



Department
for Transport

18th March 2022

To: Local Authority Officers

Active Travel Capital Funding Grant award letter (2021-22): No 31/6014

Thank you for your bid for funding from the Active Travel Fund for a scheme/ schemes (see Annex A). I am writing with details of your authority's capital funding allocation for 2021/22. Your funding will be paid as a capital grant under Section 31 of the Local Government Act 2003. Section 31 terms and conditions are set out in Annex B. You are also required to accept the funding principles set out in the attached memorandum of understanding at Annex E.

As you will be aware the new executive agency of the Department for Transport, Active Travel England (ATE), has now been established in shadow form before its full rollout in 2022-23. The shadow body conducted an exercise to scrutinise all scheme proposals for their compliance with the new standards in Local Transport Note 1/20 (LTN 1/20), for their usefulness to cyclists and pedestrians and for their ability to contribute to a coherent wider network which can transform conditions for active travel in a place.

Where your scheme has received funding, the ATE considered that these schemes demonstrated good quality and ambition and are capable of meeting LTN1/20 requirements. ATE will continue to work with you to ensure high quality designs are delivered.

Where schemes within your bid have not been funded, the Department and ATE identified one or more issues and would require further evidence to be successful in a future funding round. Common issues identified were;

- Shared use paths
- Narrow cycleways/footways
- Lack of protection at junctions
- Peripheral locations – low potential usage
- Poor value for money
- Schemes not forming part of a coherent wider network

Feedback will be provided on bids on request in due course. ATE will work with you to help you develop the schemes in your pipeline for the next three-year funding settlement.

Your grant is awarded on the understanding that your authority will deliver the funded schemes in conjunction with ATE and that your officers will work with ATE to resolve to ATE's satisfaction any scheme design shortcomings that they identify.

As we have made clear before, and as set out in Gear Change, any schemes delivered using DfT funding will have to comply with the Department's Cycle Infrastructure Design Guidance, LTN 1/20. Sustrans have been delivering bespoke training on LTN 1/20 and its tools which have helped empower and enable local authorities to deliver safe, inclusive and good quality cycle infrastructure. Training comprises a one-day interactive course. Courses are available for single authorities or combined authorities and will be for 8 to 12 places for each authority per course. Sustrans will be in touch with your named officer directly to provide information on how to join this course.

We appreciate that, during implementation, opportunities or challenges may arise that require a change to your project in order for outcomes to be realised to their full potential. Any material changes should be reported to the DfT/ATE by email to walking.cycling@dft.gov.uk. Should your ability to deliver the objectives for which funding was awarded be significantly compromised, the Department reserves the right to amend future funding provision as appropriate.

Funding must wherever possible be committed by the end of the 2022/23 financial year, and schemes delivered as soon as reasonably possible thereafter, but where this is not possible authorities should discuss options with the Department's/ATE officials.

All authorities will be expected to participate in monitoring and evaluation activities for the ATF. Monitoring data will likely be collected every 6 months (to track progress and spend). Data on the deliverables that have resulted from this fund (or to which this fund has contributed) in the form of output monitoring data. This will need to be submitted to Department at the point that the majority of schemes are complete and at 6 and 12 months after completion.

In addition, all authorities should formally evaluate schemes funded via this grant, and some projects will be identified for inclusion in the national programme-level evaluation. The level of evaluation required will be proportionate to the size, value and nature of individual schemes and programmes. Specific data will need to be provided to DfT to feed into a meta-analysis of the ATF. A summary of this is presented below.

Authorities delivering schemes and programmes costing more than £2m are required to design and implement their own M&E processes to measure the outputs, outcomes and impacts of the intervention and submit these to DfT for review prior to the start of construction. Authorities are also strongly encouraged to carry out a formal evaluation of schemes and programmes valued at £1-2m. Where feasible they should design and implement a proportionate M&E programme to understand the impact of the intervention.

