



PPO PACK

(Updated June 2018)

Highways Act 1980

Town and Country Planning Act 1990

An application to change the public rights of way network

APPLICATION PACK

Dear Sir/madam

On the following pages you will find guidance notes and forms to enable you to complete and submit an application to change the public rights of way network - which consists of: footpaths, bridleways, restricted byways, and byways open to all traffic ("BOATs") - by means of a public path order made under the Highways Act 1980 or through an application to the Magistrates' Court (BOATs only).

Your application will start a process during which we will look at the path(s) in question and determine whether the proposed changes meet the Council's own policies and conform to current legislation, law, and guidance. Please be aware that as the making of a public path order is a discretionary function of the Council you will be charged for this service – the details of costs are set out within this application pack.

If you are applying to divert or extinguish a right of way due to proposed development please contact us for further information and guidance.

Your application for a public path order will be recorded in a public register. If you are uneasy about your details being made public please contact us at the address below. Please also read the GDPR Notice at the end of the application pack.

Other services

If you think that there is an error in the Definitive Map and Statement – which is the Council's legal record of public rights of way, and that a path has been omitted, recorded with the wrong status or should not be recorded at all, you should contact us to apply for a Definitive Map Modification Order. You will not be charged for a Definitive Map Modification Order.

For more information please contact:

Adam Maciejewski
Senior Definitive Map Officer

Direct telephone 0300 300 6530
Email adam.maciejewski@centralbedfordshire.gov.uk

Highway Assets Team

**Central Bedfordshire
Council**

Thorn Turn Highways Depot,
Grendall Lane, Thorn Road,
Houghton Regis,
DUNSTABLE, LU5 6GJ

rightsofway@centralbedfordshire.gov.uk

<http://www.centralbedfordshire.gov.uk/leisure/countryside/landing.aspx>

GUIDANCE ON COSTS

Application for a Public Path Order to change the Public Rights of Way Network

“An application may be made to an authority requesting that it exercises its powers to make a Public Path Order to divert or extinguish a right of way in the interests of a landowner, lessee or occupier. Should the authority decide to proceed with application, then the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 (S.I. 1993/407), amended by regulation 3 of the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 (S.I.1996/1978), permit authorities to charge applicants the costs of making orders.”

Department of the Environment Circular 1/09

Please note that the following information on costs relates to applications for orders under Sections 117, 118, 118A/C¹, 119, and 119A/C¹/D of the Highways Act 1980 and Sections 257 and 261 of the Town and Country Planning Act 1990.

Applicants for public path orders are expected to pay an administration charge for the processing of an application, the costs of advertising (at the making and confirmation stage of an order), the costs for any works that are needed and any compensation that may become payable.

[Applications Policy Sects. 5.46 and 9.17]

Administration

The cost of Council administration is charged at the following rates:

Small schemes (up to 3 paths) are charged at £49.00 per officer hour with a minimum fee charged of £2071. The average cost of a small application is around £2071 - £2500.

Large schemes (4 or more paths) are charged at £49.00 per officer hour with a minimum fee charged of £3500.

The administration fee covers all officer time involved in: giving pre-application advice, the carrying out of consultations, drafting plans, site visits, compiling committee reports, posting notices, etc. The administration fee also includes

¹ Non-LEA schools only

two fixed fees² for making and confirming orders which covers the cost of their drafting, sealing, and laying out/proofing for publication. The administration fee **does not** include the cost to the Council of publicising the order twice in a local newspaper plus any certification notice (if required). This is an additional charge, see below.

Any legal advice received from the Council's own legal advisors will be charged at £113 per hour. Any external legal advice received will be charged at the invoiced rate. Charges for the certification of an order will include officer time and mileage and advertising costs. If a particular task takes two officers (i.e. site survey for plan production) the hourly rate will be doubled. Officer's car mileage will be charged at the HMRC mileage rate in force at the time of the journey (currently 45p per mile). Please also note the section on compensation costs below.

The applicant will not be charged for time taken in forwarding opposed orders to the Secretary of State or for any administration involved in negotiating the withdrawal of objections³.

Magistrates' Court Application Costs

Applications to the Magistrates' Court will be charged at £49.00 per officer hour for work done by the Council's Highways Service Officers, and at the Council's Legal Services Team standard charging rate of £113 per hour for any services provided by them. Any external legal advice will be charged at the invoiced rate. The applicant will also be liable for all Court costs and advertising costs. There is no upper costs limit, and the applicant is liable for all costs irrespective of the outcome of the application.

