





File reference **1412.**  
(LDNPA use only)

### 5. Grounds for application

The only grounds for diverting a public right of way are when it is expedient to do so in (a) the interests of the public, or (b) in the interests of the owner, lessee or occupier of the land crossed by the existing path (Highways Act 1980). Applications may also be made for the route of a public right of way to be altered to allow development to be carried out (Town and Country Planning Act 1990).

Diverting paths is a discretionary function, and it will be the Authority that decides whether it is expedient to do so. To help with this decision, you will need to state clearly what the benefits to yourself and the public are.

I am applying for this diversion in the interests of (tick relevant box):

- A: the public**
- B: landowner-occupier-tenant-other**
- C: both a & b**

What are the benefits of the diversion to path users?

What are the benefits to the owner/occupier/tenant/other?

If the application is made to enable development to be carried out, please state the nature of the works:

.....continue on a separate sheet if necessary



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If planning permission has been granted please state date and reference number of decision notice.

### 6. New path

The route of the new path must not be substantially less convenient to the public than the existing route (Highways Act 1980). For example; it should not be longer, harder to use, or on a less suitable surface. We will adopt the same legal tests when determining applications under the Town & Country Planning Act 1990.

We will assess the new route with regard to any impacts on forestry, agriculture and on those with limited mobility. Any furniture on the new route shall conform to the current LDNPA specifications (based on the latest British Standards) – for instance all crossing points should be gaps or gates not stiles, they should be waymarked and easy to open – bridle gates will be openable from horseback, and so on. Paths will generally be at least 2 metres wide for a footpath and 3-4 metres wide for a bridleway – but this will depend on the specific circumstances.

Applicants are strongly advised that development undertaken in anticipation of the publication of an order is likely to prejudice the outcome. Project planning should therefore take account (a) of the need to achieve local agreement to the proposal alongside the application for planning permission and prior to the publication of an order; (b) the time taken to publish and confirm an order, including the time which may be occupied by the consideration of objections and (c) the time needed to construct the new path to an acceptable standard before the existing path is closed.

**I agree to these conditions**                      Tick box here                     

Further advice about diversions, and so on, for planning purposes is contained in Circular 1/09: Rights of Way – Guidance for Local Authorities (Section 7 – Planning permission and public rights of way). The Authority will be guided by this advice.

### 7. Compensation

Compensation may be claimed by others where the value of their land is depreciated, or where they have suffered by being disturbed in their enjoyment of land (section 28 & 121(2) of the Highways Act 1980).

The applicant is required to notify to the Authority all other persons with an interest in the land and provide written evidence of their consent to the diversion. Such persons may also be consulted by the Authority although it is the responsibility of the applicant to secure their consent to the proposal and pay any compensation to which such persons may claim to be entitled (Town & Country Planning Act 1990).

We will not pay compensation to you as the applicant and you will pay any compensation claimed by anyone else as a result of the order.

**I agree to pay any compensation which may become payable to any other landowner affected by the diversion.**                      Tick box here

## 8. Costs

Current legislation allows the National Park Authority to charge applicants for the costs connected to processing and implementing the diversion.

For orders under the Highways Act 1980 that are wholly or partly in the public interest, the charges may be reduced depending on the extent to which the public will benefit from the proposal in relation to the benefit to the applicant.

For orders made under the Town and Country Planning Act 1980 the above charges will apply in full.

**The total cost of a diversion is the sum of the costs involved in administration, advertising and works on the ground.**

**The exact amount that may be waived will depend on the circumstances of each case.**

1. Where an order is predominantly or wholly in the interests of the public, up to 100% of the total cost will be waived.
2. Where an order is partly in the landowner's interest, and partly in the public interest, up to 75% of the total cost will be waived. The higher the level of public interest, the greater the percentage that will be waived.
3. Where an order is predominantly in the interests of the landowner, but would result in some small public benefit, then up to 25% of the total cost may be waived.
4. Where an order is wholly in the interests of the landowner then none of the total cost will be waived.



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**Costs relating to this diversion order** (to be completed by Rights of Way Team, LDNPA)

			Cost	VAT at 20%	Total
<b>Legal and Administration work</b>	This includes all the Authority's legal and administrative costs in negotiating, making and confirming an order.		£3,150	Nil	£3,150
<b>Advertising</b>	Two adverts must be placed in the local press: <ul style="list-style-type: none"> <li>When the order is made and;</li> <li>When it is confirmed.</li> </ul> Costs vary depending on the length of advert necessary and the newspaper's scale of charges. <i>(Agreed charge in advance – based on average cost and relevant newspaper)</i>	Two adverts at £ ..... each	Totalling £.....	£.....	£.....
<b>Works on the ground</b>	Work may be needed to bring the proposed new route into a standard suitable for public use. This will vary according to the site. An applicant may choose to do the work themselves, or with a contractor (to the Authority's specification) or the Authority can carry out the work and reclaim the costs.	Work needed: • • • • • •	£.....	£.....	£.....
<b>TOTAL COSTS</b>			£	£	£
This diversion application falls into category (previous page)		1	2	3	4
The percentage to be met by the LDNPA will be		.....%			
The percentage to be met by the applicant will be		.....%			
Amount to be met by the applicant		£.....	VAT £.....	£.....	
Rights of Way team members initials / signature					

**9. Declaration – and Application**

<p><b>1. I have read this form and ask the Lake District National Park Authority to divert the public right of way described above and as shown on the attached map under</b>  <input type="checkbox"/> s119, Highways Act 1980      <input type="checkbox"/> s257, Town &amp; Country Planning Act 1990;</p> <p><b>2. I confirm that I have notified everyone who has an interest in the land;</b>  <b>3. I agree not to claim compensation;</b>  <b>4. I agree to meet any compensation that may become payable;</b>  <b>5. I agree to meet the costs detailed above.</b></p> <p><b>Signed..... Date .....</b></p>
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\* Tick as appropriate

Return this completed application form to Rights of Way, Lake District National Park Authority, Wayfaring House, Murley Moss, Oxenholme Road, Kendal, Cumbria LA9 7RL.