



## Public Rights of Way Temporary Closure Order Applications Guidance Notes

*Before applying for a Public Rights of Way Temporary Closure Order, please take some time to read the guidance provided below.*

### **What is a Temporary Closure Order?**

A Temporary Closure Order (more correctly known as a Temporary Traffic Regulation Order – TTRO) is a legal Order to temporarily close a Public Right of Way and suspend the rights of users for a specified period of time. As its title suggests these Orders are temporary only, and the existing Public Right of Way will be re-opened, on its original alignment, at the end of the specified period.

### **Why do you need to apply for a Temporary Closure?**

**Section 14 of the Road Traffic Regulation Act 1984** gives the Council (as “traffic authority”) the power to close a Public Right of Way (PROW), however they are **only** able to close recorded Public Rights of Way and can **only** do this if it is necessary for works to be carried out.

A suitable alternative route should be provided for the public to use, wherever possible, and pedestrian access to properties must not be obstructed. Although the legislation does not allow for objections to be made to a Temporary Closure Order, we would expect applicants to take into consideration local use of the path, and not to attempt to restrict use of it for any longer than is absolutely necessary.

Applications can only be made for either: up to 6 months (for substantial operations), or for up to 5 days (for minimal works).

These are the three main types of closure order:

- Under Section 14(1) of the Road Traffic Act, Public Rights of Way can be closed for up to 6 months. Applications must be submitted at least 5 - 6 weeks before the closure is required.
- Section 14(2)a of the Road Traffic Act allows for short-term closures for up to 5 consecutive days, including weekends. Applications must be made at least two weeks in advance of when the closure is required.
- Under Section 14(2)b of the Road Traffic Act, Public Rights of Way can be closed in an emergency for up to 21 days. Note: - There is no facility to apply for an emergency closure order, they are made by the Council, at the Council’s discretion, in response to an ‘emergency’ situation whereby a path has become

dangerous to the public, or another event has occurred potentially affecting the safety of the public. Examples of emergency closures are: riverbank erosion, falling trees or damaged structures such as bridges. Closure will be effective as soon as possible but at least from the next working day.

Temporary closure orders can also be applied for in conjunction with Planning Applications. Further information and guidance for developers can be found on our website at <https://www.northyorks.gov.uk/roads-parking-and-travel/public-rights-way/rights-way-and-development>

### **What other permits may be required when applying for a Temporary Closure?**

Please be aware if your works involve placing apparatus in the Highway by a private contractor, a Section 50 Licence may be required. A Section 50 Licence covers any works to private drains and sewers as well as private gas, electricity, and water services.

Similarly, if a private contractor wants to excavate in the Highway without placing apparatus, for example trial holes, a Section 171 Licence is required.

A separate application is required for these Licences, please contact the Council's Street Works team on 01609 53 2855 or email [Streetworks@northyorks.gov.uk](mailto:Streetworks@northyorks.gov.uk).

**The implementation of a temporary closure order does NOT give automatic permission to carry out Streetworks nor does the issuing of a permit (or S50 licence) give automatic permission to close a Public Right of Way.**

### **Applying for a Temporary Closure Order**

In order to apply for a temporary closure order you will need to submit an application form which can be found at <https://www.northyorks.gov.uk/roads-parking-and-travel/public-rights-way/rights-way-and-development>, along with a plan showing the paths you need to be closed.

#### **Time period for closures**

You can apply for either a **5 day** or a **6-month** closure, depending on the length of the works. There is a **2 week** lead in period for 5 day closure orders and a **5 - 6 week** lead in period to process 6 month closures; please make sure you apply in time to account for these, as due to the legal procedures involved and liaison with the local press we cannot process closure applications quickly.

If your planned works are envisaged to take longer than 5 days you have no option other than to apply for a 6 month Closure Order.

The emergency Closure Order can only be used in an '**emergency**' situation, where immediate danger to the public is involved and the situation is unplanned. The 21 days in these instances allows for the situation to be resolved. If that cannot be

achieved the Order is followed by a 6 month Closure Order. Please note this closure **is not intended for planned works**, and you will not be able to apply for an emergency closure order for these purposes.

