



## **APPLICATION FOR A RAIL CROSSING DIVERSION ORDER**

### **HIGHWAYS ACT 1980 TRANSPORT AND WORKS ACT 1992**

REQUEST FOR A RAIL CROSSING DIVERSION ORDER TO BE MADE UNDER SECTION 119A OF THE HIGHWAYS ACT 1980 (INSERTED BY THE TRANSPORT AND WORKS ACT 1992).

The following questions are to be answered and the information and maps requested to be supplied by the applicant to Milton Keynes Council. Tick the relevant box shown in some questions.

#### **1. RAIL CROSSING TO BE EXTINGUISHED BY THE DIVERSION ORDER**

- (a) Name and location of rail crossing (including grid reference and parish or district in which it is located).
- (b) Name(s) and number(s) of any footpaths and/or bridleways leading to the crossing to be extinguished. (Indicate whether footpath or bridleway).
- (c) Length in metres of any path or way to be extinguished.
- (d) Description of length of any path or way to be extinguished by reference to terminal points shown on attached plan which must be to a scale of not less than 1:2500 or, if no such plan is available, on the largest scale readily available.
- (e) List the name(s) and address(es) of the owners, lessees and occupiers of the land on either side of any path or way to be extinguished.

- (f) Have you obtained the written consent of every person having an interest in the land over which any path or way to be extinguished passes, in so far as such consent is needed.

YES	NO	NOT NEEDED
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If YES, enclose all the written consents.

If NO, enclose all written consents that you now possess, and give particulars of those where consent has been refused or has yet to be obtained.

- (g) Is the crossing, or any path or way to be extinguished, subject to any limitations or conditions?

YES	NO
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If YES, give details.

## 2. NEW PATHS OR WAYS TO BE CREATED

- (a) Type: Bridleway or Footpath. (*Delete as appropriate*)

- (b) Description:

(i) Length in metres:

(ii) Width in metres:

PLEASE NOTE, for a footpath the minimum width required for the new route is 1.8 metres; for a bridleway 3.5 metres. In some circumstances greater widths maybe necessary).

(iii) Surface

(iv) Description of length of path to be provided by reference to the accompanying plan at paragraph 1(d) above.

(v) What works do you propose to undertake to bring the new path into use for the public.  
eg. Stiles, gates, bridges, steps, warning notices, barriers, etc.)

(c) List the name(s) and address(es) of the owners, lessees or occupiers of the land over which the new path(s) or way(s) would pass.

(d) Have you obtained the written consent of every person having an interest in the land over which the path or way to be created passes, to this land being dedicated for this purpose, in so far as such consent is needed?

YES	NO	NOT NEEDED
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If YES, enclose all of the written consents.

If NO, enclose all written consents that you currently possess, and give particulars of those whose consent has been refused or has yet to be obtained.

(e) Are you prepared to maintain all or part of the path or way to be created?

YES	NO	IN PART
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If NO, give reasons.

If IN PART, state which sections you are prepared to maintain and give reasons.

- (f) Will the highway authority accept responsibility for maintenance of that part of the path or way to be created which does not pass over the applicant's land?

YES	NO
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If YES, a copy of any relevant letter must be attached.

If NO, state reasons.

- (g) Are you prepared to enter into an agreement with the Council in accordance with Section 119A(8)?

YES	NO	IN PART
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If NO, give reasons

If IN PART, state upon what matters you are not prepared to enter an agreement with the Council and the reasons.

- (h) Will the new path or way connect with a trunk road?

YES	NO
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If YES, give details.

- (i) Give reasons for the proposed rail crossing diversion order (use separate sheets if necessary). Include information about:
- (i) the use currently made of the existing path, including numbers and types of users, and whether there are significant seasonal variations, giving the source for this information, together with details of any survey carried out (any circumstances preventing or inhibiting such use must also be mentioned);
  - (ii) the risk to the public of continuing to use the present crossing, and the circumstances that have given rise to the need to make the proposed order;
  - (iii) the effect of the extinguishment of the crossing and the creation of the proposed new path(s) or way(s) having regard to the convenience to users and the effect on any connecting rights of way and the network as a whole;
  - (iv) the opportunity for taking alternative action to remedy the problem such as a bridge or tunnel in place of the existing crossing or the carrying out of safety improvements to the existing crossing;
  - (v) the estimated cost of any practicable measures identified under (iv) above;
  - (vi) the barriers and/or signs that would need to be erected at the crossing and the points from which any path or way is to be extinguished or created, assuming the order is confirmed; and
  - (vii) the safety of the alternative right of way to be created by the order relative to the existing rail crossing.

**3. NAMES AND ADDRESSES OF PUBLIC UTILITY UNDERTAKERS IN AREA**  
(whether or not their apparatus is likely to be affected).

(a) Public gas supplier .....

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(b) Public electricity supplier .....

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(c) Water undertaker

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(d) Sewerage undertaker (if different).....

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(e) Public telecommunications operator.....

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(f) Others (specify) .....

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**4. MAPS AND PLANS**

List below all maps and plans accompanying this request, giving details of their scale and content. In addition to the map mentioned in paragraph 1(d), this must include a map of a scale not less than 1:25,000 or, if no such map is available, on the largest scale readily available, showing the crossing and any paths or ways to be extinguished or created, and any connecting paths or ways.

## **5. OTHER INFORMATION**

Give any other information you consider relevant.

## **6. THIS APPLICATION SHOULD BE ACCOMPANIED BY 30 COPIES OF A PLAN TO THE APPROPRIATE SCALE COLOURED AS FOLLOWS:-**

- a) GREEN - unaffected line of path.
- b) BROWN - section of path to be extinguished.
- c) PURPLE - new path to be provided.





**DECLARATION**

I/We

- (a) understand that no authority for the extinguishment, obstruction or creation of any path or way in this request is conferred unless or until a Rail Crossing Diversion Order has been confirmed and come into force;
- (b) request that a Rail Crossing Diversion Order be made and confirmed relating to the crossing and paths or ways described in Sections 1 and 2 above; and
- (c) declare that, to the best of my/our knowledge and belief, all of the factual information included in this form is true and accurate.
- (d) declare that the highway to be stopped up is not obstructed and that it is fully available to the public.
- (e) hereby agree that if a diversion/stopping up Order is made I/We will contribute towards/defray any compensation which becomes payable in consequence of the coming into operation of the Order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.
- (f) agree to pay the charges for processing the Order once it has been made and published and again when the Order has been confirmed.

Signed .....

Name in Capitals .....

On behalf of (name of railway or tramway operator) .....

Address .....  
.....  
.....

Position held .....

Date .....

Note: the Council will need all relevant information to enable them to proceed.

On completion, this form should be returned, together with the plans to:

Landscape and Countryside Manager  
Milton Keynes Council  
Civic Offices  
1 Saxon Gate East  
Milton Keynes  
MK9 3HN.