

**2007 No. 1494**

**HIGHWAYS, ENGLAND**

**The Highways (SSSI Diversion Orders) (England)  
Regulations 2007**

<i>Made</i> - - - - -	<i>21st May 2007</i>
<i>Laid before Parliament</i>	<i>23rd May 2007</i>
<i>Coming into force</i> - -	<i>1st July 2007</i>

The Secretary of State makes these Regulations in exercise of the powers conferred upon him by sections 28(2) (as applied by section 121(2)) and 119E(1), (5) and (8) of, and paragraphs 1(1) and (3)(b)(iv), 3(1), (2) and (3)(b), 4(1) and 6 of Schedule 6 to, the Highways Act 1980(a).

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Highways (SSSI Diversion Orders) (England) Regulations 2007 and shall come into force on 1st July 2007.

(2) These Regulations apply in relation to England only(b).

**Interpretation**

2. In these Regulations—

“the Act” means the Highways Act 1980;

“order” means an SSSI diversion order(c) or an order varying or revoking such an order.

**Notice of intention to apply for an order**

3. A notice of intention to apply for an order shall be in the form set out in Schedule 1 or in a form substantially to the same effect.

**Application for an order**

4.—(1) An application for an order, and the assessment to accompany it, shall be in the form set out in Schedule 2 or in a form substantially to the same effect.

(2) The map required to accompany an application for an order shall be on a scale of not less than 1/2,500, or, if no such map is available, on the largest scale available.

(3) Other information to accompany an application is stated in the form set out in Schedule 2.

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(a) 1980 c. 66. Section 119E was inserted by paragraph 12 of Schedule 6 to the Countryside and Rights of Way Act 2000 (c. 37); and relevant amendments to Schedule 6 to the Highways Act 1980 were made by paragraph 23 of Schedule 6 to the Countryside and Rights of Way Act 2000; see the definitions of “prescribed” in section 119E(8) and paragraphs 3(3)(b) and 6 of Schedule 6.

(b) The functions of the Secretary of State in relation to the powers in the Highways Act 1980 set out in the preamble to these Regulations are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1 as extended by section 99 of the Countryside and Rights of Way Act 2000.

(c) See section 119D(4) of the Act. An SSSI diversion order diverts a highway to protect the special interest features by reason of which a site is of special scientific interest.

## Orders

5.—(1) An order shall be in the form set out in Schedule 3 or in a form substantially to the same effect.

(2) The map contained in an order shall be on a scale of not less than 1/2,500, or, if no such map is available, on the largest scale available.

## Notices of making or confirmation

6.—(1) A notice required to be given under paragraph 1(1) of Schedule 6 to the Act in respect of the making of an order and its intended submission for confirmation or confirmation as an unopposed order shall be in the form set out in Form 1 in Schedule 4 or in a form substantially to the same effect.

(2) A notice required to be published under paragraph 4(1) of Schedule 6 to the Act in respect of the confirmation of an order shall be in the form set out in Form 2 in Schedule 4 or in a form substantially to the same effect.

(3) A notice required to be published under paragraph 4(1) of Schedule 6 to the Act in respect of the making of an order by the Secretary of State shall be in the form set out in Form 3 in Schedule 4 or in a form substantially to the same effect.

(4) A notice required to be served under paragraph 1(3)(b)(iv)(a) or 4(1)(a)(b) of Schedule 6 to the Act shall, in relation to the areas specified in column 1 of the table in Schedule 4 to these Regulations, be served on the persons prescribed in column 2 of that table.

## Procedure for orders

7.—(1) An order shall be made in duplicate.

(2) Where an order is submitted to the Secretary of State for confirmation, the order and duplicate shall be sent to him accompanied by—

- (a) two further copies of the order;
- (b) a copy of the notice given before submission as required by paragraph 1(1) of Schedule 6 to the Act;
- (c) any representations or objections duly made with respect to the order and not withdrawn, together with any observations on them made by the council(c); and
- (d) a statement of the grounds on which the council consider that the order should be confirmed.

(3) Any proceedings preliminary to the confirmation of an SSSI diversion order may be taken concurrently with any proceedings preliminary to the confirmation of a public path extinguishment order(d), a rail crossing extinguishment order(e) or a special extinguishment order(f).

