

Cooper Bridge Improvement Scheme – Acceptance of delegated non-executive functions from Calderdale MBC to Kirklees MBC (Reference from Strategic Planning Committee)

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| Meeting | Council |
| Date | 11th March 2026 |
| Cabinet Member | Cllr Crook |
| Key Decision Eligible for Call In | No Yes |
| <p>Purpose of Report: The purpose of this report is to seek Council approval for non-executive powers which have been delegated by Calderdale Council (CMBC) to Kirklees Council (KMBC) (the Authorities) to enable the delivery of the A62 to Cooper Bridge Corridor Improvement Scheme (the Scheme). The specific powers KMBC require to deliver the Scheme within the administrative areas of both Authorities are within the Town and Country Planning Act 1990 (TCPA 1990) and the Highways Act 1980 (HA 1980). This report relates solely to the delegation of functions and powers within those Acts deemed to be ‘non-executive powers’. Subject to Full Council’s approval, the Authorities have agreed to enter into a legal agreement (the Agreement) to effect the delegation.</p> | |
| <p>Recommendations:</p> <p>A report went to the Strategic Planning Committee on 10th February, where the delegation of powers was noted. Following this, it is recommended that Council:</p> <ol style="list-style-type: none"> 1. Note the contents of this report and the attached appendices which include: Appendix A: Executive and non-executive functions Appendix B: Preferred option Appendix C: Cabinet Report (January 2024) 2. Provide approval for KMBC to accept the delegation by CMBC of all necessary non-executive powers and functions under the TCPA 1990 and the HA 1980 necessary to deliver the Scheme. 3. Delegate authority to the Executive Director for Place, in consultation with the Service Director for Legal, Governance & Commissioning and the Portfolio Holder for Transport, to negotiate and agree the terms of the Agreement with CMBC to enable the delegation of the non-executive powers and functions under the TCPA 1990 and the HA 1980 set out in Appendix A. 4. Delegate authority to the Service Director for Legal, Governance & Commissioning to seal and complete the Agreement and enter into any and all additional legal documents necessary to accept the delegation of the specific non-executive powers and functions under the TCPA 1990 and the HA 1980 as set out in Appendix A. 5. Delegate authority to the Executive Director for Place, in consultation with the Cabinet Member for Transport & Housing and the Service Director for Legal, Governance & Commissioning, to | |

accept the delegation of any specific additional non-executive powers or functions not listed at Appendix A from CMBC should such powers or functions become necessary to enable KMBC to deliver the Scheme and to negotiate and agree the terms of any additional legal agreement required to effect the delegation of non-executive powers or functions.

6. Delegate authority to the Service Director for Legal, Governance & Commissioning to seal and complete any supplemental or additional legal agreement or legal documents necessary to accept the delegation pursuant to the recommendation 5, above.

Reasons for Recommendations

To enable KMBC to determine the planning application for both KMBC and CMBC and subsequently monitor the implementation of the planning permission for the Scheme in its entirety within both Authority's land, in a lawful manner, KMBC requires particular non-executive powers and functions to be delegated from CMBC.

As discussed later within this report, having considered the options available to deliver the Scheme in an efficient and timely manner, both Authorities agree that it will be more efficient for KMBC to determine a single planning application for the entirety of the Scheme, despite it falling within both Authorities' boundaries. If Full Council do not accept the delegation of non-executive functions, there would remain a significant risk of the Authorities taking inconsistent approaches when determining the planning application and discharging its conditions, which is likely to lead to confusion for both public stakeholders and officers of each Authority and result in consequent delays. The associated risks are detailed within Section 3.5.

A separate report is being taken to Cabinet in relation to approving the acceptance of executive functions being delegated by CMBC to KMBC, and Members can review these executive functions in Appendix A for information purposes if necessary. In summary, they relate to executive functions under the TCPA 1990, HA 1980 and Road Traffic Regulation Act 1984.

Resource Implication:

KMBC are the lead Council for the Scheme and responsible for progressing the various stages in the process, including preparing the business case, the joint planning application and the design, securing funding and managing all associated costs.

The additional resources required for the delegation of non-executive powers from CMBC to KMBC includes time spent by the Authorities in appointing and instructing external solicitors for the provision of legal advice and the drafting and negotiation of the Agreement. KMBC will cover CMBC's professional costs in connection with negotiation and completion of the Agreement.

