

· Highways Act 1980  
Section 119

North Somerset District Council

(Footpaths AX3/41, AX28/27, AX28/24,  
AX 28/23 and part of Footpath AX3/40 on Land  
between Ebdon Lane and Bourton Lane St  
Georges and Wick St Lawrence)

Public Path Diversion Order  
No. 1 2016

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

Ref: PPO 163

**HIGHWAYS ACT 1980**

**NORTH SOMERSET DISTRICT COUNCIL**

**(FOOTPATH AX3/41: AX28/27, AX28/24, AX 28/23 AND PART OF FOOTPATH  
AX3/40 ON LAND BETWEEN EBDON LANE AND BOURTON LANE ST  
GEORGES AND WICK ST LAWRENCE)**

**PUBLIC PATH DIVERSION ORDER NO. 1 2016**

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.

The applicants, North Somerset Council, 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 paths into a fit condition for use by the public.

**BY THIS ORDER:**

- 1 The public rights of way over the land situated between Ebdon Lane Wick St Lawrence and Bourton Lane St Georges and shown by a bold continuous line on the Map No. PPO 163 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 Western Power Distribution and Open Reach BT 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 between Ebdon Lane Wick St Lawrence and Bourton Lane St Georges described in Part 2 of the Schedule and shown by bold broken lines on the Map No. PPO 163 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**

That part of footpath AX28/24 in the Parish of Wick St Lawrence from point C<sub>1</sub> (grid reference ST36889 63983) running in a general easterly direction to G<sub>2</sub> via point K<sub>1</sub> (grid reference ST37058 63993), point W (grid reference ST37234 64010), point I (grid reference ST37435 64099), point M<sub>1</sub> (grid reference ST37674 64133), point G<sub>1</sub> (grid reference ST37729 64147) and point G<sub>2</sub> (grid reference ST37766 64177) a distance of approximately 900 metres as shown by a bold continuous line on Map no. PPO 163.

That part of footpath AX28/23 in the Parish of Wick St Lawrence from point B<sub>1</sub> (grid reference ST36992 64326) in a southerly direction to D<sub>1</sub> (grid reference ST37091 63951) via point K<sub>1</sub> (grid reference ST37058 63993) and K<sub>2</sub> (grid reference ST37071 63971) a distance of approximately 410 metres as shown by a bold continuous line on Map no. PPO 163.

That part of footpath AX28/27 in the Parish of Wick St Lawrence from point G<sub>1</sub> (grid reference ST37729 64147) in a south westerly direction to H<sub>2</sub> (grid reference ST37613 63775) a distance of approximately 440 metres as shown by a bold continuous line on Map no. PPO 163.

That part of footpath AX3/41 in the Parish of St Georges from point H<sub>2</sub> (grid reference ST37613 63775) running in a southerly direction for a distance of approximately 450 metres to point H<sub>1</sub> (grid reference ST37623 63323) as shown by a bold continuous line on Map no. PPO 163.

That part of footpath AX3/40 in the Parish of St Georges from point D<sub>2</sub> (grid reference ST37105 63933) running in a north westerly direction for a distance of approximately 20 metres to point D<sub>1</sub> (grid reference ST37091 63951) as shown by a bold continuous line on Map no. PPO 163.

### **PART 2**

#### **DESCRIPTION OF SITE OF NEW PATHS OR WAYS**

A footpath running from point C<sub>1</sub> (grid reference ST36889 63983) on the east side of the River Banwell to point G<sub>2</sub> (grid reference ST37766 64177) via point Q (grid reference ST36978 63959), point L (grid reference ST37050 63971), point K<sub>2</sub> (grid reference ST37071 63971), point P<sub>2</sub> (grid reference ST37102 63954), point J (grid reference ST37240 63995), point I (grid reference ST37435 64099), point T<sub>3</sub> (grid reference ST37572 64048), point M<sub>1</sub> (grid reference ST37674 64133), point M<sub>2</sub> (grid reference ST37719 64156) to point G<sub>2</sub> (grid reference ST37766 64177) a distance of approximately 970 metres as shown by a bold broken line on Map no. PPO 163. The alternative route for Footpath AX28/24 will have a made up surface 5m wide path between point C<sub>2</sub> and P<sub>2</sub>. From P<sub>2</sub> through to G<sub>2</sub> the route will continue as an unmade surfaced 2m wide path.

