

## **Divisions Affected – Banbury Grimsbury & Castle**

### **DELEGATED DECISIONS BY CABINET MEMBER FOR INFRASTRUCTURE & DEVELOPMENT STRATEGY**

**26 SEPTEMBER 2024**

#### **Banbury – Tramway Road Accessibility Improvements**

**Report by Director of Environment and Highways**

### **RECOMMENDATION**

The Cabinet Member is **RECOMMENDED** to

- a) **Delegate authority to the Director of Environment & Highways in consultation with the Head of Legal Services and Deputy Monitoring Officer, to approve the entering into a NEC 4 Option C Engineering and Construction Contract for the Tramway Road Accessibility Improvements Project with Milestone Infrastructure for the construction works pursuant to the Pagabo Civil and Infrastructure Framework (Lot 2).**

#### **Executive Summary**

1. The Tramway Road Accessibility Improvements encompasses the following benefits:
  - a) Improve access and connectivity to Banbury Station, and to encourage the use of public transport, walking and cycling by opening a formal secondary access along Tramway Road to the station for all transport modes.
  - b) Improve bus journey times and reliability to Banbury Station.
  - c) Improve bus interchange for passengers at the station and provide a safer and more attractive environment for pedestrians and cyclists
  - d) Reduce traffic congestion for customers accessing the car park to the north of the station and improve the resilience of the road network around the station.
2. Planning permission was granted on 27 October 2022. As the detailed design was developed and feedback from key stakeholders such as Network Rail and Chiltern Railway were considered, it was necessary for the existing planning application to be amended through a Section 73 application. S73 has been submitted and currently awaiting a decision.

3. In parallel, the council is still seeking to acquire all of the land interests and necessary statutory approvals (from the relevant rail authorities) that it requires for delivery of the Scheme through private negotiation wherever possible.

## **Background**

4. Oxfordshire County Council "OCC", entered into an "OWN Contract" on 16 March 2023 using the "Access Agreement" between Peterborough City Council, Oxfordshire County Council and Milestone Infrastructure Limited for the delivery of detailed design services for the Tramway Road Accessibility Improvement project. The detailed design is due to complete by the end of September 2024. A plan of the scheme being delivered can be found in Annex A.
5. The approved procurement strategy for construction of this project was to procure using the Pagabo AVP-QEF-1001 Civil and Infrastructure framework via a direct award using the NEC4 ECC Option C Target Cost contract. The procurement strategy was approved by the council's senior officers in December 2023. The option of a Direct Award process via a framework demonstrated best value for money whilst reducing commissioning timeframes and resource/overhead costs.
6. Construction is anticipated to commence in October 2024. In order to meet the funding deadlines, this report is to request that delegated authority is given to the Director of Environment and Highways to enter into the construction contract with Milestone Infrastructure in a timely manner based on Council policy, regulations and professional judgement.
7. An Advance Works Package (AWP) has been commissioned with Milestone Infrastructure Ltd (MIL) via the Highways Partnership Contract in order to expedite the programme and enabling works. This package involves activities such as site set up, traffic management, preparatory training, material ordering and is to the value of £283k.
8. The contractor's estimated cost to complete construction is £7.516m. The formal submission of the contractor's target price for construction and the construction programme has been received but still to be agreed.
9. OCC have signed up to relevant agreements required with Network rail to cover:
  - Funding of Network Rail staff to provide asset protection services
  - Network Rail placing staff on site
  - Agreeing the methodology for undertaking the works
  - Providing clear definitions of roles and responsibilities including authorisations required to undertake the works
  - Superintending and monitoring compliance with the agreed method statements; and Network Rail Property Guidance for Prospective Development Partners
  - Intervening if the works could have an impact on the safe operation of the network.

