



COUNCIL

Council Summons and Agenda

You are hereby summoned to attend an **Extraordinary Meeting of Ryedale District Council** to be held in the **Council Chamber, Ryedale House, Malton** on **Friday 7 October 2011 at 6.30pm** in the evening for the transaction of the following business, after Prayers:

Agenda

1 **Emergency Evacuation Procedure**

The Chairman to inform Members of the Public of the emergency evacuation procedure.

2 **Apologies for absence**

3 **Public Question Time**

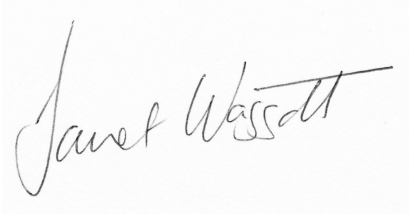
4 **Declarations of Interest**

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.

Reports of Officers of the Council

5 **A64 Brambling Fields Junction Improvement - Final Approval and Section 274 and 278 Legal Agreement** (Pages 1 - 22)

A handwritten signature in black ink on a light-colored background. The signature reads "Janet Waggott" in a cursive, flowing script. The first letter 'J' is large and loops around. The name is written in a single line with a horizontal stroke at the end.

Janet Waggott
Chief Executive



REPORT TO:	COUNCIL
DATE:	7 OCTOBER 2011
REPORT OF THE:	HEAD OF ECONOMY AND HOUSING JULIAN RUDD
TITLE OF REPORT:	A64 BRAMBLING FIELDS JUNCTION IMPROVEMENT – FINAL APPROVAL AND SECTION 274 AND 278 LEGAL AGREEMENT
WARDS AFFECTED:	MALTON, NORTON EAST AND WEST, DERWENT

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 Following the Council's decision on the 3 November 2010 to allocate £2.37m towards the improvement of the A64 Brambling Fields junction this report seeks the final Member approval to deliver the A64 Brambling Fields junction improvement, in partnership with North Yorkshire County Council, via a Section 274 and 278 legal agreement with the Highways Agency who will deliver the scheme.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that, subject to acceptance of the financial implications as detailed in the Supplementary Financial Report that:

- (a) Ryedale District Council, in partnership with North Yorkshire County Council, agrees to fund the Brambling Fields junction improvement scheme, as detailed in NYCC Decision No. C3/11/0492/CPO, on the A64 Trunk Road, apart from those costs to be covered through the agreed assistance of the Highways Agency, and commits to enter into a legal agreement under Sections 274 and 278 of the Highways Act 1980, as amended, with the Secretary of State for Transport and North Yorkshire County Council. This is subject to confirmation that North Yorkshire County Council is willing to enter into the Section 274 and 278 legal agreement to jointly fund the Scheme and that progress made in the relocation of the protected species is considered satisfactory by Natural England;
- (b) Members authorise the Council Solicitor to on or before the 21 October 2011 negotiate and seal the section 274 and 278 Agreement on behalf of the Council; and
- (c) Other than the £800K contribution from the NYCC Integrated Transport Capital Programme, the final scheme cost of the Brambling Fields junction

improvement be shared between Ryedale District Council and North Yorkshire County Council, and appropriate developer contributions are sought to repay this cost, in accordance with the funding agreement between the two Authorities.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 The lack of an off-slip road at the Brambling Fields junction means that traffic from the York direction cannot leave the A64 to gain access to Norton and the B1248 to East Yorkshire. Consequently this traffic cannot currently use the A64 to by-pass the centre of Malton and Norton and then gain access to Norton via the Brambling Fields junction and Scarborough Road on the eastern side of the town. This is a major contributing factor to traffic congestion and associated problems in the centre of Malton and Norton, in particular at Butcher Corner.
- 3.2 The provision of a new 'off-slip' road from the A64 at the Brambling Fields junction, in conjunction with necessary traffic management measures in Malton town centre, would allow and encourage through traffic to use the by-pass route, including a significant amount of heavy goods vehicles, and thus reduce traffic through Butcher Corner by around 30% when operating to maximum effect. The traffic continuing to use Butcher Corner will then be mostly that with a town centre or local destination. This will help address air quality problems that have resulted in an air quality management zone at Butcher Corner and will allow pedestrian facilities to be improved for shoppers to the benefit of the local economy. Furthermore these changes will release capacity in the local highway network for traffic generated by future development, which is vital for the Ryedale LDF.
- 3.3 This project is the only means of achieving this fundamental infrastructure improvement in the foreseeable future, at a time when funding for public sector projects is extremely limited. A reduction or withdrawal of Ryedale District Council support would stop the project with no alternative means of funding this improvement likely for many years.
- 3.4 The Brambling Fields junction improvement alone does not solve all of the shortfalls in the highway network in and around Malton and Norton and it is important that this Council continues to work with partners and developers to address other outstanding infrastructure issues. However, it provides very significant benefits and there is no other potential highway infrastructure improvement that is comparable - in terms of costs, achievability, and changes to traffic movements - to meaningfully address the congestion, air pollution and road safety problems that exist within Malton or to provide internal road capacity for new development to provide jobs and homes at Malton and Norton. Consequently the Ryedale LDF is based upon this junction improvement being in place.
- 3.5 The Brambling Fields scheme is only progressing because of the support and funding of NYCC and RDC. The two authorities will remain entirely liable for the full actual cost of the Highways Agency delivering the project (excluding specified costs that the Highways Agency has agreed to cover). It is not legally possible for either of the two Councils to cap their liability for the proposed scheme.
- 3.6 The conditions that are built into the recommendation are necessary because the Council will not receive final details of the preferred tender until two days before the Council meeting and it is important that these financial details are accepted before proceeding. In addition, work is still ongoing to relocate a protected species from the site in accordance with the relevant legislation and restrictive timescales therein.

Further progress will be required before this issue can be removed as a potentially significant risk to timescales and cost. Due to this uncertainty and the late availability of the target cost NYCC is not, at the time of preparing this report, yet in a position to provide final confirmation that it will enter into the S274 agreement as co-funder of this Scheme at this stage. This confirmation is essential in order for this Authority to proceed. An update on these issues will be provided at the 7 October Council meeting.

