

POLICY & RESOURCES COMMITTEE**Wednesday 6th November 2024**

REPORT TITLE:	DOCK BRANCH LINE – ACQUISITION
REPORT OF:	DIRECTOR OF REGENERATION AND PLACE

REPORT SUMMARY

The Council has been developing its regeneration strategy for Wirral Left Bank for a number of years. Birkenhead 2040 was endorsed by this committee as the interim Regeneration strategy for Wirral in March 2022. Within this framework Dock Branch Park was identified as one of the catalyst projects. Dock Branch Project aims to transform the historic Dock Branch rail corridor into a vibrant public space, connecting key areas of Birkenhead by providing a safe and accessible link for cyclists and pedestrians from Hind Street to Wirral Waters and unlock adjacent development potential in the area.

This report recommends a proposal in relation to the Council acquiring Dock Branch line from Network Rail.

The proposal is for the Council to acquire the north and south sections in two separate transactions, with the acquisition of the southern section progressing first to enable the Hind Street Urban Village project to be delivered. This approach has been recommended to safeguard the Council from taking on potentially significant financial liabilities associated with the structures in the northern section of the line.

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. The Dock Branch Park project supports the key themes identified in the 2022/23 refresh of the plan namely:

- Driving economic regeneration;
- Enabling social regeneration; and
- Transforming our neighbourhoods.

This matter affects the Birkenhead & Tranmere ward.

This is a Key Decision.

This report has attached the following documents as listed below:

- Appendix A – Further Information since consideration of the matter at the Economy, Regeneration and Housing Committee – 14 October 2024 (EXEMPT)
- Appendix B – Report to Economy Regeneration and Housing Committee (EXEMPT)
- Appendix 1 – Dock Branch North plan
- Appendix 2 – Dock Branch South plan

Appendix 3 – Preliminary Options Report (EXEMPT)

Appendix 4 – Summary of consequences of main options (EXEMPT)

Appendices A, B, 3 and 4 contain exempt information as defined in Schedule 12A of the Local Government Act 1972. It is in the public interest to exclude the press and public under Paragraph 3 ‘Information relating to the financial or business affairs of any particular person (including the authority holding the information).’

RECOMMENDATIONS

The Policy and Resources Committee is requested to authorise the Director of Regeneration and Place (in consultation with the Chair and Spokespersons of Policy & Resources Committee) to acquire Dock Branch line from Network Rail as set out in the report considered by the Economy Regeneration and Housing Committee (“the exempt report”) (Appendix B) either:

1. in two phases as detailed in paragraph 3.22 of the exempt report; or
2. if funding can be secured to address the liabilities referred to in paragraph 3.12 to 3.15 of the exempt report, in one transaction.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATIONS

- 1.1 To enable the Council to acquire Dock Branch line from Network Rail and progress the Hind Street Urban Village project, and ultimately to deliver the Dock Branch Park project in the northern section of the line.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 A number of options have been considered in relation to the acquisition of Dock Branch line. Other options are outlined below, and in consideration of these options it is important to understand the current valuation position and liabilities associated with Dock Branch line, along with the delivery timescales for both the Hind Street Urban Village and the Dock Branch Park projects which are detailed in section 3 of the report considered by the Economy, Regeneration and Housing Committee.

2.2 Do not acquire Dock Branch line

If the Council does not acquire Dock Branch line, it will be unable to deliver the Hind Street Urban Village project.

2.3 Acquire the southern section of Dock Branch line only

The southern section of Dock Branch line is required for the Hind Street Urban Village proposal and that project cannot be delivered without the Council acquiring the southern section of Dock Branch line.

2.4 Acquire the northern section of Dock Branch line only

The northern section of Dock Branch line is required for the Dock Branch Park proposal and that project cannot be delivered without the Council acquiring the northern section of Dock Branch line.

2.5 Acquire the whole of Dock Branch line in one transaction

This option would enable the delivery of both the Hind Street Urban Village project and the Dock Branch Park project.

3.0 BACKGROUND INFORMATION

- 3.1 Dock Branch line is a section of a former railway line that ran from Rock Ferry to Bidston Dock. The line first opened in 1838 and was mothballed in 1993. It is no longer part of the operational network of Network Rail. The part of this line that the Council is seeking to acquire runs north-south through the centre of Birkenhead for approximately 1 mile. This section extends to approximately 8.28 acres / 3.35 hectares, stretching from Rendel Street (close to East Float dock) in the north to Green Lane in the south. The land can be split into a northern element of 5.61 acres / 2.26 hectares, being the land north from the arches forming the start of the Haymarket Tunnel and the land to the south of this to Green Lane of 2.67 acres / 1.08 hectares. Both elements are overgrown with self-seeded trees and shrubs.

