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PUBLIC

To: Members of Cabinet Member meeting - Highways, Transport and Infrastructure

Tuesday 4 February 2020

Dear Councillor,

Please attend a meeting of the **Cabinet Member meeting - Highways, Transport and Infrastructure** to be held at **10.00 am** on **Thursday, 13 February 2020** in Committee Room 3, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S Hobbs', written over a light blue horizontal line.

Simon Hobbs
Director of Legal and Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1. Declarations of Interest

To receive declarations of interest (if any)

2. To receive Petitions (Pages 1 - 2)

3. Minutes (Pages 3 - 10)

To confirm the non-exempt minutes of the meeting of the Cabinet Member

– Highways, Transport and Infrastructure held on 23 January 2020

To consider the non-exempt reports of the Executive Director for Economy, Transport and Environment on:

- 4 (a) Addition of Funding Contribution to the Highways and Transport Capital Programme 2019-20 - Darley Bridge (Pages 11 - 14)
- 4 (b) Proposed Extension of the Food Bag Project in the High Peak (Pages 15 - 18)
- 5. To consider the non-exempt report of the Director of Legal and Democratic Services in consultation with the Executive Director - Economy, Transport and Environment on Charges for Deposits of Landowner Statements and Declarations (Pages 19 - 22)

DERBYSHIRE COUNTY COUNCIL

**CABINET MEMBER MEETING – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

13 FEBRUARY 2020

Report of the Director of Legal and Democratic Services

REPORT ON PETITIONS TO BE RECEIVED

1. Purpose of the Report To receive petitions forwarded to the County Council relating to matters contained within the portfolio of the Cabinet Member for Highways, Transport and Infrastructure.

2. Information and Analysis In compliance with the Council's Petition Scheme, the following petitions are presented for receipt, investigation and formal response by the Executive Director – Economy, Transport and Environment:-

<u>LOCATION/SUBJECT</u>	<u>SIGNATURES</u>	<u>LOCAL MEMBER</u>
Warren Carr, Oldfield Lane – Request for 30mph Speed Limit	13	Councillor J Atkin
Whitwell, Duke Street – Request for Residents Parking	22	Councillor D McGregor

3. Considerations (to be specified individually where appropriate)
In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, social values, property and transport considerations.

4. Key Decision No

5. Call-in Is it required that call-in be waived in respect of the decisions proposed in the report? No

6. Background Papers

Petition held on file 124.0 in Democratic Services.

7. OFFICER'S RECOMMENDATION

- (1) that the petitions listed above be received and noted; and
- (2) that the Executive Director – Economy, Transport and Environment be asked to investigate and consider the matters raised.

Simon Hobbs
Director of Legal and Democratic Services

MINUTES of a meeting of the **CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND INFRASTRUCTURE** held at County Hall, Matlock on 23 January 2020**PRESENT**

Cabinet Member - Councillor S A Spencer

Also in attendance – Councillor T Ainsworth

1/20 PETITION RESOLVED (1) to receive the under-mentioned petition:-

Location/Subject	Signatures	Local Member
Calver, Grindleford Road - Request for Reduction in the Speed Limit	42	Councillor J Atkin

(2) that the Executive Director – Economy, Transport and Environment investigates and considers the matters raised in the petition.

2/20 MINUTES RESOLVED that the Minutes of the meeting of the Cabinet Member for Highways, Transport and Infrastructure held on 21 November 2019 be confirmed as a correct record and signed by the Cabinet Member.**3/20 PETITION – HIGH STREET, APPERKNOWLE - REQUEST FOR THE INSTALLATION OF A FOOTWAY AND BUS STOP HARDSTANDING**

Following the receipt of a petition requesting that a surfaced footway and a bus stop hardstanding be provided on High Street, Apperknowle investigations have been undertaken.

High Street was a classified road which formed a link from the residential area of Apperknowle to a local public house and a bus stop, which had no footway for approximately 60m. A footway on the south-west side of High Street for approximately 145m would be the only viable option, as an extension to the existing footway on the north-east side would require the acquisition of land.

