

Paths for Communities: Applicant Handbook



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Section 1 – What is Paths for Communities (P4C):

1.1 Paths for Communities is a funding scheme set up to develop and enhance the public rights of way (PROW) network in order to deliver benefits to rural areas. Local community partnerships are eligible to bid to Natural England for funds which have been made available from the Rural Development Programme for England (RDPE)¹.

1.2 The objective of the funding is to *improve or maintain the living conditions and welfare of those living in rural areas and to increase the attractiveness of such areas through the provision of more and better basic services for the economy and the rural population* (RDPE Axis 3, Measure 321 Basic Services for the economy and rural population).

1.3 P4C will achieve this by encouraging and supporting local communities to work with land owners to make improvements to the network of Public Rights of Way. A partnership between the land owner/manager and the local community.

1.4 In all cases P4C projects must include some element of new Public Right of Way creation. In most cases projects will include an element of new Bridleway creation but projects that include Footpath creation will also be considered where community and economic benefit can be demonstrated.

1.5 Successful projects may also include:

- Improvements to existing Public Rights of Way that encourage use by a wider range of people with different needs (e.g. improved accessibility for wheelchairs and pushchairs, benches for elderly);
- Improvements to the network to increase the opportunity for access on foot, cycle or horse and to widen the appeal to visitors and residents;
- Promotion of the improved network to encourage more use of and better support for local services such as shops, pubs, hotels, bed and breakfasts, attractions and cycle and equestrian businesses;
- Better integration with public transport services and popular destinations.

1.6 P4C will operate over the 2 year period from May 2012 to March 2014, with a total fund of £2m.

Section 2 – How do I apply?

2.1 There will be a rolling programme for receiving applications and offering of grants, but all agreements will have to be made by 31st December 2013, and all funded work completed and claims received by 28th February 2014.

¹ The RDPE is a 7 year Programme (2007 – 2013) funded jointly by the EU, through the European Agricultural Fund for Rural Development (EAFRD) and the UK Government. The RDPE consists of 3 separate elements, referred to as Axes;

Axis 1 - Improving the competitiveness of the agricultural and forestry sector;

Axis 2 - Improving the environment and the countryside;

Axis 3 - Quality of life in rural areas and diversification of the rural economy

2.2 Please be aware that this is a prior approval scheme. You must not start work, commit to buying, ordering or making a deposit on any items specifically related to your grant application until you have received and accepted a P4C Agreement. Otherwise we will not be able to pay your grant.

2.3 Grant payments are made under this scheme after the costs have been incurred. For approved projects all work will need to be done, paid for and proof of payment submitted with claim before any grant money can be paid. Hence applicants will need to be able to handle cash flow between the commissioning of work and the receipt of grant monies.

2.4 Due to the nature of P4C funding, applicants must be aware of de minimis State Aid Rules, which require that any beneficiary (in this case the applicant, not any contractor or third party) does not receive payments of more than €200,000 over any three fiscal years. You will need to keep a record of all such payments that you have received, from qualifying European grant funding schemes, including those from other government departments or agencies, for the duration of your agreement.

2.5 The minimum level of grant awarded will be £5,000. The maximum grant for any one project will normally be £150,000.

2.6 All initial enquiries must be directed through the central email address to request an 'Expression of Interest Form'

P4c@naturalengland.org.uk

2.7 The completed Expression of Interest Form should be returned by email.

2.8 Eligible projects will then be put in touch with a Local Grants Officer (LGO), who will work with the applicant to assess the potential of the scheme. Suitable projects will then be asked to submit a detailed 'Application Form'.

Section 3 - Who can apply?

3.1 P4C is aimed at community groups seeking to effect a change in their local area. **The applicant must be able to handle cash flow appropriate to the project, have a bank account and a written constitution.**

3.2 We encourage the applicant to be part of a broader partnership of interest to ensure maximum buy in to the project. NB the partnership itself does not need to be 'constituted'; only the applicant, who remains the accountable partner for the grant.

3.3 We recognise that a grant scheme where payments are made retrospectively can present difficulties to community groups and therefore, so long as the project can show that it is genuinely community driven, it will be possible for an organisation such as a local authority, or an established voluntary body, to play the role of applicant.

