

## **DOCUMENTS REQUIRED BY THE PLANNING INSPECTORATE**

### **Checklist for Order Making Authorities (updated October 2019)**

**Please read the following guidance notes before completing the Checklist:**

#### **Note 1 – Service of Notice**

Please ensure your Council has identified and served notice of the making of the Order on **all** owners of land affected by the route(s) covered in the Order. Names of all the landowners should be provided to the Inspectorate. If your Council has not served notice on all affected landowners, you will need to do so now, and give the landowner(s) the appropriate period of time in which submit any representations to your office (42 days for definitive map modification cases and 28 days for public path orders).

#### **Note 2 – Landownership**

If your Council has been unable to identify ownership of all land affected by the Order, you should seek a direction from the Secretary of State under either (i) paragraph 3(4) of Schedule 15 to the Wildlife and Countryside Act 1981, (ii) paragraph 1(6) of Schedule 14 to the Town and Country Planning Act 1990, (iii) paragraph 1(3C) of Schedule 6 to the Highways Act 1980, that it will not be necessary for your Council to serve notice on the owners and occupiers of the land over which the Order route(s) run(s).

The Rights of Way Team at the Planning Inspectorate should be contacted with any such requests in advance of the Order being submitted to the Secretary of State. In making a request for a direction, you should provide details of the steps taken to identify land ownership (such as Land Registry searches, notices placed on site etc).

It is not our policy to commence a procedure to determine an order until such steps to identify and notify all landowners (or dispensation granted) has been completed.

#### **Note 3 – Electronic submissions**

With the exception of the original sealed orders, authorities are welcome to make submissions electronically. If you wish to do so, please observe the following rules:

- Only submit the documents that are requested in the checklist. The completed checklist should be submitted with the documents (the numbering should correspond with the submitted documents).
- Sealed orders should be forwarded to us at same time as the electronic submission. Please ensure the covering letter makes it clear that the submission is either being made electronically only or electronically and by post.
- Submissions should be forwarded to your usual case officer or to [rightsofway2@planninginspectorate.gov.uk](mailto:rightsofway2@planninginspectorate.gov.uk).
- Do not try to put all the documents in one email. Send the documents over a number of emails. Number the emails '1 of 4', '2 of 4' etc.

- Each document should be separately numbered and titled as per the checklist. For example, '01 Copy of Order', '02 Order Plan', '03 Submission letter', '04 Statement of reasons' etc.
- User evidence forms should be scanned as one document not separately.
- If using a 'drop box' please ensure that they are labelled accordingly. Each document should be separately numbered and titled as per the checklist. For example, '01 Copy of Order', '02 Order Plan', '03 Submission letter', '04 Statement of reasons' etc.
- NB. IF THE DOCUMENTS ARE NOT SUBMITTED IN THE CORRECT FORMAT, WE WILL RETURN IT TO YOU.
- If you have any queries about electronic submission, please contact the case officer or Yvonne Oddy on 03030 444 5463 at [yvonne.oddy@planninginspectorate.gov.uk](mailto:yvonne.oddy@planninginspectorate.gov.uk). Or [rightsofway2@planninginspectorate.gov.uk](mailto:rightsofway2@planninginspectorate.gov.uk)

**Note 4 - PDF copy of Order submission**

To help with the smooth running of the process, and to ensure parties are able to access all the documents they require, we are encouraging you to make and retain a pdf copy of your submission bundle. Your submission bundle can then be conveniently emailed (or placed in an online repository such as Dropbox) to parties who request it at any time after the 'start date' for the Order(s).

**Note 5 – Notified Parties**

It would be useful if notified party details could be forwarded to us in this format:

Name of Person Organisation 1 <sup>st</sup> line of Address 2 <sup>nd</sup> line of Address 3 <sup>rd</sup> line of Address 4 <sup>th</sup> line of Address Postcode	Name of Person Organisation 1st line of Address 2nd line of Address 3rd line of Address 4th line of Address Postcode
Name of Person Organisation 1st line of Address 2nd line of Address 3rd line of Address 4th line of Address Postcode	Name of Person Organisation 1st line of Address 2nd line of Address 3rd line of Address 4th line of Address Postcode

etc.

**Note 6 – Not supporting the order**

If you do not intend to support the order or decided to take a neutral stance if an Inquiry or Hearing is held, then please indicate this as set out in the checklist below rather than wait until the inquiry or hearing is about to take place. This would save delays or the postponement of the Inquiry/Hearing causing everyone to incur unnecessary extra expense.