It should also be noted that the Scheme will fully be funded up to a defined amount by WYCA. If the costs of the Scheme exceed this defined amount, there is a risk that WYCA will not fund the shortfall. As KMBC are the contracting party with WYCA, the financial risk falls entirely to KMBC. However, there are measures in place to ensure the risk of exceeding the funding allocation is minimised through the use of Early Contractor Involvement (ECI) and the WYCA assurance process (see Figure 3) as detailed within the Financial Implications section of this report (section 3.2).

Date signed off by Executive Director & name

David Shepherd – 10.02.26

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| <p>Is it also signed off by the Service Director for Finance?</p> | <p>Kevin Mulvaney – 10.02.26</p> |
| <p>Is it also signed off by the Service Director for Legal Governance and Commissioning (Monitoring Officer)?</p> | <p>Samantha Lawton – 10.02.26</p> |

Electoral wards affected:
Liversedge and Gomersal, Mirfield and Ashbrow.

Ward councillors consulted:
Ward Councillors have been consulted at previous stages of the Scheme during November and December 2024.

Public or private
Public.

Has GDPR been considered?
This report contains no information that is considered as being personal data nor does it identify any individuals.

1. Executive Summary

It is intended that the delivery of the Scheme will provide highway benefits by improving bus journey times and reliability, supporting future bus franchising, in alignment with regional growth priorities and WYCA’s LTP4 ambitions for a more efficient, sustainable transport network. The successful delivery of the Scheme will also unlock new housing and employment land in accordance with KMBC’s Local Plan. The Scheme’s extent (Figure 1 below) spans the administrative boundaries of both Authorities.

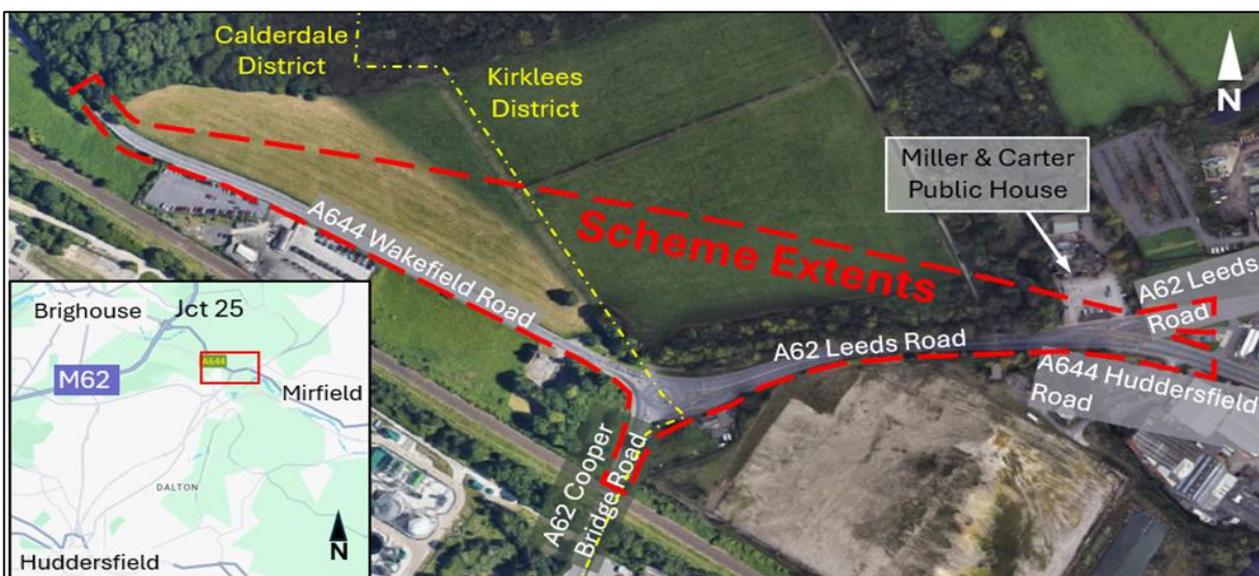


Figure 1: Scheme extent

Although the Scheme is jointly promoted by KMBC, CMBC and WYCA, the majority of the Scheme lies within KMBC’s administrative area and, as such, is led by KMBC. The Authorities have agreed in principle, subject to the necessary delegation of powers, that KMBC shall have

the ability to determine the planning application, implement the planning consent and monitor compliance with its conditions or obligations within its own and CMBC's boundaries.

The non-executive powers to be delegated by CMBC to KMBC are limited to specific powers within the TCPA 1990 and the HA 1980 and limited to those powers required to deliver the Scheme. Following the delegation of the requisite powers and functions, KMBC may only exercise those powers within the defined boundary of the Scheme permitted by the planning consent.

