

Procedure for Public Path Diversions under **Section 119 **Highways Act 1980****

October 2007



Application pack for Public Path Diversion Orders under Section 119 Highways Act 1980

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Advice note for applicants

Diversion of public paths – Section 119 Highways Act 1980

Purpose

This is an advice note for landowners, tenants and occupiers who are considering making an application to divert a public footpath, bridleway, or restricted byway.

This note draws on Government Circulars 2/93 'Public Rights of Way' 11/96 'Recovery of costs for Public Path Orders and Rail Crossings – amendment regulations' and Circular 2/96; 'the local authorities (charged for public path orders regulations); The Countryside and Rights of Way Act 2000 and Essex County Council charging policy for processing of Public Path Orders under Section 119 Highways Act 1980 (08/07).

A separate advice note will be published in 2008 for making an application to extinguish a public path but for purposes of completeness relevant forms for an extinguishment are also included in Appendix 2 of this note.

Background

Public Rights of Way provide an essential means of access to the countryside for recreational purposes and form an integral functional and sustainable link to shops, services and schools in urban and semi-urban areas.

Public Rights of Way are recorded on the Definitive Map of Public Rights of Way, which is a statutory document. This document records footpaths, bridleways and byways but not footways/pavements or cycle tracks. Footpaths are for use by walkers, bridleways by walkers, horse riders and pedal cyclists; and byways being ways open to all vehicular traffic (although mainly used as public paths) plus aforementioned users. A restricted byway is a highway over which the public have a right of way on foot, horseback but not a right of way for mechanically propelled vehicles.

Section 119 Highways 1980 makes provision to divert footpaths and bridleways and restricted byways (but not byways) where such proposals are in the interests of the owner, occupier or lessee of the land over which the existing and proposed routes are aligned, with or without an interest to the public at large.

Alteration to the legal alignment of a footpath, bridleway or restricted byway for this purpose can only be effected by a legal order, which must pass through an extensive period of public notification. Such requirements apply regardless of how minor the proposed alteration may be.

Given the nature of the statutory procedures to be followed and the extensive consultation that follows the submission of any diversion proposal to the County Council as the order making authority, the Council cannot guarantee the successful outcome of any Public Path Order.

In those cases where a published order attracts objections which cannot be resolved by the applicant at the local level, the order making authority must refer to the Department of Environment, Farming and Rural Affairs (DEFRA) for determination.

As a general observation, it is always advisable to consider the minimum movement of a path required to effect the desired change, so that points of access are as convenient as the existing route and the alternative line is not substantially less convenient to the public. (Explanation of process below refers.)

Application is usually made by the person(s) who would benefit from the application i.e. the owner, occupier or lessee of the land over which the current path is routed. Consent of the owner over whose land the proposed diversion is to be aligned (if this owner is different from the applicant) is a prerequisite to any proposal.

The processing of a public path order incurs considerable costs for the order making authority both in terms of officer time administrative or advertising costs incurred due to the statutory requirements the section of this note entitled 'charging procedure' (page 9) refers.

Please note:

- 1 For applications relating to Public Path Orders at railway crossings under Section 118A or Section 119A Highways Act 1980 or for Public Path Order for school security under Section 118B of Section 119B Highways Act 1980 please contact the Essex County Council direct. See contact details on Page 11 of this advice notice.

Explanation of process and factors to be considered prior to submission

Policy

County Council responsibilities

Essex County Council has powers to process applications for Public Path Orders under the Highways Act 1980. The County Council using its discretion will consider the merits of each application, both in terms of the users of the public path network and the landowner/interested parties.

The Essex County Council is processing all such orders in the County apart from Brentwood, Rochford and Uttlesford Districts, where the respective District Councils continue to be the relevant order making authorities.

