

## **Notice of making of an Order**

### **Highways Act 1980**

#### **North Somerset District Council**

**(Part of footpath LA 19/1, running north westerly from Beech Court, Old Hill, Winford)**

#### **Public Path Diversion Order No. 1 2024**

The above Order, made on **25 January 2024**, under section 119 of the Highways Act 1980, will divert that part of Public Footpath LA 19/1 in the Parish of Winford within the District of North Somerset as described below:

From point B (grid ref. ST 52990 64312), running in a generally north westerly direction for approximately 66m, to point A (grid ref. ST 52938 64354);

to a footpath from a new pedestrian gate at point C (grid ref. ST 52977 64338) running in a generally west, north westerly direction for approximately 42m, to point A (grid ref. ST 52938 64354), as shown on Order Map No. PPO 180.

The proposal is shown on Order Map No. PPO 180: 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 path will have a natural surface and a width of 2 metres.

The Order and Order Map can be viewed online at [www.n-somerset.gov.uk/notices](http://www.n-somerset.gov.uk/notices) or a free copy can be obtained by emailing [paul.hayward@n-somerset.gov.uk](mailto:paul.hayward@n-somerset.gov.uk) or phoning 07584607213. Alternatively, visit Winford Post Office to view the Order and Order Map, at 11 High St, Winford, Bristol BS40 8EH 9.00am to 1pm Mondays, or 2.00pm to 4.30pm Wednesdays.

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 **13 March 24**, quoting the reference PGH/PPO 180. 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If no such representations or objections are duly made, or if any so made are withdrawn, North Somerset District Council may itself confirm the Order as an unopposed Order.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to the Secretary of State for the Environment for confirmation, any representations or objections which have not been withdrawn will be sent with the Order.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: 14 February 2024

**John Flannigan, Head of Open Space, Natural Environment and Leisure**  
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 19/1, BEECH COURT, OLD HILL WINFORD)** **PUBLIC PATH DIVERSION ORDER NO. 1 2024**

**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 footpath and of the public it is expedient that the lines of the paths should be diverted.

The application has been submitted for the following reasons:

The existing legal line of LA 19/1 leaves the Old Hill highway at the driveway to Beech Court, therefore private vehicular access to the property/garden had been shared with public access to the footpath. A previous owner of Beech Court acquired a parcel of land abutting the north side of the property from the Bath and Wells Diocesan Board of Finance, which links to the property's domestic curtilage and that owner had planned to develop the area as a domestic garden. The current legal line of the Public Footpath is routed diagonally across part of that area and the continuation of the footpath is across land in the ownership of The Bath and Wells Diocesan Board of Finance.

The proposed new route entails moving the access to the footpath to Point C, less than 30m north, where a new wooden footpath gate for public access can be installed in an existing gateway. This access point would be directly opposite the gate leading onto Public Footpath LA 19/4 on the opposite side of the road.

The proposed diversion is in the interest of the applicant as the suggested new route will enable him to better manage public access across his property thereby allowing for improved security. It will also provide clear access for the public away from the curtilage of the property and provide a more direct link to the nearby footpath, LA 19/4.

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 **13 March 2024** to the Natural Environment Team, Place Directorate, North Somerset Council, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ quoting reference **PGH/PPO 180** 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



Date: 25 January 2024

**Highways Act 1980  
Section 119**

**North Somerset District Council**

**(Part of Footpath LA 19/1, running north westerly  
from Beech Court, Old Hill, Winford)**

**Public Path Diversion Order  
No. 1 2024**

**N P Brain  
Asst Director Legal & Governance  
Town Hall  
Walliscote Grove Road  
Weston-super-Mare  
BS23 1UJ**

Ref: PPO 180

## **HIGHWAYS ACT 1980**

### **NORTH SOMERSET DISTRICT COUNCIL**

#### **PUBLIC PATH DIVERSION ORDER NO 1 2024**

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 interest of the owner of the land crossed by the footpath described in paragraph 1 of this 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 the 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 running north westerly from Beech Court, Old Hill, Winford and shown by a bold continuous line on the Map No. PPO 180 contained in this order and described in Part 1 of the Schedule to this order shall be stopped up after 28 days from the date of confirmation of this order.
2. There shall at the end of 28 days from the date of confirmation of this order be a public footpath over the land running north westerly from Beech Court, Old Hill, Winford described in Part 2 of the Schedule and shown by a bold broken line on the Map No. PPO 180 attached to this order.
3. 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**

#### **PART 1**

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

That part of footpath LA 19/1 in the Parish of Winford, from point B (grid reference ST 52990 64312) at Beech Court, Old Hill, running in a north westerly direction for approximately 66 metres to a pedestrian gate at point A (grid reference ST

