

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

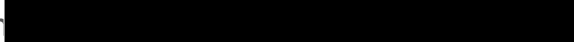
No authority for the extinguishment or diversion of a highway is conferred unless and until a Public Path Extinguishment or Diversion Order has been made, confirmed and come into effect. Any preliminary obstruction of, or interference with, the highway concerned may not only be an offence, but may make it impossible to proceed with the making of an Order.

1. NAME AND ADDRESS OF APPLICANT

Name: _____ Massimo Polacco _____

Postal Address: _Bath and North East Somerset Council The Guildhall Bath

Email address: Massimo_Polacco@bathnes.gov.uk

_____ Teleph 

Please note that Applicant's name  will be publically available.

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. _

1. BA27/19 &

2. BA27/20

b) Parish of _____ Keynsham _____

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

1. Approximately 78 metres

2. Approximately 248 metres

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

___ Full width of both FPs _____

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

1. A – B

2. A - C _____

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

No – the definitive line of both footpaths is not accessible because development has been completed over the area many years ago. _____

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

Diversion of both routes is required to provide rights of way for routes that the public currently walk. The diversion is required in the interests of the land owners as development was carried out many years ago making the current public footpaths not available for use. Alternative routes have been provided and therefore the legal line needs to be diverted.

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.

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 _____
- 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 _____
1. Approximately 115 metres
 2. Approximately 263 metres _____
- b) Width in metres _____ Approximately 2 metres _____
- c) Surface __ Both footpaths will be mainly tarmac and crushed stone surface
- d) Description of length to be provided by reference to terminal points on plan to accompany this application
1. points D (grid reference ST 6553 6842) – E-M-N-P-Q-R (grid reference ST 6563 6837)
 2. points E (grid reference ST 6555 6839) – F-G-H-J-K-L (grid reference ST 6559 6816)
- e) What works do you propose to undertake to bring the new path into a condition fit for use by the public?
_____ None required for either route _____

7. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** _____
1. Connectivity is improved as the proposed route joins FP BA27/74 to BA27/19 at point D. The proposed route joins FP BA27/19 at point R near a footbridge which crosses the River Chew. The footbridge is used by the public to access a long stay car park and to go from east to west across the town.
 2. Connectivity is improved as the proposed route joins FP BA27/19 at point E to the same FP at point L formalising a route that is currently walked by the public from the shopping centre to the south of Keynsham Memorial Park.
- b) **Equalities Impact** _____
1. Ground level at points A and D-E is noticeably higher than the ground level at points B and R. The proposed route provides steps and handrails at points M and N-P which will assist the public in getting from one level to the other.

2. Ground level at points A, E, F and G is noticeably higher than the ground level at points K and L. The proposed route provides steps and handrails at H - J which will assist the public in getting from one level to the other.

c) **Gaps & Gates** There are no gates proposed on either route.

d) **Gradients** _____

1. There is a steep gradient between the beginning and end of this length of FP BA27/19. The proposed route covers the same gradient over a slightly longer length making it less steep. Steps are incorporated into the proposed route.

2. The proposed route for FP BA27/20 incorporates steps to negotiate a slightly increased gradient between the beginning and the end of the diversion.

e) **Maintenance** ___ Maintenance of both FP's will be improved due to the permanent nature of the surface (tarmac and crushed stone).

f) **Safety** _____ Safety will be improved for both FP's due to the permanent nature of the surface (tarmac and crushed stone) and the steps and handrails to move from one level to the other.

g) **Status** _____ No change to status_

h) **Width** _Proposed routes to be approximately 2 metres wide.

i) **Features of Interest** _____ No change_____

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.

1. Landowner of BA27/19

2. part landowner of BA27/20_____

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

_____ Land owner of all of the proposed routes

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- 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

2. BA27/20 AV183500 (leasehold) and ST316067 (freehold) of St Kenya Court and St Cadoc House. These landowners will benefit by having the definitive line of FP BA27/20 removed from their land or properties

- 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. *PROW will advise all landowners once application is complete.*

9. THIS APPLICATION MUST BE ACCOMPANIED BY A PLAN TO A SCALE NOT LESS THAN 1:2500 (ON A CURRENT ORDNANCE SURVEY BASE) SHOWING-

- i) section of path to be extinguished
- ii) new path to be provided

Please tick box to confirm a plan is enclosed

10. FEES

- a) Please tick box to confirm a cheque for £700 is enclosed
- b) Please tick box to confirm that if the Authority decides to make an order then the remaining £2,700 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 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 £2,700 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 15 Dec 2017
Name Massimo Polacco

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.

Riverside and Keynsham Leisure Centre

Footpath to be stopped up —

Footpath to be created —

Unaffected public footpath —

Bath & North East
Somerset Council

Scale 1:2000

