

## A38/A419 WHITMINSTER ROUNDABOUT BRIDGES AND CANAL IMPROVEMENTS

### CONTRACT PROCUREMENT AND ANCILLARY ORDERS

<b>Cabinet Date</b>	24 July 2019
<b>Highways &amp; Flood</b>	Cllr Vernon Smith
<b>Key Decision</b>	Yes
<b>Background Documents</b>	<ul style="list-style-type: none"> <li>• Highways England Award Letter</li> <li>• Adopted Local Transport Plan (LTP 3 2016)</li> </ul>
<b>Location/Contact for inspection of Background Documents</b>	<a href="http://www.gloucestershire.gov.uk/ltp3">http://www.gloucestershire.gov.uk/ltp3</a> Highways England Award Letter (Please see Appendix A)
<b>Main Consultees</b>	<ul style="list-style-type: none"> <li>• Local Member (Cllr S Davies for Hardwicke/Severn)</li> <li>• Stroud District Council</li> <li>• Highways England</li> <li>• Wide range of consultees as part of the statutory consultation exercise (Police/Ambulance/Freight &amp; Haulage associations) – Consultation Ongoing</li> <li>• Residents, general public and businesses (Public share events are scheduled for September 2019) – Consultation Ongoing</li> </ul>
<b>Planned Dates</b>	<ul style="list-style-type: none"> <li>• Highways England Award Letter – February 2019</li> <li>• Detailed design start – April 2019</li> <li>• Detailed design end – August 2019</li> <li>• Issue tender documents – August 2019</li> <li>• Tender assessment and award – September 2019</li> <li>• Construction start – October 2019</li> <li>• Scheme complete and open to the public – April 2020</li> </ul>
<b>Divisional Councillor</b>	Cllr S Davies for Hardwicke/Severn
<b>Officer</b>	Jennifer Dorman Senior Infrastructure Engineer <a href="mailto:jennifer.dorman@gloucestershire.gov.uk">jennifer.dorman@gloucestershire.gov.uk</a>

<p><b>Purpose of Report</b></p>	<p>To seek authorisation from Cabinet:</p> <ol style="list-style-type: none"> <li>1. To authorise the Lead Commissioner, Highway Authority to receive funds from Highways England (via Cotswold Canal Trust) and thereafter become the “Client” for the proposes of procuring a contract for works in respect of the proposed A38/A419 Whitminster Roundabout Bridges and Canal Improvements described in this report. The Highways Authority undertaking works within the highway extent is the most cost effective way to undertake this scheme; works will proceed using the Highway Authorities permitted development rights, as agreed with Gloucestershire County Council’s Planners.</li> <li>2. To authorise the Lead Commissioner Highway Authority to make any other ancillary orders that might be required to successfully implement the scheme (e.g. Traffic orders, ‘Stopping up’ orders or PROW orders).</li> <li>3. To add up to £4.5 million of additional funding to the Capital Programme.</li> </ol>
<p><b>Recommendations</b></p>	<p>That Cabinet authorise the Lead Commissioner; Highway Authority to:</p> <ol style="list-style-type: none"> <li>(1) receive £4.0m by way of funding from Highways England (via Cotswold Canal Trust) for the purpose of funding a contract for works in respect of the proposed A38/A419 Whitminster Roundabout Bridges and Canal Improvements described in this report (the “Contract for Improvement Works”);</li> <li>(2) permit the council to become the “Client” for the purposes of procuring the proposed Contract for Improvement Works;</li> <li>(3) conduct, in consultation with the Cabinet Member for Environment and Planning, a public procurement law compliant tender process for the purpose of awarding the proposed Contract for Improvement Works;</li> <li>(4) award and enter into the proposed Contract for Improvement Works with the preferred tenderer evaluated as offering the Council best value for money for delivery of the required works or, in the event that the preferred tenderer for the contract is either unable or unwilling to enter into that contract with the Council, to award and enter into such contract with the next willing highest scoring suitably qualified tenderer.</li> </ol>
<p><b>Reasons for recommendations</b></p>	<p>The decision will enable the council to receive funds and pursue the contract award for the scheme, which will provide the best opportunity to meet the timescales for project delivery.</p>
<p><b>Resource Implications</b></p>	<p>The proposed improvement works will be funded through the £4.0m provided to the council by way of a designated funds grant from Highways England, received via the Cotswold Canals Trust.</p> <p>The total scheme cost is estimated to be £4.5 million and the proposed funding agreement between the council and Cotswold Canal Trust will provide that the council will not be liable for any cost overruns, therefore the</p>

Highway Authority will deliver work to the value of estimated £4.5 million funding only.

In the event of an overspend in connection with the proposed improvement works, the council will inform the Cotswold Canal Trust of such overspend and request additional funding. The council shall not commission any further work in respect of the proposed improvement works unless and until the Cotswold Canal Trust undertakes to provide further funding, hence delivery risk will remain with the Cotswold Canals Trust.

