

<b>Committees:</b> Streets and Walkways Sub <i>[for decision]</i> Operational Property & Projects Sub <i>[for decision]</i>	<b>Dates:</b> 5 July 2022 20 July 2022
<b>Subject:</b> Moor Lane Environmental Enhancements  <b>Unique Project Identifier:</b> 9441	<b>Gateway 4c-5:</b> Detailed Design & Authority to Start Work
<b>Report of:</b> Director of Environment  <b>Report Author:</b> Andrea Moravicova – City Operations	<b>For Decision</b>
<h1>PUBLIC</h1>	

<b>1. Status Update</b>	<p><b>Project Description:</b> Public realm enhancements in Moor Lane to provide greening and an improved pedestrian environment, with the creation of a linear pocket park and widened footways.</p> <p>A Gateway 3 Issue Report, approved in December 2020, gave authority to expand the scope of the project to incorporate Section 278 works on the eastern side of Moor Lane, which will deliver security around the 21 Moorfields development. The design work since that approval has considered both elements of the project simultaneously.</p> <p>Although the design has been developed as a whole, it is proposed to phase the implementation, allowing the works on the eastern footway (referred to as Area A in this report) to be delivered in sufficient time for the developer to occupy the building. Revisions to the west footway designs (referred to as Area B in this report) are continuing following consultation feedback. Therefore, this report relates primarily to the Section 278 works; a further Gateway 4-5 report, covering the original 2011 public realm scheme associated with Milton Court and funded through Section 106, will be presented to Members in due course.</p> <p><b>RAG Status:</b> Green (Green at last report to Committee)</p> <p><b>Risk Status:</b> Medium (Medium at last report to committee)</p> <p><b>Total Estimated Cost of Project (excluding risk):</b> £2,958,680, with a total cost for Area A, funded through Section 278 agreement,</p>
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	<p>estimated at £1,508,680; and a total budget for Area B, funded through Section 106 for Milton Court, set at £1,450,000.</p> <p><b>Change in Total Estimated Cost of Project (excluding risk):</b> Increase of £442,290 since last report to Committee in December 2020 due to the revised scope, which will be funded by the developer.</p> <p><b>Spend to Date:</b> £364,588</p> <p><b>Funding Source:</b> Section 106 and Section 278</p> <p><b>Costed Risk Provision Utilised:</b> N/A</p> <p><b>Slippage:</b> The Moor Lane project was paused in 2012 due to the 21 Moorfields development which would have impacted on the scheme. The design has now been reviewed in conjunction with the Section 278 highway works necessary to mitigate the impacts of the 21 Moorfields development which is programmed for completion in early 2023. It is now expected that the Section 278 element of the scheme will be implemented from October 2022 with the Moor Lane (western side) works to follow on from that in spring 2023.</p>
<p><b>2. Requested decisions</b></p>	<p><b>Next Gateway:</b> Gateway 4-5 – Detailed Design &amp; Authority to Start Work to the west footway of Moor Lane (Area B)</p> <p><b>Next Steps:</b></p> <ol style="list-style-type: none"> <li>1. Finalise the Section 278 agreement with the 21 Moorfields developer to receive the additional funding to proceed with Area A implementation.</li> <li>2. Deliver the Moor Lane works in two phases to ensure works related to the 21 Moorfields development align with the developers’ programme, as follows: Area A – confined to the east footway and carriageway on Moor Lane adjacent to the development at 21 Moorfields. These works, fully funded through a Section 278 contribution, are the subject of this report. Area B – related to the west footway on Moor Lane and funded through the Milton Court Section 106. The detailed design work for this area will continue and a separate Gateway 4-5 report will be presented in due course.</li> <li>3. Finalise and approve the construction package for Area A with the City’s Highway Term Contractor to prepare for a start on site in October 2022.</li> <li>4. Progress with detailed design work for Area B and complete stakeholder engagement before presenting a separate Gateway 4-5 report in October 2022.</li> </ol> <p><b>Requested Decisions:</b></p> <ol style="list-style-type: none"> <li>1. Approve delivery of the works in two phases as described above (and as shown in Appendix 4)</li> </ol>

