

# Public Document Pack



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PUBLIC

To: Members of Cabinet Member - Infrastructure and Environment

09 June 2021

Dear Councillor

Please attend a meeting of the **Cabinet Member - Infrastructure and Environment** to be held in the Members Room, County Hall, Matlock, DE4 3AG at **1.30 pm** on **Thursday, 17 June 2021**; 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 Services**

## **A G E N D A**

### **PART I - NON-EXEMPT ITEMS**

1. Apologies for Absence  
To receive apologies for absence (if any)
2. Declarations of interest  
To receive declarations of interest (if any)
3. Minutes (Pages 1 - 6)

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

4. Repair and Improvement of Browns Bridge, High Peak Junction on the Cromford Canal (Pages 7 - 10)
5. Exclusion of the Public

To move “That under Regulation 21 (1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph(s)... of Part 1 of Schedule 12A to the Local Government Act 1972”

## **PART II - EXEMPT ITEMS**

6. Minutes (Pages 11 - 12)

To confirm the exempt minutes of the meeting of the Cabinet Member – Highways, Transport & Infrastructure held on 11 March 2021.

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

### **PRESENT**

Cabinet Member - Councillor S Spencer

Also in attendance – Councillors T Ainsworth, G Hickton and M Wall

**16/21** **MINUTES** **RESOLVED** that the Minutes of the meeting of the Cabinet Member for Highways, Transport and Infrastructure held on 11 February 2021 be confirmed as a correct record.

**17/21** **PETITION: CRESSBROOK – REQUEST FOR SPEED MANAGEMENT MEASURES TO ADDRESS ROAD SAFETY ISSUES** Following the receipt of a petition requesting the consideration of speed management measures for Cressbrook investigations have been undertaken.

The County Council's limited funding for traffic calming measures targeted areas with a history of speed-related collisions resulting in personal injury, and prioritised to those locations with the greatest number of collisions, with pattern and severity also taken into account.

Speed limits were set in accordance with the County Council's Speed Management Protocol and the criteria laid down by the Department of Transport (DfT). DfT guidance for a 30mph speed limit was based on a simple criteria relating to the density of frontage development and distance, 20 or more houses on one or both sides of the road, over a length of around 600m. The Police database for Recorded Injury Collisions in the latest three year period, 1 August 2017 to 31 July 2020, recorded one serious collision on Bottomhill Road prior to its junction with Middle Row.

Cressbrook did not meet the criteria for the introduction of traffic calming measures as detailed in the County Council's Speed Management Protocol and did not meet the criteria for a 30mph speed limit outside the existing 30mph zone.

An improvement to the village entrance signs could be considered, such as a village gateway, might be beneficial to residents by helping to highlighting the extents of the village to passing motorists.

An email had been received from the lead petition following publication of the report and this was considered at the meeting.

Taking into account the comments made in the email the Cabinet member requested that officers undertake further speed monitoring in this location and that the Casualty Reduction Enforcement Support Team (CREST) be informed of the reports of excessive vehicle speeds and requested to undertake enforcement action.

**RESOLVED** that (1) a reduction to a 30mph speed limit on Bottomhill Road and surrounding Streets, Cressbrook is not justified at this time;

(2) officers liaise with the Parish Council with regard to the potential to introduce village gateway signing;

(3) officers arrange for speed monitoring to be undertaken;

(4) the reports of excessive vehicle speeds be reported to the Police/CREST (Casualty Reduction Enforcement Support Team) and enforcement be requested; and

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

**18/21 PETITION: BOUGHTON LANE, CLOWNE – CONTROLLED CROSSING FACILITY** Investigations have been carried out following the receipt of a petition requesting the provision of a controlled crossing facility on Boughton Lane, Clowne adjacent to Heritage High School.

The section of Boughton Lane, outside of Heritage High School where the crossing has been requested, was a straight road with a clear line of sight and no major obstructions to pedestrian visibility in either direction. A 30mph speed restriction was in place on Boughton Lane with traffic calming features located outside the school to further reduce the speed of traffic. The traffic calming was complemented by two school safety zone warning signs with flashing amber warning lights which illuminated at school drop off/pick up times. Due to the location of the school bus bay and the direction of the foot traffic, only a small percentage of the pupils experience a need to cross the road.

The PV<sup>2</sup> formula, a nationally recognised assessment tool), was used to assess the many requests received by the County Council for the provision of controlled crossing facilities. A vehicle/pedestrian count was carried out on Boughton Lane adjacent to the school in October 2020 with the survey results showing a factor of 10 below that which would satisfy the PV<sup>2</sup> formula.

**RESOLVED** that (1) the request for the provision of a controlled crossing on Boughton Lane, Clowne adjacent to Heritage High School be refused; and

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

**19/21 GRASSMOOR COUNTRY PARK – NATIONAL FLOOD MANAGEMENT SCHEME** Restoration of the Grassmoor Lagoons area, adjacent to the Grassmoor Country Park, was nearing completion and would soon be opened for public recreation as part of the country park.

