



**APPLICATION TO DIVERT
A PUBLIC RIGHT OF WAY**
Highways Act 1980 S.119

IMPORTANT: No authority for the diversion of a public right of way is conferred unless and until an order made under Section 119 of the above Act has been confirmed. Any preliminary obstruction or interference with the public right of way concerned is not only an offence but may invalidate the application.

Data Protection The information you provide will be used to process and determine your application and may be shared with other departments of the Council and with other statutory consultees.

Swindon Borough Council complies with current Data Protection legislation. For further information, please contact the Data Protection Controller at Swindon Borough Council, Civic Offices, Euclid Street, Swindon SN1 2JH.

Section 1: Application

To: Rights of Way Mapping Officer
Swindon Borough Council
Service Delivery
2nd floor Wat Tyler House West
Beckhampton Street
Swindon SN1 2JH

I/We*,
.....
of
.....
.....

hereby apply for an order under Section 119 of the Highways Act 1980 to divert the public right of way known as Footpath/Bridleway/Restricted Byway* number in the parish of and undertake to carry out such works on the diverted route of the above path or way as may be required to bring it into a condition fit for public use at such time as the diversion order may be confirmed.

Signed:..... Date:.....
Signed:..... Date:.....

*delete as appropriate

Section 2: The path to be diverted

(a) A section/the entire length* of the current public right of way named in Section 1 above:

(i) from.....
at OS grid reference.....

(ii) to.....
at OS grid reference.....

to be diverted on to the following proposed new route:

(iii) from.....
at OS grid reference.....

(iv) to.....
at OS grid reference.....

N.B. A signed and dated plan to a scale of not less than 1:2500, showing the route of the proposed diversion, should be attached.

(b) Is the right of way currently open and available for use at all times by the public? If not, give details of any obstructions (*use a separate sheet if necessary*).

.....
.....

Section 3: Ownership of land

(a) List the name(s) and address(es) of the owners, lessees and occupiers of the land on either side of the public right of way to be extinguished:

Full name: Owner/lessee/occupier*

Address:
.....Postcode.....

Full name: Owner/lessee/occupier*

Address:
.....Postcode.....

Full name: Owner/lessee/occupier*

Address:
.....Postcode.....

*delete as appropriate

Section 3 (continued):

(b) Please give details of any other person(s) having a legal interest in the land over which the right of way currently runs, including a mortgagee or person having an easement over the land *(use a separate sheet if necessary)*.

.....
.....
.....
.....

(c) Has the written consent of **ALL** such persons been obtained?

YES / NO / NOT REQUIRED*

If **YES**, enclose all the written consents.

If **NO**, enclose those written consents which you have obtained to date, and give details below of those where consent has been refused or has yet to be obtained.

.....
.....
.....
.....

Section 4: Reason for diversion

Section 119 of the Highways Act 1980 permits the diversion of a public right of way on the grounds that it is expedient to do so in the interests of the owner, lessee or occupier of the land crossed by the path or way, or in the interest of the public. *Any premature diversion is unauthorised and may invalidate an application.*

(a) Please give brief details of the proposal:

.....
.....
.....
.....
.....
.....

*delete as appropriate

Section 4 (continued):

(b) What effect will the proposed diversion have on the convenience and enjoyment of the path or way by the public?

.....
.....
.....
.....

Section 5: Statement

I/We* hereby undertake to defray any costs for compensation which become payable in consequence of the coming into operation of the order.

I/We* undertake with the Swindon Borough Council to meet in full the requirements of any statutory undertaker in respect of any apparatus which may be over, in or under the public right of way in respect of which I/we* make this application. I/We* understand that the consent of the statutory undertakers is required before the Council may confirm the order, and that such consent may be conditional on my/our* carrying out works to protect the statutory undertakers' apparatus and/or rerouting it. *(The Council will consult with the statutory undertakers on your behalf)*

I/We* understand that no authority for the diversion of a public right of way is conferred unless and until the order has been confirmed.

I/We* declare that the current route of the footpath/bridleway/restricted byway* to be diverted is not obstructed in any way and is fully available for public use, and I/we* undertake that it shall not be obstructed in any way before the order comes into operation.

I/We* agree to pay the Swindon Borough Council all reasonable costs incurred in the preparation and making of the order.

Signed:..... Date:

PLEASE PRINT FULL NAME:

Signed:..... Date:

PLEASE PRINT FULL NAME:

For and on behalf of
.....
.....

*delete as appropriate