



## Agenda

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To all Members of the

# CABINET

Notice is given that a Meeting of the Cabinet is to be held as follows:

**Venue:** 007a and b - Civic Office Waterdale, Doncaster, DN1 3BU

**Date:** Tuesday, 20th March, 2018

**Time:** 10.00 am

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**Item for discussion:**

1. Apologies for Absence
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting
3. Public Questions and Statements

(A period not exceeding 20 minutes for questions and statements from members of the public and Elected Members to the Mayor of Doncaster, Ros Jones. Questions/Statements should relate specifically to an item of business on the agenda and be limited to a maximum of 100 words. As stated within Executive Procedure Rule 3.3 each person will be allowed to submit one question/statement per meeting. A question may only be asked if notice has been given by delivering it in writing or by e-mail to the Governance Team no later than 5.00 p.m. of the third working day before the day of the meeting. Each question or statement must give the name and address of the person submitting it. Questions/Statements should be sent to the Governance Team, Floor 2, Civic Office, Waterdale, Doncaster, DN1 3BU, or by email to [Democratic.Services@doncaster.gov.uk](mailto:Democratic.Services@doncaster.gov.uk))

**Jo Miller**  
Chief Executive

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Issued on: Monday, 12 March 2018

**Governance Services Officer for this meeting:**

Amber Torrington  
(01302 737462)

Doncaster Metropolitan Borough Council  
[www.doncaster.gov.uk](http://www.doncaster.gov.uk)

4. Declarations of Interest, if any.
5. Decision Record Forms from the meeting held on 6th March 2018 for noting (previously circulated)

**A. Reports where the public and press may not be excluded**

**Key Decisions**

- |    |                                                                                                                                                                                                                                                 |         |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 6. | Approval to enter into funding agreement with Sheffield City Region to be able to draw down SCRIF approved funding for the delivery of Quality Streets (Hall Gate and Silver Street) Scheme.                                                    | 1 - 14  |
| 7. | Approval to progress the funding agreement with Sheffield City Region and associated 'Back to Back Agreement' with Network Rail and to accept Sheffield City Region Investment Fund (SCRIF) funding for the delivery of Waterfront West Scheme. | 15 - 24 |

**Cabinet Members**

**Cabinet Responsibility For:**

<b>Chair – Ros Jones, Mayor of Doncaster</b>	Budget and Policy Framework
<b>Vice-Chair – Deputy Mayor Councillor Glyn Jones</b>	Adult Social Care and Equalities
Councillor Nigel Ball	Portfolio Holder for Public Health, Leisure and Culture
Councillor Joe Blackham	Portfolio Holder for Highways, Street Scene and Trading Services
Councillor Rachael Blake	Portfolio Holder for Adult Social Care
Councillor Nuala Fennelly	Portfolio Holder for Children, Young People and Schools
Councillor Chris McGuinness	Portfolio Holder for Communities, Voluntary Sector and the Environment
Councillor Bill Mordue	Portfolio Holder for Business, Skills and Economic Development
Councillor Jane Nightingale	Portfolio Holder for Customer and Corporate Services



## Doncaster Council

### Report

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**Date:**  
**20<sup>th</sup> March 2018**

**To the Chair and Members of the CABINET**

**APPROVAL TO ENTER INTO FUNDING AGREEMENT WITH SHEFFIELD CITY REGION TO BE ABLE TO DRAW DOWN SCRIF APPROVED FUNDING FOR THE DELIVERY OF QUALITY STREETS (HALL GATE AND SILVER STREET) SCHEME**

<b>Relevant Cabinet Member(s)</b>	<b>Wards Affected</b>	<b>Key Decision</b>
Joe Blackham – Portfolio Holder for Regeneration and Transport  Bill Mordue - Portfolio Holder for Business, Skills and Economic Development	Town Centre	Yes

### **STRATEGIC CONTEXT**

The Urban Centre is a vital part of Doncaster's future; it is an important area of the Borough requiring significant attention and is a high priority theme of Doncaster Growing Together initiative.

The key strategy document for the town centre that provides a framework of the future opportunities and improvements is the Urban Centre Master Plan (UCMP). The plan outlines a range of options and objectives to make the town centre successful, recognising that it needs to be adaptable to the changing environment, both physical and socio-economic.

The UCMP presents a comprehensive analysis of the strengths to be cultivated and areas requiring attention and support. The Council is currently working across a range of disciplines to develop and deliver managed programmes of interventions and infrastructure projects to be taken forward. We also need to

be cognisant that new opportunities will constantly present and therefore the plan needs to be flexible to those opportunities.

The main body of work now is to ensure the delivery of the current tranche which includes Quality Streets and Waterfront West and establish future projects based around balancing key priorities of deliverability, funding, and outcomes.

## **EXECUTIVE SUMMARY**

- 1.1 Hall Gate is located at a key geographical point for the town centre, providing both the arrival point from South Parade to the town centre and the connectivity to Doncaster Racecourse. Silver Street is recognised as a key area in the delivery of the night time economy.
- 1.2 The Urban Centre Masterplan identifies that there is a clear opportunity and indeed imperative, to look at this location and to consider a more 'City Scale' response to the regeneration of this area and recognised Hall Gate and Silver Street as catalyst to the delivery of the Innovation Quarter.
- 1.3 There is a need to radically change the feel of this location to raise the quality and provide a new sense of place. It should be defined in this way to ensure that it is seen as a new and significant location for the City Core.
- 1.4 The key intervention and catalyst is the public realm investment to create a new shared surface and softer street scene effectively making the transition from the tree lined approach of South Parade to the harder, more formal streetscape of Hall Gate.
- 1.5 The public realm investment to Quality Streets will re-invigorate the area and combined with policy freedom will bring forward a range of uses and support for entrepreneurship, reinventing this arrival point from South Parade and connectivity with Enterprise Marketplace and St Sepulchre Gate.
- 1.6 Located at a central location to the City Centre, the rejuvenation of Hall Gate and Silver Street will have a range of fundamental benefits through:
  - Creation of a new shared surface and softer street scheme
  - Public realm improvements to create a transformational sense of arrival
  - Connectivity to wider locations including Doncaster Markets, New Cinema with gourmet eating area, New Library and Museum and the thoroughfare to Doncaster Racecourse
  - Securing the long term future of Doncaster evening economy
- 1.7 The Full Business Case was submitted to SCR on 24<sup>th</sup> January 2018 with Infrastructure Executive Board decision expected in April 2018.

