

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	CABINET MEMBER FOR TRANSPORT & ROADS AND CABINET MEMBER FOR VALUE FOR MONEY & EFFICIENCY, JOINTLY WITH THE CORPORATE DIRECTOR OF ECONOMY
Report of:	ASSISTANT DIRECTOR OF TRANSPORTATION AND CONNECTIVITY
Date of Decision:	22 May 2017
SUBJECT:	BIRMINGHAM CYCLE REVOLUTION: WOODGATE VALLEY GREEN ROUTE – FULL BUSINESS CASE
Key Decision: No	Relevant Forward Plan Ref: N / A
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Members:	Councillor Stewart Stacey – Transport and Roads Councillor Majid Mahmood- Value for Money and Efficiency
Relevant O&S Chairmen:	Councillor Zafar Iqbal – Economy, Skills and Transport Councillor Mohammed Aikhlaq – Corporate Resources and Governance
Wards affected:	Bartley Green, Quinton

1. Purpose of report:
1.1 To seek approval to the Full Business Case (FBC) for the Woodgate Valley Green Route scheme as part of the Birmingham Cycle Revolution (BCR) Phase 3 programme, including a new toucan crossing on B4121 West Boulevard. The estimated total capital cost of the scheme is £0.728m.
1.2 The project is funded through the Department for Transport (DfT) Cycle City Ambition Grant (CCAG). Further details are given in Section 4.2 and Appendix A.
1.3 The accompanying private report contains confidential market information and seeks approval to the Full Business Case and to place orders for the works

2. Decision(s) recommended:
That the Cabinet Member for Transport and Roads and the Cabinet Member for Value for Money and Efficiency, jointly with the Corporate Director of Economy:
2.1 Note this report

Lead Contact Officer(s):	Andy Chidgey – Principal Studies Officer, Transportation
Telephone No:	0121 675 6519
E-mail address:	andy.chidgey@birmingham.gov.uk

3. Consultation

3.1 Internal

- 3.1.1 The Cabinet Member for Clean Streets, Recycling and the Environment has been consulted on the contents of this report and is supportive of the proposals. The Deputy Leader has been informed of the implications for Council-owned land.
- 3.1.2 Ward Councillors and the District Chair, District Lead Officer and District Engineer for the Bartley Green area have been consulted by e-mail on the proposals, including one reminder e-mail before the consultation closing date. No written responses were received from Quinton councillors, but the scheme was discussed at the Quinton Ward Committee on 14th January 2016, where the proposals were received positively. No written responses were received from Bartley Green councillors, but the scheme was discussed at the Ward Committee on 28th January 2016, where concerns were raised including path widths, potential impact on the green area, and motorcyclists accessing the country park. These concerns will be addressed as far as possible, and a written response was sent to the Ward Committee on 7th April 2016. Further details and responses are provided in Appendix A.
- 3.1.3 At a Drop-In Session for Members on the wider BCR programme, which took place at the Council House on 6th December 2016, Councillor John Lines (Bartley Green) reiterated concerns regarding the potential impact on the green space, and proposed an alternative on-road route. However, this does not provide an equivalent alternative to the Woodgate Valley route, for reasons outlined in Appendix A. Councillor Des Flood (Bartley Green) expressed similar objections to the scheme in an e-mail of 10th March 2017, in response to a consultation on the toucan crossing on West Boulevard.
- 3.1.4 The Corporate Director of Place has also been consulted on the proposals as the Place Directorate is responsible for maintenance of the paths. The District Parks Manager has been involved in the development of the scheme and is in support of the improvements. Some additional fencing has been included in the scheme at the Parks Manager's request to address potential issues with motorcycle access.
- 3.1.5 The Country Park is designated as a Local Nature Reserve and it is the local authority's responsibility to protect and maintain. Consultation has taken place with the City Council's Ecologist and Conservation Officer, and no objections have been raised.
- 3.1.6 Officers from City Finance, Procurement, and Legal and Democratic Services have been involved in the preparation of this report.

3.2 External

- 3.2.1 Local residents were consulted through BeHeard and notices placed within the park. 25 responses were received, including two on behalf of Pushbikes, and 20 of these (80%) were supportive, subject to specific comments and concerns, with 5 people (20%) opposed. The main comments are detailed in Appendix A and individual responses are listed in Appendix G. 13 people (11 of whom expressed support to the principle of the path improvements) submitted requests for improvements to the adjacent bridle path used by horses and some walkers, and / or to improve safety for horse riders in and around the park or on adjacent roads. Unfortunately it will not be possible to spend funding allocated to cycling measures for this work.
- 3.2.2 Bartley Green Historic Society has been consulted due to the presence of a historic moat on the site. Natural England has also been informed but they have confirmed that there is no requirement to formally consult with them. West Midlands Fire Service have expressed support for the controlled crossing on West Boulevard.

