

**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: JO AND RUSSELL DAVIES

Postal Address: 4, DUCHY COTTAGES, PITWAY LANE,
FARRINGTON GURNEY, BRISTOL, BS39 6TU

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. CL 10120

b) Parish of FARRINGTON GURNEY

c) Length in metres of section to be extinguished/diverted 65m

d) Width in metres of section to be extinguished/diverted 0.6m

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

FROM PITWAY LANE TO FIELD MARKED
'BRIONY'

- (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

WE HAVE RECENTLY PURCHASED A FORMERLY DUCHY OWNED ALLOTMENT THAT RUNS ADJACENT TO OUR PROPERTY. AS SUCH, THE CURRENT FOOTPATH NOW RUNS DIRECTLY THROUGH OUR LAND. WE WSH TO INCLUDE THE NEW LAND AS PART OF OUR PRIVATE GARDEN.

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 - BEING DIVERTED NOT EXTINGUISHED

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

- a) Length in metres 65m
- b) Width in metres THE ROAD THAT WILL ACCOMMODATE THE NEW ROUTE IS 4m
- c) Surface SHINGLES
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

FROM PITWAY LANE TO THE FEND MARKED 'BRIONY' - WEST SIDE OF PRIVATE ROAD

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

NIA - THE ROUTE IS ALREADY ESTABLISHED
AND UTILISED BY THE GENERAL PUBLIC

6. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** NIA
- b) **Equalities Impact** NIA
- c) **Gaps & Gates** NIA
- d) **Gradients** NIA
- e) **Maintenance** NIA
- f) **Safety** NIA
- g) **Status** NIA
- h) **Width** NIA
- i) **Features of Interest** WE WILL RETAIN THE OLD
STILE STONE CURRENTLY IN SITU

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.

JO AND RUSSEL DAVES - 4 DUCKY COTTAGES
MATTHEW KEMP - 3 DUCKY COTTAGES

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

MATTHEW KEMP - 3 DUCKY COTTAGES
PLEASE SEE ATTACHED AGREEMENT

- 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

THE NEW ROUTE IS ON LAND OWNED BY -
MATTHEW KING - 3 DORMY COTTAGES
HE HAS GRANTED PERMISSION

- 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.

| Status | Width | Features of Interest |
|--------|-------|----------------------|
| | | |
| | | |

7. PARTICULARS OF OWNERSHIP

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

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.

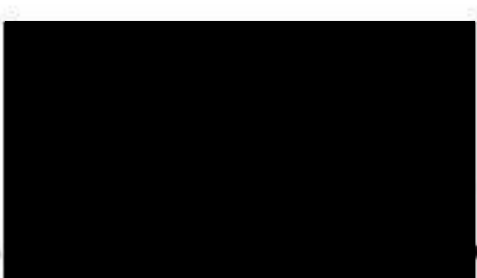
I/We declare that the public right of way to be stopped up is not obstructed and that it is fully available to the public. (Subject to Article 3(f) above).

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 24.6.23

Name JO DAVIES

Signed  Date 24/6/23

Name RUSSELL DAVIES

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.

Farrington Gurney
Public Footpath CL10/20

Public footpath 

Scale 1:1250

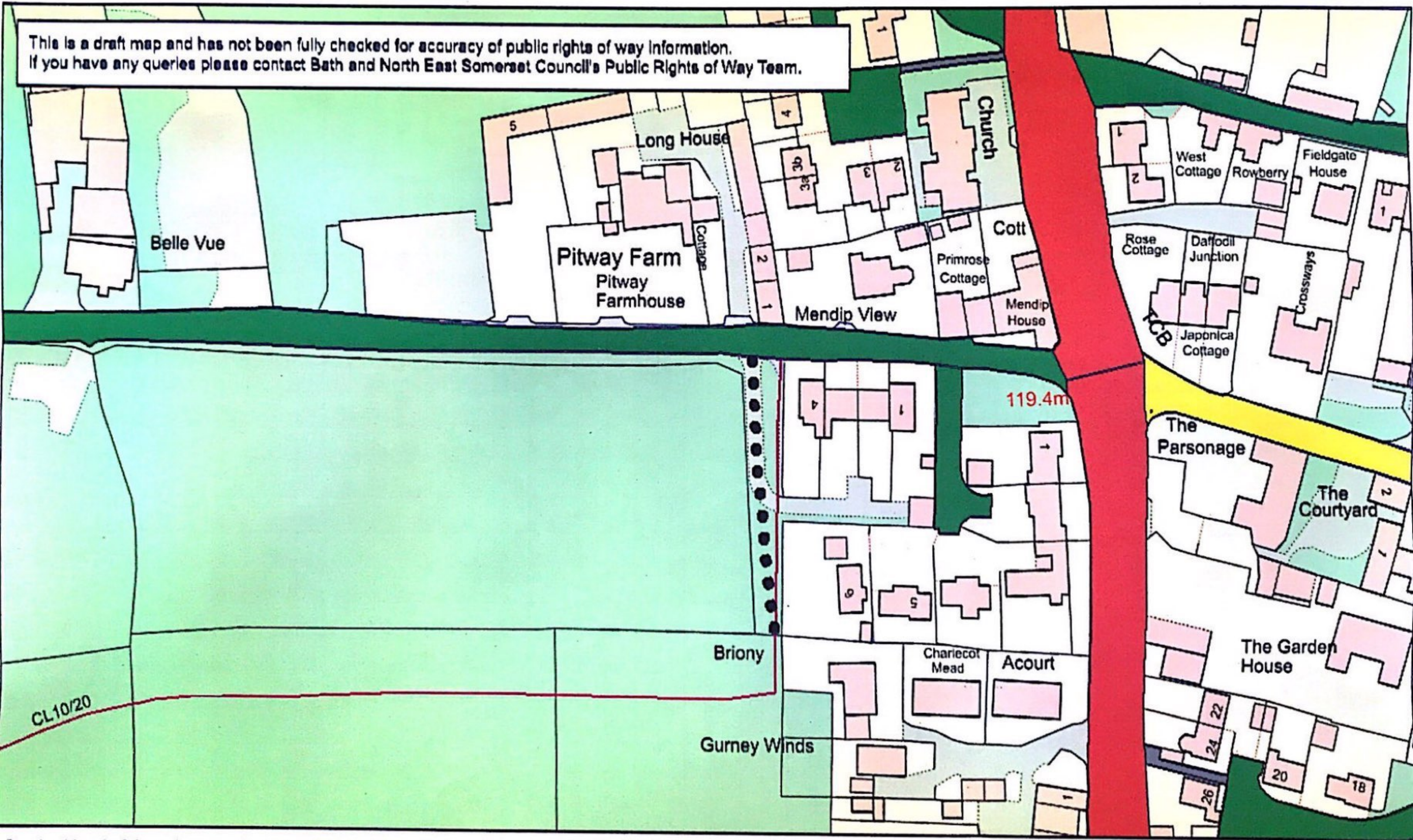


Bath & North East Somerset Council

Improving People's Lives

NEW ROUTE BLACK DOTTED LINE 

This is a draft map and has not been fully checked for accuracy of public rights of way information. If you have any queries please contact Bath and North East Somerset Council's Public Rights of Way Team.



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