

**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: \_\_\_\_\_

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

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. BA2/33

b) Parish of BATHEASTON

c) Length in metres of section to be extinguished/diverted 50 METRES

d) Width in metres of section to be extinguished/diverted 2 METRES

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

SEE ATTACHED MAP, SO SHOWING CURRENT  
PATHWAY A TO B, NEW PATHWAY SHOWN  
AS A TO C.

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

THE PATHWAY IS UNAVAILABLE AS THE AREA IS FENCED & HEDGED AND HAS BEEN FOR 35 YEARS

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

THE OBSTRUCTION WAS PUT IN PLACE BY THE PREVIOUS OWNERS AND WAS INHERITED WITH THE LAND. THERE ARE MATERIALS AND MACHINERY ON SITE CAUSING A CONCERN FOR THE UNPREDICTABLE NATURE OF THE PUBLIC AND THEIR SAFETY.

**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 45 METRES
- b) Width in metres 2 METRES
- c) Surface AGRICULTURAL FIELD
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

LENGTH IS SHOWN AS A TO B ON THE ATTACHED MAP.

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

THE PROPOSED NEW PATHWAY IS ALREADY FIT FOR PUBLIC USE

## 6. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** - STILL CONNECTED TO OAKFORD LANE
- b) **Equalities Impact** FOR THOSE WHO ARE VISUALLY IMPAIRED THE CHANGES WOULD REDUCE ANY IMPACT
- c) **Gaps & Gates** IMPROVED ACCESS FROM OLD STEP OVER STILE TO A SELF CLOSING GATE
- d) **Gradients** EQUAL TO CURRENT PATHWAY
- e) **Maintenance** IS UNDERTAKEN 3/4 TIMES YEARLY TO REMOVE EXCESS VEGETATION
- f) **Safety** WILL BE IMPROVED AS NO OBSTRUCTION BY MACHINERY OR MATERIALS ON GROUND
- g) **Status** NOT APPLICABLE
- h) **Width** MINIMUM 2 METRES
- i) **Features of Interest** NOTHING ALTERED

## 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.

I AM THE FREEHOLDER OWNER

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

PARTNER IN THE PARTNERSHIP OF LAND OWNED WHERE NEW PATHWAY PROPOSED

- 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

NONE OVER THE EXISTING PATHWAY  
PROPOSED NEW PATHWAY, PLEASE SEE ATTACHED  
DOCUMENTS, STATING NAMES AND ADDRESSES, INCLUDING  
SIGNED WAIVER AND CONSENT.

- 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 £730 is enclosed.
- c) It is understood that if the Authority decides to make an order then the remaining £2,809 will be payable at that time
- d) Consent is granted for the applicant's name and postal address to be made publically available.



## 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 £2,809 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

6/9~~0~~/2019

Name ... ..

Signed .....

..... Date .....

Name .....

