

OFFICER DECISION FORM

DECISION TO BE TAKEN BY: DIRECTOR OF REGENERATION AND PLACE

KEY DECISION YES

DIRECTORATE: REGENERATION AND PLACE

WARDS AFFECTED: Birkenhead and Tranmere Ward, and Rock Ferry Ward

SUBJECT: “CONNECTING BIRKENHEAD” HIND STREET OUTLINE BUSINESS CASE

1.0 DECISION

The Director of Regeneration and Place has agreed to approve the appointment of Mott MacDonald Group Limited to produce an outline business case and undertake supporting traffic modeling and environmental surveys in respect of the transport and active travel measures associated with removal of the Birkenhead flyovers, via the Fusion 21 Procurement Framework.

2.0 REASONS FOR THE DECISION

- 2.1 The flyover demolition and the delivery of the regeneration of the Hind Street area are key aspects of Birkenhead 2040 and the emerging local plan. The Hind Street development cannot proceed without removal of the flyovers, which in turn cannot be demolished without suitable transport mitigation measures being put in place.
- 2.2 To unlock funding to deliver the transport mitigation measures an outline business case is required to proceed to ensure the scheme complies with funding criteria set out by Liverpool City Region Combined Authority for the preferred funding route, the City Region Sustainable Transport Schemes (“CRSTS”).
- 2.3 The direct award of the commission to Mott MacDonald to undertake the outline business case of the project will enable the work to be undertaken in line with the required delivery timescales.

3.0 STATEMENT OF COMPLIANCE

3.1 The recommendations are made further to legal advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and an impact assessment has been completed. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

4.0 DECLARATION OF INTEREST

4.1 None

Signed:

Officer: Alan Evans

Title: Director of Regeneration and Place

Date: 27TH May 2022

A list of background papers on this issue is held with:

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Date:

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OFFICER DECISION

27 MAY 2022

REPORT TITLE	CONNECTING BIRKENHEAD OUTLINE BUSINESS CASE
REPORT OF	ASSISTANT DIRECTOR - CHIEF REGENERATION OFFICER

REPORT SUMMARY

This report seeks approval to appoint Mott MacDonald Group Limited to produce an outline business case and supporting traffic modeling and environmental surveys in respect of the delivery of transport and active travel measures associated with removal of the tunnel flyovers (“Connecting Birkenhead”).

The Wirral Plan 2021-2026 sets out the Council's vision to secure the best possible future for our residents, defined by the community prosperity we create and supported by our excellent people and services. This proposal directly supports the following key themes within that plan:

- A prosperous, inclusive economy where local people can get good jobs and achieve their aspirations
- A cleaner, greener borough which celebrates, protects and improves our environment and urgently tackles the environmental emergency
- Safe, vibrant communities where people want to live and raise their families

Town centre regeneration is a long-standing priority for the Council and is reflected in the Wirral Council Plan 2021-2026 through the requirement to deliver inclusive economic growth, working for a prosperous, inclusive economy where local people can get good jobs and achieve their aspirations.

This matter affects Birkenhead and Tranmere Ward, and Rock Ferry Ward.

This matter is a Key Decision.

RECOMMENDATIONS

The Director of Regeneration and Place is recommended to approve the appointment of Mott MacDonald Group Limited to produce an outline business case and undertake supporting traffic modeling and environmental surveys in respect of the transport and active travel measures associated with removal of the Birkenhead flyovers and the Hind Street project via the Fusion 21 Procurement Framework.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION/S

