

NOTICE OF MAKING OF AN ORDER

HIGHWAYS ACT 1980

NORTH SOMERSET DISTRICT COUNCIL
(PART OF FOOTPATHS LA 2/33 AND LA 2/34,
OVER LAND CROSSING GROVE FARM, CHELVEY ROAD, BACKWELL)
PUBLIC PATH DIVERSION ORDER NO. 3 2019

The above Order, made on 4th July 2019, under section 119 of the Highways Act 1980, will divert those parts of Public Footpaths LA 2/33 and LA 2/34 in the Parish of Backwell within the District of North Somerset as described below:

Public Footpath LA 2/33 *from* point A (grid reference ST 47124 68698) near a footbridge, running in a generally south easterly direction for approximately 132 metres, to point B (grid reference ST 47210 68600), then running in a southerly, then generally south easterly direction for approximately 244 metres to a stile and footbridge at point C (grid reference ST 47324 68392);

to a footpath from near a footbridge at point A (grid reference ST 47124 68698), running in a south, south easterly direction for approximately 120 metres, to a culvert bridge and pedestrian gate at point I (grid reference ST 47173 68589), then running in a south easterly direction for approximately 248 metres, to a footbridge with two pedestrian gates at point C (grid reference ST 47324 68392).

Public Footpath LA 2/33 *from* a pedestrian gate at point D (grid reference ST 47424 68334) running in a generally south easterly direction for approximately 158 metres, to the junction with Public Footpath LA 2/34 at point E (grid reference ST 47564 68260), then running in a generally south easterly direction for approximately 277 metres to point F (grid reference ST 47771 68087);

to a footpath from a pedestrian gate at point D (grid reference ST 47424 68334), at the junction with the diverted footpath LA 2/34, running in a generally south, south easterly direction for approximately 35 metres, to a pedestrian gate at point J (grid reference ST 47433 68302), then in a southerly direction for approximately 248 metres to point G (grid reference ST 47454 68054). The path then runs in an easterly direction for approximately 34 metres, to two pedestrian gates through a wide hedge at point K (grid reference ST 47487 68059) and then in an easterly direction for approximately 41 metres, to a footbridge with two pedestrian gates at point L (grid reference ST 47529 68062) and then in a generally easterly then east, north easterly direction for approximately 240 metres, to a footbridge with two pedestrian gates, at point M (grid reference ST 47765 68084) and then in an east north, easterly direction for approximately 7 metres to join the existing footpath LA 2/33, at point F (grid reference ST 47771 68087).

Public Footpath LA 2/34 *from* point G (grid reference ST 47454 68054) running in a generally north, north easterly direction for approximately 235 metres, to the junction with footpath LA 2/33 at point E (grid reference ST 47564 68260) and then running in a generally north, north easterly direction for approximately 326 metres, to point H (grid reference ST 47730 68539);

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to a footpath from a pedestrian gate at point D (grid reference ST 47424 68334), at the junction with the diverted footpath LA 2/33, running in an east, north easterly direction for approximately 62 metres to pedestrian gate at point O (grid reference ST 47478 68365), then in a north easterly direction for approximately 15 metres to a pedestrian gate at point P (grid reference ST 47488 68376), then running in a north easterly direction for approximately 197 metres, to a pedestrian gate at point Q (grid reference ST 47662 68469), then in a north easterly direction for approximately 56 metres to a pedestrian gate at point H1 (grid reference ST 47703 68507), then running in a north, north easterly direction for approximately 42 metres to point H (grid reference ST 47730 68539).

Map No. PPO 178 shows the proposal: existing routes with bold continuous lines and proposed routes with bold broken lines. References to lettered points in this Notice are references to the points marked on the Order Map. The proposed diverted paths will be 2 metres wide, with pasture surfaces.