Currently the County Council has a queue of proposed diversions and a register is being established to manage all new applications in accordance with a 6 point criteria. Each case will be weighted and prioritised against the following: Public Safety (10 points); mitigation of permanent obstruction or ease of use (8 points); Land Management (6 points); level of use (4 points); impact on wider network (2 points). A sixth criteria has been included to reflect extent of time already waited for application to be processed (one point for every year from receipt of application).

Dependent upon the weighting given to any new application, this will determine where the application will appear in the batching lists. Hence, where an application receives maximum weighting, the County Council will endeavour to:

- determine a Public Path Order application within 6 months from the date of receiving the application form and plan with deposit (see page 4 for further information).
- make an order within a further 3 months unless objections are received that cannot be overcome.
- Where an application receives minimum weighting at 2007 estimates it is likely to be at least 4 years before the application can be determined and the applicant will be advised accordingly and deposit returned.

- fee charged will be at today's prices and subject to year on year review.
- the fee charged is at time of application not time of processing.
- ensure all costs are appropriate.
- provide the applicant with a breakdown of costs with an invoice.
- provide appropriate level of written advice following receipt of the application. Such advice will be chargeable officer time.

Applicant requirements/responsibilities

Applicants for Public Path Orders will be expected to:

- agree by means of completing the application form to pay all costs associated with the making and confirming of an order. Such an application form is to be regarded as a legally binding contract. (Appendix 2 (forms 2 and 3) refer);
- pay all costs and carry out all works required to implement the diverted route on the ground;
- ensure the on site welfare of any consultees and Essex County Council officers during site visiting and ensure all affected landowners, owners and tenants are aware of the impending site visits by consultees;
- mark/peg out as far as possible the proposed route on the ground at pre-order consultation stage;
- ensure the current legal line is free of obstructions unless there are exceptional circumstances. In such cases, the applicant should ensure that there is a clear convenient way round the obstruction.

Procedures

Thorough preparation on the part of the applicant is essential prior to submitting an application. The applicant will be responsible for the following work:

- establishing an acceptable proposal. (Exceptionally, the County Council may proceed instead with an application if it considers that it could be of benefit to the public);

- supplying a plan clearly showing the proposed diversion on a current 1:2500 scale ordnance survey base map and where it connects to the existing route;
- obtaining full written agreement from other affected landowners;
- supplying evidence of title of ownership of land crossed by existing and proposed routes.

The application process is as follows:

Stage 1 – Pre order making

County Council

All Orders

County Council provides information pack on request from applicant.

Receipt of fully completed application form with application plan.

Receipt of application acknowledged within 5 working days. If application form incomplete, return to applicant.

Proposal assessed against 6 point criteria and batching reviewed. Timescale determined and applicant advised accordingly, deposit retained/returned.

At commencement of processing, County Council to determine feasibility of proposals; extent of highway boundary; check land ownership; arrange site inspection/meeting as required; prepare a draft of the Order; carry out informal consultations with consultees and consider responses after 21 day consultation period; advise the applicant of outcome and invoice the applicant.

Applicant

Complete application form, (form 2 or 3 in Annex 2) plan, written landowner agreements and deposit and send to the County Council.

Applicant to respond to any additional information requested.

Stage 2 – Order Making

County Council

On receipt of payment of invoice from pre order stage:

- send final draft of order to applicant for approval;
- receive confirmation from applicant to proceed;
- prepare report by delegated authority to raise authorisation for making formal order;
- post notice of making the order on site and in a local newspaper (actioned by Law and Administration);
- invoice applicant for officer time and advise costs incurred to date;
- allow minimum period of 28 days allowed for representations or objections to be made;
- if no objections or representations received or any received have been withdrawn, to confirm the order and post the notice of confirmation on site and in a local newspaper (actioned by Law and Administration);
- invoice applicant for officer time and advertising costs incurred to date.

