

ECONOMY REGENERATION & DEVELOPMENT COMMITTEE**26th JANUARY 2022**

REPORT TITLE:	SUSTAINABLE URBAN DEVELOPMENT WORK PACKAGE 7
REPORT OF:	DIRECTOR OF REGENERATION AND PLACE

REPORT SUMMARY

This report seeks approval to enter into a Deed of Variation to increase the existing Grant Funding Agreement for Sustainable Urban Development Work Package 6, to accept a further £2.89m funding package from Liverpool City Region Combined Authority and to undertake appropriate consultation, procurement and appointment of a contractor to deliver 6.65km of walking and cycling infrastructure upgrades and 5.15ha of habitat improvements as part of Phase 1 of the Local Cycling and Walking Infrastructure Plan (LCWIP) - the Sustainable Urban Development (SUD) Green Sustainable Travel Corridors Programme.

The Deed of Variation for this new work package (WP7) totals £2,893,522, with £1,446,761 being provided by the European Regional Development Fund (ERDF) and a further £1,446,761 from the LCRCA Transforming Cities Fund (TCF).

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 matter affects the Bidston and St. James, Birkenhead and Tranmere, and Seacombe wards.

This is a key decision owing to the significance in terms of the effect on communities living or working in an area comprising two or more wards in the Borough, as well as being in excess of £500,000 in monetary value.

RECOMMENDATIONS

The Economy, Regeneration and Development Committee is recommended to approve that:

- 1) A Deed of Variation be entered into by the Council to accept £2.89 million of funding from the Liverpool City Region Combined Authority to deliver 6.65 kilometres of walking and cycling infrastructure upgrades and 5.15 hectares of habitat improvements as part of Phase 1 of the Local Cycling and Walking Infrastructure Plan - the Sustainable Urban Development Green Sustainable Travel Corridors Programme;
- 2) Amendments be made to the individual phase programmes, if required, in consultation with Liverpool City Region Combined Authority and the Chairs and Spokespersons of the Economy, Regeneration and Development and the Environment, Climate Emergency and Transport Committees, having due regard to any issues that may arise during design or consultation stages of projects; and
- 3) The necessary procurement process to appoint external contractors to undertake the necessary highway works associated with Phase 1 of the Local Cycling and Walking Infrastructure Plan - the Sustainable Urban Development Green Sustainable Travel Corridors Programme to be carried out.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1 The Local Cycling and Walking Infrastructure Plan (LCWIP) is a city region wide plan to develop a comprehensive cycling and walking network. Development of an LCWIP is a requirement of the Infrastructure Act 2015. Phase 1 of LCWIP is the Sustainable Urban Development Green Travel Corridors Programme. Work Package 7 (WP7) is the second Wirral element of the LCWIP Phase 1.
- 1.2 A new Local Transport Note (LTN1/20) was published by the Department of Transport setting out new standards for infrastructure design. LTN1/20 sets out five core design principles which represent the essential requirements to achieve more people travelling by cycle or on foot, based on best practice both internationally and across the UK. LTN1/20 set outs that networks and routes should be coherent, direct, safe, comfortable, and attractive.
- 1.3 WP7 will create walking and cycling links between the planned investment in Wirral Waters and Seacombe ferry terminal to the north, and Woodside ferry terminal to the south. The proposed routes will further improve accessibility for residents to Wirral Waters and increase the use of active sustainable travel modes, therefore reducing the reliance on the private car.
- 1.4 WP7 will support the Council by enabling access to significant funding to deliver active travel improvements and support the Council to address climate change. Improvements to active travel will support the sustainable regeneration of the Left Bank as identified in the emerging Local Plan.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Council could decide not to accept the WP7 funding and the Council could decline the grant of £2.89 million. This is not considered to be appropriate as delivery of active travel projects to support the regeneration of Birkenhead could not be progressed without external funding being secured. This would detrimentally impact the successful delivery of the Birkenhead 2040 Framework and the emerging Local Plan.
- 2.2 The Council could seek to use the funding for alternative purposes. This is not an appropriate option as the funding has been awarded on the basis of the identified scheme and the funding could not be utilised for any alternative schemes.
- 2.3 Further scheme options around Wirral Waters have been considered as part of the development of the WP7 package. These phases were removed from the final WP7 package due to various considerations including:
 - Scheme designs being unable to achieve compliance with technical cycling design guidance LTN1/20;
 - Insufficient funding; and
 - Programme timeframe constraints.

