

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

1. Applicant's name and address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Daytime telephone No: \_\_\_\_\_

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

If not, who owns the land?  
(see Note 1)

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

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

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

Length: \_\_\_\_\_

5. Please describe the proposed diverted route of the footpath/bridleway

(This should also be marked on the plan see Note 2)

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Length: \_\_\_\_\_ Width: \_\_\_\_\_

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  
SK14AB

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

Mr P Featherstone  
Footpaths Secretary -Ramblers Association  
Stockport Group  
3 Old Wool Lane  
Cheadle Hulme  
Stockport SK8 5JB

Cable and Wireless  
c/o W S Atkins NRSWA Ream  
P O Box 290  
220 Aztec West  
Almondsbury  
Bristol  
BS32 4WE

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

P J Hilton  
Collections Manager  
Stockport APC  
Royal Mail  
Green Lane  
Stockport SK4 2HQ

For the attention of Mr. P. Edwards  
Stockport East Area Bridleways Association  
C/o 16 Birchvale Drive  
Romiley  
Stockport  
SK6 4LE

The Open Spaces Society  
c/o Mr D Lee  
51 East Park Close  
Ardwick  
Manchester  
M13 9SD

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

FAO: Paul O'Keefe  
BT National Notice handling Centre  
Network Alteration Projects  
PP 803d Telecom House  
91 London Road  
Manchester, M60 1HQ

Auto Cycle Union  
ACU House  
Wood Street  
Rugby  
Warwickshire  
CV21 2YX

The British Driving Society  
27 Dugard Place  
Barford  
Warwick  
CV35 8DX

Environmental Conservation &  
Recreation, United Utilities plc  
Dawson House  
Liverpool Road  
Great Sankey  
Warrington WA5 3LW

NRSA Enquiries  
National Grid  
PO Box 3484, NGT House  
Warwick Technology Park  
Gallows Hill  
Warwick, CV34 6TG

NTL Plant Dept  
Timpson Road Off Southmoor Road  
Baguley  
Wythenshawe  
Manchester M23 9WX

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

Transco Asset  
Transco North West  
Spa Road  
Bolton  
BL1 4SR

British Horse Society  
Stoneleigh  
Deer Park  
Kenilworth  
Warwickshire  
CV8 2XZ

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

Commons, Open Spaces and Footpaths  
Preservation Society  
25A Bell Street  
Henley-on-Thames  
OXON  
RG9 2BA

Energis Communications Ltd  
Carmelite  
50 Victoria Embankment  
London  
EC4Y 0DE

The Outside Party Engineer  
Railtrack North West Zone  
Rail House  
Store Street  
Manchester  
M60 7RT

FAO. Miss L Santer  
Estates and Wayleaves Department  
NORWEB  
Hathersage Road  
Manchester  
M13 0EH

Premier Planning Consultancy  
93/97 St Georges Road  
Glasgow  
G3 6JA

**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: .....**

**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  
4<sup>th</sup> Floor  
Stopford House  
Edward Street  
Stockport  
SK1 3XE**

## 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.	£1000 plus advertising costs.
For each additional path included in the Order.	£200.
Costs of Order where existing footpath is not shown on the definitive map and no objections are received.	£1200 plus advertising costs.
For each additional undefinitive right of way.	£300.
Cost of an Order where objections are withdrawn by negotiation prior to submission of the Order to the Secretary of State for confirmation.	£1200 plus advertising costs.
Costs where Orders are submitted to the Secretary of State for the Environment for confirmation.	£1200 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.