As part of early improvements to the publicly accessible parts of the country park, the Don Catchment Rivers Trust (DCRT), supported by the Countryside Service and the Flood Risk Management Team, has developed a natural flood management (NFM) scheme which proposed the creation of a sustainable drainage system formed by a series of bunds and shallow depressions that would restrict surface water and create permanent and semi-permanent water storage areas. 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.

DCRT was the lead organisation of the NFM scheme and was the sole applicant on all funding applications. Contractors would be appointed and managed by DCRT to deliver the works. The Council would provide land to deliver the scheme and would maintain the newly formed habitat. Due to funding criteria, the timescales for delivery were tight and the scheme must commence by July 2021.

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

The Director of Legal and Democratic Services has advised that a collaboration agreement should be used to determine key principles of the project that would best minimise any risk to the Council throughout and after project delivery.

**RESOLVED** to (1) to note the proposed developments at Grassmoor Country Park;

(2) approve Don Catchment Rivers Trust to deliver a natural flood management (NFM) and habitat creation scheme within Grassmoor Country Park as detailed in the report; and

(3) that the Director - Economy, Transport and Environment, in conjunction with the Director of Legal and Democratic Services, be delegated authority to agree the terms of and enter into an agreement that documents the delivery of the NFM scheme as detailed in the report.

**20/21 INITIATING FEASIBILITY STUDIES FROM CHALLENGE FUND RESERVES**

It was proposed to undertake feasibility studies for the Potential Derwent Valley Cycle Route; and improving access to Shirebrook; drawing down funding from the Challenge Fund Reserves to commission the studies.

The potential Derwent Valley Cycle route offered significant 'active travel' and sustainable development potential for local people and tourists to the area. 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. It would also showcase industrial heritage and natural beauty, as well as offering significant economic potential by opening up cycle/pedestrian access to local housing and employment sites. It was proposed to commission an appropriate feasibility study to help understand the size and scale of the routes 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.

Highway connectivity in and around Shirebrook was a long-standing issue. Consideration has been given to new highway connections to Shirebrook in association with a bypass of Glapwell in some form, however such a project remains feasible in principle, although it faces substantial environmental challenges. Whilst this remained an option, it was proposed that a review was undertaken to confirm the issues and opportunities apparent in the locality. A first phase of work would encompass assessment of regeneration potential and barriers; access to employment and skills for Shirebrook residents and current challenges facing bus services. These would largely be carried out by a partnership team of officers with no immediate requirement to draw upon the Challenge Fund budget. The potential second phase would take place if access was identified as a critical constraint to growth. It was proposed that the 'gateway review' after Phase one be carried out through a further report to the Cabinet Member.

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 initially to focus on 'invest to save' initiatives but which could provide one-off support for potential projects.

**RESOLVED** to approve (1) 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; and

(2) 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.

**21/21      CONSULTATION BY MINISTRY OF HOUSING COMMUNITIES AND LOCAL GOVERNMENT ON THE RIGHT TO REGENERATE: REFORM OF THE RIGHT TO CONTEST**

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.

Strand 1 of the Right to Contest applied to Central Government land and was administered by the Cabinet Office; and Strand 2 powers, were administered and exercised by the Secretary of State for Housing, Communities and Local Government. The consultation paper sets out a number of questions relating to the effectiveness of Strand 2 based on increasing the usefulness and effectiveness of the right; making it clearer when land is unused or underused; extending the scope of the right; land where a public body has an intended use; a greater role for local authorities; presumption in favour of disposal; publicity and reporting; right of first refusal; and conditions attached to disposals.

The key implications for the County Council in its role and responsibilities as owner of public sector land were detailed in the report and included the following comments.

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. The system was used to assess requests to purchase land or property received from the public or businesses and was efficient and transparent.

The County Council also worked collaboratively with its district and borough councils through the Local Plan process to identify land in the Council's ownership that it was necessary to retain or safeguard for future development, particularly longer-term development; and the Council also acquired and retained land for long-term projects, for example the White Peak Loop, a multi user trail. 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.

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. There were concerns that the principal challenge was likely to come from developers and other profit making organisations. If the proposals were introduced, it was considered important that where there was 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.

The consultation narrowly focused 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 could also undermine regeneration.

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

Concern was expressed by the Cabinet member at the proposals in this consultation which could affect the ability of the Council to have a long strategic vision and affect the delivery of long term strategic plans; and requested that a separate letter expanding on the consultation questionnaire be forwarded, on his behalf, to the Secretary of State.

**RESOLVED** to (1) agree the draft response to the consultation as set out in the summary in the report and in detail in the Appendix to the report; and

(2) authorise 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.

