

## Report to the Cabinet

Meeting to be held on Thursday, 7 April 2022

### Report of the Head of Service - Public and Integrated Transport

#### Part I

Electoral Division affected:  
Burnley Central East; Burnley  
Central West;

**Corporate Priorities:**  
Supporting Economic Growth;

### Burnley Manchester Road Railway Station Access for All Improvements

(Appendix 'A' refers)

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#### Brief Summary

Burnley Borough Council has been successful in its Levelling-Up Fund round 1 bid with Central Government, with confirmation received within the 2021 Autumn Budget Statement. A key project within the successful bid is the proposed upgrade to Burnley Manchester Road Railway Station which will create better connections between both platforms and the main station building and will increase accessibility to a wider range of destinations for a wider range of passengers.

Lancashire County Council has supported the bid as a strategic partner and has provided guidance and advice on an ongoing basis to the development of the railway station and associated train services as the Local Transport Authority. It is proposed that Lancashire County Council leads the management of delivery of the project on behalf of Burnley Borough Council.

This is deemed to be a Key Decision and the requirements of Standing Order C19 have been complied with.

#### Recommendation

Cabinet is asked to:

- (i) Approve that the management of the project be led by Lancashire County Council subject to an agreement being reached with Burnley Borough Council in respect of roles and responsibilities, project governance, allocation of

financial risk and liabilities and project over/underspends, where financial and programme risk lies with Burnley Borough Council.

- (ii) Approve a waiver of the county council's procurement rules as set out at paragraph 14.2 of Appendix R to the county council's constitution, to allow a direct award of a contract (a Development Services Agreement) to be made to Network Rail to enable Network Rail to deliver the project.
- (iii) Authorise the Director of Highways and Transport, in consultation with the Director of Corporate Services and Director of Finance, to agree and finalise the terms of the agreements with Burnley Borough Council and Network Rail.

## Detail

Burnley Manchester Road railway station is Burnley's principal rail hub and provides direct regional train services to Manchester Victoria, Bradford, Leeds, Blackpool North and Preston.

In recent years the station has been upgraded with European Union Interreg programme, Central Government Growth Deal, Lancashire County Council and Burnley Borough Council funding. The role and function of the station has been transformed from a simple halt to a state-of-the-art facility which now provides a key gateway for passengers travelling between Burnley to a range of destinations across Lancashire, Greater Manchester, West Yorkshire and beyond.

The station now features a new station ticket office building, a secure car park with CCTV, comprehensive customer information systems, and a direct rail service to Manchester via the Todmorden Curve which was reopened in 2015. The station now serves half a million passengers per year, with growth of 23% being experienced between 2015/16 and 2019/20 according to published figures from the Office of Rail and Road.

However, access to the Preston bound platform is not currently compliant with the standards required of a modern day station nor the 2010 Equality Act as it involves a circuitous 300 metre route from ticket office to platform involving steep pavement gradients, non-compliant ramps and exiting onto local highways.

The project, funded through Central Government's "Levelling Up" programme will deliver a new footbridge and lifts giving closer links to the core station facilities, increasing accessibility to existing and future passengers, thereby opening-up the station to a wider range of potential travellers with different needs and aspirations.

The project will:

- Complete the transformation of Burnley Manchester Road railway station.
- Deliver a new footbridge and lifts which will remove a 300 metre plus circuitous pedestrian route benefitting passengers with mobility issues.
- Complete the link with the station's ticket office and car park to the westbound platform, completing the original station improvement plan.

- Deliver a contemporary station fit for the modern passenger.

The project will also complement Burnley Town Centre and Canalside Masterplan proposals to redevelop the area, markedly improving public transport access to and from future housing and employment opportunities.

Lancashire County Council has supported Burnley Borough Council's "Levelling Up" bid as a strategic partner and has contributed to the development of the railway station and public realm packages which have been successful. It is proposed that Lancashire County Council, as the Local Transport Authority, leads the management of the project on behalf of Burnley Borough Council.

## **Consultations**

An Option Selection Report was completed in January 2020 by Seed Architects in conjunction with Northern Trains Limited and Community Rail Lancashire which recommended several potential options to improve access arrangements.

The principal objective within the report was to introduce an unobstructed "accessible route" from at least one station entrance and all drop-off points associated with that entrance, to each platform and between platforms served by passenger trains at Burnley Manchester Road Station.

Two shortlisted options were identified within the report as follows:

- Option A: replace the existing ramp with a new ramp from Manchester Road to Platform 1. This option does not effectively address platform to platform issues and distance, in addition to being difficult and more expensive to deliver.
- Option B: Install a new footbridge with steps and lifts between Platforms 1 and 2. Preferred option which better addresses access and constructability issues.

The preferred option sees the installation of a new footbridge linking platforms 1 and 2 with stairs and lifts. The lift shafts to both platforms shall contain 12-person lifts with a new footbridge between lifts. The current ramp to platform 1 will be amended to accommodate the footbridge but will be maintained to maximise accessibility to/from the station.

Agreement in relation to the outline design has been reached with Network Rail and the Department for Transport. There is wide-ranging support for the scheme from Stakeholders including Network Rail, Northern Trains, Community Rail Lancashire and the MP for Burnley. Consultation has also been undertaken with passengers which has demonstrated support for the proposed improvements.

