

Public Rights of Way Sub Committee

Date of Meeting: 13 March 2023

Report Title: Informative Report:
Public Rights of Way Fees and Charges 2023-24

Report of: Jayne Traverse, Executive Director Place

Ward(s) Affected: All

1. Purpose of Report

- 1.1 This report outlines the fees and charges for 2023-24 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 2023-24 for charged-for services provided by the Public Rights of Way team.

3. Recommendation/s

- 3.1. That the report be noted.

4. Reasons for Recommendation/s

- 4.1. The report is for information only.

5. Other Options Considered

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

6. Background

- 6.1 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.
- 6.2 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.
- 6.3 An annual review of the fees and charges has been conducted. The charges for 2023-24 have been reviewed, increased by inflation, reflect corporate staff time recharge rates and have been rounded up, as per Council policy. The annual review highlighted steps in some of the processes which are now undertaken digitally rather than in person and hence has resulted in a reduction in some fees.
- 6.4 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”.
- 6.5 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.
- 6.6 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.

- 6.7 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.
- 6.8 Enforcement action costs are charged on the basis of actual costs incurred by the Public Rights of Way team, contractors and police, as applicable.
- 6.9 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.
- 6.10 The fees and charges for the 2023-24 financial year are detailed below, along with those for 2022-23.

Service	2022-23	2023-24
Public Path Orders		
Highways Act 1980	£5,185	£5,410
Town & Country Planning Act 1990 – single property / mineral application	£5,555	£5,795
Town & Country Planning Act 1990 – multiple properties	£6,135	£6,405
Temporary Closures		
3 day event closure	£455	£420
Motor event closure	£215	£220
5 day or 21 day closure or extension	£160	£165
6 month temporary closure Order	£455	£420
6 month extension Order via Secretary of State	£320	£330
Land Searches	£95	£105
Highways Act 1980 S31(6) deposits and statements on behalf of landowner applicants:		

• deposited statement and plan with consecutive statutory declaration	£320	£350
• a statutory declaration relating to a current, valid statement and plan	£160	£175
Meetings, site visits, notice posting at request of landowner/developer - rate per Officer per hour plus mileage	£55	£60
Enforcement cost recovery - rate per Officer per hour plus mileage, plus any contractor and police fees	£55	£60

7. Consultation and Engagement

7.1.1 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 of the Recommendations

8.1. Legal

8.1.1. There are no legal implications.

8.2. Finance

8.2.1. There are no additional financial implications.

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 2023-24.

8.4. Equality

8.4.1. There are no equality implications.

8.5. Human Resources

8.5.1. There are no human resource implications.

8.6. Risk Management

8.6.1. There are no risk management implications.

8.7. Rural Communities

8.7.1. There are no implications for rural communities.

8.8. Implications for Children & Young People

8.8.1. There are no implications for children and young people.

8.9. Public Health

8.9.1. There are no 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

Access to Information	
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.