



Report of the Director of City Development

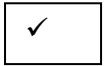
Executive Board

Date: 12 February 2010

Subject: Submission of the Transport and Works Act Order application for the New Generation Transport (NGT) Scheme

Electoral Wards Affected:

Implications city wide, but with direct impacts on City and Hunslet, Burmantofts & Richmond Hill, Hyde Park & Woodhouse, Headingley, Weetwood, Adel & Wharfedale and Middleton Park Wards.



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In
(Details contained in the re

EXECUTIVE SUMMARY

This report provides an update on the current position on the proposals for a high quality public transport system in Leeds. It provides details of the next key stage of the project – the submission of the Transport and Works Act Order and associated applications to the Secretary of State for Transport, and seeks approval for these applications to be made in June 2010.

1.0 PURPOSE OF THIS REPORT

- 1.1 To seek approval for the submission of the Transport and Works Act Order (TWAO) application and associated Planning and Highway applications for the New Generation Transport (NGT) Scheme.

2.0 BACKGROUND INFORMATION

- 2.1 Metro and Leeds City Council are continuing to work in partnership to develop a high quality rapid transit system for Leeds known as NGT. The NGT project is seeking to provide a high quality transport system that will help to support the growth of Leeds' economy and improve the local environment by helping to address congestion.
- 2.2 The NGT scheme would initially serve three routes to North, South and East Leeds, covering a distance of approximately 14km and linking key trip generators including the city's hospitals and universities. It is intended to provide significant levels of segregation for NGT vehicles in order to deliver high levels of reliability across the network. The preferred option is to use electrically powered trolleybuses to operate the system.
- 2.3 As reported to the 14 October 2009 meeting of Executive Board, the Major Scheme Business Case (MSBC) for the project was submitted to the Department for Transport (DfT) at the end of October 2009. Following that submission the project team has been responding to a number of routine clarification questions from the DfT prior to it being reported to the HM Treasury Investment Panel on the 19th January 2010. Positive feedback from the regular update meetings held with the DfT means that we are hopeful that the MSBC submission will be taken forward for approval from this Panel meeting and if this is the case the formal announcement by the Secretary of State that programme entry has been granted is likely to follow shortly thereafter. A verbal update will be provided at the Executive Board meeting.
- 2.4 On the basis of this positive feedback from Central Government, work is proceeding at risk on preparing the documentation for the next critical stage of the approval process – namely the Transport and Works Act Order and associated Planning and Highways applications. These submissions are programmed to be made in June of this year, but approval is required now due to the long technical lead-in for an application of this scale and importance.
- 2.5 A further report will be brought to the 21 April meeting of full Council seeking formal authorisation from the City Council for the promotion of a Transport and Works Act Order for NGT

3.0 MAIN ISSUES

3.1 Allocated Funding

- 3.1.1 As previously reported to Executive Board, the Regional Transport Board of the Yorkshire and Humber Regional Assembly has prioritized a total of £248.73m for the delivery of NGT between 2013 and 2016. In order for the Project to be in a position to spend this allocation, it will be necessary to have full approval from the DfT by 2013, a prior requisite of which is that all the necessary statutory approvals should be in place – in this case the Transport and Work Order and associated Planning and Highway approvals. As these will inevitably require a full Public Inquiry (see 3.8 below for the details of the anticipated programme), it is essential that a TWAO

application is made as soon as possible to allow for the necessary consents to be in place to fit with the funding profile set out above.

- 3.1.2 The Transport and Works Order submission is also the next key milestone for the project. Given the current economic situation and the strong likelihood of significant reductions to the national and regional transport budget after this years General Election, it is clearly in the scheme's best interests to have progressed through as many key milestones as possible prior to any budget announcements being made, in order to provide maximum protection from the effects of these likely reductions.

