

Forward plan reference number: FP/AB/720
and FP/AB/721

Report title: Stanford le Hope/London Gateway and Grays South LGF project update	
Report to: Accountability Board	
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Meeting date: 16 February 2024	For: Decision
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SELEP Partner Authority affected: Thurrock Council	

1. Purpose of report

- 1.1. The purpose of the report is to provide the Accountability Board (the Board) with an update on the Stanford le Hope/London Gateway and Grays South Local Growth Fund (LGF) projects which have been identified as High risk.
- 1.2. The Board are asked to consider the updated Business Case for the Stanford le Hope/London Gateway project which, following significant cost increases, seeks to demonstrate ongoing compliance with the SELEP Assurance Framework.
- 1.3. In addition, the Board are asked to consider a Change Request in relation to the Grays South project which is seeking approval for an extension to the delivery programme.

2. Recommendations

- 2.1. The Board is asked to:
 - 2.1.1. **Note** the update on delivery of the Stanford le Hope/London Gateway and Grays South projects.
 - 2.1.2. **Agree** that, following consideration of the updated Business Case, the £7.5m LGF funding allocation can be retained against the Stanford le Hope/London Gateway project, subject to the following also being agreed:
 - 2.1.2.1. **Agree** that the delivery programme for the Grays South project can be extended following the decision by Thurrock Council to explore alternative scheme proposals. Noting that the expected project completion date is now September 2028.
 - 2.1.2.2. **Agree** that Thurrock Council can employ an Option 4 Capital Swap allowing £5.4m of the currently unspent LGF allocation awarded to the Grays South project to be temporarily transferred to the Stanford le Hope/London Gateway project to support project delivery. Noting that Thurrock Council have committed to returning capital funding of

the same value to the Grays South project at a later date to enable project delivery.

3. Summary Position

Stanford le Hope/London Gateway

- 3.1. The Stanford le Hope/London Gateway project seeks to deliver a new railway station at Stanford le Hope which offers increased capacity and a new transport interchange outside the station which will connect bus, rail, cycle, taxi and pedestrian modes of travel.
- 3.2. It is expected that these works will help to unlock the next phase of development at London Gateway/Thames Enterprise Park. In addition, the works will provide improvements to public transport infrastructure and service reliability to new housing developments and to major employment growth in the local area.
- 3.3. A total of £7.5m LGF was awarded to Thurrock Council in February 2017 to support delivery of the project and this allocation has been spent in full.
- 3.4. Previous updates to the Board have highlighted significant cost increases which have arisen since the Business Case was approved, with costs rising from £12.05m in February 2017 to £29.09m in November 2021. The original Business Case demonstrated High value for money with a Benefit Cost Ratio (BCR) of 9.4:1. However, due to the scale of the cost increase identified between February 2017 and November 2021 (£17.04m), there is a requirement for submission of an updated Business Case to demonstrate that the project continues to offer High value for money and that the requirements of the SELEP Assurance Framework continue to be met.
- 3.5. In June 2023, the Board agreed that the updated Business Case for the Stanford le Hope/London Gateway project could be submitted for consideration at this meeting. It was noted that if this deadline was not met that the LGF funding would be removed from the project and would need to be returned to Essex County Council (as Accountable Body for SELEP) within 4 weeks by Thurrock Council for reallocation to alternative projects.
- 3.6. In addition to the increasing costs, the project has faced a number of challenges including the need to redesign the station building proposals, failed procurement processes and delays in progressing the design for the transport interchange. Delivery of the project has been further impacted by a number of staffing changes at Thurrock Council which have resulted in the management of the project being passed between a number of different consultants and officers resulting in a lack of consistency in approach and forward momentum.

Grays South

- 3.7. The Grays South project forms part of the Grays South Regeneration Area (GSRA) scheme which consists of a number of interventions designed to support the economic and social vitality of Grays Town Centre. The LGF funding was specifically sought to support the creation of an underpass to replace the existing level crossing and for the creation of a public square at each end, designed to provide active urban spaces suited to a wide range of events, markets and similar activities.

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- 3.8. A total of £10.84m LGF was awarded to Thurrock Council in February (£3.7m) and November 2019 (£7.1m) to support delivery of the new underpass and associated public realm.
- 3.9. Previous updates to the Board have highlighted significant cost increases which have arisen since the Business Case was approved, with costs rising from £28.7m in November 2019 to £37.9m in February 2022. This cost increase reduced the BCR for the project from 2.4:1 to 2:1 – which is on the limit of what is acceptable under the terms of the SELEP Assurance Framework.
- 3.10. In April 2023, the Board were advised that Thurrock Council had taken the decision to place delivery of the project on hold following the identification of significant concerns around budget, cost, programme and affordability. In addition, it was noted that a full review of the project and the wider GSRA scheme was underway. The outcome of this review was presented at the last Board meeting, with the conclusion being that the project should not be delivered in its current form as it no longer offered value for money for Thurrock Council and no longer supported future growth forecasts.
- 3.11. It should also be noted that in April 2023, the Board agreed to place spend of the remaining LGF funding allocation awarded to the Grays South project on hold due to the deliverability and affordability concerns identified. It was agreed that LGF spend should remain on hold until it could be demonstrated that the project continued to comply with the requirements of the SELEP Assurance Framework.

4. Stanford le Hope/London Gateway

- 4.1. As outlined above, the requirement for a new Business Case for the Stanford le Hope/London Gateway project was identified in November 2021. A revised Business Case was submitted for Board consideration in September 2022; however, it did not provide the required assurances to allay the deliverability and affordability concerns that had previously been reported to the Board. In addition, following a review of the Business Case, the Independent Technical Evaluator (ITE) concluded that they were unable to assure the Value for Money offered by the project or the realisation of benefits.
- 4.2. In line with the decision taken by the Board in June 2023, Thurrock Council have submitted a further revision to the Business Case for consideration by the Board at this meeting. The revised Business Case indicates that the updated forecast project cost is £34.71m, which reflects a further increase of £5.62m compared to the figure provided in November 2021.
- 4.3. It should be noted that the approach to calculating the BCR offered by the project has changed since submission of the original Business Case and therefore the BCR's are not comparable. In the original Business Case, the jobs enabled through the delivery of the project were the focus of the Economic Case and this produced a BCR of 9.4:1. However, in the revised Business Case submission, the project has been assessed as a transport scheme which has resulted in a BCR of 2.09:1. Despite the significant reduction in the BCR due to the increased cost and the different approach adopted, the Business Case demonstrates that the project continues to offer High value for money.
- 4.4. The Business Case has been subject to a review by the ITE and they have concluded that the project offers High value for money with a Medium certainty of achieving this value for

money. Whilst satisfied that the project demonstrates reasonable strategic alignment with SELEP priorities in terms of facilitating business growth and job creation at the nearby DP World/London Gateway major logistics hub, the ITE has identified three outstanding risks which could impact on the project's ability to achieve High value for money. These risks are as follows:

- 4.4.1. The Business Case does not provide assurance that the current scheme design can accommodate the updated passenger demand growth forecasts. In addition, current problems at the site (i.e. the inadequacy of facilities following the demolition of the existing station building) could have been better evidenced.
 - 4.4.2. Planning consent for the transport interchange has not yet been secured. It is expected that the planning application will be determined in March 2024.
 - 4.4.3. Limited detail has been provided with regard to the proposed procurement strategy and the allocation of risk between delivery partners.
- 4.5. The report of the ITE can be found at Appendix A.
- 4.6. Whilst it is acknowledged that Thurrock Council have been unable to mitigate all key delivery risks at this stage, it should be noted that the Business Case is significantly more robust than that submitted in September 2022.
- 4.7. The last full update on the Stanford le Hope/London Gateway project was presented to the Board in September 2023. The primary focus since this Board meeting has been on developing the revised Business Case and therefore limited progress towards project delivery has been reported. However, Thurrock Council have now confirmed their intention to transfer project delivery to Network Rail through an Implementation Agreement, rather than the Council delivering the project directly as originally intended. This approach will be taken as previous failed procurement attempts have demonstrated that the Council does not have sufficient resources to deliver the project directly. Network Rail has access to greater levels of resource and has significant previous experience of delivering similar schemes and therefore this approach would appear to reduce the level of risk associated with project delivery.
- 4.8. In light of the proposed change in approach, Thurrock Council have provided an updated indicative programme for the project (as set out in Table 1). Thurrock Council have also confirmed that the planning application for the transport interchange was submitted in October 2023 following identification of the preferred option as was detailed at the September 2023 Board meeting. It is expected that the planning application will be determined in March 2024.

Table 1: Indicative Delivery Programme for the Stanford le Hope/London Gateway project

Activity	Timescale
Railway Station	
Network Rail GRIP4 Assurance activities	January to March 2024
GRIP5 Contract Award	August 2024
GRIP6 Construction start on site	July 2025
Project completion	June 2026
Transport Interchange	
Determination of Planning Application	March 2024
Handover to proposed delivery partner (Network Rail)	January to March 2024
GRIP5 procurement	April to June 2024
Detailed Design	July to September 2024
GRIP6 Construction start on site	October 2024
Project completion	June 2025

- 4.9. It is noted within the revised Business Case that delivery of the Transport Interchange may be delayed to allow use of the site during the construction of the new railway station. The approach to be taken will be determined by Network Rail (as delivery lead) as the project progresses.
- 4.10. As set out above, Thurrock Council have provided an updated forecast total project cost and funding package as part of the revised Business Case (as set out in Table 2 below). It is apparent that Thurrock Council have taken steps to secure alternative funding sources to complete the required funding package, however, confirmation of the full funding package remains subject to a decision by the Board at this meeting.
- 4.11. In addition, Thurrock Council have put forward two proposed options for securing £14.86m which represents 43% of the funding package. It is intended that this funding will either be secured through capital borrowing by Thurrock Council or through local Retention of Business Rates from the Freeport. It is acknowledged that there may be challenges associated with securing the capital borrowing due to additional requirements placed on Thurrock Council as a consequence of their Section 114 Notice. The proposed borrowing would require consent from both the Department for Levelling Up, Housing and Communities (DLUHC) and the Treasury. The Business Case suggests that the Business Rates from the Freeport would be available to support project delivery through to 2025/26, however, no further detail has been provided to allow an assessment as to the confidence of this forecast.

Table 2: Funding package for the Stanford le Hope/London Gateway project (£m)

Funding Source	Actual Spend to 2022/23	Forecast – 2023/24	Forecast – 2024/25	Forecast – 2025/26	Total
SELEP – LGF (Stanford le Hope/London Gateway)	7.500	-	-	-	7.500
SELEP – LGF (transfer from Grays South Project)	-	-	3.300	2.100	5.400
C2C/National Stations Improvement Programme	0.740	3.060	-	-	3.800
DP World	-	-	0.550	-	0.550
Section 106 contributions	1.533	0.067	-	-	1.600
Freeport – Business Rates/Capital Borrowing	3.453	0.434	5.773	5.200	14.860
Thames Freeport Seed Fund (Active Travel)	-	-	1.000	-	1.000
Total	13.226	3.561	10.623	7.300	34.710

- 4.12. It is important that ongoing compliance with the LGF Grant Conditions (as specified by Government) can be demonstrated by Thurrock Council. This is particularly important given the time that has passed since the LGF funding allocation was spent (full LGF spend was achieved in 2020/21) and the ongoing development of the scheme proposals.
- 4.13. The LGF Grant Conditions specify that the LGF funding can only be applied to capital expenditure and therefore assurance has been sought from Thurrock Council's Section 151 Officer that 'in the event that any historic expenditure becomes abortive revenue spend, there is sufficient other capital expenditure within the project to confirm that the requirement to only apply the LGF funding to capital expenditure can still be met and that appropriate records of any required adjustments will be maintained and provided, if requested to do so, to the Accountable Body.'
- 4.14. In summary, Thurrock Council are being asked to confirm that the funding package for the project affords them the flexibility to ensure that the LGF funding is only applied to capital expenditure, therefore ensuring that the grant conditions continue to be met.
- 4.15. A copy of the revised Business Case for the Stanford le Hope/London Gateway project is available on the SELEP website: [Stanford le Hope/London Gateway revised LGF project Business Case](#)

5. Grays South

- 5.1. Whilst Thurrock Council have concluded that the current scheme proposals as set out in the approved Business Case for the Grays South Project are no longer viable (see section 3.10), they have indicated that there is still a need to address the significant safety concerns posed by the existing railway crossing. To this end, Thurrock Council are developing an alternative 'Station Quarter' scheme. This scheme will focus on delivering a new bridge over the railway line as part of a wider mixed-use development containing a new station, homes and commercial space.

