

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to: **JOINT CABINET MEMBERS FOR TRANSPORT & ROADS AND VALUE FOR MONEY & EFFICIENCY JOINTLY WITH THE CORPORATE DIRECTOR, ECONOMY**

Report of: **INTERIM ASSISTANT DIRECTOR – TRANSPORTATION AND CONNECTIVITY**

Date of Decision: **1 November 2017**

SUBJECT: **BIRMINGHAM CYCLE REVOLUTION: A34 BIRCHFIELD ROAD (CITY CENTRE TO HEATHFIELD ROAD) – FULL BUSINESS CASE**

Key Decision: Yes (delegated) **Relevant Forward Plan Ref:**

If not in the Forward Plan: Chief Executive approved

(please "X" box) O&S Chair approved

Relevant Cabinet Member(s) or Relevant Executive Member: **Councillor Stewart Stacey – Transport and Roads**
Councillor Majid Mahmood – Value for Money and Efficiency

Relevant O&S Chair: **Councillor Zafar Iqbal – Economy, Skills and Transport**
Councillor Mohammed Aikhlaq – Corporate Resources and Governance

Wards affected: **Ladywood, Nechells, Aston, Lozells & East Handsworth**

1. Purpose of report:

- 1.1 To seek approval to the Full Business Case (FBC) for the A34 Birchfield Road (City Centre to Heathfield Road) scheme as part of the Birmingham Cycle Revolution programme at an estimated cost of £9,845,000 and to proceed with implementation having taken account of the consultation feedback.
- 1.2 To note the proposals for the future development of those elements of the Green Travel Districts aligned with the Birchfield Road scheme.
- 1.3 To seek approval for the Interim Assistant Director – Transport and Connectivity to appoint contractors and place orders for the construction of the works.
- 1.4 The accompanying private report contains confidential market information which could impact on the tender process.

2. Decision(s) recommended:

That the Cabinet Members for Transport and Roads and Value for Money and Efficiency jointly with the Corporate Director, Economy:-

- 2.1. Approve the Full Business Case (Appendix A) for the Birmingham Cycle Revolution A34 Birchfield Road (City Centre to Heathfield Road) scheme and proceed with its implementation, to be delivered at a total cost of £9,845,000 including works, land, contingencies and fees.
- 2.2 Approve the appropriation and change of function from Housing under the Housing Act 1985 to highways under the Highways Act 1980 of 315.0 m² of land held within the HRA to the General Fund as shown on the drawing numbered 15983 in Appendix G and as

identified within the Full Business Case Appendix A, the Council being satisfied that the land is no longer required for its current functions, with the overall market value of £300.00, subject to the procedure at 2.3 having been followed.

- 2.3 Authorise the Assistant Director of Property Services to complete the transfer of land and dedicate as Highway Maintainable at Public Expense (HMPE) to facilitate the building of the new footway including easements and drainage in the adjoining land connected to the scheme, and authorise the City Solicitor to complete such acquisition and disposal or easement and seal any documents in connection therewith
- 2.4 Note that a programme of complementary schemes will be developed as part of the Green Travel District (GTD) elements of the overall BCR programme proposals in accordance with the revised programme agreed as part of the Birmingham Cycle Revolution (BCR): Progress Update and Programme Revision Report approved at Cabinet 13th December 2016, as detailed in Appendix A.

Lead Contact Officer(s): Varinder Raulia – Head of Infrastructure Delivery

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3.Consultation

3.1 Internal

- 3.1.1 The Interim Leader has been informed of the implications for Council-owned land and the impact on trees. The Cabinet Member for Clean Streets, Recycling and the Environment and the Cabinet Member for Transparency, Openness and Equality have also been consulted.
- 3.1.2 The relevant Ward Councillors and District Chairs have been consulted by e-mail and through BCC officer attendance at District and Ward Committee meetings wherever possible. Any comments received have been included within the design process.
- 3.1.3 The Assistant Director for Highways and Infrastructure and the Corporate Director of Place have been consulted and are in agreement with the proposals and their comments have been included within the design process.
- 3.1.4 Officers from City Finance, Procurement, and Legal and Governance have been involved in the preparation of this report.
- 3.1.5 Agreement has been reached with the Assistant Director of Property Services in respect of the transfer of 2,747.00 m² of land to Highways Maintainable at Public Expense (HMPE). See section 5.3.1 for further details.

