# Town and Country Planning Act 1990, Section 257

# Stopping up or Diversion of a Public Footpath, Bridleway or Restricted Byway

Please read the Guidance Notes in full before completing this form

|  |  |  |
| --- | --- | --- |
| 1. Applicant |  | 2. Agent (if applicable)\* |
| Name:  Email:  Address:        Postcode:  Telephone: |  | Name:  Email:  Address:    Postcode:  Telephone: |

\*NOTE: If the form is completed by an agent, written authority to act on behalf of the applicant should accompany this application form

|  |
| --- |
| 3. Proposed works |
| This application is to (please select one option):   * Divert a Public Right of Way : * Stop-Up/Extinguish a Public Right of Way: |

|  |
| --- |
| 4. Reason for the diversion/stopping-up |
| What is the nature of the development and why does it necessitate diverting/stopping up a Public Right of Way? Please provide a brief description of the development and outline the reason(s) why a diversion/extinguishment is required. |
| Has planning permission already been granted for the development?  Yes:  No:  If yes, please provide the following information:  Planning Reference Number:  Date of Decision Notice:  If no, please provide details of any active planning applications\*:  Planning Reference Number:  Date submitted:  \*Please note that if you do not already have planning permission, an active planning application is required in order to make an application to divert/stop-up a public right of way. |
| Has development commenced?  Yes:  No:  If yes please give details on the extent of the works completed\*    \*If the works have been substantially completed then the Authority may not be able to make an Order. |

|  |
| --- |
| 5. Description of the EXISTING public right of way to be diverted/stopped-up |
| Status – Please indicate the status of the public right of way to the diverted/stopped up  Footpath:  Bridleway:  Restricted Byway: : |
| Name(s) and/or or number(s) - Please provide the following information on the existing public right of way. This information can be obtained from the Definitive Map and Statement (maintained by the Local Highway Authority- usually the County Council).  Right of Way Number:    Parish:    Ordnance Survey Sheet Number:  Definitive width (if specified):       metres  Limitations and structures e.g. stiles, bridges etc. Provide full details. |
| Length of existing route to be diverted/stopped-up – Please indicate the length of the right of way to be diverted/stopped up. This information should also be clearly marked on an attached map (see guidance notes).  Total length of right of way to be affected:       metres  Description of existing route to be diverted/stopped-up:  Please describe the route, including Grid References and lengths.  *e.g. The existing route to be diverted is a section of public footpath, with a definitive width of 2 metres, running in an easterly direction for 20 metres from point A (Grid Reference xxxx) to point B (Grid Reference xxxx). From point B the footpath runs north for 50 metres to point C (Grid Reference xxxx). (Points A, B and C should be labelled clearly on the accompanying map).* |
| Provide the full name(s) and address(es) of all landowners, occupiers and other persons with any legal interest in the land which is crossed by the length(s) of existing path subject to this application.   1. The Landowner(s)   Name:  Address:   1. The Lessee(s)   Name:  Address:   1. The occupier(s)   Name:  Address:  Please provide details of any other person(s) having a legal interest in the land, for example a mortgagee, owners of mineral rights, persons having an easement over the existing path.  Name:  Address:  Nature of interest in the land:  Do any statutory undertakers (**such as electricity, gas, water and communication suppliers)** have any apparatus or equipment in or over the existing path?  Yes  Please provide details:  No  Don’t know  Has written consent of all such person(s) listed above been obtained to alter the public right of way?  Yes  No  If YES, a copy of these consents should accompany this application. If NO, enclose copies of the written consents that you do have, and give particulars below on those who have refused consent or whose consent which has yet to be obtained.  Applicants must wholly own the land over which the existing and proposed changed rights of way run. If they do not own the land they must have the written consent of the landowner as the South Downs national Park has no rights to impose the change on landowners.       ………. |

