



Public Rights of Way

HIGHWAYS ACT 1980, Section 119 Public Path Diversion Order

General Guidance Notes & Application Form

Contact:

Rights of Way
Directorate of Economy and Place
City of York Council
West Offices
Station Rise
York
YO1 6GA

Telephone: 01904 551481

Email: rightsofway@york.gov.uk

Contents

General Guidance Notes	Page 1
Frequently Asked Questions The most common queries received regarding Public Path Diversion Orders. For further queries please contact Rights of Way	Page 2
Charges for Public Path Orders This is correct at the time of dispatch but may be changed without notice	Page 3
Key Stages in the Application Procedure Quick guide to the main stages of a Public Path Diversion Order	Page 6
Relevant Legislation Highways Act 1980 (as amended) Sections 119, 28, 29, 121	Page 8
Application Form Application for a Public Path Diversion Order under s119 of the Highways Act 1980. (To be completed with reference to Application Form Guidance Notes)	
Application Form Guidance Notes (To be read in conjunction with Application Form)	

City of York Council administers applications for public path orders and agreements in accordance with the requirements of relevant legislation and the Parliamentary Rights of Way Review Committee's Practice Guidance Notes.

General Guidance Notes

These General Guidance Notes are intended for applicants who wish to apply for a **Public Path Diversion Order** to divert (change the route of) a right of way under section 119 of the Highways Act 1980. Applicants should read these notes carefully before completing the Application Form.

The Council will only consider a Public Path Diversion Order to divert a path if satisfied that it is expedient to do so either:

- (a) in the interests of the owner, lessee or occupier of land crossed by the path; or
- (b) in the interests of the public

Applicants should note that the Council is under no obligation to make an Order and reserves the right to refuse to make an Order where it feels the criteria of the legislation is not met, even where informal consultation suggests that there are no public objections (see Relevant Legislation for further details).

Under certain circumstances it may be more appropriate to use other powers contained within the Highways Act, which enable Orders to be made for other reasons, for example the diversion of a path crossing a railway line in the interests of public safety (s119A); for the prevention of crime or improvement of school security (s119B).

There are additional powers contained within the Town and Country Planning Act 1990 which enable an Order to be made to divert a path if it is deemed necessary to carry out a development for which planning permission has been granted.

If you wish to apply for a diversion under these different criteria, or you require more details about any particular aspect of the legislation or procedures, please contact the Rights of Way Officer, tel 01904 551481.

Please note that an application for a path diversion cannot be considered as an alternative to the removal of illegal obstructions on a path. Only in unusual circumstances will such proposals be considered and then only in the light of special circumstances affecting a particular case. Additionally, it is important to remember that, in all cases, until an Order to divert a path has been made and confirmed the path should remain open and available for use by the public.

The policy of the Council is to charge the applicant the costs incurred in processing applications in accordance with the current regulations since, in the majority of cases, the diversion benefits the applicant. Generally speaking the Council will only waive or reduce the cost if there is a direct benefit to the public. NB see 'Charges for Public Path Orders and Agreements'

Please be aware that a record of your proposal and contact details will be held on the Rights of Way database. Furthermore, a copy of your application and supporting documentation will be held on file and a copy may be provided to interested parties. In addition details of the applicant and the owners of the land are included in the report to the appropriate decision making body within the Council. Please ensure that any supporters of your application are aware that their statements and details may also be used as above.

Frequently asked questions

How long will it take?

Under normal circumstances an unopposed Order should be made and confirmed within 10 months of receipt of a properly made application. This is due to the time needed for consultation and objection periods, current work load commitments and the schedule of the relevant decision making body within the council. Opposed Orders will take longer to process and since their confirmation rests with the Secretary of State it is impossible to commit to a timescale for their completion.

Is my application likely to succeed?

The Council carries out informal consultations on proposals with the appropriate Parish/Town Council(s), the user groups (such as the Ramblers, Open Spaces Society and the British Horse Society), Utility Companies and other local interest groups/affected residents. The informal consultation allows the Council to judge the likely success of the application.

Both the Ramblers and the Open Spaces Society have a policy of objecting to Public Path Orders unless a clear public benefit can be shown. It is often the case that proposals are amended after the informal consultation stage, and suggestions made by the consultees can help achieve a successful outcome.

