

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: TIMOTHY BAMFORD

Postal Address: LEESONS COTTAGE,
MIDDLE TWINHOE, BATH, BA2 8QX

Email address:  Telephone No: 

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. BA 25/3

b) Parish of WELLOW

c) Length in metres of section to be ~~extinguished~~/diverted _____

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

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

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

NO - COMPLETELY OVERGROWN. THE FOOTPATH IS IN A NEW POSITION PARALLEL TO THE ORIGINAL AND HAS BEEN FOR MANY (720) YEARS AND WAS LIKE THIS WHEN WE BROUGHT THE HOUSE

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

TO MARK IT IN ITS CURRENT POSITION WHICH IS HOW IT IS USED BY WALKERS. THERE IS A WOODEN KISSING GATE AT ONE END AND A STILE AT THE OTHER. WE WOULD BE HAPPY TO PAY FOR A NEW WOODEN KISSING GATE TO REPLACE THE STILE AT THE NORTH END.

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

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

- a) Length in metres 65 METRES X-Y
- b) Width in metres 2 METRES
- c) Surface FIELD - GRAZING LAND
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

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

THE "NEW" PATH IS ALREADY USED BY THE PUBLIC.
WE WOULD PAY FOR A WOODEN KISSING GATE TO
REPLACE THE STILE AT THE NORTH END

6. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** NOT AFFECTED

- b) **Equalities Impact** NOT AFFECTED

- c) **Gaps & Gates** STILE AT NORTH END TO BE REPLACED
BY A WOODEN KISSING GATE

- d) **Gradients** NOT AFFECTED

- e) **Maintenance** NOT AFFECTED

- f) **Safety** NOT AFFECTED

- g) **Status** NOT AFFECTED

- h) **Width** NOT AFFECTED

- i) **Features of Interest** NOT AFFECTED

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/OCCUPIER

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

NONE - BELONGS TO NEIGHBOUR

- 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 £850 is enclosed. *PAID ONLINE*
- c) It is understood that if the Authority decides to make an order then the remaining £2,760 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.

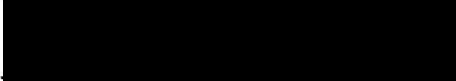
I/We declare that the public right of way to be stopped up is not obstructed and that it is fully available to the public. (Subject to Article 3(f) above).

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 £2,760 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.

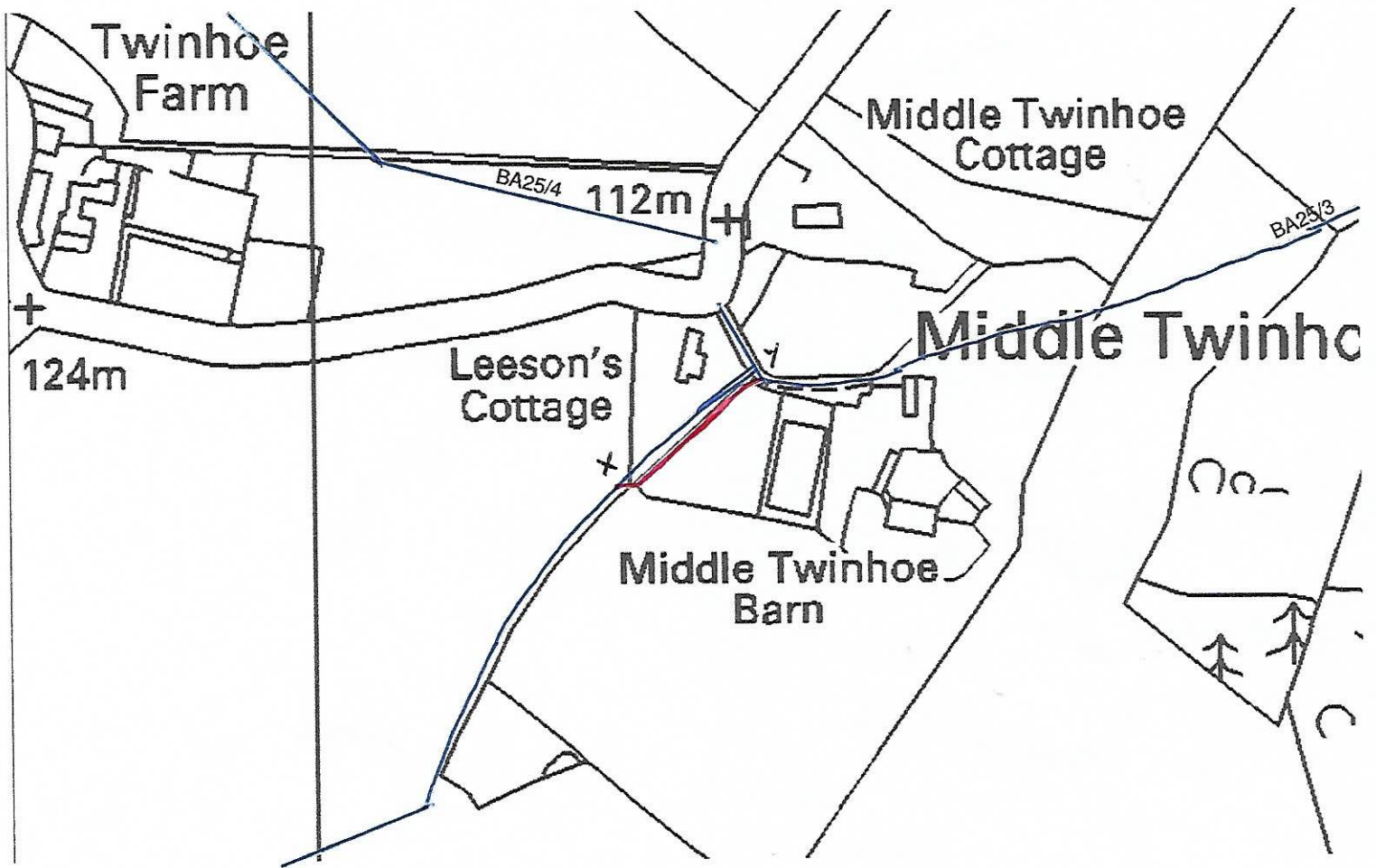
Signed  Date 14/8/2020
Name TIMOTHY DAVID SANFORD

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.*



- Existing route
- Proposed route