4.0 SIGNIFICANT RISKS

- 4.1 A target cost for the construction of the project will be made available to Members in advance of the 7 October 2011 Council meeting. However, the two local authorities are fully liable for final cost of the scheme and this will only be certain following completion of this civil engineering project. It is important that the Council minimises the risk of unbudgeted costs. For this reason the current detailed design process has included several value engineering stages and other measures to minimise and to accurately estimate the costs in advance of signing the Section 274 and 278 legal agreement. The project team has also undertaken extensive and detailed pre-construction investigations, including such issues as ground conditions and ecology, in reflection of the degree of risk and cost impact associated with unforeseen difficulties in these areas. The target cost contract has been achieved via a mini competition and using a Managed Works Framework, thereby optimising the likelihood of a competitive cost. Any overspend will be shared equally with NYCC. The Council's revenue forecasts include borrowing costs, excluding the projected developer contributions not yet banked. Therefore future developer contributions may be applied to meet overspends.
- 4.2 The other potentially significant risk of proceeding with the recommendation is that the completed final scheme does not deliver expected outputs and outcomes in terms of traffic diversion and associated benefits. This risk is mitigated through extensive and validated traffic modelling information that has demonstrated that the scheme, together with complimentary traffic management measures within Malton and Norton, will reduce traffic passing through Butcher Corner by up to a third. Furthermore, following construction the impact of the scheme will be monitored by NYCC and the appropriate traffic management measures then introduced to achieve the required benefits from the scheme.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 The A64 Malton by-pass was eventually completed in 1979 although there had been plans for the scheme for many decades. Unfortunately, the completed project contained only one junction (at Old Malton) close to Malton and Norton where both eastbound and westbound traffic could both join and leave the A64.
- 5.2 The design of the two junctions at either end of the by-pass (the Musley Bank junction to the west and the Brambling Fields junction to the east) allowed traffic to join or leave the A64 in only one direction because they did not include slip-roads for traffic heading in both directions. This has meant that traffic heading for many destinations in Malton and Norton and beyond had to leave the A64 earlier than would otherwise be necessary and instead travel through the centre of Malton and Norton, in particular through the Butcher Corner junction in Malton. The issue is made worse by traffic queues resulting from the regular closure to allow the passing of trains at the level crossing on the only internal road link between

Malton and Norton. In addition there was no junction at all included between the B1257 towards Helmsley and the A64.

- 5.3 As the 1990s progressed traffic movements between Malton and Norton were almost reaching the pre-Malton by-pass levels, resulting in severe congestion particularly around the level-crossing area and the Butcher Corner traffic lights. In 1992, the District Council co-funded with North Yorkshire County Council a study of the traffic problems associated with the Norton Grove Industrial Estate in the wider Malton-Norton context.
- 5.4 The Study recommended a new road between Norton Grove and Scarborough Road (which was completed in 1995) and identified, in the longer term, the need for an outer link between Scarborough Road and Beverley Road. In addition to the creation of Westfield Way, the two Authorities funded a major improvement to the A64 Brambling Fields junction to add a new westbound entry slip road to allow traffic to access the westbound carriageway of the trunk road and so avoid travelling through the central areas of Malton and Norton (the location and current layout of the Brambling Fields junction are shown at Annex B and C). However, the Ryedale Local Plan, which was adopted in 2002, stated that “the District Council will continue to press for a further upgrading of this junction to allow eastbound traffic to leave the A64 at this point and so further reduce congestion through central Malton and Norton”.
- 5.5 Following a strong consultation response from local people, North Yorkshire County Council’s Malton & Norton Transportation Strategy confirmed in 2004/5 that the upgrading of the Brambling Fields junction, in combination with complimentary traffic management measures in the centre of the towns, was the number one priority in addressing the local transport problems. In addition, the Strategy identified four other strategic highway priorities for Malton and Norton:
- Improvement of Musley Bank junction (A64 / York Road) to provide full movements
 - A new junction at A64 / Broughton Road (B1257) to provide full movements
 - A new link road between Beverley Road (B1248) and Scarborough Road (B1248)
 - A new link road between Norton and York Road, Malton, via the “Woolgrowers’ site and a new river and rail bridge.
- 5.6 The Council meeting of 30 June 2005 unanimously resolved that Ryedale District Council:
- i) Requests that John Greenway, MP for Ryedale, seeks the assistance of the Minister in achieving early implementation of junction improvements on the A64 at Malton and Norton;
 - ii) Works with the Town Councils, the Malton and Norton Partnership and other relevant organisations to draw attention to this issue and to seek early action to address the harm that is being caused to the towns;
 - iii) Works in partnership with the Highways Agency, North Yorkshire County Council and others to draw up suitable schemes for the improvement of the A64 junctions and achieve their implementation.’
- 5.7 Consequently, the District Council established a Junctions Action Group in partnership with North Yorkshire County Council, the two Town Councils, the emergency services, the Fitzwilliam Estate and other local stakeholders, with support from the then MP. This attracted significant local media attention and led to a meeting with the then Roads Minister in 2005 who suggested that financial contributions from

the County and District Council would be required to bring forward any improvement to the A64 junctions at Malton and Norton. This was because the problems caused by the limited vehicle movements available at the A64 junctions were primarily on the adjacent local road network and not on the A64 itself.

- 5.8 This Council subsequently commissioned a study of the options for upgrading the Brambling Fields junction. The resulting 2006 Report by Mouchel Parkman identified a new off-slip and two-way use of the existing road bridge over the A64 as being the preferred option for upgrading after dismissing other options such as a new roundabout on the A64 itself.
- 5.9 The 28 June 2007 Policy and Resources Committee approved for consultation an approach, as local planning authority, to seeking developer contributions towards A64 junction improvement costs at Malton and Norton, and agreed that this be taken into account in planning decisions with immediate effect. In the intervening period the local planning authority has received developer contributions from a number of qualifying developments in the Malton and Norton area.
- 5.10 In October 2008 the Highways Agency (HA) appointed their framework consultant, WSP, to undertake a commission for preparing an initial design (including a Stage 1 Safety Audit) and estimated cost of construction for an improvement to the A64 Brambling Fields junction. The commission, estimated to cost £85k, followed a request from Ryedale District and North Yorkshire County Councils, who jointly agreed to fund the work. The commission involved a series of individual technical assessments to enable the consultant to produce an estimate of the construction, contract preparation and supervision costs of delivering the interchange improvement scheme.
- 5.11 After the rejection in both 2007 and 2008 of joint bids by this Authority and NYCC for Regional Transport Board funding towards junction improvements at Malton and Norton a major breakthrough occurred in early 2009. The then Regional Transport Board for Yorkshire and the Humber agreed to distribute an under spend in the Regional Transport Fund to highway authorities across the Region. This led to North Yorkshire County Council receiving £18.1m of supplemental transport funding.
- 5.12 Following an assessment of transport schemes and bids the County Council Executive agreed on 28 April 2009 to allocate £2m to the Brambling Fields junction improvement to supplement the £800k previously allocated to the project by NYCC. However, this was agreed on the basis of recouping at least some of the NYCC investment from future development contributions linked to Ryedale LDF land allocations and permissions.
- 5.13 The County Council also allocated £1m of the Regional Transport funding (later reduced to £750K) towards complimentary traffic management measures within Malton and Norton and other local transport improvements. This one-off windfall from the former Regional Board will not be repeated in the foreseeable future and Ryedale is one of only a very limited number of North Yorkshire districts to benefit from this funding
- 5.14 The outcomes of WSP's Preliminary Design Report for the Brambling Fields junction improvement were reported to Policy and Resources Committee meeting on 30 July 2009 as part of a wider revision of the Council's capital programme. The estimated cost of the project was around £5.6m although subsequent negotiations with the

