

DATED

21 February

20 19

THE DERBYSHIRE COUNTY COUNCIL

- to -

MIDDLETON BY WIRKSWORTH PARISH COUNCIL

CONSENT

Under Section 96(5) of the Highways Act 1980
Relating to land at The Green Middleton by Wirksworth, in the County of
Derbyshire

File No: 75943

JANIE BERRY
MATLOCK

THIS CONSENT is made under the provisions of Section 96(5) of the Highways Act 1980 the 21 day of February Two Thousand and Nineteen

BETWEEN:

- (1) **MIDDLETON BY WIRKSWORTH PARISH COUNCIL** of C/O Devonshire Villas, Upperwood Road, Matlock Bath, Matlock ("the Parish Council"); and
- (2) **THE DERBYSHIRE COUNTY COUNCIL** of County Hall Matlock Derbyshire ("the County Council")

The Parish Council has requested the consent of The County Council to plant and cultivate the highway verge in the location shown edged red on the enclosed plan ("the Planting"), which the County Council has agreed to grant upon the terms set out as follows:

1. The Parish Council shall carry out the Planting and any associated works at its own expense;
2. The Parish Council shall comply in all respects with the provisions of the Highways Act 1980 and any other statutory requirements or by-laws insofar as they relate to the Planting;
3. The Parish Council shall carry out the Planting in accordance with any requirements imposed by the County Council; in particular (but not limited to) shall not use peat products in the carrying out of the planting or any other works under the terms of this consent;
4. The Parish Council shall ensure that the apparatus of statutory undertakers (as defined in Section 329(1) of the 1980 Act) British

Telecommunications Plc and licensed cable companies are not damaged in any way by the Planting and shall carry out the Planting in accordance with any requirements imposed by them;

5. If the Parish Council shall fail to properly maintain the Planting the County Council may carry out any works it deems necessary, including the removal of the Planting and recharge any costs incurred to the Parish Council;
6. The Parish Council shall indemnify the County Council against any costs arising in any way out of the provisions of this consent or the existence of the Planting;
7. Without prejudice to its liability to indemnify the Council under Clause 6 above the Parish Council shall throughout the licence period maintain such insurances with a reputable insurer as are necessary to cover any liability arising under Clause 6. Such cover shall be not less than £5,000,000 in respect of any one incident.
8. The Parish Council shall ensure that any Contractor employed by it holds such public liability and other relevant insurances with a reputable insurer before commencing any work on the Parish Council's behalf.
9. The Parish Council shall comply with the County Council's guidance note 'Environmental Sponsorship of Roundabouts and Highway Verges 2016' or any subsequent guidance which may issued by the County Council in respect of sponsorship of roundabouts and highway verges by third parties.
10. The County Council may at any time withdraw this consent upon giving four weeks notice in writing to either the Clerk or the Chair for the time being of the Parish Council or upon giving 48 hours notice if the Parish Council is in breach of any of the terms of this consent and the Parish

Council may terminate this arrangement upon the giving of four weeks notice in writing to the Strategic Director of Economy Transport and Environment for the time being of the County Council;

11. In the event that the consent is withdrawn the Parish Council shall remove the Planting and reinstate the area of highway affected to the reasonable satisfaction of the County Council. If the Parish Council shall fail to remove the Planting within 28 days of withdrawal of consent the Council shall be entitled to remove the same and reinstate the area of highway affected and recharge the cost of so doing to the Parish Council.

**SIGNED as a DEED by
representatives of MIDDLETON BY WIRKSWORTH PARISH
COUNCIL**

In the presence of

CHR PETER SHACK

Chair of the Parish Council

JOHN ROWE

Clerk to the Parish Council;

THE COMMON SEAL of)
THE DERBYSHIRE COUNTY)
COUNCIL was hereunto affixed)
in the presence of:)

Director of Legal Services

Number in Seal
Book

2019/173