[Applications Policy Sect. 7.12]

Advertising

Legal orders have to be advertised in the local press at two stages. The Council will advertise the making of an order and the confirmation of an order (if either unopposed or if confirmed by the Secretary of State). For a typical one path scheme, the cost of each advert will average between £200 - £300 plus VAT at 20% depending on the particular publication and complexity of the order. Where works are required a certification notice may also be needed at a cost of around £100 (plus VAT). The advertising cost of large schemes can be around (and sometimes exceed) £1000 per advertisement. The applicant will be charged the cost price of any adverts once these have been published.

[Applications Policy Sect. 5.54]

² An order making fee of 490.00 (£539.00 for plans greater than A3) and an order confirmation fee of £147.00 (£196.00 for plans greater than A3).

Works

The cost of works required to bring the route of any new path up to a standard suitable for use by the public will be borne by the applicant. This charge will also include the cost of materials and labour for any structures required along the route.

The extent of works required, and any costs involved, will be agreed with the applicant before an Order is made. The works and structures required may be subject to restrictions imposed by and/or the consent of other organisations (e.g. English Heritage, Natural England, Environment Agency, or Internal Drainage Board). You will be liable for all costs involved in gaining any required consent from such bodies. We will endeavour to provide an applicant with accurate estimates and quotes.

If the costs of the agreed works are less than the sum paid then a refund of the difference will be made (if already paid for). If the agreed works cost more than the sum paid the applicant will not, usually, be liable for the additional costs.

Compensation

Section 28 of the Highways Act 1980 allows any person with an interest in the land to make a claim for compensation if it is shown that the value of their interest in the land is depreciated or that a person has suffered damage by being disturbed in their enjoyment of the land in consequence of the coming into operation of a public path order. Compensation can be claimed up to six months from the date that a confirmed order comes into operation.

The cost of any compensation will be payable by the applicant. The reasonable costs of any valuation or legal advice obtained by the Council or a third party in the pursuit of compensation will also be payable by the applicant, as will any reasonable costs incurred by the Council at an Upper Tribunal (Lands Chamber) appeal.

[Applications Policy Sect. 5.59]

Where a third party seeks to establish a fixed cost for valuations or legal advice related to a claim for compensation, the applicant will be informed of this amount prior to any agreement being entered into by the Council.

[Applications Policy Sect. 5.61]

Where an affected landowner indicates that they intend to claim compensation the Council will endeavour to provide the applicant with an estimate of any potential compensation prior to the order being made. However, the Council may recover the costs of obtaining a valuer's estimate of compensation from the applicant. This cost will not be incurred without the applicant's prior consent.

[Applications Policy Sect. 5.62]

VAT

VAT at the standard rate (currently 20%) is payable on any costs involved in advertising the making and confirmation of Orders and on any works undertaken and materials used. VAT is not payable on costs relating to Council administration and compensation.

Changes to Published Guidance

Central Bedfordshire Council reserves the right to change or amend its policies and guidance at any time to reflect best practice or changes in legislation. The charging rates in force when the application is formally accepted will be applicable at the time of processing and determination (and will include any permissible charges under the Deregulation Act Regulations³ where applicable). However, the application will be determined under the policy in force at the time of determination. If any relevant policies change you will be informed when your application is received and, if necessary, will be given the opportunity to amend your application.

When costs will have to be paid

1. The cost of advertising the making of the Order and the costs of Council administration will have to be paid within one month of being invoiced. You will be invoiced once an unopposed Order is ready for confirmation or before an opposed Order is forwarded to the Secretary of State.
2. The cost of advertising the confirmation of an unopposed Order and the cost of any works required will have to be paid within one month of being invoiced. You will be invoiced once an unopposed Order is confirmed or (where applicable) is ready for certification.
3. The cost of any works required for an opposed Order confirmed by the Secretary of State will have to be paid within one month of being invoiced. You will be invoiced once an opposed Order has been confirmed or (where applicable) is ready for certification.
4. The cost of advertising the certification of an Order where works are required will have to be paid within one month of being invoiced. You will be invoiced once the Order has been certified.
5. Compensation can be claimed at any time up to six months after the date a confirmed Order comes into operation. Any negotiation or appeal could take considerably longer. You will be required to pay all reasonable costs

³ Regulations may be made under the Deregulation Act 2016 to permit the charging of Council administration costs associated with dealing with objections to orders and any subsequent forwarding of the order to the Secretary of State and any consequent written representations, hearing or public inquiry. The Regulations may also permit the Secretary of State to recover his own costs for the same order. Notice of these charges will be publicised once any Regulation is published.

incurred by either the Council or a third party in relation to a claim for compensation when they become due.

