



**DOCUMENTS REQUIRED BY THE PLANNING INSPECTORATE  
- Checklist for Order Making Authorities**

|   | <b>DOCUMENT – the documents shown in bold are those required by legislation.</b>   | <b>Doc. Ref.</b> |
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| 1 | <b>Signed/sealed order in duplicate.<br/>(Please do not attach/staple other documents to the sealed orders.)</b>   |                  |
| 2 | Three copies of the order and associated maps.   |                  |
| 3 | 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.<br><br><b>Although we will do our best to avoid any dates you provide to us, we are unable to give any guarantees.</b>  |                  |
| 4 | <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 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> <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).</b> |                  |
| 5 | <b>Representations and objections to the order (including supporters)</b> , along with a covering list of their names.   |                  |
| 6 | <b>Statement containing the OMA's comments on the objections.</b>  |                  |

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| 7  | <b>Copy of the notice publicising the order together with a copy of newspaper cutting(s).</b>  |  |
| 8  | <u>REFER TO NOTE 1 BELOW</u><br><br><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>  |  |
| 9  | <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>  |  |
| 10 | Copies of any consultation replies and the responses by the OMA.   |  |
| 11 | <b>Name and address of every person notified under either</b><br><ul style="list-style-type: none"> <li>(i) paragraph 1(3)(b)(i), (ii) and (iv) of Schedule 6 to the 1980 Act;</li> <li>(ii) paragraph 3(2)(b)(i), (ii) and (iv) of Schedule 15 to the 1981 Act; or</li> <li>(iii) paragraph 1(2)(b)(i) to (iii) and (v) of Schedule 14 to the 1990 Act.</li> </ul> <p>Please ensure the list you send to us is up to-date. If you have it available as a Word document, it would be useful if you could forward this to the case officer in due course.</p> |  |
| 12 | <b>Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served.</b>  |  |
| 13 | Location map to enable the Inspector to locate the site.   |  |
| 14 | Written permission from the landowner allowing the Inspector access to the land (where applicable).  |  |
| 15 | Name and address of the applicant.   |  |
| 16 | Confirmation that the OMA is supporting the order. 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.   |  |
| 17 | Details of the time and place where documents relating to the order will be made available for public inspection by the authority.   |  |
| 18 | Health and Safety issues; please complete the attached questionnaire.  |  |
| 19 | 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).  |  |

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| 20 | <b><u>REFER TO NOTE 2 BELOW</u></b><br><br>Welsh Ministers' 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). |  |
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| 21 | <u>WCA only</u><br>▪ <b>Extract from the definitive map and statement;</b>   |  |
| 22 | ▪ 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. |  |
| 23 | <u>If your Council has been directed to make the Order</u><br>▪ The Welsh Ministers' decision;   |  |
| 24 | ▪ A copy of the Application and supporting documents   |  |

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| 25 | <u>HA and TCPA only</u><br><br>▪ Undertaking that any new path or way to be provided will be ready for use before the order comes into operation; and |  |
| 26 | ▪ Extract from the definitive map and statement.  |  |

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| 27 | <u>HA only</u><br>▪ <b>Where land is owned by an ecclesiastical benefice, certificate that the Church Commissioners have been notified.</b>   |  |
| 28 | <u>S26, 118 and 119</u><br>▪ 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). |  |
| 29 | <u>S118A and 119A(Rail Crossing Orders)</u><br>▪ <b>A copy of the application for the order;</b>  |  |
| 30 | ▪ A copy of any documents submitted by the applicant in support of the request for the order;   |  |

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| 31 | <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>   |  |
| 32 | <ul style="list-style-type: none"> <li>▪ A copy of any related maps or plans that accompanied the request for the order;</li> </ul>  |  |
| 33 | <ul style="list-style-type: none"> <li>▪ Details of any related proposals such as a bridge or tunnel order;</li> </ul>   |  |
| 34 | <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>  |  |
| 35 | <ul style="list-style-type: none"> <li>▪ <b>A statement of the nature and effect of any such consultation;</b></li> </ul>  |  |
| 36 | <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 agreed to the proposal;</li> </ul>   |  |
| 37 | <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>                                   |  |
| 38 | <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 dependant on the diversion order.</li> </ul> |  |
| 39 | <p><u>S118B and 119B (Special Extinguishment and Diversion Orders)</u></p> <ul style="list-style-type: none"> <li>▪ Contact details for the local fire authority.</li> </ul>   |  |
| 40 | <p><u>S118B(1)(a) and 119B(1)(a)</u></p> <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>   |  |
| 41 | <ul style="list-style-type: none"> <li>▪ A copy of the relevant map for the area as contained in the designation order.</li> </ul>   |  |

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| 42 | <u>TCPA only</u>   |  |
|    | <ul style="list-style-type: none"> <li>▪ A copy of the relevant planning permission and a copy of the approved plan;</li> </ul>  |  |
| 43 |  |  |
|    | <ul style="list-style-type: none"> <li>▪ Plan indicating how the path or way will be affected by the development;</li> </ul>   |  |
| 44 |  |  |
|    | <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>   |  |
| 45 |  |  |
|    | <ul style="list-style-type: none"> <li>▪ Confirmation about the current stage of the development.</li> </ul>   |  |
| 46 |  |  |
|    | <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> |  |

### Note 1

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 have 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

If your Council have been unable to identify ownership of all land affected by the Order, you should seek a direction from the Welsh Ministers 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 Welsh Ministers. 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.

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

Health and safety at the site questionnaire

The Inspector will visit the site and will need to know what safety equipment and protective clothing to bring. The following questions indicate the type of information the Inspector will need about the site. Please supply any additional information on a separate sheet of paper.

1. Is the site uneven or does it present any other known risks? Is special footwear or any other Personal Protection Equipment required?

2. Is there any likelihood of exposure to pets or other animals which may present a risk to the safety of the Inspector?

3. Is the site remote and/or can it be seen from other highways or rights of way?

4. Does the site have a good mobile phone signal or is there easy access to a public telephone should the emergency services be required?

5. Is the right of way easily accessible? Will arrangements for access by the Inspector need to be made in advance?

6. Are there any dangerous pieces of equipment or substances stored at any point along the right of way?

7. If there is any other relevant information which the Inspector should be aware of that is not covered in this questionnaire?