

APPENDIX 3

**APPLICATION FORM FOR
DIVERSION OR EXTINGUISHMENT OF
PUBLIC FOOTPATH / BRIDLEWAY / RESTRICTED BYWAY**

SECTIONS 26, 118 AND 119 OF THE HIGHWAYS ACT 1980

IMPORTANT

No authority for the extinguishment or diversion of a highway is conferred unless and until a Public Path Extinguishment or Diversion Order has been made, confirmed and come into effect. Any preliminary obstruction of, or interference with, the highway concerned may not only be an offence, but may make it impossible to proceed with the making of an Order.

1. NAME AND ADDRESS OF APPLICANT

Name: LILIAN DURBIN

Postal Address: MILLBROOK MILL LANE
CHEW STOKE BRISTOL BS40 8UX

Email address: _____ Telephone No: 

2. NAME AND ADDRESS OF AGENT(S)

Name: _____

Postal Address: _____

Email Address: _____ Telephone No: _____

3. PARTICULARS OF RIGHT OF WAY TO BE EXTINGUISHED/DIVERTED*

a) Footpath / Bridleway / Restricted Byway* No. CL4/18

b) Parish of CHEW STOKE

c) Length in metres of section to be extinguished/diverted 30m Approx

d) Width in metres of section to be extinguished/diverted 1.5m Approx

e) Description of length to be extinguished/diverted by reference to terminal points on plan to accompany this application

from boundary - garden/hedge @ ST 5565 6178
To entrance to house ST 5566 6176

- (f) Is the existing route freely available to the public? If NOT, please give reasons:

NO - The route was changed over 50+ years ago when the land was acquired from the farmer and a boundary fence/hedge put in by him.

4. **REASONS FOR THE CREATION/DIVERSION/EXTINGUISHMENT * OF THE PATH**

A footpath currently runs through Millbrook as the existing one was removed by the farmer. The current footpath has been in existence for 50+ years

Please Note:

- i) A path can be created under Section 26 of the Highways Act 1980 only if it can be shown that it is needed for public use;
- ii) A path can be diverted under Section 119 of the Highways Act 1980 in the interests of the landowner/occupier/lessee, or of the public, or
- iii) A path can be extinguished under Section 118 of the Highways Act 1980 only if it can be shown that it is no longer needed for public use.

If an extinguishment application, please give details of an alternative route, or the reasons why an alternative route is not considered necessary.

The alternative route has been in existence 50+ years. The existing route is just east of the original route. * Footpath on land to North would need re-aligning.

5. **PARTICULARS OF NEW PATH TO BE PROVIDED (if applicable)**

a) Length in metres 25m Approx

b) Width in metres As physically existing

c) Surface earth path

d) Description of length to be provided by reference to terminal points on plan to accompany this application

from kissing ^{gate} at boundary running down side of property to meet Mill Lane just east of original path.

- e) What works do you propose to undertake to bring the new path into a condition fit for use by the public?

Earth Path to be made up to adoptable standard.

6. RELEVANT CONSIDERATIONS

In what way would the proposals affect the following factors, as set out in the PPO Policy:

- a) Connectivity No Change
- b) Equalities Impact No Change
- c) Gaps & Gates existing Kusang Gate In Situ
- d) Gradients To be addressed
- e) Maintenance None for local authority
- f) Safety N/A
- g) Status Remains a footpath
- h) Width Physical width as per boundaries
- i) Features of Interest None

7. PARTICULARS OF OWNERSHIP

- a) Applicant's interest (owner/occupier/lessee) in the land over which the existing path referred to in this application passes.

Owner

- b) Applicant's interest in the land over which the new path is to be provided

Owner

- c) Do any other persons have an interest in the land over which existing or proposed paths pass? If so, give names and addresses of persons and nature of interest

Lillian Durbin, Julie Hurst, Michael Durbin
- going through land registry at the moment

- d) If other persons have an interest in the land affected, please tick to confirm that a copy of their written permission for the proposals to go ahead and written confirmation that they waive their right to compensation is enclosed.



8. ACCOMPANYING DOCUMENTS AND CONSENT

Please tick boxes as appropriate

- a) A plan based on a current Ordnance Survey base map showing section of path to be extinguished and new path to be provided is attached.
- b) A cheque for £867 is enclosed.
- c) It is understood that if the Authority decides to make an order then the remaining £2,815 will be payable at that time



~~SP~~ [REDACTED] - land owner of the field has signed to agree to the proposed changes

DECLARATION

I/We understand that no authority for the extinguishment of a public right of way is conferred unless and until any order made has been confirmed and come into effect and notice of this has been published.


I/We declare that the public right of way to be stopped up is not obstructed and that it is fully available to the public. (Subject to Article 3(f) above).


I/We hereby agree that if a creation/diversion/extinguishment order is made I/We will defray any compensation which becomes payable under section 18 or 121 of the Highways Act 1980 in consequence of the coming into operation of the Order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

I/We agree to pay a further £2,815 if the Authority decides to make an order.

