

**Decision Session – Cabinet Member for
Transport, Planning & Sustainability
(in Public)**

13 March 2014

Report of the Director of City and Environmental Strategy

**Draft Memorandum of Understanding for A64 Trunk Road
York - Scarborough Improvement Strategy**

Summary

1. To inform the Cabinet Member of the proposed Memorandum of Understanding (MoU) to establish a framework for effective co-operation to enable the development of a long term programme of improvements for the A64 East of York.
2. The Cabinet Member is recommended to sign, on behalf of the Council, the Memorandum of Understanding on the A64.

Background

3. Members will be aware there has been a number of studies into the A64, the most recent being the Corridor Connectivity Study in 2011. Since that Study was produced there has been no improvement work or scheme design work carried out. This is mainly due to a lack of funding being available either for construction or design work.
4. On 2 May 2012, the Highways Agency (HA) wrote to the York Sub-area Joint Infrastructure Working Forum (which later became a constituted North Yorkshire and York Spatial Planning and Transport Board task/finish group) proposing a Memorandum of Understanding (MoU) between the Highways Agency (HA) and the local authorities having a development impact on the A64. This MoU was proposed as a means of reducing the impact of development and developing a package of measures to mitigate it.

5. The HA's proposal was presented to the Spatial Planning and Transport Board (SP & T Board) on 2 August 2012. The Board resolved to agree the MoU in principle, subject to further consideration, adding that Officers are to liaise with the HA and advise the Board accordingly.
6. On 6 August 2012, City of York Council, as secretariat to the SP & T Board, wrote to the HA stating that
 - The Board agrees in principle to explore the MoU approach proposed as a way of demonstrating cooperation and constructive engagement to address cross-boundary issues in compliance with the Duty to Cooperate requirements.
 - Neither the board nor its constituent authorities are in a position to commit to any obligations in relation to implementing measures to mitigate the impacts of development on the A64
 - The Board considers there is merit in pursuing this approach and would like to express a willingness to actively engage with the HA to explore how a MoU or other approach could help identify, reduce and mitigate the impacts of development on the A64.
7. On 4 November 2013, an 'Up to £50m+' bid for 'Targeted A64 Improvements' was submitted, on behalf of City of York Council (CoYC), North Yorkshire County Council (NYCC), Ryedale District Council (RDC) and Scarborough Borough Council (SBC), who are jointly promoting this project in partnership with the HA, to the York North Yorkshire and East Riding Local Enterprise Partnership for inclusion in its Strategic Economic Plan (SEP).
8. The Targeted A64 Improvements project was submitted as the first significant stage of a potentially on-going longer-term programme of interventions essential to deliver improvements to the "A64 York to Scarborough" under the draft SEP's Priority 5, Core Activity (a) "Improving east west road and rail links". The Project also contributes towards Priority 5 "A well connected economy", specifically Core Activity (c) "Maintaining our current transport network" and contributes towards delivery of many growth-related priorities and activities as outlined in the SEP and which rely on improved A64 east west connectivity.

9. The bid also stated that the 'Delivery Body' for this project will be CoYC, NYCC, RDC and SBC in association with the HA.
10. The North Yorkshire and East Riding Local Enterprise Partnership SEP, Draft Version was submitted to Government on 19 December 2013. The accompanying York, North Yorkshire and East Riding Local Growth Deal Implementation Plan includes, in the £112.5m Strategic Transport Programme within the Pan-LEP Investment Programmes, the A64 Trunk Road as an Indicative Proposal for Improving east – west road and rail connections.
11. Opportunities for funding this may arise through the Growth Fund, Department of Transport Pinch Point Funding and the Highways Agency Route Based Strategies. Therefore, it is considered that a co-ordinated joint approach across authorities and agencies provides the best opportunity to secure funding for improvements and that the signing of the Memorandum by all parties shows a commitment to the upgrading of the A64.

The Memorandum of Understanding (MoU)

12. The Memorandum of Understanding is contained at Annex A and summarised below:
 - Parties to the MoU are:
 - City of York Council
 - North Yorkshire County Council
 - Ryedale District Council
 - Scarborough Borough Council
 - Highways Agency
 - York, North Yorkshire and East Riding Local Enterprise Partnership
 - North Yorkshire Local transport Body
 - The purpose of the MoU is to establish a framework for effective co-operation to enable the development of a long term programme of improvements for the A64 East of York, based on an understanding of individual partners' aspirations and objectives and areas of mutual interest.
 - The MoU does not and is not intended to create any legal relationship between the Partners. All matters described in the

Memorandum are subject to appropriate corporate and regulatory authorisation and, where appropriate, formal agreement.

