

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

1. Full Name and address of Applicant

Name: [Richard Mark Moseley and Leila Moseley](#)

Address: [REDACTED] [Purton, Wiltshire SN5](#) [REDACTED]

[REDACTED]

Name and Address for invoice if different from above: [n/a](#)

Purchase Order number is applicable: [n/a](#)

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

Name: [n/a](#)

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) /Bridleway/ Number: [104 \(part\)](#)

b) Parish of : [Purton](#)

c) From: [Mud Lane at Restrop Farm \(point A on plan\) OS grid ref SU08008677](#)

to: [Mud Lane west of Restrop Farm OS grid ref SU07848675](#)

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

- Gate alongside cattle grid at Point A on plan
- Gate at western end of garden at Point B on plan

d) Length in metres of section to be diverted: 172

e) Width in metres of section to be diverted : 4.0 metres (approx.)

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

If not, please give reasons: n/a

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.

This application is made primarily in the interests of the landowner, to improve both privacy and security of the private residence and operational farm. Issues of concern that have been shown through personal experience to have already occurred include:

- Intruder used the bridleway to gain access to the property at night and disturbed sleeping guest
- People leaving the bridleway to walk around the house and look through windows. Dogs being allowed to jump up at windows. These incidents have occurred during the night as well as in the day.
- People parking their cars in the driveway and picnicking in the garden
- People with uncontrolled dogs, animals chased in garden and farmyard
- People using the bridleway through the garden at night can be startling and frightening
- Groups of males using the bridleway for access then roaming the farmyard, clearly not genuine walkers.
- Prospect of horses coming through the garden is concerning, but has never happened due to the proposed diversion route being already available as a permissive bridleway
- Farm animals have been let out by walkers, e.g., cattle released into the garden
- Immediate neighbour burgled via access at the back of the house, near to the bridleway.
- Vandalism of property, lighting of fires, drug abuse, fireworks, lamping using firearms, other vermin coursing using dogs, motorcycle riding, raves etc. on surrounding land. Concern that people engaged in such activities

have right of access along the bridleway through the garden and so close to the house and farmyard/buildings.

There will also be some benefits to people using the path, primarily due to concerns over the occupier's privacy and the feeling of intrusion and invasion into what in all other respects appears to be a private space. Also, some users, mainly cyclists, have started to use the route through the garden but have found it unsuitable and turned back. The diversion route avoids this issue arising, and horse-riders likewise have shown a preference for the diversion route. To this extent the diversion may be considered to be in the interests of the public.

5. Particulars of new path to be provided

a) From: [Mud Lane at Restrop Farm \(point A on plan\)](#) OS grid ref [SU08008677](#)

to: [Mud Lane west of Restrop Farm \(point D on plan\)](#) OS grid ref [SU07848675](#)
(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.

[We are considering erecting a gate at point C on the plan and understand that we shall need to seek prior authorisation as above.](#)

a) Length in metres: [252](#)

b) Width in metres: 4.0

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: [Points A to C: grass. Points C to D: Stone/gravel track](#)

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)?

The new path is already in existence. No additional works are proposed, other than for the provision of any additional signage and waymarking to the requirements of the highway authority.

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.

There are no other persons having an interest in the land.

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

Owner

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

Owner

- 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

No other persons have an interest in the land.

- 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

Not applicable.

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

- a) Gas Board: British Gas, Maidenhead Road. Winsor, Berks. SL4 5GD
- b) Electricity Board: SSE, Southern Electric, 1m Forbury Place, Reading, Berks RG1 3JH

c) Water Authority: Thames Water, Clearwater Court, Vastern Road, Reading, RG1 8DB

d) Telecommunications: BT, 1 Brabham Street, London E1 8EE

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. - - - - -

9 Costs for the making of the Order

Actual costs are charged under section 93 of the Local Government Act 2003 as we have a power to process public path orders, rather than a legal duty.

10 Declaration

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.

We understand that where the construction of a new path requires permission as per s.55(1) of the Town and Country Planning Act 1990 I/We are responsible for obtaining that permission at an additional cost to this application.

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).

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.

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

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

We agree to pay Wiltshire Council the sum of £2658 plus the cost of public notices, travel mileage and 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.

We apply for the Diversion of the highway described above.

Signed _____

Date _____

On completion, this form should be returned, together with the plan to:

The Definitive Map and Highway Records Manager, Rights of Way and Countryside, 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

Information relating to how Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>

Restrop Farm, Mud Lane, Restrop, Purton, Wiltshire, SN5 4LW



shows area bounded by: 407467.4, 186508.89, 408147.08, 186822.13 (at a scale of 1:2500). OSGridRef: SU 7808666. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary. The map is reproduced from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2023. Supplied by m.