- 5.2. Thurrock Council have indicated an intention to enter into a strategic partnership with Network Rail and other partners to facilitate delivery of the revised scheme. Whilst limited details about the proposals have been provided by Thurrock Council, it is understood that this scheme is expected to deliver similar benefits to the original project but will require less third-party land, will be less technically challenging and will allow for a more equitable risk sharing strategy to be implemented.
- 5.3. Thurrock Council have indicated that an advisor has been appointed to lead discussions with Network Rail in respect of the Grays South project with a view to formalising the partnership through a Memorandum of Understanding. Initial discussions have taken place and it is expected that a meeting involving all parties will be held in February 2024 to further progress matters. In addition, Thurrock Council have indicated that feasibility work will be undertaken between March and June 2024, enabling approval to be sought from Thurrock Council Cabinet in July 2024.
- 5.4. The indicative delivery programme is set out in Table 3 below.

Table 3: Indicative Delivery Programme – Grays South

Milestone	Start	Completion
Network Rail Memorandum of Understanding developed and implemented	December 2023	April 2024
Feasibility Stage	March 2024	June 2024
Thurrock Council Cabinet approval	July 2024	July 2024
Full design and planning consent	August 2024	March 2026
Contractor procurement	September 2025	February 2026
Construction	March 2026	September 2028

- 5.5. To date, £5.14m of the LGF funding allocation has been spent supporting development of the project. As referenced above, the Board agreed in April 2023, that spend of the remaining LGF allocation (£5.7m) should be placed on hold until it can be demonstrated that the project continues to comply with the requirements of the SELEP Assurance Framework. Given that it has been confirmed that the works outlined in the approved Business Case will not be delivered, that alternative scheme proposals are being developed and that there is insufficient time for a revised Business Case to be considered by the Board prior to the dissolution of SELEP, it will not be possible for Thurrock Council to demonstrate that the project continues to comply with the requirements of the Assurance Framework and therefore spend of any LGF funding which remains allocated to the Grays South project must remain on hold until the requirements of the SELEP Assurance Framework cease to apply.
- 5.6. At the last Board meeting it was noted that, in light of the proposed change to the Grays South design, it would be necessary for Thurrock Council to demonstrate (to the satisfaction of the Accountable Body) that LGF spend to date can continue to be capitalised and that the spend supports delivery of the revised scheme proposals. It was also noted that if spend to date cannot be applied to the new scheme proposals, this is likely to be considered as abortive revenue spend and will therefore not comply with the grant conditions which require the funding to be spent solely on capital expenditure.

- 5.7. A full review of the LGF spend to date on the Grays South project has not been undertaken as planned due to time constraints, however, assurance has been sought from Thurrock Council's Section 151 Officer that 'in the event that any historic expenditure becomes abortive revenue spend, there is sufficient other capital expenditure within the project to confirm that the requirement to only apply the LGF funding to capital expenditure can still be met and that appropriate records of any required adjustments will be maintained and provided, if requested to do so, to the Accountable Body.'
- 5.8. In summary, Thurrock Council are being asked to confirm that the funding package for the project affords them the flexibility to ensure that the LGF funding is only applied to capital expenditure, therefore ensuring that the grant conditions continue to be met.

6. Recommendations presented to the Board

- 6.1. Three recommendations are set out in this report for Board consideration as detailed below:
- 6.1.1. **Agree** that, following consideration of the updated Business Case, the £7.5m LGF funding allocation can be retained against the Stanford le Hope/London Gateway project, subject to the following also being agreed:
- 6.1.1.1. **Agree** that the delivery programme for the Grays South project can be extended following the decision by Thurrock Council to explore alternative scheme proposals. Noting that the expected project completion date is now September 2028.
- 6.1.1.2. **Agree** that Thurrock Council can employ an Option 4 Capital Swap allowing £5.4m of the currently unspent LGF allocation awarded to the Grays South project to be temporarily transferred to the Stanford le Hope/London Gateway project to support project delivery. Noting that Thurrock Council have committed to returning funding of the same value to the Grays South project at a later date to enable project delivery.
- 6.2. The three recommendations are inter-linked and must all be agreed if the Stanford le Hope/London Gateway and Grays South projects are to progress in accordance with plans developed by Thurrock Council.
- 6.3. The over-arching recommendation relates to the revised Business Case for the Stanford le Hope/London Gateway project and considers whether the LGF funding award should remain allocated to the project.
- 6.4. As outlined in this report, a revised Business Case was required to demonstrate that the project continues to meet the requirements of the SELEP Assurance Framework following significant cost increases and to provide assurances to the Board regarding the ability of the project to progress to delivery.
- 6.5. A key requirement of the SELEP Assurance Framework is that projects should offer High value for money with a BCR of at least 2:1. The revised Business Case demonstrates that the project offers a BCR of 2.09:1. A number of sensitivity tests have been undertaken which consider different scenarios, including how behaviour change (or otherwise) and

differing levels of optimism bias impact on the value for money offered by the project. In total seven sensitivity tests have been undertaken, with four of these tests returning a BCR of less than 2:1. This suggests that the BCR is quite susceptible to change and should therefore be revisited as the project progresses. This is particularly important as neither element of the project – the railway station nor the transport interchange – has reached the detailed design stage and procurement has not yet been undertaken to deliver the project and therefore there is a significant risk of further cost increases. It should, however, be noted that a Quantitative Risk Assessment has been undertaken by Thurrock Council, which has resulted in a substantial risk and contingency allowance being included within the budget which should serve to offset any reasonably foreseeable cost increases without adversely impacting on the value for money offered by the project.

