

GUILDFORD BOROUGH COUNCIL



BOOTH MAYOR

Contact Officer:

John Armstrong,
Democratic Services and Elections Manager
Tel: 01483 444102

8 March 2023

To the Councillors of Guildford Borough Council

You are hereby summoned to attend an extraordinary meeting of the Council for the Borough of Guildford to be held in the **Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB** on **THURSDAY 16 MARCH 2023** commencing at 7.00 pm.

Tom Horwood
Joint Chief Executive of Guildford and Waverley Borough Councils

Millmead House
Millmead
Guildford
Surrey GU2 4BB

www.guildford.gov.uk

WEBCASTING NOTICE

This meeting will be recorded for live and/or subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014. The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

If you have any queries regarding webcasting of meetings, please contact Committee Services.

THE COUNCIL'S STRATEGIC FRAMEWORK (2021- 2025)

Our Vision:

A green, thriving town and villages where people have the homes they need, access to quality employment, with strong and safe communities that come together to support those needing help.

Our Mission:

A trusted, efficient, innovative, and transparent Council that listens and responds quickly to the needs of our community.

Our Values:

- We will put the interests of our community first.
- We will listen to the views of residents and be open and accountable in our decision-making.
- We will deliver excellent customer service.
- We will spend money carefully and deliver good value for money services.
- We will put the environment at the heart of our actions and decisions to deliver on our commitment to the climate change emergency.
- We will support the most vulnerable members of our community as we believe that every person matters.
- We will support our local economy.
- We will work constructively with other councils, partners, businesses, and communities to achieve the best outcomes for all.
- We will ensure that our councillors and staff uphold the highest standards of conduct.

Our strategic priorities:

Homes and Jobs

- Revive Guildford town centre to unlock its full potential
- Provide and facilitate housing that people can afford
- Create employment opportunities through regeneration
- Support high quality development of strategic sites
- Support our business community and attract new inward investment
- Maximise opportunities for digital infrastructure improvements and smart places technology

Environment

- Provide leadership in our own operations by reducing carbon emissions, energy consumption and waste
- Engage with residents and businesses to encourage them to act in more environmentally sustainable ways through their waste, travel, and energy choices
- Work with partners to make travel more sustainable and reduce congestion
- Make every effort to protect and enhance our biodiversity and natural environment.

Community

- Tackling inequality in our communities
- Work with communities to support those in need
- Support the unemployed back into the workplace and facilitate opportunities for residents to enhance their skills
- Prevent homelessness and rough-sleeping in the borough

Time limits on speeches at full Council meetings:	
Public speaker:	3 minutes
Response to public speaker:	3 minutes
Questions from councillors:	3 minutes
Response to questions from councillors:	3 minutes
Proposer of a motion:	10 minutes
Secunder of a motion:	5 minutes
Other councillors speaking during the debate on a motion:	5 minutes
Proposer of a motion's right of reply at the end of the debate on the motion:	10 minutes
Proposer of an amendment:	5 minutes
Secunder of an amendment:	5 minutes
Other councillors speaking during the debate on an amendment:	5 minutes
Proposer of a motion's right of reply at the end of the debate on an amendment:	5 minutes
Proposer of an amendment's right of reply at the end of the debate on an amendment:	5 minutes

A G E N D A

1. APOLOGIES FOR ABSENCE

2. DISCLOSURES OF INTEREST

To receive and note any disclosable pecuniary interests from councillors. In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

3. MAYOR'S COMMUNICATIONS

To receive any communications or announcements from the Mayor.

4. LEADER'S COMMUNICATIONS

To receive any communications or announcements from the Leader of the Council.

5. PUBLIC PARTICIPATION

To receive questions or statements from the public in relation only to the business for which this extraordinary meeting has been called.

6. QUESTIONS FROM COUNCILLORS

To hear questions from councillors of which due notice has been given in relation only to the business for which this extraordinary meeting has been called.

7. ASH ROAD BRIDGE SCHEME UPDATE AND BUDGET APPROVAL
(Pages 5 - 54)

8. APPOINTMENT OF DEPUTY ELECTORAL REGISTRATION OFFICERS

Under Section 8(2) of the Representation of the People Act 1983, the Council must appoint an Officer to the position of Electoral Registration Officer (ERO). This position is responsible for maintaining the Electoral Register for the area. The Chief Executive is the appointed ERO for Guildford Borough Council

Under Section 52(2) of the 1983 Act, the Council may approve the appointment of Deputy EROs to perform and exercise any of the duties and powers of the ERO.

