

CABINET MEETING – 8 DECEMBER 2020

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

NEW WEAR FOOTBRIDGE – PROJECT UPDATE AND NEXT STEPS

Author(s):

Report of the Executive Director of City Development

Purpose of Report:

To seek Cabinet approval for the preferred design for the New Wear Footbridge (“the Scheme”), the procurement process for the appointment of a design and build contractor and other steps necessary to carry out the Scheme.

Description of Decision:

Cabinet is requested to:

- 1) Approve the preferred design for the Scheme as set out in the drawings ‘Option 1 – General Arrangement’ (SCC-NWF-ATK-SBR-XX-DR-S-000001) and ‘Option 1 – Visual’ in Appendix A to this report.
- 2) Authorise the Executive Director of City Development, in consultation with the Deputy Leader of the Council:
 - to take all necessary action to progress the delivery of the Scheme;
 - to undertake the procurement process and subject to confirmation of funding within the 2021/2022 Capital Programme, to subsequently appoint a design and build contractor to deliver the Scheme;
 - to acquire such land and/or rights by agreement as may be required for the delivery of the Scheme and on such terms as considered appropriate; and
 - to appoint such additional professional consultants as required for the delivery of the Scheme.
- 3) Agree to receive a further report in due course if required on the potential use of Compulsory Purchase Order (CPO) powers to support the delivery of the Scheme.
- 4) Authorise the Chief Executive, Executive Director of Corporate Services and/or the Assistant Director of Law and Governance to execute all legal documents as required to give effect to the above.

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

Approval of the proposals will enable the necessary actions to take place to progress the delivery of the Scheme, including the submission of the planning application, the acquisition by consent of scheme land and rights and the procurement of an experienced design and build contractor.

The delivery of the Scheme will play a significant role in the regeneration of Sunderland Riverside and provide an economical, practical yet elegant solution to connect Vaux and Sheepfolds.

Alternative options to be considered and recommended to be rejected:

The following options have been considered and are recommended to be rejected:

1. Do Nothing: this would not support the Council's aspirations to deliver this key element of the Riverside Sunderland Masterplan.
2. Consider further alternative bridge designs: Several options have already been considered to this point against the chosen solution based on parameters of design, maintenance, buildability, critical programme, construction impact, setting and whole life cost affordability. Further optioneering would delay the project and prejudice achievement of the first key milestone of the Riverside Sunderland Masterplan and lead to potential disruption to the other planned and committed developments on Vaux.

Impacts analysed;

Equality Privacy Sustainability Crime and Disorder

Is the Decision consistent with the Council's co-operative values? Yes

Is this a "Key Decision" as defined in the Constitution? Yes

Is it included in the 28 day Notice of Decisions? Yes

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NEW WEAR FOOTBRIDGE – PROJECT UPDATE AND NEXT STEPS

Report of the Executive Director of City Development

1. Purpose of the Report

- 1.1 To seek Cabinet approval for the preferred design for the New Wear Footbridge (“the Scheme”), the procurement process for the appointment of a design and build contractor and other steps necessary to carry out the Scheme.

2. Description of Decision (Recommendations)

- 2.1 Cabinet is requested to:

- 1) Approve the preferred design for the Scheme as set out in the drawings ‘Option 1 – General Arrangement’ (SCC-NWF-ATK-SBR-XX-DR-S-000001) and ‘Option 1 – Visual’ in Appendix A to this report.
- 2) Authorise the Executive Director of City Development, in consultation with the Deputy Leader of the Council:
 - to take all necessary action to progress the delivery of the Scheme;
 - to undertake the procurement process and subject to confirmation of funding within the 2021/2022 Capital Programme, to subsequently appoint a design and build contractor to deliver the Scheme;
 - to acquire such land and/or rights by agreement as may be required for the delivery of the Scheme and on such terms as considered appropriate; and
 - to appoint such additional professional consultants as required for the delivery of the Scheme.
- 3) Agree to receive a further report in due course if required on the potential use of Compulsory Purchase Order (CPO) powers to support the delivery of the Scheme.
- 4) Authorise the Chief Executive, Executive Director of Corporate Services and/or the Assistant Director of Law and Governance to execute all legal documents as required to give effect to the above.

