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PUBLIC

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

Wednesday, 3 March 2021

Dear Councillor,

Please attend a meeting of the **Cabinet Member meeting - Highways, Transport and Infrastructure** to be held at **10.00 am** on **Thursday, 11 March 2021**. This meeting will be held virtually. As a member of the public you can view the virtual meeting via the County Council's website. The website will provide details of how to access the meeting, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington
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. Petitions

To receive Petitions

3. Minutes (Pages 1 - 4)

To confirm the non-exempt minutes of the meeting of the Cabinet Member – Highways, Transport and Infrastructure held on 11 February 2021

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

- 4 (a) Petition Cressbrook - Request for Speed Management Measures to Address Road Safety Issues (Pages 5 - 28)
 - 4 (b) Petition - Boughton Road, Clowne - Controlled Crossing Facility (Pages 29 - 32)
 - 4 (c) Grassmoor Country Park - National Flood Management Scheme (Pages 33 - 38)
 - 4 (d) Initiating Feasibility Studies from the Challenge Fund Reserves (Pages 39 - 44)
 - 4 (e) Consultation by the Ministry of Housing Communities and Local Government on the Right to Regenerate: Reform of the Right to Contest (Pages 45 - 56)
5. Exclusion of the Public

To move “That under Regulation 4 (2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the grounds that in view of the nature of the items of business, that if members of the public were present, exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 would be disclosed to them.”

PART II - EXEMPT ITEMS

6. Declarations of Interest

To receive declarations of interest (if any)

7. Minutes (Pages 57 - 58)

To confirm the exempt minutes of the meeting of the Cabinet Member – Highways, Transport and Infrastructure held on 11 February 2021

To consider the exempt report of the Director for Economy, Transport and

Environment on:

8. Award of Contract for Heat-Strengthening Repairs to Shire Lane Bridge, Heath, Chesterfield (Pages 59 - 60)

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MINUTES of a meeting of the **CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND INFRASTRUCTURE** held on 11 February 2021**PRESENT**

Cabinet Member - Councillor S Spencer

Also in attendance – Councillors T Ainsworth, G Hickton and J Twigg (Local member Minute 11/21)

09/21 PETITION RESOLVED (1) to receive the under-mentioned petition: -

Location/Subject	Signatures	Local Member
Denby, Danesby Crescent/Pottery Gardens – Request for Traffic Calming measures	51	Councillor K Buttery

(2) that the Director – Economy, Transport and Environment be asked to investigate and consider the matters raised.

10/21 MINUTES RESOLVED that the Minutes of the meeting of the Cabinet Member for Highways, Transport and Infrastructure held on 28 January 2021 be confirmed as a correct record.**11/21 PETITION REQUESTING THE REDUCTION OF THE SPEED LIMIT ON GRINDLEFORD ROAD, CALVER** Following the receipt of a petition requesting the consideration of a lower speed limit on Grindleford Road, Calver, Derbyshire investigation have been undertaken.

Currently, a 30mph speed limit is in place for the village of Calver before it changes to a 50mph speed limit on the B6001 to the north of the junction with the A625. The B6001 remains at 50mph for approximately 1 mile, before a short section of 40mph speed limit prior to entering the 30mph for the village of Grindleford. Speed limits were set in accordance with the County Council's Speed Management Protocol and the criteria laid down by the Department of Transport. The report of excessive speeds was a matter for the Police/CREST (Casualty Reduction Enforcement Support Team) who were responsible for the enforcement of speed limits. A speed survey was carried out in October 2020 and no speeding issues were identified by the Police

within the 40mph and 50mph limit, on the Section of the B6001 from Grindleford to Calver. The Police also reported that on the last two occasions they visited the Grindleford sites (located within the 30mph section of the Village), they have reported 22 and 11 offences respectively.

The Police data base for Recorded Injury Collisions showed that in the latest three year period, 1 August 2017 to 31 July 2020, there have been no recorded collisions over the length of the B6001 from its junction with the A625 to its junction of the B6521.

The County Council received many requests for the introduction of traffic calming measures, which far outweighed the limited funding available for such schemes. Considering the good collision history record, traffic calming measures at this location could not justified at this time.

RESOLVED that (1) a reduction to a 40mph speed limit on Grindleford Road, Calver is not justified at this time as the current 50mph speed limit is appropriate;

(2) the reports of excessive speed will be reported to the Police/CREST (Casualty Reduction Enforcement Support Team); and

(3) officers will arrange for a 14 day speed survey to be carried out in the summer 2021 when it is envisaged traffic flows will be back to normal levels.; and

(4) the Local Member, Lead petitioner and Grindleford Parish Council be advised of the decision.

12/21 OBJECTIONS TO THE A632 MATLOCK TO COUNTY BOUNDARY AND ADJACENT ROAD, 30MPH, 40MPH AND 50MPH SPEED LIMIT ORDER 2020

The proposed to consolidate all Speed Limit Traffic Regulation Orders pertaining to the A632 from its junction with the A615 in Matlock to its County Boundary with Nottinghamshire and its adjacent road of Vernon Lane in Kelstedge. proposals were advertised from 27 August 2020 until 18 September 2020. There were no changes to the current speed limits or position of the existing speed limits. This technical adjustment would assist the Police enforcement duties. Comments were received from Councillor S Burfoot and Sutton cum Duckmanton Parish Council.

Sutton cum Duckmanton Parish Council felt that this was an ideal time to review the speed limit on the A632 through Duckmanton as the volume of traffic had greatly increased since the link road to junction 29A of the M1 was completed. It also expressed concerns regarding the junctions of the A632 with both Rectory Road and Longcourse Lane and that shunt collisions have continued to occur even after the installation of the interactive traffic sign.

Councillor Burfoot has asked for the speed limit on the approach to Matlock to be reduced to 30mph.

There were several warning signs already in place on both approaches to the Rectory Road, Duckmanton junction. On the westbound approach there was an interactive sign that warned drivers they were approaching queueing traffic. There were also dragon's teeth road markings on both approaches to further highlight the area concerned. The appropriateness of the current 40mph could be reviewed separately to the current Order which has been undertaken solely to make enforcement more straight forward.

The County Council was to promote a road safety scheme during 2021, which included proposed changes to the speed limits on the section of the A632 from Chesterfield to Matlock. Should an extension of the 30mph speed limit be justifiable, it could be undertaken as part of that scheme and any changes identified would be subject to consultation.

RESOLVED that (1) the extension of the 30mph speed limit, requested by Councillor Burfoot, be investigated as part of the A632, 2021-22 Capital Scheme;

(2) the request of Sutton cum Duckmanton Parish Council for a reduction of the speed limit from 40mph to 30mph be investigated; and

(3) the objections be refused and the Order be made as advertised.

13/21 PERFORMANCE AND BUDGET MONITORING/FORECAST
OUTTURN 2020-2021 AS AT QUARTER 3 The Cabinet Member was updated on the Council Plan performance position and the revenue budget position of the Highways, Transport and Infrastructure portfolio for 2020-21 up to the end of December 2020 (Quarter 3) including budget savings, growth and one-off funding, risks and earmarked reserves.

Progress was "good" or "strong" for the majority of the Council Plan deliverables and measures led by the portfolio, however, the deliverables roads and highways infrastructure and Highway and Transport Services have been flagged as "requiring review". The key areas of success were the approach to the new Strategic Growth and Infrastructure Framework which has now been confirmed by the Derby and Derbyshire Chief Executives meeting and the Derby and Derbyshire Joint Committee; and completion of Contract 2 in December 2020 which has resulted in 21,000 additional properties being connected. Key areas for consideration were the improvement percentage of highway defects completed within target that would continue to be monitored; significant amount of the £40m programme of highway improvements schemes would be targeted at repairs resulting from the floods that hit the County in late 2019 and early 2020 and a programme to tackle drainage and surface deterioration and prevent potholes was in progress.

The net controllable budget for the Highways, Transport and Infrastructure portfolio was £75.311m. The Revenue Budget Monitoring Statement, prepared for Quarter 3, indicated that there was a forecast year-end overspend of £8.061m. The overspend would be supported by the use of £6.654m of additional COVID-19 funding which has been allocated to the Council to support the costs incurred as a

result of the pandemic. After the use of this funding the forecast position was an overspend of £1.407m.

The key variances included Highway Maintenance (overspend £1.320m), Waste Management (overspend £1.203m), and Winter Maintenance (overspend £1.327m).

Budget reduction targets totalling £1.426m were allocated for the year, with a brought forward figure from previous years of £5.234m, resulting in total reduction targets to be achieved of £6.660m at the start of the year. The value of identified savings initiatives in the current year was £2.976m and it was expected that £2.346m would be achieved in the year with the remaining £0.630m slipping into the following year. the shortfall between the total targets and the identified savings initiatives was £4.314m

Growth items and one-off funding in the 2020-21 budget included Ash Dieback (£0.270m one-off) and Elvaston Castle Masterplan (£0.200m one-off).

Earmarked reserves relating to this portfolio, totalling £18.715m, were currently held to support future expenditure. Financial risks and the debt position were also detailed in the report.

RESOLVED to note the Council Plan performance position and the revenue budget position of the Highways, Transport and Infrastructure portfolio for 2020-2021 up to the end of December 2020 (Quarter 3) contained within the report.

14/21 **EXCLUSION OF THE PUBLIC** **RESOLVED** that the public, including the press, be excluded from the meeting during consideration of the remaining item on the agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings: -

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC, INCLUDING THE PRESS, WERE EXCLUDED FROM THE MEETING

1. To consider the exempt Report of the Director – Economy Transport and Environment on Extension of the Contract Arrangements for Derbyshire Connect Shopping Bus and Access to Health Services Neighbourhood (contains information relating to the financial or business affairs of a particular company (including the Authority holding that information))

Agenda Item No. 4(a)

DERBYSHIRE COUNTY COUNCIL

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

11 March 2021

Report of the Director – Economy, Transport and Environment

**PETITION: CRESSBROOK – REQUEST FOR SPEED MANAGEMENT
MEASURES TO ADDRESS ROAD SAFETY ISSUES**

(1) **Purpose of Report** To inform the Cabinet Member of investigations carried out following the receipt of a petition requesting the consideration of speed management measures for Cressbrook, Derbyshire.

(2) **Information and Analysis** Receipt of the petition was acknowledged by the Cabinet Member on 16 March 2020 (Minute No.16/20 refers). The petition contains 79 signatures and the accompanying letter is summarised below:

“Cressbrook Community Group are asking Derbyshire County Council to address the issue of vehicles speeding through our village. Virtually every resident of this small village has signed the petition indicating the very high level of support for this important campaign. The population of Cressbrook includes many elderly people and children.

A major problem is that the existing 30mph zone covers approximately a quarter of the very narrow roads that pass through the village. Speeding motorists often use the village as a cut through. The stretch of road in the village used by these motorists is outside the 30mph speed limit despite three blind bends, two dangerous junctions, the church and driveways to numerous properties. There are no pavements and the roads are narrow with overhanging vegetation. Residents have had near misses, especially on the blind bends meeting vehicles travelling towards us too fast.

Cressbrook is situated close to the Monsal Trail and since opening to the public has seen an increase in visitors to the area, especially cyclists and walkers.”

Concerns have been raised previously with Derbyshire County Council with a response referring to the good collision history in Cressbrook.

The letter from the group mentions a very serious collision in September 2019, which involved the attendance of the Police, Ambulance and Fire Service.

If the issue of speeding motorists is not addressed, the group fears it is only a matter of time before someone is killed or seriously injured.

Officer Comment

The village of Cressbrook is located between Tideswell and Bakewell. There are approximately 31 fronting properties and the Methodist Church located on Middle Row, Cressbrook. This appears to be the main built up part of the village and is subject to a 30mph speed limit.

Other frontage development is spaced out with approximately eight properties, known as Lower Wood Cottages, accessed by unnamed road to the north east of Bottomhill Road. Heading south-west there are two dwellings (Top Lodge and Lower Lodge) and located at the bottom of the hill is Rock Cottages (three fronting properties), Rock House, Home Farm and Cressbrook Old School.

For location details please see Appendix A.

In January 2006, the Department for Transport (DfT) published guidance circular 01/2006 (now replaced by circular 01/2013) on setting local speed limits which sought a common national approach on the setting of limits, highlighting the need to manage speed in a way that is appropriate for the road function and local characteristics. Following release of this guidance, the Secretary of State ordered a countrywide review of all 'A' and 'B' classified roads. This review has been completed in Derbyshire.

Speed limits are set in accordance with the County Council's own Speed Management Protocol (See Appendix B) and the criteria laid down by the Department of Transport.

