

NOTICE OF MAKING OF AN ORDER

HIGHWAYS ACT 1980

NORTH SOMERSET DISTRICT COUNCIL
(PART OF FOOTPATH AX 19/9,
OVER LAND ADJACENT 'RIMBO', CROOKES LANE, KEWSTOKE)
PUBLIC PATH DIVERSION ORDER NO. 6 2018

The above Order, made on 20th December 2018, under section 119 of the Highways Act 1980, will divert that part of Public Footpath AX 19/9 in the Parish of Kewstoke within the District of North Somerset as described below:

From point A (Grid ref. ST 33445 63694) near Crookes Lane, running in a north, north westerly direction for approximately 115 metres, to point B (Grid ref. ST 33409 63803);

to a footpath from point A (Grid ref. ST 33445 63694), running in a north easterly direction for approximately 6 metres to a pedestrian kissing gate at point C (Grid ref. ST 33449 63698), then running in a north, north westerly direction for approximately 109 metres to point D (Grid reference 33416 63802), then running in a west, north westerly direction for approximately 8 metres via a footbridge, to point B (Grid reference ST33409 63803). The path will have a pasture surface and a width of 2.5 metres.

The proposal is shown on the Order Map No. PPO 175, with the existing route shown by a bold continuous line and the proposed route shown by bold broken lines. References to lettered points in this Notice are references to the points marked on the Order Map.

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). Copies are also available for inspection at Kewstoke Post Office, 24 Beach Road, Kewstoke, Weston-super-Mare BS22 9UU, during normal opening hours (9.00am-5.30pm Mondays to Fridays and 9.00am-1.00pm Saturdays). A copy can be obtained from North Somerset Council at the price of £6.60 if collected and £7.90 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 **7th February 2019**, quoting the reference **PAP/PPO 175**. 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: 10th January 2019

Colin Medus
Head of Highways and Transport

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 19/9, OVER LAND ADJACENT 'RIMBO', CROOKES LANE, KEWSTOKE) PUBLIC PATH DIVERSION ORDER NO. 6 2018

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 and of the public it is expedient that the line of the path should be diverted.

The current route of this Public Footpath is through the domestic curtilage of the applicants' home, 'Rimbo', with the first half being used for private vehicular access and parking. The remaining section is fenced on the west side and bordered on the east by trees growing in the adjacent drainage rhyne, with an old narrow wooden kissing gate just south of point B. This section has historically been a narrow and not particularly attractive route.

The applicants have recently acquired the pasture field to the east of the drainage rhyne, providing the opportunity for the footpath to be re-routed away from their domestic curtilage. If the path could be diverted, the applicants would be better able to secure their home and remove potential issues arising from private vehicular use.

It is proposed that the diverted route will have a 2.5 metres width and be across firm, free-draining pasture land. The route will be bordered by the recently cleared drainage ditch on the western side, with open views across the pasture field to the east. Should the application be successful, the eastern side of the diverted path will be bordered by a post and rail stock fence to prevent potential surface damage and any conflict arising from grazing animals.

The existing kissing gate near Point B will no longer be required and the only gate along the proposed new route will be a 1 metre metal pedestrian gate at Point C. A bridge, between points D & B, has been installed by the landowners for their private use but will be improved and maintained by them to accommodate public use, should the application be approved.

It is felt that the application is being made in the interests of the applicants and the public. The applicants will be better able to manage their private domestic areas and the public will have use of a more open, pleasant and attractive route with a new 'British Standard' specification gate, rather than the old wooden kissing gate.

Contd./...

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 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 **7th February 2019** 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 175** 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: 20th December 2018

Highways Act 1980
Section 119

North Somerset District Council

(Part of Footpath AX 19/9,
over land adjacent 'Rimbo',
Crookes Lane, Kewstoke)

Public Path Diversion Order
No. 6 2018

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

Ref: PPO 175

HIGHWAYS ACT 1980

NORTH SOMERSET DISTRICT COUNCIL

**(PART OF FOOTPATH AX 19/9,
OVER LAND ADJACENT 'RIMBO', CROOKES LANE, KEWSTOKE)**

PUBLIC PATH DIVERSION ORDER NO. 6 2018

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 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 adjacent 'Rimbo', Crookes Lane, Kewstoke and shown by a bold continuous line on the Map No. PPO 175 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. There shall at the end of 28 days from the date of confirmation of this order be a public footpath over the land situated adjacent 'Rimbo', Crookes Lane, Kewstoke described in Part 2 of the Schedule and shown by a bold broken line on the Map No. PPO 175 attached to this order.

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That part of footpath AX 19/9 in the parish of Kewstoke, from point A (grid reference ST 33445 63694) near Crookes Lane, running in a north, north westerly direction for approximately 115 metres, to point B (grid reference ST 33409 63803), as shown by a bold continuous line on the attached Map No. PPO 175.

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

A footpath from point A (grid reference ST 33445 63694), running in a north easterly direction for approximately 6 metres to a pedestrian kissing gate at point C (grid reference ST 33449 63698), then running in a north, north westerly direction for approximately 109 metres to point D (grid reference ST 33416 63802), then running in a west, north westerly direction for approximately 8 metres via a footbridge, to point B (grid reference ST33409 63803), as shown by bold broken lines on the attached Map No. PPO 175. The path will have a pasture surface and a width of 2.5 metres.

