

## **FOOTPATH DIVERSIONS**

Applications for the diversion of footpaths may be submitted to Eastleigh Borough Council under S257 of the Town and Country Planning Act 1990.

The process takes 6 - 12 months for straight forward diversions; a contentious diversion can take several years if strong objections are raised.

### **HOW TO APPLY FOR A FOOTPATH DIVERSION**

Before a footpath can be diverted under the above act, full planning permission must have been obtained and the diversion must be necessary to enable the development to be carried out.

The first step in this process is to complete an application form which can be printed off this site for the Transportation and Engineering Unit of the Council.

You will need to send with the Application Form:

- 10 copies of a clear map at scale of not less than 1:2500 showing the existing footpath by a bold continuous line and the new route by a black broken line.
- A copy of the full planning permission decision if the diversion is a development. The outline planning permission is not sufficient.
- A cheque for the initial payment of £500
- If you are not the owner of the land, then you will need to send the written consent of the landowner.

### **HOW MUCH DOES IT COST**

Diverting a footpath can be costly. The applicant must pay the Council's administrative and legal costs regardless of whether the application is successful. At the present time these costs comprise £2,500 plus the advertising costs. These costs are subject to continuous review and may be increased.

An initial fee of £500 must be paid on submission of the application. Cheques should be made payable to Eastleigh Borough Council.

## OBJECTIONS

1. On receipt of the application the authority will normally carry out an initial consultation exercise to gauge the public's reaction to the proposal. If any objections are received by the Council they may be copied to the applicant, who may wish to negotiate with the objectors with a view to trying to overcome their concerns.
2. The next stage in the process involves the making and formal advertising of an order both on site and in a local newspaper. A period of at least 28 days is normally allowed for any written objections or representations to be made.
3. If there are no outstanding objections to the making of an Order, it has to be **confirmed** and advertised again before it takes affect legally.
4. Where there are outstanding objections that cannot be resolved the Council may consider it appropriate to submit the Order to the Secretary of State for confirmation. The Secretary of State will normally decide to hold a local inquiry into the matter or deal with the matter by written representations.

## USEFUL LINKS

Hampshire County Council – Public Right of Way.

The Planning Inspectorate – [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)