

Introduction

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Public Path Orders Officer

Agenda

- Types of changes and legal tests
- Costs
- Application procedure
- Examples of Public Path Orders

Types of changes and legal tests

The Orders most commonly made to change the Rights of Way network are made under the Highways Act 1980.

- Section 118-Extinguishment Order which removes a line off the Definitive map
- Section 119- Diversion Order alters the line
- Section 26- Creation Order creates a route by way of a legal order
(These Orders can be made in the interests of the landowner or the public)
- Section 25- Creation agreement creates a route in agreement with the landowner.

Who can apply?

- The Council can promote an order
- Any owner, lessees or person using land crossed by the Right of Way
- Any owner, lessee or occupier of any land used for agriculture, forestry or the breeding or keeping of horses crossed by a Right of Way
- The proprietor of any school to allow special diversion and extinguishments to be made on Public Rights of Way where they cross school grounds
- English Nature where Rights of Way run over sites of special scientific interest

Costs

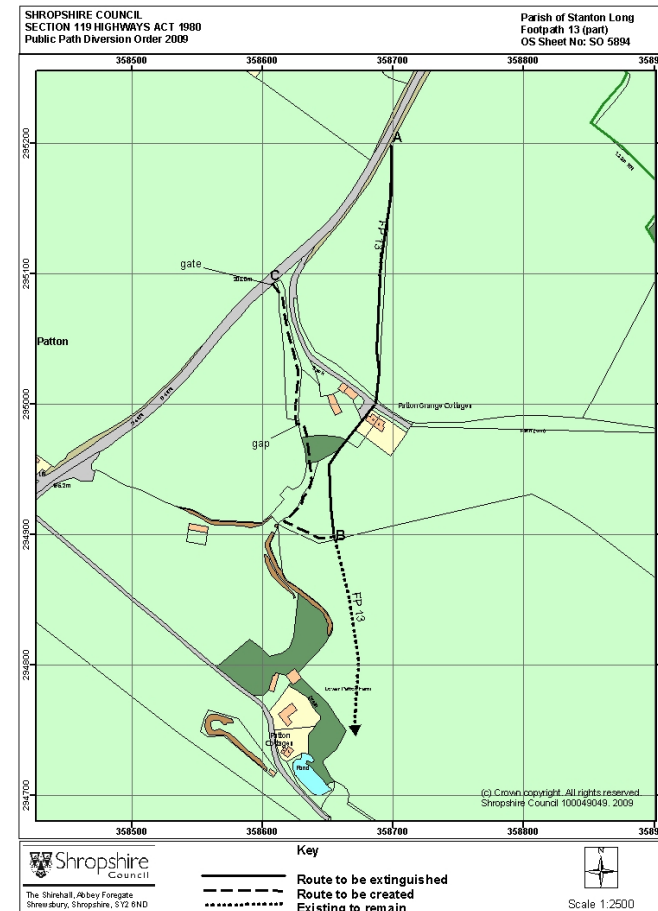
- Power not a duty
- Minimum cost of a order is £1505, maximum cost £1995
- Costs to be met by the applicant if considered to be in their interests
- Costs or a proportion of costs can be waived if the order is deemed to be in the public's interest.
- Public Path Order Policy

Application procedure

- Informal consultation
- Decision making procedure
- Order publication
- Objections
- Order confirmation
- Public Inquiries/Hearings and Written representation
- Decisions

FP 13 Stanton Long

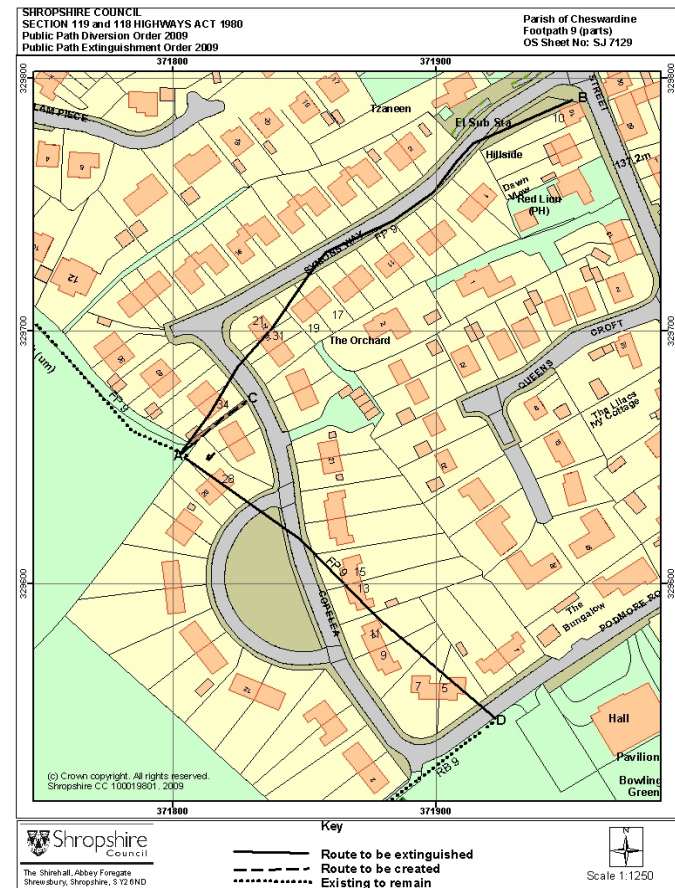
- Footpath ran through the garden of the property.
- Landowner applied for the diversion and order made in the landowners interests.
- Landowner met the costs of the legal order.



Diversion-FP 9 Cheswardine

Extinguishment-FP 9 Cheswardine

- Housing estate built over the Rights of Way in the 1960's
- SCC was the planning authority at this time
- Small diversion is available for part of FP 9, rest can only be extinguished.



FP 46A and FP 50 Cleobury Mortimer

- Negotiated by the local RA representative
- Diversion of FP 46A in the interests of the public
- Diversion of FP 50 in the interests of the landowner
- Shared costs

