

CHESTERFIELD AND DISTRICT CIVIC SOCIETY

Proposed Chesterfield East–West Walking and Cycling Route

Complaint to Derbyshire County Council and to the Local Government & Social Care Ombudsman Ombudsman’s Reference 21 010 542

1 **Introductory**

This paper supplements the complaints contained in the Civic Society’s letter to Derbyshire County Council of 20 October 2021, written following the decision by the county council’s cabinet on 14 October to go ahead with this scheme, despite considerable public opposition and evidence that a ‘consultation exercise’ conducted earlier this year was fatally flawed. The Civic Society has brought this matter to the attention of the Local Government & Social Care Ombudsman, who has indicated that he cannot consider our complaint until the county council has had the opportunity to reply. It is for this reason that we have written to the county council.

- 2 It may be helpful to explain that Chesterfield & District Civic Society has been in existence since 1964, when it helped to stop the building of a shopping mall and persuaded the borough council to undertake a conservation-led development. This became a model for other historic town centres. The society has considerable expertise in planning, architecture and heritage within its membership, and its chairman has recently been elected a trustee of the national body, Civic Voice. It is strictly non-political, does not favour one part of Chesterfield over another, and takes a balanced view of development proposals on which it is asked to comment. We support efforts to encourage cycling in the town, but not at the expense of damaging the built environment or inconveniencing the great majority of local residents who do not cycle.

3 **Background**

Several years ago the county council created an off-road walking and cycling route through Chesterfield, known as the Hipper Trail, which runs from west to east between Somersall Park and the railway station, using in part the trackbed of a disused branch railway. Casual observation suggests that the route has been little used by either pedestrians or cyclists, partly because sections are unattractive. In any case, set as it is amongst hills, Chesterfield

is not historically a 'cycling town' and most people travel locally either on foot or by public or private motor transport. We do not believe that this will change significantly, however much public money the county council spends. The justification for the new scheme, set out in paras. 4.3–4.5 of the report considered by the county council's cabinet on 14 October is, in our view, facile and without merit.

- 4 As the cabinet paper states (para 4.2), in November 2020 the county council was awarded £1.68m. by the Secretary of State for Transport to create what it describes as a 'new east-west walking and cycling route across Chesterfield'. Most of the route in fact already exists and so is not new. What is proposed is an upgrading of the existing route, to which little objection has been raised, and extensions at its eastern and western ends, to which there have been very substantial objections from local residents.
- 5 There has also been a significant change in terminology since the scheme was first announced as a 'cycle super highway'. Drawings produced for a consultation exercise earlier in 2021 show that the county council proposes to extend the route at its western end by building a high-speed, two-way reserved cycle track along the northern side of Chatsworth Road, with a spur along a 1m x 20m well-walked footway which runs back from an unsafe junction. Omission of the medians will ensure that right-turners will block traffic movement. The well-used southernmost footway will be overrun by both HGVs and other vehicles, as this is the only way to allow emergency vehicles to pass when eastbound traffic is queuing, as it frequently does. As occurs in similar situations elsewhere, visitors and service vehicles will park on the footway clear of the carriageway and probably in places where inter-visibility is poor. The arrangements around Storrs Road junction favour cyclists and show little regard for the needs of pedestrians or a sense of place. This is intimidatory and cannot be described as a 'walking route'. It would be unpleasant and in places extremely hazardous for pedestrians to use. There is already such a route along both sides of Chatsworth Road in the form of the existing pavement.

A bogus and flawed 'consultation exercise'

- 5 Earlier in 2021 the county council engaged contractors to conduct an online consultation exercise and also wrote to those whom it regarded as 'stakeholders'. The consultants' lengthy report is appended to the cabinet paper. We consider this consultation to be bogus in conception and fatally

flawed in execution, and that its 'conclusions' are an unsafe basis on which to proceed.

- 6 The exercise was bogus in that the scheme was presented as a *fait accompli* to which there was no alternative in terms of route or design. That is not the case. The questions were designed, as so often in exercises of this sort, to elicit replies in favour of the scheme.

