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Ask for Anne Barrett

PUBLIC

To: Members of Cabinet Member - Highways Assets and Transport

Wednesday, 4 August 2021

Dear Councillor,

Please attend a meeting of the **Cabinet Member - Highways Assets and Transport** to be held at **10.00 am** on **Thursday, 12 August 2021** in the Members Room, County Hall, Matlock DE4 3AG, 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

AGENDA

PART I - NON-EXEMPT ITEMS

1. Declarations of Interest
To receive declarations of interest (if any)
2. Petitions (Pages 1 - 2)
To receive Petitions
3. Minutes (Pages 3 - 4)

To confirm the non-exempt minutes of the meeting of the Cabinet Member – Highways Assets and Transport held on 15 July 2021

To consider the non-exempt reports of the Executive Director - Place on :-:

- 4 (a) Carter Lane Bridge - Transfer of Road Bridge over Former Rail Line from Highways England Historic Rail Estate (Pages 5 - 10)
- 4 (b) Dedication of Land in Children's Services Portfolio as a Public Right of Way (Pages 11 - 18)
- 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 19 - 20)

To confirm the exempt minutes of the meeting of the Cabinet Member – Highways Assets and Transport held on 15 July 2021

DERBYSHIRE COUNTY COUNCIL

CABINET MEMBER MEETING – HIGHWAY ASSETS AND TRANSPORT

12 AUGUST 2021

Report of the Director of Legal and Democratic Services

REPORT ON PETITIONS TO BE RECEIVED

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

2. Information and Analysis In compliance with the Council's Petition Scheme, the following petition is presented for receipt, investigation and formal response by the Executive Director – Place:-

<u>LOCATION/SUBJECT</u>	<u>SIGNATURES</u>	<u>LOCAL MEMBER</u>
New Mills, Goyt View – Request for traffic safety measures	47	Councillor A Clarke
Dronfield, Hanbury Close – Request for Further Road Surface Repairs	21	Councillor A Dale

3. Considerations (to be specified individually where appropriate)

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

4. Key Decision No

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

6. Background Papers

Petition held in Democratic Services.

7. OFFICER'S RECOMMENDATION

(1) that the petition listed above be received and noted;

(2) that the Executive Director – Place be asked to investigate and consider the matters raised in the petition.

**Helen Barrington
Director of Legal and Democratic Services**

MINUTES of a meeting of the **CABINET MEMBER FOR HIGHWAYS ASSETS AND TRANSPORT** held on 15 July 2021

PRESENT

Cabinet Member - Councillor K S Athwal

Also in attendance – Councillors C Cupit

10/21 **MINUTES** **RESOLVED** that the Minutes of the meeting of the Cabinet Member for Highways Assets and Transport held on 17 June 2021 be confirmed as a correct record.

11/21 **PERFORMANCE AND REVENUE OUTTURN 2020-21 – QUARTER 4**

The Cabinet Member was updated on the Council Plan performance and the revenue outturn position of the former Highways, Transport and Infrastructure portfolio for 2020-21 and contained some elements under different portfolios following the council Annual General meeting.

Progress was "good" for 2 out of the 5 Council Plan deliverables, however, the deliverables "Roads and highways infrastructure", "Derbyshire infrastructure plan" and "Highway and Transport Services" have been flagged as "requiring review" After the use of additional Covid-19 funding, the outturn position for 2020-21 is an overspend of £0.137m. It was calculated that £2.346m of savings have been achieved by the year end. This compared to target savings of £6.660m and the value of savings initiatives, which have been identified for implementation in the current year, of £2.976m.

The key areas of success were the Completion of Contract 2 for fibre enabled broadband essentially achieved in December 2020, which has resulted in 21,000 additional properties being connected. BT has connected an additional 90,000 premises as part of commercial roll out (Fibre to Premise). Connection will continue to 64 communities from Quarter 4 onwards as part of completing the work with BT on Contract 2.

Key areas for consideration were the percentage of highway defects completed within the year of 71% compared with 77.2% for the previous year, however additional resources have been applied to bring the situation back to a satisfactory position. A 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. 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 £80.632m. The Revenue Outturn Statement for 2020-21 indicated that there was a year-end overspend of £0.137m.