# MAIN REPORT CONTENTS

## 1. Background

In April 2018 Stroud District Council were awarded Round One Development Funding from the Heritage Lottery Fund (HLF) for the restoration of a section of the Stroud water Navigation Canal. The application was submitted to the HLF in November 2017 for £9.8M towards the cost of Phase 1b, estimated at £23m.

The 'Stroudwater Connected' scheme (Phase 1b) will see the restoration of a section of the Stroudwater Navigation Canal covering a distance of about 6.1 km (3.8 miles). This is between Saul Junction, with its connection to the national waterways network, and Ocean Railway Bridge in Stonehouse. Despite the relatively short distance, there are some significant challenges to overcome; these include obstructions such as the M5 motorway, the A38 (road) and a main-line railway.

A project board has been formed; in addition to the HLF funding those sat on the board have committed additional funding to the scheme, as set out below: -

- Stroud District Council (SDC) £3.000m
- Gloucestershire County Council £0.700m
- Canal & River Trust (CRT) £0.675m plus additional support
- Highways England £4m towards restoration of 'missing mile'
- The Cotswold Canals Trust will also contribute cash and volunteer resources.

Gloucestershire County Council is working with Stroud District Council and the Cotswold Canal Trust to advance the sections of the route that contain highway structures. The Highway Authority has been requested to take on the construction of a section of the 'missing mile' that crosses the A38/A419 roundabout. This will see the construction of two highway bridges, diversion of a number of services, the introduction of a towpath (with footpath/cycle path provision) and the reinstatement of a short length of the canal in the roundabout between the two structures. The Highways England grant, described in the "Recommendations" section of this report, will specifically fund these works.

## 2. Proposed improvements

The proposed scheme will enable the eventual reconnection of the canal from Saul Junction to Stonehouse. The towpath will provide increased connectivity for pedestrians and cyclists.

The scheme also meets the following Local Transport Plan Objectives  
Securing conditions for economic growth in Gloucestershire by supporting the economic regeneration of the Cotswold Canal  
Ensure that communities are given equal opportunities to benefit from economic prosperity by maintaining an efficient transport network that enables people to work and access the places they need, and doesn't prevent them from working.

Create healthy, safe and engaged communities by maintaining the transport network in a safe condition and providing a well connected network of cycle and walking routes.

### 3. Funding breakdown

#### **External Contributions:**

The scheme will be funded through the £4.0 million allocation of designated funds granted by Highways England to GCC via the Cotswold Canal Trust. Additional Expenditure will be met by the Cotswold Canal Trust.

#### **Reserves:**

Nil

#### **Funding breakdown:**

£000s	2018-19	2019-20
Highways England (Via CCT)	£4.0m	N/A
Local Authority contribution	0	0
Third Party contribution (CCT)	£0.5m	0
TOTAL	£4.5m	0

### 4. Options

The options for Cabinet are as follows:

- Option A: To authorise the Lead Commissioner; Highway Authority to progress the scheme as set out in this report's recommendations; or
- Option B: To make a decision to decline the request for such authorisation, which would put the funding at risk as Highways England require a commitment for the works to commence before the end of the financial year.

### 5. Risk Assessment

An up to date risk register for the scheme exists and is regularly updated in line with the GCC Risk Management process, in order to investigate, manage and mitigate key risks.

The key risks can be summarised as follows:

- 1) The capital costs of the scheme increase as a result of factors uncovered at preparatory surveys and design stages. This will be mitigated by ensuring that detailed design and survey work is ongoing to eliminate such risk.

- 2) Increase in project design costs due to the New Professional Services contract. This will be mitigated by ensuring there is early contractor involvement with the aim of minimising any disruption to cost and programme.
- 3) Increases (above those identified in the risk and contingency allowance) in statutory undertakers' apparatus diversion or protection costs (Severn Trent Water, Wales and West, BT, CityFibre, Vodafone and Virgin Media) to that assumed at bid stage. This will be mitigated by ensuring that survey work continues throughout the design phase, and that an appropriate risk allowance is set aside for potential cost increases.

Overall, the risks are well understood and are being eliminated or mitigated as the project moves forward. There are, however, a number of outstanding risks that could have an impact on the design and cost of the project. Risks will continue to be actively monitored and any significant changes affecting the scope of the project will be reported to the Lead Cabinet Member.

## **6. Officer Advice**

That Cabinet approve the recommendations as set out in this report.

## **7. Equalities considerations**

To date, no specific analysis has been carried out with regard to the protected characteristics; however, the detailed design of the final scheme will be undertaken in accordance with relevant guidance in relation to equalities and safety. The Equality Act 2010, states that service providers have a continuing duty to consider impacts on groups with protected characteristics and therefore monitoring of users once the scheme is operational will be required to ensure that equality issues pertaining to age, disability, sex and ethnicity, are being considered and evolved after opening. Additionally any information on incidents/accidents or in the area around the scheme will be analysed according to the characteristics of the victim if the information is available.

