

Report of the Director of City Strategy

Access York Park & Ride Land Purchase

Summary

1. This report recommends that the Committee approves the purchase of land at Poppleton Bar and Askham Bar to enable the proposed construction of the sites to progress in accordance with the delivery programme.
2. Options for the purchase of the land expire on 31 March 2012 which allowed significant slippage in the original programme. Owing to the delays in the project caused by the government's suspension of the Major Scheme programme and unwillingness of the landowners to extend the options under the original conditions it is considered advantageous to purchase the land now. The Council's capital plan will need to be reprofiled to accommodate this change.

Background

3. Expanding the Park & Ride network is a key Council Plan priority under the 'Get York Moving' banner. The full Access York Phase 1 project involves:
 - The construction of 3 new Park & Ride sites at Askham Bar, Poppleton Bar and Clifton Moor.
 - A major upgrade to the A59/A1237 Outer Ring Road roundabout.
 - Associated bus priority measures.
4. The original programme following approval by the Department for Transport (DfT) in March 2010 was for the sites to be operational by the summer of 2012 (construction start in spring 2011).

5. Following suspension of the Major Scheme programme by the government in June 2010 a Best and Final Bid was submitted in September 2011. The overall scope of the project to be delivered in the first phase has been reduced to 2 sites (Poppleton Bar and Askham Bar). This revised project was approved by the DfT in November 2011. Alternative ways to fund the delivery of the Clifton Moor site are being investigated.

Land Purchase

6. All of the sites require land to be purchased. Securing land was identified as a key risk at the commencement of the project. To reduce the risk and provide cost certainty options (conditional agreements) to purchase the land were agreed with the landowners. Non-returnable deposits were paid against the land purchase cost in return for the option to purchase extending for approximately 3 years to 31 March 2012. At the time that the options were agreed it was anticipated that the land would be purchased in early 2011 meaning that approximately 1 year of programme slippage could be accommodated.
7. Approximately 70% of the cost of the project including land is funded by the DfT providing the scheme receives full approval from the DfT. Until full approval has been obtained (only possible to submit for approval after tenders for construction have been received) all costs are considered to be expended at the risk of the council.
8. The DfT have confirmed that it would not be possible to submit the project for Full Approval without the price of the land being confirmed and the purchase mechanism identified.

Askham Bar

9. The majority of the car park area for the new Askham Bar site is to be constructed on the former Sim Hills landfill tip which is owned by the council. A local landowner owns the remainder of the site. A small area of land required for the bus only exit near to the existing Park & Ride site has already been purchased. The option for the land runs out on 31 March 2012.

Poppleton Bar

10. A local landowner owns the land required for both phases of the proposed Poppleton Bar Park & Ride site. Separate options for each phase of the project were agreed in 2009 (phase 1 - 600 spaces,

phase 2 – a further 650 spaces). The option for phase 1 runs out on 31 March 2012. If the option fee for the 2nd phase is paid by 31 March 2012 then the option for this land would be extended until 31 March 2017.

Clifton Moor

11. A local landowner owns the land required for the Clifton Moor site. An option to purchase was agreed in 2009 and expires on 31 March 2012. A separate option has been negotiated for the purchase of the land required for the bus link to the Clifton Moor trading estate. A funding mechanism for delivering the Clifton Moor site is not currently identified.

Current Situation

12. Owing to significant delays to the project, caused by the suspension of the Major Scheme programme by the government in June 2010, the options on the land purchase will expire before the full approval of the scheme by the Department for Transport (DfT). All of the landowners have been approached with a view to extend the options for a year to allow the designs to be completed, the project to be tendered and necessary funding approvals to be obtained.
13. The Askham Bar and Poppleton Bar landowners have indicated that they are not willing to extend the options under the current arrangements. Further discussions are ongoing with the landowner of the Clifton Moor site. A verbal update will be given at the meeting.
14. Failure to acquire land for the Askham Bar and Poppleton Bar sites would prevent the progression of the scheme. There are a limited number of options which could be considered. Detailed costs and further analysis are included in the confidential annex to this report.

Option 1 - Purchase land for Askham Bar and Poppleton Bar prior to 31 March 2012 (Recommended option)

15. The full price for the land would be paid by 31 March and the title would transfer to the Council. This would provide certainty that the project could proceed without delay when the funding was finally approved by the DfT (expected in December 2012).
16. The availability of the land for phase 2 of the Poppleton Bar site would also be secured until 2017 by paying a deposit by the end of

March 2012. This would provide security to enable the site to be expanded if required in the future. We are also investigating the possibility of purchasing an area of the phase 2 land to assist in the delivery of the phase 1 site.

17. The delivery of the full project is dependent on funding being confirmed by the DfT. There is a risk that higher than anticipated tender prices are returned which would require an increased contribution from the council as the DfT have capped their grant. The scheme would remain a key Council priority but delivery may be significantly delayed if a mechanism for providing the additional funding could not be established. There is also a small risk that the DfT will suspend the entire Major Scheme process again.
18. The Council would be left holding an asset which it no longer immediately required. It would be possible to sell the land however the value would be affected by the location in the Green Belt and lack of alternative development opportunity. It should also be noted that there are restrictive covenants including overage payments on the sale of the land for any use other than for a Park & Ride site. Alternatively the land could be rented out until funding became available to progress the scheme. Rental income would be approximately £2,500 per year.

