

## Public Report

# Birmingham City Council

## Report to Cabinet

Date 5 March 2019



**Subject:** **PERSHORE ROAD / PRIORY ROAD –  
PEDESTRIAN & CYCLE SAFETY MEASURES**

**Report of:** **DIRECTOR, INCLUSIVE GROWTH**

**Relevant Cabinet Member:** **Cllr Waseem Zafar, Transport and Environment  
Cllr Tristian Chatfield, Finance and Resources**

**Relevant O &S Chair(s):** **Cllr Liz Clements, Sustainability and Transport**

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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Edgbaston		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: <b>006071/2018</b>		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

### 1 Executive Summary

- 1.1 This report seeks approval to the Options Appraisal (OA) setting out a project that will introduce a package of pedestrian and cycle safety measures at Pershore Road / Priory Road to be developed and implemented at a total estimated capital cost of £1.500m and to proceed with the development of the Full Business Case (FBC).

- 1.2 To seek approval to a range of preparatory activities including release of £0.110m funding from Integrated Transport Block (ITB) local contribution to facilitate development of the scheme to Full Business Case, development of detailed design, land acquisition, delegations and governance processes to enable the progression of the project.
- 1.3 The accompanying private report contains confidential information which may prejudice negotiations with the third party landowner and the works tendering process.

## **2 Recommendations**

That Cabinet:

- 2.1 Approves, the OA as detailed in appendix A to this report, setting out the project to be developed and implemented by the City Council, at a total estimated capital cost of £1.500m, funded from £1.300m Department for Transport (DfT) City Cycle Ambition Grant (CCAG) and £0.200m Integrated Transport Block (ITB) local contribution.
- 2.2 Approves the release of £0.110m development funding from the ITB local contribution to facilitate the detailed design and development of the scheme to Full Business Case.
- 2.3 Authorises the Assistant Director for Transport & Connectivity to enter into a funding agreement with DfT for the £1.300m City Cycle Ambition Grant (CCAG) funding.
- 2.4 Approves the making of Compulsory Purchase Orders under sections 239, 240 and 250 Highways Act 1980 in respect of the land and rights within the area shown edged black on the plan in Appendix C that relates to the Pershore Road / Priory Road scheme.
- 2.5 Authorises the City Solicitor to carry out all preparatory work for the Compulsory Purchase Order (including land referencing), and make and submit the order to the Secretary of State for Transport for confirmation, preparation for Public Inquiry (if required) and to serve all necessary notices to give effect to the Compulsory Purchase Order and its implementation, including High Court Enforcement Officer Notices and (if granted power to do so) to confirm the Compulsory Purchase Order.
- 2.6 Authorises the Assistant Director of Property to negotiate and complete the acquisition (and disposal if required), and appropriate to Transportation from Housing of any interest to facilitate the building of the new highway including easements and drainage in the adjoining land connected to the scheme, in advance of and alongside the confirmation of the Compulsory Purchase Order and to agree costs and compensation relating to the Compulsory Purchase

Order, and authorise the City Solicitor to complete such acquisitions or disposals or easements and seal any documents in connection therewith.

- 2.7 Authorises the City Solicitor to make and submit for confirmation (if required) orders under Sections 14 and 125 Highways Act 1980 (or such similar orders as may be necessary) for the schemes.
- 2.8 Authorises the City Solicitor to advertise the loss of Open Space within the area shown edged black on the plan at Appendix G, in accordance with Section 122(2A) of the Local Government Act 1972, and consideration by the Leader of any objections to the advertisement.
- 2.9 Subject to The Leader being satisfied after consideration of any such objections in respect of 2.8 above, or if no objections are received approves the appropriation of the open space land from Neighbourhoods Directorate to Inclusive Growth Directorate for transportation use.
- 2.10 Authorises the City Solicitor to negotiate, execute and complete any necessary legal documentation to give effect to the above recommendations.