	<ol style="list-style-type: none"> <li>2. Authorise officers to continue design and engagement work for Area B and utilise the Section 106 budget approved at the previous gateway;</li> <li>3. Authorise the budget adjustment related to staff costs and fees to be actioned as outlined in Appendix 3.</li> <li>4. Note the total estimated cost of the project at £2,958,680, with the total estimated cost of Area A Section 278 at £1,508, 680.</li> <li>5. Authorise transfer of any design &amp; evaluation underspend paid under the 21 Moorfields Section 106 agreement from the previous gateway to the Area A (Section 278) implementation budget;</li> <li>6. Authorise an increase in scope of the Section 278 works compared to the baseline required through the Section 106 agreement and their implementation, subject to receipt of funds;</li> <li>7. Agree to delegate the final approval of the design to the Director City Operations in consultation with the Chairman and Deputy Chairman of Streets and Walkways Sub-Committee, AND: Delegate authority to the Director City Operations, in consultation with the Chairman and Deputy Chairman of the Streets &amp; Walkways Committee, to permit officers to progress an alternative design should it be required if the outcome of the outstanding surveys does not support the progression of the design in Appendix 5</li> <li>8. Authorise a budget setup for implementation of the Area A works at £1,448,680 as set out in section 3 below, subject to receipt of funds.</li> <li>9. Approve the Risk Register in Appendix 2 and the requested Costed Risk Provision of £50,000; and delegate the drawdown of funds from this register to Executive Director Environment.</li> <li>10. Delegate authority to the Executive Director Environment to approve budget adjustments, above the existing authority within the project procedures and in consultation with Chamberlains, between budget lines if this is within the approved total project budget amount; and</li> <li>11. Delegate to the Director City Operations, in consultation with the Chamberlain, authority to further increase or amend the project budgets in the future (above the level of the existing delegated authority) should any increase be fully funded by the Developer.</li> </ol>
<p><b>3. Budget</b></p>	<p>The total cost of the project is estimated at £2,958,680, with Area A fully funded by the developer through the Section 278 Agreement for 21 Moorfields and Area B funded through previously approved contribution from Milton Court Section 106 Agreement.</p> <p>Appendix 3 and tables below contain a breakdown of funds required to implement Area A designs and are based on known highway conditions and utilising a palette of materials consistent with the City's standards.</p>

Implementation estimates for Area B will be defined through a separate Gateway 4-5 report. The Area B budget is capped and, therefore, the design is being revised to ensure the costs remain within the original funding envelope.

**Table 1: Section 278 funds (Area A)**

Item	Received Funds to date (£)	Resources required to reach next Gateway (£)	Revised Budget to next Gateway (£)
Staff costs	£45,500	£83,731	£129,231
Fees	£14,500	£13,300	£27,800
Works (hard and soft landscaping, security measures)	-	£887,596	£887,596
Utilities	-	£387,355	£387,355
Maintenance	-	£76,697	£76,697
<b>GRAND TOTAL</b>	<b>£60,000</b>	<b>£1,448,680</b>	<b>£1,508,680</b>

Funding sources	Overall Cost (£)
Section 106 - Milton Court development (existing approved allocation) to fund Area B	£1,450,000
Section 278 – 21 Moorfields development for Moor Lane to fund Area A	£1,508,680
<b>GRAND TOTAL</b>	<b>£2,958,680</b>

Legal fees are secured by undertakings and are therefore excluded from the Section 278 works payment.

The above costs cover:

- Approximately 12 hours per month for eight months associated with report writing, completion of Section 278 agreement, stakeholders' liaison and engagement throughout the construction and ensuring the overall project is progressed to agreed milestones and budget.
- Approximately seven hours per month for eight months for Group Manager oversight;
- A Highways project engineer, and manager oversight, to establish the technical constraints of the scheme and progress a revised detailed design, incorporating the developer's security requirements, and supervision of works on site. This equates to approximately 500 hours over the next eight months.
- Necessary utility diversions and works to the east footway on Moor Lane, including planting and implementation of security measures required by the developer.