3.4 Grant payment will be made by the Rural Payments Agency (RPA). For this to happen applicants will need to be registered with the RPA. Those who need to register should contact their Customer Service Centre on 0845 603 7777 (and press option 3 'Customer Registration') for guidance. [NB we advise early discussion with the LGO to confirm eligibility of project before embarking on the RPA registration process.]

3.5 The RPA will allocate you a Vendor number and Single Business Identifier (SBI) which you will need to enter on your application form. Your application could be rejected if it does not contain this information.

3.6 If you have previously claimed payments under the Single Payment Scheme (SPS) or other Defra/RPA schemes, you will already have a Vendor number and a Single Business Identifier.

For new RPA registrations

3.7 To help the RPA get you registered please have the following information with you; they won't be able to complete registration without it.

1. The name and address of your business and your contact details.
2. The address of your land including the grid reference or post code.
3. The name and address of any others you would like to empower to act on behalf of your business.
4. Your bank details (as grant payments will be made by BACS – cheques will not be sent under any circumstances).

Section 4 - The grant process

4.1 P4C is a **competitive grant scheme**, supporting proposals that offer best value for money, with a transparent scoring system. This means that there is no guarantee of success and not all projects which are eligible will be awarded grant, or the amount of grant requested. Eligible applications will have the support of a **Natural England Local Grants Officer** to assess the viability of proposals and to provide objective guidance on the application process.

4.2 The decision making process will be as transparent as possible. All guidance, including the assessment criteria will be available on the web (subject to data protection, commercial protection, and data security rules). The main elements of the sequence are as follows:

- 4.2.1 Potential applicants complete an Expression of Interest Form which they email to the Natural England P4C Central Office via p4c@naturalengland.org.uk
- 4.2.2 The Expression of Interest is acknowledged by email and the applicant will be contacted by a Natural England Local Grants Officer (LGO). We aim to do this within 10 working days.
- 4.2.3 The LGO work with the applicant to assess the viability of the project. If the project seems viable in principle, Natural England will provide an application form and the LGO will give objective guidance on how to complete it.
- 4.2.4 P4C has an important role to play in enabling a wider range of people to use and enjoy the countryside. Natural England will be keen to work with applicants to ensure that any access benefit is managed to avoid conflict with existing conservation interests (natural or built) and we may need to discuss your application and share data with other Natural England colleagues and agencies.

4.2.5 Application form is signed and returned by post to Natural England P4C Central Office.

P4C Team
Natural England
7th Floor, Hercules House
Hercules Road
Lambeth
London
SE1 7DU

4.2.6 Natural England will confirm receipt and notify applicants that they will be informed of whether or not their application is successful as soon as possible. We will aim to do this within 6 weeks from the date their application is received.

4.2.7 Natural England P4C team will assess and score application using the published criteria.

4.2.8 Applications which pass an agreed scoring threshold will be passed to the Independent Grants Panel [NB this is a competitive scheme and the Panel may vary the 'threshold' in response to demand. Also, the project score is a tool to guide the Panel but is not in itself decisive.] The Panel will meet on a monthly cycle.

4.2.9 Project is approved / rejected / or returned with the option of modification by the applicant. The decision of the Panel is final and there is no right of appeal.

4.2.10 Successful applications will be given a P4C Agreement which sets out in detail the eligible expenditure and timescale for work:

- Description of the project being funded, using information from the application form;
- Map of project;
- Indication of standards of work expected;
- All necessary declarations;
- Conditions requiring acknowledgement of the grant in all project publicity;
- A condition of a right to inspect the project and financial records;
- Appropriate penalties for non-compliance and the process for helping projects resolve difficulties if they arise;
- Any non-standard conditions such as additional information required.

4.2.11 The P4C Agreement will include a schedule of works and agreed completion dates based on the information in the application. It will also set out what level and type of acknowledgement will be required as part of the grant. The norm will be for a single, final claim at completion of the project but it may be possible to phase claims to facilitate community group cash flow issues (but with a minimum claim threshold of £500). This will need to be agreed as part of the application and a claiming schedule set out in the offer letter.

