

# **North Somerset Council**

## **REPORT TO THE PUBLIC RIGHTS OF WAY SUB-COMMITTEE**

**DATE OF MEETING: 26<sup>TH</sup> JULY 2017**

**SUBJECT OF REPORT: PROPOSED DIVERSION OF PART OF PUBLIC  
FOOTPATH AX 29/78, ROMAN ROAD, SANDFORD**

**TOWN OR PARISH: WINSCOMBE AND SANDFORD**

**OFFICER/MEMBER PRESENTING: PENNY PRICE**

**KEY DECISION: NO**

### **RECOMMENDATIONS**

- i) That the Committee approve the making of a Section 119 Public Path Diversion Order for Footpath AX29/78; and
- ii) to arrange its subsequent confirmation if no objections are received when the Order is published; or
- iii) if objections are received and sustained, to forward the Order to the Secretary of State for determination, and promote the Order in any subsequent proceedings.

### **1. SUMMARY OF REPORT**

North Somerset Council received a Public Path Diversion Order application ('PPO'), submitted under section 119 of the Highways Act 1980, on 23rd June 2015, with amended application details received on 27th August 2015. Following representations and objections at the pre-order consultation stage and a site meeting, an updated schedule of works for the proposed route was received from the applicant's agents in January 2016.

However, in addition to objections from parties specifically notified at the pre-order consultation stage, objections were later received from a large number of parties following further advice of the submitted schedule of works /proposed bridleway dedication agreement/ of a submitted Definitive Map Modification Order ('DMMO') application (ref. 'MOD 53').

Where there are outstanding objections, normal practice is to report these to Committee, for consideration whether to progress the diversion application by making an Order (hereby recommended), or reject the proposed diversion. Today's report summaries the objection and representation points received to the proposed diversion and seeks assessment as to whether the diversion is a valid request and whether the objection and representation points made are accepted.

## **2. BACKGROUND**

The proposal is shown on 'Map No. PPO 162', attached to this Report at Appendix 1. Appendix 2 shows the existing route within the local Public Rights of Way network and the nearby Strawberry Line.

This application seeks to divert part of Public Footpath AX 29/78 in the parish of Winscombe and Sandford, in the following manner:

From point A on Roman Road (grid reference ST 41866 59512) running initially in a generally southerly direction into a field, then a south, south easterly direction to point B (grid reference ST 41951 59294), a total distance of approximately 235 metres, as shown by a bold continuous line;

to a footpath from point A running in a south, south easterly direction through minimum 1 metre restrictions (gaps) at points C (grid reference ST 41873 59499) and D (grid reference ST 41960 59297), to point E (grid reference ST 41961 59293), a total distance of approximately 239 metres, as shown by a bold broken line.

The proposed route will have a grassed surface, with a minimum 4 metres width, although drainage works will be carried-out to the middle section of the proposed path, with the application of a stone/hard core surface over the area to be drained. The historic ditch on the west side of the proposed route will be re-opened, to link to existing drainage.

Vegetation will be cleared and topped along the whole route of the proposed path and at both ends and boundary hedges will be trimmed by tractor and hedge trimmer.

Existing fences and stiles at the northern and southern ends of the proposed path (points C and D) will be removed, a 12 foot-wide field gate will be erected at the northern end (point C) for maintenance purposes and there will be the creation of minimum 1 metre restrictions (gaps) at either end of the proposed route.

The statement of reasons for the proposal on the submitted application, is as follows:

*"The proposed footpath is in fact a route that the public have taken to use over the last 10 years on their own accord due to its convenience and positioning. The diversion of the footpath would be in the interests of both the public and landowner for the following reasons;*

*The proposed footpath is situated on the Roman Road therefore has the ability to provide greater enjoyment to the public due to its historical interest.*

*The current path route leads users through land that is regularly used for commercial operations. This involves the use of increasingly large machinery and therefore poses a health and safety risk to the public whilst machinery operations take place, especially because the machinery and the public both use the same access points into the field.*

*The proposed footpath location will ensure there is a clear divide between the public and machinery as the public will have a clearly defined route along Roman Road as well as separate access points.*

*Overall, the diversion of the current footpath onto Roman Road provides improved positioning, convenience and health and safety for the public as well as delivering greater enjoyment and enhancing the historic interest of the Roman Road."*

### **3. POLICY**

The maintenance of the Definitive Map should be considered as part of the management of the Public Rights of Way network and so contributes to the corporate plan “Health and Wellbeing” and “Quality Places”.

