

Portfolio Holder Decisions/Leader Decisions

Friday 13 January 2023

Minutes

Attendance

Committee Members

Councillor Kam Kaur

Councillor Wallace Redford

Others Present

Councillor Bill Gifford

1. Approval to Consult - Evergreen School increase of pupil numbers

Resolved

That the Portfolio Holder for Education agrees to the undertaking of a public consultation on increasing the number of pupils at Evergreen School.

2. Kenilworth Road Cycle Route, Leamington Spa

Councillor Bill Gifford praised the report's proposals as it was the first steps of K2L. His residents were also supportive of the scheme and K2L in general. No cyclists would travel between Kenilworth and Leamington until there were safe cycle routes between the two. There were concerns with the Cloister Croft Junction and this should be addressed at a later stage.

North of Cloister Crofts was a junction that was concealed by the high houses or hedges, and he queried whether there could be any warning signs implemented to warn cyclists of emerging cars from the junction.

Councillor Wallace Redford confirmed that was being considered and he will follow this up.

Councillor Redford reiterated that K2L was an important project that they did not want to delay. It was set to start construction on the 16th January as Balfour Beatty had a slot where they could start it. It needed to be started otherwise money already spent on the project would be lost as well as funding allotted to it.

Resolved

That the Portfolio Holder for Transport and Planning approves the proposed conversion of footway to shared and segregated use footways / cycle tracks, pursuant to sections 65 and 66 of the Highways Act 1980, at Kenilworth Road, Beauchamp Road and Clarendon Avenue in Leamington Spa and the upgrading of an existing signal-controlled pedestrian crossing (Puffin) to a pedestrian and cycle crossing (Toucan) on the Lillington Avenue arm of the crossroads junction at A452 Kenilworth Road / Lillington Avenue, Leamington Spa pursuant to section 23 of the Road Traffic

Regulation Act 1984, shown on the drawings included in appendices B, C and D. The footway to cycle track conversion and pedestrian crossing upgrade forms part of a cycling scheme proposed to be implemented between the junction of Clarendon Avenue and Beauchamp Road and a point 150m north of the junction of the A452 Kenilworth Road and Northumberland Road, Leamington Spa.

Portfolio Holder Decision Approval to Consult - Evergreen School increase of pupil numbers

Portfolio Holder	Portfolio Holder for Education
Date of decision	13 January 2023
	Signed 

1. Decision taken

That the Portfolio Holder for Education agrees to the undertaking of a public consultation on increasing the number of pupils at Evergreen School.

2. Reasons for decision

Evergreen School formed on 1st September 2020 after the amalgamation of Ridgeway School and Round Oak School. It is a community special school for children and young people with Special Educational Needs (aged 4-19), located in Warwick.

There is a need for additional special school places in Warwick District and expansion of Evergreen School will contribute to meeting this need. Increasing the number of special school places will allow more Warwick District children to attend school local to them, avoiding the need for long journeys to school and the impact of higher-cost out of county placements.

The proposed expansion constitutes a 'prescribed alteration' to a maintained school for which a statutory public consultation is required by the DfE. Portfolio Holder approval is required prior to undertaking a public consultation.

3. Background information

1. The expansion of Evergreen School is the subject of a separate project requiring capital expenditure that will undergo its own governance process. This request for approval relates only to the statutory requirement to consult on the change to the pupil numbers at the school.
2. The governing body and school leaders are in support of the proposal to expand the school, which is likely to include a new classroom block being constructed on

existing school grounds.

3. The proposed change to the number of pupils at the school is from the current capacity of 275 to 315 pupils, an increase of 40 pupils. The consultation document that will be published for consultation is attached as Appendix 1, for reference.
4. Any proposed changes to the numbers of pupils of a community special school must be carried out in accordance with the Statutory Guidance issued by the Department for Education 'Making Prescribed Alterations to Maintained Schools.' The guidance requires the local authority to undertake a statutory consultation for a period of at least 4 weeks, with the proposals published both online and in a local newspaper, as well as to the governing body, the parents of registered pupils at the school, and anyone else considered appropriate. The local authority should make its decision within 2 months of the end of the consultation period.
5. In addition to the consultation process, an Equality Impact Assessment has been undertaken and is attached as Appendix 2. The EIA will be reviewed before any final decision is made to go ahead with a change.
6. In order to align with the approval process for the school expansion capital project, consultation needs to take place during January and February 2023.
7. The results of the consultation will be included in the Cabinet report for approval of the school expansion project, expected to be in March 2023. Funding required for construction will be outlined in that report, to be part of the High Needs Capital Allocation.
8. Should the proposals for expansion be approved, the current target date for delivery of the new school places in September 2024.

