

### 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: Bath & North East Somerset Council

Postal Address: \_\_\_\_\_ The Guildhall High Street, Bath, BA1 5AW

Email address: \_\_\_\_\_

Telephone No: \_\_\_\_\_

#### 2. NAME AND ADDRESS OF AGENT(S)

Name: \_\_\_\_\_ NA (as above) \_\_\_\_\_

Postal Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Telephone No: \_\_\_\_\_

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

- a) Footpath / Bridleway /Restricted Byway\* No. BC62/3
- b) Parish of Combe Down
- c) Length in metres of section to be extinguished/diverted 125m
- d) Width in metres of section to be extinguished/diverted circa 1m
- e) Description of length to be extinguished/diverted by reference to terminal points on plan to accompany this application

Existing footpath running North West to South East from the vehicular entrance to the allotments on Glenfield (point "W" on attached plan) to junction at northern end of Former Mount Pleasant Quarry. Section of path "W" – "X" on attached plan to be diverted to run "W" - "Y" on allotment side of existing stone wall.

- (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**

Security and safeguarding concerns of Monkton Combe School. (See additional Safeguarding Statement attached.)

**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.

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

- a) Length in metres: 206m
- b) Width in metres: 1.6m
- c) Surface: Rolled gravel
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

From point "W" to point "Y"

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

Monkton Combe School will undertake all works and rebuild wall which is currently in a dilapidated condition.

## 6. **RELEVANT CONSIDERATIONS**

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

- a) **Connectivity** None
- b) **Equalities Impact** The new path will be fully accessible for wheelchair users and people with mobility impairments.
- c) **Gaps & Gates** A gate will be installed in the repaired wall to allow access for allotment holders.
- d) **Gradients** None
- e) **Maintenance** The new path will be maintained as required. Pot-holes will be filled and repaired with clean stone routinely and users of the path will be able to report problems using the Council's Report it (Fix My Street) online mapping system.
- f) **Safety** Existing lights will be rotated 180 degrees to light diverted path
- g) **Status** None.
- h) **Width** Increasing from 1m to 1.6m. N.B. The new route will be a shared use path and the main route for vehicle access to the allotments. There will therefore be a small volume of car use along the route, and limiting the new path width to 1.6m will allow for safe passing spaces for pedestrians *en route*, and prevent any disruption to adjacent allotment plots.
- i) **Features of Interest** Stone wall will be repaired

## 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.

None

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

Lessee

- 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

Proposed path is over allotments owned by Richard Lovegrove, who has consented to this diversion.

- 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) 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 18/08/2022

Name ...Paul Pearce.

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.*

# Route of proposed diversion of footpath BC62/3

Bath and North East Somerset

**Bath & North East  
Somerset Council**

Improving People's Lives

Existing footpath route shown in purple line . New route in dashed red line

**Author:** P. Pearce

0 20 40 60 80m

Scale: 1:2500

**Date:** 18/08/2022



**PROW Whole Route**



## **MONKTON PREP SCHOOL**

### **FOOTPATH DIVERSION APPLICATION: SAFEGUARDING STATEMENT**

At Monkton Prep, we seek to ensure that we are always doing as much as we can to safeguard our pupils, as part of our duty of care and compliance framework. This however remains particularly challenging for the School due to the public footpath which runs alongside the School's access road down the Church Road junction to the top of the Former Mount Pleasant Quarry.

Over the last 12 months, we have called the police due to a threatening visitor on site, had youths jump the fences onto our AstroTurf pitches and had a significant number of people wandering off the current footpath onto the School site, attempting to get in or make use of our play areas and open spaces.

This unrestricted flow of public pedestrian traffic down towards the School entrance leaves us vulnerable to people attempting to make chance visits onto site, whereas if the footpath were placed on the other side of the allotment wall it would provide a natural barrier to the School, preventing people from attempting to gain access on foot.

