

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – JOBS, ECONOMY AND
TRANSPORT**

25 March 2014

Report of the Strategic Director – Economy, Transport and Environment

**PROPOSED REVISION OF FEES FOR HIGHWAY SEARCH
RELATED ENQUIRIES AND A CHANGE TO PROTOCOL WHEN
RESPONDING TO PRESCRIBED LINES**

(1) **Purpose of the Report** To seek Cabinet Member approval to revise the charges made for Highway enquiries and the rescindment of Prescribed Lines, together with a change to the protocol when responding to prescribed line enquiries.

(2) **Information and Analysis**

Prescribed Lines

Many years ago, the Highway Authority drew up plans of various main routes within the County which may require widening as part of a future improvement scheme.

Owners of property affected by the prescribed lines were not able to build in advance of the lines on the basis that the building may impede the future widening of the road.

The Council continues to declare these legal notices on Land Charge searches and Planning Application proposals despite there being little or no prospect of the roads in question being widened.

The removal of the prescribed lines can be done through delegated powers and a legal process, with a current cost to the applicant of £100 per property. This fee has remained unchanged since the 1980's and is no longer considered sufficient to offset the Council's costs. Based upon current time and costs associated with the removal of the prescribed lines, it is calculated that the Council's reasonable costs for this activity is £250 per property.

Highways officers generally advise all developers about the presence of a prescribed line as part of their planning application consultation and inform

Public

them of the process of rescinding them. The Council is also asked about the meaning or effect of the lines as a follow-up enquiry to a Land Charge Search or as a private enquiry prior to a planning application being submitted. In these cases, it is proposed that officers will check the need to retain the improvement line and building line and where it is considered unnecessary, the enquirer will be advised of the process and costs associated with the rescinding of the line/lines and invited to make an application for its rescindment.

Highway Enquiries

The Authority receives on average 500 highway enquires per annum from developers, solicitors and companies requiring highway related information, including highway extents for which a fee is charged. The fees have remained unchanged for several years and are no longer comparable with other Highway authorities within the Midlands area. It is calculated that the fee for highway extents which is currently £30 per property should be raised to £40 per property, with an option to increase the fee where there are large areas of land included, and that the fee for more comprehensive responses which include notices, schemes and rights of way, together with extent of highway, should be raised from £45 per property to £55 per property.

(3) **Financial Considerations** At present, it is considered that the current fee charged to rescind the Prescribed Lines does not accurately reflect the costs to the Council and it is proposed to increase this from £100 to £250.

It is also considered that the current fees for Highway search related enquiries are no longer comparable with other Highway authorities within the Midlands area.

(4) **Legal Considerations** Prescribed Lines were introduced under the Road Improvement Act 1925 and Public Health Act 1925, and prohibit building work in advance of them. Where building work is proposed in advance of the lines and the lines are no longer considered necessary, the Council is entitled to rescind them. The Council is also entitled to recover its reasonable costs in connection with this work and that of responding to requests for highways related information, including highway extents.

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 and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

Public

(7) **Background Papers** None. Officer contact details - Debbie Spencer, extension 38650.

(8) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member approves:

- 8.1 The proposed new fee of £250 to rescind Prescribed Lines.
- 8.2 The proposed protocol of inviting enquirers to apply to rescind prescribed lines following the receipt of an enquiry.
- 8.3 The proposed new fee of £40 for responding to highway extent enquires, with the option to increase this fee for larger sites, to bring the Council's fees in line with other Highway authorities.
- 8.4 The proposed new fee of £55 for responding to highway extent and multiple search type enquiries to bring the Council's fees in line with other Highway authorities.

Mike Ashworth
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