I/We apply for the creation/diversion/extinguishment of the highway described above.

I/We declare that to the best of my/our knowledge and belief all the particulars given are true and accurate.

Signed  Date 24/12/2021
Name MICHAEL DURBIN




Signed  Date 7/1/2022
Name JULIE HURST


Signed 
Name LILIAN DURBIN 7/1/2022




On completion, this form, should be returned, together with the plan, cheque and copies of any consents if appropriate, to:

*Public Rights of Way, Bath & North East Somerset Council, Lewis House,
Manvers Street, Bath, BA1 1JG.*

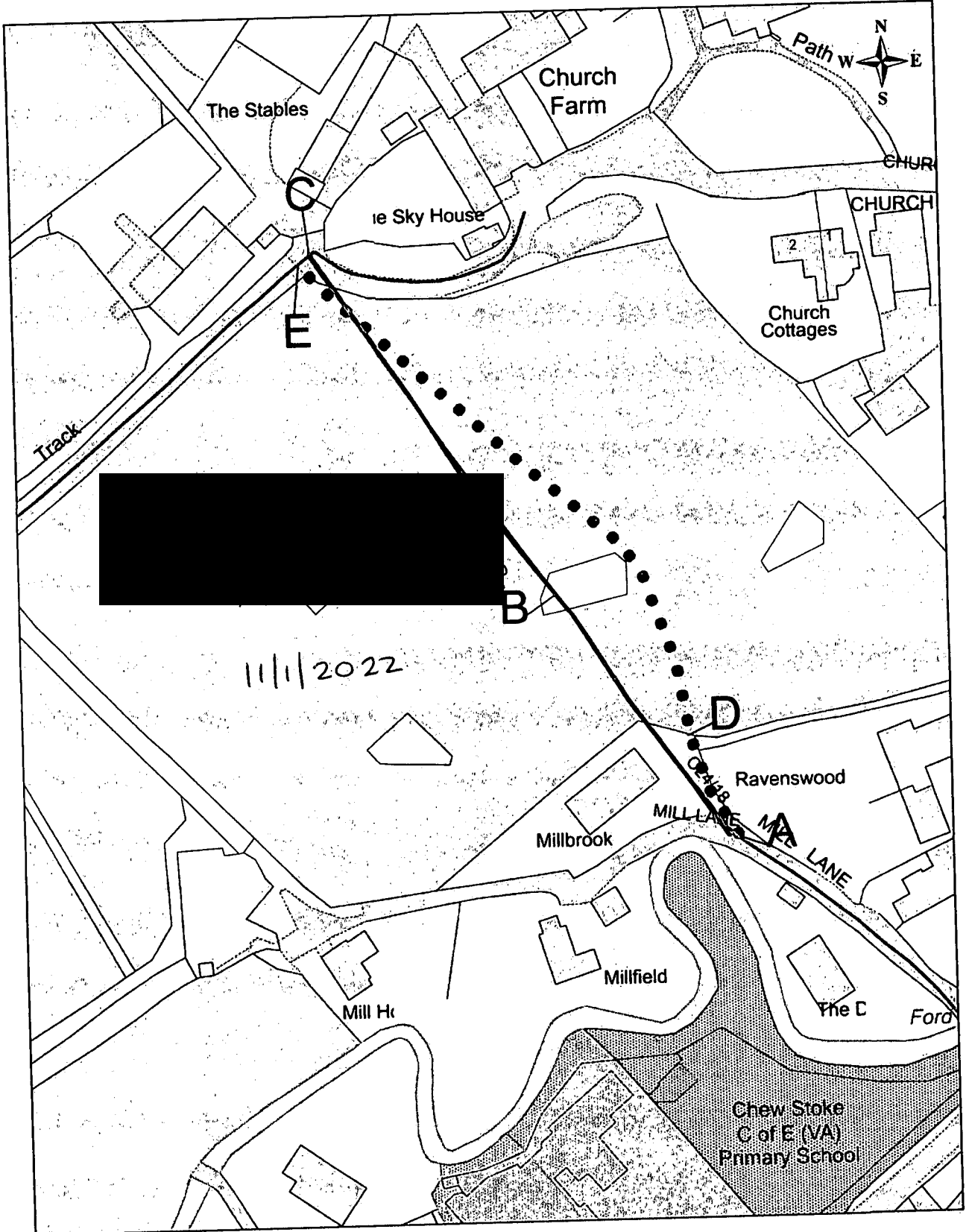
**Footpath Diversion application
CL4/18 Mill Lane, Chew Stoke**

Public footpath to be added  A  D  E

Unaffected public footpath 

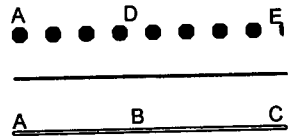
Public footpath to be stopped up  A  B  C

Scale: 1:1,250



**Footpath Diversion application
CL4/18 Mill Lane, Chew Stoke**

Public footpath to be added
Unaffected public footpath
Public footpath to be stopped up



Scale: 1:1,250

