

DOCUMENTS SUBMITTED BY ESSEX COUNTY COUNCIL
TO THE PLANNING INSPECTORATE
(Electronic Submission)
IN THE MATTER OF THE DETERMINATION TO CONFIRM
RAIL CROSSING EXTINGUISHMENT ORDER FOOTPATH 25 GREAT CLACTON
IN THE DISTRICT OF TENDRING
SECTION 118A – HIGHWAYS ACT 1980
DOCUMENTS REQUIRED BY THE PLANNING INSPECTORATE

1. Electronically sealed Order (there is no paper form of this order) and associated plan
2. Statement of the grounds on which it is considered the order should be confirmed
3. OMA's submission letter
4. Representations and objections to the order (including supporters) along with a covering list of their names
5. Statement containing the OMA's comments on the objections
6. Copy of the notice publicising the order together with a copy of the advertisement voucher copy
7. Certificate that notices have been published, served and posted on site and at the local offices
8. Certificate that the necessary consultations have been carried out
9. Copies of replies to the pre-order consultation and responses by the OMA
10. Name and address of every person notified
11. Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served
12. Location map to enable the Inspector to identify the site
13. Written permission from the landowner allowing Inspector access to the land
14. Name and address of the applicant
15. Confirmation that the OMA is supporting the Order
16. Details of the time and place where documents relating to the order will be made available for public inspection
17. Health and Safety questionnaire document
18. Undertaking by OMA to provide new paths in readiness for public use
19. Extract from the Definitive Map and Statement
20. Confirmation of no relevant provision within the Essex County council Rights of Way Improvement Plan (ROWIP)

1. Electronically sealed Order and plan

See submitted PDF file:

01. Sealed Made Order_FP25 Great Clacton.pdf

2. Statement of the grounds on which it is considered the Order should be confirmed

This statement explains why in the opinion of Essex County Council (ECC) as the Order Making Authority (OMA) the Order meets the relevant criteria as set out in Section 118A of the Highways Act 1980 and why the extinguishment of Footpath 25 Great Clacton is expedient on the grounds stated.

The OMA made the following considerations to the criteria as set out under S118A Highways Act 1980:

- 1) Where it appears to a council expedient in the interest of the safety of members of the public using it or likely to use it that a footpath (bridleway or restricted byway) in their area which crosses a railway, otherwise than by tunnel or bridge, should be stopped up.**

Network rail (NR) applied to ECC for an extinguishment of the level crossing known as Giles Level Crossing, which Footpath 25 Great Clacton passes over, due to a public safety concern. This is detailed in the submitted PDF file provided by NR:

02. COC Giles Level Crossing Public Closure Justification.

In summary, the level crossing has insufficient sighting for users. This is mitigated by whistle boards, supplemented by a Supplementary Audible Warning Device. These are only partial mitigations. Network Rail policy is to phase out the use of whistle boards owing to the shortcomings detailed in the report provided. The installation of Miniature Stop Lights or a bridge or tunnel at this level crossing would deliver limited value for money when compared with similar interventions at other public level crossings with far higher levels of recorded usage.

The OMA recognise that NR are the competent authority for rail safety and are satisfied that they have presented sufficient justification for the closure of Giles Level Crossing.

- 2) Where this section applies, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, extinguish the public right of way over the path or way –**
 - (a) on the crossing itself, and**
 - (b) for so much of its length as they deem expedient from the crossing to its intersection with another highway over which there subsists a like right of way (whether or not other rights of way also subsist over it).**

Footpath 25 Great Clacton is an isolated path with no connections to other public rights of way. If public rights are extinguished on the crossing only, it would lead to two dead-end paths that could encourage users to trespass onto the railway line. The OMA therefore considers it expedient to extinguish the full length of Footpath 25 Great Clacton.

- 4) The Secretary of State shall not confirm a rail crossing extinguishment order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that it is expedient to do so having regard to all the circumstances, and in particular to –**
- (a) Whether it is reasonably practicable to make the crossing safe for use by the public, and**
 - (b) What arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.**

A 41-day camera census was undertaken by NR at the crossing from 15 September to 25 October 2022. 38 pedestrian traverses were recorded, giving average usage of less than one person per day. A single objection was received during the made order consultation stage from someone who claims to regularly walk the route, however no comments or objections were received from user groups, the District Council or the local County Councillor. This further confirms the footpath is not well used. ECC has therefore taken the view that it is not reasonably practicable to insist NR provides a diverted route or a structure, such as a footbridge or tunnel. NR has also addressed this in the pdf document provided (02. COC Giles Level Crossing Public Closure Justification).