- 6.6. It was originally intended that the project would be managed by Thurrock Council, and to that end, two procurement processes have been undertaken to appoint a contractor to deliver the new railway station. Neither of these procurement processes were successful, with a key factor being consideration of how risk should be shared between Thurrock Council and the appointed contractor. The revised Business Case indicates that, moving forward, it is intended that Network Rail will take over direct project delivery with Thurrock Council taking on the role of funder. It is intended that this arrangement will be formalised through an Implementation Agreement, which will also consider the allocation of risk between all involved parties.
- 6.7. Whilst the Implementation Agreement with Network Rail is not yet in place, the intention to adopt this route to delivery provides greater assurance of project delivery. This assurance primarily stems from the fact that Network Rail have substantial experience of delivering similar schemes, including Beaulieu Park Railway Station in Chelmsford which is currently progressing to programme and budget.
- 6.8. Despite the progress which has been made, uncertainties do remain which could impact on the ability of Thurrock Council to deliver the project in accordance with the stated programme. Planning consent for the transport interchange has not yet been secured; the planning application has been submitted and is expected to be determined in March 2024. Thurrock Council have advised that all comments/objections received in relation to the planning application have been resolved and therefore determination of the planning application is considered to be low risk.
- 6.9. Planning consent has been granted for the new railway station; however, the planning permission expires in July 2024. According to the programme set out in the Business Case, the GRIP5 contract award (Detailed Design) is not expected until August 2024 and therefore there would appear to be a significant risk that the planning permission will expire before it is possible for work to commence onsite. Thurrock Council have indicated that they are intending to mitigate this risk by planning and collaborating with all partners to ensure that construction can commence before July 2024, however, it is unclear how this will be achieved. Whilst this does present a risk which will need to be addressed, construction of the railway station is not expected to start onsite until July 2025 which does allow time for a new planning application to be submitted and determined without adversely impacting on the programme. This would also offer Thurrock Council the opportunity to update the planning application to reflect any planned changes to the design.

- 6.10. As detailed above, the current forecast total project cost is £34.71m. It is intended that the project will be funded through a variety of funding sources, including National Stations Improvement Programme (NSIP), Section 106 contributions from DP World and other parties and the Thames Freeport Seed Fund (Active Travel). The funding package detailed in the Business Case also includes £14.86m which will be secured through either Retained Business Rates from the Freeport or capital borrowing by Thurrock Council (or potentially a combination of both sources). Whilst it is currently unclear whether the Business Rates or capital borrowing will be pursued in the first instance, it should be noted that due to Thurrock Council being subject to a Section 114 notice, capital borrowing will require consent from both DLUHC and the Treasury.
- 6.11. Finally, it should be noted that the stated funding package includes £5.4m LGF which is currently allocated to the Grays South project. The temporary transfer of the LGF funding between the projects is subject to Board agreement and will be covered later in this report.
- 6.12. The second recommendation considers a Project Change Request (see Appendix B) which has been submitted by Thurrock Council in relation to the Grays South project. The primary purpose of the Change Request is to seek approval from the Board for a significant extension to the delivery programme, with a revised expected completion date of September 2028.
- 6.13. At the time of Business Case submission, it was expected that the project would be completed in February 2024. However, as the Board are aware, the project has been subject to a number of delays and cost increases in recent years culminating, in a full review of the project being undertaken in 2023. As set out above, this review concluded that the project as detailed in the approved LGF Business Case was no longer the right option to be pursuing and an alternative scheme proposal was put forward for consideration by Thurrock Council. Consequently, Thurrock Council have reverted to the feasibility stage of project development and therefore require more time to develop and deliver the project.
- 6.14. Thurrock Council have indicated that they remain committed to delivering a Grays South scheme which addresses the pedestrian safety issue posed by the railway crossing and which improves the connection between the High Street and the river. However, given the timing of the project review, it will not be possible to provide the Board with any further detail or assurances regarding ongoing delivery of the Grays South project prior to the dissolution of SELEP. It is clear that the project outlined within the approved LGF Business Case will not be delivered, although Thurrock Council have provided a commitment to delivering similar benefits through their revised scheme proposal. It is also not possible to confirm that the new scheme proposal is affordable, that a full funding package can be secured or that the project will offer High value for money.
- 6.15. It is apparent that the project remains important to Thurrock Council and that steps need to be taken to address the safety issues posed by the railway crossing and to improve connectivity between different modes of travel within Grays Town Centre. If the Board agree the Project Change Request, responsibility for assuring Value for Money, deliverability and ongoing compliance with LGF grant conditions as the project progresses will be passed to Thurrock Council from 1 April 2024. There will also be an ongoing obligation for Thurrock Council to provide bi-annual reporting to Government during 2024/25.

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- 6.16. The final recommendation considers whether Thurrock Council can employ an Option 4 Capital Swap allowing £5.4m of the currently unspent LGF allocation awarded to the Grays South project to be temporarily transferred to the Stanford le Hope/London Gateway project to support project delivery.
- 6.17. As outlined above, the total forecast project cost of the Stanford le Hope/London Gateway project has further increased to £34.71m. Thurrock Council have taken steps to secure the additional funding needed in order to complete the funding package, however, there remains a £5.4m funding gap.
- 6.18. To date, Thurrock Council have spent £5.14m of the £10.84m LGF allocation awarded to the Grays South project, leaving £5.7m unspent.
- 6.19. The SELEP Assurance Framework outlines a range of options which have been approved by the Board to enable slippage in spend of the LGF to be managed, and these options are also embedded within the LGF Service Level Agreements which are in place between SELEP Ltd, Essex County Council (as Accountable Body for SELEP) and each Upper Tier Local Authority. Whilst these measures are typically used to manage slippage of funding between financial years, they can also be used to enable accelerated LGF spend on projects within a financial year.
- 6.20. Option 4 allows Upper Tier Local Authorities to re-profile spend between the LGF projects to which the funding was awarded and their wider Capital Programme. In this instance, Thurrock Council are seeking to temporarily transfer funding between two of their LGF projects – Grays South and Stanford le Hope/London Gateway.
- 6.21. Application of Option 4 must be accompanied by a commitment from the Upper Tier Local Authority to return funding of the same value to the impacted project at a future date to allow project delivery.
- 6.22. Thurrock Council are proposing the temporary transfer of the LGF funding from the Grays South project to the Stanford le Hope/London Gateway project as this will bridge the identified funding gap and will allow the project to progress without further delay. As set out in this report, the Grays South project is at a much earlier stage of development and is not currently in a position to commence delivery onsite.
- 6.23. As has been previously reported to the Board, the letter detailing the outcome of SELEP's 2022/23 Annual Performance Review with Government expressed concern regarding the ongoing High risk LGF projects and the apparent lack of progress towards delivery. Allowing the temporary transfer of LGF funding to the Stanford le Hope/London Gateway project will not only allow a High risk LGF project to progress but will also accelerate spend of the LGF funding in line with Government expectations.
- 6.24. Thurrock Council have committed to seeking alternative sources of funding to allow the return of £5.4m capital funding to the Grays South project at a later date to support project delivery. It is envisaged that this funding will be sought from the capital funding streams available to Network Rail and its partners to deliver homes in and around transport hubs. Whilst this assurance has been provided, it is important to remember that the Grays South project is at an early stage of development, with a significant amount of work still to be

undertaken to demonstrate that the proposed scheme is viable. This does present a potential risk to the future return of funding to the Grays South project.