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

TIM HAYNES

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

Title

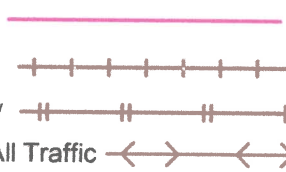
Sub Title

Public footpath

Public Bridleway

Restricted byway

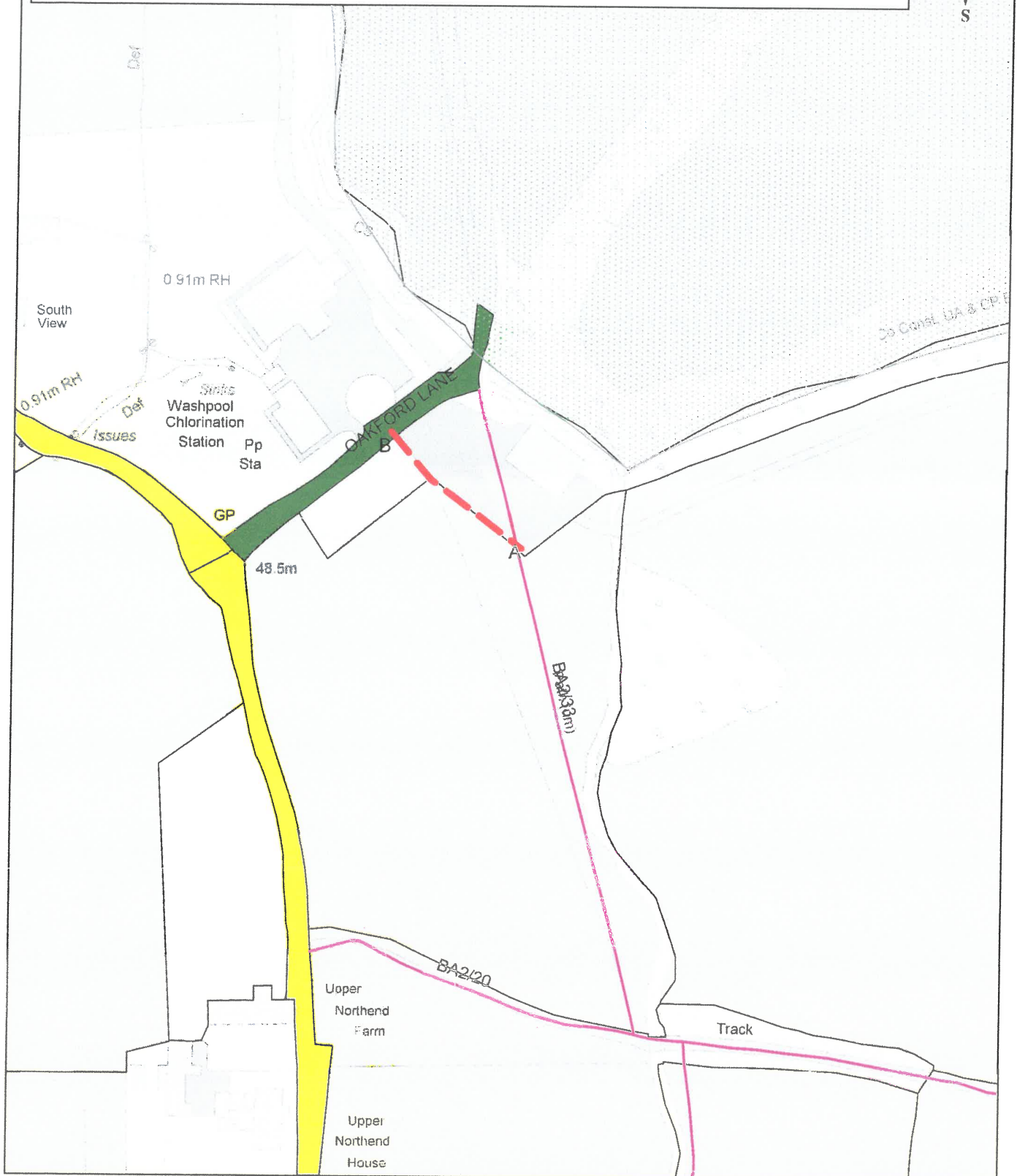
Byway Open to All Traffic

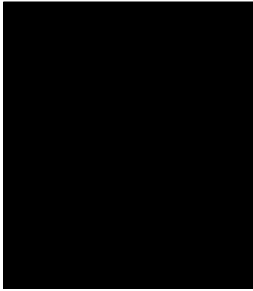


Bath & North East Somerset Council

Scale:

This is a draft map and has not been fully checked for accuracy of public rights of way information. If you have any queries please contact Bath and North East Somerset Council's Public Rights of Way Team.





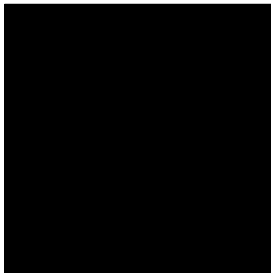
[Redacted] as a co-owner of Upper Northend Farm, Batheaston, Bath BA1 8ES give my agreement and consent to the application for diversion of the Footpath known as BA2/33

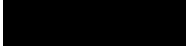
I also wave any rights to compensation related to this change.

Signed..... [Redacted] .....

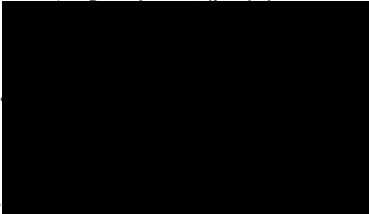
Name..... [Redacted] .....

Dated..... 10/8/19 .....



 as a co-owner of Upper Northend Farm, Batheaston, Bath BA1 8ES give my agreement and consent to the application for diversion of the Footpath known as BA2/33

I also wave any rights to compensation related to this change.

Signed..........

Name..........

Dated..... 30/7/2019 .....





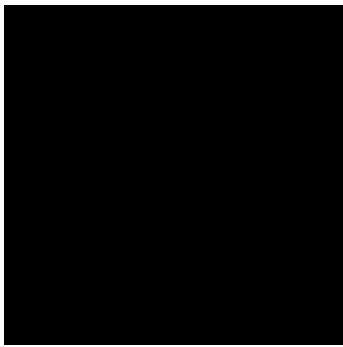
I [redacted] as a co-owner of Upper Northend Farm, Batheaston, Bath BA1 8ES give my agreement and consent to the application for diversion of the Footpath known as BA2/33


I also wave any rights to compensation related to this change.

Signed. [redacted] .....

Name... [redacted] .....

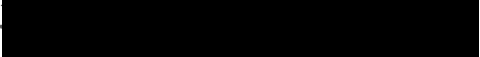
Dated... 12/08/2019 .....



 as a co-owner of Upper Northend Farm, Batheaston, Bath BA1 8ES give my agreement and consent to the application for diversion of the Footpath known as BA2/33

I also wave any rights to compensation related to this change.

Signed.....  .....

Name.....  .....

Dated..... 13/8/19.....