

Executive Board – 20th June 2023

Subject:	Funding for active travel infrastructure
Corporate Director(s)/Director(s):	Sajeeda Rose, Corporate Director for Growth and City Development Paul Seddon, Director of Planning and Transport
Portfolio Holder(s):	Councillor Angela Kandola, Portfolio Holder for Highways, Transport and Planning
Report author and contact details:	Keith Morgan: Cycling and Walking Infrastructure Manager Keith.morgan@nottinghamcity.gov.uk Tel: 07929 667 400
Other colleagues who have provided input:	Anne-Marie Barclay: Programme Manager Transforming Cities Fund.
Subject to call-in:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Key Decision:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criteria for Key Decision:	
(a)	<input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £750,000 or more taking account of the overall impact of the decision
and/or	
(b)	Significant impact on communities living or working in two or more wards in the City <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Type of expenditure:	<input checked="" type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital If Capital, provide the date considered by Capital Board Date: 14/02/2023 ATF grant. Date: 14/09/2022 S106 payment.
Total value of the decision:	£2,763,355.59
Wards affected:	Mapperley and Castle
Date of consultation with Portfolio Holder(s):	06/02/2023
Relevant Council Plan Key Outcome:	
Green, Clean and Connected Communities	<input checked="" type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input checked="" type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input checked="" type="checkbox"/>
Living Well in our Communities	<input checked="" type="checkbox"/>
Keeping Nottingham Moving	<input checked="" type="checkbox"/>
Improve the City Centre	<input checked="" type="checkbox"/>
Better Housing	<input type="checkbox"/>
Serving People Well	<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):	Two external funding streams have been awarded to the Council for the delivery of specified walking and cycling infrastructure. This report seeks approval to accept and utilise both funding streams as set out within the report.
1. Active Travel Fund (round 4).	
	The Active Travel Fund (ATF) grant for the 2022/23 financial year was subject to what has become an annual bidding process where authorities must put forward their proposals alongside a business case. This is then assessed by the Department for Transport and Active Travel England. Through this process the Council secured its full grant allocation of £1,762,288. The funding has been paid to the Council mainly as capital funds (£1,682,607) along with a revenue element of £79,681.

The funding has been allocated specifically for investment along Porchester Road. This is a key part of the strategic cycle network which connects sustainable transport investment currently taking place on Carlton Road and complements last year's approved ATF investment which will be along St Ann's Well Road. It also considers the impact on the highway network balancing the delivery needs of other investment programmes such as previous ATF allocations and on-going Transforming Cities Fund (TCF) delivery.

2) Island Quarter S106 payment.

This report seeks to release the S106 payment of £1,001,067.59 which has been paid to the Council as a contribution to the TCF programme.

The funding will be used to support the improvement of the London Road/Station Street junction as stated in the S106 agreement. This funding will also be reported to the Department for Transport as a match funding contribution to the TCF programme.

Does this report contain any information that is exempt from publication?

Recommendation(s):

- 1** To accept the Active Travel Fund grant allocation of £1,762,288 from the Department of Transport to deliver a segregated cycling corridor and associated pedestrian improvements along Porchester Road, using in-house highways resources and existing approved highway frameworks. Any changes to the scheme to be delegated to the Director of Planning and Transport in compliance with the Department of Transport's change management process.
- 2** To agree the release of £1,001,067.59 of funding from the Island Site S106 into the Transforming Cities Fund programme as a contribution towards delivery of the east-west cycle corridor.

1. Reasons for recommendations

- 1.1** Delivering high quality sustainable green transport will support Nottingham to become a resilient city and contribute towards improving the quality of the city's built environment. By improving the liveability of our local neighbourhoods, city centre and through creating healthier streets, that are co-designed with our communities all our residents will benefit from a smarter, cleaner, better connected, and forward looking transport system. All designed to make Nottingham a better place to live, work, play and invest. Investment in sustainable and active transport infrastructure will also contribute towards the city councils ambitions towards becoming carbon neutral by 2028.
- 1.2** The Council has strong record for delivering transport schemes to a high design standard, it has meant Nottingham is ranked by Active Travel England as one of the leading authorities in the country for walking and cycling, being one of only 5 areas that has been ranked above all others for its ability and ambition to deliver sustainable transport schemes.
- 1.3** Funding for Active Travel is a priority for the Department for Transport (DfT) which has led to the creation of Active Travel England as a specific organisation to work with Local Authorities on design, delivery and funding bids/allocations.

