



3MG Executive Sub Board

**Thursday, 24 September 2009 3.30 p.m.
or at the Rise of the Mersey Gateway
Executive Board Meeting,
Marketing Suite, Municipal Building**

A handwritten signature in black ink, appearing to read 'David Wright'.

Chief Executive

COMMITTEE MEMBERSHIP

Councillor Rob Polhill (Chairman)
Councillor Steff Nelson
Councillor Marie Wright

*Please contact Lynn Derbyshire on 0151 471 7389 or email
lynn.derbyshire@halton.gov.uk for further information.
The next meeting of the Committee is on Thursday, 15 October 2009*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	
2. DECLARATIONS OF INTEREST	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
3. 3MG HIGHWAY WESTERN ACCESS - HIGHWAY AND RAIL AGREEMENTS	1 - 6

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT TO: 3MG Executive Sub-Board

DATE: 24 September 2009

REPORTING OFFICER: Strategic Director, Environment

SUBJECT: 3MG Highway Western Access – Highway and Rail Agreements

WARDS: Ditton and Riverside

1.0 PURPOSE OF THE REPORT

- 1.1 This report sets out the way in which the Council intends to enter into formal legal Agreements with Knowsley Metropolitan Borough Council and Network Rail in connection with the proposed A5300 Link Road (which provides the 3MG Highway Western Access) and seeks approval to do this.

2.0 RECOMMENDATION:

- 1) That an agreement under Section 8 of the Highways Act be entered into with Knowsley Metropolitan Borough Council over the adoption of the various proposed Highway elements within Knowsley.
- 2) That an Overbridge Agreement and associated standard agreements be entered into with Network Rail to enable the construction and operation of a new highway structure over the Liverpool Branch of the West Coast Main Line.
- 3) That the Chief Executive, in consultation with the Portfolio Holder for Planning, Transportation, Regeneration and Renewal be authorised to take all actions and make any decisions deemed appropriate in connection with the Section 8 and Overbridge Agreements for the proposed A5300 Link Road and that any such actions and decisions be reported back to the next meeting of the 3MG Executive Sub-Board.

3.0 BACKGROUND

- 3.1 The Council adopted the 3MG Masterplan in December 2004. The 3MG Programme is included in the Council's Corporate Plan, the Halton Partnership and Halton Borough Council's Urban Renewal Strategy and Action plan, and supports the Council's Urban Renewal corporate priority.
- 3.2 The Unitary Development Plan requires the developer of the Halton Field site to provide vehicular access which does not impact on local roads.

The proposed A5300 Link Road will provide a connection between the A5300-A562 junction and HBC Field.

- 3.3 A significant proportion of the proposed A5300 Link Road is within Knowsley. Traffic generated by the future development on HBC Field will impact upon the highway network in Knowsley, and particularly the A5300-A562 junction. Planning Approval for the Link Road has been secured from both Authorities (Halton and Knowsley). There are a number of conditions associated with the Planning Approval including the implementation of a traffic mitigation scheme at the A5300-A562 junction.
- 3.4 Discussions have taken place with Knowsley MBC over the adoption status and future maintenance arrangements for the various proposed Highway elements within Knowsley (see appended plan). It is intended that Halton Borough Council will undertake the role of Highway Authority for the rail overbridge and adjoining section of carriageway up to Newstead Road, which are both within Knowsley (Element 1 on the appended plan). Knowsley MBC will adopt the realigned section of Newstead Road, including the new roundabout (Element 2). A traffic mitigation scheme for the A5300-A562 junction has been developed to counter the effect of the traffic which will be generated by the future development on HBC Field (Element 3).
- 3.5 In order to formalise this arrangement it is necessary for the two authorities to enter into an agreement under Section 8 of the Highways Act 1980. The agreement will provide for Halton Borough Council to be fully responsible (for the whole period during which the bridge is in existence) for the relevant section of proposed highway, as well as for its construction. The agreement will also provide the mechanism for payment of a financial contribution by Halton Borough Council towards a traffic mitigation scheme at the A5300-A562 junction as required by the terms of the planning permission granted by Knowsley MBC on 17th September 2008. A preliminary design for a mitigation scheme has been produced and costed using actual construction rates. Following negotiation with Knowsley MBC, Halton Borough Council's contribution towards the mitigation scheme has been agreed at £400,000. This payment does not need to be made until a developer is secured and will form part of the total development costs. The developer will be responsible for the construction of the link road and bridge.
- 3.6 When a Highway Authority needs to construct a bridge over a railway owned and maintained by Network Rail it is necessary to enter into a formal Overbridge Agreement with Network Rail. A standard form of agreement has been developed for this purpose between the County Surveyors' Society and Network Rail. In assessing the standard Overbridge Agreement professional advice has been sought from Atkins Rail, MDS Transmodal and AON Commercial Insurance. This agreement is the best we can secure under the current Network Rail terms.

