

APPENDIX 3

**APPLICATION FORM FOR
DIVERSION OR EXTINGUISHMENT OF
PUBLIC FOOTPATH / BRIDLEWAY / RESTRICTED BYWAY**

**SECTIONS 118 AND 119 OF THE HIGHWAYS ACT 1980
SECTION 257 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

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. MRS Mike Walker

Postal Address: MORGANS, MORGANS LANE
EAST HARPTREE, BRISTOL BS406AQ

Email address: [REDACTED] Telephone No: [REDACTED]

Please note that Applicant's names and postal addresses will be publically available.

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. CLB/433 (CLB/43)

b) Parish of EAST HARPTREE

c) Length in metres of section to be extinguished/diverted APPROX. 250 m.

d) Width in metres of section to be extinguished/diverted FULL WIDTH

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

A - B

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

YES

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

As present foot path goes through our garden close to house and workshop, we are concerned about our family privacy.

Current foot path is frequently flooded & difficult to navigate.

Please Note:

- i) 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; or
- 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 diverted or stopped up under **Section 257 of the Town and Country Planning Act 1990** in order to allow development to take place.

If an extinguishment application, please give details of an alternative route, or the reasons why an alternative route is not considered necessary.

5. **PLANNING APPLICATION DETAILS**

This section is only to be completed if a path is to be extinguished or diverted under 4 (iii) above, please give details of Planning Permission.

- a) Application number _____
- b) Date permission granted _____
- c) If permission not yet granted, date application submitted _____
- d) Nature of development _____
- e) Date development expected to begin _____

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

- a) Length in metres C-B APPROX 236 M
- b) Width in metres 2 metres
- c) Surface grass field
- d) Description of length to be provided by reference to terminal points on plan to accompany this application
C-B

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

Clearance of field boundaries.

7. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** Improved surface + similar length of route
- b) **Equalities Impact** Improved surface
- c) **Gaps & Gates** 1 current kissing gate to be replaced by 3 possible gates.
- d) **Gradients** Similar
- e) **Maintenance** Easier (as over open fields)
- f) **Safety** Enhanced. Current surface is rocky and slippery, as generally wet or flowing.
- g) **Status** N/A (same)
- h) **Width** Increased
- i) **Features of Interest** Improved views, open aspect,

8. PARTICULARS OF OWNERSHIP

- a) Applicant's interest (*owner/occupier/lessee*) in the land over which the existing path referred to in this application passes.

Current route is not registered

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

Owner of C-D
B-D owned by [REDACTED]

- 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

[REDACTED]

- 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 is enclosed.

9. THIS APPLICATION MUST BE ACCOMPANIED BY A PLAN TO A SCALE NOT LESS THAN 1:2500 (ON A CURRENT ORDNANCE SURVEY BASE) SHOWING-

- i) section of path to be extinguished
- ii) new path to be provided

Please tick box to confirm a plan is enclosed

10. FEES

- a) Please tick box to confirm a cheque for £700 is enclosed
- b) Please tick box to confirm that if the Authority decides to make an order then the remaining £2,700 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 diversion/extinguishment order is made I/We will defray any compensation which becomes payable under section 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 £2,700 if the Authority decides to make an order.

I/We apply for the extinguishment/diversions 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 3-11-17,

Name MIKE WALKER.....

Signed ...  Date 3-11-17..

Name CAROLYN W. WALKER.....

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.*

Public Footpath CL8/40, 43,
Morgan's Cottage
East Harptree

Scale: 1:2,500

