

# **PERTH AND KINROSS COUNCIL**

**19 June 2019**

## **Perth Transport Futures Project Phase 2 – Cross Tay Link Road Review of Alignment between A93 and A94**

**Report by Depute Chief Executive, Chief Operating Officer  
(Report No. 19/189 (Revised))**

This Report provides a technical comparative assessment between the current preferred route of the Cross Tay Link Road (between the A93 and A94 only) as originally scoped, assessed and determined by the Council ('the current preferred route') and a recently proposed alternative route situated to the north of Housing Development Site H29 ('the northern route').

A risk based assessment of the northern route has also been undertaken using the same criteria: technical, financial, environmental, economic and legal and provides a clear professional recommendation for elected members to consider.

### **1. EXECUTIVE SUMMARY**

- 1.1 This Report provides a technical comparative assessment between the current preferred route of the Cross Tay Link Road (between the A93 and A94 only) as originally scoped, assessed and determined by the Council ('the current preferred route') and a recently proposed alternative route situated to the north of Housing Development Site H29 ('the northern route').
- 1.2 The Report also provides a risk based assessment of the northern route considering technical, financial, environmental, economic and legal risks.
- 1.3 The Council has reviewed the current preferred route in response to recent concerns raised by Scone and District Community Council primarily relating to air quality and road safety in respect of the section of the CTRLR proposed to run through the housing development site H29.
- 1.4 A technical comparative assessment was undertaken by the Council's engineering consultants between the current preferred route and the northern route. This assessment followed the criteria set out in the Design Manual for Roads and Bridges (DMRB).
- 1.5 The technical comparative assessment concludes that the northern route provides no improved benefit when considered against the specific concerns regarding air quality and road safety and against all of the other assessment criteria. Overall the technical assessment favours the current preferred route. Details of the technical assessment are contained within Section 4.
- 1.6 Consequently, there being no technical merit in re-routing this section of the CTRLR along the northern route, on technical grounds alone it would be recommended that the current preferred route be retained and progressed.

- 1.7 A change in route at this stage of the programme however is estimated to delay delivery by at least 17 months taking into account the formal assessments and processes that would require to be undertaken. Consequently in determining the appropriateness of adopting the northern route, the Council must also consider the wider direct, consequential and potential risks caused by such delay.
- 1.8 A detailed risk management exercise has been carried out to identify and assess those broader risks in accordance with the Council's approved Risk Management Framework. The exercise identified a number of risks; financial, legal, environmental, strategic policy and reputational.

- Financial

- (i) £550K estimate in respect of abortive costs for professional and technical work done to date which will require to be allocated to the Revenue budget creating an unplanned pressure.
  - (ii) At least £7.1M additional capital funding will require to be found as a consequence of delay which will increase further for every month the scheme is delayed due to construction inflation.
  - (iii) Puts in jeopardy the £8.5M match funding from Sustrans Places for Everyone competition for the Perth Cycle Network Masterplan (PCNM).

- Legal

- (i) Failure to comply with statutory duty to deliver best value. In the absence of any identifiable technical or strategic benefit as regards the northern route and the clearly evidenced and quantifiable financial costs associated with deviating from the current preferred route at this stage, it is the advice from the Council's Head of Legal and Governance Services and supported by external legal advisers, that adoption of the northern route does not provide best value.

- Planning / Compulsory Purchase Order

- (i) The northern route lies outside the CTRL corridor currently identified in the adopted Perth and Kinross Local Development Plan. Departing from the corridor that is shown within the adopted LDP and the route shown in the proposed LDP2 introduces unnecessary risks into the planning and compulsory purchase processes. If the northern route were to be advanced it would be necessary to consider whether there are material considerations that justify a departure from the adopted LDP.
  - (ii) Furthermore, given the additional cost to the programme, the source of any gap funding needs to be identified before the CPO is promoted as Scottish Ministers need to be satisfied that the CTRL is deliverable before they will confirm any CPO.

- Environmental

- (i) Perth City was designated an Air Quality Management Area (AQMA) in 2006 resulting in the development of an Air Quality Management Plan (AQAP) in 2009. The CTRLR was identified within Perth's AQAP as a key long term measure to improve air quality. Should the delivery of the CTRLR be delayed or undermined, the Council may have no option other than to provide for a Low Emission Zone in Perth as per Scottish Government Policy and the cost and disruption associated with this presents a further risk that must be considered.
- (ii) Continued air quality issues due to congestion at Bridgend and in the city centre due to the delay.
- (iii) £8.5m of match funding from Sustrans could be at risk and this will impact on the extent of the Placemaking programme that can be implemented e.g. measures to provide for sustainable travel.

- Strategic Policy

- (i) Loss of matchfunding from Sustrans would impede the Council's Placemaking programme which forms Phase 4 of the Perth Transport Futures Project.
- (ii) Deviating from the current preferred route may impact upon LDP2; prejudicing the Council's ability to deliver adequate strategic housing sites and to maintain a five year effective land supply.

- Reputational

- (i) Reputational damage in relation to the best use of public monies and best value.
- (ii) Negative press coverage in relation to the potential loss of match funding for other strategic initiatives.
- (iii) Reputational damage as a result of the potential impact on housing land supply.
- (iv) Poor public image with affected landowners and tenants.

1.9 All risks identified were scored and assessed in accordance with the Council's approved Risk Management Framework. Each risk was scored on a scale of 1-5 in terms of probability / likelihood of arising and 1-5 in terms of impact with 5 being the highest in each case. Risk scores for the direct and consequential risks of the proposed northern route option at this stage of the programme are detailed at Appendix 5.

