



Derby City Council

# Application for the Diversion of a Public Right of Way

## Section 119, Highways Act 1980

Read the guidance notes carefully before completing this form.

### 1 Applicant(s)

a. Name: Haroon Lulat

Address: 3 Romulus Court

Leicester

Postcode: LE19 1YG

Telephone: [REDACTED]

Mobile: [REDACTED]

Email: [REDACTED]

b. What is your interest in the land, such as landowner, occupier or lessee?

Landowner

c. If a limited company, give the address of your registered office.

Bellway Homes – Easy Midlands  
3 Romulus Court  
Leicester

Postcode: LE19 1YG

## 2 Agent (if applicable)

a. Name: N/A

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Postcode: \_\_\_\_\_

Telephone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

## 3 Details of path to be diverted

This application form should be accompanied by a map clearly showing the route to be diverted, ideally to a scale of 1:2500, or the largest scale readily available.

a. State the type of public path

footpath       bridleway       cycleway

b. If the path is on the definitive map then give its former parish name and number.

Chellaston FP1

c. If the path is **not** on the definitive map then state its start and finish points.

Please see existing and proposed PROW on attached drawing

d. Provide, if known, the OS grid reference (6 digit) for start and finish points of the affected section of path(s).

Start - SK376295

End - SK374295

e. What is the length and width (in metres) of the affected section of path(s)?

Length of existing PROW – 193m

Width of proposed PROW– 2m

f. State the type of public path

footpath       bridleway       cycleway

- g. If the path is on the definitive map then give its former parish name and number.

Swarkestone FP11

- h. If the path is **not** on the definitive map then state its start and finish points.

Please see existing and proposed PROW on attached drawing

- i. Provide, if known, the OS grid reference (6 digit) for start and finish points of the affected section of path(s).

Start - SK374295

End - SK374295

- j. What is the length and width (in metres) of the affected section of path(s)?

Length of existing PROW – 24.8m

Width of proposed PROW– 2m

#### **4 Proposed diverted route**

- a. Show on the proposal plan submitted with this form, the proposed diverted route and describe below or on a separate sheet of paper, its proposed path status, widths, lengths and any relevant topographic features, where appropriate.

Please see attached drawings for details

Length of proposed footpath route – 249m

Width of proposed footpath route – 2m

- b. Show on the proposal plan submitted with this form any limitations, such as stiles or gates, on the diverted route and list them below or on a separate sheet of paper.

N/A

#### **5 Land ownership**

- a. Do you own all of the land affected by the proposed diversion? Yes  No

- b. If no, provide details of all other affected landowners, occupiers, lessees and other parties, stating their interest in the land. This application form should be accompanied

by a letter of consent and accompanying plan showing the extent/interest of each affected landowner, occupier, lessee or other party affected by the proposal.

N/A

- c. Are there any areas of land affected by the proposal for which ownership has not been identified?      Yes       No

If yes, give details and include a plan showing any unidentified ownership.

N/A

## 6 Statutory undertakers

Are you aware of the existence/position of any apparatus belonging to any statutory undertaker in, on, over or across the land affected by the existing or proposed routes?

Yes       No       If yes, give details.

## 7 Reasons for making the application

State how the proposed diversion satisfies Section 119 of the Highways Act 1980. It is the applicant's responsibility to demonstrate to the Council that the application meets the requirements. Continue on a separate sheet if necessary.

- a. Explain why it is in the interests of the owner, lessee or occupier of the land or of the public to divert the path.

*The existing PROW, which is the legal line of the public footpath, if retained would have to pass through the flood compensation area and run into with the culvert safety barrier at the top of a steep embankment. The route is incompatible and can be a hazard to pedestrians.*

- b. Explain whether the diverted path will be substantially less convenient or not to the public. If the diversion changes the termination points of the path, then explain why this is not any less convenient.

*The proposed path is as close to the existing PROW as possible, it is an interesting and scenic route. It avoids the retaining wall at the roundabout, and the Armco near to the bridge. It offers an interesting walk with views over the wetland area and a larger area of open space for exploration.*

- c. Explain what effect the diversion would have on public enjoyment of the path as a whole.