### **4. DETAILS**

#### **i) Legal context**

The proposed diversion complies with the various provisions of Section 119 of the Highways Act 1980 and the relevant sections are extracted below:

#### Section 119 (1)

This deals with the making of the Order and states that:

“Where it appears to the council as respects a footpath, bridleway or restricted byway in their area (other than one that is a trunk road or special road) that, in the interests of the owner, lessee or occupier of the land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line should be diverted (whether on to land of the same or of another owner, lessee or occupier) the council may” divert the path.

#### Section 119 (6)

This deals with the confirmation of the Order and states that:

“The Secretary of State shall not confirm a public path diversion order, and a Council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which:

- a) the diversion would have on public enjoyment of the path or way as a whole;
- b) the coming into operation of the order would have as respects other land served by the existing right of way; and
- c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it ...“

#### **ii) Objections**

Normal practice for pre-order consultations on PPO applications, is to notify affected/neighbouring landowners, interested parties/local user groups, utility companies, the local Parish Council and the local ward councillors; and this is to gauge the level of feeling towards a proposal. Formal consultation is only undertaken following the making of an order, including posting of Public Notices at the site, in a local newspaper and on the council's website. The council has received objection/representation from a larger number than had been specifically notified on this PPO.

Outstanding objections and representations have been received from 25 parties (advice received from utility companies is not included in this figure). Some respondents advise no objection to the diversion in principle, however they express objection or concerns due to details, such as clear openings at the ends of the proposed route, with possible subsequent use by horseriders and motorised vehicles.

The council, along with the owner of the land have sought to agree the least-restrictive means to access on the proposed route.

The local representative of the Ramblers Association has been advised of the proposed works to bring the new route into a fit condition for use by the public and, provided all these works are carried-out to the council's satisfaction to improve the route, they do not object to the diversion.

A large number of objections have been stated to any higher status of the proposed footpath, such as bridleway. Although a dedication agreement to bridleway status had been agreed should the PPO be confirmed, those concerns will need to be re-iterated when the DMMO application 'Mod 53' is determined.

Therefore, this report seeks to consider only the proposed footpath diversion and the specific objection/representation points in this respect have been listed in this report.

**The outstanding objection/representation points are summarised below:**

1.	<p><b>Definitive Map Modification Order application ('DMMO') for bridleway/'BOAT</b></p> <p><i>Objection due to fact proposed route part of DMMO claimed route. Objection withdrawn when advised that applicants happy to enter into bridleway dedication agreement.</i></p>
2.	<p><b>Parish Council ('PC')</b></p> <p>PC support diversion order subject to kissing gate replacing stile at northern end of path and fence being repaired. This would address some concerns of neighbours regarding unofficial use of path by unauthorised vehicles. Southern end of path should remain as existing, without addition of furniture.</p>
3.	<p><b>Elaine Bowman, Senior Access Officer, North Somerset Council Public Rights of Way Team</b></p> <p>Proposed diverted route will fall within a track which is the subject of a Definitive Map Modification Order claim, Mod 53. As it is claimed that this track already carries higher highway rights than that of a footpath, it may not be appropriate to divert this route without consideration of the claimed higher rights.</p> <p>This matter has previously been discussed with the applicant with the suggestion that a bridleway dedication agreement is entered into by the owners of the land to run concurrent with the diversion order. If the Order was successful this would have the effect of removing the footpath from the orchard onto the track but also satisfying the</p>

	<p>claimed higher rights application over this land. Agreement to this suggestion may remove any submitted objections to the diversion Order.</p> <p>I would be obliged if you would register this email as a potential objection against the proposal to divert Footpath AX29/78 onto this track.</p> <p><i>This potential objection shown here for information, however the council has since received a Direction from the Secretary of State for Environment, Food and Rural Affairs, to deal with the submitted DMMO application by December 2018.</i></p>
4.	<p><b>CONCERNS REGARDING PROPOSED ROUTE PATH FURNITURE/WIDTH</b></p>
4.a	<p><b>Removal of existing stiles/leaving gaps (including 1 metre gap) either end of proposed route</b></p> <p>Objections/concerns this could result in use of footpath by horseriders and unauthorised vehicles such as motorcycles and quad bikes, with temptation to divert onto Strawberry Line (route could be seen as useful shortcut between Station Road and Hill Road). Request for new stile in present position to retain countryside state of footpath, also suggestion of kissing gates instead (being easier to negotiate than stiles) and also that Parish Council agreed in October 2015 for kissing gates either end.</p> <p>Clear openings at north and southern end will encourage rat run for motorcycles or quad bikes.</p>
4.b	<p><b>Removal of fence/erection of 12ft farm gate, northern end of diversion (presumably for tractor/hedge trimmer use)</b></p> <p>Objection as Roman Road is only just over 10ft wide as it's narrowest point and a resident's boundary wall has been damaged on several occasions by large vehicles using Roman Road. 12 foot farm gate as northern end will result in more damage to residents property. Therefore suggest that 12ft farm gate is sited at southern/Hill Road/Sandford Hill end of diversion.</p>
4.c.	<p><b>Clearance of 4-metres swathe path width</b></p> <p>Current unofficial path is pleasant meandering walk between hedges and vegetation and there is at least one badger sett in hedgerow. Suggest maintenance could be generally carried out by small hand machines rather than large tractors and that cleared width need only be 5ft wide.</p> <p>Why is proposed 4 metres width necessary for a footpath/is there an ulterior motive?</p>