- 7 It was fatally flawed because the consultants were, according to information obtained by the Civic Society under the Freedom of Information Act, contracted to deliver notices to 4,041 private houses on 117 streets which lie on or close to the route, inviting them to take part in the consultation. The Civic Society has been advised by residents of twelve of the roads on that list (at both the western and eastern ends of the route) that they did not receive this notice, and by a resident of Queen Mary Road, who has consulted neighbours via Facebook, of a further six roads in the same position. Most seriously, we have established beyond reasonable doubt that residents of the section of Chatsworth Road along which the new cycle track is to be built (who include the immediate past chairman of the Civic Society) did not receive the notice, nor did those living in cul-de-sacs off Chatsworth Road. The streets concerned are listed in an Annexe to this paper.

- 8 The county council's cabinet paper (paras. 5.7, 5.8), summarising the findings of the consultant's report, states that 71 per cent of the 1,182 responses to its online questionnaire were in favour of the scheme. This claim is misleading, partly because it includes figures for the existing central section of the route, over which there is little or no controversy, but mainly because large numbers of people directly and adversely affected by the scheme were not told about it, as the county council has falsely claimed they were.

- 9 In the case of the eastern section (which involves the closure to motor traffic of Crow Lane), out of 389 responses, 237 were in favour and 128 were opposed, a majority of less than two to one. The number in favour is precisely one third of the number of signatories (711) to a petition opposing the closure of Crow Lane, and is quite different from the findings of a survey by Toby Perkins MP, in which 78 per cent of local residents expressed opposition to the scheme. The county council's cabinet paper makes no mention of either the petition or the result of Mr Perkins's enquiries, nor are either referred to in an email sent to objectors by the county council on 15 October 2021 over the

name of the cabinet member responsible for this scheme.

- 10 In the case of the western section (which involves the building of a two-way cycle 'super highway' along Chatsworth Road), 180 responses to the online consultation were in favour and 90 opposed, a majority of exactly two to one. This is very different from canvass returns collected by Mr John Boulton, then the sitting member for the county council division which includes Chatsworth Road, during the elections earlier this year. He found that 64 out of 71 households he approached were opposed and only five were in favour, i.e. a majority of twelve to one against the scheme. The successful Liberal Democrat candidate, County Councillor Paul Niblock, has reported a similar response from his own canvassing. Mr Boulton attributes his defeat in the election entirely to hostility to the scheme, a view from which County Councillor Niblock does not dissent.
- 11 We believe that the explanation for these wide discrepancies is that large numbers of residents at both the eastern and western ends of the route were unaware of the online consultation and therefore did not take part. When they were made aware of the proposals, over seven hundred residents of Brimington Common and Calow signed a petition opposing the closure of Crow Lane, and when the Civic Society delivered a circular to residents of Chatsworth Road and adjoining streets the response from all those who contacted the society was that they knew nothing about the proposed route of the western section of the scheme until our letter arrived. Several residents subsequently wrote to the county council objecting to this aspect of the scheme and to its failure to deliver a letter to them.
- 12 The Civic Society believes that if the county council had delivered a circular to all the 4,041 residents of 117 streets, as they falsely claim to have done, the outcome of the consultation would also have been different. For this reason we consider that it would be grossly improper for the county council to go ahead with the scheme on the basis of the purported findings of the consultation. We do not accept the conclusion of the cabinet paper (para. 5.12) that the exercise demonstrated 'overall broad support' for the proposal or that it justified the expenditure of more public money to continue with its design and implementation. All it demonstrated is that the county council used incompetent contractors and failed properly to supervise their work, and that (as has often been observed) it is easy enough to get the answers you want from any survey if you draft the questions in a certain way, especially if

you also fail to consult those most directly affected. We do not consider that any weight can safely be placed on the supposed findings of this exercise.

- 13 Although not consulted as a 'key stakeholder', the Civic Society became aware of the consultation and submitted a paper to the contractors. This was a carefully compiled, detailed statement, which drew on the professional expertise of our members, combined with local knowledge. Only a very brief summary of our own summary of the paper was included in the consultants' report. For this reason we will reiterate here our objections to the proposed western extension of the route here, and our position on the proposed eastern extension.