Stage 3 – Post Order Making

County Council

All Orders

On receipt of payment of invoice from Order Making stage:

- applicant will be advised to complete any works required to provide the diversion route;
- diversion route will be inspected by Public Rights of Way Area Officer;
- if satisfactory new route is certified (actioned by Law and Administration) and Notice posted on site and in a local newspaper;
- if works not satisfactorily completed, County Council to carry out works and recharge applicant;
- applicant invoiced for any outstanding costs;
- minimum period of 42 days allowed for procedural challenge to the High Court from date of confirmation;
- case closed, definitive map and statement amended to show changes, ordnance survey informed.

Order opposed

If objections to an order are received at Stage 2, the following procedure will apply:

- objections are considered by Definitive Map Officer and discussed with applicant;
- if objections are considered not to relate to the grounds for making or confirming the order, or to be minor or neighbour dispute related, then applicant to negotiate with objector(s);
- if objections are considered to raise valid issues related to the grounds for making or confirming the order, then the Definitive Map Officer may recommend amendment of the proposals or, in extreme cases, may recommend that the order is not proceeded with.

- if objections are not withdrawn then the order must be referred to the Secretary of State for determination after which the County Council loses all jurisdiction and timing over the process;
- if the order is referred to the Secretary of State, the final decision will be made by an independent inspector by way of a written representation procedure a hearing or a full Public Inquiry;
- the decision of the Inspector is final and binding unless overturned by a Court within a specified period.

Note 1. Essex County Council's costs incurred when an order is submitted to the Secretary of State cannot be recharged to the applicant.

Note 2. The applicant is required to defend the case at a Hearing or Public Inquiry, which will include appearing at these proceedings to justify the proposal.

Factors to be considered prior to making an application

Prior to submitting an application, the proposed diversion needs to satisfy the following criteria:

Condition

The condition of the proposed new route should be substantially as convenient as the original route. Stiles, gates and other barriers will usually only be authorised in accordance with any statutory provisions, dependent upon the circumstances pertaining to the existing route.

Directness

The proposed new route should not unreasonably lengthen the path other than where it is in the interests of an overall improvement to the local network. The proposed new route should avoid introducing unnecessary "dog legs" into the path, or introduce substantially increased walking distance. It should retain or improve a connection with another public right of way to reduce the distance travelled along metalled carriageways.

Width

The proposed new route should have a minimum width of 2m for a footpath 3m for a bridleway, and not less than 4m for a restricted byway, dependent upon historical width of the existing route.

Landscape

The proposed new route should not result in a lower quality or diversity of views for the path users. Where a path is being diverted for development purposes, the new route should not follow estate roads/existing roads as this would effectively amount to an extinguishment of the path.

Features of Interest

Other than in exceptional circumstances, the proposed new route should not remove paths from significant features of interest, natural or man-made.

Status

There will be no downgrading of the existing rights other than where it is in the interests of an overall improvement to the local network.

Financial

The proposed new route should not result in significant additional maintenance costs. Applicants may be required to enter into a maintenance agreement with Essex County Council.

Safety

The proposed new route must not subject users to any potential dangers or hazards. It should not introduce conditions (for example darkness, narrowness, poor visibility, and hiding places) likely to encourage antisocial or criminal behaviour against users, nor should it create a perception that this may be the case.

Needs of all users

Proposed new routes should include features to improve access for the mobility impaired user. For example gates rather than stiles, ramps rather than steps. Authority for the erection of stiles/steps will be given only in exceptional circumstances.

Charging procedure

The County Council is required to maximise cost recovery in all areas of work.

In respect of public path Orders, under the Government circulars 2/96 and 11/96, the Order Making Authority is only permitted to charge a certain percentage of costs, which approximates to 95% of the overall costs incurred where an order is not opposed.

A deposit of £250 will be requested from the applicant prior to the commencement of any work on the processing of an application, other than in extremely exceptional circumstances. Due to the current wait prior to commencement of processing, do not send the deposit with the application, but await notification that we are ready to start

An order will not be progressed to the next stage until the work already undertaken is paid for by the applicant upon receipt of an invoice.