<p>4.d</p>	<p><b>Wildlife on proposed route</b></p> <p>Installation of wider gate will necessitate some clearance of undergrowth and hedgerow, endangering a wealth of wildlife including badgers. Clearing 4 metres width will disturb a lot of wildlife ie badgers living in bank and seems unnecessary.</p> <p>Current proposed path condition means path ideal for wildlife and should be left to them.</p> <p>Request to take badger sett into account when stoning boggy areas and reinstating ditch.</p>
<p>5.</p>	<p><b>Condition of proposed route/works required – boggy/waterlogged/drainage issues (claims that proposed route is boggy and muddy for most of year except summer and also of these conditions throughout the year)</b></p> <p><i>The necessary drainage/surface works required, following highlighting of this matter in objections/comments, were subject of on-site discussions between NSC and the landowners/their agents, resulting in submission of a ‘Schedule of Works’. However, outstanding/subsequent objections/comments have noted the following:</i></p> <p>Drainage on new route is permanent problem, which cannot be solved by simply dumping gravel along middle of diversion route. Updated drainage works are understood to be simply building up the path. This has been done on many occasions and the gravel sinks into the mud when it rains again and is washed away.</p> <p>If more substantial work undertaken, concern this might cause excessive surface water to flow down towards Roman Road and increase risk of flooding to properties on that road.</p> <p>Area of land to south of proposed diversion suffers poor drainage, which has affected neighbouring land. Believe this is due to water run-off from hill behind and water flowing through lane entrance on Hill Road. Would need groundwork to make path passable all year, impacting drainage and likely diverting water onto adjacent land.</p> <p>Proposed route is wet and boggy at all times of the year and is unsuitable for older or slightly less agile people due to uncertain depth of terrain which must breach their DDA rights. Another states diversion is boggy and muddy for most of year apart from summer, then it becomes overgrown, so is effectively impassable most of time.</p> <p>Boggy and muddy diversion route likely to get even worse with added foot traffic. Like to put people off, which is a shame, when so close to Sandford Station Retirement Village/nursing home.</p> <p>Walkers disadvantaged and discouraged by wet and muddy conditions underfoot, as diverted path less well-drained. Proposed route will need more maintenance than existing, creating a burden on council.</p> <p>Objector does not believe there are effective plans in place to improve drainage.</p>

6.	<b>Applicant's statement of reasons for diversion:</b>
6.a.	<p><b>Applicant's statement of reasons for diversion:</b></p> <p><i>"The proposed footpath is in fact a route that the public have taken to use over the last 10 years on their own accord due to its convenience and positioning".</i></p> <p>This is not correct, as the reason for public use was the landowner erecting large/high locked gates at either end of the field (approx. points A and B), making legal line of route impassable. The Partially water-logged 'extension' to Roman Road was only alternative for walkers following footpath signs from A368 or from footpath AX 29/41 adjacent to Hill Road. Proposed route was not used by choice.</p> <p>Some elements of proposal are misleading or inaccurate – perhaps "proposed" should read "retrospective" as diversion is fait accompli.</p> <p>Landowner flaunted legal obligations and made alterations to suit their objectives, without first seeking rights to do so. Proposed route is unmaintained and poorly kept path, adjacent to neighbouring landowners boundaries.</p>
6.b	<p><i>"The diversion of the footpath would be in the interests of both the public and landowner for the following reasons ..."</i></p> <p>Adjoining property owners feel they are the most affected by this. Diversion seems purely for landowner's convenience, not for benefit of walkers.</p> <p>Diversion is not expedient and an inferior route for walkers.</p>
6.c	<p><i>"The current path route leads users through land that is regularly used for commercial operations. This involves the use of increasingly large machinery and therefore poses a health and safety risk to the public whilst machinery operations take place, especially because the machinery and the public both use the same access points into the field."</i></p> <p>Although use of the land where footpath currently resides has changed from wheat to corn to apples, we have not noticed an increase in the amount or frequency of heavy machinery. As local residents, only hear and see heavy machinery around handful of times a year and this doesn't affect people using path.</p> <p>Existing route doesn't conflict with operation of the orchard, as there is wide margin between footpath and nearest trees.</p> <p>Existing footpath goes through apple orchard, which is quiet and deserted mostly, except for walkers. Never been any incident or accident involving machinery, there is good visibility and plenty of room between footpath and operational area. Many other footpaths go through far more dangerous sites.</p>

