

## Changes to the Rights of Way Delegation Code of Practice

(Additions shown in bold, italic text, deletions struck through)

### **Rights of Way - Delegation Code of Practice (Public Path Orders, Definitive Map Modification Orders, Town and Village Green Applications and corrections to Common Land and Town and Village Green Registers)**

#### **Public Path Orders**

The proposed framework in which the powers delegated to the Director of Highways, Transport and Planning in consultation with the Director of Law and Assurance relating to public path **orders (which in this case means all public path orders pursuant to the Highways Act 1980, permissive path agreements and dedication agreements)** ~~extinguishment orders, public path diversion orders, public path creation agreements, public path creation orders, providing comments to district/borough councils on applications they are determining, permissive path agreements and dedication agreements~~ is to operate as set out below which provides the safeguards for the process of delegation. It should be remembered that officers will have discretion to determine a matter but will aim to err on the side of caution in deciding whether to exercise that discretion.

#### **(1) County Council Public Path Orders**

##### ***i.* Local Member Notification**

New application/~~consultation/~~ proposal(s) will be reported ~~within two weeks' of receipt in The Bulletin and again when the public consultation process is begun.~~ The list will indicate the local member and, in the case of applications having a wider significance, adjoining division members. The application/~~consultation/~~ proposal will not be decided for a period of 21 days from the ~~latter~~ date of notification in The Bulletin.

Any local member (or adjacent division member where appropriate) wishing to express a view must do so to the Director of Highways, Transport and Planning's nominated officer as stated on the notification within the 21-day period and the member's view will then be taken into account in reaching a decision. If a member disagrees with the view of the Director, in relation to the delegation, and this is within the 21-day period, the matter will be referred to the Planning and Rights of Way Committee for determination. If the causes of disagreement can be resolved through discussion, the delegated action can proceed. ~~This will apply to all applications/responses to district/borough consultations/proposals.~~

##### ***ii.* Objections from district and parish councils, Sussex Police and interested user groups**

In respect of **proposal(s)** ~~applications for public path orders~~ where, as a result of the consultation process, a borough, district, town or parish

council, or a prescribed user group objects in writing to the application, the delegation is barred.

**iii. Objections from the public**

In respect of **proposal(s)** applications for public path orders **where**, as a result of the consultation process, there remain outstanding substantive comments from members of the public, the delegation is barred.

**(2) Local district/borough councils and the South Down National Park Public Path Orders**

**i. Notification**

**Consultations on proposal(s) to change the network will be reported in the Bulletin and the consultation proposal will not be decided for a period of 10 days from the date of notification in the Bulletin. Any member wishing to express a view must do so to the Director of Highways, Transport and Planning's nominated officer as stated on the notification within the 10-day period. If a member disagrees with the view of the Director, in relation to the delegation, and this is within the 10-day period, the County Council will lodge a holding objection with the authority dealing with the proposal and the matter will be reported to the next meeting of the Planning and Rights of Way Committee for consideration.**