

Application form to Divert a Public Right of Way
Section 119, Highways Act 1980

Part 1

Name and address of applicant:

Contact telephone number/email address:

Name and address of Agent (if applicable):

Contact telephone number/email address:

The applicant/agent as stated above, requests the Council to make an Order under the provisions of **section 119 of the Highways Act 1980** for the diversion of the Public Right of Way, described in Part 2.

The application for the diversion is made on the grounds that the existing path/way should be diverted in the interest of the owner*, lessee*, or occupier* of the land crossed by the path/way.

This application is being made for the following reasons:

Part 2

Number (reference) of Right of Way to be diverted (if known):

Description of the Right of Way to be diverted (please include grid references):

Please describe the surface of the existing route(s):

Please detail any furniture on the existing route(s):

Please list the name(s) and address(es) of the owners, lessees or occupiers of the land over which the **EXISTING** path(s) pass(es), and

indicate the extent of their land interest on the plan:

If the answer is 'none' or 'not applicable', please say so:

The freehold owners:

The tenants:

The occupiers:

Mortgagees:

If the land is registered at HM Land Registry, please supply the Title Number:

If the land is not registered at HM Land Registry, please provide details of where the title deeds can be examined:

Part 3

Description of proposed new route(s) (please give a short description of the line of the proposed new section of Right of Way with reference to the plan):

State what work (including the construction of stiles, gates and fences) will be necessary to put the proposed route(s) into a fit condition for use by the public, and how long this should take:

Are you the sole person having an interest in the land over which the **new** path(s) would pass?

YES/NO

If 'NO', list the name(s) and address(es) of the owners, lessees or occupiers of the land over which the **NEW** path(s) would pass, and indicate the extent of their land interest on the plan:

Have you obtained the written consent of every person having an interest in the land over which the proposed alternative path(s) pass(es)?

If the answer is 'none' or 'not applicable', please say so:

YES/NO*

If YES, enclose all the written consents.

The freehold owners:

If NO, enclose any written consents that you now possess, and give below, particulars of those where consent has been refused or has yet to be obtained.

The tenants:

The occupiers:

Do you know if any statutory undertakers have any apparatus or equipment in or over the land across which the existing right of way or proposed alternative route(s) pass(es)? If so, please give details:

Mortgagees:

Please supply any other information which you consider to be relevant to this application:

PLANS

A copy of the approved (or proposed) site layout plan with the site boundary edged red and the existing highway boundary, within the site, edged blue;

Two copies of an up to date plan(s) A3 or A4 size based on Ordnance Survey. All plans must clearly show a north point. Please do not send copies of the elevation plans. Please use scale of either 1:1250 or 1:2500. Further information regarding notation can be provided.

DECLARATION

Please read the following section carefully.

Authority for diversions

*I/We the undersigned understand that no authority for the 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 obstructed before the Order is confirmed.

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 City of Wolverhampton 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 Order) Regulations 1996”.

Costs-Payment and requirement

*I/We undertake to pay

The associated costs and expenses incurred by the City of Wolverhampton Council.

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

The costs of any works necessary in consequence of the coming into operation of the Order so that the diverted route may be brought up to the necessary standard.

The full costs of investigating, making and confirming the Order.

*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 approximately £4000, this figure is for each order and cannot be guaranteed.

Reduction of costs/waiver

*I/We understand that no charge or reduced charges will be made in the following circumstances:

No charge will be made if the Order could not be confirmed because it had been invalidly made;

No charge will be made where the Council fails to confirm the Order to which no objection has been made or, if there are unresolved objections, the Council fails to submit the Order to the Secretary of State for confirmation except when the applicant has not paid an invoice raised by the Council;

No charge will be made if the Order has been sought by the Council because it is considered that it would be in the interests of the public for the Order to be made.

***I/We confirm that I/we have read and understood the Council's Guidance notes and**

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

***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 and submitted with relevant plans to:

**City of Wolverhampton Council
Highway Assets, (Rights of Way)
Culwell Street Depot
Culwell Street
Wolverhampton
West Midlands
WV10 0JN**