



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**21 September 2023**

**Report of the Executive Director - Place**

**A5004 'Long Hill' Buxton to Whaley Bridge**

(Cabinet Member for Highways, Assets and Transport)

**1. Divisions Affected**

1.1 Buxton North and East, Buxton West, Whaley Bridge.

**2. Key Decision**

2.1 This is a key decision because it is likely to result in the Council incurring expenditure which is, or savings which are significant having regard to the budget for the service or function concerned (this is currently defined as £500,000) and it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more electoral areas in the County.

**3. Purpose**

3.1 To inform Cabinet of the responses to the public consultation events held for the A5004 Long Hill Safer Roads Fund (SRF) project and on-going consultation with statutory consultees.

3.2 To inform Cabinet of the scope of works recommended to be procured which may vary from those consulted upon and agreed with the Department for Transport in December 2022.

3.3 To inform Cabinet of the anticipated installation costs for each proposed safety interventions for the A5004 Long Hill route.

- 3.4 To inform Cabinet of the strategy for procuring the works through the County's internal Highway and Construction Services team.
- 3.5 To give authority for officers to work within the overall budget for the three SRF projects to a confirmed value of £6.798m by not implementing safety interventions that cannot be afforded.
- 3.6 To inform Cabinet of the findings of the Equalities Impact Assessment for the Safer Roads Fund projects.

#### **4. Information and Analysis**

- 4.1 In its 2016 Autumn Statement, Government announced the creation of a £175 million Safer Roads Fund to improve the safety of the 50 highest risk roads in England. Three of these roads are in Derbyshire:
  - A619 - Baslow to Bakewell (Thirteen Bends)
  - A5004 - Buxton to Whaley Bridge (Long Hill) and
  - A5012 – Cromford to Newhaven (Via Gellia)
- 4.2 Work on the A619 Baslow to Bakewell route has already been completed. Attention is now focused on progressing the work on the remaining SRF projects.
- 4.3 Cabinet approved the acceptance of the grant funding from the Department for Transport (DfT) and to progress the Public Engagement Process in a report dated 8 September 2022 (Minute No. 156/22 refers). Cabinet also sought feedback on the public consultation, together with the final scheme designs and procurement strategy before giving consent to install the proposed safety interventions. This report outlines the findings following the above actions.
- 4.4 It should be noted that the original proposals sought by the DfT in 2018 have been reduced in scope as they could no longer be afforded within the SRF project budget. This is due to construction inflation exceeding the normal inflation rate over recent years, a slight overspend on the A619 SRF project and the reduction of contingency funds available in the Highways Capital Programme which would have been used to underwrite any over-spend.
- 4.5 A reduced scope of work has therefore been agreed for both remaining SRF projects through discussion with the DfT in December 2022 that meets the available grant funding for these projects. The scope of work for both projects is detailed in Appendix 2. Those works above the orange line are the primary safety interventions while those below were

secondary options, only to be progressed if surplus funding was available following completion of the primary safety interventions.

- 4.6 The DfT also agreed to remove the need for the County Council to underwrite any overspends allowing the Council instead to vary the safety interventions to be installed within the available budget. The DfT has also given the County Council autonomy as to how the grant funding is spent both in terms of the interventions to be installed and when moving funding between the two SRF projects should an overspend or underspend occur.
- 4.7 The budget for the A5004 Long Hill route is £3.151m.
- 4.8 The preliminary design of the safety interventions has been undertaken to determine their viability and anticipated installation cost.
- 4.9 Changes to the location and types of some of the safety interventions are proposed along the A5004 Long Hill route following the preliminary design work. On-going discussions are taking place with the various consultees to refine the proposals.
- 4.10 Fundamental to achieving a reduction in collision casualties is the introduction of average speed cameras along the route from the Buxton 40mph/50mph speed gateway through to Whaley Bridge at the 30mph/50mph speed gateway. This safety intervention received majority support from respondents to the public consultation.
- 4.11 Stopping Sight Distance (SSD) vegetation clearance will be needed on both private and highway land. The highway limits include highway verges alongside the A5004. Although some vegetation clearance work is required on highway land other vegetation clearance work is located on adjacent private land.
- 4.12 The affected landowners have been contacted about the work needed on their land with the intention of using Section 154 of the Highways Act if they do not comply. Section 154 (S154) allows the highway authority to serve notice on landowners to clear vegetation where it interferes with the view of drivers of vehicles. These powers could result in the Council taking legal entry onto land to clear vegetation and the cost of so doing to be recovered from the landowner.
- 4.13 Some landowners are claiming hardship in that they do not have sufficient funds to conduct the vegetation clearance work on their land. Legally, the vegetation is on private land and therefore a landowner cost to address if it obstructs the visibility of motorists or overhangs the

