

## READING BOROUGH COUNCIL

### REPORT BY THE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

<b>TO:</b>	<b>POLICY COMMITTEE</b>		
<b>DATE:</b>	<b>15<sup>th</sup> DECEMBER 2022</b>		
<b>TITLE:</b>	<b>ALLOCATION OF S106 FUNDING FOR READING STATION SUBWAY SCHEME 2022/23</b>		
<b>LEAD COUNCILLOR:</b>	<b>COUNCILLOR TONY PAGE</b>	<b>PORTFOLIO:</b>	<b>CLIMATE STRATEGY &amp; TRANSPORT</b>
<b>SERVICE:</b>	<b>ENVIRONMENTAL &amp; COMMERCIAL SERVICES</b>	<b>WARDS:</b>	<b>BOROUGHWIDE</b>
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#### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report sets out the request for spending approval for Reading Station Subway Refurbishment capital scheme 2022/23 to the value of £205,761.05. It is anticipated that this scheme will be funded from the secured Section 106 contribution, however some additional funding may be required from the Local Transport Plan (LTP) Bridges & Carriageway Capital award for 2022/23.
- 1.2. This scheme will contribute to the delivery of the current Corporate Plan 2022-25 and any future Corporate Plan by implementing a Highway improvement scheme to the current Reading Station Subway and providing improved north / south access across the station, which will make a significant contribution to driving the change we want to see in Reading through our three themes: Healthy Environment, Thriving Communities, and Inclusive Economy.
- 1.3. The £205,761.05 referred to in this report allocates Section 106 contributions that have been received and is an update to the figures detailed within the Council's Capital Programme approved at February 2022 Policy Committee.
- 1.4. **Appendix 1** to this report provides a summary of the S106 contributions and the capital scheme they are to fund.

#### 2. RECOMMENDED ACTION

- 2.1 That spending approval is given for the Capital schemes outlined in Appendix 1.

- 2.2 That the Executive Director for Economic Growth & Neighbourhood Services in consultation with the relevant Lead Councillor for Environmental Services & Community Safety and Director of Finance, be given delegated authority to finalise details of the scheme and programme within the overall approval given.
- 2.3 That the Committee grants delegated authority to the Executive Director for Economic Growth & Neighbourhood Services in consultation with the Lead Councillor for Climate Strategy & Transport, the Assistant Director of Legal & Democratic Services and the Director of Finance to enter into relevant contracts required to undertake the approved S106 scheme and works programme.

### 3. POLICY CONTEXT

- 3.1 As set out in the Council's Supplementary Planning Document on Planning Obligations under Section 106, 'the Council publishes annual information on its website on Section 106 as part of its annual statement and accounts. This sets out the details and description of the scheme, Section 106 agreement number, amount brought forward into the accounting year, receipts within the accounting year, expenditure total, for what, and the amount to be carried forward into the next Financial Year'.
- 3.2 The Section 106 contribution in **Appendix 1** is currently listed in the annual statement and accounts for specific schemes and therefore do not currently appear in the Capital Programme.
- 3.3 The proposed scheme in **Appendix 1** will have a positive impact on contributing towards the Council's Corporate Plan, the current Local Transport Plan 2011-2026 and the draft Reading Transport Strategy 2036.
- 3.4 The Council's Corporate Plan supports the delivery of new and improved transport & highway infrastructures in order to manage levels of congestion, improve air quality and reduce carbon emissions, whilst accommodating the significant levels of planned economic growth.
- 3.5 The Council's current Local Transport Plan (LTP) sets out the transport strategy for Reading to 2026. Consultation on a new Local Transport Plan (LTP) was undertaken from 4th May to 30th August 2020. The new strategy is being developed to help achieve wider objectives including the Reading 2050 Vision, the Climate Emergency and improved air quality. The LTP will be heavily focused on addressing these wider challenges through a package of solutions to provide realistic sustainable alternatives to the private car, including enhanced cycling and walking routes to improve air quality. The new strategy is being aligned with other Council strategies including the Local Plan and the Local Cycling and Walking Infrastructure Plan.