Due to recent changes in electoral legislation being likely to increase demand for urgent decisions by the ERO, it will be necessary to appoint Deputy EROs to assist with the effective discharge of duties to deliver the forthcoming local elections, and subsequent elections. In order to provide maximum flexibility in respect of such appointments, and to avoid the necessity of bringing further reports to Council whenever such appointments are required, the Council is requested to delegate authority to appoint Deputy Electoral Registration Officers to the Electoral Registration Officer. This delegation mirrors that in respect of the Chief Executive's role as Returning Officer in that he may appoint Deputies as required.

RECOMMENDATION:

That the Council delegates authority to the Electoral Registration Officer to appoint Deputy Electoral Registration Officers, subject to such appointees holding satisfactory qualifications and experience as required.

9. COMMON SEAL

To order the Common Seal to be affixed to any document to give effect to any decision taken by the Council at this meeting.

Executive/Full Council Report

Ward(s) affected: Ash South and Tongham, Ash Wharf

Report of Strategic Director of Place, Dawn Hudd

Author: Michael Miles, Project Leader - Corporate Programmes (Consultant)

Tel: 01483 444077 or 07526 770482

Email: Mike.Miles@guildford.gov.uk

Lead Councillor responsible: John Rigg

Email: John.Rigg@guildford.gov.uk

Date: 16 March 2023

Ash Road Bridge Scheme update and Budget Approval

Executive Summary

The Ash Road Bridge Scheme comprises a long-term infrastructure solution to the current and future issues posed by the Ash level crossing, including increased usage associated with housing growth in the Ash and Tongham area and greater barrier downtime resulting from enhanced rail use of the North Downs Line.

The Scheme is being delivered in two Stages. Stage 1 is the delivery of the road bridge over the railway line (and closure of the level crossing to motorised vehicles), and Stage 2 is the delivery of the footbridge in the vicinity of Ash level crossing, to enable Ash level crossing to be closed permanently to all users.

Council approved the Scheme in April 2021, with a budget of £33.8 million for Stage 1 (road bridge) and £5.02 million for Stage 2 (footbridge) and funding from Homes England of £23.9 million. Due to challenging economic and market conditions the budget for Stage 1 (road bridge) has increased. This report provides an update on the Scheme, and the budget implications as a result.

The Ash Road Bridge will bring substantial improvements to the local community and economy. It comes at a cost to Guildford Borough Council. The Executive is concerned about how the ongoing annual costs will be met. In noting the progress of this project since it was initially commissioned in 2015 and the benefits it will bring, the Executive requests that further discussions be held with Surrey County Council as the transport and highways authority, Network Rail and Homes England on the ongoing impact of the costs of the bridge to local public services.

Exempt Appendix 5 comprises a high-level summary of the information contained in this report and in Exempt Appendices 2, 3, and 4.

The Executive is asked to recommend to Council approval of the following:

- the new budget and funding strategy for Stage 1 (road bridge) of the Scheme, noting that the final details of this may be subject to change following ongoing evaluation of the tenders received from the contractors in late January 2023 and their final offer in March 2023, including the impact on the Medium-Term Financial Plan, and
- the funding strategy for Stage 2 (footbridge) of the Scheme.

Recommendation to Executive:

1. To recommend that Full Council (at its extraordinary meeting on 16 March 2023) approves the budget and funding strategy as set out in Exempt Appendices 2 and 3 to this report.
2. To delegate to the Strategic Director for Place, in consultation with the Lead Councillor for Regeneration, and Lead Councillor for Finance and Planning Policy, authority to enter into such other contracts and legal agreements connected with the Ash Road Bridge Scheme as may be necessary in compliance with Procurement Procedure Rules and within the approved budget.

Recommendation to Council:

To approve the budget and funding strategy as set out in Exempt Appendices 2 and 3 to this report.

Reasons for Recommendations:

This is a unique opportunity to utilise £23.9 million of central government funding towards the Ash Road Bridge Scheme to deliver an alternative road crossing of the North Downs railway line in close proximity to the Ash level crossing. The Ash Road Bridge Scheme forms a requirement of Policy A31 of the Council's Local Plan which allocates land for housing in Ash. Delivery of this scheme will also enable the closure of Ash level crossing to motor vehicles, which will improve safety for highway and rail users and significantly reduce traffic congestion on the A323 and the use of alternative local roads to avoid the Ash level crossing in Ash.

Is the report (or part of it) exempt from publication?

