



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**REPORT TO CABINET MEMBER FOR INFRASTRUCTURE AND ENVIRONMENT**

**14 November 2023**

**Report of the Executive Director - Place**

**Acceptance of Chesterfield Borough Council's Community Infrastructure Levy Grant**

(Cabinet Member for Infrastructure and Environment)

**1. Divisions Affected**

1.1 Brimington, Spire, St Mary's, and Staveley North and Whittington.

**2. Key Decision**

2.1 This is not a Key Decision.

**3. Purpose**

3.1 To accept the offer of £0.108m grant funding from Chesterfield Borough Council's Community Infrastructure Levy fund to be used to resurface parts of the Chesterfield Canal towpath, and to delegate authority to the Executive Director - Place, subject to consultation with the Director of Legal and Democratic Services, to enter into a grant agreement with Chesterfield Borough Council.

**4. Information and Analysis**

4.1 The restored Chesterfield Canal between Chesterfield and Staveley is owned by the Council and managed by the Countryside Service. In 2020 and 2021, the Countryside Service made successful applications

to Chesterfield Borough Council's Community Infrastructure Levy (CIL) fund.

- 4.2 The CIL is a levy that local planning authorities can charge on certain types of new development in their area. Regulation 123 of the CIL requires the planning authority to set out a list of infrastructure projects that will be, or may be, wholly or partly funded through the levy. In Chesterfield these projects were determined in 2016 with the first round of CIL funding applications commencing in 2019. The projects identified in the 2016 list are still being used to allocate funding and are detailed in the table below.

### **Chesterfield Community Infrastructure Levy – Regulation 123 List**

<b>Infrastructure Type or Project</b>
<b>Strategic Green Infrastructure</b>
Public Open Space and/or play provision and/or improvements*
Sports and Playing Pitches*
Restoration of Chesterfield Canal
Access improvement to Green Wedges and Strategic Gaps
Biodiversity and habitat enhancement including tree planting*
<b>Transport Infrastructure</b>
Improvements to A61 Chesterfield Inner Relief Road Junctions*
Chesterfield Staveley Regeneration Route
Hollis Lane Link Road
Implementation of Chesterfield Strategic Cycling Network*
Measures to improve walking, cycling and public transport provision within*: <ul style="list-style-type: none"> <li>i. The A61 Corridor</li> <li>ii. The A619 Chatsworth Road</li> <li>iii. The A619 corridor through Brimington and Staveley</li> <li>iv. Access to Chesterfield Railway Station</li> <li>v. The proposed Strategic Cycle Network</li> </ul>
<b>Other Infrastructure</b>
Strategic Flood Defences and alleviation measures*
<b>Education Provision</b>
Provision of additional pupil capacity in existing schools and contributions to a new school or schools to address shortfalls in capacity arising from new housing growth

- 4.3 The 2020 and 2021 applications by the Countryside Service were to support projects to resurface the Chesterfield Canal towpath. The applications were approved on the contribution the projects will make to

Transport Infrastructure, most specifically the strategic cycle network as identified in the Regulation 123 list. The towpath is the acknowledged route for Sustrans' National Cycle Network Route 67, The Trans Pennine Trail national trail, and is a strategic link in the Council's Key Cycle Network. The condition of the towpath is poor and requires a scheme of improvement works.

- 4.4 The Countryside Service application to the 2020 funding round was confirmed by Chesterfield Borough Council Cabinet resolution on 20 July 2021, and £70,000 was awarded to resurface 1.5km of the canal towpath near Brimington. The Countryside Service application to the 2021 funding round was confirmed by Chesterfield Borough Council Cabinet resolution on 13 June 2022, and £38,000 was awarded to resurface 0.5km of the canal towpath near Chesterfield. At the time of the 2021 submission the process for releasing 2020 funds had not been actioned. The Countryside Service agreed to the borough council's proposal that the release of 2020 funds be deferred until the announcement of the 2021 application to enable both projects to be delivered simultaneously. It has taken a further period to jointly draft and agree a suitable grant agreement, once the timescales for undertaking the project had been confirmed.
- 4.5 The proposed grant agreement has combined the 2020 and 2021 CIL awards and offers a total of £0.108m.
- 4.6 The grant agreement determines the grant period ending on 30 September 2025. If the request to accept the grant is approved, the Countryside Service intends to commission works immediately on receipt of the funds and complete delivery by March 2024.
- 4.7 Since the confirmation of CIL funding the Countryside Service has been successful in securing £145,000 from the Council's Highways Capital Programme, (HCP) to resurface a further 2.5km of the canal towpath between Chesterfield and Brimington. There are no match funding requirements of CIL or the HCP.

## **5. Consultation**

- 5.1 Not required.

## **6. Alternative Options Considered**

- 6.1 Option 1: Do not accept the grant. This would mean that the towpath remains in a poor condition. Further deterioration of the towpath would

occur and the Council's maintenance costs would continue to escalate over time.

- 6.2 Option 2: Seek funding from alternative sources. Alternative funding sources to maintain the towpath are the Countryside Service revenue budget, the Council's Highways Capital Programme or external grants. The latter option has not been explored but historically there has been extremely limited funding for cycleway maintenance from external grant sources.

## **7. Implications**

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

## **8. Background Papers**

- 8.1 2020 grant application.  
8.2 2021 grant application.

## **9. Appendices**

- 9.1 Appendix 1 – Implications.  
9.2 Appendix 2 – Project Summary.  
9.3 Appendix 3 – Tapton Lock, Brimington Road Plan.  
9.4 Appendix 4 – Bilby Lane, Hollingwood Lock Plan.  
9.5 Appendix 5 – Grant Agreement.

## **10. Recommendations**

That the Cabinet Member:

- a) Approves the acceptance of £0.108m from the Chesterfield Borough Council's Community Infrastructure Levy fund, 2020 and 2021 combined, to resurface the Chesterfield Canal towpath under the terms outlined in the report.
- b) Approves the delegation of authority to the Executive Director - Place, subject to consultation with the Director of Legal and Democratic Services, to enter into a Grant Agreement with Chesterfield Borough Council.

## **11. Reason for Recommendations**

11.1 Acceptance of the grant will ensure essential improvements are made to the canal towpath so that it can contribute to an uptake in active travel and reductions in vehicle emissions.

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

12.1 No.

Report Author: Jonathan Tilley

Contact details: [Jonathan.Tilley@derbyshire.gov.uk](mailto:Jonathan.Tilley@derbyshire.gov.uk)

## **Implications**

### **Financial**

- 1.1 The Countryside Service has been successful in securing £0.108m of Community Infrastructure Levy Funding. This funding is the total of two separate grant awards from 2020 to 2021.
- 1.2 There is currently a contingency amount built into the grant allocations that is based upon a full project design specification. If further costs are forecast, then a redesign of the scheme would be required to bring it back in line with the funding available.

### **Legal**

- 2.1 The Director of Legal and Democratic Services will advise on the terms of the grant agreement.

### **Human Resources**

- 3.1 None.

### **Information Technology**

- 4.1 None.

### **Equalities Impact**

- 5.1 Not applicable.

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

- 6.1 The grant will help deliver the following Council Plan priorities:  
Resilient, healthy and safe communities High performing, value for money and resident focused services and a prosperous and green Derbyshire

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

- 7.1 By improving infrastructure for cycling and walking, the grant will assist the Council in delivering actions to increase uptake in active travel and reduce emissions from vehicles which forms part of the Council's Climate Change Strategy.