

S.119 HIGHWAY ACT 1980

**APPLICATION FOR A DIVERSION OF A PUBLIC RIGHT OF WAY
ON THE GROUNDS THAT THE EXTINGUISHMENT IS IN THE INTEREST OF THE OWNER(S), OCCUPIER(S)
AND LESSEE(S) OF THE PATH OR WAY**

The following questions are to be answered in **full**.

Guidance on diverting a public right of way is available the Council website.

This application is made in accordance with section 119 of the Highways Act 1980 for the diversion of the Public Right of Way, described in Part 3 below.
The application extinguishment is made on the grounds that the existing path or way should be diverted in the interest of the owner(s), occupier(s) and Lessee(s).

1. APPLICANTS DETAILS

(a) name, address and postcode

(b) Main contact name address postcode, telephone and e-mail (if different to the above)

2. PUBLIC RIGHT(S) OF WAY TO BE DIVERTED

Please complete all sections below which apply

(a) Has the proposed diversion order previously been discussed with Public Rights of Way? **Yes/ No**

If **yes**, please provide details of any discussions:

DIVERSION

(b) Please describe all areas of public right of way which require diversion including the path reference(s) (if known), start point, end point, length, width, street furniture along the route (such as bridges, gates, stiles, street lighting etc). Please include grid references.

REASONS FOR DIVERSION

- (c) Section 119 of the Highways Act 1980, as amended by Schedule 16 para. 5 of the Wildlife and Countryside Act 1981, permits diversions of public footpaths and bridleways on the grounds that it is expedient in the interests of (i) the owner, lessee or occupier and/or (ii) the public. Please indicate whether this application serves the interests of (i) and/or (ii) and give specific reasons why. Please provide as much detail as possible as this will help to inform the Council's decision making process (Please continue on a separate sheet as necessary):

PROPOSED NEW ROUTES

- (d) Please describe the route of the new path or way that will be provided including, start point, end point, length, width. Please include grid references.
- (e) Please confirm full engineering details of the new path or way, including proposed surface construction, drainage, signs, way marker posts and street furniture (such as bridges, gates, stiles, street lighting, etc).

NB Engineering details will require agreement with Public Rights of Way. Please provide details of any previous correspondence or agreements in relation to this. Works must be completed by contractors who are accredited to work in the highway, or by the council's appointed contractors.

AREAS OF PUBLIC RIGHT OF WAY TO BE RETAINED AND IMPROVED

(f) Please describe all areas of public right of way which are proposed to be retained, including the path reference(s) (if known), start point, end point, length, width existing surface and street furniture (such as bridges, gates, stiles, street lighting etc). Please include grid references.

(g) Please describe any proposed improvements to the areas to be retained described in point (e) above.

NB details of specific improvements will require agreement with Public Rights of Way, and may require inclusion within a S278 Agreement. Please provide details of any previous correspondence or agreements in relation to this. Works must be completed by contractors who are accredited to work in the highway, or by the councils appointed contractors.

ORDER MAP

- (h) Please provide as an attachment to this application, a proposed map showing the proposed changes to the public rights of way to a scale of not less than 1:2500, to include:
- i. All areas of public rights of way to be extinguished;
 - ii. Alternative routes that will be following closure;
 - iii. And areas of public right of way to be retained and improved.

4. LAND OWNERSHIP

(a) Please confirm whether all of the land upon which the areas of public right of way to be diverted, proposed new route and land directly adjoining these routes is owned by the applicant? **Yes/ No**

Please list all additional 3rd party land owners, occupiers and lessees, the extent of their ownership and their interest in the below table. A plan should be attached showing the extent of their ownership in relation to the proposed order.

Name and address	Description of land within their ownership (e.g. area of path to be extinguished, proposed new route, or adjoining land).	Their interest in the land (e.g. owner, occupier or lessee).	Has their consent been obtained? If yes please attach a copy of the consent to this application, or give details if no.

