

Special Diversion and Extinguishment Orders

School Grounds

Public Path Orders-School Grounds

Is it possible to make changes to the line of a Public Right of Way?

As part of the Countryside and Rights of Way Act 2000 amendments have been made to the Highways Act 1980 to allow special extinguishment and diversion applications to be made on Public Rights of Way that run through school grounds.

The County Council have the powers to make Orders to extinguish or divert Rights of Way to protect staff and pupils from

- violence
- harassment
- alarm or distress arising from unlawful activity, or
- any other risk to their health or safety arising from such an activity

(section 118B and 119B of the Highways Act 1980)

Who can apply to divert or extinguish a Right of Way through School Grounds?

The proprietor of the school can make an application to the County Council (proprietor means the person responsible for the management of the school).

(section 118C and 119C of the Highways act 1980)

What is the procedure for applying for a Public Path Order?

- An application form, details of the legal criteria, procedures and costs will be initially sent out to the applicant.
- A site visit will be undertaken by the Rights of Way

Public Path Orders Officer to determine the suitability of the proposal.

- The applicant will be required to consult with the relevant consultees (list supplied by Officer) on the proposal prior to submitting the application form.

- If objections are received to the proposal a report will be written by Officers and presented to the Rights of Way Regulatory Committee for consideration. If no objections are received the issue can be dealt with by delegated powers.

- If approval is given the legal Order can be made.

- There is then an objection period of 28 days during which formal objections can be made. If there are no objections then the Order can be confirmed after the necessary work has been undertaken to open up the new route and the route has been certified as operational by an Officer.

- If formal objections are received, the Council will consider the objections and try to resolve them. If this is not possible then the Order has to be forwarded to the Planning Inspectorate for determination, the Planning Inspectorate will decide whether the Order is to be determined via Public Inquiry or whether the written representative procedure can be undertaken.

- The Order may or may not be confirmed.

How much does it cost?

If the proprietor of the school submits an application, the County Council may request that the fees incurred by the making of the Legal Order are paid for by

the school, at present the cost of a Public Path Order is between £1340-£1520.