

REGISTER OF APPLICATIONS - PUBLIC PATH ORDERS

DETAILS OF APPLICATION

File Name:	Sandon 47 (Sandon School)
Date application received:	23 rd July 2019
Name of Applicant:	Sandon JMI School
Intended effect of application:	Divert footpath from playing field to field edge

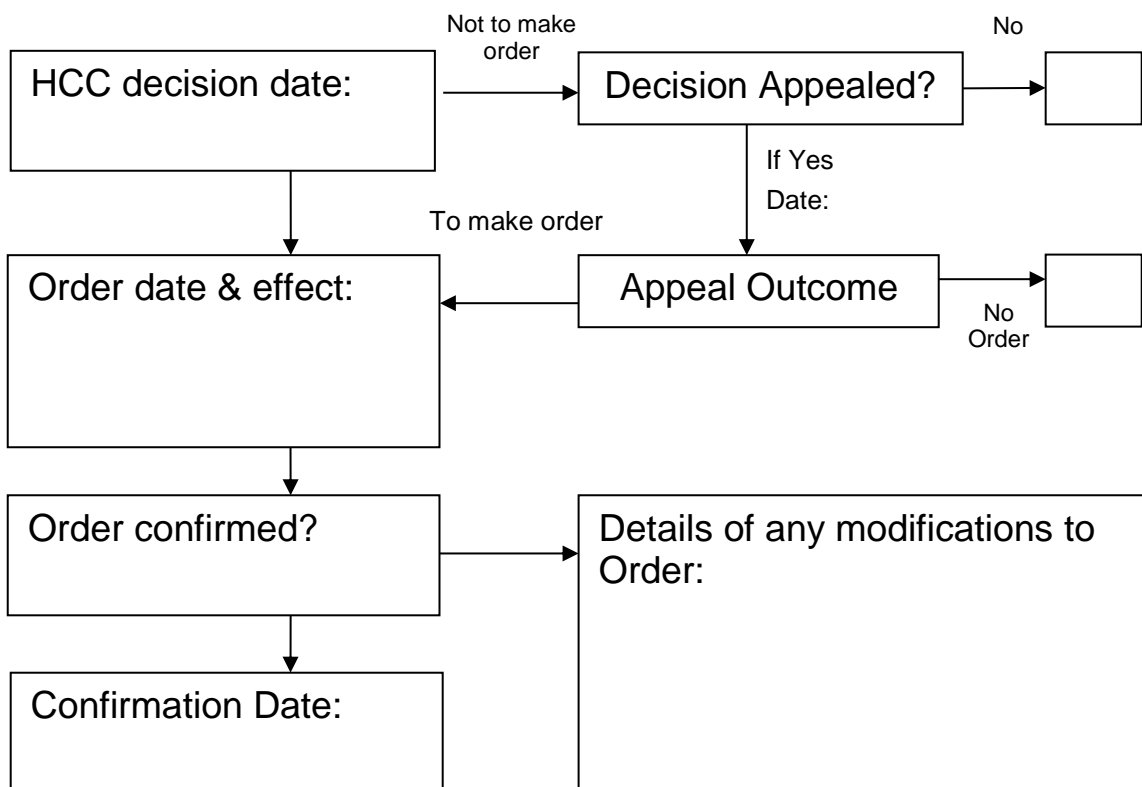
LOCATION OF APPLICATION

District:	North Herts	Parish:	Sandon
Nearest	City:	Cambridge	
	Town:	Buntingford	
	Village:	Sandon	
	Grid References	or	Definitive Map path reference
Start Point (A)			Sandon FP47
End Point (B)			

ADDRESS OF PROPERTIES ON THE APPLICATION ROUTE

Sandon JMI School Rushden Road Sandon SG9 0QS			
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DETERMINATION (DECISION) OF APPLICATION



Application for an Extinguishment or Diversion Order
Under sections 118 or 119 of the Highways Act 1980

Please confirm you have read the Advice to Applicants before filling in this application form. [X]

Once you have filled in the application form please ensure that you send to us the following:

- [X] the completed form
[X] a plan of your proposal based on an Ordnance Survey map of a scale not less than 1:2500
[X] proof of ownership of the land and
[] a cheque for the application fee, payable to Hertfordshire County Council.

