

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: FREDERICK ROBERT HART.

Postal Address: Ginnys Cottage Hollowbrook
Bishop Sutton Brom BS39 5TY

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

2. NAME AND ADDRESS OF AGENT(S)

Name: _____

Postal Address: _____

Email Address: _____ Telephone No: _____

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

a) Footpath / ~~Bridleway~~ / ~~Restricted Byway~~* No. CL 3/39

b) Parish of Chew Magna

c) Length in metres of section to be extinguished/diverted Approx 200m

d) Width in metres of section to be extinguished/diverted obstructed

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

Point A. Garden gate at Ginnys Cottage, 1 Hollowbrook
in a north easterly direction through 2
buildings and paddock to Point B in
field - approx 200metres

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

No. obstructed by Nol Hollowbrook plus annex and shed.

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

To divert to walked route away from obstructions

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 150m approx
- b) Width in metres 2 metres
- c) Surface natural grass - Termination at Hollowbrook here - Tarmac Pointe
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

From Point C on Hollowbrook here through paddock to Point D (crossing gate - new) over field to Point B approx 150 metres in a north easterly direction

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

New kissing gate at D.
Signpost at C.

6. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** Connects with Hollowbrook Lane & further path to the south CL20/9.
- b) **Equalities Impact**
- c) **Gaps & Gates** Gap at Point C.
New kissing gate at Point D.
- d) **Gradients** Gradient at Point C.
Very gradual gradient C-D.
- e) **Maintenance** None required.
- f) **Safety** No problem.
- g) **Status** Footpath.
- h) **Width** 2 metres
- i) **Features of Interest** Nothing in particular

7. PARTICULARS OF OWNERSHIP

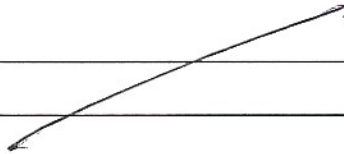
- a) Applicant's interest (owner/occupier/lessee) in the land over which the existing path referred to in this application passes.

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



- 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 £884 is enclosed.
- c) Payment has been made by credit/debit card for £884.
- d) It is understood that if the Authority decides to make an order then the remaining £2,872 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 £2,872 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 8.9.22

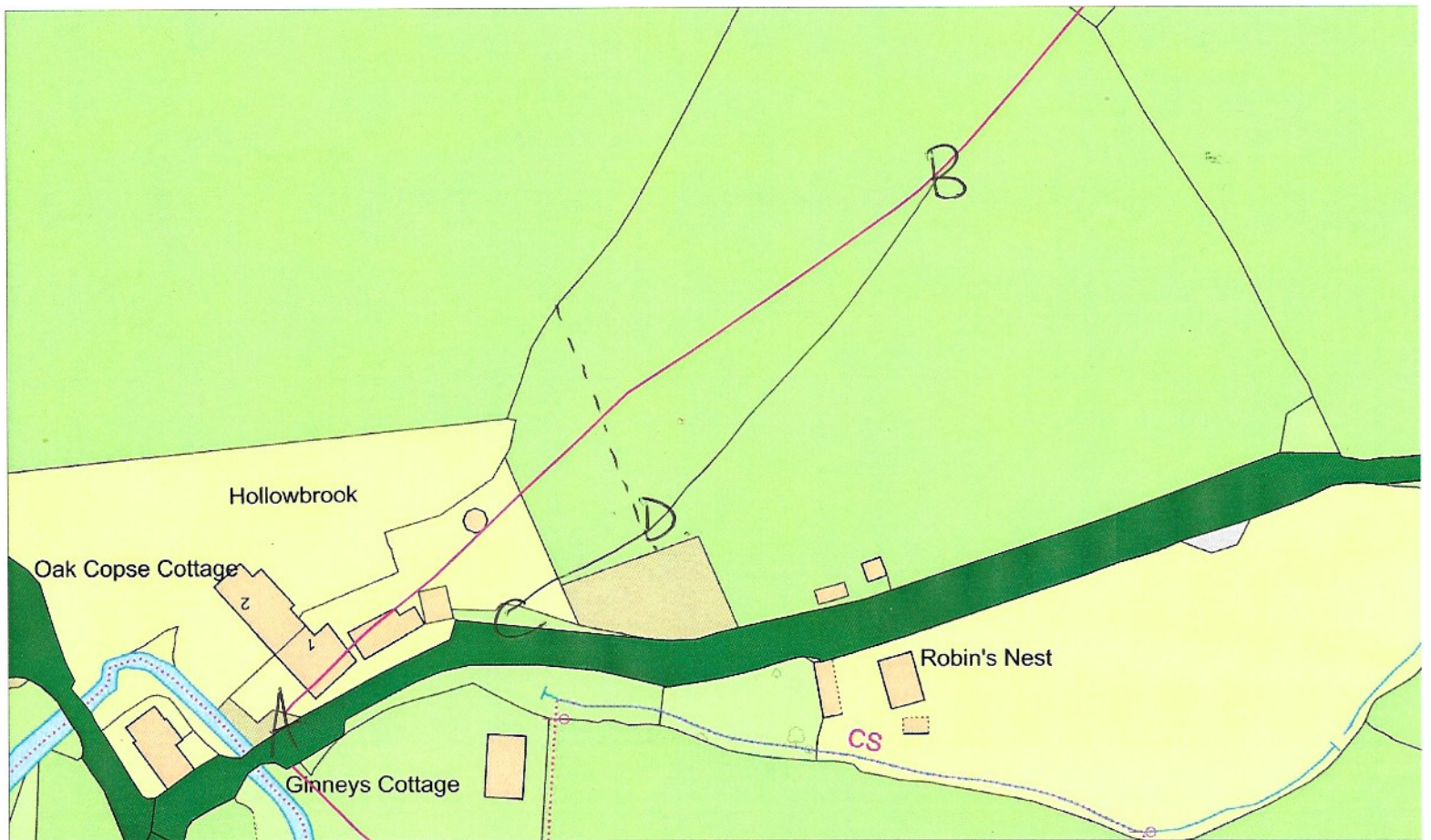
Name F.R. Hart

Signed  Date 8.9.22

Name FR. Hart

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.



- C. Footpath Signpost
- D. Red gate or kissing gate
- B. Kissing gate