



Delegated Decisions by Cabinet Member for Infrastructure & Development Strategy

***Thursday, 12 December 2024 at 2.00 pm
Room 3 - County Hall, New Road, Oxford OX1 1ND***

If you wish to view proceedings, please click on this [Live Stream Link](#).
However, that will not allow you to participate in the meeting.

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on **Friday 20 December** unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public

A handwritten signature in blue ink that reads "Reeves".

Martin Reeves
Chief Executive

December 2024

Committee Officer: ***committeesdemocraticservices@oxfordshire.gov.uk***

Note: *Date of next meeting: 23 January 2025*

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. Declarations of Interest

See guidance below.

2. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

3. Petitions and Public Address

Members of the public who wish to speak at this meeting can attend the meeting in person or 'virtually' through an online connection.

Requests to speak must be submitted by no later than 9am four working days before the meeting. Requests to speak should be sent to committeesdemocraticservices@oxfordshire.gov.uk .

If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. A written copy of your statement can be provided no later than 9 am 2 working days before the meeting. Written submissions should be no longer than 1 A4 sheet.

4. Minutes of the Previous Meeting (Pages 1 - 2)

To confirm the minutes of the meeting held on 10 October 2024 as a correct record.

5. A34 Harwell Layby works (Pages 3 - 8)

Cabinet Member: Infrastructure and Development Strategy

Forward Plan Ref: 2024/343

Contact: Dan Hammond, Senior Project Manager (Dan.Hammond@oxfordshire.gov.uk)

Report by Director of Environment and Highways (**CMDIDS5**).

The Cabinet Member is RECOMMENDED to:

- a) Delegate authority to the Director of Environment & Highways in consultation with the Director of Finance and the Head of Legal Services & Deputy Monitoring Officer to approve the award of a works contract to Balfour Beatty Group Limited in respect of the construction / delivery of the A34 Harwell Layby (part of the wider A34 Lodge Hill Interchange scheme).**

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

Members Code – Other registrable interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships

- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.
- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Members Code – Non-registrable interests

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other registrable interests, then you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

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Agenda Item 4

DELEGATED DECISIONS BY CABINET MEMBER FOR INFRASTRUCTURE & DEVELOPMENT STRATEGY

MINUTES of the meeting held on Thursday, 10 October 2024 commencing at 2.00 pm and finishing at 2.15 pm

Present:

Voting Members: Councillor Judy Roberts – in the Chair

Officers: Jack Ahier (Democratic Services Officer), Duncan Stewart (Programme Lead – Active Travel Delivery).

The Cabinet Member considered the matters, reports and recommendations contained or referred to in the agenda for the meeting [, together with a schedule of addenda tabled at the meeting/the following additional documents:] and agreed as set out below. Copies of the agenda and reports [agenda, reports and schedule/additional documents] are attached to the signed Minutes.

40 **DECLARATIONS OF INTEREST**

(Agenda No. 1)

There were none.

41 **QUESTIONS FROM COUNTY COUNCILLORS**

(Agenda No. 2)

There were none.

42 **PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 3)

There was 1 written statement submitted which was read out by the Democratic Services Officer at the relevant agenda item.

43 **MINUTES OF THE PREVIOUS MEETING**

(Agenda No. 4)

The minutes of the meeting held on 26 September 2024 were approved and signed by the Chair as a correct record.

44 **APPROVAL TO AWARD CONTRACT IN RESPECT OF THE CONSTRUCTION/DELIVERY OF ABINGDON NC5 MISSING LINK ACTIVE TRAVEL SCHEME**

(Agenda No. 5)

The Chair introduced the item to the meeting and invited officers to provide some background information.

Officers explained that the intention was for the contractor to work alongside the designer to create a well-worked scheme. Furthermore, officers stated that the scheme was a good example of co-production.

Officers noted that the scheme addresses the Council’s priorities, and scores favourably on both the Climate and Equalities Impact Assessments.

The Chair noted the benefits that introducing a missing link would have in Abingdon, Radley train station and for cycling routes into Oxford.