The school has no funds available.

1. Initial matters

(Tick relevant boxes below)

1.1 I am applying to extinguish a path under section 118 of the Highways Act 1980 []

1.2 I am applying to divert a path under section 119 of the Highways Act 1980 [X]

1.3 My application relates to a footpath, bridleway, or restricted byway [X]

1.4 Path number (if relevant) FP 47

1.5 Parish SANDON

1.6 Full name(s) of applicant SANDON JUNIOR MIXED AND INFANTS SCHOOL.

1.7 Address RUSHDEN ROAD
SANDON
BUNTINGFORD 399 003

1.8 Phone number (daytime) 010 B. WHEELER [REDACTED]

1.9 Mobile number [REDACTED]

1.10 E-mail address [REDACTED]

1.11 Would you like to use an external agent to assist processing your application? If "YES" please tick this box

(Note. Please ensure you provide your Agent with a copy of our 'Directions for Agents consulting on diversion applications etc.' pack which explains in detail what your agent is required to do.)

Name and contact details of external agent _____

(Note. You will be solely responsible for your agent's costs. Seeking an agent capable of dealing with the intricacies of rights of way law is recommended)

2. Ownership of land affected by the application

2.1 Are you the freehold owner and occupier of all of the land affected by the application? Yes No

If Yes, please supply evidence of your ownership of the land and then go to 2.4

2.2 If No: please

- list below the names and addresses of all the owners, occupiers or lessees of land affected including yourself;
- indicate accurately on the application plan the different ownerships and occupiers of the land affected;
- supply copies of proof of title to land affected (clearly labelled);
- **Diversion applications only**; enclose a letter of consent to the diversion, from all of the owners, occupiers and lessees affected.

Name	Address	Status (landowner, occupier or lessee)
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- | | | |
|-----|-------------------------------------|--|
| (1) | HELTONSHIRE COUNTY COUNCIL | 40 COUNTY HALL, HELTOLD
5913 8DQ. OWNER
RUSHDEN RD |
| (2) | SANDON JUNIOR MIXED INFANTS SCHOOL; | SANDON 5990RS OCCUPIER |
| (3) | SANDON BURY FARM LTD, SANDON, HELTS | 5990RY OWNER OF DIVERSION
ROUTE |

2.3 In the case of a diversion application, will any owners, occupiers or lessees of the land affected claim compensation under Section 28 of the Highways Act 1980?

Yes No

2.4 Does any statutory undertaker (e.g. gas, water, electricity, telephone) have any rights on, over or under the land over which the right of way runs?

Yes

No



If yes, name the statutory undertaker and describe their rights.

2.5 Is the apparatus of any statutory undertaker affected by the application?

Yes

No



If yes, state what apparatus may be affected.

3. Reasons for application

3.1 Please state your reasons for applying to extinguish or divert the public right(s) of way. (Note. You will need to refer to the legal tests. See Section 2 of the Application Pack, and the relevant highways legislation.)

THIS MODEST DIVERSION OF FP47, INCREASING ITS ROUTE BY 33M IS MADE IN THE INTERESTS OF THE OCCUPIER FOR CHILD SAFEGUARDING REASONS AS THE CURRENT ROUTE CROSSES A SMALL SCHOOL PLAYGROUND AND IT IS EXPEDIENT TO MAKE THIS DIVERSION AS IT WILL NOT BE SUBSTANTIALLY (OR AT ALL) LESS CONVENIENT TO THE PUBLIC, IN ADD TO THE COUNTRYSIDE PUBLIC ACCESS WILL BE IMPROVED BY THE REMOVAL OF TWO EXISTING GATES.

4. Description of route(s)

The plan accompanying this application must show the paths on an accurate up-to-date plan at a scale of not less than 1:2500.

4.1 Describe the path using grid references and any important landmarks. If the route is already recorded by the Definitive Map and Statement of Public Right of Way in Hertfordshire, please refer to its parish and path number.

