

CITY COUNCIL – 25 JUNE 2007

REPORT OF THE PORTFOLIO HOLDER FOR ENVIRONMENT, TRANSPORT AND STREET SERVICES

NET PHASE TWO – TRANSPORT AND WORKS ACT ORDER SUBMISSION

1 SUMMARY

- 1.1 At the City Council meeting held on 5 March 2007, approval was given for the submission of a Transport and Works Act (TWA) Order application and associated documentation, jointly with Nottinghamshire County Council, for NET Phase Two. The TWA Order and associated applications will seek the necessary powers, consents, permissions and licences that are necessary to construct, build and operate NET Phase Two and to enable its integrated operation with Line One.
- 1.2 The TWA Order application was lodged with the Secretary of State for Transport on 26 April 2007. Now that the application has been submitted, the Council is required by section 239 of the Local Government Act 1972 to meet to decide whether or not to confirm its decision. Given that the circumstances leading to that resolution have not changed, it is recommended that Council confirm the resolution made at the meeting on 5 March 2007 to promote the Transport and Works Act Order application.

2 RECOMMENDATIONS

- 2.1 It is **RECOMMENDED** that the City Council confirms, by a majority of the Council, the requirement of section 239 of the Local Government Act 1972, their decision taken on 5 March 2007 which was as follows :-

- (1) The joint promotion with Nottinghamshire County Council of an order made under the Transport and Works Act 1992 (“the Order”) by the Secretary of State for Transport:-
 - (a) to authorise the construction and operation of two extensions to the Nottingham Express Transit System, running from the present terminus of the system at Nottingham railway station in the City of Nottingham to:-
 - (i) Clifton in the City of Nottingham; and
 - (ii) Chilwell in the Borough of Broxtowe in the County of Nottinghamshire via Beeston in that Borough (“the Extensions”);
 - (b) to make provision in the City of Nottingham and in the Boroughs of Broxtowe and Rushcliffe in the County of Nottinghamshire for the stopping up or diversion of existing rights of way, traffic regulation, street works, the construction of tram 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 Extensions; and
 - (c) to provide for the repeal of provisions of the Greater Nottingham Light Rapid Transit Act 1994 (which authorised the construction and operation of the existing Nottingham Express Transit System), in particular so that from the day specified in the Order the operation and maintenance of the existing Nottingham Express Transit System will be governed by the Order rather than by that Act;

be approved;
- (2) The Corporate Director of City Development, be authorised in consultation with the Portfolio Holder for Environment, Transport and Street Services, to take all such steps as may

be necessary (including a joint agreement with the County Council) 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) That the corporate seal of the Council be affixed to any documents required to be sealed in connection with the application for and subsequent promotion of the Order.

3 BACKGROUND

3.1 It is proposed to build on the success of NET Line One by the development of NET Phase Two which will establish extensions of the NET system to Clifton via Wilford and to Chilwell via the Queens Medical Centre and Beeston. The proposals include major park and ride sites serving the A52 at Stapleford and the A453 at Clifton.

3.2 NET Phase Two will be fully integrated with NET Line One, with through services on the expanded network, creating a wide range of new journey opportunities and maximising the efficient use of the constrained road and bus network, especially in the city centre.

3.3 NET Phase Two is a core element of the Greater Nottingham Transport Strategy and will bring:

- a step change in public transport provision in the congested and well populated south-west and western part of the Greater Nottingham conurbation.
- a safe, environmentally clean and reliable form of transport
- a boost for the economic confidence of the city and a catalyst for economic growth and regeneration.

3.4 More specifically NET Phase Two can:-

- significantly improve accessibility and transport capacity along the A52 and A453 corridors, co-ordinating with intra urban transport proposals.
- release capacity in the City centre for bus expansion on non-tram route corridors
- enhance access to major facilities of key importance to the conurbation, such as Nottingham Railway Station, The University of Nottingham and the Queens Medical Centre.
- support sustainable economic and environmental regeneration on the southside of the City, including the Meadows.
- encourage and support the Nottingham Station Masterplan.

3.5 The proposals are fully consistent with strategies for land use, planning and economic development, and with policies at national, regional, sub regional and local level. In particular they are fully consistent with the Greater Nottingham Local Transport Plan, the Regional Spatial Strategy, the Joint Nottingham and Nottinghamshire Structure Plan, and the Nottingham, Rushcliffe and Broxtowe Local Plans.

4 PREVIOUS COUNCIL RESOLUTION

4.1 At the Council meeting on 5 March 2007, a report was considered on promoting, jointly with Nottinghamshire County Council, a Transport and Works Act (TWA) Order application for NET Phase Two. The TWA Order and associated applications will seek the necessary powers, consents, permissions and licences that are necessary to construct, build and operate NET Phase Two and to enable the integrated operation of Line One.

4.2 The report outlined the project development and purpose, and summarised the public and stakeholder consultation that has taken place. The proposed alignments were described in

some detail, including the main environmental impacts during construction and operation of the scheme, and proposed mitigation of those impacts, and the main land acquisition and use requirements. The TWA Order itself and associated documentation were described, together with project funding proposals and cost-benefit analysis.

