

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 G and Mrs L Horler _____

Postal Address: _Weavers Farm Lodge, Bath Hill, Wellow BA2 8QZ_____

Email address _____ Telephone No _____

Please note that Applicant's names and postal addresses will be publically available

2. NAME AND ADDRESS OF AGENT(S)

Name: _____ N/A _____

Postal Address: _____

Email Address _____ Telephone No: _____

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

a) Footpath / Bridleway /Restricted Byway* No. _

1. BA25/13

2. BA25/14

b) Parish of _____ Wellow _____

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

1. 50 metres

2. 133 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. B-D 50 metres

2. A-B-C 133 metres

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

No. Longstanding obstruction (dating back to development before current ownership) prevents use of both lengths of footpath.

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

In the interest of the landowner in order to take the footpaths out of the garden and improve privacy and direct footpaths around outbuildings.

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. *F-D = 34 metres*
 - 2. *A-E-F-G-H-J-K-L-C = 156 metres*
- b) Width in metres
 - 1. *F-D = 2 metres*
 - 2. *A-E-F-G = 1.3 metres. G-H-J-K-L-C = 2 metres*
- c) Surface
Both paths are over field grass
- d) Description of length to be provided by reference to terminal points on plan to accompany this application
 - 1. F(Grid Reference ST 7385 5838) – D (Grid Reference ST 7381 5838)
 - 2. A (Grid Reference ST 7386 5838) – C (Grid Reference ST 7382 5826)

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

Surface is already acceptable.

7. **RELEVANT CONSIDERATIONS**

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

- a) **Connectivity** _____ *No change as beginning and end remain the same*

- b) **Equalities Impact** - *no change*

- c) **Gaps & Gates** - *Pedestrian gates to be added for stock control at E, G, H, J, K. Kissing gate at L. Field gate at F.*

- d) **Gradients** _____ *no change*

- e) **Maintenance** _____ *no change*

- f) **Safety** _____ *no change*

g) **Status** _____ *no change*

h) **Width** _____ *no change*

i) **Features of Interest** _____ *more open aspect provides better conditions for walking and views over open land*

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 land between B-L and B-D.

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

Owner of land between B-L and B-D.

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 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

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

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 19/2/18
Name GARY HORLER

Signed  Date 19/2/18
Name LISA HORLER

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.*

Blank Page

APPENDIX 4

GLOSSARY

<i>Applicant</i>	The person applying to divert or extinguish a public right of way
<i>Authority</i>	Bath and North East Somerset Council, in its capacity as the local highway authority
<i>Definitive Map and Statement</i>	The legal record of rights of way within Bath and North East Somerset
<i>Limitation</i>	Something which lawfully limits the public's enjoyment of a right of way e.g. a gate or a bollard
<i>Planning Inspectorate</i>	An executive agency with the responsibility for determining opposed orders on behalf of the Secretary of State
<i>Public Path Order</i>	A type of legal order to create, divert or extinguish a public right of way
<i>Public right of way</i>	A way over which the public have a right to pass and repass; the way can be a footpath, bridleway, restricted byway or byway open to all traffic.
<i>Secretary of State</i>	The Secretary of State for Environment, Food and Rural Affairs, how has the power to determine opposed orders

Blank Page

**BA25/13, BA25/14
Weavers Farm Lodge, Wellow
Application**

Public footpath to be created F D A E F G H J K L C

Unaffected public footpath —————

Public footpath to be stopped up B D A B C



Scale: 1:750



