

CABINET MEMBER FOR REGENERATION AND DEVELOPMENT

Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH

Date: Monday, 2nd July, 2012

Time: 10.30 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Opening of Offers. (Pages 1 - 2)
4. RERF - Writing a Regional Growth Fund bid for Don Valley Highways Works. (Pages 3 - 6)
 - Simeon Leach, Regeneration Manager, to report.
5. Waverley Link Road - Department for Transport Funding Decision. (Pages 7 - 13)
 - Tom Finnegan-Smith, Manager, to report.
6. Dalton Lane to Magna Lane Pedestrian and Cycle Route. (Pages 14 - 17)
 - Andrew Shearer, Transportation Planner, to report.

Extra Item:-

7. Repairs and Maintenance Contract- Purchase of Schedule of Rates (report herewith) (Pages 18 - 20)

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Cabinet Member for Regeneration and Development
2.	Date:	2nd July, 2012
3.	Title:	OPENING OF OFFERS
4.	Directorate:	Resources

5. Summary

The purpose of this report is to record the opening of offers for the following on:-

7th June, 2012:-

- Millside Centre, Doncaster Road, Dalton
- Former Churchfields Nursing Home, Wickersley

6. Recommendation:-

That the action of the Cabinet Member in opening the offers be recorded.

7. Proposals and Details

Offers in respect of the following were opened by the Cabinet Member for Regeneration and Development on:-

7th June, 2012:-

- Millside Centre, Doncaster Road, Dalton
- Former Churchfields Nursing Home, Wickersley

8. Finance

To secure value for money and to secure a capital receipt.

9. Risks and Uncertainties

Service implications and public perception issues and costs associated with securing empty assets.

10. Policy and Performance Agenda Implications

In accordance with financial and contractual requirements.

11. Background Papers and Consultation

Emails:-

Kevin Brown, Surveyor.

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ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Cabinet Member for Regeneration and Development
2.	Date:	2nd July 2012
3.	Title:	RERF - Writing a Regional Growth Fund bid for Don Valley highways works
4.	Programme Area:	Environment and Development Services

5. Summary

This report seeks approval of an allocation of £6,250 of RERF revenue to part fund the cost of a consultant to write a bid for Regional Growth Fund (RGF) money for highways works around the AMP development at Waverley

6. Recommendations

That £6,250 of RERF revenue is approved towards the costs of Amion Consulting preparing an RGF Round 3 bid for works in the City Region Enterprise Zone, including highways works around the AMP and Waverley.

7. Proposals and Details

RMBC in partnership with Harworth Estates, developers of the Waverley site, Sheffield Business Park Ltd, Henry Boot, developers of the Markham Vale site and Peel Holdings are looking to bid into the Regional Growth Fund (RGF) Round 3 for money to implement a series of infrastructure improvements across the City Region's Enterprise Zone (EZ). These improvements will accelerate the development of key employment sites and maximise the window of opportunity offered by the EZ incentives to create new jobs.

The bid will comprise three proposals brought together into a programme.. The programme includes proposals from RMBC in conjunction with Sheffield Business Park for a grant to carry out highway works around the AMP and Sheffield Business Park. These improvements will enable very large and/or heavy loads to reach the Motorway/A-road network; making investment in the AMP more attractive to major manufacturing firms. The programme also includes a programme management and monitoring fee of £259,000 which would be payable to RMBC for performing an accountable body role should the bid be successful.

Sheffield Business Park has appointed a consultant, Amion, with a track record in successful funding bids; to write the RGF bid for them. This will cost £12,500 and they have asked RMBC to contribute 50% of these costs. Harworth Estates and Henry Boot have also contracted with Amion to perform a similar role on their behalf for the other two proposals within the programme.

The project has been assessed by members of the RMBC Regeneration Team and meets the eligibility criteria for RERF funding.

8. Finance

Funding	Status of funding. Approved/ Awaiting Approval	2011/2012	2012/2013	2013/2014	Total
RERF					
Capital					-
Revenue			6,250		6,250
TOTAL RERF		-	6,250	-	6,250
Other Funding Sources					
Sheffield Business Park	Approved		6,250		6,250
					-
					-
TOTAL OTHER FUNDING		-	6,250	-	6,250
Grand Total		-	12,500	-	12,500

There is currently £75,000 of revenue money available under the RERF programme. Under the new rules governing the funding this must be awarded and defrayed within the 2012/13 financial year.