highway. The Council cannot use public funds to clear vegetation on private land as it would set an unwanted precedent.

- 4.14 There are challenges with coordinating these works with affected landowners, but we are working around solutions with landowners to reduce the financial burden which may also involve the dedication of land under Section 72 of the Highway Acts 1980 in exchange for the Council to clear the vegetation at its own cost.
- 4.15 Land may also need to be purchased from adjacent landowners to install some of the safety interventions, such as the hardstandings needed to help maintain the average speed camera systems where no highway verge is present. Other consents may be required to establish highway signs in the adjacent land. This may require a formal exchange of letters or an easement/wayleave from the adjacent party. The cost of procuring these legal agreements will need to be met through the SRF budget. If negotiations are not successful regarding the speed camera infrastructure and hardstandings then powers under Section 95A of the Highways Act 1980 will need to be used.
- 4.16 One of the primary safety interventions is to promote an off road or to use lower trafficked alternative routes to the A5004 for cyclists travelling between Buxton and Whaley Bridge. The proposal sought to convert footways to shared use alongside the A5004 within Buxton and to maintain the former Old Road highway to enable its use by all groups of cyclists. The proposal is to create a shared footway along the western side of Manchester Road between the A53 junction and Old Road, recognising that pedestrian flows along the footway are low. Sections of the footway will be maintained, and new sections of footway created to provide the connection to Old Road. Old Road will also be maintained reinstating the bituminous surfacing where this has deteriorated.
- 4.17 Various pedestrians' improvements are planned as part of the off road cycling measures by changing the priority at the side road junctions along the route. The introduction of Copenhagen style crossing points would increase priority for non-motorised users. These improvements are planned on the west side of the A5004 within Buxton and New Road, and Vaughan Road within Whaley Bridge. The southern Park Road junction, Buxton, will have the junction geometry altered reducing the distance over which pedestrians and cyclists will be exposed to traffic. Copenhagen style crossing points will also be installed at the A5004 junctions with Devonshire Road and Marlborough Road.
- 4.18 It is necessary to re-prioritise the works between this project and the sister A5012 Via Gellia project so that the safety interventions with the

highest rate of return/benefit are procured as the scope of work to the A5004 Long Hill route has changed since it was agreed with the DfT in December 2022. With an eye on the report for the A5012 Via Gellia SRF project, this is the recommended revised scope of safety interventions for the A5004 Long Hill route below:

<b>Safety Interventions (A5004 Long Hill route)</b>	<b>Budget Installation Cost 2022-2023</b>	<b>Installation Cost</b>
Speed management (including speed cameras)	£1,034,000	£788,890
Education & Training Programme	£68,416	£68,416
Clear Roadside Hazards	£1,444	Included elsewhere
Stopping Sight Distance Vegetation Removal	£112,619	£75,000
Road Markings (rumble strips, wide centreline, delineation & junction markings, centre hatching)	£74,791	Included elsewhere
Protected turn lane	£144,384	Included elsewhere
Roadside Barriers (Road Restraint System)	£270,719	<b>£167,876</b>
Unsignalised raised crossing point – Devonshire Road junction	£28,877	Included elsewhere
Horizontal re-alignment – A53/A5004 junction (now inclusive of the off road cycle measures and Copenhagen junction improvements)	£866,301	£730,550
Bicycle Lane Off road with improvements to assist interconnectivity with existing PROW and quieter roads (Old Road)	£433,150	£198,924
Traffic Management	-	£75,000
Design costs to mid-August 2023	-	£154,180
Forecasted remaining design costs	£62,299	£100,000
External consultant support costs	-	£50,000

