

SOUTH LAKELAND HIGHWAYS AND TRANSPORTATION WORKING GROUP

Minutes of a Virtual Meeting of the South Lakeland Highways and Transportation Working Group held on Monday, 25 April 2022 at 2.00 pm.

PRESENT:

Mr SB Collins (Chairman)

Mr J Bland
Mr N Cotton
Mrs BC Gray
Mr WJ Wearing
Mr M Wilson

Mr GD Cook
Mrs S Evans
Ms J Filmore
Mr P Thornton

Also in Attendance:-

Mr P Hosking - Local Area Network Manager South Lakeland
Mrs H Karaaslan - Traffic Management Team Leader - South Lakeland
Mr D Chalmers - Countywide Highways Network Manager
Mr K Melville - Senior Manager, Highways Delivery
Mrs K Johnson - Area Manager - South Lakeland

Dr A Jarvis - SLDC member
Laura Chapman - SLDC
Matt Williams - SLDC

62 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr J Brook

63 STREETSCAPE IMPROVEMENT WORKS, STRAMONGATE, KENDAL

A report was considered from the Executive Director – Economy and Infrastructure regarding the Streetscape Improvement Works at Stramongate, Kendal. The report advised that a public realm project had been designed to increase visitor footfall to Stramongate, Kendal.

The Senior Manager, Highways Delivery presented the report. He gave a briefing on the history behind the project. Section 106 (S106) funding had been contributed by a developer to South Lakeland District Council (SLDC) in 2018 (NB. It was clarified later in the meeting that the Section 106 was signed on 14th November 2017) following the development of the Sainsbury superstore in Kendal. The funding had to be spent by 14th November 2022 (within 5 years). 3 Schemes had been

suggested, with design 3, the gateway project, being the option chosen by the Town Team This would be the first step in the Kendal Streetscape scheme. The Senior Manager, Highways Delivery emphasised the importance of the delivery of a high quality project.

Cumbria County Council and SLDC officers had reviewed design 3 in terms of risks, of which there were three: timescale, availability of labour and the availability of materials. The Senior Manager, Highways Delivery informed members that designs 1 and 2 had been disregarded so the Working Group's decision related to design 3. Attention was drawn to the options for members which had been set out in the report. These were set out in full by the Senior Manager, Highways Delivery. He advised that the S106 funding could be used for other highways work which could be delivered by November 2022 and the funding for the project could be provided using another highways budget. This would ensure the S106 funding was used by the deadline date. It was explained that design 3 would allow the S106 funding to be returned to Sainsbury should it not be spent by the deadline date.

A member queried the deadline date by which the S106 funding had to be spent. If it was a five year period, he suggested that 2023 was the deadline date. He asked for clarification on whether the money could be clawed back by Sainsbury if it was not spent. The Senior Manager, Highways Delivery confirmed that S106 funding had to be spent within 5 years. He explained that the S106 funding could be used to resurface Stramongate and therefore not put the funding at risk of being returned to the developer. The member asked for a legal opinion on what the funding could be used for as a previously suggested scheme for river lighting had been refused as it had not fulfilled the S106 funding criteria. Ms Chapman advised that the S106 funding had to be spent in the town centre and she would seek legal opinion during the meeting to ascertain the criteria on what it could be spent on. The member was disappointed that legal opinion had not been sought before the meeting and was not inclined to agree to the recommendation on that basis.

Mr Williams advised that the S106 funding was to improve the pedestrian route between Kendal station and Stramongate. He considered that the definition of 'improvement' was important and anything viewed as maintenance would likely not be an acceptable use of the S106 funding.

The Chair asked for a legal opinion so that members could make a fully informed decision.

After referring to the S106 funding being spent on surfacing, a member asked if it could be used to widen pavements or would it only be for improvement work. He asked for clarity on the date by which the S106 funding had to be spent and whether the entire amount had to be spent by November 2022. Clarification was sought on the 'other bodies' to be consulted before constructing a road hump. The Senior Manager, Highways Delivery explained about pavement realignment and the option for a shared surface up to Stramongate and advised that utilities companies would be consulted to ensure there were no scheduled works that would result in the lifting of the new surface.

Ms Chapman reported that all S106 funding had to be spent by 14th November 2022. The Senior Manager, Highways Delivery advised that this would make the project very tight to deliver.

One member considered that the project would not be effective as it was essentially for vehicles and vehicles did not travel up Stramongate. He felt that there would be a better impact if Stramongate was for pedestrians and buses only.

Design 3 was presented on screen for members. The Senior Manager, Highways Delivery explained that at present, there were no plans to restrict vehicles on Stramongate. He commented on the improvements to be made relating to slowing down access and vehicle movements and highlighted the paving to be used. He explained the new kerb line which would realign the street. He reported on the work undertaken relating to officer concerns about paving and also surface water and commented on how drainage would be improved in the new project. He reiterated his concerns about the tight timescale and risks relating to the availability of materials and labour.

After being advised that designs 1 and 2 would not be incorporated into design 3, a member expressed her disappointment and added that she would not want the S106 funding be given back to the developer. The member asked if the S106 funding could be used for other things such as paying for contractors to do the work so the S106 funding was spent by the deadline. The Senior Manager, Highways Delivery presented a map of design 3 and explained the location, the surfacing to be used, where the drainage channel was located and how footfall would be increased following pedestrian use of Gooseholme Bridge. He advised that part of the S106 funding had been used to design the project so approximately £200,000 remained for construction costs. He acknowledged that it was the intention to appoint a contractor to deliver this scheme.

