

HIGHWAYS ACT 1980 S.119 Application to Divert a Public Path

1. Full Name and address of Applicant

Name: Justin Hine and Joanne Hine

Address: Chapel Cottage, Lower Wadswick, Box, Corsham SN13 8JD

Tel No: **01225 810559** Daytime Tel No: **07754 076045 or 07880880897** Fax:

Email address: hine_family@msn.com

2. Name and Address of Agents (if any) or Address for correspondence (if different from above)

Name: _____

Address: _____

Tel No: _____

3. Particulars of Rights of Way to be diverted NB Byways Open to All Traffic may not be diverted under this process

a) Footpath/Bridleway/Restricted byway Number **Box 56**

b) Parish of **Box**

c) From **Chapel Cottage, Wadswick Lane** OS grid ref **ST 845675**
to **Monument field** OS grid ref **ST 843676**

Existing stiles/gates/bridges (list and show position on plan)

Gate from Chapel Cottage Garden to Monument field

d) Length in metres of section to be diverted **__approximately 180m.**

e) Width in metres of section to be diverted width will remain unaffected.

f) Is the existing route freely available to the public? **Yes**

If not, please give reasons: _____

4. Reasons for the diversion of the path

NB A public path order may be made in the interests of the landowner.

Please give details of the reason for this application.

The change will make it more obvious where the footpath meets Wadswick Lane therefore making it easier for the general public to gain access to the footpath and hence the field. This will also be more secure for Chapel cottage

5. Particulars of new path to be provided

a) From **Wadswick Lane** OS grid ref **ST 845676**
to **Monument Field** OS grid ref **ST 843676**
(if known)

Proposed stiles/gates/bridges (list with grid refs and show position on plan). The Council will not normally agree to stiles or gates in the Order setting out the new route. If necessary they may be authorised separately under s147 of the Highways Act 1980 to prevent the ingress or egress of stock.

Move Gate to new position for public ease of access as shown on plan

a) Length in metres approximately 170m.

b) Width in metres width will be 2m.

Please note, for a footpath the minimum width required by the Council for the new route is 2 metres; for a bridleway 4 metres. In some circumstances greater widths may be necessary)

c) Surface From Wadswick lane to the gate will be grass verge and Monument field is an arable field.

- d) What other works do you propose to undertake to bring the new path into use for the public (e.g. gates, bridges, steps etc)?

We will re-site the current gate from the garden of Chapel Cottage to the new position where the path passes into Monument field as shown on the plan.

Please enclose written confirmation from any person having an interest in the land connected with the proposed new path of their agreement to any necessary work required to bring the new path into use for the public.

6 Particulars of Ownership. Proof of ownership to be supplied with the application

- a) Applicant's interest in the land over which the existing path referred to in this application passes

Current right of way is by gaining access through the private back garden of Chapel Cottage.

Proof of ownership is included with the application.

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

No interest – owned by Farmer shown below

- c) Have any other persons an interest in the land over which existing or proposed paths pass? If so, give names and addresses of persons and nature of interest

Mr Tim Barton

Manor Farm, Wadswick, Box , Corsham. SN13 8JB

Owner of Monument field and section of verge over which the new route will take to access the field.

- d) Please enclose written confirmation from every person having an interest in the land over which the section of path to be provided crosses, consenting to the application, or give particulars of any consents still required to be obtained

Letter from Mr Barton giving his consent to the path diversion is included with this application

7 Names and addresses of Statutory Undertakers in the area (whether or not their apparatus is likely to be affected)

- a) Gas Board No Gas supply in area under question

- b) Electricity Board [SSE, 55 Vastern Rd, Reading, Berkshire. RG1 8BU](#)
- c) Water Authority [Wessex Water, Claverton Down Rd, Bath. BA2 7WW](#)
- d) Telecommunications [BT Centre, 81 Newgate St, London. EC1 7AJ](#)

8 This application should be accompanied by a plan, scale 1:2500 at A3 or A4 as follows:

- a) Unaffected line of path shown as a dotted line e.g. ○○○○○○○○○○○○○○○○○
- b) Section of path to be diverted shown as a solid black line e.g. _____
- c) New path to be provided shown as a broken black line e.g. - - - - -

[Plan attached](#)

9 Costs for the making of the Order

We charge actual costs because we have a power to process public path orders, rather than a legal duty.

Declaration

I/We understand that no authority for the diversion of a highway is conferred unless and until an Order has been made and confirmed and notice of its making and confirmation have been published. Additionally the new path must be built and certified as acceptable by Wiltshire Council before the order may come into effect.


I/We declare that the highway to be diverted is in no way obstructed and that it is fully available to the public. (Subject to 3f above).

I/We hereby agree that if a Diversion Order is made, I/We will pay any compensation which may arise in consequence of the coming into operation of the Order and any expenses which may be incurred in bringing the new route of the path into a fit condition for use by the public as required by the Council.