Copies of the Order and Order map have been placed and may be seen free of charge at the North Somerset Council Reception, at the Town Hall address below 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-somerset.gov.uk/notices). Copies are also available for inspection at Backwell Post Office, 30 West Town Road, Backwell BS48 3HH, during normal opening hours (6.30am to 6pm Mondays to Fridays, 6.30am to 2pm Saturdays and 7am to 12pm Sundays). 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 Natural Environment Team, North Somerset Council, at the Town Hall address below not later than **8th August 2019**, quoting the reference **PAP/PPO 178**. 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: 11th July 2019

John Flannigan
Community and Environment Service Manager

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



EXPLANATORY STATEMENT

HIGHWAYS ACT 1980

NORTH SOMERSET DISTRICT COUNCIL (PARTS OF FOOTPATHS LA 2/33 AND LA 2/34, OVER LAND CROSSING GROVE FARM, CHELVEY ROAD, BACKWELL) PUBLIC PATH DIVERSION ORDER NO. 3 2019

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 application has been submitted for the following reasons:

Grove Farm is a historic working dairy farm currently milking over 170 cows, twice daily. Farming operations have naturally been centered close to the main farm house where, over many years, the need for modernisation has led to an expansion of the number of agricultural buildings in the immediate vicinity. These include the milking parlour, associated feed storage, barns and machinery sheds.

The two footpaths, LA 2/33 and LA 2/34 are routed directly through, and meet in the centre of, the farming operations. Dairy farming, by its very nature, is a messy business involving frequent and, at some times, constant animal and vehicular movement. The resultant slurry is difficult to control and has rendered the paths largely unserviceable. Therefore, in view of the health and safety risks to the public, an unofficial diversion around the north and west of the farm was agreed between the Highway Authority and local walking groups. This unofficial diversion has been in use for around 15 years and the wooden gates placed on the routes have mostly deteriorated. The paths have become boggy in several places, making them difficult to access; leading to trespass by some walkers.

Local walking groups and the Parish Council have been consulted about the problems and, following discussions between them, the landowner and Highway Authority, routes considered suitable for formal diversions have been identified.

The proposed diversions are intended to provide clear, safe and easily accessible routes well away from the main area of farming operations, enabling the landowners/applicants to better manage their dairy farm. If the diversions are approved, the public will be able to use much safer, more attractive routes, well away from the main area of farming operations. The routes will be across well-drained pasture land with new, easy access metal gates at all boundaries.

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There are currently no existing legal rights of access west from Moor Lane. However the landowners have agreed, if the diversion application is successful, to create two new Public Footpath links, one going west and the other north then west, to join with the existing route of LA 2/33. The creation of these two routes will be a substantial benefit to the walking public and will complement the proposed diversions.

Viewed overall, it is felt that the proposed diversions and creation order will benefit the landowners and walking public.

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 **8th August 2019** to the Natural Environment Team, Streets and Open Spaces, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ quoting reference **PAP/PPO 178** 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: 4th July 2019

Highways Act 1980
Section 119

North Somerset District Council

(Parts of Footpaths LA 2/33 and LA 2/34,
over land crossing Grove Farm,
Chelvey Road, Backwell)

Public Path Diversion Order
No. 3 2019

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

Ref: PPO 178

HIGHWAYS ACT 1980

NORTH SOMERSET DISTRICT COUNCIL

**(PARTS OF FOOTPATHS LA 2/33 AND LA 2/34,
OVER LAND CROSSING GROVE FARM,
CHELVEY ROAD, BACKWELL)**

PUBLIC PATH DIVERSION ORDER NO. 3 2019

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.

BY THIS ORDER:

1. The public rights of way over the land situated crossing Grove Farm, Chelvey Road, Backwell and shown by bold continuous lines on the Map No. PPO 178 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 site of the new highways mentioned in Part 2 of the Schedule into a fit condition for use by the public.
2. Notwithstanding this order Openreach, Western Power Distribution plc and Bristol Water plc 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 crossing Grove Farm, Chelvey Road, Backwell described in Part 2 of the Schedule and shown by bold broken lines on the Map No. PPO 178 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

PART 1

DESCRIPTION OF SITE OF EXISTING PATHS OR WAYS

Public Footpath LA 2/33

That part of footpath LA 2/33 in the parish of Backwell, from point A (grid reference ST 47124 68698) near a footbridge, running in a generally south easterly direction for approximately 132 metres, to point B (grid reference ST 47210 68600), then running in a southerly, then generally south easterly direction for approximately 244 metres to a stile and footbridge at point C (grid reference ST 47324 68392), as shown by a bold continuous line on the attached Map No. PPO 178.

Public Footpath LA 2/33

That part of footpath LA 2/33 in the parish of Backwell, from a pedestrian gate at point D (grid reference ST 47424 68334) running in a generally south easterly direction for approximately 158 metres, to the junction with Public Footpath LA 2/34 at point E (grid reference ST 47564 68260), then running in a generally south easterly direction for approximately 277 metres to point F (grid reference ST 47771 68087), as shown by a bold continuous line on the attached Map No. PPO 178.

