



Report to Cabinet

Date:	09/11/2021
Title:	South East Aylesbury Link Road Phase 2 funding and delivery agreement with HS2
Relevant councillor(s):	Councillor Martin Tett , Leader / Councillor Steve Broadbent, Cabinet Member for Transport
Author and/or contact officer:	Ian McGowan (Head of Highways Infrastructure Projects) Matt Bradford (Project Officer)
Ward(s) affected:	Aston Clinton & Bierton Aylesbury South East Wendover, Halton & Stoke Mandeville
Recommendations:	Cabinet is invited to: 1) Accept the funding and delivery agreement from HS2 for the SEALR Phase 2 project and the SEALR Phase 1 Lower Road roundabout. 2) Note the recommendation(s) on the previous Leader decision on 19 March 2021 to submit the SEALR Phase 2 planning application when completed.
Reason for decision:	Accepting the funding and delivery agreement from HS2 will help facilitate the delivery of the SEALR project.

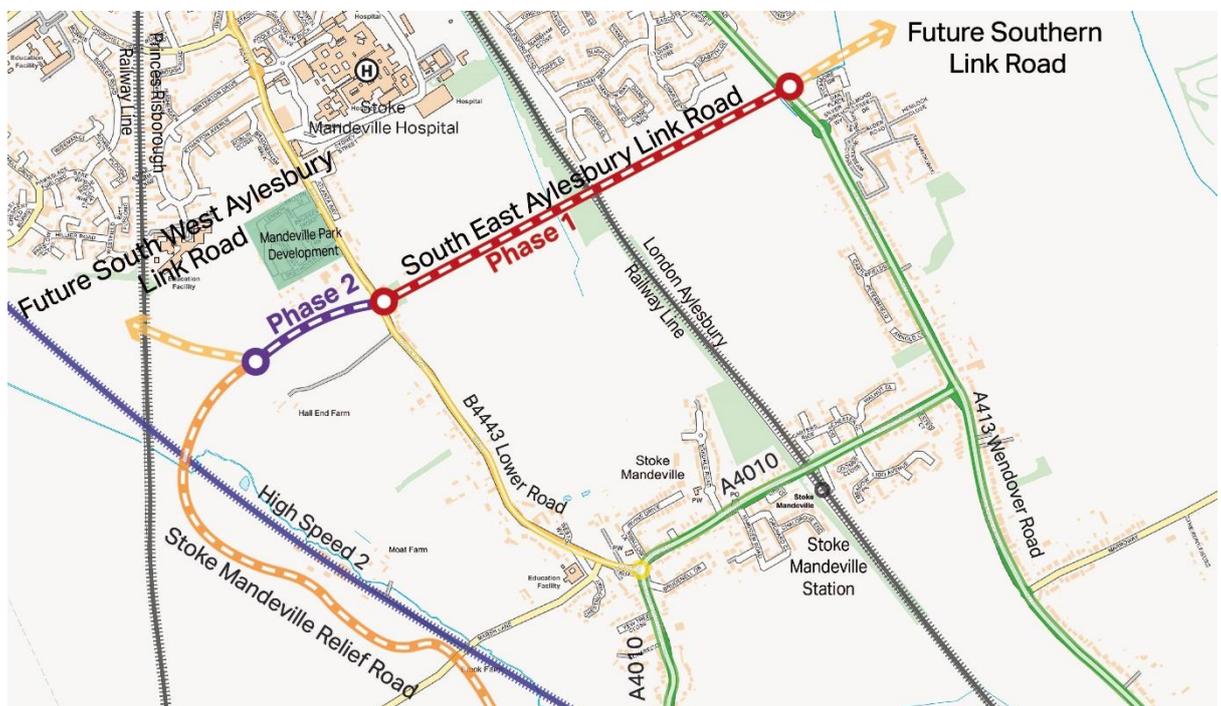
1. Executive summary

- 1.1 HS2 have agreed to provide funding towards the dual carriageway South East Aylesbury Link Road (SEALR) Phase 2 project. The level of funding equates to the