The key variances included Waste Management (underspend £2.795m), Public and Community Transport (underspend £0.625m), Winter Maintenance (overspend £2.139m), Highway Management and Land Reclamation (underspend £0.773m), Council Fleet Services (underspend £0.536m), Planning and Development (underspend £0.518m) and Unallocated Savings (overspend £3.684m). The figures included all additional costs incurred due to Covid-19 and the funding provided to cover those costs.

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. Savings of £2.976m were identified in the year and £3.684m would be carried forward to 2021-22. Of the £2.976m identified, £2.346m was achieved and £0.630m was not achieved.

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 £18.931m, were currently held to support future expenditure. The debt position was also detailed in the report and to 31 March 2021 the value of debt written-off was £0.026m.

RESOLVED to note the report.

12/21 **EXCLUSION OF THE PUBLIC** **RESOLVED** 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.

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

1. To consider the exempt Report of the Executive Director – Place on Extension to Fuel Card Contract
(contains information relating to the financial or business affairs of a particular company (including the Authority holding that information))

Meeting start time: 10:00

Meeting end time: 10.35



Agenda Item No. 4(a)

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAY ASSETS AND
TRANSPORT**

12 August 2021

Report of the Executive Director - Place

**Carter Lane Bridge: Transfer of Road Bridge Over Former Rail Line from
Highways England Historic Rail Estate**

1. Divisions Affected

1.1 Shirebrook and Pleasley.

2. Key Decision

2.1 This is not a Key Decision.

3. Purpose

3.1 To seek the Cabinet Member's approval to accept the transfer of the former railway bridge at Carter Lane and shared funding for strengthening works. This bridge carries the B6031 over a former rail line that now forms part of the Key Cycle Network connection between the Shirebrook Greenway and the Dukeries Trail. The bridge is currently owned by Highways England Historic Rail Estates (HEHRE) and it is willing to part fund the strengthening of the bridge if Derbyshire County Council takes on the long-term maintenance of the structure. Nottinghamshire County Council (NCC) also has an interest in the project and has offered to part fund the project to ensure the Cycle Network it put in place remains open.

4. Information and Analysis

4.1 Carter Lane Bridge carries the busy B6031 which links Shirebrook to the A60 at Church Warsop. The bridge is located to the east of Shirebrook and just within the County. Prior to boundary changes it was within Nottinghamshire.

- 4.2 The bridge crosses a former railway line that has been converted to a cycle route; this was implemented by NCC prior to boundary changes. The route is called the Dukeries Trail and Shirebrook Station is the western starting point of the route, the bridge allows the trail access to the station and provides a link with the Shirebrook Greenway which is part of Derbyshire County Council's Key Cycle Network. HEHRE owns Carter Lane Bridge and granted a temporary licence for the cycle route to pass under the bridge; this licence can be revoked at short notice.
- 4.3 The bridge is an old structure (likely to be pre-1900) and has now deteriorated to the point where HEHRE does not consider that it is suitable to carry 40 tonne vehicles. The liability for this structural deficit lies with the Highway Authority due to the obligations placed on HEHRE by Section 117 of the 1968 Transport Act (supplemented by Statutory Instrument 1705/1972) with a requirement to only maintain the bridge to carry 24 tonnes (to the Ministry of Transport Memorandum BE4).
- 4.4 In order to avoid a weight restriction needing to be imposed on the road, the bridge can either be strengthened or infilled. The Council would not consider a weight restriction suitable on such a well-used B class road that provides the main access into Shirebrook from the east. HEHRE has indicated that unless the structure is transferred to the ownership of Derbyshire County Council, then it will infill under the bridge which would sever the cycle link. This option is not supported by officers within the Council or NCC due to the loss of connectivity within the cycle network. There are no suitable alternative routes in the nearby area apart from use of the busy B6031 which would not be acceptable for many users as there is no footway or segregated cycle route to the next access point to the cycle trail.
- 4.5 The alternative is for Derbyshire County Council to take ownership of the bridge under Section 94 of the Highways Act 1980 and a strengthening scheme be carried out which will provide a structural design life of over 120 years at an estimated cost of £240,000. HEHRE has committed to fund one third of the cost of this work and NCC has also committed to fund one third of the cost. A sum of £80,000 has been allocated and approved within the Structures Management 2021 LTP Capital Programme to fund the Derbyshire County Council share of the scheme.