## **8. Consultation feedback**

Public share events will be held in September 2019. Pre-consultation included engagement with key stakeholders and interested parties, these included the Local member, local Town and Parish Councils, access and rights of way groups and scheme users and emergency services. The Cotswold Canal Trust have undertaken various early public share events and consultations on the conceptual design with members of public throughout January to March 2019. No significant objections have been made to date.

In addition to the above, the Council has also carried out an extensive consultation on the adopted Local Transport Plan (2016), in which this scheme is listed as a long-term capital priority (2021-31).

## **9. Performance Management/Follow-up**

Scheme costs and delivery will continue to be managed in accordance with business case objectives and the monthly Major Project Board Meetings, attended by the relevant Lead Commissioner.

<b>Report Title</b>	A38/A419 Whitminster Roundabout Bridges and Canal Improvements: Construction of two Highway Bridges, a towpath and a section of the Canal – Council to receive funds from Highways England in respect thereof and proceed to the procurement of a contract for such improvement works.
<b>Statutory Authority</b>	Highways Act 1980 Traffic Management Act 2004
<b>Relevant County Council policy</b>	Adopted Local Transport Plan (LTP 3) 2016
<b>Resource Implications</b>	<p>The proposed improvement works will be funded through the £4.0m provided to the council by way of a designated funds grant from Highways England, received via the Cotswold Canals Trust.</p> <p>The total scheme cost is estimated to be £4.5 million and the proposed funding agreement between the council and Cotswold Canal Trust will provide that the council will not be liable for any cost overruns, therefore the Highway Authority will deliver work to the value of estimated £4.5 million funding only.</p> <p>In the event of an overspend in connection with the proposed improvement works, the council will inform the Cotswold Canal Trust of such overspend and request additional funding. The council shall not commission any further work in respect of the proposed improvement works unless and until the Cotswold Canal Trust undertakes to provide further funding, hence delivery risk will remains with the Cotswold Canals Trust.</p>
<b>Sustainability checklist:</b>  Partnerships  Decision Making and Involvement	<p>Close working with the preferred contractor (when appointed) and HE.</p> <p>During the scheme delivery phase, Gloucestershire County Council retains governance and control of the delivery of the Contract. Gloucestershire County Council become the client under and enter into contract with a Contractor appointed via a competitive tender process. Representatives from Gloucestershire County Council or their highways maintenance contractor will be appointed to undertake the project management and supervision roles and will be responsible for managing the Contract during the works.</p>



Economy and Employment	Supports the economic regeneration of the Cotswold Canal.
<p>Caring for people</p> <p>Social Value</p> <p>Natural Environment' including Ecology (Biodiversity)</p> <p><b>Education and Information</b></p>	<p>The scheme is also expected to have a beneficial impact by reducing cyclist and pedestrians' accidents. The proposed towpath will provide safe segregated footway and cycle way connections across the A38.</p> <p>(The scheme design will promote the safety of all users.) This scheme has the potential to increase physical activity. The towpath will provide a safe place for both pedestrians and cyclists.</p> <p>Pre-construction species surveys and checks to existing badger setts should be undertaken for badgers, and vegetation clearance undertaken outside of the bird breeding season if possible or under ecological guidance. Reasonable Avoidance Measures (RAMs) should be employed regarding amphibians and reptiles. Work should be undertaken in accordance with 'BS5873:2012 Trees' in relation to design, demolition and construction to ensure that mature trees, hedgerows and tree belts in close proximity are not harmed.</p> <p>As part of any quality tender evaluation, the successful Contractor will need to outline their strategy for community engagement, (school visits/weekly site bulletins/social media and comms plan).</p>
<b>Tackling Climate Change</b>	<p>Carbon Emissions Implications? Positive</p> <p>Vulnerable to climate change? No</p>
<b>Due Regard Statement</b>	<p>Has a Due Regard Statement been completed? No</p> <p>No specific analysis has been carried out with regard to the protected characteristics. However, this scheme is included in the County Council's adopted Local Transport Plan (2016) which includes analysis of data in regard to user needs. The detailed design of the final scheme will be undertaken in accordance with relevant guidance in relation to equalities and safety.</p> <p><b>Monitoring of Service Users</b> The Equality Act 2010 states that service providers have a continuing duty to consider impacts on groups with protected characteristics and therefore monitoring of users once the scheme is operational will be required to ensure that equality issues pertaining to age, disability, sex and ethnicity, are being considered and evolved after opening. Additionally any</p>

	information on incidents/accidents or in the area around the scheme will be analysed according to the characteristics of the victim if the information is available.
<b>Human rights Implications</b>	N/A
<b>Consultation Arrangements</b>	<p>Public Share Events will be held in September 2019. Presentation boards will be provided with large scale plans and graphics together with scheme introduction, background and FAQs.</p> <p>Pre-consultation included engagement with key stakeholders and interest parties included the Local member, Town and Parish Councils, access and rights of way groups, scheme users and emergency services.</p>