

Monmouthshire County Council



Countryside Service

**Application & Guidance
Pack For
Public Path Diversion and
Extinguishment Orders
UNDER THE TOWN AND
COUNTRY PLANNING ACT
1990, Section 257**

Guide to the Procedure for Public Path Orders

These guidelines are to explain the procedure for Diversions and Extinguishments applied for under the Town and Country Planning Act (TCPA) section 257. They apply where it is necessary:

- To stop up or divert a path for development as a result of planning permission granted under Part III of the TCPA
- To stop up or divert a path for development as a result of planning permission by a government department

For the above power to be exercisable, the authority must be satisfied that it is necessary to stop up or divert a way *in order for development to be carried out*. If it is only *desireable* to divert or extinguish a route, rather than *necessary* to avoid its physical obstruction then an application under the Highways Act 1980 should be sought. It should also be noted that the Town and Country Planning Act is only appropriate where development has not been completed. If development has already been completed and illegally constructed over a path a diversion under the Highways Act 1980 section 119 should be sought.

The granting of Planning Permission does

1. **not, in itself, afford permission to close or divert a public right of way.**
Obstructing or disturbing a Public Right of Way before the public path order procedure has been completed is an offence for which you may be fined, prosecuted and/or building works removed.
2. not necessarily mean any application to alter the Public Rights of Way network will necessarily succeed.

When applying for a public path order it is important to consider the following:

Landownership

The very first thing to consider before applying for a public path order is that you, as the applicant own all the land over which the diverted route is to cross. If you do not, you must seek the landowners written consent before you can continue. The County Council will not be able to process your application without this.

The Legal Tests

Legislation requires that certain tests must be considered for public path orders. Different tests apply to diversion and extinguishment orders as outlined below.

The Legal Tests for Town and Country Planning Act Orders

Before making an order the Authority must be satisfied that:

- It is necessary to do so to enable development to be carried out in accordance with planning permission granted by the Council under Part III of the Act
- The disadvantage or loss likely to arise as a result of the stopping up or diversion to members of the public generally, or to persons whose properties adjoin or are near the existing highway, has been weighed against the advantages of the proposed stopping up or diversion
- Regard has been had to the need for an alternative highway to be provided
- The development affecting the route has not already been carried out
- The route shown in the order as the alternative route is not an existing Public Right of Way.

The authority has the power to require the applicant to cover the costs of the order and the cost of making up the new path, as well as any compensation that may be payable.

When having regard to the disadvantage or loss likely to arise as a result of the changes it is useful to consider:

- i) How it will affect the public use of the path and other nearby paths as a whole
- ii) How it will affect land served by the existing path;
- iii) How it will affect land it is diverted through;
- iv) Whether the diverted path is less convenient to the public;
- v) If the order is in the best interests of the person or persons named in it.
- vi) The affect the proposals will have on conservation needs and biodiversity (If this is unknown prior to consultation, then this will usually be dealt with through inclusion of the authority's Biodiversity Officer and/or CCW in the pre-order consultation round.)

Design and Development Considerations

Work should not be started on site until any necessary legal orders to alter the network have been made and confirmed by the Council.

Provision of a new line for a public right of way should be considered at the detailed planning stage or before. The Council will give preference to ways that are provided which pass through landscaped or open space areas away from vehicular traffic. Estate roads should not be used to provide a new line for an existing right of way unless there is no other option.

DOE Circular 5/94 (Welsh Office 16/94) requires that care must be taken to plan out crime. *"Care should be taken that well-intentioned segregation schemes for pedestrians and cyclists do not lead to over-isolation, especially at night. Wherever possible, footpaths and alleyways should be wide, clear of hiding places, well lit and should follow a direct route....sensitive and skilled design should be capable of reconciling the need for acceptable landscaping and the need to produce safe environments. Generally speaking, however, landscaping schemes should avoid*

creating hidden areas, near footpaths for example where crime is easier to commit.”

