

AGENDA ITEM No 4

PEAK DISTRICT NATIONAL PARK AUTHORITY

URGENT BUSINESS ITEMS SUB-COMMITTEE

13 AUGUST 2010

OPERATIONS

PART A

1. PEDAL PEAK DISTRICT – CONTRACT ARRANGEMENTS AND AMENDMENTS (A.7382/RHP)

Purpose of the report

1. This report outlines options for the delivery of part of the Pedal Peak District Project work programme involving the establishment of routes outside of the National Park and their future maintenance. It is proposed that the Authority seeks consent from the Department of Transport (DfT) to assign responsibility for the delivery for that part of the Project on land outside the ownership of the Authority beyond the National Park boundary (between Wyedale car park and Buxton).

Recommendations

2. **1. That this Committee considers the options for assignment of that part of the capital works, which is outside of the National Park between Wyedale car park to Buxton, as a Part B report.**

How does this contribute to our policies and legal obligations?

3. The Pedal Peak District project contributes to many National Park Management Plan and National Park Authority corporate outcomes, particularly:

Outcome 4 – Climate Change and Natural Resources – climate change is being addressed and the natural resources of the National Park are being managed sustainably so that we:

- reduce our adverse impact on climate change, and future generations are better able to manage, mitigate and adjust to the changes
- are better placed to hand on a diverse, healthy and resilient natural environment to future generations

Outcome 6 – Traffic, Travel and Accessibility – that transport infrastructure and services have been improved to:

- Increase the proportion of visitors using methods of travel other than private cars

- Reduce the adverse environmental impacts of travel on the special qualities of the National Park

- Enable more sustainable travel patterns that lead to a reduction in the levels of carbon dioxide ...

Outcome 7 – Recreation and Tourism – there is increased participation in recreation opportunities in the PDNP amongst target groups so that they:

- Feel welcome in the National Park

- Have the opportunity to participate in diverse recreational opportunities that enhance the quality of their lives

... and that the sustainability of tourism experiences is increased especially resulting from ...

A wider range of tourism products based on, and compatible with, the special qualities of the National Park

Outcome 8 – Understanding the National Park – there is increased understanding of the special qualities of the PDNP amongst target groups so that they:

Understand why it is a special place

Have the opportunity to make a personal contribution to sustainable management of the NP

The project would also contribute to the Recreation Strategy, the Sustainable Tourism Strategy, Sustainable Transport Action Plan (in draft) and the Climate Change Action Plan.

Background

4. At its meeting of the 29th November 2009, Services Committee agreed to the adoption of a Business Plan to deliver Phase 1 of the Pedal Peak District Project to provide a predominantly traffic free route between Bakewell and Buxton, using the Monsal Trail.
5. The project has made some good progress, though not surprisingly it has had to overcome a number of challenges (many of which were previously identified in the Business Plan), all within an extremely tight timeframe. All necessary survey work has been completed and repair works on the tunnels are currently underway.

The social marketing has been very successful with numerous engagement and awareness raising activities providing important data for the project and incentives for the public to sign up and chart their own cycling progress. Because of the success with the marketing activities, the original budget estimates are being revised downwards, making more money available for capital works on the Monsal Trail and infrastructure works on the link into Buxton. However, a number of factors, unexpected at the planning stage have subsequently been identified. The key issues are the extent of repair work required in the tunnels and greater potential costs for a suitable lighting system. These issues and costs must be accommodated within the overall programme.

A further significant challenge is to find a suitable route from Wyedale into Buxton which presents a number of planning policy, environmental and technical issues at an early stage of being addressed.

Proposals

6. It is proposed that the routes beyond the ownership of the National Park Authority and outside the National Park are delivered by assignment of part of the current funding agreement between the Authority and the DfT.

This proposal will require the Authority to obtain consent from the DfT to assign responsibilities under its existing contract.. This will also require that the grant of £2.25 million to the Authority is adjusted to reflect the current budget associated with the Phase 1 works outside the National Park.

It is hoped that this transfer of obligations can be by way of a letter of authority from the DfT. This proposal was approved by Strategic Management Team, for consideration by the Authority, on 27th July 2010.

Are there any corporate implications members should be concerned about?

Extensive consideration of the matter has been undertaken by the Authority's legal advisors. Under the terms of the Agreement with the DfT, the Authority is responsible (as the "Grant Recipient") for receiving, expending and accounting for the funds paid to it for the purposes of the whole of the project (Phase 1) and ensuring compliance with the Agreement.

It is essential, therefore, that the consent of the DfT is obtained before any assignment or transfer of obligations for specific elements of the project to any third party. It is also essential that such a consent protects the Authority's position in the event of any failure to deliver all or part of any agreed outputs.

7 Financial:

The proposed amendment will ensure that there are no grounds for clawback by the DfT should any breach occur of the terms of a contract with a third party, and that the Authority shall not under any circumstance be required to undertake any works in relation to or procure the completion of works falling under their jurisdiction on the route from Wyedale car park to Buxton Station.

The financial details and risks relating to this proposal are covered in the accompanying Part B report.

8 Risk Management:

The basis upon which this proposed amendment is agreed will ensure that the integrity and financial exposure of the Authority is protected and that the Authority will not be liable for any failure by a third party to complete the works by the end of the funding period (March 2011).

9 Sustainability:

Sustainability of the route that is in the ownership of the Authority would be safeguarded by its commitment to maintenance and repair of both the existing and improved areas that are publicly accessible. Sustainability of the routes outside of the National Park would be the responsibility of a third party.

10 Background papers (not previously published)
None

Appendices
None

Report Author, Job Title and Publication Date

Rhonda Pursglove, Pedal Peak District Project Manager, 9 August 2010