1. Financial implications

Funding required for the construction project will be outlined in a separate report, to be part of the SEND Special Provision Fund element of the High Needs Capital Allocation. There are no financial implications of this decision to consult.

2. Environmental implications

The environmental implications of the construction project will be outlined in a separate report. There are no environmental implications of this decision to consult.

Report Author	Rosalind Currie rosalindcurrie@warwickshire.gov.uk,
Assistant Director	chrisbaird@warwickshire.gov.uk Interim Assistant Director for Education
Strategic Director	Nigel Minns

	Strategic Director for People
Portfolio Holder	Councillor Kam Kaur Portfolio Holder for Education

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

Appendices

1. Proposed Consultation document – proposal to increase the number of pupils at Evergreen School
2. Equality Impact Assessment

Members and officers consulted and informed

Portfolio Holder – Councillor Kam Kaur

Corporate Board – Nigel Minns

Legal – Nic Vine

Finance – Andrew Felton

Equality – Joanna Kemp

Democratic Services – Andy Carswell

Councillors –

Local Member(s): Parminder Birdi

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Portfolio Holder Decision

Kenilworth to Leamington Spa (K2L) Cycle Route Section 1a, Kenilworth Road, Leamington Spa

Portfolio Holder	Portfolio Holder for Transport and Planning
Date of decision	13 January 2023
	Signed 

1. Decision taken

- 1.1 That the Portfolio Holder for Transport and Planning approves the proposed conversion of footway to shared and segregated use footways / cycle tracks, pursuant to sections 65 and 66 of the Highways Act 1980, at Kenilworth Road, Beauchamp Road and Clarendon Avenue in Leamington Spa and the upgrading of an existing signal-controlled pedestrian crossing (Puffin) to a pedestrian and cycle crossing (Toucan) on the Lillington Avenue arm of the crossroads junction at A452 Kenilworth Road / Lillington Avenue, Leamington Spa pursuant to section 23 of the Road Traffic Regulation Act 1984, shown on the drawings included in appendices B, C and D. The footway to cycle track conversion and pedestrian crossing upgrade forms part of a cycling scheme proposed to be implemented between the junction of Clarendon Avenue and Beauchamp Road and a point 150m north of the junction of the A452 Kenilworth Road and Northumberland Road, Leamington Spa.

2. Reasons for decisions

- 2.1 Where objections have been received to proposed traffic management schemes, it is appropriate for the Portfolio Holder to decide whether to proceed with the proposals.
- 2.2 Serious concerns have been raised by the National Federation of the Blind of the UK (NFBUK) and this report includes a summary of those concerns and responses thereto.

3. Background information

- 3.1 Warwickshire County Council is committed to improving provision for active travel to support accessibility, address the climate emergency, improve air quality, reduce congestion and improve health. There are ambitious plans to improve and extend the networks of cycle routes in and around Warwickshire's towns so that more people will choose to cycle for everyday journeys, such as to work and school.
- 3.2 In 2018, the County Council approved the recommendations of a member-led task and finish group on Warwickshire's Cycle Network. This established the forward programme for delivery of new and improved cycling facilities. In the recommendations, the proposed Kenilworth to Leamington (K2L) Cycle Route scored joint highest priority with the proposed A47 Long Shoot Cycle Route in Nuneaton.
- 3.3 In 2019, Warwickshire County Council secured internal funding to progress delivery on the inter-urban sections of K2L. In 2020 the Council was awarded Getting Building Fund from the Coventry and Warwickshire Local Enterprise Partnership (CWLEP) to deliver the Warwickshire Cycle Links Project: a package of cycling schemes including the section of K2L along the A452 Kenilworth Road within Leamington Spa.

Proposed scheme

- 3.4 In September 2022, the public and stakeholders were invited to provide feedback on proposals for the overall cycling scheme which included:
 - The intention to upgrade a pedestrian crossing to a toucan crossing at the junction of the A452 Kenilworth Road and Lillington Avenue (pursuant to section 23 of the Road Traffic Regulation Act 1984).
 - The intention to convert 363 metres of footways to shared use footways/ cycle tracks, and to convert 570 metres of footways to segregated use footways / cycle tracks, along sections of Kenilworth Road, Beauchamp Road and Clarendon Avenue (pursuant to sections 65 & 66 of the Highways Act 1980).
- 3.5 Scheme information, drawings and public notices were provided on the County Council's website alongside an online survey which was promoted through social media, letters to residents and via drop-in public engagement sessions, at the Royal Priors Shopping Centre and Leamington EcoFest (Pump Room Gardens). A public notice was published in a local newspaper (Leamington Spa Courier) on 15 September 2022.
- 3.6 Further detail on the engagement process is included in Appendix A. Drawings for the overall cycling scheme which were used for engagement are attached as Appendices B, C and D. The Portfolio Holder is not being asked to approve some elements in the published scheme plans because they require additional statutory consultation, therefore they do not form part of this report and will be consulted on separately. The elements that the Portfolio Holder is not being asked to approve are as follows:

- The proposed double yellow lines on Kenilworth Road shown on Drawing 9.2-A452-069-006-F General Arrangement Sheet 1 at Appendix B and Drawing 9.2-A452-069-007-E General Arrangement Sheet 2 at Appendix C
- The removal of parking spaces on Clarendon Avenue shown on Drawing 9.2-A452-069-009-B Scheme Overview Plan at Appendix D.