- Nothing in the MoU shall affect the statutory or regulatory duties or responsibilities of any Party and its existence does not preclude the taking of independent actions by the respective local authorities or the HA where any party considers it is appropriate to do so.
 - Although the Partners agree in good faith to deliver against the agreed work areas subject to their other duties and the corporate framework within which they operate (including exploring opportunities for joint funding and other resources), the MoU does not commit any Party to the allocation of funds or other resources.
13. The MoU also acknowledges that the A64 extends westward beyond York, providing a vital connection with the A1, M1 and Leeds, thus forming part of the strategic road network within the Leeds City Region (LCR). Therefore, the MoU states that the partners within it will liaise with the LCR LEP to identify and implement, where possible, improvements to the A64 trunk road that will bring mutual benefits to both LEPs and their constituent organisations.
14. The Director of Service Delivery at Scarborough Borough Council has submitted a report to SBC's 11 February 2014 Cabinet recommending that SBC agrees to sign the MoU.

Consultation

15. City of York Council worked in partnership with officers from the partner organisations to prepare the Draft MoU.

Options

16. The following options are available for the Cabinet Member to consider:

Option 1 – Note the content of the Draft MoU and sign it on behalf of the Council,

Option 2 – Note the content of the Draft MoU and, subject to a number of changes in response to discussion at this

session, to clarify the MoU, sign it on behalf of the Council
Option 3 – Reject the Draft MoU

Analysis

17. The North Yorkshire and East Riding Local Enterprise Partnership SEP, Draft Version, as submitted to Government on 19 December 2013 is the starting point for relatively short period of 'dialogue' with Government. The Full SEP (and the SEPs for other areas, including the Leeds City Region) is due to be submitted to Government in March 2014.
18. The MoU is intended to establish a framework for effective co-operation to enable the development of a long term programme of improvements for the A64 East of York. Therefore, it is considered that Option 1 is the best option is to ensure that a MoU signed by representatives of all parties is in place to support the submission of the Full SEP to Government by the March 2014 deadline.
19. Option 2 will require the agreement of all other parties in the MoU to any changes to it, in response to discussion at this decision session. and may delay the signing of the MoU until after the submission deadline for the Full SEP. However, discussions with officers at the authorities that have already 'signed-up' to the MoU have indicated that minor changes or clarifications in the MoU would not require reconsideration of the MoU by their respective authorities.
20. Failure to sign the Memorandum of Understanding (Option 3) may weaken any future bids for funding to make improvements along the A64 which may in turn constrain economic growth and have road safety implications

Council Plan

21. The potential benefits for the priorities in the Council Plan are:
 - Get York Moving
 - It will provide a step-change in rail capacity, freeing up local and regional rail.
 - It will provide faster journey times

- Create jobs and grow the economy
 - It will act as the catalyst for major regeneration and business opportunities.
 - It will provide the opportunity for York to be a major hub for HS2 and a gateway to a wider area
- Protect the environment
 - It will lead to increased use of sustainable transport options and, thereby, reduce CO2 emissions.

Implications

22. This report has the following implications (at present):

- **Financial** - there are no financial implications as the MoU does not commit any Party to the allocation of funds or other resources.
- **Human Resources (HR)** - there are no HR implications as the MoU does not commit any Party to the allocation of funds or other resources.
- **Equalities** - there are no equalities implications
- **Legal** – On the basis that Paragraph 8.1 confirms that the Memorandum of Understanding does not supersede the authority's obligations to deal with Freedom of Information requests in accordance with legislation, the council is able to accept paragraph 8.3 therein.
- **Crime and Disorder** – there are no crime and disorder implications
- **Information Technology (IT)** - there are no IT implications
- **Property** – there are no property implications
- **Other** – there are no other implications

Risk Management

23. No significant risks are associated with the recommendations in this report have been identified (Risk Assessment score = 3).

Recommendations

24. That the Cabinet Member is recommended to approve Option 2- Note the content of the Draft MoU and, subject to a number of changes in response to discussion at this session, to clarify the MoU, sign it on behalf of the Council

Reason:

25. To ensure that any points of clarification are included in the Memorandum of Understanding for A64 Trunk Road York - Scarborough Improvement Strategy, signed by representatives of all parties, to be in place to support the submission of the Full SEP to Government by the March 2014 deadline.

Contact Details

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Report **Date** 28/02/14
Approved

Darren Richardson
Director of City and Environmental
Services

Report **Date** 05/03/14
Approved

Specialist Implications Officer(s)

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A – Draft Memorandum of Understanding for A64 Trunk Road
York - Scarborough Improvement Strategy