



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**Thursday, 22 February 2024**

**Report of the Executive Director - Place**

**Active Travel England Finances and proposed spend programme**  
(Cabinet Member for Infrastructure and Environment)

**1. Divisions Affected**

1.1 County-wide.

**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).

**3. Purpose**

3.1 The purpose of this report is to set out the range of activity funded by Active Travel England which supports the Council's sustainable travel ambitions and specifically to seek Cabinet approval:

- a) To progress the Active Travel England (ATF4 funded) Programme detailed in this report.
- b) To formally accept the Active Travel Capability Fund grant of £142,535.00 provided under Section 31 of the Local Government Act, 2003 to support development of the Hope Valley Master Plan.
- c) To launch a range of public engagement activity to further develop the Active Travel Master programme.

- d) To delegate to the Executive Director - Place, in association with the Cabinet Member for Infrastructure and Environment, the authority to amend or modify the Active Travel Masterplan programme as required, if it remains consistent with the Council's objectives.
- e) To add 3 projects to the latest 2023-2024 Commercial Pipeline so all necessary procurement activity can commence
- f) To delegate authority to award future contracts following procurement activities referenced in this report to the Executive Director - Place, in consultation with the Cabinet Member for Infrastructure and Environment.

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

- 4.1 At its meeting on 16 March 2023, Cabinet approved a report "Sustainable Travel Programme: Progress Update and Next Steps" which provided a detailed update on the progress and approach being taken to accelerate development of the County's key cycle network (KCN) and strategic approach to sustainable travel. This included updates on key route development, progress on the joint Derby, Derbyshire, Nottingham, Nottinghamshire (D2N2) Local Walking and Cycling Plan and acceptance of grant awards from the Department of Transport (Minute No.49/23 applies).

##### **Active Travel Fund 4**

- 4.2 A subsequent report, approved by Cabinet on 15 June 2023, agreed to accept the Active Travel Fund 4 grant funding of £3.005m to construct Little Eaton Branch Line (LEBL) and for preparatory work on the remaining gaps of the White Peak Loop (WPL) (Minute No.90/23 refers).
- 4.3 The inception stages for these projects have now been completed and a planning application submitted for development of the LEBL, and preferred route alignments identified for the Buxton area WPL links.
- 4.4 The next steps in these projects are:
- 1) to procure professional services to further develop the detailed designs for the Buxton section of the WPL; and
  - 2) commission contractors to carry out construction of the Little Eaton Branch Line. Subject to approvals these procurement activities are expected to commence in early March 2024.

### **Capability Fund – Active Travel Master Plans**

- 4.6 Additional to ATF4 funding, the Council has been awarded a grant of £285,069 from the Active Travel Capability Fund to cover the period from 2022-23 to 2024-25.
- 4.7 The core proposal for this funding, approved by Cabinet on March 16 (Minute No.49/23 applies) seeks to build capacity in network design and scheme planning by developing holistic Active Travel master plans for Market towns across Derbyshire.
- 4.8 An Active Travel Masterplan is a comprehensive strategy developed to encourage and support participation in active and sustainable modes of travel such as walking and cycling. The masterplan typically includes a range of measures to make active travel safer, more convenient and more appealing to a wider range of people.
- 4.9 Having full regard to the Council's programmatic approach to the regeneration pipeline and the key role market towns play in supporting sustainable travel ambitions, it is proposed to develop Active Travel Masterplans for three market towns as these are where most services, employment and education are located but where there is a high level of 'self-containment' (the degree to which people live, work and learn in the same vicinity) which offers the best opportunities for encouraging participation in walking and cycling.
- 4.10 The assessment process for selecting suitable market towns was robust and sought to ensure geographic spread, be representative of typical settlement sizes, and added value to the Council's overall funding allocations by avoiding areas with ongoing/ committed sustainable or active travel projects.
- 4.11 Following an assessment of the existing programme of activity, consideration of local factors and utilising a sustainability matrix, the shortlisted locations were the market towns of Belper, Glossop and Ilkeston. Full details of the shifting assessment were reported to Cabinet/CMT on 28 June 2023.
- 4.12 Stakeholder engagement (including key partners, including County members, District and Town Council Members, as well as local stakeholder groups interested in Active and sustainable Travel) has been undertaken and concept masterplan development is underway. Subject to Cabinet approval, the next step would be to undertake a wider public engagement exercises on the draft masterplans through

March 2024. These activities will comprise both in person events and online consultation portal.