9. Risks and Uncertainties

There is a sizeable risk that the RGF bid could be unsuccessful; as all rounds of RGF so far have been overbid. However, use of a consultant to write the bid should maximise the chances of success.

10. Policy and Performance Agenda Implications

The quicker development of the Enterprise Zone, which will follow on the back of these highway works, will contribute to the following strategic priorities under the Achieving Theme of the Community Strategy:-

- Promote business start ups, growth and inward investment
- Improve access and remove barriers to employment

11. Background Papers and Consultation

Consultation on the RGF bid has taken place with Sheffield Business Park, Sheffield City Council and Harworth Estates, owners of the Waverley development.

A paper will be taken to Cabinet and SLT to seek endorsement of RMBC acting as accountable body for the RGF bid, subject to the bid being successful

The RMBC External Funding Team has been consulted on the feasibility of the council acting as accountable body for the RGF monies.

A copy of the full RERF application form for this project is available on request.

RMBC Finance have been consulted on the report.

Contact Name:

Simeon Leach, Regeneration Manager, Ext 23828

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ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Cabinet Member for Regeneration and Development
2.	Date:	2 July 2012
3.	Title:	Waverley Link Road – Department for Transport funding decision
4.	Directorate:	Environment and Development Services

5. Summary

To inform Cabinet Member of the Department for Transport's decision not to award funding to the proposed Waverley Link Road scheme.

6. Recommendations

Cabinet Member is asked to note that:

- i) The Department for Transport have decided not to fund the proposed Waverley Link Road scheme**
- ii) Due to the lack of DfT funding that no further work will be undertaken on the Waverley Link Road scheme**

7. Proposals and Details

A Best and Final Funding Bid for the proposed Waverley Link Road (WLR) scheme was submitted to the Department for Transport (DfT) in September 2011; this was the subject of a report to Cabinet on 7 September 2011, Minute C57 refers. In December 2011, when the DfT announced the outcome of the bids it had received, the DfT deferred a decision on WLR until the end of March 2012 stating that:-

“We have been unable to reach a decision on the bid for the above scheme at this stage as the scheme is opposed in its current form by Sheffield City Council, whose land is required for the proposed route. The Department recognises that there is a case for additional capacity in this area but the currently proposed scheme does not appear to be deliverable. You are therefore invited to work with Sheffield and other stakeholders and to propose a resolution to the issue by 31 March 2012.”

Subsequent to the DfT's decision Senior Members and officers had a number of discussions with counterparts from Sheffield City Council (SCC) to see if agreement on the use of the Woodhouse Mill Playing Fields could be reached. However, whilst Sheffield City Council has not specifically considered their position in relation to Waverley Link Road in light of the consultation on the scheme undertaken in summer 2012, as part of a report considered by their Cabinet on 25 January 2012 when they recommended that they formally designate the Woodhouse Mill Recreation Ground a Queen Elizabeth II Field in conjunction with the Fields In Trust charity, it is stated that 'Sheffield does not support the loss of land through the playing field to accommodate the proposed road'. As such it will be protected and managed as a public recreation ground / playing field as a 'Queen Elizabeth II Field' in 2012.

In March 2012 the Council wrote to the DfT setting out the current position with respect to the Woodhouse Mill Playing Fields; that no resolution to using the field for the route of WLR had been reached with Sheffield City Council, copy attached as Appendix A. The DfT responded to this letter in May 2012, copy attached as Appendix B, stating *“Given that Rotherham and Sheffield Councils have been unable to come to an agreement, the Department does not have sufficient confidence that the scheme can be delivered and we therefore cannot agree to provide DfT funding for it.”*

As the DfT would have been the main source of funding for the proposed link road and no alternative funding source is currently available this means that the scheme cannot progress any further at this time.

8. Finance

The Waverley Link Road was estimated to cost £8,570,000 comprising of a £6,961,000 contribution from the DfT, a £857,000 (10%) contribution from Harworth Estates as part of a S106 agreement associated with Waverley New Community (WNC) and Helical Governetz (HG) planning permissions, with the balance being funded from the Local Transport Plan.

9. Risks and Uncertainties

As the Waverley New Community development progresses there will be increasing pressure on the surrounding highway network. WLR was proposed to relieve this pressure and it may be that in the future the Council receives requests for highway improvements to relieve this.