1.10 Of the 16 risks identified:-

- 8 were assessed as being Priority 1 'red' level meaning that they are probable or almost certain to occur, combined with a critical or major impact on the project.
- 4 were assessed as being Priority 2 'amber' level meaning they are possible or probable, combined with a moderate, major or critical impact on the project.
- 4 were assessed as being Priority 3 'yellow' level meaning they are remote or possible combined with a moderate or major impact.

1.11 As stated above, the comprehensive technical assessment demonstrates that there is no discernible benefit to be gained by adopting the northern route in relation to technical, road safety or environmental issues as compared with the current preferred route.

1.12 A detailed assessment of the risks associated with the consequential delay in the CTRL programme by changing the route at this stage of the project however clearly demonstrates the significant financial, legal, reputational and other consequential impacts which would be realised should the northern route be adopted. Since their appointment, Sweco and the Council's Project Team have undertaken a substantial amount of work including all surveys and investigations, the preparation of a draft Specimen Design and draft Environmental Impact Assessment (EIA) for the current preferred route.

1.13 If the Council were to continue with the preferred route then the next steps will be to finalise these documents with a view to submitting the planning application in September 2019, providing that the current preferred route remains the Council's preference.

1.14 The CPO plans detailing the land required for the CTRL have also been prepared. It is proposed to seek authorisation to promote the CPO at the Council meeting on 25 September 2019, again providing the preferred route remains the Council's preference. This approach has been endorsed by the Council's legal advisers. It provides the distinct advantage of running the planning and the CPO processes in tandem which will help secure the earlier and more cost effective delivery of the Scheme. In contrast, the northern route would mean a potential 17 month delay in the process.

1.15 For these reasons it is the recommendation of professional and technically qualified officers, supported by external advisors that the Council retains and takes forward the current preferred route of the CTRL.

## **2. BACKGROUND / MAIN ISSUES**

### **Background**

2.1 The Council has been asked to consider the re-routing of the proposed route of the Cross Tay Link Road (CTRL) between the A93 and A94, north of Scone. This section of the CTRL runs through the site identified as H29 in the Perth & Kinross Local Development Plan 2014 and as such has planning permission 'in principle' for housing on this site. The approved masterplan indicates that the CTRL will run through the site.

2.2 The CTRL has been viewed by the Council as a strategic priority since 2008 and is a vital component of the Perth Transport Futures Project (PTFP) which forms an integrated series of measures to address major congestion and air quality issues in and around Perth. The PTFP will also support the sustainable economic growth of Perth and of the wider Council area. This provides the strategic focus for the Council's key statutory development plans, (the TAYplan Strategic Development Plan 2016-2036 and the Perth & Kinross Local Development Plan 2014).

2.3 The PTFP comprises four phases:-

1. A9/A85 Junction Improvement and Link Road to Bertha Park (final completion 1 May 2019);
2. Cross Tay Link Road (connecting the A9, A93 and A94);
3. Bertha Park connection road (linking Phases 1 and 2 and will be taken forward by the developer); and
4. associated Perth city centre improvements (such as traffic management measures and measures to develop the cycling, walking and public transport provision in and around Perth to improve the opportunity for and encourage sustainable modes of travel i.e. the Placemaking Programme and Perth Cycle Network Masterplan).

2.4 Whilst Phase 1 of PTFP was completed on 1 May 2019 delivery of Phase 2 (the CTRL) is considered to be the key infrastructure project required to deliver the following objectives:-

- divert traffic away from the city centre thereby reducing congestion and improving air quality;
- improve the regional transport network including public transport;
- unlock strategic development areas and sites;
- support key growth sectors; and
- deliver a significant overall increase in the number of jobs in the area.

2.5 Ultimately, the CTRL will provide a more efficient and better connected transport system, improving the mobility of the area's workforce and enhancing the attractiveness of the area to inward investors. Given the strategic importance of the CTRL and the requirement for justification of the proposal before a CPO Public Local Inquiry, it is essential that any decisions taken as to its design are well-informed and take account of all material considerations including technical, planning, and legal advice.

2.6 The current preferred route for the CTRL has been subject to many years of detailed technical assessment and professional and independent scrutiny summarised as follows:

- Scottish Transport Appraisals Guidance (STAG) (2008);
- Strategic Environmental Assessment (2010/2011);
- Design Manual for Roads and Bridges (DMRB) Stage 1 Assessment (2011);