A survey of both the pedestrian usage of the link between Apperknowle and the public house and the vehicular usage on High Street has been undertaken. This has demonstrated extremely low flows of pedestrians and vehicles using High Street, together with an 85th percentile vehicle speed of 26mph. The injury collision database, up to 31 June 2019, had no incidents recorded at the location over the last

15 year period.

The estimated cost of such an improvement would be in excess of £50,000 and due to the significant funding required, any improvement must be weighed against other Council priorities. It was therefore recommended that the request be added to the future schemes list to attract funding either through future development or through the Local Transport Plan Capital Schemes.

RESOLVED that (1) the request for the provision of a footway and a bus stop hardstanding on High Street, Apperknowle be added to the future schemes list with the view to attracting funding sometime in the future; and

(2) the Local Member and lead petitioner be informed of the decision.

4/20 PETITION – NETHERMOOR LANE, KILLAMARSH – CONCERNS REGARDING HIGHWAY SAFETY Investigations have been undertaken following receipt of a petition concerning safety at a bend located towards on Nethermoor Lane in Killamarsh.

The petitioners felt that the bend in the road caused an issue as an area of planting within the boundary of a private dwelling reduced the forward visibility when travelling around the bend. It was acknowledged that all the planting on either side of the road should stay within the confines of each property boundary and that it should not encroach onto the adopted highway.

The collision database demonstrated a very good safety record on Nethermoor Lane and the recent survey of vehicle speeds showed an 85 percentile speed of 20mph. It was therefore recommended that safety measures could not be introduced at this site. However, a community speed watch initiative could be an effective way of combating drivers who failed to drive to the residential conditions.

RESOLVED that (1) Derbyshire County Council's Maintenance Team continues to inspect the private planting on Nethermoor Lane, Killamarsh as part of routine inspections, to ensure there is no encroachment onto the adopted highway; and

(2) the Local Member and lead petitioner be informed of the decision.

5/20 PETITION - STAFFORD CLOSE, SMALLEY – PARKING ISSUES Following receipt of a petition requesting measures to stop vehicles parking on Stafford Close, Smalley investigations have been undertaken.

The petitioners stated that they wanted to ensure that the residents and their visitors could park their cars safely and in close proximity to their homes without any form of abuse or harassment from motorists that was alleged to occur at present.

As the entire length of Stafford Close was adopted public highway, the County Council did not have the authority to provide a sign that stated that parking was only permitted for certain members of the public. Whilst the County Council could appreciate the residents frustrations with regard to the parking, it was important to

note that all members of the public have equal rights over the public highway, and if a vehicle has valid tax, insurance and MOT, and was parked in accordance with the Highway Code, no offence was being committed.

The Police were responsible for enforcing moving traffic offences and it might therefore be appropriate for the residents to contact the Police via their Local Safer Neighbourhood Team.

The Petition asked the County Council, along with other agencies, to work together to resolve this issue. In compiling this report, contact was made with Richardson Endowed Primary School, Future Housing Group and Amber Valley Borough Council and their responses were detailed in the report. It was suggested that the leaflets, attached as an appendix to the report, produced by the Office of the Police and Crime Commissioner in partnership with the County Council's Community Safety Unit, on 'Parking outside school?', be distributed to the school children to take home.

RESOLVED that (1) no further action be taken on Stafford Close, Smalley; and
(2) the Local Member and lead petitioner be informed of the decision.

6/20 MEETING THE REQUIREMENTS OF THE CODE OF PRACTICE FOR WELL-MANAGED HIGHWAY INFRASTRUCTURE – APPROVAL OF TECHNICAL POLICY DOCUMENTS

The approval and implementation of Highway Infrastructure Asset Management (HIAM) plans and strategies were delegated to the Cabinet Member – Highways, Transport and Infrastructure in conjunction with the Executive Director – Economy, Transport and Environment by Cabinet.

