

**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: **City of Bath District Scout Council (registered charity number 800699)**

Postal Address: **7 Grove St, Bathwick, Bath BA2 6PJ**

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

2. NAME AND ADDRESS OF AGENT(S)

Name: **Not applicable**

Postal Address:

Email address:

Telephone No:

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

- a) Footpath / Bridleway /Restricted Byway* No. **Not known (possibly BA14/17).**
- b) Parish of **Kelston.**
- c) Length in metres of section to be extinguished/diverted - **approx. 350 metres as shown on the attached plan.**
- d) Width in metres of section to be extinguished/diverted – **the width varies between approximately 1 and 2 metres along the route.**
- e) Description of length to be extinguished/diverted by reference to terminal points on plan to accompany this application

The footpath currently cuts through the middle of the Cleeve Hill Campsite ("Campsite"), running east to west, as shown on the attached plan. The proposed new route would largely follow the hedgerows of the relevant fields making up the Campsite but would enter and exit the Campsite at the same points as it currently does. The existing route of the footpath is shown by the green dashed line on the attached plan with the section to be diverted marked with black crosses. The proposed new route of the diverted footpath is shown by the purple dashed line on the attached plan.

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

Yes, it is.

4. REASONS FOR THE DIVERSION OF THE PATH

The existing footpath runs through the Campsite which is operated by Bath Scouts for the activities of the Scout and Guide movements or other organised youth groups in the City of Bath, in order to provide recreational and educational purposes. The current route of the footpath significantly compromises the safety, amenity and viability of parts of the Campsite as it runs through the middle of fields that are used for children's activities (including camping) and we cannot comply with our safeguarding/health & safety obligations to the children using those areas, which greatly reduces their usability in terms of the activities we can offer to the children. By relocating the section of footpath to the new proposed route, we would be able to comply with our safeguarding/health & safety obligations and also maintain/enhance the amenity of the Campsite. We do not believe that the diverted route would be substantially less convenient to the public and the diversion does not alter any point of termination of the path.

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.

Not applicable

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

- a) Length in metres – **approximately 400 metres, as shown on the attached plan.**
- b) Width in metres - **approximately 2 metres throughout.**
- c) Surface – **as existing.**
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

The proposed new route would largely follow the hedgerows of the relevant fields making up the Campsite but would enter and exit the Campsite at the same points as it currently does. The existing route of the footpath is shown by the green dashed line on the attached plan with the section to be diverted marked with black crosses. The proposed new route of the diverted footpath is shown by the purple dashed line on the attached plan.

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

We propose to create a new path of largely the same (if not better) type and condition as the existing path. We will create a bridge where the proposed new route crosses the stream towards the western end of the new route.

6. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** - the new proposed route maintains links to the existing path where possible.
- b) **Equalities Impact** – every effort will be made to promote equality of opportunity for disabled people and to make reasonable adjustments to physical features so that people with disabilities are not disadvantaged.
- c) **Gaps & Gates** – we will seek to minimise the number of structures on the new route. There will be no new structures at either end of the new route but consideration will need to be given to where the new route intersects with areas of the Campsite that are used for children’s activities, for safeguarding/health & safety purposes as outlined above. Any crossing points will be designed with PPO Policy considerations in mind and in consultation with the Council’s Public Rights of Way Officer.
- d) **Gradients** – the new route does not introduce any significantly increased gradients compared to the existing path. No steps will be needed along the new route.
- e) **Maintenance** – we do not believe the proposed new route will result in any significantly higher maintenance liability for the Council.
- f) **Safety** – the proposed route will take into account the safety of users and we do not believe that it will introduce additional hazards. We do not believe that it will encourage or be likely to encourage increased antisocial behaviour or criminal activity.
- g) **Status** - where possible and appropriate, consideration will be given to establishing increased opportunities for users of the path.
- h) **Width** - the width of the new proposed path will be clearly defined and not be less than 2 metres.
- i) **Features of Interest** – we do not believe that our proposal will remove public access from any feature of interest or place of resort, or result in lower quality or diversity of views for the user.