- DMRB Stage 2 assessment and associated environmental assessment (2012 – 2016); and
  - DMRB Stage 3 assessment and Environmental Impact assessment (ongoing).
- 2.7 A detailed development timeline of the key dates, relevant assessments, plans, reports and approvals is provided at Appendix 1.
- 2.8 It should be noted that following conclusion of the DMRB Stage 2 assessment, the Council approved the preferred route for the CTRL at its meeting on 14 December 2016 (Report 16/560 refers). This included the current alignment between the A93 and A94.
- 2.9 Sweco were appointed by the Council in July 2017 as the design consultants for the CTRL via the Scotland Excel Consultancy Framework. Sweco had the best overall tender submission.
- 2.10 Since their appointment, Sweco and the Council's Project Team have undertaken a substantial amount of work including all surveys and investigations, the preparation of a draft Specimen Design and draft Environmental Impact Assessment (EIA).
- 2.11 Sweco, together with the Council's Project Team, held a series of public consultation events to update the public on the design of the project, the project programme and to take comments so that these could be addressed, where practical, through the upcoming design process. The events were held in Perth Concert Hall (21 May 2018), Luncarty Memorial Hall (23 May 2018), the Robert Douglas Memorial Institute in Scone (28 May 2018) and at Coupar Angus Town Hall (18 June 2018).
- 2.12 Over 400 people attended across the four events. In summary, the comments received were generally positive with most appreciating the benefits of the CTRL with regards to traffic congestion and air quality in Perth, Bridgend and Scone. Many also asked that it be delivered as soon as possible. There were, however, some concerns. The three most common related to the impact of the CTRL on traffic queues at Inveralmond Roundabout, the impact of the CTRL on traffic volumes on the A94 north of the CTRL and the impact of the CTRL on the Highfield Woodland. All concerns were considered by the project team and actions and/or explanations prepared as necessary.
- 2.13 The consultation which took place at the Robert Douglas Memorial Institute in Scone was the busiest event with over 200 people attending. The comments received followed a similar theme to the other locations and generally acknowledged the benefits of the CTRL for Scone and looked for it to be delivered as soon as possible. Across the four events, 63 written comments were left by attendees. Of these, 25 were left by attendees in Scone and the main concerns raised were the severance of the Highfield Woodland, ensuring safe pedestrian crossing facilities are provided on the CTRL and the impact that the CTRL may have on traffic levels on the A94 north of the CTRL. The line of the CTRL did not form part of the consultation as this had been previously approved by the Council. However, 2 written comments from the Scone event contained suggestions that the CTRL route should be moved further north.

- 2.14 Measures introduced as the Stage 3 design has developed, some of which address the concerns of the community, include a 'green' bridge through Highfield Woodland to ensure ecology connectivity and to mitigate severance, controlled pedestrian and cycle crossing facilities at junctions, and designing for a reduced speed limit once site H29 has been developed.
- 2.15 SDCC undertook a poll outside Scone Post Office & SPAR between November 2018 and January 2019 asking people to sign a statement "I believe the CTRLR should be moved northwards to avoid H29 and Scone Woods". The poll and supplementary comments were submitted to the Council on 21 February 2019. The poll was signed by 248 people (223 of which resided in Scone) and based on the addresses/postcodes provided this represents 4.4% of the Scone population<sup>1</sup>. A summary of the poll and comments are included in Appendix 6.

### **3. REVIEW OF CURRENT PREFERRED ROUTE (BETWEEN A93 AND A94)**

- 3.1 In response to the concerns recently raised by SDCC, primarily regarding road safety and air quality, a comprehensive review of the current preferred route between the A93 and A94 was undertaken by the Council to determine if the CTRLR should be moved to the north of site H29. The review considered the implications of this change and compared the current preferred route with the northern route. This work has taken over four months and included the following:-

- preparation of an outline geometric design of the northern route based on a preliminary assessment of the physical constraints and available topographical data;
- variation to the archaeological contract to include the area of land within the alternative northern alignment;
- ecological and tree surveys;
- consultation with Historic Environment Scotland and Scottish Natural Heritage;
- desktop review of STAG, DMRB Stages 1 & 2;
- preparation of a technical comparative assessment;
- assessment and re-run of traffic modelling/economic assessment;
- land referencing to cover the northern route;
- consultation with all affected landowners and tenants;
- clarification of planning considerations;
- consultation with the Council's Environmental Health Team in relation to air quality; and
- legal advice from both the Council's Legal Services and external legal provider.

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<sup>1</sup> From the National Records of Scotland the estimated population of Scone in 2016 was 5,050

## **CTLR Route Alignments**

- 3.2 The current preferred route and the northern route between the A93 and A94 are shown in the drawings at Appendices 2 and 3 with brief descriptions below.
- 3.3 From the proposed A93 roundabout the current preferred route heads south-east climbing up and cutting through Highfield Woods to the Highfield Roundabout located east of the Highfield track. The route leaves the Highfield Roundabout on a similar bearing and skirts around a hillside and down to the proposed A94 Roundabout on a gradual right-hand curve.
- 3.4 The northern route extends from the A93 to the A94. The route follows a north-easterly direction across arable fields from the A93 and runs parallel to the Highfield forestry track (to be maintained) then crosses the north-west corner of Highfield Woods in a cutting (which is slightly shallower than the current route). It then turns towards the south-east, around the northern boundary of the proposed Scone North (H29) development and enters the junction at Highfield which would provide access to the development. The route continues south-east in a cutting down to the proposed roundabout on the A94. This roundabout would lie approximately 500m further north of the roundabout for the current preferred route.

## **Technical Comparative Assessment**

- 3.5 A technical comparative assessment was undertaken by Sweco to provide a comparison of the current preferred route against the northern route between the A93 and A94 junctions. The purpose of this assessment is to provide sufficient information to the Council to inform the decision regarding the practicality of the northern route. Whilst the current preferred route has been developed to a level of detail associated with the DMRB Stage 3 assessment, the northern route has been developed to a level of detail sufficient to allow a comparative high level technical assessment of each route to be undertaken.
- 3.6 As such, this comparative assessment compares both routes at a high-level using, where appropriate, assessment criteria as set out in the DMRB, to identify the preference of one route over another in engineering, environmental, and transport and economic terms. These are the three principal criteria, of which there are a number of sub-criteria:-
- (i) Engineering Assessment:
- design standards (includes road safety);
  - geotechnical;
  - drainage;
  - NMU Facilities;
  - public Utilities;
  - constructability; and
  - future maintenance



(ii) Environmental Assessment:

- air quality (receptors and magnitude);
- cultural heritage;
- landscape/landscape visual impact assessment;
- biodiversity;
- geology, soils, contamination and hydrogeology;
- materials;
- noise and vibration;
- people and communities;
- agricultural, forestry and sporting interests;
- road drainage and the water environment;
- climate; and
- landtake

(iii) Transport and Economic Assessment:

- transport modelling; and
- economic assessment

3.7 The technical comparative assessment forms a background paper to this report with the findings summarised in the table below. Where appropriate, a preference of one route over the other is reported.