5. Consultation

- 5.1 A formal consultation has not been carried out in this instance but there is support from officers in both the Council and NCC to ensure the cycle link remains open and the road remains weight restriction free.

6. Alternative Options Considered

- 6.1 There are two main options:
- i. Impose a structural weight limit on the bridge
 - ii. HEHRE infills the bridge (closing cycle route)
- 6.2 The first option would require a legal order restricting traffic to 7.5 Tonnes gross vehicle weight. This would stop access for most lorries and buses. The Order would require funding for Officer time and signage. This option is not considered suitable as the B class road carried by the bridge is a main access route into Shirebrook and surrounding routes would need to take the diverted heavy vehicles. Bus routes would also be disrupted with all vehicles accessing Shirebrook from the east having to take a long diversion route, therefore increasing pollution and traffic on surrounding routes.
- 6.3 The second option would remove the weight restriction issue but would sever a part of the Key Cycle Network. With no alternative route being available apart from the existing road network, this option is also not suitable.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

- 8.1 None identified.

9. Appendices

- 7.1 Appendix 1 – Implications.

10. Recommendation(s)

That the Cabinet Member:

- a) Accepts the transfer of Carter Lane Bridge to Derbyshire County Council ownership.
- b) Accepts the joint funding offer from Highways England Historic Rail Estates and Nottinghamshire County Council for strengthening works.

11. Reasons for Recommendation

- 11.1 Accepting the bridge into Derbyshire County Council ownership and the joint funding for strengthening will ensure that the B class road remains

open for all traffic and that the cycle route beneath the bridge can continue to be used.

Report Author: Robert Spencer Contact details: 01629 535406

This report has been approved by the following officers:

On behalf of: Director of Legal Services and Monitoring Officer Director of Finance and ICT Managing Executive Director Executive Director(s)	Sarah Bond
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Implications

Financial

- 1.1 The capital budget requirements have been identified above. The asset will be maintained by Derbyshire County Council in the future with the structure being valued as part of the Council's highway asset. The structure will be added to the total valuation for the County Councils highway structures which the Department for Transport use to determine capital funding. The structure will then be maintained utilising the authority's capital and revenue budgets as necessary. As the structure will have been strengthened the ongoing maintenance costs will be low as the main load bearing elements will have been replaced with modern materials, which have a design life of 120 years plus. Note that Derbyshire County Council is already responsible for the surfacing over the bridge.

Legal

- 2.1 Pursuant to Section 94 of the Highways Act 1980, Derbyshire County Council, as the Highways Authority, may enter into an agreement with HEHRE, as owner of the bridge, for the transfer of the property in the bridge to Derbyshire County Council on such terms as may be agreed.
- 2.2 There are no further specific Legal implications beyond the Council's duties under the Highways Act 1980 and associated regulations, such as The Road Vehicles (Construction and Use) (Amendment) Regulations 2020 that defines the limitations on vehicle weights. The specific weight liability limits for rail structures owned by Network Rail and HEHRE are described within the main report.

Human Resources

- 3.1 No HR implications.

Information Technology

- 4.1 No IT implications.

Equalities Impact

- 5.1 No specific impact but failure to maintain the cycle route under the bridge would remove use to an accessible by all piece of infrastructure.

Corporate objectives and priorities for change

6.1 No known implications.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 Strengthening the bridge and maintaining the cycle route ensures there is a safe off-road cycle route which connects to Shirebrook train station. Loss of this link would be a retrograde step in terms of sustainable transport solutions and result in loss of the economic benefit from leisure users of the trail.



