

## **27<sup>TH</sup> FEBRUARY 2020 RTA MEETING**

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### **ITEM 5 - METRO PLUS UPDATE (PHASE 1)**

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#### **REPORT OF CARDIFF CAPITAL REGION DIRECTOR KELLIE BEIRNE**

##### **AGENDA ITEM**

##### **REASON FOR REPORT**

- 1) To provide members with an update on the strategic programme of the 10 'Future Mobility' Metro Plus Phase 1 projects that were approved in principle by Regional Cabinet on 18<sup>th</sup> February 2019.
- 2) The report will provide an update on individual schemes and seek endorsement from the Regional Transport Authority for the delegated decision taken by the Programme Director in consultation with the Chair of the RTA, the Transport Member of the Vale of Glamorgan Council and the S151 Officer to make a decision in respect of the designated Metro Plus programme City Deal budget for the Barry Docks Transport Interchange scheme, one of the 10 schemes being delivered within the Phase 1 Programme, which is set out in this report.

##### **BACKGROUND**

- 3) Joint Cabinet agreed on 12<sup>th</sup> September 2019 that delegated authority be given to the Regional Transport Authority (RTA) to make decisions on the designated Metro Plus programme City Deal budget of up to £15m. Joint Cabinet accepted the recommendations to:
  1. Note the updates on the Metro Plus Programme and the 10 projects in scope;
  2. Amend the Regional Transport Authority's Terms of Reference (under the paragraph headed 'Functions') to include the following additional functions and delegated authority:
    - (A) Delegate authority to the Regional Transport Authority ('RTA') to make decisions as regards:

- (1) the allocation of City Deal monies to individual Metro Plus projects within the envelope of the approved budget of up to £15m; and
- (2) all associated matters required to facilitate the implementation of the Metro Plus Projects within the envelope of the approved budget of up to £15m;

(B) Delegate authority to the City Deal Programme Director in consultation with the Chair of the RTA (or in his absence the Vice Chair of the RTA), the Accountable Body S151 Officer and the local RTA Member to authorise spend on individual approved Metro Plus projects up to the sum approved by the RTA in respect of the Metro Plus project concerned (pursuant to the above delegation) and to deal with all associated matters required to facilitate the implementation of the Metro Plus Project PROVIDED Always that in exercising any delegated powers all decisions made should:

- i. consider the broader aims and objectives of the Common Assessment Framework
- ii. be made in accordance with the requirements of the Joint Working Agreement in relation to the delivery of the Cardiff Capital Region City Deal
- iii. be within approved budgets and comply with any legal requirement and
- iv. a full record (report) of the exercise of such powers shall be kept by the City Deal Programme Director in respect of each decision taken and update reports provided to the RTA outlining decisions taken .

4) The RTA at its meeting on 1<sup>st</sup> August 2019 and Regional Cabinet at its meeting on 12<sup>th</sup> September 2019, both approved the Metro Plus Phase 1 Programme budget to be £3m per project, made up of £1.5m from LTF and £1.5m from the City Deal Wider Investment Fund. It was also agreed that any additional costs within each project would be funded through the Local Authorities other funding sources.

## **PROGRESS TO DATE**

- 5) Barry Docks Interchange – The Vale of Glamorgan Council was awarded funding of £85k from the Local Transport Fund (LTF) fund for 2019/20 to develop and progress the scheme as identified through WeITAG. They tendered for WeITAG Stages 2/3 to progress the project and the amount required to deliver these stages is £390,000. In order to progress, and to ensure full spend of the LTF funding by 31<sup>st</sup> March 2020, the Vale of Glamorgan Council needed to award the contract in full and as tendered. The RTA Members and Programme Director were given authority to make decisions within the approved budget of £1,500,000 per scheme from the City Deal Investment Fund. Therefore, pursuant to the Programme Director's delegated authority approved a request for funding of up to £305,000 from the City Deal Wider Investment Fund to cover the contract. This enables the Vale of Glamorgan Council to fully spend the LTF by 31<sup>st</sup> March 2020 and to progress the project into 2020/21.
- 6) An update on the development of the full Metro Plus Phase 1 programme, and spend in 2019/20, can be found at Appendix 1.

- 7) To enable further momentum on the delivery of this Programme, a request for the release of funding as set out below is made to the RTA, allocated from the City Deal Wider Investment Fund, to be spent and delivered in 2020/21. A further request for Local Transport Fund (LTF) funding to co-invest in this project, is being bid for through the Welsh Government (WG) LTF bidding process and which forms part of a separate report to this meeting. Should the LTF bid not be successful for the full amount, a further report will be brought to a future RTA meeting with an update on 2020/21 costs along with an amended financial profile. These figures take into account the overall LTF budget, what is already committed, and what is anticipated to be made available to the Cardiff Capital Region from that fund.

