

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: Susan Pole (on behalf of Jon Berry, Court Farm, Margaret Finn, Barton Springs
Postal Address: North Barn, Cameley, Temple Cloud ^{Dulcie Harris}
BS39 5AH ^{Hillcrest Farm)}

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

2. NAME AND ADDRESS OF AGENT(S) N/A

Name: _____

Postal Address: _____

Email Address: _____ Telephone No: _____

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

a) Footpath / Bridleway / Restricted Byway* No. CL1/29 and CL1/30

b) Parish of Cameley

c) Length in metres of section to be extinguished/diverted 565m app.

d) Width in metres of section to be extinguished/diverted 2m app.

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

A to B diverted (to permissive / 'walked' path)
C to D diverted

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

A to B definitive path is blocked by lake and garden
C to D freely available

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

A to B Legalization of de facto diversion
C to D To avoid working yard, improve
walkers experience. In interest of landowners
and public.

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 550m app
- b) Width in metres 2m app
- c) Surface Grass
- d) Description of length to be provided by reference to terminal points on plan to accompany this application
A to B 325m approx.
C to D 225m
225

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

Remove all obstacles; see attached Appendix

6. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** Improved at point D where path meets road opposite next section of public footpath
- b) **Equalities Impact** No impact
- c) **Gaps & Gates** Number of Gates is reduced. Creation of new generous gap through willow coppice. (as per Appendix)
- d) **Gradients** Generally unchanged
- e) **Maintenance** Better maintainability
- f) **Safety** Improved safety by diversion from working yard. Diverted path will run by stream - may require fence.
- g) **Status** Diverted path would be exclusively rural fields not on vehicular road.
- h) **Width** Unaffected.
- i) **Features of Interest** Better access to stream, better view, walk by possible earthworks site.

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.

All four applicants are landowners of one section of the existing path.

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

All applicants except Margaret ~~and~~ Finn (Barton Springs) will own their individual sections of the new path.

- 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

Only the four landowners: Susan Pole, North Barn, Cameley, Temple Cloud BS39 5AH
Jon Berry, Court Farm, Cameley, Temple Cloud BS39 5AH
Margaret Finn, Barton Springs, Cameley, Temple Cloud BS39 5AH
Dulcie Harris, Hillcrest Farm, Cameley, Temple Cloud BS39 5AQ

- 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 £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

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 £2,809 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 10/11/19
Name Susan Pole

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.

Appendix: Application to Divert Footpaths CL 1/29 and 1/30

The purpose of this application is to accommodate changes in the local pattern of land use, including legalising a *de-facto* diversion to a permissive path caused by the construction of fishing lakes, and to establish an intuitive, pleasant, welcoming and well-connected system of public footpaths.

Path CL 1/29 – Diversion around Barton Springs and the fishing lake.

(points 'B' to 'A' on the accompanying plan 058)

It was understood when the fishing lake was excavated approximately fifty years ago that the necessary steps had been taken to legally divert the footpath to the current position. This now appears not to be the case and this application is to legalise that situation through a diversion to the permissive path that runs on the North bank of the river, parallel to the definitive path.

- Rather than crossing the small unnamed stream and into the garden of Barton Springs, the permissive path switches to the river's North bank in the field belonging to South Barn, crossing on the existing 2.4m wide stone-built bridge with low stone parapets.
- The permissive path continues through permanent pasture along the North bank for approximately 300 metres and merges with the definitive path.
- The path flows and connects naturally. No additional gates or other obstacles would be introduced, no new bridges would be required, and the path width remains unrestricted.

Path CL 1/30 – Cameley Lane to the Cam Footbridge

(points 'D' to 'C' on the accompanying plan 058)

The purpose of the diversion of this part of the footpath is to replace the current puzzling dogleg route up a driveway and through a working yard, with a more intuitive and desirable route through permanent pasture with a pleasant view of the valley and river. Many walkers are confused and get lost on the existing path and are unsure of the legality of walking through the yard. The diversion also allows more effective use of the yard.

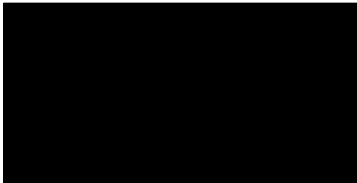
- The diversion would leave Cameley Lane through a new and clearly visible gateway in the hedge using the re-positioned foot gate. The route would be cleared of low branches and the wire fence, and the bank reshaped to reduce gradient, and elide crossfalls.
- The path would follow the natural desire line around the earthworks then diametrically across the field toward the visible destination of the willow coppice.
- An avenue would be opened through the coppice to provide a fenced route of about 5m width leading to the river bank and the repositioned foot gate in the property boundary.
- The path would curve with the river bank then return to the original line at the junction with path CL1/29 just before the footbridge over the River Cam.
- The overall length of the diversion is about 240metres and is marginally shorter than the existing path. The new path would be easier to maintain by mowing, avoids potential vehicle conflict and other hazards in the yard and drive, and has one fewer gate for pedestrians.