4.2.12 If the applicant accepts the conditions, the grant offer will be confirmed by exchange of letters.

- 4.2.13 The LGO will support the project during delivery phase and up to submission of the final grant claim. If circumstances change during the life of the agreement (including changes in land ownership), any variation to the agreed work programme must be discussed with the LGO. Variation to the agreement can only take place once agreed in writing. Failure to follow this procedure may result in deduction or cancellation of payment.
- 4.2.14 When the work is completed and paid for a claim may be sent to Natural England supported by proof of expenditure (e.g. receipts, itemised extracts from bank accounts, audited accounts signed off by a qualified accountant, or other forms of proof accepted by us in advance). It is important that applicants keep all necessary records relevant to the grant, as they may be required for inspections either before or after payment.
- 4.2.15 The LGO will inspect the work and if satisfactory will approve payment. Natural England will inspect all projects on the ground prior to approving claims. Natural England may also visit a representative sample of projects, after implementation, to assess longer term impact and to provide information to evaluate the success of the scheme.
- 4.2.16 A sample of projects (paperwork and works on the ground) will be subject to an RPA inspection before and after payment of grant.
- 4.2.17 The RPA will send payment to the applicant. Grants will be paid (within 6 weeks) to the bank account specified in the application or agreed by us at a later date. The bank account should be under the direct control of the applicant.
- 4.2.18 P4C projects must start and finish between 14th May 2012 and 28 February 2014. They can last for any period within these dates. No offers will be issued after 31 December 2013. The final claim, evidence of project progress and proof of expenditure required must be supplied by 28th February 2014. Money cannot be moved between financial years so schemes will need to complete funded work and submit claims as per the detailed schedule set out in their P4C Agreement.

Section 5 – P4C Detailed Guidance

- 5.1 The Applicant must be able to demonstrate their **ability to deliver** the project;
- 5.2 It is the responsibility of the Applicant to ensure, in consultation with their insurance company, that they have sufficient Third Party **Liability Insurance** cover during the implementation of the project, and that all contractors involved in delivering the scheme carry equivalent insurance.
- 5.3 Applicants will need to identify the specific local businesses that stand to benefit from the project and must also set out the social benefits that will be delivered.
- 5.4 Proposals to provide better linkages between urban and adjacent rural areas may be eligible for support where it can be clearly demonstrated that benefits will accrue in the rural area. NB the P4C website has links to a map, searchable by post code that identifies qualifying rural areas.

5.5 Any new route created must become a **permanent Public Right of Way**. Where an existing public footpath is to be made available to cyclists or horse riders, it must be upgraded to become a public Bridleway.

5.6 We are unlikely to support the creation of a new route over land where access via existing public rights of way is obstructed. In the same way, the applicant should make any landowner in receipt of environmental subsidy, is aware that they must satisfy the need for cross compliance.

5.7 Voluntary path creation is agreed with landowners, using appropriate mechanisms (e.g. Statutory Creation Agreement; Express Dedication at Common Law') to ensure that each new route becomes a Public Right of Way.

5.8 The applicant will need to **list all landowners** on whose land new work is taking place. **Landowner consent** for related works etc, as well as for any new path creation or upgrading of existing rights of way, must be secured before grant is offered. The LGO will need to work with applicants to ensure landowners are fully informed and have given their consent before the application is submitted. Where tenants are involved, they must be fully aware of the landowners intentions.

5.9 The application must indicate how **future maintenance** of any new or upgraded routes will be undertaken – whether by the landowner, the highway authority, or the community partnership. [NB the Highway Authority will have a duty to assert and protect the public's rights to use any new or upgraded Public Rights of Way created by a project.]

5.10 Projects should seek advice from and make links with their local tourism partnership to encourage join up between Public Rights of Way and the visitor economy.

5.11 There must be proactive discussion with the local **Highway Authority** (see below) and the **Local Access Forum (LAF)**

In order to engage the Highway Authority in a meaningful discussion about the nature and viability of each proposed new or upgraded route, the following points need to be discussed. Some of these discussions will need a significant investment in time, depending on how that particular authority operates. Questions about a route status may need more than 28 days turn around and decisions on adoption by the authority of a route could take over 3 months.

