

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 £1200 + VAT covers administrative costs and £330 covers the cost of advertising per application. Advertising costs will be invoiced soon after the advertisements have been placed. 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If objections are received and not withdrawn, the order is referred to the Secretary of State.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.

Waivers

Where an order is wholly or predominantly in the public interest, bringing a substantial gain to the public rights of way network, the total cost may be borne by the Authority.

In cases where there are benefits for a landowner and additional benefits to the public, a partial reduction in the administrative charge may be levied at the discretion of the National Park Authority but the full costs of advertising will be borne by the applicant.

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;
- Proceedings 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.