



Penarth Headland Link

Connecting the Capital to the Coast

Registered Charity No 1167209 – a charitable not-for-profit company

From the Chair of the Trustees : Roger Thomas OBE OStJ

Cabinet Members,
Vale of Glamorgan Council

12th October 2018

Dear Councillor Cox

Penarth Headland Link (Cabinet item 17)

We are worried that **if the report before you on Monday is endorsed by the Cabinet, the exciting opportunity to build the Penarth Headland Link will be lost for a second time because the documents contain significant errors, suggests a higher-cost project for which money is not available and risks wasting the enormous progress that has been made in the past three years.**

Just to explain our authority for challenging the report from officers on which you would normally depend.....

- Our group of volunteer trustees has delivered design and preparatory work worth £250,000 which has convinced Welsh Government that the project can be delivered for £10million.
- We handed our work to the Vale of Glamorgan Council and have worked with the Council and Welsh Government on next steps – resulting in the grant to your council of £100,000 last year and £500,000 this year to get to “spade in ground” readiness.
- Despite that success together, the paper before you on Monday has been put forward without using the extraordinary expertise of our group and as a result it contains the serious errors which put the whole project at risk.
- Our expertise, the £250,000 of “pro bono” work and the land which we now own are offered free to the Council, so we don’t understand the recent change of approach in keeping us at arm’s length.

Our main concern is that the Arup report before the Cabinet proposes a design that is too expensive – for no good reason – and that delay will be fatal to the project.

Over the last 3 years, learning the lessons of the past, our experts and others concluded we have hit the sweet spot between height, cost and affordability; allowing the project to proceed. The cabinet paper proposes going in a different direction.



The paper also understates the economic, health, development and social benefits of the scheme which are **massive**, which are **additional** to the transport benefits and the transport economic benefits listed, and which are the real benefits to Penarth and to the whole of the Vale of Glamorgan and more widely.

We have been assured by the Leader, Managing Director and Councillors of the value placed on our contribution and the wish to work with us and bring the project to fruition. We have accepted those assurances in good faith and dedicated many hours of work to making it work.

But the paper before the Council goes in a different direction, and time is running out. That is why we believe that the Cabinet must now decide whether or not it wants the Link to be built. If the Council is **not** serious, it should not waste Welsh Government money on preliminary work and we can ask whether others are prepared to take it ahead and agree to cooperate with any such party, with the Council cooperating.

If, as we believe, the Cabinet **does** want to make it happen, then we suggest the following:

- **That the Cabinet agrees that our design proposals – which are practical and affordable – should be implemented, and agrees that the Council’s officers must work with us to bring the project to fruition.**

That is the basis on which money has been given to the Council by Welsh Government. The Council’s previous scheme was aborted because it was over ambitious and unaffordable, and history should not be repeated.

We have spent three years identifying ways in which the cost can be kept down to the funds likely to be available, which is about £10 million – not £16.6 million. We have addressed the risks and we have them under control. We are led to understand that if ready to proceed early in 2019/20 an application for such Welsh Government funding could be viewed favourably

Last time the desire for an ambitious design without regard to cost killed the project. We sincerely hope that the support for the project, which has been expressed to us by Cabinet Members and Councillors generally, as well as by the Leader and Managing Director, can be reflected by a decision to accept our advice.

Yours sincerely

Roger Thomas, Chair of the Charitable Trustees





Site Compound

Penarth Headland Link

Annex :

SPECIFIC DETAIL of our critique of the Report to Cabinet:

The Arup report says (Appendix A page 28 and Appendix B page 2) the aim is “for the path to be at a sufficient elevation to remain open at all tide and most storm conditions” and proposes a height of 9 metres above ordinance datum (AOD) to allow for possible future rises in sea level to cope with the next 100 years.

- **Our aim, which we believe should also be yours, has been to deliver a pragmatic compromise between cost and use of the link in all tidal and storm conditions. Our choice of 8 metres AOD was based on all available data.**
- It is the height given in the Cardiff Bay Barrage Act 1993 and is affordable.
- Our design is relatively easy to raise or widen if required in future to accommodate raised sea level or addition uses, so it would be a luxury to aim to foresee needs for the next 100 years unless money is no object.
- We have had access to all the work carried out by the Hydrological Research Station for Cardiff Bay Development Corporation in preparation for the construction of the Barrage which includes information on tides and waves. Nothing significant has changed in the interim.
- It is not necessary to re-do the maritime work – which is what Appendix B page 37 proposes.
- The Arup report proposes (Appendix A page 56) £1.5 million for maintenance. That is not needed as our plan provides for an income from parking at the north end to cover maintenance.
- The Arup report proposes (Appendix A page 69) a 66% optimism bias. That might be appropriate for a scheme on which no work had been done but that is not the case here. Until a contract is let Welsh Government is making grants for the work and the **Council is not at risk.**
- If the Council then lets a proper Design and Build contract, as we proposed, the Council has no risk.
- The Arup report assumes (Appendix B page 37 onwards) that future work will lead to an application for planning permission. You have the opinion of Queen’s Counsel that no such application is needed as the permission contained in the 1993 Act is still valid.
- The Arup report says (Appendix A page 63 para 6.5.1 and elsewhere) that “alongside the transport benefits.....the scheme....will also provide a number of wider economic benefits....these include leisure-related benefits, public health benefits, development activity” and leaves those to some possible “later stage”. We have shown that the scheme passes muster on the cost/benefit tests for economic and social benefit whereas the focus on transport grounds reflects the immediate availability of support from the transportation budget. Taken in the round it is clear that the Link does pass the cost/benefit test and the wide public consultations we have taken confirm that the public understand and agree this.

It is clear that these fundamental errors or misunderstandings invalidate all the calculations built on them. Having been assured we would be treated as partners in the progressing of the project in which we have invested voluntary, personal and professional effort, we have been completely excluded for the last six months. Our involvement would have enabled a fit-for-purpose report to come before you on Monday.



We therefore urge the Cabinet to accept that if the price tendered cannot be funded the Council is at no risk and should therefore agree to go ahead on the basis that we have proposed. **The question for the Cabinet has to be “Does the Cabinet want this project to go ahead?”**

Way ahead – we ask that the Cabinet refer the issues back to the officers with the instruction to work with us to work thoroughly through all the issues and that the matter come back to the Cabinet not later than one month from now with a detailed plan showing how the project will be brought to a point by April 2019 when a design and build contract can be let.

Further important points of detail.

Appreciating how much you have to digest as a Cabinet Member, we have kept this note short, but if the thrust of our case is accepted we will be happy to work with officers to overcome the challenges, but should point out the following important points.

- The report to the Cabinet (para 7) says that officers have authorised a habitat survey to support the development of the Link as “at least twelve months of survey work would be required”. In fact, as there is no need to apply for planning permission an environmental impact assessment would only be required for approval of detailed plans by the Welsh Government. In anticipation of that we met with Natural Resources Wales whose guidance was that in view of the work done by your Council for the earlier abortive scheme all that was now needed was to bring that work up to date and fill in any required by intervening changes of law. We were guided to on-going monitoring work which means that it is not necessary to do any environmental survey from scratch. Again if we had been involved we could help to avoid this suggested diversion.
- If you are advised that there are elements of WelTAG stages 1 and 2 that need to be tidied up to satisfy your internal processes that work should be done in the most expeditious way and that does not mean starting from scratch. It is six months since the Council was awarded £600,000 (of which about £500,000 was for the Link) for use on WelTAG Stage 3 in 2018/2019 and very little has been achieved.

There are many other detailed points which need correction but here we have highlighted what we see as the most important.

