



TOWN AND COUNTRY PLANNING ACT 1990 S257

STOPPING UP OR DIVERSION OF FOOTPATH OR BRIDLEWAY

To: Eastleigh Borough Council, Eastleigh House, Upper Market, Eastleigh, SO50 9YN

IMPORTANT: No authority for the stopping up of a footpath or bridleway is conferred unless and until a Stopping up or Diversion Order made under s257 of the above Act has been confirmed and, if appropriate, certified. Any preliminary obstruction or interference with the footpath or bridleway concerned is not only an offence but may make it impossible to proceed with the making of an Order.

SECTION 1 - PROPOSAL

1 I/WE* _____
Of _____

2 hereby request that the public footpath/bridleway* (delete as appropriate) over land at
shown by a bold continuous line on the
attached 1:2500 Ordnance map attached to this form and described in Section 4 be extinguished and
that in substitution, a public footpath/bridleway* be created over the land at
shown by a bold broken line on the
plan and described in Section 5

SECTION 2 - DEVELOPMENT INFORMATION

3 (a) What is the development affecting the footpath/bridleway? _____

4 (b) Has planning permission been granted for the development by Eastleigh Borough Council? Yes/No*

(c) If so, on what date was planning permission granted? _____

(d) On what date is the development affecting the footpath/bridleway expected to begin? _____

(d) Name and address of developer _____

Contact Name: _____ Telephone _____ Number: _____

5 (f) Has the Highway Authority been asked to accept responsibility for maintenance of the proposed highway? Yes/No*

SECTION 3 - PERMISSION TO INSPECT ROUTE

6 The Council will carry out consultation before determining your application. Whilst consultees are able to walk the existing route, they need permission to walk the proposed route(s).

- I give permission for consultees to inspect the proposed route(s) unaccompanied.*
- I give permission for consultees to inspect the proposed route(s) but they should be contacted

_____ on telephone number _____

*Delete as appropriate

SECTION 4 - STATEMENT OF REASONS

7 The reasons for this request are as follows:

Section continued? No/Yes, on ___ sheets*

SECTION 5

DESCRIPTION OF EXISTING FOOTPATH OR BRIDLEWAY

<u>SECTION OF ROUTE</u>	<u>DESCRIPTION</u>	<u>WIDTH</u>	<u>NAME AND NATURE OF EACH PERSON'S INTEREST</u>
			Please give details of all persons having a legal interest in the land over which the right of way is to be diverted including a mortgagee or a person making easements over the land and any rights of statutory undertakings
Section of footpath or bridleway as indicated on plan by bold continuous line. <i>(Each section should be distinctly lettered e.g. A-B-C)</i>	Description of commencing, intermediate (where footpath or bridleway changes direction) and ending points of section of footpath or bridleway to be diverted	(metres)	(e.g. owners, lessee or occupier of the land over which the route of the existing footpath or bridleway runs; where these are different for various sections of the route, the owners, lessee and occupier of each section must be clearly indicated).

SECTION 6

DESCRIPTION OF PROPOSED FOOTPATH OR BRIDLEWAY

<u>SECTION OF ROUTE</u>	<u>DESCRIPTION</u>	<u>WIDTH</u>	<u>NAME AND NATURE OF EACH PERSON'S INTEREST</u>
			Please give details of all persons having a legal interest in the land over which the right of way is to be diverted including a mortgagee or a person making easements over the land and any rights of statutory undertakings
Section of footpath or bridleway as indicated on plan by bold broken line. <i>(Each section should be distinctly lettered e.g. A-B-C)</i>	Description of commencing, intermediate (where footpath or bridleway changes direction) and ending points of proposed new section of footpath or bridleway to be diverted	(metres)	(e.g. owner, lessee or occupier of route of the new footpath or bridleway runs; where these are different for various sections of the route, the owner, lessee and occupier of each section must be clearly indicated)

SECTION 7 - DECLARATION AND AGREEMENT

I/We* understand that no authority of the stopping up or diversion of a footpath/bridleway* is conferred unless and until an Order made under s257 of the Town and Country Planning Act 1990 has been confirmed and, if appropriate, certified.

I/We* declare that the footpath(s)/bridleway(s)* to be stopped up or diverted is/are* in no way obstructed and that it/they* is/are* fully available to the public. I/We* undertake that it/they* shall in no way be obstructed before the Order comes into operation.

I/We* hereby agree:

- 8 (a) To a site by a group of Council Officers, Members and other interested parties to inspect the proposed routes on a pre-arranged date.
- 9 (b) To make up and light if required the new lengths of footpath/bridleway* to such standard as is required by Highway Authority or to meet the full costs of the works and inspection Fees. I hereby undertake to defray any compensation which becomes payable in consequence of the coming into operation of the Order and to pay in full to the Council the Council's costs and expenses incurred by it in connection with the making of the Order, whether or not the Order is confirmed.
- 10 (c) To the information supplied within and in support of this application being supplied to other parties as necessary in the context of the application and in accordance with the provisions of the Data Protection Act 1988 and the Freedom of Information Act 2000.
- 11 (d) I/We* enclose herewith a cheque for the sum of £500 to cover the initial administration charges relating to this application (for full details of the fees involved at each stage please consult the listing in Appendix A hereof).
- 12 (e) I undertake with Eastleigh Borough Council to meet in full the requirements of any statutory undertaker in respect of any apparatus which may be over, in or under the right of way in respect of which I am making this application. I understand that the consent of the statutory undertakers (i.e. gas, water, electricity, telecommunications, the Post Office and the Civil Aviation Authority) is required before the Order can be confirmed by the Council and that their consent may be conditional on my carrying out works to protect the statutory undertakers' apparatus and/or re-routing it. (The Council will consult with statutory undertakers on your behalf.)

I have read and understand this application and make my application acknowledging the conditions specified in it.

APPENDIX A

Fees Payable by Applicants

Diverting a footpath or bridleway can be costly. The process involves advertising proposed diversions in local newspapers.

The Applicant must pay the Council's administrative and legal costs regardless of whether the application is successful.

A straightforward diversion can cost approximately £3,000 to £4,000 made up of £600 to £800 advertising costs, £2,500 administrative and legal costs. The costs will increase for complicated and contentious diversions.

An initial fee of £500 must be paid on submission of the application. Cheques should be made payable to "**Eastleigh Borough Council**".

CHECKLIST

With this completed form, you will need to send the following:

- ❖ A plan based on the Ordnance Survey map showing the proposed alterations to the footpath/bridleway route (Scale 1:2500)
- ❖ A signed declaration.
- ❖ A copy of the full planning permission decision if the diversion is part of a development. The outline permission is not sufficient.
- ❖ A cheque for the initial payment of £500.
- ❖ If you are not a landowner, you will need to send the written consent of the landowner.

WHERE TO SEND THIS APPLICATION

Return this completed, signed application, along with the attachments, to:

Legal and Democratic Services
Eastleigh Borough Council
Eastleigh House
Upper Market Street
EASTLEIGH
SO50 9YN



www.eastleigh.gov.uk