3. Introduction/Background

- 3.1 Two bridges over the River Wear are proposed in the Riverside Sunderland Masterplan, a high level pedestrian/cycleway bridge linking Vaux and Sheepfolds and an intermediate level bridge linking Galleys Gill with the riverside path to the north.
- 3.2 Following approval by Cabinet on 24 March 2020, a consultant, Atkins, was appointed to carry out a feasibility study into options for both proposed bridges.

- 3.3 Consultation during development of the Masterplan subsequently led to prioritisation of the high level bridge, as part of the first key stage in delivery of the Masterplan (2020-23) together with the Expo Festival of Future Living. A further programme imperative requires construction to commence on the foundations of the proposed high level bridge in Summer of 2021 to minimise interference on the Legal and General office development plots on Vaux which are adjacent to the southern end of the proposed bridge and Vaux housing phase. Proposals for the intermediate level bridge will be developed later, as part of the second key stage (2024-30) and are subject to external grant funding success.
- 3.4 In parallel with the feasibility study, key risk areas have been addressed and are being mitigated including:
- Ground investigation: Work has been completed which builds on previous ground investigations in the area and confirms the suitability of the ground conditions used for preliminary design of the proposed bridge foundations.
 - Consenting: Consenting for river crossings and works next to rivers is complex and categorised as a high risk area which can result in higher tender prices due to uncertainty and delay risk if the consents are not obtained as early as possible. Collaborative working has already started to apply for all consents, licenses and permits, in so far as can be discharged ahead of the Invitation to tender and/or contract award, led by a dedicated Consents Manager. Cabinet has already authorised the making of a bridge scheme under Section 106(3) of the Highways Act 1980 and the submission of an application for a marine licence to the Marine Management Organisation.
 - Land Assembly: An initial referencing exercise has been carried out to identify any permanent or temporary interests (and whether land or rights) required for the delivery of the scheme. This exercise has identified seven third-party interests as potentially being affected including the Crown who own the riverbed in this location. As explained further below, negotiations are underway through an appointed agent to seek to acquire the necessary land and rights required for the Scheme by agreement. In addition to any permanent land or rights required, temporary closure of the riverside amenity areas for safety reasons will be necessary during the construction phases to meet statutory health and safety requirements.
 - Construction Method/Impact: The design has been chosen to maximise steelwork prefabrication of the deck superstructure which serves to minimise construction impact risks and this is being fully rehearsed. It also provides an opportunity for the Port of Sunderland on the assumption that the prefabricated units are transported by the contractor up river, similar to the Northern Spire.
 - Early Contractor Involvement: Pre-procurement supplier engagement meetings have been organised via the relevant NEPO framework prior to the commencement of the formal process to seek initial views on key issues such as the programme, risk allocation and the form of contract.

4. Current Position

- 4.1 The proposed location of the high level bridge has been determined as the Masterplan has developed as an extension to the Keel Line, landing at the north at a point which will cause minimum impact on proposed developments in Sheepfolds. The width of the bridge, 10m overall, has been established based on a previous study for a New Wear Footbridge in a similar location, and confirmed by analysis of likely pedestrian flows.
- 4.2 The level of the bridge above the river is set by linking existing ground levels on both sides of the river. A constraint on any bridge form is to maintain the vertical clearance to the river and a navigation width which will not restrict present or likely future river use.
- 4.3 The proposed preferred bridge form followed an initial review of a wide range of options, from functional to landmark. These options, together with relative costs, were considered in detail during a workshop with Atkins. Two options were selected for detailed consideration, Option 1, a haunched steel box girder bridge and a more complex steel lattice arch bridge, Option 2, both shown in Appendix A. Atkins were asked to consider constructability, initial construction cost, time for construction, aesthetics and whole life costs.
- 4.4 With the box girder bridge as a benchmark, the lattice arch was estimated to cost 26% more and take 23% longer to construct. The whole life cost over the 120 year design life was estimated at 27% more. Specialist contractors were consulted to confirm cost and time estimates and constructability issues. Based on this comparison, the box girder bridge is preferred on cost and constructability and simple elegant lines in order to frame the existing arch bridges, not compete with them nor overshadow the considerable investment in the quality buildings planned on Vaux and Sheepfolds. It is considered to reflect the objectives and illustration in line with the Riverside Masterplan.
- 4.5 The total estimated project cost for the Scheme based on the preferred option is £31.0m. This includes all design, design check, construction, supervision, project management, land assembly and related costs, including an appropriate allowance for pricing risk for a project at this stage of development whilst at the same time de-risking is ongoing.
- 4.6 It is proposed to adopt the preferred design as a 'Reference Design' and commence a design and build procurement process, seeking tenders from suitably experienced contractors from the appropriate NEPO framework to finalise the design and carry out construction. In order to meet the target date for completion, the procurement process must be progressed urgently, in parallel with planning and other consenting procedures already commenced to meet a site start of Summer 2021, thereby minimising interference with investors' proposals on Vaux.

