

NORTH SOMERSET COUNCIL DECISION

DECISION OF: THE DIRECTOR OF PLACE, DIRECTOR OF CORPORATE SERVICES (S151 OFFICER) AND HEAD OF STRATEGIC PROCUREMENT



WITH ADVICE FROM: PRINCIPAL SUSTAINABLE TRAVEL & ROAD SAFETY OFFICER.

DECISION NO: 21/22 DP 201

SUBJECT: Award of contracts for path construction and other elements of Weston – Clevedon Cycle Route: Award of contract for path construction at Tutshill.

KEY DECISION: YES

REASON: Expenditure does not exceed £500,000. However, the works proposed cover two wards (Wick St Lawrence & St Georges, and Yatton).

BACKGROUND

Please note, a previous Decision DP146 covered the award of contract to build the agricultural crossing alone, its funding and legal matters directly relating to it.

This project was agreed in principle by Decision 20/21 DP272: Revised commissioning plan for the Weston-super-Mare to Clevedon (Tutshill) Cycleway.

This Decision concerns the subsequent award of contract for the construction of an off-road cycleway, from Wick Rd, Icelton to Mud Lane, Kingston Seymour (planning permission was obtained in December 2018 - 18/P/4758/FUL).

Costs for the above works were originally obtained January 2019 through three quotes, a requirement for the EU Rural Growth funding application made at that time. We secured a commitment to the full funding of these items (at £295,162).

As more than two-years have now passed we are required to obtain new quotes, compliant with EU tendering rules. An extension to the EU funding has been successfully sought, and to obtain this funding these items must be invoiced and claimed by March 2022 (no further extensions are possible).

Following the publication of an expression of interest on the Council's nominated procurement portal "<https://www.supplyingthesouthwest.org.uk/>" and the government's "Contract Finder", ten initial expressions of interest were received. These were assessed against the selection criteria with seven of the companies being invited to tender. Four companies returned tenders and they have been assessed against the published evaluation criteria of 80% price and 20% quality. One of the submissions failed to meet the minimum quality threshold, and therefore was eliminated from the adjudication. The most economically advantageous tender was that received from Bedrock Civil Engineering Ltd. The evaluation results are summarised below:

		Bid 1	Bid 2	Bid 3	Bid 4
Quality Pass Fail Assessment		Pass	Fail	Pass	Pass
Quality question	Max (Min)				
Q1 Ecology	30 (18)	18.00	18.00	24.00	18.00
Q2 Construction	25 (15)	15.00	10.00 ^{*1}	20.00	15.00
Q3 Stakeholders	25 (15)	15.00	10.00 ^{*1}	20.00	20.00
Q4 Risk and H&S	10 (6)	8.00	4.00 ^{*1}	10.00	6.00
Q5 Social Value	10 (6)	6.00	6.00	10.00	8.00
Quality Evaluation Score	100	62.00	48.00	84.00	67.00
Weighted Evaluation Score	20	12.40	9.60	16.80	13.40
Price Score		80.00		51.15	61.37
TOTAL SCORE (Price and Quality)		92.40		67.95	74.77
Overall Ranking		1		3	2
Most Economically Advantageous Tender		Bedrock Civil Engineering Ltd			

Prices ranged from £359,357 to £562,081 with the lowest coming from Bedrock Civil Engineering Ltd. We therefore propose to offer Bedrock Civil Engineering Ltd the contract at £359,357.

The contract will be awarded against the NEC4 Engineering and Construction Contract, Option B – Priced contract with Bill of Quantities. Final contract payments will be subject to re-measurement of the indicative quantities used at tender.

The contract will be managed by the Principal Engineer with assistance from WSP as lead designers and Corduroy acting as quantity surveyor.

DECISION

To authorise officers to award and enter a contract for the path construction between Wick Road and Mud Lane with Bedrock Civil Engineering Ltd (Company Reg No. 07457510) to the total value of £359,357.

REASONS

Construction of this path is an essential element of the Weston-Clevedon Cycle Route. In combination with the agricultural crossing detailed under Director's Decision DP146, these works are an essential part of the legal agreements with the landowners to enable this route.

Should we not deliver this element of the scheme a total of up to £414,383 spent on design and other preliminary fees for the overall scheme is at risk of reversion to revenue.

OPTIONS CONSIDERED

No other options are possible other than abandonment of the complete scheme.

FINANCIAL IMPLICATIONS

The Rural Payments Agency, who administer the EU funding will provide funding of up to the original quote for these works, of £295,162.67. As these works will now exceed this by £64,194.48, the difference (and any contingency of required) will be met by the additional Sustrans funding we have obtained for this project, as approved under DP146.

The relatively small increase in costs compared to those originally obtained Jan 2019 are expected and well within the overall Weston Clevedon Coastal Cycle Route project budget (reducing the overall contingency from £639,093 to £574,899).