## **EXEMPT REPORT**

- 2.1 Not Exempt

## RECOMMENDATIONS

3. This report is seeking approval and support for:-

- The progression to Funding Agreement stage and the subsequent acceptance of £1.35m SCRIF funding (subject to the negotiation of acceptable terms and conditions with the grant sponsor) in relation to Quality Streets;
- Delegation in respect of negotiating and agreeing those terms and conditions to the Director of Regeneration & Environment, in consultation with the Mayor and Chief Financial Officer;
- Delegation in respect of the final design and layout to the Director of Regeneration & Environment, in consultation with the Mayor and the Portfolio holder.
- Removal of the income budget for on-street parking on Hall Gate as this parking provision will be removed as part of the scheme (5.21).

## WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4.1 The SCRIF funding will enable Doncaster's Urban Centre Schemes to progress, delivering a number of outputs and stimulating economic growth in key areas of regeneration within the heart of Doncaster. Direct and Indirect benefits of the Quality Streets scheme include:

- Improvements to the public realm across both Hall Gate and Silver Street;
- Creating a desirable visitor destination where people choose to stay;
- Provision of outside space and alfresco areas for businesses;
- Delivery of additional jobs through either an increase in working hours (evening economy) and / or provision of new jobs;
- Connectivity through the Urban Centre from the Enterprise Marketplace, Civic and Cultural Quarter and St Sepulchre Gate (Station forecourt);
- Improved public safety, enhancing the evening economy;
- Encourage and attract new investment in the area;
- Longer term return of void business space back into use;
- New lighting scheme on Silver Street providing the opportunity for themed lighting and lighting shows throughout the event calendar e.g.: St Leger Week, Tour de Yorkshire and other events.

4.2 The table below illustrates the projected additional jobs over the period following scheme completion.

<b>FTE Jobs</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25+</b>
Existing jobs – full time	124	124	124	124	124	124

posts						
Existing jobs – Part time posts	380	380	380	380	380	380
<b>Additional jobs</b>	<b>10(20)</b>	<b>15(30)</b>	<b>25(50)</b>	<b>35(70)</b>	<b>45(90)</b>	<b>290(580)</b>

## BACKGROUND

- 5.1 The Sheffield City Region Investment Fund (SCRIF) is a framework of funding streams to deliver essential strategic infrastructure to increase economic growth and jobs in Sheffield City Region (SCR).
- 5.2 SCRIF brings a range of funding streams together into a single assessment and prioritisation approach determined at a city region level by elected leaders and the Local Enterprise Partnership.
- 5.3 SCRIF is a way for local authorities to deliver the economic schemes essential for future growth. While the primary objective of SCRIF is economic growth, this is balanced with a desire to ensure that the benefits of the programme are reasonably distributed across SCR.
- 5.4 Funding streams for other priorities such as social inclusion, the environment and safety and security are not affected by SCRIF.
- 5.5 On 26th July 2013, the Sheffield City Region Local Transport Body (LTB) published an initial prioritised list of schemes which will have the biggest impact on jobs and economic growth in Sheffield City Region over the next decade. The development schemes on the list have been rigorously assessed on their likely impact on economic growth and jobs for the area, investments included Doncaster's Urban Centre SCRIF Project (Total Scheme Investment £33.4m of which £23.9m is SCRIF).
- 5.6 Following the submission and subsequent approval (July 2015) of the Urban Centre Stage 1A Outline Business Case, Full Business Cases (Stage 1B) were required for each of the 7 elements that made up the Urban Centre SCRIF bid (CCQ, Colonnades, Waterfront, Markets, St Sepulchre / Station Forecourt, Quality Streets and Lakeside).
- 5.7 On the 24<sup>th</sup> January 2018, the Urban Centre Quality Streets Scheme Stage 1B Full Business Case was submitted to SCR. The decision is expected in April 2018:
  - Quality Streets – Total Scheme £2.067m (SCRIF £1.35m)
- 5.8 There are major opportunities for growth in Doncaster, and our ambitions are rightly high. Meeting the targeted growth for the Borough and its contribution to city region growth will require sustained momentum to grow all sectors of the economy. In particular, Doncaster's urban core has a key role to play in providing the capacity to attract and retain more higher-value jobs that generally have a propensity to seek urban centre locations. As a minimum, the Borough will need to catch up with City Region averages in terms of jobs and businesses per head. The City centre has the potential to

play a stronger role as a regional business hub given its clear connectivity advantages.

- 5.9 Doncaster has already secured critical investment in a wide range of economic infrastructure but it still has considerable structural barriers to overcome. Its economic base is still comparatively reliant upon consumer-driven sectors and remains vulnerable to economic shocks. The loss of 1,700 retail & wholesale jobs in the town centre between 2009 and 2014 to some extent reflects national trends in town centres but nevertheless highlights the need for a coherent policy response to support diversification of town centre functions. The Council's Economic Growth Plan (2013) recognised that continued economic diversification is needed to make the local economy more resilient.
- 5.10 Quality Streets (Hall Gate and Silver Street) are key to the delivery of the Innovation Quarter as identified in the Urban Centre Masterplan. The quarter is currently characterised by a range of uses including some secondary retail, professional services, bars and cafes. Formerly part of the City retail core this feels like a location in need of a new purpose and identity. It is also a vitally important location for the City Core as it represents the first point of arrival in Doncaster centre from South Parade.
- 5.11 There is a need to radically change the feel of this location to raise the quality and provide a new sense of place. It should be defined in this way to ensure that it is seen as a new and significant location for the City Core. The key intervention and catalyst is the public realm investment to create a new shared surface and softer street scene effectively making the transition from the tree lined approach of South Parade to the harder, more formal streetscape of the Retail Core focused on Hall Gate.
- 5.12 The public realm investment to Quality Streets will re-invigorate the area and combined with policy freedom will bring forward a range of uses and support for entrepreneurship will reinvent this arrival point from South Parade and connectivity with Enterprise Marketplace and St Sepulchre Gate.
- 5.13 The scheme will:
- Create new employment opportunities and by extension of the evening economy increase opening hours and hours worked by staff
  - Project a more positive image of Doncaster's evening and night time economy enhancing the climate for further inward investment and improvements by current property and business owners
  - Through delivery of a quality public realm improve attractiveness of the area, attract and support new and existing business growth in the Innovation Quarter
  - Act as a catalyst and enabler to these projects and facilitate and support the aims and objectives of the Urban Centre Masterplan