Central Bedfordshire will issue invoices at the appropriate times for all costs outlined in this guidance.

Outstanding Payments

An unopposed Order will not be Confirmed or Certified (and therefore the Order will not take effect) until and unless all outstanding invoices have been paid.

An opposed Order will not be forwarded to the Secretary of State for determination until and unless all outstanding invoices have been paid.

[Applications Policy Sect. 5.56]

Where outstanding invoices remain unpaid after 42 days, these may be processed by the Council's debt recovery team using its established procedures⁴.

Refunds

If we decide not to confirm an unopposed Order, or not to forward an opposed order to the Secretary of State without the applicant's consent, you will have all administration fees (if already paid) refunded. If you have paid any funds towards works or compensation – this will also be refunded. However, any advertising costs already incurred **will not** be refunded.

[Applications Policy Sect. 5.50]

Should the applicant decide that they do not want to proceed with their application at any point, they will be invoiced for all Council administration and any advertising up to that point.

[Applications Policy Sect. 5.51]

Please note: If the Secretary of State decides not to confirm an opposed Order - the administration and advertising charge will not be refunded. If you have paid towards works or compensation – this will be refunded.

[Applications Policy Sect. 5.53]

Where an order is made under S.257 of the Town and Country Planning Act 1990 (as amended by S.12 of the Growth and Infrastructure Act 2013) prior to planning consent being granted, the non-granting of consent will not automatically trigger a refund in any administration costs already charged.

[Applications Policy Sect. 9.18]

"Applicants are not entitled to a refund other than under the following conditions:

- (i) Where the authority fails to confirm an unopposed order

⁴ An invoice will be sent out initially with reminders at 28 and 42 days. If payment is not received following the deadline set in the second reminder the Council will either pass the debt on to a debt collection agency or will seek a County Court Judgment and court order. A Land Charge could also be lodged against the property.

- (ii) In the case of unopposed orders the authority fails to submit the order for confirmation to the Secretary of State without the agreement of the person who requested the order
- (iii) Where proceedings preliminary to the confirmation of a public path creation order are not taken concurrently with proceedings for a public path extinguishment order.
- (iv) Where the order cannot be confirmed because it has been invalidly made”

Department of the Environment Circular 1/09

GUIDANCE ON WIDTHS

Application for a Public Path Order to change the Public Rights of Way Network

The following table gives minimum widths for the section(s) of new or diverted paths; this is irrespective of whether a diverted route had previously had a narrower or no recorded width. Only in exceptional circumstances will a path be diverted with a lesser width than its recorded width⁵. The widths recorded below are minimum widths. Where appropriate the Council will seek to secure agreement for a width in excess of the stated minimum.

Path status	Minimum width
Footpath	2.0 m
Bridleway	4.0 m
Restricted byway or BOAT	5.0 m

[Applications Policy Sect. 5.7-5.9]

For applications submitted in relation to development proposals please read the associated ***Rights of Way Standards and Guidance for Development*** document.

Where a new path would run along an existing track or between other features, such as parallel hedgerows, fences or walls, the width should normally be equal to the width physically available on the ground.

Physically Restricted Routes

A new route may be physically restricted where part or all of it uses a pre-existing alleyway, or where there are other significant features or structures which physically prevent the allocation of a greater width. Paths should conform to the general policy where possible. However, where a new path would unavoidably be physically restricted, the following minima will apply for as short as length as possible.

⁵ If there is no recorded width, the width to be used will be the width available for use by the public.

Path status	Physically restricted minimum width
Footpath	1.0 m
Bridleway	2.0 m
Restricted byway or BOAT	3.0 m

[Applications Policy Sect. 5.10]

The acceptance of a width less than the standard minimum width for as short a length as possible will be at the discretion of the Case Officer.

Declaration

Please read, and familiarise yourself, with the declaration in Section 6 of the application form. False declarations may jeopardise or delay your application. If you have any queries please contact Adam Maciejewski (details below).

Changes to Published Guidance

Central Bedfordshire Council reserves the right to change or amend its policies and guidance at any time to reflect best practice or changes in legislation. The charging rates in force when the application is formally accepted will be applicable at the time of processing and determination. However, the application will be determined under the policy in force at the time of determination. If any relevant policies change you will be informed when your application is received and, if necessary, will be given the opportunity to amend your application.

