

**DELEGATED DECISION****6<sup>th</sup> JANUARY 2020**

<b>REPORT TITLE</b>	<b>LIVERPOOL CITY REGION LOCAL CYCLING AND WALKING INFRASTRUCTURE PLAN PHASE 1:</b>  <b>GREEN TRAVEL CORRIDORS SUSTAINABLE URBAN DEVELOPMENT (SUD) LEASOWE TO SEACOMBE FERRY</b>
<b>REPORT OF</b>	<b>DIRECTOR OF REGENERATION AND PLACE</b>

**REPORT SUMMARY**

This report seeks the Leader's approval to enter into a grant funding agreement (GFA) to accept a £1.22 million funding package from the Liverpool City Region Combined Authority (LCRCA) and to undertake appropriate land acquisition, consultation, procurement and appointment of a contractor to deliver a 3.7km strategic cycle route from Leasowe to Seacombe Ferry as part of Phase 1 of the Local Cycling and Walking Infrastructure Plan (LCWIP) - the Sustainable Urban Development (SUD) Green Travel Corridors.

The LCWIP is a City region wide plan to develop a comprehensive cycling and walking network. Phase 1 of LCWIP is the Sustainable Urban Development Green Travel Corridors package. The Wirral element of LCWIP Phase 1 (Leasowe to Seacombe Ferry) will improve accessibility for residents to Wirral Waters and increase the use of active sustainable travel modes by reducing the reliance on the private car.

The funding package route totals £1.22 million with £611,434 being provided by European Regional Development Fund (ERDF) and a further £611,434, subject to business case approval, from the LCR Transforming Cities Fund (TCF).

The route will link Moreton and Leasowe to Wirral Waters and Seacombe Ferry by upgrading current routes along the River Birket and then utilising the existing routes across Bidston Moss. The route will also improve access to the west float of the Wirral Waters site along Wallasey Bridge Road and Beaufort Road.

This is a key decision.

## RECOMMENDATION

The Leader of the Council is recommended to:

- (i) authorise the Director of Governance and Assurance to enter into a grant funding agreement to accept a £1.22 million funding package from the Combined Authority to deliver a 3.7km strategic cycle route from Leasowe to Seacombe Ferry as part of Phase 1 of the Local Cycling and Walking Infrastructure Plan (LCWIP) - the Sustainable Urban Development (SUD) Green Travel Corridors.
- (ii) authorise the Director of Governance and Assurance to expand the boundary of the adopted highway to include land owned by private land holders (Wirral Waters Land no 1 Ltd, Peel Land Intermediate Ltd, Peel Land and Property Group Management Ltd and the Mersey Docks and Harbour Company Ltd – “the PEEL Companies”) increasing the area covered under the Council’s maintenance obligations.
- (iii) authorise the Director of Governance and Assurance to continue negotiation and, subject to the project budget, agree acquisition of / rights over land currently owned by ER Squibb & Sons Ltd and Network Rail by the most appropriate means. Furthermore, that the Director of Governance and Assurance be authorised to advise on, negotiate and agree any further rights over land for any anomalies hitherto unknown.
- (iv) authorise the Director of Governance and Assurance to draw up and complete any legal agreements deemed necessary to ensure the Council has sufficient legal interest in land for the purpose of the scheme.
- (v) authorise the Director of Delivery to undertake the appropriate consultation process.
- (vi) authorise the Director of Delivery to undertake the appropriate procurement process and appoint external contractors to undertake the necessary highway work.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION**