6.d	<p><i>"The proposed footpath is situated on the Roman Road therefore has the ability to provide greater enjoyment to the public due to its historical interest."</i></p> <p>Objector advises there is no difference in enjoyment, from current Roman Road on original path.</p>
6.e	<p><i>"The proposed footpath location will ensure there is a clear divide between the public and machinery as the public will have a clearly defined route along Roman Road as well as separate access points."</i></p> <p>There is a clear divide, since a 12ft high fence has been erected by owners forcing the path alteration, the same can be made further back to align with original path.</p>
6.f	<p><i>"Overall, the diversion of the current footpath onto Roman Road provides improved positioning, convenience and health and safety for the public as well as delivering greater enjoyment and enhancing the historic interest of the Roman Road."</i></p> <p>Original path has better positioning, convenience and health and safety for the public as well as delivering great enjoyment of the Roman Road. Walkers enjoyment will suffer.</p>
7.	<p><b>Effect on adjacent land/properties</b></p> <p>We believe diversion closer to our property will reduce our privacy and we do not wish to be forced to erect a screening fence to maintain our current privacy, or prevent dogs trespassing and removing the freedom to roam for the various wildlife. Not only do we not desire a fence, we do not wish to be financially inconvenienced for erecting a fence nor burdened with increased timely and costly maintenance of an extensive fence.</p> <p>Negative impact on those properties closer to proposed footpath.</p> <p>If substantial drainage work undertaken, concern this might cause excessive surface water to flow down towards Roman Road and increase risk of flooding to properties on that road.</p> <p>Area of land to south of proposed diversion suffers poor drainage, which has affected neighbouring land. Believe this is due to water run-off from hill behind and water flowing through lane entrance on Hill Road. Would need groundwork to make path passable all year, impacting drainage and likely diverting water onto adjacent land.</p> <p>Adjoining property owners feel they are the most affected by this. Diversion seems purely for landowner's convenience, not for benefit of walkers.</p>

<p>8.</p>	<p><b>Heritage, environment, economy and countryside</b></p> <p>Existing footpath is social, environmental and economic asset to village and local area. Many walkers come to enjoy the countryside here, the Strawberry Line and the Award lands; and the footpaths leading to these, including this one, and spend money in our local businesses. Taking this existing footpath away removes an existing and valuable attraction for visitors and tourists, who help support our local economy. They will be less inclined to plan a walk via the diversion.</p> <p>Would be detrimental step and discourage local people and visitors from using this connection to the network of paths around village, that are currently well-used.</p> <p>Strawberry Line is a straight route, so common for walkers to return via Roman Road to vary route. Current Roman Road route adds variety and enjoyment for villagers and visitors alike.</p> <p>Believe strongly that countryside is under threat and applications like this are just thin end of wedge.</p> <p>Have always understood footpaths are sacrosanct, a valued part of our culture and heritage and are very special. Seems strange they can now be altered simply for convenience. This (diversion) surely established a precedent. I am wondering why one footpath should be diverted and not others?</p> <p>Detrimental to our heritage and enjoyment of countryside to divert original rights of way.</p> <p>Locked gate on AX 29/78 deprived public of right of way that had existed for centuries. No compelling reason for removing that now.</p> <p>Footpaths on land are inconvenient sometimes but we must protect our footpaths and their historical place and status in our lives.</p>
<p>9.</p>	<p><b>Land ownership of proposed route</b></p> <p>Objector's understanding is that (proposed diversion) lane is owned to the mid point by the properties to the east and Thatchers to the west. They therefore object to the proposal as they own 50% of the land at the south entrance to Roman Road and have at no point been asked for permission by the Thatchers to divert the footpath onto their land, nor would permission be given.</p>

