

PROW Application for the Extinguishment of a Public Footpath/Bridleway
S.118 Highways Act 1980

1. Applicant's name and address

Daytime Telephone No:

2. Do you own the land over which the footpath/bridleway currently runs?

Yes

☐

No

☐

If not, who owns the land?

(see Note 1)

3. Please describe the route of the footpath/bridleway
(a plan will also need to be provided see Note 2)

Length:

Width:

4. Have you contacted the relevant user organisations and statutory undertakers for their views on the proposed extinguishment?

Yes

☐

No

☐

**If yes, please enclose copies of their responses.
If no, the persons you should contact are:-**

The Peak and Northern Footpaths Society
Taylor House
23 Turncroft lane
Offerton
Stockport
SK14AB

Ramblers Association
2nd Floor Camelford House
87/90 Albert Embankment
London
SE1 7TW

Dr E Ernstbrunner
Local Representative - Ramblers Association
Manchester and High Peak and Stockport Groups
28 Derby Road
Heaton Moor
Stockport SK4 4NE

FAO Sian Davies
Asset Protection Manager
United Utilities, Thirlmere House
Lingley Mere Business Park
Lingley Green Avenue
Warrington, WA5 3LP

Mr. P.V.R. Sorenson
Rossenclough
Higher Sutton
Nr. Macclesfield
Cheshire
SK11 ONN

Plant Protection
National Grid
Lakeside House
The Lakes
Northampton
NNA 7HD

Ms Debbi Hall
Stockport East Area Bridleways Association
16 Botany Road
Woodley
Stockport
SK6 1RA

The Open Spaces Society
25A Bell Street
Henley-on-Thames
RG9 2BA

The Greater Manchester Pedestrians Association
c/o Miss G Gaffney
12 Tarleton Walk
Longsight
Manchester
M13 9DF

NTL Plant Dept
Off Southmoor Road
Baguley
Wythenshawe
Manchester M23 9WX

Cyclists' Touring Club
Parklands
Railton Road
Guildford
Surrey
GU2 9JX

Mr T Carlisle
Cyclists Touring Club
Local Representative
9 The Quadrant
Bredbury
Stockport, SK6 3AY

Auto Cycle Union
ACU House
Wood Street
Rugby
Warwickshire
CV21 2XY

Network Rail
40 Melton Street
London
NW1 2EE

The British Driving Society
Endersley, Church Road,
Wingfield, Eye,
Suffolk
IP21 5QZ

British Horse Society
Abbey Park
Stareton
Kenilworth
Warwickshire
CV8 2XZ

FAO Miss L. Santer
Estates and Wayleaves Dept.
NORWEB
Hathersage Road
Manchester
M13 0EH

Byways and Bridleways Trust
P O Box 117
Newcastle-upon-Tyne
NE3 5YT

NRSA Enquiries
National Grid
PO Box 3484, NGT House
Warwick Technology Park
Gallows Hill
Warwick, CV34 6TG

Premier Planning Consultancy
1st Floor, 8 Elliot Place,
SKYPARK SP1,
Glasgow G3 6JA

United Utilities
Service Delivery
Estates and Wayleaves Department
Hathersage Road
Manchester, M13 0EH

The Outside Party Engineer
Railtrack North West Zone
Rail House
Store Street
Manchester, M60 7RT

Please note it is the Council's standard practice to require applicants to meet the costs of making the diversion Order, plus the costs of the statutory advertisements. This applies whether or not the Order is confirmed. Please sign the declaration below.

I agree to pay Stockport Metropolitan Borough Council the costs incurred in my application and further the whole of the costs of the statutory advertisements, (the amount for this will be notified to me in due course) whether or not the Order is confirmed.

Signed:Date:

Note 1

If you do not own the land over which the existing path runs you will need to supply details of the relevant landowners/occupiers. These details should be sent with this completed application.

Note 2

Please ensure that an up-to-date plan on A3 or A4 sized paper based on Ordnance Survey and drawn to a suitable scale is enclosed with this application form. The existing footpath must be clearly marked.

Checklist

1. Have you attached the relevant landowners details?

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2. Have you attached the necessary plans?