I/We declare that to the best of my/our knowledge and belief all the particulars given are true and accurate.

I/We will be responsible for waymarking the diversion to the Council standard before the original highway is closed.

I/We agree to pay Wiltshire Council the sum of £1875 plus the cost of any associated site works incurred by the Council on completion of the application or proportion of same if the application is withdrawn or if an order is made, advertised but subsequently not confirmed.

I/We app  escribed above.

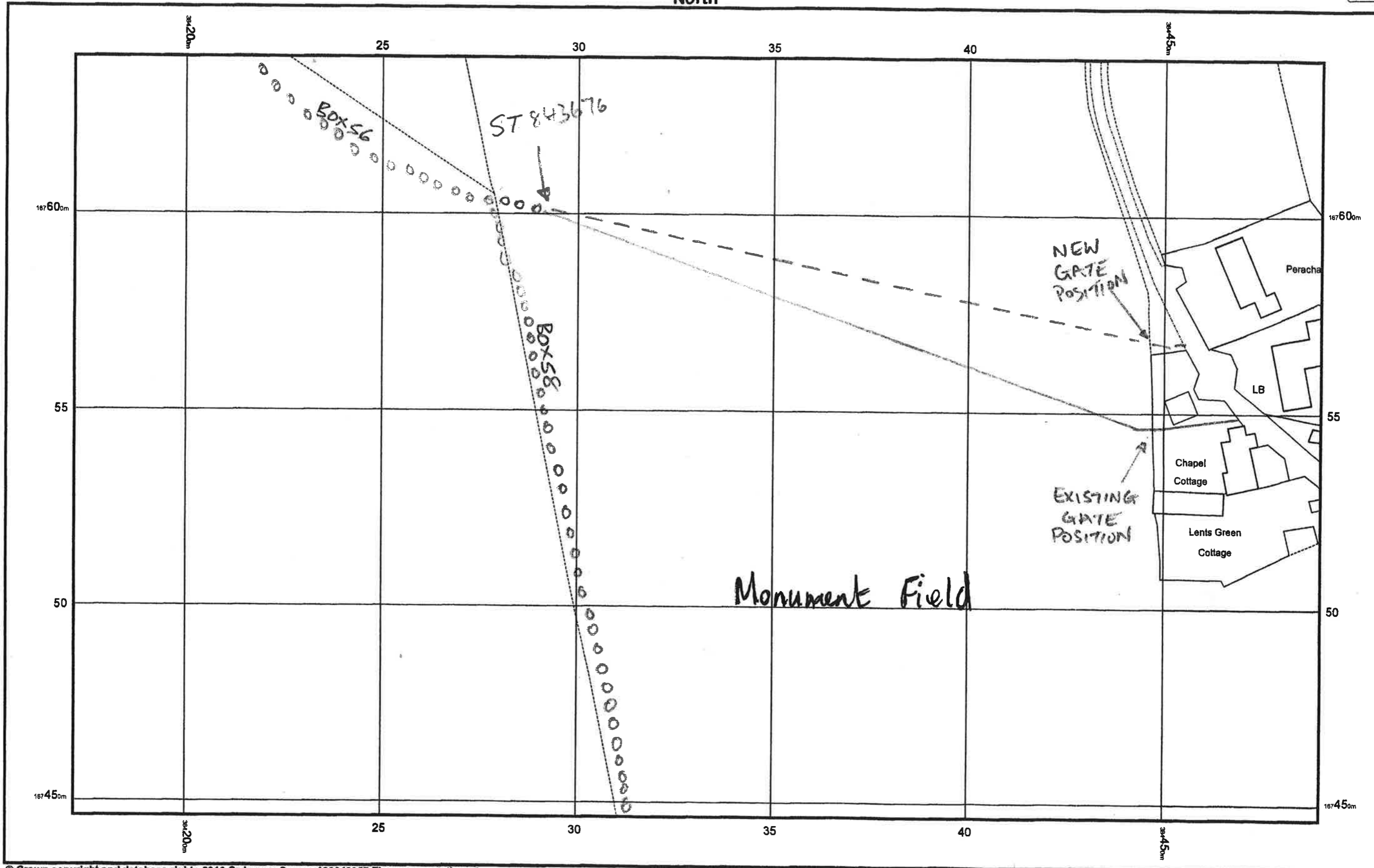
Signed _____

Date 10/1/17 10/1/17

On completion, this form should be returned, together with the plan to:
The Rights of Way Manager, Rights of Way Section, Waste and Environment,
Wiltshire Council, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN

Please remember to enclose:

- The completed form,
- a plan based on an ordnance survey map of a scale not less than **1:2500 at A3 or A4**
- proof of title
- Letter of consent from land owner



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50m

Scale 1:1250

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