The Council is keen to encourage applicants and consultees to reach agreement on proposals where possible. If it is not possible for agreement to be reached after the informal consultation process, a decision will have to be taken by the Council to decide whether or not to proceed with making an Order.

Before the Council decides to make a Public Path Diversion Order it needs to be satisfied that the appropriate legal criteria have been met (see page 8, Relevant Legislation). It is therefore important to make sure that your Statement of Reasons (within the Application Form) is as comprehensive as possible and that the reasons you give fit with the criteria of the Legislation under which you are applying for the diversion.

If the Council makes an Order to which a formal objection is received the Council can only proceed with the Order by referring it to the Secretary of State for determination. This may lead to a public inquiry, an informal hearing or written representations to determine the matter.

Can I change the proposal?

Yes. This guidance gives you an idea of the cost of administering your submitted application. If, after informal consultation, a change is made by you as a result of a suggestion from a consultee, you will not be charged. However, if you decide to add new routes or significantly change your proposal independently then you will be advised of the extra charges that will be incurred which will cover additional costs incurred for further informal consultation.

Charges for Public Path Orders and Agreements

The Council usually requires all applicants for Public Path Orders for the creation, diversion and extinguishment of public rights of way to reimburse to the Council the whole of the charges involved.

The total cost to an applicant for a **straight forward**, one path one Order, application made under the Highways Act 1980 is currently in the region of **£2540**.

The approximate charges comprise:-

1. Administration charge £740.00
2. Advertising Costs £1,800.00
3. Cost of the works £200.00+
4. Compensation Payments £variable
5. Will the Council pay? £variable

1 Administration Charge

The initial informal consultation that we carry out on receipt of the completed application form is free of charge. Following on from that, if the Order is proceeded with, you will be charged officer time (at £38.88) for:

Step	Activity	Hours approx
1	Writing the report to gain Council authorisation to make the Order to extinguish the path	4
2	Drafting the Order, Notice, and associated Plans	3
3	Drafting and posting of consultation letters, Notices, Orders and plans to prescribed bodies	2
4	Drafting and arranging for the Notice of Making of the Order to be advertised in the York Evening Press	1
5	Posting of Notice and associated Plans on site	1
6	Collating and chasing up consultation responses	1
7	Working with objectors to secure withdrawal of any objections *(depending on complexity of objection).	1 – 6*
Sub Total		13 - 18
PAYMENT REQUIRED FOR STEPS 1-7 (£466.56 – £699.84)		

Step	Activity	Hours approx
8	Confirmation of the Order and drafting of the Notice of Confirmation	2
9	Drafting and posting of letters, Notices, Orders and plans to prescribed bodies advising of confirmation of the Order	2
10	Drafting of and arranging for the Notice of Confirmation of the Order to be Advertised in York Evening Press	1
11	Posting of Notice of Confirmation and associated plans on site	1
12	Collating any responses to the Confirmation of the Order	1
Sub Total		7 hrs
TOTAL		<u>20 – 25</u> hrs
PAYMENT REQUIRED FOR STEPS 8-12 (£272.16 approx)		

Please note that payment will be required for the Making of the Order (steps 1-7 inclusive) before the Order is confirmed. The balance (steps 8-12) will then be required within 21 days of the date of the final invoice.

2. Advertising Costs

Public Notice of the making and the confirmation of Public Path Orders have to be advertised in a local newspaper (York Evening Press). Each Public Notice for a Diversion Order usually costs in the region of £900 per advert. One Notice is required to advertise the Making of the Order and a second is required to advertise the Confirmation of the Order. Unfortunately the Council does not have any control over the cost of advertising the Notices as the prices are set by the Press.

Please note that as the charge is dependant upon the amount of wordage required within the Notice, the cost can vary considerably for different Orders.

3. Cost of the Works

Applicants are required to carry out any works required by the Council or are required to meet the costs incurred in works being completed on their behalf. In the case of a Diversion Order this is most likely to relate to the relocation of signposts and path furniture ie stiles and gates etc. If the required works are not completed to the satisfaction of the Council, the Council will carry out the works itself and recharge the applicants the costs of doing so.