- 1.1 The direct award of the commission to Mott MacDonald to produce the outline business case and undertake supporting traffic modeling and environmental surveys will enable the work to be undertaken in line with the required delivery timescales to meet the wider programme for the Hind Street area.
- 1.2 Mott MacDonald has a proven track record for supporting Wirral with grant applications and scheme design for transport infrastructure and they have confirmed capacity to meet the timescales at a time where this type of resource is being exhausted with numerous Government grant programmes.
- 1.3 Mott MacDonald has an extensive, in-depth knowledge of the Wirral regeneration and transport infrastructure programmes. They are engaged on other projects which have been awarded competitively such as Mass Transit and Dock Branch Park and therefore this will assist to manage project interfaces and dependencies.
- 1.4 Removal of the flyovers is one of the catalyst projects with the Birkenhead 2040 Framework and the emerging Local Plan. Funding for the project originally sat within the Transforming Cities Fund. On 26th February 2021 the Liverpool City Region Combined Authority (LCRCA) approved £8.3million of Transforming Cities Funding (TCF) required for the demolition of both Birkenhead flyovers. As part of this approval the Council was required to produce a preferred highways solution for the wider Birkenhead area that will manage the flow of traffic after the flyovers have been removed. As it became clear that demolition of the flyovers could not be achieved within the funding window of the TCF, LCRCA moved to fund the flyover demolition from other sources and this work will support the urgent realignment of the project to the new funding stream of LCRCA's Sustainable Transport Settlement (CRSTS).

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Use open tendering or a mini-competition as a procurement route. This is not considered appropriate due to timescales for scheme delivery and evidence from recent market testing which has produced a poor return of tenders.

3.0 BACKGROUND INFORMATION

- 3.1 Removal of the Birkenhead Flyovers has been proposed for over a decade as a critical scheme to unlock a major regeneration site at Hind Street and to address connectivity issues in the area, especially for active travel users. This area is a strategic gateway to the town centre that is currently dominated by over-engineered infrastructure, creating part of the "concrete collar" which divides the town and constrains the town centre. A dominant feature is the two flyovers which provide a major physical barrier between the town centre and Hind Street site.

- 3.2 The northern flyover is owned by Merseytravel and it supports access to the Queensway tunnel. The southern flyover is owned by the Council and links Borough Road and the A41. The Council is working in partnership the LCRCA to remove these flyovers and create a more people-friendly key gateway.
- 3.3 The Birkenhead 2040 Framework has identified that without removal of the flyovers and addressing the extent of associated land including marshalling land, toll-booths, over-engineered roads and roundabouts, it will be impossible to properly connect Birkenhead's communities in the future. This has been well-received in the consultation undertaken earlier this year and is considered a positive move for regeneration of the south-east fringe of the town centre.
- 3.4 It is known that when the flyovers are required to be closed for routine maintenance, this can only be done at weekends or other quiet times because of the congestion that generally results. As a result, detailed work is needed to identify and mitigate effects of their permanent closure.
- 3.5 LCRCA's approval of the funding to demolish the flyovers is given on the assumption that the '*Council will produce a preferred highways solution for the wider Birkenhead area that manages the flow of traffic after the flyovers have been removed.*' In addition, it has been agreed with LCRCA that all legal and planning implications of flyover removal (including seeking a stopping-up order and planning permission) would be undertaken by the Council.
- 3.6 The development of a Movement Strategy, rather than a Highways Strategy, recognises that implications should be assessed for all road users, putting movement and access at its heart, rather than simply considering the needs of car-borne users. It allows the development of placed-based, rather than solely transport, solutions to be identified.
- 3.7 Consideration has been given to the development of passive intervention measures which would not require the construction of new infrastructure, such as a signing regime that would encourage drivers to use the Wallasey Tunnel via the M53. In this way, through-traffic could be reduced and non-economically advantageous trips within Birkenhead be avoided. Analysis of the traffic model however has illustrated that most journeys through the tunnel originate within the M53 cordon and so such a scheme would not be effective. Traffic modelling shows that severe congestion would occur which would result in 'gridlock' style conditions worsening journey times for all road users including public transport which would have detrimental impacts on noise and air quality.
- 3.8 Strategic traffic modelling shows that there is a need for significant local traffic re-routing due to the closure of the flyovers. In particular, the following observations can be noted from the forecasts:

- There is forecast to be a 40% decrease in traffic along A552 Borough Road and the A41 during peak periods;
- Traffic previously using the flyovers is forecast to reroute around Birkenhead Town Centre, causing an increase of traffic on Market Street of 145% during the morning peak;
- Traffic is forecast to re-route through Tranmere between the A552 and A41 resulting in an increase in traffic on Argyle Street South of 40% in the evening peak; and
- The re-assignment of some traffic from the Queensway to Wallasey tunnels is forecast to occur.