- 1.1 The LCWIP is a City region wide plan to develop a comprehensive cycling and walking network. Development of an LCWIP is a requirement of the 2015 Infrastructure Act. Phase 1 of LCWIP forms the Sustainable Urban Development Green Travel Corridors package. The Wirral element of LCR LCWIP Phase 1 (Leasowe to Seacombe Ferry) will improve accessibility for residents to Wirral Waters and increase the use of active sustainable travel modes therefore reducing the reliance on the private car.
- 1.2 The 3.7km route will link Moreton and Leasowe to Wirral Waters and Seacombe Ferry by upgrading current routes along the River Birket and then utilising the existing routes at Bidston Moss. The route will also include improvements to the Wirral Waters site along Wallasey Bridge Road and Beaufort Road. The strategic cycle route will improve accessibility for residents to Wirral Waters and provide improved connectivity from east to west across the Borough.
- 1.3 The Liverpool City Region Combined Authority (LCRCA) will be the accountable body for the overall LCR wide LCWIP programme. The Council are required to enter into a grant funding agreement to accept and deliver the Wirral element of the package. The funding package route totals £1.22 million with £611,434 being provided by ERDF and a further £611,434, subject to business case approval, from the LCR Transforming Cities Fund.
- 1.4 The construction of the walking and cycle route will expand the adopted highway as part of the route, along Wallasey Bridge Road and Beaufort Road, falls within land owned by the Peel Companies. This has been agreed with Peel Holdings Land and Property but confirmation is being sought from the Peel companies that own the land and prior to works being commenced a legal agreement will be put in place that this will become part of the adopted highway once completed with the maintenance liability falling to the Council. Similar agreements with Peel Holdings Land and Property have been undertaken on the Dock Road for the North Bank developments.
- 1.5 The route includes some sections of the routes that are not within the Council's or Peel Companies ownership. Specifically, the corner of Wallasey Bridge Road and Beaufort Road which is owned by Network Rail and the section of the current path on the bank of the River Birket which runs alongside the Squibb's site, is still owned by ER Squibb and Sons Ltd. The Council is currently in negotiation for both locations, but mitigation measures have been put in place to reduce the Council's exposure to risk should these negotiations not be successful.

## **2.0 OTHER OPTIONS CONSIDERED**

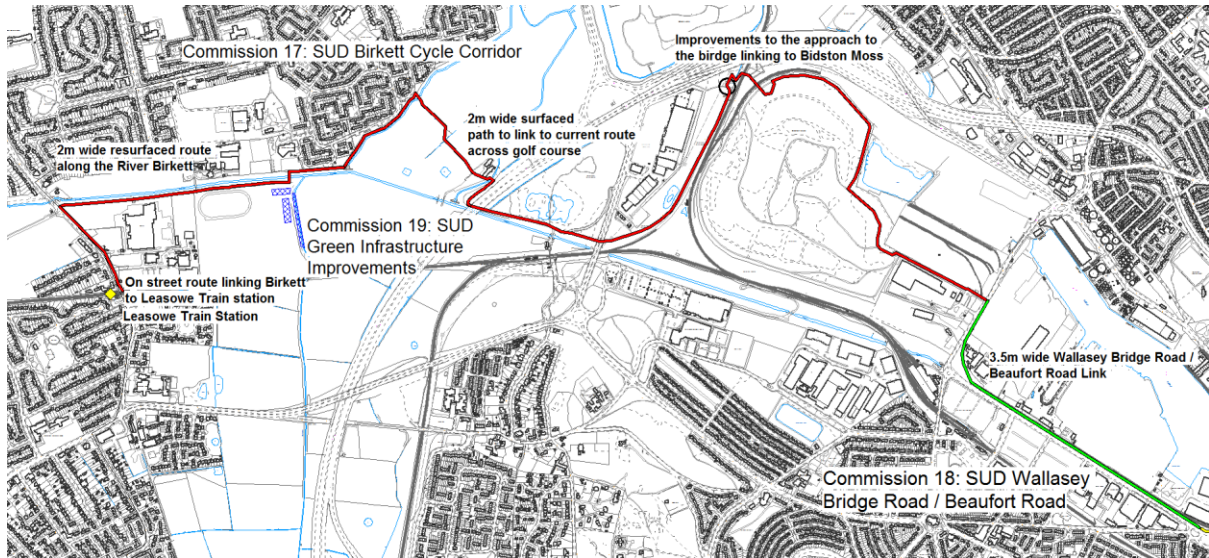
- 2.1 The route is part of the emerging LCR wide Cycling and Walking Infrastructure Plan (LCWIP is a requirement of the Infrastructure Act 2015). The network has been identified by the Combined Authority and the Wirral section will form one of 31 strategic corridors across the City region. Should Wirral not deliver the route then the strategic coverage of the whole network would be compromised.
- 2.2 Funding has been secured and subject to business case approval has been allocated to Wirral. If this scheme did not progress the Council would have to decline a grant of £1.22 million.
- 2.3 Alternative routes to the section alongside the ER Squibb and Sons Ltd site have been considered. The Council has considered building the route on the other riverbank however, this is used by the Environment Agency to access the river often utilising heavy machinery which would have a detrimental impact to the proposed path that would be laid.