4.0 POLICY IMPLICATIONS

- 4.1 The development of the Highway Western Access is in accordance with current Council policies set out in the Unitary Development Plan, the Local Transport Plan and the 3MG Masterplan.

5.0 OTHER IMPLICATIONS

- 5.1 Resource implications – the cost of construction of the link road is intended to be met by the HBC Field developer. The financial implication for the Council is associated with the long term maintenance costs for the road and bridge. A schedule of the commuted sums for future maintenance of non-standard features has been prepared. These costs will be required to be met by the selected developer.

There remain a number of financial implications associated with the Overbridge Agreement:

- The increased cost to the Council in terms of insurance premiums;
- Network Rail's technical approval and legal costs;
- Network Rail's construction-phase costs for supervision and organisation of railway possessions.

In addition, both agreements will have implications in terms of the staff time required to prepare them.

- 5.2 Legal implications – while there are long term legal implications in entering into Section 8 and Overbridge agreements, both have established procedures for their completion.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

None known.

6.2 Employment, Learning and Skills in Halton

Overall the 3MG Programme will assist in providing job opportunities for local people and will go some way in addressing the level of unemployment in Halton.

6.3 A Healthy Halton

The overall 3MG Programme, and the A5300 Link Road in particular, provides new walking and cycling routes, which offer safe and affordable means of accessing key services and thereby can overcome many of the transport barriers often faced by people who do not own or have access to a car.

6.4 A Safer Halton

The Section 8 and Overbridge Agreements will enable the Council to design, construct and maintain the A5300 Link Road and rail overbridge with safety as a key element.

6.5 Halton's Urban Renewal

The 3MG Programme is acting as a catalyst to attract developers and new businesses to the area by creating an attractive, well-accessed and serviced area, which provides a safe and attractive environment for employees and visitors. The provision of the Highway Western Access is key to the development of the HBC Field site.

7.0 RISK ANALYSIS

7.1 The risks of entering into a Section 8 Agreement are no different to those accepted by the Council as highways authority in respect of its own highways.