The delegation of powers is affected by the Authorities entering into the Agreement. The Authorities have agreed many of the principles of the Agreement and are in the process of finalising Heads of Terms (HOTs) capturing these. The HOTs shall then inform the drafting of the Agreement.

This report relates solely to the delegation of non-executive functions from CMBC to KMBC under the HA 1980 and the TCPA 1990. The receipt of such powers will enable KMBC to prepare a single planning application rather than separate applications to each Authority. KMBC will be able to determine the planning application for the entirety of the Scheme, acting as the local planning authority for both Authorities by using the powers delegated to it by CMBC to do so. A full list of the specific non-executive powers is set out at Appendix A, alongside the executive ones that will be decided upon by Cabinet.

Due to the Full Council's status as a non-executive body, it may only make decisions concerning the non-executive functions of KMBC. A separate report will therefore be submitted to Cabinet in respect of decisions concerning the delegation of those executive functions required to deliver the Scheme.

It should be noted a report went to the Strategic Planning Committee on 10th February, and the delegation of powers was noted. It is now the Full Council's decision if the transfer of non-executive functions from KMBC to CMBC in accordance with Appendix A is to be approved.

2. Information required to take a decision

Background

The existing A62/A644 Cooper Bridge junction operates as a signalised three arm roundabout linking the A62 Cooper Bridge Road to the south, the A644 Wakefield Road to the west, and the A62 Leeds Road to the east. The junction forms one of the busiest corridors in the district and currently experiences significant congestion during both morning and evening peak periods, contributing to slow journey times and poor air quality. The area is constrained, with protected trees located to the north and several key transport structures, including railway, river, and canal bridges, immediately to the south.

To achieve the Schemes objectives the proposed improvements are to:

- Increase the junction's capacity and improve traffic flow for all vehicles through targeted highway upgrades and optimised signal timings to help relieve congestion and improve journey time reliability.
- Deliver segregated cycling infrastructure around the Cooper Bridge junction to encourage safer and more attractive active travel options.
- Improve walking and shared use routes by upgrading footways and providing enhanced pedestrian and cyclist environments.

- Introduce new and improved signal-controlled crossings to support safer and more accessible movements for both pedestrians and cyclists throughout the junction area
- Contribute to public transport improvements across the wider corridor.

Further detail on the preferred option for the improvements is provided in Appendix B.

These improvements will require additional land in third party ownership to the north of the existing highway boundary. KMBC are negotiating with landowners to purchase this land by agreement. The land requirements are highlighted within Figure 2 and include:

- Land 1: land in third party ownership which crosses the CMBC and KMBC administrative area boundary line.
- Lands 2, 3 and 4: land in third party ownership which is wholly within the KMBC boundary.