- 1.4 The perceived risk of cycling is frequently reported as one of the main barriers to people cycling and is a particularly significant barrier to encouraging children to cycle. Providing segregated off-road cycle facilities is one of the best ways to remove this barrier and encourage more people of all ages to cycle. Both schemes form part of Nottingham's network of segregated cycle routes, making the city a more accessible and child-friendly place. The Porchester Road scheme will provide an off-road connection to Hogarth Primary School, whilst the London Road / Station Street crossing improvements will form part of segregated cycle routes into and through the city centre, providing off-road connections to a range of destinations, as well as to key transport interchanges.
- 1.5 This report seeks to accept funding to continue investment to improve the city's walking and cycling infrastructure.
- 1.6 **Recommendation 1:** £1,762,288 has been secured from a successful bid to the DfT's Active Travel Fund (ATF). This will be the fourth successive year the Council has secured monies from the fund.
- 1.7 The ATF and working with Active Travel England is key to Nottingham maintaining its status as a leading Authority for walking and cycling and ensuring investment for transport continues to be directed to Nottingham.
- 1.8 By accepting the funding the Council will continue to work with the DfT and ATE to secure future funding settlements for cycling and walking infrastructure.
- 1.9 The scheme forms part of Nottingham's strategic cycle network that has been identified as requiring investment to bring it up to the cycle design standards outlined within the Government's Local Transport Note LTN1/20.
- 1.10 If any changes to the scheme scope are needed, the Council is required to update the DfT/ATE through an agreed change management process. This will initially be agreed through the Director for Planning and Transport.
- 1.11 The scheme will be delivered using in-house highways resources and approved highways frameworks.
- 1.12 All costs associated with the delivery of the scheme will be contained within the £1,762,288 allocation.
- 1.13 **Recommendation 2:** £1,001,067.59 has been secured through a S106 agreement for the purpose of providing enhanced pedestrian and cycle links between the Island Quarter, the city centre and wider highway network. In total the investment in this element of the programme including Transforming Cities Fund (TCF) will be £5.5 million.
- 1.14 In undertaking the works it releases TCF monies to ensure the full cross city centre cycle programme is delivered to the required standards.
- 1.15 The scheme forms part of Nottingham's strategic cycle network and is a key part of an east-west cross city cycle corridor. This investment will bring it up to standards outlined within the Government's Local Transport Note LTN1/20.
- 1.16 The scheme will be delivered using in-house resources and approved frameworks.

1.17 All costs associated with the delivery of the scheme will be contained within the existing approved TCF programme in addition to the £1,001,067.59 allocation.

2. Background (including outcomes of consultation)

- 2.1 **Recommendation 1:** Following a funding bid that was submitted to the DfT in February 2023. £1,762,288 was awarded to the Council to enable improvements for walking and cycling along Porchester Road. This corridor has been prioritised as it serves the north and east of the City where cycling provision is currently lacking compared to other areas.
- 2.2 The Porchester Road scheme is within the Nottingham cycling strategy that has been developed along with the other D2N2 authorities, to create the Local Cycling and Walking Infrastructure Plan (LCWIP). This means it is a priority for funding investment for walking and cycling.
- 2.3 Following an initial assessment and concept design work it has indicated that a segregated cycle facility can be accommodated along the road. These plans will be developed in partnership with local residents through consultation and engagement. A communications strategy will be developed to ensure that all stakeholders, particularly residents, are kept informed about scheme construction. The funding will then be used to provide a high-quality facility that will attract less confident cyclists onto the road network and enable families to use bikes to access local facilities and the wider network, linking with improvements already taking place to the cycle facilities on Carlton Road through the TCF programme.
- 2.4 **Recommendation 2:** The Island Quarter is a major development on the southeast corner of the city centre. The location of the site offers huge potential for it to be integrated into the wider walking and cycling network and for the enhancement of routes into and across the development to the communities to the east of the site. £1,001,067.59 has been secured through a S106 agreement for the purpose of providing enhanced pedestrian and cycle links between the Island Quarter, the city centre and wider highway network. In total the investment in this element of the programme including Transforming Cities Fund (TCF) will be £5.5 million.
- 2.5 Through the TCF programme the Council is already well underway delivering a corridor of improvements for cyclists across the southern end of the city centre, which will join up existing high quality cycle routes that are on Castle Boulevard and Daleside Road as well as connecting into the Island Quarter.
- 2.6 The connections to the Island Quarter will be directly enhanced with this additional funding through the new infrastructure on the London Road/Station Street junction and planned for the BBC Island. These will connect to upgraded cycle and pedestrian facilities along Canal Street, Station Street and London Road with future works planned on Bellar Gate and Fisher Gate. With existing and proposed routes through the site to be provided by the developer.
- 2.7 These improvements have proved popular with cyclists and have enabled an east-west cycle corridor to be established across the whole city that is almost completely segregated from motor traffic. In doing so this enables access by bikes to key trip generators such as the city centre, University campuses, QMC, Bio City and the new Nottingham College City Hub campus.