## **3.0 BACKGROUND INFORMATION**

- 3.1 The LCWIP is a City region wide plan to develop a comprehensive cycling and walking network. Development of an LCWIP is a requirement of the 2015 Infrastructure Act. Phase 1 of LCWIP forms the Sustainable Urban Development Green Travel Corridors package. The Wirral element of LCR LCWIP Phase 1 (Leasowe to Seacombe Ferry) will improve accessibility for residents to Wirral Waters and increase the use of active sustainable travel modes therefore reducing the reliance on the private car.
- 3.2 The Green Travel Corridors funding focuses on delivering projects related to transport, sustainable urban mobility and green infrastructure. The funding is from the EU and administrated by MHCLG. A 50% match funding is required, this is being provided, subject to final business case approval by the Combined Authority Transforming Cities Fund.
- 3.3. The route will focus on linking residential areas with specific areas of economic growth, education, skills and training and providing missing links in green corridors to facilitate a seamless and lower carbon 'end-to-end' journey. The bid will also include enhancement of Green Infrastructure as an integral part of planned activities.
- 3.4. The route will link Moreton and Leasowe to Wirral Waters and Seacombe Ferry by upgrading current routes along the River Birket and then utilising the existing routes at Bidston Moss. The route will also include improvements to the Wirral Waters site along Wallasey Bridge Road and Beaufort Road. The current route along the River Birket requires pedestrians and cyclists to use a permissive route through Bidston Golf Course.
- 3.5 As part of the EU funding guidance the project required an element of Green Infrastructure. The output identified within the grant fund agreement is for 1

hectare of habitat improvements. The detail of the hectare of improvements has yet to be agreed with the LCR Combined Authority but is likely to include wildflower planting. The project also includes 73 street trees to be planted along the Wallasey Bridge Road and Beaufort Road section

The SUD route is outlined below.



#### 4.0 FINANCIAL IMPLICATIONS

- 4.1 Wirral Council will receive £1,222,868 capital funding package from the Combined Authority to deliver the project. The detail of the programme delivery will be agreed with the LCR.
- 4.2 The project budget was based on estimates using rates from previously delivered schemes including an optimism bias. There is a risk that the cost of construction could exceed the amount received within the bid. Any cost overruns would be the responsibility of the Council. As with similar projects Officers would manage this risk if required through value engineering and amendments to contract specifications. The project will be subject to comprehensive project management and governance processes as well as through contract specifications as part of the procurement process.
- 4.3. The project will be delivered via the Council's Commercial Management Service (CMS) and the CMS Project Manager will be responsible for the budget of the project and for maintaining the financial evidence for claiming funding from ERDF and from the LCR.
- 4.4. Expanding the adopted highway and tree planting will increase long term maintenance costs, however this needs to be considered within the context of place making and the growth aspirations of the Council.
- 4.5 In acquiring land or rights to use land for the purpose of the scheme the Council may be asked to pay a consideration, compensation or acknowledgement fee. The Director of Governance and Assurance will

ensure that such payments represent best value, as required under the Local Government Act 1972.

- 4.6 In acquiring land or rights to use land for the purpose of the scheme the Council may be asked to pay reasonable legal and surveyors fees. The Director of Governance and Assurance will make best endeavour to ensure such costs are mitigated.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 The procurement process will be undertaken in accordance with the latest version of the Public Procurement Regulations (2015) and in line with Wirral Council's Contract Procedure Rules.
- 5.2 The Council will sign Deeds of Covenant with the Ministry of Housing, Communities & Local Government (MHCLG) ensuring that the infrastructure being funded will remain in place for a minimum of 15 years.
- 5.3 The project will require the Council to adopt small sections of the route on Beaufort Road and Wallasey Bridge Road running within land owned by the Peel Companies. The Council have worked closely with Peel Holdings Land and Property, who have led the design of this section of the route it has been agreed that the relevant sections of land will transfer to the Council as part of the adopted highway but this will need confirmation from the Peel Companies which is awaited.
- 5.4 The Council is currently in negotiation for both sections of the routes that are not within the Council's or Peel's ownership. Specifically, the corner of Wallasey Bridge Road and Beaufort Road which is owned by Network Rail and the section of the current path on the bank of the River Birket which runs alongside the Squibb's site, is still owned by ER Squibb and Sons Ltd. Should these negotiations be successful then the Council will acquire title or rights over these areas and incorporate them within the highway boundary.