SANDON FP47. THE RELEVANT PART OF THE ROUTE IS A 103M PATH CROSSING THE GROUNDS OF THE SANDON JUNIOR SCHOOL THROUGH NARROW GATES || GRID REFERENCES
FL 30 TL32043429 TO TL31963423

June 2016

distance 103 (metres) width Full (metres)

existing stiles/gates/bridges (list and show position on plan)

SEE GATES AT EITHER END OF ROUTE
PROPOSED TO BE DIVULTED.

4.2 Proposed route (describe the path using grid references and any important landmarks) (leave blank if applying for an extinguishment)

DIVULT FROM POINT A AT TL32043429 TO NEW POINT B
AT TL32053426 THEN TO POINT C AT TL31963423
(TOTAL DISTANCE OF NEW ROUTE ¹³⁶ ~~103m~~) EXTINGUISHING
EXISTING ROUTE BETWEEN POINTS A AND C (103m)
REMOVING TWO ACCESS GATES AT POINTS A & C.

distance 136 (metres) width Full (metres)

(Note. County Council policy will not normally allow new gates or stiles to be erected on the new route (excluding gates for stock control) except in exceptional circumstances)

4.3 Is the existing (definitive) route unobstructed and fully available to the public?

Yes No

4.4.1 If the answer is NO, state fully the reasons why the route is obstructed and describe and show clearly on the application plan the obstruction and the route used by the public.

THE SCHOOL HAS NO FUNDS
PLEASE SEE ATTACHED
RIVER 1 EXPLAINING
CONTEXT IN WHICH THIS
APPLICATION IS MADE WITHOUT
FUNDS.

5. Costs

5.1 In signing this form I/we agree to pay the cost of processing the application.

5.2 I/We enclose a cheque for the application fee.

THE SCHOOL HAS
NO FUNDS.

Signed _____ Date _____

on behalf of _____

Agreement regarding works (applications to divert paths only)

I/We understand that the applicant must pay the cost of all works which may be required by Hertfordshire County Council including signposting and waymarking to bring the new site of the path into fit condition for use by the public.

I/We understand that I/we will be required to enter into an agreement to carry out works specified in a schedule to be drawn up by Hertfordshire County Council.

I/We understand that if the works are not completed within the time specified, or to the required standard, the county council will, after notice in writing, carry out or complete the works and that I/we will be liable for all costs so incurred.

THE SCHOOL HAS NO FUNDS

7. Compensation (all applications)

I/We confirm that I/we are the sole owner(s) and occupier(s) of the land affected by this application.

I/We agree to pay any compensation which may become payable in consequence of the order made as a result of this application becoming operative.

THE SCHOOL HAS NO FUNDS

8. Undertaking not to obstruct the public right of way (all applications)

I/We declare that the existing public right of way is open and available for use by the public.

I/We undertake not to obstruct the existing public path(s) in any way until any orders made are confirmed AND have come into operation.

