|  |  |  |
| --- | --- | --- |
| **SCC_logo_colour** | **SCC_logo_colour****APPLICATION TO** **CHANGE A PUBLIC** **RIGHT OF WAY** |  |

**1. Applicant’s details:**

|  |
| --- |
| **Name** (Mr/Mrs/Miss/Ms/Dr/Other): |
|  |  |
| **Address** (incl. postcode): |  | **Telephone** (day time): |
|  |
| **Email:** |
|  |  |
| **Name and address of agent** (if applicable): |  | **Telephone** (day time): |
|  |  |  |
|  | **Email:** |
|  |  |  |  |
| **Shall we deal with your agent or yourself directly?** Please tick one box only | Agent |  |
|  |  |
| Yourself |  |

|  |  |
| --- | --- |
| **Site address:** |  |
| **Postcode for site location:** |  |
| **Grid reference for site location:** |  |

The details contained within this application will be held on a public register and published online. Unless you write to us, giving a compelling reason/s, your name and address will be made public.

**2. The change being proposed:**

**2a. Which one of the following, best describes your proposal?**

|  |  |  |
| --- | --- | --- |
| Create a new public right of way |  | Go to question 2c |
|  |  |
| Extinguish an existing public right of way |  |
|  |  |
| Divert a public right of way onto a new route |  |
|  |  |  |
|  |  |  |
| Divert/Extinguish a public right of way which is affected by development  |  | Go to question 2b |
|  |  |
| Divert/Extinguish a public right of way which is a affected by mineral working  |  |

Outline planning consent is unlikely to be sufficient as we will need to be satisfied that specific elements of the proposed development lie on, under or over, the right of way.

|  |  |
| --- | --- |
| **2b. Complete this question only if you have answered question 2b.** |  |
|  |  |  |  |  |  |
|  | Planning permission reference number: |  |  | Application status: |  |
|  |  |  |  |  |  |
|  | Summarise the details of the development:  |  |
|  | Please note that the Borough and District Council’s are responsible for processing applications where a right of way is being diverted or extinguished as a result of planning permission they have granted. Please contact your relevant planning authority to discuss further. |  |

**2c. Which one of the following, best describes the existing path?**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Footpath  |  |  | Bridleway |  |
|  |  |
| Restricted Byway |  |  | Byway Open to All Traffic |  |

|  |  |
| --- | --- |
| **2d. What parish(es) is/are the path(s) in?** |  |
|  |  |
| **2e. What is the path(s) name(s)?** (e.g. Penkridge 40) |  |

|  |  |  |
| --- | --- | --- |
| **2f. Is the proposal temporary or permanent?** | Temporary |  |
|  |  |
| Permanent |  |
|  |  |  |
| If temporary, indicate the length of time the proposal is to take effect. |  |

|  |  |  |
| --- | --- | --- |
| **2g. Have you attached an annotated plan, to a scale of at least 1:2500, clearly indicating the route of the existing path (and if relevant the proposed route)?** The existing route should be shown as a continuous bold black line and if relevant, the proposed path shown as a bold black broken line. | Yes |  |
|  |  |
| No |  |
|  |

**2h. If you are applying for a path to be extinguished, what are your reasons for this?**

**3. Details of land ownership:**

|  |  |  |  |
| --- | --- | --- | --- |
| **3a. Do you own all the land over which the existing path(s) and (if relevant) the new path(s) run(s)?**  | Yes |  | Go to Question 4a  |
|  |  |  |
| No |  | Go to Question 3b |

You may be required to provide proof at your own expense of your ownership of the land in question.

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |  |  |  |
| Complete this section only if you have answered ‘No’ to question **3a**.**3b.** **List the names and addresses of all the owners / tenants / occupiers of land or any other interested parties (e.g. private access, utility company access or shooting / fishing rights) that may be affected by your application:** |
|  |  |  |  |  |  |  |  |  |  |
|  | 1) |  |  | 2) |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  | Do they consent to your application?  | Yes |  |  |  | Do they consent to your application? | Yes |  |  |
|  |  |  |  |  |  |  |  |
|  | No |  |  |  | No |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
|  | 3) |  |  | 4) |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  | Do they consent to your application?  | Yes |  |  |  | Do they consent to your application? | Yes |  |  |
|  |  |  |  |  |  |  |  |
|  | No |  |  |  | No |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  | Have you attached an additional annotated plan, showing the extent of your ownership and any other parties affected by your application? | Yes |  |  |
|  |  |  |  |
|  | No |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
| You will need to attach consent letters from all parties with an interest in the land. Your application cannot be processed until we have received this information.  |
|  |  |  |  |  |  |  |  |  |  |  |  |

**4. The proposed new route/s (for diversions only):**

**4a. What are your reasons for wanting to divert the existing path?**

|  |  |  |
| --- | --- | --- |
| **4b. Are you aware of any statutory undertakers that have any apparatus or equipment in or over the land across which the existing path or if relevant, the proposed path passes?** | Yes |  |
|  |  |
| No |  |
|  |
|  |  |  |
| If yes, please provide the details. |  |