Public Footpath LA 2/34

That part of footpath LA 2/34, from point G (grid reference ST 47454 68054) running in a generally north, north easterly direction for approximately 235 metres, to the junction with footpath LA 2/33 at point E (grid reference ST 47564 68260) and then running in a generally north, north easterly direction for approximately 326 metres, to point H (grid reference ST 47730 68539), as shown by a bold continuous line on the attached Map No. PPO 178.

PART 2

DESCRIPTION OF SITE OF NEW PATHS OR WAYS

Public Footpath LA 2/33

A footpath from near a footbridge at point A (grid reference ST 47124 68698), running in a south, south easterly direction for approximately 120 metres, to a culvert bridge and pedestrian gate at point I (grid reference ST 47173 68589), then running in a south easterly direction for approximately 248 metres, to a footbridge with two pedestrian gates at point C (grid reference ST 47324 68392) as shown by a bold broken line on the attached Map No. PPO 178. The path will have a pasture surface and a width of 2 metres.

Public Footpath LA 2/33

A footpath from a pedestrian gate at point D (grid reference ST 47424 68334), at the junction with the diverted footpath LA 2/34, running in a generally south, south easterly direction for approximately 35 metres, to a pedestrian gate at point J (grid reference ST 47433 68302), then in a southerly direction for approximately 248 metres to point G (grid reference ST 47454 68054). The path then runs in an easterly direction for approximately 34 metres, to two pedestrian gates through a wide hedge at point K (grid reference ST 47487 68059) and then in an easterly direction for approximately 41 metres, to a footbridge with two pedestrian gates at point L (grid reference ST 47529 68062) and then in a generally easterly then east, north easterly direction for approximately 240 metres, to a footbridge with two pedestrian gates, at point M (grid reference ST 47765 68084) and then in an east north, easterly direction for approximately 7 metres to join the existing footpath LA 2/33, at point F (grid reference ST 47771 68087), as shown by a bold broken line on the attached Map No. PPO 178. The path will have a pasture surface and a width of 2 metres.

Public Footpath LA 2/34

A footpath from a pedestrian gate at point D (grid reference ST 47424 68334), at the junction with the diverted footpath LA 2/33, running in an east, north easterly direction for approximately 62 metres to pedestrian gate at point O (grid reference ST 47478 68365), then in a north easterly direction for approximately 15 metres to a pedestrian gate at point P (grid reference ST 47488 68376), then running in a north easterly direction for approximately 197 metres, to a pedestrian gate at point Q (grid reference ST 47662 68469), then in a north easterly direction for approximately 56 metres to a pedestrian gate at point H1 (grid reference ST 47703 68507), then running in a north, north easterly direction for approximately 42 metres to point H (grid reference ST 47730 68539), as shown by a bold broken line on the attached Map No. PPO 178. The path will have a pasture surface and a width of 2 metres.

