

NORTH KESTEVEN DISTRICT COUNCIL
Planning, Economic and Cultural Services

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)

<p><i>For Official Use Only</i></p> <p>Ref No. Received</p>
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IMPORTANT

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. Any prior obstruction of or interference with a right of way may not only be an offence, but may make it impossible to proceed with the making of an order.

PLEASE SUBMIT TWO COPIES OF YOUR APPLICATION

		<u>NOTES</u>
1 Location(s) of right(s) of way		
2 Please describe development which will affect right(s) of way		
3 Right(s) of way to be stopped up or diverted: <ul style="list-style-type: none"> a. Type – footpath or bridleway b. Name and/or No. (if known) c. Length(s) in metres of section(s) to be stopped up or diverted d. Description(s) of length(s) to be stopped up or diverted by reference to specific points on ground e. Names and addresses of owners and occupiers of land on both sides of right(s) of way to be stopped up or diverted f. If, when development is complete, 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? 	<ul style="list-style-type: none"> a. b. c. d. e. f. YES/NO (If the answer is <u>YES</u> a copy of the consent letter should be submitted with this application) 	

<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 (Lincolnshire County Council) been asked to accept responsibility for maintenance of the new right(s) of way?</p> <p>c. Who owns the land to be dedicated as new right(s) of way? <i>(Names/addresses)</i></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. (if the answer is YES, a copy of the relevant correspondence should be submitted)</p> <p>c.</p> <p>d. YES/NO (if the answer is YES, a copy of the relevant correspondence should be submitted)</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 and/or No.</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(s) (including full Christian names or names of all partners if a private firm) <i>(Please use separate sheet if necessary)</i></p> <p>b. Addresses and telephone nos. (business or private)</p> <p>c. If a Limited Company, address of registered office and telephone no.</p>	<p>a.</p> <p>b.</p> <p>c.</p>	
<p>8. Planning Permission:</p> <p>a. By which Council granted?</p> <p>b. Reference No.</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 no.</p>	<p>a.</p> <p>b.</p> <p>c.</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* declare to the best of my/our* knowledge and belief that all the particulars given are true and accurate.

I/We* understand all legal costs incurred in producing the stopping up / diversion order will be recharged to us, the applicant, and payable in full on completion of the works.

*(*please delete as applicable)*

Signed:

Date:

Please send your completed application to:

***Mrs C Gray, Administration Manager
Development, Economic & Cultural Services
North Kesteven District Council
PO Box 3
Kesteven Street
Sleaford
Lincs NG34 7EF***

Or E-mail on clare_gray@n-kesteven.gov.uk

NOTES FOR GUIDANCE

This procedure applies where development for which planning permission has been granted involves the stopping up or diversion of a footpath or bridleway

The planning permission which you have received does **not** give authority for the obstruction of a public footpath or bridleway or for its stopping up or diversion.

You must first apply for an order to stop up or divert the footpath or bridleway under Section 257 of the Town and Country Planning Act 1990 on this application form. Only if an order made by the local planning authority is objected to or if the authority wish to modify it, will it need confirmation by the Secretary of State before it becomes effective; otherwise the authority themselves can confirm it after allowing time for objections.

The procedure takes some time, particularly if an order is objected to, and the application should be made about six months before the development is to commence, **but cannot be made before a detailed planning permission is granted.**

The local planning authority can only make an order if satisfied that the stopping up or diversion is necessary in order to enable the development to be carried out. An outline planning permission will not be sufficient for this purpose. It will not be possible for an application for an order to be made until detailed drawings of the layout have been approved by the authority.

NOTES TO ASSIST YOU IN THE COMPLETION OF THIS FORM

- (1) **Item 3.** It is necessary to identify footpaths or bridleways in stopping up and diversion orders and notices concerning them in words such as "... the footpath/bridleway leading from". Sufficient information must be given on the plans under Item 3 of this application form to enable this type of description to be prepared by the authority.
- (2) **Item 9.** It is essential that your plans are of a scale to show accurately the lengths of right of way involved. Ordnance Survey extracts to a scale of 1/2500 as a minimum should accompany your application.