4.7 Milestones

Feasibility Study substantially complete	Oct 20
Industry market sounding	Nov 20
Approval of preferred design	Dec 20
Full Planning Application	Dec 20
Funding approval	Mar 21
Determination of Planning Application	Mar 21
Appointment of Contractor under pre-construction services agreement	Mar 21
(Subject to the grant of all necessary Consents) Commencement on Site	Jul 21
Planned Bridge Opening	May 23

- 4.8 In relation to the acquisition of the relevant land and rights, negotiations are currently underway with the owners of the relevant interests that have been identified as potentially being required permanently or temporarily to deliver the scheme. An experienced property agent has been appointed by the Council to support the negotiation process. It is currently considered that all interests can be acquired by negotiation at a price which is considered commercially acceptable and represents value for money for the Council.
- 4.9 In the event that the relevant land and rights cannot be acquired by agreement, then full consideration will be given to the potential use of the Council's compulsory purchase powers (CPO) under Part XII of the Highways Act 1980 in order to deliver the Scheme. If required, this will be subject to a separate report to Cabinet in due course.

5. Reasons for the Decision

- 5.1 Approval of the proposals will enable the necessary actions to take place to progress the delivery of the Scheme, including the submission of the planning application, the acquisition by consent of Scheme land and rights and the procurement of an experienced design and build contractor. The delivery of the Scheme will play a significant role in the regeneration of Sunderland Riverside and provide an economical, practical yet elegant solution to connect Vaux and Sheepfolds.

6. Alternative Options

- 6.1 The following options have been considered and are recommended to be rejected:
- 1) Do Nothing: this would not support the Council's aspirations to deliver this key element of the Riverside Sunderland Masterplan.
 - 2) Consider further alternative bridge designs: Several options have already been considered to this point against the chosen solution based on parameters of design, maintenance, buildability, critical programme, construction impact, setting and whole life cost affordability. Further optioneering would delay the project and prejudice achievement of the first key milestone of the Riverside Sunderland Masterplan and lead to potential disruption to the other planned and committed developments on Vaux.

7. Impact Analysis

- (a) **Equalities** – The needs of all users have been considered in developing the design of the bridge. The completed bridge will provide step and traffic free access between the City Centre and Sheepfolds for pedestrians, cyclists and wheelchair users. A full Equality analysis will be developed in due course as part of the design development.
- (b) **Privacy Impact Assessment (PIA)** – Not Applicable
- (c) **Sustainability** – The project will improve levels of sustainable mobility across the city. Appropriate impact assessments will be carried out during the design and construction phases.
- (d) **Reduction of Crime and Disorder – Community Cohesion / Social Inclusion** – The project will promote community cohesion and social inclusion between the Sheepfolds and Vaux development areas within the wider Riverside area. CCTV is being considered for monitoring purposes