## Checklist for Order Making Authorities

<b>DOCUMENT – the documents shown in bold are those required by legislation.</b>	<b>Doc. Ref.</b>
<b>Signed/sealed order in duplicate. (Please do not attach/staple other documents to the sealed orders.)</b>	
Two copies of the order and associated maps.	1
OMA’s submission letter. Please include, if possible, dates when your Council would not be available for a hearing or inquiry over the next 11 months.  <b>Although we will do our best to avoid any dates you provide to us, we are unable to give any guarantees.</b>	2
<b>Statement of the grounds on which it is considered the order should be confirmed.</b>  <ul style="list-style-type: none"> <li>• The statement must explain why the order meets the relevant criteria. It is not sufficient to simply repeat the criteria of the section of the Act under which the order is made.</li> <li>• If you intend to rely on your statement of grounds and do not propose to submit a statement of case in due course, please also submit a full list of the documents/evidence<sup>1</sup> on which your statement of grounds is based.</li> <li>• <u>If your Council is not supporting the order</u>, please submit a Statement of the grounds which explains why you have taken this stance. This should include your interpretation of the evidence examined by your Council before deciding whether or not to make the Order.</li> </ul> <p><b>If you wish to do so, you may submit the Council’s comprehensive statement of case with the Order. You will not then need to submit a further statement (unless subsequent evidence is discovered which needs to be added). <span style="color: red;">To assist the appointed Inspector, please ensure your statement of case is properly paginated and indexed</span></b></p>	3
<b>Representations and objections to the order (including supporters)</b> , along with a covering list of their names.	4
<b>Statement containing the OMA’s comments on the objections.</b>	4

<sup>1</sup> Please ensure that the submitted documents are of good quality and capable of being reproduced without any loss of detail. Maps may need to be scanned at a slightly higher resolution than words.

<b>Copy of the notice publicising the order together with a copy of newspaper cutting(s).</b>	5
<b><u>REFER TO NOTE 1 ABOVE</u></b>	6
<b>Certificate that, in accordance with the requirements of the Act, notices have been published, served and posted on site and at the local offices.</b>	
<b>Certificate that the necessary consultations have been carried out (other local authorities and statutory undertakers) <u>N.B. For HA 118B and 119B this includes the police authority</u></b>	6
Copies of any replies to the pre-order consultation and the responses by the OMA.	7
<b>Name and address of every person, council or prescribed organisation notified under either</b> <b>(i) paragraph 1(3)(b)(i), (ii) and (iv) of Schedule 6 to the 1980 Act and Schedule 3 of SI 1993 No.11 Highways England and Wales, The Public Path Orders regulations 1993;</b> <b>or</b> <b>(ii) paragraph 3(2)(b)(i), (ii) and (iv) of Schedule 15 to the 1981 Act and Schedule 6 of SI 1993, No.12 Rights of Way, The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993;</b> <b>or</b> <b>(iii) paragraph 1(2)(b)(i) to (iii) and (v) of Schedule 14 to the 1990 Act and Schedule 3 of SI 1993 No.10 Rights of Way, Town and Country Planning (Public Path Orders) Regulations 1993.</b>	6
<b>Please ensure the list you send to us is up to-date. If it is possible for you to do so, we would appreciate this information being submitted in a format that we can easily photocopy onto label sheets – please see illustration at Note 5 above.</b>	
<b>Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served.</b>	6
Location map to enable the Inspector to locate the site.	9
Written permission from the landowner allowing the Inspector access to the land (where applicable).	8
Name and address of the applicant.	8

<ul style="list-style-type: none"> <li>Confirmation that the OMA is supporting the order.</li> </ul>	2
<ul style="list-style-type: none"> <li>If an Inquiry or Hearing is held, will you still be supporting the order.</li> </ul>	2
<p>If you are not then you will need to arrange for a person, usually the applicant or a supporter, to present the case for the Order(s). Please provide details of this person.</p>	
<p>Details of the time and place where documents relating to the order will be made available for public inspection by the authority.</p>	2
<p>Health and Safety issues; please complete the attached questionnaire.</p>	12
<p>In the event that the Order Map is larger than A3, an A3 (or smaller) copy of the Order Map with the appropriate grid references. (We are unable to photocopy or scan maps which are larger than A3 in size).</p>	Order Map is A4
<p><b>REFER TO NOTE 2 ABOVE</b>  Secretary of State's letter of dispensation (WCA - see paragraph 3(4) of Schedule 15)(HA - see paragraph 1(3C) of Schedule 6)(TCPA - see paragraph 1(6) of Schedule 14)(if applicable).</p>	N/A

