

<b>Report of:</b>	<b>Head of Economic Prosperity</b>
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<b>Portfolio Leaders:</b>	<b>Economic Development &amp; Planning and Town Centre Regeneration</b>
<b>Key Decision:</b>	<b>No</b>
<b>Report Track:</b>	<b>Cabinet: 12/07/18</b>

**CABINET**

12 JULY 2018

**APPROVAL TO SPEND SECTION 106 MONIES: IMPROVEMENTS TO PEDESTRIAN/CYCLE/CANAL LINKS IN RUGELEY****1 Purpose of Report**

- 1.1 To seek Cabinet approval to schemes of Pedestrian/Cycleway/Canal improvements between the Rugeley Tesco store, Trent and Mersey Canal and Towers Business Park/A51, linking to Rugeley town centre, and to approve expenditure of Section 106(S106) funding in order to implement the schemes.

**2 Recommendations**

- 2.1 That Cabinet agree to re-allocate S106 monies back into the current Capital Programme budget 2018/19 and 2019/20 to facilitate implementing improvements to Pedestrian/Cycle /Canal Links within Rugeley.
- 2.2 That Cabinet authorise expenditure of the S106 monies held by the Council to carry out the Pedestrian/Cycle/Canal towpath improvements as generally described in this report. Implementation will be carried out in Partnership with Staffordshire County Council (SCC) as highway authority and the Canal and River Trust(CRT) in relation to Canal access/towpath works.
- 2.3 That Cabinet authorise the entering into any legal agreements between Cannock Chase Council (CCDC), SCC and the CRT required to facilitate the funding and delivery of the proposed schemes.

**3 Key Issues and Reasons for Recommendation**

- 3.1 A key element of the decision to grant planning permission for the Tesco store and associated food and drink units at Leathermill Lane/Power Station Road

Rugeley was the requirement for the development to fund an improved pedestrian/cycle link between the store and Rugeley town centre as part of the planning obligation (S106 agreement) signed in 2011. The aim of this element of the project was to maximise the opportunity for linked trips between the store and the town centre in order for the store to contribute to the overall vitality and viability of the town centre as envisaged in the policies of the Rugeley Town Centre Area Action Plan. The funding allocated for the link was £256,000, with a further £12,500 potentially available from the separate element in the agreement relating to town centre landscaping and environmental improvements. This element was delivered for the Council by SCC during 2014.

- 3.2 A further component of the Tesco planning obligation is funding for improvements to pedestrian/cycle links between the store, the Trent & Mersey Canal and Towers Business Park, as described in more detail in paragraphs 5.4 and 5.5 below. The proposed scheme includes a ramped access to the Trent and Mersey Canal towpath adjacent to Leathermill Lane bridge, improvements to Love Lane, including the section between the railway bridge and Towers and improvements to the canal towpath and Love Lane between the active and redundant railway bridges to enhance cycle linkages with existing routes.
- 3.3 These public realm projects originated as an element of the aspiration to regenerate Rugeley Town Centre which emerged during preparation of the Rugeley Town Centre Area Action Plan. The Council applied for LEP funding of £1.3m as part of the Rugeley Improvement Package submission for Growth Deal Funding 2 to the Stoke and Staffs LEP in 2015. Whilst £750,000 was allocated to the Flood Alleviation Scheme in Rugeley, the remaining balance of £550,000 was de-allocated in November 2017 on the basis of non-submission of an acceptable business case (largely because the economic outputs had been delivered by the Flood Alleviation Scheme).
- 3.4 Planning obligations supporting delivery of this overall project have been secured largely from the Tesco retail development. Delivery of these final elements of the overall scheme have however been delayed due to internal restructuring and staffing changes at the CRT and SCC/Amey over recent years in addition to limited staff resource availability at CCDC. However ongoing discussions have now progressed on this remaining element of the project to an informal agreement with CRT and SCC and commencement of the detailed design stage; it is intended going forward that the detailed design work will be carried out by CRT and SCC and the work be delivered by their Term Contractors, under the guidance of CCDC. The short section of cycle/footpath on CCDC land between the railway bridges will be implemented by SCC as part of their input to the scheme.
- 3.5 It is intended that the canal access scheme will be implemented during 2018/19 and the footway/cycleway improvements/links during/into 2019/20 by the Partners using their statutory powers on land in their ownership. A legal agreement will document project delivery and payment arrangements to ensure appropriate management is carried out and CCDC will lead on this aspect.