Public footpaths should have a minimum width of 2 metres and bridleways, restricted byways and byways a width of 3.5 metres. If the way is to be enclosed by fencing, hedging, or buildings then footpaths should be of a minimum width of 4 metres and bridleways and byways 6 metres. However, within new development, wider paths may be required to reflect the anticipated heavier usage of these paths, any safety issues and would ensure that users of PROW have adequate space to pass each other and that there is a feeling of spaciousness.

When a PROW is replaced or realigned it should be constructed to at least the same specification as the original, although where there is known to be a potential for greater usage, appropriate surfacing, widening and lighting may be required. In these circumstances, PROW are to be made up in accordance to the Council's adoption standard. In every case this will be a matter for discussion between the prospective developer, the Local Planning Authority (LPA) and the Highway Authority.

The needs of all members of the community need to be taken into account when furniture, gradients and surfacing are being considered. Monmouthshire County Council works to a Least Restrictive Access Policy (See Public Rights of Way AN A-Z Problems, Policy and Protocols). This means that furniture will only be installed on public rights of way where it is needed for the ingress or egress of livestock. Gaps and gates will always be used in preference to stiles. Where there is no longer a need for furniture on a path due to development then this furniture should be removed as part of the design and public rights of way staff should be consulted at the earliest opportunity to consider improvements to any site boundary furniture which may need to be altered to retain livestock or improve the path for the less abled.

Where paths run over new watercourses as part of a development then the developer will be expected to pay for the costs of a suitable crossing and its ongoing maintenance. A section 106 or other type of agreement may be required for this. The public Rights of Way Field Officer should be consulted upon any water crossings at the earliest possible stage who will advise re the specifications of any crossings required.

It is important that new routes which go to the edge of the site join the public rights of way or highway network to avoid access and maintenance issues arising later.

The affects on biodiversity of diverting or closing a route should be considered at the earliest opportunity. Public rights of way often provide important wildlife corridors and contribute to greenspace provision.

Work required on the new route or that will be required to remove structures from an old route.

If you think that you want to erect a stile or gate, or other furniture, please indicate this on the plan attached to your application form, as to erect them without them previously being recorded in the Order could be classed as an obstruction.

The County has a Least Restrictive Access Policy and will not authorise unnecessary barriers on a new route at any time. For example if the land will not contain animals such as sheep, horses, pigs or cows than a gap should be made available. The County Council will also not agree to structures such as stiles on a new route, unless it is not possible to install anything else on the land in question. Types of furniture and suitability can be discussed with a Rights of Way Officer.

Landowners will be charged 100% of the reasonable costs of all new foot or bridleway bridges and their installation. Such structures will be supplied and erected by the County Council or its approved agent. Where a structure is built to a higher specification at the request of the authority then the County Council will bear any additional cost.

If applying for an extinguishment of a path, please also note the presence of any structures such as bridges. The County Council will arrange for them to be removed and used elsewhere on the network where appropriate.

Plan of the Diversion

When applying for a diversion the applicant will need to supply a plan illustrating the proposal when the application form is submitted. This plan should be at a scale of 1:2500 and it must be accurate. If no such map is available than the largest scale readily available should be used. It is the applicant's responsibility to produce a plan which accurately illustrates the proposal, as any alteration to the plan may result in extra costs for the applicant and delays in the process.

Widths for new paths

The County Council requires a reasonable width to be made available that would be sufficient for two users to pass and be convenient for cutting machinery. Public footpaths should have a minimum width of 2 metres and bridleways, restricted byways and byways a width of 3.5 metres. If the way is to be enclosed by fencing, hedging, or buildings then footpaths should be of a minimum width of 4 metres and bridleways and byways 6 metres. Only in exceptional circumstances will an alternative width be agreed. This policy is also designed to ensure public safety and that the needs of the disabled are also taken into account.

Diversion of cross-field paths

Where possible a diverted path should be routed so as to avoid the need to plough it or otherwise disturb the surface.

Please note that the Highways Act prohibits the ploughing or other disturbance of a footpath or bridleway that follows the side or headland of a field or enclosure. Restricted Byways and Byways should never be ploughed.