- 6.25. If the temporary transfer of funding to the Stanford le Hope/London Gateway project is not approved by the Board, a funding gap will remain which will impact on the ability of the project to progress to delivery. It is noted that there are limited other options available to Thurrock Council at the current time due to their financial position and the additional restrictions which are in place due to the issuing of the Section 114 notice. Consequently, Thurrock Council have been unable to detail an alternative funding plan should the Board choose not to agree the Option 4 transfer of funding between projects at this meeting. Should this situation arise, the Board will be asked to consider whether the Stanford le Hope/London Gateway project should remain within the LGF programme.
- 6.26. The temporary transfer of £5.4m to the Stanford le Hope/London Gateway project would leave £0.3m unspent LGF allocated to the Grays South project. Thurrock Council have indicated that they intend to use this funding to support the feasibility stage of the project. It should, however, be noted that the Board have agreed that LGF spend on the Grays South project should be placed on hold until ongoing compliance with the SELEP Assurance Framework can be confirmed. Given the current status of the project, it will not be possible for Thurrock Council to demonstrate that the Grays South project meets the requirements of the Assurance Framework prior to the dissolution of SELEP and therefore LGF spend should remain on hold until the requirement to comply with the SELEP Assurance Framework has been removed.
- 6.27. The required assurances from Thurrock Council's Section 151 Officer have not yet been received, however, further efforts will be made to secure these assurances prior to the Board meeting.

7. Financial Implications (Accountable Body comments)

- 7.1. Essex County Council, as the Accountable Body, is responsible for ensuring that the funding awarded by Government is utilised in accordance with the conditions set for use of the Grant. LGF is a capital grant awarded by Government and is subject to the following condition:

The grant may be used only for the purposes that a capital receipt may be used for, in accordance with regulations made under section 11 of the Local Government Act 2003.

- 7.2. This condition requires that the grant is used to fund Capital expenditure; no end date for use of the grant is included within the conditions, however, it was the expectation of Government that it was used to fund the LGF projects and that it would be defrayed in full by the end of March 2020.
- 7.3. All LGF in respect of the two Projects considered in this report has been transferred to Thurrock Council, as the Project Lead Authority; the funding has been transferred, under the terms of a Service Level Agreement (SLA) which makes clear that funding can only be used in line with the agreed terms. It is also clear that ensuring sufficient funding is secured to support delivery of the Projects is the responsibility of Thurrock Council.

- 7.4. The report recommends the proposal to agree the updated business case for the Stanford le Hope/ London Gateway Project; although it has been assessed by the ITE as providing medium assurance of being High Value for Money, a number of risks to delivery remain. Similarly, a number of key risks have been identified in respect of the Project Change Request to extend the delivery time for the Grays South Project. However, Thurrock Council has demonstrated a commitment to delivering both projects and solutions continue to be investigated by the Council to ensure delivery.
- 7.5. A priority solution for the Stanford le Hope/ London Gateway Project is to address the outstanding funding gap with a temporary funding transfer, referenced as an Option 4 Capital funding swap, from the Grays South project, of £5.4m.
- 7.6. The proposal to apply an 'Option 4 Capital Swap' of LGF from the Grays South Project to the Stanford le Hope/ London Gateway Project are in line with the requirements of the SELEP Assurance Framework and Service Level Agreement with Thurrock Council; the primary conditions of this transfer will be that the LGF is applied in line with the Grant Conditions, i.e. that it must be used to support Capital expenditure on the Stanford Le Hope/ London Gateway Project; and that there is a commitment from Thurrock Council to identify alternative funding to reinvest the equivalent amount of Capital expenditure back into the Grays South Project when it is brought forward for delivery.
- 7.7. This approach supports the expectation of Government for SELEP to use its freedoms and flexibilities to apply spend of LGF at the earliest opportunity; additionally it will support delivery of the revised Stanford Le Hope/ London Gateway Project and assist in realising the value of the investment already applied to that Project to date. There are, as identified in the report, a number of risks and uncertainties with delivery of both Projects that should be considered. Following the closure of SELEP, oversight of delivery and management of these risks will be the responsibility to Thurrock Council; a Transition Agreement is being established between each of the Upper Tier Local Authority Partners in SELEP that will incorporate the requirements of the existing Service Level Agreement in place, including compliance with the conditions of the grant. Also, it is anticipated that oversight of existing high risk projects will be monitored by DLUHC through their reporting processes to be established with Partners following closure of SELEP.
- 7.8. There remains a risk that the spend incurred to date on either Project could no longer meet the conditions of the grant should any spend be identified as abortive and be required to be reclassified as revenue. Assurances have been sought from the Section 151 Officer of Thurrock council that for either Project, there will be sufficient alternative Capital expenditure that the LGF can reapplied against to ensure the condition remains met. This is required to be confirmed and should continue to be monitored through the on-going LGF reporting requirements, to DLUHC.
- 7.9. Given the potential risks associated with successful completion of both of these Projects, should the Board be minded to agree the recommendations, with the forthcoming closure of SELEP, on-going monitoring by DLUHC is advised to ensure funding requirements and delivery expectations continue to be assured.

8. Legal Implications (Accountable Body comments)

- 8.1. Reporting requirements and grant funding conditions for the LGF expenditure are still ongoing despite the cessation of Local Enterprise Partnerships. A legal agreement amongst the Upper Tier Local Authorities will be prepared. The agreement will require that all LGF funds are used in accordance with the grant terms and conditions. The agreement will also require the Upper Tier Local Authorities to comply with any and all reporting requirements as notified to them by DLUHC.