### **3 Background**

- 3.1 The proposed scheme seeks to improve the overall safety & operational efficiency of the Pershore Road/Priory Road junction via incorporating pedestrian and cycling facilities, signals alterations and forming a viable connection between the Birmingham Cycle Revolution (BCR) scheme on A38 (Bristol Road) to the National Cycle Network at Cannon Hill Park.
- 3.2 A bid application was prepared and submitted to DfT in March 2018 for a share of the Cycle City Ambition Grant and the associated Cabinet Member report 'Department for Transport Cycle Safety Funding – Approval to Submit Application' was approved on 8<sup>th</sup> March 2018.
- 3.2 Following bid submission, in June 2018 the DfT announced that the City Council had been successful and awarded £1.300m funding. This funding was accepted from the DfT on 22<sup>nd</sup> August 2018 under delegated authority by the Assistant Director, Transportation and Connectivity. As the DfT funding is an extension of the Cycle City Ambition Grant (CCAG), this is in line with the governance processes already in place through the existing Birmingham Cycle Revolution Programme.
- 3.3 The proposed measures include:
  - 
  - A new pedestrian crossing phases/ signals (currently none);
  - 3<sup>rd</sup> party land acquisition to enable wider cycle lanes and traffic lanes;
  - Bus stop markings;
  - New tree planting;

- A new cycle track alongside Priory Road and Edgbaston Road to connect National Cycle Network Route 5 at Cannon Hill Park to the Birmingham Cycle Revolution route at A38 Bristol Road; and
- Consideration of 'early start' signals for cyclists.

3.4 In order to deliver the scheme proposals, approximately 880sq.mtr of 3<sup>rd</sup> party land outside of the Council's current ownership is required, on Priory Road between the junction of A38 Bristol Road and A441 Pershore Road. It is proposed that Compulsory Purchase Order (CPO) processes are initiated to run in parallel to negotiated acquisition.

3.5 The following sets out the provisional programme for the scheme based on 3<sup>rd</sup> party land acquisition via negotiation:

- March 2019 – June 2019 – detailed design & Safety Audit;
- July 2019 – FBC scheme approval;
- August 2019 – September 2019 – publication of Traffic Regulation Orders;
- October 2019 – award of contract, construction;
- March 2020 – completion of works, Stage 3 Audit.

3.6 If the City Council is unable to find an amicable negotiation solution with the 3<sup>rd</sup> party land owner, and a CPO is required, then the following programme will apply:

- March 2019 – June 2019 – detailed design & Safety Audit;
- July 2019 – FBC scheme approval;
- August 2019 – September 2019 – publication of Traffic Regulation Orders;
- March 2019 – August 2020 – CPO process;
- September 2020 – award of contract, construction;
- January 2021 – completion of works, Stage 3 Audit.

3.7 This programme assumes there is no Public Inquiry to the CPO, if the scheme is taken to Public Inquiry, then a further 12 months will be added to the CPO process and therefore the award of the contract, construction and completion of works will all be delayed by a further 12 months. In the event of any slippage to the programme as a result of the CPO, early notice will be given to the DfT and the City Council would seek the DfT's agreement to re-profile the grant allocation.

## **4 Options considered and Recommended Proposal**

4.1 Not Proceeding - this would result in lost opportunity to significantly impact on a location with a poor safety record for cyclists. Furthermore the City Council would be unable to improve the overall safety and operational efficiency of the Pershore Road / Priory Road junction via incorporating pedestrian and cycling facilities and signals alterations and also in forming a viable connection between the

Birmingham Cycle Revolution (BCR) scheme on A38 (Bristol Road) to the National Cycle Network at Cannon Hill Park.

- 4.2 Proceeding with a 'Do Minimum' Option - this would not achieve the full benefits that enabled the City Council to secure DfT funding. Although the funding will still be valid for a reduced scheme, it would however mean the City Council would not be able to deliver a full segregated cycle track to form a connection from A38 BCR to Cannon Hill Park, and road widening at Pershore Road / Priory Road junction. The result would be an increase in congestion and delay to motorists and public transport users.