**22/21**      **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 confirm the exempt minutes of the meeting held on 11 February 2021
2. To consider the exempt Report of the Director – Economy Transport and Environment on Award of Contract for Heat-Strengthening Repairs to Shire Lane Bridge, Heath, Chesterfield  
(contains information relating to the financial or business affairs of a particular company (including the Authority holding that information))



## DERBYSHIRE COUNTY COUNCIL

### MEETING OF CABINET MEMBER – INFRASTRUCTURE AND ENVIRONMENT

17 June 2021

Report of the Executive Director – Place

#### REPAIR AND IMPROVEMENT OF BROWNS BRIDGE, HIGH PEAK JUNCTION ON THE CROMFORD CANAL

(1) **Purpose of Report** To seek the Cabinet Member's approval to provide a financial contribution of up to £47,000 to repair and improve Browns Bridge at High Peak Junction on the Cromford Canal, to allow easy operation of the bridge and the resumption of the canal trip boat service along its full route.

(2) **Information and Analysis** Brown's Bridge is a hand operated, swing bridge on the Cromford Canal at High Peak Junction. It is an interesting historic feature of the canal and a scheduled monument. The Friends of Cromford Canal (FoCC) trip boat (Birdswood) operates between Cromford Wharf and Leawood Pump House, and during each trip passes through the swing bridge twice.

The bridge pivots on a cast iron base with wrought iron balls which are badly worn, the operation of the bridge requires at least three members of FoCC to push it open and shut. A collision between the boat and the bridge on the 29 May 2019, knocked the bridge out of alignment. Whilst Countryside Service staff and FoCC volunteers have managed to make adjustments that allow the bridge to operate, the opening is with increased resistance and difficulty.

FoCC with the agreement of the Countryside Service, the Council's Structures Team and Heritage England have (for some time) been exploring a scheme to fit a modern bearing to the bridge that preserves the original pivot and bearing, but allows smoother, easier operation of the bridge. The scheme has been developed into a full project with the support of the Structures Team and is ready for implementation.

FoCC has conducted a procurement exercise and the returned tenders are significantly higher than expected/anticipated, with the cheapest tender quote being £72,000. FoCC has reviewed the costs within the tender and believe

that it can reduce this figure by £10,000, bringing the project cost down to £62,000.

The boat operation licence between FoCC and the County Council allows for a proportion of the operational profit to be spent on maintenance and improvement projects along the canal. The intention was to use this profit to fund the bridge project, however, the pandemic has left FoCC with greatly reduced income (Birdswood did not operate at all in 2020-21).

FoCC hopes to begin operating Birdswood after 21 June 2021. Its operation risk assessment deems Browns Bridge inoperable for the boat crew so all trips will have to terminate at High Peak junction rather than carry on to Lea Wood Pump House. Whilst it is recognised this will generate some income, the charity's trading income, and therefore profit in 2021-22, will be severely affected.

FoCC has advised Council officers it can commit £15,000 towards the project leaving a shortfall in funding of £47,000. FoCC had also made a National Lottery application for the balance, but unfortunately it was unsuccessful. In the interests of progressing the scheme and facilitating implementation this summer (2021) and thus enabling FoCC to commence full trip boat services as the County emerges from lock down, funding is required. The Countryside Service does not have sufficient revenue funding to meet the shortfall in funding and enable implementation of the scheme. A capital bid could be considered, but the earliest a new capital bid could be submitted would be autumn 2021 for 2022-23 financial year. This scheme would then be considered alongside other departmental schemes and Council wide priorities.

As an alternative, an existing capital reserve has been identified that could be used to fund the project. This capital allocation was created to manage countryside waterbody assets to ensure they are maintained within the legal requirements of reservoir and navigation authority legislation.

Confirmation that the Council is able to contribute £47,000 to the project will allow FoCC to mobilise their contractor to commence in June 2021, with a programme completion date of July/early August – weather, etc, permitting.

(3) **Financial Considerations** The lowest quote received by FoCC for the project is £72,000. FoCC has advised that by removing certain elements of the scope and the group undertaking some tasks, the cost could be reduced by a further £10,000, bringing the overall project cost to £62,000.

FoCC has confirmed a contribution of £15,000 to the project. The remaining £47,000 could be funded from the Countryside Service Waterbodies capital allocation.

(4) **Legal Considerations** By grant funding, the applicant will not be contractually obliged to deliver any particular service, although the Council may be able to claw back grant if it is unspent or misapplied

(5) **Other Considerations**

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

(9) **OFFICER'S RECOMMENDATION** That the Cabinet Member approves a Capital funding of £47,000 to repair and improve Browns Bridge at High Peak Junction on the Cromford Canal, to allow easy operation of the bridge and the resumption of the canal trip boat service along its full route.

**Chris Henning**  
**Executive Director – Place**

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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