Topic	Current CTLR route	Alternative northern route	No Clear Preference
<b>ENGINEERING</b>			
Design Standards (includes Road Safety)			✓
Geotechnical			✓
Drainage	✓		
NMUs	✓		
Utilities		✓	
Constructability	✓		
Future Maintenance			✓
<b>ENVIRONMENTAL</b>			
Air Quality (receptors and magnitude)		✓	
Cultural Heritage	✓		
Landscape/LVIA	✓		
Biodiversity		✓	
Geology, Soils, Contamination and Hydrogeology			✓
Materials		✓	
Noise and Vibration	✓		
People and Communities	✓		
Agriculture, Forestry and Sporting Interests		✓	
Road Drainage and the Water Environment			✓
Climate	✓		
Land Take			✓
<b>TRANSPORT &amp; ECONOMICS</b>			
Transport Modelling	✓		
Transport Economics			✓
	9	5	7

- 3.8 For the purposes of this report, and in light of the primary concerns of SDCC, the conclusions with regard to road safety and air quality from the assessment are summarised below.
- 3.9 Design Standards – Within the assessment, hazards associated with both routes have been identified, thus considering road safety. Due to the vertical and horizontal alignments associated with the road and roundabout designs of the northern route, a number of hazards will be presented which are not inherent in the current preferred route. These relate to the likelihood and risks associated with overtaking and overshooting due to changes in gradients and vehicle speeds on the route. On the other hand the assessment highlights that the northern route will minimise potential severance issues for non-motorised users, as there will be less crossing activity. Overall, the assessment concludes that levels of road safety risks presented by both options is low. Notably, appropriate controls can be put in place to mitigate the risks associated with either route. These controls are already being applied during the current design process, as can be demonstrated by the current design containing traffic light controlled pedestrian/cycle crossings, a green bridge with pedestrian and cyclist provision at Highfield Woodland, and a reduced speed limit and appropriate signs/road markings. Whilst there are more hazards than benefits introduced with the northern route, these are minor.
- 3.10 Air Quality - One of the main objectives of the PTFP is to provide drivers with an alternative to travelling through the city centre, thus removing traffic within the city centre and thereby reducing congestion and improving air quality. As detailed in section 14 of this report, Perth was declared an Air Quality Management Area (AQMA) in 2006 and the CTRLR was identified as a key long term measure to improve air quality within the AQMA. Delivery of the CTRLR is expected to result in a significant reduction in pollution levels within Perth City regardless of whether the current preferred route or the northern route is adopted.
- 3.11 As part of the technical assessment, an air quality appraisal was undertaken to identify the potential local air quality effects predicted for both the current preferred route and the northern route. The aim of the assessment was to determine whether there is any difference in the number of properties that would be adversely affected by air quality and the magnitude and significance of that impact.
- 3.12 The assessment noted that the main potential impact on local air quality from the CTRLR will be dust during construction and traffic emissions. It is also noted that neither route is within an AQMA. The assessment considered both existing receptors (current nearby residents) and future receptors (future residents of Scone North). With regard to current residents, there are two residential locations within 200m of the current preferred route and similarly there are two residential locations within 200m of the northern route. With regard to future residents, a greater area of the Scone North development (site H29) is within 200m of the current preferred route when compared to the northern route. Therefore, due to the reduced number of future residential

receptors within 200m of the CTLR the local air quality impact is expected to be less for the northern route. However both routes are expected to result in air quality well within the Air Quality Objectives and regardless of which route is adopted delivery of the CTLR will result in an improvement to air quality in the centre of Perth.

- 3.13 With regard to people and communities, the current preferred route would perform better for non-motorised user paths and the impact to community land as less land is lost from Highfield Woods. Although the differences in journey times for public transport would be minimal, running bus services along the current preferred route would provide a better service to local residents due to the proximity to housing, and Scone itself.
- 3.14 Whilst not a specific concern raised by SDCC, it is worth noting that the assessment also considered the routing and traffic conditions for each route. For the northern route, it highlights some negative impacts with regard to traffic increases on two existing local roads (A94 Angus Road and Stormont Road) in future years. These relate predominantly to the routing of H29 development traffic with regard to access to the CTLR. However, it is recognised that the masterplan will be advanced further to consider traffic routes.
- 3.15 Overall, the technical comparative assessment has concluded that the northern route is no better than the current preferred route when assessed against road safety or air quality or against the other criteria set included in the assessment. Indeed, overall, the assessment favours the current preferred route.

## **4 REVISED PROGRAMME**

- 4.1 In light of the need to undertake the technical comparative assessment, the current delivery programme has now slipped and a revised project timeline is set out in the table below. It is estimated that construction of the CTLR including the current preferred route would now be completed in April 2024.
- 4.2 Should the northern route be progressed it will be necessary to undertake a DMRB Stage 3 assessment of it to develop the design to the same level of detail as the remainder of the CTLR. The tasks involved are listed below, and it is estimated that it will take at least 12 months to complete these.
- development of the specimen design of the northern route;
  - consultation with statutory consultees, landowners and other interested parties;
  - public consultations / exhibitions;
  - procurement of and undertaking additional surveys e.g. substantial ground investigation, topographical survey, drainage survey;
  - re-issuing C4 requests to public utility providers;
  - re-working of the EIA to include the revised geometry, additional surveys and feedback from consultations;

- revision of the draft planning application; and
- review and revision of compulsory land purchase plans.