3.0 BACKGROUND INFORMATION

- 3.1 In February 2020 the Leader of the Council gave approval for the Council to enter into a Grant Funding Agreement, to accept £1.22m in funding from the Liverpool City Region Combined Authority 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– the Sustainable Urban Development Green Sustainable Travel Corridors Programme.
- 3.2 The Green Sustainable Travel Corridors Programme funding focuses on delivering projects related to transport, sustainable urban mobility and green infrastructure. The funding allocation is split equally between European Regional Development Fund (ERDF) and the Liverpool City Region Combined Authority Transforming Cities Fund. The Managing Authority for ERDF in England is the Department for Levelling Up, Housing and Communities and the Transforming Cities Fund is managed by Liverpool City Region Combined Authority. The initial Wirral element of LCWIP Phase 1 (Work Programme 6 - Leasowe to Seacombe Ferry) is currently being delivered, with the Reeds Lane and Birket links now complete.
- 3.3 Liverpool City Region Combined Authority has offered the Council the opportunity to secure a further £2.89 million of funding. The funding is offered on condition that all schemes are delivered, and monies claimed, by December 2022. It is 50% European Funding with 50% match funding required which, subject to final business case approval is being provided through the Liverpool City Region Combined Authority Transforming Cities Fund .
- 3.4 WP7 will create walking and cycling links between the planned investment in Wirral Waters and Seacombe ferry terminal to the north, and Woodside ferry terminal to the south. This will improve accessibility for residents to Wirral Waters and increase the use of active sustainable travel modes, thereby reducing the reliance on the private car.
- 3.5 WP7 focuses 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. Seacombe ferry terminal is currently closed for major refurbishment work, which includes the construction of the new Eureka! Mersey visitor attraction, and the terminal is due to re-open in autumn 2022, in line with the opening of the tourist attraction. Woodside ferry terminal is currently providing commuter services to Pier Head, with onward links to Liverpool City Centre. River Explorer cruises will be offered following completion of refurbishment works.
- 3.6 As part of the EU funding guidance the project requires an element of Green Infrastructure. The output identified within the grant fund agreement is for 5.15 hectares of habitat improvements. The project also includes street trees to be planted along several sections.
- 3.7 The project comprises six phases, which are shown on the plan in Appendix 1:
- Phase A - Woodside to Four Bridges;
 - Phase B - Seacombe Riverside;

- Phase C - Birkenhead Road;
- Phase G - Northbank/Duke Street Connect;
- Phase I - PA6 Habitat Improvements; and
- Phase J – Price Street.