|  |
| --- |
| **6. Proposed new route \*** THIS SECTION IS TO BE COMPLETED FOR DIVERSIONS ONLY |
| **Location of new route** – Please provide the following information on the location of the new route. This should also be clearly marked on the attached map (refer to guidance notes).  Proposed total length:       metres  Proposed width:      metres  Description of new route:  Please describe the new route, including Grid References and lengths (as done in section 5). |
| **Works required to establish alternative route**  Please outline below any works you consider necessary to make the proposed alternative route suitable for public use, and indicate their location on the plan (the Authority may also identify other works it considers necessary). **Note**- the applicant is required to meet the cost of any such works.  **Surfacing works to new route:**  Details:    N/a  **New structures to be provided on the new route**: Please ensure the locations clearly marked on the accompanying plan.   |  |  |  | | --- | --- | --- | | **Point on plan** i.e. X, Y | **Structure** e.g. 1.5m metal hand gate | **Purpose of structure** e.g. stock control | |  |  |  | |  |  |  | |  |  |  |   N/a |
| **Is the land crossed by the diverted path in the ownership or occupation of any parties other than those listed in Section 5?**  Yes  No  If YES, please provide details below.  Name:  Address:  Nature of interest in the land:  **Would the appartus or equipment of any statuotry undertakers be affected by the proposed diversion:**  Yes  Please specify:  No  **Has consent from the persons identified above been obtained for the proposed diversion?**  Yes  No  If YES, a copy of these consents must accompany this application. If NO, enclose copies of the written consents that you do have, and give particulars below on those who have refused consent or whose consent has yet to be obtained.       ………. |

**7. Costs**

Please refer to the guidance notes for cost details. The South Downs National Park Authority will usually require applicants to meet the full administrative/legal costs of processing the application, making the statutory Order, and any works required to bring the new route (for diversions) up to a standard suitable for public use.

8. Declaration of agreement

I/We hereby apply for the extinguishment/ diversions of the public right of way as described above and agree to the following conditions:

1. I/We hereby undertake to defray any compensation which becomes payable in consequence of the coming into operation of the order.
2. I/We hereby agree to undertake with the South Downs National Park Authority (SDNPA) to meet in full the requirements of any statutory undertaker in respect of any apparatus which may be over, in or under the right of way in respect of which I am making this application.
3. I/We understand that the consent of the statutory undertakers is required before the order can be confirmed by the SDNPA and that their consent may be conditional on my carrying out works to protect the statutory undertakers’ apparatus and/or rerouting it. (The SDNPA will consult with the statutory undertakers on your behalf).
4. I/We understand that I/We (as the applicant), will be invoiced for the charges for this application and that I will be responsible for paying any compensation that becomes payable.
5. I understand it is my/our responsibility to recover costs from other parties if the costs are to be shared with others.
6. I/We understand that no authority for the diversion is conferred unless and until an Order has been made and confirmed, and Notice of its making and confirmation and in some cases certification has been published. Any preliminary obstruction of or interference with the existing route may not only be unlawful, but may make it impossible to proceed with the making of the Order.
7. I/We declare that, to the best of my/our knowledge and belief, all the particulars inserted on this form are true and accurate.

|  |  |  |
| --- | --- | --- |
| **Signed:** |  | **Date:** |
|  |  |  |

|  |  |  |
| --- | --- | --- |
| **Signed:** |  | **Date:** |
|  |  |  |

1. **Attached Documents**

When submitting your application, please tick the boxes below to show what documents have been attached. Please refer to guidance notes on how to complete these.

* Completed application form
* Application map showing the existing and proposed routes- **please see guidance notes on how this needs to look**
* Map showing the extent of my/our land ownership/occupancy in relation to the path(s) concerned (if separate to the application map)
* Map showing information of the land ownership of others, where necessary (if separate to the application map)
* Written consent of any persons having interest in the land whom are not the applicant(s)
* If an agent is being used, written consent from the applicant to confirm the agent has authority to act on their behalf

Please return the completed application form and documents to:

**By post:**

Development Management team

South Downs National Park

South Downs Centre

Midhurst

West Sussex

GU29 9DH

Tel: 01730 814810

**By email:**

[planning@southdowns.gov.uk](mailto:planning@southdowns.gov.uk)

Please contact the National Park if you require help on completing this form.

Telephone: 01730 814810