Please note all temporary closure applications are sent to the relevant Public Rights of Way Officer before any Order is made, to make them aware of any proposed works and to give them the opportunity to comment regarding the application. The Rights of Way Officer's comments will help in determining whether your application is suitable to progress.

### **Completing the Application Form**

#### ***Box A: Status of the Route:***

This refers to the type of Public Right of Way you wish to close. Please view our mapping at the online mapping link below to find the Route Number and status of the path:

[https://maps.northyorks.gov.uk/connect/analyst/?mapcfg=Out\\_and\\_About](https://maps.northyorks.gov.uk/connect/analyst/?mapcfg=Out_and_About)

#### ***Box B: Location:***

This section provides us with more information as to the exact location of the required closure. Parish names can be found on the online mapping (see the link above). Grid references are also helpful, as it helps us to gauge how much of the route will be affected by the works.

#### ***Box C: Duration:***

In this section you will be required to state the time period of the works. The start date is when the works will **genuinely** begin (closure orders cannot be used for pre-works convenience purposes) and you should state how long the works will last. Legal Closure Notices (we will supply these in pdf form, for you to print and laminate) will need to be displayed on site at all times from this start date and be checked upon throughout the duration of the works. The route can only be closed whilst works are in progress. For example, if you have applied for a 6-month closure, but the works are completed in two months, you must remove the Closure Notices and re-open the path to limit the inconvenience caused to the public.

#### ***Box D: Alternative Route:***

You are strongly encouraged to provide a temporary alternative route, to avoid inconvenience to the public and possible complaints.

- An alternative route needs to be accessible to the public both day and night, and should be free of any obstructions such as overhanging vegetation or obstacles blocking the route.
- The route needs to be of a reasonable width, i.e. roughly 1.5m for a footpath, 3m for a bridleway.
- The surface of the alternative route should also be reasonably even.
- If there are quiet lanes or other Public Rights of Way nearby these can be suggested as an alternative route, but we recommend the public are kept away from non-paved busy roads
- Apart from routes which follow other Public Rights of Way, any alternative route should either be on land that you own, or land where you have written permission from the landowner to use as an alternative route for the public.

- This alternative route needs to be shown on the plan you provide us with, along with the application form.

**Box E: Grounds:**

This section asks you to give a brief explanation of what the proposed works involve and why the closure is required. Examples of this could be, public safety during bridge repairs, or due to construction of dwellings and likelihood of danger to the public from excavations or heavy plant movements. The more detail you can provide, the more helpful the Notice will be to the public.

**Box F: Access:**

Temporary Closure Orders cannot prevent people from accessing their homes or property, therefore all our Notices will state that access to premises will not be affected. Where necessary you will need to incorporate health and safety precautions to allow for safe access to premises within your working arrangements. Please inform us of any other access that may be required by completing the appropriate boxes.

**Box G: Requested By:**

You need to provide company name and address, and name of person requesting this closure, including contact details.

**Box H: Invoice details:**

You need to provide the contact details of a named individual to whom our Finance Team will address invoices

**Box I: Applicant Contact for Public Queries:**

You need to provide the contact details of a named individual, telephone No. and company name. These details will appear on the Notices for the closure order on site; and, for closures longer than 5 days, within the local newspaper and on the Council's website, in case any member of the public should wish to enquire about the works.

**Box J: Order Number:**

Use this box to give details of your Purchase Order number or works reference. This number is vital for our Finance Team who will use this to reference your invoices and is vital for your person responsible for paying the invoice, to correlate the invoice with the works being undertaken. The Purchase Order number can be in any format but must be clear to you, or the person in your organisation responsible for paying the invoice, when the invoice is sent to you. Please note, we will not accept an application without a Purchase Order number.

When returning the form and plan to us, please make sure you sign and date the form, without this your application is incomplete and we will not be able to process it.

## **Charges for Temporary Closure Orders**

Please see below our current schedule of charges for a temporary closure.