LEGAL POWERS AND IMPLICATIONS

The Local Government Act 1972, enables NSC to construct the proposed path works on private land in agreement with the landowners including the Environment Agency and Internal Drainage Board. These agreements will be dealt with under a separate decision/s once the principal terms have been agreed, and will be signed off by the S105 officer.

Work will not commence until the respective legal agreements have been completed, or satisfactory evidence provided that they will be so in a timely manner.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

The provision of the strategic cycleway will support the North Somerset Climate Emergency Strategy and Action Plan.

There are local environmental concerns regarding construction of the project, e.g. vegetation clearance and management of existing habitats. All such issues have been addressed at the planning permission stage of the project and are covered by conditions where necessary. A Construction Environmental Management Plan (CEMP) has been approved by the relevant council officers prior to construction and this will be followed during the construction phase.

Throughout the tender process consideration has been given to local social and environmental conditions with an emphasis on the contractor's engagement with local supply chains.

The pathway works will largely be carried on an existing former railway bed, re-utilising this former transport corridor and substantially reducing earthworks, and the amount of base material required compared to non-reuse of this infrastructure.

Sustrans are also able to provide additional funding of up to £17,000 for enhanced ecological enhancements / mitigation, and relevant measures are currently being discussed by our ecologist with them.

CONSULTATION

This scheme has been a corporate priority since 2007 when the scheme was included in the Replacement Local Plan. It was approved by the Infrastructure & Investment Board (IIB), 17/12/20.

The landowners at Tutshill have been extensively consulted over several years and the Council has reached agreement in principle; subject to final details and terms.

The public were consulted through the planning application, with overwhelming support offered to this scheme.

The principal scheme falls within two Parish Council Wards; Wick St Lawrence and Kingston Seymour. Both Parish Councils and the relevant Local Members have been extensively consulted on the project.

The Council's Executive Member has been consulted on the project and previously Instructed officers to implement the project 'by whatever means necessary'.

RISK MANAGEMENT

Risk	Control measures
Delay to completion of legal agreements.	The scheme is dependent on the completion of the legal agreements outlined above. No works orders will be signed until these are completed or trusted interim agreements are signed where necessary.
Delay to decision or other unforeseen delays risks funding.	The path works are funded by the EU Rural Growth Fund, and Sustrans with a deadline of March 2022. The contractor is aware of and agreed to complete the works by this deadline. The works are straightforward in nature.
Delay to decision risks disturbing protected birds (only likely to be a risk if extreme cold). Work may need to be postponed for such periods.	Natural England have agreed to work closely with us to minimise disruption to programme. These works are relatively un-disruptive.
Cancelling scheme / not agreeing to in time and losing funding. Also, reputational risk with public / residents and funders if we don't deliver.	None. NSC liable to repay capital funding spent developing scheme, which would revert to revenue, totalling a maximum of £414,383.
Contractual risk, including unforeseen site conditions, potential delays, non-performance, non-compliance	Extensive site surveys were carried out at design stage and detailed information has been provided through the site data information. The contract will be let under the NEC4 Engineering and Construction Contract and any contractual matters will be dealt with through the contract provisions.

EQUALITY IMPLICATIONS

Have you undertaken an Equality Impact Assessment? No

The scheme has been designed with equality of access for all users and aside from the design of the route to meet the needs of all abilities, covered by the points below, no further action is considered required.

Quote from Design and Access Statement submitted and approved under planning application 18/P/4758/FUL:

'The path will be smooth, free draining, and designed to accommodate walkers and cyclists of all abilities, including those who use wheelchairs and mobility aids. The path is generally flat except where it climbs onto the flood embankments. In accordance with Policy DM 33 of the Sites and Policies Plan (Part 1) the path surface, gradients, and all access points have been designed to facilitate access by disabled people which is of the same standard as that provided for able-bodied people; this includes those who use wheelchairs and mobility aids.'

EIA impacts were considered as part of the planning decision and all works will comply with the Design and Access Statement submitted, and comments made by the Access Officer for Disabled People, Equality & Diversity Team.

CORPORATE IMPLICATIONS

This project will assist in realising NSC's long term infrastructure goals and help meet its Corporate Plan priorities, including enhancing the visitor economy:

- A great place for people to live, work and visit.
- To be a carbon neutral council and area by 2030.
- A transport network which promotes active, accessible, and low carbon travel.
- An attractive and vibrant place for business investment and sustainable growth.

The development of this route is also supported by NSC's Active Travel Strategy (adopted July 2021).

