

**APPLICATION FOR A TEMPORARY OR PERMANENT
STOPPING UP OR DIVERSION ORDER
TOWN & COUNTRY PLANNING ACT 1990 SECTION 257**

FOR FOOTPATHS, BRIDLEWAYS AND RESTRICTED BYWAYS AFFECTED BY DEVELOPMENT

**THIS FORM SHOULD ONLY BE USED IF ECC ARE THE PLANNING AUTHORITY GRANTING
PERMISSION FOR THE DEVELOPMENT**

If the proposed public path changes associated with the development are being processed by the local district, borough or city council please contact the appropriate authority or contact the ECC email address below for further information.

TO: Public Rights of Way and Highway Records
Definitive Map Service
Seax House, 2nd Floor, Victoria Road South
Chelmsford
Essex. CM1 1QH

Email: publicpathorders@essexhighways.org

Please complete all sections and return to the above address (it is advisable to retain a copy for your records)

Name of Applicant

.....

Address

.....

.....

Postcode Telephone

Email address

Name of Agent (if applicable)

.....

Address

.....

.....

Postcode Telephone

Email address

Details of granted planning permission:

Parish or Town in which the path(s) are situated:

Type and numeral of paths to be stopped up or diverted (e.g. Footpath 10):

Temporary or permanent, diversion or stopping up?:

If temporary please state expiry date:

Approximate length (m) to be diverted or stopped up:

Approximate length and width (m) of alternative paths:

Please provide a PLAN showing the existing and proposed alternative paths.

Please include road names and place names on the map.

DETAILS OF LANDOWNERS

Please provide details of all landowners, occupiers, Tenants and other interested parties subject to the existing and proposed alternative routes. The form '**Requisition for Information**' at the end of this application is for this purpose along with extra space below for further explanation:

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Terms and Conditions

I/We acknowledge that a sum of £850.00 will be invoiced when notification is received of the commencement of the processing of the application. The costs of making the public path order include, site visits, the placing of adverts in the local newspaper and processing time by the Council’s legal department. An uncontested application can average between £3,000.00 to £4,500.00. If the Order is contested, costs are likely to be higher.

The power to recharge costs is contained in the Local Authorities (Recover of Costs for Public Path Orders) Regulations 1993.

I/We acknowledge and undertake that:

1. The application will not proceed until the invoice has been paid.
2. The amount paid covers the following costs:
 - (a) preliminary assessment
 - (b) determining application i.e. accept, consider and issue decision
 - (c) pre-Order consultations and negotiations
 - (d) making Orders and compiling plans
 - (e) advertising Orders
 - (f) confirmation of Orders
 - (g) arrangements for works and their certification
3. There is no authority to stop up a path until an Order has been confirmed and has taken effect and as required by the Order to provide and construct any new route or improvement to an existing highway to be certified by the Highway Authority prior to the old path being closed
Where certification is required it should be noted that The Order will not become operative until the diversion route is constructed on the ground, to the satisfaction of the highway authority and in accordance with the specifications as agreed.
4. The existing path(s) is/are not obstructed and are open to public use

The applicant as noted on page 1.....HEREBY AGREES:-

5. To reimburse all costs associated with processing this application
6. If objections are lodged and not withdrawn the applicant will reimburse the cost of accommodation for any resulting inquiry or hearing
7. 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, monies paid by the applicant for costs incurred up to the made Order stage are not refundable
8. The applicant will meet the cost of providing any telecommunications apparatus in substitution for any apparatus rendered useless in the opinion of the operator thereof in consequence of the removal or abandonment of apparatus under in, on, over, along or across the path to be stopped up.

We apply for the stopping up / diversion of the path(s) described above:

Signature(s)

Date

Guidance on Statutory Criteria for a Town & Country Planning Act 1990 Order

1. Essex County Council as the competent authority may by Order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.

3. An order under the Act, if the competent authority are satisfied that it should do so, provide for the creation of an alternative highway for use as a replacement for the one authorised by the Order to be stopped up or diverted, or for the improvement of an existing highway for such use; For authorising or requiring works to be carried out in relation to any footpath, bridleway or restricted byway for whose stopping up or diversion, creation or improvement provision is made by the Order; For the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the Order is under, in, on, over, along or across any such footpath, bridleway or restricted byway; For requiring any person named in the Order to pay, or make contributions in respect of the cost of carrying out any such works

4. Planning permission granted does not mean that the public right of way will therefore automatically be diverted or stopped up, the disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed Order.

Requisition for Information - Essex County Council

Pursuant to the provisions of section 16 of the Local Government (Miscellaneous Provisions) Act 1976, the above-named authority hereby requires you to state in writing the nature of your interest in the land affected by this application. This information is required by the Council with a view to performing their function in relation to public path Orders under Section 257 of the Town & Country Planning Act 1990.

You are also required to state in writing the name and address of any other person known to you as having an interest in the said land or premises, as freeholder, lessee or otherwise, mortgagee or who receives rent for the land.

My/our interest in the land is as (owner, lessee, licensee, occupier)	
Full name and address of occupier	
State whether premises held on weekly tenancy, agreement or lease and term	
Full name and address of person to whom rent is paid, if he is Agent for another person state full name and address of such person	
Full name and address of Freeholder	
Full name and address of Leaseholder	
Full name and address of Mortgagee (Bank, Building Society etc.)	
Full name and address of any other person having an interest in the premises	