Agenda Item No. 4(b)

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAY ASSETS AND
TRANSPORT**

12 August 2021

Joint Report of the Executive Director – Place
and the Executive Director for Children’s Services’

**Dedication of Land in Children’s Services Portfolio as a Public Right of
Way**

1. Divisions Affected

1.1 Bolsover North.

2. Key Decision

2.1 This is not a Key Decision.

3. Purpose

3.1 To seek approval from the Cabinet Member to:
(i) accept the dedication of land held under the portfolio of Children’s Services as a public footpath with concessionary rights for cycling; and
(ii) to accept the future maintenance of this public path.

4. Information and Analysis

4.1 Derbyshire County Council acquired the Clowne Branch Line in 2014 and has subsequently carried out a project to remove dereliction, regenerate a wildlife corridor and provide approximately 5 miles of traffic free highway between Seymour and Creswell. This route, known as the

Clowne Greenway, forms a section of Derbyshire's Key Cycle Network. It is now available for use and has proven highly popular with all users.

- 4.2 The eastern end of the route issues from the former branch line through a housing development off Skinner Street in Creswell, recently under construction by AVANT Homes. The internal path structure within this housing site provides a connection to the Clowne Greenway. A Section 106 agreement was also secured through the Bolsover District Council's Planning Department to include a financial contribution towards the development of a further off-site link path to allow access directly to the village centre and the Creswell railway station. Without this link, the route to the railway station is significantly increased by road and pavement by way of Skinner Street and Elmton Road.
- 4.3 In the interests of promoting Active Travel through walking and cycling, and in line with current Government policy, a short path between the Greenway and the railway station would provide a joined-up approach to promote car free journeys.
- 4.4 The land is included in the portfolio of Children's Services and provides a more direct connection to the station. The corridor is in two parts, the first part forming Gypsy Lane carriageway and footway, which is currently used as the main entrance to the Infant School. However, a new entrance to the school is being designed to connect directly from the new estate road within the housing site. The second part is a grass and stoned surface, allowing access for grounds maintenance vehicles. The intended works will form a bound surfaced track with a stoned edging to minimise onward maintenance costs.
- 4.5 The public footpath to be dedicated is shown on the attached plan (ref: ER/GM/Gypsy Lane FP/Ctte2021) by a bold dashed line between points A, B and C, an approximate distance of 255 metres. Between points A-B, the footpath follows the tarmacadamed school access road and pavement with an overall width which varies between 4.5 metres and 6.5 metres. Between points B and C, the new footpath will have an overall width of 6.0 metres and be provided with a tarmacadam surface to a width of 3.0 metres.
- 4.6 Once the public footpath has been dedicated, a statutory consultation process will be undertaken for a Cycle Track Order to be made to establish the legal rights for cyclists to use the route, as well as pedestrians.

4.7 Officers from Children's Services, Rights of Way, Highways and Legal Services have been consulted on this project and agreement has been reached by all parties to pursue this course of action.

4.8 **Council Commitments**

The dedication of this land, as public highway, links to the Council's pledges to provide a well-connected County and promote Active Travel and Healthy Lifestyles (as the route will be for walking and cycling and provides a link to the Creswell railway station) and a safer Derbyshire (as the route will be traffic free).

4.9 The dedication and delivery of this route also aligns with the Council's commitment to the Derbyshire Cycling Plan and the resulting Key Cycle Network.

5. **Consultation**

5.1 No further consultation is required in respect of the dedication of land as a public footpath with concessionary rights for cyclists.

5.2 There is a statutory consultation process to follow in subsequently promoting an order under Section 3 of the Cycle Track Act 1984 to convert the footpath into a cycle track. However, this is considered to be beyond the scope of this report.

6. **Alternative Options Considered**

6.1 Do Nothing – this alternative option would mean that the opportunity to provide a more direct and safer off-road link for pedestrians and cyclists from the end of Clowne Greenway and the adjacent residential areas/ new housing development through to Creswell railway station and the village centre would be lost. The Section 106 monies which have been secured by Bolsover District Council for surfacing the unbound section of the route and providing a new security boundary fence for the school may also have to be returned to the developer.

6.2 Do Something Different - an alternative option would be to not accept the dedication of land as a public footpath and therefore its future maintenance. This may result in Children's Services being reluctant/ unable to assume responsibility for the route and deciding not to allow its use by pedestrians and cyclists on a purely concessionary basis. Again, the opportunity to provide this valuable link could be lost.

