



OMA Comments on Other Statements of Case

in relation to the determination of the public path diversion order

Bath and North East Somerset Council  
(Public Footpath BA19/22, Skylark Farm, Peasedown St John)  
Public Path Diversion Order 2022

15<sup>th</sup> December 2023

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**1. Order Making Authority's Comments on Comments from Bristol Water, Sky UK Ltd and Mr P Parton**

1.1 The Authority makes no comment on the comments provided by Bristol Water, Sky UK and Mr P Parton.

**2. Order Making Authority's Comments on Comments from Mr J Payton**

2.1 The Authority does not accept many of the assertions or interpretations Mr Payton has made in his comments contained in sections 1 and 3; however, as these sections do not relate to the Order the Authority will not be commenting on them.

2.2 Comments Relating to the Proposed Footpath that have already been addressed

Mr Payton's concerns regarding the initial route, safety on his land and the criteria for diverting the FP have already been addressed in OMA50 OMA's Statement of Case.

2.3 Proximity of the Proposed FP - The Authority considers that the Proposed FP does not pose an additional risk to users of the manège. This is based on the expert advice of Sheila Petherbridge, who is a retired horserider, founding member / Trustee of The Trails Trust and a Member of IPROW with 31 years' experience as a Public Rights of Way Officer; her statement can be found at OMA05A.

2.4 As detailed in paragraphs 2 to 6 of OMA05A, there are several situations locally that have public access directly beside them and there is no known conflict.

2.5 Safety Issues Walking Through Woodland - Safety from dangerous trees on the Existing FP has not been an issue in the past even though the Existing FP passes through the same woodland as the Proposed FP. Approximately 95 metres of the Existing FP runs through woodland and the distance of the Proposed FP running through woodland in the same vicinity is approximately 115 metres; therefore the risk is similar to now. The woodland surrounding the Proposed FP will be managed by the landowners in accordance with their legal duty of care to footpath users and the Authority will ensure that this happens in accordance with the statutory duty to assert and protect the public's rights under section 130 of the Highways Act 1980.

### **3. Conclusion**

3.1 The Authority respectfully requests that the Inspector confirms the public path diversion order without modification.