WLR's significance is reflected by its inclusion in the Sheffield City Region Transport Strategy (2011-26) as a scheme to support the regeneration and economic growth of the City Region. It may be that a further bid for funding could be made following within the next Comprehensive Spending Review period (post 2015) when it is anticipated that major scheme funding and decision making will be devolved to Local Transport Bodies within city region areas. Initial work on those schemes to be considered for the next round of major schemes is to be undertaken through the summer of 2012. However, the schemes that are considered the highest priority for SCR will not be known until spring 2013

The S106 financial contribution towards the Waverley Link Road project from Harworth Estates will be lost if the project is not delivered within a period of 15 years from the signing of the Section 106 agreement for WNC or HG developments.

10. Policy and Performance Agenda Implications

None.

11. Background Papers and Consultation

A copy of our letter to the DfT of March 2012 is attached at Appendix A.

A copy of the DfT decision later of May 2012 is attached as Appendix B.

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Environment & Development Services

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Our Ref.
KB/LJK

Your Ref.

Please ask for:
Karl Battersby

23 March 2012

Fozia Chughtai
DfT - Local Transport Funding, Growth & Delivery
Zone 2/12, Great Minster House
33 Horseferry Road
London
SW1P 4DR

Dear Fozia,

Waverley Link Road

The Department announced on 14 December 2011 that whilst it recognises the need for additional capacity in the Waverley area it considers that the currently proposed scheme does not appear to be deliverable and invited us to work with Sheffield City Council (SCC) and other stakeholders and to propose a resolution to the issue by 31 March 2012. This letter sets out what discussions that have taken place, highlights the key issues with the scheme and sets out how we believe it can be successfully delivered.

Waverley Link Road is an important local scheme that aims to;

- mitigate the constraint on development from increasing traffic levels, which are being caused by the increase in job opportunities in the area stimulated by EU Objective 1 funding and developer-led investment.
- provide congestion relief to local residents by diverting traffic from built-up roads.
- provide an alternative route between the M1 at J31 and the Advanced Manufacturing Park at Waverley and the Lower Don Valley, which avoids the heavily congested J33.

Waverley Link Road's significance is reflected by its inclusion as a scheme to support the regeneration and development in the Sheffield City Region Transport Strategy. Its importance is also reflected in the Local Enterprise Partnerships support.

Alternatives to the proposed alignment

Alternatives to the proposed scheme were discussed in the Section 1.3 and 2.5 of the Best and Final Funding Bid (BAFFB). Three alternatives have been considered, two prior to submission of the MSBC and one following submission at the request of SCC. Each of these alternatives has been discounted in terms of cost, deliverability or potential environmental impact.

As discussed in the BAFFB the proposed scheme is the only practicable alignment for Waverley Link Road at this time and this position has formed the basis of our discussions with stakeholders.

Discussions with stakeholders

Yorkshire Water were contacted and asked to confirm that it was still their intention to expand their Sewage Treatment works into land through which one of the alternative routes would have run. They confirmed that this land is still required for expansion and that it now forms part of a capital scheme to improve their works.

Since the December 2011 announcement extensive discussions have taken place with Senior Officers at SCC regarding a way forward for the proposed scheme. These discussions culminated in a meeting between RMBC Strategic Director, Karl Battersby and SCC Executive Director, Simon Green on 27 February 2012. Unfortunately the outcome of all these discussions is that Sheffield City Council's position regarding the Woodhouse Mill Playing fields remains unchanged.

The public consultation, undertaken in summer 2011 in conjunction with SCC, showed that there was broad support for the scheme from Sheffield residents with the majority of objectors being Rotherham residents. Following this consultation we expected that SCC would make a formal decision on whether or not SCC support the scheme prior to submission of the BAFFB. To date SCC Members have still to make a formal decision on the scheme. A decision was made however confirming SCC's proposal to dedicate the Woodhouse Mill playing fields as a QEII field.

Issues with regard to Compulsory Purchase Order

As no agreement has been reached with SCC regarding the sale of the Woodhouse Mill playing fields the only way forward for the scheme would be to include the playing fields in the Compulsory Purchase Order. As the scheme already includes for a Compulsory Purchase Order, this could easily be accommodated.

Two potential issues exist with a CPO of SCC land; that SCC is a Statutory Undertaker and that the land is open space.

SCC may make an objection to the CPO under Section 16 of the Acquisition of Land 1981 (the *Act*). If it was to do this it may be likely that the appropriate Minister would decide that this land can be taken without serious detriment to SCC. The reasoning behind this statement being that the Woodhouse Mill playing fields would remain albeit in a slightly smaller size and little or no amenity would be lost.

It may also be argued that SCC have not acquired the land for the purposes of their undertaking, in which case the land could be taken without serious detriment to their undertaking.