4.3 Legal advice is also to delay the promotion of the CPO until planning consent is in place for the northern route thus adding another 5 months to the programme.

4.4 It is therefore estimated that if the northern route is progressed it could add a minimum of 17 months to the programme. However, it is stressed that these programmes assume no further unforeseen delays, difficulties or issues.

Estimated Programmes:

	<b>Preferred Alignment</b>	<b>Northern Alignment</b>
Finalise specimen design	July 2019	July 2020
Submission of planning application	Sept 2019	Sept 2020
Planning Consent granted	Jan 2020	Jan 2021
Promotion of CPO	Oct 2019	Feb 2021
Land Vesting (dictated by timescales for CPO process)	Aug 2021	Dec 2022
Contract Award	Oct 2021	Feb 2023
Contract Completion	Apr 2024	Aug 2025

4.5 The programme impact that would result from altering the route at this stage has been considered in the detailed risk assessment that has been undertaken, and is summarised in the Section below.

## **5 RISK ASSESSMENT**

5.1 Whilst the technical comparative assessment has demonstrated that there is no discernible benefit in adopting the proposed northern route, in determining the appropriateness of deviating from the current preferred route the Council must also take into account the risks associated with such action; in particular the impact caused by the inevitable delay that would result from altering the route at this stage.

5.2 A detailed risk management exercise has been carried out to identify and assess those broader risks in accordance with the Council's approved Risk Management Framework. The exercise identified a number of risks; financial, legal, environmental, strategic policy and reputational which would flow directly or consequentially from the delay in the programme.

### **5.3 Financial Risks**

Abortive Fees incurred to date:

5.3.1 The cost of the DMRB Stage 3 work that has been undertaken on the preferred route between the A93 and A94 is estimated to be in the region of £550K but further detailed analysis is required so this figure may be higher. These costs will require to be recharged to the Revenue budget, resulting in an additional pressure on that budget.

### Capital Cost:

- 5.3.2 Although the northern route is longer in length, a green bridge is not required. In light of this, the actual scheme cost of each route is similar. However, there will be significant financial implications of progressing the northern alignment due to the costs arising from the further assessment, design, survey and supervision work as detailed above (estimated at £1.4M), and construction inflation following a delay in the start date (estimated at £5.7M).
- 5.3.3 At this time there are no unallocated resources within the Capital Programme. At current interest rates the cost of borrowing a further £7.1M will be in the region of £280K per annum which will have further implications for the revenue account. The financial impact will likely increase however if the cost of borrowing increases when, as anticipated, interest rates rise over the medium term.
- 5.3.4 If the northern route is progressed this additional cost will require to be considered as part of the Capital Budget for 2020/21 to 2029/30 which is currently being developed by officers. It is anticipated that the Council will be asked to approve the new Capital Budget in February 2020.

### Potential Loss of Match Funding: Sustrans Places for Everyone Bid:

- 5.3.5 The Council has submitted an ambitious bid to Sustrans, as part of its Places for Everyone competition. The bid outlines significant investment in active travel infrastructure and placemaking across Perth City, as supported by the Perth Cycle Network Masterplan and Placemaking Programme, both of which ultimately form Phase 4 of the PTFP.
- 5.3.6 The bid is the Council's vision for improving the way people move around Perth City Centre and its surrounding areas, and is based on the once in a generation opportunity, resulting from match funding of over £35M identified through the Council's Capital programmes.
- 5.3.7 The CTLR provides for £8.5M of this match funding. Within the bid the Council has committed to delivery of the package of measures by June 2024 in accordance with the requirements of the Sustrans funding. The need to re-profile the budget allocation within the Capital programme for the CTLR if the northern route is progressed may adversely affect the overall Sustrans bid and the final allocation of funding. Consequently, the level of investment could be reduced.

### Recoverable Costs - Developer Contributions:

- 5.3.8 Phase 1 of the PTFP was forward funded by the Council on the basis that contributions to the Capital cost of that project would be recoverable from developer contributions in respect of development sites which would benefit as a consequence of the provision of the new infrastructure. If the development of these sites is impacted upon due to delays in the delivery of, or concerns about the deliverability of the CTLR, this is likely to impact on the Council's ability to recover its Capital outlay through developer contributions.

### Unplanned Resource Implications:

- 5.3.9 The delay likely to be incurred if the northern route were to be progressed will impact on the economic appraisal. This would also require the 2015 Base Year Paramics traffic model to be recalibrated and validated which is a significant package of currently unplanned work for which there is currently no financial provision and no resource. This would require to be factored in as pressure for the revenue budget.

## **5.4 Legal risks**

### 5.4.1 Statutory duty to deliver best value:-

Section 1 of the Local Government in Scotland Act 2003 imposes a duty on the Council to make arrangements that secure best value. Best value is defined as continuous improvement in the performance of the authority's functions. In securing best value the Council is required to maintain a balance between:-

- the quality of its performance of its functions;
- the cost to the Council of the performance of its functions; and
- the cost to persons of any service provided by it for them on a wholly or partly rechargeable basis.

In maintaining that balance, the Council is required to have regard to:-

- efficiency;
- effectiveness;
- economy; and
- the need to meet the equal opportunity requirements.

The Council is also required to discharge its best value duty in a way which contributes to the achievement of sustainable development.

