

CABINET
22 OCTOBER 2020**A38 BROMSGROVE ROUTE ENHANCEMENT PROGRAMME**
(BREP)

Relevant Cabinet Member

Dr K A Pollock

Relevant Chief Officer

Strategic Director of Economy and Infrastructure

Local Member(s)

Mrs. R. Dent, Mrs. S Webb, Mr. K. Daisley, Mr. P. McDonald and Mr. K. Taylor

Recommendation

- 1. The Cabinet Member with Responsibility for Economy and Infrastructure recommends that Cabinet:**
 - a. notes the overall concept of the A38 Bromsgrove Route Enhancement Programme and progress made to date;**
 - b. supports the continued progress of the programme and notes the further work required to finalise the project deliverables, especially in terms of planning strategy, securing funding and land acquisitions;**
 - c. approves the further development and submission of an Outline Business Case (OBC) to the Department of Transport (DfT) during 2021 including the schemes described within the report;**
 - d. authorises the Strategic Director for Economy and Infrastructure to undertake public engagement regarding Scheme F if required following further review;**
 - e. delegates authority to the Strategic Director of Economy and Infrastructure, in consultation with the Cabinet Member with Responsibility for Economy and Infrastructure, to finalise and award the contract(s) and other necessary agreements to deliver the A38 BREP proposals including the Priority Scheme;**
 - f. approves the acquisition of land required to deliver the A38 BREP proposals, and delegates authority to the Strategic Director of Commercial and Change and the Strategic Director of Economy and Infrastructure, in consultation with the Cabinet Member with Responsibility for Economy and Infrastructure to agree the extent of land and rights to be acquired;**

- g. should it not be possible to acquire all the land by negotiation, authorises the acquisition of necessary land and rights over land through the making of Compulsory Purchase Orders (CPO) and authorises the Strategic Director of Commercial and Change and the Strategic Director of Economy and Infrastructure, in consultation with the Cabinet Member with Responsibility for Economy and Infrastructure, to finalise the details and make such a CPO including any compulsory acquisition of rights required for the programme, and authorises the Strategic Director of Commercial and Change to approve any Statement of Reasons in relation to the land, that must accompany any CPO submitted for the confirmation to the Secretary of State for Transport, and notes that this will be approved prior to making of the CPO;**
- h. supports the forward funding of the development of the Full Business Case (FBC) and developer s.106 contributions from the existing Economy and Infrastructure Capital programme; and**
- i. supports the ongoing stakeholder engagement and management exercises with Highways England, Environment Agency, DfT and other stakeholders as required.**

Background

2. The A38 is one of Worcestershire's most important strategic transport routes connecting Bromsgrove with key destinations throughout the region and acting as an important transport corridor. The route is under constant pressure and suffers with congestion and un-reliable journey times. Worcestershire County Council has been working with partners including Highways England (HE), Bromsgrove District Council (BDC), Worcestershire Local Enterprise Partnership (WLEP) and the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) to relieve congestion on the A38 through a programme of improvement works.

3. The programme was identified in Local Transport Plan 4 to support the sustainable growth of Bromsgrove, relieve existing traffic congestion and to support the growth identified in the adopted Bromsgrove District Plan. The programme is also critical to assist to support the objectives of the Redditch Local Plan, and both the Worcestershire and Greater Birmingham and Solihull Strategic Economic Plans.

4. Proposals for the A38 in Bromsgrove were considered by Cabinet in July and November 2018. The full proposal has been divided into an early works package known as **Package 1**, with the remainder of the proposed works being packaged together as the A38 Bromsgrove Route Enhancement Programme (**BREP**). BREP consists of seven Highways Schemes (A-G) and six Active Travel Schemes (1-6).

5. Package 1 consisted of enhancements and improvements to three junctions:

- Works Complete: A38 / Barley Mow Lane;
- A38 / M42 Junction 1 and A38 / M5 Junction 4: both currently in delivery;
- This phase is being funded by a combination of monies from Highways England, WLEP, GBSLEP and section 106 developer contributions.

6. A38 BREP is a part of the Major Road Network (MRN). The BREP proposal is currently being developed and promoted through the Department of Transport (DfT) Major Road Network fund for major schemes up to a maximum of £50 million plus a 15% local contribution. WLEP and Midlands Connect (MC) have identified BREP as one of West Midlands Regional 10 MRN priority schemes securing important regional support for the scheme

7. On this basis the Council developed and submitted a Strategic Outline Business Case (SOBC) to the DfT in summer 2019. The SOBC highlighted that the scheme provides very high value for money with a Benefit to Cost Ratio (BCR) of 4.5. As the SOBC was well received by the DfT work is now underway on the more detailed Outline Business Case (OBC) as the next step to securing funding from the scheme. We expect to submit the OBC to the DfT in 2021.