3.2 Need for a Transport and Works Order submission

- 3.2.1 The project team have carried out a detailed consideration of the potential legislative frameworks for the delivery of the NGT project.
- 3.2.2 From this assessment the TWAO powers appear to offer the process best suited to the promotion of a trolleybus based NGT scheme. Used alone or in combination with other legal powers, the TWAO would provide the Promoters with the powers to build and operate the scheme as currently envisaged and to deliver and sustain it's key objectives in the long term .
- 3.2.3 TWAO powers are also expected to give the Promoters the greatest potential to ensure that the necessary inputs to deliver NGT are provided and to ultimately ensure that expected scheme benefits are realised and safeguarded for the future. For example, under powers achieved through TWAO, the Promoters would have greater scope to influence the output specification for the vehicles and infrastructure, priority given, and road/ infrastructure use, than through any other deliverable options.
- 3.2.4 Using TWAO powers, the Promoters are also potentially better able to influence the key outputs during operations (e.g. by being able to specify the service requirements such as reliability, accessibility and integration of NGT and through greater enforcement powers than with other deliverable options).
- 3.2.5 The ability to ensure that the inputs and the outputs requirements for NGT meet the Promoters' expectations means that TWAO powers maximize the potential for NGT to deliver the overall scheme objectives in the long term, as well as maximizing the deliverability of the procurement approach itself. NGT authorized through the TWAO process also allows NGT to be secured over a much longer period.
- 3.2.6 This has a direct impact on stakeholder support for NGT up front as well as contributing to the sustainability of NGT over the long term.

3.3 Details of the Application to be made

- 3.3.1 A full list of the documents and plans that have to be prepared and submitted for the Transport and Works Act Order submission are given in Appendix 1 to this report.
- 3.3.2 In summary the application is seeking approval for:

- (i) the proposed route
- (ii) the "limits of deviation" within which the alignment can be constructed
- (iii) the location of the NGT stops
- (iv) the Park and Ride sites to be provided at Stourton and Bodington
- (v) the depot for NGT vehicles

- (vi) the required substations to power the electric trolleybuses

3.3.3 In addition the TWAO application will also incorporate:

- (i) a request for deemed planning consent
- (ii) details of the associated Listed Building and Conservation Area consents required
- (iii) the proposed Traffic Regulation Orders
- (iv) a Code of Construction Practice
- (v) an Urban Design Statement
- (vi) a Traffic Assessment
- (vii) a Sustainability Appraisal
- (viii) a Flood risk Assessment Strategy
- (ix) an Environmental Statement (detailing the output from the Environmental Impact Assessment)
- (x) powers to compulsorily purchase land and property required to deliver the proposed scheme

3.4 Public Consultation

3.4.1 A two-stage approach to public engagement on the NGT project has been implemented to date.

3.4.2 The initial period of NGT public engagement involved undertaking a series of public exhibitions, held jointly with the Transport for Leeds project, in Leeds City Centre in November 2008. The purpose of these exhibitions was to raise awareness of the emerging NGT proposals and to seek feedback from the public on certain key attributes of the scheme.

3.4.3 The second phase of NGT consultation commenced in June last year and closed in early September. The aim of this second phase was to present the more detailed proposals for NGT at exhibitions along the proposed routes as well as in Leeds City centre to obtain as wide a consultation as possible of the public's views on the scheme.

3.4.4 At the same time a series of detailed briefings were given to Members, together with presentations to the Inner North West, Inner South and the Inner East Area Committees and attendance at Community Forums where requested.

3.4.5 The consultation materials presented the Preferred Option routes and vehicle (Trolleybus). A series of public exhibitions were held on each of the NGT routes and exhibition visitors had the opportunity to discuss the proposals with project staff and if desired go through the concept design plans in detail.

3.4.6 An NGT questionnaire was also distributed to ascertain respondents' thoughts on trolleybuses, route proposals, park and ride proposals and the NGT scheme in general. Overall 20,000 questionnaires were handed out as part of the consultation exhibitions and an online version was also available on the NGT website.

3.4.7 The summer 2009 consultation consisted of six public exhibitions each lasting two to four days across Leeds including evenings and Saturdays with nearly 1,400 people attending. Information was also available on the internet, in libraries, to local groups and distributed to members of the public on-street. Feedback was sought via a questionnaire which over 2,500 people completed. The questionnaire responses showed a positive reaction to the proposals and 77% of all respondents

supported/ strongly supported them. The main reasons for such support related to:

- Reduced car use/congestion
- Environmental reasons
- Provision of reliable/quick/good quality, modern public transport
- Positive impact of the scheme on Leeds

3.4.8 A similar level of support was shown for the use of trolleybuses, which were primarily supported due to environmental reasons. Over 70% of all respondents supported/strongly supported the introduction of Park & Ride sites at the end of the North and South routes; such support was even higher amongst car owners. The feedback questionnaire asked about potential use of NGT and 88% of those living within a ten minute walk of one of the routes said they would consider using it. 42% of car owners responding said they would consider using one of the Park & Ride sites.