Work has been underway to develop more in-depth plans to support the approved HIAM documents and approval was sought for the following seven documents :-

- Six HIAM documents, one relating to each of the highway asset areas of drainage; electronic traffic management; highways; street furniture; street lighting; and structures. These documents define the Level of Service that could be expected and the current practices relating to Asset Data Capture, Inspections and Surveys of Assets, Lifecycle Planning, Maintenance Programmes, Asset Financial Information, Asset Forward and Annual Programme, Asset Risk Register, Competency of Staff and Performance Management. Development areas have also been identified.
- Traffic Network Management Duty Plan which sets out the criteria by which the operations of the highway network were managed (i.e. how traffic is kept moving).

These documents provided the basis of the Council's approach to meeting the requirements of the 2016 Code of Practice Well-Managed Highway Infrastructure.

The proposals set out to deliver a level of service that would be safe, sustainable and deliverable within current budgetary constraints across the highway network.

RESOLVED (1) to approve the technical documents forming the basis of the report and attached as background papers to the report;

(2) that reviews and major updates of the documents and their related appendices contained within the report be approved by agreement between the Cabinet Member – Highways, Transport and Infrastructure and the Executive Director of Economy, Transport and Environment; and

(3) minor updates to the technical policies and their related appendices contained within the report be delegated to the Executive Director – Economy, Transport and Environment.

7/20 STATEMENTS OF COMMON GROUND – NOTTINGHAMSHIRE COUNTY COUNCIL

Under Section 33A of the Planning and Compensation Act 2004, local planning authorities were under a duty to cooperate with each other and with other prescribed bodies, when local plans, (including mineral and waste local plans) were being prepared which concerned ‘strategic matters’ that crossed administrative boundaries.

In order to demonstrate effective and ongoing joint working as detailed in the National Planning Policy Framework (NPPF) it was expected that strategic policy-making authorities prepare and maintain one or more Statement of Common Ground (SoCG) to document the cross-boundary matters being addressed and progress made in cooperating to address these matters. National Planning Guidance advised that SoCG should be prepared and maintained throughout the plan-making process. By the time of draft local plan publication, SoCGs should be available on the websites of each of the responsible local planning authorities to provide transparent documentation that the collaboration has taken place.

A request for SoCG, in which the County Council was expected to enter/be signatories to, has been received from Nottinghamshire County Council on 8 November 2019. The nature of the Statement of Common Ground was the Nottinghamshire Minerals Local Plan SoCG (Final Draft). Specific details about the draft SoCG, including a summary of the strategic matters proposed to be agreed to as common ground on behalf of Derbyshire County Council and any significant issues on which there appeared to be an absence of common ground, were provided in the appendix to the report.

RESOLVED that approval be given for Derbyshire County Council to enter into a Statement of Common Ground, referred to in the appendix to the report, with Nottinghamshire County Council.

8/20 REVIEW OF CHARGES FOR COMMERCIAL WASTE

At the meeting on 12 September 2019 it was resolved that following recent changes to the County Council's long term waste contract, the commercial waste disposal recharge rate proposed for 2019-20 would be reviewed and reported to a future meeting.

The District and Borough Councils, as Waste Collection Authorities (WCAs), have a statutory duty to collect, on request, commercial waste from a range of organisations, amounting to 4% of the total local authority collected municipal waste stream in Derbyshire. WCA costs (including disposal) were recovered from the organisations from which they collected the waste.

The majority of commercial waste in the County was collected and disposed of by private sector waste collection companies. Some commercial waste collected by the WCAs was, however, disposed of by the County Council through its waste management contracts. Disposal of this commercial waste was undertaken by Resource Recovery Solutions (Derbyshire) Ltd (RRS) under the Council's long term waste management contract, however, following termination of that contract on 2 August 2019 disposal arrangements have been provided by Renewi UK Services Ltd (Renewi) under the Council's Continuity Services Contract.

The costs incurred in disposing of waste under the new contract with Renewi have been examined and the following table details the rates charged for in 2018-19 and sets out proposed revised charges for 2019-20:

Commercial Waste Charge	2018-19	2019-20
Total per tonne (gate fee + contractual disposal costs)	£130.78	£134.43
Annual administration fee	£1,265	£1,289

The commercial waste disposal recharge costs would require a full review once the current continuity services arrangements come to an end.

