

<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	Alan Cavill, Director of Place
<b>Relevant Cabinet Member:</b>	Councillor Gillian Campbell, Deputy Leader of the Council (Tourism, Economic Growth and Jobs)
<b>Date of Meeting:</b>	7 November 2016

## **BLACKPOOL TRAMWAY EXTENSION TO BLACKPOOL NORTH STATION (SECOND REPORT)**

### **1.0 Purpose of the report:**

- 1.1 Following the resolution by Full Council on 29 June 2016 an application for an Order under the Transport and Works Act 1992 to authorise an extension of the Blackpool Tramway to Blackpool North Station was submitted to the Secretary of State for Transport on 13 July 2016. In accordance with section 239 of the Local Government Act 1972, a second approval is required from Full Council to confirm its resolution to promote the Order.

### **2.0 Recommendation(s):**

- 2.1 To recommend Council to confirm the resolution of the Council made at its meeting on 29 June 2016 to promote a Transport and Works Act Order under the Transport and Works Act 1992 to authorise an extension of the Blackpool Tramway to Blackpool North Station; and to authorise:

(1) The Director of Place, after consultation with the Deputy Leader of the Council (Tourism, Economic Growth and Jobs), to take all such steps as required for the Council to promote the Order, including dealing with any objections to the application, entering into agreements or commitments in relation to the Order.

(2) The corporate seal of the Council being affixed to any documents required to be sealed in connection with the promotion of the Order.

### **3.0 Reasons for recommendation(s):**

- 3.1 Extending the Blackpool Tramway to Blackpool North Station would facilitate:
- Connectivity and integration between the existing tramway and National Rail services at Blackpool North railway station. At present, there is no connection between the tramway which runs alongside the Promenade, and the railway

station. The tramway extension will improve connectivity both within Blackpool, and to the wider sub-region for commuters and for visitors accessing the resort;

- The use of public transport, by enabling visitors and residents to access the existing railway station from the tramway network, thus encouraging modal shift and reducing transport emissions;
- Regeneration and economic growth, by improving transport provision and accessibility to jobs and services, and improving the connectivity between the economically important seafront and the redeveloping town centre. The tramway extension will facilitate urban realm enhancements in the town centre as well as improving access for employers in Blackpool to a larger labour pool; and
- The promotion of quality of life through a safe and healthy built and natural environment.

In order to extend the Tramway, powers are needed to construct, maintain and operate the extension, and to acquire necessary land rights. The most convenient way of obtaining these power is through a Transport and Works Act Order.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

It would have been possible to apply separately for planning permission for the Extension, and to seek to acquire all the necessary land rights voluntarily. However, this is a more complex course of action than making a single application for a Transport and Works Act Order. In addition, the Transport and Works Act Order can clarify the relationship between the operating powers for the Extension and those for the existing Tramway, which would not be possible through a planning application. The 29 June 2016 Council meeting therefore resolved to pursue a Transport and Works Act Order.

#### **4.0 Council Priority:**

4.1 The relevant council priority is: "The economy: Maximising growth and opportunity across Blackpool".

## **5.0 Background Information:**

- 5.1 A Transport and Works Act Order under the 1992 Act provides approval for the construction, operation and maintenance of a transport system. An Order authorises the construction of the works and provides the necessary rights over land on a permanent and temporary basis. Blackpool Council has applied for such an Order to undertake an extension to the Blackpool Tramway from North Pier to Blackpool North Station. The Order application was accompanied by a request to the Secretary of State to give a direction as to deemed planning permission, along with draft planning conditions.
- 5.2 The Order is to provide for, amongst other matters: The power to construct, maintain, and operate the tramway, including powers to keep apparatus in streets, to undertake relevant street works, to survey and investigate land, and to give the necessary rights over the land, including temporary use of land for construction and maintenance of the tramway. It will also modernise the operating powers for the existing Tramway, where appropriate.
- 5.3 The following documents were submitted:
- Letter of application
  - Draft Order
  - Explanatory Memorandum explaining the purpose and effect of each article and Schedule in the draft Order
  - Statement of aims of the proposals
  - Consultation Report summarising the consultations that have been undertaken
  - Declaration as to Status of the applicant
  - List of all consents, permissions or licences required under other enactments for the purposes of the powers sought in the application
  - Funding Statement, giving details of the applicant's proposals for funding the cost of implementing the Order
  - Estimate of cost of carrying out the works provided for in the proposed Order
  - Request for a direction under section 90(2A) of the Town and Country Planning Act 1990 including elements of the proposed development and proposed planning conditions
  - Planning statement
  - Plans and drawings comprising:
    - Location and Key Plan
    - Works and Land Plan
    - Sections
    - Traffic Regulation Plan
    - Planning Direction Drawings
  - Book of Reference relating to the Works and Land Plan

- Additional documents, comprising:
  - Air Quality Assessment
  - Flood Risk Assessment
  - Heritage Assessment
  - Transport Assessment
- Screening letter

5.4 A notice was published in the Blackpool Gazette to inform members of the public and other interested parties of the application. This notice was published on two separate occasions. The first notice was published on 11 July 2016 prior to the date of the application. The second notice was published on 18 July 2016 after the date of the application. Further notices were posted along the route of the proposed works, and sent to affected owners, occupiers and statutory consultees. The application documents were deposited in the local area (at Blackpool Central library and Fleetwood library), at instructed solicitors' offices in London and on the Council website.

