

# APPLICATION FORM

## PUBLIC PATH DIVERSION ORDER



**TO: Devon County Council**  
**Highways and Traffic Management**  
**PO BOX 494**  
**Newton Abbot TQ12 9GL**  
Tel: 0845 155 1004

Parish: ..... Footpath/Bridleway ..... No. ....

Location: .....

**I,** Mr / Mrs / Miss ..... Initials ..... Surname .....

**Of:** .....

.....

..... Tel No: .....

own the land edged red on the attached plan and apply to divert the above public right of way as shown on the plan which I have dated and signed.

**I CONFIRM** that all other landowners affected by the diversion are listed below and that they have given their consent to the proposed re-routeing of the path:

Name	Address
.....	.....
.....	.....

**I AGREE** to the following general conditions:

- [1] where the proposed path is physically undefined, the width of the new footpath shall be not less than 2 metres, or in the case of a new bridleway, not less than 3 metres;
- [2] all gates (stiles will not be permitted) shall conform to Devon County Council specification and, in particular, all bridlegates must be openable from horseback;
- [3] the surface of the proposed path shall be to a standard acceptable to Devon County Council.

### AND I HEREBY UNDERTAKE TO:

[1] pay the Devon County Council, within twenty-eight days of receiving an account, the cost of:

- |                                       |             |
|---------------------------------------|-------------|
| i) undertaking informal consultations | £350        |
| ii) drafting and publishing the Order | £350        |
| iii) advertising the Order            | approx £600 |

[2] pay any expenses incurred in bringing the new path into a fit condition for use by the public;

[3] defray any compensation which may become payable to any other landowner affected by the diversion.

Signed: ..... Date .....

## **PUBLIC PATH DIVERSION ORDER**

The diversion of a public right of way is dealt with under s.119 Highways Act 1980. Compliance with the Act involves legal and administrative costs and the Council requires from the applicant an unqualified commitment to meet these costs. In order that you may be aware of how they are made up I will explain, briefly, the procedure.

The warden or ranger will discuss the proposal with you to ensure that the new route meets the legal requirements concerning public convenience and enjoyment etc. A plan will then be prepared for your approval and informal consultations undertaken with local councils, user organisations and statutory undertakings. If no objections are received the Order is then drafted and served on all prescribed persons and bodies. Advertisements are placed in a local paper and notices erected on site. However, if objections are received during the informal consultation stage the proposal may need to be referred to the Public Rights of Way Committee who will decide if the diversion should be progressed or turned down.

When the Order is published, any enquiries will be dealt with and, providing there are no objections, the Order will be confirmed and the route legally diverted. Notice of confirmation of the Order is sent to all persons and bodies previously consulted, and must also be advertised in the local press and placed on site. However, it is possible that following the publication and advertising there is an unresolved objection which could lead to a Public Inquiry or Hearing. It should be noted that an Inquiry or Hearing does not guarantee that the diversion will be approved. The Inspector may decide not to confirm the Order, under which circumstances the applicant is still liable for all the costs detailed below.

The County Council's charge for carrying out the informal consultations is £350 and, if an Order is published, a further administration charge of £350 will be made for preparing the Order etc. In addition, the cost of the two press advertisements must be met which is likely to be in the region of £300 each. The applicant is also required to bear the costs of bringing the new path into a fit condition and any compensation that may become payable to other landowners.

### **Data Protection Act**

**Please note that the information given on this application form (including your name, address and other personal information) together with any accompanying drawings and documents will be made publicly available and may be published on the Council's website.**