Further Information

For more information regarding public path order applications, charges, and policies please contact Adam Maciejewski, the Senior Definitive Map Officer, at the following address:

Highways Assets Team Central Bedfordshire Council Priory House Monks Walk, Chicksands SHEFORD SG17 5TQ	Telephone 0300 300 8305 Fax. 0300 300 8212 E-mail adam.maciejewski@centralbedfordshire.gov.uk Website www.centralbedfordshire.gov.uk/
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HIGHWAYS ACT 1980 / TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION FOR AN ORDER TO CHANGE THE PUBLIC RIGHTS OF WAY NETWORK.

1

SECTION ONE – THE APPLICANT (About you)

1. Your name: (Mr/Mrs/Miss/Ms/Dr/Other)

.....

2. Correspondence Address

.....

.....

.....

.....

Postcode:

Contact telephone number:

.....

Mobile number:

.....

E-mail address

.....

3. Name and address of agent (if applicable)

.....

.....

.....

.....

Postcode:

Contact telephone number

.....

E-mail address:

.....

Shall we deal with your agent or with
yourself directly?

Agent ☐

Yourself ☐

[tick ✓ one box only]

Disclosure of personal information:

This form, once completed is a matter of public record and will be available for public scrutiny. See Declaration and accompanying GDPR Notice for further information.

2

SECTION TWO – THE APPLICATION (What it is you want)

Please answer **EITHER** question [4] (Highways Act applications) or questions [5 + 6] (Town and Country Planning Act applications) below depending what it is you want to do.

4. Under the Highways Act 1980 do you want to:

(a) create a new footpath, bridleway or restricted byway (creation)

Highways Act 1980 Section 26

☐

(b) close an existing path* (extinguishment)

Highways Act 1980 Section 118

☐

(c) move a path* from one route to another (diversion)

Highways Act 1980 Section 119

☐

(d) apply to the Magistrates' Court for a stopping-up order[#]

Highways Act 1980 Section 116

☐

[please tick ✓ if applicable]

PLEASE GO STRAIGHT TO QUESTION 7

*Applies only to footpaths, bridleways, and restricted byways

[#]Restrictions apply [Applications Policy – Sect. 7]

5. Under the Town and Country Planning Act 1990 do you want to:

(a) move a path* from one route to another (diversion) or remove a path* which is affected by development.

Town and Country Planning Act 1990 Section 257

☐

(b) move a path* from one route to another (diversion) or remove a path* which is affected by mineral workings.

Town and Country Planning Act 1990 Section 261

☐

*applies only to footpaths, bridleways, and restricted byways

[please tick ✓ if applicable]

Only applicable if you answered QUESTION 5 ABOVE.

6. Planning permission reference number

Full ☐ Outline ☐ Reserved Matters ☐ Minerals & Waste ☐

Date Planning Application submitted

Date Planning Application Approved

Please give brief details of the development:

.....

.....

.....

.....

Please note: An application based upon outline planning consent is unlikely to be successful unless it includes finalised details of how the proposed development affects the public right of way in question as the Council needs to be satisfied that the path requires stopping up in order for the diversion to take place.

[Applications Policy – Sect. 9.2]

7. Please describe below what it is you want and attach a plan (of scale 1:2,500 to 1:10,000) to help you illustrate your proposal:

.....

.....

.....

.....

.....

.....

.....

.....

<p>8. Is the path open and freely able to be used by members of the public?</p>	<p>YES <input type="checkbox"/> Go to Question 10</p> <p>NO <input type="checkbox"/> Go to Question 9</p>
<p>9. Describe any obstructions on the legal line of the path to be affected:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p style="color: red; font-weight: bold;">Public rights of way must be open and available for public use. If you cannot remove the above obstructions, you must apply in writing to the Highways Assets Team Leader stating why you should be exempted from this requirement.</p> <p style="text-align: right; color: grey; font-size: small;">[Applications Policy Sect. 5.25]</p>	
<p>10. What parish(es) is/are the path(s) in?</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>11. Is/are the path(s) a:</p> <p>Footpath <input type="checkbox"/></p> <p>Bridleway <input type="checkbox"/></p> <p>Restricted Byway <input type="checkbox"/></p> <p>Byway Open to All Traffic (BOAT)[#] <input type="checkbox"/></p> <p style="text-align: center;">[please tick ✓ those boxes applicable]</p> <p>[#] Applications affecting BOATs can only be dealt with at a Magistrates' Court</p>
<p>Legal Definitions</p> <ul style="list-style-type: none"> Footpath - A public right of way on foot only. Bridleway - A public right of way on foot, or riding or leading a horse or bicycle. Restricted Byway - A public right of way on foot, or riding or leading a horse or bicycle, or in a non-mechanically-propelled vehicle (e.g. horse and cart). Byway Open to All Traffic (BOAT) - A public right of way on foot, or riding or leading a horse or bicycle, or in any road-legal vehicle driven by a legally entitled driver. 	
<p>12. For existing paths, what is/are its/their number(s) as shown on the Definitive Map if known (<i>Example FP No. 7 Silsoe</i>)? If unknown, please leave blank.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	