3.4.9 A number of comments and suggestions were received in relation to the NGT proposals. Common themes from all responses included the following:

- A desire for more NGT routes and wider coverage of Leeds
- The need for low fares to encourage use
- The need for competitive Park & Ride pricing to encourage car drivers
- Concern about how NGT would integrate with existing bus services- some felt it is not necessary if existing services are improved
- The impact of the scheme on traffic, with some concerns that NGT would create additional congestion

3.5 Member Involvement

3.5.1 In addition to the detailed briefings carried out as part of the summer 2009 consultation, a further round of Member and Area Committee briefings were held in December 2009 and January 2010. These were set up to provide feedback on the consultation and to indicate what amendments are being made to the concept design in response to the issues and concerns raised.

3.5.2 It should be noted that the late decision to include an extension to Holt Park in the proposals has meant that the Outer North West Area Committee were only formally notified of the proposals at their December meeting and the local exhibition and consultation for this section of the alignment cannot now be held until later in February/early March this year. The outcome of this consultation will be reported back to the Administration later in March via the Leader Management Team.

3.5.3 The minutes of the Area Committees are attached as Appendix 2 to this report (the views of the Inner South Area Committee meeting being held on 10th February will be reported verbally to the Board.) Details of the principal design changes considered following consultation are set out in section 3.7.

3.6 Officer Involvement and Stakeholder Consultation

3.6.1 The project team tasked with delivering the project comprises officers from both Leeds City Council and Metro and staff from the appointed advisors.

3.6.2 The preparation of the Transport and Works Order submission, the subject of this report, has also included consultation with and the involvement of key officers from

LCC Highways and Transportation and LCC Planning Services as well as key officers in Metro's Development and Passenger Services Directorates.

3.6.3 Detailed briefings on the project have also been provided to the Chamber of Commerce, Yorkshire Forward, the Integrated Transport Partnership, St James' and Leeds General Infirmary, the two Universities, all the local public transport operators as well as key interest and community groups.

3.7 Refinement of the Proposed Scheme

3.7.1 Wherever technically feasible the concept design prepared for public consultation has been amended to take into account the concerns and issues raised.

3.7.2 Amendments made include the following:

- Off-highways (railway) alignment between Balm Road and Pepper Road (provision made in the limits to avoid impacting on Leasowe recreation ground)
- Headingley Hill (additional lane widths to be provided to minimise NGT/cyclists conflict)
- Woodhouse Moor (design changes made to junction arrangements to minimise impact on the Moor and the surrounding residential streets.
- Off highway alignment to rear of Arndale Centre (design amended to reduce impact on St Columba's Church)
- Otley Road / Kepstorn Road Local Centre (proposed road closure amended in response to concerns raised by local retailers)
- Lawnswood Roundabout (design proposals amended to reduce loss of mature trees)
- Eastgate Development (proposals modified to take account of current circumstances)
- Boar Lane/City Square (proposals modified to take into account revised proposals for the Trinity West development)

3.7.3 It has not, however, been possible to address/reconcile all the issues and concerns raised at consultation. For example it has not been possible to make changes in relation to the following issues/suggested amendments:-

- Reducing the highway capacity provided for private vehicles: (the scheme has been designed on the basis that existing capacity for private vehicles will be substantially retained. In any event the NGT design needs to allow for the level of traffic demand predicted to ensure that NGT priority and reliability is not undermined by traffic delays and congestion.)
- Provision of a similar level of enhancements for conventional bus services and/
- Allowing conventional buses to utilise the proposed off highway sections proposed for NGT.

(In both cases it is not technically feasible to provide the same level of priority (as proposed for NGT) to all conventional bus services whilst at the same time maintaining existing highway capacity for general traffic)

- Avoid provision of the off-highway NGT alignment by-passing the Arndale Centre.
(It has not been possible to both provide the level of priority required for NGT as well as catering for the predicted radial and orbital traffic movements at this location without constructing the off highway section included in the proposals.)

