

SECTION 24 – RIGHTS OF WAY MATTERS – PUBLIC SPEAKING PROVISIONS

SPEAKING AT PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE MEETINGS

- 24.1 The Planning, Taxi Licensing and Rights of Way Committee (“the Committee”) exercises a number of functions concerning rights of way and related matters set out in Section 13.
- 24.2 This protocol sets out the procedures whereby members of the public and others may speak at meetings of the Committee in relation to an application or proposal to make:
- 24.2.1 Public Path Orders under the Highways Act 1980 sections 25, 26, 116, 117 and 118 (as amended), section 119 (as amended);
 - 24.2.2 Orders under the Town and Country Planning Act 1990 section 257.
- 24.3 However, some of those applications and proposals detailed in paragraph 24.2 above may be determined under delegated authority by officers rather than by the Committee.

MATTERS NOT INCLUDED

- 24.4 For the avoidance of doubt this protocol shall not apply to, (and there shall be no right for any person to speak in relation to) the following:
- 24.4.1 Enforcement cases;
 - 24.4.2 Definitive Map Modification Orders under the Wildlife and Countryside Act 1980 section 53;
 - 24.4.3 Matters relating to lawful and unlawful interference with highways and streets under the Highways Act 1980, sections 130, 139, 140, 142, 147, 147ZA, 149, 169, 171, 171A, 172, 178, 179 and 180;
 - 24.4.4 Town and Village Green Applications.

WHO MAY SPEAK

- 24.5 The public speaking provisions in this protocol will only apply to proposals to make those orders referred to in rule 24.2 above, and where objections have been lodged by a:
- 24.5.1 member of the public; or
 - 24.5.2 body (other than a prescribed organisation as defined in Welsh Office Circular 5/93 – Copy attached); or
 - 24.5.3 Town or Community Council in Powys (but not a Town, Community or Parish Council outside Powys); or
 - 24.5.4 County Councillor(s) in whose electoral division(s) the application falls, or whose electoral division is / are affected by the application;

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and who has obtained the right to speak in accordance with rule 24.6 below.

OBTAINING THE RIGHT TO SPEAK

24.6 A right to speak at a meeting of the Committee will only be obtained in the following situations:-

24.6.1 A **member of the public** shall be allowed to make representations as an **objector** to the proposed order in question at the Committee where:

24.6.1.1 S/he has duly made, within prescribed time limits, a written objection to the proposed order in question; and

24.6.1.2 Has submitted the request to be heard by the Committee with the Countryside Access Officer at least 10 working days before the date of the relevant meeting of the Committee.

PROVIDED ALWAYS that :

24.6.1.3 Where more than one person has lodged an objection to the proposed order in question and the Chair of the Committee concludes that the substance of the objections by those persons are identical or similar then only one such person so objecting shall be permitted to exercise the right to make representations against the proposed order in question in accordance with the Public Speaking Procedures set out in rule 24.11, and that person shall be the individual agreed by all the objectors who have raised the same or similar objection or, in the absence of such agreement, the individual who first submitted an objection in writing to the Countryside Access Officer.

24.6.1.4 Where in relation to the above situation the Chair of the Committee concludes that different persons have made objections which are different in substance, each person making a different substantive objection shall be allowed to exercise the right to make representations in opposition to the proposed order in question in accordance with the Public Speaking Procedures set out in rule 24.11.

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24.6.1.5 Where more than one person has submitted an objection the Countryside Access Officer shall, at least 3 working days before the meeting of the Committee in question, notify (by the most appropriate means) the persons of the conclusions of the Chair as to whether the objections are different in substance and accordingly as to those individuals who are entitled to exercise the right to make representations under the Public Speaking Procedures set out in rule 24.11.