You may be required to enter into an agreement to maintain the surface of any path diverted onto a field headland as well as complying with your legal obligations to cut back hedges and remove the trimmings to ensure that the path remains at its full width.

Fees

The council charges a fee for the administrative work involved in dealing with an application in accordance with the *Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 (as amended)*. This means you will have to pay the **actual costs** involved including advertising costs. The Council retains discretion to waive, or partially waive, costs where considered appropriate in the public interest.

You will be invoiced at three stages: (Payment is due 30 days from invoice date):

Stage 1. Pre-publication (non refundable charge)

Stage 2. Publication

Stage 3. Confirmation of order

The fee charged in each case is dependent on the complexity of the case and is directly related to the time spent on processing the application. The approximate scale of charges for an application under s257 is as indicated on the Cost Schedule attached. Charges for additional costs are outlined in the Cost Schedule. VAT is not charged.

Time span

The average length of time taken to process an application to confirmation is in excess of nine months. However, if the matter is submitted to the Welsh Assembly Government and their Inspector calls a public inquiry or hearing, it may take much longer. Whilst proposals and applications are encouraged to be submitted based on outline planning permission it should be expected that detailed planning permission needs be submitted before an order is able to be made formally.

Please note that until a Public Path Order is confirmed than the existing route remains in existence and must be available for use.

Procedures Involved With Public Path Orders under the Town & Country Planning Act

The procedure for dealing with the diversion or extinguishment of public rights of way is complex and can be time consuming. The basic stages are as follows:

1. Informal discussions with the council's rights of way officers to discuss the feasibility of the proposal, application form, cost schedule.

2. Receipt of your final application and informal consultations with user groups and statutory consultees.
3. Negotiations following any objections to the proposal at informal consultation stage.
4. Where considered necessary, there will be a site visit by the Rights of Way Officer and the Rights of Way Licensing and Regulatory Advisory Panel (Councillors).
5. Drawing up of order map, schedule, legal notice, order and report for committee or delegated power.
6. Consideration of a report on the application by the Regeneration, Environment and Resources Director if there are no objections and a decision on whether to make/ refuse/defer the making of a diversion order. If objections are outstanding the report will be considered and determined by the Rights of Way Advisory Panel and relevant Cabinet Member who will make a decision on whether or not to make/refuse/deter the application.
7. Preparation and publication of the order followed by 28 days' advertisement on site and in the press.
8. Negotiations on any formal objections to the order. An authority can not confirm an order to which representations or objections have been made and not withdrawn.
9. If the objections cannot be resolved the order will be submitted to the Welsh Assembly Government and they will appoint an Inspector to determine the objections and decide whether the order should be confirmed. Depending on the circumstances, the inspector may reach his decision on the basis of an exchange of correspondence, or the case may be taken to a public hearing or inquiry. It should be noted that the Inspector has no powers to amend a planning permission so as to facilitate what objectors to an order claim to be a preferable diversion and inspectors are advised not to allow objectors to seek to reargue the merits of the development for which planning permission has been granted.
10. If it is decided by an Authority or an Inspector that the order should be confirmed, publication of a notice is made of the decision in the press and on site. At this stage the developer must provide the path to the required standard. (Please note that an Inspector may decide not to confirm the order.)

An order which extinguishes a right of way under the 1990 Act is normally drafted as to come into effect immediately on the order's confirmation, regardless of whether or not the development has taken place. Orders which divert or otherwise bring into existence new rights of way, will be drafted so as to come into operation not immediately upon confirmation (unless the new route is already available at an acceptable standard to this Authority) but upon certification by rights of way staff that the new route has been satisfactorily created. This prevents the order from taking effect if for any reason the development fails to be carried out as planned. It also avoids a contested order being confirmed by an inspector and coming into operation on a date over which this Authority has no control.

If for any reason an order comes into operation other than on the date on which it is confirmed, the authority will have to certify the order to bring it into operation and there will be additional costs for this in terms of advertisement and administration fees.

11. A site visit, or several site visits, may be carried out by council officers to ensure satisfactory provision of the new route. Certification will be issued only when the new route is provided satisfactorily.