*The diversion has been proposed to ensure that public are able to enjoy the landscaping area when using the path. The easier and more feasible option would be to use the path near the Armco and bridge, however for the pleasure of the pedestrians the proposed route has been put forward.*

- d. Explain the effect which the coming into operation of the order would have as respects other land served by the existing public right of way.

N/A

- e. Explain the effect which any new public right of way would have as respects the land over which the right is created and any land held with it.

N/A

## **9 Costs**

- a. If we decide to proceed with an application for a diversion order, we will normally do so subject to the applicant agreeing to cover our costs incurred in processing the application, making the order, consulting relevant bodies and publishing the statutory notices. See guidance notes.
- b. We have the discretion to waive part or all of the charges where this is considered appropriate.
- c. Applicants may still be liable for payment of costs if they withdraw an application.

## **10 Declaration**

- a. I/we understand that no authority for the diversion of a public right of way is conferred unless:
  - 1 the appropriate order has been made, confirmed and certified
  - 2 notices have been published
  - 3 any necessary works have been completed and the order brought into operation.
- b. I/we have noted the costs which are payable for processing a public path order application and agree to pay the charges when invoiced by Derby City Council. I/we

understand that, in the event objections are received, a proportion of the specified fee, will still be payable in the event the order is **not** confirmed.

- c. In the case of a public path diversion order being confirmed pursuant to the application, I/we agree that Derby City Council will not be liable for any compensation which may become payable to a third party and I/we agree to defray any such claim. I/we also waive my/our right to claim compensation under Section 28 of the Highways Act 1980.
- d. I/we hereby declare that the information provided in respect of this application is correct to the best of my/our knowledge.

#### **Rights of Way Privacy Notice**

##### **How is your information used?**

We may use your information to: process applications for Public Path Orders and Definitive Map Modification Orders, process landowner statutory declarations, carry out rights of way related. We may need to pass on some of your details to third party organisations in line with our statutory procedures. These third parties include government departments and agencies, other local authorities, landowners and private companies, as allowed by law.

##### **Who has access to your information?**

We may share your information with:  
government departments and agencies, other local authorities, landowners, private companies and individuals, as allowed by law.

*For further information about how your personal information will be used, please visit [www.derby.gov.uk](http://www.derby.gov.uk) where you can see a full copy of our Privacy Notice. Alternatively you can request a hard copy from – Spatial Planning on 01332 640809, Derby City Council, Communities and Place, The Council House, Corporation Street, Derby, DE1 2FS/or by email at [rightsofway@derby.gov.uk](mailto:rightsofway@derby.gov.uk)*

Signed:



Full Name: Haroon Lulat

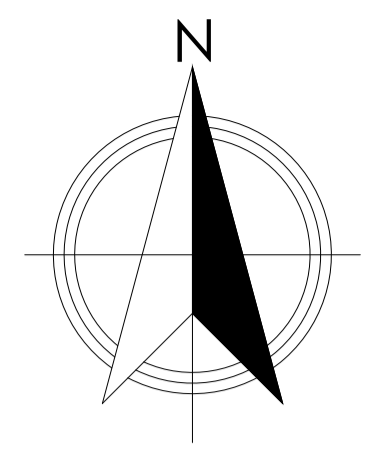
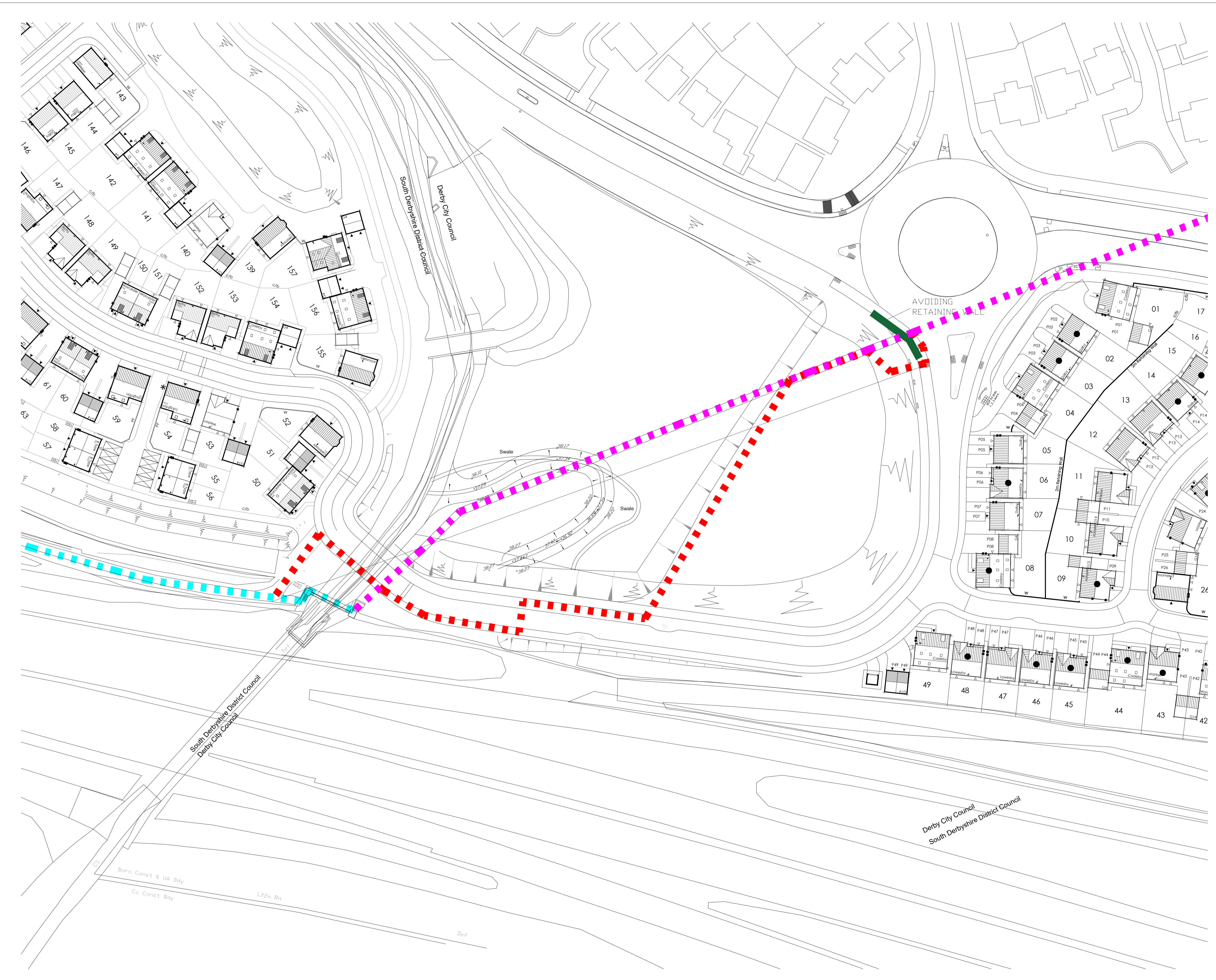
Position (if applicable): Regional Engineer

Date: 9<sup>th</sup> September 2020

**Please return this completed application form with all enclosures to:**

The Rights of Way Officer  
Planning Division  
Communities and Place Directorate  
Derby City Council  
The Council House  
Corporation Street  
Derby DE1 2FS

**Email electronic versions to:** [rightsofway@derby.gov.uk](mailto:rightsofway@derby.gov.uk)



- PROW LEGEND**
- EXISTING PROW CHELLASTON FP1 - - - - -
  - PROPOSED PROW - - - - -
  - PROW SWARKESTONE FP11 - - - - -
  - RETAINING WALL —————

C	Existing PROW Chellaston FP1 Corrected; CW	15.02.21
B	Routes updated as per comments; CW	09.02.21
A	Added Existing PROW to layout	26.01.21

Rev	Description	Date
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Bellway Homes (EM) Ltd, 3 Romulus Court, Meridian East,  
Meridian Business Park, Braunstone Town, Leicester, LE19 1YG  
Tel: 0116 282 0400 Fax: 0116 282 0407

**HOLMLEIGH WAY  
CHELLASTON**

**PROW Permanent Diversion Proposal**

Date	Nov 2020	Scale	1:500@A1	Drawn	HL
Drawn By	CHL/P/Diversion PROW	Rev	C		