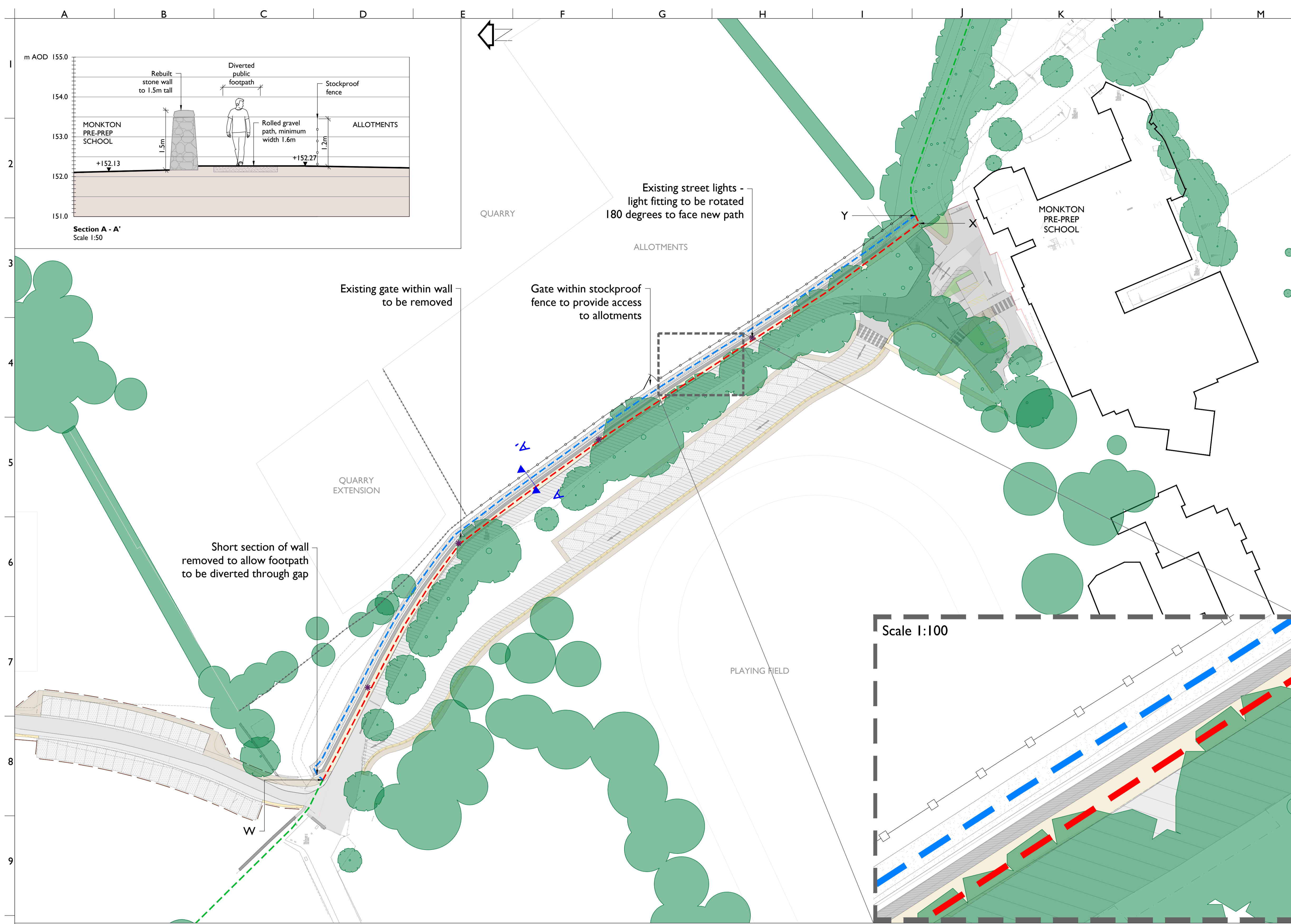
As a boarding school we prioritise the safety of our pupils 24 hours a day and it is imperative that we keep children safe while they are in our care. A change to the footpath route would significantly improve the safeguarding of our children, as this currently remains an urgent concern to us.