4. Compensation Payments

Under section 28 (as applied by s121(2)) of the Highways Act 1980 any person who can show that the value of their interest in their land has been depreciated or that they have been disturbed in the enjoyment of land as a result of an Order is entitled to compensation. Applicants are required to reimburse the Council any compensation which is payable.

5. Will the Council pay?

The Council usually requires applicants to fund applications. However, where a change is proposed in the public interest and is not part of a package of changes a landowner wishes to achieve, it can often be jointly funded by the Council.

Key Stages in the Diversion Order Procedure

1. Discussion/site meeting between applicant and Assistant Public Rights of Way Officer. Public Path Diversion Order Application Pack provided.

THE APPLICATION

2. Accurately completed application form received by Council.
3. Informal pre-order consultation with user groups and statutory undertakers.
4. Receipt and consideration of replies – possible discussions and amendment of proposal (may require repeat of steps 1-3).
5. Drafting and submission of report to appropriate decision-making body within the Council.
6. Decision made whether or not to authorise the making of a Legal Order.
If the application is rejected, the following steps are taken:
7. Applicant is informed and no further action is taken. There is currently no right of appeal against this decision.

THE LEGAL ORDER

- If the application is accepted, the following steps are taken:***
8. Orders, Notices and Plans are drafted and the Order is sealed.
9. Notice of Making of the Order is posted at both ends of path and advertised in the York Evening Press.
10. Notice of Making of the Order, copy of the Order and Plans are forwarded to statutory consultees and other interested individuals/groups.

(NB: A minimum 4 week period is allowed for representations/objections to the Order).

If no objections are received to the Order, the following steps are taken:
(NB: In making a decision on whether to make an Order the appropriate decision making body will have also considered the legislative tests for the confirmation of the Order (which are slightly different to the tests for making the Order). If it is satisfied that the tests can be fulfilled, and no objections have been received, the Order will therefore be confirmed. The path will be diverted either from the date of confirmation of the Order or when the Council has certified that the works required to bring the new path into a fit condition for use by the public have been completed to a satisfactory standard).

11. Payment for administrative work and cost of press adverts will be requested at this point.
 12. Confirmation Notices are drafted and the Order confirmed and resealed.
 13. Notice of confirmation of the Order is posted on site and advertised in the York Evening Press.
 14. Notice of confirmation of the Order, copy of the confirmed Order and Plans are forwarded to statutory consultees.
(NB: A minimum period of 6 weeks is specified to enable a person aggrieved by the Order to make an application to the High Court).
 15. Applicant advised to complete any works that are required to close the original route for example the relocation of signposts, way-marks and gates etc.
- If objections to the Order are received, the following steps are taken:***
16. Objections are considered by the Assistant Rights of Way Officer and if required by the Public Rights of Way Officer, and the applicant.
(NB: If objections are considered to raise valid points that were not considered within the original report (step 5) then a further report is required to be submitted for consideration by the appropriate decision making body within the Council).
 17. Drafting and submission of a report to the appropriate decision making body within the Council.
 18. Decision made whether or not to support the Order and send it to the Secretary of State for determination or abandon the Order.
(NB: There is currently no right of appeal should the Council decide to abandon the Order).
- If it is decided not to promote the confirmation of the Order:***
19. The applicant is informed and no further action is taken.
- If it is decided to proceed and still promote the confirmation of the Order with objections outstanding:***
20. The Order will be sent to the Secretary of State for determination. An Inspector will be appointed and the Order will be determined through written representations, an informal hearing, or public inquiry.
 21. Payment for administrative work and cost of the press advert will be requested at this point.

The following points should be borne in mind:

- i. The timing of the written representation procedure, the informal hearing or public inquiry is dependant on factors outside of the Council's control.
- ii. The applicant is required to provide appropriate support in promoting the Order during the decision making process, this may include appearing at a public inquiry, an informal hearing or submitting written representation to justify the proposal. The applicant must bear their own costs incurred in attending the inquiry or informal hearing and in producing any associated documents supporting the proposal.

