



# BARNSELEY

Metropolitan Borough Council

Environment and Transport

PO Box 601, Barnsley, S70 9FA. Tel: (01226) 787650

Email: [publicrightsofway@barnsley.gov.uk](mailto:publicrightsofway@barnsley.gov.uk)

## **Application form: diversion or extinguishment of a public right of way**

### **Applicant information & invoice details**

Applicant name & address:

Telephone:

Email:

Agent name & address (if applicable):

Telephone:

Email:

Purchase Order / Cost Centre:

Please state the invoice address below if this differs from the applicant's details

Invoice name & address:

### **Planning application details (if applicable)**

If your application is linked to a planning application, please provide the application number below:

Planning Application number:

Date permission granted:

Please note that diversion applications are separate to the planning process and that the granting of planning permission does not guarantee that your diversion application will be successful.

Please also provide an estimated works programme and details of how you intend to manage the public rights of way during any development works.

NB: The Council can accept diversion applications for public rights of way before planning permission is granted. However, diversions cannot be confirmed until planning permission has been confirmed. If you apply for a diversion and planning permission is refused, you will still be required to pay the costs of the application up to that point.

## Diversion proposals

Are you the sole registered owner of the land affected by the proposals?

The consent of all affected landowners is required before the Council will accept your application. Please provide ownership information and, if appropriate, contact details for anyone else with a legal interest in the land and their written consent for your proposals.

### Existing path

Describe the existing path(s) which you are applying to divert / extinguish. Give details of the surface, length, width, gradient and any other relevant features.

|                |  |
|----------------|--|
| Parish / area  |  |
| Path number(s) |  |
| Details        |  |

### New path

Describe the proposed new path(s) below. Give details of the surface, length, width, gradient and any other relevant features. Please also provide a plan showing the proposed changes.

|          |
|----------|
| Details: |
|----------|

### Reasons / effect of the application

Please give your reasons for making this application and the effect it will have on public access, with reference to the legal criteria outlined on page 1 of the accompanying guidance notes.

|  |
|--|
|  |
|--|

## **Declaration**

I confirm that I understand and agree to the following :

No authority is given to close, divert or obstruct any existing public rights of way unless and until the Council has made, confirmed and, where appropriate, certified a public path order. This includes applications where planning permission has been granted.

The Council reserves the right to turn down the application if it considers that the relevant criteria have not been met, with or without objections from the public.

## **Costs**

I will pay the Council's costs for processing the application as detailed under 'charges' on page 4 of this form, whether the application is successful or not.

If the applicant is withdrawn, refused or abandoned at any point, I will pay the costs incurred by the Council up to that point.

I will pay any compensation which may become payable as a consequence of the diversion coming into operation.

## **Construction of new routes**

I or my nominated contractor will:

Identify and agree in writing with the Council construction details for all proposed new routes before starting works on those routes.

Carry out all necessary works to bring the new path(s) into suitable condition for public use to Barnsley Council's requirements at my / our own expense.

Inform the Council when works commence and provide access to Council officers to inspect those works when requested.

Meet in full the requirements of any statutory undertaker in respect of any apparatus which may be in, over or under the rights of way to which this application applies at my / our own expense.

Repair any defect or damage on the newly provided routes which occurs in the 12 month period following certification of the diversion.

|            |  |
|------------|--|
| Signed     |  |
| Print Name |  |
| Date       |  |

**Checklist:** please include the following with your application:

- A plan of the proposed changes.
- Written consent from any other persons with an interest in the land.
- A purchase order and / or billing address for the application.
- Details of any proposed construction works.

## **Charges 2021-22**

Charges are variable and are designed to cover the Council's actual costs for processing your application. This includes consideration of your proposals, site visits, consultations, preparing, publishing and promoting the relevant legal orders and certifying any works. If your application is accepted and objections are received, the Council will continue to support your application at no further cost.

The minimum charge for applications is £3296.

Actual costs above £3296 will be charged up to a maximum total of £5665.

### **Payment timings**

Once your proposals are confirmed the Council will make an initial charge of £1000. The Council will then carry out consultations and decide whether to accept your application.

If your application is accepted, a further charge of £2296 or greater will be made according to the costs incurred by the Council, up to a maximum total of £5665, after which the relevant legal orders will be published.

Following confirmation of your diversion (or after certification if required), a final charge will be made to cover any remaining costs, up to a maximum total of £5665, if necessary.