

Report of the Director of Economy & Place
Portfolio of the Leader

York Central Update

Summary

1. The delivery of York Central is a city wide priority. Regeneration of this brownfield site will bring significant economic growth space and new housing, in this central, sustainable location. The importance of York Central is highlighted in the Local Plan, and in the Strategic Economic Plans of both regional Local Enterprise Partnerships. York Central will also play a pivotal role in the city wide economic recovery from the Covid 19 pandemic.
2. The council has continued its commitment to York Central all through the Covid 19 lock down and response phase, and has maintained the level of resources allocated to the project due to its strategic importance to long term economic recovery. The delivery of York Central is still a priority objective within our economic strategy and will provide the location for new economic growth space and facilitate the future development of new sustainable business sectors to augment the existing economy.
3. In the March 2020 budget the council received the long awaited news that the Ministry of Housing Communities and Local Government (MHCLG) had agreed to award £77.1m to fund the enabling infrastructure for the site. This is a hugely positive breakthrough that will finally unlock the site.
4. After decades of stalled delivery, the crucial enabling infrastructure works can finally now commence. Ultimately York Central will become a thriving addition to the existing city centre with; new business space, new homes a re-modelled railway station and a transformed National Railway Museum. Movement through the site will benefit from pedestrian and cycle priority with dedicated / segregated routes along the main west to east axis. This route will be well served by Park and Ride / local bus services with an inbound priority Bus Lane. Encompassing all of this, and perhaps most important of all, the new park and urban realm will deliver high quality amenity space for the benefit of all our residents, workers and visitors. Designed to meet best practice standards the landscaping will deliver significant new tree planting and have Sustainable Urban Drainage (SUDs) and biodiversity considerations at its heart.

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5. This report provides an update on progress to deliver the scheme, and sets out proposals for proceeding with further development activity to maintain the positive momentum and ensure readiness for delivery whilst we await the confirmation of the conditions of the grant funding.

Recommendations

6. Executive is asked :-

- i. To commit further funding of £1.96m to cover CYC project team and consultancy support costs, undertake further essential survey works, and to fund an early enabling infrastructure works contract to April / May 2021.
- ii. To delegate to the Interim Head of Paid Service in consultation with the Leader the acceptance of the £1.53 million YNYER grant to deliver the package of early site enabling works and to delegate to the Director of Economy and Place, in consultation with the Director of Governance, the authority to take such steps as are necessary to enter into the resulting funding agreement.
- iii. To delegate to the Interim Head of Paid Service in consultation with the Leader the authority to take such steps as are necessary to agree the grant terms with MHCLG for £77.1m of infrastructure funding and to enter into the resulting funding agreement.
- iv. To approve the procurement of the further project support consultancy services necessary for the delivery phase, and to delegate to the Director of Economy and Place, in consultation with the Director of Governance, the authority to take such steps as are necessary to procure, award and enter into the resulting contracts.

Reason: To ensure that appropriate project development progress can be maintained, focussing on delivery readiness for the first phase of the York Central enabling infrastructure

- v. To agree to dispose of the land at Alliance House/Chancery Rise to Network Rail (NR) to facilitate the relocation of rail infrastructure maintenance facilities from the York Central site, with NR to reimburse the council for expenditure incurred by the council in connection with our ownership since 2016, totalling £426,967. The disposal price to be £1 (the same price as it was purchased by the council from NR in 2016) and to include a restrictive covenant to limit the future use of the land to the purpose agreed in this disposal.

Reason: To ensure that York Central is cleared of operational rail activity and made available for redevelopment.