Objections to the western extension of the existing route

- 14 The object of the western extension is to provide a safer cycling route between Holymoorside, a village just outside the built-up area of Chesterfield, and the town centre. At present the main route between the two is formed by Holymoore Road and Chatsworth Road. The county council originally intended to create an off-road route for cyclists by upgrading an existing footpath which runs through privately owned farm land between Greendale Avenue (a cul-de-sac off Holymoore Road) and Somersall Lane, from where the present Hipper Trail continues into the town centre. The county council later abandoned this idea, claiming that negotiations with the landowners had broken down, mainly over questions of public liability and maintenance. The landowners have repeatedly indicated their support in principle for a cycle track on this route. It provides the only flat route into Holymoorside and is much shorter and more commodious for cyclists than the Chatsworth Road route.
- 15 We believe that, instead of pressing on with the proposed scheme for Chatsworth Road, fresh efforts should be made to reach agreement with the landowners for the use of the Greendale Avenue route. We suspect that similar problems have arisen (and been overcome) elsewhere and that a solution could almost certainly be found, possibly with the assistance of the Department for Transport. We are not aware that the Department has been asked to help resolve this difficulty.
- 16 The county council's current proposals involve building a new, two-way high-speed cycle track along the north side of Chatsworth Road between its junctions with Holymoore Road and Storrs Road. Chatsworth Road forms part of the A619 which (together with the A6 and A623) is in turn part of a major

route between the Manchester region and the M1 at junction 29. It carries not only local traffic but also leisure traffic to and from the Peak District National Park, agricultural vehicles and very heavy HGV traffic, including long and wide loads. The building of a cycle track along one side of this road will make the carriageways narrower and, together with the loss of the right-turn medians, less accommodating and more hazardous to both motorists and pedestrians than they are already.

- 17 This section of Chatsworth Road is fully built up on both sides, mainly with private houses. If a two-way cycle track is built on the north side of the road, residents entering or leaving their driveways will be confronted with cyclists moving (virtually silently and possibly at high speed) not merely from west to east (i.e. in the same direction as motor traffic) but also from east to west. This we consider an avoidable hazard.
- 18 This part of the route also runs past the entrance to a 1300-pupil secondary school, a large block of sheltered accommodation and a doctors' surgery. There is a local shopping centre just to the east of Storrs Road. Many pedestrians use the pavement on the north side of Chatsworth Road, particularly near its junction with Storrs Road, including the elderly or infirm. At times the pavements are functionally too narrow and need improvement. It does not seem sensible to add to the existing difficulties by introducing a high-speed cycle route alongside the existing pavement. To describe the new scheme as a 'walking and cycling route' is particularly silly, since there is already a 'walking route' (i.e. the pavement) and it is clearly undesirable to have cyclists moving at speed next to it. The proposed cycle route would in places compromise walking to the point of safety. We would have welcomed improvements to this section of Chatsworth Road to make walking safer and more attractive, and improve a sense of place, but this approach seems not to have occurred to the county council engineers.
- 19 Because of all these objections to the building of a two-way, high-speed cycle 'super highway' along Chatsworth Road, and the existence of alternative routes between Holymoorside and Chesterfield, the Civic Society considers the county council's plan for the western extension of the route is misconceived and should be abandoned.

Objections to the eastern extension of the existing route

- 20 The proposed extension between Chesterfield railway station and Chesterfield Royal Hospital follows two existing minor roads, Crow Lane and Wetlands Lane. Most of Crow Lane, between the entrances to Tapton golf course and Dobbin Clough Farm, has been closed to motor traffic by the county council during the pandemic using emergency powers. The present closure expires on 1 December 2021. The stated reason for the closure, 'to facilitate social distancing', is self-evidently absurd. Crow Lane normally carries little motor traffic and is used to a small extent for recreational walking or cycling. It is perfectly possible for pedestrians and cyclists to use it without coming anywhere near 2 metres of each other. The widely held view locally is that the road has been closed in the hope of accustoming people to its permanent closure.
- 21 The closure to motor traffic of Crow Lane, which climbs steeply from south to north, has aroused strong objections from residents of Brimington Common and Calow, for whom it provides an alternative route to and from Chesterfield, avoiding the heavily congested main roads to the north (Manor Road, Chesterfield Road and Brimington Road) and south (Chesterfield Road and Hady Hill). The route also provides an alternative means of access to the Royal Hospital from the town centre. It is, therefore, not surprising that 711 local residents have signed a petition objecting to the closure and asking for Crow Lane to be reopened.
- 22 As in the case of the western extension, there are alternatives to the county council's plans. The simplest is to reopen Crow Lane and to allow the small number of cyclists who use it to continue to do so, alongside a small number of motorists and pedestrians. We fail to see why the road has to be closed to the majority of road users simply for the benefit of a handful of cyclists who form a small minority of users. In addition, cyclists who wish to get from the station or town centre to the Royal Hospital while avoiding Crow Lane can do so by using an existing bridlepath (part of the Trans Pennine Trail) across Tapton golf course to Wheathill Lane, and from there follow that road and Dark Lane (both minor roads which carry little traffic) to the hospital.
- 23 For these reasons the Civic Society, although initially in favour of the permanent closure of Crow Lane, now considers that this part of the scheme is unnecessary and, like the western extension, should be abandoned.