24.6.2 A **body** (other than a prescribed organisation as defined in Welsh Office Circular 5/93) shall be allowed to make representations as an **objector** to the proposed order in question at the Committee where:

24.6.2.1 It has duly made, within prescribed time limits, a written objection to the proposed order in question; and

24.6.2.2 It has submitted the request to be heard by the Committee with the Countryside Access Officer at least 10 working days before the date of the relevant meeting of the Committee.

PROVIDED ALWAYS that :

24.6.2.3 Where more than one body has lodged an objection to the proposed order in question and the Chair of the Committee concludes that the substance of the objections by those bodies are identical or similar then only one such body so objecting shall be permitted to exercise the right to make representations against the proposed order in question in accordance with the Public Speaking Procedures set out in rule 24.11, and that body shall be agreed by all the bodies objecting which have raised the same or similar objection, or in the absence of such agreement, the body which first submitted an objection in writing to the Countryside Access Officer.

24.6.2.4 Where in relation to the above situation the Chair of the Committee concludes that different bodies have made objections which are different in substance, each body making a different substantive objection shall be allowed to exercise the right to make representations in opposition to

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the proposed order in question in accordance with the Public Speaking Procedures set out in rule 24.11.

24.6.2.5 Where more than one body has submitted an objection the Countryside Access Officer shall, at least 3 working days before the meeting of the Committee in question, notify (by the most appropriate means) the bodies of the conclusions of the Chair as to whether the objections are different in substance and accordingly as to those bodies who are entitled to exercise the right to make representations under the Public Speaking Procedures set out in rule 24.11.

24.6.3 A **Town or Community Council** in Powys (by its clerk or one of its nominated members **who is not a County Councillor**) will be allowed to make representations as a statutory consultee in relation to the proposed order in question to the Committee where that Council has submitted a request to be heard by the Committee with the Countryside Access Officer at least 10 working days before the date of the relevant meeting of the Committee.

24.6.4 **Councillor(s)** within whose electoral division(s) the proposed order in question falls, or whose electoral division(s) is / are affected by the proposed order in question, will be allowed to make representations to the Committee where that / those Councillor(s) has / have submitted a request to be heard by the Committee with the Countryside Access Officer at least 10 working days before the date of the relevant meeting of the Committee.

RIGHT TO RESPOND.

24.7 In relation to applications by or proposals made by the County Council itself, the **landowner and, if different, the occupier or his / her / their agent(s)** will be allowed the right to respond (if he/she wishes) where a member of the public, body, Town or Community Council or County Councillor(s) has / have made representations.

24.8 In relation to all other applications (i.e. non County Council applications) the **applicant or agent** in relation to the proposed order in question will be allowed the right to respond (if he/she wishes) where a member of the public, body, Town or Community Council or County Councillor(s) has / have made representations.

NOTIFICATION PRIOR TO MEETING.

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- 24.9 The Countryside Access Officer will inform all relevant individuals / bodies / organisations of the date on which the proposed order in question is to be determined by the Committee prior to the agenda for that meeting being dispatched.
- 24.10 The Countryside Access Officer will in addition inform the applicant at least 3 working days before the meeting if objectors are to make representations at the meeting where the proposed order in question is considered.

PUBLIC SPEAKING PROCEDURES

- 24.11 Where a member of the public, body, representative of a Town or Community Council, Councillor(s), has duly complied with the above provisions enabling that individual, body or Council to make representations at a meeting of a Committee in relation to the proposed order in question then the procedures to be followed at a meeting of the Committee will be as follows.
- 24.11.1 The Chair will briefly outline these procedures that allow Councillor(s), members of the public, representatives of bodies, and representatives of Town and Community Councils the right to address the Committee, and the landowner / occupier / agent or the applicant / agent's right to respond.
- 24.11.2 Prior to making their representations to the Committee these individuals (including members of the public and County Councillors, landowners / occupiers / agent, applicant / agent) or representatives of bodies (including Town and Community Councils) shall sit in the public gallery or wait outside the meeting room.
- 24.11.3 For the purposes of making their representations to the Committee an individual (including members of the public and County Councillors, landowners / occupiers / agent, applicant / agent) or representatives of bodies (including Town and Community Councils) entitled to address the Committee under these provisions will be invited by the Chair to take a seat allocated for this purpose. A maximum time limit of 5 minutes will be available for each presentation.
- 24.11.4 Those individuals making representations cannot ask questions of one another, Members of the Committee or officers, but Members of the Committee may ask questions of a person making a representation to the Committee.

