



ICIAL

Derby City Council

Application for the Diversion of a Public Right of Way

Section 119, Highways Act 1980

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

1 Applicant(s)

a. Name: Pete Howell, Derby Homes Ltd c/o Derby City Council

Address: 839 London Road, Derby

Postcode: DE24 8UZ

Telephone: 01332 888514 Mobile: 07776 160029

Email: pete.howell@derbyhomes.org

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

Landowner (Derby City Council)

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

Postcode: _____

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2 Agent (if applicable)

- a. Name: _____
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. Please state the type of public path

footpath bridleway cycleway

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

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

The new diverted footpath will run from points 434437-337129 opp Whitecross House in a Northerly direction to points 434446-3374141 towards Leyland Gardens

- d. Please provide the OS grid reference (6 digit) for start and finish point of affected section of path.

Grid Ref 434436 - 337129

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

L 96.35m x W 2m

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4 Proposed diverted route

- a. Please 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.

Plan A. shows the Public Highway we propose to divert, the length of this path is 96.35m x 2m wide, there are No Public access routes off this footpath.

- b. Please 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.

Plan B. shows the proposed diverted footpath which is now in situ for the Public to use with immediate effect

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.

Plan C. shows current land ownership by Derby City Council

Plan D. shows Public Highway land

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

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

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, please give details.

There are x3 lighting columns where we have liaised and consulted with Paul Slade of

Street Lighting, Belfour Beatty with regards access to maintain them

7 Reasons for making the application

Please 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. Please explain why it is in the interests of the owner, lessee or occupier of the land or of the public to divert the path.

The Land beneath the existing Public Highway including the surrounding land is owned by Derby City Council. This area of land is for the sole use of residents within Whitecross House communal dwelling whom residents pay towards the upkeep of within their rents.

- b. Please 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 please explain why this is not any less convenient.

The new footpath will be more convenient route for the general public to take giving them a shorter yet safe route across the car parking area.

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

As above shortened safe route across a car parking area

- d. Please 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.

This order would enable Derby Homes c/o Derby City Council to redesign the existing garden area to be more beneficial to the residents of Whitecross House; this will include installation of a secure scooter shelter where residents will be able to store and charge mobile scooters, new improved seating areas, new automated gates for added security.

- e. Please 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.

The New Public right of way will have the same effect as the existing path as in that the land below and surrounding is still owned by Derby City Council.

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. Please 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/we 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/we 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/we 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: Pete Howell

Position (if applicable):

Senior Surveyor c/o Derby Homes Ltd

Date: 8th December 2015

Classification: OFFICIAL

Please return this completed application form with all enclosures to:

Rights of Way Service
Planning Division
Neighbourhoods
Derby City Council
The Council House
Corporation Street
Derby
DE1 2FS