- 3.7.4 The construction of such a major transport project as NGT requires the provision of a high level of segregation as well as a wide range of priority measures if the journey times and reliability necessary for effective modal switch are to be achieved.
- 3.7.5 The objectives of the scheme cannot be delivered without having impacts on other road users, heritage and landscape feature and existing public transport operations. These impacts need however to be considered in the context of:-
(a) the wider environmental benefits of reduced congestion and pollution and
(b) the fact that the scheme will be required to provide appropriate mitigation measures where these impacts are unavoidable.
- 3.7.6 The mitigation measures will be set out in some detail in the Design Statement to be submitted with the application. In order to achieve the wider environmental benefits of reduced congestion and pollution, it is essential to provide an attractive and convenient system offering reliable and consistent journey times.
- 3.7.7 The plans to be submitted with the application therefore seek to deliver such a system for Leeds whilst at the same time seeking to minimise its impact both on the environment and on other road users.

3.8 Next Steps and Key Project Milestones

- 3.8.1 Following the submission of the Transport and Works Order and associated application in June 2010, the emphasis of work will shift towards the preparation of the detailed proofs of evidence for the Public Inquiry. Assuming Programme Entry is achieved early in 2010 the current anticipated timescales for the key project milestones are as follows:
- TWAO submission June 2010
 - TWAO Public Inquiry early 2011
 - Conditional Approval by September 2012
 - Full Approval by July 2013
 - Start of substantive construction by October 2013
 - Start of Operation 2016
- 3.8.2 A further report will be submitted to full council in April 2010 to seek formal authorisation for the promotion of a Transport and Works Act Order for NGT. Subsequent reports on progress will be provided to future meetings as required.

4.0 Implications for Council Policy and Governance

- 4.1 The NGT proposals support the objectives of the Local Transport Plan and contribute to the delivery of the Council's Strategic Plan objectives for transport and those of the Vision for Leeds. The scheme will make a major contribution to improving the attractiveness and quality of travel by public transport and is predicted to encourage a switch from private car to public transport, thereby alleviating congestion on the NGT routes.
- 4.2 Progress will be reported to the Executive Board at the key stages in the delivery process. Oversight of the scheme is provided by a Project Board chaired by the Director General of Metro. The Board also includes the Director of City Development and Director of Resources from Leeds City Council.

5.0 Legal and Resource implications

- 5.1 Subject to the granting of Programme Entry by the Department for Transport, LCC staff numbers working on the joint project team will be significantly increased. At the discretion of the DfT up to 50% of the cost of these additional resources will be rechargeable to the project if programme entry is granted.
- 5.2 The cost of the TWAO application and Public Inquiry however has to be met by the promoters. These costs (currently estimated at approximately £5.169m) are being incurred at risk as further progression of the scheme beyond this stage is subject to a favourable decision being obtained at Public Inquiry.
- 5.3 Development costs to date have been met jointly by Metro and LCC.(see separate agenda item). The LCC share of the TWAO costs incurred up to the end of January 2010 (£1.349m) have therefore been taken into account in the November 09 report previously made to Executive Board.
- 5.4 How the costs of the TWAO application beyond programme entry will be shared by the parties has yet to be agreed, but it is likely to be set out via a funding deed and a revised version of the JVA. Any further iteration of the JVA will be subject of a separate report to Exec Board. The working assumption at this stage must be that LCC will be liable for at least 50% of future development costs.
- 5.5 Members will recall that in July 2008 Executive Board granted approval for a capital programme injection of £1.266m to jointly fund the initial development costs of the scheme up to and including the Major Scheme Business Case (MSBC) stage. In a subsequent Capital Programme update report to Executive Board in July 2009, approval was given to allocating part of the remaining Strategic Development Fund to progressing the NGT project, and in the mid year November report to Exec Board an additional £844k was allocated to meeting development costs.
- 5.6 Members are now being asked to allocate a further £1.91m from the Strategic Development Fund to meet (the assumed 50%) LCC share of the TWAO Inquiry costs beyond the programme entry stage (ie from February 2010 to December 2011).

