



Black Country Executive Joint Committee
Dudley, Sandwell, Walsall and Wolverhampton

REPORT OF THE CITY DEAL AND GROWTH DEAL ADVISORY BOARD

TO

BLACK COUNTRY EXECUTIVE JOINT COMMITTEE

ON

7 September 2016

Black Country Local Growth Deal
A4101 HIGH STREET, PENNETT STRATEGIC ACCESS IMPROVEMENT SCHEME

Grant Agreement Approval

Key Decision:	Yes
Forward Plan:	Yes

1. PURPOSE OF REPORT

- 1.1 To request that the Joint Committee grants approval for contracting and subsequent award of Grant Agreement by the Accountable Body for the Growth Deal (Walsall Council) for the 'A4101 High Street, Pensnett – Strategic Access Improvement Scheme' from within the Local Growth Fund (LGF) Programme.
- 1.2 This report received conditional approval from the Joint Committee on 25th November 2015. This report was endorsed by the Working Group on 22nd July and the Advisory Board on 22nd August.

2. RECOMMENDATIONS

- 2.1 Approval for the Accountable Body for the Growth Deal (Walsall Council) to proceed to a Grant Agreement with **Dudley Council for £3.8million** of pre-allocated Local Growth Fund (LGF) elements of the A4101 Pensnett High Street, transport scheme with delivery to commence in the 2016/17 financial year.
- 2.2 Note the changes to the milestones and outputs of the A4101 Pensnett High Street scheme since it was conditionally approved by the Joint Committee in November 2015.
- 2.3 Note that the conditions associated with that approval have been fulfilled.

3. REPORT DETAIL

- 3.1 The A4101 currently suffers from traffic congestion and vehicle delays as well offering a difficult and unattractive environment for pedestrian movements. The proposed scheme will tackle the existing pinch point by regulating conflicting vehicle movements through the introduction of new signalised junctions and by providing increased

capacity by widening the High Street to two lanes in each direction on the approach to the new traffic lights. These improvements will enhance the efficiency of the transport network on this key corridor for all users.

- 3.2 The scheme supports a growing local economy, providing improved access to jobs for significant industrial/employment sites including Pensnett Trading Estate, Russells Hall Hospital and Brierley Hill Strategic Centre.
- 3.3 At its meeting on 25th November 2015 the Joint Committee approved the allocation of £3.8m LGF contribution to the scheme, subject to the successful completion of the statutory processes, in particular, the Compulsory Purchase Order (CPO) necessary to acquire the 3rd party land required for the delivery of the scheme.
- 3.4 On the 19th April 2016 the Secretary of State for Transport confirmed the CPO for the scheme and therefore the conditions associated with the Joint Committee approval have been fulfilled.
- 3.5 The detailed design of the scheme has been progressed and the scheme estimate has been reviewed and updated. The previous estimate of £6.3m remains robust. This is funded via £3.8m pre-allocated LGF and £2.5m local contribution from Dudley MBC.
- 3.6 The updated scheme outputs and key milestones are shown in the tables below;

Scheme Outputs

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	Total
Total length of resurfaced roads (km)			0.46km				0.46km
Total length of newly built roads (km)			0.36km				0.36km

Key Milestones

A4101 Pensnett High Street Scheme	August 2014	June 2019
Land Negotiations	August 2014	January 2019
Land Acquisition	August 2014	January 2019
Acquisition of Statutory Powers	November 2014	September 2016
Public Consultation	September 2014	November 2014
Obtain Conditional approval from LEP	February 2015	December 2015
Detailed Design / Review Costs	March 2015	September 2016

Contract Procurement	August 2016	December 2016
Obtain Final Approval/Grant Agreement from LEP	September 2016	October 2016
Construction Period	January 2017	January 2018
Post Construction Activities	February 2018	June 2019

4. FINANCIAL IMPLICATIONS

4.1 The applicant’s own funds have been agreed and approved by the Council and the financial case for the scheme, including the £2.5m local contribution has been approved by the Council’s Section 151 Officer.

