



Derby City Council

## Application for the Extinguishment of a Public Right of Way

### Section 118, Highways Act 1980

Please read the guidance notes carefully before completing this form.  
No authority for the diversion of a footpath or bridleway is granted until an extinguishment order has been confirmed.

#### 1 Applicant

a. Name: ROBERT ORFILL

Address: ROLLS ROYCE PLC, PO BOX 31

DERBY Postcode: DE24 8BJ

Telephone: [REDACTED] Mobile: \_\_\_\_\_

Email: [REDACTED]

b. What is your interest in the land, such as landowner, occupier or lessee?

OWNER

c. If a limited company, give the address of your registered office.

62 BUCKINGHAM GATE, LONDON, SW1E 6AT

Postcode: SW1E 6AT

#### 2 Agent (if applicable)

a. Name: DUNCAN WILLIAMS  
Address: EVERSHEDS SUTHERLAND  
115 COLMORE ROW  
BERMINGHAM Postcode: B3 3AL  
Telephone: [REDACTED] Mobile: [REDACTED]  
Email: duncanwilliams@eversheds-sutherland.com

3 Details of path to be extinguished

This application form should be accompanied by a map clearly showing the route to be extinguished, ideally to a scale of 1:2500, or the largest scale readily available.

a. State the type of public path

footpath       bridleway       cycleway

b. If the path is on the definitive map then state its former parish name and number:

FORMER SINFIN MOOR / LITTLE OVER PARISHES (PLAN 8)  
NUMBER 10817661

c. If the path is **not** on the definitive map then state its start and finish points:

N/A

d. Provide, if known, the OS grid reference (6 digit) for the start and finish point of the affected section of path:

Start 435729.040 E  
332321.460 N

Finish: 435760.223 E  
332371.614 N

e. What is the length and width (in metres) of the affected section of path?

2 METRES WIDE. FULL LENGTH OF FOOTPATH AS  
SHOWN ON ATTACHED PLAN.

**4 Land ownership**

- a. Do you own all of the land affected by the proposed extinguishment? Yes  No
- b. If no, provide details of all other affected landowners, occupiers, lessees and other parties, stating their interest in the land. This application form should be accompanied by a letter of consent and accompanying plan showing the extent/interest of each affected landowner, occupier, lessee or other party affected by the proposal.

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- c. Are there any areas of land affected by the proposal for which ownership has not been identified? Yes  No

If yes, give details and include a plan showing any unidentified ownership.

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**5 Statutory undertakers**

Are you aware of the existence/position of any apparatus belonging to any statutory undertaker in, on, over or across the land affected by the existing or proposed routes?

Yes  No  If yes, give details:

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**6 Reasons for making the application**

State your reasons for wanting an extinguishment order. We will only make an order if we consider that the tests of Section 118 of the Highways Act 1980 have been fully satisfied.

- a. Explain why the path is not needed for public use.

SEE APPENDED SHEET

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- b. Demonstrate why the path would not be used by the public other than following the coming into effect of an extinguishment order.

SEE APPENDED SHEET

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- c. Explain the effect which the coming into operation of the order would have as respects other land serviced by the path.

SEE APPENDED SHEET

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**7 Costs**

- a. If we decide to proceed with an application for an extinguishment order, we will normally do so subject to the applicant agreeing to cover our costs incurred in processing the application, making the order, consulting relevant bodies and publishing the statutory notices. See guidance notes.
- b. We have the discretion to waive part or all of the charges where this is considered appropriate.
- c. Applicants may still be liable for payment of costs if they withdraw an application.

## 8 Declaration

- a. I/we understand that no authority for the extinguishment of a footpath/bridleway is conferred unless:
- 1 the appropriate order has been made, confirmed and certified
  - 2 notices have been published
  - 3 any necessary works have been completed and the order brought into operation.
- b. I/we agree to pay all costs for processing the application and making the order.
- c. I/we hereby declare that the information provided in respect of this application is correct to the best of my/our knowledge.
- d. I/we hereby declare that the information provided in respect of this application is correct to the best of my/our knowledge.

### Rights of Way Privacy Notice

#### How is your information used?

We may use your information to: process applications for Public Path Orders and Definitive Map Modification Orders, process landowner statutory declarations, carry out rights of way related. We may need to pass on some of your details to third party organisations in line with our statutory procedures. These third parties include government departments and agencies, other local authorities, landowners and private companies, as allowed by law.

#### Who has access to your information?

We may share your information with:  
government departments and agencies, other local authorities, landowners, private companies and individuals, as allowed by law.

*For further information about how your personal information will be used, please visit [www.derby.gov.uk](http://www.derby.gov.uk) where you can see a full copy of our Privacy Notice. Alternatively you can request a hard copy from – team number/address/email*

APPLICANT

Signed:



Full Name:

ROBERT ORGILL

Position (if applicable):

PROPERTY MANAGER FOR ROLLS-ROYCE PLC

Date:

29 MAY 2019

AGENT

Signed: 

Full Name: DUNCAN WILLIAMS

Position (if applicable):

SOLICITOR - EVERSHEDS - SUTHERLAND LLP

Date: 30th May 2019

**Please return this completed application form with all enclosures to:**

The Rights of Way Officer  
Planning Division  
Communities and Place Directorate  
Derby City Council  
The Council House  
Corporation Street  
Derby DE1 2FS

Email electronic versions to: [rightsofway@derby.gov.uk](mailto:rightsofway@derby.gov.uk)

## **Application for Extinguishment of a Public Right of Way**

### **Part (6) – Reasons for Making the Application**

#### **a) Explain why the path is not needed for public use**

The Sinfin Moor 7 footpath ('the Footpath') runs from Wilmore Road to the now closed Sinfin Railway Station. The railway station closed in 1993 and is no longer serviced by a passenger or public trains in any capacity. The line remains in use solely for the delivery of aviation fuel to Rolls-Royce.

The Footpath does not lead or join on to any other public right of way or highway at any point on its length.

Now that the Sinfin Railway station is closed there is no need for the public to access the station premises.

The station itself is now in the ownership of Rolls Royce PLC. Rolls Royce can confirm there are no plans to re-open the railway station at any point and so there will be no requirement for public access to the station again in the future.

#### **b) Demonstrate why the path would not be used by the public other than following the coming into effect of an extinguishment order**

The purpose of the footpath was to provide access to the railway station. Now that the station is closed and will not be opening again the purpose for the Footpath has been removed.

The Footpath does not form a 'cut through' or 'short cut' in any capacity as the Station end of the footpath does not provide access to a public highway.

There are no other premises or facilities served by the footpath which require access by the public.

**c) Explain the effect which the coming into operation of the order would have as respects other land serviced by the path?**

The Footpath is used by persons conducting anti-social behaviour at the closed station. Examples of such behaviour include petty vandalism and theft

The closing of the Footpath would allow for access to the former station land to be controlled by the installation of employee gates by Rolls-Royce at the Wilmore Road end. This will allow for Rolls Royce employees to continue to access the Rolls-Royce site at this location but would prevent further anti-social behaviour by members of the public at the closed station.

In respect of the electricity substation located at the Wilmore Road end of the Footpath (covered by Land Registry titles DY441000 and DY493746) operated by Western Power Distribution. This can be accessed directly from Wilmore Road and so will not be impacted by the closure. In addition we can confirm that we are not aware of the existence of any Western Power Distribution apparatus in, on, over or across the land affected by the Footpath.