

APPENDIX 3

**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: ELDER KLATZKO

Postal Address: 1A TILLEY LANE, COLD BATH
FARMBOROUGH, BATH, BA2 0RD

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

2. NAME AND ADDRESS OF AGENT(S)

Name: _____

Postal Address: N/A

Email Address: _____ Telephone No: _____

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

a) Footpath / Bridleway /Restricted Byway* No. CL9/36

b) Parish of Farmborough

c) Length in metres of section to be extinguished/diverted refer the length is 130 of my paces

d) Width in metres of section to be extinguished/diverted for the full width of the old path

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

I would like to have the path that is currently going from point A → C on my map that is about 130 of my paces too A → B → C so its the same distance and an easier, safer, path to walk.

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

yes.

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

For safety reasons as I, (the landowner) am turning my Stallion out in the field and feel it would be much safer for the public if they could walk a fenced path way rather than a field with horses in that can be very dangerous, and for the safety of my horses if walkers have dogs they can spook the horses making it very dangerous for the horses, walkers and dogs! And for security reasons so walkers don't walk into the Stable yard.

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.

N/A

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 N/A
- b) Date permission granted _____
- c) If permission not yet granted, date application submitted _____
- d) Nature of development _____
- e) Date development expected to begin _____

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

- a) Length in metres 130 of my paces.
- b) Width in metres 2.5m
- c) Surface Part road plantings part Soil.
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

I would like to move the path from A-D-C ~~on my~~ on my map provided, to A-B-C and add a gate at point B.

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

put new kissing gate at start of path, make sure path is level and maintain hedge so easy to access.

7. **RELEVANT CONSIDERATIONS**

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

- a) **Connectivity** it wont make any difference, just easier to walk.
- b) **Equalities Impact** farmborough village, it wont have any impact
- c) **Gaps & Gates** there will be a kissing gate at each end of the section of footpath
- d) **Gradients** it will be a level path 2.5m wide.
- e) **Maintenance** path will be maintained and kept so easy to use for the public
- f) **Safety** A Fenced pathway will be much safer for walkers so they dont risk walking in a field with a stallion.
- g) **Status** Not Applicable
- h) **Width** the path will be 2.5m wide.
- i) **Features of Interest** it wont make any difference as no features of interest close to path.

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.

I am the owner of the land.

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

I am the owner of the land, although the new kissing gate would be on the boundary to my land.

- 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 apart from the kissing gate is on the boundary to my field and Mrs Mrs too goods field. who live at Manor farm.

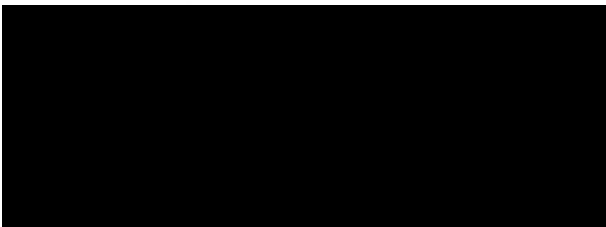
Ann. too good@btinternet.com.

- 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. 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 GIS shape file (.shp) georeferenced to British National Grid (development-related applications only)
- c) A4-sized Block Plan showing the proposed development and the existing and proposed paths (development-related applications only)
- d) A cheque for £715 is enclosed.
- e) It is understood that if the Authority decides to make an order then the remaining £2,755 will be payable at that time
- f) Consent is granted for the applicant's name and postal address to be made publically available.



8/3/2019

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).

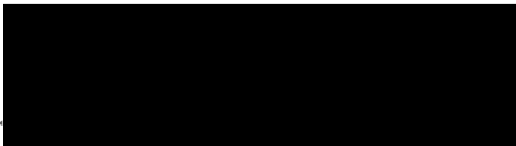
I/We hereby agree that if a diversion/extinguishment order is made I/We will defray any compensation which becomes payable under section 121 of the Highways Act 1980 in consequence of the coming into operation of the Order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

I/We agree to pay a further £2,755 if the Authority decides to make an order.

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

8/3/2019

Name

Elder Klatzko

Signed

Date

Name

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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APPENDIX 4

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, who has the power to determine opposed orders

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New kiss gate

Proposed new path

move path to fenced path

8m

CL9/36

Horses grazing in field here.

path way

Barn

Stables

Riding arena

124.3m

1

3

The Folly

Sunny

Issues