3.7 The online survey received 175 responses. 2 paper responses were also submitted. In addition, 25 emails were received containing feedback on the scheme proposals. Analysis of the surveys is provided in Appendix A and shows the majority of respondents supported the proposal to provide a cycle route in this location as well as the following elements:

- Pavement widening and creation of short sections of shared use footway/ cycle track adjacent to bus stops, pedestrian crossings and side roads
 - 124 (70%) Strongly Agree or Agree
 - 11 (6%) Neither Agree nor Disagree
 - 42 (24%) Disagree or Strongly Disagree
- Upgrade of existing signal-controlled pedestrian crossing (Puffin) to a pedestrian and cycle crossing (Toucan) across Lillington Avenue
 - 136 (77%) Strongly Agree or Agree
 - 23 (13%) Neither Agree nor Disagree
 - 18 (10%) Disagree or Strongly Disagree

3.8 A detailed review of open text comments in the survey and emailed comments was carried out by the design team. All comments were summarised into themes. In total, 34 respondents (25 of the 177 survey comments and 9 of the 25 emailed comments) made reference to shared-use provision and supported segregated facilities wherever possible.

Objections to the proposed scheme

3.9 In total 34 respondents made comments about the shared-use provision.

3.10 This included serious concerns raised in an email (included in Appendix E) by the National Federation of the Blind of the UK (NFBUK) with regard to discrimination against blind, deaf blind and visually impaired pedestrians and bus passengers as well as other disabled and vulnerable pedestrians and bus users. The NFBUK stated that the following design features were not safe or accessible for blind and visually impaired pedestrians and should not be used in the new scheme:

- Proposed shared footway cycleway at bus stops
- Road humps that make side roads a level surface
- Cycle lanes which run behind pedestrian crossings on pavements
- Toucan crossings
- Shared space / use pavements

3.11 Other concerns were raised, from both users on foot and by bike, about the shared

use proposals and potential conflicts which could arise between cyclists and pedestrians. A number of people stated their preference for separate provision and support for further segregation, including clearer markings at bus stops and intersections. Blind and partially sighted users requested a physical delineation between the cycle track and footway, although some cyclists suggested that a raised line or kerb could be a hazard to them. A raised white line, or other physical separation feature that can be identified by a blind or visually impaired person using a mobility cane, will be included in the final design.

Response and recommendation

- 3.12 Appendix E sets out the concerns raised by NFBUK and the design team's response. An Equality Impact Assessment (including an Access Audit) is included as Appendix F. This identifies both the positive and negative impacts of the proposals.
- 3.13 The Kenilworth Road Cycle Route was designed by Warwickshire County Council's Engineering Design Services team with regard to national regulations and design guidance for highway schemes. This includes the Design Manual for Roads and Bridges (DMRB), Traffic Signs Regulations and General Directions 2016 (TSRGD), Cycle Infrastructure Design: Local Transport Note (LTN1/20) and Warwickshire Highway Construction Details.
- 3.14 The designs were subjected to a combined Stage 1 and Stage 2 Road Safety Audit. No departures from standard have been identified. No safety issues with the proposed shared use provision were identified.
- 3.15 LTN1/20 states that local authorities are responsible for setting design standards for their roads. However LTN1/20 guidance provides best practice examples and design principles. One principle is that, 'on urban streets, cyclists must be physically separated from pedestrians and should not share space with pedestrians'. In response to this, the design of the Kenilworth Road cycle route aims to maximise segregation between users. This has been achieved in many areas by reallocating space from the carriageway and the existing wide footways to create a new 3.0m wide cycle track and a 2.0m wide footway, separated by a raised white line or other physical feature to allow ground level detection with a mobility cane. Appendix E reviews the NFBUK concerns with regard to LTN1/20 advice.
- 3.16 LTN1/20 makes reference to equality duties in paragraph 4.5.11. An Equality Impact Assessment (including Access Audit) is attached as Appendix F.
- 3.17 LTN1/20 Paragraphs 6.5.5 and 6.5.6 explain that shared use facilities are appropriate in some situations and suggest early engagement with relevant interested parties, as has taken place for the Kenilworth Road cycle route. (See Appendix A).
- 3.18 The concerns raised by NBFUK and other stakeholders and individuals regarding the use of shared space as part of the overall cycle route are recognised. Warwickshire County Council has reviewed the designs in response to all the

comments received during local engagement and has taken steps to modify and make reasonable adjustments to the scheme. However, there is a need to ensure that there is balanced provision for a wide range of users within the physical constraints of the highway.

