

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: Jared Maxfield

Postal Address: Wessex Water Operations Centre, Claverton Down Road,
Claverton Down, Bath, BA2 7WW

Email address: [REDACTED]

Telephone No: [REDACTED]

2. NAME AND ADDRESS OF AGENT(S)

Name: N/A – as above

Postal Address: _____

Email Address: _____ Telephone No: _____

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

- a) Footpath / Bridleway /Restricted Byway* No. CL20/29
- b) Parish of Stowey Sutton
- c) Length in metres of section to be extinguished/diverted 89m
- d) Width in metres of section to be extinguished/diverted within field (varying)
- e) Description of length to be extinguished/diverted by reference to terminal points on plan to accompany this application
Length from terminal points 'C' to 'B' to be extinguished

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

No, the definitive line of the footpath runs through the existing Bishop Sutton Sewage Pumping Station (SPS) site as shown on the attached 'Footpath Diversion Plan'

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

Rerouting of the existing definitive line of the footpath to avoid the existing Bishop Sutton SPS site. The proposed diversion route is also in the interest of the landowner as it reduces footfall across the length of the field, and this route is significantly less muddy/wet, negating the need to do any remedial works underfoot

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: 41m
- b) Width in metres: within field (varying)
- c) Surface: grass field (not surfaced, as existing)
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

Length from terminal points 'A' to 'B'

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

Removal of the existing 'Bristol' split gate at terminal point 'C' and replacement with a standard 5 bar gate to prevent confusion over access to the footpath. Installation of a new galvanised metal, self-closing kissing gate at terminal point 'A' with the pen of the kissing gate facing outwards onto Ham Lane to create a 'slowing point' for footpath users before the road. Installation of a new galvanised metal, self-closing kissing gate at terminal point B to ensure cattle are not able to exit the adjacent field. Installation of a step from Ham Lane onto the field to account for minor changes in elevation between the road and the field. Relocation of the existing footpath signage from terminal point 'C' to terminal point 'A'. Pruning of hedgerows to improve visibility for footpath users exiting the field onto Ham Lane.

6. **RELEVANT CONSIDERATIONS**

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

- a) **Connectivity:** The majority of the route of CL20/29 (441m / 83%) would be retained. Connectivity to footpath CL20/30 to the south would be retained as well as to various nearby footpaths to the south (CL20/38, CL20/28 & CL20/26). There are no nearby footpaths to the north (where the amendments are proposed) with the closest being CL20/9 approximately 500m north. The proposed diversion would require users to walk a further 70m down Ham Lane, which is not considered significant given that users would need to have walked a minimum of 200m down the Ham Lane carriageway from the nearest residence / junction. There is little change in the net distance walked when comparing the original and diverted footpaths. Connectivity to the north is poor and this proposal would not worsen the existing situation.
- b) **Equalities Impact:** The existing access to CL20/29 is over a step through a 'Bristol' split gate which is not conducive to wheelchair access. The proposal involves installation of a step and 2 kissing gates which does not improve the situation, however the field over which the footpath passes is not considered appropriate for wheelchair use regardless. A step will be a safer option to reduce the possibility of users slipping onto the road when exiting the field.

- c) **Gaps & Gates:** There will be one additional structure along the footpath route. A kissing gate is required at both the boundary between the 2 fields to demarcate Wessex Water's land purchase and prevent the escape of cattle, and at the interface with Ham Lane to slow footpath users exiting onto the road, however the 'Bristol' split gate at the current interface with Ham Lane will be removed.
- d) **Gradients:** There will be no significant increase in gradient along the proposed diversion route. A single step is proposed to reduce the possibility of users slipping onto the road.
- e) **Maintenance:** There will be no increase in maintenance liability for the council as a result of the proposed diversion. Wessex Water will be responsible for maintenance of proposed gates and fencing.
- f) **Safety:** The safety of footpath users has been considered and detailed in this application with regard to use of a kissing gate and step at the interface with Ham Lane.
- g) **Status:** There will be no change in the status of the footpath.
- h) **Width:** The footpath crosses a field and is therefore not constrained by width. There will be no change in the width of the footpath as a result of the proposed diversion.
- i) **Features of Interest:** Not relevant to this proposal.

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 of Bishop Sutton SPS
- b) Applicant's interest in the land over which the new path is to be provided
Owner of adjacent Bishop Sutton SPS (soon to be landowner following land purchase)
- 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

Yes, details below:

[Redacted]
[Redacted]
[Redacted]
[Redacted]

- 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 £1018 is enclosed.
- c) Payment has been made by credit/debit card for £1018. ✓
- d) It is understood that if the Authority decides to make an order, then the remaining £3,046 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 £3,046 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 26/01/2024

Name Jared Maxfield

Signe  Date 26/01/2024

Name Alex Aulds

On completion, this form, should be returned, together with the plan, cheque/confirmation of electronic payment and copies of any consents if appropriate, to:

Public Rights of Way, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath, BA1 1JG.

