

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: Robert Fox

Postal Address: The Vine House, Batheaston BA17AB

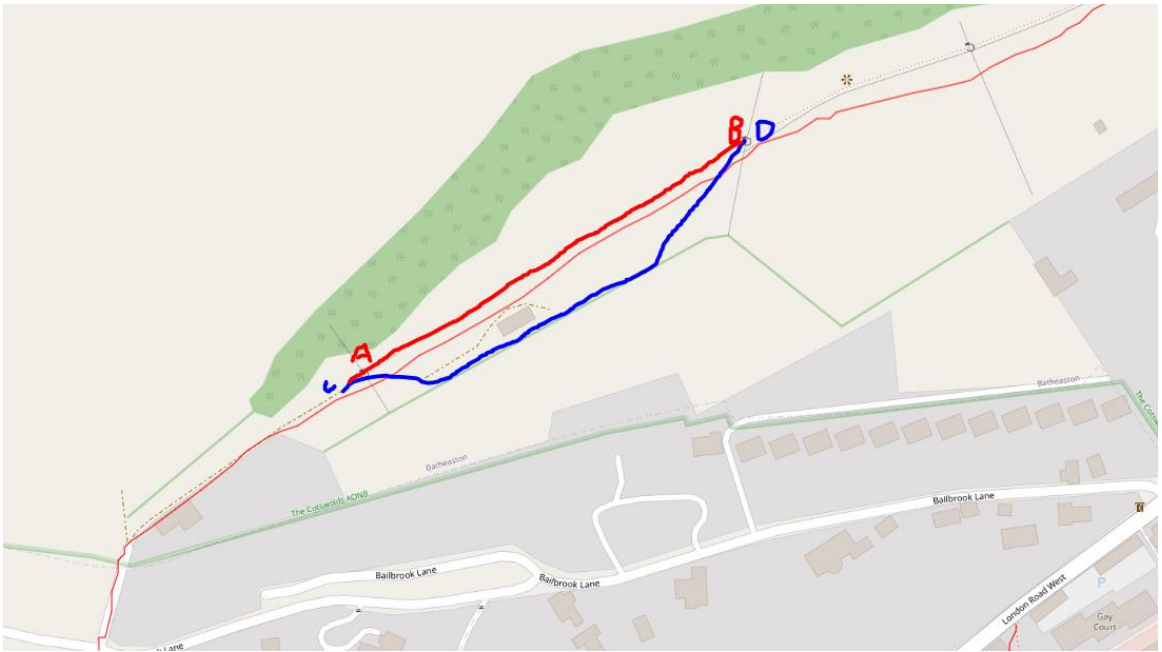
Email address: [REDACTED] Telephone No: [REDACTED]

2. NAME AND ADDRESS OF AGENT(S)

n/a

3. PARTICULARS OF RIGHT OF WAY TO BE DIVERTED*

- a) Footpath / Bridleway /Restricted Byway* No. BA2/6
- b) Parish of Batheaston
- c) Length in metres of section to be diverted - 200m
- d) Width in metres of section to be diverted - 2m
- e) Description of length to be extinguished/diverted by reference to terminal points on plan to accompany this application:
We propose to move points A-B on the plan to points C-D by way of moving the path through the middle of the field onto the existing flat track adjacent, please see 2x map screenshots below:



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

YES

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

To provide a better right of way across the existing track network just 20 meters adjacent, which offers a better surface, flatter and wider width for walkers. This also then allows the current field to be utilised for all agricultural and recreational purposes, where at present it cannot as the path cuts directly across it.

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.

N/A

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

- a) Length in metres - 213m (10m more)
- b) Width in metres – minimum 2m
- c) Surface - compacted hardcore and concrete
- d) Description of length to be provided by reference to terminal points on plan to accompany this application - map plan provided within
Additional length – 10 meters vs existing

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

A small stretch of new fencing 3m wide will help define the route from the existing route, down to the new route along the track, by cutting of the corner of the existing field to make the new route more gradual, with a hardstanding surface, of some 45m.

6. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** A better more established route
- b) **Equalities Impact** None
- c) **Gaps & Gates** None
- d) **Gradients** A slight gradient will be introduced to meet the existing track network away from the field, however this will be reduced to as small a gradient as possible by angling the new route and cutting off the corner of the existing field to accommodate. The new route provides a much flatter more stable surface overall than the existing uneven, arable field, which far out ways this small adjustment.
- e) **Maintenance** No effect. The new route will be maintained inline with any and all requirements
- f) **Safety** The new route is much safer for walkers as it provides a wider, more stable, flatter surface for walking
- g) **Status** Used
- h) **Width** New route will maintain a minimum width of 2m at least
- i) **Features of Interest** No features of interest will be disturbed of changed

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

None

- 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 £1018 is enclosed.
- c) Payment has been made by credit/debit card for £1018.
- d) It is understood that if the Authority decides to make an order then the remaining £3,046 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 £3,046 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 15.08.2023

Name Robert Fox

Signed Date

Name

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

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