

Executive

22 November 2022

Report of the Director of Environment, Transport and Planning
Report of the Chief Finance Officer
Portfolio of the Executive Member for Transport

Active Travel Programme – Programme Revision and Contract Award

Summary

1. The Active Travel Programme is an ambitious programme of projects to improve York's walking and cycling infrastructure with an estimated total cost of up to £36m. The programme aims to make cycling and walking in the city more attractive and to encourage modal shift from vehicle travel to more active modes as per the Councils Local Transport Plan.
2. The intended outcomes of the programme will contribute to the city's carbon reduction targets, improve health and wellbeing through facilitating more active lifestyles and support the local economy through facilitating safe and affordable journeys to work.
3. The programme will make a key contribution to delivering the Local Cycling and Walking Infrastructure Plan (LCWIP - which is currently being developed for approval early 2023) and also supports the Council's key objective of 'Getting Around Sustainably', and responds to the governments walking and cycling strategy, "Gear Change".
4. The programme will be delivered in phases, drawing in more funding as it becomes available from Government grants, regional funding and section 106 funding from new developments, CIL.
5. Capital funding for the first phase of the programme totals £2.1m. This is comprised of two awards of Department of Transport funding (£527k and £350k) and council capital investment of £1.2m, and £200k of contributions from LTP funding sources. This is alongside the £1.4m Transforming Cities project currently underway on Tadcaster Road.

6. The approach to dealing with this deficit has been to progress each scheme as far as is possible to strengthen their chances at future funding rounds. However, given the funding currently available, determination of which schemes should progress is required and an element of phasing of projects is required.
7. Projects proposed as the first phase focus on a combination of high priority projects that improve obvious 'missing links' and pinch points in the existing strategic walking and cycling network and the progression of some larger projects through project design stages to take advantage of further funding opportunities.
8. This report details the work to be implemented in Phase 1 of the programme, alongside the design-ready schemes which will be priorities for future funding bids. Further schemes may be added to later stages of the programme following the consultation and approval of the LCWIP.
9. This report will prioritise funding for 'Phase 1' of the programme, whilst the remaining schemes will be delivered when further funding becomes available, under 'Phase 2'.
10. This report sets out the rationale in prioritising the schemes identified in Phase 1 and seeks Executive approval for the proposed programme.
11. Additionally, this report seeks a decision to award a contract for services relating to a number of schemes on the programme (option 3).

Recommendations

12. The Executive is asked to:

- 1) Approve the revision to the Active Travel Programme proposed in Option 1 of this report, with the prioritisation of Phase 1 projects as per Annex 2.

Reason: To ensure that the Active Travel Programme is affordable and achievable and effective.

- 2) Approve the award of the contract for Principal Designer services relating to a number of schemes on the Active Travel Programme and delegate to the Director of Environment, Transport and Planning and the Chief Finance Officer (in consultation with the Director of

Governance or their delegated officers) the authority to take such steps as are necessary to award and enter into the resulting contracts (Option 3).

Reason: To enable progress on the 'City Centre North South Cycle Route' and 'University East-West Campus Link' schemes.

Background

13. Background Paper 1, Transport Capital Programme Monitor 1, provides an update on the overall Transport Capital Programme as of October 2022. This includes a summary of the financial status of the Active Travel Programme.
14. Annex 1 summarises the current Active Travel Programme setting out the value and current status of every scheme in the programme.
15. Background Papers 2 and 3 provide information on the currently agreed project outlines for each scheme, and their agreed priority within the programme.
16. Principal Designer services for the following schemes in the programme were previously procured and awarded in 2021/22
 - a. A19 Shipton Road
 - b. Rougier Street / Tanner Moat Cycle Gap
 - c. Hospital Fields Road Cycle Improvement
 - d. Skeldergate – Cycle Improvements at Build-outs
 - e. Tang Hall Lane / Foss Islands Path Access
 - f. Nunthorpe Grove / Southlands Road Improvements
 - g. Nunnery Lane / Victor Street – Puffin to Toucan
 - h. Manor Lane / Shipton Road Improvements
 - i. Orbital Cycle Route Crossing at Lawrence St / James St
 - j. City Centre Bridges
 - k. University Road (Heslington Hall) Pedestrian Improvements
 - l. A1237 Ouse Bridge Cycle Route
 - m. St Georges Field Crossing
 - n. People Streets at Ostman Road
17. A procurement has since been undertaken to obtain Principal Designer services for the remaining schemes. The intention of the procurement was to progress as many of these schemes as possible either to deliver the scheme or in order for it to be ready for future funding opportunities

