

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: Jenny Howell, Parish Clerk to Stowey Sutton Parish

Council _____

Postal Address: Stowey Sutton Parish Council, PO Box 1223, Bristol, BS48
9BS _____

Email _____

Telephone No: _____

Please note that Applicant's names and postal addresses 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 No. CL20/06

b) Parish of Stowey Sutton

c) Length in metres of section to be diverted ~~TBC - Wendy Robbins~~ 153m

d) Width in metres of section to be diverted 2 metres

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

The footpath CL20/06 currently runs diagonally across land reference AV149034. The proposal is to divert the footpath from the starting point

accessed via the Street, Stowey from an un-adopted section and follow the edge boundary of the field running adjacent to The Street before exiting on the A368 directly opposite footpath CL20/08.

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

Yes – footpath CL20/06 is freely accessible to the public. The Parish Council can confirm that the ‘legal’ line (i.e. the route currently recorded on the Definitive Map and Statement) is not blocked, and can be currently used by the public.

The footpath currently cuts through a farmers field owned by Mr and Mrs Blair and exits onto the A368. The proposal is to divert the footpath so that it runs along the edge of the farmers field and adjacent to The Street and exits onto the A368 to link up with footpath CL20/08 on the opposite side of the A368

4. REASONS FOR THE DIVERSION* OF THE PATH

1. The diversion would provide a safer route for the public. At presents members of the public using the footpath have to walk along a lengthy unpaved stretch of the A368 in order to join up with footpath CL20/08.
2. This diversion would provide greater connectivity to the Three Peaks Way which is a priority.
2. The diversion would naturally link up with the adjacent footpath Cl20/08 making the route more accessible for walkers.

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

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

- a) Length in metres ~~TBC – Wendy Robbins~~ 179m
 - b) Width in metres: 2m wide _____
 - c) Surface – Not marked out _____
 - d) Description of length to be provided by reference to terminal points on plan to accompany this application
TBC – Wendy Robbins _____
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- e) What works do you propose to undertake to bring the new path into a condition fit for use by the public?

An agreement will be sought to make the new route fit for use by the public, to include 2 x kissing gates, as the B&NES policy does not support new stiles being introduced.

7. RELEVANT CONSIDERATIONS

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

- a) **Connectivity**

The diversion would connect footpath CL20/06 and CL20/08

- b) **Equalities Impact**

- c) **Gaps & Gates**

Two kissing gates are required at present stiles are in place on this footpath.

- d) **Gradients**

The gradient is such that the footpath would need to exit the field onto the A368 (as opposed to the Street). The gradient is gently sloped.

- e) **Maintenance** low maintenance – only requirement is for a clearing to be maintained at the A368 exit point. There is a fair distance between the hedgerow and A368 which could be cut back and maintained as required.
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- f) **Safety** The proposed diversion offers a safer route for walkers as it links up to CL20/08 and only requires a walker to cross the A368 and continue onto the next footpath. At present CL20/06 leads onto the A368 on a section

where there is no other footpath to continue onto forcing pedestrians to walk along an unpaved main road in order to continue onto CL20/08.

A steep bank exists leading to CL20/06 which has not been adopted by B&NES Council. The landowner for this bank has not been established. This un-adopted section does therefore not form part of the plans unless B&NES Council will agree to adopt the bank to improve safety.

g) **Status** _____

h) **Width** _____

i) **Features of Interest**
None _____

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.

Parish Council – the application is for the benefit of members of the public using the footpaths and walking routes.

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

None

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

Landowners - Mr and Mrs Blair

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

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 YES

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.

It has been agreed that District Councillor Vic Pritchard will meet this payment through their membership allowance.

DECLARATION

Stowey Sutton Parish Council 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.

Stowey Sutton Parish Council 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).

Stowey Sutton Parish Council hereby agree that if a diversion order is made 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.

District Councillor Vic Pritchard has agreed to pay a further £2,700 if the Authority decides to make an order out of his membership allowance.

The Parish Council apply for the diversions of the highway described above.

The Parish Council declare that to the best of their knowledge and belief all the particulars given are true and accurate.

Signed  Date 21/08/2017

NameJenny Howell.....

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.



