

Manor Park and Hempstead Fields Residents' Association



Manor Park's Footpaths and Twittens Toolkit Questions and Answers

The poor repair of the footpaths and twittens on Manor Park is an issue that the Residents' Association has been trying hard to tackle since it was first formed.

Unfortunately it has become clear there is no easy answer to this problem. It seems that the best way forward will be for small groups of residents to get together to agree a local solution.

We have put together the following questions and answers which we hope will serve as a useful 'tool kit' to help you get started.

The answers provided are based on local knowledge and the experience of those residents that have been successful in tackling these issues. However, we are not lawyers or surveyors and **you should not consider the information provided as an authoritative interpretation of the law or your rights as a householder.**

Consequently we must recommend that you seriously consider obtaining independent professional legal and technical advice before proceeding with any work.

QUESTIONS AND ANSWERS

1. Why are most of the footpaths and twittens on Manor Park in such a poor state?

When Manor Park was built by Federated Homes, most of the footpaths were not adopted by the local council and so were owned by the private householders. Usually this was a shared responsibility for a particular footpath and this was noted on individual deeds.

As a result no maintenance schedule was put in place and so following general wear and tear, together with excavations for utility repairs etc. most of the footpaths and twittens are now in a poor state of repair.

2. Why isn't the Council responsible for their upkeep, like everywhere else I have lived?

As mentioned above, they were not adopted so the local councils are not responsible for repairs or upkeep.

3. What happens if someone falls and has an accident, this really worries me?

The position regarding accidents resulting from the poor state of repairs is not straightforward and will depend on the particular circumstances of each incident.

However, as a general principle, if the owner or joint owner is not aware that the path is dangerous and an accident occurs, then the household insurance policy may cover any claims for injuries. But if the owners are aware of the risks and have done nothing to improve things, then the responsibility will probably fall on the joint owners for the proportion noted in their deeds.

4. What can I do about it?

To get things started we suggest that you get together with those of your neighbours that share the maintenance responsibility and form a small 'action group' or committee to lead the project. You will soon find those that share your concern and are likely to take an active part.

5. But how do I know which paths I am responsible for and who else shares the responsibility for maintaining them?

Start by looking at the deeds to your property, usually this will include a map or a list of the stretches of footpath that you are responsible for and the addresses of the other properties sharing the responsibility.

6. How do you suggest we go about tackling this problem?

Once you have got your group together you will need to decide where repairs are needed, what standard of work you will require and then get a rough idea of the costs. Next step will be to consult with all your neighbours telling them why the repairs are required, where the work will be done, how much it is likely to cost each household and getting their agreement in principal to the works and providing their contribution.

7. What if we can't get everyone to agree to contribute towards the cost?

It can sometimes be very difficult to get everyone to share the cost. Some will simply not have the funds available; others may just turn their back on the problem. You will need to do your best to point out the pros and cons of making the footpaths safe and hope you can change some minds. Once you have sorted the payers from the non-payers you will need to find out if the remainder (hopefully the majority) are willing to pay the resulting increased share of the cost.

8. What is the best way to select a firm to do the work?

If the work proposed extends to the entire length of a footpath or tway, then it is reasonable to assume that residents will seek adoption of the repaired footpath by ESCC. In order to achieve this, the footpath must comply with the ESCC specification for pavement construction (see Q.9 below) and be constructed by an approved contractor (please see link).

<http://www.eastsussex.gov.uk/NR/rdonlyres/E42DA057-48E3-40DA-9447-CA46EA51510A/0/CD100BuyWithConfidenceContractors.doc>

The list is the same for constructing vehicle cross-overs to your property. These Contractors are registered with the Trading Standards 'Buy with Confidence' (BWC) scheme and as such have been vetted to deliver a good quality, reliable and professional service. ESCC say that Contractors who are not registered are welcome to apply to do so, and that they will also accept contractors who are registered outside of East Sussex County Council's jurisdiction. All BWC registered contractors are accredited in accordance with the New Roads & Street Works Act 1991 and hold the necessary £10 million Public Liability Insurance.

You are advised to seek at least three quotations, from the approved contractor list, in order to achieve the most competitive price for the works.

If the works are a minor repair, and the footpath or tarmac is to remain within residential ownership, you are able to employ a contractor of your choosing – much as you would on your own property. However, it is advisable to obtain evidence of their Public Liability Insurance, suitable references, and get a number of quotes to ensure a fair price.

And remember... that although for Contractors registered on the BWC the standard of work should be comparable as they are pre-vetted... when choosing your own Contractor - the cheapest quote doesn't always mean the best!

9. Is there a specification available that we can use when getting prices?

It is a good idea when getting prices to have a written specification and a plan of the site. Not only does this enable direct comparison between the quotes received, it also ensures both you and the contractor know what is expected. The following template guide could be used as a basis for tarmac replacement, repair or an upgrade to the ESCC specification:

- *Break out and excavate xm² of existing pavement to xmm depth. Including disposal of all material.*
- *Kerb edging... xm*
- *Provide and lay xmm thick compacted sub-base, type-1 or similar, over xm².*
- *Provide and lay... binder course*
- *Provide and lay... surface course*
- *Match levels and falls to existing drains, covers, chambers.*
- *Caution of buried services*
- *Make good any areas disturbed by the works.*
- *Responsible for all barriers and site safety.*

10. Do we need to notify anyone before we start work, for example the gas and electricity companies?

Utility companies will hold records of their buried services, BUT they sometimes charge for this information... However, Wealden District Council used to be able to get these searches carried out for free. It may be worth exploring whether, as this is for a community benefit, Wealden DC/East Sussex CC can assist with the searches for buried services. The depth SHOULD be about 600mm for water, gas etc, which is much lower than the 200ish mm that the pavement will occupy but the location is still needed for the contractor, just in case!

11. Are there any grants available to help us meet the costs?

None that we are aware of, unfortunately.

12. Who will be responsible for the on-going maintenance of the paths after the work is finished?

If the footpaths are brought up to an adoptable standard then ESCC would normally formally adopt them and so it would then be responsible for future maintenance and repairs.

13. This is all quite daunting, is there anything the Residents' Association can do to help us?

Yes, the Residents' Association would like to help but clearly we can't do it all. We are pleased to offer to assist you with getting things going by facilitating the first meeting and then we may be able to continue helping by remaining in an advisory role.

Finally, please remember we are not lawyers or surveyors and **you should not consider the information provided above as an authoritative interpretation of the law or your rights as a householder.**

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