Prompt payment at all stages will be expected.

The exact time spent and the amount charged will be carefully recorded and will be made available to the applicant on the invoice. These costs include :

1. Where an order is unopposed:

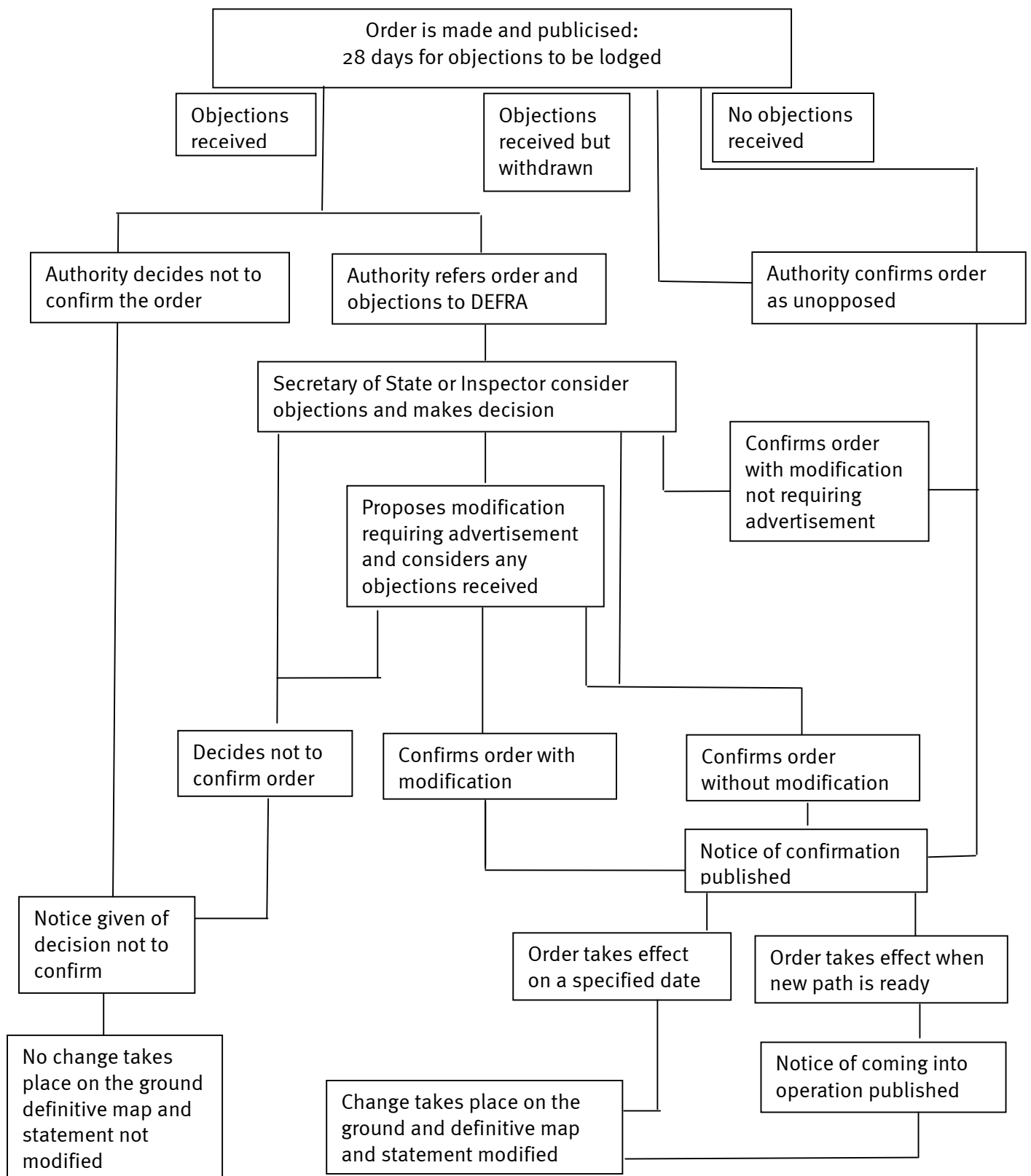
- preliminary assessments;
- site visits;
- plan preparation;
- consultation work;
- advertising of order;
- works which may result to bring the diverted route into being.

