

FORM 1

HIGHWAYS ACT 1980, SECTION 130A(1)

NOTICE REQUESTING A LOCAL HIGHWAY AUTHORITY TO SECURE THE REMOVAL OF AN OBSTRUCTION

(Please read the notes below before you complete this form)

To [name and address of local highway authority]

I [name]

of [address and telephone number]

hereby request you to secure the removal of the obstruction described below.

Status of the highway[*note 1*]:

- Footpath
- Bridleway
- restricted byway
- byway open to all traffic (BOAT)

Description of the obstruction [*notes 2, 3 and 4*]:

Location of the highway and of the obstruction [*note 5*]:

The date when I encountered the obstruction was: [*insert date*]

It appears to me that the following person(s) may be for the time being responsible for the obstruction [*note 6*]:

Name 1:

Address:

Name 2:

Address:

[*continue as necessary*]

OR I do not know who may be responsible.

Signed Date

[*notes 7-9*]

NOTES

General:

This form is the notice of request to a local highway authority to secure the removal of an obstruction from a highway. Because different procedures may apply to different obstructions, use one form for each obstruction.

The guidance booklet "Removal of obstructions from highways: enforcement of local authorities' duty to prevent obstructions on rights of way" PB9193, obtainable from Defra Publications, Admail 6000, London SW1A 2XX, sets out the relevant legislation relating to this notice (sections 130A to 130D of the Highways Act 1980).

1. Use this form if the public right of way is:

- a footpath, bridleway, or restricted byway; or*
- shown on the definitive map and statement as a restricted byway or a byway open to all traffic.*

2. Use this form if the obstruction is without lawful authority, and:

- is any structure, including a machine, pump, post or other object of such a nature as to be capable of causing obstruction whether or not it is on wheels (section 143 of the Highways Act 1980);*
- is anything deposited on a highway which constitutes a nuisance (section 149 of the Highways Act 1980); or*
- is a hedge, tree, shrub or vegetation of any description that overhangs a highway so as to endanger or obstruct the passage of vehicles, pedestrians or horse-riders (section 154 of the Highways Act 1980).*

3. However, some of these obstructions are not covered by this procedure. Do not use this form if the obstruction:

- is, or forms part of, a building (whether temporary or permanent) or works for the construction of a building;*
- is, or forms part of, any other structure (including a tent, caravan, vehicle or other temporary or movable structure) which is designed, adapted or used for human habitation;*
- is one for which an order may be made under s.56 of the Highways Act 1980 (highway out of repair); or*
- is constituted by the presence of any person.*

(Nevertheless, in these cases and in the case of obstructions not mentioned in note 2, for example obstruction caused by crops growing on the way, the local highway authority may be able to take action to remove the obstruction under other provisions; in this respect your attention is drawn to the guidance booklet mentioned above)

4. Describe the obstruction, for example: agricultural machinery, a fence across the way, rubbish deposited on the way, overhanging hedges or branches. You may attach a photograph.

5. Describe the location of the highway and of the obstruction. This should be detailed enough for the local highway authority to be able to locate them. For example:

- describe the points where the highway joins a metalled road or another highway nearest to and on each side of the obstruction; also describe the position of the obstruction in relation to these points; or
- give six figure Ordnance Survey references for these points and the obstruction; or
- attach a sketch map or a copy or trace of the relevant Ordnance Survey map identifying the location of the highway and the obstruction. (Ordnance Survey copyright does not prevent you taking a copy of the relevant part of an Ordnance Survey map to attach to this form); or
- give the parish name and path number if the highway is on the definitive map.

6. The persons for the time being responsible for an obstruction include the owner and any other person having possession or control of it or who may be required to remove it (section 130A(7) of the Highways Act 1980).

7. When you have completed this form you must serve it on the local highway authority in whose area the obstruction lies by leaving it at, or sending it by post to, the local highway authority's office. You should keep a copy of the completed form.

8. What happens next? The highway authority must serve notice (Form 2) informing every person whose name and address is included on this form and, so far as reasonably practicable, on every other person, who it appears to the authority may be for the time being responsible for the obstruction, that the Form 1 notice has been served. The highway authority must also state what, if any, action they propose to take in relation to the obstruction. The highway authority must serve the Form 2 notice within one month from the date on which you served the Form 1 notice on the authority.

The highway authority must also send you notice (Form 3) of the name and address of each person on whom they have served the Form 2 notice and state what, if any, action the authority propose to take in relation to the obstruction

If the obstruction remains, you can serve notice (Form 4) on the highway authority that you intend to apply to the magistrates' court for an order requiring the authority to take steps to secure the removal of the obstruction. You cannot serve the Form 4 notice before the end of 2 months beginning with the date on which you served the Form 1 notice. You can apply to the magistrates' court at any time after the end of 5 days beginning with the date of service of the Form 4 notice and before the end of 6 months from the date of service of the Form 1 notice.

9. Disclosing your identity. The local highway authority will treat your identity confidentially. It will deal with your personal details in accordance with the Data Protection Act 1998. If you have concerns on this matter you should consult the local highway authority.