



**CABINET – 29 MARCH 2022**

**A511 GROWTH CORRIDOR PROPOSALS – BARDON LINK ROAD**  
**REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT**

**PART A**

**Purpose of the Report**

1. The purpose of this report is to advise the Cabinet on the progress of the A511 Growth Corridor proposals, including the projected cost increase as a result of an independent audit of the Council's Highways and Transport Capital Programme and the results of an informal consultation exercise on the proposed Bardon Link Road, an element of the Growth Corridor project.
2. The report also seeks approval to submit a planning application for the Bardon Link Road and authorisation for the necessary action to be taken to secure the land required to deliver the road.

**Recommendations**

3. It is recommended that:
  - a) The revised costs estimates for the A511 Major Road Network (MRN) project arising from the independent audit of the Highways and Transport Capital Programme be noted;
  - b) The resultant financial approach, developed to address the revised project costs, be noted;
  - c) The results of the informal consultation on the proposed Bardon Link Road be noted;
  - d) The proposed route for the Bardon Link Road, as set out in Appendix A to the report, be approved and that the Director of Environment and Transport be authorised to make minor alterations to the route as necessary;
  - e) The Director of Environment and Transport be authorised:
    - i. Following consultation with the Director of Corporate Resources and the Cabinet Lead Member for Highways, Transportation and Flooding, to continue all necessary work to progress the A511 Growth Corridor scheme including submission of the Full Business Case (FBC) to the Department for Transport (DfT); and submit a planning application in

respect of the route of the Bardon Link Road aligned to the programme for scheme delivery as required by DfT;

- ii. Pursuant to the above, in consultation with the Director of Law and Governance and following consultation with the relevant Cabinet Lead Members, to continue discussions with landowners and stakeholders, with a view to reaching voluntary agreement over the purchase and/or reservation of land for the Bardon Link Road elements of the A511 Growth Corridor MRN project;
- iii. To authorise and make preparations in parallel with (ii) above for the use of compulsory purchase powers pursuant to the Highways Act 1980 and the Acquisition of Land Act 1981, taking all steps necessary to include the preparation of the Draft Compulsory Purchase Order, associated Side Roads Order and Statement of Reasons.

### **Reason for Recommendations**

4. To note the projected cost increases for the A511 MRN project following the recent independent audit of the Environment and Transport Capital Programme and plans in place to secure the additional funding required.
5. To note the outcome of the pre-planning informal consultation which took place between 27 September 2021 and 31 October 2021 to support the development of a planning application and to enable the planning application with regard to the route of the Bardon Link Road to be submitted to the County Council's Development Control and Regulatory Board.
6. In order to complete the application process for DfT MRN funding, it is necessary for the County Council to prepare and submit a FBC before DfT funding is awarded.
7. Where possible, it is hoped that the acquisition of land and rights or interests in land will be achieved by negotiation and agreement with landowners. However, alongside and in conjunction with the negotiations with the landowners, it will be essential to commence the preparation for the use of the compulsory purchase powers to procure land and rights or interests in land along the route.
8. The circumstances in which the previous Cabinet authority was given in March 2021 to progress the A511 Growth Corridor scheme to FBC have significantly changed including market conditions, risks and the potential need to increase forward funding. The recommendations are proposed following consideration of these circumstances.

### **Timetable for Decisions (including Scrutiny)**

9. Subject to the Cabinet's approval, a planning application in respect of the route of the Bardon Link Road will be submitted for consideration by the Council's Development Control and Regulatory Committee in spring 2022.

10. Subject to the planning application being approved, and other Statutory Processes being completed (such as land acquisition) the Council will submit a FBC to the Department for Transport (DfT) in December 2023.
11. Discussions will continue with landowners and stakeholders, with a view to reaching voluntary agreement over the purchase and/or reservation of land for the Bardon Link Road elements of the A511 Growth Corridor MRN project.
12. Subject to the above, construction of the scheme is expected to commence in summer 2024.