3.6 The unspent balance in the Tesco S106 fund comprises:

- £55,000 allocated to improvements to the canal towpath and access;
- £48,000 towards provision of the cycleway between Tesco and the Bypass;
- unspent funds £51,750 allocated to town centre landscaping and environmental improvements (part of a sum used as match funding for the Rugeley Partnership Scheme relating to repairs to historic commercial buildings 2011-14)

3.7 In addition a further £10,000 from the McDonald's restaurant development at Towers, £12,490 from the Westbury Homes housing scheme adjoining the Canal and £11,725 from Elwells to compensate for loss of green space network are available to use in connection with this project.

#### **4 Relationship to Corporate Priorities**

4.1 This report supports the Council's Corporate Priorities as follows:

- Promoting Prosperity - contributing to creating a positive environment in which businesses in the district can thrive; and creating strong and diverse town centres to attract additional customers and visitors.
- Community Wellbeing - contributing to opportunities for healthy and active lifestyles; sustaining safe and secure communities and promoting attractive and healthy environments.

#### **5 Report Detail**

5.1 The projects are relevant to three of the five key objectives of the Rugeley Town Centre Area Action Plan:

- achieving a more competitive town centre,
- having a centre which is accessible to all benefiting from increased pedestrian and cycle links and
- providing high quality public spaces which complement the existing Conservation Areas, enhance the green infrastructure network and take full advantage of the Trent & Mersey Canal.

5.2 These objectives are articulated in five key policies:

- Policy RTC1: Regeneration Strategy, recognises the contribution the Tesco store can make to the regeneration of the centre and to raising the canal's profile within the town.

- Policy RTC3: Urban Design Principles proposes to extend and enhance pedestrian links between the town centre and canal.
  - Policy RTC8: Leathermill Lane/Trent and Mersey Canal Corridor, identifies the specific requirements of a pedestrianised Leathermill Lane canal bridge leading to a pedestrian/cycle priority route to the core town centre and an enhanced canal towpath.
  - Policy RTC9: Public Realm Enhancements promotes improved paving, signage, seating and soft landscaping, particularly in key areas such as the canal where an improved surface and gradient at Leathermill Lane bridge is highlighted.
  - Policy RTC10: Public Realm Enhancements and Transport, identifies all the proposed improvements to footpath/cycle links proposed in the plan including these two proposals.
- 5.3 The Implementation Scheme is shown in the Appendix to this report – Plan 1: the general access proposals and Plan 2: the ramped access to the Canal towpath adjacent to Leathermill Lane Bridge and the Tesco to Towers footway/cycleway. Detailed design and costings for these schemes will be finalised by the CRT and SCC in conjunction with CCDC.
- 5.4 The ramped access to the Canal will use the existing access point from Leathermill Lane and replace an existing narrow stepped access with a well designed DDA compliant ramp, enhancing access to the attractive Canal corridor for all sections of the community, raising the Canal's profile within the town and contributing to the regeneration of the town centre. The project contributes to key objectives underpinning the Rugeley Town Centre Area Action Plan 2014.
- 5.5 The footway/cycleway improvements will create a vital missing link in the existing network, enhancing the surface and gradient in key locations which is expected to encourage foot and cycle traffic between employment and leisure destinations on the Towers Business Park and the wider town, raise the profile of the Canal and increase permeability as a key aspect of the town's regeneration. In addition it will have a potential benefit into the future when the regeneration of the Power Station site is taken forward of providing an enhanced sustainable link between future housing and employment development and the shopping and leisure facilities in Rugeley town centre.

In detail the scheme will provide:

- Towpath improvements and canal bank strengthening works
- Improvements to Love Lane to provide a hard surfaced route under the active railway bridge to the junction of Power Station Road and the A51 Bypass adjoining McDonald's restaurant.
- A hard surfaced route from the newly surfaced section of Love Lane to the canal between the active and redundant railway bridges.

5.6 The potential expenditure of a further sum of £30,000 received from Tesco towards exploration of the potential for an additional bus service linking Tesco with the surrounding residential area has been explored with SCC, in accordance with the terms of the S106 Agreement, who confirm that there is no need for such a service. Under a clause in the S106 Agreement the Council may use unexpended monies from one purpose towards the achievement of any of the other purposes and/or other functional or physical improvements to Rugeley Town Centre at their discretion. It is therefore proposed to utilise this additional sum towards the achievement of the public realm improvements.

