

## Record of operational decision

<b>Decision title:</b>	Decision to authorise the following transactions in respect of the Transport Hub project: <ol style="list-style-type: none"> <li>1. a Licence for Works</li> <li>2. a Licence to Occupy</li> <li>3. a Deed of Easement</li> </ol>
<b>Date of decision:</b>	11 <sup>th</sup> February 2025
<b>Decision maker:</b>	Corporate Director Environment and Highways
<b>Authority for delegated decision:</b>	<p>Authority for spending from the HCCTP programme for the £10m cost plan, can be found here:</p> <p>(1) The Cabinet decision dated 27 October 2022 decided:</p> <p style="padding-left: 40px;"><i>a) Cabinet approves the cost plan for the Hereford Transport Hub design; and</i></p> <p style="padding-left: 40px;"><i>(b) Cabinet approves that the project proceeds from Planning and Design stage (stage 2) to Delivery stage (stage 3); [and]</i></p> <p style="padding-left: 40px;"><i>(d) 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></p> <p style="padding-left: 40px;"><a href="https://councillors.herefordshire.gov.uk/documents/s50104626/Update%20Decision%20on%20Hereford%20Transport%20Hub.pdf">https://councillors.herefordshire.gov.uk/documents/s50104626/Update%20Decision%20on%20Hereford%20Transport%20Hub.pdf</a></p> <p>(2) The Corporate Services scheme of delegation dated 23 December 2021 updated May 2024 (line 34 and 35) gives the Senior Estate Manager the authority to take the decision</p>
<b>Ward:</b>	Aylestone Hill; Central; College; Eign Hill; Widemarsh;
<b>Consultation:</b>	<p>Consultation on this decision has taken place with</p> <ol style="list-style-type: none"> <li>(1) the Transport Hub SRO; and</li> <li>(2) HC's Finance department; and</li> <li>(3) the Section 151 officer; and the Cabinet Member for Infrastructure and Transport who are supportive of the proposals.</li> </ol>
<b>Decision made:</b>	<p>To authorise:</p> <ol style="list-style-type: none"> <li>1. a Licence for Works in respect of construction to replace paving in the public realm zone on the land in the ownership of Network Rail and Transport for Wales and replace HRA (hot rolled asphalt) and associated kerbing, including bollards, in the vehicle access route.</li> <li>2. a Licence to Occupy to allow Network Rail and Transport for Wales to continue using the existing part of the forecourt being sold to HC until the works in that area start.</li> <li>3. a Deed of Easement to give access rights to Network Rail over the land being sold to HC which will become the new access road and later public highway.</li> </ol>
<b>Reasons for decision:</b>	<p>One of the main aims of the Transport Hub is to improve the public realm around the train station and create better walking, cycling and public transport infrastructure by placing all vehicular traffic on the periphery of the site, including bus services. Due to a number of bus services requiring longer stays, and to reduce the potential impact of bay blocking, it is essential to provide sufficient parking space away from the pick-up zone or DIRO (Drive-in Reverse-out).</p>

	<p>The proposal enables a five bay, bus-parking area to be designed at the northern edge of the site on old disused section of Network Rail land and to link this zone to the existing infrastructure by extending the road feeding the entrance to the Medical Centre. This would allow vehicles to access the Network Rail depot and the MFA Bowl facility as well as provide a route for buses to reach the DIRO bays.</p> <p>The development of the Transport Hub requires HC to undertake the following legal transactions:</p> <ol style="list-style-type: none"> <li>1. taking a Licence for Works from Network Rail/Transport for Wales to allow HC to undertake public realm works on their land</li> <li>2. a Licence to Occupy to allow Network Rail and Transport for Wales to using the existing part of the forecourt being sold to HC until the works in that area start.</li> <li>3. a Deed of Easement to give access rights to Network Rail over the land being sold to HC which will become the new access road and later public highway.</li> </ol> <p>As this is HC's project, all of the decisions above require HC to indemnify the other party's for their costs incurred with the project by paying their reasonable legal fees and professional costs. This is normal commercial practice where the other party's engagement with a project is not mandatory or not in their interest.</p>
<p><b>Highlight any associated risks/finance/legal/equality considerations:</b></p>	<p><b>Financial</b></p> <p>The public realm area has been designed as a single zone, irrespective of land ownership, and as such, is fully funded within the budget.</p> <p>The deed of easement does not require any maintenance contribution from Network Rail or their users to use the new access road. However, the intention is that this area will become public highway maintainable at public expense in any event.</p> <p><b>Risk</b></p> <p>Risks are likely to arise if the Transport Hub project fails to complete or one or more of the third parties decides to disengage from the project and HC has completed one or more of the other transactions e.g:</p> <ol style="list-style-type: none"> <li>1. Aborted costs paid to third parties for their legal and professional costs.</li> <li>2. If the works under the licence for works are not completed then HC has committed to leaving the land in no worse condition than in which they found it so there may be remedial costs.</li> <li>3. If the works under the licence for works are not completed to NR/TfW reasonable satisfaction they will have the right rectify them at HC's cost.</li> <li>4. There is minimal risk associated with the licence to occupy. It bis terminable on 2 days notice and NR/TfW are to indemnify HC from liabilities arising from their use of the site.</li> </ol> <p>The transactions have been negotiated and are considered as being on commercially reasonable terms.</p> <p><b>Legal</b></p> <p>There are minimal legal implications associated with the transactions above. The Council has the power to dispose of land for best consideration pursuant to section 123 of the Local Government Act 1972. 'Disposal' includes the sale of the land and granting of the options and</p>

	easements and licences.  Similarly, a Council has a general power to acquire land and interests in land – ss.120 & 270 Local Government Act 1972. It is therefore able to acquire the rights to enter land under a licence
<b>Details of any alternative options considered and rejected:</b>	1. Not to proceed with these transactions. This is not recommended as it would result in being unable to continue with the Transport Hub project and consequently package objectives and targets as set out in the 2015 Marches Local Enterprise Partnership (LEP) business case not being achieved. This in turn would contravene the terms of the funding agreement, and would not be consistent with the council's adopted delivery plan.
<b>Details of any declarations of interest made:</b>	None

Signatures:

- 1) Corporate Director for Economy and Environment

Signed..... Date:.....05.03.25.....

- 2) Senior Estates Officer pursuant to the Scheme of Delegations

Signed..... Date:.....05.03.25.....