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.

Lessee – the applicant has a 99 year lease of the Campsite commencing 16 May 2019.

- 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

Yes – Bath & North East Somerset Council owns the freehold to the Campsite.

- 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.

In view of the only other interested person being Bath & North East Somerset Council, we would propose that its consent to our application is dealt with as part of the application process.

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 publicly available.

DECLARATION

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.

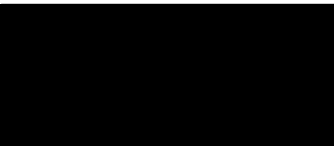
We declare that the public right of way to be stopped up is not obstructed and that it is fully available to the public. (Subject to Article 3(f) above).

We hereby agree that if a creation/diversion/extinguishment order is made 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.

We agree to pay a further £2,809 if the Authority decides to make an order.

We apply for the creation/diversion/extinguishment of the highway described above.

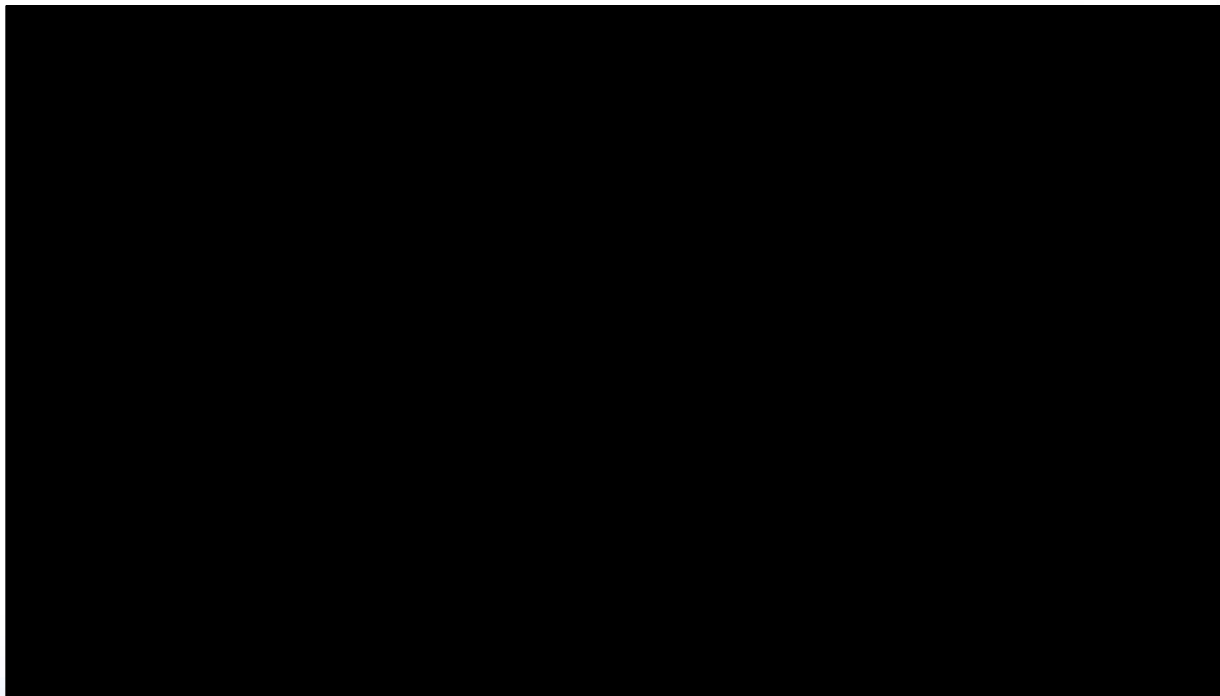
We declare that to the best of our knowledge and belief all the particulars given are true and accurate.