4

SECTION FOUR – LAND OWNERSHIP DETAILS

13. Do you own all the land over which the existing path(s) and the new path(s) run(s)?

YES ☐

NO ☐

(see NOTE at bottom of this page)

NB. You may be required to provide proof at your own expense of your ownership of the land in question.

14. Please list below the names and addresses of all the owners / tenants of land or any other interested parties that are potentially affected by your application:

Please indicate on a separate plan (to your proposal plan) the extent of your ownership and any other owners affected by your application.

(a)

.....

.....

.....

.....

Do they consent to your application?

YES ☐ (see Note below) NO ☐

(b)

.....

.....

.....

.....

Do they consent to your application?

YES ☐ (see Note below) NO ☐

(c)

.....

.....

.....

.....

Do they consent to your application?

YES ☐ (see Note below) NO ☐

(d)

.....

.....

.....

.....

Do they consent to your application?

YES ☐ (see Note below) NO ☐

NOTE Please use the PPO-TCPA (LOC) FORM to provide written consent from any other landowner tenant, occupier or party with a legal interest (e.g. private access, utility company access or shooting / fishing rights) affected by your application

Your application may be refused if you do not provide consent from all other affected parties

[Applications Policy Sect. 5.34]

SECTION FIVE - THE NEW ROUTE(S) (For creations and diversions)

15. Please list all structures (if any) you wish to erect on the new route of the path, and indicate where by reference to letters on an attached plan.

Structures include: kissing-gates, bridle-gates, other gates, bridges, etc.

.....

.....

.....

.....

Please note – we will only ‘authorise’ structures if they are to keep in horses or livestock and we will not accept stiles on new routes. [Applications Policy Sect. 5.22]

16. What widths do you intend allowing for the new path? (Please state in metres).

.....

.....

What surface do you intend for the new path?

.....

Please note - the width of your new path should be at least the minimum as stated in the PPO WIDTHS guidance accompanying this form. [Applications Policy Sect. 5.6]

17. Do you intend to erect fencing adjacent to the new route?

NO ☐ YES ☐

If YES, please describe type, height and position of fencing.

.....

.....

.....

.....

18. Please tell us why you want the order[s]:

[illegible]

6

SECTION SIX – FEES AND CHARGES

19. If we make an order as a result of this application you will be required to pay a fee to cover the cost of the Council's administration and to reimburse us for the cost of advertising the making of, and later, the confirmation of the order.

If we do not make an order or choose not to confirm an unopposed order (without the applicant's consent), no fee will be payable, or any fee paid already will be refunded upon request. Any advertising fees already paid will not be refunded.

If we forward an opposed order to the Secretary of State for confirmation and it is not conformed, any money already paid will not be refunded.

If we confirm an order as a result of this application you will be required to cover the cost of any works needed and you may have to pay any resultant compensation.

[Applications Policy Sect. 5.46]

20. **An up-to-date schedule of fees and charges is shown in the accompanying PPO-TCPAO COSTS and PPO WIDTHS Guidance notes. Please read these guidance notes carefully before submitting your application.**

CHECKLIST

HAVE YOU...?

