

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: Amy Russett
Postal Address: 170 Blackrock Lane, Publow,
Bristol, BS39 4HZ
Email address: [REDACTED] Telephone No: [REDACTED]

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. CL17-25
- b) Parish of Publow with Pensford
- c) Length in metres of section to be extinguished/diverted 10
- d) Width in metres of section to be extinguished/diverted 2
- e) Description of length to be extinguished/diverted by reference to terminal points on plan to accompany this application
The section of public footpath CL17-25
running from ST62283 64717 to be
diverted to ST62277 64720 (footpath
continuing directly along hedgeline)
- (f) Is the existing route freely available to the public? If NOT, please give reasons:

Yes

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

The footpath currently enters onto land used as a driveway. It also causes confusion for walkers as the gate is hidden in the driveway. For privacy and safety purposes, we would prefer the footpath moved.

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: 10
- b) Width in metres 2 (minimum)
- c) Surface Grass
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

A new section of public footpath running from ST 62283 64717 to be diverted to grid reference ST 62277 64720.

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

N/A

6. RELEVANT CONSIDERATIONS

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

- a) Connectivity More visible gate for walkers to eliminate confusion
- b) Equalities Impact N/A
- c) Gaps & Gates N/A
- d) Gradients N/A
- e) Maintenance N/A
- f) Safety N/A
- g) Status N/A
- h) Width N/A
- i) Features of Interest N/A

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.

Currently, footpath crosses part of our property

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

N/A - no interest

- 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

land owner of field-
of

- 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. *(bank transfer)*
- 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 21/07/21

Name AMY RUSSETT

Signed  Date 21/07/21

Name ELLIOTT JONES

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.

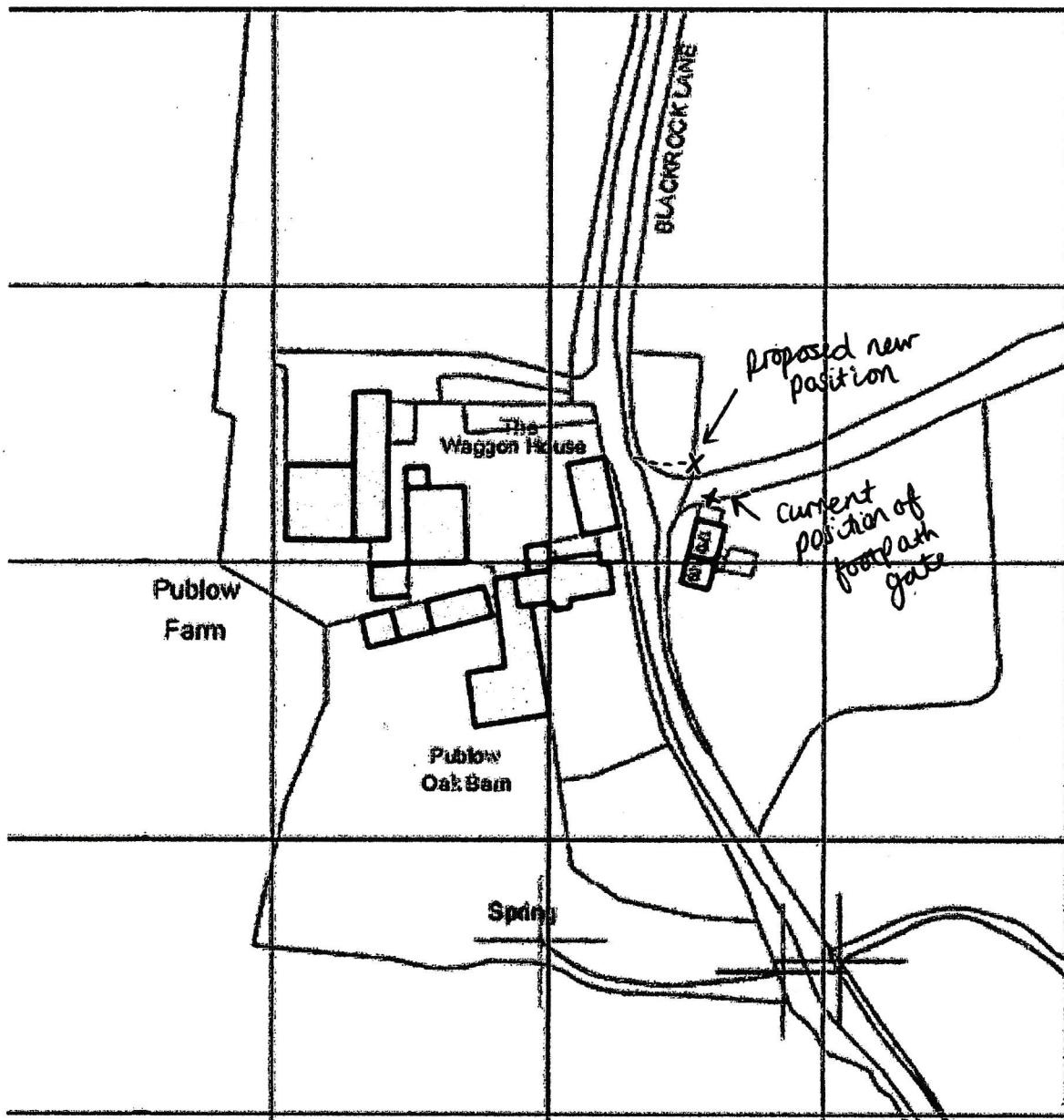
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APPENDIX 4