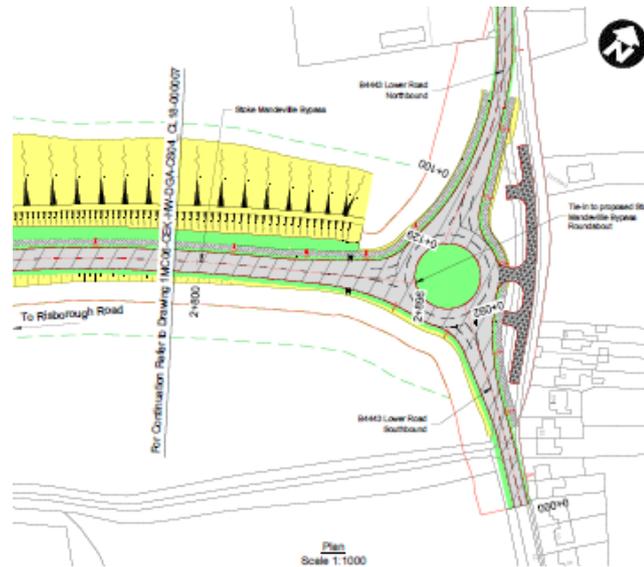
amount it would have cost HS2 to construct the same 450m length as a single carriageway, including the roundabout at the B4443 Lower Road junction. The funding excludes the roundabout junction to the South West Aylesbury Link Road (SWALR) as HS2 would not have delivered this as part of their Stoke Mandeville Relief Road. This paper recommends that Buckinghamshire Council accepts this funding (detailed in Confidential Appendix A) and notes the previous Cabinet Member decision to submit the Phase 2 planning application, when it is ready to be submitted. This is expected to be submitted in early 2022.

2. Content of report

- 2.1 The South East Aylesbury Link Road (SEALR) project is the proposed construction of approximately 1.7 kilometres of dual carriageway including 3 new roundabout junctions. The project is being delivered as one project but in two phases. This new road will join the A413 Wendover Road with the B4443 Lower Road (SEALR Phase 1) and the B4443 Lower Road to a new roundabout junction (Phase 2) with the Stoke Mandeville Relief Road (SMRR) and the South West Aylesbury Link Road (SWALR). This is shown in the plan below.



- 2.2 Both phases of the SEALR form part of the Aylesbury Orbital Link Road. The delivery of both phases of the SEALR will complete a significant portion of the Aylesbury Orbital Link Road.
- 2.3 SEALR Phase 2 was originally designed by HS2 as a single carriageway road with no roundabout connection to the SWALR and would have formed part of the SMRR which was to be delivered by HS2. The funding and delivery agreement is the



- 2.6 HS2 have agreed to part-fund SEALR Phase 2. The funding for this will cover the amount it would have cost HS2 to fund SEALR Phase 2 as a single carriageway with no roundabout. This funding is subject to:
- 1) confirmation that the land required outside of HS2's land take is available to be used by Buckinghamshire Council to deliver a dual carriageway.
 - 2) confirmation that funding for additional scope is available. This is currently being pursued via early release of SWLR HIF, Levelling up fund and section 106 contributions.
 - 3) detailed design for the proposed scheme being completed.
 - 4) approved planning permission for the proposed scheme.
 - 5) ensuring that the proposed dual carriageway meets HS2's Environmental Minimum Requirements (EMR).
 - 6) not in any way hindering the timely or economic delivery of SMRR or HS2.
- 2.7 In addition to part funding SEALR Phase 2, HS2 will be providing funding towards a roundabout that they would have delivered on Lower Road. The roundabout that HS2 would have designed would have been smaller in size than the roundabout that Buckinghamshire Council will deliver. This is because it did not include a tie in to SEALR Phase 1 and is based on a single carriageway. The proposed roundabout is therefore larger than would have been delivered. Within Buckinghamshire Council, the Lower Road roundabout is part of the SEALR Phase 1 scheme, and therefore monies will be appropriately allocated to this based on the budget agreed with the Shadow Executive in January 2020.