Background

7. York Central is one of the largest brownfield sites in northern England, see plan at Annex 1. 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.
8. The council has been instrumental in the project development to date, securing and making funding available to break the deadlock of decades and bring York Central forward for development. The council has worked positively with partners to ensure that the development will deliver benefits to the people of York, and these will continue to be shaped by the commitments to future public engagement. As the principal conduit for infrastructure funding and through its statutory roles as Local Planning Authority (LPA) and Highways Authority (HA) the council has significant influence and control over key future decisions and will continue to represent the views of the people of York in all partnership discussions.
9. Extensive community engagement was undertaken ahead of the planning process which showed significant support for the scheme despite its many challenges. Previous attempts by the market to bring a scheme forward on this site have floundered and, given the unique risk profile of the site, it will require public sector leadership to bring the site forward for development.
10. 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 the City of York Council (CYC).
11. Over the last 4 years YCP have developed a comprehensive masterplan for the 45ha site and secured Outline planning consent which will deliver up to 112,000 sq. m of commercial space and up to 2500 homes as well as a large park, public squares and an expanded Railway Museum.
12. To support our aspiration for delivering high quality affordable homes on York Central, positive discussions have taken place between the council and Homes England. Together we are exploring options for early phase delivery where our adjoining land interests have the potential for council led delivery on part of the site. Partnership working and delivery can better secure the creation of a spatially coherent and high quality new neighbourhood. A further update will be provided on this approach as part of a Housing Delivery Programme paper this autumn.

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13. We have also secured funding from the YNYER LEP to undertake a feasibility study to assess the potential for securing BREAM Outstanding office buildings on York Central.
14. The significant progress made to date is demonstrated by the key project milestones set out below :
 - In December 2018 Full Council agreed to create the £155m capital budget to fund the delivery of the enabling infrastructure.
 - The council also submitted an application for £77.1m of Housing Infrastructure Funding to MHCLG.
 - In January 2019 Executive agreed the Heads of Terms of the YCP Partnering Agreement – which is now being finalised for signature by the partners.
 - In February 2019 West Yorkshire Combined Authority (WYCA) Investment Committee approved the business case for West Yorkshire Transport Fund (WYTF+) funding (subject to conditions) and work towards a Full Business Case plus (FBC+) continues.
 - In March 2019 Planning Committee resolved to grant permission for the Outline Planning Application for the site – the s106 agreement was signed in December 2019.
 - John Sisk was appointed to provide Early Contractor Involvement (ECI) in September 2019 under a Pre-construction services contract to offer value engineering, buildability and programme advice to inform the final detailed design work.
 - On the 12th October 2019 the Department of Culture Media and Sport confirmed the award of £18.58m towards the £55m target budget for the delivery of the NRM Vision 2025 plans.
 - 23 October 2019 YNYER LEP agreed £1.58m LGF grant to support further design work on the first phase of infrastructure.
 - Over the autumn and winter we undertook detailed design of the first phase of infrastructure (Water End junction new Severus Pedestrian / Cycle Bridge, new ECML bridge and spine road)
 - In February YCP undertook pre-application engagement on the content of the Reserved Matters Application for the first phase infrastructure
 - In the March 2020 Budget, the Chancellor of the Exchequer announced the award of £77.1m grant to fund the York Central enabling infrastructure
 - In March 2020 Homes England, NR and NRM made an application to the Department for Transport (DfT) for the Stopping up of the part of Leeman Road where it bisects the museum. This has been consulted on by DfT.
 - In April 2020 CYC, Network Rail and Homes England submitted the RMA for the first phase of infrastructure to the Local Planning Authority

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- June 2020 – the detail design of the enabling works package has been completed and issued to the contractor for price confirmation.
- YNYER funding to deliver this package was confirmed on 18 June 2020.

15. The total cost of the enabling infrastructure necessary to bring the site forward for development was set out in the November 2018 Exec report as being £155m. The indicative breakdown of the key elements of the infrastructure scheme updated to June 2020 are as follows:

Table 1 Total Infrastructure Costs

Infrastructure Elements	£'000
Enabling Works including site clearance, early demolitions,	4,330
Phase 1 Infrastructure including bridge access onto site, new spine road, drainage	90,250
New Park	17,960
Museum Square and Boulevard	9,560
Southern Access to Site	6,290
Compliant Station Access	6,420
Full Western Station Entrance	9,840
Leeman Road Tunnel, Marble Arch Link	2,300
Leeman Road East	inc above
Utilities into site	7,840
Total Infrastructure	154,790

16. Full Council established the budget to fund this key site enabling infrastructure in Dec 2018 to allow viable development to proceed. The funding comprises a combination of external grants, previously agreed approvals, developer contributions and significant new Enterprise Zone backed borrowing of £35m. The works and funding options outlined in this report are part of this core budget.

