**Temporary Rights of Way Closures**

**Guidance Notes for Applicants – 2020/2021**

**1 Legislation and Grounds**

**1.1** A right of way can be temporarily closed under Section 14 of the Road Traffic Regulation Act 1984 to restrict or prohibit the use of any road (including public rights of way) either:

1. Because of works being, or proposed to be, executed on or near the road;
2. Because of the likelihood of danger to the public, or of serious damage to the road, not attributable to such works; or
3. To enable the duty to clean the road or clear litter to be carried out.

**1.2** Where the temporary suspension of public rights is required, this is achieved by a Temporary Traffic Regulation Order (TTRO), generally referred to as a Temporary Closure Order or Emergency Closure Notice. Both suspend public rights but a Temporary Closure Order applies to predicted events and an Emergency Closure Notice applies to unforeseen events.

**1.3** Orders can last for six months (after which a further extension can be granted if necessary by the Secretary of State) or, in the case of Emergency Closure Notices, up to 21 days (continued by a further 21 days if required) where it is necessary to close the path urgently.

**1.4** Closures do not automatically provide authorisation for other works to be carried out. Other permissions such as permits to disturb the surface of the highway may also be needed from the Council in its capacity as Highway Authority and a failure to acquire those may render the person/body liable to criminal proceedings which may result in a criminal conviction and/or a fine. There may also be the need for other permissions from third parties such as adjacent landowners, permissions for access or from statutory undertakers.

**2 Administration and Advertising Charges**

**2.1** The administration charge for preparing a six-month temporary closure order is £650 and for producing an emergency closure notice and plan it is £435.

**2.2** In the case of six-month closure orders, applicants are also required to pay for two adverts in the local press. The advert charge is not set by the County Council and advertising costs can vary but an estimate can be provided on request. Applicants will be invoiced for the fees and adverts, where applicable, but a purchase order number is acceptable provided it is supplied on receipt of the application.

**2.3** The regulations require that once the County Council has resolved to make a Temporary Closure Order, a notice is, not less than seven days before the order is proposed to be made, published in a local newspaper. This notice must state the reason for, and the effect of, the closure, describe any alternative routes available, the date the order will come into force and its maximum duration. The notice must also be placed in a prominent position on, or near, each end of the route to be closed.

**3 Temporary Closure Orders**

**3.1** The County Council requires eight-ten weeks advance notice in order to prepare six-month closure orders. This allows time to draft and seal the Order and prepare the notice and map and to arrange for these to be posted on-site by the County Ranger Service where necessary (see 3.3 below).

**3.2** A plan must be provided with the completed application form showing the length of path that requires closing and any alternative route that will be installed during the closure period. Once the necessary application form and details have been received and validated, the County Council will make an order and arrange for it to be advertised in a local paper via a public notice. Two notices are required, the first being to indicate the intention to make an order, which gives regular users a chance to sort out their own alternative routes should they wish to. Notice of the making of the order follows not less than seven days from the date of intention.

**3.3** These notices can be placed on-site by a member of the County Ranger Service or sent to the applicant (via post, e-mail or fax) for erection at either end of the path and/or other locations as specified by the County Council. If the applicant wishes to use the Ranger Service to post the notices on-site, there will be an additional charge of £200 for these erections and subsequent removal. The County Council is not responsible for replacing notices if they are vandalised or removed during the closure period. If the applicant is willing to erect the notices then a Certificate of Posting will need to be completed along with dated photographs proving the notices were erected and maintained on site during the period of the closure. Please request the Certificate of Posting from [rightsofway@staffordshire.gov.uk](mailto:rightsofway@staffordshire.gov.uk)

**3.4** Although the making of closure orders is a statutory process, there is no facility for the public to object. However, the County Council recognises that path closures may be inconvenient to the public and if problems or issues are raised about a particular closure it will investigate and, if appropriate and practicable, take action to alleviate or reduce the problem.

**Extension of Closure**

**3.5** Temporary closures last for a maximum of six months. If a longer period is required, the County Council will need to seek the consent of the Secretary of State to an extension. The charge for making an extension request to the Secretary of State, drafting a new notice (if the request is granted) and arranging for it to be advertised is £435. The temporary closure order **must** still be in force at the time the request for an extension is considered. If the Secretary of State refuses a request to extend a Temporary Closure Order then the County Council cannot make a further Temporary Closure Order for the same route, until at least 3 months after the expiry date of the first Order

**3.6** The County Council requires at least 5 weeks’ notice before the expiry of the six-month closure to approach the Secretary of State. The request must explain the reason(s) for the extension in detail and should be sent in writing to the relevant case officer.

**4 Use of Banksman**

**4.1** Sometimes it is not always necessary to close the public right of way. A correctly implemented banksman scheme can allow works to commence and the right of way to remain open. This allows work to take place as normal but should pause if a walker or rider wish to use the right of way. Site operators need to ensure that risk assessments are in place to ensure that there is no risk to members of the public using the right of way during the works. Any signage needs to make it clear that members of the public using the right of way have priority and site operators and vehicles need to give way to them, not the other way around. Failure to do so may constitute an offence if the right of way is not officially closed.

**5 Emergency Closure Notices**

**5.1** Emergency Closure Notices are made under the terms of section 14(2) of the Road Traffic Regulation Act 1984 which gives the highway authority the power to restrict or prohibit public use by Notice, rather than an Order, if it considers that in the interests of public safety, the prohibition or restriction should be applied immediately. Closure notices can last for up to 21 days and they *may* be extended by a further 21-day closure or followed by a six-month temporary closure order. Where an emergency notice is followed by a temporary closure order, the order can be made without the need to publish prior notice of intention. The requirement to publish a notice of the making of the order still applies (see 3.2).

