

LANCASHIRE COUNTY COUNCIL

APPLICATION FOR THE DIVERSION OF A PUBLIC RIGHT OF WAY HIGHWAYS ACT 1980 SECTION 119

Please read the accompanying document 'DIVERSION OF PUBLIC RIGHTS OF WAY - GUIDANCE NOTES FOR APPLICANTS' before completing this application form.

PART 1: Applicant(s) Details

	Applicant(s)	Agent (if any)
Name	MR ALAN WILKINSON AND MRS ADELE WILKINSON	
Address	MONKSWELL BYE PASS ROAD BOLTON-LE-SANDS CARNFORTH LA5 8JS	
Telephone	Adele Wilkinson 07751929777 Alan Wilkinson 07767804806	
E-mail	adelewilk64@gmail.com	

PART 2: Public Right(s) of Way to be Diverted

Attach a plan that shows the existing public right(s) of way that you propose to be diverted. n.b. this must be the legal line regardless of which line is actually used or accessible. (see Lancashire County Council (LCC) [website](#))

Complete the table below and on mark on your plan with a letter to show the start and finish points of each section of path to be diverted.

Path reference(s) (e.g. 6-7-FP63)	Section of existing path(s) to be diverted as shown on the application plan (e.g. A-B-C, D-E)
0106009	Footpath A - B
 Existing Public Footpath 0106009.pd	

Alternatively, instead of using the above table please provide a short description of the path(s) which you wish to divert.

PART 3: Proposed Alternative Public Rights of Way

3(a) Location and Details

Mark on the plan, the alignment of the new sections of public right of way to be provided. Indicate the start and finish point for each section of new path with additional letters or marks.

Section of new path to be provided (e.g. A–F-G, D-H)	Type of new public rights (i.e. footpath, bridleway or restricted byway)
0106009	Footpath B - C
 Proposed Footpath 0106009.pdf	

Alternatively, instead of using the above table please provide a short description of the proposed path(s).

3(b) Width of the New Path(s)

Give details (using the table below or by providing a brief description) of how wide you propose each section new path will be, bearing in mind that a diverted path should have a minimum width of 2m (footpath) or 3m (bridleway). Please give a specific measurement of the width or state “full width” if the new path or way runs along the route of a well-defined and visible path or track.

Section of New Path (e.g. A-C)	Width (e.g. '2.0 metres wide' or 'full width')
B-C	2.0 meters wide

3(c) Width Restrictions and Gates on the New Paths(s)

Give details (using the table below or by providing a brief description) of the location of proposed gates (no new stiles are allowed) or any width restriction e.g. bollard or short restricted width between buildings. Please mark these on the plan.

Location (e.g. X, Y,Z)	Description
	N/A

3(d) Works to be Carried Out on the New Route

Description of works (if any) that are required to bring the site of the new path into a fit condition for public use and for LCC to adopt it. n.b. what works are listed here are not binding – more or fewer works may be needed when the final version is agreed

Form a new 2-meter-wide hardcore base footpath with a tarmac finish.
Construct bank seat to either side of the stream.
Bridge over stream to be constructed in timber (specific measurements on plan).
Hit and miss 1.8 meter high fencing to both sides of the footpath and bridge.

PART 4: Land Ownership and Occupier Details

Is all the land crossed by the existing path(s) proposed to be diverted **and** the proposed new route(s) in the sole ownership of the applicant(s)?

(Yes or No)	YES
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If no, please indicate who you believe to be either an owner, joint owner, occupier or any other person that you know of who has a legal interest in the land crossed by the existing or proposed alternative rights of way and seek their approval for this proposal.

It should be noted that if the associated landowners do not consent to this proposal, it is likely there will be objections, extensive delays and the possibility the order cannot be made.

Existing path marked on plan (e.g. A-B)	Indicated landowner	Landowner Approval Signature

Alternatively, instead of using the above table please provide a short description of the proposed route(s).

PART 5 Reason for Application

Give reasons for the proposed diversion of the public right of way. Include any information you have about the use currently made of the existing path.

During most of the time that we have lived at Monkswell, the footpath through our property had been used by a relatively small number of the local community; subsequent housing developments in the village did not impact on footfall. However, since the development of the Coop, and the closure of the former village convenience store on Main Road, the amount of people passing through our property has increased dramatically, both throughout the day and the evening. It is now the quickest and most convenient route to the 'local shop', for a large amount of the community. This has impacted on our family in several ways, some of which are: minor damage to our vehicles from people and cyclists passing through, dog fouling, and littering. In addition, many members of the public treat the area at the front of our house as open public land and they, their children, and dogs, move through without caution. This is obviously a particular safety problem when we are driving on, off, and around our property.

Before planning permission was granted for the Coop, we spoke to the developer about the increased footfall that we would encounter, and the possible issues that may arise due to this. They assured us that this had already been considered by them. The plans submitted to planning included

details of a new and additional footpath which would provide a direct route onto the Coop land, thus avoiding any inconvenience to us. As a result of this, we did not oppose the development and the plans were passed with the additional footpath clearly documented. We also believe the same assurances were given to other members of the local community, including the Parish Council, during discussions around public safety. However, during the development, it became obvious that the new footpath was not being constructed. When we queried this with the developer, we were told that they had decide not to put the footpath in, due to costs, and informed us that an amendment had been made and passed by Lancaster City Council to reflect this, (non-material reference 19/00972/NMA). We have subsequently looked at this document and can find no reference to the footpath being withdrawn.

We believe best way forward, for ourselves and the local community, is to apply for a footpath diversion solely on/ across our land.

PART 6 Statement

- a) I make this application for a Public Path Order to be made to divert the public right(s) of way as described in accordance with the information which I have provided. I understand that by making this application I agree to pay the Lancashire County Council administration costs for making and confirming a Public Path Order and the cost of the statutory advertising which will be due, upon receipt of invoices. Invoices are usually issued when the order has been made and advertised and following the Notice of confirmation and of the Order taking effect. I agree to defray the costs of any compensation which becomes payable under the provisions of the Highways Act 1980 Section 28, in consequence of the coming into operation of the Public Path Order.
- b) I agree that in circumstances where the diversion is of little public benefit, but objections have been received and not subsequently withdrawn, I will promote the Order at my own expense.
- c) I agree to carry out at my own expense any works that are required to bring the new path(s) or way into a fit condition for use by the public within a reasonable timescale and to the satisfaction of Lancashire County Council.
- d) If the terms of c) are not complied with to the reasonable satisfaction of Lancashire County Council I agree to defray any expenses which are incurred by the Lancashire County Council in bringing the new path(s) into a fit condition for use by the public and I give permission to allow reasonable access across my land with vehicles, materials and equipment in connection with the work.
- e) Any agent referred to in Part 1 of this application is authorised to act on my behalf in connection with this application.
- f) I have read and understood this application form and the Lancashire County Council, Diversion of a Public Right of Way Highways Act 1980 Section 119 Guidance Notes for Applicants.

Signed by applicant(s): <i>Alan Wilkinson</i> <i>Adele Wilkinson</i>	Date: 30 th July 2023 30 th July 2023
Name in capitals: ALAN WILKINSON ADELE WILKINSON	30 th July 2023 30 th July 2023

The completed application form and accompanying plan should be sent by email to:
prow@lancashire.gov.uk

or by post to:
Public Rights of Way,
Planning and Environment,
Lancashire County Council,
PO Box 100,
County Hall,
Preston, PR1 0LD.