Please email electronic versions to: rightsofway@derby.gov.uk

Classification: OFFICIAL

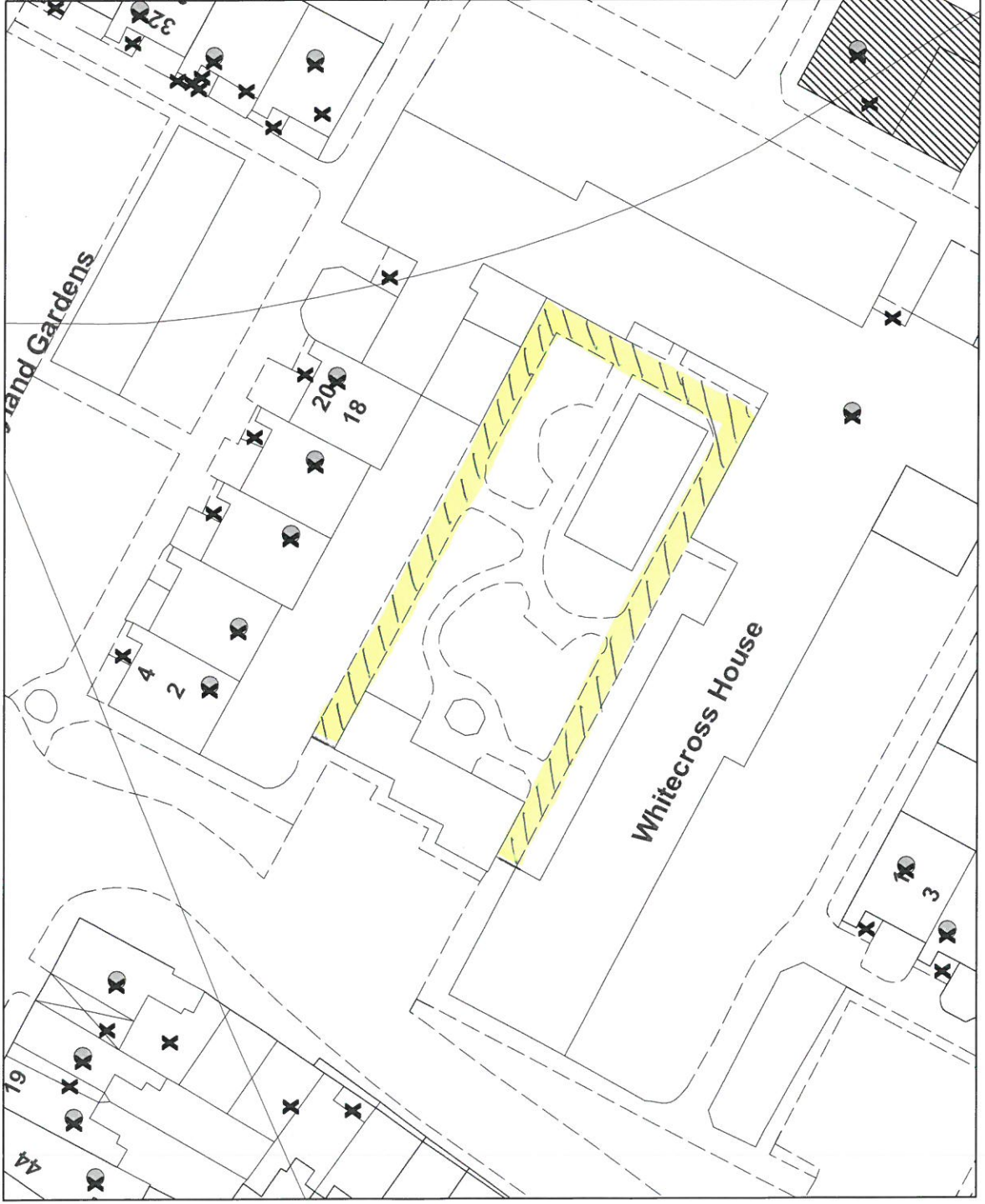
Whitecross House

Diversion Footpath


PLAN A.



GIS by ESRI (UK)



Legend

 PROPOSED
 EXISTING PUBLIC
 FOOTPATH

Scale : 1:500

Organisation	Derby Homes Ltd
Department	Planned Maintenance
Comments	1:500
Date	03 August 2015
SLA Number	Not Set