Forecasted supervision costs	-	£50,000
<b>Total Budget/Cost</b>	<b>£3,097,000</b>	<b>£2,458,836</b>

- 4.19 A projected saving of £638,000 is anticipated on the A5004 SRF project when comparing installation against the revised budget estimate prepared in December 2022. The budget saving should therefore be re-allocated to supplement the safety interventions proposed for the A5012 SRF project budget instead which is forecasted to be overspent by £838,000 – See Appendix 1.
- 4.20 However, the overall cost of the safety interventions is forecasted to be overspent by £200,000 – See Appendix 1. One or more of the safety interventions cannot be afforded, therefore. Those safety interventions with the greatest benefit to cost ratio (BCR) in reducing collisions and collision casualties should therefore proceed while those with a lesser BCR may not be implemented. It is proposed we forego to deliver the road restraint system safety intervention highlighted in red in the above table. This means that the five existing locations will remain without bike guard and the two proposed locations will not have road restraint systems installed. The remaining safety interventions though should reduce the likelihood that road restraint systems would be required.
- 4.21 The revised budget for the safety interventions on the A5004 is therefore £2.291m, the total in the table above minus the cost of the road restraint system. The latter would only proceed in part or in full depending on if there was any remaining budget available following installation of the other safety interventions.
- 4.22 The civil works comprising the hardening of verges, installation of the average speed camera hardstandings, signs, road markings, drainage grips etc. will be installed by the County Council's Highway Construction Services (HCS). Work will be priced by their estimators prior to placing orders for works to be installed.
- 4.23 On 14 January 2021, Cabinet approved the utilisation of non DCC frameworks, following Protocol 2(a) of the Council's Financial Regulations to commission professional consultancy and construction providers to support the delivery of a wide variety and volume of highway, transport and other works in the current and future capital programme (Minute No. 07/21 refers). The award of contracts under Protocol 2B of the Council's Financial Regulations, to support the delivery of the Council Highway's capital programme is delegated to the Executive Director – Place.

## 5. Consultation

5.1 The public were invited to view the proposed safety interventions for the A5004 Long Hill route via an online web page and at face to face public exhibitions. The online consultation period ran from 1 December 2022 to 15 January 2023. Two public exhibitions were held during the consultation period, one in Buxton on 6 December 2022 and another at Whaley Bridge on 15 December 2022 both being held between 2pm and 8pm. Both exhibitions were well attended, and a range of comments made.

<b>Exhibition Dates</b>	<b>Number attending</b>
Tuesday 6 December 2022 (Buxton)	88
Thursday 15 December 2022 (Whaley Bridge)	43

5.2 Those that lived along and adjacent to the route were made aware of the scheme proposals being available on-line through a letter drop. Other statutory consultees, members and social groups were made aware of the proposals by direct emails directing them to the on-line consultation information.

5.3 A summary of the specific findings of each consultation are below and the full consultation reports are at the end of the report – see Appendix 3 for the A5004 Consultation Report. There is majority support for improving the safety of the route and individual safety interventions. Suggestions or specific feedback has been investigated or considered by officers to determine if the scope of the safety interventions needed to change. A summary of the specific feedback is detailed within the Consultation Report.

5.4 Engagement with the public and statutory consultees is on-going. Design proposals will be shared with consultees and those living adjacent to the route as the preliminary/detailed design progresses.

5.5 Several statutory consultees have assets impacted by the proposed safety interventions along the A5004 as follows:

- English Heritage;
- Natural England;
- Site of Special Scientific Interest;
- Peak District National Park Association;
- Buxton Town Team;
- Environment Agency; and
- Derbyshire County Council's Conservation and Design Team.

