

Report to the Chief Officer Highways and Transportation Board

Date: 23rd June, 2015.

Subject: Kirkstall Forge Station - Towpath Link.

Capital Scheme Number: 32018

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Kirkstall	<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. As part of the planning conditions for the Kirkstall Forge development a pedestrian and cycle link to the towpath from the southern exit of the new station is required to be provided before the station becomes operational.
2. The Council has also imposed a condition on the developer of the Pollard Lane Residential Scheme to provide access to the new station, via the Canal towpath.
3. This Report seeks permission to implement both links using Section 106 contributions to be underwritten by Local Transport Plan funding .

Recommendations

The Chief Officer (Highways and Transportation) is requested to:

- i) note the contents of this Report;
- ii) approve the proposal at the total cost of £201,000.
- iii) give authority to incur expenditure of £201,000, to be funded from Section 106 contributions, to be under-written by the LTP Transport Policy Capital Programme (100% Government grant funding) should there be a shortfall in the Section 106 funding;

- iv) approve the payment of a 25 year commuted sum for the maintenance of the link of £25,000,.
- v) give authority for a Public Footpath Creation Agreement subject to Permissive Cycling Access to be entered into with the owner of the Kirkstall Forge site for the section of the link which is on their land.
- vi) give authority for a Public Footpath Creation Agreement subject to Permissive Cycling Access to be entered into with the Canal and Rivers Trust for the section of the link which is on their land; and
- vii) request that the Parks and Countryside Chief Officer dedicates, by way of a Declaration, Public Footpath and Permissive cycling rights over the section of woodland and access track within the Council's ownership.

1 Purpose of this Report

- 1.1 Approve the funding for the implementation of the scheme, to be funded from two Section 106 contributions, to be underwritten by the Local Transport Plan Integrated allocation should any shortfall occur.
- 1.2 Approve the implementation of the scheme in two phases as described in the Report.

2 Background

Planning

- 2.1 Outline planning permission for the mixed-use redevelopment of the Kirkstall Forge site was originally granted subject to planning conditions and a Section 106 agreement dated the 19th July 2007 in accordance with 24/96/05/OT. The permission was subsequently renewed in accordance with 11/01400/EXT, which was issued in 2014 and a Deed of Variation agreed on September 19th 2014. In addition, in 2010, planning permission was granted for the construction of a new Kirkstall Forge Railway Station in accordance with 10/01211/FU.
- 2.2 The Kirkstall Forge Section 106 and Deed of Variation secured in accordance with 11/01400/EXT provides for the payment of a sum of money (£4,673,071) to be spent at the Council's absolute discretion towards the provision of various specific items including the provision of footpaths from the existing canal towpath to the railway station as defined at Paragraph 2.2.1.1 of the Section 106.
- 2.3 The Council also imposed a requirement on Network Rail to provide a footpath/cycleway connection to the towpath from the station entrance by virtue of Condition 13 of their permission (10/01211/FU) with the key requirement being that the footpath/cycleway connection must be fully implemented prior to the operation of the station. However the Council agreed with Network Rail that they would not be financially responsible for providing the link.
- 2.4 The Kirkstall Forge Section 106 notes that the Council shall not be entitled to call for payment of the contribution, in relation to the points A and B on the attached plan prior to the construction of a railway station at Kirkstall Forge.
- 2.5 The Pollard Lane residential development section 106 contains a clause (3.4.15) which is specifically for the development to access the towpath, and allows the Council to use the contributions to reimburse costs incurred from works being carried out in advance, which is conditional upon the development commencing. The developer is currently going through the pre-application processes with a view to starting on site in November.

Scheme Development

- 2.6 Sustrans were commissioned to develop the scheme on a sole supplier basis, given their successful previous record with the development of this type of scheme in Leeds. This included topographical surveys, the ecological survey, liaison with the Canals and Rivers Trust (CRT) and the design of the shared use link.

- 2.7 The Parks & Countryside Service, as the internal supplier have subsequently been commissioned to implement the scheme including the felling of the trees on the alignment. The Parks & Countryside Service quote was over £100,000 cheaper than Sustrans quote for the equivalent work.
- 2.8 Drawing TPP- 31 -4 480 – V1 (Appendix A) shows the 4 sections of the scheme. The table below shows the rationale for each section.

