

Notice of Making of Order

Highways Act 1980

North Somerset District Council

Part of Public Footpath AX 5/7, Running north westerly, from southern end of Sladacre Lane, Blagdon

Public Path Diversion Order No. 6 2020

The above Order, made on 14th May 2020, under section 119 of the Highways Act 1980, will divert that part of Public Footpath AX 5/7 in the Parish of Blagdon within the District of North Somerset as described below:

from point A (grid reference ST 50243 58520) at the junction with footpath AX 5/6, running in a north westerly direction for approximately 50 metres to point B (grid reference ST 50203 58550);

to a footpath commencing near the southern end of Sladacre Lane at point C (grid reference ST 50257 58540) running in a west, north westerly direction for approximately 16 metres to a cattle grid with a pedestrian gate alongside at point D (grid reference ST 50242 58546), then in a westerly direction for approximately 39 metres to point B (grid reference ST 50203 58550).

The path will have a tarmac/gravel surface and a minimum width of 3 metres, apart from a 4.2 metre width at point D, where the cattle grid and pedestrian gate are positioned.

The proposal is shown on the Order Map No. PPO 182, with the existing route shown by a bold continuous line and the proposed route shown by 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. Therefore, a free copy can be obtained by emailing 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 182**. 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If no such representations or objections are duly made, or if any so made are withdrawn, North Somerset District Council may confirm the Order as an unopposed Order.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to the Secretary of State for the Environment for confirmation, any representations and objections which have not been withdrawn will be sent with the Order.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

Highways Act 1980

North Somerset District Council

Part of Footpath AX 5/7, Running north westerly, from southern end of Sladacre Lane, Blagdon

Public Path Diversion Order No. 6 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 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:

This 50m section of Public Footpath runs northwest from Footpath AX5/6 through the domestic driveway and curtilage of ‘The Barn’. The path then passes through a picket gate to a small paddock used to stock sheep, then exits via another picket gate before crossing the driveway leading to ‘Engadine’ and continuing west to Street End Lane.

The paddock slopes steeply to the north therefore the ‘trodden’ path is narrow with the land dropping away to the side. Although the path is properly signed and gates freely available, most users prefer to avoid the domestic curtilage of ‘The Barn’ and stock in the paddock by simply walking up the drive to ‘Engadine’ from Point C and continue along the legal line from Point B.

The proposed diversion is intended to regularise the route followed by most walkers and will allow for potential use of the paddock as a domestic garden.

It is felt that the landowners would benefit from the diversion as they will be better able to control access to their domestic curtilage and be able to develop the paddock as a garden.

The public will also gain benefit by having a wider, more level path away from livestock with only one gate to negotiate rather than two.

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 path or way and of the public it is expedient that the line of the path or way or part of that line should be diverted. It further complies with Section 119 (6) in that the path or way will not be substantially less convenient to the public in consequence of the diversion.

The Orders will come into effect only after they have been confirmed. Making and advertising the Orders 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 182** 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: 14th May 2020

Highways Act 1980 Section 119
North Somerset District Council
Part of Footpath AX 5//7, running north westerly, from southern end of Sladacre Lane, Blagdon
Public Path Diversion Order No. 6 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 at the southern end of Sladacre Lane, Blagdon and shown by a bold continuous line on the Map No. PPO 182 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 Bristol Water, Wales and West Utilities and Western Power Distribution 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 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 at the southern end of Sladacre Lane, Blagdon described in Part 2 of the Schedule and shown by a bold broken line on the Map No. PPO 182 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 5/7 in the parish of Blagdon, from point A (grid reference ST 50243 58520) at the junction with footpath AX 5/6, running in a north westerly direction for approximately 50 metres to point B (grid reference ST 50203 58550) as shown by a bold continuous line on the attached Map No. PPO 182.

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

A footpath commencing near the southern end of Sladacre Lane at point C (grid reference ST 50257 58540) running in a west, north westerly direction for approximately 16 metres to a cattle grid with a pedestrian gate alongside at point D (grid reference ST 50242 58546), then in a westerly direction for approximately 39 metres to point B (grid reference ST 50203 58550), as shown by a bold broken line on the attached Map No. PPO 182.

The path will have a tarmac/gravel surface and a minimum width of 3 metres, apart from a 4.2 metre width at point D, where the cattle grid and pedestrian gate are positioned

Schedule 1 – Part 3 Limitations and Conditions

Point D (grid reference ST 50242 58546) – Cattle grid with pedestrian gate alongside

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 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 - 35 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