- 3.2 The northern element is primarily within a brick walled cutting with five road bridges crossing the line north of the Haymarket tunnel. The land does then gently rise to street level after Cleveland Street. The boundary of this section is attached as Appendix 1.
- 3.3 The southern element is an embankment from the Haymarket Tunnel with a Victorian iron bridge at Waterloo Place and a twentieth century brick and concrete bridge at Mollington Place. The boundary of this section is attached as Appendix 2.
- 3.4 The acquisition of Dock Branch line is required in order to deliver two key projects within the Birkenhead 2040 Framework:
- **Dock Branch Park** – a linear park and active travel route for which a bid of £14.9 million has been submitted to Liverpool City Region Combined Authority (LCRCA) under the City Region Sustainable Transport Settlement (CRSTS) 1 programme. A decision on this funding is expected in November 2024, with the programme running until the end of March 2027 (by which point the expectation is that the project will have been delivered and all funding expended).
 - **Hind Street Urban Village** – a proposed development of approximately 1,500 new, low carbon homes adjacent to Birkenhead Town Centre. Funding of approximately £51 million for remediation and infrastructure for the first phase of this development has been approved in principle from LCRCA and Homes England. The first phase will deliver 633 new homes. As with Dock Branch Park, this funding programme runs until the end of March 2027.
- 3.5 In July 2023, the Council appointed SLC Property to negotiate with Network Rail for the acquisition of Dock Branch Line.
- 3.6 On 25th September 2024 the Council received a draft of the Valuation Report which detailed values attributed to the land parcels. Given the complex nature of the land (former railway line with overhead bridges) it is unsurprising that there are a range of liabilities associated with the land. These liabilities are detailed in the exempt Appendix A.
- 3.7 The Council has submitted an application to the Liverpool City Region Combined Authority (LCRCA) for £14.9 million under the CRSTS1 programme for the Dock Branch Park project. Most of this funding is for the creation of the park, but within this bid there is an allocation of £1,478,715 for immediate structural works. These immediate structural works relate to pointing and other works to the cutting walls rather than the bridge structures. This funding also includes some parapet replacement works to the bridges and will demolish the Brook Street bridge. The amount allocated was to a degree dictated by a very clear steer from officers at the LCRCA that the bulk of the funding in this bid should be directed to creating the park rather than to addressing the structural issues. Members are asked to note that in future additional work maybe required on the cutting walls and other non-bridge structures, to ensure their structural integrity. The extent and cost of this has not been quantified at this stage.

- 3.8 The Council has submitted an Investment Pipeline - Scheme Information Proforma for a future round on CRSTS funding which, if the bid is successful, would address those liabilities. However, that funding would not be available until 2027. As such, if the current £14.9 million funding bid for the park is successful the park could be delivered and some of the immediate liabilities addressed, with further works to those structures being undertaken once additional funding is secured. However, there is a possibility that the Council is unsuccessful in securing the additional funds required to address the long-term liabilities and thus would face significant financial risk.
- 3.9 Given the potential liabilities of the bridges and the associated financial risk to the Council, officers have proposed a deal structure for the acquisition of Dock Branch line that limits the Council's financial exposure. The proposal is to acquire the line in two separate transactions with the southern section acquired in the short-term to enable the delivery of the Hind Street Urban Village project.
- 3.10 A more detailed analysis of the main options, the pros and cons and potential financial implications is included as Appendix 4 – Summary of consequences of main options.
- 3.11 The proposed acquisition of Dock Branch line was considered by Economy, Regeneration & Housing Committee at its meeting of 14th October 2024 where it resolved that both options listed within the recommendations of the report (which are the two options in the recommendation of this report) be referred to the Policy and Resources Committee for consideration.

4.0 FINANCIAL IMPLICATIONS

- 4.1 Depending on the option adopted by members, will dictate the financial consequences for the Council. Full details of the financial implications are set out in the report considered by the Economy, Regeneration and Housing Committee (Appendix B) at its meeting on 14 October 2024.

5.0 LEGAL IMPLICATIONS

- 5.1 There will be legal costs associated with the acquisition regardless of what option is progressed. The work involved (and therefore cost) will be more if the acquisition is split.
- 5.2 The Council has power under sections 226 and 227 of the Town and Country Planning Act 1990 to acquire land which will facilitate the carrying out of development, re-development or improvement which is likely to contribute to the economic, social or environmental well-being of the area, or which is required in the interests of the proper planning of the area in which the land is situated.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 Acquisition of Dock Branch line will have an impact of staff resources in terms of managing the process which will be managed within existing resources. The transaction will require external legal involvement which will come at a cost.