Highways Agency reduced the anticipated cost to the two local authorities to around £4.75m. Council agreed on 3 September 2009:

'That the recommendations of the Policy & Resources Committee as submitted be approved and that the Council:

- (i) (a) include in the Council's capital programme a scheme for the Brambling Fields junction upgrade with a maximum contribution of £1.95m - subject to the agreed contribution from NYCC - to support the implementation of the junction upgrade, with funding to be dispensed over the period 2009-12;
- (b) endorses the use of developer contribution agreed towards Brambling Fields to meet any shortfall in scheme costs, and thereafter that such contributions should be received by the District Council but be redistributed equally between NYCC and RDC to pay back their contributions, and that this situation be reviewed following the agreed level of developer contributions being received towards the joint local authority contribution; and
- (c) endorses the taking forward of the Preliminary Design Report to public consultation stage, alongside proposed traffic management measures, and subsequently consider responses and scheme amendments before proceeding to formal legal agreement.'

- 5.15 A detailed scheme was then further progressed and analysed by WSP. This led to some design changes to address potential safety issues. Instead of the new off-slip meeting the existing Scarborough Road at a t-junction, a new roundabout was required. This and the cost of a new lighting scheme and ecological mitigation (necessary following detailed ecological survey work) lifted estimated scheme costs to the two local authorities by £840K in total (to around £5.61m). The design of the proposed junction improvement is illustrated at Annexes D and E.
- 5.16 NYCC agreed on 28 September 2010 to increase their contribution by £420K (to make their overall contribution £3.22m) and formally requested this Council to do the same. The cost increase was considered at 4 November 2010 by Council where it was resolved to:
 - i. Include in the Council's capital programme an increase of £420K in this Council's agreed contribution to the Brambling Fields junction upgrade to give a maximum Ryedale District Council contribution of £2.37m – subject to the agreed contribution from NYCC, to be financed from the borrowing approval for the Vivis Lane junction scheme (now withdrawn);
 - ii. Endorse the seeking of appropriate developer contributions towards the entire Ryedale District Council costs and appropriate North Yorkshire County Council costs incurred through the Brambling Fields scheme. However, the situation will be reviewed once the specified level of developer contributions (as detailed within this report) has been received towards the local authority contributions; and
 - iii. Consider a further report regarding the conclusion of the detailed design stage, including the public consultation, before proceeding to formal legal agreement to implement upgrading of the A64 Brambling Fields Junction.'
- 5.17 Public consultation on the proposed improvement of the Brambling Fields junction was undertaken in March 2011 (see 7.5 below) and the response was strongly supportive.
- 5.18 NYCCs Ryedale Area Committee agreed on 15 June 2011 that following the construction of the A64 Brambling Fields junction improvement the impact of traffic relief in the towns, in particular in the vicinity of Butcher Corner, be monitored for a period of at least 6 months. A report on the outcome of the monitoring will be presented to a future meeting of the Area Committee along with details of proposed complimentary traffic management measures within Malton and Norton.

5.19 The supporting information for the May 2011 planning application for the Brambling Fields junction improvement was based upon extensive data, including the 2004 and 2008 traffic models produced for NYCC. These have been calibrated and validated, in accordance with Government guidance, to reflect local traffic and journey patterns and to ensure that they are sufficiently robust to reliably assess the transport impacts of schemes and developments within Malton and Norton. These demonstrate a reduction in traffic flows at Butcher Corner of up to a third with the Brambling Fields junction and the complimentary measures in place, based on the design year of 2012. The planning application and the assessment of this by the planning authority confirmed that the junction scheme and complimentary traffic management measures would:

- Reduce NO₂ concentrations at every receptor and monitoring location within the Malton Air Quality Management Area and reduce the number of annual mean objective exceedences of NO₂ by 66%.
- Reduce traffic flows and therefore accident risk at Butcher Corner, where there have been seven accidents since 2006, five of which involved pedestrians. Proposed changes to the Butcher Corner traffic lights to introduce additional pedestrian phases as part of traffic management measures to compliment the Brambling Fields junction improvement would also reduce the accident risk.
- Facilitate other highways improvements in the centre of Malton / Norton and provide a more efficient access route to some strategic sites within Norton, including the Norton Grove Industrial Estate and other housing land allocations within the two towns.
- Provide relief to local junctions in the centre of Malton which currently operate above their planned capacity;
- Reduce problems of with air quality and noise in the centre of Malton and the minimise the potential air quality and congestion impacts associated with planned developments elsewhere in Malton and Norton;
- Provide improved access to the town and communities in its rural hinterland
- Be likely to facilitate a suite of significant social and economic improvements to the residents of the area in respect of human health and economic opportunities.

5.20 Officers continue to investigate the potential for the other strategic highway improvements at Malton and Norton that are detailed in 5.5 above. However, whilst these projects would provide benefits there remain substantial barriers to overcome in terms of cost and achievability before any of these can be progressed.

6.0 POLICY CONTEXT

6.1 The project to upgrade the Brambling Fields junction will have a direct and significant beneficial impact on at least three of the Council's five strategic aims: to meet housing needs, to creating the conditions for economic success and to have a high quality clean environment. Removal of through traffic from the centre of Malton will help directly improve air quality in the Air Quality Management Area and support the making of more local journeys via sustainable means of transport. The project will create conditions for economic success in the form of additional employment and commercial development and removal of a constraint on existing businesses and will facilitate residential development at Malton and Norton that meets housing needs.

6.2 Accompanying changes to the Butcher Corner junction, which has a poor accident record, will also increase safety for local communities. Furthermore, the project is an important element of the development strategy within the emerging Ryedale LDF in that it supports new development that is close to the best public transport facilities and highest level of jobs, shops and services within Ryedale.

