

GUIDANCE NOTES ON FOOTPATH DIVERSION/EXTINGUISHMENT ORDERS

The Council processes applications to divert or extinguish footpaths and bridleways to allow development to proceed under Section 257 of the Town & Country Planning Act 1990.

Before a footpath or bridleway can be diverted under this act the development must have full planning permission.

The process takes 6 to 12 months for an average application.

A contentious application can take several years if strong objections are raised.

CHARGES

The Blaby District Council fees per application are as follows:

| | 2018/19 | 2019/20 |
|---|---------|----------|
| First Path: | | |
| - Preliminary | £850.00 | £1000.00 |
| - Making order | £350.00 | £400.00 |
| - Order opposed and sent to Sec. of State | £400.00 | £500.00 |
| - Confirmation of order | £200.00 | £250.00 |
| Second Path: | | |
| - Preliminary | £250.00 | £300.00 |
| - Making order | £110.00 | £150.00 |
| - Order opposed and sent to Sec. of State | £110.00 | £150.00 |
| - Confirmation of order | £70.00 | £100.00 |

In addition, all publication costs for the notices (up to 3) are to be met by the applicant.

PROCEDURE

Stage 1: Application and Consultation

Before a footpath or bridleway can be diverted or extinguished you must obtain full planning permission.

- The application form is available on the Council's website or upon request by email to legal.services@blaby.gov.uk.
- An Ordnance Survey map showing the existing route and the proposed route scale 1:1250 to be supplied. This plan must fulfil the following criteria:
 1. It is of a scale of 1:2,500 or greater.
 2. The scale is written on the plan.
 3. It has a clearly visible title
 4. It shows the route of the footpath to be closed/stopped up as a bold black

5. line
 6. It shows the route of the new alternative footpath with bold black dashes
 7. The lines described A-B-C etc in the written order and the lines on the plan should accord.
 8. There is a clear key which explains the routes to be closed and their replacements.
 9. Grid Reference numbers are written on the plan next to each point or Grid References can be read off the plan with the use of labelled Grid lines.
 10. There is a north arrow.
 11. The routes of the rights of way are accurately plotted.
 12. There is an O.S. copyright.
- A cheque made out to Blaby District Council for the requisite fee (see Charges above).

On receipt of the application the Council will examine the proposal and perform preliminary discussions on the proposed diversion or extinguishment with Leicestershire County Council. Once preliminary agreement exists on the suggested route and provided plan, Blaby District Council will prepare a draft order and undertake informal consultations with the relevant consultees. Any suggested amendments to the proposal or objections are discussed with the applicant.

Stage 2: Making of the Order and publication

When agreement has been reached, the charge for making the order becomes payable. Once received, the Order is sealed under delegated authority by the Council. The Order is published in the newspaper and should be published at each end of the footpath by the applicant to advise the public where to inspect the Order and objections to the Order to be made within 28 days of the publication.

Stage 3a: UNOPPOSED ORDER – creation of the footpath and confirmation of the Order

If at the end of the 28 days objection period no objections have been received the Council will inform you that you are able to complete the works as detailed in the Order. The existing footpath/bridleway should not be obstructed.

Once the proposed footpath has been completed you should notify us to enable inspection of the replacement and ensure that it has been constructed to a satisfactory standard.

If the footpath has been constructed to the satisfactory standard, Leicestershire County Council will provide Blaby District Council with a Certificate of Works and the charge for confirming the Order becomes payable. The Order is then confirmed and a notice is published in the newspaper and the relevant consultees are notified. The applicant is responsible for posting copies of this Notice at each end of the path.

If at this stage a person believes that the legal requirements have not been complied with they may appeal to the High Court with 6 weeks of this publication. If no objection or application has been made after the 6 weeks we will advise you that the Order has come into operation.

Stage 3b: AN OPPOSED ORDER – Public Enquiry by the Secretary of State

If objections are received at the stage 1 or stage 2 process and are not withdrawn, or objections are received after publication of the order at stage 2, the Order is referred to the Secretary of State who will decide the matter by holding a Public Enquiry. The Secretary of State decides whether to confirm the Order with or without modifications. A charge is payable before the Council will send the order to the Secretary of State.

QUESTIONS?

For any questions regarding this form or the process, please contact legal.services@blaby.gov.uk or telephone 0116 272 7558.

More information available at <https://www.blaby.gov.uk/planning-and-building/planning-applications/footpath-diversion-orders/>