

# Individual Executive Decision Notice

<b>Report title</b>	Ward Street Railway Cutting – Parks and Open Spaces Strategy Capital Programme (phase 2)	
<b>Decision designation</b>	GREEN	
<b>Cabinet member with lead responsibility</b>	Councillor Steve Evans City Environment	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Ross Cook, City Environment	
<b>Originating service</b>	Environmental Services	
<b>Accountable employee(s)</b>	Steve Woodward	Head of Environmental Services
	Tel	01902 554260
	Email	<a href="mailto:Steve.Woodward@wolverhampton.gov.uk">Steve.Woodward@wolverhampton.gov.uk</a>
<b>Report has been considered by</b>	Finance	

---

## Summary

To update the Cabinet member for, City Environment, on the capital funds secured through a Section 106 Agreement and seek approval to begin delivery of the Ward Street Railway cutting project, as a part of the Parks Open Spaces Strategy Capital Programme.

## Recommendation decision:

That the Cabinet Member for City Environment, in consultation with the Director of City Environment,

1. Approve the commencement of the Ward Street Railway Cutting project in accordance with the section 106 agreement and approved exemption from normal competition requirements under contracts procedure rules to facilitate the gas main diversion works

---

Signature

---

Signature

## **1.0 Background**

- 1.1 The Council is committed to ensuring that both existing and new public open spaces meet the needs of the City and its communities. Wherever possible, we seek from new major developments either on-site open space provision or off-site specific contributions to improve nearby open spaces.
- 1.2 In accordance with the section 106 agreement for the Ward Street development dated 15 April 2014, it is a requirement that the developer pays the Council a sum of £952,114 upon transfer of the open space to the Council. The payment is made to the Council to landscape the railway cutting to provide accessible public open space.
- 1.3 The Council is in receipt of part payment (£250,450.42) of the section 106 contribution set out in 1.2 above. Part of this contribution is to be used to facilitate the gas main diversion works that are essential to creating an all-inclusive and fully accessible linear open space.
- 1.4 The Open Space Strategy and Action Plan (OSSAP) sets out priorities for spending on public open space. Every two years the OSSAP is reviewed and following consultation with all Councillors and Neighbourhood Plan groups is subject to Cabinet approval. The OSSAP is used as a guide in deciding whether an open space contribution is required and what such a contribution would be spent on. The OSSAP was reviewed in Spring 2018 and approved by Cabinet in July 2018.

## **2.0 Project seeking approval**

- 2.1 To approve the use of the existing approved capital budget of £150,000 for the diversion of the gas main currently running through Ward Street Railway Cutting.
- 2.2 An exemption from normal competition requirements under contracts procedure rules has been granted as the apparatus and equipment is owned by Cadent. Employing Cadent directly will achieve a local authority discount of £33,007.63.

## **3.0 Financial implications**

- 3.1 This report is to approve the capital project for the diversion of the gas main through Ward Street Railway cutting to a value of £150,000 forming part of the Parks and Open Spaces Strategy capital programme for 2020 - 2021. This budget is already included in the Council's approved capital programme.
- 3.2 The project will be funded in full from a section 106 agreement, a part payment of £250,450 has been received from the total section 106 payment of £952,114, the balance will fund future projects within the Parks and Open Spaces Strategy capital programme. There is no further financial cost to the Council to deliver this project.

[HM/25062020/F]

#### **4.0 Legal implications**

- 4.1 There are obligations to spend the capital funds in accordance with the section 106 Agreements for Ward Street Railway Cutting.

[TS/01052020/W]

#### **5.0 Equalities implications**

- 5.1 The proposals contained in this report will ensure the sites and facilities are more inclusive

#### **6.0 Environmental implications**

- 6.1 This project will assist in further improving the amount of quality open spaces within the City of Wolverhampton.

#### **7.0 Human resources implications**

- 7.1 There are no human resources implications arising from this report.

#### **8.0 Corporate landlord implications**

- 8.1 There are no Corporate landlord implications resulting from these proposed projects.

#### **9.0 Schedule of background papers**

- 9.1 Section 106 Planning Obligation between the Council and Persimmon Homes (the developer) dated 15 April 2014.