In order for speed limits to be effective, they need to be appropriate for the nature of the road and how it appears to a road user. If a speed limit is seen by motorists as being unrealistically low, it is unlikely to lead to lower speeds.

It must be remembered that speed limits are the maximum speed at which vehicles may legally travel, they are not target speeds: Motorists should always reduce their speed, when, for example:

- the road layout presents hazards, such as bends;
- you are sharing the road with pedestrians;
- there are adverse weather conditions; or
- you are driving at night – as it is harder to see other road users and possible obstructions.

Derbyshire County Council receives many requests for the introduction of traffic calming measures, which far outweigh the limited funding available for such schemes. The Council's funds must therefore be targeted at areas with a history of speed-related collisions resulting in personal injury, prioritised to those locations with the greatest number of collisions, with pattern and severity also taken into account. Measures can only be introduced at locations where there is an identifiable problem (e.g. trend in collisions) and will be chosen based on the likelihood of an improvement to the road safety record being achieved.

DfT guidance stipulates that 30mph is considered the norm in villages, based on a simple criteria relating to the density of frontage development and distance:

- There should be 20 or more houses on one or both sides of the road, over a length of around 600m. This can be less if the level and density of development exceeds the 20 or more houses criterion. In instances where there are less than 20 houses, an extra allowance can be given for key buildings – i.e. churches, community centres, schools, etc.
- A preferred length of 600m is desirable to avoid too many changes of speed limit along the route, which could lead to motorists disregarding the changes.

An investigation of the Police database for Recorded Injury Collisions shows that in the latest three year period, 1 August 2017 to 31 July 2020, there has been one serious recorded collision on Bottomhill Road prior to its junction with Middle Row. This collision involved a stolen vehicle.

Considering the rural nature of the roads, lack of frontage development on roads not within the current 30mph limit and the collision history record for Cressbrook, officers are of the opinion that the current speed limits are consistent with the guidance in 2013 Setting Local Speed Limits and the County Council's Speed Management Protocol.

In addition, the collision history record for Cressbrook does not meet the criteria for the introduction of traffic calming measures as detailed in the County Council's Speed Management Protocol.

An improvement to the village entrance signs could be considered, such as the introduction of a village gateway. This type of measure may be beneficial to residents by helping to highlighting the extents of the village to passing motorists. Officers are willing to engage with the Parish Council with regard to this potential improvement.

Local Member Comments

The Local Member, Councillor Twigg, totally supports this petition requesting that speeding through the village of Cressbrook should be addressed and extended.

“Having had family living in the village, I am fully aware of the problems and dangers caused by speeding traffic.

Cressbrook was originally built as a mill village and there are no pavements in places.”

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Other considerations**

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

(5) **Key Decision** No.

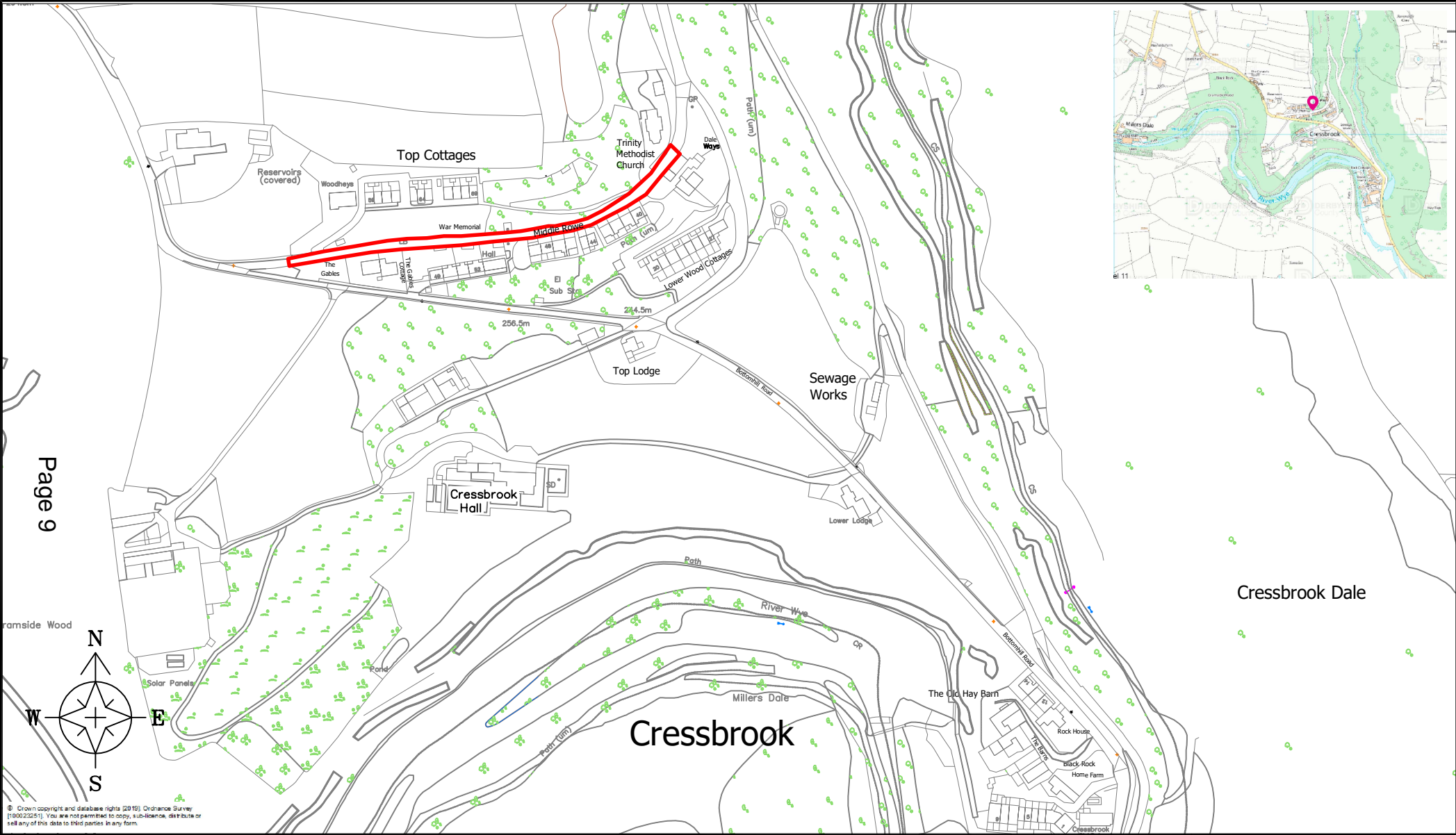
(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.



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

(8) **OFFICER’S RECOMMENDATIONS** That:

- 8.1 A reduction to a 30mph speed limit on Bottomhill Road and surrounding Streets, Cressbrook is not justified at this time.
- 8.2 Officers liaise with the Parish Council with regard to the potential to introduce village gateway signing.
- 8.3 The Local Member and lead petitioner be informed accordingly.

Tim Gregory
Director – Economy, Transport and Environment



 TIM GREGORY Director Economy, Transport and Environment	KEY:  Indication to show 30mph road (Middle Rowe)	PROJECT TITLE CRESSBROOK PLAN DRAWING	DRAWN J.HARRISON	CHECKED L.WRIGHT	APPROVED L.WRIGHT
			Date 19/01/2021	Date 19/01/2021	Date 20/01/2021
		DRAWING TITLE CONSULTATION DRAWING	Project / Confirm Reference No. PROJECT/CONFIRM_REF		SCALE N.T.S
			Drawing Number HMT/LW/621/21		
<small>ORIGINAL DRAWING SIZE 297 x 210 (A4)</small>					

Agenda Item No. 6(e)

DERBYSHIRE COUNTY COUNCIL

CABINET

16 November 2017

Report of the Strategic Director – Economy, Transport and Environment

**DERBY AND DERBYSHIRE ROAD SAFETY PARTNERSHIP - APPROVAL
OF SPEED MANAGEMENT PROTOCOL ENGINEERING TECHNICAL ANNEX
(HIGHWAYS, TRANSPORT AND INFRASTRUCTURE)**

(1) **Purpose of Report** To seek Cabinet approval of the Derby and Derbyshire Road Safety Partnership Engineering Technical Annexes to the proposed Speed Management Protocol (SMP).

(2) **Information and Analysis** In order to progress the development of the proposed Derby and Derbyshire Road Safety Partnership SMP, policies and procedures for all partner organisations, i.e. Derbyshire Constabulary, Casualty Reduction Enforcement Support Team (CREST) and Derby City Council, need to be reviewed and compiled into a series of technical annexes. The annexes need to reflect the current practice and priorities of each of the partner organisations in dealing with speed related matters.

The demands upon the Council's highway service and its budgets are high and it is important that requests for improvements are dealt with in a consistent manner with regard to delivering the most cost effective way of continuing and maintaining road safety on the network.

The intention of the Derby and Derbyshire Road Safety Partnership, Engineering Technical Annex will therefore be to categorise all engineering measures available and to identify the circumstances where such measures will and will not be used.

In order to facilitate this, it has been necessary to combine and update all existing technical policies in relation to any engineering measures that may be deployed in resolving speed related matters, as well as defining the conditions or criteria that will be applied for each type of measure.

The measures employed to help resolve speed related matters, with accompanying description and criteria that are covered within the Technical Annex, are:

- Speed Limits (urban and rural)

- 20mph Speed Limits and Zones
- Traffic Regulation Orders
- Speed Limit Changes
- Vehicle Activated Signs
- Horizontal Traffic Calming (build-outs, chicanes and priority narrowing)
- Vertical Traffic Calming (road humps, speed cushions, speed tables, plateau)

The approval of the Derby and Derbyshire Road Safety Partnership, Engineering Technical Annexes will provide a clear step to a more consistent and transparent approach to Economy, Transport and Communities Highways Traffic and Safety Engineering at this early stage of the development of the SMP.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Social Value Considerations** The purpose of the SMP is to provide a consistent approach to the management of speed and concerns about speeding vehicles on the roads of Derbyshire. It aims to reduce casualties, improve the safety and quality of life for residents and those who travel through, whilst involving local communities in decisions affecting their local area. The associated technical annexes are a key aspect in supporting the SMP.

Other Considerations

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

(5) **Key Decision** No.

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

(7) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Neill Bennett, extension 38659.

(8) **OFFICER'S RECOMMENDATION** That Cabinet approves the Derby and Derbyshire Road Safety Partnership, Engineering Technical Annexes to the proposed Speed Management Protocol.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Derby and Derbyshire Road Safety Partnership - Speed Management Protocol

Engineering Technical Annex

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1 SPEED LIMITS

Derbyshire County Council is responsible for setting speed limits on all roads in the County, and Derby City is responsible for those in its jurisdiction, and motorways and trunk roads – the M1, A38, A50, A52 (east of Derby), A5111, parts of the A6 and the A628 – which are the responsibility of Highways England. Any queries about speed limits on these routes can be directed via e-mail to info@highwaysengland.co.uk or by calling 0300 123 5000.

Speed limits are introduced to ensure greater road safety and should seek to balance this with accessibility and environmental objectives, improving the quality of life for local communities. Any changes we make to speed limits must adhere to criteria as set out by the Department for Transport (DfT).

Speed limits are the maximum speed at which vehicles may legally travel – they are not target speeds: You should always reduce your speed when:

- the road layout presents hazards, such as bends;
- you are sharing the road with pedestrians and;
- there are adverse weather conditions; or
- you are driving at night – as it is harder to see other road users and possible obstructions.

Balancing the need to travel and overcoming social exclusion and strengthening rural communities are also key, but must be carefully assessed against reducing road traffic collision. The promotion and education of safe and considerate driving and encouraging road users to adopt appropriate speeds on our roads is also important to the success of speed limits. The responsibility for the enforcement of speed limits lies solely with the Police and instances of speeding can be reported to your local Police officers by dialling their 101 non-emergency number. In future the development of an area on the partnership website with appropriate links will facilitate the reporting of all speed related matters.

In January 2006, the DfT published guidance circular 01/2006 on ‘Setting Local Speed Limits’* which sought a common national approach on the setting of limits, highlighting the need to manage speed in a way that is appropriate for the road function and local characteristics. Following release of this guidance, routes in Derbyshire were reviewed and changes to speed limits implemented where appropriate - [* circular 01/2006 has now been replaced by circular 01/2013 – see link below]:

<https://www.gov.uk/government/publications/setting-local-speed-limits>

1.1 Speed limits in urban areas

DfT guidance states:

“Urban roads by their nature are complex as they need to provide for safe travel on foot, bicycle and by motorised traffic. Lower speeds benefit all urban road

users, and setting appropriate speed limits is therefore an important factor in improving urban safety.”

