

6th June 2019

Agenda Item: 12

REPORT OF CORPORATE DIRECTOR (PLACE)

NOTTINGHAM EXPRESS TRANSIT ROUTE EXTENSION – HIGHWAY HANDOVER

Purpose of the Report

1. To inform Committee of the present position regarding outstanding non-safety defects and highway handover process associated with Nottingham Express Transit (NET) Tram route extensions to Clifton and Toton and agree to continue to seek to resolve outstanding issues.

Information

2. NET lines 2 and 3 to Clifton and Chilwell became operational on 25th August 2015 following a construction period which commenced early in 2012. The two additional routes more than doubled the size of the Nottingham tram network adding 17.5 km of new track, 28 new stops and 2 new park and ride sites which are the termination points for the outbound lines.
3. Trams on line 2 from the Clifton South Park and Ride site (parking capacity 1,000 vehicles) operate at a 7 to 10-minute frequency between 7am and 9pm which offers a journey time of 21 minutes into Nottingham Station. From 6am to 7am and 9pm to midnight the frequency is every 15 minutes.
4. Trams on line 3 from the Toton Lane Park and Ride site (parking capacity 1,400 vehicles) operate at a 7 to 10 minute frequency between 7am and 9pm offering a journey time to QMC of 20 minutes and 28 minutes into Nottingham Rail Station. From 6am to 7am and 9pm to midnight the frequency is every 15 minutes.
5. A 23-year contract was let by Nottingham City Council to Tralink Nottingham in December 2011 for the design, build, operation and maintenance of the NET network. Tralink Nottingham was formed as a Special Purpose Vehicle (SPV), under which Taylor Woodrow Alstom (TWA) were formed as the Design and Construction Joint Venture. The Operations and Maintenance contract is with Nottingham Trams Limited (NTL), who are made up of Keolis and Wellglade (the parent company of Trent Barton).
6. A report was previously presented to Transport and Highways Committee at its meeting on 20th October 2016 with an update on the first year of operation and highway issues arising from the construction.

Highway Handover

7. Throughout construction period, Nottinghamshire County Council (NCC) carried out an approvals process for designs ahead of construction and had representatives employed to oversee construction. All associated staff costs being directly rechargeable to the NET project with no cost to NCC.
8. During the construction period major defects and design issues were picked up and wherever possible addressed to correct before the service went live. Despite that process, during post completion joint inspections of works a significant number of technical defects were identified and presented to the main contractor Taylor Woodrow Alstom (TWA) for action.
9. For completeness, all defects were recorded and passed to TWA ranging from poor workmanship or kerbs being chipped through to more significant issues such as numerous dropped crossings being out of technical tolerance with design standard requirements.
10. The usual post completion process on construction projects is that the contractor will within an agreed timeframe address all agreed defects to the satisfaction of the client or in this case the local highway authority. This position is usually reached following a negotiation during which on occasion the client may be prepared to remove items from the defect list if considered appropriate to do so. It was anticipated that TWA would revert to NCC with an offer to repair most of the identified defects and at that point a reasonable dialogue could have agreed a list for action, this has not occurred.
11. The situation remains that to date TWA have failed to make significant inroads into the technical defect list. The only notable repair being related to flooding issues which required significant action from NCC / Via EM officers to achieve. Following those repairs TWA carried out a joint review of all drainage along the routes and have since completed additional remedial works. The roads in question are safe and the defects that are outstanding are technical i.e. non-safety defects. The defects referred to in this report in no way relate to the safe operation of the tram network.
12. At present Via EM on behalf of NCC carry out inspections along the route to identify any new safety related defects arising. Any defects arising are not presently funded through NCC budgets but are passed to the Tramlink (tram operator) for resolution. This process is in place as NCC has not formally taken back the highway post completion of tram works despite best efforts of NCC and Via EM staff. This is an unusual situation given main works were complete in Summer 2015 and is not considered to be a sustainable position.
13. A conclusion needs to be reached whereby NCC formally receives back the altered highway, as it is a highway in the County and Nottinghamshire County are the responsible Highways Authority under the Highways Act 1980. To this end NCC representatives recently met with Nottingham City representatives with a proposition that a cash transfer be paid to NCC to cover the anticipated cost of repairing defects and including a commuted sum for any further defects arising. The usual maintenance period will be waived meaning NCC would be responsible for the highway upon transfer of funds. Nottingham City Council is key to the process as the 2009 Transport Works Act Order includes a mechanism whereby City Council are the route for the County Council to recover costs or seek financial resolution in these circumstances. The discussions with Nottingham City Council have been conducted in a positive and constructive manner and are ongoing.

Other Options Considered

14. Other options considered relate to not seeking funds to facilitate the handover of the highway network and continuing to wait for resolution of the defects by TWA.

Reasons for Recommendations

15. The recommendations are made so that the County Council achieves handover of the highway network as soon as possible.

Statutory and Policy Implications

16. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

17. This report is for information only and there are no direct financial implication arising from the report. However, depending upon the progress made with negotiations, the revenue budget will need updating to reflect the income and works required.

Public Sector Equality Duty implications

18. As part of the process of making decisions and changing policy, the Council has a duty 'to advance equality of opportunity between people who share a protected characteristic and those who do not' by thinking about the need to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who don't;
- Foster good relations between people who share protected characteristics and those who don't.

19. Disability is a protected characteristic and the Council therefore has a duty to make reasonable adjustments to proposals to ensure that disabled people are not treated unfairly.

20. A key element of the outstanding defects is the compliance of pedestrian crossing points with appropriate standards.

RECOMMENDATION/S

It is **recommended** that:

- 1) Committee recognises the present position regarding outstanding technical defects and highway handover process associated with Nottingham Express Transit (NET) Tram route extensions to Clifton and Toton and instructs officers to continue to work to secure a satisfactory resolution as soon as is achievable.

Name and Title of Report Author

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For any enquiries about this report please contact:

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Constitutional Comments (SSR 13/5/2019)

21. The recommendation falls within the scope of matters that may be approved by Communities and Place Committee.

Financial Comments (RWK 08/05/19)

22. There are no specific financial implications arising directly from the report

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

All relevant documents for the proposed scheme are contained within the scheme file which can be found in the Major Projects and Improvements section at Trent Bridge House, Fox Road, West Bridgford, and Nottingham.

Specific reports include:

- Report to Transport and Highways Committee, 20th October 2016
Nottingham Express Transit Route Extension – Update on First Year of Operation
- Report to Transport and Highways Committee, 21st September 2016
Agenda Item 4
Integrated Transport and Highway Maintenance Capital Programmes 2016/17
- Report to Transport and Highways Committee, 17th July 2014
Agenda Item 7
Nottinghamshire Express Transit: Nottingham – Toton Extension, Update to Special Hardship Fund
- Report to Transport and Highways Committee, 20th March 2014
Agenda Item 5
Nottinghamshire Express Transit: Nottingham – Toton, Financial Assistance Package
- Report to Transport and Highways Committee, 31st October 2013
Agenda Item 8

Nottinghamshire Express Transit: Nottingham – Toton Extension, Financial Assistance Package for Local Traders and Business

Electoral Division(s) and Member(s) Affected

Bramcote and Beeston North
Beeston Central and Rylands
Stapleford and Broxtowe Central
Stapleford and Broxtowe Central
Toton, Chilwell and Attenborough
West Bridgford West

Councillor Steve Carr
Councillor Kate Foale
Councillor John Doddy
Councillor John Longdon
Councillor Richard Jackson
Councillor Gordon Wheeler