

**Decision proposed to be taken by the
Portfolio Holder for Transport and Highways
on or after 3rd August 2012**

Improvements to the Policy and Legal Framework for Public Rights of Way – a Public Consultation, Warwickshire County Council Response

Recommendations

That the response in **Appendix A** is sent to Defra's 'Improvements to the Policy and Legal Framework for Public Rights of Way – A Public Consultation'

1.0 Key Issues

1.1 The Department for the Environment, Food and Rural Affairs (Defra) has issued a consultation document entitled "Improvements to the policy and legal framework for public rights of way – a public consultation".¹

1.2 Defra is looking at ways which will speed up the processing of Definitive Map Modification Orders (DMMOs) and Public Path Orders (PPOs). The intention is to make the process for recording and making changes to the Definitive Map and Statement, the legal record of Public Rights of Way, simpler and more streamlined.

1.3 The Rights of Way Team have has commented on the proposals in the consultation (Appendix A attached) and would like to submit these to Defra. The response expresses some concerns that:-

- 1) the suggestions that Defra has made, if implemented, would make the process more complex and potentially lead to anomalies in the recording of routes; and
- 2) that Defra is planning to move more work (and associated costs) onto the Local Authorities.

2.0 Proposal

2.1 It is proposed that the consultation response attached at **Appendix A** be sent to Defra.

3.0 Timescales Associated with the Decision/Next steps

3.1 The consultation closes on 6 August 2012.

¹ <http://www.defra.gov.uk/consult/2012/05/14/improve-rights-of-way/>

Background Papers

Defra's 'Improvements to the policy and legal framework for public rights of way. A public consultation' – May 2012

| | Name | Contact Information |
|--------------------|----------------|---|
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Appendix A

Improvements to the policy and legal framework for public rights of way – a public consultation



Response proforma

Please use this proforma to answer the questions in the above document. The closing date for submission of responses is **Monday 6 August 2012**. Please send your response by:

- email to: RightsofwayReforms@defra.gsi.gov.uk
- or post to: Andrew Crawford, Reform Projects Team, Zone 1/09, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6EB

The above email address may also be used for general queries relating to this consultation.

In line with Defra's policy of openness, at the end of the consultation period copies of the responses we receive will be made publicly available through the Defra Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR. The information they contain may also be published in a summary of responses. If you do not consent to this, you must clearly request that your response be treated confidentially. Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request.

You should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

To help us analyse responses, please provide details of yourself or your organisation (* if appropriate) below.

| | |
|-------------------------|--|
| Name | Warwickshire County Council |
| Organisation / Company* | Rights of Way Team |
| Job Title* | |
| Department* | |
| Address | PO Box 43 Shire Hall Warwick CV34 4SX |
| Email* | |
| Telephone* | |
| Fax* | |
| Date of response | |

NB: on the form below, please leave the response box blank for any questions that you do not wish to answer.

Please do not feel that you have to answer all questions. Responses, including any general comments you might wish to make, are welcome on any number of the questions – we do value your comments.

For each question it would be helpful if you could please indicate whether you agree, disagree or are uncertain by marking the appropriate box.

| Parts 1 to 4 – General consultation questions | |
|--|-------------------------------------|
| 1. Do you agree that there should be a brief, post cut-off period during which applications that pass the basic evidential test can be registered? | |
| Yes | <input checked="" type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |
| Comment: | |
| The brief cut-off period should only exist to register applications received before 1/1/26. The 2026 date should be strictly applied. | |
| 2. Do you agree that during this period, local authorities should be able to register rights of way by self application, including any self applications made in the past, subject to the same tests and transparency as for any other applications? | |
| Yes | <input checked="" type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |
| Comment: | |
| If 'period' refers to the years upto 1/1/26 then a local authority should be able to make applications to itself. Extended time should not apply to LA applications. | |
| 3. Are there any other categories of rights of way that need to be protected by exceptions set out in regulations? | |
| Yes | <input type="checkbox"/> |

| | |
|----------|-------------------------------------|
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

4. Do you agree that the [Stakeholder Working Group's] proposals [in paragraphs 6.1-6.12] would be effective in improving the process of recording rights of way?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input checked="" type="checkbox"/> |

Comment:

Para 5.1 (Proposal 19) - agreed

Para 5.2 (Proposal 4) - agreed providing it is applicable only to applications for bridleways and footpaths. The Winchester judgment and the provisions of Natural Environment and Rural Communities Act 2006 should still apply strictly to Byway applications. Without the Byway caveat there will be an anomalous situation whereby applications received before the Byway cut-off date in NERC will be able to be considered as Byways despite containing no copies of the evidence they wish to adduce. This means that following the Winchester case there were years where these applications became Restricted Byways and following the proposed legislative changes the remainder could become byways. This Authority has over twenty byway applications that pre-date the cut-off date outstanding.

