

**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: DAVID CRADOCK

Postal Address: Double Hill Farm  
Shoscombe Nr Bath BA2 8PT

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. \_\_\_\_\_

b) Parish of Shoscombe and wellow.

c) Length in metres of section to be extinguished/diverted APPROX 80m.

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

From points - D - E - C (Highlighted Blue)  
Letters ↗

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

original footpath is obstructed by Building  
for some considerable years.

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

unusable due to being covered with  
Building

**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.

would like to offer permissive route  
as new definitive line via  
Diversion

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

- a) Length in metres APPROX 80 metres
- b) Width in metres 2 metres
- c) Surface Grass or Stone as appropriate.
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

A - B - C letters highlighted pink

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

poss Resurface + fence as  
appropriate

## 6. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** 1 m wide line less gates
- b) **Equalities Impact** None.
- c) **Gaps & Gates** Less gates
- d) **Gradients** Flat
- e) **Maintenance** minimal
- f) **Safety** Better away from farm yard.
- g) **Status** No affect
- h) **Width** 2 m
- i) **Features of Interest** None.

## 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

*No*

- 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.

*N/A*

## 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 *11 Jan 2020*

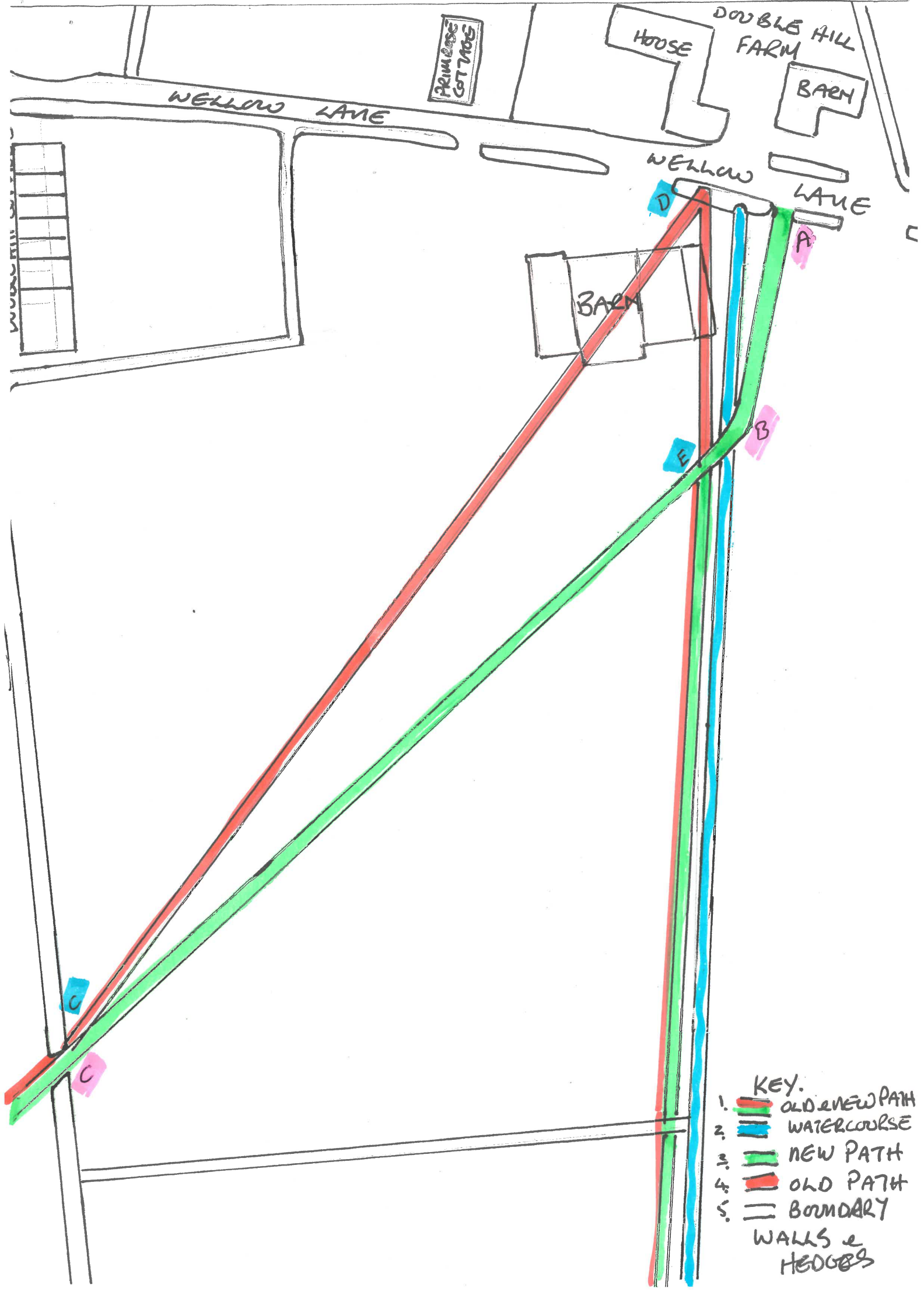
Name *DM EMADOCK*

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.*



Public Footpath ————  
 Public Bridleway ————  
 Byway Open to All Traffic ————  
 Parish Boundary - - - - -