Yes, in part (Appendices 2, 3, 4, and 5):

- (a) The contents of the Appendices 2, 3, 4 and 5 to this report are to be treated as exempt from the Access to Information publication rules because the proposed transaction is commercially sensitive and is therefore exempt by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as

follows: “Information relating to the financial or business affairs of any particular person (including the authority holding that information)”;

- (b) Appendices 2, 3, 4 and 5 to this report contain details of legal advice provided to the Council and is therefore exempt by virtue of paragraph 5 of Part 1 of the Schedule 12A to the Local Government Act 1972 as follows: “Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings”;
- (c) The contents of Appendices 2, 3, 4 and 5 to this report are restricted to all councillors;
- (d) The exempt information in Appendices 2, 3, 4 and 5 to this report is not expected to be made public because the reasons for the exemption will remain live for the duration of the project. This decision will be reviewed at the end of the project; and
- (e) The decision to maintain the exemption may be challenged by any person at the point at which the Executive/full Council is invited to pass a resolution to exclude the public from the meeting to consider the exempt information.

1. Purpose of Report

1.1 The purpose of this report is to provide:

- an update on the progress of the Scheme; and
- seek the approval of the Council to the revised budget and funding strategy for the Scheme along with the associated Minimum Revenue Provision and interest costs.

2. Strategic Priorities

2.1 The recommendations in this report support the delivery of the following priority in the Council's Corporate Plan 2021-2025:

- Work with partners to make travel more sustainable and reduce congestion

2.2 The Scheme is an integral part of Policy A31 of Guildford's Adopted Local Plan to mitigate existing and planned development and will support delivery of housing within the total 1,750 homes policy allocation. It will make travel in the Ash and Tongham area easier by relieving congestion caused by the level crossing down-time, through improving safety by closure of the level crossing and by providing the infrastructure to accommodate the increase in housing under Policy A31.

3. Background

- 3.1 A requirement of Policy A31 in the adopted Local Plan is the provision of a new road bridge and associated footbridge in Ash to enable the closure of the level crossing with the aim of improving safety for all users, reduce congestion and delay, and lessen rat-running by keeping traffic on the A323. The need for an alternative means of crossing over the railway at Ash was identified and examined through the Local Plan process and supported by Surrey County Council and Network Rail as well as Guildford Borough Council, culminating in this requirement in Policy A31. This road bridge and footbridge comprise Stages 1 and 2 of the Ash Road Bridge Scheme respectively.
- 3.2 The Scheme Plan at **Appendix 1** to this report shows the approved layout for the road bridge, Stage 1 of the Scheme, (for which planning permission was granted in January 2021) and an indicative layout for the footbridge, Stage 2 of the Scheme.
- 3.3 Since March/April 2021 further housing development in Ash and Tongham has come forward. At the time of writing, 1,403 homes have been granted planning permission in the Guildford Local Plan Policy A30 (59 homes) and A31 (1,344 homes) areas of Ash and Tongham, with many of those either having been constructed or currently under construction, whilst a further 158 homes are currently subject to planning determination.
- 3.4 Stage 1 (road bridge) is the most complex and cost intensive element of the project and needs to be delivered before the footbridge in order that motor vehicles can be diverted away from the Ash level crossing, providing the necessary land and space for construction of the footbridge. Without the delivery of the road bridge Stage 2, the delivery of the footbridge, cannot proceed.
- 3.5 Alongside the increase in housing, Network Rail continues to progress the Gatwick to Reading route enhancements. First Great Western are moving from two to three trains per hour in each direction on Weekdays and Saturdays. The extra trains on the Saturday have now been implemented
- 3.6 The continued growth in housing in the Ash and Tongham area and planned increase in train frequencies on the North Downs Line is further increasing pressure on the constrained transport network, including Ash level crossing and local routes used for rat running. Intervention still remains paramount.
- 3.7 The expected strategic benefits and positive outcomes of the Scheme are summarised below:

Objective	Benefits associated with the Scheme
1	<p data-bbox="428 247 1404 352">To support the growth aspirations of the Guildford Borough Local Plan and in particular Policy A31 relating to the delivery of housing and employment</p> <ul data-bbox="428 373 1404 924" style="list-style-type: none"> <li data-bbox="428 373 1404 478">• Mitigates impacts from increased housing built, committed and/or proposed in the area under Policy A30 and 31 of Guildford's Adopted Local Plan <li data-bbox="428 489 1404 552">• Unlocks the development potential of land allocated in Policy A30 and A31 (estimated at a minimum of 698 homes). <li data-bbox="428 562 1404 625">• New housing units contribute to local expenditure and public finances (through tax revenues). <li data-bbox="428 636 1404 741">• The ARB Scheme will create and/or safeguard construction jobs (70 jobs per annum for the road bridge and 10 jobs per annum for the footbridge). <li data-bbox="428 751 1404 814">• Creation of indirect jobs associated with the delivery of new housing (it is estimated that 37 FTE jobs will be created). <li data-bbox="428 825 1404 924">• Delivery of additional high-level qualifications through construction (estimated that 14 high-level skills qualifications generated by the road bridge project and 2 for the foot bridge).
2	<p data-bbox="428 942 1404 1005">To alleviate congestion and delay associated with the Ash level crossing</p> <ul data-bbox="428 1026 1404 1470" style="list-style-type: none"> <li data-bbox="428 1026 1404 1215">• The removal of an existing traffic congestion and delay hotspot for road users (closures 8 times p/hour, or 150 p/day, which averages between 20 and 25 minutes an hour) and will increase as the frequency of trains increases with the opening of the New Gatwick terminal on the Reading to Gatwick line. <li data-bbox="428 1226 1404 1331">• Mitigation of impacts for road users associated with additional passenger train services on the line and longer trains (already commenced). <li data-bbox="428 1341 1404 1446">• Mitigation of transport impacts associated with Policy A30 and A31 of the Local Plan (including homes already built or committed). <li data-bbox="428 1457 1404 1470">• Air quality benefits (especially around the Ash level crossing)
3	<p data-bbox="428 1488 1404 1530">To better manage the routing of vehicles through Ash</p> <ul data-bbox="428 1541 1404 1680" style="list-style-type: none"> <li data-bbox="428 1541 1404 1583">• Limit the use of unsuitable routes to avoid the level crossing. <li data-bbox="428 1593 1404 1680">• Mitigates the risk of further increases in rat-running associated with growth in background traffic, committed development and barrier closures
4	<p data-bbox="428 1698 1404 1772">To improve safety for drivers, pedestrians and cyclists crossing the North Downs Line and using Ash Station</p> <ul data-bbox="428 1793 1404 1854" style="list-style-type: none"> <li data-bbox="428 1793 1404 1854">• Removal of the safety hazard posed by the present level crossing, categorised by Network Rail as a medium-high risk

	<ul style="list-style-type: none"> • Reduction in traffic around Ash Station, which will improve the station realm environment and conditions for station passengers/ non-motorised users. • A reduction in risks taken by motorists to avoid delay. • New pedestrian and cycle connections across the North Downs Line
5	<p>To improve connectivity across the North Downs Line and through Ash</p> <ul style="list-style-type: none"> • Improved journey time reliability for those using the A323 including buses • Access improvements over the North Downs Lines which coupled with wider Local Plan measures for Ash will improve connectivity between Aldershot, Farnborough and west of Guildford thereby supporting economic activity.

- 3.8 The road bridge also offers positive opportunities to support Guildford’s climate change emergency through creating a water sensitive site with green corridors and high-quality biodiversity creation, providing measures to address future forecast climate change impacts protecting functional floodplain.

Scheme update

Road bridge (Stage 1)

- 3.9 The Council entered into a Pre-Construction Services Agreement (PCSA) with Balfour Beatty in July 2021 via the SCAPE framework and had anticipated appointing them as the main contractor to deliver Stage 1 (road bridge) following the completion of the detailed design. However, in March 2022, Balfour Beatty presented a revised forecast construction budget and programme which showed a significant increase in both the budget and programme.
- 3.10 In light of the significant increases in cost and programme, the Council took the decision, with the approval of Homes England, to go out to competitive tender on the main contract for the road bridge. This procurement process commenced in September 2022.
- 3.11 The Council received three tenders in January 2023. Following a process of evaluation and negotiation it is anticipated that three final offers will be received in March 2023. Subject to approval of the revised budget and funding strategy, as per the Recommendations, the Council anticipates entering into a contract with a selected contractor by the end of April 2023, with construction between June 2023 – December 2024.

- 3.12 Part of the road bridge has already been constructed by Bellway Homes (required as part of the planning consent) as it forms the spine road through their development south of Guildford Road. Bellway are also currently constructing the roundabout (A323 Guildford Road / Ash Hill Road) which connects this part of the road bridge to Guildford Road.
- 3.13 In parallel to the procurement process, the Council has negotiated the necessary Land and Works Agreements required to secure land needed to deliver the road bridge (Stage 1). It is anticipated that the remaining agreements will be completed promptly following approval of the revised budget by Full Council.
- 3.14 The Council has also been working closely with Surrey County Council and Network Rail to agree the design and statutory agreements and approvals needed to construct the road bridge and expects to conclude these shortly after selection of the main contractor. The Council is also working with Surrey County Council and Network Rail to put in place the necessary approvals for the closure of the crossing to motor vehicles once the road bridge is opened.