2. Where the order is opposed:

- all of the above, plus any legal representation that the applicant may wish to arrange themselves for a hearing or public inquiry.

The overall cost for processing a typical order (which does not receive objection is approximately £3,145 as based on 2007 prices. A payment form is enclosed (Appendix 3 refers).

Appendix 1 -Public Path Order procedure flowchart



NB This flow chart does not include any preliminary consultations before an order is made, or the possible High Court challenge to a decision

Appendix 2

application forms

All application forms **must** be completed by hand and returned to the Definitive Map Service at County Hall (contact details at the end of this advice note refer)

**APPLICATION FOR A PUBLIC PATH EXTINGUISHMENT ORDER
FOR FOOTPATHS, BRIDLEWAYS AND RESTRICTED BYWAYS**

HIGHWAYS ACT 1980 - SECTION 118 & SECTION 118A

To: **DHT PROW E3 - GW
Essex County Council
County Hall
Chelmsford
Essex CM1 1QH**

I / We*¹

being the *owner / lessee / occupier** of land situate at

.....² being

land crossed by a public *footpath / bridleway/restricted byway** shown coloured brown on the map annexed hereto, request that the said right of way be extinguished for the following reason:-

(i) in the case of an application for an extinguishment order, that the path or way is not needed for public use³ - S118

or

(ii) in the case of an application for an extinguishment order for a path or way crossing railways, that in the interest of public safety the path or way should be stopped up³ - S118A

As to the site of the existing path or way, please state the full names and addresses of:-

Owner(s):

Lessee(s):

Occupier(s):

*Please delete as appropriate

¹ Full name(s) of all applicants

² Details of land location including parish and district & where appropriate field parcel nos. etc.

³ The statutory reason for making the application; please attach a letter giving further details and in particular explain why the reason applies.

Appendix 2 Application Form (1)

Give the names and addresses of statutory undertakers (e.g: telecom, railway, gas, water, electricity suppliers etc.) which to your knowledge have apparatus within the area, whether or not they are likely to be affected by your proposal.

1.
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2.
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Continue on a separate sheet if necessary.

Appendix 2 Application Form (1)

We acknowledge that a sum of £250.00 will be paid when notification is received of the commencement of the processing of the application.

We acknowledge and undertake that:

1. The application will not proceed until the cheque has cleared.
2. The amount paid will be applied towards the cost of the application including:
 - (a) preliminary assessment
 - (b) determining application i.e. accept, consider and issue decision
 - (c) pre-order consultations and negotiations
 - (d) making orders
 - (e) advertising orders
 - (f) arrangements for works and their certification
3. The amount paid may not be sufficient to cover all the above and that further payments may be required to meet these expenses. The process may be halted until such further payments are received
4. Repayment of monies received but not expended will only be made on confirmation by us that we are withdrawing the above application.
5. To pay on demand the cost of statutory advertising in the press referred to in 2(e) above by staged payments throughout the order making process.
6. If objections lodged are not withdrawn and upon referral to the Secretary of State, he subsequently dismisses the Order, but not on the ground of invalidity, the applicant will meet the full costs of the application as permitted by the DOE Circular 11/96 (Recovery of Costs for Public Path Orders – Amendment Regulations).
7. The applicant will meet any costs, which the Council has to pay as a consequence of any alteration or replacement of any statutory undertaker's apparatus including telecommunications apparatus, arising from the effect of the diversion or extinguishment order together with any costs provided for under the 1980 Act.

Appendix 2 Application Form (1)

Name(s):

.....