- 2.8 This funding and delivery agreement does not rely on any associated assurances from HS2.
- 2.9 It should be noted that significant negotiations have taken place between Buckinghamshire Council and HS2 over a period of months. Further details pertaining to the negotiations between Buckinghamshire Council and HS2 are available in Confidential Appendix A.
- 2.10 The HS2 funding and delivery agreement is available as Confidential Appendix B.
- 2.11 Since the agreement, the preceding negotiations, and the financial breakdown contain sensitive commercial information, these have been marked as confidential appendices.
- 2.12 Owing to the level of funding from HS2 and the related obligations upon Buckinghamshire Council that the agreed scheme is delivered with repayment obligations within its terms, this decision is considered to be a Key Decision under the Buckinghamshire Council constitution and, as such, authority is requested from Cabinet to accept the funding under the terms of the draft agreement attached as Confidential Appendix B.
- 2.13 Whilst the funding and delivery agreement does not obligate Buckinghamshire Council to deliver the scheme, the funding is provided to cover part of the costs of delivery and the terms of the agreement ensure that release of the HS2 funding element will be subject to the scheme being delivered within the projected timescales and to the design agreed in the agreement. There is scope within the agreement to agree changes however Buckinghamshire Council cannot use the funding if the scheme is not delivered and there are mechanisms within the agreement for repayment.
- 2.14 A Cabinet Member decision was taken by the Leader of the Council in March 2021 giving delegated authority to proceed with preparing and submitting a planning application, progressing a detailed design, and beginning land negotiations for SEALR Phase 2. This is accessible online [here](#).
- 2.15 Therefore, Cabinet is invited to:
- 1) Accept the funding and delivery agreement from HS2 for the SEALR Phase 2 project and the SEALR Phase 1 Lower Road roundabout.**
 - 2) Note the previous decision taken by the Leader of the Council in March 2021 which will allow the project team to submit the planning application when it is completed (subject to Service Director approval).**

3. Other options considered

3.1 Other options are considered in Confidential Appendix A.

4. Legal and financial implications

4.1 By accepting this funding, Buckinghamshire Council would be entering into a legal agreement with HS2. The agreement is included as Confidential Appendix B.

4.2 The funding and delivery agreement has been reviewed by Buckinghamshire Council legal colleagues and by finance colleagues. The agreement was initially reviewed in September 2020. Their comments on the funding and delivery agreement were sent to HS2. These comments have informed the most recent version of the funding and delivery agreement. An updated copy of the agreement was reviewed in May 2021 and comments were sent to HS2.

4.3 The funding provided by the agreement will be a lump sum and, if Buckinghamshire Council accepts it, will not be renegotiable if costs increase. Therefore, should the cost of the project be higher than anticipated, HS2 will not provide any additional funding. This is a risk to Buckinghamshire Council. The project team are mitigating this risk by employing Galliford Try to undertake Early Contractor Involvement (ECI) so that project savings can be found.

4.4 As referenced in 2.13 of this report, the legal interpretation of the agreement is that Buckinghamshire Council is not obligated by the agreement to deliver SEALR Phase 2.

4.5 Details concerning SEALR Phase 1 funding can be found in the 7th January 2020 Shadow Executive report titled 'Spending Protocol – South East Aylesbury Link Road'. This is available online [here](#).

5. Corporate implications

5.1 Accepting this funding will allow Buckinghamshire Council to purchase the land necessary for the construction of SEALR Phase 2.

5.2 There are no anticipated HR implications resulting from accepting this funding.

5.3 Accepting this funding will enable the SEALR project to progress. The principal aim of the SEALR, and of the Aylesbury Orbital Link Road, is to draw traffic away from the town centre which supports the Aylesbury Transport Strategy. Part of the SEALR project involves significant planting of trees (over 5000) which will help to mitigate carbon dioxide that is produced from vehicles using the road.

5.4 Both phases of the SEALR will achieve at least 10% biodiversity net gain. Accepting this funding will allow the SEALR to improve the ecological character of the area.

There are no anticipated negative sustainability implications resulting from accepting this funding.