On roads where a recognised system of street lighting is present (where there are 3 or more lighting columns not more than 183m apart) the default speed limit will be **30mph**, unless there are signs in place indicating a different limit, and will be signed accordingly where the street lights start. Such roads will have a significant degree of frontage development with pedestrian activity and the presence of driveways, junctions, traffic signals and crossings. By law we cannot put in additional 30mph (repeater) signs where street lighting is present.

A **40mph** speed limit is generally appropriate on higher quality suburban roads away with less frontage development but with side roads, some bends and traffic signals or pedestrian crossings. Repeater signs are required.

In exceptional circumstances, **50mph** speed limits may be introduced on roads where the environment and characteristics allow this speed to be achieved safely – e.g. dual carriageways, radial routes or bypasses. Higher speed limits encourages urban through traffic to use routes of this nature rather than less suitable residential streets.

Where roads do not have a speed limit and are unlit, the national limit applies and drivers are expected to drive to the conditions. The following link provides a summary of national speed limits with reference to vehicle type:-

<https://www.gov.uk/speed-limits>

1.2 Speed limits in rural areas

DfT guidance stipulates that **30mph** is considered the norm in villages, based on a simple criteria relating to the density of frontage development and distance:

- There should be **20** or more houses on one or both sides of the road, over a length of around 600m. This can be less if the level and density of development exceeds the 20 or more houses criterion. In instances where there are less than 20 houses, an extra allowance can be given for key buildings – i.e. churches, community centres, schools, etc.
- A preferred length of 600m is desirable to avoid too many changes of speed limit along the route, which could lead to motorists disregarding the changes.

In the absence of street lighting, 30mph repeater signs will be required.

70mph is the maximum speed limit for cars on dual carriageways and motorways.

The national speed limit applies to single carriageway roads (maximum of 60mph) that have very sparse development, are of a high quality, and have a strategic function.

Lowering the speed limit to **50mph** can be considered where there are a high number of bends, junctions or accesses and a high level of injury collisions.

A speed limit of **40mph** may be considered in very exceptional circumstances in an area of outstanding national beauty or across, or adjacent to, unenclosed common land; or if they form part of a recommended route for vulnerable road users. Such a special application would need, however, to be done in association with the DfT and in discussion with a national park authority.

Speed limits on single carriageway rural roads should take into account: the collision history, the road's function, existing average traffic speed, level of use by vulnerable road users, the road's geometry and engineering, and the environment, including the level of road-side development.

Terminal signs (at the start of a speed limit) must be positioned as close as practicable to the start of a built-up area. Where forward visibility is restricted, signs may be extended outwards to meet standard forward visibility requirements.

1.3 20mph Speed Limits and Zones

These can be differentiated as follows:-

- 20mph limits, which consist of just a speed limit change to 20mph which is indicated by the speed limit (and repeater) signs, and
- 20mph zones, are designed to be “self-enforcing” due to traffic calming measures that are introduced along with the change in the speed limit.

Note – refer to Table 1 in section 4 for consideration criteria

20mph speed limits/zones are introduced sparingly, with casualty reduction being a priority for the selection of such schemes.

A number of 20mph zones are in operation in Derbyshire. They should be self-enforcing and so are usually only appropriate in areas where speeds are already naturally low or where a suitable package of traffic calming measures can be used to ensure compliance with the speed limit.

1.4 Traffic Regulation Orders

The imposition of any new speed limit, or amendment to an existing speed limit, requires a Traffic Regulation Order to be made. This is a legal process which includes a statutory consultation with public bodies such as the Police, Borough/District and Parish/Town Councils. A public notice period is also required – where details are advertised both on site and in the local press - to give local residents and road users the opportunity to comment on the proposal. Any representations need to be considered that in turn may

result in changes to the original proposal. Where powers are delegated, representations can be dealt with by a delegated senior officer.

Once a proposal has been approved, the necessary signs are ordered and arrangements made for them to be in place on a certain date to coincide with the date the Order comes into force; the Order is then enforceable by the Police.

This entire process – from investigation to implementation – can take between 6 and 12 months to complete.

Introducing a Traffic Regulation Order is both a time consuming and costly process. We receive many requests for speed limits and therefore apply a points-based scoring system to allow such requests to be prioritised. This allows resources to be better targeted at those areas which highlight an issue with collisions. The ranking scheme is included below.

1.4.1 Speed limit ranking scheme

Subject	Parameters	Points range	Points scored
Collisions	Serious and Fatal Slight Non-Injury Sub-total score Divided by crash exposure value: (volume (volume per day) x length (m) x 365) x 2 Total collision component score	10 5 1 = =	
Capital scheme or developer funded	Yes No	5 0	
Road hierarchy	A road B road C road Unclassified	5 4 3 2	
Enforceability (based upon 85 percentile speed)	New limit self-enforcing Supporting engineering features required Regular Police enforcement	5 0 -5	
Benefits of scheme to vulnerable road users	Possible improvement No change Deterioration	2 0 -2	

Subject	Parameters	Points range	Points scored
Benefits to schools	Possible improvement No change Deterioration	2 0 -2	
Benefits to elderly/mobility impaired	Possible improvement No change Deterioration	2 0 -2	
Benefits to local facilities/businesses	Possible improvement No change Deterioration	2 0 -2	
Effect on emergency services response times	Possible improvement No change Deterioration	2 0 -2	
Support from residents	Yes No overall support Residents not in support	2 0 -2	
Support from community and/or special interest groups	Yes No support forthcoming Against proposals	2 0 -2	
Cost of speed limit, including advertisements and associated works	<£5,000 £5,000 to £7,500 £7,500 to £10,000 £10,000 to £15,000 > £15,000	10 8 6 3 1	
		Total	

1.5 Speed limit change

Excess speeds alone are unlikely to justify the lowering of an existing speed limit. The speed limit will have been implemented according to DfT guidance and will be appropriate for the character of the road and level of built-up development. The vast majority of drivers will choose to drive at speeds they feel are appropriate and unnaturally low speed limits will be ignored. Compliance could be achieved by introducing a package of traffic calming measures but, in the absence of a speed-related injury collision history, the expenditure would be difficult to justify.

1.6 Community speed watch

Community Speed Watch is administered by the Police and will be an option in dealing with speed related matters. In future, the development of an area on the partnership website with appropriate links will facilitate the reporting of all speed related matters

2 VEHICLE ACTIVATED SIGNS (VAS)

2.1 Introduction

This guidance puts in place detailed procedures to be followed in considering the installation of permanent, temporary or mobile VAS.

VAS have become a popular, effective, less intrusive form of speed-reduction which can be used as an alternative to more physical measures. These are electronic signs which display a symbol and/or message when triggered by a vehicle travelling at a specific pre-set speed – the threshold speed usually being set at 10% + 2mph above the posted speed limit (e.g. 35mph in a 30mph limit). They are often introduced to supplement rather than replace traditional signing and lining, and are aimed at addressing specific road safety problems. However, note that those displaying a speed limit sign only should be set at speed limit +2mph, see criteria 2.2(b) below).

Note – refer to Table 1 in section 4 for consideration criteria

Both **permanent** and **temporary** VAS measures have been used in Derbyshire and Derby City. Research has shown that the effectiveness of permanent VAS reduces as motorists become familiar with them. The advantages of a temporary VAS is that it can be moved around between a number of sites; remaining at one site for a number of months before being moved to another site before motorists become familiar with it. The sign can then be redeployed to the same site several months later to retain its effectiveness.

VAS have been developed in Derbyshire and Derby City to address not only problems of exceeding speed limits, but also to encourage drivers to approach hazards – such as bends or junctions – at a safe speed, and to provide hazard warnings where conventional signing alone has not been effective. Analysis of existing sites has shown that, where these signs have been introduced in response to injury collision problems, they have resulted in immediate and ongoing improvements to the casualty record. There are still relatively few signs of this nature in Derbyshire and Derby City but there are concerns that to introduce them on a widespread basis would cause drivers to become used to them and their effect would diminish. In response to these concerns we apply a stringent set of criteria to each application we receive, to guard against over-proliferation and to ensure that signs are introduced where they are most needed. This allows the Councils to determine their priorities for investment in VAS and to inform other bodies about where signs will be deployed and where installation is likely to be refused.

The protocol dictates that all of the following criteria must be met for VAS:

- 2.1(a) VAS should be considered at sites that have a **collision history associated with inappropriate speed**, or a hazard, that has not been satisfactorily remedied by standard signing. Other signing means must have been tried and have failed; the site must have been subject to a recent speed survey to determine justification for a VAS installation.

- 2.1(b) VAS displaying a speed limit should be located at sites which have a history of a **minimum of 6 injury collisions within 1km over the previous 3 years** and where speed has been a factor in some, if not all the collisions.
- 2.1(c) VAS displaying a speed limit should be located at sites where the results of traffic surveys show the 85th percentile speed is at least 10% over the speed limit +2mph, measured over a 7-day period. [The 85th percentile is the speed at which up to 85% of the traffic is travelling].
- 2.1(d) Hazard warning VAS should be located at sites which have a history of a **minimum of 6 injury collisions within 1km over the previous 3 years**, and where the hazard has been the cause.
- 2.1(e) Requests for VAS that meet these criteria should be prioritised on the basis of a calculated estimate of casualty reduction benefits.
- 2.1(f) The flexibility of temporary VAS means they are the preferred option but the decision on which type of VAS to be used should be made on a case by case basis. To retain effectiveness, temporary VAS should remain on site for **no longer than 3 months and should not be redeployed at the same site within 6 months**.

2.2 Installation and Monitoring Criteria

- 2.2(a) VAS warning of a hazard should be set to operate at the 50th percentile speed measured before installation. However, discretion may be used to change this depending on the road conditions.
- 2.2(b) VAS displaying a speed limit should normally be set to operate at 10% + 2mph above the posted speed limit (e.g. 35mph in a 30mph limit). However, discretion may be used to change this depending on the road conditions.
- 2.2(c) The section of road in advance of the VAS must be straight over a reasonable distance to maximise visibility to the sign.
- 2.2(d) There should be little or no vegetation or street furniture that will block the view of the sign or affect the working of the radar equipment.
- 2.2(e) There must be sufficient footway or roadside verge to install the sign. There must also be reasonable access to a power supply.
- 2.2(f) The sign should, wherever possible, not be intrusive to nearby residential properties and early consultation should be sought to establish residents' views. If the sign is proposed within the Peak District National Park, early consultation with the National Park Authority should be sought.
- 2.2(g) VAS displaying a speed limit should be located between 100 metres and 200 metres beyond the start of the posted speed limit sign, except in

urban areas with street lighting where a 30mph speed limit operates and where repeater signs are not allowed.

- 2.2(h) VAS warning of a hazard should be located between 50 metres and 100 metres in advance of that hazard.
- 2.2(i) Permanent VAS should be routinely inspected every six months and provided with regular maintenance, such as cleaning the sign face, removing any obstructing foliage and ensuring that the vehicle detection system is functioning correctly.
- 2.2(j) All VAS installations should be monitored for effectiveness by regular analysis of speed data and collision records. Any that are considered ineffective should be removed.

2.3 Permanent and Temporary VAS - Funding by Borough, District or Parish/Town Councils

Where a local council has requested a VAS, which meets criteria for inclusion in the County Council's programmes but is a low priority for installation at the County Council's expense, then the local council may fund the installation. The Funder must undertake to be responsible for all costs, including long-term maintenance for the life of the installation, and removal if required. All selection, installation and monitoring criteria above will apply, with the exception of criteria 2.1(e).

2.4 Mobile VAS

Mobile VAS differ from temporary VAS as they are completely mobile and do not require pre-prepared sites, and may be deployed in locations which would not meet the criteria for permanent or temporary sites. Currently, there are no mobile VAS operating, but are included as they may be employed in the future. Decisions on where they may be deployed, and the length of deployment, should be taken through established selection and consultation procedures of the sign's owner, either the County Council, Derby City or Derby and Derbyshire Road Safety Partnership. The owner may seek contributions to costs from the local council requesting the installation. In no circumstances should mobile VAS be deployed for longer than the three month limit applying to temporary installations.

3 TRAFFIC CALMING/SPEED REDUCTION MEASURES

Derbyshire County Council and Derby City, as local Highway Authorities, are committed to the reduction of casualties on their highway networks. There are a number of traffic calming measures available to help reduce traffic speeds, and discourage inappropriate through traffic, in order to achieve casualty reduction on our roads.