3.9 The movement strategy identified numerous options and sub-options from a wide range of interventions identified. These were consulted on widely with stakeholders including Merseytravel tunnel operations, tunnel police, public transport colleagues, the Hind Street Major Landowners Group (a collaboration of the major landowners at Hind Street – National Grid, the Council and Ion developments), and officers from Highways.

3.10 With the award of the CRSTS from DfT, funding criteria are now known. In addition, DfT has recently released new business case guidance and the establishment of Active Travel England means the sustainable travel measures are at the heart of Government policy. Funding for transport schemes requires transport benefits to be delivered. Appraisal of the Connecting Birkenhead scheme must stand alone from the regeneration scheme.

3.11 It is necessary to reassess the assumptions made with the promotion of the preferred option resulting from the Hind Street Movement Strategy.

Delivery Programme and Procurement Route

3.12 Given the scale and complexities involved in the development and delivery of major works such as these, as well as the timescales required for consultation and statutory processes it is now critical to appoint a consultant team to commence the next stage of the design works in order to meet the timescales for delivery and spend the grant awards.

3.13 Although the scheme will need to deliver only transport benefits in line with CRSTS funding criteria, it is inextricably linked to the advancement of the Hind Street regeneration area. Both the flyover demolition and the regeneration area are key aspects of Birkenhead 2040 and the emerging local plan. The development of the regeneration area cannot proceed without removal of the flyovers, which in turn cannot be demolished without suitable mitigation measures being put in place.

3.14 In order to reduce programme length tasks have been overlapped within the scheduled work programme for both schemes to meet delivery / spend deadlines. There are no further savings that can be achieved and in consideration of this the procurement timescale must be kept to the absolute minimum in order to meet funding deadlines.

- 3.15 Utilising the mini tender process or open tender would add significant time to the programme given the length of the request for quotation production, issuing, tender review / contract award and mobilisation process. A direct award would reduce timescales and give confidence to those funding the work and reduce reputational risk.
- 3.16 Mott MacDonald have a proven track record for supporting Wirral with grant applications and scheme design for transport infrastructure and they have confirmed capacity to meet the timescales for this programme at a time where this type of resource is being exhausted with the Government grant programmes.
- 3.17 Mott MacDonald have an extensive, in-depth knowledge of the Wirral regeneration and transport infrastructure programmes. They are engaged on other projects which have been awarded competitively such as Mass Transit and Dock Branch Park and therefore this will assist to manage project interfaces and dependencies.
- 3.18 It is proposed that the Fusion 21 framework is utilised as the procurement route for the award of Connecting Birkenhead business case commission including supporting traffic modelling and environmental surveys.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The Financial Information (Appendix 1 to this report) set out the detail of the funding required to secure the services of Mott MacDonald for the progression and completion of the outline business case for the Connecting Wirral Project and to undertake supporting traffic modelling and environmental surveys. Appendix 1 is not for publication by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 4.2 Funding will come from the Birkenhead Regeneration Delivery fund secured in December 2020. Whilst this fund is capable of funding the full outline business case fees the LCRCA does have pre-development funding that the council have applied for to support the project.

5.0 LEGAL IMPLICATIONS

- 5.1 The Council has statutory duties as defined by the Highways Act 1980, Road Traffic Regulations Act 1984, Road Traffic Act 1988, Local Government Act 1972 and the Traffic Management Act 2004.
- 5.2 The new road will need planning permission, and a Stopping Up Order made by the Secretary of State for Transport will be required prior to the closure and demolition of the flyovers. The LCRCA is the accountable body for the £8.3million of funding allocated for the demolition of the flyovers.