Table 2 York Central Budget

Funding Source	Budget	Prior Approvals	Approvals Sought	Budget Remaining
	£'000	£'000	£'000	£'000
CYC	4,662	(1,110)	(1,960)*	1,592
CYC Borrowing – Enterprise Zone	35,000			35,000
MHCLG funding	77,100			77,100
YNYER LEP	3,110	(1,580)	(1,530)	0
WYTF Contribution	23,500			23,500

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Balance – Developer Contributions, Land Values, Cost Control	11,628			11,628
Total Funding Available	155,000	(2,690)	(3,490)	148,820

17. The WYTF Full Business Case (FBC) was conditionally agreed in February 2019 (with £23.5m for the York Central component) and this will proceed to final sign off when the Stage 4 design is priced. It is also conditional upon confirmation of the conditions of the MHCLG grant funding following the budget announcement in March, which is still pending.

Current Progress

18. In October 2019 Executive made the commitment to undertake further project development activity, working with the York Central Partnership, to ensure the scheme maintained momentum and would be ready to progress into delivery phases when decisions on external grant funding were confirmed.
19. The £2.275m budget agreed by Executive, including YNYER grant, has funded significant activity to finalise and submit the Reserved Matters Application (RMA), following a comprehensive pre-application information exercise. The detailed (RIBA stage 4) design work will be completed imminently to enable confirmation of the construction costs and submission of the WYTF+ final business case.
20. The timescale for the determination of the RMA for the first phase infrastructure has been impacted by Covid 19. The finalisation of documentation and submission at the end of March was impacted by the shift to home working arrangements and the commencement of critical archaeological evaluation work on site was delayed due to the furloughing of the contractors staff. The overall delay is c3 months.
21. The Executive report of October 2019 released funding for the project through to May 2020 and determination of the RMA. Robust management of the project team and budget has enabled the funding to stretch to July. However, the remaining contingency would be completely exhausted by September.
22. A proposal for maintaining project momentum, by drawing down further funds from the previously approved York Central Budget is set out below:
23. **£3.49m to April / May 21.** This will deliver:
- i. Conclusion of the detailed design work and confirmation of the construction cost and programme for delivery of the infrastructure works.

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- ii. Submission of the FBC+ to secure the WYCA funding for the construction phase.
- iii. Formalising the necessary pre-construction agreements between the partners and statutory authorities.
- iv. The ability to let an enabling works construction contract including: site clearance, demolitions and site preparations, infrastructure package 1. This would be funded by acceptance and draw down of the recently approved £1.53m YNYER grant funding, and a further drawdown of the CYC York Central Capital Budget of up to £1.96m

24. The table below provides a summary of the costs of the proposal :

Activity	£'000
Project Team	370
Project and programme Support	170
IP1 – enabling works including contract administration	4330
Less NR works	-1,200
Less existing committed	-180
Total	3,490

Analysis

25. Concluding the detailed design work and confirming the contractors priced proposals is necessary to submit the WYCA FBC+. If this is not undertaken it would lead to delays in the delivery of York Central, and could lead to difficulty in achieving grant spend within the currently understood funding windows. Any delivery delay will also result in a reduction in the amount of retained business rates likely to be generated as part of the Enterprise Zone to fund the proposed £35m of prudential borrowing to fund the further phases of enabling infrastructure. Any significant delay also introduces risk to the procured construction contract where the tendered rates were only valid for 12 months.
26. The ability to commit to site preparation works ahead of the main contract would allow the main contract for the first phase infrastructure works to commence in early 2021. If this is not possible the conditional contract with the Millennium Green Trust is also at risk.
27. Since last Oct CYC have progressed with project development to ensure delivery readiness. The March budget announcement of the £77m funding by

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MHCLG was hugely significant. Early Contractor Involvement (ECI) has been extremely beneficial in refining the detail design and delivery programming. Our preferred construction partner Sisk is now confirming pricing for the works packages to enable the confirmation of the WYCA funding, through the FBC+ gateway.