NB if other 3rd parties own land affected by the order the applicant is responsible for ensuring consent. Failure to do so may result in delays and affect the order decision.

5. STATUTORY APPARATUS

(a) Please provide details of any apparatus located within the public right of way to be extinguished and confirm any requirements statutory undertakers may have to ensure continued access for maintenance. Please attach copies of plans, agreements and correspondence in relation to this

NB if statutory apparatus is present and requires diversion, or easements are requested, the applicant is responsible for ensuring the requirements are met and covering all costs associated with this. Failure to do so may result in delays and affect the order decision.

PAYMENT AND DECLARATION

Please read the following information carefully.

Authority for extinguishments

*I/We the undersigned understand that no authority for the stopping up/diversion of any Right of Way is conferred unless confirmed by the Council/Secretary of State.

*I/We declare that the Right of Way to be diverted is in no way obstructed and shall be in no way be obstructed before the Order is confirmed. *(Other than historic obstructions, or obstructions authorised by temporary closure or permits to work in the highway).*

Objections to the Order

*I/We recognise that if objections are received to a published Order, the Council may:

- Request that the Secretary of State determine the Order
- Represent the case at Public Inquiry, hearing or through written representations
- Request that the applicant represents his/herself at Public Inquiry, hearing or written representation.

Cost of the application – The legislation

*I/We understand that the Solihull Metropolitan Borough Council is entitled to recover the costs incurred in the making of a Public Path Order under “The Local Authority (Recovery of costs of PPO’s) Regulations 1993” as amended by The Local Authorities (charges for Overseas Assistance and Public Path Orders) Regulations 1996”.

Costs-Payment and requirement

*I/We undertake to pay the associated costs and expenses incurred by Solihull Metropolitan Borough Council.

- Any compensation which may become payable as a consequence of the extinguishment coming into operation.

- The costs of any works necessary in consequence of the coming into operation of the Order so that the alternative route may be brought up to the necessary standard.
- The full costs of investigating, making and confirming the Order.
- The full costs of installation and maintenance of fencing and signs required as part of the Order
- N.B. Statutory agencies may have apparatus located within the highway and requirements to secure continued access for maintenance. You are responsible for identifying any apparatus, securing any requirements in relation to this and for all associated costs.

*I/We understand that these costs will remain payable should the Council resolve not to make the Order or the Order is not confirmed for any reason other than those specified below.

If more than one Order is required to achieve your aim then additional costs will occur.

*I/We are aware that, although at present the **minimum** costs of a straight forward application (which has received no objection) are £2830 for an Diversion Order

Payment is due as follows:

- £1000 initial fee upon receipt and validation of application, prior to making and advertising Order
- £1830 prior to confirmation and advertisement of confirmation of an unopposed Order

Additional fees may be payable where a high level of investigation is necessary or, where objections are received and an Order is submitted to the Secretary of State for determination. You will be advised of the additional costs when applicable

***I/We confirm that the existing pathway subject to this application is unobstructed throughout the application process;**

***I/We confirm that the extinguishment is being made on the grounds that the path/ way is not needed for public use;**

***I/We confirm that I/we have read and understood the above declaration.**

Signed _____

Dated _____

NB, Where an *appears, please delete the option(s) which is/are not applicable.

This form should be completed in full and returned with the initial order payment of £1000, to PublicRightsofWay@solihull.gov.uk

An order can only be made and taken forward once it has been demonstrated that the legal criteria is met. An incomplete application may mean that statutory requirements cannot be demonstrated and result in the application being returned with a request for additional information, or refused.

Payment methods

Please make the initial £1000 payment when submitting your application. Payment can be made by:

- Cheque, made payable to Solihull Council and posted to Public Rights of Way Solihull Council, Manor Square Solihull, B91 3QB
- Card payment over the telephone, by calling 0300 456 0502.
- **Payment code "Diversion, PROW Order" must be quoted when making payment.**