10. Where the sale, lease or development of land affects a station, its facilities or the rights enjoyed by it, the regulated position in relation to that station needs to be considered. For this project, the station is owned by Network Rail but is leased to and directly operated by Chiltern Railway, which is known in regulatory terms as the Station Facility Owner (SFO). Additional train operating companies (“beneficiaries”) can be granted Station Access Agreements (SAA), which permit them to enjoy access to the station facilities and operate train services serving the station.
11. The SAAs contain a range of obligations and incorporate Station Access Conditions (SAC), which are a set of regulatory access rules including the Station Change procedure. This is a regulatory process, which is required for approval of physical changes to the station or contractual changes to the SAC and may be required to facilitate the development. Where the change proposal requires modification of the access conditions applicable to the station, approval by the Office of Road and Rail (ORR) is needed. The ORR has given general limited approvals in advance for certain types of changes. If the general approvals do not apply, a specific approval will be needed. This is required before any works commence on site.
12. The station change procedure for this project is currently in the consultation phase which started on 8 August 2024 and will be completed on 17 September 2024 (and approved prior to construction commencing).
13. As part of the land acquisition process some parcels of unregistered land have been identified. The Council’s Legal Team are progressing with the legal presumption of ad medium filum (meaning ‘up to the middle line’ in Latin) on these land parcels. This presumption states that the adjacent landowner to a highway route owns the land up to the middle of that route. If highway rights exist over the surface, the landowner is responsible for the subsoil and the highway authority is responsible for the surface. Neighbouring landowners have been contacted and no representations have been received to date.
14. A Stopping Up Order (SUO) process has been completed for a small section of land in Tramway Road in order to facilitate the new highway layout. This process was completed by the office of the Secretary of State for Transport under section 247 of the Town and Country Planning Act and the order came into force on 8 August 2024. A plan showing the area to be stopped up is in Annex B.

## **Key Issues**

15. It is essential that this decision is made urgently to ensure that the construction programme is not adversely affected. The key driver for using the Pagabo Civil and Infrastructure Framework (Main Works) with Milestone Infrastructure is to expedite the construction process. Including the AWP (referenced in paragraph 8 of this report) already commissioned with Milestone Ltd, this route will produce the shortest time to commence construction and ensure that the allocated Housing Growth Deal funding is spent by the end of March 2025, whilst adhering to the latest programme/timescales.

## Financial Implications

16. As identified previously, this report seeks to ensure that authority is in place for entering into the construction contract with Milestone Infrastructure.
17. There are no budgetary implications on the basis that the total funding amount of £15.942m, to cover the estimated final cost (EFC), has been agreed by Informal Cabinet. Currently awaiting approval from Cabinet, which is expected on 17 September 2024.

Comments checked by:

Rob Finlayson, Strategic Finance Business Partner (Environment and Highways; Economy & Place), [rob.finlayson@oxfordshire.gov.uk](mailto:rob.finlayson@oxfordshire.gov.uk)

## Legal Implications

18. When procuring goods, services or works, the procurement must be conducted in accordance with the Council's Contract Procedure Rules and, where applicable, the Public Contracts Regulations 2015 (PCRs).
19. The total value of the proposed contract for the Works is above the PCR's threshold of £5,372,609 (inc. VAT).
20. The Pagabo Civil and Infrastructure Framework (Lot 2) Agreement was entered into in May 2022 following a public procurement exercise under the PCRs and expires in May 2026. The proposed direct award contract under the Pagabo Civil and Infrastructure Framework (Lot 2) between Milestone Infrastructure Limited and the Council is a NEC4 Engineering Construction Contract – Option C (Target Price).
21. The Council will be delivering the construction of the Tramway Road Accessibility Improvements Project in its capacity as the highway authority for Oxfordshire under the Highways Act 1980.
22. The "OWN Contract" mentioned in paragraph 5 and the "AWP" mentioned in paragraph 8 of this document were entered by Delegated Authority under the Constitution Part 7.1 para 4.2 (a) (viii) Negotiation of agreements or arrangements with others for the provision of services.