PART 3

LIMITATIONS AND CONDITIONS

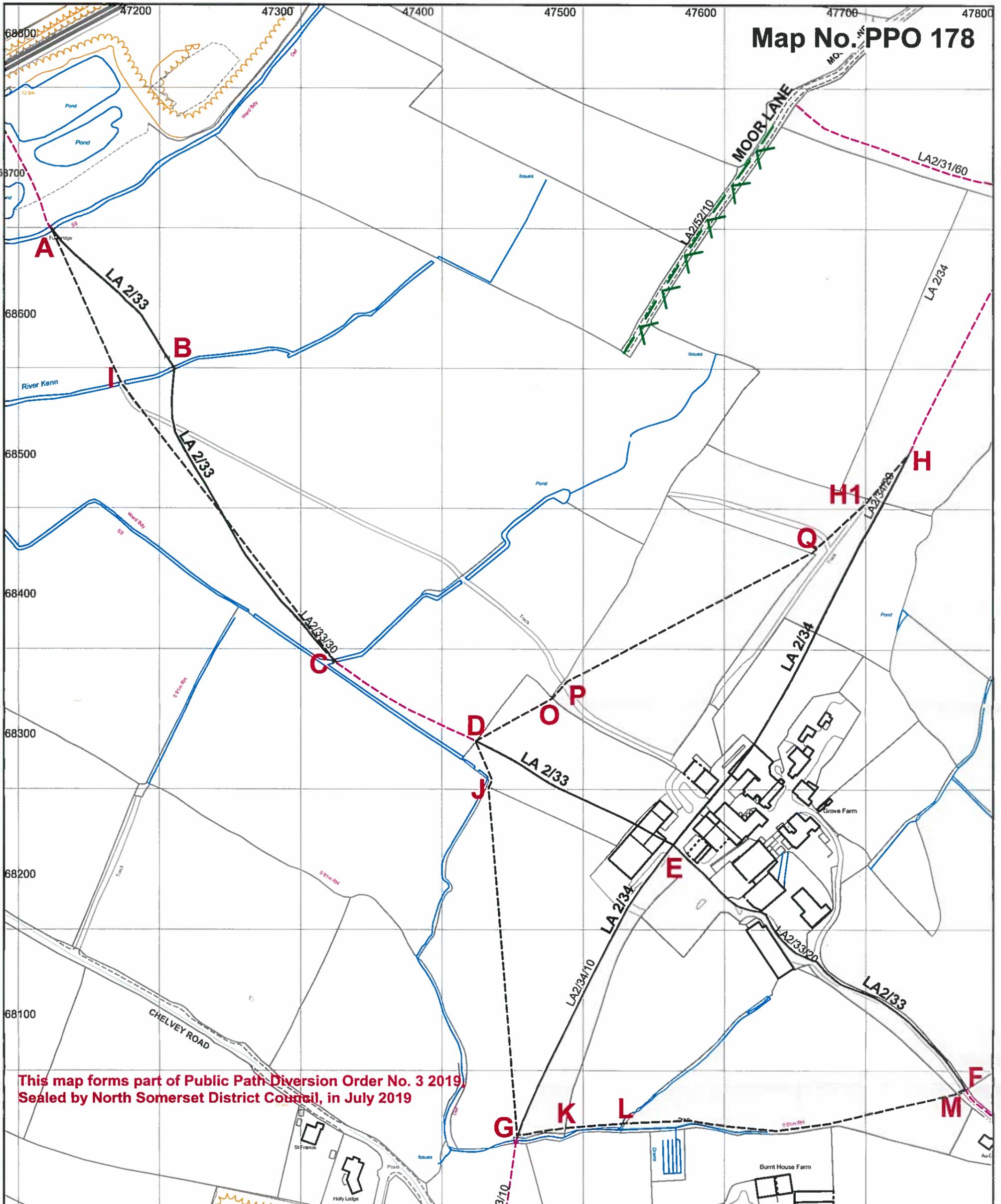
Public Footpath LA 2/33

Point I (Grid Reference ST 47173 68589)	Culvert bridge and pedestrian gate
Point C (Grid reference ST 47324 68392)	Footbridge with two pedestrian gates
Point D (Grid reference ST 47424 68334)	Pedestrian gate
Point J (Grid reference ST 47433 68302)	Pedestrian gate
Point K (Grid reference ST 47487 68059)	Two pedestrian gates
Point L (Grid reference ST 47529 68062)	Footbridge with two pedestrian gates
Point M (Grid reference ST 47765 68084)	Footbridge with two pedestrian gates

Public Footpath LA 2/34

Point D (Grid reference ST 47424 68334)	Pedestrian gate
point O (Grid reference ST 47478 68365)	Pedestrian gate
Point P (Grid reference ST 47488 68376)	Pedestrian gate
Point Q (Grid reference ST 47662 68469)	Pedestrian gate
Point H1 (Grid reference ST 47703 68507)	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).



This map forms part of Public Path Diversion Order No. 3 2019,
Sealed by North Somerset District Council, in July 2019

Highways Act 1980
Section 119
North Somerset District Council

**Public Path
Diversion Order No. 3 2019**

Parts of Public Footpaths
LA 2/33 and LA 2/34,
Over land crossing Grove Farm,
Chelvey Road, Backwell

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



Scale 1:2500
Date 01 July 2019
Grid Square ST4768
Drawn by Penny Price
PATHS TO BE DIVERTED
Existing ———
(A-B-C, D-E-F & G-E-H)
Proposed - - - - -
(A-I-C, D-J-G-K-L-M-F
& D-O-P-Q-H1-H)
Connecting paths - - - - -

Given under the Common Seal of North Somerset District Council the 4th day of July 2019.

13743

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

A handwritten signature in cursive script, appearing to read 'M. Han', is written below the text.

HEAD OF LEGAL AND DEMOCRATIC SERVICES