## **Hall Gate**

- 5.14 Hall Gate is located within the High Street Conservation Area (designated in 1977) with a professional businesses; solicitors and estate agents, and a number of pubs and restaurants which operate across a range of opening hours. The current void rate is 15% with a void floor space of 1082<sup>m</sup><sup>2</sup>. With

the changes in estate agent activities to on-line provision there is the potential for the void levels to increase as a number of estate agents may re-profile their business operation model.

## **Silver Street**

- 5.15 Silver Street is predominantly a night time economy with bars and fast food outlets operating from midnight onwards. This reflects the changes in social trends with businesses struggling to stay open with a weekend economy only.
- 5.16 The bars, pubs and night clubs are located on one side of Silver Street with fast food and eateries located on the opposite side creating a conflict between pedestrians and road traffic, resulting in an unsafe environment.
- 5.17 The proposed scheme will remove this conflict; creating a safer environment for visitors and the opportunity for businesses to extend into the front of their premises creating bespoke alfresco areas and a sense of place. It is envisaged that this will encourage expansion into the evening economy and return the void premises back into use. The current void rate is 16% with a floor space of 322<sup>m</sup><sup>2</sup>.
- 5.18 In summary this scheme will provide:
- Improvements to 8,036m<sup>2</sup> of the public realm across both Silver Street and Hall Gate
  - Creating a desirable visitor destination where people choose to stay
  - 483m<sup>2</sup> outside space and alfresco areas for businesses
  - Delivery of additional 290 (580) jobs through either an increase in working hours (evening economy) and / or provision of new jobs.
  - Connectivity through the Urban Centre from the Enterprise Marketplace, Civic and Cultural Quarter and St Sepulchre Gate (Station forecourt)
  - Improved public safety, enhancing the evening economy
  - Encourage and attract new investment in the area
  - Long term return of 1,404m<sup>2</sup> void business space back into use
  - New attraction of lighting on Silver Street providing the opportunity for themed events
- 5.19 The lighting will deliver a unique selling point to Doncaster, being used at key times during the evenings and night time to create a display onto the footways and buildings with bespoke facilities to highlight events including St Leger Festival, Tour De Yorkshire, Yorkshire Day and other key events held throughout the year.



- 5.20 The works to the public realm will act as a catalyst to the delivery of the Innovation Quarter; preventing the cumulative decline of the area and delivery of the long term vision that in 5 to 10 years the Innovation Quarter will be established as a business hub, with pop up businesses utilising cafes as meeting places with clients and the expansion of the evening economy.
- 5.21 To achieve the desired single carriageway design for Hall Gate, the on-street pay and display parking must be removed, reducing the income generated by this service by approximately £24k per annum. Regulation and Enforcement support the scheme and the removal of the bays, provided the associated income budget is removed.
- 5.22 The improved market car park will provide an additional 92 parking spaces. Disabled parking in the town centre is under review and Duke Street will be considered as an alternative parking area.

## **OPTIONS CONSIDERED**

### **6.1 Option 1 – Do Nothing “Reference Case”**

The reference case would see little or no investment to upgrade and radically change the public realm. The project would not be completed and the highway and footways would remain as is. In recent years there has been a high turnover of businesses operating and an increase in the number of voids. The reference case position would be that this trend would continue with the area falling behind other areas benefiting from regeneration and investment and would enter into a cumulative spiral of decline. There would be deterioration to the public realm with minimal works and repairs.

### **6.2 Option 2 – Reduced SCRIF funding**

A reduction in SCRIF funding will directly impact the quality of the scheme, Silver Street and Hall Gate need investment to the public realm to achieve what has been identified in the Urban Centre Masterplan for the successful delivery of the Innovation Quarter.

Reducing SCRIF funding would limit the scheme to either Silver Street or Hall Gate and would miss the opportunity to complete the transformation of this area at the same time as the Enterprise Markets Phase 1 project is completed. This will reduce the opportunity to deliver attractive streetscapes and increase the economy to the area and put in danger the overall objectives by not delivering the comprehensive sense of change required.

By focussing on either Silver Street or Hall Gate could have a negative impact on the area not invested in. If a phased approach was taken there would be a missed opportunity to benefit from economies of scale including minimising the traffic management aspect of the project. Not only would the cost be increased by up to £141k with delivery over two phases but the impact on businesses while works undertaken would be extended.

Should stakeholder consultations or TRO implications arise then the scheme can be delivered largely to outcomes within the SCR FBC, with alternative traffic management layouts.

### 6.3 Option 3 – Preferred Option

The preferred option would see investment from SCRIF utilised to deliver Quality Streets as one project minimising the impact on businesses whilst works are undertaken. It is expected that the enhanced public realm will provide alfresco areas and opportunities for pubs and restaurants to have an additional alfresco or external space which will increase footfall and job opportunities. This option will also give stakeholders and future investors the confidence to commit to deliver their own investment plans.

## REASONS FOR RECOMMENDED OPTION

- The Project supports the long term regeneration and growth of Doncaster's Urban Centre and the investment will bring benefits to the local economy, the citizens of Doncaster and the wider City Region.

## IMPACT ON THE COUNCIL'S KEY OUTCOMES

8.