Comments checked by: Jayne Pringle - Head of Law & LBP Contracts & Conveyancing

[Jayne.Pringle@oxfordshire.gov.uk](mailto:Jayne.Pringle@oxfordshire.gov.uk)

## Staff Implications

23. There are no staff implications.

## Risk Management

24. If the Council does not enter into a contract with Milestone Infrastructure for the construction of the scheme as soon as practicably possible, this could put pressure on the County Council's ability to spend the Housing Growth Deal funding allocated by the end of March 2025. This could result in reputational damage if the Council does not enter the contract in a timely manner.
25. The Council's Legal team have confirmed that the ad medium filium presumption made by the council is low risk as all neighbouring landowners have been contacted about the unregistered land parcels.
26. The 34% contingency referred to in paragraph 18 is considered a reasonable risk allowance with the number of risks that the council are potentially exposed to on this project. Namely contaminated land, multiple external stakeholders in a built-up environment, close working to a public transport hub and close working to railway company owned assets.

Paul Fermer  
Director of Environment and Highways

Annex:

A - Scheme Plan  
B – Stopping Up Order Plan

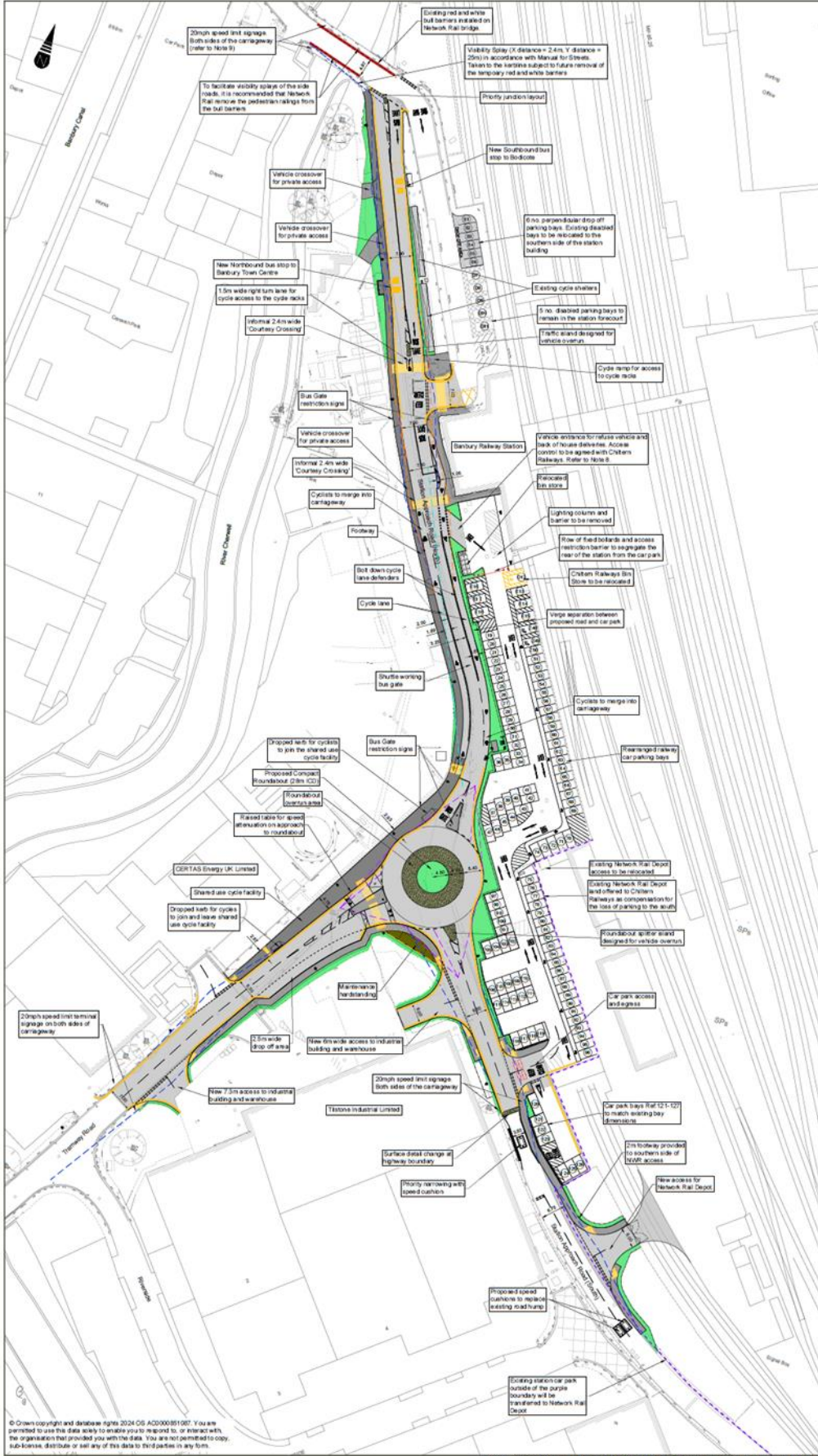
Background papers: None

Contact Officer: Cris Butler  
Project Manager  
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September 2024