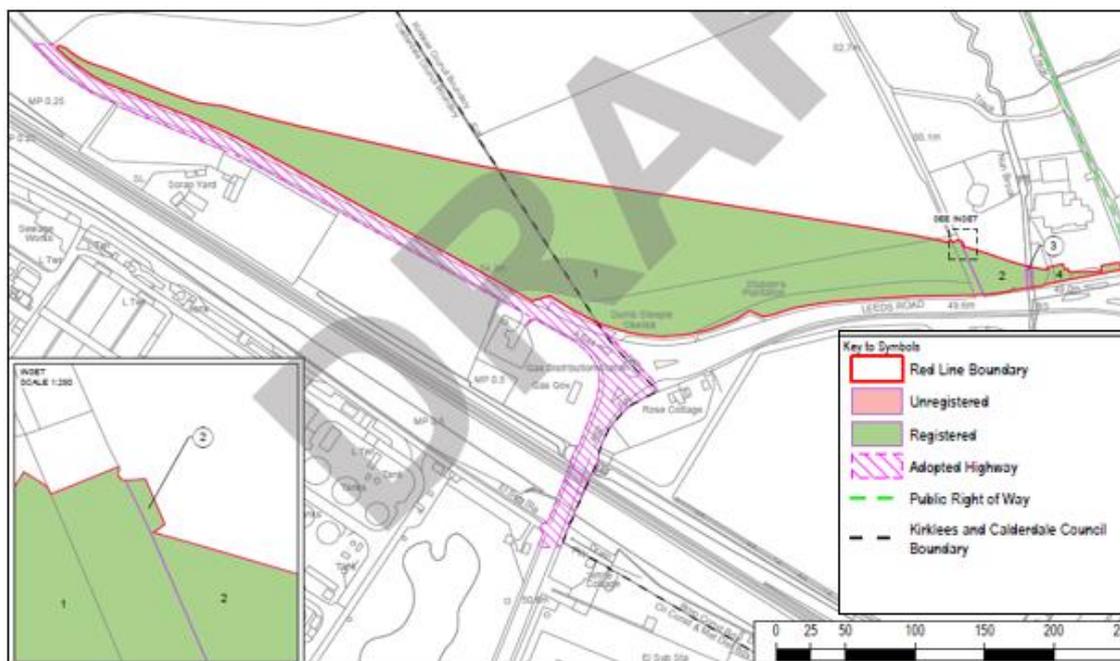


Figure 2: Landownership plan

The Scheme will be subject to the grant of planning permission for the Scheme. The planning application is being prepared by and will be submitted on behalf of KMBC. The Authorities agree (subject to obtaining the necessary Cabinet and Full Council approvals) that KMBC shall then determine the application, grant the planning consent, if minded to do so, and then implement and monitor the Scheme within both Authority’s areas.

Cost Breakdown

The Scheme is projected to cost in the region of £53.5 million which shall be funded by WYCA. KMBC is the lead Authority and therefore shall incur the costs associated with the delivery of each element of the Scheme, from start to finish. In addition to the costs associated with the preparation of the planning application, KMBC has met the cost of preparing the business case to secure funding, designing the Scheme, carrying out stakeholder and public consultations and negotiating the sale of land required for the Scheme currently in third party ownership. KMBC will meet all future costs associated with the determination of the planning application and monitoring its implementation.

The Scheme is currently at the Outline Business Case (OBC) stage (Activity 3) of the WYCA Assurance process (see Figure 3).

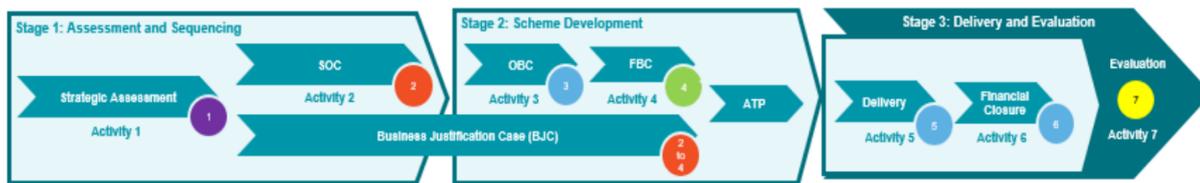


Figure 3: Overview of the WYCA assurance process

The costs associated with the delegation of the required non-executive powers detailed in this report are included within the overall cost of the Scheme. The costs associated with the lawful delegation of powers and functions from CMBC to KMBC include the cost of officer time, of appointing and instructing external solicitors for the provision of legal advice and for the drafting and negotiation of the HOTs and the Agreement. KMBC will also cover CMBC's professional costs in connection with the Agreement.

Timescales

CMBC have received approval from the Full Council and Cabinet to delegate executive and non-executive powers to KMBC. Subject to receiving KMBC's Cabinet and Full Council approvals to accept executive and non-executive functions the Scheme shall be progressed in accordance with the following timeline:

- Consultation: Summer 2026
- Submission of planning application: Autumn 2026
- Approval to proceed to Full Business Case: Early 2027
- Construction: Early 2028 to late 2029 (subject to WYCA approval through the assurance process – see Figure 3 above).

Expected impacts, outcomes, benefits and risk management

As highlighted within Section 6, two options have been considered.

- Option one proposed the delivery of the Scheme without a delegation of functions to KMBC.
- Option two proposed the delivery of the Scheme following the delegation of functions to KMBC.

Option two was determined to be the most effective and efficient use of public funds and allowed the delivery of the Scheme in an expedient manner. It is anticipated that option two would avoid the duplication of both work and costs by the Authorities, reduce any confusion as to which Authority is responsible for discrete elements or phases of the Scheme and remove any inconsistency of approach between the two Authorities. It would provide reassurance to the residents of both Authorities, WYCA and the third-party landowners that the Scheme can be delivered (or the Secretary of State in the event a compulsory purchase of land is required).

Risks associated with the delegation of the non-executive powers have been highlighted within Section 3.5 of this report. All associated risks have been logged within the risk register and all risks will be managed by KMBC.