9. Equality and Diversity Implications

- 9.1. Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when a public sector body makes decisions it must have regard to the need to:
- 9.1.1. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
 - 9.1.2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - 9.1.3. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 9.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.
- 9.3. In the course of the development of the project business case, the delivery of the Project and the ongoing commitment to equality and diversity, the promoting local authority will ensure that any equality implications are considered as part of their decision making process and where possible identify mitigating factors where an impact against any of the protected characteristics has been identified.

10. List of Appendices

- 10.1. Appendix A – Report of the Independent Technical Evaluator
- 10.2. Appendix B – Grays South Project Change Request

11. List of Background Papers

- 11.1. [Stanford le Hope/London Gateway revised LGF project Business Case](#)

(Any request for background papers listed here should be made to the person named at the top of the report who will be able to help with any enquiries)

Role	Date
Accountable Body sign off	08/02/2024
Michael Neumann	
(on behalf of Nicole Wood, S151 Officer, Essex County Council)	

Independent Technical Evaluator – Business Case Assessment – Q4 2023/24

Independent Technical Evaluator – Business Case Assessment – Q4 2023/24

Prepared by:

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Table 1.1: Gate 1 & 2 Assessment of Local Growth Fund Business Case(s) for Q4 2023/245

1 Independent Technical Evaluation of Local Growth Fund Schemes

Overview

- 1.1 Steer was reappointed as the South East Local Enterprise Partnership's Independent Technical Evaluator in April 2023. It is a requirement of Central Government that every Local Enterprise Partnership subjects its business cases and investment decisions to independent scrutiny.
- 1.2 Recommendations will be made for funding approval by the Accountability Board in line with the South East Local Enterprise Partnership's own governance.

Method

- 1.3 The review provides commentary on the business cases submitted by scheme promoters, and feedback on the strength of business case, the value for money likely to be delivered by the scheme (as set out in the business case) and the certainty of securing that value for money.
- 1.4 Our role as Independent Technical Evaluator is not to purely assess adherence to guidance, nor to make 'go' / 'no go' decisions on funding, but to provide evidence to the South East Local Enterprise Partnership Board to make such decisions based on expert, independent and transparent advice. Approval will, in part, depend on the appetite of the Board to approve funding for schemes where value for money is not assessed as being high (i.e. where a benefit to cost ratio is below two to one and / or where information and / or analysis is incomplete).
- 1.5 The assessments are based on adherence of scheme business cases to Her Majesty's Treasury's *Green Book: Central Government Guidance on Appraisal and Evaluation*¹, and related departmental guidance such as the Department for Transport's TAG (Transport Analysis Guidance, formerly WebTAG) or the DLUHC Appraisal Guide. All of these provide proportionate methodologies for scheme appraisal (i.e. business case development).
- 1.6 Pro forma have been developed based on the criteria of *The Green Book*, a checklist for appraisal assessment from Her Majesty's Treasury, DfT's TAG, DLUHC's Appraisal Guide, and other departmental guidance.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/685903/The_Green_Book.pdf

- 1.7 Individual criteria are assessed and given a 'RAG' (Red – Amber – Green) rating, with a summary rating for each dimension. The common understanding of the ratings is as follows:
- **Green:** approach or assumption(s) in line with guidance and practice or the impact of any departures is sufficiently insignificant to the Value for Money category assessment.
 - **Amber:** approach or assumption(s) out of line with guidance and practice, with limited significance to the Value for Money category assessment but should be amended in future submissions (e.g. at Final Approval stage).
 - **Red:** approach or assumption(s) out of line with guidance and practice, with material or unknown significance to the Value for Money category assessment, requires amendment or further evidence in support before gateway can be passed.
- 1.8 The five dimensions of a government business case are:
- **Strategic Dimension:** demonstration of strategic fit to national, Local Enterprise Partnership and local policy, predicated upon a robust and evidence-based case for change, with a clear definition of outcomes and objectives.
 - **Economic Dimension:** demonstration that the scheme optimises public value to the UK economy as a whole, through a consideration of options, subject to cost-benefit analysis quantifying in monetary terms as many of the costs and benefits as possible of short-listed options against a counterfactual, and a preferred option subject to sensitivity testing and consideration of risk analysis, including optimism bias.
 - **Commercial Dimension:** demonstration of how the preferred option will result in a viable procurement and well-structured deal, including contractual terms and risk transfer.
 - **Financial Dimension:** demonstration of how the preferred option will be fundable and affordable in both capital and revenue terms, and how the deal will impact on the balance sheet, income and expenditure account, and pricing of the public sector organisation. Any requirement for external funding, including from a local authority, must be supported by clear evidence of support for the scheme together with any funding gaps.
 - **Management Dimension:** demonstration that the preferred option is capable of being delivered successfully in accordance with recognised best practice and contains strong project and programme management methodologies – this includes the need for a Monitoring and Evaluation Plan and Benefits Realisation Plan.
- 1.9 In addition to a rating across each of the five dimensions, comments are provided against Central Government guidance on assurance – **reasonableness** of the analysis, risk of error (or **robustness** of the analysis), and **uncertainty**. Proportionality is applied across all three areas.
- 1.10 Assessments are conducted by a team of transport and economic planning professionals, and feedback and support are given to scheme promoters throughout the process via workshops, meetings, telephone calls and emails.

