

Report of Head of Transport Strategy

Report to Chief Planning Officer

Date: 23 January 2015

Subject: Leeds Station Southern Entrance pedestrian connectivity works – S106 contributions

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): City & Hunslet	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The purpose of this report is to gain approval in principle for the release of up to £498,132 of developer s106 monies towards the pedestrian connectivity improvements on Little Neville Street associated with the Leeds Station Southern Entrance (LSSE).
2. The funding proposals and implementation of the works will be subject to a report to Executive Board (scheduled for February 2015).
3. The report also outlines the other draws on developer public transport s106 contributions to demonstrate that adequate funds should be available to cover all commitments.

Recommendations

The Chief Planning Officer is requested to:

- i. Approve the allocation of up to £498,132 from various developments secured via 'Guidelines for assessing developer contributions to Leeds Supertram SPG5' and 'Public Transport Improvements and Developer Contributions SPD'.
- ii. Note the comments in relation to other approved / expected draws on developer public transport s106 monies.

1 Purpose of this report

- 1.1 To seek the authorisation to release developer s106 monies towards the Leeds Station Southern Entrance (LSSE) pedestrian connectivity works on Little Neville Street.
- 1.2 This report identifies appropriate development funds for contributing towards the cost of the scheme. It also sets out, to enable an informed decision to be made, what other demands are being made / may be made on developer s106 monies for public transport schemes.
- 1.3 The Chief Officer is requested to approve the release of up to £498,132 for LSSE funding purposes from developer contributions as detailed in Table 1.

2 Background information

- 2.1 The Leeds station entrances are located to the north of the viaduct, are well placed to serve City Square and destinations north of the river beyond. These entrances also currently provide for passengers wanting to access or exit the station south of the river who have no alternative but to use the 'Rotunda' steps or for 'step-free' access continuing from Neville Street, onto Bishopgate Street and accessing the main entrance via New Station Street. The station Southern Entrance scheme is designed to address this by providing a new entrance to the south of the station that will provide a direct route to and from the expanding southern section of Leeds city centre. More broadly, the objectives are:
 - To improve access to Leeds by sustainable means;
 - Maximise growth of the Leeds economy by enhancing its competitive position and facilitating future employment and population growth;
 - Support and facilitate the sustainable growth of Leeds, in particular to the south, recognising the importance of its city centre to the future economy of the Leeds City Region; and
 - To minimise journey times accessing Leeds Station to/from the south
- 2.2 In order to construct, operate and maintain the scheme, the former Passenger Transport Executive (Metro) and Network Rail jointly submitted a Transport and Works Act Order application in May 2012 to cover all necessary approvals, land acquisition, and powers associated with the scheme. The scheme was subject to a Public Inquiry in November / December 2012 with a full approval received in July 2013. One of the conditions of the deemed planning consent was a scheme to improve the quality and functioning of the main pedestrian access route to the new entrance via Little Neville Street. These works therefore form part of the overall public transport scheme.
- 2.3 The new LSSE is expected to generate a significant pedestrian footfall (estimated at 20,000 a day), a large proportion of which would use Little Neville Street, thus this will become an important gateway to the southern part of the city.
- 2.4 Construction of the LSSE commenced in December 2013 is expected to be open in autumn 2015.

- 2.5 Associated with the LSSE, to improve the environment and aesthetic bordering the new pedestrian access and egress, are accommodation works to Little Neville Street. These related improvement works are separately managed under the direction and governance of the City Council as Highway Authority, and are being progressed by the Highways & Transportation service. Accordingly, public realm scheme / access improvement proposals have been drafted (see drawing HDC/297032/MIS/13c).
- 2.6 The funding for these 'off-site' works was not included in the scope and £17.35m cost of the main LSSE scheme. A previous request to release £500,000 of developer s106 monies towards the local contribution of the £17.35m main scheme was approved in January 2014 by the Chief Planning Officer. This money has been released to the West Yorkshire Combined Authority (WYCA, Metro's successor). The central government contribution towards the scheme was £12.4m, with the remainder coming from the WYCA and Network Rail.
- 2.7 The scheme design works to date, totalling some £100,000 have been funded by the WYCA