10.	<p><b>Questioning whether diversion is to accommodate a future use of the field?</b></p> <p>A wider, diverted right of way would make it easier for applicant to develop site for future housing.</p> <p>Fact that this site has been offered for residential development is a material consideration which should have been disclosed by applicants at early stage. In early 2015 applicants offered orchard as speculative housing development site for 120 dwellings in response to council's call for sites and that year applied for diversion of footpath.</p>
11.	<p><b>Necessary to divert path?</b></p> <p>Orchard is managed at present. Is it really necessary to divert path to expand access?</p> <p>If landowner concerned about security of orchards, they would hardly be allowing full access through them along Katy Way on the Strawberry Line. Path has been used in its existing format, apart from when gates were locked and is by far the safest option for walkers of all abilities. Appears no valid argument produced by the applicant for diverting.</p>

**Officer comments:**

1.	<p>Section 119 of the Highways Act 1980 makes provision for a landowner to apply to divert a Public Right of Way. The PPO applicants/landowners reasons for the proposed diversion, for commercial operations, are stated at Section 3 of this report. This proposal satisfies the tests of the above Act.</p>
2.	<p>Although the PPO and DMMO matters are linked due to the fact they partly include the same route and the applicant's agents were advised of the receipt of the DMMO application before their formal application was received, the applicants are at liberty to apply to divert the Public Footpath.</p>
3.	<p>Although the public have been walking the proposed diversion route, it is accepted that the gate near the north western end of the existing route to be diverted, had been locked, therefore necessitating use of the adjacent lane (now the proposed route). However, the gate was unlocked by the landowners/applicants with the existing route being reopened for use.</p>
4.	<p>The agreement of all landowners must be in place before a diversion order can be made. The council has been advised by the applicant's agents that Messrs Thatchers own the proposed diversion route and that this is awaiting registration with Land Registry.</p> <p>However, it has been suggested that the proposed route is owned to the mid point by the properties to the east and Thatchers to the west and the party therefore having 50% land ownership of part of the proposed route objects and has not been asked for their permission to divert the footpath onto their land, nor would permission be given.</p> <p><b>This point is fundamental to the diversion proposal.</b></p>
5.	<p>The proposed route is located immediately adjacent the existing, to the east of the field boundary. The existing length of the footpath to be diverted between points A-B is approximately 235 metres, with the proposed length between points A-C-D-E being approximately 239 metres, therefore the addition of approximately 4 metres, on a route very near to the existing, would not be substantially less convenient to footpath users. The proposed route is more direct for those wishing to access the Hill Road area but only approximately an extra 14 metres from point A, for walkers accessing Public Footpath AX 29/41, to reach the 'Strawberry Line'. Appendix 2 shows an extract from the council's electronic Working Copy of the Definitive Map, indicating those Public Footpath AX 29/41 links to Hill Road and the Strawberry Line.</p>
6.	<p>It appears the worn footpath route used on the proposed route incorporate a gap in the fence to the left of the current stile near point C.</p>

7.	The local representative of the Ramblers Association does not object to the proposed diversion provided all the works described in the updated schedule of works are carried out to the council's satisfaction, to improve the proposed route.
8.	Objections/representations were received from a larger number of people than had been specifically notified on this proposed PPO, however, it is beneficial to try to seek resolution to the points expressed before the formal order process.
9.	<p>Some parties have advised they do not object to the diversion in principle but they join other parties in having concerns over gaps left at the start and end points of the proposed routes. The council always seeks the least restrictive means of access. Path furniture on a diverted Public Footpath should be stipulated in any diversion order made. However, the council cannot normally authorise path furniture, as this is only permitted for stock control reasons and an order would include a clause requested the path furniture be removed if no longer required for agricultural reasons.</p> <p>The strength of feeling regarding path furniture in this particular location, which is claimed could be an unauthorised short-cut route for horses/motorised vehicles, may require monitoring of the future path needs, if an order is made.</p>
10.	Clearance of a minimum 4 metres-width for the proposed path had been agreed with the applicants/their agents on site, following the applicant's agreement to enter into a dedication agreement for a Bridleway, to address the initial objection due to the claimed DMMO route.
11.	Should an order be made and the path diverted, there will be full consultation with the council's Biodiversity Officer and any necessary organisations they advise, with regards wildlife at the site.
12.	Officers met with the applicants and their agents at the site to look at the works required to bring the proposed new path into a fit condition for use by the public and this included seeking to address drainage concerns expressed. A schedule of works was subsequently submitted and, if an Order is made, confirmed and the route diverted, this will only come into effect after such time as the council have certified that the new route is in a fit condition for use, including the drainage works to be carried-out.
13.	If Committee resolve to make an Order, the formal consultation process will again include landowners/neighbouring landowners.

