

Notice of Public Path Order

Highways Act 1980 Section 119
North Somerset District Council
(Part of footpath AX 3/35, West Rolstone Road, Banwell)
Public Path Diversion Order No. 2 2024

The above Order, made on 23rd January 2024, under section 119 of the Highways Act 1980, will divert part of Public Footpath AX 3/35 in the Parish of Banwell within the District of North Somerset as described below:

From point A (grid ref. ST 38871 62412), running in a generally South Westerly direction to point B (grid ref. ST 38825 62317), a total distance of approximately 155 metres;

to a footpath from point C (grid ref. ST 38853 62457), running in a west, south westerly then south easterly direction for approximately 180 metres, through point D (grid ref. ST 38789 62419 to point B (grid ref. ST 38825 62317).

The proposal is shown on the Order Map No. PPO 201: the existing route is shown 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 footpath will have a width of 2 metres, 2.5 metres if enclosed by a fence. It will have a natural pasture surface as currently in the field.

The Order and Order Map can be viewed online at www.n-somerset.gov.uk/notices or a free copy can be obtained by emailing Laura.Baber@n-somerset.gov.uk or phoning 01934 427312. Alternatively, visit Queensway Post Office to view the Order and Order Map, at North Worle Shopping Centre, Worle, Weston-Super-Mare, BS22 6BT, Monday to Saturday 06:00-18:00, Sunday 06:30-14:00.

Any representations about or objections to the Orders may be sent in writing to the Natural Environment Team, North Somerset Council, at the Town Hall address below not later than **21st March 2024** quoting the above appropriate reference PPO 201. 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If no such representations or objections are duly made, or if any so made are withdrawn, North Somerset District Council may confirm the Orders as unopposed Orders. If the Orders are 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to the Secretary of State for the Environment for confirmation, any representations and objections which have not been withdrawn will be sent with the Orders.

Dated: 22nd February 2024

John Flannigan, Head of Open Spaces, Natural Environment and Leisure, North Somerset Council, Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ

Date: 19 January 2024

Highways Act 1980
Section 119

North Somerset District Council

(Part of Footpath AX 3/35, The Cottage, West
Rolstone Road, Banwell)

Public Path Diversion Order No. 2 2024

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

PPO 201

NORTH SOMERSET DISTRICT COUNCIL

**(PART OF FOOTPATH (PART OF FOOTPATH AX 3/35,
The Cottage, West Rolstone Road, Banwell
PUBLIC PATH DIVERSION ORDER NO. 2 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 interests of the owner of the land crossed by the footpath described in paragraph 1 of this order 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 The Cottage, West Rolstone, Banwell and shown by a bold continuous line on the map ‘PPO 201’ contained in this order, and described in Part 1 of the Schedule to this order shall be stopped up on the date in 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 The Cottage, West Rolstone, Banwell described in Part 2 of the Schedule and shown by a bold broken line on the attached map ‘PPO 201’ contained in 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

Part of footpath AX 3/35 in the Parish of Puxton, from point A (grid ref. ST 38871 62412) running in a generally South Westerly direction to point B (grid ref. ST 38825 62317), a total distance of approximately 110 metres. This existing path is shown on the accompanying plan 'PPO 201'.

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

A footpath from point C (grid ref. ST 38853 62457), running in a west, south westerly then south, south easterly direction, through point D (grid ref. ST 38789 62419 to point B (grid ref. ST 38825 62317), a total distance of 180 metres. This proposed route is shown on the accompanying plan 'PPO 201'.