**5.2** Generally, closure notices will only be granted in cases of genuine emergency. They will not be issued where it is apparent that the reason for the closure has been apparent prior to the current situation. In those circumstances the council may issue a notice to protect the public but reserves the right to levy the appropriate charge and consider if other action may need to be taken.

**6 Reinstatement**

**6.1** The applicant is responsible for ensuring that the surface of the path is reinstated to its original, or better, condition. The County Council will carry out a site inspection to ensure the right of way is open and available for use. Where the route is not reinstated to the County Council’s satisfaction, it will carry out the work itself, or instruct a contractor, and recover the costs from the applicant.

**Finally, the onus is on the applicant to notify the County Council when the path has been re-opened should this occur before the end of the closure period.**

**Application for Temporary Right of Way Closure**

**Road Traffic Regulation Act 1984**

**Section 14(1) (As Amended)**

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| **Please read ‘Guidance Notes for Applicants’**  **before completing this application form** |

|  |  |
| --- | --- |
| **Applicant Contact Details** | |
| Company / Organisation  Name & Address |  |
| Contact Name |  |
| Telephone No. |  |
| Mobile No. |  |
| Fax No. |  |
| E-mail Address |  |
| Invoice Address |  |
| Purchase Order No. |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Temporary Right of Way Closure Details** | | | | |
| Footpath / Bridleway No. |  | | Parish |  |
| Grid Reference |  | | | |
| Section of Path to be Closed | From |  | | |
| To |  | | |
| Proposed Start Date of Closure |  | | | |
| Proposed End Date of Closure |  | | | |
| Reasons for Closure |  | | | |

**Please send completed application form to:**

**Rights of Way**

Staffordshire County Council

2 Staffordshire Place,

Tipping Street,

Stafford.

ST16 2DH

Email: [rightsofway@staffordshire.gov.uk](mailto:rightsofway@staffordshire.gov.uk)

**Staffordshire County Council**

**Road Traffic Act 1988 - Section 33**

**Form of Application for authorisation for a motor vehicle trial on a**

**public right of way**

Motor vehicle events using or crossing footpaths, bridleways or restricted byways must have the authorisation from the highway authority (in this case Staffordshire County Council) and the landowner(s) and are subject to a range of conditions.

Generally speaking it is unlawful to drive a motor vehicle along a footpath, bridleway or restricted byway unless either private vehicular rights exist or the highway authority has given consent or granted a licence.

Section 33 of the Road Traffic Act 1988 enables the authority to give consent for motor vehicle trials (not a race or trial of speed) to take place that affect public rights of way.

The section provides that a person **must not** promote or take part in a trial of any description between motor vehicles on a footpath or bridlewayor restricted byway unless the holding of the trial has been authorised under section 33 by the local authority.

Furthermore, it is an offence to drive a mechanically propelled vehicle on a road or public place without due care and attention.

If objections are raised by local users, parish council’s or affected parties we expect the applicant to enter into dialogue with the event organisers to establish ways of alleviating their concerns.

Staffordshire County Council will only consent to those applications which satisfy a number of conditions which are outlined below. Please provide the following information:

Section 33 Application

Name of club organising the event:…………………………………………………………

Date of the event:………………………………………………………………………………….

Name (and scope) of event:…………………………………………………………………………………

Name of applicant:……………………………………………………………………………

Address:………………………………………………………………………………………..

…………………………………………………………………………………………

Telephone: Day……………………………….Evening……………………………………

Email……………………………………………………………………………………………

Fax……………………………………………………………………………………

Insurance Details……………………………………………………………………………..

Affected Path Details (Parish and Path

Numbers)………………………………………………………………………………….......

Maximum numbers of vehicles taking part…………………………………………………

Type of vehicles………………………………………………………………………………

Also to be submitted with this application;-

* A map of the route to be used – with affected footpaths/bridleways/restricted byways clearly marked along the entire length of proposed route.
* Landowners consent - Forms attached must be completed by the landowner(s) and returned by you to this office.
* If an event crosses a designated Site of Special Scientific Interest additional written consent will be required from Natural England.
* Copy of Insurance policy
* Confirmation that the local Police have been notified
* Confirmation that the local Parish/Town Council have been notified
* Confirmation that Organisers have undertaken a full site Risk Assessment. Details about signage and marshalling points are required
* Confirmation that there will be clear access and exit routes for use by emergency services vehicles
* Photographic evidence of the route(s) pre and post event

Notes for Organisers – please read carefully

Any Trial must be run in accordance with the requirements of the Road Traffic Regulation Act 1988.

Organisers must repair any damage to the route or infrastructure damaged by the event, within 14 days of the event. The County Council reserves the right to repair any damage to a route which occurs as a consequence of the Trail and recharge the organisers for the cost of the works.

**Indemnity**

The applicant agrees to indemnify the County Council from and against all actions, losses, claims, costs, demands, proceedings and any other legal liability which may be brought or made against the County Council either at common law or otherwise by reason of any accident or injury to any person (including any fatal injury) or damage to or loss of property, howsoever caused, arising out of or in any way attributable to the event.

The applicant will maintain a valid and current policy of insurance in the sum of not less than five million pounds (£5,000,000) in respect of any third party or public liability arising on or in connection with the event and will produce to the County Council on demand a current certificate in respect of such insurance prior to the holding of the event.

The applicant further confirms that the conditions as detailed on this Form will be undertaken and the instructions of the County Councils Rights of Way Officer and any other authorised officer followed:

Applicants Signature………………………………….Date:…………………

**Please send completed application form to:**

**Rights of Way**

Staffordshire County Council

2 Staffordshire Place,

Tipping Street,

Stafford.

ST16 2DH

Email: [rightsofway@staffordshire.gov.uk](mailto:rightsofway@staffordshire.gov.uk)