14.	<p>If diverted, the council will ensure that the new route is in a fit condition for use for the public, before it comes into effect/use. Although enjoyment is a matter for personal opinion, the council's undertaking that the new route will not be open to footpath users until it has been certified as being in a fit condition, should ensure walkers are not disadvantaged by an inferior surface or route condition.</p> <p>The track at Roman Road appears the natural continuation of the Roman Road itself and the route will merely be moving adjacent/into that, therefore ensuring continued availability as a route from Station Road to Hill Road and as part of a circular route/link with the Strawberry Line.</p>
15.	<p>Points have been raised about the future possible use of the orchard where the existing path runs and this orchard being suggested in response to the council's 'Call for sites'. In principle call for sites submissions in themselves don't have any status – they are just a way of those with a land interest making the Council aware that the land may be available for development. The council then considers these sites when preparing development plans and may in due course allocate them through the Development Plan for a certain type of development.</p> <p>However, following the particular call for sites responses, the orchard is not being proposed for allocation.</p> <p>In addition, the council has to deal with the PPO application before it at this time and, as we are not aware of any plans to actually develop the orchard, the application has been submitted to us under the correct Act (Highways Act 1980, section 119).</p>
16.	<p>As the applicant has stated their reasons for wishing to divert the path and there is an adjacent alternative route, it appears expedient in the interests of the landowner to make a PPO and seek diversion of the path. Although respondents have advised of no problems encountered (other than to do with locked gates) with using the current path adjacent commercial orchard operations, it is not for the council to question or assume how the applicants will use the existing route within their orchard, if diverted.</p> <p>If an order is successful, it will not come into operation until the council has certified that the new route is in a fit condition for use by the public.</p>

## 5. CONSULTATION

Pre-order consultations were undertaken (including affected/neighbouring landowners, interested parties/local user groups, utility companies, Winscombe and Sandford Parish Council, the local ward councillor). Outstanding objection/representation points are summarised at section '4. Details' of this Report, above.

## **6. FINANCIAL IMPLICATIONS**

The applicants are to pay the council's normal Public Path Diversion Order application costs and those of bringing the new route into a fit condition for use by the public. If an Order is made and objections are received at the formal consultation stage which cannot be resolved by the council, the Order will be submitted to the Secretary of State for confirmation. The council will be unable to recover costs from this submission point onwards, so these would be borne by the council.

## **7. RISK MANAGEMENT**

If this Diversion Order is submitted to the Secretary of State, there are three methods which an Inspector can use to determine the matter: Written Representations; a Hearing or a Public Inquiry. The Objectors are invited to state which method they wish to be followed, the Council have no say in deciding.

## **8. EQUALITY IMPLICATIONS**

Public rights of way are available for the population as a whole to use and enjoy irrespective of gender, ethnic background or ability and are free at point of use.

## **9. CORPORATE IMPLICATIONS**

Any changes to the network will be reflected on the GIS system which forms the basis of the relevant corporate records.

## **10. OPTIONS CONSIDERED**

The options to be considered by this Committee are:

- i) to approve the making of a Section 119 Public Path Diversion Order for Footpath AX29/78; and
- ii) to arrange it's subsequent confirmation if no objections are received when the Order is published; or
- iii) if objections are received and sustained, to forward the Order to the Secretary of State for determination and promote the Order in any subsequent proceedings.