The risks of the Scheme are captured, assessed and reported upon on a continual basis. The topic of 'Risk' is a standing agenda item at all Cooper Bridge Board meetings, which take place at six weekly intervals and are chaired by the Service Director for Skills and Regeneration for KMBC and attended by KMBC's Head of Risk, who sits as a board member. Reassurance should be taken from the continuous monitoring and reporting of risks to the board, which enables risks to be addressed, and mitigated where possible, at an early stage.

Services and agencies involved

The Scheme is a complex, multi-disciplinary project involving a number of KMBC's services and the appointment of external professional and construction services from the following:

- KMBC Major Projects
- KMBC Highways
- KMBC Legal
- Professional external consultants from disciplines such as planning, land strategy and acquisition, surveying and legal.

CMBC officers attend the Cooper Bridge Board meetings and have been involved in reviewing and approving designs produced by the lead designers at KMBC.

Should Full Council decide not to approve KMBC's acceptance of the delegation of the non-executive functions from CMBC, there could be an appreciable impact upon the agreed timeline for the delivery of the Scheme. Should the required non-executive functions not be delegated to KMBC, CMBC would be required to play a far greater role and incur additional time and costs. CMBC would also need to provide additional resources to carry out its statutory functions. Without the benefit of non-executive powers being delegated to KMBC, the delivery of the Scheme would be far more complex and risk being delayed, which may also affect its funding by WYCA.

3. Implications for the Council

Approval by Full Council of KMBC's acceptance of the delegation of non-executive powers from CMBC would allow for the most cost effective and efficient delivery of the entire Scheme by KMBC in both Authorities' administrative areas.

The delivery of the Scheme will support the objectives for development and infrastructure set out in KMBC's adopted Local Plan, which is currently being revised and updated, including the target of delivering 31,140 new homes during the current Local Plan period. This is highlighted within Figure 4 and 5 below which shows Cooper Bridges location in relation to KMBC's site allocation within the Local Plan and a table showing the location and size of the site allocations near Cooper Bridge.

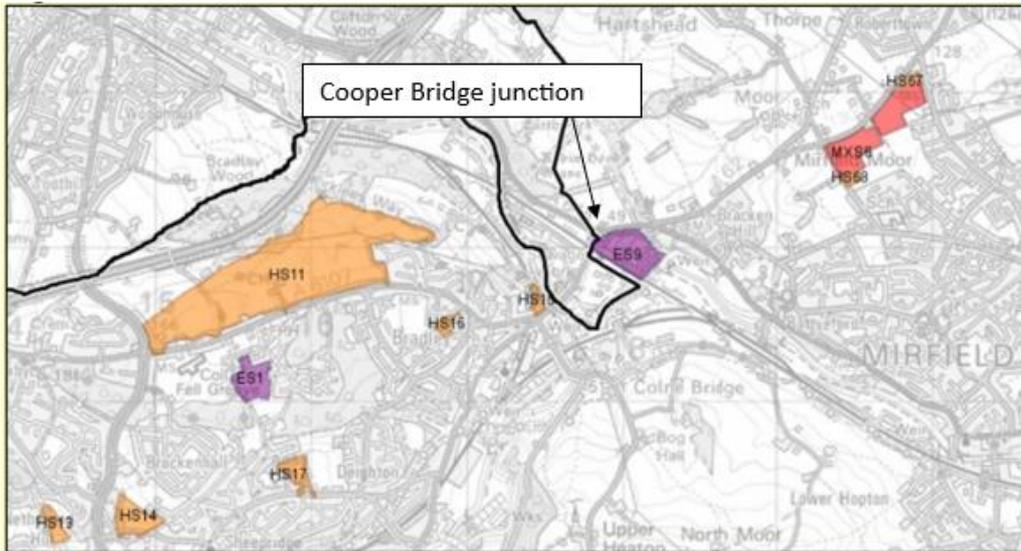


Figure 4: Site allocation map within the Local Plan

| Ref: | Site Description | Size & Site Allocation |
|------|---|---|
| ES9 | Site of former Cooper Bridge Waste Water Treatment Works | 8.49 hectares 14,910m ² employment space |
| ES1 | Land south of Bradley Business Park, Dyson Wood Park, Bradley | 4.76 hectares 15,155m ² employment space |
| HS11 | Land north of Bradley Road, Bradley | 68.32 hectares Housing capacity 1,958No. |
| H16 | Land south of St Thomas Gardens, Bradley | 0.95 hectares Housing capacity 18No. |
| H10 | Land west of Lower Quarry Road, Bradley | 0.87 hectares Housing capacity 30No. |
| MXS6 | Land at Slipper Lane, Leeds Road | 12.26 hectares mixed use 21,528m ² employment space and 166No. housing capacity |
| HS67 | Former allotments, Leeds Road, Mirfield | 0.65 hectares Housing capacity 22No |
| HS68 | Land to the east of Slipper Lane, Mirfield | 0.69 hectares Housing Capacity 21No |