Discussion ensued on enhancing Stramongate in a straightforward way. A member stated that the number of vehicles would need to be reduced and asked for an explanation of the existing parking provision in the area. The Traffic Management Team Leader - South Lakeland explained the current parking provision for disabled drivers and for loading vehicles. She reminded members of the Experimental Traffic Regulation Order which had been determined by the Local Committee, highlighting that if any changes to current parking provision were required there would be a complex and challenging process to go through which would need to adhere to Blue Badge regulations.

Referring to the type of materials to be used in the project, a member asked if they could be sourced if the Working Group made a decision to go ahead with design 3 at this meeting. The Senior Manager, Highways Delivery talked to members about the current financial climate where materials were increasing in price at a regular rate and how the availability of materials was changing. He was looking to source materials that were available 'off the shelf' at any time rather than material that needed to be quarried to order. He informed members how his preference would be to have the project delivered by a framework contractor by November 2022 so they would have the risk and not the County Council.

After referring to the risks associated with the project, a member urged members to give the project the go ahead so that officers could spend the S106 funding as soon as possible so it was not clawed back.

Local member, Mr Cook explained how Stramongate was the main access to South Lakeland House and the route traffic took in the area. He noted that on the right hand side of the road at Stramongate there was a market and asked if the stall holders had been consulted. He suggested they could be relocated further into Kendal town centre. Ms Chapman confirmed that they had been consulted but they would be consulted again. Additionally, a number of respondents to the consultation did not want the stalls to be affected.

Discussion turned to the entrance of Stramongate. Following a member's questions on whether there was a raised footway and if the entrance to Stramongate would be too tight for delivery vehicles to turn, the Senior Manager, Highways Delivery talked members through the design, adding that large vehicles would not have to go over the kerb and they would be able to access Stramongate with ease. The member raised his concerns that the paving used in the design would not withstand the weight of large vehicles resulting in cracked paving. Dr Jarvis, SLDC concurred with this. The same member was also concerned about the trees to be used in the project in terms of their height, their damaging utilities and how they would look in ten years' time. He considered them unnecessary. The Senior Manager, Highways Delivery explained how tree pits would be used and expressed confidence that no damage would be done to utilities. Ms Chapman noted that the type of tree would be identified at a later date. The Senior Manager, Highways Delivery reported on the industry standard materials that would be used in the project and confirmed that they would withstand vehicles of 44 tonnes so would not break or be damaged. He thought there would only be an issue if utilities companies lifted the surface which is why officers were liaising with utilities companies to ensure there was no planned works for 2 years.

The Chair asked for a response to members' requests for legal advice on what the S106 funding criteria was in terms of what it could be spent on. Ms Chapman advised that it was to improve the pedestrian route into the town centre, to improve the pavement. It could not be used for road surfacing along the route.

The Chair reminded the Working Group that the final decision would be made at the South Lakeland Local Committee meeting on 12 May 2022.

Discussion ensued on the recommendation of the Working Group to Local Committee.

A couple of members referred to the length of time (nearly three weeks) between the meeting of the Working Group decision being made and the determination of the decision by the Local Committee. They asked if the decision was made by the Working Group at this meeting could officers start work immediately on the project, before the decision was determined by the Local Committee. It was noted that there would be the Call in period but this could be waived by the Chair of the Communities

and Place Scrutiny Advisory Board, who coincidentally was Chair of the Highways and Transportation Working Group.

The Senior Manager, Highways Delivery talked members through the next steps in the project which included the development of a detailed design which would inform the quantity of work to be undertaken and inform the project going forward. It was important that officers formulated a framework contract. At this time, of critical importance was whether a contractor could be secured to ascertain if the project was buildable and that the work was undertaken as soon as possible. Ms Chapman reported that an architect had been asked to ascertain the materials to be used and how long the project would take to complete.

It was proposed by Mr Wearing that design 3 be agreed as the preferred option as there had been cross party support during the meeting for it. Mr Bland seconded the motion. The Chair proposed an amendment that design 3 without trees was the agreed option as they may damage utilities and were an added complication to the design. Mr Bland withdrew his second for the substantive motion as he supported The Chair's amendment. Consequently there was no seconder for Mr Wearing's motion and it fell. Mr Bland seconded the Chair's motion.

A short discussion took place on whether the decision could be delegated to the Chair and Vice Chair of the Local Committee and the Area Manager. The Area Manager reminded the Working Group that it had no decision making powers and the decision on the design would be made by the Local Committee on 12 May 2022.

A member asked that in the period of time between the Working Group meeting and the meeting of the Local Committee that officers progress the work required to move the project forward.

The motion was put to the Working Group that Design 3 without trees be recommended to Local Committee. The vote was cast as follows: 4 in favour, 2 against and 0 abstentions.

Members noted that when the Working Group's recommendation was considered by the Local Committee, further debate could be had.

The Chair expressed his concern about how the decision had been brought before the Highways and Transportation Working Group and the Local Committee on 12 May 2022 at the last minute. He would raise the issue at the County Council's Audit and Assurance Committee as he considered that the project should have been progressed with fewer associated risks and within a more appropriate timescale.

RESOLVED that,

- 1 The Working Group recommends that Design 3 without trees is the preferred option
- 2 The Working Group notes that South Lakeland District Council wish enter into an agreement made under Section 278 Highways Act 1980, with the County

Council arranging for the Highway Works to be carried out, at the expense of South Lakeland District Council

64 DATE OF NEXT MEETING

The next meeting will be held on 10 June 2022 at 10.00am

The meeting ended at 3.20 pm

DRAFT