



## Report to Policy Committee

**Author/Lead Officer of Report:** Paul Sullivan  
Senior Transport Planner

**Tel:** 0114 474 1637

**Report of:** *Kate Martin*

**Report to:** *Transport, Regeneration and Climate Policy Committee*

**Date of Decision:** *16th March 2023*

**Subject:** *Five Weirs Walk improvements.*

Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		
If YES, what EIA reference number has it been given? (tbc)				
Has appropriate consultation taken place?	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>				

### Purpose of Report:

This report seeks approval from the Transport, Regeneration and Climate Policy Committee to fund from the Local and Neighbourhood Transport Complimentary Programme ((LaNTCP) contingency costs for a project proposing to use external funding from Sustrans to improve specified sections of Five Weirs Walk.

## **Recommendations:**

The Transport, Regeneration and Climate Policy Committee is recommended to:

- Approve in principle the making of improvements to sections of Five Weirs Walk as set out in this report (that implements the Local Transport Plan) and agrees that a recommendation is made to Finance Sub-Committee or Strategy and Resources Policy Committee for their approval of the scheme.
- Approve the allocation of £10,000 from the Local and Neighbourhood Transport Complimentary Programme(LaNTCP) for contingency costs for improvement of Five Weirs Walk, subject to receiving external funding.
- Note that the Head of Strategic Transport, Sustainability and Infrastructure will under a separate officer decision determine acceptance of a grant of £99,100 from Sustrans, for the purpose of financing improvements to sections of Five Weirs Walk and is part of the wider Local Transport Plan.

## **Background Papers:**

**Appendix A** - Map of the Five Weirs Walk highlighting section to be improved

**Appendix B** – [Sheffield City Region Transport Strategy \( Local Transport Plan\)](#)

**Appendix C** – [Sheffield Transport Strategy \(adopted March 2019\)](#)

<b>Lead Officer to complete:-</b>			
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Alex Hill</i>	
		Legal: <i>Marcia McFarlane</i>	
		Equalities & Consultation: <i>Louise Nunn</i>	
		Climate: <i>Jessica Rick</i>	
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	<b>EMT member who approved submission:</b>	<i>Kate Martin</i>	
3	<b>Committee Chair consulted:</b>	<i>Mazher Iqbal / Julie Grocott</i>	
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the EMT member indicated at 2. In addition, any additional		

forms have been completed and signed off as required at 1.	
<b>Lead Officer Name:</b> <i>Paul Sullivan</i>	<b>Job Title:</b> <i>Senior Transport Planner</i>
<b>Date:</b> <i>7<sup>th</sup> February 2023</i>	

## 1. PROPOSAL

- 1.1 Sustrans is a charitable company, it receives regular funding from the 'Department for Transport' for improvements to the National Cycle Network (the Network).
- 1.2 The Network is a series of UK-wide signed and numbered 'off roads', quiet road paths and routes used for walking, cycling, wheeling, and exploring outdoors. The Network was developed in partnership with local authorities across the UK that have these paths and routes and in South Yorkshire the Network's participating local authorities include Sheffield City Council and our neighbouring authorities where these routes traverse and sometimes cross boundaries. Others in the partnership include landowners and other third parties with an interest in the land and or routes; for example, organisations such as The Canals and River Trust and Trans Pennine Trail National Office. The Network numbered routes that run through Sheffield are 6, 627, and 67.
- 1.3 Normally, Sustrans may contact local authorities for their ideas and priorities to consider for funding. The council discussed its priorities and drew up a short list of interventions (with different funding requirements) to improve the current network in the Sheffield area.
- 1.4 Most Network routes in the Sheffield area are tarmacked surface and ideal for all users. However, because of the historical nature of the Five Weirs Walk (i.e it was built over two decades, starting in the 1990s when funding was low), short sections were either not constructed to suitable quality and, or deteriorated to the extent that they are no longer accessible throughout the year. Surfaces that are not tarmacked become flooded, boggy, rutted and prone to encroachment from vegetation, and can be uncomfortable for travellers. In severe wet weather, surfaces can also be washed away, significantly increasing maintenance cost.
- 1.5 The Five Weirs Walk runs from Blonk Street through to the canal at Tinsley and forms part of the Network route no. 6, and this forms part of the Trans Pennine Trail.
- 1.6 Currently, the entire route of the Five Weirs Walk is tarmacked except for two short sections:
  - a short section between Attercliffe Road and Salmon Pastures (approx. 350m in length) marked in black on the map in Appendix A

- a longer section between East Coast Road and Stevenson Road (approx. 430m in length marked in green on the map in Appendix A)

- 1.7 The proposal is to improve the longer section of the path (marked green on Appendix A) and do this by resurfacing with tarmac while looking for opportunities to widen the route by cutting back vegetation and relocating a bin. Then install a new bench and undertake a general tidy up of the two viewpoint areas (marked on Appendix A).
- 1.8 For information, in winter 2019 a section of the Five Weirs Walk between Attercliffe and East Coast road was washed away. Work has continued in the background to establish options to reinstate but due to significant cost both repair and commuted sum/Maintenance value), works have not progressed.
- 1.9 Sustrans has offered the grant funding but their terms and conditions will not allow funding to be used to start work on reinstating the section washed away in 2019; the diversion route therefore remains in place. Sustrans indicated they could contribute if the council progresses the repairs, but they cannot commit before understanding overall costs.
- 1.10 Sustrans has verbally approved the grant and its acceptance will be an officer decision by the Head of Strategic Transport, Sustainability and Infrastructure. If there is a decision to accept, the council will enter an agreement with Sustrans, and those terms are being finalised. We are provisionally working towards an August 2023 start date, and completion by October 2023. These provisional dates are currently with the Department for Transport for approval, and this will determine whether the grant is secured.