Option 2 – Allow Options to Lapse

19. Under this option no action would be taken and the options for the land would expire on 31 March. This would lead to a substantially increased risk that the project would not progress within the estimated budget and timescale. The deposits already paid for the land would be lost. Tendering for the construction of the project without securing the land in advance is considered to be inadvisable. Possible scenarios for progressing the scheme without securing the land at this stage are included in the confidential annex.

Council Plan

20. Phase 1 of the Access York project is critical to the future economic prosperity and environmental wellbeing of the city and assists in the delivery of the following Council Plan Priorities:
 - Get York Moving –
 - Removes traffic from the city centre
 - Increases capacity of the Outer Ring Road.

- Provides bus priority for Park & Ride and service bus routes to encourage transfer to sustainable transport.
- Improves access across Outer Ring Road by walking and cycling

Create jobs and grow the economy –

- Reduces impact of congestion on business
- Provides improved public transport options for staff and customers

Protect the Environment –

- Improves air quality in the city centre
- Reduces carbon emissions.

Implications

Financial

21. The financial implications are dependent on the option approved – details are included in the confidential annex.

Option 1

22. Funding for the land required for Phase 1 of the Access York Project is already included in the Council's capital programme. It was originally anticipated that the funding for the land purchase would be needed in 2012/13. Purchasing the land in 2011/12 (Option 1) would mean that the funding allocated would need to be brought forward in the programme by a year.
23. The payment of the deposit for the Poppleton Bar phase 2 land would ensure that the land is secured for the future extension of the Park & Ride site for 5 years. Funding of this element could be accommodated in the existing 2011/12 Access York budget allocation.

Option 2

24. Under Option 2 the cost to purchase the land is uncertain and would depend on agreement with the landowners. The funding mechanism would need to be agreed in advance of the purchase and before the project was submitted for Full Approval. Funding requirements in excess of the levels included in the original bid may require an additional contribution from the council.

Human Resources (HR)

25. No implications

Equalities

26. No implications

Legal

27. Legal advice is that Option 1 is less risk averse if sites need to be secured (subject to report comments on restrictive covenants) as all agreements are ready to be proceeded upon giving more certainty.
28. Option 2 does not guarantee acquisition of the land and as a result of this the potential sellers are in a strong position to negotiate significant increases in purchase prices. Any Compulsory acquisition is likely to be problematical and will be contrary to funding criteria which requires the sites to have already been secured.

Property

29. Property advice is to purchase the land before the expiry of the options as indicated in Option 1. This would provide the highest degree of cost and time certainty. If the delivery of the project was delayed the land could be rented until funding to progress the scheme became available. If Option 2 was followed then there is a high likelihood that the cost of acquiring the sites would increase especially as land values are currently rising.

Risk Management

30. The risks are dependent on the option approved.
31. Option 1 removes one of the last major 'show stopping' risks associated with the project. Methods to reduce some of the other major risks such as planning consent and funding, have been identified. The extent of the financial commitment to the project would increase before final approval was obtained leading to the potential for increased abortive costs however the overall risk level on the project would be unchanged. – Risk Level: Medium
32. The impact of progressing option 2 is uncertain. This option increases the risk of the project not being delivered within the funding allocation or anticipated timescale. If the landowners are unwilling to

sell then the delivery of the entire project may be jeopardised. Risk Level: Critical

Recommendations

33. Members are asked to approve the recommended option - 'Option 1 - Purchase Land for Askham Bar and Poppleton Bar before Expiry of Land Options' which involves the following elements
- i) Purchase of land for the Askham Bar site in accordance with the conditional agreement.
 - ii) Purchase of Phase 1 land for the Poppleton Bar site in accordance with the conditional agreement.
 - iii) Payment of the deposit for Phase 2 land for the Poppleton Bar site in accordance with the conditional agreement.
 - iv) Authorisation of the Director of CBSS to reprofile the capital plan in accordance with the revised payment profiles.

Reason: To ensure that land is available for delivery of the Access York Park & Ride Project.

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Report Approved

Date 9/3/2012

Report Approved

Date Insert Date

Specialist Implications Officer(s)

Finance: Patrick Looker Finance Manager City Strategy

Wards Affected: Rural West

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For further information please contact the author of the report

Background Papers:

Access York Phase 1 Park & Ride Development – Update Report
Following Programme Entry – to the Executive 13 April 2010.

Update Report to City Strategy Decision Session – 1 Feb 2011

Access York Park & Ride Funding Bid – Cabinet – 6 September 2011

Confidential Annex

Confidential Annex 1: Access York Park & Ride Land Purchase –
Report to Staffing & Urgency Committee – 19 March 2012