

Report of Director of City Development

Report to Full Council

Date: 13th November 2013

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

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Implications city wide, with direct impacts on City and Hunslet, Burmantofts & Richmond Hill, Hyde Park & Woodhouse, Headingley, Weetwood, Adel & Wharfedale and Middleton Park Wards.		
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

- Following the authorisation by Full Council in July the Transport and Works Act Order (TWAO) and associated applications for the New Generation Transport (NGT) project were submitted to the Secretary for Transport on 19 September. In accordance with section 239 of the Local Government Act 1972, a second approval is required from Full Council to confirm its resolution to promote the TWAO.

Recommendations

Full Council is requested to consider the contents of this report and pass resolutions to confirm:

- the resolution passed on 1 July 2013 to authorise the joint promotion with the West Yorkshire Passenger Transport Executive of an order made under the Transport and Works Act 1992 for the purposes of and in connection with the construction and operation of a trolley vehicle system in the city of Leeds comprising a northern route running from the city centre through Headingley to a park and ride site at Bodington and on to Holt Park, and a southern route running from the city centre to a park and

ride site at Stourton; and to make provision in the city for the stopping up or diversion of existing rights of way, traffic regulation, street works, the construction of stops along the route, park and ride facilities, other associated and consequential works, the compulsory purchase of land and rights in land, the use of land permanently, the temporary possession of land and other works and provisions necessary for the purposes of, or for purposes ancillary to, the construction or operation of the trolley vehicle system, as now applied for.

1. Purpose of this report

- 1.1 To seek from Full Council the second resolution recommended above confirming the resolution to promote a Transport & Works Act Order for the New Generation Transport (NGT) Scheme.

2. Background information

- 2.1 On 1 July Full Council passed a resolution authorising the submission of a Transport and Works Act Order (TWAO) and associated applications for the New Generation Transport (NGT) project to the Secretary for Transport. These applications were submitted to the Department for Transport on 19th September 2013.
- 2.2 By virtue of Section 20 of the Transport & Works Act (TWA), Local Authorities such as Leeds may promote a TWA Order, but the power to do so is subject to the same conditions as apply to the Local Authority promoting bills in Parliament.
- 2.3 In this instance, therefore, the Authority must comply with the conditions set out in Section 239 of the 1972 Local Government Act.
- 2.4 Section 239 provides that where a Local Authority is satisfied that it is expedient to promote a Bill (and so also a TWAO) it must pass a resolution to do so which then needs to be confirmed at a further meeting of the authority after the Bill is deposited or, in the case of a TWAO, the application made. In each case the necessary resolutions must be passed by a majority of the full Council (i.e. not just the members present).
- 2.5 Such a resolution must:
 - a) be preceded by not less than 30 clear days' notice, given by advertisement in one or more local newspapers and by the ordinary notices required to be given for convening a meeting of the authority;
 - b) be passed by a clear majority of the whole number of the members of the authority (i.e. not a majority of those present but a majority of all members).
- 2.7 The wording of the proposed resolution has been based directly on the wording of the resolution passed on 1 July, and any proposed changes to it should be subject to further legal advice.

- 2.8 Metro and Leeds City Council have worked in partnership to develop a modern electrically powered trolleybus 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.
- 2.9 NGT contributes to the Leeds vision of being the best city in the UK by;
- Providing high-quality, accessible, affordable and reliable public transport
 - Contributing to targets to make Leeds a lower carbon city
 - Supporting the creation of significant job opportunities
 - Improving accessibility of local services including shops and healthcare
 - Enabling people to travel on good quality, reliable public transport
- 2.10 Analysis has shown that NGT could generate around 4,000 long term jobs, both in Leeds and the wider City Region in addition to generating a £160m per annum economic boost for the City Region. In addition around 1,000 jobs would be created during the construction phase.
- 2.11 The Department for Transport (DfT) awarded programme entry status to NGT in July 2012.
- 2.12 A Local Partnerships Gateway 1 Review was held between 29th - 31st January 2013. The purpose of this was to consider the 'business justification' for the project and to provide an independent peer assessment of the project's potential for success. The review reported that Leeds' planned New Generation Transport trolleybus system is 'an innovative project and as the first of its type in the UK in recent years, is at the cutting edge of transport provision'.
- 2.13 The NGT scheme as authorised by the TWA Order being sought would serve a route from Holt Park in the North going through Headingley, the City Centre to Beeston and Stourton, covering a distance of just over 13km and linking key trip generators including the Leeds General Infirmary and the 2 Universities. Major park and ride sites will be provided at Stourton and Bodington. It remains the promoters' aspiration to deliver further routes as later phases of NGT. Significant levels of segregation for NGT vehicles will be provided in order to deliver high levels of reliability and journey time savings across the network.