DfT are commissioning a National Evaluator (NE) who will have responsibility for programme-level evaluation of the ATF. This will include conducting the meta-analysis of higher value interventions as well as evaluation of a sub-set of lower-value schemes and those considered to be novel or contentious. The NE will select a sample of schemes to include in the national evaluation. All authorities should be prepared to participate in the national evaluation, and work with the NE to develop appropriate monitoring and evaluation plans if selected. The national evaluation will be funded by

DfT. To avoid duplication of effort and ensure value for money to the taxpayer, the NE will draw on evaluation data collected as part of evaluations undertaken by authorities where available. The Department will be in contact with authorities delivering higher value schemes and programmes and to those selected to be part of the national evaluation about their plans.

Our grants may be audited by the Department or external auditors, and if this is the case, the Department will notify your authority in writing. Authorities are expected to comply with any such arrangements. You should familiarise yourselves with the Fraud Act 2006 and the Bribery Act 2010 when making claims, and in provision of funding to partner organisations. Personal information collected for grant purposes will be used by the Department for Transport for administering the fund. We may share information for the purposes of countering fraud or otherwise as required or permitted by law.

The Department will observe its obligations under the Data Protection Act 1998 in responding to requests made under the Freedom of Information Act 2000. Where a request includes personal information that you have provided, we will consult you before deciding whether such information should be disclosed.

Please sign and date the grant acceptance slip at Annex D and return it to the walking.cycling@dft.gov.uk along with notification of publication of consultation plans (a weblink would suffice) and any further evidence required by Wednesday 23rd March. The grant will be paid in a one-off payment in full on receipt of your signed acceptance slip and other documentation.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'R Furness', with a long horizontal stroke extending to the right.

Rupert Furness
Deputy Director, Active Travel, DfT

Annex A – List of funded schemes

Cambridgeshire and Peterborough CA

Thorpe Wood Cycleway Phase 2
School Streets

Value £ 635,000

Annex B: Terms and conditions

We expect each local authority to use this funding as proposed in their completed pro forma and as agreed with Active Travel England.

This funding will be paid via a grant under Section 31 of the Local Government Act 2003. Available online here: <http://www.legislation.gov.uk/ukpga/2003/26/section/31>

For any grant, Government is required to monitor the effectiveness of any public investment. We therefore expect you to have robust monitoring and evaluation plans in place. Funding for the second tranche of money will be conditional on demonstrating that bids represent value for money and evidence of suitable evaluation plans.

Complying with the UK's international obligations on subsidy control.

You should ensure that you are familiar with the latest guidance on subsidies for public authorities. Further guidance is available at:

<https://www.gov.uk/government/publications/complying-with-the-uks-international-obligations-on-subsidy-control-guidance-for-public-authorities>

ACTIVE TRAVEL FUND (CAPITAL) GRANT DETERMINATION (2021-22): No 31/6014.

The Minister of State for Transport ("the Minister of State"), in exercise of the powers conferred by section 31 of the Local Government Act 2003, makes the following determination:

Citation

1) This determination may be cited as the Active Travel Fund Determination (2021-22) [No31/6014].

Purpose of the grant

2) The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred by them.

Determination

3) The Secretary of State determines as the authorities to which grant is to be paid and the amount of grant to be paid, the authorities and the amounts set out in this letter.

Grant conditions

4) Pursuant to section 31(3) and 31(4) of the Local Government Act 2003, the Secretary of State determines that the grant will be paid subject to the conditions set out above.

Treasury consent

5) Before making this determination in relation to local authorities in England, the Secretary of State obtained the consent of the Treasury.