Section	Purpose
Section A	Required to satisfy KF Conditions.
Section B	Required to satisfy PL Conditions. Haul road for KF works.
Section C	Required to satisfy PL Conditions.
Section D	Haul road for KF & PL works.
KF- Kirkstall Forge	
PL - Pollard Lane	

3 Main issues

- 3.1 At the commencement of the scheme, Sections A, B and C do not exist at all. Section D does exist but will require minor modifications to allow construction vehicles and materials to access and egress the other sections, and will be required to be made good afterwards – to a standard which will allow the Parks and Countryside Service access to maintain the links.
- 3.2 To discharge the conditions of the Kirkstall Forge development – and ensure that there is no delay opening the station – it is necessary to build **Section A** immediately. To construct **Section A** it is necessary to build **Section B**, as no other viable haul route exists. **Section B** will also be required to satisfy the Planning Conditions of the Pollard Lane development.
- 3.3 **Section C** is a condition of the Pollard Lane development, where it is anticipated that construction will commence on the development itself at the end of this Calendar Year.
- 3.4 If Section B and Section D are made good now, the work may have to be repeated after Section C is completed next year.

Phase One

- 3.5 It is therefore proposed that Section A and B are constructed immediately, and the work necessary on Section D to ensure that it is fit to provide access.

Phase Two

- 3.6 It is proposed that Section C is implemented in spring 2016 (subject to a satisfactory agreement with CRT) as long as the Pollard Lane development is underway. Section D can then be made good when both schemes are complete.

- 3.7 If the Pollard Lane development does not go ahead – then Phase Two will simply be the making good of Section D.
- 3.8 The proposals are for 2.5 metre shared use track for Sections A, B and C. Section D will be made good to its existing width.
- 3.9 Section A and Section C will both require barriers where they meet the towpath.

Construction Costs

- 3.10 This table illustrates the cost, but ultimately the costs are dependent on whether the Pollard Lane development goes ahead.

	Element	Cost
	Section A	£78,000.00
	Section B	£52,750.00
	Section C	£18,600.00
	Section D	£22,400.00
	Barriers	£8,000.00
	Fees, Legal Costs Etc	£21,250.00
		£201,000.00

Status and Upkeep

- 3.11 The ownership of Section A is in two parts:-
- A Public Footpath Creation Agreement subject to Permissive Cycle Access will be drawn up for Section A1 with the developer of Kirkstall Forge (under Section 25 of the Highways Act 1990).
 - Section A2 is in the ownership of the Council and will be dedicated as a Public Footpath subject to Permissive Cycle Access.
- 3.12 Section B will be dedicated as a Public Footpath subject to Permissive Cycle Access.
- 3.13 A Public Footpath Creation Agreement subject to Permissive Cycle Access will be drawn up for Section C (subject to it going ahead) with the CRT (under Section 25 of the Highways Act 1990).
- 3.14 Section D will be dedicated as a Public Footpath subject to Permissive Cycle Access.
- 3.15 All 4 sections will be maintained by the Parks & Countryside service, and a commuted sum will be used from the Section 106 development to provide the funding for the Parks and Countryside Service to undertake the upkeep.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Each of the Stakeholders of the schemes including Network Rail, the West Yorkshire Combined Authority (WYCA)) and the developers of Kirkstall Forge, and the CRT have been consulted extensively and more particularly on the delivery approach outlined in this Report. There are no residential properties in the vicinity of the scheme. Network Rail, WYCA and the developers of Kirkstall Forge were each supportive of the proposals.
- 4.1.2 The CRT had no objection in principle but the link is subject to a licence agreement which is yet to be finalised.
- 4.1.3 Ward Members have also been consulted and agree with the proposals and the prioritisation of the funding from the Kirkstall Forge Section 106 for these proposals.

4.2 Equality and Diversity/Cohesion and Integration

- 4.1.4 A full Equality, Diversity/Cohesion and Integration Screening (Appendix 2) has been carried out on the proposals and has determined that an impact assessment is not required for the approvals requested. As part of the screening process the cycle infrastructure impact assessment was also referred to.

- 4.1.5 The screening process identified the following impacts:

4.1.6 **Positives;**

The proposals to provide a good quality footpath with an even surface and low gradients will have a positive impact for all pedestrians. However, this will be of particular benefit to carers supporting wheelchairs/pushchairs, the disabled, young and older people who are the most vulnerable, as it will provide a traffic free approach to the southern entrance of the station.

