

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. ROB HENDY

Postal Address: LONE PINE, LANGRIDGE,
LANSDOWN, BATH, BAI 9BX

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: N/A

Email Address _____ Telephone No: _____

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

a) Footpath / Bridleway /Restricted Byway* No. BAS-22

b) Parish of CHARLCOMBE

c) Length in metres of section to be extinguished/diverted 278 APPROXIMATELY

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

A TO C

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

ACCESSABLE VIA A GATE THAT IS
TIED WITH STRING

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

- As the landowner the reasons for diverting the footpath are as follows:
- To ensure the walkers safety keeping them from walking through the farmyard away from cattle sheep & working machinery eg. Tractors
 - To create a walk with less of an incline into the field following the contour of the land
 - Allowing greater views of the countryside to the East.

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.

N/A

5. PLANNING APPLICATION DETAILS

N/A

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 355 APPROXIMATELY

b) Width in metres 2 METRES

c) Surface GRASS

d) Description of length to be provided by reference to terminal points on plan to accompany this application

POINT A TO B THEN POINT B TO C
KISSING GATE WILL BE INSTALLED
AT POINT B.

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

A NEW KISSING GATE WILL
BE INSTALLED. ALONG WITH NEW
STOCK FENCE.

7. **RELEVANT CONSIDERATIONS**

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

a) **Connectivity** UNCHANGED

b) **Equalities Impact** EASIER ROUTE

c) **Gaps & Gates** ONE ADDITIONAL
KISSING GATE

d) **Gradients** REDUCED GRADIENTS

e) **Maintenance** UNCHANGED

f) **Safety** DRAMATICALLY IMPROVED.
PUBLIC WILL BE AWAY FROM FARM BUILDINGS & YARD

g) **Status** UNCHANGED

h) **Width** UNCHANGED

i) **Features of Interest** IMPROVED VIEWS, REDUCED GRADIENTS,
SAFETY AWAY FROM FARM BUILDING & YARD.

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.

OWNER & OCCUPIER

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

OWNER & OCCUPIER

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

N/A

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 21/3/18

Name ROB HENDY

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.

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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, how has the power to determine opposed orders

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Public Footpath BA5/22
Upper Langridge, Charlcombe

Scale:1:1250