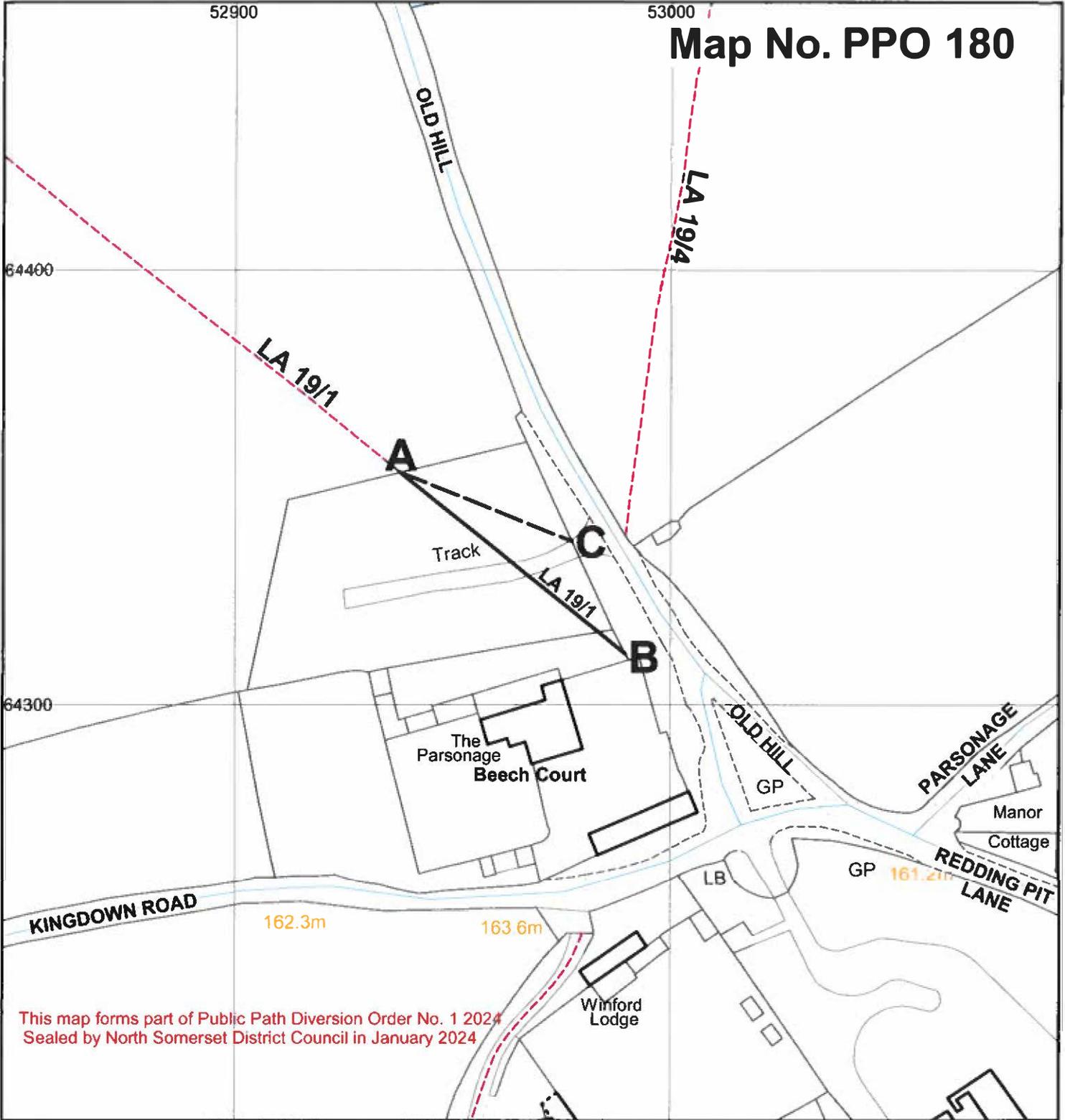
52900

53000

# Map No. PPO 180

64400

64300



This map forms part of Public Path Diversion Order No. 1 2024  
 Sealed by North Somerset District Council in January 2024

Highways Act 1980 - Section 119 North Somerset District Council

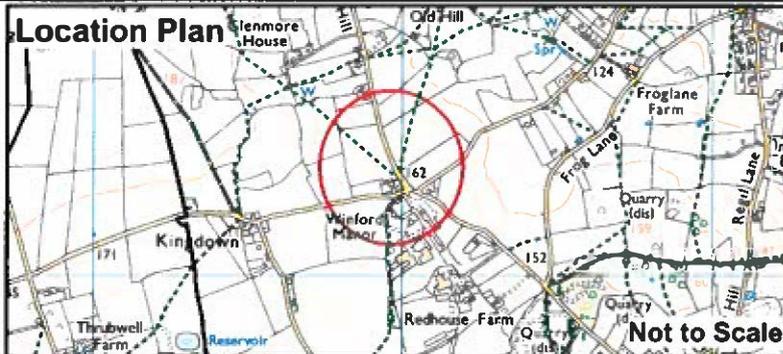
## Public Path Diversion Order No.1 2024

Part of Public Footpath LA 19/1, running north westerly from Beech Court, Old Hill, Winford



**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 888 802



Scale 1:1250



Date 19 December 2023

Grid Square ST5264

Drawn by Paul Hayward

**PATH TO BE DIVERTED**

Existing (A-B) ————

Proposed (A-C) - - - - -

Connecting Paths - - - - -

52938 64354), as shown by a bold continuous line on the attached Map No. PPO 180.

**PART 2**

**DESCRIPTION OF SITE OF NEW PATH OR WAY**

A footpath running from a pedestrian gate at point C (grid reference ST 52977 64338) running in a west, north westerly direction for approximately 42 metres to point A (grid reference ST 52938 64354) as shown by a bold broken line on the attached Map No. PPO 180. The path will have a natural surface and a width of 2 metres.

**PART 3**

**LIMITATIONS AND CONDITIONS**

Point C (Grid Reference ST 52977 64338)	Pedestrian gate
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The pedestrian gate specified above is to be provided to comply with BS 5709.2018 and should be considered for removal in the event that it is 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).

Given under the Common Seal of North Somerset District Council the 25<sup>th</sup> day of January 2024.

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

23/24-713

A Nich

For: Asst Director Legal & Governance.

