

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	1 June 2022
Subject:	Ashchurch Bridge Over Rail Project Update
Report of:	Garden Town Programme Director
Corporate Lead:	Chief Executive
Lead Member:	Leader of the Council
Number of Appendices:	One

Executive Summary:

This report updates Members regarding progress on a key workstream within the Tewkesbury Garden Town (TGT) programme: the delivery of the Ashchurch/Northway Bridge over Rail project (ABoR).

In April 2019, the now named Department for Levelling Up, Housing and Communities (DLUHC) awarded Tewkesbury Borough Council 'garden community' status (Town level) for the proposed development of 10,195 homes and circa 100 hectares of employment land at Ashchurch. Since then, work has been continuing at a steady pace to refine the concept masterplan and further develop the nine guiding principles for the Garden Town, including the identification and delivery of essential enabling infrastructure.

This report focuses on the delivery of an essential infrastructure scheme first identified within the transport strategy for the adopted Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (JCS), which it is considered will now also support delivery of the first phase of the Tewkesbury Garden Town.

The ABoR is being funded by a capital grant of £8,132,465 from the Government's Housing Infrastructure Fund (HIF), an investment programme promoted by the former MHCLG (now DLUHC) to support housing delivery through the funding of vital physical infrastructure such as roads and bridges deemed to be challenged with marginal viability concerns.

Planning permission for the ABoR was granted in March 2021 and work continues, focusing on the detailed design and the selection of a construction partner, with the aim of commencing construction work on site this Autumn. The HIF agreement originally envisaged completion of the build by March 2022 but this has been formally extended to September 2023.

It should also be noted that the ABoR scheme is the bridge structure only and does not include a permanent connection to the public highway. Any associated link roads and residential development will be the subject of future separate planning applications.

There was an unsuccessful challenge to the planning permission by way of judicial review, the High Court dismissing all three grounds of challenge. An appeal has been made to the Court of Appeal, permission to appeal has been granted and will be heard at an oral hearing.

The project is entirely externally funded and it is currently anticipated that the scheme can be delivered on time and within the HIF grant funding envelope provided. However, further work including updating information regarding final costings and projected delivery timeline is continuing. Once completed, a further report on the progress of the ABoR project will be brought to Committee prior to a decision to let the bridge construction contract later this year.

Recommendation:

The Committee is asked to NOTE the progress being made on the delivery of the grant funded Ashchurch over Rail Bridge project and the current forward delivery plan.

Reasons for Recommendation:

To update the Executive on progress with the Ashchurch Bridge over Rail workstream within the Tewkesbury Garden Town programme.

Resource Implications:

The Tewkesbury Garden Town work programme is resourced by the garden communities team and external government funding. The activity outlined will be delivered by that team and the dedicated operational and project specific budgets secured, so there are no additional Council resource requirements outlined within this report.

Legal Implications:

External legal advisers have been appointed to support the development and delivery of the garden town programme and will be advising on key aspects of this workstream, as required. Apart from that set out in the paragraph below, there are no further specific legal considerations to highlight in this progress report.

As stated in the report, the decision of the High Court to dismiss the application for Judicial Review, is being challenged by way of appeal to the Court of Appeal. The appeal is to be dealt with at a Hearing, but a date has yet to be set. A successful appeal would result in the planning permission being quashed and re-submitted to the Council for determination.

Risk Management Implications:

Risks associated with the construction of the Ashchurch Bridge are closely monitored at capital project management level and are also reported to and reviewed regularly by the scheme funder, Homes England, as part of the HIF programme's robust management arrangements.

Performance Management Follow-up:

The Ashchurch Bridge over Rail capital delivery project is managed via a project board which includes representatives from the Council, plus GCC, Network Rail and Homes England.

Environmental Implications:

Environmental implications of the bridge have been addressed within the planning process.

1.0 INTRODUCTION

- 1.1** Tewkesbury Borough Council was awarded Garden Town status in 2019 on the basis of 10,195 homes and circa 100 hectares of employment land. With seed corn funding from Government, the focus has been on resourcing the team to develop and refine the concept of the garden town and to progress key infrastructure schemes of which the Ashchurch bridge is a key project.
- 1.2** This report updates the Committee on progress towards the delivery of the Ashchurch Bridge over Rail (ABoR) project.

2.0 BACKGROUND

- 2.1** In September 2017, in order to support the delivery of the JCS housing numbers and preparatory work being undertaken on the Ashchurch Masterplan, the Council successfully submitted a Housing Infrastructure Fund (HIF) 'Marginal Funding bid' to deliver a new road bridge over the railway line at Ashchurch. Promoted by MHCLG to support housing delivery through the funding of vital physical infrastructure such as roads and bridges, it was intended that the £8,132,465 capital grant awarded (February 2018) would help to unlock development in the wider Ashchurch area.
- 2.2** Significantly, following designation in March 2019, it became apparent that this infrastructure initiative could support delivery of the first phase of the Tewkesbury Garden Town.
- 2.3** Following the HIF funding announcement, detailed work was undertaken to finalise the Grant Delivery Agreement with Homes England and accordingly, in June 2019, the Committee provided the necessary approvals for the project to proceed.
- 2.4** The proposed Ashchurch Bridge over Rail (ABoR) will be located approximately 150m north of the residential area of Northway and will cross the Bristol-Birmingham mainline. The scheme has been designed to provide a 7.3m wide vehicular carriageway as well as 3m wide Shared Use Paths (SUPs) on each side, within the bridge parapet, to provide high-quality walking and cycling infrastructure across the railway line.
- 2.5** The location and footprint of the proposed ABoR is illustrated in Appendix 1. This plan shows the red line boundary for the scheme which also includes the haul roads that will provide temporary access to the ABoR site during construction.
- 2.6** The ABoR is being funded by the Government's Housing Infrastructure Fund (HIF) as it is considered key to unlocking land for development through the enablement of a road to the north of Ashchurch that will provide access to potential residential land on either side of the railway line.
- 2.7** It should be noted however, that the ABoR scheme, is purely the bridge structure itself and does not include a permanent connection to the public highway. The associated link road and residential development enabled by the new bridge, will be the subject of future separate planning applications, each supported by their own impact assessments as required.
- 2.8** As a key piece of enabling infrastructure, the ABoR scheme, the HIF agreement originally envisaged completion of the build by March 2022 but this has been formally extended to September 2023. The financial justification for the HIF ultimately requires delivery of a minimum of 826 dwellings.