3. Other options considered in making recommendations

- 3.1 **Not to accept funding DfT/ATE funding:** The Council was offered an opportunity to bid for funding and has worked with the DfT/ATE to agree a scheme.
- 3.2 The scheme put forward forms part of the strategic cycle network identified for improvement and features in Nottingham's Local Cycling Walking Infrastructure Plan.
- 3.3 The Council has a strong reputation for transport scheme delivery and by entering into this funding agreement it will open up further opportunities for funding as indicated in the grant letter. Not accepting the funding would put future funding to deliver cycling and walking schemes at risk as well as jeopardise the high-ranking Nottingham has with Active Travel England.
- 3.4 **Not to accept the S106 funding.** The Council requested and was paid the funding as part of the planning process. Both the Council and the developer wanted to see improvements at the junction for pedestrians and cyclists.
- 3.5 The works are in the process of being successfully delivered. If the funding is not accepted then it would be returned to the developer and the TCF programme would exclusively meet the costs and impact the ability to deliver future schemes across the city by reducing the overall TCF programme. This would also result in the loss of over £1 million in match funding to the TCF programme, which is reported to the Department for Transport.

4. Consideration of Risk

- 4.1 In both cases schemes will be delivered solely with the external funding and therefore place no burden on Council budgets.
- 4.2 The ATF (Porchester Road) scheme is scalable and will be managed to ensure costs do not exceed the budgets provided. The junction forms part of a wider programme where costs will be managed from the TCF budget.
- 4.3 The funding will cover all elements of the project including construction, fees and officer time for project management.
- 4.4 The ATF monies are subject to monitoring and a change control process which provide flexibility on delivery timescales meaning there is little chance of clawback as long as funding is used for the purpose it has been provided.
- 4.5 The London Road junction will be complete well within the S106 timescales.
- 4.6 The Council has worked with the developer on the design to ensure it meets the requirements of a public highway whilst also ensuring enhanced pedestrian and cycle access into the Island Quarter.
- 4.7 Both schemes will be delivered in line with the Council's project management protocol. Risks will be logged and managed.
- 4.8 Any issues around delivery will be discussed at the established ATF Board. This will ensure strong governance and reporting on decisions made.
- 4.9 Not proceeding with either scheme has the potential to damage the Council's reputation with the DfT and ATE.

5. Best Value Considerations, including consideration of Make or Buy where appropriate. Please detail how best value is demonstrated including consideration of the following:

- 5.1 In designing and constructing both schemes efficiency, effectiveness and economy are and will be considered throughout the process.
- 5.2 The ATF monies were secured following a business case which was assessed and deemed to provide a high value of money for the investment.
- 5.3 Where works are taking place the highway asset will be upgraded reducing the burden on maintenance budgets. Cycle infrastructure will reduce the amount of carriageway that carries heavy vehicles and is less susceptible to damage.
- 5.4 Works will be delivered through in house resources and framework contracts that have been tendered to ensure their value.
- 5.5 The works on the junction have struck a balance between the importance of maintaining traffic flow through a critical junction in Nottingham's transport network and ensuring the works are completed in a timely manner, ensuring the road is fully reopened as soon as possible and the benefits that brings for the economy and the users.
- 5.6 The Council has worked closely with the Island Quarters transport consultants to ensure the junction delivers on the City's and the development's needs. As well as adhering to the high standards in design required by ATE.
- 5.7 Efficiencies of delivering the works will be considered. This has been demonstrated with the S106 works which have been combined with TCF as well as a programme of Cadent gas pipe upgrades that took place alongside elements of the junction upgrade to save time and cost.