- 4.13 In addition to the £285,069 grant already received (and outlined above), the Council has been awarded a further £142,535 from the Active Travel England Capacity Fund to expand the Masterplan programme. The money can be used to either include additional towns of similar size to Glossop and Belper etc from the market towns programme or seek to establish a similar set of proposals and principles for smaller settlements or a collection of smaller settlements.

#### **Hope Valley Active Travel Masterplan**

- 4.14 The Hope Valley is in the heart of the Peak District National Park. It has several million car-borne day visitors each year and a local population of around 9,000. Travelling Light is a project lead by Hope Valley Climate Action (HVCA) and aims to bring about transformative and sustainable change in the way local people and visitors travel in, and to, the Hope Valley. The project seeks to promote walking and cycling for everyday purposes, encourage use of bus and rail, and reduce the current high dependency on vehicles powered by fossil fuels. Surveys undertaken by Travelling Light have demonstrated an appetite for more sustainable travel options.
- 4.15 Opportunities to develop an Active Travel Masterplan (ATM) for the Hope Valley is supported by an existing network of stakeholders. Travelling Light has also recently participated in a workshop session with Council officers to share knowledge and experiences, identify issues and discuss options for how to take the work of the Travelling Light project forward and develop meaningful sustainable travel solutions for both residents and visitors to the area.
- 4.16 Building on the work already carried out by the Travelling Light project and utilising lessons learnt through the master planning project, it is recommended that Cabinet approve the development of an ATM for the Hope Valley, using the same methodology as the Market Town ATMs. The geographical scope for the Hope Valley ATM would incorporate the Travelling Light project area, but its extent would be reviewed during public and stakeholder engagement to ensure it reflects the active travel needs of the area.
- 4.17 It is therefore recommended that Cabinet approves the acceptance of this grant funding towards the Hope Valley ATM project, as set out above.

## Procurement Activity

- 4.18 To allow the above projects to progress at pace, it is proposed they are included in the current 2023-2024 Council Commercial Pipeline so the necessary procurement activity can commence.
- 4.19 Delegation of contract award to the Executive Director – Place, in consultation with the Cabinet Member for Infrastructure and Environment would also help expedite delivery.
- 4.20 Details of the proposed procurements to be added to the commercial pipeline are detailed in the table below:

| Contract Title   | Procurement start date | Contract length | Max Value     | Key Decision |
|--|------------------------|-----------------|---------------|--------------|
| White Peak Loop (WPL) Buxton - procurement of specialist consultancy support to support preliminary to detailed designs, construction costings and stakeholder engagement. | Mar-24                 | 6 months        | £575,000.00   | Yes          |
| Little Eaton Branch Line - Construction of multi-user trail and highway elements (road crossings and shared footways)  | Mar-24                 | 24 months       | £2,700,000.00 | Yes          |
| Hope Valley Active Travel Master Plan - procurement of specialist consultancy support for stakeholder engagement and masterplan development.                               | Mar-24                 | 12 Months       | £142,535.00   | Yes          |

## 5 Consultation

- 5.1 Officers will brief the Cabinet Member - Infrastructure and Environment and local members for the area prior to any public engagement activities commencing.

