

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 Mark Davies
Postal Address: Barratt House, 710 Waterside Drive,
Aztec West, Bristol BS32 4UD,
Email address [REDACTED] Telephone No: [REDACTED]

2. NAME AND ADDRESS OF AGENT(S)

Name: Mr Jason Reynolds
Postal Address: Focus on Design, The Old Brewery, Lodway
Pill, Bristol, BS20 0DH
Email Address [REDACTED] Telephone No: [REDACTED]

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

- a) Footpath / Bridleway /Restricted Byway* No. CL 1/3
- b) Parish of Temple Cloud and Cameley
- c) Length in metres of section to be extinguished/diverted APRX - 173m
- d) Width in metres of section to be extinguished/diverted Not Defined.
- e) Description of length to be extinguished/diverted by reference to terminal points on plan to accompany this application
Please refer to drawing 0529-122-Footpath diversion plan.
'Existing public right of way to be stopped up'.

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

Yes - Via Temple inn Lane

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

To allow development to take place under section 257 of the Town and Country Planning act 1990.

The path will divert through the development.

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 15/04215/RES
- b) Date permission granted N/A
- c) If permission not yet granted, date application submitted 2015-09-18
- d) Nature of development Reserved matters planning application for 70 residential dwellings.
- e) Date development expected to begin Unknown

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

- a) Length in metres APRX 217m
- b) Width in metres 2m
- c) Surface Tarmac and block paving
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

Please refer to drawing 0529-112 Footpath Diversion Plan.

"Proposed Public Right of way"

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

Path to be surfaced following the development infrastructure designs, in accordance with the latest building regulations.

7. **RELEVANT CONSIDERATIONS**

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

- a) **Connectivity** The proposed route maintains connections to the East, through the proposed development, via a proposed Local area of play. A second connection to the south connect to proposed grow patch's.
- b) **Equalities Impact** Levelled Tarmac and block paved surfacing eases walking and wheelchair use
- c) **Gaps & Gates** Gaps retained with no Obstructions and structures along the proposed new route.
- d) **Gradients** Engineering support across the proposed development ensures safe levels and steps not required.
- e) **Maintenance** Footpath to be adopted by the Local Authority under a seperate highways agreement Please refer to application '15/04215/RES ' and the drawing '0529-107 Adoption Plan'
- f) **Safety** Diverting the footpath through the development will improve natural surveillance from the overlooking dwellings. Improved levelled surfacing will improve safety under feet.
- g) **Status** To remain as a footpath.
- h) **Width** To be a minimum of 2m with some widening. The footpath will not be enclosed.
- i) **Features of Interest** Public access to a feature of interest has not been affected. A proposed local area can be accessed via the proposed new route.

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, looking to develop the land.

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

Owner, looking to develop the land.

- 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

N/A

- 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 for 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 23/10/2015

Name Barratt Homes Bristol - MARK DAVIES





Signed Date

Name

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.

LEGEND

	APPLICATION BOUNDARY
	EXISTING PUBLIC RIGHT OF WAY TO BE RETAINED
	EXISTING PUBLIC RIGHT OF WAY TO BE STOPPED UP
	PROPOSED PUBLIC RIGHT OF WAY



REVISIONS:



FOOTPATH DIVERSION PLAN

SCALE: 1:1250 A3
0 10 20m

DATE: OCTOBER 2015
DRAWN: DJE
DRAWING TITLE: FOOTPATH DIVERSION PLAN
DRAWING NO: 0529-112

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