

<p>Cabinet</p> <p>2 May 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Directorate of Place</p>	<p>Classification: Unrestricted</p>
<p>Approval of the allocation of S106 and Community Infrastructure Levy (CIL) Funding to projects:</p> <p>Cycle and Pedestrian Improvement Project 2017</p>	

<p>Lead Member(s)</p>	<p><u>Covering Cabinet Report</u> Councillor Rachel Blake, Cabinet Member for Strategic Development</p> <p><u>Project Initiation Document:</u> Councillor Ayas Miah, Cabinet Member for Environment</p>
<p>Originating Officer(s)</p>	<p><u>Covering Cabinet Report</u> Owen Whalley, Divisional Director, Planning and Building Control, Place Directorate</p> <p><u>Cycle and Pedestrian Improvement Project 2017</u> Margaret Cooper, Head of Engineering, Public Realm, Place Directorate</p>
<p>Wards affected</p>	<p>All</p>
<p>Key Decision?</p>	<p>Yes</p>
<p>Community Plan Theme</p>	<p>A Great Place to Live; A Safe and Cohesive Community; A Healthy and Supportive Community</p>

1. EXECUTIVE SUMMARY

1.1 This document has been formed in order to seek approval from the Mayor in Cabinet to:

1. Approve the allocation of £1,130,854 in Section 106 (S106) funding to the expenditure proposals set out in the Cycle and Pedestrian Improvement Project 2017 Project Initiation Document (PID), which is attached to this Cabinet Report.
2. Adopt a Capital Budget of £1,130,854 for the project described in this document and the attached PID.

1.2 The Cycle and Pedestrian Improvement Project 2017 involves the expenditure of £1,130,854 of S106 funding on capital schemes/projects to improve facilities for pedestrians and cyclists that are linked to development sites across the borough, in line with the Council's current cycle and placemaking strategies. This will involve passporting £74,187 of the total sum requested to Transport for London (TfL), as two of the schemes set out in the PID involve works on the TfL Road Network, which TfL will be responsible for delivering. Measures to be introduced may include:

- Provision of new cycle routes or cycle permeability measures;
- Enhanced pedestrian routes with raised tables to offer step-free access and improved crossing facilities where desire lines are identified;
- Changes to traffic management to give greater priority to the safety of vulnerable road users;
- Improved walking and riding surfaces, better street lighting, and decluttering to achieve streets which are safe, accessible and free from street clutter.

1.3 The individual schemes are largely minor works of less than £100k in value, but they will be treated as one project overall monitored robustly to ensure they deliver the specified S106 improvements for each site. The Schedule of Works spreadsheet within the PID at Appendix A sets out the individual schemes and, provides details of the project outputs.

1.4 Table 1 below sets out the amount requested for the overall project and the source of funding. Table 2 sets out the project costs and amount that requires a capital budget to be adopted.

Table 1: Source of Funding and Overall Amount Requested for Allocation

Project Title	Amounts		
	Overall Request	S.106	CIL
Cycle and Pedestrian Improvement Project 2017	£1,130,854	£1,130,854	-

Table 2: Adoption of Capital Budget > Requested Amount

Project Title	Amounts	
	Overall Request	Adoption of Capital Budget > Request Amount
Cycle and Pedestrian Improvement Project 2017	£1,130,854	£1,130,854

RECOMMENDATIONS

- 1.5 The Mayor in Cabinet is recommended to:
1. Approve the allocation of £1,130,854 of S106 funding to the Cycle and Pedestrian Improvement Project 2017 as profiled in the PID attached at Appendix A, and in Table 1.
 2. Approve the adoption of a capital budget of £1,130,854 as profiled in the PID attached at Appendix A, and in Table 2.
- 1.6 If it is not considered appropriate to approve the allocation of S106 funding to all of the schemes described in the attached PID, then approvals can be made in respect of any of the individual schemes. In addition, capital budgets can also be adopted in respect of any of the individual schemes set out in the PID.

2. REASONS FOR THE DECISIONS

- 2.1 Approval is sought to deliver this project for the following reasons:
1. The project will help contribute to the delivery of positive improvements to people's lives, which will underpin the Community Plan themes of:
 - A Great Place to Live;
 - A Safe and Cohesive Community; and
 - A Healthy and Supportive Community.
 2. The project will improve the public realm and accessibility; encourage and support sustainable modes of transport; and enhance road safety, and the wellbeing of residents and workers.
- 2.2 Please refer to the attached PID in Appendix A, and the Cycle and Pedestrian Schedule of Works Spreadsheet in Appendix B for more information about the overall project and the individual schemes.