3.2 External

- 3.2.1 Relevant MPs, Emergency Services, Bus Operators, Disabled Groups and Cycling and Walking Groups have been consulted. Comments have been received and are provided in Appendix F.
- 3.2.2 All properties and businesses within a buffer of approximately 250m either side of the main corridor route received a leaflet informing them of the consultation

and signposting them to further information. This buffer was extended as appropriate to capture additional residences, businesses and adjacent places of interest. This general geographic area of distribution is shown on the plan in Appendix F.

3.2.3 To promote the consultation exhibitions posters were distributed to a selection of local shops and public buildings. The consultation was promoted more widely via local press releases and Birmingham City Council and Birmingham Cycle Revolution social media channels. Commuters and other road users were specifically made aware of the consultation process by placement of 16 road signs along the corridor and on all arms of approaches to junctions along Birchfield Road.

3.2.4 For those without web access, information packs were provided in accessible local buildings across the area for the duration of the six week consultation period. Paper questionnaire forms were also provided in these venues for people to complete and place in a feedback box. The drawings were uploaded on the Birmingham Be-Heard website enabling residents to make comments online.

3.2.5 All comments received have been considered during the FBC preparation. Full details are given in Appendix F, including design team responses to the key comments received. Design changes as a result of the consultation process are identified in the FBC at Appendix A.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

4.1.1 The BCR programme supports the City Council's Vision and Forward Plan priorities approved in May 2017, under the banner of 'connected', 'inclusive' and 'sustainable'. The measures also support the policies within the Birmingham Development Plan (BDP), the aspirations of Birmingham Connected, the Health and Wellbeing Strategy, and the West Midlands Strategic Transport Plan. Further details are included in Appendix A.

4.1.2 The scheme will help increase the uptake of cycling and will therefore have long term improvement in air quality.

4.1.3 All contractors on the Highways and Infrastructure Works Framework are accredited signatories to the Birmingham Business Charter for Social Responsibility. Prior to the award of works within this FBC additional actions proportional to the value of this contract will be agreed with the recommended contractor and included in their action plan and will be monitored during the delivery of the overall programme

4.2 Financial Implications (How will decisions be carried out within existing finances and Resources?)

4.2.1 The pre-estimated capital cost of the highway infrastructure schemes covered by this report in Appendix A is £9,845,000. This is funded from the DfT's Cycle City Ambition Grant (CCAG) (£5,111,600), Local Growth Fund (LGF) (£62,900) and the City Council's Integrated Transport Block (ITB) (£4,670,500). Further details are included in the FBC at Appendix A.

4.2.2 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 regime. The estimated net cost of including these newly created assets within the highway maintenance regime is £11,400 per year. This cost 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.

4.2.3 The scheme requires the transfer of various areas of land (see Appendix G) to the Economy Directorate with the following financial implications.

- The appropriation of 315.00 m² of Housing land (HRA) from the Place Directorate at current market value of £300.00. By law, any appropriation of land between the HRA and the General Fund results in a transfer of borrowing between the HRA and the General Fund equivalent to the open market value of the land appropriated. Assuming an average long term interest of 4% per annum this will also result in revenue saving to the HRA of £12.00 per annum in perpetuity, with revenue costs to the General Fund of a similar value.
- The appropriation of 20 m² of land from the Place Directorate at current market value of £100.00 which will be treated as de minimis and there are therefore no financial implications.
- The remainder of the land is already held by the Economy Directorate and will transfer within the directorate to Highways.

4.2.4 Cycling Infrastructure measures are supported by marketing and promotion activities funded from within approved revenue budgets.

4.2.5 A Risk Management Assessment has been undertaken for this scheme (see Appendix C).

4.3 Legal Implications

4.3.1 The City Council carries out transportation and infrastructure related works under the relevant primary legislation including the Highways Act 1980, Town and Country Planning Act 1990, Traffic Management Act 2004, Transport Act 2000, and other related regulations, instructions, directives and general guidance. The appropriation of land required to deliver the scheme will be carried out under powers within s122 of the Local Government Act 1972.

4.3.2 The locations covered by this report are principally within areas of highway maintainable at public expense (HMPE) and planning or other consents are generally not required. However to accommodate those elements of the two-way segregated cycle track between the junction of New John Street West/Newtown Middleway and Chain Walk it will require the transfer of 2,747.00 m² of additional land to HMPE as detailed in paragraph 5.3.1 and Appendix G.