The Chair thanked officers and agreed to the recommendations in the report.

RESOLVED to:

- a) Delegate authority to the Director of Environment & Highways in consultation with the Executive Director: Resources and Section 151 Officer and the Head of Legal Services & Deputy Monitoring Officer to approve the award of a contract in relation to construction and delivery of the Abingdon National Cycling Network Route 5 Missing Link - East St Helens Street Active Travel Scheme.**

..... in the Chair

Date of signing

Divisions Affected – Abingdon North

DELEGATED DECISIONS BY CABINET MEMBER FOR INFRASTRUCTURE AND DEVELOPMENT STRATEGY

12 December 2024

A34 HARWELL LAYBY WORKS

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 Director of Finance and the Head of Legal Services & Deputy Monitoring Officer to approve the award of a works contract to Balfour Beatty Group Limited in respect of the construction / delivery of the A34 Harwell Layby (part of the wider A34 Lodge Hill Interchange scheme).**

Executive Summary

1. This report seeks approval for delegated authority to the Director of Environment & Highways to approve the award of a works contract to Balfour Beatty Group Limited in respect of the construction / delivery of the A34 Harwell Layby (part of the wider A34 Lodge Hill Interchange scheme) under the SCAPE Civil Engineering Framework.
2. The original intention was for A34 Harwell Layby works to be procured by National Highways, and for the works to be funded by Oxfordshire County Council (OCC) as part of the wider A34 Lodge Hill Interchange scheme. It is now necessary for OCC to construct / deliver the A34 Harwell Layby on behalf of National Highways to ensure that the works are delivered on time and to budget. Based on National Highways' existing panel of contractors' availability and agreed rates, National Highways have confirmed that they would not be able to deliver the A34 Harwell Layby works in accordance with the prevailing time, programme and cost parameters of this project. The County Council are, therefore, proposing to use the SCAPE Civil Engineering Framework as a compliant procurement route to market in order to deliver the A34 Harwell Layby construction works within budget and to programme.
3. This report is presented to the Cabinet Member for Infrastructure & Development Strategy on 12 December 2024 for a delegated decision to ensure that the overall scheme remains on programme and that the County Council complies with its obligations under the Grant Funding Agreement (GFA) that

was entered into with Homes England during February 2024, for the provision of £17.33m of infrastructure grant funding towards the scheme.

4. The updated programme that was submitted to Homes England on 20 November 2024 as part of a programme assurance review process requires Balfour Beatty Group Limited to submit a target cost for the A34 Harwell Layby works to the County Council by 31 January 2025, after which the County Council's project team will work with Homes England officers to satisfy all Gateway Review requirements ahead of an Affordable / Unaffordable Notice (re the target cost for the A34 Harwell Layby works) being issued to Homes England by 24 March 2025.
5. If the A34 Harwell Layby works do not commence in accordance with the project programme the County Council would be in default of the GFA, which could generate a risk to project funding. It is, therefore, necessary for the County Council to be able to award the works contract by the end of March 2025 so that the A34 Harwell Layby works can commence by 3 April 2025 (as has been reflected in the updated programme that was submitted to Homes England on 20 November 2024). As this capital expenditure would be a key decision, Cabinet Member's approval is necessary by 12 December 2024 in order to maintain programme and enable the County Council to award a contract to Balfour Beatty Group Limited, once the relevant matters set out in paragraph 14 of this report are finalised in respect of the award of contract for the construction / delivery the A34 Harwell Layby.
6. The value of the A34 Harwell Layby construction works will exceed £1m and, as such, approval to award a works contract to Balfour Beatty Group Limited in respect of the construction / delivery of the A34 Harwell Layby is, therefore, a key decision under the Council's constitution. The anticipated value of the A34 Harwell Layby works is in accordance with the approved budget.

