

Public Rights of Way Minor Maintenance Agreements

BACKGROUND

Minor Maintenance Agreements (MMA's) exist to enable Parish Councils to undertake routine maintenance and repairs on rights of way within their parish as recorded on the definitive map.

These rights of way could be:

Public Footpaths
Public Bridleways
Restricted Byways
Byways Open to All traffic (BOAT)

Work on any other paths is not allowed. Thus, this excludes work on non-classified roads, roadside pavements and verges. The MMA itself is made with a Parish or Town Council, in accordance with powers contained in Section 43 of the Highways Act 1980. Parishes may reclaim all their expenditure up to a maximum as determined by the total length of rights of way within the Parish.

The current levels are given in the table below.

Mileage of Rights of Way in Parish	Maximum
Up to 5 miles	£315
Over 5 miles and up to 10 miles	£385
Over 10 miles and up to 15 miles	£430
Over 15 miles and up to 25 miles	£595
Over 25 miles and up to 35 miles	£565
Over 35 miles and up to 45 miles	£610
Over 45 miles and up to 55 miles	£675
Over 55 miles and up to 65 miles	£745
Over 65 miles and up to 75 miles	£810

ELIGIBLE EXPENDITURE

Works allowed under the scheme are:

- Control of surface vegetation
- Minor resurfacing (e.g. stoning up of short stretches of muddy path)
- Waymarking

Many parishes employ a local person or gardening contractor to carry out the work, though using volunteer groups or Parish Councillors doing the work themselves is quite acceptable.

CAPITAL EQUIPMENT

Purchase of capital equipment such as strimmers is allowable. The percentage of the cost of the item will be reimbursed in proportion to the percentage of the time the item is used on rights of way. However no such purchases should be made until written approval has been received.

HERBICIDES

Weedkillers, etc, are not recommended for use on rights of way. Recent guidelines from the Health and Safety Executive state that 'deliberate application of a pesticide to a public right of way is likely to expose those who use a path to a risk to health, particularly until the spray has dried'. Therefore it is strongly recommended that suppression of vegetation along rights of way is carried out using mechanical means only.

EXCLUSIONS TO THE AGREEMENT

Section Five of the Agreement states:

"Nothing in this agreement shall relate to the renewal or reconstruction of footbridges, the repair and maintenance of public paths or sections of public paths having tarmacadamed, concreted, flagged, paved or other similar permanent surfaces or the supply and erection of signposts on public paths which functions shall be carried out directly by the County Council. "

The collection of litter and fallen leaves lies beyond the scope of this scheme. Such problems should be referred to the appropriate District Council Environmental Health Department. Work on walls, fences, hedges or other boundaries to the right of way are also excluded from the agreement.

STILE AND GATES

New stiles and gates may only be erected on rights of way to prevent stock escaping or entering the land. Furthermore they must not be erected without authority from the County Council (Section 147, Highways Act 1980). Many Parishes have identified repairs to existing gates and stiles that they wish to undertake. These are the responsibility of the landowner and are not covered by the MMA. However, the County Council gives 50% grants towards the total cost of such work. If the landowner agrees, the Parish Council could carry out such work and reclaim the grant on behalf of the landowner. The remaining 50% would have to be met from another source, either the landowner or from Parish Council funds. The grants can be claimed at any time from the Rights Of Way Section at the County Council. Claims should be accompanied by copies of all relevant receipts and a description/location of the work as an inspection must be carried out.

CLAIMING THE GRANT

All expenditure must be reclaimed by 31 May following the close of the financial year at the latest. Earlier submission of claims is much appreciated. Section Four of the Agreement outlines the required procedures but in effect four elements are needed for a valid claim:

1. A statement of expenditure by the Parish or Town Council under the agreement.
2. Copies of receipts/invoices for all expenditure or, alternatively, signed copies of the council minutes authorising the exact expenditure.
3. A list of paths worked on and the work carried out on them.
4. A statement signed by the Chairman of the Parish Council that the works were justified, the costs were fair and reasonable and that the works to which the expenditure relates have been carried out to the satisfaction of the Parish Council.

These procedures are necessary for County Council Audit purposes and claims may be returned that do not follow the guidelines.