

Council Report

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

Report of Director of Strategic Services

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Ash Road Bridge – Project Update Part 1 Report (in public)

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 Council is asked to approve the new budget for the Ash Road Bridge Scheme, which has been revised to £33.77 million for Stage 1 (road bridge) and £5.02 million for Stage 2 (footbridge) and the funding strategy for both Stages, to ensure that the scheme is satisfactorily funded. The funding strategy includes further Homes England funding of £13.9 million, in addition to the £10 million previously agreed, which is being secured through a Deed of Amendment to the original funding agreement.

The Executive approved the Council entering into this Deed of Amendment at its meeting held on 23 March 2021 and the Deed of Amendment is in the process of being executed at the time of writing this report and is expected to have been completed by the time of this Full Council meeting. The Council has asked Homes England if the amount of the additional funding can be disclosed to the public and Homes England has agreed.

Recommendation to Council

That the Council approves the budget and funding strategy as set out in the budget and funding sections of the exempt (Part 2) report published with the agenda for this meeting.

Reason(s) for Recommendation:

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, 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, the Part 2 report is exempt.

- (a) The content of the Part 2 report is 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) The content of the Part 2 report contains 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 content of the Part 2 report is restricted to all councillors;
- (d) The exempt information in the Part 2 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.
- (e) The decision to maintain the exemption may be challenged by any person at the point at which the Executive is invited to pass a resolution to exclude the public from the meeting to consider the exempt information.

1. Purpose of Report

- 1.1 This report asks the Council to approve the new budget and funding strategies for both Stages of the Ash Road Bridge Scheme.
- 1.2 The funding strategy includes £23.9 million of HIF funding towards Stage 1 of the Ash Road Bridge Scheme (the road bridge). On 23 March 2021, the Executive approved the Council entering into the Deed of Amendment to the existing funding agreement with Homes England. This Deed of Amendment secures a further £13.9 million of HIF funding towards the road bridge, in addition to the £10 million already secured through agreement in December 2019. At the time of writing this report the Council has executed this Deed of Amendment and by the time of this Council meeting it is expected that the Deed of Amendment will have been completed.
- 1.3 The Council is also provided both here and (in more detail) in the Part 2 report with information on the up to date position with regards to:
 - a) securing the land needed to deliver the Ash Road Bridge Scheme; and
 - b) the procurement strategy which the Council proposes to follow in appointing the contractor who will deliver Stage 1 (the road bridge) of the Ash Road Bridge Scheme.

The Executive has already given approval to secure the land (in October 2018) and further approval is not required in respect of the procurement strategy to be followed but an up to date position is provided.

2. Strategic Priorities

2.1 The recommendations in this report support the delivery of the following priorities from the Council's Corporate Plan 2018-2023:

Place-making

- delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes, and
- adopt and implement the Local Plan and supporting policies
- making travel in Guildford and across the borough easier

2.2 ARB will provide significant, identified, community safety benefits and supports the Council's strategic priorities by:

- being an integral part of Policy A31 of Guildford's Adopted Local Plan to mitigate existing and planned development;
- allowing quicker delivery of housing within the total 1750 homes policy allocation; and
- making travel in the Ash and Tongham area easier by relieving congestion caused by the level crossing down-time, improving safety by closure of the level crossing and providing the infrastructure to accommodate the increase in housing proposed under Policy A31.

3. Background and approvals sought

3.1 Background

- a) Ash is located to the west of Guildford, approximately two miles east of Aldershot. Ash station is located on the North Downs line, between Reading and Gatwick. A level crossing is located immediately to the east of Ash Station on the A323 Guildford Road. Accordingly, when trains pass through the station the level crossing is closed, causing considerable delays to all users of Guildford Road.
- b) The level crossing is a Network Rail safety hotspot and its frequent closures encourage rat running on rural roads that are not designed to take this level of traffic. Closure of the level crossing has and will increase as the number of trains using the line increases – from September 2020 Great Western Railway increased the number of trains on the line to three per hour on Saturdays in each direction and some off-peak weekday hours. Great Western has targeted extending this, to

further off-peak weekday services and then (once platform work is finished at Gatwick in 2022/23) to additional peak hour services.