Footbridge and level crossing closure (Stage 2)

- 3.15 The footbridge and closure of the Ash level crossing form Stage 2 of the Ash Road Bridge Scheme. The road bridge (Stage 1) has to be completed before the footbridge is built so that the level crossing can be closed to motorised traffic, which provides the necessary workspace and conditions to enable the footbridge to be built.
- 3.16 Network Rail has recently indicated that they are seeking full funding for construction of the footbridge in this control period (which ends in April 2024) and have commenced a review of the footbridge design. It is hoped that Network Rail will meet all or at least the majority of the costs of delivering the footbridge. However, this funding is not yet confirmed.
- 3.17 It is anticipated that further development of the footbridge design will take place in summer 2023, allowing the submission of a planning application in late 2023 or early 2024. An application will be made for the full closure of the level crossing once the necessary land for, and alignment and form of, the footbridge are fixed and the responsibility for ongoing maintenance of the footbridge (anticipated to be either Network Rail or Surrey County Council) has been agreed. This is likely to be after planning approval is received. It is currently anticipated that the planning application and the application for closure of the level crossing will be made by and funded by the Council, and this has been allowed for in the revised budget.

4. Consultations

- 4.1 Members of the Executive including the Leader of the Council and the responsible Lead Councillor for the scheme have been regularly briefed on the budget for the project, funding and risks associated with progression of the ARB Scheme throughout.
- 4.2 Updates on the progress of the Scheme have been provided to Councillors at the quarterly Capital, Transport and Infrastructure Board and the Major Projects Portfolio Board. Briefings of ward members within Ash and Tongham have also been held on a regular basis.
- 4.3 The Executive received a full briefing on the financial position of the Scheme on 23 February 2023 and a briefing for all Councillors was held on 6 March 2023.
- 4.4 Consultations that were carried out on the Ash Road Bridge prior to and following submission of the planning application of Stage 1 (the road bridge) were reported in the April/May 2021 reports to Executive and Full Council. These are summarised as follows:
 - a) The principle of the Scheme was included in two public consultations on Guildford Borough's emerging Local Plan, which took place in 2016 and 2017. The Local Plan (Strategy and Sites) was adopted on 25 April 2019.
 - b) Prior to submission of the Stage 1 (road bridge) planning application, public forums and two pre-application public exhibition events were held. Post-submission of the application an additional public information event was held.
 - c) A full planning application was submitted in August 2019 for Stage 1 (the road bridge) and three rounds of statutory consultation were completed by the Council as local planning authority.
 - d) Statutory consultation has also been completed post-determination for the discharge of planning conditions.

5. Key Risks

- 5.1 A fully costed risk register, utilising a QCRA (Qualitative Costed Risk Assessment) system and Optimism Bias, calculated via a Monte Carlo algorithm for the project, has been produced to support the management of the project and has informed the budget for the road bridge and footbridge schemes in regard to contingency. This methodology provides a P90 position, which equates to a 90% chance of the project being

- delivered on time and on budget. The costed risk register will help to mitigate the risk of further budget increases.
- 5.2 The risk register forms an integral part of the management strategy for the ARB scheme, with risk workshops being held quarterly throughout the project to ensure that risks and the associated actions for mitigating risk are regularly reviewed and updated. The last detailed review was undertaken in January 2023.
- 5.3 Exempt **Appendix 4** sets out the top ten project risks for the road bridge and the actions that are being taken to manage these risks. Exempt **Appendix 3** also captures risks specific to the Housing Infrastructure Fund (HIF) Funding Agreement.
- 5.4 A number of the risks identified on the current risk register will become the 'Early Warning Risk Register' during the construction phase. It is anticipated that monthly risk workshops will be undertaken with the contractor during the construction stage to review, mitigate and revise the 'Early Warning Risk Register' as required.

6. Financial Implications

6.1 Budget [set out in Exempt Appendix 2]

6.1.1 The approved budget for the Scheme is £38.91 million, being £33.89 million for the road bridge (Stage 1) and £5.02 million for the footbridge (Stage 2) (excluding borrowing costs.) The road bridge budget is slightly higher than that which was approved by the Council in April 2021 (£38.79million) as the budget was subsequently combined with a separate approved budget for land acquisition costs for the Ash Road Bridge Scheme equivalent to £0.12 million.

6.1.2 The revised budget is £44.5 million, being £44.0 million for the road bridge and £0.5 million for the footbridge (excluding borrowing costs.) The increase to the budget is therefore £5.59 million.

6.1.3 The budget for the Scheme is considered in more detail in Exempt Appendix 2 of this report.

6.2 Funding [set out in Exempt Appendix 3]

6.2.1 The revised budget of £44.5 million for the Scheme (Stage 1 and Stage 2) is proposed to be funded as follows:

- £23.9 million from Homes England (HIF) funding which has been secured (see further below); and
- A combination of Council reserves and funds and Council borrowing.

The funding for the Scheme is considered in more detail in Exempt **Appendix 3** of this report.

