

**APPLICATION FOR 3 MONTH TEMPORARY  
DIVERSION ORDER – AGRICULTURAL WORKS  
HIGHWAYS ACT 1980 s. 135**



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

Parish: ..... Footpath/Bridleway/Restricted Byway No. ....

Location: .....

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

Of: .....

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

occupy the land edged red on the attached plan, and apply to divert the above public right of way as shown on that plan (which I have dated and signed) for a period of ..... [not to exceed 3 months], commencing on .....

The reason for making this application is to enable me to carry out the following works on that land (see overleaf for nature of works that justify an order):

**N.B. Application MUST be received at least 28 days before the start of the closure.**

**I CONFIRM** that all other landowners affected by the diversion are listed below, and have consented to this temporary diversion of the path:

| <b>Name</b> | <b>Address</b> |
|-------------|----------------|
| .....       | .....          |
| .....       | .....          |

**AND I HEREBY UNDERTAKE TO:**

- [1] provide an alternative route of not less than 2 metres width in the case of a footpath or 3 metres width in the case of a bridleway and to maintain the route in a good state of repair;
- [2] place and maintain at the ends of the closed section(s) of path a site notice and plan;  
**N.B. The diversion is only effective whilst the notices and plan are displayed.**
- [3] make good the surface of the existing route and remove all barriers before expiration of the diversion period or when the work has been completed, whichever is the sooner;

**The cost of dealing with your application is £350 and a cheque payable to 'Devon County Council' must accompany this form. Failure to submit payment will result in no action being taken to process your application.**

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

## **TEMPORARY DIVERSION ORDER**

Section 135 of the Highways Act 1980 provides that where the occupier of agricultural land, or land which is being brought into use for agriculture, desires to carry out an excavation or engineering operation that is reasonably necessary for the purposes of agriculture, but will so disturb the surface of a footpath, bridleway or restricted byway which passes over that land as to render it inconvenient for the exercise of the public right of way, he may apply to the highway authority for diversion of the path or way for a period not exceeding three months. The application must not affect the line of a path or way on land not occupied by the applicant, but may divert the line onto such land with the written consent of the occupier thereof.

The highway authority shall make an order if satisfied that it is practicable temporarily to divert the path or way in a manner reasonably convenient to users. The order may include such conditions as the authority reasonably thinks fit for the provision, either by the applicant or by the authority at the expense of the applicant, of facilities for the convenient use of any such diversion, including signposts and other notices, stiles, bridges and gates. Compliance with the Act also involves legal and administrative costs, and the authority requires from the applicant an undertaking to meet these costs.

August 2009