Local Authority	LTF £k	CCR Investment Fund £k	Total Spend 2020/21 £k
Blaenau Gwent	600	635	1235
Bridgend	200	0	200
Caerphilly	400	200	600
Cardiff	380.5	816.5	1197
Merthyr	300	0	300
Monmouthshire	662.053	1000	1662.053
Newport	250	0	250
Rhondda-Cynon-Taf (RCT)	440	1060	1500
Torfaen	641	1000	1641
Vale Of Glamorgan (VoG)	110	195	305
	3,983,553	4,906,500	8890.053

- 8) A further bid will be made for developing Metro Plus Phase 2 and the four top priorities identified from the Metro Enhancement Framework (MEF) proposals (as endorsed by the RTA on 28<sup>th</sup> November 2019) and which is also the subject of a separate report to this meeting.
- 9) It should be noted that now schemes are more developed, and partly due to the new legislation for Sustainable Drainage which was raised in my Report for Members at its meeting of the RTA on 28<sup>th</sup> November 2019, and partly due to the evolving of schemes delivering greater 'additionality' in terms of meeting the four grand challenges identified within the City Deal Economic Growth Plan, some schemes have estimated a significant increase in costs. This may have an effect on deliverability within the budget constraints. Therefore, it is recommended that in the first instance, where schemes exceed the envelope of funding -
- a) LAs are requested to consider what can be done to reduce costs within budget e.g. value engineering;
  - b) seek further investment from other available funding e.g. ULEV Transformation Fund / Active Travel etc;

- c) contribute towards the scheme from LAs own resources and Capital programmes
- d) seek to use S106 sustainable transport / development contributions towards the project.

Should all of these options be exhausted on an individual LA basis, a further report will be brought back to this meeting with proposals for addressing the issues.

### **Local Member consultation (where appropriate)**

- 10) All Members would have been consulted through their local mechanisms for local project approval and support. This report is the first in a series of updates on programme activity, whereby regional engagement will take place.

### **Reason for Recommendations**

- 1. to update Members on the progress to date on each of the 10 metro plus schemes;
- 2. ask Members to endorse the delegated decision exercised by the Programme Director on the Barry Docks Transport scheme;
- 3. To enable schemes to progress and deliver within the timeframe of the Programme; and
- 4. To enable Local Authorities to progress schemes and to ensure that all funding options have been exhausted prior to requesting additional investment from the WIF.

### **Financial Implications**

- 11) This report seeks to update the Regional Transport Authority on the progress to date on each of the approved Metro Plus schemes.

In February 2019, Regional Cabinet gave an In-Principle approval to the Metro Plus Phase 1 – a programme of 10 projects with an anticipated value of £50 million and with a proposed funding package consisting of:

- i) £15 million Welsh Government Local Transport Fund (LTF – Administered by Merthyr Tydfil CBC);
- ii) £15 million City Deal Funding - Available as part of resources set aside from the Wider Investment Fund; and
- iii) £20 million funded locally by each partnering local authority through development funding, LA own capital funding, or through other available grants.

- 12) Any City Deal resources utilised for projects approved will need to be in accordance with LTF Grant Terms & Conditions as well as the Terms & Conditions set out as part of the draw down of City Deal funding.

- 13) WIF funding to be drawn down will need to be approved in line with the delegations to the Regional Transport Authority (CCRTA) and the Investment & Intervention

Framework. This includes the requirement to produce and have approved by CCRTA in line with the funding requirements set out by HMT and Welsh Government.

- 14) The report sets out the process where a project experiences additional costs in excess of that approved by Regional Cabinet. This will need to be reviewed by the sponsoring local authority in line with the options provided in the report. However where this may not be possible from the amounts committed by that authority for the scheme from their own funding, a further report will need to be considered by RTA and Joint Cabinet. This will need to consider whether this can be addressed from underspends elsewhere in the programme and whether the value for money assessments and Common Assessment Framework assessments still apply for the project.

### **Legal Implications (including Equality Impact Assessment where appropriate)**

- 15) This report is submitted to update Members on i) the matters raised and ii) the delegated authority exercised by the Programme Director on the Barry Docks Transport scheme, such decision taken in accordance with the delegated authority granted to the City Deal Programme Director in consultation with the Chair of the RTA (or in his absence the Vice Chair of the RTA), the Accountable Body S151 Officer and the local RTA Member to authorise spend on individual approved Metro Plus projects up to the sum approved by the RTA in respect of the Metro Plus project concerned.
- 16) In exercising any delegated powers all decisions made should consider the broader aims and objectives of the Common Assessment Framework; be made in accordance with the requirements of the Joint Working Agreement in relation to the delivery of the Cardiff Capital Region City Deal; be within approved budgets and comply with any legal requirement and a full record (report) of the exercise of such powers shall be kept by the City Deal Programme Director in respect of each decision taken and update reports provided to the RTA outlining decisions taken.
- 17) Members are asked to approve a request for funding from the Wider Investment Fund to deliver the programme of projects in 2020/21. When developing proposals for individual projects, the provisions of the Joint Working Agreement in relation to the delivery of the Cardiff Capital Region City Deal ('the JWA'), (in particular the provisions of the Assurance framework), and the terms attaching to the funding provided by HMT to the CCRCDC must be complied with. To ensure compliance with the JWA, business cases will need to be developed for each scheme and the approach taken will need to be consistent with the HM Treasury Green Book and business case appraisal process, applied in a manner that is proportionate to the scheme in question.
- 18) In developing the business cases, detailed legal advice should be obtained for each proposed scheme, including consideration to any consents/ permission required to facilitate the scheme.