### 4. THE PROPOSAL

**Current Position:**

- 4.1 In 2013, following the substantial redevelopment of Reading Railway Station and its interchanges, the subway linking the north and south interchanges was dedicated as a Highway under a deed of variation between Network Rail Infrastructure Ltd and Reading Borough Council. Responsibility for the overhead concrete / rail structure remains with Network Rail while the internal subway and low-level ceiling are the responsibility of Reading Borough Council's Highways & Traffic Services Team.
- 4.2 The Network Rail Reading Station Subway construction included a suspended ceiling that is lower than that of engineering constraints of the surrounding structure, which provided an aesthetically pleasing ceiling that matches existing Network Rail Station Subways nationwide and to mask the service ducts. It is a potential safety risk to cyclists and as such, a Traffic Regulation Order was put in place implementing a prohibition of cycling along the subway.
- 4.3 The public have a right of access through the Reading Station Subway on foot and cycling is not currently permitted, as the width and height clearances are substandard.
- 4.4 The current suspended Reading Station Subway ceiling panels installed by Network Rail as part of the Station redevelopment are vulnerable to vandalism and as such need to be removed and / or replaced with a more robust solution.
- 4.5 The Council inherited the Reading Station Subway Ceiling Panels on completion of the Reading Station Scheme. These panels continue to attract considerable criticism since installation and have become a maintenance liability for the Council.

#### **The Proposal:**

- 4.6 The scheme will remove the vulnerable low level ceiling panels, secure and protect the Network Rail Services, while increasing the headroom clearance and will include minor repairs to floor and wall tiles, along with improved signage. It has been a long-standing desire of Reading Borough Council and cycling groups to find a solution that would enable safe cycling along the subway, as this prohibition and the surrounding rail infrastructure and strategic road network are significant cycling barriers between the north and south sides of the station and beyond.
- 4.7 The Council commissioned a feasibility report on allowing cycling as part of a scheme to remove the lowest ceiling panels using S106 funding specifically for this scheme. The solution will see the removal of the low sections of ceiling panels, a tidy up of the existing concrete ceiling and protection of Network Rail services.
- 4.8 The scheme will provide improved head room clearance, which although below national guidelines, will enable the Council to accept the position and allow cycling through the subway following the necessary consultation process and revoking of the Cycling Prohibition Order.
- 4.9 There is also a separate proposal to replace the lighting with a LED equivalent lanterns to reduce energy consumption and enable remote monitoring and control the lighting units.

- 4.10 A report was approved at Traffic Management Sub-Committee on 14<sup>th</sup> September 2022 to run a consultation on revoking the cycling prohibition, creating a shared use (pedestrian/cyclist) facility. The outcome of that consultation will be included within the final design of the scheme.
- 4.11 The scheme design is currently being finalised and works are provisionally scheduled to commence early 2023. It should be noted that the scheme is not dependant on the outcome of the consultation to revoke the cycling prohibition, as the works to remove the low sections of ceiling panels are still required to ensure that a viable long-term solution is delivered.

### **Other Options Considered**

- 4.12 The terms and conditions of the individual S106 contribution legal agreements are closely fettered and this therefore limits choices on where funding can be spent.
- 4.13 The removal of the low-ceiling panels which are regularly vandalised and a maintenance cost burden for the Council is long overdue. It is noted that the outcome of the Traffic Management Sub-Committee may not support the revoking of the current cycling prohibition and the final design will take this into account.

## **5. CONTRIBUTION TO STRATEGIC AIMS**

- 5.1 The proposals as set out within this report will help to deliver the following Corporate Plan Themes:
- Healthy Environment
  - Thriving Communities
  - Inclusive Economy

## **6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS**

- 6.1 The Council declared a climate emergency at its meeting in February 2019 and as such recognises the need to minimise the climate impacts of its decisions. To this end, Council on 15<sup>th</sup> October 2019 formally adopted the 'Unite Construction Charter' where the Authority supports the 'Get Britain Building' campaign, which is aimed at supporting and sustaining the British construction industry. All relevant construction contracts will be required to comply with the Authority's Sustainable Buying Standard for Highways and Construction Materials, which requires structural steel and other relevant materials to be covered by BES 6001 Responsible Sourcing of Construction Product Certification, or equivalent.
- 6.2 The Tender for the Bridges & Structures Service Term Maintenance Contract 2022-2025 provision invited tenderers to submit Environmental Implications proposals, which formed part of the quality element of the tender evaluation. A social value quality submission was also submitted with tenders and evaluation carried out.
- 6.3 Tenders also included carbon reduction targets and improved sustainability. The intent was to reduce the amount of carbon used to produce the materials at source, using recycled materials, reducing the uncontrolled waste in the environment to reduce pollution of the natural environment, use of electric

vehicles and plant, sourcing green energy alternatives, carbon off-setting, as well as how they will achieve their own carbon reduction targets.