7. Legal Implications

- 7.1 If the recommendations set out in this report are approved, the Council proposes to enter into a contract with the preferred bidder to deliver Stage 1 (road bridge) of the Ash Road Bridge Scheme in compliance with the Public Contract Regulations 2015 and the Council's procurement strategy, and in compliance with the principles of delivering best value for money.
- 7.2 The Council will also be entering into the following key agreements required for the delivery of Stage 1 (road bridge):
- 7.2.1 Two highways agreements (under section 38 and section 278 of the Highways Act 1980 respectively) with Surrey County Council and the relevant landowners under which Surrey County Council as highway authority agree to adopt the road bridge as public highway upon completion and subject to payment by the Council of commuted sums.
 - 7.2.2 An overbridge agreement and easement with Network Rail and Surrey County Council, in which Network Rail grants the Council the necessary rights to build the road bridge over the railway line and Surrey County Council the obligation to maintain that bridge.
 - 7.2.3 An Asset Protection Agreement with Network Rail which sets out the services to be provided by Network Rail (including engineering safety management approvals, provision of asset information, booking possessions and attendance at meetings) and the financial terms upon which those services will be provided.
- 7.3 The Section 106 contributions towards the Ash Road Bridge Scheme, which have been and will be secured by the local planning authority through Section 106 agreements entered into by landowners and developers with the local planning authority, will be compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 7.4 The Council will be bound by the terms of the Homes England Funding Agreement as amended and should ensure that it fully complies with the terms, and any issues with compliance should be notified to Homes England at an early stage. In addition, the Council has and will ensure that

contracts with contractors and consultants in relation to this matter contain, as far as possible and bearing in mind commercial as well as legal constraints, protection for the Council for non-compliance where this is due to a breach by the contractors and consultants.

- 7.5 The Council has negotiated the necessary Land and Works Agreements required to secure land needed to deliver the road bridge (Stage 1) and anticipates that the remaining agreements will complete promptly following approval of the revised budget by Full Council. The Council will need to ensure that it complies with the terms of those agreements.

8. Human Resource Implications

- 8.1 The Ash Road Bridge scheme is managed on the Client-side by an interim consultant, supported by enabling services in the Council, notably finance, legal and procurement teams. The proposed recommendations will be delivered within this existing resource, which has been included within the outlined scheme budget. The Council will continue to work with Homes England to identify opportunities to secure "Capacity Funding" to fund these staffing costs.

9. Equality and Diversity Implications

- 9.1 The Council has a legal duty under the Equality Act 2010 (in particular, the Public Sector Equality Duty (PSED) under section 149 of that Act) to have due regard to the following matters in the exercise of all its functions, namely the need to:

9.1.1 Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act.

9.1.2 Advance equality of opportunity between persons who share a "relevant protected characteristic" (i.e. age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation) and persons who do not share it.

9.1.3 Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 An Equality Impact Assessment (EqIA) was prepared for the road bridge (Stage 1) at the time of the planning application. This was reported as an Appendix to the Executive/Full Council papers in March/April 2021.

10. Climate Change/Sustainability Implications

- 10.1 The Council formally declared a climate emergency in July 2019 and set a goal for the borough to reach net zero emissions by 2030. The Council is committed to reducing emissions, particularly from vehicles, energy use

and construction processes. These objectives have been and will continue to be considered at all stages of the design and implementation of Ash Road Bridge. These were considered as part of the Executive/Full Council papers in March/April 2021.

11. Options

OPTION 1 (Recommended):

- 11.1 The Council could decide to approve the recommendation outlined within this report, including approval of a revised Scheme budget of £44.5 million excluding borrowing costs, and the associated funding strategy.
- 11.2 The Council has a unique opportunity to utilise £23.9 million of central government funding to deliver the Scheme which forms part of the Council's Local Plan, will improve safety for highway and rail users and significantly reduce traffic congestion on the A323 and the use of unsuitable alternative roads in the area.

OPTION 2 (Not recommended):

- 11.3 The Council could decide not to proceed with the Recommendations outlined in this report. However, possible consequences of this decision are:

11.3.1 It is highly likely that it will never be possible to deliver the road bridge or footbridge because:

- The funding will not be available. In particular, the Council will lose the Homes England funding of £23.9 million. This funding has to be drawn down by 31 March 2024, which means construction needs to start on site within Q2 2023. If the Scheme is put on hold, even very temporarily (for example until July 2023), it will not be possible to draw down the Homes England funding within this availability period and Homes England will halt any further drawdowns of funding. The Council will also need to repay the Section 106 contributions already paid towards the Scheme and will be unable to claim further Section 106 contributions already secured or secure future Section 106 contributions (see Exempt **Appendix 3** for further details);
- The land may be unavailable. The Council is not acquiring all of the land needed for the road bridge – some of the road bridge is being built under licence and two of the land and works agreements are still to be entered into. The terms that have been agreed with the landowners mean that construction on site needs to start shortly. If Ash Road Bridge is not proceeding then these landowners may pursue alternative development proposals, which may be

incompatible with the Ash Road Bridge Scheme and mean it can never be built;

- Stakeholders (including Surrey County Council, Network Rail, Homes England and the interested landowners and contractors who have bid to deliver the road bridge) may be reluctant to re-engage on future proposals.

