

**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: Toni Taylor-Wells

Postal Address: Taylor Wimpey, Build 2, Eastern Business Park, Wern Fawr Lane, St Mellons, Cardiff CF3 5EA

Email address: toni.taylorwells@taylorwimpey.com

Telephone No: 02920 534700

2. NAME AND ADDRESS OF AGENT(S)

Name: N/A

Postal Address: N/A

Email Address N/A

Telephone No: N/A

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

a) Footpath / ~~Bridleway / Restricted Byway~~* No. 54

b) Parish of Caerphilly

c) Length in metres of section to be ~~extinguished~~/diverted 151metres

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

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

151 metres of PROW via Un-adopted highways, Taylor Wimpey Land.

Existing Footpath to be Diverted A,B

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

The route in its current form is obstructed by newly constructed/unoccupied dwellings.

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

It was planned, that the route would be diverted via the newly formed highway. As approved layout TPC-01 Planning Layout Application No. 12/0860/RM

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 12/0860/RM
- b) Date permission granted 4th Nov 2013
- c) If permission not yet granted, date application submitted N/A
- d) Nature of development Construct 142 new residential dwellings
- e) Date development expected to begin: Constructed

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

- a) Length in metres 163 metres
- b) Width in metres 1.8m
- c) Surface Tarmacadam, Block Paving
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

163 metres of newly constructed, footway, ramp and highways as defined on layout Route A-C-D-E-F-B

- e) What works do you propose to undertake to bring the new path into a

condition fit for use by the public?

Ensure that all footpaths and highways are to a suitable grade, (adoptable standards and the ramp has been constructed in line with DDA requirements) as a majority of the footpath will fall within the S38 agreement which is currently in place, but roads are not yet offered for adoption / remedial measures ongoing

7. RELEVANT CONSIDERATIONS

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

- a) **Connectivity** The path diverted will connect onto existing routes (FP55 and FP56)
- b) **Equalities Impact** Not foreseen.
- c) **Gaps & Gates** None
- d) **Gradients** DDA complaint ramp constructed
- e) **Maintenance** Taylor Wimpey will maintain the ramp until LA and Taylor Wimpey can agree handover. Roads and Footpaths will fall within adoptable highways, and offered up for adoption.
- f) **Safety** Not foreseen, Part M, DDA compliant.
- g) **Status** Constructed and being utilised by the public
- h) **Width** 5.5 – 5.0m road, 2.0 footpath and 1.8m ramp.
- i) **Features of Interest** Access to the retail park via the development, DDA complaint to aid all persons using the route.

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.
Landowner, Taylor Wimpey
- b) Applicant's interest in the land over which the new path is to be provided
Landowner, Taylor Wimpey
- 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
- 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 diverted, **Route A-C-D-E-F-B**
- ii) new path to be provided

Please tick box to confirm a plan is enclosed.



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 the charges for processing the Order once it has been made and once it has been confirmed and agree to pay for the costs of advertising the Order when it is made, when it is confirmed and when it comes into effect if this is different from the date of confirmation. The Authority's Scale for Charges for Public Path Orders is available from Council Offices.

~~I/We~~ apply for the ~~extinguishment~~/diversion 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 **04/09/2019**

Name **Toni Taylor-Wells *Senior Technical Manager, on Behalf of Taylor Wimpey, South Wales.**

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

Public Rights of Way, Countryside and Landscape Service, Caerphilly County Borough Council, Ty Bargoed, 1 St Gwladys Way, Bargoed, CF81 8AB