Network Rail will be responsible for erecting and maintaining any barriers to prevent further use of the level crossing if the order is confirmed.

3. OMA's submission letter

The Planning Inspectorate
Rights of Way Section
Room 3A Eagle
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Date 11/4/24
Our Ref: Footpath 25 Great Clacton

Dear Sir/Madam,

Highways Act 1980 – Section 118A Rail Crossing Extinguishment Order 2024 Footpath 25 Great Clacton, Tendring District, Essex

Essex County Council, being both the Order Making Authority and Highway Authority, are writing with regard to the above proposed diversion application which has undergone a statutory consultation period of the order made on 18 November 2023. Following the expiry of the statutory consultation period and ensuing negotiations the County Council were unable to achieve withdrawal of the one duly made objection.

The County Council having considered the criteria for making and confirming the order are satisfied that the application meets the relevant tests and therefore support the Order. Accordingly I write to formally request the Secretary of State in pursuance of section 2(2) of Schedule 6 to the Highways Act 1980 determines to confirm the above mentioned Order. I enclose by email attachment documentation required for the submission of Public Path Orders to the Secretary of State for consideration.

The list of documents follows the order given on The Planning Inspectorate's *'Documents Required By The Planning Inspectorate (Checklist for Order Making Authorities)*.

I would request that where possible the dates below are avoided in respect of possible dates for attendance at a hearing or inquiry. The Council also hereby confirms that it would be in agreement and preferable for the matter to be resolved by written representations given the sole objection should that be acceptable to all interested parties.

Dates to avoid:

Sarah Potter: 24th & 27th January, 3rd March, W/C 26th May, W/C 2nd June, 11, 14, 18, 21st July, W/C 6th October, W/C 20th October, W/C 15th December, W/C 29th December.

Yours sincerely

Sarah Potter, PROW & Records Analyst, Essex County Council

4. Representations and objections to the order (including supporters) with a covering list of names (includes OMA response)

See submitted PDF file:

04. Representation Contacts

04(1). Objection_ [REDACTED]

5. Statement containing the OMA's comments on the maintained objections

The OMA's actual written responses to the objector are included in Document 04(1). However, for the sake of clarity this is expanded upon below.

[REDACTED] objected on the following points:

1. The footpath provides an essential link from Great Clacton to Kirby Cross and/or Kirby le Soken (also mentions travelling to Great Holland Pits Nature Reserve).
2. NR should divert the footpath to a route he has marked as a yellow line on a map provided in a letter dated 16 December 2023 (included in the pdf document 04(1). Objection [REDACTED])
3. The mathematical model NR has used to determine the safety of the crossing is flawed.

The OMA response to these points are as follows:

1. Footpath 25 Great Clacton is quite an isolated path with no connections to other PROW. The southern end joins a footway through Gorse Lane Industrial Estate and the northern end connects to a national speed limit road. It is of [REDACTED] opinion that this footpath provides an essential link to Kirby Cross, Kirby le Soken and Great Holland Pits Nature Reserve. The following map extract taken from Google Maps provides a visual representation of the route [REDACTED] describes walking when leaving Footpath 25 and continuing to Great Holland Pits Nature Reserve (the same route is walked by [REDACTED] when travelling to Kirby Cross and Kirby le Soken).

(Plan: The blue arrows represent FP25 and FP28, the red arrows represent sections of road walking.)



This route involves walking on narrow, national speed limit roads with no footways and limited opportunities to step out of the way of passing vehicles. When describing this route taken in his letter dated 16 December 2023 [REDACTED] states “...I have always found it possible to step off the road into the hedge if needed...” which further confirms there are no provisions for pedestrians along the route walked by [REDACTED]

In his email correspondence dated 31 January 2024 [REDACTED] states “...Closure would suggest that the only way people should visit “Great Holland Pits Nature Reserve” is by driving.” However, the low usage count collected by NR suggests it is unlikely pedestrians are using Footpath 25 Great Clacton to access the nature reserve or to continue further towards Kirby Cross and/or Kirby le Soken as the sections of road walking are likely to be considered unsafe by many. It is therefore the opinion of ECC as the OMA that Footpath 25 Great Clacton does not provide an essential link to those destinations.

