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Select Scrutiny Committee

12 December 2017

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**Present:** Councillor Jackie Kirk (*in the Chair*),  
Councillor Gary Hewson, Councillor Bob Bushell,  
Councillor Edmund Strengiel, Councillor Tony Speakman,  
Councillor Thomas Dyer, Councillor Andy Kerry and  
Councillor Ric Metcalfe were in attendance

**Apologies for Absence:** None.

## 7. Confirmation of minutes - 12 September 2017

RESOLVED that the minutes of the meeting held on 12 September 2017 be confirmed.

## 8. Declarations of Interest

Councillor Eddie Strengiel wished to place on record that he lived close to the boundary of the proposed Western Growth Corridor site, but that he did not have a disclosable pecuniary interest in the matter.

## 9. Exclusion of Public and Press

RESOLVED that the press and public be excluded from the meeting during consideration of the following item of business because it was likely that if members of the public were present there would be a disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

## 10. Request to Call In an Executive Decision: Western Growth Corridor

The Chair reported that a request for Call In of an Executive decision made at the meeting of the Executive on 30 October 2017 in respect of the Western Growth Corridor had been received.

The decision at that meeting was to approve an allocation from revenue contingencies and earmarked reserves of £332,956 of additional budget for commitments up to the end of 2017. The Chair emphasised that this was the decision that had been Called In and was the subject of consideration at this meeting.

The Chair invited the members presenting the request, Councillor Andy Kerry and Councillor Tom Dyer, to address the Committee regarding their request to Call In the decision made at the meeting of the Executive on 10 October 2017 in respect of the Western Growth Corridor. A copy of the Call In request form was appended to the report.

Councillor Kerry referred to the Call In request form and made the following points in support of the Call In:

- in his view, there had been insufficient consultation, particularly in relation to issues regarding highway provision and management of works as to how this would impact the local population and the road infrastructure. This

meant that members and residents had not had an opportunity to put forward their concerns;

- it was unclear what impact there would be as a result of vehicle movements when work commenced on the site, which he felt would be considerable in view of the significant number of heavy goods vehicles that would need to carry goods on and off the site. He raised the necessity of the flood plain being at an adequate level as a contributing factor to this anticipated heavy goods traffic, highlighting that normal site traffic would also impact negatively on the local infrastructure;
- initial plans had included a link to the A46 and a proposed business park, but he understood that this element had been shelved with the A46 link taking place at completion of the project rather than feature at its commencement. This could cause an inconvenience for local people throughout development of the entire project;
- the existing infrastructure, such as Birchwood Avenue roundabout for example, could not currently cope with demand by local traffic;
- he understood that a significant landowner had changed their position in relation to the scheme which was a key reason as to why consultation events had been cancelled;
- he felt that there had been no real consultation on changes to the proposed project or plans and how local people would be affected;
- it was premature to progress with the Western Growth Corridor project as the risk assessment and transport assessment was currently unclear. He understood that Highways had required a new traffic assessment to be undertaken, which he agreed with. Councillor Kerry was therefore of the view that insufficient consultation would have taken place, without this assessment having been carried out, analysed and consulted upon with major stakeholders and any interested parties;
- the costs stated in the Executive report regarding the A46 link could vary considerably, which was a huge risk to the Council considering the large amount of public funding associated with the project. He acknowledged that the project could not continue to move forward without investment;
- the proposal left the Council holding all of the financial burden, with other partners waiting to see whether anything would progress before committing themselves. He therefore questioned the viability of the project and what it would take for other partners to commit into it, stating that this was not just a City Council project. Councillor Kerry saw this as an unacceptable risk to the Council, with other landowners and partners also needing to share the risk;
- in his view, Railtrack posed another significant risk to the project with regard to potentially refusing permission to include rail crossings resulting in the need for at least one new bridge, which he anticipated would be another cost for the Council to pay, with no other contributors identified in the interim;
- there was nothing in the Executive report regarding the other options considered and he would have liked to have seen some rationale as to why other options had been rejected and why the option agreed by the Executive was the safest option;
- until negotiations had taken place with all landowners, including Railtrack, and reached a satisfactory conclusion and until the results of the traffic assessment had been properly analysed and consulted upon, Councillor Kerry was of the view that the Executive's decision should be put on hold as it would place the Council at an unacceptable level of risk.

Councillor Dyer made the following points in support of the Call In as the second signatory:

- he echoed the point made by Councillor Kerry regarding one of the landowners and the financial impact this would have on the Council should they not change their current position;
- all of the risk associated with the project rested with the City Council;
- no other alternatives were outlined in the Executive report so it was not clear what other options had been considered;
- he referred to a comment made at the meeting of the Executive where a member had said “we have come this far so we must go on”, which he felt was a rather bold statement to make.

The Chair clarified the reasons for Call In, as set out on the Call In request form, and noted the suggested outcome as follows:

“That having due regard to the forthcoming result and interpretation of the transport assessment that any decision on progressing this project is deferred until all needs and risks are available for review.”

