

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: MR DANIEL GILLARD

Postal Address: GILLARDS WORLDWIDE WAREHOUSING AND DISTRIBUTION,
TRIDENT WORKS, MARSH LANE, TEMPLE CLOVE, BRISTOL

Email address: [REDACTED]

Telephone No: [REDACTED]

BS39 5AZ

2. NAME AND ADDRESS OF AGENT(S)

Name: MR CHRIS TIVEY

Postal Address: CHRIS TIVEY ASSOCIATES, PO BOX 5306,
SHEPTON MALLET, SOMERSET BAU 9DP

Email Address: CHRIS@CTAPLANNING

Telephone No: 01749 850574

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

a) Footpath / Bridleway / Restricted Byway* No. CL6/38

b) Parish of CLUTTON

c) Length in metres of section to be extinguished/diverted 170 APPROX

d) Width in metres of section to be extinguished/diverted APPROX 1 METRE

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

SECTION A-C ON PLAN

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

NO. BEYOND (TO EAST OF) THE DOG WALKING COMPOUND THE PATH IS OVERGROWN; IT THEN DEVIATES IN A S.E. DIRECTION THROUGH THE FORMER CHICKEN SHED (BUILT MANY YEARS AGO), BEFORE CROSSING UNEVEN AND STEEPLY SLOPING GROUND BEFORE JOINING FOOT PATH CL6/37.

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

DUE TO THE ALIGNMENT THROUGH THE EXISTING BUILDING IT IS NOT POSSIBLE TO WALK THE DEFINITIVE ROUTE. IT IS PROPOSED (SUBJECT TO A PLANNING APPLICATION) TO REDEVELOP THE SITE WITH A NEW STORAGE UNIT THAT WILL BE SERVED BY HGV'S, AND THE DIVERTED ROUTE WILL PROTECT
Please Note: THE HEALTH AND SAFETY OF PEDESTRIANS.

- 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 120 METRES APPROX
- b) Width in metres 2 METRES
- c) Surface CRUSHED AGGREGATE
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

BETWEEN POINTS A AND B ON PLAN

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

TO REMOVE THE SECTION OF PALISADE FENCING CURRENTLY RUNNING ALONG NW SIDE OF DOG WALKING COMPOUND AND ERECTION OF NEW FENCE ON THE GILLARDS SIDE OF THE DIVERTED PATH, ON LAND WITHIN THEIR OWNERSHIP.

6. **RELEVANT CONSIDERATIONS**

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

- a) **Connectivity** THE DIVERTED ROUTE WOULD ALLOW WALKERS TO ACCESS CL6/37 AND THE OPEN COUNTRYSIDE QUICKER + LAWFULLY
- b) **Equalities Impact** THE NEW ROUTE WILL BE HARD SURFACED WITH AGGREGATE AND WILL CONSTITUTE A MORE EVEN GRADIENT
- c) **Gaps & Gates** NO STRUCTURES (GATES) WILL NEED TO BE UTILISED
- d) **Gradients** SEE B - ULTIMATELY THE GRADIENT WILL BE LESS.
- e) **Maintenance** THE NEW ROUTE WILL BE LOW MAINTENANCE AND WILL NOT REQUIRE STRIMMING.
- f) **Safety** THE NEW ROUTE WILL ENSURE THAT WALKERS CANNOT DEVIATE FROM THE ROUTE.
- g) **Status** IT IS NOT POSSIBLE TO UPGRADE TO A BRIDLEWAY DUE TO STEEP STEPS AT ITS START ON MASH
- h) **Width** THE PATH WILL BE A MINIMUM OF TWO LANE METRES WIDE
- i) **Features of Interest** THE DIVERSION WILL CONTINUE TO LEAD THROUGH HIGHBURY FARM BUSINESS PARK, WHICH IS FUNCTIONAL IN APPEARANCE, ONE TRULY

7. **PARTICULARS OF OWNERSHIP** EXPERIENCES OPEN COUNTRYSIDE ON JOINING CL6/37 ON LEAVING THE FARM.

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 £867 is enclosed. TO PAY BY PHONE
- c) It is understood that if the Authority decides to make an order then the remaining £2,815 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 £2,815 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 13/01/2022

Name CHRIS TIVEY ON BEHALF OF THE APPLICANT

Signed Date

Name

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.