5.5 There are no anticipated equality implications resulting from accepting this funding.

5.6 There are no anticipated data implications resulting from accepting this funding.

5.7 The figure on offer from HS2 has been negotiated by the SEALR project team and HS2. This has been reviewed by Galliford Try who are our appointed contractor. It is the view of the project team that the funding represents best value for money and allows Buckinghamshire Council to deliver the SEALR.

5.8 Further risks are discussed in Confidential Appendix A.

6. Project status updates

6.1 The planning application for SEALR Phase 1 was submitted in March 2020 and received unanimous support at the Strategic Sites Committee on 11th February 2021. The post-committee report permitting the development was published online on 13th July 2021 granting planning approval subject to sign-off of conditions. Detailed design of the SEALR Phase 1 is ongoing. A Compulsory Purchase Order (CPO), Side Roads Order (SRO) and Section 19 open space inquiry is scheduled to take place in November 2021.

6.2 The preliminary design of SEALR Phase 2 is being finalised. Design consultants are producing a planning application, including an Environmental Impact Assessment (EIA), which is due to be submitted in January 2022 subject to Service Director approval. The project team held an online public consultation during February 2021 which received positive feedback. There is no CPO process being undertaken for SEALR Phase 2. The project team are in regular liaison with the landowners.

7. Consultation with local councillors & community boards

7.1 The Leader of the Council has previously been briefed by the project team. A Cabinet Member decision was taken by the Leader of the Council in March 2021 giving delegated authority to proceed with preparing and submitting a planning application, progressing a detailed design, and beginning land negotiations for SEALR Phase 2. This is accessible online [here](#).

7.2 Local councillors have been briefed on the HS2 funding and delivery agreement. The most recent briefing took place on 9th September 2021. Local councillors have been generally supportive of the project.

- 7.3 The SEALR project team has met regularly with local councillors. Recent briefings took place on 09/09/2021, 03/06/2021, 25/02/2021 and 08/12/2020.
- 7.4 The project team has not consulted with community boards on the HS2 funding and delivery agreement specifically, but the community board chairmen (Wendover and Aylesbury) have been kept informed of the project progression and have been invited to all SEALR member briefings. The community board chairman for Aylesbury regularly attends SEALR member briefings.

8. Communication, engagement & further consultation

- 8.1 SEALR Phase 1 has held 2 public consultation events in 2017 and 2018. SEALR Phase 2 held an online public consultation throughout February 2021. Statutory consultation will take place as part of the SEALR Phase 2 planning application process in due course. Statutory consultations have taken place as part of the SEALR Phase 1 planning application and the SEALR Phase 1 CPO and SRO processes.

9. Next steps and review

- 9.1 If Cabinet agrees to accept the funding and delivery agreement from HS2, the project team will liaise with colleagues to have the funding and delivery agreement sealed.
- 9.2 Once the agreement is sealed, the following programme will be in effect:

Activity	Date
Acceptance of funding from HS2	November 2021
CPO/S19 (open space) inquiry (Phase 1)	November 2021
Phase 2 planning submission	Jan 2022
Phase 2 detailed design completed	April 2022
Phase 2 expected planning committee	May 2022
Early works and beginning of main construction (both phases)	Spring 2022
UKPN switchover/utility diversions	October 2022
Phase 2 main construction completed	November 2023
Phase 1 main construction completed	August 2024

10. Background papers

- 10.1 Confidential Appendix A contains the figure to be provided by HS2 and how this will be split between SEALR Phase 1 and 2, a summary of negotiations between HS2 and Buckinghamshire Council, a cost breakdown of SEALR Phase 2, and a summary of potential further funding sources.
- 10.2 Confidential Appendix B contains the latest agreed copy of the HS2 funding and delivery agreement.
- 10.3 The latest SEALR Phase 2 preliminary design is included as Appendix C.
- 10.4 The Cabinet Member Decision taken by the Leader of the Council in March 2021 for SEALR Phase 2 can be found online [here](#).
- 10.5 The Shadow Executive report for SEALR Phase 1 can be found [here](#).

11. Your questions and views (for key decisions)

- 11.1 If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01296 382343 or email democracy@buckinghamshire.gov.uk.