



SOUTH GLOUCESTERSHIRE COUNCIL
(FOOTPATH LWE39 (PART) BOX HEDGE FARM, COALPIT HEATH)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION
ORDER 2022

EXPLANATORY STATEMENT

Under Section 257 of the Town and Country Planning Act 1990 [the Act], county and district councils have the power to divert or stop up (extinguish) public rights of way to enable development to take place. 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 and in addition to any period in which objections and representations may have been made at the planning permission stage.

South Gloucestershire Council [the Council] has made an order to divert the public right of way LWE39 (part) at Box Hedge Farm, Coalpit Heath in order that planning permission P20/14987/F may be carried out namely: to facilitate the implementation of residential development. This statement has been prepared to explain various aspects of the order.

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

The Council may authorise the diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to allow authorised development to be carried out. This is the only test, although the Secretary of State has discretionary powers to balance the need for development against the effect on the public rights and enjoyment of a highway. The Council is satisfied that the order complies with the legal test laid down in the Act,

- a) in accordance with planning permission granted under Part III
- b) and that an alternative route be provided as a replacement for the route authorised by the order to be diverted.

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. Objections or representations relating to the order must be made in writing by _____ to:-

The Head of Legal, Governance & Democratic Services
PO Box 1953
Bristol
South Gloucestershire
BS37 0DE



The Council will be willing to discuss the concerns of those considering objecting or making representations relating to the order. Please contact Lindsay Saunders, Public Rights of Way Officer:

Badminton Road Offices
Yate
South Gloucestershire
BS35 9BP

Tel : 01454 868646

Email : Lindsay.Saunders@southglos.gov.uk

The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to orders are normally awarded against objectors only in cases of unreasonable behaviour.

If any objections are made and not withdrawn then the council will have to refer the order to the Planning Inspectorate for determination. An inspector from the Planning Inspectorate will then hear the objections at a public inquiry or hearing, or in writing if the objectors agree. The inspector can confirm an order, confirm it with modifications, or refuse to confirm it. If no objections are received the council will be able to confirm the order itself but it has no power to modify orders.

Where a new path is being created (by a creation or diversion order) the change will come into effect only after a specified period from the date of confirmation to allow time for any necessary works to be undertaken.