3 Main issues

Funding

- 3.1 The estimate of the currently proposed highway improvements to Little Neville Street is £475,000 works costs and up to £100,000 design costs. The design costs are being funded by the WYCA. The work will be undertaken by the Highways and Transportation term contractor. It is the aim to have this specific contract awarded and in place by early summer 2015. Until that point the exact cost will not be known, hence the request to approve a release of funds up to £498,132.
- 3.2 It is proposed to fund the full cost of the final design, on-site works and supervision (up to a maximum of £498,132) using developer s106 funds.
- 3.3 Development funds specific to transport measures have been collected under Section 106 have been collected at follows. From 1998 to 2006 developer contributions were secured using SPG5 'Guidelines for Assessing Developer Contributions to Leeds Supertram', from proposals within 800m of a proposed tram stop towards the Leeds Supertram scheme. At the time of withdrawal of funding for Supertram and effective cancellation, a report went to DMT Technical Board on 11 November 2005 recommending that SPG5 monies collected or due in the future would be held and safeguarded for the 'Bus Rapid Transit' alternative or related 'Plan B' schemes (these Plan B schemes were not elaborated on in the report). This was justified as virtually all the agreements signed were worded in such a way that the contributions 'shall be held in trust by the Council for the purpose of contributing towards Leeds Supertram or *such other enhancement to public transport infrastructure improvements in the vicinity of the land*'.
- 3.4 Since 2007 developer contributions towards public transport have been secured via the 'Public Transport Improvements and Developer Contributions' SPD.

- 3.5 The standard s106 wording allows the SPG5 and SPD monies to be spent on schemes other than Supertram / NGT. It is also relevant that a number of these contributions are now fast approaching clawback dates when the Council may have to hand back s106 monies and others with no clawback have been held without spend for a significant length of time. The principle of using SPG5 monies towards LSSE has been accepted in the previous approval to use £500,000 of developer s106 funds towards the main scheme. This process also has the full support of the Chief Highways and Transportation Officer.
- 3.6 Therefore a number of s106 pots from city centre development have been identified where clawback dates are approaching; development in very close vicinity of the site or where the money has been held for a long time. Table 1, overleaf, gives the full details of these s106 monies which total £498,132 (this includes any interest accrued). As can be seen, 14 contribution pots are proposed to be used where a reasonable benefit could accrue to the development through improved accessibility from the station, either directly through the new LSSE or indirectly through the consequential reduction in congestion and delays using the existing entrances. 13 of the contributions were secured via the SPG5 policy and one via the SPD.
- 3.7 The s106 agreements for the contributions have been checked and the majority either use the standard Supertram or SPD wording as follows:
- means the sum of £xx.xx being a contribution towards Leeds Supertram or such other enhancement to public transport infrastructure improvements in the vicinity of the Site as the Council in its absolute discretion shall determine the need for which is a direct consequence of the Development*
- means the sum of £xx.xx relating to public transport or other environmental improvements within the vicinity of the development or elsewhere within the administrative area of the Council required as a consequence of the development as the Council may in its absolute discretion decide*
- 3.8 There are three exceptions: one no details on the use of the money within the agreement; another is site specific wording that allows for use on public transport infrastructure and another was secured by condition.
- 3.9 If the contract sum is less than the £498,132, a combination of the contributions will be used to get as close as possible to the actual cost (ensuring those contributions approaching clawback are used first). If the contract sum is greater than £498,132 then alternative funding sources will be sought or a further report brought back to approve a further release.