to call off this contract to deliver at pace. The procurement therefore covers the following projects on the existing Active Travel Programme:

- a. Acomb Road Active Travel Scheme
 - b. City Centre North-South Cycle Route
 - c. Fishergate Gyratory Ped and Cycle Scheme
 - d. Fulford Road / Frederick House Improvements
 - e. University East West Campus Link
 - f. Wheldrake / Heslington Active Travel Path
18. Of the above schemes, only those approved for phase 1 delivery will be awarded the Principal Designer work. The remainder of those scheme will only be progressed once funding has been identified. However, the procurement allows them to be progressed at pace once funding is awarded
19. The services broadly consist of:
- a. Concept Design, Feasibility, Detailed Design
 - b. Cost estimates at each stage
 - c. Road Safety Assessments
 - d. Undertaking responsibilities in line with the CDM regulations
 - e. Survey works
 - f. Principal Designer activities at construction stage
20. The services do not include scheme construction.

Consultation

21. A public consultation has not been undertaken in relation to this report.
22. Each individual scheme within the programme is subject to a consultation as part of the Feasibility stage of the scheme, and prior to a decision to proceed with implementation.

Options

23. Option 1 – Approve the revision to the Active Travel Programme, with the prioritisation of Phase 1 projects detailed within Annex 2 and Annex 3.
24. Option 2 - Do not approve the revision to the Active Travel Programme with the prioritisation of Phase 1 projects detailed within Annex 2 and

Annex 3.

25. Option 3 – Approve the award of the contract for Principal Designer services.

Analysis

26. Option 1
27. The proposed programme is attached in Annex 2.
28. This includes taking the following schemes forward to construction:
 - University Road pedestrian improvements (completed)
 - Navigation Road Low Traffic Area (completed)
 - Hospital Fields Road Cycle Scheme
 - Skeldergate Cycle Improvements
 - Manor Lane / Shipton Road Improvements
 - City Centre North-South Cycle Route
 - City Centre Bridges signage improvements
 - City Centre Accessibility: St George's Field Crossing
 - City Centre Cycle Parking Improvements
29. The following will be taken forward for detailed design:
 - People Streets Ostman Road
 - People Streets Clifton Green Primary
 - People Streets Badger Hill Primary
 - University East West Campus Link
30. The current A19 Shipton road full corridor scheme currently at design options stage is to await further funding. The current scope will be separated into the full corridor element of the project (dependent on further funding) and a separate scope to look at specific pinch points and early delivery. The latter will be considered at a future decision session of the Executive Member for Transport and considered for phase 1 utilising the remaining funding.
31. The Wheldrake / Heslington Active Travel Path – delivery of the full scheme is currently not funded. As part of previous decisions officers have assessed the land value. Officers are now instructed to enter discussions with landowners and bring to a member decision session.

Any agreed acquisition will need to be considered within 2023/24 transport budgets.

32. The following schemes are proposed to be paused pending further funding as part of 'Phase 2' of the programme:

- A1237 Bridge Cycle Route
- Orbital Cycle Route – Lawrence / James / Regent St
- Acomb Road Active Travel Scheme
- Fishergate Gyrotory Ped and Cycle Scheme
- Fulford Road / Frederick House AT Scheme
- Rougier St / Tanners Moat Gap
- Chocolate Works Riverside Path
- Tang Hall / Foss Islands Path Access

33. The following schemes are proposed to be pursued via alternate means as described in Annex 3:

- Nunnery Lane / Victor St – Puffin to Toucan - Will be considered with solutions for Victoria Bar and changes to traffic in Bishop Hill
- Nunthorpe Road / Southlands Road AT Scheme - To be reviewed under the Access Barrier Review scheme.

