

Executive

9 December 2021

Report of the Corporate Director of Place
Portfolio of the Executive Member for Transport

Haxby Station – Site Selection

Summary

1. This report provides an assessment of the two potential locations of a new rail station in Haxby. To take this project forward, Members are asked to consider the potential sites and endorse a single preferred site for further development.

Recommendations

2. The Executive is asked to:
 - 1) Note the decisions made at previous Executive on 30 September 2021 concerning the Haxby Station project.
 - 2) Approve *Site 2 – Towthorpe Road*, as the preferred location for a station in Haxby to take forward for further development.
 - 3) To note the further public consultation, which is planned to be undertaken during the next development stage to understand any local concerns and the measures which should be considered to mitigate any impact of progressing the preferred site
 - 4) Note that further reports will be brought to Executive to update on progress.

Reason: To afford City of York Council the best opportunity to progress this project and present the strongest case possible to Central Government (the Department for Transport; and Treasury) for the granting of funding to enable the full delivery of a new rail station at Haxby.

Background

3. The background to this specific project was recently reported in paragraphs 3 – 12 of the previous report to Executive on 30 September 2021, titled *Haxby Station – Update & Land Acquisition*.
4. The bid to Department for Transport's (DfT) *New Stations Fund* (NSF) in 2020 was based on an assumption at the time that the new station would be constructed at Station Road (*Site 1*), within the vicinity of the previous rail station, closed in 1930. However, four other sites have been considered and assessed for suitability, comprising Towthorpe Road (*Site 2*); Strensall (*Site 3*); A1237 Outer Ring Road (*Site 4*); and New Earswick (*Site 5*).
5. An early appraisal of the five sites was undertaken which considered a number of factors for suitability as a potential location for a new station. A fundamental consideration was acceptability in terms of development and potential for achieving planning consent. Only two of the five sites were assessed as feasible – Station Road and Towthorpe Road, *Sites 1 & 2*, (see **Annex A**). Due to this being such a critical factor for the viability of progressing this project, it led to the latter three sites being rejected and investigations focused on *Site 1* Station Road (**Annex B**) & *Site 2* Towthorpe Road (**Annex C**).
6. As Annex A illustrates, the majority of *Site 1* Station Road is a circa 2 acre site, currently in use as allotments. It is bounded to the north by Station Road and to the west by residential properties (Calf Close), with the railway line to the south of this site. A small area of additional land is required to the east of the line.
7. As Annex B illustrates, the majority of *Site 2* Towthorpe Road is an approximate 4 acre site, currently in use as agricultural farmland. It is bounded to the east by Towthorpe Road, with the railway line to the west of this site. Some additional land is required to the west of the line.
8. As agreed recently at Executive on 30 September 2021, City of York Council have now agreed and completed an off market acquisition of 6.8 acres of land off Towthorpe Road, to de-risk the delivery of this project. This land could deliver the *Site 2* station option, but alternatively could be utilised (in part) for the provision of a replacement location for the allotments displaced in the event that *Site 1* was the preferred option (and/or in part for the provision of forestry; agricultural purposes; and/or for use as a pony paddock).

9. With two credible potential sites for the proposed station, DfT requested that CYC and their delivery partners Network Rail (NwR) undertake work to hone the proposal to just one single preferred site to take forward and develop to the required level. As such, a pre-feasibility technical study and appraisal of the two sites has been undertaken. NwR now require a formal instruction from CYC on which site to develop further in preparation for submission to the DfT in the first half of 2022.

Consultation

10. Public consultation on the *principle* of a Station at Haxby was undertaken locally during May 2020, as part of the bid process for DfT New Station Funding. 1,311 responses were received, with 91% supporting the idea of building a station in Haxby (82% strongly supporting).
11. There were widespread announcements from the local MP and local leaders in November 2020 that Haxby Station had received support from the DfT and the Treasury.
12. Further public consultation is planned to be undertaken during the next development stage to understand any local concerns and potential measures which should be considered to mitigate the impact of progressing the preferred site, prior to a decision on funding being made by Central Government (the *Department for Transport*; and *Treasury*) for their anticipated granting of funding. This would also be in advance of a potential submission of a planning application, expected later in 2022.

