

Report of the Corporate Director of Place

York Central: Update on Highway Authority Regulatory Role

Summary

1. The York Central Development is now moving into a key highway infrastructure delivery phase with the expectation that key elements of the new highway will be operational by 2024. The main highway infrastructure will be delivered by Homes England/Network Rail acting as the developer.
2. The Highway Authority's role is to ensure that the infrastructure that is due to be adopted as highway maintainable at public expense is: in accordance with the planning consent, safe in operation and that the future maintenance and other liabilities are minimised. In addition the Highway Authority has a duty to coordinate streetworks and minimise disruption to the travelling public and progress any Traffic Regulation Orders which may be required as a result of the development.
3. This report sets out the how the Highway Authority propose to undertake the regulatory tasks identified above.

Background

4. York Central is one of the largest brownfield sites in northern England. The scheme is being promoted by the York Central Partnership (YCP) which is made up of Network Rail (NR) Homes England (formerly the Homes and Communities Agency or HCA), the National Railway Museum (NRM) and CYC.
5. The 45ha development site will deliver: up to 2500 new homes; the potential for 6500 jobs, in grade A commercial office space; a transformation of the National Railway Museum with a new Central Gallery. The creation of new public spaces and community facilities directly linked to an improved Railway Station are also key project outcomes.
6. The IP1 enabling works to prepare the site have now concluded with the demolition of the former Unipart, Freightliner and Concrete Works buildings, site clearance and track lifting ahead of IP2 works to construct the access

spine road and Boulevard, add the pedestrian deck to the Severus Bridges, build the access bridge over the East Coast Main Line(ECML) reroute utilities and undertake works to Millennium Green.

7. The majority of the total £155m infrastructure costs are to be met from grants with the exception of the CYC £10m commitment from the Economic Infrastructure funding and the council/YNYLEP commitment of £35m Enterprise Zone funding which will be prudentially borrowed by CYC, to be repaid from future retained business rate. The decision to release this funding is subject to a further Executive decision (with LEP agreement) to fund future infrastructure packages
8. The project has now transitioned from the planning stages to the delivery stages following the agreement of the reserved matters planning application for the first phase of infrastructure works in November 2020. This followed the agreement of £77.1m of funding from the Ministry of Housing Communities and Local Government (MHCLG) which was awarded directly to Homes England and Network Rail.
9. The decision by government to award this funding directly to the landowning bodies was a significant change and has reshaped the delivery arrangements for the infrastructure and the governance arrangements. CYC completed the enabling works for the site and the landowning partners have indicated their intention for Homes England to lead the delivery and to enter into a construction contract with John Sisk Ltd for the delivery of Infrastructure Package IP2 subject to due diligence, RIBA stage 4 design and refined cost proposal. It is understood that the award of the IP2 contract by Homes England is imminent.

Statutory Roles

10. In addition to the Partnership influencing role the Council has for York Central, it also has regulatory roles.

Planning Authority

11. The outline planning approval (reference 18/01884/OUTM) was granted for redevelopment of the site. This was to provide a mixed-use development of up to 379,729 m² of floorspace Gross External Area (GEA) primarily comprising
 - up to 2,500 homes (Class C3),
 - between 70,000 m² and 87,693 m² of office use (Class B1a),
 - up to 11,991 m² GEA of retail and leisure uses (Classes A1-A5 or D2),
 - hotel with up to 400 bedrooms (Class C1),
 - up to 12,120 m² GEA of non-residential institutions (Class D1) for expansion of the National Railway Museum,
 - multi-storey car parks

- and provision of community uses all with associated works including new open space, ancillary car parking, demolition of and alterations to existing buildings and associated vehicular, rail, cycle and pedestrian access improvements.
12. The outline approval was subject to 83 conditions, a number of which will require formal discharge prior to commencement or at other relevant trigger points within the development process. In addition a Section 106 agreement secured 20% Affordable Housing and financial contributions towards Gypsy and Traveller provision, sports provision, open space provision, sustainable travel and education provision. Each of the relevant triggers for delivery/payment of these elements is set out in the S106, which would occur at various stages throughout the development.

Highways Authority

13. The Highway Authority will act as the regulatory authority for the highway infrastructure elements of the York Central development. As the development is now being delivered by Homes England the relationship with the Highway Authority will proceed on a similar basis to a private development where legal agreements are put in place to ensure the interests of the public and the Council are protected generally through provisions in the Highways Act 1980.
14. The overarching principle of the Highway Authority's role is to ensure that the infrastructure that is due to be adopted as highway maintainable at public expense is: in accordance with the planning consent, safe in operation and that the future maintenance and other liabilities are minimised. Highway adoption agreements under section 38 (Power of highway authorities to adopt by agreement) for sections of new highway and s278 (Agreements as to execution of works) for changes to the existing highway will be entered into with the developer. These agreements will set out the approval processes for the design and supervision of the works to ensure that the works are designed to an acceptable standard and delivered in accordance with the approved designs resulting in a low maintenance, safe highway. The agreements will also set out any fees for the adoption process, bond arrangements (where required) to ensure delivery and commuted sums (where required) to cover future maintenance liabilities for non-standard elements.
15. Under the Council's established highway adoption mechanism the developer funds the Council's adoption costs with the fees for standard developments set at 10% of the construction costs. However for very large developments this approach can be inappropriate as the level of fee which results from the percentage calculation may be disproportionate to the cost of the checking/inspection activity. In line with the report to the Executive in April 2021, for York Central, where the Council is also a contributor to the overall scheme, it is proposed that the fee level, payment mechanism and other requirements will be negotiated with Homes England to a level that ensures

that the cost of the necessary regulatory processes is adequately covered and the interests of the Council are protected. Depending on the level of change to the standard arrangements and legal advice approval by the Executive/Executive Member may be needed prior to entering into the agreement.