We receive many requests for traffic calming measures which far outweigh the limited funding available for such schemes. Our funds must therefore be targeted at areas with a history of speed-related collisions resulting in **personal injury**; prioritised to those locations with the greatest number of collisions, with pattern and severity also taken into account. Sites of concern are identified either from data analysis (speed surveys and collision history) or from members of the public, in person or via their parish/town council/County Council Member. Measures can only be introduced at locations where there is an identifiable problem (e.g. trend in collisions) and will be chosen based on the likelihood of an improvement to the road safety record being achieved.

Note – refer to Table 1 in section 4 for consideration criteria

The responsibility for the enforcement of speed limits lies solely with the Police and instances of speeding can be reported to your local Police officers by dialling their 101 non-emergency number. In future the development of an area on the partnership website with appropriate links will facilitate the reporting of all speed related matters.

Below is a description of some of the speed-reduction measures we can consider, given the right circumstances. Physical calming measures - such as road humps or speed cushions (vertical deflection), build-outs and chicanes (horizontal deflection) – are costly and generally not well supported by the public and so we will tend to consider less intrusive measures wherever possible.

3.1 Road Humps

Perhaps the most recognisable form of traffic calming, **road humps** (commonly referred to as ‘sleeping policemen’), can be used to reduce traffic speeds and discourage inappropriate through-traffic on residential roads in order to lessen the risk of speed-related collisions occurring.

A road hump is rarely introduced in isolation and a scheme would normally include several humps, set at regular intervals, in order to reduce speeds consistently over the given route.

A variation on road humps are **speed cushions**. Unlike road humps, speed cushions form small plateaux across the width of the carriageway with gaps in between. Arguably not as effective as road humps, speed cushions do, however, allow easier passage for wider vehicles (such as those used by the emergency services) as they can straddle either side of the plateau; a useful alternative to road humps on busy bus routes and those heavily trafficked by heavy goods vehicles.

Speed Tables take the form of single, raised ‘table-top’ plateaux across the width of the carriageway. In addition to achieving reductions in speed, tables also provide a safe crossing place for pedestrians, across the top of the plateau, where traffic speeds will be at their lowest.

Measures of vertical deflection, as described above, can only be introduced on roads with a speed limit of 30mph or less, and where street lighting is present. We are also

governed by the Highways (Road Humps) Regulations 1999 which state that humps are to:

- be between 25mm and 100mm high;
- have a minimum length of 900mm;
- be either curved or flat topped, and
- be spaced at between 20m and 150m.

There will need to be very clear justification on grounds of road safety for any of these measures to be introduced as they are not well supported by the general public due to their detrimental effects. These measures will invariably create a level of noise/vibration pollution for local residents. The need for associated signage and street lighting can also be considered detrimental to the aesthetic of residential areas. Given the lack of support, less intrusive measures may be more appropriate in most situations where traffic calming is required.

3.2 Build-outs, Chicanes and Priority Narrowing

The benefit of horizontal deflection over vertical deflection is that vehicles do not have to travel over a physical feature and therefore problems of noise/vibration pollution are removed.

Such measures can often take the form of **chicanes** which uses features to either narrow the carriageway – allowing for two way traffic flow at slower speeds – or gives priority to drivers travelling in a certain direction, creating a break in traffic flow and reducing speeds.

Chicanes can be formed by creating **footway build-outs**; widening of the footway into the carriageway to provide improved visibility for pedestrians wishing to cross the road. This is of particular advantage on residential roads with high levels of parked cars. Build-outs introduced in isolation would not necessarily be used as a speed-reducing technique but the ‘narrowing’ of the carriageway will encourage some drivers to reduce speeds. A number of build-outs, introduced at strategic locations, will create a chicane effect and help to control traffic speeds along the route in question. Build-outs can be difficult to achieve where there are many private driveways restricting their positioning.

Priority narrowing is usually created through footway build-outs, extending into the carriageway to such a degree as to limit it to one-way traffic flow. The effect of this is that vehicles travelling in one direction have to give way to oncoming traffic, creating a break in traffic flow and subsequently reducing speeds. This measure does rely on oncoming traffic to be effective. A steady flow of traffic in either direction is needed and, if the balance is not right, can result in drivers speeding up to get through the gap first.

Footway build-outs and priority narrowing are often viewed as too intrusive by residents due to the associated kerbing required for the build-outs and signing/illumination of the priority system. An additional consequence of all forms of horizontal deflection is that it

invariably removes lengths of on-street parking, which is unfavourable in areas where such provision is in high demand.

Less intrusive measures will be considered wherever possible.

As with vertical measures, horizontal measures can only be introduced on roads with a speed limit of 30mph or less, and where street lighting is present.

3.3 Road Markings

Before using any of the above measures, we will normally consider whether road markings could be used at sites which suffer from a poor road safety record. The use of road markings can be a cost-effective measure in resolving certain speed-related injury problems.

An example of road markings we may consider are **rumble strips**. These would normally take the form of slightly raised strips, set across the entire width of the carriageway, and a different colour to the road surface. The strips cause vibration when driven over to alert drivers to reduce their speed and are typically used to draw attention to a change in speed limit – e.g. at the entrance to villages where there have been collision problems. Due to the noise generated by rumble strips, we are not recommended to introduce them within 200 metres of residential properties.

Another technique we may adopt is **visually narrowing road markings**, usually taking the form of white hatching placed down the centre of the carriageway. This creates a visual effect of narrow traffic lanes, reducing speeds and keeping opposing vehicle flows away from each other. They also encourage lower speeds when overtaking cyclists or parked vehicles. **'SLOW'** road markings can also be considered at problem locations.

4 TABLE 1: IDENTIFIED TREATMENTS AND THEIR CRITERIA FOR CONSIDERATION OF IMPLEMENTATION

Treatment Type	Treatment	Criteria	Considerations
Engineering	20mph zones.	<ul style="list-style-type: none"> • Only available for existing 30mph speed limit areas. • Not available for arterial/strategic routes. • 6 personal injury collisions over 1km (pro rata) in the latest 3 years. • Recorded mean speed and 85th percentile should be approximately 20mph. 	Traffic Regulation Order legal process required
Engineering	Speed Limit Change.	<ul style="list-style-type: none"> • Current speed limit assessed and not appropriate. • Procedure to rank and prioritise requests for speed limits is applied. • 	Traffic Regulation Order legal process which is subject to the public and statutory bodies opinion.
Engineering	Permanent Vehicle Activated Signs (VAS).	<ul style="list-style-type: none"> • 6 personal injury collisions over 1km in the latest 3 years, where either a trend can be identified or speed has been a factor in some of the collisions. • Site or Route Specific Road Markings and/or Traffic Signs methods have been evaluated and not worked • 85th percentile recorded speed has exceeded the threshold specified in Table 2. • Other traffic calming measures inappropriate due to strategic nature, hierarchy and importance of the route and to avoid the use of less appropriate routes. 	Speed or specific collision trend required. Road user can become familiar.
Engineering	Temporary VAS.	<ul style="list-style-type: none"> • 6 personal injury collisions over 1km in the latest 3 years, where either a trend can be identified or speed 	Road user less likely to become familiar and effectiveness is retained. VAS should remain in place for no longer than 3 months and not

Treatment Type	Treatment	Criteria	Considerations
		<p>has been a factor in some of the collisions.</p> <ul style="list-style-type: none"> • Site or Route Specific Road Markings, Traffic Signs and other engineering methods have been evaluated and not worked. • 85th percentile recorded speed has exceeded the threshold specified in Table 2. • Other traffic calming measures inappropriate due to strategic nature, hierarchy and importance of the route and to avoid the use of less appropriate routes. 	<p>redeployed at the same site within 6 months (subject to resourcing and funding).</p>
Engineering	Horizontal Traffic Calming Measures (build-outs, chicanes and priority narrowing).	<ul style="list-style-type: none"> • 7 personal injury collisions over 1km (pro-rata) in the latest 3 years in an area or. • Identified rat-running route. • Current speed limit is 30mph or less. • Street lighting must be present. 	<p>Limited noise and vibration issues.</p> <p>Difficult to implement where there are private driveways. Often viewed as intrusive by residents.</p> <p>Additional traffic signing and illumination is required which has an environmental impact.</p> <p>Amount of on-street parking provided will be reduced.</p>
Engineering	Vertical Traffic Calming Measures (road humps/speed cushions/speed tables/plateaux).	<ul style="list-style-type: none"> • 7 personal injury collisions over 1km (pro-rata) in the latest 3 years in an area or. • Identified rat-running route with more desirable alternative route available. • Current speed limit is 30mph or less. • Street lighting must be present. • Cannot be provided on the strategic road network where there is a high proportion of heavy goods vehicle traffic. 	<p>Size/height, etc, is prescribed by Highways (Road Humps) Regulations 1999.</p> <p>Can provide additional noise and vibration issues for residents.</p> <p>Additional traffic signing required which has an environmental impact.</p>
Engineering	Site Specific Road Markings (rumble strips).	<ul style="list-style-type: none"> • 3 personal injury collisions over 1 km in the latest 3 years 	<p>Noise impact upon nearby properties.</p>

Treatment Type	Treatment	Criteria	Considerations
		<ul style="list-style-type: none"> Cannot be located within 200m of a residential property. 	
Engineering	Site or Route Specific Road Markings (white hatching/narrow lanes/SLOW markings) and or Traffic Signs. Reductions in signs and markings where beneficial to safety.	<ul style="list-style-type: none"> 3 personal injury collisions over 1 km in the latest 3 years. 	Environmental considerations, where signs and markings have a little impact upon road safety. Asset reduction and consideration to energy costs.

5 TABLE 2: MEAN AND 85TH PERCENTILE SPEED THRESHOLDS

Speed Limit	Threshold (mean speeds)	Threshold (85th percentile speeds)
20mph	20mph	24mph
30mph	30mph	35mph
40mph	40mph	46mph
50mph	50mph	57mph
60mph	60mph	68mph

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Agenda Item No. 4(b)

DERBYSHIRE COUNTY COUNCIL

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

11 March 2021

**PETITION – BOUGHTON LANE, CLOWNE – CONTROLLED CROSSING
FACILITY**

Report of the Director – Economy, Transport and Environment

(1) **Purpose of Report** To inform the Cabinet Member of investigations carried out following the receipt of a petition requesting that the Council provides a controlled crossing facility on Boughton Lane, Clowne adjacent to Heritage High School.

(2) **Information and Analysis** At the meeting on 28 January 2021, the Cabinet Member acknowledged receipt of a petition, containing 158 signatures, requesting the provision of a controlled crossing facility on Boughton Lane, Clowne adjacent to Heritage High School (Minute No. 1/21 refers). A plan detailing the site is attached as an appendix.

Officer Comment

Broughton Lane connects the A616 Barlborough Road with the B6418 High Street, Clowne. The section of Boughton Lane, outside of Heritage High School where the crossing has been requested, is a straight road with a clear line of sight and no major obstructions to pedestrian visibility in either direction. A 30mph speed restriction is in place on Boughton Lane with traffic calming features located outside the school to further reduce the speed of traffic. This system of traffic calming is complemented by two school safety zone warning signs with flashing amber warning lights which illuminate at school drop off/pick up times and give the message 'Max speed 20 when lights flash'. However, this is an advisory speed limit and, as such, is unenforceable by the Police. There is a bus lay-by fronting the school which is set back from the main carriageway, so that buses dropping off/collecting pupils do not hinder the visibility of pedestrians who wish to cross the road on either side of the carriageway. This school bus bay is located on the school side of the carriageway, meaning that many of the students do not need to cross the road to access neither the school nor their transportation. Pedestrian guardrails are in place on the footway adjacent the school with gaps at appropriate crossing locations, creating a barrier between pedestrians and live traffic (particularly buses) and regulating crossing points. Appropriate crossing

points are in place for pedestrians in the form of dropped kerbs with many incorporating tactile paving. Due to the location of the bus bay and the direction of the foot traffic, only a small percentage of the pupils experience a need to cross the road.

The Council receives many requests for the provision of controlled crossing facilities, the number of which far outweighs the funds available. As an example of the sums involved, the installation of a puffin crossing would typically cost in excess of £30,000 and a zebra crossing £20,000. This figure can vary greatly, depending on the ability to connect to an existing electricity supply.