(4) After being notified of a decision not to confirm an order, the council shall, as soon as the requirements of paragraph 4(3) of Schedule 6 to the Act have been complied with, certify in writing to the Secretary of State that those requirements have been complied with.

(5) After an order has been confirmed by the Secretary of State, the council shall, as soon as the requirements of paragraph 4(1) of Schedule 6 to the Act have been complied with, certify in writing to the Secretary of State that those requirements have been complied with.

(6) After an order has been confirmed, the council shall send a copy of the order as confirmed to the Ordnance Survey.

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(a) Paragraph 1(3)(b) was substituted by the Wildlife and Countryside Act 1981 (c. 69), Schedule 16, paragraph 6.

(b) Paragraph 4(1)(a) was substituted by the Wildlife and Countryside Act 1981, Schedule 16, paragraph 8.

(c) See the definition of "council" in section 329(1) of the Act.

(d) See section 118(1) of the Act.

(e) See section 118A(2) and (3) of the Act, inserted by the Transport and Works Act 1992 (c.42), Schedule 2, paragraph 3.

(f) See section 118B(4) and (5) of the Act, inserted by the Countryside and Rights of Way Act 2000, Schedule 6, paragraph 8.

### **Claims for compensation in respect of orders**

8.—(1) A claim made in accordance with section 28 of the Act (compensation for loss caused by public path creation order), as applied by section 121(2) of the Act<sup>(a)</sup>, in consequence of the coming into operation of an order shall be made in writing and shall be served on the council, or, in the case of an order made by the Secretary of State, on the authority nominated by the Secretary of State as provided by section 28(3) of the Act (as it applies by virtue of section 121(2)(a) of the Act), by delivering it to the offices of the council or the authority (as the case may be), addressed to its Chief Executive, or by sending it by prepaid post so addressed.

(2) The time within which any such claim shall be served shall be six months from the date on which the order in respect of which the claim is made has come fully into force.

21st May 2007

*Barry Gardiner*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

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<sup>(a)</sup> Section 121(2) of the Act was amended by the Transport and Works Act 1992 (c. 42), Schedule 2, paragraph 6, and by the Countryside and Rights of Way Act 2000 (c. 37), Schedule 6, paragraph 14.

HIGHWAYS ACT 1980, SECTION 119E

NOTICE OF INTENTION TO MAKE AN APPLICATION REQUESTING A LOCAL HIGHWAY AUTHORITY TO MAKE AN SSSI DIVERSION ORDER TO DIVERT CERTAIN HIGHWAYS FOR THE PROTECTION OF A SITE OF SPECIAL SCIENTIFIC INTEREST

Name(s) and address(es) of notifiable bodies [insert details—note 2]

.....  
.....  
.....

Notice is hereby given of our intention to make an application to .....  
[name and address of the local highway authority or authorities in whose area(s) the right of way is located]

requesting that the highway described below is diverted for the protection of a site of special scientific interest on the grounds that:

[public use of the highway is causing ] or [ continued public use of the highway is likely to cause] [delete as appropriate] significant damage to the flora, fauna, or geological or physiographical features by reason of which the site of special scientific interest is of special interest; and

it is expedient that the line of the highway, or part of that line, should be diverted for the purpose of preventing such damage.

Name and location of SSSI: [insert details].....  
.....  
.....

1. PUBLIC RIGHT OF WAY TO BE EXTINGUISHED

(a) Name(s) and number(s) of highway(s) to be extinguished (including type of highway, grid references and parish or district in which it is located).

(b) Length in metres of path or way to be extinguished.

2. NEW PATHS OR WAYS TO BE CREATED

(a) Type of highway to be created: [enter type] .....

(b) Description: width, length, terminal points (indicating any section which runs over existing paths or ways), including grid references and parish or district in which it is located:

.....  
.....  
.....

Signed: .....

Name in capitals: .....

On behalf of Natural England

Address: .....

Telephone Number: .....

Email address: .....

Position held: .....

Date: .....

Note: once an application is made, the local highway authority will consider whether to make an order to divert the highway. If it decides to proceed you will have an opportunity to view the application and to comment to the local highway authority on the proposals before any diversion takes effect.

Notes

1. This form is to be completed by Natural England to serve notice on the persons or bodies to be notified of their intention to apply for an SSSI diversion order (section 119E(2) of the Highways Act 1980).
2. Natural England must serve notice on any owner, lessee or occupier of land over which the proposed order would create or extinguish a public right of way, and on such other persons as may be prescribed.