Figure 5: Table showing site allocation within the Local Plan

The Local Plan references Cooper Bridge within Allocations and Designation document, Policy Site TS1- A62:

‘Improved access to the M62 will provide wider connectivity improvements. The Scheme also supports employment growth in the Cooper Bridge area and general development growth along Leeds Road corridor by providing better access to and from existing and new housing in Huddersfield, Dewsbury, North Kirklees and parts of Calderdale, in particularly South Dewsbury and Bradley’.

Without Full Council approval for the acceptance of the delegation of the non-executive powers set out at Appendix A from CMBC to KMBC, the deliverability of the Scheme would be compromised. This would further impact KMBC’s ability to achieve the objectives of its adopted Local Plan.

3.1 Council Plan

The A62 Cooper Bridge junction is the primary link between Huddersfield and North Kirklees as well as linking Huddersfield with Leeds (via the M62). Current and future congestion and its impact at Cooper Bridge, as well as the relatively poor public transport services result in a significant

constraint in the labour market, future job opportunities and capacity to facilitate the transformational growth opportunities identified in the Local Plan. Delivery of the Cooper Bridge Scheme will facilitate transformational growth and in doing so support the Council Plan.

The Scheme supports Council Plan priorities such as promoting sustainable and inclusive economic growth and development and delivering an effective road network.

Without the delegation of non-executive powers from CMBC to KMBC, delivering the Scheme and the associated objectives of the Local Plan will be more difficult.

3.2 Financial Implications

Without Full Council approval for the acceptance of the delegation of non-executive powers from CMBC to KMBC both Authorities would need to progress and implement the Scheme within their own land. Both Authorities would have to resource for procuring contractors and professional services, resulting in additional costs and a less efficient use of public funds. In addition to the risk of cost escalation, this approach may risk uncertainty or inconsistencies in timings due to potential delays in the Authorities being able to resource the additional work required.

It should be noted that this Scheme is funded by WYCA under a contract with KMBC alone. The Scheme does not currently include any requirement for borrowing. Should Scheme costs escalate and exceed the funding allocation there is no guarantee that WYCA would fund any shortfall.

Various measures are in place to ensure the risk of exceeding the funding allocation is minimised. This includes:

- The appointment of Early Contractor Involvement at the Outline Business Case stage to provide a greater level of cost assurance during the development phase which minimises the chance of high-cost fluctuations.
- The business case is subject to the WYCA assurance framework (see Figure 3). This ensures that if any cost shortfalls are identified they can be reviewed at the Gateways.

3.3 Legal Implications

The relevant legal provisions regarding delegation of functions between local authorities are Section 101 of the Local Government Act 1972 and Section 9EA of the Local Government Act 2000 (LGA 2000).

When dealing with the issue of delegation of functions between local authorities, it is important to distinguish which of the functions to be delegated are executive functions (i.e. responsibility of Cabinet) and which are non-executive functions (i.e. responsibility of Full Council). In this regard, Section 9D of the LGA 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the 2000 Regulations) provide clarity on this point. The 2000 Regulations set out a list of powers which cannot be executive functions and provide that, as a starting point, any function which is not expressly set out in the 2000 Regulations as a non-executive function can (subject to a small number of exceptions) be considered as an executive function.

The Parts and Sections of the legislation set out at Appendix A of this report have been considered against the provisions of Section 9D of the LGA 2000 and the 2000 Regulations to ascertain the classification of each power or function. This ensures that the delegation of such functions is subject to the proper scrutiny and approval of the appropriate committees and persons within the Authorities (i.e. Cabinet or Full Council).

Depending on the terms of the Agreement it might also be necessary to utilise the powers under Section 8 of the HA 1980. This section empowers local highway authorities to enter into a legal agreement to carry out works upon another local highway authority’s highway. Each of the Authorities is a local highway authority.

Article 11.4(a) of CMBC’s Constitution, which provides for delegation of non-executive functions to other local authorities, permits CMBC to delegate all non-executive functions set out in Appendix A to KMBC. Article 11.4(c) of KMBC’s Constitution enables KMBC to accept the delegation of non-executive functions from another local authority.

