

Neath Port Talbot County Borough Council
Cyngor Bwrdeistref Sirol Castell-nedd

Democratic Services
Gwasanaethau Democrataidd

Chief Executive: K.Jones

Date: 28 July 2022

Dear Member,

CABINET - THURSDAY, 28TH JULY, 2022

Please find attached the following supplementary item for consideration at the next meeting of **Cabinet - Thursday, 28th July, 2022.**

Item 16 b) **Castle Drive Culvert Reconstruction** (Pages 3 - 18)

Yours sincerely

Sarah McCluskie

p.p Chief Executive

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NEATH PORT-TALBOT COUNTY BOROUGH COUNCIL

URGENT ITEM

CABINET

28th July 2022

Report of Head of Engineering & Transport – D. W. Griffiths

Matter for Decision

Wards affected: Cimla & Pelenna

Castle Drive Culvert Reconstruction

Purpose of Report

1. To inform members of the current status of the proposed re-construction of the Castle Drive culvert in Cimla and to further seek Members approval to underwrite a shortfall in the project funding following receipt of competitive tenders in order that the urgent repair work can commence with immediate effect.

Executive Summary

2. The report outlines the urgency requirement to commence work on the re-construction of the collapsed culvert and the actions taken by officers to secure additional funding from Welsh Government (WG) for the scheme.

Background

3. Members will recall the severe impact of storms in early October 2021 that affected communities across the County. Castle Drive in Cimla was one such location that was severely affected by flooding in the

Cefn Season Dingle which over topped Castle Drive causing the downstream embankment to the culvert to wash away and the road to partially collapse.

Castle Drive has been closed to traffic since the incident and will have to remain closed until the culvert has been replaced and the road reconstructed.

Funding of £100k was received from the Welsh Government Resilient Roads Fund in 2021/22 to undertake the clean-up work, to design its replacement and to undertake advanced tree clearance works. This in addition to the commissioning of statutory undertaker's diversion designs to facilitate the future reinstatement works required to re-open the Highway.

In February 2022 the Council submitted a further application for funding of circa £462K to Welsh Government as part of the bidding process to the Resilient Roads Fund 2022/23 to undertake the reconstruction. This application received a positive response from Welsh Government and funding was subsequently awarded.

Since the submission of the bid the final design was completed and the works were tendered through the South West Wales Regional Civil Engineering Framework. On receipt of the tenders, the scheme costs have now risen to circa £660K. There have been a number of factors that have resulted in the increased tender sum which are set out below:

- a) During the final design process the size of the precast concrete units had to be increased to future proof the scheme.
- b) The costs of the Statutory Undertakers Diversion work substantially increased.
- c) Further the majority of the cost increase is due to the large increase of all the construction items and current rates of inflation affecting transport and plant. The original bid project costs were calculated in December 2021 and did not foresee the factors which are now affecting the construction sector.

A further bid has been submitted to the Welsh Government Resilient Roads Fund for an additional £200K, officers have received informal feedback and note that currently there is no funding available, however, officers have been advised that the scheme will be added to a WG list of requests for additional funding and should there be any underspends against the fund or additional monies become available during the financial year that the scheme will be considered along with

all other applications at that time. It is noted that in the past WG have been supportive of such applications recognising some of the unforeseen circumstances now impacting the construction sector.

Turning to the current position it is now urgent that the works are progressed and the Council award a contract to the successful tenderer as soon as possible for the following reasons:

An order needs to be placed by the contractor for key construction elements in order for them to be delivered in time to complete the works by 31st March 2023 to satisfy the Welsh Government grant conditions and to avoid the potential loss of grant which would further impact on the current available funding.

That works commence before the winter period to avoid further damage to the highway should flooding occur.

That firm orders are placed with the utility companies to ensure that the critical path for construction is maintained and to allow the utility companies to plan their resources accordingly.

The current tender period for acceptance is due to expire on the 13th of August 2022 and the Council will be required to retender the works. This will impact on the delivery of the scheme and is very likely to increase the construction costs. Moreover the lead-in times for materials described above will be delayed which in turn will affect the time in which to deliver the project been exceeded potentially putting in jeopardy the loss or part loss of the current grant award.

Effectively if the Council have to re-tender the work it will delay the project by at least another two months. In all likelihood this would mean that works can't commence until the spring of 2023.

Funding needs to be in place before we can award the contract and commence the re-construction.