Barton Springs
Cameley
Temple Cloud
BS39 5AH

10th December 2019

I confirm that I am the landowner of the land some of the public footpath CL1/29 traverses and that I agree to the proposed diversion of the path as outlined in the application made on our behalf by Susan Pole.

I waive my right to compensation should the proposals go ahead.



Margaret Finn

Court Farm
Cameley
Temple Cloud
BS39 5AH

10th December 2019

I confirm that I am the landowner of the land some of the public footpath CL1/30 traverses and that I agree to the proposed diversion of the path as outlined in the application made on our behalf by Susan Pole.

I waive my right to compensation should the proposed diversion go ahead.

Jon Berry



Hillcrest Farm
Cameley
Temple Cloud
BS39 5AQ

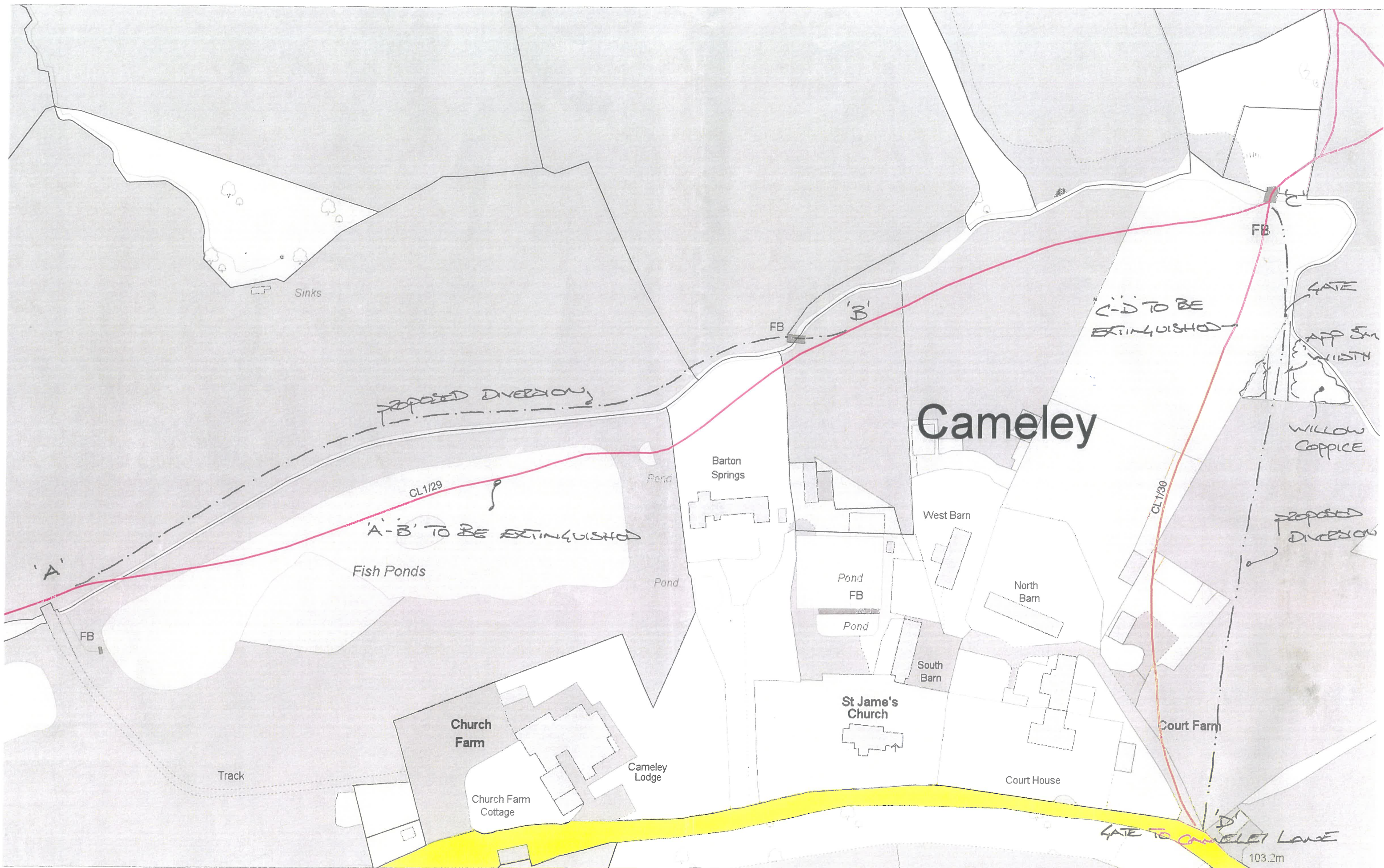
10th December 2019

I confirm that I am the landowner of the land some of the public footpath CL1/29 traverses and that I agree to the proposed diversion of the path as outlined in the application made on our behalf by Susan Pole.

I waive my right to compensation should the proposed diversion go ahead.



Dulcie Harris



6.12.19 BLM DWL 058 NTS