Table 1 – Development s106 pots to be used towards the LSSE Little Neville Street works

Development address	Application number	Clawback date	Available	Policy	S106 comments
36 Call Lane	20/88/97	None	£10,395	SPG5	Standard ST wording. No further requirements
11-15 Hirsts Yard	20/443/97	None	£10,581	SPG5	No s106 on system
10 York Place	20/580/97	None	£11,221	SPG5	S106 requires payment of £10k - no details on use of money
6-7 South Parade	20/79/98	None	£18,000	SPG5	Standard ST wording. No further requirements
24-32 Bridge End	20/635/98	None	£18,678	SPG5	Standard ST wording. No further requirements
68-72 Wellington Street	20/728/98	None	£43,695	SPG5	Standard ST wording. No further requirements
Royal Exchange House, Boar Lane	20/229/99	None	£127,184	SPG5	Standard ST wording. No further requirements
6-24 Albion Street	20/515/99	None	£24,687	SPG5	Standard ST wording. No further requirements
Butterley Street	20/58/00	None	£7,500	SPG5	Standard ST wording. No further requirements
Cloth Hall Street, Crown Street	20/213/00	Aug 2015	£111,830	SPG5	Standard ST wording. No further requirements
Land at Champion Hire, Neptune St, Fearn's Island	20/154/04	Dec 2015	£8,750	SPG5	Standard ST wording. No further requirements
Granary Wharf	20/190/05	None	£31,263	SPG5	Site specific wording. No further requirements
Atlas House	06/03486	None	£7,867	SPG5	Secured by condition with reference to SPG5
Sovereign Street	12/04018	June 2023	£66,481	SPD	Standard SPD wording
			£498,132		

Standard Supertram s106 wording means the sum of £xx.xx being a contribution towards Leeds Supertram or such other enhancement to public transport infrastructure improvements in the vicinity of the Site as the Council in its absolute discretion shall determine the need for which is a direct consequence of the Development

Standard SPD wording means the sum of £xx.xx relating to public transport or other environmental improvements within the vicinity of the development or elsewhere within the administrative area of the Council required as a consequence of the development as the Council may in its absolute discretion decide

Other demands on developer s106 monies

3.10 There are a number of other committed / potential draws on developer public transport s106 monies in the next few years.

3.11 The table below shows the contributions that have been collected from implemented development, the amounts spent to date and the current balance.

	Monies collected	Monies spent	Balance (inc interest as at Nov 2014)
SPG5	£6,002,787	£4,443,877	£1,983,066
SPD	£4,732,384	£842,592	£3,891,008
TOTAL	£10,735,171	£5,286,469	£5,874,074

3.12 It should be noted that the £5.87m current balance includes contributions from development all over the district and is therefore not available for all schemes.

3.13 The £5.87m balance set out above includes sums formally or provisionally allocated totalling approximately £4.89m towards schemes including:

- £3.5m NGT (total sum approved by Executive Board)
- £0.5m LSSE Little Neville St works (subject of this report)
- Up to £109k towards Black Bull St / Crown Point Road improvements
- Undetermined sum towards the extension to city centre bus service to South Bank (likely to be in the region of £250k)
- £108k White Rose bus service improvements
- £123k Woodhouse Lane pedestrian improvement scheme
- £112k Airport access provision
- £258k Middleton local PT schemes
- £238k Aire Valley P&R
- £27k Morley Rail Station car park

3.14 The remaining balance of approximately £1m can be split between approx. £500k covering the NGT east alignment / EASEL area and £500k spread across the rest of the city. An assessment of these s106 pots against the current programme of public transport works and future schemes is currently being undertaken by officers in Transport Strategy.

3.15 It is noted that there is development under construction across the district with approximately £1.2m contributions secured which could be used towards NGT or city centre schemes.

3.16 As the figures above show there are sufficient funds for the LSSE access works and other commitments.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.2 Ward Members in City and Hunslet Ward have been notified of the intended spend of s106 monies in their Ward (by email 27/11/14). At the time writing no response had been received.