**Costed Risk Provision requested for this Gateway: £50,000**

#### 4. Design summary

The project's main objective is to improve the pedestrian environment and increase greenery in Moor Lane, whilst accommodating the requirements of the new development at 21 Moorfields. The design process has considered all of these elements as part of a holistic design for the street, but this will be delivered in two phases to ensure alignment with the developer's programme and allowing redesign of the western Moor Lane proposals following consultation feedback. These phases are shown in Appendix 4.

In respect of security measures in Area A, the City's Local Plan contains a presumption against on-street security measures to prevent developers from exporting their security requirements on to the public highway. However, on occasion there may be 'exceptional circumstances' to override this position if it considered proportionate and justified following an appropriate technical assessment and oversight from the City's Public Realm Security Board (PRSB), supported by the City Police Counter Terrorism Security Advisors (CTSA).

Having considered the circumstances of this development, the CTSA team and PRSB supported the assessment that the 21 Moorfields development requires enhanced security measures on the highway around the perimeter of the building. The report to the Planning and Transportation Committee in respect of the 21 Moorfields planning application (reference 17/01095/FULEIA) on the 20th of February 2018, advised members of that Committee that due to the location above an active major transport hub, there may be a need for additional security measures in the form of bollards and that any on-street installations would be subject to S278 negotiations

Following this decision, the design for Area A was incorporated into the existing project scope. A public consultation exercise for Area B, taking the requirements for Area A into consideration, was undertaken in late 2021. Feedback from the consultation was fed into the design process for both areas.

Two main options were considered for Area A. The first involved the widening of the eastern footway, the introduction of steps and a raised platform to access a new publicly accessible lift to highwalk level, and bollards. The second option was the same as the first but with the addition of planters interspersed with the bollards, which will be planted with multi-stemmed trees and low-level bedding plants. Officers are also undertaking further investigations to ascertain the possibility of planting two trees in the street as part of the second option.

The second option, which is recommended for approval, is an increase in scope compared to the baseline required through the Section 106 agreement and has been achieved through extensive negotiations with the developer and following feedback from local stakeholders. The range of design options are limited by the sub-

	<p>surface conditions, namely restricted depths and loading limits on the London Underground structure, and the presence of utilities at a shallow depth.</p> <p>The proposals will upgrade the existing surface materials to the City's standard palette to ensure consistency and high-quality of the City streetscape. No alterations to function or traffic movement in the street are proposed as part of these proposals, with the carriageway width kept to minimum of 6 metres needed to accommodate two-way traffic and access into the servicing facility at 21 Moorfields. The current design proposal for Area A is shown at Appendix 5.</p> <p>The works to Area B, funded through Milton Court Section 106 agreement, include widening of the west footway in Moor Lane, and the introduction of sustainable urban drainage features and planters to create a linear park. The detailed design of these elements will be subject to a separate G4-5 report following further public engagement.</p>																		
<p><b>5. Confirmation that design solution will meet our SMART objectives</b></p>	<p>The recommended design option for Area A aligns with the project's success criteria and meets the SMART objectives of the project's proposal to deliver a high quality, accessible pedestrian environment that improves greening and environmental resilience in Moor Lane, whilst accommodating the requirements of the development at 21 Moorfields.</p>																		
<p><b>6. Delivery team</b></p>	<p><b>Project Management:</b> CoL Projects and Programmes team  <b>Principal Designer:</b> CoL Highways  <b>Construction Management:</b> CoL Highways  <b>Principal Contractor:</b> CoL Highways term contractor (FM Conway)  <b>Planting:</b> CoL City Gardens team</p>																		
<p><b>7. Programme and key dates</b></p>	<p>The implementation of Area A is proposed to commence in October 2022**. This will ensure the highways works are completed in time for the building occupation, currently programmed for early 2023.</p> <table border="1" data-bbox="448 1518 1445 1899"> <thead> <tr> <th>Activity</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Sign S278 Agreement and receipt of funding</td> <td>July 2022</td> </tr> <tr> <td>Procurement of materials following sign-off of the construction package</td> <td>July 2022*</td> </tr> <tr> <td>Submit traffic management plan/permits</td> <td>July 2022</td> </tr> <tr> <td>Finalise construction package for Area A</td> <td>August 2022</td> </tr> <tr> <td>Commence construction of Area A</td> <td>October 2022**</td> </tr> <tr> <td>Snagging in Area A</td> <td>June / July 2023</td> </tr> <tr> <td>Gateway 5 report related to Area B</td> <td>October 2022</td> </tr> <tr> <td>Gateway 6 Outcome Report for both phases</td> <td>December 2023</td> </tr> </tbody> </table> <p><i>*Subject to signing the Section 278 Agreement and receipt of funds from Developer. The lead in times for procuring materials are 12-16 weeks.</i>  <i>**Subject to changes to the Developer's programme and site release.</i></p>	Activity	Date	Sign S278 Agreement and receipt of funding	July 2022	Procurement of materials following sign-off of the construction package	July 2022*	Submit traffic management plan/permits	July 2022	Finalise construction package for Area A	August 2022	Commence construction of Area A	October 2022**	Snagging in Area A	June / July 2023	Gateway 5 report related to Area B	October 2022	Gateway 6 Outcome Report for both phases	December 2023
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## 8. Risks