### **Contingency Fund**

- 1.11 Local authorities are legally required to have and publish a Local Transport Plan. The South Yorkshire Mayoral Combined Authority (SYMCA) in consultation with local authorities in South Yorkshire prepare a Local Transport Plan for the region which is sufficient to satisfy this legal obligation for each of the authorities. The council's proposals for investing in transport in the city responds to the Local Transport Plan (Appendix B) and the locally prepared Sheffield Transport Strategy (Appendix C) which refers to 'Active Travel' which includes cycling.
- 1.12 SYMCA also administers funding from the Department for Transport on behalf of the region and allocates funding to the council. Some will be allocated to the Council's 'Local and Neighbourhood Transport Complimentary Programme' (LaNTCP) whose aims include supporting cycle improvement.
- 1.13 Since these proposals are within scope of the LaNTCP, the proposal is to allocate £10,000 from the Local and Neighbourhood Transport Complimentary Programme's (LaNTCP's) allocation of £200,000 for Cycling

Enhancements, for contingency funds on this project, if these funds are not needed for this project, they will go back into the budget.

- 1.14 Further reports on the scheme will be brought to either Strategy and Resources Committee or Finance Sub-Committee as required as the scheme goes through the Capital approval process.
- 1.15 This Five Weirs Walk improvement project needs to be approved before the end of March 2023 (the grant commencement date is 22 March 2023) so the contingency funds can be available.
- 1.16 The proposal is to use the council's existing contractor, Amey to commission works set out in this report and funded through Sustrans having this contingency available.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 Improving this section of the route will improve the experience of the Five Weirs Walk for those travelling by sustainable modes within the Lower Don Valley. It may take some shorter distance vehicle miles off the network therefore contributing to both reducing congestion and improving air quality. It also enhances our outdoor city offer. It makes the route smoother and more accessible to those in need of mobility devices.

This will contribute to the delivery of the council's Transport Strategy (2018) – 'A Safer and More Sustainable Sheffield (sustainable safety, safe walking and cycling as standard)'.

## **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 As this is predominantly a maintenance scheme, without any substantial change we will not consider an obligation to consult has arisen and therefore are not undertaking any formal consultation. However, we will raise this at the Cycle Forum in April 2023 to let attendees and their various groups be aware of the proposed works which will involve closing this section for a short period. The Trans Pennine Trail office will publish the works on their website.

## **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

### **4.1. Equality Implications**

- 4.1.1. Overall, this makes a minor improvement for those less mobile, who need sure footing or use mobility aids, whether that's a scooter, walking stick etc. No negative equality impacts have been identified.

### **4.2. Financial and Commercial Implications**

- 4.2.1. The Outline Business case will set out the income from Sustrans in order to undertake this work. An initial estimate was established in Sept 2022 to give an idea of the level of funding required. We have increased that amount to cover any costs associated with inflation. If costs have exceeded inflation, we have included a contingency of £10,000 from Local Transport Plan.
- 4.2.2. Estimated costs consists of : Fees £17,600 Works cost £81,500
- 4.2.3. Sustrans Sub-Grant Agreement (the “Grant Agreement”) – Five Weirs Walk Improvement Works (£99,100) - Key features of the Grant Agreement and grant terms and conditions are summarised as follows. The Project Manager will need to read, understand and comply with all of the grant terms and conditions and the Code of Conduct for Grant Recipients and develop an exit strategy to ensure that there are no ongoing unfunded costs when the grant ends.
- 4.2.4. Capital grant payment of £99,100 (the “Grant”) from Sustrans (the “Funder”) to Sheffield City Council (“SCC”). The Grant is to be used for capital improvement works of Five Weirs Walk, Sheffield (the “Project”).  
Funding for the Project is made on the following basis:  
Grant 99,100  
Revenue Contribution to Capital from the Local Transport Plan (contingency funding) 10,000  
Total Funding Available 109,100
- 4.2.5 The Funder is the beneficiary of grant funding from the Department of Transport (“DFT”), the originating funder. DFT have awarded funding to the Funder in order to develop, make accessible and make safer England’s Cycling Network. The Project forms part of this initiative
- 4.2.7 The Grant will be paid at the following stages:
- Up to 9,910 up to 10% On production of drawings
- Up to 34,685 up to 35% On commencement of construction works (from 23 March 2023)
- Up to 49,550 up to 50% On practical completion of the works (no later than 1 July 2023)
- Up to 4,955 up to 5% On final report (no later than 31 July 2023)
- 99,100 100% By 31 July 2023
- 4.2.8 The Grant Agreement contains an itemised breakdown of proposed expenditure in relation to the Project at Sched.3. At no point can any claim for the Grant exceed the actual expenditure incurred on the Project up to and including the relevant claim date. No contingency funding will be made available from the Funder to SCC in respect of the Project.
- 4.2.9 SCC must

- have all relevant planning permissions in respect of the Project.
- provide the Funder with a plan for the Project.