4.1.3 The City Development Finance team has confirmed that there is no objection in using up to £498,132 of s106 funding towards the LSSE and that these funds are immediately available.

4.1.4 This report seeks an agreement in principle to release s106 monies subject to the approval of the scheme by Executive Board expected in February 2015.

4.1.5 The Chief Highways and Transportation Officer fully supports the LSSE scheme and the use of appropriate developer monies towards a scheme that is an essential element of the city centre transport strategy and improved accessibility of the station to meet the forecast significant increase rail passengers and station use.

4.1.6 NGT - WYCA and the City Council support the use of developer s106 monies towards the works.

4.1.7 Endeavouring to assess an acceptable proposal for all users of the new southern entrance, extensive dialogue and engagement with a significant number of interested groups and individuals representing people with mobility barriers and disabilities. In particular, numerous meetings and a design workshop with representatives of LCC's Equality Hub have been held.

4.1.8 This comprehensive and inclusive engagement exercise has led to the attached layout of Little Neville Street being proposed (Drawing No HDC/297032/MIS/13c).

4.1.9 The current proposals satisfy City Development and the many local stakeholders that have been engaged to date. Subsequently this street layout has been issued to Network Rail's countrywide "Built Environment Accessibility Panel" (BEAP) and their National Security Team for further consideration and their input on accessibility and appropriateness of criminal safety protection issues has been taken into account

4.1.10 Current progression on detailed design is being funded by WYCA. This is including thorough discussion with tenants and property owners that interface with Little Neville Street. Property owner's future proposals and aspirations are being considered and integrated into the highway improvement scheme, this is key with particular regard to proposed vertical design changes, drainage and future threshold levels.

4.1.11 Proposed Traffic Regulation Orders for allowing disabled parking bays on Little Neville Street fall outside the existing Transport & Works Act Order for the main

works. As such these were presented to Highways Board on the 11th of November 2014 for approval to advertise.

- 4.1.12 Following the Chief Officer (Highways & Transportation) approval, Notice of Orders was posted in the week commencing 24th of November 2014 for a period of four weeks.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The WYCA have undertaken an EIA as part of the LSSE scheme and in May 2013 produced a full Equalities Review. The proposed works to Little Neville Street have also been subject to a full Equality Impact Assessment. The further process and dialogue with Access groups is outlined above in the consultation section.
- 4.2.2 The LSSE and associated works on Little Neville Street will significantly improve access to the station from the south of the city and be fully accessible with the inclusion of lifts, escalators and level surface access.

4.3 Council policies and City Priorities

- 4.3.1 The LSSE project complies with various council and partnership policies and strategies relevant to improving the quality and access to public transport.
- 4.3.2 The Planning & Economic Policy Service Plan sets targets of agreeing the spending of Section 106 monies. Approval of the scheme outlined in this report will assist in meeting this target.
- 4.3.3 The proposals accord with the Leeds City Priority Plan 2011 to 2015 which sets out a shared set of strategic outcomes and improvement priorities for the city. LSSE fits within 'Best City... for business' in helping the economic growth of Leeds and in particular regeneration areas to the south of the city centre, and improving public transport reliability and journey times.. This plan also supports the delivery of the longer term objectives in the Vision for Leeds 2011 to 2030.
- 4.3.4 UDP policies T9, T12, T13, and T14 support the implementation of new public transport schemes. Core Strategy policies SP3, SP4, SP8, SP11, CC3, T1 and T2 support the improvement of public transport and city centre connectivity. Policy T2ii sets out that developer contributions may be required towards, amongst other highways and transport infrastructure, public transport provision.
- 4.3.5 The LSSE is considered to be a vital aspect in the redevelopment of Holbeck Urban Village and providing pedestrian links from the station to the existing residential areas of Holbeck and beyond.