- 5.6 Peak Park has issued a 'holding objection' seeking further information on the safety intervention proposals so it can consider them more fully. Reports have been prepared stating the need for the various safety interventions to be installed, the legislation that applies, the design rationale taken and how the overall impact of the proposals have been minimised. These have been shared with Peak Park with the aim of its holding objection being withdrawn.
- 5.7 Although the County Council, acting as highway authority, can undertake works on land under its control using permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015, it must be mindful of the protected designations when working within the National Park. If it appears there is a conflict between these purposes, then greater weight of purpose shall be given to conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park – Section 62 of the Environment Act 1995 refers.
- 5.8 There will be on-going discussion with the statutory consultees as works progress through to procurement and installation.
- 5.9 In summary, the consultation exhibitions were well attended, and a high number of responses were received to the on-line consultations. There is more support for the SRF project to proceed compared with those against the proposals being implemented. However, there is further work to do with the Statutory Consultees both to inform on the detail of the interventions being proposed and how they will be received in the sensitive areas adjacent to the route. Refinement of the proposals may be required following feedback from consultees.

## **6. Alternative Options Considered**

- 6.1 The need for road safety improvements along these routes has been identified by the higher than average number of collisions and collision casualties. The Council could consider a 'Do Nothing' option, but it is likely that collision trends would be maintained at a higher-than-average level until further road safety measures were introduced.
- 6.2 The vision for the Council's highway network includes delivering a safe network for Derbyshire's highway users. Failure to deliver these safety interventions would impact on the Council's ability to deliver against this vision. Failure to deliver these 'safer roads' schemes could also affect future funding opportunities with the DfT and limit the Council's access to those opportunities.



- 6.3 A 'Do Minimum' solution could be adopted by only seeking to install some of the proposed safety interventions. This may appease some of the statutory consultees but would not fully address the safety issues along the route. The SRF grant provided by the DfT has enabled a comprehensive approach to be taken to tackling the collision record along the route, something that has been limited by a lack of significant funding in the past. The use of average speed cameras is seen as an effective means of achieving the step-change reduction in collisions and collision casualties sought by the DfT, but it needs other safety interventions to be introduced to make it a success – average speed cameras and speed repeater signs, gateway signs, etc. Omitting other safety interventions like the junction improvements within Buxton and Whaley Bridge, the maintenance of Old Road will maintain the collision records along the remaining parts of the A5004 Long Hill route where no safety interventions have been installed. The benefit of a half-way implementation of the safety interventions would not reduce the collision records at these locations.
- 6.4 The 'Do Something' proposals are outlined within this report. By implementing a mix of average speed cameras and traditional safety interventions (such as signs, road markings, road restraints systems and junction improvements), it is anticipated that the step-change in collisions and collision casualties will be reduced on the A5004 Long Hill route. Evidence of the success of these types of safety interventions is demonstrated on the A537 'Cat and Fiddle' route where an 85%-95% in collision casualties has occurred.
- 6.5 It should be noted though that many of the Statutory Consultees are against the proliferation of 'standard' road safety treatments such as signs and street furniture, etc. If Cabinet decide not to act at this time, it could well be many years before the Council has sufficient funds again to address the route in this manner if it does not 'Do Something' at this time.

## **7. Implications**

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

## **8. Background Papers**

- 8.1 Cabinet Report 31 January 2017: Road Safety Fund (Minute No. 36/17 refers).

- 8.2 Safer Roads Fund DfT Approval letter A5004 and A5012 Grant Determination (2020/21): No. 31/5369.
- 8.3 Cabinet Report 11 October 2018: Safer Roads A619 Bakewell to Baslow – Acceptance of Grant from the Department of Transport (Minute No.249/18 refers).
- 8.4 Cabinet Report 14 January 2021: Use of Professional Consultancy and Construction Frameworks for Highway, Transport and Environmental Services and Projects (Highways Transport and Infrastructure) (Minute No. 07/21 refers).
- 8.5 Cabinet Report 8 September 2022: Safer Roads Fund Project - A5004 "Long Hill" Buxton to Whaley Bridge (Minute No. 156/22 refers).

