



**Armagh City  
Banbridge  
& Craigavon**  
Borough Council

**Access to the Countryside –**

**Public Rights of Way Investigation  
and Assertion Procedure**

**Draft Protocol for the  
Exercise of the Right to Make Representations**

## **Access to the Countryside – Public Rights of Way Investigation and Assertion Procedure**

### **Introduction**

Under the Access to the Countryside (Northern Ireland) Order 1983 councils have a duty to “*assert, protect and keep open*” public rights of way. However, before a council can decide whether to assert a route, it must first be satisfied, through a process of investigation, that the route is indeed a public right of way.

The Council’s document ‘Public Right of Way Investigation and Assertion Procedure’ sets out the procedure for the investigation and assertion of public rights of way by the Council.

There are two stages in the Council’s assertion process.

### **Stage One**

If it appears to the officer, based on the evidence gathered and submitted, that there is a prima facie case for the existence of a public right of way a Stage One Report will be brought to the Leisure and Community Services Committee. The Stage One Report will recommend that the Council: (1) states its intention to assert a right of way and (2) that adjoining landowners along the alleged public right of way are consulted with in respect of the proposed assertion. Following acceptance of this recommendation the officer will consult with the landowner/s.

### **Stage Two**

At Stage Two a second (and final) report will be presented to the Committee. The Stage Two Report will contain the responses from landowners and will summarize the evidence for and against the assertion of the alleged public right of way. At this stage the decision whether to assert, defer or not to assert will be taken. If the decision to assert is contested the Council may decide to seek a court declaration that the route is a public right of way. The Council will however seek to proceed by agreement if possible.

### **Right to make representations**

There is a right to make representations to the Leisure and Community Services Committee, in person, between Stage One and Stage Two either for or against the proposed public right of way. Any representations made will be taken into account in the Stage Two Report.

## Procedural Matters

### Who may address the Leisure and Community Services Committee?

- Supporters of a proposed right of way
- Objectors to a proposed right of way

Any member of the public, whether they are an objector or supporter of the alleged public right of way, may exercise their right to speak. Members of the public may also arrange for another person to speak on their behalf (e.g. an appointed spokesperson, a public rights of way consultant or a solicitor).

### How do I register my interest in speaking?

To exercise this right you must make this request in writing to the Countryside Officer (Nuala Hamilton) at the Old Technical School Building, 3 Downshire Road, BANBRIDGE, BT32 3JY or by email to [nuala.hamilton@armaghbanbridgecraigavon.gov.uk](mailto:nuala.hamilton@armaghbanbridgecraigavon.gov.uk) by **12 pm seven working days** in advance of the date of the Committee meeting. When making your request please:

- Provide your name and contact details;
- state whether you wish to speak in support of, or against the matter and whether you also represent anyone else;
- If nominating someone else to speak on your behalf please give the name and contact details of that person;
- Provide details of any special access arrangements you may require;
- If attending as a group, give details of the nominated spokesperson.

### How will I know when the item I am interested in is going to Committee?

The Countryside Officer (Nuala Hamilton) may be contacted to find out when an item on an alleged public right of way will be going to the Leisure and Community Services Committee. The Countryside Officer may be contacted on Tel: 028 4066 0617 or by email on [nuala.hamilton@armaghbanbridgecraigavon.gov.uk](mailto:nuala.hamilton@armaghbanbridgecraigavon.gov.uk). Details of Committee meeting dates and agendas can also be found on <https://www.armaghbanbridgecraigavon.gov.uk>. Committee agendas and reports, unless exempt from disclosure under Schedule 6 of the Local Government Act (NI) 2014, are available on the Council's website. Agendas will be available on the Council's website on the day of the Committee meeting.

Meetings of the Leisure and Community Services Committee are usually held on the second Monday of every month.

## **Can I provide additional information to present at the Committee meeting?**

Any visual material, including plans and photographs, must be submitted in advance to the Countryside Officer **seven working days** before the date of the Committee meeting. Any further additional information cannot be circulated during the meeting.

If you wish to show a power-point presentation, you will need to email the presentation, along with details of your name and contact details to the Countryside Officer seven working days before the Committee Meeting and it will be pre-loaded onto a laptop in the meeting room ready for you to use (subject to your request to speak being accepted).

It will not be possible for electronic presentations to be arranged on the day of the Committee meeting using a portable storage device such as a memory stick.

## **Time Limits / Order of Representations**

- Supporters of the proposed assertion will be allocated a maximum of **ten minutes** in total to present their views. Where there is more than one supporter the Chair will ask for a spokesperson to represent their views.
- Objectors to the proposed assertion will be allocated a maximum of **ten minutes** in total to present their views. Where there is more than one objector the Chair will ask for a spokesperson to represent their views.

## **What happens at the meeting?**

You should identify yourself to the Democratic Services Officer by **6.15 pm** for a **6.30 pm** start. They will note your attendance and answer any concerns.

The Chair will invite you to speak. All speakers will be timed and given a 30-second warning after nine and a half minutes.

You cannot question Members, Officers or other speakers, and they will not be able to question you. You are welcome to remain and listen to the rest of the representations.

## **What can I speak about?**

You can only speak on matters relating to the assertion of a proposed public right of way. The Council does not have the discretion to consider matters such as the desirability or suitability of the route in question. Representations should relate to the history of the path, how the path was used by the public or otherwise, any permissions sought, any private signs, interruptions to use and evidence which either supports or runs counter to the public right of way claim.

All statements, questions and responses must be related to the facts of the matter and not be personal in nature. There should be no reference to the personal views of any person.

You are advised that anything you say should not contain abusive or defamatory opinions. If it does, you may be asked to leave the meeting.

**What if I am unable to turn up on the day?**

You may nominate a substitute, but you will need to give their details to the Countryside Officer by 3.00 pm one working day before the Committee meeting (the Friday before the meeting).

**What happens after the Meeting?**

The minutes will include a brief resume of the points made by the speakers and not a verbatim record. Once the minutes have been ratified by Council they will be available on the Council's website.

**When is the decision made?**

The decision as to whether to assert, defer or not to assert will be made after the Stage Two Report has been considered by Council. Those people who attended the Leisure and Community Services Committee meeting, at which representations were made, and who provided either a postal or email address will be informed of the decision of the Council as soon as possible after the Council meeting.