### **Schedule of charges**

<b>Period</b>	<b>Adverts</b>	<b>Notice Required</b>	<b>Cost (VAT Exempt)</b>	<b>Estimated Total Cost *</b>
Emergency (21 Days)	Not required	Next day	£393.86	£393.86
5 days	Not required	2 weeks	£393.86	£393.86
6 months	2 Chargeable Adverts	6 weeks	£525.93	£525.93 + cost of adverts at cost*
Extension	1 Chargeable Advert	3-4 weeks	£525.93	£525.93 + cost of adverts at cost*

### **Advertisement costs**

For a 6 month closure order two adverts are made and placed in a local newspaper, one placed beforehand to advise the public of the intention to close the path, and the second to advertise the Closure Order itself. The prices of these adverts are set by the newspapers themselves, and are dependent on the amount of space they take up, therefore prices can vary between areas and newspapers, but are typically in the region of £300 to £500 each.

In the event that works will take longer than 6 months, a 6 month extension may be applied for before the first closure order is to expire, to allow time to seek authority from the Secretary of State.

For extension Notices there will be one advert. There are no adverts required for 5 day closures as by their very nature there would not be time to arrange for Notices to be advertised in the press.

### **Applicant Liability**

Please note, it is essential that the route is fully reinstated to at least its current condition, as you could be liable for any injury to any member of the public using the route in the future, if it was established that an accident occurred due to any failure relating to the works, or the inadequate reinstatement of the route. It is therefore advisable that you take photographs of the route before works commence and again after all of the works are completed, such that you have evidence that the route is returned to at least as good a condition after the works are completed, as it was beforehand, in order to protect yourselves from any future liability.

Further information this can be found at our website at

<https://www.northyorks.gov.uk/roads-parking-and-travel/public-rights-way/rights-way-and-development>

## **Processing a Temporary Closure Application**

Once all necessary information has been obtained from you and the Public Rights of Way Officer has given their authorisation, your application is then passed to the Legal Team to process the Notices, make any necessary Orders, and to organise for advertisement to be placed in the relevant newspapers.

Once the Notices have been produced these are sent back to us and we will send copies out to you to place in prominent positions on site:

For 6 month closure orders there are two Notices.

- *The first Notice advises the public that the path is intended to be closed. This 'Intention' to close the Public [Footpath/ Bridleway] Notice will need to be displayed with the associated plan at least one week before the closure begins. This Notice will then need to be replaced by the second Notice when works start on the **START DATE**.*
- *The second Notice advises that the Closure Order has been made. Whilst the Notices are in place on site the path is legally closed between the dates stated within the Notice. Please note this 6 month Notice cannot be put on site before the actual date of the Notice (Notice date i.e. the date at the bottom of the Notice). This is the date when the Order is advertised in the local press.*

All Notices need to be laminated and displayed in clear view of the public, at either end of the section of the Public Right of Way which is subject to the closure - failure to do so may deem the closure invalid.

You should also consider whether it is necessary to place additional Notices at the end(s) of the affected path, particularly if the closure starts part-way along a path, to advise the public that the path ahead is closed. Any proposed works that may affect the Public Right of Way must not begin before the start date of the Notices.

## **Extension Request- further works**

In the event that works will take longer than 6 months, for example the construction of a housing development, a 6 month extension may be applied for 3-4 weeks before the first closure order is to expire.

If you think you will need an extension to the closure you should email us at [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) preferably 5 - 6 weeks before the current closure is due to end, as we will need to seek authorisation from the Secretary of State to extend the Closure Order. At this stage you will be asked to confirm how long you believe it will take for the works to be completed and the route to be re-opened.

Please note that if you do need an extension to a 6 month closure, you **MUST** submit a further application form at least 3 – 4 weeks before the current closure is due to end. If the 6 month closure comes to an end and you have not already applied for an extension, but the works are not complete, the Public Right of Way will need to be re-opened for a period of one month before it can be subject to another 6 month closure.

Extensions cannot be requested for 5 day closure orders. A Public Right of Way subject to a 5 day closure will need to be re-opened for a week before it can be subject to another closure.

All Temporary Public Right of Way Closure Orders are available to view on the Council's website <https://www.northyorks.gov.uk/roads-parking-and-travel/public-rights-way/rights-way-public-notice>.

