

**APPLICATION FOR THE DIVERSION OF A PUBLIC RIGHT
OF WAY UNDER S.257 OF THE TOWN AND COUNTRY
PLANNING ACT 1990 (as amended)**

**PLEASE READ THE ACCOMPANYING GUIDANCE NOTES CAREFULLY BEFORE
COMPLETING THIS APPLICATION FORM**

IMPORTANT: No authority for the diversion of a footpath, bridleway or restricted byway is granted unless and until a Diversion Order has been confirmed, certified and brought into effect. Any obstruction of the existing route is an offence and may make it impossible to proceed with an application.

1 Applicant details: Mr. J. Reaney

Name and address of applicant:

Alderlee Farm, Meerbrook, Staffordshire, ST13 8SL

Daytime telephone number: 07494 738952

E-mail address: reaney926@btinternet.com

2 Agent details (if applicable): Rob Duncan

Name and address of Agent to whom correspondence should be addressed:

Rob Duncan Planning Consultancy Ltd. 28 Ferndale Road, Lichfield, Staffordshire, WS13

Daytime telephone number: 07779 783521

E-mail address: rob78duncan@gmail.com

3 Particulars of public right of way to be diverted

- a) Footpath/Bridleway/Restricted Byway Number Caverswall 27
- b) Parish/Town: Caverswall / Cellarhead
- c) Length in metres of section to be diverted: 45.7
- d) Width: Undefined

- e) Description of length to be diverted. Describe the existing position, surfacing, any gradients, and any stiles, gates, bridges or steps (please continue on separate sheet if necessary)

The existing public footpath runs from the NE corner of the applicant's site, some 190 metres east of the junction of Kingsley Road (A52) with the Leek Road / Cellarhead Crossroads. The footpath is surfaced in grass as it crossed an existing field. The footpath traverses gently uphill in a SW direction where it meets an existing hedgerow towards the top of the slope. The footpath thereafter continues on in a SW direction eventually connecting with the Leek Road (A520). The footpath is accessed from the Kingsley Road (A52) via an existing stile.

4 Particulars of alternative route to be provided

- a) Length in metres: 60.7m
- b) Width: 2.8m
- c) Description of path to be provided. Describe the proposed position, surfacing, any gradients, and any gates, bridges or steps (please continue on separate sheet if necessary)

The application proposes to divert the public footpath so that it runs from the existing stile in the NE corner of the site, running southwards along the eastern site boundary, and then turning westwards to run along the back of the existing hedgerow towards the top of the slope. The footpath will have a similar gradient to the existing footpath and will be surfaced in grass as per the existing.

5 Interested parties

- a) Applicant's interest in the land over which the existing path runs (eg owner/tenant/occupier)

Owner

- b) Applicant's interest in the land over which the alternative path runs (eg owner/tenant/occupier)

Owner

- c) If any other person has an interest in either the land over which the existing path runs, or the land over which the alternative path runs please give details here:
NB Written consent or a joint application will be required if there is more than one owner as detailed in the guidance notes
Written consent of landowner has been secured and can be provided on request

6 s257 Town and Country Planning Act 1990

State how the proposed diversion satisfies s257 of the Town and Country Planning Act 1990, use separate sheets if necessary:

- a) Reference number of planning consent (no. beginning HPK): SMD/2022/0589
- b) Explain why the diversion is necessary, if required attach a plan:
The diversion of public footpath Caverswall 27 is required in order to enable the implementation of the approved housing scheme on the site, as approved under application SMD/2022/0589
Consent to divert the public footpath in the exact same manner, pursuant to a previous planning approval on the site, has recently been granted under ROW/3289798.
- c) Has development begun, if so describe extent of development, if required attach a plan:
The development has not yet begun.
- d) Is the development substantially complete, if 'yes' you must make your application to **Staffordshire County Council**: No
- e) Explain if the diverted path has any advantages or disadvantages, improvements or otherwise over the current path:

The current public footpath is unenclosed with an undefined width. The diverted path will be more clearly delineated where it runs along the eastern boundary of the site, and will be enclosed by existing boundary hedgerow / fencing on its eastern side and a new fence on its western side. The centre of the footpath will be a minimum of 2m from the centre of the new hedgerow. Beyond the existing boundary hedgerow at the southern edge of the site, the public footpath will be unenclosed. The proposed re-routing of the public footpath has been found to be acceptable by the Planning Inspectorate under reference: ROW/3289798
- f) Explain the effect (if any) which the coming into operation of the Order would have as respects other land served by the existing public rights of way:
The diversion will not have any effects
- g) Explain the effect (if any) which the new public right of way would have as respects the land over which the right is created and any land held with it

The diversion will not have any effects other than the new route becoming publicly accessible (the proposed re-alignment of the diverted footpath is not currently accessible by the public)

Applicant's declaration and agreement

Note: Where reference is made to singular the declaration is deemed to include plural where it is made by more than one party or relates to more than one public footpath, bridleway or restricted byway

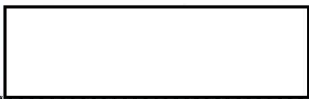
Declaration

- a) I understand that no authority for the diversion of a public footpath/bridleway/restricted byway is conferred unless and until an Order is made, confirmed and, if appropriate certified;
- b) I declare that the footpath/bridleway/restricted byway to be diverted is in no way obstructed and that it is fully available to the public. I undertake that it shall in no way be obstructed before the Order comes into effect;
- c) I have read and understand the guidance notes which accompany this application form;
- d) I confirm that to the best of my knowledge all the particulars given are true and accurate.

Agreement:

I hereby agree:

- a. to make up the new lengths of footpath/bridleway/restricted byway to such standard as is required by the Council or to meet the costs of the works;
- b. to give permission for consultees to inspect the proposed route(s) but they should contact Rob Duncan (Agent) on telephone number 07779 783521 in advance
- c. To reimburse the Council any expenses incurred by it in connection with the making of the Order, whether or not the Order is confirmed;
- d. To pay the cost of any works (including installation, removal or re-positioning of any roadside signposts, waymarks or statutory undertakers' apparatus in, or under the highways to be diverted) necessary in consequence of the Order coming into effect
- e. To the information supplied within and in support of this application being shared with other parties as necessary in the context of the application and/or in accordance with the law.

Signed (all applicants must sign) .. 

Full Name(s) Jason Reaney

Position (if applicable)

Date: 30th January 2023