

CHESTERFIELD AND DISTRICT CIVIC SOCIETY

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Managing Director
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Under signed-for cover

23 February 2022

Dear Madam,

Proposed Chesterfield East–Walking and Cycling Route

Further to the Civic Society's complaint to Derbyshire County Council concerning the above scheme, which was submitted to the county council on 20 October 2021 and is currently under consideration by the Local Government and Social Care Ombudsman, I enclose a further complaint which the Civic Society wishes to make.

This is based on detailed enquiries by a group of individual members of the society who would be particularly adversely affected by the scheme, should it go ahead.

I shall be obliged if you would ensure that receipt of this letter and enclosure of 17 pages is acknowledged, preferably by return of post, and that a full reply is in my hands no later than the close of business 28 days from tomorrow (the day on which I expect this letter to be delivered to County Hall), i.e. on or before 24 March 2022.

Yours faithfully,

(Philip Riden)

CHESTERFIELD AND DISTRICT CIVIC SOCIETY

Further complaint concerning proposed Chesterfield East–West Walking and Cycling Route February 2022

Introductory

- 1 The Civic Society generally favours the introduction of more facilities for pedestrians and cyclists. It has, however, strongly opposed over the last twelve months the proposal put forward by Derbyshire County Council to build what was originally described as a ‘cycle super-highway’ along the north side of Chatsworth Road between its junctions with Holymoore Road and Storrs Road, which has since been renamed an East–West Chesterfield Walking and Cycling Route.
- 2 The society submitted a detailed memorandum to the county council on 20 October 2021, setting out its objections to the scheme, and indicating that it proposed to lay a complaint before the Local Government and Social Care Ombudsman, alleging maladministration by the county council. In January 2022 the county council claimed not to have received this memorandum (despite the fact that the society has evidence supplied by Royal Mail that it was delivered to County Hall on 21 October 2021). The memorandum was accordingly re-submitted and the county council undertook to respond within 28 days. The society does not consider the county council’s response to its complaint satisfactory and has accordingly submitted a complaint to the Ombudsman, by whom it is currently under consideration.
- 3 In the meantime, three Civic Society members with a particular interest in this matter have compiled a separate statement of objections to the scheme based on its serious flaws. This is being submitted as a **complaint** to the county council, to which a response is required within 28 days.
- 4 This complaint concentrates on four aspects of the scheme, relating to Chatsworth Road. We have summarised the main points in the following paragraphs and given more detail in annexes. We wish the points we raise to be resolved before any development work starts on the western section of the route. We have not touched on the proposed closure of Crow Lane to motor traffic, the main objection to the eastern section of the route.

Safety & Amenity

- 5 The proposal requires the narrowing of the A619 to allow for a two-lane walking and cycling route. Safety of all users must be paramount in the planning and development of schemes of this nature. Users include

pedestrians, cyclists, local residents, disabled people on foot or mobility scooters, motorists, motor cyclists and commercial vehicles. The safety issues concerning the removal of the medians, which will cause difficulty to the considerable number of road-users turning right are well documented and set out in Annexe

- 6 Our major concern is that cyclists travelling west will be in the left-hand lane of the highway within two metres of very large HGVs travelling eastwards. Investigations by Councillor Shirley Niblock and County Councillor Paul Niblock has shown that hundreds of these vehicles travel along this road each day. As the A619 reaches the borough boundary it is climbing upwards and is on a curve. Cyclists will have to expend force to climb this hill and will face HGVs that should be doing 30 mph but in practice do not because they are travelling downhill from a section of road subject to the national speed limit (60 mph). This will be very intimidating and may put cyclists' lives in danger. For this reason we suspect that cyclists will not use the westbound lane. There is no evidence that the county council has taken these issues into consideration.
- 7 There are a number of additional risks to pedestrians and cyclists at the busy Somersall Lane junction. Our members have studied your proposals and believe that the county council's proposals are creating additional hazards. Evidence indicates the unique characteristics of this road have not been recognised by the county council in its plans. These need to be referred to safety experts and will involve site visits. The Active Travel Fund objectives are for a safer road environment with greater capacity for pedestrians and cyclists; to relieve overcrowding on reduced public transport and reduce traffic flow to encourage the use of more sustainable travel modes. When scrutinised, for the cycle highway section of the project, these objectives are not met sufficiently well to warrant the investment, reduced safety, loss of amenity and disruption to the local community.
- 8 In particular, walking will be and will feel less safe at busy times, less convenient in places and less attractive along sections of Chatsworth Road. The Somersall Lane junction, with a large school access opposite, is awkward for cars, a source of complaints about pedestrian safety, and is associated with minor traffic accidents. As cycling along the narrow single footway is intended, there should have been a camera monitoring traffic movement to assess safety of travel modes. Similarly, a camera at Brookfield Avenue would have illustrated the value of the medians and why refuges will be safer than pedestrians emerging between school-time standing traffic at the replacement crossing points.
- 9 Generally we believe that there will be overcapacity for cycling, as this section of the route serves a village occupied by many older residents. Leisure cyclists have alternatives, and we are aware that this section will be avoided by some. There is, however, a known demand to implement the plan to extend the Hipper Valley Trail over relatively flat fields, finishing in

