

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: Mike Pollinger + Mandy Mabbs

Postal Address: 6 Mill Cottages / The Woodlands, The Shallows
Saltford BS31 3EY

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. Footpath

b) Parish of Saltford

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

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

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

footpath to be closed from
point A to B on enclosed Map
New footpath to be opened
from point C to D

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

When the gate is removed it is freely available

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

The footpath runs through the middle of the garden. We want to move over to the boundary fence.

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.

Alternative route moving to the edge of the garden

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

- a) Length in metres Road to River edge
- b) Width in metres 1-5 metres
- c) Surface Gravel
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

New path from point C to D on Map enclosed

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

Erect fencing and put down gravel pathway

6. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** Does not effect Connectivity
- b) **Equalities Impact** No Impact
- c) **Gaps & Gates** No Impact
- d) **Gradients** flatter and away from eroding river bank
- e) **Maintenance** general weeding etc
- f) **Safety** Will be a safer alternative as river bank is eroding
- g) **Status**
- h) **Width** 1-5 metres
- i) **Features of Interest** Nesting Swans and Moorhens will not be disturbed by alternative Route

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

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

Owner

- 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

No other persons 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 £1,143 is enclosed. ☐
- c) Payment has been made by credit/debit card for £1,143 ☐
- d) It is understood that if the Authority decides to make an order then the remaining £3,422 will be payable at that time. ☐
- 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 £1,590 will be payable at that time ☐

fee to be waived as original
agreement with Bover from April 2024
no exchange for drainage works
from the shallows to run
down to the river across our land
and access to carry out work.
to alleviate flooding on the shallows

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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.

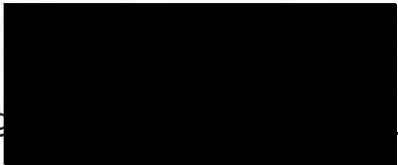
I/We agree to pay a further £3,422 if the Authority decides to make an order.

I/We agree to pay a further £1,590 if it's necessary to separately advertise the certification of the new path after the confirmation has been advertised.


If an opposed order is confirmed by the Secretary of State, and the Authority has to separately certify and advertise that the works to bring the new path into a fit condition for use by the public have been completed, then an additional £1,590 will be payable.

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.

Sig  Date 29/9/25

Name MAYOR MABBS

Signed  Date 29/9/25

Name Michael Pollinger

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.

Author:

Date: 29/04/2024