7.0 CONSULTATION

- 7.1 There was a strong response rate of around 20% when over 7,700 consultation leaflets were sent to every household and most businesses in Malton and Norton in 2004 regarding North Yorkshire County Council's Malton & Norton Transportation Strategy.
- 7.2 The clear outcome of the consultation responses was that the Brambling Fields improvement was the most popular major highway improvement, with more than twice as many respondents identifying this as the top local highway priority when compared to the four other strategic highway improvements presented.
- 7.3 This public response, together with the significant benefits identified via traffic modelling based on extensive surveys of local vehicle movements, led the County Council to confirm in the finalised 2005 Strategy that the upgrading of the Brambling Fields junction was the number one priority in addressing Malton and Norton's transport problems.
- 7.4 A further well publicised public consultation exercise, linked to consultations on NYCC's Service Centre Transportation Strategy for Malton and Norton, and wider public realm enhancement schemes, was held over a four week period in March and April 2011. The consultation was launched on the 18th March 2011 with an exhibition staged over two days in the Green Man Public House in Malton Market Place. The consultation document confirmed that proposed A64 Brambling Fields Grade Separated Junction improvement, together with complimentary traffic management measures in Malton and Norton, is expected to reduce the volume of traffic passing through the Butcher Corner junction in Malton by up to a third.
- 7.5 Residents and those from the business community of the area were able to come and talk to officers of North Yorkshire County Council, Ryedale District Council, the Highways Agency and their consultants WSP. Leaflets and response questionnaires were made available at the exhibition and afterwards in libraries, Council Offices and responses could also be made online through the County Council's website. The consultation closed on 18th April 2011. In total 160 responses were received and analysis of these responses showed that 73.13% of those that responded strongly agreed or agreed with the proposed upgrade to the Brambling Fields junction and associated 'Complementary Measures', 12% disagreed.
- 7.6 Norton Town Council welcomed the May 2011 planning application for the Brambling Fields junction scheme as a long awaited improvement with benefits that far outweigh the financial concerns.

8.0 REPORT DETAILS

Procurement and Delivery

- 8.1 Brambling Fields is currently planned to be delivered via a Highways Agency Managed Works Framework contract (the HA is responsible for trunk roads such as the A64). Under this arrangement RDC and NYCC will enter into a legal agreement with the Secretary of State for Transport (under Sections 274 and 278 of the Highways Act 1980), who would then procure and deliver the project. This type of contract has proved to be effective at delivering outturn costs close to the agreed target and reduces the project's timescale and risk in comparison to other forms of procurement.

- 8.2 Instead of a fixed price the Managed Works contract involves target cost. The selected contractor is 'incentivised' to meet this target (or better it) by a pain / gain share arrangement. The incentive of continuous workflow for the contractor is very great. If this workflow can also be of a similar type and at a consistent level then there are significant opportunities for efficiency savings etc. If the final Defined Cost is below the Target the contractor is paid his share percentage of the savings, if it is above the Target the contractor will repay the stated share percentage.
- 8.3 With any civil engineering project there is inevitably an element of uncertainty regarding final outturn as unforeseen risks can occur which have to be paid for (NYCC and RDC would be jointly responsible for any increase in costs above the target cost and approved variation orders). Even with a Lump Sum contract the price is not "fixed" because these risks can still occur. A contractor is never asked to price for all risks as this is impractical and would result in a very high price that would be unaffordable. Consequently the project team has invested in additional detailed pre-construction investigations and surveys regarding such issues as ground conditions and ecology, in reflection of the degree of risk and cost impact associated with unforeseen difficulties in this area. In addition, the project budget takes account of and includes appropriate sums for the identified. The project budget also includes a general contingency for exceedances of identified risk costs or variations to costs.
- 8.4 In order to test the robustness of the early cost estimates for Brambling Fields a contractor from the Highways Agency Managed Works Framework was involved in reviewing the designs and costs. This confirmed that they were reasonable in relation to the Framework being used to procure the work and confirmed reasonable works programme durations and methods of working that are likely.
- 8.5 A significant issue for the delivery of the Brambling Fields junction improvement via the current Highways Agency Managed Works Framework is that there is only a very limited amount of time remaining to progress contracts under the existing Framework, and no replacement Framework is available through which to undertake this scheme. This is a challenge given that RDC and NYCC will not receive the selected contractor's target price for the scheme until 5 October 2011, and given that work is still ongoing to relocate a protected species from the site, both of which may impact on the decision of NYCC to enter into the contract to proceed at this stage.
- 8.6 Negotiations have continued with the Highways Agency during the preparation of this report and it has been agreed that, provided the Section 274 and 278 legal agreement is signed, sealed and delivered to the Agency on 21 October 2011, and that all of the required funds are transferred by the two Authorities to also be received by that date, a contract under the Framework for this scheme can proceed. Consequently, Members are being requested to support the recommendations of this report on the basis that the Council Solicitor be authorised, on or before 21 October 2011, to negotiate, sign and seal the Section 274 and 278 Agreement on behalf of the Council, subject to confirmation that North Yorkshire County Council is willing to enter into the Section 274 and 278 legal agreement to jointly fund the Scheme, and that progress made in the relocation of the protected species is considered satisfactory by Natural England.
- 8.7 Should the necessary progress not be made on this issue (i.e. a license not be granted or imminent) by 21 October 2011 the agreement will not be signed. It will then be necessary to re-tender the works through an open tender process. This would delay the implementation of the scheme as a result of the processes that must be followed, by not less than 7 months and potentially by up to 12 months (although much of the preparatory work required for this approach has been completed), and is

expected to increase the cost of the project by not less than £150K, with the potential for significantly higher costs. Should this situation occur a further report regarding the implications for the project timetable and anticipated costs will be considered by Members before advancing further.

Costs

- 8.8 The history of cost estimates for this scheme and the consequent local authority contributions are shown in the table below:

Stage Reached	Overall Cost to Local Authorities	RDC	NYCC
Preliminary Design – September 2009	£4.75m*	£1.95m agreed	£2.80m agreed (£2m + £0.8m)
Detailed Design inc safety and other amendments - September 2010	£5.6m*	£2.37m agreed	£3.22m agreed (£2.42m+ £0.8m)
Tenders received and target cost agreed – October '11	tbc*	tbc*	tbc*
Scheme completion – September 2012	tbc	tbc	tbc

* estimated cost

- 8.9 There have been some increases in expected costs since the last review in September 2010, although in a number of cases these were in relation to identified risks that had a contingency figure already attached to them. In addition, the cost estimates include a general contingency figure. Crucially, the contractor and the target cost for the scheme is identified through a mini-competition between the three contractors who have been pre-approved by the Highways Agency to undertake such works on the trunk road network under this Framework.
- 8.10 The mini-competition has taken place over August and September 2011 and has been completed and the Highways Agency is currently examining and assessing the tenders. The two local authorities will be provided with final details of the target cost and the contractor on 5 October 2011. Details of this will be provided to members in a Supplementary Financial Report to be issued in advance of the 7 October 2011 Council.
- 8.11 This Authority has spent £156K thus far of the currently agreed £2.37m contribution and this spend will rise to just over £200K by the point at which a contractor can be engaged. A similar level of spending has been incurred by NYCC. In addition, this Council has received over £500K of developer contributions towards the scheme (repayable if it does not proceed) and there have been over £200K of costs incurred thus far by the Highways Agency.

