



Derby City Council

Application for the Diversion of a Public Right of Way

Section 119, Highways Act 1980

**Read the guidance notes carefully before completing this form.
No authority for the diversion of a footpath or bridleway is granted until an
extinguishment order has been confirmed.**

1 Applicant(s)

a. Name: Mr David Marshall, Derby City Council, Regeneration, Communities and Place Directorate

Address: Council House, Corporation Street, Derby

Postcode: DE1 2FS

Telephone: 01332 642062 Mobile:

Email: david.marshall@derby.gov.uk

b. What is your interest in the land, such as landowner, occupier or lessee?

Freeholder Infinity Park Way

c. If a limited company, give the address of your registered office.

N/A _____

Postcode: _____

2 Agent (if applicable)

a. Name: N/A _____

Address: _____

_____ Postcode: _____

Telephone: _____ Mobile: _____

Email: _____

3 Details of path to be diverted

This application form should be accompanied by a map clearly showing the route to be extinguished, ideally to a scale of 1:2500, or the largest scale readily available.

a. State the type of public path

footpath bridleway cycleway

b. If the path is on the definitive map then give its former parish name and number.

- (i) Footpath: Sinfin Moor 4, Parish of Chellaston
- (ii) Footpath: Sinfin Moor 5, Parish of Chellaston
and
- (iii) Bridleway: Sinfin Moor 3 (Bridleway) Parish Of Chellaston

c. If the path is **not** on the definitive map then state its start and finish points.

N/A

d. Provide, if known, the OS grid reference (6 digit) for start and finish points of the affected section of path(s).

N/A

e. What is the length and width (in metres) of the affected section of path(s)?

- (i) Footpath: Sinfin Moor 4 L 269m W 2m
- (ii) Footpath: Sinfin Moor 5 L 196m W 2m
- Bridleway: Sinfin Moor 3 (Bridleway) L 79m W 3m

4 Proposed diverted route

- a. Show on the proposal plan submitted with this form, the proposed diverted route and describe below or on a separate sheet of paper, its proposed path status, widths, lengths and any relevant topographic features, where appropriate.

(I & ii) Drawing T12-GTC-T12-000-800 (footpath 4 & 5 Permanent Diversion) shows the diversion of Sinfin Moor 4 footpath and Sinfin Moor 5 footpath

Sinfin Moor 4 L 109m W 2m

Sinfin Moor 5 L 334m W 2m

(iii) Drawing GTC-T12-000-801 shows the diversion of Sinfin Moor 3 (Bridleway) L60m W 3m

- b. Show on the proposal plan submitted with this form any limitations, such as stiles or gates, on the diverted route and list them below or on a separate sheet of paper.

The only limitation on any of the diverted sections is a 2m opening in the fence as shown on drawing GTC-T12-000-801

5 Land ownership

- a. Do you own all of the land affected by the proposed extinguishment? Yes No
- b. If no, provide details of all other affected landowners, occupiers, lessees and other parties, stating their interest in the land. This application form should be accompanied by a letter of consent and accompanying plan showing the extent/interest of each affected landowner, occupier, lessee or other party affected by the proposal.

Owner of land under Sinfin Moor 3 (Bridleway) (excluding Infinity Park Way): Rolls-Royce Plc, 65 Buckingham Gate, London, SW1E 6AT

Owner of land under Sinfin Moor 4 and Sinfin Moor 5 Footpaths (excluding Infinity Park Way): Harpur Crewe Limited Liability Company. A company incorporated in Delaware USA, 2644 Capital Trail, Suite 300, Departments 570 Newark, Delaware USA, whose address for service in the UK is C/O Harpour Crewe

- c. Are there any areas of land affected by the proposal for which ownership has not been identified? Yes No

If yes, give details and include a plan showing any unidentified ownership.

N/A

6 Statutory undertakers

Are you aware of the existence/position of any apparatus belonging to any statutory undertaker in, on, over or across the land affected by the existing or proposed routes?