Committee members asked questions of Councillors Kerry and Dyer and the following points arose from the discussion:

- the only decision made by the Executive subject to Call In was in relation to financial contingency for work already carried out in 2017. The concerns expressed had been addressed in that the planning application was on hold until an informed decision could be made following the outcome of transport modelling, as per the Executive report. Councillor Kerry responded and confirmed that the Call In was submitted on the basis of spend, but provided further explanation regarding the project in its totality by way of supporting the reasons for Call In;
- in view of the Call In relating to a decision about allocating funding, a question was raised as to whether the Call In was essentially asking for payment not to be made for the works carried out. Councillor Kerry confirmed that this was correct;
- this Committee was not the right place to discuss whether the Western Growth Corridor should go ahead or not, or the details relating to any aspect of the development other than the matter relating to the Executive decision made on 30 October. The decision related to meeting existing commitments and the Executive agreed to meet these commitments from revenue contingencies and earmarked reserves. Councillor Dyer explained that the report associated with the decision did not include sufficient details relating to the other options or alternatives considered. Councillor Kerry made the point that he was not against the Western Growth Corridor, but did not agree with the level of risk placed on the Council;
- noting that the additional funding covered ‘known costs’, a question was raised as to why these costs had not been budgeted for in the first instance. The financial cost and risk to the Council were two areas of concern that a member of the Committee shared with Councillors Kerry and Dyer;
- the risk had already been taken prior to this decision in that the additional money had already been committed, which was reflected by the Executive’s decision to allocate additional funding from elsewhere.

The Chair invited Councillor Ric Metcalfe, Leader of the Council, to respond to the Call In request.

Councillor Metcalfe made the following points in response to the Call In:

- it was absolutely right for members to want to have more information about such an important development for the city. The Council's minority political group had been offered the opportunity to have a briefing on these matters so that the correct position and context could be better understood;
- member briefings had been held at regular intervals on the Western Growth Corridor in view of it being a very large but fast-moving project. Members were therefore kept fully informed of the latest developments relating to the Western Growth Corridor;
- if the Call In was in relation to a decision by the Executive which sought to progress with the project in advance of not having resolved the issues highlighted by Councillor Kerry, then it would make sense. The decision by the Executive was in fact to continue to cash flow the project so that all of these matters could be resolved prior to a decision being taken on the future of the proposed development. He highlighted that this final decision would be taken by all members of the Council and not the Executive;
- by resolving these current matters and allocating the funding as per the Executive's decision kept the project alive. The site was a good example of a site where development could take place and one which the market itself had been reluctant to take risks with. This development was needed in Lincoln and it was only the Council's willingness to make it successful, where the market had failed, that was keeping it going;
- significant projects such as the transport hub, driven by the City Council, always had an element of risk associated with them;
- the decision was not about insufficient consultation, highlighting that there would be a great deal more consultation taking place in due course. The decision was also not about the merits of the proposed development but was solely a decision the Executive took to keep the project progressing.

Kate Ellis, Strategic Director of Major Developments, provided members with some information in response to the points made by Councillors Kerry and Dyer when introducing the Call In:

- the Council considered the risk element of the Western Growth Corridor when it approved the budget in April 2016, enabling the Council to take forward development to the point of a planning application and agree contributions from other landowners. That was the point where the budget for the Western Growth Corridor was originally approved;
- the additional £332,956 would cover up to the end of 2017 to pay for the work outlined in the Executive report;
- to get to planning application submission stage on the basis of there being no significant changes to the master plan following the transport assessment and associated works, it would cost in the region of £600,000. If the transport assessment identified a significant change, such as the requirement to link with the A46, a lot more work and financial resource would be needed to reach planning application submission stage. It was important to note that these costs were not costs associated with the development of the site, but solely the cost of getting to a point where a planning application could be submitted;
- information regarding highways and the impact the project would have on local infrastructure was included in the consultation materials, so the

Council had not insufficiently consulted with people on this point. The amount of fill-in required to raise the platform for the flood plain and any associated traffic movements as a result of that work had also been analysed, so officers did have an understanding as to what this would translate to in respect of construction traffic on and off site. With regard to waste removal, this would be dealt with on-site so this aspect of the development would not incur additional traffic;

- workshops and consultation events were stopped following the County Council informing the City Council that the highway model it used to assess transport would be changed. It was proposed that those workshops and consultation initially planned would continue following the results and analysis of the transport assessment, traffic impact and modelling works. This would all be undertaken prior to any decision taken by all members of the Council on the proposed development of the Western Growth Corridor.
- an all member briefing would be held before public consultation on these matters.

It was noted that the Strategic Director had a number of other financial points to make in response to the statements made by Councillors Kerry and Dyer, but it was agreed that they should be made outside of the meeting.

The Chair asked the Committee to consider whether the request for Call In should be approved or refused.

It was proposed and seconded that no further action be taken and the request for Call In be refused.

The all member briefing prior to going out to public consultation would provide an opportunity for all members to be better informed.

RESOLVED that the request for Call In be refused on the basis that a full member briefing would be held prior to going out to public consultation and that any decision on progressing the project had effectively been deferred until all needs and risks were available for review, which had been submitted as the suggested outcome in the request for Call In form.

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