### **Policy Framework and Previous Decisions**

13. In March 2011 the County Council approved the third Leicestershire Local Transport Plan (LTP3). This contains six strategic transport goals; of which goal one is to have a transport system that supports a prosperous economy and provides successfully for population growth. The LTP3 sets out the Council's approach to achieving this, namely, to improve the management of the road network and continuing to address congestion issues.
14. In March 2014 the Cabinet approved the principles set out in the Leicester and Leicestershire Enterprise Partnership's (LLEP) Strategic Economic Plan, which prioritises support for the economy of market towns and rural Leicestershire.
15. The County Council's Enabling Growth Action Plan (approved in March 2015) supports the development of market towns for employment land as a priority and includes a specific action to work with North West Leicestershire District Council (NWLDC) to plan for the future growth in the area and in particular Coalville.
16. In November 2015 the Environment and Transport Overview and Scrutiny Committee was advised that, given the significant opposition to making any changes to Hugglescote Crossroads, future highways improvement work in the area would be focused on the A511.
17. In March 2019 the Cabinet agreed to the development of the Strategic Outline Business Case (SOBC) and the Outline Business Case (OBC) for the MRN A511 Growth Corridor scheme. It authorised the Director of Environment and Transport to prepare and submit bids, as appropriate, to secure external funding for delivery of schemes identified in the Highways Capital Programme.
18. In November 2019, following public consultation, the Cabinet agreed to support the proposals comprising proposed improvements to eight junctions along the A511, including a Bardon Link Road extension to south-east Coalville, and dual carriageway between Thornborough Road and Whitwick Road. It authorised the Director of Environment and Transport to use the existing allocation of £4m capital funding to develop and submit a planning application for the Bardon Link Road and undertake all necessary preparations to progress the scheme to FBC and, subject to DfT approval, deliver the scheme.

19. In March 2021, the Cabinet agreed to continue to progress the A511 Growth Corridor scheme including submission of the FBC to the DfT; and authorised the Director of Environment and Transport (following consultation with the Director of Corporate Resources and the Cabinet Lead Member) to undertake a pre-submission consultation exercise to support the submission of a planning application for the Bardon Link Road aligned to the programme for scheme delivery as required by the DfT. The Cabinet also agreed that all necessary work continued to progress the A511 Growth Corridor scheme including submission of the FBC to the DfT and authorised the Director to make minor changes to the A511 Growth Corridor Scheme as it was developed.
20. In September 2021, the Cabinet noted the outcome of engagement on the draft Interim Coalville Transport Strategy (ICTS) and approved its adoption.

### **Resource Implications**

21. The estimated cost of the A511 Growth Corridor scheme as submitted in the OBC was £47.5m of which £40.4m is expected to be met from DfT funding.
22. The County Council has recently undergone an extensive independent audit to review how it develops and delivers the Highways and Transport capital programme. This was driven by unstable market conditions, increasing scheme costs, the current financial position of the Council and the acknowledgement that the Highways Capital Programme is the largest the County Council has ever had.
23. As the A511 MRN project has progressed through this new process, the project cost has been re-examined to account for new risks (particularly inflation), but also to consider wider lessons learnt from other recently completed projects.
24. In summary, this has resulted in the overall scheme cost increasing beyond that set out in the OBC.
25. The revised budget range showed the total outturn costs could vary between circa £50-£70m and the key changes included inflation, construction costs, professional fees and risk. In order to address the cost increases identified in the cost review, more of the developer contributions identified to support the ICTS will be allocated to the MRN scheme. More information concerning the identified risks which have led to the projected increases is included in Part B of the report.
26. It is likely there will be a requirement for the Council to forward fund a proportion of the developer contributions needed to meet the full scheme costs. This involves a risk to the County Council if the developer funding to be used to recoup the forward funding does not fully materialise via developer contributions – noting that decisions on developer contributions will be made by the District Council as the local planning authority. However, contributions of approximately £6.7m for physical infrastructure works have been received to date through the Contribution Strategy. Beyond this, growth allocated through the NWLDC's Local Plan or other schemes for which planning permission has

been granted, is expected to secure agreement on further s106 (developer) funds in excess of £20m identified in the Contribution Strategy.

27. The Director of Corporate Resources has been consulted on the content of this report.

### **Legal Implications**

28. Wherever possible the acquisition of land and rights or interests in land will be conducted by negotiation and agreement with landowners, but it is likely that the Compulsory Purchase process pursuant to the Highways Act 1980 and the Acquisition of Land Act 1981 will be critical for procurement of the land and rights along the route.
29. The Director of Law and Governance has been consulted on the content of this report.

### **Circulation under the Local Issues Alert Procedure**

This report has been circulated to Members representing the electoral divisions that are affected by the proposals - Mr D. Harrison CC, Mrs D. Taylor CC, Mr C. Smith CC, Mr K. Merrie CC, Mr T. Gillard CC, Mr P. Bedford CC and Mr N. J. Rushton CC.