### 5.4.2 As well as seeking advice from the Council's Legal Services, it has also obtained detailed legal opinion in relation to the matters that are covered in this report, both of which support the following conclusions:-

- a) It is fair and reasonable to assert that on the basis of the technical comparative assessment there is no persuasive case to be made for departing from the current preferred route in favour of the northern route;
- b) In best value terms, there is no evidence that adopting the northern route provides any greater efficiency, economic benefit, cost effectiveness or added benefit over the current preferred route;
- c) There is clear evidence that deviating from the current preferred route and adopting the northern route at this stage of the programme would incur significant additional financial costs as detailed above.

- 5.4.3 These factors, particularly when considered alongside the other risks identified in this section, strongly suggest that the current preferred route will ensure that the Council secures best value in the delivery of the CTLR. Conversely adopting the northern route will not secure best value.

## **5.5 Planning / Compulsory Purchase Order**

- 5.5.1 The northern route is outwith the current CTLR corridor identified in the adopted LDP, and therefore does not have the same level of development plan support as the current preferred route. It would therefore be necessary to establish whether there are material considerations to justify a departure from the adopted LDP.
- 5.5.2 For these reasons, the legal opinion provided to the Council is that a CPO should be not be promoted in respect of the northern route until planning permission is in place, or there is a higher degree of certainty that planning permission may be granted. This contrasts with the position on the current preferred route where it is proposed that the planning process and the CPO process are taken forward in tandem. Accordingly adoption of the northern route will inevitably lead to delay in promotion of the CPO.
- 5.5.3 If the Council were to progress a CPO for the northern route it will be required to evidence that there are reasonable prospects that the funding gap can be met and that the CTLR can be fully funded within a reasonable period of time. Where funding is not confirmed or timescales are protracted then a Reporter may consider the CPO to be premature and may be less likely to recommend confirmation resulting in further abortive costs as regards technical and professional fees.
- 5.5.4 Furthermore lack of clarity regarding timescale or funding introduces the risk that the CTLR may be perceived as undeliverable and result in consequential impact of reputational damage and loss of confidence by stakeholders.
- 5.5.5 The Council has previously consulted widely with third parties who will be affected by the CPO and negotiations have been on-going with these parties for some time with positive outcomes.
- 5.5.6 As part of the overall assessment of the two routes, the Council has consulted again with landowners and tenants affected by the current preferred route. In general, the majority of consultees have questioned, firstly, why a review is being undertaken at all, and secondly, why a review is being undertaken at this time given the due process which has been followed.
- 5.5.7 Most were also concerned about the likely potential delay to and resultant significant increased cost of the CTLR.
- 5.5.8 The opportunity for further housing development should the route be moved north was also highlighted, in that the land enclosed by northern route may be perceived as an "infill" site.

5.5.9 Three residential property owners specifically impacted by the northern route have also written to the Council to express their concerns, advising that they currently intend to object formally to the current preferred route being moved.

5.5.10 In the event that the objections are maintained it will lengthen the duration of the CPO process

## **5.6 Environmental Risks**

5.6.1 Perth City was declared an air quality management area (AQMA) in 2006 and as a consequence an Air Quality Action Plan (AQAP) was developed in 2009. Although many of the incremental improvement measures detailed within Perth's AQAP have been undertaken, the reduction in pollution levels have been marginal therefore the CTLR was identified within Perth's AQAP as a long term measure to improve air quality. The progress regarding this project has been reported in the Council's Air Quality 'Annual Progress Report' year on year since 2009 to the Scottish Government and SEPA.

5.6.2 In order to predict the likely impact of the CTLR on air quality levels within Perth the existing regional air quality model was scenario tested. The results, which include a level of uncertainty and acknowledge the ongoing emergence of cleaner vehicles, indicate a significant reduction in pollution levels in many of Perth's City centre streets. This includes a predicted reduction of NO<sub>2</sub> up to:

- 14-16% in Atholl Street
- 21% in Barrack Street
- 16% in Main St Bridgend.

5.6.3 Should these improvements be achieved, they will deliver benefits for people living and working in and commuting to and from the AQMA. Resulting levels would also comply with national objectives and enable revocation of the existing AQMA.

5.6.4 The national strategy 'Cleaner Air for Scotland – The Road to a Healthier Future' states that all Local Authorities with AQMA's will have to undertake an assessment to determine whether a Low Emission Zone (LEZ), or alternative vehicle access restriction scheme, will be required to achieve compliance with air quality objectives. The Scottish Government has indicated that implementation of such zoning or restrictions is required by 2023, with the initial screening process to be completed by June 2019.

5.6.5 In real terms, if there is no improvement to air quality levels to remove current exceedances within Perth City centre, then there is every possibility that an LEZ will be required and that this will be achieved by the introduction of zoning and/or vehicle restrictions.



- 5.6.6 The introduction of an LEZ will involve a significant period of consultation (including statutory consultations that will be required by the Transport (Scotland) Bill once enacted) in advance of the Scottish Government's target date of 2023. This will have a significant impact in terms of resources and cost even if implemented as temporary measure. It may also result in reputational damage if it is apparent that the need for any LEZ might have been obviated by the earlier implementation of CTRL. These risks would largely be avoidable if there was reasonable certainty that the CTRL will be delivered by or near 2023 which is more likely to be the case if the preferred route is taken forward.