SCHEDULE 2

Regulation 4

HIGHWAYS ACT 1980, SECTION 119E

APPLICATION REQUESTING A LOCAL HIGHWAY AUTHORITY TO MAKE AN SSSI DIVERSION ORDER TO DIVERT CERTAIN HIGHWAYS FOR THE PROTECTION OF A SITE OF SPECIAL SCIENTIFIC INTEREST

FOR AUTHORITY USE ONLY
File ref:
Date acknowledged:

Name and address of local highway authority: *[insert details]* .....

An application is made to divert the highway *[note 2]* described below on the grounds that: *[public use of the highway is causing]* or *[ continued public use of the highway is likely to cause]*~~*[delete as appropriate]*~~ significant damage to the flora, fauna, or geological or physiographical features by reason of which the site is of special interest; and

it is expedient that the line of the highway, or part of that line, should be diverted for the purpose of preventing such damage.

Name and location of SSSI: *[insert details]* .....

1. PUBLIC RIGHT OF WAY TO BE EXTINGUISHED

(a) Name(s) and number(s) of highway(s) to be extinguished (including type of highway, grid references and parish or district in which located): .....

(b) Length in metres of path or way to be extinguished:.....

(c) Description of length of path or way to be extinguished by reference to terminal points shown on the map supplied and attached by the applicant which is on a scale of not less than 1:2500 or, if no such map is available, on the largest scale readily available *[note 3]*: .....

(d) The name(s) and address(es) of the owners, lessees and occupiers of the land over which the proposed order would extinguish a public right of way: .....

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

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

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

(f) Is the path or way that is to be extinguished subject to any limitation or conditions (e.g. is there a traffic regulation order in place?).

YES	NO
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If YES, please give details.

## 2. NEW PATHS OR WAYS TO BE CREATED

(a) Type of highway to be created: *[enter type]* .....

(b) Description: width, length, and by reference to terminal points (indicating also any section which runs over existing paths or ways) shown on the accompanying map *[note 3]*, including grid references and parish or district in which it is located: .....

.....

.....

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

.....

.....

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

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

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

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

YES	NO
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If YES, give details.

## 3. ASSESSMENT OF THE EFFECTS OF PUBLIC USE OF THE RIGHT OF WAY ON THE SPECIAL FEATURES OF THE SSSI *[note 4]*

(a) A summary of the reasons for seeking the proposed SSSI diversion order: .....

.....

.....

Answer the following in detail, using separate sheets as necessary—

(b) Clearly identify and assess the effects of any significant damage to the flora, fauna or geological or physiographical features by reason of which the SSSI is of special interest, which has been caused by the public use of the highway.

.....  
.....

(c) Clearly identify and assess the effects of any significant damage that continued public use of the highway is likely to cause to the flora, fauna or geological or physiographical features by reason of which the SSSI is of special interest.

.....  
.....

(d) Specify what consideration has been given to alternative options available and to any steps that have been taken to prevent or ameliorate the damage being, or likely to be, caused by the public use of the highway.

.....  
.....

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

(a) Public gas supplier: .....

(b) Public electricity supplier: .....

(c) Water undertaker: .....

(d) Sewage undertaker (if different): .....

(e) Public telecommunications operator: .....

(f) Others (please specify): .....

5. OTHER INFORMATION

The application must be accompanied by a copy of the notice of the intention to make this application.

Give any other information you consider relevant.

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 and until an SSSI diversion order has been confirmed and the relevant provisions have come into force;

(b) request that an SSSI diversion order is made and confirmed relating to the path or way described above; and

(c) declare that to the best of my/our knowledge and belief, the factual information in this form is true and accurate.

Signed: .....

Name in capitals: .....

On behalf of Natural England

Address: .....

Telephone Number: .....

Email address: .....

Position held: .....

Date: .....