Relevant Legislation - Highways Act 1980 (as amended)

Section 119 – Diversion of footpaths, bridleways and restricted byways

- (1) Where it appears to a Council as respects a footpath, bridleway or restricted byway in their area (other than one which is a trunk road or a special road) that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or of another owner, lessee or occupier), the Council may, subject to subsection (2) below, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order;
- a) create, as from such a date as may be specified within the order any such new footpath, bridleway or restricted byway as appears to the Council requisite for effecting the diversion; and
 - b) extinguish, as from such a date as specified in the order or determined in accordance with the provisions of subsection(3) below, the public right of way over so much of the path or way as appears to the Council as requisite as aforesaid.

An Order under this section is referred to in this Act as a 'public path diversion order'.

- (2) A public path diversion order shall not alter the point of termination of the path or way;
- a) if that point is not on a highway; or
 - b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.
- (3) Where it appears to the Council that work requires to be done to bring the new site of the footpath, bridleway or restricted byway into a fit condition for use by the public, the Council shall;
- a) specify a date under subsection (1)(a) (above), and
 - b) provide that so much of the order as extinguishes in accordance with subsection (1)(b) (above) a public right of way is not to come into force until the local highway authority for the new path or way certify that the work has been carried out.
- (4) A right of way created by a public path diversion order may either be unconditional or (whether or not the right of way extinguished by the order was subject to limitations or conditions of any description) subject to such limitations or conditions as may be specified in the order.
- (5) Before determining to make a public path diversion order on the representations of the owner, lessee or occupier of land crossed by the path or way, the Council may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards-
- a) any compensation which may become payable under Section 28 below as applied by section 121(2) below; or
 - b) where the Council as highway authority for the path or way in question, any expenses which may incur in bringing the new site of the path or way into fit condition for the use of the public; or

- c) where the Council are not the highway authority, any expenses which may become recoverable from them by the highway authority under the provisions of section 27(2) above as applied by subsection (9) below.
- (6) The Secretary of State shall not confirm a public path diversion order, and a Council shall not confirm such an order as a unopposed order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which;
- a) the diversion would have on public enjoyment of the path or way as a whole;
 - b) the coming into operation of the order would have as respects land served by the existing public right of way; and
 - c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it;
- so, however, that for the purposes of paragraph (b) and (c) above the Secretary of State, or as the case may be, the Council shall take into account the provisions as to compensation referred to in subsection (5)(a) above.
- (6A) The considerations to which;
- a) the Secretary of State is to have regard in the determining whether or not to confirm a public path diversion order, and
 - b) a Council are to have regard in determining whether or not to confirm such an order as an unopposed order;
- include any material provision of a Rights of Way Improvement Plan prepared by any local highway authority whose area includes land over which the order to create or extinguish a public right of way.

Section 28 – Compensation for loss caused by path creation order (as applied by s121(2) of the Highways Act)

- (1) Subject to the following provisions of this section if, on a claim made in accordance with this section, it is shown that the value of an interest of a person in land is depreciated, or that a person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of a public path creation order, the authority by whom the order was made shall pay to that person compensation equal to the amount of the depreciation or damage.
- (2) A claim for compensation under this section shall be made within such time and in such manner as may be prescribed by regulations made by the Secretary of State, and shall be made to the authority by whom the order was made.
- (3) For the purposes of the application of this section to an order made by the Secretary of State under section 26(2) above, references in this section to the authority by whom the order was made are to be construed as references to such one of the authorities referred to in that subsection as may be nominated by the Secretary of State for the purposes of this subsection.

- (4) Nothing in this section confers on any person, in respect of a footpath, bridleway or restricted byway created by a public path creation order, a right to compensation for depreciation of the value of an interest in the land, or for disturbance in his enjoyment of land, not being in either case land over which the path or way was created or land held therewith, unless the creation of the path or way would have been actionable at his suit if it had been effected otherwise than in the exercise of statutory powers.
- (5) In the section “interest”, in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights.

Section 29 – Duty to have regard to agriculture, forestry and nature conservation

- (1) In the exercise of their functions under this Part of this Act relating to the making of public path creation agreements and public path creation orders it shall be the duty of the Council to have regard to-
 - (a) the needs of agriculture and forestry and
 - (b) the desirability of conserving flora, fauna and geological and physiographical features.
- (2) In this section, “agriculture” includes the breeding or keeping of horses.

