

**Application for Diversion of a Public Footpath or Bridleway**  
**S119 Highways Act 1980**

1. Applicant's name and address Anthony Gaunt  
Low Bank Cottage  
Pinfold Lane  
Romiley  
Stockport, SK6 4NR

Daytime telephone No: 07811 151 571

2. Do you own the land over which the footpath/bridleway currently runs?

Yes  No

If not, who owns the land?

(see Note 1)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Do you own the land over which the proposed diverted footpath/bridleway runs?

Yes No Partially

If not, who owns the land?

(see Note 1)

Mark Gaunt  
Low Top Cottage  
Werneth Low Road  
Hyde  
SK14 3AD

4. Please describe the current route of the footpath/bridleway  
(a plan will also need to be provided see Note 2)

The current route travels through the middle of the garden at Low Bank Cottage and across  
the driveway.

Length: 49 metres

5. Please describe the proposed diverted route of the footpath/bridleway  
(This should also be marked on the plan see Note 2)

I propose the diverted route of the footpath to be re-routed along the easterly side of the land, once the top is reached there will be a kissing gate which will enter Mark Gaunt's land further across that it currently is.

Length: 84 metres Width: 1.5m

6. Have you contacted relevant user organisations and Statutory Undertakers for their views on the proposed diversion?

Yes  No

If yes, please enclose copies of their responses.

If no, the persons you should contact are:-

The Peak and Northern Footpaths Society  
Taylor House  
23 Turncroft lane  
Offerton  
Stockport, SK1 4AB

Ramblers Association  
2nd Floor Camelford House  
87/90 Albert Embankment  
London  
SE1 7TW

Dr E. Ernstbrunner, Local Representative  
Ramblers Association  
Manchester and High Peak and Stockport Groups  
28 Derby Road  
Heaton Moor  
Stockport, SK4 4NE

Mr. P.V.R. Sorenson  
Rossenclough  
Higher Sutton  
Nr. Macclesfield  
Cheshire  
SK11 ONN

Miss Debbi Hall  
Stockport East Area Bridleways Association  
16 Botany Road  
Woodley  
Stockport  
SK6 1RA

The Greater Manchester Pedestrians Association  
c/o Ms G Gaffney  
12 Tarleton Walk  
Longsight  
Manchester, M13 9DF

Mr T Carlisle  
Cyclists Touring Club Local Representative  
9 The Quadrant  
Bredbury  
Stockport, SK6 3AY

Auto Cycle Union  
ACU House  
Wood Street  
Rugby  
Warwickshire, CV21 2XY

British Horse Society  
Abbey Park  
Stareton  
Kenilworth  
Warwickshire CV8 2XZ

Byways and Bridleways Trust  
P O Box 117  
Newcastle-upon-Tyne  
NE3 5YT

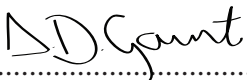
Open Spaces Society  
25A Bell Street  
Henley-on-Thames  
OXON  
RG9 2BA

Cyclists Touring Club  
Parkland  
Railton Road  
Guildford  
Surrey GU2 9JX

British Driving Society  
Endersley  
Church Road  
Wingfield  
Eye  
Suffolk  
IP21 5QZ

Please note it is the Council's standard practice to require applicants to meet the costs of making the diversion Order, plus the costs of the statutory advertisements. This applies whether or not the Order is confirmed. Please sign the declaration below.

I agree to pay Stockport Metropolitan Borough Council the costs incurred in my application and further the whole of the costs of the statutory advertisements, (the amount for this will be notified to me in due course) whether or not the Order is confirmed.

Signed: .....  .....

Date: ..... 14th October 2021 .....





#### Note 1

If you do not own the land over which the existing path and the proposed diversion route run you will need to obtain the consent of those landowners to the application. Copies of those consents should be sent with this completed application.

#### Note 2

Please ensure that an up-to-date plan on A3 or A4 sized paper based on Ordnance Survey and drawn to a suitable scale is enclosed with this application form. The existing footpath and proposed diversion must be clearly marked.

#### Checklist

1. Have you attached the necessary landowners' consents? 
2. Have you attached the necessary plans? 
3. Have you attached the views of the relevant user organisations and Statutory Undertakers? (a failure to do may delay the progress of your application) 
4. Have you signed the declaration? 

