

NOTICE OF ORDER

HIGHWAYS ACT 1980 SECTION 119A

South Gloucestershire Council
WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A
(Public Footpath OCH8, Charfield) Rail Crossing Diversion Order (No 2)
2016

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is [**22 February 2017**].

Consideration of the Order will take the form of a hearing.

The Hearing will be held at Yate Town Council Offices, Poole Court, Poole Court Drive, Yate, BS37 5PP on 14 June 2017 at 10.00am.

The effect of the Order, if confirmed without modifications, will be to divert that part of public footpath OCH8 at Charfield which extends from point X at the entrance to Appletrees from New Road (Grid reference ST 7212 9276), westwards then southwards to point Y (Grid reference ST 7210 9269) and then generally west south westwards over the railway lines to point Z (Grid reference ST 7207 9268) and across the field to point G (Grid reference ST 7199 9268), to a line running from point A (Grid reference ST 7212 9277), which is 5 metres north of the said point X above, with a kissing gate, running generally westwards for 50m along the field edge to point B (Grid reference ST 7207 9277), then north, north westwards for 156m to point C (Grid reference ST 7201 9292), the path crosses the railway tracks, rising up and down the embankment by way of steps and landings south westwards for 54m to point D (Grid reference ST 7196 9290) then south, south eastwards for 127m to a kissing gate at point E (Grid reference ST 7201 9278) and then westwards for 31m along the field edge to point F (Grid reference ST 7198 9278) and then southwards for 97m following the field edge to point G (Grid reference ST 7199 9268) to join the unchanged section of the route of OCH8 as shown on the order map.

Any queries relating to this Order should be referred to Charlotte Callaway at The Planning Inspectorate, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5779. Email: charlotte.callaway@pins.gsi.gov.uk. Please quote reference number FPS/P0119/4/15 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order can do so free of charge at the Yate One Stop Shop

(next to the Leisure Centre), Kennedy Way, Yate; during normal opening hours and at Chipping Sodbury Public Library, Old Grammar School, High Street, Chipping Sodbury, South Gloucestershire; during normal opening hours. Copies of the order and map may be bought at the price of £4.50. You may also view the map relating to this notice on the council's website at www.southglos.gov.uk/consultation

Timetable for sending in statements of case

Within 8 weeks of the start date [19 April 2017]

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to everyone who has made an objection or representation, the applicant and any other person who has written to us in respect of the Order.

Within 12 weeks of the start date [17 May 2017]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Hearing must ensure their statement of case¹ is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

All parties must keep to the timetable set out above and ensure that statements of case are received by the Secretary of State on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

Notice of order for hearing

¹ If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the hearing.

RAIL CROSSING DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER

**HIGHWAYS ACT 1980, SECTION 119A
WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A (2)**

SOUTH GLOUCESTERSHIRE COUNCIL (PUBLIC FOOTPATH OCH8, CHARFIELD)
RAIL CROSSING DIVERSION ORDER (NO.2) 2016

This order is made by South Gloucestershire District Council ("the authority") under section 119A of the Highways Act 1980 ("the 1980 Act").

The footpath described in paragraph 1 of this order in the authority's area crosses a railway otherwise than by a tunnel or bridge.

It appears to the authority that it is expedient in the interests of the safety of members of the public using, or likely to use, the said footpath that it should be diverted on to land which in part belongs to another owner as described in the Schedule.

This order is also made under section 53A (2) of the Wildlife and Countryside Act 1981 ("the 1981 Act) because it appears to the authority that the definitive map and statement for the former Thornbury Rural District require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.

The South Gloucestershire District Council has required the operator of the railway to enter into an agreement to defray any compensation which becomes payable in consequence of the coming into force of this order and any expenses which are incurred in the erection or maintenance of barriers and signs and bringing the new site of the footpath into a fit condition for use by which public which may be recovered by the highway authority.

The map attached to this order shows alternative highways available to the public in a bold dashed line.

BY THIS ORDER:

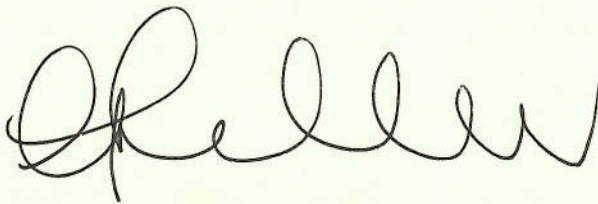
1. The public right of way over the land situated at Charfield and shown by a bold continuous line on the map attached to this order and described in Part 1 of the Schedule to this order shall be extinguished on the date on which South Gloucestershire District Council certify that work has been carried out to bring the site of the new highway mentioned in Article 3 into a fit condition for use by the public and thereupon the Thornbury definitive map shall be modified by deleting from it that public right of way.
2. Despite paragraph 1 of this order Western Power Distribution, Bristol Water plc and Openreach (part of the British Telecommunications Group plc) shall have the following rights over the land referred to in paragraph 1 namely, the continuation of any rights existing on the date hereof to repair; replace and maintain their existing apparatus provided that as from the date of this order the consent of the rail operator shall always be obtained before entering the rail operator's property for these purposes.