SCC may also consider objecting under Section 17 of the *Act* (special parliamentary procedure) however this does not apply when the acquiring body is a local authority.

Section 19 of the *Act* states that a CPO which includes land forming part of a common, open space or fuel or field garden allotment should be subject to special parliamentary procedure unless the Secretary of State for the Environment certifies either that equivalent land has been or will be given in exchange, or that the land does not exceed 250 sq yards in extent or is required for widening an existing highway and the giving of other land in exchange is unnecessary.

Given the above it seems there is a good likelihood of a CPO for SCC land (Woodhouse Mill playing fields) being successful, provided that the Secretary of State for the Environment certifies either that equivalent land has been or will be given in exchange for that included in the CPO.

Revised program

Given the delay in the decision on funding there has been some delay in the program. The revised program, showing the same milestones as the Best and Final Bid, is shown below.

Milestone	Expected Completion Date
Statutory Orders published	December 2012
Public Inquiry Starts	July 2013
Confirmation of Orders	November 2013
Complete Procurement	January 2014
Submit Full Approval application to DfT	January 2014
Work Starts on Site	May 2014
<i>Any significant intermediate milestones (please specify)</i>	
Submit Planning Application	September 2012
Planning Approval	December 2012
Work Completed	August 2015
Opening / commencement of operations <i>(including phases of opening as appropriate)</i>	August 2015

Risks

The Key Risks to successful delivery of the scheme are the same as those in the BAFFB; Delays due to planned Statutory Undertaker work taking longer than planned and/or additional accommodation works required, Statutory Undertakers works required having being identified during construction and Significant opposition to Planning Application.

We are confident that a Compulsory Purchase Order including part of the Woodhouse Mill playing fields would be successful and that we have the ability to deliver the scheme to the cost outlined in the BAFFB and to the programme outlined above.

Yours sincerely

Karl Battersby
Strategic Director
 Environment and Development Services

*Department for
Transport*

JOHN DOWIE

Director, Local Transport

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10 May 2012


Dear Mr Kimber,

In December last year, Ministers deferred the decision on approving the Waverley Link Road scheme, being promoted by your Council, as the current proposals, which require land from the Woodhouse Mill playing field, did not appear to be deliverable. You were invited to work with Sheffield City Council and other stakeholders and propose a resolution to the issue by 31 March.

The letter of 23 March (from Karl Battersby, Strategic Director to Fozia Chughtai, DfT) made clear that no resolution has been reached with Sheffield City Council. The proposed use of Compulsory Purchase Order powers against another local authority is likely to be complex and difficult, given that Sheffield City Council, the landowners, are firmly opposed to the route and have stated their intention to protect the playing field by designating it as a Fields in Trust – 'Queen Elizabeth II Field'.

Given that Rotherham and Sheffield Councils have been unable to come to an agreement, the Department does not have sufficient confidence that the scheme can be delivered and we therefore cannot agree to provide DfT funding for it.

I realise this will be disappointing news. As you are aware, we are proposing to move to a devolved system of majors funding for the next Spending Review period, where decisions on scheme prioritisation will be taken locally. You will need to look to that process should you wish the scheme, or any variant of it, to be considered for major scheme funding in the future.

Yours Sincerely


JOHN DOWIE

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Cabinet Member for Regeneration and Development.
2.	Date:	2 July 2012
3.	Title:	Dalton Lane to Magna Lane Pedestrian and Cycle Route.
4.	Directorate:	Environment and Development Services

5. Summary

To seek approval to introduce a high quality bridleway route for pedestrians and cyclists between Dalton Lane and Magna Lane, Dalton.

6. Recommendations

It is recommended Cabinet Member resolve that:

i) a bound, all weather bridleway route is introduced between Dalton Lane and Magna Lane for pedestrians and cyclists to improve access to local facilities and services.

7. Proposals and Details

During the housing market renewal masterplanning process for Dalton and East Herringthorpe a potential pedestrian and cycle link was identified using an existing desire line between Dalton Lane and Magna Lane. This route is currently in a poor condition with a varying surface and cyclists are not permitted to use the route.

It is proposed to introduce a 2.5m wide, all weather, black top (tarmac or similar) bridleway route between Dalton Lane and Magna Lane for pedestrian and cycle use. It is also proposed to replace a small pedestrian bridge across Dalton Brook (which is currently in a poor condition) with a bridleway bridge. A dropped crossing point would also be provided on Magna Lane at the entrance to the route to improve access.