- 3.2.3 The scheme was discussed at a 'Friends of the Country Park' meeting on 7th January 2016, and overall there was support for the project. Some concerns were expressed over future maintenance, but it is intended that the new path will require less maintenance than at present. There were also some concerns over the impact on the natural area and conservation area. Some people were concerned over the impact on other park users if there were more and faster cyclists in the area. See also Appendix A for more details of comments and responses.
- 3.2.4 A proposal to also include improvements to an informal cut-through path from Woodgate Valley to Minton Road was also consulted on, via a letterdrop to about twenty residents on that road. Although many residents supported the scheme, and a petition of support containing 67 signatures was submitted to City Council on 12th January 2016 by Councillor Vivienne Barton, there were also objections from two households. An alternative scheme has been investigated to replace existing stepping stones over the brook with a small bridge. Further consultation will be carried out and a separate FBC approval sought for implementation later in 2017/18. In the meantime, the improvement to the existing informal path has been deleted from the current proposal.
- 3.2.5 The Access Committee for Birmingham, Royal National Institute for the Blind (RNIB), Focus Birmingham and Guide Dogs have been informed of the proposals. The Access Committee and Guide Dogs have asked for tactile paving and for segregation between pedestrians and cyclists, see Appendix A for further details.
- 3.2.6 Other organisations, including cycling and walking groups, have been consulted on the proposal and will continue to be consulted through the design and delivery process. Pushbikes have provided a response in support of the scheme but asked for a controlled crossing where the path meets West Boulevard, wider paths (3.0m minimum), and a review of access barriers and chicanes. See also Appendix A 'Consultation Details'.
- 3.2.7 The Green Route schemes are located in areas managed by Parks and Nature Conservation within the Place Directorate. The schemes will be developed and managed by the City Council's Landscape Practice Group, and part of their remit will be to consult and liaise with users throughout the works, particularly where temporary closures or diversions are required.

4. Compliance Issues:

- 4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?
- 4.1.1 The Birmingham Cycle Revolution (BCR) programme seeks to promote sustainable travel options by increasing the attractiveness of cycling, which will contribute to reducing car usage, improving health and the environment, and improving connectivity for households without a car. Many of the proposals including this route through Woodgate Valley Country Park will also benefit pedestrians.
- 4.1.2 The proposals will support the City Council's policy objectives outlined in the Council Business Plan and Budget 2016+ and other documents, in particular for '*a strong economy*' and '*a healthy happy city*'. The measures also support the objectives of the City Council's 'Vision and Forward Plan' published in March 2017, and the policies within the West Midlands Strategic Transport Plan. Further details are given in Appendix A.
- 4.1.3 The proposed contractors selected to deliver this scheme are accredited signatories to the Birmingham Business Charter for Social Responsibility, and will be required to produce additional actions proportionate to the contract sum. These actions will be included in the supplier's Action Plan, and will be implemented and monitored during the contract period.

4.2 Financial Implications

- 4.2.1 The total capital cost of the work covered by this FBC is estimated to be £0.728m. This includes £0.076m of Development and Detailed Design costs previously approved through the PDD for BCR Phase 3 in March 2015. This will be funded from the DfT's CCAG capital funding. Further details are given in the Financial Table in Appendix A.
- 4.2.2 The DfT confirmed the funding in principle for BCR Phase 3 by letter on 23rd March 2015, and the City Council's Section 151 Officer confirmed acceptance of the first instalment of £1.000m and its associated conditions on 23rd April 2015. Further instalments of grant up to an overall total of £8.317m have now been confirmed by DfT and accepted by the Section 151 Officer. CCAG funding for Phase 3 in 2017/18 remains subject to confirmation by DfT, and other 'Local Contributions' for BCR Phase 3 from 2018 onwards will be allocated as part of the Transportation and Highways Capital Programme Funding Strategy 2017/18 to 2021/22. However, sufficient funding has already been confirmed to allow the works covered by this FBC to proceed. Approvals to date for Phase 3 are shown in a table in Appendix A.
- 4.2.3 The scheme will deliver new and improved paths in parks and green open space managed by Parks and Nature Conservation. The majority of the new cycle route will be the responsibility of the Place Directorate, and will be maintained from their existing revenue maintenance budgets where existing paths have been utilised or where path reductions have been made to compensate. This has been confirmed with the relevant Parks Managers. The proposed investment in existing assets will increase their natural life thereby reducing current maintenance obligations, and new assets will be designed to be low maintenance and revenue neutral.
- 4.2.4 The western end of the route, known as Watery Lane, is classed as Highway Maintainable at Public Expense (HMPE) although it is currently an unsealed gravel track, and falls within the remit of the Highways Maintenance PFI Contract. As a consequence this project will create assets that will form part of the highway upon completion. As such they will need to be maintained within the overall Highways Maintenance Revenue Budget. It has been estimated that there will be a revenue maintenance saving of £576 per year (£459 Basic Asset and £117 Enhanced Asset) as a result of changing this to a sealed path with 'spray and chip' surfacing.
- 4.2.5 This project will create assets that will form part of the highway upon completion of the project; as such they will be maintained within the overall highway maintenance programme. The estimated net cost of including these newly created assets within the highway maintenance process is £3,299 per year (includes all signs, lines and power supply).
- 4.2.6 The cumulative revenue consequence of the Green Route scheme and the Toucan Crossing is £2,723.13 including £303.36 of energy costs, as shown in the table in Section 2 of Appendix A. These costs will be funded from the provision for Highways Maintenance held within Corporate Policy contingency. A Maintenance Finance Statement is included at the end of Appendix A.
- 4.2.7 A Risk Management Assessment was carried out for the initial Green Routes FBC in December 2013. This has been reviewed and updated and is included in Appendix C.