Thanks to adapted bikes, cycling is open to people with a range of disabilities and safer routes have a role to play in enabling people with disabilities to cycle.

4.1.7 **Negative;**

The scheme involves a shared-use footway, where pedestrians and cyclists will be expected to share space. There is a perceived danger within the visually impaired community that can put them off using such facilities. However, there is no evidence to indicate that such facilities cause actual conflict.

5 Council policies and the Best Council Plan

- 5.1 The proposals are consistent with the Best Council Plan with sets helping inactive people become more active as a priority.
- 5.2 Development of cycle networks supports the Local Transport Plan 3 (2011 -2026) objectives to improve connectivity to support economic activity, to make substantial progress towards a low carbon transport system and to improve quality of life. Furthermore, the scheme is consistent with the detailed aims and proposals of LTP3 specifically:
 - 5.2.1 Proposal 22: 'Define, develop and manage networks and facilities to encourage cycling and walking'; and
 - 5.2.2 Implementation Priority: 'Investment in low carbon modes of travel'.
- 5.3 The proposals are in line with the Leeds Vision 2030 which sets out plans for 'increased investment in other forms of transport, such as walking and cycling routes, to meet everyone's needs'.

6 Resources and value for money

- 6.1 The overall cost of the scheme is £201,000.
- 6.2 A 25 year maintenance agreement has also been sought, priced by the Parks and Countryside Service at £1,000 per annum for 25 years. The Section 106 contributions are :-
 - Kirkstall Forge - a minimum of £145,000.
 - Pollard Lane development £123,000 payable in 3 tranches (index linked).
- 6.3 Although the developer and Ward Members have agreed that this link is a priority from the Section 106 funding, there is potentially a pool of schemes and initiatives which the circa £4.7 million Section 106 can fund. However the Section 106 from the Pollard Lane Development, can only be utilised for this link. Hence the £123,000 (if all 3 payments are forthcoming) from Pollard Lane will be maximised. In the long term it may be possible to reimburse the Kirkstall Forge Section 106 fund, after the Local Transport Plan has been reimbursed.
- 6.4 By using the internal supplier the scheme has demonstrated a saving of over £100,000 on the construction and maintenance costs.

7 Capital Funding and Cash Flow

Funding Approval :	Capital Section Reference Number :-						
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2015 £000's	FORECAST				
			2015/16 £000's	2016/17 £000's	2017/18 £000's	2018/19 £000's	2019 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	0.0						
OTHER COSTS (7)	0.0						
TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2015 £000's	FORECAST				
			2015/16 £000's	2016/17 £000's	2017/18 £000's	2018/19 £000's	2019 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	201.0		161.0	40.0			
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	0.0						
OTHER COSTS (7)	0.0						
TOTALS	201.0	0.0	161.0	40.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2015 £000's	FORECAST				
			2015/16 £000's	2016/17 £000's	2017/18 £000's	2018/19 £000's	2019 on £000's
Sect 106 receipts	201.0		161.0	40.0			
Total Funding	201.0	0.0	161.0	40.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

7.1 Although this forecast shows spend in 2015/16, that spend concerns the Pollard Lane element and not those elements connected with the opening of the station.

8 Legal Implications, Access to Information and Call In

8.1 The decisions taken in respect of this report are not eligible for call in.

8.2 Section A1 and Section C will be subject to a Public Footpath Creation Agreement subject to Permissive Cycle Access with the developer of Kirkstall Forge and the CRT respectively (under Section 25 of the Highways Act 1990).

8.3 Section A2, B and D will be dedicated as a Public Footpath subject to Permissive Cycle Access.

9 Risk Management

- 9.1 The paramount risk emanating from this report is that the link from the new station to the towpath is not completed before the station and accompanying works are completed, and as a result of the planning condition trains are not permitted to stop at the station.
- 9.2 The approach outlined in this Report minimises that risk as far as possible.
- 9.3 There is a risk that the Pollard Lane development does not go ahead, however costs will also be reduced (as Section C will not be constructed) if this occurs and the exposure of the Local Transport Plan would be limited.
- 9.4 As the purpose of the link is to provide a link onto the towpath, a Licence agreement needs to be agreed with the CRT to link onto the towpath even though this section of the towpath is a 'definitive footpath', which has recently been improved and re-furbished by the City Connect Scheme.
- 9.5 The physical items necessary for this have been agreed, i.e. the access barrier and the specification of the materials etc. However in addition the CRT have asked for a significant one off licence fee. This is currently subject to negotiation at a senior level between LCC and the CRT.