Conclusion

- 24 The county council's cabinet paper (para. 6.1) states that officers have considered and rejected creating walking and cycling routes elsewhere in Derbyshire, but then ludicrously suggests (para. 6.2) that 'Doing nothing is not considered an appropriate option' since the funding cannot be used for other purposes and would be lost if not spent on the Chesterfield scheme. We can only describe this attitude as badly mistaken; it reflects the deeply ingrained belief of some local government officers that 'if it's there, we've got to spend it'. Given the sums that the country has had to spend to get through the pandemic we believe that abandoning this scheme will avoid unnecessary public expenditure on unwanted projects. If the public's £1.68m. is not spent as the county council proposes it will not be 'lost': it will remain in the public's hands to spend as the public, not Derbyshire County Council, thinks best.
- 24 Securing trust and integrity are essential for successful local governance, irrespective of the political composition of a particular authority, and in particular, managing the expectations of local communities, with democratic accountability at the heart of effecting change. National guidance advises that 'Before any specific proposal is put forward, the ground must be carefully prepared, with the public persuaded of the need for change and an attractive alternative to the status quo laid out that people can get interested in ...'. Clearly someone was more interested in delivering their project rather than ensuring it is designed to be integral with the needs of local communities.
- 25 We are adamant that the proposed western and eastern extensions of the existing walking and cycling route (previously described, more accurately, as a 'cycle superhighway') are not wanted by a large majority of local residents, would only be used by a handful of cyclists, would duplicate existing routes, and would represent a serious and avoidable waste of public money. We also believe that the county council has not properly consulted the public and in particular failed to advise individual householders affected by the scheme. We hope, therefore, that the Local Government & Social Care Ombudsman will take steps to prevent county council going ahead.

Philip Riden
Chairman
Chesterfield and District Civic Society
20 October 2021

Annexe

Streets on which, according to a Derbyshire County Council letter of 16 April 2021 to the chairman of the Civic Society, a circular concerning the proposed walking and cycling route was delivered to individual householders, and for which the society has evidence from the residents named that the circular was not delivered

Affected by proposed western extension:

Chatsworth Road: M. and K. Faubert (no. 478), Dr J.W. and Dr S. Hadfield (no. 666), Dr L. Pemberton (no. 670), B. and R.J. Thompson (no. 672), The Revd Canon and Mrs M. Barnes (no. 674), Dr W.G. and Dr K. Lambert (no. 684), N. and R. Mansell (no. 706), Mr D. Kavanagh (no. 708), K. and J. Davis (no. 762), K. and L. Elliott (no. 669), Mr and Mrs Ling (no. 683), Mr and Mrs Miles (no. 716)

Ryehill Avenue: C. and J. Robinson (no. 19)

Somersall Lane: P. and J. Cattee (no. 19).

Also: **Queen Mary Road, Linden Avenue, Oakfield Avenue, Thornfield Avenue, Westfield Avenue, Somersall Park Road, Storrs Road**
(ex inf. Mrs L. Bellamy, Queen Mary Road)

Affected by proposed eastern extension:

Barry Road: Doram (no. 28), Brennan (no. 38), G. Blackburn (no. 44).

Hathern Close: C. Rawson (no. 8), M. Crich (no. 11), N. Fullwood (no. 16).

Westmoor Road: E. Ainscough (no. 5), L. Fallows (no. 10), P. Cutts (no. 25).

Wheathill Close: D. Hart (no. 3), J. Aluko (no. 6).

Eastmoor Road: A. Cantrell (no. 7), D. Coupe (no. 9).

Manor Road: B. Shrikklady (no. 375), S. Atherton (no. 383).

Grange Park Avenue: H. Butler (no. 3), Lawrence (no. 6), Taylor (no. 22).

Melville Crescent: Rea (no. 3), Sands (no. 4).

Southmoor Close: Dewberry (no. 2), Nellis (no. 5).

Lodge Close: E. Scott (no. 1), A. Herbert (no. 8).