



OFFICER DECISION

September 2022

REPORT TITLE	SUSTAINABLE URBAN DEVELOPMENT WORK PACKAGE 6: PHASE 5 BEAUFORT ROAD AND WALLASEY BRIDGE ROAD – PROPOSED CYCLE PEDESTRIAN IMPROVEMENT SCHEME
REPORT OF	ASSISTANT DIRECTOR, HIGHWAYS AND INFRASTRUCTURE

REPORT SUMMARY

This report seeks acceptance of a tender from Cambrianway Ltd and award of a contract for the construction of highway improvements to Beaufort Road and Wallasey Bridge Road, Bidston and St James Ward and considers objections and expressions of support received following consultation. This scheme has been developed as part of Sustainable Urban Development (SUD) Work Package 6, Phase 5.

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

The purpose of this scheme is to create an environment that is safe for both pedestrians and cyclists and to help embed walking and cycling as part of new longterm commuting habits.

This matter affects Bidston and St James Ward.

This matter is a Key Decision.

RECOMMENDATIONS

The Director of Neighbourhood Services is recommended to:

- 1) Approve the scheme proposal as set out in Appendix 1 of this report for implementation;
- 2) Note the objections received and the officer's response as set out in Appendix 2;
- 3) Accept the tender for the construction of highway improvements to Beaufort Road and Wallasey Bridge Road by Cambrianway Ltd on 17 August 2022;
- 4) Approve the award of contract to Cambrianway Ltd, subject to contract, as set in Appendix 3.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1** This project is designed to create an environment that is safe for both walking and cycling and to help embed walking and cycling as part of new long-term commuting habits.
- 1.2** The scheme is funded via the Sustainable Urban Development Fund, Section 278 of the Highways Act 1980, funding, Dig Once contributions, and Wirral Waters Investment Fund. The grant funding cannot be used for any other purpose and is time-bound.
- 1.3** Officers have considered the objections and expressions of support received during the consultation period and have provided comprehensive responses but consider that the scheme proposal should be progressed as it will deliver significant improvements for pedestrian and cyclists.
- 1.4** The tender from Cambrianway Ltd represents the most economically advantageous tender received, is fully compliant, and is within the available and allocated budget provision.

2.0 OTHER OPTIONS CONSIDERED

- 2.1** Allocate the funding to a different scheme in the borough.

This is not feasible as the Liverpool City Region Combined Authority (LCRCA) has advised that the grant funding may only be spent on schemes within the current programme and may not be spent on a new scheme in the borough.

- 2.2** Remove the proposed cycling and pedestrian improvements along Beaufort Road and Wallasey Bridge Road scheme from the SUD Programme and reject the funding that has been awarded to the scheme.

This is not considered an appropriate option as failure to deliver against the approved programme would fail to achieve the project objectives, would result in negative reputational damage for Wirral Council, in terms of its commitment to active travel, which could also result in future funding allocations being reduced.

- 2.3** Officers have considered alternative cycle link designs as described in Local Transport Note 1/20 (LTN1/20 - Cycle Infrastructure Design). However, due to road space constraints, budget constraints, and time constraints, such alternative designs could not be progressed. The scheme has been designed in accordance with the applicable cycle design guidance which was in place at the time of entry into the SUD programme. Therefore, although not fully in accordance with the current guidance (LTN1/20), the LCRCA are supportive of the scheme as designed and delivery of the scheme as proposed is considered preferable to withdrawing the scheme from the programme, which

would not provide any improvements to active travel infrastructure in the location.

3.0 BACKGROUND INFORMATION

3.1 Wirral Council has been awarded £1.22 million of Sustainable Urban Development (SUD) Funding with £611,434 being provided by the European Regional Development Fund (ERDF) and a further £611,434 from the LCR Transforming Cities Fund (TCF). The funding package, which is composed of 5 phases, has resulted in improvements for pedestrians and cyclists along the River Birket path across Bidston Moss. Phases 1 to 4 have been completed and Phase 5 will improve access to the west float of the Wirral Waters site along Wallasey Bridge Road and Beaufort Road.

3.2 The objective of the SUD Programme is to implement walking and cycling schemes to reduce the dependency on car-based journeys and, through segregation, provide increased confidence for users of active travel modes.

3.3 On 6 January 2020 the Leader of the Council made a decision to:

- 1) authorise the Director of Governance and Assurance to enter into a grant funding agreement to accept a £1.22 million funding package from the LCRC 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.
- 2) 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.
 - 1) 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.
 - 2) 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.

- 3) authorise the Director of Delivery to undertake the appropriate consultation process.
- 4) authorise the Director of Delivery to undertake the appropriate procurement process and appoint external contractors to undertake the necessary highway work.

