

TELFORD & WREKIN COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990, S257

APPLICATION TO DIVERT OR EXTINGUISH A PUBLIC RIGHT OF WAY

INTRODUCTION

An application may be made under the Town and Country Planning Act 1990, S257 to divert or stop up a footpath, bridleway or restricted byway to allow a development that has planning consent to take place. In making the application the applicant should be aware that the highway authority must take the following factors into account:

- That it is necessary to divert or stop up the path in accordance with a planning permission granted by the local planning authority under Part III of the Act.
- The disadvantage or loss likely to arise as a result of the stopping up or diversion to members of the public generally, or to persons whose properties adjoin or are near the existing highway, weighed against the advantages of the proposed stopping up or diversion.
- The need for an alternative highway to be provided.
- That the development affecting the route has not already been carried out.

The application costs and terms and conditions are in Appendix 1 of this application form.

APPLICANT'S DETAILS

Please insert the name(s) and address(es) of the individual(s) making the application below. This would normally be the owner and/or the occupier of the land crossed by the affected route. Details of all the landowners/occupiers/ lessees should be given below. If the land is owned by a business the form should be completed in the name of the business by the Company Secretary or one of the partners. If the form is completed by an agent, written authority to act on behalf of the applicant should accompany the application.

Name and address of applicant:

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Telephone number:

Name and address of agent acting on behalf of the applicant:

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Telephone number:

Is written authority for the agent to act on behalf of the applicant attached to this application? YES/NO

Details of any third party landowners affected by the development

Are you the sole person having an interest in the land over which the existing route passes? Delete as appropriate: YES/NO

If "NO" list the name(s) and address(es) of the owner(s), lessee(s) or occupier(s) (including agricultural tenants) of the land over which the existing path passes, and indicate the extent of their land interest on the plan.

Have you obtained the written consent of every person having an interest in the land over which the existing path passes? Delete as appropriate: YES/NO/NOT APPLICABLE

If "Yes", please enclose all written consents.

If "NO", enclose any written consents that you now possess and give below details of those where consent has been refused or has yet to be obtained:

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Development information

Give details of the proposed development, including the planning application reference number (e.g. XXXX/XXXX) if known:

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Please note that the footpath/ bridleway should not be obstructed unless and until a Stopping up or Diversion Order has been confirmed and, if necessary, certificated. If it is required that the path should be temporarily closed at any time during the development it will be necessary to obtain a temporary stopping up order. Applications for a temporary stopping up order can be made to:

DETAILS OF THE EXISTING ROUTE AND THE PROPOSED CHANGES

The application must be accompanied by a map at a scale of 1:2,500, accurately showing the definitive route of the footpath/ bridleway to which the application relates (by a bold continuous line) and any proposed route (by a bold broken line). The scale and orientation should be clearly shown as well as the grid reference to enable the public to identify rights of way concerned. The maps should also contain sufficient detail to show the effect, not just on the path or way to be stopped up or diverted, but on those highways connected to it. Any other adjoining public rights of way should also be accurately shown on the plan.

Description of existing route

Please provide a description of the existing Definitive Map route that you are applying to divert/stop up using the guidance below:

- Refer to each section by letter (A-B, C-D etc). Add the letters to the map accompanying the application. Where there are no sections insert "Whole Path".
- Describe each section of the route (eg along field edge, following river bank).
- Provide widths for each section of the route, if you do not know the width of any part of the route put "Unknown".
- Give details of any limitations on the public's right of way along the route, such as gates and stiles, and of any structures, such as bridges which exist on it.
- If any part of the route is in third party ownership please give details of the owner, occupier and lessee of the land crossed by each section of the route. You should supply written confirmation from all owners, occupiers and lessees that they are in agreement with the proposal. The Council reserves the right to request proof of ownership in cases of dispute.
- Please give details of the rights of any Statutory Undertakers (such as electricity, gas and communication suppliers) along each section of the route.

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Statement of Reasons

You should be aware that under S257 of the Town & Country Planning Act 1990, the Council may make an order to stop up or divert a footpath/bridleway only if it is satisfied:

- That it is necessary to do so to enable development to be carried out in accordance with planning permission granted by the Council under Part III of the Act
- With regard to the disadvantage or loss likely to arise as a result of the stopping up or diversion to members of the public generally, or to persons whose properties adjoin or are near the existing highway, weighed against the advantages of the proposed stopping up or diversion
- With regard to the need for an alternative highway to be provided
- That the development affecting the route has not already been carried out

State clearly the reasons for making the application, explaining how the reasons meet the above criteria.