It was proposed that approval for new rates be sought and approved on a bi-annual basis to align with the proposals agreed on 12 September 2019.

RESOLVED (1) to approve the commercial waste disposal recharge rate for 2019-20 at £134.43 per tonne plus an annual administration charge to each Waste Collection Authority of £1,289; and

(2) that the submission of Cabinet Member reports requesting approval for proposed new annual commercial waste disposal recharges be undertaken on a bi-annual basis from 2019-20 onwards, to align with the approvals taken at the 12 September 2019 Cabinet Member meeting.

9/20 TO NOTE THE URGENT DECISION TAKEN BY THE EXECUTIVE DIRECTOR – ECONOMY, TRANSPORT AND ENVIRONMENT TO ACCEPT THE RURAL DEVELOPMENT PROGRAMME FOR ENGLAND GRANT AWARD

A Rural Development Programme for England (RDPE) Expression of Interest (EOI) bid to deliver the Visit. Sleep. Cycle. Repeat. (VSCR) Cycling Trails Programme within the Parish of Pleasley was submitted by the County Council at the end of May 2018. The EOI was successful and a full application was submitted in September 2019.

In a letter dated 29 November 2019, the Council was offered a grant of £403,977 by the RDPE to deliver the initial phase of the VSCR Cycling Trails Programme. This offer expired on 10 January 2020, before the next available Cabinet Member meeting.

Under the Council's Constitution, Executive Directors have the power to take such actions to safeguard the interests of the Council if the timescales do not allow for the matter to be dealt with by the next available meeting of the Council, Cabinet or Cabinet Member. An urgent decision was therefore taken by the Executive Director - Economy, Transport and Environment to accept the RDPE grant on behalf of the County Council.

RESOLVED to note the urgent decision taken by the Executive Director – Economy, Transport and Environment, in accordance with the Council's Constitution, to accept the Rural Development Programme for England (RDPE) grant offer of £403,977 to deliver the Visit. Sleep. Cycle. Repeat (VSCR) Cycling Trails Programme, as detailed in the report.

10/20 BUDGET MONITORING 2019-20 – PERIOD 7 The net controllable budget for the Highways, Transport and Infrastructure portfolio was £77.843m. The Revenue Budget Monitoring Statement, prepared at Period 7, indicated that there was a projected year-end overspend of £1.215m. The portfolio incurred additional costs of almost £0.547m due to the Toddbrook Reservoir Whaley Bridge incident which has been funded from General Reserve. The rest of the overspend would be supported by the use of £2.000m from the Budget Management earmarked reserves. After the use of this reserve, the forecast was an underspend of £0.785m.

The key variances included Waste Management (underspend £1.647m), Highway Maintenance (underspend £1.869m), Winter Maintenance (overspend £1.777m) and Planning and Development (underspend £1.778m).

Budget reductions totalling £2.609m were allocated for the year, with a brought forward figure from previous years of £3.321m. This has resulted in total reductions to be achieved of £5.930m at the start of the year. The short fall between the total reductions expected to be achieved and the identified savings initiative at the start of the year was £5.250m. It was forecast that £0.680m of savings would have been achieved by the year-end.

Growth items and one-off funding in the 2019-20 budget included Waste Treatment and Disposal (£1.500m ongoing), Highways Maintenance (£1.000m one-

off), Public Transport (£0.500m ongoing), Water Body (£0.100m one-off), HS2 Co-ordination Officer (£0.064m one-off) and Street Lighting (£0.048m one off).

Earmarked reserves relating to this portfolio, totalling £16.805m, were currently held to support future expenditure. Risks and the debt position were also detailed in the report.

RESOLVED to note the report.