Holymoorside close to the village primary school. Unlike the highway, this alternative would meet all the five declared objectives of LTN 1/20: 'Coherent; Direct; Safe; Comfortable and Attractive for both walkers and a wider range of cyclists'. At the public meeting held at Brookfield School on 11 November 2021 one of the landowners concerned stated that the county council have not attempted to deal properly with the issue of public liability raised by the landowners.

Financial inconsistencies in budgeting and representation

- 10 The following paragraphs give evidence that the county council is not managing this proposal with due financial control and the Civic Society believes that there will be cost overruns that will impose costs on all residents of Derbyshire. We have asked for evidence of a cost/benefit analysis of the project but nothing has been received. All the following issues need to be investigated and questions answered.

Background

- 11 The county council has made a number of statements about budgeting for the scheme. It is of great concern that the county council is relying on a budget based on a 'rough estimate' as advised by the county council in response to a Freedom of Information Act request. It is of great concern that the statements related to the budget are inconsistent. See below and summary attached. It is also of great concern that the budget has been misrepresented in the Report of the Executive Director to the Derbyshire County Council Cabinet Meeting of 14 October 2021.

Report of the Executive Director to the DCC Cabinet Meeting of 14 October 2021

- 12 Paragraph 2.1 of this report implies that the budget for the project is £1.68 million, based on the amount of the grant received from the Department for Transport. The same amount is referred to in paragraph 4.2.
- 13 The 'rough estimate' made by DCC officers in fact arrives at a cost of £1,717,320, including detailed design and contingency. This is £37,320 above the amount of the grant of £1.68m.
- 14 Appendix 1, paragraph 1.1 of the report clearly states that 'The required funding to deliver the project has been secured from the Department for Transport. **No additional funding is required other than the grant provided.**' This is a very clear statement to the county council's cabinet by the officer responsible for the scheme. The response received from the county council in answer to Freedom of Information Act requests give no confidence that the county council can actually deliver on that statement. Nowhere in the report of 14 October 2021 is there any reference to project

costings only being at the stage of a 'rough estimate'. There is a reference to the recommendation to undertake detailed design. This would produce a much more accurate cost estimate but in the same paragraph there is a recommendation to implement. This would appear to be with significant financial risk, given the level of estimating up to that point. The financial position for the project has therefore clearly been misrepresented to the county councils cabinet in the report of 14 October 2021.

*Minutes 175/ 21: Chesterfield East–West Walking and Cycling Route,
DCC Cabinet Meeting 14 October 2021*

- 15 This minute discusses the project. It is recorded that cabinet members recognised the prescriptive nature to the criteria and that further consultation would be held. Based on a budget of £1.68m. the cabinet resolved to continue with the further detailed design and subsequent implementation. We presume that this approval was based on the project remaining within the budget of £1.68m.
- 16 While there are references to detailed design and more consultation, this is hazy and detailed design may well throw up significant other costs. In a professional world, significant projects would go through at least two stages to arrive at a budget in which there could be a reasonable level of confidence. The contract given to Local Transport Projects Ltd (LTP) calls for both Preliminary Design and Detailed Design. Preliminary Design in our experience would normally allow accuracy of around +/- 25% for cost estimating, whereas Detailed Design should allow for cost estimating at around +/-5% and no more than +/-10%.
- 17 In the contract documentation provided to date, there are four deliverables identified: Preliminary design; Consultation; Detailed design; Implementation.
- 18 The LTP report annexed to the Report of the Executive Director to the Cabinet Meeting is titled as a Summary Report and our FoI requests have established that this is the only report. Why is this? We fail to see anything in this report that could constitute either a Preliminary Design or, more importantly, a Detailed Design, both of which the consultants appear to have been contracted to do. This is why we are pressing for access to documents that the county council has so far failed to supply in its response to our requests.

