

Emergency and Temporary Closures on Public Rights of Way - Standard Operating Procedure

Introduction

From time to time events occur that require a public right of way to be closed and public rights temporarily suspended. The reasons why a path may be closed are varied but include such things as damaged bridges, dangerous trees, landslips, construction projects and utility infrastructure repairs.

Closures can be an inconvenience to the public, especially of well used paths and the County Council seeks to minimise the disruption. Nevertheless, there are occasions when closures are necessary and this document explains the legislative background and the operational process.

Legislation

The temporary suspension of public rights is achieved by means of a Temporary Traffic Regulation Order (generally referred to as a Temporary Closure Order) or a Closure Notice under the terms of the Road Traffic Regulation Act 1984.

Section 14 of the Act authorises the County Council [as the highway authority] to make Temporary Closure Orders to restrict or prohibit traffic:

- because works are being, or will be, carried out on or near the road;
- because of the likelihood of danger to the public, or of serious damage to the road.

Temporary Closure Orders can suspend public rights for a maximum of 6 months but should it prove necessary, orders can be extended by grant of the Secretary of State for the Department for Transport for a further (unlimited) period. However, if the Secretary of State refuses a request to extend a Temporary Closure Order, the County Council cannot make a further Temporary Closure Order for the same route until at least 3 months after the expiry date of the Order.

Section 14 subsection (2) of the Act gives the highway authority the power to restrict or prohibit public use by Notice, for up to 21 days because of the likelihood of danger to the public, or of serious damage to the road and for up to 5 days because works are being, or will be, carried out on or near the road.

For the purposes of the Act; 'traffic' includes public use on foot, bicycle, horseback, carriage and motor vehicle; 'road' includes footpath, bridleway, byway and restricted byway.

Procedure

Although some requests for a closure may originate from the County Council itself (to carry out works for which it is responsible e.g. repair to a bridge, surfacing of a path), most closures follow applications from members of the public, developers or utility companies.

A Temporary Closure Order may be made to enable works on, in, or adjacent to, a public right of way where the nature of the proposed works could endanger the public using the public right of way.

Applicants for a Temporary Closure Order must give sufficient notice of a proposed temporary closure to allow time for discussion with Council officers about the proposal (including the predicted completion date for the closure so a date by which the public might expect the route(s) to be re-opened can be included in the public notice), processing of the application and advertising in a local newspaper or public notices.

The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 SI 1992 No 1215 (as amended) require that once the County Council has resolved to make a Temporary Closure Order, a notice is published in a local newspaper not less than seven days before the order is proposed to be made. This notice must state the reason for and the effect of the closure, describe any alternative routes available, the date the order will come into force and its maximum duration. The Council will usually place a copy of this notice in a prominent position on or near each end of the closure seven days prior to the closure taking effect.

Within 14 days after making the Temporary Closure Order, a second notice confirming the order has been made and containing the same details about the closure as in the previous notice, is published in the same local newspaper. This notice must be placed in a prominent position on or near each end of the closure and maintained (as far as is practicable) for the duration of the closure.

If the Public Rights of Way Team believes there is an actual or potential danger to the public using a public right of way and no immediate solution can be found, the County Council can make an emergency Closure Notice for the route. The Notice can be effective for up to 21 days.

The County Council can also make a Closure Notice where works are to be carried out on or near a public right of way. This notice can be effective for no more than 5 days.

Where it is not possible to resolve a danger or complete works within the statutory time limit of a Closure Notice, the closure of the public right of way may be extended by way of a Temporary Closure Order.

For all 3 types of Closure a closure Notice must be created stating the reason for and the effect of the closure, a description of any alternative routes available and the duration of the closure. This must be displayed in a prominent position on or near each end of the closure.

An alternative route must utilise highways of at least the same status as that closed; for example if the closed route is a bridleway, the alternative cannot use any footpaths. The alternative route indicated will be as short and least disruptive to the public as possible but may need to be longer than the route being closed. An alternative route may not always be available.

Although there is no statutory requirement to include a plan with the on-site closure notice, the Council will attach a plan with the notice highlighting the closed and alternative routes to assist the public in understanding the route descriptions contained in the notice.

The County Council recognises that path closures may be inconvenient to the public and if problems or issues are raised about a closure it will investigate and if appropriate and practicable take action to alleviate or reduce the problem.

Management of Closures

The Council seeks to limit the number of closures and minimise the impact of them in a number of ways:

- Before a Temporary Closure Order or Notice is implemented, the Countryside Service will have discussions with the applicant to ascertain the nature and extent of the proposed works and the likely effect on the public rights of way network and seek ways to safely accommodate public use during the intended works (e.g. with the use of a banksman, barriers or fencing) rather than closing a route.

However, as the applicant is carrying out or managing the proposed works and is responsible for health and safety matters on site, they not the County Council are best placed to assess the potential risk to public safety and the responsibility of the risk assessment lies with the applicant not the County Council. If they consider the proposed works cannot be progressed without danger to the public a Temporary Closure Order will be applied.

- On occasions the County Council itself is the originator of the request for a Temporary Closure Order or Notice, as with any other application, the reason for closure will be carefully scrutinised and other solutions considered prior to a closure being applied.
- The closest alternative route may not always be the most appropriate; for example, if the closed route is surfaced with no stiles and well used by children and parents with pushchairs, an alternative route passing along a carriageway with a pavement would be indicated in preference to a nearer, but less suitable, unsurfaced path on which there are stiles or other limitations.
- If appropriate, extra 'advisory' notices will be placed on the affected route and/or the alternative route to give the public more information about the closure and the suggested alternative route.
- Supplementing the legal requirements for publicising closures, the Council will record all Temporary Closure Notices and Orders on its Encompass database which the public can access on-line via the **public rights of way interactive map** (<https://gis.worcestershire.gov.uk/website/Countryside/>).
- Officers utilise an "alarm" facility on Encompass to notify them of the significant stages of a temporary closure to ensure they are not overlooked, have expired or to check if the closure can be removed.
- If appropriate, a closure may be removed earlier than planned.