*1. Delay to signing the Section 278 agreement prevents completion of the works*

Officers have negotiated extensively with the developer to agree an enhanced scope for the design of Area A, namely the introduction of greenery in the form of security related planters. Revising the design further at this stage will prevent the developer from achieving practical completion and delay the fit-out of the building by the flagship tenant. Officers therefore recommended approval of the design set out in the report, delivering an enhanced design and ensuring the developer can progress without delay.

*2. Works are delivered outside the dates stated in this report due to delays in façade and areas being released by the developer.*

A detailed phasing plan has been discussed with the developer and agreed in principle. Coordination meetings will take place regularly to monitor progress of the development. An allowance has been included in the project budget to cover any costs associated with development delays.

*3. Presence of sub-surface utilities impacts on the delivery of the scheme*

Surveys and trial holes have been undertaken to minimise this risk as much as practicable. This risk will be closely monitored during the implementation phase. An allowance has been included in the project budget, and costs reasonably incurred over and above the estimate due to sub-surface issues within Area A works will be recoverable from the developer under the Section 278 agreement.

*4. Complaints about noisy works*

Maintain a dialogue with local residents and other occupiers. Work with the Environmental Health team and local stakeholders to ensure there is an agreed consensus about when noisy works take place.

*5. Increase in the overall project costs*

Any unforeseen increase in costs for Area A will be covered by the developer under the terms of the S278 Agreement. The design for Area B is being revised to ensure the costs remain within the original funding envelope. Details will be presented in a subsequent Gateway 4-5 report for Area B.

*6. Third party approvals*

The works area lays directly above third-party structures, therefore, any designs and additional loading on these structures will require their agreement. Officers are liaising with said parties to ensure designs are finalised and approved.

Further information available in the Risk Register (Appendix 2).

<b>9. Success criteria</b>	<ul style="list-style-type: none"> <li>• Improve pedestrian environment by aligning the public realm in the vicinity of the development with the City Public Realm Supplementary Planning Document.</li> <li>• Accommodate the security and servicing requirements of the new development by making necessary adjustments to the highway.</li> <li>• Introduce greening to the east footway adjoining the new development at 21 Moorfields to complement west footway proposals.</li> </ul>
<b>10. Progress reporting</b>	<ul style="list-style-type: none"> <li>• Monthly updates to be provided via Project Vision and any project changes will be sought by exception via Issue or Update reports to Spending and Operational Property and Projects Sub Committees should there be a fundamental change to the project scope.</li> <li>• Distribution of a regular e-bulletin to keep local stakeholders informed of project progress.</li> </ul>

### **Appendices**

<b>Appendix 1</b>	Project coversheet
<b>Appendix 2</b>	Risk register
<b>Appendix 3</b>	Finance tables
<b>Appendix 4</b>	Plan showing the split between Area A and Area B
<b>Appendix 5</b>	Plan of the recommended option for Area A

### **Contact**

<b>Report Author</b>	Andrea Moravicova
<b>Email Address</b>	andrea.moravicova@cityoflondon.gov.uk
<b>Telephone Number</b>	020 7332 3925