2. Extinguishments are not taken lightly by ECC, and proper consideration is made to assess the likely impact on the PROW network and its users. No statement is provided by the local PROW Officer as I was responsible for maintaining the PROW network within the Tendring District at the time NRs application was made and had done so for 12 years. NRs application was assessed during a site visit that I attended as a PROW Officer. I am very familiar with this footpath, and it was my opinion at the time that the path was not very well used due to the little enquiries I had received over the 12 years. Although the footpath is included on the annual cutting programme it only receives one cut a year as it is considered a low priority route. At the time of the inspection the footpath was quite overgrown and difficult to traverse. There was no evidence on the ground that suggested the path was walked recently (no trampled vegetation or usage tracks) and no enquiries reporting the obstructing vegetation were received during that time to indicate anyone had tried to walk the path. I felt confident in my assessment that the path is very infrequently used, however it was felt appropriate for NR to undertake a usage count to further determine its use. The low usage count recorded was therefore not surprising. If the footpath was known to be very well used and this was reflected in the data recorded by NR, then ECC would likely insist either a diverted route or a footbridge/tunnel was provided. Such provisions have been made on PROW within the same District whereby the footpath was considered to form an essential link to the wider PROW. As this is not the case with Footpath 25 Great Clacton, ECC does not think it is reasonably practicable to insist NR make such provisions. It was then decided appropriate for NR to apply for a rail crossing extinguishment order using S118A Highways Act 1980. The provision of a diverted route is not a criteria under this section.

The OMA gave NR an opportunity to make comments on [REDACTED] objections. The intention was to forward this to [REDACTED], however given the context of his last correspondence it was clear that nothing would dissuade him from objecting and so the decision was made not to. NRs final statement is submitted as a PDF file:

05. NR Final Statement

The last paragraph of this statement under the heading “*Suggested diversionary route from Burrs Road to east side of level crossing*” provides further considerations made by NR on whether it is considered reasonably practicable to provide the diverted route suggested by [REDACTED]

3. [REDACTED] undertook his own study to assess the safety of the level crossing. The details of his assessment can be found in his email dated 31 January 2024 and the submitted videos and photographs were posted on his online Flickr account. It is not possible to save a copy of the webpage so a link to the account is provided here:

[Burrs Road and Giles Crossings, January 2024 | Flickr](#)

ECC as the OMA does not recognise [REDACTED] as a rail safety expert. The assessment undertaken by [REDACTED] was forwarded to NR and a response is provided in the NR Final Statement document under the heading “*Level Crossing Sighting*”. NR have determined the crossing is unsafe and as NR are the competent authority for rail safety, ECC is satisfied this is the case.

6. Copy of the notice publicising the order together with a copy of the newspaper cutting

See submitted PDF file:

06. Copy of the notice publicising the order and newspaper voucher copy

7. Certificate that in accordance with the requirements of the Act, notices have been published, served and posted on site and at the local offices

I hereby certify that:

1. A Notice in the form numbered 1 of Schedule 2 to the Public Path Orders Regulations 1993[Si 1993 No. 11] in respect of Orders under the Highways Act 1980 was published in the Clacton and Frinton Gazette on 23 November, 2023. The time allowed for objections was not less than 28 days from date of publication of the Notice and the last date for objections was 21 December 2023.
2. Notices in form 1 referred to above, were duly served on every owner, lessee and occupier of the land to which the Order relates, including Tendring District Council and prescribed persons as specified in Schedule 3 of the said Regulations. The Notices were served by email on 22 November 2023.
3. A copy of the Order and Map were uploaded to our website (<https://www.essexhighways.org/public-path-notices>) on 22 November 2023. It was also specified in the site notice and newspaper advertisement that copies of the order and notice could be requested to be posted or viewed by emailing publicpathorders@essexhighways.org to arrange a suitable time to inspect the documents quoting the Order title. Documents can be made available for inspection 8.30am-4.30pm Mon-Fri at Essex County Council, County Hall, E block main reception, Market Road, Chelmsford if so required following the current social distancing restrictions.
4. A copy of the Notice and Plan were posted on site on 15 November 2023 by Nicky Coleman, Area Public Rights of Way Officer.