Our most recent Security Report & Review (November 2021) states:

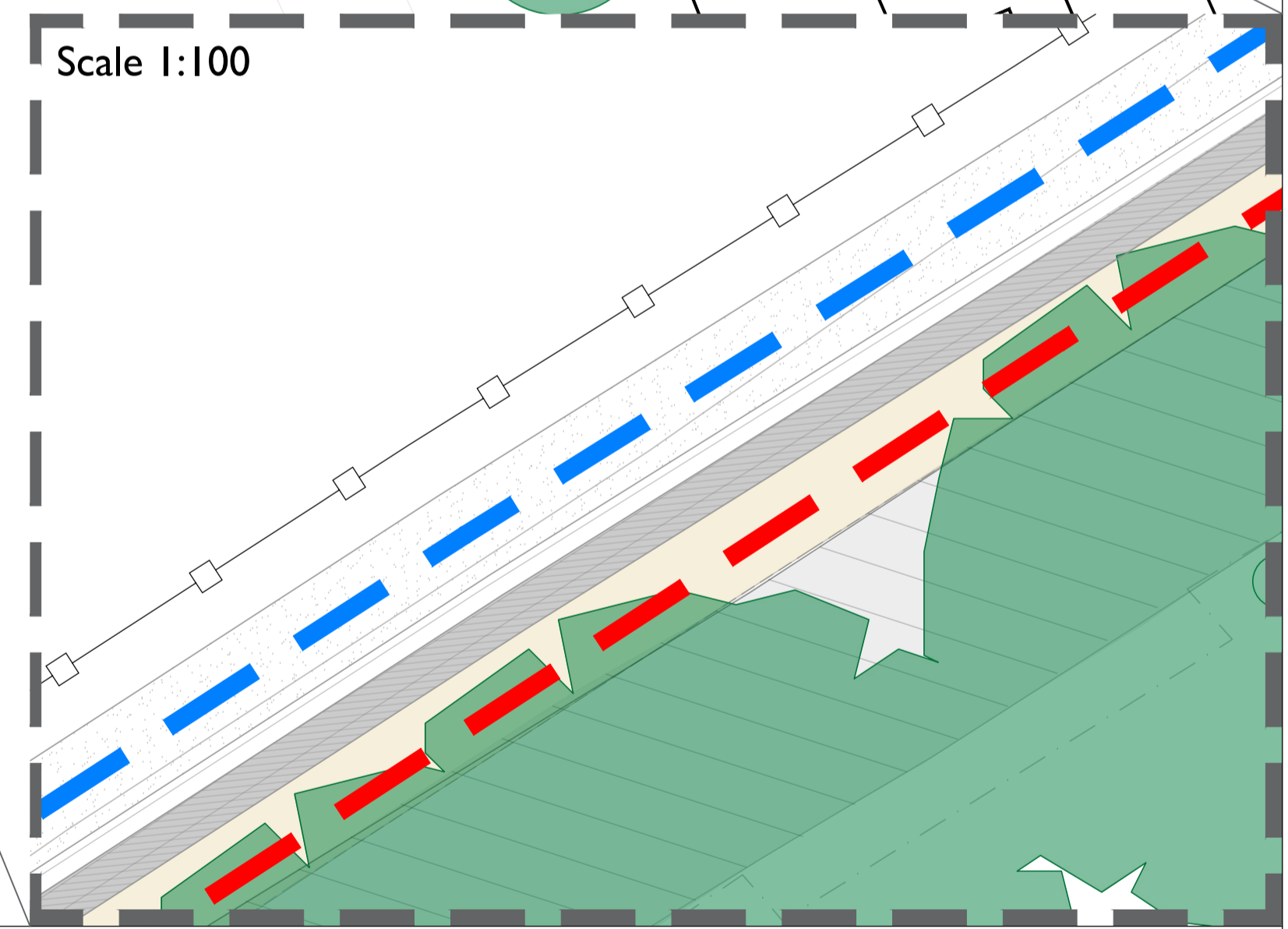
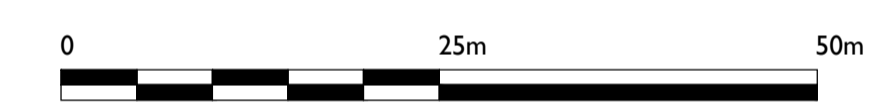
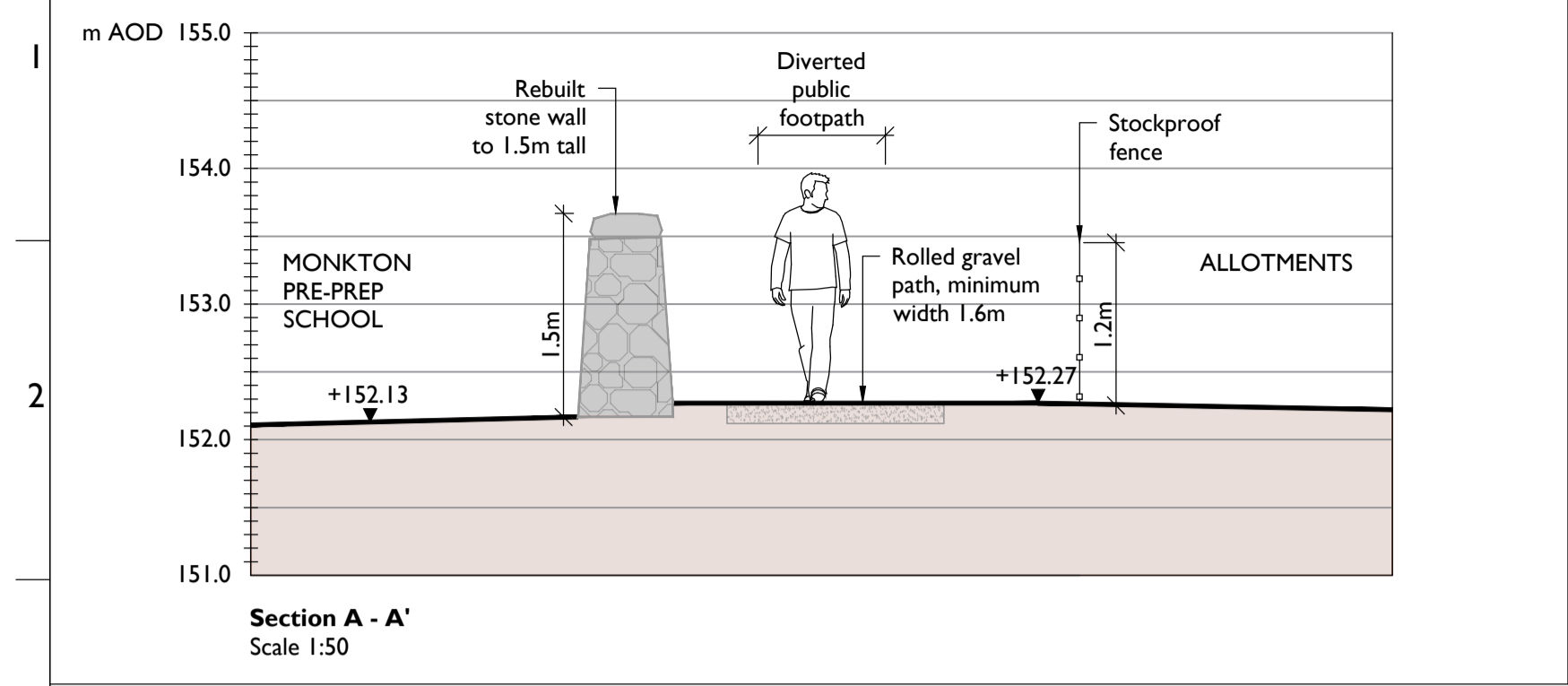
*"Given the sensitivity of protecting children and particularly boarders outside of normal school hours the school needs to do everything within their powers to separate the public from access to the children, particularly as they have a regulatory duty in the form of national minimum standards for boarding schools to prevent that sort of avoidable contact."*

