

CABINET

DATE	10 th March 2021
REPORT OF	Councillor Stewart Swinburn – Portfolio Holder for Environment and Transport
RESPONSIBLE OFFICER	Sharon Wroot - Executive Director for Environment, Economy and Resources
SUBJECT	Proposed Suggitt's Lane footbridge
STATUS	Open
FORWARD PLAN REF NO.	GENERAL EXCEPTION Not on the Forward Plan and to be considered under the General Exceptions rules as laid out in the Constitution.

CONTRIBUTION TO OUR AIMS

Installation of the proposed Suggitt's Lane footbridge will allow the delivery of projects and activities which contribute towards the Council's Stronger Communities outcome by promoting physical activity, reducing transport related carbon emissions and supporting accessibility. In addition, it contributes to the Stronger Economy outcome by enabling and encouraging safe and sustainable access to employment.

EXECUTIVE SUMMARY

This report seeks formal Cabinet approval to enable Network Rail to progress with due process and stakeholder engagement and install a new Suggitt's Lane footbridge.

RECOMMENDATIONS

It is recommended that Cabinet:

1. Supports the installation of a footbridge, subject to all statutory duties being complied with.
2. Approves the commencement of public engagement, in partnership with Network Rail, for the implementation of the structure.
3. Delegates responsibility to the Executive Director for Environment, Economy and Resources, in consultation with the Portfolio Holder for Environment and Transport, to carry out all actions to support the implementation of the footbridge accepting the following principles:
 - That the structure will ultimately become a Council owned asset and the future maintenance regime will be financed by the Council.
 - That any residual rights that may exist to support access to sea defences for repair and maintenance be extinguished in favour of alternative routes.

- Agree that the £3.6m budget provided by Network Rail and Department of Transport for the whole scheme is appropriate and will enable the scheme to progress satisfactorily and be delivered in a timely manner, thereby minimising any financial risk or disadvantage to the Council.
4. Authorises the Assistant Director Law, Governance and Assets to execute all documentation arising.

REASONS FOR DECISION

The decision will enable the Council, working in partnership with Network Rail to progress public engagement and action all outstanding matters that may arise and are required to be delivered, prior to the installation of the structure.

1. BACKGROUND AND ISSUES

- 1.1. Suggitt's Lane Level Crossing was used by the public for pedestrian access from the end of Suggitt's Lane, across the railway, onto the concrete promenade which is an integral part of the sea defences. This pedestrian-only promenade links the resort of Cleethorpes to areas of Grimsby to the north.
- 1.2. Due to documented instances of both accidental and deliberate misuse, as well as the fact that no public right of way exists at the crossing, it was permanently closed, by Network Rail, to the public in April 2019. It is not possible to advance an argument of prescriptive rights (custom and use) for a lengthy period of time over land owned or controlled by Network Rail.
- 1.3. Since the closure, objections have been received from local residents including those recorded on a 4,000-signature petition. This was presented by Martin Vickers MP, to the House of Commons on the 8th April 2019 and has since been discussed a number of times with the Prime Minister.
- 1.4. Several alternative options for public access between the Suggitt's Lane area and the promenade have been considered with Network Rail and a footbridge of the type envisaged is favoured.
- 1.5. The anticipated duration of fabrication and construction is 32 weeks, including 22 weeks for works on site.

2. RISKS AND OPPORTUNITIES

- 2.1. Overall, the installation of a footbridge presents low risk to the Council, the project will help deliver a number of key Council strategies including the Local Transport Plan.
- 2.2. The project has been subject to a detailed budget estimate by Network Rail Design Engineers, the budget estimate includes an element of contingency. As such there is a low risk of budget overspend.
- 2.3. Due to the size and scale of the bridge and close proximity of some households, some local residents may object to the scheme.

- 2.4. Following approval for the installation of the footbridge the Council would consider contributing to any valid project budget overspend by Network Rail, which would be capped, at an agreed level, prior to works commencing.

3. OTHER OPTIONS CONSIDERED

- 3.1. Should the recommendations within the report not be accepted, the level crossing over the railway would remain closed and access to the promenade remain restricted. This would fail to address the identified access problems.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

- 4.1 There are potential positive reputational implications for the Council resulting from the decision. To deliver this project an action plan will be agreed with the Council's communications service, in partnership with Network Rail, covering Planning requirements and engagement process with neighbouring businesses, households and stakeholders.

5. FINANCIAL CONSIDERATIONS

- 5.1. The footbridge and its installation will be funded through Network Rail and the Department for Transport, this is expected to enable delivery of the project in its entirety.
- 5.2. To ensure the scheme is delivered, the Council can agree to fund any valid overspend by Network Rail, but the Council's financial contribution would be capped.
- 5.3. It is expected that there will be nil effect on Council budgets save for future maintenance requirements.
- 5.4. It is anticipated, future maintenance costs incurred by the Council for the next 25 to 30 years. would be in the region of £75k.

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

- 6.1. Delivery of the Suggitt's Lane foot bridge recognises the importance of the environment and will enable and encourage access to essential services and leisure activity by cycling, walking and public transport. One of the aims of this project is to encourage residents to choose more environmentally sustainable methods of travel.
- 6.2. Environmental impact considerations for the construction of the bridge will be considered during the Planning Application stage and appropriate statutory bodies and stakeholders engaged accordingly.

7. CONSULTATION WITH SCRUTINY

- 7.1. There has been no consultation with Scrutiny.

8. FINANCIAL IMPLICATIONS

- 8.1. The estimated cost of the construction is expected to be covered in its entirety

by Network Rail and the Department for Transport. However, there is a low risk of budget overspend. To manage these risks and to enable the scheme to progress, the Council would be required to contribute to any such overspend, subject to a financial cap.

- 8.2. Once the bridge is completed then the Council will become responsible for the ongoing maintenance costs.

9. LEGAL IMPLICATIONS

- 9.1. The report seeks formal Cabinet approval to enable National Rail to progress and install a new footbridge at the site of the Suggitt's Lane level crossing Cleethorpes. Matters of fabrication, contracting and commissioning and implementation rest with Network Rail. Such implementation will be subject to planning legislation and policy. The delegations sought are therefore appropriate and consistent with a project of this nature.
- 9.2. The report highlights the benefits and justification for the footbridge, including the contribution to the Council's strategic aims.
- 9.3. The footbridge and installation will be funded through Network Rail and the Department for Transport. The Council will be responsible for ongoing maintenance costs but accepts the slight risk of having to cover any capital shortfall, subject to pre-agreed parameters. There is a degree of confidence that the scheme can be implemented fully within the stated budget.
- 9.4. It will be particularly important to ensure that the design of the new footbridge reflects duties under the Equality Act and, in particular, the duty to promote equality of opportunity.
- 9.5. Colleagues in Legal Services will continue to provide advice and support as appropriate in terms of the necessary agreements and documentation required as the project progresses.

10. HUMAN RESOURCES IMPLICATIONS

- 10.1. There are no direct HR implications contained within this report.

11. WARD IMPLICATIONS

- 11.1. The delivery of this project affects the Sidney Sussex Ward, although users of the new footbridge may come from any ward.

12. BACKGROUND PAPERS

- None

13. CONTACT OFFICER(S)

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COUNCILLOR STEWART SWINBURN

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