Signature(s):

Date:

Legal representative/agent {if relevant}.....

Address to which further
correspondence should be sent}.....

.....

NB: The above terms shall form the basis of a legally binding agreement between the County Council and the applicant

NOTES:-

Prerequisites:

- (1) The map which must accompany this form should be of a scale not less than twenty-five inches to the mile (ie. 1:2500 and if no such map is available, the largest scale readily available).
- (2) The written agreement of the landowners and tenants of any part of the existing path which is to be closed should be attached.
- (3) In deciding whether to make an order, the Council will take account of the views of the District and Parish Councils, and other interested parties; so where available, provide copies of correspondence with your application.

Advisory Note:

- (1) Where the circumstances are appropriate and with the agreement of the County Council, the applicant will undertake pre-order consultations and negotiations, and where there are objections, the applicant will also undertake to negotiate with objectors, landowners etc. as the case may be.

APPLICATION FOR A PUBLIC PATH DIVERSION ORDER
FOR FOOTPATHS, BRIDLEWAYS & RESTRICTED BYWAY

HIGHWAYS ACT 1980 - SECTION 119 & SECTION 119A

To: **DHT PROW E3 - GW**
Essex County Council
County Hall
Chelmsford
Essex CM1 1QH

I / We*¹

being the *owner / lessee / occupier** of land situate at

.....² being

land crossed by a public *footpath / bridleway/restricted byway** shown coloured brown on the map annexed hereto, request that the said right of way be diverted for the following reason:-

(i) in the case of an application for a diversion order, that in the interests of the owner, lessee or occupier of land crossed by the path or way, or in the interest of the public, it is expedient that the line of the path should be diverted³ - S119

or

(ii) in the case of an application for a diversion order for a path or way crossing railways, that it is expedient in the interest of public safety that the path or way should be diverted³ - S119A

The alternative route must be indicated by a purple line (footpath) or green line (bridleway) or red line (restricted byway) on the map accompanying the application.

As to the site of the existing path or way, please state the full names and addresses of:-

Owner(s):

Lessee(s):

Occupier(s):

*Please delete as appropriate

¹ Full name(s) of all applicants

² Details of land location including parish and district & where appropriate field parcel nos. etc.

³ The statutory reason for making the application; please attach a letter giving further details and in particular explain why the reason applies.

Appendix 2 Application form (2)

As to the site of the new path or way for a diversion, please state the names and addresses of:-

Owner(s):
.....
.....

Lessee(s):
.....

Occupier(s):
.....

Give the names and addresses of statutory undertakers (eg: telecom, railway, gas, water, electricity suppliers etc.) which to your knowledge have apparatus within the area, whether or not they are likely to be affected by your proposal.

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.....

Continue on a separate sheet if necessary.

Appendix 2 Application form (2)

We acknowledge that a sum of £250.00 will be paid when notification is received of the commencement of the processing of the application.

We acknowledge and undertake that:

1. The application will not proceed until the cheque has cleared.
2. The amount paid will be applied towards the cost of the application including:
 - (a) preliminary assessment
 - (b) determining application ie. accept, consider and issue decision
 - (c) pre-order consultations and negotiations
 - (d) making orders
 - (e) advertising orders
 - (f) arrangements for works and their certification
3. The amount paid may not be sufficient to cover all the above and that further payments may be required to meet these expenses. The process may be halted until such further payments are received
4. Repayment of monies received but not expended will only be made on confirmation by us that we are withdrawing the above application.
5. To pay on demand the cost of statutory advertising in the press referred to in 2(e) above by staged payments throughout the order making process.
6. If objections lodged are not withdrawn and upon referral to the Secretary of State, he subsequently dismisses the Order, but not on the ground of invalidity, the applicant will meet the full costs of the application as permitted by the DOE Circular 11/96 (Recovery of Costs for Public Path Orders – Amendment Regulations).
7. The applicant will meet any costs, which the Council has to pay as a consequence of any alteration or replacement of any statutory undertaker's apparatus including

Appendix 2 Application form (2)

telecommunications apparatus, arising from the effect of the diversion or
extinguishment order together with any costs provided for under the 1980 Act.

