

# Temporary Closure Guidance

*Before applying for a temporary closure, please take some time to read the guidance provided below.*

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

A Temporary Closure Order (also 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.

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

**Section 14 of the Road Traffic Regulation Act 1984** gives the County 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 must be provided for the public to use wherever possible, and pedestrian access to properties must not be obstructed. The legislation does not allow for objections to be made to a Temporary Closure Order, however, we would expect applicants to take into consideration local use of the path and not to restrict use for any longer than necessary to allow the works to be carried out.

There are three main types of closure that can be applied for:

- Under Section 14(1) of the Road Traffic Act, Public Rights of Way can be closed for up to six months. Requests must be submitted five to six weeks before the closure is required.
- Section 14(2)a of the Road Traffic Act allows for short-term closures for up to five consecutive days, including weekends. Requests must be made 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. The path must be inaccessible or dangerous to the public for the council to use an emergency closure. Closure will be effective from the next working day.

*Temporary closures 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/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 County 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 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**

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

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

You can apply for either a five day or a six month closure, depending on the length of the works. There is a **two week** lead in period for five day closures and a **five to six week** lead in period to process six month closures; please make sure you apply in time to account for these, as due to the legal procedures involved we cannot process closure applications any quicker.

There is also an option for an emergency closure, however this option can only be used in an '**emergency situation**', where immediate danger to the public is involved and the situation is unplanned. Examples of emergency closures are: riverbank erosion, falling trees or damaged structures such as bridges. Please note this closure **cannot be used for planned works**, and you will not be able to submit an application for an emergency closure under these grounds.

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 works and also to add any comments they wish to make regarding the application. The Rights of Way Officer's comments will help in determining whether your application is suitable to progress.

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

This refers to the type of Public Right of Way you wish to close. Please take a look at the Online Mapping link below to find the Route Number and status of the route:

[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 (also 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 (closures can not be used for 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 throughout the duration of the works. The route can only be closed whilst works are underway. For example, if you have applied for a six-month closure, but the works are completed in two months, you must remove the Closure Notices and re-open the path upon completion of the works.

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

It is fully encouraged that you provide an alternative route to the closure, to avoid inconvenience to the public and possible complaints, but only if this is safe to do so. 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. The more detail you can provide, the more helpful the Notice will be to the public.

***Box F: Access:***

For legal reasons the a Temporary Closure Order cannot prevent people from accessing their homes or property, therefore all our Notices will state that access to premises will not be affected. You will need to allow for access to premises within your work planning and health and safety precautions onsite. Please, however, inform us of any other access that may be required by ticking the appropriate boxes.

***Box G: Requested By:***

The details written in this section will be the details our Finance Team will use to address all invoices to. You should include a named contact and telephone number to make it easier for the Finance Team to contact you, should they have any queries.

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

The contact details provided in this section do not need to be the same as the invoice details. On the Notices for the closure, a telephone number (preferably) and a name and company name is required, in case any member of the public should wish to enquire about the works. Please note this name and telephone number will be on the site Notices, in the local press and on the North Yorkshire County Council Website (for closures longer than five days).

**Box I: Order Number:**

Use this box to give details of your Purchase Order number or works reference. This is passed to the Finance Team who will use this to reference your invoices. The Order Number can be made up of any letters or numbers. Please note, our Finance Team cannot raise an invoice without an Order Number, so this box must be completed.

When returning the form and plan for your closure to us, please make sure you sign and date the form, as we will not be able to process a closure without a signature for legal reasons.

**Charges for Temporary Closures**

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	£331.00	£331.00
5 days	Not required	2 weeks	£331.00	£331.00
6 months	2 Chargeable Adverts	6 weeks	£442.00	£442 + cost of adverts at cost*
Extension	1 Chargeable Advert	3-4 weeks	£442.00	£442 + cost of adverts at cost*

## **Advertisement costs**

For a six month closure two adverts are made and placed in a local newspaper, one to advise the public of the intention to close the path, and the second the advertise the Closure Order itself. The price 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.

For extension Notices there will be one advert.

There are no adverts required for five day closures.

## **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 the currently proposed works. It is therefore advisable that you take photographs of the route before works commence and again after the works are completed, such that you have evidence that the route is left in at least as good a condition after the works, as it was before, in order to protect yourselves from any future liability.

Further information this can be found at our website at <https://www.northyorks.gov.uk/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 in the relevant newspapers.

Once the Notices have been created these are sent back to us and we will send them out to you:

For 6 month closures 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 within the Notice. Please note this six month Notice cannot be put on site before the 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, if the closure starts part-way along the path, to advise people that the path ahead is closed. Any proposed works that may affect the Public Right of Way must not begin until the start date of the Notices.

## **Extension Request- further works**

For 6 month closures applicants can apply for an extension if you believe works will not be completed within the allocated time period. 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) five to six 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 six month closure, you MUST give us five to six weeks notice. If the six month closure comes to an end and you have not already applied for an extension, but 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 six month closure.

Extensions can not be requested for five day closures. A Public Right of Way subject to a five 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 closures are available to view on the website <https://www.northyorks.gov.uk/rights-way-public-notices>.

## **Frequently Asked Questions**

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

*Five day closures require a two week lead in period and six month closures 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 Newspapers.*

What is the difference between the two six 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 or any alternative routes available. These are A4 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 as part of a Planning Application then you will need to apply to the District Council under Town and Country Planning Act 1990. This needs to be done before the development is complete.*

*If works have been 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 need to be treated in the same way as recorded Public Rights of Way, 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 as 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. Notices must remain in place 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 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 at all times, then you will not require a closure. You should, however, still ask us for permission to dig up a Public Right of Way.*

I no longer require a closure, 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 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 done, and for 6 month closures you may also need to pay for the newspaper advertisements if the newspaper copy deadline date has passed.*



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