Current Progress

- 8.12 A planning application for the Brambling Fields junction improvement was submitted by NYCC Highways in May 2011. This was considered at the 30 August 2011 meeting of NYCC's Planning Committee. Planning permission for the scheme (detailed at Annexes D and E) was granted and has now been issued.
- 8.13 Land assembly to acquire the necessary parcels of land at Brambling Fields has

progressed well, with Heads of Terms agreed and solicitors now advancing the purchase to completion. The District Council will transfer the land to the Highways Agency to enable construction to take place.

- 8.14 The following tasks are in progress:
- Relocation of protected species(in liaison with Ryedale ecologist)
 - Archaeological works as required by planning condition
 - Landscape details
 - Compliance with other conditions of the planning approval
- 8.15 The ongoing tasks above are progressing satisfactorily however there is a critical time pressure in terms of the relocation of the protected species. Although a relocation of the species is not vital until late November in terms of the behaviour of these animals, the short timeframe under which contracts can be let via the managed Works Framework means that an agreement must be signed by 21 October. A licence is required from Natural England prior to demolishing the existing habitat.
- 8.16 If a license is not granted by Natural England prior to November 2011 work on the junction improvement will be unable to commence until Spring 2012 at the earliest. The current plan shows the works to commence in January 2012. In the event of the licence not being granted this year there is the potential for significant additional costs (estimated to be around £150K) being incurred as a result of the contractors not being able to proceed as planned, with attendant cost penalties. For this reason NYCC officers have stated a need for the license to be granted for relocation of the protected species before the construction contract is signed. However further discussions are taking place on this issue and the risk of incurring this cost must be compared against the additional time and additional costs (expected to be not less than £150K with the potential for significantly more) if an open tender process must be followed.

9.0 IMPLICATIONS

- 9.1 The following implications have been identified:
- a) Financial
- An essential aspect of the funding for the Brambling Fields project is that the District Council will recoup, via appropriate developer contributions, all of its investment in the project, together with all but £800K of the County Council's contribution. This Council has been collecting contributions from developers at Malton and Norton to recoup the investment by this Council and NYCC and over £500k is now banked, with a further circa £1.5m agreed (or close to being finalised) via developer contributions attached to planning permissions that have been granted. The amount of housing allocated via the Ryedale Plan at Malton and Norton or in Ryedale will not be influenced by the cost of the Brambling Fields project and given past building rates it may take up to 15 years to recoup all of the full public sector investment in the project. However, the District Council will not ultimately incur any costs for this project other than officer time and any cost of borrowing.
- The scheme is within the Council's capital programme and to be financed from borrowing. The Council's revenue forecasts incorporate the revenue costs of the borrowing in full, assuming that developer contributions already banked are applied at the outset of the scheme.
- b) Legal
- This Council and North Yorkshire County Council must sign up to a legal

agreement (under Sections 274 and 278 of the Highways Act 1980) with the Secretary of State for Transport to totally fund the final cost of the proposed works to the trunk road (in this case the A64). This means that the two Authorities will be liable for the entire final cost of the project, excluding the agreed support from the Highways Agency.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

This proposal has recently gained planning permission from North Yorkshire County Council. As part of the planning considerations there were assessments made of safety and environmental and pollution impacts, and extensive ecological and landscape mitigation is incorporated within the recent planning permission. Only in terms of noise was there potential for slight deterioration close to the junction itself, although given the existing trunk road this was not a major issue. The scheme and associated measures in Malton town centre would lead to significant improvements in pollution, road safety and environmental conditions there.

10.0 NEXT STEPS

10.1 Provided that the conditions identified are met and the report recommendation is agreed the anticipated timetable is:

- RDC and NYCC transfer the agreed contributions to the Highways Agency to clear not later than 21 October 2011.
- The Section 274 and 278 agreement is signed by 21 October 2011.
- The Contractor is appointed by 26 October 2011.
- Site works begin in January 2012.
- Construction to take up to 9 months.
- Scheme completed September 2012.

10.2 Should it not be possible to proceed to construction at this stage because the conditions in the report recommendation are not met Members will need to consider whether to proceed with the scheme through a formal open tender process and a separate report to consider this and the financial implications would be brought to a future meeting.

Julian Rudd
Head of Economy and Housing

Author: Julian Rudd, Head of Economy and Housing
Telephone No: 01653 600666 ext: 218
E-Mail Address: julian.rudd@ryedale.gov.uk

Background Papers:

'Capital Programme Revision' report and minutes, 30 July 2009 P&R Committee 2009 and Full Council 3 September 2009

A64 Brambling Fields Junction Upgrade report to Policy and Resources Committee 30 September 2010, and related minutes

A64 Brambling Fields Interchange Planning Application and Environmental Statement as considered by North Yorkshire County Council.

Background Papers are available for inspection at:

