

Notice of Making of Order

Town and Country Planning Act 1990 Section 257 and Paragraph 1 of Schedule 14

North Somerset District Council

Part of Footpath LA 16/8, former Golden Acres Nursery, 35 Clevedon Road, Tickenham

Public Path Diversion Order No. 7 2020

The above Order was made on 14th May 2020. The effect of the Order will be to divert that part of Public Footpath LA 16/8 in the Parish of Tickenham within the District of North Somerset as described below:

from point A (grid reference ST 43616 71773) at Clevedon Road, running in a north, north westerly direction for approximately 192 metres to point B (grid reference ST 43524 71941);

to a footpath from point C (grid reference ST 43638 71784) at Clevedon Road, running in a northerly direction for approximately 4 metres to point D (grid reference ST 43637 71788), then in an east, north easterly direction for approximately 31 metres to point E (grid reference ST 43665 71800). The path then turns to run north, north westerly for approximately 107 metres to a kissing gate at point F (grid reference ST 43623 71899) and then north, north westerly for approximately 6 metres to point G (grid reference ST 43621 71904), before turning to run west, north westerly for approximately 103 metres to point B (grid reference ST 43524 71941).

The proposal is shown on Order Map No. PPO 191: the existing route with a bold black line and the proposed route shown by bold black dashes. References to lettered points in this Notice are references to the points marked on the Order Map. The diverted path will have a width of 2.5 metres, with a tarmac surface between points C-D-E, a hoggin surface between points E-F and a pasture surface between points F-G-B.

Due to current Covid-19 restrictions which have affected the opening of local offices, the Order and Order Map can only be viewed online at www.n-somerset.gov.uk/notices. Therefore, a free copy can be obtained by emailing penny.price@n-somerset.gov.uk or phoning Elaine Bowman on 01934 427406.

Any representation about or objection to the Order may be sent or delivered in writing addressed to the Natural Environment Team, North Somerset Council, at the Town Hall address below not later than **6th August 2020**, quoting the reference **PAP/PPO 191**. Please state the grounds on which it is made.

If no such representations or objections are duly made, or if any so made are withdrawn, North Somerset District Council may itself confirm the Order as an unopposed Order.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

Dated 9th July 2020

John Flannigan, Community and Environment Service Manager

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

Explanatory Statement

Town and Country Planning Act 1990 Section 257 and Paragraph 1 of Schedule 14

North Somerset District Council

Part of Footpath LA 16/8, former Golden Acres Nursery, 35 Clevedon Road, Tickenham

Public Path Diversion Order No. 7 2020

This statement is for information only and does not form part of the Order.

Under the provisions of S.257 of the Town and Country Planning Act 1990 a stopping up or diversion can be authorised if it is necessary in order for development to be carried out. 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 authority”) has made the above-titled Order under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath, to enable development to be carried out in accordance with planning permission 18/P/4469/FUL, granted under Part III of the Town and Country Planning Act 1990, namely:

“Erection of 7no. dwellings, car parking including garages, landscaping, internal access roads and associated infrastructure and engineering works following demolition of the existing garden centre buildings.”

and “Minor material amendment to application 18/P/4469/FUL (Erection of 7no. dwellings, car parking including garages, landscaping, internal access roads and associated infrastructure and engineering works following demolition of the existing garden centre buildings) to allow variation to Condition Number No. 2 to allow Diversion of PROW”.

In addition to stating the reason for the proposal as being to accommodate the approved new residential development of seven private houses, the applicant advises the proposal will provide an improved section of Public Right of Way and it’s furniture.

The applicant has undertaken to carry-out the following works: Establishment of part hoggin and part tarmac surfaces for diverted route, removal of stile on existing route near Clevedon Road and installation of kissing gate at point F (on Order Map No. PPO 191), fingerpost at southern end of diversion section along site’s eastern boundary, vegetation clearance to eastern side of diverted footpath and ‘hit and miss’ fencing to western side of diverted footpath.