If There Are Objections to the Order

Because of the initial consultation process, objections to Orders are usually few and far between and they are even less likely should the Countryside Access Team be consulted very early on in the design process for a development, before an application for closure or diversion is submitted.

A formal objection has to be made in writing to the County Council within the 28 day period. If objections are received then an officer will enter into dialogue with the objector. If the objections are maintained, the Council will send the Order to the Welsh Assembly Government (WAG) for determination, after consulting with the applicants and objectors. WAG will decide whether or not a Public Inquiry is deemed necessary or whether the written representation or hearing procedures can be invoked.

Applicants will be expected to present their own case at the Inquiry in defending the opposed order. County Council Officers will arrange and attend the Inquiry to answer questions regarding the processing of the order. If the written representation procedure is exercised, the Council will normally act as a facilitator for this.

If a Public Inquiry is necessary and the order is made in the public interest, the Council will prepare a case for confirmation of the order at a Public Inquiry. However if the Order is made in the landowner's interest, the Council will only act as a facilitator for this.

An independent Inspector appointed by the National Assembly for Wales will give his/her decision to confirm, not confirm or modify the Order after the case has been considered.

Beware there are No Guarantees

The County Council can not guarantee that any application will proceed to the making or confirmation of an order, nor can the County Council give assurances that all applications will be successful in the event of objection.

Applicants must be aware that they may incur cost without the Order eventually succeeding.

The Council will endeavour to resolve objections if at all possible and applicants will be able to withdraw their applications prior to objected Orders being sent to WAG for determination. In these circumstances the County Council will only recover costs up to the point that this event occurs.

EVERY EFFORT HAS BEEN MADE TO ENSURE THE ACCURACY OF THE INFORMATION GIVEN, HOWEVER, THIS GUIDE IS NOT INTENDED TO BE A DEFINITIVE STATEMENT OF LAW, NOR CAN ANY RESPONSIBILITY BE ACCEPTED FOR ERRORS OR OMISSIONS.

Public Path Order – Cost Schedule

Stage 1 Pre-publication (non refundable, even if the order does not get approval at Committee and no order is made)			
Item	Details	What's Included	Approximate Cost
1. Initial Investigative work	Feasibility of proposal, Guidance, check application form, cost schedule, phone calls and map work. Set up file and enter details into computer system.	Officer time which includes: Photocopying, typing, stationary requirements, computer work/facilities	£60.00
2. Research into history and status of rights of way	Check for claims. Check routes on the Definitive Map, previous orders, file history and applications etc.	Officer time	£30
3. Site Visit	Look at feasibility of route on the ground. Discuss and check final proposal with applicant. Draw up detailed site plan, schedule of works, widths. Photographs.	Officer time/mileage	£60
4. Formal Consultation Letter	Consultation letters and plans with statutory undertakers and prescribed bodies	Officer time including: Typing, Stationery, Drawing up of plans	£90
5. Officer time considering and responding to informal consultation responses	Recording and analysing replies and responding as necessary. Negotiations/ mediation with any objectors	Officer time	£60
6. Assessment of Legal Implications	Seek legal advice	Officer time	£30
7. Preparation of Committee reports/ delegated powers report	Detailing background to application, proposal and legal tests. Detailed plan to be included showing proposal.	Officers time and resources	£60.00 (Additional time to be charged for if necessary)

Applicant invoiced at this stage

Public Path Order- Cost Schedule

STAGE 2. PUBLICATION			
Stage	Details	What's Included	Approximate Cost
8. Drawing up of order map, schedule, legal notice and order	Draft the legal order, schedule, plan and site notice	Officer time	£90
9. Letters to consultees, distribution of legal order and notice	Send copy of the legal order/notice/plan to all affected people/bodies.	Officer time Photocopying costs Stationery costs	£200
10. Drawing up statement of reasons for order	Explaining why the order is being made	Officer time	£30
11. Site visit	Post, check and remove site notices	Officer time	£60
12. Admin costs for advertisement	Press notice written Processing of advert Invoice	Officer time	£30
13. Advertisement costs	Will depend on size of advert and the paper in which it is placed	Average cost of £250 per order	£250 plus or minus

Applicant invoiced at this stage.