7.0 RELEVANT RISKS

- 7.1 The key risks associated with the acquisition of Dock Branch line relate to the liabilities detailed in paragraph 3.12 of the exempt report (Appendix B) considered by the Economy, Regeneration and the associated financial risks.
- 7.2 Key regeneration risks are detailed within the Directorate Risk Register and are regularly reviewed at the Regeneration & Place Departmental Management Team.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 There has been extensive consultation on the Dock Branch North project, from 2021 to present day. This engagement is set to continue with secondary school engagement in September/October 2024 and further engagement on RIBA3 designs in the Autumn.
- 8.2 The Hind Street Urban Village project is subject to a live planning application (currently expected to be considered by Strategic Applications Sub- Committee in December 2024). Extensive consultation was undertaken prior to the submission of the planning application, with utilisation of the Council's Have Your Say website and in person exhibitions at EdsPlace in the town centre. The planning application itself has been subject to the required statutory consultation.

9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has a legal requirement to ensure 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. The Dock Branch Park project has conducted an Equality Impact Statement, which is published on the Councils website:
[Library folder - Equality Impact Assessments - Equality Impact Assessments from May 23 - Regen Place | Wirral Council](#)
- 9.3 An Equality Impact Assessment (EIA) was included as part of the Planning application for Hind Street Urban Village which concluded that "all protected groups were assessed to have a neutral potential impact upon them arising from the different components of the development proposals". The full EIA is available on the Planning Portal at [4217114451692611637 - Hind-Street-Equalities-Statement-Final-2-August-2023 \(1\).pdf](#).

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The Dock Branch North Project directly supports the Cool Wirral objectives of clean and active travel, enabling accessible and safe pedestrian and cycle routes in Central Birkenhead

10.1 The Hind Street Urban Village scheme is premised on the concept of creating a low carbon neighbourhood with energy efficient homes and densities that encourage walking, cycling and the use of public transport rather than the car. Improved landscaping and public spaces will create the opportunity for biodiversity net gain. The construction phase of the development will generate carbon emissions, and although the development will be low carbon it will still be an increase on the existing position where there is no development. On balance, the economic and regeneration benefits of the scheme are considered to significantly outweigh the increase in carbon emissions that will result.

11. COMMUNITY WEALTH BUILDING

11.1 Dock Branch Park is one of the key catalyst projects identified in the Birkenhead 2040 framework. One of the key objectives of The Birkenhead Framework 2040 is to ensure all our communities share more fully in the wealth we generate and in the economic assets that the Council house. Creating a new greenspace seeks to improve health and wellbeing of local residents, create jobs and higher skill levels and to ultimately improve the community wealth of all that live and work in the area.

11.2 The contracts associated with the Hind Street project will have a requirement for contractors to provide social value through delivery of those contracts in line with the Council's policy. Delivery of the primary enabling works at Hind Street will generate a significant number of jobs in the construction process itself, and the new neighbourhood that will subsequently be developed will provide opportunities for new jobs and social interaction.

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APPENDICES

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BACKGROUND PAPERS

Wirral Council Plan 2023 - 2027

[Council Plan | wirral.gov.uk](https://www.wirral.gov.uk)

Birkenhead 2040 Framework

[Birkenhead 2040 Framework | www.wirral.gov.uk](http://www.wirral.gov.uk)

Wirral Local Plan 2021 - 2037 Submission Draft – May 2022

[Local Plan Reg 19 \(wirral.gov.uk\)](http://www.wirral.gov.uk)

TERMS OF REFERENCE

This report is being considered by the Policy & Resources Committee in accordance with section (iv) of its Terms of Reference “regarding land and property including major acquisition and disposals, which includes reserved decision making concerning any purchase, sale or transfer of a value in excess of, or likely to exceed, £500,000.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Economy, Regeneration & Housing Committee Hind Street Regeneration Delivery – Capital bid for Hind Street budget	July 2023
Economy, Regeneration & Housing Committee Hind Street Delivery – Agree MDA heads of terms, submit hybrid planning application, Green Lane section 25 Notice	June 2023
Economy, Regeneration & Housing Committee Hind Street PCSA – Decision to enter into PCSA	January 2023
Economy, Regeneration & Housing Committee Hind Street Infrastructure relocation – relocation of PRI	November 2022
Economy, Regeneration & Housing Committee Hind Street Regeneration – acquisition of Green Lane land	May 2022
Economy, Regeneration & Housing Committee Hind Street Regeneration – acquisition of Green Lane land	March 2022
Policy & Resources Committee Hind Street – Master Development Agreement	October 2024
Policy & Resources Committee Hind Street – Primary Enabling Works	October 2024
Economy, Regeneration & Housing Committee Dock Branch Line – Acquisition Update	October 2024