

ROADS AND PUBLIC RIGHTS OF WAY

Roadways, footways and footpaths

2.1. Which of the roads, footways and footpaths named in the application for this search (via boxes B and C) are:

- (a) highways maintainable at public expense
- (b) subject to adoption and, supported by a bond or bond waiver
- (c) to be made up by a local authority who will reclaim the cost from the frontagers
- (d) to be adopted by a local authority without reclaiming the cost from the frontagers

Interpretative:

This enquiry relates to the status of the roadways, footways and footpaths mentioned by the enquirer in Box B and, if used, Box C (subject to a maximum of three additional roads).

All roads must be named. The use of phrases such as “all roads abutting”, “any roads abutting”, or “any or all roads in the vicinity” are invalid for the purposes of identification. In the event that roads are not named, a standard form of response should be inserted stating “un-named roads cannot be identified and it has not therefore been possible to provide a response”.

The information required will be supplied by the Highways Department which may be located within the authority or at the relevant County Council.

Reply Format:

The road name(s), where supplied, should always be quoted as part of the reply.

Where a road name cannot be ascertained, the road should be clearly marked in colour or hatched on an up-to-date Ordnance Survey plan.

Where any or all of the roads are **not** currently “highways maintainable at the public expense” the replies to 2.1.(b) and 2.1.(c) should be as detailed as possible.

Where (b), (c) and (d) are not applicable, the answer should read “not applicable”.

Informative Note(s):

In instances where the response to **enquiry 2.1.(a)** is that the highway **is not** maintained at the public expense, a standard informative note should be added below the response to the question:

Informative: If a road, footway or footpath is not a highway, there may be no right to use it and the local authority cannot express an opinion without seeing the title plan of the property and carrying out a site inspection.

To deal with queries regarding highway extents, the following notes should be appended (as applicable) following the enquiry response:-

- (i) *The local authority cannot comment on the width of a highway, or whether or not any existing highway directly abuts the boundary of the property.*
- (ii) *The local authority does not hold information on highway extents.*
- (iii) *A Highway Extent search is required, this can be obtained from [insert details] at a cost of [insert details].*

Public rights of way

2.2. *Is any public right of way which abuts on, or crosses the property, shown on a definitive map or revised definitive map?*

2.3. *Are there any pending applications to record a public right of way that abuts, or crosses the property, on a definitive map or revised definitive map?*

2.4. *Are there any legal orders to stop up, divert, alter or create a public right of way which abuts, or crosses the property not yet implemented or shown on a definitive map?*

2.5. *If so, please attach a plan showing the approximate route.*

Interpretative:

This enquiry is seeking information about existing and pending public rights of way which might cross or run alongside the boundary of the specified property. The enquirer is also seeking any information about legal orders created under any Act* that might affect the current route of a public right of way.

The main source of this information will be the local authority's definitive map which may, in the case of a District Council, be held at the relevant County Council.

* Where a planning authority is satisfied that a footpath or bridleway should be stopped up or diverted to enable development to be carried out, they can use powers granted under the Town and Country Planning Act 1990. Local authorities must ensure that all sources of information are covered by their data collation process.

Reply Format:

Where the answer is 'yes', a plan showing the approximate route of the public right of way should always be returned with the completed enquiries.

Informative Note(s):

The definitive map is not conclusive proof that no public footpath or byway exists, so one of the following standard informative notes should be added below the response to the question:

Example informative(s):

- (i) A definitive map for *[insert local authority name]* has now been published *[insert relevant date]*. However, a survey of all paths has not been completed and whilst this does not preclude the existence of unrecorded rights of way, the local authority is unaware of any claimed rights of way existing over the search site. If in doubt please contact *[insert contact name and details]* for further information.
- (ii) No, none. However additional public rights of way (e.g. cycle tracks) may exist other than those shown on the definitive map.
- (iii) Yes, *[public footpath / bridleway / byway open to all traffic/Path No. xx crosses/abuts] [delete as applicable]* the site as shown on the attached plan. Additional public rights of way (e.g. cycle tracks) may exist other than those shown on the definitive map. If in doubt please contact *[[insert contact name and details]* for further information.

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- (ii) *The local authority does not hold information on highway extents.*
- (iii) *A Highway Extent search is required, this can be obtained from
[insert details]
at a cost of
[insert details].*