Public Path Order- Cost Schedule

Stage 3. Confirmation of Order			
Stage	Details	What's Included	Approximate Cost
14. Negotiations of objections	(May not be required)	Officer time	£120.00
15. Forward order to WAG (if required)	(May not be required.) Covering letter to WAG, Council's comments, assemble necessary paper work	Officer time Photocopying Stationary requirements	£60
16. site visit(s) to certify route is operational	Check new route is satisfactory prior to confirmation (every effort will be made to ensure this only needs to be done once, but in some circumstances more than one visit may be necessary particularly where development is stretched over a long period of time).	Officer time/ mileage	£60+
17. Confirmation of order	Drafting and sealing of confirmed notice and order and site plan. Send to all relevant consultees, landowners etc.	Officer time Photocopying Stationery requirements	£200
18. Admin costs for advertisement	Alteration of notice Processing of order Arrangements for press	Officer time	£30
19. Site Visit	Place notices on site	Officer time	£60
20. Advertisement costs	Will depend on size of advert and the paper in which it is placed	Average cost of £250 per order	£250 plus or minus

Applicant is invoiced at this stage.

PUBLIC PATH ORDER – COST SCHEDULE

Additional Charges			
Item	Details	Whats included	Cost
Letters/phone calls	Additional letters to applicant or objectors which are not covered by above	Officer time	£20.00 per letter
Site visits	Additional to above, as required	Officer time	£115 each (dependant on mileage)
Site Visit by Rights of Way Advisory Panel	Additional to the above as required	Officer time, mini bus hire, administration to notify Members	£100
<p>1. The average minimum costs for an unopposed order is in the region of £1,600.00 (minus stages 14 and 15)</p> <p>2. Average minimum costs for an opposed order is in the region of £1,930.00 (including £100 for site visit by Advisory Panel).</p> <p>The variables in the total cost will be:</p> <p>i) Cost of advertisement – dependent on publication used and size of notice. This does vary widely. Please discuss with the Assistant Public Rights of Way Officer. (Stages 13 and 20).</p> <p>ii) The stage that the public path order (PPO) reaches. Applicant or Monmouthshire County Council can withdraw the application at any stages prior to the orders confirmation or point 15.</p> <p>The first seven stages will form the non-refundable deposit for work undertaken up to and including that point, this will not be refunded if the order fails to continue to the next stage.</p> <p>If the application is taken forward by the County Council the Applicant will be invoiced at the end of stage 13 and again at the end of the process at stage 20.</p> <p>Additional costs may be charged for further site visits, phone calls and letters which are not included in the schedule and will be invoiced for at the relevant stages (7, 13 and 20).</p> <p>Multiple order applications incur additional costs per order made, identified in 8, 9, 13 and 20 above.</p> <p>The fees noted above are only a general guide and every effort will be made to ensure that costs are kept to a minimum.</p>			

**TOWN AND COUNTRY PLANNING ACT 1990
Section 257, PUBLIC PATH ORDER(S)
Undertaking to Pay Costs Form**

I undertake to pay the costs incurred in processing the Public Path Order for:

Public Right(s) of Way No(s).

Community of

I understand that the cost will be the actual costs incurred by the Council to process the application as specified in the Cost Schedule and Procedural Guide for Making Public Path Orders. I understand that I will be required to pay these costs in three instalments.

I understand and agree to pay the costs of carrying out the necessary work to provide the new route to the satisfaction of the Council. Where it has been agreed that the authority or its agents should carry out any works and supply any furniture (including bridges) on behalf of this application, I understand that I will be invoiced 100% for the actual costs of the furniture and installation (unless agreed otherwise in writing with Monmouthshire County Council). I will be separately invoiced when any necessary works are completed.

I also understand that I must pay any compensation that may arise as a consequence of the diversion/creation/extinguishment of a path onto or affecting land not in the control of the applicant.