4.3 Legal Implications

4.3.1 The Council may use its powers under Section 19 Local Government (Miscellaneous Provisions) Act 1976, and Sections 10 and 12 Open Spaces Act 1906, to undertake the path improvements over public open space. Public Rights of Way in the form of Restricted Byways are covered by Section 25 and 26 Highways Act 1980, as amended by the Countryside and Rights of Way Act 2000. .

4.3.2 Planning consent is not required for any of the improvements to green route paths.

4.3.3 Other legislation is also relevant to the introduction of cycling facilities including: Health and Social Care Act 2012; Crime and Disorder Act 2006; and Equality Act 2010. Construction works will be designed and implemented in accordance with the Construction Design and Management Regulations 2015.

4.4 Public Sector Equality Duty

4.4.1 An initial Equality Analysis was carried out for BCR Phase 1 prior to approval of the PDD and submission of the bid in April 2013. A more detailed analysis was produced for the Green Routes elements as part of the first FBC approval in January 2014 (ref EA000034), and this has now been updated for the Phase 2 and 3 Green Routes programmes (ref EA001093) as included in Appendix B of this FBC report. The analysis concluded that there will be no adverse impact on any of the protected groups.

5. Relevant background/chronology of key events:

5.1 Woodgate Valley Country Park (this approval)

5.1.1 This approval covers £0.573m of off-road path improvements in Woodgate Valley Country Park, which can be delivered in 2017/18 through the existing Landscape Construction Framework 2015-19 contract, as outlined in Appendix A and on the plan in Appendix E. Improvements will be made to the existing path through the country park from West Boulevard up to and including Watery Lane, a total length of approximately 2.7km. The existing unsealed gravel paths are in a poor condition and will be replaced with an all-weather sealed bitumen-based material with a 'spray and chip' gravel dressing on top, the same as that used for the initial Canal and Green Route schemes in 2014 and 2015. The path will generally be increased from around 2.0m to 2.5m wide, unless physical constraints necessitate a narrower route or where existing path widths and usage justify localised increase in width.

5.1.2 The path works will be accompanied by improvements to signing and wayfinding where required, cutting back of existing vegetation, and a review of existing access barriers at the existing entrance points into the park.

5.1.3 The scheme also includes a 'Local Link' highway scheme comprising a new toucan crossing at B4121 West Boulevard at a cost of £0.155m. This links the eastern end of the route onto the existing Bournbrook route and towards Selly Oak, Queen Elizabeth Hospital and University of Birmingham, as shown on the plan in Appendix F. At the western end it would be possible to extend the route on-road across the M5 and into the Black Country, but this would require funding to be secured by neighbouring authorities.

5.1.4 Implementation will be funded through the BCR Phase 3 programme, from the second tranche of the DfT's CCAG funding. It is expected that the majority of work can be completed in 2017/18, but as the final 'spray and chip' dressing is weather-dependent then some of this work may be held over until Spring 2018.

5.2 Procurement

- 5.2.1 The proposed off-road works, as with other Green Route schemes, will be designed and delivered by the City Council's Landscape Practice Group, and the contract for the works will be awarded through a direct award on a 'taxi rank' basis in line with the protocol of the Landscape Construction Framework 2015-19, which was approved by the Cabinet Member for Commissioning, Contracting and Improvement on 13th April 2015. The cost estimate for the works is based on first-ranked contractor's schedule of rates submitted under that framework. The work will be offered to the second-ranked contractor if the opportunity has previously been offered to and declined by the first-ranked.
- 5.2.2 The highways element will be delivered through the City Council's Highways and Infrastructure Works Framework Contract 2014-18, in accordance with the 'Delivery Strategy and Highways Works for Phases 1a, 1b, 2 and 3' report to the then Cabinet Member for Commissioning, Contracting and Improvement jointly with the Deputy Chief Executive dated 25th September 2015. Further information is given in the Private Report.
- 5.2.3 Subject to approval of this FBC the off-road works would be delivered over the summer period (May to September) 2017. The highways element would also be delivered during this time.