<b>6 Implications</b>
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6.1 **Financial**

Cabinet approved a capital budget of £393,990 on 30<sup>th</sup> January 2014 for this scheme, of which £260,304 was spent. The balance of the scheme time expired in 2017-18 so was removed from the Capital Programme.

This report now requests the inclusion of £218,960 (including additional S106 receipts received as set out in this report) in the General Fund Capital Budget; £85,000 for 2018-19 and £133,960 for 2019-20 to deliver the remainder of the scheme. The anticipated funding of the Scheme is as follows:

<b>S106</b>	<b>Funding Description</b>	<b>£</b>
Q237	Tesco: Improvements to Canal & Footpath Access	55,000
Q237	Tesco: Provision – Cycleway between Tesco & Bypass	48,000
Q237	Tesco: Town Centre Landscaping & Env Improvements	51,750
Q237	Tesco – additional bus service – unused	30,000
Q238	McDonalds – Towers Restaurant Development	10,000
Q165	Westbury Homes – Housing Scheme - Canal	12,490
Q260	Elwells – Loss of Green Space Network	11,720
	<b>Total Available Funding</b>	<b>218,960</b>

Any ongoing Revenue costs (ie maintenance) associated with the project will need to be contained within existing revenue budgets.

6.2 **Legal**

The Council is obligated by the terms of the S106 Agreement to use the funding from Tesco Stores Limited identified above to carry out physical

improvements to pedestrian linkages between the store and the town centre and to improve those linkages by way of landscaping and environmental improvements. Both the Tesco and McDonald's S106 Agreements provide separate funding for the Canal/Love Lane works also identified above, which the Council is required to use to deliver these improvements. The funding from Westbury Homes can be used to enhance public open space which includes the Canal. By carrying out the proposed schemes described in paragraphs 5.3 to 5.5 above the Council would be complying with its obligations. Legal advice has been sought to produce a legal agreement capable of adaptation SSC and CRT for the transfer of monies and delivery arrangements for each project.

### **6.3 Human Resources**

Any implications will be met from existing staff resources but will generally be limited to a managerial role within the proposed Partnership arrangement.

### **6.4 Section 17 (Crime Prevention)**

The proposals will be designed to meet current 'Secured by Design' criteria.

### **6.5 Human Rights Act**

No Human Rights Act implications.

### **6.6 Data Protection**

The Council's Fair Processing Notice sets out how key data is used in compliance with the General Data Protection Regulation (GDPR) however no personal data is collected in connection with this project.

### **6.7 Risk Management**

Risks associated with the programme being delayed, delivery resources being constrained, slippage and cost over runs will be controlled and mitigated via the Grant Agreement and managed by CCDC.

### **6.8 Equality & Diversity**

The proposed pedestrian and cycle access improvements will enhance sustainable access opportunities between Rugeley Town Centre, the Tesco development, the Trent and Mersey Canal, the Towers Business Park and potentially the future Power Station redevelopment site to the benefit of all the community and provide ramped access to the Canal towpath ensuring the Canal corridor is accessible to all.

### **6.9 Best Value**

Delivery of the project is intended via Partner's Term Contractors, a process which has already been subject to competitive tendering.

**7 Appendix to the Report**

Appendix : Plan 1 General access proposals  
Plan 2 Cycleway and towpath access improvements