Name (please
print):

Signed:

Address:
(for invoicing)

Date:



Town & Country Planning Act 1990, Section 257
**APPLICATION FOR AN ORDER TO
 PERMANENTLY DIVERT PART OR
 ALL OF A PUBLIC RIGHT OF WAY**

The following questions should be answered as fully as possible and the form returned to the Public Rights of Way Officer, Monmouthshire County Council, PO Box 106, Caldicot. NP26 9AN

You must also send:

1. Two copies of a plan not less than 1:2500, showing the Public Right of Way concerned and with the line of the diversion clearly marked, along with landownership details.
2. Any relevant landowners/owner/occupiers agreements to the proposal.
3. A signed "Undertaking to Pay Costs Form".

SECTION A: GENERAL

Name & address of applicant

- a) Name
- b) Address
- c) Contact Telephone number

Name & address of agent (only complete if applicable)

- a) Name
- b) Address
- c) Telephone number
- d) Profession

Name & address of the owner(s) of the land on both sides of the Public Right of Way to be diverted.

- a) Name
- b) Address

If you the applicant do not own the land on which part, or all, of the new route is to run, has the consent of the landowner(s) been obtained in writing YES / NO (If yes please attach).

- a) Name
- b) Address

Have you obtained the written consent of any Lessee or Tenant or Occupier
 YES/NO (IF YES please attach consent)

Name of Lessee, Occupier or Tenant:

Address:

SECTION B: PUBLIC RIGHT (S) OF WAY TO BE DIVERTED

Name of Community or Communities in which the path are located:

Number(s) of the Public Right(s) of Way as indicated on the Definitive Map (if known).
..... from OS Grid Reference (where there is only one path
involved) to OS Grid Reference.....

General description of path(s)

Status: The path(s) affected are footpath/bridleway (delete the term that does not apply)

Please give the name of the local newspaper(s) circulated in the area.

SECTION C: REASON FOR DIVERSION

Planning Application No.

On what date is the development affecting the Public Right(s) of Way expected to begin.

SECTION D: DECLARATION

(Please read carefully, amend as necessary and then sign).

1. (Delete this particular statement if it does not apply) I/We own the land edged red on the attached plan which I/We have signed and dated.
2. I/We have read and understood the guidance notes attached to this application. I/We agree to comply with the following conditions in respect of this application:
 - a. The proposed alternative route must be at least equal in construction to the length of the route it is replacing and have an equal or improved surface.
 - b. The proposed alternative route must be constructed to the satisfaction of the Monmouthshire County Council as the Highway Authority.
 - c. The siting and type of any new, bridges, stiles, gates or fencing must be agreed with the County Council prior to erection and maintained at the applicants own expense in the future (unless specifically agreed otherwise in writing with the County Council).
 - d. Any necessary drainage works are to be carried out at the applicant's expense and constructed to the specification and satisfaction of the County Council.
 - e. The alternative route(s) to be signposted and waymarked to the satisfaction of the County Council.
3. If the Council agrees to make the order for the diversion of the path(s) I/We will carry out such work on the diverted route of the path as may be specified by the County Council, at our own expense, to bring the route into a fit condition for public use at such time as the diversion order can be confirmed.
4. I/We understand that no authority for the diversion of a Right of Way is conferred unless and until an Order has been made and confirmed and notice of its making and confirmation has been published.
5. I/We declare the Rights of Way(s) to be diverted is/are in no way obstructed and that it/they are fully available to the public and I/We undertake that it/they shall in no way be obstructed before the Order comes into operation.
6. The Order when made must state the period of time required for the implementation of the diversion(s) (*by what date will you make the new routes available?*)
The period of time required is _____ weeks
7. I/We declare that to the best of my/our knowledge and belief all the particulars given are true and accurate and I hereby apply for the diversion of the route(s) I have detailed above.

