

# Executive Decision Report

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Cathedral Gardens/Peacock Lane

Decision to be taken by: City Mayor

Decision to be taken on: 14 October 2013

Lead director: Andrew L Smith

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**City Mayor**

## Useful information

- Ward(s) affected: Castle Ward
- Report author: Louise Seymour
- Author contact details: Ext 7202
- Report version number: 1.4

### 1. Summary

The purpose of this report is to:

- Provide details of the capital budget requirement for Cathedral Gardens, Peacock Lane /St Martins scheme and to formally add the scheme to the capital programme; and to
- Seek approval for delegated authority to award the construction contract.

### 2. Recommendations

The City Mayor is asked to:

1. Approve the capital budget requirement of £2,450,000, including a contribution the European Regional Development Fund (PA2 programme) of up to £1,000,000 and £500,000 from St Martins Cathedral Properties for the development of Cathedral Gardens, Peacock Lane/St Martins scheme and addition of the scheme to the capital programme.
2. Delegate authority to the Director of Planning, Transportation and Economic Development to award the construction contract to the most economically advantageous tender.

### 3. Supporting information including options considered:

The City Mayor has been working closely with partners at Leicester Cathedral to bring forward a proposed scheme which will enhance the setting of the City's Cathedral through the creation of new garden space adjoining the Cathedral and the adjoining St Martins House and also the Guildhall. In addition this scheme has incorporates public realm and pedestrian improvements to Peacock Lane, and the pedestrianisation of St Martins between New Street and Grey Friars. The scheme has also been designed to link the Cathedral Gardens scheme with the new Richard III visitor centre, and this includes the relocation of the statue.

This scheme is part of a wider 'Connecting Leicester' vision, which includes a series of linked infrastructure projects which seek to substantially enhance the City Centre and promote its economic prosperity and growth through the creation of major improvements to public realm and better pedestrian connectivity.

The scheme is directly linked to a series of other pedestrian connectivity and public

realm improvements, including Jubilee square, Applegate, Peacock Lane and Guildhall Lane and new crossings and widened footways on Vaughan Way, and Southgates.

Cathedral Gardens will create a new public open space which will enhance this area of the City Centre which is increasingly becoming a focus for new tourism particularly related to discovery of the remains of Richard III.

The scheme will include on land within the ownership of the Cathedral, and St Martins House as well areas of public highway. The whole area will have public access. A high quality public space will significantly add to the economic prosperity of the city, creating confidence through improving the business and visitor environment and encouraging new private investment and acting as a catalyst for wider regeneration.

In essence the project will provide:

- A fitting environment for the Leicester's Cathedral, Guildhall and other building within the Conservation area

- It will create a high quality and attractive environment for the enjoyment of Leicester residents and visitors to the City

- Increased in footfall, visitors and retail spend

- An environment that will attract new investment to the city centre

- An increase in land and property values

- An enhanced image and confidence in the city

- A catalyst for regeneration

- A public space to host suitable to host cultural events, attracting both the community and visitors, including tourists to the city.

As part of the Connecting Leicester project the Cathedral Gardens. Peacock Lane/St Martins scheme will contribute to delivering the economic priorities set out in the Leicester Economic Action Plan (2012). It specifically aligns with 'The Thriving City Centre' Priority. The Economic Action Plan states 'the value of the city centre as a whole to investors, visitors and residents can be made much greater by connecting the strengths of Highcross and connected retail areas, the historic city extending from the Market to the Castle, the Cultural Quarter and centres of business activity.'

The scheme has been subject to public consultation lead by the Cathedral and St Martins Cathedral Properties, and consultation as part of the Planning process.

The scheme has now been fully designed and was granted planning and Listed building permission in January 2013. The Cathedral have also secured all necessary consents from the Cathedrals Fabric Commission for England. This has enabled a full tender package to be prepared. Procurement of a contractor has been undertaken by the Council through Source Leicestershire. Five contractors were invited to tender for the construction contract. Subject to final appraisal and confirmation of prices a budget of up to £2,450,000 is required.

The scheme has secured £1,000,000 from the European Regional Investment Fund (ERDF). The Cathedral has confirmed a contribution of up to £500,000 (excluding VAT). The Council contribution is therefore £950,000, to be met from resources set aside for the Economic Action Plan.

## 4. Details of Scrutiny

29 August 2012 – Connecting Leicester Consultation  
15 October 2012 – Special Meeting on Connecting Leicester

## 5. Financial, legal and other implications

### 5.1 Financial implications

The capital costs estimated at £2,450,000 will be met by the ERDF (up to £1M). St Martins Cathedral Properties Ltd (£50,000 net of VAT), and from resources set aside for the Economic Action Plan (£950,000). The future arrangements for maintenance require further discussion with the Cathedral authorities and any implications will be reflected in future revenue budget plans. Colin Sharpe Head of Finance ext 374081

### 5.2 Legal implications

Client officers have been taking legal advice in relation to this project as it develops. The legal implications arising out of this report are as follows:

1. The Council has powers to adopt, and enter land designated as open space under the provisions of the Open Spaces Act 1906 for the purpose of maintenance. In addition, the Council has powers to carry out works on land for the benefit or improvement of their area, under the provisions of the Local Authorities (Land) Act 1963 (as amended). In respect of the maintenance of open space, the Council currently undertakes the maintenance of parts of the Gardens. The Council will need to consider the arrangements for the future maintenance of the Gardens with the Cathedral's authorities;
2. Works to improve, close or divert adopted highways can be carried out in accordance with the provisions of the Highways Act 1980, and any works will be subject to the appropriate statutory procedures being undertaken.
3. The report confirms that the scheme has been designed and has been put out to tender. Given the value of the scheme the tender has been advertised appropriately via Corporate Procurement. Authority is sought to award the contract to the most economically advantageous tender within the approved funding. At the time of writing these implications, the Council has been informed of its success on its bid for funding as detailed in this report. The ERDF Funding Agreement has not been received and executed. Entering into financial commitments prior to this time therefore effectively puts the Council at risk since if the Funding Agreement is not executed for any reason

the Council has legal and financial obligations under any contract entered into. Whilst this risk is deemed to be low, it needs to be understood.

4. Legal Services will advise upon and deal with the ERDF Funding Agreement.

Beena Adataia – Principal Solicitor (Commercial & Contracts)

John McIvor – Team Leader (Capital Team)

### 5.3 Climate Change and Carbon Reduction implications

The Cathedral Gardens/Peacock Lane/St Martins projects will have climate change impacts associated with the materials used and the construction process. The materials have been sourced from suppliers closer to Leicester than in some previous public realm projects so reducing the transport impact. Good on-site environmental management is expected from the contractors.

Once completed the projects will improve connectivity and promote more sustainable forms of travel such as walking and cycling. The projects will also help the City adapt to future climate change impacts. Additional tree planting will reduce the urban heat island effect and additional planting will contribute to the sustainable urban drainage.

### 5.4 Equality Impact Assessment

The equality impacts of the scheme and mitigating actions have been considered as part of the development of the scheme and an EIA completed.

### 5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

none

### **6. Background information and other papers:**

None.

### **7. Summary of appendices:**

None.

### **8. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?**

No

### **9. Is this a “key decision”?**

Yes

**10. If a key decision please explain reason**

Capital expenditure of over £1 million is to be committed on a scheme that has not been specifically authorised by Council.