

**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: J SMART

Postal Address: LEIGH FARM, OLD LANE, PENSFORD, BRISTOL,
BS39 4BA

Email address: _____ Telephone No: _____

2. NAME AND ADDRESS OF AGENT(S)

Name: KEVIN SMITH (ARCHITECTURAL SERVICES)

Postal Address:

7 LUDLOW CLOSE

FROME

SOMERSET

BA11 2BS

Email Address: [REDACTED]

Telephone No: [REDACTED]

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

- a) Footpath No. CL 17/5
- b) Parish of: PUBLOW
- c) Length in metres of section to be diverted: 117m
- d) Width in metres of section to be diverted: NOT RECORDED
- e) Description of length to be diverted by reference to terminal points on plan to accompany this application

A LENGTH OF 117m FROM THE JUNCTION WITH BIRCHWOOD LANE,
POINT A ON THE PLAN, TO POINT B ON THE PLAN

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

NO. THE ROUTE IS BLOCKED BY A LOW BANK AND HEDGE ONTO BIRCHWOOD LANE, A MOUND OF EARTH AND STORED HAY BALES ON THE SOUTH SIDE OF A BARN AND THE BARN ITSELF.

4. **REASONS FOR THE DIVERSION OF THE PATH**

(A) IN THE PUBLIC INTEREST BY PROVIDING AN ALTERNATIVE AND BETTER ROUTE TO THAT OBSTRUCTED FOR AT LEAST THE LAST 30 YEARS

(B) IN THE INTERESTS OF THE LANDOWNER BY ALLOWING THE BARN THAT HAS BEEN ON SITE FOR OVER 30 YEARS AND IS EXEMPT FROM PLANNING CONTROL TO REMAIN WITHOUT OBSTRUCTING THE FOOTPATH

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.

N/A

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

- a) Length in metres 99 m
- b) Width in metres 2m
- c) Surfaced Farm Track
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

FROM POINT C TO POINT B

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

CLEAR ANY OBSTRUCTIONS, PROVIDE A GATE AND SIGN POST AT POINT C

6. **RELEVANT CONSIDERATIONS**

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

- a) **Connectivity:** IMPROVED CONNECTION TO PUBLIC HIGHWAY BIRCHWOOD LANE AND ON TO FP CL 17/5
- b) **Equalities Impact:** IMPROVED ACCESS FOR A WIDER RANGE OF USERS
- c) **Gaps & Gates:** THE NEW GATE WILL BE PROVIDED TO REPLACE WHAT MAY HAVE BEEN SIMPLY A GAP IN THE HEDGE
- d) **Gradients:** THERE WILL BE NO SIGNIFICANT CHANGE IN GRADIENTS
- e) **Maintenance:** THERE WILL BE NO LIABILITY FOR THE COUNCIL
- f) **Safety:** THE NEW ROUTE WILL BE AWAY FROM THE BARN AND ANY ASSOCIATED TRAFFIC MOVEMENTS
- g) **Status:** THE NEW GATE WILL PROVIDE ACCESSIBLE ACCESS TO THE FOOTPATH NETWORK
- h) **Width:** 2m
- i) **Features of Interest:** THE VIEWS FROM THE NEW ROUTE WILL BE IMPROVED AS A RESULT OF USERS WALKING FURTHER AWAY FROM THE BARN

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
NO

- 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 £884 is enclosed.
- c) Payment has been made by credit/debit card for £884.
- d) It is understood that if the Authority decides to make an order, then the remaining £2,872 will be payable at that time.

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 £2,872 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 23.19.2022