Options

13. There are three options available to the Executive:
 - 1) Approve *Site 1 – Station Road* option as the preferred location for a station in Haxby.
 - 2) Approve *Site 2 – Towthorpe Road* option as the preferred location for a station in Haxby.
 - 3) Do nothing.

Analysis

14. A great many factors need to be considered when making a direct comparison and evaluation of the two potential sites in order to reach a recommendation on which site to take forward. These are considered in

detail within **Annex D**. Please note that some of these items are deemed more critical to the potential future delivery of the project and as such have been considered in a priority order (highest priority items first). The conclusions of these are summarised below:

15. Land Acquisition

Land outside the railway boundary is required (at both sites) on both sides of the track for construction of the platforms, bridge supports and the provision of a carpark and safe access. Three land parcels in total are required to facilitate a station at Site 1 (Station Road) (land to the west of the line; land to the east of the line; and land to facilitate the relocated allotments). For Site 2 (Towthorpe Road) only two land parcels are required as there is no displacement of allotment.

16. It is quite clear that the land acquisition requirements for Site 1 (Station Road) presents a significant risk and potential cost to future delivery. Even if a sale of the majority of the land required (the western portion) can be agreed, there are considerable timing concerns and conditionality issues and uncertainty with outcome of decision by the Secretary of State and the planning authority. Furthermore, the additional land required to the east presents a high risk of an expensive negotiation and could realistically result in a lengthy Compulsory Purchase Order (CPO), along with the expense of having to re-site the allotments and provide for them. Timescales for a potential CPO are such that it is exceedingly unlikely that a station in this location could feasibly be delivered by March 2024.

17. With the plot of land for Site 2 (Towthorpe Road) now already acquired by the council, and only access to the western platform to be resolved, this site presents a much stronger case for the station location. The acquisition of Site 2 provides all of the land required to facilitate the construction of a station in this location and Officers are optimistic that successful negotiations with the adjoining landowner for the pedestrian and cyclist access rights from Swarthdale will be possible, thereby facilitating the use of Site 2 as a station. This considerably de-risks the potential delivery of the project in terms of required land assembly and means that construction of a station in this location is still feasible by March 2024.

18. Constructability

Site 2 (Towthorpe Road) offers clear advantages in terms of constructability over Site 1 (Station Road), being easier to access; of a much greater size; and further away from the busy urban area, especially it's reduced proximity to the local primary school.

19. Population & Transport Modes

Evidently Site 1 (Station Road) is located closer to the population centre of Haxby and would potentially attract a greater number of passengers via foot and possibly by bus. For Site 2 (Towthorpe Road) the primary access would be off Towthorpe Road. However it is envisaged that there would be pedestrian and cycling access from Swarthdale (discussions with landowner ongoing) which would provide better sustainable access to Wigginton via Oaken Grove. In addition it should be noted that Site 2 is likely to see a modest growth in population in close proximity to that respective location as a result of proposed development in the Local Plan (strategic housing allocation ST9 – land to north of Haxby).

20. Bus Services 13 & 14 currently would serve both Sites (with some small alterations to bus stop / turn-around locations). There are currently no bus services which would serve either Site from Strensall, but subject to this project progressing the council would actively seek to discuss the potential for providing a new route / changing the route of current services to provide a new route between Strensall, the new station, and Haxby.

21. Both sites have comparable numbers within their cycling catchments. Additionally, as both sites are relatively close in driving catchment terms and located on similar local connector roads, it is likely that they would attract drivers from a very similar catchment. Site 2 appears to offer greater resilience for potential car parking numbers (it has double the space available) and it is anticipated will cause less issues with *fly parking* on nearby residential streets. Furthermore, a greater number of cycle parking spaces are also possible at this site given it is twice the size of Site 1.