Conclusions

- 19 While recognising that experienced DCC officers will have made the 'rough estimate' in good faith, it is unrealistic to sanction a project of this scale based on a 'rough estimate'.
- 20 Clearly the estimate needs to be revised and reconsidered following completion of detailed design and further consultation, when a much more accurate cost estimate can be presented. Detailed design should also consider alternatives routes in certain sections of the plan that have not yet been given serious attention by the county council. Alternatives are feasible

with very positive benefits for safety. These may have implications for the budget. If a revised, more accurate, cost estimate shows an estimated cost in excess of the £1.68m. budget then consideration must be given as to how to finance the balance, or to revise the scope of the project, or indeed whether to abandon it entirely.

- 21 The county council has stated that the Department for Transport is providing a grant of £1.68m. for this scheme and therefore the execution of the scheme should start to avoid losing this grant. We wish to ask why the county council is trying to initiate a scheme when major issues concerning safety, finance and the administrative conduct of the county council on this matter remain unanswered?
- 22 Evidence that we have obtained from the county council (see Annexe 2) shows that there is little financial control of the proposal. This has the serious implication that any cost overrun will have to be funded by the county council from local taxation. This we strongly deprecate, especially at a time when inflation is accelerating and household budgets are under pressure.
- 23 From the evidence which one of our members (Chris Wells) has obtained from the county council, it appears that there is no tight control over expenditure on this project and therefore a very high likelihood of cost overruns. We wish to ask the county council what guarantee can it give that this will not happen and that Derbyshire residents not have to pay for the additional cost over the £1.68m. grant.

Failures in required consultations and processes

- 23 The county council has stated that a thorough survey of all residents was undertaken and the results of this were favourable. However, none of the residents directly affected by the scheme who live on or around Chatsworth Road were consulted. During the Derbyshire County Council election of 2021 the former councillor for the division concerned, Mr John Boulton, conducted his own survey and recorded the names and addresses of all the residents in Chatsworth Road who had not receive notification of the contractor's consultation. Mr Boulton presented the results of his survey to Mr Philip Riden for conveyance to the county council. It is not clear why the county council did not take note of Mr Boulton's findings and act accordingly to address the issues.
- 24 The county council has been asked by members of the Civic Society and others to provide details of the survey and its results. The county council has been unable to do this, claiming that the relevant data has been lost and that the work was undertaken by a contractor. Evidence obtained by the Civic Society shows that there is confusion and uncertainty about the contractor who was assigned to complete this work. This inability to produce the information requested is either an admission of lack of management and control or, as we strongly suspect, because the county council's contractors did not complete the survey properly and the county council has not told the truth in its publication of the results.

- 26 This matter has been referred to the Local Government and Social Care Ombudsman by one of us (Mr Davis). He has been informed that the Ombudsman believes that there is a case to be investigated and that investigation is about to begin (February / March 2022).
- 27 The Civic Society believes that the county council has not followed the consultation procedure set out in the Institute of Highways and Traffic Handbook. We ask the county council to provide evidence of the reasons why it did not follow the recommendations of this handbook. Furthermore, having studied the county council's own Consultation Tool Kit, it appears to us that the county council has failed to follow the processes set out in that document.
- 28 Annexe 3 provides a summary of the failures of county council departments to provide the correct information within the required timescales and we ask that the county council give priority to resolving these issues.
- 29 The county council has failed on numerous occasions to provide answers to requests raised by individuals under the Freedom of Information Act 2000. It has also failed to deliver responses to Fol requests within the statutory time limit of 20 working days. This is evidenced by extensive documentation summarised in Annexe 4. From that evidence it appears that the county council is pursuing a policy of deliberately frustrating enquiries by delaying the issue of replies for as long as possible.

Failures to find an alternative route

- 30 There has been extensive publicity locally concerning an alternative route for a cycle track running from Greendale Avenue, off Holymoore Road, to Somersall Lane. The county council has repeatedly stated that this is not a feasible alternative because it has not been possible to get agreement with the landowners concerned on the questions of public liability.
- 31 At a public meeting convened by the Civic Society, held at Brookside Community School on 11 November 2021 which was attended by some 350 people and addressed by Toby Perkins MP, a number of the audience voiced opinions that the County Council had not pursued alternatives with any seriousness.
- 32 The Civic Society has previously obtained an admission from the county council, in response to a question submitted under the Freedom of Information Act, that at no stage in the negotiations with the landowners did the county council seek advice or help from the Department for Transport. We consider this to be a serious failure on the part of the county council.

