

## **Public Rights of Way Sub Committee**

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<b>Date of Meeting:</b>	14 <sup>th</sup> March 2022
<b>Report Title:</b>	Public Rights of Way Fees and Charges 2022-23
<b>Report of:</b>	Jayne Traverse, Executive Director Place
<b>Ward(s) Affected:</b>	All

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### **1. Purpose of Report**

- 1.1 This report outlines the fees and charges for 2022-23 for charged-for services provided by the Public Rights of Way team.
- 1.2 The work of the Public Rights of Way team contributes to the Corporate Plan priority “A thriving and sustainable place”, and the policies and objectives of the Council’s statutory Rights of Way Improvement Plan.

### **2. Executive Summary**

- 2.1 This report outlines the fees and charges for 2022-23 for charged-for services provided by the Public Rights of Way team.

### **3. Recommendations**

- 3.1. That the report be noted.

### **4. Reasons for Recommendations**

- 4.1. The report is for information only.

### **5. Other Options Considered**

- 5.1. Not applicable – this is a non executive matter.

Option	Impact	Risk
Do nothing	Not applicable	Not applicable

## 6. Background

- 5.1 Charges are made for services provided by the Public Rights of Way team in six principle areas where recovery of costs is permissible within the relevant legislation:
- Public Path Orders
  - Temporary Closures
  - Land Searches
  - Landowner declarations, deposits and statements
  - Enforcement action cost recovery
  - Meetings, site visits and notice posting at the request of landowners/developers.
- 5.2 Powers for the recovery of costs are set out in various pieces of statutory legislation and reflect full cost recovery of all reasonable costs involved in pursuing the matter, including overheads. Costs are based on time analysis of staff based on the final scale point of salary grade with overheads included at the corporate agreed rate. Legislation does not permit the making of a profit. Advertising costs are recovered direct from the applicant, where applicable.
- 5.3 An annual review of the fees and charges has been conducted. The charges for 2022-23 have been increased by inflation and rounded up, as per Council policy.
- 5.4 Charges for Public Path Orders are set to recover all administrative costs of the process, with charges made in accordance with “The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993” as amended by “The Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996”. Cases which attract objections that are not withdrawn necessitate the referral of the case to the Planning Inspectorate for determination on behalf of the Secretary of State. The fee for this referral has been withdrawn following updated legal advice.
- 5.5 Charges for temporary closures of Public Rights of Way are also set to recover all administrative costs of the process, separated into those requiring only notices to be processed and those requiring legal orders to be made, again to reflect the different tasks involved in each process. This year, the discretionary zero cost for charitable organisations seeking temporary closures will be withdrawn, in order to achieve full cost recovery.

- 5.6 Land Searches are a discretionary task in which a request is made for formal confirmation of whether or not there are Public Rights of Way recorded on the Definitive Map within a defined area. Charges are set to recover all administrative costs, and to reflect similar charges levied by Cheshire East Highways for similar services.
- 5.7 Landowner declarations, deposits and statements made under the Highways Act 1980 section 31(6) attract a charge set to recover all administrative costs, and are made under the provisions of Commons Act 2006 S15A and S15B.
- 5.8 Enforcement action costs are charged on the basis of actual costs incurred by the Public Rights of Way team, contractors and police, as applicable.
- 5.9 Costs for meetings, site visits and notice posting at the request of a landowner or developer are charged on the basis of Officer time and mileage.
- 5.10 The fees and charges for the 2022-23 financial year are detailed below, along with those for the 2021-22.

<b>Service</b>	<b>2021-22</b>	<b>2022-23</b>
<b>Public Path Order</b>		
Highways Act 1980	£4,944.50	£5,185.00
Town & Country Planning Act 1990 – single property / mineral application	£5,297.50	£5,555.00
Town & Country Planning Act 1990 – multiple properties	£5,852.50	£6,135.00
Additional fee payable for Public Path Order cases which attract objections and have to be referred to the Secretary of State for determination via written representations/hearing/inquiry	£1,860.00	None
<b>Temporary Closure</b>		
3 day event closure	£434.00	£455.00
Motor event closure	£202.00	£215.00
5 day or 21 day closure or extension	£151.50	£160.00
6 month temporary closure Order	£434.00	£455.00
6 month extension Order via Secretary of State	£303.00	£320.00
<b>Land Search</b>	£86.00	£95.00

<b>Highways Act 1980 S31(6) deposits and statements on behalf of landowner applicants:</b>		
•deposited statement and plan with consecutive statutory declaration	£303.00	£320.00
•a statutory declaration relating to a current, valid statement and plan	£151.50	£160.00
<b>Meetings, site visits, notice posting at request of landowner/developer</b> - rate per Officer per hour plus mileage	£50.50	£55.00
<b>Enforcement cost recovery</b> - rate per Officer per hour plus mileage, plus any contractor and police fees	£50.50	£55.00

## 7. Consultation and Engagement

- 6.1 Approval for the changes has been obtained from the Head of Service, who has the appropriate delegated powers. The revised fees and charges schedule has been submitted as part of the Council-wide fees and charges process.

## 8. Implications

### 8.1. Legal

- 8.1.1.** There are no direct legal implications.

### 8.2. Finance

- 8.2.1.** There are no additional financial implications foreseen.

### 8.3. Policy

- 8.3.1.** The Public Rights of Way Charging Policy will be updated when the revised fees and charges come into operation in 2022-23.

### 8.4. Equality

- 8.4.1.** There are no equality implications

### 8.5. Human Resources

- 8.5.1.** There are no direct implications for human resources.

### 8.6. Risk Management

- 8.6.1.** There are no direct implications for risk management.

### 8.7. Rural Communities

**8.7.1.** There are no direct implications for rural communities.

**8.8. Children and Young People/Cared for Children**

**8.8.1.** There are no direct implications for children and young people/cared for children.

**8.9. Public Health**

**8.9.1.** There are no direct implications for public health.

**8.10. Climate Change**

**8.10.1.** The Council has committed to becoming carbon neutral by 2025 and to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint.

**8.10.2.** The work of the Public Rights of Way team encourages a reduction in carbon emissions and increased environmental sustainability by reducing energy consumption and promoting healthy lifestyles through active travel.

<b>Access to Information</b>	
Contact Officer:	Genni Butler Acting Public Rights of Way Manager genni.butler@cheshireeast.gov.uk
Appendices:	N/a
Background Papers:	The background papers/information relevant to this report can be obtained by contacting the Officer above.