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- 24.11.5 Those individuals making representations must avoid making personal or derogatory remarks, confine their representation to relevant rights of way issues and may only refer to plans, documents etc included in the formal application material to be considered by the Committee)
- 24.11.6 At the end of the each representation, the individual making the representation will either take a seat in the public gallery or leave the meeting room **PROVIDED ALWAYS** that a County Councillor with a Prejudicial Interest, having completed his / her representation to the Committee and answered any questions, shall (unless he / she has received a dispensation from the Standards Committee to remain throughout the proceedings) immediately leave the room or chamber where the meeting is taking place.
- 24.11.7 The order in which individuals shall exercise their right in making representations to the Committee shall be as follows:
- 24.11.7.1 County Councillor(s);
 - 24.11.7.2 Representative(s) of Town or Community Council(s);
 - 24.11.7.3 Member(s) of the Public;
 - 24.11.7.4 Representative(s) of a body / bodies;
 - 24.11.7.5 Right of reply by landowner / occupier / agent, or applicant / agent
 - 24.11.7.6 Countryside Access Officer

PROVIDED ALWAYS that the landowner / occupier / agent or applicant or his / her agent is not obliged to exercise a right to respond to representations made to the committee if s/he does not wish to do so.

- 24.11.8 For the avoidance of doubt:
- 24.11.8.1 In respect of proposals where there are lodged duplicate proposed orders or several linked proposed orders relating to the same site, these shall be deemed to relate to one overall proposed order and the rights to address the Committee will be interpreted accordingly.
 - 24.11.8.2 If representations are made by County Councillor(s) / a member of the public / a representative of a Town or Community / representative(s) of a body / bodies / an applicant or his / her agent / landowner /

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occupier / agent, to the Committee meeting and the matter is deferred to a subsequent meeting, **there will be no right for any of these to make a second oral representation to the reconvened meeting and any further representations shall be made in writing only.**

- 24.11.8.3 County Councillor(s) who is / are members of the Committee within whose electoral division(s) the matter falls, or whose electoral division(s) is / are affected by the proposed order in question, and who decide(s) not to be a “Decision Maker” can undertake a “Local Representative” role and make representations on behalf of his/ her constituents in relation to the proposed order in question.

[N.B. - a “Decision Maker” is a member of the Rights of Way Committee who takes part (or intends to take part) at a meeting of the Rights of Way Committee in relation to the decision concerning the proposed order in question].

- 24.11.9 Following oral representations by individuals under the above provisions, the Chair of the Committee shall invite the Countryside Access Officer (if s/he wishes) to respond as necessary to those representations before proceeding with his / her presentation of the matter in the normal way **including where appropriate an update to the Committee concerning any correspondence or additional information received since publication of the Committee Agenda papers.**
- 24.11.10 Following the presentation by the Countryside Access Officer, Members of the Committee shall debate the proposed order in question and reach a decision, unless it is decided to defer the matter.
- 24.11.11 The Countryside Access Officer shall keep a record of all notices received under these provisions with the application / proposal papers.
- 24.11.12 The relevant plans shall be displayed at the meeting as appropriate and a description of the proposed order in question given before any oral representations are heard.

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- 24.11.13 The minutes of the Committee shall record the receipt of representations made under these arrangements but shall not record the substance of the representations.