www.ryedale.gov.uk
www.northyorks.gov.uk

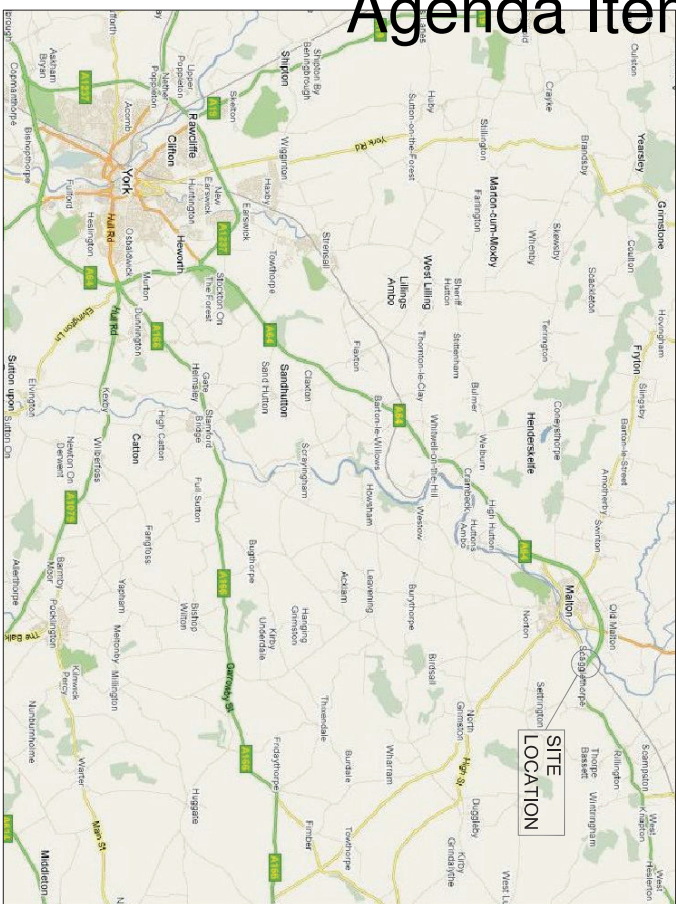
BRAMBLING FIELDS JUNCTION UPGRADE - RISK MATRIX – ANNEX A

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
<p>Cost of delivering final scheme exceeds sum approved on 7 October 2011.</p>	<p>Financial issue for RDC to manage which may impact on services and/or existing schemes in the capital programme.</p>	<p>3</p>	<p>D</p>	<p>Target cost contract achieved via a mini competition and using a Framework, thereby optimising the likelihood of a competitive cost. Significant pre contract works and investigations have been undertaken to minimise risk of variations/additional cost claims. Any overspend is shared equally with NYCC. Revenue forecasts include borrowing costs, excluding the projected developer contributions not yet banked. Therefore future developer contributions may be applied to meet share of overspend.</p>	<p>3</p>	<p>B</p>
<p>Final scheme does not deliver expected outputs and outcomes in terms of traffic diversion and associated benefits.</p>	<p>Worsening (as opposed to improved) traffic levels, air pollution, road safety and environmental quality in Malton town centre. Prevention of additional development to meet housing and economic needs, with impacts upon the Ryedale Plan / LDF.</p>	<p>3</p>	<p>D</p>	<p>Extensive and validated traffic modelling information demonstrates that the scheme, together with complimentary traffic management measures within Malton and Norton, will reduce traffic passing through Butcher Corner by up to a third. Following construction the</p>	<p>2</p>	<p>A</p>

BRAMBLING FIELDS JUNCTION UPGRADE - RISK MATRIX – ANNEX A

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
				<p>impact of the scheme will be monitored by NYCC and the appropriate measures then introduced to achieve the required benefits from the scheme.</p> <p>In addition, additional internal junction improvements within Malton and Norton will be brought forward, through developer contributions, in line with the emerging Ryedale Plan. These will compliment the Brambling Fields scheme.</p>		