If evidence no longer has to be provided for Byway applications LAs would potentially be requested to deal with these applications before the law changed thus prompting Judicial Reviews of the LA's conduct and impartiality.

Para 5.3 (Proposal 5) - The proposal should be changed so that notice is only served on the landowner by the applicant once the Basic Evidential Test has been met. This prevents the landowner having concern if an application is unfounded. The applicant should still serve notice as it shows that they are willing to standby their evidence and that the application is not frivolous (i.e. not a spiteful landowner dispute).

Para 5.4 (Proposal 10) - agreed

Para 5.5 (Proposal 16) - agreed

Para 5.6 (Proposal 14) - agreed

Para 5.7 (Proposal 15) - no. There will be disputes as to what constitutes a technical

error and the is potential for abuse. Consideration should be given to making the process more in line with that for Traffic Regulation Orders - the Order is proposed and then made.

Para 5.8 (Proposal 9) - agreed. In addition consideration should be given for penalties for non-provision of Statements of Case and Proof of Evidence. It would be helpful if the Inquiry Rules were strictly adhered to for all parties as there is all too frequent abuse by applicants and objectors.

Para 5.9 (Proposal 13) - agreed
 (Proposal 3) - agreed
 (Proposal 11) - no. Contrary to right to be heard and will bring accusation of breach of Human Rights. It is sometimes difficult to determine what constitutes an irrelevant objection
 (Proposal 29) - agreed

Para 5.11 (Proposal 32) - agreed

Para 5.12 (Proposal 8) - agreed

\OP

5. Do you think that more use could be made of electronic communications, for example, to make definitive map modification order applications online and to serve notice of rights of way orders?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

It should be permissible (if desired by the Local Authority) to serve notices electronically and would suggest that the national statutory consultees are consulted to confirm their agreement and what addresses should be used. Local Authorities should still be able to serve notices by post (for instances when computers are down or where local consultees are not on-line).

The submission of DMMO applications should remain in a paper format, although forms could be made available to download on-line. It would be difficult for some applicants to produce electronic maps, particularly to scale. Given the complexity of a DMMO application this Authority finds it preferable to talk to an applicant first before they have access to the forms - this prevents applicants potentially wasting their time where an application has no chance of succeeding e.g. purely private routes.

6. Are there any particular issues associated with these proposals which have not been captured and which we should consider?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

7. Do you think that the mechanism [proposed in paragraph 7.2 and annex B], would work effectively?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

If the Authority have declined to make an Order based on a thorough examination of the evidence, it is perverse that an Order would be imposed on them without any right of appeal by any party. The mechanism proposed leaves the way open for many more High Court challenges.

It is currently clear that there are many Schedule 14 Orders being made on direction of the Secretary of State that are not confirmed. With the proposed mechanism none of the checks and balances that exist to ensure that the end result is correct will exist.

8. Do you think that there would be a residual risk that it would be in a local authority's interests to decline to make an order in the first place?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

9. Do you think that the alternative mechanism set out [in paragraph 7.3] would work effectively?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

10. Do you have any other suggestions for ensuring that cases go to the Secretary of State only once?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

It is not agreed that Orders should only go the Secretary of State once.

11. Do you agree that applicants and affected owners should be able to seek a court order requiring the authority to determine an outstanding definitive map modification order application?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input checked="" type="checkbox"/> |

Comment:

The timescales for DMMO, once started, are long and it is unlikely that due to their nature and make up that the Magistrates Courts will be able to achieve much. The law behind the DMMO process is complex and for a bench to be presented with one on an irregular basis will not aid the process if a full understanding is not available.

*This mechanism already exists with the appeal right to the Secretary of State.

12. Do you think this is an appropriate way to resolve undetermined definitive map modification order applications?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

| |
|--|
| |
|--|

13. Do you have any suggestions for alternative mechanisms to resolve undetermined definitive map modification order applications?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

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|--|

14. Do you have any suggestions on how a process might work, which would enable an appropriate diversion to be agreed and put into effect before the way is recorded and brought into use?

| | |
|----------|-------------------------------------|
| Yes | <input checked="" type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

A similar mechanism to the s25 HA would be appropriate. There needs to be a mechanism for a landowner to agree that a route exists but that he would wish it to be elsewhere. Once that is agreed there needs to be a process by which the original route is formally extinguished to prevent further claims.