Strict criteria must therefore be applied to each request to ensure that the considerable funds required for these facilities are targeted to locations where they are most needed. In terms of assessing requests, the PV² formula is used (a nationally recognised assessment tool) as a guide, which helps to establish pedestrian activity against the volume of traffic. To ensure a new crossing will be well used, numbers in the region of 1,000 vehicles, with 100 crossing pedestrians, for each of any four hours in a 24-hour period should occur at the proposed crossing location. Other factors are taken into consideration, such as the level of difficulty for pedestrians crossing, whether there is a desire line (a clear point where pedestrians have a need to cross) and whether there is a suitable location to site a crossing. The pedestrian safety record is also taken into consideration when prioritising the locations where controlled crossings are installed. Having studied the Council's collision database, it shows that no reported injury collisions have taken place on Boughton Lane in the last three year period, up to 31 July 2020. Three years being the standard test period used by local authorities when comparing the reported injury collision record of a road or junction. Updates to the collision database are received on a periodic basis from Derbyshire Constabulary and, for this reason, are only current up to 31 July 2020.

The surrounding area, with the exception of the school, is predominantly residential, with pedestrian activity outside of school start and finish times being minimal due to the absence of shops and businesses within the vicinity that would create a need for pedestrian traffic to cross Boughton Lane at this point. However, a vehicle/pedestrian count was carried out on Boughton Lane adjacent to the school in October 2020 with the survey results showing that as was suspected, the numbers of pedestrians crossing over Boughton Lane, even at school drop off/pick up times was a factor of 10 below that which would satisfy the PV² formula.

Clowne Heritage School is a comprehensive school with pupils aged 11-16. At this age, the children have well developed spatial awareness and a degree of highway safety knowledge and are therefore capable of crossing a road in an informed and mature manner.

Bearing the above in mind, the request for the provision of a controlled crossing must be declined.

Local Member Comment

Councillor Anne Western was consulted but did not have any comments to make.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Other Considerations**

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

(5) **Key Decision** No.

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

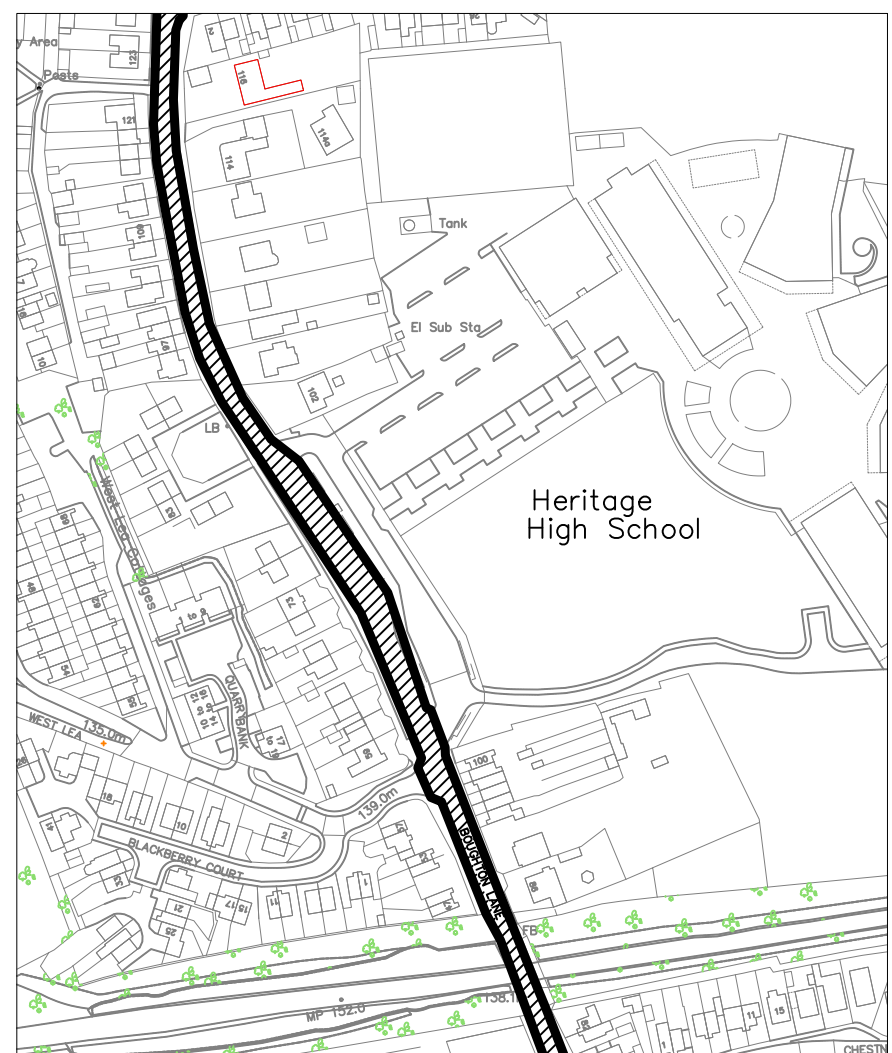
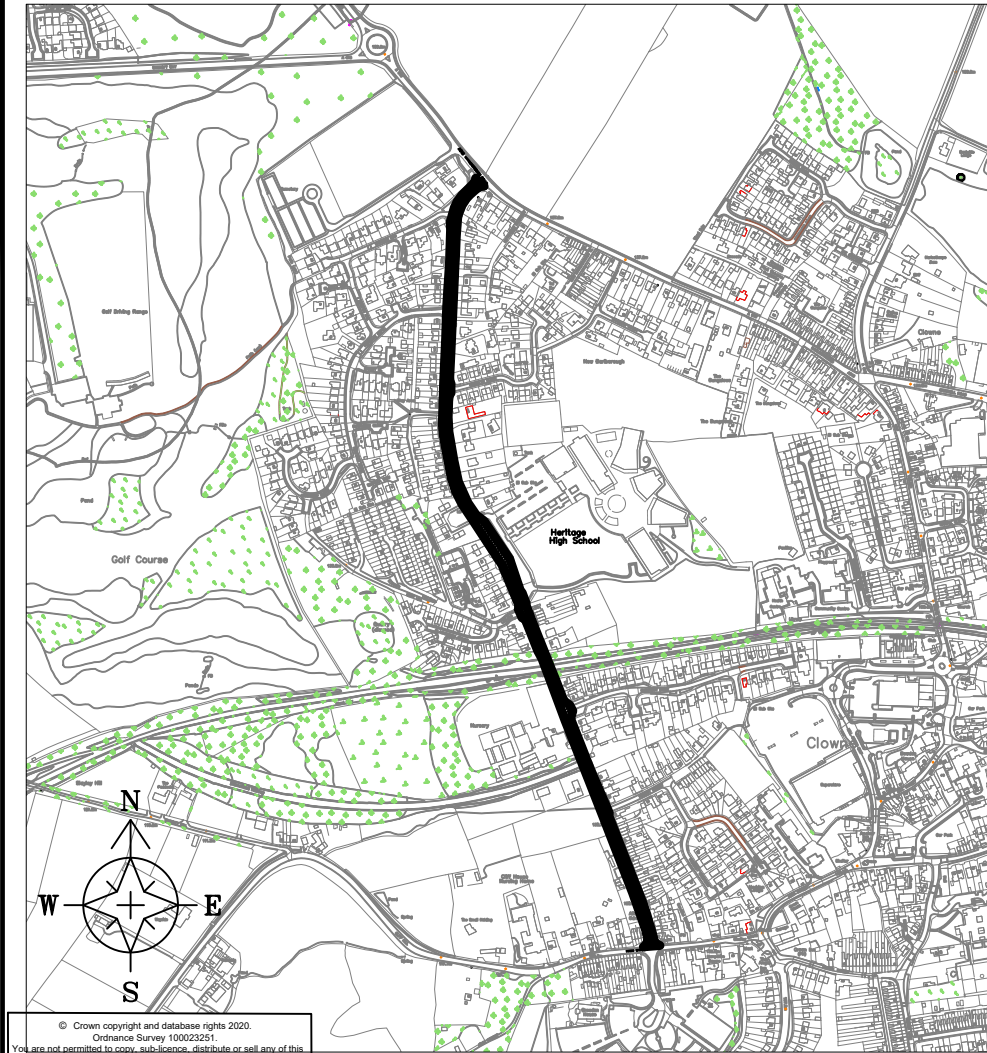
(7) **Background Papers** Held on file within the Economy, Transport and Environment Department.

(8) **OFFICER'S RECOMMENDATION** That:

8.1 The request for the provision of a controlled crossing on Boughton Lane, Clowne adjacent to Heritage High School be refused.

8.2 The Local Member and lead petition be informed accordingly.

Tim Gregory
Director – Economy, Transport and Environment



TIM GREGORY
Director
Economy, Transport and Environment



AMENDMENT DETAILS

BY CHKD APVD DATE NO.

PROJECT TITLE

BOUGHTON
LANE, CLOWNE
LOCATION PLAN

DRAWING TITLE

APPENDIX

DRAWN
J.HARRISON

Date
21/01/2021

CHECKED
S.DUNGWORTH

Date
22/01/2021

APPROVED
B.GOULD

Date
22/01/2021

Project / Confirm
Reference No. PCE-E-21-0001-01-07-30/82007107

Drawing
Number HMT/SMD/344/21

SCALE

N.T.S

ORIGINAL DRAWING SIZE 297 x 210 (A4)

Agenda Item No. 4(c)

DERBYSHIRE COUNTY COUNCIL

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

11 March 2021

Report of the Director – Economy, Transport and Environment

**GRASSMOOR COUNTRY PARK – NATURAL FLOOD MANAGEMENT
SCHEME**

(1) **Purpose of Report** To update the Cabinet Member on proposed developments at Grassmoor Country Park, to request approval to allow the Don Catchment Rivers Trust to deliver a natural flood management (NFM) and habitat creation scheme within Grassmoor Country Park, and to give delegated authority to the Director of Environment, Economy and Transport, in conjunction with the Director of Legal and Democratic Services to negotiate the terms of and enter into a collaboration agreement with the Don Catchment Rivers Trust (DCRT) to enable delivery of the scheme.

(2) **Information and Analysis** Grassmoor Country Park is a very well-used countryside asset to the south of Chesterfield, managed by the Countryside Service. It was created following the restoration of the former Grassmoor Colliery and the adjacent Grassmoor Lagoons site, which received industrial effluent waste from the nearby Avenue Coking Works at Wingerworth. It is one of the less-developed country parks due to the need for the restoration of the Lagoons area, which is now nearing completion and will soon be opened for public recreation as part of the country park. The opening up of this significant area of the country park will allow for a masterplan for the whole site to be developed and improvements for the users of the site to be made.

As part of early improvements to the publicly accessible parts of the country park, the DCRT, supported by the Countryside Service and the Flood Risk Management Team, has developed an NFM scheme which proposes the creation of a sustainable drainage system formed by a series of bunds and shallow depressions that will restrict surface water and create permanent and semi-permanent water storage areas. These pools are connected by small channels that allow passage of water and will support valuable wet grassland and wet woodland habitat.

DCRT is the lead organisation of the NFM scheme and is the sole applicant on all funding applications. Contractors will be appointed and managed by

DCRT to deliver the works. The Council will provide land to deliver the scheme and will maintain the newly formed habitat.

The Grassmoor Country Park NFM scheme would be a key piece in a wider programme of NFM activities throughout the catchment, aiming to reduce flood risk in downstream Chesterfield. The NFM features will reduce flood risk by slowing flows and increasing the time it takes for run-off to enter the river network. In the locality, the scheme will help reduce flood risk along Calow Brook and Spital Brook and thus, reducing flood risk at Hornsbridge, Chesterfield.

The NFM scheme will have many benefits to the country park. The features will create important wildlife habitat, increase carbon storage and introduce more varied landscapes within the park. Delivery will also create opportunities to engage with visitors and local communities. In light of these benefits and enhancements, the Countryside Service, as the land portfolio holder, is proposing the scheme is supported. Due to funding criteria, the timescales for delivery are tight and the scheme must commence by July 2021.

Development of the scheme has been managed by a project board consisting of Chesterfield Borough Council, North East Derbyshire District Council, the Environment Agency, Derbyshire County Council's Flood Risk Management Team and DCRT. The Board provides engineering and hydro ecology expertise and employs an objective and strategic approach to natural flood management. The Board has identified the Grassmoor scheme as a priority project.

Consultation has taken place with Derbyshire Wildlife Trust and the Friends of Grassmoor Country Park, who are both supportive of the NFM scheme. A community engagement event will be arranged should the scheme be given approval to proceed.

DCRT is awaiting confirmation from North East Derbyshire District Council's Planning Team as to whether the scheme may progress as permitted development, or if planning consent is required.

