

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

owners of Skylark Farm
BA28NL

Name: Paul and Emma Parton
Postal Address: Norton Wood Farm, Norton in Hales,
Market Drayton, Shropshire TF9 4BA
Email address: [REDACTED] Telephone No: [REDACTED]

2. NAME AND ADDRESS OF AGENT(S)

Name: N/A
Postal Address: _____

Email Address: _____ Telephone No: _____

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

- a) Footpath Bridleway /Restricted Byway* No. BA 19/22
 - b) Parish of Peasedown St John
 - c) Length in metres of section to be extinguished/diverted 330 metres
 - d) Width in metres of section to be extinguished/diverted 1.8 ?
 - e) Description of length to be extinguished/diverted by reference to terminal points on plan to accompany this application
Please see plan
- _____

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

Sometimes access is restricted due to large agricultural machinery in operation - especially whilst emptying the sheds of live birds and then the cleaning out of the sheds (approx every 7 weeks)

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

To prevent the public from danger.

To give the public a nicer, more rural walk.

To enable the farmer to keep the farm safe, enable better security to meet requirements for poultry industry standards.

* Please see attached supporting letter from Avoca foods and photographs taken on site.

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.

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

a) Length in metres approx 220 metres.

b) Width in metres 1.8 m ?

c) Surface Natural

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

from gate @ ST 70615574 in a NNE direction to approx ST 70755590 then to rejoin BA 19/21.

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

Hedge trimming, ~~and~~ ensuring suitable access through the woodland area. Install a pedestrian gate at the point where the proposed diversion joins BA 19/21.

6. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** from the S easier connectivity to the E towards Shoscombe and continuity to BA 19/21 towards Braysdown
- b) **Equalities Impact** No additional limitations. In fact removal of two big flights of steps and removal of industrial area.
- c) **Gaps & Gates** 1 Gate to be installed (where path joins BA 19/21)
- d) **Gradients** would be improved / more gradual
- e) **Maintenance** Hedgerow to be kept trimmed + access maintained through woodland
- f) **Safety** Much improved
- g) **Status** ?
- h) **Width** 1.8?
- i) **Features of Interest** Less industrial, more rural, better views, Woodland

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.

Owner.

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

Owner.

- 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

Rodney and Alison Mowlam, Braysdown Cottage, BA282L
This application would mean the BA 19/22 that crosses
their land would be extinguished
The diversion of BA 19/22 takes place on our land

- 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 £850 is enclosed.
- c) It is understood that if the Authority decides to make an order then the remaining £2,760 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.

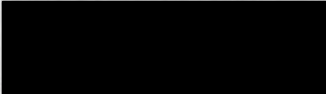
I/We agree to pay a further £2,760 if the Authority decides to make an order.

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 22.2.2021

Name EMMA PARTON

Signed  Date 22.2.2021

Name Paul PARTON

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.

BA19/22 Peasedown St John Application Plan

Public footpath to be created



Unaffected public footpath



Public footpath to be deleted



Scale: 1:4,000