15. What aspects of data management systems for recording public rights of way need to be tackled?

Comment:

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16. What are the key outcomes that need to be achieved in terms of data management systems?

Comment:

| |
|--|
| |
|--|

17. Do you agree that the proposals identified in [Part 2] should be applied to the policy and legislation governing public path orders?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input checked="" type="checkbox"/> |

Comment:

Proposal 10 - agreed
Proposal 11 - risk that objectors will claim they have been denied a right to a fair hearing (possible Human Rights violation), which the Council will need to defend (at a cost to the public purse) if challenged. The proposal will increase the decision making burden of the Local Authority.
Proposal 13 - Not required. PINS already has these powers. The only benefit would be if PINS are given additional power to veto requests for Inquiries and Hearings where they and/or the Council consider a Hearing or Inquiry to be unnecessary
Proposal 14 - agreed
Proposal 15 - agreed
Proposal 16 - agreed.

18. Do you think that more use could be made of electronic communications for public path orders, in similar ways to those suggested for definitive map modification orders in Question 5?

| | |
|----------|-------------------------------------|
| Yes | <input checked="" type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

It should be permissible (if desired by the Local Authority) to serve notices electronically and would suggest that the national statutory consultees are consulted to confirm their agreement and what addresses should be used. Local Authorities should still be able to serve notices by post (for instances when computers are down or where local consultees are not on-line).

The submission of PPO applications should remain in a paper format, although forms can be downloaded on-line. It would be difficult for some applicants to produce electronic maps, particularly to scale and it will not be feasible for third parties (with an interest in the land) to sign an application form, which we generally seek to confirm their agreement/lack of intention to claim compensation under Section 28 HA1980.

19. Do you agree that enabling local authorities to recover their costs in full would incentivise them to pursue public path orders requested by landowners or managers?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

The ability to recover full costs would be very welcomed but it would not in itself incentivise this Authority to pursue PPOs - this is something we have always done where we consider the legal tests are satisfied. Cost has not been a primary factor for not pursuing opposed Orders, although in these financial times, it is foreseeable that more weight may need to be placed on it (in considering the tests of expediency) if full costs cannot be recovered.

Whilst the recovery of costs may alleviate some concerns, it would be helpful if some costs can be charged up front rather than being applied retrospectively. In the past the Council has incurred (unrecoverable costs) in pursuing unpaid invoices, even having to write-off some un-paid bills.

Unfortunately the ability to recover full costs, without making a profit, will not accelerate the speed at which Orders are made because it will not enable the Authority to employ and train more staff to cope with the demand for Orders. There is currently a five year back log of applications (approximate time table), which applicants understandably find frustrating.

Further some of our district and borough councils refuse to make Orders. I do not believe their position is purely a cost issue - they fundamentally do not want to make Orders, even when they are the relevant Planning Authority and the only party who can make an Order. They appear content for a developer to obstruct a path.

20. Would local authorities be incentivised sufficiently to enable retention of a right of appeal to the Secretary of State without the risk of local authorities shifting the burden and cost of order-making onto the Secretary of State?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

21. Should the proposed arrangements apply to all public path orders and not just to land used for agriculture, forestry, or the keeping of horses?

| | |
|----------|-------------------------------------|
| Yes | <input checked="" type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

There is no difference between the Orders.

22. How could it be made clear what charges are levied for each stage of the public path order-making process and that the charges reflect the costs actually incurred?

Comment:

We already publish an itemised cost breakdown for each stage of the order making process based on a published milage rate and hourly rate for officers. Costs of adverts are simply re-charged at face value.

23. Do you think that landowners should have the option of outsourcing some of the work once a public path order is made in order to have more control over the costs?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input checked="" type="checkbox"/> |

Comment:

Only if Central Government issued a list of approved, vetted providers (of PPO services) so that the Council could be reassured that a competent resource was being employed. In such a scenario, legislation could be amended so that these providers could offer a full PPO service (rather than dealing with matters after an Order has been made). In these circumstances, applicants could choose to go direct to these companies rather than to the Local Authority, which may result in a faster, cheaper (?) service.

24. Might this [full cost recovery for public path orders] have an impact on other aspects of rights of way work?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

25. Are there any alternative mechanisms [to full cost recovery for public path orders] that should be considered?

| | |
|----------|-------------------------------------|
| Yes | <input checked="" type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

See answer to question 23.