- 3.8 Phase A (Woodside to Four Bridges) will provide improved cycle route connectivity of the Wirral Circular Trail to the riverside, along Tower Wharf and Morpeth Wharf. The scheme will remove barriers to cyclists at the terminus of Morpeth Wharf, where cyclists are currently unable to transition from Morpeth Wharf to the riverside path, without dismounting. The Council is keen to support inclusive cycling and conscious that some cyclists are unable to dismount and walk/carry/wheel their bicycle. UK equality legislation applies to inclusive cycling and when developing a cycling or transport strategy, local authorities should seek to develop a network that is accessible to all. Further enhancements along this section include improvements to the existing footpath surfacing, lighting and signage alongside Egerton Dock and Morpeth Dock, and removal of overgrown planting along the riverside.
- 3.9 Phase B (Seacombe Riverside) proposes a traffic free route along the dock edge and riverside. This includes re-marking the existing marked public right of way to the northern boundary, away from the dock edge, between Birkenhead Road and the Alfred Dock inner lock gates. Further enhancements include improved surfacing and marking of crossing points, and a landscaped seating area created adjacent to Seacombe Ferry Terminal/Eureka! Mersey.
- 3.10 Phase C (Birkenhead Road) proposes a fully segregated scheme, which will provide an important connection between other existing and proposed walking and cycling facilities, including:
- The Wirral Promenade (providing a continuous off-road, shared route between Seacombe and Hoylake – some 15 kilometres in length);
 - The East Float (Dock Road) shared route between Tower Road and Duke Street; and
 - The proposed LCWIP route between New Brighton and Birkenhead.
- 3.11 Phase C will also restore an area of public realm, between Corbyn Street and Birkenhead Road, to form a pocket park for use as community space.
- 3.12 Phase G (North Bank/Duke Street Connect) will provide priority crossings for pedestrians and cyclists.
- 3.13 Phase I (Bidston Moss) is likely to be predominantly grassland habitat improvements to benefit invertebrates and pollinators, such as bees and butterflies. Improvements will be carried out through grassland management (5.15 Hectares) with scarification and over-seeding with wildflower mixes suitable to the site and ground conditions. Other interventions that will be considered may include:
- Changes to grassland cuts, with scarifying;
 - Native Wildflower seeding and cultivation;
 - Insect/Invertebrate boxes; and
 - Native Bulb planting.
- 3.14 Phase J (Price Street) proposes a series of high-quality modal filters between Beaufort Road and Rendell Street, to create a ‘Quiet Street’ environment.

- 3.15 In the development of the package other options were considered. Phase F (Canning Street) was removed from WP7 due to road widths being insufficient for a fully LTN 1/20 compliant scheme to be delivered. Phase D (Tower Road North) was removed from the work package due to the limited funding available. Phases E (Four Bridges) and Phase H (Duke Street Connectivity) were removed from the package due to the programme timescales. All the removed phases will be revisited as future funding opportunities arise..

4.0 FINANCIAL IMPLICATIONS

- 4.1 Under the proposals within this report the Council will receive £2,893,522 capital funding package from the Combined Authority to deliver the project. The funding profile will be agreed with the Combined Authority.
- 4.2 The project budget was based on estimates using rates from previously delivered schemes including an adjustment for risk. 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, this risk can be managed , 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 Design and Commissioning Service who will be responsible for the budget of the project and for maintaining the financial evidence for claiming funding from ERDF and from the Combined Authority.
- 4.4 Expanding the tree planting will increase long term maintenance costs; however, this needs to be considered within the context of place-making and the Council's 'A Greener Wirral – Wirral Tree, Hedgerow and Woodland Strategy 2020-2030', which seeks to plant over 210,000 trees in ten years.
- 4.5 Land may need to be acquired or rights to use land for the purpose of the scheme may be needed on commercial terms. These can be authorised by subsequent decision and with best value secured.

5.0 LEGAL IMPLICATIONS

- 5.1 The procurement process will be undertaken in accordance with the Public Procurement Regulations 2015 and in line with the Council's Contract Procedure Rules.
- 5.2 The Council will sign Deeds of Covenant with the Department for Levelling Up, Housing and Communities ensuring that the infrastructure being funded will remain in place for a minimum of 20 years.
- 5.3 The Council has statutory duties as defined by the Highways Act 1980, Road Traffic Regulations Act 1984, Road Traffic Act 1988, Local Government Act and the Traffic Management Act 2004. All schemes on the highway will require technical approval

by the Director of Neighbourhoods to ensure these statutory duties are complied with.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 Existing staff resources in the Regeneration and Neighbourhoods Directorates will be used for the land negotiations, consultation and delivery of these schemes, supplemented by external specialist support where required. Progress will be reported to the Combined Authority's Programme Management Office as the accountable body. The delivery of the scheme will also be monitored through the Regeneration and Place Directorate Programme Management Officer.