3.4 The proposal for Phase 5 of the scheme includes the introduction of:

- 1) a 3.5 metre wide shared use pedestrian/cycleway along the north side of Beaufort Road and along the east side of Wallasey Bridge Road, linking into the pedestrian/cycle improvements at Bidston Moss;
- 2) a 'Tiger' crossing on Beaufort Road which will provide connectivity to the new cycle lane that is being installed as part of the housing development proposal on Illchester Road; (note: a 'Tiger' is a type of pedestrian & cycle crossing that works in a similar way to zebra crossings, in that traffic should give way to users crossing. Unlike a zebra crossing, bicycles can use the crossing by following the specially marked cycle route alongside without the need to dismount).
- 3) landscaping along the length of the scheme that considers site conditions and designed to ensure that planting thrives in the future.

3.5 In order to maximise the potential for the project it has been necessary 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). Peel has gifted this land to Wirral Council and a land transfer contract has been agreed.

3.6 Under the delegated power of the Leader's decision land at the corner of Beaufort Road with Wallasey Bridge Road has been purchased from Network Rail in order to progress the scheme.

3.7 Following approval of the SUD implementation programme, project management commenced for the scheme at Beaufort Road and Wallasey Bridge Road, Bidston with the intention of commencing construction in 2021. However, the necessary technical approval of the design by The Ministry of Housing, Communities and Local Government's (MHCLG), which was a condition of grant funding, resulted in a delay of almost 7 months. The effect of this delay was substantial increases in likely construction costs due to the current unprecedented global price increases and further funding was secured as set out in paragraph 4.5.

3.8 Tenders for the construction works were invited on 18 July 2022 through an open tender procedure. Tender return date was 17 August 2022. Appendix 3

of this report sets out the tender return information and demonstrates that the tender from Cambrianway Ltd represents the best scoring submission.

- 3.9** The scheme design has been developed in close collaboration with the Peel Group and their consultants as it forms a key part of the Wirral Waters development site and the council's Wirral Plan 2021-2026 strategic regeneration objectives.

4.0 FINANCIAL IMPLICATIONS

- 4.1** Of the £1.22 million award of Sustainable Urban Development Funding referenced in paragraph 3.1, £919,213 was allocated to phase 5.
- 4.2** In addition to this funding there is also a contribution of £36,407 from the Dig Once project to cover the cost of ducting work included in the scheme and a further £40,000 from section 278 agreement developer funding which has allowed the installation of the pedestrian/cycle crossing point on Beaufort Road.
- 4.3** Whilst progressing the scheme a further TCF contribution of £210,000 has been awarded to enable the purchase of the section of land at the junction of Beaufort Road with Wallasey Bridge Road that is currently in the ownership of Network Rail.
- 4.4** There is also additional TCF funding of £239,872 and £200,000 transferred from Wirral Waters Investment Fund to cover increases in project costs which reflects global market price increases that the construction industry is currently experiencing. The table in paragraph 4.5 indicates the budget provision for this project.
- 4.5** The overall budget for the project, including Network Rail land purchase costs, is £1,645,492, as follows:

Original Sustainable Urban Development Fund	£919,213
Dig Once	£36,407
Section 278, Highways Act 1980	£40,000
Wirral Waters Investment Fund	£200,000
Additional Transforming Cities Fund	£239,872
Additional Transforming Cities Fund (Network Rail land purchase)	£210,000
TOTAL BUDGET	£1,645,492

- 4.6** To accommodate the scheme Peel have also gifted land to Wirral Council and a land transfer has been agreed at no cost to the council.

- 4.7** The price of the tender received from Cambrianway Ltd, in the sum of £1,200,109.14, plus contingency, fees, and land acquisition, can all be met within the overall project budget allocation.
- 4.8** Ongoing maintenance, once the scheme is implemented, will need to be financed from existing Neighbourhoods revenue budgets with consequential pressure implications to be calculated and agreed, or from applicable capital grant funding. Discussions are currently taking place with the LCRCA regarding future years highway maintenance funding allocations from the City Region Sustainable Transport Settlement (CRSTS) with consideration of the pressures of maintaining active travel infrastructure.

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 proposed contract and procurement process are compliant with the council's Contract Procurement Rules and follow the terms of the European Regional Development Fund (ERDF) and the LCR Transforming Cities Fund (TCF).
- 5.3** Peel has gifted land to Wirral Council and a land transfer contract has been agreed.
- 5.4** Wirral Council has entered into an agreement with Network Rail for the purchase of land at the corner of Beaufort Road with Wallasey Bridge Road.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1** All capital schemes funded from the European Regional Development Fund (ERDF) and the LCR Transforming Cities Fund (TCF) allocations have been incorporated into the council's Capital Programme. Existing staff resources have been utilised for development of scheme and will be utilised for its implementation, supplemented where necessary with external support under the council's existing term contract arrangements.