3.4 Climate Change and Air Quality

A Full Council decision to approve the acceptance of the delegation of non-executive functions would not have a direct impact on climate change and air quality.

3.5 Risk, Integrated Impact Assessment (IIA) or Human Resources

Risk

The non-executive functions delegated from CMBC to KMBC will enable KMBC to deliver the Scheme. Discrete activities KMBC must undertake include designing the Scheme, undertaking surveys, submitting the planning application, discharging planning conditions, progressing the business case through the WYCA assurance process, procurement for construction, overseeing construction, managing finance and monitoring compliance with ongoing planning obligations and conditions, for example. Some of which are executive and others non-executive decisions.

Should the Agreement not be entered into by the Authorities and all non-executive functions not be delegated to KMBC, the Scheme would not be deliverable without significant additional resources required.

As KMBC is the contracting party it will be taking any financial risks associated with the project. It should also be noted that the Scheme will fully be funded by WYCA from a defined amount. If the project should exceed the defined amount, then there is a significant risk that WYCA will not fund the shortfall. However, this risk has largely been mitigated against as explained in section 3.2 Financial Implications.

High level risks associated with not delegating non-executive functions for the Scheme are summarised within Figure 6.

Figure 6: Risk assessment

| Category | Risk | Impact | RAG |
|----------|---|--|-------|
| Planning | Two separate applications will have to be submitted to each authority with CMBC and KMBC both being the determining authorities | Additional resources required to submit two planning applications. | Green |
| Planning | Two separate applications will have to be submitted to each authority with CMBC and KMBC both being the determining authorities | Could lead to public and stakeholder confusion on who is responsible for progressing discret elements or phases of the scheme. | Green |
| Planning | Two separate applications will have to be submitted to each authority with CMBC and KMBC both being the determining authorities | Could lead to delays to achieving planning consent. This is due to two separate authorities determining the respective planning applications. | Green |
| Planning | Two separate applications will have to be submitted to each authority with CMBC and KMBC both being the determining authorities | May result in slightly different requirements to discharge the associated planning conditions from each authority. This will require additional resources and add complexities to the process. | Green |

Integrated Impact Assessment

The decision for KMBC to accept delegated non-executive powers and functions from CMBC has no impact on protected characteristic groups as defined in the Public Sector Equality Duty, under the Equality Impact Act 2010. As such an IIA has not been included with this report.

4 Consultation

There has been no public or external stakeholder consultation in respect of the delegation of non-executive functions from CMBC to KMBC. The decision would have no direct impact on the public or external stakeholders and is an agreement between CMBC and KMBC.

The previous iteration of the scheme was subject to two public engagement exercises the first being in 2019 and the second 2021. However, in September 2024 there was a change request approval to phase the works with the funding being reduced from £75.1m to £53.5m.

As part of the reduced scope three designs were put forwards which included option A (roundabout), option B (gyratory) and option C (T-junction). From 28 October to 8 December 2024 these three options were consulted on with the consultation being hosted on the YourVoice webpage ([A62 to Cooper Bridge Corridor Improvement Scheme - second consultation | Your Voice](#)). The consultation also included two face-to-face events held at Battyeford Sporting Club on 13th and 19th November 2024.

During the consultation period 1,725 visits were made to the YourVoice page and 123 survey responses were submitted. The consultation outcome report concluded that there was support for each of the three options.

In addition to the public consultation two stakeholder workshops were held which helped inform the optioneering process. The workshops were held on 28th October 2024 and 11th December 2024.

The feedback received from the 2024 public consultation and stakeholder engagement was used as part of a sifting exercise to help determine the preferred option. The preferred option is presented as Appendix B.

A further consultation is planned summer 2026 on the preferred option (Appendix B). The consultation is a requirement for a planning application which will be submitted later in 2026.

5 Engagement

There has been no wider stakeholder engagement in respect of the delegation of non-executive functions from CMBC to KMBC, as the decision is an operational matter between CMBC and KMBC

As highlighted previously, public consultation and stakeholder engagement were undertaken most recently in 2024, with the stakeholder engagement element occurring over two workshops on the 28th October 2024 and 11th December 2024. The feedback was used as part of a sifting exercise to help determine the preferred option. The preferred option is presented as Appendix B.

