
Executive

25 June 2020

Report of the Director of Economy and Place
Portfolio of the Executive Member for Transport

York Outer Ring Road Phase 1 Dualling - Procurement Strategy, Approach to Public Engagement and Landscaping

Summary

1. At the February 2020 Executive meeting, Members gave approval to merge the proposals for the York Outer Ring Road (YORR) junction upgrades and dualling projects into a single programme (**'the scheme'**) of planning and delivery. It is important at this time to seek three critical decisions to ensure that momentum is maintained throughout the remainder of the lockdown period, and that a rapid start up to development work on the scheme is in place to ensure that there is no pause due to the Covid-19 virus.
2. The first project critical decision being sought is for approval of the proposed delivery and procurement strategy. A review and options appraisal has been carried out leading to the production of a strategy which best meets the needs of the scheme to ensure efficient delivery and value for money.
3. The second project critical decision is about the approach to public engagement. The project team are seeking endorsement to pursue and develop a public engagement strategy which complies with the guidance concerning physical distancing whilst maintaining the integrity of the process.
4. Finally, the third project critical decision is about seeking a commitment to a net gain in tree planting and woodland areas following the principles recently set out and being promoted by the Environment Agency. This needs to be considered at this early stage in order to be incorporated into the design and land take requirements.

Recommendations

5. The Executive are requested to:

- 1) Approve the recommended procurement routes set out in Annex A for the required support and construction services, approve the carrying out of those recommended procurement processes and to delegate to the Director of Economy and Place (in consultation with the Director of Governance or her delegated officers) the authority to take such steps as are necessary to procure, award and enter into the resulting contracts.
- 2) Approve the recommendation for officers to develop and pursue a public engagement strategy which incorporates the provisions of physical distancing.
- 3) Approve the landscaping principles, specifically the commitment to provide a net gain in tree planting, bio-diversity and habitats following the strategy developed by the Environment Agency.

Reasons: to enable the project to move forward in an efficient and cost effective manner to enable a quicker overall delivery programme for the scheme.

Background

Delivery and Procurement Strategy

6. The amalgamation of the Junction Scheme and the Dualling proposals has provided a step change in the scale of the project. It is appropriate at this time to review the supply chain and services now required.
7. The project team, alongside colleagues from Procurement and Legal Services, have taken the opportunity to take a step back and consider the best way to deliver the scheme from this point up to and including the construction stage.
8. The project team have considered the contracts that are already in place in respect of the junction improvements and whether it is appropriate to extend the existing arrangements to cover the scheme. In doing so, consideration has been given to what work has been carried out, what the value of the current contracts are, what the potential value of the

contracts will be going forward and the performance of the current contractors.

9. Finally, the project team carried out an options appraisal of the available procurement routes in respect of each service required, including those currently under contract. The results of the options appraisal are set out in Annex A - Recommended Procurement Routes.
10. This decision is needed at this time to award the design and development commission to enable the preparation for a planning application, detailed design and final business case to secure funding in line with the overall programme.

Public Engagement

11. Before the onset of the Covid-19 virus a two stage programme of public engagement was envisaged. This is still proposed, but given the uncertainty created by the restrictions currently in place, the project team now propose to develop a strategy which works in accordance with UK Government's guidelines for physical distancing.
12. An initial stage of consultation will be undertaken with landowners and main stakeholders e.g. Parish Councils. This will help to inform and identify key issues which will be presented in the second stage which will be widened to all.
13. The second stage will incorporate the measures required to allow the public to have the requisite access and time to give their views. This second stage will now rely on more arm's length techniques. The principles that will be followed include traditional leaflet drops as the basis of this approach supported by the use of media channels and web based information. Depending on the relaxation of distancing guidelines, it is proposed to hold public exhibitions which will be regulated, for example by introducing a booking system.
14. The purpose of the decision being sought is again connected to ensuring that time is not lost but also to develop techniques in order to comply with the guidance on physical and social distancing now required in the short term, but which may be in place for a significant time. This is to ensure that the general public have a fair chance to view and comment on the proposals.

Planting and Bio-diversity Criteria

15. The landscape strategy for the scheme seeks to provide replacement hedgerows and a net gain in planting of woodland areas. The objective is that they will be more species rich to increase bio-diversity with the inclusion of wildflower planting for pollinators and the creation of habitats.
16. The Environment Agency (EA) have recently developed a strategy ('The York Flood Alleviation Scheme Tree Strategy') which is seen as good practice in this area. It is proposed that the project team seek to follow the principles of the EA approach in the knowledge that this has already been well researched and meets the objectives of the scheme. The emerging City of York pollinator strategy and the Woodland Trust expertise 'right tree right place' principle will also be incorporated in the scheme. Consideration will also be given to the use of hedges to block pollution and the choice of appropriate trees in close proximity to cycle lanes in order to ensure that they remain operational during autumn when leaf drop is occurs.
17. The landscape strategy will also consider and incorporate the necessary maintenance regimes for longer term care of the planting to ensure that it eventually becomes established woodland. The project team will refer to local organisation, Treemendous, for their expertise in this area and seek how volunteers can get involved.
18. These considerations need identifying at an early stage in order to inform the design, land take requirements and in turn cost implications.

Council Plan

19. The YORR Improvement proposals are embedded in the Council Plan 2019-23. The implementation of this programme of highway improvements will be an integral part of the key priorities to "create homes and a world class infrastructure; well paid jobs and an inclusive economy; getting around sustainably; a greener and cleaner city; safe communities and culture for all and an open and effective council". Improvements to transport infrastructure such as reduced journey times are key drivers for improved productivity and unlocking sites for homes and jobs. This in turn leads to economic growth and the increase in wealth, helping local businesses to thrive.

