

PUBLIC PATH ORDERS - COST SCHEDULE

Diversion or Extinguishment of a Public Right of Way

Highways Act 1980 and Town and Country Planning Act 1990

PRE ORDER PUBLICATION STAGE

Preliminary costs incurred at this stage are non-refundable. The applicant will be charged even if, having consulted on a proposal, HCC decides not to make an Order.

ITEM	DETAILS	INCLUDED
When application made		
Log Application	Check application, set-up file, enter details onto schedules.	Officer time
		1st Payment £300 (No VAT)
When case started:		
Assess Case	Site visit to discuss proposal with applicant. Assess technical and legal issues, check for unrecorded rights.	Officer time mileage
Draft Order & Plan	Prepare draft order and create GIS plan, send to applicant for agreement.	Officer + Solicitor time
		£950 (No VAT)
<u>CONSULTATION IS CONDUCTED BY APPLICANT'S AGENT</u>		
Decision Report	Draft decision report and documentation.	Officer time
Decision meeting	Decision meeting attended by Team Leader, Senior Officer, Case Officer and/or Solicitor.	£360 (No VAT)
		2nd Payment £1,310 (No VAT)

If HCC carries out the consultation there will be an extra charge of £990 (inc. 20% VAT).

ORDER MAKING STAGE

If HCC decides to make an Order, the applicant will be invoiced a third time for the Order making stage fees. The Order will only be made on receipt of payment.

Works	Simple works agreement side letter.	Officer time
Make and Advertise Order	Amend (if required) and seal Order. Prepare notices and decision letters, send to prescribed organisations and consultees. Display, check and remove site notices. Send notice to newspaper agency.	Officer + Solicitor time, mileage stationery newspaper advert
Respond to replies	Respond to queries and assist Agent to avoid objections. Additional site meetings (as required).	Officer time mileage
		3rd Payment (no Works agreement) £1,795 (No VAT)

If significant works will be required to make the new route fit for use a formal works agreement will be required instead of a side letter:

Works Agreement	Agree schedule of works, prepare s119(5) works agreement	Officer time
		or 3rd Payment (with Works agreement) £2,335 (No VAT)
Determination meeting	Draft determination report and documents. Determination meeting with Team Leader, Senior Officer & Case Officer and/or Solicitor.	Officer time Solicitor time

If objections are received and not withdrawn HCC cannot confirm the Order. The applicant may continue their case to the Planning Inspectorate (PINS) subject to HCC agreement for which further costs may be chargeable.

CONFIRMATION OF ORDER

If the Order is confirmed, the applicant will be charged for the following:

Confirm and advertise confirmation of Order	Confirm Order Prepare notices and decision letters, send to prescribed organisations and consultees. Display, check and remove site notices. Send notice to newspaper agency	Officer + Solicitor time mileage stationery newspaper advert
		4th Payment £1,295 (No VAT)

Total (no Works agreement or certification required); £4,700

CERTIFICATION / BRINGING INTO FORCE

If the coming into effect of the Order is dependent on works being completed, a certificate and further newspaper advertisement are required. This may be necessary even if works were specified through a side letter, rather than a s119(5) agreement.

Issue certificate	Site visit to check works have met agreed standard Prepare and sign certificate	Officer time, mileage
Advertise works certification	Send notice to newspaper and check draft advert	newspaper advert
		5th Payment (if works certification is required) £400 (No VAT)

Total (if Agent used and Works agreement and Certification are required); £5,640

NB: These fees cover the administrative costs of processing an application; they do not and cannot guarantee that an application will be successful.

Should HCC not make an Order or not complete the process, or the applicant withdraws, costs incurred will be charged up to the date of either decision. **Fees incurred at pre-publication stage are non-refundable, even where the Council decides not to make an order.**

The minimum cost of an unopposed Order is **£4,700**. If HCC also carries out the Consultation, there is an extra fee of £990 (inc. 20% VAT). Costs are reviewed annually.

If the case has to be determined by the Planning Inspectorate, at a Hearing, Inquiry or by written representations, the applicant may be required to hire their own Agent to support an opposed Order and meet their own costs arising from the process.

Construction of new routes, e.g. as part of a diversion, may have to be certified, requiring officer time, site inspection and a further newspaper advert. Where this is the case the applicant will be sent a 5th invoice. Travel costs are based on average, rather than actual, distance travelled.

Concurrent orders – For s118 extinguishment & s26 creations, HCC will increase costs to include the additional newspaper adverts and officer time.

If substantial additional Legal costs are likely, applicants will be notified in advance.

Applications involving multiple orders - Where changes to several rights of way are required, there may be opportunities to merge some costs. Officers will advise you if this is possible.

Highways Act Section 25 Creation Agreements

Producing agreement, plans & works specifications £1,500 (+VAT), includes the price for advertising the agreement in a local newspaper.