

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: _____ Mr Richard Langley _____

Postal Address: _____ Barrow Vale Farm, Farmborough, Bath, BA2 0BL

Email address: _____

Telephone No: _____

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 / Bridleway / Restricted Byway* No. _____

1. CL9/36 and 2. CL9/40 _____

b) Parish of _____ Farmborough _____

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

1. 428 metres_ & 2. 470 metres_

d) Width in metres of section to be extinguished/diverted _____ full width of both footpaths _____

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

_____ 1. CL9/36 A-B-C-D & 2. CL9/40 E-C-F _____

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

_Short section of each footpath has been unavailable with alternative routes laid out over the years (see paragraph 4 below)_____

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

_1. CL9/36 – The existing definitive line runs through farm buildings vital to the farm business. An alternative route is proposed through fields away from the workings of the farm which will be beneficial for farming purposes. The Proposed Footpath will improve farming conditions and onto a more pleasant route avoiding close proximity to the farm buildings.

_2. CL9/40 – The existing definitive line runs close to the farm house. It then goes through woodland over Conygre Brook. There has not been a bridge over the brook at this point for many years making this route inaccessible. An alternative route is proposed which follows a clear track through the farm, over an established bridge and through open farmland to bridleway CL9/53.

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 _____ 1. 470 metres & 2. 537 metres

- b) Width in metres _____ 2 metres for both footpaths _____
- c) Surface _____ 1. Field grass & 2. Part tarmac/concrete/compacted track

- d) Description of length to be provided by reference to terminal points on plan to accompany this application
_____ 1. A-G-H-J-D & 2. K-J-L _____
- e) What works do you propose to undertake to bring the new path into a condition fit for use by the public?
___ Level any surfaces as required, especially at field boundaries. Install new kissing gates/Bristol gate at field boundaries as required for stock control purposes.

6. **RELEVANT CONSIDERATIONS**

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

- a) **Connectivity** _____ 1. The proposed route starts and finishes at the same point so connectivity is not affected.
2. The proposed route starts and finishes on the same highways, close to the existing routes, so there is very little difference to connectivity.

- b) **Equalities Impact** ___ 1. The proposed route is further away from farm buildings and the workings of the farm and runs over open fields providing a safer environment for those with mobility or sight impairment issues.
2. The proposed route follows an open, established track through the farm providing a safer environment for those with mobility or sight impairment issues. The track provides an established surface which is easy to identify and follow.

- c) **Gaps & Gates** _____ 1. A similar number of field boundaries will be crossed by both proposed routes but avoiding the farm buildings.

- d) **Gradients** ___ Similar gradients will be encountered by both proposed routes.
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- e) **Maintenance** ___ There is a more open aspect to both proposed footpaths which may be easier to maintain.
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- f) **Safety** ___ The open aspect of the proposed routes will be safer for those with mobility or visual impairments. Routing the footpaths away from the workings of the farm will improve safety.
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- g) **Status** ___ No change as both routes will stay as footpaths.
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- h) **Width** ___ Both routes to be 2 metres wide.
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- i) **Features of Interest** ___ No change to features of interest.
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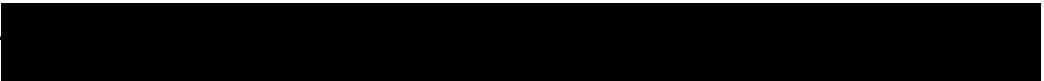
7. PARTICULARS OF OWNERSHIP

- a) Applicant's interest (*owner/occupier/lessee*) in the land over which the existing path referred to in this application passes.

Owner of land over which the whole of CL9/40 and part of CL9/36 runs

- b) Applicant's interest in the land over which the new path is to be provided
- Owner of land over which the whole of K-J-L runs and part of A-G-H-J-D runs
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- 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

_____ 

- 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 £850 is enclosed.
- c) It is understood that if the Authority decides to make an order then the remaining £2,760 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 £2,760 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 16/6/2020

Name R I LANGLEY

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.

Application plan
Public Footpaths CL9/36 & CL9/40
Barrow Vale, Farmborough

Scale: 1:2,500

Public footpath to be created
 Unaffected public footpath
 Unaffected public bridleway
 Public footpath to be stopped up