Local Growth Fund

High value for money, Medium certainty

- 1.11 The following schemes are estimated to represent **High value for money** with a **Medium certainty** of achieving this level of value for money.
- Stanford-le-Hope Station & Transport Interchange Development*
- 1.12 The scheme proposes developing a transport interchange connecting bus, rail, cycle, taxi and pedestrians at Stanford-le-Hope railway station to support passenger growth. This interchange will also provide secure cycle parking spaces / e-bike spaces and charging points. A new station building will be constructed (after the old one was demolished in 2019) to ensure there are adequate facilities at the station and platforms will be widened to accommodate forecast growth in passenger demand. Accessibility standards will be improved by ensuring level access to all platforms as well as the new station building and through the provision of real time information screens.
- 1.13 The following key outputs and outcomes have been identified:
- New station building with new toilets, level access standards and real time information screens
 - Widened train platforms
 - Bus turnaround solution and waiting facilities
 - Car drop off spaces with a landing island and a small taxi rank (two ‘positions’ with a shelter)
 - Secure cycle parking spaces / e-bike spaces and charging points
 - Public footpath connected to the transport interchange from nearby residential developments
- 1.14 The scheme shows reasonable strategic alignment with SELEP/LGF priorities in terms of facilitating business growth and job creation at the nearby DP World/London Gateway major logistics hub. It also aligns with delivering clean growth as it aims to reduce reliance on single occupancy car trips to get to and from the site or move around the wider area. However, there are several outstanding risks which preclude the scheme from being rated as higher than ‘Medium’ certainty of delivering ‘High’ Value for Money.
- 1.15 In the Strategic Case, the scheme promoter has included information from a survey done in 2023 which found that passenger demand is already exceeding pre-Covid-19 pandemic levels. More information should be given about this survey and how representative it is, as well as what it means for passenger demand growth forecasts. There should be assurance that current scheme design can cope with higher than expected passenger demand growth. Other current problems at the site, such as the inadequacy of facilities after the old station building was demolished, could have been better evidenced e.g. by carrying out/using data from existing passenger satisfaction surveys.
- 1.16 Planning approval for phase 2 of the scheme (the transport interchange elements) has been delayed to March 2024 so it outstanding as of the time of writing. This has to be flagged as an uncertainty and potential risk. Objections were received to the planning application in January 2024 which have now been resolved.
- 1.17 The proposed procurement strategy could have been described in more detail. An implementation agreement has been signed with Network Rail, who will therefore be responsible for “design, management and coordinating both phases”, but it is unclear exactly how they will go about procuring the works or what contractual terms they will seek to agree

(especially in terms of allocating risks between Network Rail/delivery partners and the contractor(s)).

Table 1.1: Gate 1 & 2 Assessment of Local Growth Fund Business Case(s) for Q4 2023/24

Scheme	SELEP / LGF Allocation	Strategic Dimension Rating	Economic Dimension Rating	Commercial Dimension Rating	Financial Dimension Rating	Management Dimension Rating	Assurance of Value for Money	
							Reasonableness of Analysis	Robustness of Analysis
Stanford-le-Hope Station & Transport Interchange Development	Existing: £7,500,000 Additional sought: £5,400,000	Amber / Green	Amber / Green	Amber	Green	Amber / Green	Relatively minor issues have been identified in terms of business case compliance, e.g. the scheme objectives could have been more comprehensive in their coverage of all the key outputs and outcomes, some additional lessons learnt from Network Rail's previous procurement/project experience would have provided additional assurance of their availability and suitability of resources and the Benefits Realisation Plan should be distinct from the Monitoring and Evaluation Plan and illustrate the approach to monitoring all the benefits monetised in the Economic case (e.g. journey quality benefits).	Risk allowance and optimism bias should not be included together in scheme costs in the Economic Case, sensitivity testing shows that the BCR may be moderately sensitive to uncertainties. The information presented in the Economic Case should be quality checked to ensure consistency with the Economic Appraisal Technical Annex appended to the business case.

Control Information

Prepared by	Prepared for
Steer 14-21 Rushworth Street London, SE1 0RB +44 20 7910 5000 www.steergroup.com	South East Local Enterprise Partnership c/o Essex County Council County Hall Market Road Chelmsford Essex CM1 1QH
Steer project/proposal number	Client contract/project number
22790514	-
Author/originator	Reviewer/approver
ASN	ETC
Other contributors	Distribution
Scheme assessors	Client: SELEP Steer: Project team
Version control/issue number	Date
V1.0 Draft for Internal Review V2.0 Draft for Client	17 January 2024 19 January 2024

Project Change Request

Section A – Details

Project Name	Grays South (the Project)
Lead Officer	George McCullough – Interim Head of Regeneration
Lead Authority	Thurrock Council
Date Submitted	5 February 2024

Section B – Justification

Description of Change	<p>Primary Change:</p> <ul style="list-style-type: none"> Extension of The Project's delivery programme and diversion from the timescales set out within the original business case. <p>Other planned actions:</p> <ul style="list-style-type: none"> Retention of the funding already invested into the Project to enable the delivery of an alternate scheme, in addition to retention of £200,000 of the remaining unspent LGF funding allocated to the Project to fund the feasibility stage of the alternate approach. Reallocation of £5.4m of unspent SELEP funding from the Project Grays South to the Stanford Le Hope/London Gateway Project.
Reason for Making Change	<p>Following a number of reviews into the project. Thurrock Council's cabinet has made the decision that the project in its current form does not represent value for money for the Council. The Council is pursuing an alternate proposal to deliver the project outcomes via a different route. This is a partnership with Network Rail to deliver a new Station Quarter and over line bridge crossing rather than underpass. This solution offers less risk in engineering terms and will reduce cost to resolve the crossing.</p>
Alternative Options Considered	<p>Do nothing – Not considered as the existing crossing is not fit for purpose and represents significant risk to pedestrians.</p> <p>Underpass option – discounted due to the cost, engineering challenge and value for money</p>
Stakeholders Consulted	<p>SELEP Network Rail Homes England C2C</p>

Section C - Impact

Impact on total project cost (include updated spend profile)	<p>The total project cost is to be assessed upon completion of the alternate scheme feasibility stage during Q4 2023-2024.</p>
Impact on LGF allocation	<p>£5.4m of funding to be temporarily reallocated from the Project to the Stanford Le Hope/London Gateway project. This is a project already in receipt of LGF funding and the additional allocation will bridge the viability gap and enable this vital project to be delivered. This project will begin in 2024 allowing the funding to be spent within funding timescales.</p> <p>Thurrock Council commits to seeking alternate sources of funding to return capital of the same value back into the Project. It is envisaged that this funding will be sought from the capital funding streams available to</p>