3.0 Main Issues

3.1 Need for a Transport and Works Order submission

- 3.1.1 At its meeting on 1 July, Full Council considered a report setting out the reasons for the TWAO application. It was considered that the TWAO would provide the Promoters with the powers to build and operate NGT as currently envisaged and to deliver and sustain its key objectives in the long term. The TWAO powers were also expected to give the Promoters the greatest potential to ensure that the expected scheme benefits are realised and safeguarded for the future, and to specify the service requirements such as reliability, accessibility, fare level and integration of NGT and through greater enforcement powers than with other deliverable options.

3.2 Details of the Application as made

3.2.1 The TWAO includes powers for the compulsory acquisition of land and rights, the payment of compensation, the carrying out of works to implement NGT, provision for street works, stopping up of highways, traffic regulation, fares and tolls, policing and the making of byelaws. These will enable the construction and operation of the infrastructure required for NGT, including

- (a) NGT stops
- (b) the Park and Ride sites to be provided at Stourton and Bodington
- (c) the depot for NGT vehicles
- (d) the required substations to power the electric trolleybuses

3.2.2 The TWAO application was accompanied by:

- (i) a request for deemed planning consent, draft planning conditions and planning direction drawings
- (ii) 61 Listed Building and 17 Conservation Area consents, which were automatically referred for determination by the Secretary of State for Communities and Local Government.
- (iii) a Code of Construction Practice
- (iv) an Urban Design Statement
- (v) a Traffic Assessment
- (vi) a Sustainability Appraisal
- (vii) a Flood Risk Assessment Strategy
- (viii) an Environmental Statement (detailing the output from the Environmental Impact Assessment)

3.2.3 The application for deemed planning consent submitted with the TWAO is similar to an outline planning application and it will be determined by the Secretary of State for Transport. Draft planning conditions have been submitted with the application, reserving much of the detail for subsequent approval and discharge by the Local Planning Authority. City Plans Panel have considered the NGT proposals at their meetings on the 25th June and 17th October.

3.2.4 The TWAO application required the publication of local advertisements and notices, and a 42 day period for inspection of the application documents and for the public to comment on the application. This expired on 31st October. At the time of writing this report, the Department for Transport had not completed processing the representations received about the application, so a total number was not available. However, 920 objections had been formally registered by Friday, 1 November, and the DfT estimated that a further 800 to 1,000 remained to be processed. So the total number of representations is expected to be in the region of 1,700 to 1,900. This is in line with other transport schemes such as the hugely successful Cambridge Guided Busway, which received over 2,700 objections and within a year of construction had achieved 43% above its forecast passengers. The Secretary of State is expected to call a public local inquiry where the Promoters and objectors will be able to present their case to an inspector. However over the next few months the project team will be working with objectors to try and address their concerns. Following the inquiry the inspector will present his report to the Secretary of State

for Transport who will make a decision on the TWAO and to the Secretary of State for Communities and Local Government who will determine the associated listed building and conservation area consent applications.