This would provide a high quality, direct, off road route linking the communities of Dalton and East Herringthorpe. The scheme would also improve access to local facilities and services including a doctor's surgery, and would provide an improved route for students to access the local schools and leisure facilities, including Dalton playing fields.

The attached drawing number 126/17/TT200 displays the location of the proposed route.

The route is also to become a public bridleway through a creation agreement between this Council and the landowners. This means it will be protected for public use in the future.

8. Finance

It is estimated to cost £90,000 to introduce the bridleway route. This would be funded from the LTP integrated transport fund 2012- 2013.

It is estimated to cost £10,000 to replace the pedestrian bridge over Dalton Brook. This would be funded from the Rights of Way budget.

9. Risks and Uncertainties

Failure to introduce this bridleway route would prevent cyclists from using this to access local facilities and services and restrict pedestrian and wheelchair usage due to the varying surface and during wet weather.

10. Policy and Performance Agenda Implications

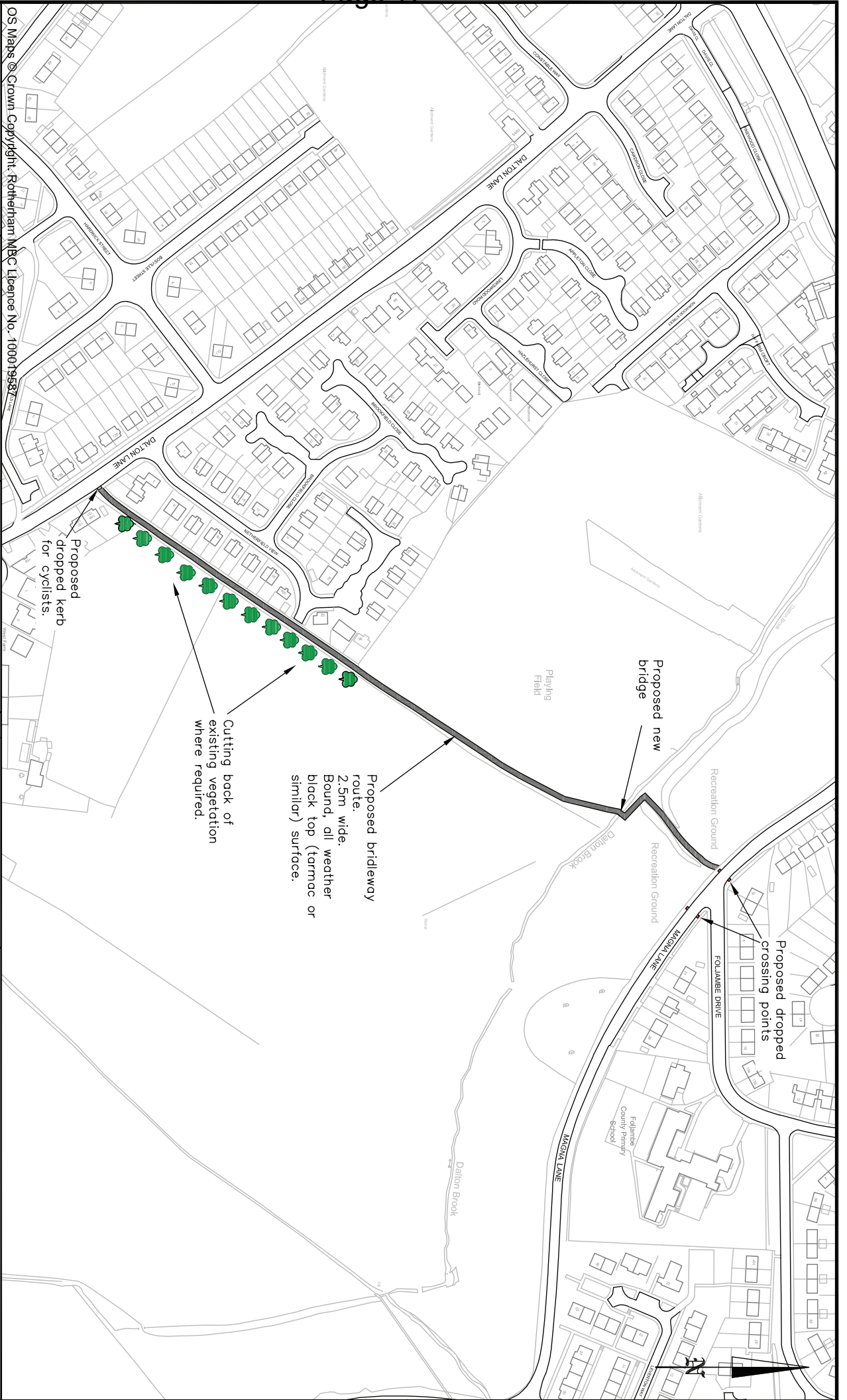
The introduction of this route will improve access to local education, health and leisure facilities for pedestrians and cyclists, and will also encourage walking and cycling as a means to access these facilities. This is inline with the LTP3 priority of

