

For DCC use only
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

Δ Please delete as appropriate and complete the blanks where shown

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

ISLWYN
LLANDYRNOG
DENBIGHSHIRE
LL16 4LY

The Address of the Applicant

Telephone number

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.

<input checked="" type="checkbox"/> Footpath	<input type="checkbox"/> Bridleway
Path No. 4	
Community LLANDYRNOG	

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

See separate sheet please.

Section C - Consents

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.

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
<i>Hand gate at point C.</i>

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	
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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



See attached landowners consent.

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



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

I/We declare that:

I/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.

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

I/We undertake that:

I/We hereby agree with the intention of becoming legally bound that if the order applied for is made *I/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, and a sum equivalent to all compensation monies which the County Council shall have to pay pursuant to Section 28 Highways Act 1980 as applied by Section 121(2) thereof to any person whose interest in land is depreciated in value or who suffers damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of the Order. 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.....13/1/2020.....

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.

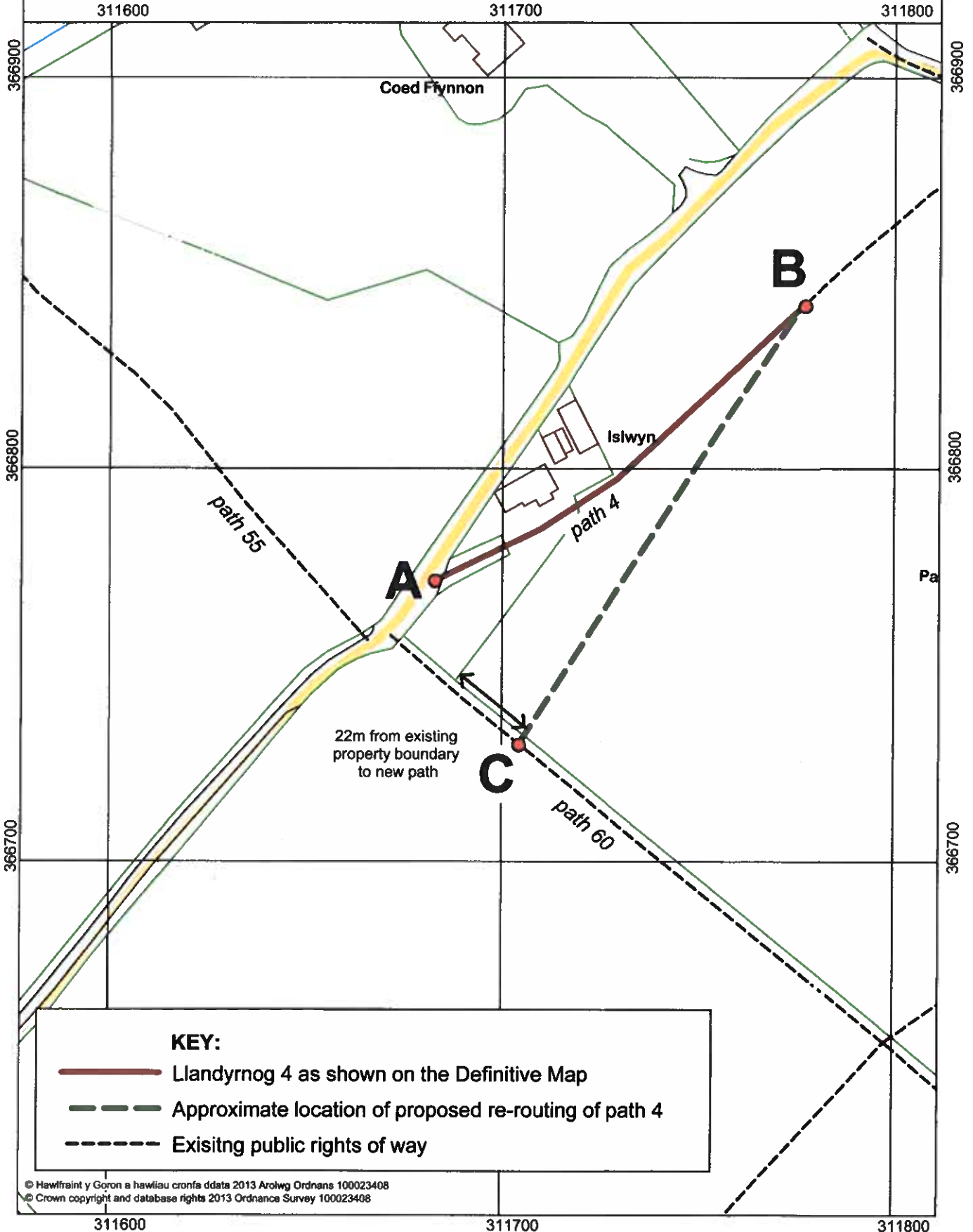
Please note that all application forms are scanned and added to our online registers.



Proposal to divert a section of Path 4 in Llandyrnog



Graddfa/Scale: 1: 1250
Dyddiad/Date: 13/01/2020



KEY:

- Llandyrnog 4 as shown on the Definitive Map
- Approximate location of proposed re-routing of path 4
- Existing public rights of way

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We have recently purchased the property known as Islwyn in Llandyrnog.

At present the public footpath (Number 4) comes from the road (point A), goes up through our properties entrance gate, up the driveway and then through the middle of our garden into the field.

We have security, privacy and safety concerns regarding this.

:Privacy for us all, including the children whilst playing in the garden.

:Dogs fouling in the garden (We currently have issues with this)

Re-routing the path would not only benefit ourselves, but would provide a less intrusive route for path users who might otherwise feel uncomfortable walking through our home.

In the field below our garden there is another path that also ~~comes~~ leaves the same road a few meters down, that has a new accessible gate (Number 60) and then runs along the field right below and along our garden fence (as seen on the map).

We would like to make an application to re-route footpath 4 from coming through our property and for it to be diverted along path number 60, through a gate (point C) in the fence as seen on the map and then join back with number 4 further up the field.

Our neighbouring landowners also support our application as illustrated on the attached plan.

Name & Address of Landowner:

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.....
.....

Date: 12.1.2020

Dear Doc

My name is I am the owner in title of land in Llangwyfan, over which part of the proposed route of Footpath 4 will cross.

I support the proposal as per the application plan submitted by my neighbours at Islwyn. I will not pursue a Section 28 of the Highways Act 1980 claim for compensation against the Council, for any depreciation or damage to my land as a result of the coming into force of the new path. Any compensation/works will be agreed privately between myself and the applicant.

Yours faithfully,

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