6. Finance colleague comments (including implications and value for money/VAT)

6.1 Capital Finance Implications:

- 6.2 The ATF and S106 do not require any match funding from the Council resources to secure the grants. Both the ATF and the S106 (ref: 20/01527/PFUL3) have been received by the Council and are held awaiting formal approval before monies can be committed.
- 6.3 Due to current pressures within the wider Capital Programme and commitments on capital council resources the projects within this decision are required to be managed within grants received. Any potential overspend will be required to be mitigated from eligible grants within the Transport element of the Capital Programme.
- 6.4 The revenue / lifecycle cost of the schemes identified within this decision require careful consideration to ensure that the works carried out do not create a significant maintenance liability in the future.
- 6.5 The Capital Programme MTFP includes an indicative **£1.7m** for the ATF element of this decisions within the planned section of the Capital Programme. Following this formal approval this element will move from the planned section of the Capital Programme to approved. While the S106 element of **£1.0m** will be an addition to Capital Programme and increase forecast spend over the MTFP.

7. Legal colleague comments

- 7.1 This paper seeks authority for the use of £1,762,288 of ATF grant funding and £1,001,067.59 of s106 funding.
- 7.2 In using the ATF funding, the Council must comply with any conditions imposed on the use of the grant and ensure that the funding is used in accordance with the bid and business case used by the Council to secure the funding; it is assumed that the specific details of proposed funding use are replicated in the bid and business case. It is noted that the total ATF funding is a combination of Capital and Revenue funding; care needs to be exercised in the separation of such funds and their use unless the grant conditions provide otherwise.
- 7.3 The report proposes to use existing framework arrangements to procure the services required. The use of framework arrangements should provide a route to market that complies with both the Public Contract Regulations 2015 and the Council's own constitution.
- 7.4 In using the s106 funding, the Council must ensure that such funding is used in accordance with the relevant provisions in the agreement. Whilst the Council is restricted in how it can use the s106 funds, it must be clear that it is the Council's decision on the detail of how that funding will be used and not that of, for example, the developer; the Council must not fetter its discretion any more than necessary or risk being seen to unduly benefit a 3rd party.
- 7.5 Legal Services will continue to support this work.

Anthony Heath, Senior Solicitor, Contracts and Commercial Team, 15th May 2023

8. Procurement Comments

- 8.1 This report is seeking approvals to accept funding from the Department of Transport to carry out cycle and pedestrian works along Porchester Rd. These works will be carried out via NCCs internal highways team and utilising their previously procured Framework Agreements. Highways already have approvals in-place to call-off from these compliant Framework Agreements and therefore no further approvals are required for these works.
- 8.2 There are no procurement issues with the release of funding from the Island Site S106 contributions.
Comments provided by Sue Oliver – Category Manager for Places 9th May 2023.

9. Crime and Disorder Implications (If Applicable)

- 9.1 Investment in public realm will help improve how the City's streets are used and perceived.
- 9.2 Encouraging more walking and cycling ensures more people and activity and has the potential to reduce crime.

10. Social value considerations (If Applicable)

10.1 Investment will enhance areas and uplift the quality of streets and places providing social value to the surrounding communities that will benefit from the enhanced facilities.

11. Regard to the NHS Constitution (If Applicable)

11.1 This funding will provide opportunities for more walking and cycling with levels predicted to increase as a result of the expenditure. There are proven health benefits for mental and physical health from walking and cycling.

12. Equality Impact Assessment (EIA)

12.1 Has the equality impact of the proposals in this report been assessed?

No
An EIA is not required

Yes
Attached as Appendix 1 and 2, and due regard will be given to any implications identified in it.

13. Data Protection Impact Assessment (DPIA)

13.1 Has the data protection impact of the proposals in this report been assessed?

No
A DPIA is not required because there are no DPIA implications associated with accepting funding. When public consultation takes place on the schemes the requirement for a DPIA will be assessed.

Yes

14. Carbon Impact Assessment (CIA)

14.1 Has the carbon impact of the proposals in this report been assessed?

No
A CIA is not required

Yes
Attached as Appendix 3 and 4, and due regard will be given to any implications identified in it.

15. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

15.1 None

16. Published documents referred to in this report

16.1 None