

**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: Oval Estates (St Peter's) Ltd

Postal Address: The Oval Office, St Peters Park, Cobblers Way, Radstock,
Somerset, BA3 3BX

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: [REDACTED] Cole Easdon Consultants Ltd

Postal Address: 160 Aztec, Aztec West, Almondsbury, Bristol, BS32 4TU

Email Address: [REDACTED] Telephone No: [REDACTED]

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

a) Footpath / Bridleway /Restricted Byway* No. CL24/107

b) Parish of Westfield

c) Length in metres of section to be ~~extinguished~~/diverted 271m

d) Width in metres of section to be ~~extinguished~~/diverted The full width

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

Section of PRoW CL24/107 crossing the site of the former St Peter's
Factory, Radstock. Refer to CEC Plan 5444/201 [Footpath Diversion Plan]
enclosed with this application.

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

Yes, although the definitive route is not actually walked owing to its rather circuitous nature/alignment. Other informal paths have been worn across the fields to be developed.

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

The diversion is necessary to allow residential development to take place, as proposed under planning application no. 16/04714/RES – Parcel 6781, Cobblers Way, Radstock. Failure to divert the path would leave the path running behind rear garden boundaries and would not be overlooked.

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 16/04714/RES
- b) Date permission granted N/A
- c) If permission not yet granted, date application submitted 26th September 16
- d) Nature of development Residential – 81 new homes
- e) Date development expected to begin End January 17

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

- a) Length in metres 183m
- b) Width in metres Minimum 2.0m width throughout
- c) Surface Tarmac
- d) Description of length to be provided by reference to terminal points on plan to accompany this application
Diverted footpath to be provided along the footways through the proposed housing development. Refer to the CEC Plan enclosed with this application.
- e) What works do you propose to undertake to bring the new path into a condition fit for use by the public?
Construct the new footways along which the footpath will pass to an adoptable standard in accordance with BaNES Council specification.

7. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** The proposed route offers a much shorter and more direct route through to Wells Road than the existing path
- b) **Equalities Impact** The proposed route will improve access for disabled people by providing a tarmacked and level surface with tactile paving where required.
- c) **Gaps & Gates** There are no new gaps or gates
- d) **Gradients** A set of steps is proposed at the southern end of the proposed route where it re-joins the existing alignment where there is a 2.0m level difference.
- e) **Maintenance** The new route will form part of the internal estate road layout to be adopted by BaNES Council and maintained as necessary.
- f) **Safety** The proposed route will be safer and more attractive as it will be well lit and overlooked by residents.
- g) **Status** The route's status will be unaffected and will remain as a public footpath – albeit with improved surfacing and lighting.

- h) **Width** A minimum 2.0m width shall be provided along the length of the new footpath, to be provided on new footways within the proposed development.
- i) **Features of Interest** Features of interest are unaffected. The proposed route will take people through a new, attractive housing development.

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.

Land owner and applicant for planning permission to develop land for 81 new homes.

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

As above.

- 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 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



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 the charges for processing the Order once it has been made and once it has been confirmed and agree to pay for the costs of advertising the Order when it is made, when it is confirmed and when it comes into effect if this is different from the date of confirmation. The Authority's Scale of Charges for Public Path Orders is published on the Authority's website.

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

Name

Signed Date

Name

On completion, this form, should be returned, together with the plan 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

SCALE OF CHARGES FOR PUBLIC PATH ORDERS

APPLICATION FOR EXTINGUISHMENT OR DIVERSION 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

The following charges apply for processing PPO applications during the 2016-2017 financial year. Charges will increase in line with inflation each year and applicants will be charged at the rate which is applicable at the time the work is carried out.

Description	Cost	Notes
Case Officer Time	£44 per hour	This usually totals between £2,750 and £3,250. Applicants will be charged no more than a total cost of £5,000 by the Authority for the processing of their application.
Legal Officer Time	£54 per hour	
Newspaper Notices	Actual cost of two newspaper notices to advertise the Order (three notices, if the new path is certified separately)	Each newspaper advert costs approximately £200 to £550 depending on the local newspaper in question, as at April 2016 and subject to length of the notice.
Mileage	45p per mile	Mileage costs for carrying out site visits and notice checking
Consumables	Actual costs incurred	This includes postage, laminating of notices etc.

In addition to these charges, applicants will be liable for the cost of bringing the new path into a fit condition for use by the public and any compensation which becomes payable as a result of the coming into operation of the Order.

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APPENDIX 5

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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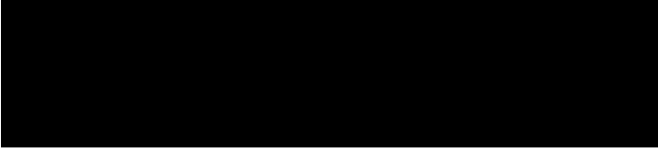
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I/We apply for the extinguishment/diversions of the highway described above.

I/We declare that to the best of my/our knowledge and belief all the particulars given are true and accurate.

Signed  Date 27-10-2016

Name A. G. Broadway

Signed  Date 27/10/2016

Name D. Broadway

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

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