**4c. With the exception for applications to divert a path as a result of development or mineral extraction, does the proposed route satisfy the following criteria?**

|  |  |
| --- | --- |
| The new route is not substantially less convenient to the public. |  |
|  |  |
| The new route does not alter any point of termination of the path, other than to another point on the same highway, or a connected highway.  |   |
|  |
|  |  |
| The diversion will not detrimentally impact on public enjoyment of the path. |  |
|  |  |
| Please provide evidence/details to support the above: |

|  |  |  |  |
| --- | --- | --- | --- |
| **4d. Is the proposed path open and can it be freely used?** | Yes |  | Go to Question 4h |
|  |  |  |
| No |  | Go to Question 4g |

**4e. Describe any ground works (e.g. drainage and surfacing), new structures (steps and bridges) or path furniture (gates, fingerposts and way-markers) that is required on the proposed route to ensure that it is suitable for public use?** Indicate the position of each of these items on an additional annotated plan.

You are required to undertake works or employ the County Council to do the works on your behalf in order that it is suitable for public use. We will only ‘authorise’ structures if they are to keep in horses or livestock and, only in exceptional circumstances, will we accept stiles on new routes. Works should only commence when authorised by the Rights of Way Officer.

|  |  |
| --- | --- |
| **4f. For proposals to divert a path, what is the surface material of the proposed route? e.g. grass, hardcore, etc.** |  |
|  |  |
| **4g. For proposals to divert a path, what width do you intend allowing for the proposed route? Ideally, t**he minimum width for a newly diverted public footpath is 1.8 metres and 3 metres for a public bridleway. | Metres |
|  |  |
| **4h. For proposals to divert a path, do you intend to erect fencing adjacent to the new route?** Please note that if you choose to erect new boundaries (i.e. fencing, hedging) at either side of the path you and subsequent landowners will be responsible for the path surface and this will be reflected in the Order. | Yes |  |
|  |  |
| No |  |
|  |  |  |
| If Yes, describe type, height and position. |  |

**5. Supporting Documentation / Checklist**

|  |  |
| --- | --- |
| I have: |  |
|  |  |  |  |
| 1 | Filled in Section 1 - applicant’s details  |  |
|  |  |  |  |
| 2 | Filled in Section 2 - the change being proposed |  |
|  |  |  |
| 3 | Attached an annotated location map, showing the existing and if relevant, the proposed route |  |
|  |
|  |  |  |
| 4 | Filled in Section 3 - landowner details |  |
|  |  |  |
| 5 | Attached letter of consent from all affected landowners, tenants, etc. |  |
|  |  |  |
| 6 | Attached an annotated land ownership/interest map |  |
|  |  |  |
| 7 | Filled in Section 4 - the proposed new route/s (for creations and diversions) |  |
|  |  |  |
| 8 | Attached an annotated map showing the location of any ground works, structures and furniture |  |
|  |
| We are not able to process your application if you do not provide all the requested information. |

**6. Declaration**

|  |
| --- |
| **I declare:** |
|  |  |
| a) | All details above are true to the best of my knowledge. |
|  |  |
| b) | I understand that the current legal line of the path to be diverted or extinguished must be kept open and available for public use until an order is confirmed / certified. Permission to be exempted from this requirement must be requested in writing from the Rights of Way Team Leader. |
|  |  |
| c) | I understand and accept that if an order is made as a result of this application, I will be charged in accordance with the Charging Schedule set out in the Guidance Notes and asked to reimburse the cost of advertising the making of, and confirming of the order. |
|  |  |
| d) | I understand and accept as part of the process of dealing with this application, I (or my agent) will be expected to liaise with any objectors to try and seek a resolution. I understand that the Council can undertake this role, but I will be charged an additional fee. |
|  |  |
| e) | I understand and accept that I may become responsible for future maintenance of bridges, culverts, structures, etc, when the order has been made.  |
|  |  |
| f) | I understand that no authority for the diversion or extinguishment of a public path is conferred until and unless an order has been made and subsequently confirmed and any new route certified as satisfactory by the Council. |
|  |  |
| g) | I undertake to defray any compensation which may become payable by the establishment of the new route and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.  |
|  |  |
| h) | I understand the details contained in this application form and accompanying maps may be made available for public scrutiny. |

|  |
| --- |
| Sign: |
| Print: | Date: |

**Please email to: rightsofway@staffordshire.gov.uk**

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| --- |
| **FOR OFFICE USE ONLY** |
|  |  |  |  |  |
| PRoW Officer: |  |  | Date Received: |  |
|  |  |  |  |  |
| Type:  | Create Divert Extinguish |  | Relevant Act & Section: |  |
|  |  |  |  |  |
| Parish(es): |  |  | Path(s): |  |
|  |  |  |  |  |
| Does it meet the legal test? | Yes No |  | Priority:  | High Low |
|  |  |  |  |  |
| Date Checked: |  |  | Date Acknowledged: |  |
|  |  |  |  |  |
| Application Reference: |  |  |  |  |