Signed by authority of the Minister of State for Transport



Rupert Furness

Deputy Director, Active and Accessible Travel, Department for Transport

18 March 2022

Annex C

Active Travel Capital Funding 2021-22:

Consultation Requirements for Local and Combined Authorities

All grant recipients are required to undertake the following actions:

1. Undertake appropriate surveys (or similar methods to gain insight on public opinion) with local residents

- Surveys should be undertaken both before schemes are finalised and post-implementation.
- Surveys could either be undertaken on a programme of schemes as a whole, or on individual elements, as appropriate.
- The Department will provide example survey questions and guidance for effective public opinion surveys.
- Surveys can be funded through authorities' capital funding allocations

2. Before starting construction of schemes – confirm appropriate consultation has been undertaken with local stakeholders

- LA transport teams to email DfT, confirming they have:
 - consulted all key local stakeholders (including with protected groups)
 - obtained broad support for their schemes and made any changes to take account of local feedback
 - implemented a clear communications plan to deal with any backlash which draws on the results of local opinion surveys
 - discussed plans with local MPs, and provide a summary of MPs' responses (e.g. via a RAG rating)
- Consultations do not need to show unilateral support, but instead that reasonable levels of consultation have been carried out and reasonable adjustments to schemes made in response to concerns.
- In cases where there are a number of schemes which are part of a wider programme (e.g. in combined authority areas), authorities may wish to notify the Department in batches, when appropriate schemes are ready for construction.
- Please email confirmation to: walking.cycling@dft.gov.uk

3. During and post-implementation of schemes: undertake monitoring of schemes and submit reports to DfT

- DfT will undertake short "pulse" surveys, to gauge authorities' progress in delivery of 2021-22 schemes.
- At completion and at 6 and 12 months after the opening of the majority of schemes, authorities are required to submit a monitoring report on outputs delivered and the effects of schemes (via combined authorities for city regions).
- Reports will highlight any modifications made to schemes in response to local feedback.
- Reports will include the results of local resident surveys that test the effectiveness of schemes post implementation.
- DfT will circulate updated monitoring and evaluation guidance to support these requirements, with suggested templates for reports.

- Authorities may also be invited to participate in the Department's national evaluation of Active Travel schemes.

4. In the event that schemes cannot be progressed or appropriate consultation is not completed:

- The ATE/the Department will work with authorities to identify appropriate alternative schemes that remain consistent with the objectives of the original bid and DfT's strategic objectives for the Fund.
- If no alternative solution can be found, the Department reserves the option to recover funding for schemes by reducing a future grant payment to the authority.

Annex D

Grant Acceptance Slip

I acknowledge receipt of the Active Travel Fund Award letter under Grant Determination No. 31/6014. I accept the grant offer on behalf of the authority subject to the conditions set out in this letter. I confirm that I am lawfully authorised to do so.

Signed.....

Please print name of officer.....

Position.....

Please return to John Sweetman by email to: walking.cycling@dft.gov.uk

Annex E

MEMORANDUM OF UNDERSTANDING

Between

Department for Transport

-and-

Local authorities in receipt of active travel capital funding 2021/2022

1. Purpose

1.1. This Memorandum of Understanding ('MOU') sets out the terms, principles and practices that will apply to the working relationship between the Department for Transport ('DfT') and the funded local authority ('the Council')(collectively 'the Parties') regarding the administration and delivery of Active Travel Capital Funding.

2. Background

2.1. This MOU covers the funding commitments from DfT and the delivery, financial expenditure, agreed milestones, reporting and evaluation, communication and branding expectations between the Parties.

3. Purpose of Funding

3.1. DfT considered the application submitted by the Council for the Active Travel Capital Funding 2021/2022. The allocation for 2021/2022 is set out in attached grant acceptance letter.

3.2. The funding is provided to form part of the necessary capital investment required for delivery of your approved schemes as set out in the grant acceptance letter. DfT expects the Council to use the funding provided for the purposes outlined in the application approved by DfT, and that evidence will be provided to demonstrate this. Grant funding will be paid in full in March 2022. Assurance on project progress shall be borne out through the formal monitoring and assurance process set out in Clause 8 and 9 of this MOU.

4. Financial Arrangements

4.1. The Council agrees to use Active Travel grant payments issued by DfT for capital expenditure only.

4.2. Payments to the Council will be made in March 2022. Release of the payment will be dependent on submission of the signed Grant Acceptance Slip which is at Annex D of the accompanying Grant Acceptance Letter.

