

# Report to Cabinet

**13 April 2022**

<b>Subject:</b>	Action Taken on a Matter of Urgency – Transforming Cities Fund Grant Agreement with the West Midlands Combined Authority in Relation to Highway Works Development at Birchley Island M5 Junction 2.
<b>Cabinet Member:</b>	Leader of the Council Councillor Kerrie Carmichael
<b>Director:</b>	Director of Regeneration and Growth Tony McGovern
<b>Key Decision:</b>	Yes, the financial threshold of £250,000 applies to the decision
<b>Contact Officer:</b>	Service Manager – Highway Services Robin Weare <a href="mailto:Robin_Weare@sandwell.gov.uk">Robin_Weare@sandwell.gov.uk</a>

## 1 Recommendation

- 1.1 That the following details of the urgent actions taken by the Leader of the Council be noted:-
- a) to authorise the Director for Regeneration and Growth to accept the £1,000,000 Transforming Cities Fund (TCF) Grant for the Birchley Island M5 Junction 2 Scheme under the Terms and Conditions contained in the Grant Agreement;
  - b) to authorise the Director of Law and Governance & Monitoring Officer, in consultation with Section 151 officer, to accept the TCF £1,000,000 Transforming Cities Fund (TCF) Grant for the Birchley Island M5 Junction 2 Scheme under the Terms and Conditions contained in the Grant Agreement.



## 2 Reasons for Recommendation

- 2.1 The matter was urgent and could not be delayed until the next Cabinet meeting given the need to ensure that the Transforming Cities Fund Grant could be drawn down in this financial year (2021/22) to maintain the funding profile needed to deliver the scheme. The Chair of Economy, Skills, Transport and Environment Scrutiny Board has been consulted.
- 2.2 Under Part 4 of the Council’s Constitution, the Scrutiny Procedure Rules provide that matters may not be called in for scrutiny when they are considered urgent. A matter is considered urgent where a delay would prejudice the Council’s or the public interest.
- 2.3 The Rules also stipulate that decisions taken in this manner must be reported to the next available meeting of the Cabinet and Council, together with the reasons for the urgency.
- 2.4 This report indicates action taken as a matter of urgency by the Leader of the Council since the last meeting.
- 2.5 The actions taken were in accordance with the scope of authority of the Leader of the Council.

## 3 How does this deliver objectives of the Corporate Plan?

	<p><i>Best start in life for children and young people</i> Improved, updated and safe highway infrastructure will encourage more walking and cycling among our younger people increasing their wellbeing and health, improving road safety and reducing road casualties and promoting cleaner air quality.</p>
	<p><i>People live well and age well</i> The Local Transport Settlement contributes to safe and efficient roads for local people and visitors, and to the health benefits of sustainable active travel.</p>
	<p><i>Strong resilient communities</i> Successful communities need access to jobs, services and facilities to enable them to remain healthy and vibrant. The highway network is an important enabler of this.</p>



	<p><i>Quality homes in thriving neighbourhoods</i></p> <p>Both new and existing residential developments rely on good quality access and links to shops, services and leisure facilities in order for them to be successful. Local Transport Settlement funding is the principle method by which the network is improved and maintained.</p>
	<p><i>A strong and inclusive economy</i></p> <p>The Birchley Island scheme proposal will lead to a positive effect on Sandwell's connectivity to employment opportunities and labour markets whilst also improving the Black Country's manufacturing access to markets in this key sector. Birchley Island as it currently stands inhibits growth and acts as a key constraint on development planning which is essential for the regeneration and continued prosperity of the borough.</p>
	<p><i>A connected and accessible Sandwell</i></p> <p>The Birchley Island Scheme aims to improve the reliability of transport between residential areas and employment, retail and other services on a key element in the Black Country's road network. The key transport objectives will reduce congestion and increase capacity on all approach arms to the Island. The scheme will also reduce journey time delays and improve journey time reliability also making provision for improved walking, cycling and public transport.</p>

## 4 Context and Key Issues

- 4.1 The West Midlands Combined Authority will provide up to £1,000,000 of grant funding into the Birchley Island M5 Junction 2 scheme to ensure the funding package for the scheme. This is consistent with the budget request to the Department for Transport (DfT) for Major Road Network funding. The DfT have confirmed Programme Entry for the scheme within the Major Road Network programme as outlined in a letter to Sandwell Metropolitan Borough Council and WMCA dated 1<sup>st</sup> February 2021. As part of this approval the DfT will provide a maximum capped funding of £24.400,000 towards the Birchley Island scheme on approval of the Full Business Case submission.