(3) Financial Considerations DCRT has secured £140,900 of funding from the National Lottery Heritage Fund and the Environment Agency which will cover professional and planning fees, contractor delivery of the scheme and a contingency sum. A total of £11,013 has already been spent by DCRT on feasibility work and an outline design (see Appendix 1). An in-kind contribution from DCRT will provide project management, community engagement and trustee expert advice and support to deliver the scheme. There is no match or Capital funding contribution required from the Council.

Construction of the scheme's features is predominantly by the creation of earth bunds. There will be an addition of four small culverts envisaged to remain functional for a minimum of 40 years. After this duration there may be a requirement to replace the culverts. A cost estimate for this work based on current prices is £3,000.

The Countryside Service will contribute maintenance costs, estimated at £1,500 per annum to manage the grassland and woodland habitat. This sum is approximately the same as current grassland maintenance costs of the land in question and therefore there is no net increase in cost to the Service.

In addition, the Countryside Service envisages that there will be strong potential to monetise this habitat since it would be expected to be included in the portfolio of sites submitted by the Countryside Service to a forthcoming Countryside Stewardship programme. Further income streams may also be achieved by the potential this new habitat has to offer biodiversity net gain opportunities.

(4) **Legal Considerations** The Director of Legal and Democratic Services has advised that a collaboration agreement should be used to determine key principles of the project that will best minimise any risk to the Council throughout and after project delivery. This type of agreement spells out the specific terms and conditions of the parties' working relationship including the allocation of responsibilities. As a minimum, these would include the specific objectives of the project, the project timescales, identifiable and tested contractors, requirements for insurance, reinstatement following unsatisfactory works and what DCRT agree to in the event that funding for the works is withdrawn or any other unforeseen circumstance occurs.

Upon instruction from the Director - Economy, Transport and Environment, the Director of Legal and Democratic Services shall arrange to agree and enter into the agreement required to document the delivery of the NFM scheme.

(5) **Property Considerations** Delivery of the scheme will require utilising land previously identified by the Countryside Service for review by PSP Derbyshire LLP. This Partnership was created by the Corporate Property Division with Public Sector Plc to assess a variety of Council assets with the potential for development of income-generating development schemes. This particular review aims to identify specific Countryside Service assets that can be improved, enhanced with other facilities or are no longer required to support the Service. The scheme has been discussed with PSP Derbyshire LLP who is supportive of the scheme and sees no detriment to assessing the site asset once the NFM scheme has been delivered.

No capital costs will be attributed to the Council and maintenance costs are expected to remain static for the land in question for a number of decades at

the very least. In light of the scheme's benefits and site enhancement opportunities, the Countryside Service considers that the scheme offers a good opportunity to maximise the asset.

(6) 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, social value and transport considerations.

(7) Key Decision No.

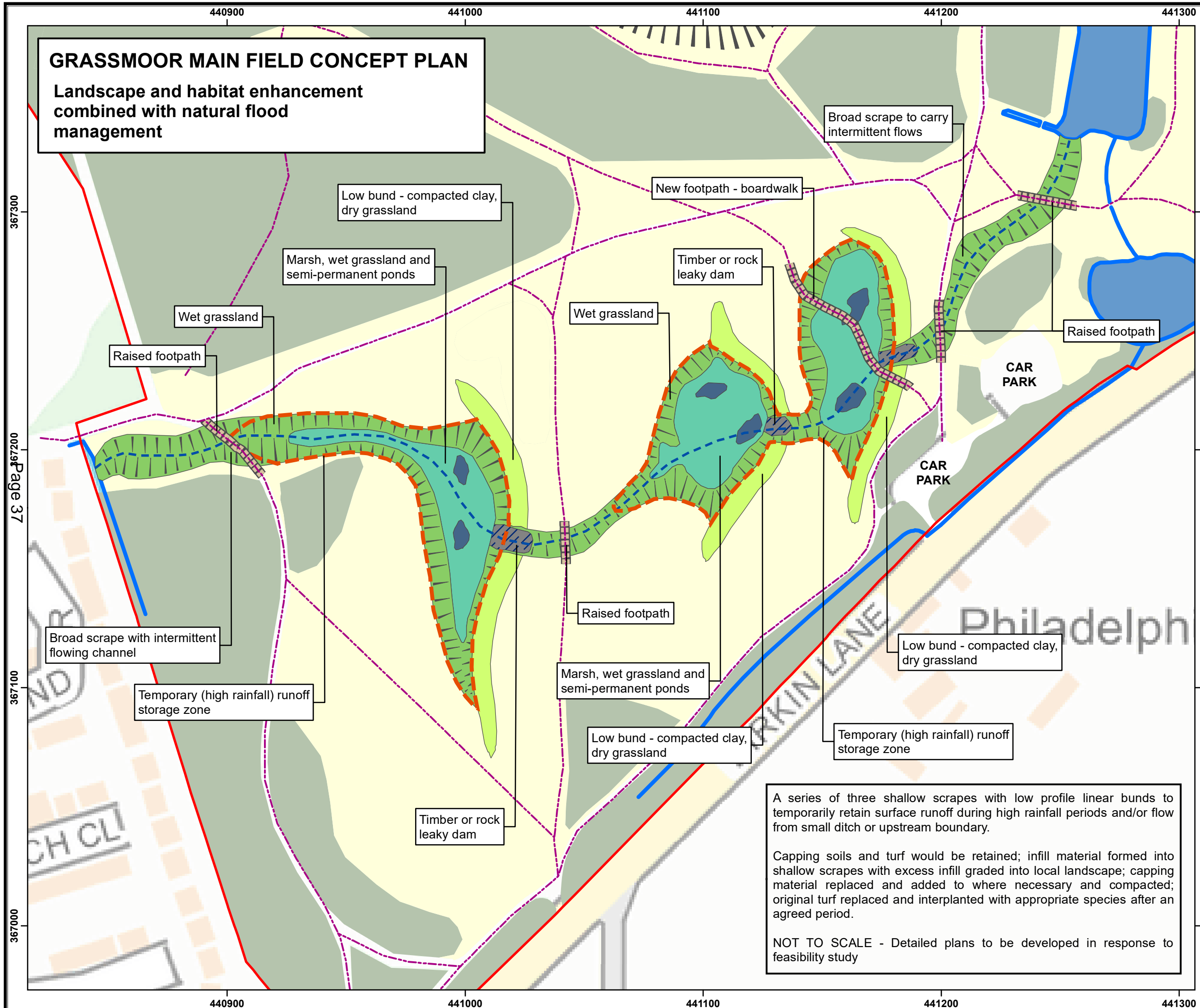
(8) Call-In Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(9) Background Papers Held on file within the Economy, Transport and Environment Department. Officers contact details – Gemma Gregory, extension 38.

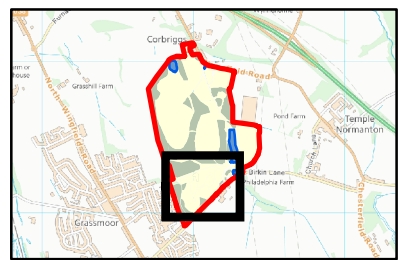
(10) OFFICER'S RECOMMENDATIONS That the Cabinet Member:

- 10.1 Notes the proposed developments at Grassmoor Country Park.
- 10.2 Approves Don Catchment Rivers Trust to deliver a natural flood management (NFM) and habitat creation scheme within Grassmoor Country Park as detailed in the report.
- 10.3 Gives delegated authority to the Director - Economy, Transport and Environment, in conjunction with the Director of Legal and Democratic Services, to agree the terms of and enter into an agreement that documents the delivery of the NFM scheme as detailed in this report.

Tim Gregory
Director – Economy, Transport and Environment



GRASSMOOR MAIN FIELD CONCEPT PLAN
Landscape and habitat enhancement
combined with natural flood
management



Legend

Grassmoor Country Park

Proposed flood storage zones

Natural Flood Management Scheme Features

- Low grassland bund
- Wet grassland slope
- Marsh/wet grassland
- Semi-permanent pools
- Timber or rock leaky dam
- Channel - intermittent flow
- Footpaths
- Raised footpath/boardwalk

Existing habitats

- Waterbody
- Grassland
- Woodland

British National Grid
Projection: Transverse Mercator
False Easting: 400000.000000
False Northing: 100000.000000
Central Meridian: -2.000000
Scale Factor: 0.999601
Latitude Of Origin: 49.000000

ISO A3

Metres

0 5 10 20 30 40 50

DON CATCHMENT RIVERS TRUST

Penny Anderson Associates Ltd
Parklea, 60 Park Road,
Buxton, Derbyshire, SK17 6SN.
Telephone 01298 27086

Project Name
Pouring More into Grassmoor

Discipline
Ecology

Title:
GRASSMOOR MAIN FIELD CONCEPT PLAN
DRAFT

Scale 1:1,500	Drawing No. Figure 2a
Drawn By CC	Originator PW
PAA Ref.	Date 12/02/2020
	Revision 1.0

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A series of three shallow scrapes with low profile linear bunds to temporarily retain surface runoff during high rainfall periods and/or flow from small ditch or upstream boundary.

Capping soils and turf would be retained; infill material formed into shallow scrapes with excess infill graded into local landscape; capping material replaced and added to where necessary and compacted; original turf replaced and interplanted with appropriate species after an agreed period.

NOT TO SCALE - Detailed plans to be developed in response to feasibility study

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Agenda Item No. 4(c)

DERBYSHIRE COUNTY COUNCIL

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

11 March 2021

Report of the Director - Economy, Transport and Environment

**INITIATING FEASIBILITY STUDIES FROM CHALLENGE FUND
RESERVES**

(1) **Purpose of Report** To seek Cabinet Member approval to draw down funding from Challenge Fund Reserves to commission and undertake two feasibility studies:

- Potential Derwent Valley Cycle Route; and
- Improving access to Shirebrook

(2) **Information and Analysis** This report sets out the case for initiating two studies into potential infrastructure projects relating to specific challenges within the broad context of economic recovery and 'good growth'.

Project 1: Potential Derwent Valley Cycle Route

The Derwent Valley is an internationally important destination, both in terms of its industrial history and as an area of spectacular scenery. Its proximity to employment growth areas in Derby, and the string of market towns and villages along the valley offers significant 'active travel' and sustainable development potential for local people and tourists to the area.

Led by the Derwent Valley Trust, plans for an attractive cycle route for both leisure and commuter use along the Derwent Valley have been drawn up (see Appendix 1 for more details).

This route has potential to connect Derby to the Peak District cycle network, the start of the Monsal Trail and an extensive and developing network of routes for cycle tourism, including Routes 6 and 54 of the National Cycle Network. If implemented, the project would showcase an important area of industrial heritage and natural beauty, as well as offering significant economic potential by opening up cycle/pedestrian access to local housing and employment sites. The key objective of the proposed route is to connect local communities and visitor destinations throughout the corridor and link to a range of wider cycling and walking routes across the County.

The proposed cycle route sits within the scope of the Derwent Valley Corridor programme and offers potential to effect modal shift in line with the 'Hierarchy of Travel' methodology, i.e. encouraging residents, commuters and visitors to swap carbon heavy modes of private transport to more sustainable forms of travel (bus, rail, cycling etc). It also complements the emerging ambitions to ensure the long term, sustainable future of the Derwent Valley Mills World Heritage Site as part of the wider Corridor programme, ultimately contributing to good growth and sustainable tourism in the area.

However, in developing the County's Key Cycle Network it was identified that any proposed Derwent Valley route comes with a range of significant challenges and issues to be addressed. It is therefore proposed to commission an appropriate feasibility study to help understand the size and scale of these challenges, assess how they could be addressed and prepare a range of fully costed proposals to help assess overall viability of the route.

Initial scoping of the feasibility study would suggest a two phase approach as follows:

1. Phase 1 – Commission a route option assessment broken down into specific phases, identifying issues and range of potential options; and
2. Phase 2 – Engaging a team of engineering consultants to draw up specific, fully costed plans based on the findings of Phase 1 (above).

Project 2: Improving Access to Shirebrook

Highway connectivity in and around Shirebrook is a long-standing issue. Although the town is served by the Robin Hood rail line which provides reasonable connectivity to destinations north and south, no principle roads run through the town. In addition, although neither the M1 Motorway nor larger settlements in the Mansfield/Ashfield area are far from Shirebrook, these journeys are relatively convoluted.