4.3 As recommended by Officers, the Council resolved as follows:-:

“RESOLVED on the motion of Councillor Grocock, seconded by Councillor Taylor, and by a majority meeting the requirement of section 239 of the Local Government Act 1972, that:-

(1) The joint promotion with Nottinghamshire County Council of an order made under the Transport and Works Act 1992 (“the Order”) by the Secretary of State for Transport:-

(a) to authorise the construction and operation of two extensions to the Nottingham Express Transit System, running from the present terminus of the system at Nottingham railway station in the City of Nottingham to:-

(i) Clifton in the City of Nottingham; and

(ii) Chilwell in the Borough of Broxtowe in the County of Nottinghamshire via Beeston in that Borough (“the Extensions”);

(b) to make provision in the City of Nottingham and in the Boroughs of Broxtowe and Rushcliffe in the County of Nottinghamshire for the stopping up or diversion of existing rights of way, traffic regulation, street works, the construction of tram 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 Extensions; and

(c) to provide for the repeal of provisions of the Greater Nottingham Light Rapid Transit Act 1994 (which authorised the construction and operation of the existing Nottingham Express Transit System), in particular so that from the day specified in the Order the operation and maintenance of the existing Nottingham Express Transit System will be governed by the Order rather than by that Act;

be approved;

- (2) The Corporate Director of City Development, be authorised in consultation with the Portfolio Holder for Environment, Transport and Street Services, to take all such steps as may be necessary (including a joint agreement with the County Council) 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) That the corporate seal of the Council be affixed to any documents required to be sealed in connection with the application for and subsequent promotion of the Order”.

4.4 The County Council approved a similar resolution at its meeting held on 22 February 2007, and this was confirmed at a meeting of the County Council on 17 May 2007.

5 SUBSEQUENT DEVELOPMENTS

- 5.1 The formal TWA Order application was lodged with the Secretary of State on 26 April 2007. Concurrently, a request has been made for a direction deeming full planning permission to have been granted for the development authorised by the TWA Order, together with three listed building and seven conservation area consents.
- 5.2 Notices were served on the application date on all affected parties and the TWA Order and associated documents were made available for public inspection and scrutiny. This period

lasted for six weeks (finishing on 7 June 2007) and was the time in which objections and other representations could be made to the Secretary of State for Transport by any interested party.

- 5.3 The Secretary of State can be expected to call a public inquiry to assist him in deciding the TWA Order application. This is likely to begin in November 2007.
- 5.4 Now that the TWA Order application has been submitted, the Council is required by s239 of the Local Government Act 1972 to meet to decide whether to confirm the resolution set out above. Given that the circumstances leading to that resolution have not changed, it is recommended that Council confirm the resolution made at the meeting on 5 March 2007 to promote the TWA Order application to the DfT which, together with associated applications, will seek the necessary powers to build, operate and maintain NET Phase Two and to enable the continued operation of Line One.

6 OTHER OPTIONS CONSIDERED WHEN MAKING RECOMMENDATIONS

- 6.1 In accordance with Government transport appraisal requirements consideration has been given to alternatives to light rail expansion, including enhancing the existing bus network and facilities or the introduction of guided or similar 'state of the art' buses. These alternative proposals have been identified as providing a level of economic benefit commensurate with their scheme cost, but at a much lower level than the NET Phase Two proposals. These alternatives to NET are unable to meet either national or local objectives as effectively as NET Phase Two. This has been recognised by the Department for Transport in awarding the scheme Programme Entry Approval.
- 6.2 In order to maximise the positive contribution of public transport and to ensure full integration between trams and buses, the complementary bus network and facilities in the Clifton and QMC/Beeston corridors will be developed. Bus

information displays, and integrated ticketing will be explored through discussion with bus operators.

7 FINANCIAL IMPLICATIONS

- 7.1 Financial implications were addressed in detail in the 5 March 2007 Council report and are not repeated here. There are no further issues arising.

8 VALUE FOR MONEY

- 8.1 Based on Government guidance it is possible to provide an assessment of the overall value for money of the NET Phase Two proposals. NET Phase Two has a monetised cost benefit ratio in excess of 2.5 and as such places it in the High Value for Money category. In addition the real additional benefits of the proposals for which monetised values have not been included in the cost benefit analysis, including wider economic development and regeneration impacts and the value of improved reliability and integration with other transport modes, confirm the value for money of NET Phase Two.

9 LEGAL IMPLICATIONS

- 9.1 Legal issues were addressed in detail in the 5 March 2007 Council report and are not repeated here. Section 239 of the Local Government Act 1972 applies to the pursuit of a TWA Order and requires a confirming decision of the Council, by a majority of all Members of the Council, in respect of the original decision to promote the Order.

10 RISK MANAGEMENT ISSUES

- 10.1 NET Phase Two is being developed utilising a comprehensive risk management strategy. A full risk register is in place and is actively managed and monitored in line with the NET Phase Two Project Management Plan.

11 CRIME AND DISORDER IMPLICATIONS

NET is a reliable and safe form of transport.

12 EQUALITY AND DIVERSITY IMPLICATIONS

NET is fully compliant with the requirements of Disability Discrimination legislation and offers an accessible form of transport for those with mobility difficulties.

13 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- Nottingham Express Transit: Phase Two Major scheme appraisal

14 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- NET Phase Two – City Council 5 March 2007.
- Local Transport Plan for Greater Nottingham 2006/7 to 2010/11.
- Nottinghamshire and Nottingham Joint Structure Plan. Adopted February 2006.
- Nottingham Local Plan. Adopted November 2005.
- Broxtowe Local Plan. Adopted September 2004.
- Rushcliffe Borough Non-Statutory Replacement Local Plan. Approved December 2006.
- Draft East Midlands Regional Plan (Review) of the Regional Spatial Strategy for the East Midlands) – issued for public consultation September 2006 by EMDA.
- Transport and Works Act (Applications and Objections Procedure) (England and Wales) Rules 2006.

**COUNCILLOR BRIAN GROCOCK
PORTFOLIO HOLDER FOR
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