	Network Rail and its partners to deliver homes in and around transport hubs																								
Impact on project delivery timescales (include updated delivery programme)	<p>The project timescales have been revised from the prior programme due to the alteration in approach. The Council has appointed an advisor to lead discussions with Network Rail to formalise the partnership moving forward via an MOU. Initial discussions have taken place and an all-party meeting will take place in February 2024.</p> <p>The current estimate is as follows</p> <table border="1"> <thead> <tr> <th>Milestone</th><th>Start</th><th>Completion</th></tr> </thead> <tbody> <tr> <td>SELEP approval</td><td>December 2023</td><td>February 2023</td></tr> <tr> <td>Network Rail MOU</td><td>December 2023</td><td>April 2024</td></tr> <tr> <td>Feasibility stage</td><td>March 2024</td><td>June 2024</td></tr> <tr> <td>Thurrock Council Cabinet approval</td><td>July 2024</td><td>July 2024</td></tr> <tr> <td>Full design and planning</td><td>August 2024</td><td>March 2026</td></tr> <tr> <td>Contractor procurement</td><td>September 2025</td><td>February 2026</td></tr> <tr> <td>Construction</td><td>March 2026</td><td>September 2028</td></tr> </tbody> </table>	Milestone	Start	Completion	SELEP approval	December 2023	February 2023	Network Rail MOU	December 2023	April 2024	Feasibility stage	March 2024	June 2024	Thurrock Council Cabinet approval	July 2024	July 2024	Full design and planning	August 2024	March 2026	Contractor procurement	September 2025	February 2026	Construction	March 2026	September 2028
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Contractor procurement	September 2025	February 2026																							
Construction	March 2026	September 2028																							
Impact on project outputs/outcomes	The Council is committed to delivering the original project outputs and outcomes through the alternate scheme																								
Impact on Value for Money offered by the project	The VFM will be updated upon conclusion of the feasibility stage.																								
Impact on SELEP objectives	None expected																								

Section D – To be completed by Senior Responsible Officer

I am content for information supplied here to be stored electronically, shared with the South East Local Enterprise Partnerships Independent Technical Evaluator, Steer, and other public sector bodies who may be involved in considering the project change request.

I understand that a copy of this document will be made available on the South East Local Enterprise Partnership website one month in advance of consideration of the change by SELEP Accountability Board. Redactions to the document will only be acceptable where they fall within a category for exemption.

I understand that if I give information that is incorrect or incomplete, funding may be withheld or reclaimed and action taken against me. I declare that the information I have given on this form is correct and complete. Any expenditure defrayed in advance of project change approval is at risk of not being reimbursed and all spend of Local Growth Fund must be compliant with the Grant Conditions and in accordance with the signed Local Growth Fund Service Level Agreement.

Signature:

Print full name:

Position within organisation:

Section E – To be completed by Section 151 Officer

In submitting this Project Change Request, I confirm on behalf of [Insert name of County or Unitary Authority] that:

- The information presented in this document is accurate and correct as at the time of writing.
- The funding has been identified to deliver the project and project benefits, as specified within the Business Case or as set out in this document if amended. Where sufficient funding has not been identified to deliver the project, this risk has been brought to the attention of the SELEP Secretariat through the SELEP quarterly reporting process.
- All known risks to project delivery are outlined within this document or remain as detailed in the Business Case.
- The delivery body has considered the public sector equality duty and has had regard to the requirements under s.149 of the Equality Act 2010 throughout their decision-making process. This includes the development of an Equality Impact Assessment at the outset of the project which will remain as a live document through the projects development and delivery stages.
- The delivery body has access to the skills, expertise and resource to support the delivery of the project as set out in the Business Case and as amended above.
- Adequate revenue budget remains allocated to support the post scheme completion monitoring and benefit realisation reporting.
- The project will be delivered under the conditions of the signed Local Growth Fund Service Level Agreement or other grant agreement with SELEP Ltd. and the SELEP Accountable Body.

I note that this document will be made available on the SELEP website one month in advance of consideration of the project change by the Accountability Board, subject to the removal of any information which is commercially sensitive and confidential as agreed with the SELEP Accountable Body.

Signature:

Print full name:

Section F - To be completed by SELEP

SELEP Project Number			
Change Request Number			
Has a review of the Business Case been completed?			
Change agreed with SELEP:	Choose an item.	Date	Click here to enter a date.
Comment			

SELEP LGF Change Request Template

Is Accountability Board approval required?			Choose an item.
Approved by Accountability Board	Choose an item.	Date	Click here to enter a date.
Comment			

Guidance

1. When is a change request required?

The types of scheme change to be reported include, but are not limited to:

Financial	<ul style="list-style-type: none"> - Change to total LGF spend - Change to total cost of a project - Reallocation of LGF
Scope	<ul style="list-style-type: none"> - Change to project from original scope as agreed in Outline Business Case submitted to Government for the provisional allocation of Local Growth Fund - Change to project scope from Business Case approved by Accountability Board - Change to intended scheme benefits
Outcomes	<ul style="list-style-type: none"> - Change to the expected outcomes agreed in the project Business Case or as reported to Government through reporting submissions

Where LGF funding is being reallocated from one LGF project to another, then two change requests will be required. The first will reduce the LGF allocation to a project and the second will increase the LGF allocation to a project.

If you are unclear whether a change request is required or not please speak to the SELEP Capital Programme Manager.

2. Accountability Board approvals

Where a project change includes one or more of the changes listed below, then SELEP Accountability Board approval will be required automatically.

- (a) *Cancellation of a project which has received a provisional funding allocation;*
- (b) *Inclusion of a new project within the LGF programme which has been identified within the LGF Project Pipeline;*
- (c) *Acceleration of a project previously programmed to start in later years;*
- (d) *Delays to project start or end dates of more than six months;*
- (e) *All changes to project capital grant allocations above the 10% threshold;*
- (f) *Any re-profiling of capital grant between financial years;*
- (g) *Any changes to total project costs above 30% or a £500,000 threshold which are identified prior to the construction contract award;*
- (h) *Any substantial changes to the expected project benefits, outputs and outcomes as agreed in the business case which may detrimentally impact on the value for money assessment. In such circumstances, it is expected that the business case should be re-evaluated by the ITE; and*
- (i) *Any further changes as may be defined by Government.*

For other project changes where the SELEP Secretariat or Accountable Body advises that the completion of a change request is required, it will be at the discretion of the SELEP Secretariat to

SELEP LGF Change Request Template

decide whether the change requires Accountability Board approval. SELEP Accountability Board will be made aware of all change requests as part of the LGF update.