8. Other Relevant Considerations / Consultations

- (a) **Co-operative Values** – Initial contact has been made with statutory bodies such as the Environment Agency, Marine Management Organisation, Natural England and Historic England, as well as local stakeholders such as the Port of Sunderland, to develop a cooperative relationship for the project, minimise consenting risk and maximise opportunity for Port of Sunderland and the river. Public consultation will be carried out as part of the planning process.
- (b) **Other Considerations:**
 - (i) **Financial Implications** – The costs for the land acquisitions and the ongoing feasibility and design will be funded within the current approved Capital Programme from the Strategic Acquisition and Developments, and Scheme Feasibility and Design projects budgets. The estimated cost of £31m to deliver the Capital works is to be considered elsewhere on the agenda in the Capital Programme Planning 2021/2022 to 2024/2025 and Capital Strategy report, and the funding of this will be considered as part of the 2021/2022 Budget Planning Process.
 - (ii) **Risk Analysis** – Risk has been considered throughout the feasibility stage and estimated costs are based on the appropriate level of optimism bias at feasibility stage. A mitigation plan of critical risk areas is being implemented and encompassed in the cabinet report approval. As the project progresses further a detailed risk management strategy is being developed in line with normal Council procedures for projects of this value. Contractual risk will be managed under the contract on appointment of the design and build contractor and the appropriate form of contract.
 - (iii) **Employee Implications** – There are no employee implications resulting from this decision.

- (iv) **Legal Implications** – The procurement process for the appointment of the design and build contractor for the Scheme will be carried out in accordance with the requirements of the Public Contracts Regulations 2015 and the Council's Procurement Procedure Rules. It is proposed that the works contract will be competitively procured through a suitable framework agreement. Given the programme issues referred to earlier in this report, it is proposed that a two-stage approach is taken to the appointment of the contractor. Initially, the successful tenderer will be appointed via a pre-construction services agreement (PCSA) to carry out further design development, early works and to determine the final contract price based on an agreed maximum budget as fixed at tender stage and the final programme. Once the PCSA stage is complete, the parties will then enter into the agreed form works contract as included in the Council's tender documents.

In relation to the acquisition of the relevant land and rights required for the delivery of the scheme, the Council, as local highway authority, has the power to acquire land and rights by agreement which are required for the construction of a highway which is to be maintainable at public expense under Section 239(1) of the Highways Act 1980.

In addition, the Council also has the general right to acquire land by agreement under Section 120(1) of the Local Government Act 1972 for the purposes of any of their functions and/or the benefit, improvement or development of the area.

- (v) **Policy Implications** – The project is in full accordance with the provisions of the City Plan, including the regeneration of Sunderland Riverside.
- (vi) **Health & Safety Considerations** – Designing for Safety is an obligation on the Principal Designer under the Construction Design and Management (CDM) Regulations. Public Safety has been considered throughout feasibility and preliminary design of the bridge, and this will be further developed on appointment of a design and build contractor experienced in work of this nature. The successful tenderer will be appointed as transferring the Principal Designer role and undertaking the Principal Contractor role for its construction under the regulations.
- (vii) **Property Implications** – There are ongoing land negotiations to purchase parcels of land which are beneath or affected by the project. If required, the potential use of Compulsory Purchase Order powers will be considered at a later date. It is anticipated that any land identified as being required for the Scheme would form part of the structure and adopted highway for the purposes of ongoing maintenance and liability.
- (viii) **The Public / External Bodies** – Statutory bodies such as the Environment Agency, Marine Management Organisation, Natural England and Historic England have been and will continue to be engaged with on the delivery of the wider project. Further consultation will be carried out in advance of submitting a planning application.
- (ix) **Compatibility with European Convention on Human Rights (ECHR)**– In the event that a potential CPO is required for the Scheme at a later date, then the relevant Cabinet report will have regard to the issues arising under the ECHR.

- (x) **Project Management Methodology** – An experienced SCC team is in place and the project will be managed using the principles of the PRINCE2 model.
- (xi) **Procurement** – A Procurement Scoping Strategy report has been prepared by the Corporate Procurement team which has considered all potential procurement routes for the appointment of a design and build contractor for the Scheme.

9. List of Appendices

Appendix A

Option 1 - General Arrangement (Drawing SCC-NWF-ATK-SBR-XX-DR-S-000001)

Option 1 - Visual

Option 2 - General Arrangement (Drawing S CC-NWF-ATK-SBR-XX-DR-S-000002)

Option 2 - Visual

Riverside Sunderland Visual

