

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

19th SEPTEMBER 2017

SOUTHERN GATEWAY – MOUNTAIN ASH CROSS VALLEY LINK ROAD PROJECT UPDATE

REPORT OF THE GROUP DIRECTOR CORPORATE AND FRONTLINE SERVICES IN DISCUSSION WITH THE LEADER OF THE COUNCIL, COUNCILLOR A MORGAN

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1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to;
- Update Cabinet on the current progress related to the development and delivery of the major transportation project: Mountain Ash Cross Valley Link Road from Cabinet Report of 15th March 2017.
 - To clarify the powers delegated to the Director of Highways and Streetcare Services to progress the Rhondda Cynon Taf County Borough Council (Mountain Ash Cross Valley Link) Compulsory Purchase Order 2007 ('the CPO')

2. RECOMMENDATIONS

It is recommended that Cabinet:

- 2.1 Note the progress made and endorse the next steps.
- 2.2 It is recommended that the Cabinet delegate to Director of Highways and Streetcare Services the power to:
- Subject to the grant of planning permission and the obtaining of sufficient funding for each stage of the CPO to take all steps to secure the making, confirmation and implementation of the CPO in respect of the land identified on the plan at Appendix A including but not limited to the following procedural steps:
- 2.2.1 Seeking confirmation of the CPO by the Welsh Ministers (or, if permitted, by the Council pursuant to Section 14A Acquisition of Land Act 1981), including the preparation and presentation of the Council's case at any Public Inquiry which may be necessary.

- 2.2.2 Publication and service of notices of confirmation of the CPO and thereafter to execute and serve any General Vesting Declarations and/or Notices to Treat and Notices of Entry.
- 2.2.3 To acquire the necessary interests in the land.
- 2.2.4 Referral and conduct of disputes, relating to compulsory purchase compensation, to the Upper Tribunal (Lands Chamber).

3. BACKGROUND AND UPDATED POSITION

Planning

- 3.1 Cabinet approval to initiate the statutory processes necessary to deliver the project was secured via a report to Cabinet in September 2016 and a subsequent report in December 2016 in respect of the Compulsory Purchase Order required for the implementation
- 3.2 A planning application for the link road and associated bridge was approved by the Council's Planning Committee on 16 March 2017 (Ref. 17/0131/08).
- 3.3 A planning application involving the relocating 4 single garages as part of the accommodation works for the project has also been approved via a delegated officer decision (Ref 17/0236/10).
- 3.4 A further planning application will be required to be submitted for a change of land use for accommodation / mitigation works to current RCT owned land which will be used to mitigate and offset loss of garden area to 1 Miskin Terrace.

Land

- 3.5 The land proposed to be subject to the CPO has been updated and the land to be included in the CPO is shown on the plan attached at Appendix A. There are in total 16 plots which are further broken down into land to be acquired and land over which rights are to be acquired. The Council currently owns 5 plots of land required to implement the project. A further 6 plots are owned by third party owners including Network Rail. The Council will continue to acquire land from the said third parties by agreement in advance of the confirmation of the CPO.
- 3.6 There are 5 plots of land that are in unknown ownership.
- 3.7 Persimmon have recently acquired land from the Council adjacent to the Cwm Cynon site and have submitted a planning application to the

council for the construction of 100+ houses which is yet to be determined. This will not impact on the project.

- 3.8 Nos 1 and 2 Miskin Cottages have been acquired by the Council and will be demolished in Autumn 2017 in readiness for the project.
- 3.9 The Compulsory Purchase Order is scheduled to be made in late summer 2017 for the project.

Construction

- 3.10 Construction of the Cardiff Road realigned junction commenced in Summer 2017 by Alun Griffiths (Contractors) Ltd and is scheduled to be complete in early Autumn 2017.
- 3.11 The A4059 / Cwm Cynon junction alignment works will go to tender via the South East Wales Framework in late summer 2017 with a construction commencement for late Autumn 2017, completion Spring 2018.
- 3.12 The Council has successfully concluded a tender selection process for a contractor to undertake the detailed design and construction of the main works via the OJEU process. Four contractors submitted bids which was assessed on a commercial and quality basis.
- 3.13 The Council has recently let a tender for the detailed design and construction of the project to Walters / Sisk in the sum of £7,929,827 as a result of the process in 3.12.
- 3.14 The contract includes a break clause between the design and construct elements to allow the Council to re-tender the construction phase if it is considered that better value could be obtained.
- 3.15 The Council will be shortly seeking tenders for the construction of 4 new garages and the demolition of existing garages as part of the mitigation works for affected third party land owners at Miskin Terrace. Works are anticipated to commence in Autumn 2017 and be complete Winter 2017/18.