3. ALTERNATIVE OPTIONS

- 3.1 The expenditure items within the attached PID can be individually or collectively approved. The alternative option is to not allocate the funding to the overall project, or to some or any of the schemes.
- 3.2 It should be noted that the use of the S106 funding specified in this report is restricted, as it must be spent in accordance with the legal agreement related to the development from which it originates. This may limit the expenditure of the S106 funding to certain infrastructure types or projects, and also by geographical location.

- 3.3 Any alternative expenditure of this funding would have to be on projects that would meet the requirements of the relevant S106 agreement.

4. **BACKGROUND**

S106

- 4.1 S106 of the Town and Country Planning Act 1990 allows a Local Planning Authority (LPA) to enter into a legally-binding agreement or planning obligation with a developer over a related issue. Planning obligations /S106 agreements are legal agreements, negotiated between a LPA and a developer, with the intention of making development acceptable which would otherwise be unacceptable in planning terms.
- 4.2 S106 contributions must be spent in accordance with the agreement to which they relate. The contributions secured in S106 agreements are usually tied to the need to provide a certain type of project in a defined location.

PID

- 4.3 The background to the project is provided below. For further information on the project described in this report it is necessary to consult the PID attached at Appendix A.
- 4.4 The Cycle and Pedestrian Improvement Project 2017 PID sets out the proposals to deliver cycle and pedestrian schemes/projects across the borough that would be linked to, and funded by S106 contributions from nineteen development sites in the borough. A number of these contributions include provision for cycle and pedestrian improvements such as: cycle routes, repaving, new crossings, signage and traffic calming measures; and others have a more generic description of the type of works. As the schemes have very similar outputs and deliverables, they are to be managed as one project by the Council's Public Realm Engineering Division, and monitored to ensure they deliver the specific S106 related improvements for each site. The project budget is set as follows:

Table 3: Project Budget (rounded to the nearest £)

Financial Resources			
Description	Amount	Funding Source	Funding (Capital/ Revenue)
TFL	£74,187	S106	Capital
Site Survey	£135,000	S106	Capital
Works & Implementation	£829,143	S106	Capital
Project Management	£92,525	S106	Capital
Total	£1,130,854		

- 4.5 The overarching aim of the project is to encourage and support sustainable modes of transport, and provide a safe and accessible environment for more vulnerable road-users such as children; mobility, or sensory impaired; the elderly; and cyclists. The project will also be used to take forward the delivery of the pledges made in the Cycle Strategy (Jan 2016). Facilities for pedestrians and cyclists will be improved in line with this strategy and the Council's current placemaking strategies. The scheme designs will also comply with London cycle and streetscene design guidance; and address the relevant S106 obligations and local issues, including those arising from road-safety audits.
- 4.6 All schemes except for two, which are on the TfL Road Network, will be designed and delivered under the Highways Improvements Framework Contract CLC 4371 with design, consultation and site supervision led by Public Realm Engineering. On completion of the works, there will a 12-month maintenance defect period during which time the contractor will be responsible for rectifying any defects. The improved facilities would then fall under the planned highway inspections and maintenance regimes that are managed and funded through the Public Realm Highways Maintenance revenue budget.
- 4.7 The main improvements and tangible measures to be delivered through this project include:
- An up-grade of walking surfaces including provision of dropped kerbs to improve accessibility;
 - New or improved cycle routes and / or cycle permeability measures;
 - Traffic management and calming measures including speed tables, entry treatments, speed cushions;
 - An up-grade of street lighting to improve safety and perception of safety;
 - Pedestrian crossing facilities zebra crossings, pedestrian refuge islands;
 - Removal of street clutter; and
 - Pedestrian and cycle signage including Legible London.
- 4.8 It is considered that the improvements will enhance safety; reduce accidents; improve the local environment; and the perception of personal safety for cyclists and pedestrians. This would help to reduce car dependency/usage, encouraging more active lifestyles, and make the borough a more pleasant place to walk and cycle particularly for shorter journeys.

5. COMMENTS OF THE CHIEF FINANCE OFFICER

- 5.1 In accordance with the Council's Infrastructure Delivery Framework, this report seeks the approval of the Mayor in Cabinet to allocate Section

106 resources totalling £1,130,854 to finance a Cycle and Pedestrian Improvement Project.

