

GUIDANCE NOTES ON PUBLIC PATH ORDERS



Public Rights of Way & Planning Applications

The Peak District National Park's rights of way network is a valued characteristic of importance to local people and visitors to the National Park. When considering proposals for development likely to affect a public right of way, the Authority will take into account the impact of the development on the public right of way and on the enjoyment of it by the public. The applicant should apply for a closure or diversion before any development commences.

Charges

Public path orders are subject to extensive statutory requirements for consultation, publicity and provision for representations or objections. They may be made under the Town & Country Planning Act 1990 or the Highways Act 1980.

Charges are imposed to cover the costs of administration and advertising associated with any order. A standard charge of **£2000** covers administrative costs, a further charge is made for **advertising** costs. 2 adverts must be placed in the local press for path orders, and these are generally in the region of £300+vat, however, more complex orders take up more space and may cost more, and costs do vary according to which local paper your order needs to be advertise through. Confirmation of an order will be deferred until that payment has been received.

The applicant must also meet the full cost of any works deemed necessary to bring the new route to a satisfactory standard. A new path will not be certified as coming into use until the Authority is satisfied with the works.

Procedures

The Authority makes a proposed order and consults informally with user groups. 6 weeks are allowed for responses. If objections are made they will be discussed with the applicant. If no compromise can be reached, we will take a decision on whether to process the order formally.

If no objections are made the order is formally made & advertised and a period of 6 weeks is allowed for any formal objection.

If no objections have been received, the order is confirmed and advertised. A 6 week period is allowed for any objections to the way the order was made. Once the works have been approved, the order is advertised as coming into operation.

If objections are received and not withdrawn, the order may be referred to the Secretary of State. Public Inquiries can take up to a year before an order can be decided. Every opportunity is therefore taken to try to resolve any problems at an early stage.

The granting of a public path order does not imply granting of planning permission to carry out works, nor does the granting of planning permission permit a path to be diverted without the necessary legal steps being taken. In all cases, you should discuss works with the rights of way officer before any site work commences, and should not proceed with any works without the prior written agreement of the Rights of Way Officer.

Refunds

No refund will be made in respect of an order except where:

- The Authority fails to confirm an unopposed order;
- The Authority fails to submit an opposed order to the Secretary of State for confirmation without the agreement of the applicant;
- Proceeding preliminary to confirmation of a Public Path Creation Order are not taken concurrently with proceedings for a Public Path Extinguishment Order;
- The order cannot be confirmed because it has been invalidly made.