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DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

13 February 2020

Report of the Strategic Director – Economy, Transport and Environment

**ADDITION OF FUNDING CONTRIBUTION TO THE HIGHWAYS AND
TRANSPORT CAPITAL PROGRAMME 2019-20 – DARLEY BRIDGE**

(1) **Purpose of Report** To inform the Cabinet Member about a financial contribution to be paid to the County Council by HJ Enthoven and Sons to facilitate a highway improvement scheme and to add the funds to the Highways and Transport Capital Programme 2019-20.

(2) **Information and Analysis** The issues of large vehicles being unable to pass each other due to the constrained road widths at Darley Bridge is well known to the County Council and is something that would benefit from better management of traffic movements. Within the village there is a long standing desire to see a new road built by-passing the village, including the construction of a new bridge. However, there is little prospect of this ever being built, mainly due to financial constraints and other priorities for highways budgets, unless alternative funding sources are found. This is a sensitive location on the flood plain, so there may also be environmental impacts of any new road.

With this in mind, a proposal to address the issues with a system of vehicle activated signs (VAS) was explored in 2013-14. However, this did not progress further than the feasibility stage following local consultations. South Darley Parish Council approached the County Council again in 2018 to ask if this could be reconsidered. As a result, a public meeting was held in South Darley Village Hall on 21 November 2018, specifically to ascertain whether there was sufficient public support to justify carrying out further work on a mitigation scheme. At the end of this meeting, a vote was taken with 25 in favour and 1 against. This was taken as a mandate to commit Officer time and resources on designing a suitable VAS scheme and to explore funding streams to enable the implementation of such a scheme.

Since that time, work has progressed and a scheme has been drawn up and costs estimated based upon current manufacturers' pricing for the required equipment. South Darley Parish Council collated a list of issues put forward by the residents which have all been considered as part of the design process.

Ext: 38176

Following this, a further meeting was held with HJ Enthoven and Sons, the Parish Council and the local Councillor, Jason Atkin, on 25 September 2019, to discuss funding options. Based upon the cost estimate that had been obtained from a VAS manufacturer, HJ Enthoven and Sons committed to covering the cost of the supply of the relevant equipment up to a maximum of £25,000. HJ Enthoven and Sons also committed to donating an area of land to enable the construction of a passing place for lorries on Oldfield Lane. The County Council would be responsible for the cost of all associated civil engineering works and the on-going maintenance of all additional assets.

A further meeting was held on 22 January 2020 between the Cabinet Member for Highways, Transport and Infrastructure, officers and local representatives to explain the proposals and underline the County Council's commitment to this scheme.

The County Council now needs to add this contribution to its capital works programme in order that the appropriate works can be programmed.

Monitoring of the scheme will take place and a review will be carried out after the scheme has been operational for a year. The County Council will liaise with the local Councillor and the locally elected representatives on the Parish Council with regard to this. HJ Enthoven and Sons has agreed to inform all its hauliers about the system that is being deployed and what is expected of the drivers. Similar information will be disseminated to local businesses BJ Waters Transport Ltd and Forticrete to ensure awareness of the scheme and how it works.

Officer Comment

A warning system of this nature will provide all motorists with the information that a large vehicle is approaching through the narrow section of road. This will enable them to take appropriate action. Whilst this type of warning system is not guaranteed to completely eradicate all vehicle conflict, it is considered that it will help to address the majority of issues that arise here and reduce the amount of times that HGVs meet within the narrow section of road. As is the case on all parts of the network, there are instances of inappropriate driver behaviour and little can be done to legislate for this minority. However, it is considered that, in the main, this warning system will result in improved traffic flow on this part of the highway network. In addition, the new signs will be able to warn motorists and other users of the closure of the bridge in the event of flooding.

If the funding is approved, the work will be commenced as soon as possible.

Local Member Comment

Councillor Jason Atkin, for Derwent Valley, has stated *"I have been working on this issue since the residents voted to take it forward and I am pleased to*

see a scheme coming to fruition, which I consider will help to mitigate the traffic problems that can occur here.”

(3) **Financial Considerations** HJ Enthoven and Sons wishes to pay the County Council the sum of £25,000 as a contribution towards highway improvement works as described above. This is to cover the costs of the required equipment. Any unused funds are to be repaid to HJ Enthoven and Sons. The cost of the civil engineering works associated with the implementation of the scheme will be met from the Structures Protection budget.