The Order will come into effect only on the confirmation/certification of the Order. Making and advertising the Order simply provides an opportunity for objections or representations to be made.

Any Objections or representations relating to the Order must be made in writing by **6th August 2020** 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 191** 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, to advise that the Orders will be submitted to the Planning Inspectorate (as agent for the Secretary of State for the Environment, Food and Rural Affairs) for determination. 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 against objectors. 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. Only objections received during this statutory period will be forwarded to the Secretary of State.

This is a copy of the Order

Date: 14th May 2020

Town and Country Planning Act 1990, Section 257

North Somerset District Council

Part of Footpath LA 16/8 former Golden Acres Nursery, 35 Clevedon Road, Tickenham

Public Path Diversion Order No. 7 2020

This Order is made by North Somerset District Council (“the authority”) under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission nos. 18/P/4469/FUL and 19/P/1627/MMA, granted under Part III of the Town and Country Planning Act 1990, namely:

“Erection of 7no. dwellings, car parking including garages, landscaping, internal access roads and associated infrastructure and engineering works following demolition of the existing garden centre buildings”

and “Minor material amendment to application 18/P/4469/FUL (Erection of 7no. dwellings, car parking including garages, landscaping, internal access roads and associated infrastructure and engineering works following demolition of the existing garden centre buildings) to allow variation to Condition Number No. 2 to allow Diversion of PROW”.

By this Order:

1. The footpath over the land shown by a bold black line on the attached map no. PPO 191 and described in Part 1 of the Schedule to this Order (“the Schedule”) shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of North Somerset District Council an alternative highway for use as replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map no. PPO 191.
3. The diversion of the footpath shall have effect on the date on which North Somerset District Council certify that the terms of Article 2 above have been complied with.
4. The following works shall be carried out in relation to the highways described in Part 2 of the Schedule: Establishment of tarmac surface between points C-D-E (on Order Map No. PPO 191) and hoggin surface between points E-F (points F-G-B to remain pasture), installation of signpost at point B, kissing gate at point F, fingerpost at southern end of diverted section along site’s eastern boundary, vegetation clearance and establishment of 2 metre ecology buffer to eastern side of diverted footpath and ‘hit and miss’ fencing and 0.5 metre vegetation buffer to western side of diverted footpath.
5. Tickenham Properties Limited, c/o Coyne Group is hereby required to pay for the cost of carrying out the said works.
6. Where immediately before the date on which the footpaths are diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

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

That part of footpath LA 16/8 in the Parish of Tickenham, from point A (grid reference ST 43616 71773) at Clevedon Road, running in a north, north westerly direction for approximately 192 metres to point B (grid reference ST 43524 71941), as shown by a bold black line of the attached Map No. PPO 191.