A.	Filled in Section 1.	[✓]
B.	Read and understood the guidance on costs for which you will be liable and the guidance on acceptable widths of any new path.	[✓]
C.	Filled in Section 2 (including planning consent number if applicable).	[✓]
D.	Filled in Section 3. Written to the Council if any of the rights of way are obstructed?	[✓]
E.	Filled in Section 4. <ul style="list-style-type: none"> • Contacted each owner, occupier, Lessee/tenant and private rights holder affected by your proposal and given them a copy of the LOC FORM and a plan of the proposed changes to the public rights of way network. • Included their written consent on the LOC FORM (if applicable)? • Included with your application a plan showing the extent of your ownership and that of the other people involved? 	[✓]
F.	Filled in Section 5 including: <ul style="list-style-type: none"> • Details of any structures on the new route. • The width of the new route. • Details of any proposed fencing alongside the new route. 	[✓]
G.	Read and understood the Declaration at Section 7 (overleaf) including the notice on disclosure of personal information and signed and dated it.	[✓]
H.	Provided an annotated plan at a suitable scale showing the routes of the paths affected.	[✓]

21 I DECLARE THE FOLLOWING:

- a) All details above are true to the best of my knowledge.
- b) I understand that the current legal line of the path to be diverted or extinguished must be kept open and available for public use until an order is confirmed / certified. Permission to be exempted from this requirement must be requested in writing from the Highways Assets Team Leader. [Applications Policy Sect. 5.24]
- c) I understand and accept that if an order is made as a result of this application I will be charged:
 - i. An administration fee (see PPO-TCPAO COSTS guidance)
 - ii. The full cost of advertising the making of, and confirming of the order, plus possibly a Notice of Certification if works are required
 - iii. The full cost of any works required to bring any new route up to an acceptable standard (including: surfacing, gates, culverts, bridges and any signposting/waymarking).
- d) I understand and accept as part of the process of dealing with this application I shall be required to comply with the Council's policy on widths for new paths and the Council's Public Path Order Policy (see PPO WIDTHS guidance).
- e) I understand and accept that I may become responsible for future maintenance of bridges, culverts, structures, etc, when the order has been made in the interests of the applicant.
- f) I understand that no authority for the diversion or extinguishment of a public path is conferred until and unless an order has been made and subsequently confirmed and any new route certified as acceptable by this Authority.
- g) I undertake to defray any compensation which may become payable by the establishment of the new route (inclusive of any legal costs in agreeing the value of any compensation fee).
- h) I understand the details contained in this application form and accompanying maps may be made available for public scrutiny and consent for them to be disclosed when required. [Applications Policy Sect. 5.5]

20 Disclosure of personal information:

Personal data is held in accordance with the Data Protection Act 1998 and the General Data Protection Regulation (EU 2016/679) and as described in the Council's privacy policy which is available on the Council's website at <http://www.centralbedfordshire.gov.uk/contact-us/website/data-protection.aspx>. Please see the accompanying GDPR Notice for more information.

I understand that any personal details I give within this application form are part of an application submitted to Central Bedfordshire Council and processed for the purposes of determining this application only. This application is a matter of public record and will be available for public inspection. If an order is made and receives objections which are not withdrawn, my details will be passed to The Planning Inspectorate so that I can be contacted by them as part of the process of determining whether the order should be confirmed.

Your name and address will be made public unless you state in writing any compelling reasons why this data should not be made public. This letter must accompany your application form and be sent directly to the Definitive Map Officer at the address below.

[Applications Policy Sect. 5.5]

I / We declare that to the best of my / our knowledge all the particulars given are true and accurate and I/We have read and understood the above Declaration.

Signed:

Dated

Print Name:

Please return the completed form to:

The Definitive Map Officer
Highway Assets Team
Central Bedfordshire Council
Thorn Turn Highways Depot
Thorn Road
Houghton Regis
DUNSTABLE
LU5 6GJ

Please keep the
accompanying
guidance notes for
your further
reference.

adam.maciejewski@centralbedfordshire.gov.uk

DX153440 SHEFFORD

FOR CENTRAL BEDFORDSHIRE COUNCIL USE ONLY

Parish(es):.....

Date Sent:.....

Path(s):.....

Sent out by (officer):.....

Path/plan ref:.....

Date Received:.....

File Ref:.....

Date Formally Acknowledged:.....

Type of order sought:.....

Charging rate when received: Min£..... / £...../hr

.....

DMC/ Delegated Decision:

PPO TCPA [please circle]

Date Order Made/Refused:

Certification required? [Y] / [N]

Date Order Confirmed:

Your application map

You **must** submit a map with your application. This map should be at a large enough scale so that we can easily see where the affected paths run. A suitable scale is likely to be somewhere between 1:5000 and 1:1250. You should ensure that your plan is sufficiently annotated so that we understand where features are. You should mark on features such as gates, kissing gates, bridges and fences (both current and proposed).

Maps can be supplied by the Council's Highways Assets Team on request. Alternatively maps can be purchased on-line in digital or paper format from the Ordnance Survey's Mapping and Data Centres or from third party re-sellers.