(4) **Legal Considerations** The dedication of land by HJ Enthoven and Sons will be adopted as publicly maintainable highway.

(5) **Social Value Considerations** Use of the HJ Enthoven and Sons financial contribution, as well as the dedication of land, will enable the County Council to carry out improvement works which otherwise may not have been possible. It is anticipated that the proposed works will result in a safer and more efficient use of the public highway. The works will be carried out by the Council's in-house operations helping to sustain its services.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(6) **Key Decision** No.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** Held on file within the Economy, Transport and Environment Department.

(9) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member:

9.1 Notes the commitment of a financial contribution of £25,000 and land dedication from HJ Enthoven and Sons to facilitate highway improvement works needed to mitigate the effects of long standing vehicle conflict situations at Darley Bridge.

9.2 Approves the inclusion of the scheme in the Highways and Transport Capital Programme 2019-20.

Mike Ashworth
Executive Director - Economy, Transport and Environment

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Agenda Item No. 4(b)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

13 February 2020

Report of the Executive Director – Economy, Transport and Environment

**PROPOSED EXTENSION OF THE FOOD BAG PROJECT IN THE HIGH
PEAK**

(1) **Purpose of Report** To seek the Cabinet Member's approval for continuation of the compostable food bag project to households in Glossop and Buxton to divert food waste and reduce disposal costs.

(2) **Information and Analysis** On 6 June 2019, the Cabinet Member approved the expansion of this project across the Glossop and Buxton areas to issue compostable food bags that will encourage more householders to divert food waste for composting through their garden waste bins for the period of October 2019 to March 2020 (Minute No.38/19 refers). The project originally commenced in September 2017 in the Glossop area.

Householders in the High Peak have been able to place food waste in their garden waste bins since 2009, but participation levels have been very low. National research has identified that the public often do not participate for a variety of reasons including:

- too smelly/messy
- do not have the time
- do not see the point.

Food waste consists of:

- avoidable food waste that could have been eaten; and
- unavoidable food waste, such as fruit and vegetable peelings, banana skins, apple cores, cauliflower leaves, tea bags, egg shells, etc.

National research confirms that the typical household generates approximately 2kg of food waste per week or 100kg per year, more than the body weight of the average man. Until a household actually separates this waste, most do not realise how much food waste is thrown away.

Food waste is by far the single biggest waste stream in household waste bins. According to the waste compositional analysis of residual waste in 2017, Derbyshire householders are placing over 57,000 tonnes of food waste in their general waste bins each year that the County Council has to dispose of. This has a significant impact on the environment and the financial cost to the Derbyshire Council Tax payer is over £7.5m per year.

By providing compostable bags and promoting the service in the Glossop and Buxton areas, the public have responded and composted more food waste. Prior to the introduction of the project, householders were composting 0.16kg of food waste per household per week. The following table summarises the composting rates during the project:

Food waste presented per household per week

	Buxton (kg)	Glossop (kg)
2018	0.44	0.53
2019	0.49	0.59
Overall	0.45	0.54

The project incurs additional costs to supply compostable bags to households and to promote the scheme to ensure a healthy level of public participation. These costs can be absorbed by the landfill savings resulting from the project provided that households continue to divert more than 0.40kg per household per week. Additional promotion will take place at intervals over the project to encourage greater public participation.

The food waste collected is composted at the County Council's in-vessel composting plant at Waterswallows, Buxton. This facility is managed by Suez on the County Council's behalf. Suez has been monitoring the quality of the food waste being presented as it is critical that all food and garden waste feedstock is quality controlled to enable a compostable product to be produced. Suez has recently confirmed it is satisfied with the inputs from the project and will continue to spread the resulting compost on agricultural land in the Buxton area, replenishing farmland with nutrients and organic matter that reduces reliance on artificially produced fertilisers.

