



APPLICATION TO EXTINGUISH A PUBLIC RIGHT OF WAY

Highways Act 1980 S.118

IMPORTANT: No authority for the extinguishment of a public right of way is conferred unless and until an order made under Section 118 of the above Act has been confirmed. Any preliminary obstruction or interference with the public right of way concerned is not only an offence but may invalidate the application.

Data Protection The information you provide will be used to process and determine your application and may be shared with other departments of the Council and with other statutory consultees.

Swindon Borough Council complies with current Data Protection legislation. For further information, please contact the Data Protection Controller at Swindon Borough Council, Civic Offices, Euclid Street, Swindon SN1 2JH.

Section 1: Application

To: Rights of Way Mapping Officer
Swindon Borough Council
Service Delivery
2nd floor Wat Tyler House West
Beckhampton Street
Swindon SN1 2JH

I/We*,

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of

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hereby apply for an order under Section 118 of the Highways Act 1980 to extinguish the public right of way known as Footpath/Bridleway/Restricted Byway* number
in the unparished area of Swindon/parish of*

Signed:..... Date:.....

Signed:..... Date:.....

*delete as appropriate

Section 2: The path to be extinguished

- (a) A section/the entire length* of the public right of way named in Section 1 above:
from.....
at OS grid reference.....
to.....
at OS grid reference.....

N.B. A signed and dated plan to a scale of not less than 1:2500, showing the route of the proposed extinguishment, should be attached.

- (b) Is the right of way currently open and available for use at all times by the public? If not, give details of any obstructions (*use a separate sheet if necessary*).

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Section 3: Ownership of land

- (a) List the name(s) and address(es) of the owners, lessees and occupiers of the land on either side of the public right of way to be extinguished:

Full name: Owner/lessee/occupier*
Address:
.....Postcode.....
Full name: Owner/lessee/occupier*
Address:
.....Postcode.....
Full name: Owner/lessee/occupier*
Address:
.....Postcode.....

- (b) Please give details of any other person(s) having a legal interest in the land over which the right of way currently runs, including a mortgagee or person having an easement over the land (*use a separate sheet if necessary*).

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*delete as appropriate

Section 3 (continued):

(c) Has the written consent of **ALL** such persons been obtained?

YES / NO / NOT REQUIRED*

If **YES**, enclose all the written consents.

If **NO**, enclose those written consents which you have obtained to date, and give details below of those where consent has been refused or has yet to be obtained.

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Section 4: Reason for extinguishment

Section 118 of the Highways Act 1980 permits the extinguishment of a public right of way on the grounds that it is not needed for public use. These are the only grounds on which an extinguishment order may be made. Any obstruction of the right of way which prevents its use by the public must be disregarded insofar as it has discouraged public use. *Any premature closure is unauthorised and may invalidate an application.*

(a) Please state the reason(s) why you believe that the right of way to be extinguished is no longer needed for public use:

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(b) How much use do you consider the public makes of the right of way at present?

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*delete as appropriate

Section 5: Statement

I/We* hereby undertake to defray any costs for compensation which become payable in consequence of the coming into operation of the order.

I/We* undertake with the Swindon Borough Council to meet in full the requirements of any statutory undertaker in respect of any apparatus which may be over, in or under the public right of way in respect of which I/we* make this application. I/We* understand that the consent of the statutory undertakers is required before the Council may confirm the order, and that such consent may be conditional on my/our* carrying out works to protect the statutory undertakers' apparatus and/or rerouting it. *(The Council will consult with the statutory undertakers on your behalf)*

I/We* understand that no authority for the extinguishment of a public right of way is conferred unless and until the order has been confirmed.

I/We* declare that the current route of the footpath/bridleway/restricted byway* to be extinguished is not obstructed in any way and is fully available for public use, and I/we* undertake that it shall not be obstructed in any way before the order comes into operation.

I/We* agree to pay the Swindon Borough Council all reasonable costs incurred in the preparation and making of the order.

Signed:..... Date:

PLEASE PRINT FULL NAME:

Signed:..... Date:

PLEASE PRINT FULL NAME:

For and on behalf of

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*delete as appropriate