Signed _____

Date 19.7.19

on behalf of Sandon JMI School

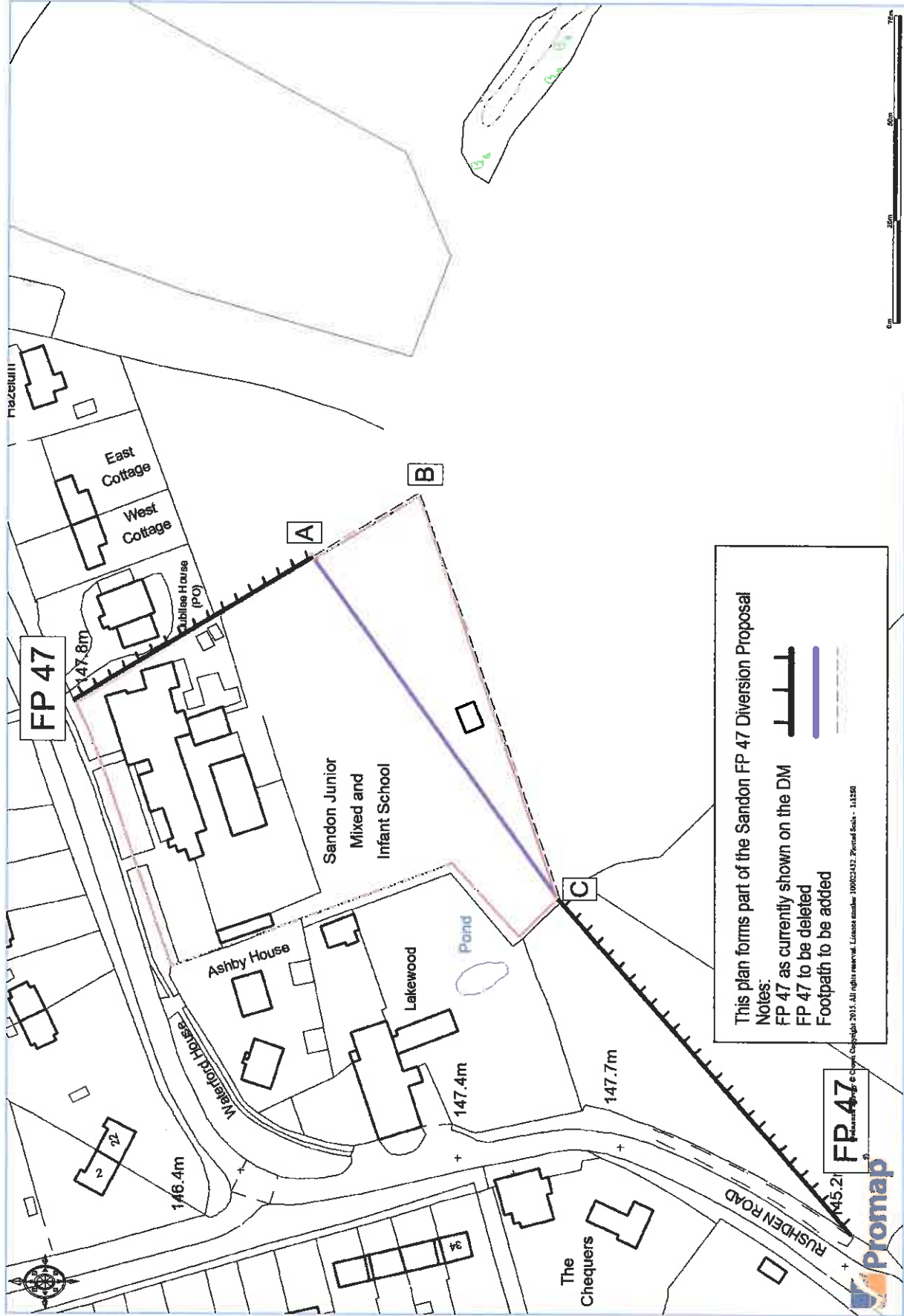
Rider 1.

The application is made following consultation with Richard Cuthbert (then team leader Definitive Map and Enforcement; Countryside and Rights of Way Service, Hertfordshire County Council) and with Angela Simpkins, Definitive Map officer of the same office.

Sandon Parish Council had resolved in 1935 (at the time when the school was being completed) to divert this footpath for the exact same reasons that it is now sought to do so - child safeguarding. The application went to Hitchin District Council and was never seen again. The application was made shortly after the school was built replacing the previous school which had been condemned. The land on which the school is sited belongs to the County Council who were well placed at the time of its construction to deal with the problem of the footpath with the full cooperation of the Parish council at the time. Because the council did not do that at the time the school is now obliged to make this application and should not have to use its very limited funds to achieve this. In particular as the benefit of the application and the enhancement of the land will benefit the County Council itself.

This has been aired in email correspondence with Richard who has been provided with a copy of the parish council minutes reflecting the resolution made to divert in 1935. Richard has been sympathetic to the situation the school now finds itself in owing to this oversight.

Proposed minor diversion of footpath Sandon 47



This plan forms part of the Sandon FP 47 Diversion Proposal

Notes:

- FP 47 as currently shown on the DM
- FP 47 to be deleted
- Footpath to be added

FP 47
 145.21
 Promap

Not to scale but based upon OS Plan 1:2500