AUTHORITY FOR SEALING	
Council Resolution	P Rowce Sub
Committee minute	13 of 21/07/2016
Initials	[Signature]

3. There shall from the date of confirmation of this order be a public footpath over the land situate at Charfield described in Part 2 of the Schedule and shown by a bold broken line on the map attached to this order, and thereupon the definitive map and statement shall be modified by adding that footpath to it.
4. The definitive statement for the former Thornbury Rural District shall be modified as described in Part 3 of the Schedule.
5. The operator of the railway crossed by the footpath described in paragraph 1 shall maintain the part shown from A-B-C-D-E on the said map of the footpath created by this order.

Given under the Common Seal of South Gloucestershire District Council on the 20th day of September 2016.

THE COMMON SEAL of
SOUTH GLOUCESTERSHIRE
DISTRICT COUNCIL was hereunto
affixed in the presence of:-



Deputy to the
Head of Legal Governance & Democratic Services



SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That length of public footpath OCH8 at Charfield which extends from point marked X at the entrance to Appletrees from New Road, (grid reference ST7212 9276) on the map attached to this order ("the Map") in a westerly then southerly direction to the point marked Y on the Map (grid reference ST7210 9269) and then in a generally west south westerly direction over the railway lines to point Z (grid reference ST 7207 9268) and across the field to the point marked G on the Map (grid reference ST7199 9268).

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

Description of Site of New Path or Way	Owners, lessees or occupiers
<p>From point A (grid reference ST 7212 9277) on the map, which is 5 metres north of the said point X above, with a kissing gate, running in a generally westerly direction for 50 metres along the field edge to point B (grid reference ST 7207 9277), then in a north, north westerly direction for 156 metres to point C (grid reference ST 7201 9292), the path crosses the railway tracks, rising up and down the embankment by way of steps and landings in a south westerly direction for 54 metres to point D (grid reference ST 7196 9290) then in a south, south easterly direction for 127 metres to a kissing gate at point E (grid reference ST 7201 9278) and then in a westerly direction for 31 metres along the field edge to point F (grid reference ST 7198 9278) and then in a southerly direction for 97 metres following the field edge to point G (grid reference ST 7199 9268) to join the unchanged section of the route of OCH8. A total length of 515 metres.</p> <p>The width of the path is A – B – C: 2 metres; C – D: Steps 1 metres; Railway Track 1.8 metres; D – E: 2 metres; E – F: 1.95 metres; F – G: 1.75 metres; Pinch Point near Point G of 1.6 metres due to telegraph post.</p>	<p>Network Rail Infrastructure Ltd. are the owners of the land over which the path runs from point A – B – C – D – E</p> <p>Mr Adams is the owner of the land over which the path runs between point E – F – G</p>