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster





LOCATION PLAN



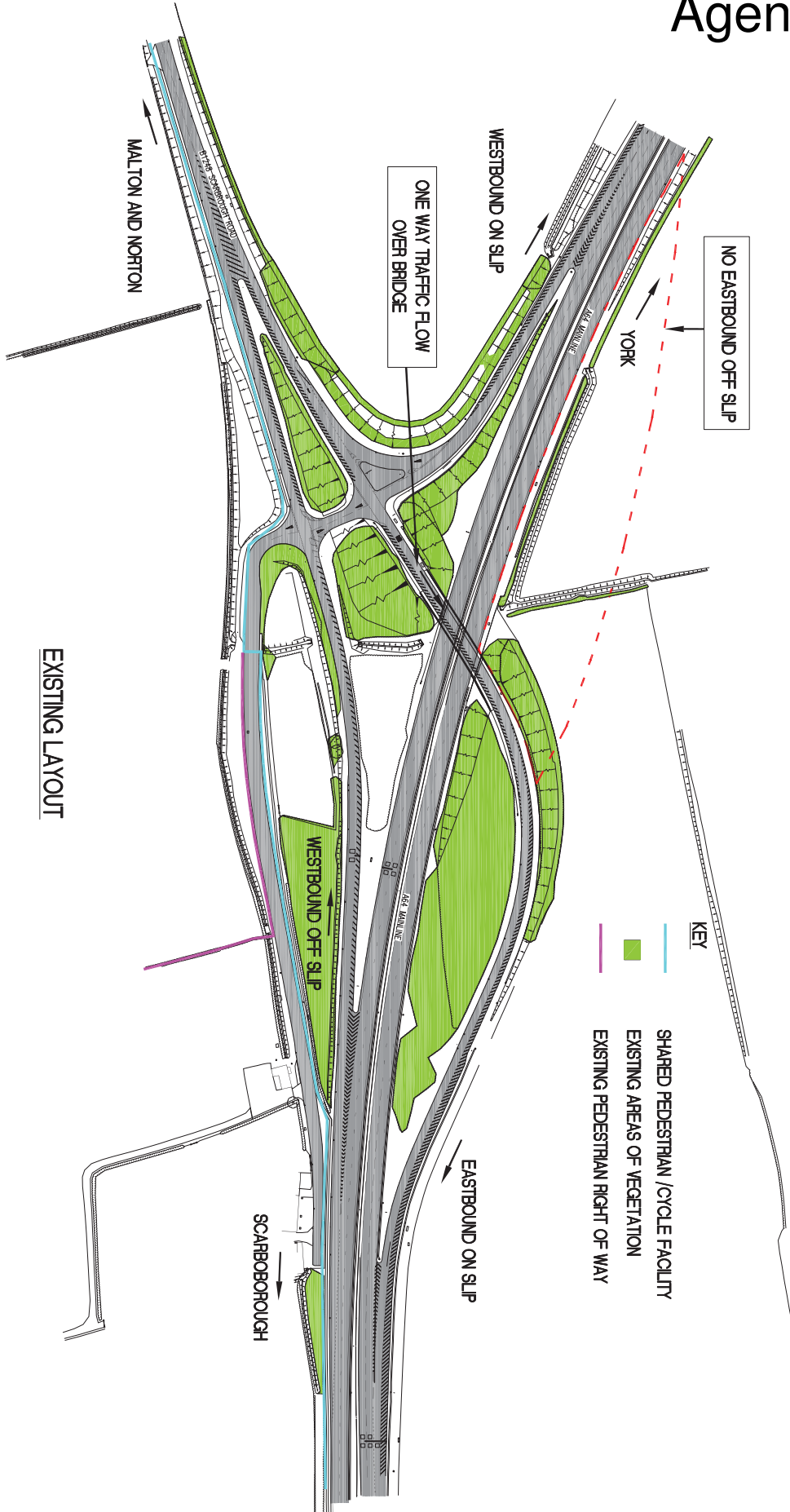
AERIAL PHOTOGRAPH

A64 BRAMBLING FIELDS JUNCTION IMPROVEMENT SCHEME

DO NOT SCALE

 <p>Three Kings Road, Othello Park Harrogate, North Yorkshire, HG2 0LQ Tel: +44 (0)113 256 5200 http://www.wspgroup.com</p>			
<p>PROJECT: A64 BRAMBLING FIELDS JUNCTION IMPROVEMENTS</p>			
<p>TITLE: SITE LOCATION PLAN</p>			
<p>SCALE: 1:1</p>	<p>DATE: N.T.S.</p>	<p>DATE: 11/01/13</p>	<p>REV: A</p>
<p>PROJECT NO.: 10100103</p>		<p>DATE: 11/01/13</p>	
<p>PROJECT NAME: A64 BRAMBLING FIELDS JUNCTION IMPROVEMENTS</p>		<p>PROJECT NO.: 10100103</p>	
<p>© WSP Group plc</p>			

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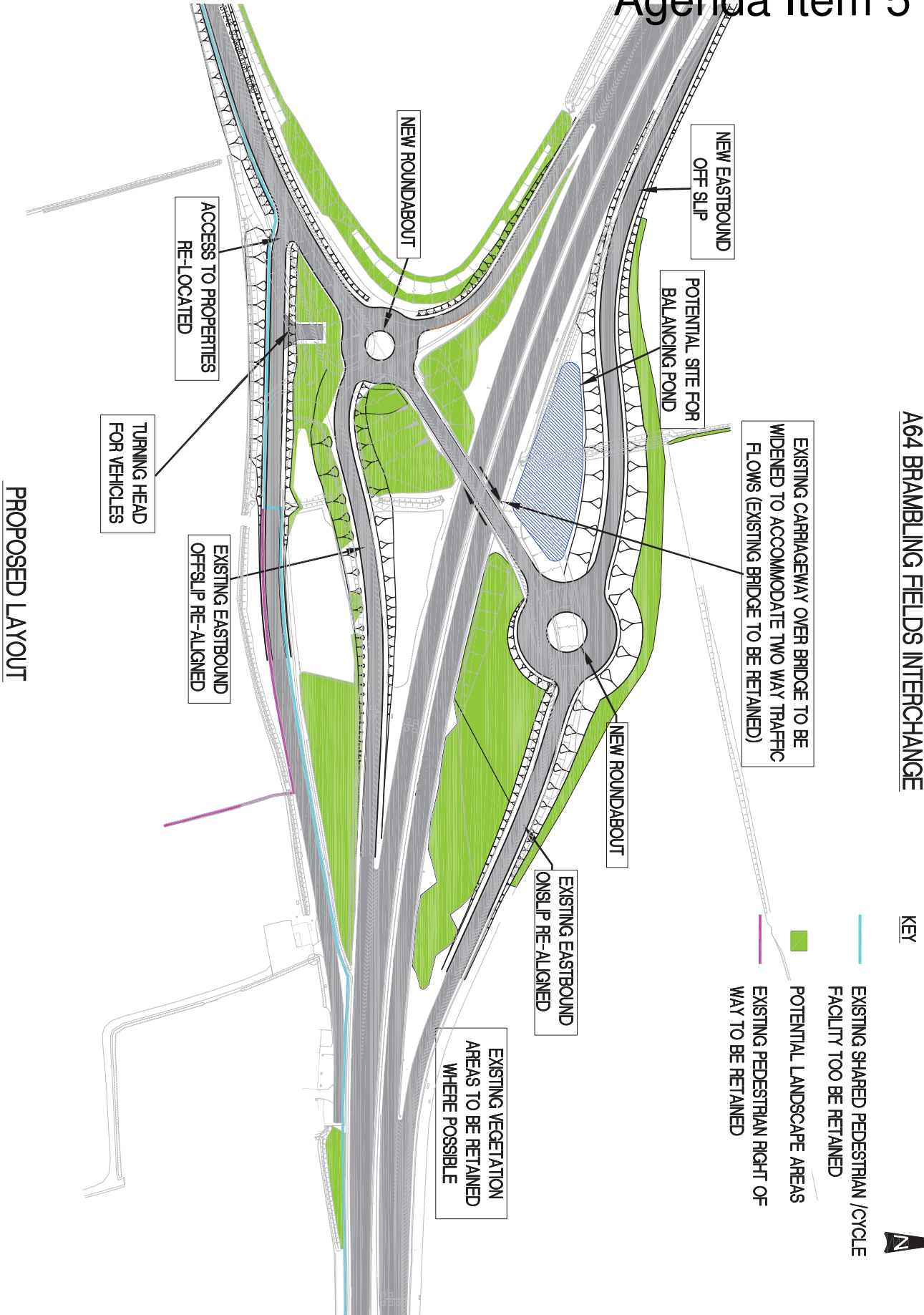
A64 BRAMBLING FIELDS INTERCHANGE



DO NOT SCALE

REV	DATE	BY	DESCRIPTION	CHK	APP
DRAWING STATUS: PRELIMINARY					
<p>The WMA Rose Celia Park 1400013 595 52001 Tel: +44 (0)113 595 5201 http://www.wspgroup.com</p>					
<p>Highways Agency</p>					
<p>PROJECT: BRAMBLING FIELDS JUNCTION IMPROVEMENTS</p> <p>TITLE: EXISTING LAYOUT PUBLIC CONSULTATION</p>					
SCALE 8:11	N.T.S.	DATE:	01/03/2015	DESIGNER:	WSP
PROJECT NO:	10100103	DATE:	01/03/2015	DATE:	MARCH 2015
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PROPOSED LAYOUT

A64 BRAMBLING FIELDS INTERCHANGE

KEY

- EXISTING SHARED PEDESTRIAN / CYCLE FACILITY TOO BE RETAINED
- POTENTIAL LANDSCAPE AREAS
- EXISTING PEDESTRIAN RIGHT OF WAY TO BE RETAINED