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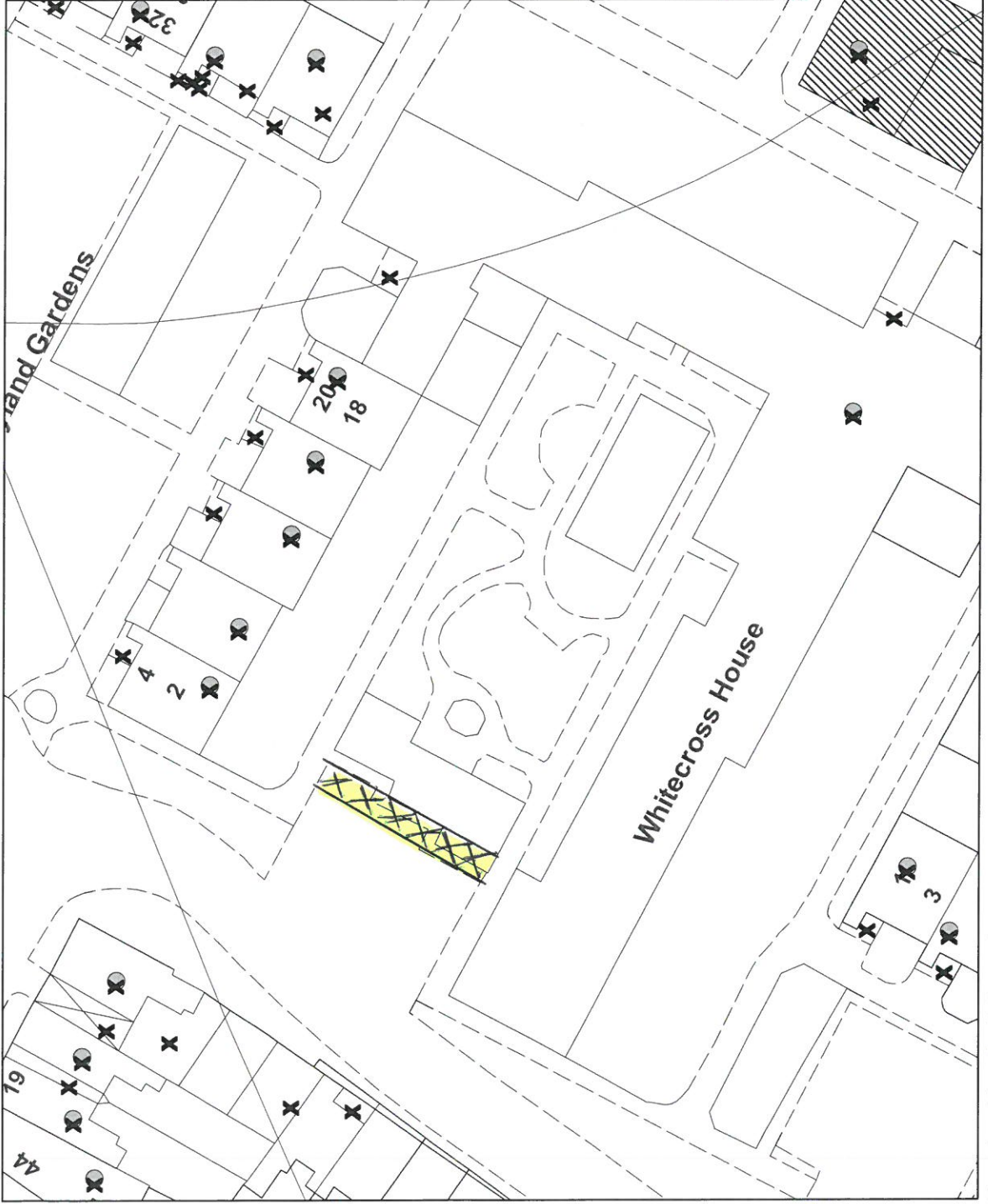
Whitecross House

Diversion Footpath



GIS by ESRI (UK)

Plan B



Legend



NEW DIVERSION
FOOTPATH

L 15.36m x 2m W.

Scale : 1:500

Organisation	Derby Homes Ltd
Department	Planned Maintenance
Comments	1:500
Date	03 August 2015
SLA Number	Not Set

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Derby City Council

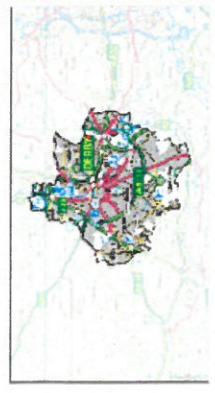
Derby Map Viewer

iDerby

Scale: 1: 1357

OS Data

- Aerial Photo 2012
- DCC BOUNDARY
- Council Ownership
- Annotation



Map mode: inactive | Position: (434352, 337050) | Selected items: 0

PLAN.C.
 DERBY CITY COUNCIL
 LAND OWNERSHIP.

Derby City Council

Derby Map Viewer

iDerby

Scale: 1: 613

Map mode: Pan Hand | Position: (434406, 337136) | Selected items: 0

- OS Data Colour
- Aerial Photo 2012
- DCC Ward Boundaries
- DCC Boundary
- NSG Official Street Name
- Adopted Extents
- Grit Bins
- Annotation

Whitcross House

Whitcross Street

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BLUE INDICATES PUBLIC HIGHWAY.

PLAN D.