5.5 After the application for the Order was submitted on 13 July 2016, there was a statutory period (which ran until 26 August 2016) where representations, supportive comments or objections could be submitted to the Secretary of State for Transport. Two representations were made by statutory undertakers (United Utilities Water Limited and National Grid Gas plc) which did not object but flagged matters to be considered by the Council in pursuing its scheme. It is proposed to make some minor changes to the draft Order as a result. Twenty six letters of support were registered. In total, seven objections were received by the Secretary of State, of which three have since been withdrawn. Of the remaining four objections, none are from a statutory objector – that is an owner or occupier of land directly affected by the application. Three of the remaining objections are from individuals who do not live on the route and the other is from the Blackpool Licensed Taxi Operators' Association.

5.6 The remaining objectors raise a range of issues, including:

- a general concern about the cost of the extension;
- concern about traffic issues on the Promenade, and between Blackpool and Lytham St Anne's;
- a suggestion that the extension should run to Blackpool South instead;
- concerns about the impact of the existing bus lane on Talbot Road;
- claims that the extension would not be attractive to passengers;
- a suggestion that a bus station should be prioritised over the extension;
- concerns about the operation of the junction between Talbot Square and the Promenade; and
- impacts on taxis.

To the extent that these issues relate to the Order, the project team is content that

they are all capable of being addressed adequately through the written representations procedure.

- 5.7 As none of the remaining objectors has a statutory right to be heard and the Secretary of State is satisfied that the issues raised by the application and the outstanding objections to it can be adequately presented and examined through the written representations procedure, the Secretary of State determined (notifying the Council by letter on 22 September 2016) not to conduct a local public inquiry, but to follow the written representations procedure.
- 5.8 The written representations procedure (as set out in rule 24 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006) provides an opportunity for those wanting to take their representations and comments further to put forward their views in full. Likewise, the Council will be able to set out its case for the scheme. The procedure involves the submission and exchange of representations in writing. The Council submitted its representations on each of the objections, along with evidence and supporting documentation, to the Secretary of State by 21 October 2016. These were passed on to the objector who has until 18 November 2016 to respond. The Council then has until 9 December 2016 to make any further representations. At this point – or earlier if at any stage either the Council or objectors confirm that they do not wish to respond further – the Secretary of State may proceed to decide whether to grant the application for the Order, and whether any changes to it are required. The Secretary of State may also request further information at this stage, if he feels that this is needed to determine the application.
- 5.9 The Secretary of State’s decision will be given in writing. It will also be advertised and those who participated in the written representations procedure will be sent a copy of it.
- 5.10 Does the information submitted include any exempt information? No
- 5.11 **List of Appendices:**
- None
- 6.0 Legal considerations:**
- 6.1 Preparation and submission of the application for the Order accorded with all relevant procedures and processes, guided and led by a Parliamentary Agent. The resolution recommended in this report is the second of two such resolutions required to make the application for the Order, the first being made on at its meeting on 29 June 2016.

6.2 By virtue of Section 20 of the 1992 Act, local authorities have the power to apply for Transport and Works Act Orders. In conjunction with other ancillary consents, such an Order would provide the Council with the necessary authorisation to build, maintain, and operate a relevant scheme. The power to promote an Order is, by virtue of s.20 of the 1992 Act and s.239 of the Local Government Act 1972, subject to the same conditions as would apply to a local authority were it to promote a Bill in Parliament. This means that the resolution to apply for an Order must be passed at a meeting of the Full Council and confirmed at a further meeting of Full Council after the application has been made. The first resolution was passed by Full Council at its meeting on 29 June 2016, by 26 votes to 11, with one abstention, and subject to the approval of the Executive, it is anticipated that the second resolution will be considered on 23 November 2016. In each case the necessary resolutions must be passed by a majority of the Full Council (i.e. not a majority of those present, but a majority of all Members).

**7.0 Human Resources considerations:**

7.1 Staff time will be needed to produce documentation and manage the process, which can be found internally and through necessary specialist consultancy support.

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 The cost of preparing and submitting the application for a Transport and Works Act Order does not deviate from information provided in Executive Decision Notice EX30/2014.

**10.0 Risk management considerations:**

10.1 For the project to proceed, it is vital that the required resolutions are passed by a clear majority of members of the authority. If the required resolutions are not made, the application cannot be progressed.

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 A stakeholder and public consultation process was undertaken as documented in the

Consultation Report forming part of the application for the Order. Statutory consultees (including the Environment Agency, Natural England, and Blackpool Council (Flood Risk)) have also been consulted. None of those statutory bodies have raised any issues with the scheme.

12.2 Additionally, the proposal was featured in the Spring 2016 edition of Your Blackpool. A public exhibition was held in Blackpool to coincide with the submission of the application in July 2016. Further, as noted above, various notices were posted and sent and application documents were made available for public consideration, during the 42 day objection period.

**13.0 Background papers:**

13.1 None

**14.0 Key decision information:**

14.1 Is this a key decision? No

14.2 If so, Forward Plan reference number:

14.3 If a key decision, is the decision required in less than five days? No

14.4 If **yes**, please describe the reason for urgency:

**15.0 Call-in information:**

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

15.2 If **yes**, please give reason:

**TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE**

**16.0 Scrutiny Committee Chairman (where appropriate):**

Date informed:

Date approved:

**17.0 Declarations of interest (if applicable):**

17.1

**18.0 Executive decision:**

18.1

**18.2 Date of Decision:**

**19.0 Reason(s) for decision:**

**19.1 Date Decision published:**

**20.0 Executive Members in attendance:**

20.1

**21.0 Call-in:**

21.1

**22.0 Notes:**

22.1