Funding

- 3.16 The Cabinet, upon consideration of the report of December 2016, delegated to the Director of Highways and Streetcare Services the power to take procedural steps for the progressing the CPO subject to the grant of planning permission and the obtaining of funding to take all steps to secure the making confirmation and implementation of the CPO.

3.17 Full funding for the scheme has not yet been arranged and the wording of the delegation could be construed as the Council will not proceed with the Compulsory Purchase Order until complete funding for the making of the CPO and construction of the scheme has been arranged. This was not the intention of the delegation.

3.18 Funding for the CPO is being arranged and the financial implications are detailed below. It is usual for the funding of a scheme such as this to be obtained in stages. It is recommended that the delegated power to the Director of Highways and Streetcare Services be clarified to enable him proceed with each stage of the project upon the obtaining of sufficient funding to progress that stage.

4. PROPOSED WAY FORWARD

4.1 The Compulsory Purchase Order is made and the necessary processes implemented and followed to acquire the remaining land.

4.2 Commence and complete the A4059 / Cwm Cynon junction works as highlighted in 3.11.

4.3 The detailed design for the main works is completed and the subsequent costs evaluated.

4.4 The scheme proceed on the obtaining of funding for each relevant phase.

5. EQUALITY AND DIVERSITY IMPLICATIONS

5.1 An Equality Impact Assessment screening form has been prepared for the purpose of this report. It has been found that a full report is not required. The Mountain Ash Cross Valley Link will enhance existing movements across the valley between communities.

6. CONSULTATION

6.1 Consultation has been undertaken with the stakeholders and parties affected by the Mountain Ash Cross Valley Link proposals and these include the Council's departments, statutory bodies, statutory undertakers, Network Rail and third parties whose land is required for the proposals.

6.2 The consultation process with stakeholders, parties affected by the proposals and the general public will continue throughout the detailed design process on the project.

7. FINANCIAL IMPLICATION(S)

- 7.1 A further £1.5m has been successfully secured from the Welsh Government for 2017/18 under the Local Transport Fund grant scheme which brings the total funding allocated to the project to £7.551m (£3.601m attributable to Welsh Government).
- 7.2 Ongoing officer liaison with Welsh Government will ensure that any opportunity for additional funding through Welsh Government underspend on other projects through 2017/18 is fully considered. Further bids will be submitted to the Welsh Government for appropriate transport grants for the 2018/19 financial year.
- 7.3 The Council can invoke the break clause as highlighted in 3.14 at the end of the detailed design stage to mitigate any further financial implications.

8. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 8.1 The legal implications are considered in the body of this report. The Council has the power to make the CPO under the provisions of the Acquisition of Land Act 1981 and Sections 239,240,246,250 and 260 of the Highways Act.

9. LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES.

- 9.1 The Mountain Ash Cross Valley Link supports the Council's Corporate Plan Priority "Place – creating neighbourhoods where people are proud to live and work".

10. CONCLUSION

- 10.1 The project offers the opportunity to improve accessibility and connectivity in an area where limited cross valley linkage cause significant congestion on the local and strategic transport network affecting all highway users, including commercial delivery services and public transport.
- 10.2 The publication of the Compulsory Purchase Order, progression of the detailed design and construction of the associated junction works will continue the development of the project.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