	Outcomes	Implications
	<p><b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> <li>Better access to good fulfilling work</li> <li>Doncaster businesses are supported to flourish</li> <li>Inward Investment</li> </ul>	<p>The SCRIF Funding and investment will safeguard existing jobs and help create new jobs in the Town Centre through the sustainability of existing business and the attraction of new business.</p>
	<p><b>Doncaster Living:</b> Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> <li>The town centres are the beating heart of Doncaster</li> <li>More people can live in a good quality, affordable home</li> <li>Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>Everyone takes responsibility for keeping Doncaster Clean</li> <li>Building on our cultural, artistic and sporting heritage</li> </ul>	<p>Services will be supported through the income produced and savings from the investment which will support the longer term financial sustainability of the Council.</p>
	<p><b>Doncaster Learning:</b> Our vision is for</p>	

	<p>learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> <li>• Every child has life-changing learning experiences within and beyond school</li> <li>• Many more great teachers work in Doncaster Schools that are good or better</li> <li>• Learning in Doncaster prepares young people for the world of work</li> </ul>	
	<p><b>Doncaster Caring:</b> Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> <li>• Children have the best start in life</li> <li>• Vulnerable families and individuals have support from someone they trust</li> <li>• Older people can live well and independently in their own homes</li> </ul>	<p>Through the generation of long term sustainable income this will help reduce pressure on budgets and therefore reduce the pressure for increase in areas such as Council Tax.</p>
	<p><b>Connected Council:</b></p> <ul style="list-style-type: none"> <li>• A modern, efficient and flexible workforce</li> <li>• Modern, accessible customer interactions</li> <li>• Operating within our resources and delivering value for money</li> <li>• A co-ordinated, whole person, whole life focus on the needs and aspirations of residents</li> <li>• Building community resilience and self-reliance by connecting community assets and strengths</li> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul>	<p>The SCRIF Funding and investment will safeguard existing jobs and help create new jobs in the Town Centre through the sustainability of existing business and the attraction of new business.</p> <p>As part of the programme for the scheme there has been and will continue to be engagement with partners and stakeholders.</p>

## RISKS AND ASSUMPTIONS

9. At this stage the main risks are:

- Loss of SCRIF funding and reputation should the Council not give approval to accept the funding and progress the development of the scheme.
- Claw-back on outputs should the funding not be spent in line with the purpose for it was awarded i.e. on the improvements to the public realm

on Hall Gate and Silver Street. To date, claw back has been expected to be based on "Project Outputs" meaning the product of the works and likely to be described as the delivery of the refurbishment to Hall Gate and Silver Street. This would be considered reasonably within the Council's control to comply with.

- The CA may require claw back to be based on "Project Outcomes", meaning the benefits of the works, such as more jobs, increased retail/leisure space, etc. The outcome based claw backs for Quality Streets have yet to be defined by the CA, and these are not the Council direct control, however we believe the outcomes are likely to be manageable as they will be based on the FBC projections and currently projected longer term to allow the benefits of the project outcomes to be realised.
- The proposed scheme does not receive the full buy in and support from businesses.
- Changes to the proposed scheme resulting in delays to the proposed start and completion dates.

#### **LEGAL IMPLICATIONS [Officer Initials: SF : Date 02/02/2018]**

10. The Local Government Act 1972 provides a local authority with the power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

The 2011 Localism Act introduced the so called "general power of competence" which states that "A local authority has power to do anything that individuals generally may do".

Legal services will provide support and advice regarding the contents of the Funding Agreements to be entered into to secure the SCRIF monies.

The SCRIF Funding Agreement will place obligations on the Council and contain claw-back provisions if the Council fails to comply with the terms upon which funding is provided. Further detailed work will be required on that agreement when it is received from SCR and appropriate legal advice on the risks to the Council and mitigation/management strategies to manage those risks. Careful monitoring of the claw-back provisions and compliance with the terms of both Funding Agreements will be required by the project team.

Further legal advice will be required as the project progresses particularly in relation in relation to Planning and Highways Law and compliance with the term and conditions of the Funding Agreements.

## FINANCIAL IMPLICATIONS (DR 14/03/18)

11. The overall cost of the Quality Streets project is currently estimated to be £2.067m, with proposed financing as follows: -

Scheme funding	£m
SCRIF	1.350
Local Transport Capital Pot	0.467
Corporate Resources	0.250
Total	<u>2.067</u>

Of the above resources only the £0.250m Corporate Resources are fully secure, having been allocated through the Council's budget setting reports through to 2017/18. £0.150m of these resources were provided specifically to allow for preliminary works to take place ahead of a Full Business Case submission to secure the SCRIF monies, a decision on the latter now expected to be April 2018. Approval to draw down the £0.150m Corporate Resources was given via ODR 29<sup>th</sup> January 2018; with spend to date of £0.041m.

Only the SCRIF monies and the Corporate Resources are currently recognised in the Capital Programme; the creation of the Local Transport Capital Pot (LTCP) and allocations for Doncaster were formally approved by the Sheffield City Region (SCR) 9<sup>th</sup> March 2018 and will be updated for this project in the Capital Programme at outturn.

As yet the full terms and conditions of the LTCP are not yet known. The SCR report says "a period of due diligence will be required with regard to the named schemes" but this project is already well advanced in the SCRIF due diligence process and the risk that this will lead to an unpalatable LTCP funding agreement is considered low.

The SCRIF funding does have outline business case approval, so is supported in principle by the SCR, but is still subject to full approval through the Final Business Case and signing of the funding agreement. Nothing is currently foreseen to prevent this from happening and the terms and conditions of the funding agreement are generally expected to be similar to those of other SCRIF projects and are likely to be acceptable to the Council.

The main issues are expected to be: -

- To date, claw back has been expected to be based on "Project Outputs" meaning the product of the works and likely to be described as the delivery of the refurbishment to Hall Gate and Silver Street. This would be considered reasonably within the Council's control to comply with. However, there is a possibility that the CA will require claw back to be based on "Project Outcomes", meaning the benefits of the works, such as more jobs, increased retail/leisure space, etc. This would be much more difficult for the Council to control and increase the risk of claw back. It has recently been proposed that the money will be paid in total up front as a "recoverable grant", which would require the S151 Chief Financial Officer to be assured against claw back based on Project

Outputs. Currently the SCR are referring to the resulting agreement as an “Outcome Based Contract” and, until further details of claw back conditions are received, increases the risk of it being based on Project Outcomes rather than Project Outputs.