Sarah Potter
PROW & Records Analyst
Essex County Council

8. Certificate that the necessary consultations have been carried out (other local authorities and statutory undertakers)

I hereby certify that:

1. Tendring District Council, statutory undertakers, owners and occupiers of affected land and prescribed persons as specified in the Regulations were consulted informally on 11 May 2023 Note: the Made Order consultation took place on 23 November 2023.
2. Those responses received from statutory undertakers confirmed that no apparatus would be affected by the proposed extinguishment.
3. Such comments as were received from the District Council or other statutory and ECC policy consultees are included in the PDF Documents numbered 09.

Sarah Potter
PROW & Records Analyst
Essex County Council

9. Copies of any replies to the pre-order consultation and the responses by the OMA

None received.

10. Name and address of every person, council or prescribed organisation notified under

(i) paragraph 1(3)(b)(i), (ii) and (iv) of Schedule 6 to the 1980 Act and Schedule 3 of SI 1993 No.11 Highways England and Wales, The Public Path Orders regulations 1993;

See submitted PDF file:

10.Name and address of every person notified under Schedule 6 of the 1980 Act.pdf

11. Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served

Essex County Council, hereby undertakes as the relevant order making authority for the area of land in question, in accordance with the requirements of the Planning Inspectorate the following:

That if the aforementioned Highways Act Order to extinguish Footpath 25 Great Clacton is confirmed by the Secretary of State, the Council will duly publish and serve notice of the same

or

if not confirmed notice to that effect will be duly served in accordance with the directions of the Secretary of State.

Sarah Potter, PROW & Records Analyst
Essex County Council

12. Location map to enable Inspector to locate the site

Access is best from the southern end of Footpath 25 via Telford Road, Clacton-On_Sea, CO15 4LP

See submitted PDF file:

12.Location Map Footpath 25 Great Clacton

13. Written permission from the landowner allowing inspector access to the land

No diversion is proposed by the applicant so it is assumed the Inspector would only require access along the current alignment of the footpath. If alternative access is required, then the OMA is happy to make the necessary arrangements.

14. Name and address of applicant

Network Rail, Floor 12, One Stratford Place, Montfichet Road, London, E20 1EJ.

15. Confirmation that the OMA is supporting the Order

I can confirm that ECC as the OMA is in support of this Order and the Order would still be supported if an Inquiry or Hearing is held.

Sarah Potter
PROW & Records Analyst
Essex County Council

16. Details of the time and place where documents relating to the order will be made available for public inspection by the authority

The documents relating to the Order will be made available for public inspection on Essex Highways website at:

<https://www.essexhighways.org/getting-around/opposed-orders>

Copies of the documents relating to the order can also be made available to view at Essex County Council Offices, County Hall, E block main reception, Market Road, Chelmsford, Essex CM1 1HQ between the hours of 8.30am to 4.30pm Monday to Friday, or posted or emailed (subject to a recipients' email file size limitations). To arrange to view or be sent the documents, requests should be submitted by email to [REDACTED] or publicpathorders@essexhighways.org

17. Health and safety at the site questionnaire

The Inspector will visit the site and will need to know what safety equipment and protective clothing to bring. The following questions indicate the type of information the Inspector will need about the site. Please supply any additional information on a separate sheet of paper.

1. Is the site uneven or does it present any other known risks? Is special footwear or any other Personal Protection Equipment required?

No automatic barriers or miniature stop lights present at either side of the railway crossing. Users are expected to stop, look and listen.
Uneven natural surface. The blackthorn hedge can sometimes become quite overgrown. Sturdy footwear and a long sleeve top recommended.

2. Is there any likelihood of exposure to pets or other animals which may present a risk to the safety of the Inspector?

Rats have been reported on the path near the industrial site. The footpath is not well walked so interactions with dogs is unlikely.

3. Is the site remote and/or can it be seen from other highways or rights of way?

The footpath can be accessed and seen from the industrial site at the southern end and from Sladbury's Lane at the northern end.

4. Does the site have a good mobile phone signal or is there easy access to a public telephone should the emergency services be required?

Ofcom's mobile coverage checker shows coverage for all networks in the area of the footpath. Location of the nearest public telephone is unknown.

5. Is the right of way easily accessible? Will arrangements for access by the Inspector need to be made in advance?

Best accessed at the southern end. Unrestricted on street parking is available within the industrial site. The nearest bus stop is on Telford Road which serves connections between Mistley and Clacton – bus routes: 2 and 2A:

<https://www.hedinghamandchambers.co.uk/services/HEDO/2>

6. Are there any dangerous pieces of equipment or substances stored at any point along the right of way?

None known.