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3. **Have you attached the views of the relevant user organisations and Statutory Undertakers? (a failure to do so may delay the progress of your application)**

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4. **Have you signed the declaration?**

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RETURN THIS APPLICATION TO:

**Public Rights of Way Officer
Stockport Council
Endeavour House
Stockport
SK1 3XE**

Notes on Procedure

The power of the Local Authority to extinguish a public footpath or bridleway is contained in Section 118 of the Highways Act 1980.

The grounds for making an Order are that the public footpath/bridleway is not needed for public use. The Order is not effective until it is confirmed. The grounds for confirming Orders are that it is expedient to do so having regard to (i) the extent that the path would apart from the Order be likely to be used and (ii) the effect which the extinguishment of the footpath or bridleway would have on the land served by it.

Please note that the procedure for an extinguishment Order can be extremely lengthy and involves;

- (i) Informal discussion with the Rights of Way Officer;**
- (ii) A report to the relevant committee(s) of the Council for the authorisation to make the Order;**
- (iii) The placing of statutory advertisements of the Order in the local press and notices on site during the objection period;**
- (iv) The notification of landowners and prescribed organisations;**
- (v) The running of a statutory objection period for a minimum of 28 days. (If objections are received within this period then the Order must be submitted to the Secretary of State for the Environment for him to consider whether it should be confirmed. Normally a public inquiry would be held to determine the matter. If no objections are received, or if those received are withdrawn following negotiation then the Council itself may confirm the Order.**
- (vi) The notification of confirmation of the Order (if the Order is confirmed) in the press, on site and to landowners and prescribed organisations;**
- (vii) The running of a six week appeal period after publication of the notice of confirmation during which an application can be made to the High Court questioning the validity of the Order.**

STOCKPORT METROPOLITAN BOROUGH COUNCIL

NOTE FOR APPLICANTS - COSTS OF PUBLIC PATH ORDERS

It is the Council's policy to charge applicants for the administration costs and statutory advertisement costs incurred in making Public Path Orders.

The Council's scale of charges for making such Orders has been drawn up taking into account the fact that some cases may be more complex than others. Applicants will not be charged more than the costs actually incurred. Costs will not, whatever the circumstances exceed £1200 plus advertising costs.

Type/Circumstances of Order	Estimated Costs
Cost of Public Path Order where the existing right of way is shown on the definitive map and no objections are received to the making of the Order.	£1000 plus advertising costs.
For each additional path included in the Order.	£200.
Costs of Order where existing footpath is not shown on the definitive map and no objections are received.	£1200 plus advertising costs.
For each additional undefinitive right of way.	£300.
Cost of an Order where objections are withdrawn by negotiation prior to submission of the Order to the Secretary of State for confirmation.	£1200 plus advertising costs.
Costs where Orders are submitted to the Secretary of State for the Environment for confirmation.	£1200 plus advertising costs.

IMPORTANT - Please note that applicants will not be charged in the following circumstances:-

1. Where the Council decide not to proceed with an unopposed Order.
2. Where the Council without agreement of the applicant fail to submit an opposed Order to the Secretary of State for confirmation.
3. Where proceedings preliminary to the confirmation of a public path creation Order are not taken at the same time as proceedings for a public path extinguishment Order.
4. Where the Order cannot be confirmed because it has not been validly made.
5. Where Orders are opposed charges will be limited to the administrative costs incurred up to a point where the Order is submitted to the Secretary of State for determination and where such Orders are subsequently confirmed in advertising etc. that confirmation.

REBATES

The Council may at its absolute discretion be prepared to rebate part or all of the above charges in extenuating circumstances depending on the individual case.

WAIVERS

The Council may at its absolute discretion be prepared to waive all or part of the above charges in the following cases depending upon individual circumstances:-

1. Financial hardship.
2. Where the proposed changes to the public rights of way network would benefit the local community.
3. Where the proposed changes to the public rights of way network would benefit public rights of way users.
4. Other extenuating circumstances.

Applications for refunds or waivers should be sought by the applicant in writing setting out the reasons why it is sought.