1. Is the Surveying Authority aware of any current claims for this route as a Public Right of Way or any evidence / knowledge that unrecorded public rights of way may exist along the route (user or historical documentary evidence)?
2. Are there any current problems with Public Rights of Way on the holding(s) – in particular is there any enforcement action / prosecution in progress?
3. Are officers of the Highway Authority prepared to recommend that it accepts maintenance responsibility for the route (i.e. adopts it)?
4. Do the proposals meet Highway Authority agreed standards and is the Highway Authority content with any proposed modifications of access furniture or signage?
5. Do the proposals contribute to achievement of the Rights of Way Improvement Plan policies?

5.12 Projects which **support local strategies** (such as Rights of Way Improvement Plans, tourism or community strategies) will be given positive weighting in the assessment process.

5.13 All projects will need to contain and implement specific proposals for proactive promotion to encourage greater use of the improved right of way network. Innovative solutions are welcome. More complex projects will be required to submit 'case story' material that describes the project and its planned impact (particularly in terms of community empowerment / engagement and economic impact). The bigger the project, the more detail will be required.

5.14 If any element of the project requires planning permission, this must have been sought and granted before a grant offer can be made.

5.15 Eligible expenditure will **normally be limited to 75% of actual costs**, with encouragement to seek match funding. [NB no public funding, including National Lottery money, can be used as match funding for RDPE projects.] However, there will be discretion for the scheme to fund up to 100% of actual costs in duly justified circumstances, e.g. for small local projects. Value for money from proposals will be assessed against standard costs provided.

5.16 Exceptional circumstances (force majeure) Where the applicant is unable to continue with any part or all of the agreement, and where this is due to circumstances beyond their control that could not have been avoided by reasonable action, Natural England has discretion not to take action to recover or withhold payments. The EU Commission Regulations governing the administration of P4C require that in order for force majeure to be taken into account, the applicant must have notified Natural England of the force majeure event in writing within 10 working days of them or their representative, being in a position to do so. Where they are not in a position to notify Natural England immediately after the event giving rise to the exceptional circumstances, they should state the date on which they were first in a position to notify us and explain the delay.

Please note that these categories are very narrow and cover only the most exceptional circumstances.

- Examples of force majeure may include:
- death of the agreement holder;
- long-term professional incapacity of the agreement holder;
- expropriation by government agency of a large part of the land, provided that this could not have been anticipated when the agreement was signed;
- severe natural disaster gravely affecting the land, including exceptional flooding;

An example of a circumstance that is not force majeure would be:

- flooding of low-lying farmland that is regularly flooded during predictable weather condition

Section 6 - Eligible Costs

6.1 The range of potential work is large and will vary from project to project. The Natural England LGO will work with applicants to agree the most appropriate options for each project. Payment will be based on actual costs incurred. The maximum sum allowable for each item will either be subject to a standard guide price or be obtained from quotes. Indicatively we will fund in appropriate cases:

- Drainage or surface reinforcement where necessary
- Access furniture (gates, bridges etc)

- Signage
- One off discretionary payment to landowners if necessary to facilitate land becoming a Public Right of Way in perpetuity. (NB no separate allocation will be made to cover legal or agents fees)
- Production of Action Plans / Feasibility Studies for more complex schemes (eg in cases of multiple land ownership that require more negotiation) but we will need to be assured that there is sufficient time to undertake this preliminary work and then complete the project before the scheme deadline.
- Promotional resources

6.2 Guidance on obtaining quotes:

Value of Goods or Services	Procurement Method
£500 or below	Two written quotes or a reference to a catalogue listing to show the costs are reasonable
£501 to £1,500	Three written quotes or a reference to a catalogue listing to show the costs are reasonable
£1,501 and above	Three written quotes unless the goods or works can be shown to be of a specialist nature

6.3 We will not fund:

- Land acquisition;
- New sections of route that are already subject to a claim for higher rights (this can be checked by local knowledge and an enquiry to the Highway Authority);
- Contributions towards salaried staff from partner organisations working on the project;
- Applicants own labour;
- Elements already funded under other public sector schemes (e.g. Higher level Stewardship, LEADER etc);
- Elements which should be undertaken as a 'statutory duty' (this can be discussed with the project LGO or Highway Authority);