Name(s):

.....

Signature(s):

Date:

Legal representative/agent {if relevant}.....

Address to which further }.....

correspondence should be sent}.....

.....

**NB: The above terms shall form the basis of a legally binding agreement between the
County Council and the applicant**

NOTES:-

Prerequisites:

- (1) The map which must accompany this form should be of a scale not less than twenty-five inches to the mile (ie. 1:2500 and if no such map is available, the largest scale readily available).
- (2) The written agreement of the landowners and tenants of any part of the existing path which is to be closed should be attached.
- (3) The written agreement of the landowners and tenants of any part of the proposed new path must be attached.
- (4) In deciding whether to make an order, the Council will take account of the views of the District and Parish Councils, and other interested parties; so where available, provide copies of correspondence with your application.

Advisory Notes:

- (1) Where the circumstances are appropriate and with the agreement of the County Council, the applicant will undertake pre-order consultations and negotiations, and where there are objections, the applicant will also undertake to negotiate with objectors, landowners etc. as the case may be.
- (2) If a draft diversion order has been agreed by the County Council, the applicant will (a) meet the cost of works to bring the site of the new path into a fit condition for public use to the standard required by Essex County Council, except where the County Council agrees to defray all or part of the costs associated with the works, (b) meet any compensation costs which become payable in consequence of the coming into operation of the order and (c) for paths and ways crossing railways, meet any costs which the Council incurs in connection with the erection and maintenance of barriers and signs.
- (3) Rail crossing diversion orders may also require the operator of a railway to maintain all or part of the path or way so created.

**HIGHWAYS ACT 1980 – DIVERSION ORDER
SECTION 119 & SECTION 119A**

CONSENT OF LANDOWNER

Location: [insert description]

I/We, [insert full names of all owners], as
owner[s] of the land known as [insert name(s)], or described as
[insert description], in [insert parish name], in the [insert
district or borough name], do consent to the diversion of part/full lengths of
footpath/bridleway/restricted byway numbered [insert nos.], from the route marked [insert
as per plan eg. A-B-C] to the proposed route marked [insert as per plan eg. X-Y-Z] as shown on the
plan no. [insert no.] shown coloured [insert colour].

Signed:

[Print Name here]:

Signed:

[Print Name here]:

Dated:.....

Please return to:

The Definitive Map Service
Development, Highways and Transportation
Essex County Council
County Hall
Chelmsford CM1 1QH

**APPLICATION FOR A COMBINED PUBLIC PATH ORDER
EXTINGUISHMENT AND DIVERSION**

HIGHWAYS ACT 1980 - SECTION 118 & SECTION 119

To: **DHT PROW E3 - GW
Essex County Council
County Hall
Chelmsford
Essex CM1 1QH**

I / We*¹

being the *owner / lessee / occupier** of land situate at

.....² being land crossed
by a public *footpath / bridleway/restricted byway* * shown coloured brown on the map annexed
hereto, request that the said rights of way be diverted and extinguished for the following
reasons:-

(i) that for the diversion it is in the interests of the owner, lessee or occupier of land
crossed by the path or way, or that it is in the interest of the public that it is expedient
for the line of the path or way to be diverted³ - S119

and

(ii) that the extinguishment of the path or way is required because it is not needed
for public use³ - S118

For the diversion, the alternative route must be indicated by a purple line (footpath) or green
line (bridleway) or red line (restricted byway) on the map accompanying the application.

As to the site of the existing path or way, please state the full names and addresses of:-

Owner(s):

.....

Lessee(s):

.....

Occupier(s):

.....