3.19 The design team response to NFBUK's concerns (as set out in Appendix E), has concluded that it would not be possible to further extend the segregated facilities whilst still maintaining the strategic function of the A452 which forms part of the Major Road Network. Overall, it is considered that the scheme design is compliant with national guidance and will improve opportunities for active travel in Leamington Spa.

3.20 It is therefore recommended that the scheme progresses as advertised.

Next steps

3.21 In addition to comments received in response to the proposed scheme (regarding the shared use and upgraded crossing proposals), the local engagement generated a number of suggestions for design changes. These were all considered by the design team and some minor modifications will be proposed. These modifications do not form part of this report and will be consulted upon separately.

3.22 Some elements in the published scheme plans will also require additional statutory consultation including proposed double yellow lines on Kenilworth Road and proposed removal of parking spaces on Clarendon Avenue. These additional elements do not form part of this report and will be consulted upon separately.

3.23 These measures are considered additional to delivery of the main cycle route, however the intention is to consult upon these at the earliest possible opportunity with a view to adding these to the scheme at a later date.

3.24 The scheme is provisionally scheduled for construction commencing in January 2023. Due to the limited availability of road space on the Major Road Network, it is unlikely that road space would be available until 2024 should the scheme be delayed.

4. Financial implications

4.1 Approval to add this scheme to the capital programme was given by the Leader on 15th January 2021.

4.2 The latest cost estimate for construction of the Kenilworth Road cycle route (K2L Section 1a) is £725,000. The scheme will be funded from the £1.9 million grant secured from the Government's Getting Building Fund (GBF) through Coventry and Warwickshire LEP (CWLEP) for the Warwickshire Cycle Links project and an allocation of £50,368 from the Capital Inflation Contingency Fund.

4.3 The cost estimate is based on delivery in 2023 using the Balfour Beatty Living

Places Highways Maintenance Contract and has been established using standard contract prices for materials and construction which enables accurate costing. The estimate also includes 20% contingency on all costs.

4.4 This latest cost estimate is an increase on previous estimates and requires a larger allocation from the GBF grant than originally budgeted. The financial implications are that this reduces funding available for the remaining two schemes in the Warwickshire Cycle Links package which are at an early stage of development. Should a funding shortfall emerge the options will be to seek to secure alternative external grant funding, descope either or both of the remaining projects, or negotiate with CWLEP to reduce the required project outputs.

4.5 The financial implications of not constructing this scheme would be the possible clawback of grant funding including of expenditure to date, and any expenditure already incurred would have to be written-off as a revenue cost.

5. Environmental implications

5.1 Transport is the single largest cause of carbon emissions in the UK. This project will provide cycling infrastructure which will enable more journeys to be made by cycle, thereby contributing to reduced carbon emissions as well as lower levels of congestion and improved air quality.

Report Author	Alison Kennedy alisonkennedy@warwickshire.gov.uk,
Assistant Director	David Ayton-Hill Assistant Director for Communities davidayton-hill@warwickshire.gov.uk
Strategic Director	Mark Ryder Strategic Director for Communities markryder@warwickshire.gov.uk
Portfolio Holder	Portfolio Holder for Transport and Planning

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

Appendix A – Summary of community engagement
 Appendix B – Drawing 9.2-A452-069-006-F General Arrangement Sheet 1
 Appendix C – Drawing 9.2-A452-069-007-E General Arrangement Sheet 2
 Appendix D – Drawing 9.2-A452-069-009-B Scheme Overview Plan
 Appendix E – NFBUK concerns and WCC response
 Appendix F – Equality Impact Assessment (EQIA)

Members and officers consulted and informed

Portfolio Holder – Councillor Wallace Redford

Corporate Board – Mark Ryder

Legal – Serena Cammish/ Caroline Gutteridge

Finance – Caroline Jones/ Andrew Felton

Equality – Joanna Kemp

Democratic Services – Isabelle Moorhouse

Councillors – Jonathan Chilvers (Leader of the Green group), John Holland (Leader of the Labour group), Jerry Roodhouse (Leader of the Liberal Democrat group)

Local Member(s): Wallace Redford (Cubbington and Leek Wootton), Bill Gifford (Leamington Milverton) and Sarah Millar (Leamington Clarendon)

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