



Report of the Director of Development

Executive Board

Date: 4th April 2007

Subject: A65 Quality Bus Initiative Land Acquisition

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

EXECUTIVE SUMMARY

1. On the 6 July 2006 the Secretary of State for Transport announced that the A65 Quality Bus Initiative had been granted “programme entry” to the LTP major schemes programme as part of the first round of Regional Funding Allocation approvals at a total cost of £21.746 million. Programme entry is the first stage in a three phase approval process. The second stage is “conditional approval” when all statutory processes are complete with the final “full approval” being granted when scheme costs are finalised and the scheme has remained on programme and within budget.
2. The proposed scheme will provide the following:
 - 4 kilometres of new bus lane
 - Improvements and bus priority measures at two major junctions and bus priority pre-signals at the exit points from the new bus lanes
 - New pedestrian and cycle facilities including cycle lanes
 - Improvements to bus passenger and information facilities along the route
3. Benefits from the scheme include:
 - Bus passenger journey time improvements of 4-6 minutes in the peak periods and up to 3 minutes in the off-peak periods
 - A projected increase of 9% in bus patronage
 - Improvements in the safety and movement of pedestrians, cyclists and traffic
4. On 20 September 2006 the Executive Board approved the scheme development costs of £834,000, funded by the Local Transport Plan Integrated Transport scheme to cover detailed

design fees, procurement planning, and the preparation and consultation costs necessary to secure the statutory approvals for the scheme.

5. As part of the procurement planning process, and to accommodate the scheme proposals, land that is not in the City Councils ownership is required.

1.0 Purpose Of This Report

- 1.1 This report seeks Executive Board approval to the acquisition of land not in the City Councils ownership by negotiation and to make a Compulsory Purchase Order.

2.0 Background Information

- 2.1 The A65 Quality Bus Initiative scheme is part of a comprehensive project to establish the A65 route as a Quality Bus Corridor serving the North West of the Leeds District.

- 2.2 The Quality Bus Corridor is divided into three sections, covering the A65 corridor from Leeds city centre to Aireborough as follows:

- A65 QBI – Inner Ring Road to Kirkstall Lane (the subject of this report)
- Abbey Road bus priority scheme – Kirkstall Lane to A6120 Horsforth Roundabout. Scheme and funding of £1.5 million previously approved by Executive Board and currently on site for completion by 31 March 2007.
- A65 Rawdon Road scheme – A6120 Horsforth Roundabout to Guiseley. Proposals deferred subject to finalisation of the strategy for the A6120 and options for highway links to the airport. Further detailed evaluation of the options for providing improved bus priority to be evaluated.

- 2.3 A scheme for the A65 QBI was submitted to the Government as part of the Local Transport Plan 2001-06 submission and was Provisionally Approved in December 2001. Subsequent discussions with the Department for Transport (DfT) led to the submission of a revised scheme proposal which was developed to take on board the emerging redevelopment proposals for the Kirkstall Road corridor and further minimise the need for future land acquisition.

- 2.4 This revised scheme was remitted for regional advice on transport priorities by the DfT in December 2004 and subsequently was identified as a priority in the Regional Transport Board's submission to the Secretary of State in January 2005.

- 2.5 The proposed scheme is illustrated on the attached plan (HDC/298946/GA/00), the main elements of which are as follows:

- A total of 4 km of new bus lanes covering inbound and outbound journeys
- Bus priority signal arrangements at two major junctions
- Provision of additional pedestrian and cycle crossing facilities and cycle lanes
- Pre-signal arrangements to give buses priority at the exits from the bus lanes
- Improvements to bus passenger facilities including new shelters and information displays (in real time at the busiest stops)

- 2.6 Scheme benefits predicted for bus and other users are as follows:

- Reductions in bus journey times in the order of 6 minutes in the morning peak; 4 minutes in the evening peak and 3 minutes in the off-peak periods.
- A forecast increase of 9% in bus patronage
- Improvements in the safety and movement of pedestrians, cyclists and traffic