The following table outlines the costs of continuing this project in the Glossop and Buxton areas from April 2020 to March 2021, based on the diversion levels achieved to date, i.e. Glossop 0.54kg per household per year and Buxton 0.45kg per household per year.

Items of Expenditure	12 month extension of the Glossop trial (£)	12 month trial in the Buxton area (£)	Total (£)
Bags 52 for 7,000 properties and additional stock for the public offices	7,785	7,785	15,569
Stickers for bins	0	0	0
Distribution of stickers	0	0	0
Leaflets	268	268	536
Distribution of bags and leaflets	2,281	2,281	4,563
Marketing costs	2,122	2,122	4,244
Total Implementation Costs	£12,456	£12,456	24,912
Estimated Disposal Savings to the County Council	£13,392	£13,392	£26,783
Estimated Net Saving to the County Council	£936	£936	£1,872

High Peak Borough Council is very committed to this project as it enhances its garden and food waste collection service. It has successfully implemented two phases of this project and they manage the day to day issues of bag supplies, social media marketing, public enquiries, etc. There are four other collection authorities in the County that operate a similar service to High Peak where householders participate, albeit on a very limited basis, placing food waste in their garden waste bin. These authorities are following this project with interest.

This report seeks approval for the continuation of the compostable food bag for householders in the Glossop and Buxton areas for 2020-21 to enable food waste to continue to be composted and diverted from landfill and to reduce waste disposal costs.

A key consideration for this project is that the Government consulted on its new Resource and Waste Strategy in 2019. One of the many elements of this Strategy is to eliminate food waste from landfill by 2030. Consequently, the Strategy includes the proposal to collect an increased amount of food waste separately from garden waste on a weekly basis from 2023 and to treat it at Anaerobic Digestion facilities in future.

In view of this national development, it would be unwise to expand the current food diversion project in High Peak. However, the councils do not want to discourage the existing participants for composting their food waste and it therefore seems practical to continue the project in its current form until there is greater clarity on the Government's intentions.

Once this picture is clearer, the councils in Derbyshire will review the management of food waste composting services, which is likely to be different from this current trial project. A further report will be brought to the Cabinet Member on this matter in due course to provide an update on this project and the Resources and Waste Strategy implications.

(3) **Financial Considerations** The proposed 12 month expansion and continuation in the High Peak area will incur implementation costs of £24,912, which can be met by the disposal savings of £26,783 that the County Council gains providing net disposal savings to the Council of up to £1,872.

(4) **Legal Considerations** The County Council has a duty to dispose of residual waste presented by households under the Environmental Protection Act 1990.

(5) **Environmental and Health Considerations** The County Council is committed to increasing sustainable waste management solutions across the whole County.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Key Decision** No.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer Contract details – Neil Haslam, extension 39787.

(9) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member approves:

- 9.1 The continuation of the compostable food bag project in the Glossop and Buxton areas until March 2021, whereby the County Council funds the costs outlined in the report from disposal savings.
- 9.2 That a further report is submitted to the Cabinet Member in due course to update on progress with this food waste diversion project and the implications of the Government's Resources and Waste Strategy.

Mike Ashworth
Executive Director – Economy, Transport and Environment

DERBYSHIRE COUNTY COUNCIL**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE****13 FEBRUARY 2020**

Report of the Director of Legal and Democratic Services in consultation with
the Executive Director – Economy, Transport and Environment

**CHARGES FOR DEPOSITS OF LANDOWNER STATEMENTS AND
DECLARATIONS****1. Purpose of the Report**

To seek approval for the introduction of fees to be charged for deposits made pursuant to section 31(6) of the Highways Act 1980 and section 15A(1) of the Commons Act 2006.