26. Under Option A [in Part 4], how do you think wider adherence to existing guidance might be achieved?

Comment:

No encouragement will succeed if an Authority is determined not to make an Order. Legislative changes are revised.

27. What do you think would be the best option to minimise the cost and delay to developers while safeguarding the public interest on public rights of way?

Comment:

Options A is unlikely to bring about any real changes to authorities who blatantly refuse to make Orders to enable development to occur.

Option B is unfavourable. Paths should not be diverted until an approved scheme is agreed. The option will lead to aborted Orders, new paths being obstructed and the need for further Orders.

Option C is preferred as it will ensure paths are dealt with throughout the process, leading (potentially) to better solutions for the public. However, if proposed path changes are advertised within the planning notice, Planning Authorities should be able to determine objections to PPOs at the same time as determining whether planning permission should or should not be granted - rather than the having the existing two stage process that brings about significant delays and gives objectors to the development a second changes to thwart/delay the development (although this is not the intention of the Order making process - it is used in this way). It is suggested that if planning permission is granted because it is deemed the path change is acceptable, despite the objections to it, the Authority should be permitted to simply make a confirmed Order.

If planning permission is refused because the path proposal is considered unacceptable, the applicant could have the right to appeal to the SoS (simply extending the current right of appeal when planning permission is refused).

This suggestion does place some risk on the Authority from High Court challenges but not significantly more than at present because this is the only way objectors (to a development) can challenge a decision when permission is granted.

28. Are there other options that should be considered [to minimise the cost and delay to developers while safeguarding the public interest on public rights of way]?

| | |
|----------|-------------------------------------|
| Yes | <input checked="" type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

See comments on Option C, question 27

29. Do you think that enabling a single application form to be submitted through the Planning Portal would improve the process?

| | | |
|---|-------------------------------------|--|
| Yes | <input checked="" type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |
| Comment: | | |
| For TCPA Orders this seems sensible because planning applications are already submitted through the Portal. | | |

| | | |
|--|--------------------------|--|
| Part 5 – Impact Assessments (and related) questions | | |
| (i) Is the estimate for the number of unrecorded rights of way a fair estimate (20,000) and is the rate at which local authorities record them (1,200 per year) a fair reflection of what is anticipated to take place over the next 10 years? | | |
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |
| Comment: | | |
| | | |
| (ii) Are the 'typical costs' used in the impact assessment a fair assessment of the costs? (as shown in table 1 of the impact assessment) | | |
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |
| Comment: | | |
| | | |

(iii) Are the assumptions used to calculate the impacts (as found in the final column in the tables in annex 4 of the impact assessment) a fair assessment of the likely impacts of the proposals?

| | |
|----------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

(iv) Is it a fair assumption that the familiarisation cost is negligible to both local authorities and landowners – if not how long do you think familiarisation would take?

| | |
|----------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

(v) Are there any other impacts that have not been quantified (or identified) which you think could be quantified (or identified)? Please provide evidence

| | |
|----------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

(vi) Is the assumption that the cost of putting the new guidance into operation will be negligible a fair assumption?

| | | |
|----------|--------------------------|--|
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |

Comment:

(vii) Are there any impacts on business/landowners that have been overlooked?

| | | |
|----------|--------------------------|--|
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |

Comment:

(viii) For Proposal 28 (*“Consideration should be given to the data management systems needed to support administration of the definitive map and statement”*) the consultation asks what aspects of data management systems for recording public rights of way need to be tackled and what are the key outcomes that need to be achieved? Information received as a result of this question will be used in the final impact assessment.

Comment:

| | | |
|--|--------------------------|--|
| (ix) When and how should these reforms be reviewed ¹ ? | | |
| Comment: | | |
| | | |
| (x) Are the assumptions and data used for the assessment of impacts on definitive map modification orders also applicable to public path orders? If not, what evidence do you have on the cost of the process? | | |
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |
| Comment: | | |
| | | |
| (xi) Are there any impacts that have been overlooked? | | |
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |
| Comment: | | |
| | | |
| (xii) The impact assessment assumes that the number of applications per year would be 2,630 – is this a reasonable assumption? | | |

¹ The Stakeholder Working Group's proposal 21 says: "A stakeholder review panel should be constituted after implementation of the Group's proposals to review progress with recording or protecting useful or potentially useful pre-1949 rights of way before the cut-off. The panel should make an initial report in 2015".