22. Planning

The principle for the delivery of a new railway station in Haxby is established through the Local Plan policy T2. Although Site 1 (Station Road) appears to be easier to deliver in planning terms, given it is identified as the potential location under T2iv, there is a residual risk that development could be resisted by abutting residential property owners, particularly to the east of the railway. Significant Part 1 compensation claims are likely. For Site 1 the existing allotments would need to be re-provided elsewhere, including associated costs for establishing (although utilising part of the Site 2 plot for this purpose would be feasible).

23. Site 2 (Towthorpe Road) requires very special circumstances given that it is wholly located within the Green Belt which means there is additional

planning evidence and justification required, although it is anticipated that its use as a new station and the work underpinning the consideration of different locations would likely satisfy these circumstances. Site 2 is less likely to be resisted by nearby residential property owners who are separated by a greater distance from the site. It is also less likely to result in significant Part 1 compensation claims.

24. For both sites, a Habitat Regulation Screening Assessment is required to understand the likelihood of adverse effects on Strensall Common Special Area of Conservation as a potential result of an uplift in travel, particularly from the A64 via Strensall / Flaxton Road. Natural England engagement would be necessary.
25. Local Highways
In terms of potential down-time on controlled highway level-crossings, Site 1 (Station Road) is clearly the most favourable with minimal impact. However the potential impact on the Public Right of Way (PRoW) from Calf Close associated with Site 1 is considerable. Any proposed stopping-up or diversion of the PRoW is likely to be heavily resisted locally. Additionally, new parking/waiting restrictions are likely to be required in proximity to this site to deter potential commuter parking and provide safe access to the station.
26. Site 2 (Towthorpe Road) has an acceptable level of increased down-time at Strensall level crossing; and its likely impact on the Calf Close PRoW is minimal; however its impact on York/Haxby Road level crossing is of most concern as this area already experiences congestion, occasionally backing-up to the A1237. The increases (of between 20–40 seconds) are however *worst-case* values and would need to be fully assessed as part of the scheme development to determine their acceptability and any potential mitigations. As part of the further development of this scheme, empirical evidence is being gathered to look at actual vs. theoretical road closure times for York/Haxby Road. This would allow more accurate estimations of any road closure time increases.
27. Track
Potential issues are the same for both sites.
28. Signalling
Both sites appear to be initially similar in terms of the level of changes required to existing signalling. However as discussed above, for Site 2 (Towthorpe Road), further mitigation may be required to minimise the controlled York/Haxby Road level crossing down-time which could involve further changes to signalling equipment.

29. Level Crossings

For most level crossings, the impact is likely to be similar for either Site. The exception being Calf Close PRow: This is significantly impacted by Site 1 (Station Road), whereas is likely to be minimally affected by Site 2 (Towthorpe Road).

30. Buildings & Civils

Site 2 (Towthorpe Road) would appear to be more favourable to develop, not least due to its potential for any future expansion on-site, but also because of fire safety requirements, multiple escape routes from each platform can be easily provided at Site 2, which appear to be considerably more difficult to achieve at Site 1 (Station Road).

31. Drainage

Both sites appear to be similar in terms of flood risk, that being that both have a low risk of flooding. The strip to the far north of Site 2 (Towthorpe Road) is at a greater risk of flooding, however this particular area would not form part of the main station site, so is not of concern.

32. Conclusion

Considering the above items, on balance Officers consider that *Site 2* Towthorpe Road would be the most favourable site for the preferred location of a new station in Haxby.

33. As already stated, the greatest risk to the potential deliverability of a new station in Haxby before the end of March 2024 (subject to funding being awarded by DfT) is land acquisition. This risk is considerable. With the entire land requirement for the construction of a new station at *Site 2* Towthorpe Road already purchased (following the decision made at Executive on 30 September 2021) and further land for pedestrian/cycle access via Swarthdale under negotiation, it is evident that this presents a significantly stronger case for a preferred location than at *Site 1* Station Road, where potential land assembly is in doubt and remains extremely high risk.

