

Agenda Item No. 8(h)

DERBYSHIRE COUNTY COUNCIL

CABINET

31 January 2017

Report of the Strategic Director – Economy, Transport and Communities

**HIGHWAY WORKS ASSOCIATED WITH PEAK RESORT (HIGHWAYS,  
TRANSPORT AND INFRASTRUCTURE)**

(1) **Purpose of Report** To seek Cabinet approval for a number of areas of work to be undertaken by the County Council in support of the Peak Resort development, all of which will be funded by the developer.

(2) **Information and Analysis** Peak Resort will be a major leisure development on a site within the Borough of Chesterfield, north of the town and close to the settlement of Unstone Green (in North East Derbyshire). It will provide a variety of visitor accommodation, a medical spa and on-site water sports, walking and cycling facilities. Its business model is based largely upon cycling, with the site intended to act as a base for enjoyment of the Peak District and other attractions across north Derbyshire and Nottinghamshire. Peak Resort is expected, when fully developed, to employ 1,300 people and will also host a university campus. The project has planning consent and has attracted investment from a hotel operator based in the United States of America (USA). Initial investment in highway access to the site, diversion of rights of way, and connections to external trails are proposed to be funded through grant provided by Sheffield City Region (SCR) (now confirmed).

The SCR funding for Peak Resort sits within a much larger programme of investment along the A61 corridor through North East Derbyshire and Chesterfield. Grant funding of £16m is allocated to the corridor from the Derby, Derbyshire, Nottingham and Nottinghamshire Local Enterprise Partnership (D2N2 LEP) to assist with accelerating development and dealing with the demand for travel which this brings. The County Council also continues to invest in the corridor through the Local Transport Plan, for example in the recently-completed (£1.76m) pedestrian and cycle access to Chesterfield Station. There are, in addition, significant Section 106 contributions due from a number of these developments, including the Avenue site, Chesterfield Waterside and, as set out below, from Peak Resort itself.

The County Council is not a signatory to funding agreements for Peak Resort but, as the local Highway Authority, will be involved in creation of the site's

highway access through approving, and then adopting, the infrastructure. These works include: the introduction of a new roundabout at the junction of the A61 southbound slip road and B6057 Sheffield Road; creation of a new access road (including a crossing point) into the Peak Resort site; widening of the B6057 under the A61 flyover with associated structural and footway works, and signalisation of the northbound slip roads at their junction with B6057 Broombank Road, as shown on the plan attached as Appendix HA1.

The developer (Birchall Properties Ltd) proposes to engage its own designers and contractors to work on the scheme, with the County Council fulfilling its regulatory role under Section 278 of the Highways Act 1980 by having the developer enter into a highway works legal agreement, checking the designs and inspecting the works. However, in the interests of greater internal efficiency, it is proposed the Council carries out the traffic signal design work at the Broombank Road/A61 slip roads junction as well. The Council's traffic signals engineers have estimated the cost of this design work is between £7,500 and £10,000 which the developer has agreed to fund (see email attached as Appendix HA2).

In addition to the above highway works, the developer also has a number of planning obligations which form part of the Section 106 Agreement for the planning permission. These include payments within three months of commencement of development for various highway improvements such as:

- further signalisation or a mini-roundabout at the Broombank Road/ Sheepbridge Lane junction (£60,000);
- pedestrian crossing point(s) Sheffield Road/ Chesterfield Road (£50,000); and
- traffic calming on Sheffield Road (£25,000).

Additional commitments by the developer are:

- to monitor traffic at the Jordanthorpe Parkway roundabout to the north of the site (at years 1, 3 and 5 post-opening) and, if necessary, provide up to £50,000 towards mitigation measures; and
- to submit a scheme of directional signage for the development six months prior to its opening and cover the Council's costs in procuring and erecting the signage.

Each of the above obligations is likely to require some further authorisation under Section 278 of the Highways Act 1980 which will be carried out using the Council's established protocols. In the case of signalling the Broombank Road/Sheepbridge Lane, there may be time and cost advantages by tying in this work with the nearby traffic signals work on the northbound slip road junctions and allowing the developer to combine the works with its own Section 278 Agreement and transferring funds accordingly. It may also be

advantageous to adopt a similar approach with some of the other Section 106 obligations such as the pedestrian crossing on Sheffield Road to ensure best value and use of resources to realise the required highway improvements, under the delegated authority of the Strategic Director of Economy, Transport and Communities.

The developer has also expressed a preference for the County Council to deliver the principal connection to walking and cycling routes outside the site, in the form of upgrading an existing bridleway. This would provide a route via the south-west of Dronfield to a network of existing trails, lanes and quiet roads (see Appendix HA3). Whilst it provides a legal right of way for cyclists, this is currently not in suitable condition for use by 'road' cycles which are seen as the principle market for the development. Whilst there is no doubt this is important to the commercial success of Peak Resort, it will also improve sustainable transport access to the site for day-visitors, employees and students from the Dronfield area. There is, therefore, valid reason for the County Council to assist with its delivery. This will require the acceptance of funding from the developer and for the scheme to be incorporated into the Capital Programme. The estimated cost of this project is £150,000.