Other relevant policy includes:

- The route is included in the Council's Local Plan under policy DM25: Public rights of way, pedestrian, and cycle access; Schedule to policy DM25: Proposed Strategic Cycle Routes.
- The route is included in the Local Plan Site and Policies Plan Part 1; and is highlighted as a 'Strategic Cycleway' on the Local Plan Policies Map.
- The North Somerset Replacement Local Plan 2007 specifically sets out the council's commitment to delivering the project; the route alignment was tested and approved at Public Enquiry as part of the Replacement Local Plan process.
- The project is included in the Joint Local Transport Plan 4, which is West of England's current adopted transport policy.
- The project forms the central section of the Council's proposed 'Coastal Towns Cycle Route' which aims to link Bristol, Portishead, Clevedon, Weston-super-Mare, and Brean to create a high-quality cycle and pedestrian route across the authority, providing local linkages whilst also serving as an attraction and catalyst for cycle tourism. The Coastal Towns Cycle Route would complete the North Somerset section of NCN Route 33 which will link Bristol to Seaton in Devon.

- The Coastal Towns Cycle Route is included as a policy commitment and priority in the Joint Local Transport Plan 4 and in the Draft Active Travel Strategy.

APPENDICES

APPENDIX - Further background to project (see end of document)

BACKGROUND PAPERS

[1] Kent, R. (2018) Notice of Decision: 18/P/4758/FUL. North Somerset Council. Available at: https://planning.n-somerset.gov.uk/online-applications/files/E23633B33994BF7055C32E49D9D80ACB/pdf/18_P_4758_FUL-DECISION_FUL_APPROVE-2759524.pdf

[2] Searle, B (2020) Decision 20/21 DP272: Revised commissioning plan for the Weston-super-Mare to Clevedon (Tutshill) Cycleway <https://www.n-somerset.gov.uk/sites/default/files/2021-01/DP272%20REVISED%20COMM%20PLAN%20TUTSHILL%20all%20signatures%20%28002%29.pdf>

[3] Mann. F. (2019) Decision 19/20 DE02: Accept offer of £639,559.34 grant funding for Weston – Clevedon section of NS Coastal Towns Cycle Route from the Rural Payments Agency AND to add existing £100,000 in Joint Local Transport Plan budget to the 2019/20 Capital Programme.


[4] Searle. B. (2021) Decision 20/21 DP146: Award of contract for Tutshill agricultural crossing (to enable Weston-super-Mare – Clevedon Cycle Route) to Beaver Bridges to value of £1,384,911.09. <https://www.n-somerset.gov.uk/sites/default/files/2021-08/DP146%20signed.pdf>

SIGNATORIES:

DECISION MAKER(S):

Signed:  Director of Place

Date: 20 September 2021.

Signed:  Director of Corporate Services (s151 Officer)

Date: 20 September 2021.

Signed:  Head of Strategic Procurement

Date: 20 September 2021.

APPENDIX

Further background to project

Over the last few years, the concept and delivery of a North Somerset Coastal Towns Cycle Route (CTCR) has gained a lot of ground to develop the tourism market more fully in North Somerset beyond the traditional tourist areas, attractions, and demographic. The route will also be important to commuters and local leisure cyclists, connecting our towns where existing links are very poor. Walkers and horse riders will also benefit greatly from the link at Tutshill.

The first section of the CTCR, the Brean Down Way opened from Brean to Uphill two years ago and has already proved how popular this route is (generating 100,000 trips per annum) and was extended to Weston-super-Mare in 2020.

The next section that has been prioritised is Weston to Clevedon and the subject of this Decision. It is perhaps the most ambitious but essential section with no other alternatives to the A370. The main obstacle to its development has been the crossing of the Yeo and Oldbridge rivers, and private land at Tutshill. This has been sought for over forty years, including by Sustrans, since the late 1970's, and has been protected by planning policy since inclusion in the Avon County Council Structure Plan in 1980. More recently, campaigning by residents locally, including with a Facebook group with 1348 followers, has seen a groundswell of interest from people living in North Somerset and the region.

At Tutshill there are two existing sluice crossings, on which the local landowners are dependent for dairy farming purposes. The sluice crossings are considered too narrow to safely share cattle movements with the expected levels of public use this route will generate. In addition, there are no rights of way leading to them. After years of discussion and negotiation with the landowners, a proposal has been reached to enable public access across the sluice crossings. An essential part of this is providing an agricultural bridge further upstream so that cattle and farm machinery would no longer use the sluices. The details were subject to a planning application, granted permission Dec 2018 (Planning Application number 18/P/4758/FUL). This was the subject of the Director's decision DP146 with the ward of contract to build the bridge. This received 600 comments, with 550 supporting it. Only 35 objections were received. 10 of these objections requested the route (the Tutshill link in particular) be open to horse riders. This has now been agreed with the landowners. The remainder of the route utilises quiet roads with some additional off-road options near Clevedon and Weston-super-Mare.