Conclusion

- 33 The Civic Society has considerable evidence that this scheme has not been properly planned and managed, creating a risk of major safety and financial problems. The society asks that the county council provides detailed answers

to the questions raised in this paper before proceeding further with the western section of the proposed walking and cycling route. This should include full and proper consultations.

ANNEXES

Annexe 1: Safety Questions to be answered by the county council

- 1 Our major concern is that cyclists travelling west will be in the left-hand lane of the highway within a few feet of very large HGVs travelling eastwards. As the A619 reaches the borough boundary it is climbing upwards and is on a curve. Cyclists will have to expend force to climb this hill and will face the HGVs that should be doing 30 mph but in practice do not because they are travelling downhill from a section of road subject to the national speed limit (60 mph). This will create a dangerous situation that could put cyclists' lives in danger. For this reason we suspect that cyclists will not use the westbound lane. There is no evidence that DCC has taken these issues into consideration.
- 2 Has the County Council produced a schedule to show how this proposal conforms to the aims and advice on LTN 1/20 Cycle Infrastructure Design? It does not appear to have done so.
- 3 We have reviewed the number of houses on Chatsworth Road and into the various side roads in order to make a count of the number of houses that will be directly affected by the cycle route if it goes ahead. Hedges & walls in several places obscured some of the buildings, but the figures are:

Westbrook Drive: 46

Westbrook Close: 3

The Knoll: 5

Ryehill Avenue: 13

Brookfield Avenue: 7

Old Pheasant Court: 25+. The road is a mixture of houses and flats, hence the 25+

Chatsworth Road: on the left hand side driving eastward, there are about 31 houses from Westbrook Drive down to the retirement flats. These flats have a frequent stream of visitors, delivery vehicles, health care people etc.

Chatsworth Road: westwards, there are about 50 or so between Hadfield's Accountants and Holymoore Road.

Brookside Glen: 46

Brookside Bar: 41

Lutyens Court: 5

Queen Mary Road, Somersall Park Road and then Oakfield Avenue, contain at least 80 homes and the junction with Chatsworth Road is frequently busy.

These numbers are approximate but provide a good estimate of in the region of 270 houses, plus Queen Mary Road etc, a good number of which appear to have two cars. In addition, of course, there are numerous delivery vehicles during the day, along with large numbers of builders' vans.

- 4 Why is it considered safer to cross two lanes of traffic on a busy interregional road, rather than one at a time via bollard, particularly when one lane is likely to have standing traffic with high sided vehicles?
- 5 The County Council acknowledges that the Somersall Lane junction is highly substandard for pedestrians, yet it will become more used by Brookfield students because of this proposal.
- 6 What is the justification for toucan lights at the Somersall Lane junction, since they discharge onto a very narrow footway at a blind junction and there is a safer planned alternative route?

The cycle highway replaces medians and bollards with fewer crossing points. Standing traffic is common, which means the inter-visibility between walkers emerging between vehicles and oncoming traffic will be at times dangerously inadequate. especially as many standing vehicles at school times are heavy lorries. Removing the bollards will encourage more walkers to cross Somersall Lane, a blind junction. Needlessly adding the Toucan crossing for cyclists to ride along the single narrow footway along the lane lacks credibility.

Annexe 2: Finance Issues and Questions

- 1 The county council has failed to provide information showing that this project is under financial control and the following evidence extracted from correspondence between the county council and Mr Chris Wells shows this.
- 2 The county council has provided a commentary and spreadsheet in response to questions on the budget that were helpful and provide a better appreciation of its approach to this project. The expertise and experience of county council officers is noted and appreciated in the context of preparing a 'rough estimate'.
- 3 The inclusion of a contingency of 20% also provides some explanation of how 'over-costs' might be mitigated.
- 4 It is noted that the rough estimate, including the contingency of 20%, actually

accrues to £1,717,320.00, somewhat lower than the figure of £1.8 million referred to in the documentation previously referred to by the county council.