PART 3

Modification of Definitive Statement

Variation of particulars of path or way

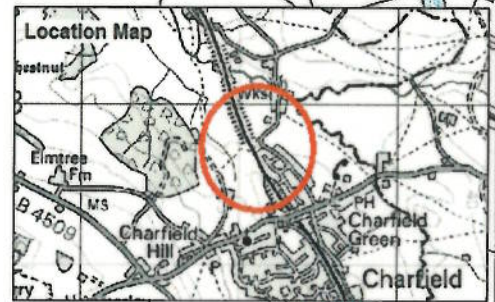
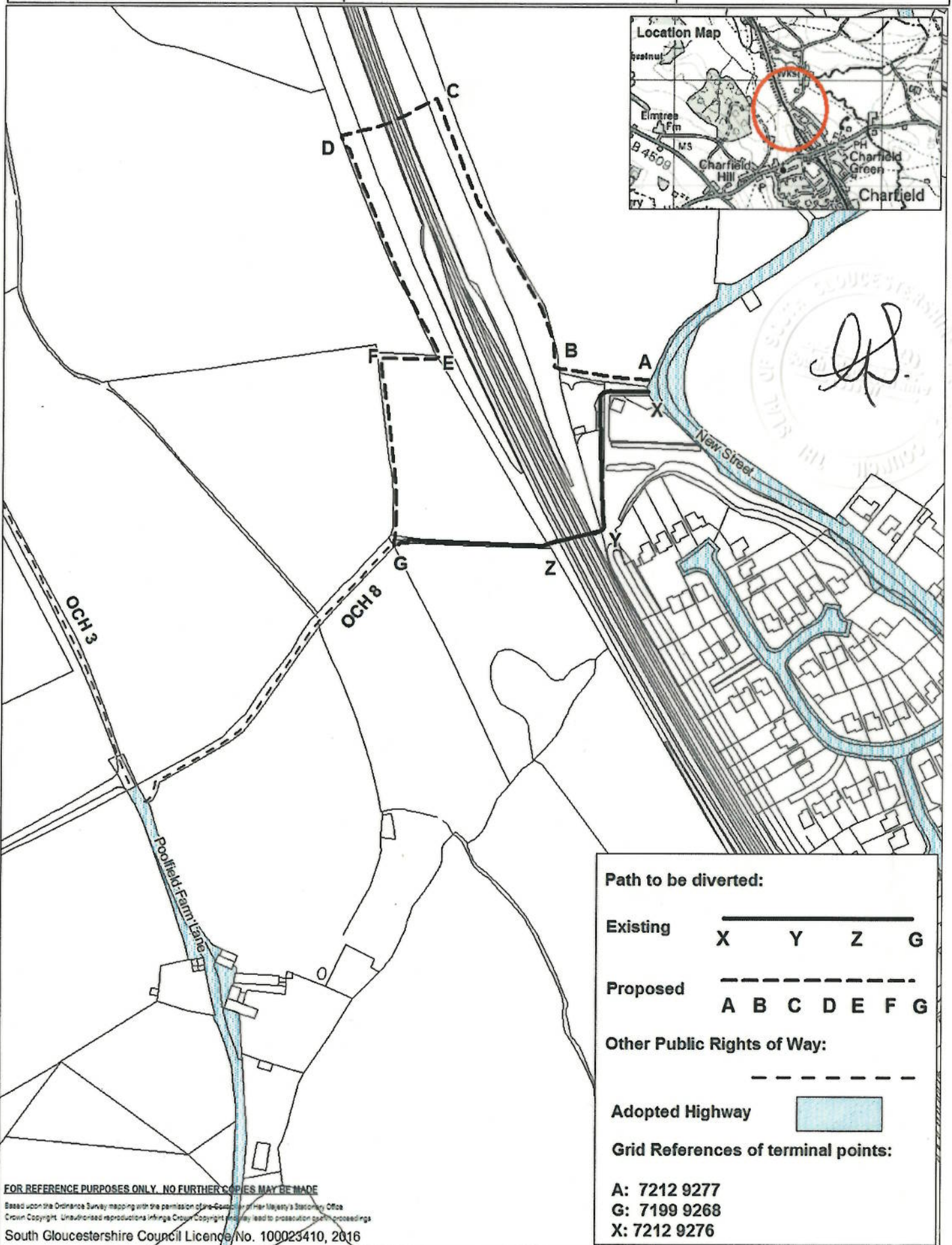
The Definitive Statement is to be modified by the addition of the length of footpath described in Part I of the Schedule with description as follows:-

Class & Right of Way Ref.	Description of Route						Particulars as to position, length, width, limitations on conditions as in the opinion of the Authority it is expedient to record	Reason for Inclusion
	From			To				
	County Road or Right of Way	Location	Grid Ref (ST)	County Road or Right of Way	Location	Grid Ref (ST)		
FP OCH8	Poolfield Farm Lane	120 metres north of Poolfield Farm.	7186 9255	New Street	238 metres north west of Farm Lees Road entrance.	7212 9277	<p>Width: A-B-C and D-E: 2 metres C - D: Steps 1 metres; Railway Tracks 1.8 metres E - F: 1.95 metres F - G: 1.75 metres Pinch Point 1.6 metres at Point G Length: approx 515 metres</p> <p>Limitations: Kissing gate to BS5709; 2006 at points: Point - grid reference A ST7212 9277 E ST7201 9278</p> <p>This footpath crosses a high speed railway line</p>	Amended by SOUTH GLOUCESTERSHIRE COUNCIL (PUBLIC FOOTPATH OCH8, CHARFIELD) RAIL CROSSING DIVERSION ORDER (No 2) 2016

Date: August 2016

Map No: 375a

Scale: 1:2500 at A4



Path to be diverted:

Existing
 X Y Z G

Proposed
 A B C D E F G

Other Public Rights of Way:

Adopted Highway

Grid References of terminal points:

A: 7212 9277

G: 7199 9268

X: 7212 9276

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