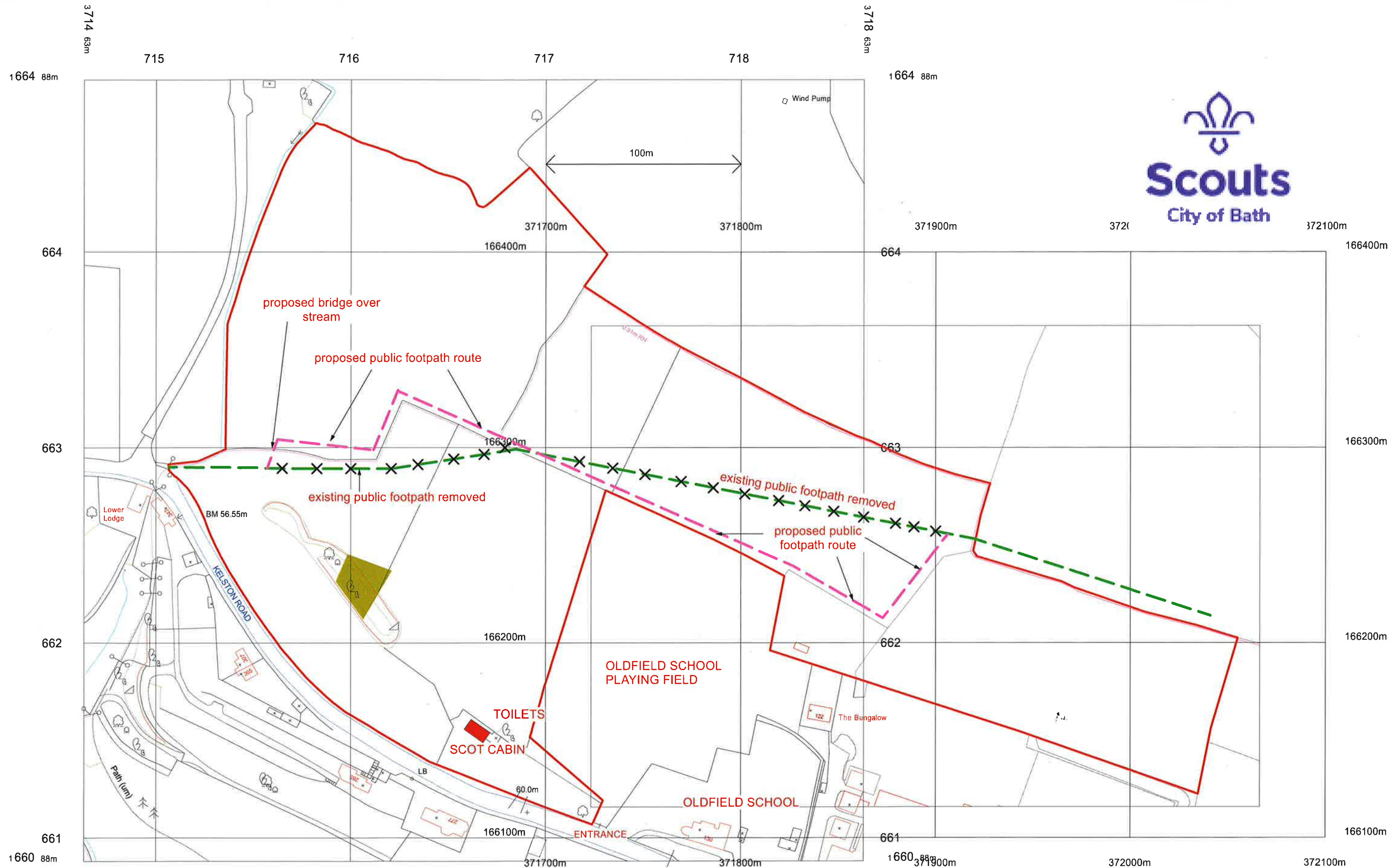
Signed  Date 22 June 2020
On behalf of City of Bath Scouts

Name RICHARD ROTH

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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TOTAL SITE AREA
approx 20.233 ACRES = 8.188 Ha

**BATH DISTRICT SCOUT COUNCIL
CLEEVE HILL CAMPSITE PLAN
PROPOSED PUBLIC FOOTPATH DIVERSION**