Schedule 1 – Part 2 Description of Site of Alternative Highway

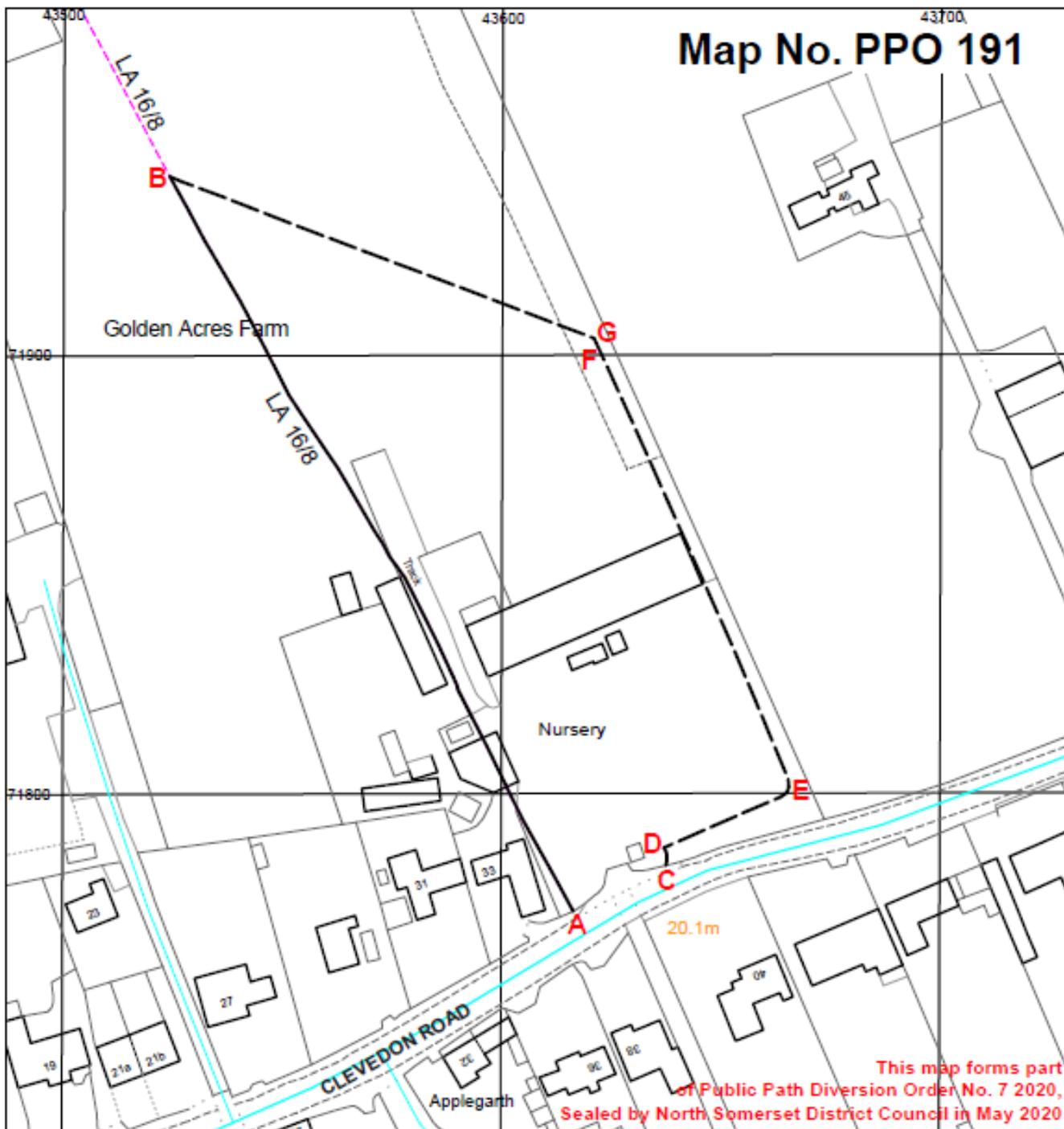
A footpath from point C (grid reference ST 43638 71784) at Clevedon Road, running in a northerly direction for approximately 4 metres to point D (grid reference ST 43637 71788), then in an east, north easterly direction for approximately 31 metres to point E (grid reference ST 43665 71800). The path then turns to run north, north westerly for approximately 107 metres to a kissing gate at point F (grid reference ST 43623 71899) and then north, north westerly for approximately 6 metres to point G (grid reference ST 43621 71904), before turning to run west, north westerly for approximately 103 metres to point B (grid reference ST 43524 71941) as shown by bold black dashes on the attached Map No. PPO 191.

The diverted path will have a width of 2.5 metres, with a tarmac surface between points C-D-E, a hoggin surface between points E-F and a pasture surface between points F-G-B.

Given under the Common Seal of North Somerset District Council the 14th day of May 2020.

The Common Seal of North Somerset District Council was hereunto affixed in the presence of:
North Somerset District Council Seal No. 20/21 - 54 was affixed here on May 2020.

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



Town and Country Planning Act 1990 - section 257 North Somerset District Council
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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 888 802



Scale 1:1250



Date 22 April 2020

Grid Square ST4371

Drawn by Penny Price

PATH TO BE DIVERTED

Existing ————

(A-B)

Proposed ————

(C-D-E-F-G-B)

Connecting paths - - - - -