4.3. Requests by the Council to amend schemes and expenditure will be considered by DfT, but approval will be subject to the availability of resources. There are no guarantees that such requests will be accommodated.

- 4.4. In accordance with the declaration signed by the Council's Section 151 Officer as part of the Bid Application, the Council accepts responsibility for meeting any costs over and above DfT's contribution set out in Clause 3.1, including potential cost overruns and the underwriting of any funding contributions expected from third parties.
- 4.5. The Council must commit to spend all grant funding by the end of the funding period, 31 March 2023.
- 4.6. If the Council fails to comply with any of the expectations set out in this MOU, the Secretary of State may:
- 4.6.1. reduce, suspend or withhold future DfT grant payment
 - 4.6.2. by notification in writing to the Council, require the repayment of the whole or any part of the grant
- 4.7. The council will ensure that its use of the funding complies with all relevant laws and the UK's international obligations. The DfT will not be liable for the council's failure to comply with relevant laws and obligations including, but not limited to, procurement and subsidy control legislation.

5. Duration and Review Point

- 5.1. This MOU will come into effect upon acceptance of the grant terms and conditions via DfT receipt of a signed Grant Acceptance Slip which is at Annex D of the accompanying Grant Acceptance Letter. It will remain in effect until it is terminated by either Party in accordance with the terms in Clause 10 of this MOU. It may be extended by the written agreement of the Parties.

6. Active Travel

- 6.1. The authority must ensure that proper and thorough public engagement has taken place on the design of the scheme, consistent with the advice in the Department's statutory Network Management Duty guidance. No funding will be released to the authority until satisfactory assurances have been provided to the Department on these matters. In addition, in the event the scheme is not constructed to LTN 1/20 standards, the Department reserves the right to pause any future payments to your authority made in respect of this grant award.
- 6.2. Authorities which have prematurely removed or weakened other active travel schemes in their areas should expect to receive less funding.

7. Monitoring and Evaluation

- 7.1. DfT has provided the Council with the Active Travel Fund Monitoring and Evaluation Guidance (insert link). M&E requirements are set out in the accompanying Grant Acceptance Letter.

8. Assurance

- 8.1. The Council is expected to have the necessary governance and assurance arrangements in place and that all legal and other statutory obligations and consents

will be adhered to, which may include, but not solely, state aid / subsidy control, equalities duties, procurement, health and safety and fraud. Annex B of the Grant Acceptance Letter refers.

8.2. The Council will ensure data can be shared for the prevention and detection of fraud by including the following clause in all agreements with companies or external entities:

“Data may be shared with other enforcement agencies for the prevention and detection of crime.”

8.3. The Council will fully comply with all obligations set out in the Fraud Risk Assessment guidance which will be sent to you in the Spring. This guidance will ensure the safe administration of grants and that appropriate measures are put in place to mitigate against the risk of both fraud and payment error.

9. Changes to approved Application

9.1. The Council will notify DfT of any proposed changes to the approved project(s) by submitting a change control request. These notifications should be provided and agreed in advance of changes.

9.2. The Council will require approval by DfT for any alterations to the project.

9.3. A wide range of project changes, including but not limited to changes to scheme designs, spending profiles, delivery timelines, funded activities, outputs and outcomes may be requested through the change control process.

10. Compliance with the MOU

10.1. The Parties to this MOU are responsible for ensuring that they have the necessary systems and appropriate resources in place within their respective organisations to comply fully with the requirements of this MOU.

11. Changes to the MOU

11.1. The arrangements under this MOU will be kept under review. Amendments to this MOU may only be made upon written agreement between the Parties.

12. Resolution of Disputes

12.1. Any dispute that may arise as to the interpretation or application of this MOU will be settled by consultation between the Parties.

13. Legal Enforcement

13.1. This MOU is not legally enforceable. It describes the understanding between both parties for the use of funding specified in Clause 3 of this agreement.