3.0 PROJECT DELIVERY PROGRESS

Project Design

- 3.1** Due to its expertise in delivering capital projects of this scale it was considered expedient to engage Gloucestershire County Council and its technical consultants Atkins to support the Council in delivery of the HIF funded ABoR scheme.
- 3.2** Under the umbrella of a Professional Services Agreement, GCC and Atkins have made steady progress in undertaking the preparatory technical design work for the bridge, including essential liaison with Network Rail and other key stakeholders, culminating in the securing of planning permission for the bridge structure and the release of the first tranche of HIF funding in March 2021.
- 3.3** As with many capital projects, the effects of the pandemic have impacted the scheme delivery plan and the project completion date has needed to be extended to September 2023. In discussion with Homes England, this amendment has been formalised by a Deed of Variation to the HIF Grant Funding Agreement.

Land Assembly (for the bridge only)

- 3.4** Negotiations remain ongoing, but are moving into the final stages, regarding the acquisition and necessary access arrangements for the land required either side of the rail line to facilitate the bridge construction.

Construction Phase Planning

- 3.5** Consistent with the terms of the planning permission, the project team's focus over the last few months has been on working through the pre-contract planning conditions (site survey work and ground investigations), plus preparing for the project construction phase, including:
- preparation of a service level partnership agreement with GCC and their consultants Atkins.
 - preparation of the contract documentation ready for the procurement of a construction partner.
 - securing of the necessary consents and clearances from Network Rail in order to access and work within the rail environment.

Financial Summary

- 3.6** Against a capital grant award of £8,132,465, project expenditure to date – covering the preliminary design and detailed planning phase of the project – is running at a total of approximately £950,000 of which £661,748.70 has been claimed back from HIF, with a further claim of the balance due shortly as the project enters the construction phase.

Forward Plan

- 3.7** Scheduled for agreement at the next Project Board meeting on 8 June is the proposal to launch the tender for a fixed price, design and build construction contract.

Project Critical Path

- 3.8
- Construction contract tender launch – June 2022
 - Contract award – September/October 2022
 - Works start on site – November/December 2022
 - Project completion – Autumn 2023

4.0 KEY DELIVERY RISKS

- 4.1
1. **Planning challenge** – planning permission for the AboR was secured in March 2021 and the decision was challenged by way of Judicial Review, by Ashchurch Rural Parish Council. The decision of the High Court earlier this year, dismissed the challenge on all three of the grounds and leave to appeal was denied. However, the Court of Appeal has accepted the Parish Council's application to appeal the High Court judgment and the matter is currently with the Court of Appeal awaiting a Hearing date.

Impact – risk of delay to the project delivery plan.

- 4.2
2. **Project cost** – GCC's technical consultants Atkins are confident that the original cost estimates for the project remain valid, however, a further cost review exercise is planned prior to procurement of the construction contractor, noting that any 'estimates' will remain untested until the contract tender returns are received.

Impact – insufficient budget. Should the tender returns exceed the funding envelope available, the contract will not be awarded.

- 4.3
3. **Network Rail (NWR) Asset Protection Agreement liabilities** – any liabilities for the impact of the works will be transferred from NWR to TBC on signature of the relevant agreements.

Impact – all associated liabilities in this arena (works in a rail environment) are transferred as standard, however these are then subsequently 'flowed down' to and managed robustly by the selected construction contractor.

5.0 NEXT STEPS

- 5.1
- A further report on the progress of the AboR project will be brought to the Committee, once a construction contractor is selected, with an update regarding the final costings and projected delivery timeline.

6.0 OTHER OPTIONS CONSIDERED

- 6.1
- None.

7.0 CONSULTATION

- 7.1
- None at this stage of the project.

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 8.1
- Tewkesbury Borough Council Plan 2020-24 Housing and Garden Communities priorities.

9.0 RELEVANT GOVERNMENT POLICIES

9.1 The Garden Towns and Villages Programme established by the Ministry of Housing, Communities and Local Government (MHCLG) aimed at supporting the delivery of new garden towns and villages across the country.

10.0 RESOURCE IMPLICATIONS (Human/Property)

10.1 No specific additional resource requirements outlined within this report.

11.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

11.1 None.

12.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

12.1 None.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

13.1 Executive Committee June 2019.
Executive Committee February 2021.

Background Papers: None.

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Appendices: 1. ABoR Site Plan.