6.3 Another alternative would be to accept the dedication of land as a public footpath but without concessionary rights for cyclists. This is unlikely to

result in any cost savings and may reduce the incentive for more sustainable/ active travel, as people cycling to the railway station from the end of Clowne Greenway would have to use a less direct route via Skinner Street and Elmton Road. This is not considered to be as safe or attractive to use, particularly for less confident cyclists or those with young families.

7. Implications

7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

8.1 None identified.

9. Appendices

9.1 Appendix 1- Implications.

9.2 Appendix 2 - plan ref: ER/GM/Gypsy Lane FP/Ctte2021

10. Recommendation(s)

That the Cabinet Member:

- a) Accepts the dedication of land, as shown on the attached plan, as a public right of way carrying the status of public footpath with concessionary rights for cycling.
- b) Accepts the future maintenance of this path.

11. Reasons for Recommendation(s)

11.1 It is recommended that the Cabinet Member accepts the dedication of land as a public right of way carrying the status of public footpath with concessionary rights for cycling because this will create a route with confirmed rights for the public to use it on foot in perpetuity. It will also enable the Authority to subsequently promote a Cycle Track Order to convert it into a cycle track (a right of way on foot and pedal cycle).

11.2 It is recommended that the Cabinet Member accepts the future maintenance of this path because it is considered to be more appropriate that a route which will be of significant benefit to both visitors and local

people should be maintained as part of the public highway network, rather than on a more informal basis as a concessionary path.

12. Is it necessary to waive the call in period?

12.1 No.

Report Author: Anna Chapman

Contact details: 39653

This report has been approved by the following officers:

<p>On behalf of:</p> <p>Director of Legal Services and Monitoring Officer Director of Finance and ICT Managing Executive Director Executive Director(s)</p>	
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Implications

Financial

- 1.1 The path connects directly to a new housing development site off Skinner Street in Creswell. The Bolsover District Council Planning Office secured an index linked contribution for the construction of this path through a Section 106 agreement. Bolsover District Council has now received the sum of £30,463.68 from the developer for these works and awaits instruction to transfer the sum to an appropriate budget. Approval is sought to undertake this instruction and add this work to the Capital Programme, generating a cost code for the expenditure. The works can be instructed on approval. It is thought that this provides sufficient funds to complete the necessary works which include surfacing that part of the route that is unbound and providing a new security boundary fence to the adjoining part of the school grounds.
- 1.2 It is intended that the full width and length of this land will be dedicated as a public footpath, initially with concessionary cycle rights, but subsequently converted into a cycle track, in order that future maintenance of its surface will become the responsibility of the Place Department in perpetuity. Ownership of the subsoil remains with Children's Services who will be responsible for maintaining the new security boundary fence.
- 1.3 The costs of any future maintenance of the path surface will be met from Highways maintenance budgets. There will also be costs associated with the promotion of a Cycle Track Order in Officer time and advertising the Order which will be met from the existing project budget.

Legal

- 2.1 Any person or organisation with the freehold interest in land can give the public the right to use a route by expressly dedicating it as a public right of way. Certain conditions must be met in order that a right of way can come into existence by express dedication and be added to the Definitive Map and Statement:
 - a) It must be shown that the landowner intended to dedicate the route - this can be achieved by Cabinet Member approvals and subsequent publication of the minutes
 - b) The dedication must be accepted by the public i.e. the route must come into actual use – this can be achieved once it has been surfaced and made available for people to use.
- 2.3 There is no provision to expressly dedicate a right of way for use both on foot and pedal cycle. It will therefore be necessary for the County Council to subsequently use its powers under Section 3 of the Cycle Tracks Act 1984 to make an Order converting the footpath into a cycle track. This has the effect

of removing it from the Definitive Map and Statement and adding it to the County Council's List of Streets as a publicly maintainable highway.

Human Resources

3.1 N/A

Information Technology

4.1 N/A

Equalities Impact

5.1 N/A

Corporate objectives and priorities for change

6.1 N/A

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 N/A

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