

# Advice Note

## Temporary Rights of Way Closure Orders

The North York Moors National Park Authority acknowledges that from time to time, various essential activities will affect the general public using Rights of Way - Public Footpaths, Public Bridleways or Restricted Byways. Activities such as tree felling, building works, cable laying and drainage work can have a serious impact, so provision must be made for them before any works begin.

Two questions arise :

1. Does the affected Right of Way need to be temporarily closed whilst the works take place to ensure public safety?
2. Will the surface of the Right of Way be disturbed by the works?

### If a Temporary Closure Order is required

- A single Temporary Closure Order (TCO) will formally close a Right of Way (or however many are affected) for a maximum of 6 months, but an extension can be applied for if needed;
- At least 6 weeks' notice is required to process a TCO and it must be in place before any works can begin;
- By having a TCO in place, the public are prohibited from using the Right of Way for a set period allowing the work area to be secured thereby reducing the likelihood of a member of the public being injured;
- Please be aware that the TCO is only valid if the notices and maps (which collectively make up a TCO) are present on site, so the applicant must undertake regular inspections to ensure their presence at all times;
- People may ignore these notices (thinking the TCO doesn't apply to them) so physical barriers are also recommended and machine operators need to keep a good look-out for members of the public trying to get through.

### If the surface of a Right of Way will be disturbed by the planned works

If the planned works involve disturbing the actual surface of a Right of Way, then consent must first be obtained from the National Park Authority for the works to proceed. Please contact the Senior Ranger to discuss the works and agree on the standard of the re-instatement works that will be required afterwards.

### How to apply for a TCO

- Please complete the attached application form and return it to the National Park Authority for processing (address details at the bottom of this Advice Note). By completing the form, the applicant agrees to incur the costs involved, which includes 2 newspaper adverts and legal/admin costs. These will amount to approximately £1,000.
- If an extension is required, then another 6 month TCO can be processed at additional cost (only 1 newspaper advert but legal and admin costs still apply, so about £500 - £600);
- Please note that only 3 can be applied for in a row, so the maximum time a Right of Way can be closed is 18 months. If a further extension is required, then special permission must be sought from the Secretary of State.

### How it is processed

- The applicant applies to the National Park Authority for a TCO at least 6 weeks before any works are due to begin;
- Works which will disturb the surface of a Right of Way need to be agreed in detail with the Senior Ranger before commencement;
- The TCO is processed and advertised twice in the local newspapers before the closure period begins;
- A formal notice and accompanying map will be produced and then erected on site by the Ranger Service (copies will be sent to the applicant). It is not necessary for the applicant to be present when these notices and maps are erected;
- The applicant will be invoiced for the TCO;
- The applicant must ensure that the notices and maps remain visible and in a legible condition at all times whilst the Right of Way is temporarily closed;
- If the applicant requires an extension, then at least 6 weeks' notice is required before the current TCO expires – to ensure continuity;

- The applicant will be invoiced for this extension;
- Upon completion of the works and when the affected Right of Way has been repaired/ re-instated to the standard agreed with the Senior Ranger, all notices and maps can be removed from site and the Right of Way re-opened for public use.

### **If a Temporary Closure Order is not required**

If a landowner wishes to proceed with any works that will affect a Right of Way without the protection a TCO offers, they can but do so at their own risk. This means that the public can continue to use the affected Right of Way during the work and so the path must be kept open and free from obstruction at all times.

### **If the surface of a Right of Way will be disturbed**

If the applicant does not make an application for a TCO but the planned works will involve disturbing the actual surface of a Right of Way, consent is still required from the National Park Authority for the works to proceed. Please contact the Senior Ranger to discuss the works and agree on the standard of the re-instatement works that will be required afterwards.

### **Taking precautions whilst the works take place without a TCO**

The National Park Authority strongly recommends that when works are planned that will have safety implications for members of the public using a Right of Way; a TCO should be applied for. However if an application is not made, a landowner must be able to satisfy himself/herself that sufficient precautions have been made to ensure the safety of the public for the duration of the works on their land.

The National Park Authority seeks to minimise any disruption to the public and therefore asks that consideration is given to undertaking the works when the level of use along any affected Right of Way would be at a minimum, i.e. mid-week, outside official holiday periods, in the winter (if conditions allow), etc.

Also, it is advisable that the following precautions should always be taken before any works begin on site:

- Legible advance warning signs should be placed (and maintained) at either end of the affected Right of Way and also at either end of the section of path that will be directly affected by the works;
- The line of the Right of Way should not be obstructed but if this is unavoidable, then the route should be cleared as soon as possible and definitely before it is left for the night, for the weekend or over an official holiday period. If this is not possible to do this over the times mentioned previously, then steps must be taken to ensure the public's safe passage along the Right of Way, i.e. covering holes, moving materials, etc;
- Anyone working on site should always be mindful that members of the public will be using the Right of Way and so should suspend work until they have passed through. This is especially important if the Right of Way is a Public Bridleway or Restricted Byway when horse-riders or carriage-drivers will be present;
- In suitable locations, a landowner may invite the public to use an alternative route around the work site. This should be suitable for public use and clearly signed, but anyone working on site must still maintain a good look-out for people who choose to ignore this and continue along the Right of Way.

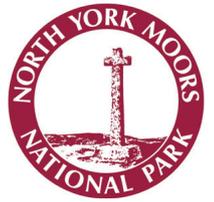
### **Further advice or information**

If you have any questions, please do not hesitate to contact the Rights of Way Officer and Senior Rangers. Please telephone (01439) 772700, write to the address below or email [paths@northyorkmoors.org.uk](mailto:paths@northyorkmoors.org.uk)

North York Moors National Park Authority,  
The Old Vicarage, Bondgate, Helmsley  
York, YO62 5BP  
[www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)

Please keep this Advice Note for your records

# North York Moors National Park Authority



## Road Traffic Regulation Act 1984 section 14 Application for a Temporary Right of Way Closure Order

(Please refer to the attached Advice Note – “Temporary Rights of Way Closure Orders” before completing this form)

Path number(s): ..... Parish(es): .....

Location: .....

Applicant details:

Name: .....

Address: .....

.....

..... Postcode: .....

Tel No: ..... Mobile: .....

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Reason for requesting the Temporary Closure Order:

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Preferred start date: .....

Duration of works: .....

Landownership details:

Are you the owner of all the land over which the Right of Way runs?

Yes/No (delete as applicable)

If no, provide details below of all the other people with an interest in the land with their signatures or other written evidence of their consent for this application. Use additional sheets if necessary.

**Person no.1:**

Name: .....

Address: .....

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Post Code: ..... Tel no: .....

Their interest in the land: .....

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Signature: .....

Print name: .....

**Person no 2:**

Name: .....

Address: .....

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Post code: ..... Tel no: .....

Their interest in the land: .....

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Signature: .....

Print name: .....

**Notes:**

1. I have read the attached Advice Note and hereby request that the North York Moors National Park Authority undertake to process a Temporary Closure Order to temporarily close the afore-mentioned Right(s) of Way in accordance with the above details and also shown on the map attached to this application;
2. I confirm that I accept to incur all the advertising, legal and administration costs involved in processing this Order and also for any other subsequent extension Orders;
3. I confirm that I have obtained the written consent from all those persons who have an interest in the land over which the affected Right(s) of Way pass;

Applicant's signature: .....

Date : .....

Please keep the attached Advice Note (for your information) but return this application form to:

North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

If you have any queries, then please contact the Rights of Way Officer on (01439) 772700 or at: [paths@northyorkmoors.org.uk](mailto:paths@northyorkmoors.org.uk)