enhancing social inclusion and health. This route will also contribute towards reducing vehicle emissions (another LTP3 priority) by encouraging cycling as an alternative mode of transport.

11. Background Papers and Consultation

The scheme was identified during the housing market renewal masterplanning process which had strong community and local ward member involvement. Consultation has been undertaken with Dalton Parish Council, and local ward members.

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Rotherham Metropolitan Borough Council
 Environment & Development Services
 Strategic Director
 Karl Battersby, Bsc (Hons) MPhil, MScPhD

Rev.	Description

Title		Proposed Bridledway Link. Dalton.	
Dwg. No.	126/17/TT200	Rev.	B
Drawn	AS	Date	May 12
		Scale	NTS
		Chd. by	ASB

**ROTHERHAM BOROUGH COUNCIL – REPORT TO Delegated Powers
Meeting-Cabinet Member for Town Centres**

1.	Meeting:	Delegated Powers- Cabinet Member for Town Centres, Economic Growth and Prosperity - Councillor Gerald Smith
2.	Date:	2nd July 2012
3.	Title:	Repairs and Maintenance Contract- Purchase of Schedule of Rates
4.	Directorate:	Resources

5. Summary

- 5.1 The purpose of this report is to obtain cabinet members permission under delegated powers to purchase a commercial schedule of rates to enable this to be used as part of the tender for repairs and maintenance for the authority's commercial portfolio. There are opportunities to achieve potential revenue savings through the procurement of a tendered repairs service.

6. Recommendations

- a) **That the cabinet member for town centres, economic growth and prosperity-approves the purchase of the commercial schedule of rates within his delegated powers.**

7. Proposals and Details

- 7.1** Facilities management manage the commercial portfolio of properties on behalf of the council. As part of the potential revenue savings it has been identified that there may be an opportunity to make up to 10% savings on repairs budget by tendering the repairs and maintenance service. This could equate to around £200k per annum based upon existing budgets.

This project to tender the works is being led by the design & project team support by procurement.

We have already issue a PIN notice and started receiving enquiries from suitable companies who are able and prepared to carry out this work on behalf of the authority.

However as part of the procurement documentation it is considered that in order to obtain a basis for tendering that the council purchase a commercial schedule of rates.

A schedule of rates is a list of pre-priced elements / descriptions of works typical of orders that are placed daily on behalf of the council. Neighbourhoods and housing have used a similar tool for the procurement of housing repairs.

We have explored the market to try to identify a suitable commercial schedule of rates however there are limited products available to purchase which will meet the authority's requirements. It is also not cost effective to develop a schedule through our own quantity surveyors.

Rand Associates Consultancy Services are a specialist quantity surveying company who have developed a pre-priced schedule which we consider to be suitable for the purpose. The cost of which is as follows:-

Product	Price	Licence	VAT	Total
Facilities Schedule	£10,000.00	£1,000.00	£550.00	£11,550.00
FM Schedule Rates x 1 day on site	£900.00	N/A	£180.00	£1,080.00
Total	£10,900.00	£1,000.00	£730.00	£12,630.00

In the circumstances we are seeking cabinet's member's delegated powers to purchase the schedule of rates outside of standings orders

8. Finance

- 8.1 The purchase of a schedule of rates could potentially realise a saving in the region of 10% on the repairs budgets. This equates to a saving in the region of £200k per annum on existing corporate revenue repairs budgets.

9. Risks and Uncertainties

- 9.1 We do not have a current repairs contract in place for the management of the corporate estate. The authority is open to the market from the contractors who we currently use. The use of a schedule of rates within a tendered maintenance contract will firm up both commitment costs and actual costs and reduce the financial and performance risk to the authority.

10. Policy and Performance Agenda Implications

- 10.1 This work will contribute to the Corporate Plan item 'Helping to create safe and healthy communities'.
There are potential revenue savings from purchasing and procuring a repairs contract.

11. Background Papers and Consultation

- 11.1 None

Report Author:

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