6 Options

6.1 Options Considered

Two options for the delivery of the Scheme were considered:

- Option 1: KMBC Major Projects Service, being the applicant, shall submit separate and distinct planning applications to each Authority, each planning application limited to development on the determining authority's land. Each Authority may determine the planning application for that part of the Scheme within its boundary and subsequently determine applications for the discharge of planning conditions and be responsible for the monitoring of ongoing conditions and any planning obligations.
- Option 2: pursuant to all necessary powers and functions being delegated to them by CMBC, KMBC would determine one planning application for the entirety of the Scheme as it falls within both Authorities' boundaries. It would subsequently determine applications for the discharge of planning conditions and be responsible for the monitoring of ongoing conditions and any planning obligations. CMBC would remain involved in a supporting role and as a statutory consultee.

6.2 Reasons for recommended Option

Option 1 was considered and dismissed. KMBC intend to deliver the Scheme in an efficient, cohesive and expedient manner using grant funding (of which KMBC is the sole recipient), to meet only those costs reasonably and properly incurred. The risk of duplication of work and consequent increased cost is high and further may lead to the confusion of stakeholders and residents of each Authority in respect of consultation and engagement. In addition to the potential increased cost, this approach may risk delay due to lack of resources available, uncertainty or inconsistencies in decision making, planning judgment or timing which would risk the Scheme not being delivered in its entirety or only being part built within one Authority's land.

Option 2 was determined to be the most efficient use of public funds and the most expedient way the Scheme could be consented. It would reduce the burden to CMBC of resourcing the time and cost of playing a substantial role. A single planning application to a single determining Authority would avoid duplication of work, and, broadly, halve the number of internal governance requirements, decisions to be made at committee and procedural steps to be taken, which then lowers the risk of delays stemming from postponed committees or the availability of persons with authority to make decisions.

A single planning consent and one set of planning conditions provides clarity and ease of understanding to the public and stakeholders as to the nature of the development consented, the limitations imposed through planning conditions and the way in which the impact of the development is mitigated through any planning obligations. It would reduce any public or stakeholder confusion as to which Authority is responsible for consenting or monitoring discrete elements or phases of the Scheme. This option would also remove any inconsistency of approach between the two Authorities, providing reassurance to the residents of both Authorities, WYCA and third-party landowners the Scheme can be delivered.

6 Next steps and timelines

Should the delegation and acceptance of both executive and non-executive functions from CMBC to KMBC be approved by Cabinet and Full Council, the Authorities shall progress the drafting,

negotiation and completion of the Agreement, subject to the terms of the Agreement being approved by the respective Executive Directors for each Authority.

The report went to the Strategic Planning Committee on 10/02/26 for information and has now progressed to Full Council. It will be the decision of Full Council to consider approval to accept the delegation of non-executive functions under the TCPA 1990 and the HA 1980 which are required to deliver the Scheme

A separate Cabinet Report has been submitted to cover the executive functions and will be considered on 24 March 2026. The approval to accept the delegation of executive functions are under the TCPA 1990, the HA 1980 and the Road Traffic Regulation Act 1984 which are required to deliver the Scheme. For clarity, as the Cabinet decision relates to separate powers and functions, it does not need to be considered before Full Council consider this report.

CMBC Cabinet decision to cover executive functions was 09/02/26, and CMBC Full Council decision for non-executive powers was 11/02/26 – where the transfer of powers was approved. As a result, CMBC has received approval to delegate executive and non-executive powers to KMBC.

Subject to KMBC Cabinet and Full Council approval to accept the delegation of executive and non-executive functions (as listed in Appendix A) the following timelines apply:

- Submission of planning application: Autumn 2026
- Approval to proceed to Full Business Case: Early 2027
- Construction: Early 2028 to late 2029 (subject to relevant approvals).

8 Contact officer

Farhad Rahman, Project Manager, Major Projects
Ilyas Ramjan, Head of Major Projects

9 Background Papers and History of Decisions

Cabinet report 23 January 2024 has been attached (Appendix C). The key decisions the Cabinet report approves include:

- To phase Cooper Bridge Scheme due to escalating cost. The report states '*to make Phase 1 the Coper Bridge roundabout element only. Subsequent phases could then look to address widening under the rail bridge and improvements to Bradley junction at a later date if traffic modelling demonstrated the need still existed and other funding sources were available*'.
- To allocate £53.5m to Cooper Bridge Phase 1. The previous allocation from the WYTF programme was £75.1m. The difference is to be allocated to other projects within the WYTF which had a shortfall.

10 Appendices

Appendix A: Executive and non-executive functions

Appendix B: Preferred option

Appendix C: Cabinet Report 23 January 2024 (error with the date on the Cabinet Report)

11 Service Director responsible

David Wildman, Service Director for Skills & Regeneration.