

RISK MATRIX AND SUPPORTING INFORMATION

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
<p>1. Land Sale not proceeding to completion due to:</p> <p>(i) Planning consent not granted due to unacceptable impact on Town centre;</p> <p>(ii) Planning consent not granted due to unacceptable Highway impact;</p> <p>(iii) Economic issues (financial standing of bidder, bidder confidence, operator availability and general economic conditions)</p>	<p>Council does not receive land sale proceeds to finance the capital programme.</p> <p>Reduced likelihood of new capital schemes being approved as borrowing costs would require cuts to revenue costs and Council unable to demonstrate affordability.</p>	4	D	<p>Planning advice provided to evaluation panel.</p> <p>Discussions with NYCC highways undertaken.</p> <p>Bidders using their own engaged highways consultants have had discussion with NYCC.</p> <p>Financial standing of bidders evaluated at this time and successful bidder will be monitored. Significant operator interest identified through sale process.</p>	2	D
<p>2. Land Sale not proceeding due to successful challenge.</p>	<p>As above, plus the Council would be likely to incur unbudgeted costs in managing any challenge.</p>	3	D	<p>A documented rigorous procedure to the land sale has been undertaken supplemented by specialist property and legal advice to ensure compliance with Local government legislative requirements.</p>	2	D
<p>3. Successful bidder does not deliver scheme on which the bid was assessed.</p>	<p>Failure to deliver to member expectations and approvals, potential for reduced capital receipt or reduced parking provision.</p>	3	C	<p>Council and successful bidder will enter a formal legal agreement following decision to proceed. which requires bidder to submit an application for planning consent in line with the proposals. Bidder will have to comply with planning conditions which may be imposed as part of separate process.</p>	1	C
<p>4. The value of the Capital Receipt is significantly reduced due to external</p>	<p>Reduced receipt could impact on Council's capital aspirations in future years,</p>	4	C	<p>Significant work in advance by Council and bidders to identify unexpected cost potential.</p>	2	B

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factors.	potentially increasing the need to borrow and make consequent cuts to services to finance borrowing costs.			Bidders include contingency for such sums and general contingency in their proposals. Maintaining a reserve bidder also provides some mitigation to this risk.		
5. Existing occupiers unable to relocate satisfactorily within the successful bidders timetable.	Potential deterioration in delivery of services to the public, which may directly impact on Council services and increase costs. Potential reputational issues.	3	C	Significant work has taken place with affected tenants to identify alternative solutions. The report acknowledges financial provision will be required to assist in this exercise. Legal powers exist to assist if required.	2	B
6. Approval of the land sale leads to insufficient parking particularly long stay parking and provision for traders attending the livestock market.	Potentially restricted growth of the Town as a commercial centre and as a visitor destination. Adverse impact on Livestock market future operation.	4	D	Proposal retains long stay parking significantly in excess of existing demand. Future development in the area will need to make parking provision, and alternate vacant sites available within Town already identified. Free parking provision for livestock market traders will continue.	2	B

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

Risk Details

The detailed analysis of the significant risks arising from this decision are:

1. Land sale not proceeding to completion

i) **Planning consent not granted due to unacceptable impact on Town Centre**

Likely impact from a development at Wentworth Street would be considered through the detail provided for the planning application and include a retail impact assessment. This would be informed by assessment of the area's capacity to absorb additional retail space without adverse impact on existing businesses. The Council, as Planning Authority, undertakes a periodic assessment of retail capacity and town centre health and this is regularly updated to ensure that changes are accounted for. A full retail capacity study was undertaken in 2005 and this included a detailed household survey to determine shopping patterns. This information has provided the basis for subsequent updates in 2008 and 2009. All the bidders were provided with this information to inform their proposals and have proceeded based upon their own commercial judgement.

Updated information on retail issues will inform the Ryedale LDF and any decisions that the Council may make as Planning Authority on relevant planning applications. This will take account of the latest:

- Office for National Statistics (ONS) population growth estimates
- Impact of the recession on retail spend
- The impact of other approved applications
- Updates to assumed sales densities
- Impact of additional retail facilities within travelling distance of Malton
- Sub-regional study into retail spend patterns in York and North Yorkshire, currently underway.