OR

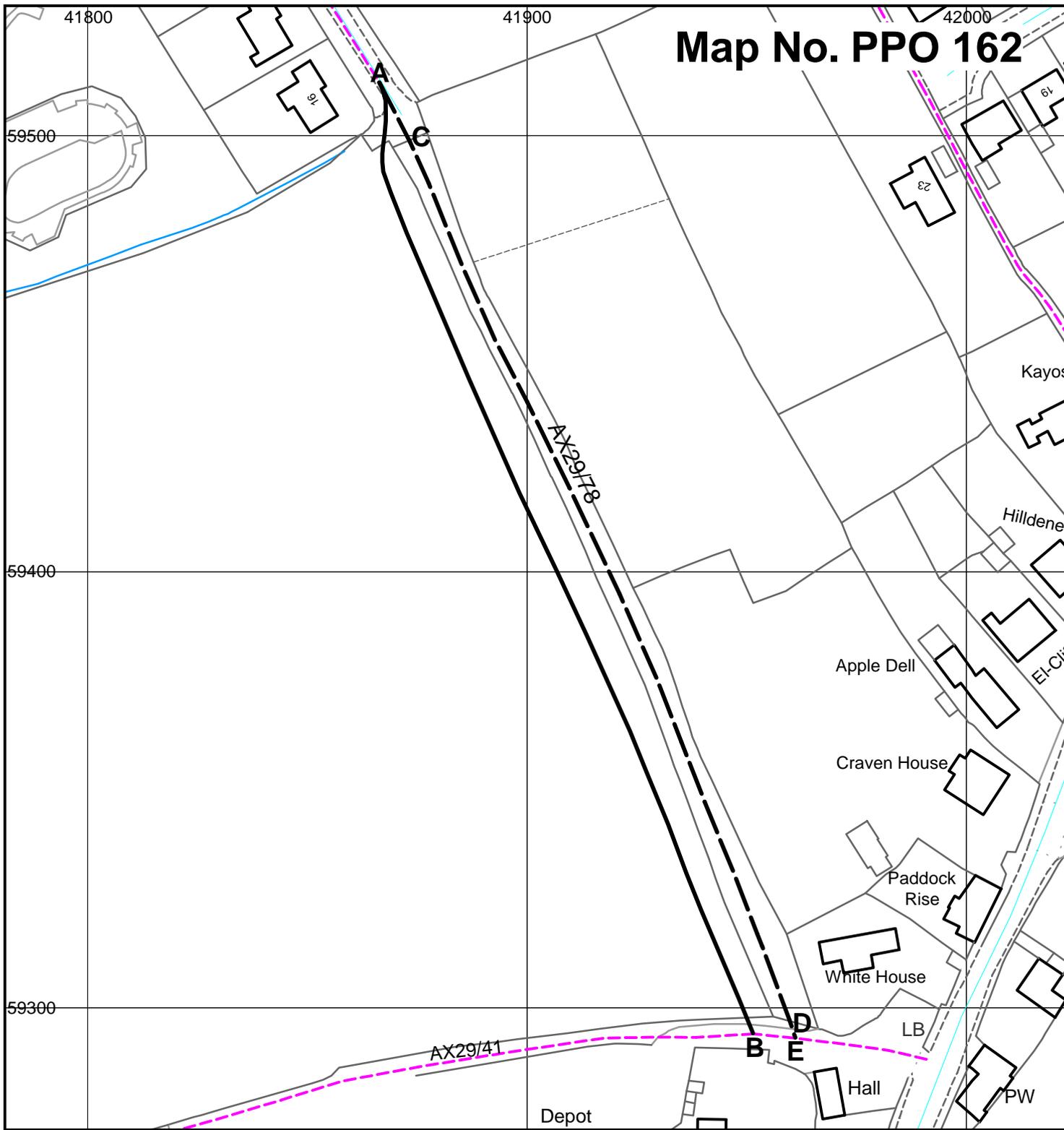
- iv) to abandon the proposed Public Path Diversion Order application and advise the applicant(s), having regard to the risk management factors at section 7, above.

## **AUTHOR**

Penny Price, Access Support Officer, Public Rights of Way (Natural Environment)  
Tel. 01934 427467

## **BACKGROUND PAPERS**

Public Rights of Way Section File PPO 162



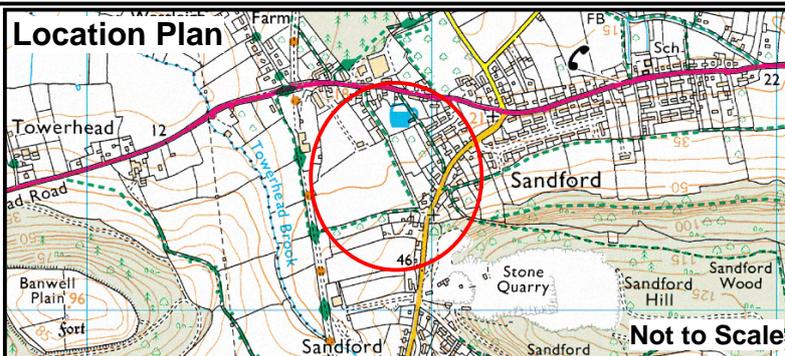
Highways Act 1980 - Section 119 North Somerset District Council  
**Proposed Public Path Diversion Order**  
 Part of Public Footpath AX 29/78, Roman Road, Sandford, Winscombe and Sandford