## **9. Appendices**

- 9.1 Appendix 1 – Implications.
- 9.2 Appendix 2 – Ranked Countermeasures Overall Programme DCC SRF Delivery Plan BCIS Indices.
- 9.3 Appendix 3 – A5004 Long Hill Safer Roads Fund Consultation Report.
- 9.4 Appendix 4 – Equalities Impact Assessment.

## **10. Recommendations**

That Cabinet:

- a) Accepts the responses to the public consultation events held for the A5004 Long Hill Safer Roads Fund (SRF) project and on-going consultation with statutory consultees.
- b) Accepts the scope of works recommended to be procured which may vary from those consulted upon and agreed with the Department for Transport in December 2022.
- c) Accepts the strategy for procuring the works through the County's internal Highway and Construction Services team.
- d) Accepts the anticipated installation costs for each proposed safety interventions for the A5004 Long Hill route.
- e) Gives authority for officers to work within the overall budget for the three SRF projects to a confirmed value of £6.798m by not implementing safety interventions that cannot be afforded.
- f) Accepts the findings of the Equalities Impact Assessment for the Safer Roads Fund projects.

## **11. Reasons for Recommendations**

- 11.1 Cabinet sought the introduction of a hold point once the public consultation had been completed and preliminary design work undertaken to take stock of the feedback received and confirm its appetite for the safety interventions to proceed. This report and its attachments complete this requirement.
- 11.2 Cabinet needs to approve the next steps to take the project into detailed design, procurement and installation using the grant offered by the Department for Transport to make these routes safer for highway users and reduce the numbers killed or seriously injured.

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

- 12.1 No.

Report Author: Gary Thompson

Contact details: Gary.Thompson@derbyshire.gov.uk

**Implications****Financial**

- 1.1 The budget allocation for the three Safer Roads Fund projects as reported to the Department for Transport in December 2022 is below. The cost for the A619 Bakewell to Baslow route is the estimated outturn cost. Those costs for the A5004 Buxton to Whaley Bridge and A5004 Long Hill Cromford to Newhaven are estimated based on the scope of works as reported to the Department for Transport in December 2022.

<b>SRF Project</b>	<b>Initial Project Cost</b>
A5004 Long Hill Buxton to Whaley Bridge	£3.097m
A5012 Via Gellia Cromford to Newhaven	£2.330m
A619 Bakewell to Baslow	<u>£1.371m</u>
<b>Budget Total</b>	<b>£6.798m</b>

- 1.2 Approval was granted by DfT that the Council could vire the capital grant between the three schemes as required. It is proposed that following the individual project budgets are adjusted in line with paragraphs 4.19 to 4.21 above.
- 1.3 After the project, the Council would be responsible for maintenance of the average speed cameras systems (once the 10-year maintenance period expires). There is no budget in place to cover this cost, an option for this would be to work with the Derby and Derbyshire Road Safety Partnership to fund through enforcement income, however this cannot be guaranteed. As such, the Council has an unfunded commitment in 10 years' time of £42,000 at today's prices (plus inflation) per camera site.

**Legal**

- 2.1 Section 95A of the Highways Act 1980 permits highway authorities to install and maintain equipment on or near a highway for the detection of traffic offenses.
- 2.2 Section 154 of the Highways Act 1980 gives the highway authority the right to serve notice on landowners to clear vegetation where it obstructs or interferes with the view of drivers of vehicles.
- 2.3 Section 72 of the Highways Act allows the highway authority to enter into an agreement for the dedication of adjoining land to form part of the highway.

## **Human Resources**

- 3.1 Resource in terms of officer time will be used to prepare the detailed design and procurement of the work packages to install the safety interventions. A full-time project manager is in place to oversee the design development and procurement. The project officers also have support from the Project Board overseeing the delivery of the various SRF packages and use of specialists within the Council such as the Traffic and Safety, Highway Design and Road Safety Teams. The Highways Design Team have been appointed as Principal Designer under CDM to progress the various safety interventions to ensure they meet current highway design standards or have the relevant departure from standard in place to record non-conformities. Costs for these staffing levels have been included in the budget cost estimates above.