10 Conclusions

The approach outlined in this Report provides both the overriding objective, i.e. the link from Kirkstall Forge Station to the towpath, but also embraces economies of scale in a structured fashion, to allow both elements to be developed in the most efficient manner.

11 Recommendations

The Chief Officer (Highways and Transportation) is requested to:

- i) note the contents of this Report;
- ii) approve the proposal at the total cost of £201,000.
- iii) give authority to incur expenditure of £201,000, to be funded from Section 106 contributions, to be under-written by the LTP Transport Policy Capital Programme (100% Government grant funding) should there be a shortfall in the Section 106 funding;
- iv) approve the payment of a 25 year commuted sum for the maintenance of the link of £25,000,.
- v) give authority for a Public Footpath Creation Agreement subject to Permissive Cycling Access to be entered into with the owner of the Kirkstall Forge site of the section of the link which is on their land.
- vi) give authority for a Public Footpath Creation Agreement subject to Permissive Cycling Access to be entered into with the Canal and Rivers Trust for the section of the link which is on their land, and

- vii) request that the Parks and Countryside Chief Officer dedicates, by way of a Declaration, Public Footpath and Permissive cycling rights over the section of woodland and access track within the Council's ownership.

12 Background documents¹

12.1 None

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 published works.

APPENDIX 2

Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: City Development	Service area: Highways and Transportation
Lead person: Vicki Franks	Contact number: 75757

1. Title: Kirkstall Forge Station - Towpath Link.

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

2. Please provide a brief description of what you are screening

The screening focuses on the report seeking approval for the Provision of an access path between Kirkstall Forge Station and the Canal Towpath.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation. Also those areas that impact on or relate to equality: tackling poverty and improving health and well-being.

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	X	
Have there been or likely to be any public concerns about the policy or proposal?	X	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		X
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none">• Eliminating unlawful discrimination, victimisation and harassment• Advancing equality of opportunity• Fostering good relations		X

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

• **How have you considered equality, diversity, cohesion and integration?** (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

Extensive consultation was undertaken with the following stakeholders:

- Network Rail,
- Developers of Kirkstall Forge,
- Passengers,
- Local residents,
- Canals and Rivers Trust.
- Ward Members

Emergency services have been consulted as part of the wider Kirkstall Station

No objections have been received from the above stakeholders.

• **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

The screening identified the following impacts on the equality characteristics;

Positives;

- The proposals to provide a good quality footpath with an even surface and low gradients will have a positive impact for all pedestrians. However, this will be of particular benefit to carers supporting wheel chairs/pushchairs, the disabled, young and older people, who are the most vulnerable, as it will provide a traffic free approach to the southern entrance of the station
- Thanks to adapted bikes, cycling is open to people with a range of disabilities and safer routes have a role to play in enabling people with disabilities to cycle.

Negative;

- The scheme involves a shared-use footway, where pedestrians and cyclists will be expected to share space. There is a perceived danger within the visually impaired community that can put them off using such facilities, however, there is no evidence to indicate that such facilities cause actual conflict.

• **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

N/A

5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment.

Date to scope and plan your impact assessment:	N/A
Date to complete your impact assessment	N/A
Lead person for your impact assessment (Include name and job title)	N/A

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Gwyn Owen	Project Manager (Transport Projects)	07/07/2015
Date screening completed		07/072015

7. Publishing

Though **all** key decisions are required to give due regard to equality the council **only** publishes those related to **Executive Board, Full Council, Key Delegated Decisions** or a **Significant Operational Decision**.

A copy of this equality screening should be attached as an appendix to the decision making report:

- Governance Services will publish those relating to Executive Board and Full Council.
- The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.
- A copy of all other equality screenings that are not to be published should be sent to equalityteam@leeds.gov.uk for record.

Complete the appropriate section below with the date the report and attached screening was sent:

For Executive Board or Full Council – sent to Governance Services	Date sent:
For Delegated Decisions or Significant Operational Decisions – sent to appropriate Directorate	Date sent:
All other decisions – sent to equalityteam@leeds.gov.uk	Date sent: