

Derbyshire County Council

Meeting of Cabinet Member – Sustainable Communities

11 May 2006

Report of the Strategic Director – Environmental Services

Revision of the Field Paths Maintenance Scheme as Affecting Public Rights of Way

(1) **Purpose of Report** To increase current payments and set out revised conditions required for participation under the scheme.

(2) **Information and Analysis** The Field Path Maintenance Scheme (FPMS) was introduced in 1996 to assist the County Council with maintenance of the Rights of Way network. It aims to pay landowners and farmers for clearing vegetation from the surface of paths within their land-holding that would normally fall to the County Council to maintain.

There are currently 11 participants in the scheme maintaining 11 kilometres of public right of way at a cost of approximately £4,200 per annum for two cuts.

The scheme is based on the following agreement:-

County Council's Contribution

- a) The County Council will signpost and way mark all rights of way crossing the landowner's/occupier's property.
- b) All bridges crossed by rights of way will be erected and maintained in a safe condition.
- c) At the start of the Agreement the County Council will contribute 75% of all reasonable costs incurred for the repair of stiles and gates on rights of way. Thereafter the rate will revert to the current level of 50% funding for future repairs.
- d) The County Council will supply to the landowner/occupier, free of charge, a plan showing all rights of way under their control.

The Landowner's/Occupier's Contribution

- a) The landowner/occupier will ensure that all paths running across arable land are reinstated in accordance with current legislation.
- b) The landowner/occupier will maintain all stiles and gates across a right of way in a good and safe condition.
- c) The landowner/occupier will ensure that all other rights of way on his/her land are open and available for use.

An additional section will be added under the County Council's Contribution to the effect that:-

- e) The County Council will erect a replacement gate or stile at a fixed fee of £50 + VAT (subject to annual review).

This addition should enable landowners to choose the most convenient option to suit their circumstances.

Although the scheme has met with mixed success it is a fair comment that the limited expansion of the scheme is due to resources being targeted at other priorities within the service. It is however, recognised as very good value for money as well as developing a positive relationship with landowners which in turn ensures that more paths are made available to the public.

The Council Plan 2005 -2009 makes reference to the importance of the rights of way network in setting competitive targets for the improvement of the Best Value Performance Indicator 178 to 70% during 2006/07. The Council therefore, has to focus on improving as much of the network as possible in order to meet this target. The FPMS is seen as an inexpensive method of maintaining the network.

The original scheme required the landowner to sign up to a three year contract with a six month termination period for either party. It is recommended that this three year contract period be waived to avoid unnecessary paperwork. Retaining the six month termination period will be sufficient to manage the scheme.

Publicity and promotion for the scheme will be enhanced by the production of a leaflet which will be made available to landowners via the County Council web site and direct mailing where it is considered appropriate.

(3) **Financial Considerations** Payment is made based on the area of land cut by the landowner that would normally fall to the County Council. Currently this is approximately £0.06p (six pence) per square metre. This

value was set in 1998. It is recommended that this be increased to £0.10p (ten pence) per square metre. This increase can be met from the Rights of Way budget. This figure will be reviewed annually and increased to reflect the rate of inflation.

(4) **Legal and Human Rights Considerations** The County Council, as the Highway Authority for Public Rights of Way, is responsible for the maintenance of the surface of most Rights of Way.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality of opportunity; and environmental, health, personnel and property considerations.

(5) **Background Papers** None.

(6) **Key Decision** Yes

(7) **Officer Recommendations** That:-

7.1 The Field Path Maintenance Scheme conditions shall be amended as indicated in the report.

7.2 The payment rate be increased to £0.10p (ten pence) per square metre.