### **Officers to Contact**

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**PART B****Background**

30. Congestion on the A511 Growth Corridor has been a long-standing issue recognised by both NWLDC and the County Council. This dates back to 2008 when the Coalville Transport Strategy (CTS) was developed, and the County Council investigated junctions on the corridor requiring improvement to facilitate housing growth in Coalville and Ashby.
31. An outcome of the CTS was a supporting funding arrangement to deliver the transport strategy to help facilitate the delivery of improvements along the Growth Corridor. However, insufficient funding has currently been received through this funding arrangement to deliver the range of improvements required and issues (such as congestion and pollution) have become increasingly pronounced. This is likely to be exacerbated further by increases in background traffic and the significant levels of growth planned for Coalville as part of the District Council's Local Plan.
32. The A511 Growth Corridor is recognised by LLEP in its Strategic Economic Plan as one of five Growth Areas. The Strategic Economic Plan states that through appropriate investment and improvements along the corridor, there is the potential to deliver at least 5,275 houses and 25 hectares of employment land. Importantly, a significant number of the committed dwellings (3,500) are on sites which are collectively referred to as south-east Coalville.
33. Taking into account the aims of the MRN funding opportunity and the evidence of priorities needed to support growth, a package has been developed for submission to DfT to seek MRN funding. The A511 Growth Corridor proposals consist of a range of measures, including improvements to eight junctions, a dual carriageway between Thornborough Road and Whitwick Road in Coalville and the Bardon Link Road. This main part of the Link Road is being provided as part of the South East Coalville development. It is the extension of this link which requires planning permission and has been subject to a pre-submission planning consultation. Appendix A shows a plan of the proposed Bardon Link Road.
34. Implementation of A511 Growth Corridor scheme will provide the breathing space to enable a wider transport strategy for Coalville and the surrounding area to address localised traffic issues, public transport improvements and walking and cycling connectivity, building on the work done as part of the Local Sustainable Transport Fund in 2012 and 2013.
35. Work commenced in December 2020 between NWLDC and the County Council to consider a refresh of the current funding strategy in place between the two authorities with regard to the financing of the CTS, of which the A511 Growth Corridor is a major component.
36. The OBC for the package of measures proposed for the A511 Growth Corridor was submitted to the DfT in January 2020, with a revised post-Covid-19 version

being submitted in July 2020. The pandemic has affected Government timelines, but a positive decision was made by the DfT in Summer 2021 and the OBC was approved.

37. Submission of a FBC is subject to completion of all necessary statutory procedures (such as planning permission, land acquisition etc) hence the request to the Cabinet to submit a planning application for the Bardon Link Road.
38. Subject to securing planning permission and the authorisation, making and confirmation of any required Compulsory Purchase and associated Side Roads Order, the FBC will be submitted to DfT in December 2023.
39. Subject to DfT's approval of the FBC, construction of the scheme is expected to commence in Summer 2024.

### **DfT Major Road Network Bid**

40. The Council submitted the MRN bid to the DfT in July 2019, requesting funding to prepare an OBC by December 2019 with a potential scheme construction start date of 2022. This was the only bid submitted across the East Midlands to the MRN funding pot.
41. In October 2019 the DfT announced that the bid was successful, with £1.5m funding awarded to commence work on the OBC from July 2019. The OBC was submitted in January 2020, with a potential construction start date of Spring 2022.
42. As a result of the impact of the pandemic the DfT requested a revised OBC in order to understand the impact of Covid-19 on all projects that were to be supported by MRN funding. The revised OBC was submitted in July 2020 with an updated start date of spring 2024.
43. The revised OBC was approved by the DfT in the summer of 2021.

### **Bardon Link Road**

44. The proposed route for the Bardon Link Road (as shown in Appendix A) forms the basis for planning, land acquisition and compulsory purchase order process (minor alterations may be made as part of the later detailed design process).
45. Whilst the Cabinet decision in March 2021 enabled work to continue to progress the A511 Growth Corridor scheme, including submission of the FBC, specific approval is now being sought in relation to the Link Road, specifically

the submission of a planning application and, if approved, to secure the land required to deliver the Link Road.

