

## **Guidance to applicants**

### **Permission to do work on a Public Right of Way (Public Footpath, Bridleway, Restricted Byway or Byway Open to all Traffic).**

#### **Introduction**

If you wish to carry out work on a public right of way, then you must get permission from Suffolk County Council (the Highway Authority). Altering the surface of the right of way, for example by laying stone or tarmac or the rebuilding of river walls, are the most common types of work requiring permission.

Public rights of way are protected by law. Suffolk County Council is responsible for the maintenance of the surface of a right of way and ensuring that it is fit for the public to use it. It is an offence to disturb or damage the surface of a public right of way without lawful authority. This is covered by the Highways Act 1980 s 263 (1) and s 131A

#### **How to Apply**

Complete the attached form TTROWK 01-12

This form serves two purposes –

1. To seek permission from Suffolk County Council to carry out work on a public right of way (no fee attached to this)
2. To apply for a temporary closure of the right of way, if necessary – fee applicable see below

In completing the form, please make sure that you provide all necessary details so that a prompt decision can be made.

#### **Location of proposed works**

Provide maps showing the general location and also the detailed location of where you want to work

#### **Purpose & Description of works**

Make sure that you provide enough detail of what you plan to do, including specifications, details of materials, methods of working, drainage. Please also include the reason for making the change, e.g. to harden the surface with recycled Type 1 road planings to create a mud free access to my house.

#### **Details of contractor**

Any contractor working on the public highway must be competent and have public liability insurance in place.

## Site Safety Management

Please note that the public have a right to use the path at all times. If you cannot carry out your work whilst allowing the public to pass safely, then you must apply to close the path using a Temporary Traffic Order. If the work involves powered machinery, excavators, tree work or working at height, then it will normally require a closure. For work of these types, please contact the Area Rights of Way Office.

## Temporary Closures

Indicate on the form whether you wish to apply for a temporary closure. Clearly indicate the start date for the closure and an end date, allowing yourself some contingency time. Please note that you must allow 8 weeks notice for the closure order to be processed and will cost £770. The bill for this will be sent to the applicant unless you indicate otherwise (i.e. to agent or contractor). Please do not send payment in advance. Additional guidance on temporary closures is given in appendix 1

## Other consents

The list of possible other consents that may be required is to guide you in planning your project.

Permission given by Suffolk County Council for works on a right of way does not imply planning permission or consent from other bodies such as the Environment Agency (river walls, coast defences, main watercourses) or Natural England (working on Sites of Special Scientific Interest). It is your responsibility to ensure that you have all the appropriate consents in place before commencing works.

## **Application Fees**

There is no charge for applying to Suffolk County Council for permission to do works on a right of way

There is a fee of £770 for the application process for a Temporary Traffic Order (temporary closure). This fee cover internal administration time and external adverting costs (in East Anglian Daily Times).

## **Completed applications should be sent to:-**

### East Suffolk

Rights of Way & Access Team  
Suffolk County Council  
County Buildings  
Street Farm Road  
Saxmundham  
Suffolk  
IP17 1AL  
Tel 01728 403059  
email: [prow.east@suffolk.gov.uk](mailto:prow.east@suffolk.gov.uk)

### West Suffolk

Rights of Way & Access Team  
Suffolk County Council  
West Suffolk House  
Western Way  
Bury St Edmunds  
Suffolk  
IP33 3YU  
Tel. 01284 758853  
email: [prow.west@suffolk.gov.uk](mailto:prow.west@suffolk.gov.uk)

## **Determination**

Assuming all the necessary information is provided, your application will be dealt with within two weeks of receipt. Please note that if you require a temporary closure of the path, then it may take up to 8 weeks for this to be processed.

Our Ref. No.

## Application for Permission to do work on a Public Right of Way

If you wish to do work on a public right of way, you must get permission from Suffolk County Council (the Highway Authority). Public rights of way are protected by law – it is an offence to disturb or damage the surface of a public right of way without lawful authority.

**Work must not proceed before written permission has been given by this Authority.**

Applicant Details	
Name:	Organisation:
Address & postcode:	
Phone nos:	Email:

Agent details e.g. consultant/land agent acting on applicants behalf	
Name:	Organisation:
Address & postcode:	
Phone nos:	Email:

Applicants interest in the land ( <i>tick</i> )	Owner	Tenant	Other – see below
<b>Other:</b> Confirm that you have permission from the legal owner of the land for your works. Name & address of landowner if different from applicant			

Location of proposed works – enclose a location map and provide grid references

**Purpose and description of works**

Include a full and detailed description of what is intended, a proposed specification for the work, the extent of the works, site photos, how the work will be carried out etc. Note, we may require a method statement as to how the work will be done. Please attach any supporting information which will help us evaluate your proposal.