**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 30 September 2015

Grid Square ST 4159

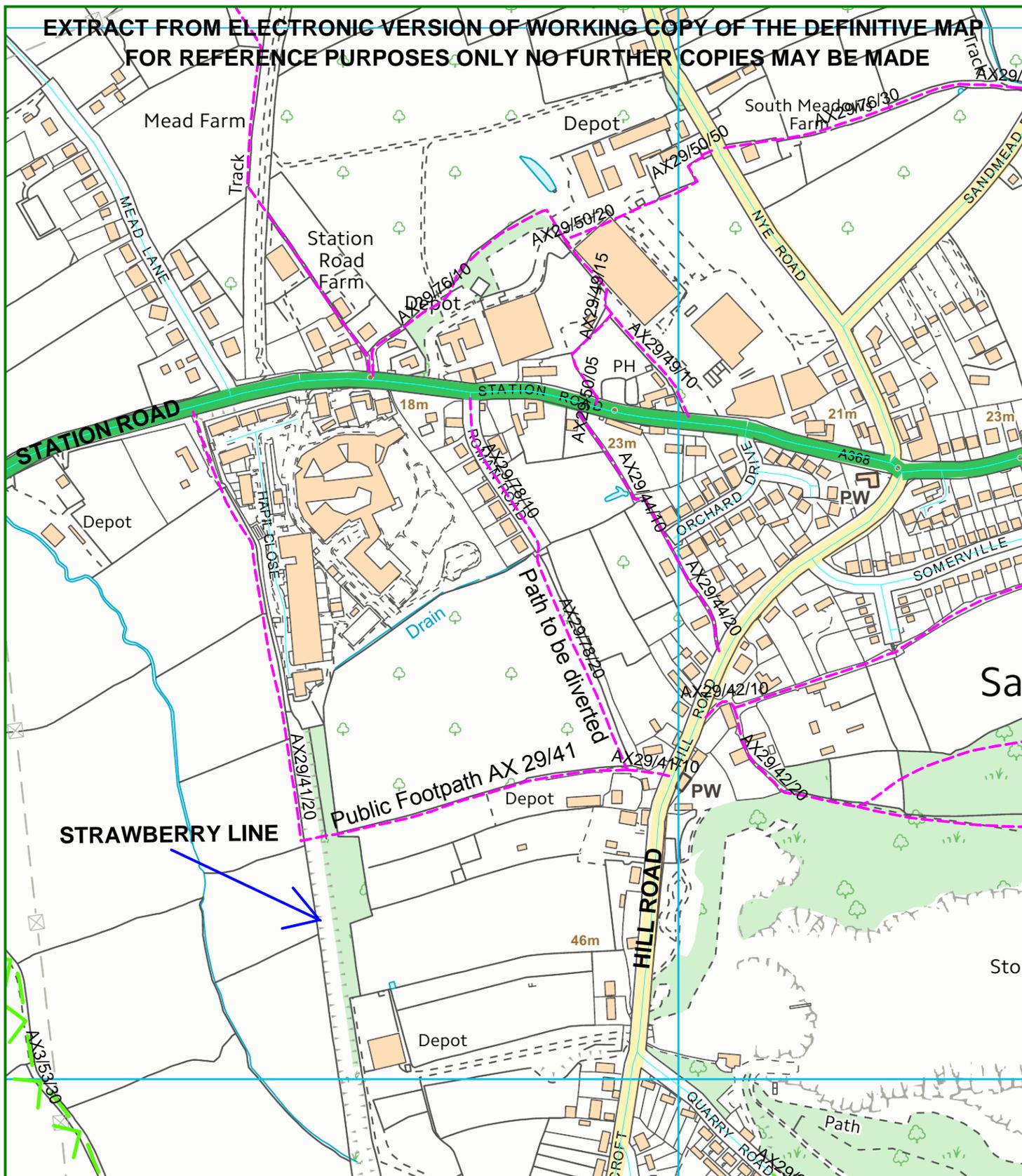
Drawn by Penny Price  
**PATH TO BE DIVERTED**

Existing (A-B)

Proposed (A-C-D-E)

Connecting Paths

**EXTRACT FROM ELECTRONIC VERSION OF WORKING COPY OF THE DEFINITIVE MAP FOR REFERENCE PURPOSES ONLY NO FURTHER COPIES MAY BE MADE**



The Definitive Map has a relevant date of 26th November 1956 and has not been formally re-published since then. This map shows an electronic working copy of the Definitive Map which attempts to show the information on the Definitive Map and any subsequent legal changes. The Council can accept no responsibility for any error or inaccuracy which may arise from use of the electronic Working Copy map.



**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

**Map extract to show Public Rights of Way**

**Area south of Station Road, Sandford**

**KEY**

**Public Footpath** - - - - -

**Map produced for NSC Public Rights of Way Sub-Committee, Meeting of 26/07/2017**

**OS Licence No.100023397**



**Scale 1:5000**

**Drawn by Penny Price**

**Drawing No. PAP/2017/07/13**

**Date 13 July 2017**