7. If there is any other relevant information which the Inspector should be aware of that is not covered in this questionnaire?

n/a

18. Undertaking that any new path or way to be provided will be ready for use before the order comes into operation

The applicants are applying for a Rail Crossing Extinguishment Order and therefore no new path or way is proposed.

19. Extract from the definitive map and statement

See submitted PDF file:

19.Extract from the Definitive Map and Statement

20. Copy of relevant part of the County Councils Rights of Way Improvement Plan;

It is the view of the Order Making Authority that no relevant provision exists within the Essex Right of Way Improvement Plan (ROWIP) in respect of the changes proposed by this rail crossing extinguishment order.

21. PROW Officer's Statement

No PROW Officer statement is provided. An explanation is provided in section 5.2 above.

DOCUMENTS REQUIRED BY THE PLANNING INSPECTORATE

Checklist for Order Making Authorities (updated October 2019)

Please read the following guidance notes before completing the Checklist:

Note 1 – Service of Notice

Please ensure your Council has identified and served notice of the making of the Order on **all** owners of land affected by the route(s) covered in the Order. Names of all the landowners should be provided to the Inspectorate. If your Council has not served notice on all affected landowners, you will need to do so now, and give the landowner(s) the appropriate period of time in which submit any representations to your office (42 days for definitive map modification cases and 28 days for public path orders).

Note 2 – Landownership

If your Council has been unable to identify ownership of all land affected by the Order, you should seek a direction from the Secretary of State under either (i) paragraph 3(4) of Schedule 15 to the Wildlife and Countryside Act 1981, (ii) paragraph 1(6) of Schedule 14 to the Town and Country Planning Act 1990, (iii) paragraph 1(3C) of Schedule 6 to the Highways Act 1980, that it will not be necessary for your Council to serve notice on the owners and occupiers of the land over which the Order route(s) run(s).

The Rights of Way Team at the Planning Inspectorate should be contacted with any such requests in advance of the Order being submitted to the Secretary of State. In making a request for a direction, you should provide details of the steps taken to identify land ownership (such as Land Registry searches, notices placed on site etc).

It is not our policy to commence a procedure to determine an order until such steps to identify and notify all landowners (or dispensation granted) has been completed.

Note 3 – Electronic submissions

With the exception of the original sealed orders, authorities are welcome to make submissions electronically. If you wish to do so, please observe the following rules:

- Only submit the documents that are requested in the checklist. The completed checklist should be submitted with the documents (the numbering should correspond with the submitted documents).
- Sealed orders should be forwarded to us at same time as the electronic submission. Please ensure the covering letter makes it clear that the submission is either being made electronically only or electronically and by post.
- Submissions should be forwarded to your usual case officer or to rightsofway2@planninginspectorate.gov.uk.

- Do not try to put all the documents in one email. Send the documents over a number of emails. Number the emails '1 of 4', '2 of 4' etc.
- Each document should be separately numbered and titled as per the checklist. For example, '01 Copy of Order', '02 Order Plan', '03 Submission letter', '04 Statement of reasons' etc.
- User evidence forms should be scanned as one document not separately.
- If using a 'drop box' please ensure that they are labelled accordingly. Each document should be separately numbered and titled as per the checklist. For example, '01 Copy of Order', '02 Order Plan', '03 Submission letter', '04 Statement of reasons' etc.
- NB. IF THE DOCUMENTS ARE NOT SUBMITTED IN THE CORRECT FORMAT, WE WILL RETURN IT TO YOU.
- If you have any queries about electronic submission, please contact the case officer or Yvonne Oddy on 03030 444 5463 at yvonne.oddy@planninginspectorate.gov.uk. Or rightsofway2@planninginspectorate.gov.uk

Note 4 - PDF copy of Order submission

To help with the smooth running of the process, and to ensure parties are able to access all the documents they require, we are encouraging you to make and retain a pdf copy of your submission bundle. Your submission bundle can then be conveniently emailed (or placed in an online repository such as Dropbox) to parties who request it at any time after the 'start date' for the Order(s).

