

Record of Officer Decision

Decision title:	To enter into a Basic Agreement Protection Agreement (BAPA) with Network Rail for the development of the Hereford Transport Hub
Date of decision:	30 November 2022
Decision maker:	Corporate Director for Economy and Environment
Authority for delegated decision:	On 27 October 2022 Cabinet approved the following delegation: <i>“All operational decisions to be delegated to the Corporate Director for Economy and Environment in consultation with the Cabinet Member for Infrastructure and Transport and Section 151 officer.”</i>
Ward:	Aylestone Hill; Central; College; Eign Hill; Widemarsh;
Consultation:	Consultation of this decision will take place with the council’s Section 151 Officer, finance and legal services teams.
Decision made:	To enter into a Basic Asset Protection Agreement (BAPA) with Network Rail for the development of the Hereford Transport Hub and to pay reasonable associated costs for professional fees for Network Rail up to the value of £100,000 (one hundred thousand pounds). Network Rail have provided an estimate of their fees based on their input in other schemes. A small contingency allowance has also been included. These costs will be funded from the 2022/23 Hereford City Centre Transport Package (HCCTP) budget for the Transport Hub.
Reasons for decision:	The HCCTP was developed as an integrated programme of schemes, which included a new transport hub at Hereford railway station. Cabinet’s decision 22 July 2021 authorised that the remaining HCCTP programme funding be allocated to the development of the transport hub project design and consultation. Network Rail are a key stakeholder in the Hereford Transport Hub, owning the train station and some of the land around the building. To ensure that we engage fully with them to support the development of the design of the Transport Hub it is a requirement that we enter into a BAPA. Engagement with Network Rail has taken place but has reached a point at which they now require the BAPA to be in place before surveys, discussions about land acquisition, construction and maintenance can continue. If surveys can’t be done, then WW+P cannot progress design, effectively pausing the project. This BAPA outlines that the council will pay Network Rail’s professional fees for input to support and inform the development of the Hereford Transport Hub. Activities will include but are not limited to attending meetings, liaison with the design team and providing requested information to inform the design, surveys and construction stages. This £100k figure is available within the current capital programme budget 2022/23 financial year.

	<p>Item 6 (Council related costs of £544k) in Appendix 1 of the 27 October 2022 cabinet paper states in the Note below the table that ** the Council related costs include programme/project management costs, legal, surveys and planning.</p> <p>The £100k is not from the Gap funding of £6.3m required for the completion of the Transport Hub and will not trigger an overspend this 2022/23 financial year.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p><i>Financial</i> There is a risk that Network Rail's professional fees may exceed the estimate and contingency allowance. Spend on their professional fees will be monitored and discussed regularly with them in order to mitigate this risk.</p> <p><i>Risk</i> There is a risk that reaching a consensus on the approach to the transport hub takes more time and design input as a result of diverging stakeholder aspirations. The design brief has been agreed with members and key stakeholders in client requirements workshop prior to the design and consultation exercise by the specialist design team.</p> <p><i>Legal</i> There is a risk that agreement with Network Rail on the delivery of the transport hub on their element of the site cannot be reached or incurs additional costs. Discussions have been ongoing with Network Rail and Transport for Wales regarding the scheme and these are to continue such that their requirements can be incorporated into the designs and that agreement can be reached. Legal Services have reviewed the draft BAPA and highlighted the key commitments and limitations as set out in the BAPA.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>Not to progress the transport hub. This is not recommended as it would result in some package objectives and targets as set out in the 2015 Marches Local Enterprise Partnership (LEP) business case not being achieved.</p> <p>This would also contravene the terms of the grant funding agreement and could result in clawback of monies paid to date and would not be consistent with the council's adopted delivery plan.</p>
<p>Details of any declarations of interest made:</p>	<p>None.</p>

I am an officer delegated to make the decision

Signed:

Print Name: Ross Cook

Job Title: Corporate Director Economy and Environment