Section 121(2) – Supplementary provisions as to public path extinguishment and diversion orders

- (2) Section 28 above (compensation for loss caused by public path creation order) applies in relation to public path extinguishment orders, rail crossing extinguishment orders, special extinguishment orders, public path diversion orders, rail crossing diversion orders and special diversion orders as it applies in relation to public path creation orders but as if:
 - (a) the references in it to section 26(2) above were references to section 120(3) above, and
 - (b) in relation to special extinguishment orders and special diversion orders, the reference in section 28(4) to a footpath, bridleway or restricted byway included a reference to a highway over which the public have a right of way for vehicular and all other kinds of traffic.
- (3) Section 29 above (duty to have regard to agriculture, forestry and nature conservation) applies in relation to the making of public path extinguishment orders, rail crossing extinguishment orders, special extinguishment orders, public path diversion orders, rail crossing diversion orders and special diversion orders as it applies in relation to the making of public path agreements and public path creation orders.



Public Rights of Way

HIGHWAYS ACT 1980, Section 119 Public Path Diversion Order

Application Form

Contact:

Rights of Way
City and Environmental Services
City of York Council
West Offices
Station Rise
York
YO1 6GA

Telephone: 01904 551481

Email: rightsofway@york.gov.uk



**Application for Diversion of a Footpath, Bridleway or Restricted Byway
under Section 119 of the Highways Act 1980**

NO AUTHORITY FOR THE DIVERSION OF A HIGHWAY IS CONFERRED UNLESS AND UNTIL THE DIVERSION ORDER HAS BEEN MADE AND NOTICE OF ITS CONFIRMATION HAS BEEN PUBLISHED. ANY PRELIMINARY OBSTRUCTION OF OR INTERFERENCE WITH THE HIGHWAY CONCERNED IS AN OFFENCE.

NB: Please read the corresponding numbered sections in the *Application Form Guidance Notes* (attached) as you complete this form. You are also advised to read the *General Guidance Notes* (page 1) carefully before you begin.

Section 1

APPLICANTS' DETAILS

(BLOCK CAPITALS PLEASE)

I/We:* see note 1

Of: see note 2

Tel No: see note 3

Fax No:

Email:

Being the owner(s)/lessee(s)/occupier(s)* of land at: see note 4

Hereby request that the public footpath/bridleway/restricted byway* described in Section 3 of this application and shown by a continuous bold line on the attached Plan 1 be diverted to the alignment shown by a bold dashed line. see note 5

Plan 2 (attached) indicates details of all those land owners, occupiers and lessees who may be affected by the proposal.

*delete as required

Section 3

PATH DETAILS

Description of path to be diverted

Path Status: ^{see note 8} (Footpath/Bridleway/Restricted Byway) _____

Parish(es): ^{see note 9} _____

Path Reference Number: ^{see note 10} _____

Description of path to be diverted: ^{see note 11}

From: _____

OS Grid Ref: _____

To: _____

OS Grid ref: _____

General description of path: ^{see note 12}

Description of proposed new route of path: ^{see note 13}

From: _____

OS Grid Ref: _____

To: _____

OS Grid Ref: _____

General description of path:

Work required to make route fit for public use: ^{see note 14}

Section 4

NAMES AND ADDRESSES OF PEOPLE AFFECTED

(Please include all those landowners, occupiers, lessees and those with a private right of access along the path affected by this application marking the extent of their rights on Plan 2)

(1) Name: see note 15

Tel No:

Fax No:

Email:

Address:

Post Code:

Describe relationship / how affected by proposed diversion of path:

(2) Name: see note 15

Tel No:

Fax No:

Email:

Address:

Post Code:

Describe relationship / how affected by proposed diversion of path:

Section 4 (cont)

NAMES AND ADDRESSES OF PEOPLE AFFECTED

(Please include all those landowners, occupiers, lessees and those with a private right of access along the path affected by this application marking the extent of their rights on Plan 2)

(3) Name: see note 15

Tel No:

Fax No:

Email:

Address:

Post Code:

Describe relationship / how affected by proposed diversion of path:

Statutory Undertakers Affected : ^{see note 16} (eg gas, electricity, water, communication suppliers)