6.0 Conclusion

- 6.1 The allocation by the Regional Transport Board of just under £250m to the proposed NGT rapid transit network for Leeds provides a real opportunity to deliver the step change in public transport that Leeds has been seeking for the last two decades. Extensive consultation has been carried out on the proposals, the endorsement of the Department of Transport of the submitted MSBC is expected shortly and the public have indicated overwhelming support for the scheme. Members are therefore asked to approve the next key stage in the approval process, the submission of the TWAO and associated applications to the Secretary to State.

7.0. RECOMMENDATIONS

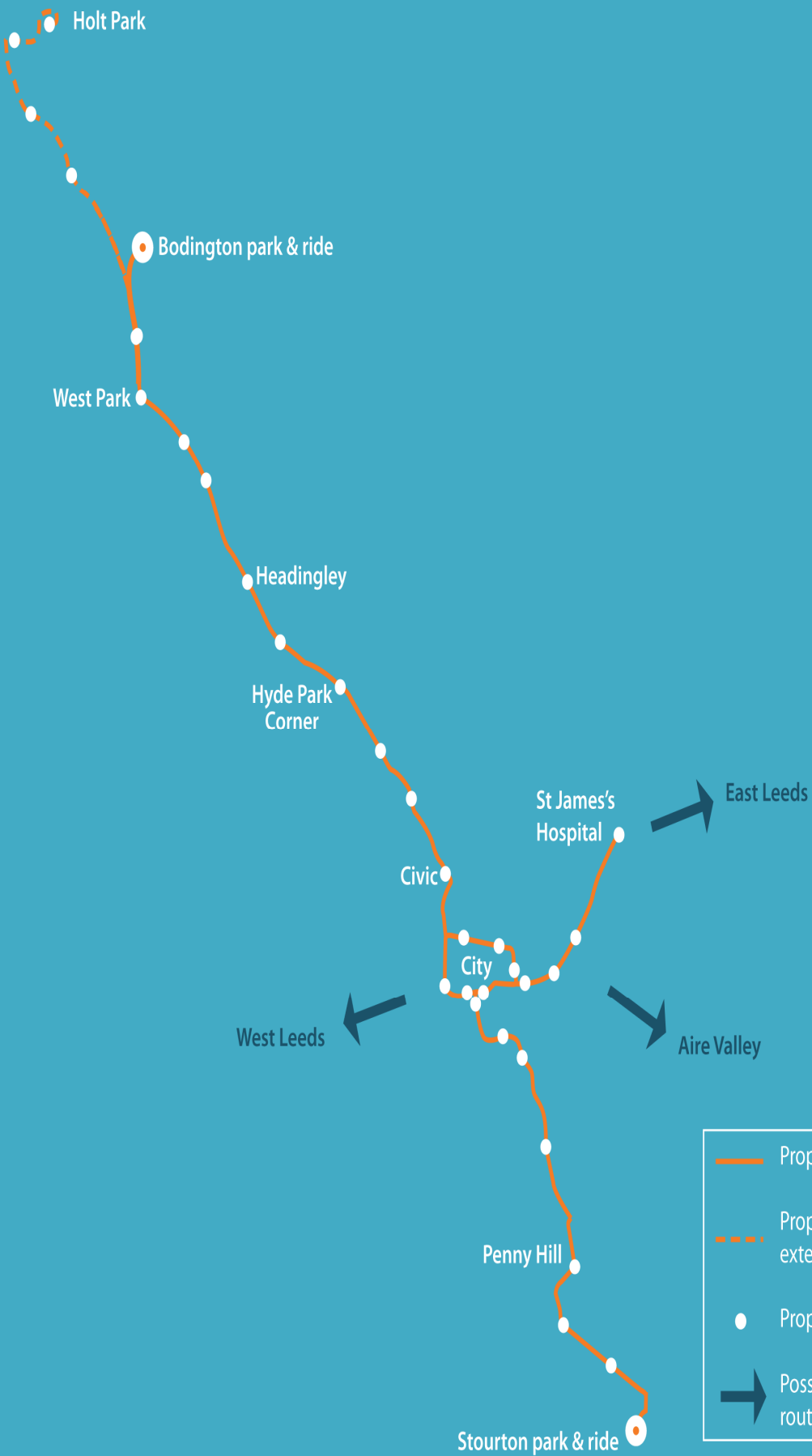
- 7.1 Members are asked to approve:-

1. The submission of the required Transport and Works Act Order and associated applications for NGT to the Secretary of State for Transport. (These applications will set out the proposed route and works as detailed in section 3.3 and Appendix 1 of this report)
2. The necessary additional expenditure to fund the LCC share of the £3.820m required to progress the Transport and Works Act Order application beyond the Programme Entry stage (assumed to be £1.91m as set out in section 5 of this report) to be funded from the Council's Strategic Development Fund.

Background Papers

Major Scheme Business Case

Minutes of Area Committee meetings



Appendix 1

Transport and Works Act Order Documents – Application section only

	Document
1	Application letter
2	Draft Order
3	Explanatory memorandum
4	Statement of aims
5	Consultation report
6	Declaration of status
7	List of consents
8	Scoping Opinion
9	Waiver directions
10	Funding statement
11	Estimate of expense
12	s.90(2A) planning application (full planning and LBC/CAC documents will be listed separately) a) request for s.90(2A) direction b) elements of development c) proposed planning conditions d) plans e) Code of Construction Practice f) Urban Design Statement g) Sustainability Appraisal g) Traffic Assessment h) Sustainability Appraisal i) Flood Risk Assessment Strategy j) Outline Site Waste Management Plan k) Energy Demand Assessment and Climate Proofing (provisional)
13	Book of reference
14	Environmental Statement
15	Works and Land Plans and Sections
16	TRO & Rights of Way Plans
17	Technical Development Plans
18	Ancillary consents docs (tbc)

Appendix 2

Extracts from Minutes of Area Committees attended

EAST (INNER) AREA COMMITTEE