- 5 It is also to be noted that the spreadsheet includes two line items of cost not previously referred to or identified, i.e:

Hipper Valley Trail NOT PART OF TRANCHE 2 BID INCLUDED FOR INFORMATION ONLY: Upgrade path, widen to 5m where possible coonstruct in footway construction material including link paths to Oakfield Avenue and Somersall Lane, cut back vegetation, provide street lighting along whole route. Provide 2 new wider footbridges: £1,050,000 NOT INCLUDED IN SCHEME ESTIMATE

and

Park Road NOT PART OF TRANCHE 2 BID INCLUDED FOR INFORMATION ONLY: Cycle Bridge over Park Road: £250,000 NOT INCLUDED IN SCHEME ESTIMATE'

We do not understand whether these are actually costs that will be incurred as part of the overall scheme that have not been previously highlighted by the county council, or (if that is the case) where the funding is coming from?

- 6 Our request for clarification of the meaning and relevance of these two cost items remains outstanding. The reference to a 'Tranche 2 Bid' also implies that there is (or has been) a 'Tranche 1 Bid'. Clarification on this point is also outstanding.
- 7 While we acknowledge that it may not be necessary to present a detailed budget to the Department for Transport, it is surprising and of concern that the the county council cabinet is prepared to approve projects of such significance and cost on the basis of a rough estimate, with the risk of costs falling on Derbyshire taxpayers if the project overruns its budget
- 8 The county council has advised Mr Wells that 'We do not yet hold information [as to] whether the scheme will require further funding'. Once more we wish to ask how the county council will manage this project to avoid cost increases and additional costs falling on local taxpayers.
- 9 Mr Wells, in his correspondence with the county council, has also asked: 'Will DCC now prepare and undertake a full and proper consultation process with real alternatives that are clearly possible but have not to date been duly considered nor included in the consultation process?'. No answer has been provided.

- 10 The county council has pointed to the Cabinet Report as evidence of a full consultation. However, based on evidence in the public domain (mentioned above) there is evidence of serious flaws and gaps in the consultation process that are under investigation by the Local Government Ombudsman. The consultation process described also did not include realistic alternatives.

Table A, attached at the end of this document, provides the evidence that the county council is not in control of the finances of this scheme.

Annexe 3: Failures in required consultations and processes

This matter has already been referred to above. On the basis of evidence in its possession the Civic Society believes that the county council has failed in its responsibilities in several respects.

- a By the avoidance of best practice for early public engagement as advocated by the Chartered Institute of Highways and Transport, despite engaging CIHT consultants to design the project. National guidance since 2012 (LTN 1/12 and now LTN 1/20) and advice from the Chartered Institute of Highways and Traffic urge public consultation on cycle routes as they can be controversial. Case Law makes it clear that if a Council engages in public consultation, it cannot omit an interested party, even during the pandemic.
- b By ignoring recent case law, omitting to consult those directly or greatly affected by the project and then ignoring opportunities to re-consult.
- c By including a much larger number of households in the household consultation who were not directly affected but who would likely be supportive or neutral. Thereby overwhelming any objections that may arise.
- d By directing households and any others via public announcement to a website with text and a survey biased to support the project. There was a link to a set of technical drawings that were then not easy to read. The HA did a much more neutral text and better explanation which followed national advice.
- e By not including a link to this website from the county council's website, which gives the policies and adopted routes for cycling.
- f By not consulting the Walton & West division county councillor, whose divisions covers the most controversial element, although the county council claims otherwise.
- g By not addressing concerns in the committee report or the minutes of the cabinet meeting.
- h Before the end of the consultation period, DCC was aware that the most

significant groups of households were excluded. Case law on consultation is very clear: the exclusion of an interested party is unacceptable. The county council was either not up to date or did not know the implications or did not think it applied here. Which is it?

The county council has told the Civic Society, in response to a request under the Freedom of Information Act, that the circular was distributed to 4,041 households living on 117 streets on or close to the route, and has supplied the Civic Society with the names of those 117 streets.

The Civic Society has evidence, which we believe would meet the civil law test of 'balance of probabilities', that residents of at least 18 streets on the list of 117 did not receive the circular. In almost all cases we have the name and address of more than one householder in the street concerned.

A show of hands and comments made by speakers at the public meeting on 11 November 2021 suggested that very few, if any, streets on or near the Chatsworth Road section of the route received the circular.

Canvassing during the county council elections by the sitting member, John Boulton, and the successful candidate, Paul Niblock, point to the same conclusion, as did the response to the household circular which the Civic Society distributed on Chatsworth Road and adjoining roads in October.