**Previous Consideration**

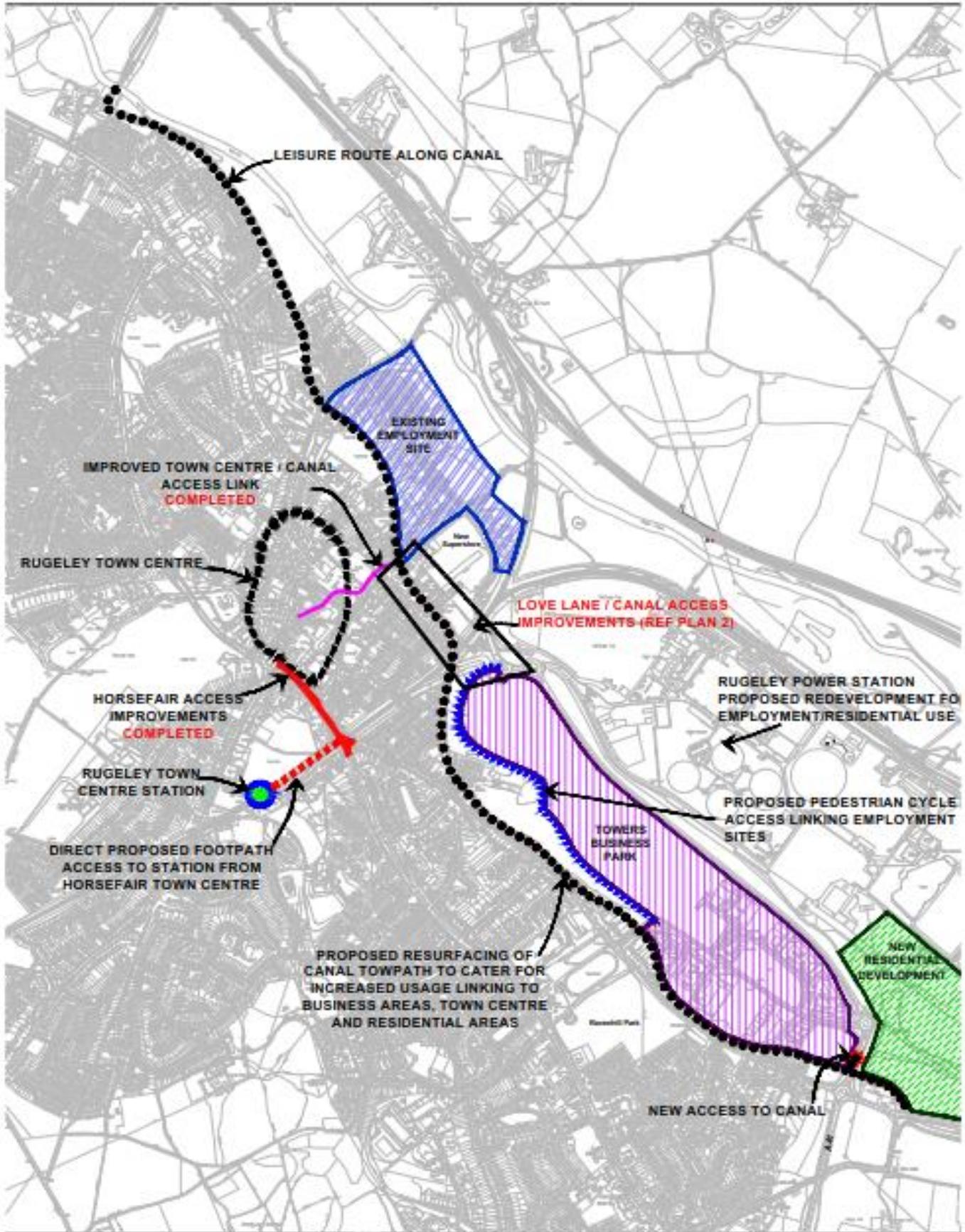
Rugeley Town Centre to Tesco – Improvements to Pedestrian / Cycle Linkage	Cabinet	30 January, 2014
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**Background Papers**

- Rugeley Town Centre Area Action Plan 2014;
- Planning Obligation by agreement pursuant to Section 106 of the Town & Country Planning Act 1990 (as amended) between Cannock Chase District Council, Staffordshire County Council and Tesco Stores Ltd dated 12/04/2011;
- Planning Obligation by agreement pursuant to Section 106 of the Town & Country Planning Act 1990 (as amended) between Cannock Chase District Council and McDonalds dated 08/05/2012;
- Planning Obligation by agreement pursuant to S106 of the Town & Country Planning Act 1990 (as amended) between CCDC, SCC and Westbury Homes (Holdings) Ltd dated 12th February 2001 relating to the Mossley/Armitage Rd, Rugeley; and
- Planning Obligation by agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) between CCDC, SCC, C Elwell Transport (Repairs) Ltd and others dated 27th January 2016.

**ITEM NO. 9.**

Appendix – Plan 1



 <p>CANNOCK CHASE COUNCIL Caring for the Community</p>	<b>TITLE:</b> Rugeley Access Proposals	
	SCALE OF PLAN: 1:10,000 @ A3	
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