

NOTICE OF MAKING OF AN ORDER

HIGHWAYS ACT 1980

NORTH SOMERSET DISTRICT COUNCIL
(PART OF FOOTPATH AX 30/71, OVER LAND AT PHARAOHS HOUSE,
WRINGTON HILL, WRINGTON)
PUBLIC PATH DIVERSION ORDER NO. 2 2019

The above Order, made on 24th January 2019, under section 119 of the Highways Act 1980, will divert that part of Public Footpath AX 30/71 in the Parish of Wrington within the District of North Somerset as described below:

from point A (grid reference ST 47273 64273) at Wrington Hill, running in a generally north easterly direction for approximately 74 metres, to point B (grid reference ST 47334 64314);

to a footpath from the existing metal field gate at point D (grid reference ST 47266 64279) running in a generally north easterly direction for approximately 58 metres, to a new metal field gate at point C (grid reference ST 47317 64307) and then running in a generally north easterly direction for approximately 18 metres to point B (grid reference ST47334 64314).

The proposed diverted path will have a width of two metres, with a pasture surface.

The proposal is shown on the Order Map No. PPO 179, 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 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 Wrington Post Office (Amor Stores and Post Office), Broad Street, Wrington BS40 5LA, during normal opening hours (9.00am-5.00pm Mondays to Fridays and 9.00am to 1.00pm on 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 Natural Environment Team, North Somerset Council, at the Town Hall address below not later than **28th February 2019**, quoting the reference **PAP/PPO 179**. 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If no such representations or objections are duly made, or if any so made are withdrawn, North Somerset District Council may confirm the Order as an unopposed Order.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: 31st 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 30/71, OVER LAND AT PHARAOHS HOUSE,** **WRINGTON HILL, WRINGTON)** **PUBLIC PATH DIVERSION ORDER NO. 2 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 owner 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:

The legal, recorded line of this Public Footpath is routed across land which had previously been agricultural, having passed between stone barns into a pasture field.

In the early 1990s, the land now occupied by Pharaohs House was sold and development took place. A new, north-south boundary hedge was installed to separate the plot from the agricultural field and the barns were converted into a dwelling and garage. At the time, access was created to the west of the existing barn to accommodate the footpath. Since then this route has been used by the public without complaint. However no formal diversion was undertaken to reflect this change, leaving the legal line of the footpath passing through what is now the domestic curtilage of Pharaohs House.

Over the years Pharaohs House has changed hands and the garden developed resulting in the legal line being obstructed by mature plants and bushes plus a hedge and fence on the northern boundary.

The new owner of Pharaohs House, the applicant, is aware of the problem with regards to the position of the legal line of the footpath and obstructions. Although these problems were created by others, the applicant is now seeking to address the issues by formally diverting the legal line of the footpath onto the current 'used route'.

The proposed new route follows that which has been used by the public for many years without issue or complaint. The route passes through an existing field gate into a pasture field and a signed letter of consent and plan has been obtained from the owner of that field, agreeing to the footpath being legally moved onto their land.

The proposed diversion will mainly benefit the applicant, as it will remove the line of the path from their domestic curtilage. However, the public will also benefit as it will regularise current practice and allow proper signage to provide clarity for walkers. This is likely to encourage more use.

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 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 **28th February 2019** to the Natural Environment Team, Streets and Open Spaces, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ quoting reference **PAP/PPO 179** 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: 24th January 2019

Highways Act 1980
Section 119

North Somerset District Council

(Part of Footpath AX 30/71,
over land at Pharaohs House,
Wrington Hill, Wrington)

Public Path Diversion Order
No. 2 2019

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

Ref: PPO 179

HIGHWAYS ACT 1980

NORTH SOMERSET DISTRICT COUNCIL

**(PART OF FOOTPATH AX 30/71,
OVER LAND AT PHARAOHS HOUSE, WRINGTON HILL, WRINGTON)**

PUBLIC PATH DIVERSION ORDER NO. 2 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 owner 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 Pharaohs House, Wrington Hill, Wrington and shown by a bold continuous line on the Map No. PPO 179 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 at Pharaohs House, Wrington Hill, Wrington described in Part 2 of the Schedule and shown by a bold broken line on the Map No. PPO 179 attached to this order.

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That part of footpath AX 30/71 in the parish of Wrington from point A (grid reference ST 47273 64273) at Wrington Hill, running in a generally north easterly direction for approximately 74 metres, to point B (grid reference ST 47334 64314), as shown by a bold continuous line on the attached Map No. PPO 179.

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

A footpath from the existing metal field gate at point D (grid reference ST 47266 64279) running in a generally north easterly direction for approximately 58 metres, to a new metal field gate at point C (grid reference ST 47317 64307) and then running in a generally north easterly direction for approximately 18 metres to point B (grid reference ST47334 64314), as shown by a bold broken line on the attached Map No. PPO 179.

The path will have a width of two metres, with a pasture surface.