**Reinstatement of path surface**

Describe fully how you will reinstate the path surface.

**Details of contractor**

Name:

Organisation:

Address & postcode:

Phone nos:

Email:

Do you hold Public Liability Insurance held for working on the public highway?

Yes

No

Value of Public Liability Insurance

£

Policy number

<b>Timetable</b>			
Proposed start date:		Proposed finish date:	
Duration of works:			
Hours working on site (weekdays/weekends/evening):			

<b>Future Responsibility</b>	
Who will be the person/organisation responsible for maintaining the works in the future?	
Name:	Signature:
On behalf of:	Date:

<b>Site Safety Management</b>
Describe how you will manage the site to ensure the safety of the public using the highway. If you are blocking the path, then you will need to have a temporary closure – see guidance notes.

<b>Temporary Closure</b>			
Do you need to close the highway during works?	Yes	No	Not applicable
Start date for closure:		Closure End date:	
Provide invoice details if different from Applicant			

<b>Other Consents</b>				
<i>Other consents may be required to do works:</i>	Yes	No	Not applicable	Date given
Planning permission (district council)				
Assent to work on a SSSI (Natural England)				
Flood defence consent (Environment Agency)				
Permission from other landowners				
Statutory undertakers (underground cables)				

<b>Declaration</b>	
I/we apply for permission to carry out the works as described in this application. I confirm that the works will be carried out in accordance with current Health & Safety Regulations, the Environmental Protection Act and Waste Regulation. I agree to give Suffolk County Council at least seven days notice of the commencement of works.	
Name:	Signature:
On behalf of:	Date:

## **Guidance on Applying for a Temporary Closure on a Public Right of Way**

### **General**

Public rights of way should always be open and available for use but there are times when Suffolk County Council (SCC) will close them for short periods. Rights of way must not be closed or restricted without our consent.

SCC may close a right of way if we are satisfied that:-

- Works are proposed to be carried out on or near the right of way
- There is a potential danger to the public or serious damage to the ROW
- It is necessary to allow for litter clearing or cleaning.

### **Period of closure**

SCC can authorise the closure of a right of way or part of a right of way for up to 6 months using a legal order. If longer is needed, then an application has to be made to the Secretary of State for the Environment for an extension. This application must be made in good time before the initial closure period has expired and there will be an additional charge.

In an emergency situation, the right of way can be closed using an emergency closure notice. This notice allows a route to be closed for

Up to 5 days for:-

- Works being carried out on or near the right of way
- Litter clearing and cleaning

Up to 21 days:-

- Because there is a potential danger to the public or serious damage to the right of way

### **Charges**

For a closure up to 6 months	£770
To extend a 6 month closure on application to the Secretary of State	£355
For an Emergency closure	£315

Do not send payment in advance – the bill will be sent to the applicant.

For orders relating to multiple paths, the administration charge and advertising costs may vary from that described above.

## **How to apply**

To apply for a temporary closure order, you will need to complete an application form.

1. Application form for temporary closure up to 6 months Form ROW TTRO 01-12 or an emergency closure.

OR

2. If you intend to carry out work to the surface of the right of way, or likely to damage or change the surface then please complete:-

Application form for temporary closure up to 6 months Form ROW TTRO WK 01-12

Allow 8 weeks for your closure application to be processed (does not apply to emergency notices)

If you are working on or near a right of way but can carry out your work whilst allowing the public to pass safely, then you may not need to close the right of way. Please check with the Area Rights of Way team.

## **Guidance notes**

1. Please give a clear explanation of why the route needs to be closed and how long you expect to have the route closed. The closure order will cover a 6 month period but it is important to give the public accurate information about the actual duration. A closure order can be removed once it is no longer needed at any time.
2. Provide a map showing the extent of the closure and an alternative route if there is one. The alternative route must be on other rights of way or roads or on land in your control. You must ensure that an alternative route across land in your control is safe and fit for public use.
3. Access must be allowed to emergency vehicles at all times
4. Access to private property must be allowed at all times.
5. Notices of the closure must be posted on site. Normally this is done by the Area ROW team but the applicant must also monitor the condition of notices and inform the Area ROW team of any missing or damaged.
6. Failure of the public to obey the notice is an offence under the Road Traffic Act 1984 section 16 and absence of notices is therefore a lawful defence.

## **Contact**

### **East Suffolk**

Rights of Way & Access Team  
Suffolk County Council  
County Buildings  
Street Farm Road  
Saxmundham  
Suffolk  
IP17 1AL  
Tel 01728 403059  
email: [prow.east@suffolk.gov.uk](mailto:prow.east@suffolk.gov.uk)

### **West Suffolk**

Rights of Way & Access Team  
Suffolk County Council  
West Suffolk House  
Western Way  
Bury St Edmunds  
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