- c) Significant development is already occurring in Ash and Tongham and is proposed in Guildford's Adopted Local Plan, Policies A30 and A31. At the time of writing 1,335 homes have been granted planning permission in the Policy A30 and A31 areas of Ash and Tongham (with those that have been granted since the adoption of the Local Plan having committed to providing section 106 contributions, or works in kind, towards Ash Road Bridge). A requirement of Policy A31 is that a new road bridge and associated footbridge are provided to enable the closure of the level crossing. This road bridge and footbridge comprise Stages 1 and 2 of the Ash Road Bridge Scheme respectively. The Scheme Plan at Appendix 1 to this report shows the approved layout for the road bridge (Stage 1) and an indicative layout for the footbridge (Stage 2).
- d) Planning permission for the road bridge (Stage 1 of the Ash Road Bridge Scheme) (19/P/01460) was granted on 13 January 2021, by the Planning Committee.
- e) The footbridge and closure of the Ash level crossing form Stage 2 of the Ash Road Bridge Scheme. The road bridge 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. It is envisaged that a planning application for the footbridge will be made in summer 2021 and progress has been made in discussions with Network Rail on design and responsibilities, whilst a pre-application meeting has been held with the Local Planning Authority to establish the parameters for the application. An application will be made for closure of the level crossing, once the necessary land for, and alignment and form of, the footbridge are fixed and the responsibility for its ongoing maintenance is secured. This is likely to be after planning approval is received.

3.2 Benefits

- a) The Ash Road Bridge Scheme is expected to deliver a wide range of benefits for the Council and its residents, workforce, business and visitors, as well as providing positive opportunities to support Guildford's response to the climate emergency. The objectives of the Ash Road Bridge Scheme and its benefits are summarised in Appendix 2.

3.3 Budget

- a) A detailed budget for the Ash Road Bridge Scheme (road bridge and footbridge) has been prepared in line with industry best practice, including accounting for optimism bias and analysing the impact of risk to the project based on a fully costed risk register.

- b) As a result, the full scheme budget cost for Stage 1 (the road bridge, excluding VAT and the footbridge) has increased to £33.77 million. This is explained further in Appendix 3 to this report.
- c) Following this budget increase, additional funding of £13.9 million has been secured from Homes England (in addition to the £10 million already secured), subject to the Council entering into a Deed of Amendment (which the Executive approved on 23 March 2021). This will ensure satisfactory funding for the scheme to proceed.
- d) A detailed budget has also been prepared for Stage 2 (the footbridge) of the Ash Road Bridge Scheme on the same basis as the road bridge. This shows a budget of 5.02 million (excluding VAT).
- e) The Council is asked to approve the new budget figures for both the road bridge and the footbridge referred to above, together with the Funding discussed below and set out in more detail in the Part 2 Report.

3.4 Funding

Stage 1 – the road bridge:

- a) Homes England has agreed to provide additional funding of £13.9 million towards the Ash Road Bridge Scheme, in addition to the £10 million of funding already being provided by Homes England. To secure this funding, the Council needs to enter into a Deed of Amendment to the existing funding agreement with Homes England. The Executive approved the Council entering into the Deed of Amendment with Homes England at the Executive Meeting held on 23 March 2021 and at the time of writing this report the Council has executed the Deed of Amendment. By the time of this Full Council meeting it is anticipated that the Deed of Amendment will have been completed.
- b) The difference between the budget for the road bridge (£33.77 million) and the HIF funding (£23.9 million) is expected to be met through a combination of savings on the budget and Council reserves and funds. Further details are contained in the Part 2 Report.
- c) Further detail is also set out in Appendix 4 to this Part 1 report.

Stage 2 - the footbridge:

- a) Network Rail has committed to seeking funding to cover the cost of the footbridge and closure of the Ash level crossing in their next funding period (April 2024 – March 2029). A decision on the level of funding from Network Rail will not be available until 2022/23. In the interim, it is important that Stage 2 of the ARB Scheme is progressed so that it is 'shovel ready' as soon as funding is available and that risks in regards to programme, e.g. a public inquiry for stopping-up of the Ash level crossing to motorised vehicles, are mitigated. At the time of writing, it is expected that construction of the footbridge would not commence until

April 2024; although the ongoing development of the delivery strategy with Network Rail may allow Stage 2 to come forward sooner.

- b) In this respect, the Corporate Programmes Team (CPT) is seeking approval to forward fund the work required to continue to progress Stage 2 to a point that planning approval for the footbridge has been granted and the application for closure of the Ash level crossing progressed.
- c) Further detail is set out in Appendix 5 to this Part 1 report.