4.2.10 SCC cannot publish any material referring to the Project without the Funder's prior written agreement. SCC must also comply with the acknowledgement and publicity requirements of the Grant Agreement

4.2.11 SCC must endeavour to make the Project and associated areas available or use by the public as a walking, wheeling or cycling route for period thirty-five (35) years from the practical completion date of the Project. SCC must implement sign-posted diversion if at any time during this period public access is interrupted, and re-instate public access as soon as is practicably possible.

4.2.12 The Grant Commencement Date is 22 March 2023. · The Grant End Date is to be confirmed Sustrans currently in discussion with Department for Transport.

4.2.13 SCC must inform the Funder in advance of its intention to apply for any third-party funding in respect of the project. Where SCC obtains such funding, SCC must supply the Funder with details. SCC cannot apply for third party funding for any parts of the Project that the Funder is funding under the terms of the Grant Agreement.

4.2.14 SCC must only use the Grant for the Project and associated eligible expenditure, as specified in the Grant Agreement.  
It cannot be used for a range of purposes (see details).  
It cannot be used for any SCC expenditure commitments made in relation to the Project prior to the Grant Commencement Date or after the Grant End Date.

4.2.15 The Grant Agreement prohibits SCC from reclaiming input VAT in respect of the Grant.

4.2.16 Unspent parts of the Grant as at the Grant End Date are to be returned to the Funder.

4.2.17 SCC  
is to comply with the accounting audit, monitoring and reporting requirements specified in the grant agreement (see details). The Funder is permitted a quarterly visit to monitor the progress of the Project.  
must comply with the risk management obligations contained in the Grant Agreement and maintain an appropriate risk register (see details).

4.2.18 The Grant shall be treated as conditional and is subject to clawback where the terms of the Grant Agreement are not met (see details). Any request for repayment from SCC must be made within twenty (20) days of the Funder's demand.

4.2.19 The Grant Agreement prohibits SCC taking out a charge against the fixed assets acquired or improved by the Grant.

4.2.20 Grant Retention Period is six (6) years.

4.2.21 SCC must notify the Funder of any income generated from the Project and keep records of any income during the Grant Retention Period. SCC must pay any income generated to the Funder unless the Funder allows SCC to retain the funds for the purposes of the Project. The Final report is due by the Grant End Date.

4.2.22 All public sector procurement is governed by and must be compliant with the Grant Agreement and UK National Law. In addition, all procurement in SCC must comply with its own Procurement Policy, and internal regulations known as 'Contracts Standing Orders' (CSOs).

4.2.23 CSO requirements will apply in full to the procurement of services, goods or works utilising grants. All grant monies must be treated in the same way as any other Council monies and any requirement to purchase / acquire services, goods or works must go via a competitive process, comply with the Local Government Transparency Code 2015 and s.5 and of the Grant Agreement.

#### 4.3. Legal Implications

4.3.1. The report seeks approval to allocate £10k as a contingency for improvement works on the Five Weir Walk. This money will come from the Local and Neighbourhood Transport Complimentary Programme ((LaNTCP) provided to the council by the South Yorkshire Mayoral Combined Authority who also publishes statutory plans for maintaining and improving all aspects of local transport for South Yorkshire over a five-year period - The Local Transport Plan, (Section 108 of The Transport Act 2020).

4.3.2. The main funds are from a grant of £99100 from Sustrans (made available specifically for the Five Weirs Walk project ) and once accepted the council has to comply with all obligations in the grant agreement including the obligation to use funds for this stated purpose.

4.3.3. Acceptance of the grant is reserved as an officer decision and the report for that decision will deal with legal implications of the grant and related matters.

#### 4.4. Climate Implications

4.4.1. The project will achieve a moderate decrease in CO2 emissions compared to before, as per the Climate Impact Assessment.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1. To alter the priority and resurface the 2<sup>nd</sup> shorter section at Salmon pastures, it was felt this could be undertaken with a future round of funding.
- 5.2. Resurfacing NCN 627 at Shirebrook Valley – this would require substantial more investment as there is an opportunity to widen the route and it would require planning permission and thus needs a significantly longer lead in time. This section is next on the priority list along with improvements to the Blackburn Valley and Chapeltown routes.
- 5.3. Not undertaking the work. This was felt inappropriate given this is an external funding grant with minimal financial implications for Sheffield City Council.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1. Funding to improve off road routes is less of a priority for both Sheffield City Council and Central Government. This is an opportune moment to use external funding for something that may not receive funding from elsewhere.
- 6.2. It will enable a flagship route to be brought up to a consistent standard along its entire length.

## APPENDIX A

Map of Five Weirs Walk: Current Route in red proposed resurfacing in green

