

Application for a Public Path Diversion Order

HIGHWAYS ACT 1980 – SECTION 119



How to complete the application form

SECTION 1 - DETAILS OF APPLICANT(S)

Insert the name(s) and address(es) of the individual(s) making the application. This would normally be the owner and or occupier of the land crossed by the existing definitive route. If the land is owned by a business the form should be completed in the name of the business by an authorised person.

SECTION 2 - OWNERSHIP OF LAND

Please supply current/up to date proof of ownership for all the affected land. If any parts of the existing or proposed route cross land not wholly within the applicant's control details of any other owners, occupiers or lessees should be given in Sections 2 and 4. Please supply written consent to the proposal and a signed map from all owners, occupiers and lessees.

SECTION 3 - REASONS FOR APPLICATION

You must state in whose interest the application is being made. The Council may divert a footpath/bridleway/restricted byway under the provisions of section 119 of the Highways Act 1980 if it is satisfied:

- that it is in the interest of either the owner/lessee or occupier of the land crossed by the route AND/OR in the interest of the public to do so
- that the diversion will not make the route substantially less convenient to the public
- that the diversion is expedient having regard to the effect it would have on public enjoyment of the path as a whole
- with regard to the effect the diversion would have on other land served by the existing route
- with regard to the effect the diversion would have on the land crossed by the proposed route and other land held with it
- with regard to the effect the diversion would have on the needs of agriculture and/or forestry and on nature conservation.

Please state clearly your reasons for making the application, explaining how the reasons meet the above criteria. See the 'Guidance on applications to change the public rights of way network' for further detail on the factors we will consider.

SECTION 4 - DESCRIPTION OF ROUTE

Please complete Parts A and B of this Section referring to the notes at the bottom of the relevant parts.

Minimum widths for proposed routes are 1.5 metres for a footpath and 3 metres for a bridleway/restricted byway. These widths apply when the existing route is not already recorded at a greater width. If a greater width is recorded then you should propose a width at least the same as the existing, unless there is good justification for less, such as a short section passing between two buildings. If you are proposing a route along an existing track it is usually appropriate for the public's right of way to exist over the entire width of the track. Where a route passes or will pass between two boundaries or is within and adjacent to a garden boundary a minimum width of 2 metres will be required.

SECTION 5 - PERMISSION TO INSPECT ROUTE(S)

Please indicate whether you wish to accompany consultees who may wish to inspect the proposed route(s). If so please provide a contact name and telephone number to enable them to make an appointment. The name and number will be included in our consultation letter.

If any of the proposed route(s) is/are on land which is not in your ownership please supply written consent from the other affected owner(s) to the proposed route being inspected without prior notice, or if they wish to accompany consultees or to be notified in advance of a site visit please supply a name and contact number.

SECTION 6 - AGREEMENT TO REIMBURSE COSTS

For details of the charges payable please refer to the 'Guidance on Charges for Public Path Orders and Agreement s'.

The form should be signed and dated by the person(s) name in Section 1.

For further information contact Ms Sharon Berry, Public Rights of Way Officer
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