34. The following criteria have underpinned the proposed phasing proposals for the programme:

Cost Estimate – This was an important factor considered when determining whether to retain a scheme within Phase 1 or to prioritise for future funding bids as Phase 2. Clearly there is currently limited funding available and the objective is to use it as effectively as possible. Where a scheme is likely to cost a significant portion of the overall budget, this would make a scheme less likely to be retained on the programme as Phase 1.

35. Where firm cost figures are not available directly from completed feasibility work, costs have been obtained by high level estimates based on government guidance, previous similar schemes undertaken, and by comparison to similar schemes in other local authorities.

36. Scheme Priority – The majority of schemes on the programme were assigned a priority at the February 2022 and July 2022 Executive

Member Decision Sessions (Background Papers 3 and 4). This priority has been taken into account when determining whether to retain a scheme within Phase 1 or pause a given scheme in the programme pending further funding as part of Phase 2.

37. Challenges to delivery (non-budgetary) – Each scheme has been evaluated to determine the level of challenge present in delivering an asset on the ground, irrespective of the schemes cost estimate.
38. Where a scheme has significant challenges to delivery which will take a longer time to resolve this has been taken into account when determining whether to pause the scheme pending further funding as part of Phase 2.
39. Progress already made – Schemes that have already made a significant amount of progress were more likely to be retained within Phase 1 over schemes where no work has yet progressed. This is again due to the underlying objective of creating a programme with a strong likelihood of delivery.
40. Other potential methods of delivery – If a scheme can be achieved via a route other than delivery in the Active Travel Programme, this was considered when revising the programme.
41. If specific external funding is available – Where external grant funding is available, this was considered when determining whether to retain a scheme within Phase 1 or pause a scheme pending further funding as part of Phase 2.
42. However, even where external grant funding exists, the priority to build an asset on the ground still takes precedence and this has been taken into account.
43. Annex 3 shows a table summarising this assessment process and providing specific rationale for each individual project within the programme. This annex also provides some additional information relating to each scheme.
44. The proposed revised programme does still retain some schemes as part of Phase 1 where the cost estimates exceed the programme budget. These schemes are funded by DfT grant funding are not subject to the same criteria as those solely funded by CYC.

45. Where a project is subject to these specific criteria, this is shown in the proposed revised programme and in Annex 3 which shows the specified funding source.
46. With regards to future funding opportunities, it is understood that further grant capital funding may become available from Active Travel England within the next few months.
47. This funding will be subject to a bidding process, and it is the intention to bid for funding that all of the scheme in Phase 2 will be considered as part of an ambitious strategic bid to Active Travel England.
48. Option 2 Analysis
49. This option represents a decision to not approve the proposed programme revision and to retain all projects as part of Phase 1.
50. Retaining all projects as part of Phase 1 will not result in delivery of all projects on the programme because the underlying budget deficit will remain.
51. Option 3 Analysis
52. The Call off contract has been created in such a way that CYC are not obliged to proceed with all the defined ATP services. It is possible to award the full contract, and only proceed with some parts of the defined work.
53. It is proposed that the full contract is awarded, however only those ATP services relating to schemes that remain in Phase 1 of the Active Travel Programme are pursued. For clarity, this includes:
 - City Centre North South Cycle Route
 - University East West Campus Link
54. The contract will not be used to undertake design work relating to the following schemes until further funding is identified:
 - Acomb Road Active Travel Scheme
 - Fishergate Gyrotory Ped and Cycle Scheme
 - Fulford Road / Frederick House Improvements
 - Wheldrake / Heslington Active Travel Path

Council Plan

Getting Around Sustainably – “More people choose to travel by public transport, walking or cycling”

55. The Active Travel Programme supports modal shift in line with Council objectives, encouraging people to consider travelling by foot and by cycle.