2. Information and Analysis

- 2.1 Section 31(6) of the Highways Act 1980 provides a mechanism by which landowners can protect their land from public rights of way coming into existence across it, as a result of any future or further physical public use of ways over the land. It requires a map and statement to be deposited with the County Council, outlining the extent of the land in their ownership and showing the existing public rights of way and highways which cross it. To continue this statutory protection, a declaration must be deposited with the County Council by the landowner within 20 years of the deposit of a map and statement. To maintain the statutory protection further declarations need to be deposited with the Council at ongoing intervals of less than 20 years.
- 2.1 The declaration may provide sufficient evidence to protect the landowner from any additional routes being dedicated as public rights of way across their land through public use. In Defra's view, for a declaration to be effective as evidence against presumed dedication, the lodging of the first declaration must be done as a separate event after the depositing of the map statement.
- 2.2 Section 15A(1) of the Commons Act 2006 provides a way for landowners to bring to an end any period of recreational use of land "as of right" by depositing a landowner statement. It does not however, prevent a new period of recreational use from commencing after the deposit of the statement. A landowner statement triggers a one year

period during which local inhabitants can apply to register the land as a town or village green.

- 2.3 As the Highway Authority and Commons Registration Authority the County Council is obliged to maintain a register or registers of statements and declarations made under section 31(6) of the Highways Act 1980 and of statements made under section 15A(1) of the Commons Act 2006.
- 2.4 The coming into force of the Growth and Infrastructure Act 2013 enabled the introduction within the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations)(England) Regulations 2013 of a provision by which the County Council may charge landowners depositing these items with the Council reasonable fees in respect of the associated work it has to carry out. Many local authorities introduced charges in 2013 or shortly thereafter to recover the costs they were incurring in processing declarations and statements. The County Council did not introduce a charging regime at that time resulting in the costs of processing the declarations and statements being met by the County Council.
- 2.5 In order to maintain a sustainable delivery of this service, it is considered that the County Council now needs to introduce the charges outlined in this report to ensure the reasonable costs associated with the work it carries out are recovered from those making the declarations and statements and are not born by the County Council.
- 2.6 It is considered that it would be reasonable to charge fees on each application for the deposit of
- a) a section 31(6) Highways Act 1980 statement with map,
 - b) a section 15A(1) Commons Act 2006 statement ,
 - c) a combined section 31(6) Highways Act 1980 statement with map and a section 15A(1) Commons Act 2006 statement, or
 - d) Highways Act 1980 declaration,

in accordance with the following structure:

- i) Areas of land up to 100 hectares - £309
- ii) Areas of land 100-500 hectares - £359
- iii) Areas of land 500-1000 hectares - £409
- iv) Areas of land in excess of 1000 hectares - £459,

always subject, where the land comprises more than one parcel of land or the land is segmented by highways, to additional fees of £50 for each additional parcel and/or segment.

- 2.5 These fees would be going no further than enabling the recovery of reasonable amounts to cover the handling of the applications, making them

available on the website and register, placing notices on site where required and sending notifications. Where a Highways Act 1980 statement has been deposited, the lodging of a declaration will constitute a separate application and be subject to a separate fee. However, submitting an application under both section 31(6) and 15A(1) on the same form will only incur a single fee.

Implementing this fee structure would bring Derbyshire into line with many other local authorities outside Derbyshire undertaking these responsibilities who already have in place similar fee charging schemes. Having considered fees charged by other local authorities, it is considered that the fee structure proposed within this report is comparable and sits within the broad range of fees charged by those other local authorities.

3. Financial Considerations

The Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations)(England) Regulations 2013 provide for such reasonable fees to be specified for statements and declarations deposited under s31(6) of the highways Act 1980 or s15A(1) Commons Act 2006.

4. Legal Considerations

As contained in the report.

5. Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, social value, equality and diversity, human resources, environmental, and property considerations.

6. Background Papers

Held on file 3652 within the Legal Department.

7. OFFICER'S RECOMMENDATIONS That the Cabinet member approves the introduction of charging of fees in accordance with the fee structure described in this report, in respect of applications received by the Council for the deposit of statements with maps pursuant to section 31(6) Highways Act 1980, statements pursuant to section 15A(1) of the Commons Act 2006, statements with maps pursuant to section 31(6) of the Highways Act 1980 combined with statements pursuant to section 15A(1) of the Commons Act 2006, and declarations under section 31(6).

SIMON HOBBS
Director of Legal and Democratic Services

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