

# Maintenance and Improvement of Public Rights of Way Framework 2025-2029

## Report of the Director of Climate Change, Environment and Transport

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Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

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### 1) Recommendation

That the Cabinet be asked to:

- (a) approve the proposal to appoint contractors to carry out maintenance and improvement works to the public rights of way and trails network by entering into a new 4 year Framework Agreement (the 'Maintenance and Improvement of Public Rights of Way Framework 2025-2029').

### 2) Background

This Framework Agreement will facilitate maintenance, improvement works and technical support for approximately 5000 km of Public Rights of Way (comprising footpaths, bridleways, restricted byways and byways), 230 km of off-road recreational trails (for example, the Tarka Trail), and 590 km of minor road network (mainly unmetalled). This network also includes the South West Coast Path and King Charles III National Trails.

The framework will also be available for use at Stover Country Park and Grand Western Canal Country Park, and other land requiring works; and may be used by local partners such as Dartmoor and Exmoor National Park Authorities, and parish and town councils to maintain some or all of the public rights of way within their respective boundaries (as managed through agency agreements or similar with Devon County Council).

This will replace similar arrangements currently being delivered through the Maintenance and Improvement of Public Rights of Way Framework 2021-2025 which ends on 31 March 2025.

### 3) Proposal

Devon County Council is proposing to appoint multiple appropriately skilled and competent contractors to this framework agreement who can then be called upon to undertake maintenance and improvement works up to an approximate value of £100,000 per scheme and technical support for discrete activities to an estimated value of up to £10,000 per project. Whilst the framework is intended to deliver the majority of the maintenance and

improvement works to the Public Rights of Way network, some of these works may be undertaken by landowners, volunteers and/or DCC staff, therefore contractors appointed to the arrangement do not have exclusivity in undertaking such works.

The framework agreement will operate over a 4-year period commencing 1st April 2025 and expiring on 31st March 2029 (with a break clause at the Authority's discretion to close the arrangement at the end of year 2) covering eight geographical sub areas throughout the administrative area of the Authority (based on District Council Boundaries) and comprises lots as follows:

Lot 1: Work Activities which will include Vegetation Clearance and Typical Maintenance and Improvement Activities (Service Group A) and Work Activities involving the use of Chainsaw Equipment including Tree Works (up to 380 mm diameter and ground-based works only) (Service Group B).

Lot 2: Work Activities which will include more extensive works such as path surfacing, drainage and bridge installation, involving the use of heavier machinery and equipment (Service Groups C and D)

Lot 3: Work Activities requiring technical expertise such as path inspections (planned and reactive), applying for permits and permissions (e.g., planning consent, and environmental permits), and assessing proposals for and drafting of path orders.

Up to 40 tenderers per geographical sub area can be included for each Lot.

Utilising a framework agreement enables the use of smaller, local contractors that are typically based in Devon, and that have excellent local knowledge.

#### **4) Options / Alternatives**

Framework Agreements provide an effective mechanism to procure services from pre-approved suppliers, with agreed terms and conditions and legal protections. The current arrangements work well, providing best value for money, with multiple contractors delivering good quality across the public rights of way and wider access network. This is evident through performance management measures including Public Rights of Way Ease of Use, National Trail Quality Standards and Green Flag Awards.

Should this proposal not be approved, the main alternative will be to run multiple lengthy and potentially expensive separate tender processes for individual projects and work streams. This would have significant resource implications, with associated delays in works being carried out. A single supplier term maintenance contract is theoretically possible, but unlikely to provide cost savings, significantly limit the amount of work that can be carried out simultaneously, negatively impact on the potential to support small to medium-sized enterprises (SMEs), and limit opportunity to utilise local skills and knowledge.

#### **5) Consultations and Representations**

Participation in the Framework has been run via an open procedure, which is a formal bidding procedure, under which the contract is advertised, and all interested organisations can bid.

Details of the proposal and process for submitting Bids was set out within an Invitation to Tender, and administered through the South West Councils Portal

[www.supplyingthesouthwest.org.uk](http://www.supplyingthesouthwest.org.uk).

53 tender submissions were received, of which 51 are compliant with the ITT requirements. 51 contractors have bid to be part of Lot 1A, 45 have bid to be part of Lot 1B, 45 have bid to be part of Lot 2, and 26 have bid to be part of Lot 3.