Implications

Financial

56. The Council has set aside budgets totalling £2.1M for the Active Travel Programme of which £0.877M is grant funding from the Department for Transport and £1.2M is Council capital resources. The increased specification and costs of the scheme that were initially identified in the Active Travel Programme means that it will not be possible to design and construct all the scheme at this time. In order to deliver a capital asset it will be necessary to utilise the identified budgets to fund scheme that can be delivered in a reasonable timeframe. Should further feasibility be undertaken on schemes which are considered unlikely to be deliverable in the near future, it is not possible to justify the use of capital funding and therefore it will be necessary to identify revenue budgets to fund such work.

Procurement

57. There are two risks to this procurement exercise:
 - a. Price increases due to inflation – The 90 day period has come to an end and the suppliers may decide to increase their prices due to the current conditions of the market. CYC will need to be prepared for higher costs to come back prior to awarding. A decision will need to be made as to whether those increases are affordable, fair and realistic.
 - b. Decline of Award – Due to the market conditions and the length of the award process, there is no guarantee that the preferred supplier will accept the award. Capacity levels at the point of award may have changed since the procurement started. CYC will need to

confirm with the preferred supplier if they are still able to carry out the required services. If not, CYC will need to go to the second place who were a much higher price, or re-tender based on a reduced scope should that be the option selected.

58. There are no risks to the procurement route itself. The procurement was advertised under the Homes England framework as an above threshold project and therefore, any increases will not impact the route chosen. The same procedure will be followed.

Equalities

59. The Council needs to take into account the Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's function).
60. An Equalities Impact Assessment ("EIA") has been carried out and is annexed to this report at Annex 4. In summary, the result of the assessment is that the proposal has:
 - a) a low impact in relation to Age and Disability groups; and
 - b) Neutral / no differential impacts identified for all other groups in the EIA.
61. The recommendation of the EIA is there be no major change to the proposal.

Legal

All CYC procurement and related contracts are subject to the Public Contracts Regulations 2015 ("PCRs") and the Council's Contract Procedure Rules ("CPRs").

The Principal Designer procurement competition has been conducted via a PCR compliant Homes England Framework and in accordance with the PCRs and CPRs.

62. Any future competitions will require PCR and CPR compliant tender processes. The Legal and Procurement team will advise and guide accordingly.

Risk Management

63. The Active Travel Programme, as part of the Transport Capital Programme, manages risk in line with the Corporate Risk Management Strategy.
64. Each individual scheme within the programme is subject to the Council's project management methodology, which involves appropriate risk management processes.

Project risks exist for each project, however there are no Corporate Risks currently identified.

Contact Details

Author:

Christian Wood
Transport Programme
Manager
Transport
01904 551 652

Chief Officer Responsible for the report:

James Gilchrist
Director of Environment, Transport and
Planning

Debbie Mitchell
Chief Finance Officer

Report **Date** 14/11/2022
Approved

Specialist Implications Officer(s) List information for all

Financial:-
Patrick Looker
Title: Finance Manager
Tel No. 01904 551 663

Legal:-
Frances Harrison
Legal Services
Tel No. 01904 555 083

Wards Affected:

All **ALL**

For further information please contact the author of the report

Background Papers:

Background Paper 1 – EMDS October 22 - Transport Capital Monitor Report 1:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=738&MIId=13550&Ver=4>

Background Paper 2 – EMDS February 22 – Active Travel Programme Project Scope:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=738&MIId=12734&Ver=4>

Background Paper 3 – EMDS July 22 – Active Travel Programme:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=738&MIId=13548&Ver=4>

Annexes

Annex 1 – Current Active Travel Programme

Annex 2 – Proposed Revised Active Travel Programme

Annex 3 – Active Travel Programme Scheme Evaluation

Annex 4 – Equality Impact Assessment

List of Abbreviations Used in this Report

DfT – Department for Transport

ATE – Active Travel England

ATP – Active Travel Programme

CYC – City of York Council

EMDS – Executive Member Decision Session

CIL – Community Infrastructure Levy

LTP – Local Transport Plan