4.3.3 The scheme proposals will require Traffic Regulation Orders and Notices to enable delivery to proceed. These have been advertised where required, for the removal of bus lanes, cycle movements at signal controlled junctions, new hump crossings, conversion of footways to either segregated or shared use for pedestrians and cyclists and new or improved crossing facilities. The scheme will also require the removal and replacement of trees along the corridor. Subject to any comments/objections received during the statutory consultation period a further report will be required to determine any changes required to the scheme.

4.3.4 An initial assessment of section 122 of the Road Traffic Regulation Act 1984 has indicated that there will be no detrimental impact in respect of amenity or air quality resulting from the introduction of the above Traffic Regulation Orders.

4.4 Public Sector Equality Duty

4.4.1 An initial Equality Analysis was carried out prior to approval of the Project Definition Document and submission of the bid in March 2015. A revised analysis for the highway infrastructure scheme is included in Appendix B (Ref EA001493).

4.4.2 The Equality Analysis identified a risk of detriment to people with disabilities in sharing footways with cyclists, with a need to consult with groups representing physically disabled and visually impaired people, and to ensure that the schemes meet appropriate design standards and best practice. Groups representing disabled people were included in the scheme consultations and meetings have taken place with Access Committee for Birmingham and Guide Dogs as part of the development of the new Birmingham Cycle Design Guide. The installation of shared footways for cyclists is a standard solution used in many parts of the UK and is covered by existing design guidance. Their use in Birmingham will be in accordance with best practice, including provision of tactile paving, and in compliance with the Birmingham Cycle Design Guide. The effect of the scheme on disabled people will be monitored as part of the overall BCR programme.

4.4.3 The Equality Analysis also identified the need to ensure that, wherever practical, cycle facilities are designed to be useable by non-standard bikes which may be used by cyclists with disabilities. All of the facilities proposed within this FBC are suitable for use by a wide range of cyclists, including people with disabilities. There will also be improvements for other disabled road users, for example through improvements to bus stops and side-road crossing points. The use of more segregation also avoids the need for long lengths of shared-use footways which could be detrimental to disabled, elderly or infirm pedestrians.

5. Relevant background/chronology of key events:

5.1 BCR Programme Summary

5.1.1 The BCR programme is currently being delivered in three phases. All three phases include a combination of highway infrastructure, off road routes, and supporting measures. Further details of the BCR programme are provided in Appendix A. On 13th December 2016 Cabinet approved the Birmingham Cycle Revolution (BCR) Progress Update and Programme Revision Report which approved changes to the BCR Programme and budget allocations as well as delegating future approval of schemes within the programme to the Cabinet Member for Transport and Roads and the Cabinet Member for Value for Money and Efficiency, jointly with the Corporate Director, Economy.

5.2 BCR Phase A34 Birchfield Road Corridor Proposals

5.2.1 In line with the approved strategy it is proposed to deliver a high quality cycling scheme along the A34 Birchfield Road (City Centre to Heathfield Road). The scheme incorporates a high quality segregated two-way cycle track for the majority of its length, along the out of city side of the carriageway, together with a number of changes to key junctions along the route to improve priority for cyclists. The proposals will also require a number of changes to existing Traffic Regulation Orders necessary to enable delivery of the scheme. Full details of the current proposals and the result of the consultation process are provided in the FBC at Appendix A and on the drawings in Appendix D.

5.2.2 These proposals are part of a wider capital investment in support of a 20-year strategy to embed cycling into the mainstream transport offer and increase the proportion of cycle trips from less than 2% to 5% by 2023 and 10% by 2033. The scheme will help unlock and support growth across the investment area by supporting cycle access to major employment sites and Enterprise Zones, better integrating cycling as part of a longer journey by public transport, improve and equalise access to opportunity, reduce congestion at key pinch-points and support improved health and wellbeing.

5.3 Land Transfer to Highway Maintainable at Public Expense (HMPE)

5.3.1 In order for the above proposals to be delivered it will be necessary to transfer 2,747 m² of land held within the Economy Directorate, along the A34 New Town Row between the junctions of New John Street West / Newtown Middleway and Chain Walk to be transferred to HMPE (2412.00m² of existing Economy Directorate land together with 20.00m² of Leisure Services land and 315m² of HRA land subject to transfer from the Place Directorate) as shown on the drawings in Appendix G (15983 and 16309). Place Directorate has confirmed the transfer of the housing land will have no detrimental impact on the future development potential of the remaining land.