**RETURN THIS APPLICATION TO:**

Public Rights of Way Officer  
Stockport M BC  
Public Realm Services,  
Place and Regeneration Directorate,  
Endeavour House  
Bredbury Park Way  
Stockport SK6 2SN

## Notes on Procedure

The grounds for diverting a public footpath or bridleway are contained in Section 119 of the Highways Act 1980. Basically, they are that it is expedient that the line of the path or way or part of that line should be diverted in the interests of the owner, lessee or occupier of the land crossed by the path or of the public.

Before an Order can be effective it must be confirmed. The grounds for confirmation are that the path or way will not be substantially less convenient to the public in consequence of the diversion, and that it is expedient to confirm the Order having regard to the effect of the diversion on public enjoyment of the path as a whole, the effect of the Order on land served by the existing right of way and the effect of any new right of way on the land over which it is created or any other land held with that land.

Please note that the procedure for a diversion Order can be extremely lengthy and involves:-

- (i) Informal discussion with the Rights of Way Officer;
- (ii) A report to the relevant Committee(s) of the Council for authorisation to make the Order;
- (iii) The placing of statutory advertisements of the Order in the local press and notices on site during the objection period;
- (iv) The notification of landowners and prescribed organisations;
- (v) The running of a statutory objection period for a minimum of 28 days. (If objections are received within this period then the Order must be submitted to the Secretary of State for the Environment for him to consider whether it should be confirmed. Normally a public inquiry would be held to determine the matter. If no objections are received, or if those received are withdrawn following negotiation then the Council itself may confirm the Order.
- (vi) The notification of confirmation of the Order (if the Order is confirmed) in the press, on site and to landowners and prescribed organisations;
- (vii) The running of a six week appeal period after publication of the notice of confirmation during which an application can be made to the High Court questioning the validity of the Order.

### IMPORTANT

It is important to note that an application under Section 119 does not entitle the applicant to obstruct a public right of way. The right of way should remain available for public use until such time as the application has been determined and any diversion Order made has been confirmed. An application under Section 119 will not necessarily result in a confirmed diversion Order. Please note it is an offence to obstruct or interfere with a public right of way.

## **STOCKPORT METROPOLITAN BOROUGH COUNCIL**

### **NOTE FOR APPLICANTS - COSTS OF PUBLIC PATH ORDERS**

It is the Council's policy to charge applicants for the administration costs and statutory advertisement costs incurred in making Public Path Orders.

The Council's scale of charges for making such Orders has been drawn up taking into account the fact that some cases may be more complex than others. Applicants will not be charged more than the costs actually incurred. Costs will not, whatever the circumstances exceed £1200 plus advertising costs.

<b>Type/Circumstances of Order</b>	<b>Estimated Costs</b>
Cost of Public Path Order where the existing right of way is shown on the definitive map and no objections are received to the making of the Order.	Approx. £1000 plus advertising costs.
For each additional path included in the Order.	Approx. £200.
Costs of Order where existing footpath is not shown on the definitive map and no objections are received.	Approx. £1200 plus advertising costs.
For each additional undefinitive right of way.	Approx. £300.
Cost of an Order where objections are withdrawn by negotiation prior to submission of the Order to the Secretary of State for confirmation.	Approx. £1200 plus advertising costs.
Costs where Orders are submitted to the Secretary of State for the Environment for confirmation.	Approx. £2000 plus advertising costs.

#### **IMPORTANT - Please note that applicants will not be charged in the following circumstances:-**

1. Where the Council decide not to proceed with an unopposed Order.
2. Where the Council without agreement of the applicant fail to submit an opposed Order to the Secretary of State for confirmation.
3. Where proceedings preliminary to the confirmation of a public path creation Order are not taken at the same time as proceedings for a public path extinguishment Order.
4. Where the Order cannot be confirmed because it has not been validly made.
5. Where Orders are opposed charges will be limited to the administrative costs incurred up to a point where the Order is submitted to the Secretary of State for determination and where such Orders are subsequently confirmed in advertising etc. that confirmation.

## **REBATES**

The Council may at its absolute discretion be prepared to rebate part or all of the above charges in extenuating circumstances depending on the individual case.

## **WAIVERS**

The Council may at its absolute discretion be prepared to waive all or part of the above charges in the following cases depending upon individual circumstances:-

1. Financial hardship.
2. Where the proposed changes to the public rights of way network would benefit the local community.
3. Where the proposed changes to the public rights of way network would benefit public rights of way users.
4. Other extenuating circumstances.

Applications for refunds or waivers should be sought by the applicant in writing setting out the reasons why it is sought.