Note 5 – Notified Parties

It would be useful if notified party details could be forwarded to us in this format:

Name of Person Organisation 1 st line of Address 2 nd line of Address 3 rd line of Address 4 th line of Address Postcode	Name of Person Organisation 1st line of Address 2nd line of Address 3rd line of Address 4th line of Address Postcode
Name of Person Organisation 1st line of Address 2nd line of Address 3rd line of Address	Name of Person Organisation 1st line of Address 2nd line of Address 3rd line of Address

4th line of Address Postcode	4th line of Address Postcode
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etc.

Note 6 – Not supporting the order

If you do not intend to support the order or decided to take a neutral stance if an Inquiry or Hearing is held, then please indicate this as set out in the checklist below rather than wait until the inquiry or hearing is about to take place. This would save delays or the postponement of the Inquiry/Hearing causing everyone to incur unnecessary extra expense.

Checklist for Order Making Authorities

DOCUMENT – the documents shown in bold are those required by legislation.	Doc. Ref.
Electronically sealed Order	01.
OMA’s submission letter. Please include, if possible, dates when your Council would not be available for a hearing or inquiry over the next 11 months. Although we will do our best to avoid any dates you provide to us, we are unable to give any guarantees.	00.
Statement of the grounds on which it is considered the order should be confirmed. <ul style="list-style-type: none"> • The statement must explain why the order meets the relevant criteria. It is not sufficient to simply repeat the criteria of the section of the Act under which the order is made. • If you intend to rely on your statement of grounds and do not propose to submit a statement of case in due course, please also submit a full list of the documents/evidence¹ on which your statement of grounds is based. • <u>If your Council is not supporting the order</u>, please submit a Statement of the grounds which explains why you have taken this stance. This should include your interpretation of the evidence examined by your Council before deciding whether or not to make the Order. <p>If you wish to do so, you may submit the Council’s comprehensive statement of case with the Order. You will not then need to submit a further statement (unless subsequent evidence is discovered which needs to be added). To assist the appointed Inspector, please ensure your statement of case is properly paginated and indexed</p>	00.
Representations and objections to the order (including supporters) , along with a covering list of their names.	04.
Statement containing the OMA’s comments on the objections.	05.
Copy of the notice publicising the order together with a copy of newspaper cutting(s).	06.
<u>REFER TO NOTE 1 ABOVE</u>	00.

¹ Please ensure that the submitted documents are of good quality and capable of being reproduced without any loss of detail. Maps may need to be scanned at a slightly higher resolution than words.

Certificate that, in accordance with the requirements of the Act, notices have been published, served and posted on site and at the local offices.	
Certificate that the necessary consultations have been carried out (other local authorities and statutory undertakers) <u>N.B. For HA 118B and 119B this includes the police authority</u>	00.
Copies of any replies to the pre-order consultation and the responses by the OMA.	n/a
Name and address of every person, council or prescribed organisation notified under either (i) <u>paragraph 1(3)(b)(i), (ii) and (iv) of Schedule 6 to the 1980 Act and Schedule 3 of SI 1993 No.11 Highways England and Wales, The Public Path Orders regulations 1993;</u> or (ii) <u>paragraph 3(2)(b)(i), (ii) and (iv) of Schedule 15 to the 1981 Act and Schedule 6 of SI 1993, No.12 Rights of Way, The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993;</u> or (iii) <u>paragraph 1(2)(b)(i) to (iii) and (v) of Schedule 14 to the 1990 Act and Schedule 3 of SI 1993 No.10 Rights of Way, Town and Country Planning (Public Path Orders) Regulations 1993.</u> Please ensure the list you send to us is up to-date. If it is possible for you to do so, we would appreciate this information being submitted in a format that we can easily photocopy onto label sheets – please see illustration at Note 5 above.	10.
Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served.	00.
Location map to enable the Inspector to locate the site.	12.
Written permission from the landowner allowing the Inspector access to the land (where applicable).	n/a
Name and address of the applicant.	10.
<ul style="list-style-type: none"> Confirmation that the OMA is supporting the order. 	00.
<ul style="list-style-type: none"> If an Inquiry or Hearing is held, will you still be supporting the order. 	00.