3.5 Land strategy update

The CPT has secured two of the four parcels of land needed in order to deliver Stage 1 (the road bridge) of the Ash Road Bridge Scheme. It has agreed heads of terms in relation to the remaining two parcels of land and is progressing the agreements needed to secure those parcels. Further detail is set out in Appendix 6 to this Part 1 report.

3.6 Procurement strategy update

- a) In relation to the road bridge (Stage 1), the procurement strategy which has been adopted by the Council is to appoint its preferred contractor on a two-stage appointment basis.
- b) The first stage involves the Council and its preferred contractor entering into a Pre-Construction Services Agreement ('PCSA'.) This enables contractor input to the detailed design and costing to be progressed. Following this work the main contract for the works will be entered into in Autumn 2021, prior to the works starting on site in November/ December 2021.
- c) Further detail is set out in Appendix 7 to this Part 1 report.

4. **Consultations**

- 4.1 The principle of the ARB Project was included in two public consultations on Guildford Borough's emerging Local Plan, which took place in 2016 and 2017. The Local Plan was adopted on 25 April 2019, having been considered at examination by an Inspector.
- 4.2 As part of the road bridge (Stage 1) and prior to submission of the planning application, regular public forums and two pre-application public exhibition events were held. Over 4,000 people were invited to the public exhibition events, with 490 people attending over two days and 207 providing formal response forms (217 if post event feedback is included) with a Statement of Community Involvement prepared to document the consultation and to identify how results have informed the strategy for the road bridge where feasible. Post-submission of the application an additional public information event was held where members of the public could ask any questions and the Applicant and their design team could provide an update on the proposals to members of the public.

- 4.3 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 to ensure that statutory consultees and stakeholders receive a full opportunity to appraise the proposals and submit their representations in respect of the Ash Road Bridge Scheme.
- 4.4 As part of the planning application for the footbridge, it is the intention that the public will be consulted through a public exhibition event or similar given ongoing Covid-19 restrictions.
- 4.5 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.

5. Key Risks

- 5.1 A full costed risk register for the project has been produced to support the management of the project and the calculation of budget for the road bridge and footbridge schemes in regard to contingency. The risk register forms an integral part of the management strategy for the ARB scheme as discussed at Appendix 8, with risk workshops to be held bi-monthly throughout the project to ensure that risk and the associated actions for mitigating risk are regularly reviewed and updated. Further details are set out in the Part 2 report.

6. Financial Implications

- 6.1 With the additional Homes England funding, the project is considered satisfactorily funded from a variety of sources. Further details are set out in the Part 2 report.

7. Legal Implications

- 7.1 The Council has the legal power to enter into the Deed of Amendment with Homes England under section 1 of the Localism Act 2011 and section 111 of the Local Government Act 1972.
- 7.2 The Council proposes to enter into a Pre-Contract Services Agreement with its preferred contractor and the main Lump Sum contract with the contractor appointed to deliver 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.
- 7.3 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 by the Deed of Amendment 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 should ensure that contracts with contractors and consultants in relation to this matter contain, as much as possible, protection for the Council for non-compliance where this is due to a breach by the contractors and consultants.

7.5 Legal advice in detail is contained in the Part 2 Report.

8. Human Resource Implications

8.1 There are no anticipated Human Resource implications.

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:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- b) 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; and
- c) 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. Appendix 10 to this report sets out the key findings of this EqIA and includes, as an Annex, a copy of the EqIA. This EqIA provides evidence that equality duties in relation to the PSED have been fulfilled in developing Stage 1 of the Ash Road Bridge Scheme. It provides a consideration of potential direct and indirect equality impacts (both negative and positive) associated with the new road bridge.

9.3 As part of the continuing design and delivery of the road bridge, the recommendations outlined in the EqIA will be reviewed and developed to realise the benefits outlined and to help to further minimise any adverse impacts of the proposed development.

9.4 A further EqIA will be prepared to support the application for the footbridge (Stage 2) to ensure that the design is accessible and equality compliant. This EqIA will be prepared in accordance with EqIA guidance and Network Rail's guidance on Diversity Impact Assessments.

10. Climate Change/Sustainability Implications

10.1 The Council declared a Climate Emergency on 23 July 2019, setting out a commitment to reduce emissions, particularly from vehicles, energy use and construction processes.