Yes No If yes, give details.

There are no changes to utilities under the lengths diverted. Sinfin Moor 3 (Bridleway) is only diverted where it runs up the batter to Wilmore Road and the services here are in the public highway and the footpath diversions put the paths onto public highway.

7 Reasons for making the application

State how the proposed diversion satisfies Section 119 of the Highways Act 1980. It is the applicant's responsibility to demonstrate to the Council that the application meets the requirements. Continue on a separate sheet if necessary.

- a. Explain why it is in the interests of the owner, lessee or occupier of the land or of the public to divert the path.

If Sinfin Moor 4 Footpath, Sinfin Moor 5 footway and Sinfin Moor 3 (Bridleway) had not been diverted, the construction of Infinity Park Way would not have been possible. Both landowners have signed an Infrastructure Delivery Agreement which supports the construction of Infinity Park Way which in turn will unlock 1.8m Sq.Ft of development land which in turn would create 100's of job and have a positive impact on the social and economic standing of the city.

- b. Explain whether the diverted path will be substantially less convenient or not to the public. If the diversion changes the termination points of the path, then explain why this is not any less convenient.

The diversion of Sinfin Moor 4 and Sinfin Moor footpaths does change the termination points of the paths, as shown on drawing T12-GTC-T12-000-800 (footpath 4 & 5 Permanent Diversion), Sinfin Moor 4 path is reduced in size but, Sinfin Moor 5 increases in length which does take allow Sinfin Moor 4 to join making it just as convenient as it was before the diversions took place.

The diversion of Sinfin Moor 3 (Bridleway) is reduced by 19m. However, the termination point at Wilmore Road had quite an incline, making it near impossible for users to access/terminate the bridleway. Therefore, the diversion actually makes it more convenient and safe for the user.

- c. Explain what effect the diversion would have on public enjoyment of the path as a whole.

Overall, the diversion of Sinfin Moor 4 and Sinfin Moor 5 pathway has in theory lost 22m of path, however, the diversion enables the user to go further into Infinity Park Derby and allows them to cross the newly constructed Infinity Park Way at a pedestrian crossing.

The public's enjoyment of the footpath would be just if not more enjoyable, as the paths are new and level.

The diverted Sinfin Moor 3 (Bridleway) may have lost 19m but the diversion has created a safer access and egress point for both horse/rider and other users.

The diversion of both the footpaths and the bridleway is seen as promoting healthy living, whether you are walking or horse riding,

- d. Explain the effect which the coming into operation of the order would have as respects other land served by the existing public right of way.

See above a,b and c

- e. Explain the effect, which any new public right of way would have as respects the land over which the right is created and any land held with it.

No detrimental effect.

9 Costs

- a. If we decide to proceed with an application for an extinguishment order, we will normally do so subject to the applicant agreeing to cover our costs incurred in processing the application, making the order, consulting relevant bodies and publishing the statutory notices. See guidance notes.
- b. We have the discretion to waive part or all of the charges where this is considered appropriate.
- c. Applicants may still be liable for payment of costs if they withdraw an application.

10 Declaration

- a. I understand that no authority for the diversion of a public right of way is conferred unless:
- 1 the appropriate order has been made, confirmed and certified
 - 2 notices have been published

- 3 any necessary works have been completed and the order brought into operation.
- b. I have noted the costs which are payable for processing a public path order application and agree to pay the charges when invoiced by Derby City Council. I/we understand that, in the event objections are received, a proportion of the specified fee, will still be payable in the event the order is **not** confirmed.
 - c. In the case of a public path diversion order being confirmed pursuant to the application, I/we agree that Derby City Council will not be liable for any compensation which may become payable to a third party and I/we agree to defray any such claim. I also waive my/our right to claim compensation under Section 28 of the Highways Act 1980.
 - d. I/we understand that the information provided on this form cannot be treated as confidential and that all supplied information may be made available to members of the public on request.
 - e. I/we hereby declare that the information provided in respect of this application is correct to the best of my/our knowledge.

