

PUBLIC RIGHTS OF WAY COMMITTEE

1. The Council will appoint a Public Rights of Way Committee which will be a politically balanced body of 7 Councillors.
2. The Public Rights of Way Committee shall discharge all the functions of the Council in relation to all matters relating to public rights of way.¹ Specifically, it shall discharge those functions set out in Part I (1) of Schedule 1 to the Local Authorities (Functions and responsibilities) (England) Regulations 2000 (SI2000/2853) (and any subsequent amendments thereto) that are not specifically delegated to officers namely²:
 - 2.1 To authorise the creation of footpaths, bridleways and restricted byways by agreement (s25) and by order (S26)
 - 2.2 To authorise the making of applications to Magistrates' Court for the stopping up of public rights of way (S116)
 - 2.3 To determine applications and authorise the making of all public path extinguishment orders (S118, S118ZA, S118A, S118B & S118C; S294 of the Housing Act 1981; S257 & 258 Town and Country Planning Act 1990; S32 of the Acquisition of Land Act 1981)
 - 2.4 To determine applications and authorise the making of all public path diversion orders (S119, S119ZA, S119A, S119B, S119C, S119D & S135A; S257 Town and Country Planning Act 1990)
 - 2.5 To determine that an applicant for a special diversion order shall enter into an agreement in respect of costs (S119C)
 - 2.6 To decline to determine certain applications (S121C)
 - 2.7 To keep the Definitive Map and Statement under review. (S53 Wildlife and Countryside Act 1981) Including the determination of applications for modification orders whether by direction of the Secretary of State or otherwise.
 - 2.8 To include modifications in other orders. (S53A Wildlife and Countryside Act 1981)
 - 2.9 Power to designate footpaths as cycle tracks. (S3 Cycle Tracks Act 1984)

¹ Being all highways as defined by the Highways Act 1980 and permissive ways that are not within the remit of the Head of Environmental Services. These include Footpaths, Bridleways, Restricted Byways and Byways Open to All Traffic and are often known collectively as "public paths". This effectively amounts to all highways and paths other than metalled or surfaced "all purpose" public carriageway highways (roads) and most urban paths.

² Correct as at 16.1.09. Note: Section numbers in brackets refer to the Highways Act 1980 unless otherwise stated.

- 2.10 Power to enter into agreements with respect to means of access. (S35 Countryside and Rights of Way Act 2000)
 - 2.11 Power to provide access in absence of agreement. (S37 Countryside and Rights of Way Act 2000)
 - 2.12 To determine applications for the making, variation or revocation of Gating Orders relating to public paths. (Part 8A)
- 3 To discharge the authority's functions in respect of Commons and Village Greens.
- 4 To be apprised of, approve, and comment on a range of policies, programmes and practices relating to rights of way, Commons and Village Greens and countryside matters including but not limited to:-
 - 4.1 Annual Report and Work Programme
 - 4.2 Progress reports on implementation of the Rights of Way improvement Plan (part of the Annual Progress Review for the Local Transport Plan)
 - 4.3 Statements of Priorities
 - 4.5 Enforcement Protocols
 - 4.6 Charging Policy for Public Path Order applications (Annual)
 - 4.7 Proposals for changes to legislation
 - 4.8 Commencement of legislation
 - 4.9 Significant case law
 - 4.10 Corporate policies affecting PROW