

Application Form to Extinguish a Public Right of Way

Section 118 Highways Act 1980 (as amended)

Part 1

Name, address and email of applicant (if the applicant is a company, please state the name of the company, together with a contact name)

Contact Tel No:

The applicant as stated above requests the Council to make an Order under the provisions of Section 118 of the Highways Act 1980 for the extinguishment of the Public Right of Way as described in Part 2.

The application for the extinguishment is made on the grounds that the path/way is not needed for public use.

Please detail your reason for applying

Part 2

Number of Right of Way to be extinguished (if known):

Parish in which the Right of Way is situated:

Description of the Right of Way to be extinguished (please include grid references):

Please describe the surface of the existing route:-

Please detail any furniture on the existing route:



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Please give details of the people who have interests in land crossed by the existing route.

Please give all names and addresses. If the answer is "none" or "not applicable", please say so:-

The freehold owners:-

The tenants:-

The occupiers:-

Mortgagees:-

Have these persons been consulted with regard to this proposal?

YES/NO*

Do any of those persons have any objection to the proposals?

YES/NO*

If the answer is "NO", please attach written consent with application form.

If the answer is "YES", please give details below:

Please submit a plan illustrating the proposed extinguishment at a scale of either 1:1250 or 1:2500 with this form.



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DECLARATION

Please read the following section carefully.

Authority for Extinguishments

*I/we the undersigned understand that no authority for the extinguishment of any Right of Way is conferred unless confirm by the Council/Secretary of State.

*I/we declare that the Right of Way to be extinguished is in no way obstructed and shall be in no way obstructed before the Order is confirmed.

Objections to the Order

*I/we recognise that if objections are received to a published Order, the Council may:

- Request that the Secretary of State determine the Order
- Represent the case at Public Inquiry, hearing or through written representations
- Request that the applicant represents his/herself at Public Inquiry, hearing or written representation.

Costs of the Application – The Legislation

I/we understand that Shropshire Council is entitled to recover the costs incurred in the making of a Public Path Order under “The Local Authority” (Recovery of costs of PPO’s) Regulations 1993

Costs-Payments and Requirement

*I/we undertake to defray the following costs and expenses incurred by Shropshire Council.

The full costs of investigating, making and confirming the Order. *I/we understand that these costs will remain payable should the Council resolve not to make the Order or the Order is not confirmed for any reason other than those specified in section 7 below.

If more than one Order is required to achieve your aim, then additional costs will occur (see cost schedule).

Costs-Schedule of Payments

*I/we are aware that, although at present the minimum costs of a straightforward application (which has received no objection) are approximately **£4,600** plus advertising costs, this figure is for each Order and cannot be guaranteed. We are aware that if there are objections to the Order at the Order Making stage, the costs can rise.

*I/we agree to pay the costs calculated by the Council in the stages which are provided below:-

1. Non-Refundable Deposit

*I/we understand that a non-refundable cost will be charged for the first stage of the application.



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2. Costs of Making the Order

*I/we understand that costs will be charged for the publication of the Order and failure to make payment in full within the specified time period will mean that the Order will not be confirmed and legal proceedings will commence for recovery of the unpaid costs.

3. Confirmation of Costs

*I/we agree to pay the remaining costs of the application. For failure to comply, see Stage 2 above.

Reduction of Costs/Waiver

*I/we understand that no charge or reduced charges will be made in the following circumstances:

- No charge will be made if the Order could not be confirmed because it had been invalidly made;
- No charge will be made where the Council fails to confirm the Order to which no objection has been made or, if there are unresolved objections, the Council fails to submit the Order to the Secretary of State for confirmation except when the applicant has not paid an invoice raised by the Council;
- No charge will be made if the Order has been sought by the Council because it is considered that it would be in the interests of the public for the Order to be made.

I/we confirm that I/we have read and understood the Council's Guidance Notes and Cost Schedule and

***I/we confirm that the existing pathway subject to this application is unobstructed.**

***I/we confirm that I/we have read and signed the declaration relating to Public Path Order applications.**

Signed:-

Date:-

NB: Where an *appears, please delete the option(s) which is/are not applicable.

THIS FORM SHOULD BE COMPLETED IN ALL RESPECTS. If you are in any doubt as to what is required, the Council's Outdoor Partnerships Team will be pleased to assist you. You may, however, wish to consult with your own legal adviser before completing the form and it is recommended that you should do so if you are in any doubt as to the legal consequences of submitting an application.

The information you provide on this form will be available for public viewing in relation to the file on this issue only.