THURSDAY, 3RD DECEMBER, 2009

PRESENT:

Councillor B Selby in the Chair

Councillors A Hussain, R Harington,

D Hollingsworth, G Hyde and V Morgan

Item 54

New Generation Transport (NGT) Scheme

The report of the New Generation Transport Tea (City Development) outlined progress on the New Generation Transport Scheme and provided Members with feedback from the summer consultation process and recent Major Business Scheme Case submission. The next stage and proposed timeframe for submission of the Transport and Works Act Order were also outlined.

In brief summary, the following issues were discussed:

- The scheme had attracted 77% support of those consulted across the City, with 79% in Inner East Leeds.
- The trolleybus mode of transport was supported.
- There was likely to be a public inquiry into the application for works – it was anticipated that there would be some objections to the scheme.
- Issues of concern included the loss of green space, loss of car parking areas and the proposed demolition of the Fountains Head public house.
- Building on the scheme would commence in 2013 and hopefully be completed by 2015.
- There would be consultation opportunities at all stages of the scheme.

RESOLVED – That the report, in particular the Request for Further Information (RFI) be noted.

WEST (INNER) AREA COMMITTEE

WEDNESDAY, 9TH DECEMBER, 2009

PRESENT:

Councillor N Taggart in the Chair

Councillors T Hanley, J Harper, A Lowe

and J McKenna

Co-optees Hazel Boutle – Armley Forum

Stephen Longley – Bramley & Stanningley
Forum

Morgan Pugh – Armley Forum

Item 55

New Generation Transport Scheme: Current Position and Public Consultation Results

A report of the New Generation Transport Team (City Development) was submitted outlining progress in relation to the development of the New Generation Transport scheme and providing the Area Committee with feedback from the summer consultation process and recent Major Business Scheme.

Mark Philpott, NGT Highways Manager and Tom Gifford, Metro presented the report and responded to Members' queries and comments.

Discussion ensued on the contents of the report and appendices. Members also noted that in the short term the New Generation Transport Scheme does not include any proposals for the West Leeds area at this stage, although there was scope for future extensions and alignments in the West Leeds area but these were not included in the current funding allocation and design work.