Section 5

DECLARATION

I / We* . see note 18

- a) understand that no authority for the diversion of any definitive right of way is completed unless and until an Order has been made and confirmed, and due notices of these steps have been published.
- b) understand that the existing path is to remain unobstructed and available for use by the public until the Public Path Diversion Order has been confirmed and the new route certified by the Council.
- c) agree, under Regulation 3(3) of the Local Authorities (Charges for Overseas Assistance and Public Path Order) Regulations 1996, to bear the actual administrative and advertising costs incurred in making and advertising the Public Path Diversion Order and its confirmation, to which this document refers. (In the case of an opposed Order charges will only be made up to the point where the Order is submitted to the Secretary of State for determination and where the Order is subsequently confirmed, in advertising that confirmation).
- d) agree to pay any costs of any easement or diversion of apparatus required by any statutory undertaker (gas, water, electricity etc) to enable the diversion to take place.
- e) agree to make up the new lengths of path to such a standard as is required by the council or to reimburse any amount payable in respect of the expenses incurred by the council in making up the new lengths.
- f) agree not to claim any compensation under the Highways Act 1980 or any other statutory provision as a result of the authority making an Order as a consequence of the application and agree to defray any compensation which may become payable under Section 28 of the Highways Act 1980 to a person with an interest in the land.
- g) agree to the information supplied within and in support of this application being supplied to other parties as necessary in the context of the application and in accordance with the provisions of the Data Protection Act 1988 and the Freedom of Information Act 2000.
- h) have read and understood the accompanying Guidance Notes etc.
- i) apply for the diversion of the path(s) as described on the attached form and declare that the particulars on this form are true and correct.

Signed:

Print Name:

Date:

* delete as applicable

Section 6

PERMISSION TO INSPECT ROUTE

(The Council will carry out consultations before determining your application. Whilst consultees are able to walk the existing route, they may need permission to walk the proposed route(s)). ^{see note 17}

- **I give permission for consultees to inspect the proposed route(s) unaccompanied.***
- (or)
- **I give permission for consultees to inspect the proposed route(s) but they should contact the person named below beforehand***

Name: _____ tel no: _____



Public Rights of Way

HIGHWAYS ACT 1980 Section 119 Public Path Diversion Order

Application Form Guidance Notes

Contact:

Rights of Way
City and Environmental Services
City of York Council
West Offices
York
YO1 6GA

Telephone: 01904 551481

Email: rightsofway@york.gov.uk

Please state therefore whether you consider the diversion to be; in the interests of the owner, lessee or occupier of land crossed by the path or in the interests of the public or both, by deleting those statements which do not apply.

- (7) The legislation requires a further two legal 'tests' to be satisfied. The first (i) considers the test for making the Order, the second (ii) considers the test for confirming the Order (an authority will usually take the second test into account before deciding to make the order).
- (i) Subsection (2) prevents the diversion of the ends of a path if it is not on a highway. If the path does end on a highway, it may be diverted only to a point which is on the same, or a connected highway and which is **substantially as convenient** to the public. The meaning of 'substantially as convenient' is as 'good as' and 'convenience' means 'ease of use'.
- (ii) A diversion order may not be confirmed by the Secretary of State or the council, unless he or they are satisfied that the path will not be **substantially less convenient** to the public as a result of the diversion and that confirmation is expedient having regard to the effect of the diversion on public enjoyment of the path as a whole. The meaning of 'not substantially less convenient' allows for a greater degree of inconvenience, albeit not a substantial one.

To satisfy the second test, (ii) above, you will need to demonstrate that the route and condition of the proposed diversion takes full account of the reasonable needs of path users (see criteria below for further details). In addition you should ensure that due regard is given to the needs of agriculture and forestry and the desirability of conserving flora, fauna and geological and physiographical features.

Please state therefore how you consider the new route and condition of the proposed diversion meets the second test. To help you, please use the following headings in your Statement of Reasons (continue on a separate sheet if necessary), where your proposal does not meet specific criteria write 'none'.