**Independent Audit of the Environment and Transport Capital Programme and resulting projected cost increases for the A511 Scheme**

46. The County Council has recently undergone an extensive independent audit to review how it develops and delivers the Highways and Transport capital programme. This was driven by unstable market conditions, increasing scheme costs, the current financial position of the Council and the acknowledgement that the Highways Capital Programme is the largest the County Council has ever had.
47. As with any Local Authority led major capital project, there is a recognised cost estimate range process whereby more cost certainty is provided as different key stages of a project are completed (such as SOBC, OBC, FBC). As an example, the development of an OBC for a project is a substantial time distance away from when a project could be delivered, and therefore the cost range will be much greater, whereas FBC approval would provide greater certainty as statutory processes would have been completed, and a contractor supported project cost will be provided. As a further illustration, HM Treasury estimate that at OBC a project is only around 30% maturity which reflects the cost range that should be applied at that stage.
48. As the A511 MRN project has progressed through the new process recommended as a part of the independent audit, the project cost has been re-examined to account for new risks (particularly inflation), but also to consider wider lessons learnt from other recently completed projects.
49. The A511 MRN project is currently at the OBC stage where the DfT have granted "Programme Entry" with the £40.4m DfT grant subject to the County Council agreeing to conditions such as the development and submission of an FBC for the project, and agreement to covering any cost escalation over and above the grant provided.
50. Based on the project stage and the updated project cost range estimates, the potential increase in project costs is forecast to be between £2.5m and £22.5m compared to that originally forecast at the OBC stage.
51. A significant proportion of the cost increases have not yet been realised, but as informed by the external audit, this more robust estimate allows the County Council to understand potential costs in the event some of the increases do materialise.
52. The A511 MRN project forms the major part of the Interim Coalville Transport Strategy (ICTS) approved in September 2021. The Strategy identifies a range of measures in addition to the MRN scheme identified to support and mitigate growth in North West Leicestershire. However, the ICTS recognises the MRN



scheme as the priority for funding and highlights that developer contributions secured based on the evidence of the ICTS will be used to fund the costs of the scheme over and above the DfT grant award.

53. Therefore, in order to address the cost increases identified in the cost review, more of the developer contributions identified to support the strategy will be allocated to the MRN scheme. This has been agreed with officers at NWLDC as the A511 MRN scheme is the highest priority scheme identified to support the Local Plan.
54. Based on the current NWLDC Local Plan, the strategy has identified approximately £23m of additional developer contributions that can be used to support the MRN scheme.
55. It is recognised that this approach will likely delay the delivery of other schemes identified as part of the ICTS. In order to mitigate this, the Council's Growth Service is undertaking work to revise the level of future contributions to support the ICTS and other County Council infrastructure alongside NWLDC's development of their new Local Plan.

### **Consultation**

56. Following approval by the Cabinet in March 2021, an informal public consultation exercise was undertaken in order to ascertain the level of support for the proposed link road.
57. The informal consultation commenced on 27 September 2021 and ran until 31 October 2021. The consultation exercise included a variety of communication methods, such as letters, social media platforms and posters. In summary, the communication consisted of the following:
  - a) The hand delivery of 29 consultation letters to the properties immediately adjacent to the proposed link road. This included the opportunity for the property owners to discuss the plans with the Project Team.
  - b) The distribution of 1700 consultation letters to the wider area.
  - c) Two Public Exhibitions held at Hermitage Park Hotel in Coalville on 29 September 2021, and 1 October 2021.
  - d) Detailed consultation material launched via the Leicestershire County Council consultation platform at the A511 website, promoted via the consultation letters, social media and the local press.
  - e) Posters promoting the consultation and exhibitions were placed around the Coalville area.
  - f) Information shared with both the County Council and NWLDC Elected Members about the consultation.
58. Attendance at both exhibitions totalled 46; with 26 visitors on 29 September and 20 visitors on 1 October. Although the numbers

were relatively low, those that did attend were very engaged and stayed to discuss the proposals.

59. The majority of feedback has focussed on the entire A511 Growth Corridor rather than just the Bardon Link Road proposals. This has been reviewed in detail, and responses provided against each theme, (such as speed limits, congestion, pollution, and public transport). The Link Road proposals have received mixed views from those who chose to comment with an almost 50/50 split of for and against. Further information concerning the consultation feedback is included as Appendix B.

