Application for a Public Path Extinguishment Order

HIGHWAYS ACT 1980 – SECTION 118

IMPORTANT: Applicants should read the guidance notes before completing this form.

The completed form must be accompanied by an extract from the current Ordnance Survey map at a scale of not less than 1:2500 accurately showing the definitive route of the footpath/bridleway/restricted byway to which this application relates. Any other adjoining public rights of way should also be accurately shown.
A plan showing existing routes can be purchased from Suffolk County Council, tel: 01473 264774, email: definitivemaps@suffolk.gov.uk, or write to Rights of Way and Access Team, Suffolk Highways, Phoenix House, 3 Goddard Road, Ipswich, IP1 5NP

The completed form and accompanying documents should be sent to the following address and emailed to: public.realm@baberghmidsuffolk.gov.uk
Public Rights of Way Officer
Babergh and Mid Suffolk District Councils, Endeavour House, 8 Russell Road, Ipswich, IP1 2BX

Application to extinguish the public footpath(s)/bridleway(s)/restricted byway(s) described in Section 4 of this application in the parish(es) of:

....

SECTION 1 - DETAILS OF APPLICANT(S)

Full name(s) of applicant(s):

....

Address of applicant(s):

....

....

....

Tel no: ....

Email: ....

Name and address of agent (if applicable):

....

....

....

....

Tel no: ....

Email: ....

Shall we deal direct with your agent?   ☐ Yes   ☐ No

SECTION 2 - OWNERSHIP OF LAND

2.1   Are you the freehold owner and occupier of all the land affected by the proposed extinguishment?

☐Yes   ☐No

Please supply current/up to date proof of ownership in the form of an Epitome of Title or official copies of the Register.

If yes, go to question 2.3

2.2   If no:-

- list below the names and addresses of all the other owners, occupiers and lessees of land affected by the extinguishment.
- indicate accurately on the application plan the different ownerships and occupations
- enclose a letter of consent from all the owners, occupiers and lessees and written confirmation that they have seen a copy of our privacy notice.

Name: …………………………………………………………………. (owner/lessee/occupier*)

Address: ....

....

....

Tel: ....

Email: ....

Name: …………………………………………………………………. (owner/lessee/occupier*)

Address: ....

....

....

Tel: ....

Email: ....

Name: …………………………………………………………………. (owner/lessee/occupier*)

Address: ....

....

....

Tel: ....

Email: ....

2.3   Does any statutory undertaker (eg gas, water, electricity) have any rights on, over or under the land over which the existing right of way runs?

☐Yes   ☐No

If yes, give details: ....

....

....

....

SECTION 3 - REASONS FOR APPLICATION

Section 118 of the Highways Act 1980 permits the extinguishment of a public footpath, bridleway or restricted byway on the grounds that it is not needed for public use. These are the only grounds upon which an order may be made. Any temporary circumstances preventing or diminishing the use of the public footpath, bridleway or restricted byway must be disregarded.

Please state fully the reasons why you consider that the footpath, bridleway or restricted byway is not needed for public use:

SECTION 4 – DESCRIPTION OF SITE OF EXISTING FOOTPATH/BRIDLEWAY/RESTRICTED BYWAY TO BE EXTINGUISHED

Section of footpath/bridleway/ restricted byway to be extinguished to be indicated by a bold continuous line on the map (1)	Description (include details of any existing limitations or conditions e.g. kissing gate, bridge and indicate if authorised by the Highway Authority) (2)	Definitive Width (if known)	Name each owner, lessee or occupier of the land over which the existing route runs. Rights of statutory undertakers, if any, to be clearly indicated for each section of the route (3)

(1) Each section should be distinctively lettered, e.g. A-B, B-C, etc. When there are no sections insert "whole path" in this column. Add the letters to the plan.

(2) Describe each section of the route by reference to the commencing and ending points and indicate whether the path proceeds in a straight line between those points or whether it follows an irregular course e.g. the course of a stream.

(3) Where names differ for various sections of the route the owner, lessee and occupier of each section must be clearly indicated.

SECTION 5 - AGREEMENT TO REIMBURSE COSTS AND DATA PROTECTION

*I/We agree

5. 1   To reimburse to the District Council all expenses incurred by it in connection with the application whether or not an order is made or confirmed. Refunds will only be given in the circumstances set down in paragraph 9 of the 'Guidance on Charges for Public Path Orders and Agreements'

5.2   To reimburse to the District Council any compensation which may become payable by the District Council under Section 28 of the Highways Act 1980, as applied by Section 121(2) of the same Act, as a consequence of the coming into operation of the order.

5.3   In completing this document and by signing it you are allowing Babergh and Mid Suffolk District Council, to process your data in accordance with the UK General Data Protection Regulation as part of the Data Protection Act 2018 for the specific purpose outlined within this application form. Your data used for this purpose will be retained indefinitely by Babergh and Mid Suffolk District Councils. The reason for this retention period is because the Council is the only organisation to hold this data about public path orders and therefore it is considered to be of historical importance for use in the future if discrepancies arise or for research purposes.

Babergh & Mid Suffolk District Councils are registered as Data Controllers can be contacted at: Endeavour House, 8 Russell Road, IPSWICH IP1 2BX Tel: 0300 123 4000. The Data Protection Officer can be contacted at the same address. For more information regarding our Data Protection policy and how we use and look after your data please visit our website www.babergh.gov.uk | www.midsuffolk.gov.uk and click on Your Right to Information.

In order to progress this application we will share your information with other agencies and organisations as necessary.

* Delete as appropriate.

Dated: ………………………………….

Signed: …………………………………   Signed: ………………………………………

Print name: ……………………………..   Print name: …………………………………