## **Frequently Asked Questions**

Can I start works as soon as possible or do I have to have an exact start date?

*5 day closure orders require a two week lead-in period, and 6 month closure orders require a 5 - 6 week lead in period. If you do not have a start date and would just like to start as soon as possible, contact us, and will see what can be arranged with regards to advertising dates in the relevant newspapers.*

What is the difference between the two 6 month closure Notices?

*One notice is the Intention Notice that informs the public that you intend to close the path (this should say "intends" in the first sentence of the Notice). This Notice must be put up on site seven days before any works can take place.*

*The second Notice informs the public that an Order has been made and that the route is now legally closed. This Notice must be put up on site from the start date and remain in place until works are complete and the path is re-opened.*

Do I need to put up Road Closure Signs?

*The PROW team will supply the legal Notices for the path closure and the plan showing the closed section and any alternative routes available. These are A4 notices and plans that you will need to laminate and put up on site. If you feel you need to put up other signage e.g. Road Ahead Closed signs or other traffic signs you will need to supply these yourself.*

Do I need to close linking routes? How much of the path needs to be closed?

*If you send us a plan of where the works are taking place, then we can make a judgement as to how much of the route will need to be closed. We would ideally want to close the minimum amount of path necessary for you to carry out your works, to avoid conflict with local path users. With regards to linking routes, if works are not directly taking place on these routes, then you will not require a closure on these routes.*

How do I apply for a Permanent Diversion?

*If you want to permanently divert the path onto a new alignment (either after the temporary closure has expired or instead of a temporary closure) then there are two ways you can apply for this diversion.*

*If you are proposing to move the path in conjunction with a Planning Application, then you will need to apply to the Council for a public path diversion order under*



*Town and Country Planning Act 1990. This application for a public path diversion order needs to be made at the same time as your planning application. If works have already been completed, or are nearly completed, and you require a permanent diversion then you will need to speak to us with regards to making an application under the Highways Act 1980.*

Do I need to close a Claimed Right of Way?

*Claimed Rights of Way should be treated in the same way as recorded Public Rights of Way to ensure that any alleged rights are formally closed, preventing public access, and will therefore need a temporary closure if you are to work on the route.*

Do I need a temporary closure if I am using Banksmen?

*Banksmen can be used so long as the public are not prevented from using the Right of Way at any time, and you can ensure the safety of the public using the route at all times. If there is any danger to the public when banksmen are not present (e.g. outside of working hours), then a temporary closure will still be required.*

I can no longer provide a suitable alternative route, can this be removed from the closure?

*We would always encourage you to provide an alternative route but if this alternative route is no longer safe for the public to pass along then this can be removed, or a different alternative route provided. Notices will need to be changed on site and there may be an additional cost from the Newspapers to change these. Plans will also need to be changed on site to show there is no alternative route or a different alternative route.*

Do the Notices need to remain in place for the full time period of the closure, even if the works have finished?

*As soon as the works have been completed, Notices should be removed from site to legally open the route, and we need to be notified such that we can also remove Notices from our website. Notices must remain in place on site throughout the duration of the works, as the path is not legally closed unless Notices are displayed. If Notices are lost or damaged whilst works are still taking place, they will need to be replaced immediately to ensure the route remains legally closed. Please contact us if you require a further copy of the Notice and/or plan.*

If I am working near or on a Public Right of Way will I always require a closure?

*If access can safely be maintained for the public along the route of the Public Right of Way at all times, then you will not require a closure order. You are required to request permission if you need to do any works that would in any way disturb the surface of a Public Right of Way.*

I no longer require a closure order, can I cancel my application?

*This will depend on what stage of the process your application has reached, and what type of closure you required. As soon as you know that a closure order is no longer required you should contact us and we will see what we can do. Please note that if we have started processing the closure you will still need to pay for the work we have already done on your behalf, and for 6 month closure orders you may also*

*need to pay for the newspaper advertisements if the newspaper copy deadline date has already passed.*

*As a reminder: - the path is only legally closed when Notices are present on site, the closure order will not take effect if Notices are not posted on site. If you have already received Notices but no longer require the closure order we recommend that you destroy the Notices.*