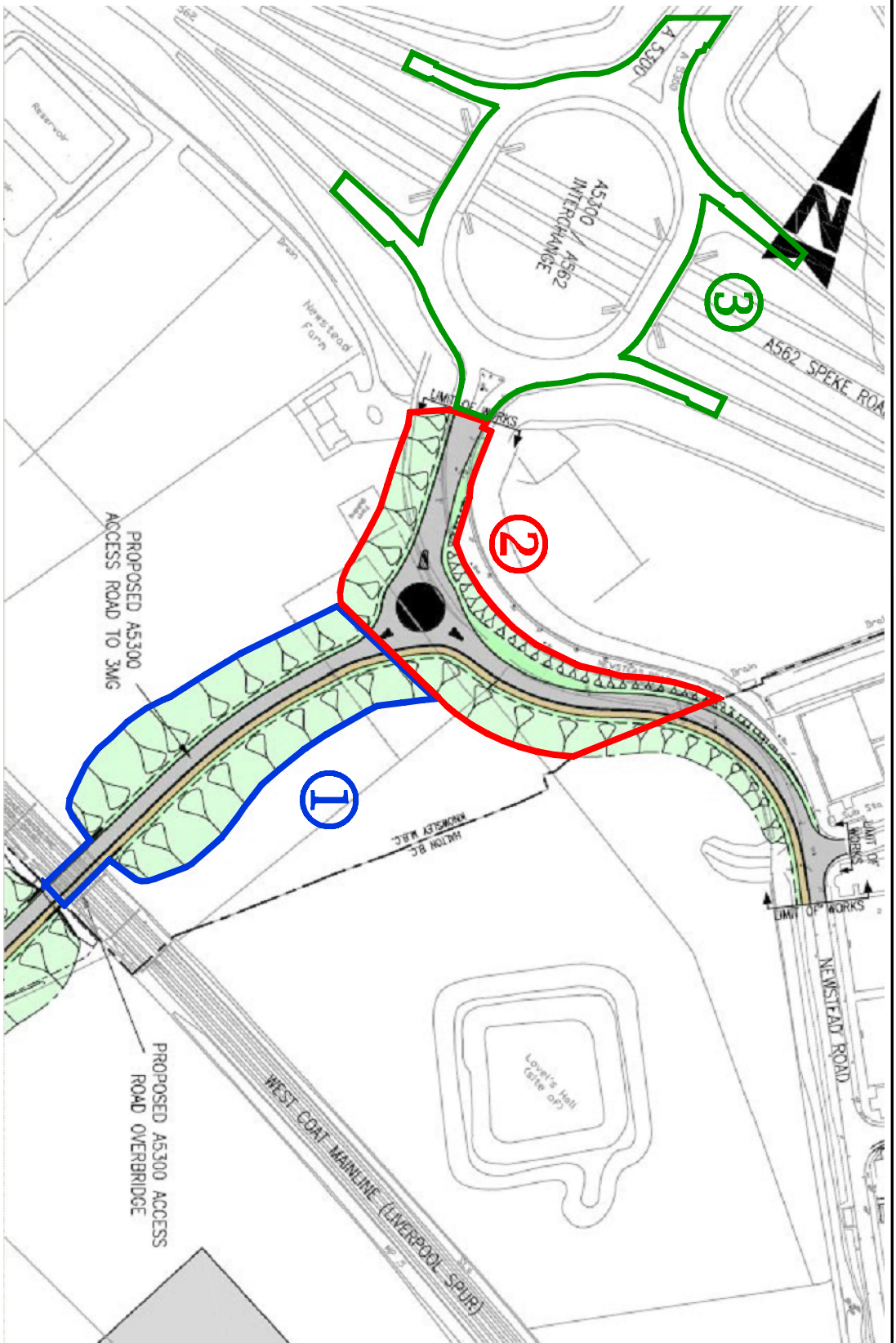
7.2 A schedule of the risks and implications associated with the Overbridge Agreement has been prepared. As stated in paragraph 5.1 there is a cost associated with this agreement in terms of insurances. Discussions on insurance matters are currently ongoing between HBC's Insurance Manager and the Council's Insurers. The overall costs are intended to be met by the scheme. A further report on the marketing of HBC Field will be submitted before the requirements of either the Section 8 Agreement or Overbridge Agreement come into effect.

8.0 EQUALITY AND DIVERSITY ISSUES

Not applicable.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972


Document	Place of Inspection	Contact Officer
DSFRP Masterplan	Major Projects	Sally McDonald
Overbridge Agreement – Risk Paper	Major Projects	Sally McDonald
HBC Planning Approval Notice Ref. 08/00031/HBCFUL	Major Projects	Sally McDonald
KMBC Planning Approval Notice Ref. 08/00068/FUL	Major Projects	Sally McDonald



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- Element 1
- Element 2
- Element 3

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 <p>HALTON BOROUGH COUNCIL</p> <p>ENVIRONMENT</p> <p>Rd. Tregon B.A., M.A., M.C.T.P., A.M.I.A.G. Planning & Environmental Liaison Brunson, WVY 2001. Tel: 0200 889 4000</p>	
<p>A5300 Link Road</p> <p>Section 8 Agreement Plan</p>	
<p>Author: Hal to S8</p> <p>Drawn by: P. Powell</p> <p>Plan No: A5300 Link - S8</p>	<p>Date: March 2009</p> <p>Checked by: N. Chan</p>