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

*Notes*

1. *This form is to be completed by Natural England when requesting a local highway authority to make an SSSI diversion order to divert certain highways for the protection of a site of special scientific interest under section 119E of the Highways Act 1980.*

2. *The highway must be in, form a part of, or be adjacent to or contiguous with, a site of special scientific interest, and must be a "relevant highway", defined in section 119D(2) as follows—*

*(a) a footpath, bridleway or restricted byway;*

*(b) a highway which is shown in a definitive map and statement as a footpath, a bridleway or a restricted byway but over which the public have a right of way for vehicular and all other kinds of traffic, or*

*(c) any highway which is shown in a definitive map and statement as a byway open to all traffic, but does not include any highway that is a trunk road or special road.*

3. *The application must be accompanied by a map (section 119E(1)(a)) on a scale not less than 1:2500, or, if no such map is available, on the largest scale available). The map must—*

*(a) show the existing site of so much of the line of the highway as would be diverted if the order were made and the new site to which it would be diverted;*

*(b) indicate whether a new right of way would be created by the order over the whole of the new site or whether some of it is already comprised in a highway; and*

*(c) where some part of the new way is already so comprised, define that part.*

4. *The application must be accompanied by an assessment of the effects of public use of the right of way on the site of special scientific interest (section 119E(1)(b)).*



## HIGHWAYS ACT 1980, SECTION 119D

SSSI DIVERSION ORDER TO DIVERT CERTAIN HIGHWAYS TO PROTECT A  
SITE OF SPECIAL SCIENTIFIC INTEREST

[NAME OF COUNCIL]

[TITLE OF ORDER]

This Order is made by ..... [name of council] (“the Council”) under section 119D(3) and (7) of the Highways Act 1980 (“the 1980 Act”) because it appears to the Council that as respects the relevant highway [note 1] described in [article 1 below] (“the highway”)—

- (a) the Council are the highway authority for the highway;
- (b) an application from Natural England has been received, and notice of application appears to have been duly given;
- (c) public use of the highway is causing/continued public use of the highway is likely to cause [*\*delete one or other*] significant damage to the flora, fauna or geological or physiographical features by reason of which the SSSI is of special interest;
- (d) it is expedient that the line of the highway, or part of that line, should be diverted (whether on to land of the same or another owner, lessee or occupier) for the purpose of preventing such damage; and
- (e) it is requisite for that purpose to create the public right of way described in Part 1 of the Schedule to this Order and to extinguish the public right of way described in Part 3 of that Schedule.

In accordance with section 119E (3) of the 1980 Act, the Council has had regard to the questions of—

- (a) whether the Council would be able to prevent damage of the kind described by making a traffic regulation order, and
- (b) if so, whether the making of a traffic regulation order would cause less inconvenience to the public than that which would be caused by the diversion of the highway.

The Council has, by virtue of section 119D(8), required Natural England to enter into an agreement with it to [defray] [make contributions as specified in the agreement towards] [any compensation which becomes payable in consequence of the coming into force of this Order] [any expenses which the Council may incur in connection with bringing the new site of the [footpath] [bridleway] [restricted byway] [byway open to all traffic] into a fit condition for use by the public] [which may be recovered from the Council by the highway authority] [*delete as appropriate*].

The ..... [name] council(s) have been consulted as required by section 120(2)(a) of the 1980 Act [*complete or delete as appropriate*].

The ..... [name] council(s) have consented to the making of the Order as required by section 120(1A) and 2(b) of the 1980 Act [*complete or delete as appropriate*].

[National Parks]

- (a) [The ..... [name] National Park Authority has been consulted as required by section 120(2)(a) of the 1980 Act;] [The ..... [name] National Park Authority has consented to the making of the Order as required by section 120(2)(b) of the 1980 Act;] [*complete or delete as appropriate*] and
- (b) Natural England has been consulted as required by section 120(2)(c) of the 1980 Act.

[Note: section 120 of the 1980 Act was extended to National Park authorities by paragraph 11 of Schedule 9 to the Environment Act 1995].

## BY THIS ORDER:

1. There shall at the end of ..... days from the date of confirmation of this Order be a new public right of way being a ..... [*specify the type of the new right of way—note 2*] over the land situate at ..... shown by a bold broken line on the map [note 3] contained in this Order and described in Part 1 of the Schedule to this Order.
2. [The rights conferred on the public under this Order shall be subject to the limitations and conditions specified in Part 2 of the Schedule to this Order [*delete if no limitations or conditions are specified in this Order*].
3. The public right of way over the land situate at ..... and shown by a bold continuous line on the map contained in this Order and described in Part 3 of the Schedule to this Order shall be extinguished after ..... days from the date of confirmation of this Order [but not before the day following the date of certification] [*delete if not appropriate—see note 4*].