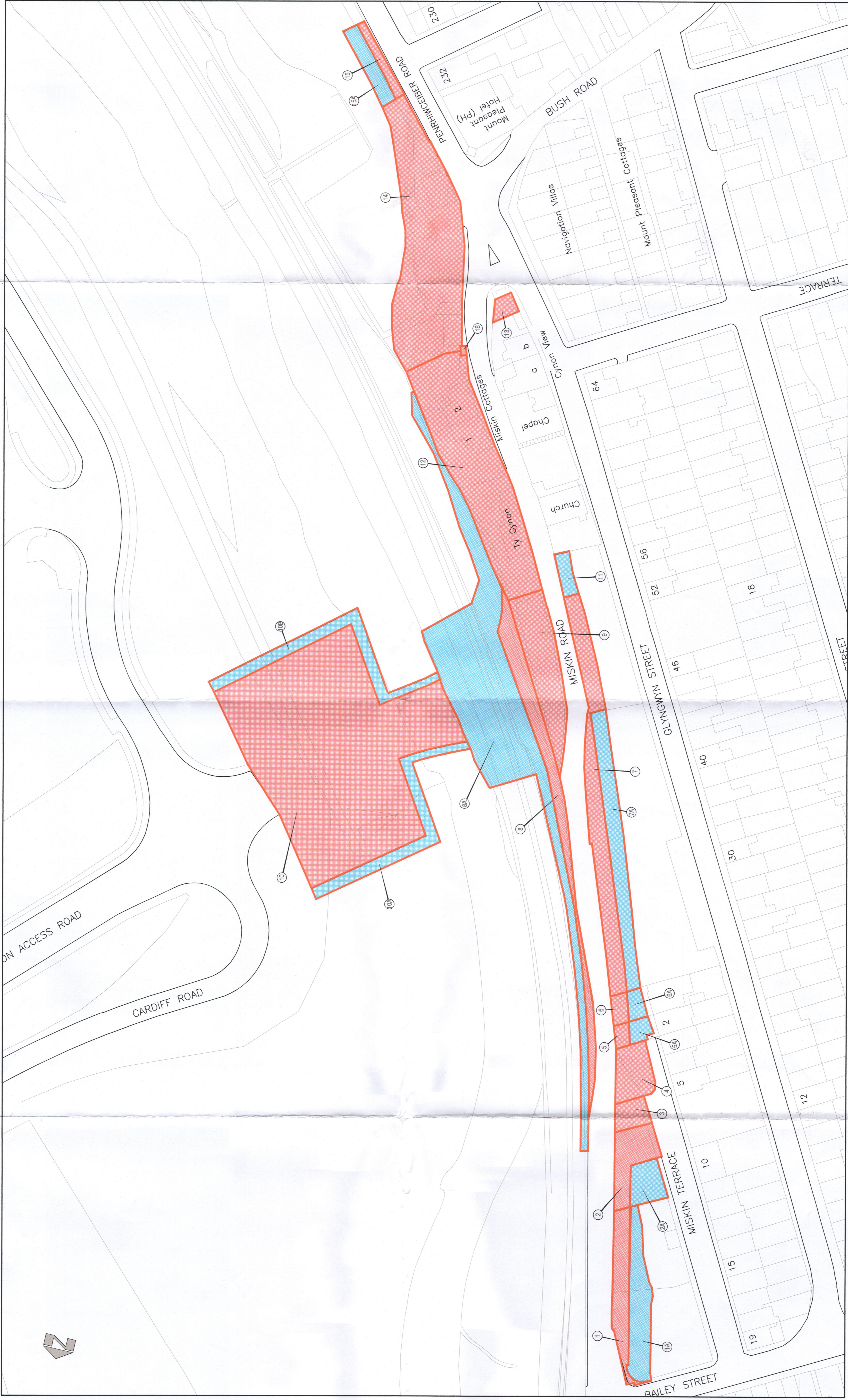
19TH SEPTEMBER 2017

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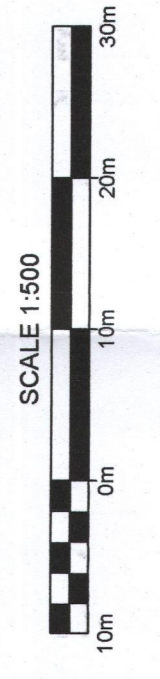
Officer to contact: Andrew Griffiths

Appendix A

MAP REFERRED TO IN
 THE RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
 (MOUNTAIN ASH CROSS VALLEY LINK)
 COMPULSORY PURCHASE ORDER 2017



GIVEN UNDER THE SEAL OF
 RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
 THIS 7th DAY OF AUGUST
 IN THE YEAR TWO THOUSAND AND SEVENTEEN



A. S. [Signature]

AUTHORITY	MEMBER No.	SUBJECT	DATE
RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL	10592/2	COMPULSORY PURCHASE ORDER	10/08/17
CHAIRMAN			
VICE CHAIRMAN			
DATE			

10592/2