DO NOT SCALE

REV	DATE	BY	DESCRIPTION	CHK	APP
PRELIMINARY					
<p> WSP Thea Wina Rose Office Park 1480013, 156152001R Tel: +44 (0)13 956 8201 http://www.wspgroup.com </p>					
<p> HIGHWAYS AGENCY </p>					
<p> CLIENT: BRAMBLING FIELDS JUNCTION IMPROVEMENTS PROJECT: PROPOSED LAYOUT PUBLIC CONSULTATION TITLE: </p>					
SCALE @ 1:1	N.T.S.	CHECKED: R.H.	APPROVED: M.S.		
DATE: 01/03/2014	DESIGN/SCALE: R.H.	DATE: APRIL 2010			
PROJECT NO: 10100103	DRAWING NO: 0103-0100-14	REV: .			
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NO.	DATE	BY	DESCRIPTION	CHK	APP
1					

FOR INFORMATION

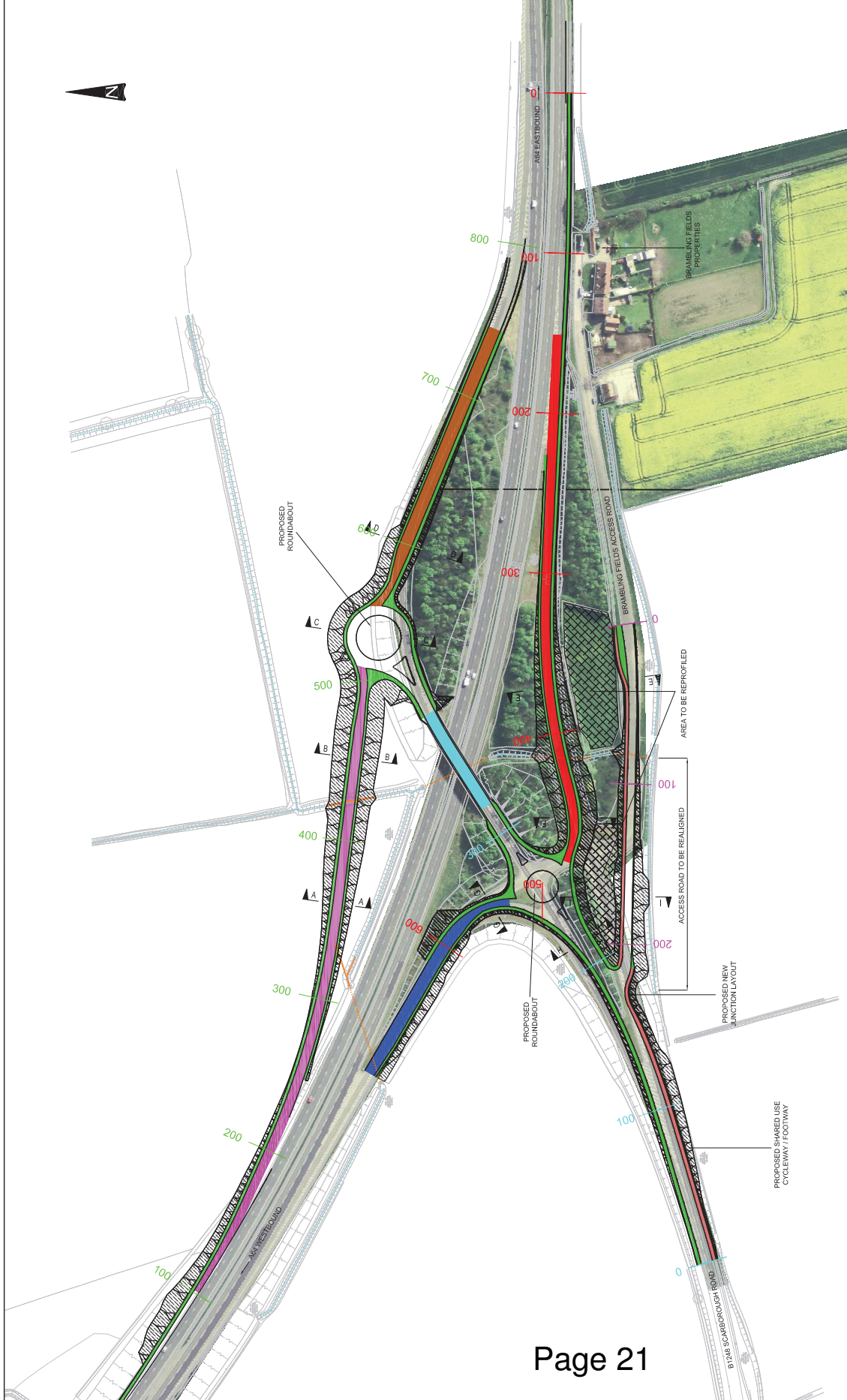
WSP
 The White Rose Office Park
 Mill Lane, Leeds LS15 7QB
 Tel: +44 (0)113 385 6200 Fax: +44 (0)113 385 6201
<http://www.wspgroup.co.uk>

HIGHWAY AGENCY

PROJECT: A64 BRAMBING FIELDS JUNCTION IMPROVEMENTS
 TITLE: GENERAL ARRANGEMENT

SCALE: 1:1250m	DATE: APRIL 2011
DRAWN BY: DWG-0100-0103	DATE: APRIL 2011
CHECKED BY: DWG-0100-0103	DATE: APRIL 2011
PROJECT NO: DWG-0100-001	DATE: APRIL 2011
PROJECT TITLE: DWG-0100-001	DATE: APRIL 2011

Agenda Item 5



- KEY:**
- EXISTING A64 WESTBOUND DIVERGE SLIP ROAD TO BE REALIGNED.
 - EXISTING A64 WESTBOUND MERGE SLIP ROAD TO BE REALIGNED.
 - PROPOSED A64 EASTBOUND DIVERGE SLIP ROAD.
 - EXISTING A64 EASTBOUND MERGE SLIP ROAD TO BE REALIGNED.
 - EXISTING STRUCTURE OVER A64 TO BE RETAINED.
 - PROPOSED SHARED USE FOOTWAY / CYCLEWAY.
 - PROPOSED SOFT VERGE.
 - AREAS TO BE REPROFILED USING SITE WON MATERIAL. FOR FURTHER DETAILS REFER TO SECTIONS E-E AND H-H.
 - PROPOSED CULVERT.
 - EXISTING CULVERT.
 - PROPOSED EARTHWORKS.
 - EXISTING DITCHES.
 - TYPICAL CROSS SECTION. FOR DETAILS REFER TO DRAWING NUMBERS CS-0100-001 AND CS-0100-002.
 - SCHEME CHANGES. EACH SEPARATE CHANGE IS REPRESENTED BY A DIFFERENT COLOUR.
- 0 100 200

W:\1000\1000-0100-001\1000-0100-001.dwg (1:1250) 11/04/2011 10:29:11 By: [Name Redacted]

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