4. Corporate Considerations

4.1 Consultation and Engagement

4.1.1 In addition to the formal requirements of the TWAO process, considerable consultation and engagement has been carried out on the project including:

- Extensive consultation carried out in 2009/2010 – showed strong support for the proposals.
- Area Committee presentations in September 2012
- Briefing to the main political groups September-November 2012
- 22 Public Consultation events held October 2012 - July 2013: over 1000 attendees
- Meetings with Businesses, access groups, Tenant organisations, Civic Trust, Cycling Forum and the Universities
- Various meetings with Councillors and MPs
- Engagement with officers from across the Council.
- Numerous meetings with affected land and property owners along the route.
- City Plans Panel all day meeting in June dedicated to NGT and second City NGT Plans Panel meeting in October that reviewed the submitted documentation.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 A full equality impact assessment has been undertaken and accompanied the TWAO application. The assessment concluded by stating that the provision of a new and frequent public transport service in the form of a trolleybus network will improve access to a whole range of social and economic resources along the route including the City Centre, Leeds' two universities, a major hospital, and a whole range of other facilities from shops to places of worship. It also acknowledged however that the construction and implementation phases may have a negative effect on a range of local socio-demographic groups and communities. The report contains a number of recommendations to mitigate the negative impacts.

4.3 Council policies and City Priorities

4.3.1 As reported to the 1 July meeting, 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.

4.3.2 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 Resources and Chief Officer Highways and Transportation from Leeds City Council.

4.4 Resources and value for money

The approved capital programme makes provision of £20.6m as the Council's remaining contribution towards the NGT scheme. Throughout the development phase of the scheme, costs are continually scrutinised to ensure that the scheme promoters are securing value for money. Approving this resolution does not commit the Authority to any additional expenditure.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The submission of the TWAO for NGT clearly further commits the Council to the ongoing approval process for NGT as envisaged in the proposed resolutions and the report recommending approval. The resolution recommended in this report is the second of two such resolutions required to promote the TWAO.
- 4.5.2 Members are asked to note that on 13 March 2013 Executive Board approved delegation of the necessary authority to the Director of City Development, subject to the Council approving the submission of the TWAO, in order to allow him to take all such steps as may be necessary or expedient to carry the Resolution into effect (including all those steps required for the Council to apply for and thereafter to promote the Order).
- 4.5.3 LCC has since entered into a Joint Venture Agreement with Metro to jointly promote and secure the authorisation and implementation of NGT.
- 4.5.4 Members will also be aware that on the 1st July Full Council passed the first of the 2 resolutions required to promote a TWAO. Accordingly this report seeks to gain the second resolution from Full Council.

4.6 Risk Management

- 4.6.1 If the required S239 resolutions are not made, LCC would have to withdraw from the promotion of the TWAO. It is unlikely that Metro would be able to continue the promotion alone, in which case the TWAO application would need to be withdrawn. Therefore if the resolution recommended in this report is not approved there is a risk of delay and increased costs and abandonment of the project.
- 4.6.2 The delivery of the project is being managed by a joint Metro/LCC project board who will be able to limit changes to the proposals to limit increases in project costs in advance of any determination.

5 Conclusion

- 5.1.1 The DfT funding for a trolley bus system for Leeds offers a real opportunity to deliver a major step change to public transport in the city.

- 5.1.2 NGT will allow the growing population to access the city centre and other key employment sites in an efficient and sustainable way. This will encourage business to locate in the centre and along the new corridors thereby creating 4,000 new local jobs, and generating a £160 million per annum boost for the Leeds City Region economy.
- 5.1.3 Confirmation by full Council of its 1 July resolution to promote the TWA Order for NGT is a legal pre-requisite to LCC's continuing involvement in the scheme.

6 Recommendations

Members are requested to consider the contents of this report and pass a resolution to confirm:

1. The resolution of 1 July 2013 authorising the joint promotion with the West Yorkshire Passenger Transport Executive of an order made under the Transport and Works Act 1992 for the purposes of and in connection with the construction and operation of a trolley vehicle system in the city of Leeds comprising a northern route running from the city centre through Headingley to a park and ride site at Bodington and on to Holt Park, and a southern route running from the city centre to a park and ride site at Stourton; and to make provision in the city for the stopping up or diversion of existing rights of way, traffic regulation, street works, the construction of stops along the route, park and ride facilities, other associated and consequential works, the compulsory purchase of land and rights in land, the use of land permanently, the temporary possession of land and other works and provisions necessary for the purposes of, or for purposes ancillary to, the construction or operation of the trolley vehicle system, as now applied for.

7 Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.