11.3.2 Repayment of Homes England funding already drawn down. The Council has drawn down £5.92 million of the Homes England funding to date. Under the terms of the funding agreement, Homes England would have the right to claim this back from the Council. This grant has funded the capital programme, and as the Scheme will be aborted, will be sunk costs. These sunk costs and the grant repayment would have to be funded as a revenue cost by the Council;

11.3.3 Repayment of Section 106 contributions towards Ash Road Bridge which have already been collected - as referred to above. These sunk costs and the Section 106 contributions repayment will be a revenue cost;

11.3.4 Undermining of Policy A31 of the Guildford Borough Local Plan: Without the road bridge, the opportunity to provide an alternative crossing over the North Downs Line close to the location of the A323 will be lost.

11.3.5 Impact on Council's housing delivery targets: The Scheme is a requirement of Policy A31 and if it is unable to be satisfied then the local planning authority may decide not to grant further planning permissions for housing development in this area.

11.3.6 Congestion and safety risks increased: Cumulative traffic impacts associated with built or committed development in the Ash and Tongham area will go unmitigated at the Ash level crossing and on local roads where 'rat-running' occurs to avoid the crossing.

12. Conclusion

12.1 Challenging and unforeseeable changes in the construction market have resulted in an increase to the budget previously anticipated for Stage 1 (road bridge) of the Ash Road Bridge project.

12.2 However, the Council has a desirable and very likely one-time opportunity to utilise significant central government funding and the necessary available land to deliver essential infrastructure which is required by the Council's adopted Local Plan and will benefit the residents of Ash and Tongham.

- 12.3 Recognising the limited availability period of the Homes England grant and the land needed to construct the road bridge, it is proposed that the Executive and Council approve the recommendations outlined in this report to enable the delivery of the scheme.

13. Background Papers

- 13.1 The following background papers are referred to in this report and links are included here:

[Agenda for Executive on Tuesday, 23rd March, 2021, 7.00 pm - Guildford Borough Council](#)

[Agenda for Council on Tuesday, 13th April, 2021, 7.00 pm - Guildford Borough Council](#)

14. Appendices

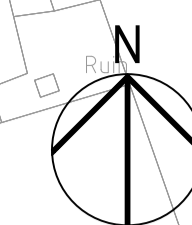
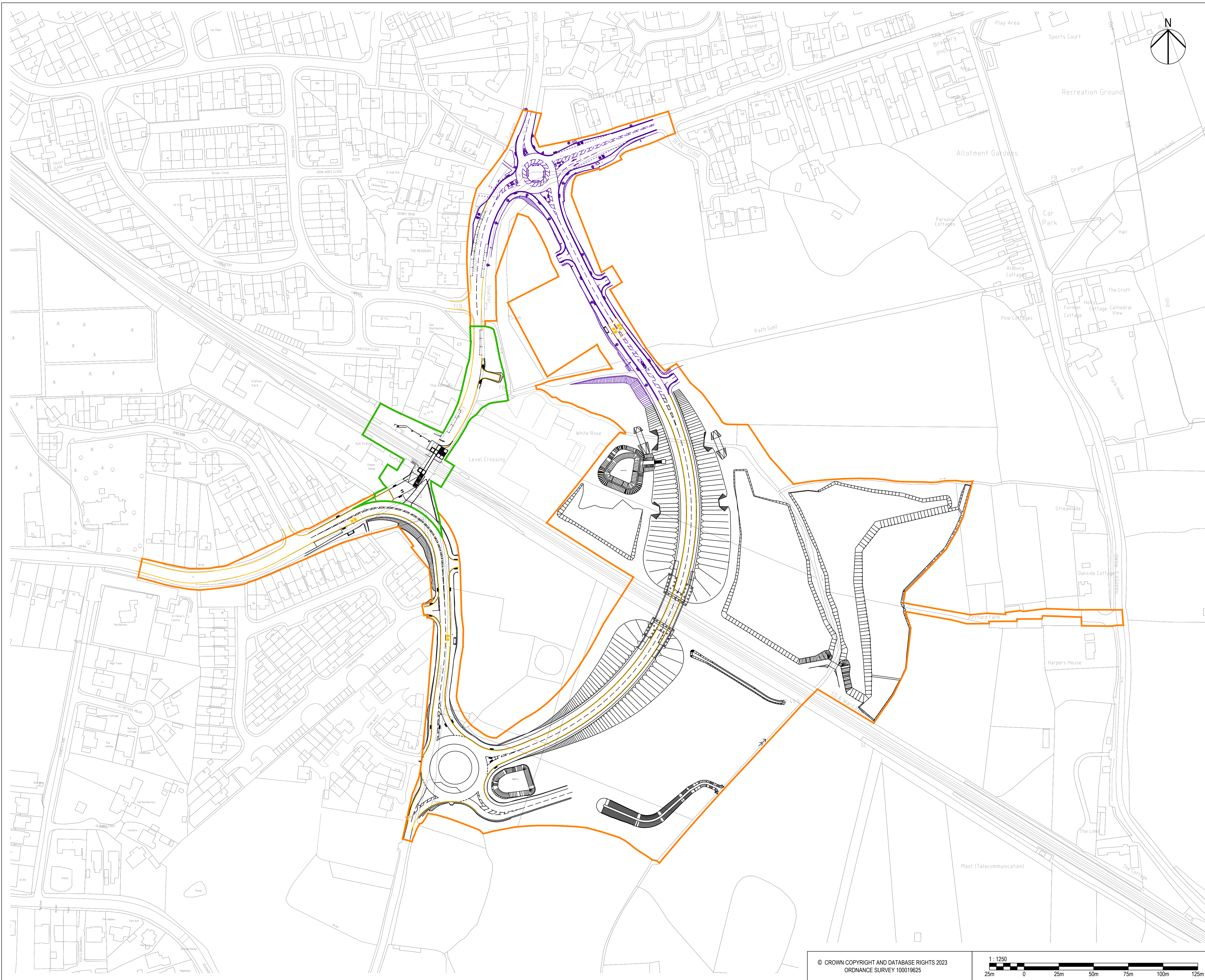
Appendix 1: Scheme Plan