No planning permission is required as the scheme falls within the General Permitted Development Order and rights relating to the operational railway and original Railway Acts.

## **Implications:**

This item has the following implications, as indicated:

## **Financial**

£3.4m of funding for the project package has been approved by Central Government, Burnley Borough Council and Network Rail across the financial years of 2021/22 to 2023/24. Levelling Up funding totals £3m and a requirement of the funding agreement between Burnley Borough Council and Central Government is that expenditure be defrayed before the end of March 2024. It is proposed that any project overspends and any implications arising from late/non-delivery of the project would remain the responsibility of Burnley Borough Council.

The Option Selection Report details the estimated costs split between construction costs, project management, design and professional costs, and associated risk and inflation layers.

Appendix 'A', which is exempt from publication and in Part II of the agenda, provides details on the project's funding sources, the split of project costs and the proposed funding and expenditure profile.

The payments process to be decided will be part of the legal agreements to fit with all related agreements with the initial funders. There may be a decision to Lancashire County Council cash flowing the expenditure initially before claiming from Burnley Borough Council, but this will depend on the risk mitigation and funding of any cost increases and scope changes being agreed.

## **Procurement**

It is proposed that the project be delivered by Network Rail under a standard Direct Services Agreement and under Network Rail's Project Acceleration in a Controlled Environment process.

The preferred method of delivery is for Network Rail to design, project manage and deliver the project given the interaction and close proximity of the project to the operational railway. This follows the approach taken by the county council on the South Lancaster Growth Catalyst Project, in which a direct contract award was made to Network Rail to deliver a railway structure within a wider highway infrastructure project.

As with South Lancaster, constructing a bridge structure of this kind during delivery will have a direct impact on the railway network, in both physical and operational terms, and presents very significant risks which warrant special consideration.

The value of the proposed contract award to Network Rail falls below the current procurement threshold for works and as such the county council is not obliged under the Public Contracts Regulations 2015 to conduct a competitive procurement exercise for this type and value of contract.

Network Rail's framework contractors will be used to deliver the project package with detailed design completed and then subject to a mini competition for pricing. Network Rail's frameworks have been competitively tendered to comply with procurement legislation and assessed on value for money with mandatory 'gateway' standards

pertaining to safety and engineering. The project will be delivered on an emerging cost basis with Lancashire County Council working closely with Network Rail and Burnley Borough Council in relation to project management, any value engineering requirements and the reporting of estimated outturn costs.

The completed project will be transferred to Network Rail for ownership, operations and maintenance following completion, which is a normal procedure for this type of railway structure.

## **Legal**

The value of the proposed contract award to Network Rail falls below the current procurement threshold for works which, with effect from 1 January 2022, is set at £5,336,937 (inclusive of VAT). As such, the county council is not obliged under the Public Contracts Regulations 2015 to conduct a competitive procurement exercise for this type and value of contract.

The recommended direct contract award is not permitted by the provisions of the county council's Procurement Rules ("the Procurement Rules"). Pursuant to paragraph 14.2 of the Procurement Rules, decisions taken contrary to the Procurement Rules must be taken by Cabinet.

## **Risk management**

Cabinet is being asked to approve that the management of the project be led by Lancashire County Council (as the Local Transport Authority) on behalf of Burnley Borough Council. It is proposed that any project overspends and any implications arising from late/non-delivery of the project would remain the responsibility of Burnley Borough Council.

The following risks have been quantified by the project:

- **Control of cost overruns:** The £3.4m project includes £0.92m of contingency at the outset, including a 30% risk layer based on a Quantitative Cost Risk Assessment which is commensurate for Network Rail enhancement projects at the option selection/pre - detailed design stage. An inflation allowance of 6.5% has been assumed within construction works pricing, assessed on the mid-point of construction. This should give some comfort to the affordability of the project within the available funding envelope, however, with the current uncertainties in global markets this cannot be guaranteed. Legal agreements will need to ensure that Lancashire County Council is not facing this risk by agreeing to manage the project on behalf of Burnley Borough Council. The project will be closely monitored with regular reporting to Burnley Borough Council and Central Government in relation to project and financial progress.
- **The Market does not respond as anticipated:** There is a risk that the marketplace would not be able to deliver the project within the timescale, however, there is a considerable supply chain to fall back on, albeit under some pressure at the present time particularly around the availability of materials. Lancashire County Council officers will actively work with Network Rail to agree detailed design specifications to enable the completion of detailed design and

the early ordering of materials, with close monitoring and reporting of any subsequent financial and programme implications.

- Ability to deliver during the levelling-up period: Network Rail supply chain dependent, but there is the considerable expertise and resource within the industry to deliver the project by the end of March 2024. The detailed design solutions are modular and have been delivered at other stations on the national network. Resources to project manage the project will be provided by Lancashire County Council officers in the Public and Integrated Transport team.

### **List of Background Papers**

Paper	Date	Contact/Tel
None	None	None

Reason for inclusion in Part II, if appropriate

Appendix 'A' - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. Appendix 'A' contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.