5.4 Future Development and Commonwealth Games (2022)

5.4.1 To compliment the A34 Birchfield Road proposals and subject to available funding, appraisal work will be undertaken on options to develop the link to Perry Barr local centre within the Perry Barr Green Travel District in line with the revised highway scheme implementation strategy. The funding for this development work was approved as part of the overall programme development contained in the Project Definition Document (PDDs) for Birmingham Cycle Revolution: Phases 2 and 3: approved at Cabinet on 16th March 2015.

5.4.3 On the back of recent announcements it is becoming increasingly likely that Birmingham will be announced as the preferred bidder for hosting the Commonwealth Games in 2022. The A34 Birchfield Road will be a key corridor for people wishing to access events at Alexander Stadium and the proposed cycle measures will provide an opportunity for sustainable travel to events. Furthermore dialogue is on-going with Transport for West Midlands (TfWM) regarding the integration of cycle infrastructure along the A34 corridor in respect of any future Sprint bus proposals.

5.5 Procurement

5.5.1 The works for the A34 Birchfield Road will be delivered through the City Council's Highways and Infrastructure Works Framework Agreement 2014-18 (Lot 4) in accordance with the strategy in Appendix A.

5.6 Programme

5.6.1 The proposed programme for the delivery of the works is as follows;

- Notify Contractor to commence works: 20th October 2017
- Construction Period: 13th November 2017 to 17th August 2018
- Scheme Commissioning/Opening: 17th August 2018
- Defects Correction Period: 17th August 2018 to 16th August 2019

6. Evaluation of alternative option(s):

- 6.1 Alternative options could include ‘Do Nothing’, but this would lead to the loss of the Department for Transport funding which has been secured, and a failure to provide infrastructure schemes to improve conditions for cyclists. As a result the City would be unlikely to meet its target of cycling forming 5% of all journeys by 2023.
- 6.2 An options appraisal exercise was undertaken for the A34 Birchfield Road corridor leading to the development of the scheme which best fits the local conditions and the overall programme objectives. The proposals have been modified where appropriate to take into account comments received during the consultation process.
- 6.3 Existing mature trees could be retained, but this would lead to a reduced level of provision for cyclists including more mixing with pedestrian and road traffic.

7. Reasons for Decision(s):

- 7.1 The approval of this FBC for the Birmingham Cycle Revolution A34 Birchfield Road (City Centre to Heathfield Road) will allow the proposals to be finalised, the Traffic Regulation Orders to be advertised and contracts entered into for delivery.

Signatures

Date

Councillor Stewart Stacey
Cabinet Member for Transport and Roads

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Councillor Majid Mahmood
Cabinet Member for Value for Money and Efficiency

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Waheed Nazir
Corporate Director, Economy

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List of Background Documents used to compile this Report:

- Local Growth Fund Transport and Connectivity Projects: Programme Definition Document’, Report of the Deputy Chief Executive to Cabinet, 16th March 2015.
- Birmingham Cycle Revolution: Phase 3: Programme Definition Document’ Report of the Deputy Chief Executive to Cabinet 16th March 2015.
- Birmingham Cycle Revolution: Delivery Strategy and Highway Works for Phase 1a, 1b, 2 and 3, Report of the Interim Assistant Director for Transport and Connectivity to Cabinet member for Commissioning, Contracting and Improvement, jointly with the deputy Chief Executive 25th September 2015.
- Birmingham Cycle Revolution (BCR): Progress Update and Programme Revision Report of the Strategic Director for economy to Cabinet 13th December 2016.

List of Appendices accompanying this Report (if any):

1. Appendix A – Full Business Case
2. Appendix B – Equality Analysis Ref EA001493
3. Appendix C – Risk Management Assessment
4. Appendix D – Scheme Plans
5. Appendix E – Implementation Programme
6. Appendix F – Consultation Summary
7. Appendix G – Land Transfer

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 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 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 (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 The Council must, in the exercise of its functions, have due regard to the need to:
 - (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 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:
 - (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 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.
- 4 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:
 - (a) tackle prejudice, and
 - (b) promote understanding.
- 5 The relevant protected characteristics are:
 - (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