Appendix 2: Budget (Exempt)

Appendix 3: Funding (Exempt)

Appendix 4: Project risks and associated mitigation (Exempt)

Appendix 5: Summary report (Exempt)



PROJECT
ASH ROAD BRIDGE

CLIENT
Guildford Borough Council

CONSULTANT
 AECOM Infrastructure & Environment UK Ltd
 Midpoint, Alecon Link,
 Basingstoke, Hampshire, RG21 7PP
 +44 (0)1256 310 200 tel
 +44 (0)1256 310 201 fax
 www.aecom.com

- GENERAL NOTES**
1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTS, ENGINEERS, SERVICES AND SPECIALIST DRAWINGS AND SPECIFICATION.
 2. ANY DISCREPANCIES IN DIMENSIONS OR DETAILS ON OR BETWEEN THESE DRAWINGS SHOULD BE DRAWN TO THE ATTENTION OF THE ARCHITECT AND/OR THE ENGINEER FOR CLARIFICATION.
 3. ALL DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE.
 4. DO NOT SCALE THIS DRAWING.

- KEY**
- STAGE 1 : ROAD BRIDGE
 - STAGE 2 : FOOTBRIDGE AND CLOSURE OF LEVEL CROSSING
 - STAGE 1 WORKS COMPLETED / UNDER CONSTRUCTION BY BELLWAY HOMES

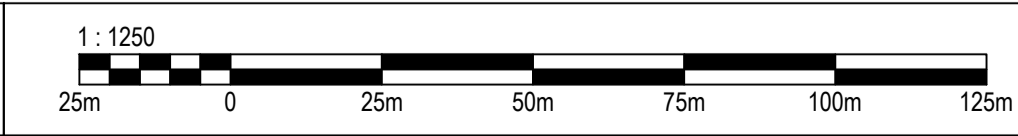
ISSUE/REVISION

NO	DATE	DESCRIPTION
P03	17.01.2023	COMPLETED WORKS HIGHLIGHTED
P02	11.01.2023	UPDATED LAYOUT
P01	24.02.2021	FIRST ISSUE
I/R	DATE	DESCRIPTION

PROJECT NUMBER
 605125228

SHEET TITLE
 ARB SCHEME PLAN

SHEET NUMBER
 ASHB-AEC-XX-XX-SK-CE-00085



This drawing has been prepared for the use of AECOM's client. It may not be used, modified, reproduced or relied upon by third parties, except as agreed by AECOM or as required by law. AECOM accepts no responsibility, and denies any liability, whatsoever, to any party that uses or relies on this drawing without AECOM's express written consent. Do not scale this document. All measurements must be obtained from the stated dimensions.

This page is intentionally left blank

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda item number: 7
Appendix 2

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda item number: 7
Appendix 3

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda item number: 7
Appendix 4

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda item number: 7
Appendix 5

Document is Restricted

This page is intentionally left blank