In summary, the main issues raised were:

- the need for better transport links to Leeds Bradford Airport.
- the need to improve transport links in the West Leeds area which was renowned for being one of the worst areas served by public transport in the Leeds area.
- that improved transport links in the West Leeds area would help to reduce worklessness on one of the most deprived areas of the city.
- whether consideration had been given to using dual powered vehicles along the NGT route.
- whether a promotional video presentation was available for the proposed NGT route.

(In response, officer informed the meeting that there was a video available on the www.ngtmetro.com website).

The Chair thanked officers for their attendance.

RESOLVED –

(a) That the contents of the report be received and noted.

(b) That the New Generation Transport Co-ordinator be requested to feed back the above comments into the consultation process.

NORTH WEST (INNER) AREA COMMITTEE

THURSDAY, 10TH DECEMBER, 2009

PRESENT:

Councillor B Chastney in the Chair
Councillors B Atha, S Bentley, J Chapman,
P Ewens, M Hamilton, J Illingworth,
J Matthews, J Monaghan and L Yeadon

Item 53

New Generation Transport (NGT) Scheme: Current Position and Public Consultation Results

A report of the New Generation Transport Team (City Development) was submitted outlining progress in relation to the development of the New Generation Transport scheme and providing the Area Committee with feedback from the summer consultation process and recent Major Business Scheme submission.

Francis Linley, New Generation Transport Co-ordinator, City Development was in attendance and responded to Members' queries and comments. The Committee noted that as part of the ongoing preparatory work for the Transport and Works submission, letters would be going out shortly to all parties directly affected by the proposals and that Ward Members would be given prior notification of these "requests for information" being sent out in their ward. The Committee also welcomed the intention to carry out additional public consultation on the more recent decision to seek powers to extend the system to Holt Park as referred to in Section 6.0 of the report.

Discussion ensued on the contents of the report and appendices.

In summary, specific reference was made to the following issues:-

- to welcome the fact that, following briefings between Elected Members and officers on the revised scheme, a number of their concerns on the proposals had been taken on board
- the need to keep Headingley Ward Members informed of current developments on a regular basis
- the need to discuss the proposals, in detail, at the next Transport Sub Group meeting in January 2010
- the concerns to be addressed include the cost and justification for the Headingley by pass section, the closure of Kepstorn Road and of the Weetwood Lane junction; the impact on the sheltered housing on St Chad's Road, the loss of trees approaching and beyond Lawnswood Roundabout and the impact on the area's character of the alignment going straight across the Lawnswood Roundabout

RESOLVEDa)

That the contents of the report, and in particular the forthcoming Request for Information process, be noted.

b) That the New Generation Transport Co-ordinator be requested to feed back the above comments into the consultation process.

c) That this issue be discussed, in detail, at the next Transport Sub Group meeting in January 2010 with regular progress reports back to the Committee.

NORTH WEST (OUTER) AREA COMMITTEE

MONDAY, 14TH DECEMBER, 2009

PRESENT:

Councillor C Townsley in the Chair
Councillors S Andrew, J Bale, J L Carter,
B Cleasby, R Downes and C Fox

Item 55

New Generation Transport (NGT) Scheme: Current Position and Public Consultation Results

A report of the New Generation Transport Team (City Development) was submitted outlining progress on the development of the New Generation Transport scheme and providing the Area Committee with feedback from the summer consultation process and recent Major Business Scheme.

Francis Linley, New Generation Transport Co-ordinator and Louise Stewart, Transport Planner, City Development were in attendance and responded to Members' queries and comments.

Detailed discussion ensued on the contents of the report and appendices.

In summary, specific reference was made to the following issues:-

- The extension of the scheme to Holt Park
- The consultation process – it was reported that there would be a 2/3 day exhibition at Holt Park. Members also asked for the consultation process to be extended beyond Holt Park to all users of existing bus services in particular.
- A major scheme business case had been submitted to the Department of Transport in October 2009. A response was expected by the end of January 2010.
- There was likely to be a public inquiry into the scheme.
- It was estimated that construction would take place on any successful scheme between 2013 and 2015.
- Members expressed concern regarding the potential impact on current services – it was reported that this had not yet been considered but would be fully evaluated during further stages of consultation.

RESOLVED –

(a) That the contents of the report, and in particular the forthcoming Request for Information process, be noted.

(b) That the item be discussed at the area committee's business and transport sub-group early in the new year.