There is potential that the overall effect of these factors could lead to a reduction in retail capacity. An updated study will form part of a future report to Members to fulfil their separate Planning Policy obligations.

ii) **Planning consent not granted due to unacceptable highway impact**

As part the planning process any successful bidder will have to undertake further detailed traffic modelling to identify any specific improvements required and how these will be provided for.

The bidders have all been made aware of the Malton and Norton Strategic Transport Assessment. This has shown that the levels of developments proposed in the emerging LDF Core Strategy, including the possibility of a new retail development at WSCP, can be accommodated on the town's roads provided that improvement of the A64 Brambling Fields junction takes place together with four other junction improvements within the towns. This includes improvement of the Pasture Lane/Newbiggin junction.

All of the bidders included specialist highway advisors within their teams who would be involved with the preparation of a detailed transport assessment to accompany any subsequent planning application.

iii) **Economic issues**

There are risks in relation to the land sale proceeding due a number of economic factors including; the financial standing of the successful bidder deteriorating, a reduction in confidence leading them to withdraw, the successful bidder being unable to attract an operator and the potential for a further deterioration in the general economic conditions, no longer sustaining the development.

These risks have been mitigated by detailed financial evaluation of all bidders, as at now. This does not of course provide any guarantee for the future standing and it is intended that the successful bidders financial position would be monitored through the process. Discussions with all bidders have indicated significant interest in the site from operators and their confidence that the timetable for their proposed development matches their predictions for their business plans and retail market.

2. Land sale not proceeding due to successful challenge

There are always risks in a disposal of legal challenge with regards to entitlement to dispose and as to the process which is being undertaken. However the officers are satisfied that there is a clear entitlement to dispose of the site and the process undertaken is a fair process to achieve best consideration in accordance with Local Government legislative requirements.

3. Successful bidder does not deliver scheme on which the bid was assessed

This risk is mitigated by the legal arrangements that will be put in place once the Council's decision has been made. The successful bidder will have to comply with any planning consent gained and can be anticipated to seek to do so as long as financially beneficial.

There will also be milestones set out in the agreement to ensure that the timetable for receipt of payment from the disposal is maintained.

It is possible that some amendments to the proposed development scheme will be required to meet the specific operator's needs.

4. The value of the capital receipt is significantly reduced due to external factors

As members will be aware sale of land can only be achieved by way of a written contract. Consequently there is a risk, until contracts have been exchanged, that the purchaser could seek to renegotiate the terms that have been agreed. The circumstance where that situation is most likely to arise is where further examinations reveal that costs of the proposed development are significantly greater than expected (for example where ground condition surveys reveal a need for a higher than expected amount of preparatory work or where off-site highways improvements are more substantial than originally expected) and the purchaser seeks to reduce his offer. This risk can, and has been, mitigated by work undertaken in advance to identify possible areas of unexpected cost. There will always remain a risk for the Council until the contracts have been exchanged which will only follow the major site suitability surveys. A bidder would not normally undertake these surveys due to their cost before they had a legal interest in the site and has certainty of his position as purchaser. Maintaining a reserve submission will also assist in this issue.

5. Existing occupiers unable to relocate satisfactorily within the development timetable

The land at Wentworth Street has been the location for a number of local organisations and the site's development will require their relocation. The risk is that on-going work does not deliver long term alternative accommodation for these occupiers. Some of the organisations (e.g. RVA and CAB) are important to the

delivery of public services and the Council's Corporate Plan.

Notice could be served on existing non-commercial organisations to vacate the site, however, the approach which is being taken is to work with and support these organisations to identify suitable alternative accommodation and discussions are ongoing. This may require some financial support from the Council and this is reflected in the recommendations of this report. The disposal will be subject to an existing lease for a small area of parking at the edge of the site, of which the bidders are aware.

6. Approval of the land sale leads to insufficient parking particularly long-stay parking and provision for traders attending the livestock market

The risk is that disposal and subsequent development of the site leads to insufficient parking provision for the town. Potentially restricting growth of the town as a commercial centre and as a visitor destination.

The current site provides 381 car parking spaces plus 11 larger bays. The implementation of the recommended bid would significantly increase the provision to around 480 car parking spaces across the site. Over 45% of these spaces (220 bays) would be available for those requiring long stay parking (i.e. over three hours) for an appropriate fee. All spaces would be available for three hours of free parking to all town centre visitors without any need to use the shopping facilities proposed on the site.