## **5 Consultation**

- 5.1 Initial consultation has been undertaken with the Cabinet Member for Transport and Environment and the Assistant Director of Highways and Infrastructure who support the proposals within this report. Ward Councillors will be briefed and detailed consultation will be undertaken during FBC stage in accordance with standard practice.
- 5.2 Officers from City Finance, Procurement and Legal Services have been involved in the preparation of this report.
- 5.3 Consultation with key stakeholders and the public will be reported during FBC stage in accordance with standard practice.

## **6 Risk Management**

- 6.1 The key risk for the scheme is for the City Council to negotiate the acquisition of the 3<sup>rd</sup> party private land, as failure to do so will cause a delay to the delivery of the project. By way of mitigation, the City Council will run the Compulsory Purchase Order (CPO) process in tandem should negotiations fail. Further risks include, cost increases due to refined detailed design, and contractor pricing during work tender stage. These potential cost increases will be managed through value engineering the scheme and/or de-scoping but without impacting on the objective of the scheme. Please see Appendix D for the full Risk Management Assessment.

## **7 Compliance Issues:**

### **7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

This project is consistent with the Birmingham City Council Plan: 2018-2022  
Birmingham – a city of growth where every child, citizen and place matters.

#### **7.1.1 The report is consistent with the City Council's Vision and Priorities:**

- Birmingham is an entrepreneurial city to learn, work and invest in;
- Birmingham is a fulfilling city to age well in;
- Birmingham is an aspirational city to grow up in
- Birmingham is a great city to live in;

- Birmingham is a fulfilling city to age well in.

Proposed projects include pedestrian and cycle improvements at busy junctions which will make them safer and easier to use for children and families. They are located on key routes which provide access to housing, jobs and skills. By improving facilities for walking and cycling, these schemes encourage active travel which supports healthier lifestyles and reduces air pollution.

7.1.2 This scheme extends the existing Birmingham Cycle Revolution programme that is contributing towards achieving the Council's key policies and priorities as set out in the West Midlands Strategic Transport Plan, Birmingham Development Plan and the Birmingham Connected transport strategy.

## **7.2 Legal Implications**

7.2.1 The City Council carries out transportation, highways and infrastructure related works under the relevant primary legislation including the Town and Country Planning Act 1990, Highways Act 1980, Road Traffic Regulation Act 1984, Traffic Management Act 2004, Transport Act 2000, Local Government (Miscellaneous Provisions) Act 1976, Countryside and Rights of Way Act 2000, and other related regulations, instructions, directives and general guidance. Consideration has also been given to Ministry of Housing, Communities and Local Government guidance dated October 2015 and updated in February 2018 on Compulsory Purchase and Department for Transport circular 2/97 in Appendix F. Section 122 of the Local Government Act contains the Council's statutory appropriation power subject to the prior discharge of the loss of open space advertisement condition attached to appropriation of land held for open space purposes.

7.2.2 A Private report is to accompany this Public report that will include the financial breakdown of funding available for the design element of the scheme and to acquire 3rd party private land by negotiation. As the design element is to be a competitive tender process via the Professional Services Framework, the City Council does not want to prejudice this process by allowing potential tenderers to know in advance the budget that is set. This is the same for the 3rd party land negotiation, whereby the City Council does not want to prejudice negotiations by informing the land holder in advance what the City Council's budget for purchasing the land may be.

