

## Report of Director of City Development

### Report to Full Council

**Date:** 1<sup>st</sup> July 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

- Approval is required for 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

### Recommendations

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

2. subject to the above, the necessary authority be delegated to the Director of City Development in order to allow him to take all such steps as may be necessary or expedient to carry the above Resolution into effect, including all those steps required for the Council to apply for and thereafter to promote its application for the Order; and
3. the corporate seal of the Council being affixed to any documents required to be sealed in connection with the application for and subsequent promotion of the Order.

## **1. Purpose of this report**

- 1.1 To seek from Full Council the resolution recommended above supporting the promotion of a Transport & Works Act Order for the New Generation Transport (NGT) Scheme.

## **2. Background information**

- 2.1 In March Executive Board agreed for a report to be submitted to Full Council to approve 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. It is intended to lodge these applications with the Department for Transport on 12<sup>th</sup> 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).
- 2.6 It is intended that the required second resolution will be brought forward for consideration at the November meeting of the Council.
- 2.7 The wording of the proposed resolutions has been scoped to recognise the practical need for an appropriate degree of flexibility in progressing the applications and any proposed changes to these 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 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.
- 2.10 The Department for Transport (DfT) awarded programme entry status to NGT in July 2012.
- 2.11 A Local Partnerships Gateway 1 Review was held between 29<sup>th</sup>-31<sup>st</sup> 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'.
- 2.12 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 The project team have carried out a detailed consideration of the potential legislative frameworks for the delivery of the NGT project. From this assessment the TWAO powers are considered to offer the process best suited to the promotion of a trolleybus based NGT scheme. The TWAO would, in conjunction with other ancillary consents, 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.
- 3.1.2 TWAO powers are also expected to give the Promoters the greatest potential to ensure that the 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 priority given to NGT vehicles and road/ infrastructure use than through any other deliverable options. Also using the TWAO powers, the Promoters will be able 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.
- 3.1.3 The use of TWAO powers can therefore assist in maximizing 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.

#### **3.2 Details of the Application to be made**

- 3.2.1 The TWA Order is able to provide for, amongst other matters, the acquisition of land or rights over land (whether compulsorily or by agreement), the payment of compensation, the carrying out of civil engineering or other works (including any incidental or ancillary works), fares and tolls, policing and the making of byelaws. In summary the TWAO application will seek powers for:
- (i) the construction of the infrastructure required for the proposed NGT system, within "limits of deviation" within which the route can be constructed. This will include:
    - (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
  - (ii) works to streets and the imposition of deemed Traffic Regulation Orders
  - (iii) the acquisition (subject to the payment of compensation) of land and rights in land required for the construction and operation of the NGT system
  - (iii) the maintenance and operation of the NGT system

3.2.2 In addition the TWAO application will also incorporate:

- (i) a request for deemed planning consent, draft planning conditions and planning direction drawings
- (ii) details of the associated Listed Building and Conservation Area consents required, which will be applied for simultaneously and are 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 will be similar to an outline planning application and it will be determined by the Secretary of State for Transport. Draft planning conditions will be submitted with the application and these may be amended or supplemented by the Secretary of State where appropriate. These conditions typically reserve much of the detail for subsequent approval and discharge by the Local Planning Authority. City Plans Panel have considered the NGT proposals at their meeting on the 25<sup>th</sup> June.

3.2.4 The TWAO application will require the publication of local advertisements and the placing of notices in addition to certain affected parties being notified directly, and a 42 day period for members of the public and other interested parties to inspect the application and make representations to the Secretary of State for Transport. All documents will be made available to view at Leeds City Council / Metro offices with a version accessible on-line. The Secretary of State can then be expected to call a public local inquiry where objectors will be able to present their case to the inspector. The view of the Promoters (including the view of Leeds City Council in its capacity as the local planning authority) on the details of the scheme and the proposed planning conditions will also be given to the inspector. 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 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

- 12 Public Consultation events held November 2012-May 2013: 500 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 meeting dedicated to NGT and lasting all day.

4.1.2 Future Consultation events are planned at:

- Headingley HEART Centre – Wednesday 26 June
- St Chads Parish Hall – Saturday 29 June
- Ralph Thoresby School – Tuesday 9 July
- Lawnswood YMCA Sports & Leisure Centre – Tuesday 16 July
- Hunslet St Joseph's Primary School – Thursday 11 July
- Belle Isle (date to be confirmed)

4.1.3 In addition the Formal Objection Period will run from 12 September (TWA0 Submission) for 6 weeks, when representations on the scheme can be made to the Secretary of State for Transport.

4.1.4 An NGT member Working Group is in the process of being set up to give political guidance to the project.

## **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 An Equality, Diversity, Cohesion, and Integration Screening was carried out on the 14 January 2013 and identified that a full impact assessment was required to support the TWA0 submission. The impact assessment will take place when the scheme designs have been finalised prior to the TWA0 submission.

## **4.3 Council policies and City Priorities**

4.3.1 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.

4.3.2 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 Resolving to promote 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 first 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). Accordingly this report seeks to gain the same resolution from Full Council to ensure both Executive and Council functions are covered.

#### **4.6 Risk Management**

- 4.6.1 If the required S239 resolutions are not made the TWAO cannot be promoted, and the TWAO application cannot be made without the first of those resolutions being made. Therefore if the resolution recommended in this report is not approved there is a risk of delay and increased costs to the project.
- 4.6.2 The delivery of the project will be 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 Approval by full Council of the proposed resolution to promote a TWA Order for NGT as set out in section 3.3 above is a legal pre-requisite to the scheme progressing to the next stage of approval.

## **6 Recommendations**

Members are requested to consider the contents of this report and and pass resolutions to authorise:

1. 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;
2. subject to the above, the necessary authority be delegated to the Director of City Development in order to allow him to take all such steps as may be necessary or expedient to carry the above Resolution into effect, including all those steps required for the Council to apply for and thereafter to promote its application for the Order; and
3. the corporate seal of the Council being affixed to any documents required to be sealed in connection with the application for and subsequent promotion of the Order.

## **7 Background documents<sup>1</sup>**

### **7.1 None**

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<sup>1</sup> 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.