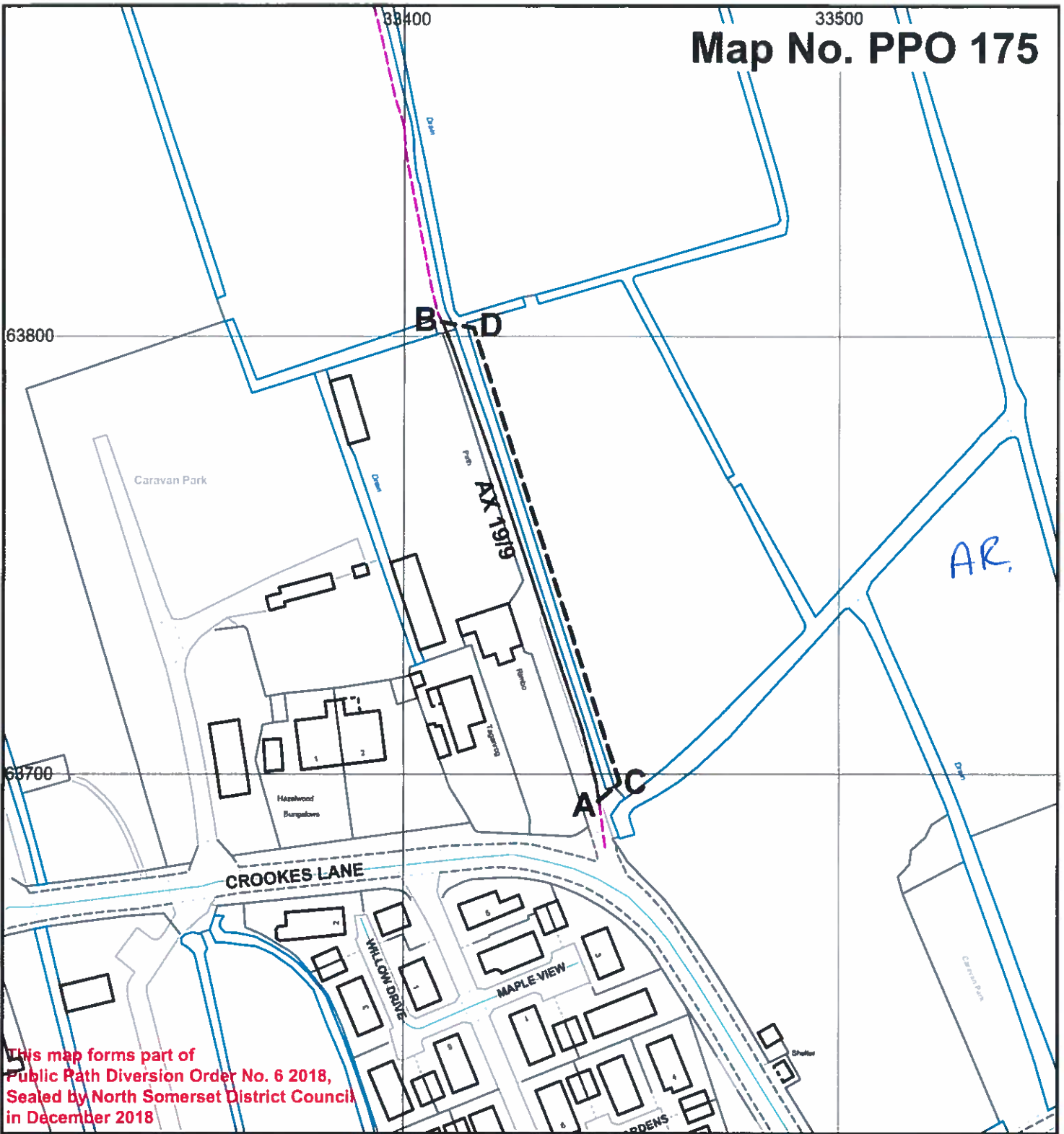
PART 3

LIMITATIONS AND CONDITIONS

Between Points D (Grid reference ST 33416 63802) and B (Grid reference ST 33409 63803)	Bridge
Point C (Grid reference ST 33449 63698)	BS 5709.2018 compliant pedestrian gate

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).

Map No. PPO 175



This map forms part of
Public Path Diversion Order No. 6 2018,
 Sealed by North Somerset District Council
 in December 2018

Highways Act 1980 - Section 119 North Somerset District Council

Public Path Diversion Order No. 6 2018

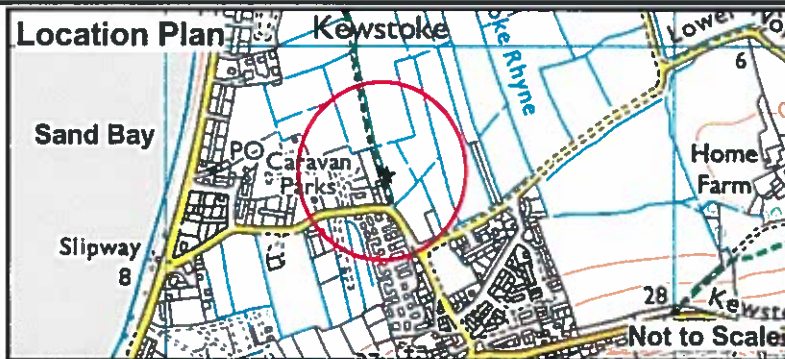
Part of Public Footpath AX 19/9, over land adjacent 'Rimbo', Crookes Lane, Kewstoke



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 1:1250



Date 20 December 2018

Grid Square ST3363

Drawn by Penny Price
PATH TO BE DIVERTED

Existing ———
 (A-B)

Proposed - - - - -
 (A-C-D-B)

Connecting paths - - - - -

Given under the Common Seal of North Somerset District Council the 20th day of December 2018.

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

13405

A. Rich

For: -

HEAD OF LEGAL AND DEMOCRATIC SERVICES