A footpath running from point B<sub>2</sub> (grid reference ST36992 64326) in a south westerly, then south easterly direction to point L (grid reference ST37050 63971) via point Z (grid reference ST36944 64269), point N (grid reference ST37022 64062) to point L (grid reference ST37050 63971) a distance of approximately 470

metres as shown by a bold broken line on Map no. PPO 163. The alternative route for Footpath AX28/23 will have a made up surface 3m wide path between point B<sub>2</sub> and L.

A footpath running from point T<sub>3</sub> (grid reference ST37572 64048) the proposed alternative route for AX28/24 to join the existing public right of way AX3/40 at point E (grid reference ST37437 63517) via point T<sub>2</sub> (grid reference ST37565 64041), point T<sub>1</sub> (grid reference ST37594 63883), point O<sub>2</sub> (grid reference ST37502 63836), point O<sub>1</sub> (grid reference ST37469 63795) to point E (grid reference ST 37437 63517) a distance of approximately 671 metres as shown by a bold broken line on Map no. PPO 163. The alternative route for Footpath AX28/27 and Footpath AX3/41 will have an unmade surfaced 2m wide path between T<sub>2</sub> and O<sub>1</sub>, which will then continue as a 3m wide made up surfaced path to point E.

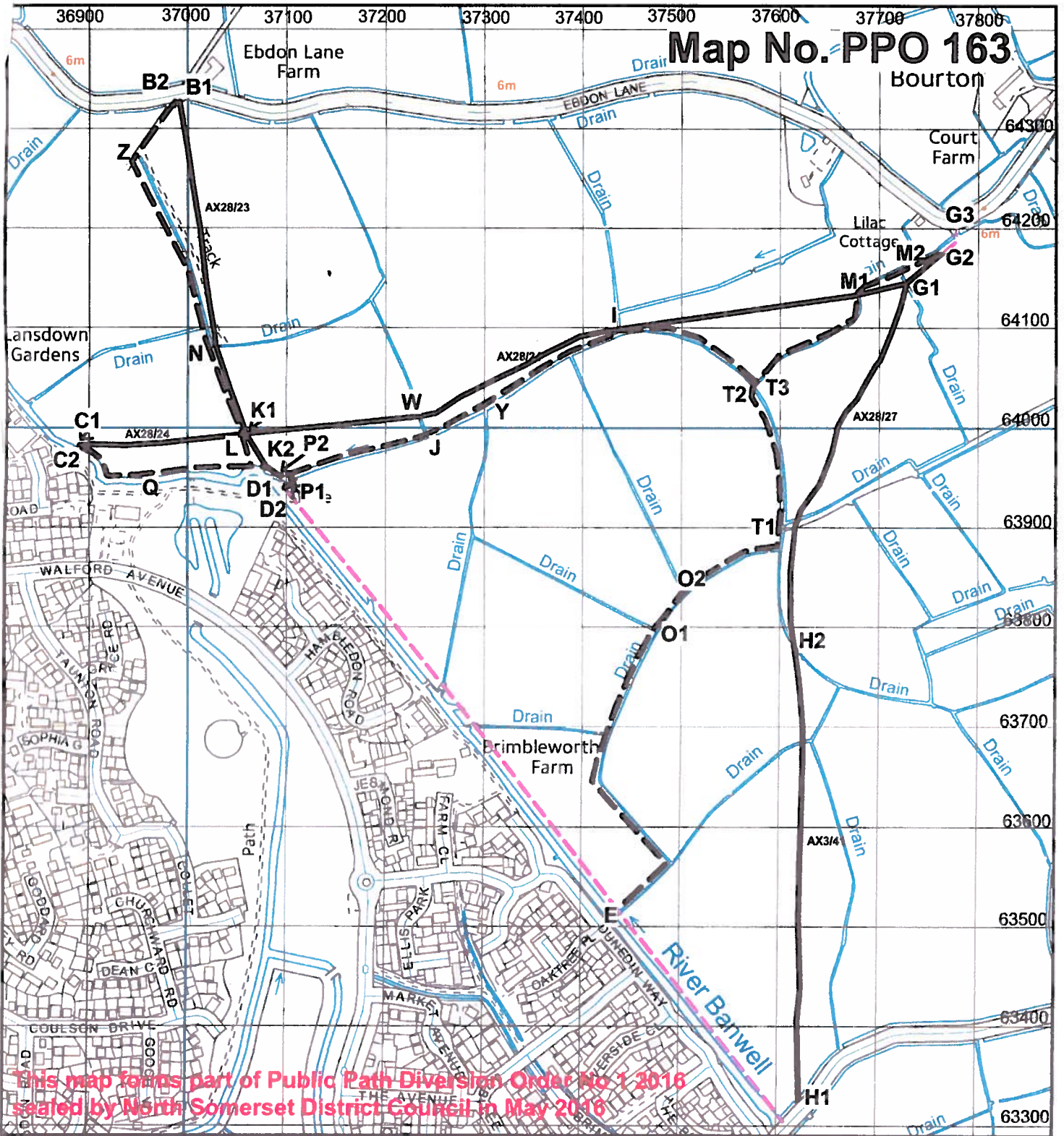
A footpath running from point D<sub>2</sub> (grid Reference ST37105 63933), north end of AX3/40 to meet proposed new route AX28/24 at point P<sub>2</sub> (grid reference ST37102 63954) via P<sub>1</sub> (grid reference ST37105 63945) a distance of approximately 20 metres as shown by a bold broken line on Map no PPO 163. The alternative route for Footpath AX3/40 between points D<sub>2</sub> and P<sub>2</sub> will be a 5m wide made up surfaced path.