- Only expenditure outlined within the Final Business Cases (FBC) can be claimed – in most cases the Council has provided other resources to cover project costs outside the scope of the FBC.
- Grant may be lost if there is variation of spend in relation to annual profiles – this situation should be managed through the City Region’s reporting and change request process. However, given the nature of capital projects the risk of variation could be high and there is no guarantee that the City Region will allow unspent funds to be carried forward in the event of slippage. Due to the region wide demands on the SCRIF there is already pressure from the CA to spend these funds to the current profile. All of the SCRIF money is profiled in 2018/19 financial year; the current programme of works should enable the full grant to be claimed in that year, so loss of grant from slippage is not expected. The Council’s Major Projects team will need to ensure the programme is achieved.
- Adherence to EU structural fund rules. This could cause procurement problems if a framework is to be used.

The project is dependent on the value of SCRIF, so until full approval is actually achieved there is still a risk that the project may not proceed to construction. In this event, the preliminary works expenditure incurred by that date may become abortive if funding to replace SCRIF could not be secured. Any abortive costs arising would need to be written out to revenue. They would not be eligible to be funded from the above capital resources and would become a pressure on the Council’s revenue budget for which alternative resources would need to be identified. Although the risk of this happening is considered to be low.

Approval to draw down of any monies beyond the £0.150m already mentioned is expected to be undertaken by further decision records.

Revenue implications: -

The removal of parking spaces on Hall Gate will lead to a loss in income estimated to be £24k per annum. No alternative resources have been identified to compensate for this, so represents a new pressure on the Council’s Medium Term Financial Forecast. With works due to commence in August 2018 the pressure is estimated to be £16k in 2018/19 financial year and £24k on-going from 2019/20. Any extra income from the additional 92 Market parking places mentioned in the body of the report is already required to pay for borrowing costs relating to the development at the Market and is not available for this purpose.

The new lighting scheme may lead to increased maintenance and energy costs over and above the current budget provision for the existing lighting. At this stage any value arriving from this is not known. The service will need to undertake further work to determine whether there is an additional pressure for which funding needs to be identified.

## **HUMAN RESOURCES IMPLICATIONS [Officer Initials AC : Date 06.02.18]**

12. There are no immediate HR implications arising from the recommendation, however, any changes as a result of the decision that impact on the workforce will require HR engagement and would require separate approval.

## **TECHNOLOGY IMPLICATIONS [Officer Initials PW : Date 05.02.18]**

13. There are no direct ICT implications at this stage. However, ICT will need to feed into the design phases for the proposed scheme to advise in relation to the required infrastructure to support the proposals such as Public Access WiFi, CCTV and provision or changes required to the Councils private fibre optic network (DPON). Any associated ICT costs would need to be met from the overall scheme budget outlined above.

## **HEALTH IMPLICATIONS [Officer Initials CT : Date 06.02.18]**

14. The health implications of reducing traffic flow and parking opportunities within this area are positive due to the potential positive impacts on outcomes for physical activity, air quality and reducing congestion.

High streets that adapt to change and are designed well can do much to support the wellbeing of local people, including: improving the local economy, securing a diverse retail environment, promoting social cohesion, improving mental health, and protecting people from toxic levels of pollutants as well as risk of traffic accidents and crime.

The redesign of Hall Gate and Silver Street will reduce traffic flow and improve air quality it will also support the Council's aspirations to increase active travel by opening up access to the Hall Gate and Silver Street area as well as the wider town centre.

In terms of design consideration needs to be given to the placement and types of street furniture and lighting to ensure a fully accessible area that can be enjoyed by everyone; people with disabilities, parents with young children, and older people can find it difficult to access high streets, or to navigate the street once they are there. Providing spaces that offer shelter, shade and rest opportunities help to promote accessibility; this could be achieved by improving the green infrastructure.

Increasing employment opportunities through the increased night time economy is a positive impact, however increasing access to unhealthy food and alcohol can negatively impact on health. Therefore, any planning applications for A5 use or alcohol licences should be assessed individually by Public Health in line with planning and licensing policy.

Public Health has been involved as a stakeholder and this should continue as the scheme is further developed.

There is no reference as to how the impact of the improvement scheme will be evidenced.

## **EQUALITY IMPLICATIONS [Officer Initials SG : Date 01.02.18]**

- 15.1 Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a "protected characteristic" and those who do not share that protected characteristic.

## **CONSULTATION**

- 16.1 A Communications Plan has been developed to ensure opportunities for businesses and residents to comment on and contribute to the final scheme are afforded and continual engagement with internal and external partners.
- 16.2 Consultations completed to date are detailed in Appendix A
- 16.3 Discussion is, and will continue to be, ongoing in respect of the Council's SCRIF projects to include the Mayor, Portfolio Holders, Chief Executive, Director of Regeneration and Environment, Director of Finance and Corporate Services and all other interested stakeholders

## **BACKGROUND PAPERS**

17. Consultation Summary

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## Doncaster Council

### Report

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Date: 20<sup>th</sup> March 2018

To the Chair and Members of CABINET

#### **APPROVAL TO PROGRESS THE FUNDING AGREEMENT WITH SHEFFIELD CITY REGION AND ASSOCIATED 'BACK TO BACK AGREEMENT' WITH NETWORK RAIL AND TO ACCEPT SHEFFIELD CITY REGION INVESTMENT FUND (SCRIF) FUNDING FOR THE DELIVERY OF WATERFRONT WEST SCHEME**

<b>Relevant Cabinet Member(s)</b>	<b>Wards Affected</b>	<b>Key Decision</b>
Cllr Joe Blackham	Town	Yes

#### **STRATEGIC CONTEXT**

The Urban Centre is a vital part of Doncaster's future; it is an important area of the Borough requiring significant attention and is a high priority theme of Doncaster Growing Together initiative.