Background

7. The A34 Lodge Hill Interchange scheme will provide improved junction capacity and south-facing slips to the A34, which currently has north-facing slips only. The scheme was granted planning consent on 7 September 2023.
8. The scheme will comprise a "Dumb-bell" configuration (one bridge, two roundabouts) on a basic diamond layout in accordance with DMRB TD 22/06. This configuration optimises junction capacity along the A4138 and A34, whilst minimising land take.
9. As well as the reconfiguration of the interchange, a traffic-calming scheme north of the A34 Lodge Hill Interchange is to be provided along predominately Sugworth Lane and Bagley Wood Road.
10. A34 layby parking re-provision and improvements are to be provided at two A34 existing layby locations. This is a result of the removal of existing facilities to

provide the new slip roads. This was included in the scope of works in 2021 as a result of stakeholder engagement with National Highways and Thames Valley Police that indicated they would not accept the proposals on safety grounds if a net loss in layby parking occurs.

11. Balfour Beatty Group Limited are the County Council's appointed contractor for the detailed design, ECI and construction / delivery of the A34 Lodge Hill Interchange scheme. Activities associated with the A34 Lodge Hill Interchange scheme are being progressed in accordance with the programme, with technical approval in respect of the detailed design on-track to be obtained from National Highways on/before 3 February 2025. Similarly, activities associated with the A34 Harwell Layby works are currently progressing in accordance with the programme that has been agreed with Homes England, with technical approval in respect of the detailed design on-track to be obtained from National Highways on/before 3 February 2025.
12. The purpose of this report is to seek approval for delegated authority to the Director of Environment & Highways (in consultation with the Director of Finance and the Head of Legal Services & Deputy Monitoring Officer) to approve the award of a works contract to Balfour Beatty Group Limited in respect of the construction / delivery of the A34 Harwell Layby (part of the wider A34 Lodge Hill Interchange scheme). It is considered, and therefore recommended, that Balfour Beatty Group Limited are best placed to construct / deliver the A34 Harwell Layby because:
 - a) They have extensive knowledge and understanding of the whole scheme (A34 Main Interchange and A34 Harwell Layby), the overall programme and all work requirements having been involved in the A34 Lodge Hill Main Interchange Scheme over the past 5 years
 - b) Their existing appointment to construct / deliver the A34 Main Interchange Works will enable the A34 Harwell Layby works to commence on time as they are already on site, provide added value in terms of driving cost efficiencies and time savings, and therefore enable the County Council to deliver the works within budget and to programme

Key Issues

13. Prior to an award of contract for the construction of the A34 Harwell Layby works, the County Council will address the following:
 - 13.1)** Finalise requisite amendments to the existing funding agreement between the County Council and National Highways to reflect the fact that the County Council will now be constructing / delivering the A34 Harwell Layby works. Changes to the funding agreement are on-track to be concluded during December 2024 and, in doing so, eliminate any fiscal-related risks.
 - 13.2)** Finalise the structure and content of the Section 6 agreement that is to be entered into between the County Council and National Highways (in its capacity as highways authority to enable the Council to undertake the A34 Harwell Layby

construction works on behalf of National Highways). The Section 6 agreement is on-track to be concluded during December 2024.

13.3) Finalise the contract price for the A34 Harwell Layby works (and the A34 Main Interchange Works). Balfour Beatty Group Limited's final construction price is on-track to be submitted to the County Council by the end of January 2025. The target price for the construction works will be subject to separate assessment and approval processes to be undertaken by the County Council and Homes England in advance of a 'notice to proceed' (in respect of the construction works across the entire scheme) being issued to Balfour Beatty Group Limited to construct / deliver the A34 Harwell Layby works (and the A34 Main Interchange Works).

13.4) Finalise the necessary arrangements between National Highways and the County Council; National Highways procured and completed the design work in respect of the A34 Harwell Layby works and, as such, is responsible for the designs. As the County Council will now be undertaking the construction works based on the designs completed by WSP on behalf of National Highways, the County Council will seek appropriate indemnities and/or warranties and/or undertakings from National Highways in respect of their completed designs before entering a contract with Balfour Beatty Group Limited to construct / deliver the A34 Harwell Layby works. If necessary, the County Council will also make appropriate arrangements to appoint WSP (as National Highways' design consultant) for continued technical advice and support to the County Council during the construction period for the A34 Harwell Layby works.