5. LEGAL IMPLICATIONS

5.1 Dudley Council carries out its functions to provide, improve and maintain highways under Sections 24, 41 and 62 of the Highways Act 1980 and exercises traffic regulatory powers under Section 1 of the Road Traffic Regulation Act 1984.

5.2 Pedestrian crossings are provided under powers contained in Section 23 of the Road Traffic Regulation Act 1984, subject to regulations laid down by the Secretary of State for Transport.

5.3 Powers to acquire land either by agreement or compulsorily for the construction or improvement of highways are contained in Sections 238 and 239 of the Highways Act 1980. Furthermore the acquisition for highway purposes of rights over land by agreement or by compulsion are dealt with under Part 12 of the Highways Act 1980.

6. RISK MANAGEMENT

6.1 A risk assessment and management plan has been prepared for the scheme and is included in the Full Business Case. The key risk to the project relates to the successful completion of the statutory processes within scheme programme timescales. In particular this relates to the Compulsory Purchase Order (CPO) process. The Council have already acquired a number of properties via negotiation, and although negotiations with the remaining property owners is ongoing, the Council now have a CPO for the scheme which was confirmed by the Secretary of State for Transport on 19th April, 2016. This will be enacted as necessary in order to ensure the Council can acquire vacant possession of the required third party land to support scheme delivery in line with the programme.

6.2. The further top 5 risks and associated mitigation are outlined below;

Utilities risk – potential conflicts between the scheme and underground utilities. Liaison with statutory undertakers is on-going with cost estimates updated as scheme design progresses.

Structural risk – potential physical/structural issues on site where the scheme is to be delivered. Detailed site survey work including ground investigation is carried out as part of the detailed design.

Construction Budget risk – The construction of the physical asset is not completed to budget. Robust governance and project management structures, including formal monitoring and review procedures are identified in the Business Case. Any cost over-runs will be managed by Dudley Council.

Procurement risk – procurement of services may be delayed or challenged. Robust procurement and tendering processes are set out in the Business Case.

Regulation risk – The traffic regulation orders required for the scheme are not supported. Engagement with local residents and stakeholders regarding the design and development of the scheme is on-going.

7. EQUALITY IMPLICATIONS

- 7.1 The area immediately surrounding the A4101 High Street, Pensnett scheme falls within the 10% most deprived wards in the borough as classified by the Index of multiple deprivation. The scheme aims and objectives seek to safeguard and facilitate growth in jobs and economic activity in the area.
- 7.2 The scheme proposals comply with Dudley Council's Equality and Diversity Policy and also seek to introduce measures to assist vulnerable road users.

8. CONSULTATION

- 8.1 A number of consultation events have been carried out during the development of the scheme to date. The most recent being in September/October 2014, which involved;
- a letter drop to all residents and businesses within half a mile of Pensnett High Street (4000 letters) informing them of the scheme and inviting feedback via either questionnaires or attendance at a local consultation event
 - a consultation event/exhibition for 2 days at the Dell Stadium in September 2014
 - a website set up to provide up-to-date information and receive/respond to questions via email
 - Press releases, Local Community Forum presentations and ward member briefing sessions
- 8.2 As the scheme requires the acquisition of third party land outside the highway boundary, initial contact with land owners of physically affected property was made in September 2014 to ensure correct procedures relating to the Compulsory Purchase Order (CPO) process were followed. The Council have already acquired a number of properties via negotiation, and although negotiations with the remaining property owners is ongoing, the Council now have a Compulsory Purchase Order for the scheme which was confirmed by the Secretary of State for Transport on 19th April, 2016. This will be enacted as necessary in order to ensure the Council can acquire

vacant possession of the required third party land in line with the scheme programme.

- 8.3 Legal and financial services at Dudley MBC were consulted as part of the development of this report.

Back Ground papers

A4101 Pensnett High Street – Highway Improvement – Report to the Joint Committee 25th November 2015

*The Black Country Strategic Economic Plan (SEP)
A4101 Pensnett High Street Full Business Case*

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