The key strategy document for the town centre that provides a framework of the future opportunities and improvements is the Urban Centre Master Plan (UCMP). The plan outlines a range of options and objectives to make the town centre successful, recognising that it needs to be adaptable to the changing environment, both physical and socio-economic.

The UCMP presents a comprehensive analysis of the strengths to be cultivated and areas requiring attention and support. The Council is currently working across a range of disciplines to develop and deliver managed programmes of interventions and infrastructure projects to be taken forward. We also need to be cognisant that new opportunities will constantly present and therefore the plan needs to be flexible to those opportunities.

The main body of work now is to ensure the delivery of the current tranche which includes Quality Streets and Waterfront West and establish future projects based around balancing key priorities of deliverability, funding, and outcomes. An overview of the progress to date will be provided as a preamble to the individual urban centre scheme reports for cabinet

## **EXECUTIVE SUMMARY**

1. In February 2016 confirmation was received that the application for funding from the Sheffield City Region Investment Fund (SCRIF) had been approved by the SCR Infrastructure Board (IEB) and the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (CA) towards the Doncaster Urban Centre Waterfront West project.
2. The approved SCRIF grant of £750,000 represents the Council's contribution towards the £1.5m Friars Gate Bridge improvement scheme being undertaken by Network Rail to facilitate the redevelopment of their depot facilities at Doncaster Marshgate, safeguarding up to 600 full time equivalent jobs (FTE) in the rail sector and creating up to 60 direct FTE jobs in the construction sector.
3. To facilitate the drawdown of the SCRIF funding and payment of that funding to Network Rail, the Council is required to enter into separate funding agreements with the Sheffield City Region Combined Authority and Network Rail. This report seeks approval from Cabinet to progress the respective funding agreements and to delegate the negotiation and agreement of the terms and conditions of those funding agreements to the Director of Regeneration and Environment in consultation with the Mayor and Chief Financial Officer.

## **RECOMMENDATIONS**

4. It is recommended that Cabinet:
  - (i) Approves the progression to Funding Agreement stage and the subsequent acceptance of £750,000 SCRIF funding (subject to the negotiation of acceptable terms and conditions with the grant sponsor and Network Rail) in relation to the Doncaster Urban Centre Waterfront West project; and
  - (ii) Delegates the negotiation and agreement of those terms and conditions, to the Director of Regeneration and Environment in consultation with the Mayor and Chief Financial Officer.

## **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

5. The delivery of improvements to Friars Gate Bridge will unlock the delivery of new accommodation and depot facilities for Network Rail which will safeguard up to 600 full time equivalent jobs (FTE) within Network Rail and its private sector contracting partners and support up to 60 direct FTE jobs in the construction sector during the build phases of the project.
6. The depot is designed to 'future proof' Network Rail's future expansion and project accommodation requirements and has the potential to attract more FTE jobs to Doncaster as projects within Network Rail align to the available high quality accommodation and depot facilities.
7. Redeveloping the site and locating up to 600 staff into a central Doncaster site with excellent pedestrian links to the town centre will have an indirect economic benefit in the immediate locality.

## BACKGROUND

8. The Sheffield City Region Investment Fund (SCRIF) is a framework of funding streams to deliver essential strategic infrastructure to increase economic growth and jobs in Sheffield City Region (SCR).
9. SCRIF brings together a range of funding streams into a single assessment and prioritisation approach, determined at a City Region level by elected leaders and the Local Enterprise Partnership. It is a way for local authorities to deliver the economic schemes essential for future growth.
10. On 26<sup>th</sup> July 2013, the Sheffield City Region Local Transport Body (LTB) published an initial prioritised list of schemes which will have the biggest impact on jobs and economic growth on Sheffield City Region over the next decade. The development schemes on the list were rigorously assessed on their likely impact on economic growth and jobs for the area and included Doncaster's Urban Centre SCRIF Project (Total Scheme Investment £33.4m of which £23.9m is SCRIF).
11. Following the submission and subsequent approval (July 2015) of the Urban Centre Stage 1A Outline Business Case, Full Business Cases (Stage 1B) were required for each of the 7 elements that made up the Urban Centre SCRIF bid (CCQ, Colonnades, Waterfront, Markets, St. Sepulchre/Station Forecourt, Quality Streets and Lakeside).
12. In December 2015 several Full Business Cases (Stage 1B) were submitted by the Council to SCR including the Waterfront West project (SCRIF £750,000).
13. The £750,000 SCRIF grant represents a 50% contribution towards the £1.5m Friars Gate Bridge improvement scheme being undertaken by Network Rail to facilitate the redevelopment of their depot facilities at Doncaster Marshgate.
14. In February 2016 confirmation was received from SCR that the Full Business Case for Waterfront West had been successful, having been approved by the Infrastructure Executive Board (15<sup>th</sup> January 2016) and the Combined Authority (1<sup>st</sup> February 2016), but were subject to the following conditions:
  - i. Provision of a letter of support from Network Rail detailing their proposed investment in both the bridge strengthening and the proposal for the development of the new Marshgate super depot facilities;
  - ii. Agreement of a fuller set of project objectives between SCR and DMBC;
  - iii. Further clarification of the contractual basis by which SCRIF funds will be transferred to Network Rail, and
  - iv. Provision of a risk register which quantifies and assesses the risks to project delivery.

