

<b>For DCC use only</b>
App No:
File Ref.:
Date Recd:
Date Ackd.:

# 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**

✦ Please delete as appropriate and complete the blanks where shown

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

Footpath across the road to access leading to :-

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*The Address of the Applicant*

Bodrhyddan Maintenance Fund
c/o Carter Jonas
South Pavillion
Sansaw Business Park

*Telephone number*

Hadnall, Shrewsbury. S4 4AS
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**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.

✦ <b>Footpaths</b>	✦ <b>Bridleway</b>
<b>No. 8 and 13</b>	
Communities	
Footpath 8 Cwm, Footpath 13 Waen	

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

The current line of footpath runs on the south side of the river for approx. 70m then crosses river & continues in next field. The diversion would keep the fp in one field freeing up the other and reduce the number of bridged water crossings the Council is responsible to maintain.

**Section C - Consent**

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.

Bodryddan Maintenance Fund

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.


**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

- 1) Installation of a kissing gate at point (G)

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

Bodryddan Maintenance Fund

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  N/A

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

*\*/We declare that:*

*\*/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.

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

*\*/We undertake that:*

*\*/We hereby agree with the intention of becoming legally bound that if the order applied for is made ~~\*/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.~~

We are aware of the provisions of Section 28 of the Highways Act 1980 and agree We will not pursue a claim for compensation under these provisions.

~~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)~~

Signed  .....

Dated 28 NOV 17 .....

**Applicant**

Please return this application form to:

The Head of Highways and Environmental Services, (Rights of Way Unit),  
Denbighshire County Council, PO Box 62, Ruthin. LL15 9AZ.

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

**Note:**

In view of the missing bridge on the definitive line of footpath 13 at SJ 0468, 7647, Denbighshire County Council will waive the cost of this application if uncontested.

Signed: T. Evans .....

Date: 1/12/17 .....

Please note that all application forms are scanned and added to our online registers.



# HIGHWAYS ACT 1980



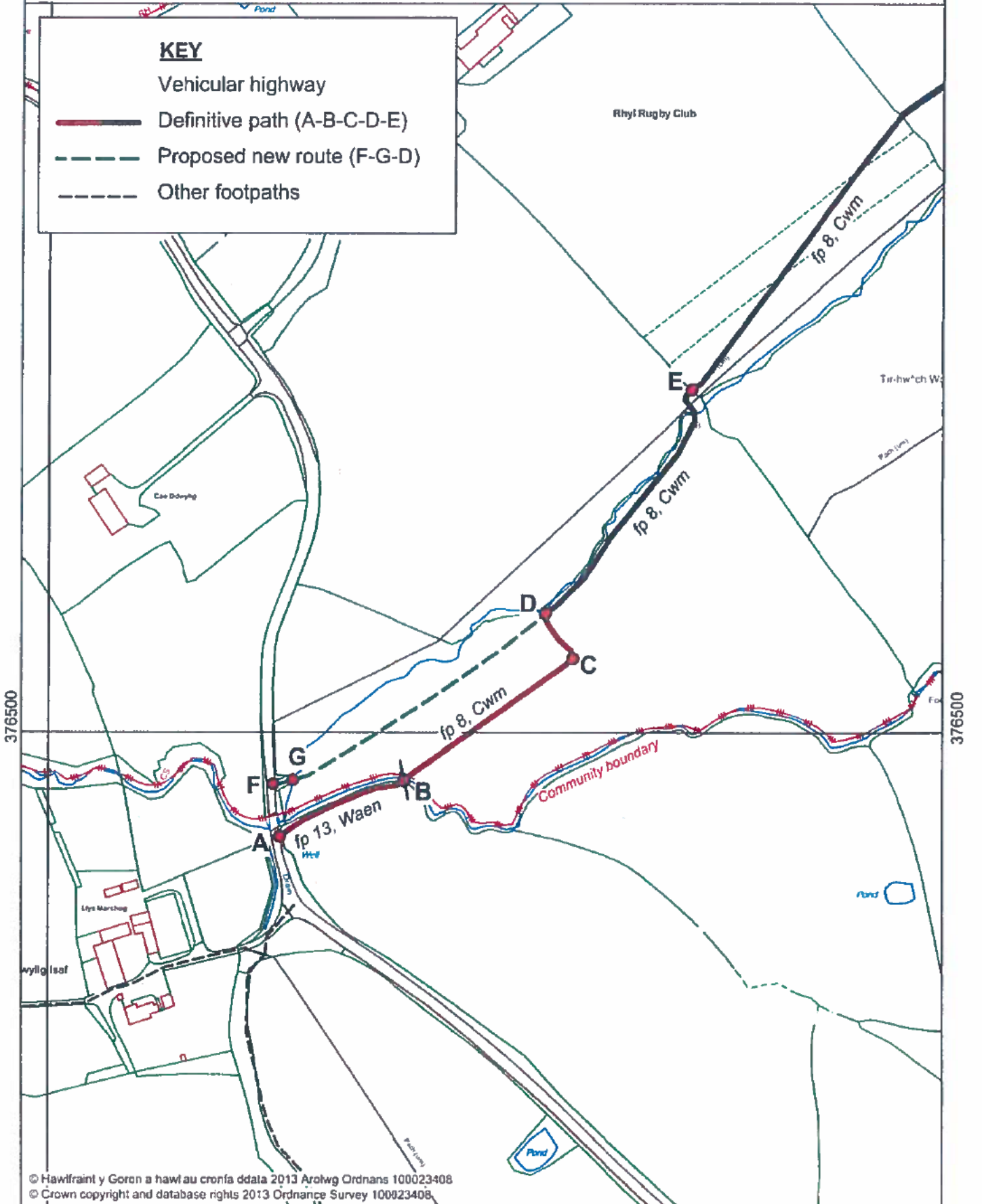
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Date: 17/08/2017

## Proposed diversion of Footpath 8, Cwm & extinguishment of Footpath 13 Waen

304500

**KEY**

- Vehicular highway
- Definitive path (A-B-C-D-E)
- Proposed new route (F-G-D)
- Other footpaths



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