For your nearest Mapping and Data Centre look on-line at:
<http://www.ordnancesurvey.co.uk/oswebsite/products/landplan/>

For third party re-sellers search on-line for "*large scale planning maps*".

Applications associated with development

Where a proposed development will affect a public right of way, the application should also include a detailed plan of the proposed development marked up with the local public rights of way network. The Town and Country Planning Act 1990 only permits us to divert or alter a right of way if this is needed for the development to take place. Consequently a plan for outline consent is unlikely to be sufficient as we will need to be satisfied that specific elements of the proposed development lie on, under or over the right of way.

PPO-TCPA (LOC FORM)

(Updated May 2018)

The logo for Central Bedfordshire, featuring a green circle with the text "Central Bedfordshire" in white and black.

HIGHWAYS ACT 1980 / TOWN AND COUNTRY PLANNING ACT 1990

CONSENT BY AN AFFECTED OWNER, OCCUPIER, LESSEE OR EASEMENT/ PRIVATE RIGHTS HOLDER to an application for an order to change the public rights of way network

This LOC Form must be sent by the applicant to every owner, occupier, lessee or easement/private rights holder of land over which an effected public right of way runs or over which any new public right of way will be created. (Private rights also include shooting, fishing or any other sporting or access rights.)

This form must be accompanied by a plan detailing the proposed creation/ diversion/ extinguishment.

NAME OF APPLICANT:

Correspondence address:

Affected path(s):

1. Name of owner, occupier, lessee or easement/private rights holder:
(Mr/Mrs/Miss/Ms/Dr/Other)

.....

2. Correspondence Address

Contact telephone number:

.....

.....

.....

Mobile number:

.....

.....

.....

E-mail address

.....

.....

Postcode:

.....

3. Name and address of agent (if applicable)

.....
.....
.....
.....
.....

Postcode:

Contact telephone number

.....

E-mail address:

.....

Shall we deal with your agent or with yourself directly?

Agent ☐

Yourself ☐ [tick ✓ one box only]

4. What is your relationship to the affected land?

Owner of land..... ☐

Occupier ☐ ↗

Lessee (Tenant)..... ☐ ↗

Easement holder ☐ →

Private rights holder ☐ →

[please tick ✓ applicable boxes]

Name of Owner:

Owner's address:

.....

Easement type

Type of rights held

.....

5. Please describe the effect of the proposed creation/diversion/extinguishment on your legal interests in the land:

.....
.....
.....
.....

Please mark the extent of your legal interests on the attached plan.

Done ☐

6. Do you CONSENT to the proposed creation/diversion/extinguishment as shown on the attached application plan?

YES, I consent to the application ☐ **NO, I do not consent to the application** ☐

[tick ✓ one box only]

Compensation:

I understand that my giving consent to this application does not prevent me from subsequently claiming compensation under S.28 of the 1980 Act, but any claim must be made within the time limits specified in any order made.

Disclosure of personal information:

Personal data is held in accordance with the Data Protection Act 1998 and the General Data Protection Regulation (EU 2016/679) and as described in the Council's privacy policy which is available on the Council's website at <http://www.centralbedfordshire.gov.uk/contact-us/website/data-protection.aspx>.

I understand that any personal details I give within this consent form will be included within an application submitted to Central Bedfordshire Council and will be processed for the purposes of determining this application only. The application is a matter of public record and will be available for public inspection. If an order is made and receives objections which are not withdrawn my details will be passed to The Planning Inspectorate so that I can be contacted by them as part of the process of determining whether the order should be confirmed.

Your name and address will be made public unless you state in writing any compelling reasons why this data should not be made public. This letter must accompany your consent form and be sent directly to the Definitive Map Officer at the address below.

Print Name:

Signed:

Date:

Completed forms:

Please either return the completed form and map to either the applicant or send it to:

The Definitive Map Officer, Thorn Turn Highways Depot, Houghton Regis, DUNSTABLE, LU5 6GJ or adam.maciejewski@centralbedfordshire.gov.uk or DX153440 SHEFFORD

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GDPR NOTICE

(Updated May 2018)



The General Data Protection Regulation: Protecting your privacy (Public Rights of Way, Commons and Town/Village Greens)

Why is this notice important?

The law on data protection is changing. As a consequence, Central Bedfordshire Council needs to tell you more about how we collect your personal data, why we collect and how we use it. We also need to tell you how we share it and how you can access it and whether it can be deleted.

