

PUBLIC PATH DIVERSION AND EXTINGUISHMENT/STOPPING UP ORDERS

NOTES FOR THE GUIDANCE OF APPLICANTS

1. Public Path Diversion Orders

- 1.1 The Council will make an Order diverting a footpath, bridleway or restricted byway where it is satisfied that in the interests of the owner, lessee or occupier of the land crossed by the path or way, or of the public, it is expedient that the line of the path or way should be diverted.
- 1.2 A diverted path must join up with other existing paths or an adopted highway in order to continue the footpath network.
- 1.3 If the Council decide to make an Order then the proposals will be advertised in the local press and any objections or representations must be considered by the Council prior to confirming the Order.
- 1.4 After considering any objections or representations received, the Council will then determine whether to proceed. If it does, the Order would then have to be submitted to the Secretary of State for the Environment, Food and Rural Affairs for confirmation. Unopposed Orders will be confirmed by the District Council.
- 1.5 Confirmed Orders are also advertised in the newspapers. Orders submitted to the Secretary of State will be determined following written representations or a public inquiry.

2. Public Path Extinguishment/Stopping Up Orders

- 2.1 An Extinguishment Order may be made only if a path is not needed for public use. Where part of a path or way is to be closed, care must be taken to avoid creating a cul-de-sac of the remaining part of the path or way.
- 2.2 The provisions relating to confirmation by the Secretary of State, and notices, representations and objections are the same as those for Public Path Diversion Orders set out above.
- 2.3 A Stopping Up Order may be made to enable development to be carried out in accordance with planning permission granted.

3. Consultation

- 3.1 Although the Council will carry out statutory consultations and liaise with the local Parish Council, the applicant is encouraged to discuss proposals with the local branch of The Ramblers' Association. Reaching agreement, if possible, with The Ramblers' Association prior to submission of the application can shorten the period of time taken to deal with applications.

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4. Compensation

- 4.1 Applicants will be required to defray any compensation which becomes payable in consequence of the coming into operation of the Order. This will apply where the value of an interest of a person in land is depreciated, or where that person has suffered damage by being disturbed in his enjoyment of land in consequence of the coming into operation of the Public Path Order.

5. Expenses and Works

- 5.1 Prior to confirmation of the Order the applicant will have to pay an administration charge. The Council's administrative charge (applicable from 1st April 2010) is £1500 per Order plus £200 for each additional path included in an Order or made by separate Orders. On receipt of an application it will be assessed and costed and the applicant advised accordingly. In the event of an Order being made, the applicant will be charged the actual costs – (even if an Order is opposed, and at the applicant's request it is referred by the Council to the Planning Inspectorate for confirmation but is awaiting determination by the Inspector).
- 5.2 The applicant will be required to carry out any works specified by the Highway Authority, to bring the new path into a fit condition for use by the public, and to defray any expenses incurred in this connection.
- 5.3 Applicants also have to defray the advertising expenses incurred in the making of Orders. The cost of advertising in the local press can be in the region of £600 to £900. The exact amount of advertising expenses will depend on the length of the description of the path, and an Order covering several paths, or a single path with a long description could be more expensive. Applicants will be required to pay the actual advertising costs incurred by the Council even if they are more than the figures quoted above.

6. Applications

- 6.1 Applications should be made on the form attached which should be returned to The Head of Contract and Asset Management, Babergh District Council, Corks Lane, Hadleigh, Ipswich IP7 6SJ.

7. Consents

- 7.1 Should any part of the proposed new route cross land not in the ownership of the applicant, it will be necessary for the owners of that land to consent to the proposals.

8. Important Note

- 8.1 The existing path, the subject of the application, should remain open for public usage and free from obstruction until such time as stipulated in the appropriate Public Path Order (if made).

April 2010