

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

1. NAME AND ADDRESS OF APPLICANT

Name: Bathampton Angling Association (BAA)

Postal Address: C/O Dave Burnham, 24 New Brunswick Ave. ST GEORGE,
BRISTOL_____ BS5 8PW

Email address __daveburnham@hotmail.com

Telephone No: 07720882368

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. 1: BA15/27_ & 2. BA15/35 _____
- b) Parish of MARKSBURY _____
- c) Length in metres of section to be extinguished/diverted __1. 150 metres
aprox __2. 200 Metres approx
- d) Width in metres of section to be extinguished/diverted ____2 metres ____
- e) Description of length to be diverted by reference to terminal points on plan to accompany this application A – G – H & H – J (GREEN ROUTE)
 - 1. Diverted section A-H maintains original course/direction within the Dave Crookes Fishery at Hunstrete - referred to as "The Fishery". Points (A) to (F)
 - 2. Diverted section H-J corrects definitive line to route currently walked
- (f) Is the existing route freely available to the public? If NOT, please give reasons:
__YES____but parts are overgrown on route1.__Route 2 freely available. _____

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

Route 1: Benefit to landowner;

Added security relating to private buildings and toilet.

Adds to safeguarding and protecting vulnerable adults and juniors by removing the opportunity for access by the public to all parts of the fishery.

Reduces fouling by dogs within the fishery grounds.

Removes possibility of traffic incidents between club members and public.

Eliminates unwanted access through neighbours gate by public

Route 2 – to ensure legal line is on walked path.

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. 180 metres. 2. 200 metres _____ -

- b) Width in metres _____ 2 metres ____ A-B will have fencing outside of 2
metre width _____
- c) Surface _____ 1) Part tarmac, part compacted earth.
2. Compacted earth _____
- d) Description of length to be provided by reference to terminal points on plan
to accompany this application
_____ A – B – C – D – E – F & H – J (RED ROUTE) _____
- e) What works do you propose to undertake to bring the new path into a
condition fit for use by the public?

(A) Gated entry on to BAA property (Mandatory)

(B) Gate remains but kissing gate removed at (C)

(D)/E Gateless crossing across entrance to complex

(E-F) Rejoins original route

(H-J) no change

7. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** _Point (A) becomes the entry point onto land owned by the
BAA - but has no impact to connectivity at point (F)

- b) **Equalities Impact** No change _____

c) **Gaps & Gates** One gate added (A) to enter on to BAA land (Part of otter fence). One kissing gate will be removed (C) and two more gateless entry/exit points added (D/E)_____

d) **Gradients** __No change_____

e) **Maintenance** __Some occasional maintenance by BAA to control foliage__

f) **Safety** __Users will no longer be exposed to traffic within the Hunstrete Fishery. Eradication of fouling by dogs. Reduces risk of drowning.

g) **Status** _No change_____

h) **Width** __Maintained at 2 metres for the length of proposed diversion_____

i) **Features of Interest** _____

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.

Owner_____

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

Owner_____

- 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. The proposed deviation commences and ends on land owned by the Bathampton Angling Association

- 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-

- 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

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.

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).

We hereby agree that if a diversion/extinguishment 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.

We agree to pay a further £2,700 if the Authority decides to make an order.

We apply for the extinguishment/diversions of the highway described above.

We declare that to the best of my/our knowledge and belief all the particulars given are true and accurate.

Signed  Date 27/3/18.....

Name DAVID CHARLES BURNHAM.....

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.

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**Application Map
Public Footpaths BA15/27 and
BA15/35 Hunstrete**

- Public footpath to be added —
- Unaffected public footpath —
- Public Footpath to be stopped up —

Scale: 1:1250