[In this article, “the date of certification” means the date on which the highway authority for the new highway mentioned in article 1 certify that such work has been carried out as is required to be done in order to bring the site of that highway into a fit condition for use by the public] [*delete if not appropriate—see note 4*].

4. [The following provisions shall apply for the protection of ..... [name of statutory undertaker], namely .....] [*complete or delete as appropriate—note 5*].

Date .....

Signed .....

..... [*describe position held with the council*]

..... [*name of council*]

## SCHEDULE

### PART 1

#### DESCRIPTION OF SITE OF NEW PUBLIC RIGHT OF WAY

[*Describe position, length and width of the new way  
in sections, e.g. A-B, B-C etc., as indicated on the map*]

### PART 2

#### LIMITATIONS AND CONDITIONS

[*Specify any limitations and conditions which are to apply—see footnote 6. Delete this Part if no limitations or conditions are specified*]

### PART 3

#### DESCRIPTION OF SITE OF EXISTING HIGHWAY

[*Describe position, length and width of the existing highway in sections, e.g. C-D, D-E etc. as indicated on the map*]

#### Notes

1. “Relevant highway” is defined in section 119D(2) of the 1980 Act as follows—
  - (a) a footpath, bridleway or restricted byway,
  - (b) a highway which is shown in a definitive map and statement as a footpath, a bridleway or a restricted byway but over which the public have a right of way for vehicular and all other kinds of traffic, or
  - (c) any highway which is shown in a definitive map and statement as a byway open to all traffic, but does not include any highway that is a trunk road or special road.
2. The new public right of way being created must be—
  - (a) such new footpath, bridleway or restricted byway, or
  - (b) in a case where the highway being diverted falls within (b) or (c) of note 1 above, such new highway over which the public have a right of way for vehicular and all other kinds of traffic, as appears to the council requisite for effecting the diversion (see section 119D(3) of the 1980 Act).
3. Section 119E(5) of the 1980 Act requires that an SSSI diversion order shall contain a map—
  - (a) showing the existing site of so much of the line of the highway as is to be diverted by the order and the new site to which it is to be diverted,
  - (b) indicating whether a new right of way is created by the order over the whole of the new site or whether some part of it is already comprised in a highway, and
  - (c) where some part of the new site is already so comprised, defining that part.
4. See section 119D(3)(b) and (6)(b) of the 1980 Act.
5. See section 121(5) of the 1980 Act.
6. The power to specify limitations and conditions is conferred by section 119D(7).

FORM 1

HIGHWAYS ACT 1980, SECTION 119D(10) AND SCHEDULE 6

NOTICE OF MAKING OF SSSI DIVERSION ORDER

IMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTY [note 1]

[NAME OF COUNCIL]

[TITLE OF ORDER]

[To .....

of ..... ] [note 1]

The above Order was made on ..... under section 119D of the Highways Act 1980. The Order will divert the public highway ..... [describe the effect of the Order].

A copy of the Order and map contained in it may be inspected free of charge at ..... from ..... a.m. to ..... p.m. on .....

Copies of the Order and map may be obtained from ..... at the price of ..... [note 2].

[Compensation for depreciation of the value of an interest in land or for disturbance in the enjoyment of land arising in consequence of the coming into force of the Order is payable under section 28 of the Highways Act 1980, as applied by section 121(2) of that Act. Copies of these sections and of section 120(3) of that Act (to which section 121(2) refers) are attached] [note 1].

Any representations about or objections to the Order may be sent in writing to ..... [title of appropriate officer and name and address of council] not later than ..... [note 3]. Please state the grounds on which they are made.

If no such representations or objections are duly made, or if any so made are withdrawn, the ..... [name of council] may confirm the Order as an unopposed order. If the Order is sent to the Secretary of State for Environment, Food and Rural Affairs for confirmation, any representations or objections which have not been withdrawn will be sent with the Order.

Date .....

Signed .....

..... [describe position held with the council]

..... [name of council]

Notes

1. Insert only in notices to be served on a person specified in, or under, paragraph 1(3)(b) of Schedule 6 to the Highways Act 1980. Where this notice is required by paragraph 1(3)(b) of that Schedule to be served on an owner, occupier or lessee of land affected by the Order or on certain other persons, a copy of the Order shall be included with this notice (paragraph 1(4B) of that Schedule).