7.0 RELEVANT RISKS

- 7.1** As with any civil engineering construction project, construction risks exist, such as unidentified ground conditions or obstructions and inclement weather. Risks that are realised will potentially have time and cost effects. However, a project risk register will be maintained in accordance with good project

management practice and time and cost will be actively monitored and managed within the overall budget and available contingency.

- 7.2** There is a potential risk of challenge from an unsuccessful tenderer. However, no standstill period applies in this case and any challenge will be defended by reference to the tender evaluation documentation which was overseen by the council's Procurement team.
- 7.3** The service recognises the duties to comply with relevant health and safety legislation for this project, including the Construction Design and Management Regulations 2015 in respect of contractor appointment and monitoring of performance and also the New Roads and Street Works Act 1991, supported by relevant Regulations and Codes of Practice.
- 7.4** Failure to deliver the proposed improvement works within the grant funding agreement (GFA) timelines will result in a real and significant risk of claw-back from the council of significant expended capital funding on previous SUD phases or of committed funding for this phase by the LCRCA under the terms of the GFA.
- 7.5** Failure to implement the delivery of the scheme could also result in a real and significant reputational loss of confidence in Wirral Council as a partner to deliver schemes and could jeopardise future funding opportunities at LCRCA level.
- 7.6** There is a risk of potential increase in construction material prices and contractor costs due to inflation resulting from current global price fluctuations. A contingency allowance has been included within the budget and costs will be managed within the project governance and contract management processes to ensure these effects are mitigated.

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, objections to which would be considered under the Scheme of Delegation in the council's Constitution.
- 8.2** In March 2021 consultation was undertaken with ward members and local residents, landowners, and businesses. In addition, consultation has also been carried out with the Emergency Services, Freight Transport Association, Road Haulage Association, Merseytravel and Wirral's Active Travel Forum including the Royal National Institute of Blind People (RNIB).
- 8.3** During the consultation exercise 10 people contacted the Council with enquiries relating to the proposals. All objections, comments and expressions of support received during this consultation were recorded and are included, along with an officer's response, within Appendix 2.

- 8.4** Due to the delay of the technical design approval, an update was undertaken with the original consultees in March 2022. Comments received during this update are also summarised in Appendix 2.
- 8.5** Post contract award, the Project Manager and Contractor will engage with stakeholders and the public affected by the works and provide information and updates on progress as appropriate.
- 8.6** Further consultation was undertaken with the Emergency Services, Freight Transport Association, Road Haulage Association, Merseytravel & Wirral's Active Travel Forum. Letters/plans were 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. This report provides details of objections and comments received as set out in Appendix 2.
- 8.7** 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 forum will continue to be engaged as the SUD programme develops.
- 8.8** On 4 March 2021, the Economy Regeneration and Development Committee resolved to establish a Members Active Travel Working Group to support the delivery of active travel schemes.

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. An Equality Impact Assessment has been completed for this scheme and is published here..

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impactassessments>

- 9.2** 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.
- 9.3** Whilst there are no equality implications arising directly from this report, the associated actions arising from the project delivery may further need to assess any equality issues and mitigate any negative impact that may emerge.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1** Sustainable travel is at the heart of the Birkenhead 2040 Framework and emerging Local Plan. In this context that this scheme it is part of a wider programme to deliver a prosperous, inclusive economy to benefit local residents. The proposed improvements to Beaufort Road and Wallasey Bridge Road will have a positive impact on removing barriers to active travel and encouraging a switch from motorised for short journeys.
- 10.2** 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'.
- 10.3** Gear Change, the Governments Cycling Strategy, 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 and provide opportunities to improve green spaces and biodiversity.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.5 Cambrianway Ltd has provided costed social value commitments that will deliver local community wealth benefits that will be monitored throughout the life of the contract. This information is contained within Appendix 3 to this report.

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APPENDICES

- Appendix 1: Scheme Drawings
Ref No.
VD20339-0100A
VD20339-0101A
- Appendix 2: Objections and Expressions of Support including Officer Responses.
- Appendix 3: Tender Information

BACKGROUND PAPERS

Commercially sensitive tender submissions and evaluation documents – held by Design & Commissioning and Procurement teams.

Gear Change Plan for Cycling and Walking – Department for Transport July 2020
<https://www.gov.uk/government/publications/cycling-and-walking-plan-for-england>

Gear Change Plan One Year One– Department for Transport July 2021
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1007815/gear-change-one-year-on.pdf

Cycling Infrastructure Design Local Transport Note 1/20
<https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120>

Sustrans Bike Life Report Liverpool City Region <https://www.sustrans.org.uk/bike-life/bike-life-liverpool-city-region/>

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Delegated Decision – Director of Regeneration and Place	6 January 2020