The taxpayer paid the contractors £993 plus VAT for the printing and distribution of the circular.

The Civic Society requests that the county council provides an answer to each of these points.

Annexe 4: Digest of correspondence between the county council and Mr Christopher C. Wells

The following summary has been prepared by Mr Wells to show that the county council has failed to meet statutory deadlines for the supply of information on a number of occasions and is still in default of providing such information.

Date	Details
22 Oct. 2021	Email from CCW to DCC making Freedom of Information (Fol) request for information in relation to matters recorded in the Report of the Executive Director.
19 Nov. 2021	Email from DCC Access to Information (Aol) Team as a reply to CCW email of 22 Oct. 2021. The reply is seriously incomplete.
24 Nov. 2021	Email from CCW to DCC Aol Team and DCC Aol Solicitor

- highlighting the incomplete reply of 19 Nov. 2021 from DCC and initiating further Fol requests.
- 15 Dec. 2021 Email from CCW to DCC making further Fol requests for information in relation to matters recorded in the Report of the Executive Director.
- 23 Dec. 2021 Email from DCC Aol Team as a reply to CCW email of 24 Nov. 2021. Note that this reply, again incomplete, was one day beyond the statutory period of 20 working days.
- 26 Dec. 2021 Email from CCW to DCC Fol Team and Atl Solicitor notifying incomplete responses in DCC's email of 23 Dec. 2021 and elaborating the earlier questions in pursuance of unambiguous answers. Note that two of the key questions in the CCW email of 24 Nov. 2021 were not answered at all thus placing DCC in breach of the Fol Act 2000.
- 14 Jan. 2022 Letter from DCC Legal Services to CCW referring to and purporting to reply to outstanding questions from CCW's Fol request of 24 Nov. 2021, but actually not addressing the outstanding questions.
- 17 Jan. 2022 Letter from CCW to DCC Head of Legal Services highlighting the failure to address the relevant questions from CCW's Fol request of 24 Nov. 2021, repeating and elaborating the same questions in pursuance of unambiguous answers.
- 18 Jan. 2022 Email from DCC to CCW requesting a one week extension to the statutory time limit for DCC's response to CCW's Fol request of 15 Dec. 2021 to 25 Jan. 2022.
- 19 Jan. 2022 Email from CCW to DCC agreeing to the extension of time requested in the DCC email of 18 Jan. 2022.
- 25 Jan. 2022 Email from DCC to CCW requesting a further one week extension to the statutory time limit for DCC's response to CCW's Fol request of 15 Dec. 2021 to 1 Feb. 2022.
- 26 Jan. 2022 Email from CCW to DCC declining DCC request for the extension time for replying to CCW Fol request of 15 Dec. 2021.
- 27 Jan. 2022 Email from CCW to DCC recording that DCC has breached Fol Act 2000.
- 27 Jan. 2022 Email from CCW to DCC Complaints portal logging formal complaint with regard to DCC's breach of the Fol Act 2000 and failure to respond to Fol requests.
- 28 Jan. 2022 Email from CCW to DCC Cabinet Members providing them with copies of CCW's emails of 27 Jan. 2022, giving notice to DCC of breach of Fol Act 2000 and formal complaint to DCC.

28 Jan. 2022	Email from DCC to CCW indicating that DCC is still liaising with officers with a view to responding to CCW Fol request of 15 Dec. 2021 by 4 Feb. 2022.
28 Jan. 2022	Email from CCW to DCC in reply to the indicated response date of 4 Feb. 2022 making it clear that the continued delay is not acceptable.
31st Jan. 2022	Email from CCW to DCC reminding DCC to acknowledge receipt of CCW's email complaint of 27th January 2022.
31st Jan. 2022	Email from DCC to CCW acknowledging receipt of CCW's email complaint of 15th December 2021 noting that the complaint will be responded to in due course in accordance with the Council's Corporate Complaints procedure.
4 Feb. 2022	Email from CCW to DCC Head of Legal Services chasing a reply to CCW's letter of 17th January 2022.
5 Feb. 2022	Email from CCW to DCC noting that DCC's response to CCW's Fol request of 15th December 2021 is 1 day beyond DCC's own (but delayed) commitment to respond by 4th February 2022 and 14 working days beyond the statutory deadline of 17th January 2022.
7 Feb. 2022	Letter (via email) from DCC Head of Legal Services replying in part to CCW letter to DCC of 17 January 2022 and commenting on more recent emails from CCW.
8 Feb. 2022	Email from DCC to CCW providing incomplete response to CCW Fol request(s) 26 days after the statutory deadline.
11 Feb. 2022	Email from CCW to DCC replying to DCC email of 8th February 2022 advising incomplete state of DCC response and requesting outstanding documents and information on an urgent basis.
13 Feb. 2022	Letter (via email) from CCW to DCC in reply to DCC letter of 7 Feb. 2022 correcting erroneous statements in the DCC letter of Date Correspondence 7 Feb. 2022 and pressing for response to the numerous outstanding and overdue responses Fol requests for documents and information.