### **Next Steps**

60. To date, the A511 MRN Corridor scheme including the Bardon Link Road has completed the outline design process and undergone the first stages of detailed design. Subject to the Cabinet's approval, the next key stage is to progress the planning application process with submission of a planning application, in relation to the Bardon Link Road, to the County Council's Development Control and Regulatory Board in spring 2022. Alongside this, discussions will continue with affected landowners and stakeholders, with a view to reaching voluntary agreement over the purchase and/or reservation of land, rights or interests in land for the Bardon Link Road elements of the A511 MRN project but in parallel make preparations for use of compulsory purchase powers to include the preparation of a draft Compulsory Purchase Order and associated Side Roads Order pursuant to the Highways Act 1980 and the Acquisition of Land Act 1981. It is considered that there is a compelling case in the public interest to justify the use of the County Council's compulsory purchase powers under the Highways Act 1980 and the Acquisition of Land Act 1981 to facilitate the delivery of the scheme and such public interest and this justifies interference with the rights of those persons with an interest in the land required for the scheme.
61. Further environmental survey and associated design work will be progressed to give a fuller understanding of environmental impacts and potential mitigation required. This information will be presented during the planning application process.
62. The planning determination period for Bardon Link Road is 16 weeks, meaning a decision by the County Council's Development Control and Regulatory Board would be expected by early Summer 2022. This will provide a further opportunity to carry out further consultation with residents and stakeholders as a part of the planning process.
63. The outcomes of the consultations on the A511 Growth Corridor proposals in 2019 and the most recent on the Bardon Link Road proposals in September/October 2021 are being considered where appropriate in undertaking the detailed design, with the scheme business case submission to the DfT focusing on the alignment of the proposals to the scheme objectives, affordability, risk and value for money.

### Equality and Human Rights Implications

64. An Equality and Human Rights Impact Assessment (EHRIA) Screening has been undertaken to understand the potential impacts, both negative and positive, on protected characteristic groups. The full and final assessment will form part of planning application.
65. The conclusion of the initial screening is that there are several potential impacts that could affect groups with protected characteristics across north-west Leicestershire. In particular, groups most likely to be affected, are younger people, older people, people with disabilities and low income/deprived groups. At this stage there is insufficient clear evidence as to the level or direction of these impacts in terms of equalities and therefore this will be captured in the final assessment as a part of the planning application process.

### Other Relevant Impact Assessments

66. Currently a small section of the A511 around the Broom Leys junction is designated as an Air Quality Management Area (AQMA). Without intervention to ease the current and future levels of congestion along the A511, there is a likelihood that air quality objectives will not be met at other locations, leading to the need to declare more AQMAs along the route. The scheme offers the opportunity to reduce exhaust emissions through reducing acceleration/deceleration, thus reducing particulates due to tyre and brake wear that such events cause. The proposed scheme also provides an opportunity to contribute to improving biodiversity through thoughtful landscaping. The table below sets out how the proposed scheme is aligned to the carbon reduction and biodiversity and habitat commitment set out in the County Council's Environment Strategy:

Aim	Objective	Actions taken
A. Reduce our own greenhouse gas emissions and those in the wider county where we have influence	A2. Contribute to the reduction of greenhouse gas emissions across the County.	Reduce exhaust emissions through reducing acceleration / deceleration
F. Reduce the environmental impacts of travel and transport	F4. Work with partners to reduce greenhouse gas and other pollutant emissions from the local transport network.	
G. Have due regard for biodiversity throughout all our activities and seek to improve the biodiversity value of our own land and influence improvements in the wider County.	G4. Work with partners to support wider biodiversity improvements across Leicestershire.	As part of the detailed design, opportunities to improve biodiversity within the green areas of highway land will be considered.

67. The potential to promote short journeys by promoting sustainable transport will also contribute to the Council's commitment to tackling climate change.

### **Background Papers**

Report to the Cabinet 23 March 2021. 'A511 Growth Corridor Proposals - Bardon Link Road':

<http://politics.leics.gov.uk/documents/s160568/A511%20MRN%20Proposals>

Report to the Cabinet 29 March 2019. 'Environment and Transport 2019/20 Highways Capital Programme and Highways Transportation Work Programme':

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5601&Ver=4>

Report to the Cabinet 16 March 2015. 'Enabling Growth Plan':

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4360&Ver=4>

Report to the Cabinet 5 March 2014. 'Strategic Economic Plan and City Deal':

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=3988&Ver=4>

Report to the County Council 23 March 2011. 'Final Draft Local Transport Plan (LTP3) Proposals':

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=134&MId=3057&Ver=4>

Consultation Report:

<https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/a511-growth-corridor-scheme>

### **Appendices**

Appendix A – Plan of the proposed Bardon Link Road

Appendix B – Bardon Link Road consultation report