Overview of A38 BREP Scheme Proposals

8. The programme contains a mixture of highway capacity and safety enhancements aimed at providing additional capacity within the area and improving overall journey time reliability. In addition, it includes a series of Active Travel enhancements providing opportunities for walking and cycling, alternatives to car use for short journeys and link to the Active Travel schemes provided through the Bromsgrove National Productivity Investment Fund. The location of the schemes is shown in **Appendix 1** and summarised below:

Highway Schemes

- Scheme A - A38 / Hanbury Turn
- Scheme B – A38 / Bunsford Drive / Stoke Road (including substantive Active Travel improvements along A38 corridor)
- Scheme C – A38 / Stoke Road / Charford Road (including A38 to SBHS Active Travel link)
- Scheme D – A38 / New Road (including New Road Toucan)
- Scheme E – A38 / A448 (Oakalls Roundabout)
- Scheme F – A38 / Birmingham Road / M42 J1
- Scheme G – A38 / Golden Cross Lane / Braces Lane

Active Travel Schemes

- Scheme 1 – A38 / A448 junction to Birmingham Road Active Travel link
- Scheme 2 – Charford Road to Harvington Road Active Travel link
- Scheme 3 – Harvington Road to Old Station Road new pedestrian / cycle bridge
- Scheme 4 – A448 (Stratford Road) near Blackwood Road Active Travel crossing
- Scheme 5 – Fordhouse Road to Carnforth Road upgraded pedestrian / cycle bridge
- Scheme 6 – A38 / A448 junction to Oakalls upgraded pedestrian / cycle link

Public Engagement

9. As part of the development of the OBC a public engagement exercise was carried out in early 2020. This engagement exercise involved an estimated 1,000 attendees at various events and some 133 responses. A summary report of the engagement activities is presented in **Appendix 2**.

10. The engagement exercise highlighted matters which the Council has since sought to address and has led to several changes to the programme from the SOBC submission. These are:

- greater provision for Active Travel with additional cycle schemes and pedestrian crossing points within the corridor to reduce severance and promote cycling and walking as a realistic alternative mode for short journeys within Bromsgrove.
- further local widening of the highway to optimise capacity and enhance safety
- to review scheme F (M42 J1 and Birmingham Road) and undertake further public engagement.

11. The walking and cycling provision brings the scheme in line with current government proposals and guidance for Active Travel which were revised in July 2020.

12. Onsite traffic surveys necessary to further assess the overall impact of Scheme F and any refinements which are required, have been postponed due to Covid-19. This work will commence as soon as possible.

A38 BREP Scheme Delivery

13. WLEP allocated £7.5 million to support both the delivery of Package 1 improvements and development of the A38 BREP proposals through the Local Growth Fund. Government is now seeking to ensure that all this money is spent within the current financial year (2020/21). This money has been allocated to complete the following activities:

- Delivery of Package 1 which is in progress (outlined above)
- Development of the A38 BREP proposals and submission of the SOBC which is complete;
- The current further development of the A38 BREP proposals up to and including submission of the OBC; and
- Detailed design of selected A38 BREP schemes to provide a series of schemes ready for delivery.

14. Development of the design of various A38 BREP proposals has continued to facilitate early delivery. Part of Active Travel Scheme 1 (A38 / A448 junction to Birmingham Road) and Scheme 2 (Charford Road to Harvington Road) have been identified as being capable of being delivered in line with the funding requirements set out by WLEP and to form a Priority Scheme.

15. The basis of this selection is that these schemes fall within the available funding and suitability for delivery having regard to:

- Do not require third party land;
- Do not require significant additional regulatory / environmental impacts;
- Are in line with the support for Active Travel expressed at the public engagement.

16. Significant design development work has been undertaken on these schemes. The key benefits of the early delivery of these schemes are:

- Build upon the NPIF scheme, further enhancing cycling and walking in the Bromsgrove area;

- Create a new safe cycle and walking route from Birmingham Road through to south Bromsgrove encouraging Active Travel and providing a realistic alternative to the private car; and
- Start the delivery of the wider A38 BREP proposals demonstrating the Council's commitment to delivery of the end-to-end programme; and
- Deliver Active Travel schemes in line with the government recently updated guidance.

Land and Legal

17. To deliver some of the schemes a certain amount of third-party land is required. This is set out in **Appendix 3**, with land required from landowners at the following locations.

- Adjacent to Buntsford Business Park;
- Adjacent to Morrisons store;
- Adjacent to Aldi store; and
- Adjacent to Kentucky Fried Chicken Restaurant.

Additional public land will also be required to complete the scheme, principally from Bromsgrove District Council and Worcestershire County Council owned land at Charford First School, Bromsgrove.

18. Discussions have opened with the owners regarding this land with the final details of the extent of land to be required to be confirmed as the OBC develops.

19. It is recommended that Cabinet authorises the acquisition of this land through negotiation but if that is not possible use of the Council's ability to acquire the land by Compulsory Purchase may be required.

