STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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

Name and address of applicant

Mr Colin MacDougall, Peak Wildlife Park, Winkhill, Nr Leek, Staffordshire, ST13 7QR

Daytime telephone number:

E-mail address:

2 Agent details (if applicable)

Name and address of Agent to whom correspondence should be addressed

ctd architects, Clerk Bank House, Clerk Bank, Leek, Staffordshire, ST13 5HE

Daytime telephone number

E-mail address

3 Particulars of public right of way to be diverted

a) Footpath/Bridleway/Restricted Byway Number Ipstones 91

b) Parish/Town: Ipstones / Winkhill

c) Length in metres of section to be diverted: 183m

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 footpath runs along the boundary of existing fields with drystone walling to the south side and open field to the north between the change of direction of Ipstones 91 across open fields to the stile at Ellastone Road opposite Ipstones 114 and its final connection to Ipstones 90 to the east.

The footpath is surfaced in grass for its length with a gentle slope up from east to west.

4 Particulars of alternative route to be provided

a) Length in metres: 242.5m

b) Width: minimum 2m

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 footpath diverts at the change in direction of Ipstones 91 to follow the northern edge of the field and will join Ipstones 90 165m north of the original connection.

The footpath will have a similar gradient to the existing and the surface will be grass as the existing paths. No additional stiles/gates are required.

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

N/A

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/2023/0211

b) Explain why the diversion is necessary, if required attach a plan:

The diversion of this footpath, Ipstones 91, is required for the expansion of Peak Wildlife Park to allow the required size of enclosures for the conservation and the wellbeing of the rehomed bears. This is laid out in application SMD/2023/0211 currently to be determined by Staffordshire Moorland District Council.

c) Has development begun, if so describe extent of development, if required attach a plan:

The development to the lower enclosure has begun to the south of the footpath. The commenced development does not stop access from Ipstones 114 to Ipstones 90 (via ipstones 91)

d) Is the development substantially complete, **if 'yes' you must make your application to Staffordshire County Council:** Yes/No No

e) Explain if the diverted path has any advantages or disadvantages, improvements or otherwise over the current path:

The current footpath is unenclosed and undefined. The diverted path will be fenced and clearly delineated with a minimum width of 2m. Improvements have also been made to Ipstones 90 as part of the development.

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 has no effect on the overall footpath route or its final connections.

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 has no effect on the land over which it is created.

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 Karl Lawton (Agent) on telephone number 01538 373477 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) Colin MacDougall... COLIN MACDOUGALL

Position (if applicable) Owner..... PAK WILDLIFE PARK

Date: 5th July 2023