

Have Your Say on Rights of Way

Speaking at Committee



This leaflet explains how you can put your views to the Local Committee for Waverley when it makes decisions on applications to change rights of way.

April 2015

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What are the basic rules?

You may address a local committee when it is considering a rights of way application. Up to ten people (five in support, five against) may address the committee and each speaker will be given up to three minutes. The applicant (or their agent) may only speak if people have spoken against the application, and will in this case have the same total length of time as all of those speaking against the application to respond to the points made by objectors. For example, if two objectors speak for three minutes each, the applicant will have up to six minutes to respond; if three objectors speak then the applicant will have nine minutes.

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What can I speak about?

You can speak on any application submitted to Surrey County Council that is being reported to the committee for a decision. The County Council determines applications for:

- Diversion, creation and extinguishment of rights of way
- Traffic Regulation Orders
- Map Modification Orders
- Cycle Tracks Orders

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Who can speak at the committee meeting ?

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We will notify interested people and advertise on line the date of the meeting at which the committee will consider the application. You may speak at the meeting only if we have received your written comments at least 28 days beforehand; please send these to the Countryside Team, either through rightsofway@surreycc.gov.uk or directly to the case officer.

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How can I obtain committee agendas and reports ?

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We publish agendas at least five working days before each committee meeting at: www.surreycc.gov.uk/waverley .

Not all applications are reported to a local committee for a decision. Countryside Group officers may decide some items under delegated powers. You cannot address the committee on delegated items.

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How do I register my interest in speaking?

Please contact the Community Partnership and Committee Officer who supports the local committee on 01483 517530 or by email at d.north@surreycc.gov.uk after the committee agenda has been published (at least five working days ahead of the meeting), but no later than midday (12 noon) on the working day before the meeting.

It is not possible to register an interest ahead of the agenda being published, or by contacting anyone other than the Community Partnership and Committee Officer. When you ring or email, please be prepared to give:

- your name, address and daytime telephone number
- the application number and proposed development to which it refers
- whether you wish to speak for or against the application
- details of any special access arrangements you may need
- your consent, if you wish, to have your contact details shared with other speakers in the event that five are already registered (see below)

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What happens if five speakers are already registered?

A If those registered give their consent, the Community Partnership and Committee Officer will be able to give you their details and they may be prepared to include your views in their presentation.

Q What issues can I cover in my three minutes?

A Speaking at committee gives you the opportunity to present directly to councillors the points you have already made in your written comments on an application. For the committee to give proper consideration to your views, you should make sure that your written submission covers all of your points. You should not make new points when addressing the committee.

Committees can by law only take certain matters into account when making their decision on rights of way matters, e.g.:

- A Map Modification Order: whether rights have been acquired after 20 years' use or whether that use has been effectively challenged
- A Diversion Order: if it relates to a planning application, whether the diversion is needed to allow the development to take place; if it is a Highways Act Order, whether it is in the interest of the landowner/public to make an order and the impact on the public
- A Traffic Regulation Order: is it in line with the County Council's policy ?

The following are not relevant:

- boundary disputes, covenants or other property rights
- effect on property values
- personal remarks about the applicant (e.g. their conduct, or private affairs)

- for Map Modification Orders: security, privacy and safety matters

Q Can I circulate photographs or other material at the meeting?

A The committee will not accept or consider any additional written material or other evidence provided by speakers. This must be sent to the case officer well before the meeting so that the committee can be told of the contents and have officer advice.

Q Can I speak on more than one occasion on the same application?

A In most cases, no. Occasionally the committee may defer a decision to a later meeting. If the item is deferred after the public have spoken, there will normally be no public speaking when the application comes back to the committee. However, if the application has been significantly amended, or there is a gap of six months or more between meetings, those wishing to speak will need to register again and previous speakers can speak again.

If an item is deferred, either before the meeting (after members of the public have registered to speak), or at the meeting itself before public speaking and any debate has taken place, then the right to speak will still exist when the application comes back to the committee. We will carry forward details of speakers and contact them to confirm whether or not they still wish to speak.

You may, however, speak about more than one item on the agenda, providing you have made written comments and have registered to do so.

Q What will happen at the committee meeting?

A If you have registered to speak, you should make yourself known to one of the officers supporting the committee on arrival. They will note your attendance and answer any concerns. The Chairman will invite you to speak at the appropriate time and give a reminder after two minutes to give you the time to finish your three-minute submission. You cannot question members of the committee, officers or other speakers and they will not be able to question you. After the applicant has responded, you are welcome to remain and listen to the rest of the debate.

Q What if I can't turn up on the day?

A You may nominate a deputy who will need to give their details to the Community Partnership and Committee Officer by 12:00pm on the day of the meeting. Items will not be deferred if any person programmed to speak is unable to attend.

Q What do I do if I have other questions that aren't answered in this leaflet?

A This leaflet is intended to answer most of your questions about speaking at the Local Committee. For further information and advice, please contact the Community Partnership and Committee Officer on 01483 517530 or by email at d.north@surreycc.gov.uk .

If you require this information in an alternative format or language, please contact:

Contact Centre, Surrey County Council, County Hall, Kingston-upon-Thames, Surrey KT1 2DN

Please check the Local Committee website www.surreycc.gov.uk/waverley or ring the Contact Centre 03456 009 009 for dates of committee meetings.

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