One further issue for consideration is the potential adoption of part of the site's access road. Under normal circumstances the Highway Authority does not adopt new cul-de-sac streets serving a single commercial user due to the limited public benefit for general highway purposes. In this instance, the access road is crossed by a Public Bridleway requiring the introduction of a Pegasus crossing for the public. In addition, the site is likely to require public transport access and will be a major employer and education provider, and for these reasons, there is arguably sufficient public benefit for the Council to adopt a section of the access road spur. This would comprise a length of 120m at which point, there will be a suitable turning facility (for use should the private road beyond here not be available for any reason). In the event of adoption, the Highway Authority would seek to recover the additional maintenance costs of the access road spur by way of a commuted sum from the developer.

Funding for all the work outlined above is understood to be available from within the SCR grant. However, all agreements involving the County Council would be made directly with the developer, Birchall Properties Ltd, irrespective of the source of funding.

**(3) Financial Considerations** The developer will be obliged to pay the Council's usual fee rates for the Section 278 Agreement to cover technical design assessment, site inspection, legal and administrative costs (currently estimated at approximately £100,000).

In addition, it is normal policy and practice for the developer to provide security in the form of a bond to cover the cost of the highway works in the event the developer defaults and the Council is obliged to complete or reinstate the works. In view of the public funding arrangements for these works, consideration is being given as to whether the Sheffield City Region Investment Fund (SCRIF) funding stream would be available to the Council in lieu of a bond to complete the project if the developer fails to do so.

Payment for the traffic signal design associated with the Broombank Road/ A61 slip road junctions will be paid directly to the Council into an account dedicated for that purpose. Similar arrangements will be put in place for each of the Section 106 sums referred to above.

In the event the Highway Authority considers there would be cost, resource or time benefits in commissioning some of the Section 106 works in conjunction with the developer's Section 278 works, funding for this purpose would be transferred back to the developer to procure the works concerned.

Cabinet received a report on 23 February 2016 approving the addition of an estimated £1.85m to the Capital Programme, in respect of highways infrastructure connected to the Peak Resort development (Minute No. 61/16 refers). The SCR grant funding this aspect of the project was subsequently confirmed at £2.85m. However, it is now envisaged that the only portion of the works to be funded from the SCR grant, which will be undertaken by the County Council, is the upgrade of the Dronfield bridleway at an estimated cost of £150,000.

The approved Economy, Transport and Environment Department Service Plan 2015-16 included a budget of £500,000 (Scheme 02 08 01) for development of Growth Deal projects and a contribution towards construction. This has been the source of resources for investigation work carried out to date into the proposed bridleway upgrade. It is not anticipated that further County Council resources will be required.

(4) **Legal Considerations** The majority of the highway improvement works referred to in this report will be authorised under Section 278/ 38/ 72 of the Highways Act 1980 and made the subject of a formal legal Agreement or Agreements between the developer and the County Council.

(5) **Social Value Considerations** It is anticipated that the scale of schemes to be brought forward to deliver Peak Resort will offer a number of opportunities for local suppliers and apprenticeships. Social value considerations will form a specific, scored element of any procurements undertaken for the Council. Recent experience of procuring highway works through Source Derbyshire suggests that interested parties will be keen to offer facilities such as site visits for local schools, sponsorship of local sports

teams and support for charities. Peak Resort will improve the quality of access to green space for nearby communities such as New Whittington and Unstone Green.

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.

(6) **Key Decision** No.