- 10.2 The road bridge (Stage 1) provides for the creation of a water-sensitive site, green corridors, high quality biodiversity and habitat creation. Through consultation with the proposed contractor, opportunities for biodiversity net-gain will be further explored whilst construction activities will be sensitively planned to minimise emissions and to mitigate environmental impacts where feasible.
- 10.3 Further details of the landscape design are set out in Appendix 11 to this report, together with an explanation of how the scheme design has considered climate change impacts, particularly with regard to the need for flood compensation storage.
- 10.4 An Environmental Statement (ES) (August 2019) and ES Addendum (June 2020) were submitted to support the planning application (19/P/01460) for the road bridge (Stage 1). The ES and ES Addendum summarise the likely significant environmental effects arising from construction and operation of the proposed development and are included as background papers. Key identified significant environmental effects are summarised in Appendix 11 to this report.
- 10.5 These have all been considered as part of the planning application for the road bridge (Stage 1) and planning permission was granted following approval by the Council's Planning Committee on 13 January 2021.
- 10.6 The position following progression of the footbridge (Stage 2) was also considered as part of the ES and ES Addendum, with the delivery of the footbridge expected to lead to Ash level crossing accident and road safety benefits being upgraded from minor beneficial (not significant) to major beneficial (significant) and vulnerable road user delay, amenity and ambience being upgraded from minor beneficial (not significant) to moderate beneficial (significant). No other changes are anticipated in regard to significant effects. The delivery of the footbridge is therefore expected to be beneficial overall in environmental terms.

11. Summary of Options

- 11.1 The Council is asked to approve the new budget for the Ash Road Bridge Scheme, which has been revised to £33.77 million for Stage 1 (road bridge) and £5.02 million for Stage 2 (footbridge) and the funding strategy for both Stages. This includes the additional funding of £13.9 million from Homes England towards the delivery of the Ash Road Bridge Scheme, in addition to the £10 million of Homes England funding that has already been secured.
- 11.2 If the Council does not follow this recommendation then alternative options available to the Council are:
- (a) To decide to fund the Ash Road Bridge Scheme itself, without the additional or any HIF funding.
 - (b) To decide not to proceed with the Ash Road Bridge Scheme.

12. Conclusion

- 12.1 At its meeting on 23 March 2021, the Executive recommended that the Council approves the budget and funding position presented in this report, in respect of both the road bridge (Stage 1) and the footbridge (Stage 2) of the Ash Road Bridge Scheme. The Council is now asked to approve that budget and funding position. In this respect the Council is asked to note:
- a) The revised budget for the road bridge is £33.77 million. It is on the basis of this budget that the additional Homes England funding of £13.9 million has been agreed (subject to the Deed of Amendment which the Executive has approved the Council entering into and is expected to have been completed by the time of this Full Council meeting);
 - b) The footbridge is not as advanced in development as the road bridge and cannot be built until after the road bridge is open to traffic, since closure of the level crossing to motorised vehicles will provide the necessary workspace for construction of the footbridge. A budget of £5.02 million has been identified for delivery of the footbridge and closure of the level crossing;
 - c) Funding for the footbridge has not yet been secured. Network Rail has committed to seeking full funding for the footbridge in their next funding period (April 2024-March 2029). However, a decision on this funding will not be available until 2022/23 and in order to maintain progress on this Stage 2 of the Ash Road Bridge Scheme the Executive has agreed to forward fund the work required to progress Stage 2 to a point that planning approval for the footbridge has been secured.
- 12.3 The Council has a desirable and likely one-time opportunity to secure significant central government funding and land towards essential infrastructure which is required by the Council's adopted Local Plan and will benefit the residents of Ash and Tongham.

13. Background Papers

- 13.1 The following background papers are referred to in this report and links are included here:
- a) Guildford Borough Local Plan: strategy and sites 2015-2034, adopted 25th April 2019 [here](#) (see Policy A31);
 - b) Guildford Borough's Corporate Plan 2018-2023 [here](#);
 - c) Strategic Development Framework SPD, adopted 21 July 2020 [here](#);
 - d) Environmental Statement and ES Addendum submitted as part of the road bridge (Stage 1) application [here](#)

14. Appendices

14.1 The following Appendices are attached to this report. These give further detailed information on the main areas for discussion set out in this report:

Appendix 1: Scheme Plan

Appendix 2: Scheme Objectives and Benefits

Appendix 3: Budget

Appendix 4: Funding Road Bridge

Appendix 5: Funding Footbridge

Appendix 6: Land Strategy

Appendix 7: Procurement Strategy

Appendix 8: Management Strategy

Appendix 9: Key Risks (Part 2 exempt)

Appendix 10: Equality and Diversity

Appendix 11: Climate Change/Sustainability Implications