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ANNEX E

PRESCRIBED ORGANISATIONS

The Secretaries of State have prescribed certain organisations to which authorities must send copies of the statutory notices of orders made under the following Regulations:

- The Town and Country Planning (Public Path Orders) Regulations 1993;
- The Public Path Orders Regulations 1993;
- The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993; and
- The Rail Crossing Extinguishment and Diversion Orders Regulations 1993.

The names and addresses of these organisations are listed in the table below (columns 1 and 5), together with details of the type of order for which notification must be given (column 4). In addition, these organisations have also requested that they be consulted on certain orders or proposals before they are made. Details of these and the address to which pre-order papers should be sent are listed at columns 2 and 3 respectively.

1.* <i>Prescribed Organisation</i>	2.** <i>Proposals/Orders for which consultation is requested</i>	3. <i>Person/Address to which pre-order consultation papers should be sent</i>	4. <i>Orders for which statutory notice must be given</i>	5. <i>Person/Address to which statutory notices on the making and confirmation of orders must be sent*</i>
Auto Cycle Union	All cases, <i>except</i> those affecting footpaths or bridleways over which no public vehicular rights are claimed, or suspected to exist	The appropriate local representative as notified to the authority	All orders made in England and Wales	Auto Cycle Union, Wood Street, Rugby, Warwickshire CV21 2XY (Except where otherwise notified to the authority)
British Driving Society	All cases, <i>except</i> those affecting footpaths and bridleways over which no vehicular rights are claimed, or suspected to exist	27 Dugard Place, Barford, Warwick CV35 8DX	All definitive map orders made in England and Wales	British Driving Society, 27 Dugard Place, Barford, Warwick CV35 8DX
British Horse Society	All cases	BHS local representative as notified to the authority	All orders made in England and Wales	BHS, British Equestrian Centre, Stoneleigh, Kenilworth, Warwickshire CV8 2LR

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Byways and Bridleways Trust	All cases	BBT local nominee if notified to the authority	All orders made in England and Wales	BBT, The Granary, Charlcott, Calne, Wiltshire SN11 9HL
Chiltern Society	All cases in the area for which the Society is prescribed to receive notices	The appropriate Rights of Way Group Area Secretary as notified to the local authority	All orders in the area for which the Society is prescribed to receive notices	The Chiltern Society, Rights of Way Group, P.O. Box 1029, Marlow, Buckinghamshire SL7 2HZ
Cyclists' Touring Club	All cases, <i>except</i> those affecting footpaths over which no other rights are claimed, or suspected	Cyclists' Touring Club, Cotterell House, 69 Meadrow, Godalming, Surrey GU7 3HS	All orders made in England and Wales	Cyclists' Touring Club, Cotterell House, 69 Meadrow, Godalming, Surrey GU7 3HS
Open Spaces Society	All cases, but only in those areas where the Society has notified the authorities concerned of their interest	The appropriate local representative as notified to the authority	All orders made in England and Wales	Open Spaces Society, 25A Bell Street, Henley-on-Thames, Oxon RG9 2BA
The Ramblers' Association	All cases	RA local representative as notified to the authority	All orders made in England and Wales	Ramblers' Association, 1-5 Wandsworth Road, London SW8 2XX
Peak and Northern Footpaths Society	All cases in the area for which the Society is prescribed to receive notices	Peak and Northern Footpaths Society, 1 Nelson Street, Hazel Grove, Stockport SK7 4LR	All orders in the area for which the Society is prescribed to receive notices	Peak and Northern Footpaths Society, 1 Nelson Street, Hazel Grove, Stockport SK7 4LR
Welsh Trail Riders Association	All cases in Wales, <i>except</i> those affecting footpaths and bridleways over which no public vehicular rights are claimed, or suspected to exist	WTRA, 20 High Cross Drive, Newport, Gwent NP1 9AB (Except where otherwise notified to the authority)	All orders made in Wales	WTRA, 20 High Cross Drive, Newport, Gwent NP1 9AB (Except where otherwise notified to the authority)