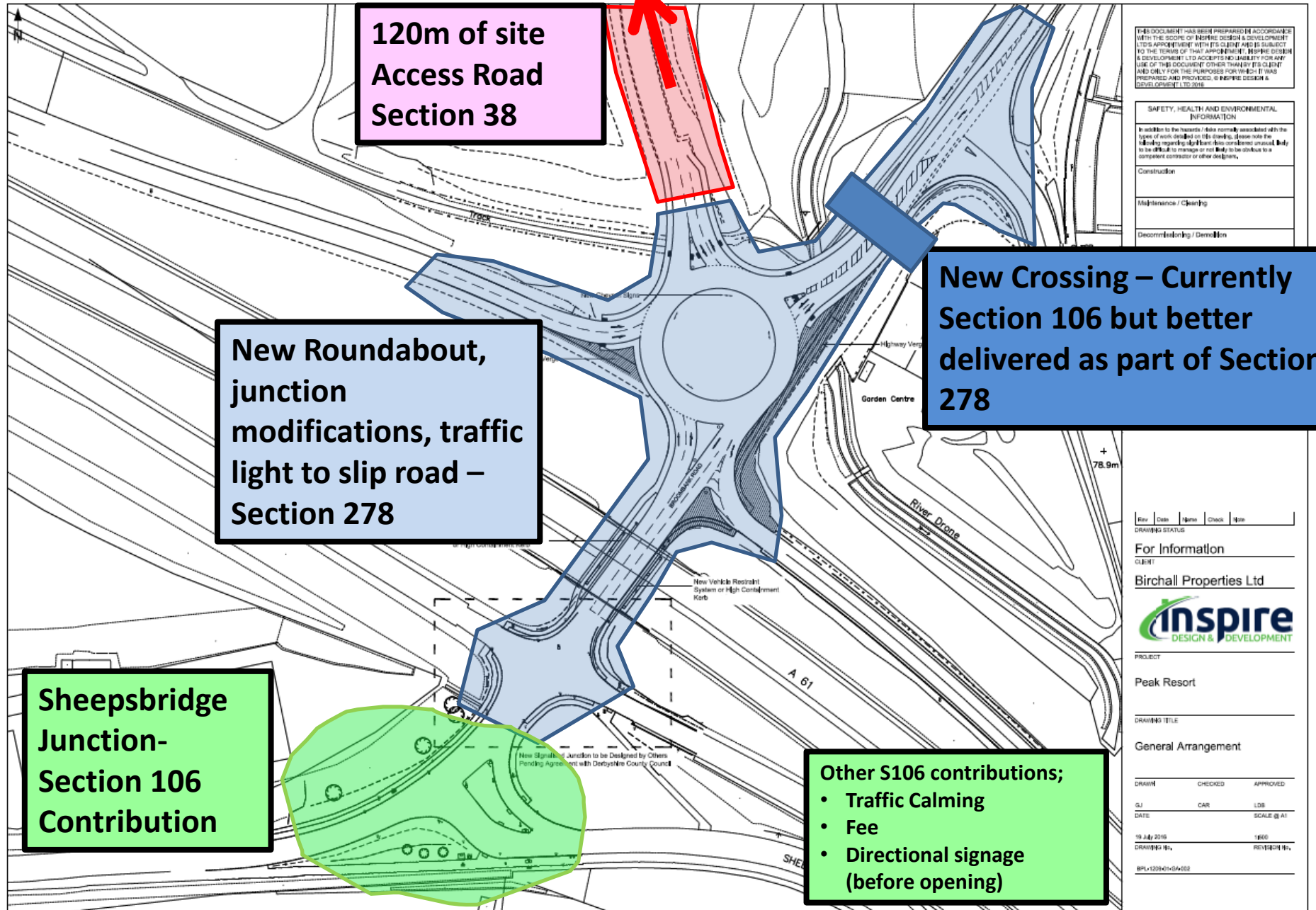
(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** Held on file within the Economy, Transport and Communities Department. Officer contact details - Jim Seymour, extension 38557 and Graham Hill, extension 38647.

(9) **OFFICER'S RECOMMENDATIONS** That Cabinet approves, in association with the Peak Resort development:

- 9.1 The acceptance of developer funding for the County Council to design works associated with signalisation of the junction between Broombank Road and the northbound A61.
- 9.2 The utilisation of Section 106 contributions to design and install traffic signals at the junction between Broombank Road and Sheepbridge Lane, pedestrian crossing(s) and traffic management on Sheffield Road, improvements at Jordanthorpe Parkway roundabout and directional signage as described in the main body of the report, and for these schemes to be added to the County Council's 2016-17 Capital Programme.
- 9.3 The amendment of the 2015-16 Capital Programme to reduce the allocation for highways infrastructure connected with the Peak Resort from £2.85m to £150,000.
- 9.4 In principle, the adoption of the initial 120m of access road into the site as publicly maintainable highway.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Communities**



## Hill,Graham (Economy Transport and Communities)

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**From:** John Mensforth <mensforthconsult@gmail.com>  
**Sent:** 02 December 2016 12:29  
**To:** Hill,Graham (Economy Transport and Communities); Ben Cook; Sophie Singleton; Rupert Carr  
**Subject:** Peak Resort 278 Works - Programme and 106 Works  
**Attachments:** Design Programme 02 12 16.pdf; SCRIF Programme , 8 November 2016.pdf

Morning Graham

Many thanks for all the attention we got yesterday - good to hear that activities have started.

Attached are the two programmes - now aligned with Start on Site mid May - the design period hasn't changed, the procurement activities is where there was an anomaly.

I think there was a consensus yesterday that the Sheepsbridge and Traffic Calming should remain as 106 Works but the Pedestrian /Cyclist Crossing would be better incorporated into our 278 Works?

If you agree, what's the simplest mechanism to arrange this - can we simply exchange letters confirming the requirement is withdrawn from the 106 Agreement so long as we provide the crossing to you design requirements?

With regard to DCC undertaking the design for traffic lights within the 278 Works, please accept this as confirmation that we accept your budget proposal of £7.5 - £10k to undertake the design and will be pleased to pay the fee in full upon receipt of your invoice. In the meantime we undertake to pay any abortive costs for works undertaken prior to formal invoicing & payment.

You previously requested proof of land title - this will follow shortly.

Thaks again

Kind regards

John Mensforth

**07889 774652**  
[mensforthconsult@gmail.com](mailto:mensforthconsult@gmail.com)

**MensforthConsult Ltd.**  
 Construction advice and consultancy

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