- 19) The report refers to other elements of funding that may be relied upon to fund the schemes proposed, including Welsh Government's Local Transport Fund ('LTF'), consideration should be given to any conditions attached to such third party funding to ensure that CCRCDC is able to comply with the same.
- 20) It is understood Members are being asked to agree a process for dealing with projects that exceed the funding envelope. If agreed, it is understood this proposal falls within the remit of the delegated authority granted by Regional Cabinet 12<sup>th</sup> September 2019. Any proposals which go beyond such delegated authority must be reported back to Regional Cabinet.

### **Wellbeing of Future Generations (Wales) Act 2015**

- 21) The Well-Being of Future Generations (Wales) Act 2015 ('the Act') is about improving the social, economic, environmental and cultural well-being of Wales. The Act places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible. In discharging their respective duties under the Act, each public body listed in the Act (which includes the Councils comprising the CCRCDC) must set and published well-being objectives. These objectives will show how each public body will work to achieve the vision for Wales set out in the national well-being goals. When exercising its functions, the Regional Transport Authority should consider how the proposed decision will contribute towards meeting the 'well-being duty' and in so doing assist to achieve the national well-being goals.
- 22) The well-being duty also requires Councils to act in accordance with a 'sustainable development principle'. This principle requires Councils to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that the Regional Transport Authority must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Regional Transport Authority must:
- Look to the long term
  - Focus on prevention by understanding the root causes of problems
  - Deliver an integrated approach to achieving the 7 national well-being goals
  - Work in collaboration with others to find shared sustainable solutions
  - Involve people from all sections of the community in the decisions which affect them.
- 23) The Regional Transport Authority must be satisfied that the proposed decision accords with the principles above.
- 24) To assist the Regional Transport Authority Cabinet to consider the duties under the Act in respect of the decision sought an assessment has been undertaken, which is attached as an Appendix 2 to this report (Well-being of future generations assessment) for Member's consideration.

- 25) In preparing reports due regard must be given to the Statutory Guidance on the Act issued by the Welsh Ministers, which is accessible using the link below:

<http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

### **Equality Act 2010**

- 26) In considering this matter, regard should be had, amongst other matters, to the Councils' duties under the Equality Act 2010. Pursuant to these legal duties the Regional Transport Authority must in making decisions have due regard to the need to (1) eliminate unlawful discrimination (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are:

- Age
- Gender reassignment
- Sex
- Race – including ethnic or national origin, colour or nationality
- Disability
- Pregnancy and maternity
- Marriage and civil partnership
- Sexual orientation
- Religion or belief – including lack of belief

### **RECOMMENDATIONS**

It is recommended CCRTA:

- 1) note progress to date on each of the 10 Metro Plus schemes;
- 2) endorse the decision taken under delegated authority by the Programme Director in consultation with the Chair of the RTA, the Transport Member of the Vale of Glamorgan Council and the S151 Officer to make a decision in respect of on the designated Metro Plus programme City Deal budget for the Barry Docks Transport Interchange scheme to allocate £305,000 from the WIF towards the WeITAG 3 Stage of the scheme in 2020/21, as set out in this report;
- 3) approve the request for funding in the sum of approximately £4,906,500 from the Wider Investment fund to deliver the Programme in 2020/21 in order to meet the match funding commitments for LTF; and
- 4) agree the process for dealing with projects that exceed the funding envelope, as set out in this report.

**KELLIE BEIRNE**  
**CARDIFF CAPITAL REGION DIRECTOR**  
**27<sup>th</sup> January 2020**

The following Appendices are attached:-

Appendix 1 – Summary of Metro Plus Phase 1 Programme

Appendix 2 – Wellbeing of Future Generations Evaluation

*The following background papers have been taken into account:-*

Cardiff Capital Region Report – “Strategic Outline Programme for Metro Plus – Phase 1 – Programme of Local ‘Future Mobility’ Schemes” – 18<sup>th</sup> February 2019

Cardiff Capital Region Report – Regional Transport Authority Delegations – 12<sup>th</sup> September 2019

Cardiff Capital Region Report – Metro Plus Update – 28<sup>th</sup> November 2019