### **PART 3**

#### **LIMITATIONS AND CONDITIONS**

Point B <sub>2</sub> (Grid Ref ST36992 64326)	Pedestrian Gate
Point C <sub>1</sub> (Grid Ref ST 36889 63983)	Pedestrian Gate
Point C <sub>2</sub> (Grid Ref ST 36884 63973)	Pedestrian Gate
Point P <sub>2</sub> (Grid Ref ST 37102 63954)	Pedestrian Gate
Point J (Grid Ref ST 37240 63995)	Pedestrian Gate
Point I (Grid Ref ST 37435 64099)	Bridge with gated ends
Point M <sub>1</sub> (Grid Ref ST 37674 64133)	Bridge with gated ends
Point M <sub>2</sub> (Grid Ref ST 37719 64156)	Pedestrian Gate
Point G <sub>3</sub> (Grid Ref ST 37777 64199)	Pedestrian Gate
Point T <sub>2</sub> /T <sub>3</sub> (Grid Ref ST 37565 64041)	Bridge with gated ends
Point O <sub>1</sub> (Grid Ref ST 37469 63795)	Pedestrian Gate
Point O <sub>2</sub> (Grid Ref ST 37502 63836)	Pedestrian Gate

The gates specified above are to be provided to comply with BS 5709.2006 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).

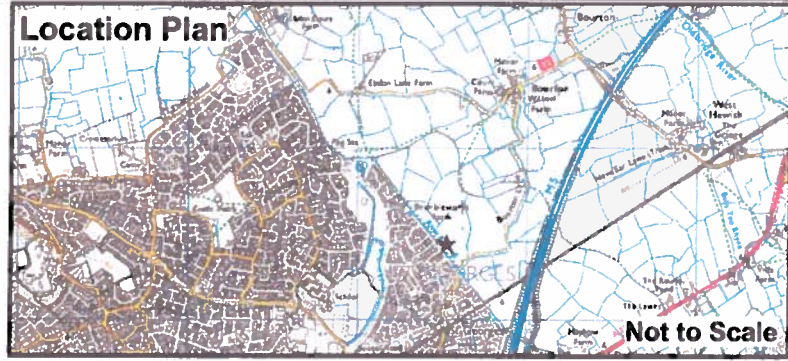



This map forms part of Public Path Diversion Order No 1 2016 sealed by North Somerset District Council in May 2016

Highways Act 1980 - Section 119 North Somerset District Council  
**Public Path Diversion Order No 1 2016**  
 Footpaths AX3/41, AX28/27, AX28/24, AX28/23 and part of AX3/40  
 Land between Ebdon Lane and Bourton Lane St Georges and Wick St Lawrence



**North Somerset COUNCIL**  
 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 1:5500 


Date 19 May 2016


Grid Square ST3763


Drawn by E Bowman

**PATHS TO BE DIVERTED**

Existing 

Proposed 

Connecting 

Paths 

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Given under the Common Seal of North Somerset District Council the 26<sup>th</sup> day of May 2016.