2. The council must make the Order and map available for inspection free of charge at all reasonable hours and ensure copies of the Order and map may be obtained at a reasonable charge (paragraph 1(1)(b) of Schedule 6 to the Highways Act 1980).

3. This date shall not be less than 28 days from the date of the first publication of this notice (paragraph 1(1)(c) of Schedule 6 to the Highways Act 1980).

[Complete blank spaces as appropriate.]

FORM 2

HIGHWAYS ACT 1980, SECTION 119D(10) AND SCHEDULE 6

NOTICE OF CONFIRMATION OF SSSI DIVERSION ORDER

IMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTY [note 1]

[TITLE OF ORDER]

[To .....

of ..... ] [note 1]

[On ..... the Secretary of State for Environment, Food and Rural Affairs, in accordance with section 119D(3) and (9) of the Highways Act 1980, confirmed [with][without] modifications the above Order, made under section 119D(3) and (7) of the Highways Act 1980] or

[On ..... the ..... [council], in accordance with section 119D(3) and (9) of the Highways Act 1980, confirmed without modification the above Order, made under section 119D of the Highways Act 1980].

The effect of the Order as confirmed is to divert the public highway ..... [describe the effect of the Order].

A copy of the Order as confirmed and the map contained in it may be inspected free of charge at ..... from ..... a.m. to ..... p.m. on ..... Copies of the Order and map may be obtained from ..... at the price of ..... [note 2].

[Any person who wishes to claim compensation under section 28 of the Highways Act 1980, as applied by section 121(2) of that Act, for depreciation of the value of an interest in land or for disturbance in the enjoyment of land in consequence of the coming into force of the Order must make his or her claim in writing addressed to the Chief Executive at ..... [name and address of council] and serve it by delivering it at, or by sending it by prepaid post to, the above address not later than ..... Copies of these sections and of section 120 (3) of that Act (to which section 121(2) refers) are attached] [note 1].

The public right of way created by the Order comes into existence ..... [indicate when the creation takes effect, in accordance with the terms of article 1 of the Order]. The public right of way extinguished by the Order is extinguished ..... [indicate when the extinguishment takes effect, in accordance with the terms of article 3 of the Order].

If any person aggrieved by the Order desires to question the validity of it, or of any provision contained in it, on the ground that it is not within the powers in the Highways Act 1980, or on the ground that any requirement of that Act or of any regulations made under it has not been complied with in relation to the Order, he or she may under paragraph 2 of Schedule 2 to that Act (as applied by paragraph 5 of Schedule 6 to that Act), within six weeks from ..... [date on which this notice was first published], make an application to the High Court.

Date .....

Signed .....

..... [describe position held with the council]

..... [name of council]

Notes

1. Insert only in notices to be served on a person specified in paragraph 4(1)(a) of Schedule 6 to the Highways Act 1980. Where this notice is required under paragraph 4(1)(a) of that Schedule to be served on an owner, occupier or lessee of land affected by the Order or on certain other persons, a copy of that Order as confirmed shall be included with this notice (paragraph 4(2) of that Schedule).

2. The council must make the confirmed Order available for inspection free of charge at all reasonable hours and ensure copies of the Order and map may be obtained at a reasonable charge (paragraph 4(1) of Schedule 6 to the Highways Act 1980).

[Delete alternatives in square brackets and complete spaces as appropriate.]

FORM 3

HIGHWAYS ACT 1980, SECTIONS 119D(10) AND 120(3), AND SCHEDULE 6

NOTICE OF MAKING OF SSSI DIVERSION ORDER BY THE SECRETARY OF STATE

IMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTY [note 1]

[TITLE OF ORDER]

[To .....

of ..... ] [note 1]

On ..... the Secretary of State for Environment, Food and Rural Affairs made the above Order under section 120(3) of the Highways Act 1980.

The effect of the Order is to divert the public right of way ..... [describe the effect of the Order].

A copy of the Order in its final form and the map contained in it may be inspected free of charge at ..... from ..... a.m. to ..... p.m. on ..... Copies of the Order and the map may be obtained from ..... at the price of ..... [note 2].