**Please delete as appropriate*

¹ *Full name(s) of all applicants*

² *Details of land location including parish and district & where appropriate field parcel nos. etc.*

³ *The statutory reason for making the application; please attach a letter giving further details and
in particular explain why the reason applies.*

As to the site of the new path or way for a diversion, please state the names and addresses of:-

Owner(s):
.....
.....

Lessee(s):
.....

Occupier(s):
.....

Give the names and addresses of statutory undertakers (eg: telecom, railway, gas, water, electricity suppliers etc.) which to your knowledge have apparatus within the area, whether or not they are likely to be affected by your proposal.

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Continue on a separate sheet if necessary.

We acknowledge that a sum of £250.00 will be paid when notification is received of the commencement of the processing of the application.

We acknowledge and undertake that:

1. The application will not proceed until the cheque has cleared.
2. The amount paid will be applied towards the cost of the application including:
 - (a) preliminary assessment
 - (b) determining application ie. accept, consider and issue decision
 - (c) pre-order consultations and negotiations
 - (d) making orders
 - (e) advertising orders
 - (f) arrangements for works and their certification
3. The amount paid may not be sufficient to cover all the above and that further payments may be required to meet these expenses. The process may be halted until such further payments are received
4. Repayment of monies received but not expended will only be made on confirmation by us that we are withdrawing the above application.
5. To pay on demand the cost of statutory advertising in the press referred to in 2(e) above by staged payments throughout the order making process.
6. If objections lodged are not withdrawn and upon referral to the Secretary of State, he subsequently dismisses the Order, but not on the ground of invalidity, the applicant will meet the full costs of the application as permitted by the DOE Circular 11/96 (Recovery of Costs for Public Path Orders – Amendment Regulations).
7. The applicant will meet any costs, which the Council has to pay as a consequence of any alteration or replacement of any statutory undertaker's apparatus including telecommunications apparatus, arising from the effect of the diversion or extinguishment order together with any costs provided for under the 1980 Act.

Name(s):
.....

Signature(s):

Date:

Legal representative/agent {if relevant}.....
Address to which further }.....
correspondence should be sent}.....
.....

NB: The above terms shall form the basis of a legally binding agreement between the County Council and the applicant

NOTES:-

Prerequisites:

- (1) The map which must accompany this form should be of a scale not less than twenty-five inches to the mile (ie. 1:2500 and if no such map is available, the largest scale readily available).
- (2) The written agreement of the landowners and tenants of any part of the existing path which is to be closed should be attached.
- (3) The written agreement of the landowners and tenants of any part of the proposed new path must be attached.
- (4) In deciding whether to make an order, the Council will take account of the views of the District and Parish Councils, and other interested parties; so where available, provide copies of correspondence with your application.

Advisory Notes:

- (1) Where the circumstances are appropriate and with the agreement of the County Council, the applicant will undertake pre-order consultations and negotiations, and where there are objections, the applicant will also undertake to negotiate with objectors, landowners etc. as the case may be.
- (2) If a draft diversion order has been agreed by the County Council, the applicant will (a) meet the cost of works to bring the site of the new path into a fit condition for public use to the standard required by Essex County Council, except where the County Council agrees to defray all or part of the costs associated with the works, (b) meet any compensation costs which become payable in consequence of the coming into operation of the order.

Contact details

Enquiries should be addressed to:-

By post

The Definitive Map Service
Development, Highways and Transportation
Essex County Council
County Hall
Chelmsford
Essex CM1 1QH

By telephone:

Garry White Definitive Map Manager (01245) 437563
Dian Tompkins Definitive Map Officer (01245) 437197
Ann Tompkins Definitive Map Officer (01245) 437112

For enquiries relating to Public Path Order in Brentwood, Rochford or Uttlesford districts these should be addressed to the following accordingly:

Brentwood Borough Council – Laura Dunnell Countryside Manager (01277) 312500
Rochford District Council – Angela Lew Legal Department (01702) 546366
Uttlesford District Council – Committee Section (01799) 510510