## **5.7 Strategic Policy Risk**

### Housing land supply:

- 5.7.1 The Council's proposed Local development Plan 2 (LDP2) is currently undergoing examination by Scottish Ministers. The appointed Reporter has made several requests in relation to the housing land supply and has asked for regular updates on proposals, including the progress of the CTRL. To date the Council has responded to the effect that the housing land supply identified in the LDP2 is effective. This is based on the most recent information supplied to the Reporter indicating that a planning application for the CTRL is programmed for submission mid to late 2019 and that construction is estimated to be complete in 2023.
- 5.7.2 As there is a close correlation between the effective housing supply and the delivery of the CTRL any delay or risk to the delivery of the CTRL would require to be notified to the Reporter. As stated above the programme for the current route has now slipped as a result of the technical comparative assessment with completion now estimated in 2024.
- 5.7.3 Should the Council be required to update the Reporter about a further and more significant delay in the programme of a minimum of 17 months, the Reporter is likely to want to know the implications for the effectiveness of the housing land supply. The Reporter may decide that the delay gives rise to a need for additional housing allocations or a review of the embargo or of the limitation on developments prior to the CTRL becoming a committed project.
- 5.7.4 In terms of LDP policy the development of housing sites within the Greater Perth Housing Market Area for ten or more units (excluding brownfield) outwith Perth on the A93/A94 corridors is restricted until the construction of the CTRL is a committed<sup>2</sup> project.
- 5.7.5 Outwith the A93/A94 corridor a similar approach has been taken where larger LDP allocations are also constrained, with planning permissions for significant sites within the Perth area constrained by appropriate thresholds for development prior to the CTRL becoming a committed project.

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<sup>2</sup> Committed being when when all funding, land required for the scheme, statutory approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced

- 5.7.6 Where sites are prevented from progressing, or where their full capacity cannot be achieved prior to the CTLR becoming a committed project, this may be a disincentive for developers to progress proposals.
- 5.7.7 Uncertainty over the delivery or timing of the CTLR may also influence the willingness of financial institutions to provide start up finance to developers. This is of significant concern as the Council's ability to satisfy the housing land requirement relies upon several of the constrained sites contributing to the housing land supply.
- 5.7.8 Delay to the development of such sites risks undermining the Council's ability to maintain an effective 5 year housing land supply which it is obliged to do. The failure to maintain a 5 year housing supply is one of the main reasons for a Reporter upholding planning appeals for ad hoc or non-allocated sites
- 5.7.9 This will also have the consequential impact of affecting local housing building rates and economic impact to the local area.

## **5.8 Public Image / Reputational Risk**

- 5.8.1 As indicated above many of those already consulted through the planning and CPO processes have expressed concern regarding the Council's consideration of an alternative route at this late stage of a long and complex process.
- 5.8.2 There is a wider reputational risk as regards the Council's failure to deliver the CTLR within the budget and timescale as approved by Council.
- 5.8.3 Lack of clarity, delay or concerns regarding funding may have a wider impact as regards credibility and public confidence not only in the deliverability of the project but also as regards the Council's wider commitment to its agreed strategic priorities.

## **6 CONCLUSION AND RECOMMENDATION**

### **Conclusion**

- 6.1 The Council must respond appropriately to the views of local communities including SDCC. In the present case, the Council has responded to the concerns that have been raised by SDCC by commissioning a technical comparative assessment of an alternative northern route (which includes additional surveys, traffic modelling, assessment work and consultation), and by instructing internal and external legal advice. This process has been resource intensive and required considerable additional expenditure. However, while the technical comparative assessment of the current preferred and northern routes had specific regard to the concerns that were raised by SDCC, overall the conclusions that are set out in the assessment, do not support the adoption of the northern route. Indeed, the technical comparative assessment favours the current preferred route.

6.2 To summarise, the current preferred route:-

- avoids delaying the CTLR by at least 17 months;
- avoids additional spend of at least £7.1 million, and resultant need to review the Capital budget;
- avoids a Revenue budget pressure of approximately £550k as a result of abortive work;
- maximises the traffic reduction at Bridgend and indeed through Scone and the city centre, and addresses significant air quality issues at an earlier stage;
- accords with the Development Plan and emerging LDP2;
- minimises the uncertainties associated with the requisite planning application and CPO process together with the further benefits set out in this report; and
- delivers Best Value

6.3 The detailed assessment of risk associated with changing the route at this stage of the project clearly demonstrates the significant financial, legal, reputational and other consequential impact which would be realised should the northern route be adopted. There is accordingly a strong and compelling case for retaining and progressing the current preferred route.

### Recommendation

6.4 For the reasons detailed in this Report it is the recommendation of the relevant professional and technical officers and independent external advisers that the Council retains and takes forward the current preferred route of the CTLR between the A93 and the A94.

### Author

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### Approved

Name	Designation	Date
Jim Valentine	Depute Chief Executive (Chief Operating Officer)	12 June 2019

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
<b>Resource Implications</b>	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	Yes
<b>Assessments</b>	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	Yes
<b>Consultation</b>	
Internal	Yes
External	Yes
<b>Communication</b>	
Communications Plan	Yes

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

- 1.1 The wider PTFP supports the Community Plan Vision to “create and sustain a vibrant, safe, healthy and inclusive communities in which people are respected, nurtured and supported and where learning and enterprise are promoted.” Specifically, this project encourages sustainable economic growth, an improved and safer environment and healthier choices for sustainable transport.
- 1.2 The PTFP supports the following outcomes:-
- Our area will have a thriving and expanding economy
  - Our area will have improved infrastructure and transport links
  - Our young people will attain, achieve and reach their potential
  - Our communities will be safer
  - Our area will have a sustainable natural and built environment

## Corporate Plan

1.3 The Council's Corporate Plan 2018-2022 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:-

- i) Giving every child the best start in life
- ii) Developing educated, responsible and informed citizens
- iii) Promoting a prosperous, inclusive and sustainable economy
- iv) Supporting people to lead independent, healthy and active lives
- v) Creating a safe and sustainable place for future generations.