28. The project programme has been updated to reflect some delay to the RMA determination, as a result of Covid 19 impacting archaeological works on site. However, the RMA determination is pending and undertaking a package of enabling works commencing in late 2020 will allow the main infrastructure works to commence in early 2021. This timing is important to take advantage of the existing Millennium Green conditional contract and to ensure that the infrastructure delivery is in line with the requirements of the NRM Masterplan.
29. The York Central Partnership has signed a Partnering Agreement, which commits the partners to work jointly to deliver the scheme. Partners have already made investments at risk and secured further commitments totalling over £50m for York Central.
30. Network Rail has spent £5.842m so far on land assembly, rail relocation works, rail design for enabling works/relocations, planning, legal and consultant's fees. Network Rail have also recently confirmed that they will fund the site clearance and rail infrastructure alteration elements of the enabling works to the value of £1.2m as part of the early enabling works. These works are necessary before the main infrastructure works contract can commence.
31. Homes England has committed £18.9m towards land assembly and contributed a further £355k towards the planning costs of the site, on top of a previous £200k contribution in 2018. Homes England have more recently confirmed a further budget of £7.6m subject to the MHCLG decision having invested in a dedicated delivery team working for the Project Director. Although some of this investment is backed by asset acquisitions these will not be realised unless the scheme is developed out so are "at risk" at this stage.
32. The NRM have spent £1.95m on their Vision 2025 masterplan for their museum development scheme and they have now secured a £18.58m DCMS grant to commence delivery of their £55m transformation scheme. The design team for the new Central Hall has now been appointed following the public exhibition of the shortlisted proposals in February. As an important cultural anchor they will continue to help shape the overall scheme and integrate their plans with the development of York Central, but their role differs from the major land owners NR and Homes England and from the Council as the custodians of a new part of the city and enablers of the future scheme. As a charitable organisation, NRM cannot undertake any development activity on non-Museum land, so NRM will not share in either the York Central development costs or receipts. The NRM have disposed of their surplus land assets to Homes

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England in order to integrate the land into the overall scheme and facilitate the early phases of the Vision 2025 development plans.

Disposal of land at Alliance House/Chancery Rise to network Rail

33. The Chancery Rise land was acquired in 2016 from Network Rail as part of a larger property deal whereby CYC sold a 5 acre Holgate Rd site to Network Rail for £1.55m to enable them to relocate maintenance facilities off the York Central site. As part of the same deal CYC acquired a strip of land at the southern end of their Holgate Works depot at Chancery Rise for £1, to facilitate a technically feasible access route into the York Central site. However, at that time work was already underway to evaluate alternative access options.
34. This (southern) access route was discounted in the Nov 2017 access options report, subject to final agreement and approval of the planning permission for the western access at Water End. The Chancery Rise site is therefore no longer needed to facilitate access to York Central.
35. Network Rail have approached us to buy back the strip of land as their plans for the 5 acre site are compromised by the Holgate Beck Culvert, and they require the additional adjacent land at Chancery Rise to accommodate their depot needs.
36. Officers have negotiated a deal for Network Rail to refund all our ownership costs since 2016 (£427k) and sell for the same price we paid - £1
37. If this land is not transferred NR would not be able to easily vacate the whole of the YC site and operational rail maintenance activities may have to remain alongside the new residential and commercial uses. The Partnering Agreement requires all parties to endeavour to deliver the overall scheme and not to use our land assets as ransom strips. The sale of the land at the price paid is consistent with that commitment.