## **7.3 Financial Implications**

7.3.1 The proposed scheme has an estimated capital cost of £1.500m. Costs have been estimated on the basis of similar cycling infrastructure projects undertaken by the Council over the last 3 years. Estimated costs including design, development, 3<sup>rd</sup> party land acquisition, works and contingencies alongside the proposed funding is shown below:

<b>Scheme</b>	<b>DfT Cycle Safety Fund £m</b>	<b>ITB Local Contribution £m</b>	<b>Total Cost £m</b>
Pershore Road / Priory Road	£1.300	£0.200	£1.500

7.3.2 DfT capital grant funding was made available for local councils to bid for as an extension of the Cycle City Ambition Grant (CCAG) which has existing governance processes in place through the Birmingham Cycle Revolution Programme. A bid application was prepared and submitted to DfT in March 2018 along with a Cabinet Member report seeking approval to submit the funding bid. In June 2018 DfT announced the winners of the Cycle Safety Fund and awarded £1.300m to Birmingham City Council to deliver the Pershore Road / Priory Road scheme.

7.3.3 The DfT capital grant was offered under Section 31 of the Local Government Act 2003. This funding was accepted on 22nd August 2018 under delegated authority by the Assistant Director, Transportation and Connectivity, (funding is an extension of CCAG and acceptance was in line with governance processes already in place through the existing Birmingham Cycle Revolution Programme). The Council will be responsible for this funding and will ensure the scheme will be carefully managed and monitored to address any potential increase in costs by de-scoping the scheme to remain within budget whilst still meeting required outcomes. In the event of any slippage to the programme as a result of the CPO, early notice will be given to the DfT and the City Council would seek to the DfT's agreement to re-profile the grant allocation.

7.3.4 The Council has committed to provide a £0.200m local contribution to support the delivery of this project. It is proposed to meet this commitment from Integrated Transport Block (ITB) Local Safety Schemes resources, identified within the Updated Transportation and Highways Funding Strategy 2018/19 to 2023/24 Option Appraisal, approved by Cabinet in July 2018. The release of £0.110m development funding from the ITB local contribution will facilitate the development of the scheme to FBC and the completion of detailed design.

7.3.5 In addition to the above, the detailed cost breakdown, including those elements to be tendered for and for 3<sup>rd</sup> party land acquisition, is in the accompanying Private report.

7.3.6 This project will create assets that will form part of the highway upon completion of the project; as such they will need to be maintained within the overall highway maintenance regime. The estimated cost of including these newly created assets within the highway maintenance regime is estimated at £0.002m per annum, mainly due to the addition of new signs, road markings and grass verge maintenance. These costs will be funded from the provision for Highways Maintenance held within the Corporate Policy Contingency. These estimated costs will be finalised once detailed design is known at FBC stage.

7.3.7 The project will create new tree assets upon completion of the project and as such they will need to be maintained by the Parks and Green services team. Approximately 12 x new trees will be planted and the estimated revenue cost is £0.001m per annum. These costs will be funded from the provision for Highways Maintenance held within the Corporate Policy Contingency. These estimated costs will be finalised once detailed design is known at FBC stage.

#### **7.4 Procurement**

7.4.1 The proposed design works will be procured via a mini-competition tender exercise for specialist design works (traffic signals and highway design) procured using the West Midlands Transportation Professional Services Framework via the Council's e-tender portal.

#### **7.5 Human Resources**

7.5.5 N/A

#### **7.6 Public Sector Equality Duty**

7.6.1 An initial screening for an Equality Assessment (EA) has been undertaken and has concluded that a full EA is not required, with no adverse impacts on protected groups. Equality Analyses are included within the Appendices to this report.

### **8 Background Documents**

8.1.1 Updated Transportation and Highways Funding Strategy 2018/19 to 2023/24 Option Appraisal, approved by Cabinet in July 2018.

8.1.2 Cabinet Member report "Department for Transport Cycle Safety Funding – Approval to Submit Application" approved on 8<sup>th</sup> March 2018.

8.1.3 Grant Award Acceptance Slip 22<sup>nd</sup> August 2018



## **8.2 List of Appendices accompanying this Report (if any):**

Appendix A – Pershore Road / Priory Road Options Appraisal

Appendix B – General Scheme Layout

Appendix C – Land Acquisition Plan

Appendix D – Risk Management Assessment

Appendix E – Equality Analysis

Appendix F – CPO & Human Rights Note

Appendix G – Loss of Public Open Space