



**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 257**

**APPLICATION FOR AN ORDER TO STOP UP OR DIVERT A FOOTPATH OR BRIDLEWAY (REFERRED TO HEREAFTER AS THE RIGHT OF WAY)**

**IMPORTANT**

1. No authority for the stopping up of the right of way is conferred unless and until the stopping up or diversion order has taken effect. Any preliminary obstruction of or interference with the right of way concerned may not only be an offence, but may make it impossible to proceed with the making of an order.
2. A contribution of £645 towards the cost of statutory advertisements must be made prior to any work being undertaken to process this application together with an administration charge of £250. Total fee payable £895.00.

1. Location of right(s) of way	
2. What is the development affecting the right(s) of way	
3. Right(s) of way to be stopped up or diverted:	
(a) Type - footpath or bridleway	(a)
(b) Name or Number (if any)	(b)
(c) Length(s) in metres of section(s) to be stopped up or diverted	(c)
(d) Description of length(s) to be stopped up or diverted by reference to terminal points	(d)
(e) Who owns and occupies the land on both sides of all the right(s) of way to be stopped up or diverted	(e)

<p>(f) If, when the development is complete, the developer will not own or control the land on both sides of the right(s) of way to be stopped up or diverted, has the consent of the other landowner(s) to the proposed stopping up or diversion been obtained</p>	<p>(f)</p>
<p>4. New right(s) of way to be provided (if any)</p> <p>(a) Type - estate road, footpath or bridleway</p> <p>(b) Has the highway authority been asked to accept responsibility for maintenance of new right(s) of way</p> <p>(c) Who owns the land to be dedicated as new right(s) of way</p> <p>(d) If the developer will not own or control the land to be dedicated has the consent of the landowner(s) to the proposed dedication been obtained</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d) YES/NO</p> <p><b>NB: If the developer will not own or control the land to be dedicated to the new right(s) of way, then the appropriate letter obtaining the consent of the landowner(s) <u>MUST</u> accompany this application</b></p>
<p>5. On what date is the development affecting the right(s) of way expected to begin</p>	
<p>6. Right(s) of way to be improved (if any)</p> <p>(a) Type</p> <p>(b) Name or Number</p> <p>(c) Length to be improved</p> <p>(d) Description of improvement</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p>
<p>7. (a) Name(s) of developer (including full christian name or names of all partners if a private firm)</p>	<p>(a)</p>

<p>(b) Address and telephone number (Business or private)</p> <p>(c) If a limited company, address of registered office and telephone number</p>	<p>(b)</p> <p>Telephone number:</p> <p>(c)</p>
<p>8. Planning Permission:</p> <p>(a) By whom granted</p> <p>(b) Reference number</p> <p>(c) Date granted</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p>
<p>9. Scale of plans accompanying this form</p>	
<p>10. If form completed by an agent:</p> <p>(a) Agent's name</p> <p>(b) Profession</p> <p>(c) Address and Telephone number</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p> <p>Telephone Number:</p>

**DECLARATION**

I/We understand that no authority for the stopping up of a right of way is conferred unless and until a stopping up or diversion order has taken effect.

I/We declare that the right(s) of way to be stopped up is/are in no way obstructed, it is/they are fully available to the public and I/We undertake that it/they shall in no way be obstructed before the order has taken effect.

I/We apply for the stopping up/diversion of the right(s) of way described above.

I/We agree to pay a contribution of £645.00 towards the cost of publication of statutory notices together with an administration charge of £250.00 (total cost £895.00) and to bear the cost of bringing the new path into a fit condition for use by the public.

I/We declare to the best of my/our knowledge and belief that all the particulars given are true and accurate.

In the event that the application is referred to the Secretary of State for the Environment for determination I/We agree to pay the additional administration costs incurred up to a maximum of £400.00.

Signed .....

Dated .....

The completed application form should be sent to:

Chief Executive  
South Kesteven District Council  
Council Offices  
St Peter's Hill  
Grantham  
Lincs  
NG31 6PZ

## **NOTES**

### **REFUND OF CHARGES**

The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 state that the authority shall, on application by the person who requested them to make the public path other, refund a charge under the following conditions:-

- (a) The order making authority fail to confirm an unopposed order; or
- (b) The order making authority having received representations or objections which have been duly made, and have not been withdrawn, fail to submit the public path order to the Secretary of State for confirmation, without the agreement of the person who requested the order; or
- (c) The order requested was an order made under section 26 of the 1980 Act and proceedings preliminary to the confirmation of that order were not taken concurrently with proceedings preliminary to the confirmation of an order made under section 118 of the 1980 Act; or
- (d) The public path order is not confirmed by the authority or, on submission to the Secretary of State, by him, on the grounds that it was invalidly made.