1.4 The project's benefits in respect of the wider objectives of the Corporate Plan are outlined below:-

- Giving every child the best start in life – provides access to services, community facilities and the outdoors.
- Promoting a prosperous, inclusive and sustainable economy – assists in the delivery of sustainable economic growth of the Perth area, in particular opening up of economic development land to the northwest of Perth.
- Supporting people to lead independent, healthy and active lives – The project will reduce congestion and therefore reduce traffic emissions, thereby contributing positively to air quality in the corridor and surrounding area. This will have a positive benefit for the health of residents in this area. The project also includes enhanced provision for non-motorised users. This will provide a more positive environment for pedestrians and cyclists and could encourage more people within the area to walk and cycle.
- Creating a safe and sustainable place for future generation – The project will facilitate the delivery of the Local Development Plan strategy to support the sustainable economic growth of the area. In addition, by facilitating the Cross Tay Link Road and delivering the "Shaping Perth's Transport Future" transport strategy, this project can contribute to reducing the carbon footprint of the area and promoting sustainable travel modes. The project will lead to lower journey times and reduce congestion, while providing more travel connections and alleviating the conflict between local and through traffic movements. This will provide for a better environment for this area.

## **2. Resource Implications**

### Financial

2.1 The scheme cost (based on the current alignment) is currently estimated at £118 million. Funding of £78M towards it was committed by the Council on 22 June 2016 (Report 16/227 refers). The remaining £40M will be funded by the Scottish Government.

- 2.2 The financial implications of proceeding with an alternative alignment between the A93 and A94 is estimated to be in the region of £7.1M with regard to Capital. There will also be a Revenue budget pressure of at least £550K for abortive work. Full details of the financial implications are provided in Section 6.3 of this report.

#### Workforce

- 2.3 The resources required to undertake the technical and risk comparative assessment is detailed within the report.
- 2.4 The Project Team will continue to progress the scheme based on the recommendation of the Council.

#### Asset Management (land, property, IT)

- 2.5 The technical comparative assessment details the land and uses which will be affected by both routes. A land referencing exercise was also undertaken for the northern route.
- 2.6 The land required for the scheme will form part of a future Council report seeking authorisation to promote a Compulsory Purchase Order.

### **3. Assessments**

#### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- Assessed as not applicable at this stage

#### Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. No action is required as the Act does not apply to the matters presented in this report. However an assessment was undertaken for the plan 'Shaping Perth's Transport Future' in 2014. The proposal was also considered through the environmental assessment of the Local Development Plan.

### Sustainability

- 3.4 The proposals have been considered under the provisions of the Local Government in Scotland Act 2003 and Climate Change Act using The integrated Appraisal Toolkit. The proposals will not have a direct impact on sustainable development or climate change.
- 3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions. This report however seeks to acquire land to take forward a key action from the Local Development Plan. There is a statutory duty of the Council to ensure that the LDP contributed towards sustainable development accordingly no further assessment is required.

### Legal and Governance

- 3.6 The Perth Transport Futures Project has been under development for a number of years and is fully documented in various reports and plans. See Appendix 1.
- 3.7 Legal Services and Brodies LLP have been involved in the review of the route and have provided their advice, particularly in relation to the risks and implications associated with moving the current route.

### Risk

- 3.8 As above Legal Services and Brodies LLP have provided their advice and advised on the risks.
- 3.9 In light of the significant risks associated with taking forward an alternative northern route, a risk management exercise has been undertaken in accordance with the Council's Risk Management Policy and Risk Management Strategy. Where relevant the Risk Management Process has been followed. See Appendix 5.

## **4. Consultation**

### Internal

- 4.1 This report has been prepared in liaison with Finance, Legal, Environmental Health and Strategy & Policy (Planning).

### External

- 4.2 Historic Environment Scotland and Scottish Natural Heritage have been consulted on the northern route as part of the technical comparative assessment.

- 4.3 The landowners and tenants affected by the current preferred and northern route have been asked for their views.
- 4.4 Three owners of three residential properties who would be affected by an northern route have also provided their comments on learning of the SDCC petition and Council review.

## **5. Communication**

- 5.1 It is proposed to hold further public exhibitions/consultation on the scheme after the summer school term as part of the planning application process.
- 5.2 Liaison with landowners, tenants and statutory consultees will continue as the scheme progresses.

## **2. BACKGROUND PAPERS**

See Appendix 1 for timeline of key decision dates, relevant assessments, plans, reports and approvals.

CTLR Route Alignment (A93 to A94) Comparative Assessment Report DMRB Stage 3 (Sweco).

## **3. APPENDICES**

- Appendix 1 – Timeline of Key Decision Dates, relevant assessments, plans, reports and approvals
- Appendix 2 – Potential Alternative Northern Alignment (Drawing 119046-SWECO-HML-000-SK-D-00084(P03))
- Appendix 3a & 3b – Potential Alternative Northern Alignment (Drawings 119046-SWECO-HML-000-SK-D 00092 (P01) & 119046-SWECO-HML-000-SK-D 00093 (P01))
- Appendix 4 – Landowner/Tenant Feedback and Residents' Comments
- Appendix 5 – Risk Profile and Risk Heat Map
- Appendix 6 – Scone & District Community Council Poll