- 5.3 If successful in securing funding the Council will be required to enter into a grant funding agreement with the LCRCA.
- 5.4 Following scheme delivery, the Section 151 Officer will be required to sign a declaration confirming that the funding was defrayed in accordance with the grant conditions. The new transport infrastructure will undergo a legal process required to adopt it as public highway.
- 5.5 In order to make a direct award without a further competition under the Fusion 21 Framework Agreement the requirements of Regulation 33 (8) of the Public Contracts Regulations 2015 have to be satisfied. This states that;

“Where a framework agreement is concluded with more than one economic operator, that framework agreement shall be performed in one of the following ways:

(a) following the terms and conditions of the framework agreement, without reopening competition, where it sets out—

- (i) all the terms governing the provision of the works, services and supplies concerned, and
- (ii) the objective conditions for determining which of the economic operators that are party to the framework agreement shall perform them, which conditions shall be indicated in the procurement documents for the framework agreement...”

- 5.6 Mott MacDonald fulfil the conditions of the Fusion 21 Consultancy Framework (Lot 1 Multi-Disciplinary Consultancy including Design Lead) for a direct award on the following grounds:

- Whilst the City Region Transport Settlement will support the Council by enabling access to significant funding to deliver the regeneration of Birkenhead and the surrounding area there remains a concern that unless rapid progress is made successful delivery of projects via this funding stream could be potentially compromised;
- Choice of procurement route and the use of Mott MacDonald, an experienced multi-disciplinary consultancy, will bring significant benefits and efficiencies to the process and greatly aid project delivery;
- The Hind Street project contained in the City Region Transport Settlement Portfolio are key projects within the Birkenhead 2040 Framework Strategy. ‘Place led infrastructure’ is one of the 8 spatial priorities and this includes the simplification of road infrastructure that currently surrounds the core area of Birkenhead like a ‘concrete collar’, and improvements to the tunnel plazas as key gateways to the urban area. Hind Street Urban Village is one of the catalyst projects identified; and

5.7 Mott MacDonald is best able to fulfil the criteria in the Fusion 21 Framework Agreement for the appointment of a multi-disciplinary Design Lead for the Programme on the basis that:

- A recent and similar procurement exercise by Wirral Borough Council provided no alternative bids;
- Mott MacDonald have a good track record of work of this type and a good knowledge of the Council's regeneration and transport programmes; and
- Mott MacDonald has appropriate resources and the expertise for this role.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 Existing staff resources in the Regeneration and Neighbourhoods Directorates will support the development and consultation of Connecting Birkenhead, supplemented by external specialist support. The progress of the scheme will be monitored through the Regeneration and Place Directorate Programme Management Office.

6.2 Future maintenance and cleansing of the completed schemes will be undertaken by the arrangements in place through Neighbourhood Services.

7.0 RELEVANT RISKS

7.1 Failure to deliver the Connecting Birkenhead scheme will result in the failure of the Hind Street Regeneration Area in full due to the inability to demolish the flyovers. In turn, this will result in a failure to deliver the urban intensification required to prevent encroachment on to the Greenbelt, an essential strategy of the Local Plan.

8.0 ENGAGEMENT/CONSULTATION

8.1 Wirral Council has a statutory consultation process that is required for the undertaking of work on the adopted highway which will require public consultation.

8.2 Consultations will be undertaken in accordance with the following guiding principles:

- It should be at a time when proposals are at a formative stage;
- Must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response;
- Those consulted should be made aware of the factors that are of decisive relevance to the decision;
- Adequate time should be given for consideration and response; and
- The product of the consultation should be conscientiously considered by the decision makers in finalising their statutory proposals/ when the ultimate decision is taken.

- 8.3 Detailed consultations have been undertaken in the development of the preferred option with a stakeholder group including LCRCA, Merseytravel tunnels operations, bus and active travel teams, HSMLG and highways.
- 8.4 The development of a public consultation strategy is in development and will be undertaken during the next phase of the project.
- 8.5 The removal of the flyovers is one of the catalyst projects identified in the Birkenhead 2040 framework which was consulted on in early 2021. The project was positively received as part of this wider consultation. This project is required to facilitate the flyover demolition.
- 8.6 Wirral Council has a statutory consultation process that is required for the undertaking of work on the adopted highway which will require public consultation, objections to which would be considered under the Scheme of Delegation in the Council's Constitution.
- 8.7 Consultation will be undertaken with the Emergency Services, Freight Transport Association, Road Haulage Association, Merseytravel & Wirral's Active Travel Forum. Letters/plans will be delivered to residents living within the vicinity of the scheme, informing them of the proposals and giving them the opportunity to provide comments/support/concerns/objections.