- Criterion 1 – Condition (including surface, gradient, furniture, and boundaries)
The condition of the proposed new route should not be substantially less convenient than the original route, Stiles gates and other barriers should only be included if they are required for stock control purposes, except in exceptional circumstances.
- Criterion 2 – Directness
The proposed new route should not unreasonably lengthen the path nor introduce 'dog legs' or be overly circuitous. If it is proposed to alter the point of termination of either end of the path, the new termination point should be on the same highway, or a highway connected with it, which is substantially as convenient, see above. The diversion should not create a cul-de-sac path.
- Criterion 3 – Width
The proposed new route should have a minimum width of 2m for a footpath and 3m for a bridleway. Where the original route has a greater width than the proposed new minimum widths, then the new route should be provided to

an equivalent width. Lesser widths will only be allowed in exceptional circumstances.

- Criterion 4 – Landscape character
The proposed new route should not result in lower quality or diversity of views for the path users.
- Criterion 5 – Features of interest
Other than in exceptional circumstances, the proposed new route should not remove paths totally from significant features of interest, natural or man made unless it is deemed to be in the interests of conservation.
- Criterion 6 – Status
There will be no downgrading of the existing rights other than where it is in the interests of an overall improvement of the local network.
- Criterion 7 – Financial
The proposed new route should not result in a significant additional maintenance cost to the tax payer.
- Criterion 8 – Safety
The proposed new route should not subject users to any significant risk from potential hazards. It should not introduce conditions (eg darkness, narrowness, poor visibility, hiding places) likely to encourage antisocial or criminal behaviour against users, nor should it create a perception that this may be the case.
- Criterion 9 – Disabled access
Wherever possible proposed new routes should seek to improve accessibility for those with mobility or visual impairments, by providing the least restrictive options for access, such as the provision of gaps and accessible gates rather than stiles; and ramps rather than steps.
- Criterion 10 - The effects on the needs of agriculture, forestry and nature conservation
Detail what affects, both positive and negative, that the proposed diversion will have on the needs of agriculture, forestry and/or nature conservation.

If the above information is not supplied your application form will be returned to you for more information.

Section 3 – Path Details

- (8) Insert the status of the path to be diverted - Footpath, Bridleway or Restricted Byway.
- (9) Insert the Parish(es) through which the path runs.
- (10) Insert the Path Reference Number including path number and link number. We can help with this.
- (11) Describe the start point and the end point of the original path/part of path to be diverted. This could be the name of a road, house or OS field Number and

boundary feature for example. Also include a 6 figure Ordnance Survey grid reference for the above.

- (12) Provide a general description of the path/part of path to be diverted. Describe the path to be diverted in sections (eg path runs along a field edge, path follows a river bank) and refer to each section by letter (A-B, B-C etc). Include the path's Definitive width for each section, if you do not know the recorded width, write 'unknown' (we can help with this information).

Add the letters that you have used to describe sections of the path (A-B etc) to Plan 1.

Also include details of any limitations on the public's right of way along the path, such as gates and stiles and also of any structures such as bridges, which exist on it. Indicate if any limitations have been authorised by the Council (we can help with this information).

- (13) Provide a general description of the new route of the path. As in Note 10 above, provide details and grid references for the start and end of the path. Describe the new route in sections as in Note 11 above. Add the letters you have used to describe the sections of the new path to Plan 1.
- (14) Please also detail any work which will be required to bring the new route into use, for example, indicate if any bridges or gates will be needed and give their locations.

Section 4 – Names and Addresses of People Affected

- (15) Give details of any owner, occupier and lessee of the land crossed by the original path and also the new path. Include details of all those who may be affected by the diversion, for example those who have a private right of access along the path to access land, or those who have sporting rights. Mark all the above detail on Plan 2 (see Note 3). You are required to supply written confirmation from all the above that they are in agreement with the proposal. The Council reserves the right to request proof of ownership etc in cases of dispute.
- (16) Give details of the rights of any Statutory undertakers (such as electricity, gas and communication suppliers) that may be affected by the extinguishment of the path. Mark these on Plan 2 as well.

Section 5 – Permission to inspect route

- (17) Please indicate if you wish to meet any representatives of the user groups (such as the Ramblers' Association) who may wish to view the proposed route. If so please provide a contact name and telephone number.

Section 6 – Declaration

- (18) All applicants should carefully read the Declaration, then sign and date it. If there is some part of the form that is unclear to you, please do not hesitate to contact Rights of Way.