PART 3

LIMITATIONS AND CONDITIONS

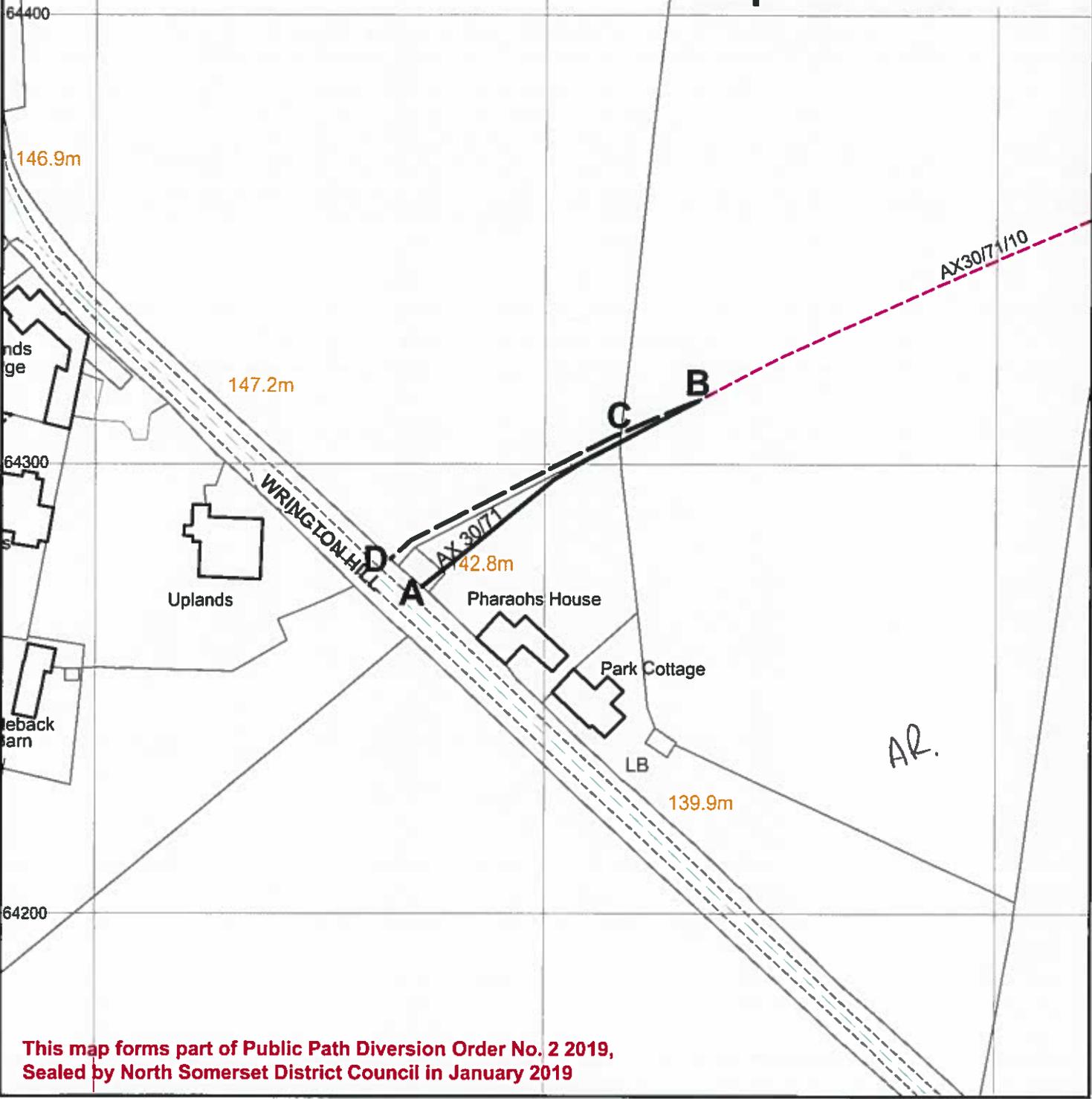
Point D (grid reference ST 47266 64279)	Metal field gate (3 metres wide)
Point C (grid reference ST 47317 64307)	Metal field gate (3 metres wide)

47200

47300

47400

Map No. PPO 179



**This map forms part of Public Path Diversion Order No. 2 2019,
Sealed by North Somerset District Council in January 2019**

Highways Act 1980 - Section 119 North Somerset District Council

Public Path Diversion Order No. 2 2019

Part of Public Footpath AX 30/71, over land at Pharaohs House, Wrington Hill, Wrington



Development & Environment

Public Rights of Way
Streets and Open Spaces
North Somerset Council
Town Hall
Walliscombe Grove Road
Weston-super-Mare
BS23 1UJ

Tel: 01934 888 802



Scale 1:1250



Date 18 January 2019

Grid Square ST 4764

Drawn by Penny Price
PATH TO BE DIVERTED

Existing (A-B) —————

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

Connecting paths - - - - -

Given under the Common Seal of North Somerset District Council the 24th day of January 2019.

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

A. Rich 13461

HEAD OF LEGAL AND DEMOCRATIC SERVICES