Finance

20. Although the estimated cost of the programme will be reviewed as part of the OBC development, the SOBC estimated that the overall A38 BREP scheme costs would be £49.8 million of which £9.05m has already been included within the approved Capital Programme. The balance of the funding is subject to grant applications and S106 agreements. Within this the Council has approved forward funding of circa £2.5 million to fund the early stage development that it is intended should be repaid from successful grant applications.

21. The SOBC suggests that the scheme would be funded from the following sources:

- Department for Transport MRN initiative funding of £42.2m. Of this a total of £0.85 million DfT grant has already been received to assist in production of the programme, the remainder would be secured from submission of the OBC and Full Business Case (FBC) If the DfT do not accept either the OBC or FBC then work will cease until an alternative funding source is identified. As this work is not funded from existing Council budgets then it is not considered to be a risk to the Authority;
- A secured £5.7 million contribution from WLEP towards the cost of development of the scheme formed part of the 15% local contribution; and

- A contribution of £1.9 million from various s.106 monies secured from developments related to the A38 programme.

22. All relevant funding for the project development is secured up to submission of the OBC. The SOBC set out the need for forward funding for production of the FBC at a cost of approximately £1.6 million. This money would be recouped from DfT following submission and acceptance of the FBC. The development of the FBC would not commence until acceptance by the DfT of the OBC giving the Council greater assurance of DfT financial support for the scheme, thus reducing the risk of forward funding of the FBC. The bid for MRN funding should secure the capital to fund construction which will not be progressed until appropriate funding assurances are received. The only additional element of local contribution would be relating to circa £1.9 million of section 106 monies which would be required towards the end of the construction programme (2023 to 2025). This funding is not yet secured but is included in various section 106 agreements being prepared for developments in and around Bromsgrove. If the required housing delivery is not forthcoming, then these monies would need to be funded from other sources. If the identified £1.9m section 106 monies are not available in time to meet with the programme delivery requirements but form part of signed section 106 agreements, the Council may then need to be forward fund these monies to ensure delivery of the project.

Public Health Impact Assessments

23. In Worcestershire, 65% of adults and one third of year 6 children are overweight and/or obese. Part of the reason for this is physical inactivity with around 21% of adults in Worcestershire doing less than 30 minutes of exercise per week. Encouraging Active Travel is one option to help people achieve recommended physical activity levels and recommended weight. Active Travel can lead to health benefits including reduction of heart disease, stroke, cancer, obesity and type 2 diabetes. The environment can also benefit by a modal shift to Active Travel, including reduced air pollution, congestion, road danger and noise pollution.

24. There is a strong evidence base around the benefits of helping people to take up walking or cycling which requires an integrated and joined-up approach, including:

- Providing clear information and advice promoting physical activity and Active Travel;
- Encouraging families, children and young people to live active lives;
- Supporting those who have the poorest health outcomes and those who are most inactive to take steps to increase physical activity;
- Creating health-promoting environments; and
- Providing appropriate infrastructure.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

25. An Equality Relevance Screening has been completed for Local Transport Plan 4 which provides the policy context for the proposed A38 BREP Project. The screening is included in the Strategic Outline Business Case. Following the completion of a screening exercise (**Appendix 4**), it has been determined that a Joint Equality and Public Health Impact Assessment will be carried out as part of the Full Business Case process.

26. No Human Rights issues have been identified.

Risk Implications

27. The main risks are as follows:

- Additional costs of scheme development and a delay in the submission of the OBC. The scheme currently benefits from being capable of delivery in a timely manner and ahead of the 2025 deadline. Any delay to the current programme risks this position and support from both the region and national bodies. Any alteration or change in the scheme may either mean an increase in costs and / or a reduction in benefits, potentially impacting on the viability of the scheme;
- To deliver the A38 BREP proposals small areas of third-party land are required. It is important to establish early in the scheme development if this land can be made available to support the scheme. Additional statutory procedures, such as CPO, take considerable time to process. Consent to seek acquisition of the required land at this early development stage allows sufficient time to progress this.
- There is insufficient time to develop an alternative strategy to spend the current allocated WLEP monies. By not supporting the priority scheme(s) it is likely that some of the allocated WLEP money will remain unspent. This money will be returned to central government for re-distribution nationally. The money is therefore unlikely to be spent on projects for the benefit of Worcestershire residents; and
- There is a risk that the Council will need to forward fund monies for both the continued development of the FBC after the submission of the OBC, at a value of circa £1.6m and additionally a risk some or all of the various s.106 developer contributions to the scheme of Circa £1.9m later on in construction phase if these monies are not forthcoming in a timely manner.

Supporting Information

Available electronically

- Appendix 1 – Location of schemes
- Appendix 2 – Engagement summary report
- Appendix 3 – Plans of 3rd party land required to support the delivery of the project
- Appendix 4 – Joint Impact Assessment screening

Contact Points

County Council Contact Points

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Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Strategic Director of Economy and Infrastructure) the following are the background papers relating to the subject matter of this report:

- Report to Cabinet of 12 July 2018
- Council 08 November 2018
- Scheme drawings