- 6.4 A Climate Impact Assessment has been conducted, which considers a net 'low-positive' impact as a result of the Station Subway Refurbishment. The scheme will support the Council's Transport Strategy which is focused on encouraging the use of sustainable transport, walking and cycling as attractive alternatives to the private car. This includes managing congestion and improving air quality by providing a more efficient network and suitable alternatives for vehicular traffic.
- 6.5 The Reading Climate Emergency Strategy, which was endorsed by the Council in November 2020, highlights the importance of adapting to climate impacts as well as reducing the emissions which are driving climate change.

## **7. COMMUNITY ENGAGEMENT AND INFORMATION**

- 7.1 Consultation and engagement with local communities and interest groups will be undertaken prior to the project, including the Access & Disability Forum and Cycling Groups. Ward Councillors will be consulted on all projects within their Ward.
- 7.2 The scheme set out in **Appendix 1** will require the revoking of an existing cycling prohibition Traffic Regulation Order (TRO), if approved following the statutory consultation. Advertising of the TRO will be conducted in accordance with appropriate legislation. Notices will be advertised in the local printed newspaper and erected on lamp columns within the affected area. If this is not possible, alternative means will be proposed such as delivering the notice to each property within the affected area and promoting the notice in the online version of local media.

## **8. EQUALITY IMPACT ASSESSMENT**

- 8.1 Under the Equality Act 2010, Section 149 the Council must, in the exercise of its functions, have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The Council has reviewed the scope of the proposals as outlined within this report and considers that the proposals have no direct impact on any groups with protected characteristics. Therefore, an Equality Impact Assessment is not relevant to the decision in this instance, however, further work will be undertaken for the scheme, as designs are developed further.
- 8.3 It should be noted that the Council is currently consulting on whether to revoke the cycling prohibition order currently in place through the subway and will review all responses including those from access & disability and other interest

groups. If the outcome is to revoke the cycling prohibition order, then an equality impact assessment will be carried out.

## 9. LEGAL IMPLICATIONS

- 9.1 Reading Borough Council, as Highway Authority, has a duty under the Highways Act 1980 (Section 41) to maintain public highway at public expense and (Section 90) protection of Bridges & Structures.
- 9.2 Section 106 agreements are legally binding obligations between Reading Borough Council as the local planning authority and developers under Section 106 of Town and Country Planning Act 1990.
- 9.3 The funding of the schemes will include the appropriate use of Section 106 contributions, in accordance with the terms of the individual legal agreements. Money provided through Section 106 agreements can only be used for the purposes set out in the agreement and not for other purposes. In almost all Section 106 agreements, contributions are fettered to a particular use, such as education, open space, transport etc. In some agreements the contributions can be heavily fettered to particular pieces of infrastructure such as a road junction improvement or to tree planting or to a particular area or facility. The fettering of this S106 is for the improvements of the Reading Station Subway.
- 9.4 The fettering details of the contributions are as per **Appendix 1**; the fettering is quoted from the original legal agreements held on the S106 database.
- 9.5 The schemes outlined in **Appendix 1** will be delivered in line with the Council's Local Transport Plan. The Local Transport Plan is a statutory requirement as set out in the Transport Act 2000, as amended by the Local Transport Act 2008.
- 9.6 Necessary changes to Highway signs and road markings, including temporary, may also be required and subsequently will need to be implemented in accordance with the Traffic Signs, Regulations and General Directions 2016 and associated Code of Practice for temporary Highway signing.

## 10. FINANCIAL IMPLICATIONS

- 10.1 S106 is one of the main External Sources (Government/Non-Governmental/Private Sector) financing the Council's Capital Programme.
- 10.2 The effective application of Section 106 and CIL receipts against the Council's Capital Programme will reduce the future revenue cost of borrowing.
- 10.3 The receipt and subsequent use of obligations is a matter principally for the benefitting services and Finance, with the focus on funding the Council's Capital Programme.
- 10.4 If approved, the scheme set out in **Appendix 1** will contribute towards the Council's Capital Programme and contribute to reducing the Council's revenue cost of borrowing by the effective use of Section 106 before raising borrowing finance.

## 11. BACKGROUND PAPERS

11.1 None.