6.2 Future revenue maintenance costs will be met from the Highway Maintenance Revenue Budget.

6.3 The Director of Law and Governance will support with transfer documentation and other agreements as necessary.

6.4 There are no ICT implications.

7.0 RELEVANT RISKS

7.1 The Council recognises that risk management is essential in good decision making and is a critical element of good governance. The Council continually develops its risk management processes to proactively and effectively manage risk. The Council has recently established a Project Management Office (dedicated to the Regeneration and Place Directorate. This will have oversight of the WP7 programme and will ensure that it is aligned with the Council's corporate policy to managing risk. A programme Risk Register has been developed. This will be updated throughout the programme lifecycle in order to assist the Council in identifying, controlling and managing risk.

7.2 Failure to sign a Deed of Variation in early 2022, will result in the Council losing £2.89 million of investment. As well as the financial implications, the Council would also incur significant reputational damage which may affect future funding applications.

7.3 The proposed Deed of Variation includes 5.15 hectares of habitat improvements at Bidston Moss. The Council is currently identifying the detail of this to be delivered on land which is part of the North West Community Woodlands. This risk is mitigated, as initial positive discussions have taken place and a letter of support has been received from Forestry England, which manages the site.

7.4 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 adjustment for risk of 5% and construction contingency of 15% has been included within the estimates for each phase.

7.5 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 lawfully. The project manager will ensure that any sub-contractors 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. Any underspend from the Transforming Cities Fund element of the budget is required to be returned to the Combined Authority.

- 7.6 Phases A and B include some sections of the routes within land owned by Peel Ports. These sections are existing public rights of way and the Council is currently in negotiations with Peel Ports for both locations; however, mitigation measures have been put in place to reduce the Council's exposure to risk should these negotiations not be successful.
- 7.7 There is also a risk of objections being received to the schemes during the consultation process. Should objections be received it is proposed that these are considered by the Director of Regeneration and Place, in consultation with the Liverpool City Region Combined Authority and the Chairs and Spokespersons of the Economy, Regeneration and Development and the Environment, Climate Emergency and Transport Committees.
- 7.8 Failure to deliver an active travel scheme could be viewed negatively by the Liverpool City Region Combined Authority and could impact future funding allocations.

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 taken into account by the decision makers in finalising their statutory proposals/ when the ultimate decision is taken.
- 8.3 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 active travel programmes develop.

- 8.4 On 4th March 2021, the Economy Regeneration and Development Committee resolved to establish a Members Active Travel Working Group to support the work of Economy, Regeneration and Development Committee. The first meeting of this working group is due to take place in January 2022 and members of that group will be engaged as the WP7 programme develops.

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 The Council has an obligation under section 49 of the Equality Act 2010 and the 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 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, where possible..

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 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. Increasing cycling and walking will help combat climate change. By encouraging and enabling people to travel more on foot and by cycle instead of private car harmful emissions will be reduced. Promoting active travel can result in reduced emissions of Nitrogen Dioxide, particulate matter and Carbon Dioxide helping to tackle climate change and improve air quality.
- 10.2 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.
- 10.3 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.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 Sustainable travel is at the heart of the Birkenhead 2040 Framework and emerging Local Plan. In this context that WP7 it is part of a wider regeneration programme to deliver a prosperous, inclusive economy to benefit local residents.
- 11.2 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'.

11.3 Through any future procurement exercises we will be looking to maximise further social value activity through creation of local employment and training..

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APPENDICES

Appendix 1 SUD Work Package 7 Site Location Plan

BACKGROUND PAPERS

Wirral Plan 2021-2026

[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>

Birkenhead 2040 Framework

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

LTN1/20 Cycle Infrastructure Design

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951074/cycle-infrastructure-design-ltn-1-20.pdf

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

<https://moderngov.merseytravel.gov.uk/documents/s34010/7%20-%20Sustainable%20Urban%20Development%20ERDF%20Bid.pdf>

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Leader Decision - Liverpool City Region Local Cycling and Walking Infrastructure Plan Phase 1: Green Travel Corridors Sustainable Urban Development (SUD) Leasowe To Seacombe Ferry	7 th February 2020

Appendix 1 – SUD WP7 Site Location Plan

