

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: DARWIN (RATH MILL) LTD

Postal Address: BATH MILL LODGE RETREAT
NEWTON ROAD, RATH RAZOLF

Email address: _____ Telephone No: _____

2. NAME AND ADDRESS OF AGENT(S)

Name: DAVID EXEVEST

Postal Address: DJE PROJECT SERVICES
4 LAKE DRIVE, WINCHESTER, HANTS, SO22 4PB

Email Address: _____ Telephone No: _____

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

a) Footpath / Bridleway /Restricted Byway* No. BA17/8 & RA 17/9

b) Parish of _____

c) Length in metres of section to be extinguished/diverted BA17/8=100m BA17/9=95m

d) Width in metres of section to be extinguished/diverted 2 metres approx (approx 2ims)

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

See plan attached with black dashed line to indicate the diverted routes.

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

The existing definitive routes are not freely available, obstructed by Trees/woodland, steepness of ground, low ledge

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

To formalise the routes of the existing paths.
Whilst these paths have existed for many years they differ from the definitive plan

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 _____
 - b) Width in metres _____
 - c) Surface _____
 - d) Description of length to be provided by reference to terminal points on plan to accompany this application
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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?

6. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** _____

- b) **Equalities Impact** _____

- c) **Gaps & Gates** _____

- d) **Gradients** _____

- e) **Maintenance** _____

- f) **Safety** _____

- g) **Status** _____

- h) **Width** _____

- i) **Features of Interest** _____

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 _____

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

- 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

No.

note: This part of the site is fully owned by
Darwin.

- 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 £884 is enclosed.
- c) Payment has been made by credit/debit card for £884.
- d) It is understood that if the Authority decides to make an order then the remaining £2,872 will be payable at that time.

your
"public
Footpath"
plan

to be confirmed

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.

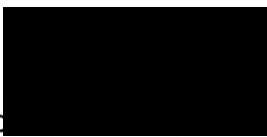
I/We declare that the public right of way to be stopped up is not obstructed and that it is fully available to the public. (Subject to Article 3(f) above).

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 £2,872 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 6/1/23

Name DAVID EXPREST - on behalf of Darwin (Bath Min) Ltd

Signed Date

Name

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.