15. All the conditions outlined above have been completed to the satisfaction of SCR and this is acknowledged in the draft Funding Agreement currently being negotiated between Barnsley, Doncaster, Rotherham and Sheffield Combined Authority and DMBC.
16. The Waterfront (West) is the strengthening and improvement of an existing bridge which provides access to the site of the planned £8.5m Network Rail new accommodation and depot facilities.
17. Early upfront investment in infrastructure is crucial to the delivery of new depot and accommodation facilities on the site with the potential to accommodate up to 600 operational and office based employees and contractor partners.
18. The delivery of new accommodation and depot facilities within South Yorkshire and at Doncaster Marshgate will build upon Network Rail's presence in Doncaster and the Sheffield City Region as a key strategic rail location and area of economic growth in the rail and infrastructure sector. The project is part of a wider Network Rail Infrastructure investment programme in office and depot facilities across the London North East and East Midlands Route which amounts to a £35m investment programme of which £9.05m will be directly invested in Doncaster (giving a total scheme investment of £9.8m) as one of 5 priority sites for development across the Route.
19. Funding will increase capacity at the existing bridge structure from 7.5 tonnes to 40 tonnes across both lanes and increase the height clearances from 14'4 to 16'6. These improvements will enable NRIL to intensify operations at the Marshgate site and unlock its development potential.
20. The strengthening and renewal of this important bridge structure will also help to unlock wider commercial development in the surrounding Market's Area of Doncaster which will open up opportunities for further private sector investment and regeneration.
21. Following the formal approval of SCRIF grant of £750,000 towards the project in 2016 Network Rail developed the Friar's Gate Bridge scheme design and tender package with the Design & Build Contract ITT being issued in October 2017 with tenders returned at the end of January 2018. Following the selection process and the securing of internal Network Rail sign offs it is anticipated that the Design & Build contract will be issued by Network Rail at the end of March 2018.
22. The current Network Rail programme is for the Friar's Gate Bridge scheme detailed design to be completed by the end of June 2018 with construction commencing on 9<sup>th</sup> July 2018. It is anticipated that the bridge works will be completed by the end of January 2019.
23. A planning application for the bridge scheme was submitted in November 2017. Network Rail is currently negotiating with The Canals and Rivers Trust in respect of a satisfactory clearance height of the bridge to watercourse and towpath levels.

24. Network Rail has, in parallel to the development of the Friar's Bridge scheme, taken the depot scheme through a Design & Build procurement process and following the successful appointment of a contractor detailed design is currently being progressed. Planning permission for the depot was granted on 22<sup>nd</sup> November 2017.
25. It is anticipated that enabling works related to the development of the depot will commence in May 2018, main construction works will commence in July 2018 with full handover of the new depot facilities being completed in December 2019.
26. Doncaster Council will act as the accountable body for the SCRIF funding and will enter into a formal funding agreement with Network Rail to ensure all required project outputs and outcomes are achieved. The Council's Major Projects team has an excellent track record in delivering major infrastructure projects and will oversee the delivery of the funded bridge refurbishment project by Network Rail.

### OPTIONS CONSIDERED

27. There are 2 options available to the Council:
  - **Option 1:** Do not progress the Funding Agreements nor accept the SCRIF approved funding – if this option is implemented and SCRIF funding is not accepted there is a risk that the project would not be delivered and the benefits outlined in this report will not be achieved; and
  - **Option 2:** Progress the Funding Agreements and accept the SCRIF approved funding – if the SCRIF funding is accepted the project will be delivered in full and the outputs outlined in this report will be delivered.

### REASONS FOR RECOMMENDED OPTION

28. The recommended option is **Option 2**, to progress the funding agreements and subsequently accept the SCRIF funding because:
  - The project will be delivered in full with the SCRIF funding contribution and will support the long term regeneration and growth of Doncaster's Urban Centre and Rail Industry Sector; and
  - The investment will bring benefits to the local economy, the citizens of Doncaster and the wider City Region.

### IMPACT ON THE COUNCIL'S KEY OUTCOMES

29.

	Outcomes	Implications
	<b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;	The SCRIF funding and investment will safeguard up to 600 FTE jobs within Doncaster's Rail Sector, create up to 60 FTE construction jobs and create the potential for

	<ul style="list-style-type: none"> <li>• Better access to good fulfilling work</li> <li>• Doncaster businesses are supported to flourish</li> <li>• Inward Investment</li> </ul>	<p>additional job creation within the Rail Sector. The provision of £750,000 SCRIF funding will match an additional £750,000 from Network Rail towards the bridge scheme in addition to facilitating Network Rail's depot redevelopment at an estimated cost of £9.05m.</p>
	<p><b>Doncaster Living:</b> Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> <li>• The town centres are the beating heart of Doncaster</li> <li>• More people can live in a good quality, affordable home</li> <li>• Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>• Everyone takes responsibility for keeping Doncaster Clean</li> <li>• Building on our cultural, artistic and sporting heritage</li> </ul>	<p>The scheme will provide a high quality commercial development in a currently rundown industrial area at the edge of Doncaster town centre.</p> <p>There are no negative implications that may impact on the Council's key objectives.</p>
	<p><b>Doncaster Learning:</b> Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> <li>• Every child has life-changing learning experiences within and beyond school</li> <li>• Many more great teachers work in Doncaster Schools that are good or better</li> <li>• Learning in Doncaster prepares young people for the world of work</li> </ul>	<p>There are no negative implications that may impact on the Council's key objectives.</p>
	<p><b>Doncaster Caring:</b> Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> <li>• Children have the best start in life</li> <li>• Vulnerable families and individuals have support from someone they trust</li> <li>• Older people can live well and independently in their own homes</li> </ul>	<p>There are no negative implications that may impact on the Council's key objectives.</p>
	<p><b>Connected Council:</b></p> <ul style="list-style-type: none"> <li>• A modern, efficient and flexible workforce</li> </ul>	<p>The SCRIF funding is in place to support such projects and through administering the</p>

	<ul style="list-style-type: none"> <li>• Modern, accessible customer interactions</li> <li>• Operating within our resources and delivering value for money</li> <li>• A co-ordinated, whole person, whole life focus on the needs and aspirations of residents</li> <li>• Building community resilience and self-reliance by connecting community assets and strengths</li> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul>	<p>funding for this project the Council is contributing to providing best value for money across the region.</p> <p>The Council is partnering with external organisations to deliver this project (Sheffield City Region and Network Rail).</p>
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## RISKS AND ASSUMPTIONS

30. The main risks are:

- The reputational risk to the Council should the project not deliver the required outputs and outcomes. However, the Council is negotiating a position with Sheffield City Region and Network Rail that only failure to deliver the project output (i.e. Friar’s Gate Bridge upgrade) will result in potential claw-back of the SCRIF funding. The liability for this will be passed onto Network Rail in the respective funding agreement.
- The reputational risk to the Council should the project not be delivered on time and within budget. Any cost overruns will be the responsibility of Network Rail as the SCRIF grant is capped at the maximum £750k and the funding agreement will exclude the Council from funding any cost increases.
- In respect of the risk of the project not being delivered on time the Council’s Major Projects team will monitor progress against the agreed project programme and work with Network Rail to mitigate any potential slippage. The SCRIF funding is only available during financial year 2018/19 for the project and the delivery programme has been agreed to ensure the works are completed and to allow full drawdown of the funding. The funding agreement with Network Rail will require them to complete before end of March 2019 to ensure availability of the SCRIF grant.