Signed:

Full Name: David Marshall

Position (if applicable):

Principal Regeneration Manager

Date: 12th July 2016

Please return this completed application form with all enclosures to:

The Rights of Way Officer
Planning Division
Communities and Place Directorate
Derby City Council
The Council House
Corporation Street
Derby DE1 2FS

Email electronic versions to: rightsofway@derby.gov.uk



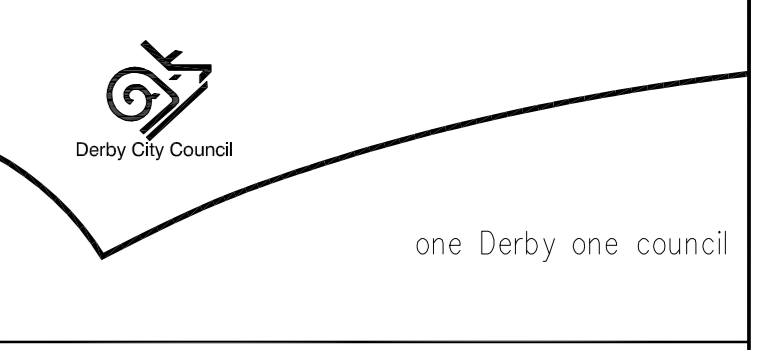
Notes for fencing address and bridle way finder sign added.

DATE	BY	DESCRIPTION
JAN 15	JPB	MP
JAN 15	JPB	DP
JAN 15	JPB	DP

APPROVED FOR CONSTRUCTION

DATE	BY	DESCRIPTION
JAN 15	JPB	MP
JAN 15	JPB	DP
JAN 15	JPB	DP

SCALE: 1:500 @ A0



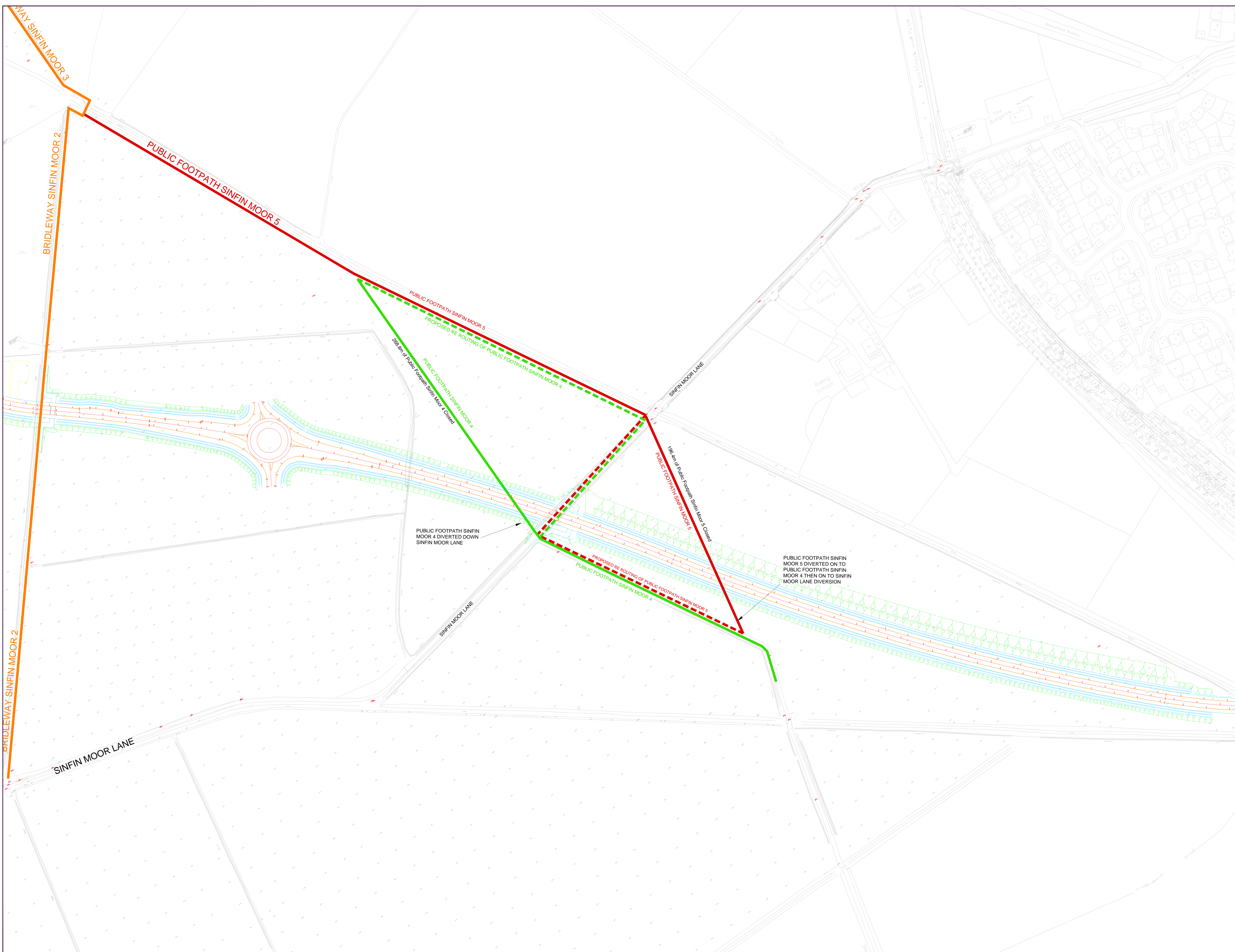
NEIGHBOURHOODS
 Strategic Director
 Paul Robinson
 Roman House
 Friar Gate
 Derby DE1 1XB
 Tel (01332) 293111 Fax (01332) 255959