# ANNEX A – Scheme Plan



- Notes:**
- Do not scale from this drawing.
  - Site verify all dimensions prior to construction.
  - Report all discrepancies to the Drawing Originator immediately.
  - This drawing is to be read in conjunction with all relevant documents and drawings.
  - Junction visibility X distance of 2.0m is based on Clause 7.7.7 of MS1. The 'Y' distance corresponds to the Stopping Sight Distance (SSD) and is 25m based on the values indicated in Table 7.1 of MS1 for 20mph road.
  - Pedestrian crossing visibility X distance of 1.5m based on DMBS CD143. The 'Y' distance corresponds to the Stopping Sight Distance (SSD) and is 25m based on the values indicated in Table 7.1 of MS1 for 20mph road.
  - Signal intervisibility shown is based on a distance of 2.0m back from the stop line. This is not in accordance with DMBS CD123 Clause 7.3 which requires 2.5m.
  - In order to maintain deliveries to, and servicing of the railway station, a new vehicle access immediately south of the proposed bus gate adjacent the main railway station complex will be provided. The operation of this new access will require provision to restrict its use to permitted vehicles only. It is intended that the new access will function on a half of and out through the car park.
  - Network Rail to retain ownership of the existing structure over the River Cherwell (Bridge DCL73) on Station Approach Road north. Therefore, speed limit signage, directional signage and road markings shall be installed on land owned by Network Rail.
  - The quantity of disabled and enlarged parking bays has been calculated as 10% (5% disabled, 5% enlarged) of the total number of all bays. This is based on the requirements set out in the CPT Standard Design Standards for Accessible Railway Stations.
  - Parking bays prefixed with a letter mean the following:  
 B - Drop off bays  
 D - Disabled Parking Bays  
 E - Enlarged parking bays  
 Z - Electric Bays

- Key:**
- Footway
  - Carriageway
  - Landscaping Areas
  - Oversum area
  - Maintenance hardstanding
  - Tactile Paving
  - Junction Visibility
  - Crossing Visibility (1.5m 'X' distance)
  - Crossing Visibility (1.0m 'X' distance)
  - Signal Intervisibility
  - Forward visibility at roundabout entry
  - Planning boundary
  - Network Rail Depot Boundary
  - Proposed traffic heads
  - Highway lighting

Rev	Date	Description	By	CA	MG
006	14.05.2024	MMS Bin store Updated Northern End - Priority Junction	MG	CA	MG
004	30.04.2024	Local post MMS comments & Notes added for DS	MG	CA	MG
003	06.03.2024	FRAG Updates	EH	MG	MG
002	01.11.2023	Mixe Update - Roadmarkings, Pathway, Interiors & Signposting	EH	MG	MG
001	18.09.2023	Final Detailed Design Issue	EH	MG	MG

Rev: Date: Description: By: CA: MG:

**OXFORDSHIRE COUNTY COUNCIL**

**MILESTONE**  
TRAMWAY SOLUTIONS

A part of **MTR** Services

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 Email: [tramway@oxfordshire.gov.uk](mailto:tramway@oxfordshire.gov.uk)