## 6) Strategic Plan

Effective arrangements for the maintenance of the public rights of way network directly supports delivery of the Devon Strategic Plan – Best Place (2021 – 25) and actions to be fairer, healthier, caring, greener, and prosperous.

At the strategic level, public rights of way and access are of great importance to:

- connecting people and places (including Active Travel),
- the local economy (with the network providing essential infrastructure in support of recreation, leisure, and tourism),
- carbon reduction, biodiversity, landscape, and heritage (particularly provision for car free travel, contribution to climate change avoidance and mitigation measures, and as a key component of green infrastructure), and
- physical and mental health and wellbeing (with benefits directly attributable to exercising outdoors and contact with nature).

Directly relevant priorities set out within the Devon Strategic Plan include:

Responding to the climate emergency, especially:

- More opportunities for cycling and walking,
- Helping wildlife and landscapes to recover,
- Encourage sustainable lifestyles, and
- Continue to reduce carbon emissions across all our services.

Supporting recovery and growth, especially:

- Secure investment in transport infrastructure, and
- Maintain, and where necessary, improve our highway network and improve sustainable transport options.

Tackling poverty and inequality, especially:

- Promote community cohesion.

Improve health and wellbeing, especially:

- Give people greater opportunities for walking and cycling to increase their physical activity.

Supporting people and communities, especially:

- Continue to support our vibrant community and voluntary sector,
- Enable a range of transport options, including public transport.

Effective maintenance arrangements also support delivery of the Highway Infrastructure Asset Management Plan and the Rights of Way Improvement Plan, including objectives and policies on Quality Standards; Safety; Accessibility and Social Inclusion.

## **7) Financial Considerations**

This proposal has been progressed in accordance with the Devon County Council Procurement Policy and the Procurement Strategy and based on securing value for money.

Works will be instructed via annual revenue and capital budgets, with historic annual spend of approximately £ 1.7 million with average value of individual works orders being approximately £4,600 within a range from £50 to £50,000 plus (based on 2023/2024 data).

Devon County Council will not be committed to instructing a set value of work through the Framework and activity will be adjusted to reflect funding availability.

## **8) Legal Considerations**

Legal considerations have been taken into account in the preparation of this report.

Devon County Council has specific duties and powers to carry out maintenance works included within this proposed framework, including the duty to maintain highways maintainable at public expense, as set out under s41 of the Highways Act 1980.

The proposed Framework Agreement has been progressed in accordance with the Constitution and Financial Regulations.

## **9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)**

Environmental impact considerations have been taken into account in the preparation of this report.

The Invitation to Tender sets out key related requirements, including on environmental protection.

## **10) Equality Considerations**

Where relevant, in coming to a decision the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;

- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding in relation to the protected characteristics (age, disability, gender reassignment, marriage and civil partnership (for employment), pregnancy and maternity, race/ethnicity, religion or belief, sex and sexual orientation).

A decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

The range of works included within the Maintenance and Improvement of Public Rights of Way Framework 2025-2029 provide an important element in delivering the policies and objectives set out within the Devon Rights of Way Improvement Plan. The related impact assessment is available to download at [Review of Objectives and Policies for the Rights of Way Improvement Plan - Impact Assessment](#)

## **11) Risk Management Considerations**

This proposal has been assessed and all necessary safeguards or action have been and will be taken to safeguard the Council's position.

As outlined in 7) above, Devon County Council will not be committed to instructing set amounts of work through the Framework Agreement.

If not approved, there are risks that Devon County Council will not be able to effectively maintain the public rights of way network, with associated impacts on public access. Delays and limits to carrying out related statutory requirements could result in claims and legal challenges.

## **12) Summary / Reason for Recommendation**

Entering into this proposed Framework Agreement will provide an effective, value for money mechanism to procure services to maintain and improve the public rights of way and tails network and other land.

This will enable Devon County Council to continue to meet related statutory requirements and support delivery of multiple strategic priorities, particularly relating to health and wellbeing, sustainable travel, and the environment.

### **Meg Booth**

Director of Climate Change, Environment and Transport

**Electoral Divisions: All**

**Cabinet Member for Highway Management: Councillor Stuart Hughes**

### **Local Government Act 1972: List of background papers**

Background Paper

Date

File Reference

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