## **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

- 6.1 The scheme delivery will be via the Council's Commercial Management Service who will report to Combined Authorities Programme Management Office as the accountable body.
- 6.2 Staff in Asset Management will deal with negotiations for the acquisition of land or rights over land.
- 6.3 Staff in the Director of Governance and Assurance's Corporate Team will deal with transfer documentation and other agreements as necessary.

## **7.0 RELEVANT RISKS**

- 7.1 Failure to sign the grant funding agreement by the 28<sup>th</sup> February 2020 will result in the Council losing £1.22 million of investment. As well as the

financial implications the Council would also incur significant reputational damage which may affect future funding applications.

- 7.2 There is a risk that once the grant funding agreement is signed the Council are then committed to construct the route on land that they do not currently own, there is a risk that such land could become ransom strips. To mitigate this the Council has received a letter of comfort from Hill Dickinson (solicitors acting on behalf of ER Squibb and Sons Ltd) that details the intention to transfer the land. In terms of the land owned by Network Rail an alternative route running through highway land has been identified, although it should be noted that the preferred route will be alignment through the Network Rail land and the Council will pursue obtaining the land. Confirmation is being sought that the Peel Companies agree to their land being included in an expansion of the adopted highway
- 7.3 The Grant Fund Agreement includes 1 hectare of habitat improvements. The Council is currently identifying the detail of this to be delivered on sites within the council's ownership.
- 7.4. A further risk is that of land ownership and the route not becoming part of the adopted highway and subject to work which could breach the grant agreement. The Council will seek confirmation from all landowners that the works will become part of the adopted highway and remain in use for the purpose of the route.
- 7.5. There is a risk of budget overspend however this will be managed via comprehensive project management and governance processes as well as through contract specifications as part of the procurement process. An optimum bias of 15% has been included within the estimate.
- 7.6 The route is 50% funded by the EU and will be subject to rigorous provision of evidence to ensure the funding can be drawn down by the Council. There is a risk that if the correct procedures are not followed then this could mean that the Council would not be able to claim the full amount of EU funding and leave a funding gap. To ensure that the Council claims the full amount of grant available the project manager will ensure that the procurement is undertaken in line with EU regulations. The project manager will ensure that any subcontractors will follow the correct procedures set out in the funding agreement and will liaise with finance colleagues to ensure that the financial evidence is in line with grant regulations.
- 7.7 The route is 50% funded by the Combined Authority Transforming Cities Fund. Any underspend from the Transforming Cities Fund element of the budget is required to be returned to the Combined Authority.
- 7.8 There is also a risk of objections to the scheme being raised by statutory consultees. Any objections will be considered by the project manager and where necessary in line with the Council Constitution referred to the Highways & Traffic Representation Panel.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 Wirral Council has a statutory consultation processes that is required for the undertaking of work on the adopted highway for 'traffic management measures' such as cycle tracks which will require public consultation, objections to which would be considered by the Highways & Traffic Representation Panel once a level of objections have been reached (as outlined in Part 3, Schedule 5 of the current Scheme of Delegation).
- 8.2 The Wirral Active Travel Forum is a formally constituted group which meets quarterly with interested public and private organisations and individuals, to support active travel as a simple, low cost and effective way for people to access life opportunities whilst increasing levels of physical activity in their day to day life. Membership of this group is open to all and the scheme concept has been discussed at the forum and the forum will continue to be engaged as the detail of the scheme is designed.

## **9.0 EQUALITY IMPLICATIONS**

Has the potential impact of your proposal(s) been reviewed with regard to equality?

Whilst there are no equality implications arising from this report, the associated actions arising from the LCR Local Cycling and Walking Infrastructure Plan may need to assess any equality issues and mitigate any negative impact that may emerge.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

The project will enable increased numbers of journeys to be undertaken by sustainable modes, therefore reducing resident's reliance on the private car and reducing carbon emissions.

The project includes tree planting and therefore as well as contributing to the aesthetic appeal of the area the trees will contribute to carbon capture.

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## **APPENDICES**

None



## **BACKGROUND PAPERS**

Wirral Council's Scheme of delegation for 'traffic management measures - *Standards and Constitutional Oversight Committee (23 November 2015)*

SUD ERDF Acceptance of Funding - *LCR Combined Authority meeting 14th December 2018 – Agenda Item 114*

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
None	