

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: ADRIAN DONE

Postal Address: HAYTOR, OLD MIDFORD RD,
SOUTHSTOKE, BATH BA2 7DH

Email address: [REDACTED] Telephone No: [REDACTED]

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

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. BA22/7

b) Parish of SOUTHSTOKE

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

SEE ATTACHED PLAN FOR SECTION (A-B) TO BE DIVERTED.

LENGTH A-B = APPROX. 162m

GRID REFERENCES: A = ST 7509 6141

B = ST 7521 6153

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

YES

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

In the interests of public safety, a Blow diversion is sought to improve the position of the North access gate to facilitate crossing the busy B3110: a) from tarmac pavement to tarmac pavement, b) with much improved lines of sight. B&NES Highways have identified the existing crossing point to be dangerous and support the proposed diversion. This application is also fully supported by the South Stoke Parish Council and is part-funded by the Ward Councillors' Initiative Programme (Cllr. Neil Butters).

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 APPROX. 190m
- b) Width in metres APPROX. 2m
- c) Surface OPEN GROUND / GRASS
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

SEE ATTACHED PLAN FOR SECTION (A-C) OF NEW PATH :
LENGTH A-C = APPROX. 190m
GRID REFS : A = ST 7509 6141 C = ST 7517 6158

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

CLEAR VEGETATION AS NEEDED TO RELOCATE 'KISSING GATE'
FROM POINT B (ON ATTACHED PLAN) TO POINT C.
MOW GRASS FOOTPATH ACROSS FIELD AS APPROPRIATE

7. **RELEVANT CONSIDERATIONS**

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

- a) **Connectivity** NO IMPACT (EXCEPT FOR IMPROVED SAFETY OF CONNECTIVITY OF BA 22/7 WITH BA 22/8)
- b) **Equalities Impact** IMPROVED ACCESS FROM TARMAC PAVEMENT
- c) **Gaps & Gates** NO IMPACT
- d) **Gradients** NO IMPACT
- e) **Maintenance** NO IMPACT
- f) **Safety** MUCH IMPROVED PUBLIC SAFETY
- g) **Status** NO IMPACT
- h) **Width** NO IMPACT
- i) **Features of Interest** NO IMPACT (EXCEPT INCREASED LENGTH OF PUBLIC AMENITY PROW ACROSS 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.

CO-OWNER - ADRIAN DONE

(COMMUNITY - SOUTHSTOKE PARISH COUNCIL)

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

CO-OWNER - ADRIAN DONE

(COMMUNITY - SOUTHSTOKE PARISH COUNCIL)

- 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

CO-OWNER - JOHN SCRIVEN, 176 MIDFORD RD, SOUTHSTOKE, BAZ 5SF
CO-OWNER - JENNIFER MACKEN, SOUTHSTOKE HOUSE, PACKHORSE LANE,

SOUTHSTOKE BAZ 7DJ

- 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 18/1/2018

Name ADRIAN DONE

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.*

Date: 17/1/2018

To Whom It May Concern:

RE: Application for Diversion of PROW BA22/7

As registered co-owners of the land on the north side of Pack Horse lane, South Stoke, Bath (registered under title number ST191382), we herewith give our written permission to go ahead with the proposals to divert PROW BA22/7.

Signed:



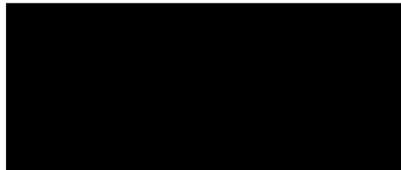
JOHN ALEXANDER SCRIVEN of 176 Midford Road, Southstoke, Bath, BA2 5SF, JENNIFER

Signed:



JENNIFER GEORGINA ALLAN MACKEWN of Southstoke House, Packhorse Lane, Southstoke, Bath, BA2 7DJ

Signed:



ADRIAN ALLAN DONE of Hay Tor, Old Midford Road, Southstoke, Bath, BA2 7DH

Public Footpath BA2217, South Stoke

Public footpath to be added A - - - - - C
 Unaffected public footpath - - - - -
 Public footpath to be stopped up A _____ B

Scale: 1:2500