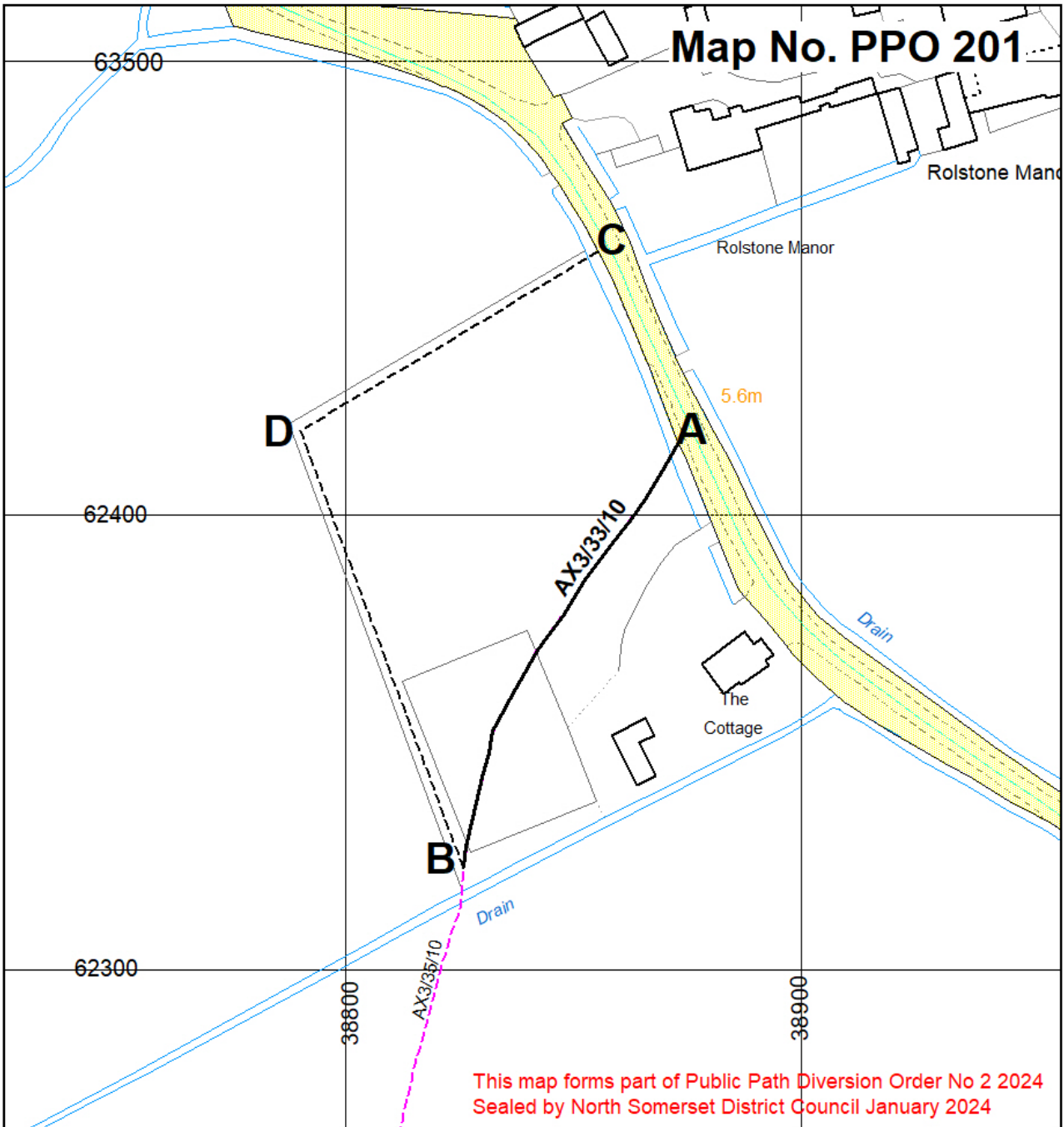
The proposed path will have a width of 2.5 metres if enclosed by a fence, 2 metres if left unfenced and will have a natural pasture surface as currently in the field.

PART 3

LIMITATIONS AND CONDITIONS

Point C (grid ref. ST 28853 62457)	Wooden bridge
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The above mentioned bridge will be provided by North Somerset Council.

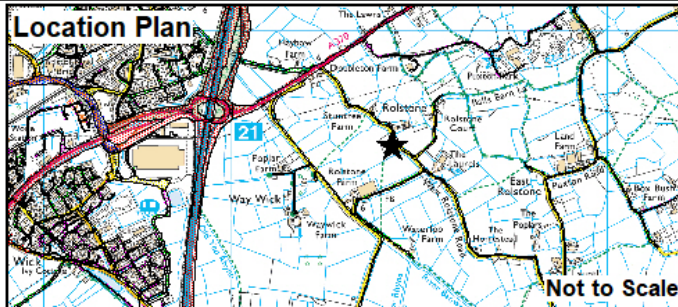


Highways Act 1980 - Section 119 North Somerset District Council

Public Path Diversion Order
AX 3/35/10, West Rolstone, Banwell



Place Directorate
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 1:1200

Date 28 November 2023

Grid Square ST3862

Drawn by Laura Baber

PATH TO BE DIVERTED

Existing —————

Proposed - - - - -

Connecting Paths - - - - -

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Given under the Common Seal of North Somerset District Council the 19th day of January 2024.

23/24-696

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

A Redh

Mr. Asst Director Legal & Governance

EXPLANATORY STATEMENT

HIGHWAYS ACT 1980

NORTH SOMERSET DISTRICT COUNCIL **(PART OF FOOTPATH AX 3/35, WEST ROLSTONE ROAD, BANWELL)** **PUBLIC PATH DIVERSION ORDER NO. 2 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 owner 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:

Historically, this selection of footpath AX3/35 has been unavailable due to the absence of bridges at Points A and E on the plan. In 2014 planning application 14/P/0696/F was approved by NSC resulting in the construction of a fenced menage for canine training being across the definitive line of the Public footpath.

The lack of bridges has meant that the public have had no access to this footpath therefore the menage being across the legal line has not been an issue. A further planning application (20/P/2179/OUT) has now been submitted for the construction of a permanent building upon the foot print of the menage.

In addition, the proposed diversion is intended to limit the likelihood of the public and their dogs walking this path coming into conflict with the applicants canine training business to enable them to be able to better manage access for the safety of all parties and is therefore requested in the interest of the applicants and the public. The applicant would fence off the new route across their property, further protecting all parties from conflict.

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 **21st March 2024** to the Natural Environment Team, Streets and Open Spaces, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ quoting reference **LEB/PPO 201** 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.