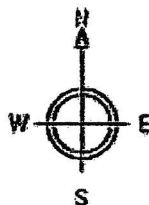
GLOSSARY

<i>Applicant</i>	The person applying to divert or extinguish a public right of way
<i>Authority</i>	Bath and North East Somerset Council, in its capacity as the local highway authority
<i>Definitive Map and Statement</i>	The legal record of rights of way within Bath and North East Somerset
<i>Limitation</i>	Something which lawfully limits the public's enjoyment of a right of way e.g. a gate or a bollard
<i>Planning Inspectorate</i>	An executive agency with the responsibility for determining opposed orders on behalf of the Secretary of State
<i>Public Path Order</i>	A type of legal order to create, divert or extinguish a public right of way
<i>Public right of way</i>	A way over which the public have a right to pass and repass; the way can be a footpath, bridleway, restricted byway or byway open to all traffic.
<i>Secretary of State</i>	The Secretary of State for Environment, Food and Rural Affairs, who has the power to determine opposed orders

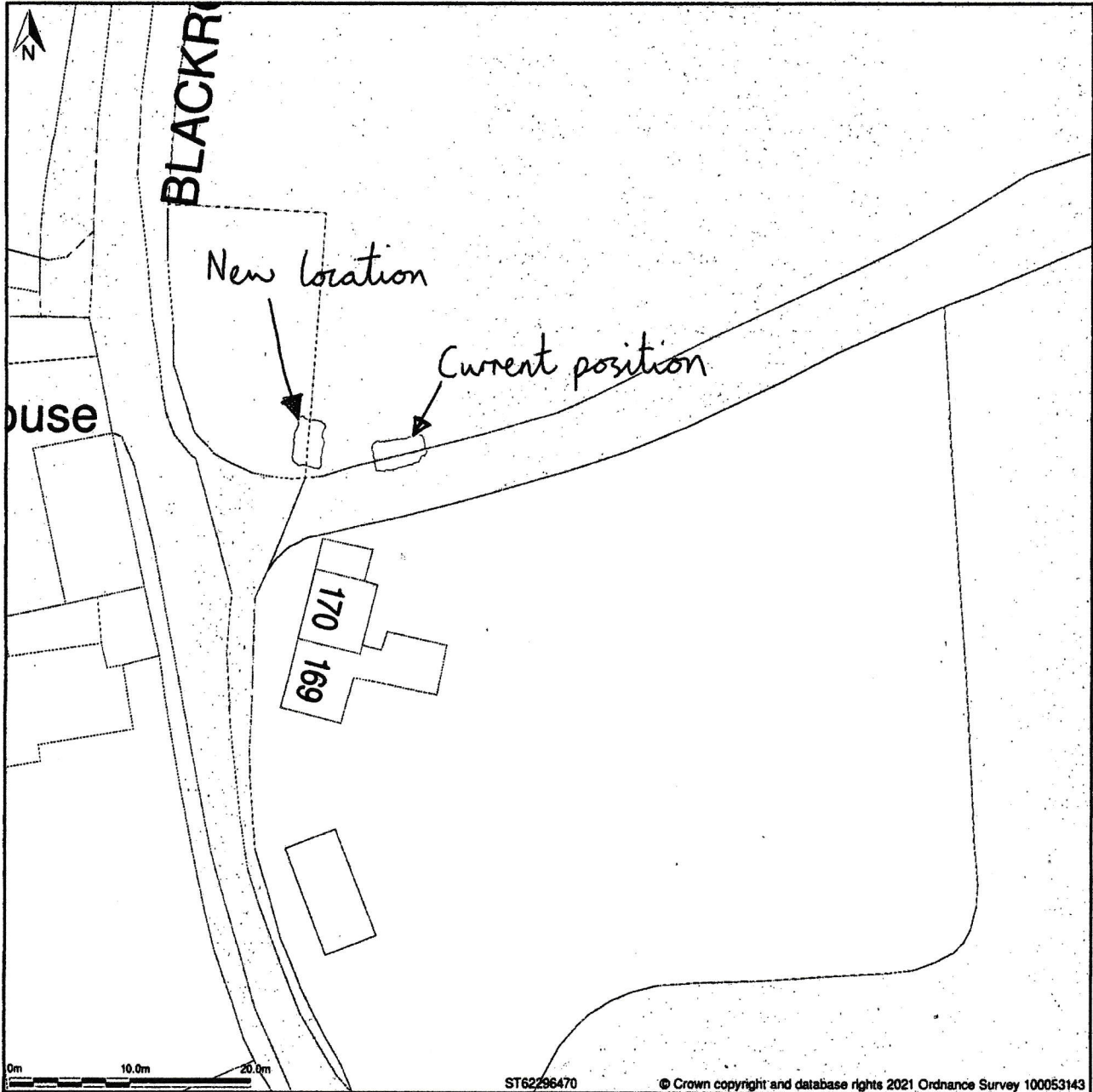
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LOCATION PLAN
Scale 1:1250



170. Blackrock Lane, Publow, Bristol, Bath And North East Somerset, BS39 4HZ



Block Plan shows area bounded by: 362251.06, 164664.67 362341.06, 164754.67 (at a scale of 1:500), OSGridRef: ST62296470. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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

I, [REDACTED], who is the landowner of the aforementioned public footpath CL17-25, have been consulted about the intended diversion of the public footpath that enters on to 170 Blackrock Lane and give my permission for the path to be diverted and continue over my land.

Signed: [REDACTED]

Date: 6/7/2021