What personal data we collect

We collect your name, address and e-mail and telephone contacts as well as any information about how you may use a particular right of way or area of land.

Why we collect your data

We act as the Highway Authority, Surveying Authority, Planning Authority and Registration Authority for Central Bedfordshire and use the Highways Act 1980; the Wildlife and Countryside Act 1981; the Town and Country Planning Act 1990; and the Commons Acts of 1965 and 2006 respectively in the course of our legitimate and legal functions and duties under these Acts, namely: to record and alter the public rights of way network; and for the purposes of registering and recording Commons and Town/Village Greens.

How we use your data

We use your personal data for a range of our statutory and discretionary functions. These relate to one or more of the following activities:

- i. The processing of applications seeking to affect the public rights of way network under the aforementioned Acts including: evidence from witnesses; consultations and consultation responses; serving of Notices; and dealing with objectors.
- ii. For the purposes of registering and regulating Commons and Town/Village Greens.
- iii. The recording statutory declarations of non-intention to dedicate highways ("S.31 deposits")
- iv. Dealing with, and responding to, complaints, requests for service and inquiries from the members of the public.
- v. The taking of legal action and/or enforcement action or for procedures related to the maintenance and/or improvement of the public rights of way network.
- vi. To enable expedient liaison with volunteers, user-groups and contractors.

Your personal data is never used for commercial or marketing purposes.

What data we disclose and when

- i. The personal details of Applicants and their Agents for Public Path Orders, Definitive Map Orders, Town and Country Planning Act Orders and Town/Village Green applications are a matter of public record and will be available for public scrutiny as required by the various Acts and Council policies upon submission of the application.
- ii. Personal details within User Evidence Forms and statements of use are also a matter of public record. Before an order is made the personal data will be removed (redacted) from any disclosed User Evidence Form or any other statement of use. However, once an order is made, or the application is the subject of an appeal, personal data (including that in User Evidence Forms) will be forwarded to The Planning Inspectorate and made publicly available.
- iii. Where User Evidence Forms or interview notes or statements contain details of third parties, third party personal details will not be made public unless required under the Wildlife and Countryside Act 1981.
- iv. Deposits/declarations made under Section 31 of the Highways Act 1980 are in the public domain upon completion of the declaration.
- v. **By submitting an application form, declaration or statement of use or by being interviewed you actively consent to your data being held, used and disclosed for the purposes above.**
- vi. Personal details from complainants or requests for service will not be disclosed.
- vii. If you own land, with your consent we may pass your contact details on to our contractors to enable them to carry out works on our public rights of way network over your land.

Your right to see your data and be forgotten

You may request to see a copy of any personal data we hold on you. We should provide you with this within one month if we can. Please note that any historic data may require a little more time to collate due to non-indexed off-site hard-copy archiving.

For evidential purposes under the Wildlife and Countryside Act 1981 and Commons Acts, all relevant correspondence and any personal data within it will be kept **indefinitely**. Individuals who provide any correspondence that is a matter of public record: e.g. applications, representations to orders, statements of use, or a non-intention to dedicate **do not have a right** to be forgotten or to have their data deleted. Individuals who have submitted a service request or complaint will have a right to have their personal data deleted upon request, subject to the Council's published data retention schedule, see: <http://www.centralbedfordshire.gov.uk/council/information-governance/records-management.aspx>

Further information

This Notice is also available on the Central Bedfordshire Council website at <http://www.centralbedfordshire.gov.uk/leisure/countryside/landing.aspx>.

Any queries relating to this Notice should be directed in the first instance to the Senior Definitive Map Officer, Adam Maciejewski at the Thorn Turn Highways Depot, Thorn Road, Houghton Regis, DUNSTABLE, LU5 6GJ, e-mail adam.maciejewski@centralbedfordshire.gov.uk or call on 0300 300 6530.

More information on how we look after your personal data can be found on the data protection section of the Council's website at: <http://www.centralbedfordshire.gov.uk/contact-us/website/data-protection.aspx>

Contact us...

Për Informacion Per Informazione Za Informacije नगरवारी लघी
المعلومات معلومات کے لئی তথ্যের জন্য
Za Informacja برای اطلاع

by telephone: 0300 300 8000

by email: customer.services@centralbedfordshire.gov.uk

on the web: www.centralbedfordshire.gov.uk

Write to Central Bedfordshire Council, Priory House,
Monks Walk, Chicksands, Shefford, Bedfordshire SG17 5TQ