In the past, consideration has been given to new highway connections to Shirebrook in association with a bypass of Glapwell in some form. Such a project remains feasible in principle, although it faces substantial environmental challenges and it is questionable whether the scale and impact of the solution are proportionate to the problem being solved. Therefore, whilst this remains an option, it is proposed that a review is undertaken to confirm the issues and opportunities apparent in the locality, rather than any assumed solution. A first phase of work would therefore encompass:

- Assessment of regeneration (good growth) potential and barriers (in conjunction with Bolsover District Council and links to Local Plan).
- Access to employment and skills for Shirebrook residents.
- Current challenges facing bus services.

These will largely be carried out by a partnership team of officers with no immediate requirement to draw upon the Challenge Fund budget. The findings of this first phase of work would essentially provide a gateway review to the potential second phase which would take place if access is identified as a critical constraint to growth. Phase two would comprise the commissioning of studies into potential transport or mobility options. It is proposed that the 'gateway review' after Phase one be carried out through a further report to the Cabinet Member.

(3) **Financial Considerations** It is estimated a maximum of £100,000 from Challenge Fund reserves will be required to undertake the work described above on the Potential Derwent Valley Cycle Route and £150,000 for Improving Access to Shirebrook. The Derbyshire Challenge Fund was established by Cabinet on 22 October 2013 (Minute No.288/13 refers), initially focussed upon 'invest to save' initiatives but which can provide one-off support for potential projects.

(4) **Environmental Considerations** These two projects are being developed on the basis of 'good growth' principles and any assessment of issues and solutions will have full regard to climate change and low carbon options.

(5) **Other Considerations**

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

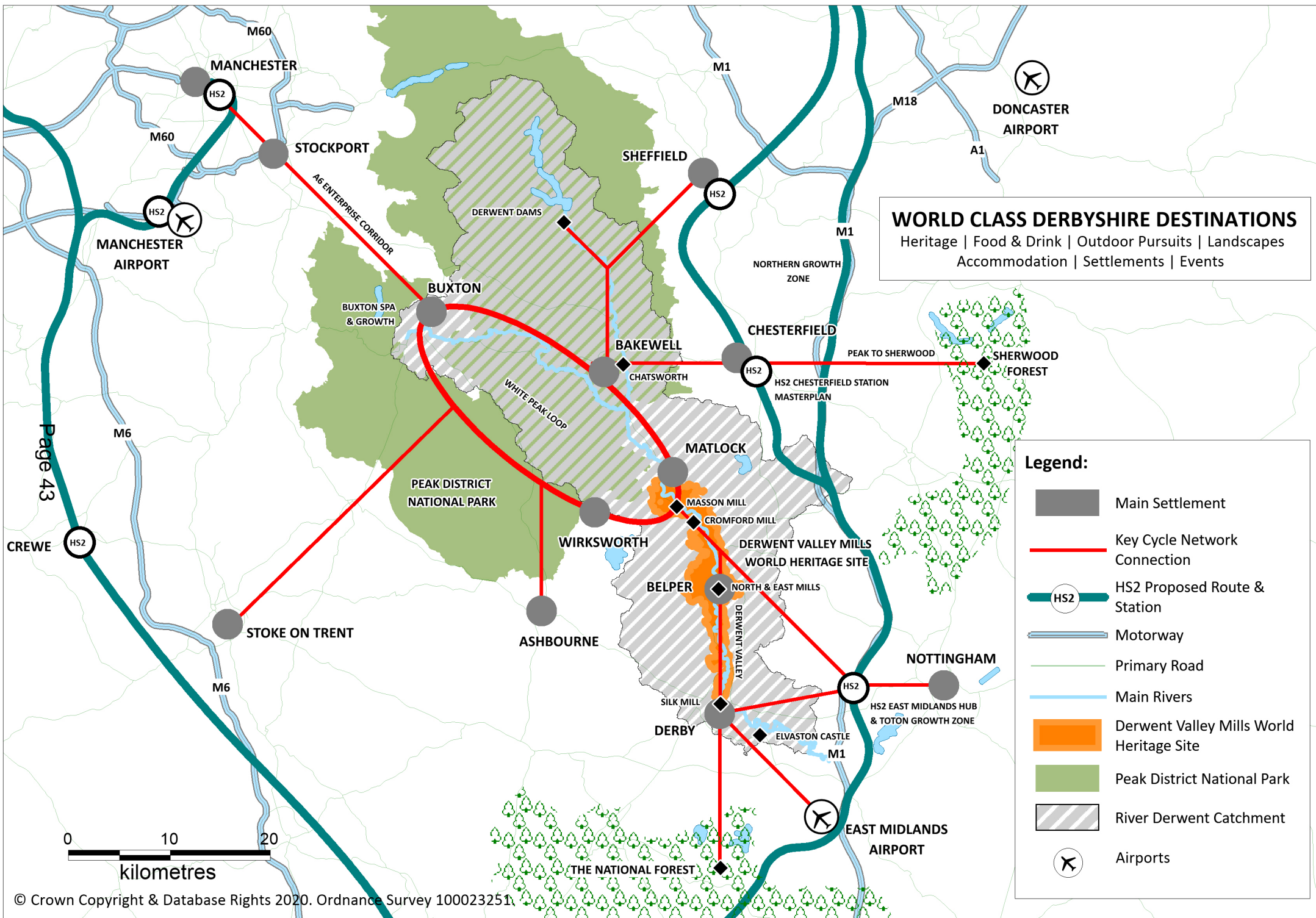
(9) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member:

9.1 Approves the release of funding, up to a maximum of £100,000, from Challenge Fund Reserves to commission and undertake a feasibility study on the potential Derwent Valley Cycle Route.

9.2 Approves the release of funding from the Challenge Fund Reserves, up to a maximum of £150,000, to undertake studies into Improving Access to Shirebrook, to be released subject to a gateway review of the first phase of work and a further report to the Cabinet Member.

- 9.3 Agrees to receive further reports detailing the outcome of these studies and proposing any further stages of work.

Tim Gregory
Director - Economy, Transport and Environment



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Agenda Item No. 4(d)

DERBYSHIRE COUNTY COUNCIL

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

11 March 2021

Report of the Director – Economy, Transport and Environment

**CONSULTATION BY THE MINISTRY OF HOUSING COMMUNITIES AND
LOCAL GOVERNMENT ON THE RIGHT TO REGENERATE: REFORM OF
THE RIGHT TO CONTEST**

(1) **Purpose of Report** To inform the Cabinet Member of Government's consultation entitled, 'Right to Regenerate: Reform of the Right to Consent'; to consider the implications for Derbyshire County Council for its role and responsibilities as an owner of public sector land; and to seek approval to provide a formal response to the consultation on the basis of the summary comments set out in this report and the more detailed response set out in the Appendix attached.

(2) **Information and Analysis** The Ministry of Housing, Communities and Local Government (MHCLG) has published a consultation entitled, 'Right to Regenerate: Reform of the Right to Contest' which sets out proposals to provide greater rights and powers for the public, businesses and other organisations to purchase local authority owned land.

The document highlights concerns that longstanding vacant, derelict or underutilised land can have a significant impact on the attractiveness of a local area, acting as a focus for anti-social behaviour. Since 1980, the public has been able to request that the Government considers whether certain publicly owned land is unused or underused and, if so, directs that it be sold.

In 2011, this power was incorporated into the portfolio of community rights as the Community Right to Reclaim Land and was extended to other public bodies such as the Greater London Authority, Transport for London and the British Transport Police.

In 2014, the power was brought together with the Right to Contest, to make it simpler for the public to request the disposal of public land. Strand 1 of the Right to Contest applies to Central Government land and is administered by the Cabinet Office; Strand 2 powers, are administered and exercised by the Secretary of State for Housing, Communities and Local Government.

This latter strand was designed to be an ‘intervention of last resort’, enabling anyone to ask Ministers to order a public body to dispose of land or property on that land, if they think the land is unused or underused and the public body has either refused to do so or not engaged.

This current consultation document suggests that most requests come from members of the public, rather than community groups or companies, and relate to small plots of land. At present, the [right is promoted on GOV.UK](#) and some local authority websites. The consultation proposes to empower people to challenge the inefficient use of public sector land in their communities and to bring it into better economic use, including housing. The document states that Government is consulting on the effectiveness of these requests as it considers reforms to make the process more efficient and more transparent.

Government believes that reforming the Right to Contest and relaunching it as a new ‘Right to Regenerate’ could provide a quicker and easier route for individuals, businesses and organisations to identify, purchase and redevelop underused or empty land in their area. In turn, a strengthened right would support greater regeneration of brownfield land, boost housing supply and empower people to turn blights and empty spaces into more beautiful developments. Government is consulting on whether reforms to the right could lead to it being utilised more effectively and more widely.

The consultation paper sets out a number of questions relating to the effectiveness of Strand 2 based on the following themes:

- Increasing the usefulness and effectiveness of the right
The Government is seeking views on the usefulness of the right, as well as potential reforms to increase effectiveness. Respondents are asked to consider how the right is used by private individuals, as well as organisations.
- Making it clearer when land is unused or underused
The Government is considering publishing a definition of land that is unused or underused, to help guide people in making applications.
- Extending the scope of the right
The Government is interested in views as to whether extending the right to include unused and underused land owned by town and parish councils would also increase the effectiveness of the right in optimising land usage across England.
- Land where a public body has an intended use
The Government is considering incentivising temporary uses by ordering sales where temporary uses cannot be identified (see further details below)

- A greater role for local authorities

The Government is inviting views as to whether it should require applicants making a request under the right, regarding local-authority-owned land, to demonstrate that they have contacted their local authority before making a request.

- Presumption in favour of disposal

The Government is seeking views on whether the Secretary of State should apply a presumption in favour of disposal when considering applications under the right, establishing clearly that disposals will be ordered unless there is a compelling reason not to do so.

- Publicity and reporting

To improve transparency around these requests and assist with record-keeping, the Government is considering placing requirements on local authorities to publicise and report on requests to buy publicly owned land (see further details below).

- Right of first refusal

The Government is considering introducing a 'right of first refusal' to those who make the request recognising that they may need additional time to prepare a bid. This would usually be for market value and would be for a limited period of time. The right of first refusal would be imposed by the Secretary of State as a condition of disposal at his discretion

- Conditions attached to disposals

The Government is inviting views on whether conditions ought to be imposed on the disposal of land (for example, that a sale could only be to someone with the intention to redevelop a site).

Details of the consultation and the consultation document can be viewed at the link <https://www.gov.uk/government/consultations/right-to-regenerate-reform-of-the-right-to-contest>

Key implications for the County Council in its role and responsibilities as owner of public sector land

From the County Council's point of view as owner of a significant amount of land, paragraphs 16, 17 and 20 of the consultation are of particular interest as set out below which highlight that:

"16. Many requests to purchase local authority land are refused as the public body indicates that it has an intended use for the land. This may mean some sites are left unused or underused for some time until those plans materialise.

17. The Government is considering incentivising temporary uses by ordering sales where temporary uses cannot be identified. This would help minimise

blight until sites are put to better long-term use and help to keep neighbourhoods vibrant and productive especially in town centres and urban areas.

20. To improve transparency around these requests and assist with record-keeping, the government is considering placing requirements on local authorities such as:

- quarterly reports by a designed local authority officer on the number of preliminary enquiries made;*
- requiring the display of physical and electronic publicity where a request has been submitted for the release of a site;*
- requiring local authorities to publish all requests, together with their outcomes and reasoning, on their websites.”*

At the outset, it should be acknowledged that the Right to Contest has not been a significant issue or problem for Derbyshire County Council. The County Council has a well-established ‘Non-Operational Asset’ review process involving consultation by the Director of Property with relevant Council departments, to establish why property was acquired, the reasons for retaining it, what future uses may be either planned or considered acceptable and whether or not any constraints on the use may exist. Whilst not published, the assessments are retained.

The same system is used to assess requests to purchase land or property received from the public or businesses and details are provided to any approaches from the public or businesses on why the Council wishes to retain the land or property and where disposal for sale has not been agreed. The system is efficient and transparent and the majority of approaches that are made to the Council to purchase land are for relatively small-scale plots such as surplus highway land or highway verge.

The County Council also works collaboratively with its district and borough councils through the Local Plan process to identify land in the Council’s ownership that it is necessary to retain or safeguard for future development, particularly longer-term development such as: new highways infrastructure; highway improvement schemes; new schools or expansion to existing schools through its Notified Site procedure; or new/expanded adult and social care provision and development.

It is important to recognise that the Council does acquire and retain land for long-term projects, for example the White Peak Loop. This is a multi-user trail that may require complex land negotiations, design preparations, planning consent and construction and can take many years to bring to fruition. The Council has also ‘notified’ many sites in the County for future use for education purposes where the site may not be required for development in the

short-term but where future pressures on school place capacity may arise and necessitate new or expanded schools provision.

