



High Peak Borough Council

working for our community

**APPLICATION FOR THE DIVERSION OF A PUBLIC RIGHT
OF WAY UNDER S.257 OF THE TOWN AND COUNTRY
PLANNING ACT 1990 (as amended)**

**PLEASE READ THE ACCOMPANYING GUIDANCE NOTES CAREFULLY BEFORE
COMPLETING THIS APPLICATION FORM**

IMPORTANT: No authority for the diversion of a footpath, bridleway or restricted byway is granted unless and until a Diversion Order has been confirmed, certified and brought into effect. Any obstruction of the existing route is an offence and may make it impossible to proceed with an application.

1 Applicant details

Name and address of applicant

CHRIS MORRIS

SHALLCROSS MILL HOUSE

Daytime telephone number:

E-mail address:

2 Agent details (if applicable)

Name and address of Agent to whom correspondence should be addressed

Matthew Sharp

69 Lower Fold, Marple Bridge, Cheshire,
SK6 5DU.

Daytime telephone number 0161 449 9905

E-mail address

matthew@mps-construction.com

3 Particulars of public right of way to be diverted

- a) Footpath/Bridleway/Restricted Byway Number 61
- b) Parish/Town: WHALEY BRIDGE
- c) Length in metres of section to be diverted: 15m
- d) Width: 3m

- e) Description of length to be diverted. Describe the existing position, surfacing, any gradients, and any stiles, gates, bridges or steps (please continue on separate sheet if necessary)

EXISTING IS A STRAIGHT RUN OF PATH ON AN INCLINE FROM AN ACCESS ROAD TO A FARMERS FIELD. WE WILL BE ADDING A RIGHT ANGLE TO AVOID A HOUSE THAT WILL BE CONSTRUCTED.

4 Particulars of alternative route to be provided

- a) Length in metres: 15m
- b) Width: 3m
- c) Description of path to be provided. Describe the proposed position, surfacing, any gradients, and any gates, bridges or steps (please continue on separate sheet if necessary)

GRADIENT WILL BE LESS THAN EXISTING.
SURFACING WILL BE hardcore compacted & levelled to match existing

5 Interested parties

- a) Applicant's interest in the land over which the existing path runs (eg owner/tenant/occupier)

OWNER.

- b) Applicant's interest in the land over which the alternative path runs (eg owner/tenant/occupier)

OWNER.

- c) If any other person has an interest in either the land over which the existing path runs, or the land over which the alternative path runs please give details here:
NB Written consent or a joint application will be required if there is more than one owner as detailed in the guidance notes

N/A.

6 s257 Town and Country Planning Act 1990

State how the proposed diversion satisfies s257 of the Town and Country Planning Act 1990, use separate sheets if necessary:

- a) Reference number of planning consent (no. beginning HPK):

HPK / 2017 / 0684

- b) Explain why the diversion is necessary, if required attach a plan:

TO AVOID A HOUSE PLAN ATTACHED.

- c) Has development begun, if so describe extent of development, if required attach a plan:

No

- d) Is the development substantially complete, if 'yes' you must make your application to Derbyshire County Council: Yes ☒ No

- e) Explain if the diverted path has any advantages or disadvantages, improvements or otherwise over the current path:

IT WILL HAVE A SHALLOWER GRADIENT.

- f) Explain the effect (if any) which the coming into operation of the Order would have as respects other land served by the existing public rights of way:

NONE

- g) Explain the effect (if any) which the new public right of way would have as respects the land over which the right is created and any land held with it

NONE.

Applicant's declaration and agreement

Note: Where reference is made to singular the declaration is deemed to include plural where it is made by more than one party or relates to more than one public footpath, bridleway or restricted byway

Declaration

- a) I understand that no authority for the diversion of a public footpath/bridleway/restricted byway is conferred unless and until an Order is made, confirmed and, if appropriate certified;
- b) I declare that the footpath/bridleway/restricted byway to be diverted is in no way obstructed and that it is fully available to the public. I undertake that it shall in no way be obstructed before the Order comes into effect;
- c) I have read and understand the guidance notes which accompany this application form;
- d) I confirm that to the best of my knowledge all the particulars given are true and accurate.

Agreement:

I hereby agree:

- ☒ a) to make up the new lengths of footpath/bridleway/restricted byway to such standard as is required by the Council or to meet the costs of the works;
- b. to give permission for consultees to inspect the proposed route(s) unaccompanied OR*
to give permission for consultees to inspect the proposed route(s) but they should contact

MATT SHANK on telephone number 07919 091746 in advance
*(delete as appropriate);

- c. To reimburse the Council any expenses incurred by it in connection with the making of the Order, whether or not the Order is confirmed;
- d. To pay the cost of any works (including installation, removal or re-positioning of any roadside signposts, waymarks or statutory undertakers' apparatus in, or under the highways to be diverted) necessary in consequence of the Order coming into effect
- e. To the information supplied within and in support of this application being shared with other parties as necessary in the context of the application and/or in accordance with the law.

Signed (all applicants must sign) CHRIS MORRIS

Full Name(s) MATTHEW SHANK

Position (if applicable) DIRECTOR

Date: 26/11/2019