

GUIDANCE ON CHARGES FOR PUBLIC PATH ORDERS AND AGREEMENTS 2020-2021



1. Administration Charges

Babergh District Council (BDC) and Mid Suffolk District Council (MSDC) charge a fee for the administrative costs incurred in dealing with a public path order application in accordance with the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 as amended by the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996.

The total cost to an applicant for a straightforward diversion order, made under the Highways Act 1980 or the Town and Country Planning Act 1990, altering the route of one path, is likely to be in the region of £4500, including an initial £400 fee.

However the actual cost directly reflects the amount of work involved, and the effort needed to achieve consensus, in each individual case.

Our current hourly rate is £56.65 plus disbursements (such as travel and land registry information).

An initial, non returnable £400 fee is payable by new Applicants. The fee will be charged when your application form has been assessed and we have all the information we require. It covers the costs of researching the status of the path, including production of a map, and the initial site visit and assessment of the proposal. When your proposal has been assessed on site you will be provided with a maximum figure for specialist advice and administration costs for your proposal. Additional charges will apply as described below (e.g. mapping, advertising).

The Council will endeavour to adhere to the figure quoted unless one or more of the following apply:

- Substantial changes are required to the scope of the application
- Protracted negotiation is necessary following objection to the proposal
- Substantial delays are incurred, beyond the Council's control

The charging rates above are correct at the time of publication but are subject to review and may be changed without notice.

Unless agreed otherwise in writing, you will be invoiced for the full cost of the application and will be responsible for recovering costs from other parties where the costs are to be shared.

An application containing more than five paths will only be accepted if all the paths are on land in the same ownership or the paths are interconnected in such a way that it is impossible to separate them.

On receipt by the Council of written confirmation that you agree to pay the costs of the application we will proceed with your application.

2. Advertising Costs

You will have to reimburse the costs for placing two press notices in a local newspaper. An estimate of the likely advertising costs for an application will be provided after a site visit has been carried out. The cost of placing two advertisements in a local newspaper is likely to be in the region of £1500 for an order including one path. In the case of orders made under the Town and Country Planning Act 1990 you may also be required to pay for a third press notice. The exact amount of advertising expenses will depend on the length of the description of the path. You will be required to pay the advertising costs incurred by the Council even if they are more than the initial figure quoted. You will receive the invoice for the first press notice when we serve notice on you that the order has been made and for the second, and possibly third, press notice at the end of the process when the file is closed.

3. Mapping

You will be required to pay for the maps needed to process your application. These are status research map, consultation map and legal order map. The exact cost of the maps will depend on the complexity of the maps required and the number of paths affected. The total cost for maps for a single path application is likely to be in the region of £250. The provision of maps is carried out by Suffolk County Council on our behalf. You will be required to pay the costs for the maps even if they are more than the figure quoted. We will notify you at the earliest possible stage if it appears that the costs will be substantially more than quoted.

4. Compensation Payments (Highways Act 1980 orders only)

Under section 28 (as applied by section 121(2)) of the Highways Act 1980 any person who can show that the value of their interest in the land has been depreciated or that they have been disturbed in enjoyment of land as a result of an order is entitled to compensation. You are required to reimburse the Council any compensation which is payable.

5. Site Works

You will be required to pay for any works specified by Suffolk County Council (the Highway Authority) to bring the routes of any new paths into a fit condition for use by the public. This may include waymarking, signposts, bridges, surfacing etc. Surfacing will be your responsibility but signposts, waymark posts and bridges, including sleeper bridges, must be installed by a contractor appointed by Suffolk County Council. You will be given an estimate of the cost for works to be carried out by a contractor following the first site inspection.

It is important to note that where works which you are responsible for are not completed within the specified timescale the County Council will instruct a contractor to carry out the works and will then recharge this Council. We, in turn, will recharge you, adding an administration charge.

6. Enquiries about the extent of the Publicly Maintainable Highway

The Council has to ensure that any right of way created links to a publicly maintainable highway. The information about highways is provided by Suffolk County Council and if they do not already hold a record for the location in question there will be a fee to provide this

information. The minimum charge for this type of enquiry is £60 but in complex cases the fee may be higher. You will be informed if a fee is applicable.

7. Specialist Professional Advice (non Rights of Way)

It may occasionally be necessary to seek specialist professional advice in order to determine an application. This could incur an additional fee.

8. Waivers

The Council may be prepared to consider waiving part of the charge for a public path order or agreement in certain circumstances, for instance where an application would significantly benefit the local community or improved access provision could be made for people with disabilities. You will be expected to show evidence of support from the Parish or Town Council, the Ramblers' Association and the Open Spaces Society in making the case for waiver. Each case will be judged on its merits and the Council's decision will be final.

9. Payment

An initial fee of £400 is charged and must be paid when your application form has been assessed and before the specialist works proceed.

On receipt of the fee your proposal will be assessed and the scope of the application agreed and you will then be advised of the maximum administration charge payable. If you wish to proceed an invoice for interim charges incurred over and above the £400 application fee will be sent to you.

Thereafter you will receive an invoice at the following stages:

- (i) When informal consultations have been carried out and the Council has decided whether a public path order should be made, unless consultations are protracted in which case an interim invoice will be sent to you;
- (ii) Following service of notice of the making of the public path order;
- (iii) When the file is closed.

An invoice for site works carried out by Suffolk County Council's contractors will be sent to you direct from Suffolk County Council when the work has been carried out.

If you wish to withdraw your application you will be responsible for payment of all costs incurred up to the time that you advise the Council of your withdrawal.

If the Council decides not to make an order in light of the outcome of informal consultations you will be responsible for payment of all costs incurred up to the time of the Council's decision.

10. Refunds

Charges will only be refunded where:

- (i) the Council fails to confirm an unopposed order; or

- (ii) in the case of an opposed order, the Council fails to submit the order to the Secretary of State for confirmation, without the agreement of the applicant;
or
- (iii) the order cannot be confirmed because it has been invalidly made.

For further information please contact Sharon Berry, Communities Officer (Public Rights of Way), Babergh and Mid Suffolk District Councils, Endeavour House, 8 Russell Road, Ipswich, IP1 2BX. Telephone: 01449 724634 or email: sharon.berry@baberghmidsuffolk.gov.uk