Average weekday occupancy (both tickets and permit holders) of the current 381 space car park has averaged 67 vehicles (less than 18%) during weekdays over the last year (September 2009-10). Average Saturday occupancy is slightly higher at 107 vehicles (around 28%) but only on three occasions over this period did occupancy exceed 50%. Each of these occasions coincided with special events in Malton town centre and on two of these the Market Place was closed to traffic and parking. Average daily ticket sales at both WSCP and Water Lane Car Park have decreased over each of the last four years. From 2008/9 onwards sales of RDC short stay permits have dropped while long stay permit sales have remained at a similar level (NB permits cover all RDC car parks), although there has been a shift to purchase of annual as opposed to monthly or half-year permits.

Current usage patterns at WSCP show that there are not significant numbers of long stay (over 3 hours) users. The average number of long stay tickets sold is less than 9 per day and although around on average 30-50 permit holders per day have been using the site the majority of these have been permits issued to staff at Community House, the occupants of which would be relocated under these proposals.

While a significant number of town centre businesses have access to dedicated on-site or private parking for staff it is clear that some long stay use is taking place on unused sites close to the town centre. The livestock market site when not in use provides space for around 100 vehicles and smaller numbers of vehicles use sites such as the Mount Hotel. Some on street parking also occurs.

Redevelopment of sites such as the Livestock Market would require on-site provision of car parking in accordance with the new uses and this can be expected to accommodate much of the short stay use that currently occurs on that site (the LDF submissions by the landowner suggest either 160 or 220 parking spaces as part of a redevelopment of the site). However there is likely to be a need to accommodate the long stay parkers who use this site. The proposals for WSCP would result in 220 long stay spaces even though the average current use of the site is less than 60 long stay

users per day. This provides a good degree of confidence that the proposed redevelopment will continue to provide a significant short and long stay parking facility to serve the needs of the town centre, even if the Livestock Market and the Mount Hotel sites were to be unavailable for any long stay parking use.

The Council's current Car Park Strategy runs to 2011. As part of the review of the Strategy, in conjunction with the highway authority and landowners, account can be taken of impending changes to the parking regime at WSCP (such as 480 spaces free to all visitors for the first 3 hours) should planning permission be granted. The review will also consider the future parking needs of Malton and Norton and Ryedale's other market towns, taking account of LDF policies and proposals. This will include the requirement for long stay parking to support economic activity and those using the rail and bus facilities.

Should the review of the Parking Strategy conclude that further long stay provision is required at a future stage and / or that facilities are not provided in the right location (e.g. near to the train and bus stations for commuters) there are a variety of options available to address this:

- Make all the spaces at Water Lane Car Park available for long stay (recognising that the extensive free parking at WSCP is likely to lead to migration of short stay users)
- Encourage public use of staff parking spaces at Ryedale House during weekends – 160 spaces
- Create an additional public long stay parking facility at Ryedale House – with potential to accommodate up to 120 vehicles
- Consider lease / purchase / management agreements to provide public parking on one or more of the significant number of sites close to the town centre that have remained vacant for many years and which are difficult to develop due to issues such as flood risk. These include:
 - Former Travis Perkins site (rear of Bar Thirteen) – potential for up to 80 spaces
 - Northern Electric site (Norton Road) – potential for up to 80 spaces
 - Former Taylor Browns site – potential for up to 80 spaces
 - Sheepfoot Hill (former gas works) – potential for up to 200 spaces
- Continue to investigate the potential for the Woolgrowers / Derwent Park proposal to proceed in the medium term – to include a new railway station car park to accommodate 100+ vehicles

Future employment development at Malton and elsewhere will need to make on-site provision for parking by staff and visitors. The focus on Malton and Norton for future housing, employment and retail development also provides the most opportunity for residents to walk or cycle from their home to work or the shops where appropriate.

Against the above background it is considered that the risk of insufficient parking provision is low and that if a subsequent need for additional facilities to meet future needs arises there are a choice of vacant sites that are close to Malton town centre that would be suitable for this use, subject to appropriate lease / purchase / management agreements.

The risk is that parking for traders attending the Livestock Market is no longer available. This report has provided alternative submission information to ensure the Council has realistic options in front of it. In accordance with the resolution at Council on 29 July the recommendations in this report involve retention of the upper deck of WSCP by Ryedale DC for long stay parking, including continuation of free parking by traders using the Livestock Market while it remains in its current location.