Lastly there has been considerable disruption to the local residents and wider community with bus services in the locality having to be re-routed. There is currently only one vehicular access and egress to the estate which at peak times causes local congestion. Should the area be affected by another incident over the winter period then there is no alternative vehicular access to the locality.

Subsequently due to the urgent reasons set out, Members are requested to consider underwriting the shortfall of £200K from the Capital Programme contingency budget to allow the exchange of the contract now to ensure the timely delivery of materials and expenditure of the currently awarded grant of £462K during the financial year 2022/23.

Financial Impact

5. If the additional funding bid, to Welsh Government, is unsuccessful then the capital programme funding underwritten from the contingency will need to be allocated on a permanent basis within the Capital Programme 2022-23.

Integrated Impact Assessment

6. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment, attached at Appendix A, has indicated that a more in-depth assessment is not required. A summary is included below:-

A full impact assessment is not required, as the proposed reconstruction works will provide a benefit to the Community.

Valleys Community Impacts

7. There are '**No Implications**' associated with this report.

Workforce Impacts

8. There are '**No Implications**' associated with this report.

Legal Impacts

9. The Council have a statutory duty under the Highways act to maintain and keep open the adopted highway for public use.

Risk Management Impacts

10. The construction contract needs to be exchanged now for the re-construction works to be carried out to prevent the further collapse of the road (potential loss of utility services) and to reopen Castle Drive to traffic. Further to ensure expenditure of the current grant before the end of the financial year to comply with the WG grant conditions and to avoid any potential loss of grant.

Other Impacts

11. There are '**No Implications**' associated with this report.

Crime and Disorder Impacts

12. There are '**No Implications**' associated with this report.

Counter Terrorism Impacts

13. There are '**No Implications**' associated with this report.

Violence against Women, Domestic Abuse and Sexual Violence

14. There are '**No Implications**' associated with this report.

Consultation

15. There is no requirement for external consultation on this item.

Recommendations

16. Having due regard to the Integrated Impact Assessment it is recommended that:

Members approve the underwriting of the shortfall of £200K for the reasons set out within the circulated report from the Capital Programme contingency budget to enable the project to commence with immediate effect.

Reason for Proposed Decision

17. To manage the risks and liabilities associated with the partial collapse of the existing road and to ensure that Castle Drive is reopened to traffic at the earliest opportunity and the current grant is expended in accordance with the Welsh Government Grant conditions.

Implementation of Decision:

18. The decision is proposed for immediate implementation.

Appendices

19. Appendix A – Integrated Impact Assessment.

Background Papers

20. None.

Officer Contact

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Integrated Impact Assessment (IIA)

This Integrated Impact Assessment considers the duties and requirements of the following legislation in order to inform and ensure effective decision making and compliance:

- Equality Act 2010
- Welsh Language Standards (No.1) Regulations 2015
- Well-being of Future Generations (Wales) Act 2015
- Environment (Wales) Act 2016

Version Control

Version	Author	Job title	Date
0	Paul Ransome	Bridges & Highway Structures Manager	12/07/2022

1. Details of the initiative

	Title of the Initiative: Castle Drive Culvert Reconstruction
1a	Service Area: Engineering and Transport/Streetcare
1b	Directorate: Environment and Regeneration
1c	Summary of the initiative: The Reconstruction of Castle Drive Culvert, as it supports the Public Highway
1d	Is this a 'strategic decision'? No
1e	Who will be directly affected by this initiative? N/A.
1f	When and how were people consulted? If allowed to proceed. N/A.
1g	What were the outcomes of the consultation? N/A

2. Evidence

What evidence was used in assessing the initiative?
Following the partial collapse of the culvert during an extreme storm event in October 2021 a new culvert has been designed..

3. Equalities

a) How does the initiative impact on people who share a **protected characteristic**?

Protected Characteristic	+	-	+/-	Why will it have this impact?
Age			√	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.
Disability			√	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.
Gender reassignment			√	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.
Marriage & civil partnership			√	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.
Pregnancy and maternity			√	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.
Race			√	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.
Religion or belief			√	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.
Sex			√	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.
Sexual orientation			√	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.

What action will be taken to improve positive or mitigate negative impacts?

No action will be taken. There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.

b) How will the initiative assist or inhibit the ability to meet the **Public Sector Equality Duty**?

Public Sector Equality Duty (PSED)	+	-	+/-	Why will it have this impact?
To eliminate discrimination, harassment and victimisation			√	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.
To advance equality of opportunity between different groups			√	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.
To foster good relations between different groups			√	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.

What action will be taken to improve positive or mitigate negative impacts?