Project Name: Access to Banbury Station Highway Improvements Scheme

File: General Arrangements Tramway Rd Improvements

Drawn	Scale	Drawn by	Checked by	Approved by
A1	1:500	18.09.23	18.09.23	18.09.23

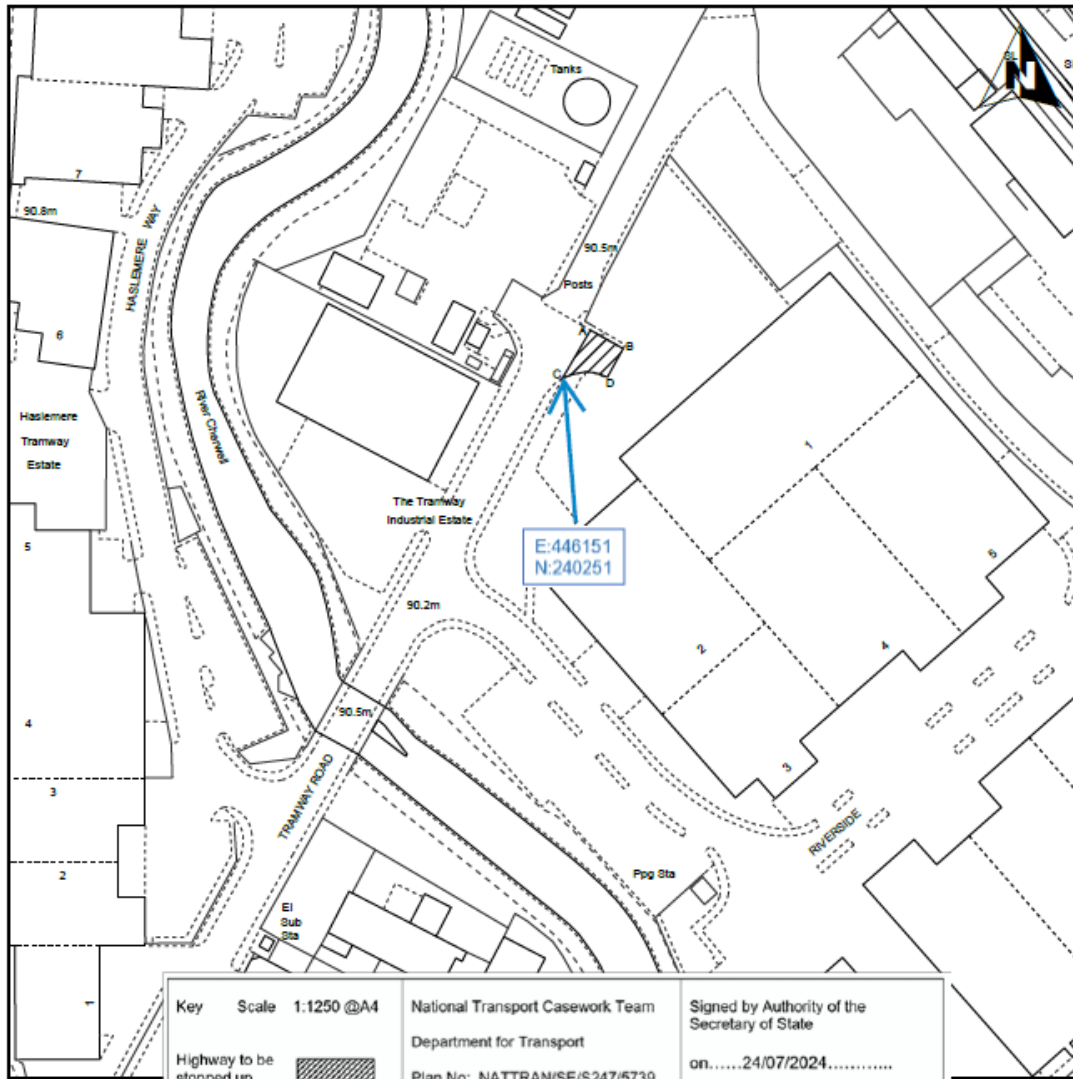
201950-MIL-HGN-ZZ-DR-CH-0003



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ANNEX B

HIGHWAY AT BANBURY, IN THE COUNTY OF OXFORDSHIRE



Key	Scale 1:1250 @A4	National Transport Casework Team	Signed by Authority of the Secretary of State
Highway to be stopped up		Department for Transport	on.....24/07/2024.....
		Plan No: NATTRAN/SE/S247/5739	
			Signature...
			TIM BRIMELOW An Official in the National Transport Casework Team Department for Transport