Signed:

Date:



Town & Country Planning Act – SECTION 257
**APPLICATION FOR AN ORDER TO
 PERMANENTLY EXTINGUISH ALL, OR
 PART, OF A PUBLIC RIGHT OF WAY**

The following questions should be answered as fully as possible and the form returned to:
 Public Rights of Way Officer, Monmouthshire County Council, PO Box 106, Caldicot
 NP26 9AN

You must also send:

1. Two copies of a plan showing the Public Right of Way concerned and with the line of the extinguishment clearly marked. You should also indicate on one of the plans landownership details.
2. Any relevant landowners/owners/occupiers agreement to the proposal
3. A signed "Undertaking to Pay Costs Form"

SECTION A: GENERAL

Name & address of applicant

- a) Name
- b) Address
- c) Telephone/mobile number

Name & address of agent (only complete if applicable)

- a) Name
- b) Address
- c) Telephone/mobile number
- d) Profession

Are you the sole landowner of the entire length of path to be closed? YES / NO

If "No" has the consent of the landowner(s) been obtained in writing? YES / NO If YES please attach.

Give the name & address of the owner(s) of the land over which the Public Right(s) of Way to be extinguished passes over.

- a) Name
- b) Address

Have you obtained the written consent of any Lessee or Tenant or Occupier to the extinguishment proposal? YES / NO If yes please attach consent.

- a) Name of Tenant, Lessee or Occupier
- b) Address

<p>Name & address of the owner(s) of the land on both sides of the Public Right of Way to be extinguished.</p> <p>a) Name</p> <p>b) Address</p>
<p>SECTION B: PUBLIC RIGHT(S) OF WAY TO BE EXTINGUISHED</p>
<p>Name of the Community or Communities in which the path is located:</p>
<p>Number(s) of the Public Right(s) of Way as indicated on the Definitive Map (if known).</p> <p><i>(Where there is only one path involved)</i> From OS Grid Reference..... to OS Grid Reference.....</p> <p>General Description of path(s)</p>
<p>Status: The path(s) affected are footpath/bridleway/restricted byway <i>(delete the term that does not apply)</i></p>
<p>Please give the name of the local newspaper(s) circulated in the area.</p>
<p>SECTION C: NEW LENGTHS OF PUBLIC RIGHTS OF WAY TO BE DEDICATED</p>
<p>Is there to be a new route dedicated to replace the extinguished route/s YES / NO</p> <p>If the applicant does not own or control the land to be dedicated, has the consent of the landowner(s) been obtained? YES / NO</p> <p>a) Name</p> <p>b) Address</p>
<p>SECTION D: REASON</p>
<p>Planning Application No.</p>
<p>On what date is the development affecting the Public Right(s) of Way expected to begin.</p>
<p>What is the likely use of the path and what effect will the closure of the path have on the land served by it?</p>

SECTION E: DECLARATION

I/We own the land edged red on the attached plan which I/we have signed and dated. We have read and understood the guidance notes attached to this application and agree to comply with the following conditions in respect of this application:

- 1a. Any proposed dedicated route/s must be at least equal in construction to the length of the route it is replacing.
 - b. The proposed alternative route must be constructed to the satisfaction of the Monmouthshire County Council as the Highway Authority.
 - c. The citing and type of any necessary gates, fencing or other furniture on the route to be dedicated must be agreed with the County Council prior to erection.
 - d. Any necessary drainage works are to be carried out at the applicant's expense and constructed to the specification and satisfaction of the County Council.
 - e. The alternative route to be signposted and way marked to the satisfaction of the County Council.
2. I/We understand that no authority for the extinguishment of a Public Right of Way is conferred unless and until an Order has been made and confirmed and notice of its making and confirmation has been published.
 3. I/We declare the Public Rights of Way(s) to be extinguished is/are in no way obstructed and that it/they are fully available to the public and I/We undertake that it/they shall in no way be obstructed before the Order comes into operation.
 4. I/We are aware that if an order is made and confirmed the County Council will make arrangements, where necessary, to remove any foot or bridleway bridges on the route that has been closed.
 4. I/We declare that to the best of my/our knowledge and belief all the particulars given are true and accurate.

Signed:

Date: