

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: Ms J Scadding_____

Postal Address: Charmy Down Farm House, Upper Swainswick, Bath, BA1 8AB

Email address: _____ Telephone No: _____

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. BA2/11_____
- b) Parish of Batheaston_____
- c) Length in metres of section to be ~~extinguished~~/diverted 15.5 metres_____
- d) Width in metres of section to be ~~extinguished~~/diverted 2 metres_____
- e) Description of length to be ~~extinguished~~/diverted by reference to terminal points on plan to accompany this application

As per the attached map, this application seeks to divert the path from point B to C to D to E which was the original route used for many years until June 2021. In 2021 BANES PROW advised that though the path D to E was signposted and used as part of footpath BA2/11, and the landowner, Wessex Water had no objection to this route, it was not the legal line and had to be moved by 15.5 metres to its current position. The current route of this section of the footpath is accessed from the road, over a stile at point B. It then passes by solar panels and crosses the corner of the field to another stile at point C. This application seeks to divert the footpath back to

it's original path prior to June 2021, through the existing kissing gate at point D (installed by Wessex Water in June 2021) to join the current route of BA2/11 at point E.

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

The existing route is freely available to the public though rarely used.

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

For over 30 years, the 20 metre section of footpath BA2/11, which forms the proposed diversion route point D-E in this application, crossed Wessex Water land and was marked by a Public

Footpath sign and accessed by metal kissing gate. In 2021, PROW advised the applicant that

this section (D to E) did not follow the legal line and had to be moved 15.5 metres to its current

position, relocating the footpath signpost and removing the kissing gate. This now requires the

user to cross over two stiles rather than pass through the single kissing gate and is far less convenient for walkers. This application seeks to revert this section of BA2/11 to its original position prior to June 2021. This section of the footpath currently passes next to solar panels installed at ground level. Diverting this section of the footpath will avoid potential damage to these panels and also provide a more attractive view to the user. It will also allow the section of the hedge that had to be cut out for the footpath, to be regrown and conceal the solar panels from the footpath on the access road.

In addition, this diversion will remove the need for users to climb over 2 stiles and will make the route more easily accessible via one kissing gate which is already in place and accessed by users.

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 - 15.5 metres

- b) Width in metres - 2 metres _____
- c) Surface Grass _____
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

The application seeks to move the section of BA2/11, 15.5 metres from point B to point D and from point C to point E .

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

The kissing gate is already in place and the proposed path is already used by the general public and is grassland.

6. **RELEVANT CONSIDERATIONS**

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

- a) **Connectivity** This is a small section of the footpath within BA2/11 the diversion will not affect connectivity.

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

- c) **Gaps & Gates** The single kissing gate will replace the 2 stiles and provide easier access for users

- d) **Gradients** The proposed gradient is exactly the same as the current gradient.

- e) **Maintenance** _____

- f) **Safety** _____

- g) **Status** _____

- h) **Width** The width is exactly the same

- i) **Features of Interest** _____

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.

The current route for the section of BA2/11 referenced crosses the applicant's field which is owned by the applicant

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

The applicant has no interest in the land over which the new path is to be provided. This is owned by Wessex Water. Prior to June 2021, they had no issues with the path crossing their

land and remain supportive of the path reverting to this original route. This has been evidenced by a letter of support from Wessex Water.

- 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

The land over which the existing path passes is owned by the applicant and Robert Walpole who resides at the same address.

The land over which the proposed path will cross is owned by Wessex Water. Nick Routh, Head of Estates has given approval for this diversion on behalf of Wessex Water and can be contacted on 01225 526314.

- 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.

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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.

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- b) A cheque for £1,200 is enclosed.

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- c) Payment has been made by credit/debit card for £1,200

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- d) It is understood that if the Authority decides to make an order then the remaining £3,594 will be payable at that time.

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- e) It is understood that if it is necessary to separately advertise the certification of the new path after the confirmation has been advertised then a further £1,669 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 £3,594 if the Authority decides to make an order.

I/We agree to pay a further £1,669 if it's necessary to separately advertise the certification of the new path after the confirmation has been advertised.

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 02-06-2026.....

Name J A Scadding.....

Signed Date

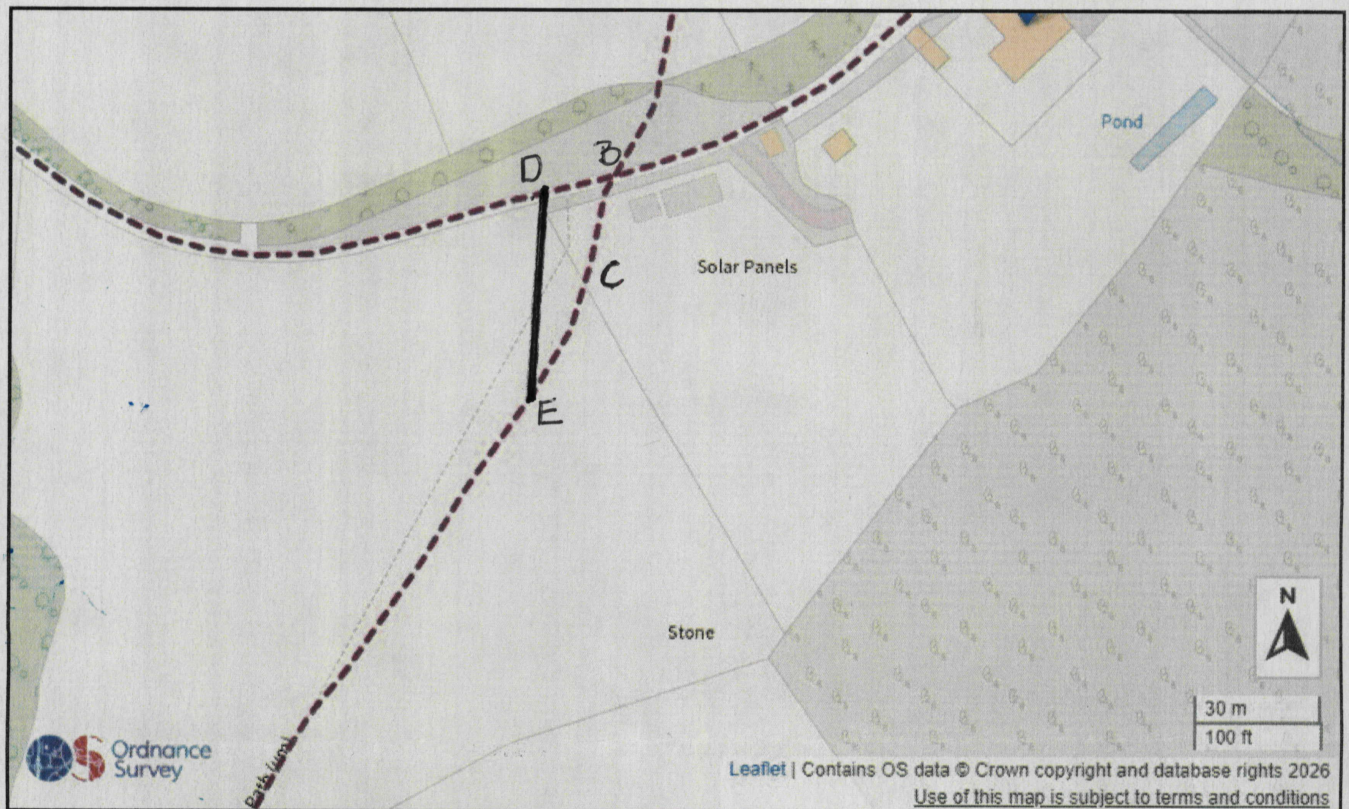
Name

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

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

Bath & North East Somerset Council

Improving People's Lives



Highways and travel

Public Rights of Way

-  Common Land and Village Greens
-  Permissive Paths
-  Town or Village Green Applications
-  Traffic Regulation Orders

Public Rights of Way - Bath

-  Bridleway
-  Footpath
-  Restricted Bridleway

Public Rights of Way - North East Somerset

-  Bridleway
-  Byway
-  Footpath
-  Restricted Bridleway



Mrs J Scadding
Charmydown Farm
Swainswick
Bath
BA1 8AB

Tel: 01225 526 314
Email: nick.routh@wessexwater.co.uk
Our ref: EST/5015-06/NR

22 April 2026

Dear Jane

PROPOSED ALTERATIONS TO FOOTPATHS BA2/11 AND BA21/09

I write further to our recent conversation and confirm that Wessex Water have no objections to an amendment of the public footpath and associated kissing gate from E-C-B to the new line shown in green between E-D on the attached plan.

I hope this is helpful and am happy for you to share this confirmation with others.