## LEGAL IMPLICATIONS [RB 02/02/18]

31. The Local Government Act 1972 provides a local authority with the power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.
32. The 2011 Localism Act introduced the so called “general power of competence” which states that “A local authority has power to do anything that individuals generally may do”.
33. Legal services will provide support and advice regarding the contents of the Funding Agreements to be entered into to secure the SCRIF monies and

facilitate payment of those monies to Network Rail and regarding compliance with the term and conditions of the Funding Agreements.

34. The SCRIF Funding Agreement will place obligations on the Council and contain claw-back provisions if the Council fails to comply with the terms upon which funding is provided. It is advised that the Council reflects these obligations in any funding agreement it enters into with Network Rail and others by entering into a suitable “back to back” Funding Agreement. Careful monitoring of the claw-back provisions and compliance with the terms of both Funding Agreements will be required by the project team.
35. Further legal advice will be required as the project progresses particularly in relation in relation to Planning and Highways Law and compliance with the term and conditions of the Funding Agreements.

## **FINANCIAL IMPLICATIONS [DR 05/02/18]**

36. The Council’s contribution of £750k towards the Friars Gate Bridge improvements being undertaken by Network Rail is a capital grant to a third party and is already included in the Council’s capital programme for 2018/19 financial year.

The contribution is expected to be funded by SCRIF grant from the CA, which has been approved in principle but is subject to signing of a funding agreement between the Council and the CA. This funding agreement contains various conditions that, in order to protect the interests of both the Council and funding body, will require the Council to enter into a similar agreement with Network Rail passing on those conditions. All parties are currently negotiating draft agreements, the final terms and conditions of which are expected to be generally acceptable to the Council.

The main terms and conditions of interest are expected to be: -

- Claw back based on failure to deliver Project Outputs, meaning the product of the works and described as Friars Gate Bridge Upgrade in 2018/19 financial year. This is preferable to claw back based on Project Outcomes, meaning the benefits of the work (such as jobs created/safeguarded, gross value added, etc.), as these would be more difficult to deliver.
- Only expenditure outlined within the FBC can be claimed.
- Grant may be lost if there is variation of spend in relation to annual profiles. This situation should be managed through the CA’s reporting and change request process; however, given the nature of capital projects the risk of variation could be high and there is no guarantee that the City Region will allow unspent funds to be carried forward in the event of slippage. Due to the region wide demands on SCRIF there is already pressure from the CA to spend these funds to the current profile. The current approved programme of works should enable the full grant to be claimed in 2018/19 financial year, so loss of grant from slippage is not expected. The Council’s Major Projects team will need to work with Network Rail to ensure the programme is achieved.
- Compliance with EU rules, including EU Structural Fund Rules. This could cause procurement problems if a framework is to be used. The CA have been asked to remove these from the funding agreement as no EU



funds are currently involved but the CA have so far rejected this proposal. There is a possibility that Network Rail might not agree to the inclusion of this in their agreement if the procurement of the project, which has already taken place, is not compliant.

The risk to the Council is considered low as it is hoped the respective funding agreements will ultimately pass the terms and conditions on to Network Rail. By signing up to their funding agreement Network Rail will be obliged to deliver the Project Outputs, which are estimated to require £750k of their own money towards total project costs of £1.5m. Any cost overruns in achieving the outputs will be the responsibility of Network Rail, as will any on-going maintenance costs of the bridge.

It is the relevant Director's responsibility to ensure that the Council administers the grant in line with Financial Procedure Rule E: External Arrangements, which outlines the minimum requirement in this regard. This includes specific reference to grants to outside bodies where the Council is acting as the accountable body. A significant proportion of these arrangements will be discharged by entering into the funding agreements.

#### **HUMAN RESOURCES IMPLICATIONS [AC 06/02/18]**

37. There are no immediate HR implications arising from the recommendation, however, any changes that impact on the workforce as a result of the decision will require HR engagement and would require separate approval.

#### **TECHNOLOGY IMPLICATIONS [PW 30/01/18]**

38. There are no anticipated technology implications in relation to this report.

#### **HEALTH IMPLICATIONS [Officer Initials CEH Date 06.02.18]**

39. There is the potential for positive health impacts for Doncaster residents through the delivery of improvements to Friars Gate Bridge by safeguarding jobs and having the potential to provide new employment opportunities. There is a strong evidence base showing that work is generally good for physical and mental health and well-being. The provisos are that account must be taken of the nature and quality of work and its social context; jobs should be safe and accommodating.

The report states that the redevelopment of the site and locating staff into a central Doncaster site will provide excellent pedestrian links to the town centre. It is recommended that there is an updated travel plan for the site to encourage sustainable and active travel benefiting individual's health and wellbeing and contributing to the reduction of poor air quality.

## **EQUALITY IMPLICATIONS**

40. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a "protected characteristic" and those who do not share that "protected characteristic".
41. The equality act 2010 has been given due regard and this proposal will not have an impact on equality.

## **CONSULTATION**

42. Consultation has been undertaken / is ongoing in respect of this project with the Mayor, Chief Executive, Director of Regeneration and Environment, Director of Finance and Corporate Services, Sheffield City Region Combined Authority and Network Rail.

## **BACKGROUND PAPERS**

43. N/A

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