- 4.2 The current junction suffers from significant levels of congestion, not only during peak periods but throughout the day. This impacts negatively upon the competitiveness of the borough, spatial planning choices, sustainable transport provision and air quality. The existing situation is characterised by constant queuing, delays and congestion both on the roundabout and its approaches.
- 4.3 The Impacts of the congestion levels are both local and strategic. Access to the Major Road Network and Strategic Road Network is compromised by the current junction arrangements with traffic diverting to less suitable and longer routes to avoid the junction.
- 4.4 The Birchley Island M5 Junction 2 scheme lies at the intersection with the M5, A4123 and A4034 in Sandwell Metropolitan Borough. These routes connect Birmingham, Blackheath, Dudley, Oldbury, Walsall, West Bromwich and Wolverhampton with each other, as well as linking much of the southern part of the Black Country to the national motorway network. The junction is on the MRN and therefore it is a crucial node in the Black Country and West Midlands transport network of importance to both commuters, freight haulage and businesses.
- 4.5 The £1m grant funding will be used as funding towards the cost of this project in 2021/22 and 2022/23. Due to the urgency of the funding agreement needing to be signed, the Strategic Investment Unit has not undertaken an appraisal which under normal circumstances is required as part of the Council's Financial Regulations.

## 5 Alternative Options

The Birchley Island M5 Junction 2 Scheme will be under-funded if the TCF Grant is not accepted. An alternative would be to make up the shortfall with an additional £1m Capital contribution from the Council.



## 6 Implications

<b>Resources:</b>	The approval of this proposal would ensure that sufficient funding is available to fund the scheme
<b>Legal and Governance:</b>	<p>Highways Act 1980 Power to improve the highway maintainable at public expense</p> <p>Road Traffic Act 1988 Duty to prepare and carry out measures designed to promote road safety</p> <p>Traffic Management Act 2004 Network management duty to, as far as reasonably practicable, secure the expeditious movement of traffic on the authority's road network</p>
<b>Risk:</b>	A scheme delivery Risk Assessment has been undertaken as part of the Outline Business Case submission to the Department for Transport to identify risks and risk mitigations. If the Birchley Island scheme does not go ahead there is potential for several risks to be realised for both local transport and the major road network. Outcomes would be stagnation of regional growth and the potential to compromise Local Plan options.
<b>Equality:</b>	Initial screening for equality impact indicates that the proposal does not raise any issues that would require a full equality impact assessment.
<b>Health and Wellbeing:</b>	The proposed improvements at Birchley Island M5 Junction 2 will contribute to a safe and efficient transport system. This in turn will assist in improving facilities and services, improving the environment and contributing to the economic growth health and general wellbeing of the borough its residents and businesses through improved links to local and national services.
<b>Social Value</b>	The social benefits of the scheme have been considered in terms of the improvements made at the junction and these would include, reduction of accidents, reduction of severance, improved journey times and Improved facilities for walking, cycling and public transport.



## 7 Appendices

None

## 8. Background Papers

Report to Cabinet October 2014

Report to Cabinet February 2015

Report to Cabinet July 2016

Black Country Core Strategy 2011

West Midlands Strategic Transport Plan – Movement for Growth (TfWM 2016)

Movement for Growth - Ten Year Delivery Plan (TfWM 2017)

Report to Cabinet June 2018

Report to Cabinet December 2020

Department for Transport letter to SMBC February 2021