<p><u>WCA only</u></p> <ul style="list-style-type: none"> <li><b>Extract from the definitive map and statement;</b></li> </ul>	N/A
<ul style="list-style-type: none"> <li>Evidence forms where the order involves user evidence; unless you are submitting your full statement of case at this stage, we only need to know whether there are any user evidence forms and how many for now.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>In the event that the Order has been severed, a copy of the letter issued to the Secretary of State. Please make reference to the fact that the Order has been severed in your submission letter.</li> </ul>	N/A
<p><u>If your Council has been directed to make the Order</u></p> <ul style="list-style-type: none"> <li>The Secretary of State's decision;</li> </ul>	N/A
<ul style="list-style-type: none"> <li>A copy of the Application and supporting documents</li> </ul>	N/A

<u>HA and TCPA only</u> <ul style="list-style-type: none"> <li>▪ Undertaking that any new path or way to be provided will be ready for use before the order comes into operation;</li> </ul>	3
	10
	10
<ul style="list-style-type: none"> <li>▪ Extract from the definitive map and statement; and</li> <li>▪ Where applicable, details of any statutory designation affecting the order route(s) (such as common land, AONB, SSSI).</li> </ul>	

<u>HA only</u> <ul style="list-style-type: none"> <li>▪ <b>Where land is owned by an ecclesiastical benefice, certificate that the Church Commissioners have been notified.</b></li> </ul>	N/A
<u>S26, 118 and 119</u> <ul style="list-style-type: none"> <li>▪ A copy of the <u>relevant</u> part(s) of the Rights of Way Improvement Plan (ROWIP), or confirmation that there isn't any relevant provision. (Inspectors must have regard to any material provisions of a ROWIP prepared by the local highway authority but do not require the full version).</li> </ul>	11
<u>S118A and 119A(Rail Crossing Orders)</u> <ul style="list-style-type: none"> <li>▪ <b>A copy of the application for the order;</b></li> </ul>	N/A
<ul style="list-style-type: none"> <li>▪ A copy of any documents submitted by the applicant in support of the request for the order;</li> </ul>	N/A
<ul style="list-style-type: none"> <li>▪ A copy of the case put forward by the operator justifying the need for an order to close or divert the railway crossing;</li> </ul>	N/A
<ul style="list-style-type: none"> <li>▪ A copy of any related maps or plans that accompanied the request for the order;</li> </ul>	N/A
<ul style="list-style-type: none"> <li>▪ Details of any related proposals such as a bridge or tunnel order;</li> </ul>	N/A
<ul style="list-style-type: none"> <li>▪ <b>Where required, a certificate showing that the OMA has consulted or received consent from any other authority or body;</b></li> </ul>	N/A
<ul style="list-style-type: none"> <li>▪ <b>A statement of the nature and effect of any such consultation.</b></li> </ul>	N/A
<ul style="list-style-type: none"> <li>▪ Confirmation that the land affected is owned by the operator, or, where the land is not owned by the operator, the landowner has</li> </ul>	N/A

agreed to the proposal;	N/A
<ul style="list-style-type: none"> <li>Confirmation that the operator is prepared to maintain the whole or part of the path, and has agreed to defray part or all of the cost of making up the new path and any compensation that may be payable;</li> </ul>	
<ul style="list-style-type: none"> <li>Where the path is to be diverted over/under a bridge or tunnel subject to an order under section 48 of the Transport and Works Act 1992, clarification that the structure has been completed or that it is dependent on the diversion order.</li> </ul>	N/A
	N/A
<u>S118B and 119B (Special Extinguishment and Diversion Orders)</u>	
<ul style="list-style-type: none"> <li>Contact details for the local fire authority.</li> </ul>	N/A
<u>S118B(1)(a) and 119B(1)(a)</u>	
<ul style="list-style-type: none"> <li>Where applicable, a copy of any strategy for the reduction of crime and disorder prepared under section 6 of the Crime and Disorder Act 1998;</li> </ul>	
<ul style="list-style-type: none"> <li>A copy of the relevant map for the area as contained in the designation order.</li> </ul>	N/A

<u>TCPA only</u>	N/A
<ul style="list-style-type: none"> <li>A copy of the relevant planning permission and a copy of the approved plan or copy of relevant planning application (where Order made following the Growth and Infrastructure Act 2013);</li> </ul>	
<ul style="list-style-type: none"> <li>Plan indicating how the path or way will be affected by the development;</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Confirmation that all the land affected is owned by the developer or consent from the landowner(s) as appropriate;</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Confirmation about the current stage of the development.</li> </ul>	N/A
<ul style="list-style-type: none"> <li><b><u>Written consent of any statutory undertaker affected or confirmation that none is so affected. If replies have been received from the statutory undertakers, these must be included;</u></b></li> </ul>	N/A

**Please now proceed to the health and safety questionnaire which is appended to this checklist**

