

**Notice of Making of Orders**  
**Highways Act 1980**  
**North Somerset District Council**  
**Part of Footpath AX 16/24, over land south of Dolemoor Lane, Congresbury**  
**Public Path Diversion Order No. 5 2020**

The above Order, made on 20th March 2020, under section 119 of the Highways Act 1980, will divert that part of Public Footpath AX 16/24 in the Parish of Congresbury within the District of North Somerset as described below:

from point A (grid reference ST 42456 63565), north of the Littlewall Rhyne, running in a north, north easterly then northerly direction for approximately 99 metres to point B (grid reference ST 42466 63661) and then in a north westerly direction for approximately 191 metres, to point C (grid reference ST 42348 63810);

to a footpath from point A (grid reference ST 42456 63565) north of the Littlewall Rhyne, running in a west, north westerly direction for approximately 15 metres, to a pedestrian gate at point D (grid reference 42442 63572) then in a west, north westerly direction for approximately 138 metres, to point E (grid reference ST 42317 63624) and then running in a northerly direction for approximately 176 metres to a kissing gate and culvert bridge with handrails to sides at point F (grid reference ST 42328 63799), before running in a northerly direction for approximately 7 metres, to connect with Bridleway AX 16/21 at Dolemoor Lane, at point G (grid reference ST 42329 63806). The proposed diverted path will be 2 metres wide with a pasture surface.

Map No. PPO 190 shows the proposal, with the existing route with a bold continuous line and the proposed route with a bold broken line. References to lettered points in this Notice are references to the points marked on the Order Map.

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](http://www.n-somerset.gov.uk/notices). Therefore, a free copy can be obtained by emailing [penny.price@n-somerset.gov.uk](mailto:penny.price@n-somerset.gov.uk) or phoning Elaine Bowman on 01934 427406.

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 **6th August 2020**, quoting the reference **PAP/PPO 190**. 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If no such representations or objections are duly made, or if any so made are withdrawn, North Somerset District Council may confirm the Order as an unopposed Order.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 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  
Notice of Making of Orders  
Highways Act 1980  
North Somerset District Council  
Part of Footpath AX 16/24, over land south of Dolemoor Lane, Congresbury  
Public Path Diversion Order No. 5 2020**

**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:

The area to the east of Public Footpath AX 16/24 near point C was developed by the previous landowner, with the construction of a compound and barn. The applicant has recently acquired Moor View Farm and wishes to run the farm on a more traditional basis. The pre-existing compound and barn dictates that the main farming operations be centered in this area, therefore increased vehicular and animal movements can be anticipated and additional stock fencing will be required. This is likely to have an adverse effect upon the footpath, raising potential safety concerns for users. The applicant is therefore seeking to reduce risks by moving the footpath away from the main areas of operation.

The current route, if walking from Dolemoor Lane, is accessed via a metal pedestrian gate at Point C, it crosses pasture then passes through two metal gates and across a publicly maintained wooden footbridge. Sections of the path between Point C and the tree near Point B can be quite boggy in winter months.

The proposed alternative route will cross the drainage ditch at Point F via a piped culvert to be provided by the applicant. It will then pass through a metal kissing gate to run on firm pasture alongside a mature hedge. The route is then proposed to turn east to run along the north bank of the Littlewall Rhyne, passing through a metal pedestrian gate at Point D, before re-joining the existing path at Point A.

A diversion would benefit the landowner in that they would be better able to safely manage their farming operations, thereby avoiding potential conflict between machinery, stock and persons using the footpath. The new route would also benefit the public as it provides a route on firm pasture, well away from the main farming operations. The proposed new route is alongside a mature hedge and watercourse which many users will find attractive and avoids the need for a wooden footbridge maintained at public expense.

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 **6th August 2020** to the Natural Environment Team, Streets and Open Spaces, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ quoting reference **PAP/PPO 190** 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.

This is a copy of the Order  
Date: 20<sup>th</sup> March 2020

Highways Act 1980 Section 119  
North Somerset District Council  
Part of Footpath AX 16/24, over land south of Dolemoor Lane, Congresbury  
Public Path Diversion Order No. 5 2020

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 footpath described in paragraph 1 of the 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 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 south of Dolemoor Lane, Congresbury and shown by a bold continuous line on the Map No. PPO 190 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 highway mentioned in Part 2 of the Schedule into a fit condition for use by the public.
2. Notwithstanding this order Wessex Water and Wales and West Utilities 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 footpath is diverted.
3. There shall at the end of 28 days from the date of confirmation of this order be a public footpath over the land situated south of Dolemoor Lane, Congresbury described in Part 2 of the Schedule and shown by a bold broken line on the Map No. PPO 190 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 1 – Part 1 Description of Site of Existing Path or Way

That part of footpath AX 16/24 in the parish of Congresbury from point A (grid reference ST 42456 63565) north of the Littlewall Rhyne, running in a north, north easterly then northerly direction for approximately 99 metres, to point B (grid reference ST 42466 63661) and then in a north westerly direction for approximately 191 metres, to point C (grid reference ST 42348 63810), as shown by a bold continuous line on the attached Map No. PPO 190.

Schedule 1 – Part 2 Description of Site of New Path or Way

A footpath running from point A (grid reference ST 42456 63565), north of the Littlewall Rhyne, running in a west, north westerly direction for approximately 15 metres, to a pedestrian gate at point D (grid reference ST42442 63572) then in a west, north westerly direction for approximately 138 metres, to point E (grid reference ST 42317 63624) and then running in a northerly direction for approximately 176 metres to a kissing gate and culvert bridge with handrails to sides at point F (grid reference ST 42328 63799), before running in a northerly direction for approximately 7 metres, to connect with Bridleway AX 16/21 at Dolemoor Lane, at point G (grid reference ST 42329 63806), as shown by a bold broken line on the attached Map No. PPO 190. The path will have a pasture surface and a width of 2 metres.

Schedule 1 – Part 3 Limitations and Conditions

Point D (grid reference ST 42442 63572) – Pedestrian gate

Point F (grid reference ST 42328 63799) – Kissing Gate

Point F (grid reference ST 42328 63799) – Culvert bridge with handrails to sides

The pedestrian and kissing 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).

Given under the Common Seal of North Somerset District Council the 20th day of March 2020.

The Common Seal of North Somerset District Council was hereunto affixed in the presence of:  
North Somerset District Council Seal No. 19/20 - 278 was affixed here on March 2020.

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