14. It is essential that a decision on this report is made so that the County Council can proceed to finalise the above matters in respect of the contract (for the construction / delivery of the A34 Harwell Layby) and be in a position to award a contract /appoint Balfour Beatty Group Limited in a time-efficient manner to ensure that the programme for constructing the A34 Harwell Layby is not adversely affected and that the County Council's obligations under the GFA with Homes England can be met.

Financial Implications

15. There are no new budgetary implications, as the budget for the scheme has already been agreed by Cabinet. This position was also previously captured in the Cabinet Member Decision (CMD) report that informed the Delegated Decisions by Cabinet Member for Infrastructure & Development Strategy meeting that was held on 16 November 2023. Here is a [link](#) to the agenda and decisions that relate to the aforementioned meeting.

Comments checked by: Rob Finlayson, Strategic Finance Business Partner
(rob.finlayson@oxfordshire.gov.uk)

Legal Implications

16. This report seeks approval for delegated authority to the Director of Environment & Highways (in consultation with the Director of Finance and the

Head of Legal Services & Deputy Monitoring Officer) to approve the award of a works contract to Balfour Beatty Group Limited under the SCAPE Civil Engineering Framework in respect of the construction / delivery of the A34 Harwell Layby (which forms part of the wider A34 Lodge Hill Interchange scheme).

17. The anticipated value of the works will exceed £1m in capital expenditure and therefore this decision is a Key Decision. In accordance with Part 1.3 of the Constitution (Rule 3(b)) a key decision must be made after consultation with the relevant Cabinet Member(s) and the Section 151 Officer.
18. Subject to matters set out in paragraph 14 of this report, the report proposes to award a contract via the SCAPE Civil Engineering Framework. The County Council can access the said framework and details of the particulars of the contract (such as the relevant NEC Option clauses, Insurance levels, Liability Caps, etc) will be set out in the final terms and conditions of the call-off contract when presenting the report seeking approval for contract award (note: the general terms and conditions of the call-off contract are already set out in the Scape Civil Engineering Framework agreement and are non-negotiable).
19. Paragraph 14 of this report sets out the matters to be addressed prior to the County Council making a decision to award a contract (under the delegation authority sought under this report) and the outcome of such matters will be presented to the Director of Environment & Highways when considering a decision to approve an award of a contract for the construction / delivery of the A34 Harwell Layby.
20. The County Council will be delivering the A34 Harwell Layby on behalf of National Highways (as will be captured within a Section 6 agreement) and under its capacity as the highway authority for Oxfordshire under the Highways Act 1980.

Comments checked by:

Jayne Pringle, Head of Law & Legal Business Partner (Contracts & Conveyancing) (jayne.pringle@oxfordshire.gov.uk)

Rahana Khalid, Solicitor (Construction & Contracts)
(rahana.khalid@oxfordshire.gov.uk)

Staff Implications

21. There are no staff implications.

Risk Management

22. If the Council does not award a contract in respect of the construction / delivery of the A34 Harwell Layby as soon as practicably possible then this will put pressure on the County Council's ability to deliver (and open) the overall A34

Lodge Hill Interchange scheme (which includes the A34 Harwell Layby) during July 2026.

23. Failure to deliver the works within programme could result in the County Council not complying with its obligations under the GFA with Homes England which could, in turn, result in risks to the project funding.
24. Paragraph 13 of this report sets out the arrangements that are to be in place between the County Council and National Highways and the matters to be addressed by the County Council to mitigate any design liability/risks the County Council could otherwise inherit in constructing / delivering the A34 Harwell Layby works in accordance with the designs completed by WSP on behalf of National Highways. Importantly, all requisite arrangements will be in place before a contract is awarded to Balfour Beatty Group Limited in respect of the construction / delivery of the A34 Harwell Layby and, in doing, so limit any potential risks to the County Council.

Paul Fermer
Director of Environment and Highways

Contact Officer: Sharaz Arif
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November 2024