

APPLICATION FOR A PUBLIC PATH EXTINGUISHMENT ORDER
FOR FOOTPATHS, BRIDLEWAYS & RESTRICTED BYWAYS
HIGHWAYS ACT 1980 – SECTION 118

TO: Essex Highways Definitive Map Service
Seax House 2nd Floor
Victoria Road South
Chelmsford
CM1 1QH

Email: publicpathorders@essexhighways.org

Please complete all sections in clear print and return to the above address. Emailed scans of originally signed forms are acceptable. All 5 pages must be completed and submitted for an application to be considered. (it is advisable to retain a copy for your records)

The Public Right(s) of Way

Parish in which the public right(s) of way is located

Path numbers (if known)

Name of Applicant

Address

.....

Postcode.....Telephone

Email address.....

Are you the owner of the land where the footpath is to be extinguished? YES/NO*

If NO then state whether you are:

Occupier /Tenant Agent Other

Name of landowner(s)

Address

.....

Postcode Telephone

Email address

*Where 3rd party landowner consent is required for an extinguishment the applicant is responsible for obtaining that consent. At the time of commencement and agreement of the route/order we will draft a consent form for the respective 3rd party landowner to sign, but in the meantime please obtain evidence of their consent/commitment to the proposals.

TERMS AND CONDITIONS – IMPORTANT – PLEASE READ BEFORE SIGNING

I/We acknowledge that a non-refundable assessment fee of £550.00 will be invoiced when notification is received of the commencement of the processing of the application.

I/We acknowledge and undertake that:

1. The application will not proceed to the next stage until the assessment fee invoice has been paid.
2. The assessment fee amount paid covers the following costs:
 - (a) land ownership verification
 - (b) determining if we will process the application i.e. accept, consider and issue decision
 - (c) initial site visit
 - (d) drawing up of a proposal plan
 - (e) pre-Order 'informal' consultations and negotiations
3. The total amount paid is currently a fixed fee of £3,328 (which includes the £550 above). Any additional orders required which may form part of the same scheme will cost a further £850 per order, and a fee of £390 will apply for the second and each additional path within any order. The set fee includes the following costs:
 - (a) making an Order(s) including legal costs and compiling final order plans (see above and PPO Fee Guide re additional Orders/paths).
 - (b) advertising and consultation of Orders
 - (c) confirmation of Orders including legal costs
 - (d) * works costs are not included – see below

*NB. Any works required (e.g. removal of signage/structures) will be paid by the applicant unless in exceptional circumstances other terms are agreed with the Council, this includes any work requiring execution on land other than that owned by the applicant to meet the legal schedule as set out in the conditions of the Order. The applicant will meet any costs incurred by the Council as a consequence of any alteration or replacement of any statutory undertaker's apparatus including telecommunications apparatus, arising from the effect of the Order together with any costs provided for under the 1980 Act. It may be possible in some circumstances for applicants to undertake or commission their own works. Please note: works connecting with highways with vehicular rights, such as carriageways and roads, can only be undertaken by ECC or their nominated contractors.
4. IMPORTANT - Non-ECC works: please note that it is your responsibility to check for any underground cables, pipes or any other structures before breaking the ground and/or commencing the installation/removal of any approved structure on the route to be extinguished. You must contact the relevant Statutory Undertakers (i.e. BT, gas, water, electricity companies etc.) to ascertain whether they have apparatus within the area proposed to install the structure. If there is any objection from any of the relevant Statutory Undertakers then the highway authority must be informed and the installation must not proceed.
5. To pay on demand the cost at the made Order stage of £2,000 (plus extra costs as 3. above).
6. To pay on demand the remaining fees at the confirmation Order stage – plus works.
7. If objections lodged are not withdrawn and upon referral to the Secretary of State, they subsequently dismiss the Order, but not on the ground of invalidity, monies paid by the applicant for costs incurred up to the made Order stage are not refundable. Please be advised that opposed orders will only be forwarded to the Secretary of State for Rural Affairs at the discretion of the Highway Authority who will determine if the benefit of the order outweighs the costs to the taxpayer of a referral.
8. To pay any compensation in respect to a claim made under Section 28 (as applied by Section 121) of the Highways Act 1980 which may become payable to a person whose interest in the

land has depreciated or who has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of the said Order.

9. To meet any costs, which the Council has to pay as a consequence of any alteration or replacement of any statutory undertaker's apparatus including telecommunications apparatus, arising from the effect of the order together with any costs provided for under the 1980 Act. This to include the removal or abandonment of any apparatus, including the cost of providing any telecom apparatus rendered useless under, in, on, over, along or across the path to be stopped up.
10. Where immediately before the date on which part of the public right of way is extinguished, there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying out their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
11. I/We will notify the Highway Authority the name and address of any other person(s) known as having an interest in any of the land or premises affected by either the existing or proposed new routes; please complete the Requisition for Information form overleaf as appropriate.
12. Please advise if any Statutory Undertakers/Utility Companies have rights of access over the land subject to the existing Public Right of Way:

Name of company.....

Details of rights.....

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13. If any of the land appertaining to the extinguishment proposals is registered with Land Registry please provide the relevant Land Registry Extract No.s:

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Please note - land that is not yet registered will result in delays in the processing of your application. Essex Legal Services will not accept an instruction to make an order where landownership is not confirmed by Land Registry title plans and registers or alternative suitable proof (at ECC's discretion). Applicants are therefore urged to use the waiting list time to register any affected land parcels to prevent delays.

I/We have read and agree the terms and conditions and these provide a legally binding agreement between Essex County Council and the applicant.

Signature(s)

Date

Requisition for Information - Essex County Council

Pursuant to the provisions of section 16 of the Local Government (Miscellaneous Provisions) Act 1976, the above-named authority hereby requires you to state in writing the nature of your interest in the land affected by this application. This information is required by the Council with a view to performing their function in relation to public path orders under Section 118 of the Highways Act 1980.

You are also required to state in writing the name and address of any other person known to you as having an interest in the said land or premises, as freeholder, lessee or otherwise, mortgagee or who receives rent for the land.

My/our interest in the land is as (owner, lessee, licensee, occupier)	
Full name and address of occupier	
State whether premises held on weekly tenancy, agreement or lease and term	
Full name and address of person to whom rent is paid, if he is Agent for another person state full name and address of such person	
Full name and address of Freeholder	
Full name and address of Leaseholder	
Full name and address of Mortgagee (Bank, Building Society etc.)	
Full name and address of any other person having an interest in the premises	