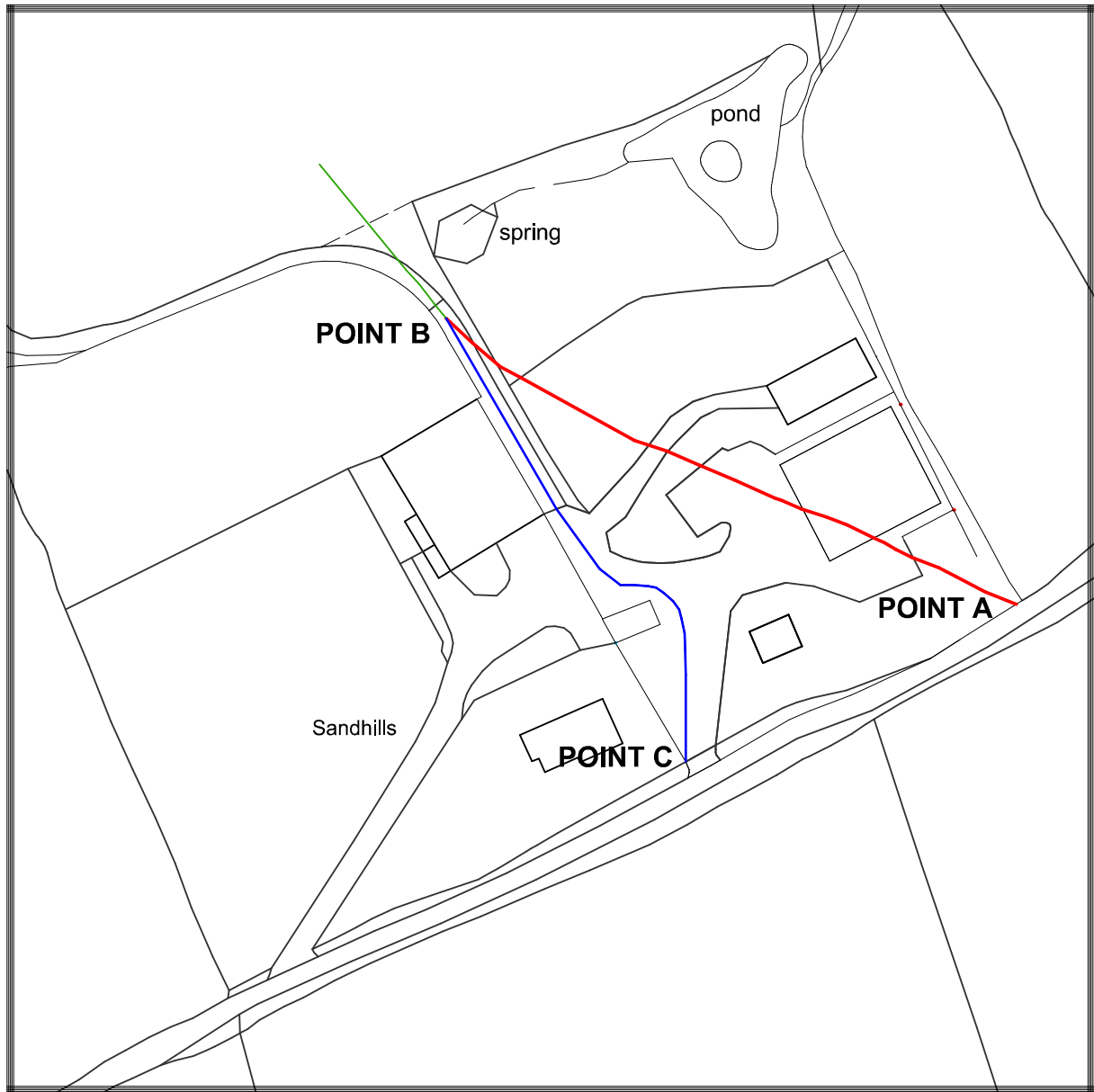
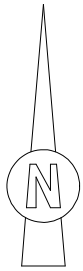
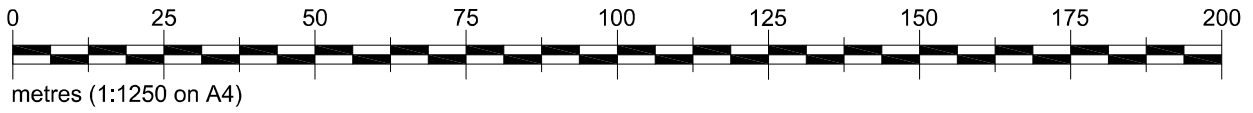
Name JOSEPHINE SMART

Signed Date

Name

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

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



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LOCATION PLAN

1:1250

- existing path
- proposed path
- retained path

K E V I N S M I T H
7 Ludlow Close, Frome, Somerset . BA11 2ES

Architectural Services
TEL. 07946 678348 WEB. www.kevinpsmith.co.uk

Client **C & J SMART**

Job **BARN EAST OF SANDHILLS , BIRCHWOOD LANE , PENSFORD**

Title **RIGHT OF WAY PLAN**

Scales **1:1250**

Date **SEPT 2022**

Ref No **2366 / 04**