34. Regarding other factors which have been considered, it is accepted that *Site 2* Towthorpe Road is further to the edge of the Haxby urban area than *Site 1* Station Road, however it is considered that the positives of *Site 2*, such as:

- it is double the size;
- reduced impact on neighbouring residential streets (parking);

- reduced impact on road safety in proximity to the local primary school;
- less constrained;
- easier constructability;
- less likely to have to divert the PRow from Calf Close;
- no requirement to provide alternative allotment site;
- reduced likelihood of local resistance (including Part 1 compensation claims),

... overwhelmingly outweigh this fact.

35. Additionally, with an anticipated increase in local population to the north of Haxby in the medium to long term as a result of the proposed strategic site allocation for housing at ST9 (submitted Local Plan (2018)), the differences between the population numbers that would be served by either station location (i.e. walking catchments) becomes more balanced.
36. The primary risk identified with a station at *Site 2* Towthorpe Road is its potential impact on the likely down-time at the controlled vehicular level crossing at York Road / Haxby Road. An initial assessment has indicated potential increases of 20 to 40 seconds down-time. However it is acknowledged that these are worst-case values and would need to be assessed fully as part of the scheme development to determine their acceptability and what potential mitigations may be introduced to reduce this figure. As part of the further development of this scheme, empirical evidence is being gathered to look at actual vs. theoretical road closure times for York/Haxby Road. This will allow more accurate estimations of any road closure time increases.
37. Recommendation
Executive is recommended to approve *Option 2 – (Site 2) Towthorpe Road* site as the preferred location for a station in Haxby to enable further development work to be undertaken. It is considered that this option presents a considerably reduced risk in terms of future potential deliverability, and importantly means that the project can still be delivered within the timescales mandated by DfT.
38. Moving forward, this option will afford City of York Council the best opportunity to present the strongest case possible to Central Government for the granting of funding to enable the full delivery of a new rail station at Haxby.

Council Plan

39. The proposal accords with the Council Plan 2019-2023 in specific regard to the following core outcomes of the Plan:

Getting around sustainably – New accessible rail station for the town of Haxby and surrounding villages and suburban area.

Well-paid jobs and an inclusive economy – Provides potential opportunity for residents to access a wider range of jobs within the region.

A greener and cleaner city – More commuting into the city by rail, rather than by private vehicle, reducing pollution and improving air quality.

Implications

40. Financial

The purchase of 6.8 acres of land at Towthorpe Road was approved at Executive on 30 September 2021 utilising unallocated Highways capital budgets.

41. The Council has received development funding of £400k to take forward the business case with a preferred site funded by Department for Transport.

42. Should the Council be successful with the DfT New Station Fund bid, the Council will need to identify the required 25% match funding from other contributions or Council prudential borrowing. There is currently no budget approved to support the construction but would have to be considered in future budget rounds. The land purchase at Towthorpe Road would be considered as part of the match funding.

43. Human Resources

There are no human resources implications.

44. One Planet Council / Equalities

The potential new station would be designed with equalities in mind and fully accessible to all users. An Equalities Impact Assessment (EIA) will be undertaken at the appropriate time in the project.

45. Legal

In relation to *Site 2*, legal arrangements to secure the pedestrian and cyclist access to the platform to be located on the western side of the railway line are important to the delivery of a new station at *Site 2*. An approach has been made to the relevant landowner in relation to agreeing to such rights in principle. However, a binding legal agreement, such as a Deed of Easement or a Lease in relation to the relevant land will need to be entered into as soon as possible in order to comply with the funding deadlines.

Please note that in relation to the proposed access to the western platform within *Site 2*, the need for positive third party involvement may have an impact upon deliverability within the proposed timescale. However, Officers have advised Legal, and we concur that irrespective of this issue (which needs commercial and legal resolution), there are fewer land assembly issues with *Site 2*, than there are with *Site 1*.

Legal cannot comment on the likely outcome of a planning application in relation to either site, and in particular in relation to the requirements which may or may not be imposed within a Section 106 Agreement, and in relation to a decision which may be made in relation to an application to develop the Allotment Land, but concur with the summary detailed previously within this report.