[Any person who wishes to claim compensation under section 28 of the Highways Act 1980, as applied by section 121(2) of that Act, for depreciation of the value of an interest in land or for disturbance in the enjoyment of land in consequence of the coming into force of the Order must make his or her claim in writing, addressed to the Chief Executive at ..... [name and address of council], and serve it by delivering it at, or sending it by prepaid post to, the above address no later than ..... Copies of these sections and of section 120(3) of that Act (to which section 121(2) refers) are attached] [note 1].

The public right of way created by the Order comes into existence ..... [indicate when the creation takes effect, in accordance with the terms of article 1 of the Order]. The public right of way extinguished by the Order is extinguished ..... [indicate when the extinguishment takes effect, in accordance with the terms of article 3 of the Order].

If any person aggrieved by the Order desires to question the validity of it, or of any provision contained in it, on the ground that it is not within the powers of the Highways Act 1980, or on the ground that any requirement of that Act or of any regulations made under it has not been complied with in relation to the Order, he or she may under paragraph 2 of Schedule 2 to that Act (as applied by paragraph 5 of Schedule 6 to that Act), within six weeks from ..... [date on which this notice was first published], make an application to the High Court.

Dated .....

Signed .....

Authorised to sign on behalf of the Secretary of State.

Notes

1. Insert only in notices required to be served on a person specified in paragraph 4(1)(a) of Schedule 6 to the Highways Act 1980. Where this notice is required under paragraph 4(1)(a) of that Schedule to be served on an owner, occupier or lessee of land affected by the Order or on certain other persons, a copy of the Order shall be included with this notice (paragraph 4(2) of that Schedule).
2. The council must make the Order and map available for inspection at all reasonable hours and ensure copies of the Order and map may be obtained at a reasonable charge (paragraph 4(1) of Schedule 6 to the Highways Act 1980).

TABLE  
 ADDITIONAL PERSONS TO BE SERVED WITH NOTICE OF ORDERS

1. Area	2. Name of Persons
Any area in England.	Auto Cycle Union British Horse Society Byways and Bridleways Trust Cyclists Touring Club Open Spaces Society Ramblers Association Such persons representing conservation interests as the authority, having consulted Natural England, consider likely to have an interest. Peak and Northern Footpaths Society.
The counties of Cheshire, Derbyshire, Greater Manchester, Lancashire, Merseyside, South Yorkshire, Staffordshire and West Yorkshire.	
Within the county of Bedfordshire: the borough of Luton and the districts of Mid Bedfordshire and South Bedfordshire.	Chilterns Society.
Within the county of Buckinghamshire: the districts of Chiltern, Wycombe, South Bucks and Aylesbury Vale.	
Within the county of Hertfordshire: the borough of Dacorum and the districts of Three Rivers and North Hertfordshire.	
Within the county of Oxfordshire, the district of South Oxfordshire.	

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Sections 119D and 119E of the Highways Act 1980, inserted by Schedule 6 to the Countryside and Rights of Way Act 2000, make provision enabling an order (an “SSSI diversion order”) to be made for the diversion of certain highways to prevent significant damage to the special features of a site of special scientific interest.

These Regulations prescribe the forms and notices, and make provision as to the procedure, for SSSI diversion orders as follows—

- (a) regulation 3 and Schedule 1 prescribe the form for a notice of intention to apply for an order;
- (b) regulation 4 and Schedule 2 prescribe the form of applications for an order, and of the assessment to accompany applications, and make provision as to the scale of the map to accompany applications, and as to other accompanying information;
- (c) regulation 5 and Schedule 3 prescribe the form of an order and the scale of a map to accompany it;
- (d) regulation 6 and Schedule 4 prescribe the form of notices of making and proposed submission for confirmation, and confirmation, of orders, and prescribe certain additional persons upon whom these notices are to be served;
- (e) regulation 7 makes procedural provision as to the making, submission and confirmation of orders; and
- (f) regulation 8 prescribes requirements with regard to claims for compensation under section 28 of the Highways Act 1980 for depreciation or disturbance in consequence of an SSSI diversion order and also provides that any such claim shall be served within 6 months of the order concerned coming into force.

A full impact assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.

**2007 No. 1494**

**HIGHWAYS, ENGLAND**

**The Highways (SSSI Diversion Orders) (England)  
Regulations 2007**

£3.00

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