## **Information Technology**

- 4.1 The installation and calibration of the average speed cameras is specialist so there are a limited number of suppliers available. Derbyshire County Council is a member of the Derby and Derbyshire Road Safety Partnership (DDRSP) that already uses equipment from Jenoptik. The DDRSP member organisations comprise the Police, the NHA, Derbyshire Ambulance Service, and Derby City Council. The DDRSP is funded by the member organisations and the fines issued through enforcement action. The members take a share of the fines should the income exceed the RSP running costs. The DDRSP already operates the Jenoptik system, so its staff are already trained and have the back-office software to operate this supplier's equipment. Advice from the DDRSP is that it would need to acquire larger premises, more staff and seek additional training if a new supplier's equipment, if installed on the A5004 and A5012 routes.
- 4.2 The proposal for average speed camera enforcement is therefore to use the Jenoptik system. This is the better and more cost-effective option given the County's existing use of the Jenoptik system by avoiding the above associated costs through choosing an alternative supplier's system. Access to Jenoptik can be procured through the Crown Commercial Service's (CCS) Procurement Framework. It is proposed that the County Council use its Framework to procure the average speed cameras system on a direct award basis using its Transport Technology and Associated Services (RM6099) Lot 2.

## **Equalities Impact**

- 5.1 The previous cabinet reports recommended that an Equalities Impact Assessment be undertaken prior to entering the detailed design stage. A team has been assembled and an Equalities Impact Assessment undertaken to review both projects against the nine protected groups. The report concluded that these works would not have any significant impact or severity on the protected groups. A copy of the Equalities Impact Assessment can be found in Appendix 4.
- 5.2 The conclusions of the Equalities Impact Assessment were as follows:
- None of the measures have been determined to have a detrimental impact on the protected characteristic groups.
  - The implementation of average speed enforcement systems will lead to a reduction in the number and severity of collisions and collision casualties along both routes and provide a positive benefit for all road users including those in the above protected characteristic groups.
  - Other safety interventions targeted at cyclists and pedestrians will make the highway environment safer for their use. This would benefit all people or group of people within the EIA characteristic groups.

## **Corporate objectives and priorities for change**

- 6.1 None.

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

### **Property**

- 7.1 Land adjacent to the highway may need to be acquired to install these safety interventions. The land will need to be valued and a cost of its acquisition agreed.
- 7.2 Where hardship is claimed by private landowners then the Council will seek to transfer land needed to create the visibility splay safety intervention to enable the land to be cleared at the Council's cost. The landowners legal and other costs will need to be covered by the SRF budget.
- 7.3 Easements or wayleaves may also be required for terms will need to be agreed with the respective landowner(s). The landowners legal and other costs will need to be covered by the SRF budget.

- 7.4 The above will require the support of the Property Team to negotiate with the respective landowner and agree any cost for agents, the procurement of land agreement and agreement of rights, easement, or wayleave as appropriate. Given the lack of resources in the Property Team at this time, the work may need to be packaged up and shared with an external provider for pricing and procurement.

### **Procurement**

- 7.5 The civil works comprising the hardening of verges, installation of the average speed camera hardstandings, signs, road markings, drainage grips etc. will be installed by the County Council's Highway Construction Services (HCS). Work will be priced by its estimators prior to placing orders for works to be installed.
- 7.6 HCS has indicated that they have capacity to undertake the work but not during the winter gritting period. If it is essential that the work proceeds during the winter period then the work will be procured either through an open tender or through an approved contracting framework, such as the Midlands Highways Alliance (MHA) Medium Schemes Framework (MSF). Advice will be taken from HCS as to its ability to undertake the works subject to its commitments nearer the time and particularly if the timing coincides with winter gritting activities.