6. **Evaluation of alternative option(s):**

- 6.1 Alternative options could include 'Do Nothing', but this could lead to the loss of the DfT funding which has been secured, a failure to improve the green route network for cyclists, and reputational damage to the City Council.
- 6.2 More of the funding could be allocated to improving the City Council's on-street cycle network rather than funding improvements to off-road routes. However, stakeholders have been supportive of improvements to green routes, and they provide the opportunity for a 'quick win' in terms of encouraging cycling. The Green Routes programme was also approved in principle by Cabinet at PDD stage.
- 6.3 Alternative surfacing materials were considered at the beginning of the BCR programme but bitumen-bonded gravel (spray-and-chip) on a sealed bitumen base course was selected as giving the best balance between a surface suitable for all-weather cycling, installation cost, future maintenance, and a suitable appearance for natural 'green' areas. This material was acceptable to both Canal and River Trust for the canal towpaths and to BCC's Parks Managers for the green routes, and so allows consistent use of materials across all of the BCR off-road routes.
- 6.4 Paths of 3.0m could be considered as standard, rather than 2.5m, as requested by Pushbikes. Alternatively the existing path width (around 2.0m) could be retained. However, the funding bids were based on 2.5m, which was selected as being a reasonable compromise between providing sufficient width for passing, cost and maintenance implications, and avoiding creating the appearance of a road through relatively rural locations. Widening the paths would reduce the total length which could be implemented for the same cost, and so reduce the overall benefits of the programme. Paths will generally be 2.5m wide unless physical constraints necessitate narrower routes, or where existing path widths and usage justify localised increases in width.
- 6.5 The route could be replaced by an alternative on-road cycle route using Stonehouse Lane and other roads which run parallel to the Country Park. However, these would involve cyclists mixing more closely with traffic and so would be less attractive to inexperienced and family / leisure cyclists. These roads will still be considered for their own cycling measures under separate parts of the BCR programme.

7. Reasons for Decision(s):

- 7.1 The approval of the public and private reports will allow the Woodgate Valley Green Route scheme to be implemented and contracts entered into for delivery.

Signatures**Date**

Councillor Stewart Stacey –
Cabinet Member for Transport
and Roads

.....

.....

Councillor Majid Mahmood –
Cabinet Member for Value for Money
and Efficiency

.....

.....

Waheed Nazir –
Corporate Director, Economy

.....

.....

List of Background Documents used to compile this Report:

'Birmingham Cycle Revolution Phase 3: Programme Definition Document', Report of the Deputy Chief Executive to Cabinet, 16th March 2015.

'Birmingham Cycle Revolution (Cycle City Ambition Grant): Green Routes – Full Business Case', Report to Cabinet, 20th January 2014.

'Birmingham Cycle Revolution Phase 1: Canal Towpath and Green Routes – Full Business Case', Report to Cabinet, 18th May 2015.

'Birmingham Cycle Revolution: Delivery Strategy and Highway Works for Phases 1a, 1b, 2 and 3', Report to Cabinet, 21st September 2015.

'Birmingham Cycle Revolution Phase 3: Sheldon Country Park Green Route – Full Business Case', Report to Cabinet Members for Development, Transport & the Economy and Commissioning, Contracting & Improvement jointly with the Strategic Director for Economy, 28th April 2016.

'Birmingham Cycle Revolution (BCR): Progress Update and Programme Revision Report', Report to Cabinet, 13th December 2016.

List of Appendices accompanying this Report:

Appendix A – BCR Phase 3 Woodgate Valley Green Route: Full Business Case

Appendix B – BCR Phase 2 & 3 Green Routes: Equality Analysis Ref EA001093

Appendix C – BCR Phase 3 Woodgate Valley Green Route: Risk Management

Appendix D – BCR Phase 3 Woodgate Valley Green Route: Implementation Programme

Appendix E – BCR Phase 3 Woodgate Valley Green Route: Location Plan

Appendix F – BCR Phase 3 Woodgate Valley Green Route: Toucan Crossing

Appendix G – BCR Phase 3 Woodgate Valley Green Route: Public Consultation Responses

PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none">(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) tackle prejudice, and(b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none">(a) Marriage & civil partnership(b) Age(c) Disability(d) Gender reassignment(e) Pregnancy and maternity(f) Race(g) Religion or belief(h) Sex(i) Sexual orientation