In addition, One Public Estate partnerships across the country have shown the value of working together across the public sector and taking a strategic approach to asset management. At its heart, the programme is about getting more from the Council's collective assets - whether that is catalysing major service transformation such as health and social care integration and benefits reform; unlocking land for new homes and commercial space; or creating new opportunities to save on running costs or generate income. Assets may be surplus to requirements of a specific partner, but may be held due to their potential to contribute to, or unlock, locality based partnership projects, rather than for individual bodies.

It is of concern, therefore, that proposals in the consultation which would effectively give the Secretary of State powers to order sales of 'underused' land in such circumstances, could dis-incentivise local authorities from taking a strategic longer-term view for major projects and schemes and potentially, could render such proposals almost impossible to deliver. For example, schemes such as the White Peak Loop could be greatly affected by the forced disposal of critical sections of the route that are currently planned for completion but difficult to deliver in a timely manner. An identified use for Council land may also be subject to the need for establishing partnerships and/or bids for funding which might be complicated and lengthy to get in place, or where there are particular constraints affecting the land that may need to be overcome to deliver a particular project or scheme.

In this respect, the granting of temporary uses for local authority land could conflict with the planned or intended future use of the site or require additional expenditure by the Council to undertake remedial works to ensure the land, once its temporary use has ceased, is in an appropriate condition for its intended end use. Certain uses, once established on a temporary basis, may also be difficult to remove or ensure that the occupant ceases the use in the timescale required by the Council, which may require lengthy and costly legal intervention and potentially delay the delivery of key projects that are of significant public benefit. Temporary uses often come at a similar cost to longer-term use, where land and buildings have to be made safe, due diligence completed and uses managed as an operational asset.

The timing of the proposals are of particular concern. The County Council's Property Services Division has just initiated the Council's Property 2025 Vision, which sets out that every Council land and property asset will have been reviewed and have an asset plan attached to it over a five year rolling programme. So far all assets have been categorised as being held for one of five different reasons and Property Services Officers have prioritised those assets they wish to review in the first year according to a number of markers. These include things like high holding costs, substantial maintenance

liabilities, lack of fitness for purpose and lease breaks for example. Other assets will be reviewed further in the programme.

Under the Government's proposals in the consultation, it is possible that the County Council will be challenged to dispose of assets before Officers have had chance to do their own due diligence and understand whether there is a need for the asset, or it presents an opportunity to the council. Assets may end up being prioritised for review, simply to ensure that they are not left vulnerable, even though they may be low priority by all other indicators.

There are also questions over what constitutes a reason for holding an asset. The detail on what will constitute a robust defence against forced disposal will be key. An asset plan will set out the opportunity and future proposals, but the County Council may not have the resource to deliver it in the short-term, but does that mean the Council would be forced to sell it?

There are concerns, therefore, that the principal challenge is likely to come from developers and other profit making organisations. There are a number of routes already in place for community groups to express an interest in an asset – Thriving Communities, Community Asset Transfers etc. The likelihood that these challenges will come from groups who had not thought to approach the County Council before about the sale of its assets is therefore likely to be slim.

It is also important to recognise that not all publicly owned land is capable of being developed. The Council owns a lot of land within rural locations that is not always suitable or capable of being redeveloped due to restrictive planning policies in district and borough local plans (e.g. green belt). It will also be important to ensure that any proposed use for a site that is released for sale should be in keeping with good planning principles and be appropriate to its location and context. Addressing climate change issues and 'good growth' principles will be critical in this regard.

If the proposals are introduced, it is considered important that where there is intervention from the Secretary of State to force land to be sold, there needs to be a 'test of certainty' of the proposed future use, preventing purely speculative purchase of land from local authorities. This would be particularly relevant to the case of private developers who could acquire land for an intended public benefit but then bank it for many years without bringing it forward for public benefit and then selling the land at a significant profit.

In terms of the consultation document's proposals for publicity and reporting, it is considered these requirements would not be detrimental to the Council provided the detail required for reporting of enquiries/claims is not too onerous. As noted above, the Council has a well-established 'Non-Operational Property' assessment process in place that would enable the Government's requirements for publicity and reporting to be implemented. If there is a need

for reporting, however, it is considered that details of enquiries should be published and reviewed annually to identify when land has been disposed of, or if the status of any land has changed and is now available or unavailable. The quarterly reports proposed in the consultation are considered too onerous and of little tangible benefit given the number of enquires to purchase land that are received by the Council.

Lastly, the consultation narrowly focuses on publicly owned land and should be widened to include land held by the private sector. There should be a recognition that privately held land can also undermine regeneration. Land in private ownership can frequently impinge on regeneration plans, particularly in relation to high street and town centre renewal. Absent landlords and/or land purchased as part of a portfolio often mean that that landowners can block or blight localities with a refusal to co-operate. In these instances the requirement to sell should also be an obligation applied to the private sector.

The Council's proposed responses to the 11 questions are set out in the Appendix to this report and are framed in the context of the issues outlined above.

(3) **Financial Considerations** None directly as a result of this report but, if the proposed reforms of Right to Contest are implemented by Government, then there could be significant financial implications for the Council in terms of capital receipts and delivery of the capital programme.

(4) **Legal Considerations** The recommendation in this report is made in the context of the requirements of Strand 2 of the Right to Contest 2014 and having full regard to the Council's responsibilities and services, including its current planning functions under the provisions of the Localism Act 2011, Planning and Compulsory Purchase Act 2004, and Town and Country Planning Act 1990.

(5) **Property Considerations** As set out in the report.

(6) **Social Value Considerations** The current National Planning Policy Framework describes the purpose of the planning system as being '*to contribute to the achievement of sustainable development*', with three overarching objectives:

The social objective is to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and by fostering a high quality built environment, with accessible services and open spaces that reflect current and future needs and needs and supporting communities health, social and cultural well-being.

The economic objective is to help build a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, and by identifying and co-ordinating the provision of infrastructure.

The environmental objective is to contribute to protecting and enhancing Derbyshire's natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

In this instance, supporting and enabling delivery of these objectives is core to social value considerations and the spirit of the proposed reforms to the Right to Consent. The report however highlights the potential issues and tensions between the Council's social value objectives and those of the community and Government.

(7) 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 and transport considerations.

(8) Key Decision No.

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

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

(11) OFFICER'S RECOMMENDATIONS That the Cabinet Member:

10.1 Agrees the draft response to the consultation as set out in summary in this report and in detail in the Appendix.

10.2 Authorises the Director – Economy, Transport and Environment to take account of any further comments and considerations (in consultation with the Cabinet Member) prior to submitting a response to Government on the Right to Regenerate: Reform of the Right to Consent.

Tim Gregory
Director – Economy, Transport and Environment

Appendix 1

RIGHT TO REGENERATE: REFORM OF THE RIGHT TO CONTEST

Consultation Response on Behalf of Derbyshire County Council (DCC)

Q1: Do you consider the Right to Contest useful?

DCC considers that the right is useful as it has the potential to enable the use of land / property that might otherwise be unused, and therefore contribute to regeneration. However, there should be no predetermined right to build and development of the land should be considered through the normal planning process.

Q2: Do you think there are any current barriers to using the right effectively, and if so, how would you suggest they be overcome?

Exercising of the right by individuals who do not have the ability to enact any change would render the right ineffective at bringing about change. It is considered important that there needs to be a test of certainty of the proposed future use, preventing purely speculative 'compulsory purchase' of land from Local authorities. Where the reasoning for retaining the land is contested, for example, by a speculative developer, this could force the sale of land in an urban area, with a possibility that the developer then sits on the land and waits 10 years and then sells it on at a profit, without achieving any regeneration benefits during those 10 years or guaranteeing any further into the future.

Q3: Would a definition of unused or underused land be useful, and if so, what should such a definition include?

Yes a definition of what is determined to be 'under-used land' would be vital. It would also be useful to know who determines whether or not the use of the land meets the tests for being designated as 'under-used'? No clear definition could lead to protracted and expensive legal costs for all parties without realising any community benefit / regeneration.

Q4: Should the right be extended to include unused and underused land owned by town and parish councils?

Yes, town and parish council land should be included if the intention is to enable regeneration and removal of an eyesore. There could be benefits in extending the scope of the right to include land owned by town and parish councils. Effectively this could become a register of land that might be available for development and this could be seen as being beneficial for community based projects where the recycling of this land might be more beneficial than greenfield development. An important caveat to this view, however, is that to bring this type of land forward for development its use should have clearly defined public benefit.

Q5: Should the Government incentivise temporary use of unused land which has plans for longer term future use?

It is important to recognise that County Councils do acquire and retain land for long-term projects, for example, the White Peak Loop, which is a multi-user trail where the creation of a usable and valuable public resource can take many years to put together as and when land / sections of the route become available. Ordering sales of 'under-used' land in such circumstances would greatly dis-incentivise local authorities having a strategic longer-term view / goal and render such proposals as virtually impossible to deliver. Schemes like the White Peak Loop could be greatly affected or even rendered impossible by the forced disposal of a small section of the route if in a difficult location to by-pass. An identified use for the land may also be subject to the need for securing partnerships and / or funding which might be complicated or where there are particular constraints affecting the land that may need to be overcome.

In this respect, the granting of temporary uses for local authority land could conflict with the planned or intended future use of the site or require additional expenditure by a public body to undertake remedial works to ensure the land, once its temporary use has ceased, is in an appropriate condition for its intended end use.

Q6: Should the Government introduce a requirement for local authorities to be contacted before a request is made?

Yes, an initial contact / conversation by a member of the public or organisation with a local authority might prevent unnecessary claims, when longer-term plans for an area of land could be explained and justified by the local authority. This should include both authorities in two tier areas, due to differing land ownerships. This may also pick up land which has an intended end use, but not included within a Local Plan such as notified sites for safeguarding for education purposes or highways schemes that are currently not included in some local plans.

Consideration needs to be given, however, to what is meant by 'contact' before a request is made to a local authority. It is difficult to appreciate what might be the difference between an informal and formal request. The questions could be equally involved and require significant input in formulating a response whether they are formally or informally requested. This needs to be clarified by Government as to what is meant by 'contact'. It is considered that any form of contact by an individual or organisation to a local authority is made a formal process so that a proper audit trail can be established of the contact and the local authority's response to avoid any misinterpretation or future misunderstanding of what has been agreed between the two parties.

Q7: Should the Government introduce a presumption in favour of disposal of land or empty homes/garages where requests are made under the right?

No, it should be assumed that the land has some use to the local authority as owner, the requirement should be to demonstrate that there is no reasonable prospect of use. Land is often retained by local authorities to address local issues. Local authorities should reserve the right to make local judgements regarding the reallocation or re-use of this land.

It may be worth considering a presumption in favour of a temporary use while awaiting delivery or implementation of the local authority's intended use, subject to this not affecting the potential of the authority enacting the intended use in the future.

Q8: Do you agree that the Government should require these publicity measures where requests are made under the right?

It is considered that the need for publicity would not be detrimental to the County Council provided the required reporting of enquiries / claims is not too onerous. DCC has a well-established 'Non-Operational Property' assessment process involving consultation by the Corporate Landlord/Property Division with relevant departments, to establish why property was acquired, what future uses may be either planned or considered acceptable and whether or not any constraints on use may exist. While not published, the assessments are retained. The same system is used to assess requests to purchase land or property received from the public/businesses. Publishing a pre-emptive list, setting out why all council land has been acquired could be an onerous task and of little tangible benefit. If at all, this list should be published and reviewed annually to identify when land has been disposed of, or if the status of any land has changed and is now available or unavailable.

Q9: Should Government off a 'right of first refusal' to the applicant as a condition of disposal?

A right of first refusal may reduce the local authority's ability to benefit from disposals in a time when disposals are potentially a valuable and needed source of income for Councils.

Q10: Should the Government impose conditions on the disposal of land, and if so, what conditions would be appropriate?

Any conditions imposed on sales must be to ensure that the land does actually come into use and does not remain under-used for future speculative development, possibly benefiting the new owner rather than the public estate. There should be a legally binding agreement in place for the development of the land before it is disposed of. Local communities should have a clear understanding of why public owned land is being disposed of and the public benefit of any disposal.

Q11: Do you have any additional suggestions regarding reforms that could improve the effectiveness of the Right to Contest process?

Yes. It is important to recognise that not all publicly owned land is capable of being developed. Derbyshire County Council owns a lot of land within rural locations that is not always capable of being redeveloped due to restrictive planning policies in district and borough Local Plans. Any proposed use for a site should be in keeping with good planning principles and be appropriate to location and context.

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