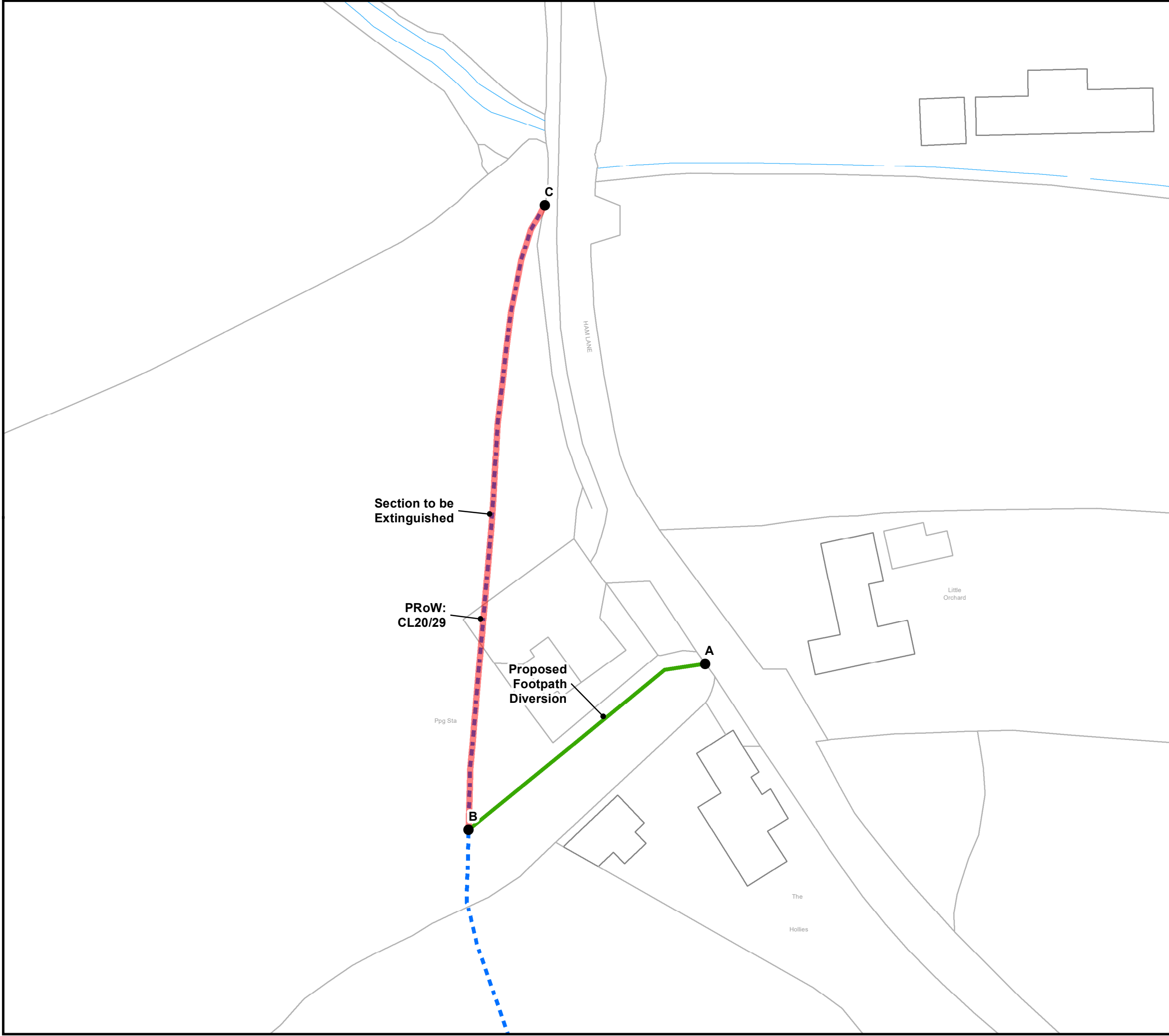
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APPENDIX 4

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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Legend

- Terminal Points
- Section to be Extinguished
- Proposed Footpath Diversion
- Public Rights of Way

**PRoW CL20/29
Footpath Diversion Plan (A3)**

Grid Reference:
358276, 160116

Date:
19/01/2023

Drawing Number:
C00437/ENV/602/A

1:500



This map may be used for Wessex Water Projects only.

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County Wildlife Sites :The County Wildlife Site Project is provided by the Environmental Records Centre. Further information on these sites are available from the relevant Records Centre.

Information in this plan is provided for identification purposes only. No warranty as to accuracy is given or implied. The precise route of pipe work may not exactly match that shown. Wessex Water does not accept liability for inaccuracies. Sewers and lateral drains adopted by Wessex Water under the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011 are to be plotted over time and may not yet be shown. In carrying out any works, you accept liability for the cost of any repairs to Wessex Water apparatus damaged as a result of your works. You are advised to commence excavations using hand tools only. Mechanical digging equipment should not be used until pipe work has been precisely located. If you are considering any form of building works and pipe work is shown within the boundary of your property or a property to be purchased (or very close by) a surveyor should plot its exact position prior to commencing works or purchase. Building over or near Wessex Water's apparatus is not normally permitted.



**Environment and
Planning Services**