- 5.2 In order that spending decisions can be made by the Infrastructure Delivery Board and the Mayor in Cabinet, Full Council approved an initial provision of £30.0 million within the capital programme for Infrastructure Delivery, with uncommitted funds being carried forward as necessary for allocation in future years. The approval to fund schemes from this budgetary provision can only be made following the receipt of the relevant developer contributions - in the case of the scheme proposed in this report, all required resources have been received by the Council.
- 5.3 The Council receives contributions towards the provision of public realm, highways and cycle route improvements under the terms of many Section 106 agreements. The funding for the proposed allocation to this project is derived from elements of nineteen different agreements – these are detailed in the table on pages 8 to 11 of the Project Initiation Document that is included as Appendix A of this report.
- 5.4 A significant element of the Section 106 resources that are held by the Council relates to capital projects. The proposed allocation of these funds is undertaken by the Infrastructure Delivery Board and should take place in accordance with the priorities within the Council's capital strategy, although certain resources are specific to particular initiatives. In order to undertake Section 106 funded capital schemes, projects must be incorporated into the capital programme and appropriate capital budgets adopted in accordance with the Council's financial regulations. Approval for the adoption of the necessary capital estimate of £1,130,854 (rounded to £1,131,000) is sought in this report.
- 5.5 Apart from an element of £74,000 that is being transferred to TfL to fund works on roads within its network, the resources will be funding improvement works to the Council's own highway assets.

6. LEGAL COMMENTS

- 6.1 Section 106 Planning Obligations are obligations secured pursuant to section 106 of the Town and Country Planning Act 1990. Such Planning obligations, commonly known as s.106 agreements, are the mechanism whereby development proposals which would otherwise not be acceptable can be made acceptable in planning terms. They are focused on site-specific mitigation of the impact of development. They can impose financial and non-financial obligations on a person or persons with an interest in the land and become binding on that parcel of land.
- 6.2 As a contract the Council are required to spend any monies received in accordance with the terms of the s.106 agreement. It is therefore important to consider the provisions of each agreement when allocating monies to a particular project. Whilst some agreements allow for a

particular contribution to be spent on a type of infrastructure or project across the borough as a whole, other agreements are more specific in requiring that a contribution be linked more closely to the locality of the development.

- 6.3 This report is asking the Mayor in Cabinet to approve the allocation of s.106 resources to the Cycle and Pedestrian Improvement Project 2017 that was recommended for progression by the Infrastructure Delivery Steering Group on 8th March 2017 and to adopt the necessary capital budget. The allocation of this section 106 funding is considered to be in accordance with the relevant s.106 agreements and therefore lawful.
- 6.5 To the extent that the spending of the monies amounts to a grant, then approval must first be sought from the Grants Determination (Cabinet) Sub-Committee before any payment is made.
- 6.6 When making decisions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). A proportionate level of equality analysis is required to discharge the duty.

7. ONE TOWER HAMLETS CONSIDERATIONS

- 7.1 This report proposes to allocate funding to help deliver infrastructure at a local level. In scoping this project, the objectives of One Tower Hamlets and those of the Community Plan have been considered.
- 7.2 It is hoped that these infrastructure projects will enhance connectivity, and improve health and wellbeing by creating better conditions for walking and cycling; and contribute to the reduction of inequality in terms of how more vulnerable road-users access and move about the public realm.

8. BEST VALUE (BV) IMPLICATIONS

- 8.1 If approved, the project referred to in this document is required to be delivered in consideration of best value implications and the Council's Best Value Strategy and Action Plan.

9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 9.1 Whilst not related to greening of the environment, it is partly focussed on improvements to the public realm and environment more broadly.

10. RISK MANAGEMENT IMPLICATIONS

10.1 The risks relating to the delivery of this project as well as mitigating measures are set out in detail in the attached PID.

11. CRIME AND DISORDER REDUCTION IMPLICATIONS

11.1 It is hoped that this project will improve places in the borough including underutilised spaces and buildings, making them less susceptible to crime or disorder and increasing natural surveillance.

12. SAFEGUARDING IMPLICATIONS

12.1 Not applicable.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

Appendix A: Cycle and Pedestrian Improvement Project 2017 PID

Appendix B: Cycle and Pedestrian Schedule of Works Spreadsheet

Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

- None

Officer contact details for documents:

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