9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.
- 9.2. Whilst there are no equality implications arising from this report, the associated actions arising from the delivery may need to assess any equality issues and mitigate any negative impact that may emerge.
- 9.3 The Council has an obligation under the Equality Act 2010 and the Public Sector Equality duty (Sect 149 2011) to show due regard to the duty and show due regard to mitigate any negative impacts that may affect people with protected characteristics under the Act. The Director of Regeneration and Place recognises that this decision may have an impact on those who would wish to access certain locations by motor vehicle and other modes of transport. Where applicable details of any restrictions and alternative routes would be published and an equality impact assessment would be undertaken.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The provision of the new infrastructure will reduce congestion in central Birkenhead. By reducing standing traffic, there will be reductions in Nitrogen Dioxide (NO₂), particulate matter (PM) and CO₂ compared to the 'Do Nothing' scenario.

- 10.2 Active travel routes between Rock Retail Park and central Birkenhead will be embedded in the design of the link road, with walking and cycling given priority over vehicular traffic in some locations. This supports the sustainable transport ethos of the Birkenhead 2040 framework the emerging Local Plan and the forthcoming concept plan for the Hind Street site.
- 10.3 Increasing cycling and walking will help combat climate change and by encouraging and enabling people to travel more on foot and by cycle instead of private car, harmful emissions will be reduced. The area is currently very inaccessible on foot or cycling with no clear routes and limited connectivity. As part of the movement strategy active travel and bus movement will be prioritised and integration with the wider active travel network will be facilitated. Promoting active travel and increased use of public transport can result in reduced emissions, thus helping to tackle climate change and improve air quality. This will help to fulfil the actions within the Council's Climate and Emergency action plan and support the LCR pathway to net zero strategy.
- 10.4 Gear Change Cycling Strategy produced by Government in Summer 2020 identifies that mode shift to active transport is one of the most cost-effective ways of reducing transport emissions and that meeting the targets to double cycling and increasing walking would lead to savings of £567million annually from air quality alone and prevent 8,300 premature deaths each year in England and provide opportunity to improve green spaces and biodiversity.
- 10.5 The Bus Back Better Strategy produced by Government in March 2021 identifies that "a fully-loaded double deck bus can take 75 cars off the road, helping to reduce congestion and reduce the impact of transport on the environment".

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 'Birkenhead Landing' is a catalyst project within the Birkenhead 2040 Framework and emerging Local Plan. This includes the demolition of the flyovers, In this context this project it is part of a wider regeneration programme to deliver a prosperous, inclusive economy to benefit local residents.
- 11.2 The Consultants commissioned to support the project have produced a social value plan and are committed to working with the Council.
- 11.3 The project supports the reduction in energy consumption as it will support the Cool 2 target of 'a complete transition to fossil fuel free local travel by around 2030'.
- 11.4 Through any future procurement exercises the Council will be looking to maximise further social value activity through creation of local employment and training.

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APPENDICES

Appendix 1 Financial Information (Exempt)

BACKGROUND PAPERS

LCRCA Minutes 26th February 2021 – Approval of the £8.3million for demolition of the flyovers

[TRANSFORMING CITIES FUND.pdf \(merseytravel.gov.uk\)](#)

Wirral Plan 2025

[Wirral Plan 2025 - Wirral Intelligence Service](#)

Gear Change Plan for Cycling and Walking – Department for Transport July 2020

<https://www.gov.uk/government/publications/cycling-and-walking-plan-for-england>

Bus Back Better – Department for Transport March 2021

[Bus Back Better \(publishing.service.gov.uk\)](#)

Birkenhead 2040 Framework

[Birkenhead 2040 Framework | www.wirral.gov.uk](#)

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Economy Regeneration and Development Committee: Hind Street Movement Strategy	29 th September 2022