No action will be taken. There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.

4. Socio Economic Duty

Impact	Details of the impact/advantage/disadvantage
Positive/Advantage	N/A
Negative/Disadvantage	N/A
Neutral	N/A

What action will be taken to reduce inequality of outcome
N/A

5. Community Cohesion/Social Exclusion/Poverty

	+	-	+/-	Why will it have this impact?
Community Cohesion	√			The reconstruction of the culvert will ensure that the road can reopen giving residents connectivity to the remainder of the estate & the school.
Social Exclusion	√			The reconstruction of the culvert will ensure that the road can reopen giving residents connectivity to the remainder of the estate & the school.
Poverty			√	The reconstruction of the culvert will ensure that the road can reopen giving residents connectivity to the remainder of the estate & the school.

What action will be taken to improve positive or mitigate negative impacts?

There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.

6. Welsh

	+	-	+/-	Why will it have this effect?
What effect does the initiative have on: - people's opportunities to use the Welsh language			√	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.
- treating the Welsh and English languages equally			√	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.

What action will be taken to improve positive or mitigate negative impacts?

There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.

7. Biodiversity

How will the initiative assist or inhibit the ability to meet the **Biodiversity Duty**?

Biodiversity Duty	+	-	+/-	Why will it have this impact?
To maintain and enhance biodiversity			√	The reconstruction work will be designed & timed to ensure that the existing biodiversity will not be affected and if possible, enhancements will be incorporated into the design following consultation with our Biodiversity Section.
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.			√	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.

What action will be taken to improve positive or mitigate negative impacts?

In liaison with the Authorities Biodiversity team, the area has been surveyed & mitigation works put in place if needed.

8. Well-being of Future Generations

How have the five ways of working been applied in the development of the initiative?

Ways of Working	Details
i. Long term – looking at least 10 years (and up to 25 years) ahead	The long-term goal is to make the structure safe whilst ensuring that future generations are not left with the liabilities.
ii. Prevention – preventing problems occurring or getting worse	The purpose of the works is to prevent the further deterioration of the structure and the partial further collapse of the road with possible loss of services.
iii. Collaboration – working with other services internal or external	The works will be carried out by the Bridges & Highway Structures Team, in liaison with NPT's Biodiversity & Network Management teams and Natural Resources Wales.
iv. Involvement – involving people, ensuring they reflect the diversity of the population	The scheme will ensure the safety of the public and allow the road to reopen.
v. Integration – making connections to maximise contribution to:	The works will ensure that castle Drive reopens to traffic.
Council's well-being objectives	The scheme will ensure the safety of the public.
Other public bodies objectives	The scheme will ensure the safety of the public.

9. Monitoring Arrangements

Provide information on the monitoring arrangements to:

Monitor the impact of the initiative on Equalities, Community Cohesion, the Welsh Measure, Biodiversity Duty and the Wellbeing Objectives.

N/A

10. Assessment Conclusions

Please provide details of the conclusions reached in relation to each element of the assessment:

	Conclusion
Equalities	No action will be taken. There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.
Socio Economic Disadvantage	No action will be taken. There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.
Community Cohesion/ Social Exclusion/Poverty	No action will be taken. There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.
Welsh	There is no negative impact, as the reconstruction of the culvert will ensure that the road can reopen & services to local properties can be maintained.
Biodiversity	In liaison with the Authorities Biodiversity team, the area has been surveyed & mitigation works put in place if needed.
Well-being of Future Generations	The long-term goal is to make the structure safe whilst ensuring that future generations are not left with the liabilities.

Overall Conclusion

Please indicate the conclusion reached:

- **Continue** - as planned as no problems and all opportunities have been maximised
- **Make adjustments** - as potential problems/missed opportunities/negative impacts have been identified along with mitigating actions
- **Justification** - for continuing with the initiative even though there is a potential for negative impacts or missed opportunities
- **STOP** - redraft the initiative as actual or potential unlawful discrimination has been identified

Please provide details of the overall conclusion reached in relation to the initiative

The overall conclusion for the Integrated Impact Assessment (IIA) is to Continue as planned

11. Actions

What actions are required in relation to obtaining further data/information, to reduce or remove negative impacts or improve positive impacts?

Action	Who will be responsible for seeing it is done?	When will it be done by?	How will we know we have achieved our objective?
N/A	N/A	N/A	N/A

12. Sign off

	Name	Position	Signature	Date
Completed by	Hasan Hasan	Engineering Manager		
Signed off by	D.W.Griffiths	Head of Service		