Catherine Winchcombe, Head

James Kempton, Bursar



- KEY**
- Existing public footpath - route maintained
  - Existing public footpath - section to be diverted
  - Proposed diverted route of public footpath
  - Existing street lights - light fitting to be rotated 180 degrees to face new path
- Boundary treatments**
- Security fencing around quarry extension
  - Existing stone wall rebuilt to height of 1.5m
  - Proposed stockproof fence, height 1.2m. Image 2
  - Proposed gate
- Surface finishes**
- Proposed rolled gravel path, minimum width 1.6m. Image 3



Rev	Drawn	Checked	Approved	Description	Date
P02	RJ	SK	SK	Closeboard fencing removed	31.05.2022
P01	RJ	SK	SK	Amendment to northern end of footpath diversion	01.12.2021

**NICHOLAS PEARSON ASSOCIATES**  
 ENVIRONMENTAL PLANNERS · LANDSCAPE ARCHITECTS · ECOLOGISTS

Client **Monkton School**

Project **Public Right of Way Diversion**

Drawing **Public Right of Way Diversion  
 General Arrangement**

Drawing No. NPA-10479-305	Date 05.04.2019	Scale 1:500 @ A1
Rev P02	Drawn RJ	Checked SK
	Approved SK	Status FINAL

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Dwg Ref: N:\Projects\10479 MCS\PROW Realignment 2019\Work\300 Series\NPA 10479 305 Public Right Of Way Realignment.dwg  
 Plotted on 5/31/2022 by Rosie James, Plot scale: 1:1, Paper Size ISO full bleed A1 (594.00 x 841.00 MM), Plot style: NPA\_ISO.ctb

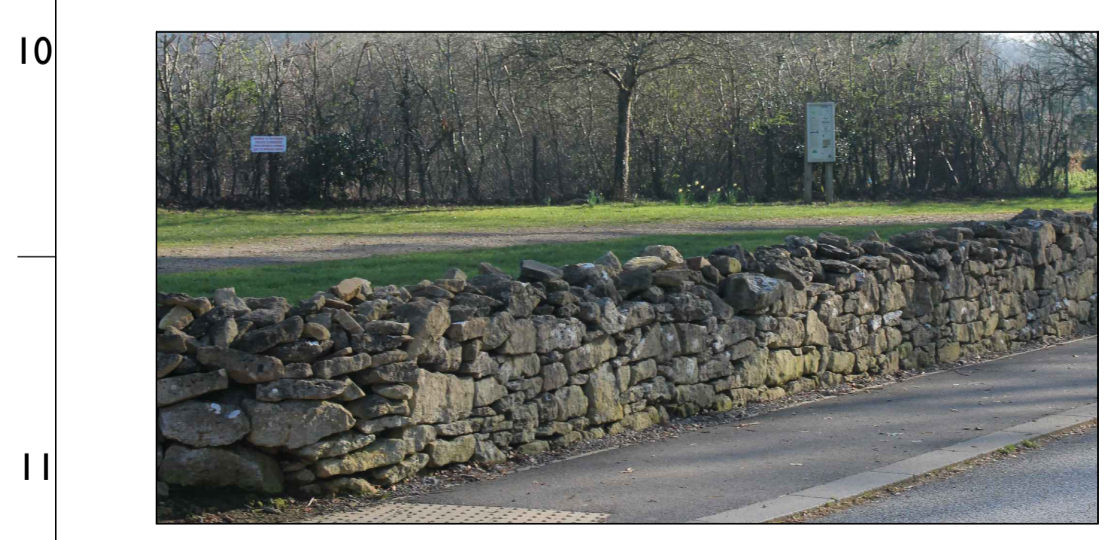


Image 1 - Existing stone wall - to be rebuilt to a height of 1.5m

Image 2 - Stockproof fence

Image 3 - Rolled gravel path