Council Plan

38. The project will assist in the creation of a Prosperous City for All, and being a Council that listens to residents particularly by ensuring that :
 - I. Everyone who lives in the city can enjoy its unique heritage and range of activities.
 - II. Residents can access affordable homes while the greenbelt and unique character of the city is protected.
 - III. Visitors, businesses and residents are impressed with the quality of our city.
 - IV. Local businesses can thrive.

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- V. Efficient and affordable transport links enable residents and businesses to access key services and opportunities.
- VI. Environmental Sustainability underpins everything we do.
- VII. We are entrepreneurial, by making the most of commercial activities.
- VIII. We engage with our communities, listening to their views and taking them into account.

Implications

Financial –

39. In December 2013 Members agreed to earmark £10m towards the delivery of York Central. Currently £6,448k has been released to support technical work, masterplan development through to planning, land acquisition costs and site preparation works. There have also been other grant contributions from WYTF, Homes England, One Public Estate, LCR LEP, YNYER LEP and Department for Communities and Local Government (DCLG) EZ funding.
40. The proposed changes recommended in this report would increase the drawdown of CYC funds by £1.96m, also accepting a further grant of £1.53m. These proposals take total funding to a maximum of £16,924k.

	£'000	£'000
CYC – (£10m Allocation)		
Land purchase approval	1,014	
NRM Masterplan contribution	200	
Other Approvals	<u>7,194</u>	
Total CYC		8,408
YNYER LEP		6,000
WYTF Contribution		947
OPE Grant		250
Homes England Grants		1,084
LCR LEP Grant		200
DCLG EZ		35
Total Funding Available		16,924

Table 3 York Central Funding

41. Actual expenditure to June 2020 and current forecast

	Expenditure £'000
2015/16	112
2016/17	1,565

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2017/18	2,197
2018/19	4,764
2019/20	910
2020/21 to June 2020	397
2020/21 Estimated Exp to May 2021	6,976
Total	16,924

Table 4 York Central Expenditure

42. Any CYC funding will be at risk until the scheme has sufficient funding for the scheme to progress into delivery. If the MHCLG funding is not forthcoming and if the scheme does not go ahead then an element of these costs may be classed as abortive and need to be written off back to revenue. There are also risks that should the scheme not progress funding partners could seek reimbursement of their contributions. Any expenditure incurred on land not in ownership of the council that proves to be abortive would also result in additional VAT charges.
43. The potential level of abortive costs is assessed at £6,394k based on expenditure to Dec 2020. This is a significant sum in the context of the overall council finances however this would be mitigated by EZ retained business rates already collected at the site (estimated at £0.9m to the end of 2019/20) as well as future more limited development on the site from the existing infrastructure. Executive has also agreed to set aside up to £3m of the Venture Fund to support the EZ borrowing which would not be required if the scheme were not to progress.
44. It should be noted, however, that the positive funding announcement in the March 2020 budget significantly increases the likelihood of development and therefore reduces the risk of there being abortive costs.

Human Resources (HR) – none

Equalities – Equalities impacts were considered in the OPA and will be considered in the RMA for the first phase infrastructure

Legal –

Infrastructure Contracts

45. The procurement of the construction partner for the phase 1 infrastructure works was carried out using the YORCivils2 Framework and was structured in such a way that ensures the resulting contractual arrangements will not expose the council to further risk should the MHCLG funding not be forthcoming. The council entered into the Pre-construction Services Contract (for ECI services in the first instance) with the successful bidder, John Sisk, without an obligation to enter into the further two contracts for the construction phase with that bidder,

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should funding not be available to do so. Similarly the council may enter into the enabling works contract (IP1) with John Sisk without an obligation to enter into the further main construction contract (IP2) with John Sisk, should funding not be available to do so.