If you are not then you will need to arrange for a person, usually the applicant or a supporter, to present the case for the Order(s). Please provide details of this person.	n/a
Details of the time and place where documents relating to the order will be made available for public inspection by the authority.	00.
Health and Safety issues; please complete the attached questionnaire.	00.
In the event that the Order Map is larger than A3, an A3 (or smaller) copy of the Order Map with the appropriate grid references. (We are unable to photocopy or scan maps which are larger than A3 in size).	n/a
<u>REFER TO NOTE 2 ABOVE</u> Secretary of State's letter of dispensation (WCA - see paragraph 3(4) of Schedule 15)(HA – see paragraph 1(3C) of Schedule 6)(TCPA – see paragraph 1(6) of Schedule 14)(if applicable).	n/a

<u>WCA only</u> <ul style="list-style-type: none"> ▪ Extract from the definitive map and statement; ▪ Evidence forms where the order involves user evidence; unless you are submitting your full statement of case at this stage, we only need to know whether there are any user evidence forms and how many for now. ▪ In the event that the Order has been severed, a copy of the letter issued to the Secretary of State. Please make reference to the fact that the Order has been severed in your submission letter. 	
<u>If your Council has been directed to make the Order</u> <ul style="list-style-type: none"> ▪ The Secretary of State's decision; ▪ A copy of the Application and supporting documents 	

<u>HA and TCPA only</u> <ul style="list-style-type: none"> ▪ Undertaking that any new path or way to be provided will be ready for use before the order comes into operation; ▪ Extract from the definitive map and statement; and 	n/a
	19.

<ul style="list-style-type: none"> Where applicable, details of any statutory designation affecting the order route(s) (such as common land, AONB, SSSI). 	n/a
<p><u>HA only</u></p> <ul style="list-style-type: none"> Where land is owned by an ecclesiastical benefice, certificate that the Church Commissioners have been notified. <p><u>S26, 118 and 119</u></p> <ul style="list-style-type: none"> A copy of the <u>relevant</u> part(s) of the Rights of Way Improvement Plan (ROWIP), or confirmation that there isn't any relevant provision. (Inspectors must have regard to any material provisions of a ROWIP prepared by the local highway authority but do not require the full version). <p><u>S118A and 119A(Rail Crossing Orders)</u></p> <ul style="list-style-type: none"> A copy of the application for the order; A copy of any documents submitted by the applicant in support of the request for the order; A copy of the case put forward by the operator justifying the need for an order to close or divert the railway crossing; A copy of any related maps or plans that accompanied the request for the order; Details of any related proposals such as a bridge or tunnel order; Where required, a certificate showing that the OMA has consulted or received consent from any other authority or body; A statement of the nature and effect of any such consultation. 	<p>n/a</p> <p>20.</p> <p>02(2).</p> <p>02.</p> <p>02. & 02(1)</p> <p>02.</p> <p>02. & 02(1)</p> <p>n/a</p> <p>n/a</p>
<ul style="list-style-type: none"> Confirmation that the land affected is owned by the operator, or, where the land is not owned by the operator, the landowner has agreed to the proposal; Confirmation that the operator is prepared to maintain the whole or part of the path, and has agreed to defray part or all of the 	<p>02(3)</p> <p>n/a</p>

<p>cost of making up the new path and any compensation that may be payable;</p> <ul style="list-style-type: none"> ▪ Where the path is to be diverted over/under a bridge or tunnel subject to an order under section 48 of the Transport and Works Act 1992, clarification that the structure has been completed or that it is dependent on the diversion order. 	n/a
<p><u>S118B and 119B (Special Extinguishment and Diversion Orders)</u></p> <ul style="list-style-type: none"> ▪ Contact details for the local fire authority. 	
<p><u>S118B(1)(a) and 119B(1)(a)</u></p> <ul style="list-style-type: none"> ▪ Where applicable, a copy of any strategy for the reduction of crime and disorder prepared under section 6 of the Crime and Disorder Act 1998; 	
<ul style="list-style-type: none"> ▪ A copy of the relevant map for the area as contained in the designation order. 	

<p><u>TCPA only</u></p> <ul style="list-style-type: none"> ▪ A copy of the relevant planning permission and a copy of the approved plan or copy of relevant planning application (where Order made following the Growth and Infrastructure Act 2013); 	
<ul style="list-style-type: none"> ▪ Plan indicating how the path or way will be affected by the development; 	
<ul style="list-style-type: none"> ▪ Confirmation that all the land affected is owned by the developer or consent from the landowner(s) as appropriate; 	
<ul style="list-style-type: none"> ▪ Confirmation about the current stage of the development. 	
<ul style="list-style-type: none"> ▪ <u>Written consent of any statutory undertaker affected or confirmation that none is so affected. If replies have been received from the statutory undertakers, these must be included;</u> 	