Particular issues to highlight in relation to *Site 1*

To add further detail in relation to the position in relation to the Allotment Land (forming the majority of *Site 1*), along with all of the other considerations which the local planning authority will have to apply in connection with any planning application, the local planning authority is under a duty pursuant to the Local Government Planning and Land Act 1980 and the Local Government and Planning (Amendment) Act 1981 to safeguard existing allotment land. Detail of the relevant guidance is set out within *PPG 17 Annex 3*:

“Development that would result in the loss of allotments should not be permitted unless replacement allotment sites are provided, and these should be of acceptable quality:

- 1. Be comparable in terms of size, accessibility and convenience, and should not normally be $\frac{3}{4}$ of a mile from the centre of demand;*
- 2. Have a soil quality and condition comparable or superior to that of the existing allotments;*
- 3. Avoid detrimental impact on landscape character and other landscape features.”*

Should a decision be made to proceed with *Site 1*, whilst Officers would propose to use part of *Site 2* as the location for any replacement allotments, there is no guarantee that either the planning authority and/or The Secretary of State would consider that such replacement allotments would in fact be acceptable. We highlight that Officers cannot anticipate how either the planning authority and/or The Secretary of State would exercise their respective discretion.

In relation to *Site 1*, this uncertainty in outcome is compounded by uncertainty in timing of the delivery of such decisions, and the impact that may have on any associated surrender of the current lease by Haxby Town Council; the timing of services of Notice to Quit on Tenants; and the acquisition of the freehold interest in *Site 1*. The tripartite legal arrangements which would be necessary between the freeholder of *Site 1*, Haxby Town Council, and City of York Council would be complicated and they would need to be conditional. They would be costly to draft and negotiate. For example, any proposed surrender of the lease dated 18 October 1919 of the Allotment Land made between Rev. A. L Whitaker and Haxby Council, (the Existing Allotments Lease) would need to be conditional upon obtaining the consent of The Secretary of State to such disposal. We would recommend that the surrender should also be conditional upon the grant of a satisfactory planning permission (which would also need to be satisfactory to Network Rail). The surrender of the Existing Allotments Lease would need to be timed to take effect following the expiry of the lawful service of Notices to Quit on the tenants (12 months or more to expire on or before 6th April or on or after 29th September).

In the context of this necessary process, the Council would be reliant upon Haxby Town Council to be proactive and to properly comply with the legislative requirements relating to the necessary Notices to Quit. This reduces the level of control which the Council would have in this pivotal process.

The transfer of the freehold interest in *Site 1* could only take place upon expiry of the notices to quit referred to.

Further, these legal arrangements in relation to the land located within the western parcel of the *Site 1* would need to be dovetailed with conditional arrangements in relation to any Deeds of Easement and/or Agreements for Sale in relation to land located on the east side of the railway track. It is observed that, given anticipated difficulties and associated delays and uncertainty with the outcome of the process with

the Allotment Land, Officers have not to date considered it prudent to approach relevant landowners in relation to that parcel of land. Accordingly, we cannot at this stage comment any further on the likely legal implications of arrangements relating to that part of *Site 1*.

46. Crime and Disorder

At this stage within the project, there are no crime and disorder implications.

47. Information Technology

There are no IT implications.

48. Property

All property implications are covered within this report.

49. Highways

At this stage within the project, highways implications have not been fully explored, however subject to the project advancing, a full highways impact assessment will be undertaken as part of the planning consent process.

Risk Management

50. The project has already been substantially de-risked by the early acquisition of land, as land assembly is considered the greatest risk to delivery of this project within the applicable timescales. It is considered that the early acquisition of the land will demonstrate to DfT the council's significant commitment to the project.

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All

For further information please contact the author of the report

Background Papers:

Report to Executive (30 September 2021):
"Haxby Station – Update & Land Acquisition"

Annexes:

Annex A: Plan of both potential locations for a new Haxby Station

Annex B: Indicative site plan for a station at *Site 1* Station Road

Annex C: Indicative site plan for a station at *Site 2* Towthorpe Road

Annex D: Analysis and Evaluation of the Two Sites