20. Residents and stakeholders will be consulted about the scheme to ensure that consideration of the potential impact of decisions in relation to health, communities and equalities has been made.

Implications

Financial Implications

21. The identified improvements for the scheme, junction upgrades and dualling, are funded chiefly from two sources. The junction upgrades are being delivered through the West Yorkshire Plus Transport Fund (WY+TF). The dualling scheme funding is provided by the Department for Transport (DfT) as an element of the Major Roads Network (MRN) Schemes Programme. The allocated funding is summarised in Table 1 below and also includes CYC contributions totalling £7.8m.
22. The estimated cost for the scheme is £65,704,840 (note this is for the Phase 1 Dualling Rawcliffe to Little Hopgrove), see Table 1 below which shows how the cost plan is built up. Note that this excludes allowances for Junction 1 Wetherby Road, already completed, and the proposed Junction 2 upgrade at Great North Way which lies outside the scope of the scheme.

This estimate includes all works, land, fees, project management and utility diversions. Release of funds from the WY+TF is in progress through satisfying the WYCA Project Assurance process. Release of funds for the dualling element will be by presentation of a satisfactory Final Business Case to the DfT.

23. A contribution of £5m to future-proof Clifton Moor Junction for upcoming residential development was approved by Council in September 2019. This is shown in Table 1 below and included within 'CYC Intended Contribution'. Likewise the Council's contribution of £2.8m match funding, approved by Council in December 2018 is included in 'CYC Intended Contribution.' The final level of contribution from the Council's Capital Programme will be dependent on whether alternative funding sources can be identified.

| Funding Package | Amount |
|--|--------------------|
| WY+TF (Junction Upgrade Scheme) ¹ | £32,811,908 |
| DfT Major Roads Network Schemes Programme | £25,092,932 |
| CYC Intended Contribution to the Scheme. | £7,800,000 |
| Total | £65,704,840 |

Table 1 – Funding Summary

Note 1 – £32.811m excludes allowances for Ph1 Wetherby Rd & Ph2 Great North Way outside the scope of the scheme.

24. Obtaining external funding from other organisations is being sought and these will be actively progressed however funding cannot be guaranteed at this stage.
25. DfT require the council to accept responsibility for meeting any costs of delivering the scheme over and above the DfT contribution requested, including potential cost overruns, and the underwriting of any third party contributions. This could result in the council needing to identify further funding requirements as the scheme progresses.
26. Providing enhanced landscaping, including a net gain in the area of replacement trees and greater bio-diversity has a cost implication and it may be that additional sources of funding will be needed for these purposes.
27. There is a level of risk associated with undertaking the development and feasibility work prior to award of grant funding which may ultimately be abortive. Should the scheme ultimately not be delivered then an element of these costs would be classed as abortive and need to be written off back to revenue. It is estimated that fees in the order of £0.5m which would cover design and preparation of a final business case would need to be written off, but land acquisition in the order of £1 m would be retained as a capital asset.

Human Resources

28. There are no Human Resources Implications.

One Planet Council / Equalities

29. The One Planet Council Better Decision Making Tool has identified the following areas which can be explored further during the design and development of the whole YORR improvement programme:

- Greater consideration of renewable materials during construction.
- Consideration about the reduction of crime where subways are proposed.
- Enhanced Landscaping.
- Use of Public Art to provide attractive spaces for residents.

Legal and Procurement Implications

30. Any contracts for the supply of services, goods and works in connection with the scheme will need to be procured in accordance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015.

31. Legal Services will also advise and assist the project team in supervising the work of the scheme lawyers appointed to support the preparation of a Compulsory Purchase Order.

Crime and Disorder

32. There are no Crime and Disorder implications.

Information Technology

33. There are no Information Technology implications.

Property

34. Property Services are involved in this project acting as land managers for the council. New pieces of land will be acquired for the scheme, the titles for which will belong to the council. Property Services will also advise and assist the project team in supervising the work of the land agents, valuers and referencers.

Other

35. There are no other known implications

Risk Management

36. In compliance with the council's risk management strategy the main risks that have been identified in this report are those which could lead to financial loss, damage to the council's image and reputation and failure to meet stakeholders' expectations. Measured in terms of impact and likelihood, the land acquisition risk has been assessed at 21. This is classed as Major/Highly Probable and is the most significant live issue on the project. Other risks have been assessed at 14 or below. At this point the risks will be monitored and managed. A risk allowance has been estimated and is included within the current cost plan for the project. The top two risks currently affecting this project are:

- a. Risks associated with land acquisition. As described above, there is a high risk that some landowners may potentially be unwilling to sell land to the council by private agreement, or in a timely manner. This presents a programme risk potentially prolonging the time to complete the project, increase costs or lose the secured funding. In order to mitigate this risk, preparation of a CPO in parallel to land negotiation is being progressed as described in this report.
- b. Risks associated with utility diversions being more complex than anticipated. These could lead to programme delays and have a cost implication. Early meetings with utility companies are planned to mitigate these risks.

Contact Details

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Approved

Specialist Implications Officer(s) List information for all

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Wards Affected: List wards or tick box to indicate all

All

Rawcliffe & Clifton Without, Rural West York, Haxby & Wigginton;
Huntington & New Earswick, and Strensall.

For further information please contact the author of the report

Background Papers: None

List of Abbreviations Used in this Report

WYCA – West Yorkshire Combined Authority
YORR – York Outer Ring Road
CYC – City of York Council
WY+TF – West Yorkshire Plus Transport Fund
DfT – Department for Transport
MRN – Major Roads Network
EA – Environment Agency
CPO – Compulsory Purchase Order

List of Annexes

Annex A – Recommended Procurement Routes