3.0 Main Issues

- 3.1 On 6 July 2006 the Secretary of State announced the details of the first round of schemes approved under the Regional Funding Allocation process and confirmed the granting of "Programme Entry" status for the A65 QBI scheme.
- 3.2 Programme Entry signifies the first step in the three stage process of Government approval for Local Transport Plan major scheme and indicates the DfT's present intention to provide funding towards the cost of a scheme subject to the satisfactory development of the scheme, completion of statutory processes and confirmation of final costs. At this stage it is not however a firm commitment to provide the funding.
- 3.3 Subsequent stages of the Government approval process are as follows:
- Conditional Approval – this will be granted once the scheme development process is complete and all statutory approvals have been granted, including securing any necessary planning consents, and confirmation of the estimated scheme cost.
 - Full Approval – is granted on completion of the scheme procurement process and submission of the preferred bidder and final tender offer details to the DfT.
- 3.4 On 20 September 2006 the Executive Board approved the scheme development costs of £834,000, from the Local Transport Plan Integrated Transport scheme, to cover detailed design fees, procurement planning, and the preparation and consultation costs necessary to secure the statutory approvals for the scheme.
- 3.5 The overall scheme approval has been based on the financial position submitted to the DfT in the autumn of 2005 and is based on an out-turn position assuming a start of the project development in the spring of 2006 with key milestones to be achieved. The draft programme for delivery of the scheme assumes a start of construction works in the latter half of the 2008-09 financial year. At present the works are expected to take between 2 and 3 years to complete, but this will be subject to more detailed review as the project is progressed and the procurement arrangements are finalised.
- 3.6 One area of risk which could have a significant impact on the scheme programme and deliverability relates to the successful acquisition of land which is not in the ownership of Leeds City Council. In order to manage this risk, it is important that land acquisition is addressed early in the scheme programme. As mentioned previously, the scheme proposals have already been revised to minimise the land requirements and a figure of £1.6 million has been allocated in the original scheme estimate for land acquisition. This report is therefore seeking approval to enter into negotiation over the acquisition of land and also to prepare a Compulsory Purchase Order to be used should negotiations break down.
- 3.7 As Government funding is not provided until the final approval stage, in order to secure third party land, it may be necessary to initially fund the land acquisition from the Local Transport Plan Integrated Transport scheme and recharge this to the scheme costs once full approval is granted. Should this be the case, subsequent reports will be presented to the Executive Board giving full details of any such acquisition.
- 3.8 The processes for managing the project are set out in the following sections.

4.0 Implications For Council Policy And Governance

- 4.1 The A65 QBI scheme proposal is an integral part of the Local Transport Plan programme which contributes to the delivery of the Council's corporate objectives for transport and those of the Vision for Leeds. The scheme, as the main component of the larger package of measures for the A65 Quality Bus Corridor, will make a major contribution to improving the attractiveness and quality of bus travel and will significantly increase bus patronage and public transport mode share.

4.2 Progress will be reported to the Executive Board at the key stages in the delivery process. Oversight of the scheme will be provided by a Project Board chaired by the Director of Development and including Government Office, Metro and public transport operator representatives.

4.3 An initial briefing for Ward Members was held on 8 September and further briefings will be undertaken as the project is progressed.

5.0 Legal And Resource Implications

5.1 Following the Executive Board approval of scheme development costs (£834,000) on 20 September 2006, detailed development of the scheme and a full evaluation of the necessary statutory requirements have commenced. This is currently reviewing the requirements for planning consents, processes needed to acquire any third party land and the highways and traffic Orders necessary to construct and implement the scheme.

5.2 Cost, along with the completion of the necessary statutory processes, represents a key area of risk for this project. The proposals for project management and governance have been set out in Section 4 of the report and robust risk management processes will be incorporated into these arrangements. The approved scheme costs have been calculated using a year on year increase to take into account inflation to give the approved figure of £21.746 million. Failure to acquire the land needed to deliver the scheme proposals will have a significant impact on programme and in doing so will have an inflationary effect on the final cost.

6.0 Human Rights

6.1 Regard must be had to the Human Rights Act 1998 including Article 8 (respect for private and family life and home) and Article 1 of the First Protocol (right to peaceful enjoyment of possessions). No one should be deprived of their possessions except in the public interest and subject to national laws. A decision must strike a fair balance between the public interest in the improvements to the highway network through the implementation of the A65 Quality Bus Initiative Scheme and the interference with private rights which will arise in the event of any necessary Compulsory Purchase Order being made and confirmed. Compensation would be payable to those persons whose rights are interfered with and the provisions of the Act and the compulsory purchase procedures are considered to be compatible with the Human Rights Act.

6.2 The scheme proposals have already undergone a comprehensive re-appraisal which has minimised the requirement for third party land. The proposals are also consistent with the Vision for Leeds 2004 to 2020 to improve public transport and support all of the primary objectives set out in the Local Transport Plan.

7.0 Conclusions

7.1 The A65 QBI is the major component of the package of measures required to deliver a comprehensive Quality Bus Corridor for the A65. Approval to the "programme entry" stage by DfT marks the first formal step in the process of delivering this scheme.

7.2 Following Executive Board approval to the scheme development costs on 20 September 2006 there is now a need to acquire land that is not in the ownership of Leeds City Council in order to accommodate the proposals. The scheme proposals have gone through a comprehensive re-appraisal process with the current proposals requiring a minimum amount of third party land. (see attached plans HDC/298946/08/01, 02 and 03)

7.3 This report is therefore seeking the Executive Board approval to enter into negotiation to acquire land and to prepare a Compulsory Purchase Order as a fall back position.

8.0 Recommendations

- 8.1 Members of the Executive Board are requested to approve the acquisition by negotiation and in the event that negotiation becomes either protracted or abortive authorise the Director of Legal and Democratic Services to make a Compulsory Purchase Order under the relevant powers contained in The Highways Act 1980 and any other enabling powers and to submit the Order to the Secretary of State for confirmation.