4.4 Resources and value for money

- 4.4.1 The LSSE scheme is being promoted by the WYCA and Network Rail. The design and implementation of the Little Neville Street works is being managed by Leeds City Council. Funding for the design of the works to date has been provided by the WYCA. The resource implications for the Council going forward are primarily concerned with officer time in the final design elements, the tender

process and supervision of the construction. These final design and supervision costs are included in the £475,000 estimate of works to be funded by developer s106 contributions. The cost of the design and consultation work to date has been funded by the WYCA at an approximate cost of £100,000.

4.4.2 The value for money case for the LSSE scheme has been closely scrutinised at the Programme Entry stage, TWAO Public Inquiry and again at the Full Approval stage in July of last year. The scheme has a very high benefit cost ratio of 7.5:1 and has been subject to scrutiny from the DfT. In any case LCC capital funds are not being used to fund the scheme or the associated works at Little Neville Street.

4.4.3 Capital Funding and Cash Flow

Funding: Developer s106 monies will fund up to £498,132 towards the Little Neville Street works

Staffing: The cost of staff time for the final design and supervision costs has been included within the total scheme costs.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The various s106 agreements have been considered and the spend of developer s106 monies towards the scheme is entirely reasonable and justified based on the improvements to access and movement within the city centre that are provided by the scheme.

4.5.2 Those contributions secured prior to April 2010 are subject to policy tests, whereas those secured after this date are subject to the CIL legal tests (the principle of which are the same as those earlier policy tests). Those tests are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

Test (a) Need

The Need test was established at the time of securing the contributions by way of provision of a fulfilling the following criteria:

- Ensures compliance with the objectives of NPPF (and prior to that PPG13) PPG 13 to promote more sustainable travel choices, to promote accessibility by public transport and to reduce the need to travel.
- Reflects the fact that the provision of public transport, from which the developer will gain a service, is outside the scope and control of the individual developer.
- Assists the Authority to finance and provide for the cumulative impact of individual new developments and therefore the contribution assists in addressing the individual travel impact of the development.

Test (b) Directly Related

The contributions will be spent on the provision of a public transport service from which the development will benefit directly. All the development listed in table 1

are within close vicinity of the station (in this case close vicinity is considered to be within walking distance).

Test (c) Fairly related in scale and kind.

In terms of scale, Leeds City Council has an adopted mechanism for calculating such contributions which is derived from that set out in the Practice Guidance on Planning Obligations (DCLG 2006). This accounts for the size, scale and impact of the development and allows the amount of contribution to be varied to be proportionate to this.

- 4.5.3 The scheme will be placed on the List of Forthcoming Key Decisions in advance of the Executive Board report.

4.6 Risk Management

- 4.6.1 As the contract has not yet been let for the scheme there is a risk of the tender sum exceeding the £498,132 approval being sought. This risk is minimised by the use of the Council's term Contractor and the discussions that have already taken place with the contractor. However, in this scenario, alternative funding will be considered or a further report brought back to request further approvals.

5 Conclusions

- 5.1 The LSSE project provides a very significant improvement to the accessibility of the rail station and the long term planning for high growth in rail usage. Construction is underway with an expected opening date of autumn 2015. One of the conditions associated with the planning consent relates to urban realm and pedestrian connectivity improvements on Little Neville Street.
- 5.2 The purpose of this report is to gain approval for the release of up to £498,132 of developer s106 monies towards the pedestrian connectivity improvements on Little Neville Street associated with the Leeds Station Southern Entrance (LSSE).
- 5.3 The report also outlines the other draws on developer public transport s106 contributions to demonstrate that adequate funds should be available to cover all commitments.

6 Recommendations

- 6.1 The Chief Planning Officer is requested to:
- i) Approve the allocation of up to £498,132 from various developments secured via 'Guidelines for assessing developer contributions to Leeds Supertram SPG5'.
 - ii) Note the comments in relation to other approved / expected draws on developer public transport s106 monies.

7 Background documents¹

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include

7.1 None

published works.