You should give details of the effect of the development on the footpath/bridleway (eg refer to the number and location of the properties that would otherwise obstruct it).

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Please confirm that the current definitive line of the path is available for use. Delete as appropriate YES/NO. If "NO", please provide the reason:

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Description of proposed alternative route:

Please provide a description of the proposed alternative route using the guidance below:

- Refer to each section by letter (W-X, Y-Z etc) and add the letters to the map extract accompanying the application
- Indicate if the proposed alternative route is to have the status of either footpath, bridleway, restricted byway or estate road. The use of roads and estate roads for alternative routes should be avoided wherever possible. There is preference for alternative footpaths or bridleways to be provided which pass through landscaped or open space areas away from vehicular traffic.
- Describe each section of the route with reference to geographical features which will exist if the development is completed as proposed (eg within eastern boundary of proposed public open space)
- 16. Minimum widths for proposed routes are 1.5 metres for a footpath and 3 metres for a bridleway. These widths apply when the existing route is not already recorded at a greater width or shown on maps or plans, or if there are no physical boundaries evident on the ground. If a greater width is recorded or evident, then you should propose a width at least the same as the existing right of way, unless there is good justification (such as a short section passing between two buildings) for less. Greater widths may also be appropriate if increased use of a route is likely as a result of the development or if the route is fenced on both sides.
- Give details of any limitations and structures you are proposing along the route, such as gates and bridges.

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- Are you the sole person having an interest in the land over which the new route would pass? Delete as appropriate: YES/NO

If “NO” list the name(s) and address(es) of the owner(s), lessee(s) or occupier(s) (including agricultural tenants) of the land over which the new path would pass, and indicate the extent of their land interest on the plan.

Have you obtained the written consent of every person having an interest in the land over which the new path would pass? Delete as appropriate: YES/NO/NOT APPLICABLE

If “Yes”, please enclose all written consents.

If “NO”, enclose any written consents that you now possess and give below details of those where consent has been refused or has yet to be obtained:

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- Do you know if any statutory undertakers (e.g. water/gas/electricity/etc.) have any apparatus or equipment in or over the land which the existing right of way or proposed alternative route passes? If so give details.

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- Works required to establish alternative route

Where any works are required to make the proposed route suitable for public use (e.g. stiles/gates/steps/surfacing) applicants are required to undertake or meet the costs of such works, to the Council's satisfaction, before the order is confirmed.

Please identify below any works you consider necessary to make the proposed alternative route suitable for public use and indicate their location on the plan. (The Council may also identify other works that it considers necessary).

IMPORTANT – no works should be commenced until you receive written confirmation from the Council that the diversion has been approved, along with a specification of the works required.

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- Please supply any other information you consider relevant to the application.

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DECLARATION

PLEASE READ THE FOLLOWING CAREFULLY BEFORE SIGNING THE DECLARATION BENEATH.

I/We the undersigned understand that no authority for the stopping-up or diversion of a highway, footpath, bridleway or restricted byway is conferred unless or until an Order has been made by the Council and duly confirmed and made operative.

I/We declare that the right of way to be diverted or stopped up is in no way obstructed and I/We confirm that in no way shall it be obstructed before the Order is confirmed and made operative.

I/We the undersigned understand that the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 allows Telford & Wrekin Council to charge for the making and confirmation of a Public Path Order. The costs involved are set at a maximum of £1,500.00 at the date of 29th July 2014.

Pursuant to Section 119 (5) of the Highways Act 1980 and any other relevant enabling legislation, I/We undertake to defray costs and expenses incurred by the Council as a result of:

- a) Any compensation which may become payable as a consequence of the coming into operation of the Order**
- b) Any expenses that may be recoverable from the Highway Authority in consequence of the coming into operation of the Order**
- c) The costs of any work necessary in consequence of the coming into operation of the Order including the removal or repositioning of statutory undertakers apparatus or equipment.**

I/We undertake to provide the alternative way to the agreed specification from the date the path becomes operative as stated in the Order.

I/We recognise that if objections are received to an advertised Order the Council may:

- a) Determine that the order should not be confirmed if the objections are considered to be valid**
- b) Represent the case at a public inquiry**
- c) Proceed with a public inquiry and leave the applicant and/or their representatives to present the case for the Order.**

I/We hereby declare that to the best of my/our knowledge all the particulars given in the application are correct.

Signed Date