### Active Travel Fund 4

- 5.2 To support the continued development of the above-mentioned projects, officers will facilitate a range of community engagement exercises on the following projects:
- White Peak Loop: Route alignment and feasibility within Buxton.
  - Little Eaton Branch Line, statutory consultation and planning submission.

## **Capability Fund – Active Travel Master Plans**

- 5.3 A briefing was held for the Council's Elected Members in October 2023 to introduce the project and discuss key issues and opportunities. Councillor Renwick (Infrastructure and Environment) was also in attendance.
- 5.4 Following these meetings, local members and key stakeholders were engaged through a series of in person events where the Project Team shared a presentation to introduce the project, then participants were invited to discuss active travel using maps of the towns to help identify barriers and opportunities.
- 5.5 Wider engagement will be conducted prior to the finalisation of the draft Active Travel Masterplan. It is anticipated that this engagement will occur in March 2024. Once findings of this engagement have been determined, they will be added to this section as part of the final Active Travel Masterplan document.
- 5.6 Officers will utilise the existing Council website and various communication channels to ensure residents and key stakeholders are encouraged to participate in area-based engagement and statutory consultations where appropriate.

## **6 Alternative Options Considered**

- 6.1 **Option 1:** Do not accept the grant from the Department for Transport. Taking this option would curtail the Council's ability to further develop its active travel capabilities.
- 6.2 **Option2:** Consider a different focal point for further Masterplan development. Existing efforts are centred on the larger urban areas in Derbyshire, particularly the market towns, shifting attention to the surrounding villages could enhance the portfolio approach to outcome identification. This shift aims to specifically address gaps in rural routes and consider the impact of the visitor economy. Furthermore, the existing partnership with the Travelling Light project will expediate the process as those community relationships are already forged. Additionally, this approach offers an opportunity to create comprehensive work packages that can contribute to the East Midlands Combined Authority (EMCAA).
- 6.3 **Option 3:** Do not progress ATF4 projects. Cabinet may choose to not continue with the proposed development of the cycle network, through the Active Travel 4 Fund, although that would place the sustainable travel agenda at significant risk.

## **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, Sustainable Travel Programme Update, dated 16 March 2023 (Minute No.49/23 refers).
- 8.2 Cabinet Report, Acceptance of the Active Travel Tranche 4 Funding from the Department for Transport, dated 15 June 2023 (Minute No.90/23 refers).
- 8.3 Report to Cabinet/CMT, Update on Active Travel Programme – Proposals for Masterplanning, dated 28 June 2023 (Confidential).

## **9 Appendices**

- 9.1 Appendix 1 – Implications.
- 9.2 Appendix 2 – Copy of Grant Letter.

## **10 Recommendations**

That Cabinet:

- a) Approves the progression of the Active Travel England (ATF4 funded) Programme detailed in this report.
- b) Formally approves the acceptance of the Active Travel Capability Fund grant of £142,535.00 provided under Section 31 of the Local Government Act, 2003 to support development of the Hope Valley Master Plan.
- c) Approves the launching of online and in person public engagement activities to further develop the Active Travel Master plans.
- d) Delegates to the Executive Director - Place, in association with the Cabinet Member for Infrastructure and Environment, the authority to amend or modify the Active Travel Masterplan programme as required, if it remains consistent with the Council's objectives.
- e) Approves the addition of three projects (as detailed in this report) to the I2023-2024 Commercial Pipeline so all necessary procurement activity can commence.
- f) Delegates to the Executive Director - Place, in association with the Cabinet Member for Infrastructure and Environment, the authority to

award subsequent contract following procurement activities referenced in this report.

## **11 Reasons for Recommendations**

- 11.1 Continue progression of ATF4 funded projects (LEBL and WPL) ensures the Council can continue to make progress against ambitious sustainable travel aspirations.
- 11.2 The Grant funding will ensure Council can continue to develop active travel capabilities, and support further develop infrastructure packages of shovel ready for when significant EMCAA funding comes available.
- 11.3 Inclusion of projects onto the Council's Commercial Pipeline is a necessary requirement to allow procurement activities to commence.