PROJECT TITLE
**T12 LINK ROAD
 HOLMLEIGH WAY TO
 WILMORE ROAD**

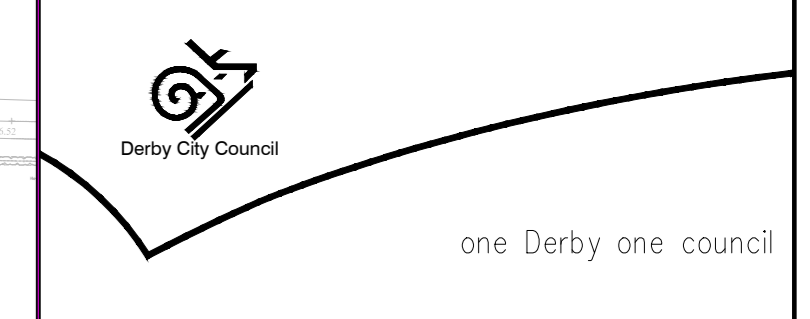
DRAWING TITLE
**FOOTPATH / BRIDLEWAY
 PERMANENT DIVERSION ROUTE
 WILMORE ROAD**

PROJECT REFERENCE NUMBER	REVISION
GTC-T12	
DRAWING NUMBER	
GTC-T12-000-801	A

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AMENDMENT DETAILS				BY	CHKD	DATE	REV
APPROVED FOR CONSTRUCTION							
DESIGNED BY	DP	DATE	APPROVED BY	DP	DATE	SCALE	
DESIGNED BY	DP	JULY 13	APPROVED BY	DP	JULY 13	1:1000 @ A0	
ORIGINAL DRAWING SIZE: 1188 x 841 (A0)							



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PROJECT TITLE
**T12 LINK ROAD
 HOLMLEIGH WAY TO
 WILMORE ROAD**

DRAWING TITLE
**FOOTPATH / BRIDLEWAY
 PERMANENT DIVERSION ROUTE**

PROJECT REFERENCE NUMBER	GTC-T12
DRAWING NUMBER	GTC-T12-000-800
REVISION	0

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