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

16643

*Anice*

HEAD OF LEGAL AND DEMOCRATIC SERVICES

**NOTICE OF MAKING OF AN ORDER**

**HIGHWAYS ACT 1980**

**NORTH SOMERSET DISTRICT COUNCIL**  
**(FOOTPATHS AX3/41, AX28/27, AX28/24, AX28/23 AND PART OF FOOTPATH AX3/40 ON**  
**LAND BETWEEN EBDON LANE AND BOURTON LANE**  
**ST GEORGES AND WICK ST LAWRENCE)**  
**PUBLIC PATH DIVERSION ORDER NO. 1 2016**

The above Order, made on 26<sup>th</sup> May 2016, under section 119 of the Highways Act 1980, will divert Public Footpath AX28/27, AX28/24 and AX28/23 in the Parish of Wick St Lawrence and Footpath AX3/41 and part of Footpath AX3/40 in the Parish of St Georges within the District of North Somerset as described below.

**Please note grid references are bracketed in the following paragraphs:**

**Footpath AX28/24**

That part of footpath AX28/24 in the Parish of Wick St Lawrence from point C<sub>1</sub> (ST36889 63983) running in a general easterly direction to G<sub>2</sub> via point K<sub>1</sub> (ST37058 63993), point W (ST37234 64010), point I (ST37435 64099), point M<sub>1</sub> (ST37674 64133), point G<sub>1</sub> (ST37729 64147) and point G<sub>2</sub> (ST37766 64177) a distance of approximately 900 metres as shown by a bold continuous line on Map no. PPO 163.

To a footpath running from point C<sub>1</sub> (ST36889 63983) on the east side of the River Banwell to point G<sub>2</sub> (ST37766 64177) via point Q (ST36978 63959), point L (ST37050 63971), point K<sub>2</sub> (ST37071 63971), point P<sub>2</sub> (ST37102 63954), point J (ST37240 63995), point I (ST37435 64099), point T<sub>3</sub> (ST37572 64048), point M<sub>1</sub> (ST37674 64133), point M<sub>2</sub> (ST37719 64156) to point G<sub>2</sub> (ST37766 64177) a distance of approximately 970 metres as shown by a bold broken line on Map no. PPO 163. The alternative route for Footpath AX28/24 will have a made up surface 5m wide path between point C<sub>2</sub> and P<sub>2</sub>. From P<sub>2</sub> through to G<sub>2</sub> the route will continue as an unmade surfaced 2m wide path.

**Footpath AX28/23**

That part of footpath AX28/23 in the Parish of Wick St Lawrence from point B<sub>1</sub> (ST36992 64326) in a southerly direction to D<sub>1</sub> (ST37091 63951) via point K<sub>1</sub> (ST37058 63993) and K<sub>2</sub> (ST37071 63971) a distance of approximately 410 metres as shown by a bold continuous line on Map no. PPO 163.

To a footpath running from point B<sub>2</sub> (ST36992 64326) in a south westerly, then south easterly direction to point L (ST37050 63971) via point Z (ST36944 64269), point N (ST37022 64062) to point L (ST37050 63971) a distance of approximately 470 metres as shown by a bold broken line on Map no. PPO 163. The alternative route for Footpath AX28/23 will have a made up surface 3m wide path between point B<sub>2</sub> and L.

**Footpath AX28/27 and Footpath AX3/41**

That part of footpath AX28/27 in the Parish of Wick St Lawrence from point G<sub>1</sub> (ST37729 64147) in a south westerly direction to H<sub>2</sub> (ST37613 63775) a distance of approximately 440 metres as shown by a bold continuous line on Map no. PPO 163 and that part of footpath AX3/41 in the Parish of St Georges from point H<sub>2</sub> (ST37613 63775) running in a southerly direction for a distance of approximately 450 metres to point H<sub>1</sub> (ST37623 63323) as shown by a bold continuous line on Map no. PPO 163.

