



meeting **COUNTY COUNCIL**

date **17 MAY 2007**

agenda item number

REPORT OF THE LEADER OF THE COUNTY COUNCIL AND THE CABINET MEMBER FOR ENVIRONMENT

NOTTINGHAM EXPRESS TRANSIT (NET) PHASE TWO: CONFIRMATION OF THE SUBMISSION OF AN ORDER UNDER THE TRANSPORT AND WORKS ACT 1992 TO AUTHORISE CONSTRUCTION AND OPERATION OF TWO EXTENSIONS TO THE SYSTEM

Purpose of Report

1. To confirm the submission of a Transport and Works Act (TWA) Order application for NET Phase Two.

Background

2. At the meeting of County Council on 22 February 2007, approval was given to promote, jointly with Nottingham City Council, a Transport and Works Act (TWA) Order application for NET Phase Two. The TWA and associated applications 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.
3. The report to the County Council 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. The Council resolved as follows:

Part A resolutions – Resolutions under Section 239 of the Local Government Act 1972 which require approval by a majority of the Members of the whole Council

1. approves the joint promotion with Nottingham City 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 & 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;
2. subject to the above, authorises the Strategic Director, Communities, in consultation with the Cabinet Member for Environment, to take all such steps as may be necessary 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. authorises the corporate seal of the Council to be affixed to any documents required to be sealed in connection with the application for and subsequent promotion of the Order; and

Part B resolutions – Other resolutions requiring approval under normal Council Standing Orders

4. approves the principle of pursuing the NET Phase 2 scheme within the broad budgetary envelope set out in the report, including the County Council’s share of the proposed operational costs and development costs based on the City/County proportions as set out in paragraphs 38 and 44 respectively, and delegates authority to the Cabinet to make all relevant and necessary further decisions to bring the Scheme into effect subject to:

- the Secretary of State making the TWA Order and granting all other subsidiary consents and permissions,
 - the Scheme continuing to receive relevant staged funding approvals from the DfT,
 - the scheme costs remaining within the budget envelopes described in this report; and
 - a final report to Council prior to entering into a new concession agreement for continued operation and maintenance of Line One and the design, construction, financing, operation and maintenance of Phase 2;
5. authorises the Assistant Chief Executive or his/her nominee in consultation with the Leader and the Cabinet Member for Environment to negotiate and settle the terms of a suitable agreement with the City Council governing the promotion and realisation of NET Phase 2 in all respects and the continued operation and maintenance of Line One, to reflect the proportion of costs to be shared between the Councils as approved by Council and set out within the report, together with such other terms including but not limited to mutual co-operation, project management and project governance as may be considered appropriate;
 6. approves the revised route alignments for NET Phase 2 as summarised in paragraph 23 and detailed in Appendices 3, 4, 5 and 6;
 7. approves the details and budgetary estimate of the proposed financial assistance package for traders in the Chilwell High Road/Chilwell Road area as set out in paragraphs 52 to 54 of the report;
 8. approves the advertising and letting of a contract for the advanced design of the Scheme as set out in the report together with such other interim contracts as may be necessary to progress the scheme within the approved development costs, such contracts to be in a form approved by the Assistant Chief Executive or his/her nominee; and
 9. authorises the Strategic Director, Communities or his/her nominee to take all operational project-related decisions to progress the Scheme through the development phases, subject to reports on progress to Cabinet at key milestones and such consultation as may be necessary and appropriate with the Leader, the Cabinet Member for Environment and the Cabinet Member for Finance and Property and other professional officers as the circumstances dictate.
5. The City Council approved a similar resolution at its meeting held on 5 March 2007.

Project Purpose and Outcomes

6. 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 Toton and the

A453 at Clifton. It 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.

7. 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 heavily 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 sub-region and a catalyst for economic growth and regeneration.

More specifically NET Phase Two can:

- Significantly improve accessibility and transport capacity along the A52 and A453 corridors, as a major part of a package of transport measures.
- 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 in areas such as Beeston, Chilwell High Road, Clifton and the Meadows.
- Encourage and support the Nottingham Station Masterplan.

8. The proposals are fully consistent with sub-regional and local 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 Nottinghamshire and Nottingham Joint Structure Plan, and the Nottingham, Rushcliffe and Broxtowe Local Plans.

Subsequent Developments

9. The formal TWA 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 Order, together with three listed building and seven conservation area consents.

10. Notices were served on the application date on all affected parties and the TWA and associated documents were made available for public inspection and scrutiny. This period will last for six weeks (finishing on 7 June 2007) and

is the time in which objections and other representations can be made by any interested party.

11. The Secretary of State for Transport can be expected to call a public inquiry to assist him in deciding the TWA application. This is likely to begin in November 2007.
12. Now that the TWA application has been submitted, the Council is required by S239 of the Local Government Act 1972 to meet to decide whether or not to confirm the resolution set out above. As was the case with the resolution by County Council on 22 February 2007, this resolution must be approved by a majority of Members of the whole Council. Given that the circumstances leading to that resolution have not changed, it is recommended that Council confirm the resolution made at the meeting on 22 February 2007 to promote the Transport and Works Act Order application to the Department for Transport 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.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and those using the service. Where such implications are material, they have been brought out in the text of the report.

RECOMMENDATIONS

14. It is RECOMMENDED that Council confirm the Resolution of the Council made at its meeting on 22 February 2007 to promote, jointly with Nottingham City Council, an order made under the Transport and Works Act 1992 by the Secretary of State for Transport 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 (1) Clifton in that City via Wilford in that City and to (2) Chilwell in the Borough of Broxtowe in the County of Nottinghamshire via the Queens Medical Centre in the City of Nottingham and Beeston in the Borough of Broxtowe, and to make consequential provision in relation to the operation and maintenance of Line One of the Nottingham Express Transit system.

COUNCILLOR DAVID KIRKHAM
Leader of the County Council

COUNCILLOR STELLA SMEDLEY
Cabinet Member for Environment

Financial Comments of the Strategic Director (Resources)

Details of the financial implications and funding of NET Phase Two were contained within the report approved by County Council on 22nd February 2007. There have been no subsequent significant changes since that date. [DP 27.4.07]

Legal Services' Comments

The decision falls within the authority of the Council. A majority in number of the members of the whole of the Council is required to pass the resolution which has been published in accordance with the relevant statutory requirements and which provides that the Council must pass a second resolution confirming its resolution made in February 2007 under section 239 of the Local Government Act 1972

[HD 4.5.07]

Background Papers Available for Inspection

None.

Electoral Division(s) and Member(s) Affected

All.

ps.sc/vs/ps9
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