YNYER Funding

46. The standard YNYER Funding Agreement requires CYC to carry out the Project Activities specified within the funding Application within the timescales set out in the Project Programme and achieve the Milestones and Project Outputs within the time limits set out in the Agreement. Not doing so would constitute an Event of Default, for which YNYER would be entitled to suspend payment, reduce payment, cease payment and require repayment of funds or terminate the agreement.
47. There is an absolute requirement for CYC to notify YNYER if it:
 - i. becomes aware that it will be unable to make a Grant Claim;
 - ii. there is an event which may adversely affect the carrying out and/or Completion of the Project Activities; or
 - iii. There is an event which may adversely affect the Delivery of the Project by the Agreed Project Completion Date.
48. CYC have the opportunity to agree Changes with YNYER in respect of the Milestones and Project Outputs, which should be pursued in order to avoid the risk of future issues in respect of the matters outlined above.

Disposal of land at Alliance House/Chancery Rise to Network Rail

49. If the council wishes to dispose of property for less than best consideration reasonably obtainable/full market value then specific consent must be obtained from the Secretary of State for Housing, Communities and Local Government unless the council is satisfied that:
 - (i) The difference between the price being obtained and best consideration/full market value is less than £2 million and
 - (ii) The purpose of the disposal will facilitate/contribute to the improvement of the environmental, economic or social well-being of its area
50. If the council does decide to dispose of this land to Network Rail for £1 (and in return for NR reimbursing the council for expenditure incurred by the council in connection with our ownership of the land since 2016), it is recommended by Legal Services that any Transfer Deed to NR should contain provisions restricting the purpose for which NR can use the land and requiring the council's consent if they wish to dispose of it to someone else (so that, for example, NR cannot use/sell the land for something other than which facilitates the development of the York Central site in accordance with the terms and principles of the YC Partnering Agreement).

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Procurement of further project support consultancy services necessary for the delivery phase

51. In order to facilitate proper and appropriate contract and quality management for the IP1 and IP2 works contracts to ensure the successful management of the delivery phase a structured delivery support team needs to be established consisting of the following services:
- i. Ongoing Engineering support and review
 - ii. Ongoing Environmental support and review
 - iii. Contract Administration support including supervision, programme control, risk management and reporting functionality
52. Officers have worked with the procurement and legal teams to identify the most appropriate procurement route and have selected the Homes England 'Multi-disciplinary' Framework due to the following:
- i. Major organisations have been pre-selected through a robust and legally compliant procurement process by Homes England within the Framework enabling a quicker route to market than an open or restricted procurement process
 - ii. This Framework is the same as is currently being utilised to deliver the Stage 4 Design works
 - iii. Subcontract and sub consultant agility to be able to apply continuity of work to date as, and if, required by nomination.
 - iv. Familiar contractual terms with the ability to request for Upper Limiting Fee rather than Lump Sum to enable the council to have a level of commercial control throughout the duration of the contract
53. If the procurement is not undertaken there is a risk that the council would need to manage the works contracts with limited resources risking cost and quality or that the start on site of the IP1 works may be delayed due to the duration required of the procurement process

Information Technology (IT) - none

Crime and Disorder - none

Property – none

Risk Management

54. In September 2019 Audit and Governance Committee undertook a comprehensive review of risk management arrangements for the York Central project.

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55. The previous report in July 2019 detailed the key risks of the project progressing and they are still considered to be relevant at this time

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Background Papers:

Previous Executive Reports:

15 November 2017-	York Central – Preferred Access Route and Preparation for Planning
15 March 2018 -	York Central - York Central Access Construction
21 June 2018 -	York Central Master Plan and Partnership Agreement
30 August 2018 -	York Central Update - Western Access
29 th November 2018 -	York Central Enterprise Zone Investment Case
17th January 2019 -	York Central Partnership Legal Agreement
18 th July 2019 -	York Central Partnership Update
24 th October 2019 -	York Central Partnership Update

Annexes

Annex 1 – Site plan

Annex 2 – plan showing land at Chancery Rise for disposal

List of Abbreviations

CYC - City of York Council

DfT – Department for Transport

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ECI - Early Contractor Involvement

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