16. A Bridge Agreement to cover the relationship between Network Rail and the Council for the bridges over the railway will also be progressed.
17. The Highway Development Control team will advise the Planning Authority in relation to the discharge of highway/transport planning conditions from the Outline Planning Consent and Reserved Matters approval. Key items which will be considered relate to the: Construction Environmental Management Plan, Phasing Strategy, Parking Strategy, Public Transport Infrastructure, Drainage, Bridges/Structures/Embankment engineering details, Street Lighting, Traffic Signals etc.
18. The Council's Transport team will also progress the items covered by the section 106 agreement with funding tranches received as the development progresses to mitigate the impact of the development. These interventions, with a total value of approx. £5m (with a further £2.3m if travel plan targets are not met) include changes to the highway layout away from the immediate site and other sustainable transport measures including:
 - Pedestrian and Cycle Infrastructure (including improvements to the Riverside Path);
 - Public Transport Infrastructure;
 - Bus Service Enhancements;
 - Network Capacity Enhancements;
 - appointment of the Framework Travel Plan Coordinator;
 - Residents Parking Measures; and
 - City Car Club Facilities.
19. The Stopping Up of a section of public highway (Leeman Rd) in the vicinity of the National Railway Museum was proposed as part of the Outline Planning Application. Following approval of the Reserved Matters Application for the main Highway infrastructure the Developer progressed the separate Stopping Up Order process with an application to the Secretary of State for Transport. A Public Inquiry was held in April 2021 and the Secretary of State granted the Stopping Up in September 2021.
20. The Stopping Up Orders enables Leeman Rd to be extinguished as public highway and will come into operation once the Council is satisfied that the conditions of the order have been met. Prior to the stopping up coming into force alternative vehicular and pedestrian/cycle routes must be available around the stopped up length of Leeman Rd.

21. In addition to the new and improved public highway routes pedestrians will also be able to pass through the National Railway Museum during Museum opening hours. The detail of the building layout is subject to a current Reserved Matters Application submitted by the NRM in December 2021. The detailed arrangements for the operation of this route are subject to a Walkways Agreement which has been approved between the NRM and the Council.
22. The Highway Authority also has a number of other roles during the build out of the development. It has duty (Network Management Duty under the Traffic Management Act 2004) to coordinate access to the highway during the construction phase to minimise the disruption to the public. This coordination will be managed by the Streetworks team using a permit based system which is due to be brought in early in 2022. The Highway Authority will also process Temporary Traffic Regulation Orders for items such as parking suspensions and road or lane closures to enable the works to be undertaken. Permanent Traffic Regulation Orders for items such as speed limits or parking restrictions for the completed scheme will also be processed by the Highways Regulation team.
23. A York Central Highway Authority Lead, responsible for the delivery of the regulatory functions identified in paras 13-22 has been appointed by the Council. A team of in-house staff and consultants will be put in place to deliver the necessary oversight to ensure the developer and contractors deliver the project to the required standard.

Programme

24. The phasing and delivery of the highway infrastructure is subject to planning conditions which are in the process of being discharged. As the highway infrastructure is now being delivered by Homes England the detailed construction programme is under their control and has not yet been received. However it is understood that, subject to the necessary approvals, the construction of the main highway infrastructure will start in the late spring/early summer of this year and be fully completed by early 2025. It is anticipated that the works necessary for diversion of the Highway around the NRM to enable the stopping up of Leeman Road to come in to place will be completed at an earlier stage to allow construction of the Central Hall to be completed by 2025 in time for the 200th anniversary of the opening of the Stockton to Darlington railway.

Other workstreams

25. The landowners will lead further design work on the remaining infrastructure packages including
 - Southern pedestrian and cycle access
 - Western Station Entrance

- Park

26. In addition to these landowner led projects CYC will lead on the delivery of :-

- Riverside path – develop design solutions to upgrade the riverside path with increased lighting CCTV and raised levels to increase usability in times of flood
- Station Frontage project

Contact Details

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Wards Affected: Holgate, Micklegate

All

For further information please contact the author of the report

Background Papers:

Annex 1 Phase 1 Infrastructure

Glossary

CYC - City of York Council

DfT – Department for Transport

EIF – Economic Infrastructure Fund

EZ – Enterprise Zone

FBC+ - Financial Business Case with full costings

HE – Homes England

HIF - Housing Infrastructure Fund

HA - Highways Authority

LCR - Leeds City Region

LEP - Local Economic Partnership

LGF – Local Growth Fund
LPA - Local Planning Authority
MHCLG –Ministry of Housing Communities and Local Government
NR – Network Rail
NRM - National Railway Museum
OPA – Outline Planning Application
PSC – Pre-Construction Services Contract
RIBA –Royal Institute of British Architects
RMA – Reserved Matters Application
WYCA – West Yorkshire Combined Authority
WYTF – West Yorkshire Transport Fund
YC - York Central
YCP - York Central Partnership
YNYER – York, North Yorkshire & East Riding