

**BRIDGEND COUNTY BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
ADVISORY NOTES AND LIST OF STANDARD SPECIFICATIONS FOR
THE DIVERSION/STOPPING UP OF RIGHTS OF WAY FOLLOWING
DETAILED PLANNING CONSENT**



Advisory Notes

Orders that change the routes of paths may be processed under separate pieces of legislation. These notes relate to Orders that are the direct result of development processed under the Town and Country Planning Act 1990. A separate form and guidance is available for orders under the Highways Act 1980 which is obtainable from the Rights of Way section

If the Council considers the application meets such requirements it will undertake formal consultations with any other local authorities affected, together with interested user groups, e.g. Ramblers Association. A decision on whether to make the Order will then be made. The Council must then publish a notice of the making of the order in a local newspaper and copies of the order and plan must be served on every owner and occupier of any land affected by the order. The Council will also serve notice on user groups and statutory undertakers. A copy of the notice and plan must also be displayed at each end of the section of the path affected by the order.

There is a minimum 28 day period allowed for the receipt of representations or objections to the order. If no representations or objections are received the Council may then decide to confirm the order. A notice of the confirmation of the order must be published in a local newspaper and served as before. If an objection is received and not withdrawn, the Council may decide not to confirm the order. If the Council decides to proceed with the Order it must then be forwarded to the National Assembly for Wales for determination, which could lead to a public inquiry and can add significant delay to the process. The National Assembly may not agree to confirm the order.

If the order is confirmed it may be necessary that a certificate of satisfactory compliance is issued before the diversion order can take effect.

N.B. The grant of planning permission does not entitle developers to obstruct a Public right of way. Development in so far as it affects a right of way should not be started and the right of way should be kept open for public use, until the necessary order under Section 247 or Section 257 of the Town and Country Planning Act 1990, for the diversion or extinguishment of the right of way, has come into effect. Nor should it be assumed that because planning permission has been granted an Order will invariably be made or confirmed.

For any further information about applying for a Public Path Diversion Order or to discuss any queries you may have please do not hesitate to contact the Council's Rights Of Way Section on 01656 642595.

Specifications

1. In cases where diversions follow the pavement or link paths of housing developments, they will be surfaced in permanent materials.

2. Where diversions do not follow pavements and link paths, e.g. greenfield routes, there may be no need to surface them unless ground conditions dictate otherwise. The right, however, to inspect the diversion after twelve months use is reserved, and if it is found that surfacing is necessary, the applicant will be held responsible.

In cases where surfacing is necessary from the outset, it is likely a tarmac surface will be required. However other surface dressings may be considered depending on the location and likely use of the route.

3. If the diversion is to be enclosed on both sides it shall be a minimum 1.8m wide. If the diversion is unfenced, or only fenced on one side, it shall be a minimum of 1.2m wide.

4. The new route may require signposting from the maintainable highway and/or waymarking. The signposts shall be bilingual to the Councils standard specifications.

5. If the diversion is steeper than 1 in 12 the Council requires handrails and steps.

6. The Councils Rights of Way Staff must be allowed to access the site to inspect both the existing route and the proposed new route of the footpath.

7. Presently the cost of an Order where one path is involved is the full cost to the Authority involved in the processing and confirming the same subject to a minimum charge of £1705.93, plus advertising and translation costs (including VAT) for the prescribed notices; Where there are additional paths affected this is increased by £100 for each additional path included in the Order.