

Agenda Item No. 7(e)

DERBYSHIRE COUNTY COUNCIL

CABINET

24 May 2016

Report of the Strategic Director – Economy, Transport and Communities

**BELL LANE BRIDLEWAY, SMALLEY -
CONFIRM WORKS TO RESURFACE AND ADD TO THE CAPITAL
PROGRAMME 2016-17 (HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE)**

(1) **Purpose of Report** To seek Cabinet approval to add improvement works to Bell Lane Bridleway, Smalley to the 2016-17 Capital programme.

(2) **Information and Analysis** Bell Lane, Smalley is a bridleway linking the A608 near Smalley with Shipley Country Park. The lane operates as a private vehicular access to a number of properties along its length and as a footpath/bridleway connection to Shipley Country Park.

Planning permission for the Lodge House Surface Mine was granted to UK Coal on appeal by the Secretary of State in 2006. Under the associated section 106 agreement, a number of requirements were put in place, including improvement works to the full length of Bell Lane.

An assessment of the works reasonably necessary to bring the bridleway up to a fit and proper standard was agreed by Derbyshire County Council officers and a Bill of Quantities (BoQ) was produced by the Council's Consultancy and Contracting Division.

The Lodge House Surface Mine Extension was granted planning permission in 2012. This meant that heavy plant would continue to use the one crossing point on Bell Lane up to 2015. The final works to complete the restoration of the site have been delayed over winter, but have now recommenced, and should be completed in July 2016 by UK Coal Surface Mines Restoration Ltd (UKCSMR), the successor to UK Coal.

An estimated sum of £193,785.16 derived from the BoQ, was received from UKCSMR on 1 May 2015. The BoQ has recently be reviewed, due to the time that has elapsed since the date the original BoQ was prepared, and this indicates that the estimated costs of repairs is now £196,668.

Under the section 106 agreement:

- The money can only be spent on the Bell Lane improvement works.
- The works have to be completed by 1 May 2017.
- Any of the sum that is not spent on Bell Lane after two years must be returned to UKCSMR.
- Upon completion of the works, UKCSMR shall pay any additional costs should they exceed the estimated sum (or receive a refund of any balance that remains), provided these can be evidenced by the Authority, or receive a refund of any balance remains.

Subject to approval being given to add the scheme to the Capital Programme for 2016-17, the improvement works can then be scheduled.

Any future maintenance will require financial contributions from residents along Bell Lane to share a percentage of any costs.

(3) **Financial Considerations** Under the conditions of the section 106 agreement, all works to Bell Lane, Smalley will be funded from the money already deposited with the County Council or from additional funding provided by UKCSMR.

(4) **Legal Considerations** The section 106 agreement contains the provisions for the Bell Lane cash payment and for Derbyshire County Council to seek to claw back overspend. There is a provision for a potential further payment which would be activated by the County Council serving a notice on UKCSMR. This notice would state an amount by which the actual costs reasonably exceeded the estimated amount.

(5) **Environmental, Health and Transport Considerations** The implementation of the improvement works for Bell Lane will improve the network of opportunities for sustainable transport and recreation in Derbyshire.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources and property 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 Economy, Transport and Communities Department. Officer contact details – Don Mitchell, extension 39794.

(9) **OFFICER'S RECOMMENDATION** That Cabinet approves the addition of improvement works to Bell Lane, Smalley to the 2016-17 Capital Programme.

Mike Ashworth
Strategic Director – Economy, Transport and Communities