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

- 12.1 No.

Report Author: Dan McCrory

Contact details: Daniel.McCrory@derbyshire.gov.uk



## Implications

### Financial

- 1.1 To date, to support 2023-24 activities, Active Travel England has awarded Derbyshire County Council £3.005m Capital funding through the Active Travel 4 Fund and £0.285m from the Capability and Ambition Fund. This money must be committed by 31 March 2024.
- 1.2 Active Travel has now awarded the Council £142,535 Revenue Grant from its Capability and Ambition Fund. This money must be spent by 31 December 2024.
- 1.3 The Council is responsible for the funding of any overspends and must return six monthly monitoring to Active Travel England. Project finances will be closely monitored to ensure risk of overspend is limited. Where risks are identified, officers will work with Active Travel England to redefine the scope of schemes to ensure any financial contributions are kept to absolute minimum.
- 1.4 If the Council fails to meet the objective for which the funding was awarded, Active Travel England reserves the right to reclaim the funding; Active Travel England also reserves the right to reclaim any unspent funds.

### Legal

- 2.1 The Director of Legal and Democratic Services will provide advice as necessary on the individual projects included in the Council's sustainable travel agenda.
- 2.2 The Gunning principles set out the common law principles to be observed when undertaking consultation. R v London Borough of Brent ex parte Gunning [1985] 84 LGR 168 established these principles, which set out that a consultation is only lawful when these four principles are met:
  - a) Proposals are still at a formative stage - a final decision has not yet been made, or predetermined, by the decision makers.
  - b) There is sufficient information to give 'intelligent consideration' - the information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response.

- c) There is adequate time for consideration and response - there must be sufficient opportunity for consultees to participate in the consultation. In the absence of a prescribed statutory period, there is no set timeframe for consultation, though it is considered that an eight week consultation period is sufficient in this case. The adequacy of the length of time given for consultees to respond can vary depending on the subject and extent of impact of the consultation.
- d) 'Conscientious consideration' must be given to the consultation responses before a decision is made. Decision-makers should be able to provide evidence that they took consultation responses into account.

2.3 In coming to a decision, the Council should also have regard to the Public Sector Equality Duty (PSED) under the Equality Act 2010. The PSED requires public authorities to have "due regard" to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010 (section 149(1a)).
- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (section 149(1b)). This involves having due regard to the need to:
  - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic (section 149(3)(a));
  - or take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (section 149(3)(b)); and
  - or encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low (section 149(3)(c)).

## **Human Resources**

3.1 It is expected that the current staffing arrangement within the Sustainable travel team will be adequate to deliver on ambitions stated in this report, including the 0.5 full time equivalent (FTE) Project Officer post which is currently vacant.

## **Information Technology**

4.1 None.

## **Equalities Impact**

- 5.1 Overarching Equality Impacts Assessment (EQUIA) have been developed for the Masterplan projects, these will be further developed and refined as individual masterplans develop. As individual ATF4 projects emerge, officers will review the need and complete assessments as required.

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

- 6.1 This proposal will help deliver the following Council Plan priorities: Resilient, Healthy and Safe Communities; High Performing, Value for Money and Resident-Focused Services; A Prosperous and Green Derbyshire. Specifically, the retention of these services will also enable the delivery of Place Directorate priorities around sustainable transport and travel
- 6.2 The use of walking and cycling reduces the number of private vehicles on the road and has a positive impact on CO<sub>2</sub> emissions. With many people becoming increasingly concerned for the wider environment, combined with the rising costs to own, and run a private car, it is anticipated that many travellers will be contemplating more sustainable travel options to benefit the environment and their own living costs. If this happens it will have a positive impact on the Councils wider environmental sustainability objectives and support the targets set in the Climate Change Strategy: Achieving Net Zero.

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

- 7.1 None.