Yours sincerely



Nick Routh
Head of Estates

Enclosure Plan

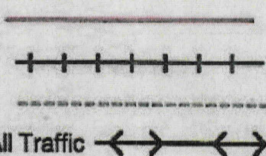
Title

Public footpath

Public Bridleway

Permissive Path

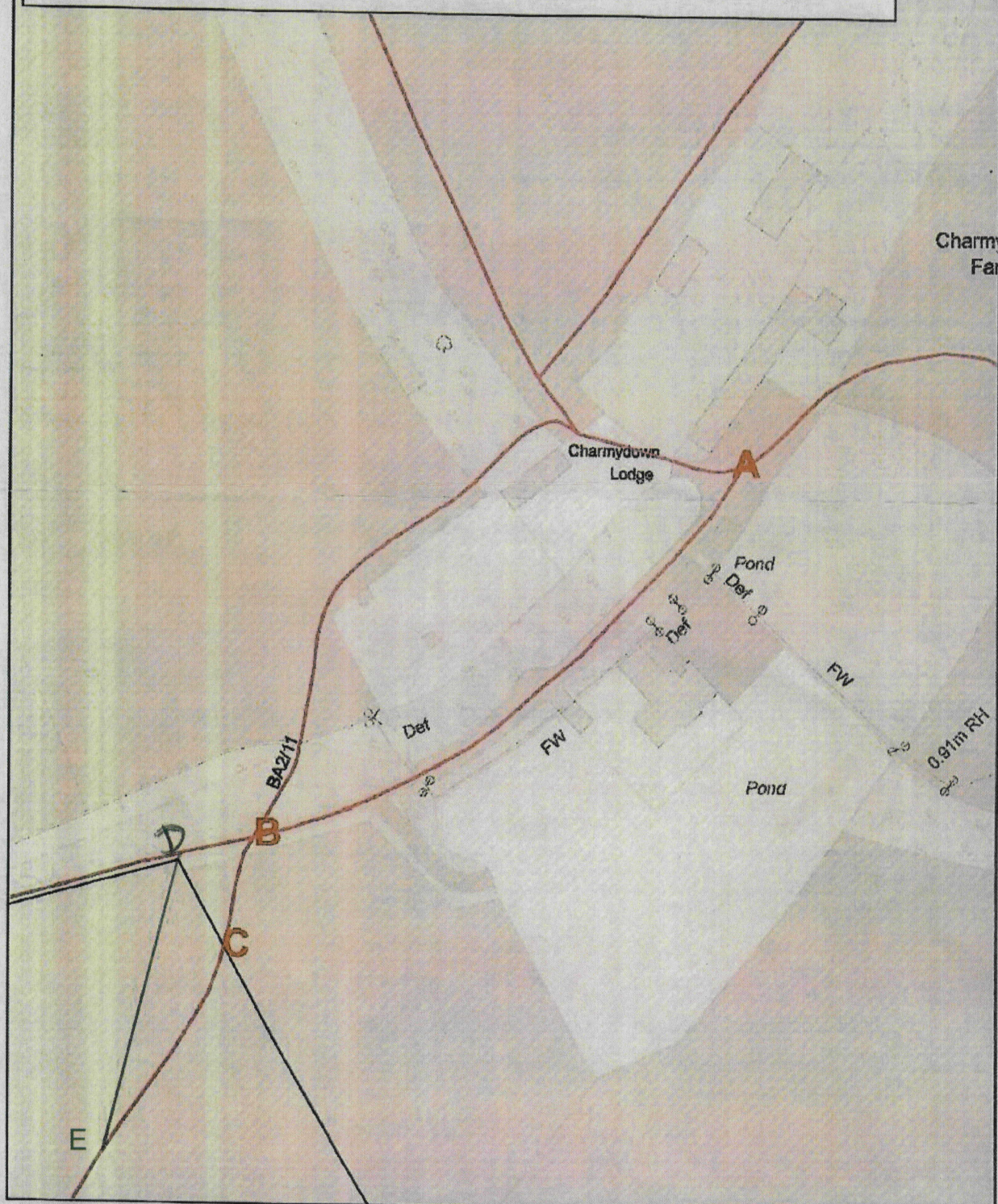
Byway Open to All Traffic



Bath & North East
Somerset Council

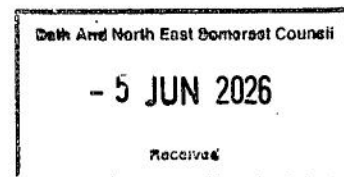
Scale:

This is a draft map and has not been fully checked for accuracy of public rights of way information.
If you have any queries please contact Bath and North East Somerset Council's Public Rights of Way Team.





Cheque sent to Income



YF2 LGAGO PRIO No VAT

