

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: MR AND MRS RICHARD BERRY

Postal Address: COURT LEET, BATHAMPTON, BATH, BA2 6SU

Email address: [REDACTED] Telephone No: [REDACTED]

2. NAME AND ADDRESS OF AGENT(S)

Name: [REDACTED]

Postal Address: [REDACTED]

Email Address [REDACTED] Telephone No: [REDACTED]

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

a) Footpath / Bridleway /Restricted Byway* No. BA1/11

b) Parish of BATHAMPTON

c) Length in metres of section to be extinguished/diverted 87m

d) Width in metres of section to be extinguished/diverted 1.8m

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

THAT SECTION OF PUBLIC FOOTPATH BA1/11 COMMENCING FROM GRID REFERENCE ST 7740 6618 AND CONTINUING IN A GENERALLY ESE DIRECTION FOR APPROXIMATELY 53m TO A HEDGE AT GRID REFERENCE ST 7745 6617 AND CONTINUING IN A GENERALLY E DIRECTION TO APPROX. 34m TO GRID REFERENCE ST 7748 6617. (POINTS A-B-D ON APPLICATION PLAN).

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

NO. LONGSTANDING OBSTRUCTION DATING BACK TO THE CONSTRUCTION OF THE MILLER WALK DEVELOPMENT.

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

TO TAKE FOOTPATH OUT OF GARDEN AND IMPROVE PRIVACY.

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 9m

b) Width in metres 2m

c) Surface NATURAL

d) Description of length to be provided by reference to terminal points on plan to accompany this application

COMMENCING FROM GRID REFERENCE ST7740 6618 AND CONTINUING IN A GENERALLY SE DIRECTION TO A KISSING GATE AT GRID REFERENCE ST7742 6617 AND TURNING IN A GENERALLY E DIRECTION OVER THE CURRENTLY WALKED PATH TO GRID REFERENCE ST 7748 6617 (POINTS A-C-D ON THE APPLICATION PLAN).

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

NONE REQUIRED.

7. RELEVANT CONSIDERATIONS

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

a) **Connectivity** N/A

b) **Equalities Impact** N/A

c) **Gaps & Gates** ONE KISSING GATE AT ST7742 6617 REQUIRED FOR STOCK CONTROL.

d) **Gradients** N/A

e) **Maintenance** N/A

f) **Safety** N/A

g) **Status** N/A

h) **Width** 0.2m INCREASE

i) **Features of Interest** N/A

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 OF SECTION BETWEEN POINTS A AND D ON THE APPLICATION PLAN

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

OWNER OF SECTION BETWEEN POINTS A AND C ON THE APPLICATION PLAN

- 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. SECTION BETWEEN POINTS C AND D OWNED BY
[REDACTED] AND MILLER WALK RESIDENTS 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

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 the charges for processing the Order once it has been made and once it has been confirmed and agree to pay for the costs of advertising the Order when it is made, when it is confirmed and when it comes into effect if this is different from the date of confirmation. The Authority's Scale of Charges for Public Path Orders is published on the Authority's website.

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

27 Oct 2015

Name

RICHARD MARSHALL BERRY

Signed



Date

27 Oct 2015

Name

AUREA DIANA SELBY BERRY




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

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

BA11/1 Diversion Application

Application Plan

Scale 1:1250

- Public footpath 
- Footpath to be stopped up 
- Footpath to be created 



Bath & North East Somerset Council