| | | |
|--|--------------------------|--|
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |
| Comment: | | |
| | | |
| (xiii) Will local authorities, as a result of being able to recover their costs, provide a service to landowners for extinguishing or diverting rights of way on their land? | | |
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |
| Comment: | | |
| | | |
| (xiv) How much would applicants be willing to pay to have their application considered? | | |
| Not sure | <input type="checkbox"/> | |
| Comment: | | |
| | | |
| (xv) How would the number of applications vary with the cost of the application? How would the number of applications change in moving from option 1 to option 2? | | |
| Not sure | <input type="checkbox"/> | |
| Comment: | | |

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| | | |
|--|--|--|

(xvi) What evidence is there on the value of the benefits to landowners of having their application considered and accepted?

| | | |
|----------|--------------------------|--|
| Not sure | <input type="checkbox"/> | |
|----------|--------------------------|--|

Comment:

| | | |
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| | | |
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(xvii) The impact assessment assumes that that, because of the public interest tests in the current order making process, public goods would not be affected by the policy – is this a fair assumption?

| | | |
|----------|--------------------------|--|
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |

Comment:

| | | |
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(xviii) Are the assumptions that the impact assessment calculations have been based on reasonable?

| | | |
|----------|--------------------------|--|
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |

Comment:

(xix) Are the costs and benefits identified a reasonable estimation?

Yes

No

Not sure

Comment:

(xx) Have any costs or benefits been overlooked – for example, any impacts on businesses?

Yes

No

Not sure

Comment:

(xxi) When and how should this policy be reviewed?

Not sure

Comment:

(xxii) Do the proposals strike a fair balance between public and private costs and benefits? If not, how could a better balance be obtained?

| | |
|----------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

(xxiii) Are the figures derived from the Ramblers data on the number of rights of way orders that are required as a result of planning permission a fair assumption to use (between 413 and 489 a year)?

| | |
|----------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

(xxiv) Is an assumption that 10% of the applications will be referred to the Secretary of State because they are subject to objections a fair assumption to use? If not, what proportion of applications for rights of way orders are objected to and what proportion of these result in an inquiry?

| | |
|----------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Comment:

(xxv) What evidence is there on how many planning applications have an impact on rights of way but are refused?

Not sure

Comment:

(xxvi) What is the current cost to local authorities of dealing with objections?

Not sure

Comment:

(xxvii) What is the current charge for applying for a rights of way change following planning permission being granted?

Not sure

Comment:

(xxviii) What are the costs to other stakeholders of having to respond to consultations on rights of way?

Not sure

Comment:

| | | |
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| | | |
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(xxix) How much time does the additional rights of way process add to development processes? Both in actual time and time planned into the project? Is there any evidence on the cost of these delays?

| | | |
|----------|--------------------------|--|
| Not sure | <input type="checkbox"/> | |
|----------|--------------------------|--|

Comment:

| | | |
|--|--|--|
| | | |
|--|--|--|

(xxx) For each option how long would it take developers, local authorities and other stakeholders to familiarise themselves with the guidance? What level of staff would be responsible for this?

| | | |
|----------|--------------------------|--|
| Not sure | <input type="checkbox"/> | |
|----------|--------------------------|--|

Comment:

| | | |
|--|--|--|
| | | |
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(xxxi) All the options should lead to consideration of rights of way earlier in the process as well as earlier engagement with other stakeholders. It is assumed that this will lead to a reduction in the number of objections. Under business as usual it is assumed that 10% of cases go to the Secretary of State because of objections. By considering rights of way early on in the process do you think the percentage will change? If so to what? (for each option).

| | | |
|----------|--------------------------|--|
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |

Comment:

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(xxxii) To what extent would the consideration of applications concurrently lead to a streamlining of the process?

| | | |
|----------|--------------------------|--|
| Not sure | <input type="checkbox"/> | |
|----------|--------------------------|--|

Comment:

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(xxxiii) Would an integrated system increase or reduce costs (to local authorities, developers and other stakeholders)? If so why, and by how much?

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|-----|--------------------------|--|
| Yes | <input type="checkbox"/> | |
|-----|--------------------------|--|

| | | |
|----|--------------------------|--|
| No | <input type="checkbox"/> | |
|----|--------------------------|--|

| | | |
|----------|--------------------------|--|
| Not sure | <input type="checkbox"/> | |
|----------|--------------------------|--|

Comment:

| | | |
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Thank you for your response