To a footpath running from point T<sub>3</sub> (ST37572 64048) the proposed alternative route for AX28/24 to join the existing public right of way AX3/40 at point E (ST37437 63517) via point T<sub>2</sub> (ST37565 64041), point T<sub>1</sub> (ST37594 63883), point O<sub>2</sub> (ST37502 63836), point O<sub>1</sub> (ST37469 63795) to point E (ST 37437 63517) a distance of approximately 671 metres as shown by a bold broken line on Map no. PPO 163. The alternative route for Footpath AX28/27 and Footpath AX3/41 will have an unmade surfaced 2m wide path between T<sub>2</sub> and O<sub>1</sub>, which will then continue as a 3m wide made up surfaced path to point E.

### **Footpath AX3/40**

That part of footpath AX3/40 in the Parish of St Georges from point D<sub>2</sub> (ST37105 63933) running in a north westerly direction for a distance of approximately 20 metres to point D<sub>1</sub> (ST37091 63951) as shown by a bold continuous line on Map no. PPO 163.

To a footpath running from point D<sub>2</sub> (ST37105 63933), north end of AX3/40 to meet proposed new route AX28/24 at point P<sub>2</sub> (ST37102 63954) via P<sub>1</sub> (ST37105 63945) a distance of approximately 20 metres as shown by a bold broken line on Map no PPO 163. The alternative route for Footpath AX3/40 between points D<sub>2</sub> and P<sub>2</sub> will be a 5m wide made up surfaced path.

Copies of the Order and Order map have been placed and may be seen free of charge at the Reception desk, North Somerset Council Offices, Town Hall, Walliscote Grove Road, Weston super mare BS23 1UJ 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](http://www.n-somerset.gov.uk/notices)) Copies are also available for inspection at Worle Library, The Maltings, Worle High Street, Weston super Mare, BS22 6JB during normal opening hours (Mondays, Tuesday and Thursday 9.30am – 5pm; Friday 10am-6pm; Saturday 9.30am-12.30pm and 1.30-4pm). A copy can be obtained from North Somerset Council at the price of £6.50 if collected and £7.80 if posted out.

Any representations about or objections to the Order may be sent in writing to the Director of Development and Environment, Natural Environment Team, Streets and Open Spaces, North Somerset Council, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ not later than **30<sup>th</sup> June 2016**, quoting the reference **PAP/PPO 163**. 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: 2 June 2016

**David Carter**  
**Director of Development and Environment**

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





## **EXPLANATORY STATEMENT**

### **HIGHWAYS ACT 1980**

#### **NORTH SOMERSET DISTRICT COUNCIL** **(FOOTPATHS AX3/41, AX28/27, AX28/24, AX28/23 AND PART OF FOOTPATH AX3/40 ON** **LAND BETWEEN EBDON LANE AND BOURTON LANE** **ST GEORGES AND WICK ST LAWRENCE** **PUBLIC PATH DIVERSION ORDER NO. 1 2016**

#### **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 authority that in the interests of the landowners and of the public it is expedient that the lines of the paths should be diverted.

In the main, these paths are on land forming part of the strategic flood alleviation works for "Weston Villages" development, an area which may become flooded in times of extreme weather. Under planning development (14/P/2206/F2) a number of fields have been excavated for water storage in times of heavy rainfall. Some sections of the existing rights of way could, at times, become flooded therefore it is necessary to divert the existing rights of way onto prepared, easy access paths suitable for less able walkers thereby improving the quality and condition of these frequently used footpaths in an area close to the conurbation.

Paths AX3/41, AX28/27 and a section of AX28/24 fall outside of the flood alleviation scheme but it is felt that these routes should be rationalised so as to provide better links to the paths affected by the flood alleviation works to the west.

The proposed diversions will benefit the public by aligning the public rights of way onto easily accessible paths with clear, unambiguous routes continuing through to Ebdon and Bourton Lanes. The landowner will also benefit as the proposed new routes should reduce trespass and free up sections of land crossed by public rights of way for agricultural use.

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 line of the paths or ways or part of that line 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 simply provides an opportunity for objections or representations to be made.

Any representations about or objections to the order must be made in writing by **30<sup>th</sup> June 2016** to the Director of Development and Environment, Natural Environment Team, Streets and Open Spaces, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ quoting reference **PAP/PPO 163** 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. 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 against objectors. 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.

