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HA 1980 S 118/9 (1/00)

Denbighshire County Council Application Form

Stopping up and Diversion of Public Rights of Way

SECTION 118 / 119 HIGHWAYS ACT 1980

Important

- You have no authority to stop up or divert a highway until the public notice confirming the order has been successfully made by Denbighshire County Council has been published and placed on site
- Please read the attached guidance notes
- Please ensure any necessary enclosures accompany this form (see guidance notes).
- Public Vehicular Highways can not be Stopped up or Diverted using this form

Section A - Names and Addresses

Δ Please delete as appropriate and complete the blanks where shown

The Address of the place the path (s) is/are situated

| |
|---------------|
| [REDACTED] |
| LLANDEGLA, |
| DENBIGHSHIRE. |
| [REDACTED] |

The Address of the Applicant

| |
|----------|
| AS ABOVE |
| |
| |
| |

Telephone number

Section B - Highway to be stopped up or Diverted

Please state which Public Right of Way you wish to close or divert by indicating its number(s) and the Community in which it is located.

| | |
|-----------------------------------|--|
| <input type="checkbox"/> Footpath | <input checked="" type="checkbox"/> Bridleway |
| Path No. | 13 & 14 |
| Community | LLANDEGLA. |

Please explain briefly why you require the right of way to be stopped up or diverted (you may use a separate sheet).

SEE ATTACHED SHEET.

Section C - Consents

Please state who owns the land over which the present route passes, NB If you, as applicant, do not own all of this land then you must ask the other landowner(s) to apply jointly with you.

[REDACTED]
(APPLICANT).

Please give the details for any person other than the landowner of the path or way who at present uses it to gain access property, or land that lies alongside the path or way.

N/A.

Section D - New or Alternative Highway to be provided (if any)

Will the new highway be:

All purpose highway bridleway footpath

What works are required to bring the proposed new highway into existence
NEW FOOTBRIDGE
RE-CONSTRUCTION OF WALL BEHIND AGRICULTURAL BUILDING TO ALLOW 3METRE WIDE PATH.

Will the Highway Authority be required to be responsible for maintaining the new highway

yes no

Please state who owns the land over which the proposed new highway crosses
[REDACTED]

If the applicant will not own or control the land to be dedicated for the new highway has the landowner's consent been given to the proposed dedication?

yes no N/A

Does the land to be dedicated for the new highway require that consent be given to the proposed dedication by a person other than the applicant for this order?

yes no

If there are any persons apart from you as applicant(s) who have an interest in this land (this includes any owner /tenant/ licensee who are not the applicants) please confirm that their consent has been obtained. Please write details of their name and addresses on a separate piece of white paper and attach it to the application form. Proof of their written consent must be supplied with this application.

Please note that the authority may need to carry out a land registry search to confirm land ownership affecting the definitive route & proposed new route of the public right of way, this will at the applicant's expense.

Section E – Undertaking and Declaration

I/We declare that:

I/We understand that authority to stop up or divert a highway is conferred solely by the publication of a notice announcing that an order has been made and that this application is solely the start of that process:

Except to the extent authorised by or under some other statutory provision, the highway(s) to be stopped up or diverted *is/are* no way obstructed and *is/are* fully available for use.

I/We confirm that the information given above is correct to the best of *my/our* knowledge and if required

I/We undertake that:

I/We hereby agree with the intention of becoming legally bound that if the order applied for is made *I/We* will pay the following:-

The sum of £400 which includes an advance non-returnable application fee of £60 towards the expenses incurred by the County Council making, confirming and bringing the order into effect, and publishing the statutory notices associated with the making of the Order, and a sum equivalent to all compensation monies which the County Council shall have to pay pursuant to Section 28 Highways Act 1980 as applied by Section 121(2) thereof to any person whose interest in land is depreciated in value or who suffers damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of the Order. The whole fee remains payable where despite the county having advised the applicant the order was likely to fail, the applicant requests the county to continue and make the order which ultimately is not successful and can not be confirmed.

The cost of a land registry search plus the replacing or removing of existing highway path signs which the order makes necessary.

Provide and maintain signs for the order, for an agreed period after the order is completed to meet the Councils standard.

Where the path is to be diverted and a new highway provided *I/We will pay the following:-

The cost of any works necessary to bring the route of the diversion into a fit condition for use by the public (as prescribed by the Head of Transport and Infrastructure to Denbighshire County Council).

*I/We agree to produce our title deeds for inspection by the County Council, is so required, within seven days of a written request to do so.

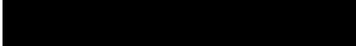
*I/We agree that the County Council can contact my/our co-owner(s), tenants or licensees, if any, to obtain their consent in writing to the above diversion.

Except to the extent authorised as above, such highway(s) shall in no way be obstructed before the order comes into operation.

*I/We confirm that the remainder of the path, and any other rights of way over land within my/our ownership or control, are not obstructed in anyway.

*I/We enclose

- A plan showing the proposed changes to the paths, along with the extent of ownership (see accompanying GUIDELINES for details)
- A schedule describing the present route.
- The application fee of £60.00. (No cash, cheques payable to Denbighshire CC)

X Signed. 

X Dated... 21/3/12

Applicant

Please return this application form to:

The Head of Transport and Infrastructure, (Rights of Way Unit), Denbighshire County Council, Caledfryn, Smithfield Road, Denbigh. LL16 3RJ.

In case of any query please ring 01824 706871 or 706923.

SCHEDULE OF PRESENT ROUTE:

Footpath 13:

Footpath 13 leaves the A5104 via a stone stile with metal bars at point A on the plan, it follows the north side of the river, then crosses the river (bridge missing and continues in a southerly direction (obstructed by a large agricultural building) then follows field boundaries until it meets Footpath 14 (at point B on the plan).

Footpath 14:

Footpath 14 from its junction with footpath 13 follows the field edge to point C on the plan where there is a missing bridge. The path continues in a north easterly direction to the A525 at point D.

SCHEDULE OF PROPOSED ROUTE:

Footpath 13:

Footpath 13 leaves the A5104 via a stone stile with metal bars at point A on the plan, it would run along the north side of the river for approximately 20 meters, to the new bridge, the path would continue along the south side of the riverbank along the track to point C on the plan where it would meet footpath 14.

Footpath 14:

Footpath 14 would run from the junction with fp13 at point C on the plan, following the riverbank to join with fp12 at point E which then connects to the A525.

The new proposals provide a riverbank footpath, all paths now link together to provide a safer and more picturesque route to village amenities from the Offa's Dyke National Trail. In conjunction with the application from [REDACTED] the proposals provide a safer route for the Offa's Dyke National Trail, an improved crossing point across the A525, eliminating the need to walk the highway verge. A new riverside walk offering an opportunity for circular walks from Llandegla also has potential to benefit local tourism hospitality businesses.