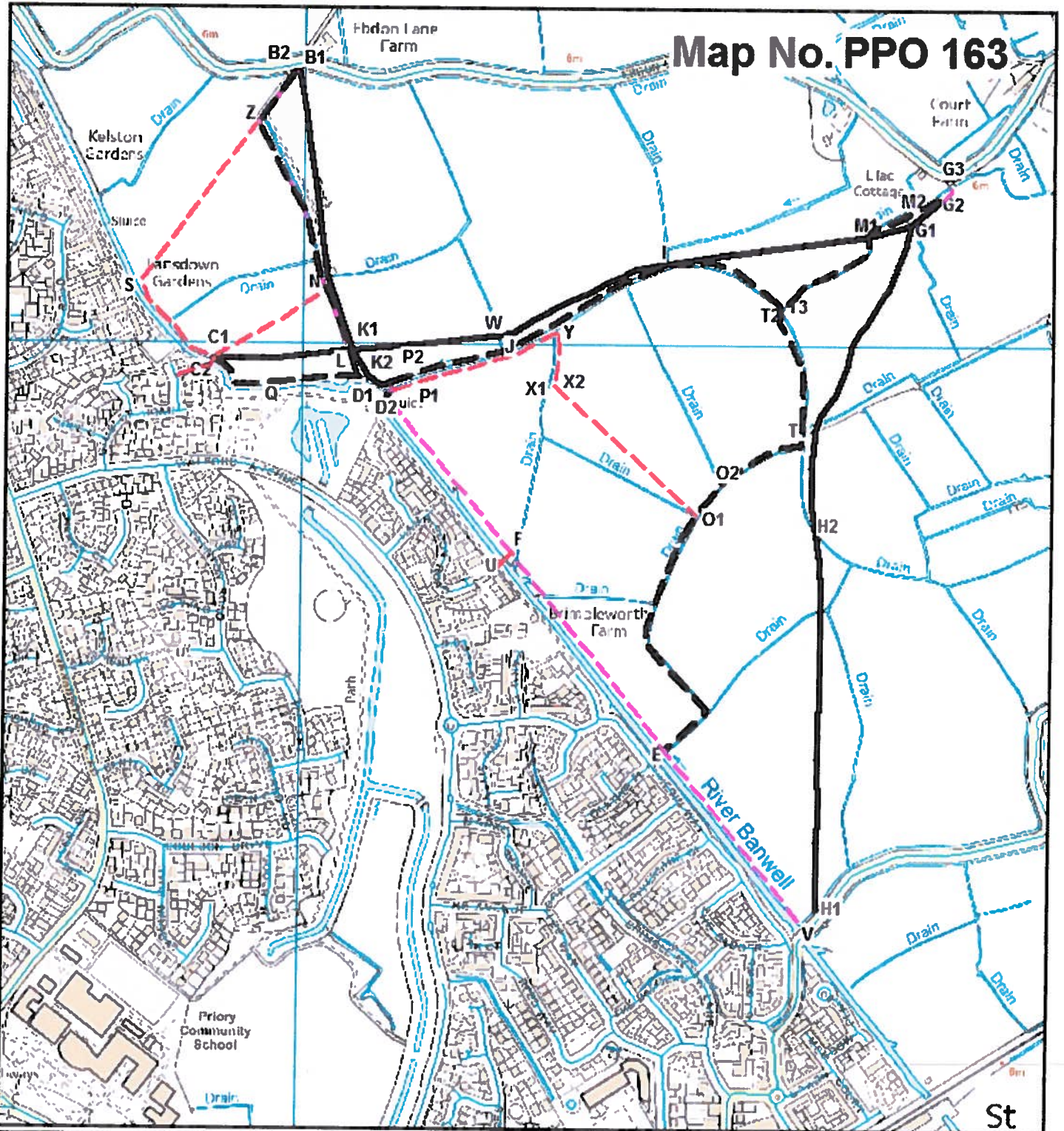
The diverted routes will be part of the Public Rights of Way network which North Somerset Council has a duty to keep open and available.

Signed.....

Director of Development and Environment

Dated.....25/5/16.....

Map No. PPO 163



Highways Act 1980 - Section 119 North Somerset District Council
Public Path Diversion Order



Development & Environment
 Public Rights of Way
 Streets and Open Spaces
 North Somerset Council
 Town Hall
 Wallscote Grove Road
 Weston-Super-Mare
 BS23 1UJ
 Tel: 01934 888 802



Scale 1:5982
 Date 19 May 2016
 Grid Square ST3763
 Drawn by E Bowman
PATHS TO BE DIVERTED
 Existing ———
 Proposed ———
 Connecting - - - -
 Paths ———
 Created routes - - - -

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