Table A: Summary of Questions and Answers re DCC Funding for the Chesterfield East-West Cycle Route

Questions asked in FoI Requests and answers from DCC:

Question Date	Question Text	DCC Answer Date	Answer Text	Comment
22 October 2021	Please explain how the budget has been prepared and advise the DCC confidence level of being able to complete the project within budget.	19 November 2021	The initial application to the Department for Transport (DfT) was for £1.8 million, which was based on rough estimates from officers at Derbyshire County Council for what schemes of this size, type and intervention usually cost. The DfT approved funding of only £1.68 million for the delivery of this scheme.	Answer incomplete.

Question Date	Question Text	DCC Answer Date	Answer Text	Comment
19th November 2021 2(a)	What is the basis of the rough estimate? How was it prepared?	23 December 2021	Please find attached the cost estimate which was prepared for the scheme on the 4 August 2020. This was produced by our Highways Design Team. The costs are broken down into areas. Some costs, such as widening of footways, are produced by calculating areas/volumes and using the priced schedule of rates for the construction items required for that work. For items such as street lighting and traffic signals, this would have been based on costs from similar schemes that have been carried out previously. The 20% contingency is added as it is only a preliminary estimate not a detailed design, and the design fee is the cost to produce the full detailed design of the scheme.	When examining the spreadsheet estimate provided by DCC there are inconsistencies between the spreadsheet, the answers given and the information presented to the DCC Cabinet at the Cabinet Meeting of 14 October 2021. Clearly, detailed design is important in determining a reasonably accurate cost estimate.
2(b)	Why is such a significant project approved by the cabinet on the basis of DfT funding that is significantly less than the rough estimate?		Derbyshire County Council officers do not consider the funding to be significantly less than the estimated costs. As mentioned in the response above a contingency cost is added into the budget to allow for any unpredicted costs.	Based on the details of the rough estimate provided by DCC in the spreadsheet, the rough estimate prepared by DCC officers is £1,717,320, including detailed design and contingency. This is £37,320 above the amount of the grant (£1.68m).

Question Date	Question Text	DCC Answer Date	Answer Text	Comment
2(c)	Why is such a significant project not presented with a detailed budget based on detailed plans and tenders for the work?		It was not required to produce a detailed budget to DfT.	The question has not been answered properly. The question was made against the background of the report to the Cabinet Meeting and was particularly aimed at establishing why DCC Cabinet would approve such significant expenditure on the basis of a rough estimate.
2(d)	From which financial resources is DCC planning to fund the shortfall between the DfT fund and the rough estimate?		We do not yet hold information on if the scheme will require further funding.	This does not answer the question, it avoids the question. The question seeks to establish from which funds DCC will meet a budget shortfall if it occurs (and the rough estimate discussed above is indicating a shortfall of £37,320) after full utilisation of contingency money.
2(e)	What is DCC's level of confidence that the project can be completed within the rough estimate?		The response for this question is based on officer experience and therefore cannot be answered under the terms of the Environmental Information Regulations 2004 or as business as usual.	The question has not been answered. The response is nonsensical. Why is the answer excused under the EIR 2004 to which it does not appear to have any relevance. The question is about project budgeting, not any environmental issues.

Question Date	Question Text	DCC Answer Date	Answer Text	Comment
2(f)	What happens if the rough estimate/budget is exceeded? Does the project stop or will additional funding be provided and if so from which resources?		We do not yet hold information on if the scheme will require further funding. As mentioned in the response above a contingency cost is added into the budget to allow for any unpredicted costs.	This does not answer the question, it avoids the question. The question seeks to establish from which funds DCC will meet a budget shortfall if it occurs (and the rough estimate discussed above is indicating a shortfall of £37,320) after full utilisation of contingency money.